

TOWN OF
GEORGETOWN

ZONING & SUBDIVISION
CONTROL
(DEVELOPMENT) BYLAW

2009

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ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW

This Bylaw is made under the authority of the Planning Act,

R.S.P.E.I. 1988, Cap. 4.

BE IT ENACTED by the Council of the Town of Georgetown as follows:

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SECTION 1 – DEFINITIONS

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

In this Bylaw:

- 1.1 Accessory Apartment – means a secondary dwelling accessory to a single family dwelling within the same building, but equipped as an independent living facility and accessed by a private entrance from outside of the building or from a common hallway or stairway inside the building.
- 1.2 "Accessory Building" - means a separate subordinate building or structure, not used for human habitation which is used or intended for the better or more convenient enjoyment of the main building to which it is accessory, and located upon the parcel of land upon which such building is or is intended to be erected, and is compatible in design to the main buildings and surrounding structures.
- 1.3 "Accessory Use" - means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
- 1.4 "Alter" - means any change in the structural component or physical appearance of a building or any increase in the volume of a building or structure.
- 1.5 "Attached" - means a building or structure which has a common wall and/or common roof line and the building or structure may be considered common as long as a minimum of twenty (20) percent of the length of the wall or roof line is common with the main building or structure wall or roof.
- 1.6 "Automobile Dealership or Service Establishment" - means a building or part of a building or a clearly defined space on a lot used for the sale and maintenance of used or new automobiles.
- 1.7 "Automobile Service Station or Service Station" – means a building or part of a building or a clearly defined space on a lot used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles.
- 1.8 "Automobile Washing Establishment" - means a building or part thereof used for the operation of automobile washing equipment which is manual, automatic or semi-automatic.
- 1.9 "Bed and Breakfast" - means a dwelling occupied by a family and used incidentally to provide accommodation of up to three (3) separate rooms and meals to transient travellers and includes a tourist home but does not include a boarding house, rooming house, domiciliary hostel, group home, hotel, motel, restaurant or lounge.
- 1.10 "Block" - means any unit of land consisting of a grouping of lots bounded on all sides by watercourses, streets or large parcel boundaries or as otherwise defined by the municipality.

- 1.11 "Building" - includes any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.
- 1.12 "Building Height" - means the vertical distance measured from the averaged finished grade to the highest point of roof surface.
- 1.13 "Building Line" - means any line regulating the position of a building or structure on a lot.
- 1.14 "Building Setback" - means the distance between the street line and the nearest main wall of any building or structure, except fences, and extending the full width of the lot.
- 1.15 "Business or Professional Office" - means premises where services are offered for a fee, but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
- 1.16 "Change of Use" – means the change of use of a parcel of land or a building from one class of use to another or an increase in the intensity of use, including an increase in the number of dwelling units.
- 1.17 "Child Care Facility" - means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, which receives for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during part or all of the day, more than three children under seven years of age.
- 1.18 "Club" - means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.
- 1.19 "Community Care Facility" - means an establishment that provides care services for compensation to five or more residents who are not members of the operator's immediate family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include
- (i) a group home recognized as such by the Minister,
 - (ii) a residential school,
 - (iii) an establishment providing accommodation only,
 - (iv) a hospital,
 - (v) a correctional institution,
 - (vi) a facility in which treatment services are provided under the Addiction Services Act R.S.P.E.I. 1988, Cap. A-3,
 - (vii) a nursing home, or
 - (viii) a residential institution as defined in Part II of the regulations made under the Welfare Assistance Act R.S.P.E.I. 1988, Cap. W-3 which is operated or funded by the Minister.

- 1.20 "Condominium" - means a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.
- 1.21 "Convenience Store" - means a retail commercial establishment, not exceeding 1,500 sq. ft. (135 sq.m.) of gross floor area, supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and video tape sales and rentals.
- 1.22 "Council" - means the Council for the Town of Georgetown.
- 1.23 "Councillor" - means any resident who has been duly elected and sworn to office in order that such resident may execute those duties as prescribed by the law.
- 1.24 "Demolition" - means to remove, pull down or destroy a structure.
- 1.25 "Development" - means the carrying out of any building, engineering, excavation, dumping, filling or other operations in, on, over or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises without limiting the generality of the foregoing.
- 1.26 "Development Officer" - means the person charged by the Council with the duty of administering the provisions of this Bylaw.
- 1.27 "Development Permit" - means the formal and w r i t t e n authorization for a person to carry out any development.
- 1.28 "Development Scheme" - means a detailed plan showing the location, land use and form of all development of any land in a defined area.
- 1.29 "Display" - includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include Premise Signs of 400 square inches or less.
- 1.30 "Dwelling" - means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.
- (i) "Dwelling Unit" - means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.
 - (ii) "Single Family Dwelling" - means a building designed or used for occupancy as one dwelling unit.
 - (iii) "Duplex Dwelling" - means a building containing two dwelling units each of which has at least two independent entrances.
 - (iv) "Multiple Family Dwelling" - means a building containing three or more dwelling units.

- (v) "Semi-detached Dwelling" - means a building divided vertically into two (2) separate units, each of which has at least two independent entrances.
 - (vi) "Row or Townhouse Dwellings" -means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
 - (vii) "Apartment" - means a dwelling unit within a multifamily structure, provided as rental housing. An apartment building is a structure with individual apartment units but a common entrance and hallway.
- 1.31 "Erect" - means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.
- 1.32 "Family" - means an individual residing in one (1) dwelling unit, or a group of persons related by marriage, cohabitation, blood or adoption residing together in one (1) dwelling unit and includes:
- i) domestic servants, non-paying guests and foster children; and,
 - ii) not more than two (2) roomers or boarders living in the dwelling unit.
"Immediate Family" - means the following persons:
 - i) parents of the owner and their spouse;
 - ii) the sons and/or daughters of the owner and their spouse;
 - iii) the grandparents of the owner and their spouse;
 - iv) the brothers and/or sisters of the owner and their spouse; and,
 - v) the aunts and/or uncles of the owner and their spouse.
- 1.33 "Fence" - means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 1.34 "Floor Area" - means:
- i) With reference to "Dwelling" - the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.
 - ii) With reference to "Commercial Building" - the total usable floor area within a building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.
 - iii) With reference to "Accessory Building" - the area contained within the outside walls.
- 1.35 "Frontage" - means the horizontal distance between the side lot lines bordering on a street and according to the direction of the front of the dwelling or structure.

- 1.36 "Grade" - means the lowest point of elevation of the finished surface of the ground, paving or sidewalks within the area between the building and the property line or when the property line is more than five (5) ft. (1.5 m) from the building, between the building and a line five (5) ft. (1.5 m) from the building.
- 1.37 "Group Home" - means a residence for the accommodation of four or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. A group home does not include a commercial day care centre, or a halfway house or a facility for the temporary use of transient and homeless persons.
- 1.38 "Highway, Road or Street" - means all the area within the boundary lines of every road, street or right-of-way which is vested in the Province of Prince Edward Island or the municipality and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any such road, street or right-of way passes.
- 1.39 "Hotel" - means a building other than a motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee.
- 1.40 "Industrial Premises" - means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing.
- 1.41 "Institutional Premises" - means premises, other than retail or industrial, used for community services and includes:
- i) cemeteries
 - ii) churches, places of worship and religious institutions
 - iii) colleges, universities and non-commercial schools
 - iv) community centres
 - v) golf courses
 - vi) government offices
 - vii) senior citizens homes, community care facilities, and nursing homes
 - viii) hospitals
 - ix) libraries, museums and art galleries
 - x) public and private parks
 - xi) public and private recreational centres
 - xii) public and private schools
 - xiii) experimental farms
 - xiv) child care facilities.

- 1.42 "Landscaping" - means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a property.
- 1.43 "Loading Space" - means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such parking space shall not be for the purpose of sale or display.
- 1.44 "Lot or Property" - means any parcel of land described in a deed or as shown in a registered subdivision plan.
- i) "Lot Area" - means the total area included within the lot lines.
 - ii) "Corner Lot" - means a lot situated at an intersection of and abutting on two or more street.
 - iii) "Flankage Lot Line" - means the side lot line which abuts the street on a corner lot.
 - iv) "Front Lot Line" - means the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance.
 - v) "Interior Lot" - means a lot other than a corner lot.
 - vi) "Lot Depth" - means the depth from the front lot line to the rear lot line.
 - vii) "Lot Line" - means any boundary of a lot.
 - viii) "Rear Lot Line" - means the lot line further from and opposite to the front lot line.
 - ix) "Side Lot Line" - means a lot line other than a front, rear or flankage lot line.
 - x) "Through Lot" - means a lot bounded on two opposite sides by streets.
- 1.45 "Lot Consolidation" - means the legal incorporation of two or more existing parcels of land to form a single, larger parcel.
- 1.46 "Lounge" - means a commercial facility or structure licensed to sell alcoholic beverages to the public.
- 1.47 "Main Building" - means that building, the nature of the use of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.
- 1.48 "Major Development" - means any development as defined in Section 2.24 that will have a major impact on the Town as a whole or any part thereof including, but so as not to limit the foregoing, any major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion.
- 1.49 "Mini-Home"- means a pre-manufactured dwelling unit having an average width of less than 20 feet, not including appurtenances such as porches, entries, etc. and certified under the Z240 provisions of the Canadian Standards Association (CSA).

- 1.50 "Mobile Home" - means a transportable dwelling unit suitable for permanent occupancy, designed to be transported with or without its own wheeled chassis.
- 1.51 "Motel" - means a building occupied in whole or in part as a temporary lodging place for an individual and for which there is an exit for any room or suite of rooms directly to the outdoors with access to grade level.
- 1.52 "Nursing Home" - means a building, part of building, or group of buildings in which, for a fee, charge or reward, direct or indirect, there are housed patients requiring or receiving active treatment for, or convalescing from, or being rehabilitated after illness or injury, but does not include a public hospital, mental hospital, tuberculosis hospital or sanatorium.
- 1.53 "Obnoxious Use" - means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- 1.54 "Open Space" - means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking.
- 1.55 "Parcel" - means a lot, block or other division of land or property which is recognized as a separate unit of land for the purposes of this bylaw.
- 1.56 "Parking Space" - means an area of land which is suitable for the parking of a vehicle, not less than nine feet wide and eighteen feet long, accessible to vehicles without the need to move other vehicles on adjacent areas.
- 1.57 "Personal Service Shop" - means a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons. (e.g., barbershop)
- 1.58 "Phase" - means to develop a parcel of land over time in a series of prescribed stages; or one of such stages.
- 1.59 "Private Garage" - means a building or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.
- 1.60 "Premise Sign" - means a sign that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the lot upon which such sign is located, or to which it is affixed.
- 1.61 "Public Park or Parkland" - means land owned by the Town or some other level of government used or intended for use by members of the public.
- 1.62 "Restaurant" - means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public.
- 1.63 "Retail Store" - means a building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.

- 1.64 "Senior Citizen" - means a person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the P.E.I. Housing Corporation Act or comparable Provincial statute.
- 1.65 "Senior Citizen Home" - means any home for Senior Citizens either privately sponsored or administered by any public agency or any service club either of which obtains its financing from federal, provincial or municipal governments or agencies or by public subscription or donations, or by an combination thereof, and shall include auxiliary uses such as lounges and recreation facilities usually associated with senior citizens' developments, and solely for the use of its residents.
- 1.66 "Service Shop" - means a building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial, manufacturing or motor vehicle body repair shops.
- 1.67 "Sewerage System" - means a system of pipes for the disposal of sewage controlled by a utility.
- 1.68 "Storey" - means that portion of a building between any floor and ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (approximately 6 feet) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional storey.
- 1.69 "Street or Road" - see Highway, Section 2.37.
- 1.70 "Structure" - means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.
- 1.71 "Subdivision" - means a division of a parcel of land by means of a plan of subdivision, plan or survey, agreement, deed or any instrument, including a caveat transferring or creating an estate or interest in part of the parcel.
- 1.72 "Swimming Pool" - means any outdoor structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 60 cm (approximately 24 inches) or more at any point or with a surface area exceeding 10 square meters (108 square feet).
- 1.73 "Summer Cottage" - means a dwelling intended for seasonal residential use from April 1st to November 30th annually and shall not include a year round residence.
- 1.74 "Survey Plan" - means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.
- 1.75 "Tourist Establishment" - means a dwelling in which is operated the seasonal business of providing or offering overnight accommodation for transient guests for compensation.
- 1.76 "Town or "Municipality" - means the area incorporated and known as the Town of Georgetown.

- 1.77 "Travel Trailer" - means a vehicle or structure designed to be used as temporary accommodation for travel, recreation, and vacation purposes and intended to be independent of sewage, water and electrical service.
- 1.78 "Use" - means any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel.
- 1.79 "Warehouse" - means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.
- 1.80 "Watercourse" - shall have the same meaning as defined under the Environmental Protection Act Watercourse and Wetland Protection Regulations and in the case of any dispute the final determination shall be made by the Provincial Department having authority to enforce these Regulations.
- 1.81 "Wetland" - shall be defined as noted above under "Watercourse".
- 1.82 "Wind Energy Systems" – shall be defined as structures, of any size, that produce power by capturing the kinetic energy in wind and converting it into energy in the form of electricity.
- 1.83 "Yard" - means an open, uncovered space on a lot pertinent to a building and unoccupied by buildings or structures except as specifically permitted in this Bylaw and
- i) "Front Yard" - means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot and "minimum front yard" means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.
 - ii) "Rear Yard" - means a yard extending across the width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot and "minimum rear yard" means the minimum depth 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.
 - iii) "Side Yard" - means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot, and "minimum side yard" means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.
 - iv) "Flankage Yard" - means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot.
- 1.84 "Zone" - means a designated area of land shown on the Official Zoning Map of the Bylaw within which land uses are restricted to those specified by this Bylaw.

SECTION 2 – SCOPE

2.1 TITLE

This Bylaw shall be known and may be cited as the Town of Georgetown Zoning and Subdivision Control Bylaw or the Development Bylaw.

2.2 AREA DEFINED

This Bylaw applies to the geographical area within which the Town of Georgetown Council has jurisdiction.

2.3 SCOPE

No dwelling, business, trade, or industry shall be located, nor shall any building or structure be erected, altered, used or have its use changed, nor shall any land be subdivided, consolidated or used in the Town of Georgetown, except in conformity with this Bylaw and subject to the provisions contained herein.

SECTION 3 – DEVELOPMENT ZONES

3.1 DEVELOPMENT ZONES

For the purpose of this Bylaw, the Town is divided into the following development zones, the boundaries of which are subject to section 3.2 and as shown in Appendix A, the Official Zoning Map. Zones may be referred to by the symbols indicated in Table below.

TABLE 3.1 Development Zones

Zone	Symbol
Single Family Residential	R1
Multiple Family Residential	R3
Mixed Use	MU
Institutional	PS1
Industrial	I1
Comprehensive Development Area	CDA
Open Space	OS
Wellfield Protection Area zone A	WPA
Wellfield Protection Area zone B	WPB
Wellfield Protection Area zone C	WPC

3.2 INTERPRETATION OF ZONE BOUNDARIES

Boundaries between zones as indicated in Appendix A, the Official Zoning map, shall be determined as follows:

1. Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
2. Where a zone boundary is indicated as following lot or property lines, the boundary shall be such lot or property lines.
3. Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
4. Where none of the above provisions apply, the zone boundary shall be scaled from the original zoning map lodged with the municipality and shall be applied at the discretion of Council.

3.3 OFFICIAL ZONING MAP

Appendix A shall be cited as the "Official Zoning Map" and forms a part of this Bylaw.

3.4 CERTAIN WORDS

In this Bylaw, words used in the present tense include future; words in the singular number include the plural; the word "shall" is mandatory and not permissive; and the word "he" includes "she".

3.5 UNITS OF MEASURE

Units of measure and conversion shall be in accordance with either Imperial or Metric standards.

SECTION 4 –ADMINISTRATION

4.1 DEVELOPMENT APPROVAL

1. No person shall, without first applying for, and receiving a development permit:
 - a) change the use of a parcel of land or a structure;
 - b) commence any "development";
 - c) construct or replace any structure;
 - d) make structural alterations to any structure;
 - e) make any water or sewer connection;
 - f) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;

- g) move or demolish any structure;
 - h) establish an excavation pit;
 - i) construct a driveway;
 - j) place, dump or remove any fill or other material; subdivide or consolidate a parcel or parcels of land; or
 - k) construct a fence over four (4) ft. (1.2m) high.
2. For the purpose of this Bylaw, the following shall not be interpreted as changing the use of land or a structure or constructing or replacing a structure, and shall not require a development permit:
- a) phasing paving materials for patios or sidewalks;
 - b) constructing fences of less than 4 ft. (1.2 m) in height;
 - c) installing clotheslines, poles, and radio or television antennae, except satellite dishes over 3' in diameter;
 - d) making a garden;
 - e) growing a crop or preparing land for a crop;
 - f) making landscaping improvements or constructing ornamental structures of less than 64 sq. ft. (6 sq. m.); and
 - g) conducting normal repair or maintenance operations or activities on a structure which do not alter the structure or change its use.

4.2 AUTHORITY OF DEVELOPMENT OFFICER

Council shall have the authority to administer this Bylaw. Council may appoint a staff person or may contract the services of a professional Development Officer to assist with administering the Bylaw by exercising the authority to approve or deny development permits in accordance with this Bylaw in all areas except where this Bylaw requires a Special Permit or Development Agreement.

4.3 DEVELOPMENT RESTRICTIONS

Council shall not issue a development permit for a development if, in the opinion of Council:

- 1) the proposed development does not conform to this Bylaw;
- 2) the method of water supply is not appropriate;
- 3) the method of sanitary waste disposal is not appropriate;
- 4) there is not a safe and efficient access to the public highway, street, or road;

- 5) the impact of the proposed development would be detrimental to the environment;
- 6) the proposed development would be detrimental to the groundwater quality, or is in conflict with Section 14 of this Bylaw;
- 7) the proposed development would create unsafe traffic conditions;
- 8) the proposed development would significantly or permanently injure neighbouring properties by reason of architectural disharmony, or
- 9) the proposed development would be detrimental to the convenience, health, or safety of residents in the vicinity or the general public

4.4 DEVELOPMENT PERMIT APPLICATION

- 1) Any person applying for a permit shall do so on a form prescribed by Council and approved by Council, and shall submit the application to Council.
- 2) Every application form shall be signed by the property owner or the property owner's authorized agent, and shall be accompanied by an application fee in accordance with a fee schedule which the Council shall establish.
- 3) A development permit shall be valid for a twelve- month period, or such additional time as may be authorized by the Planning Committee and approved by Council.

4.5 PAYMENT OF FEES

Notwithstanding any Section of this Bylaw, development permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said permit is acquired by the developer.

4.6 CONDITIONS ON PERMITS AND SPECIAL PERMIT USES

The Bylaw shall also provide for "conditional" and "special permit" uses.

1. Council has the authority to impose conditions on a permit subject to such conditions being directly related to or consistent with Bylaws of the Town or the Official Plan. Conditional uses shall be subject to such restrictive conditions as Council deems appropriate to ensure compliance with the Bylaw and the policies of the Official Plan.
2. Special Permit uses represent exceptions to the "permitted uses" in each zone and shall be approved at the sole discretion of Council.

4.7 SITE PLAN

The Council may require an applicant to submit a site plan drawn to a convenient scale certifying the agreement of the applicant to develop the site in accordance with the plan.

4.8 SURVEYS REQUIRED

Where Council is unable to determine whether the proposed development conforms to this Bylaw and other Bylaws and regulations in force which affect the proposed development, Council may require that the development plans submitted be based upon an actual survey by a licensed Prince Edward Island Land Surveyor.

4.9 OTHER INFORMATION

Council may require an applicant to submit any additional information that it deems pertinent in relation to a development, including but not limited to the following:

1. parking lot layout and internal circulation patterns;
2. location of garbage containers and description of any screening or fencing;
3. storm water management plan;
4. erosion and sedimentation control plan;
5. location of open space and amenity areas;
6. landscaping plan;
7. buffer zones adjacent to wetland areas or watercourses;
8. impacts to groundwater quality, specifically within the 250 Day, 25 year, or 50 year Wellfield Protection Areas as delineated in **Appendix A**, the Official Zoning Map.
9. existing vegetation;
10. easements;
11. proposed storage areas and description of any screening or fencing; and
12. traffic impact studies.

4.10 CERTIFICATE OF COMPLIANCE

As a condition of any development permit, Council may require that any applicant shall not use or occupy, or being the owner thereof, shall not permit any building or premises, or part thereof, to be used or occupied after it has been erected, altered, placed or reconstructed until there has been issued to the owner an official certificate of compliance certifying that the building or premises or part thereof conform to the provisions of this Bylaw and any conditions noted on the development permit or the Development Agreement.

4.11 CONSTRUCT IN ACCORDANCE WITH APPLICATION

Any person who has been granted a development permit shall develop in accordance with the information given on the prescribed application form, any supporting documentation and the conditions and requirements of said development permit or Development Agreement.

4.12 AUTHORIZATION FOR INSPECTION

An application for a development permit shall constitute authorization for inspection of the building or land in question by an officer or agent of the Town for the purpose of ensuring compliance with the provisions of this Bylaw.

4.13 PERMITS POSTED

All permits shall be posted at the site by the Developer during the construction period and the permit shall be properly maintained in a location easily visible for viewing.

4.14 OTHER APPROVALS

Nothing in this Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other regulations or laws in force.

SECTION 5 GENERAL PROVISIONS FOR ALL ZONES

5.1 PERMITTED USES IN ALL ZONES

The following uses are permitted in all zones:

1. Temporary construction facilities such as sheds, scaffolds and equipment incidental to building on the premises for so long as work is in progress or for a maximum period of six (6) months, whichever is the shorter period.
2. Public and private utility buildings and structures which are considered by Council to be necessary and appropriate to the municipality.

5.2 IN-HOME OCCUPATIONS

1. Nothing in this Bylaw shall prevent the carrying on in Single Family Residential (R1), Multiple Family Residential (R3) and Mixed Use (MU) Zones, of domestic and household arts provided that all conditions as specified in Section 5.2.2 are complied with. Domestic and household arts include:
 - a) dressmaking and tailoring;
 - b) hairdressing;

- c) instruction in music, dance, arts and crafts, weaving, painting, sculpture, repair of garden or household ornaments, personal effects, or toys, and
 - d) Other similar activities as approved by the Council.
2. Nothing in this Bylaw shall prevent the carrying on in a residential zones (Single Family Residential (R1) and Multiple Family Residential (R3)), of business or professional services provided that the following provisions are met:
- a) the dwelling shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed by the business use.
 - b) there shall be no more than two nonresident assistants employed in the business or profession or the domestic and household arts carried on.
 - c) not more than 25% of the total floor area of the dwelling shall be occupied by the business or profession or domestic and household arts use.
 - d) adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided.
 - e) there shall be no open storage or display area.
 - f) premise signs shall be restricted to a maximum of 400 square inches in total.

5.3 SPECIAL PERMIT USE

- 1. Council may approve child care facilities as a Special Permit use in Single Family Residential (R1), Multiple Family Residential (R3) and Mixed Use (MU) zones.
- 2. Council may approve wind energy systems as a Special Permit Use.
- 3. Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - a) In the opinion of Council, the Development is deemed appropriate and does not detract from the scale of the existing adjacent development;
 - b) In the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, visual impacts, traffic congestion or any other potential nuisance;
 - c) Property Owners within 200 metres (656 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
 - d) A public meeting shall be held pursuant to Section 16.1.2, 16.1.3 and 16.1.7 to allow the Applicant to present the Development proposal to residents to obtain their input.

5.4 USES PROHIBITED IN ANY ZONE

The following uses are prohibited in all zones:

- 1. Scrap yards.

2. Buildings using Tar Paper and Black Kite as exterior siding or cladding.
3. Open loop geothermal systems.

5.5 LOT FRONTAGE

1. If a parcel of land in any zone is of such configuration that it cannot reasonably be subdivided in such a way to provide the required minimum frontage on a street, the Council may approve a reduced frontage, provided that the lot width at the building line measures at least as much as the minimum lot frontage for the zone.
2. In any zone, lots designed with a reduced frontage along a bend in a street or facing a cul-de-sac, may be approved by Council where adequate and safe access is provided and if the lot width at the building line measures at least as much as the minimum lot frontage for the zone.

5.6 ACCESS

1. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a street.
2. Notwithstanding Section 5.5.1, Council may approve a development permit for a residential or commercial structure which fronts on a private right-of-way, provided that the following criteria are met:
 - a) no reasonable provision can be made to provide access to a public street,
 - b) safe ingress and egress from the lot can be provided,
 - c) an agreement is registered in the P.E.I. Registry Office, binding on all land owners abutting or fronting on the private right-of-way providing for the long term ownership and maintenance of the right-of-way, such agreement shall be binding on all heirs, successors and assigns of the current property owners.
3. Where an entranceway permit is required under the Roads Act and Highway Access Regulations, its issuance shall be a precondition of the approval of a subdivision or development permit.

5.7 INTERSECTION TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two feet above grade of the streets which abut the lot within the triangular area indicated by the street boundary lines for a distance of 20' (6 m) from their point of intersection.

5.8 HEIGHT REGULATIONS

The height regulations of this Bylaw shall not apply to church spires, water tanks, flag poles, lighting standards, television or radio antennae, ventilators, skylights, chimneys, clock towers, and utility poles.

5.9 SITE WORK

No person shall carry out any site work in any zone which may create a nuisance, hardship or other inconvenience to persons in the vicinity.

5.10 WATER COURSE AND WETLAND PROTECTION

All development applications shall conform with the Provincial *Watercourse and Wetland Protection Regulations* as provided in Appendix C.

5.11 GRADE OF SITE

No building shall be erected or placed except in conformance with the finished grade for its site, the road or adjacent structures after its construction.

5.12 LANDSCAPING

1. The provision and maintenance of adequate landscape buffering and/or appropriate fencing shall be required to the satisfaction of Council between residential zones (R1 and R3) and Mixed use (MU), Institutional (PS1), Industrial (I1), Comprehensive Development Area Zone (CDA) or other land uses characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people or other factors that may adversely affect adjacent residential amenity;
2. The provision and maintenance of adequate landscaping shall be required for new development to the satisfaction of Council;
3. Where Mixed Use (MU), Institutional (PS1), Industrial (I1) or Comprehensive Development Area Zone (CDA) zone abuts a Residential Zone along a side and/or rear lot line, a strip of not less than fifteen (15') ft. (4.5 m) in width along the said side and/or rear lot shall be landscaped to the satisfaction of Council as part of the development for which a building permit has been granted.

5.13 MOVING OF BUILDINGS

No building shall be moved within or into the area covered by this Bylaw without a development permit and such other permits as may be legally required by the Province.

5.14 MAIN BUILDING

1. Except in a Single Family Residential (R1) and Multiple Family Residential (R3), more than one (1) main building may be placed on a lot in any zone, provided all other provisions of this Bylaw are met.
2. Notwithstanding Section 5.13, 1. above, no more than one (1) single family dwelling is permitted on a lot in the Mixed-Use Residential (MU) Zone.

5.15 MIXED USE

Where any land or building is used for more than one (1) purpose, all provisions of this Bylaw relating to each use shall be satisfied.

5.16 ACCESSIBILITY

Council may, as a condition of granting a development permit, require the applicant to design and develop a structure or provide such facilities as necessary to permit access to the building or structure by physically challenged persons.

5.17 NON-CONFORMING STRUCTURES AND USES

1. A. Buildings or uses of land lawfully in existence on the effective date of this Bylaw, but no longer conforming to this Bylaw, may continue to exist. Council shall consider an expansion of a use or a change to a similar use, subject to the developer entering into a Development Agreement.
2. Any building or structure (hereinafter collectively termed structure) or use not conforming with this By-law may be continued if the structure or use was lawfully existing at the time it became nonconforming, subject to the following:
 - a) A structure was lawfully under construction on the effective date of approval of this Bylaw, and
 - b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.
3. A structure that has been erected on or before the effective date of this Bylaw on a nonconforming lot (having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this Bylaw), may be reconstructed, repaired or renovated provided that:
 - a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard which does not conform to this Bylaw;
 - b) all other applicable provisions of this Bylaw in effect at the time of application are satisfied.
4. If a building which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the building or repair work would not be detrimental, as determined by the Council, to the convenience, health or safety of residents in the vicinity or the general public;
5. Any change of tenants, occupants or owner of any premises or building or structure (hereinafter collectively termed structure) shall not of itself be deemed to affect the use of the structure for the purposes of this Bylaw.

6. A non-conforming use of land or structures shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively after the date of the adoption of this Bylaw. After the twelve (12) month period of discontinued use, the land or structure shall not thereafter be used except in conformity with this Bylaw, except if the non-conforming use would not be detrimental, as determined by Council, to the convenience, health and safety of residents in the vicinity or the general public.
7. A vacant lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the minimum width or area required, may be used for a purpose permitted in the zone in which the lot is located and a structure may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied.
8. Subject to the provisions of this Bylaw, a building or structure, or use of land, buildings or structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist;

5.18 PERMITTED ENCROACHMENTS IN YARDS

Except for accessory buildings, every part of any yard required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky, provided that those structures listed in the following table shall be permitted to project for the specified distance as follows:

TABLE 5.1 Permitted Encroachments in Yards

Structure	Yard in Which Projection is Permitted	Maximum Projection from Main Wall Permitted into Yard
Sills, belt, courses, cornices, eaves, gutters, chimneys, pilasters or canopies	any yard	24 inches (.5 m)
Window bays	front, rear and flankage yards only	3 ft. (1m) and a max., width of 10 ft. (3m)
Fire escapes	rear and side yards only	5 ft.(1.5 m)and max., width of 10 ft.(3m)
Balconies	front, rear and flankage yards only	6 feet (2m)
Open, roofed porches not exceeding one storey in height, uncovered terraces	front, rear and flankage yards only	rear 8 feet (2.5 m) including eaves and cornices

5.19 ACCESSORY USES, BUILDINGS AND STRUCTURES

1. Accessory uses, buildings and structures shall be permitted on any lot but shall not:
 - a) be used for human habitation;
 - b) be located within the front yard or flanking side yard of a lot;
 - c) be built closer than four (4.0') feet (1.2 m) to any lot line;
 - d) except in an Industrial Zone, exceed twelve (12') ft. (3.6 m) in height above grade;

- e) except in an Industrial Zone, exceed three hundred (300) sq. ft. (27 sq.m) in total floor area.
 - f) be considered an accessory building if attached to the main building in any way;
 - g) be built within an accessory building if located completely underground;
 - h) built within six (6) ft. (2m) the main building.
2. Notwithstanding the provisions in Section 5.18, Council may issue a conditional use permit for an accessory structure located within the front yard or flanking side yard of a lot, where Council is satisfied the structure will be architecturally compatible with adjacent structures, no permanent injury or nuisance would be caused to adjoining properties, and any other such conditions as Council may impose.
 3. Accessory structures larger than three hundred (300) sq. ft., (27 sq. metres) in total floor area, may be considered by Council and approved only through a Development Agreement registered on title.

5.20 ACCESSORY APARTMENTS

Council may permit by Development Agreement, one accessory apartment per single family residence located in a Single Family Residential (R1), Multiple Family Residential (R3) or Mixed Use (MU) zone, subject to the following requirements:

1. Accessory Apartments must meet the setback requirements for the dwelling type and related zone in which the accessory apartment is housed;
2. In addition to the minimum of 2 parking spaces for a Single Family Dwelling, 1 additional parking space is required for an accessory apartment;
3. The maximum floor area for an accessory apartment shall not exceed 25% of the total floor area of the dwelling;
4. The external appearance and character of the building shall to be preserved. Additions shall be architecturally similar to the existing building whenever possible;
5. The accessory apartment must be clearly attached and form part of the main building;
6. The accessory apartment must be serviced by the municipal sewer collection and treatment system and municipal water distribution system;
7. An accessory apartment shall be self-contained with respect to kitchen, bath, sleeping and general living space;

5.21 PETROLEUM STORAGE

1. Underground petroleum storage tanks shall not be permitted in any zone except for within an Industrial Zone (I1) or Comprehensive Development Area Zone (CDA) subject to Wellfield Protection Zone provisions and conditions as Council may impose.

2. The installation of any underground storage tanks shall require a development permit before installation may proceed.
3. The Town shall not issue a permit to the Developer until it has received written approval from the appropriate authority. The above ground storage of gasoline on a Residential lot shall be limited to 50 litres (13 gallons).

5.22 OUTDOOR SWIMMING POOLS

The installation of a swimming pool shall be permitted in any zone in accordance with the following provisions:

1. the land owner shall first obtain a Development Permit from Council;
2. a 6 ft. (1.8 m) fence shall be constructed 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 fence;
3. any gate on such fence shall be capable of being locked;
4. the Developer shall agree that other reasonable initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Developer or the Town, the cost of which shall be borne by the Developer;
5. no outdoor Swimming Pool shall not be installed in any required Front Yard or Flankage Yard. (iv); and
6. Water shall not be disposed of through the sanitary sewer system unless it is first dechlorinated.

5.23 SUBDIVIDING OF ATTACHED DWELLINGS

1. Semi-detached, row or town house dwellings shall be erected in a manner which will permit subdivision into individual units pursuant to the requirements in subsection (2) below.
2. Semi Detached and Town House or Row House Dwellings may be divided independently for individual sale and ownership provided that:
 - a) the subdivision of the parcel of land has been approved by Council (such subdivision to provide for appropriate easements or common area to allow entry by an owner of any portion of the building to his/her back yard area);
 - b) the units must be separated from the basement floor to the underside of the roof by a vertical fire wall;
 - c) a separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Town;
 - d) a separate electrical service is provided for each unit;
 - e) a separate heating control is provided for each unit;

- f) a copy of the agreement made between the owners covering the following terms is approved by Council and registered on the title of each unit at the developer's or Property owner's cost:
- i.) common walls;
 - ii.) maintenance;
 - iii.) fire insurance;
 - iv.) easements;
 - v.) parking;
 - vi.) snow removal and
 - vii.) any other items jointly owned or used.

5.24 SPECIAL REQUIREMENTS FOR PRIVATE DETACHED GARAGES

1. A private detached garage shall not exceed seven hundred (700) sq. ft. (63 sq.m.) of floor space.
2. A private detached garage shall not exceed a height in excess of twelve (12') ft. (3.6 m) above grade, unless a conditional use permit has been issued by Council allowing a greater height in order to achieve architectural harmony with the main building.
3. A private detached garage shall be included in the calculation of maximum lot coverage as described in the Lot Requirements for the applicable zone.
4. One (1) private detached garage shall be allowed per lot.
5. A private detached garage shall not be used for human habitation.

5.25 BED AND BREAKFAST

Bed and breakfast establishments shall be permitted to operate in any single family residence in the Single Family Residential (R1), Multiple Family Residential (R3), and Mixed Use (MU) zones subject to the following:

1. the dwelling shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed by the bed and breakfast operation;
2. not more than three (3) rooms shall be offered for overnight accommodation unless otherwise approved at the discretion of Council who shall give consideration to adequate parking, and any other item which could in the opinion of the Council present a nuisance or hazard;
3. adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided;
4. premise signs shall be restricted to a maximum of 400 square inches;
5. there shall be no other signage, open storage or visible display area.

5.26 TRAVEL TRAILERS

1. No Person shall occupy a Recreational Trailer or Vehicle on a temporary or permanent basis other than in a Campground licensed by the Province.
2. Notwithstanding Section 5.24.1 above, Council may issue a temporary permit to a Property Owner permitting the temporary occupation of a Recreational Trailer or Recreational Vehicle while located on a specified Lot for a period not exceeding 14 days, subject to such conditions as Council may deem appropriate.

SECTION 6 PARKING AND SIGNAGE REQUIREMENTS

6.1 PREAMBLE

For every building to be erected, placed, used or enlarged, there shall be provided and maintained off street parking on the same lot to the extent, at least, prescribed in this Section.

6.2 PARKING REQUIREMENTS

TABLE 6.1 Park Requirements

Primary Type of Building	Minimum Parking Space Requirement
Single Family Dwelling	2 parking spaces
Duplex Dwelling	2 parking spaces for each unit
Multiple Family Dwelling	1.5 parking spaces per dwelling unit
Hotel, Motel or other Tourist Establishment	1 parking space per guest/room or rental unit and 1 parking space for each 23 sq. m. (250 sq.ft.) of floor area devoted for public use (e.g. banquet rooms, lounge)
Auditoriums, churches, halls, libraries, museums, theatres, arenas, private clubs, and other places of assembly or recreation	Where there are fixed seats, 1 parking space for every four (4) seats; where there are no fixed seats, the seat count will be based on the Fire Marshall's seating capacity rating.
Hospitals and Nursing Homes	75 parking spaces per bed
Senior Citizens Apartments and Community Care Facilities	1.25 parking spaces per dwelling

TABLE 6.1 Park Requirements

Primary Type of Building	Minimum Parking Space Requirement
Elementary School	1.5 parking spaces per teaching classroom and 1 parking space for each six seats of seating capacity in the auditorium.
Funeral Home	1 parking space per four seats of seating capacity.
Business and Professional Offices, Service and Personal Service Shops	1 parking space per 28.0 sq. meters (300 sq. feet) of floor area.
Automobile Dealership	1 parking space per 4.65 sq. meters (50 sq. ft.) of floor area
Restaurant or Lounge	1 parking space per four seats of seating capacity.
Other Commercial/Retail Stores	1 parking space per 14 sq. meters (150 sq. ft.) of floor area
Industrial	1 parking space per 28 sq. meters (300 sq. ft.) of floor area or 1 parking space per employee, whichever is greater.
Secondary School, Colleges	As determined by Council at the time of application.

6.3 ADDITIONAL PARKING SPACES

Additional parking spaces may be required; if in the opinion of Council the spaces required under Section 5.2 will not meet anticipated parking requirements.

6.4 OTHER REQUIREMENTS

Where parking facilities are required or permitted:

1. The parking area shall be maintained with a stable surface;
2. The lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
3. The parking area shall be within three hundred ft.(300') (91.4 m) of the location which it is intended to serve and shall be situated in the same zone;

4. When the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated with painted lines and maintained on the parking lot;
5. A parking space shall consist of an area of not less than two hundred (200) sq. ft. (18.6 sq. m.) measuring ten (10) ft. (3 m) by twenty (20) ft. (6 m), exclusive of driveways and aisles, unless otherwise authorized by Council;
6. Entrances and exits to parking areas shall not exceed a width of thirty ft.(30') (9 m) at the street line and edge of pavement; and
7. The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of ten ft. (10') (3 m) for one-way traffic, and a minimum width of twenty ft. (20') (6 m) for two-way traffic.
8. Where parking is allowed in front of any building in a Mixed Use (MU) zone, Industrial (I1) zone, or Institutional (PS1) zone, a five foot (5') (1.5 m) landscaped buffer shall be provided between the parking area and the street boundary.

6.5 LOADING ZONES

In any Mixed Use (MU), Industrial (I1), Institutional (PS1), or Comprehensive Development Area (CDA) zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless

1. There is maintained on the same premises with every such building, structure or use one (1) off-street space for standing, loading and unloading for every thirty thousand (30,000) sq. ft. (2,790 sq. m.) or fraction thereof of building floor area used for any such purpose;
2. Each loading space shall be at least twelve feet (12') (3.6 m) wide with a minimum of fourteen ft. (14') (4.25 m) height clearance.
3. The provision of a loading space for any building with less than fifteen hundred (1500) sq. ft. (139.5 sq. m.) shall be optional.
4. No such loading spaces shall be located within any required front yard or be located within any yard which abuts a residential or open space zone, unless in the opinion of Council adequate screening is provided.

6.6 SIGNAGE

1. No mobile signs shall be permitted in any zone.
2. Any non-mobile sign, billboard or poster, temporarily or permanently erected in the Mixed Use (MU) Industrial (I1) Comprehensive Development Area (CDA), or Institutional (PS1) zones, shall conform to the following provisions:

- a) other than directional signs containing no promotional content, only one (1) free-standing sign shall be erected on a lot; except where the lot is bordered by more than one street in which case one (1) free-standing sign may be permitted along each street line;
 - b) free-standing signs shall be permitted if compatible with the building in scale and colour. The area of a free-standing sign shall be no greater than fifty (50) sq. ft. (4.5 sq. m). Free-standing signs shall be set back at least 8 1/2 ft. (2.5 m) from the street line;
 - c) fascia signs shall be permitted on the building and shall project no more than eighteen inches (18") from the wall of the building and shall be no higher than the roof line of the building or part of the building. The area of fascia signs shall not exceed ten percent (10%) of the area of the wall on which the sign is to be located, or one hundred square feet (100 sq. ft.) (9 sq. m) whichever is less;
 - d) no sign other than a traffic directional sign erected by a public authority shall be on the side or rear of a building, or within a side, flankage or rear yard when such side, flankage or rear yard abuts a residential zone;
 - e) no signs painted on sloping roofs shall be permitted;
 - f) internally lit signs shall be permitted and shall have the light source concealed by a diffusive material;
 - g) signs lit by floodlighting shall have the floodlighting directed at the sign and no floodlighting shall be aimed at the road. No stray illumination from floodlighting shall shine on residential properties or land; and
 - h) where there are more than one (1) commercial uses on one lot, all uses on the same lot shall share one sign.
3. The total size of any shared sign shall be no larger than 50 sq. ft. (4.5 sq. m) unless a larger size is authorized by Council. Where a sign for a building is shared by more than one (1) commercial use, the signs for all uses must be of similar material and lettering design to produce a uniformity of signs for the common facility. Logos may be incorporated into the common sign.

SECTION 7 SINGLE FAMILY RESIDENTIAL ZONE (R1)

7.1 GENERAL

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Single Family Residential (R1) zone shall conform to the provisions of this Section.

7.2 PERMITTED USES

No building or part thereof and no land shall be used for purposes other than:

1. Single Family Dwellings

2. Playgrounds
3. Accessory Buildings

7.3 CONDITIONAL USES

Notwithstanding Section 6.2 above, Council may issue a conditional use permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

1. group homes
2. duplex or semi-detached dwellings
3. mini homes
4. Bed and Breakfasts
5. Storage of fishing vessels and related fishing gear as long as said storage does not pose a nuisance to any other property in the surrounding area.

7.4 SERVICING

All new developments in Single Family Residential (R1) zone shall be serviced by municipal sewer services and central water supply.

7.5 LOT REQUIREMENTS

The following regulations shall apply to single family dwellings, child care facilities, mini homes and bed and breakfasts in a Single Family Residential (R1) zone.

TABLE 7.1 Lot Requirements for Single Family Dwellings, Child Care Facilities, Mini-homes, and Bed & Breakfasts in an R3 Zone

Minimum Lot Area	4,000 sq.ft. (360 sq. m)
Minimum Frontage	40 feet (12 m)
Minimum Front Yard	4 feet (1.2 m)
Minimum Rear Yard	25 feet (7.5 m)
Minimum Side Yard	4 feet (1.2 m)
Minimum Flankage Yard	4 feet (1.2 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m)
All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".	

Regulations for group homes shall be as determined by Council.

For Duplex and Semi-Detached Dwellings the lot requirements shall be as follows:

TABLE 7.2 Lot Requirements – Duplex and Semi-Detached Dwellings in an R1 Zone

Minimum Lot Area	6,000 sq. ft. (540 sq. m) or (Fully serviced) 3,000 sq. ft.(270 sq. m) for each unit
Minimum Frontage	60 ft. (18 m) or 30 ft. (9 m) for each unit
Minimum Front Yard	4 feet (1.2 m)
Minimum Rear Yard	25 feet (7.5 m)
Minimum Side Yard	4 feet (1.2 m)
Minimum Flankage Yard	4 feet (1.2 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

Notwithstanding the above regulations, within existing approved subdivisions Council may require that new development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

SECTION 8 MULTIPLE FAMILY RESIDENTIAL ZONE (R3)

8.1 GENERAL

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered on any land used in a Multiple Family Residential (R3) zone shall conform to the provisions of this Section.

8.2 PERMITTED USES

No building or part thereof and no land shall be used for purposes other than:

1. Single Family Dwellings
2. Duplex or semi-detached dwellings
3. Bed & Breakfast (pursuant to provisions of Section 5.23)
4. Playgrounds
5. Accessory Buildings

8.3 CONDITIONAL USES

Notwithstanding Section 8.2 above, Council may issue conditional use permit for the following uses where it deems the development is appropriate, the development is fully serviced, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

1. Group Homes
2. Mini-Homes
3. Row or Town House Dwellings owned either individually or as condominiums or by a single owner)
4. Storage of fishing vessels and related fishing gear as long as said storage does not pose a nuisance to any other property in the surrounding area.
5. Apartments (up to twelve (12) units owned by a single owner or as a condominium)

8.4 SPECIAL PERMIT USE

1. Apartments with over 12 units (owned by a single owner or as a condominium), where Council is satisfied the structure will be architecturally compatible with adjacent structures, no permanent injury or nuisance would be caused to adjoining properties, and any other such conditions as Council may impose.

8.5 SERVICING

All developments in Multiple Family Residential (R3) zone shall be serviced by municipal sewer services and central water supply.

8.6 LOT REQUIREMENTS

The following regulations shall apply to development in Multiple Family Residential (R3) zone:

For single family dwellings, bed and breakfasts, group homes, child care facilities, and mini homes, lot requirements shall be the same as Section 7.5, Single Family Residential (R1) and as outlined in the table below.

TABLE 8.1 Lot Requirements for Single Family Dwellings, Bed & Breakfasts, Group Homes, Child Care Facilities and Mini-homes in an R3 Zone

Minimum Lot Area	4,000 sq.ft. (360 sq. m)
Minimum Frontage	40 feet (12 m)
Minimum Front Yard	4 feet (1.2 m)
Minimum Rear Yard	25 feet (7.5 m)
Minimum Side Yard	4 feet (1.2 m)
Minimum Flankage Yard	4 feet (1.2 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m) All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

For Duplex and Semi-Detached Dwellings the lot requirements shall be as follows:

TABLE 8.2 Lot Requirements – Duplex and Semi-Detached Dwellings in an R3 Zone

Minimum Lot Area	6,000 sq. ft. (540 sq. m) or (Fully serviced) 3,000 sq. ft.(270 sq. m) for each unit
Minimum Frontage	60 ft. (18 m) or 30 ft. (9 m) for each unit
Minimum Front Yard	4 feet (1.2 m)
Minimum Rear Yard	25 feet (7.5 m)
Minimum Side Yard	4 feet (1.2 m)
Minimum Flankage Yard	4 feet (1.2 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

For Row or Town House Dwellings the lot requirements shall be as follows:

TABLE 8.3 Lot Requirements for Row or Town House Dwellings in an R3 Zone

Minimum Lot Area	9,000 sq. ft. (1,080 sq. m) for the first 3 units plus 3,000 sq. ft. (270 sq. m) for each additional unit
Minimum Frontage	100 feet (30 m) for the 1 st 3 units plus 25 feet (7.5 m) For each additional unit
Minimum Front Yard	17 feet (5 m)
Minimum Rear Yard	15 feet (4.5 m)
Minimum Side Yard	10 feet (3 m)
Minimum Flankage Yard	17 feet (5 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

For Apartments (up to twelve (12) units owned by a single owner or as a condominium) the lot requirements shall be as follows:

TABLE 8.4 Lot Requirements for Apartments (up to twelve (12) units owned by a single owner or as a condominium) in an R3 Zone

Minimum Lot Area	9,000 sq. ft. (810 sq. m) for the first four units, plus 1,500 sq.ft.135 sq. m) for each dwelling unit
Minimum Frontage	100 feet (30 m) for the 1 st 3 units plus 25 feet (7.5 m) For each additional unit
Minimum Front Yard	25 ft. (7.5 m)

TABLE 8.4 Lot Requirements for Apartments (up to twelve (12) units owned by a single owner or as a condominium) in an R3 Zone

Minimum Rear Yard	15 feet (4.5 m)
Minimum Side Yard	10 feet (3 m)
Minimum Flankage Yard	17 feet (5 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

TABLE 8.5 Lot Requirements for Apartments with more than 12 units owned by a single owner or as a condominium) in an R3 Zone

Minimum Lot Area	9,000 sq. ft. (810 sq. m) for the first six units, plus 1,500 sq.ft.135 sq. m) for each dwelling unit
Minimum Frontage	100 feet (30 m) for the 1 st 3 units plus 25 feet (7.5 m) For each additional unit
Minimum Front Yard	25 ft. (7.5 m)
Minimum Rear Yard	15 feet (4.5 m)
Minimum Side Yard	10 feet (3 m)
Minimum Flankage Yard	17 feet (5 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

Notwithstanding the above regulations, within existing approved subdivisions, Council may require that allnew development conform to the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

SECTION 9 MIXED USE ZONE (MU)

9.1 GENERAL

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Mixed Use (MU) zone shall conform to the provisions of this Section.

9.2 PERMITTED USES

No building or part thereof and no land shall be used for purposes other than:

1. Single family dwellings

2. Duplex or semi-detached dwellings
3. Row or Town House Dwellings (up to five (5) units owned either individually or as condominiums or by a single owner)
4. Apartments (up to twelve (12) units owned by a single owner or as a condominium)
5. Retail Stores
6. Business and Professional Offices
7. Service and Personal Service Shops
8. Banking and Financial Institutions
9. Restaurants and Lounges
10. Hotels, Motels or other Tourist Establishments
11. Entertainment Facilities
12. Accessory Buildings
13. Transient or Temporary Commercial
14. Other uses deemed to be compatible and appropriate by Council.
15. Storage of fishing vessels and related fishing gear as long as said storage does not pose a nuisance to any other property in the surrounding area.

9.3 CONDITIONAL USES

Notwithstanding Section 9.2 above, Council may issue a conditional use permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met and subject to such conditions as Council may impose:

1. multiple dwelling units in a commercial building

9.4 SPECIAL PERMIT USE

1. Service Stations may be permitted by Council in a Mixed Use (MU) zone only by Special Permit
2. Notwithstanding 9.4, 1. above, service stations will not be permitted within the boundaries of a Wellfield Protection Zone.
3. Apartments with over 12 units (owned by a single owner or as a condominium), may be permitted by Council where Council is satisfied the structure will be architecturally compatible with adjacent structures, no permanent injury or nuisance would be caused to adjoining properties, and any other such conditions as Council may impose.

9.5 SERVICING

All developments in a Mixed Use (MU) zone shall be serviced by municipal sewer services and central water.

9.6 LOT REQUIREMENTS

The following regulations shall apply to all development in a Mixed Use (MU) zone:

1. All single family dwellings shall conform to the lot requirements set forth in this Bylaw, Section 7.5
2. All Multiple-unit residential dwellings shall conform to the lot requirements set forth in this Bylaw, Section 8.6.
3. All development in the Mixed Use (MU) zone, except single family dwellings and multiple-unit residential dwellings, shall conform to the following regulations:

TABLE 9.1 Lot Requirements for Commercial and Institutional Properties in an MU Zone

Minimum Lot Area	5,000 sq. ft. (450 sq.m.)
Minimum Frontage	50 ft. (15 m)
Minimum Front Yard	4 ft. (1.2m) if no parking in front of building.
Minimum Rear Yard	25 ft. (7.5 m)
Minimum Side Yard	8 feet (2.5 m)
Minimum Flankage Yard	10 ft. (3 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

9.7 PARKING IN FRONT YARD

Where parking is allowed in front of any building in a Mixed Use (MU) zone, a five foot (5') (1.5 m) landscaped buffer shall be provided between the parking area and the street boundary.

9.8 SPECIAL REQUIREMENTS: COMMERCIAL USE ADJACENT TO RESIDENTIAL USES

Notwithstanding any other provision of this Bylaw, where a Commercial Development located on lands zoned Mixed Use (MU) directly abuts on any residential use, the following conditions shall be complied with:

1. a strip of land not less than 15 ft. (4.5 m) in width along the lot line within the Mixed Use (MU) 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.
2. any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and

3. 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.

9.9 DWELLINGS IN COMMERCIAL BUILDINGS

1. Where a dwelling unit is provided in connection with a commercial use the following minimum standards shall apply:
2. the dwelling unit is not above a restaurant, lounge, automobile service station, dry cleaning establishment or repair shop storing explosive materials;
3. separate entrances serve the dwelling unit;
4. for each dwelling unit, 400 sq. ft. (47 sq. m) of landscaped open area and 1.5 parking spaces are provided; and
5. the floor area in residential use does not exceed the commercial floor area.

9.10 TRANSIENT OR TEMPORARY COMMERCIAL PERMITS

Notwithstanding any other provision of this Bylaw, temporary permits may be issued for a transient-type Commercial operation subject to compliance with the following:

1. the development shall not result in any traffic hazard;
2. the development shall not interfere with the parking requirements of permanent users of the lot in which the development will be located;
3. the development shall not create a public nuisance;
4. the temporary permit shall not exceed a twenty (20) week period;
5. the applicant shall provide a letter of approval from the owner of the lot on which the temporary development will be situated;
6. where required, the applicant shall satisfy Council that such development complies with all health regulations.

9.11 AUTOMOBILE SERVICE STATION

1. Notwithstanding any other provisions of this Bylaw, the following special provisions shall apply to an Automobile Service Station:
 - a) Minimum Lot Frontage 100 feet (30 m)
 - b) Minimum Pump Setback 20 feet (6 m)
 - c) Minimum Pump Distance from access or egress 30 feet (9 m)
 - d) Minimum Width of Driveway 25 feet (7.5 m)

- e) Where the service station includes an automobile washing establishment, all washing operations shall be carried on inside the building.

SECTION 10 INDUSTRIAL ZONE (I1)

10.1 GENERAL

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an Industrial (I1) zone shall conform to the provisions of this Section.

10.2 PERMITTED USES

No building or part thereof and no land shall be used for purposes other than:

1. Manufacturing and Assembly
2. Warehousing
3. Transport Operations
4. Activities connected with the automobile trade other than a scrap yard
5. Wholesale Operations
6. Business and Professional Offices
7. Service Shops
8. Commercial uses accessory to a main use permitted in an M1 Zone
9. Restaurants and Cafeterias
10. Farm Machinery and Heavy Equipment Dealerships and Repair Shops
11. Building Supply Dealers
12. Accessory Buildings
13. Bait sheds and other structures related to the fishing industry

Notwithstanding the foregoing, any use which is deemed by Council to be obnoxious by reason of sound, odor, dust, fumes, smoke, or not in compliance of Town policies, shall be denied approval.

10.3 SERVICING

All developments in an Industrial (I1) zone shall be serviced by municipal sewer services and municipal water supply.

10.4 LOT REQUIREMENTS

The following regulations shall apply to development in an Industrial (I1) zone:

TABLE 10.1 Lot Requirements for an I1 Zone

Minimum Lot Area	15,000 sq. ft. (1,350 sq. m)
Minimum Frontage	100 feet (30 m)
Minimum Front Yard	25 feet (7.5 m)
Minimum Rear Yard	15 feet (4.5 m)
Minimum Side Yard	25 feet (7.5 m)
Minimum Flankage Yard	25 feet (7.5 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

10.5 SPECIAL REQUIREMENTS: INDUSTRIAL ZONE ADJACENT TO RESIDENTIAL ZONES

The special requirements as delineated in Section 10.7 of this Bylaw also apply in an Industrial (I1) zone.

10.6 PARKING IN FRONT YARD

Where parking is provided in an Industrial (I1) zone, a five foot (5') (1.5 m) landscaped buffer shall be provided between the parking area and the street boundary.

SECTION 11 INSTITUTIONAL ZONE (PS1)

11.1 GENERAL

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an Institutional (PSI) zone shall conform to the provisions of this Section.

11.2 PERMITTED USES

No building or part thereof and no land shall be used for purposes other than:

1. Institutional Buildings
2. Group Homes
3. Civic Centres
4. Accessory Buildings

- 5. Public and Private Parks
- 6. Recreational Uses

11.3 SERVICING

All developments in an Institutional (PSI) zone shall be serviced by municipal sewer services and municipal water supply.

11.4 LOT REQUIREMENTS

TABLE 11.1 Lot Requirements for an I1 Zone*

Minimum Lot Area	5,000 sq. ft. (450 sq. m)
Minimum Frontage	75 feet (23 m)
Minimum Front Yard	10 feet (3 m) (where there is no parking in the Front Yard)
Minimum Rear Yard	25 feet (7.5 m)
Minimum Side Yard	8 feet (2.5 m)
Minimum Flankage Yard	10 feet (3 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

*All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B". (see attached)

11.5 PARKING IN FRONT YARD

Where parking is provided in front of any building in an Institutional (PSI) zone a five foot (5') (1.5 m) landscaped buffer shall be provided between the parking area and the street boundary.

SECTION 12 COMPREHENSIVE DEVELOPMENT AREA ZONE (CDA)

12.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a CDA Zone shall conform with the provisions of this Section.

12.2 APPROVAL PROCEDURE

1. All developments in a Comprehensive Development Area (CDA) zone shall proceed via a Development Agreement.
2. Subsequent to approval of a Development Scheme (see section 12.4), Council shall approve each portion or phase within the Comprehensive Development Area (CDA) zone provided it is, in the opinion of Council, consistent with the overall Development Scheme.

3. The Development Scheme shall be adopted by Council as an amendment to the Bylaw.

12.3 PERMITTED USES

Uses permitted in a Comprehensive Development Area (CDA) zone shall be those approved by Council and may include all those uses permitted in either a Mixed Use (MU) or Industrial (I1) zone, and may also include innovative developments, subject to any additional conditions as may be stipulated by Council.

12.4 DEVELOPMENT SCHEME

1. All developments in a Comprehensive Development Area (CDA) zone shall be subject to the approval of a Development Scheme.
2. No development consisting of new buildings or the demolition or relocation of buildings shall take place in a Comprehensive Development Area (CDA) zone until a development scheme has been proposed and adopted by Council.
3. The Planning Committee, before approving or amending a Development Scheme, shall consider the following:
 - a) the means proposed for the maintenance of design standards of the proposed building(s) and their appropriateness with respect to land uses and the character and scale of existing and proposed Development in the vicinity;
 - b) the type of ownership;
 - c) the preservation of existing site features of unique quality and the preservation of the natural beauty of the area;
 - d) the proposed character of the site including, but not limited to: population density of the area, the floor space ratio, percentage of Open Space to be maintained, building form and design, parking, pedestrian walkways, layouts of roads and connections with streets, proposed servicing concepts, on-site storm water management and landscaping, integration of renewable energy technologies;
 - e) the architectural quality and compatibility with adjacent structures;
 - f) the innovative nature and appropriateness of the use of the land and/or activities to be conducted there; and
 - g) any other factors recommended by the Council.

12.5 AREA REQUIREMENTS

Any Development Scheme prepared pursuant to this Section shall contain at least one block of land.

12.6 SERVICING

All Developments in a Comprehensive Development Area (CDA) zone shall be serviced by central water services and central sewage collection and treatment.

SECTION 13 OPEN SPACE ZONE (O1)

13.1 GENERAL

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an Open Space (O1) Zone shall conform to the provisions of this section.

13.2 PERMITTED USES

No buildings or part thereof and no land shall be used for purposes other than:

1. Public and Private Parks
2. Open Space and Conservation Activities
3. Recreational Uses
4. Pavilions and Band Shells
5. Recreation Administrative Offices
6. Parking lots related to the above
7. Accessory Buildings

13.3 SERVICING

Buildings and structures in the Open Space (OS) zone which will require the use or provision of water must be connected to the central water supply system. Buildings and structures in the Open Space (OS) zone which will provide flushing toilets must be connected to the central sewage collection and treatment system.

13.4 LOT REQUIREMENTS

TABLE 13.1 Lot Requirements for an O1 Zone

Minimum Lot Area	5,000 sq.ft. (450 sq. m.)
Minimum Frontage	75 feet (23 m)
Minimum Front Yard	35 feet (10.5 m)
Minimum Rear Yard	35 feet (10.5 m)

TABLE 13.1 Lot Requirements for an O1 Zone

Minimum Side Yard	15 feet (4.5 m)
Maximum Height of any Building	2.5 stories or 35 feet (10.5 m). All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B".

SECTION 14 WELLFIELD PROTECTION ZONES

Where wellfield protection designation exists as an overlay zone to an existing zone, special restrictions as outlined in this section are in addition to all uses and requirements of the underlying zone.

14.1 DEVELOPMENT IN WELLFIELD PROTECTION ZONES

1. Within the boundaries of any Wellfield Protection Zone, Council may require that any development take place pursuant to a Development Agreement.
2. Notwithstanding Section 3.2, where a portion of a lot falls within the boundaries of a Wellfield Protection Zone, Council may determine the conditions to be included in the Development Agreement and shall give consideration to the Table below (**Wellfield Protection Zone - Land Use Activities Management**), and any other matters which in the opinion of Council could present a risk to the Town's groundwater resources. The three protection zones, as shown in Appendix A, the Official Zoning Map.

TABLE 14.1 Wellfield Protection Zone - Land Use Activities Management

Land Use Activity	Wellfield Protection Zone A (WPA)	Wellfield Protection Zone B (WPB)	Wellfield Protection Zone C (WPC)
Agricultural Uses			
Livestock operation	Pasturing of animals at existing operations permitted with controls on animal densities.	Pasturing of animals at existing operations permitted with controls on animal densities.	Pasturing of animals at existing operations permitted with controls on animal densities.
Fertilizer (including manure application)	Not permitted	Application allowed according to an approved nutrient management plan	Application allowed according to an approved nutrient management plan
Manure storage	No new storage permitted. Existing storage operations not to increase in volume and to be upgraded to current standards.	Storage permitted if it is stored in a clay-lined pit, a steel or concrete structure, or some other government approved containment system.	Storage permitted if it is stored in a clay-lined pit, a steel or concrete structure, or some other government approved containment system.
Manure disposal	Not permitted	Not permitted	Not permitted
Pesticide storage	Not permitted	Storage allowed in a contained area of up to 15kg or a total	Storage allowed in a contained area up to 50kg or a total volume

TABLE 14.1 Wellfield Protection Zone - Land Use Activities Management

Land Use Activity	Wellfield Protection Zone A (WPA)	Wellfield Protection Zone B (WPB)	Wellfield Protection Zone C (WPC)
		volume of 15L, whichever is less.	of 50L, whichever is less.
Pesticide application	Not permitted	Application allowed as part of an IPM approach. Restrictions on use of some products. Permits may be required.	Application allowed as part of an IPM approach. Restrictions on use of some products. Permits may be required.
Non-Agricultural Land Uses			
New residential development	Single family unit development allowed with provisions including but not limited to: must be fully serviced for water and wastewater, must not use oil heat, and must meet all municipal development criteria. No multiple unit dwellings allowed.	Single family unit and multiple unit dwellings allowed with provisions, including but not limited to: must be fully serviced for water and wastewater, and must meet all municipal development criteria.	Single family unit and multiple unit dwellings allowed with provisions including but not limited to: must meet all municipal development criteria.
New commercial development	No new development	Development allowed at the discretion of Council with provisions including but not limited to: must be fully serviced for water and wastewater, must include a storm water management plan, all wastes must be disposed of outside of the wellfield protection zones, and must meet all municipal development criteria. Development not permitted: <ul style="list-style-type: none"> Any development or activity that requires the use of Dense, Non-aqueous Phase Liquids (DNAPLs)*. 	Development allowed at the discretion of Council with provisions including but not limited to: must include a storm water management plan, all wastes must be disposed of outside of the wellfield protection zones, and must meet all municipal development criteria. Development not permitted: <ul style="list-style-type: none"> Any development or activity that requires the use of Dense, Non-aqueous Phase Liquids (DNAPLs)*.
New industrial development	No new development	Development allowed at the discretion of Council with provisions including but not limited to: must be fully serviced for water and wastewater, must include a storm water management plan, and must meet all municipal development criteria. Development not permitted: <ul style="list-style-type: none"> Any development or activity that requires the use of Dense, Non-aqueous Phase Liquids (DNAPLs)*. 	Development allowed at the discretion of Council with provisions including but not limited to: must be fully must include a storm water management plan, and must meet all municipal development criteria. Development not permitted: <ul style="list-style-type: none"> Any development or activity that requires the use of Dense, Non-aqueous Phase Liquids (DNAPLs)*.

TABLE 14.1 Wellfield Protection Zone - Land Use Activities Management

Land Use Activity	Wellfield Protection Zone A (WPA)	Wellfield Protection Zone B (WPB)	Wellfield Protection Zone C (WPC)
Pesticide storage and application	Not permitted	Storage allowed in a contained area up to a total weight of 10kg or a total volume of 10L, whichever is less. Can apply pesticides using manufacturer recommended amounts and concentrations provided that pesticide container are disposed of outside of the wellfield protection zones.	Storage allowed in a contained area up to a total weight of 15kg or a total volume of 15L, whichever is less. Can apply pesticides using manufacturer recommended amounts and concentrations provided that pesticide container are disposed of outside of the wellfield protection zones.
Fertilizer storage and application	Can do routine gardening and lawn maintenance, including composting for residential purposes.	Storage of up to 75kg in total weight or 75L in total volume, whichever is less, allowed in a contained area Can apply lawn fertilizer (other than animal manure) between April 1 and October 31, at a rate not exceeding 75kg in total weight or 75L in total volume, whichever is less, per hectare per year. Can store fertilizers (other than animal manure) up to 75kg in total weight or 75L in total volume, whichever is less. Can apply packaged, manufactured, or processed compost products that do not contain pathogens.	Storage of up to 75kg in total weight or 75L in total volume, whichever is less, allowed in a contained area Can apply lawn fertilizer (other than animal manure) between April 1 and October 31, at a rate not exceeding 75kg in total weight or 75L in total volume, whichever is less, per hectare per year. Can store fertilizers (other than animal manure) up to 75kg in total weight or 75L in total volume, whichever is less. Can apply packaged, manufactured, or processed compost products that do not contain pathogens.
Recreational activities	Allowed with provisions as determined by Council.	Allowed	Allowed
Bulk salt storage	Not permitted	Not permitted	Not permitted
Bulk storage of petroleum	No new underground tanks permitted. Existing tanks must be inside and/or provide secondary containment.	No new underground tanks permitted. Existing tanks must be inside and/or provide secondary containment.	Bulk fuel storage and/or new underground tanks not permitted. Existing tanks allowed, but must be inside and/or provide secondary containment.
Road salt application	Not permitted	Not permitted	Not permitted
Cemetery	No new cemeteries permitted.	No new cemeteries permitted.	No new cemeteries permitted.
Excavation pits	Not permitted	Not permitted	Not permitted
In this Table degrees of protection cascade from Zone A (most protected) to Zone C (lesser degree of protection). Therefore, if an activity is			

TABLE 14.1 Wellfield Protection Zone - Land Use Activities Management

Land Use Activity	Wellfield Protection Zone A (WPA)	Wellfield Protection Zone B (WPB)	Wellfield Protection Zone C (WPC)
explicitly allowed in one Zone, it will also be allowed in the Zones cascading outward (subsequent Zones). Likewise, if an activity is disallowed in one Zone, it will be disallowed in the Zones cascading outward (subsequent Zones).			
* Dense, Non-aqueous Phase Liquids (DNAPLs) are chemicals that are denser than water and cannot mix with water, hence they can sink to the bottom of an aquifer where they may be extremely difficult or even impossible to remove.			

SECTION 15 MINOR VARIANCE

15.1 MINOR VARIANCE

1. Council may authorize a minor variance not exceeding 10% from the provisions of this Bylaw if the variance is desirable and appropriate, and if the general intent and purpose of this Bylaw is maintained.
2. Authorization for a minor variance shall be documented and recorded in writing.
3. No variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the applicant in relation to the property.
4. Notwithstanding any other section of this Bylaw, Council may, authorize variances in excess of ten (10%) percent variance from the provisions of this Bylaw if Council deems such a variance desirable and appropriate and if such variance is in keeping with the general intent and purpose of this Bylaw.
5. Where Council deems that a variance application could have a significant effect on adjacent properties or properties in the general vicinity, Council may require that a public meeting be held pursuant to the provisions of Section 16.1.

SECTION 16 REZONING PROCEDURES

16.1 REZONING PROCEDURES

1. A person who seeks the rezoning of a lot or to have this Bylaw otherwise amended shall address a written and signed application to Council.
2. An application under this Section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal.
3. The applicant shall at the time of submitting his/her application, deposit with the Town money necessary to cover all costs, direct and indirect pertaining to the processing of his application. This shall apply to costs associated with advertising and costs associated with preparing and mailing notifications. Funds deposited with the Town shall be as determined by Council.

4. Council shall review each rezoning request and advise the Planning Committee and Council accordingly.
5. Council retains the right to deny a re-zoning request - without holding a public meeting - if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should Council not proceed with a public meeting, the deposit as per Section 16.3 shall be returned to the applicant.
6. Subject to Section 16.1.5, Council shall hold a public meeting to solicit input from residents on the proposed rezoning request.
7. Council shall give seven (7) days clear notice of the public meeting. This notice shall be advertised at least two times in a newspaper with circulation in the Town.
8. Council shall also forward a notification letter to property owners who own parcel(s) of land which are located in whole (or in part) within two hundred (200) feet (60 m) from any lot line of the parcel being proposed for rezoning.
9. Council shall place a sign on the land being proposed for rezoning indicating that a rezoning request has been received.
10. Following the public meeting, Council shall formulate a decision on the zoning proposal. Council shall have the authority to determine whether a re-zoning proposal is approved, modified, or denied.
11. Nothing in this Bylaw restricts the right of Council to initiate its own rezoning requests.

SECTION 17 GENERAL PROVISIONS FOR SUBDIVIDING LAND

17.1 SUBDIVISION APPROVAL

No person shall subdivide one or more lots or any portion of a lot and no person shall consolidate two or more parcels of land until the conditions of this Bylaw have been complied with and the applicant has received final approval from Council.

17.2 CONVEYING INTEREST IN A LOT

No person shall sell or convey any interest in a lot in a subdivision before Council has issued a stamp of approval for the subdivision in which the lot is situated.

17.3 PERMISSION TO SUBDIVIDE

No person shall subdivide land within the Town unless the subdivision:

1. conforms with the requirements of this Bylaw;
2. is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;

3. will not cause undue flooding or erosion;
4. has convenient street access;
5. has adequate utilities and services available or can be conveniently provided with such utilities and services;
6. will reasonably conform with existing land use in the immediate vicinity;
7. will provide for safe and convenient traffic flow;
8. is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
9. is suitable to the use for which it is intended, and the future use of adjacent lands; and
10. the parcel of land in respect of which the permit is requested has frontage on a public road.

17.4 CHANGES TO EXISTING LOTS

1. No person shall reduce the dimensions or change the use of any lot in an approved subdivision where Council deems these would be a detrimental effect on neighbouring property owners.
2. Where an application to subdivide land would change the dimensions or the use of a lot in an existing approved subdivision, the Council shall notify all property owners within 500 feet of the boundaries of the lot in writing, informing them of the details of the application and soliciting their comments.

17.5 SUBDIVISION PROCEDURE

1. Any person seeking Council's approval of a subdivision shall first make application for preliminary approval, and shall be required to submit, along with the application, four (4) copies of a preliminary subdivision plan drawn to scale showing:
 - a) the true shape and dimensions of every lot;
 - b) the location of every existing building or structure on the parcel;
 - c) existing and proposed services and utilities;
 - d) proposed widths and locations of all streets;
 - e) location of land proposed for recreation and public open space use; and
 - f) the existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.
 - g) Council may also require the applicant to provide additional information required to assist it in evaluating a proposed subdivision, including, but not limited to:
 - i.) a soil test conducted in a manner acceptable to Council;
 - ii.) contours and spot elevations;
 - iii.) traffic surveys.

2. Council may refuse to approve a subdivision which is unsuitable under the provisions of this Bylaw. In formulating its decision, Council may consult with Government officials and private consultants and may conduct a public hearing to consider public opinion.
3. Council shall evaluate any proposed subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods.

17.6 PARKLAND DEDICATION and/or PARK DEDICATION FEE

1. Council may require, for the purpose of developing parkland, that up to 10% of the lands being subdivided be conveyed to the Town. The physical condition and location of parkland shall be determined by Council.
2. When a dedication of land is not deemed to be appropriate or the exercising of the full ten percent (10%) conveyance is not appropriate, Council may impose a park dedication fee up to a maximum of 10% of the value of the lands being subdivided, which sum shall be specifically designated for the purchase, development or maintenance of public parklands in the Town. It is understood that the park dedication fee shall be calculated on the then current assessed value of lands being subdivided and shall not take into account value of structures on such lands. Council retains the right to use the Land Valuation and Assessment Division in determining the assessed value of land when such lands are not specifically valued in the Town's assessment roll.

17.7 SUBDIVISION AGREEMENT

Council may require an applicant to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement may cover any matters as required by Council and may include, but not be limited to the following:

1. design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
2. dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
3. deeding of roads to the Department of Transportation and Public Works;
4. posting of a financial guarantee satisfactory to Council;
5. provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;
6. provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
7. provision for the phasing of the subdivision; and;
8. preservation and enhancement of surface water drainage systems.

17.8 FINAL APPROVAL

1. Final subdivision approval shall be granted by Council only after the applicant has complied fully with all applicable requirements of this Section and has submitted five (5) copies of a final subdivision plan showing all lots pinned and certified by a surveyor registered to practice in the province. Council may grant final approval to part of a subdivision which is proposed to be developed in phases.
2. Council shall give notice of final approval of a subdivision in writing, and shall place its seal on the five copies of the survey plan and shall return one copy to the subdivider.
3. Council shall file a copy of the final survey plan with:
 - a) the Registrar of Deeds
 - b) the Dept. of Transportation and Public Works
 - c) Council files.

17.9 SEVERANCES/CONSOLIDATION

Notwithstanding the above provisions, Council may approve applications for single lot subdivisions, partial lots or easements and lot consolidations at his/her discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other Sections of this Bylaw.

17.10 BUILDING PERMITS

A building permit shall not be issued in a subdivision until all the requirements of the subdivision approval have been fulfilled.

SECTION 18 PENALTIES

A person who violates any provision of this Bylaw is guilty of an offence and liable on summary convictions.

1. In the case of a first or subsequent offence, to a fine not exceeding one thousand (\$1,000.00) dollars in each case together with the cost of prosecution and in default of payment of the fine and costs, to imprisonment for a term not exceeding three (3) months, unless the fine and costs of enforcing the same are sooner paid.
2. Where the offence is a continuing offence, to a fine not exceeding two hundred (200.00) dollars for every day the said offence continues, together with the cost of prosecution, and in default of payment of the fine or costs, to imprisonment not exceeding three (3) months, unless the fine and costs of prosecution are paid within the time provided by the court.

The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder

SECTION 18 REPEAL

18.1 EFFECTIVE DATE

This Bylaw shall come into force effective XXXX

18.2 REPEAL

The Town of Georgetown Development Bylaw, 1999 is hereby repealed.

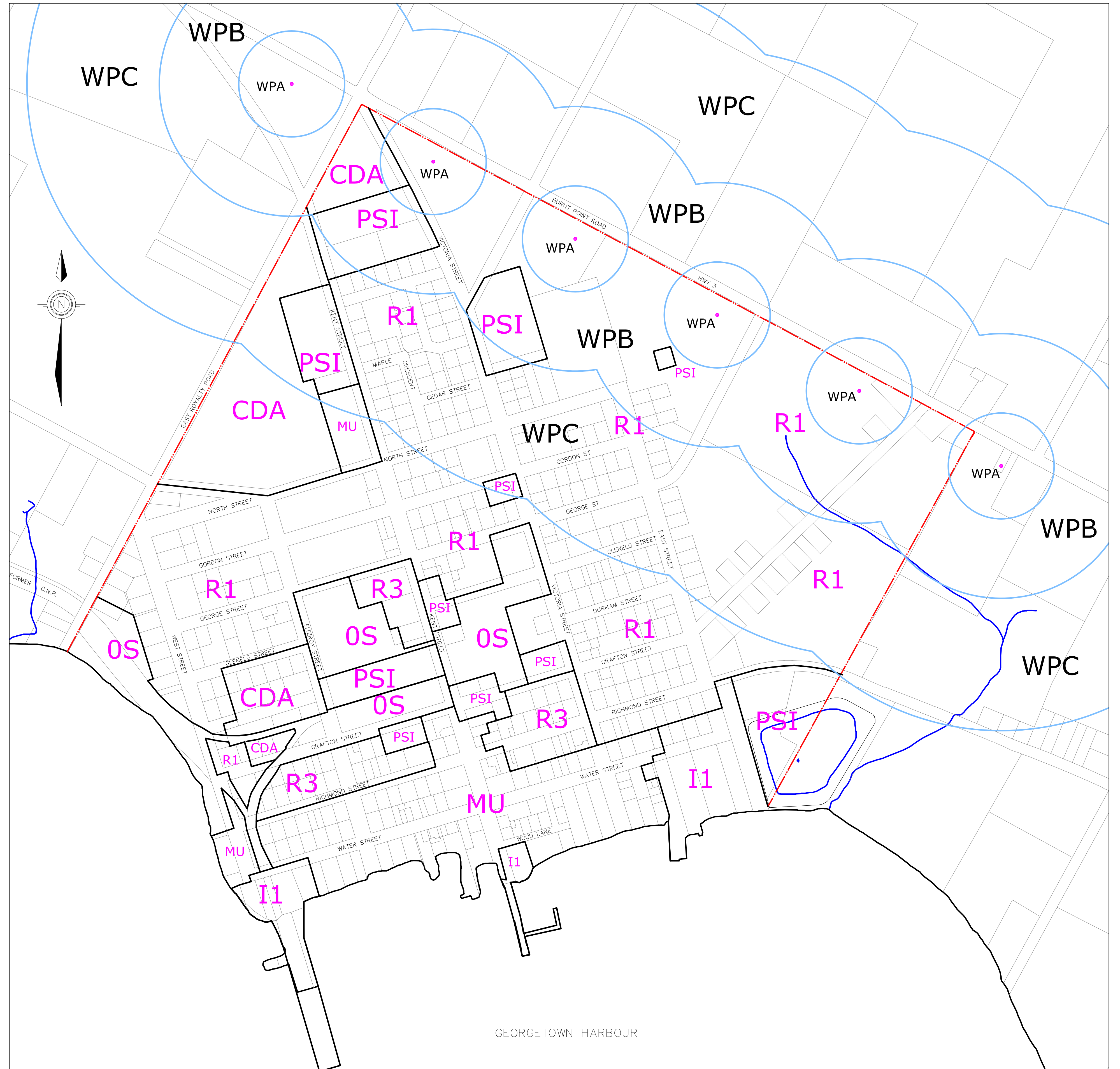
APPENDIX "A" - ZONING MAP

Town of Georgetown

ZONING MAP



- LEGEND:**
- R1 - RESIDENTIAL - SINGLE FAMILY
 - R3 - MULTIPLE FAMILY RESIDENTIAL
 - PSI - PUBLIC SERVICE & INSTITUTIONAL
 - OS - PARKS & OPEN SPACE
 - MU - MIXED USE
 - I1 - INDUSTRIAL
 - CDA - COMPREHENSIVE DEVELOPMENT AREA
 - WPA - WELL FIELD PROTECTION ZONE A
 - WPB - WELL FIELD PROTECTION ZONE B
 - WPC - WELL FIELD PROTECTION ZONE C



80 0 80 160 240
 GRAPHIC SCALE - METERS
 SCALE 1:4000 METRIC

“APPENDIX B”

(i) Notwithstanding any other provisions of this Bylaw, no person shall subdivide a lot intended to be serviced by an on-site sewerage system except in conformance with the minimum lot size standards noted in Table 1 and Table 2 below.

TABLE 1 MINIMUM LOT SIZE STANDARDS RESIDENTIAL DEVELOPMENTS

on-site water and on-site sewerage system	II	1	35,000 sq. ft./ 3,251.5 sq. m. 40,000 sq. ft./ 3,717 sq. m	175 ft./ 53.3 m
		2		200 ft./ 61 m
		3	45,000 sq. ft./ 4,180.5 sq. m	
		4	50,000 sq. ft./ 4,645 sq. m	225 ft./ 68.6 m
		more than 4	50,000 sq. ft./ 4,645 sq. m plus 1,500 sq. ft./ 457 sq. m for each additional unit	250 ft./ 76.2 m 250 ft./ 76.2 m
central water supply and on-site sewerage system	I	1	20,000 sq. ft./ 1,858 sq. m	125 ft./ 38.1 m
		2		150 ft./ 45.7 m
		3	25,000 sq. ft./ 2,322.5 sq. m	160 ft./ 48.8 m
		4	30,000 sq. ft./ 2,787 sq. m	175 ft./ 53.3 m
		more than 4	35,000 sq. ft./ 3,251.5 sq. m 35,000 sq. ft./ 3,251 sq. m plus 1,500 sq. ft./ 457 sq. m for each additional unit	175 ft./ 53.3 m
central water supply and on-site sewerage system	II	1	25,000 sq. ft./ 2,322.5 sq. m 30,000 sq. ft./ 2,787 sq. m	150 ft./ 45.7 m
		2	35,000 sq. ft./ 3,251.5 sq. m	160 ft./ 48.8 m
		3	40,000 sq. ft./ 3,717 sq. m	175 ft./ 53.3 m
		4		200 ft./ 61 m
		more than 4	40,000 sq. ft./ 3,717 sq. m plus 1,500 sq. ft. / 457 sq. m for each additional unit	200 ft./ 61 m
on-site water supply and central sewerage system	I, II or III	1	15,000 sq. ft./ 1,391.5 sq. m	100 ft./ 30.5 m
		2	20,000 sq. ft./ 1,858 sq. m	125 ft./ 38.1 m
		3	25,000 sq. ft./ 2,322.5 sq. m	150 ft./ 45.7 m
		4	30,000 sq. ft./ 2,787 sq. m	160 ft./ 48.8 m
		more than 4	30,000 sq. ft./ 2,878 sq. m plus 1,500 sq. ft./ 457 sq. m for each additional unit	160 ft./ 48.8 m
central water supply and sewerage systems	I, II or III	any number	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

TABLE 2
MINIMUM LOT SIZE STANDARDS
NON-RESIDENTIAL DEVELOPMENTS

a) servicing	b) lot category	c) minimum lot area sq.ft./sq.m.	d) minimum circle diameter to be contained within the boundaries of the lot feet/metres
on-site water and on-site sewerage system	I	25,000 sq. ft./ 2,322.5 sq. m. (1)	150 ft. / 45.7 m.
on-site water and on-site sewerage system	II	35,000 sq. ft./ 3,251.5 sq. m. (1)	175 ft. / 53.3 m.
central water supply and on-site sewerage system	I	20,000 sq. ft. / 1,858 sq. m. (1)	125 ft. / 38.1 m.
central water supply and on-site sewerage system	II	25,000 sq. ft. / 2,322.5 sq. m. (1)	150 ft. / 45.7 m.
on-site water supply and central sewerage system	I, II or III	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and sewerage systems	I, II or III	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

- (ii) With respect to the minimum circle diameter requirement set out in column (c) of Table 1 and column (d) of Table 2, where applicable, the space encompassed by the circle shall be in a location on the lot which will accommodate an on-site sewerage system.
- (iii) Lots shall be categorized according to the following:
- (1) Category I, where the lot has a depth or permeable natural soil of 2 ft./0.61 m or more, and where the depth of bedrock and the depth to the maximum water table elevation is greater than 4 ft./1.22 m;
 - (2) Category II, where the lot has a depth of permeable natural soil of 1 ft./0.3 m or more, but less than 2 ft./0.61 m, and where the depth to bedrock and the depth to the maximum water table elevation is 4 ft./1.22 m or greater;
 - (3) Category III, where the lot has a depth of permeable natural soil less than 1 ft./0.3 m and where the depth to bedrock and the depth to the maximum water table elevation is less than 4 ft./1.22 m.
4. Except where such a lot is serviced by a central sewerage system, development of a Category III lot shall not be permitted unless it is upgraded, to the satisfaction of the Minister of Environmental Resources, to conform with Category II as described in clause 3(b).

“Appendix C”



Watercourse and Wetland Protection Regulations, P.E.I. Reg. EC720/08

Citation: Watercourse and Wetland Protection Regulations, P.E.I. Reg.
EC720/08

Enabling [Environmental Protection Act](#), R.S.P.E.I. 1988, c. E-9
Statute:

URL: <http://www.canlii.org/pe/laws/regu/2008r.720/20090324/whole.html>

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PLEASE NOTE

This document, prepared by the Legislative Counsel Office, is an office consolidation of this regulation, current to December 6, 2008. It is intended for information and reference purposes only.

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

For more information concerning the history of these regulations, please see the Table of Regulations.

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

Legislative Counsel Office
Tel: (902) 368-4291
Email: legislation@gov.pe.ca

CHAPTER E-9
ENVIRONMENTAL PROTECTION ACT

WATERCOURSE AND WETLAND PROTECTION
REGULATIONS

Pursuant to section 25 of the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

PART I - DEFINITIONS

1. (1) In these regulations	Definitions
(a) "Act" means the Environmental Protection Act;	Act
(b) "agricultural crop" means any crop that is cultivated for the production of food, fibre or pharmaceuticals, and without limiting the generality of the foregoing, includes row crops;	agricultural crop
(c) "authorization" means an authorization in respect of an intensive livestock operation, granted pursuant to section 10, and includes an amended authorization, and an authorization varied or confirmed by the Commission pursuant to section 13;	authorization
(d) "bog" means a wetland covered by sphagnum mosses, with peat underneath;	bog
(e) "buffer zone" means the 15-metre-wide area referred to in section 3;	buffer zone
(f) "certificate" means a valid and current Watercourse, Wetland, and Buffer Zone Activity Certificate granted pursuant to section 4;	certificate
(g) "cultivate" means to dig, plant, cut, prune, irrigate, fertilize, tend, till, manage, farm, maintain, spray, plough, harvest or engage in any other activity related to growing or harvesting, and "cultivation" means the act of doing any of the above;	cultivate
(h) "Department" means the Department of Environment, Energy and Forestry;	Department
(i) "emergency field order" means an order issued pursuant to subsection 11(5), and includes an emergency field order varied or confirmed by the Commission pursuant to section 13;	emergency field order
(j) "grass headland exemption" means a grass headland exemption granted pursuant to section 7 and includes an amended grass	grass headland exemption

2	Cap. E-9	Environmental Protection Act Watercourse and Wetland Protection Regulations	Updated 2008
grass headland variance		headland exemption, and a grass headland exemption varied or confirmed by the Commission pursuant to section 13; (k) "grass headland variance" means a Grass Headland Variance granted pursuant to section 7, and includes an amended variance and a variance varied or confirmed by the Commission pursuant to section 13;	
heavy equipment		(l) "heavy equipment" includes (i) excavators, mechanical tree harvesters, porters, skidders, and wood processors, (ii) tractors over 50 horsepower, and (iii) graders, front-end loaders, and bulldozers but does not include wheeled and tracked equipment when being used in the active suppression of wildfire;	
highway		(m) "highway" means every road, street, lane, or alley which has been created by and is maintained by the federal, provincial or a municipal government, and is used by the general public for the passage of vehicles, and includes any bridges over which every such road, street, lane, or alley is laid;	
inspector		(n) "inspector" means (i) a person who has been appointed as an environment officer pursuant to the Act or appointed as a conservation officer pursuant to the Wildlife Conservation Act R.S.P.E.I. 1988, Cap. W-4.1, or who is an ex officio conservation officer pursuant to that Act, (ii) a person who has been appointed as a peace officer pursuant to the Police Act R.S.P.E.I. 1988, Cap. P-11, or (iii) a person who has been appointed as a natural resources inspector pursuant to the Wildlife Conservation Act;	
landlocked pond		(o) "landlocked pond" means an excavated depression or hole in the terrain, that holds water some or all of the time, and does not have any of the following characteristics (i) an inlet or outlet, (ii) hydric soil, or (iii) aquatic or water-tolerant vegetation;	
license		(p) "license" means a Watercourse, Wetland and Buffer Zone Activity Business License granted pursuant to section 5, and includes an amended license;	
licensee		(q) "licensee" means a person who holds a license;	
management plan		(r) "management plan" means a management plan as defined in subsection 9(1), and includes an amended management plan and a	

management plan varied or confirmed by the Commission pursuant to section 13;	
(s) "meadow" means a wetland that has fluctuating water tables, lacks trees, and is covered in water-tolerant Graminoid vegetation;	meadow
(t) "Minister" means the Minister of Environment, Energy and Forestry;	Minister
(u) "motor vehicle" means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power;	motor vehicle
(v) "officer" means	officer
(i) a person who has been appointed as an environment officer pursuant to the Act,	
(ii) a person who has been appointed as a conservation officer pursuant to the Wildlife Conservation Act, or who is an ex officio conservation officer pursuant to that Act;	
(w) "permit" means a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit granted pursuant to section 6, and includes an amended permit and a permit varied or confirmed by the Commission pursuant to section 13;	permit
(x) "permittee" means a person who has a permit granted pursuant to these regulations;	permittee
(y) "Prince Edward Island Wetland Inventory" means the geographic information system database of wetlands on Prince Edward Island maintained by the Department;	Prince Edward Island Wetland Inventory
(z) "provincial parcel of land" means a parcel of land having a parcel identifier number assigned by the Provincial Treasury of Prince Edward Island;	provincial parcel of land
(aa) "row crop" means any crop planted in rows that are wide enough apart to allow for inter-row cultivation, and without limiting the generality of the foregoing, includes potatoes, carrots, rutabagas, onions, cole crops, string beans, dry beans, sugar beets, beets, sweet potatoes, parsnips, pumpkins and lettuce;	row crop
(bb) "seasonally flooded flats" means a wetland formed by rivers overflowing their banks to a depth of at least 12 inches annually during spring, winter and late fall;	seasonally flooded flats
(cc) "sediment bed" means a depression or low area of mud, silt, sand, gravel, rock or bedrock, or a combination thereof, which has a defined path which was formed or apparently formed by flowing water;	sediment bed

4	Cap. E-9	Environmental Protection Act Watercourse and Wetland Protection Regulations	Updated 2008
shrub swamp		(dd) "shrub swamp" means a wetland containing nutrient-rich, highly decomposed woody plant and organic material and has as its dominant cover shrubs and herbaceous vegetation, including but not limited to alders;	
watercourse		(ee) "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		(ff) "watercourse boundary" means (i) in a non-tidal watercourse, the edge of the sediment bed, and (ii) in a tidal watercourse, the top of the bank of the watercourse, and where there is no discernible bank, means the mean high water mark of the watercourse;	
wetland		(gg) "wetland" (i) 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 (ii) 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		(hh) "wetland boundary" means where the vegetation in a wetland changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation;	
wooded swamp		(ii) "wooded swamp" means a wetland dominated by water-tolerant trees or shrubs growing in a muck soil and covered by a moss layer at least 30 centimetres thick.	
Reference		(2) In these regulations, any reference to a certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan, being required, means a valid and current certificate, license, permit, authorization, grass headland variance, or grass headland exemption or management plan, as the case may be. (EC720/08)	
		PART II WATERCOURSES AND WETLANDS	
Prohibition		2. (1) No person shall, without a license or a Watercourse or Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, alter a watercourse or a wetland, or any part thereof,	

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or water flow therein, in any manner, or engage in any of the following activities in or on a watercourse or a wetland:

- (a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rubbish, rocks, aggregate or material or objects of any kind;
- (b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
- (c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;
- (d) operate heavy equipment or a motor vehicle on the sediment bed, beach or bank of a watercourse, with the exception of the operation of a motor vehicle on a beach for the conduct of activities related to the legal harvesting of a fishery resource or the legal removal of beach material, and the exception of the launching of a boat;
- (e) operate heavy equipment or a motor vehicle on a wetland, except a boat on the water of a wetland;
- (f) disturb, remove, alter, disrupt or destroy the ground in any manner;
- (g) disturb, remove, alter, disrupt or destroy vegetation in any manner, including but not limited to the cutting of live trees or live shrubs; or
- (h) carry out any type of watercourse or wetland enhancement activity, including but not limited to debris removal, habitat development, or placement of structures.

(2) No person shall, without a license or a Watercourse or Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, cause or permit the engaging in any of the activities listed in subsection (1). Idem

(3) The cutting of live trees and live shrubs in a wooded swamp is exempted from the prohibition in clause (1)(g). (EC720/08) Exemption

PART III BUFFER ZONES

3. (1) Where a watercourse is solely a landlocked pond Application of prohibitions

- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and

(b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

(2) Where a wetland is solely a landlocked pond or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow Idem

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- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and
- (b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.
- Idem (3) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, alter or disturb the ground or soil within 15 metres of a watercourse boundary or a wetland boundary, or cause or permit the alteration or disturbance of the ground or soil, therein, in any manner.
- Idem (4) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, engage in or cause or permit the engaging in any of the following activities within 15 metres of a watercourse boundary or a wetland boundary:
- (a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rocks, or aggregate;
 - (b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
 - (c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;
 - (d) operate heavy equipment or a motor vehicle, other than
 - (i) upon a highway,
 - (ii) upon a private road, right-of-way, or driveway which was approved prior to the enactment of these regulations by the provincial government or a municipal government in a building permit or a subdivision plan, or
 - (iii) for the conduct of activities directly related to the legal harvesting of a fishery resource, the legal removal of beach material, or the cultivating of an agricultural crop;
 - (e) disturb, remove, alter, disrupt or destroy the ground in any manner;
 - (f) cut down live trees or live shrubs;
 - (g) cultivate an agricultural crop;
 - (h) spray or apply pesticides in any manner.
- Measurement (5) The land within 15 metres of a watercourse boundary or a wetland boundary referred to in subsections (3) and (4) shall be known as a buffer zone.
- Permitted activities (6) For the avoidance of doubt, clause (4)(f) does not prohibit the pruning of trees or shrubs in a buffer zone, provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4).

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(7) The planting of grass, trees or shrubs is exempted from the prohibitions in subsection (3) and clause (4)(e), provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4), and provided that only hand tools are used. Exemption

(8) The use of a ride-on lawn mower to cut grass in a buffer zone is exempted from the prohibition in clause (4)(d). (EC720/08) Idem

PART IV WATERCOURSE, WETLAND AND BUFFER ZONE
ACTIVITY CERTIFICATE

4. (1) For the purposes of subsection (2), "person" does not include a corporation. person, defined

(2) The Minister may grant a Watercourse, Wetland, and Buffer Zone Activity Certificate to a person who provides Certificate

(a) a completed application, on a form approved by the Minister, accompanied by the application fee of \$200;

(b) satisfactory proof of successful completion, within four years prior to the date of submission of the application, of a watercourse, wetland and buffer zone activity and alteration training course acceptable to the Minister; and

(c) any further documentation requested by the Minister.

(3) A certificate expires on the earlier of Expiry

(a) two years from the date of issuance; or

(b) on the revocation by the Minister, for good and sufficient reason, after providing the holder of the certificate with an opportunity to be heard, in writing.

(4) A person who holds a certificate is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), provided that Exemption

(a) the person has a license or is employed by a corporate licensee, and complies with the terms and conditions of that license;

(b) the person complies with the requirements of the Department's Construction Standards for Activity in Watercourses and Wetlands in carrying out the activity; and

(c) the person supervises and directs the activity. (EC720/08)

PART V WATERCOURSE, WETLAND AND BUFFER ZONE
ACTIVITY BUSINESS LICENSE

5. (1) The Minister may grant a Watercourse, Wetland, and Buffer Zone Activity Business License License application

(a) to a natural person who holds a Watercourse, Wetland, and Buffer Zone Activity Certificate, and who provides a completed

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- application, on a form approved by the Minister, accompanied by the application fee of \$200, and any further information or documentation requested by the Minister; or
- (b) to a corporation which employs at least one person who holds a Watercourse, Wetland, and Buffer Zone Activity Certificate, and which provides a completed application, on a form approved by the Minister, accompanied by the application fee of \$200, and any further information or documentation requested by the Minister.
- Exemption** (2) A licensee which is a corporation is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the licensee ensures that
- (a) an employee who holds a Certificate personally directs and supervises all watercourse, wetland, and buffer zone activities and alterations undertaken by the corporation pursuant to the license;
- (b) no watercourse, wetland or buffer zone activity or alteration is carried out other than that which is specifically listed on the license; and
- (c) all activities are carried out in compliance with the Department's Construction Standards for Activity in Watercourses and Wetlands, and these requirements are conditions of the license.
- Idem** (3) A licensee who is a natural person is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the licensee
- (a) personally directs and supervises all watercourse, wetland and buffer zone activities and alterations undertaken by the person pursuant to the license;
- (b) ensures that no watercourse, wetland or buffer zone activity or alteration is carried out other than that which is specifically listed on the license; and
- (c) ensures that all activities are carried out in compliance with the Department's Construction Standards for Activity in Watercourses and Wetlands, and these requirements are conditions of the license.
- Notification form** (4) At least 24 hours prior to commencing an alteration or activity undertaken pursuant to a license, the licensee shall complete and file with or fax to the Department a notification form provided in Schedule B and this requirement is a condition of the license.
- Additional terms and conditions** (5) The Minister may include such additional terms and conditions in a license as the Minister considers necessary or advisable for the protection or benefit of the environment.
- Expiry** (6) A license expires on the earlier of
- (a) two years from the date of issuance;

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- (b) the licensee, if a natural person, ceasing to hold a certificate; or
(c) the license being revoked by the Minister.
- (7) The Minister may
- (a) amend a license or vary the terms or conditions thereof, where
- the Minister considers it necessary or advisable for the protection or benefit of the environment; or
(b) revoke a license where the Minister determines there is good and sufficient reason.
- (8) No amendment or revocation shall be made to a license without prior notice and an opportunity to be heard, in writing, being given to the licensee. (EC720/08)
- PART VI WATERCOURSE, WETLAND AND BUFFER ZONE
ACTIVITY PERMIT
6. (1) The registered owner of a provincial parcel of land is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the owner engages a person who has a license to do the activity or alteration, and that the owner permits and facilitates access to and inspection of the parcel upon which any activity authorized by the license occurs.
- (2) The Minister may grant a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit or a permit pertaining to a combination thereof, to a person who provides a completed application, and any further information or documentation requested by the Minister, including, but not limited to, plans and documents, mitigation procedures, and proof of ownership of the land on which the activity is to take place.
- (3) The Minister may include such terms and conditions in a permit as the Minister considers necessary or advisable for the protection or benefit of the environment.
- (4) A permit expires on the earlier of
- (a) the date indicated on the permit; or
(b) the permit being revoked by the Minister.
- (5) The Minister may
- (a) extend the expiry date on a permit, upon request, prior to the expiry date;
- (b) amend a permit or vary the terms or conditions thereof, where the Minister considers it necessary or advisable for the protection or benefit of the environment; or
- Amendment of license
- Idem
- Exemption
- Permits
- Terms and conditions
- Expiry
- Extension, amendment

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- (c) revoke a permit where the Minister determines there is good and sufficient reason.
- Amendment (6) No amendment or revocation shall be made to a permit without prior notice and an opportunity to be heard, in writing, being given to the permittee.
- Notice (7) In issuing or amending a permit, the Minister may require that notice of the application be given to the public or particular members thereof, and the manner and content of such notice shall be as directed by the Minister. (EC720/08)

PART VII GRASS HEADLANDS

- Application of section 7. (1) The requirements of this section do not apply
- (a) where the row crop being cultivated is corn;
 - (b) where there is a management plan for the parcel or parcels of land being cultivated, and the cultivation is being done in accordance with that management plan; or
 - (c) where the boundary referred to in subsection (2) pertains to
 - (i) a watercourse that is solely a landlocked pond, or
 - (ii) a wetland that is solely a landlocked pond, or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow.
- Prohibition (2) No person shall, without a grass headland variance or grass headland exemption, and other than in accordance with the terms and conditions thereof, cultivate a row crop within 200 metres of any watercourse boundary or wetland boundary unless every row that ends within 200 metres of any watercourse boundary or wetland boundary ends at
- (a) a grass headland; or
 - (b) a buffer zone.
- grass headland, defined (3) In subsection (2), "grass headland" means an area of live perennial grass
- (a) which was planted prior to the calendar year in which the row crop was planted;
 - (b) which is at least 10 metres in width, measured commencing at the end of each row and continuing in the same direction as each row; and
 - (c) no part of which is contained within a buffer zone.
- Idem (4) For the avoidance of doubt, if both ends of a row of a row crop are within 200 metres of a watercourse boundary or a wetland boundary, then the requirements herein apply to both ends of the row, unless a grass headland variance or grass headland exemption is obtained.

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(5) In any prosecution for a violation of subsection (2) or (6), the burden of proving that a grass headland was planted prior to the year in which the row crop was planted is on the defendant, to establish on a balance of probabilities.

Burden of proof

(6) No person shall assist or cause or permit the cultivation of a row crop in violation of subsection (2).

Prohibition

(7) The Minister may grant a grass headland variance or grass headland exemption to a person who provides a completed application, and any further information or documentation requested by the Minister, including, but not limited to, plans and documents, and proof of ownership of the land on which the activity is to take place.

Application

(8) The Minister may include such terms and conditions in a grass headland variance or grass headland exemption as the Minister considers

Terms and conditions

necessary or advisable for the protection or benefit of the environment.

(9) A grass headland variance or grass headland exemption expires on the earlier of

Expiry

- (a) the date indicated in the variance or exemption; or
- (b) the variance or exemption being revoked by the Minister.

(10) The Minister may

Extension, amendment

- (a) extend the expiry date on a grass headland variance or grass

headland exemption, upon request prior to the expiry date;

(b) amend a grass headland variance or grass headland exemption or the terms or conditions thereof where the Minister considers it necessary or advisable for the protection or benefit of the environment; or

(c) revoke a grass headland variance or grass headland exemption where the Minister determines there is good and sufficient reason.

(11) No amendment or revocation shall be made to a grass headland variance or grass headland exemption without prior notice and an opportunity to be heard, in writing, being given to the holder thereof. (EC720/08)

Notice

PART VIII CULTIVATING ON SLOPED LAND PROHIBITION

8. (1) In this section,

Definitions

(a) "Prince Edward Island Sloped Land Inventory" means the database layer produced by the Department's Geographic

Prince Edward Island Sloped Land Inventory

Information System Database, which identifies land in the province having a slope greater than 9%; and

(b) "row crop" does not include corn.

row crop

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Prohibition (2) No person shall, on any provincial parcel of land, cultivate one or more hectares of row crop on any area of that parcel which has a slope which is greater than 9%, unless there is a management plan for that area and the cultivation of the row crop is done, pursuant to, and in accordance with, that management plan.

Identified land (3) Where land is identified in the Prince Edward Island Sloped Land Inventory, it is deemed to
(a) have a slope greater than 9%; and
(b) be one hectare or more in size, unless the contrary is proven on a balance of probabilities.
(EC720/08)

PART IX MANAGEMENT PLANS

Definitions management plan 9. (1) In this section
(a) "management plan" means a plan that is approved by a management specialist and contains a soil and crop management component that addresses crop sequences, tillage practices, planting of cover crops, and any other soil conservation practices that may be prescribed by a management specialist;
management specialist (b) "management specialist" means a person who has been appointed as a management specialist pursuant to subsection (2).
(2) The Minister may appoint as a management specialist a person whom the Minister is satisfied has expertise in agricultural engineering and who is registered
(a) as an agrologist pursuant to the provisions of the Agrologists Act R.S.P.E.I. 1988, Cap. A-10; or
(b) as an engineer pursuant to the provisions of the Engineering Profession Act R.S.P.E.I. Cap. E-8.1.
Idem (3) The appointment of a management specialist may be for such term and be subject to such conditions as stipulated in the appointment, and may be revoked by the Minister at will.
Application (4) An application for approval of a management plan may be made in the form as set out in Schedule C.
Approval (5) A management specialist may approve a management plan upon receipt of a completed application, and any further information or documentation requested by the management specialist, including, but not limited to, plans and documents, and proof of ownership of the land on which the activity is to take place.

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- (6) A management specialist may include such terms and conditions in a management plan as the management specialist considers necessary or advisable for the protection or benefit of the environment. Idem
- (7) A management specialist may amend the terms or conditions of a management plan where the management specialist considers it necessary or advisable for the protection or benefit of the environment. Extension, amendment
- (8) No amendment shall be made to a management plan without prior notice, in writing, and an opportunity to be heard, being given to the owner of the land and any person cultivating the land. Notice
- (9) A management specialist shall file a management plan, and any amendment thereof, with the Resource Inventory and Modelling Section of the Department. Filing of plan
- (10) A management plan expires on the date indicated in the management plan or upon cancellation by the Minister. Expiration
- (11) The Minister may cancel a management plan Cancellation
- (a) for good and sufficient reason, after providing the owner of the land, and any person cultivating the land, with an opportunity to be heard, in writing; or
- (b) upon application by the owner of the land and any person cultivating the land.
- (12) The Minister's office shall notify the Resource Inventory and Modelling Section of the Department of the cancellation of a management plan. (EC720/08) Notification
- PART X INTENSIVE LIVESTOCK OPERATIONS
10. (1) In this section, Definitions
- (a) "intensive livestock operation" means a place where livestock are found in a density greater than seven animal units per acre of living space, with the calculation of animal units to be determined by reference to Column 2 of Schedule D; intensive livestock operation
- (b) "livestock" means cattle, horses, swine, poultry, sheep, goats, fox and mink; livestock
- (c) "livestock waste" means livestock waste
- (i) feces and manure or manure and associated feed losses,
- (ii) urine from livestock and associated livestock bedding and waste water, litter, or wash water or water contaminated by either urine or feces,
- (iii) wasted feed, milkhouse waste, hair, feathers or other debris associated with an agricultural operation, or

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- (iv) any combination of the above;
- living space (d) "living space" means any confined area to which livestock have access.
- Determination of density (2) For the avoidance of doubt,
(a) whether an operation contains one type of livestock or a combination of two or more, the density is to be determined by reference to the total animal units, as set out in Column 2 of Schedule D; and
(b) where there is more than one living space on a provincial parcel of land, the density of each living space is to be calculated separately and each one which contains more than seven animal units per acre constitutes an intensive livestock operation.
- Prohibition, discharge (3) The owner and operator of an intensive livestock operation shall ensure that no livestock waste from the operation enters a watercourse or a wetland.
- Burden of proof (4) Where livestock waste from an intensive livestock operation enters a watercourse or a wetland, the burden of proof is on the owner and operator of the intensive livestock operation to establish due diligence, on a balance of probabilities.
- Determining due diligence (5) In determining whether an owner or operator exercised due diligence, the following are among the factors which may be taken into account
(a) whether the operation had earthen berms or other types of physical barriers to prevent the livestock waste from entering the watercourse or wetland; and
(b) whether the operation had a self-contained watertight holding facility into which the livestock waste is diverted.
- Prohibition (6) Within 90 metres of a watercourse boundary or a wetland boundary, no person shall, without a written authorization from the Minister
(a) construct an intensive livestock operation, or any part thereof, or add livestock, structures or facilities to any existing intensive livestock operation;
(b) commence an intensive livestock operation or any activity connected thereto; or
(c) assist in or cause or permit clause (a) or (b).
- Exemption (7) The requirements of subsection (6) do not apply where the boundary referred to in subsection (6) pertains to
(a) a watercourse that is solely a landlocked pond; or

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(b) a wetland that is solely a landlocked pond, or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow.

(8) The distance between a watercourse boundary or a wetland boundary and an intensive livestock operation shall be measured from the wetland boundary or watercourse boundary to the nearest point of living space. (EC720/08)

Measurement

PART XI INSPECTIONS AND ORDERS

11. (1) It is a condition of every license, permit, authorization, management plan, grass headland variance and grass headland exemption

Condition, access and inspection

under these regulations that the holder thereof shall permit and facilitate access to and inspection of any property upon which the holder carries on any activity authorized by the license, permit, authorization, management plan, grass headland variance or grass headland exemption.

(2) To ensure or determine compliance with these regulations, an inspector or an officer may

Powers of inspectors and officers

(a) enter upon and pass through or over private property without being liable for trespass, including but not limited to land where agricultural crops are being cultivated or may be cultivated;

(b) enter and inspect any premises, excluding a private dwelling house;

(c) inspect and conduct tests, and take photographs, surveys, measurements, and samples of soil and vegetation or other matter, and samples of water or any other liquid;

(d) require a landowner or lessee to produce for inspection any survey plans, leases, agreements, estimates, statements of account, or other documents or records that pertain to activity carried out on the land;

(e) require any person to produce for inspection any certificate, license, permit, authorization, management plan, grass headland variance or grass headland exemption that person has, claims to have, or would, in the opinion of the inspector or officer, be required to have to carry out the activity or operation; and

(f) receive copies of any records or documents produced under clauses (d) and (e), and retain the same for the purpose of copying and returning them.

(3) For the purposes of enforcing these regulations, an officer may signal or request any person driving a motor vehicle to stop, and

Power to stop vehicle

thereupon the person shall bring the vehicle to a stop and shall not proceed until permitted to do so by the officer.

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Standards

(4) For the avoidance of doubt, the standards established herein are minimum standards and nothing contained herein, nor compliance with these regulations and the standards incorporated herein, nor compliance with the terms and conditions of any license, permit, authorization, management plan, grass headland variance or grass headland exemption precludes the issuance of an order pursuant to subsection (5), or an environmental protection order pursuant to sections 7 or 7.1 of the Act where the Minister believes, on reasonable and probable grounds, that a threat to the environment or environmental health is occurring or has occurred.

Verbal order,
emergency field
order

(5) Where an officer believes, on reasonable grounds, that an activity is occurring or has occurred which is a violation of these regulations and time is of the essence to take remedial action to protect the environment, the officer may issue a verbal order or an emergency field order, as set out in the form in Schedule E, to the person committing or apparently committing the violation, or to the person in charge or apparently in charge of the activity which constitutes the violation, or to the registered owner of the property on which it is or has occurred, to cease the activity and commence remedial measures as directed.

Prohibition

(6) No person shall fail or refuse to comply with a verbal order or an emergency field order. (EC720/08)

PART XII - GENERAL

Delegation

12. (1) The Minister may delegate to any Minister of the Crown in right of the province or to a Director or other employee within the Minister's Department any power conferred on the Minister under these regulations, and the Minister, Director or other employee to whom the power is delegated may then exercise the power subject to any terms and conditions that the Minister prescribes.

Completion of work

(2) A person to whom a license, permit, authorization, grass headland variance or grass headland exemption is granted, or for whom a management plan is approved, shall be deemed to have accepted responsibility for all work done pursuant thereto.

Effect of granting

(3) The granting of a certificate, license, permit, authorization, grass headland variance or grass headland exemption or the approving of a management plan, does not exempt the person to whom it is granted or for whom it is approved from the provisions of any Act of the Legislature or the regulations under such Act, or any Act of the Parliament of Canada or the regulations made under such Act.

Exemption from
liability

(4) Neither the Minister, the Department nor any employee or officer of the Crown is liable for any loss or damage caused or occasioned by

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- (a) any activity or alteration for which a license, permit, authorization, grass headland variance or grass headland exemption was granted or for which a management plan was approved pursuant to these regulations;
- (b) the revocation of any certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan; or
- (c) the amendment of any certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan.
- (5) No action or other proceeding for damages lies or shall be instituted against
- No action lies
- (a) the Minister or any person acting for the Minister pursuant to a delegation of power under subsection (1);
- (b) an inspector or an officer; or
- (c) any person lawfully assisting or acting under the direction of any person referred to in clauses (a) and (b),
- for anything done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under these regulations, or for any neglect or default in the performance or exercise in good faith of any such duty or power.
- (6) The issuance of a certificate, license, permit, authorization, grass headland variance or grass headland exemption and the approval of a management plan pursuant to these regulations are conditional on
- Conditions
- (a) all material facts in the application having been disclosed; and
- (b) the facts, representations and other information contained in the application being true, accurate and complete.
- (7) No person shall give false or misleading information in an application, report or statement or any other document submitted or made to the Minister under these regulations.
- Prohibition
- (8) Grounds for refusing or revoking a certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan, include, but are not limited to
- Grounds for refusal,
revocation
- (a) current or prior non-compliance by the holder with the Act or any regulations made thereunder, or with any term or condition of a certificate, license, permit, authorization, grass headland variance, grass headland exemption or management plan;
- (b) discovery of relevant information not disclosed or not available at the time the certificate, license, permit, authorization, grass headland variance or grass headland exemption was granted or the management plan was approved;

- (c) information being received that the activity being carried on pursuant to the certificate, license, permit, authorization, grass headland variance, grass headland exemption or management plan is affecting the property in question in a way not anticipated, or the property of other persons; and
- (d) discovery of a threat to the environment or environmental health that is, or is apparently, being caused by or exacerbated by the activity being carried on pursuant to the certificate, license, permit, authorization, grass headland variance, or grass headland exemption or management plan.
- Prosecution (9) In any prosecution for a violation of these regulations
- (a) the registered owner of the property upon which any activity prohibited or regulated by these regulations occurs is deemed to have caused or permitted the activity, unless it is established, on a balance of probabilities, that the registered owner did not cause or permit the activity, and the burden of proof is on the registered owner to so prove, on a balance of probabilities;
- (b) where an area is identified as open water, deep marsh, shallow marsh, brackish marsh or salt marsh in the Prince Edward Island Wetland Inventory, that is prima facie evidence that the area comes within the requirements of these regulations, unless the contrary is proved on a balance of probabilities, and the burden is on the defendant to so prove;
- (c) no exception, exemption, proviso, excuse or qualification prescribed by these regulations is required to be set out or negated, as the case may be, in an information or summary offence ticket laid with respect to a charge under these regulations; and
- (d) the burden of proving that any exception, exemption, proviso, excuse or qualification prescribed by these regulations operates in favour of the defendant is on the defendant, to prove on a balance of probabilities, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, proviso, excuse, or qualification does not operate in favour of the defendant, whether or not it is set out in the information or summary offence ticket.
- Reasonable assistance (10) All persons to whom a request is made by an inspector or an officer under these regulations shall provide all reasonable assistance to enable the inspector or the officer to carry out his or her functions under these regulations, and shall furnish the inspector or officer with all information reasonably required to administer or enforce these regulations.
- Prohibition (11) No person shall impede or obstruct or knowingly make false or misleading statements to an inspector or an officer engaged in carrying

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out the inspector's or officer's functions under these regulations.
(EC720/08)

PART XIII - APPEALS

13. (1) In this section, "Commission" means the Island Regulatory and Appeals Commission established pursuant to section 2 of the Island

Island Regulatory
and Appeals
Commission

Regulatory and Appeals Commission Act R.S.P.E.I. 1988, Cap. I-11.

(2) A person may, within 21 days of

Notice of appeal

(a) the refusal, revocation or amendment of a permit, grass headland variance, grass headland exemption, or authorization;

(b) the refusal of approval of a management plan; or

(c) the issuance of an emergency field order

appeal the same by filing a notice of appeal with the Commission, in the form prescribed by the Commission.

(3) A notice of appeal under subsection (1) may be filed only by a person who

Idem

(a) is the holder of, or an applicant for, a permit, grass headland variance, grass headland exemption or authorization;

(b) is the applicant for or is subject to a management plan; or

(c) is subject to an emergency field order,

or by anyone else determined by the Commission to be personally or adversely affected by the matter so as to have standing.

(4) Subject to adherence to the rules of natural justice, the Commission shall determine its own procedure.

Procedure

(5) The Commission may vary, confirm, or rescind the decision being appealed.

Powers

(6) The initiation of an appeal does not abrogate the requirement to comply with the decision being appealed.

Duty to comply

(7) The Department shall implement an order made by the Commission. (EC720/08)

Implementation of
order

PART XIV OFFENCES AND PENALTIES

14. (1) No person shall violate any provision of these regulations or the terms or conditions of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order.

Offence

(2) Any natural person who violates

Offence, penalty

(a) any provision of these regulations, other than subsection 8(2); or

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- (b) any term, condition, or provision of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$3,000 or more than \$10,000, and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.
- Idem (3) Any corporation which violates
- (a) any provision of these regulations, other than subsection 8(2); or
- (b) any term, condition, or provision of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$10,000 or more than \$50,000, and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.
- Idem (4) Any officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in or participates in, the commission of an offence by that corporation under subsection (3) is guilty of an offence and is liable, in respect of the commission of an offence by the corporation under subsection (3), to any penalty set out in subsection (2).
- Idem (5) Any natural person or corporation who or which violates subsection 8(2) of these regulations or the terms, conditions or provisions of a management plan, is guilty of an offence and is liable, on summary conviction, to a fine of \$1,000 per hectare of land cultivated in violation of subsection 8(2), and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.
- Separate offence (6) Where a violation of any provision of these regulations or the terms or conditions of any permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues. (EC720/08)

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SCHEDULE A

ACTIVITIES WHICH A LICENSEE MAY ENGAGE IN

SHORE STABILIZATION - A licensee may, for the purpose of and in the course of, doing shore stabilization, and only to the extent necessary to secure shore stabilization equipment or materials, and for no other purpose or effect, do the following:

IN A WETLAND OR A WATERCOURSE: engage in any of the activities listed in subsection 2(1) of the regulations, with the exception of the activities listed in clause 2(1)(e);

IN A BUFFER ZONE: engage in any of the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b), (g) and (h).

LANDSCAPING IN A BUFFER ZONE - A licensee may, for the purpose of and in the course of, doing landscaping in a buffer zone, and only to the extent necessary to do landscaping in a buffer zone, and for no other purpose or effect, do the following:

IN A BUFFER ZONE: engage in the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b),(c), (f), (g), and (h).

OPERATION OF MACHINERY ON A BEACH OR SHORELINE - A licensee may, for the purpose of and in the course of, operating heavy equipment on a beach, and only to the extent necessary to perform maintenance on an existing shore access or the removal of beach material, and for no other purpose or effect, do the following:

ON A BEACH: engage in the activities listed in clause 2(1)(d) of the regulations;

IN A BUFFER ZONE: engage in the activities listed clause 3(4)(d) of the regulations.

MINOR BRIDGE REPAIRS - A licensee may do minor bridge repairs in a watercourse or wetland as outlined in clause 2(1)(c) of the regulations.

FEDERAL WHARF REPAIRS - A licensee may, for the purpose of and in the course of, doing federal wharf repairs and only to the extent necessary to do federal wharf repairs, and for no other purpose or effect, do the following:

IN A WETLAND OR A WATERCOURSE: engage in any of the activities listed in subsection 2(1) of the regulations, with the exception of the activities listed in clauses 2(1)(d), (e), (g) and (h);

IN A BUFFER ZONE: engage in any of the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b), (f), (g) and (h).

(EC720/08)

22 Cap. E-9

Environmental Protection Act
Watercourse and Wetland Protection Regulations

Updated

SCHEDULE B

NOTIFICATION FORM

by licensee of Activity in a Watercourse, Wetland, or Buffer Zone
pursuant to subsection 5(4) of these regulations

Subsection 5(4) of these regulations requires that a licensee must, at least 24 hours prior to commencing an alteration or activity undertaken pursuant to a license, complete this form and file it with or fax it to the Department.

Personal information on this form is collected as it relates directly to and is necessary for the required notification to perform a watercourse and wetland activity. If you have any questions about this collection of personal information, you may contact the Director of Water Management, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5000.

Licensee

Name:

Company:

Phone:

Fax:

Mailing Address:

Province:

Postal Code:

E-mail:

Project Information

Type of Project:

Shore Stabilization

Shore Stabilization

Landscaping in a Buffer Zone

Operation of Machinery on a Beach or Shoreline

Federal Wharf Repairs

Minor Bridge Repairs

Description:

Date work is to Commence (dd/mm/yyyy):

Property Information:

Property Owner(s) Name:

Property Owner(s) Address:

Property Tax #:

Community:

County:

Work location on Property (describe):

Licensee Signature: Date:

Personally deliver or fax this Notification Form to:

Department of Environment, Energy & Forestry

Water Management Division

Watercourse and Wetland Activity Program

PO Box 2000, Charlottetown, PE C1A 7N8

4th Floor Jones Building, 11 Kent Street

Charlottetown, PE C1A 7N8

Tel: (902)-368-5000 - Fax: (902) 368-5830

(EC720/08)

Updated 2008

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Watercourse and Wetland Protection Regulations

SCHEDULE C

FORM FOR APPLYING FOR APPROVAL OF A
MANAGEMENT PLAN
(Section 9 of these regulations)

TO: THE DEPARTMENT OF ENVIRONMENT, ENERGY & FORESTRY

- 1. Name of Applicant:.....
- 2. Address and telephone numbers of Applicant:
.....
- 3. Location of the land:
(Please attach map showing location.)
- 4. Provincial Parcel number(s):.....
- 5. Owner of the land (if different from applicant):.....
- 6. Reason for application [Check box or boxes that apply]:
 - To not require grass headlands [to come within exception in clause 7(1)(b)]
 - To be able to cultivate row crops on land with slope greater than 9% [to come within exception in subsection 8(2)]

Signature of Applicant [and signature, address, and telephone number of landowner, if Applicant is not landowner].....

(Management plan attachments)
.....
(EC720/08)

SCHEDULE D
INTENSIVE LIVESTOCK OPERATIONS
[Density of Livestock - subsections 10(1) and (2) of these regulations]

COLUMN 1 Animal	COLUMN 2 Animal Unit	COLUMN 3 Density which constitutes "Intensive Livestock Operation" more than:
horses	1 horse = 1 animal unit	7 horses per acre of living space
dairy cows	1 dairy cow = 1 animal unit	7 dairy cows per acre of living space
beef cows	1 beef cow = 1 animal unit	7 beef cows per acre of living space
beef feeders	2 beef feeders = 1 animal unit	14 beef feeders per acre of living space
dairy heifers	2 dairy heifers = 1 animal unit	14 dairy heifers per acre of living space
adult sheep	4 adult sheep = 1 animal unit	28 adult sheep per acre of living space
feeder lambs	10 feeder lambs = 1 animal unit	70 feeder lambs per acre of living space
adult goats	4 adult goats = 1 animal unit	28 adult goats per acre of living space
feeder goats	10 feeder goats = 1 animal unit	70 feeder goats per acre of living space
swine	4 swine = 1 animal unit	28 swine per acre of living space
laying hens	125 laying hens = 1 animal unit	875 laying hens per acre of living space
broilers	200 broilers = 1 animal unit	1400 broilers per acre of living space
turkeys	75 turkeys = 1 animal unit	525 turkeys per acre of living space
adult foxes*	40 adult foxes = 1 animal unit	280 adult foxes per acre of living space
adult mink*	80 adult mink = 1 animal unit	560 adult mink per acre of living space

* Offspring are not to be included until they are market size. (EC720/08)

Updated 2008

Environmental Protection Act
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SCHEDULE E

EMERGENCY FIELD ORDER
pursuant to subsection 11(5) of these regulations

WHEREAS I BELIEVE, ON REASONABLE GROUNDS, THAT

On property located at or near
County, Prince Edward Island, an activity is occurring or has
namely.....
.....(desc
of the activity), which activity is a violation of of these regulations;

AND WHEREAS I BELIEVE ON REASONABLE GROUNDS, THAT time is of the
essence for remedial action to protect the environment;

AND WHEREAS, I am an environment officer designated pursuant to the Act, and an
officer pursuant to these regulations;

I THEREFORE ORDER YOU,
.....
(name of person/corporation issued to), of
(address of person/corporation) as
the person committing or apparently committing the violation
the person in charge or apparently in charge of the activity which constitutes the
violation
the registered owner of the property on which the activity is occurring or has
occurred,

TO IMMEDIATELY CEASE the following activity
.....
and commence the following remedial measures.
.....
on or beforeday, the day of, 200...., at
..... o'clock in the (after or fore) noon.

DATED AT, County, Prince
Edward Island, this day of, 200.....

.....
Signature of
.....
Printed name of

(EC720/08)

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