

ISLAND REGULATORY AND APPEALS COMMISSION

BETWEEN:

JOHN CARROLL

APPELLANT

AND:

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER,
BAYVIEW, CAVENDISH AND NORTH RUSTICO

RESPONDENT

APPEAL RECORD

Carr, Stevenson & MacKay
65 Queen Street
Charlottetown, PE C1A 7L1

STEWART MCKELVEY
65 Grafton Street
Charlottetown, PE C1A 8B9

Maggie Grimmer

Hilary A. Newman

T: 902.892.4156
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E: hnewman@stewartmckelvey.com

Counsel for the Appellant, John Carroll

Counsel for the Respondent, Resort
Municipality of Stanley Bridge, Hope
River, Bayview, Cavendish and North
Rustico

APPEAL LA25014

**JOHN CARROLL v. RESORT MUNICIPALITY
OF STANLEY BRIDGE, HOPE RIVER,
BAYVIEW, CAVENDISH AND NORTH RUSTICO**

1.	March 4, 2025	Temporary Permit Application together with: Letter from Alex Collier (Dept. of Transportation) To Whom It May Concern (undated) Proposed changes to parking situation at Just Johnny's (refer to the drawing) Geolinc Property Maps PEI DTI
2.	April 17, 2025	Letter from Ben Coles to Resort Municipality
3.	April 24, 2025 – July 3, 2025	Email exchange between Nick Doyle (RCMP) and Brenda MacDonald (April 24, 2025) Email exchange between Brenda MacDonald and Brett Wallace (June 26, 2025 – July 3, 2025)
4.	June 25, 2025	Letter from Maggie Grimmer to Resort Municipality
5.	July 4, 2025	Email from Julie Hopkins enclosing letter from Perlene Morrison, K.C. to Maggie Grimmer
6.	July 4, 2025	Letter from Perlene Morrison, K.C. to Maggie Grimmer
7.	July 9, 2025	Email from Brenda MacDonald to Maggie Grimmer
8.	August 1, 2025	Email exchange between Maggie Grimmer and Brenda MacDonald with Brenda MacDonald enclosing decisions on Temporary Permit Application for July 10-13, 2025 and September 13-15, 2025
9.	August 1, 2025	Decision on Temporary Permit Application for September 13-15, 2025
10.	2023	Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico – 2023 Official Plan
11.	2023	Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw – Bylaw RM-2023-LUP-1



7591 Cawnpore Lane
Cavendish, PE C0A 1N0

Phone: (902) 963-2698
Fax : (903) 963 - 2932
e-mail: resort@pei.aibn.com

TEMPORARY PERMIT APPLICATION:

SECTION 1 - APPLICATION IDENTIFICATION:

Name : John Carroll Tel : (w) 902-786-3663 (h) _____

Address : 8812 Cavendish Road, Cavendish Postal Code: C0A 1N0

Property # 233080 Civic # _____

SECTION 2 - TYPE OF DEVELOPMENT:

Zoning of the Property: C1 Resort Commercial

Seasonal Temporary Permit: _____

Date(s) For Temporary Permit to be used for:

From: September 13, 2025 To: September 14, 2025

SECTION 3 - HOURS FOR TEMPORARY PERMIT:

From a.m. 8:00am Sept 13 To: 1:00am Sept 14

a.m. 8:00am Sept 14 To: 1:00am Sept 15

a.m. _____ To: _____

SECTION 4 - TYPE OF EVENT:

Wedding _____ Funeral _____ Dance _____

Party _____ Yard Sale _____ Other Parking Lot

SECTION 5: - Is security being provided: Y /N ✓

What is the name of the Security Company: _____

SECTION 6: - Is lighting being provided: Y /N ✓

SECTION 7: - Is a porta pottie being provided Y /N ✓

SECTION 8: - Is a Liquor License Required for the Event: Y /N ✓

SECTION 9: - Will food be sold outside at the Event: Y /N ✓

Who will be providing the food: _____

SECTION 10: - Will you be using propane, barbecues, cooking materials in the tent? Y /N ✓

Please specify all that apply.

Application is for the use of at 8808 Cavendish Road, Cavendish PEI, being referred to as Provincial Parcel Number 233080, as a parking lot for concert goers during the 2025 Sommo Festival.

Please see attached additional explanation from my lawyer, and letter Alex Collier with the PEI Department of Transportation.

SECTION 11: - Development Sketch

See attached site plans () or sketch to a convenient scale lot boundaries and provide the following information: Dimensions of lot; distance to property lines; distance between structures, if applicable; location of the well, septic tank, and absorption field; slope of land.

• • • • • • • • • •
"Road"

SECTION 12:- Applicant's Declaration:

I, the applicant do hereby certify and declare that I am or will be the beneficial owner of the land(s) on which the development as described will occur, that the foregoing information on this form is accurate and correct; that I understand that a development permit does not absolve me of my responsibility to secure any and all other permits associated with construction and/or operation of this development; that I attest that this development does not infringe on any easements and/or right-of-way on said land; that this development will not result in water run-off or other damage to neighboring properties; that I understand and consent to the Community's building inspector entering my property as described to insure compliance with the Community's bylaws; and that by purchasing the permit I agree to undertake this development in accordance with all conditions of the permit.

DATED this 4 of March, 2011. Signature John Carroll
John Carroll (Mar 4, 2025 10:53 EST)

(FOR OFFICE USE ONLY)

Decision of Municipality? Approved _____, denied

Submitted to Planning Board? Yes , No _____

If yes, date (s) of submission July 16, 2025

Council Motion Number:

Date of Approval/Refusal Aug 15 Signature [Signature]

Conditions: _____

To Whom it May Concern,

My name is Alex Collier and I am The Project Manager of Bridges for the Department of Transportation of Prince Edward Island. I have been the person in charge of any Department of Transportation involvement regarding both festivals for the past 2 years, as well as being on Route 6 and involved in the traffic plan in coordination with the RCMP.

I am writing this email on behalf of John Carroll, the owner of the establishment known as Just Johnny's. The reason behind me reaching out to you is because of some concerns that certain individuals or parties might have regarding additional parking being added to Just Johnny's during both the Cavendish Beach Music Festival as well as during the Sommo Festival. To my understanding, the concerns regarding any additional parking being added to the adjacent vacant lot to the east of the restaurant, stem from the idea that adding more vehicles into the situation at the end of every festival night is going to increase the chances of a vehicle accident; it will not.

During the end of night exit of mass amounts of festival goers, that intersection is managed safely by RCMP in coordination with traffic control personnel from the Department of Transportation, more specifically; me. During my time operating the traffic control for the four festivals, there has not been one accident involving a vehicle at that intersection. John, I, as well as the RCMP have a mutual respect and understanding about what our objectives are at the end of the concert(s), and that is to get concert goers safely to the sidewalk on the North side of Route 6 and allow them to get where they are going in a safe manner.

It is understood that pedestrians that are leaving the pedway are given the right of way, that is for the safety of them as well as all the workers that are present at that time in the intersection that I look after. After the walking crowds are corralled in a safe manner and flowing towards the sidewalk, my next priority is to ensure that east bound bus traffic moves smoothly and safely: ensuring those buses move smoothly results in less festival goers being upset by long wait times after an already long day and will lessen the amount of people travelling on foot later in the evening. My last priority is the vehicles that have parked in the restaurant. Whenever the foot traffic has dissipated, and buses are becoming less frequent than we shift our focus to moving the vehicles parked at Just Johnny's and sending them westbound. At no point in the evening do we ever compromise the travelling public's safety, nor do we add to the congestion from the onsite parking that is exiting,

I hope this sparks conversations and compromises regarding all of our abilities to enhance the festival for all businesses in the Cavendish area as well as for festival goers.

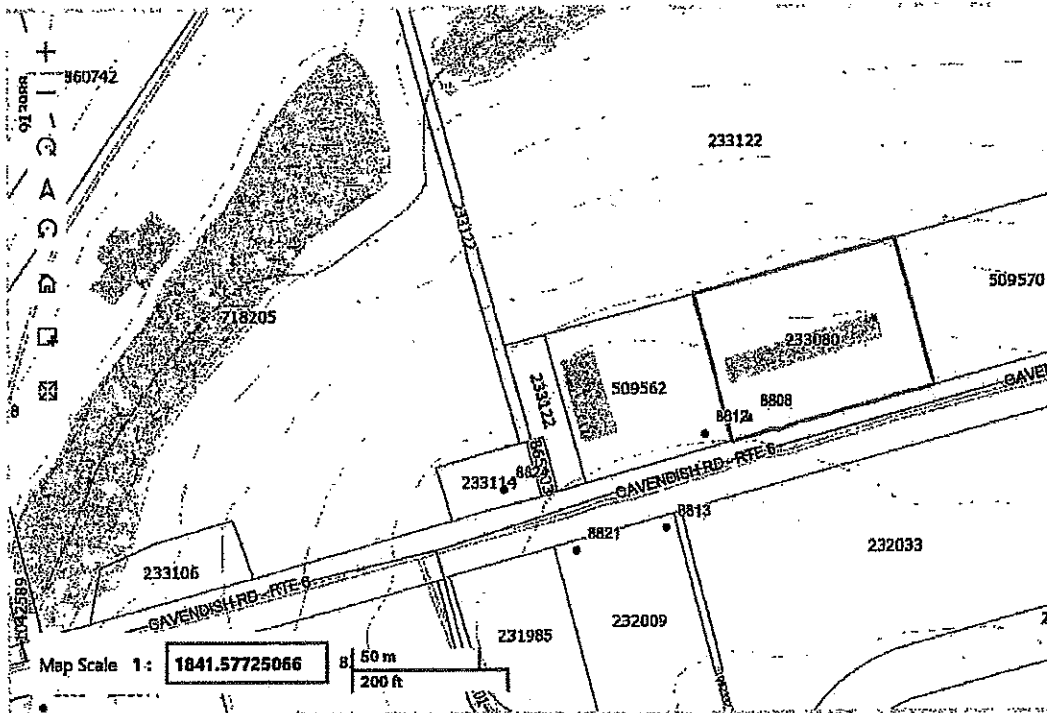
Kind regards,

Alex Collier
Department of Transportation
Project Manager - Bridges

Proposed changes to parking situation at Just Johnny's (refer to the drawing):

- Parking spots will be a minimum of 2.7m in width and 5.5m in length.
- All lanes created for the proposed parking on PID #233080 will be a minimum of 6.1m in width, as specified by Municipality Bylaws for two-way traffic.
- All traffic entering the property will be directed based on their intentions (passenger dropoff or parking)
- Until the traffic plan is activated, traffic exiting Just Johnny's will be able to leave the entranceway heading either East or West.
- Upon activation of the traffic plan, traffic exiting Just Johnny's will only be able to exit heading westbound. NOTE: Traffic exiting Just Johnny's will be given LAST priority. (Order of Priority: EMS responding to emergencies, Pedestrians leaving festival, Eastbound buses, Westbound buses, Traffic leaving the restaurant).
- There will be roughly 170 parking spots added. Using the Northern property line as reference, each row of parking spots 11 in total) begins 8ft from the property line and proceeds south for the length of 41 meters (15 parking spaces*) (*The parking row along Eastern property line will be 54 meters in length/ 20 parking spaces).
- Traffic will use a two-way driveway to enter from the paved parking lot of Just Johnnys to the grass parking lot of adjacent property #233080. From there the traffic will choose or be directed down a side lane to a parking space.

Geolinc Plus Property Map

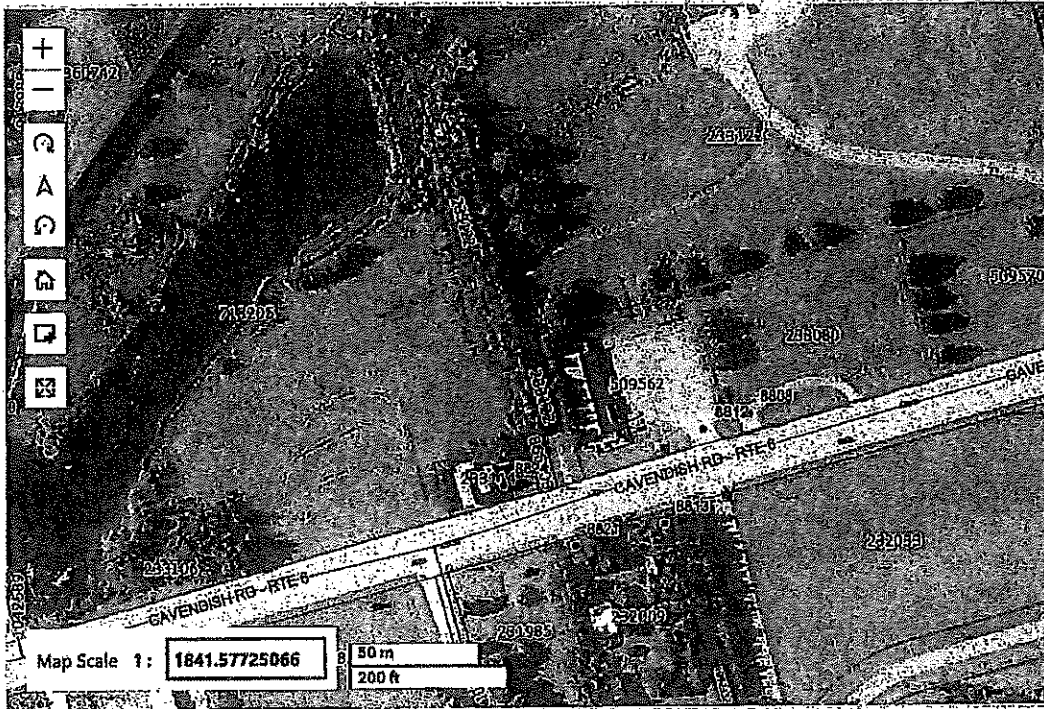


Property
Neighbours
Other Information

PID
OWNER
ADDRESS
233080

[Disclaimer](#) [Terms and Conditions](#)

Geolinc Plus Property Map

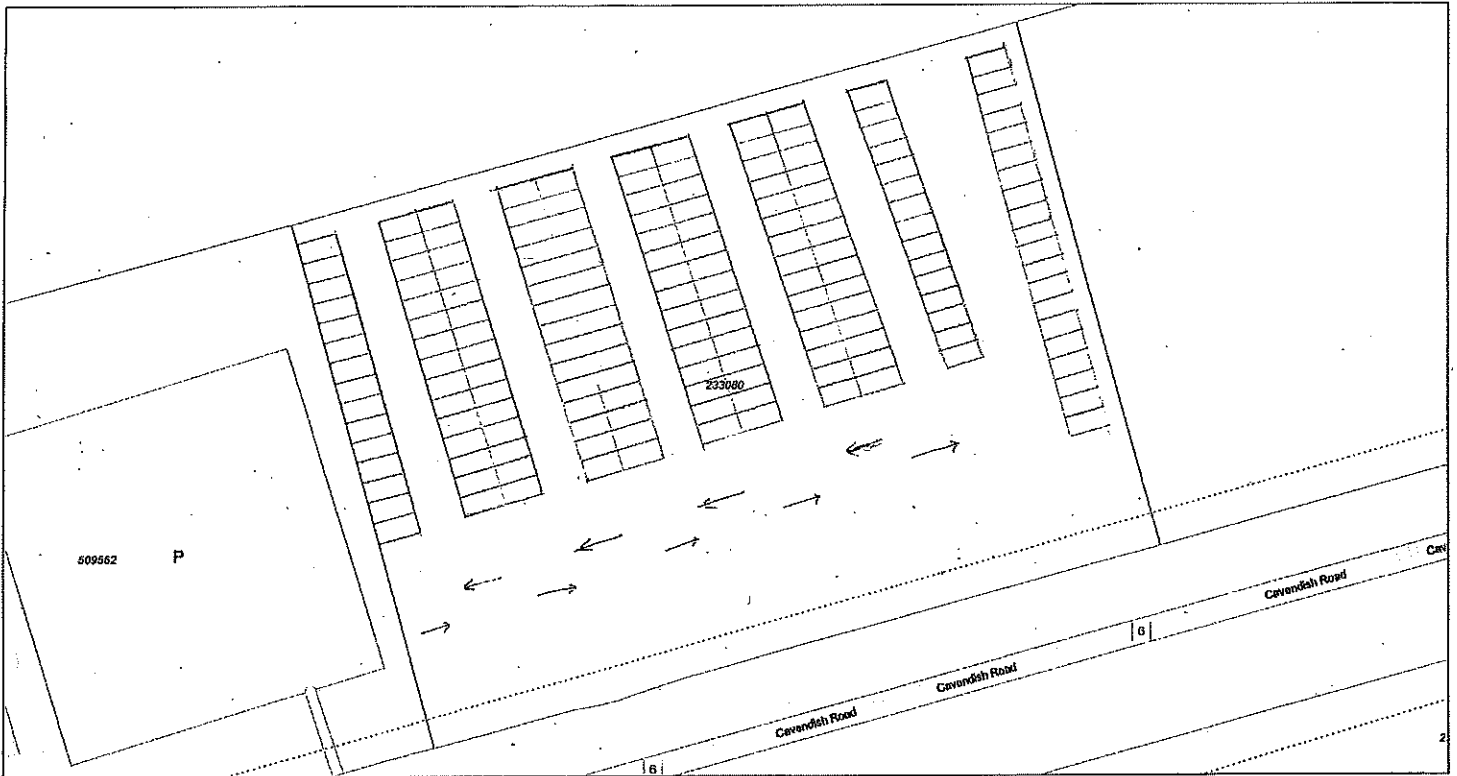


Property
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Other Information

PID
OWNER
ADDRESS
233080

[Disclaimer](#) [Terms and Conditions](#)

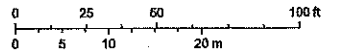
PEI DTI



2025-04-14, 11:33:37 a.m.

Property Layer

1:564



Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri



CARR, STEVENSON & MACKAY
BARRISTERS AND SOLICITORS

65 Queen Street
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Facsimile: (902) 566-1377
Web: www.csmlaw.com

April 17, 2025

Resort Municipality of Stanley Bridge, Hope River, Bayview,
Cavendish and North Rustico
7591 Cawnpore Lane
Cavendish, PE C0A 1N0

Dear Council,

**Re: Application of John Carroll for Temporary Use of PID 233080
Our File No. 24-64227**

Please advised that we represent John Carroll in reference to his application for the Temporary Use of property located at 8808 Cavendish Road, Cavendish PEI, being referred to as Provincial Parcel Number 233080 (the "Property"). This letter is in support of Mr. Carroll's Temporary Permit Application dated April 17, 2025 (the "Application").

As laid out in the application, Mr. Carroll is applying for a temporary permit pursuant to section 4.29 of the Resort Municipality Land Use Bylaw (the "Bylaw") to use the Property as an additional parking lot for concert goers during the 2025 Cavendish Beach Music Festival (July 10-12, 2025) and during the 2025 Sommo Festival (September 13-14, 2025).

Temporary Use Permits for Uses not included in Permitted Uses

The Property is currently vacant land, with no current Use. The Property is zoned as a Resort Commercial Zone (C1). The permitted uses for zone C1 are laid out at section 7.2 of the Bylaw. These uses do not include parking lots as Permitted Use.

As such, the Applicant now applies for the temporary use of the land as a parking lot for the above noted times. Section 21 of the Bylaws defines a Temporary Permit as follows:

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

Section 21 of the Bylaws also defines a temporary use as follows:

TEMPORARY USE means any commercial or non-commercial facility or Use of a Parcel of Land or Structure which by its nature is not permanently established or has a limited duration and shall include but not be limited to the following: Special Events, Yard sales, tents, Awnings, lean-tos, kiosks, carts, prefabricated Structures, sheds, moveable Vehicles and moveable Structures with or without chassis or wheels, and any other facility, Structure, enclosure or device used or intended to be used for the temporary Display or sale of retail goods, provision of services or sale of any food or beverage.

Section 21 defines a Use as follows:

USE means any purpose for which a Building or other Structure or Parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, Business or operation carried on, or intended to be carried on, in a Building or other Structure or on a Parcel.

Finally, section 21 defines a Permitted Use as follows:

PERMITTED USE means a Use which is allowable *by right*, subject to meeting applicable Bylaw requirements. *(emphasis added)*

As per the above definitions, there is nothing that requires a Temporary Use to conform with the permitted uses for the applicable zoning. The definition of Permitted Uses (allowable "by right") implies that other uses can be done on the property in question by other mechanisms.

The Temporary Uses and Permits by definition are the other mechanism and allow for temporary uses to be permitted that do not comply with the Permitted Uses of each Zone laid out in the Bylaws. If Temporary Uses only permitted uses that fall under the "Permitted Uses" of each zone, there would be no purpose to every use or apply for a temporary use, as the Permitted Uses are already allowable "by right".

Given the above, and while not explicitly stated by the Temporary Use definition, this type of application logically is to be used when a property owner wishes to have a temporary use of a property that is not in line with the Permitted Uses.

Further to the above, there is no requirement in the Temporary Use definition, section 4.29 or the Bylaw at large that a property requires to already have a Use assigned to it to be considered for a Temporary Use. While the Property does not have a Use currently, this does not disqualify it from being allowed to be designated a Temporary Use.

All of the above is supported by the fact that other businesses in the Municipality supply parking for the festivals within the C1 zone. By section 7 of the Bylaws, supplying parking for off-property events is not a Permitted Use, Permitted Accessory or Secondary Uses, or a Special Permit Use for the C1 Zone. If this is being allowed by the Municipality, then it means that Temporary Permits can be used to permit Uses that do not conform to the Zones Permitted Uses.

Given the above interpretation of the Bylaws, Temporary Uses are a valid mechanism to have Uses approved that do not normally conform with the Permitted Uses, and there are no requirements that a property must already have a valid Permitted Use to be issued a Temporary Use Permit.

Section 4.29- Temporary Use Permit

Use of the Property as a temporary parking lot would be compliant with each restriction laid out in section 4.29(6) in the Bylaw, as set out below:

(a) Parking facilities are adequate

Parking requirements are laid out in section 5 of the Bylaw. The Applicant has worked closely with Alex Collier of the Department of Transportation to develop a drawing of the proposed lot that is compliant with the Municipality's bylaws.

Section 5.1(3) requires that are not less than 2.7m wide and 5.48m long. As per Mr. Collier's letter and drawing, the parking spots would all be at least 2.7m in width and 5.5m in length.

Section 5.2 requires that parking lots on stable surfaces to support a vehicle. The Property in question has landscaped and drivable grass, and is compliant with this section of the Bylaw. Further, section 5.2(2) provides a requirement

The proposed Parking Lot is compliant with the requirements as laid out in Section 5 of the Bylaw, and all proposed parking facilities are adequate.

(b) Ingress and egress to the site would not create congestion or a traffic hazard

To ensure that the temporary use of the Property as a parking lot does not cause congestion or traffic hazards, the Applicant has worked closely with Alex Collier, of the Department of Transportation, to develop a plan for the parking lot. Mr. Collier is a road supervisor with the PEI Department of Transportation, and has been in charge of the Department of Transportation's involvement regarding CBMF and Sommo Festival for 2023 and 2024, and has worked with RCMP to coordinate traffic. As such, Mr. Collier has direct knowledge of the festival and the traffic requirements surrounding it.

Attached hereto please find a letter and proposed parking plan for the Property should this temporary permit be granted. As per Mr. Collier's letter, the addition of the property as a parking lot for concert goers will not cause any risk of a traffic hazard as the festivals end. Mr. Collier confirms that by having the Property parking lot emptied last and sending them westbound, it will not compromise the safety of any pedestrians or drivers, and will not add to the congestion as concert goers exit the onsite parking.

Mr. Collier's letter also includes proposed changes to the Property parking lot to be compliant with municipality bylaws, and to avoid congestion at the entranceway. The Applicant will take Mr. Collier's proposed plan into consideration and continue to work with Mr. Collier and the Department of Transportation to ensure there is no additional congestions or traffic hazards.

Given the above and Mr. Collier's letter attached, use of the property as a parking lot would not cause any additional congestion or traffic hazards.

(c) Washroom facilities are adequate

For the purposes of a parking lot, washroom facilities of the property are adequate. Concertgoers will be parking at the Property and then immediately walking to the festival, where they will have access to washroom facilities.

(d) Garbage collection and storage facilities are adequate for the purpose of a parking lot

For the purposes of a parking lot, garbage collection and storage facilities are adequate. As stated above, concert goers will only be using the Property for parking and then immediately walking to the festival, limiting the need for substantial garbage collection. Mr. Carroll will be responsible for and will affect cleanup of the Property following each festival.

(e) The Use would not create nuisance due to excessive noise, hours, operation, lighting or for any other reason

Parking lot would operate only during the concert hours and after the close of the concert as concertgoers disperse and leave the community. By limiting the use of the Property to only days that the festivals are take place, it would ensure that its use as a parking lot would become a part of the usual festival experience in the community. Use of the Property in this way would not cause any additional noise, lighting or other nuisance that is not already present due to the festivals.

Given the Property will be used as parking for concert goers, the Temporary Use as a parking lot will have to be for hours that ensure concert goers are able to return to their vehicles and safely leave the Property. Pursuant to section 4.29(5) of the Bylaw, the standard hours for a Temporary Use is 8:00am-11:00pm, unless otherwise approved by Council. Given the festivals go until 11:00pm each night, we do believe that additional hours will be required to ensure concert goers can safely leave the festival and Property. As such, we would request that Council authorize that the hours for the use of the Property as a parking lot extend from **8:00am – 1:00am the following morning** for each day being applied for the temporary use.

As laid out above, the proposed temporary use of the Property is fully compliant with section 4.29 of the Bylaw.

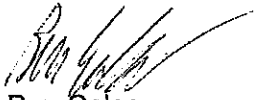
Furthermore, use of the Property as a parking lot would be beneficial to the community and to the festivals. It would provide convenient, nearby parking for concertgoers, improving safety and ease of access to the festivals. Having additional parking available at the festival ground would also reduce the likelihood of attendees parking at nearby businesses, minimizing disruptions to the surrounding community.

As laid out in the applications, in Mr. Collier's letter and in this letter, the use of the Property as a parking lot during the 2025 Cavendish Beach Music Festival and the 2025 Sommo Festival would be compliant with section 4.29 of the Resort Municipality Land Use Bylaw. All conditions of 4.29(6) have been met, and as set out in Mr. Collier's letter, use of the Property as a parking lot has been accounted for by the Department of Transportation and it would not cause any additional congestion or traffic hazards. The use of the Property would benefit both festival attendees, and the broader Cavendish community.

On behalf of the Applicant, John Carroll, we ask that the temporary permit applications be granted for use of the Property as a parking lot during the upcoming festivals. Should you have any questions regarding this application, please don't hesitate to contact the undersigned.

Yours very truly,

CARR, STEVENSON & MACKAY



Ben Coles

Encl.: Temporary Permit Application- John Carroll Sommo 2025
Temporary Permit Application- John Carroll CBMF 2025
Property site plan
Letter from Alex Collier, Department of Transportation

From: Brett Wallace <bawallace@gov.pe.ca>
Sent: Thursday, July 3, 2025 4:35 PM
To: resortmunicipal@eastlink.ca
Subject: RE: Applications - Temporary permit - John Carroll

Hi Brenda,

I had a call with Nick Doyle of the RCMP today regarding the proposed temporary parking at John Carroll's property along Route 6. Although both Nick and I don't oppose the approval of this additional parking, we acknowledge that this location is within the central event area, and that once the exit plan comes into effect after 10pm, any vehicles looking to leave this parking lot will be given last priority.

I personally have no experience with this event, but Nick noted that vehicles looking to leave this parking lot after 10pm may end up waiting several hours while all other higher priority movements are accommodated first. Based on this, we anticipate that those using this parking lot may become very frustrated with having to wait so long, so if the Municipality decides to approve this additional parking area, we recommend that users are made aware that this parking lot will be given last priority during the exit plan, and that users should be expected to wait 2 to 3 hours before being released.

Regards,

Brett A. Wallace, P.Eng.
Acting Traffic Operations Engineer
Transportation & Infrastructure

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: Thursday, July 3, 2025 9:37 AM
To: Brett Wallace <bawallace@gov.pe.ca>
Subject: RE: Applications - Temporary permit - John Carroll

Brett,

Nick can be reached at the main office number for the RCMP at 902-368-9300.

His e-mail was on the information that I provided as well. Doyle, Nick (RCMP/GRC) Nicholas.Doyle@rcmp-grc.gc.ca

Thanks.

Brenda MacDonald, CAO
7591 Cawnpore Lane
Cavendish, PE
COA 1N0

Phone: 902-963-2698
Fax: 902-963-2932
e-mail: resortmunicipal@eastlink.ca
webmail: resortmunicipalitypei.com

From: Brett Wallace <bawallace@gov.pe.ca>
Sent: Wednesday, July 2, 2025 4:43 PM
To: resortmunicipal@eastlink.ca
Subject: RE: Applications - Temporary permit - John Carroll

Hi Brenda,

Do you have a phone number for Nick?

Thanks,

Brett A. Wallace, P.Eng.
Acting Traffic Operations Engineer
Transportation & Infrastructure

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: Thursday, June 26, 2025 12:07 PM
To: Brett Wallace <bawallace@gov.pe.ca>
Subject: FW: Applications - Temporary permit - John Carroll

Brett,

Comments from RCMP.

Brenda MacDonald, CAO
7591 Cawnpore Lane
Cavendish, PE
C0A 1N0
Phone: 902-963-2698
Fax: 902-963-2932
e-mail: resortmunicipal@eastlink.ca
webmail: resortmunicipalitypei.com

From: Doyle, Nick (RCMP/GRC) <Nicholas.Doyle@rcmp-grc.gc.ca>
Sent: Thursday, April 24, 2025 3:07 PM
To: resortmunicipal@eastlink.ca
Subject: RE: Applications - Temporary permit - John Carroll

Hi Brenda,

No there was no consultation with the RCMP from DOT regarding parking at Just Johnny's. As you know this parking lot is in the middle of the section of road with shut down for pedestrian crossings at the end of the night. If parking is allowed there, they will be the last ones to leave at the end of the night. So people will be in their vehicles for a couple hours with no where to go. It will cause some angry people I would say.

Thanks,

Nick

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: April 24, 2025 11:18 AM
To: Doyle, Nick (RCMP/GRC) <Nicholas.Doyle@rcmp-grc.gc.ca>
Subject: Applications - Temporary permit - John Carroll

Nick,

Please see attached paperwork for a temporary permit for parking at the vacant lot adjacent to Just Johnny's at the entrance by Avonlea Village.

There is also a letter provided by the Department of Transportation on the support of the parking and they planned the parking plan for the owner. Were there consultations with your office from the Department of Transportation when they are making their comments in the letter?

Please review the information and forward your comments.

Any questions, please advise.

Thanks.

Brenda MacDonald, CAO
7591 Cawnpore Lane
Cavendish, PE
C0A 1N0
Phone: 902-963-2698
Fax: 902-963-2932
e-mail: resortmunicipal@eastlink.ca
webmail: resortmunicipalitypei.com



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BARRISTERS AND SOLICITORS

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Charlottetown
Prince Edward Island
C1A 7L1

Telephone: (902) 892-4156
Facsimile: (902) 566-1377
Web: www.csmlaw.com

June 25, 2025

"WITH PREJUDICE"

Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish, and North Rustico
7591 Cawnpore Lane
Cavendish, PE C0A 1N0

Attention: Brenda MacDonald, CAO
Attention: Council

Dear Council and CAO,

**Re: Application of John Carroll for Temporary Use of PID 233080
Our File No. 24-64227**

We write to you further to the Temporary Permit Application (the "Application") submitted on behalf of Mr. John Carroll on April 17, 2025, and the accompanying letter and supporting documents provided to Council on behalf of Mr. Carroll by Ben Coles on April 17, 2025.

As provided in the Application, Mr. Carroll is applying for a temporary permit pursuant to section 4.29 of the Resort Municipality Land Use Bylaw (the "Bylaw") to use his property, identified as PID 233080 (the "Property") as an additional parking lot for concert-goers during the 2025 Cavendish Beach Music Festival taking place from July 10-12, 2025, and the 2025 Sommo Festival taking place from September 13-14, 2025.

We note that this is Mr. Carroll's second application made this year, with changes made to comply with the Bylaw. Additionally, this is the third year that Mr. Carroll has made application for a temporary permit on the Property.

It has now been more than two months since Mr. Carroll's Application was submitted to the Resort Municipality for review and a decision. Despite the imminent arrival of the Cavendish Beach Music Festival and festival-goers in the Resort Municipality, to date, Mr. Carroll's Application has not been adjudicated upon by Council.

With respect, the Application submitted to the Resort Municipality is not complex. The Application relates solely to a temporary use for a short-term parking lot during the upcoming music festivals. The Application included the temporary permit applications for the festivals, a review of the property's compliance with section 4.29 of the Resort Municipality's Bylaw, a site plan, a drawing of the proposed temporary parking lot by Alex Collier with the Department of Transportation, and a letter from Alex Collier with the Department of Transportation.

On May 2, 2025, in response to a request for an update on the Application from Ben Coles, Ms. Brenda MacDonald advised that the Resort Municipality required more information from the RCMP and Department of Transportation before a decision would be made regarding the Application. As noted above, Mr. Carroll's Application included submissions from Alex Collier, who is employed by the Department of Transportation.

On June 5, 2025, in response to a further request for an update on the Application, Ms. Brenda MacDonald advised that the Resort Municipality was still waiting to hear from the Department of Transportation but that the RCMP had provided their comments. Ms. Brenda MacDonald advised that the comments would be reviewed at the June 11th Planning Board meeting and June 16th Council meeting. Following these meetings, no decision has been forthcoming regarding the Application.

In light of the Cavendish Beach Music Festival commencing in two weeks, Mr. Carroll requires a timely decision on his Application prior to the commencement of the festival.

Additionally, please provide the following information:

1. Who specifically was the Application provided to at the Department of Transportation for review and comment?
2. Please provide any and all comments provided by the Department of Transportation regarding the Application.
3. Who specifically was the Application provided to at the RCMP for review and comment?

4. Please provide any and all comments provided by the RCMP regarding the Application.

Please provide a response regarding the Application and the above-noted requests for information by on or before **July 3, 2025**. We look forward to your response.

Yours truly,

CARR, STEVENSON & MacKAY

A handwritten signature in black ink, appearing to read 'MAGGIE J. GRIMMER', with a long horizontal stroke extending to the right.

Maggie J. Grimmer

From: Julie Hopkins <jahopkins@stewartmckelvey.com>
Sent: Friday, July 4, 2025 4:50 PM
To: mgrimmer@csmlaw.com
Cc: Perlene Morrison <pmorrison@stewartmckelvey.com>
Subject: Application of John Carroll for Temporary Use of PID 233080

Good afternoon,

Further to your call with Perlene yesterday, please see attached correspondence.

Kind regards,

Julie



Julie Hopkins
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Charlottetown PE C1A 8B9 Canada tel: 902.892.2485 fax: 902.566.5283
stewartmckelvey.com

File Reference: SM4014-125

Perlene J. Morrison, K.C.
Direct Dial: 902.629.4508
pmorrison@stewartmckelvey.com

July 4, 2025

Via Electronic Mail

Maggie Grimmer
Carr, Stevenson & MacKay
65 Queen Street
Charlottetown, PE C1A 7L1

Dear Ms. Grimmer:

**Re: Application of John Carroll for Temporary Use of PID 233080
Your File No. 24-64227.**

Further to your letter dated June 25, 2025 and our telephone conference on July 3, 2025, we are writing on behalf of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico (the "Resort Municipality") in connection with your inquiry concerning the status of Mr. Carroll's application for a temporary use permit on provincial parcel number 233080, as set forth in the temporary permit application your firm submitted on behalf of Mr. Carroll on April 17, 2025 (the "Application").

We confirm that the Resort Municipality received the Application on April 17, 2025. The Application was submitted to the Resort Municipality's Planning Board at its April 23, 2025 meeting. The Planning Board recommended deferring the Application until the Resort Municipality received comments from the Department of Transportation and the RCMP.

Council reviewed Planning Board's April 23, 2025 recommendation at its April 28, 2025 Council meeting. Council agreed that the Application should be deferred since they were not in a position to make a decision without having feedback from the RCMP and the Department of Transportation. We do note that your June 25, 2025 correspondence makes reference to the Resort Municipality having feedback from Alex Collier, who is employed by the Department of Transportation. It appears that Mr. Collier was retained by your client to provide submissions but was not acting in his capacity as an employee of the Department of Transportation. Mr. Collier's information indicates that he is a project manager for bridges. He is not in charge of ingress and egress onto provincial roadways and is not representing the Department of Transportation in this matter.

As discussed in our telephone call, there is a traffic plan in place for the Cavendish Beach Music Festival. The Application has to be reviewed by the necessary authorities in order to determine whether (and if so, how) the proposed temporary parking on PID 233080 could be incorporated into the existing traffic plan for the Cavendish Beach Music Festival. Section 4.29 of the Resort Municipality's Bylaw also requires Council to consider whether ingress or egress to the proposed parking area would create excessive congestion or a traffic hazard. Council relies on input from both the RCMP and Department of Transportation in order to assess these criteria.

4140-3311-0621

Maggie Grimmer
July 4, 2025
Page 2

Following Planning Board's initial assessment of the Application, on April 24, 2025 the Resort Municipality requested comments from both the RCMP and the Department of Transportation. The Resort Municipality sent its request to both Alan Aitken (who has since retired) and Brett Wallace at the Department of Transportation. Mr. Wallace is the Manager of Traffic Data Collection and an Analysis Engineer, and he is the Resort Municipality's contact for such inquiries.

The Resort Municipality did not hear back from Mr. Wallace in time for its May 2025 meeting cycle. The Resort Municipality's Chief Administrative Officer, Brenda MacDonald, followed up with Mr. Wallace on June 4, 19 and 26. She was able to speak with Mr. Wallace on June 26 and reiterated the urgency of hearing from him since the Cavendish Beach Music Festival is fast approaching. On July 3, 2025, Mr. Wallace reached out to Ms. MacDonald for additional information which was immediately provided. Late yesterday afternoon (following our telephone call), the Resort Municipality received comments from Mr. Wallace.

As indicated in our telephone discussion, there are no scheduled Planning Board or Council meetings prior to the Cavendish Beach Music Festival. CAO MacDonald will reach out to her Council members to see if there is any possibility of scheduling special meetings of Planning Board and Council but, as indicated in our telephone discussion, the timelines are extremely tight at this point and Ms. MacDonald cannot confirm whether there will be sufficient Council member availability to hold such meetings prior to the commencement of the festival on July 10, 2025. The Resort Municipality does not normally schedule meetings during the festival week as it is an extremely busy time for its Council members and staff.

We trust this letter explains the status of the Application in sufficient detail and reassures you and your client that the Resort Municipality is doing everything it can to process the Application.

Yours truly,

Stewart McKelvey



Perlene J. Morrison, K.C.*

PJM/jh

*Law Corporation

From: Brenda MacDonald <brenda@resortmunicipaltypei.com>

Sent: Wednesday, July 9, 2025 5:41 PM

To: Maggie Grimmer <mgrimmer@csmlaw.com>

Cc: Amadea Higginbotham <AHigginbotham@csmlaw.com>; John Carroll <nchatham07@gmail.com>; Morrison, %Perlene % <pmorrison@stewartmckelvey.com>

Subject: Re: Application of J. Carroll for Temporary Use of PID 233080

This is an external email.

Maggie,

I am writing to advise you that there was no Special Planning Board and Council Meetings able to take place prior to the CBMFevent, based on committee members being unable to meet with their schedules and some being out of province.

There will be no decision made on the parking request for the CBMFevent for John Carroll's property # 233080 at 8808 Cavendish Road at this time.

A scheduled meeting will take place by the Planning Board on July 16, 2025 as well as the Council on July 21, 2025 for the Sommo Festival Request.

Any questions, please advise.

Thanks.

Brenda MacDonald, CAO,

Resort Municipality

Phone: 902-963-2698

Fax: 902-963-2932

e-mail: brenda@resortmunicipaltypei.com

website: resortmunicipaltypei.com

On Wed, Jun 25, 2025 at 3:43 PM Amadea Higginbotham <AHigginbotham@csmlaw.com> wrote:

Good afternoon,

Please see attached correspondence from Maggie Grimmer regarding the subject matter.

Thank you,

Amadea Higginbotham (she/her/hers)
Legal Assistant to Nicole M. McKenna, David Carvin and Maggie J. Grimmer



65 Queen Street | P.O. Box 522 | Charlottetown, Prince Edward Island C1A 7L1
phone (902) 892-4156 | direct dial (902) 626-4278
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From: Brenda MacDonald <brenda@resortmunicipaltypei.com>

Sent: Friday, August 1, 2025 1:09 PM

To: Maggie Grimmer <mgrimmer@csmlaw.com>

Cc: Amadea Higginbotham <AHigginbotham@csmlaw.com>; John Carroll <nchatham07@gmail.com>; Morrison, %Perlene % <pmorrison@stewartmckelvey.com>

Subject: Re: Application of J. Carroll for Temporary Use of PID 233080

This is an external email.

Maggie,

Please see attached letters regarding the 2025 Cavendish Beach Music Festival and 2025 Sommo Festival Parking lot requests.

Thanks.

Brenda MacDonald, CAO,

Resort Municipality

Phone: 902-963-2698

Fax: 902-963-2932

e-mail: brenda@resortmunicipaltypei.com

website: resortmunicipaltypei.com

On Fri, Aug 1, 2025 at 9:02 AM Maggie Grimmer <mgrimmer@csmlaw.com> wrote:

Good Morning Ms. MacDonald,

Further to your email of July 9, 2025, can you please advise whether any decision with respect to the application was made at the July 16th and July 21st meetings?

Thank you,

Maggie

Maggie Grimmer
Associate



65 Queen Street | P.O. Box 522 | Charlottetown, Prince Edward Island C1A 7L1
phone (902) 892-4156 | direct dial (902) 626-4262
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From: Brenda MacDonald <brenda@resortmunicipalitepei.com>

Sent: July 9, 2025 5:41 PM

To: Maggie Grimmer <mgrimmer@csmlaw.com>

Cc: Amadea Higginbotham <AHigginbotham@csmlaw.com>; John Carroll <nchatham07@gmail.com>; Morrison, %Perlène % <pmorrison@stewartmckelvey.com>

Subject: Re: Application of J. Carroll for Temporary Use of PID 233080

Maggie,

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There will be no decision made on the parking request for the CBMFevent for John Carroll's property # 233080 at 8808 Cavendish Road at this time.

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Any questions, please advise.

Thanks.

Brenda MacDonald, CAO,

Resort Municipality

Phone: 902-963-2698

Fax: 902-963-2932

e-mail: brenda@resortmunicipalitypei.com

website: resortmunicipalitypei.com

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Good afternoon,

Please see attached correspondence from Maggie Grimmer regarding the subject matter.

Thank you,

Amadea Higginbotham (she/her/hers)
Legal Assistant to Nicole M. McKenna, David Carvin and Maggie J. Grimmer

CSM CARR, STEVENSON & MACKAY
BARRISTERS AND SOLICITORS

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7591 Cawnpore Lane
Cavendish, PE
COA INO

Phone: (902)963-2698

August 1, 2025

John Carroll
59 Landing Drive
Cavendish, PE
COA INO

Dear John:

**Re: Property Located at 8808 Cavendish Road, Cavendish, PE- Provincial
Parcel Number: 233080**

At its July 21, 2025 meeting, the Council of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico (the "Resort Municipality") reviewed your Temporary Permit Application (the "Application") to allow a parking lot from September 13 - 15, 2025, at your property located at 8808 Cavendish Road, Cavendish, Prince Edward Island, identified as provincial parcel number 233080 (the "Property").

The Application had to be reviewed by the necessary authorities in order to determine whether (and if so, how) the proposed temporary parking on PID 233080 could be incorporated into the existing traffic plan for the Sommo Festival. Section 4.29 of the Resort Municipality's Land Use Bylaw also requires Council to consider whether ingress or egress to the proposed parking area would create excessive congestion or a traffic hazard. Council relies on input from both the RCMP and the Department of Transportation and Infrastructure ("DOT") in order to assess these criteria.

Section 4.29 of the Resort Municipality's Land Use Bylaw (the "Bylaw") sets out the requirements for Temporary Uses permits. Council has to assess an application for a Temporary Use permit against the criteria listed in subsection 4.29(6):

4.29 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

(6) *No Temporary Use permits shall be granted where in the opinion of Council:*

- (a) *parking facilities are not adequate;*
- (b) *ingress or egress or both to the site would create excessive congestion or a traffic hazard;*
- (c) *washroom facilities are not adequate;*
- (d) *garbage collection and storage facilities are not adequate; or*

...2/

- (e) *the Use would create a conflict due to excessive noise, hours of operation, lighting or another nuisance.*

In order to evaluate these criteria, the Resort Municipality consulted Sergeant Nick Doyle, the Queens District Commander for Queens County RCMP. Sergeant Doyle offered the following comments:

"Hi Brenda,

No there was no consultation with the RCMP from DOT regarding parking at Just Johnny's. As you know this parking lot is in the middle of the section of road with shut down for pedestrian crossings at the end of the night.

If parking is allowed there, they will be the last ones to leave at the end of the night. So people will be in their vehicles for a couple hours with no where to go. It will cause some angry people I would say."

Thanks, Nick

The Resort Municipality also sought input from Brett Wallace, Manager of Traffic Data Collection and Analysis Engineer with DOT, specifically with respect to the requirement in clause 4.29(6)(b) of the Bylaw. Mr. Wallace provided the following comments on the application:

"Hi Brenda,

I had a call with Nick Doyle of the RCMP today regarding the proposed temporary parking at John Carroll's property along Route 6. Although both Nick and I don't oppose the approval of this additional parking, we acknowledge that this location is within the central event area, and that once the exit plan comes into effect after 10pm, any vehicles looking to leave this parking lot will be given last priority.

I personally have no experience with this event, but Nick noted that vehicles looking to leave this parking lot after 10pm may end up waiting several hours while all other higher priority movements are accommodated first. Based on this, we anticipate that those using this parking lot may become very frustrated with having to wait so long, so if the Municipality decides to approve this additional parking area, we recommend that users are made aware that this parking lot will be given last priority during the exit plan, and that users should be expected to wait 2 to 3 hours before being released."

Regards, Brett A. Wallace, P.Eng. Acting Traffic Operations Engineer, Transportation & Infrastructure

After reviewing the application, the Bylaw requirements, and the comments from RCMP and DOT officials, the Council decided to deny your Application as, in Council's opinion, the Application does not satisfy the requirements in subsection 4.29 of the Bylaw. Specifically, Council denied the Application for the following reasons:

1. The parking facilities are not adequate. Council agreed with the concern raised by both the RCMP and DOT that the members of the public using the parking area would have to wait too long to exit the property with no washrooms, lighting, security or garbage collection being provided.

2. Ingress or egress or both to the site would create excessive congestion or a traffic hazard. Those using the parking lot would not be able to exit for an estimated 2-3 hours after the conclusion of the event.
3. No washrooms facilities are being provided, which may be necessary if parking lot users cannot exit for 2-3 hours.
4. No garbage collection and storage facilities are being provided.
5. The Use would create a conflict due to excessive noise, hours of operation, lighting or another nuisance. The RCMP and DOT comments indicate that the parking lot users would be held on the Property for hours, with no washrooms, lighting, security or garbage collection. In Council's opinion, this Use would create excessive noise and/or nuisance to adjacent properties (given the extended time required for users to exit the site) and would create safety issues with people waiting on the Property with no lighting, or security services available.

Council also considered whether a parking lot is a permitted use on the Property. The Property is located in the Resort Commercial Zone (C1). The permitted uses in the C1 Zone are listed in Section 7.2 of the Bylaw and Special Permit Uses are listed in Section 7.3:

7.2 PERMITTED USES

(1) The following are Permitted Uses in the C1 Zone:

- (a) Apartment Dwellings;*
- (b) art galleries;*
- (c) bakeries;*
- (d) banks and financial institutions;*
- (e) Business Offices or Professional Offices;*
- (f) Campground and RV Parks or RV Sites;*
- (g) Community Care Facilities;*
- (h) Craft Breweries;*
- (h) Craft Workshops;*
- (i) Cultural Centres;*
- (j) Duplex Dwellings;*

- (k) *Early Learning and Child Care Centres*
 - (l) *Entertainment Establishments;*
 - (m) *farm markets;*
 - (n) *Historic Sites;*
 - (o) *Personal Service Shops;*
 - (p) *Restaurants and Lounges;*
 - (q) *Retail Stores;*
 - (s) *Single-Detached Dwelling;*
 - (t) *Semi-Detached Dwellings;*
 - (u) *Service Shops;*
 - (v) *Studios;*
 - (w) *taxi and bus terminals;*
 - (x) *Tourism Establishments;*
 - (y) *Tourist Attractions;*
 - (z) *Townhouse Dwellings;*
 - (aa) *Veterinary Clinics.*
- (2) *The following are permitted as Accessory or Secondary Uses in the CI Zone:*
- (a) *Accessory Buildings;*
 - (b) *Dormitories;*
 - (c) *Dwelling Units in a commercial building; and*
 - (d) *Home Occupations.*

7.3 SPECIAL PERMIT USES

- (1) *Notwithstanding section 7.2 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:*

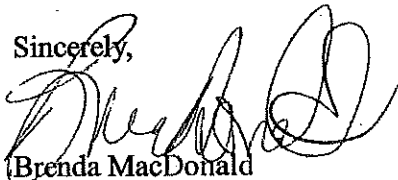
- a) *Automobile Service Stations;*
- b) *Automobile Washing Establishments;*
- c) *Clustered Housing;*
- d) *Light Industrial Uses;*
- e) *Nursing Homes; and*
- f) *Senior Citizen Homes.*

Based on the Bylaw and the Application submitted, Council determined that there is currently no permitted use operating on the Property (as it is vacant land) and a parking lot is not a permitted use under either Section 7.2 or 7.3 of the Bylaw.

Pursuant to Section 28 of the *Planning Act*, any person who is dissatisfied with the decision of Council in respect to the administration of regulations or bylaws made under the Act, may appeal within twenty-one (21) days to the Island Regulatory and Appeals Commission.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Brenda MacDonald
CAO,
Resort Municipality

/bm

Encl.

Brenda MacDonald

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: Thursday, April 24, 2025 3:28 PM
To: 'Doyle, Nick (RCMP/GRC)'
Subject: RE: Applications - Temporary permit - John Carroll

Thanks.Nick.

No decision has been made yet on the parking. We are just in the early review stage of the application.

Thanks.

Brenda MacDonald, CAO
7591 Cawnpore Lane
Cavendish, PE
C0A 1N0
Phone: 902-963-2698
Fax: 902-963-2932
e-mail: resortmunicipal@eastlink.ca
webmail: resortmunicipal@typei.com

From: Doyle, Nick (RCMP/GRC) <Nicholas.Doyle@rcmp-grc.gc.ca>
Sent: Thursday, April 24, 2025 3:07 PM
To: resortmunicipal@eastlink.ca
Subject: RE: Applications - Temporary permit - John Carroll

Hi Brenda,

No there was no consultation with the RCMP from DOT regarding parking at Just Johnny's. As you know this parking lot is in the middle of the section of road with shut down for pedestrian crossings at the end of the night. If parking is allowed there, they will be the last ones to leave at the end of the night. So people will be in their vehicles for a couple hours with no where to go. It will cause some angry people I would say.

Thanks,

Nick

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: April 24, 2025 11:18 AM
To: Doyle, Nick (RCMP/GRC) <Nicholas.Doyle@rcmp-grc.gc.ca>
Subject: Applications - Temporary permit - John Carroll

Nick,

Please see attached paperwork for a temporary permit for parking at the vacant lot adjacent to Just Johnny's at the entrance by Avonlea Village.

Brenda MacDonald

From: Brett Wallace <bawallace@gov.pe.ca>
Sent: Thursday, July 3, 2025 4:35 PM
To: resortmunicipal@eastlink.ca
Subject: RE: Applications - Temporary permit - John Carroll

Hi Brenda,

I had a call with Nick Doyle of the RCMP today regarding the proposed temporary parking at John Carroll's property along Route 6. Although both Nick and I don't oppose the approval of this additional parking, we acknowledge that this location is within the central event area, and that once the exit plan comes into effect after 10pm, any vehicles looking to leave this parking lot will be given last priority.

I personally have no experience with this event, but Nick noted that vehicles looking to leave this parking lot after 10pm may end up waiting several hours while all other higher priority movements are accommodated first. Based on this, we anticipate that those using this parking lot may become very frustrated with having to wait so long, so if the Municipality decides to approve this additional parking area, we recommend that users are made aware that this parking lot will be given last priority during the exit plan, and that users should be expected to wait 2 to 3 hours before being released.

Regards,

Brett A. Wallace, P.Eng.
Acting Traffic Operations Engineer
Transportation & Infrastructure

From: Brenda MacDonald <resortmunicipal@eastlink.ca>
Sent: Thursday, July 3, 2025 9:37 AM
To: Brett Wallace <bawallace@gov.pe.ca>
Subject: RE: Applications - Temporary permit - John Carroll

Brett,

Nick can be reached at the main office number for the RCMP at 902-368-9300.

His e-mail was on the information that I provided as well. Doyle, Nick (RCMP/GRC) Nicholas.Doyle@rcmp-grc.gc.ca

Thanks.

Brenda MacDonald, CAO
7591 Cawnpore Lane
Cavendish, PE
C0A 1N0
Phone: 902-963-2698
Fax: 902-963-2932
e-mail: resortmunicipal@eastlink.ca
webmail: resortmunicipal@eastlink.ca



Resort Municipality of Stanley Bridge, Hope River,
Bayview, Cavendish and North Rustico

2023 OFFICIAL PLAN

September 14, 2023 |

A unique Island community, the Resort Municipality of future generations will ensure a high quality of life for each of its residents. The historic rural lifestyle will be preserved and strengthened. Entrepreneurs and newcomers will be welcomed with many opportunities, and visitors will explore freely. Connections between places will be clear and intuitive for all.

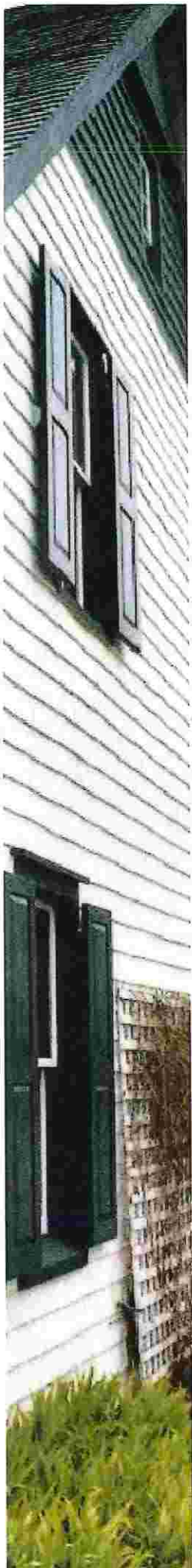
Original date of approval by Minister	
Amended:	
Amendment Number	Effective Date

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

[Placeholder page for official signature page upon adoption and approval]

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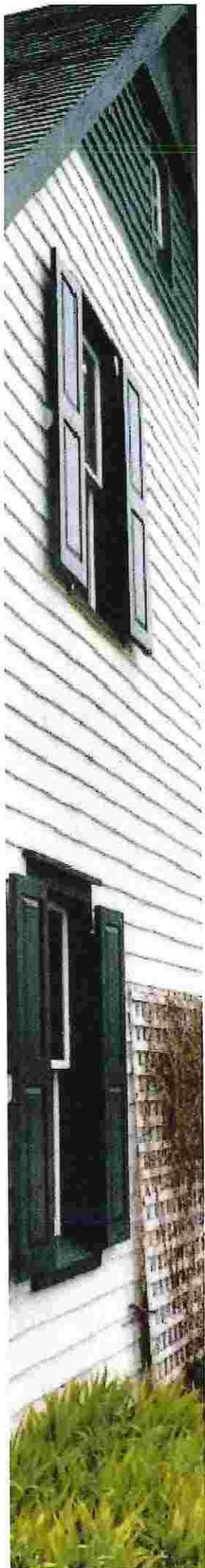
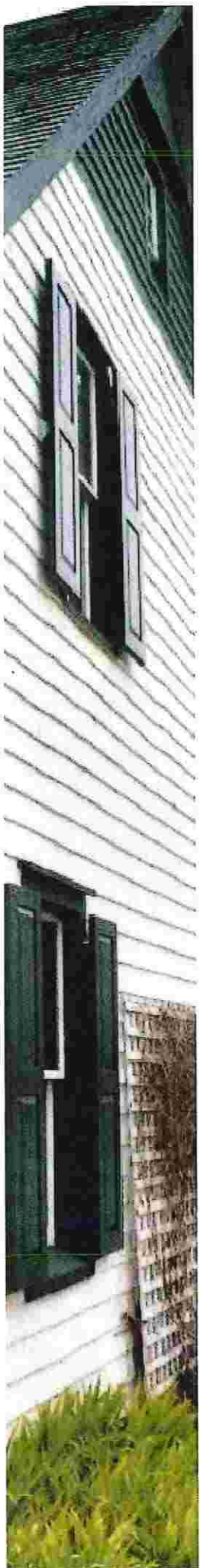


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1 OFFICIAL PLAN INTRODUCTION

This document, together with any schedules or amendments, constitutes the Official Plan for the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish, and North Rustico, hereinafter referred to as the ‘Resort Municipality.’

1.1 PURPOSE

The Official Plan for the Resort Municipality is a formalized statement of goals, objectives, policies, and plan actions approved by the Council of the Resort Municipality. The Plan addresses the nature, extent, and pattern of land use and development within the Resort Municipality until 2038.

The Municipality’s goals as set out in this Plan indicate overall policy direction, while the objectives and policies deal with specific topics and issues. Plan actions are statements indicating specific initiatives or directions that will be undertaken to implement the Plan’s policies and objectives.

The Official Plan guides the physical, social, and economic development of the Resort Municipality. It provides the policy framework for the Resort Municipality Land Use Bylaw (the “Bylaw”) and policy direction for Council’s actions in relation to economic development initiatives; public works; social programs; municipal services; environmental standards; and fiscal management.

1.2 PLANNING AREA

The Official Plan covers the geographic area contained within the legal boundaries of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico (the Resort Municipality). Although the Plan formally addresses only those matters that arise within the Resort Municipality’s legal boundaries, consideration has also been given to the Resort Municipality’s relationship with adjacent municipalities, the region, and the province as a whole.

1.3 LEGAL ENABLEMENT

The Resort Municipality derives the majority of its powers from the *Municipal Government Act* and the *Planning Act*. The *Municipal Government Act*, which took effect on December 23, 2017, requires the Resort Municipality to provide “municipal planning services, including an official plan and bylaws,” and enables other bylaws and/or programs and strategies to help implement other aspects of the Official Plan. The *Planning Act* empowers Council to appoint a Planning Board, adopt an Official Plan, and, subsequently, to adopt implementing land use and development control bylaws.

1.4 OFFICIAL PLAN REVIEW

This document is the result of the 4th comprehensive review of the original 1989 Official Plan, with previous reviews undertaken periodically in the years since the adoption of that first plan. This review was undertaken by SJ Murphy Planning & Consulting in 2021-2023. Subsequent reviews will be undertaken in accordance with the provisions of the *Planning Act*. The Official Plan will be monitored on an ongoing basis to ensure its compatibility with changing circumstances.

1.5 PLAN REVIEW PROCESS

The 2021 Plan Review process involved engagement with municipal staff and committees, stakeholder groups, provincial departments, and the general public. Initiated in the middle of the COVID-19 pandemic, traditional public engagement techniques were adjusted to reflect public health requirements. The Review has drawn heavily on the research and engagement undertaken just prior to this process related to the Resort Municipality’s 2020 Strategic Plan. While much of the data referenced in the Strategic Plan remains the most current available, statistics and other information have been updated where appropriate during the background work in 2021. This Official Plan reflects those previous 2017 future development goals that retain their importance to the community and Council, while also integrating more current Strategic Plan objectives and emerging issues.

Stakeholder engagement included outreach to accommodations and campgrounds, attractions, retail and business, and agriculture sectors, as well as Parks Canada. A community survey was undertaken to seek reactions to certain review topics, and public engagement sessions were held on two occasions before the final statutory public meeting featuring the final presentation of the proposed official plan and bylaw. The review work was overseen by the Resort Municipality’s Planning Board, with support from the chief administrative officer.



1.6 PLAN CONTENT

The *Planning Act*, R.S.P.E.I. 1988, Cap P-8. requires an Official Plan to include:

- A statement of economic, physical, social and environmental objectives;
- A statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;
- Proposals for its implementation, administration, and the periodic review of the extent to which the objectives are achieved.

This document contains six sections:

1. Official Plan Introduction
2. Resort Municipality Today
3. Development Goals
4. Objectives, Policies, and Plan Actions
5. Future Land Use Map
6. Official Plan Implementation.

This first section deals with the purpose, scope, and legal framework for the Official Plan. The second section summarizes relevant background studies and provides a description of the physical, social, and economic characteristics of the Resort Municipality. The third provides a broad summary of how the Resort Municipality desires to see its development unfold. The fourth section is the core of the document, stating objectives, policies and intended actions for specific topics. The fifth provides the context for the Future Land Use Map, which addresses the future land uses upon which the Resort Municipality's Zoning Map is based. The last section sets out the process for administering and implementing the Official Plan and the Bylaw.



2 RESORT MUNICIPALITY TODAY

The Resort Municipality represents an area of rich cultural, physical, and economic history, encompassing the tourism centre of the province as well as rolling hills of traditional rural uses. While the planning process predates the creation of the municipality, the Resort Municipality was officially incorporated under the Municipalities Act in 1990 and it adopted an implementing bylaw - the Comprehensive Development Bylaw of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico in 1991.

2.1 HISTORICAL BACKGROUND

Mi'kma'ki, the traditional, unceded territory of the Mi'kmaq, comprises all of Prince Edward Island and Nova Scotia, eastern New Brunswick, the Gaspé peninsula, and southern Newfoundland. Mi'kmaq have called this region home for over 12,000 years. PEI is part of the Epekwitk aq Piktuk (PEI and Pictou) district, one of the seven traditional Mi'kmaq districts of Mi'kma'ki. In Mi'kma'ki, oral and archeological history tells of seasonally patterned habitation and resource harvesting — spring and summer spent on the coast, fall and winter inland.

Today, roughly half the Mi'kmaq of Epekwitk (PEI) live in the four reserves held by two First Nations. Three of these reserves, Morell, Rocky Point and Scotchfort, are held by Abegweit First Nation, while Lennox Island is held by Lennox Island First Nation. The *Indian Act* and residential schools almost succeeded in eliminating Mi'kmaq language, culture and artisan work throughout Mi'kma'ki. In recent years, all facets of Mi'kmaq culture have experienced a resurgence on Epekwitk.

All of Mi'kma'ki is covered under the Peace and Friendship Treaties, and while the treaties were entered into, the Mi'kmaq were never conquered and never surrendered, gave up or ceded their land. Mi'kma'ki is still Mi'kmaq territory, and the Peace and Friendship Treaties serve as a foundation for the relationship of the Mi'kmaq and all citizens of the region.

European explorers arrived on the Island in the 18th century, annexing it to Nova Scotia in 1758 under British control, and dividing the unceded land into 67 townships, soon parceled off in a European lottery. British colonizers settled on the Island after Samuel Holland's survey in 1765. Following this, the Island was separated from Nova Scotia. It was during these early years that the immigration of the Montgomery's in 1769 and later the MacNeills, Clarks and Simpsons in 1775 would form the birth of cultural relationships which unfolded for generations to come (Gillen, 1975).

Steep population increases across the Island reduced Mi'kmaq access to traditional land and resources, as colonizers created settlements and farms on traditional Indigenous territory.

The year of 1790 marks the early settlement of Cavendish. It was that year that William Simpson first settled in the area. He was soon followed by John McNeill and William Clark. These men would later marry William Simpson's daughters (Simpson, 1973).

By 1809, when Robert Fox completed a survey of the Cavendish Area, much of the land had been cleared and was being farmed by the three families. As these families grew, parcels would be severed for the children to begin their own lives. The 1880 Mechem's Atlas outlines these new land holdings on Lots 22, 23 and 24, the districts of Bay View, Cavendish and North Rustico.

During these early days, agriculture was vital to the Island's economy. In the Cavendish area, although farming was the mainstay of the community, many fished as well as farmed. It was not until the second half of the 19th century that another activity of historical importance was developed.

During the depression era of the 1880's the summer resort or hotel business catering to "people from away" began to evolve. The interest in this new industry would serve to supplement existing incomes. Over time the importance of this industry became so significant that it would create far reaching changes in land use and tenure patterns for years to come.

It was this rural community life based on fishing, farming and tourism that L.M. Montgomery so eloquently portrayed in her novels. Her description of this living vibrant community has served to create a mystique of the Cavendish area and its people. The thought of Green Gables or Cavendish Beach conjures up images for tourists and residents both young and old, of a quaint rural area with many hidden charms.

With the cooperation of local residents, various interest groups and Parks Canada, much of L.M. Montgomery's memories has been preserved for future generations.

Soon after the publication of "Anne of Green Gables" in 1908, the Green Gables farmhouse began to attract an increasing number of visitors. Several years later when funds became available, Green Gables was operated as a museum containing furnishings believed to be contemporary with those utilized around the turn of the century. In 1937 Green Gables was incorporated as part of the new Prince Edward Island National Park.

The first Island ferry in 1917, and the creation of the National Park in 1937, supported the continuing popularity of Green Gables and Cavendish Beach, which attract an international crowd of visitors today. In 1943, the Historic Sites and Monuments Board of Canada declared the works of L.M. Montgomery to be of national historic importance. In 1948, a monument was erected at Green Gables to commemorate the significance of L.M. Montgomery, the person, thereby creating a national historic site. In 2006, the Historic Sites and Monument Board declared the site of Lucy Maud Montgomery's Cavendish home and property, as well as Green Gables, a National Historic Site. To this day, Green Gables continues to be a dominant feature in the Resort Municipality.

Development and tourism continued to grow unregulated until the 1970s when the area's first land use planning study, the 'North Shore Planning Study,' was undertaken by the Province in response

to concerns over the long-term development of what was becoming a major tourism destination. This study served to document many concerns related to land use conflicts, traffic problems, inappropriate or unregulated development, potential public health risks and impacts on the natural environment.

In 1987, the Minister of Community and Cultural Affairs was approached by representatives of Cavendish Area tourism operators for assistance in preparing a long-term plan for the area.

Concurrently, government agencies also realized that because of the area's importance as a tourist destination, orderly development was critical, and certain controls and constraints were required to protect the land, the environment and public health. To this end, a Federal-Provincial Task Force was created in 1987 to explore ways in which this could be achieved.

On June 20, 1987, the area covered by this Official Plan was designated as a Special Planning Area, pursuant to Section 46(1)(S) of the *Planning Act*, that facilitated the completion of the first official plan in 1989. By the fall of 1987, the Minister had appointed a Joint Planning Board and the Board, with funding assistance from the Federal and Provincial governments, had retained a team of planning consultants to assist them in preparing an Official Plan. The first Plan was completed and approved by the Minister in 1989.

The Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico was officially incorporated as PEI's first and only resort municipality under the *Municipalities Act* in 1990 and it adopted an implementing bylaw, the Comprehensive Development Bylaw of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico, in 1991.

Another major turning point, the construction of the Confederation Bridge, was completed in 1997. It simplified transportation to and from the Island after more than a hundred years of discussion.

Today, most residents on Prince Edward Island are of European descent, though both the Lennox Island First Nation and the Abegweit First Nation remain, and many Mi'kmaq families choose to live off-reserve. Prince Edward Island has experienced an increase in immigration in recent years. The community remains popular among international visitors and newcomers, and translation services are increasingly in-demand. Heritage character in the Resort Municipality is governed by the Bylaw, which sets out consideration of heritage places, by the provincial *Heritage Places Protection Act*, and by Parks Canada in some locations. There are three designated heritage properties in the Resort Municipality including the L.M. Montgomery National Historic Site, the Simpson Farm, and Green Gables Heritage Place. Recognized cultural landscapes include family farms, hedgerows, fields, and ocean vistas.

Fine art and handcraft are also an important part of local Island flavour, featuring unique pottery and artworks. Live music is another key feature, particularly the Cavendish Beach Music Festival which draws 60,000 visitors to the Resort Municipality for an annual weekend of country music every July.

More details on the history of the community and development over time can be found in previous official plans, the background report for the 2020 Strategic Plan, and the Strategic Plan itself, as well as in local historical resources.

2.2 SITE AND SITUATION

2.2.1 Municipality

The Resort Municipality is located along the north shore of Prince Edward Island in north-central Queens County. The municipality runs in a relatively narrow strip along the coast of the Gulf of St. Lawrence from Rustico Bay in the east to New London Bay in the west. The topography of the area is quite diverse and is characterized by rolling hills, several well-defined stream systems, bays and estuaries and a shoreline which is dominated by miles of sandy beach, spectacular sand dunes, red sandstone cliffs, and back shore ponds and wetlands. Almost fully one half of the total land area of the Resort Municipality is owned by Parks Canada, including most of this sensitive coastal zone.

The Resort Municipality is made up of all or portions of the former school districts and settlements known as Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico. While the Stanley Bridge, Bayview, and North Rustico portions of the municipality had their origins in the former school districts and as ‘civic address communities’ are split by the municipal boundary, Hope River has less definitive boundaries in the municipal context and appears to draw its name from the Hope River itself. The Cavendish civic address community is almost entirely contained within the municipality, while the North Rustico civic address community is made up of a portion within the Resort Municipality, a portion that is the Town of North Rustico, and a remaining unincorporated area.

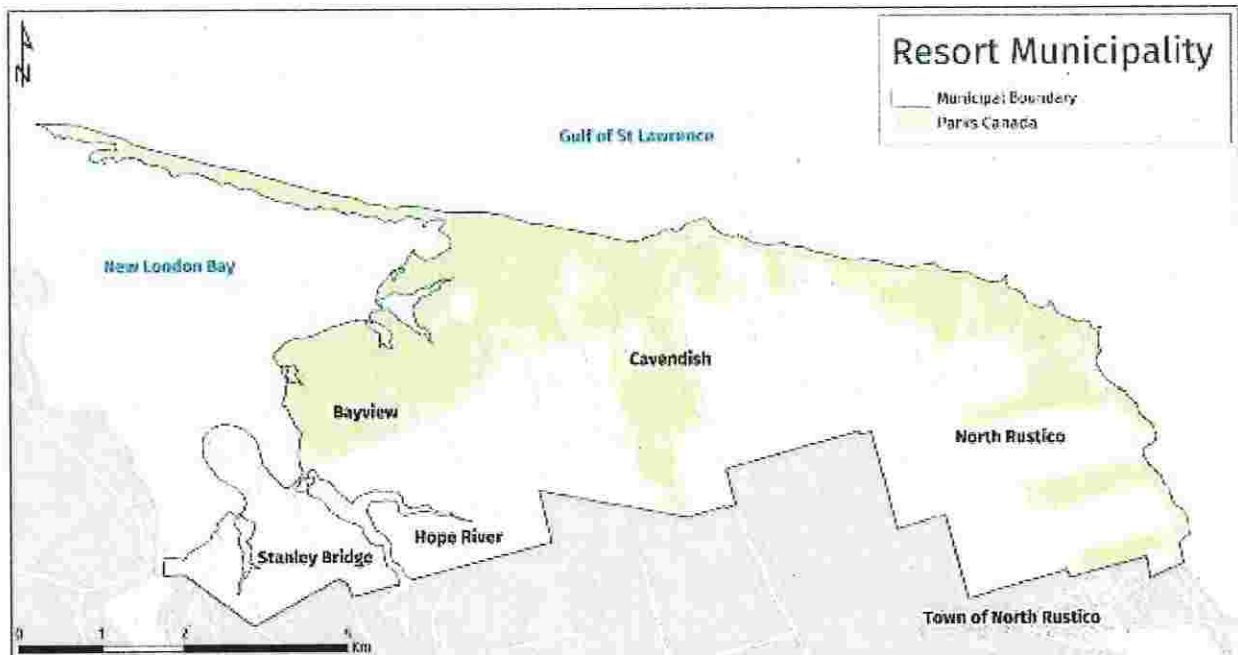


Figure 1 Communities of the Resort Municipality

There are no contaminated sites identified by the Province of Prince Edward Island (the “Province”) and no well-water protected areas within the Resort Municipality. Environmental protection and watershed health has repeatedly been listed as a priority for the community.

2.2.2 Regional Context

The Resort Municipality is located 55 km northeast of the Confederation Bridge and almost equidistant from the provincial capital of Charlottetown (39 km) and the province's second city Summerside (36 km). Immediately to the east is the flourishing fishing community and service center of the Town of North Rustico. To the west are the unincorporated portion of Stanley Bridge and the unincorporated community of New London and to the south and south-east is Mayfield, as well as the unincorporated portions of Bayview, and North Rustico. These communities are primarily farming areas but all are experiencing increasing development pressures. With the exception of the Resort Municipality and the Town of North Rustico, the surrounding areas are unincorporated and fall under provincial planning jurisdiction, with no policies governing land use decisions or directing land use development.

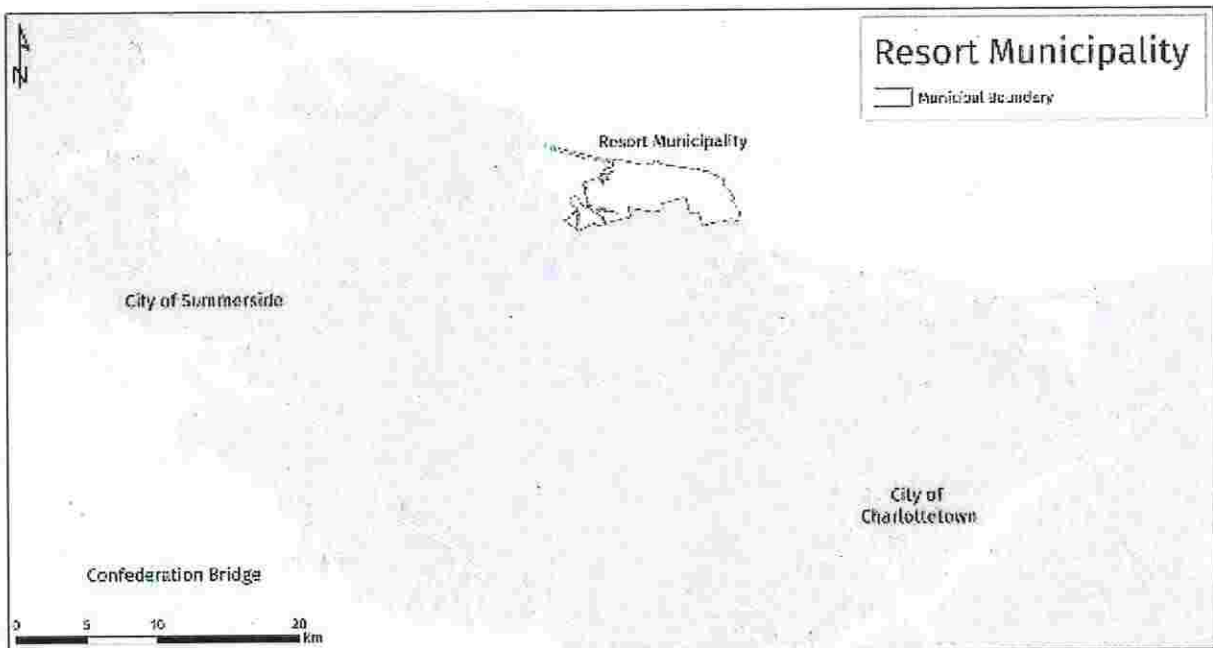


Figure 2 Regional Context for the Resort Municipality

2.3 EXISTING LAND USES

Land uses in the municipality range from traditional resource uses, rural residential uses, and more intensive tourism-related activities in the form of cottages, campgrounds, attractions, and related retail and services.

The Resort Municipality covers 38.04 km² (9,400 acres). Approximately 33% percent of this area remains in active agricultural use. Based on the 2010 Provincial Corporate Land Use Inventory, less than 20% of the area can be classified as “developed,” with the remaining lands being forested, wetland or “vacant.” The local agricultural industry consists mainly of family-run farms grazing dairy or growing mixed-crops of wheat, grain, barley, and potatoes. As of early 2021, 67 parcels are designated for bona fide farm credits under the Province’s taxation system, for a total of 3,302 acres. Aquaculture is also a major industry, particularly in the Resort Municipality’s western end.

Much of the farmland in the Resort Municipality is leased Crown land, and Parks Canada places restrictions on the crops that farmers can grow in order to maintain the quality of the soils and protect the natural environment. In addition to the restrictions on farm crops, Parks Canada has a significant land use impact, with the National Park making up 40% of the land in the municipality, limiting the area over which the Resort Municipality has land use jurisdiction.

Significant portions of land in the Resort Municipality are dedicated to agriculture, surrounded mainly by forest. Small residential pockets are spread throughout the community, often mixed in with seasonal accommodations as is seen in Seawood Estates to the west. Large, designated campground areas are spread in five locations throughout the municipality.

The Official Plans from both 1989 and 2017 reference a time when farmers faced increasing pressure to take farmland out of production, particularly along Route 6. Today, some farmers face challenges around the succession of leased land, and summer traffic can impede daily operations like moving equipment. The 2017 Official Plan identified a need for improved farmland protections; while the findings of public engagement exercises during the 2021 Review echo this concern, members of the farming community indicated a certain degree of comfort with the level of protection currently provided.

Tourism-focused commercial uses are largely centered on the main stretch of Route 6, while several small commercial areas are located elsewhere in the municipality, particularly in the east where small areas of commercial uses exist now, including the North Rustico Home Hardware located just before the boundary with the Town of North Rustico.

Institutional uses represent government offices, municipal parks, and land associated with religious institutions. These spaces include the Cavendish Cemetery, Montgomery Park, and Post Office at the intersection of Route 6 and 13. The boundaries of the municipality generally follow property lines.

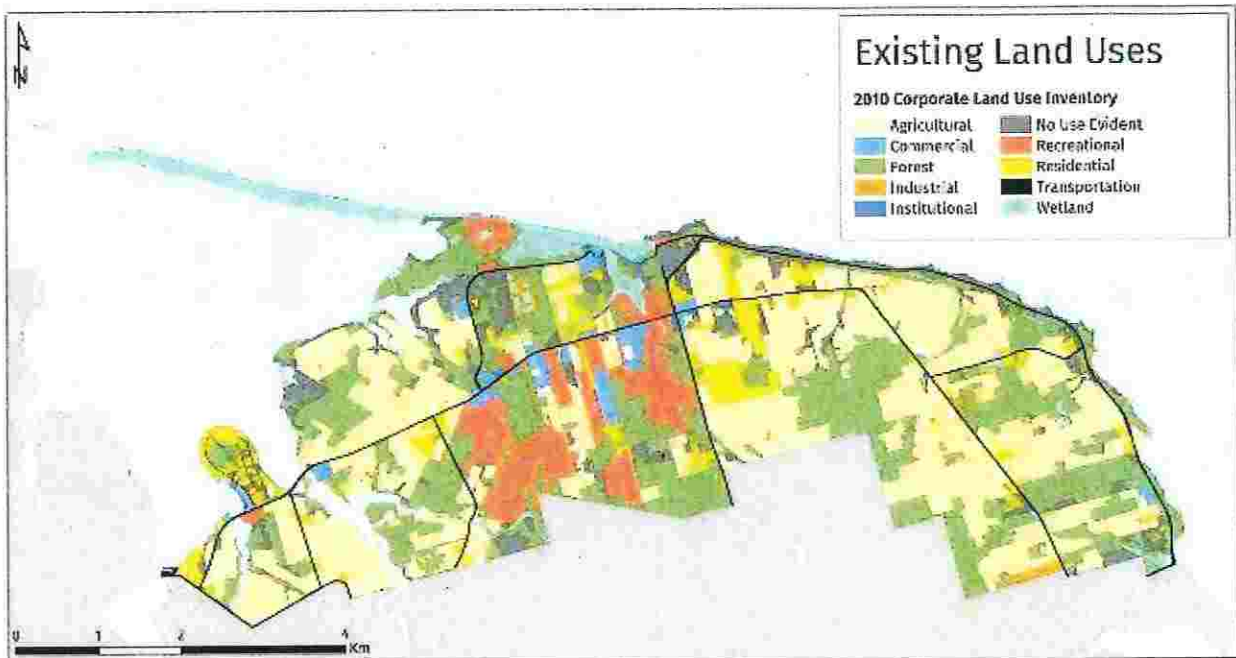


Figure 3 Existing Land Uses in the Resort Municipality

2.4 DEVELOPMENT TRENDS

2.4.1 Residential

As is common in rural municipalities, the majority of housing in this community is owner-occupied at 87% (compared with 70% provincially). The remaining tenant housing appears to be solely farm housing, excluded from further census analysis due to the difficulty in distinguishing shelter costs from farm costs. In this small housing market, there are no condo or bachelor apartments, as well as no two-bedroom units. Although there are fewer large households when compared to the province, there are higher proportions of larger units, which may indicate a gap in housing supply or potentially a preference for larger dwellings.

The Resort Municipality has a larger proportion of dwellings constructed before 1960 (at 35%). More modern construction does not quite keep up with provincial trends, except for a slight spike in the early 2000s. Recent residential development has clustered around Stanley Bridge to the west, such as the Seawood Estates subdivision, one of the denser residential developments in the Resort Municipality. Fewer than half the lots in this area are developed, and several other older subdivisions remain undeveloped. Another major developed subdivision, Forest Hills, is located directly adjacent to the Cavendish Beach Music Festival grounds. Most housing and housing lots are located in subdivisions with private roads, with the remaining housing being ribbon development along major provincial roadways.

The community's housing stock is almost exclusively made up of single-detached homes, and many of the residential areas in the municipality are interspersed with seasonal homes and cottages. With

the recent trend towards finished and winterized cottages, it is almost impossible to tell the difference between seasonal and permanent residences and seeking to regulate them as two distinct types of uses is unlikely to be productive.

Some existing residential development can also be seen within the National Park, reflecting the expropriation of lots by Parks Canada in the 1970s to establish the park, and some of those homes remain. As of the 2016 census, there were 136 permanent dwellings in the municipality, and 214 seasonal dwellings. Between 2016 and 2020, permits have been approved for six new residential dwellings.

Table 1 - Changes in Dwelling Number and Type

Dwellings	2006	2011	2016	2021
Total Private Dwellings	240	306	350	330
Total Private Dwellings occupied by usual residents	90	95	136	149
% of Private Dwellings occupied by usual residents	38%	31%	39%	45%
Total Single-detached			125	140
% Single-detached	84.2%	100%	93%	
% Semi-Detached				
% Row House				
% Apt, duplex				
% Apt under 5 storeys			7%	
% Other attached dwelling	10.5%			

Source: Statistics Canada

Statistics Canada. 2007. 2006 Community Profiles. 2006 Census. Statistics Canada Catalogue no. 92-591-XWE. Ottawa. Released March 13 2007. | Statistics Canada. 2012. Resort Mun. Stan.B.-Hope R.-Bayn.-Cavend.-N.Rust., Prince Edward Island (Code 1102045) and Prince Edward Island (Code 11) (table). Census Profile. 2011 Census. Statistics Canada Catalogue no. 98-316-XWE. Ottawa. Released October 24, 2012 | Statistics Canada. 2017. Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29 2017. Statistics Canada. 2022. (table). Census Profile. 2021 Census. Statistics Canada Catalogue no. 98-316-X2021001. Ottawa. Released February 9, 2022.

2.4.2 Vacant Lots

A high-level review of the Resort Municipality's land mass suggests that there is sufficient land to meet the various development goals of the municipality, based on past trends for population growth.

Even with the goal of maintaining, and preferably growing, the year-round population while protecting resource lands and the rural characteristics of the community, an analysis of properties in the municipality indicates that there are more than 750 parcels of less than two acres in size. Of those parcels, more than 430 of those do not have civic addresses assigned, suggesting that they are vacant properties and almost all of those vacant parcels are located in zones that permit residential uses. While many of those vacant parcels may be owned by individuals or families uninterested in developing them for year-round use, there remains a reasonable supply of land identified or for residential uses.

One challenge relating to the development of existing approved lots is compliance with today's standards for on-site services. More than 70% of the assumed vacant approved lots in the municipality are below the minimum lot sizes for category 1 lots with one dwelling unit (25,000 square feet). Should any of those lots prove to be assessed as having category 2-5 soils, based on the criteria in the *Planning Act* Province-Wide Minimum Development Standards Regulations, there is a risk of on-site water and sewage treatment contaminations. Additionally, 5% of vacant parcels are less than 10,000 square feet in area, making them very problematic for development with on-site services. Offsetting those challenges is the proximity (calculated for the purposes of this analysis as being within 50m) of sewer servicing to more than 35% of those vacant undersized lots.

In addition, there is a small number of lots in older legacy subdivisions, in particular at Simpson's Pond, that are not serviced by any form of passable right-of-way. Many of the undersized lots are in those legacy subdivisions and represent subdivisions on paper only.

2.4.3 Commercial

Commercial buildings are spread throughout the municipality, mainly in small strip malls or single developments, a development pattern that has undermined the development of a cohesive sense of place but which is typical of Prince Edward Island. Previous official plans flagged the challenge of this spread-out development. The previous Official Plans and the 2020 Strategic Plan highlight the need for an identifiable main street. Commercial development mainly consists of tourism destinations and attractions, focused along Route 6.

Development has not slowed down in the municipality, and over the past five years, 14 subdivision applications and 11 lot consolidations were approved, both reaching highs in 2018.

Table 2 Land Use Approvals, Resort Municipality, 2014-2021

Permit Type/Number of permits	2014	2015	2016	2017	2018	2019	2020	5-Yr total	2021 – Jan-Oct
New Commercial (including campgrounds)	12	21	26	21	5	6	4	62	2
Campground (Permits)	1	-	2	1	-	-	-	3	1
New Campsite (Sites)	30	-	64	22	-	-	-	86	0
Commercial renovations	6	4	9	10	8	7	1	35	2
Temporary Commercial	3	5	2	2	6	2	2	16	
Agricultural	2	-	-	1	-	-	-	1	-
New Residential	1	-	1	3	1	1	3	6	3
New Cottage	2	2	4	2	6	7	16	39	6
Institutional / Parks	-	-	1	-	-	1	-	2	
Residential Renovations / Additions (including cottage)	5	3	3	5	2	4	9	23	1
Accessory & Pool	6	3	9	6	4	3	8	30	6
Lot Subdivision	1	5	2	2	6	-	4	14	4
Lot Consolidation	1	4	3	1	5	-	2	11	4

Source: Resort Municipality – 2014-2021, current to October 25, 2021

2.5 DEMOGRAPHIC ANALYSIS

As noted in the background analysis report for the 2020 Strategic Plan, the Resort Municipality experienced a slow decline in its permanent population over the past couple decades, until growth spiked by 23% in 2016, with a 12.9% increase for the 2021 Census. The municipality has a very seasonal population, though the proportion of part-time residents decreased slightly relative to year-round residents in the past 15 years. With 359 residents in 2021, there are 330 private dwellings, only 45% of which are occupied by full-time residents. With such a large landscape, the population

density in this municipality is very low at 9.9 per square kilometre, in comparison to 27.2 across the province.

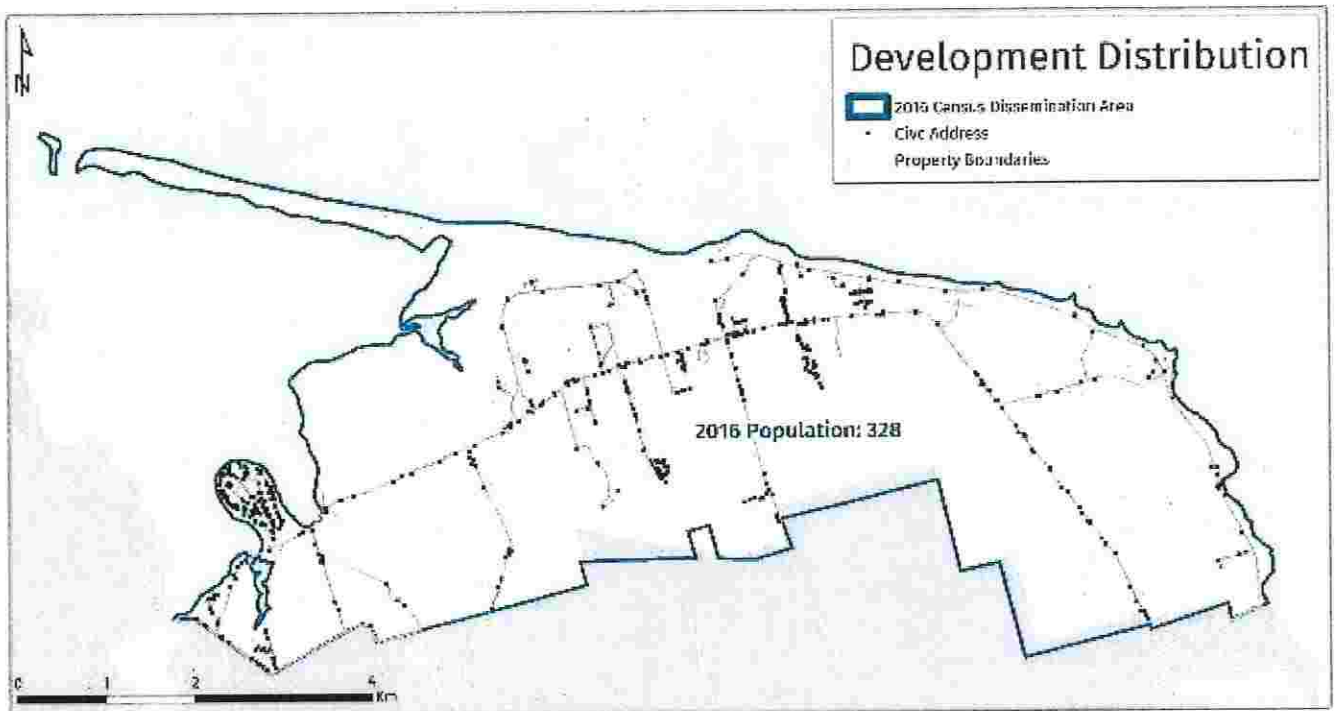


Figure 4 Distribution of development as indicated by civic addresses.

According to the 2016 Census, about 12% of current residents had moved within the past year (the same across the province), with 37.5% of these staying within the municipality. Of the remaining movers a third moved from a different province, while 67% came from elsewhere on the Island. Almost a third of current residents have moved within the past five years, with almost 89% coming from outside the municipality.

These numbers show that much of the recent growth seen in the Resort Municipality has come from elsewhere in PEI, while the remaining new residents have moved from other parts of Canada. As of the 2016 census, the community of permanent residents did not include any recent immigrants to Canada, although there is a higher total proportion of immigrants (9.5%) when compared to the province (6.4), which has seen an influx of newcomers in the past few years. At this point in time, over 3% of permanent residents were not Canadian citizens, which may include residents seeking permanent residency through PEI's Provincial Nominee Program. This program selects individuals for nomination based on their intention to work and live in PEI (for a minimum of a one-year term), based on skill shortages.

The proportion of recent immigrants or non-Canadian citizens may be higher when seasonal residents are included, but this information is not available. Although there are reserves of the Lennox Island and Abegweit First Nations on the Island, the 2016 Census did not show residents of Aboriginal Identity within the Resort Municipality. In the municipality, around 3% self-identified as

a visible minority, with the majority of all residents coming from European descent. With such a small population, the age makeup of the Resort Municipality creates a patchy graph with a notable gap in several age and gender categories. The population is aging, with a significant shift in the past decade towards older residents over 50. The proportion of youth has declined, though there are still significant numbers of teenage residents. In contrast, the population of Prince Edward Island as a whole is less varied across age groups, though the overall trend of aging residents is just as evident.

The ages of primary household maintainers (those responsible for shelter costs) are quite high in this community, with no maintainers under 35; this statistic reinforces the conclusion that this is a rapidly aging population.

Table 3 – Population Growth – 2001-2021

	Resort Municipality				PEI			
	Population	Growth Rate	Median Age	% 15+	Population	Growth Rate	Median Age	% 15+
2021	359	12.9%	56	87.3	154,331	8%	44	84.7%
2016*	328	23.31%	54.8	90.8%	142,907	1.93%	44.5	84.1%
2011	266	-2.21%	49.3	82.7%	140,204	3.20%	42.8	83.6%
2006	272	1.87%	41.8	76.4%	135,851	0.41%	40.8	82.3%
2001	267	4.7%	38.5	77.8%	135,294	0.5%	37.7	80.3%
1996	255				134557			

Source: Statistics Canada

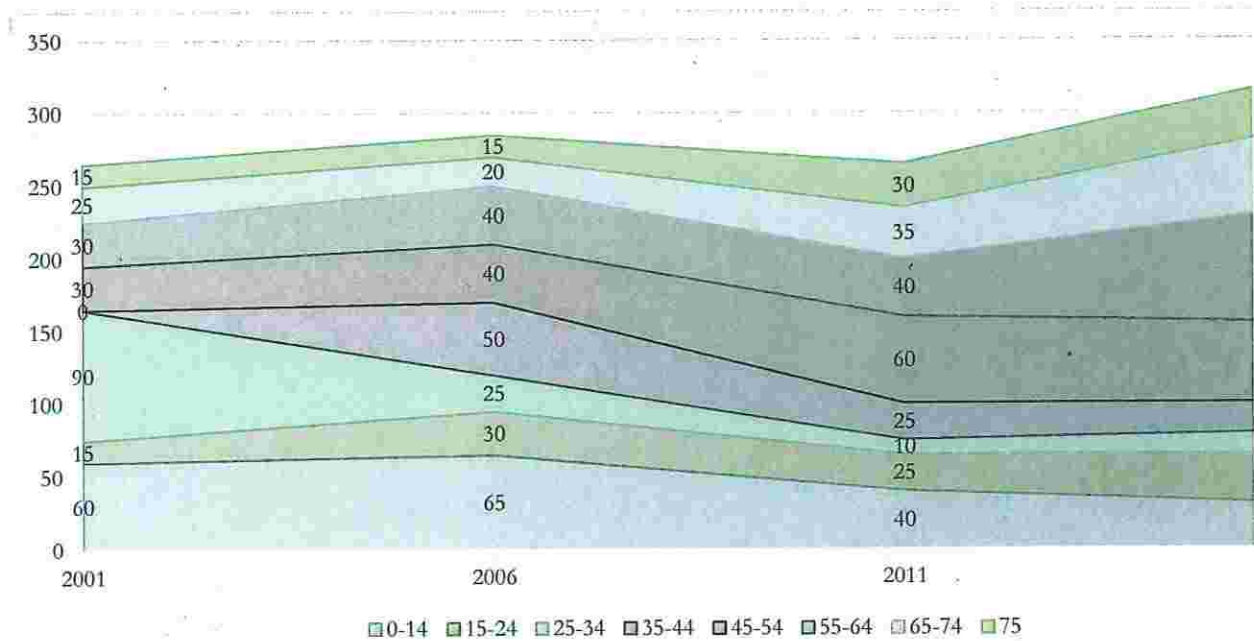
Statistics Canada. 2007. 2006 Community Profiles. 2006 Census. Statistics Canada Catalogue no. 92-591-XWE. Ottawa. Released March 13 2007. | Statistics Canada. 2012. Resort Mun. Stan.B.-Hope R.-Bayv.-Cavend.-N.Rust., Prince Edward Island (Code 1102045) and Prince Edward Island (Code 11) (table). Census Profile. 2011 Census. Statistics Canada Catalogue no. 98-316-X1WE. Ottawa. Released October 24, 2012 | Statistics Canada. 2017. Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29 2017. (*unrevised 2016 population count). Census Profile. 2021 Census. Statistics Canada Catalogue no. 98-316-X2021001. Ottawa. Released February 9, 2022.

Estimates for the municipality suggest that the summer peak population in the Resort Municipality exceeds 10,000 persons. This makes the Resort Municipality Prince Edward Island's fourth most populous community for a 2-month period. While there has been a growth of visitation in June and September, many services and attractions close down after Labour Day, impacting population numbers at that time. The demands placed on a community of 359 full time residents to be able to service the needs of in excess of 10,000 residents for relatively short periods of time are unlike those facing any other Island community. Wastewater treatment, transportation, and policing are the most obvious challenges but many other services are also stressed to their limits, a pressure that is further increased during Cavendish Beach Festival weekends.

The projected 2037 population, based on recent growth rates, would be somewhere between 470-540 year-round residents, an increase of 111-181 people. Although the complete 2021 Census data

was not yet available at the time of the background analysis for this review, the population figures released in February 2022 indicate a continued relatively high rate of growth, albeit at a slightly lower rate than between 2011 and 2016. The Resort Municipality expects to see additional residential development over the coming few years based on recent rezoning applications, which would yield an even greater increase in the year-round population.

Figure 5 Population Change, Resort Municipality, 2001-2016



Source: Census of Canada 2001-2016. Note: 2001 data combines the 15-24 and 25-34 cohorts.

With the pandemic and shifting economic recovery, coupled with a transition to more remote work, anticipating the shape and lasting impact of COVID-19 over the coming years presents an interesting challenge for policymakers.

2.6 ECONOMY

The Resort Municipality continues to serve a range of interests, from resource industries, permanent residents, a strong and active tourism industry and associated seasonal commercial operations, to rural commercial operations and seasonal residents. As the municipality passes its 31st year of incorporation, the continued existence and expansion of a local permanent population and a balance of seasonal and year-round amenities and services represent an important land use policy question for the community.

Incomes, shelter costs, and other social-economic indicators tend to be higher in the Resort Municipality compared to the province as a whole. That being said, given the seasonal nature of most local employment and given the level of reliance on personal vehicles required for work-related

travel, most of which is located outside of the municipality, the additional transportation costs will continue to be a barrier for those with the lowest income levels.

2.6.1 **Commuting**

Over a third of residents within the Resort Municipality work from home, while the remaining residents commute to their place of work. About 18% of residents commute within the municipality to their regular place of work, but nearly 50% of all residents commute outside of the municipality but within Queens County. Two of the largest population and employment centres in Prince Edward Island, the City of Charlottetown (pop. 38,809 (2021)) and Town of Cornwall (pop. ~6,574 (2021)), are located within Queens County, about a 30 to 40 drive from the Resort Municipality. Residents in the Resort Municipality are very reliant on their private automobile to drive to work; 83% of residents drive and 11% commute as a passenger in a car. Some active forms of commuting are present in this community, with 11% of residents walking to work, though none cycle. A third of commuting trips here are less than 15 minutes, while half of all commuting trips are greater than 30 minutes, making walking and cycling more difficult.

2.6.2 **Employment**

Despite a growth of 21% in overall population between 2006 and 2016, the labour force decreased by 3% during that same time period, due to the aging population. The 2016 labour force was 170 people. About 21% of the Resort Municipality identified as unemployed. This is higher than the provincial unemployment rate of 12%. Analyzing employment sectors in the municipality reveals that employment is concentrated in two industry types: agriculture and accommodation and food services. Over 40% of the municipality's workforce is employed in these two sectors, compared to 16% within the province. Nearly 9% of the municipality's workforce is employed in arts; entertainment, and recreation, another indicator of the municipality's tourism nature.

Major employers include agriculture; resort accommodations such as inns, cottages, and motels; as well as amusement attractions, restaurants, and commercial businesses like the North Rustico Home Hardware. Labour shortages over the past year have presented a significant challenge, although there are a range of opinions as to the cause and what that suggests as a long-term trend.

Many residents of the Resort Municipality commute elsewhere for work, and nearby major employers include the Queen Elizabeth Hospital in Charlottetown, the Prince County Hospital in Summerside, and local schools.

2.6.3 **Tourism**

Tourism is the clear and obvious basis for the local economy for the foreseeable future, building on the cultural heritage, the draw of the natural features and the National Park, and the tourism infrastructure already in place. It is the municipality's niche market, particularly considering existing services and facilities available in nearby communities. Certainly, based on PEP's traditionally very small municipalities, a regional view of required services and facilities is necessary and appropriate to both develop the critical mass to fund and to cover the maintenance costs of those services and

facilities. That being said, the degree of shift in the level of amenities and services within the municipality from summer to off-season is dramatic enough to possibly play a role in the decision of residents to move to or stay in the municipality.

Although seasonal in nature, the tourism industry in the Resort Municipality draws significant crowds during the summer months. It is estimated in the summer months there can be an additional 10,000 people in the municipality each day. Beaches, golf courses, and heritage assets all contribute to the character and identity of the community, drawing huge crowds during the tourism season. The Cavendish Beach Music Festival for example (established in 2009), can draw 60,000 visitors for an annual weekend of music and concerts. In just over five years, 68 permits were approved relating to the Music Festival, while 10 submitted permits were denied. This festival has a major effect on surrounding businesses and residences, and dramatically increases traffic in the area.

As of 2019, with 614 licensed tourism establishments, the Green Gables Shore (which encompasses a larger area from Malpeque to Covehead) has 38.5% of the provincial total. Within this, the Shore has just 27% of all fixed-roof units but 67.5% of all campsites in the province. Including both campsites and fixed-roof units, there are 6,406 tourism establishment units on the Green Gables Shore, or 45% of the total. These statistics demonstrate the influence this area has on provincial tourism, particularly in the campsite business. Permits for 82 new cottages were approved between 2016 and 2020, as well as 76 new campsites. Although tourism can be a catalyst for the local economy, the sheer volume of visitors in the municipality creates challenges with the carrying capacity of infrastructure and services that can be offered. The volatility of the tourism industry can also impact the stability of a community. Tourism is an unpredictable business; despite the opening of the Confederation Bridge in 1997, there was a dramatic dip in visitors coming into the Resort Municipality in the early 2000s, rebounding between 2014 and 2019, until COVID-19 disrupted travel worldwide. Weather is also a factor, and long springs often shorten tourism seasons significantly. Development of the tourism industry at the expense of other industries and community programs should be carefully considered to ensure the long-term stability of the municipality.

One consideration is ensuring flexibility in the regulation of commercial operations, particularly to enable greater flexibility in standards to permit more types of home-based businesses and a nimbleness in adjusting to changes in economic activities. Likewise, the Strategic Plan recommended integrating some flexibility in zoning to encourage businesses that may not fit the mold of convention land use practices, such as small craft breweries, which tend to fall between the lines of industrial and commercial zones.

2.6.4 Agriculture

As noted in section 2.3, farmland is a valued asset in the Resort Municipality due to its importance as a heritage landscape, as well as a key industry. Previous Official Plans references issues identified in the late 1980s when farmers faced increasing pressure to take farmland out of production, particularly along Route 6. Today, some farmers face challenges around the succession of leased land, and increased summer traffic has the ability to impede daily operations like moving equipment.

The existing land use regulations are supportive of the tourism industry, but complementary farmland protections remain critical. Agricultural activities remain of significant importance to the community and protecting the viability of the industry remains critically important. While the existing farm operations are recognized as being responsible for much of the character of the landscape so valued by locals, seasonal residents, and visitors alike, the potential long-term implications of any transition to non-resource uses came up as a concern during the early engagement stages of the 2021 review.

The viability of farm operations can be protected to a certain degree by limiting the encroachment of other uses, largely by restricting the subdivision and development of prime agricultural lands to ensuring that farmland remains attractive to farm operations and reducing the potential for land use conflicts with non-resource uses. This is frequently done through policies limiting the transition to other uses and recognizing and protecting farm practices, supplemented by restricting the number of lots that can be severed from parcels in areas designated for rural or agricultural uses. Previous planning documents have restricted the number of lots that can be subdivided in the rural zone to two lots from any existing parcel and includes standards setbacks for residential subdivisions adjacent to intensive livestock operations.

The question of how much to permit the transition of land current in agricultural use to non-resources uses is, at its roots, is a matter of determining to what degree active agricultural activities should be maintained in the community in the long term, given that land removed from agricultural uses and developed is lost to resource uses more or less permanently. This decision is one that is ideally made at a policy level rather than on a case-by-case basis as farm owners apply to have their properties rezoned for other uses, balancing the need to preserve agricultural lands in the long term with the desire of farmers seeking to leave the industry and extract other economic benefits from their property. Factors often include the ability to sell to other farm operators, frequently in comparison to the anticipated value of the land if sold for other uses, as well as the tradition of viewing the development of farmland as the primary retirement plan for farm operators or as a source of future lots for children. These considerations sometimes sit in contrast to concerns from other current or prospective farmers about the ability to acquire productive land to establish or expand farm operations.

Given the importance, both culturally and economically, of the traditional landscape in the municipality, the community has raised concerns about how best to protect the traditional character of the landscape should agricultural activities lose their prominence and a more wide-scale transition to non-resource uses is permitted. Solutions include development approaches such as enabling conservation subdivisions (more densely clustered developments that preserve the balance of the property, often with shared servicing) or the purchase of development rights in order to limit the visual impact of transitioning away from resource uses. While conservation subdivisions can be enabled through bylaws, the purchasing of development rights, particularly with public funds, is a topic that will involve and require more extended public discussion over time. In the meantime, Council can continue to work with Parks Canada to maintain the previously identified viewscape located on National Park lands.

2.7 SERVICES & INFRASTRUCTURE

2.7.1 Sewage Collection and Treatment

The Cavendish Sewer Utility, a utility corporation established by bylaw in accordance with the previous municipal legislation and continued pursuant to subsection 260(2) of the *Municipal Government Act*, manages the Resort Municipality's sewer system. The sewer system was installed in 1992-3 and has been expanded several times, currently serving properties along Route 6 and Route 13 in the Cavendish core area. 37% of properties within the Resort Municipality are located within 20 metres of a sewer line. This system includes about 16 kilometres of gravity main and 14 pump stations, mainly sited along Route 6 and within Seawood Estates. Wastewater flows to the retention system near Clarke's Pond within the National Park, where it is treated by a system of lagoons before the treated effluent is pumped into the Gulf of St. Lawrence in the spring and fall seasons. This system has served the community well since its installation, but a decrease in overall flow has left one lagoon cell unused for several years.

Planning for the future will involve understanding how the needs of full-time residents and visitors can be balanced in a sustainable manner. The sewer utility remains generally healthy; an application to the Island Regulatory and Appeals Commission by the Utility for a rate increase to support the operation of the utility was approved in the fall of 2021. The biggest consideration for the Utility is whether to tie future development to serviced areas and to ensure that new developments adjacent to the system are required to connect. Through engagement, the Strategic Plan identified public support for requirements for sewer connections in areas where sewer services are available.

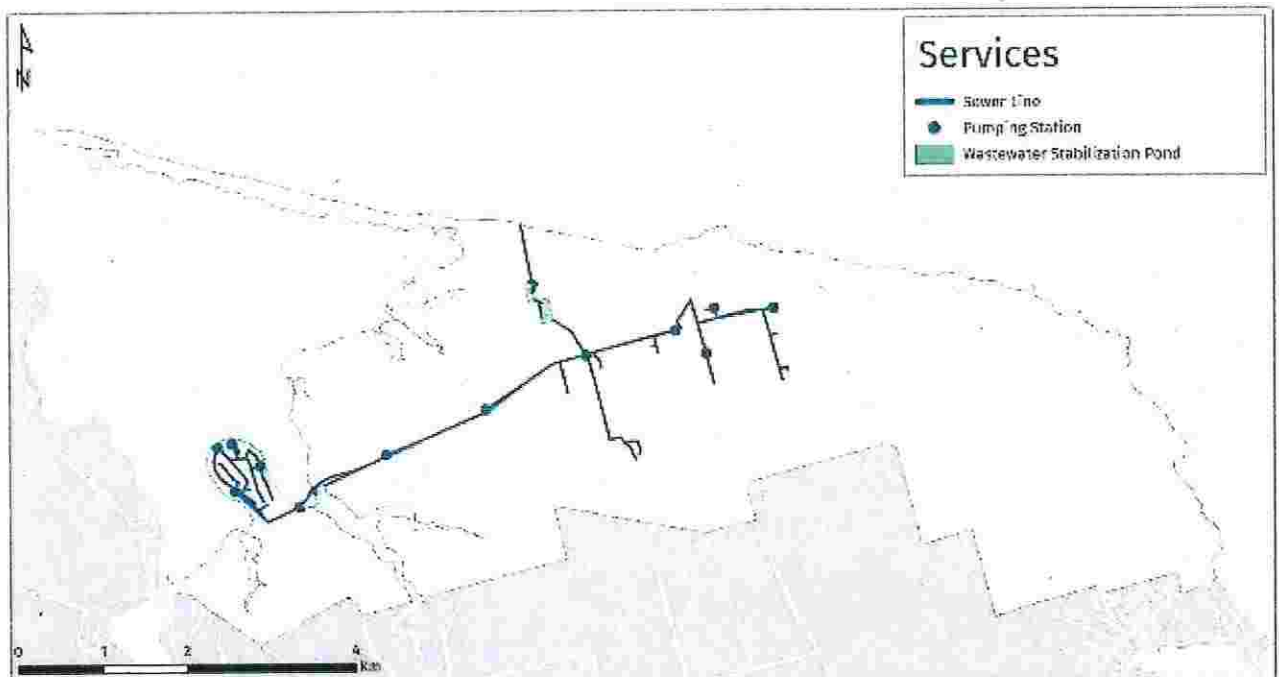


Figure 6 Municipal Wastewater Services

There are an estimated 315 undersized vacant approved lots within the Resort Municipality, creating potential challenges related to siting on-site sewage treatment systems and ensuring their long-term efficacy, except where those lots can be connected to the sewer system.

With the changes in environmental standards over time, one key environmental protection measure will be to require a clear assessment of the ability of each property to accommodate the development that is being proposed for the site, including up-to-date site suitability assessments, as well as in depth assessments within new proposed subdivisions.

2.7.2 Drinking Water

With no municipal central water system, the majority of drinking water is accessed through dug wells that tap into groundwater aquifers. Contamination issues from bacteria that were observed in some drinking wells in the late 80s have been eliminated, due in part to improved septic system standards, as well as water sampling by the Province and the installation of the municipal sewage collection system. While bacterial contamination of drinking water has been reduced, human-made chemicals that seep into the groundwater supply still threaten the safety of drinking water. As development in the municipality increases, the potential for oil, gasoline, and other chemicals spilling penetrating into the water supply system also grows. Currently, the only registered private water utility is the Seawood Water Utility Corporation serving Seawood Estates. Other private systems include Driftwood Landing and Queens County Condo #26.

Previous official plans have raised the exploration of a central water supply and the identification of potential well-fields. Although Council is not actively moving towards developing a central water utility, climate change and erosion-driven constraints, along with the potential impact of population growth in the community, suggest that a water supply strategy and identification of potential well-fields remain important. While the water supply overall remains sufficient, there are some challenges in the area and developments such as new subdivisions require site-specific assessments to determine the impacts of new wells on existing wells in the area. Water supply will need to be assessed on a case-by-case basis for more intensive developments such as subdivisions, industrial uses, and areas with existing intensive development through groundwater permit applications and water withdrawal permits where daily rates are expected to be higher than 25 cubic meters per day. Other considerations such as impacts on neighbours' wells and saltwater intrusion problems are assessed through the standard well drilling process. Wellfield protection, be it through land use standards or a management plan under the *Water Act*, may become increasingly important in order to protect water resources in the long term.

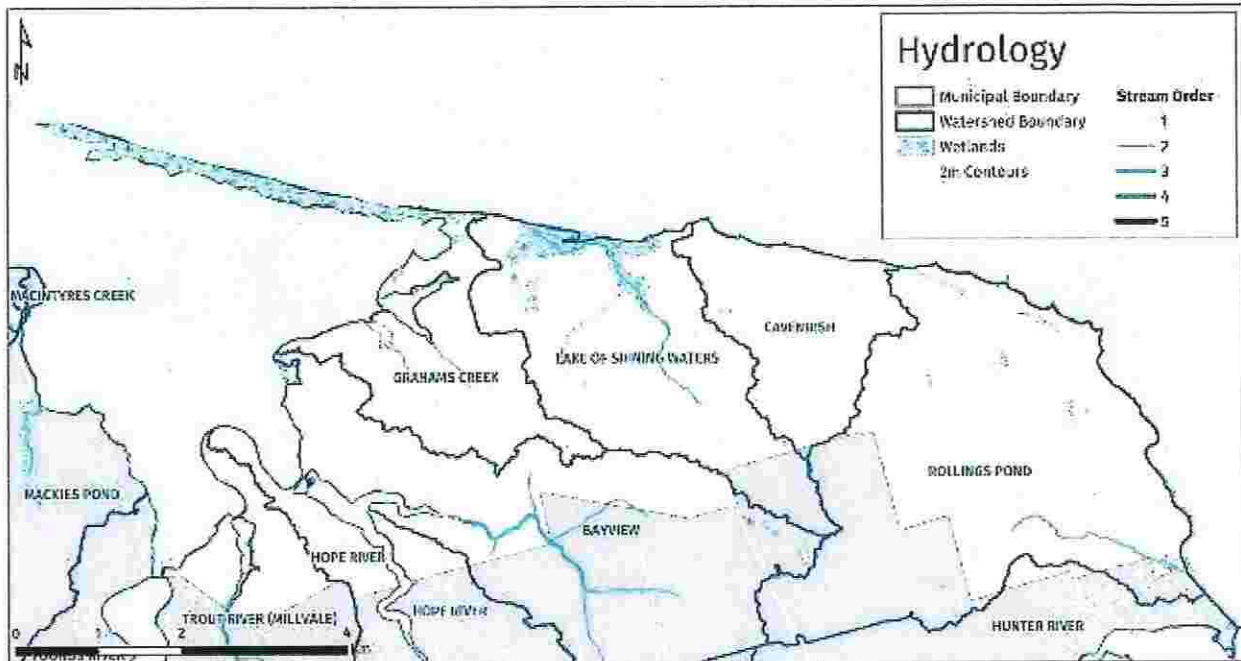


Figure 7 Hydrology

2.7.3 Planning

The municipality continues to be served by a relatively small staff complement. Development control is managed through the CAO, Planning Board, and Council, and planning services are rarely brought in except in the case of more complicated files or plan reviews. The Municipality's approach to managing land use does not appear to have changed significantly since the original official plan, with some adjustments made over time with the periodic reviews. The municipality manages land use through the Official Plan and the Bylaw, processing development permit and subdivision applications internally. One significant change to development control generally in PEI has been the provincial adoption of the National Building Code; however, the municipality has entered into the agreement with the Province to have the National Building Code and building permit applications administered provincially. Development and subdivision applications remain municipal responsibilities.

2.7.4 Solid Waste

In 2002, the Province launched the Waste Watch program through which it transferred waste disposal responsibilities from municipalities to the Provincial Crown Corporation, Island Waste Management. Waste Watch features a three-stream source separating system that encourages composting and recycling to reduce waste disposal to landfills. The Resort Municipality has no responsibility for collection or disposal of solid waste but supports the Waste Watch program.

2.7.5 Fire and Policing

Fire protection in the Resort Municipality is provided by three fire departments located beyond the municipality's boundaries. The eastern portion and National Park is covered by the North Rustico Fire Department; the core area of the municipality by the New Glasgow Fire Department; and the west portion of the municipality by the New London Fire Department.

For the majority of the year, police calls are serviced from the Charlottetown Royal Canadian Mounted Police (RCMP) office. However, during the busy summer months additional RCMP resources are based out of the Cavendish Visitor Information Center to help deal with the increased activity.

2.7.6 Transportation

As is common for a rural community, transportation within the municipality is structured around the use of private automobiles. In total there are 63.4 kilometres of roadway (28.7 kilometres of which are unpaved) in the municipality. All public roads in the municipality are provincially owned, with the exception of the Gulf Shore Road, which is owned and maintained by the Federal Government as part of the National Park. The Resort Municipality's role is largely limited to working with the Provincial department responsible for transportation to identify priorities for street construction, upgrading, and maintenance.

There are two provincial collector highways in the Resort Municipality; Route 6 and Route 13 (see Schedule A for a full list of rights-of-way by category). Route 6 runs east-west, connecting Stanley Bridge to North Rustico while Route 13 runs north-south, connecting Cavendish to the rest of the province. Within the National Park, Gulf Shore Road is owned and operated by the Federal Government. The City Beach Express runs from the end of June to early September, servicing seasonal workers and visitors. The bus, operated by Prince Edward Tours and subsidized by the Municipality and Tourism Cavendish Beach, takes passengers from Charlottetown to Cavendish, making multiple stops along the way.

The majority of local subdivisions are serviced by private roads, both paved and unpaved. Private roads have, in most cases, been developed without any design or construction standards, intended primarily for seasonal use, and their maintenance is managed between the property owners abutting them. The municipality has allowed new lots on private roads under certain circumstances. With the movement towards vacant or bare land condominiums and with the prevalence of tourism operations with multiple campsites and cottages, the absence of standards for internal drives providing for circulation between buildings and sites within a parcel is a growing issue, given safety and access requirements generally, in poor weather, and during emergency situations. Private roads within municipalities with authority for planning, where permitted, likewise present a challenge in the absence of any province-wide standards for the design and construction of private roads in effect in those areas.

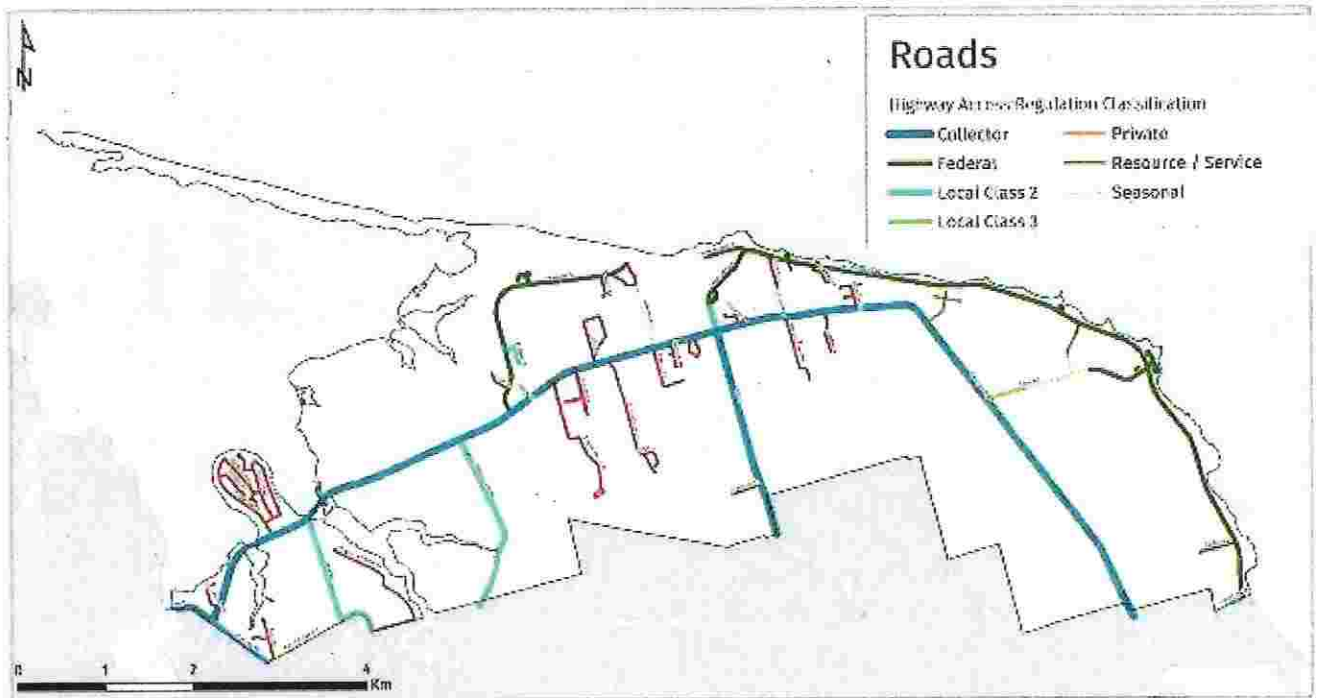


Figure 8 Road Network (See Schedule B – Roads in the Resort Municipality for a full listing).

The 2020 Strategic Plan identified several transportation-related goals, including expanding the pedestrian network, improving cycling conditions within the municipality and connections to nearby trails and destinations, and advocating for a second access route to offset the impact of the dramatic increases in traffic experienced during the Cavendish Beach Music Festival.

In addition to moving cars, active transportation (defined as any human-powered form of transportation) is vital to resident and visitor experiences. The local boardwalk system is wheelchair accessible and illuminated, allowing users to move into and out of the Cavendish core area. Cycling opportunities are limited to those along provincial highway shoulders and within the National Park. Within the park, trails and paved roadways provide active transportation options for community members and visitors.

The Confederation Trail, a conversion of the former rail line to a multi-use trail, now extends across the province. With the expansion of cycling tourism in the province, the trail garners large numbers of visitors. Although the Confederation Trail does not pass through or into the Resort Municipality, one opportunity would be for the municipality to establish partnerships with the Province and other municipalities to link the Resort Municipality to the Confederation Trail with a safe trail system. Active transportation was identified as a priority among local residents and visitors. Current cycling opportunities are limited to those along the Route 6 paved shoulder and within the National Park. The local boardwalk system serves as a wooden sidewalk, though access is only provided on one side of the road, and they are not maintained in the winter. Active transportation is already popular among visitors, but safety and inconsistent infrastructure are a concern along Routes 6 and 13.

Connectivity between routes as well as to regional networks would enhance sustainable transportation options.

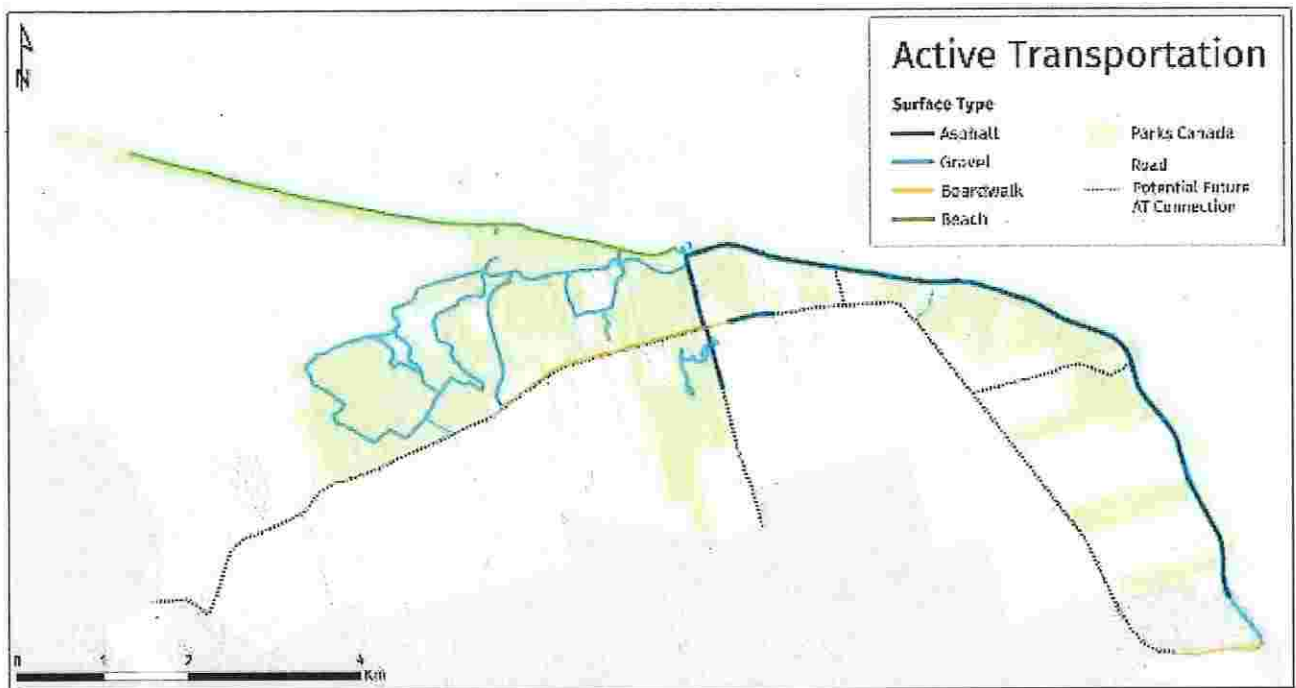


Figure 9 Active Transportation Networks

2.8 INSTITUTIONAL FACILITIES

Given the average age of residents in the community, both the needs of an aging population as well as the services and amenities that would attract younger residents are important. Community care facilities were identified as being of interest for residents, particularly in light of the aging nature of the community.

Access to health and emergency services is of particular concern, and with no ambulance stationed in the area residents worry about safety during peak tourist season. The United and Baptist churches in Cavendish also hold important value as community space within the municipality. In addition to these assets, the North Rustico Lions Club, located in the Town of North Rustico, is often used as a venue.

The nearest hospitals are the Queen Elizabeth Hospital in Charlottetown, and the Prince County Hospital in Summerside. In closer proximity, the nearest medical clinics are in North Rustico and Hunter River. There is also no ambulance stationed within the community, which may be a deterrent to prospective residents and could cause delays in the event of a crisis. There is no school directly within the municipality; the nearest facilities are Gulf Shore Consolidated in North Rustico (offering kindergarten through grade 9 for English students) and École Saint-Augustin in Rustico (offering kindergarten through grade 6 for French students). Both facilities provide Early Years Centres as

well. Some students are bussed to École François-Buote in Charlottetown (kindergarten through 12), and Bluefield High School (grades 10 through 12) in Hampshire. While new schools and major recreation facilities are unlikely to be built in the community given their existence in nearby communities, general policy decisions will impact on all age groups.

Provincial government facilities in Resort Municipality are limited to a seasonal Liquor Control Commission retail outlet. While there is a seasonal federal post office in the municipality, the primary and significant federal presence in the municipality is the National Park.

2.9 PARKS AND RECREATION

The municipality has very limited access to public daily-use facilities for residents, with most recreation opportunities aimed at visitors. Most existing community facilities are open seasonally and include the National Park (with entry-fee), the recently updated Montgomery Park, Swimming Rock Municipal Park, and the Visitor Information Centre (also housing offices for the Municipality, RCMP, and local tourism associations). The need for free and year-round community spaces reflects the lack of a community core, and during the 2020 strategic planning process, residents identified other potential “anchor” facilities such as a playground and storm shelter.

While in previous decades Park Canada offered off-season activities through partnerships with volunteer-driven organizations such as Parks & People, very little is currently offered outside of the summer months and shoulder seasons. Winter activities in particular were identified as being of interest, which would require the development of new services and infrastructure.

Natural areas in the community are highly valued, supported and protected by local watershed groups. The group’s priorities include restoration and protection of wildlife habitat, maintenance of water quality, and encouragement of active living through increased recreational opportunities, with updates shared regularly through the municipality’s newsletter.

2.10 ENVIRONMENTAL PROTECTION

2.10.1 General

The landscape and natural areas are highly valued by the community – community members feel future planning must balance public access to the coast with environmental protections. Some residents are worried about the density of aquaculture industry in the area and want to see regular testing for surrounding marine areas. The community hopes to be involved and engaged on government monitoring relating to the human and climate impacts on their land.

The purchase of parkland by the federal government marked a significant shift in the Resort Municipality’s relationship to the coast as well as inland natural landscapes. Some residents note that the limited access to this wilderness has caused a disconnect with the land and traditional practices such as cranberry picking have been lost since the Park’s founding. The community wants to pursue a strong relationship with Park administration in order to best accommodate all interests and stay involved in the federal plans for the area.

2.10.2 Climate Change & Environment

In Prince Edward Island, one is no farther than 16 kilometres from the ocean at any time and the Resort Municipality, like the province as a whole, is shaped by its relationship to the environment, particularly the sea. The diverse coastal topography of the Resort Municipality with its rolling hills and extensive shore are at the core of its identity.

As outlined in the Strategic Plan, the National Park is a key asset to the area and protects the natural and cultural environment within its boundary. However, as the impacts of climate change and sea level rise increase, the natural and cultural treasures within the National Park could become threatened. In the National Park's Management Plan, the park is divided into three zones: Special Preservation, Natural Environment, and Outdoor Recreation. Each of the zones have different purposes with regards to the land use in the National Park. Also located within the National Park are Crown lands, owned by the federal government to buffer the park from adjacent development and to compensate for the future loss of coastal lands. With the majority of the shoreline being controlled by the Federal Government within the bounds of the National Park, the Municipality does not have the ability to implement erosion management strategies for this area, although this also limits the amount of privately held land at immediate risk. The Management Plan for the National Park prioritizes restoration and retreat practices when considering coastal erosion. That being said, as shorelines retreat inland, land outside of the National Park boundary may need to accommodate the relocation of buildings and land uses, with potential implications for municipal and private plans for land use.

Flood risk and exposure to extreme events continues to be a significant and growing issue in the community. Sea level rise projections for Charlottetown indicate that, based on the current levels of carbon dioxide emissions, sea levels could rise between 100 and 120 cm by 2100. With new and more sensitive data coming available, vertical setbacks related to flood plains and elevation become increasingly important, limiting the placement of structures below a certain elevation. Current guidance is to base vertical set-backs on the projected 2100 flood plain, in addition to the traditional horizontal watercourse and wetland buffer setbacks, annual erosion rates, and building setbacks. Critical infrastructure should be held to an even higher standard, and it will be important for the municipality to continue to update standards over time as new information becomes available.

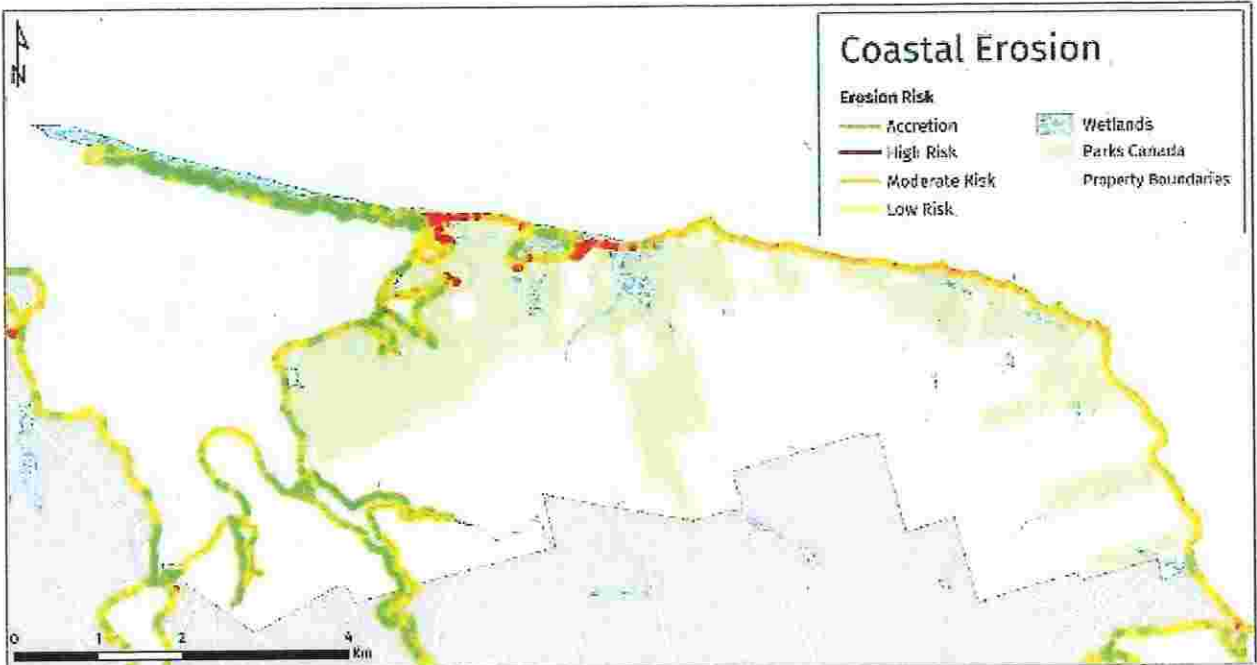


Figure 10 Coastal Erosion Risk – PEI Department of Environment Energy and Climate Action

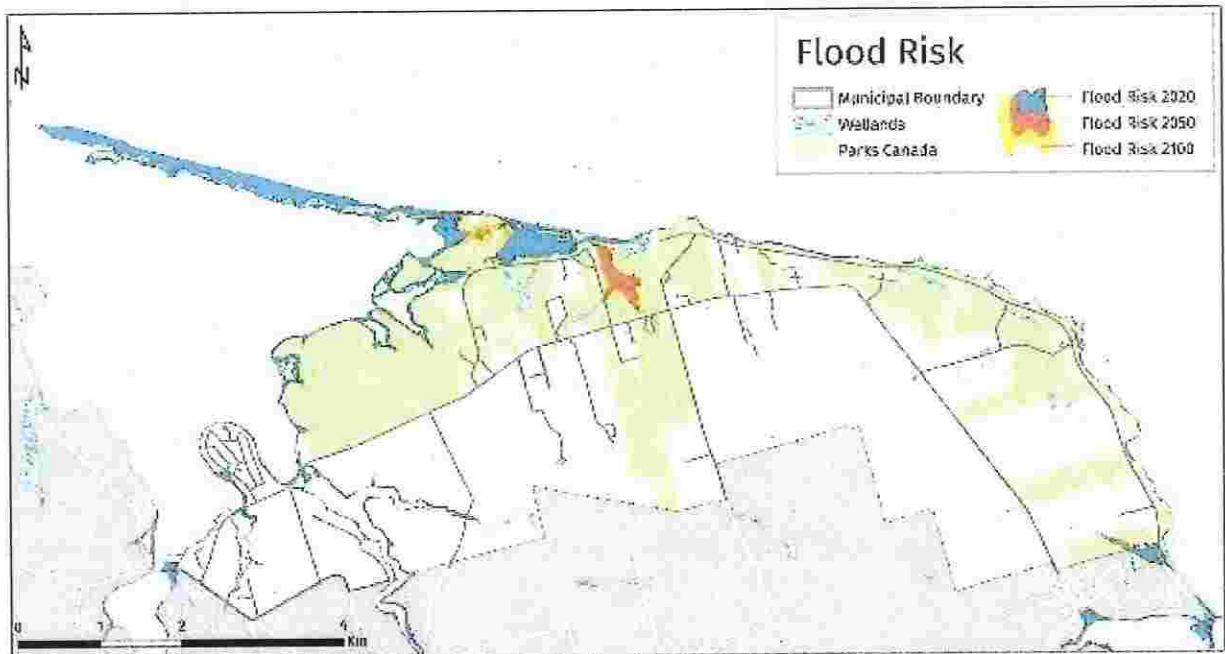


Figure 11 Flood Risk – PEI Department of Environment Energy and Climate Action

As sea levels rise and the frequency of powerful storms increases, the rate at which shorelines erode could increase. An assessment of the projected 2100 flood plain identified by the Province suggests that roughly 25 properties are currently affected by the 2100 flood plain beyond the minimum 15m watercourse and wetland buffer. While some of those affected parcels are large enough to be only minimally impacted by this flood plain threshold, at least 15 of properties of less than 2 acres fall

into this group, which might impact the siting of buildings and on-site services. Approximately 154 privately owned parcels may fall within the more extreme event elevation threshold of 3.79 m. for which coast hazard assessments become valuable.

A second impact of sea level rise and climate change will be the impact on the municipality's water supply, adding importance to the development of a water supply strategy. The community, like the rest of the province, derives its drinking water from groundwater. As sea levels rise, salty sea water moves higher into the water table through a process called intrusion, which could decrease the amount of potable water. Additionally, warmer temperatures in the summer months that coincide with peak tourism season could drain groundwater aquifers. Reduced groundwater supply could also negatively impact agricultural productivity as irrigation water supply is decreased. Maintaining the health and abundance of groundwater in the municipality will be vital moving into the future.

A vulnerability assessment of the neighbouring Town of North Rustico recounts local residents' stories of increasing storm surges, flooding, shoreline and a disappearance of sea ice. Local sea levels are expected to rise 1 metre by 2100, with average annual temperatures rising by over 3°C and the rate of erosion doubling.

More intense precipitation events will impact infrastructure and agriculture, while heat stress and droughts will impact people and agricultural activities; extreme weather events (post-tropical storms and hurricanes) have and will require focused emergency management planning and the designation of community shelters; and climate impacts on biodiversity will influence tree stands and habitat within the Resort Municipality.

Long term considerations for climate change adaptation for municipal infrastructure may include cooling shelters and other shade features in any expansion or development of community facilities and any municipal infrastructure, the promotion of more dense development, and adaptation in the design and placement of municipal infrastructure. Likewise, proper stormwater management will assist in slowing or retaining runoff during extreme events, which in turn will protect waterways and infrastructure.

2.10.3 Climate Change Mitigation

Energy

The province-wide adoption of the National Building Code in 2020 promises to improve the standards for new construction. Although the municipality has the option to adopt enhanced or more stringent energy efficiency requirements, this would place an added administrative, inspection, and enforcement responsibility on the municipality and the municipality has opted to enter into an agreement with the Government of Prince Edward Island for provincial administration of the building code. As building energy-efficiency advances, however, the municipality may wish to consider mechanisms to encourage additional energy efficiency features in new buildings or renovations, which could be tracked through development permit applications or incentivized or promoted through programs and partnerships with other levels of government.

In particular, there has been a growth in demand for renewable energy generation over the last 5 years across the province, a trend that will likely continue. Meeting the demand for new renewable energy may occur at different scales, from single-detached dwellings, multi-unit dwellings, or larger commercial applications. These systems may also include energy storage systems of varying scales. It is becoming increasingly important to balance the need for, and facilitation of, renewable energy options and climate change mitigation against the potential concerns regarding and resistance to changing technology and their impacts on the landscape in the community.

The Resort Municipality has the ability to influence and support shifts in energy types and technologies, including in the areas of fuel switching, wind, and solar energy, and other renewables. In its own infrastructure, the Resort Municipality has even more direct control over the energy efficiency of system and use of renewable forms of energy. The development of a community energy plan would offer another opportunity to explore and solidify these approaches, similar to the water conservation efforts the Resort Municipality has already put in place.

Transportation

Given the nature of the community and the fact that most residents drive outside the community for work and shopping, and while the City Beach Express offers some alternative transportation options during the summer months, the Resort Municipality remains heavily dependent on fossil-fuel powered vehicles for transportation. Directing new residential development to more compact subdivisions, rather than spreading it out along major roadways, and increasing connections between residential developments and the core serviced area would reduce greenhouse gas (GHG) emissions somewhat, although local employment opportunities would be needed to shift dramatically from the existing travel patterns to have a truly significant impact. As the COVID-19 experience has demonstrated, however, working from home is an option for many types of work, provided that the regulatory structure is set up to support this. Promoting more flexibility in working from home allows for the reduction in vehicular travel, a significant factor in GHG emissions in Prince Edward Island.

The Resort Municipality does not currently have a specific approach identified for public charging infrastructure but several sets of chargers are available in the municipality, particularly in association with the Green Gables site, and more have come over the plan review period, suggesting that e-vehicle charging infrastructure is already expanding through the municipality, including at the municipal office.

Carbon Sequestration

The significant amount of agricultural land and rural nature of the municipality, as well as an estimated 28% forest cover based on the 2010 provincial corporate land use inventory, carbon sequestration opportunities represent another mitigation opportunity for consideration. While trees receive mixed support in the municipality in relation to the obscuring of valued views, the impact of converting forested areas to other land uses is a valid consideration in the zoning and approval discussions – the presence of the National Park also provides a protected base of forest cover,

although the Parks Canada approach to forest management is not always consistent with that of the community. The promotion of reforestation and afforestation efforts through the local watershed groups and in other appropriate areas, both to act as carbon sinks as well as to promote ecological health within the watershed, offers additional options for mitigation.

2.10.4 Climate Change Adaptation

As with mitigation approaches, the Resort Municipality has a role to play in consideration climate change adaptation in its land use policies, as well as in its emergency management planning.

Coastal and Overland Flooding

As noted above, Resort Municipality's shoreline will experience increased risk of flooding due to storm surge events over time, along with sea-level rise and accelerated rates of erosion due to climate change. The risks posed here include, among other things, the potential for emergency access challenges during extreme events and significant damage to public and private property. These potential hazards suggest that on-going flood risk evaluation will be an important part of the assessment of subdivision and development applications and the placement of critical infrastructure. The Province continues to build its climate change data and provides the data and coastal hazard and flood risk assessments as needed.

Given the changes to flood risk projections over time, both as patterns shift and as new information becomes available, it will be critical for the Resort Municipality to continue to update its policies and development standards as they pertain to those projects as often as new data becomes available.

Stormwater Management

Climate change is expected to result in more frequent intense precipitation events, which may impact existing properties and infrastructure, as well as new development. New development projects should address stormwater management by integrating future climate considerations into subdivision design, stormwater management, and other infrastructure and asset management. The protection of natural infrastructure in relation to subdivision developments and infrastructure design will enhance and direct overland flow, reducing the burden on hard infrastructure (ie, fewer pipes in the ground). Sound stormwater management will also increase the protection of private landowners and residents from the sometimes-catastrophic impacts of flood damage, particularly as residential developments are developed over time.

3 DEVELOPMENT GOALS

The goals presented in this chapter are broad statements of the overall shared vision of Resort Municipality's Council, residents, and property owners for the future of Resort Municipality. The goals provide the framework and general direction for the more detailed objectives, policies, and actions set out below.

3.1 FUTURE DEVELOPMENT CONCEPT

Many of the long-standing values of previous official plans and bylaws remain present today; the community continues to prioritize the rural character of the landscape and those in the resource industries that protect it, the importance of a strong tourism economy, and meeting the needs of year-round residents, seasonal community members, and visitors. Over time, shifts do occur, and the future development concept retains those previous priorities that continue to serve the community while recognizing and adapting to new and changing land use and development standards and needs.

Community members do not want to lose the rural charm to a cluttered landscape, while valuing flexibility, choice, and enhanced supports for residents and environmental protection. Some of the previous emphasis on a strictly controlled architectural and design environment no longer reflect local needs and concerns, although quality construction and design continues to be of value to many. Many recognize that standards must be balanced with flexibility and accessibility, especially in light of significant housing affordability challenges province-wide and changing building materials and maintenance considerations.

Additional development spread out along the countryside is viewed by many as detracting from the traditional rural views and while some would prefer to see little in the way of new development that might not be traditionally rural, the primary approach to protecting against continued ribbon development is to encourage clustered residential developments and additional density in strategic locations. Moderate density, in the form of semi-detached, secondary suites, and small-scale apartments, also offers options for different housing types meeting different age and stage, as well as income, needs. The siting of this density will be key, however, to ensuring that it can be appropriately serviced, meet the goals of improved walkability and access to local services, and not undermine the qualities that made the Resort Municipality so important to those who feel a strong connection to the community.

One of the central features of land use planning is prioritizing areas for development and restricting development in other areas. Logically, priority areas for development should be those that are most

economical to develop and where development will not compromise existing land uses or the environmental integrity of the local area or beyond. Typically, high priority areas will abut or be close to lands that have already been developed, provided the type of development is compatible with existing land uses.

Development is normally restricted in areas that do not have access to services or would not be economical to service. While central water does not exist in the municipality, sewer services should be available with capacity to accommodate additional development or to be economically expanded to support new land uses. Development may also be restricted in areas that are valued for unique natural features, for alternative purposes not easily reconciled with development (e.g., agricultural lands and water supply watersheds), and where development may be unsafe (e.g., floodplains, coastal lands, and steeply sloped lands).

With the significant tourism activity in the municipality, the value of the area to locals, seasonal residents, and visitors alike, and the draw generally of the north shore of the province, managing development is not as simple as restricting development throughout the municipality, regardless of residential and commercial options in the nearby Town of North Rustico or closer to Charlottetown, nor would that meet the goal of ensuring a sustainable and increased population of residents that call the community home year-round. Enabling development in the core that includes a mix of tourism, traditional commercial, and residential uses can balance those pressures somewhat, although it will remain important that new development remain sensitive to the local context.

Residential options, in particular, will remain important to avoid a declining base population. Housing options that are accessible to young families will help offset the existing trend of an aging population. While mobile homes have been prohibited for many years and continue to be seen as unsuitable for the community, mini homes are now seen by some as having a place in the community with the proper standards, especially given changing designs and in recognition of rising housing costs everywhere. Likewise, options for seniors that allow them to age in place will become increasingly important over time, including housing that offers fewer maintenance requirements. And while attracting a community care facility may be more of a challenge, it remains a legitimate goal and senior-friendly housing generally will continue to be important over the years to come.

Protecting the rural character will also require a cautious and considered approach to requests to develop existing resource lands. Larger lot requirements in the areas designated for resource or rural uses will maintain a dispersed development pattern, except where clustering is used to preserve open space.

Pulling these principles together, the following vision for the Resort Municipality of 2038, first articulated in the 2020 Strategic Plan, will guide the municipality's planning approach:

A unique Island community, the Resort Municipality of future generations will ensure a high quality of life for each of its residents. The historic rural lifestyle will be preserved and strengthened. Entrepreneurs and newcomers will be welcomed with many opportunities, and visitors will explore freely. Connections between places will be clear and intuitive for all.

3.2 GOALS

Goals represent current and future conditions and circumstances to which Council aspires. The goals provide the framework for objectives and policies that follow in Chapter 4 in build on historical goals as well as more recently identified goals from the 2020 Strategic Plan. While there are inevitably overlaps between the goal areas, they have been categorized to accommodate the four areas identified under the *Planning Act*; economic, physical, social, and environmental.

3.2.1 General

- To preserve the irreplaceable qualities and character of the Resort Municipality.
- To balance the interests of all those who live, work, and play in the Resort Municipality.
- To foster a safe and stable civic environment that offers opportunities for human enrichment and economic growth.
- To ensure an adequate supply of land designated to accommodate the projected needs of various land uses within the period of the Plan.

3.2.2 Economic

- To protect and enhance the long-term viability of agriculture and other resource uses in the Resort Municipality.
- To develop a long-term sustainable local economy with a particular focus on a strong tourism industry.
- To expand local economic opportunities for residents and property owners.
- To support energy independence.

3.2.3 Physical

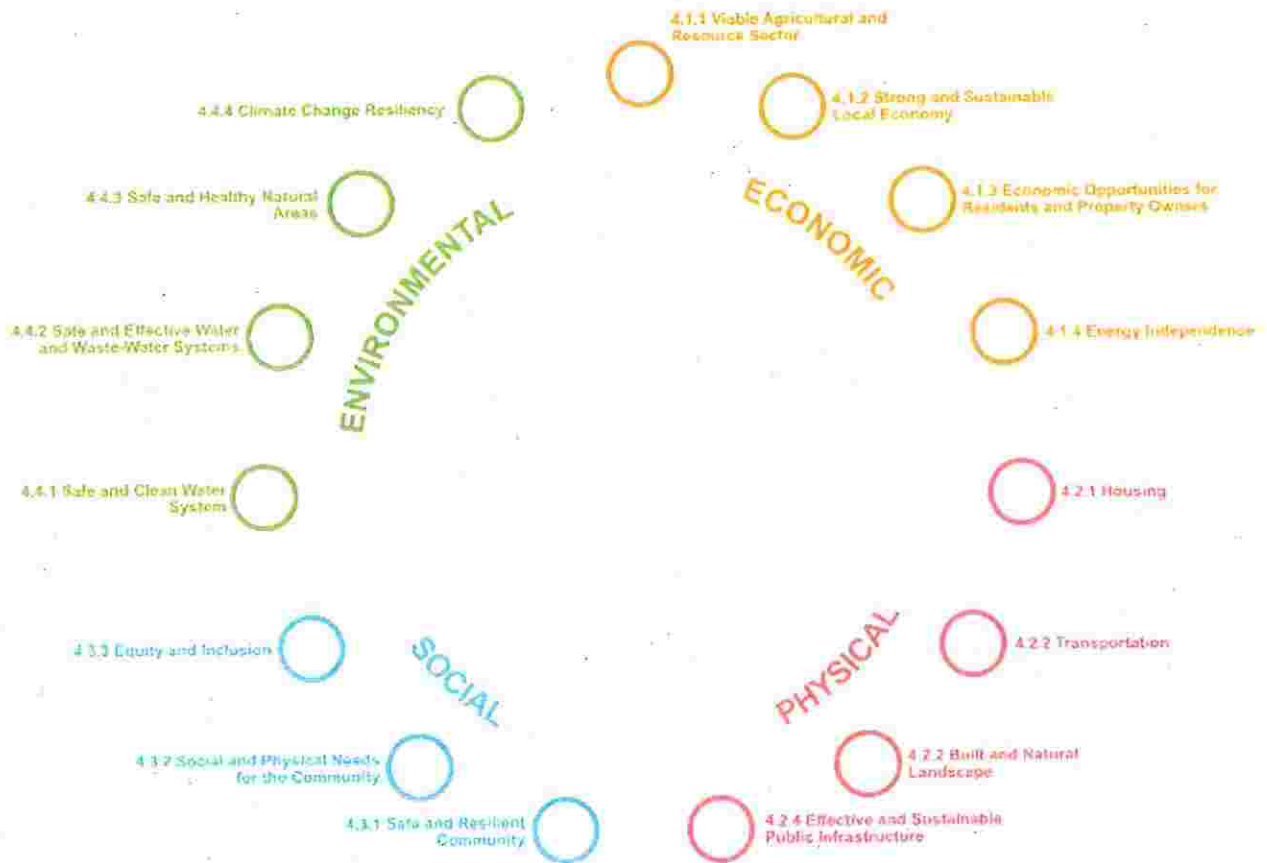
- To meet the housing needs of year-round and seasonal residents.
- To promote an effective transportation system that supports different modes of travel.
- To protect and enhance an attractive built and natural landscape that builds on the history of the region.
- To develop and maintain effective and sustainable public infrastructure.

3.2.4 Social

- To be a safe and resilient community.
- To meet the social and physical needs of the community.
- To be a welcoming community known for its focus on equity and inclusion.

3.2.5 Environmental

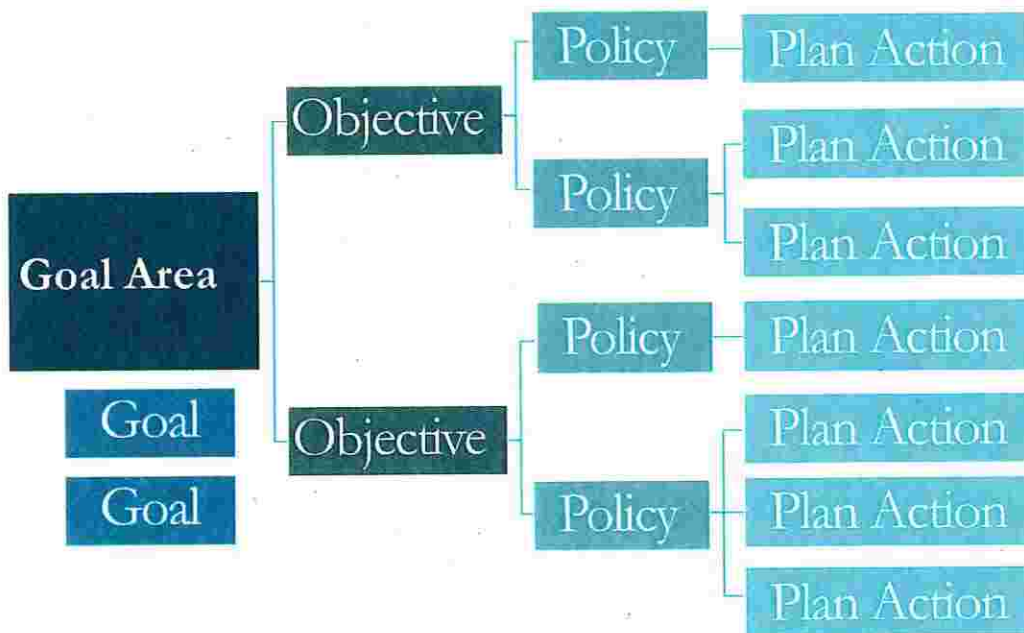
- To ensure safe and clean water within the municipality.
- To ensure a safe drinking water supply and an effective waste-water treatment system.
- To protect and enhance natural areas in the municipality.
- To increase the community’s climate change resiliency and minimize contributions to climate change.



4 PLAN OBJECTIVES, POLICIES, AND ACTIONS

This chapter is the policy core of the Official Plan. Within the broad policy framework laid down by the previous chapter, the following objectives provide more precise statements that address specific issues and concerns within the Resort Municipality.

Policies and Plan Actions outline the proposed course of action to achieve the performance targets described in the objectives. Policies detail the approach the Resort Municipality will take in pursuing its objectives. Plan actions are concrete measures that implement that approach.



4.1 ECONOMIC OBJECTIVES AND POLICIES

4.1.1 Viable Agricultural and Resource Sector

Agricultural activities form the basis for the landscape and, in addition to the Anne of Green Gables influence on tourism, the local economy. As noted by one participant in the early stakeholder meetings, people come to the Resort Municipality for the scenery, and the farmers make the scenery.

Farmers noted some small conflicts from people in the community who may not necessarily understand that farming comes with sounds and smells, but overall, the members of the farming community that participated in the review process reported feeling like an integrated part of the community fabric. Important principles identified included education on farm practices and the importance of having long term access to farmland, be it through National Park leases or elsewhere in the community, to allow for the continuity of investment in soil quality and the farm operations. Farming participants did not note a significant pressure to sell but did observe a decreasing amount of land available for farming over time.

The Resort Municipality's planning framework over the years since the first plan was adopted has involved a recognition that farming is a significant component of the long-term health of the community and that controls on indiscriminate development are needed to retain the viability of farming. These controls involve limiting the number of lots that can be subdivided from land in the areas designated for agriculture and resource uses (the Rural Reserve Zone) and special requirements for intensive livestock operations and residential developments, both new and existing. Previous plans have highlighted the importance of prioritizing the needs and rights of farmers to undertake farming activities with protection from harassment by non-farm interests.

The 2020 Strategic Plan also identified some priorities and areas of focus for the farming sector, including the potential implementation of stronger restrictions on non-farming development on prime agricultural lands, working with Parks Canada to protect access to farmland within the Park over time, particularly for small-scale property leases for local farmers, and to explore the development of a fish and farmers market during the summer months.

Objectives:

1. To protect productive farmland and resource lands for agricultural and other resource uses such as fishing and forestry activities.
2. To minimize land use conflicts between farmers, residents, and business operators.
3. To support responsible and productive resource uses and activities.

Agricultural and Resource Use Policies**Policy AG-1: Designation and Zoning**

It shall be the policy of Council to identify areas primarily for agricultural and resource uses, along with compatible rural land uses. This will include rural lands outside the boundaries of the core area and adjacent land currently designated to accommodate modest growth during the Official Plan period. Land shall not be removed from the Rural designation unless Council deems the subject lands are required for more intensive uses within ten years of the date of application.

Plan Actions:

- a. The Future Land Use Map shall designate resource land and lands not currently zoned or approved for development as Rural.
- b. The Zoning Map shall zone as Rural Reserve (RR) all lands that are not currently zoned or approved for more intensive uses and are outside the boundaries of the core area. Within this zone, agricultural activities shall be given priority and protected.
- c. The Bylaw shall include limited residential and small-scale tourism establishments (often referred to as tourist accommodations) as permitted uses in the RR Zone where such development is compatible with adjacent agricultural activities.
- d. The Bylaw shall establish expanded tourism establishment uses, golf courses, and outdoor recreation establishments as special permit uses where Council deems that such developments will not negatively impact or potentially conflict with ongoing farming operations, are appropriate to the location, and complement adjacent development. The Bylaw shall establish criteria and processes for evaluating such special permits.
- e. The Bylaw may establish standards for resource-based uses, including agriculture, fishing, and forestry sectors, as well as resource commercial and resource industrial uses, in the Rural Reserve Zone.

Policy AG-2: Subdivision of Agricultural Land

It shall be the policy of Council to limit subdivision in the Rural Reserve (RR) Zone to parcels existing at the time of the 1989 adoption of the original official plan for the Municipality, to limit the number of parcels that can be severed from agricultural or other parcels, and to require lots of a larger size in order to minimize the fragmentation of farming activities and intensification of ribbon development.

Plan Actions

- a. The Bylaw shall restrict the subdivision of lots to existing parcels only and shall include limits on the number of lots that may be subdivided in the RR zone.
- b. The Bylaw shall establish lot size standards in the RR Zone appropriate to a rural area.

Policy AG-3: Agricultural Land Conversions

It shall be the policy of Council to weigh how the development of agricultural land into non-farming uses might limit ongoing farming operations in the area in considering applications to transition rural lands to non-resource uses.

Plan Actions

- a. Council shall give consideration to the implications of transitioning rural lands to more intensive development use, assessing market demand and considering sound planning principles during the bylaw amendment (rezoning) process.

Policy AG-4: Intensive Agriculture

It shall be the policy of Council to protect existing intensive livestock operations from residential encroachment. New intensive agricultural activities shall be restricted to the Rural Reserve (RR) zone.

Plan Actions:

- a. The Bylaw shall restrict new residential development close to existing intensive livestock operations and vice versa.
- b. Agricultural uses designated as intensive shall not be permitted within residential zones.

Policy AG-5: Agricultural Practices

It shall be the policy of Council to support the rights of farmers in the Resort Municipality to conduct appropriate farming practices without harassment. It shall further be the policy of Council, while recognizing that the municipality has no direct role in the regulation of agricultural practices such as spraying, crop rotation, cultivation methods, fencing, etc., to work with the farming community and the Province to encourage responsible agriculture and forestry practices and to foster a better level of understanding between residents and farmers.

Plan Actions:

- a. The Resort Municipality will include a caveat on all development permits stating that the Resort Municipality is a rural community and property owners are therefore notified that they will be subject to exposure to agricultural odours, slow moving farm equipment, noise and dust from cultivation, agricultural chemicals and other normal farm activities.
- b. Council will facilitate the distribution of public information on farm practices and will foster an active dialogue and exchange of information between farmers, residents, tourism and business operators and Parks Canada.



Policy AG-6: Resource Commercial Activities

It shall be the policy of Council to encourage the development of facilities or the use of approaches that will facilitate the sale within the Resort Municipality of farm products produced within the Resort Municipality and surrounding communities.

Plan Actions:

- a. The Bylaw shall permit the use of resource commercial, resource industrial, and accessory uses such as farm gate outlets in association with operating farms in areas zoned as Rural Reserve (RR).
- b. Council shall explore options to support the development of a Fish and Farmer's Market within the municipality.

4.1.2 Strong and Sustainable Local Economy

Tourism uses remain the core commercial activity within the municipality, with most commercial uses being seasonal and targeted at the tourism market. These include tourism establishments, attractions, campgrounds, restaurants, retail outlets and other services (service stations, laundromats, rentals, food stores, etc.) and specialty outlets.

The factors which are of most significance to commercial development in the future are: location, services, quality, seasonality, physical appearance and "carrying capacity." All of these factors must be considered in the development of a long-term management strategy for this sector.

Centralized commercial development along Route 6 (the Cavendish Road) between Cawnpore Lane and just west of Graham's Lane remains critical to building a core. Infilling of the large vacant areas within this corridor with appropriate commercial development and complimentary amenities and services should be encouraged to create a true "main street." Council should show leadership in long term planning for this area.

Given the dominance of commercial development activity in the municipality, it is critical that this sector demonstrate leadership in terms of image, character and sensitivity to the cultural landscape and architectural traditions of the area. And while previous approaches to zoning separated out different tourism-related and commercial uses with uneven results, updated zoning will be simplified and consolidated to promote flexibility, while home business options will be expanded to support additional types of home occupations.

As the tourism season has expanded and year-round population increased, there is a growing need to encourage commercial operators to extend their season and in some cases, remain open year-round (i.e. service station, food stores, bank machines, post office, etc.), although stakeholder engagement reveals that this continues to represent a chicken and egg scenario, without the critical mass of permanent residents needed at present to present a business case for many commercial operations to remain open year-round.



The 2020 Strategic Plan speaks of fostering a sense of place through the development of a community hub along Route 6, including through the promotion of a mix of private services, a higher density of residential uses, public infrastructure investments and civic amenities, proposing the requirement of new commercial or residential developments in the core area along Route 6 to contribute to a sense of place, including siting buildings closer to the road and introducing minimum height requirements to create a sense of enclosure that will help to define the space. The Strategic Plan also proposes secondary centres, such as the North Rustico area of the municipality and the entrance to the municipality in Stanley Bridge. These latter options will remain a consideration over time, while the focus on Route 6 (the Cavendish Road) between Cawnpore Lane and just west of Graham's Lane would remain the primary area of focus to encourage a core that, over time, is able to meet the daily needs of year-round residents, signals to visitors that they have arrived, and welcomes seasonal community members.

Objectives:

1. To continue to develop a strong tourism industry founded on quality, diversity, and respect for the community's history and context.
2. To guide development in a way that supports a clear and well-developed core commercial area.
3. To attract new commercial development that builds on and complements the established economic sectors.
4. To collaborate with Parks Canada on matters of mutual interest.

Commercial and Tourism Policies:

Policy CL-1: Commercial Designations and Zoning

It shall be the policy of Council to designate sufficient Commercial land to accommodate future projected needs of the Resort Municipality during the Official Plan period, including tourism-related uses. It shall also be the policy of Council to establish commercial zones and zone land within the commercially-designated areas for appropriate categories of commercial use.

Plan Action:

- a. The Future Land Use Map shall designate all areas being used for commercial, tourism establishments, and attractions as Commercial.
- b. The Bylaw shall establish two commercial zones for lands designated as Commercial on the Future Land Use Map: a Resort Commercial (C1) Zone for all general commercial, including tourism attraction, uses, replacing the previous General Commercial and Resort Commercial zones; and a Resort Accommodations (C2) Zone focused primarily on tourist establishments and compatible uses, replacing the previous Resort Accommodation and Resort Campground zones.

- c. The Bylaw shall establish the types of permitted commercial uses and the development standards within each specified commercial zone.

Policy CL-2: Commercial Uses

It shall be the policy of Council to identify and zone commercial developments, including some, albeit limited, commercial development outside of the Resort Core Area. All existing commercial, retail and service activities and lands already zoned for commercial uses shall be designated as Resort Commercial (C1) on the Zoning Map. Future developments on land not zoned for commercial uses shall proceed via a rezoning application only. The decision to rezone shall be based on the need for the proposed commercial operation, compatibility with adjacent land uses, serviceability, and impact on traffic circulation and public safety. Commercial uses in the designated Resort Core Area may be held to additional standards to meet the goal of reinforcing the core of the community.

Plan Actions:

- a. The Bylaw shall establish commercial uses to be permitted within the Resort Commercial (C1) Zone and will include a range of retail, service, and office functions which are not solely focused on the seasonal tourism market, as well as tourism-related uses and residential uses.
- b. Additional land shall be designated commercial and zoned for Resort Commercial uses through a rezoning bylaw amendment process, and official plan amendment where needed, only.
- c. The Bylaw shall establish permitted uses and minimum development standards for this type of land use.
- d. The Bylaw shall establish standards for the provision of landscaping and buffering where commercial developments are located directly adjacent to existing or potential residential uses.
- e. The Bylaw shall establish standards and requirements for mixed use commercial/residential buildings.

Policy CL-3: Resort Core Area Overlay Zone

It shall be the policy of Council to encourage the continued development of a core area to create an identifiable centre and village "main street" atmosphere through the designation of a Resort Core Area and to create an overlay zone which may, over time, incorporate additional standards designed to reinforce the economic core of the community. Infilling and the appropriate expansion of the Resort Core Area shall be encouraged.

Plan Action:

- a. Council shall designate the area adjacent to Route 6, in the area bounded by MacCoubrey Lane to the east and the Cavendish Boardwalk to the west, together



with an appropriate amount of land to accommodate future growth, as the Resort Core Area on the Future Land Use Map.

- b. The Bylaw shall establish the Resort Core (RC) Overlay Zone, which shall be indicated on the Zoning Map in accordance with the designated area.
- c. The Bylaw shall not establish standards for the RC Overlay Zone at this time; however, the Bylaw may be amended to include more specific development standards for this overlay zone in the future, in addition to the standards established for any underlying zone, including but not limited to architectural design standards, minimum height requirements, reduced set-backs to encourage street 'enclosure,' and required site amenities.
- d. Council shall work closely with landowners and developers within the designated Resort Core Area as well as the Province to facilitate the long-term development of a true "main street" character for the area.
- e. Council may explore developing a secondary plan for the Resort Core Area to establish a more detailed approach to encouraging the growth and build-out of an identifiable core over time; facilitating co-operative efforts between adjacent property owners to co-ordinate site planning, building design, connecting to active transportation networks that are developed over time, signage, trails, flowers, parking and pedestrian circulation, and other design and site amenities and features as pedestrian linkages, benches, gardens, clock towers, period light fixtures, and architectural elements denoting a somewhat more urban flavour.
- f. Council shall continue to develop appropriate public amenities in this area and will seek the assistance and support of the private sector and the two senior levels of government.
- g. The Bylaw may establish additional permitted uses for this overlay zone to promote the development of a mixed-use area.

Policy CL-4: Resort Accommodation and Campground Uses

It shall be the policy of Council to provide for a resort accommodation zone which would combine accommodation and campground uses, including hotels, motels, rental cottages, inns, and similar facilities, and camping facilities ranging from tent sites to full service RV facilities and include a range of complimentary and ancillary on-site services, such as convenience stores, restaurants, laundromats, and recreational facilities. It shall further be the policy of Council to encourage further development of this sector, protect such developments from commercial encroachment, and optimize future servicing.

Plan Actions:

- a. The Bylaw shall combine the previous Resort Accommodations (RD2) and Resort Campground (RD3) Zones to create a new Resort Accommodation (C2) Zone.
- b. In addition to lands previously zoned as RD2 and RD3, accommodations activities located on the periphery of the Resort Core Area and adjacent to other compatible development shall also be zoned as Resort Accommodation (C2) Zone, as indicated in the Zoning Map.

- c. An appropriate amount of undeveloped land adjacent to the Core Area and in other similar serviceable locations shall be designated in order to accommodate and direct future growth. The amount of land designated shall be sufficient at all times to provide for a healthy market for development.
- d. The Bylaw shall establish permitted uses, including complementary facilities aimed primarily at servicing the needs of guests, and development standards for this zone, together with the development standards and development approval procedure.
- e. The Bylaw shall also include certain tourism-related uses in the C1 zone, reflecting the integrated nature of the tourism sector in the community.
- f. The Bylaw shall permit tourism establishments, including new campgrounds and RV parks and the addition of new campsites or RV sites and other similarly temporary accommodation uses and activities.
- g. The development of new tourism establishments, campgrounds or RV parks or expansions to existing locations that would bring the number of sites or units approved after the effective date of the Bylaw to more than 20 shall be treated as a major development, requiring a public meeting prior to their consideration by Council.

Policy CL-5: Bed and Breakfasts and Short-Term Rentals

It shall be the policy of Council to permit the operation of small-scale bed and breakfast establishments and short-term rental uses in dwellings.

Plan Action:

- a. The Bylaw shall permit the operation of bed and breakfast establishments and short-term rentals in dwellings with appropriate restrictions on the applicable dwelling types, size, signage, and parking, provided that the overall visual appearance of the building and character of the neighbourhood is not negatively impacted by changes to the scale or appearance of the structure, or activities associated with the bed and breakfast or short-term rental operation.

Policy NP-1: Co-operation & Joint Planning with the National Park

It shall be the policy of Council to continue to foster co-operation and joint planning activities with the National Park to support the long-term health and viability of the National Park and to support coordinated activities related to: heritage preservation and promotion; signage; tourism planning and promotion; recreation; transportation and parking; and central services.

Plan Action:

- a. Council may continue to participate in a Parks Canada Advisory Council (or equivalent) with Parks Canada, the Resort Municipality and Tourism Cavendish Beach as appropriate and as needed.
- b. Council shall meet on a routine basis with senior management at the National Park to discuss matters of mutual interest and concern and to seek prior notice of

any changes in National Park policies or major developments within the Park so that input can be provided on behalf of the community.

- c. Council shall consult Parks Canada on all major development applications which could directly affect the Park's interests and shall include Parks Canada in the development process.
- d. Council shall support appropriate "commercialization" activities in the Park.

Policy NP-2: View Planes & Scenic Agricultural Vista

It shall be the policy of Council to continue to encourage Parks Canada to maintain agricultural uses within Crown lands adjacent to the Park and to protect the designated "scenic view planes" (as indicated in Schedule D), within the Park.

Plan Action:

- a. Council shall continue to promote the long-term role of farming within the Park's adjacent Crown lands.
- b. Council shall continue to lobby on behalf of farmers, residents, visitors, and business operators for the maintenance of the established "cultural landscapes" within the National Park.
- c. Council may explore options and approaches to protect and designate other valued landscapes.

Policy NP-3: Circulation & Parking

It shall be the policy of Council to work with Parks Canada to maintain efficient traffic circulation within the National Park.

Plan Action:

- a. Council shall participate in long term planning with Parks Canada and the provincial department responsible for transportation on the long-term sustainability of the Gulf Shore Highway.
- b. Council will continue to examine options to connect municipal and National Parks trail systems.
- c. Council shall continue to work with Parks Canada to encourage pedestrian and bicycle access to the National Park.
- d. Council shall continue to pursue alternative transportation modes within the municipality, such as expanded shuttle services and other means to reduce traffic loadings on the National Park.
- e. Council shall continue to promote alternative attraction facilities and other amenities which will complement the National Park.

4.1.3 Economic Opportunities for Residents and Property Owners

While many residents continue to work outside of the municipality, the COVID-19 experience and changing expectations for remote work, maker and artisan culture, and



local services prompt an approach that prioritizes flexibility while continuing to protect against premature loss of resource lands and potential land use conflicts.

Flexibility in standards and the addition of ancillary uses in the regulation of uses should also serve to reduce barriers to the creation of local employment opportunities, such as the ability to create employee housing and support for economic activities that straddle tradition lines between commercial and industrial uses where they can be appropriately serviced and where land use conflicts can be minimized.

Objectives:

1. To foster local employment and business development opportunities
2. To maintain affordable services and tax rates
3. To support growth of the year-round residential population.

Community Economic Development Policies

Policy ED-1: Industrial Uses

It shall be the policy of Council to permit limited light industrial uses within the Resort Municipality in appropriate locations.

Plan Actions:

- a. The Bylaw shall permit light industrial uses in the Resort Commercial (C1) Zone as a special permit use and shall require a development agreement where approved.

Policy ED-2: Home Based Businesses

It shall be the policy of Council to enable the use of specified residential dwellings for home based commercial uses in such a way as to promote flexibility of live-work arrangements without compromising the residential character of the dwelling or creating conflicts with adjoining residential properties.

Plan Action:

- a. The Bylaw will set out standards for home occupations that strictly limit potential residential conflicts such as noise, hours of operation, square footage, number of employees, parking, signage, physical changes to the structure, and any other factors that may represent an impediment to the safety, convenience, or enjoyment of neighbouring properties.

Policy ED-3: Business Infrastructure

It shall be the policy of Council to identify and advocate for the economic infrastructure needed to support the development of new or expanded businesses within the community.



Plan Actions:

- a. Council shall work with sector organizations to identify areas of shortfall related to business infrastructure, such as broadband infrastructure.
- b. The Bylaw shall be prepared in a way as to provide clarity and certainty for applicants, reducing confusion and promoting accessibility for entrepreneurs.
- c. The Bylaw shall permit, where appropriate, secondary and ancillary uses such as dormitories for employee accommodations.
- d. Council shall include consideration of employer and employee needs when advocating for shuttles and other services.

Policy ED-4: Municipal Expenditures and User Fees

It shall be the policy of Council to offset the cost of programs and services through the use of user fees, while remaining sensitive to the needs of all socio-economic groups.

Plan Actions:

- a. The Bylaw shall include a schedule of fees for applications under the Official Plan and Bylaw, and Council may amend the schedule from time to time by resolution in accordance with section 135 of the *Municipal Government Act*.
- b. Council may enact new or maintain existing bylaws establishing user fees for other municipal programs and services.
- c. Council shall continue the arrangement with the Province to have the National Building Code and building permits administered provincially until such time as Council determines it is in the interest of the municipality to administer the National Building Code directly.

Policy ED-5: Regional Coordination and Collaboration

It shall be the policy of Council to pursue opportunities for regional coordination and collaboration for facilities, services, and programs to minimize the unnecessary duplication of municipal expenditures.

Plan Actions:

- a. Council will collaborate, where appropriate, with the Town of North Rustico or other communities for services and programming.
- b. Council will work with the Town of North Rustico or other communities in the region to leverage funding for the development of infrastructure and facilities.

Policy ED-6: Critical Mass

It shall be the policy of Council to support the development of businesses and services that facilitate the expansion of the year-round resident population to foster the diversification of economic opportunities.

Plan Actions:

- a. Council shall consider the all-season needs of permanent residents in the design of services and programs.
- b. Council shall coordinate with the local business community to continue to identify strategies to develop year-round services and amenities.

4.1.4 Energy Independence

Energy independence strategies can achieve several outcomes at once, reducing carbon footprints while enabling options for residents and property owners to reduce costs and explore alternate technologies.

Wind energy systems have not been permitted within the Resort Municipality in previous iterations of the official plan. Large wind farms are unlikely to present as an issue given the nature and location of the municipality. While smaller-scale individual systems may be considered for some operations, such as farm properties, the success rate of small individual turbines for most operations – rinks, buildings, etc. – have proven in many cases to be limited. While policies enabling small-scale wind energy systems as special permit uses could provide options in the future to control small-scale wind energy systems, Council has determined that at this time wind energy systems would have too great of a visual impact within the municipality.

Solar energy is becoming increasingly popular through government incentive programs and more and more ground-mounted systems are being installed in addition to the more traditional roof-mounted systems. While the visual impact and safety considerations remain important, policies will support the transition to or addition of solar energy.

Objectives:

1. Promote and support solar energy generation.
2. Reduce the dependence on non-renewable forms of energy.
3. Build energy efficiency into land use, infrastructure, and transportation decisions.

Energy Independence Policies**Policy EI-1: Renewable Energy Systems Policy**

It shall be the policy of Council to support the use of solar energy generation systems of varying sizes, aimed toward enabling economic benefit for the community and individual residents, and to support the incorporation of alternative energy technologies and infrastructure for both the direct benefits to citizens and the avoidance or reduction of greenhouse gas emissions.

Plan Actions:

- a. Wind turbine developments shall not be permitted within the Resort Municipality.
- b. The Bylaw shall permit and establish standards for roof-mounted and ground-mounted solar systems.
- c. Council shall work with all levels of government to encourage residents to consider renewable energy sources.
- d. Council shall explore options for promoting the incorporation of renewable energy systems, such as charging infrastructure, into new developments.

Policy EI-2: Subdivision Design

It shall be the policy of Council to encourage compact development design to reduce dependence on non-renewable forms of energy and on vehicular travel, while encouraging the promotion of co-locating residential development and services and amenities.

Plan Actions:

- a. The Bylaw shall establish standards for clustered developments with reduced lot size standards for lots serviced by municipal sewer, and may include even further reduced for lots serviced by both municipal sewer and private shared water, while ensuring that such standards are no less stringent than those established in the *Planning Act* Province-Wide Minimum Development Standards regulations.

Policy EI-3: Energy Efficiency

It shall be the policy of Council to build energy efficiency into the development of any future municipal buildings and infrastructure, and to encourage and consider energy efficiency features in private development.

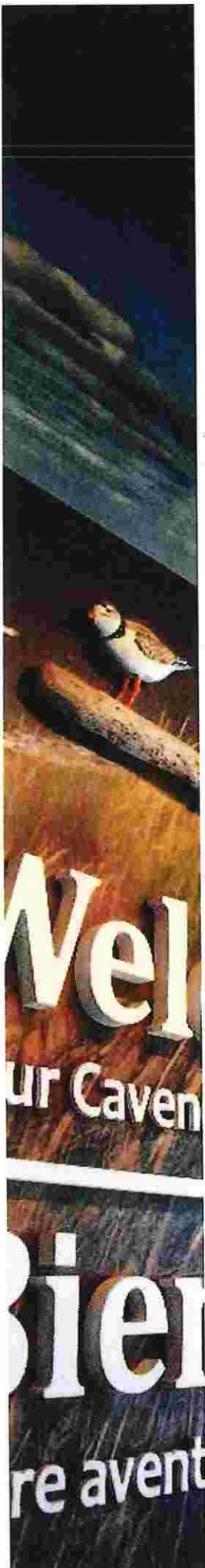
Plan Actions:

- a. Council shall work with other levels of government and community organisations to promote the adoption of energy efficiency standards and measures.

4.2 PHYSICAL OBJECTIVES AND POLICIES

4.2.1 Housing

The Resort Municipality's previous official plans and the recent Strategic Plan speak of promoting increased year-round residential development as a means of supporting the development of all-season services, increasing the vitality and vibrancy of the community in off-seasons. The expansion of residential land uses implies a need to ensure proper servicing, minimizing of land use conflicts, and, in order to protect the historic qualities of the area, promoting high development standards and subdivision design requirements



to continue to contribute to the visual appeal of the area while meeting the needs of residents.

At the same time, PEI and Queens County have been experiencing a significant contraction of the housing supply relative to the population, and that, coupled with traditional higher property assessments within the municipality, suggests the need to consider the needs and rights of local residents to safe, adequate, and affordable housing.

While seasonal residents continue to form a significant and valued segment of the Resort Municipality's population given its resort status, seasonal residential dwellings are increasingly being winterized and converted to year-round use or built in such a way as to make the nature of the use undistinguishable between seasonal and year-round residential. Although in some cases seasonal property owners seek to develop with fewer restrictions given their shorter duration of stay, enforcing seasonality of uses is incredibly difficult and intermittent durations of stay do not remove requirements to apply appropriate standards to ensure the protection of public and environmental health and safety. It will become important, therefore, to ensure that standards are applied to residential subdivisions and developments that are suitable and appropriate to both year-round and seasonal uses.

The 2020 Strategic Plan identified additional, high priority considerations, including encouraging a variety of housing options.

Public feedback suggested that the expansion of the year-round residential population, while important to a healthy civic environment and community, must be undertaken with sensitivity and scale in mind so as not to detract from those characteristics that make the community so appealing; however, it was clear from many that expanded housing options are seen as being needed.

Additional provisions are also appropriate to support clustered housing featuring multiple detached or semi-detached dwellings on single parcels, either as rentals or as vacant land condominiums. While such forms of clustered housing meet the needs of certain groups looking to share maintenance and services or offering more rental choice, ensuring that such developments are appropriately sited, serviced, and designed to ensure that all public and environmental health and safety considerations are met remains important.

Objectives:

1. To enable the creation of a variety of housing opportunities to meet various socio-economic needs and to encourage new, innovative, and economical housing forms.
2. To ensure high standards of subdivision design, site planning, and physical appearance that stress safety, efficiency, diversity of housing opportunities, land use compatibility, and fostering of a healthy lifestyle.
3. To minimize land use conflicts between residential development and established farms, tourism and commercial operations, and the National Park.



4. To limit residential encroachment and ribbon development of residential uses along major roadways in rural areas.
5. To ensure that residential development is appropriately serviced and sensitive to the natural environment.

Residential Policies

Policy R-1: Designation and Zoning

It shall be the policy of Council to designate sufficient residential land to accommodate the projected housing needs in the Resort Municipality during the Official Plan period. Residential development shall be permitted in the Rural Reserve and Residential zones and, under certain circumstances, in commercial and mixed-use areas, including in mixed commercial/residential buildings. It shall be the policy of Council to zone existing residential areas for residential use, and large new residential subdivisions shall proceed via bylaw amendment (rezoning) applications if the zone does not allow such use. It shall further be the policy of Council to permit only limited residential developments in rural areas, in locations where it will not create conflicts with established farming operations, where the site is appropriate for long term on-site services, and where the safety and efficiency of the road network will not be negatively affected.

Plan Actions:

- a. The Future Land Use Map shall designate sufficient residential land to meet the projected housing needs of the Resort Municipality as Residential, including currently developed seasonal and year-round residential subdivisions and development clusters.
- b. Land designated as Residential shall be zoned as Residential (R1) on the Zoning Map.
- c. Certain limited accessory uses shall be permitted in the R1 Zone, where they will not conflict with residential uses.
- d. The Bylaw shall permit limited residential development in the Rural Reserve (RR) Zone, subject to proof of site suitability for on-site services, appropriate setbacks from adjacent farming activities and appropriate road access.
- e. Consideration of new major residential subdivisions (over 2 lots) in the RR Zone shall proceed via an application for a rezoning to R1 and may be subject to an environmental impact assessment and subdivision design criteria to limit the increase of residential development along major roadways.
- f. The conversion of land zoned RR to R1 shall only be permitted in accordance with Policy AG-1 and where the transition will not pose a significant risk of increased land use conflicts with adjoining agricultural uses.
- g. Residential development shall be encouraged to locate in the serviced areas of the Resort Municipality, including areas adjacent to amenities and pedestrian infrastructure.

Policy R-2: Density and Housing Variety

It shall be the policy of Council to support duplex, semi-detached, and small-scale multi-unit dwellings, as well as seniors housing, where appropriate, and to enable the development of innovative and diverse housing forms to attract new permanent residents, address the needs of seniors and seasonal workers, and provide affordable home ownership options.

Plan Actions:

- a. The Bylaw may permit the development of duplex, semi-detached, townhouse, and apartment dwellings in appropriate zones in areas of the Resort Municipality serviced by municipal sewer.
- b. The Bylaw shall permit dormitory housing and the adaptive reuse of existing buildings near or within commercial, tourist attraction, and tourism establishment properties, on farm properties, and in the Public Service Institutional Zone.
- c. The Bylaw may permit smaller lot and housing options in the Residential (R1) Zone, subject to design standards and appropriate servicing.
- d. The Bylaw shall permit residential uses in commercial and mixed-use areas, subject to a notice being placed on the development permit that such areas are characterized by normal commercial nuisances such as noise, traffic congestion, parking areas, pedestrian traffic, etc. Residential development shall be deemed to be a secondary or subordinate use, in these areas.
- e. The Bylaw shall allow the location of mini homes in the Rural Reserve (RR) and Residential (R1) zones, subject to development standards but shall not permit mobile homes or tiny homes in any zone.

Policy R-3: Secondary Suites

It shall be the policy of Council to allow the addition of a secondary suite in single-detached dwellings provided that the exterior of the residence retains the appearance of a single-detached dwelling structure.

Plan Actions:

- a. The Bylaw shall permit the addition of a secondary suite in single-detached dwellings.
- b. The Bylaw shall establish water and sewer servicing criteria and standards regarding the secondary suite and shall require all water and sewer services for the secondary suite to be provided through the main dwelling.

Policy R-4: Residential Development Standards

It shall be the policy of Council to establish development standards for all new residential subdivisions and dwellings in terms of subdivision design, site planning, landscaping, and physical appearance.



Plan Actions:

- a. The Bylaw shall establish residential subdivision and development standards relating to lot sizes, lot coverage, circulation, lot configuration, open space, servicing, setbacks, parking, the protection of natural features, development constraints in hazard areas, and other matters to enhance the health, safety, and convenience of residents.
- b. Council shall encourage sensitive management of designated viewscales (see Schedule D) and existing vegetation in the review and consideration of subdivision proposals.
- c. Council may encourage residential architectural standards which reflect traditional Island building forms and compatibility with adjacent structures.
- d. The Bylaw shall establish restrictions and/or limitations on certain uses and structures on residential properties, including the use of recreational vehicles and travel trailers and sea cans and other storage containers.

Policy R-5: Residential Clustering

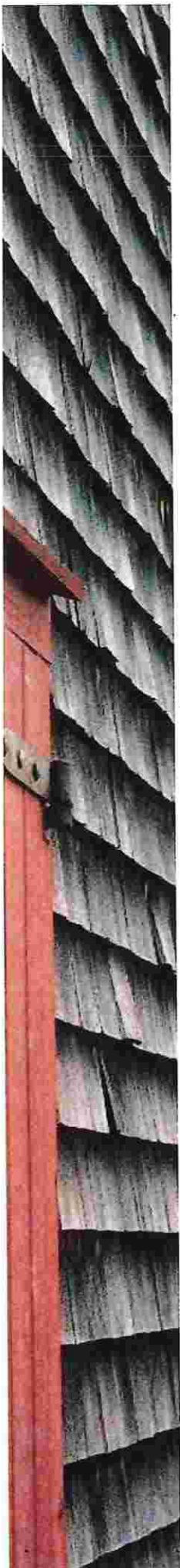
It shall be the policy of Council to restrict the expanded development of residential properties along major roadways to limit ribbon development and residential encroachment.

Plan Actions

- a. The Bylaw shall establish criteria for lots that may be approved along collector highways as designated under the *Roads Act*.
- b. The Bylaw may permit the clustering of residential lots, known as conservation subdivisions, with reduced lot size requirements and increased number of permitted lots, where shared water and sewer services are provided, that are serviced by subdivision roads, and featuring the permanent protection of a significant proportion of open space, in order to preserve natural features, open space networks and the characteristic landscape of the community.
- c. The Bylaw may permit clustered housing developments featuring multiple residential buildings on single parcels, where such developments are appropriately sited, serviced, and designed to ensure that all public and environmental health and safety considerations are met, and shall establish procedures for the consideration of clustered housing development concepts where permitted.
- d. The Bylaw may include requirements relating the design and construction of private access lanes (internal drives) servicing clustered housing developments on a single parcel.

Policy R-6: Residential Servicing

It shall be the policy of Council to promote serviced development and require appropriate lot sizes and subdivision design where on-site services are required.



Plan Actions

- a. The Bylaw shall establish minimum lots sizes for lots dependent on on-site servicing at least as stringent as those required under the *Planning Act* Province-Wide Minimum Development Standards Regulations.
- b. The Bylaw shall require lots located within the serviced area to connect to the central sewer system where immediately available to the property.
- c. The Bylaw shall establish standards related to the development of existing undersized lots, including the requirement for engineered on-site septic systems where shared water and services are not available and site suitability assessments for older lots.

4.2.2 Transportation

While the Resort Municipality does not own or have direct responsibility for any of the public or private roads in the municipality, the Resort Municipality has a vital role in transportation planning and has sole responsibility for pedestrian circulation (except within the National Park). Given the critical relationship between land use and traffic generation, it is imperative that the Resort Municipality work closely with the Department of Transportation and Infrastructure to ensure that safe and efficient transportation facilities are provided to service the needs of the Resort Municipality, and that land use patterns and development standards do not undermine the efficiency or safety of the transportation network.

Council will work with the Province to ensure that the transportation system efficiently serves both local and regional needs. Council will continue to assist the Province in identifying annual road maintenance requirements and significant safety, design and drainage problems in the municipality (and outside the area on major approach routes). Council must also plan for the accommodation and promotion of increasing pedestrian flows within the municipality.

Given the significance of tourism to the area, Council must also play an active role in commenting publicly on such regional transportation issues as: the future of the Charlottetown Airport, tolls on major regional highways and the Confederation Bridge, ferry services and rates, and required upgrading to the provincial highway system, and connection to the Confederation Trail System. Healthy lifestyle changes are impacting preferred recreational activities for both residents and visitors creating increased demand for landscaped trail systems for both hiking and biking.

Despite the Resort Municipality's lack of jurisdiction over streets within the Resort Municipality limits, transportation infrastructure is critical to development of the community.

The Resort Municipality will work to promote alternative modes of transportation wherever possible. Higher density development in the Resort Core Area over time could further promote development patterns more conducive to active transportation options.



Objectives:

1. To promote a safe and efficient transportation system for all modes of travel.
2. To support the infrastructure needed to increase the volume of pedestrian, cycling, and other forms of active transportation.
3. To limit the climate impacts of transportation activities.

Transportation Policies:

Policy TR-1: Coordination and Design

It shall be the policy of Council to work closely with the Department of Transportation and Infrastructure in the design and management of both the community's transportation system and within the province as a whole. Priorities will include co-ordination of land use planning and transportation planning, design of new transportation facilities and upgrading of existing facilities, control of private accesses and stormwater management, and the incorporation of active transportation facilities where feasible. Priority should be given to projects that connect to existing Active Transportation infrastructure.

Plan Action:

- a. Municipal representatives shall meet routinely with officials of the Department of Transportation and Infrastructure to review new subdivision roads; annual road maintenance priorities; speed limits; roadway and intersection improvements; bridge repairs; and developments which will generate significant traffic volumes.
- b. Council shall lobby the Department of Transportation and Infrastructure to make improvements to the overall Provincial roads network as needed. Specifically, Council will target the following: 1) reconstruction of Route 6 from North Rustico to the intersection of Route 6 and 13 and 2) reconstruction of Route 13 from Route 2 north to Route 6 with addition of paved shoulders from New Glasgow, and a new secondary road to offset high traffic levels associated with large events.
- c. Council shall work with the Province to identify any other roadways or intersections that may be improved to enhance traffic flow, public safety, or both.
- d. Council shall consider climate change projections in its assessment of subdivision layout and design and emergency access requirements, including in relation to the road networks.

Policy TR-2: Infrastructure Development

It shall be the policy of Council to carefully assess the impacts of proposed development on the transportation network and to require developers of residential subdivisions or other developments to be responsible for providing the associated infrastructure.

Plan Action:

- a. The Bylaw shall include the option to require additional information where deemed appropriate, including traffic impact assessments.
- b. Developers shall be responsible for costs relating to the design and construction of streets associated with new developments.
- c. The Bylaw shall permit the approval of new lots on existing or new private roads, subject to meeting minimum standards. The minimum standards shall be included in the Bylaw and shall apply to all roads in new subdivisions of 6 or more lots from a single property, whether approved together or consecutively.

Policy TR-3: Pedestrian Circulation

It shall be the policy of Council to promote pedestrian traffic and to provide for the safe movement of pedestrians within the municipality.

Plan Action:

- a. Council shall continue to pursue the implementation of the recommendations of "A Plan for the Resort Municipality: Trails and Paths for Health and Heritage" and will generally promote walking and cycling activities and facilities within the municipality.
- b. Council shall continue to support efforts to create a linkage to the Confederation Trail.
- c. Council shall work with developers of new subdivisions regarding the installation of sidewalks and trails where appropriate and opportunities to do so are present.
- d. Council may establish a long-term plan for sidewalk and trail construction, together with a long-term capital budget.

Policy TR-4: Active and Sustainable Transportation

It shall be the policy of Council to identify and develop, with the Province and Parks Canada, the infrastructure necessary to promote cycling, walking, and other forms of human-powered movement as a form of transportation and recreation in the Resort Municipality, promoting pedestrian and cycling safety and reducing parking and traffic congestion.

Plan Actions:

- a. Council shall work with the Parks Canada and the Province to facilitate trail system interconnections with the National Park and the other trail systems in the region.
- b. Council shall work with the Province to develop features associated with the road network that will reduce energy use, support alternative transportation modes, and enhance public safety such as additional sidewalks, park and ride facilities, charging stations, and crosswalk improvements.



- c. The Bylaw may establish a requirement for bike racks in association with commercial uses.

Policy TR-5: Public Transportation

It shall be the policy of Council to promote and facilitate the provision of public transit options where possible.

Plan Actions:

- a. The Resort Municipality shall work closely with the City Beach Express operators and other potential transit providers, as well as the Province, to add or enhance transit-related infrastructure connecting the Municipality to other communities.
- b. Council shall foster opportunities to encourage developers to foster the creation of transit-supportive characteristics over time, including clustering of housing and commercial activities, subdivision design, and consideration of future transit-related infrastructure needs.

4.2.3 Built and Natural Landscape

As explored above, the built and natural landscape remains one of the most valued aspects of the community. Priorities include avoiding becoming overbuilt, maintaining a level of quality in buildings and signage, and managing the impacts of growth. Efforts have been made over various plan review periods to promote themes or characters in design and establishing architectural standards.

Public feedback has ranged from a desire to remove all design requirements to wanting to control every aspect of how all properties in the community are developed. Finding a balance between these positions means assessing how design standards have functioned to date, how they might support or undermine other plan objectives, and whether the passage of time and continued development of the area has established enough of a theme and typology for such types of development and design to continue naturally.

Mixed support remains for architectural design standards for commercial developments, including tourism attractions and accommodations, while perhaps recognizing that building materials and changing design aesthetics support a reduced set of standards.

Opinions on the role of architectural design standards for residential areas are more varied. While some value them for the consistency of appearance, other see them as unnecessarily restrictive and undermining affordability and accessibility for residents. While the value of architectural design standards for residential structures in the Resort Core Area may mirror the priority placed on the standards for non-residential standards, the impact in other areas of the community differ.

As noted earlier, the Prince Edward Island National Park is the area's major tourist attraction and its major recreational facility. The Park is also a unique and extremely sensitive natural area of national significance. The long-term health of the Park is critical



to the future of the Resort Municipality. The health of the Park is also highly dependent on the sensitive management of the ecosystems on its periphery.

The interdependence of the National Park and its surrounding communities dictates that there must be a close working relationship between Parks Canada and local councils and landowners. The long-term interests of the Park must be considered as a significant factor in land use policies and development decisions outside the Park. Within the limitations of its primary mandate, the Park should also be sensitive and responsive to the concerns of its neighbours.

Much progress has been made in forging a closer working relationship between the community and the National Park. This progress must be recognized and reinforced in the future. Council must also continue to promote the long-term role of farming within the boundaries of the Park as adjacent Crown lands.

Objectives:

1. To protect the visual qualities of the community and develop an identifiable and appropriate community image
2. To protect the integrity of the community's heritage places
3. To protect the cultural landscape and designated strategic viewsapes
4. To promote public access to and enjoyment of the natural environment

Landscape and Development Standards Policies

Policy DS-1: Community Character and Beautification

It shall be the policy of Council to continue to focus on the preservation of the natural and cultural landscape as a strategy to protect the area's overall character and appeal, as well as to actively promote "beautification" efforts throughout the Municipality.

Plan Action:

- a. Council may reinforce beautification programs which encourage and provide recognition for superior landscaping efforts, building improvements and site improvements and efforts to create the impression of a village "main street" through the addition of period street signs, street furniture, flowers and other appropriate amenities.
- b. Council shall continue to pursue the extension of the boardwalk and period style, pedestrian scale lighting.
- c. The Bylaw may establish standards for and limits on the number of main buildings on properties and may establish additional requirements for site planning, such as the relationship between buildings on a parcel, the relationship between buildings and the street or internal roadways within a parcel, the design, location, and construction of internal roadways and pedestrian networks within a parcel, and other features to create of a sense of place within more densely developed parcels.

Policy DS-2: Architectural Standards

It shall be the policy of Council to explore establishing architectural standards within the municipality which reflect or are in harmony with the Island's architectural traditions, while removing existing design and architectural standards from the Bylaw.

Plan Action:

- a. Council may explore new approaches to regulating design standards over the coming several years and add new design and architectural standards for all or specific categories of uses to the Bylaw if deemed appropriate.

Policy DS-3: Site Planning and Development Standards

It shall be the policy of Council to impose site planning standards for specific building types and uses ensure public safety, efficiency, appropriate buffering, high standards of landscaping and overall visual appearance and site compatibility.

Plan Action:

- a. The Bylaw may establish and impose minimum site development standards addressing: setbacks, landscaping, parking, vehicular and pedestrian circulation, amenity areas, signage, ingress and egress, compatibility and integration with adjacent sites, outside storage and waste disposal, lighting and other such matters for all major developments, special permit use developments, and non-residential developments.
- b. The Bylaw may require infill development in existing built-up residential areas to be compatible with existing residences in the area.
- c. Over time, the Bylaw may establish and impose additional development standards for the Resort Core Overlay Zone, which may be established and evaluated through expanded comprehensive development concept plan requirements.
- d. The Bylaw shall establish criteria, processes, and requirements for developments that qualify as 'major developments' due to their potential to have a major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion.

Policy DS-4: Property Maintenance

It shall be the policy of Council to encourage a high level of property maintenance and visual amenity in the municipality.

Plan Action:

- a. Council shall retain the Dangerous and Unsightly Premises Bylaw, which imposes controls on: dilapidated premises; noxious weeds; grass cutting; unsightly outdoor storage, clutter or garbage; dilapidated or inactive signage; dilapidated fencing, screening or landscaping elements; and other such matters as may detract from the general appearance of the community.



- b. Council shall encourage developers to consider the visual context of their developments and to sensitively integrate new developments into the surrounding natural and built landscape.

Policy DS-5: Signage

It shall be the policy of Council to continue to regulate commercial and non-commercial signage in the municipality, with an emphasis on the use of signage as a positive element of our visual character.

Plan Action:

- a. Council shall enforce the provisions of the Signage Bylaw and to work proactively to reinforce the positive trends now in place.
- b. The Signage Bylaw may permit side road signs for businesses which are not located on Route 6 and 13 and are not readily visible from the thoroughfare.

Policy DS-6: Natural and Cultural Landscape

It shall be the policy of Council to encourage the protection of the Resort Municipality's distinctive natural and cultural landscapes.

Plan Action:

- a. Council shall continue to work closely with Parks Canada to preserve the historic cultural landscape and identified scenic view planes within the National Park.
- b. Council shall consider the contribution of agricultural activities to the cultural landscape when considering zoning applications to permit the transition to more intense land uses.
- c. Council shall explore a strategy to identify and designate additional strategic view planes and options for a program to purchase development rights from farmers as land is considered for removal from active farm uses.
- d. Council shall act in a proactive manner during the subdivision and development approval processes to encourage developers to minimize the disruption of strategic view planes and the removal of established vegetation.

Policy DS-7: Public Access and Enjoyment

It shall be the policy of Council to pursue opportunities to provide public access to the shoreline and to the natural environment.

Plan Action

- a. The Bylaw shall establish development standards relating to subdivisions in coastal areas with special regard for siting of parklands, public spaces, and public beach accesses.
- b. Council shall seek to secure waterfront lands through the subdivision land dedication process and develop such land for parks and trails accessible to the public.



4.2.4 **Effective and Sustainable Public Infrastructure**

The sustainability of public infrastructure over the long term is critical component of municipal governance, even where such infrastructure is minimal. In this case, effective public infrastructure plays a key role in the economic success of the Resort Municipality, but expenditures could also impact the affordability of the municipality for residents and business owners.

Objectives

1. To incorporate long term planning and consideration in the development of infrastructure
2. To ensure that capital costs associated with private development are recouped

Infrastructure Policies

Policy IF-1: Coordination and Planning

It shall be the policy of Council to consider the long-term consequences of infrastructure investment decisions and to identify options and alternatives to maximize efficiency.

Plan Actions

- a. Council shall consider regional services and opportunities for cost-sharing with adjoining municipalities and communities.
- b. Council shall consider the principles of asset management and the sustainability of the entire public infrastructure system in make decisions related to infrastructure and development.

Policy IF-2: Recouping Capital Costs

It shall be the policy of Council to recoup capital costs associated with private developments from the private bodies benefitting from the expenditures.

Plan Actions

- a. Council shall require developers to contribute to or cover the costs of the development of infrastructure related to private developments.
- b. Council shall explore municipal investments in residential subdivision to promote the growth of the year-round population but shall tie the costs to the public revenues likely to be generated.

4.3 **SOCIAL OBJECTIVES AND POLICIES**

4.3.1 **Safe and Resilient Community**

The Resort Municipality currently supplies limited municipal services: municipal administration, central wastewater collection and treatment, park facilities, and pedestrian facilities. Fire protection services in the Resort Municipality are provided by three fire

departments outside of the boundaries of the municipality. The eastern portion and the National Park are covered by the North Rustico Fire Department; the core area of the municipality by the New Glasgow Fire Department; and the western portion of the municipality by the New London Fire Department. A range of other services are provided by the Province, Parks Canada and adjacent communities as noted earlier in this Plan. Policing services are covered by the Province's agreement with the RCMP. The existing arrangements have been very satisfactory, and Council expects to continue its relationships with these outside organizations into the future.

As both seasonal visitation and year-round population levels rise, these existing services will all require continuous upgrading and new services, such as expanded recreation, will be required.

Council must maintain a long-term planning approach to monitoring demands for various municipal services and implement changes or upgrading, keeping in mind the priorities of public health and safety, the maintenance of affordable tax and utility rates, and the protection of the natural environment. As noted earlier, the Resort Municipality has very limited institutional facilities and this situation is not likely to change unless year-round population figures increase dramatically. Council must, however, be sensitive to the needs of our present institutional facilities and support the actions of our neighbouring communities to maintain those regional institutional facilities on which our residents depend.

Objectives:

1. To provide cost effective emergency response services.
2. To plan and prepare for human and natural disasters, including through risk reduction.
3. To support existing and new institutional services and facilities.

Community Safety and Support Policies

Policy CS-1: Police Services

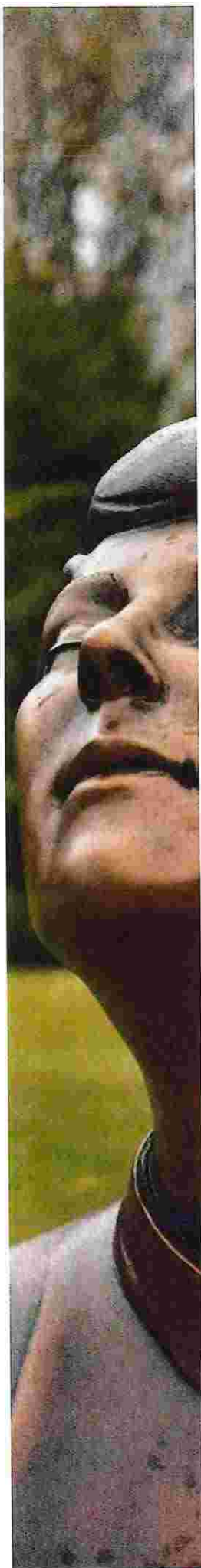
It shall be the policy of Council to continue to rely on the Province's policing contract with the RCMP.

Plan Actions:

- a. Council shall encourage the Province to expand both the officer complement and the length of operation of the local seasonal RCMP detachment.
- b. Council shall maintain an active dialogue with the RCMP on security issues in the municipality.

Policy CS-2: Fire Protection

It shall be the policy of Council to ensure that adequate fire protection services are provided to all residents, businesses, and property owners in the municipality at



affordable rates and with rapid response times. Council shall also work to encourage a higher level of emergency response services particularly during the tourism season.

Plan Actions:

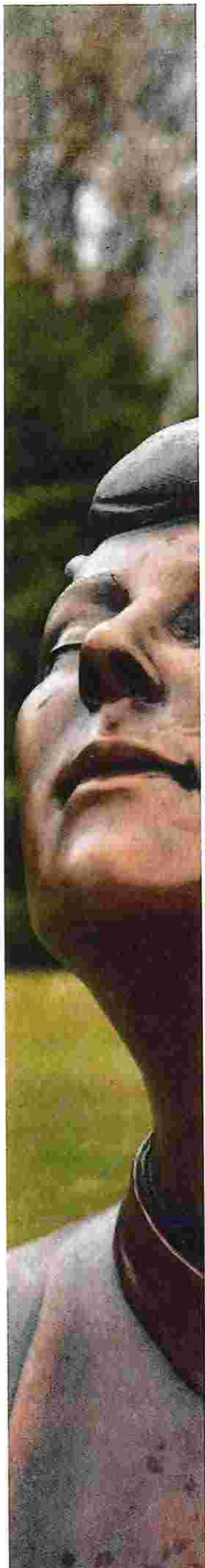
- a. Council shall continue to purchase fire protection services from the adjoining fire departments.
- b. Council shall meet on a regular basis with our fire departments to discuss fire services, dues, and fire prevention programs.
- c. Council shall work with local fire departments to increase the level of emergency medical response services, including examining the potential to improve ambulance services during the peak tourism season.
- d. Council shall undertake a review its ability to fight fires through its contract with the three fire departments, including considerations of how reinforcing the current firefighting and emergency response capacity through implementations such as dry hydrants and adequate road standards could improve current capacity.
- e. Council shall undertake to enter into a written agreement with the contracted fire departments regarding the services to be provided for the Resort Municipality.

Policy CS-3:Emergency Measures Plan

It shall be the policy of Council to ensure that the Resort Municipality's Emergency Measures Program, including an EMO Plan and bylaw, is maintained, updated, and exercised in accordance with the *Municipal Government Act*.

Plan Action:

- a. Council shall continue to develop, update, and revise the Resort Municipality's Emergency Measures Plan and bylaw and maintain the overall EMO Program as required under the *Municipal Government Act* and the *Emergency Measures Act*.
- b. Council shall work with other municipalities in the region, particularly the Town of North Rustico, to identify opportunities for coordination of emergency preparedness and response efforts.
- c. Council and the Emergency Management Coordinating Committee shall take into consideration the increasing impacts of climate change in identifying emergency centres, including the potential use of emergency shelters as cooling shelters.
- d. Council and the Emergency Management Coordinating Committee shall identify areas at risk of coastal flooding ahead of anticipated storm surge events to assess the ability of emergency responders to gain access.
- e. Council shall seek to minimize the potential impacts of power outages by working with developers to promote the installation of underground services and to ensure that trees do not interfere with power line corridors.
- f. The Bylaw will include future emergency hazard considerations for new subdivisions and development projects.



Policy IN-1: Institutional Uses

It shall be the policy of Council to protect the Municipality's current institutional facilities and to encourage the development of new facilities in response to local needs. Council shall also support the efforts of our neighbouring communities to protect and enhance those regional institutional facilities on which the residents of the community depend.

Plan Action:

- a. Institutional facilities such as churches and other religious institutions within the community shall be designated as Institutional on the Future Land Use Map.
- b. The Bylaw shall establish a Public Service & Institutional (PSI) Zone and all lands designated as Institutional shall be zoned as PSI on the Zoning Map.
- c. The Bylaw shall establish permitted uses and development standards for the PSI Zone.
- d. Council shall consider the potential for significant land use conflicts by way of excessive noise, traffic generation, or other hazards or nuisances when considering applications for a change in zoning or for major developments in the vicinity of Public Services and Institutional Zones.
- e. The Bylaw may include institutional uses as ancillary and accessory uses in association with permitted uses in other zones.
- f. Council shall promote Resort Municipality as a location for institutional land use and may re-zone land for such uses in appropriate locations in response to development requests.
- g. Council shall promote the development of public and private community care and nursing home facilities in the Resort Municipality.

Policy IN-2: Regional Collaboration

It shall be the policy of Council to recognize and support the interconnectedness of regional institutional facilities and programs.

Plan Actions:

- a. Council shall support the efforts of its neighbouring municipalities and communities to ensure the long-term health and viability of regional institutional facilities, such as schools, community care facilities, and health centres.

4.3.2 Social and Physical Needs of the Community

Recreation services present an interesting conundrum for the municipality. With the National Park comprising approximately 40% of the area of the municipality, it could be argued that the recreation needs of the community are easily met. With the seasonal nature of the Park, however, as well as changing recreation interests, expanded municipal recreation services figured in the 2020 Strategic Plan and in some of the public discussions for the review. The majority of local residents have been forced to access

recreational programs and facilities in adjacent communities, particularly in the winter months. 2020 Strategic Plan priorities included amenities for year-round residents, including dog parks, facilities such as tennis courts, and day use facilities.

The Cavendish Beach Music Festival and other events provide annual opportunities to celebrate music, although such events are generally geared to the broader public, including largely the tourist sector.

Given the real need of the municipality to promote an expanded year-round residential population, both to create the vigour and critical mass of a permanent population, as well as to ensure the continued local interest in meeting the governance and civic components of keeping a community alive, understanding the recreation needs and desires of residents will continue to be important for Council and the community.

Objectives:

1. To develop and support recreational and social programs
2. To support arts and culture programming
3. To provide safe and appropriate recreational facilities

Recreational Policies

Policy PR-1: Recreational Opportunities

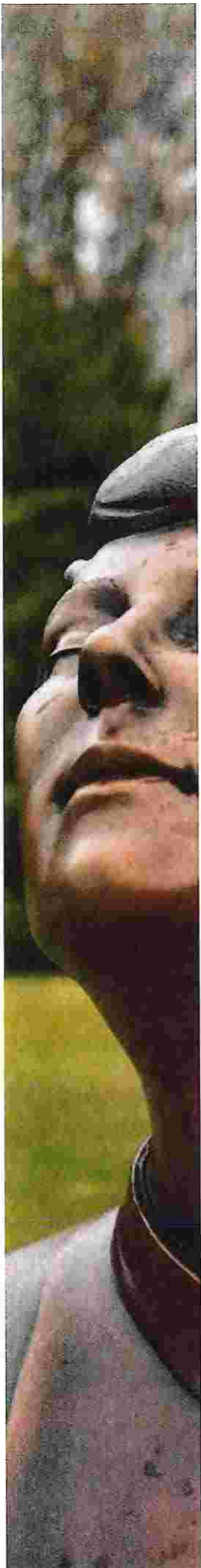
It shall be the policy of Council to develop and implement a long-term approach to the provision of recreational facilities and programs that promotes healthy lifestyles and wellness for all groups in the Resort Municipality area in a cost-effective manner, including options such as grants subsidizing the user fees of local children who participate in recreational programs in adjacent communities.

Plan Action:

- a. Council will explore strategies to support year-round recreation programs, and in particular winter activities, either by delivering them directly or by coordinating with Parks Canada and adjoining communities.
- b. Council may institute a program to subsidize a portion of user fees for children that participate in recreational programs outside the municipality, where so enabled in the municipality's grants bylaw.
- c. Council will distribute information on regional recreation programs which are supported by the municipality in the Municipal Newsletter and by other means by which the municipality speaks with its public.
- d. Council shall encourage and develop programs and events that promote healthy living and provide opportunities for social interaction.

Policy PR-2: Social Programming

It shall be the policy of Council to explore and identify the types of social programs that might promote the municipality as an ideal location for year-round residential uses.



Plan Actions:

- a. Council will consult with existing year-round residents to understand the nature of and demand for social programming in the community.

Policy PR-3: Arts and Culture

It shall be the policy of Council to build on the existing history of arts and culture in the community.

Plan Actions:

- a. Council shall continue to support arts and culture events such as the Cavendish Beach Music Festival.
- b. Council shall continue to include consideration of large cultural events like the Music Festival in its emergency management planning.
- c. Council shall explore opportunities for expanded cultural activities on an on-going basis.
- d. The Bylaw may establish criteria, guidelines, and other requirements related to special events and the issuance of permits for such forms of temporary uses.

Policy PR-4: Long Term Planning

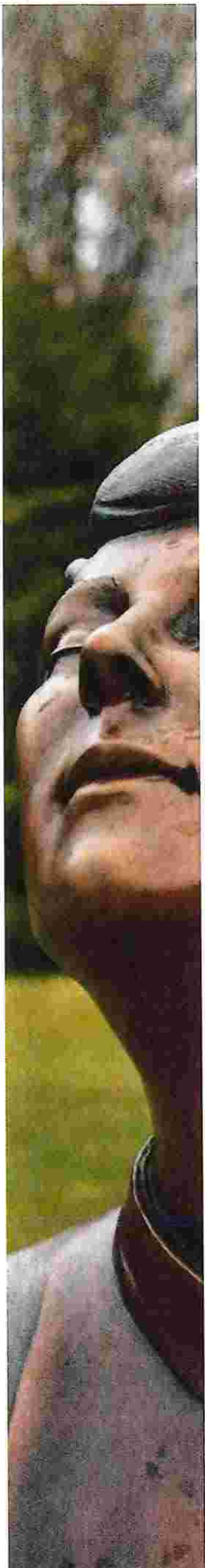
It shall be the policy of Council to prepare and adopt a long-term parks and recreation strategy which would build on the success of the local, federal and provincial "trails and paths" initiative. The strategy would address: open space dedication policies; donations; volunteer development; co-operative programs with our neighbours; partnerships with the private sector and the senior levels of government ensuring a connection to the Confederation Trail System with the community trail system and the Parks Canada Trails System; participation of community associations; and recreation programming.

Plan Action:

- a. Council shall work to facilitate the provision and expansion of a system of walkways and trails in the Municipality.
- b. The Bylaw shall establish requirements and criteria for the dedication of parkland or cash-in-lieu of parkland, or a combination thereof, in new subdivisions.
- c. The Parks and Recreation Strategy shall include a policy outlining priorities for parkland dedications in new subdivisions, including conservation areas, trail systems, sidewalks, playgrounds, and public beach accesses.
- d. Council shall prioritize the inclusion of shading in the design and development of any public spaces to provide opportunities for cooling with the anticipated rise in temperatures associated with climate change.

Policy PR-5: Day Use Facilities

It shall be the policy of Council to work with the Province, Parks Canada, and the business community to facilitate the development of public day-use parks in the Resort



Municipality for residents to enjoy the community year-round and for visitors to relax, receive information about the area, and enjoy scenic vistas.

Plan Actions:

- a. Council may designate a number of candidate day-use park locations and may approach the Province, Parks Canada and the business community to assist in site acquisition and site development. Potential day-use sites shall be selected based on highway access, significant scenic vistas and accessibility for residential areas.
- b. Council shall work to ensure that the design of day-use parks includes adequate parking areas, washrooms, picnic facilities, information kiosks, and other facilities that reflect identified resident priorities.

4.3.3 **Equity and Inclusion**

The responses provided during the plan review process included a desire to promote a welcoming and inclusive community. While this can be achieved through deliberate and conscious programs such as those undertaken by the Town of Stratford, the more subtle impacts of municipal decision-making can often pass unnoticed. Municipalities are increasingly taking steps to include considerations of equity, diversity, and inclusion in policy making and service-delivery.

OBJECTIVES:

1. To include and support those segments of the population with special or differing needs.
2. To ensure information sharing and community engagement are front and centre.
3. To factor equity, diversity, and inclusion into municipal decision-making.

Equity, Diversity, and Inclusion Policies

Policy EDI-1: Community Supports

It shall be the policy of Council to give consideration to different abilities and needs in the development of programs and policies.

Plan Actions

- a. Council shall integrate the principles of accessibility and universal design in the development of public parks and facilities.
- b. Council shall promote the development of community care and other supportive programs and facilities within the community.

Policy EDI-2: Communications and Engagement

It shall be the policy of Council to provide opportunities for inclusion and engagement in municipal activities.

Plan Actions

- a. Council shall explore the development of a communications strategy to provide enhanced public communication.
- b. Council shall continue to publish a community newsletter to provide community members with information on happenings of note in and around the community.
- c. Council shall give opportunities to members of the community to participate on committee and project teams.

Policy EDI-3: Equity, Diversity, and Inclusion Lens

It shall be the policy of Council to apply an equity, diversity, and inclusion (EDI) lens in municipal activities and decision-making.

Plan Actions

- a. Council shall develop an EDI checklist to apply to community decisions-making.
- b. Council shall explore ways to increase representation and participation by traditionally under-represented segments of the population.

4.4 ENVIRONMENTAL OBJECTIVES AND POLICIES

Long term planning for the Resort Municipality must be founded on a well-informed understanding and respect for the area's natural systems. The area's long term economic health can only be assured if it is based on a "sustainable economy" which reflects the municipality's intrinsic natural carrying capacity and honours the interdependent nature of the municipality's, and indeed the region's, watersheds and natural systems.

The municipality is fully dependent on groundwater for its domestic water supply. The local fishery, tourism, and wildlife are all dependent on the quality of surface water and wildlife is also dependent on the protection of habitat areas. The overall carrying capacity of the area is limited by the ability of natural systems (primarily soil and surface water) to assimilate waste water volumes; groundwater volumes and quality are dependent on the preservation of vegetation and aquifer re-charge areas and control of pollution. While these statements are true for most Island communities, the Resort Municipality's economic dependence on the Prince Edward Island National Park and the physical appeal of its exceptional natural setting make it uniquely dependent on a healthy natural environment for its long-term health and prosperity.

Awareness and understanding of the sensitivity and interdependence of these vital natural systems must be reflected in the land use and management decisions of all those who utilize these systems and depend upon them. Council must play a leadership role in promoting more effective and responsible stewardship of our natural environment.



4.4.1 Safe and Clean Water Systems

To achieve better protection and management of the significant natural features located within the municipality, long-term management plans for overall surface drainage and stormwater management will remain important. The regulation of stormwater run-off and erosion due to construction and farming activities, as well as the preservation of trees, and protection of shoreline areas located outside of the National Park, will not only serve to protect and enhance the natural environment, they will also lower servicing costs, increase property values, and improve the overall health of residents.

Environmental standards to ensure the protection of surface and groundwater resources, significant habitat areas, vegetation, trees, coastlines, and other natural features that contribute to the visual appeal and overall health of the Resort Municipality and its natural systems will offset and minimize the unavoidable impacts of development and some farming activities.

The Resort Municipality has joint responsibility with the Province for stormwater management; the Province manages stormwater in the context of the transportation system, while the Municipality has responsibility to considering stormwater and drainage in its regulation of subdivisions and development. The natural surface water drainage network in the Resort Municipality is a significant and natural asset for stormwater management that should not be overlooked.

Objectives

1. To protect the quality and quantity of ground and surface water.
2. To manage stormwater run-off in the most cost effective and environmentally appropriate manner, reducing environmental and property-related damage.

Clean Water Policies

Policy EN-1: Environmental Protection

It shall be the policy of Council to review subdivision and development applications with an environmental protection lens and ensure that the potential environmental impacts of proposed developments are appropriately identified.

Plan Actions:

- a. Council shall coordinate with the provincial department responsible for the environment, and with Parks Canada where appropriate, in the assessment of the environmental impacts of proposed subdivisions and developments.

Policy EN-2: Groundwater

It shall be the policy of Council to work with the Province to protect both the quantity and quality of groundwater resources in the Resort Municipality.



Plan Actions:

- a. Land uses which would pose serious groundwater contamination risks, such as chemical plants or storage depots, shall not be permitted in the municipality.
- b. Council shall encourage the maintenance and protection of features which contribute to groundwater re-charging such as wetlands, stormwater retention areas, trees and other dense vegetation.
- c. Council shall encourage site plans which minimize the use of impervious surfaces.
- d. The Bylaw shall not permit land uses which would utilize extremely high volumes of fresh water, such as water bottling plants.
- e. Council may identify literature on water conservation, safe disposal of household hazardous wastes and other information pertaining to the protection of the groundwater supply and make it available to residents and property owners.
- f. Council shall assist the Province in identifying and controlling potential point sources of groundwater contamination such as underground gasoline or fuel oil tanks, chemical storage areas, and refuse or dump sites.

Policy EN-3: Surface Water

It shall be the policy of Council to protect and enhance the quality of streams, ponds, wetlands, and rivers within the Resort Municipality and to work with our neighbours, watershed groups and volunteers, and the Province to protect the local watershed systems in accordance with Provincial regulations overseeing development adjacent to watercourses and wetlands.

Plan Actions:

- a. The Bylaw shall establish provisions restricting the disturbance of natural vegetation adjacent to streams, wetlands, and other watercourses, and such provisions shall be no less stringent than those established under the *Environmental Protection Act* Watercourse and Wetlands Protection Regulations.
- b. The Bylaw shall prohibit the infilling or alteration of surface drainage features without the issuance of a development permit and performance of an environmental assessment, and the issuance of a stream alteration permit where required by provincial regulations.
- c. Council may attempt to acquire ownership of surface water systems through open space dedications in the subdivision process and through negotiations with landowners where appropriate.
- d. Council may require construction activities to implement erosion and siltation control measures to ensure the protection of adjacent streams and wetlands and prevent run-off on to adjacent properties.
- e. Council shall engage with the Province, private landowners, Ducks Unlimited, the Island Nature Trust, and other interested parties to encourage the development

of management plans for all major stream systems and wetlands in the Resort Municipality.

- f. The Bylaw shall require site plans to identify adjacent surface water features, steep slopes and existing vegetation and demonstrate how these features have been protected.

Policy EN-4: Environmental Reserve Overlay Designation and Zone

It shall be the policy of Council to identify and designate environmentally vulnerable or sensitive areas in the municipality, including those areas that affect surface water and groundwater, for environmental protection and to create an overlay zone for land designated for environmental protection.

Plan Action:

- a. Properties and portions of properties having wetlands and watercourses and areas designated as buffers adjacent to wetlands and watercourses will be designated with the Environmental Reserve Overlay designation on the Future Land Use Map.
- b. The Bylaw will establish an Environmental Reserve (O2) Overlay Zone, which shall be applied on areas designated as an environmental reserve as an overlay over the primary zone for those areas. The Environmental Reserve Zone will include all conservation setback or buffer zone adjacent to all coastline lands, streams, drainage courses, bodies of surface water (including ponds and seasonal retention areas), and wetlands to limit the impacts of construction activities and minimizing the disruption of natural vegetation in areas abutting watercourses that shall be at least as stringent as the requirements under the *Environmental Protection Act*.
- c. The Environmental Reserve (O2) Overlay Zone shall establish additional requirements and restrictions for the use and development of lands so zoned.
- d. All properties or portions of properties having a wetland, watercourse, or buffer zone shall be included in the Environment Reserve (O2) Overlay Zone and applications for subdivision and development permits on these properties will be referred to the provincial department responsible for the *Environmental Protection Act*.

Policy EN-5: Stormwater Management

It shall be the policy of Council to work closely with the responsible provincial department to ensure that stormwater run-off is managed in a manner that is cost-effective and environmentally sensitive, and which minimizes risks to public health and safety and to private property. Wherever appropriate, it shall be the policy of Council to protect and enhance the existing surface water drainage system in the Resort Municipality, and to upgrade its capacity to handle stormwater run-off.



Plan Actions:

- a. Council shall develop, update, and maintain a Stormwater Management Policy for the Resort Municipality.
- b. Council shall work with the Province to ensure stormwater systems are properly installed and maintained in the Resort Municipality in association with the development of new roads.
- c. The Bylaw shall require the inclusion of storm water management plans in applications for subdivision and development. Exceptions shall be noted in the Bylaw.
- d. The Bylaw shall establish requirements for the consideration of stormwater management, grading, and drainage in the development approval process.
- e. Council may require developers to mitigate or retain stormwater flows on site to prevent adverse effects on downstream properties.
- f. No physical changes or infilling of any stream, wetland or water course shall be allowed without the necessary provincial approvals.

4.4.2 Safe and Effective Water and Waste-Water Systems

Given that Prince Edward Island has no large bodies of fresh water, communities are dependent on groundwater as the source of their potable water. While high quality groundwater resources are readily available in the Resort Municipality, it is critical that the Resort Municipality work with the Province to protect this invaluable resource from depletion or contamination and to minimize the impact of the introduction of waste-water into the environment.

As there is no central water system, no wellfields have been identified to date. The identification of sensitive groundwater areas in the near term would allow for consideration to be given to strictly controlling development on undeveloped lands within wellfield capture zones and restricting high-risk land uses such as gas stations or fuel storage facilities in the balance of the capture zone, as well as regulating high risk practices on developed lands such as domestic fuel storage, use of pesticides, and specific agricultural practices. One approach for this protection may be to establish a water management area under the new *Water Act*, something that the municipality could explore with the provincial department responsible for the environment.

The Cavendish Sewer Utility is responsible for collection and treatment of sanitary waste, one of the primary municipal services offered by the municipality. Responsible approaches to regulating on-site sewage treatment systems will protect the long-term viability of individual wells and minimize pressure on the Utility to expand into other areas of the municipality until such time as an expansion is reasonable and appropriate.



Objectives

1. To protect the supply of high-quality domestic water for all residents, visitors, and business operators
2. To ensure efficient, cost-effective, and environmentally appropriate wastewater collection and treatment
3. To promote safe and effective on-site sewage treatment systems

Drinking Water and Waste-Water Policies

Policy EN-6: Potable Water

It shall be the policy of Council to take measures to ensure an adequate supply of high-quality domestic water supply for all residents, visitors, and business operators.

Plan Actions:

- a. Council shall continue to work toward the development and implementation of a long-term water strategy.
- b. Council shall encourage water conservation by residents, businesses, and visitors through public education and communication.

Policy EN-7: Central Water Supply

It shall be the policy of Council to explore the need for and value of developing a central water supply system in the Resort Municipality.

Plan Actions:

- a. Council shall develop a Central Water Supply Contingency Plan which would include the identification, testing and acquisition of a central well field site.
- b. In the event that potential wellfields are identified, Council shall identify appropriate actions to enhance the security of its water supply areas through a Wellfield Protection Plan and other measures, and will see that these actions are implemented in a timely manner, including land use standards to be added to Bylaw to protect designated well fields.

Policy EN-8: Central Sewage Collection and Treatments

It shall be the policy of Council to provide high quality, cost-effective and environmentally appropriate central wastewater collection and treatment services for the present core area of the municipality and to extend these services in response to development pressures where feasible.

Plan Actions:

- a. The Cavendish Sewer Utility shall monitor, maintain, and upgrade the sewage lagoon(s) as necessary in accordance with approved engineering standards and to ensure sufficient capacity to accommodate development in the Resort Municipality.



- b. Council shall promote water conservation and low flush toilets to limit the impacts of high levels of water consumption on the functioning of the Utility and the health of the community's environmental systems.
- c. Council shall only authorize the continued expansion of the collection system where central treatment capacity is in place and where capital costs will not have an inappropriate impact on utility rates.
- d. The Bylaw and/or Utility Regulations shall restrict the connection of sump pump and drainage tile systems to the sanitary sewer and shall require that swimming pools be drained into surface ditches rather than into the sewer system.

Policy EN-9: On-site Sewage Treatment Systems

It shall be the policy of Council to continue to support the long-term sustainability and effectiveness of high quality, well maintained on-site wastewater treatment systems in the areas not serviced by the central wastewater system.

Plan Actions:

- a. Council will work closely with the Province's department responsible for the environment to ensure that all on-site wastewater systems, or cluster systems which are installed in the municipality meet the highest standards of design and reflect the capability of the site, establishing standards in the Bylaw for the design, installation, and maintenance of on-site sewage treatment systems within the Resort Municipality, which shall be, at minimum, no less stringent than those in the *Environmental Protection Act* Sewage Disposal Systems Regulations.
- b. The Bylaw shall include compliance with provincial requirements for soil and lot classification as part of the assessment of proposals regarding the development of new subdivisions and the development of existing approved lots.
- c. The Bylaw shall require on-site sewage treatment systems to be designed and certified by a licensed engineer for all existing parcels that do not meet the lot size standards established under the *Planning Act* Province-Wide Minimum Development Standards Regulations.
- d. The Resort Municipality shall distribute public information on the importance of proper care and maintenance of septic systems, including routine pump out and inspection.

4.4.3 Safe and Healthy Natural Areas

Protection of the Resort Municipality's significant natural features is a common theme in previous official plans and from participants in the review process. The Resort Municipality's extensive, relatively unspoiled shoreline, forests, ponds, stream systems, and wetlands all contribute to its beauty and natural diversity, benefiting in no small part by the protection afforded by the National Park. Council must work with private landowners to protect and enhance these natural assets. Wildlife habitat areas are particularly sensitive and require very careful management.

Consideration of the environmental impacts of development is a key aspect of subdivision and development control. Where possible, significant features such as streams and ponds should be acquired through open space dedication and negotiations with landowners to ensure long-term protection.

Objectives

1. To protect wildlife habitat and significant natural features.
2. To ensure healthy watersheds.
3. To foster opportunities to enjoy the natural environment.
4. To assist in the protection of sensitive ecosystems within the National Park.

Clean Environment Policies

Policy EN-10: Solid Waste

It shall be the policy of Council to support the Island Waste Watch collection program.

Plan Action:

- a. Council shall continue to work with the Province in support of the Province's waste management program.
- b. Council shall share information and education materials were needed to facilitate understanding and compliance of the Waste Watch system.
- c. Council shall maintain a network of waste receptacles through the Resort Core area to facilitate the separation and collection of solid waste, compostable material, and recyclables.

Policy EN-11: Habitat Areas

It shall be the policy of Council to work with the Province and Parks Canada to identify and protect significant habitat areas and natural features in the Resort Municipality, to restrict development in and adjacent to these areas, to encourage the implementation of management plans, and to work with the Province and our neighbours to jointly protect significant habitat areas in the region.

Plan Actions:

- a. The Resort Municipality shall participate in the management and enhancement of significant regional natural systems including the local watersheds, in partnership with the local watershed groups and shall endeavour to undertake a land cover and wildlife inventory.
- b. Council may consider the zoning of particularly significant or sensitive areas as environmental reserves through the application of the Environmental Reserve (O2) Overlay Zone.
- c. Council will attempt to encourage public control and ownership of these areas through open space dedication in the subdivision process, and donations or



purchase by other public or private conservation interests, with a focus on protecting significant areas and establishing ecosystem corridors where appropriate.

- d. Council will limit development in other habitat areas such as wetlands, in accordance with the *Environmental Protection Act*.

Policy EN-12: Vegetation

It shall be the policy of Council to encourage the protection of trees in the Resort Municipality, particularly in areas adjacent to streams and wetlands, and to generally encourage the preservation and planting of trees in the Resort Municipality. Council shall also encourage protection of natural vegetation and landscaping activities that beautify the Municipality, maintain biological diversity, and add soil and coastal stabilisation.

Plan Actions:

- a. Council shall consider the development of a Forest Management Strategy to map and classify trees within the Resort Municipality.
- b. Council shall generally encourage the protection of stands of trees and hedgerows as part of the review process for development applications and subdivisions.
- c. Council may consider the implementation of a Tree Preservation Bylaw.
- d. Council shall generally encourage tree planting and landscaping activities in the Resort Municipality.
- e. Council may prioritise the acquisition of significant stands of trees and hedgerows as part of the parkland dedication process.
- f. Council may seek to gain ownership or hold in trust sensitive natural areas in the Resort Municipality and, where appropriate, provide controlled public access. Where lands remain in private ownership, Council shall encourage appropriate protection and management of these areas.

Policy EN-13: Air Quality & Noise

It shall be the policy of Council to restrict those activities in the Resort Municipality that would be unhealthy for air quality or unreasonably affect the rights of residents to the peaceful enjoyment of their property.

Plan Action:

- a. The Bylaw shall restrict land use activities, other than farm activities, which pose a public nuisance due to: smoke; odours; dust or other emissions; noise or excessive vibrations; hours of operation or excessive lighting.
- b. Council shall consider the development of a noise and nuisance bylaw to address noise and nuisance complaints and shall consider some form of business licensing bylaw if deemed necessary to control hours and other aspects of business operations that have an undue impact on the ability of the public to enjoy their environment.



4.4.4 Climate Change Resiliency

While many climate change response strategies fit easily into other Plan policy and action areas, being as they are extensions of existing policy areas, particular attention is drawn to building climate change considerations into land use decision-making, promoting decisions and actions that will help in mitigating climate impacts such as reducing greenhouse gas emissions and increasing carbon sequestration, while building long-term adaptation standards into day to day design and regulation standards.

Objectives

1. To promote the taking of mitigation measures in the development of land to reduce climate impacts.
2. To integrate adaptation measures and policies into programs and facilities.

Climate Change Policies

Policy EN-14: Sustainable Practices Policy

It shall be the policy of Council to support new development that promotes sustainable practices and climate change resiliency, including the utilization of energy efficiency, renewable energy sources, groundwater protection, reduced water consumption, and stormwater management for the purpose of groundwater recharge.

Plan Actions:

- a. The Bylaw may establish criteria for reporting on energy efficiency or other sustainable practices in the development application process to facilitate the tracking and promoting of such practices.
- b. The Bylaw may establish standards and criteria for development and construction practices that support climate change mitigation and adaptation, including in relation to impermeable surfaces, subdivision design, the protection of forest cover, and natural infrastructure.

Policy EN-15: Areas Subject to Flood Risk

It shall be the policy of Council to ensure that all subdivision or development of areas adjacent to coastal areas, watercourses, and wetlands meet standards necessary to mitigate risks associated with coastal or riverine erosion and flooding due to current or future storm surges and projected sea level rise due to climate change, and that those standards are updated as new data and information is made available to the Resort Municipality.

Plan Actions:

- a. Council shall work with the Province to develop best management practices to address coastal hazards and make information on coastal and other flood risks available to the public.

- b. The Bylaw shall require a provincial coastal hazard assessment prior to the review of a development or subdivision application on a lot adjacent to coastal areas, or in flood risk areas as identified by the Province over time.
- c. The Bylaw shall establish vertical and horizontal setbacks between new developments and shorelines to provide sufficient distance to ensure that adverse effects of erosion or flooding do not endanger the development over its life.
- d. Council will continue to update erosion and flood risk data and related standards as new data and information is made available from the Province or other sources on the delineation of wetlands and water sources, and changes to the location of coastline, over time.
- e. Council shall establish criteria in a Legacy Lands Assessment Policy recognizing properties for which there may be a vested right to develop non-compliant lots in areas subject to flood risk (see Schedule D). The Bylaw shall establish standards for the limited development of such properties in accordance with the Legacy Lands Assessment Policy, notwithstanding that such development may not otherwise be in compliance with the requirements of the Bylaw.
- f. Where a non-compliant lot does not qualify as legacy lands, the Bylaw may establish alternate permitted uses, such as seasonal, non-permanent structures.



5 FUTURE LAND USE MAP

The Future Land Use Map is a generalized conceptual representation of the land use patterns Council envisions emerging over the next 15 years. It lays the foundation and establishes the direction for the Zoning Map in the Land Use Bylaw, which is more precise in terms of boundaries and land use designations. The Zoning Map must, however, conform to the generalized Future Land Use Map.

5.1 LAND USE CRITERIA

In formulating the Future Land Use Map, Council has applied the following criteria:

- Land use conflicts shall be minimized.
- Agricultural and rural areas shall be identified and designated.
- Commercial development, including commercial and tourist accommodation uses, shall be focused in the serviced area but may be permitted elsewhere where appropriate.
- A Resort Core Area shall be designated, which shall function as an overlay over underlying designations.
- Mixed-use developments shall be encouraged in the Resort Core Area.
- The National Park shall be designated as a special area.
- Land adjacent to watercourses and other significant natural areas, as well as areas subject to coastal flood risk, shall be designated as Environmental Reserve as an overlay.
- All other relevant policies and principles included in this Official Plan will be reflected.

Future Land Use Map

Residential

Commercial

Rural

Institutional

Open Space

Environmental Reserve (Overlay)

National Park

Resort Core (Overlay)

Zoning Map

Residential (R1)

Resort Commercial (C1)

Resort Accommodations (C2)

Rural Reserve (RR)

Public Service & Institutional (PSI)

Parks & Open Space (O1)

Environmental Reserve (Overlay) (O2)

National Park (NP)

Resort Core (Overlay) (RC)

6 OFFICIAL PLAN IMPLEMENTATION

Administration and implementation of this Official Plan are the responsibility of Council. Council shall, however, seek the input of the Planning Board and other committees on matters pertaining to the Plan. The primary implementation tool for the Plan is the Land Use Bylaw. Aspects of the Plan may also be implemented through other municipal bylaws or regulations, Council's operating policies and procedures, the municipal budget and other appropriate Council actions.

Council may also delegate aspects of the implementation of this Official Plan to a Development Officer appointed by Council.

6.1 LAND USE BYLAW

Concurrently with the adoption of this Official Plan, Council shall replace its current Zoning and Subdivision Control (Development) Bylaw to conform with the policies and provisions of this Official Plan, in accordance with the provisions of the *Planning Act*. The new bylaw shall be titled the Resort Municipality Land Use Bylaw, Bylaw Rural Municipality-2023-LUP-1 and may be referred to as the Land Use Bylaw. Both documents take effect upon approval by the Minister responsible for the *Planning Act*.

The Bylaw shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and procedures and standards controlling the subdivision and consolidation of land in the Resort Municipality. The Bylaw may also provide for “special permit” uses.

6.1.1 Approval of Development or Change of Use

The Bylaw shall require any person undertaking any development or change of use of land or premises to apply for a development permit using the Resort Municipality's standard application form. Exceptions shall be noted in the Bylaw. Council shall process such applications and may approve or deny them based on the provisions of the Bylaw and this Plan. Council may attach such conditions as it deems appropriate to any development permit to ensure conformance with this Official Plan and the Bylaw.

The Bylaw may require the submission of a construction plan for the development outlining such details as construction phasing, stockpiling of soil, screening or fencing, erosion or run-off control

measures, heavy truck access, and any other item that could present a nuisance or hazard during construction. The Bylaw may provide for the submission of Environmental Impact Assessments assessing such development impacts as Council may determine and recommend remedial actions.

The Bylaw may also require the submission of a site plan, footing plan, stormwater management or drainage plan, and/or landscape plan to assist the Development Officer or Council in determining if the proposed development meets the requirements set out in the Bylaw. Once the development is approved, a numbered permit will be issued that must be displayed at the site. The receipt of a development permit does not excuse the applicant from complying with any Provincial or Federal laws in force, relating to matters such as the National Building Code, fire protection, health and safety, sewage disposal, signage, plumbing and electrical installations, and others. Council will liaise with Provincial officials during the permit-issuing process as appropriate.

6.1.2 Development Agreements

Council may, at its discretion, require the developer of a subdivision or a development to enter into a Development or Subdivision Agreement. This agreement will contain all conditions attached to the development permit or subdivision approval, including financial performance bonds, which are deemed necessary by Council to ensure conformance with the provisions of the Bylaw and this Official Plan, and will be legally binding on both parties.

6.1.3 Variances

Council may grant variances to the provisions of the Bylaw where strict compliance would represent an inappropriate burden to the applicant and where the general intent of this Official Plan is upheld.

6.1.4 Development Assistance and Promotion

Council and staff of the Resort Municipality shall take a collaborative approach to supporting prospective developers, seeking to ensure accessibility in the communication of the Bylaw's requirements, promoting good design and the safe, efficient use of land, and protecting the environment.

Council shall continue to work with individual landowners, business operators, and Federal and Provincial development departments and agencies, notably Parks Canada, to promote the Resort Municipality as a tourism destination, a location for year-round residential uses, and as an excellent place in which to invest, in conformance with the provisions of this Official Plan.

6.2 BUDGETING

While the Bylaw, as well as bylaws passed under the *Municipal Government Act*, is the primary tool for controlling and directing private sector development activities in the Resort Municipality, the municipal financial plan is the key policy tool for directing the activities of Council. As such, the budget is a key implementation tool for the policies laid out in this Official Plan and, to the extent practicable, the budget should conform with the policies of this Official Plan.

6.2.1 Budget Policies

Council has established the following fiscal policies as a framework to guide municipal revenues and expenditures, in addition to the requirements of the *Municipal Government Act*.

- As a general policy, Council shall strive to maintain stable and affordable property tax and utility rates.
- Council shall pursue options for cost-sharing and maximize assistance from all other levels of government and other sources.
- Council shall generally apply a “user pay” approach for programs and services, while accounting for socio-economic inequities.
- Council shall continue to maintain low permanent staff levels and to contract out for specialized services until needs and projected savings warrant further staffing.
- Council shall consider establishing reserve funds to cover the professional and legal expenses relating to the administration, enforcement, and review of this Official Plan and the Bylaw over time, and set aside funds on an annual basis where municipal revenues permit.

6.2.2 Capital Priorities

While other capital projects may arise over the life of this Official Plan, the following items have emerged from the Plan deliberations as current priorities:

- Central wastewater treatment system upgrading
- Additional street lighting
- Boardwalk/trail extension
- Central water supply contingency plan
- Wellfield testing
- Central well field acquisition
- Day use areas
- Resort core area development concept plan
- Parks and recreation development fund
- Street signs & wayfinding
- Energy independence
- Extended year-round activities
- Dog park
- Emergency preparedness
- Community hub / municipal building

6.3 REVIEW

Council shall, on a regular basis, evaluate its activities in terms of the successful implementation of this Official Plan and shall undertake a review of the Official Plan and the Bylaw in accordance with the provisions of the *Planning Act*.

6.4 AMENDMENTS

The Official Plan and the Bylaw may be amended as circumstances change in the Resort Municipality or in response to requests from the public, provided that all provisions of the *Planning Act*, this Plan, and the Bylaw are met.

6.5 POSTING OF DECISIONS

The Development Officer shall post all decisions made in respect of an application under the Bylaw, in accordance with Section 23.1 of the *Planning Act*, for:

- a) a development permit;
- b) an occupancy permit, in relation to a matter under the *Planning Act*, regulations made pursuant to the *Planning Act*, or the Bylaw;
- c) a preliminary approval of a subdivision,
- d) a final approval of a subdivision; or
- e) an amendment to a bylaw, including
 - i. an amendment to the zoning map established in the Bylaw, or
 - ii. an amendment to the text of the Bylaw.

6.6 APPEAL PROCEDURE

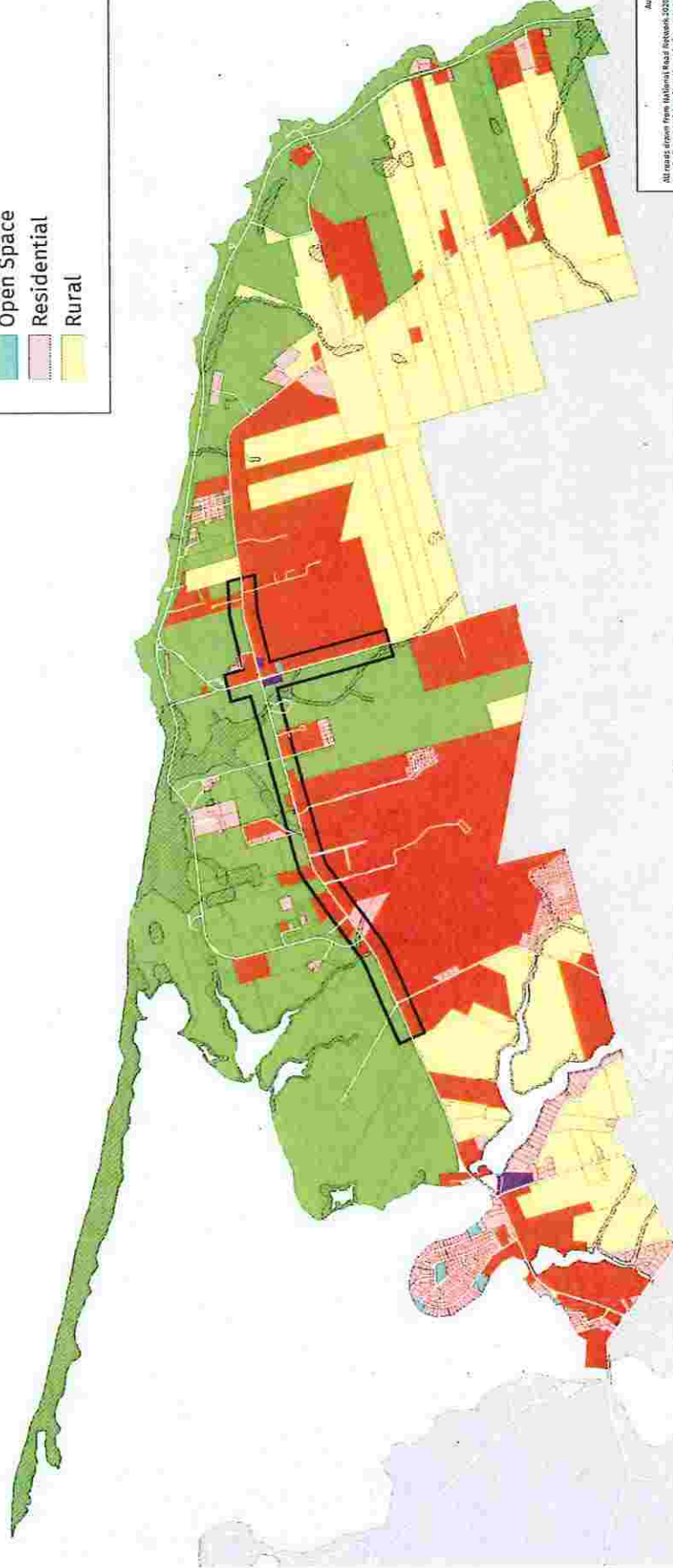
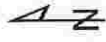
Any person who is dissatisfied with a decision of the Development Officer or Council in the administration of the Bylaw may, within 21 days of the decision, appeal that decision in accordance with Section 28 of the *Planning Act*.

SCHEDULE A – FUTURE LAND USE MAP

Resort Municipality

Future Land Use Map

- Resort Core Overlay
- Environmental Reserve Overlay
- Commercial
- Institutional
- National Park
- Open Space
- Residential
- Rural

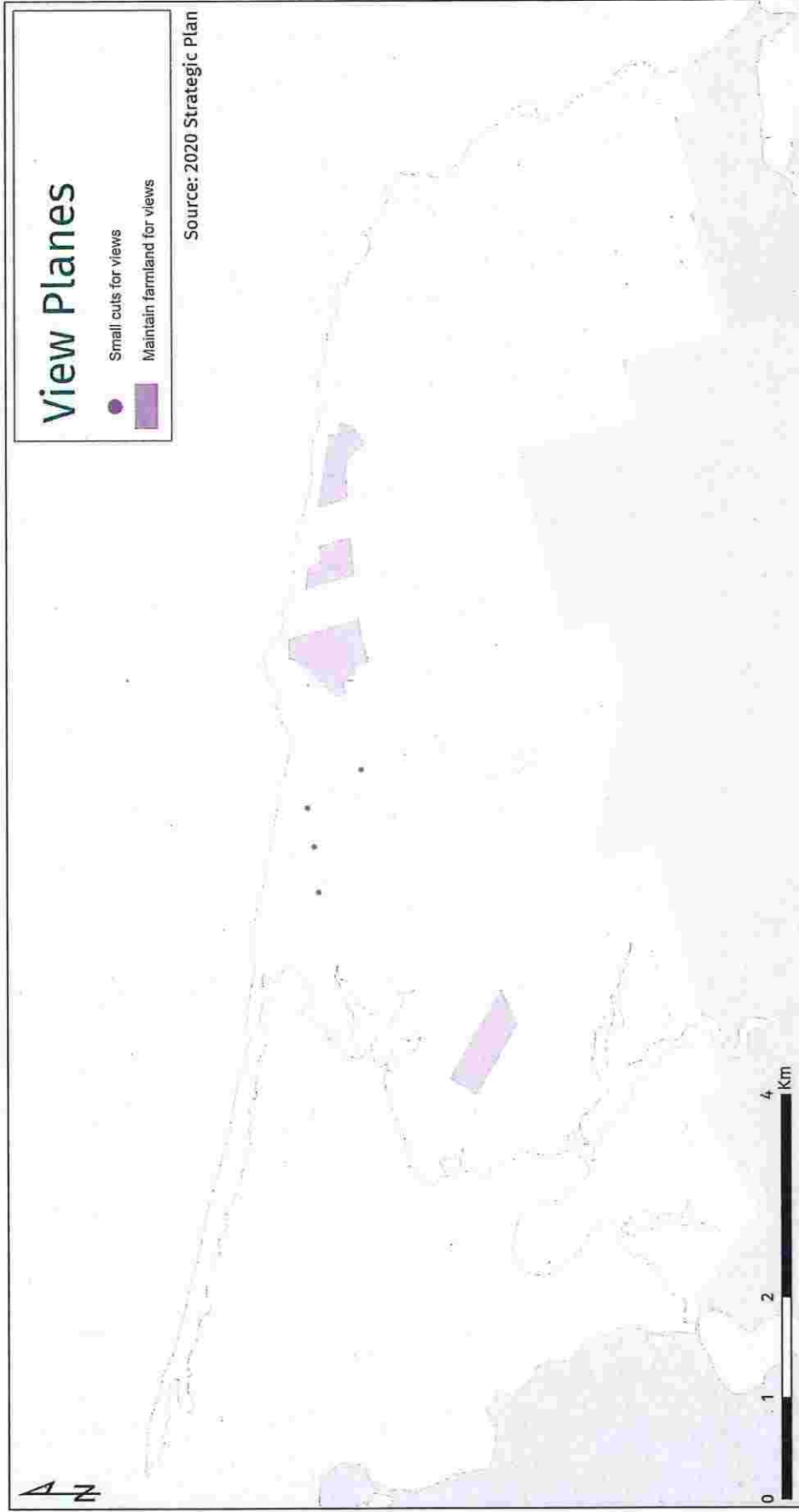


August 14, 2023
All areas shown from National Road Network-2020 with any
not reflect the current status of the
Property boundaries last updated March 31, 2022.
Coordinate System: NAD 1983 UTM 18 UTM
Projection: UTM, Spheroid: Clarke 1866
Datum: North American 1983 CGCS
Prepared for the Resort Municipality by
Milli Undermy with 21 Locality Planning and Consulting

SCHEDULE B – ROADS IN THE RESORT MUNICIPALITY

Names	Class (<i>Roads Act Highway Access Regulations</i>)
Route 6 (Cavendish Rd, Rte 6), Route 13	Collector
Reid Rd (Rte 502), St. Mary's Rd (Rte 224)	Local 1
Simpson Mill Rd (R112071), Cawnpore Ln, Arnold Ln, RI12142 (portion)	Local 2
Cape Rd (portion)	Local 3
Cape Rd (portion), Hammies Ln, Moore Rd, Bumble Bee Rd	Seasonal
Grahams Ln, Terre Rouge Ln, Gulf Shore Parkway, Cape Rd	Federal
Angus Campbell Ln, Avonlea Bl, Bayview Dr, Bonnie Acres Dr, Boyle Cr, Briar Rd, Burns Av, Carberry Crt, Clarence Ln, Clarks Ln, Cole Ln, Driftwood Ln, Eagles Glenn Bl, Forest Hills Ln, Four Winds Ln, Friendly Ln, Heaney Ln, Heron Crt, Howatts Ln, Isidores Ln, Janinas Dr, Jems View, Landing Drive, MacCoubrey Ln, MacNeill Ln, Memory Ln, Oceanview Crt, Pickering Pl, Seawood Dr, Spruce Ln, St Lawrence Av, Stanley Rd, Stewart Ln, Sunset Ln, Trimmings Ln, Waynes Ln, Wygant Pl, RI12142 (portion),	Private
Unbuilt/undeveloped right-of-way off Simpson Mill Rd (PID 622779)	Unclassified – not mapped

SCHEDULE C – DESIGNATED VIEWSCAPES



SCHEDULE D – LEGACY LANDS ASSESSMENT POLICY

Reasons for the Policy

WHEREAS Legacy Lands (as defined below) exist in the Resort Municipality;

AND WHEREAS it is not always certain whether a Lot qualifies as Legacy Lands;

AND WHEREAS the Resort Municipality is desirous of determining and recognizing the existing legitimate rights of Property Owners of Legacy Lands;

AND WHEREAS the Resort Municipality is desirous of enacting this policy to guide its decision-making regarding the determination of the existence of Legacy Lands (the “Policy”).

NOW THEREFORE the Municipality wishes to adopt the following policy, effective upon approval of the 2023 Official Plan by the minister responsible for the Planning Act.

Purpose

1. The purpose of the Policy is to provide guidance to Council, Development Officers and Property Owners regarding the identification of Legacy Lands (as defined below). Council must rely on the Policy when determining the existence of Legacy Lands.

Definitions

2. Capitalized terms not otherwise defined in the Policy have the meaning prescribed in the 2023 Land Use Bylaw (the “Bylaw”).
3. “Legacy Lands” means lands which:
 - a. have a Subdivision or Development approval in effect for certain Uses,
 - b. have not yet been fully developed,
 - c. meet the assessment criteria prescribed in the Policy, and
 - d. currently do not comply with the Municipality’s Bylaw.

Assessment Criteria

4. Three criteria will be considered. The examples accompanying each criterion will be used in the assessment of the Legacy Lands.
 - 1) What is the pre-existing approved Use of the Lot and how has the Lot been actively put towards that Use?

- (i.) Examples:
 - (A) the extent to which the lands have been developed,
 - (B) whether the Developer was in the process of actively developing the Lot at the time the Bylaw was passed,
 - (C) how long the Lot has been vacant and/or unused,
 - (D) what are the real and reasonable expectations of the Property Owner, as evidenced by their actions or inactions with regards to the Lot.
- (ii.) The following shall not be considered:
 - (A) the contemplated Uses of the Lot,
 - (B) the probable eventual Uses of the Lot, or
 - (C) the desired Uses of the Lotwhich have not been actualized on the date the Bylaw came into effect.
- 2) Is the proposed Development merely a continuation or evolution of the existing Use or is it a new Use?
 - (i.) Examples:
 - (A) extending a cottage is likely a continuation of a Use,
 - (B) finishing a subdivision is likely a continuation of a Use whereas beginning to build a new one (i.e. beginning with the subdivision of a Parcel) is likely a new Use, and
 - (C) removing substantially all of a structure to build a larger structure would be a new Use.
 - 3) If the Use of the Property is merely an evolution of an approved Use, does the expanded use balance with the community's interest in maintaining the character of the surrounding lands?
 - (i.) Example:
 - (A) Continuing the construction of a residential subdivision development is in the interest of the community and the Property Owner.
- 5. Two interpretation principles will guide the application of the criteria:
 - 1) The resulting characterization of the Legacy Lands should not be so general as to liberate the Property Owner from constraints of what they actually did, and not be so narrow as to rob them of some flexibility in the reasonable evolution of prior activities. The degree of this flexibility may vary with the type of Use.
 - 2) While the definition of the Legacy Lands will always have an element of subjective judgment, the criteria mentioned above ground the decision-making in objective facts. The outcome of the balancing in step three of the analysis should not turn on personal value judgments.



Resort Municipality of Stanley Bridge, Hope River,
Bayview, Cavendish and North Rustico

LAND USE BYLAW

Bylaw RM-2023-LUP-1

Effective December 19, 2024

Original date of approval by Minister	December 19, 2024
Amended:	
Amendment Number	Effective Date

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

Bylaw # RM-2023-LUP-1, Resort Municipality Land Use Plan

Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico

To adopt the Resort Municipality Land Use Plan 2023

Effective Date

The effective date of Bylaw # RM-2023-LUP-1, Resort Municipality Land Use Plan, is the date as signed below by the Minister of Housing, Land and Communities.

Authority – Bylaw

The Council for the Resort Municipality, under authority vested in it by Sections 11, 15, 16, 18 -20 of the Planning Act R.S.P.E.I 1988 Cap P-8 hereby enacts as follows:

First Reading

The Land Use Plan was read a first time at the Council meeting held on the 20th day of November, 2023. The Land Use Plan was approved by a majority of Councillors present at the Council meeting held on the 20th day of November, 2023.

Second Reading

The Land Use Plan was read a second time at the Council meeting held on the 11th day of December, 2023. The Land Use Plan was approved by a majority of Councillors present at the Council meeting held on the 11th day of December, 2023.

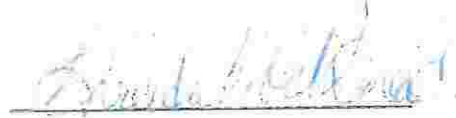
Adoption and Approval by Council

The Land Use Plan was approved by a majority of Councillors present at the Council meeting held on the 11th day of December, 2023.

The Land Use Plan is declared to be passed on the 11th day of December, 2023.



Mayor

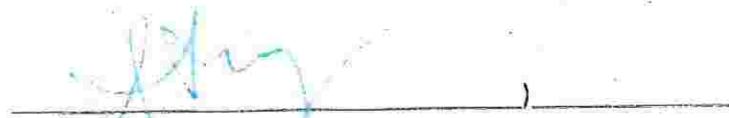


CAO

MINISTERIAL APPROVAL:

The Land Use Plan, Bylaw # RM-2023-LUP-1, is hereby approved.

Dated on this 11th day of November, 2024.



Hon. Steven Myers, Minister of Housing, Land and Communities

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1. SCOPE

1.1 TITLE

- (1) This Bylaw shall be known and may be cited as the Resort Municipality Land Use Bylaw.

1.2 AUTHORITY

- (1) This Bylaw is enacted under the authority of the Planning Act and clause 14(b) of the Municipal Government Act.

1.3 AREA DEFINED

- (1) This Bylaw applies to the geographical area within which the Municipality's Council has jurisdiction.

1.4 PURPOSE

- (1) The purpose of this Bylaw is to implement the policies of the Official Plan and to establish a transparent, fair, and systematic means of Subdivision and Development control for the Municipality.

1.5 SCOPE

- (1) No Dwelling, Business, trade, or industry shall be located, nor shall any Structure be Erected, Altered, Used or have its Use changed, nor shall any land be divided, consolidated or used in the Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.

1.6 AUTHORITY OF DEVELOPMENT OFFICER

- (1) Council shall appoint a Development Officer(s) whose duties shall be as provided in this Bylaw. A Development Officer shall have the authority to administer this Bylaw. Notwithstanding the foregoing and except where otherwise specified in this Bylaw, a Development Officer shall have the authority to approve or deny severances, Lot Consolidations, and Development Permits in accordance with this Bylaw in all areas except for:
 - (a) Institutional Uses;
 - (b) Major Developments;
 - (c) Special Permit Uses;
 - (d) Temporary Permit Uses under section 4.29;
 - (e) Subdivisions of more than three Lots; and
 - (f) Subdivisions or Developments where new Streets, Private Rights-of-Way, shared or municipal services, or parkland dedications are required.

1.7 PERMITTED USES

- (1) In this Bylaw, any Use not listed as a Permitted Use in a Zone is prohibited in that Zone unless otherwise indicated.

1.8 CERTAIN WORDS

- (1) In this Bylaw, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular, the word shall is mandatory and not permissive; and the word may is permissive and not mandatory.
- (2) In this Bylaw, words beginning with uppercase letters carry the defined meaning set forth in Part 21. Words that are defined in Part 21 but do not begin with an uppercase letter when used in the Bylaw carry their ordinary meaning.

1.9 UNITS OF MEASURE

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

1.10 SCHEDULES

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

2. DEVELOPMENT ZONES

2.1 DEVELOPMENT ZONES

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

Zone	Symbol
Residential	R1
Resort Commercial	C1
Resort Accommodations	C2
Rural Reserve	RR
Public Service & Institutional	PSI
Parks & Open Space	O1
Environmental Reserve (Overlay)	O2
National Park	NP
Resort Core (Overlay)	RC

2.2 INTERPRETATION OF ZONE BOUNDARIES

- (1) Boundaries between Zones shall be determined as follows:
- where a Zone boundary is indicated as following a Street, the boundary shall be the centre line of such Street;
 - where a Zone boundary is indicated as following Lot or Property lines, the boundary shall be such Lot or Property lines;
 - where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary of the Municipality; or
 - where none of the above provisions apply, the Zone boundary shall be scaled from the original Zoning Map on file at the Municipality's office.
- (2) The Zone boundaries for the Environmental Reserve Zone shall be the area in or on a Watercourse or Wetland and the area within 15 m. (49.2 ft.) of a Wetland Boundary or a Watercourse Boundary, as designated or determined by the Province's department responsible for the Environmental Protection Act.
- (3) The Zone boundary for the Resort Core (Overlay) Zone shall have a depth of 121.9 m. (400 ft.) measured from the Street Line and for the avoidance of doubt, the requirements in this Bylaw for the RC Zone are in addition to all requirements in the underlying Zone.

2.3 ZONING MAP

- (1) Schedule A shall be cited as the Zoning Map and forms a part of this Bylaw.

- (2) Where the Zone boundary delineates the Environmental Reserve (Overlay) Zone:
- (a) the Zoning Map reflects the location of Wetlands, Watercourses and the Buffer Zone as defined in the Watercourse and Wetland Protection Regulations;
 - (b) the Zoning Map has been drawn based on the 2010 provincial delineation of the coastline, Wetland and Watercourse land use boundaries;
 - (c) the location of the Environmental Reserve (Overlay) Zone boundary may change over time as the coastline and Wetland and Watercourse boundaries change due to natural processes including sea level rise and coastal erosion; and
 - (d) in the event of an application in relation to a Lot located in or within 30 m. (98.43 ft.) of the Environmental Reserve (Overlay) Zone, the boundary of the Watercourse or Wetland shall be delineated on a Survey Plan, which shall be dated no more than 12 months from the date of the application.

3. ADMINISTRATION

3.1 DEVELOPMENT PERMIT REQUIRED

- (1) No Person shall:
- (a) change the Use of a Parcel of land, a Structure or part of a Structure;
 - (b) commence any Development;
 - (c) construct any Structure on a Property;
 - (d) make Structural Alterations to any Structure;
 - (e) establish or start a Home Occupation;
 - (f) make a connection to a central water supply, municipal sewer, or Sewage Disposal System;
 - (g) make any underground installation such as a septic tank, a fuel tank, or a foundation wall;
 - (h) move or Demolish any Structure greater than 20 sq. m. (215.3 sq. ft.);
 - (i) construct a new driveway or alter a driveway access;
 - (j) place or dump any fill or any other material;
 - (k) subdivide or consolidate a Parcel or Parcels of land;
 - (l) construct a Fence more than 1.22 m. (4 ft.) high;
 - (m) establish or place a Swimming Pool;
 - (n) Erect or replace a Solar Array; or
 - (o) construct or replace a Deck or Patio.

without first applying for, and receiving, a Development Permit or Subdivision approval, as the case may be, except where otherwise specifically provided in this Bylaw.

3.2 NO DEVELOPMENT PERMIT REQUIRED

- (1) Unless otherwise specified, no Development Permit shall be required for:
- (a) constructing or replacing a Fence 1.22 m. (4 ft.) or less in Height;
 - (b) installing clotheslines, poles, and radio or television antennae;
 - (c) making a Garden;
 - (d) growing a crop or preparing land for a crop;
 - (e) making Landscaping improvements or constructing or installing Ornamental Structures, play Structures, or Accessory Structures of 6 sq. m. (64.5 sq. ft.) or less in area;
 - (f) conducting routine maintenance which has the effect of maintaining or restoring a Structure or any of its elements to its original state or condition;
 - (g) a Development that involves the interior or exterior renovation of a Building that will not change the shape of the Building or increase its volume, will not add more Dwelling Units, or will not involve a change in the Use of the Building;
 - (h) the Use of a portion of any Dwelling Unit or Building Accessory to a Dwelling Unit as a personal office for residents of the Dwelling Unit provided the personal office will not be visited by members of the Public and no Signage is posted;

- (i) the Use of a portion of any Dwelling Unit for the instruction of up to two students at a time provided no Signage is posted; and
- (j) public utilities located within the Street,

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

3.3 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

- (1) Nothing in this Bylaw shall exempt any Person from complying with the requirements of any other Bylaw of the Municipality or from obtaining any license, permission, authority, or approval required by any other Bylaw of the Municipality or any legislation or regulation of the Province or the Government of Canada.
- (2) Where the provisions of this Bylaw conflict with those of any other bylaw of the Municipality, the more stringent provision shall prevail.
- (3) When a Development does not require a Development Permit, the requirements of the Bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Province or the Government of Canada, shall still apply.
- (4) A Development Permit issued under the Bylaw does not substitute or supersede the requirement for a building permit for the construction, demolition, occupancy or Use of a Building under the Building Codes Act and applicable regulations.
- (5) A building permit issued under the Building Codes Act and applicable regulations, does not substitute or supersede the requirement for a Development Permit under the Bylaw.

3.4 PERMIT APPLICATIONS

- (1) Any Person applying for a permit shall do so on a form prescribed by Council and shall submit the application to the Municipality. Where the Person applying for the permit is not the Owner of the subject Property, they must provide the Municipality with written authorization from the Property Owner allowing that Person to apply for the permit on the Owner's behalf as the authorized agent.
- (2) An application is considered incomplete, and a decision shall not be rendered on such an application, until such time as all required information is submitted, including the:
 - (a) application form, signed and dated by the Owner or Owner's authorized agent;
 - (b) application fee, and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Schedule C;
 - (c) Site Plans, drawings, and other representations of the proposed Development, as required;
 - (d) approval(s) from other governments or agencies, as required; and
 - (e) additional information, as required by the Development Officer.

- (3) An incomplete application shall be considered null and void if the Applicant does not submit the required information and does not make payment in full on the application, within six (6) months of submitting the initial application form.
- (4) An application submitted in accordance with the Bylaw shall constitute authorization for inspection of the Structure or land in question by the Development Officer, or an officer or agent of the Municipality, for the purpose of ensuring compliance with the provisions of the Bylaw.
- (5) Notwithstanding any section of this Bylaw, Development Permits are not valid and will not be recognized until the application fee and any other required fees are paid in full, and the Development Permit is signed by the Applicant.

3.5 SITE PLAN

- (1) Every application for a Development Permit shall be accompanied by a Site Plan, drawn to scale, and showing:
 - (a) the boundaries of the subject Lot, including dimensions and area;
 - (b) the general location and Use of every Structure already Erected on the Lot and of Buildings on abutting Lots within 15.2 m. (50 ft.) of all Lot boundaries;
 - (c) the location of the septic system and tile field or sewer service, including its elevation;
 - (d) the location of the well or water service;
 - (e) the distance between any existing or proposed well and Sewage Disposal System;
 - (f) the proposed and existing location and dimensions of any entrance way, Parking Space, Parking Lot, or Loading Space on the Lot;
 - (g) the location of any well, Sewage Disposal System, and driveways within 30 m (98.43 ft.) on adjacent Lots;
 - (h) the proposed Use of the Lot and each Structure to be developed;
 - (i) all existing Streets, rights-of-way, and easements on and adjacent to the Lot;
 - (j) the location of existing and proposed driveways, including the distance from the centre of the driveway to the nearest Property boundary;
 - (k) the location and exterior dimensions of the proposed Structure, including any Deck, Porch or veranda attached thereto;
 - (l) the distance from the proposed Structure to all Property boundaries;
 - (m) the distance from the proposed Structure to any existing Buildings or Structures;
 - (n) elevation plan(s) of each exterior wall of the proposed Structure;
 - (o) slope and direction of surface drainage;
 - (p) the distance from the proposed Structure to the boundary of any adjacent Wetland, Watercourse, sand dune, or the top of the bank adjacent to a Wetland or Watercourse and the location of the Buffer Zone as defined in the Watercourse and Wetland Protection Regulations;
 - (q) a notation of the Front Yard Setbacks for adjacent Structures within 61 m. (200 ft.) of the Lot;

- (r) North arrow and scale; and
 - (s) any other information the Development Officer deems necessary to determine whether the proposed Development conforms to the requirement of this Bylaw.
- (2) Notwithstanding subsection (1), the Development Officer may receive applications for Accessory Structures, requiring only the information which they deem applicable to each individual application.

3.6 OTHER INFORMATION

- (1) The Authority Having Jurisdiction may require an Applicant to submit any additional information related to the proposed Development, which is deemed necessary in order to determine whether or not the Development conforms to the requirements of the Bylaw, Official Plan, and applicable laws of the Province, including but not limited to the following:
- (a) Parking Lot layout and internal circulation patterns, including:
 - (i) calculations for determining the number of Parking Spaces as required by the Bylaw, the maximum number of employees, customers, and Vehicles which would be at the facility at any one time;
 - (ii) proposed ingress and egress to the site, including Parking Lots, stalls, and adjacent Streets, and delineation of traffic flow with directional arrows; and
 - (iii) indication of the location of directional Signs or other motorists' aids;
 - (b) all Street pavement lines;
 - (c) existing and proposed contours;
 - (d) adjacent surface water features and steep slopes;
 - (e) the stormwater management plan for the Subdivision;
 - (f) the location of Open Space and Amenity Areas;
 - (g) existing and proposed vegetation including trees and Landscaping, with proposed and existing differentiated;
 - (h) the location of garbage containers and description of any Screening or fencing;
 - (i) the proposed storage areas and description of any Screening or fencing;
 - (j) the location and size of underground sewer and water utilities;
 - (k) indication of all existing (to remain) and proposed lighting standards and utility poles, complete with routing of electrical supply;
 - (l) an indication that consideration has been given to accommodating the appropriate future Development of the balance of the site; and
 - (m) traffic impact studies.
- (2) The information in subsection (1) shall be required for all Development Permit applications for any Use or Structure that requires a Comprehensive Development Concept Plan under section 4.6, except where waived by Council.
- (3) For an application for a Development Permit on a Lot abutting or within 22.9 m (75 ft.) of a Watercourse or Wetland, the information required under section 4.7 shall also be included.

3.7 SURVEYS REQUIRED

- (1) Where the location of an existing Structure with respect to a boundary is necessary to determine the compliance of an application with this Bylaw and other bylaws, policies and regulations in force which affect the proposed Development, a Survey Plan may be requested by the Development Officer, in accordance with the Land Surveyors Act.
- (2) Following the issuance of a Development Permit for any proposed Development within 0.30 m. (1.0 ft.) or less of the minimum Setback permitted in the Zone, a footing certificate or Survey Plan shall be prepared by a Professional Land Surveyor and submitted to the Municipality to confirm the location of the Building's footing prior to the foundation walls being poured.
- (3) The Site Plan shall be based on a Survey Plan when:
 - (a) the Lot subject to a Development does not meet the minimum Lot Area or Lot Frontage requirements of this Bylaw; or
 - (b) the location of an existing Structure with respect to the Lot boundary or with respect to the proposed Structure is necessary, in the opinion of the Development Officer, in order to determine whether the application complies with the Bylaw.

3.8 STORMWATER MANAGEMENT PLAN

- (1) Except for the reasons provided by subsection (2) below, a Development Permit application shall be accompanied by a stormwater management plan, prepared by a Professional Engineer or Landscape Architect, drawn to scale and showing the following information:
 - (a) existing and proposed Grade elevations relative to the adjoining Lot(s) and the Street or right-of-way;
 - (b) stormwater management design features, including but not limited to swales and berms, and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent Lots, Private Roads or rights-of-way.
 - (c) the finished floor elevation or foundation elevation of existing Buildings or Structures on the Lot and of existing Buildings or Structures on adjacent Lots located within 15 m. (49.2 ft.) of the adjoining Lot Line; and
 - (d) the proposed surface, finished floor or foundation elevation of the proposed Structure.
- (2) A stormwater management plan is not required for the following types of Developments, where the Development does not involve an alteration or change to the existing Grade of the land within the minimum Yard Setbacks of the Lot:
 - (a) a Development that conforms with a preapproved stormwater management plan as prepared for the Subdivision approval of the Lot;
 - (b) a Development of a Structure with a footprint less than 65 sq. m. (699.7 sq. ft.) and a proposed Setback of more than 15 m. (49.2 ft.) from any Lot Line or existing Structure;
 - (c) a Development that will result in a total Lot Coverage of less than 10%;
 - (d) a Development of a Structure with a footprint less than 20 sq. m. (215.3 sq. ft.);

- (e) a Development of a Structure that will be built on raised sono-tubes, posts or piles and will not affect the natural and existing flow for drainage; or
 - (f) the replacement of a Structure with one of the same size and in the same general location, provided no changes are being made to the Grade of the Lot under or around the Structure.
- (3) A stormwater management plan required under this section shall include the following information:
- (a) the existing and proposed Grade elevations relative to any adjoining Lot and Street;
 - (b) the surface water management strategies to be used, including but not limited to swales and berms, when applicable, and the proposed surface drainage flow as designed to prevent surface water run-off from the Lot in question onto any adjoining Lot or Street;
 - (c) the finished floor elevation or foundation elevation of any existing Building(s) on the Lot and on any adjacent Lot located within 15 m. (49.21 ft.) of the adjoining Lot Line; and
 - (d) the proposed surface, finished floor, or foundation elevation of the proposed Structure.
- (4) For Properties with, or located adjacent to, a Watercourse or Wetland, the Site Plan or stormwater management plan or both shall also include the location of any Buffer Zone as defined in the Watercourse and Wetland Protection Regulations.
- (5) A Site Plan and stormwater management plan may be submitted together as a single plan of the proposed Development.

3.9 CONDITIONS AND CAVEATS ON PERMITS

- (1) The Authority Having Jurisdiction shall have the authority to impose conditions on a Development Permit subject to such conditions being directly related to and consistent with the Municipality's bylaws and Official Plan.
- (2) All Development Permits shall contain a caveat informing the Developer that the Municipality is an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; noises; and slow-moving equipment on roadways.
- (3) All residential Development Permits in the C1 and C2 Zones shall contain a caveat informing the Applicant that that such areas are characterized by normal commercial nuisances such as noise, traffic congestion, Parking Lots, and pedestrian traffic.

3.10 PROCEDURES FOR SPECIAL PERMIT USES

- (1) No Development Permit for a Special Permit Use shall be issued by Council unless:
 - (a) the Development is deemed appropriate and complements the scale of the adjoining Properties;
 - (b) the Development has a sufficient landscaped buffer around the periphery of the Property;

- (c) in the opinion of Council, the Development does not cause any hardship to surrounding Properties due to excessive noise, traffic congestion or any other potential nuisance;
- (d) written notice to adjacent Property Owners is provided in accordance with section 15.3 including details of the proposed Development and inviting written comments;
- (e) a public meeting is held to receive comments on the proposed Use in accordance with the requirements of section 15.2; and
- (f) all other relevant provisions of this Bylaw are met.

3.11 FIRE MARSHAL APPROVAL

- (1) The Development Officer shall refer applications involving the following Uses to the provincial fire marshal's office for comment prior to the Development Permit being issued:
 - (a) twelve or more Dwelling Units on a Parcel;
 - (b) Bed and Breakfasts and Short-Term Rentals;
 - (c) Campgrounds, RV Parks, Campground Sites and/or RV Sites;
 - (d) commercial Uses;
 - (e) public service and Institutional Uses; and
 - (f) outdoor sporting event or concerts.
- (2) The Development Officer may refer any other applications for a Development Permit as required to the provincial fire marshal's office for comment prior to the Development Permit being issued.

3.12 DEVELOPMENT AGREEMENT

- (1) The Authority Having Jurisdiction may require any Owner of a Property that is the subject of an application for a Development Permit to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing all conditions which were attached to the Development Permit, as well as any other matters identified pursuant to subsection (3). Failure to comply with a Development Agreement shall constitute an offence under this Bylaw.
- (2) A Development Agreement shall be required for all Light Industrial Uses, Major Developments, and Special Events.
- (3) A Development Agreement may address but shall not be limited to the following matters:
 - (a) Site Plan design;
 - (b) the design and construction of sidewalks, pathways, trails and other pedestrian circulation facilities;
 - (c) Landscaping and Screening, including the specification of the number and type of trees to be maintained and/or planted;
 - (d) Vehicular access and exits;
 - (e) the design and allocation of parking facilities;
 - (f) Signage;

- (g) security and safety lighting;
 - (h) posting of a financial guarantee, performance bond, or other security satisfactory to Council;
 - (i) methods of waste storage and disposal;
 - (j) Fencing; and
 - (k) any other matters that the Authority Having Jurisdiction deems necessary to ensure compliance with this Bylaw.
- (4) The Development Agreement shall be registered in accordance with the Registry Act and all fees associated with the preparation, registration, and enforcement of the Development Agreement, including the Municipality's legal fees, shall be paid by the Developer.
- (5) A Development Permit issued subject to a Development Agreement shall include a condition that the Development Agreement be signed prior to the issuance of the Development Permit.
- (6) A Development Agreement for a Special Event shall include all items listed in subsection 3.12(3) and, in addition, shall include the following:
- (a) insurance requirements;
 - (b) hours of operation;
 - (c) requirement to pay a community maintenance fee, to cover clean-up costs incurred by the Municipality in connection with the Special Event;
 - (d) requirement for the Applicant to participate in a public meeting following the Special Event; and
 - (e) any other requirement that the Authority Having Jurisdiction deems necessary to minimize the impact of the Special Event on adjoining Properties and the Municipality's infrastructure, to enhance public safety and to ensure compliance with the Municipality's bylaws.

3.13 AUTHORIZATION FOR INSPECTION

- (1) An application for a Development Permit shall constitute authorization for inspection of the Building or land in question by an officer or agent of the Municipality for the purpose of ensuring compliance with the provisions of this Bylaw and in accordance with Part IV of the Planning Act and Part 9, Division 1 of the Municipal Government Act.

3.14 PERMITS POSTED

- (1) The Property Owner shall be responsible for Displaying a copy of all permits in a visible location on the Property.

3.15 DEVELOPMENT PERMIT EXPIRY

- (1) Subject to subsection 2, a Development Permit shall be valid for a sixteen-month period from the date of issue. If work has not commenced during this period, the permit holder shall apply for and receive a new Development Permit before work commences.

- (2) If work is commenced during the sixteen-month period, the Development Permit shall remain valid for twenty-four months from the date of issue.
- (3) If, after twenty-four months, work has not been completed, an application shall be made to the Development Officer, the appropriate fee shall again be paid, and a new Development Permit shall be obtained before any further work is undertaken.
- (4) The Development Officer may revoke a Development Permit where information provided on the application is found to be inaccurate.

3.16 DEMOLITION OR MOVING PERMITS

- (1) No Building shall be moved out of or within the Municipality without a Development Permit and such other permits as may be required by law.
- (2) When a Structure is Demolished or moved, the well and Sewage Disposal System, where they exist, must be decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.
- (3) When a Structure has been moved or Demolished, the Applicant shall be responsible for ensuring the Lot is Graded appropriately to address any potential stormwater run-off.

3.17 DEVELOP IN ACCORDANCE WITH APPLICATION

- (1) Any Person who has been granted a Development Permit shall develop in accordance with the information given on the prescribed application form and the conditions included in the Development Permit and/or the Development Agreement.
- (2) No Building shall be Erected or placed except in conformance with the approved finished Grade for its site or the Street, after its construction.

3.18 DENYING PERMITS

- (1) No Development Permit shall be issued if:
 - (a) the proposed Development could injure or damage a neighbouring Lot or other Property in the Municipality, including but not be limited to, hazards, injuries or damages arising from water drainage run-off and flooding;
 - (b) the proposed Development does not conform to this Bylaw or other bylaws of the Municipality or any applicable enactments of the Province or of the Government of Canada;
 - (c) the method of water supply is not appropriate;
 - (d) the method of sanitary waste disposal is not appropriate;
 - (e) there is not a safe and efficient access to a Street;
 - (f) the proposed Development would create unsafe traffic conditions;

- (g) the proposed Development involves a proposed access that requires the use of a Private Road or access over an adjacent Property for which a legal right-of-way has not been properly granted;
- (h) the proposed Development would have a Detrimental Impact on the environment, including by reason of noise, dust, drainage, infilling, or excavation which affects environmentally sensitive areas; or
- (i) the proposed Development does not conform to any Landscaping or Lot grading policy adopted by Council.

3.19 CONSTRUCTION PLAN

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

3.20 CONSTRUCTION SITES

- (1) Left over construction materials, equipment, excavation materials and trash shall be cleaned up within a maximum of 30 days after the completion of construction.

4. GENERAL PROVISIONS

4.1 ACCESSORY STRUCTURES

- (1) Accessory Structures may be permitted on any Lot but shall not:
 - (a) be used for human habitation except where a Dwelling is a permitted Accessory Use;
 - (b) be built closer than 1.5 m. (5 ft.) to any Lot Line;
 - (c) be located in the Front Yard or the Flankage Yard; or
 - (d) exceed the square footage of the Main Building on the Property.

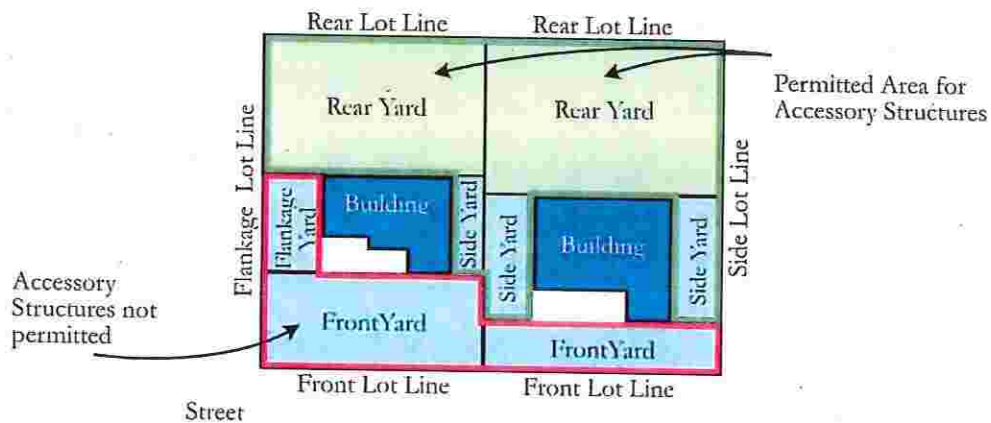


Figure 1 - Siting of Accessory Structures

- (2) Except in the C1 and C2 Zones or on a Farm, Accessory Structures shall not:
 - (a) exceed 3.6 m. (12 ft.) in Building Height;
 - (b) exceed 10% of the Lot Area up to a maximum total Floor Area of 92.9 sq. m. (1,000 sq. ft.) for all Accessory Structures combined; or
 - (c) exceed, except where otherwise provided for in this Bylaw, a maximum of two (2) Accessory Structures per Lot.
- (3) All Accessory Structures shall be included in the calculation of maximum Lot Coverage as described in the Lot requirements for the applicable Zone including where a Development Permit is not required under section 3.2.
- (4) No Accessory Structures shall be considered an Accessory Structures if:
 - (a) it is Attached to the Main Building; or
 - (b) it located completely underground.
- (5) No Accessory Structures shall be constructed:
 - (a) Prior to the construction of the Main Building to which it is Accessory; or
 - (b) Prior to the establishment of the Use of the Lot where no Main Building is to be built.

- (6) A shipping container, trailer, or similar Structure may be used as an Accessory Structure provided the following conditions are met:
- (a) the shipping container, trailer or similar Structure is not located on a residential Property;
 - (b) the shipping container, trailer, or similar Structure is located in the Rear Yard;
 - (c) the shipping container, trailer, or similar Structure is screened from view from the Street by means of a Landscape Buffer or adequate size or architectural Screening such as a wall, Fence or other appropriate Structure; and
 - (d) the shipping container, trailer, or similar Structure is painted to remove any identifying Signage on the container.

4.2 BED AND BREAKFAST AND SHORT-TERM RENTALS

- (1) A Bed and Breakfast shall be permitted to operate in any Single-Detached Dwelling subject to the following:
- (a) the Dwelling shall be occupied as a residence by the operator and the external residential appearance of the Dwelling shall not be changed by the Bed and Breakfast operation;
 - (b) not more than six (6) rooms shall be offered for overnight accommodation;
 - (c) Adequate off-Street Parking Spaces shall be provided in accordance with Part 5 of this Bylaw and such parking shall be in addition to the Parking Spaces required for the Dwelling;
 - (d) there shall be no Open Storage or Display area; and
 - (e) there shall be no Signs permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall be internally lit.
- (2) A Short-Term Rental shall be permitted to operate in any Single-Detached Dwelling subject to the following:
- (a) the external residential appearance of the Dwelling shall not be changed by the Short-Term Rental operation;
 - (b) not more than six (6) rooms shall be offered for overnight accommodation;
 - (c) adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided;
 - (d) there shall be no Open Storage or Display area; and
 - (e) there shall be no Signs permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall be internally lit.

4.3 BUFFERING

- (1) The provision and maintenance of adequate landscape buffering or appropriate fencing or both shall be required to the satisfaction of the Authority Having Jurisdiction between the R1 Zone and new commercial, Light Industrial or other land Uses characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people or other factors that may adversely affect adjacent residential amenity.

- (2) The provision and maintenance of adequate Landscaping including the preservation and planting of trees shall be required for new Development to the satisfaction of the Authority Having Jurisdiction.
- (3) Where a C1 Zone Property abuts the R1 Zone or an existing Residential Use along a Side Lot Line or Rear Lot Line or both, the landscaping of a strip of land not less than 7.6 m. (25 ft.) in width along that Side Lot Line or Rear Lot Line to the satisfaction of the Authority Having Jurisdiction shall be included as a condition on the Development Permit where a Development Permit has been granted for the C1 Zone Property.
- (4) An adequate landscape buffer may consist of, among other things, the following or a combination of the following:
 - (a) a grassed berm;
 - (b) planted vegetation;
 - (c) mature trees; and/or
 - (d) appropriate fencing.

4.4 BUSINESS USES IN RESIDENTIAL ZONES

- (1) The following Uses are permitted in any Dwelling or in a Building Accessory to a Dwelling Unit as a Home Occupation:
 - (a) animal grooming;
 - (b) Bed and Breakfast or Short-Term Rental, subject to section 4.2 of this Bylaw;
 - (c) Business Offices or Professional Offices;
 - (d) catering, for off-premise delivery of products;
 - (e) dressmaking and tailoring;
 - (f) Family Home Centre, in accordance with the Early Learning and Child Care Act and Regulations;
 - (g) hairdressing salon, barbershop, or aesthetics shop;
 - (h) occupations and Businesses that create arts and crafts, weavings, paintings, photography and sculptures on site;
 - (i) occupations and Businesses that repair Garden or household furniture or ornaments, personal effects, clothing, or toys;
 - (j) Online Retail Store;
 - (k) private lessons, tutoring, or training sessions of between 3 and 6 students at any one time; and
 - (l) the sale or display of arts and crafts, weavings, paintings, photography and sculptures that are created on site.
- (2) Where a Property is Used for a Home Occupation, the following shall apply:
 - (a) the Dwelling shall be occupied as a residence by the principal operator and the external residential appearance of the Building or Property shall not be changed by the Home Occupation;

- (b) there shall be no more than two non-resident assistants or employees for the Home Occupation;
 - (c) not more than 25% of the total Floor Area of the Dwelling shall be occupied by the Home Occupation;
 - (d) Adequate off-Street Parking Spaces shall be provided in accordance with Part 5 of this Bylaw and such parking shall be in addition to the Parking Spaces required for the Dwelling;
 - (e) There shall be no Open Storage area; and
 - (f) there shall be no Signs permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall be internally lit.
- (3) The Home Occupation shall not create a nuisance to residents in the surrounding neighbourhood by:
- (a) traffic generation,
 - (b) noise,
 - (c) hours of operation,
 - (d) the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the Dwelling; or
 - (e) the discharge of any smoke, fumes, toxic substances or other noxious matter into the atmosphere.
- (4) The following Business Uses are prohibited on a Residential Lot:
- (a) Autobody Repair Shops;
 - (b) Automobile Service Stations;
 - (c) with the exception of uses permitted under clause 4.4(1)(l), Retail Stores; and
 - (d) Light Industrial Uses.

4.5 BUILDING TO BE ERECTED ON A LOT

- (1) No Building shall be Erected or Used unless it is Erected on a single Lot.

4.6 COMPREHENSIVE DEVELOPMENT CONCEPT PLANS

- (1) Council may require the submission of a Comprehensive Development Concept Plan prepared in conformance with Schedule D, Comprehensive Development Concept Plans, for any Development other than a Single-Detached Dwelling, Agricultural Use, or Accessory Structure.
- (2) A Comprehensive Development Concept Plan shall be required for:
- (a) any Development in the Resort Accommodations (C2) Zone other than a Single-Detached Dwelling;
 - (b) all applications for a Major Development; and
 - (c) all applications regarding a Special Permit Use.

4.7 DEVELOPMENT ADJACENT TO WETLANDS AND WATERCOURSES

- (1) All Development adjacent to Wetlands, Watercourses and Buffer Zones shall adhere to the setbacks prescribed in this Bylaw in addition to the setbacks required by the Province under the Environmental Protection Act and its Watercourse and Wetland Protection Regulations.

- (2) The minimum Setback of any Structure from a Coastal Area, Wetland, Watercourse or shoreline shall be the greater of 15 m. (49.21 ft.) plus the minimum Setbacks for the proposed Structure for the Zone or 60 times the annual rate of erosion, where applicable, as determined by the Province's department responsible for such calculations.

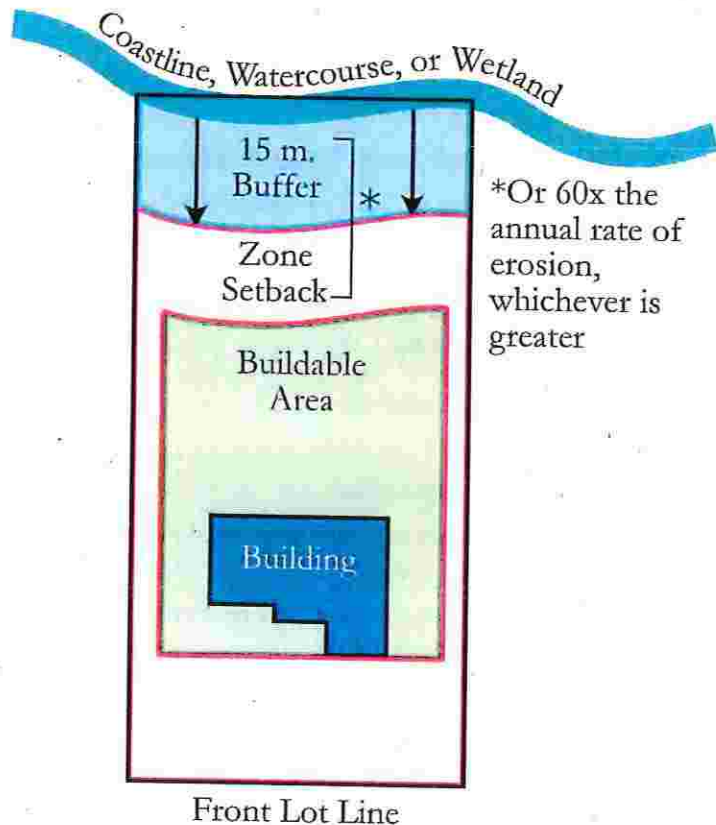


Figure 2 - Coastline, watercourse or wetland horizontal setback

- (3) A Coastal Hazard Assessment shall be included with a Development or Subdivision application for a Lot that is:
 - (a) 3.79 m. (12.43 ft.) CGVD2013 (or 4.13 m. CGVD28) or less in elevation and is adjacent to a Coastal Area, Wetland, Watercourse, or shoreline; or
 - (b) located within 22.9 m. (75 ft.) of a Coastal Area, Watercourse, Wetland, or shoreline.
- (4) On a Lot located within or adjacent to a Coastal Floodplain, no Structure shall be Erected or placed where the elevation of the Grade of the Lot is 2.71 m. (8.89 ft.) CGVD2013 (or 3.05 m. CGVD28) or less to avoid potential coastal flood risk, except where the Structure will be used for fishing or bait sheds, aqua-culture operations, boat launches, wharfs, or Structures or Buildings on a Property used in connection with a wharf.
- (5) Notwithstanding subsection (4), where a Property that is the subject of an application for a Subdivision approval or Development Permit has been identified as having a risk of coastal flooding through a Coastal Hazard Assessment and the finished Grade of the Lot can be raised to accommodate the projected risk, the proposed Subdivision or Development may be permitted, subject to the following:

- (a) the submission of a grading plan, designed and stamped by a Professional Engineer,
- (b) any alteration to the Grade does not encroach into the Buffer Zone, as defined in the Environmental Protection Act and the Watercourse and Wetland Protection Regulations, except where a watercourse, wetland and buffer zone activity permit has been issued by the Province; and
- (c) compliance with all other applicable requirements of this Bylaw.

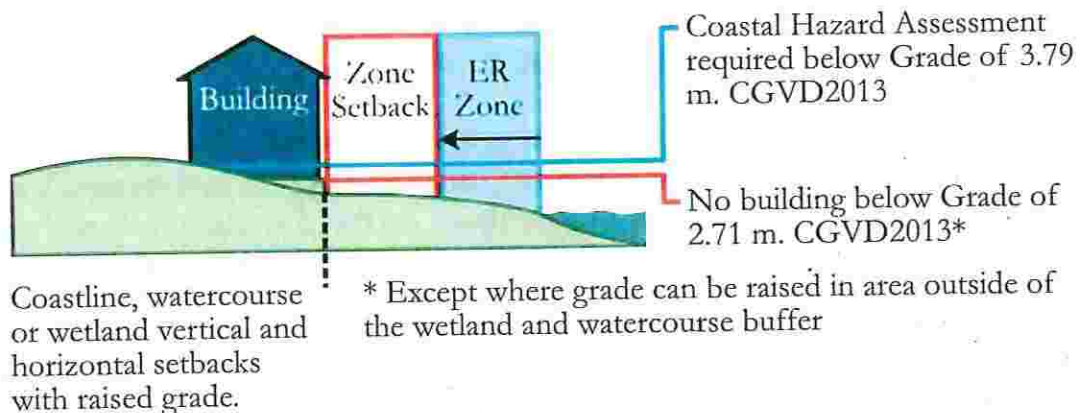
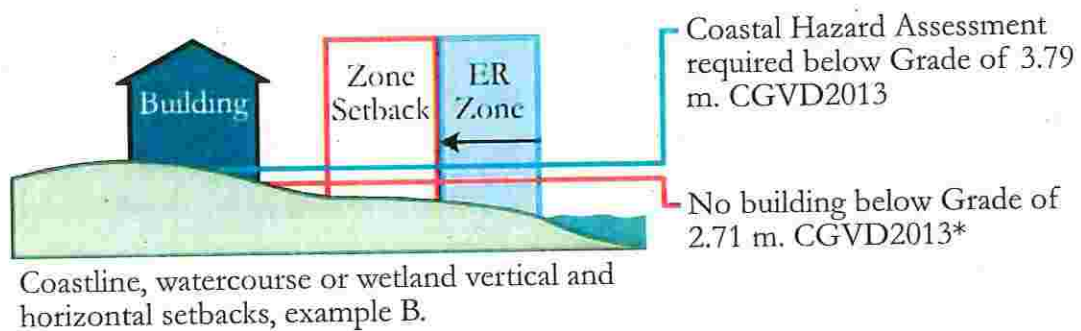
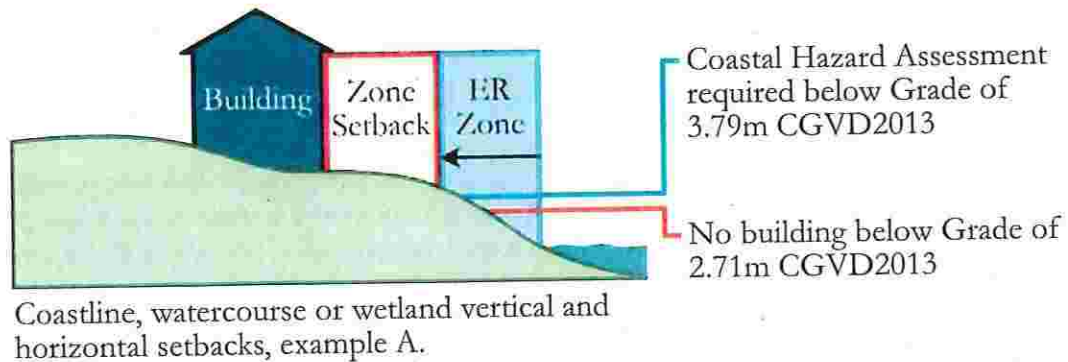


Figure 3 - Vertical and Horizontal Setback Examples

- (6) Notwithstanding subsection (4), where a Property that is the subject of an application for a Development Permit has been identified as Legacy Lands by the Council pursuant to its Legacy Lands Assessment Policy, Development may be permitted subject to the following:
 - (a) the submission of a grading plan, designed and stamped by a Professional Engineer,

- (b) any alteration to the grade does not encroach into the Buffer Zone, as defined in the Environmental Protection Act and the Watercourse and Wetland Protection Regulations, except where a watercourse, wetland and buffer zone activity permit has been issued by the Province;
 - (c) the development of the Legacy Lands is in compliance with all other applicable requirements of this Bylaw to the greatest extent possible and is only inconsistent with the Bylaw insofar as is necessary to recognize the vested right of the Owner of the Legacy Lands;
 - (d) the Owner of the Legacy Lands provides a signed waiver, in the form prescribed by Council, waiving all claims against the Municipality, its Council members, employees, agents, successors and assigns; and
 - (e) the Owner of the Legacy Lands enters into a Development Agreement with the Municipality which includes the obligation for the Owner of the Legacy Lands to obtain a written assignment of the waiver referenced in (d) from subsequent Owner(s) before the Legacy Lands, or any part thereof, are conveyed.
- (7) Where an Existing Lot held in separate ownership is unsuitable for Development as a result of the requirements of this section and is not identified as Legacy Lands by the Council pursuant to its Legacy Lands Assessment Policy, the Lot may be used seasonally with a Recreational Vehicle, subject to meeting all requirements for on-site systems.
- (8) The Authority Having Jurisdiction may require the Applicant to provide an erosion management plan to address siltation and overland erosion during construction that may impact an adjacent Wetland or Watercourse
- (9) Development will be in accordance with provincial policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.

4.8 EXISTING NON-CONFORMING STRUCTURES

- (1) Where a Structure has been Erected on or before the effective date of this Bylaw on a Lot having less than the minimum Frontage or area, or having less than the minimum Setback or Side Yard or Rear Yard required by this Bylaw, the Structure may be enlarged, reconstructed, repaired or renovated provided that:
- (a) the repair or renovation does not further reduce the Front Yard or Side Yard or Rear Yard which does not conform to this Bylaw; and
 - (b) all other applicable provisions of this Bylaw are satisfied.
- (2) If a Structure which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of 50% or more of the assessed value of the Structure above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw.

4.9 EXISTING NON-CONFORMING LOTS

- (1) Notwithstanding any other provisions of this Bylaw:

- (a) a vacant Lot held in separate Ownership from adjoining Parcels on the effective date of this Bylaw, having less than the minimum width, depth or area required, may be Used for a purpose permitted in the Zone in which the Lot is located, and a Structure may be Erected on the Lot provided that all other applicable provisions in this Bylaw are satisfied; and
 - (b) a Lot containing a Structure and held in separate Ownership from adjoining Parcels on the effective date of this Bylaw, having less than the minimum Frontage, Lot Depth or Lot Area required by this Bylaw, may be Used for a purpose permitted in the Zone in which the Lot is located, and a Development Permit may be issued provided that all other applicable provisions in this Bylaw are satisfied.
- (2) A non-conforming Lot which is increased in area or Lot Frontage or both, but remains undersized, is still considered an existing non-conforming Lot.

4.10 EXISTING NON-CONFORMING USES

- (1) Subject to the provisions of this Bylaw, a Structure, or Use of land or Structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- (2) A Structure shall be deemed to exist on the effective date of approval of this Bylaw if:
 - (a) it was lawfully under construction; or
 - (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within 16 months after the date of the issue of the Development Permit and is completed in conformity with the Development Permit prior to its expiry.
- (3) No Structural Alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a Structure while a non-conforming Use thereof is continued.
- (4) Any change of tenants or occupants of any premises or Building shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this Bylaw.
- (5) A non-conforming Use of land or Structure shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months without a bona fide intention to resume the non-conforming Use, and in such event the land or Structure shall not thereafter be Used except in conformity with this Bylaw.
- (6) No increase in the area occupied by the non-conforming Use shall occur while a non-conforming Use is being continued to the extent that the increase in the area would have the impact of changing the type of Use, modifying or adding activities.

4.11 FRONTAGE ON A STREET

- (1) Subject to subsections (2) and 16.3(2) below, no Development Permit shall be issued unless the Lot or Parcel of land intended to be Used or upon which the Structure is to be Erected abuts and fronts upon a Street.

- (2) Council may approve a Development Permit for a residential or commercial Structure which fronts on a Private Right-of-Way, provided that the following criteria are met:
- (a) no acceptable provision can be made to provide access to a Street;
 - (b) safe ingress and egress from the Lot can be provided from the Lot or Private Right-of-Way to a Street;
 - (c) the Applicant can establish legal entitlement to use the Private Right-of-Way for access to the Property in question and any such legal entitlement that has been established through an agreement with the Owner of the Private Right-of-Way shall be registered in accordance with the provisions of the Registry Act; and
 - (d) The Owner shall be required to enter into a Development Agreement with the Municipality, registered in accordance with the provisions of the Registry Act at the Applicant's expense, acknowledging the following: *The Private Right-of-Way serving PID _____ is not owned or maintained by the Resort Municipality and therefore the Resort Municipality shall have no liability for the Private Right-of-Way. Without limiting the generality of the foregoing, the Resort Municipality shall not be responsible for providing any services of any nature or kind to the Private Right-of-Way. In addition, the Private Right-of-Way may not be entitled to receive other public services such as grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access.*
- (3) All fees associated with the preparation and registration of the Development Agreement required under clause (2)(d), including the Municipality's legal fees, shall be paid by the Applicant.
- (4) No Person shall construct or use an entrance way except where that entrance way meets the minimum requirements as established under the Planning Act, the Roads Act, or any successor enactment.
- (5) Where an entrance way permit or other approval is required under the Highway Access Regulations, a Development Permit shall not be granted until that entrance way permit or other approval or permit has been granted.

4.12 HEIGHT RESTRICTION EXEMPTIONS

- (1) Any maximum Height restriction set out in this Bylaw shall not apply to steeples, spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lightning standards, television or radio antennas, Communications Towers, ventilators, skylights, chimneys, smokestacks, clock towers, power transmission towers, roof top cupolas, Utility poles, fire towers, Tourism Attractions, or drive-in theatre screens.
- (2) Notwithstanding any maximum Height restriction set out in this Bylaw and the variance provisions in Part 14, Council may approve a Building exceeding the maximum Height where:
 - (a) the Building and construction are in accordance with the National Building Code;
 - (b) the firefighting access has been approved by the Province's fire marshal's office and the municipality's fire protection provider;

- (c) the Building contains a sprinkler system; and
- (d) the proposed Building is not located within an established view planes as designated in the Official Plan.

4.13 MAIN BUILDING

- (1) Except in the R1 Zone or on a Lot in the RR Zone where the primary Use is residential, more than one (1) non-residential Main Building may be placed on a Lot in any Zone, provided all other provisions of this Bylaw are met.
- (2) More than one (1) residential Main Building may be placed in any Zone where Clustered Housing is a Permitted Use.
- (3) Where more than one Main Building is located on the same Lot and are serviced by an Internal Drive providing access to the Public Street or right-of-way:
 - (a) the Development Officer may refer the proposed access and the Site Plan and Internal Drive design to the provincial Fire Marshal's Office and the Province's department responsible for the Roads Act for review and comment; and
 - (b) in the case of more than one residential Main Building on the same Lot, the Internal Drive shall be designed by, constructed under the supervision of, and certified by, a Professional Engineer.
- (4) The following Site Design Standards shall apply for commercial or residential Lots containing more than one (1) Main Building on a Lot, including Clustered Housing and Tourism Establishments:
 - (a) with respect to vehicular and pedestrian circulation, including walkways, Interior Drives, and parking, special attention shall be given to the location and number of access points to the Public Streets, width of Interior Drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of Parking Lots that are safe and convenient;
 - (b) off-Street Parking Lots shall not open directly onto a Public Street but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified Parking Lot and shall be kept clear of parked Vehicles;
 - (c) pedestrian walks shall be not less than 1.25 m (4.1 ft.) in width and shall be provided wherever normal pedestrian traffic will occur; and
 - (d) exposed storage areas, exposed machinery installation, solid waste storage and pickup areas, service areas, truck loading areas, Utility Buildings and Structures and similar Accessory areas and Structures shall be subject to such Setbacks, screen planting or other Screening methods as shall reasonably be required to prevent their being incongruous with existing or contemplated environment and the surrounding Properties.
- (5) Where Clustered Housing is being proposed:
 - (a) the minimum Lot Area shall apply to the entire Property where multiple Buildings are being proposed;
 - (b) the minimum Lot Frontage shall be calculated as if one Building is being located on the lot;

- (c) the minimum standards of the Zone including Setbacks, Building Height, and Building separation shall apply to each individual Building; and
- (d) the maximum Lot Coverage shall be calculated using the combined coverage of all Buildings on the Property.

4.14 MAJOR DEVELOPMENT

- (1) No Major Development shall be approved by Council unless:
 - (a) written notice to adjacent Property Owners is provided in accordance with section 15.3, including the details of the proposed Major Development and inviting written comments;
 - (b) a public meeting is held to receive comments on the proposed Major Development in accordance with the requirements of section 15.2; and
 - (c) all other relevant provisions of this Bylaw are met including, but not limited to, the requirements set out in section 3.12 and 4.6.

4.15 MAXIMUM LOT COVERAGE

- (1) Maximum Lot Coverage shall be determined as the percentage of the Lot covered by the Main Building, Accessory Buildings, Swimming Pools, Decks, Patios, and Gazebos.

4.16 MIXED USES

- (1) Where any land or Building is Used for more than one (1) Use, all provisions of this Bylaw relating to each Use shall be satisfied. Where there is a conflict, such as in the case of Lot Size or Frontage, the most stringent standards shall prevail.

4.17 ON-SITE AND CENTRAL SERVICES

- (1) Notwithstanding the minimum Lot size standards of this Bylaw, all applications involving an on-site Sewage Disposal System or on-site water supply must meet the requirements of the Province-Wide Minimum Development Standards Regulations for on-site servicing based on soil category, as included as Schedule B of the Bylaw, and the Sewage Disposal Systems Regulations, Water Withdrawal Regulations, and Well Construction Regulations.
- (2) Every application for a Development Permit involving an on-site Sewage Disposal System or on-site water supply, or both, shall include a Site Plan showing the location of the on-site Sewage Disposal System and all proposed Buildings and Structures, a copy of the Sewage Disposal System Registration Form, and a site assessment for any Lot for which a site assessment pursuant to the Environmental Protection Act has not been conducted within 23 m. (75 ft.) of the Lot since December 31, 2006.
- (3) Every on-site sewage treatment system with a capacity of more than 1500 gallons shall be designed and certified by a Professional Engineer.

- (4) Any application for a Development or Subdivision where daily groundwater extraction rates are expected to be higher than 25 cubic meters per day or in areas with existing intensive Development shall be referred to the Province's department responsible for the Environmental Protection Act.
- (5) Where Council has approved a Variance to the minimum Lot Frontage, Lot Area and/or circle diameter requirements of the Province-Wide Minimum Development Standards Regulations in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum Lot size standards do not apply pursuant to section 8 of those Regulations, an application for a Development Permit shall also include the following:
 - (a) an on-site Sewage Disposal System proposal appropriate for the soil type, Lot size and proximity to adjacent Lots, designed and certified a Professional Engineer; and
 - (b) confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells and/or Sewage Disposal Systems within the Lot, or to wells or Sewage Disposal Systems on adjacent Lots.
- (6) Where a Development will involve connection to the municipal sewer system, the Applicant shall be responsible for ensuring the size and elevation of any sewer lateral will accommodate the proposed Development.

4.18 OUTDOOR AREA LIGHTING

- (1) Exterior lighting shall be arranged in any Zone so as to deflect light away from any Dwelling.
- (2) No Person shall install any outdoor light in such a way as would cause a nuisance to adjacent Property Owners or a safety hazard to the motoring Public.

4.19 PERMITTED USES IN ALL ZONES

- (1) The following Uses are permitted in all Zones:
 - (a) temporary construction of facilities such as sheds, scaffolds and equipment incidental to the Development for a maximum period of six months or for so long as construction is in progress, whichever is earlier, and for a maximum of 30 days following the completion of the Development; and
 - (b) Public Parks or Open Space.
- (2) Except where otherwise specifically provided in this Bylaw, Public and Private Utilities and Utility-related Structures and service facilities provided by the Municipality including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, Utility services, and stormwater management facilities:
 - (a) may be located in any Zone; and
 - (b) no Zone standards shall apply.

4.20 PETROLEUM STORAGE

- (1) Underground petroleum storage tanks shall require a Development Permit from the Province before installation may proceed. In processing such application, the Municipality shall refer the application initially to the Province's department having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The Municipality shall not issue a permit to the Developer until it has received written approval from the Province.
- (2) Notwithstanding subsection (1), underground petroleum storage tanks shall not be permitted in any R1, O1, or O2 Zone.

4.21 PROHIBITED USES

- (1) The following Uses are not permitted in any Zone:
 - (a) Excavation Pits;
 - (b) Mobile Homes or tiny homes;
 - (c) Salvage Yards;
 - (d) water bottling plants; and
 - (e) Wind Energy Facilities.

4.22 RECREATIONAL VEHICLES

- (1) No Person shall Use or occupy a Recreational Vehicle other than on an approved Campground Site, unless the Development Officer has issued a Temporary Permit under this section and subject to the following conditions:
 - (a) the Property contains an existing Single-Detached Dwelling that has not been licensed as a Tourism Establishment by the Province;
 - (b) a Campground or RV Park has not been approved on the Property;
 - (c) the Recreational Vehicle is not advertised, rented or used for profit;
 - (d) no more than one Recreational Vehicle is in Use on the Property at the same time;
 - (e) the Recreational Vehicle shall not be located in the Front Yard;
 - (f) the Recreational Vehicle meets the Setback requirements for a Single-Detached Dwelling as required in the Zone in which it is located;
 - (g) the Recreational Vehicle shall not be occupied for more than seven (7) consecutive days; and
 - (h) No more than four (4) Temporary Use permits shall be issued for any Parcel in any calendar year and all permits issued shall be non-consecutive.
- (2) Notwithstanding subsection 4.22(1) above, an Owner of a Parcel may park and store a Recreational Vehicle on their Parcel when it is not in use, provided the Recreational Vehicle is not located in the Front Yard and meets the Rear Yard and Side Yard Setback requirements for a Single-Detached Dwelling as required in the Zone in which it is located.

- (3) Notwithstanding subsection 4.22(1) above, an Owner of a Parcel may occupy a Recreational Vehicle on their Parcel if:
 - (a) the Owner has obtained a Development Permit for the construction of a Dwelling on that Parcel; and
 - (b) the work has commenced on that Parcel.
- (4) The provisions of section 4.29 shall not apply to Temporary Permits issued under this section 4.22.

4.23 RENEWABLE ENERGY SYSTEMS

- (1) Roof-Mounted Solar Arrays shall be permitted in all Zones, subject to the following:
 - (a) Roof-Mounted Solar Arrays shall be permitted upon submission of a certificate of compliance from a structural engineer licensed to practice in the Province or other professional certified in the installation of Roof-Mounted Solar Arrays.
 - (b) Roof-Mounted Solar Arrays shall be installed in conformity with Chapter 11 of the National Fire Prevention Association (NFPA) 1 Fire Code.
 - (c) Roof-Mounted Solar Arrays shall adhere to the maximum Building Height as required in the Zone in which it is located.
- (2) Ground-Mounted Solar Arrays shall be permitted in all Zones, subject to the following:
 - (a) the minimum Setback to adjacent side or Rear Lot Lines for Ground-Mounted Solar Arrays shall be 4.6 m. (15 ft.) or the Height of the Ground-Mounted Solar Array as measured from Grade to the highest point of the Solar Array, whichever is greater;
 - (b) the maximum Height of a Ground-Mounted Solar Array, as measured from Grade to the highest point of the Solar Array, shall be 4.3 m. (14 ft.).
 - (c) in a Residential Zone, Ground-Mounted Solar Arrays may only be placed in the Rear Yard or Side Yard; and
 - (d) the Owner of the Ground-Mounted Solar Array shall remove the Ground-Mounted Solar Array and associated equipment sufficient to return the land to its previous Use within one (1) year of the date the Ground-Mounted Solar Array ceases to generate electricity.

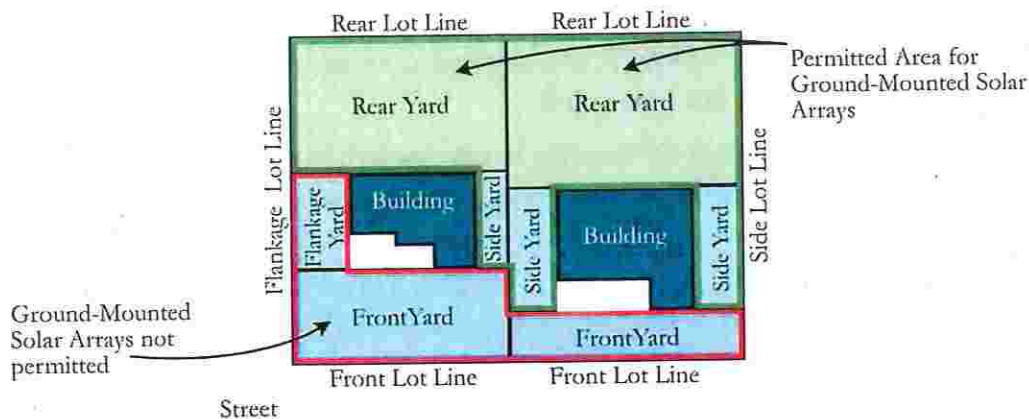


Figure 4 - Permissible Areas for Ground-mounted Solar Arrays

- (3) The application for a Development Permit for a Ground-Mounted Solar Array must include, in addition to the requirements of sections 3.5 and 3.6, the design of the Solar Collectors including racking and footings.
- (4) Ground-Mounted Solar Arrays shall be subject to the Lot Coverage standards for the Zone in which they are located.

4.24 REQUIREMENTS FOR SEMI-DETACHED OR TOWNHOUSE DWELLINGS

- (1) No Semi-Detached or Townhouse Dwelling shall be Erected or placed in a manner which will not permit Subdivision into individual Lots pursuant to section 16.9.

4.25 SECONDARY SUITES

- (1) A Secondary Suite shall be permitted within any Single-Detached Dwelling provided the following conditions are met:
 - (a) the Property Owner submits a written application to the Municipality on the prescribed form;
 - (b) the Property Owner and the Municipality have first entered into a written Development Agreement that includes, but is not limited to, the conditions below:
 - (i) the exterior of the Single-Detached Dwelling within which the Secondary Suite is located shall retain the appearance of a Single-Detached Dwelling;
 - (ii) the Property Owner shall advise any prospective purchaser, or other Person to whom the Owner intends to transfer or otherwise dispose of the Single-detached Dwelling, that the Secondary Suite cannot be used except in accordance with a Development Agreement with the Municipality;
 - (iii) The total Floor Area of all Storeys of a Secondary Suite shall not exceed the lesser of:
 - (A) 80% of the total Floor Area of all Storeys of the entirety of the main Single-Detached Dwelling Unit (excluding the garage Floor Area, and common spaces serving both Dwelling Units); or
 - (B) 80 sq. m. (861 sq. ft.);
 - (iv) one additional Parking Space is provided for the Secondary Suite, as required under section 5.1 of this Bylaw; and
 - (v) the Development Officer may require such changes to the exterior of the Single-Detached Dwelling as may be necessary to ensure compliance with this Bylaw, whether in connection with the construction or removal of the Secondary Suite;
 - (c) the Development Agreement shall be registered in accordance with the Registry Act and all fees associated with the preparation, registration, and enforcement of the Subdivision Agreement shall be paid by the Developer;
 - (d) the Secondary Suite meets the requirements of the National Building Code and all requirements under the Municipality's bylaws; and
 - (e) water and sewer services for the Secondary Suite shall:

- (i) be provided through the Single-Detached Dwelling; and
- (ii) in the case of an on-site sewage treatment system, be certified by a Professional Engineer.

4.26 SIDE YARD WAIVER

- (1) Notwithstanding any other provisions of this Bylaw, where Buildings on adjacent Lots share a Common Wall, the applicable Side Yard requirement shall be zero (0) along the common Lot Line.

4.27 SIGNAGE

- (1) No Person shall Erect, Alter or enlarge a Sign within the boundaries of the Municipality except in conformance with the Municipality's Signage Bylaw.

4.28 SWIMMING POOLS

- (1) The installation of a Swimming Pool shall be permitted in any Zone in accordance with the following provisions:
 - (a) a Development Permit has been issued for the Swimming Pool;
 - (b) a 1.8 m. (6 ft.) high Fence fully encloses the Swimming Pool and is constructed in such a manner so as to impede unauthorized persons from entering over or under said Fence;
 - (c) any gate on such Fence is self-closing and self-latching to prevent its opening from outside the fenced area;
 - (d) notwithstanding 4.28(1)(b), the Development Officer may allow one or more Buildings to take the place of a portion of the Fence so long as the Swimming Pool is fully enclosed by the Fence and Building(s);
 - (e) the Swimming Pool is placed not less than 4.57 m. (15 ft.) from the nearest Side Yard Line and not less than 6.10 m. (20 ft.) from the Rear Lot Line;
 - (f) no Swimming Pool is placed in any Front Yard or Flankage Yard;
 - (g) no Swimming Pool water is discharged on any adjacent public or private property or into any Watercourse or Wetland; and
 - (h) Swimming Pool water is either drained to a dry ditch on the Swimming Pool Owner's Property or carried off by trucks.

4.29 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

- (1) No Property Owner shall construct, Erect, place, allow or establish a Temporary Use on any Parcel or within any Structure within the Municipality without first applying for and receiving a permit from Council.
- (2) Permits for Temporary Uses shall be for a period not exceeding 30 days.

- (3) Notwithstanding subsection 4.29(2) above, Council may grant a seasonal Temporary Use permit for a period not exceeding 5 months where, in the opinion of Council, the Temporary Use is compatible with an established or proposed permanent facility on the Parcel and does not represent a conflict or nuisance to Property Owners in the vicinity or the general Public.
- (4) No more than four (4) Temporary Use permits shall be issued for any Parcel in any calendar year and all permits issued shall be non-consecutive.
- (5) The hours of the Temporary Use shall be limited from 8:00 a.m. - 11:00 p.m. daily, or such other hours as approved by Council.
- (6) No Temporary Use permits shall be granted where in the opinion of Council:
 - (a) parking facilities are not adequate;
 - (b) ingress or egress or both to the site would create excessive congestion or a traffic hazard;
 - (c) washroom facilities are not adequate;
 - (d) garbage collection and storage facilities are not adequate; or
 - (e) the Use would create a conflict due to excessive noise, hours of operation, lighting or another nuisance.
- (7) Council may attach conditions to a Temporary Use permit relating to the following:
 - (a) parking;
 - (b) washroom facilities;
 - (c) Landscaping;
 - (d) lighting;
 - (e) physical appearance;
 - (f) maintenance;
 - (g) hours of operation;
 - (h) garbage collection and storage;
 - (i) staffing;
 - (j) policing; and
 - (k) any other matters which could represent a hazard or a nuisance to the Public.
- (8) No Temporary Use shall be permitted to encroach within the Front Yard, Rear Yard or Side Yards as required under this Bylaw.
- (9) All Temporary Uses shall comply fully with the provisions of the Municipality's Signage Bylaw.
- (10) No Temporary Use Permit for a Special Event shall be approved by Council unless:
 - (a) written notice to adjacent Property Owners is provided in accordance with section 15.3, including the details of the proposed Special Event and inviting written comments;
 - (b) a public meeting is held to receive comments on the proposed Special Event in accordance with the requirements of section 15.3; and

(c) all other relevant provisions of this Bylaw are met including, but not limited to, the requirements set out in sections 3.12 and 4.29.

(11) A Person applying for a Temporary Use permit for a Special Event shall submit an application to the Development Officer on the form prescribed by Council and in accordance with the requirements of Schedule F and any Special Event Guidelines adopted by Council, and the following process shall apply:

(a) the Development Officer shall:

- (i) receive from the Applicant sufficient funds to cover the application fee set out in Schedule C and the cost to advertise the public meeting and mail the written notices required under subsection (10) and section 15.3; and
- (ii) if Council determines under subclause (11)(c)(ii) that a public meeting will be held, provide written notice in accordance with the requirements of clause (10)(a), explaining the details of the proposed application and the date by which written comments must be received;

(b) Planning Board shall review each Temporary Use permit application for a Special Event and provide a recommendation to Council as to whether it should proceed to a public meeting;

(c) Council shall:

- (i) consider the recommendation of Planning Board; and
- (ii) determine whether it will hold a public meeting in accordance with the provisions of subsection (10) and section 15.3 in this Bylaw and receive comments on the proposed Special Event;

(d) Following the public meeting:

- (i) Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting;
- (ii) the Applicant may be provided another opportunity to meet with Planning Board to answer any further questions that may have arisen at or following the public meeting; and
- (iii) Planning Board shall make a recommendation to Council as to whether the application should receive preliminary approval.

(e) Planning Board and Council shall consider the following general criteria when reviewing Temporary Use permit applications for a Special Event, in addition to the items identified in subsection (6):

- (i) adequacy of infrastructure to accommodate the Special Event;
- (ii) impact of event timing and venue location(s) on municipal service delivery and public safety;
- (iii) suitability of the site to accommodate the Special Event; and
- (iv) the Applicant's ability to meet the requirements of other departments and agencies, including those of the Province.

- (f) Following the public meeting and after having considered the recommendation of Planning Board, Council shall determine whether or not to issue preliminary approval for the proposed Special Event and may identify conditions for final approval and matters to be included in the Development Agreement required pursuant to section 3.12.
- (g) Upon receipt of such information as is required to establish compliance with the requirements set out in both the preliminary approval and the Development Agreement, the Council may grant final approval for a Temporary Use permit for a Special Event.

4.30 VISIBILITY AT STREET INTERSECTIONS

- (1) On a Corner Lot, within a triangular area 6.1 m. (20 ft.) back from the intersecting Corner Lot Line, no Fence, Sign, hedge, shrub, bush or tree or any other Structure or vegetation shall be Erected or permitted to grow to a Height greater than 0.6 m. (2 ft.) above Grade of the abutting streets.

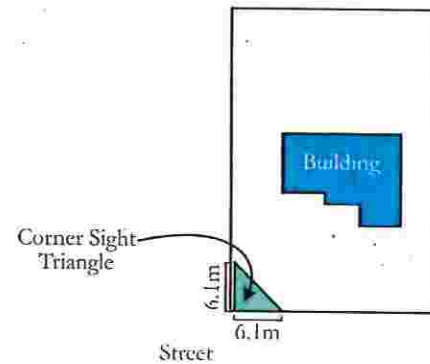


Figure 5 - Corner Sight Triangle

5. PARKING REQUIREMENTS

5.1 PARKING REQUIREMENTS

- (1) For every Building to be Erected, placed, Used or enlarged, there shall be provided and maintained off-Street parking on the same Lot to the extent, prescribed in the following chart:

Primary Type of Building	Minimum Requirement
-Single-Detached Dwelling -Mini Homes -manses	2 Parking Spaces
-Duplex Dwelling -Semi-Detached Dwelling -Townhouse Dwellings -Apartment Dwelling	2 Parking Spaces per Dwelling Unit
-Dwelling Units in a Commercial Building	1.5 Parking Spaces per Dwelling Unit
-Tourism Establishment -Bed and Breakfast; -Short-Term Rentals; -Hostels -Yurts	2 Parking Spaces per Dwelling Unit plus 1 Parking Space per 9.3 sq. m. (100 sq. ft.) of Floor Area of Commercial Space
-Campgrounds and RV Parks or RV Sites	1 Parking Space per guest room or rental unit and 1 Parking Space for each 14 sq. m. (150 sq. ft.) of Floor Area devoted for Public Use (e.g. banquet rooms, Lounge)
-Place of Worship -Community Centres -Cultural Centres -Historic Sites -Bandstands -indoor and Outdoor Recreational Establishments -Pavilions -sports fields	1 Parking Space for every 10 Campground or RV Sites, or fraction thereof, for registration and visitor parking which is to be in addition to the parking provided on a Campground or RV Site
-Dormitory	Where there are fixed seats, 1 Parking Space for every four (4) seats; where there are no fixed seats, the seat count will be based on the Fire Marshal's seating capacity rating.
-Hospitals -Nursing Homes -Senior Citizens Homes -Group Homes -Community Care Facilities	1 Parking Space for every 3 beds or 1 Parking Space per unit, whichever is greater
-Early Learning and Child Care Centres	0.75 Parking Spaces per bed
	1.25 Parking Spaces per Dwelling Unit
	1 space for each employee plus one (1) designated drop-off Parking Space for every five (5) children

Primary Type of Building	Minimum Requirement
-elementary school (public or private)	1.5 Parking Spaces per teaching classroom and 1 Parking Space for each six seats of seating capacity in the auditorium; where there are no fixed seats, the seat count will be based on the Fire Marshal's seating capacity rating
-secondary school (public or private)	1 Parking Space for each staff Person plus 6
-colleges	Parking Spaces per teaching classroom
-universities	1 Parking Space per four seats of seating capacity; where there are no fixed seats, the seat count will be based on the Fire Marshal's seating capacity rating
-funeral home	1 Parking Space per four (4) Persons, based on rated design capacity.
-outdoor Tourist Attractions	1 Parking Space per 7 sq. m. (75 sq. ft.) of Floor Area
-indoor Tourist Attractions	1 Parking Space per 28 sq. m. (300 sq. ft.) of Floor Area
-administrative offices	
-Home Occupations (excluding Bed and Breakfast and Short-Term Rentals)	1 Parking Space per 28 sq. m. (300 sq. ft.) of Floor Area
-Business Offices or Professional Offices	
-government offices	
-Services Shops	
-Personal Service Shops	
-Automobile Sales and Service Establishment	1 Parking Space per 4.7 sq. m. (50 sq. ft.) of Floor Area
-Automobile Service Station	
-dine-in Restaurant	1 Parking Space per four seats of seating capacity
-Lounge	1 Parking Space per four seats of seating capacity or 1 Parking Space per 14 sq. m. (150 sq. ft.) of Floor Area, whichever is greater.
-take-out Restaurant	
-bank and financial institutions	
-Convenience Stores	
-Grocery Stores	1 Parking Space per 9.3 sq. m. (100 sq. ft.) of Floor Area
-Farm Market	
-Retail Stores	
-all other commercial Uses	
-Light Industrial Uses	1 Parking Space per 28 sq. m. (300 sq. ft.) of Floor Area or 1 Parking Space per employee, whichever is greater.
-all other Uses not listed	1 Parking Space per 20 sq. m. (215 sq. ft.) of Floor Area or 1 Parking Space per 10 seats, whichever is greater.

(2) The following Uses are exempt from the parking requirements above:

- (a) Accessory Buildings;
- (b) Agricultural Uses;

- (c) Automobile Washing Establishments;
- (d) Cemeteries;
- (e) facilities for Recreational Uses;
- (f) forestry Uses;
- (g) Intensive Livestock Operations;
- (h) Open Space;
- (i) Parking Lots;
- (j) Public and Private Parks;
- (k) Public Utility Buildings and Structures;
- (l) Resource Commercial Uses; and
- (m) Resource Industrial Uses.

- (3) Except where otherwise indicated, each Parking Space shall measure not less than 2.7 m. (9 ft.) wide and 5.48 m. (18 ft.) long.

5.2 PARKING LOT STANDARDS

- (1) Where four (4) or more Parking Spaces are required for the land Use on a Lot, the following minimum requirements shall apply:
 - (a) the Parking Lot shall be maintained with a stable surface sufficient to support a Vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as drivable grass or grass grid;
 - (b) the lights used for illumination of the Parking Lot shall be so arranged as to divert the light away from the Streets, adjacent Lots and Buildings;
 - (c) a Structure not more than 3.05 m. (10 ft.) in Height and not more than 4.6 sq. m. (50 sq. ft.) in area may be Erected in the Parking Lot for the use of attendants;
 - (d) the Parking Lot shall be within 60.96 m. (200 ft.) of the location which it is intended to serve and shall be situated in the same Zone; and
 - (e) when the Parking Lot is of a permanent hard surfacing, each Parking Space shall be clearly demarcated with painted lines maintained on the Parking Lot.
- (2) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a Parking Lot, shall be:
 - (a) a minimum width of 3.05 m. (10 ft.) for one-way traffic;
 - (b) a minimum width of 6.10 m. (20 ft.) for two-way traffic; and
 - (c) a maximum entrance and exit width of 9.14 m. (30 ft.) at the street line and edge of pavement.
- (3) Scale drawings certified by a Professional Engineer, a Landscape Architect or Professional Land Surveyor shall be submitted where there are eight (8) or more Parking Spaces, showing entrances and exits to such parking facilities, all proposed and existing Parking Spaces, aisles, lighting, and drainage of the Lot.

- (4) Where off-Street Parking Lots are located in front of any Building, a 1.52 m. (5 ft.) landscaped buffer shall be provided between the Parking Lot and the Street boundary.

5.3 ACCESSIBLE PARKING

- (1) In addition to the parking requirements found in section 5.1, where a Parking Lot is required, two (2) Parking Spaces dedicated to people with disabilities shall be provided for every 30 Parking Spaces provided, or minimum of one (1) Parking Space for part thereof. These dedicated Parking Spaces are to be a minimum of 3.7 m. (12 ft.) in width. Access from the dedicated parking to the Building is to consist of a smooth asphalt or concrete surface, in order to allow easy ingress and egress for wheelchairs and persons with walking disabilities.

5.4 LOADING ZONES

- (1) In any Commercial Zone, no Person shall Erect or Use any Structure involving the frequent shipping, loading or unloading of Persons or goods, unless there is maintained on the same premises with every such Building, Structure or Use one (1) off-Street space for standing, loading and unloading for every 1,394 sq. m. (15,000 sq. ft.) or fraction thereof of Building Floor Area Used for any such purpose.
- (2) Each Loading Space shall be at least 3.6 m. (12 ft.) wide by 21 m. (70 ft.) in length, with a minimum of 4.3 m. (14 ft.) Height clearance.

6. RESIDENTIAL ZONE (R1)

6.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in an R1 Zone.

6.2 PURPOSE

- (1) The Residential Zone is established principally to permit low density residential Developments, primarily where municipal sewer is available, as well as limited Accessory or Secondary Uses. Council may consider slightly higher density Residential Uses where municipal sewer is available, as well as other potentially compatible Uses, subject to the special permit process.

6.3 PERMITTED USES

- (1) The following are Permitted Uses in the R1 Zone:
 - (a) Single-Detached Dwellings; and
 - (b) Mini Homes.
- (2) The following are permitted as Accessory or Secondary Uses in the R1 Zone:
 - (a) Accessory Buildings;
 - (b) Bed and Breakfasts;
 - (c) Home Occupations; and
 - (d) Short-Term Rentals.

6.4 SPECIAL PERMIT USES

- (1) Notwithstanding section 6.3 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:
 - (a) Duplex Dwellings;
 - (b) Clustered Housing;
 - (c) Community Care Facilities;
 - (d) Nursing Homes;
 - (e) Semi-Detached Dwellings; and
 - (f) Senior Citizen Homes.

6.5 LOT REQUIREMENTS

- (1) Subject to subsection 2, the following Lot requirements shall apply to Mini Homes, Single-Detached Dwellings, Duplex Dwellings, and Semi-Detached Dwellings in a R1 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
		All Lots	
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.1 m. (20 ft.)	
Minimum Side Yard		4.6 m. (15 ft.)	
Minimum Flankage Yard		7.6 m. (25 ft.)	
Maximum Building Height		12.2 m. (40 ft.)	
Minimum Building Separation		3.7 m. (12 ft.)	
Maximum Lot Coverage		25%	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

6.6 SERVICING

- (1) All Developments within an R1 Zone shall be serviced by Central Sewer services where those services are located and available at the Property's Lot Line.

7. RESORT COMMERCIAL ZONE (C1)

7.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a C1 Zone.

7.2 PERMITTED USES

- (1) The following are Permitted Uses in the C1 Zone:

- (a) Apartment Dwellings;
- (b) art galleries;
- (c) bakeries;
- (d) banks and financial institutions;
- (e) Business Offices or Professional Offices;
- (f) Campground and RV Parks or RV Sites;
- (g) Community Care Facilities;
- (h) Craft Breweries;
- (i) Craft Workshops;
- (j) Cultural Centres;
- (k) Duplex Dwellings;
- (l) Early Learning and Child Care Centres
- (m) Entertainment Establishments;
- (n) farm markets;
- (o) Historic Sites;
- (p) Personal Service Shops;
- (q) Restaurants and Lounges;
- (r) Retail Stores;
- (s) Single-Detached Dwelling;
- (t) Semi-Detached Dwellings;
- (u) Service Shops;
- (v) Studios;
- (w) taxi and bus terminals;
- (x) Tourism Establishments;
- (y) Tourist Attractions;
- (z) Townhouse Dwellings; and
- (aa) Veterinary Clinics.

- (2) The following are permitted as Accessory or Secondary Uses in the C1 Zone:

- (a) Accessory Buildings;
- (b) Dormitories;

- (c) Dwelling Units in a commercial building; and
- (d) Home Occupations.

7.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 7.2 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:
 - (a) Automobile Service Stations;
 - (b) Automobile Washing Establishments;
 - (c) Clustered Housing;
 - (d) Light Industrial Uses;
 - (e) Nursing Homes; and
 - (f) Senior Citizen Homes.

7.4 LOT REQUIREMENTS

- (1) Subject to subsection 2, the following Lot requirements shall apply to any Development in a C1 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
		All Lots	
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.1 m. (20 ft.)	
Minimum Side Yard		4.6 m. (15 ft.)	
Minimum Flankage Yard		7.6 m. (25 ft.)	
		Resort Core Overlay Zone (adjacent to Residential Uses):	
Maximum Building Height		12.2 m. (40 ft.)	
		Resort Core Overlay Zone (not adjacent to Residential Uses): 18.3 m. (60 ft.)	
		Outside Resort Core: 12.2 m. (40 ft.)	
Maximum Structure Height		18.3 m. (60 ft.)	
		Resort Core Overlay Zone: 6.1 m. (20 ft.)	
Minimum Building Separation		Outside Resort Core: 3.7 m. (12 ft.) for single Storey Buildings and 6.1 m. (20 ft.) for greater than one Storey	
Maximum Lot Coverage		25%	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

- (3) Every Lot and Building shall be developed and located in a manner which will enhance: parking facilities and vehicular and pedestrian circulation on the Lot and between Lots; surface drainage; on-site Landscaping; visual amenity and overall aesthetic appearance; safety and convenience of visitors, patrons, residents and the general Public; access to Public facilities; personal privacy of Dwelling Units; provision of common water and sewer facilities; and fire access.

7.5 LANDSCAPED AREAS

- (1) Where a commercial establishment is adjacent to a Residential Zone, a landscaped strip of not less than 7.6 m. (25 ft.) in width shall be maintained in a properly landscaped condition, free of parking or Buildings or outside storage, and shall be located on the same lands as the commercial establishment.
- (2) Where parking is provided within the Front Yard of a commercial establishment, a landscaped strip of not less than 3.0 m. (10 ft.) in width between the Front Lot Line and the Parking Lot shall be maintained in a properly landscaped condition, free of parking or maneuvering lanes, other than a driveway.

7.6 DWELLINGS IN A COMMERCIAL BUILDING

- (1) A mixed use Commercial/Residential Building may have a combination of commercial Uses and Residential Uses provided they meet the following requirements:
 - (a) no Dwelling Unit, or any part thereof, shall be located on the Ground Floor;
 - (b) on floors other than the Ground Floor, Dwelling Units may be permitted on the same floor as commercial Uses, provided they are completely segregated from the commercial Use and have a separate entrance which serves the Dwelling Unit(s);
 - (c) the Dwelling Unit shall not be above a Restaurant, Lounge, an Autobody Repair Shop, Automobile Service Station, or a dry-cleaning establishment;
 - (d) for each Dwelling Unit, 37.2 sq. m. (400 sq. ft.) of landscaped Open Space and adequate off-Street Parking Spaces in accordance with Part 5 are provided;
 - (e) each Dwelling Unit meets the requirements of the Provincial Fire Marshal; and
 - (f) the Floor Area in Residential Use does not exceed the commercial Floor Area.

7.7 AUTOMOBILE SERVICE STATION

- (1) Notwithstanding any other provision of this Bylaw, the following special provisions shall apply to an Automobile Service Station:

	Requirement
Minimum Lot Frontage	45.7 m. (150 ft.)
Minimum pump Setback	6.1 m. (20 ft.)
Minimum pump distance from access or egress	9.1 m. (30 ft.)
Minimum Width of Driveway	7.6 m. (25 ft.)

- (2) Where the Service Station includes an Automobile Washing Establishment, all washing operations shall be carried on inside the Building.

7.8 SERVICING

- (1) All Developments within a C1 Zone shall be serviced by Central Sewer services where those services are located and available at the Property's Lot Line.

8. RESORT ACCOMMODATIONS ZONE (C2)

8.1 GENERAL

- (1) Except as provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a C2 Zone.

8.2 PURPOSE

- (1) The Resort Accommodations Zone is established principally to permit Tourism Establishment Uses and Accessory Uses that support Tourism Establishment operations, as well as lower density Residential Uses. Council may consider slightly higher density Residential Uses where municipal sewer is available, and other potentially compatible Uses, subject to the special permit process.

8.3 PERMITTED USES

- (1) The following are Permitted Uses in the C2 Zone:
 - (a) Apartment Dwellings;
 - (b) Campgrounds and RV Parks or RV Sites;
 - (c) Clustered Housing;
 - (d) Community Care Facilities;
 - (e) Convenience Stores;
 - (f) Dormitories;
 - (g) Duplex Dwellings;
 - (h) Early Learning and Child Care Centres;
 - (i) facilities for recreational Use;
 - (j) Grocery Stores;
 - (k) Group Homes;
 - (l) Historic Sites;
 - (m) Nursing Homes; and
 - (n) Personal Service Shops;
 - (o) Semi-Detached Dwellings;
 - (p) Senior Citizen Homes;
 - (q) Service Shops;
 - (r) Single-Detached Dwellings;
 - (s) Tourism Establishments; and
 - (t) Townhouse Dwellings.
- (2) The following are permitted as Accessory or Secondary Uses in the C2 Zone:
 - (a) Accessory Buildings;
 - (b) Business Offices or Professional Offices;

- (c) convention meeting rooms and event spaces;
- (d) Home Occupations;
- (e) Restaurants and Lounges; and
- (f) Retail Stores.

8.4 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development in a C2 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.55 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.48 m. (100 ft.)
All Lots			
Minimum Front Yard	15.2 m. (50 ft.) or in conformance with a lesser Setback which has been established on adjoining Properties, as determined by Council.		
Minimum Rear Yard	6.1 m. (20 ft.)		
Minimum Side Yard	4.6 m. (15 ft.)		
Minimum Flankage Yard	15.2 m. (50 ft.) or in conformance with a lesser Setback which has been established on adjoining Properties, as determined by Council.		
Maximum Building Height	12.2 m. (40 ft.)		
Minimum Building Separation	3.7 m. (12 ft.) for single Storey Buildings and 6.1 m. (20 ft.) for greater than one Storey		

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations, (see Schedule B).

8.5 OUTDOOR RECREATION SPACE

- (1) In a C2 Zone, designated useable outdoor recreation space shall be provided on any Parcel of Land used for Tourism Establishments or with more than two Dwelling Units, and shall be in the form of grassed play areas, landscaped open areas for the passive enjoyment of adults, Patio areas, children's playgrounds or similar facilities, with an allocation of 92.9 sq. m. (1,000 sq. ft.) for the first Dwelling Unit plus 46.5 sq. m. (500 sq. ft.) for each additional Dwelling Unit.

8.6 DESIGN AND CONSTRUCTION STANDARDS FOR CAMPGROUNDS AND RECREATIONAL VEHICLE FACILITIES OR SITES

- (1) All applications to Develop or expand a Campground or Recreational Vehicle Park or sites shall include a Site Plan showing the following information:
- (a) boundaries of the Property to be developed;
 - (b) location of all existing Streets, Utility lines, easements, and the like;

- (c) existing contours at 0.6 m. (2 ft.) intervals, and indication of high and low points with spot elevations;
- (d) location and extent of natural water features, including ponds, rivers, shoreline and marshy areas;
- (e) location and size of existing Buildings and Structures;
- (f) outline of trees or vegetative cover and a general indication of maturity and type;
- (g) location and size of any special natural features;
- (h) indication of adjacent Property Uses and abutting features which require consideration;
- (i) location of recreation systems such as waterways and hiking trails;
- (j) location and size of built features; and
- (k) an accurate and complete overlay of all features of the proposed Development, including, but not necessarily limited to:
 - (i) proposed ingress and egress to the site, including Parking Lots, stalls, and adjacent Streets, and delineation of traffic flow with directional arrows, and indication of the location of directions Signs or other motorists' aids;
 - (ii) designation of required buffer screens (if any);
 - (iii) existing Landscaping that will be retained and proposed Landscaping shall be differentiated and shown;
 - (iv) locations of all existing (to remain) and proposed Buildings on the site and all Buildings within 15.2 m. (50 ft.) of the site's boundaries;
 - (v) location of all existing (to remain) and proposed lighting standards and Utility poles, complete with routing of electrical supply; and
 - (vi) location and size of underground sewer and water utilities;

8.7 SERVICING

- (1) All Developments within an C2 Zone shall be serviced by Central Sewer services where those services are located and available at the Property's Lot Line.

9. RURAL RESERVE ZONE (RR)

9.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a RR Zone.

9.2 PURPOSE

- (1) The Rural Reserve Zone is established principally to support the agricultural and resource sectors, retain the natural beauty and rural character of the area, and to retain the low density Uses of land where no shared water or municipal sewer Utility services will be provided in the foreseeable future.

9.3 PERMITTED USES

- (1) The following are Permitted Uses in the RR Zone:
 - (a) Agricultural Uses;
 - (b) Campgrounds and RV Parks or Campground Sites or RV Sites, containing up to and including five (5) sites;
 - (c) forestry Uses;
 - (d) golf courses;
 - (e) historic sites;
 - (f) Mini Homes;
 - (g) Resource Commercial Uses;
 - (h) Resource Industrial Uses;
 - (i) Resource Uses including a barn, stable, and Buildings directly related to a Farm;
 - (j) Single-Detached Dwellings; and
 - (k) Tourism Establishments up to and including five (5) units.
- (2) The following are permitted as Accessory or Secondary Uses in the RR Zone:
 - (a) Accessory Buildings;
 - (b) Accessory Single-Detached Dwellings;
 - (c) Bed and Breakfasts;
 - (d) Dormitories;
 - (e) Home Occupations; and
 - (f) Short-Term Rentals.

9.4 SPECIAL PERMIT USES

- (1) Notwithstanding section 9.3 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:

- (a) Campground and RV Parks or RV Sites of more than five (5) sites;
- (b) Intensive Livestock Operations;
- (c) Outdoor Recreation Establishments; and
- (d) Tourism Establishments of more than 5 units.

9.5 SUPPORTING INFORMATION

- (1) Any application for a Special Permit Use pursuant to section 9.4 shall be accompanied by the following supporting information, in a form acceptable to Council:
 - (a) a statement documenting the precise means by which the Development will maintain and enhance the natural beauty, the rural character and agricultural activities of the RR Zone;
 - (b) a statement documenting the compatibility of the Development with general Agriculture Uses and other predominant features of the RR Zone including adjacent land Uses; and
 - (c) environmental engineering designs and plans detailing environmentally acceptable permanent, long term water supply and Sewage Disposal Systems and methods for protecting the natural environment, prepared by a Professional Engineer.
- (2) The Comprehensive Development Concept Plan required for Special Permit Uses in the RR Zone shall also indicate measures to protect agricultural activities and significant natural features.

9.6 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development in an RR Zone:

	Requirement
Minimum Lot Area	4,047 sq. m. (43,560 sq. ft./1 acre)
Minimum Frontage or Lot Width	45.7 m. (150 ft.)
Minimum Front Yard	15.2 m. (50 ft.)
Minimum Rear Yard	7.6 m. (25 ft.)
Minimum Side Yard	7.62 m. (25 ft.)
Minimum Flankage Yard	15.2 m. (50 ft.)
Maximum Building Height	12.2 m. (40 ft.)
Minimum Building Separation	6.1 m. (20 ft.)

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations, and where there is a conflict, the more stringent shall apply (see Schedule B).

9.7 INTENSIVE LIVESTOCK OPERATIONS

- (1) The following shall apply to all new Intensive Livestock Operations or extensions:

	Requirement
Min. distance from any Dwelling on an Adjacent Property	305 m. (1000 ft.)
Min. distance from a Public Street	45.7 m. (150 ft.)

Min. distance from Any Domestic Well	152.4 m. (500 ft.)
Min. distance from Any Lot Line	45.7 m. (150 ft.)
Min. distance from Any Watercourse or Wetland Boundary	90 m. (295.3 ft.), except where permitted under the Watercourse and Wetland Protection Regulations

- (2) Where a new Intensive Livestock Operation is proposed, the Development Officer shall provide written notice to adjacent Property Owners in accordance with section 15.3.
- (3) All intensive Livestock Buildings shall have a manure storage facility with a capacity for retention of manure.
- (4) The Development Officer may consult the Province’s Department of Agriculture for manure storage capabilities and design standards, and the operator of the Livestock Operation shall be required to follow those capacity and design requirements.

9.8 SERVICING

- (1) All Developments within an RR Zone shall be serviced by Central Sewer services where those services are located and available at the Property’s Lot Line.
- (2) Council may consider shared or common servicing systems based on the recommendations of the Province's Department of Environment or successor department. All related costs shall be borne by the Developer.

10. PUBLIC SERVICE & INSTITUTIONAL ZONE (PSI)

10.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a PSI Zone.

10.2 PERMITTED USES

- (1) The following are Permitted Uses in the PSI Zone:
 - (a) Cemeteries;
 - (b) colleges;
 - (c) Community Care Facilities;
 - (d) Community Centres;
 - (e) Cultural Centres;
 - (f) Early Learning and Child Care Centres;
 - (g) facilities for recreational uses;
 - (h) government offices;
 - (i) Group Homes;
 - (j) historic sites;
 - (k) Hospitals;
 - (l) manses;
 - (m) Nursing Homes;
 - (n) Places of Worship;
 - (o) public and private schools;
 - (p) Senior Citizen Homes; and
 - (q) Universities.
- (2) The following are permitted as Accessory or Secondary Uses in the PSI Zone:
 - (a) Accessory Buildings;
 - (b) administrative offices;
 - (c) Bandstands;
 - (d) Convenience Stores;
 - (e) Dormitories;
 - (f) Pavilions;
 - (g) Personal Service Shops;
 - (h) Restaurants;
 - (i) Retail Stores; and
 - (j) sports fields.

10.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 10.2 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:
- (a) taxi and bus terminals.

10.4 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development in a PSI Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
All Lots			
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.1 m. (20 ft.)	
Minimum Side Yard		4.6 m. (15 ft.)	
Minimum Flankage Yard		7.6 m. (25 ft.)	
Maximum Building Height		12.2 m. (40 ft.)	
Minimum Building Separation		3.7 m. (12 ft.)	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

10.5 SERVICING

- (1) All Developments within an PSI Zone shall be serviced by Central Sewer services where those services are located and available at the Property's Lot Line.

11. PARKS AND OPEN SPACE ZONE (O1)

11.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a O1 Zone.

11.2 PERMITTED USES

- (1) The following are Permitted Uses in the O1 Zone:
 - (a) Bandstands;
 - (b) historic sites;
 - (c) Open Space;
 - (d) Outdoor Recreation Establishments;
 - (e) Parks and playgrounds;
 - (f) Pavilions; and
 - (g) sports fields.
- (2) The following are permitted as Accessory or Secondary Uses in the O1 Zone:
 - (a) Accessory Buildings, including washrooms and concession stands;
 - (b) administrative offices; and
 - (c) Parking Lots.

11.3 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development involving a Building in an O1 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
	All Lots		
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.10 m. (20 ft.)	
Minimum Side Yard		4.57 m. (15 ft.)	
Minimum Flankage Yard		7.62 m. (25 ft.)	
Maximum Building Height		12.2 m. (40 ft.)	
Minimum Building Separation		3.7 m. (12 ft.)	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

12. ENVIRONMENTAL RESERVE (OVERLAY) ZONE (O2)

12.1 GENERAL

- (1) The Environmental Reserve (Overlay) Zone applies to any Wetland, Watercourse, and Buffer Zone identified on a Lot by the Province's department responsible for the Environmental Protection Act.
- (2) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in the O2 Zone.

12.2 PURPOSE

- (1) The O2 Zone is an overlay Zone intended to enhance the protection of surface and ground water quality, sensitive landscapes, and wildlife habitat. Passive agricultural activities, together with tree, shrub and plant cover is intended to be predominant Use in this Zone.
- (2) For the avoidance of doubt, the requirements in this Bylaw for the O2 Zone are in addition to all requirements in the Watercourse and Wetland Protection Regulations made pursuant to the Environmental Protection Act, and any other federal or provincial statute, regulation, or other enactment.

12.3 PERMITTED USES

- (1) No Structure or part thereof and no land shall be Used for purposes other than:
 - (a) conservation activities;
 - (b) Open Space; and
 - (c) Passive Recreational Uses.

12.4 ZONE BOUNDARIES

- (1) The Zoning Map shall indicate the approximate boundaries of the O2 Zone; however, the exact boundaries of the O2 Zone shall be the boundaries of all Wetlands, Watercourses, and Buffer Zones as determined by the Province's department responsible for the Watercourse and Wetland Protection Regulations.
- (2) The boundary of any Wetland, Watercourse, and Buffer Zone shall be shown on any Site Plan submitted to the Development Officer as part of a Development Permit application.

12.5 ZONE REQUIREMENTS

- (1) In the O2 Zone, no Development shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the Watercourse and Wetland Protection Regulations made pursuant to the Environmental Protection Act.

13. NATIONAL PARK ZONE (NP)

13.1 GENERAL

- (1) In the National Park Zone (NP) land Use decisions shall be vested in the federal government and no Development Permits shall be required.

Development and land Use in the National Park is, however, guided by the provisions of the Prince Edward Island National Park of Canada and Dalvay by the Sea National Historic Site of Canada Management Plan. Within the Management Plan there are 4 zoning designations: Special Preservation - SP, designating the most sensitive and Significant natural areas; Wilderness - W, designating natural landscapes where visitors can experience nature with minimal human intrusion or facilities; Natural Environment - NE, designating areas with minimal services and facilities of a rustic nature; Outdoor Recreation - OR, designating areas for vehicular access which are capable of accommodating a broad range of activities and related essential services and facilities.

These Zones are noted on the Zoning Map for information purposes only and have no legal standing in this Bylaw. The balance of the NP Zone represents federal crown land adjacent to the National Park boundary.

14. VARIANCES

14.1 VARIANCE APPLICATIONS

- (1) When a Development Permit application cannot be approved because the proposed Development does not meet the minimum requirements of the Bylaw, the Applicant may apply in writing for a Variance on the form prescribed by Council.
- (2) Subject to the Province-wide Minimum Development Standards Regulations, a Variance from the minimum requirements of this Bylaw may be granted for any of the following requirements provided they meet the intent of the Official Plan:
 - (a) Lot size or dimensions or both;
 - (b) Setbacks;
 - (c) the area or size of a Structure; or
 - (d) the Height of a Structure.
- (3) Variance applications shall be considered against the following tests for justifying a Variance:
 - (a) that the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - (b) that strict application of all Bylaw standards would impose undue hardship on the Applicant by excluding them from the same rights and privileges for reasonable Use of their Lot as enjoyed by other Persons in the same Zone;
 - (c) that the Variance is of the least magnitude required to enable reasonable Use of the Lot; and
 - (d) that the proposed Variance would not impact unduly on the enjoyment of adjacent Properties, or on the essential character of the surrounding neighbourhood.
- (4) Authorization for a Variance shall be documented and recorded in writing.
- (5) No Variance shall be granted where the matter is the result of intentional or negligent conduct of the Owner, including ignorance on the part of the Owner, or where the difficulty can be remedied in some other reasonable manner.
- (6) When an application for a Variance has been decided, Council may refuse to hear an application for the same or a similar Variance for the Lot for one (1) year after its rendering a decision unless Council is of the opinion that there is new information.
- (7) If, after one (1) year of a Variance approval, no Development Permit is issued for the Lot or the Development has not been commenced, the Variance and any related Development Permit shall be deemed null and void.

14.2 VARIANCES OF UP TO 10%

- (1) Council may authorize a Variance not exceeding 10% from the provisions of this Bylaw if, in the opinion of Council, the Variance is appropriate and justified pursuant to subsection 14.1(3) and if the general intent and purpose of this Bylaw is maintained.

14.3 VARIANCES IN EXCESS OF 10%

- (1) Notwithstanding any other section of this Bylaw, Council in its discretion may authorize Variances in excess of 10% but no greater than 50% from the provisions of this Bylaw, where warranted, if Council deems such a Variance appropriate and if such Variance meets the criteria of subsection 14.1(3) and is in keeping with the general intent and purpose of this Bylaw or the Official Plan for the Municipality.
- (2) Before Council considers a Variance in excess of 10%,
 - (a) the Development Officer shall:
 - (i) receive from the Owner sufficient funds to cover the costs of the application fee, and the advertising and mailing of written notices required for a public meeting under section 15.3; and
 - (ii) provide written notice in accordance with the requirements of clause 15.3(1)(b) explaining the details of the proposed application and the date by which written comments must be received,
 - (b) Council shall:
 - (i) hold a public meeting to receive comments on the proposed Variance, notice of which shall be provided in accordance with the provisions of clause 15.3(1)(b) indicating in general terms the nature of the Variance application and the date, time, and place of the meeting; and
 - (ii) request and consider the recommendation of Planning Board.
- (3) In making its recommendation to Council, Planning Board shall consider the application having regard for the criteria in subsection 14.1(3), the input received from the Public, and the policies and objectives of the Official Plan.

15. OFFICIAL PLAN AND BYLAW AMENDMENTS

15.1 AMENDMENT APPLICATIONS

- (1) A Person making application for an amendment to the provisions of this Bylaw shall do so on a form prescribed by Council and shall submit the application to the Development Officer. The Applicant shall describe in detail the reasons for the desired amendment and request that Council consider the proposed amendment. Any request for an amendment shall be signed by the Person seeking the amendment or the Person's authorized agent.
- (2) A change to either the text or the Zoning Map of this Bylaw is an amendment and any amendment shall be consistent with the policies of the Official Plan.
- (3) An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
 - (a) general Development concept showing proposed land Uses, any Subdivisions, Buildings, means of servicing, traffic access and parking; and
 - (b) assessment of any potentially significant Development impacts on the Municipality's infrastructure and the natural environment.
- (4) The Applicant shall, at the time of submitting the application, deposit with the Municipality the application fee and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Schedule C.
- (5) Council shall determine whether or not to consider an amendment and before making a decision shall consider whether:
 - (a) the proposed amendment is in conformity with the Official Plan; or
 - (b) to amend the Official Plan in accordance with the provisions of the Planning Act.
- (6) Related Official Plan and Bylaw amendments may be considered concurrently, provided that the public and written notices required under section 15.3 indicate in general terms the nature of both the proposed Official Plan amendment and proposed Bylaw amendment, and consideration and a decision regarding the Official Plan amendment precedes the Bylaw amendment.

15.2 AMENDMENT PROCEDURES

- (1) Planning Board shall review each amendment request and provide recommendations to Council;
- (2) Prior to making a final recommendation with regards to a proposed amendment to the Official Plan or this Bylaw, Planning Board shall provide public notice and hold a public meeting in accordance with the provisions of section 15.3 in this Bylaw and the requirements of the Planning Act.

- (3) Following the public meeting, Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The Applicant may be provided another opportunity to present to Planning Board to answer any further questions that may have arisen at or following the public meeting. Planning Board shall make a recommendation to Council on the application.
- (4) Planning Board and Council shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable:
 - (a) conformity with the Official Plan;
 - (b) conformity with all requirements of this Bylaw;
 - (c) suitability of the site for the proposed Development;
 - (d) compatibility of the proposed Development with surrounding land Uses, including both existing and future Uses as per the Zoning Map;
 - (e) the impact of transitioning rural lands to more intensive Development Use on existing Farm and resource operations, where applicable;
 - (f) any comments from residents or other interested Persons;
 - (g) adequacy of existing water, sewer, Street, stormwater, and parklands for accommodating the Development, and any projected infrastructure requirements;
 - (h) impacts from the Development on pedestrian and vehicular access and safety, and on public safety generally;
 - (i) compatibility of the Development with environmental, scenic and Historic Resources;
 - (j) impact on the Municipality's finances and budgets; and
 - (k) other matters as considered relevant by the Planning Board or Council.
- (5) Following the public meeting and after having considered the recommendation of Planning Board, Council shall formulate a decision on the proposed amendment. Council shall have the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the Planning Act.
- (6) All amendments to the Official Plan or this Bylaw shall be made in accordance with the procedures set out in the Planning Act.
- (7) The Development Officer shall notify the Applicant in writing of the decision and the decision shall be posted on the Municipality's website in accordance with section 23.1 of the Planning Act. Where a proposed amendment has been denied by Council, the reasons for the denial shall be stated in writing to the Applicant.
- (8) Amendments to the Official Plan or this Bylaw approved by Council also require approval by the Minister responsible for administering the Planning Act or any successive legislation.
- (9) No Development Permits or Subdivisions related to a proposed amendment shall be approved until the approval from the Minister responsible for administering the Planning Act or any successor legislation has been granted for the necessary amendments.

- (10) When an application for an amendment has been decided, Council may refuse to hear the same or a similar application for one (1) year after rendering a decision unless Council is of the opinion that there is new information.
- (11) The Council retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should the Council not proceed with a public meeting, the application fee as per subsection 15.1(4) shall be returned to the Applicant.
- (12) Nothing in this Bylaw restricts the right of Planning Board or Council to initiate its own amendment to the Official Plan or this Bylaw.

15.3 PUBLIC MEETING REQUIREMENTS

- (1) Where a public meeting is required under this Bylaw the Development Officer shall, at least seven (7) Clear Days prior to the public meeting:
 - (a) ensure that a notice is placed in a newspaper circulation in the area and on the Municipality's website; and
 - (b) ensure that the following written notice is provided:
 - (i) where the subject of the meeting is an application for a Special Permit Use Development or a Major Development, to all Property Owners wholly or partially within 61 m. (200 ft.) of all boundaries of the subject Property;
 - (ii) where the subject of the meeting is an application for a Variance pursuant to section 14.3, to all Property Owners wholly or partially within 122 m. (400 ft.) of all boundaries of the subject Property;
 - (iii) where the subject of the meeting is an amendment to the Official Plan or this Bylaw in relation to the subject Property, to all Property Owners wholly or partially within 122 m. (400 ft.) of all boundaries of the subject Property;
 - (iv) where the subject of the meeting is an application for an Intensive Livestock Operation to all Property Owners wholly or partially within 305 m. (1,000 ft.) of all boundaries of the subject Property, and
 - (v) where the subject of the meeting is an application for a Special Event, to all Property Owners whose Properties are adjacent to the subject Property.

15.4 ZONING AND GENERAL LAND USE MAP REVISIONS

- (1) The Development Officer may make technical revisions to the Zoning Map and the general Future Land Use Map in the Official Plan for purposes of
 - (a) better reflecting detailed or changing topographical or legal conditions such as new Streets or approved Lots; or
 - (b) ensuring that the Zoning Map and the general Future Land Use Map reflect approved amendments to the Official Plan and Bylaw.

16. GENERAL PROVISIONS FOR SUBDIVIDING LAND

16.1 SUBDIVISION APPROVAL

- (1) No Person shall subdivide one or more Lots or any portion or interest in a Lot and no Person shall consolidate two or more Parcels of land until the conditions of this Bylaw have been complied with and the Applicant has received final approval from the Authority Having Jurisdiction.
- (2) Notwithstanding subsection (1), where a Parcel is naturally subdivided into two or more units by a Public Street, a Watercourse, or other body of water, each of the units shall be treated as a separate Parcel.

16.2 CONVEYING INTEREST IN A LOT

- (1) No Person shall sell or convey any interest in a Lot before the Authority Having Jurisdiction has issued a stamp of approval for the Lot or the Subdivision in which the Lot is situated.

16.3 PERMISSION TO SUBDIVIDE

- (1) No land shall be subdivided within the Municipality unless the Subdivision:
 - (a) conforms with the requirements of this Bylaw;
 - (b) is suitable to the topography, physical conditions, soil characteristics, and the natural surface drainage of the land;
 - (c) will not cause undue flooding or erosion;
 - (d) has Street access;
 - (e) has adequate utilities and services available or can reasonably be provided with such utilities and services;
 - (f) will reasonably conform to or is compatible with existing land Use in the immediate vicinity;
 - (g) will provide for effective and efficient traffic flow and access that takes into consideration emergency access, natural hazards, and other safety risks;
 - (h) is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility;
 - (i) is designed to accommodate climate change mitigation and adaptation measures such as ensuring there is adequate land above the flood risk elevation to establish legal access and accommodate proposed Development; and
 - (j) is suitable to the Use for which it is intended, and the future Use of adjacent lands.
- (2) Notwithstanding clause 16.3(1)(d), above, Council may approve the Subdivision of a Lot which has Frontage on a Private Right-of-Way subject to the following:

- (a) a Private Right-of-Way serving six or more Lots approved after the effective date of this Bylaw shall be designed by, constructed under the supervision of, and certified to be completed in accordance with the approved design drawings and required specifications by a Professional Engineer in accordance with the applicable standards for Private Rights-of-Way set out in Schedule E;
- (b) safe ingress and egress from the Lot can be provided from the Lot or Private Right-of-Way serving the Lot to a Street;
- (c) access to a Street is by way of a legally defined access driveway or Private Right-of-Way measuring at least 20.12 m. (66 ft.) in width;
- (d) the name of the Private Right-of-Way has been approved in accordance with the Emergency 911 Act, in either of the following circumstances:
 - (i) the Subdivision results in any configuration of three (3) or more properties, including the parent Parcel, being accessed via the Private Right-of-Way; or
 - (ii) the Subdivision results in three (3) or more civic addressed Dwellings, Buildings, or units sharing the same Private Right-of-Way or driveway;
- (e) the Owner enters into a Subdivision Agreement with the Municipality in accordance with section 16.14, which includes among its terms the following acknowledgment which shall be binding on the Owner and the Owner's successors in title: *The Private Right-of-Way serving PID _____ is not owned or maintained by the Resort Municipality and therefore the Resort Municipality shall have no liability for the Private Right-of-Way. Without limiting the generality of the foregoing, the Resort Municipality shall not be responsible for providing any services of any nature or kind to the Private Right-of-Way. In addition, the Private Right-of-Way may not be entitled to receive other public services such as grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access;*
- (f) an agreement that provides for the use, ownership and long-term maintenance of the Private Right-of-Way is registered in accordance with the provisions of the Registry Act and is binding on the Owner of the Private Right-of-Way and the Owner's heirs, executors, administrators, successors (including successors in title), and assigns; and
- (g) the Lot conforms to the Lot requirements of the Zone in which the Lot is located.

16.4 REDUCED LOT FRONTAGE OR AREA

- (1) If a Parcel of land in any Zone is of such configuration that the Council deems it cannot reasonably be subdivided in such a way to provide the required minimum Frontage on a Street or where Lots are designed with a reduced Frontage along a bend in a Street or facing a cul-de-sac, the Council may approve a reduced Frontage, if in the opinion of the Council:
 - (a) adequate and safe access is provided;
 - (b) the Lot width at the front Building Line measures at least as much as the minimum Lot Frontage for the Zone; and
 - (c) the access driveway has a minimum Frontage of 7.3 m (24 ft).

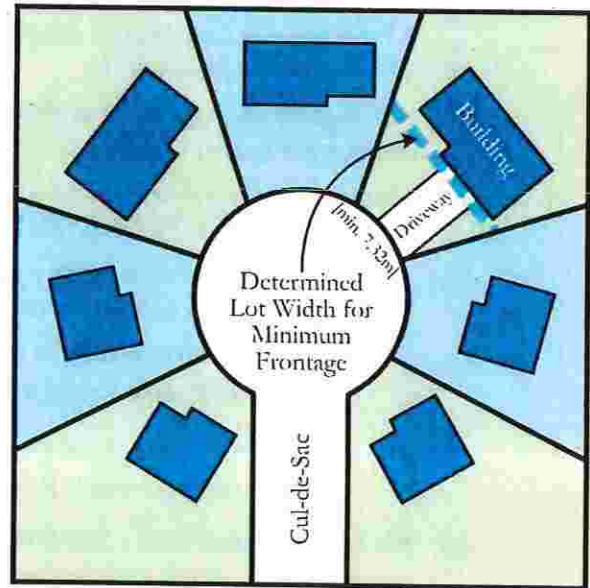


Figure 6 - Cul-de-Sac Lot Frontage

- (2) The Subdivision of Panhandle Lots shall be restricted to Parcels existing in separate Ownership as of November 30, 1991, and not more than one (1) Panhandle Lot may be subdivided per existing Parcel.
- (3) The minimum acceptable Frontage for a Panhandle Lot shall be 7.3 m. (24 ft.).
- (4) The area of the access driveway or right-of-way portion of a Panhandle Lot shall not be included in the minimum Lot Area requirements.
- (5) The Subdivision or consolidation of an existing non-conforming Lot(s) may be permitted if the Subdivision or Lot Consolidation results in an increase to the Lot Area or Lot Frontage or both, even if the Lot will remain undersized following the Subdivision, where the Subdivision would otherwise be permitted under this Bylaw.

16.5 CHANGES TO EXISTING LOTS

- (1) No Person shall reduce the dimensions or change the Use of any existing Lot in an existing approved Residential Subdivision Development where the Council determines there would be a Detrimental Impact on neighbouring Property Owners.
- (2) Where an application would change the dimensions or the Use of a Lot in an existing approved Residential Subdivision Development, the Development Officer shall provide written notice to all Property Owners within 121.9 m. (400 ft.) of the boundaries of the Lot, informing them of the details of the application and soliciting their comments.

16.6 SUBDIVISIONS IN RURAL RESERVE (RR) ZONE

- (1) Within a Rural Reserve (RR) Zone, Subdivisions shall be restricted to existing Parcels only and no Person shall be permitted to subdivide more than two (2) Lots from any existing Parcel of land.
- (2) For the purposes of this section, existing Parcel shall mean a Parcel of land which was held in separate Ownership as of November 30, 1991.
- (3) Any Lots subdivided pursuant to this section shall conform to the Lot requirements for an RR Zone, the access requirements of section 4.11, and all other relevant provisions of this Bylaw.
- (4) Within the Rural Reserve (RR) Zone:
 - (a) A Subdivision for Residential Uses shall not be permitted within 305 m. (1000 ft.) of the Lot Line of an existing Intensive Livestock Operation; and
 - (b) Where a residential Subdivision is proposed, the Development Officer shall provide written notice to all operators of Intensive Livestock Operations within 305 m. (1,000 ft.) of the boundaries of the Lot, informing them of the details of the application and soliciting their comments.

16.7 SUBDIVISIONS IN COASTAL, WATERFRONT, AND WETLAND AREAS

- (1) Where a Subdivision is located adjacent to a Coastal Area, Watercourse, or Wetland, the Subdivision shall be subject to the following:
 - (a) Public access to the beach shall be provided if the Property being subdivided includes Shore Frontage, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of Shore Frontage;
 - (b) the area to be set aside as parkland dedication may include land along the Watercourse; and
 - (c) compliance with the requirements of subsection 4.7(3).
- (2) The area of a Lot that falls within the 02 Zone may be included as part of the Lot in a Subdivision where the Lot has sufficient area exclusive of the 02 Zone area to permit the required Setbacks, on-site services and the minimum circle diameter requirements under the Province-wide Minimum Development Standards Regulations.
- (3) Where a Lot or a portion of a Lot contains a Wetland or Watercourse, the boundary of which is defined by the Watercourse and Wetland Protection Regulations, the Lot(s) shall meet the minimum Lot Area for the Zone exclusive of the area of the Wetland or Watercourse.

16.8 ROAD STANDARDS

- (1) Subject to subsection 16.3(2), all new Streets or extensions to existing Streets or Private Rights-of-Way shall be Public Streets.

- (2) All applications for Subdivision shall be reviewed by the Province’s department responsible for the Roads Act, and where an entrance way permit or other approval or permit is required pursuant to the Roads Act, a final approval of Subdivision shall not be granted until that entrance way permit or other approval or permit has been granted.
- (3) Subject to subsection 16.8(1) above, and all other requirements of this Bylaw, the Subdivision of Lots that abut, and require access to, a Collector Highway that has not been designated as infill under the Roads Act shall be subject to the following standards:

Frontage of Parcel being subdivided:	Maximum number of Lots that may be approved abutting, and requiring access to, the Collector Highway:
a. less than 402.3 m. (1,320 ft.), Parcel existing prior to February 3, 1979	One Lot, where no Lot has previously been approved for Subdivision from the parent Parcel as it existed on February 2, 1979.
b. 402.3 m. (1,320 ft.) or more, Parcel existing prior to February 3, 1979	One Lot for every 201 m. (660 ft.) of Frontage of the parent Parcel on February 2, 1979.
c. less than 402.3 m. (1,320 ft.), Parcel approved on or after February 3, 1979	No Lot may be approved for Subdivision.
d. 402.3 m. (1,320 ft.) or more, Parcel approved on or after February 3, 1979	One Lot for every 201 m. (660 ft.) of Frontage, and each Lot must have a minimum of Frontage of 201 m. (660 ft.).

- (4) Subject to subsection 16.8(1), above, and all other requirements of this Bylaw, one Lot, in addition to those permitted in clauses 16.8(3)(a) or (b), may be approved provided that:
- (a) the proposed Lot contains an existing Dwelling served by an existing Highway access;
 - (b) the Dwelling on the Lot shall be served by the existing Dwelling access; and
 - (c) no Development Permit shall be issued for a Dwelling on the remainder of the parent Parcel.
- (5) Subsection (3) does not apply to a Parcel of land along a portion of a Collector Highway that is designated for infilling under the regulations made under the Roads Act.
- (6) Notwithstanding the restrictions on Subdivisions specified in subsection (3), and subject to subsection 16.8(1), a Person may subdivide Lots from a Parcel of land that abuts, or requires access to, a Collector Highway, provided:
- (a) the Person has applied for and obtained approval of a plan of Subdivision that includes approval for a Street connecting to and within the Subdivision to serve the Lots; and
 - (b) all other requirements of this Bylaw can be met.

16.9 SUBDIVISIONS OF SEMI-DETACHED AND TOWNHOUSE DWELLINGS

- (1) Semi-Detached Dwellings and Townhouse Dwellings may be Subdivided for individual sale and Ownership provided that:
 - (a) a Subdivision of the Parcel of land has been approved by the Authority Having Jurisdiction and such Subdivision provides for appropriate easements or common area to allow entry by an Owner of any portion of the Building to their backyard area;
 - (b) each individual Dwelling Unit within the Semi-Detached Dwelling or Townhouse Dwelling shall be separated by a vertical fire separation built in accordance with the National Building Code;
 - (c) a separate water and sewer service is provided for each Dwelling Unit in accordance with the Municipality's bylaws governing water supply and sewage services;
 - (d) separate electrical services are provided for each Dwelling Unit;
 - (e) a separate heating device is provided for each Dwelling Unit;
 - (f) separate parking is provided for each Dwelling Unit unless the Council waives the requirement; and
 - (g) a copy of the agreement made between the Owners covering the following terms is approved by the Council and registered on the title of each Dwelling Unit. The agreement shall address the following:
 - (i) common walls;
 - (ii) maintenance;
 - (iii) fire insurance;
 - (iv) easements;
 - (v) parking;
 - (vi) snow removal;
 - (vii) any other items jointly owned or used; and
 - (viii) any other terms and conditions as shall be imposed by the Authority Having Jurisdiction, as required in order to ensure compliance with this Bylaw.

16.10 CONSERVATION SUBDIVISIONS

- (1) Notwithstanding the provisions of this Bylaw and in particular the minimum Lot size standards in the RR and R1 Zones and limits under section 16.6 on the number of Lots that may be subdivided in the RR Zone, within any Rural Reserve or Residential Zone, Council may grant approval of Conservation Subdivisions with reduced standards for minimum Lot size and number where the following criteria have been met:
 - (a) the Property to be subdivided is at least 6 hectares (14.83 acres) in size;
 - (b) all proposed Lots comply with the minimum Lots size standards established in the Province-Wide Minimum Development Standards Regulations;

- (c) at least 50% of the lands being subdivided is put aside in the form of an undivided permanent conservation area to be deeded to the Municipality, or, subject to clause (f), an incorporated homeowner's association or a recognized land trust or conservancy;
 - (d) all undivided land in the designated conservation area capable of further Subdivision shall be restricted from further Subdivision through a permanent conservation covenant, in a form acceptable to the Municipality, and duly recorded with the Provincial Registry Office;
 - (e) at least 25% of the minimum required conservation area shall be suitable for active recreation purposes, but no more than 50% shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site;
 - (f) a portion of the conservation area shall be designated for general Public access in accordance with the parkland dedication requirements in this Bylaw and conveyed to the Municipality; and
 - (g) the Subdivision is serviced by shared on-site water and septic systems that meet current provincial standards and are designed and certified by a Professional Engineer.
- (2) The required conservation area may be used, without restriction, for underground drainage fields for individual or community septic systems, subject to approval by the Province's department responsible for the environment. However, "mound" systems protruding above Grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum conservation area.
- (3) Council may conduct a public meeting to consider public opinion on the design of the Subdivision.
- (4) In evaluating the layout of Lots and conservation area, Council shall give consideration to environmental constraints and significant features such as view planes, old growth forests, habitat for endangered species or species at risk, and Historic Sites.

16.11 APPLICATION AND PRELIMINARY APPROVAL PROCESS

- (1) Any Person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit to the Authority Having Jurisdiction the following:
- (a) an application in the form prescribed by the Council;
 - (b) the application fee as set forth in Schedule C;
 - (c) a description of Uses on the surrounding Parcels; and
 - (d) five (5) copies of a preliminary Subdivision plan, prepared by a Professional Land Surveyor or Professional Engineer, showing:
 - (i) contours showing topography of the Parcel with at least 2 m (6.6 ft.) contour lines;
 - (ii) a soil assessment;
 - (iii) the true shape and dimensions of the proposed Lots;
 - (iv) the location of the Parcel and all adjoining Properties;
 - (v) the location of every existing Structure on the Parcel and adjacent Parcels;
 - (vi) existing and proposed services and utilities;

- (vii) proposed widths and locations of all Streets and, where one or more Private Rights-of-Way has been requested pursuant to subsection 16.3(2), the proposed widths and locations of such Private Rights-of-Way;
 - (viii) location of land proposed for Open Space and Parks use;
 - (ix) proposed surface water drainage patterns and designed drainage features, when applicable; and
 - (x) other existing features, including Buildings, Watercourses, Wetlands, Buffer Zones, wooded areas, and areas subject to flooding or erosion.
- (2) The Authority Having Jurisdiction may also require the Applicant to provide additional information required to assist in evaluating a proposed Subdivision, including, but not limited to:
- (a) a water test;
 - (b) an assessment on any potential environmental impacts, including any requirements imposed by provincial statutes, regulations or other enactments;
 - (c) a stormwater management plan;
 - (d) a traffic survey or a traffic study;
 - (e) a written assessment by the Province on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;
 - (f) a written assessment by the Province on access and/or transportation issues; and
 - (g) any other studies or documentation required in order to adequately determine whether the requirements of this Bylaw are met.
- (3) The Authority Having Jurisdiction may refuse to approve a Subdivision which is unsuitable under the provisions of this Bylaw.
- (4) In formulating their decision, the Authority Having Jurisdiction may:
- (a) consult with the Province's officials or private consultants or both; and
 - (b) conduct a public meeting to consider public opinion in accordance with the procedures of section 15.3.
- (5) In consultation with the Province, and in review of water supply and sewage disposal needs, Subdivision approval may be withheld until such time as adequate servicing has been designed for the Subdivision. Central water supply or sewage disposal or both may be required as a condition of Subdivision approval.
- (6) Street design drawings and a stormwater management plan prepared by a Professional Engineer shall be submitted with an application for preliminary approval for any Subdivision involving the construction of a new Street and, where one or more new or extended Private Rights-of-Way has been requested pursuant to subsection 16.3(2), Private Right-of-Way design drawings and a stormwater management plan prepared by a Professional Engineer shall be submitted with the application.

- (7) The Authority Having Jurisdiction shall evaluate any proposed Subdivision to determine whether appropriate Street design standards and Lot configurations have been used to promote the Development of safe, convenient and pleasant neighbourhoods.
- (8) Where a Subdivision application is submitted concurrently with a rezoning application, the preliminary Subdivision approval shall not be granted until the rezoning application has been processed and has received approval.
- (9) Where the Authority Having Jurisdiction generally accepts the details of a Subdivision application, they may issue a preliminary approval, which shall include all conditions to be satisfied for the Subdivision to proceed to final approval.
- (10) Preliminary approval for any proposed Subdivision shall not be construed as final approval of such Subdivision for legal conveyance or for land registration purposes.
- (11) Preliminary approval shall be effective for a period of 24 months.

16.12 PARKLAND DEDICATION AND / OR PARKLAND DEDICATION FEE

- (1) A Person seeking to subdivide three (3) or more Lots, exclusive of the parent Parcel, shall be required to dedicate and convey to the Municipality 10% of the lands being subdivided from the parent Parcel for recreation and Public Open Space purposes, subject to the following:
 - (a) the location of the parkland to be conveyed shall be at the discretion of, and shall be subject to approval by Council;
 - (b) the parkland shall be free of all encumbrances; and
 - (c) Council may apply some or all of the dedication and conveyance of the Lot Area to active transportation routes or trail systems or both where such can be provided within or between Subdivisions, or to ensure that valued natural assets such as forest cover can be protected.
- (2) In lieu of a parkland conveyance, where land is deemed to be inappropriate by Council, Council shall require a payment of 10% of the assessed value of the Lots to be subdivided, calculated on the projected value of the lands being subdivided, including all infrastructure costs upon final approval of the Subdivision, and shall not take into account the value of Structures on such lands. The Council retains the right to use the Province's Land Valuation and Assessment Division in determining the assessed value of the land.
- (3) Council may, where Council determines that a combination of parkland and cash-in-lieu payments is in the best interests of the Municipality, require that parkland dedication be in the form of a combination of land and cash of an equivalent value.
- (4) Any monies collected pursuant to subsections (2) or (3) shall be designated for the purpose of recreational and Public Open Space lands or Uses.

- (5) A further Subdivision of land that has already been subject to a parkland dedication or conveyance shall be exempt from the requirements of this section.

16.13 SERVICING

- (1) The Council may require that new Subdivisions be provided with shared water and sewer systems as a condition of Subdivision approval. Where a new Subdivision will involve a connection to the municipal sewer system, the Subdivision Agreement may include matters relating to the servicing standards, process of installation, review during construction, testing, and final acceptance.
- (2) All costs related to the design, approval, and construction of a shared or central water or sewage system shall be borne by the Developer(s).
- (3) The provision of pedestrian walkways, designed and built to the standard established by the Municipality, may be required within new Townhouse Dwelling or Apartment Dwelling Developments and commercial Developments where the walkways are necessary for connectivity with existing pedestrian infrastructure or in relation to the anticipated volume of pedestrian activity associated with the proposed Development.

16.14 SUBDIVISION AGREEMENT

- (1) The Authority Having Jurisdiction may require an Applicant to enter into a Subdivision Agreement prior to issuing preliminary approval. The Subdivision Agreement may cover such matters required in order to ensure compliance with this Bylaw and may include, but not be limited to the following:
 - (a) the design and construction costs of sidewalks, water supply, sanitary and storm sewers, Streets, and Street lighting;
 - (b) the dedication of land for recreation and Public Open Space purposes, or payment of a fee in lieu of land;
 - (c) the building of Streets to provincial standards and deeding of Streets to the Province's Department of Transportation and Infrastructure or its successor;
 - (d) the posting of a financial guarantee satisfactory to the Council;
 - (e) the provision of a controlled landscape plan and stormwater management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent Properties;
 - (f) the provision of such services, facilities or actions as are necessary to ensure the satisfactory Development of the Subdivision;
 - (g) the provision for the phasing of the Subdivision; and
 - (h) the preservation and enhancement of surface water drainage systems.
- (2) The Subdivision Agreement shall be registered in accordance with the Registry Act and all fees associated with the preparation, registration, and enforcement of the Subdivision Agreement shall be paid by the Developer.

16.15 FINAL APPROVAL

- (1) A stormwater management plan prepared by a Professional Engineer shall be submitted with an application for final approval for any Subdivision of a Lot into two (2) or more Lots. The stormwater management plan shall include an overall surface water management strategy for the proposed Subdivision, and shall include the proposed general location and top of foundation elevation for the Main Buildings to be Erected on each Lot.
- (2) No final Subdivision approval shall be granted by the Municipality unless:
 - (a) the Applicant has complied fully with all applicable requirements of this section, any Subdivision Agreement between the Applicant and the Municipality, and any other conditions of preliminary approval;
 - (b) the Applicant has submitted at least eight (8) copies of a final Survey Plan showing all Lots pinned and certified by a Professional Land Surveyor; and
 - (c) all agreements and other documents required under this Bylaw have been prepared and concluded to the satisfaction of the Development Officer;
 - (d) all transactions involving the transfer of land, money or security in conjunction with the Subdivision have been concluded to the satisfaction of the Development Officer; and
 - (e) where Street construction is required, the Applicant has completed any necessary conditions of agreements with the Province's Department of Transportation and Infrastructure or its successor and the Street has been accepted as Public.
- (3) The Authority Having Jurisdiction may require the Applicant to provide a digital file containing the (real earth) geographic co-ordinates of the plan of Subdivision.
- (4) The Development Officer shall give notice of final approval of a Subdivision in writing and shall place the Municipality's approval stamp on the eight copies of the Survey Plan and shall return one copy to the Applicant.
- (5) The Municipality shall file a copy of the final Survey Plan with:
 - (a) the Province's Registrar of Deeds (2 copies);
 - (b) the Province's 911 Administration Office;
 - (c) the Province's Department of Transportation and Infrastructure or its successor, as required;
 - (d) the Municipality's files; and
 - (e) the Cavendish Sewer Utility, as required.
- (6) The Municipality may grant final approval to part of a Subdivision which is proposed to be developed in Phases.

16.16 SEVERANCES & CONSOLIDATIONS

- (1) Any approval for a Lot Consolidation shall be conditional on the Applicant combining the Lots by deed expressing the perimeter boundary of the new Parcel, registered in accordance with the Registry Act, and all fees associated with the preparation and registration of the deed shall be paid by the Applicant.
- (2) Notwithstanding subsection 16.11, applications for final approval for Lot Consolidations or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the Bylaw for the approval of Subdivisions, as may be applicable, and provided the application otherwise conforms to the Bylaw.

16.17 DEVELOPMENT PERMITS

- (1) Development Permits shall not be issued for any Lot in a proposed Subdivision until all the requirements of the Subdivision Agreement and of this Bylaw have been fulfilled and final Subdivision approval has been granted.

16.18 RESCINDING OR ALTERING APPROVAL

- (1) An existing approved Subdivision or portion thereof may be rescinded or altered by the Authority Having Jurisdiction if:
 - (a) the Subdivision has been carried out contrary to the application, the conditions of approval, or these regulations; or
 - (b) the Subdivision Owner has confirmed in writing that the sale of Lots is no longer intended and has requested that approval be rescinded.

17. PENALTIES

17.1 FINES

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

18. NOTICE OF DECISIONS

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

19. APPEALS

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

20. REPEAL

20.1 EFFECTIVE DATE

- (1) This Bylaw shall come into force on the date it is signed by the Minister responsible for the Planning Act.

20.2 REPEAL

- (1) The Resort Municipality Zoning and Subdivision Control (Development) Bylaw 2017, as amended from time to time, is hereby repealed.

21. DEFINITIONS

Subject to section 1.8, in this Bylaw:

A

ACCESSORY BUILDING means a separate subordinate Building, not Used for human habitation, which is Used or intended for the better or more convenient enjoyment of the Main Building to which it is accessory, and located upon the Parcel upon which such Main Building is to be Erected.

ACCESSORY STRUCTURE means a separate subordinate structure, not Used for human habitation, which is Used or intended for the better or more convenient enjoyment of the Main Building to which it is accessory, and located upon the Parcel upon which such Main Building is to be Erected, and includes an Accessory Building.

ACCESSORY USE means a Use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a Main Use of land or Building and located on the same Lot.

AGRICULTURAL USE means the utilizing of land, a Building, or Structures to raise crops or animals or fowl and including the harbouring or keeping of Livestock and includes agricultural operations as defined in the *Farm Practices Act*, R.S.P.E.I. 1988 Cap. F-4.1.

ALTER means any change in the structural component of a Structure or any increase in the volume of a Structure.

ANCILLARY USE means a listed, permitted land Use that is additional, secondary, and complementary to a permitted principal Use.

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

APPLICANT means any Person responsible for and authorized to complete an application for a Subdivision, Development Permit or Zoning or Official Plan amendment and for fulfilling any required preconditions or conditions of permit approval under this Bylaw.

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

ATTACHED means a Building or Structure which has a common wall and/or common roof line and the Building or Structure may be considered common as long as a minimum of 20% of the length of the wall or roof line is common with the Main Building or Structure wall or roof.

AUTHORITY HAVING JURISDICTION means the Council or the Development Officer.

AUTOBODY REPAIR SHOP means a Building Used for the storage, repair, and servicing of motor Vehicles including body repair, detailing, painting and engine rebuilding. This definition does not include an Automobile Service Station, an Automobile Sales and Service Establishment, or Salvage Yard.

AUTOMOBILE SALES AND SERVICE ESTABLISHMENT means a Building or part of a Building or a clearly defined space on a Lot Used for the sale and maintenance of used or new automobiles.

AUTOMOBILE SERVICE STATION means a Building or part of a Building or a clearly defined space on a Lot Used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor Vehicles.

AUTOMOBILE WASHING ESTABLISHMENT means a Building or part thereof used for the operation of manual, automatic or semi- automatic automobile washing equipment.

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

B

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

BASEMENT means a Storey or Stories of a Building located below the Ground Floor.

BED AND BREAKFAST means a Dwelling in which there is a resident Owner or manager who provides accommodation and meals (usually breakfast) for the travelling Public and includes tourist home but does not include boarding house, rooming house, domiciliary Hostel, Group Home, Hotel, Motel, Restaurant, or Lounge. Bed and Breakfasts may include Accessory activities that are complimentary thereof.

BUFFER ZONE means the land within 15 m (49.2 ft.) of a Watercourse Boundary or a Wetland Boundary as defined in the Watercourse and Wetland Protection Regulations.

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

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

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

BUILDING LINE means any line defining the position of a Structure on a Lot.

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

BYLAW means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw.

C

CAMPGROUND OR RV PARK means an area of land, managed as a unit, providing short-term accommodation for tents, tent trailers, Recreational Vehicles and campers.

CAMPGROUND SITE or **RV SITE** means an individual outdoor space, within a Campground or RV Park or the premises of a Tourism Establishment, providing short-term accommodation for tents, tent trailers, Recreational Vehicles and campers and allocated to one Person or group.

CENTRAL SEWER means a system of pipes for the disposal of sewage controlled by a municipal Utility.

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

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

CHANGE OF USE means the change of purpose for which land, Buildings, or Structures, or any combination thereof, is designed, arranged, Erected, occupied, or maintained.

CLEAR DAYS means 'clear days' as defined in the Interpretations Act.

CLINIC means a Public or private Building Used for medical, surgical, dental, physiotherapeutic, chiropractic, or other human health treatment by one or more licensed practitioners, but does not include Hospitals.

CLUSTERED HOUSING means a land Development project for more than two Residential Use Building on the same Lot.

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

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

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

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

COLLECTOR HIGHWAY means any Highway that has been designated as a Collector Highway under the provisions of the Highway Access Regulations;

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

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

COMMUNITY CENTRE means a Building, Structure or Public place where members of a community gather for recreational, educational, artistic, social or cultural activities.

COMPREHENSIVE DEVELOPMENT CONCEPT PLAN means a plan representing a proposed Development showing all necessary information in order to confirm compliance with this Bylaw prepared in accordance with Scheduled D.

CONSERVATION SUBDIVISION means a Subdivision designed to leave 50% of the land area in Open Space and place developed areas away from important water or natural resources, yet still allow a similar or greater lot yield as a traditional Residential Subdivision Development.

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

COUNCIL means the Council for the Municipality.

CRAFT BREWERY means a place where craft beer, cider, and spirits are produced.

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

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

D

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

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

DETRIMENTAL 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 regards to:

- (i.) real property value;
- (ii.) competition with existing Businesses;
- (iii.) National Park viewsapes; or

(iv.) a Development approved pursuant to subsection 9(1) of the Environmental Protection Act.

DEVELOPER means any Person who is responsible for any undertaking that requires a Development Permit, Subdivision approval or consolidation approval.

DEVELOPMENT means the carrying out of any Building, engineering, excavation, dumping, filling or other operations in, on, over or under land, or the making of any material change in the Use, or the intensity of Use of any land, Buildings, or premises.

DEVELOPMENT AGREEMENT means an Agreement executed between the Developer and the Municipality respecting the terms under which a Development may be carried out.

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

DEVELOPMENT PERMIT means the formal and written authorization for a Person to carry out any Development.

DISPLAY means any item, group of items visible to the general public.

DORMITORY means a Structure where residents have exclusive Use of a Bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the Owner for providing the accommodation.

DWELLING means a Building or portion thereof designated or Used for residential occupancy, but does not include Hotels and Motels. Also see Secondary Suite.

ACCESSORY SINGLE-DETACHED DWELLING means a separate subordinate Building designed or Used for occupancy as one Dwelling Unit for the sole purpose of accommodating a Person employed by the Owner(s) of the Farm Property.

APARTMENT DWELLING means a Dwelling in a Building containing three or more such Dwelling Units that share common hallways and a common outdoor entrance; or Dwellings Attached to a Building which is principally commercial or a Building that is divided vertically into three or more Attached Dwelling Units that do not each have its own Street Frontage. An Apartment Dwelling does not include a Townhouse Dwelling.

DUPLEX DWELLING means a Building that is divided horizontally into two Dwellings, each with their own outdoor entrance.

DWELLING UNIT means one or more habitable rooms designed or intended for Use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive Use of such individuals, with a private entrance from outside of the Building or from a common hallway or stairway inside the Building.

SEMI-DETACHED DWELLING means a Building divided vertically into two (2) separate Dwelling Units, each with its own Street Frontage and outdoor entrance.

SINGLE-DETACHED DWELLING means a Building designed or Used for occupancy as one Dwelling Unit.

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

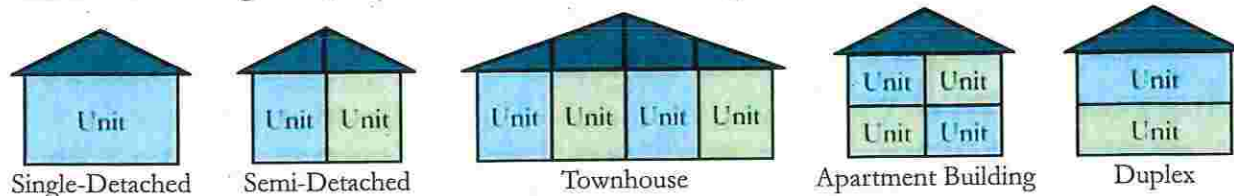


Figure 7 - Types of dwellings

E

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

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

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

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

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

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

ENVIRONMENTAL IMPACT STATEMENT means the summary of findings produced from studying the potential environmental impacts of a proposed project.

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

ERECT means to build, construct, reconstruct, Alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.

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

F

FAMILY HOME CENTRE means an Early Learning and Child Care Centre located in a private residence as regulated under the Early Learning and Child Care Act.

FARM or **FARM PROPERTY** means land, including any complementary Buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of Livestock or production of raw dairy products; and may comprise a lesser area when operated as a Farm enterprise by a *bona fide* farmer as defined in the Real Property Assessment Act.

FARM DWELLING means a single-unit Dwelling that is located on a Farm, and is owned and occupied by the principal Owner of the Farm Parcel or a Person whose primary occupation is to work on the Farm Parcel.

FARM GATE OUTLET means an Accessory Use located on a Farm for sale only of its own agricultural products and excluding sale of Farm products not grown on the premises or any non-Farm products and excluding a Plant Nursery.

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

FENCE means an artificially constructed barrier made of metal slats, glass, wire, wood or similar materials, or a combination of such materials, Erected to enclose or screen areas of land.

FLOOR AREA means:

- (i.) With reference to Dwelling – the area contained within the outside walls including any Attached Garage, Porch, veranda, sunroom, greenhouse, Basement, but excluding any unfinished attic;
- (ii.) With reference to a commercial Building – the total usable Floor Area within a Building Used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; and
- (iii.) With reference to Accessory Building – the area contained within the outside walls.

FRONTAGE means the horizontal distance between the Side Lot Lines bordering on a Street and according to the direction of the front of the Dwelling or Structure.

G

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

GAZEBO means a freestanding, roofed Accessory Structure which is not enclosed, except for Screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential Dwelling Unit but shall not include any other Use or activity otherwise defined or classified in this Bylaw.

GRADE means the highest among the average, finished ground levels around each respective Main Wall of a Building, excluding consideration of local depressions on the ground, such as for Vehicle or pedestrian entrances.

GROCERY STORE means a Retail Store or establishment which primarily sells food as well as other convenience and household goods.

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

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

H

HEALTH CLINIC – see Clinic

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

HIGHWAY – see **STREET**

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

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

HISTORIC RESOURCE means any natural or built feature that is primarily of value for its paleontological, archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest.

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

HOME OCCUPATION means an occupation or Business conducted for profit within a portion of a Single-Detached Dwelling, or within a part of an Accessory Building, which is undertaken by a permanent occupant of the Single-Detached Dwelling.

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

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

HOTEL means a commercial Building providing temporary accommodations for travellers or transients, and may have one or more Public dining rooms and convention meeting rooms, but does not include a Motel.

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

I

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

- (i.) Cemeteries;
- (ii.) Clinics and Hospitals;
- (iii.) colleges, universities and non-commercial schools;
- (iv.) Community Care Facilities, Nursing Homes, and Senior Citizens homes.
- (v.) Community Centres;
- (vi.) Cultural Centres;
- (vii.) Early Learning and Child Care Centres;
- (viii.) experimental Farms;
- (ix.) government offices;
- (x.) libraries, museums and art galleries;
- (xi.) Places of Worship and religious institutions;
- (xii.) Public and private parks;
- (xiii.) Public and private recreational centres;
- (xiv.) Public and private schools; and
- (xv.) Recreation facilities.

INTENSIVE LIVESTOCK OPERATION means a place where Livestock are found in a density greater than seven animal units per acre in a confined area to which the livestock have access, with the calculation of animal units to be determined by the Province.

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

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

L

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

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

LANDSCAPING means all the elements of a Lot or site Development other than the Building or Buildings, and may include pedestrian facilities, grass and other ground cover, flower beds, shrubbery, trees, hedges, berms, Fences and retaining Structures, off- Street lighting devices, forms of natural Landscaping, and various combinations thereof.

LEGACY LANDS means a property which:

- (i.) has a Subdivision or Development approval in effect for certain uses,
- (ii.) has not yet been fully developed,
- (iii.) meets the assessment criteria prescribed in the Legacy Lands Assessment Policy, and
- (iv.) currently does not comply with the Bylaw.

LEGACY LANDS ASSESSMENT POLICY means the Legacy Lands Assessment Policy adopted by Council, as amended from time to time.

LIGHT INDUSTRIAL means the Use of land or Buildings for the assembling, fabricating, manufacturing, repairing, storing of goods and materials, or processing that does not result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluents.

LIVESTOCK means Farm animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkeys, goats, geese, mink, llamas and rabbits.

LOADING SPACE means an unencumbered area of land provided and maintained upon the same Lot or Lots upon which the principal Use is located and which area is provided for the temporary occupancy of one (1) commercial motor Vehicle while merchandise or materials are being loaded or unloaded, and such Parking Space shall not be for the purpose of sale or Display.

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

LOT AREA means the total area included within the Lot Lines.

CORNER LOT means a Lot situated at an intersection of and abutting on two or more Streets.

FLANKAGE LOT LINE means the Side Lot Line which abuts the Street on a Corner Lot.

FRONT LOT LINE means the Lot Line abutting the Street upon which the Structure Erected or to be Erected has its principal entrance.

INTERIOR LOT means a Lot other than a Corner Lot.

LOT DEPTH means the depth from the Front Lot Line to the Rear Lot Line.

LOT LINE means any boundary of a Lot.

PANHANDLE LOT means any Lot which gains Street Frontage through the use of a narrow strip of land which is an integral part of the Lot.

REAR LOT LINE means the Lot Line further from and opposite to the Front Lot Line.

SIDE LOT LINE means a Lot Line other than a front, rear or Flankage Lot Line.

THROUGH LOT means a Lot bounded on two opposite sides by Streets.

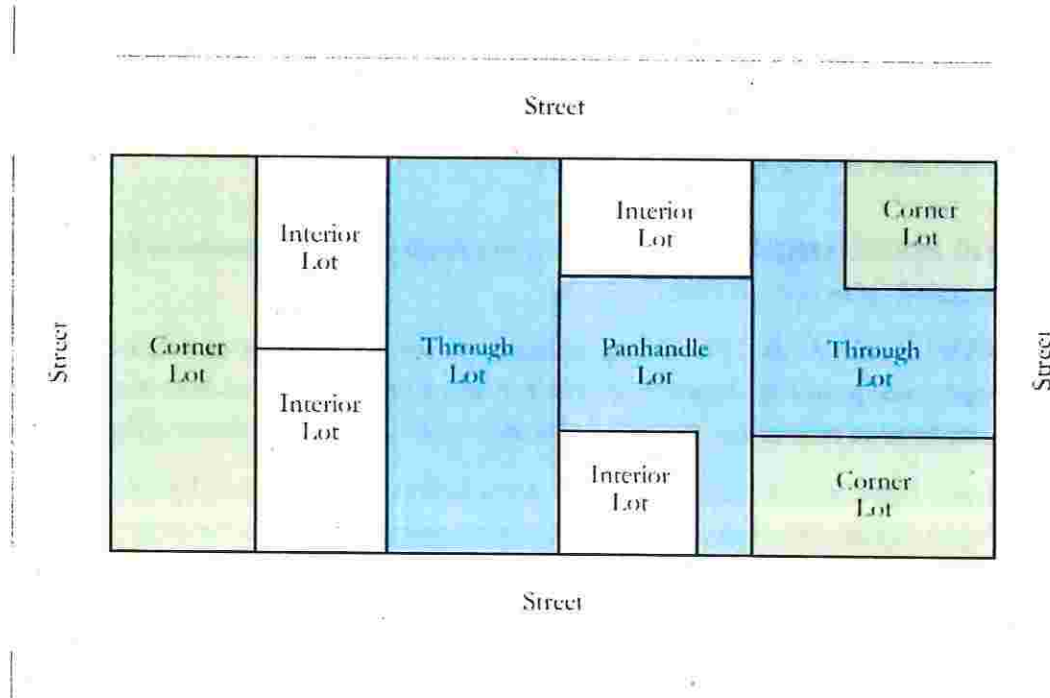


Figure 8 - Lot Types

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

LOT COVERAGE means the percentage of Lot Area covered by Buildings and Structures above established Grade and may include Main Building, Accessory Buildings, Swimming Pools, Decks, Patios and Gazebos.

LOUNGE means a commercial facility or Structure licensed to sell alcoholic beverages to the Public.

M

MAIN BUILDING means that Building in which is carried on the principal purpose or purposes for which the Lot is Used.

MAIN USE means the principal purpose or purposes for which the Lot is Used, the nature of the Use of which determines the status of the Lot upon which it is authorized to be constructed or upon which it is constructed.

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

MAJOR DEVELOPMENT means any Development that will have a major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion, as determined by Council, including but not limited to the following:

- (i) new or additional commercial space which results in the establishment of a commercial facility

in excess of 930 sq. m. (10,000 sq. ft.);

- (ii.) Tourist Attractions in excess of 0.81 hectares (2 acres);
- (iii.) new Tourism Establishments with more than 20 accommodation units;
- (iv.) new Campgrounds or RV Parks with more than 20 Campground Sites/ RV Sites;
- (v.) Developments that would result in more than 20 new units being added after the effective date of this Bylaw to Tourism Establishments that were legally established on the effective date of this Bylaw; and
- (vi.) Developments that would result in more than 20 new Campground Sites/ RV Sites being added after the effective date of this Bylaw in Campgrounds or RV Parks that were legally established on the effective date of this Bylaw,

and, for the purposes of calculating whether a Development qualifies as a Major Development under subclauses (iii), (iv), (v) and (vi), if a Development initially has less than 20 units but subsequently adds additional units, the Development will be considered to be a Major Development as soon as the number of units exceeds 20.

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

MOBILE HOME means a transportable dwelling unit suitable for permanent occupancy, designed to be transported with or without its own wheeled chassis.

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

MUNICIPALITY means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

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

N

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

O

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

OFFICIAL PLAN means the Municipality's Official Plan as adopted by Council.

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

OPEN SPACE means that portion of a Lot which may be used for Landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service driveways, off-Street parking, or Loading Spaces.

OPEN STORAGE means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment, or other items.

ORNAMENTAL STRUCTURES means Landscaping or decorative architectural Structures such as arbours, Pergolas, fixed seating, sculptures, or similar improvements.

OUTDOOR RECREATION ESTABLISHMENT means a Business or enterprise providing outdoor recreation activities with low impact Uses. Activities include, but are not necessarily limited to paint ball, orienteering, geocaching, non-motorized trails or tracks, rock climbing and other recreational establishments.

OWNER or PROPERTY OWNER means a registered Owner of a Lot or Property in accordance with the records on file at the Province's Land Registry Office.

P

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

PARK means a Public or private open area devoted to Passive Recreational Uses or conservation Uses, Accessory Structures, playgrounds, and on-site Parking Lots which support Park Uses.

PARKING LOT means an area reserved for parking more than one automobile, and includes lanes between Parking Spaces.

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

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

PATIO means a platform without a roof, or surfaced area without a roof, at Grade, adjacent to a residential Dwelling Unit Used for leisure activities.

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

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

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

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

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

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

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

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

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

PLANT NURSERY means a Building or land Used for the growing of young trees and/or other plants which may be retailed at the same location and may also include retailing of Gardening tools and other related supplies but does not include a Farm Gate Outlet.

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

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

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

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

PROVINCE means the Province of Prince Edward Island.

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

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

PUBLIC means for the use of the general population.

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

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

R

REAL PROPERTY ASSESSMENT ACT means the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4, as amended from time to time.

RECREATIONAL USE means the Use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, Swimming Pools, day camps, and similar Uses but does not include a tract for the racing of animals or any form of motorized Vehicles

RECREATIONAL VEHICLE means a Vehicle which provides sleeping and other facilities, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such Vehicles commonly known as travel trailers, camper trailers, recreational trailers, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar Vehicles. Recreational Vehicles may often be referred to as RVs.

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

RESIDENTIAL SUBDIVISION DEVELOPMENT means a multi-Lot Subdivision comprised of Lots for human habitation which is recognized by one designated name.

RESIDENTIAL USE means the Use of a Parcel or Structure or parts thereof as a Dwelling.

RESIDENTIAL ZONE means the R1 Zone as defined in this Bylaw and as depicted on the Zoning Map.

RESOURCE USES means any Uses involving the harvesting, processing or storing of natural resource materials including but not limited to agricultural, forestry, fishing and mining resources and shall include the production of agricultural products and the keeping of Farm animals but shall not include related Light Industrial Uses such as processing plants.

RESOURCE COMMERCIAL USE means the Use of a Parcel or Building for the storage, Display or sale of goods directly and primarily related to Resource Uses and includes Farm Gate Outlets.

RESOURCE INDUSTRIAL USE means the Use of a Parcel or Building for any Light Industrial Use directly associated with agriculture, fisheries or forestry industries.

RESTAURANT means Buildings or Structures or part thereof where food and drink is prepared and offered for sale to the Public and may include alcoholic beverages.

RETAIL STORE means a Building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the Public.

ROAD – see **STREET**

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

S

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

SCREENING means to limit the view of objects through the Use of Landscaping and/or fencing.

SECONDARY SUITE means a second Dwelling Unit, located within the Structure of an Owner occupied Single-Detached Dwelling.

SECONDARY USE means a Use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a Main Use of land or Building and located on the same Lot.

SENIOR CITIZEN HOME means a residential Building featuring multiple Dwelling Units designed for occupation by Senior Citizens, which may include Ancillary Uses such as Lounges and recreation facilities.

SENIOR CITIZEN means a Person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the Housing Corporation Act or comparable Provincial statute.

SERVICE SHOP means a Building or part thereof Used for the sale and repair of household articles and shall include computer, electronic, and appliance repair shops but shall not include Light Industrial, manufacturing or motor Vehicle body repair shops.

SETBACK means the minimum horizontal separation distance between two objects as identified in this Bylaw, such as a Structure, Street Line, Watercourse, or Zone boundary, except Fences.

SEWAGE DISPOSAL SYSTEM means any wastewater treatment system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or central waste treatment system.

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

SHORE FRONTAGE means, with respect to a Parcel of land, the side or sides of the Parcel of land that abut the waters of the Gulf of St. Lawrence, New London Bay, or any body of water that is connected to tidal waters and has a tidal flow.

SHORT-TERM RENTAL means the Use of a residential Dwelling, or one or more sleeping units or rooms within a Dwelling for temporary overnight accommodation for a period of 29 days or less. This Use does not include Bed and Breakfasts, Hotels or Motels.

SIGN or **SIGNAGE** means a sign as defined in the Municipality's Signage Bylaw.

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

SOLAR ARRAY means a system of any number of Solar Collectors and associated mounting and electrical equipment. The capacity of a photovoltaic Solar Array is considered to be the aggregate nameplate capacity of all associated Solar Collectors.

SOLAR COLLECTOR means a device, Structure or a part of a device or Structure for which the primary purpose is to convert solar radiant energy into thermal, chemical, or electrical energy (photovoltaic).

SOLAR ARRAY, GROUND-MOUNTED, or **GROUND-MOUNTED SOLAR ARRAY** means a Solar Array of any size that is structurally supported by the ground, rather than by a Building.

SOLAR ARRAY, ROOF-MOUNTED, or **ROOF-MOUNTED SOLAR-ARRAY** means a Solar Array of any size that is structurally supported by a Building, rather than by the ground.

- SPECIAL EVENT** means a sporting, cultural, business or other type of activity occurring for a limited and fixed period of time and involving the attendance of 5,000 or more people per day in the Municipality.
- SPECIAL PERMIT USE** means a Use that may be problematic within a Development Zone and whose intensity, impacts or other characteristics require review by Council to ensure that the Development meets certain restrictive performance standards for the Use at the designated location.
- STOREY** means that portion of a Building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it provided that any portion of a Building partly below Grade shall not be deemed a Storey unless its ceiling is at least 1.8 m. (6 ft.) above Grade and provided also that any portion of a Storey exceeding 4.3 m. (14 ft.) in Height shall be deemed an additional Storey for each 4.3 m. (14 ft.) or fraction thereof.
- STREET, HIGHWAY or ROAD** means all the area within the boundary lines of every Road, street or right-of-way which is vested in the Province of Prince Edward Island or the Municipality and Used or intended for Use by the general Public for the passage of Vehicles and includes any bridge over which any such Road, street or right-of-way passes.
- STREET LINE** means the boundary of a Street or Private Road.
- STREETSCAPE** means the scene as may be observed along a Public Street, composed of natural and built components including Buildings, paving, planting, Street hardware and miscellaneous Structures.
- STRUCTURAL ALTERATIONS** means any change in the supporting members of a Structure such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, any change in the exterior dimensions of a Structure, or any increase in the Floor Area of a Structure.
- STRUCTURE** means any construction, including a Building, fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a Swimming Pool.
- STUDIO** means a Building or part thereof Used for the study, or instruction on of any fine or commercial art including photography, music, visual arts, and commercial design or the sale of craft products.
- SUBDIVISION** means a division, consolidation, or other re-configuration of a Lot(s) or Parcel(s) for the purpose of Development and/or transfer of ownership.
- SUBDIVISION AGREEMENT** means an agreement executed between the Developer and the Municipality respecting the terms under which a Subdivision may be carried out.
- SURVEY PLAN** means an appropriately scaled drawing of survey plan details, certified by a Professional Land Surveyor.
- SWIMMING POOL** means any outdoor Structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 0.91 m. (3 ft.) or more at any point and having a minimum surface area 10 sq. m. (108 sq. ft.).

T

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

TEMPORARY USE means any commercial or non-commercial facility or Use of a Parcel of Land or Structure which by its nature is not permanently established or has a limited duration and shall include but not be limited to the following: Special Events, Yard sales, tents, Awnings, lean-tos, kiosks, carts, prefabricated Structures, sheds, moveable Vehicles and moveable Structures with or without chassis or wheels, and any other facility, Structure, enclosure or device used or intended to be used for the temporary Display or sale of retail goods, provision of services or sale of any food or beverage.

TOURISM ESTABLISHMENT means an establishment that provides temporary accommodation for a guest for a continuous period of less than one month, and includes a Building, Structure or place in which accommodation or lodging, with or without food, is furnished for a price to travellers, such as a cabin, cottage, housekeeping unit, Hotel, lodge, Motel, inn, Hostel, Bed and Breakfast establishment, resort, Yurt, houseboat, Short-Term Rental, and camping cabin, but does not include Campgrounds or RV Parks or RV Sites.

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

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

U

USE means any purpose for which a Building or other Structure or Parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, Business or operation carried on, or intended to be carried on, in a Building or other Structure or on a Parcel.

UTILITY, PRIVATE means any Person or corporation and the lessees, trustees, liquidators or receivers of any Person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i) for the conveyance or transmission of telephone messages or internet services;
- (ii) for the production, transmission, distribution or furnishing of electric energy; or
- (iii) for the provision of water or sewage service,

to or for that Person or corporation and not to or for the Public.

UTILITY, PUBLIC means any Person or corporation and the lessees, trustees, liquidators or receivers of any Person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i) for the conveyance or transmission of telephone messages or internet services;

- (ii.) for the production, transmission, distribution or furnishing of electric energy; or
 - (iii.) for the provision of water or sewage service,
- either directly or indirectly, to or for the Public.

V

VARIANCE means an authorized relaxation from the standards imposed by this with respect to lot size or dimensions, Setbacks, area or the Height or size of a Structure.

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

VETERINARY CLINIC means a Building or part of a Building Used for the medical, surgical or therapeutic treatment of animals.

W

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

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

WATERCOURSE BOUNDARY means:

- (i.) in a non-tidal Watercourse, the edge of the sediment bed; and
- (ii.) in a tidal Watercourse, the top of the bank of the Watercourse and where there is no discernable bank, means the mean highwater mark of the Watercourse.

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

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

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

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

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

WIND ENERGY FACILITY means a system intended to generate electricity from the wind and may consist of any number of wind turbines and associated equipment including but not limited to electrical equipment and energy storage systems commonly referred to as a wind farm.

Y

YARD means an open, uncovered space on a Lot appurtenant to a Building and unoccupied by Buildings or Structures except as specifically permitted in this Bylaw and

FRONT YARD means a Yard extending fully across a Lot between the Front Lot Line and the nearest point of the Main Wall of any Main Building on the Lot. The 'minimum Front Yard' is measured at the minimum Yard depth as required under this Bylaw.

REAR YARD means a Yard extending fully across a Lot between the Rear Lot Line and the nearest point of the Main Wall of any Main Building on the Lot. The 'minimum Rear Yard' is measured at the minimum Yard depth as required under this Bylaw.

SIDE YARD means a Yard extending between the front and Rear Yards and the nearest point of the Main Wall of any Main Building on the Lot. The 'minimum Side Yard' is measured at the minimum Yard depth as required under this Bylaw.

FLANKAGE YARD means the Side Yard of a Corner Lot extending from the Front Yard to the Rear Yard and between the Flankage Lot Line and the nearest point on the Main Wall of any Main Building on the Lot. The 'minimum Flankage Yard' is measured at the minimum Yard depth as required under this Bylaw. Where a minimum Flankage Yard is not separately specified, the 'minimum Side Yard' shall also apply to a Flankage Yard.

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

Z

ZONE means a designated area of land shown on the Zoning Map of the Bylaw within which land Uses are restricted to those specified by this Bylaw.

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

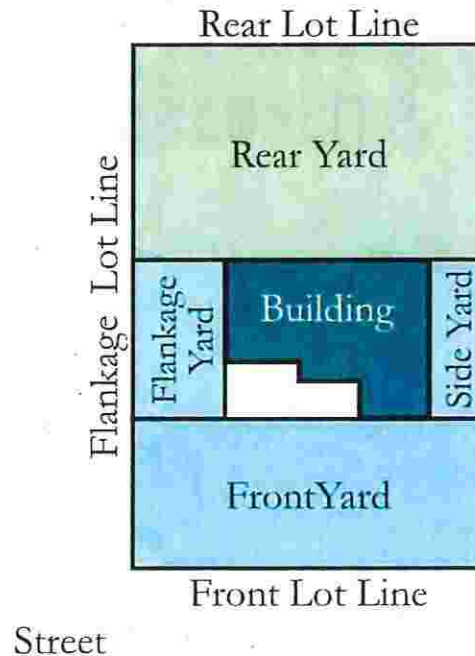
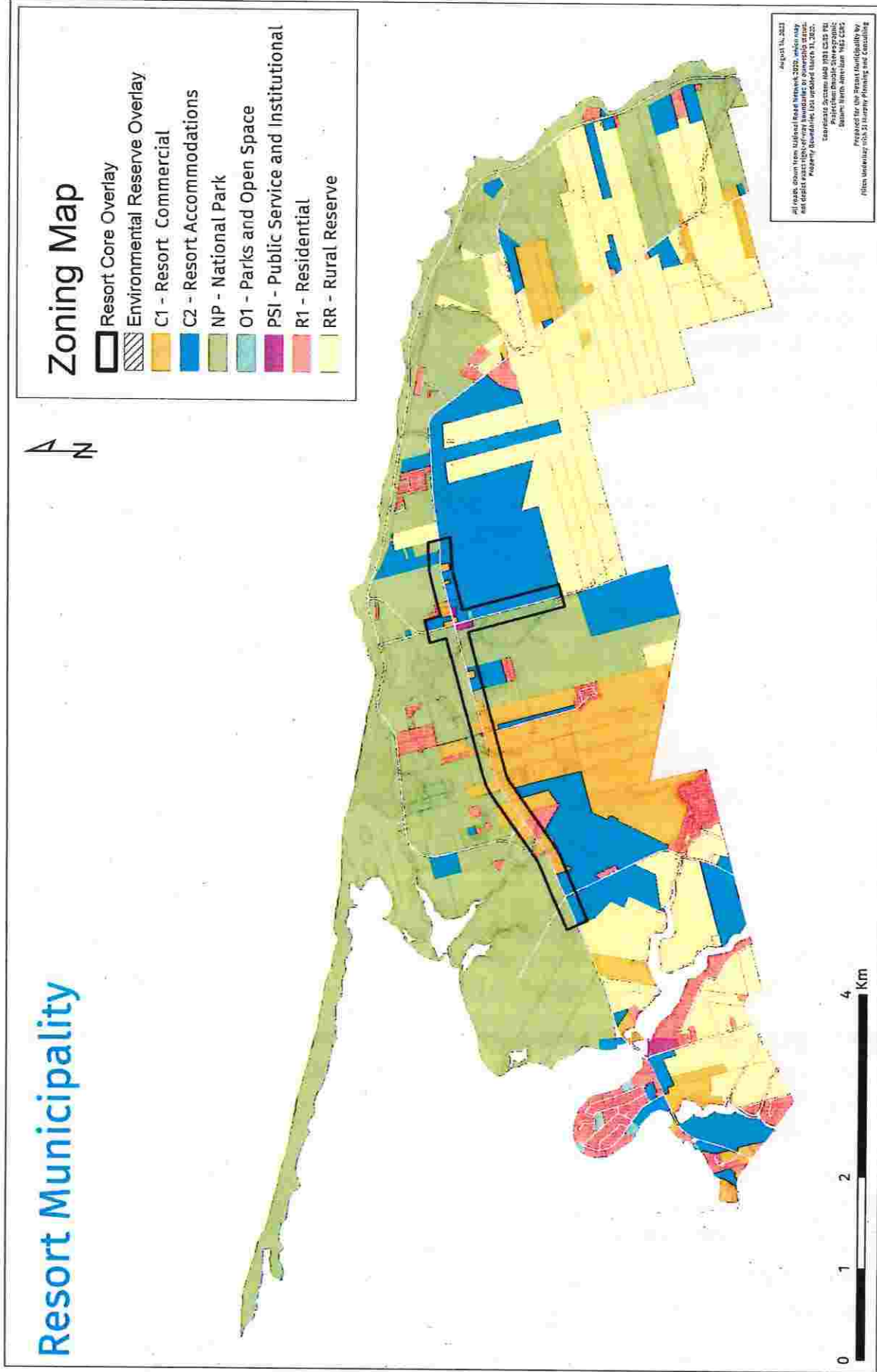


Figure 9 - Yard Types

SCHEDULE A | ZONING MAP



SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS

Notwithstanding any provisions of this Bylaw, the Province-Wide Minimum Development Standards Regulations prescribed under the Planning Act R.S.P.E.I. 1988, c. P-8, as amended from time to time, apply in the Municipality. The Province-Wide Minimum Development Standards Regulations are included for information and reference purposes only.

NOTE: This Schedule is not the official version of these regulations and these regulations may be amended after the enactment of this Bylaw.



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to November 19, 2011. It is intended for information and reference purposes only.

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

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

If you find any errors or omissions in this consolidation, please contact:

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CHAPTER P-8

PLANNING ACT

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

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

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

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

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

3. Revoked by EC41/96. Lot size

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

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

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

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

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

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

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

Non-residential

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

Exception

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

Categories of lots

6. Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:
- (a) Category I, where
 - (i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
 - (b) Category II, where
 - (i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
 - (c) Category III, where
 - (i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,
 - (ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or

Province-Wide Minimum Development Standards Regulations

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

7. Revoked by (EC694/00).

Upgrade

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

Application

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

Minor variance

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

Variance, public utility use

MINIMUM HIGHWAY ACCESS

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

Minimum highway access standards

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

Entrance way permit

Province-Wide Minimum Development Standards Regulations

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

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

Province-Wide Minimum Development Standards Regulations

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

Province-Wide Minimum Development Standards Regulations

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

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

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

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

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

SCHEDULE C | SCHEDULE OF FEES

Last revised: December 11, 2023

Application Type*	Fee
Decks, patios, garden structures, gazebos	\$50.00
Change of Use	\$50.00
Residential Farm storage, livestock Accessory structures, including detached garages	\$1.00 per \$1,000 of estimated cost, (minimum fee, \$50.00)
Commercial Tourism establishments Tourism attractions Light Industrial	\$2.50 per \$1,000 of estimated cost (minimum fee of \$50.00)
Official Plan and Bylaw amendments, including rezoning	\$100 + public meeting ad costs
Variance	\$100 + public meeting ad costs where applicable
Sewer inspections	All costs for sewer inspections shall be borne by the Developer.

* includes new, renovation, repairs, and additions except where otherwise stated.

SCHEDULE D | COMPREHENSIVE DEVELOPMENT CONCEPT PLANS

COMPREHENSIVE DEVELOPMENT CONCEPT STANDARDS

A Comprehensive Development Concept Plan shall conform to the following design standards and principles:

1. Design and site Buildings to preserve and enhance special views of natural areas.
2. Site new Developments to ensure that adjacent Properties have visual privacy as well as protection from the new Development's site illumination, noise and odour, if applicable.
3. Design Landscaping and Buildings adjacent to heritage or cultural areas that are complimentary to the Property's significant features.
4. Design and site Buildings to screen from Public view unsightly site elements such as shipping and loading areas, transformers and meters and parking.
5. Link Development to pedestrian system by means of a safe, convenient and well-lit walking system.
6. Identify walkways that cross vehicular lanes with different paving materials, Signs, paint, etc.
7. Protect pedestrian areas from vehicular intrusion with Landscaping and curbs or bollards that are integrated into the overall Streetscape design.
8. Provide safe, convenient access for the handicapped to all major Building entrances by means of minimal Grade changes, curb cuts, ramps and railings that are integrated into the overall design of the pedestrian area.
9. Minimize the number of vehicular access points along roadway by sharing and linking Parking Lots with adjacent Properties.
10. In Parking Lots, landscaped islands, curbs and Signs to clearly distinguish parking from loading and delivery area drive lanes.
11. Provide turning areas in order to avoid dead-ended parking situations that require Vehicles to back out on to Streets.
12. In order that parking not be the dominant visual element in the Streetscape, screen extensive parking with Buildings, vegetative plantings or low walls.
13. Ensure access to parking is evident to the approaching motorist.
14. Provide adequate and convenient parking for all types of Vehicles.
15. Provide properly identified handicapped Parking Spaces located in close proximity to the Building

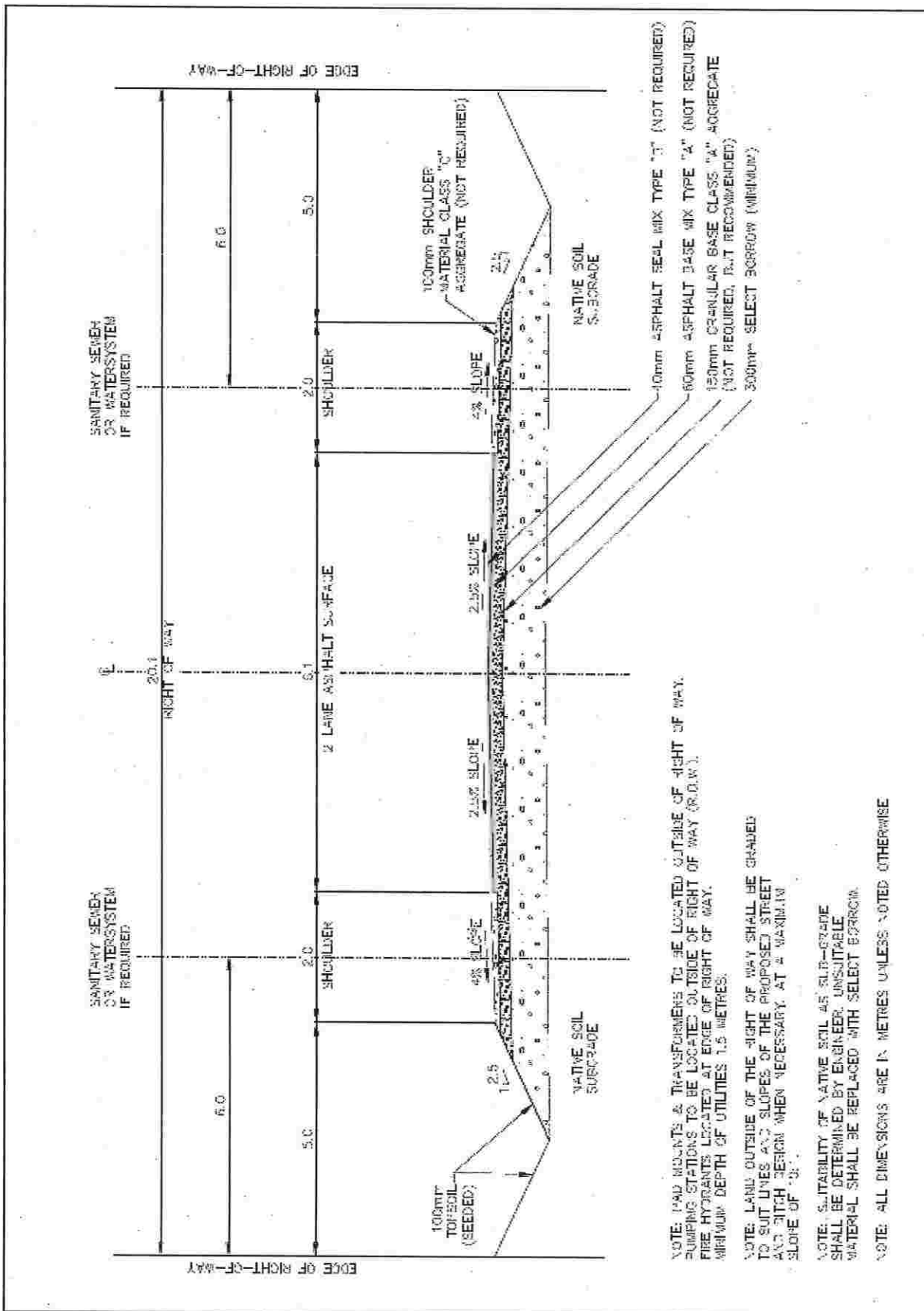
entrance.

16. Accommodate cyclists by providing bicycle racks located within the Public view but out of the way of pedestrian movement.
17. Provide lighting in Parking Lots:
 - i. that does not glare into adjacent Properties;
 - ii. that is related to Parking Lot design and circulation; and
 - iii. that is compatible with the scale of adjacent Buildings.
18. Provide Landscaping to:
 - i. add visual interest to Open Spaces and Building facades;
 - ii. soften dominant Building mass at a pedestrian scale;
 - iii. screen unsightly areas.
19. Screening of service Yards and other places that tend to be unsightly shall be accomplished by the use of walls, fencing, planting, or combinations of these.
20. Exterior lighting, when used, shall enhance the Building design and the adjoining landscape. Lighting standards and Building fixtures shall be of a design and size compatible with the Building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.
21. Care shall be taken in planting adjacent to driveway access so that vegetation does not obstruct sight distance from Vehicles entering the Street.

SCHEDULE E | PRIVATE RIGHT-OF-WAY STANDARD

Where a Private Right-of-Way is provided to service 6 or more lots approved either jointly or in phases after the effective date of this Bylaw, the following standards shall apply:

- (1) The Developer shall submit a letter signed by a Professional Engineer confirming that the Professional Engineer has been hired to design, inspect, and ensure quality control with respect to the construction of the Private Right of Way and has been provided with a copy of the Bylaw requirements.
- (2) A stormwater management plan shall be designed, prepared and certified to be completed by the Professional Engineer.
- (3) Road construction shall include the following:
 - (a) native soil subgrade – suitability of native soil as sub-grade shall be determined by the Professional Engineer and unsuitable material shall be replaced with select borrow;
 - (b) a minimum 300 mm of select borrow; and
 - (c) 150 mm of granular base Class A.
- (4) Except as modified in this Schedule E, the typical Private Right of Way cross section shall be as set out in the attached schematic:



NOTE: PAD MOUNTS & TRANSFORMERS TO BE LOCATED OUTSIDE OF RIGHT OF WAY. PUMPING STATIONS TO BE LOCATED OUTSIDE OF RIGHT OF WAY (R.O.W.). FIRE HYDRANTS LOCATED AT EDGE OF RIGHT OF WAY. MINIMUM DEPTH OF UTILITIES 1.5 METRES.

NOTE: LAND OUTSIDE OF THE RIGHT OF WAY SHALL BE GRADED TO SUIT LINES AND SLOPES OF THE PROPOSED STREET AND DITCH DESIGN WHEN NECESSARY. AT A MAXIMUM SLOPE OF 3%.

NOTE: STABILITY OF NATIVE SOIL AS SUB-GRADE SHALL BE DETERMINED BY ENGINEER. UNSUITABLE MATERIAL SHALL BE REPLACED WITH SELECT BORROW.

NOTE: ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE

SCHEDULE F | SPECIAL EVENTS

- (1) Where a Special Event is proposed, the application for a Temporary Use permit shall include the following:
 - (a) a site plan for each venue involved in the Special Event;
 - (b) dates, time, and schedule of the Special Event, including set-up, disassembling, and clean-up;
 - (c) information on venue location(s), provisions for parking, and transportation plans for movement to and between venues if applicable;
 - (d) anticipated visitation numbers per day;
 - (e) information on anticipated activities and any specialized equipment and temporary structures;
 - (f) an emergency management plan;
 - (g) a security plan;
 - (h) a fire safety plan
 - (i) a traffic safety and management plan
 - (j) food and beverage plans, and, if licensed, a responsible alcohol service plan;
 - (k) a list of banners and other materials to be placed on municipal infrastructure; and
 - (l) any other information or documentation deemed necessary by the Municipality.
- (2) It shall be the responsibility of the Applicant to undertake the planning and management of the Special Event in accordance with the Application and to notify the Municipality and other parties associated with the assessment and management of the proposed Special Event of any changes to the Special Event that would result in a change to the requirements and conditions associated with the Special Event in relation to matters such as planning, public safety response, and traffic impact.
- (3) It shall be the responsibility of the Applicant to acquire and complete, at the Applicant's expense any additional permits, licenses, and approvals required by applicable provincial or federal governments or agencies, including fire protection and to supply proof of such permits, licenses, and approvals.
- (4) It shall be the responsibility of the Applicant to participate in a public meeting within 30 days or some other time period approved by Council after the Special Event to provide an opportunity for community engagement and feedback.

