



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

**PLANNING ACT
SUBDIVISION AND DEVELOPMENT
REGULATIONS**

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PLANNING ACT
Chapter P-8

SUBDIVISION AND DEVELOPMENT REGULATIONS

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

PART I — INTERPRETATION

1. Definitions

In these regulations

- (a) “**accessory building**” means a building whose use is incidental and subordinate to, and consistent with, the main or approved use of the lot upon which the building is located;
- (a.1) “**Act**” means the *Planning Act* R.S.P.E.I. 1988, Cap. P-8;
- (a.2) “**alter**” means to make a change in the size, shape, bulk, or structure, whether interior or exterior, of a building or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural renovation or improvement;
- (a.3) “**amusement type attraction**” means a commercial or recreational establishment where buildings or structures have been erected or are proposed for the purpose of amusement in the form of a circus, carnival, midway show, sideshow, or similar exhibition where one of the following classes of recreation are provided:
 - (i) any mechanically or electrically operated amusement ride,
 - (ii) any mechanical or electronic machine or device intended for use as a game, entertainment or amusement, or
 - (iii) any petting zoo or farm;
- (a.4) “**approved subdivision**” means a lot or lots for which final approval has been granted pursuant to section 27;
- (b) “**arterial highway**” means any highway that has been designated as an arterial highway under the provisions of the *Roads Act* Highway Access Regulations;
- (b.1) “**baymouth barrier sand dune**” revoked by EC137/09;
- (b.2) “**beach**” means that portion of land between the ordinary or mean high water mark and the water’s edge;
- (b.3) “**buffer**” means an area of land which serves to separate two or more different types of land use;

- (c) “**building**” means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal, or chattel, and includes a mini home or mobile home;
- (c.1) “**building height**” means the number of storeys contained between the roof and the floor of the first storey;
- (c.2) “**campground or RV park**” means a parcel of land used or permitted to be used by the travelling public that provides sites for tents, trailers, or motor homes, but does not include industrial, work or construction camps or permanent mobile home parks;
- (c.3) “**central waste treatment system**” means a waste treatment system as defined in the *Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9* and controlled by a public or private utility;
- (c.4) “**central water supply system**” means a water works for the collection, treatment, purification, storage, supply or distribution of water to
 - (i) five or more households, or
 - (ii) a public building or place of assembly;
- (d) “**change of use**” means
 - (i) altering the class of use of a parcel of land from one class to another, recognizing as standard classes residential, commercial, industrial, resource (including agriculture, forestry and fisheries), recreational and institutional uses, or
 - (ii) a material increase in the intensity of the use of a building, within a specific class of use as described in subclause (i), including an increase in the number of dwelling units within a building;
- (d.1) “**child**” revoked by EC137/09;
- (d.2) “**cluster subdivision**” revoked by EC137/09;
- (d.3) “**coastal area**” means all the lands, including surface water bodies, streams, rivers, and off-shore islands in the province, lying within 1640 feet (500 metres) inland and seaward of the mean high water mark of all coastal and tidal waters;
- (e) “**collector highway**” means any highway that has been designated as a collector highway under the provisions of the *Roads Act Highway Access Regulations*;
- (e.1) “**commercial**” means the use of a building or lot for the storage, display or sale of goods or services, and includes hotels, motels, inns, or rental cottages;
- (e.2) “**commercial eco-tourism use**” means the development and management of tourism within the Greenwich, Prince Edward Island National Park, through the use of any land or building for any retail or service use, except any amusement type attraction, so that the natural environment is preserved;
- (e.3) “**commercial tourist use**” includes the use of any land, building, or structure for the storage, display, or sale of goods or services and includes hotels, motels, country inns, Bed & Breakfast establishments and rental cottages, but does not include campgrounds or RV parks, or amusement type attractions;
- (f) “**common elements**” revoked by EC352/01;
- (f.1) “**condominium**” revoked by EC352/01;
- (f.2) “**deck**” revoked by EC137/09;
- (f.3) “**detrimental impact**” means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to



- (i) real property value;
- (ii) competition with existing businesses;
- (iii) viewscales; or
- (iv) development approved pursuant to subsection 9(1) of the *Environmental Protection Act*;
- (g) **“development”** means
 - (i) an excavation or stockpile, and includes the creation of either of them,
 - (ii) a building or an addition to, or replacement of a building, and includes the construction or placing in, on, over or under land of any of them,
 - (iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in use of the land or building, or
 - (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- (g.1) **“dwelling”** means a building or portion thereof designed, arranged or intended for residential occupancy, and
 - (i) **“dwelling unit”** means one or more rooms used or intended for domestic use of one or more individuals living as a single housekeeping unit with cooking and toilet facilities,
 - (ii) **“single unit dwelling”** means a building containing one dwelling unit and does not include mobile homes, but does include mini homes,
 - (iii) **“duplex dwelling”** means a building that is divided into two dwelling units,
 - (iv) **“multiple unit dwelling”** means a building containing three or more dwelling units,
 - (v) **“semi-detached dwelling”** means a residential dwelling unit within a semi-detached building;
- (g.2) **“entrance way”** means a vehicular access to a parcel of land from a public road;
- (g.3) **“estuary”** revoked by EC137/09;
- (h) **“existing parcel of land”** means any parcel of land or lot in existence prior to February 3, 1979;
- (h.1) **“farm parcel”** means land comprising an area of 50 acres (20.2 hectares) or more including any complementary buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of livestock or production of raw dairy products, and may comprise a lesser area when operated as a farm enterprise by a *bona fide* farmer as defined in the *Real Property Assessment Act R.S.P.E.I. 1988, Cap. R-4*;
- (h.2) **“farm dwelling”** means a single unit dwelling that is located on a farm parcel, and is owned and occupied by the principal owner of the farm parcel, a person whose primary occupation is to work on the farm parcel, or the son or daughter of the principal owner of the farm parcel;
- (h.3) **“first storey”** means the uppermost storey having its floor level not more than 6.5 feet (2 metres) above grade;
- (i) **“floor area”** means the area provided on each of one or more levels, measured from the outside walls of the building;
- (i.1) **“forested riparian zone”** revoked by EC137/09;

- (i.2) “**frontage**” means the width of a lot or a parcel of land where it abuts a street or a road;
- (i.3) “**garden suite**” means a single unit dwelling that is placed on a lot on a temporary basis and that
- (i) has a width no greater than 24 feet (7.31 metres),
 - (ii) is no greater than one storey in height,
 - (iii) has a roof pitch no greater than 4/12,
 - (iv) is constructed and erected in such a manner as to be capable of being readily removed from the site,
 - (v) does not exceed 800 square feet (92.9 square metres) in area, or is a mobile home or a mini home, and
 - (vi) is for the sole and exclusive use as an accessory dwelling to a single unit dwelling or mobile home on the same lot or parcel of land by
 - (A) the parents or grandparents of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel,
 - (B) any person who is physically or intellectually challenged or experiences a chronic disability or who, due to illness, frailty or age, requires home care, and is under the care of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel, or
 - (C) a caregiver for a family member of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel who qualifies under paragraph (A) or (B) and who also resides in the garden suite;
- (i.4) “**grade**” means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground;
- (i.5) “**habitable building**” means any building designed for human occupancy in any manner or form;
- (j) “**Highway Access Regulations**” means the Highway Access Regulations (*EC580/95*) made under the *Roads Act* R.S.P.E.I. 1988, Cap. R-15;
- (j.1) “**industrial use**” means the use of a building or lot for the storage, distribution, processing, assembly or recycling of wholesale products, goods or materials, or for activities relating to transportation, extraction, manufacturing, construction, warehousing, assembly or general repair;
- (j.2) “**institutional use**” means the use of land or buildings for non-profit or public purposes including but not limited to, hospitals, government buildings, religious institutions, churches, public schools, colleges, cultural centres, libraries and public recreational and park buildings;
- (j.3) “**light industrial use**” means use of land or buildings for fabrication, manufacturing, assembly, treatment or warehousing of goods, but does not include industrial processing or other process which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent;
- (k) “**loading space**” means an off-street area designed to accommodate a vehicle while loading or unloading produce or materials;
- (k.1) “**local highway**” means any highway that has been designated as a local highway under the provisions of the Highway Access Regulations;
- (k.2) “**lot**” means a measured parcel of land having fixed boundaries and
- (i) “**lot area**” means the total area included within the lot lines,



- (ii) “**corner lot**” means a lot situated at the junction of two or more roads where the interior angle of intersection does not exceed 135 degrees,
- (iii) “**lot line**” means any boundary of a lot,
- (iv) “**flankage lot line**” means the side lot line that abuts a road on a corner lot,
- (v) “**front lot line**” means the lot line that divides a lot from the road, and in the case of a corner lot means the lot line that divides a lot from the road which the front of the main building is facing,
- (vi) “**rear lot line**” means the lot line opposite the front lot line,
- (vii) “**side lot line**” means a lot line other than a front, flankage, or rear lot line;
- (l) “**mini home**” means a single unit dwelling designed to be transported on wheels and axles attached temporarily for moving purposes;
- (l.1) “**mobile home**” means a single unit dwelling designed to be transported on permanently fixed wheels, axles and chassis;
- (l.2) “**mobile home park**” means a parcel of land planned and developed for the placement of mobile homes and mini homes;
- (l.3) “**nacelle**” means the housing unit for electrical components of a wind turbine that is installed at the top of a wind turbine tower;
- (l.4) “**name plate capacity**” means, in respect of a wind energy conversion system development, the rated electric output of each wind turbine of the wind energy conversion system development;
- (m) “**non-essential highway**” means any highway that has been designated as a non-essential highway pursuant to the Highway Access Regulations;
- (m.1) revoked by EC137/09;
- (m.2) “**open space**” means an outdoor amenity space for active or passive recreational use;
- (n) “**panhandle lot**” means a lot that does not have the minimum frontage on a road required by these regulations, but has a driveway or right-of way connection providing access to a public road or privately owned subdivision road;
- (n.1) “**parcel**” means a lot or other division of land which is recognized as a separate unit of land for the purposes of these regulations;
- (n.2) “**parking area**” means a portion of land, or of a building or structure, set aside for the parking and manoeuvring of motor vehicles;
- (o) “**parking stall**” means that portion of a parking area, excluding motor vehicle manoeuvring areas, that will accommodate one motor vehicle;
- (o.01) “**party wall**” means a wall extending from the foundation to the roof of a building, that separates two units of the building;
- (o.1) “**perimeter coastline**” means the coastal area of the Prince Edward Island landmass that borders directly on waters of the Northumberland Strait, the Gulf of St. Lawrence, Egmont Bay, Bedeque Bay, Hillsborough Bay, Cardigan Bay, Boughton Bay, Howe Bay, Rollo Bay, and Colville Bay, as outlined in black on the map attached as Appendix 2 to the *Environmental Protection Act*;
- (p) “**primary sand dune**” revoked by EC137/09;
- (p.1) “**private road**” means a road, street or right-of-way that is not a public road;
- (p.2) “**professional engineer**” means an engineer who is a member in good standing of the Association of Professional Engineers of Prince Edward Island and holds a license to practise issued by the Association;
- (q) “**public road**” means all parts of the townships of the province reserved in the grants of patents thereof for public roads, all roads laid out by virtue of any statute and all

- roads whereon public money has been expended for common and public highways except where the roads have been altered or closed, or shall be altered or closed according to law, and excluding, in all circumstances, farm lanes;
- (q.01) “**public utility**” means any person or corporation and the lessees, trustees, liquidators or receivers of any person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment
- (i) for the conveyance or transmission of telephone messages,
 - (ii) for the production, transmission, distribution or furnishing of electric energy, or
 - (iii) for the provision of water or sewerage service, either directly or indirectly, to or for the public.
- (q.1) “**recreational use**” means the use of land or buildings for passive or active recreational entertainment, pursuit or sport, including but not limited to golf courses, marinas, ski parks, hiking and cycling trails, parks, playgrounds and their amenities;
- (r) revoked by EC137/09;
- (r.1) “**resort development**” means
- (i) a comprehensively designed recreational development having a minimum area of 20 acres (8.1 hectares), together with buildings intended for recreational use having a minimum total floor area of 2,500 square feet (232.2 square metres), and
 - (ii) a residential subdivision containing a minimum of 20 lots or a residential development containing a minimum of 20 residential units;
- (r.2) “**resource use**” means the use of land or buildings for the production and harvesting or extraction of any agricultural, forestry, or fisheries product;
- (r.3) “**resource industrial use**” means the use of land or buildings for any industrial development directly associated with agriculture, fisheries or forestry industries;
- (r.04) “**rotor blades’ arc**” means the largest circumferential path travelled by the rotor blades connected to a wind turbine;
- (r.4) revoked by EC137/09;
- (s) “**rural tourism use**” means the use of a building or land for non-recreational commercial uses related to tourism, including rental accommodations and campgrounds;
- (s.1) “**sand dune**” means a wind or wave deposited formation of vegetated or drifting wind-blown sand that lies generally parallel to, and landward of a beach, and between the upland limit of a beach and the most inland extent of sand deposits;
- (s.2) “**scenic heritage road**” revoked by EC208/07;
- (s.3) “**semi-detached commercial development**” revoked by EC593/05;
- (s.4) “**semi-detached building**” means a single building designed and built to contain two side-by-side units that are separated by a party wall, and each of which is capable of being conveyed separately;
- (t) “**seasonal highway**” means any highway that has been designated as a seasonal highway under the provisions of the Highway Access Regulations;
- (t.1) “**secondary sand dune**” revoked by EC137/09;
- (t.2) “**sewage disposal system**” means any system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal



- fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or approved central waste treatment system;
- (u) “**standpipe system**” means a pipe and attendant hose valves and hose used for conveying water to various parts of a building for fire fighting purposes;
 - (u.1) “**storey**” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and ceiling above it;
 - (u.2) “**St. Peters Village Zone**” revoked by EC137/09;
 - (v) “**structure**” means any thing constructed or erected with a fixed location on the ground, or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing walkways, sewage disposal systems, water wells, fences, utility poles, clothes line poles, or flag poles or recreational equipment accessory to a dwelling unit;
 - (v.1) “**subdivide**” means
 - (i) to divide a parcel of land to create two or more new parcels of land,
 - (ii) to consolidate two or more contiguous parcels of land to create a new parcel of land, or
 - (iii) to attach a part of a parcel of land to another parcel of land contiguous to that part to create a new parcel of land,
 by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat, that transfers or creates an estate or interest in the new parcels of land created by the division, or in the new parcel of land created by the consolidation or the attachment, as the case may be;
 - (v.2) “**summer cottage**” means a single unit dwelling that is intended to be occupied primarily during the summer months;
 - (v.03) “**top of the bank**” means, where there is no embankment, the landward boundary of a beach;
 - (v.3) “**total height**” means, in respect of a wind turbine tower, the height from grade to the highest vertical extension of the wind turbine tower, and includes the distance from grade to the top of the wind turbine tower plus the distance from the top of the wind tower to the highest point of its rotor blades’ arc;
 - (w) “**travel trailer**” means a vehicle designed to be used as temporary accommodation for travel, recreation and vacation purposes;
 - (w.1) “**variance**” means a limited relaxation from the provisions of these regulations with respect to setbacks, area, height or size of a structure where, owing to the conditions peculiar to the parcel, and not the result of actions of the applicant, a literal enforcement of the regulations would result in unnecessary or undue hardship;
 - (w.2) “**watercourse**” means a watercourse as defined in the *Environmental Protection Act Watercourse and Wetland Protection Regulations*;
 - (x) “**wetland**” means a wetland as defined in the *Environmental Protection Act Watercourse and Wetland Protection Regulations*;
 - (y) “**wildlife**” has the same meaning as in the *Wildlife Conservation Act R.S.P.E.I. 1988, Cap. W-4.1*;
 - (y.1) “**wind turbine**” means a turbine that converts wind energy into mechanical or electrical energy by means of one or more rotor blades that rotate around a hub connected to a gearbox and generator inside a nacelle;
 - (y.2) “**wind turbine tower**” means a structure that supports a wind turbine and the rotor blades which turn the wind turbine;

- (y.3) “**wind energy conversion system development**” means a development that is designed, intended or developed for the production of mechanical or electrical energy from wind energy by means of one or more wind turbines and includes
- (i) any associated wind turbine towers,
 - (ii) any associated buildings or structures that are required for the transmission of that mechanical or electrical energy or for the maintenance of the development, and
 - (iii) any access road to the development.
- (z) “**yard**” means an area of land adjoining a building, and
- (i) “**flankage yard**” means the side yard of a corner lot facing a street other than the street towards which the front of the principle building is facing;
 - (ii) “**front yard**” means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the principle building on the lot;
 - (iii) “**rear yard**” means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principle building on the lot; and
 - (iv) “**side yard**” means a yard extending from the front yard to the rear yard between a side lot line of the lot and the nearest main wall of the principle building, exclusive of any chimney breast or entrance steps. *(EC693/00; 191/01; 352/01; 176/03; 349/04; 593/05; 208/07; 137/09; 422/09; 395/14)*

PART II — APPLICATION OF REGULATIONS

2. Application

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

Special planning areas within municipalities

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

PART III — STANDARDS

A - GENERAL

3. General requirements - subdivisions

- (1) No person shall be permitted to subdivide land where the proposed subdivision would
- (a) not conform to these regulations or any other regulations made pursuant to the Act;
 - (b) precipitate premature development or unnecessary public expenditure;
 - (c) in the opinion of the Minister, place pressure on a municipality or the province to provide services; or
 - (d) have a detrimental impact.



Idem, development permits

- (2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would
- (a) not conform to these regulations or any other regulations made pursuant to the Act;
 - (b) precipitate premature development or unnecessary public expenditure;
 - (c) in the opinion of the Minister, place pressure on a municipality or the province to provide services;
 - (d) have a detrimental impact; or
 - (e) result in a fire hazard to the occupants or to neighbouring buildings or structures.

Forested area adjacent to watercourse or wetland

- (3) Revoked by EC137/09.

Entrance ways

- (4) Notwithstanding any other provisions of these regulations, no development permit shall be issued in respect of a development involving the change of use of an entrance way or the creation of an entrance way to any highway where an entrance way permit is required unless an entrance way permit has first been granted by the Minister of Transportation and Public Works. (EC693/00; 137/09)

4. Approval with conditions

- (1) An approved subdivision or development permit may be made subject to any conditions necessary to ensure compliance with these regulations, other regulations made pursuant to the Act, or any relevant sections of the *Environmental Protection Act*, *Roads Act*, *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24 , or the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11.

Owner ensures compliance

- (2) Where an approved subdivision or development permit is granted subject to conditions in accordance with subsection (1), the owner shall ensure that the subdivision or development complies with the conditions.

Development agreement

- (3) The conditions of approval may include a requirement that the owner enter into a development agreement specifying any special measures that must be carried out in order to ensure compliance with the regulations referred to in subsection (1). (EC693/00)

5. Other approvals required

No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate:

- (a) where an environmental assessment or an environmental impact statement is required under the *Environmental Protection Act*, approval has been given pursuant to that Act;
- (b) where the Fire Marshal's approval is required pursuant to the *Fire Prevention Act*, approval has been given pursuant to that Act;
- (c) where approval is required pursuant to the *Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 or regulations made pursuant to that Act, approval has been given pursuant to that Act and any applicable regulations made pursuant to that Act;

- (d) where, pursuant to the *Roads Act*, an entrance way permit or approval is required, the required permit or approval has been obtained; and
- (e) where a Quality Control Plan is required under the Barrier-Free Design Regulations (*EC139/95*) made under the *Provincial Building Code Act*, until the Quality Control Plan has been submitted and accepted in accordance with the regulations. (*EC693/00*)

6. Development, private road

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

Permitted development uses

- (2) Notwithstanding subsection (1), the following types of development may be permitted on a lot or parcel served by a private road:
 - (a) commercial rental cottages;
 - (b) farm buildings;
 - (c) seasonal commercial uses related to tourism;
 - (d) seasonal resort developments or portions of a resort development not intended for year-round use;
 - (e) summer cottages;
 - (f) a wind energy conversion system development;
 - (g) industrial, commercial office or retail, institutional, public service or residential within the approximately 600 acres of the Slemon Park future development area, as described in Appendix B.

Exemption

- (3) Subsection (1) does not apply in respect of any development of or on the following:
 - (a) the building and property located at 5 and 7 Ashwood Avenue, Slemon Park, being approximately 0.83 acres, and bounded by Ashwood Avenue, Fifth Street and Cherrywood Avenue;
 - (b) the buildings and property located at 66 Argus Avenue, Slemon Park, being approximately 6.01 acres, and bounded by Argus Avenue, Fifth Street and Redwood Avenue. (*EC693/00; 352/01; 176/03; 612/03; 349/04; 386/04*)

7. Inspection

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

8. Non-conforming use

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

Expansion

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



Abandonment

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

9. Non-compliance

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

10. Variance

- (1) A variance from the provisions of these regulations may be granted where
- (a) the variance does not violate the intent and purpose of the regulations;
 - (b) the variance is for a unique circumstance and is not a difficulty common to properties in the area; and
 - (c) the circumstance for which the variance is requested is not the result of an intentional disregard for the requirements of the regulations.

Variance of up to 10%

- (2) A variance of up to 10% from the provisions of these regulations may be granted where
- (a) the variance meets the provisions of subsection (1); and
 - (b) there is, in the opinion of the Minister, no reasonable alternative available.

Variance of more than 10%

- (3) A variance of more than 10% from the provisions of these regulations may be granted where
- (a) the variance meets the provisions of subsection (1);
 - (b) there is, in the opinion of the Minister, no reasonable alternative available.

No variance for sight distance

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

11. Public meeting

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

Requirements

- (2) Where a public meeting is called in accordance with subsection (1):
- (a) the Minister shall appoint a person to chair the meeting;
 - (b) the meeting shall be advertised at least twice in a newspaper circulating in the area of the proposed subdivision or development, giving the date, time, and location of the meeting;
 - (c) the first advertisement required by clause (b) shall be placed not less than 7 clear days prior to the meeting;

- (d) written notice of the meeting shall be provided to the owner and, where applicable, to the council of the municipality in which the proposed subdivision or development is located;
- (e) the owner shall make available for public examination the information required by these regulations or by the Act to be included with the application, at least 7 clear days prior to the public meeting, at a location chosen by the Minister; and
- (f) the owner or a representative of the owner shall attend the meeting to answer questions from the public respecting the proposed subdivision or development.
(EC693/00)

B - SUBDIVISIONS

12. Subdivision approval

- (1) No person shall subdivide land without first obtaining final approval of the subdivision from the Minister.

Naturally subdivided

- (2) Notwithstanding subsection (1), where a parcel is naturally subdivided into two or more units by a public road, a watercourse, or other body of water, each of the units shall be treated as a separate parcel.

Independent sale

- (3) Where one or more of the parcels described in subsection (2) are to be conveyed independently of any other parcel under the same ownership, a subdivision approval shall not be required. (EC693/00; 575/01; 137/09)

13. Principles

Subdivision designs shall be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suited to the intended use, having due regard for

- (a) compatibility with surrounding uses;
- (b) the topography of the site;
- (c) surface drainage on the site and its impact on adjacent parcels of land;
- (d) traffic generation onto adjacent highways;
- (e) availability, adequacy and the economical provision of utilities and services;
- (f) the ability to further subdivide the land or adjoining land;
- (g) the provision of lots suitable for the intended use;
- (h) waste water management;
- (i) water supply; and
- (j) natural features. (EC693/00)

14. Application for subdivision

- (1) An application for subdivision shall be made on a form prescribed by the Minister, and shall include the following:
 - (a) the name, address and telephone number of the applicant;
 - (b) the property number;



- (c) the existing use of the land;
- (d) the number of lots proposed and proposed uses;
- (e) the signature of the owner of the land being subdivided or legal authorization to make an application on behalf of the landowner;
- (f) all required fees.

Five or fewer lots

- (2) An application for the subdivision of five lots or fewer shall be accompanied by
 - (a) a copy of a property map showing the true shape and dimensions of the property being subdivided, the proposed lots, and all roads or rights-of-way proposed to provide access to the lots from a public highway; and
 - (b) any additional information the Minister considers necessary.

Six or more lots

- (3) An application for the subdivision of six or more lots shall be accompanied by:
 - (a) a plan or plans showing
 - (i) the true shape and dimensions of the property to be subdivided, the proposed lots and uses, and all roads or rights-of-way proposed to provide access to the lots from a public highway,
 - (ii) a key plan indicating the general location of the land to be subdivided,
 - (iii) the north point,
 - (iv) the scale,
 - (v) the location and current use of all existing buildings or structures on the site and within 100 feet (30.4 metres) of the site,
 - (vi) existing and proposed services, including central or municipal waste treatment systems, and central or municipal water supply systems,
 - (vii) all land proposed as open space, park, recreation or other common area,
 - (viii) watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas or conservation zones on, or adjacent to, the proposed subdivision,
 - (ix) existing and proposed private rights-of-way or easements,
 - (x) elevation contours and the proposed storm water drainage pattern within the subdivision and within 300 feet (91.4 metres) of the boundaries of the subdivision,
 - (xi) any special planning areas affecting the site;
 - (b) any additional information the Minister considers necessary.

Number of lots

- (4) For the purpose of determining the number of lots, all parcels to be severed from the original parcel shall be counted.

Incremental subdivision

- (5) All provisions of these regulations for subdivisions of six or more lots shall apply where a parcel has been subdivided incrementally so as to bring the number of lots created since June 12, 1993 to six or more. (EC693/00; 137/09)

15. Open space

- (1) Except for a residential subdivision having five or fewer lots, or a subdivision intended for commercial, industrial or other non-residential uses, the owner of lots being subdivided shall set aside open space in the subdivision for recreation or park use equal to a minimum of 10% of the total area of the lots being subdivided.

Idem, held in common

- (2) Open space set aside in accordance with subsection (1) shall be held in common by the owners of lots in the subdivision.

Common ownership

- (3) Where a buffer required under subsection 16(1) is included as permitted by subsection 16(5), the buffer may be counted as part of the open space required by this section. (EC693/00; 176/03; 655/10)

16. Buffer inside coastal area

- (1) Where a subdivision is proposed within a coastal area, the proposed subdivision shall, where applicable, include the following:
- (a) where adjacent to a beach, a buffer having a minimum width of 60 feet (18.3 metres) or 60 times the annual erosion rate for the area, whichever is greater, measured from the top of the bank adjacent to the beach;
 - (b) where adjacent to a sand dune, a buffer having a minimum width of 60 feet (18.3 metres) measured from the inland boundary of the dune;
 - (c) where feasible and appropriate, access to the beach or watercourse for the use of the owners of the lots.

Exception

- (2) Revoked by EC137/09.

Buffer outside coastal area

- (3) Where a subdivision is proposed outside a coastal area and adjacent to a watercourse, the proposed plan of subdivision may include an access to the watercourse for the use of the owners of the lots.

Development prohibited in buffer

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

Ownership of buffer

- (5) Any buffer required under subsection (1) may be included
- (a) as one separate parcel that is to be held in common ownership by the owners of the lots of the subdivision and designated for use as a buffer only; or
 - (b) as part of one or more lots designated for residential use where each such lot
 - (i) meets the minimum lot size standards required by section 23 exclusive of the included area of the buffer, and
 - (ii) has dimensions sufficient to permit the building setbacks required by these regulations exclusive of the included area of the buffer.



Idem

- (6) Revoked by EC655/10.

Increased buffer

- (7) Revoked by EC137/09. (EC693/00; 137/09; 655/10)

17. Subdivision roads

- (1) All roads, other than existing roads within Slemon Park, shall have a minimum width of 66 feet (20.1 metres) and shall be designed to meet the following requirements:
- (a) where practicable, be connected to existing roads in adjacent subdivisions, and make provision for extension into any future subdivisions on adjacent properties;
 - (b) provide a temporary turning area with a minimum turning radius of 40 feet (12.2 metres) where a subdivision is approved in phases and any phase results in a dead-end road, or where a road is to be extended onto an adjacent property in accordance with clause (a), until either an approved cul-de-sac has been constructed or the dead-end road has been extended.

Public roads

- (2) All roads serving 21 or more lots approved after March 21, 2009, shall be public roads.

Permitted development on private roads

- (3) The following types of development may be allowed on lots that have frontage onto a private road:
- (a) commercial rental cottages;
 - (b) seasonal commercial uses related to tourism;
 - (c) seasonal resort developments or portions of a resort development not intended for year-round use;
 - (d) summer cottages;
 - (e) industrial, commercial office or retail, institutional, public service or residential development within the 600 acres of the Slemon Park future development area as described in Appendix B.

Exemption

- (4) Subsections (1) and (2) do not apply in respect of any development of or on the following:
- (a) the building and property located at 5 and 7 Ashwood Avenue, Slemon Park, being approximately 0.83 acres, and bounded by Ashwood Avenue, Fifth Street and Cherrywood Avenue;
 - (b) the buildings and property located at 66 Argus Avenue, Slemon Park, being approximately 6.01 acres, and bounded by Argus Avenue, Fifth Street and Redwood Avenue.

Private roads, professional engineer

- (5) Private roads serving from six to 20 residential lots approved after March 21, 2009, shall be designed by and constructed under the supervision of a professional engineer in accordance with the applicable standards for private roads and to the satisfaction of the Minister responsible for the *Roads Act*. (EC693/00; 352/01; 176/03; 612/03; 386/04; 137/09)

18. Phasing

- (1) Subdivisions having preliminary approval for more than 20 lots shall be granted final approval in phases.

Number of lots

- (2) The total number of lots approved in any one phase of a subdivision shall not exceed 20.

50% of lots must be sold before next phase approved

- (3) Final approval shall not be granted for the second or a subsequent phase of a subdivision until 50% of the lots in the immediately preceding phase of the subdivision have been sold by the developer.

Application

- (4) Subsections (1) to (3) do not apply to subdivisions within a resort development. (*EC693/00; 176/03;422/03*)

19. Minimum lot requirements

- (1) All lots on a plan of subdivision shall be categorized in accordance with subsection 23(1), and shall conform with the minimum lot size standards outlined in subsection 23(2).

Soil testing

- (2) Where an existing lot has not been categorized in accordance with subsection 23(1), the Minister shall require that a site suitability assessment be conducted as set out in the *Environmental Protection Act Sewage Disposal Systems Regulations*.

Idem

- (3) A lot that does not meet the category standards as set out in section 23, may be approved if an alternative means of sewage disposal, acceptable to the Minister responsible for the *Environmental Protection Act*, is provided.

Sewage disposal system

- (4) The area encompassed by the required minimum circle diameter as set out in Table 1 under subsection 23(2) shall be located on the lot such that it will accommodate an on-site septic sewage disposal system.

Previously approved lots

- (5) The minimum lot size standards for residential lots as set out in subsection 23(2) do not apply to lots approved prior to June 12, 1993.

Revision of previously approved lots

- (6) A subdivision application to increase the size of a lot approved prior to June 12, 1993, or an existing parcel of land, may be approved, notwithstanding that the resulting lot will not meet the minimum lot size standards as set out in subsection 23(2).

Increase in area of previously approved lots

- (7) Where an application is submitted to increase the intensity of use of
- (a) a lot approved prior to June 12, 1993;
 - (b) an existing parcel of land; or
 - (c) an existing building,



the Minister may, after consultation with the Minister responsible for the *Environmental Protection Act*, require that the parcel of land be increased in area to the extent considered necessary to ensure the safe operation of water supply and sewage disposal systems on the parcel in question and on all adjacent parcels. (EC693/00; 176/03; 137/09)

20. Panhandle lots

- (1) Where a lot is proposed to be subdivided from an existing parcel of land that is not a panhandle lot, and the proposed lot does not have the minimum required frontage on a public road, it may be approved as a panhandle lot where:
- (a) the lot will include vehicular access to a public road by way of a driveway that is part of the lot, or an exclusive right-of-way that is registered over an adjacent parcel;
 - (b) the access driveway or right-of-way has a minimum width of 24 feet (7.3 metres);
 - (c) no other panhandle lot has been subdivided from the existing parcel of land;
 - (d) the lot and the remnant parcel meet all the requirements of these regulations.

Driveway area not included

- (2) 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 as set out in Table 1 under subsection 23(2).

Additional panhandle lots

- (3) Notwithstanding clause (1)(c), where one panhandle lot has been subdivided from an existing parcel of land pursuant to subsection (1), no more than one additional non-residential panhandle lot may be approved for each of the following uses only:
- (a) a primary resource use with a minimum area of 10 acres (4.05 hectares);
 - (b) an existing or approved commercial or industrial development.

Idem

- (4) A lot that has been approved as a panhandle lot may not be further subdivided unless the proposed subdivision meets all the requirements of these regulations. (EC693/00; 176/03; 137/09)

21. Lots not requiring water and sewage servicing

- (1) 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 requirements of section 23.

Change of use of excepted lot

- (2) A change of use application to permit a development requiring water and sewage services on a lot approved pursuant to subsection (1), may only be approved if the lot meets the minimum standards set out in section 23. (EC693/00; 137/09)

22. Diminishing lot below standards

Except as provided for in sections 19, 20, and 21, no person shall diminish a lot below the standards set out in subsection 23(2). (EC693/00; 137/09)

23. Lot categories

- (1) 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 feet (0.61 metres) or greater,
 - (ii) the depth to bedrock is 4 feet (1.22 metres) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 feet (1.22 metres) or greater;
- (b) Category II, where
 - (i) the depth of permeable natural soil is greater than 1 foot (0.3 metres), but less than 2 feet (0.61 metres),
 - (ii) the depth to bedrock is 4 feet (1.22 metres) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 feet (1.22 metres) or greater;
- (c) Category III, where
 - (i) the depth of permeable natural soil is 1 foot (0.3 metres) or greater,
 - (ii) the depth to bedrock is 2 feet (0.61 metres) or greater, but less than 4 feet (1.22 metres), or
 - (iii) the depth to the maximum groundwater elevation is 2 feet (0.61 metres) or greater, but less than 4 feet (1.22 metres);
- (d) Category IV, where
 - (i) the lot has a depth of permeable natural soil of less than 1 foot (0.3 metres),
 - (ii) the depth to bedrock is greater than 1 foot (0.3 metre), and
 - (iii) the depth of the maximum groundwater elevation is greater than 2 feet (0.61 metres);
- (e) Category V, where
 - (i) the depth to bedrock is less than 1 foot (0.3 metre), and
 - (ii) the depth to the maximum ground water elevation is greater than 2 feet (0.61 metres).

Minimum lot size standards -residential lots

- (2) Every residential lot on a plan of subdivision shall conform with the following minimum lot size standards:

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
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on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m. 200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	51,000 sq. ft. / 4,738 sq. m. 56,000 sq. ft. / 5,202 sq. m. 61,000 sq. ft. / 5,667 sq. m. 66,000 sq. ft. / 6,131 sq. m. 66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 300 ft. / 91.4 m. 300 ft. / 91.4 m.
on-site water supply and on-site sewage 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 2 3 4 more than 4	75,000 sq.ft / 6,975 sq.m. 80,000 sq.ft / 7,440 sq.m. 85,000 sq.ft / 7,905 sq.m. 90,000 sq.ft / 8,370 sq.m. 90,000 sq.ft. / 8,370 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	300 ft. / 91.4 m.

on-site water supply and on-site sewage system	V	N/A	N/A	not developable	N/A
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 55,000 sq. ft. / 5,110 sq. m. 55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 275 ft. / 83.8 m.



central water supply and on-site sewage disposal system	IV	50 feet / 15.25 metres	1 2 3 4 more than 4	60,000 sq. ft. / 5,580 sq. m. 65,000 sq. ft. / 6,450.5 sq. m. 70,000 sq. ft. / 6,510 sq. m. 75,000 sq. ft. / 6,975 sq. m. 75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1 2 3 4 more than 4	15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1 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. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

Minimum lot size standards - non-residential lots

- (3) Every non-residential lot on a plan of subdivision shall conform with the following minimum lot size standards:

TABLE 2 - MINIMUM LOT SIZE STANDARDS:

NON-RESIDENTIAL LOTS

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Minimum Lot Area	(e) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet/metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister



Prohibition

- (4) No person shall diminish a lot below the standards set out in subsection (2) except as otherwise provided for in subsections 19(2) and 21(1). (*EC693/00; 137/09*)

24. Access

No person shall create a lot which does not have vehicular access to a public road or a private road, or which prevents or eliminates vehicular access from an adjacent parcel to a public road. (*EC693/00; 137/09*)

25. Subdivide along highways; minimum sight distance

- (1) No person shall subdivide a parcel of land that abuts, and requires access to, an arterial, collector, local or seasonal highway unless all proposed entrance ways, including any new entrance way for a remnant parcel, meet the minimum sight distance standards as set out in the *Roads Act* Highway Access Regulations.

Arterial highways

- (2) No person shall subdivide a parcel of land that abuts, and requires access to, an arterial highway unless an entrance way permit, where required, has been issued by the Minister responsible for the *Roads Act* Highway Access Regulations.

Collector highways

- (3) No person shall subdivide a parcel of land that abuts, and requires access to, a collector highway, unless it is an existing parcel of land, in which case:
- (a) where the parcel has a frontage of less than 1,320 feet (402.3 metres), no more than one lot may be approved;
 - (b) where the parcel has a frontage of 1,320 feet (402.3 metres) or more, one lot may be allowed for every 660 feet (201 metres) of frontage;
 - (c) one lot in addition to those permitted in clauses (a) and (b) may be approved provided:
 - (i) that the proposed lot contains an existing farm dwelling served by an existing highway access,
 - (ii) that no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

Effect of infilling designation

- (3.1) 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*.

Connecting roads

- (3.2) Notwithstanding the restrictions on subdivision specified in clause (3)(b), a person may subdivide additional lots from an existing parcel of land that abuts, or requires access to, a collector highway if the person has applied for and obtained approval of a plan of subdivision that includes approval for a road connecting to and within the subdivision to serve the lots that meets the requirements of these regulations respecting road standards.

Service of Dwelling

- (4) Where a lot is subdivided pursuant to subclause 3(c)(i) or (ii), the dwelling on the lot shall be served by the existing dwelling access, and no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

Seasonal Highways

- (5) No person shall subdivide a parcel of land that abuts, and requires access to, a seasonal highway, unless an entrance way permit, where required, has been issued by the Minister responsible for the *Roads Act* Highway Access Regulations.

Non-essential highways

- (6) No person shall subdivide a parcel of land that abuts a non-essential highway unless access to an arterial, collector, local or seasonal highway is provided in accordance with the requirements of subsections 25(1) to (5) or access to a non-essential highway is approved by the Minister responsible for the *Roads Act* Highway Access Regulations. (*EC693/00; 176/03; 372/05; 137/09; 285/16*)

26. Preliminary approval

- (1) A subdivision application that includes lots intended to accommodate septic sewage disposal systems shall not be granted preliminary approval until the lots have been categorized in accordance with subsection 23(1).

Conditions

- (2) Preliminary approval for all or a portion of a plan of subdivision may include conditions relating to:
- (a) soil and water testing, and the provision of sewage disposal and water services;
 - (b) the allocation of land for any of the following purposes:
 - (i) the provision of shore access,
 - (ii) the preservation of a natural area or an historic site that is, in the opinion of the Minister, of provincial significance,
 - (iii) the provision of required buffers,
 - (iv) the construction of roads,
 - (v) the provision of utility, access or drainage easements;
 - (c) the posting of a performance bond, cash bond, or other financial guarantee for the purpose of ensuring that the subdivision is developed in accordance with any conditions attached to preliminary approval;
 - (d) any other requirements the Minister considers necessary.

Expiry

- (3) Preliminary approval for all or a portion of a plan of subdivision shall expire 24 months from the date of issue if the applicant fails to meet all of the conditions of preliminary approval within that time period, unless the applicant has made a request, in writing, and has been granted, an extension by the Minister sufficient to meet any outstanding conditions. (*EC693/00; 137/09*)

27. Final Approval

- (1) Final approval for all or a portion of a subdivision application shall not be granted until:
- (a) all the conditions of preliminary approval established in accordance with subsection 26(2) have been met;
 - (b) an agreement has been completed with the Department of Transportation and Public Works for the construction and deeding of all public roads;



- (c) a storm water management plan, acceptable to the Minister responsible for the *Environmental Protection Act*, where required, has been submitted for the construction and post-construction phases of the subdivision;
- (d) a survey plan, certified by an accredited member of the Association of Prince Edward Island Land Surveyors, has been submitted showing the location of all survey pins.

Where survey not required

- (2) Notwithstanding clause (1)(d), where a subdivision would result in one or more lots of 10 acres or more, a plan of subdivision drawn accurately to scale on a provincial property map may be submitted in lieu of a certified survey plan for those lots that will be 10 acres or greater in area.

Idem

- (3) Notwithstanding clause (1)(d), a certified survey plan shall not be required for the remaining portion of the original parcel from which a parcel was created.

Preliminary approval prior to these regulations

- (4) Where a subdivision application was granted preliminary approval prior to December 2, 2000, but has not received final approval, final approval may be granted in accordance with subsection (1) only if all of the proposed lots on the plan of subdivision meet the minimum lot size standards as set out in section 23. *(EC693/00; 137/09)*

28. Designation of permitted uses

- (1) Final approval of a subdivision application shall specify the permitted uses of each lot on the plan of subdivision.

Offence

- (2) No person shall use a parcel for any purpose other than that which is specified on the approved plan of subdivision. *(EC693/00; 137/09)*

29. Change of use

- (1) No person shall deviate from an approved plan of subdivision, including changing the use of a lot from the approved use, unless a revised plan of subdivision or an application for a change of use has been submitted to, and has been approved by, the Minister.

Idem

- (2) Where a change of use application has been made, the Minister, in reviewing the application for a change of use, may take into consideration any written submissions received from the owners of lots within 330 feet (100 metres) of the lot to which the application applies. *(EC693/00; 137/09; 480/14)*

29.1 Subdivision approved before 1974

- (1) Notwithstanding section 29, the Minister may, on the request of an owner of a lot in a subdivision, approve a change of use respecting the lots in an approved plan of subdivision, where
 - (a) the plan of subdivision was approved prior to 1974;
 - (b) the public roads shown on the approved plan have not been constructed or conveyed to the government; and

- (c) at least 60% of the owners of the lots have indicated support for the requested change of use.

S. 14 applies with necessary changes

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

Waiver of s. 14 requirements

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

Notice of approval

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

“support for the requested change of use”, defined

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

30. Rescind or alter approval

- (1) The Minister may alter or rescind a subdivision approval, in whole or in part, where
 - (a) the subdivision has been carried out contrary to
 - (i) the approved plan,
 - (ii) any conditions of approval,
 - (iii) these regulations, or
 - (iv) any other applicable Acts or regulations; or
 - (b) the owner of the land has submitted an application to alter or to rescind the subdivision approval, and the application is in accordance with these regulations and any other applicable Acts and regulations.

Minister may consider submissions

- (2) Where an application to alter or rescind a subdivision approval has been made pursuant to clause (1)(b), the Minister, in reviewing the application, may take into consideration any written submissions received from owners of lots within the subdivision, or landowners within 330 feet (100 metres) of the subdivision, to which the application applies. *(EC693/00; 176/03; 137/09; 480/14)*

C - DEVELOPMENT PERMITS

31. Where development permit required

- (1) No person shall, without first obtaining a development permit from the Minister,
 - (a) commence the construction of any building or structure;
 - (b) locate any building or structure, or change the location of any building or structure on a lot;
 - (c) make any structural alterations that will change the exterior dimensions of any building or structure;



- (d) change the use of any building or structure or land, or part thereof;
- (e) intensify any non-conforming use;
- (f) locate a travel trailer on any lot as the main or accessory use, other than in a travel trailer park where utility services are provided;
- (g) create a mobile home park.

Prefabricated buildings

- (2) Notwithstanding subsection (1), a development permit shall not be required for prefabricated buildings manufactured in-plant, or the location of the units at the place of manufacture for either storage or display purposes. *(EC693/00; 575/01)*

32. Application for a development permit

An application for a development permit shall be made on a form prescribed by the Minister, and shall be accompanied by

- (a) a copy of a property map;
- (b) an application fee; and
- (c) any additional information the Minister considers necessary. *(EC693/00)*

33. Duration

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

Revocation or alteration

- (2) Notwithstanding subsection (1), a development permit may be revoked or altered within 24 months of the date of issuance or extension if construction has commenced in a location or manner contrary to the application or these regulations. *(EC693/00)*

34. Proposed use contrary to plan

No development permit shall be issued where the proposed use of the building or structure is contrary to the use specified on an approved subdivision plan. *(EC693/00)*

35. Entrance way; sight distance

Subject to section 8, no development permit shall be issued for any parcel of land where the entrance way does not conform to the sight distance standards for entrance ways set out in the *Roads Act Highway Access Regulations*. *(EC693/00)*

36. Minimum building standards

No person shall construct or alter a building without meeting the following minimum building standards:

- (a) all side walls and end walls shall be covered with a standard building siding;
- (b) tar paper or rolled roofing shall not be used as a permanent exterior siding ; and
- (c) roofs shall be covered with standard roofing materials. *(EC693/00)*

37. Application of regulations to existing lots

The minimum frontage and area provisions of these regulations do not apply to any lot existing on June 12, 1993, and a development permit may be issued for an existing lot that

does not meet these standards provided that the lot meets the minimum requirements for sewage disposal in accordance with the *Environmental Protection Act Sewage Disposal Regulations (EC298/97)*. (EC693/00)

38. Side and rear yards

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

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

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

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

Exception

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

Fire wall

(3) Notwithstanding subsection (1), the Minister may approve the erection of a building or structure, other than a dwelling, adjacent to a side or rear lot line, if the buildings or structure incorporates on the property line side a fire wall that is constructed in accordance with the requirements of the *Fire Prevention Act*. (EC693/00; 191/01; 176/03; 593/05)

39. Building setbacks; highways

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

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



Reduced setback in selected municipalities

- (2) Notwithstanding subsection (1), no person shall locate a building or development closer than 50 feet (12.5 metres) to the centre line of a highway or 17 feet (5.2 metres) to a highway boundary, where
- (a) the highway speed limit where the lot or parcel of land is located is 50 kilometres per hour or less; and
 - (b) the lot or parcel of land is located within one of the following municipalities:

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

Private road or right-of-way

- (3) Along any private road or right-of-way in an approved subdivision for summer cottage use, no person shall locate a building or development closer than
- (a) 50 feet (12.5 metres) to the centre line of a private road or right-of-way having a width of 66 feet (20.1 metres); or
 - (b) 17 feet (5.2 metres) to the boundary of a private road or right-of-way having a width of less than 66 feet (20.1 metres).

Where loading space proposed

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

Setback from beach, sand dune, wetland or watercourse

- (5) The nearest exterior portion of a building or structure shall be located no closer than
- (a) 75 feet (22.9 metres), or 60 times the annual rate of erosion, whichever is greater, to a beach, measured from the top of the bank;
 - (b) 100 feet (30.5 metres) to a migrating primary or secondary sand dune, measured from the inland boundary of the dune;
 - (c) 75 feet (22.9 metres) to the inland boundary of a wetland or watercourse.

Where greater setback required

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

Miscellaneous structures

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

“top of the bank”, defined

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

40. Development, primary and secondary dunes

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

Other dunes

- (2) A development permit may be issued for a building or structure on sand dunes other than primary, secondary and baymouth barrier dunes where
- (a) the development is unlikely to disturb more than 10% of the sand dune located on the parcel;
 - (b) the lot exceeds the minimum lot size requirements in Table 1 by 15,000 square feet (1393.5 square metres), except where the sand dune is naturally vegetated with spruce, fir, pine, cedar or larch tree species, and the coverage of those species exceeds 75% of the dune area; and
 - (c) the development is unlikely to adversely alter the natural, topographical and biological features of the sand dune.

Conservation officer may enforce

- (3) A conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1 has the power and authority to enforce subsection (1). (EC693/00; 138/10)

41. Grouped buildings

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

42. More than one dwelling on a lot -exception

- (1) No person shall locate more than one building or structure for use as a part-time or year-round dwelling on a lot or existing parcel of land except
- (a) in conjunction with a farm parcel, and where the use of the dwelling is clearly incidental to the use of the main building;
 - (b) as a garden suite in conjunction with a single unit dwelling in accordance with subsection (2);
 - (c) in the case of a tourist operation, where rental accommodations are grouped on a lot or existing parcel of land in accordance with all other requirements of these regulations;
 - (d) as part of a resort development; or
 - (e) for use as senior citizens housing, where the buildings or structures are grouped in accordance with all other requirements of these regulations and connected to a central municipal sewer system prior to and during occupancy.

Requirements

- (2) One garden suite may be located as a second dwelling unit on a lot or parcel of land subject to the following requirements:



- (a) a single unit dwelling unit already exists on the lot or existing parcel of land;
- (b) the garden suite meets all the requirements of any applicable sections of these regulations;
- (c) the garden suite utilizes the existing access to the lot or existing parcel of land;
- (d) where the garden suite is to be located on a lot in a multiple lot approved subdivision, the owners of the adjoining lots and a majority of the owners of lots conveyed in the subdivision have consented in writing;
- (e) the owner of the single unit dwelling applies for and receives a development permit for the garden suite;
- (f) the garden suite and the single unit dwelling are connected to a common water supply system and a common sewage disposal system, where feasible, and where these systems are considered capable of handling the increase;
- (g) the garden suite is approved by the Provincial Fire Marshal.

Time period

- (3) The development permit for a garden suite referred to in clause (2)(e) shall be valid for two years, but may be extended provided that the garden suite continues to meet all applicable requirements of these regulations.

Removal

- (4) When the garden suite no longer complies with any requirements under subsections (2) and (3), the owner of the single unit dwelling shall, within 90 days, remove the garden suite from the site.

Extension

- (5) Upon written request by the owner or spouse of the owner of the single unit dwelling, the 90 day removal period stated in subsection (4) may be extended by an additional 90 days. *(EC693/00; 352/01; 670/13)*

43. Multiple unit dwellings

No person shall construct or structurally alter a building for use as a multiple unit dwelling containing more than four units unless the proposal meets one of the following sets of criteria:

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

44. Parking

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

- (a) the minimum number of parking spaces shall be provided for the proposed use, as listed in Table 3;
- (b) every parking space shall have access to a clear manoeuvring lane;
- (c) every parking space shall have minimum dimensions of 9 feet (2.7 metres) by 18 feet (5.5 metres);

- (d) every loading space shall have minimum dimensions of 70 feet (21.3 metres) by 12 feet (3.7 metres);
- (e) notwithstanding clause (a), for any use other than residential, when an applicant submits a parking generation analysis based on the standards of the Institute of Transportation Engineers, and after consultation with the Minister of Transportation and Public Works, an alternative parking plan may be approved by the Minister. (EC693/00)

TABLE 3

PARKING STANDARDS

(a) Type of Use	(b) Number of Parking Spaces	(c) Loading Area
Residential	1.5 per dwelling unit (minimum of 2)	n/a
Auditorium, theatre, church or hall	1 per 4 seats	n/a
Hotel, motel, or tourist home	1 per guest room	n/a
Restaurants (including take outs)	1 per 100 square feet (9.3 square metres) minimum of 10	n/a
Business and professional offices	1 per 300 square feet (27.9 square metres) of floor area	n/a
Warehouse and storage facilities and other industrial uses	1 per employee	1 per loading bay
Other Commercial Uses	1 per 300 square feet (27.9 square metres) of floor area	
Other Institutional or Recreation Uses	1 per 400 square feet (37.2 square metres) of floor area	n/a
Other industrial uses	1 per employee	1 per loading bay

45. Travel trailer

- (1) No person shall place a travel trailer as the main or accessory use on any lot or parcel of land without first obtaining a development permit, other than in a travel trailer park where utility services are provided.

Permit

- (2) A permit issued in accordance with subsection (1) shall be valid for a period of not more than 120 days, and shall not be renewed.

Removal

- (3) A travel trailer placed in accordance with this section shall be removed from the lot or parcel of land immediately following expiry of the development permit. (EC693/00)



46. Mobile Homes

- (1) No person shall place a mobile home on a lot unless the structure is certified by a Standards Council of Canada accredited testing agency in accordance with CSA Standard CAN-Z-240.

Permit

- (2) Other than in an approved mobile home park, no person shall place a mobile home without first obtaining a development permit.

Mobile home on single family dwelling or cottage lot

- (3) Where a subdivision has been approved for single family dwelling or summer cottage use, either in a single phase or two or more phases, no person shall place a mobile home on a lot in the subdivision unless the owners of all adjoining approved lots and at least 75% of the owners of all other lots or parcels within 300 feet (91.4 metres) of the centre of the proposed location of the mobile home, including any lots or parcels outside the approved subdivision but within the specified distance, have consented in writing.

Voting

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

47. Mobile home park

- (1) An application for a mobile home park shall be made on a form prescribed by the Minister, and shall be accompanied by a detailed site plan, drawn to scale, that includes the following information:

- (a) the location and size of all mobile home sites;
- (b) the location and width of all roads provided within the park for access to the mobile home sites;
- (c) the proposed location of mobile homes;
- (d) the proposed location and size of any buildings or other structures to be located within the park; and
- (e) any additional information the Minister considers necessary.

Standards

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

- (a) the mobile home park shall be
 - (i) either serviced by a central waste treatment system and a central water supply system, or
 - (ii) where a water supply system or a waste treatment system of a municipality is available, the mobile home park shall be connected to the available municipal systems;
- (b) a paved road shall be provided to serve each mobile home space, and shall connect to a public highway at a location which meets the sight distance standards for entrance ways set out in the *Roads Act* Highway Access Regulations;
- (c) each mobile home space shall meet the following requirements:
 - (i) minimum area of 5,000 square feet (464.5 square metres),
 - (ii) minimum frontage of 25 feet (7.6 metres),
 - (iii) minimum distance of 30 feet (9.1 metres) between mobile home units,

- (iv) minimum distance of 15 feet (4.5 metres) between mobile home units and mobile home park boundary line,
 - (v) minimum parking space in accordance with the residential standard set out in section 44 and Table 3;
- (d) a minimum area of 500 square feet (46.4 square metres) per mobile home space shall be set aside as an open space and recreation area, and in parks with more than 50 units, two such areas must be provided.

Location of mobile homes in park

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

D - RESORT DEVELOPMENTS

48. Approval required

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

Design brief, where required

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

Idem

- (3) The Minister may
- (a) grant preliminary resort development approval; or
 - (b) require additional information on the application. (EC693/00; 352/01)

49. Design brief

- (1) A design brief shall be based on sound planning, engineering and environmental principles and it shall indicate how the proposed development is suited to the intended location by means of a detailed written presentation and plans, including a site plan drawn to scale that shall include the following information:
- (a) the topography and total area of the proposed site, property boundaries and the location of all existing and proposed buildings on the property;
 - (b) existing and proposed land uses, and the location of any archaeological sites, wildlife habitat areas and natural features, including beaches, sand dunes, wetlands and watercourses;
 - (c) proposed street and block design, including considerations of pedestrian circulation, parking, safety of access, emergency access, trip generation and impact on existing roads and intersections;
 - (d) proposed water supply, waste collection, sewage disposal and treatment, and storm water management;
 - (e) proposed placement of utilities and services;
 - (f) proposed population, number of dwelling units, commercial and other uses, recreational infrastructure and provision of open space;



- (g) percentage of the site to be occupied by buildings;
- (h) the method of fire protection and other emergency services; and
- (i) additional information as the Minister considers necessary.

Waiver of requirements

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

50. Preliminary approval conditions

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

Expiry

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

51. Central water supply system

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

Waste services

- (2) A resort development shall be serviced by
 - (a) a central waste treatment system; or
 - (b) a combination of a central waste treatment system and on-site sewage disposal systems,

that complies with the *Environmental Protection Act*. (EC693/00;352/01)

52. Private road

- (1) A resort development may be serviced by a private road, where the road
 - (a) has a right-of-way with a minimum width of 66 feet or 20 metres;
 - (b) is connected to a public road maintained by the province on a year-round basis; and
 - (c) is constructed under the supervision and certification of a professional engineer, in accordance with the applicable laws and standards for the intended use of the private road.

Road maintenance

- (2) Where a resort development is served by a private road pursuant to subsection (1), that road shall not be maintained by a department or agency of government at public expense.

Access responsibility

- (3) Responsibility for ensuring access to a lot in a resort development is a matter for determination between the owner of the road connecting the resort development to a public road, and the purchaser of a lot therein.

Year-round roads

- (4) Notwithstanding any other provision of this section, the roads serving any portion of a resort development that is approved for year-round residential use shall be public roads, including any roads required to provide access from the subdivision to an existing public road maintained by the province on a year-round basis. *(EC693/00; 352/01)*

53. Preliminary approval for portion

The Minister may grant preliminary subdivision approval for any portion of a subdivision within a resort development to permit the survey and pinning of lots, construction of roads, construction of buildings, and installation of a central water supply system and central waste treatment system, provided that the developer has

- (a) met all conditions of a preliminary resort development approval granted in accordance with subsection 50(1);
- (b) applied for subdivision approval and, where necessary, development permits, and paid the prescribed fees;
- (c) where required as a condition of approval of a development permit, entered into a comprehensive site development agreement respecting any or all of the following:
- (i) parking;
 - (ii) building form, including height, bulk, and exterior materials;
 - (iii) vehicular movement;
 - (iv) pedestrian circulation;
 - (v) signs;
 - (vi) utilities, including sewerage, water and storm water management;
 - (vii) on-site landscaping, including measures to buffer adjacent properties;
 - (viii) setback distances from road and property lines; and
 - (ix) other conditions as the Minister considers necessary. *(EC693/00; 352/01)*

54. More than 4 units, year-round use

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



Exception

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

54.1 Definitions

- (1) In this section

- (a) “**permit holder**” means the person who holds a development permit for a wind energy conversion system development;
- (b) “**sign**” means any visual communication device, notice or medium created or manufactured for the purpose of providing information of any kind and includes any electric sign, flag or notice.

Setback from habitable buildings

- (2) No permit holder shall locate a wind turbine tower of a wind energy conversion system development with a name plate capacity of greater than 100 kilowatts within the distance equal to four times the total height of the wind turbine tower from any existing habitable building.

Idem

- (2.01) No permit holder shall locate a wind turbine tower of a wind energy conversion system development with a name plate capacity of 100 kilowatts or less within the distance equal to three times the total height of the wind turbine tower from any existing habitable building.

Exception

- (2.1) Notwithstanding subsection (2.01), a permit holder may, on a lot, locate a wind turbine tower closer than the distance equal to three times the height of the wind turbine tower from any existing habitable building, if
- (a) the permit holder is the owner of the lot;
- (b) the wind turbine tower is not located closer than the distance equal to the total height of the wind turbine tower from any habitable building on the same lot; and
- (c) the wind turbine tower is not located closer than a distance equal to three times the total height of the wind turbine tower from any habitable building on another lot.

Set back from lot lines and roads

- (3) Subject to subsection (4), no permit holder shall locate a wind turbine tower closer than the distance equal to the total height of the wind turbine tower from
- (a) any part of a lot line of a lot that is not owned by the permit holder; or
- (b) the nearest boundary of a public road, private road or right-of-way, except for any access road to the wind energy conversion system development.

Exception - consent of owner of lot within the setback

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

Set back for new habitable buildings

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

Application of subdivision provisions

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

Signs

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

Sign of side of tower

- (8) A permit holder may cause, or permit, a single sign to be displayed on the side of a wind turbine tower if the sign
- (a) sets out the name, or contains the logo, of the permit holder or the manufacturer of the wind turbine tower;
 - (b) is located within 10 feet of the grade or base of the wind turbine tower; and
 - (c) is less than 1.5 square metres (16.15 square feet) in area.

Sign on nacelle of tower

- (9) A permit holder may cause, or permit, a single sign to be displayed on the nacelle of a wind turbine tower if the sign sets out the name, or contains the logo, of the permit holder or the manufacturer of the nacelle. *(EC349/04; 180/05; 422/09)*

PART IV — SPECIAL REGULATIONS

A - PRINCETOWN POINT - STANLEY BRIDGE SPECIAL PLANNING AREA

55. Princetown Point-Stanley Bridge Special Planning Area

The Princetown Point - Stanley Bridge area as shown in Appendix A, Map No. 1 is designated as a special planning area, and in addition to any other provisions of these regulations, sections 56 to 58 inclusive apply. *(EC693/00)*

56. Subdivision within 1,000 feet of the shore

- (1) Within the Princetown Point - Stanley Bridge Special Planning Area residential subdivisions of more than three lots shall be permitted only within 1,000 feet (304.8 metres) of the shore.

Exception

- (2) Where topographical or environmental conditions are unsuitable within the 1,000 foot (304.8 metre) development area, a subdivision may be permitted outside the development area provided that the subdivision is located as near as possible to the development area.

Area not subdivided

- (3) Within any area that may be subdivided in accordance with subsection (1) or (2), a portion shall remain unsubdivided.

Dimensions

- (4) The unsubdivided area referred to in subsection (3) shall include



- (a) a length equal to the full depth of the area being subdivided, measured from the perimeter coastline to the point of the parcel farthest from the shore; and
- (b) a width equal to 34% of the width of the shoreline, measured as a straight line between the two points where the side boundaries of the property meet the perimeter coastline.

Lots more than 1,000 feet from the shore

- (5) No more than three lots shall be subdivided from any property, or a portion of any property, outside the 1,000 foot (304.8 metre) development area specified in subsection (1). *(EC693/00)*

56.1 Exception

- (1) Notwithstanding anything to the contrary in section 56, a subdivision of three or more lots may be permitted outside the 1,000 foot (304.8 metre) development area specified in subsection 56(1) if
 - (a) the parcel of land being subdivided is 10 or more acres in size; and
 - (b) the subdivision is for a resource use.

Dwelling unit

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

57. Commercial operation, development restrictions

- (1) Development for a commercial operation shall not be permitted within the following areas:
 - (a) within 30 feet (9.1 metres) of the highway, where access is directly from that portion of Route 6 and Route 20 known as the Blue Heron Drive;
 - (b) within 15 feet (4.6 metres) of the highway, where access is directly from a local highway.

“Development”, defined

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

58. Scenic viewscape zone

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

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

B - GREENWICH SPECIAL PLANNING AREA

59. Greenwich Special Planning Area

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

60. Permitted land uses and subdivision

(1) Land uses and subdivision within the Greenwich Special Planning Area shall conform to the following Tables:

TABLE 4

Greenwich Special Planning Area Permitted Land Uses

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



institutional use	interpretation facility	institutional use	accessory buildings
recreational use	permitted		

TABLE 5

GREENWICH SPECIAL PLANNING AREA SUBDIVISION OF LAND

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

Provisions for subdivision for family members

- (2) Notwithstanding subsection (1), residential subdivision in the Rural Development Zone of more than one lot per existing parcel of land, for residential use only, may be approved in the following situations:
 - (a) where
 - (i) the requirement of one lot per existing parcel of land is insufficient to permit an owner of the parcel to provide lots for the owner’s children,
 - (ii) each lot to be subdivided is to be conveyed to a person who is a child of the owner of the parcel,
 - (iii) a statutory declaration declaring that the lots to be subdivided will be conveyed to and built upon by children of the owner of the parcel has been submitted by the owner of the parcel with the application to subdivide,
 - (iv) no more than one lot is to be subdivided for each child of the owner, and
 - (v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a building permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child’s own use;
 - (b) where
 - (i) central sewage service provided by a municipal sewage utility or central water service provided by a municipal water utility is available or both are available, and
 - (ii) an irrevocable agreement has been signed between the developer and the municipal sewage or water utility to provide central sewage service or central water service or both is available to all lots prior to the conveyance of any lot from the subdivision; and
 - (c) where the proposed lots are part of a subdivision within a resort development.

Redesigned subdivisions

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

Special requirements

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

TABLE 6

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

St. Peters Village Zone

Requirements	Residential use	Commercial use	Industrial use
Setback from highway boundary	17 ft. (5.2 m.)	17 ft. (5.2 m.)	17 ft. (5.2 m.)
Setback from side yard property lines	15 ft. (4.6 m.)	15 ft. (4.6 m.)	15 ft. (4.6 m.)
Lot coverage	one or more buildings - a maximum of 50% of the lot area	one or more buildings - a maximum of 75% of the lot area	one or more buildings - a maximum of 75% of the lot area
Architectural standards:			
Building height	a maximum of 3 storey, not exceeding 35 ft. (10.7 m.)	a maximum of 3 storey, not exceeding 35 ft. (10.7 m.)	a maximum of 3 storey, not exceeding 35 ft. (10.7 m.)
Exterior building materials	exterior wood finish, vinyl siding, brick or stone	exterior wood finish, vinyl siding, brick or stone	exterior wood finish, vinyl siding, brick or stone
Maximum roof slope (standard gable)	4/12	4/12	4/12
Roofing materials	shingles	shingles	unrestricted
<i>Rural Development Zone</i>			
Requirements	Residential use	Commercial use	Industrial use
Setback from highway boundary	150 ft. (47.7 m.)	250 ft. (76.2 m.)	250 ft. (76.2 m.)
Setback from side yard property lines	50 ft. (15.2 m.) 30 ft. (9.1 m.) within a resort development	50 ft. (15.2 m.)	50 ft. (15.2 m.)



Lot coverage	one or more buildings - a maximum of 10% of the lot area	one or more buildings - a maximum of 10% of the lot area	one or more buildings - a maximum of 10% of the lot area
Architectural standards:			
Building height	a maximum of 3 storeys, not exceeding 37 ft. (10.7 m.)	a maximum of 3 storeys, not exceeding 37 ft. (10.7 m.)	a maximum of 3 storeys, not exceeding 37 ft. (10.7 m.)
Exterior building materials	exterior wood finish, vinyl siding, brick or stone	exterior wood finish, vinyl siding, brick or stone	exterior wood finish, vinyl siding, brick or stone
Maximum roof slope (standard gable)	4/12	4/12	4/12
Roofing materials	shingles	shingles	unrestricted

Exception, previously approved lots and existing parcels of land

- (5) Notwithstanding subsection (4), in the Rural Development Zone the setback requirements of sections 38 and 39 shall apply where
 - (a) a lot approved prior to July 1, 2000 or an existing parcel of land has dimensions insufficient to permit the setback and lot coverage requirements of subsection (4); or
 - (b) an accessory building is to be constructed on a lot or existing parcel of land containing existing buildings for residential or agricultural use that do not meet the setback requirements of subsection (4).

Set back adjacent to open space

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

Exemptions from roof slope

- (6) Notwithstanding subsection (4) outlining the requirements for minimum roof slopes (standard gabled) other roof types permitted are
 - (a) mansard;
 - (b) four square;
 - (c) gambrel; and
 - (d) any other roof type approved by the Minister.

Exception, flat roofs

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

Expansions or renovations to existing buildings

- (8) Building permits for expansions or renovations to existing buildings shall be permitted subject to the following regulations:
 - (a) siding material or roofing material for expansions or renovations shall be either the same type as the existing building being expanded or renovated or shall be applied to the whole of the structure; and

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

Comprehensive site development agreement

- (9) Before a building permit is issued for any institutional use, auto body shop, or salvage yard within the St. Peters Village Zone, the Minister shall require the developer to enter into a comprehensive site development agreement respecting any or all of the following parameters:
 - (a) parking;
 - (b) building form, including height, bulk, and exterior materials;
 - (c) vehicular movement;
 - (d) pedestrian circulation;
 - (e) signage;
 - (f) utilities, including sewerage, water and storm water management;
 - (g) on-site landscaping, including measures to buffer adjacent properties; and
 - (h) set back distances from road and property lines. (EC693/00; 176/03; 202/06; 137/09)

C - BORDEN REGION SPECIAL PLANNING AREA

61. Borden Region Special Planning Area

The September 7, 1996 designation of the Borden Region as a special planning area, as shown in Appendix A, Map No. 4 is continued, and in addition to any other provisions of these regulations, section 65 applies. (EC693/00)

62. Definitions

- (1) For the purposes of this section
 - (a) “**Confederation Bridge development corridor**” or “**the corridor**” means that area of land indicated as such in Appendix A, Map No. 5;
 - (b) “**light industrial development**” means the use of land for fabrication, manufacture, assembly, treatment or warehousing of goods, but does not include industrial processing or other processes which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent;
 - (c) “**recreational development**” means the use of land for passive or active recreational entertainment pursuit or sport, but does not include a recreational development or facilities used for commercial purposes;
 - (d) “**resource development**” means the use of land for production and harvesting or extraction of any agricultural, fisheries or forestry product;
 - (e) “**resource-based development**” means the use of land for agriculture, fisheries or forestry development; and includes the processing of agriculture, fisheries or forestry products and any accessory commercial operation for the sale of agriculture, fisheries or forestry products;
 - (f) “**rural commercial**” means any commercial retail or service operation directly associated with the agriculture, fisheries and forestry industries;
 - (g) “**rural industrial**” means any industrial development directly associated with the agriculture, fisheries and forestry industries.



Application of regulations

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

Exception

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

Permitted land uses

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

TABLE 7

PERMITTED LAND USES WITHIN THE CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR

(Excluding

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

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

Building height requirements

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

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

Site development agreements, new development

- (6) The authority having jurisdiction shall require new developments, excepting single and two family residential developments, barns, livestock shelters and silos, to enter into a comprehensive site development agreement respecting the following parameters:
- (a) parking;
 - (b) building form, including height, bulk, and exterior materials;
 - (c) vehicular movement;
 - (d) pedestrian circulation;
 - (e) signage;
 - (f) utilities, including sewerage, water and storm water management;
 - (g) on-site landscaping, including measures to buffer conflicting uses; and
 - (h) setback distances from road and property lines.

Site development guidelines

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

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

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

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

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



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

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

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

- (8) Pursuant to clause 8.1(d) of the Act, the following properties or portions thereof, identified by their Provincial Property Identification Number (PIN), are designated as Scenic Viewsapes, as indicated in Appendix A, Map No. 7:
405548 and 814715

Uses permitted

- (9) Within any Scenic Viewscape, the following uses and no others shall be permitted:
- (i) resource development;
 - (ii) recreational development; and
 - (iii) scientific studies and conservation-related activities.

Rural Development Areas

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

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

Subdivision, rural development area

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

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

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

PEI 1 properties

- (12) Those properties, or portions thereof, identified in Appendix A, Map No. 7 as PEI 1
- (a) are designated for future residential, retail commercial and commercial service purposes; and
 - (b) shall be within the exclusive jurisdiction of the Minister.

PEI 3 properties

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

D - STRATFORD REGION, CHARLOTTETOWN REGION, CORNWALL REGION AND SUMMERSIDE REGION

SPECIAL PLANNING AREAS

63. Special Planning Areas

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

Application of section

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

Objectives

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

Definition

- (3.1) In this section,
- (a) “**existing parcel**” means a parcel of land that existed on July 9, 1994;
 - (b) “**golf course development**” means a development comprising
 - (i) an area of land designed for the playing of the game of golf, with a series of 9 or 18 holes, each including tee, fairway and putting green and one or more natural hazards, that may also include, but is not limited to, a main golf club building, ancillary buildings and structures, infrastructure and related services, equipment and signage used to assist with the operation and maintenance of the golf course, and
 - (ii) a residential development component;
 - (c) “**residential development component**” means a residential development comprising no more than five lots per parcel approved under subsection (5.03) exclusively for single-family dwelling use in direct association with a golf course.

Approval of one lot per parcel

- (4) An existing parcel of land may, on approval, be subdivided into not more than one lot for each of the following purposes:
- (a) residential use, which may include the following:
 - (i) single family dwelling use,
 - (ii) duplex dwelling use,
 - (iii) summer cottage use, or
 - (iv) multiple unit dwelling use or mobile home park where
 - (A) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available; and
 - (B) an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to the lot or mobile home park;



- (b) recreational use;
- (c) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
- (d) non-resource-commercial or non-resource-industrial use, where the lot is intended for other than agricultural, forestry or fisheries purposes, where the lot has an area no greater than one acre;
- (e) institutional use, where the lot has an area no greater than three acres;
- (e.1) for use as a cemetery;
- (f) rural tourism use, where the lot has an area no greater than three acres.

Exception

- (5) Notwithstanding clause (4)(a), where the intended residential use is single family dwelling use, subdivisions of more than one lot per existing parcel of land, may be approved in the following situations:
 - (a) where the requirements of clause (4)(a) are insufficient to permit the owner of an existing parcel to provide lots for the children of that owner, and
 - (i) the owner files, with an application to subdivide the existing parcel, a statutory declaration that he or she will convey the lots only to his or her children and only for the use as a single family dwelling,
 - (ii) no child of the owner will receive more than one lot,
 - (iii) the total number of lots that may be subdivided from all of the existing parcels owned by an owner pursuant to this subsection is equal to or less than the number of children of that owner at the time of the application, and
 - (iv) revoked by EC166/08)
 - (v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child's own use;
 - (b) where one lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing farm dwelling, and the dwelling on the lot is to be served by the existing farm dwelling access;
 - (c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision;
 - (d) where an owner of a golf course that exists on the date of the coming into force of this clause proposes to create a golf course development in accordance with the requirements of subsections (5.03) to (5.05).

“remnant parcel”, defined

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

Subdivision of remnant

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

Residential development component, criteria

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

Conditions for application

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

Requirements for application

- (5.05) An application to establish a residential development component of a golf course development shall
- (a) indicate how the proposed development is suited to the intended location, by means of a detailed site plan, drawn to scale, and a design brief that includes information about
 - (i) the total area and topography of the proposed site, property boundaries, setbacks and location of all existing and proposed buildings on the property,
 - (ii) existing and proposed land uses and the location of any archaeological sites, wildlife habitat areas and natural features, including beaches, sand dunes, wetlands and watercourses,
 - (iii) proposed street design, including pedestrian circulation, safety of access and emergency access,
 - (iv) if municipal or central services are available, the location of the proposed water supply, waste water collection, sewage disposal and treatment,
 - (v) storm water management,
 - (vi) proposed placement of utilities, services and easements,
 - (vii) lot coverage ratio and building height allowance,
 - (viii) potential effects of the proposed development on existing viewsapes, and
 - (ix) any additional information the Minister considers necessary; and
 - (b) be presented at a public meeting in accordance with the requirements of section 11.



Idem

- (5.1) Notwithstanding clause 4(c), where the intended use is resource-commercial or resource-industrial within a municipality that has an official plan, subdivisions of more than one lot per parcel of land may be approved where an irrevocable agreement has been signed between the developer and a municipal sewerage or water utility to provide central sewerage or central water service, or both if available, to all lots prior to the conveyance of any lot from the approved subdivision.

Idem

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

Development permits

- (7) Pursuant to the uses and limitations contained in subsection (4) or (5.02), development permits may be approved for
- (a) existing parcels of land;
 - (b) subdivisions approved prior to July 9, 1994;
 - (c) subdivisions approved pursuant to subsections (4), (5) and (5.1) and remnant parcels resulting from such subdivisions;
 - (d) subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the developer and the municipal sewerage utility, municipal water utility or both of them to provide central sewerage service, central water service, or both of them, to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots;
 - (e) subdivisions approved for lands owned by the Slemon Park Corporation pursuant to subsection (6), where an irrevocable agreement has been signed between the Slemon Park Corporation and the developer to provide central sewerage and water service to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots.

Existing farm dwelling

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

Municipal official plan

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

Municipality with official plan

- (10) A municipality with an official plan may, as an alternative to amending its official plan and bylaws to conform with subsections (2) to (9), otherwise amend its official plan and bylaws where the amendments comply with subsection 7(2) of the Act and
- (a) are consistent with the objectives set out in subsection (3);

- (b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
- (c) revoked by EC421/09;
- (d) with the exception of the community of Miscouche, limit the number of lots in a subdivision for residential use to no more than five lots per existing parcel of land, unless
 - (i) central water service, central sewerage service, or both of them, by a municipal water utility, municipal sewerage utility, or both of them, is available, and
 - (ii) an irrevocable agreement has been signed between the developer and the municipal water utility, municipal sewerage utility, or both of them, to provide central water service, central sewerage service, or both of them, to all lots prior to the conveyance of any lot from the approved subdivision; and
- (e) require the municipality to report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use.

(EC693/00; 702/04; 116/05; 212/05; 166/08; 421/09; 670/13; 842/16)

E - OFF-SHORE ISLANDS

64. Subdivide land or construct building

- (1) Upon and within any off-shore island, no person shall
 - (a) subdivide a parcel of land;
 - (b) construct or locate a building or development on a sand dune or wildlife habitat; or
 - (c) construct or locate on a parcel of land a building or development intended for any use other than a summer cottage having its own water supply and sewage disposal system constructed in accordance with the requirements of the *Environmental Protection Act*.

Off-shore islands

- (2) Subsection (1) shall apply to the following off-shore islands:
 - (a) Glenfinnan Island;
 - (b) Governor's Island;
 - (c) St. Peter's Island;
 - (d) Holman Island;
 - (e) Murray Islands:
 - (i) Reynolds Island,
 - (ii) Herring Island,
 - (iii) Cherry Island,
 - (iv) Thomas Island,
 - (v) Gordon's Island;
 - (f) Boughton Island;
 - (g) Grover (Ram) Island;
 - (h) Little Courtin Island;
 - (i) Bunbury Island;



- (j) Bird Island;
- (k) Oulton’s Island;
- (l) Cascumpeque Sand Hills;
- (m) Conway Sand Hills;
- (n) Hog Island Sand Hills;
- (o) George Island.

Conservation officer may enforce

- (3) A conservation officer appointed under the *Wildlife Conservation Act* has the power and authority to enforce subsection (1). (EC693/00; 137/09; 138/10)

65. Designated roads

Revoked by 208/07. (EC693/00; 466/04; 208/07)

65.1 “scenic heritage road”, defined

Revoked by 208/07. (EC466/04; 208/07)

66. Minister’s permission required for alterations

Revoked by 208/07. (EC693/00; 208/07)

G. MORELL RIVER CONSERVATION ZONE

67. Morell River Conservation Zone

- (1) The designation of the Morell River Conservation Zone as shown in Appendix A, Map No. 12 is continued, with the following objectives:
 - (a) to maintain the recreational value of the Morell River;
 - (b) to retain its unspoiled state for the use and enjoyment of present and future generations; and
 - (c) to protect it from encroachment of undesirable and incompatible land uses.

Application

- (2) This section applies only to the Morell River Conservation Zone and no other requirements of these regulations apply to the Morell River Conservation Zone.

Definitions

- (3) For the purposes of this section
 - (a) “**Conservation Zone**” means the Morell River Conservation Zone established pursuant to this section;
 - (b) “**development**” means
 - (i) a change in the use of land or buildings,
 - (ii) the erection or construction of any structure, including any building, mobile building, trailer or billboard, or
 - (iii) any other act or work, including the cutting of trees, which affects, or may affect the environment or the landscape or the appearance of the same;

- (c) “**established uses**” means those uses of land or buildings lawfully existing on or before June 19, 1975;
- (d) “**permit**” means a permit issued pursuant to subsection (6).

Development requires a permit

- (4) No person shall undertake development in the Conservation Zone without a permit.

Obligations of property owner

- (5) No owner of property located within the Conservation Zone shall permit development to be undertaken on that property unless
 - (a) the development is authorized by permit; and
 - (b) the owner of the property has inspected the permit.

Minister may grant permit

- (6) The Minister may grant a permit for development within the Conservation Zone where
 - (a) the proposed development
 - (i) is a scientific project with the object of improving the river, and
 - (ii) has been approved in writing by
 - (A) the Morell River Land Use Steering Committee,
 - (B) the Department of Fisheries and Oceans Canada,
 - (C) the Fish and Wildlife Division of the Department of Fisheries, Aquaculture and Environment, and
 - (D) the Planning and Inspection Services Division of the Department of Community and Cultural Affairs; or
 - (b) the proposed development
 - (i) is the selective cutting of trees aimed at improving a tree stand, and
 - (ii) the development has been approved in writing by
 - (A) the Forestry Division of the Department of Agriculture and Forestry, and
 - (B) the Morell River Land Use Steering Committee.

Established uses

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

Conservation officer may enforce

- (8) A conservation officer appointed under the *Wildlife Conservation Act* has the power and authority to enforce subsections (4), (5) and (7). (*EC693/00; 138/10*)



PART V — FEES

68. Fees

The fees payable for subdivision and development applications are prescribed in Table 12.

TABLE 12 - FEES	
Type of Use/Application	Fee
RESIDENTIAL DEVELOPMENT	
New/Additions/Moving/Accessory	\$0.20 per sq. ft./ 0.09 sq. m. (Min. \$50)
INDUSTRIAL-COMMERCIAL-INSTITUTIONAL and RECREATIONAL DEVELOPMENT	
Less than 250 sq. ft./0.09 sq. m.	\$50
250 sq. ft./23.2 sq. m. or greater but less than 10,000 sq. ft./ 929 sq. m.	\$0.25 per sq. ft./ 0.09 sq. m.
10,000 sq. ft./929 sq. m. or greater	\$2,500

AGRICULTURAL DEVELOPMENT New/Additions/Renovations	\$0.20 per sq. ft./ 0.09 sq. m. (\$500 Max.)
SUBDIVISION OF LAND One or more lots or changes of use Preliminary approval extensions	\$110 for the first lot plus \$55 for each additional lot \$30
WIND ENERGY SYSTEMS Capacity of 1-20kw Capacity of greater than 20kw but less than 50kw Capacity of 50kw or greater but less than 100kw Capacity of 100kw or greater	\$100 \$200 \$300 \$1,100
GENERAL Campground/Mobile Home Park Travel Trailer as Primary/Accessory Use on a Lot Permit/Approval After-the-Fact	\$220 \$220 Double the Fee (Min. \$100)

(EC693/00; 176/03; 349/04; 617/04; 180/05; 137/09; 466/09; 281/12; 420/16)

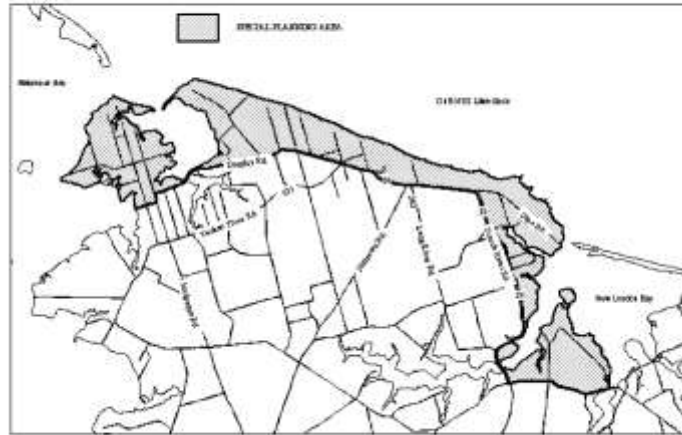
69. Withdrawal of application

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

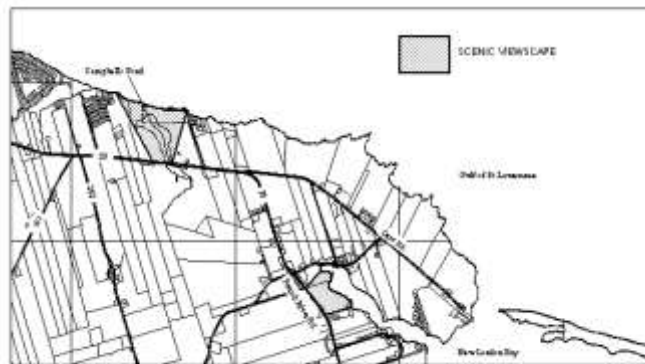


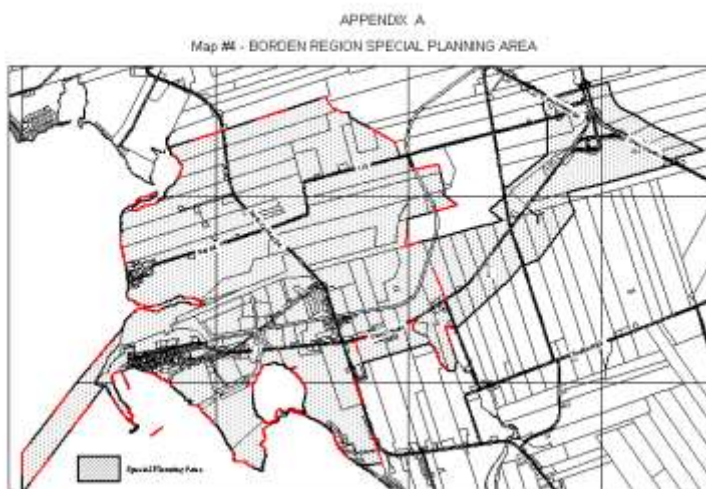
APPENDICIES

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

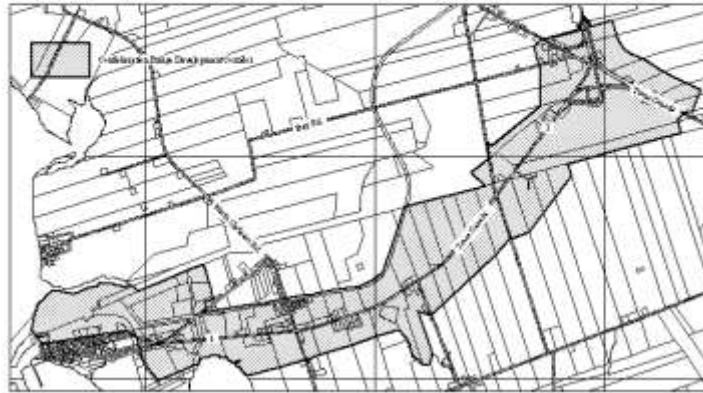


APPENDIX A
MAP #2 - SCENIC VIEWSCAPE ZONE





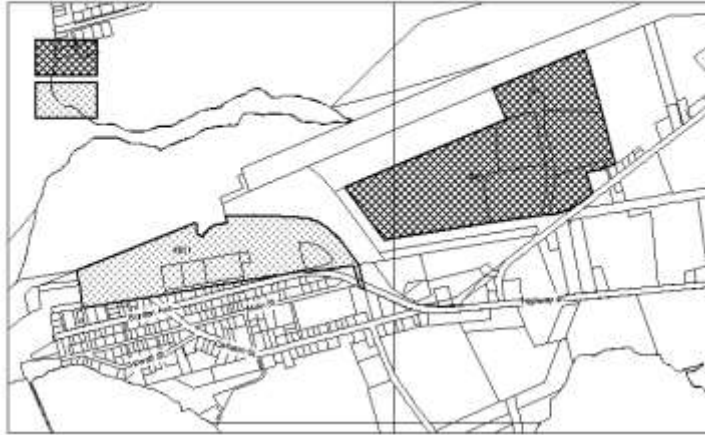
APPENDIX A
MAP #5 - CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR



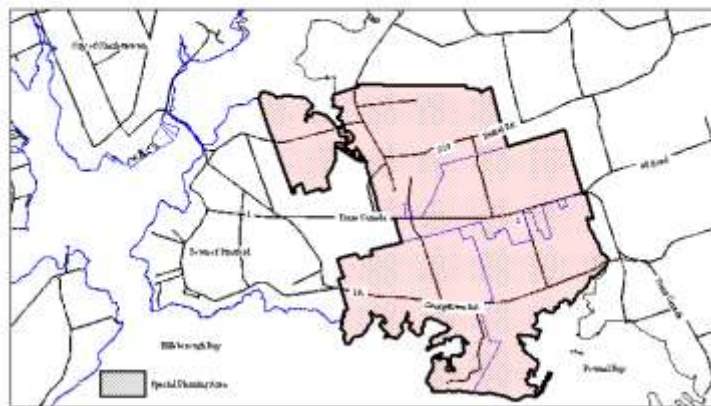
APPENDIX A
MAP #6 - PROPERTIES DESIGNATED AS SCENIC VIEWSCAPES AND RURAL DEVELOPMENT AREAS



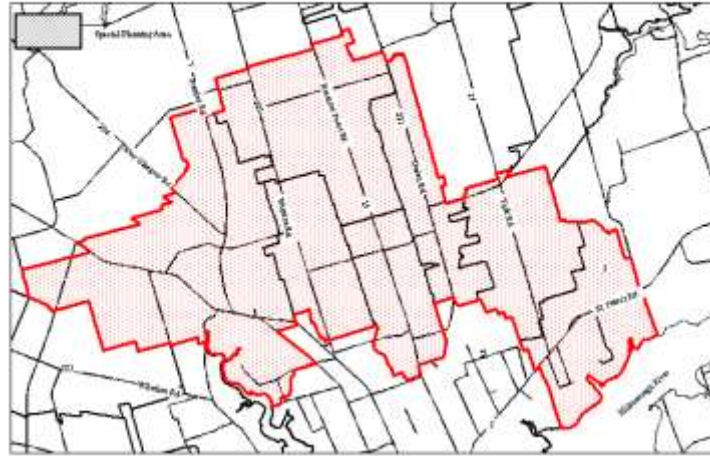
APPENDIX A
MAP #7 - PROPERTIES DESIGNATED FOR FUTURE RESIDENTIAL/RETAIL COMMERCIAL/
COMMERCIAL SERVICE AND COMMERCIAL/LIGHT INDUSTRIAL PURPOSES



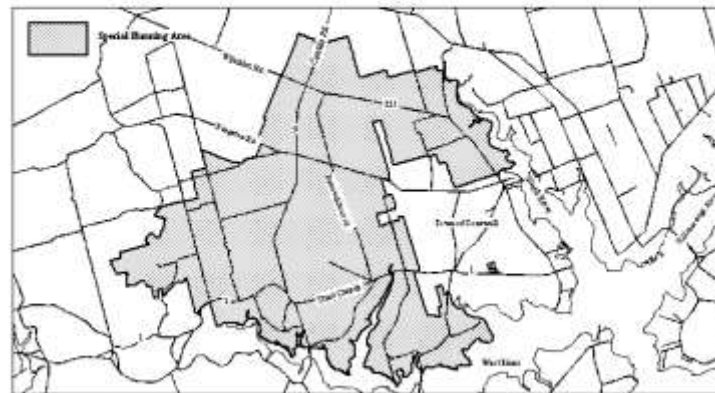
APPENDIX A
MAP #8 - STRATFORD REGION SPECIAL PLANNING AREA



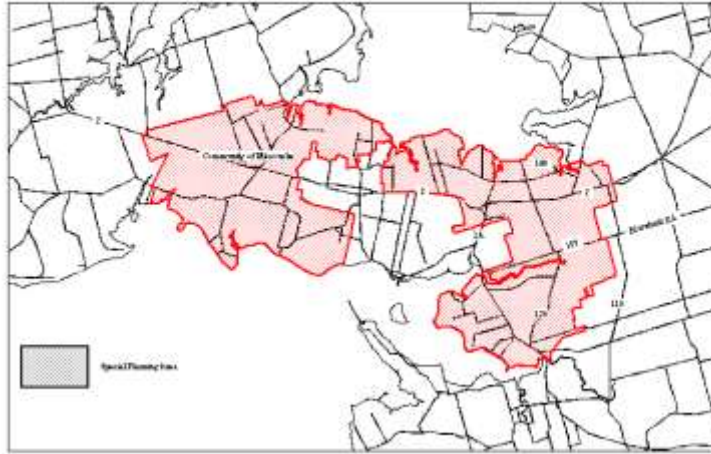
APPENDIX A
MAP #9 - CHARLOTTETOWN REGION SPECIAL PLANNING AREA



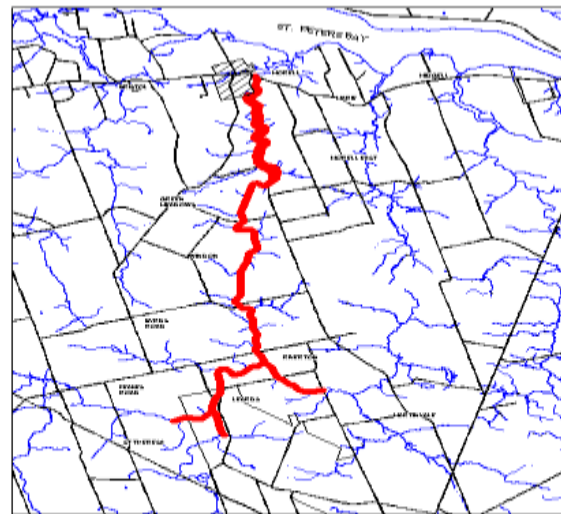
APPENDIX A
Map #10 - CORNWALL REGION SPECIAL PLANNING AREA



APPENDIX A
MAP #11 - SUMMERSIDE REGION SPECIAL PLANNING AREA



APPENDIX A
MAP #12 MORELL RIVER CONSERVATION ZONE



 MORELL RIVER CONSERVATION ZONE *

 VILLAGE OF MORELL MUNICIPAL BOUNDARIES

* Conservation zone includes those areas considered suitable for the river



APPENDIX B

SLEMON PARK FUTURE DEVELOPMENT AREA

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

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

Thence on an azimuth of $276^{\circ} 00' 32''$ for a distance of 20.08 feet to a calculated point, designated as number 8780;

Thence on an azimuth of $281^{\circ} 10' 33''$ for a distance of 1363.71 feet to a calculated point designated as number 8779;

Thence on an azimuth of $335^{\circ} 50' 00''$ for a distance of 618.95 feet to a calculated point, said point designated as number 8761;

Thence on azimuth of $283^{\circ} 03' 59''$ for a distance of 981.83 feet to a calculated point, said point designated as number 15263;

Thence on an azimuth of $35^{\circ} 56' 49''$ for a distance of 1860.51 feet to a calculated point, said point designated as number 15264;

Thence on an azimuth of $65^{\circ} 14' 51''$ for a distance of 161.66 feet to a calculated point, said point designated as number 15265;

Thence on an azimuth of $95^{\circ} 51' 36''$ for a distance of 194.38 feet to a calculated point, said point designated as number 15266;

Thence on an azimuth of $35^{\circ} 55' 10''$ for a distance of 1711.14 feet to a calculated point, said point designated as number 15267;

Thence on an azimuth of $335^{\circ} 52' 32''$ for a distance of 46.15 feet to a calculated point, said point designated as number 15268;

Thence on an azimuth of $4^{\circ} 52' 12''$ for a distance of 177.38 feet to a calculated point, said point designated as number 15269;

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

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

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

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

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

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

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

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

Thence on an azimuth of 191° 40' 04" for a distance of 904.85 feet to a calculated point, said point designated as number 14530;

Thence on an azimuth of 191° 48' 25" for a distance of 1038.44 feet to a calculated point, said point designated as number 14529;

Thence on an azimuth 290° 13' 10" for a distance of 977.25 feet to a calculated point designated as number 14532;

Thence on an azimuth of 290° 04' 51" for a distance of 461.98 feet to a calculated point, said point designated as number 14533;

Thence on an azimuth of 215° 17' 58" for a distance of 187.33 feet to a calculated point, said point designated as number 14534;

Thence on an azimuth of 216° 30' 10" for a distance of 783.05 feet to a calculated point, said point designated as number 14535;

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

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

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

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

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

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

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

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

(EC386/04)

