

Rural Municipality of Abram-Village:



ZONING AND DEVELOPMENT BYLAW

BY-LAW 2022-01



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Part 1: Title and Purpose

1.1 Title

- 1.1.1 This Bylaw shall be known and cited as the “Abram-Village Zoning & Development Bylaw”.

1.2 Purpose

- 1.2.1 The purpose of this Bylaw is to implement the Abram-Village Official Plan and to regulate the subdivision and use of land, and the location, size, and use of buildings and Structures on land within in Abram-Village in order to promote public health, safety, aesthetics and the general welfare of its residents.

1.3 Effective Date

- 1.3.1 **Insert Effective Date once adopted**

1.4 Validity

- 1.4.1 If any provision of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, that provision must be severed, and the remainder of this Bylaw shall continue in full force and effect.

Part 2: Interpretation

2.1 Certain Words

- 2.1.1 In this Bylaw, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular; the word "used" includes "arranged to be used", "designed to be used", or "intended to be used"; and the word "shall" is mandatory not permissive. All other words have their customary meaning except those defined in Part 12: Definitions.

2.2 Measurements

- 2.2.1 All official measurements are given in metric measure. Imperial measurements are provided for convenience only.

2.3 Illustrations and Information Boxes

- 2.3.1 Illustrations and “more information boxes” are provided to assist with interpretation of the Bylaw but do not form part of the Bylaw itself.

2.4 Zone Boundaries

2.4.1 Boundaries between zones shall be determined as follows:

- a) where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street unless otherwise indicated; or
- b) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines.

2.5 Permitted and Prohibited Uses

2.5.1 In this Bylaw any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated in the remainder of the Bylaw.

2.6 Zoning Map and Appendices

2.6.1 **Schedule A** attached hereto shall be cited as the “Zoning Map”. The Zoning Map and all other Schedules attached hereto form part of this Bylaw.

2.7 Compliance With Other Regulations

2.7.1 Nothing in this by-law shall relieve any person from the obligation to comply with the requirements of any other by-law of the municipality in force from time to time, or the obligation to obtain any license, Permit, authority, or approval required under any by-law of the municipality, or statute or regulation of the Province of Prince Edward Island or the Government of Canada

2.7.2 Where the provisions of this bylaw conflict with those of any other bylaw of the Municipality or any statute, regulation, or other enactment of the Provincial Government or the Government of Canada, the highest, strictest, or most stringent provision shall prevail.

Part 3: Administration

3.1 Development Officer

3.1.1 The Abram-Village Zoning & Development Bylaw shall be administered by the Development Officer appointed by Council.

3.1.2 Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny Development Permits in accordance with this Bylaw in all areas except the following:

- a) new commercial Development over 185 square metres (2,000 square feet)
- b) industrial Development
- c) new Multiple Family Dwellings with more than two Dwelling Units

- d) new institutional Development over 185 square metres (2,000 square feet)

3.2 Development Permit

- 3.2.1 Unless otherwise stated in this Bylaw, no person shall undertake Development in Abram-Village without first obtaining a Development Permit issued by the Development Officer or Council.
- 3.2.2 No Development Permit shall be issued if the proposed development:
 - a) is missing any component(s) required for the application to be adequately assessed;
 - b) conflicts with the Official Plan; or
 - c) does not conform to the Bylaw or other bylaws of the Municipality or any applicable enactments of the Provincial Government or of the Government of Canada.
- 3.2.3 A Development Permit issued under the Bylaw does not substitute or supersede the requirement for a Building Permit for the construction, demolition, occupancy or use of a building under the *Building Codes Act*, RSEI 1988, c B-5.1, and applicable regulations. Furthermore, a Building Permit issued under the *Building Codes Act* and applicable regulations does not substitute or supersede the requirement for a Development Permit under the Bylaw.
- 3.2.4 The authority having jurisdiction may withhold the issuance of a Building Permit until satisfied that any and all applicable laws, bylaws, regulations or requirements under the *Planning Act*, the *Building Codes Act & Regulations* and the *Municipal Government Act*, including the Municipality's Zoning & Development Bylaw, the Fire Prevention Bylaw, any lot grading plan and/or Development Agreement, have been complied with; and, all required permits have been issued by the Development Officer or Council.

MORE INFORMATION

Development includes activities such as excavating or stockpiling soil, altering the grade of land, changing the use of a building or land, and constructing, altering, moving, and demolishing a building or structure. Refer to page 39 of this Bylaw for a full definition of "Development".

- 3.2.5 Development Permits shall be valid for one year from the date of issue. If no Development has commenced within one year, the permit holder may apply to have the permit renewed for one additional year.
- 3.2.6 The Development Officer or Council may revoke a Development Permit where the permit was issued on mistaken or false information.
- 3.2.7 Any decision of the Development Officer or Council to refuse to issue a Development Permit shall be given by written notice.
- 3.2.8 A person who is dissatisfied by a decision of the Development Officer or Council in respect of a Development Permit or other application made pursuant to this bylaw under the Planning Act may appeal the decision to the Island Regulatory and Appeals Commission in accordance with section 28 of the Planning Act.

3.3 No Development Permit Required

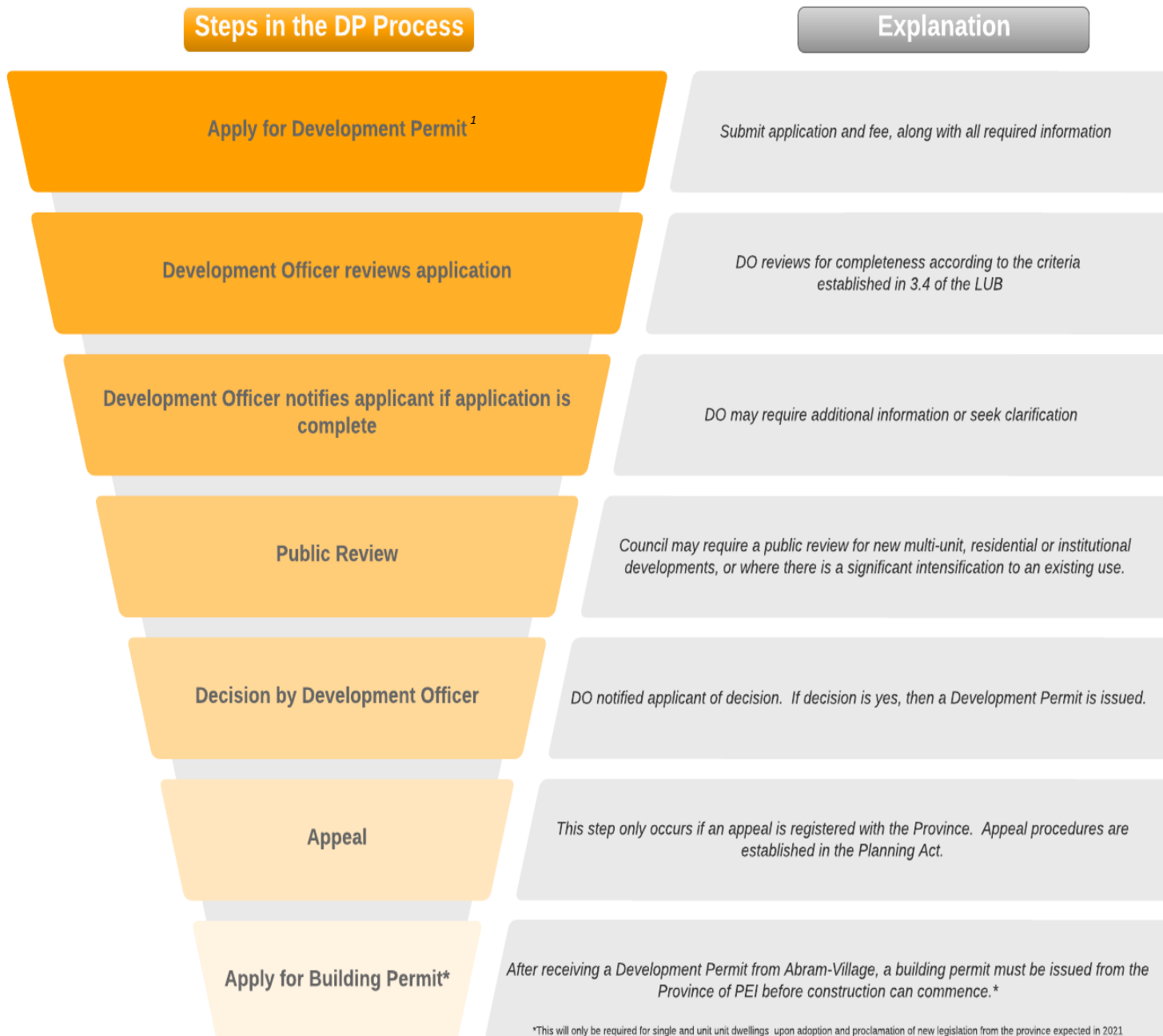
- 3.3.1 A person is not required to obtain a Development Permit for:
 - a) landscape improvements including laying paving materials for patios or sidewalks, making a garden, or the construction of ornamental garden features
 - b) sheds under 9.3 square metres (100 square feet)
 - c) children's play structures
 - d) fences in compliance with Section 5.14 of this Bylaw
 - e) growing a crop or preparing land for growing a crop
 - f) installing clothes lines, flag poles, building mounted solar panels, and radio or television antennae (except ground-based satellite dishes which do require a Development Permit)
 - g) temporary structures associated with community events and cultural festivals
 - h) general building repair, maintenance, and cosmetic renovations to an existing Structure which do not change the exterior dimensions, do not require structural alterations, or do not represent a change in use.
- 3.3.2 Where a Development does not require a Development Permit, the requirements of the Bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Provincial Government or the Government of Canada, shall still apply.

3.4 Application for a Development Permit

- 3.4.1 Any person applying for a Development Permit shall do so on a form prescribed by Council and shall submit the application to the Development Officer.
- 3.4.2 Every application form shall be signed by the property owner, or with the written authorization of the property owner, by the agent of the property owner.
- 3.4.3 Each application shall require a sketch or plan drawn to an appropriate scale showing:
 - a) The shape and dimension of the property including all lot boundaries;
 - b) The location of every building or Structure already constructed, or partly constructed, on such lot
 - c) The proposed location, height and dimensions of any building, Structure or work in respect of which the permit is applied for, along with measurements of the front, side, flankage and rear yards
 - d) The proposed location and dimensions of parking areas, parking spaces, loading spaces, driveways, curbs, landscaping and fencing
 - e) The location of Structures or buildings on abutting lots
 - f) The location of natural features, such as watercourses, wetlands, slopes
 - g) Other information as may be necessary to determine whether the proposed Development conforms with the requirements of this Bylaw.
- 3.4.4 The Development Officer may determine that any of the items a – f listed in Section 3.4.3 above are not required.
- 3.4.5 Where the Development Officer is unable to determine whether the proposed Development conforms to this Bylaw and other bylaws and regulations in force which affect the proposed Development, he or she may require that the plans submitted be based upon an actual survey by a licensed Prince Edward Island Land Surveyor.
- 3.4.6 The Development Officer shall notify the applicant if the application is incomplete or lacking in plan details and shall indicate any additional information or documentation required.
- 3.4.7 Council may require a public review of the proposed Development if the Development:
 - a) involves new multi residential Development, or commercial or institutional Development greater than 185 square metres (2,000 square feet)
 - b) intensifies or requires significant changes to existing multi residential, commercial or institutional Development
 - c) involves environmentally sensitive lands
 - d) requires a variance to Bylaw provisions
 - e) if Council otherwise determines it is necessary or beneficial.

3.4.8 Where Council requires a public review of the proposed Development, the public review shall be done in accordance with the public meeting requirements in Section 3.5.

Application for a Development Permit



*This will only be required for single and unit unit dwellings upon adoption and proclamation of new legislation from the province expected in 2021

¹ Note: Development Permit and Building Permit applications may be submitted concurrently

Figure 1 - Development Permit Process Chart

3.5 Public meeting

3.5.1 Where Council has required a public review of the proposed Development, the following provisions shall apply:

- a) Council shall hold a public meeting and appoint a Council member to chair the meeting;
- b) the public meeting shall be advertised in a newspaper circulating in the area and on the Abram-Village website. The advertisement shall describe the land subject to the proposal and the proposed Development in general terms, and state the date, time and location of the public meeting;
- c) the advertisement shall be placed not less than seven (7) days prior to the date of the public meeting;
- d) separate written notice of the public meeting shall be given to the developer and the developer, or his or her agent, shall attend the meeting in order to present the proposed Development;
- e) the developer or his or her agent shall make visual materials available for examination at the municipal office at least seven (7) days in advance of the public meeting;
- f) separate written notice of the public meeting shall be given to all property owners and occupants of lots adjacent to the proposed Development; and
- g) the meeting shall be open for all persons to attend and be heard, and persons unable to attend the public meeting shall be provided an opportunity to submit written opinion in advance of the meeting.

3.5.2 Where Council requires a public meeting, the agenda for the meeting shall include:

- a) introduction and opening remarks by the appointed Chair of the meeting;
- b) presentation of the proposed Development by the developer or his or her agent;
- c) question period whereby questions on the proposed Development will be addressed by the developer or his or her agent and questions on procedure or municipal policy shall be handled by the Chair or municipal staff;
- d) comments and opinions by persons wishing to be heard with respect to the proposed Development; and
- e) summary by the Chair of previously submitted written comments from persons unable to attend the meeting.

3.6 Variance to Bylaw Provisions

- 3.6.1 Council may authorize a minor variance not exceeding 10% of the provisions of this Bylaw where:
- a) there are unusual circumstances that make it impractical to develop in strict conformance to Bylaw provisions such as small lot size, irregular lot shape, exceptional topography, or other;
 - b) the circumstances of the variance are not common to the majority of properties in the same zone;
 - c) the variance achieves a more desirable development outcome for the community;
 - d) the variance is consistent with the intent of the Official Plan; and
 - e) the variance is consistent with the *Province-Wide Minimum Development Standards Regulation* under the *Planning Act*.
- 3.6.2 No variance shall be granted where the difficulty experienced is the result of negligent conduct or intentional disregard for Bylaw requirements.

3.7 Bylaw Amendments

- 3.7.1 Any person desiring an amendment to the provisions of this Bylaw shall apply to Council in writing describing in detail the reasons for the desired amendment and requesting Council to consider the proposed amendment.
- 3.7.2 Council shall determine whether or not to pursue a Bylaw amendment, and before making any decision, shall examine the Abram-Village Official Plan to ensure that the proposed amendment is not contrary to policies contained in the Official Plan.
- 3.7.3 No amendment shall be made to this Bylaw except in accordance with Sections 16-19 of the *Planning Act*.
- 3.7.4 Within seven (7) days of the date the decision is made, a written notice of the decision shall be posted on the Abram-Village website and in the municipal office containing the following information:
- a) a description of the land that is the subject of the decision;
 - b) a description of the nature of the application in respect of which the decision is made;
 - c) the date of the decision;
 - d) the date on which the right to appeal the decision under Section 28 of the *Planning Act* expires; and
 - e) the phone number of a person or an office at which the public may obtain more information about the decision

3.8 Application Fees

- 3.8.1 Every application for a Development Permit, subdivision approval, variance, Official Plan or Zoning Bylaw amendment(s), shall be subject to the fees as established by Council. Fees shall be paid at the time the application is submitted to the Municipality.

3.9 Appeals

- 3.9.1 Any person dissatisfied with the decision of Council or the Development Officer to issue a bylaw amendment, Development Permit, or preliminary or final subdivision approval, may within 21 days of the relevant Council decision, file a notice of appeal to The Island Regulatory and Appeals Commission, pursuant to Part V of the *Planning Act* (1988).

3.10 Enforcement and Penalty

- 3.10.1 An officer authorized by Council may, after giving not less than twenty-four (24) hours notice to the owner or occupier, enter a building or a premise at a reasonable hour in the performance of duties with respect to the administration and enforcement of this Bylaw.
- 3.10.2 Pursuant to Part IV of the *Planning Act* (1988) a person who violates any provision of these Bylaws is guilty of an offense and liable to a summary conviction and fine as set out in Section 26 (1) of the *Planning Act* (1988).

Part 4: Zones and Zoning Map

4.1.1 For the purposes of this Bylaw, Abram-Village is divided into the following zones, as designated in **Schedule A** of this Bylaw:

Zone	
Unserviced Residential	UR
Low Density Residential	R1
Medium Density Residential	R3
General Commercial	C1
Cultural & Community Use	CC
Parks & Open Space	P1
Agricultural	A1

MORE INFORMATION

A digital copy of the Zoning Map is available from the [Abram-Village Website](#) and a large printed copy of the map is filed at the Village Office.

Part 5: General Regulations

5.1 Existing Undersized Lots

- 5.1.1 Notwithstanding the minimum lot size or Frontage requirements established elsewhere in this Bylaw, a lot held in separate ownership from adjoining parcels of land on the effective date of this Bylaw having less than minimum lot size or Frontage may be used for a purpose permitted in the zone in which it is located provided all other applicable provisions of this Bylaw are satisfied and provided the lot is connected to the municipal sewer system or meets the minimum requirements for sewage disposal in accordance with *Environmental Protection Act* Sewage Disposal Regulations.

5.2 Frontage

- 5.2.1 No Development Permit shall be issued unless the lot or parcel of land intended to be used or on which the building or Structure is to be erected fronts on a public street.
- 5.2.2 Notwithstanding Section 5.2.1 above, Council may approve a Development Permit for a residential or commercial Structure that fronts on a private right-of-way, provided the following criteria are met:
- a) no reasonable provision can be made to provide access to a public street;
 - b) safe ingress and egress from the lot can be provided;
 - c) the residential or commercial Structure can be conveniently connected to municipal services, if required, at no cost to the municipality or utility; and
 - d) an agreement is registered in the Provincial Land Registry Office providing for the long-term ownership and maintenance of the private right of-way by all property owners abutting or fronting on the right-of way that shall be binding on them as well as on all heirs, successors, and assignees of the parties to the agreement.

5.3 Driveways and Highway Access

- 5.3.1 Where an entranceway permit is required under the *Roads Act* (1988) and *Highway Access Regulations*, the entranceway permit shall be required prior to the issuance of a Development Permit.
- 5.3.2 No person shall construct or use any access driveway except where that access driveway meets the minimum safe sight distance standards of the *Highway Access Regulations* as may be amended. Schedule B of this Bylaw contains the minimum safe sight distance standards as required on the Effective Date of this Bylaw.
- 5.3.3 No person shall change the use of any access driveway to a more intensive use without the evaluation and approval of the Province.

MORE INFORMATION

Entranceway Permit information can be found on the *Department of Transportation, Infrastructure and Energy website*. Entranceway Permits are generally required for a new road access or where the existing access will be used for a more intense use such as adding an additional Dwelling, having a Home-Based Business, or expanding commercial uses.

5.4 Existing Buildings or Structures

- 5.4.1 A building or Structure shall be deemed to be lawfully in existence on the effective date of this Bylaw if:
 - a) it was lawfully under construction; or
 - b) the permit for its construction was in force and effect.
- 5.4.2 A building that was lawfully in existence prior to the effective date of this Bylaw but has less than the required lot area or Frontage, or less than the minimum Front, Flankage, Side or Rear Yard requirements, may be enlarged, renovated, reconstructed or repaired provided that:
 - a) it is located in a zone that permits the current use;
 - b) the enlargement, reconstruction, repair, or renovation does not further reduce any yard which does not comply with this Bylaw; and
 - c) all other applicable provisions of this Bylaw are satisfied.

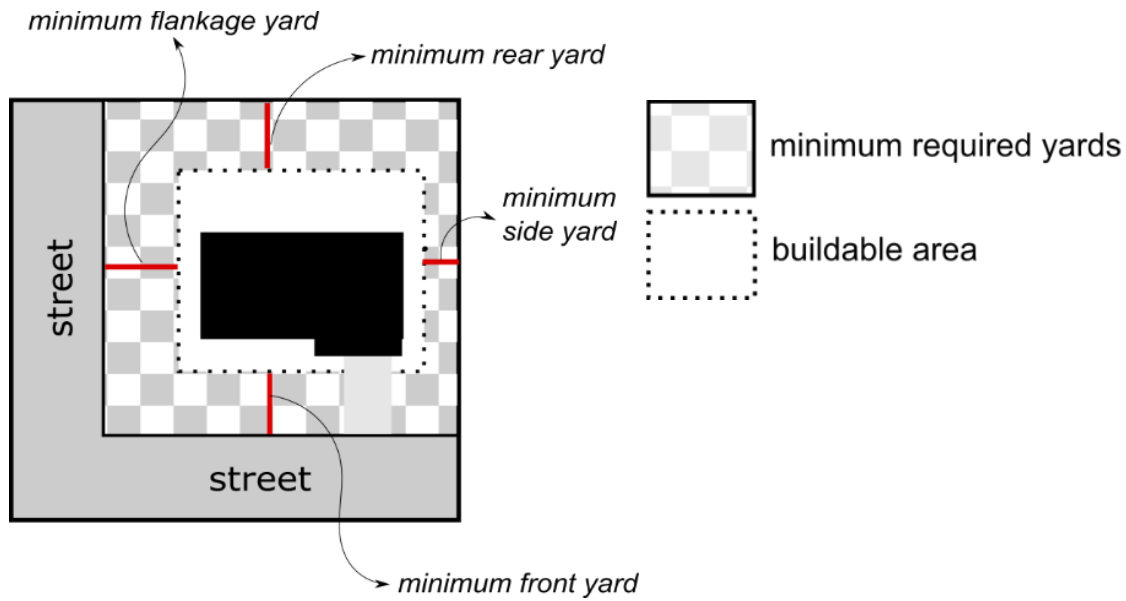


Figure 2 – Explanation of Minimum Yards.

The minimum yard is the distance required from a lot line to a structure. This is shown as the red lines. Different zones have different yard requirements.

For example, in the R-1 Zone, the front yard is required to be at least 6.0 m. This means all parts of the house must be located at least 6.0 m away from the front lot line. In this example the red line shown as the minimum front yard would be 6.0 m.

Once all the minimum yards have been determined (front, rear, side and flankage), the area that remains is called the buildable area which is the area where the house or main building can be located.

- 5.4.3 The use of land or use of a building or Structure that was lawfully in existence prior to the effective date of this Bylaw shall be permitted to continue as a non-conforming use subject to the limitation stated in Section 5.4.6.
- 5.4.4 No structural alterations that would increase the exterior dimensions, except as required for reasons of health and safety by statute or regulation of the Province of Prince Edward Island or the Government of Canada, shall be made to a building or Structure while a non-conforming use is continued.
- 5.4.5 Notwithstanding Section 5.4.4 above, nothing in this Bylaw shall apply to prevent the alteration and/or extension of a Single Unit Dwelling existing at the date of passing of this Bylaw in any non-residential Zone provided that the number of Dwelling Units is not increased and provided the alteration does not contravene any of the provisions of the Low Density Residential (R1) Zone.
- 5.4.6 A non-conforming use of land, buildings or Structures shall not be recommenced if it has been discontinued for a period of twelve (12) continuous months.

5.5 Number of Main Buildings Permitted on a Lot

- 5.5.1 No person shall erect more than one (1) main building on a lot except for:
 - a) Buildings with commercial, industrial or institutional uses located in the General Commercial (C1) or Cultural and Community Use (CC) zone;
 - b) Non-residential buildings located in the Agricultural (A1) Zone;
 - c) Residential buildings in the Medium Density Residential (R3) Zone.

5.6 Multiple Uses

- 5.6.1 In any zone, where any land or building is used for more than one purpose, all provisions of the Bylaw relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot size or Frontage, the most restrictive standards shall apply.

5.7 Height Restriction Exemption

- 5.7.1 Any maximum height requirement set out in this Bylaw shall not apply to church spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, highway or parking lot lighting standards, television or radio antennae, telecommunications towers, ventilators, skylights, fire towers, chimneys, clock towers, solar collectors that are mounted flush to the roof, power transmission towers, or utility poles.

5.8 Building Separation

- 5.8.1 Accessory Buildings, regardless of zone, must be sited at least 1.5 metres (5 feet) from a Dwelling Unit or principle building.

5.9 Accessory Buildings and Structures

- 5.9.1 An Accessory Building shall be permitted on any lot in any zone, provided:
- it is clearly incidental in use to the main building on the lot;
 - is not used for human habitation except for a detached Ancillary Dwelling where the zone permits;
 - it is not located in the Front or Flankage Yard of the lot;
 - it is not located less than 1.5 metres (5 feet) from any lot line;
 - in any residential zone, does not exceed the height of the main Dwelling; and
 - is not located completely underground.

- 5.9.2 An Accessory Building which is attached to a Dwelling shall be considered as part of the Dwelling.

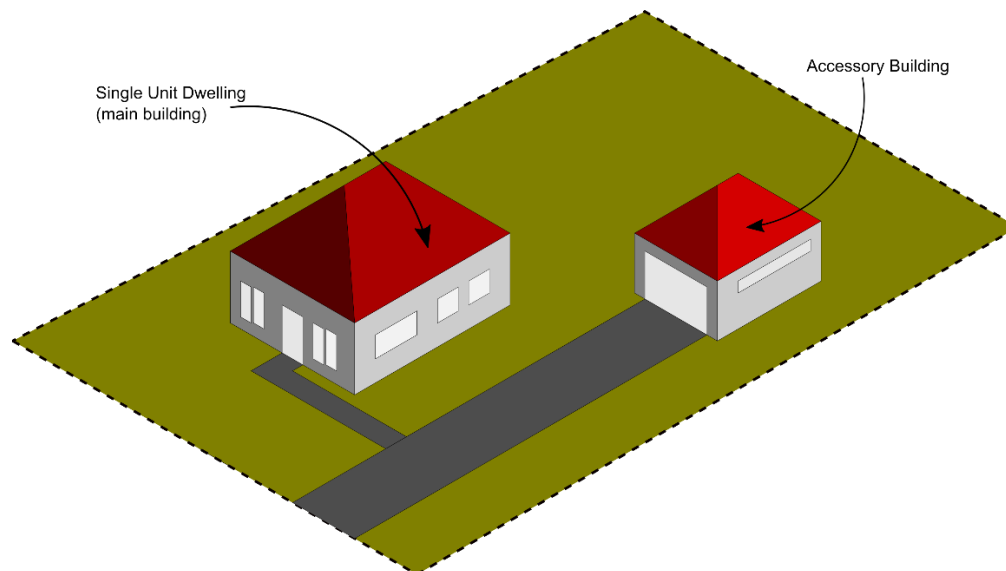


Figure 3 – Illustration of an Accessory Building

5.10 Ancillary Dwelling

- 5.10.1 Where an Ancillary Dwelling is a permitted use in a zone it shall meet the following requirements:
- the total area of the Ancillary Dwelling must be no greater than 80% of the principle suite to a maximum of 80 square metres (860 square feet);

- b) the Ancillary Dwelling shall result in no significant change to the exterior appearance of the of the Single Unit Dwelling;
- c) may be contained within an Accessory Building, provided its exterior appearance complements the Single Unit Dwelling and subject to the provisions in Section 5.9 (Accessory Buildings and Structures)

5.10.2 No more than one (1) Ancillary Dwelling is permitted on a lot.

5.10.3 An Ancillary Dwelling shall require at least one off-street parking space in addition to any parking requirements for the Single Unit Dwelling.

5.11 Environmental Setbacks

5.11.1 Notwithstanding anything contained in this Bylaw, no person shall erect any building or Structure, or alter or disturb the ground or soil:

- a) within 15.0 metres (50 feet) of the inland boundary of any wetland or watercourse without written permission from the Province.
- b) within 15.0 metres (50 feet) of any embankment, excluding highway embankments, the slope of which is greater than 30 degrees from horizontal.

5.12 Parking and Loading

5.12.1 Off-street parking shall be provided according to the following table:

Use	Number of Required Parking Spaces
Dwellings	1 per each Dwelling unit
Tourist Accommodation & Guest House	1 per each guest room
Convenience Stores, Personal Service Shops	1 per every 9.3 sq. m. (100 sq. ft.) of floor area
Restaurants	1 per every 4 seats
Office or similar	1 per every 28 sq. m. (300 sq. ft.) of floor area
Schools, Churches, Places of Assembly	1 per every 5 seats
Other	As required by Council

- 5.12.2 A Parking Space shall have a minimum width of 3.0 metres (10 feet) and a minimum length of 6.0 metres (20 feet) and shall have clear access to a maneuvering lane.
- 5.12.3 The width of a driveway leading to a Parking Lot or aisle in a Parking Lot shall be a minimum of 3.0 metres (10 feet) for one-way traffic, and a minimum of 5.5 metres (18 feet) for two-way traffic. The maximum width of a driveway shall be 7.6 metres (25 feet).

5.13 Temporary Structures

- 5.13.1 Temporary construction camps and Structures shall be permitted during construction, erection, placement or alteration of a building or Structure, and up to a maximum of thirty (30) days after the completion of the building or Structure, after which time, if they have not applied for and received an extension from Council, they shall be immediately removed.

5.14 Fence Height

- 5.14.1 Fences shall be limited to a maximum height of 1.2 metres (4 feet) in the Front or Flankage Yards and 2.1 metres (7 feet) in the Rear Yard or Side Yard.

5.15 Accessibility Requirements

- 5.15.1 All buildings or Structures which provide access to the general public, shall as a condition of the Development Permit, be required to provide access for persons with reduced mobility in conformity with the Province's Access Regulations or the National Building Code.

5.16 Public and Private Utility Buildings

- 5.16.1 A utility building or Structure may be established in any zone if, in the opinion of Council, the use and design will be in keeping with the surrounding properties.

5.17 Servicing

- 5.17.1 New Development shall be required to connect to the municipal sewer system. Where connection to the municipal sewer system is not feasible, an on-site sewage disposal system is permitted.
- 5.17.2 No person shall install an on-site sewage disposal system without first obtaining a site suitability assessment and a septic permit from the Province.

5.18 Swimming Pools

- 5.18.1 The installation of a swimming pool shall be permitted in any zone in accordance with the following provisions:
- a) property owner must first obtain a Development Permit;
 - b) a swimming pool shall not be permitted in the front or flankage yard;
 - c) a swimming pool shall not be constructed closer than 1.5 metres (5 feet) from a side or rear lot line;
 - d) an outdoor swimming pool, or the yard in which a swimming pool is located, shall be completely enclosed by fencing not less than 1.8 metres (6 feet) in height so as to prevent uncontrolled access. For above ground pools the exterior wall of the pool may be considered as a portion of the required fence height; and
 - e) any gate on such a fence shall be capable of being locked.
- 5.18.2 Water from the swimming pool shall not be disposed of through the municipal sewage system, but may be permitted to be disposed of onto the ground provided:
- a) the water does not directly enter a watercourse;
 - b) the water has been de-chlorinated through the use of hydrogen peroxide, or allowed to stand unused for a period of time, and
 - c) the owner shall agree that other initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the owner or at Council's request.

5.19 Home-Based Businesses

- 5.19.1 In any residential zone, a Home-Based Business may be located in a Dwelling Unit or in an Accessory Structure provided:
- a) A Development Permit is obtained by the business owner;
 - b) the owner of the business lives in the Dwelling;
 - c) not more than two (2) employees live outside the Dwelling;
 - d) not more than thirty percent (30%) of the total floor area of the Dwelling is used for the business;
 - e) adequate off-street parking is provided for both the Dwelling and the business;
 - f) no outdoor storage of materials or product display is used in conjunction with the business; and
 - g) the external appearance of the Dwelling is not altered with the exception of one sign that is no greater than 0.6 square metres (6.4 sq ft) in area and 1.5 metres (5 feet) in height is permitted.

MORE INFORMATION

Construction or renovation to create a home-based business or changing the type of home-based business may require a Building Permit from the Province. For further information visit Inspection Services at <https://www.princeedwardisland.ca/en/information/agriculture-and-land/building-standards-pei>

5.19.2 A Home-Based Business shall not generate noise, vibration, smoke, dust, odour, traffic, heat or other nuisance beyond levels normally associated with a residential Dwelling.

5.20 Wind Turbine for Personal Use

- 5.20.1 A wind turbine with a maximum capacity of 1 kilowatts per turbine shall be permitted in all zones subject to the following requirements:
- a) Only 1 mini wind turbine shall be permitted per lot;
 - b) A Development Permit application for a mini wind turbine shall be accompanied by the manufacturer's specifications;
 - c) Mini wind turbines shall be attached to a building and situated so that all elements of the turbine are located outside of all minimum yard setbacks, or a minimum of 3.0 metres (10 feet) from property lines, whichever is greatest;
 - d) The height of a mini wind turbine shall not exceed 2.5 metres (8.2 feet) above the roofline of the subject building.

5.21 Parks and Playgrounds

5.21.1 Parks, playgrounds, and walking and cycling trails are a permitted use in all zones.

Part 6: Residential



6.1 Unserviced Residential (UR)

The intent of the Unserviced Residential Zone is to permit residential development on Lots that are not serviced by a municipal sewer system.

PERMITTED USES

6.1.1 The following uses shall be permitted in the Unserviced Residential (UR) Zone:

- a) Single Unit Dwelling
- b) Mini Home
- c) Ancillary Dwelling
- d) Home-Based Business
- e) Guest House
- f) daycare limited to a maximum of 6 children
- g) Accessory Buildings

ZONING STANDARDS

6.1.2 In the Unserviced Residential (UR) Zone Lots and Structures shall conform with the following standards:

Minimum Lot Area	As required by the Province-Wide Minimum Development Standards (included in Schedule C). <i>Note: A Single Unit Dwelling with an Ancillary Dwelling counts as 2 residential units in the standards.</i>
Minimum Frontage	30.5 metres (100 feet) or 15.3 metres (50 feet) where the Frontage is on the interior curve of a street
Minimum Circle Diameter to be Contained Within the Lot	As required by the Province-Wide Minimum Development Standards (included in Schedule C). <i>Note: A Single Unit Dwelling with an Ancillary Dwelling counts as 2 residential units in the standards.</i>
Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)
Minimum Side Yard	3.0 metres (9.8 feet)
Minimum Rear Yard	9.0 metres (30 feet)
Maximum Building Height	10.7 metres (35 feet)

6.2 Low Density Residential (R1)

The intent of the Low Density Residential Zone is to allow one and two-unit housing types and to provide the opportunity for a wide range of home-based businesses which do not change the residential character of the neighbourhood.

PERMITTED USES

6.2.1 The following uses shall be permitted in the Low Density Residential (R1) Zone:

- a) Single Unit Dwelling
- b) Duplex Dwelling
- c) Mini Home except that a Mini Home shall not be permitted in 'Area A' shown below
- d) Ancillary Dwelling
- e) Home-Based Business
- f) Guest House
- g) daycare limited to a maximum of 6 children
- h) Accessory Buildings

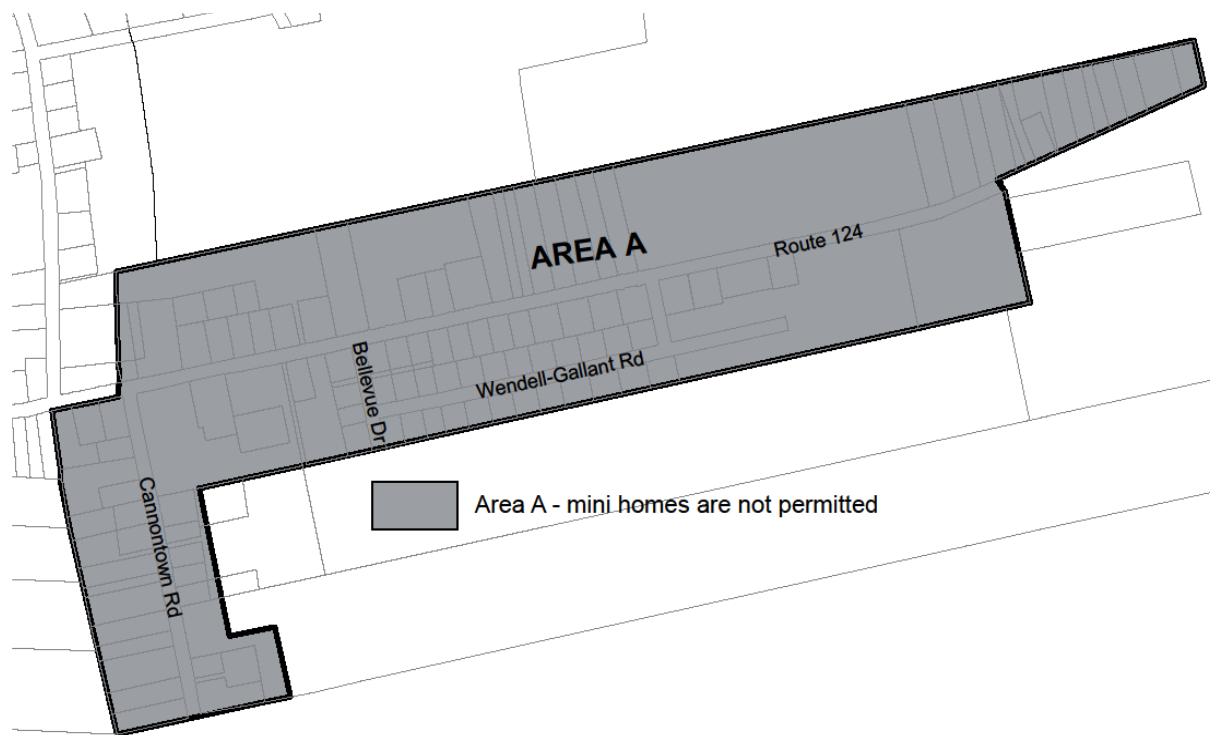


Figure 1. Mini home exclusion area.

ZONING STANDARDS

6.2.2 In the Low Density Residential (R1) Zone Lots and Structures shall conform with the following standards:

For Single Unit Dwelling

Minimum Lot Area	As required by the Province-Wide Minimum Development Standards (included in Schedule C)
Minimum Frontage	15.3 metres (50 feet)
Minimum Circle Diameter to be Contained Within the Lot	As required by the Province-Wide Minimum Development Standards (included in Schedule C)
Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)
Minimum Side Yard	3.0 metres (9.8 feet)
Minimum Rear Yard	4.5 metres (14.7 feet)
Maximum Building Height	10.7 metres (35 feet)

For Duplex or House with an Ancillary Dwelling

Minimum Lot Area	As required by the Province-Wide Minimum Development Standards (included in Schedule C)
Minimum Frontage*	15.3 m (50 feet)
Minimum Circle Diameter to be Contained Within the Lot	As required by the Province-Wide Minimum Development Standards (included in Schedule C)
Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)
Minimum Side Yard	3.0 metres (9.8 feet)
Minimum Rear Yard	4.5 metres (14.7 feet)
Maximum Building Height	10.7 metres (35 feet)

** these distances are based on the Province-Wide Minimum Development Standards at the time the Bylaw was adopted*

- 6.2.3 Notwithstanding Section 6.2.3 above, the minimum lot area, minimum Frontage, and minimum circle diameter standards shall conform to the Province-Wide Development Standards Regulations prescribed under the *Planning Act* (1988), as may be amended.
- 6.2.4 Notwithstanding the minimum lot size standards set out in Section 6.2.3 above, for infilling purposes, a lot may be reduced to a minimum of 929 square metres (10,000 square feet) for a Single Unit Dwelling provided that:
 - a) it is serviced by an on-site water supply system and a central sewerage system; and
 - b) the subdivision creates only one additional lot from the existing parcel.
- 6.2.5 Notwithstanding Section 6.2.3 above, on Lots created after the effective date of this Bylaw, a vegetated land use buffer may be required where the property directly abuts a parcel of land with an Agricultural Use. The buffer shall meet the requirements listed in Section 11.7.1. and shall be planted wholly on the residential property along the inside of any lot line that is shared with the property containing the Agricultural Use.

6.3 Medium Density Residential (R3)



The intent of the medium density residential zone is to support a range of housing types to meet specific community needs such as seniors housing, affordable housing, housing for singles and families, and rental housing.

PERMITTED USES

- 6.3.1 In the Medium Density Residential (R3) zone, no person shall use any land or building or part thereof except for those uses permitted in the (R1) zone, subject to the provisions and standards of that zone, and any of the following uses:
- a) Multi Unit Residential Dwellings to a maximum of 8 units
 - b) senior citizen care facilities and nursing homes
 - c) group homes
 - d) Home-Based Business
 - e) Accessory Buildings

ZONING STANDARDS

- 6.3.2 In the Medium Density Residential (R3) Zone Lots and Structures shall conform with the following standards:

Multi Residential Dwellings	
Minimum Lot Area	As required by the Province-wide Minimum Development Standards (included in Schedule C)
Minimum Lot Frontage*	15.3 m (50 feet)
Minimum Circle Diameter to be Contained Within the Lot	As required by the Province-wide Minimum Development Standards (included in Schedule C)
Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)
Minimum Side Yard	3.0 metres (9.8 feet)
Minimum Rear Yard	7.5 metres (25 feet)
Maximum Building Height	10.7 metres (35 feet)

* these distances are based on the Province-Wide Minimum Development Standards at the time the Bylaw was adopted

- 6.3.3 Notwithstanding Section 6.3.2 above, the minimum lot area, minimum Frontage, minimum circle diameter standards shall conform to the Province-Wide Development Standards Regulations prescribed under the *Planning Act* (1988), as may be amended.
- 6.3.4 Notwithstanding Section 6.3.2 above, a care facility shall have a minimum Side Yard of 4.5 metres (15 feet) and a minimum Rear Yard of 9.0 metres (30 feet) where it abuts a lot zoned as Low Density Residential (R1).
- 6.3.5 A single storey Multi Residential building shall not exceed 40.0 metres in length and shall be visually divided into segments no greater than 11.0 metres in length through the use of different exterior finishes, building articulation and recessed entryways.
- 6.3.6 Parking Lots for Multi Residential Dwellings shall be located in the Side or Rear Yard.
- 6.3.7 Notwithstanding Section 6.3.2 above, on Lots created after the effective date of this Bylaw, a vegetated land use buffer may be required where the property directly abuts a parcel of land with an Agricultural Use. The buffer shall meet the requirements listed in Section 11.7.1. and shall be planted wholly on the residential property along the inside of any lot line that is shared with the property containing the Agricultural Use.
- 6.3.8 No more than one Mini Home shall be placed on a parcel of land.

Part 7: Commercial



7.1 General Commercial (C1) Zone

The intent of the general commercial zone is to allow existing commercial operations to continue and to encourage small-scale businesses that support cultural and tourism activities or neighbourhood scale commercial uses.

PERMITTED USES

7.1.1 In the General Commercial (C1) Zone, no person shall use any land or building or part thereof except for those uses permitted in the (R1) and (R3) Zones, subject to the provisions of those zones, and any of the following commercial uses:

- a) Retail store;
- b) Office building;
- c) Health services;
- d) Personal service;
- e) Convenience store;
- f) Fitness studio;
- g) Restaurant;
- h) Banking and financial institutions;
- i) Lounges and bars;
- j) Tourist accommodations;
- k) Establishments associated with the automotive trade, including service stations and mechanic repair shops, but excluding automobile salvage yards;
- l) Contractor Services; and
- m) Accessory Buildings.

ZONING STANDARDS

7.1.2 In the General Commercial (C1) Zone, Lots and Structures shall conform with the following standards:

Commercial Buildings	
Minimum Lot Area*	1,393.5 square metres (15,000 square feet)
Minimum Frontage*	15.25 metres (50 feet)
Minimum Circle Diameter to be Contained Within the Lot*	30.5 m (100 feet)

Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)
Minimum Side Yard	3.0 metres (9.9 feet)
Minimum Rear Yard	4.5 metres (14.8 feet)
Maximum Building Height	10.7 metres (35 feet)

** these distances are based on the Province-Wide Minimum Development Standards at the time the Bylaw was adopted*

7.1.3 Notwithstanding Section 7.1.2 above, the minimum lot area, minimum Frontage, minimum circle diameter standards shall conform to the Province-Wide Development Standards Regulations prescribed under the *Planning Act* (1988), as may be amended.

7.1.4 Where a lot or parcel of land zoned as General Commercial (C1) is developed which directly abuts a lot or parcel of land with a residential use:

- a) a strip of land not less than 4.5 metres (15 feet) in width along the lot line within the Commercial (C1) Zone and adjacent to the residential zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- b) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
- c) outdoor storage shall be prohibited adjacent to a residential zone, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, fence or other appropriate Structure.

7.1.5 Notwithstanding any other provision of this Bylaw, the following special provisions shall apply to an automobile service station:

Minimum pump setback	6.0 metres (20 feet)
Minimum pump distance from access or egress points	9.0 metres (30 feet)
Minimum Driveway width	7.5 metres (25 feet)

7.1.6 Where the service station includes an automobile washing facility, all washing operations shall occur in an enclosed building.



Part 8: Cultural

8.1 Cultural and Community Use (CC) Zone

The purpose of this zone is to provide for cultural, institutional, and community-oriented uses.

PERMITTED USES

8.1.1 Permitted uses in the Cultural and Community Use (CC) Zone shall include:

- a) Auditoriums and stadiums;
- b) civic centres;
- c) churches and other religious institutions, including cemeteries;
- d) daycares;
- e) fairgrounds and agricultural exhibition grounds;
- f) galleries, libraries, museums and theatres;
- g) government office buildings;
- h) group homes;
- i) emergency services;
- j) indoor and outdoor recreation facilities;
- k) parks, playgrounds, walking and cycling trails;
- l) schools and similar learning institutions, including colleges and universities;
- m) senior citizen care facilities and nursing homes;
- n) accessory retail and restaurant uses;
- o) Accessory Buildings and Structures to the above.

ZONING STANDARDS

8.1.2 In the Cultural and Community Use (CC) Zone, Lots and Structures shall conform with the following standards:

Cultural and Community Uses and Buildings	Standard
Minimum Lot Area*	1,394 square metres (15,000 square feet)
Minimum Frontage*	15.25 metres (50 feet)
Minimum Circle Diameter to be Contained Within the Lot*	30.5 m (100 feet)
Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)
Minimum Side Yard	3.0 metres (9.9 feet)

Minimum Rear Yard	4.5 metres (15 feet)
Maximum Building Height	10.7 metres (35 feet)

** these distances are based on the Province-Wide Minimum Development Standards at the time the Bylaw was adopted*

- 8.1.3 Notwithstanding Section 8.1.2 above, the minimum lot area, minimum Frontage, and minimum circle diameter standards shall conform to the Province-Wide Development Standards Regulations prescribed under the *Planning Act* (1988), as may be amended.
- 8.1.4 Where a lot or parcel of land zoned as Cultural and Community Use (CC) is developed which directly abuts a lot or parcel of land with a low density residential use:
- a) a strip of land not less than 4.5 metres (15 feet) in width along the lot line within the Cultural and Community Use (CC) zone and adjacent to the residential zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
 - b) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential use; and
 - c) outdoor storage shall be prohibited adjacent to a residential zone, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, fence or other appropriate Structure.
- 8.1.5 All new Developments in this zone shall, wherever practical, be integrated, at no cost to the municipality, into the municipality's existing or planned pedestrian, paved parking, and recreation and public open space networks.

Part 9: Parks and Open Space



9.1 Parks and Open Space (P1) Zone

This zone is intended to provide active and passive recreational opportunities.

PERMITTED USES

- 9.1.1 Permitted uses in the Parks and Open Space (P1) zone shall include;
- a) Outdoor recreational uses including playing fields, sports courts, fitness parks, picnic areas, playgrounds and similar;
 - b) Ecological conservation areas;
 - c) Walking and cycling trails;
 - d) Pavilions and band shells;
 - e) Accessory related commercial services; and
 - f) Accessory Buildings and Structures to the above, including Parking Lots.

ZONING STANDARDS

- 9.1.2 In the Park and Open Space (P1) Zone, Lots and Structures shall conform with the following standards:

Parks & Recreational Uses	Standard
Minimum Lot Area*	1,395 square metres (15,000 square feet)
Minimum Frontage*	15.25 metres (50 feet)
Minimum Circle Diameter to be Contained Within the Lot*	30.5 m (100 feet)
Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)
Minimum Side Yard	3.0 metres (9.9 feet)
Minimum Rear Yard	4.5 metres (14.8 feet)
Maximum Building Height	6.0 metres (19.7 feet)

** these distances are based on the Province-Wide Minimum Development Standards at the time the Bylaw was adopted*

- 9.1.3 New recreation and public open space Developments or existing recreation and public open space Developments wishing to expand may require a public review process set out in Section 3.5 of this Bylaw.
- 9.1.4 Where a lot or parcel of land zoned as Parks and Open Space (P1) is developed which directly abuts a lot or parcel of land in residential use:
- a) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
 - b) outdoor storage shall be prohibited adjacent to a residential zone, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, fence or other appropriate Structure.



Part 10: Agricultural

10.1 Agricultural (A1) Zone

The intent of the Agricultural (A1) Zone is to support the continuation of existing Agricultural Uses.

PERMITTED USES

- 10.1.1 Within any Agricultural (A1) Zone, no person shall use any land, building or Structure except for the following uses:
- a) Single Unit Dwelling;
 - b) Ancillary Dwelling;
 - c) Farm Employee Housing;
 - d) Agricultural Use excluding Intensive Livestock Operations;
 - e) Farm Gate Sales;
 - f) Farm Supportive Use;
 - g) Agritourism Use;
 - h) Guest House;
 - i) Accessory Buildings or Structures to the above.

ZONING STANDARDS

10.1.2 In the Agricultural (A1) Zone, Lots and Structures shall conform with the following standards:

Minimum Lot area	9,000 square metres (2.2 acres)
Minimum Frontage	46.0 m (150 feet)

For Agricultural Buildings and Structures

Minimum Front Yard	15.0 metres (49 feet)
Minimum Flankage Yard	15.0 metres (49 feet)
Minimum Side Yard	4.5 metres (15 feet)
Minimum Rear Yard	7.6 metres (25 feet)
Maximum Building Height	16.0 metres (52 feet)

For Residential Buildings and Structures

Minimum Front Yard	6.0 metres (19.7 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)

Minimum Side Yard	3.0 metres (9.8 feet)
Minimum Rear Yard	7.5 metres (25 feet)
Maximum Building Height	10.7 metres (35 feet)

10.1.3 No person shall build or place more than one residential building or mini home on any parcel of land in the Agricultural (A1) zone except that two residential buildings are permitted where one of the residential buildings is used solely for Farm Employee Housing.

Part 11: General Provisions for Subdivision

11.1 Permission to Subdivide

- 11.1.1 No person shall Subdivide land within the boundaries of Abram-Village unless the subdivision has final approval from Council.

MORE INFORMATION

Section 12 defines what it means to subdivide. A subdivision includes lot line adjustments, consolidating 2 or more lots, or dividing a property into 2 or more lots

11.2 Conveying Interest in a Lot

- 11.2.1 No person shall sell or convey interest in any lot before Council has granted final approval for the subdivision in which the lot is situated.

11.3 Subdivision Design

- 11.3.1 No person shall subdivide land within the boundaries of Abram-Village unless the proposed subdivision:
- a) conforms with the requirements of this Bylaw and other Municipal Bylaws in force;
 - 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 adequate utilities and services available, or can be conveniently provided with such utilities and services;
 - e) is reasonably compatible with land uses in the immediate vicinity;
 - f) has safe and convenient street access and traffic flow as assessed by the Province's Department of Transportation, Infrastructure and Energy, or any successor;
 - g) is designed so that lots will have suitable dimensions, shapes, orientation, and accessibility;
 - h) is suitable to the use for which it is intended, and the future use of adjacent lands;
 - i) has adequate Frontage on a public road pursuant to Sections 5.2 and 11.4 of this Bylaw;
 - j) would not be detrimental to the convenience, health or safety of residents in the vicinity or the general public;
 - k) would not precipitate premature Development, cause unnecessary public expenditure, or place undue pressures on the Municipality to provide services; or
 - l) would not result in undue damage to the natural environment.

11.4 Subdivision of Lots with Reduced Frontage


- 11.4.1 If a parcel of land in any zone is of such configuration that it cannot reasonably be subdivided in a way as to provide the required minimum lot Frontage on a street, Council may approve a reduced road Frontage, provided that the lot width at the Front Yard Building Line measures at least as much as the minimum lot Frontage requirement.
- 11.4.2 In any zone, lots designed with a reduced road Frontage along a bend in a street or facing a cul-de-sac may be approved by Council, if, in the opinion of Council, adequate and safe access to the lot is provided, and if the lot width at the Front Yard Building Line measures at least as much as the minimum lot Frontage requirement.

11.5 Servicing

- 11.5.1 All new subdivided lots shall be serviced by the municipal sewer system unless connection to the municipal sewer system is not feasible.
- 11.5.2 Any person proposing to subdivide a lot that cannot reasonably be connected to the municipal sewer system and requires the use of an on-site sewage disposal system, shall provide Council with a copy of a suitability assessment and a septic permit from the Province.

11.6 Park Dedication

- 11.6.1 When the proposed Subdivision results in the creation of two (2) or more Lots, Council shall require that 10% of land in a proposed subdivision, free of any encumbrances, shall be conveyed to the Municipality as park land for public recreation purposes. The size, location and dimensions of the proposed park land shall be determined by Council.



MORE INFORMATION

For example if a 10 acre parcel is being proposed for subdivision into 2 or more lots, then one of the following will be required:

- i) 1 acre of land transferred to the municipality as park land
- ii) Payment of a park dedication fee equal to the value of 1 acre of the land being subdivided
- iii) A combination of land and fees such as 0.6 acres of land transferred to the municipality as park land plus a park dedication fee equal to the value of 0.4 acres of the land being subdivided.

11.6.2 Where Council deems that the conveyance of land is not appropriate or the exercising of the full 10% conveyance is not appropriate, Council shall require a park dedication fee. If no land is being conveyed to the Municipality as public park land, the park dedication fee shall be equal to 10% of the value of the lands being subdivided. If less than 10% of the subdivided land is being conveyed as park land, the park dedication fee together with the lands being conveyed shall be equivalent to 10% of the land in the proposed subdivision. It is understood that the Park dedication fee shall be calculated on the projected value of the lands being subdivided upon final approval of the subdivision and shall not take into account value of Structures on such lands. The funds generated by the park dedication fee shall be specifically designated for the purchase, development or maintenance of public parks and open space in Abram-Village.

11.7 Agricultural Buffers

11.7.1 Where a proposed subdivision of land zoned for a residential use is located adjacent to land zoned for Agricultural Use, a buffer may be required. The design of the buffer shall meet the following requirements:

- a) the buffer shall be at least 5.0 metres (16.5 feet) in width
- b) the buffer shall be planted with a combination of trees and shrubs to provide coverage from the base to the crown and include trees species that will grow to reach a minimum height of 6.0 metres (20 feet)
- c) the buffer shall include a mix of deciduous and coniferous shrubs and trees
- d) the buffer shall be planted and maintained on the residential zoned land adjacent to all lot lines common the both the residential zoned land and the agricultural zoned land.

11.8 Subdivision Approval

- 11.8.1 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.
- 11.8.2 Council may refuse to approve a subdivision which it has determined is unsuitable under the provisions of this Bylaw.
- 11.8.3 Council may consult with Provincial government officials and private consultants and may conduct a public review process to consider public opinion respecting the proposed subdivision.

11.9 Subdivision Agreement

- 11.9.1 Council shall negotiate and enter into a Subdivision Agreement with the property owner as a condition of approval of a subdivision.
- 11.9.2 The Subdivision Agreement may cover matters relating to:
 - a) design and construction costs of sidewalks, water supply, sewerage, and street lighting;
 - b) integration of the subdivision and proposed Development with the existing street, pedestrian, parking, recreation and public open space networks in Abram-Village;
 - c) dedication of land for parks or payment of a park dedication fee in lieu of land;
 - d) the protection or preservation of natural features;
 - e) the installation of a vegetated buffer where the proposed subdivision of residential land directly abuts agricultural land;
 - f) deeding of roads to the PEI Department of Transportation and Public Works; and
 - g) posting a financial guarantee to the satisfaction of Council.

11.10 Subdivision Application Process

- 11.10.1 Any person applying for a Subdivision shall do so on a form prescribed by Council and shall submit the application to the Development Officer accompanied by a non-refundable application review fee.
- 11.10.2 Every application form shall be signed by the property owner, or with the written permission of the property owner, by the property owner's authorized agent.
- 11.10.3 Subdivision applications submitted to the Development Officer shall be accompanied by a properly scaled drawing showing the proposed subdivision with estimated dimensions of each lot, the site suitability category of each lot, the location of Structures and any significant natural or man-made features, and all streets and services, both existing and proposed.
- 11.10.4 The Development Officer shall notify the applicant, in writing, if the subdivision application is incomplete or lacking in plan details and shall indicate any additional information or documentation required.
- 11.10.5 The Development Officer shall submit the complete subdivision application to Council for review.
- 11.10.6 Council may require a public review of the proposed subdivision prior to approval in principle. Where Council requires a public review of the proposed subdivision, it shall be done in accordance with the public meeting requirements in Section 3.5.
- 11.10.7 The Development Officer, on behalf of the Council, shall advise the applicant in writing that the subdivision has been approved in principle, approved in principle with certain specific conditions, or that the subdivision cannot be approved in principle, and shall state the reasons for Council's decision.
- 11.10.8 Any approval in principle which is given by Council shall be effective for a period not exceeding twenty-four (24) months from the date on which notice of approval in principle is given to the applicant in writing by the Development Officer.

MORE INFORMATION

To determine how big your lot has to be to build a house, duplex, or other type of development, you need to have a site suitability assessment done by a licensed contractor. The assessment will determine the soil suitability category. Together the type of development you are proposing, the soil suitability category, and the type of services (well, septic or municipal sewer) will determine the required lot size. Schedule C lists the current requirements. For more information on the site suitability assessment process, contact the Department of Environment, Water, and Climate Change at <https://www.princeedwardisland.ca/en/topic/environment-water-and-climate-change>

- 11.10.9 Any person seeking final approval of a subdivision plan from Council shall submit the required number of copies of a survey plan certified by a Prince Edward Island Land Surveyor to the Development Officer. For the subdivision of a single lot, six (6) copies are required and for a multiple lot subdivision, up to nine (9) copies may be required. Subdivision of parcels of land for agricultural or livestock purposes greater than ten (10) acres in size may submit a plan of subdivision drawn accurately to scale on a provincial property map in lieu of certified survey plans.
- 11.10.10 Final approval of a Subdivision shall not be given by Council until:
- a) all subdivision 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 subdivision have been made to the satisfaction of Council;
 - c) receipt of the subdivision fee; and
 - d) except for the subdivision of parcels of land greater than 4.0 hectares (10 acres) in size used for agricultural or livestock purposes, the subdivision has been surveyed and the survey plan has been certified by a Prince Edward Island Land Surveyor.
- 11.10.11 The Development Officer shall give notice in writing of Council's decision to grant final approval of a subdivision to the Subdivider.
- 11.10.12 Council shall place its seal on all required copies of the approved subdivision plan.
- 11.10.13 The Development Officer shall retain one (1) copy of the approved subdivision plan for their records, retain one (1) copy of the approved subdivision plan for the Municipality's records, return one (1) copy to the applicant, and file the remaining copies with the following entities as required:
- a) the Registrar of Deeds;
 - b) the Real Property Assessment Division, PEI Provincial Treasury; and,
 - c) in the case of a multiple lot subdivision, additional copies with utilities as required.
- 11.10.14 Within seven days of the date that final approval was given, a written notice of the decision shall be posted on the Abram-Village website and in the municipal office containing the following information:
- a) a description of the land that is the subject of the decision;
 - b) a description of the nature of the application in respect of which the decision is made;
 - c) the date of the decision;
 - d) the date on which the right to appeal the decision under Section 28 of the *Planning Act* (1988) expires; and
 - e) the phone number of a person or an office at which the public may obtain more information about the decision.

Application for a Subdivision

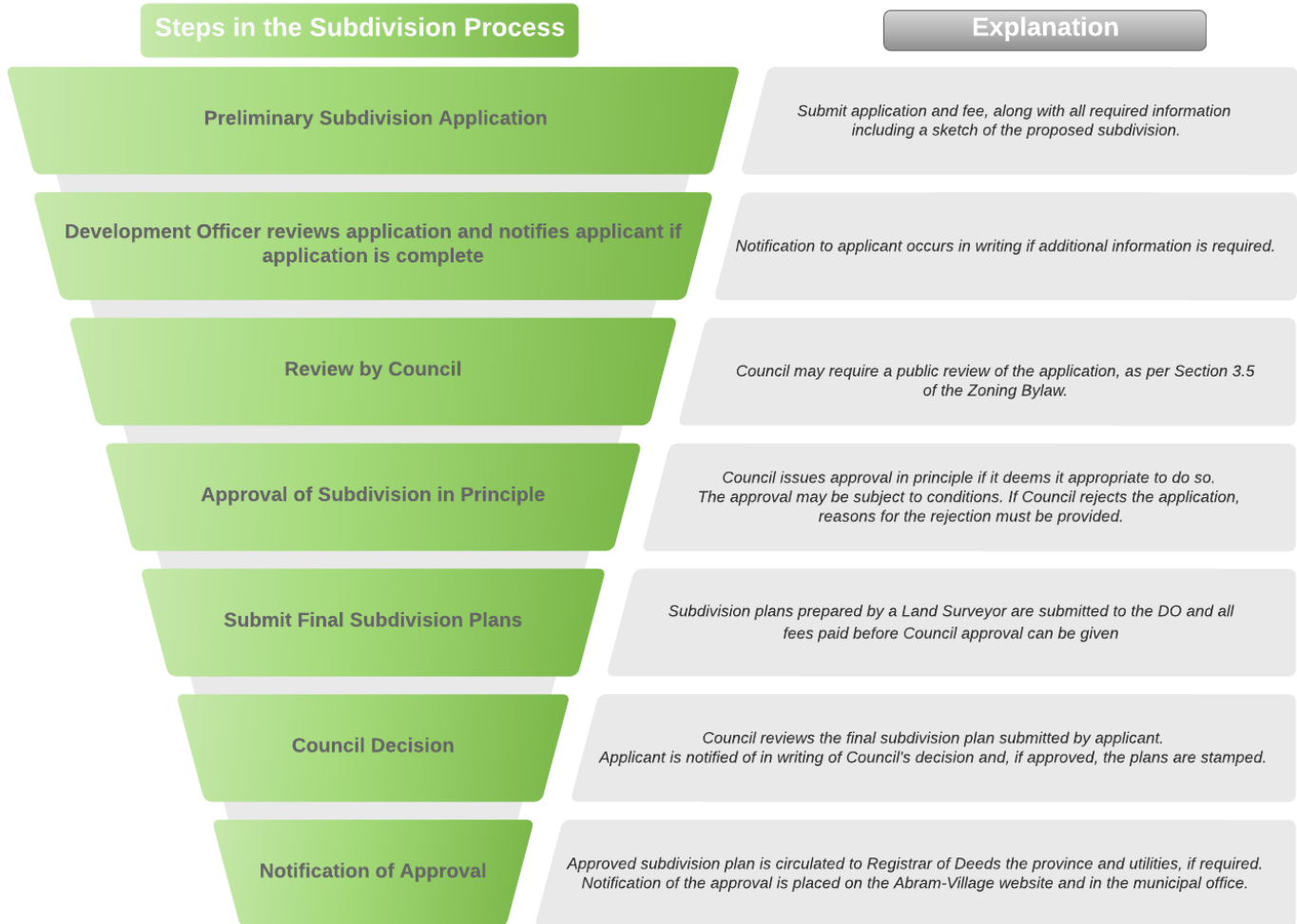


Figure 4 - Subdivision Process Chart

Part 12: Definitions

12.1.1 For the purposes of this Bylaw:

A

Accessory Building or **Accessory Structure** means a building or structure on the same parcel of land as the main building, the use of which is clearly incidental to that of the main building.

Agricultural Use means the use of land, buildings, or structures to produce agricultural products or undertake agricultural practices such as, but not limited to, growing grains, hay, fruit, and vegetables, pasturage, and raising livestock, with the expectation of payment but excluding Intensive Livestock Operations.

Agritourism Use means activity incidental to the operation of a farm that brings members of the public to the farm for educational or recreational purposes.

B

Building Height means the vertical distance measured from the averaged finished grade to the highest point of the roof surface.

Building Line means the line marking the horizontal distance required from a respective lot line to any building or Structure or part thereof.

C

Contractor Services means a use providing for construction, electrical, plumbing, heating, painting, glass, surveying and engineering, and similar contractor services. Any sales, display, office or technical support service areas, storage of equipment and/or vehicles shall only be permitted as an accessory use.

Council means the municipal council of Abram-Village.

D

Development means:

- a) the alteration of land including grading of land, excavation, depositing, or stockpiling of soil or other material;
- b) constructing, erecting, moving, placing, demolishing, or making structural alterations to a building or structure in, under, on or over the land;
- c) changing the use or the intensity of use of any land, buildings, or Structures; and
- d) establishing a parking lot.

Development Permit means a permit issued for a Development under the regulations or pursuant to this Bylaw but does not include a building permit issued under the Buildings Codes Act.

Dwelling or **Dwelling Unit** means a building or portion thereof used for residential occupancy containing sleeping areas, sanitary facilities, and cooking facilities.

Dwelling, Ancillary means an additional self-contained Dwelling unit that provides rental accommodation on a lot with a Single Unit Dwelling. The Ancillary Dwelling may be located within a Single Unit Dwelling (house) or within an Accessory Building known as a detached Ancillary Dwelling.

Dwelling, Duplex means a building that is divided into two separate Dwelling units but excludes an Ancillary Dwelling.

Dwelling, Multi Unit means a building containing three or more Dwelling units.

Dwelling, Single Unit means a detached building containing only one Dwelling unit, or where permitted, one principle Dwelling unit and one ancillary Dwelling and includes Modular Homes.

F

Farm Employee Housing means one Dwelling that is placed on a farm property on a temporary basis and that:

- a) has a width no greater than 7.3 metres (24 feet);
- b) is no greater than one storey in height;
- c) has a roof pitch no greater than 4/12;
- d) is constructed and erected in such a manner as to be capable of being readily removed from the site; and
- e) does not exceed 93.0 square metres (800 square feet) in area, or is a mini home; and
- f) is for the sole and exclusive use as housing to accommodate the workers of a Farm Enterprise.

Farm Gate Sales means the sale of farm products grown on the site, or on another site operated by the same producer, to the general public.

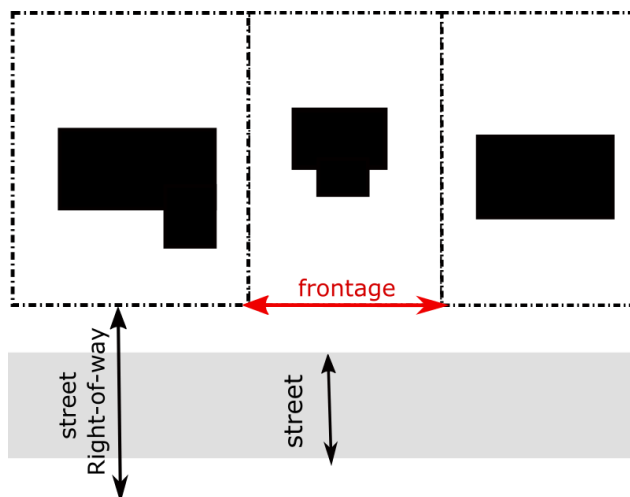
Farm Property means arable land and complementary buildings that is operated as a Farm Enterprise by a bona fide farmer and includes land leased from the Crown and operated as part of a farm enterprise, but excludes land leased or rented from owners who are not bona fide farmers, or land approved for sub-division as residential, recreational, commercial, industrial or institutional use.

Farm Enterprise has the same meaning as defined in the *Real Property Assessment Act* (1988)

Farm Supportive Use means the use of a lot or buildings on that lot for uses such as, but not limited to, agricultural warehousing, processing, sorting, grading, packaging, offices, and transport facilities located on the farm property and associated with a farming business.

Floor Area means the space on any storey of a building between exterior walls.

Frontage means the length of the lot line that directly abuts a street or road.



G

Guest House means a Single Unit Dwelling where the resident occupant provides accommodation of up to three bedrooms, with or without meals, for the short-term stay of travelling public for financial remuneration.

H

Health Services means uses related to the health of a person including, but not limited to medical clinics, dental clinics, registered massage therapy services, chiropractic services, registered dietitian, acupuncture, and physiotherapy.

Highway means a public road or street and excludes trails.

Home-Based Business means a business which is located in a residential Dwelling or in an Accessory Structure associated with a Single Unit Dwelling or Duplex Dwelling, and where the business is clearly incidental to and compatible with the residential use.

I

Intensive Livestock Building means any building or Structure used in conjunction with an intensive livestock operation for the housing of livestock or poultry.

Intensive Livestock Operation means the rearing of livestock or poultry which may be confined in buildings, open sheds, yards, paddocks or by field grazing, the numbers of which, type of management system, minimum separation distance, etc., as recommended by the Department of Agriculture and Forestry's "Guidelines for Manure Management and Separation Distances" shall define intensive use for the purpose of evaluating the environmental impact of such an operation on the surrounding area.

L

Lot, Property, or Parcel means any parcel of land described in a deed or as shown in a registered subdivision plan.

Lot Line means the legally defined line or lines bounding any Parcel.

M

Modular Home means a dwelling where multiple discrete sections or components are prefabricated then transported to a site where the modules or sections are assembled into a dwelling unit with proportions that typically resemble a site-built home. Modular Homes are placed on a permanent full perimeter foundation. Modular

PRE-FABRICATED HOMES

Modular Home Example

Often look like site-built single unit dwellings. Certified under CSA A277 standards.



Manufactured / Mini Home Example

Commonly referred to as manufactured homes. Financing can be different than for site-built homes. Typically long and narrow in appearance and often mounted on blocks and finished with skirting. These homes are certified to meet CSA Z240 MH requirements.



Homes have an average width greater than 6 metres (20 feet) and are considered as Single Unit Dwellings in Abram-Village. Modular Homes do not include Mini Homes or Manufactured Homes.

Mini Home or Manufactured Home means a one storey prefabricated dwelling with long, narrow proportions designed for transportation on a trailer or its own chassis to a site where it is ready for occupancy except for minor unpacking and assembly operations. These homes typically have an average width of less than 6 metres (20 feet), are CSA certified, built after July 1, 2009, and considered moveable although in practice this rarely happens. Mini-Homes can be placed on concrete blocks, wooden cribs, metal piers, and may be surrounded by skirting or can be placed on a full perimeter foundation.

Municipality means the municipal government for the area incorporated and known as the Rural Municipality of Abram-Village.

P

Parcel see Lot definition.

Parking Lot means the use of land, other than a street, for the parking of motor vehicles and which has access to a street or highway by means of defined entrances, driveways, aisles, and manoeuvring areas.

Parking Space means a space for the parking of one vehicle either outside or inside a building or Structure but does not include manoeuvring aisles and other areas providing access to the space.

Personal Service means a shop in which personal services such as hair styling, spa, tutoring, tailoring, shoe repairs, small appliance repairs, or similar uses are performed.

Province means the government of the province of Prince Edward Island.

Public Open Space means land which may be used for recreational or other outdoor leisure activities by the general public.

R

Restaurant means buildings or part thereof where food and drink is prepared, and offered for sale to the public.

S

Site Plan means a plan drawn to a suitable scale showing the location and details of existing and proposed features on a parcel of land.

Structure means any construction fixed to, supported by or sunk in to land or water, and includes sewage lagoons, manure pits, underground storage tanks, and fences over 2.2 metres (7 feet) in height, but excludes concrete or asphalt paving or similar surfacing, clothesline poles, flag poles and utility poles, or Accessory Buildings 9.3 square metres (100 sq. ft). or less in total floor area.

Subdivider means the owner of a parcel of land which is being subdivided, or his or her authorized agent.

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.

Subdivision Agreement means a legal document describing a two-party agreement between a subdivider and the Municipality, the subject of which pertains to actions to be taken in the subdividing of a parcel of land.

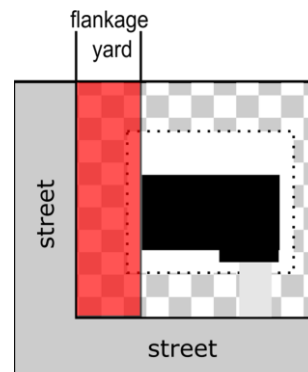
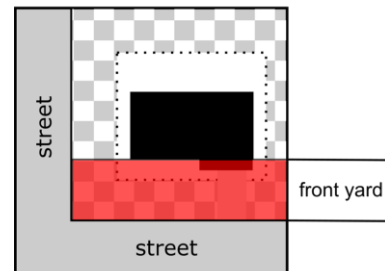
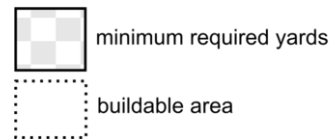
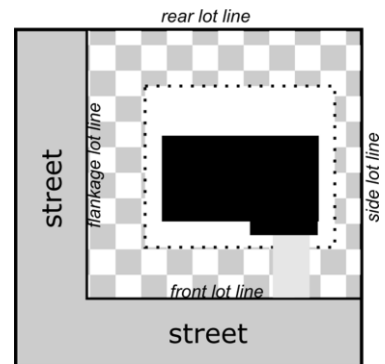
Survey Plan means an appropriately scaled drawing of survey details certified by a Prince Edward Island Land Surveyor.

Swimming Pool means any constructed or prefabricated Structure with a depth greater than 0.6 m which is sunk into the ground or is erected above the ground and is used for bathing, wading or swimming purposes.

T

Tourist Accommodation means a means a building, buildings, or part thereof wherein accommodation is provided for the travelling public on a temporary basis (30 days or less) and may include accessory uses such as: restaurants, licensed beverage rooms, boutique retail, spa and hair salon services, and meeting rooms.

YARDS



U

Utility Building means a building which houses stationary equipment for telephone, electric power, public water supply, or sewerage services.

Y

Yard means an open, uncovered, unoccupied space appurtenant to a building;

- a) **Flankage Yard** means, on a corner lot, that yard extending across the full width of the lot and fronting on a roadway which is not the roadway along which the front yard extends;
- b) **Front Yard** means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on the lot;
- c) **Rear Yard** means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on the lot; and
- d) **Side Yard** means a yard extending across the full width of the lot between a side lot line and the nearest main wall of the main building on the lot, exclusive of any chimney breast.

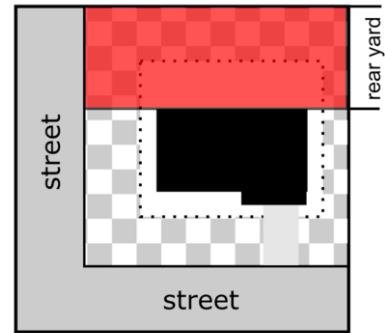
W

Watercourse means a watercourse as defined in the *Environmental Protection Act Watercourse and Wetland Protection Regulations* as may be amended.

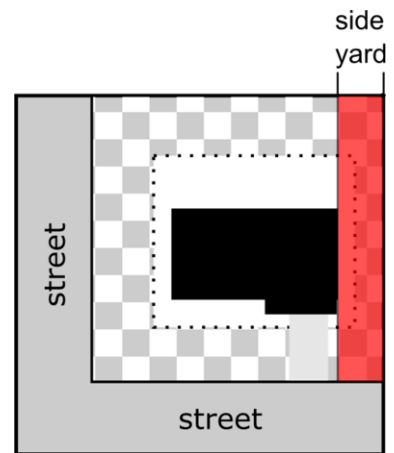
Wetland means a wetland as defined in the *Environmental Protection Act Watercourse and Wetland Protection Regulations* as may be amended.

Z

Zone means an area of land designated under this Bylaw within which specific land uses are permitted and others restricted or prohibited

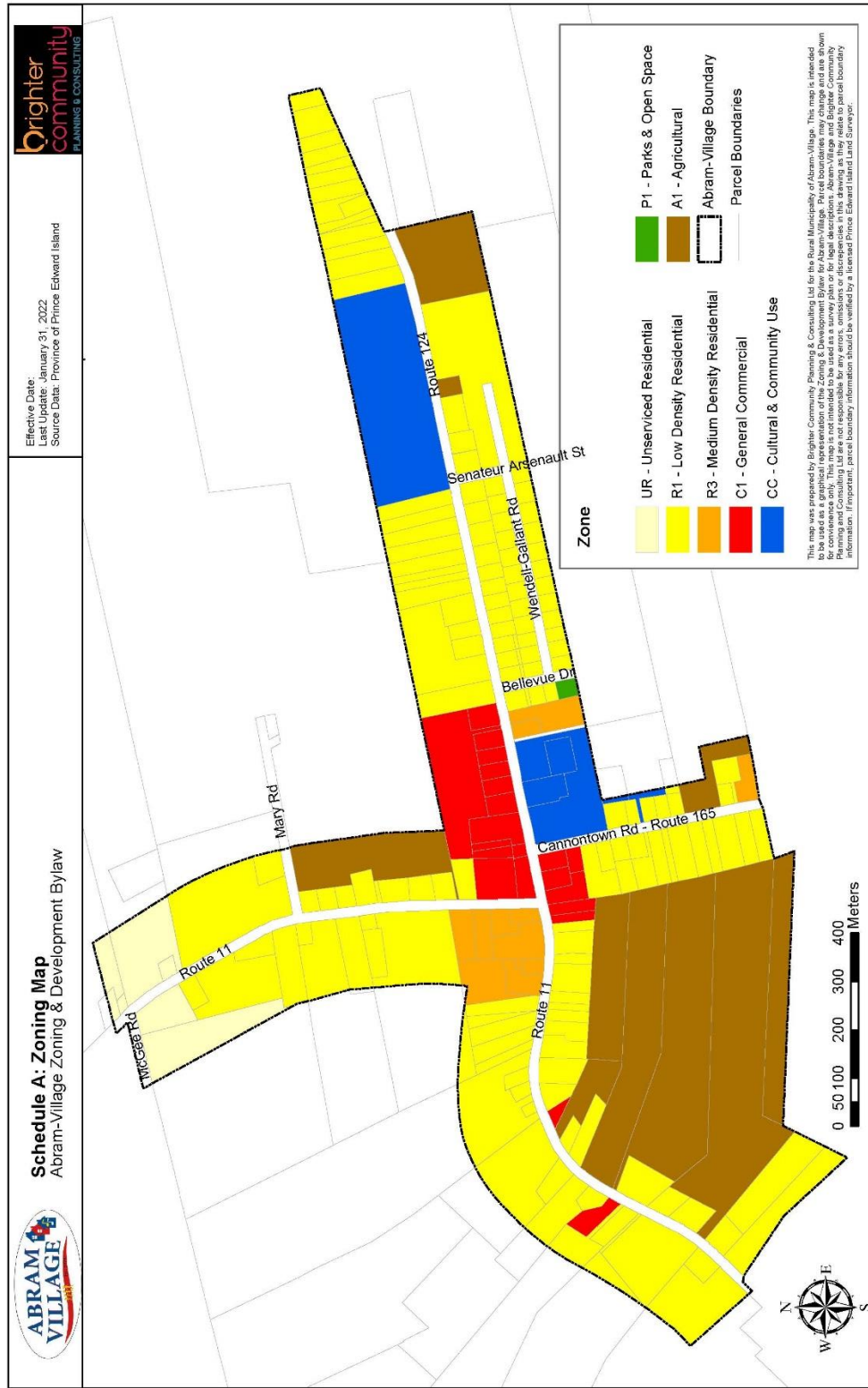


REAR YARD ILLUSTRATION



SIDE YARD ILLUSTRATION

Schedule A – Zoning Map



Schedule B - Sight Distance Standards for Entrance Ways

1. Entrance ways to be used or established on highways shall have a minimum sight distance to be measured by the following calculation as stated in the *Roads Act Highway Access Regulations* as may be amended.
2. A vehicle operator approaching an access driveway with eye level 1.05 metres above grade shall be able to see any object larger than 0.4 metres in height at an entrance way for a minimum distance as specified in Table 1.

Table 1. Minimum Safe Stopping Distance Requirement

Designation	Minimum Safe Stopping Distance	Applicability to Abram-Village
Arterial Highways	170 metres	
Arterial Highways within infilling areas of cities and towns Identified in Schedule "F-1"	85 metres	
Collector Highways	140 metres	
Collector Highways within municipalities identified in Schedule "F-2" which includes Abram-Village	85 metres	Route 124
Local Highways identified in Schedule "C-1"	140 metres	Route 11, Cannontown (Route 165)
Local Highways identified in Schedule "C-2" and paved local highways, other than subdivision streets, not identified in Schedules "C-1" or "C-2"	110 metres	
Unpaved Local Highways identified in Schedule "C-3"	140 metres	Mary Rd
Local Highways within municipalities identified in Schedule "F-2" which includes Abram-Village	85 metres	Bellevue Drive, Senateur Arsenault St, Wendell-Gallant Rd
Subdivision Streets*	45 metres*	
Seasonal Highways	140 metres	McGee Rd
Within 200 metres of a right-of-way control sign on any highway identified in Schedules B, C-1, C-2, C-3 or D	85 metres	
Within 200 metres of the shore end of any highway, identified in Schedule C-3 or D, which ends at the shore	85 metres	

**the designation of Bellevue Drive, Senateur Arsenault St, Wendell-Gallant Rd should be verified with the Ministry of Transportation to determine the safe stopping distance.*

Note: The minimum safe stopping distances listed above reference the Province's Highway Access Regulations as written on the effective date of this Bylaw

Schedule C – Province-Wide Minimum Development Standards for Residential Use

- 1. Notwithstanding any provisions of this Bylaw, no person shall subdivide a lot except in conformance with the *Planning Act Province-Wide Minimum Development Standards Regulations* (1988) as noted in **Table 1** or as amended from time to time.
- 2. In accordance with the *Planning Act Province-Wide Minimum Development Standard Regulations*, the minimum lot size standard set in Table 1 does not apply to subdivisions approved prior to October 14, 1995.

MORE INFORMATION
PROCESS FOR DETERMINING HOW BIG YOUR LOT HAS TO BE TO ACCOMMODATE YOUR PROPOSED DEVELOPMENT
<p>Step 1: Have a licenced PEI contractor conduct a site suitability assessment to determine the site suitability category.</p> <p>Step 2: Consult with Abram-Village staff to determine if a connection to the municipal sewer system is required or if the proposed Development will require an onsite septic disposal system.</p> <p>Step 3: Follow the table below to find out the required development standards.</p>

Table 1. Minimum Lot Standards for Residential Lots

Servicing	Lot Category	Minimum Lot Frontage	Number of Dwelling Units	Minimum Lot Area	Minimum Circle Diameter to be Contained Within the Boundaries of the Lot
Most of the lots in the Unserviced Residential (UR) Zone have well water and septic systems					
Onsite water and onsite sewage disposal (well & septic)	I	30.5 metres (100 ft) or 15.3 metres (50 feet) where the Frontage is on the interior curve of a street	1 2 3 4 > 4	2,322.5 sq. m. / 25,000 sq. ft. 2,787 sq. m. / 30,000 sq.ft. 3,251.5 sq. m./ 35,000 sq.ft. 3,717 sq. m. / 40,000 sq.ft. 3,717 sq. m. plus 457 sq. m for each additional unit / 40,000 sq.ft plus 1,500 sq. ft. for each additional unit	45.7 m. / 150 ft. 48.8 m. / 160 ft. 53.3 m. / 175 ft 61 m. / 200 ft. 61 m. / 200 ft.
Onsite water supply and onsite sewage disposal (well & septic)	II	30.5 metres (100 ft) or 15.3 metres (50 feet) where the Frontage is on the interior curve of a street	1 2 3 4 > 4	3,251.5 sq. m. / 35,000 sq. ft. 3,717 sq. m. / 40,000 sq. ft. 4,180.5 sq. m./ 45,000 sq. ft. 4,645 sq. m. /50,000 sq. ft. 4,645 sq. m.plus 457 sq. m. for each additional unit / 50,000 sq. ft plus 1,500 sq. ft. 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
Onsite water supply and onsite sewage disposal (well & septic)	III	30.5 metres (100 ft) or 15.3 metres (50 feet) where the Frontage is on the interior curve of a street	1 2 3 4 > 4	4,738 sq. m./ 51,000 sq. ft. 5,202 sq. m. / 56,000 sq. ft. 5,667 sq. m. / 61,000 sq. ft. 6,131 sq. m. / 66,000 sq. ft. 6,131 sq. m., plus 457 sq. m. for each additional unit / 66,000 sq. ft. plus 1,500 sq. ft. for each additional unit	68.6 m. / 225 ft. 76.2 m. / 250 ft. 76.2 m. / 250 ft. 83.8 m. / 275 ft. 91.4 m. / 300 ft. 91.4 m / 300 ft.
Onsite water supply and onsite sewage disposal (well & septic)	IV	30.5 metres (100 ft) or 15.3 metres (50 feet) where the frontage is on the interior curve of a street	1 2 3 4 > 4	6,975 sq.m. / 75,000 sq.ft. 7,440 sq.m./ 80,000 sq.ft. 7,905 sq.m. / 85,000 sq.ft. 8,370 sq.m. / 90,000 sq.ft. 8,370 sq.m./ 90,000 sq.ft, plus 457 sq.m./ 1,500 sq.ft. for each additional unit	91.4 m / 300 ft.

Onsite water supply and onsite sewage disposal (well & septic)	V	NOT DEVELOPABLE			
Most of the lots in the Low Density Residential (R1) Zone and Medium Density Residential (R3) Zone have well water & municipal sewer					
on-site water supply and central waste treatment system (well water & municipal sewer)	I or II	15.3 metres / 50 ft.	1 2 3 4 > 4	1,393.5 sq. m. / 15,000 sq. ft. 1,858 sq. m. / 20,000 sq. ft. 2,322.5 sq. m. / 25,000 sq. ft. 2,787 sq. m. / 30,000 sq. ft. 2,787 sq. m. plus 457 sq. m. for each additional unit / 30,000 sq. ft. plus 1,500 sq. ft. for each additional unit	30.5 m. / 100 ft. 38.1 m. / 125 ft. 45.7 m. / 150 ft. 48.8 m. / 160 ft. 48.8 m. / 160 ft.
on-site water supply and central waste treatment system (well water & municipal sewer)	III	15.3 metres / 50 ft.	1 2 3 4 > 4	1,858 sq. m. / 20,000 sq. ft. 2,322.5 sq. m. / 25,000 sq. ft. 2,787 sq. m. / 30,000 sq. ft. 3,251.5 sq. m. / 35,000 sq. ft. 3,251.5 sq. m. plus 457 sq. m. for each additional unit / 35,000 sq. ft. plus 1,500 sq. ft. for each additional unit	38.1 m / 125 ft. 45.7 m / 150 ft. 48.8 m / 160 ft. 53.3 m / 175 ft. 53.3 m / 175 ft.

Schedule D – Development Fees

Description of Fee	Fee
Subdivision Application	\$25.00 plus: - \$50 per lot for a subdivision with 1 – 5 lots - \$50 per lot for first 5 lots and \$25 per lot for each additional lot for a subdivision with more than 5 lots
All other development applications including development and demolition permits, variances, amendments to this Bylaw, or Official Plan amendments as required.	\$25.00