

REPORT N° 151-08721

# 2016 ZONING AND SUBDIVISION CONTROL BYLAW

COMMUNITY OF LINKLETTER



# 2016 Zoning and Subdivision Control Bylaw

## Community of Linkletter

To adopt the Community of Linkletter 2016 Zoning and Subdivision Control Bylaw

### Effective Date

The effective date of the 2016 Zoning and Subdivision Control Bylaw is the date as signed below by the Minister of Communities, Land & Environment, Hon. Robert Mitchell.

### Authority – Bylaw

The Council for the Community of Linkletter, under authority vested in it by sections 11, 15, 18 and 19 of the Planning Act R.S.P.E.I 1988 Cap P-8 hereby enacts as follows:

### First Reading:

The 2016 Zoning and Subdivision Control Bylaw was **read for the first time** at the Council Meeting held on the 19<sup>th</sup> day of April, 2016,

The 2016 Zoning and Subdivision Control Bylaw was **approved** by a majority of Councillors present at the council meeting held on the 19<sup>th</sup> day of April, 2016.

### Second Reading:

The 2016 Zoning and Subdivision Control Bylaw was **read for a second time** at the Council meeting held on the 3<sup>rd</sup> day of May, 2016

The 2016 Zoning and Subdivision Control Bylaw was **approved** by a majority of Councillors present at the council meeting held on the 3<sup>rd</sup> day of May, 2016

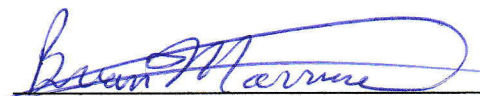
### Adoption and Approval by Council:

The 2016 Zoning and Subdivision Control Bylaw was adopted by a majority of Councillors present at the council meeting held on the 3<sup>rd</sup> day of May, 2016

The 2016 Zoning and Subdivision Control Bylaw was declared to be passed on the 3<sup>rd</sup> day of May, 2016



Chairman  
(signature sealed)



Chief Administrative Officer  
(signature sealed)

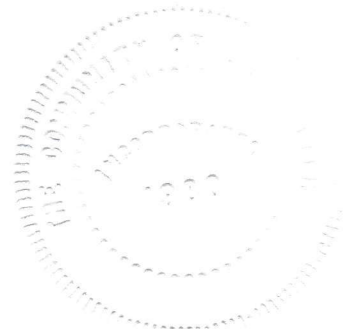
### Ministerial Approval

The 2016 Zoning and Subdivision Control Bylaw is hereby approved.

Dated on this 4 day of Aug, 2016



Hon. Robert Mitchell, Minister of Communities, Land and Environment





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# COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

This bylaw is made under the authority of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

BE IT ENACTED by the *Council* of the Community of Linkletter as follows:

## 1 Scope

### 1.1 Title

1. This bylaw shall be known as and may be cited as the *Community of Linkletter Zoning and Subdivision Control Bylaw (2016)*.

### 1.2 Area Defined

1. This bylaw applies to the geographical area within which the *Council* of the Community of Linkletter has jurisdiction.

### 1.3 Scope

1. All land *use* activity including the allowance of any *dwelling*, *business*, trade or other operation, alterations and erections of any *building* or *structure*, and any *subdivision* of lands shall be in conformance and subject to the provisions of this bylaw.

### 1.4 Administration

1. *Council* shall administer and enforce this bylaw.
2. *Council* may appoint an *Administrator*, whom will have the authority to administer this bylaw.
3. The *Administrator* may enter a *building* or a premise, with reasonable notice and at a reasonable hour in the performance of duties with respect to the administration and enforcement of this bylaw.
4. Where the *Administrator* is unable to determine whether the proposed *development* conforms to this bylaw, the *Administrator* may forward the application to *Council* for a decision.

### 1.5 Units of Measurement

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

### 1.6 Language

1. In this Bylaw:
  1. words used in the present tense include the future tense;
  2. words in the singular number include the plural;
  3. words in the plural include the singular;
  4. the word "used" includes "arranged, designed or intended to be used";
  5. the word "may" is permissive and not mandatory; and
  6. the word "shall" is mandatory and not permissive.

# COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

## 2 Development Zones

### 2.1 Zones

1. For the purposes of this bylaw, all lands within the *Community* shall be designated as one of the following *zones* and may be referred to by the following symbols:

Zone	Symbol
Agricultural Zone	A1
Residential Zone	R1
Recreation and Public Open Space Zone	O1

### 2.2 Zoning Map

1. The boundaries of each *zone* are shown on the *Official Zoning Map* (Appendix 1). A large copy of this map shall be filed with the *Administrator*.
2. Appendix 1 may be cited as the *Official Zoning Map* and forms a part of this bylaw.

### 2.3 Interpretation of Zones

1. Boundaries of all *zones* shall be determined as follows:
  - a. Where a *zone* boundary is indicated as following a *private road* or *highway*, the boundary shall be the centerline of such *private road* or *highway*;
  - b. Where a *zone* boundary is indicated as following *lot lines*, the boundary shall be such *lot lines*;
  - c. Where a *zone* boundary is indicated as following the limits of the *Community*, the limits shall be the *Community* boundary; and
  - d. Where none of the above provisions apply, the *zone* boundary shall be scaled from the original *Official Zoning Map* lodged with the *Community*.

## 3 Administration

### 3.1 Development Approval

1. No person shall:
  - a. Change or intensify the existing *use* of a *parcel*, *structure* or *building*;
  - b. Commence *development*;
  - c. *Erect*, construct or place a *structure* or *building*, including a *fence* greater than 1.22 m (4 ft.) in height;
  - d. Make structural alterations to a *structure* or *building*;
  - e. Move or undertake the *demolition* of a *structure* or *building*;
  - f. Subdivide a *parcel*.

without first applying for, and receiving a *Development Permit*.

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

2. For the purpose of this bylaw:
  - a. Laying paving material for a patio or sidewalk;
  - b. Constructing a *fence* 1.22 m (4 ft.) in height or less;
  - c. Growing a crop or preparing land for a crop;
  - d. Making landscaping improvements;
  - e. Replacing a deck with a new deck of the same area, height and location; and
  - f. Conducting routine *maintenance*.

shall not be interpreted as a *change of use*, or constructing or placing a *structure* or *building*, and shall not require a *Development Permit*.

3. A *Development Permit* shall be issued prior to commencing any construction, erection, *demolition*, movement, *change of use* of any *lot* or *building*, or any type of site excavation.
4. *Development* applications shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed *development* is in compliance with such enactments shall be submitted with the development application, including but not limited to:
  - a. An on-site *sewerage disposal system* permit as required, for any *development* that will be connected to a *sewerage disposal system*, from the *provincial government* department responsible for the *Environmental Protection Act*.
  - b. A highway *entrance way* permit as required, for any *development* that involves a new *entrance way*, or that involves the *change of use* or *intensification of use* of an existing *entrance way*, from the *provincial government* department responsible for the *Roads Act*.

## 4 Development Permit Application Process

### 4.1 Development Permit Application

1. All *Development Permit* applications shall be signed by the *owner* of the property, or by the authorized agent of the *owner*, on the appropriate forms prescribed by *Council*, and the application shall be submitted to the *Administrator*.
2. All *Development Permit* applications shall be submitted with the application fee as set by *Council*.
3. The *Administrator* shall notify the *owner*, in writing, if the application is incomplete or if it is lacking in plan details. Additional information or documentation required shall be communicated to the *owner* by the *Administrator*.
4. Any additional costs incurred by the *Community* with respect to the *Development Permit* application (clerical, legal, or other) shall be reimbursed to the *Community* by the *owner* prior to the issuance of the *Development Permit*. No additional costs will be charged to the *owner* after the *Development Permit* has been issued.

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

5. Upon being satisfied that the proposed *development* is in conformity with all relevant provisions of this bylaw, as well as any other relevant bylaws and policies within the *Community*, and upon receipt of the application fee, the *Administrator* may approve the *Development Permit*.
6. A *Development Permit* shall be valid for one (1) year from the date of issue, after which time the *owner* may apply for and receive a renewal of the *Development Permit* before continuing any *development*. A *Development Permit* may be renewed once for up to one (1) year.
7. Notwithstanding subsection 6, *Council* may revoke or cancel a *Development Permit* within twelve (12) months of date of issue if construction has commenced on a location or in a manner contrary to the provisions of this bylaw or as indicated on the *Development Permit* application.

### 4.2 Variance

1. Council may grant a variance of up to 10% of the provisions of this bylaw, provided the general intent of the bylaw is upheld, and provided that:
  - a. The *lot* has peculiar physical conditions, such as a small *lot area*, irregular *lot* shape, exceptional topographical conditions, or other feature, which make it impractical to develop in strict conformity with the bylaw standards;
  - b. Strict application of the bylaw standards would impose undue hardship on the *owner* by excluding them from the rights and privileges for reasonable *use* of their *lot* as enjoyed by other persons in the same *zone*;
  - c. The variance is of the least magnitude required to enable reasonable *use* of the *lot*; and
  - d. The proposed variance would not impact unduly on the enjoyment of adjacent *properties*, or on the essential character of the surrounding neighbourhood.

### 4.3 Approval or Denial of *Development Permit* Application

1. *Council* may attach such conditions to a *Development Permit* that are directly related to, or consistent with the provisions of this bylaw, any other bylaw in force within the *Community*, or any policy contained within the *Official Plan*.
2. If an application does not conform to the provisions of this bylaw or any other relevant bylaw in force within the *Community*, and a minor variance cannot be granted, *Council* shall instruct the *Administrator* to notify the *owner*, in writing, that the *Development Permit* is denied, based on *Council's* stated reasons.

### 4.4 Bylaw Amendments

1. Any person desiring an amendment to the provisions of this bylaw shall apply to *Council* in writing describing the reason(s) for the desired amendment and requesting *Council* to consider the proposed amendment.
2. *Council* shall determine whether to pursue an amendment and before making a decision shall consider whether the proposed amendment is in conformity with the *Official Plan*.
3. No amendment shall be made to this bylaw except in accordance with the requirements of *Planning Act*.

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### 4.5 Appeals and Enforcement

1. Any person who is dissatisfied with the administration of this bylaw by *Council* may appeal certain decisions to the Island Regulatory & Appeals Commission, in accordance with the *Planning Act*.
2. Any person who violates any provision of this bylaw is guilty of an offence, and liable to summary conviction to the penalties set forth in the *Planning Act*.

## 5 General Provisions for all Zones

### 5.1 Access to Public Road

1. No *Development Permit* shall be issued unless the *lot* intended to be *used* or upon which the *building* or *structure* is to be *erected* has *frontage* on a *highway*, unless:
  - a. The distance of the *lot* from the *highway* is a minimum of 45.7m (150ft);
  - b. Access to the *lot* is by way of a legally defined driveway or *private road*; and
  - c. The *lot area* meets the minimum requirements of this bylaw.

### 5.2 Accessory Apartments

1. One (1) *accessory apartment* may be constructed in or as an addition to an existing *single detached dwelling* under the following conditions:
  - a. Adequate off-street parking is provided for both the *single detached dwelling* and the *accessory apartment* in accordance with the parking requirements in this bylaw;
  - b. The design of the *accessory apartment* meets the requirements of the provincial Fire Marshal's Office;
  - c. The *intensification of use* and proposed upgrades, if required, to the on-site water supply and *sewerage disposal system(s)* must be approved by the *provincial government* department responsible for administering such regulations;
  - d. The *accessory apartment* shall not contain more than two bedrooms;
  - e. All other provisions of the bylaw remain applicable to the *dwelling*.
  - f. An *accessory apartment* located within an *accessory building* is subject to the following additional requirements:
    - a. An *accessory apartment* located within an *accessory building* is not permitted in the R1 Zone.
    - b. The main *dwelling* shall not contain an *accessory apartment*.
    - c. The minimum setback of the *accessory building* shall be the minimum setback of the *main building* in the zone.

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### 5.3 Accessory Buildings

1. An *accessory building* shall be permitted only if it is clearly incidental in use to the *main building* located on the same *lot*.
2. An *accessory building* shall not:
  - a. Be located in the *front yard*;
  - b. Be closer than 4.6m (15ft) from any *lot line*, except for an *accessory building* that is:
    - i. Less than 20m<sup>2</sup> (215 ft<sup>2</sup>) in area; and
    - ii. Is raised on piles or sono-tubes and will not affect the natural and existing surface water drainage flow on the *lot*,In which case, the *accessory building* shall not be closer than 1.8 m (6 ft) from any *lot line*.
3. An *accessory building* that is attached to a *dwelling* shall be considered as part of the *dwelling*.
4. A *mini home* may only be used as an *accessory building* on a *lot* provided that:
  - a. The *lot* is an active *farm* in the A1 Zone;
  - b. The *mini home* shall not be placed less than 152.4m (500ft) from a *mini home* on an adjacent *lot*.

### 5.4 Adjacent Land Uses

1. A *public service and institutional use*, *neighbourhood convenience store*, or *personal service shop* may be established on a *lot* adjacent to an existing *residential use* if:
  - a. The *lot* has a minimum of 2,788m<sup>2</sup> (30,000ft<sup>2</sup>) in *lot area*;
  - b. A *buffer* of not less than 4.6m (15ft) wide along the street line across from the *residential use* and along the *lot line* of any adjacent *residential uses* is:
    - i. Maintained and properly landscaped;
    - ii. Free of *parking spaces*; and
    - iii. Free of *buildings* or *structures*
  - c. Has no *outdoor storage* of materials; and
  - d. All exterior lighting and lighted signs are arranged so as to deflect light away from adjacent *properties*.
2. New agricultural *livestock* operations shall not be located within 152.4 m (500 ft.) from the R1 Zone.

### 5.5 Existing Non-conforming Uses, Buildings and Lots

1. Subject to the provisions of this bylaw any the *use* of land, a *building* or *structure*, or a vacant *lot* having less than the minimum *frontage* or *lot area*, lawfully in existence on the effective date of this bylaw may continue to exist.

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

2. No structural alterations that would increase the exterior dimensions of a non-conforming *building* or *structure*, except as required by statute or bylaw, shall be made to a *building* or *structure* while a non-conforming *use* thereof is continued.
3. Any non-conforming *lot* shall be exempt from the minimum *lot area* requirements of this bylaw, provided that all other requirements of this bylaw and applicable *provincial government* regulations are satisfied.
4. Any non-conforming *use*, including existing *commercial, industrial, public service and institutional uses* within the A1 Zone, shall not be increased in *floor area* in excess of 1,186 m<sup>2</sup> (2,000 ft<sup>2</sup>).

### 5.6 Fences

1. Notwithstanding any other provision of this by-law, a *fence* may be placed or located in a *yard*.
2. Except for a security *fence* of chain link construction for a *commercial use, industrial use or agricultural use*, no *fence* may exceed 3.05 m (10 ft) in *height*.
3. Except for an active *farm*, no *fence* may be electrified or incorporate barbed wire or other dangerous material in its construction.

### 5.7 Home Occupations and Bed and Breakfast Operations

1. A *commercial use* may be located in a *single detached dwelling* or an *accessory building* to a *single detached dwelling* provided that:
  - a. The *owner* of the *commercial use* ordinarily resides in the *dwelling*;
  - b. Not more than two (2) employees live outside the *dwelling*;
  - c. Not more than 50% of the *floor area* of the *dwelling* is used for the *commercial use*;
  - d. Adequate off-street parking is provided for both the *dwelling* and the *commercial use* in accordance with the parking requirements in this bylaw;
  - e. No *outdoor storage* of materials or product *display* is used in conjunction with the *commercial use*; and
  - f. The external appearance of the *dwelling* is not altered.
2. The following *commercial uses* are not permitted in a *dwelling*, or in an *accessory building* to a *dwelling*:
  - a. An automobile shop, body shop, *service station* or repair shop;
  - b. An entertainment facility;
  - c. A *restaurant*; and
  - d. A *convenience store*.
3. A bed and breakfast shall comply with the requirements of a *commercial use* in a *dwelling*, and is subject to the following:

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

- a. The *intensification of use* and necessary upgrades to on-site sewerage and water supply system(s) shall be approved by the responsible *provincial government* department;
- b. Adequate parking to service the *dwelling* and sleeping units is provided on the *lot* according to the parking provisions in this bylaw; and
- c. The bed and breakfast is licensed under any applicable statute, regulation or other enactment.

### 5.8 Licenses, Permits, and Compliance with Other Bylaws

1. Nothing in this bylaw shall exempt a person from complying with the requirements of any other bylaw of the *municipality* or from obtaining any license, permission, permit, authority, or other approval required by any other bylaw of the *municipality* or any statute, regulation, or other enactment of the *provincial government* or the Government of Canada.
2. Where the provisions of this bylaw conflict with those of any other bylaw of the *municipality* the highest, strictest or most stringent provision shall prevail.

### 5.9 One Occupied Building on a Lot

1. No person shall *erect* more than one (1) *main building* on *lot* approved for *residential use*.
2. No person shall place more than one (1) occupied travel trailer on a *lot* unless the *lot* in question is an approved *campground*.

### 5.10 Parking

1. Parking standards shall be consistent with the provisions of Table 1 – Parking Standards.
2. Where the parking requirement is greater than 0.5 of a *parking space* and less than 1.0, it shall be deemed to be a requirement for one (1) additional *parking space*.
3. A *parking space* shall have a minimum size of 3m (10ft) by 6m (20ft), and shall have clear access to a maneuvering lane.

**Table 1 – Parking Standards**

Land Use	Parking Spaces Required
<i>Dwelling</i>	1.5 for each <i>dwelling</i> or sleeping unit; minimum of 2 spaces
Places of assembly: auditorium, theatre, <i>church</i> or hall	1 per 5 seats
<i>Commercial uses: convenience store, personal service shop, business or professional offices, restaurant</i> (including take out)	1 per 9.3 m <sup>2</sup> (100 ft <sup>2</sup> ); minimum of 10
Other	As required by Council

### 5.11 Prohibited Uses

1. Any *use* not listed as a *permitted use* in the respective *zone* shall be prohibited unless otherwise specified.

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

### 5.12 Public Service and Institutional Buildings

1. All new *public service and institutional uses* shall, wherever practical, be connected to the *Community's* existing or planned pedestrian and public open space network, at no cost to the *Community*.

### 5.13 Swimming Pools

1. A *swimming pool* shall be permitted subject to the following conditions:
  - a. A 1.8 m (5.9 ft.) *fence* shall be constructed in such a manner so as to impede unauthorized persons from entering the *swimming pool* and the *fence* shall be aesthetically presentable to *Council*, which shall give preference to *fences* constructed of wood;
  - b. Water from the *swimming pool* shall be de-chlorinated and disposal shall be either through the *sewerage disposal system* or carried off the *lot* by truck unless otherwise authorized by *Council*;
  - c. The *owner* shall satisfy any other conditions related to the maintenance and safety of the *swimming pool* required by *Council*; and
  - d. The *swimming pool* shall not be located in a *yard* that abuts a *highway*.

### 5.14 Temporary Structures

1. Temporary *buildings* or *structures* incidental to *development* on the premises shall be permitted as construction is in progress and up to a maximum of sixty (60) days after the completion of the *development*.

### 5.15 Watercourse and Wetland Protection

1. A buffer zone shall be in place for any *watercourse* or *wetland* in accordance with the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*.
2. Notwithstanding any other provision of this bylaw, no person shall erect any *building* or *structure* in the *Community* that is within 23 m (75ft) of any *wetland* or *watercourse*.

### 5.16 Wind Turbines

1. The *owner* of a *wind turbine* shall comply with, and *Council* shall be guided by, all applicable provincial statutes, regulations and other enactments related to *wind turbines*.
2. A *wind turbine* shall:
  - a. Only be permitted in the A1 and O1 Zones;
  - b. Not be located within the distance equal to three (3) times the total height of the *wind turbine* from any existing *residential use* or *highway*;
  - c. Not be permitted on a *lot* with a *residential use*; and
  - d. Not be permitted within 500 m (1640 ft.) of the R1 Zone.

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## 6 Agricultural Zone (A1)

### 6.1 General

1. Except as provided in this bylaw, all *buildings* and *structures* or parts thereof *erected*, placed or altered on any *lot used* in an A1 Zone shall conform to the provisions of Section 6.

### 6.2 Permitted Uses

1. No *building* or part thereof and no *lot* shall be *used* for purposes other than:
  - a. *Single detached dwelling* (excluding *mini homes*);
  - b. *Duplex or semi-detached dwelling*;
  - c. *Recreational and public open space uses*;
  - d. *Public service and institutional uses* (maximum 1,86m<sup>2</sup> [2,000ft<sup>2</sup>] in *floor area*);
  - e. *Agricultural uses*, including *farm buildings* and *structures*;
  - f. Primary agricultural product *warehouse*;
  - g. *Resource commercial uses*;
  - h. *Neighbourhood convenience stores*;
  - i. *Campground*;
  - j. *Personal service shops*;
  - k. *Tourist homes*;
  - l. *Accessory apartment*;
  - m. *Accessory buildings* to the above.

### 6.3 Regulations for Permitted Uses

1. With the exception of *agricultural uses* all *development* shall conform with the following standards:

a.	Minimum <i>lot frontage</i>	45.7m (150ft)
b.	Minimum <i>front yard</i>	15.2m (50ft)
c.	Minimum <i>side yard</i>	4.6m (15ft)
d.	Minimum <i>rear yard</i>	7.6m (25ft)
e.	Minimum <i>flankage yard</i>	15.2m (50ft)
f.	Maximum <i>building height</i>	8.75 m (2 1/2 storeys)
g.	Minimum <i>lot area</i>	See Appendix 3
h.	Minimum <i>lot area</i> for a multiple lot <i>subdivision</i> with both central sewerage disposal and water supply services	2,322.6 m <sup>2</sup> (25,000 ft <sup>2</sup> )
i.	Minimum <i>lot area</i> for <i>residential uses</i>	13,277 m <sup>2</sup> (1 acre)

### 6.4 Livestock Operations

1. Agricultural *livestock* operations shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed *development* is in compliance with such enactments shall be submitted with *development* applications.

### 6.5 Conversion of Industry-Related Land Uses

1. A *lot* which is deemed unsuitable for *agricultural use* may be converted to *forestry use* provided the conversion is undertaken through an established *Forestry Management Program* approved by the *provincial government* department responsible for the *Forest Management Act*.

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## 7 Residential Zone (R1)

### 7.1 General

1. Except as provided in this bylaw, all *buildings* and *structures* or parts thereof *erected*, placed or altered on any *lot* used in an R1 Zone shall conform to the provisions of Section 7.

### 7.2 Permitted Uses

1. No *building* or part thereof and no *lot* shall be used for purposes other than:
  - a. *Single detached dwelling*;
  - b. *Manufactured housing park*;
  - c. *Duplex or semi-detached dwelling*;
  - d. *Multi-unit dwelling* (maximum of 4 units);
  - e. *Recreational and public open space uses*;
  - f. *Park or playground*;
  - g. *Accessory apartment*;
  - h. *Accessory building* to the above.

### 7.3 Regulations for Permitted Uses

1. All *development* shall conform with the following standards:

a.	Minimum <i>lot frontage</i>	45.7m (150ft)
b.	Minimum <i>front yard</i>	15.2m (50ft)
c.	Minimum <i>side yard</i>	4.6m (15ft)
d.	Minimum <i>rear yard</i>	7.6m (25ft)
e.	Minimum <i>flankage yard</i>	15.2m (50ft)
f.	Maximum <i>building height</i>	8.75 m (2 1/2 storeys)
g.	Minimum <i>lot area</i>	See Appendix 3
h.	Minimum <i>lot area</i> for a multiple lot <i>subdivision</i> with both central sewerage disposal and water supply services	2,322.6 m <sup>2</sup> (25,000 ft <sup>2</sup> )

## 8 Recreation and Public Open Space Zone (O1)

### 8.1 General

1. Except as provided in this bylaw, all *buildings* and *structures* or parts thereof *erected*, placed or altered on any *lot* used in an O1 Zone shall conform to the provisions of Section 8.

### 8.2 Permitted Uses

1. No *building* or part thereof and no *lot* shall be used for purposes other than:
  - a. *Recreational and public open space uses*;
  - b. *Park or playground*;
  - c. *Campground*;
  - d. *Accessory building* to the above.

### 8.3 Regulations for Permitted Uses

1. All *development* shall conform with the following standards:

a.	Minimum <i>lot frontage</i>	45.7m (150ft)
b.	Minimum <i>front yard</i>	15.2m (50ft)
c.	Minimum <i>side yard</i>	4.6m (15ft)
d.	Minimum <i>rear yard</i>	7.6m (25ft)
e.	Minimum <i>flankage yard</i>	15.2m (50ft)
f.	Maximum <i>building height</i>	8.75 m (2 1/2 storeys)
g.	Minimum <i>lot area</i>	See Appendix 3
h.	Minimum <i>lot area</i> for a multiple lot subdivision with both central sewerage disposal and water supply services	2,322.6 m <sup>2</sup> (25,000 ft <sup>2</sup> )

## 9 General Provisions for Subdivision

### 9.1 Subdivision Approval

1. No person shall *subdivide* one or more *lots* or any portion of a *lot* until the requirements of this bylaw have been complied with and the *owner* has received final approval from *Council*.
2. No person shall sell or convey any interest in a *lot* in a *subdivision* before *Council* has granted final approval of the *subdivision* in which the *lot* is situated.

### 9.2 Special Planning Area Conformity

1. Part IV of the *Subdivision and Development Regulations* prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8, as may be amended (*See Appendix 4*), being the *Special Planning Area Regulations*, apply to *subdivision*, *land use*, and *development* in the *Community*.
2. Applications to *subdivide* land must be consistent with the *Special Planning Area Regulations*.

### 9.3 Requirements for Subdivision

1. No person shall *subdivide* a *parcel* unless the *subdivision*:
  - a. Conforms with the provisions of this bylaw and any applicable provincial statute, regulation, or other enactment;
  - b. Is suitable to the topography, physical conditions, soil characteristics, and natural surface drainage of the land;
  - c. Will not cause undue flooding or erosion;
  - d. Has safe and convenient *highway* access;
  - e. Has adequate utilities and services available, or can be conveniently provided with such utilities and services;
  - f. Will reasonably conform with existing *land uses* in the immediate vicinity;
  - g. Will provide for safe and convenient traffic flow;
  - h. Is designed so that lots will have suitable dimensions, shapes, orientation, and accessibility;
  - i. Is suitable to the use for which it is intended;
  - j. Is suitable to the future use of all adjacent lands;
  - k. Is designed so that all lots will have *frontage* on a *highway*;
  - l. Does not precipitate premature *development*, cause unnecessary public expenditure, or place undue pressures on the *Community* to provide services; and
  - m. Does not result in undue damage to the natural environment.

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

2. A *subdivision* application shall comply with the following:
  - a. No person shall *subdivide* a *lot* unless:
    - i. The *existing parcel* has a minimum *frontage* of 91.4m (300ft); and
    - ii. The proposed *lot* is in conformity with the requirements of this bylaw.
  - b. No person shall *subdivide* two (2) or more *lots* unless:
    - i. The *existing parcel* has a minimum *frontage* of 403.6m (1,320ft); in which case, one (1) *lot* may be *subdivided* for every 201.2m (660ft) *lot frontage* interval; or
    - ii. A *private road* is constructed to serve the proposed *lots*.
  - c. Any *lot* which is an *existing parcel*, a *farm*, or a *lot* created in conformity with the requirements of this bylaw shall require an *entrance way*;
  - d. An *entrance way* permit as required under the *Highway Access Regulations* prescribed under the *Roads Act*, shall be a precondition of the approval of a *subdivision*.

### 9.4 Subdivision Approval Process

1. Anyone proposing to *subdivide* land within the *Community* shall provide *Council* with written confirmation from the *provincial government* department responsible for administering the *Planning Act* confirming that the proposed *subdivision* suitable for an on-site *sewerage disposal system*.
2. *Council* shall evaluate any proposed *subdivision* to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient, and pleasant neighbourhoods.
3. *Council* may consult with a *provincial government* official or private consultant, respecting the proposed *subdivision*.

### 9.5 Subdivision Agreement

1. *Council* may require an *owner* enter into a *subdivision agreement* as a condition of *subdivision* approval.
2. The *subdivision agreement* may cover, but is not limited to, the following matters:
  - a. The design and construction costs of sidewalks, water supply, *sewerage disposal*, and street lighting;
  - b. The integration of the *subdivision* and proposed *development* with the *Community's* existing or planned pedestrian and public open space network;
  - c. The dedication of land for public recreation purposes, or payment of a fee in lieu of land;
  - d. The deeding of *highways* to the *provincial government*;
  - e. The posting of a financial guarantee or bond satisfactory to *Council*; and

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

- f. Assignment of costs associated with the drafting and execution of this agreement.
3. All *subdivision agreements* shall be registered in accordance with the provisions of the *Registry Act*, R.S.P.E.I. 1988, c. R-11.

### 9.6 Dedication of Land for Recreation and Public Open Space

1. Any person seeking *subdivision* of a *lot* into two (2) or more *lots* may be required to dedicate and deed to the *Community*, 10% of the *lot area* for recreation and public open space purposes, as per the following:
  - a. *Council* shall choose the location of the *parkland*, if any, within the *subdivision* that shall be deeded; and
  - b. The *parkland* shall be free of all encumbrances.
2. Where no dedication of land is deemed appropriate, *Council* may require a cash payment equivalent to 10% of the assessed value of the *lot* to be subdivided. Any monies collected shall be designated for the purchase and/or maintenance of recreation and public open space land or facilities.
3. A *subdivision* of a *parcel* greater than 10 acres in *lot area* for *agricultural use* is exempt from the requirement of providing a *parkland* dedication or cash-in-lieu fee.
4. A *subdivision* of a single *lot* from an *existing parcel* shall pay to *Council* a fee, the use of which shall be specifically for the purchase and/or maintenance of recreation and public open space land or facilities.

### 9.7 Subdivision Permit Application

1. Any person applying for a *subdivision* shall do so on a form prescribed by *Council*, and shall submit the application to the *Administrator*.
2. A subdivision application form shall be signed by the *owner* or the *owner's* authorized agent.
3. Subdivision applications submitted to the *Administrator*, shall be accompanied by four (4) copies of a properly scaled drawing showing the proposed *subdivision* with estimated dimensions of *lots*, location of *structures* and any significant natural or manmade features, and all streets and services, both existing and proposed.
4. The *Administrator* shall notify the *owner*, in writing, if the subdivision application is incomplete or lacking in plan details, and shall indicate any additional information or documentation required.

### 9.8 Subdivision Permit Application: Approval in Principle

1. The *Administrator* shall submit the completed subdivision application to *Council* for its review and instruction prior to the first scheduled *Council* meeting immediately following the date of receipt of the completed application for approval in principle.

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

2. The *Administrator* on behalf of the *Council*, shall, within ten (10) working days of the date of *Council's* decision respecting the *subdivision* application, advise the *owner* in writing that the *subdivision*:
  - a. Is approved in principle;
  - b. Is approved in principle with conditions; or
  - c. Cannot be approved in principle, and shall state the reasons for *Council's* decision.
3. Any approval in principle which is given by *Council* shall be effective for a period not exceeding twelve (12) months from the date on which notice of approval in principle is given to the applicant in writing by the *Administrator*.
4. After the twelve (12) month period if the applicant has not applied for final approval, the approval-in-principle shall be rescinded.
5. After an application has been rescinded, if the *owner* wishes to apply for a new approval in principle, a new, proposed subdivision application must be submitted in conformance with all applicable provisions of this bylaw or any approved amendments thereto.

### 9.9 Subdivision Permit Application: Final Approval

1. An application for final subdivision approval from *Council* shall be submitted to the *Administrator* with eight (8) copies of a *survey plan* certified by a Prince Edward Island Land Surveyor.
2. *Subdivision* of parcels of land for *agricultural uses* greater than ten (10) acres in *lot area* shall not be required to submit certified *survey plans* for final approval.
3. The *Administrator* shall submit the application for final approval to *Council* for its review and instruction prior to the first scheduled *Council* meeting immediately following the date of receipt of the completed application for final approval.
4. The *Administrator* shall, within ten (10) working days of the date of *Council's* decision respecting the application for final approval, advise the *owner* in writing that final approval has been granted or denied, and shall, in the latter case, state the reasons for *Council's* decision.
5. Final approval of a *subdivision* shall not be given by *Council* until:
  - a. All agreements and other pertinent documents have been prepared and concluded to the satisfaction of *Council*;
  - b. All transactions involving the transfer of money or land in conjunction with the *subdivision* have been made to the satisfaction of *Council*; and
  - c. The *subdivision* has been surveyed and the *survey plan* has been certified by a Prince Edward Island land surveyor, where required by this bylaw.
6. Upon final approval being granted by *Council* and upon receipt of a subdivision permit fee:

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

- a. *Council* shall place its seal on all copies of the approved subdivision plan.
- b. The *Administrator* shall retain one (1) copy of the approved subdivision plan for the Community's records, return at least one (1) copy to the *owner*, and file the remaining copies with the necessary *provincial government* departments.

# COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

## Appendix 1: Official Zoning Map



## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

### Appendix 2: Definitions

For the purpose of this bylaw, all words shall carry their customary meaning except for those defined hereafter. In this bylaw:

1. **Accessory building** means a *building* whose *use* is incidental and subordinate to, and consistent with, the main or approved *use* of the *lot* on which the *building* is located.
2. **Administrator** means the person charged by the *Council* with the duty of administering the provisions of this bylaw.
3. **Agricultural use** means a *use* of land and *buildings* for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and *livestock* husbandry and the necessary accessory *uses* for packing, storing or treating the produce; for the purpose of this bylaw, an abattoir is excluded from this definition.
4. **Alter or Alteration** 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.
5. **Buffer** means a portion of any *lot* or *parcel* of land that is set aside to serve as a visual and spatial separation between the land *use* or activity that is carried out on the *lot*, and the land *use* or activity that is carried out on the lot adjacent to the *buffer*.
6. **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 *modular home*, a fabric storage shed, a tarp barn, a steel *structure*, a trailer box, or similar *structure*.
7. **Building height** means the vertical distance measured from the averaged finished grade to the highest point of roof surface.
8. **Business or professional office** means a premise where services are offered for a fee but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
9. **Campground** means a *parcel* of land *used* or permitted to be *used* by the travelling public that provides sites for tents, trailers, or motor homes and may also be called a RV park but shall not include industrial, work or construction camps or permanent *manufactured housing parks*.
10. **Change of use** means the change from one type of permitted *use* of a *parcel* of land or a *building* to another type of permitted *use* or an increase in the *intensification* of *use*, including an increase in the number of *dwelling units*.
11. **Commercial use** means the *use* of a building or land for the purpose of buying and selling goods and supplying services.
12. **Community** means the Community of Linkletter.

## COMMUNITY OF LINKLETTER ZONING AND SUBDIVISION CONTROL BYLAW (2016)

13. **Convenience store** means a retail commercial establishment, supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food and household items.
14. **Council** means the Council for the Community of Linkletter.
15. **Demolition** means to demolish, remove, pull down or destroy a *structure*.
16. **Development** means the carrying out of any construction operation, including excavation, in preparation for *building*, on, over or under land, or the making of any material change in the *use*, or the intensity of *use* of any land, *buildings*, or premises and includes the placing of *structures* on, over or under land.
17. **Development Permit** means the formal and written authorization for a person to carry out any *development*.
18. **Display** includes any item, group of items, *sign*, or billboard visible to the general public, indicating that items or services are offered for sale or trade.
19. **Domestic animals** means dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs and fish.
20. **Dwelling** means a *building* or portion thereof designed, arranged or intended for *residential use*, and
  - i. **Dwelling unit** means one or more habitable rooms designed or intended for *use* by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided;
  - ii. **Single detached dwelling** means a *building* containing one *dwelling unit*;
  - iii. **Accessory apartment** means a *dwelling unit* located within and subordinate to an existing *dwelling*;
  - iv. **Duplex dwelling** means a *building* that is divided into two *dwelling units*;
  - v. **Semi-detached dwelling** means a *building* divided vertically into two (2) separate units, each of which has at least two independent entrances;
  - vi. **Multi-unit residential dwelling** means a *building* containing three or more *dwelling units*.
21. **Entrance way** means a driveway providing access to and from a *parcel* to a *highway*.
22. **Erect** means to build, construct, reconstruct, *alter* or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.
23. **Existing parcel** means a *parcel* of land that existed on July 9, 1994.
24. **Farm** means arable land, dwelling and complementary *buildings* containing at least ten (10) acres, operated as a farm enterprise and includes land leased from the Crown, but does not include land leased or rented from *owner(s)* who are not bona fide farmers.

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25. **Fence** means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
26. **Floor area** means the area contained within the outside walls of a *building*.
27. **Forestry use** means commercial silviculture and the production of timber or pulp and any uses associated with a *forestry use*, including sawmills, shingle mills, vehicle and equipment storage and maintenance *buildings* and yards and retail and wholesale outlets for wood and wood products.
28. **Frontage** means all land abutting on one side of a *highway* or *private road* measured along the common or actual property line.
29. **Highway, road or street** means all the area within the boundary lines of every right-of-way which is vested in the Province of Prince Edward Island or the *community* and used or intended for *use* by the general public for the passage of vehicles and includes any bridge over which any such *road, street* or right-of-way passes.
30. **Industrial use** means *use* of land or *buildings* in or from which goods or materials are manufactured, processed, assembled or extracted, or premises from which wholesale trade is carried on, including warehousing.
31. **Intensification** means the *development* of a property or *lot* at a higher density than previously existed and includes redevelopment or *development* within existing communities, infill *development*, or *development* on vacant *lots* or underdeveloped lots within a built-up area, conversion or the *change of use* of an existing *structure* or land *use*, and the creation of *accessory apartments* or other accommodation in *dwellings*.
32. **Kennel** means a *building* or *structure* where more than four (4) *domestic animals* excluding *livestock* are kept, bred and raised for profit or gain.
33. **Livestock** means horses, cattle, sheep, swine, goats, poultry, fox, mink, and rabbits.
34. **Lot, parcel or property** means a division of land or property which is recognized as a separate unit of land for the purposes of this bylaw.
  - i. **Lot area** means the total area included within the *lot lines*;
  - ii. **Lot line** means any boundary of a lot;
35. **Lot consolidation** means the legal incorporation of two or more *existing parcels* of land to form a single, larger *parcel*.
36. **Main building** means that *building*, the nature of the *use* of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.
37. **Maintenance** means those actions undertaken to prevent the deterioration of a *building* or *structure*, but does not include any *alteration*, design change, and/or replacement where such replacement involves a change in design.

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38. **Manufactured housing park** means a *lot* of land planned and developed for the placement of *single detached dwellings, modular homes and mini homes*.
39. **Mini home** means a pre-manufactured *dwelling unit* having a maximum width of 5.0 m (16.4 ft.) and is substantially assembled in a manufactured plant, designed to be transported as one integral unit and placed on a lot for year round occupation, not including appurtenances such as porches, entries, etc.
40. **Modular home** means a *dwelling unit* of at least 5.0 m (16.4 ft.) in width composed of components substantially assembled in a manufacturing plant and transported to the *building lot* for final assembly and installation on the *lot*. A *modular home* may consist of two sections transported to the site in a manner similar to a *mini home* or a series of panels or room sections transported on a truck and erected or joined together on a lot.
41. **Municipality** means the Community of Linkletter.
42. **Open space** means that portion of a *lot* which may be used for *landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking*.
43. **Outdoor storage** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
44. **Owner** means a part owner, a joint owner, tenant in common or joint tenant of the whole or any part of any land or *building* and includes a trustee, and executor, and executrix, a guardian, and agent, or mortgagee in possession or other person having the care or control of any land or *building* in the event of the absence or disability of the person having the title thereof.
45. **Parcel** (see *lot*)
46. **Park** means an area of land set aside for *recreational use* and areas designed for passive enjoyment and other similar uses, and includes the *buildings and structures* in connection therewith.
47. **Parkland** means a *park* owned by the *community* or other level of government used or intended for *use* by members of the public.
48. **Parking space** means an area of land which is suitable for the parking of a vehicle, accessible to vehicles without the need to move other vehicles on adjacent areas.
49. **Personal service shop** means a *business* in which services are administered to an individual for their personal needs and may include barber shops, hairdressing shops, beauty parlours, shoe repair and shoe shining, tailoring, and other similar services.
50. **Private road** means a right-of-way intended for the passage of vehicles but which is not a *highway*.
51. **Property** (see *lot*)
52. **Provincial government** means the Province of Prince Edward Island.

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53. **Public Service and 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, cemeteries, churches, public schools, colleges, cultural centres, libraries and public recreational and park *buildings*.
54. **Recreational and public open space** means the *use* of land for a *park*, playground, tennis court, lawn bowling green, athletic field, golf course, picnic area, *swimming pool*, day camp, and similar uses but does not include a tract for the racing of animals or any form of motorized vehicles.
55. **Residential use** means the use of a *lot*, *building* or *structure* or parts thereof as a *dwelling*.
56. **Resource commercial use** means the *use* of a *building* or *lot* for the storage, *display* or sale of goods directly and primarily related to *resource uses*.
57. **Restaurant** means *buildings* or *structures* or part thereof where food and drink is prepared and offered for sale to the public.
58. **Sewerage 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.
59. **Storey (pl. stories)** means that portion of a *building* between any floor and ceiling or roof next above, provided that any portion of a *building* partly below grade level shall not be deemed a *storey* unless its ceiling is at least 1.8 m (approximately 6 feet) above grade and provided also that any portion of a *building* between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional *storey*.
60. **Street or road** (see *Highway*)
61. **Street line** means the boundary of a *highway* or *private road*.
62. **Structure** means any construction including a *building* fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.
63. **Subdivide** or **Subdivision** shall have the same meaning as defined in the *Planning Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the *provincial government* department having responsibility for enforcement of such regulations.
64. **Subdivision agreement** means a legal document describing a two-party agreement between an *owner* and the authority having jurisdiction, the subject of which pertains to actions to be taken in the subdividing of a parcel of land.
65. **Survey plan** means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island Land Surveyor.

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66. **Swimming pool** means any outdoor *structure*, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 60 cm (1.96 ft.) or more at any point or with a surface area exceeding 10 m<sup>2</sup> (107.6 ft<sup>2</sup>).
67. **Tourist home** means a *dwelling* in which overnight accommodation is provided or offered for transient guests for compensation.
68. **Use** means any purpose for which a *building* or other *structure* or *parcel* of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, *business* or operation carried on, or intended to be carried on, in a *building* or other *structure* or on a *parcel*.
69. **Utility building** means a building which houses stationary equipment for telephone, electric power, public water supply, or sewerage services.
70. **Warehouse** means a *building* used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.
71. **Watercourse** shall have the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the *provincial government* department having responsibility for enforcement of such regulations.
72. **Wetland** shall have the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the *provincial government* department having responsibility for enforcement of such regulations.
73. **Wind turbine** means a wind energy generating system (turbine and accessory facilities) intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) and not used to produce power for resale.
74. **Yard** means an open, uncovered, unoccupied space on a *lot* appurtenant to a *building*;
- i. **Front yard** means a yard extending across the width of a *lot* between the *front lot line* and nearest wall of any *building* or *structure* on the lot;
  - ii. **Rear yard** means a yard extending across the width of a lot between the *rear lot line* and the nearest wall of any *main building* or *structure* on the lot;
  - iii. **Side yard** means a yard extending from the *front yard* to the *rear yard* of a lot between a *side lot line* and nearest wall of any *building* or *structure* on the lot
  - iv. **Flankage yard** means the *side yard* of a *corner lot* which *side yard* extends from the *front yard* to the *rear yard* between the *flankage lot line* and the nearest main wall of any *building* or *structure* on the lot.
75. **Zone** means a designated area of land shown on the *Official Zoning Map* of this bylaw within which land uses are restricted to those specified by this bylaw.

## Appendix 3: Province-wide Minimum Development Standards Regulations

Notwithstanding any provisions of this bylaw, the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8, as may be amended, apply in the Community of Linkletter. The *Province-Wide Minimum Development Standards Regulations* are included for information and reference purposes only.

**NOTE:** This Appendix is not the official version of these regulations and these regulations may be amended after the enactment of this bylaw.



### **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to November 19, 2011. It is intended for information and reference purposes only.

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

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

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office  
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## CHAPTER P-8

### PLANNING ACT

#### PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

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

1. (1) In these regulations “authority having jurisdiction” means the Minister responsible for the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, or in the case of a municipality with an official plan and bylaws, the municipal council. “authority having jurisdiction”, defined

(2) Words and expressions defined in section 1 of the *Planning Act* Subdivision and Development Regulations have the same meaning when used in these regulations. (EC703/95; 552/11) *Idem*, existing definitions

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

3. Revoked by EC41/96. Lot size

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

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

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

- (a) it is serviced by an on-site water supply system and a central sewerage system; and
- (b) only one additional lot from the existing parcel is created by any proposed subdivision.

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

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Updated 2011

Province-Wide Minimum Development Standards Regulations

(a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;

(b) the lot meets Category I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) of Table 2 respectively;

(c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and

(d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. (EC703/95; 41/96; 694/00; 552/11)

Non-residential

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

Exception

(2) Notwithstanding subsection (1),

(a) where a lot is intended for any non-residential use where water and sewage services are not required for the proposed development, the Minister may approve an exemption from the requirement of subsection (1);

(b) where an approval or permit has been granted by an authority having jurisdiction pursuant to subsection (1), a subsequent approval or permit requiring or proposing a sewerage system shall only be granted in accordance with the standards set out in Table 2. (EC703/95; 41/96; 552/11)

Categories of lots

**6.** Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:

(a) Category I, where

(i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,

(ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and

(iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;

(b) Category II, where

(i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),

(ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and

(iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;

(c) Category III, where

(i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,

(ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or

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- (iii) the depth to the maximum groundwater elevation is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.);
  - (d) Category IV, where
    - (i) the lot has a depth of permeable natural soil of less than 1 ft. (0.3 m.),
    - (ii) the depth to bedrock is greater than 1 ft. (0.3 m.), and
    - (iii) the depth of the maximum groundwater elevation is greater than 2 ft. (0.61 m.);
  - (e) Category V, where
    - (i) the depth to bedrock is less than 1 ft. (0.3 m.), and
    - (ii) the depth to the maximum ground water elevation is greater than 2 ft. (0.61 m.). (EC703/95; 694/00; 552/11)
  
- 7. Revoked by (EC694/00). Upgrade
  
- 8. The minimum lot size standards set in Tables 1 and 2 do not apply to subdivisions approved prior to October 14, 1995. (EC703/95; 552/11) Application
  
- 9. (1) The authority having jurisdiction may, for special cause, authorize such minor variance from the provisions of these regulations as, in its opinion, is desirable and not inconsistent with the general intent and purpose of these regulations. Minor variance
  
- (2) Notwithstanding any other provisions of these regulations, where a lot is designed for use by a public or a private utility, the authority having jurisdiction may authorize a variance from the provisions of these regulations as, in its opinion, is desirable. (EC703/95; 552/11) Variance, public utility use
  
- MINIMUM HIGHWAY ACCESS**
  
- 10. (1) The *Roads Act* Highway Access Regulations shall constitute the Minimum Highway Access Standards. Minimum highway access standards
  
- (2) An authority having jurisdiction shall not grant an approval or issue a permit for development unless an entrance way permit has been obtained for the applicable lot or development when so required. (EC703/95; 2/96; 552/11) Entrance way permit

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

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			2	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			3	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			4	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			more than 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
			2	56,000 sq. ft. / 5,202 sq. m.	250 ft. / 76.2 m.
			3	61,000 sq. ft. / 5,667 sq. m.	275 ft. / 83.8 m.
			4	66,000 sq. ft. / 6,131 sq. m.	300 ft. / 91.4 m.
			more than 4	66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	300 ft. / 91.4 m.
on-site water supply and on-site sewage system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	75,000 sq.ft. / 6,975 sq.m.	300 ft. / 91.4 m.
			2	80,000 sq.ft. / 7,440 sq.m.	
			3	85,000 sq.ft. / 7,905 sq.m.	
			4	90,000 sq.ft. / 8,370 sq.m.	
			more than 4	90,000 sq.ft. / 8,370 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	
on-site water supply and on-site sewage system	V	N/A	N/A	not developable	N/A

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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.

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on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

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**TABLE 2**

**TABLE 2 - MINIMUM LOT SIZE STANDARDS:  
NON-RESIDENTIAL LOTS**

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

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

(EC542/87; 703/95; 694/00; 552/11)

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## Appendix 4: Special Planning Area Regulations

Part IV of the *Subdivision and Development Regulations* prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8, as may be amended, apply in the Community of Linkletter. Part IV of the *Subdivision and Development Regulations* is included for information and reference purposes only.

**NOTE:** This Appendix is not the official version of these regulations and these regulations may be amended after the enactment of this bylaw.

### PART IV SPECIAL REGULATIONS

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

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

- (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.

(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.

(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 unserved 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.

(3.1) In this section, "existing parcel" means a parcel of land that existed on July 9, 1994.

(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,

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(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 applicant 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.

(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;

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(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 applicant and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision.

(5.01) 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).

(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.

(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 applicant 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.

(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 applicant to provide central sewerage and water service to all lots prior to conveyance of any lot and commencement of the development.

(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 applicant 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 applicant to provide central sewerage and water service to the approved

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subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots.

(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.

(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.

(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 applicant 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)

