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RURAL MUNICIPALITY OF MISCOUCHE

# ZONING & SUBDIVISION CONTROL BYLAW

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Rural Municipality of Miscouche Zoning & Subdivision  
Control Bylaw

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# 1. Introduction

## 1.1 Title and Short Title

- 1.1.1 This Bylaw shall be known as the “Zoning and Subdivision Control Bylaw for the Rural Municipality of Miscouche”.
- 1.1.2 This Bylaw may be cited as the “Miscouche Development Bylaw”.
- 1.1.3 This Bylaw may be referred to as “Development Bylaw” or “Bylaw” when used in a self-referential manner within the text.

## 1.2 Applicability

- 1.2.1 This Bylaw shall apply to all lands within the Rural Municipality of Miscouche.

## 1.3 Scope

- 1.3.1 The following Bylaw was prepared to regulate and control the use and subdivision of land, as well as the use and location of buildings and structures, to promote the public health, safety, aesthetics, and general welfare of its residents. As a result, the lands within the Rural Municipality of Miscouche have been divided into zones pursuant to the provisions of the Province’s *Planning Act R.S.P.E.I. 1988, Cap. P-8*, having due regard to:
  - (a) the promotion of the health, safety, convenience, and welfare of the public;
  - (b) the preservation of the natural environment;
  - (c) the value of land and the nature of its present and prospective uses;
  - (d) the promotion of sound environmental and agricultural practices; and
  - (e) the implementation of the Miscouche Official Plan.

## 1.4 Effective Date and Repeal

- 1.4.1 This Bylaw shall take effect when approved by the Minister responsible for the *Planning Act*. Upon this Bylaw coming into effect, any previous Zoning and Subdivision Control Bylaw of the Rural Municipality of Miscouche (formerly known as the Community of Miscouche) is repealed.

## 1.5 Development Approval

- 1.5.1 No person shall engage in or undertake any development on any lands within the Rural Municipality of Miscouche unless authorized through a development permit as enabled by this Bylaw.
- 1.5.2 Notwithstanding anything else in this Bylaw, the following shall not be interpreted as changing the use of land or structure, or constructing or replacing a structure, and shall not require a development permit:
  - (a) laying paving materials for patios or sidewalks;

- (b) constructing fences of less than 1.25 metres (4.1 feet) in height;
- (c) installing clotheslines, poles and radio or television antennae (except ground-based satellite dishes);
- (d) making a garden;
- (e) growing a crop or preparing land for a crop;
- (f) cosmetic renovations to an existing building or structure; and
- (g) making landscaping improvements, constructing ornamental structures or play structures of less than 5.8 sq. metres (64 sq. feet).

## 1.6 Subdivision Approval

- 1.6.1 No person shall subdivide or consolidate any lands within the Rural Municipality of Miscouche unless authorized by this Bylaw.

## 1.7 General Principles

- 1.7.1 The construction, location or alteration of any building or structure in the Municipality shall meet all the requirements of this Bylaw and any other applicable bylaws of the Municipality, and shall not:
- (a) be detrimental to the convenience, health and safety of occupants, nearby residents or general public;
  - (b) result in damage to the natural environment;
  - (c) have a detrimental impact on surrounding land uses;
  - (d) result in a fire hazard to occupants, neighbouring residents or neighbouring structures;
  - (e) preclude safe and convenient vehicular access to a public highway or street; or
  - (f) significantly or permanently injure neighbouring properties by reason of architectural disharmony.

## 1.8 Building Code

- 1.8.1 The *Building Codes Act* shall apply to all development within the Rural Municipality of Miscouche unless otherwise authorized by this Bylaw.

## 2. Zones and Zoning Map

### 2.1 Zones

- 2.1.1 For the purposes of this Bylaw, the Rural Municipality of Miscouche may be divided into the following zones, the boundaries of which are shown on the Zoning Map. Such zones may be referred to by the corresponding symbols:

| ZONES                          | SYMBOL |
|--------------------------------|--------|
| Residential                    | R      |
| Residential Reserve            | RR     |
| Commercial                     | C      |
| Public Service & Institutional | I      |
| Recreation & Public Open Space | O      |
| Industrial                     | M      |

### 2.2 Zoning Map

- 2.2.1 The Zoning Map is shown on Schedule A, which forms an integral part of this Bylaw.

### **3. Interpretation**

#### **3.1 Symbols**

- 3.1.1 The Symbols used on the Zoning Map refer to the corresponding zones established by this Bylaw.

#### **3.2 Interpretation of Zoning Boundaries**

- 3.2.1 The extent and boundaries of zones are shown on the Zoning Map and 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;
- (b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (c) where a utility right-of-way, trail right-of-way, or watercourse shown on the Zoning Map serves a zone boundary, a line midway between the outside limits of the right-of-way or centreline of the watercourse shall be considered the boundary between the zones unless otherwise indicated;
- (d) where none of the above applies, and where appropriate, the zone boundary shall be scaled by the Development Officer from the Zoning Map.

#### **3.3 Certain Words**

- 3.3.1 In this Bylaw:

- (a) the word “shall” means mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words in the present tense include the future;
- (d) words in the singular number include the plural;
- (e) words in the plural include the singular number;
- (f) gendered words shall be interpreted to mean any gender; and
- (g) the word “used” includes “arranged to be used”, “designed to be used”, or “intended to be used”.

#### **3.4 Units of Measure**

- 3.4.1 This Bylaw uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

### 3.5 Permitted Uses

- 3.5.1 In this Bylaw, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- 3.5.2 Where a permitted use within any zone is defined in Section 14 'Definitions', the uses permitted within that zone include any similar uses that satisfy such a definition except where a definition specifically excludes any similar uses.

### 3.6 Schedules

- 3.6.1 All schedules and figures attached hereto or included herein form a part of this Bylaw.

### 3.7 Planning Board

- 3.7.1 Council may appoint a Planning Board and may delegate any or all duties to the Planning Board enabled by the *Planning Act*.
- 3.7.2 Where Council has delegated duties to the Planning Board, any reference to "Council" made in reference to those duties in this Bylaw shall be interpreted to mean "Planning Board".

## **4. General Provisions for All Zones**

### **4.1 Accessory Buildings and Structures**

4.1.1 An accessory building shall be permitted on any lot in any zone, provided:

- (a) it is clearly incidental in use to the main building on the lot;
- (b) it is not used for human habitation;
- (c) it is not located in the front or flankage yard of the lot;
- (d) it is not located less than 1.5 metres (5 feet) from any lot line;
- (e) in any residential zone, does not exceed in height and total floor area of the main dwelling; or
- (f) is not located completely underground.

4.1.2 Any accessory building which is attached to a dwelling shall be considered as part of the dwelling.

### **4.2 Accessory Uses Permitted**

4.2.1 Where this Bylaw provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use.

### **4.3 Building to be Erected on a Lot**

4.3.1 No building shall be erected or used unless it is erected on a single lot.

### **4.4 Building to be Moved**

4.4.1 No building shall be moved within or into the area covered by this Bylaw without first obtaining a development permit.

### **4.5 Driveway Access Provisions**

4.5.1 Where an entranceway permit is required under the Province's *Roads Act* Highway Access Regulations, the issuance of said permit shall be a precondition of the approval of a development permit.

4.5.2 No person shall construct or use any access driveway except where that access driveway meets the minimum sight distance standards as established under the Province's *Planning Act* or the Province's *Roads Act*, set out in Schedule B of this Bylaw.

### **4.6 Highway Access Requirements**

4.6.1 All development along the Municipality's highways shall comply, respectively, with the following:

- (a) no person shall sever a lot unless:

- i. the existing parcel of land from which the lot is severed has a frontage a minimum of 45.7 metres (150 feet), and
  - ii. the lot to be severed is in conformity with the requirements imposed by this Bylaw,
- (b) any parcel of land which is an existing parcel of land, a farm, or a lot created in conformity with the requirements imposed by this Bylaw shall be deemed to have an access driveway;
- (c) no person shall change the use of any access driveway to a more intensive use without the evaluation and approval of Council,
- (d) no person shall change the use of any access driveway except where the access driveway meets the minimum sight distance standards set out in Schedule B of this Bylaw;

4.6.2 Where there is a discrepancy between the provisions of Subsection 4.6.1 of this Bylaw and those of the Province's Highway Access Regulations, the provisions of the latter shall prevail.

## 4.7 Existing Buildings

4.7.1 Where a building has been lawfully erected on or before the effective date of this Bylaw on a lot having less than the minimum frontage or area, or having less than the minimum setback, side yard or rear yard requirement, the building may be enlarged, reconstructed, repaired or renovated, provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side, flankage or rear yard which does not conform to the requirements of this Bylaw;
- (b) the building contains a use permitted in the zone, or a use permitted pursuant to Section 4.15; and
- (c) all other applicable provisions of this Bylaw are satisfied.

4.7.2 Subject to the provisions of this Bylaw, a building or structure, or use of land, lawfully in existence on the effective date of this Bylaw shall be permitted to continue.

4.7.3 If a building or structure which does not conform to the provisions of this Bylaw is destroyed by fire or otherwise to an extent of 50% or more of the assessed value of the building or structure above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the new construction or repair work would be detrimental, in Council's opinion, to the convenience health or safety of residents in the vicinity of the general public.

4.7.4 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, but this clause shall not apply unless the construction is commenced within 12 months after the date of the issuance of the permit and is completed in conformity with the permit within 1 year.

#### 4.8 Existing Lots

4.8.1 Excepting land used for agricultural purposes, all lots shall conform with the minimum lot size provisions set out in the Provincial regulations.

4.8.2 Notwithstanding Subsection 4.8.1, a vacant lot held in separate ownership from adjoining parcels of land on the effective date of this Bylaw, having less than the minimum lot size requirements set out in the Provincial regulations, may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot, provided that all other applicable provisions of this Bylaw are satisfied.

#### 4.9 Frontage on a Street

4.9.1 No development permit shall be issued unless the lot intended to be used or upon which a building or structure is to be erected, abuts and fronts upon a street

4.9.2 Notwithstanding Subsection 4.9.1, Council may approve a development permit on an existing lot that does not have frontage on a public street if:

- (a) access to a street is by way of a legally defined driveway and utility access easement at least 7 metres (23 feet) in width crossing no more than two other lots; and
- (b) the lot size conforms to the requirements of this Bylaw.

#### 4.10 Height Regulation Exemptions

4.10.1 A maximum height requirement set out in this Bylaw shall not apply to a church spire, lightning rod, water tank, monument, elevator enclosure, silo, flagpole, television or radio antenna, telecommunication tower, ventilator, skylight, barns (constructed on farm properties), fire tower, drive-in theatre screen, chimney, clock tower, solar collector, photovoltaics or a wind power generator.

#### 4.11 Illumination

4.11.1 Exterior lighting fixtures shall be directed away from adjoining properties and any adjacent streets to keep nuisance for neighbours and road users to a minimum.

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

- 4.12.1 Nothing in this Bylaw shall exempt any person from complying with any other bylaw in force within the Rural Municipality of Miscouche or from obtaining any license, permission, permit or approval required by any other municipal bylaw or any statute or regulation of the Province of Prince Edward Island or Government of Canada.
- 4.12.2 Where any provisions of this Bylaw conflict with those of any other Municipal, Provincial or Federal law, regulation, bylaw or code, including but not limited to the *Province-Wide Minimum Development Standards Regulations of the Planning Act*, the more stringent requirement shall prevail.

## 4.13 Multiple Uses

- 4.13.1 In any zone, where any land or building is used for more than one use, all provisions of the bylaw relating to each use shall be satisfied.
- 4.13.2 Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

## 4.14 Non-Conforming Uses

- 4.14.1 Any use of land lawfully in existence as of the effective date of this Bylaw that does not conform to the requirements of this Bylaw shall be permitted to continue, subject to the provisions of this Bylaw.
- 4.14.2 No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a building or structure while a non-conforming use thereof is continued.
- 4.14.3 Any change of tenants or occupants of any premises or building shall not, of itself, be deemed to affect the use of premises or building for the purposes of this Bylaw.
- 4.14.4 A non-conforming use of land, buildings or structures shall not be permitted if it has been discontinued for a period of 12 consecutive months, and, in such event, the land, building or structure shall not thereafter be used for any use except in conformity with the provisions of this Bylaw.

## 4.15 One Main Building on a Lot

- 4.15.1 Except on lands used for residential purposes, the erection or placement of more than one main structure or building on any parcel of land shall be permitted provided that all other applicable provisions of this Bylaw are satisfied.

## 4.16 Parking Requirements

- 4.16.1 Any off-street parking in conjunction with a residential, residential-commercial, commercial, public service and institutional, industrial or recreation development shall be provided in conformity with the standards set out below.

| USE                                        | PARKING SPACES REQUIRED                                 |
|--------------------------------------------|---------------------------------------------------------|
| Dwellings, tourist homes                   | 1 for each dwelling or sleeping unit                    |
| Convenience stores, personal service shops | 1 per 9.3 square metres (100 square feet) of floor area |
| Schools, churches, places of assembly      | 1 for every 5 seats of assembly                         |
| Other                                      | As required by Council                                  |

- 4.16.2 A parking space shall have a minimum size of 3 metres by 6 metres (10 feet by 20 feet) and shall have clear access to a maneuvering lane.
- 4.16.3 Where the number of parking spaces required are calculated according to a formula in this bylaw, the results of such calculation shall be rounded up to the next whole number.

## 4.17 Parking Area Standards

- 4.17.1 Where a parking lot for more than four vehicles is required or permitted:
- (a) the parking lot shall be constructed with a stable surface that is treated to prevent the raising of dust or loose particles;
  - (b) the light used for illumination of the parking lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
  - (c) a structure not more than 4.5 metres (14.8 feet) in height and not more than 10 square metres (108 square feet) in area may be erected in the parking lot for the use of attendants;
  - (d) a parking lot shall be within 100 metres (328 feet) of the location it is intended to serve, and shall be situated in the same zone;
  - (e) when the parking lot is a permanent hard surface, each parking space shall be clearly demarcated and maintained as such;
  - (f) approaches or driveways to any parking lot, other than that required for a single or two-unit dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
  - (g) the location of approaches or driveways shall in conformance with provincial requirements;

- (h) the width of a driveway leading to a parking lot, or a driveway or aisle in a parking area, shall be consistent with the provisions set out in this Bylaw;
- (i) parking spaces for small cars may be permitted provided they do not exceed 25% of the total parking spaces provided and such spaces shall be a minimum of 2.4 metres by 5.2 metres (8 feet by 17 feet);
- (j) where possible, there shall be parking at side and rear of property only.

#### 4.18 Permitted Encroachments in Yards

- 4.18.1 In the case of existing buildings, the addition of any type of accessibility features such as ramps, lifts, walkway bump-outs or elevators that facilitate the access to a building for persons with disabilities shall be permitted to encroach upon any required yard to the lot line of the property.

#### 4.19 Public and Private Utilities

- 4.19.1 A utility building or structure may be established in the municipality but shall be considered a “major development” by Council and shall be subject to the public review process as outlined in Section 5.10 of this Bylaw.

#### 4.20 Restoration to a Safe Condition

- 4.20.1 Nothing in this Bylaw shall prevent the restoration of any building or structure to a safe condition when so required by a municipal or provincial order issued against a property, provided in the case of a non-conforming use and/or non-conforming structure that the provisions of this Bylaw respecting non-conforming uses and/or non-conforming structures are satisfied.

#### 4.21 Side Yard Waiver

- 4.21.1 Notwithstanding anything else in this Bylaw, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be zero subject to the requirements of the Building Code.

#### 4.22 Swimming Pools

- 4.22.1 The installation of a swimming pool shall be permitted in any zone in accordance with the following provisions:
  - (a) a development permit for the pool has been granted by Council;
  - (b) large residential pools are required to have a 1.8 metre (6 foot) fence constructed around the pool in such a manner so as to impede unauthorized persons from entering over or under said fence. Such fence shall be aesthetically presentable, and preference will be given to wood-type fences;
  - (c) any gate on such a fence shall be capable of being locked;

- (d) water from the pool shall not be disposed of through the Municipality's sewage collection system, but shall be permitted to be disposed of onto the ground, provided:
  - i. the water does not enter a watercourse;
  - ii. the water has been de-chlorinated through the use of hydrogen peroxide, or allowed to stand unused for a period of time, until the residual chlorine in the water has been reduced to a level consistent with the Municipality's utility bylaw, and
- (e) 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.

#### 4.23 Underground Storage Tanks

- 4.23.1 Underground petroleum storage tanks shall be subject to provincial regulations.

#### 4.24 Temporary Uses Permitted

- 4.24.1 Temporary construction camps and structures shall be permitted during construction, erection, placement or alteration of a permitted building or structure, and up to a maximum of 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.

#### 4.25 Watercourses and Wetlands

- 4.25.1 Notwithstanding anything contained in this Bylaw, no person shall erect any building or structure in the municipality:
  - (a) within 23 metres (75 feet) of the mean high watermark of any river, stream or watercourse located within or bordering on the legal boundaries of the municipality; or
  - (b) within 23 metres (75 feet) of any embankment, excluding highway embankments, the slope of which is greater than 30 degrees from horizontal.

#### 4.26 Requirement of Centralized Sewer

- 4.26.1 No new development that includes washrooms or kitchen facilities shall be permitted unless it is connected to the municipal centralized sewer system, where such service is available or can reasonably be provided, as determined by the Municipality.

#### 4.27 Shared Water Supply Systems

- 4.27.1 Where municipal water service is not available, development shall be served by individual on-site wells. Where appropriate, Council may permit two or more dwellings to be served by a shared or communal well, provided the system complies with applicable provincial regulations and is demonstrated to provide an adequate and safe supply of potable water.

## 4.28 Right of Entry

- 4.28.1 An officer authorized by Council may, with reasonable prior notice, enter land, a building, or a premise at a reasonable hour in the performance of duties with respect to the administration and enforcement of this Bylaw.

## **5. Building and Development**

### **5.1 Development Officer**

- 5.1.1 Council may appoint a Development Officer(s) whose duties shall be as provided in this Bylaw. If Council has not appointed a Development Officer, all such references in this Bylaw shall be interpreted to mean “Council” or “Planning Board” if applicable under Section 3.7.
- 5.1.2 A Development Officer shall have the authority to administer this Bylaw.
- 5.1.3 Notwithstanding the foregoing, a Development Officer shall have the authority to approve or deny lot severances, lot consolidations, and development permits in accordance with this Bylaw in all areas except for the following:
- (a) new public utility structures or existing utility structures wishing to expand;
  - (b) variances of more than five percent (5%);
  - (c) bylaw amendment applications, including map amendments (re-zonings); and
  - (d) subdivisions for non-residential purposes, or of more than one lot for residential purposes.
- 5.1.4 The Development Officer shall not issue a development permit for a development if, in their opinion:
- (a) the proposed development does not conform to the provisions of this Bylaw;
  - (b) the method of water supply is not appropriate;
  - (c) the method of sanitary waste disposal is not appropriate;
  - (d) there is not a safe and efficient access to a street;
  - (e) the impact of the proposed development would be detrimental to the natural environment of the municipality;
  - (f) the proposed development would create unsafe traffic conditions in the immediate neighbourhood;
  - (g) the proposed development would significantly or permanently have a detrimental impact on neighbouring properties by reason of architectural disharmony; or
  - (h) the proposed development would be detrimental to the convenience, health or safety of the residents in the immediate vicinity or general public.
- 5.1.5 The Development Officer may attach such conditions to a development permit as, in their opinion, are necessary to ensure conformity with the provisions of this Bylaw, any other bylaw in force within the municipality, or any policy contained within the Municipality’s Official Plan.

- 5.1.6 Where an application is not entirely clear in its intent, or where an application does not appear to conform with the provisions of this Bylaw or any other bylaws which may be in force, the Development Officer shall submit the application to Council for its interpretation and instruction.

## 5.2 Development Permit

- 5.2.1 Unless otherwise stated in this Bylaw, no person shall undertake a development on a lot within the Rural Municipality of Miscouche without first obtaining a development permit from the Development Officer.

## 5.3 Building Permit

- 5.3.1 No person shall erect a building or structure unless in full compliance with the *Building Codes Act* and its subordinate regulations. The *Building Codes Act* specifies the procedure to obtain a Building Permit.
- 5.3.2 A building permit does not exempt any person from obtaining a development permit or complying with all requirements of this Bylaw. A building permit may be withheld by the issuing authority if no development permit has been issued.

## 5.4 Enforcement

- 5.4.1 Any person who violates any provision of the Development Bylaw is guilty of an offense and liable on summary conviction to penalties as provided for by the *Planning Act*.

## 5.5 Application Form

- 5.5.1 All applications for development permits shall be made in writing by the owner of the property or an authorized agent on such forms as Council may prescribe and shall be submitted to the Development Officer.

## 5.6 Application Fee

- 5.6.1 Every application for a development permit shall be accompanied by an application fee.
- (a) The fee must be paid before the application is processed.
  - (b) A schedule of fees will be established by resolution of Council and may from time to time be amended to reflect the costs related to processing the applications.
  - (c) The schedule of fees shall form part of this Bylaw.

## 5.7 Application Units of Measure

- 5.7.1 All measurements on permit applications shall be indicated in metric to two decimal places.

## 5.8 Application for Development Permit

- 5.8.1 Every application for a development permit shall be accompanied by a sketch or plan(s), in duplicate, drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
  - (b) the location, height and dimensions of the building, structure, or work proposed to be erected;
  - (c) the location of every building or structure already erected on the lot and the general location of buildings on abutting lots;
  - (d) the proposed location and dimensions of any parking spaces, loading spaces, driveways and landscaped areas;
  - (e) the proposed use of the lot and each building or structure to be developed;
  - (f) the location and type of any proposed chemical substance storage;
  - (g) any other information which the Development Officer deems necessary to determine whether or not the proposed development conforms with the requirements of this Bylaw.

## 5.9 Major Developments

- 5.9.1 Major development proposals will be considered by Council in conformity with the public review process outlined in Section 5.10 to this Bylaw.

## 5.10 Public Meeting Provisions for Major Developments

- 5.10.1 Where Council has determined that a proposed development constitutes a “major development”, and that a public review of the development proposal is required, the following provisions shall apply:
- (a) Council shall appoint a council member to chair the meeting;
  - (b) the meeting shall be advertised on Facebook (Community of Miscouche), website (miscouche.ca), and at the post office stating the date, time and location of the proposed meeting;
  - (c) the first advertisement shall be placed not less than one week prior to the date of the meeting;
  - (d) written opinion shall be accepted from persons unable to appear at the public meeting;
  - (e) all interested persons may attend and be heard;
  - (f) the Development Officer, on Council’s behalf shall give separate notice in writing to the developer;
  - (g) the meeting shall be held at a location in the municipality, if practical;

- (h) the developer shall make visual materials available for examination at the municipal office; and
- (i) the developer or their agent shall attend the meeting in order to present and defend the proposed development.

5.10.2 The agenda for the public meeting shall include the following:

- (a) introduction and opening remarks by the chairperson;
- (b) presentation of the proposed development by the developer or their agent;
- (c) question period:
  - i. questions on the proposed development shall be handled by the developer or their agent;
  - ii. questions on procedure or municipal policy shall be handled by the chairperson or designate;
- (d) comments and opinions by interested persons wishing to be heard;
- (e) summary by the chairperson of previously submitted written comments from persons unable to attend the meeting.

## 5.11 Signature of Applicant

5.11.1 The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing to act for the owner.

## 5.12 Notification of Applicant

5.12.1 The Development Officer shall notify the applicant, in writing, if the application is incomplete or lacking plan details, and shall indicate any additional information or documentation required.

## 5.13 On-Site Sewage Disposal System Permit

5.13.1 Any person wishing to construct, erect, place, make any alterations to, or change the use of a building or structure on any lot within the municipality which will require an on-site sewage disposal system shall, prior to receiving a development permit from Council, first apply for and receive an on-site sewage disposal system permit from the Building and Development Section, PEI Department of Housing and Communities.

## 5.14 Highway Access Permit

5.14.1 Any person establishing a new access to the municipality's transportation network shall first receive a Highway Access Permit from the PEI Department of Transportation, Infrastructure and Energy prior to receiving a Development Permit from Council.

## 5.15 Environmental Impact Assessment

- 5.15.1 Where it is determined that a proposed development may have a significant impact on the environment, Council shall refer the application to the Department of Land and Environment. In cases where a full Environmental Impact Assessment is required, the proponent is responsible for the assessment and its associated costs.

## 5.16 Watercourse and Wetland Impact Assessment

- 5.16.1 Where it is determined that a proposed development may require a License or Buffer Zone Activity Permit in accordance with the Watercourse and Wetland Protection Regulations under the *Environmental Protection Act*, or where it is suspected that a proposed development may be in violation of the same, Council shall refer the application to the Department of Land and Environment. The Development Officer shall require verification of a Provincial License or Permit prior to issuing a Development Permit in such cases.

## 5.17 Additional Costs

- 5.17.1 Any additional costs incurred by the Municipality with respect to the development permit applications (clerical, legal, or other) shall be reimbursed to the Municipality by the applicant prior to the issuance of a development permit by the Development Officer. No additional costs will be charged to the applicant after the permit has been issued.

## 5.18 Permit Validity

- 5.18.1 Upon being satisfied that the proposed construction, erection, placement, alteration, or change in use is in conformity with all relevant provisions of this Bylaw and any other relevant bylaws in the municipality, the Development Officer shall issue a development permit upon receipt of the applicable development permit fee.
- 5.18.2 A permit shall be valid for 12 months from the date of issue, after which time, if work on the proposed building or structure is not complete, the permit holder shall apply for and receive, at no additional cost, a renewal of the permit before work is continued. If building construction has not commenced within the 12-month period, the applicant must reapply under the provisions of the bylaws of the day.
- 5.18.3 Notwithstanding Subsection 5.18.1, Council may, for good and sufficient reason, revoke or cancel a Development Permit within 12 months of date of issue if:
- (a) the permit was issued in error;
  - (b) 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; or
  - (c) any permit required under any other provision of law has not been obtained.

## 5.19 Variances

- 5.19.1 Subject to the provisions of this Section, the Development Officer may grant a variance of up to 5%, and Council may grant a variance of up to 10% of any provision of this Bylaw.
- 5.19.2 Applications for a variance shall be accompanied by a written rationale and sufficient supporting material, such as building elevation drawings and site plans, as required to enable full and complete evaluation of the request.
- 5.19.3 A variance shall not be granted unless:
- (a) the lot in question has peculiar conditions, such as, but not limited to, small lot size, irregular lot shape, buildings that existed prior to the effective date of this Bylaw that prejudice site layout options, or exceptional topographical conditions that make it impractical to develop in strict conformity with Bylaw standards; and
  - (b) strict application of the Bylaw standard subject to variance would impose undue hardship on the applicant by excluding the applicant from the same rights and privileges for reasonable use of their property as enjoyed by other persons in the same zone; and
  - (c) the variance is consistent with the intent and purpose of the Official Plan
- 5.19.4 No variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the applicant or property owner in relation to the property.
- 5.19.5 Authorization for a variance shall be recorded in writing and shall form part of the development permit.

## 5.20 Notification of Outcome

- 5.20.1 The Development Officer shall notify the applicant that a development permit application has been approved, approved with conditions, or has been denied.
- 5.20.2 Where a development permit application has been approved or approved with conditions, the Development Officer shall notify the applicant that the approved development permit may be had upon presentation of any documentation required as a condition of approval and payment of any fees that may be owing.
- 5.20.3 When an issued development permit is handed over or mailed to the applicant, it shall be posted on the municipal website.
- 5.20.4 Where a development permit application has been denied, the Development Officer shall notify the applicant, in writing, that the development permit has been denied and stating the reason(s) for the denial.

## 5.21 Inspection

- 5.21.1 Prior to issuance of any development permit, as well as during the construction process, the Development Officer may inspect the building site or the building or structure to which the development permit application applies.

## 5.22 Appeal

- 5.22.1 Any person who is dissatisfied with a decision of Council or the Development Officer in the administration of the Official Plan or the Zoning and Subdivision Control Bylaw may appeal that decision within 21 days from the date of the decision to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.
- 5.22.2 That person will, in writing, register an appeal within the time period prescribed by the *Planning Act*.

## 6. Provisions for Subdivision

### 6.1 Requirements for Subdivision

6.1.1 No person shall subdivide land within the boundaries of the Rural Municipality of Miscouche unless the subdivision:

- (a) has final approval from the Development Officer or Council, whichever is applicable in accordance with Section 5.1;
- (b) conforms with the requirements of any bylaw in the municipality and any other laws that may be in force;
- (c) conforms with the dimensions stipulated under minimum lot requirements in the Zone or the Province-Wide Minimum Development Standards Regulations under the Prince Edward Island *Planning Act*, whichever requirement is more stringent;
- (d) is suitable to the topography, physical conditions, soil characteristics and natural drainage patterns of the land being subdivided;
- (e) will not cause undue flooding or erosion;
- (f) has convenient safe street access;
- (g) has adequate utilities and services available, or can be conveniently provided with such utilities and services;
- (h) will reasonably conform with existing land use in the immediate vicinity;
- (i) will provide for convenient traffic flow;
- (j) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
- (k) is suitable to the use for which it is intended, and it does not make impractical the future subdivision of the land within the proposed subdivision or of any adjacent lands;
- (l) ensures that all parcels of land for which the permit is issued have frontage on a street;
- (m) will not be detrimental to the convenience, health or safety of residents in the vicinity or the general public;
- (n) will not precipitate premature development, necessitate unnecessary public expenditure or would place undue pressures on the Municipality or Province to provide services; and,
- (o) will not result in undue damage to the natural environment.

## 6.2 Subdivision Permit

- 6.2.1 All subdivision of land within the municipality, whether one lot or more, shall require a subdivision permit from the Development Officer.
- 6.2.2 Any person applying for a subdivision permit shall do so on a form prescribed by Council and shall submit the application to the Development Officer.
- 6.2.3 Every application form shall be signed by the applicant or by the applicant's authorized agent.
- 6.2.4 Subdivision applications submitted to the Development Officer, 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 man-made features, and all streets and services, both existing and proposed.
- 6.2.5 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.
- 6.2.6 The Development Officer shall submit the completed subdivision application to Council for its review and instruction in time for the first scheduled Council meeting immediately following the date of receipt of the completed application for approval in principle.
- 6.2.7 The Development Officer, on behalf of the Council shall, within ten (10) working days of the date of Council's decision respecting the subdivision, advise the applicant in writing that the subdivision has been 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.

## 6.3 Approval in Principle

- 6.3.1 Any approval in principle which is given by Council shall be effective for a period not exceeding 12 months from the date on which notice of approval in principle is given to the applicant in writing by the Development Officer.
- 6.3.2 After the 12-month period referred to in Subsection 6.3.1, if the applicant has not applied for final approval from Council, the approval in principle shall be rescinded.
- 6.3.3 Once the approval in principle has been rescinded, if the applicant wishes to apply for a new approval in principle, the new, proposed subdivision must conform with all applicable provisions of this Bylaw or any approved amendments thereto.

## 6.4 Subdivision Application Fee

- 6.4.1 Every application for subdivision shall be accompanied by an application fee.
- 6.4.2 The fee must be paid before the application is processed.

6.4.3 A schedule of fees will be established by resolution of Council and may from time to time be amended to reflect the costs related to processing the applications.

6.4.4 The schedule of fees shall form part of this Bylaw.

## 6.5 Evaluation

6.5.1 The Development Officer on behalf of Council shall evaluate each subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods.

6.5.2 In formulating its decision with respect to Subsection 6.5.1, the Development Officer may consult Council, Provincial Government officials and private consultants and may request that Council hold a public hearing to hear public opinions.

## 6.6 Forwarding of Application to Relevant Authorities

6.6.1 The Development Officer shall forward any application for a subdivision to the following entities and consider any resulting comments when making a decision:

- (a) the Department of Land and Environment to be screened for an Environmental Impact Assessment;
- (b) for any resulting lots fronting a public street, to the Department of Transportation, Infrastructure and Energy;
- (c) where an application to subdivide, for purposes other than agriculture is received, Council shall notify the owners of all livestock operations within 300 metres (984 feet) of the proposed subdivision, to request comments.

## 6.7 Minimum Street Standards

6.7.1 All new streets to be created by subdivision shall be public streets to be transferred into provincial ownership.

6.7.2 The minimum street standards for design and construction shall be established by the Department of Transportation, Infrastructure and Energy.

## 6.8 Reduced Road Frontage

6.8.1 If a parcel of land in any zone is of such configuration that it cannot reasonably be subdivided in such 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 building line measures at least as much as the minimum lot frontage requirement.

6.8.2 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 the Development Officer, if, in the opinion of the Development Officer, adequate and safe access to the lot is provided, and if the lot width at the building line measures at least as much as the minimum lot frontage requirement.

## 6.9 Soil Test for On-Site Sewage Disposal Systems

- 6.9.1 Anyone proposing to subdivide land within the municipality which will not be connected to the Municipality's centralized sewage collection system shall provide a copy of a soil test conducted on the land being subdivided, indicating that the land in question is suitable for an on-site sewage disposal system.

## 6.10 Dedication of Land for Recreation

- 6.10.1 Except for the severing of land parcels greater than ten (10) acres in size for agricultural purposes, any person who creates a multiple lot residential subdivision within the municipality shall dedicate and deed to the Municipality, free from all encumbrances and agreed upon by the subdivider and Council, ten percent (10%) of the total area of the subdivision for recreation and public open space purposes. Council shall have the power to choose what land, if any, within the subdivision shall be deeded.
- 6.10.2 Where no dedication of land is deemed appropriate by Council with respect to Subsection 6.10.1, Council shall require a cash payment of ten percent (10%) of the assessed value of the subdivision as a whole at the time of final approval, the sum of which shall be specifically designated for the purchase and/or maintenance of recreation and public open space land or facilities within the municipality.
- 6.10.3 Except for the severing of a land parcel greater than ten (10) acres in size for agricultural purposes, anyone severing a single lot from a land parcel within the municipality shall pay to Council, at the time of final approval, a fee as approved by Council but not exceeding ten percent (10%) of the assessed value of the lot, the sum of which shall be specifically designated for the purchase and/or maintenance of recreation and public open space land or facilities within the municipality.

## 6.11 Subdivision Agreement

- 6.11.1 Council may negotiate and enter into a subdivision agreement with a subdivider as a condition of approval of a subdivision.
- 6.11.2 The subdivision agreement may cover any or all matters relating to:
- (a) the design and construction costs of sidewalks, water supply, sewerage, and street lighting;
  - (b) the integration of the subdivision and proposed development with the Municipality's existing pedestrian access, paved parking and recreation 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 roads to the Province;
  - (e) the posting a financial guarantee satisfactory to Council;

- (f) the assignment of costs associated with the drafting and execution of this agreement; and
- (g) any other matter(s) that Council deems necessary to ensure the health, safety and convenience of residents and the traveling public.

## 6.12 Final Approval

- 6.12.1 Any subdivider seeking final approval of a subdivision plan from Council shall submit to the Development Officer the appropriate number of copies (one digital copy and nine (9) hard copies for a single lot subdivision, one digital copy and 11 hard copies for a multiple lot subdivision) of a survey plan certified by a Prince Edward Island land surveyor.
- 6.12.2 Subdivision of parcels of land for agricultural purposes greater than ten (10) acres in size shall not be required to submit certified survey plans for final approval.
- 6.12.3 The Development Officer shall submit the application for final approval to Council for its review and instruction in time for the first scheduled Council meeting immediately following the date of receipt of the completed application for final approval.
- 6.12.4 The Development Officer, on behalf of Council, shall within ten (10) working days of the date of Council's decision respecting the application for final approval, advise the applicant in writing that final approval has been granted or denied, and shall, in the latter case, state the reasons for Council's decision.
- 6.12.5 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) except for the subdivision of parcels of land greater than ten (10) acres in size for agricultural purposes, the subdivision has been surveyed, and the survey plan has been certified by a Prince Edward Island land surveyor.
- 6.12.6 The Development Officer shall, upon final approval being granted by Council, issue a subdivision permit to the applicant upon receipt of a subdivision permit fee as approved by Council.
- 6.12.7 The fee referred to in Subsection 6.12.6 does not apply to a subdivision of land the sole purpose of which is the consolidation of two adjacent properties.
- 6.12.8 Council shall place its seal on all copies of the approved subdivision plan.
- 6.12.9 The Development Officer shall 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:

- (a) Registry of Deeds;
- (b) Planning and Inspection Services;
- (c) Highway Maintenance Division, Department of Transportation, Infrastructure and Energy (4 copies are required if a new road is constructed or an existing road altered);
- (d) Taxation and Property Records Division, Provincial Treasury, and
- (e) in the case of a multiple-lot subdivision, additional copies to telecommunication companies servicing the area.

6.12.10 No person shall sell, convey interest in or transfer title of any lot within the municipality before Council has granted final approval for the subdivision.

## 7. Residential (R) Zone

### 7.1 R Zone Permitted Uses

7.1.1 Within any Residential (R) Zone, no person shall use any land, building or structure except for the following uses:

- (a) single unit dwellings;
- (b) mobile homes, miny homes or tiny homes in conformity with Subsection 7.3.2 of this Bylaw;
- (c) duplex dwellings;
- (d) semi-detached dwellings;
- (e) multi-unit dwellings;
- (f) recreation/public open space facilities;
- (g) summer cottages;
- (h) public utility buildings or structures;
- (i) residential commercial operations in conformity with Subsection 7.3.1 of this Bylaw; or
- (j) accessory uses, buildings, or structures to the above.

### 7.2 R Zone General Requirements

7.2.1 In any Residential (R) Zone, lots and structures shall conform with the following standards:

| REQUIREMENT               | VALUE                    |
|---------------------------|--------------------------|
| Lot area, min.            | Per Provincial Standards |
| Lot frontage, min.        | 23 metres (75 feet)      |
| Flankage yard depth, min. | 6 metres (20 feet)       |
| Front yard depth, min.    | 6 metres (20 feet)       |
| Side yard depth, min.     | 3 metres (10 feet)       |
| Rear yard depth, min.     | 4.5 metres (15 feet)     |
| Maximum building height   | 2.5 storeys              |

7.2.2 Notwithstanding the minimum lot size requirements set out in the Province's Minimum Lot Size Standards for infilling purposes in established residential subdivisions, and solely for single unit residential use, a lot may be reduced to a minimum area of 929 square metres (10,000 square feet), provided that,

- (a) the subdivision is serviced by an onsite water supply system and connected to a central sewerage system;

- (b) only one additional lot from the existing parcel is created by any proposed subdivision; and
- (c) no practical alternative to reducing the lot area exists.

### 7.3 R Zone Conditionally Permitted Uses

7.3.1 A residential-commercial operation may be located in a residential dwelling or an accessory building in any Residential (R) Zone, provided,

- (a) the owner of the business lives in the dwelling;
- (b) not more than two (2) employees live outside the dwelling;
- (c) not more than 25% of the total floor area of the dwelling is used for the business;
- (d) adequate off-street parking is provided for both the dwelling and the business;
- (e) no outdoor storage of materials or product display is used in conjunction with the business; and
- (f) the external appearance of the dwelling is not altered.

7.3.2 Mobile homes/Mini homes/Tiny homes shall only be permitted in any area zoned for residential use, provided they are located in a designated mobile home/mini home or tiny home park approved by Council.

### 7.4 Subdivision of Semi-Detached Dwelling Lots

7.4.1 On any lot approved for a semi-detached dwelling,

- (a) where there is not a semi-detached dwelling on the lot, the lot shall not be permitted to be subdivided into two separate lots unless the two lots so formed conform to the minimum lot size requirements for single unit dwellings set out in the provinces Minimum Lot Size Standards;
- (b) where there is an existing semi-detached dwelling on the lot, the lot shall not be permitted to be subdivided into two separate lots unless,
  - i. the individual dwelling units are separated by a firewall constructed to the Province's Life Safety Code standards;
  - ii. the individual dwelling units are each serviced by separate wells;
  - iii. the individual dwelling units each have their own separate access;
  - iv. where the lot in question is not connected to the Municipality's central sewage collection system, each individual dwelling unit has a separate approved, on site septic system; and
  - v. the two lots so formed conform to the minimum lot size requirements for single unit dwellings set out in the Province's Minimum Lot Size Regulations.

## **8. Commercial (C) Zone**

### **8.1 C Zone Permitted Uses**

8.1.1 Within any Commercial (C) Zone, no person shall use any land, building or structure except for the following uses:

- (a) those uses permitted in a Residential (R) Zone (subject to the provisions of that zone), including:
  - i. single unit dwellings;
  - ii. mobile homes, mini homes or tiny homes in conformity with Subsection 7.3.2 of this Bylaw;
  - iii. duplex dwellings;
  - iv. semi-detached dwellings;
  - v. multi-unit dwellings;
  - vi. recreation/public open space facilities;
  - vii. summer cottages;
  - viii. public utility buildings or structures;
  - ix. residential commercial operations in conformity with Subsection 7.3.1 of this Bylaw; or
  - x. accessory uses, buildings, or structures to the above.
- (b) banking and financial institutions;
- (c) business and professional offices;
- (d) convenience stores;
- (e) delicatessens, restaurants and takeout establishments;
- (f) entertainment facilities;
- (g) establishments associated with the automotive trade, including service stations, but excepting automobile salvage yards; and
- (h) hotels, motels and other tourist establishments;
- (i) lounges and bars;
- (j) retail stores;
- (k) service and personal service shops;
- (l) transient or temporary commercial operations;
- (m) video rental stores;
- (n) accessory uses to the above.

## 8.2 C Zone General Requirements

- 8.2.1 In any Commercial (C) Zone, lots and structures shall conform with the following standards:

| REQUIREMENT               | VALUE                    |
|---------------------------|--------------------------|
| Lot area, min.            | Per Provincial Standards |
| Lot frontage, min.        | 30 metres (100 feet)     |
| Flankage yard depth, min. | 6 metres (20 feet)       |
| Front yard depth, min.    | 6 metres (20 feet)       |
| Side yard depth, min.     | 3 metres (10 feet)       |
| Rear yard depth, min.     | 4.5 metres (15 feet)     |
| Maximum building height   | 2.5 storeys              |

## 8.3 C Zone Abutting Zone Requirements

- 8.3.1 Where a lot or parcel of land zoned as Commercial (C) is developed which directly abuts a lot or parcel of land zoned as residential:
- (a) a strip of land not less than 4.5 metres (15 feet) in width along the lot line within the Commercial (C) 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.

## 8.4 Automobile Service Station Special Provisions

- 8.4.1 Notwithstanding any other provision of this Bylaw, the following special provisions shall apply to an automobile service station in a Commercial (C) Zone:

| REQUIREMENT                                        | VALUE                    |
|----------------------------------------------------|--------------------------|
| Lot area, min.                                     | Per Provincial Standards |
| Lot frontage, min.                                 | 45.7 (150 feet)          |
| Pump setback, min.                                 | 6 metres (20 feet)       |
| Minimum pump distance from access or egress points | 9 metres (30 feet)       |
| Driveway width, min.                               | 7.6 metres (25 feet)     |

- 8.4.2 Where the service station includes an automobile washing facility, all washing operations shall be carried on inside the building.

## 8.5 Development Permit for Temporary Commercial Operations

- 8.5.1 Council may grant a development permit for a transient or temporary commercial operation provided that:
- (a) the development shall not result in any traffic hazard;
  - (b) the development shall not create a public nuisance;
  - (c) the development shall not interfere with the parking arrangements of permanent users of the lot on which the development will be located;
  - (d) the development permit granted shall not exceed a 20 week period;
  - (e) the applicant shall provide a letter of approval from the owner of the lot on which the development will be situated; and
  - (f) where required, the applicant shall satisfy Council that such development complies with all applicable Provincial health regulations.

## 9. Residential Reserve (RR) Zone

### 9.1 RR Zone Permitted Uses

9.1.1 Within any Residential Reserve (RR) Zone, no person shall use any land, building or structure except for the following uses:

- (a) those uses permitted in a Residential (R) Zone (subject to the provisions of that zone), including:
  - i. single unit dwellings;
  - ii. duplex dwellings;
  - iii. mobile homes, mini homes or tiny homes in conformity with Subsection 7.3.2 of this Bylaw;
  - iv. multi-unit dwellings;
  - v. public utility buildings or structures;
  - vi. recreation/public open space facilities;
  - vii. residential commercial operations in conformity with Subsection 7.3.1 of this Bylaw; or
  - viii. semi-detached dwellings
  - ix. summer cottages;
  - x. accessory uses, buildings, or structures to the above.
- (b) agricultural uses, excluding livestock operations; or
- (c) accessory uses to the above.

### 9.2 RR Zone General Requirements

9.2.1 In any Residential Reserve (RR) Zone, lots and structures used for agricultural purposes shall conform with the following standards:

| REQUIREMENT               | VALUE                  |
|---------------------------|------------------------|
| Lot area, min.            | 1 acre                 |
| Lot frontage, min.        | 45.7 metres (150 feet) |
| Flankage yard depth, min. | 12 metres (40 feet)    |
| Front yard depth, min.    | 12 metres (40 feet)    |
| Side yard depth, min.     | 4.5 metres (15 feet)   |
| Rear yard depth, min.     | 4.5 metres (15 feet)   |

### 9.3 Limits on Residential Subdivision in the RR Zone

9.3.1 In any area zoned as Residential Reserve (RR), no more than two (2) residential lots shall be subdivided from a parcel of land as it existed on March 30<sup>th</sup>, 2001.

## 9.4 Forestry Conversion Special Provisions

- 9.4.1 In any Residential Reserve (RR) Zone, land 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 PEI Department of Agriculture and Forestry.

## 10. Public Service & Institutional (I) Zone

### 10.1 I Zone Permitted Uses

10.1.1 Within any Public Service & Institutional (I) Zone, no person shall use any land, building or structure except for the following uses:

- (a) those uses permitted in a Residential (R) Zone (subject to the provisions of that zone), including:
  - i. single unit dwellings;
  - ii. duplex dwellings;
  - iii. mobile homes, mini homes or tiny homes in conformity with Subsection 7.3.2 of this Bylaw;
  - iv. multi-unit dwellings;
  - v. public utility buildings or structures;
  - vi. recreation/public open space facilities;
  - vii. residential commercial operations in conformity with Subsection 7.3.1 of this Bylaw; or
  - viii. semi-detached dwellings;
  - ix. summer cottages;
  - x. accessory uses, buildings, or structures to the above.
- (b) auditoriums and stadiums;
- (c) churches and other religious institutions, including cemeteries;
- (d) civic centres;
- (e) galleries, libraries, museums, and theatres;
- (f) government buildings;
- (g) group homes;
- (h) hospitals and medical and dental clinics;
- (i) institutional buildings;
- (j) medical centres and pharmacies;
- (k) recreation and public open space uses; or
- (l) schools and similar learning institutions, including colleges and universities;
- (m) senior citizen care facilities and housing;
- (n) accessory uses, buildings, and structures to the above.

## 10.2 I Zone General Requirements

- 10.2.1 In any Public Service & Institutional (I) Zone, lots and structures shall conform with the following standards:

| REQUIREMENT               | VALUE                    |
|---------------------------|--------------------------|
| Lot area, min.            | Per Provincial Standards |
| Lot frontage, min.        | 23 metres (75 feet)      |
| Flankage yard depth, min. | 6 metres (20 feet)       |
| Front yard depth, min.    | 6 metres (20 feet)       |
| Side yard depth, min.     | 3 metres (10 feet)       |
| Rear yard depth, min.     | 4.5 metres (15 feet)     |
| Maximum building height   | 2.5 storeys              |

## 10.3 I Zone Abutting Zone Requirements

- 10.3.1 Where a lot or parcel of land zoned as Public Service & Institutional (I) is developed which directly abuts a lot or parcel of land zoned as residential:
- (a) a strip of land not less than 4.5 metres (15 feet) in width along the lot line within the Public Service & Institutional (I) 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.

## 10.4 Municipal Integration

- 10.4.1 All new public service and institutional developments shall, wherever practical, be integrated at no cost to the Municipality, into the Municipality's existing or planned pedestrian accesses, paved parking, and recreation and public open space network.

## 11. Industrial (M) Zone

### 11.1 M Zone Permitted Uses

11.1.1 Within any Industrial (M) Zone, no person shall use any land, building or structure except for the following uses:

- (a) activities associated with the automotive trade, excepting automobile salvage operations;
- (b) building supply dealers; and
- (c) business and professional offices;
- (d) car and machinery dealerships;
- (e) commercial uses accessory to a main use permitted in a M Zone;
- (f) manufacturing and assembly;
- (g) public and private utilities
- (h) recycling depots;
- (i) restaurants and cafeterias;
- (j) service shops;
- (k) transport operations;
- (l) warehousing;
- (m) wholesale operations;
- (n) accessory uses, buildings, and structures to the above.

### 11.2 M Zone General Requirements

11.2.1 In any Industrial (M) Zone, lots and structures shall conform with the following standards:

| REQUIREMENT               | VALUE                    |
|---------------------------|--------------------------|
| Lot area, min.            | Per Provincial Standards |
| Lot frontage, min.        | 30 metres (100 feet)     |
| Flankage yard depth, min. | 6 metres (20 feet)       |
| Front yard depth, min.    | 6 metres (20 feet)       |
| Side yard depth, min.     | 3 metres (10 feet)       |
| Rear yard depth, min.     | 4.5 metres (15 feet)     |
| Maximum building height   | 2.5 storeys              |

### 11.3 M Zone Abutting Zone Requirements

11.3.1 Where a lot parcel of land zoned as Industrial (M) is developed which directly abuts a lot or parcel of land zoned as residential:

- (a) a strip of land not less than 4.5 metres (15 feet) in width along the lot line within the Industrial (M) 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

## 12. Recreation and Public Open Space (O) Zone

### 12.1 O Zone Permitted Uses

12.1.1 Within any Recreation & Public Open Space (O) Zone, no person shall use any land, building or structure except for the following uses:

- (a) golf courses;
- (b) open space and conservation activities;
- (c) pavilions and band shells;
- (d) playgrounds;
- (e) public and private parks;
- (f) recreation administrative offices; and
- (g) recreational uses and directly related commercial services;
- (h) accessory uses, buildings, and structures to the above, including parking lots.

### 12.2 O Zone General Requirements

12.2.1 In any Recreation & Public Open Space (O) Zone, lots and structures shall conform with the following standards:

| REQUIREMENT               | VALUE                    |
|---------------------------|--------------------------|
| Lot area, min.            | Per Provincial Standards |
| Lot frontage, min.        | 23 metres (75 feet)      |
| Flankage yard depth, min. | 6 metres (20 feet)       |
| Front yard depth, min.    | 6 metres (20 feet)       |
| Side yard depth, min.     | 3 metres (10 feet)       |
| Rear yard depth, min.     | 4.5 metres (15 feet)     |
| Maximum building height   | 2.5 storeys              |

## **13. Rezoning, Amendments and Appeals**

### **13.1 Application for Amendment**

- 13.1.1 Any person desiring an amendment to the provisions of this Bylaw shall apply to the Council in writing describing in detail the reasons for the desired amendment and requesting the Council to consider the proposed amendment.
- 13.1.2 Council shall determine whether or not to pursue such an amendment, and before making any decision shall examine the Rural Municipality of Miscouche 2026 Official Plan to ensure that the proposed amendment will not be contrary to any stated policy within the Plan.
- 13.1.3 No amendment shall be made to this Bylaw except in accordance with the *Planning Act*.

### **13.2 Amendment Application Fee**

- 13.2.1 Any application for an amendment shall be made, in writing, along with a non-refundable application fee;
  - (a) the fee must be paid before the application will be processed;
  - (b) a schedule of fees will be established by resolution of Council and may from time to time be amended to reflect the costs related to processing the applications; and
  - (c) the schedule of fees shall form part of this Bylaw.
- 13.2.2 If the amount paid by the applicant is not sufficient to cover the costs of notifying affected property owners and other related expenses, the applicant shall pay to the development officer the additional amount required, before Council gives final approval to the amendment.

### **13.3 Notice to Property Owners**

- 13.3.1 When an application has been received for a rezoning, all affected property owners within a 300-metre radius of the subject property shall be notified of the application by the Chief Administrative Officer or designate.
- 13.3.2 This notification of affected property owners shall be in addition to the advertisements for the public hearing and shall be delivered to all affected property owners by mail prior to the public hearing.

### **13.4 Council's Review**

- 13.4.1 Council shall determine whether or not to pursue such an amendment, and before making any decision shall examine the Official Plan to ensure that the proposed amendment will not be contrary to any policy within the Official Plan and in particular abide by the policies listed under Subsection 5.2 – Amendments to Zoning and Subdivision Control Bylaw of the Official Plan.

- 13.4.2 No amendment shall be made in this Bylaw that would be contrary to any policy of the Official Plan without a review and amendment of the Official Plan in accordance with the requirements of the *Planning Act*.
- 13.4.3 Council shall not entertain any new application for the same proposed amendment(s) to this Bylaw for a period of one (1) year from the date of previous application of proposed amendment to this Bylaw.
- 13.4.4 Council shall, within seven (7) working days of the notification of the Minister's approval of the amendment(s) to this Bylaw, instruct the Development Officer to notify the applicant that the proposed amendment to this Bylaw has been approved or denied. Where a proposed amendment to this Bylaw has been denied by Council, the reasons for the denial shall be stated, in writing to the applicant.

### 13.5 Public Hearing

- 13.5.1 No amendment shall be made to the provisions of this Bylaw unless Council provides for adequate public notice and a public hearing pursuant to the provisions of the *Planning Act*.
- 13.5.2 At any public hearing called in respect of a proposed amendment(s) to this Bylaw, Council shall preside, the person proposing the amendment or their designate shall describe and defend the proposed amendment, and the opinions of any person shall be heard for consideration by Council.

### 13.6 Appeals and Enforcement

- 13.6.1 Any person who is dissatisfied by a decision of Council in respect of the administration of this Bylaw or any other bylaw in force within the Municipality, may appeal that decision within 21 days from the date of the decision to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.
- 13.6.2 That person will, in writing, register an appeal within the time period prescribed by the *Planning Act*.
- 13.6.3 Pursuant to the *Planning Act*, any person who violates any provision of this Bylaw is guilty of an offence, and liable to summary conviction and penalty.

## 14. Definitions

14.1.1 In this bylaw, words carry their customary meaning except for following words defined in this Chapter:

**ABBATTOIR** means a facility used for the slaughtering and processing of animals.

**ACCESS** means a way used or intended to be used by vehicles, pedestrians, or animals to go from a street to adjacent or nearby land or to go from that land to the street.

**ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use but does not include a building attached in any way to the main building.

**ACCESSORY USE** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

**AGRICULTURAL USE** means a use of land and buildings for farming dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing, or treating the produce.

**ALTER** means any change in a structural component of a building or any increase in the volume of a building or structure.

**AUTOMOBILE SERVICE STATION** means a building or clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile car wash or convenience store, or both, but does not include an automobile body shop.

**BUILDING** means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.

**BUSINESS OFFICE** means a room where a business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.

**CHURCH** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, rectory, manse and day nursery operated by the church.

**CLINIC** means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.

**COMMERCIAL USE** means the use of a building for the storage, display or sale of goods and supplies or the use of a building for any of the following:

- (a) financial services and financial institutions,
- (b) business offices and other offices,

- (c) studios,
- (d) theatres,
- (e) restaurants and clubs,
- (f) health and recreation centres and facilities.

**CONVENIENCE STORE** means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionery items, grocery items and a delicatessen or snack bar, provided that any eating facility is within a wholly enclosed building.

**COUNCIL** means the Council of the Rural Municipality of Miscouche.

**DEVELOPER** means a person who, directly or indirectly, is authorized to apply for approval of a development or subdivision or to enter into an agreement regarding a development or subdivision.

**DEVELOPMENT** means

- (a) site alteration, including but not limited to altering the grade of the land, removing vegetation from the land, excavating the land, depositing or stockpiling soil or other material on the land, and establishing a driveway or parking lot,
- (b) locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land,
- (c) placing temporary or permanent mobile uses or structures in, under, on or over the land,
- (d) changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building,
- (e) the installation of water or sewer connections,
- (f) the construction of fences over 1.25 metres high.

**DEVELOPMENT OFFICER** means the development officer appointed by the Rural Municipality of Miscouche in accordance with the *Planning Act* and charged with the duty of administering the provisions of this bylaw.

**DEVELOPMENT PERMIT** means the formal and written authorization for a person to carry out any development.

**DISPLAY** means any item, group of items, sign or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include premise signs of 0.25 square metres (2.7 square feet) or less.

**DUPLEX DWELLING** means a building that is divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule;

**DWELLING** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, a motel, apartment hotel or a travel trailer. Minimum requirements for a dwelling is no less than 20 feet or 6 metres x 40 feet or 12 metres.

**DWELLING UNIT** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

**ERECT** means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filing or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**EXISTING** means lawfully existing as of the effective date of this Bylaw.

**FARM** means arable land greater than ten (10) acres in size and complimentary buildings, 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.

**FARM ENTERPRISE** for the purposes of these regulations has the same meaning as set out in the *Real Property Assessment Act*.

**FLOOR AREA** means the following:

- (a) for residential uses: total floor area contained within the outside walls of a building excluding any private garage, porch, veranda, sunroom, unfinished attic, or basement and cellar or other room that is not habitable during all the season of the year;
- (b) for commercial uses: means the total floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common walls between stores.

**FORESTRY** means any activity related to the commercial harvesting of trees. Mills shall not be considered a forestry use.

**FRONTAGE** means all land abutting on one side of a street or road measured along the street or road line.

**GROUPED DWELLING** means three or more dwelling units that are contained within two or more buildings located on the same lot;

**HEIGHT** means, when used with reference to a building, the vertical distance of a building between the established grade and:

- (a) the highest point of the roof or the parapet, whichever is the greater, of a flat roof;
- (b) the deck line of a mansard roof; or

- (c) the main level between eaves and ridges of a gabled, hip, gambrel or other type of pitched roof.

**INDUSTRIAL USE** means the use of a building for the storage, distribution, processing, assembly or recycling of wholesale products, goods or materials or for activities relating to transportation, manufacture, construction, warehousing, assembly or general repair.

**LANDSCAPING** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

**LIVESTOCK** means domesticated animals raised in an agricultural industry that produce meat, milk, eggs, wool and leather. Such animals consist of cattle, sheep, donkeys, goats, ducks, and other animals.

**LIVESTOCK BUILDING** means any building or structure used in conjunction with a livestock operation for the housing of livestock or poultry.

**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 P.E.I. Department of Agriculture's Guidelines for Manure Management shall define intensive use for the purpose of evaluating the environmental impact of such an operation on the surrounding area.

**LOADING SPACE** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.

**LOT** means a parcel of land described in a deed or as shown on a registered plan subdivision.

- (a) **CORNER LOT** means a lot situated at the intersection of and abutting on two (2) or more streets;
- (b) **THROUGH LOT** means a lot, which is not a corner lot, with frontage on more than one street.

**LOT AREA** means the total horizontal area within the lot lines of a lot.

**LOT COVERAGE** means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies and similar features.

**LOT FRONTAGE** means the distance between the side lot lines of a lot measured along the street(s) the lot fronts on.

**LOT LINE** means a boundary line of a lot;

- (a) **FLANKING LOT LINE** means a side lot line that abuts the street on a corner lot;
- (b) **FRONT LOT LINE** means the lot line dividing the lot from the street; in the case of a corner lot, the shorter lot line abutting the street; or in the case of a through lot, the lot line abutting the street providing the primary access;
- (c) **REAR LOT LINE** means the lot line farthest from or opposite to the front lot line;

(d) **SIDE LOT LINE** means a lot line other than a front or rear lot line.

**MAIN BUILDING** means a building which serves the principal purpose for which the lot is used.

**MAIN WALL** means the exterior front, side or rear wall of a building and all structural members essential to the support of a full or partially enclosed space or roof.

**MAJOR DEVELOPMENT** means:

- (a) any new commercial, industrial, or public service and institutional development in excess of 232.5 square metres (2,500 square feet) in floor area;
- (b) the expansion of any existing commercial, industrial, public service and institutional development to a total floor area in excess of 232 square metres (2,500 square feet);
- (c) a new livestock operation, or an existing livestock operation which is to be expanded to an intensive use level as defined in the Department of Agriculture's Guidelines for Manure Management;
- (d) an abattoir;
- (e) a public utility building or structure;
- (f) crematoriums.

**MINI HOME** means a manufactured home that is constructed in one piece and is available in 4 metre (14 feet) and 5 metre (16 feet) widths and lengths up to 26 metres (84 feet).

**MOBILE HOME** means a transportation dwelling unit suitable for long-term occupancy, designed to be transported on its wheels and chassis, and, when located, fixed on a firmly grounded foundation;

- (a) **MOBILE HOME COURT** means a lot or parcel of land planned and developed for the placement of mobile homes;
- (b) **MOBILE HOME SPACE** means a space in a mobile home court for the placement of a mobile home.

**MOBILE HOME PARK** means a lot on which spaces are provided for more than one (1) mini home dwelling unit but does not include a campground.

**MOTEL / HOTEL** means a building or buildings used to accommodate the traveling public for compensation, by supplying them with sleeping accommodation and accessory services such as restaurants, cooking facilities and licensed liquor establishments.

**MULTI UNIT DWELLING** means a building that contains three (3) or more dwelling units;

**MUNICIPALITY** means the Rural Municipality of Miscouche.

**NURSING HOME** means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and is duly licensed by the Province of Prince Edward Island.

**OPEN SPACE** means an area of land used for parks, playgrounds, ball fields, outdoor skating rinks, tennis courts, athletic fields, picnic areas and similar uses but excluding enclosed structures.

**OUTDOOR STORAGE** means the storage of merchandise, goods, inventory, materials or equipment or other items not intended for immediate sale, by locating them outside.

**PARKING LOT** means an open area of land other than a street or access driveway, or an area within a structure used for the parking of vehicles.

**PARKING SPACE** means a space on a parking lot for the temporary parking or storage of a vehicle.

**PERSONAL SERVICE SHOP** means a shop in which personal services such as hair styling, tutoring, tailoring, shoe repairs, and small appliance repairs are performed.

**PREMISES** means an area of land with or without buildings or structures.

**PUBLIC SERVICE AND INSTITUTIONAL USE** means the use of a building for senior citizen housing, nursing homes, hospitals, clinics, religious institutions, churches, public and private schools, colleges, cultural centres, libraries, and public recreational and park buildings.

**RECREATIONAL USE** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps and similar uses but does not include a track for the racing of animals or any form of motorized vehicles.

**RECYCLING DEPOT** means premises on which recoverable materials such as newspaper, glassware and metal cans are separated prior to shipment but does not include any processing of the material or a salvage yard.

**RESIDENTIAL SWIMMING POOL** means an artificial body of water, excluding ponds, accessory to a dwelling, and with a diameter greater than 0.8 metres.

- (a) **LARGE RESIDENTIAL SWIMMING POOL** means a residential swimming pool capable of holding water to a depth greater than 0.6 metres, and with a surface area greater than 9.3 square metres or a diameter greater than 3.0 metres.
- (b) **SMALL RESIDENTIAL SWIMMING POOL** means a residential swimming pool not capable of holding water to a depth greater than 0.6 metres, or with a surface area less than 9.3 square metres and a diameter less than 3.0 metres.

**RESTAURANT** means a building where food and drink is served to the public primarily for consumption within the building

**RETAIL STORE** means a building in which goods, merchandise, substances, and articles are offered for sale to the ultimate consumer for personal or household consumption.

**SALVAGE YARD** means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.

**SEMI-DETACHED DWELLING** means a building that is divided vertically into two (2) dwelling units, each of which has an independent entrance.

**SENIOR CITIZEN HOUSING** means multiple unit housing designed for occupation by senior citizens, and constructed and maintained by a public housing authority or non-profit organization.

**SERVICE SHOP** means a building used for the sale or repair of household articles and may include radio, television and appliance repair shops but does not include industrial, manufacturing or motor vehicle repair shops.

**SINGLE UNIT DWELLING** means a completely detached building containing one (1) dwelling unit.

**SITE PLAN** means a plan drawn to a suitable architectural scale showing details of existing and proposed features on a parcel of land which is the subject of an application for development.

**SPACE** in reference to provision of new or additional space, means the actual floor space provided on each of one or more levels, measured from the outside walls of the building.

**STRUCTURE** means any construction fixed to, supported by, or sunk into land or water, but excludes concrete or asphalt paving or similar surfacing, and a fence six (6) feet or less in height.

**SUBDIVIDER** means the owner of a parcel of land which is being subdivided, or their authorized agent.

**SUBDIVISION** means the following:

- (a) the division of a parcel of land to create two or more new parcels of land,
- (b) the consolidation of two or more contiguous parcels of land to create a new parcel of land, or
- (c) the attachment of 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 an agreement between Council and a Developer, whereby the developer undertakes to provide basic services in order to develop a plan of subdivision.

**SURVEY PLAN** means appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.

**SUMMER COTTAGE** means a building that is occupied or intended to be occupied seasonally, and includes other buildings or structures used or to be used in conjunction with.

**TOURIST HOME** means a dwelling in which overnight accommodation is provided or offered for transient guests for compensation.

**TINY HOME** means a dwelling that is less than 500 square feet of livable space which includes kitchen, bathroom and sleeping area. Detached and semi-detached, mobile (on wheels) or on a temporary or permanent foundation.

**UTILITY** means any public or private system, works, plant, equipment or services that furnishes services at approved rates to or for the use of the general public.

**UTILITY BUILDING OR STRUCTURE** means a building or structure which houses or supports stationary equipment for telephone, electric power, public water supply, or sewerage services.

**WATERCOURSE** means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, any water therein, and any part thereof, up to and including the watercourse boundary.

**WATERCOURSE BOUNDARY** means:

- (a) in a non-tidal watercourse, the edge of the sediment bed, and
- (b) in a tidal watercourse, the top of the bank of the watercourse, and where there is no discernible bank, mean the mean high water mark of the watercourse.

**WETLAND** means:

- (a) an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the wetland boundary, and
- (b) without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow.

**WETLAND BOUNDARY** means where the vegetation in a wetland changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation.

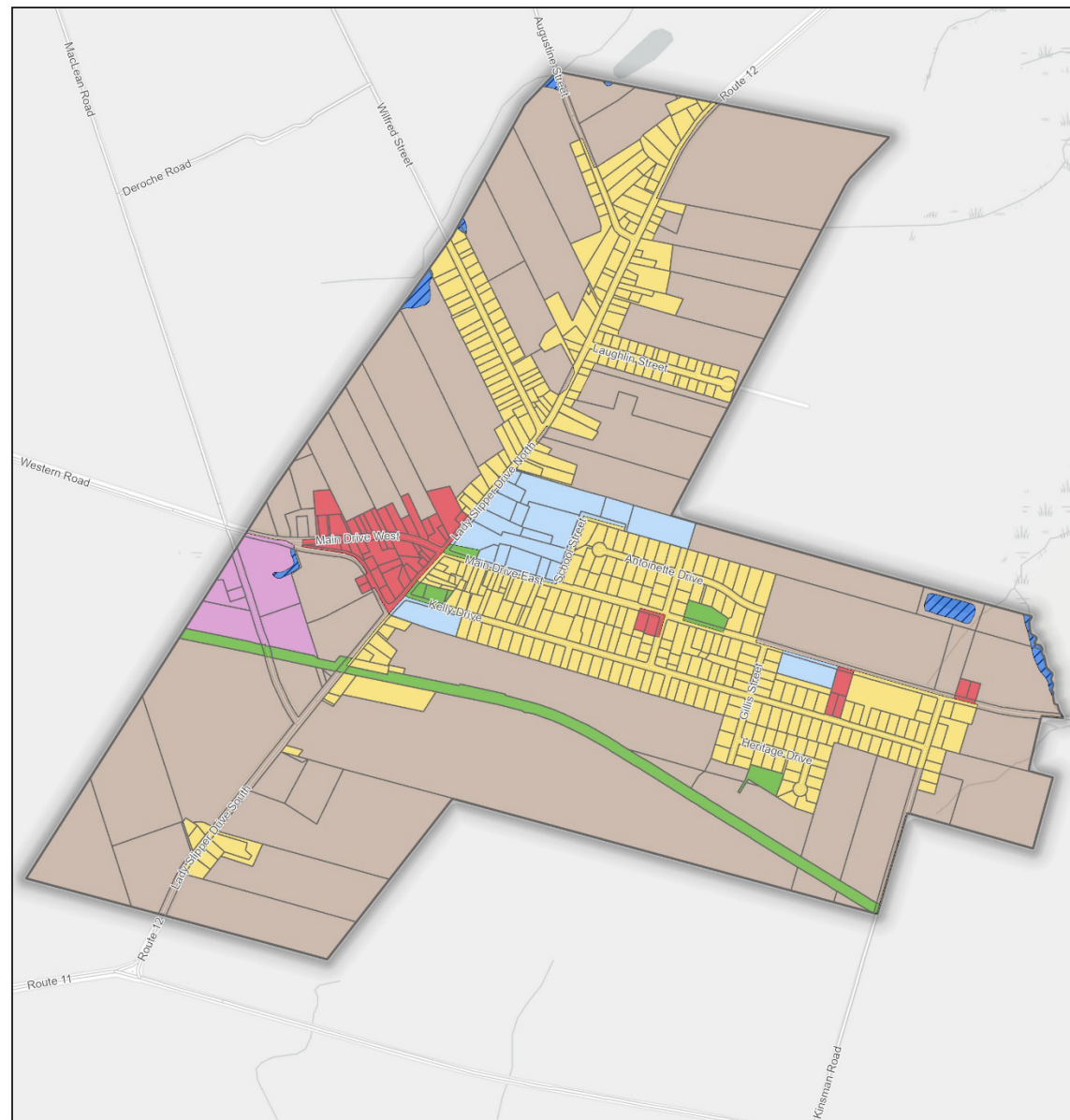
**YARD** means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw.

- (a) **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 main building or structure.
- (b) **FRONT YARD** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; and a “minimum” front yard means the minimum depth allowed by this Bylaw of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

- (c) **REAR YARD** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and “minimum” rear yard means the minimum depth allowed by this Bylaw of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
- (d) **SIDE YARD** means a yard extending from the front to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and “minimum” side yard means the minimum width allowed by this Bylaw as a side yard on a lot between a side lot and the nearest main wall of any main building or structure on the lot.

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

## Schedule A – Zoning Map



## MAP

## Rural Municipality of Miscouche: Zoning

SCHEDULE  
A

SCALE  
0 50 100 200  
metres



LAST UPDATED  
2026.03.20

DATA SOURCE  
Government of PEI,  
Rural Municipality of Miscouche,  
ESRI

### LEGEND

|    |                                |
|----|--------------------------------|
| R  | Residential                    |
| C  | Commercial                     |
| M  | Industrial                     |
| I  | Public Service & Institutional |
| O  | Recreation & Public Open Space |
| RR | Residential Reserve            |

 Waterbodies

 Parcel Boundary

This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions.

## **Schedule B – Sight Distance Standards for Access Driveways**

Access driveways to be used or established on arterial highways' collector highways' local highways and unpaved roads shall have a minimum sight distance to be measured by the following calculations:

### **ARTERIAL HIGHWAYS (Farm Access Exempt)**

A vehicle operator approaching a, access driveway with eye level 1.05 metres (3.5 feet) above grade shall be able to see any object larger than 0.4 meters (16 inches) in height at a driveway for a minimum distance of 170 meters (561 feet). A farm access driveway shall be exempt from this requirement.

170 metres (561 feet) – minimum

210 metres (693 feet) – desirable

### **COLLECTOR HIGHWAYS, LOCAL HIGHWAYS AND UNPAVED ROADS (Farm Access Exempt)**

A vehicle operator approaching an access driveway with eye level 1.05 meters (3.5 feet) above grade shall be able to see ally object Larger than 0.4 meters (16 inches) in height at the driveway for a minimum distance of 140 meters (462 feet). A farm access driveway shall be exempt from this requirement.

140 metres (462 feet) – minimum

150 metres (495 feet) – desirable