

**EC2009-121**

EXECUTIVE COUNCIL ACT  
ATTORNEY GENERAL  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(AGREEMENT RESPECTING LEGAL AID IN CRIMINAL LAW,  
YOUTH CRIMINAL JUSTICE ACT AND  
IMMIGRATION AND REFUGEE MATTERS)  
WITH THE  
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Justice and Attorney General, to extend for the period April 1, 2009 to March 31, 2010, the terms and conditions of the funding agreement for legal aid in serious criminal matters, in matters pursuant to the *Youth Criminal Justice Act*, and in immigration and refugee matters in Prince Edward Island, such as more particularly described in the letters of agreement.

**EC2009-122**

EXECUTIVE COUNCIL ACT  
ATTORNEY GENERAL  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(RE: ADMINISTRATION OF THE FIREARMS ACT AND REGULATIONS)  
WITH THE  
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Public Safety and Emergency Preparedness, to set out the terms and conditions under which Canada will contribute funding for administration of the *Firearms Act* and Regulations in Prince Edward Island for the period April 1, 2008 to March 31, 2010, such as more particularly described in the draft agreement.

**EC2009-123**

EXECUTIVE COUNCIL ACT  
 ATTORNEY GENERAL  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (CANADA'S VICTIMS FUND - PROJECT FUNDING AGREEMENT)  
 WITH  
 THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Justice and Attorney General of Canada, to set out terms and conditions of funding to install closed circuit television in four courtrooms in Prince Edward Island, to support implementation of *Bill C-2, An Act to Amend the Criminal Code (protection of children and other vulnerable persons)* and the *Canada Evidence Act*, such as more particularly described in the draft agreement.

**EC2009-124**

EXECUTIVE COUNCIL ACT  
 MINISTER OF AGRICULTURE  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (BILATERAL AGREEMENT TO IMPLEMENT  
 GROWING FORWARD: A FEDERAL-PROVINCIAL-TERRITORIAL  
 FRAMEWORK AGREEMENT ON AGRICULTURE, AGRI-FOOD AND  
 AGRI-BASED PRODUCTS POLICY)  
 WITH  
 THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture to enter into a bilateral agreement with the Government of Canada, as represented by the Minister of Agriculture and Agri-Food, to set out the responsibilities of the parties in implementing certain commitments pursuant to Growing Forward: A Federal-Provincial-Territorial Framework Agreement on Agriculture, Agri-Food and Agri-based Products Policy, such as more particularly described in the draft agreement.

**EC2009-125**

EXECUTIVE COUNCIL ACT  
 MINISTER OF AGRICULTURE  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (CONSOLIDATED CONTRIBUTION AGREEMENT  
 ANNEX A TO  
 GROWING FORWARD: A FEDERAL-PROVINCIAL-TERRITORIAL  
 FRAMEWORK AGREEMENT ON AGRICULTURE, AGRI-FOOD  
 AND AGRI-BASED PRODUCTS POLICY)  
 WITH  
 THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture to enter into a contribution agreement with the Government of Canada as represented by the Minister of Agriculture and Agri-Food, to set out terms and conditions of funding for designated programs delivered by or through the Province pursuant to Growing Forward: A Federal-Provincial-Territorial Framework Agreement on Agriculture, Agri-Food and Agri-based Products Policy, such as more particularly described in the draft agreement.

**EC2009-126**

PROVINCIAL DEBENTURE ISSUE  
 MAXIMUM AGGREGATE PRINCIPAL AMOUNT \$100,000,000.00  
 STATEMENT  
 RECEIVED

Pursuant to subsection 49(6) of the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, Council received the following details from the Provincial Treasurer as to the sums of money raised pursuant to Order-in-Council EC2008-354 [REISSUED] dated 10 June 2008:

Principal Amount:	\$100,000,000.00
Interest Rate:	3.20%
Date of Issue:	March 2, 2009
Maturity Date:	June 2, 2014

**EC2009-127**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 FRANK HONISCH  
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Frank Honisch of Belfast, Prince Edward Island to acquire a land holding of approximately sixty (60) acres of land in Lots 57 and 58, Queens County, Province of Prince Edward Island, being acquired from Carole Kennedy of Charlottetown, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 566935, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2009-128**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 DION PHANEUF  
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Dion Phaneuf of Edmonton, Alberta to acquire a land holding of approximately one decimal six one (1.61) acres of land in Lot 21, Queens County, Province of Prince Edward Island, being acquired from Daniel Smith and Shaunna Smith, both of Calgary, Alberta.

**EC2009-129**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 DION PHANEUF  
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Dion Phaneuf of Edmonton, Alberta to acquire an interest in a land holding of approximately six decimal eight two (6.82) acres of land in Lot 21, Queens County, Province of Prince Edward Island, being acquired from Dion Phaneuf of Edmonton, Alberta.

**EC2009-130**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ANDREW THORNE AND JODI L. THORNE  
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Andrew Thorne and Jodi L. Thorne, both of Fort McMurray, Alberta to acquire an interest in a land holding of approximately twenty (20) acres of land in Lot 62, Queens County, Province of Prince Edward Island, being acquired from Tim Ryan of Montague, Prince Edward Island.

**EC2009-131**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ELLIS AND BIRT, LIMITED  
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ellis and Birt, Limited of Charlottetown, Prince Edward Island to acquire an interest in a land holding of approximately three hundred and seventy-two (372) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from West Highland Contractors Ltd. of Charlottetown, Prince Edward Island; Silverwood Motel Inc. of Cavendish Beach, Prince Edward Island; Roy Wyand of Charlottetown, Prince Edward Island; Island Coastal Services Ltd. of Charlottetown, Prince Edward Island; 100332 P.E.I. Inc. of Charlottetown, Prince Edward Island; W. Errol Nicholson of Charlottetown, Prince Edward Island; Mel Gass of New Haven, Prince Edward Island; and William Hogg of Charlottetown, Prince Edward Island.

Further, Council noted that approximately sixty-two decimal nine (62.9) acres of the said land holding, being part of Provincial Property No. 432195 was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act PROVIDED THAT such identification does not interfere with the establishment and operation of a golf course on the property. This identification continues to apply

**EC2009-132**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 PAN AMERICAN PROPERTIES INC.  
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Pan American Properties Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal zero two (1.02) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Biovectra Inc. of Charlottetown, Prince Edward Island.

**EC2009-133**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 PHANEUF ENTERPRISES INC.  
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Phaneuf Enterprises Inc. of Edmonton, Alberta to acquire a land holding of approximately six decimal eight two (6.82) acres of land in Lot 21, Queens County, Province of Prince Edward Island, being acquired from Dion Phaneuf of Edmonton, Alberta PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-134**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 THORNE & THORNE (P.E.I.) LTD.  
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Thorne & Thorne (P.E.I.) Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately twenty (20) acres of land in Lot 62, Queens County, Province of Prince Edward Island, being acquired from Tim Ryan of Montague, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-135**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
SHELDON HOWATT INC.  
(TO RESCIND)

Council, having under consideration Order-in-Council EC2008-289 of 6 May 2008, rescinded the said Order forthwith, thus rescinding permission for Sheldon Howatt Inc. of Albany, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one hundred and eleven (111) acres as part of the said corporation's aggregate land holdings.

**EC2009-136**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
APPLICATION TO LEASE LAND  
SHELDON HOWATT INC.  
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Sheldon Howatt Inc. of Albany, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to three hundred (300) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Sheldon Howatt Inc. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

**EC2009-137**

**PLANNING ACT  
SUBDIVISION AND DEVELOPMENT REGULATIONS  
AMENDMENT**

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

**1. Section 1 of the *Planning Act* Subdivision and Development Regulations (EC693/00) is amended**

**(a) by the revocation of clause (b.1);**

**(b) in clause (b.2), by the deletion of the words “and includes a distance of three miles seaward of the mean high water mark, and may contain sand, gravel, rock, clay or other earthen material”;**

**(c) in clause (b.3), by the deletion of the words “protect another area from the encroachment or effects of development” and the substitution of the words “separate two or more different types of land use”;**

**(d) in clause (c.1), by the deletion of the words “(in storeys)”;**

**(e) in clause (c.2),**

**(i) by the deletion of the words “tract or”, and**

**(ii) by the deletion of the words “and may also be called an RV park but shall” and the substitution of the words “, but does”;**

**(f) by the revocation of clause (d) and the substitution of the following:**

- (d) “change of use” means change of use
- (i) altering the class of use of a parcel of land from one class to another, recognizing as standard classes residential, commercial, industrial, resource (including agriculture, forestry and fisheries), recreational and institutional uses, or
  - (ii) a material increase in the intensity of the use of a building, within a specific class of use as described in subclause (i), including an increase in the number of dwelling units within a building;

**(g) by the revocation of clauses (d.1) and (d.2);**

**(h) by the revocation of clause (e.2) and the substitution of the following:**

- (e.2) “commercial eco-tourism use” means the development and management of tourism within the Greenwich, Prince Edward Island National Park, through the use of any land or building for any retail or service use, except any amusement type attraction, so that the natural environment is preserved; commercial eco-tourism use

**(i) by the revocation of clause (f.2);**

**(j) by the revocation of clause (g) and the substitution of the following:**

- (g) “development” means development
- (i) an excavation or stockpile, and includes the creation of either of them,
  - (ii) a building or an addition to, or replacement of a building, and includes the construction or placing in, on, over or under land of any of them,
  - (iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in use of the land or building, or
  - (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

**(k) in clause (g.1), by the revocation of subclause (v) and the substitution of the following:**

- (v) “semi-detached dwelling” means a residential dwelling unit within a semi-detached building;

**(l) by the revocation of clause (g.2) and the substitution of the following:**

- (g.2) “entrance way” means a vehicular access to a parcel of land from a public road; entrance way

**(m) by the revocation of clause (g.3);**

**(n) in clause (h.2), by the deletion of the words “year-round residential” and the substitution of the word “unit”;**

**(o) by the revocation of clause (i.1);**

**(p) by the revocation of clause (i.2) and the substitution of the following:**

- (i.2) “frontage” means the width of a lot or a parcel of land where it abuts a street or a road; frontage

**(q) in clause (i.3),**

- (i) by the deletion of the words “means a temporary development consisting of a detached dwelling unit which” and the substitution of the words “means a single unit dwelling that is placed on a lot on a temporary basis and that”,**
- (ii) in subclause (v), by the addition of the words “or a mini home” after the words “mobile home”, and**

**(iii) in paragraphs (A), (B) and (C), by the deletion of the words “of land” after the word “parcel”;**

**(r) in clause (i.4), by the deletion of the words “(as it applies to the determination of building height)”;**

**(s) by the revocation of clause (i.5) and the substitution of the following:**

(i.5) “habitable building” means any building designed for human occupancy in any manner or form; habitable building

**(t) in clause (k), by the deletion of the words “space designed for the purpose of” and the substitution of the words “area designed to accommodate a vehicle while”;**

**(u) in clause (k.2),**

**(i) by the deletion of the words “means a parcel of land which is held in separate ownership from the adjoining land, and” and the substitution of the words “means a measured parcel of land having fixed boundaries and”, and**

**(ii) by the revocation of subclause (iv) and the substitution of the following:**

(iv) “flankage lot line” means the side lot line that abuts a road on a corner lot,

**(v) in clause (l), by the deletion of the words “means a transportable dwelling suitable for long term occupancy,” and the substitution of the words “means a single unit dwelling”;**

**(w) in clause (l.1), by the deletion of the words “means a transportable dwelling suitable for long term occupancy,” and the substitution of the words “means a single unit dwelling”;**

**(x) in clause (l.2), by the deletion of the words “a lot of land” and the substitution of the words “a parcel of land”;**

**(y) by the revocation of clause (m.1);**

**(z) by the revocation of clause (m.2) and the substitution of the following:**

(m.2) “open space” means an outdoor amenity space for active or passive recreational use; open space

**(aa) in clause (n.1), by the deletion of the words “means a lot, block or other division of land or property” and the substitution of the words “means a lot or other division of land”;**

**(bb) by the revocation of clause (n.2) and the substitution of the following:**

(n.2) “parking area” means a portion of land, or of a building or structure, set aside for the parking and manoeuvring of motor vehicles; parking area

**(cc) by the revocation of clause (o) and the substitution of the following:**

(o) “parking stall” means that portion of a parking area, excluding motor vehicle manoeuvring areas, that will accommodate one motor vehicle; parking stall

**(dd) by the revocation of clause (p);**

**(ee) in clause (p.1), by the deletion of the word “which” and the substitution of the word “that”;**

**(ff) in clause (q), by the deletion of the words “; but farm lanes shall in no circumstances be deemed common and public highways” and the substitution of the words “, and excluding, in all circumstances, farm lanes”;**

**(gg) in clause (q.1), by the deletion of the words “, or land integrated with development,”;**



**(hh) by the revocation of clause (r);**

**(ii) by the revocation of clause (r.1) and the substitution of the following:**

- (r.1) “resort development” means resort development
- (i) a comprehensively designed recreational development having a minimum area of 20 acres (8.1 hectares), together with buildings intended for recreational use having a minimum total floor area of 2,500 square feet (232.2 square metres), and
  - (ii) a residential subdivision containing a minimum of 20 lots or a residential development containing a minimum of 20 residential units;

**(jj) by the revocation of clause (r.4);**

**(kk) in clause (s.1), by the deletion of the words “the beach” wherever they occur and the substitution of the words “a beach”;**

**(ll) by the revocation of clause (s.4) and the substitution of the following:**

- (s.4) “semi-detached building” means a single building designed and built to contain two side-by-side units that are separated by a party wall, and each of which is capable of being conveyed separately; semi-detached building

**(mm) by the revocation of clauses (t.1) and (u.2);**

**(nn) in clause (v),**

- (i) **“by the deletion of the words “means any construction fixed to, or sunk into land or water, but excludes:” and the substitution of the words “means any thing constructed or erected with a fixed location on the ground, or sunk into land or water, but excludes”, and**
- (ii) **by the addition of the word “walkways” after the words “similar surfacing”;**

**(oo) by the revocation of clause (v.2) and the substitution of the following:**

- (v.2) “summer cottage” means a single unit dwelling that is intended to be occupied primarily during the summer months; summer cottage

- (v.03) “top of the bank” means, where there is no embankment, the landward boundary of a beach; top of the bank

**(pp) by the revocation of clause (w.1) and the substitution of the following:**

- (w.1) “variance” means a limited relaxation from the provisions of these regulations with respect to setbacks, area, height or size of a structure where, owing to the conditions peculiar to the parcel, and not the result of actions of the applicant, a literal enforcement of the regulations would result in unnecessary or undue hardship; variance

**(qq) by the revocation of clause (w.2) and the substitution of the following:**

- (w.2) “watercourse” means a watercourse as defined in the *Environmental Protection Act* Watercourse and Wetland Protection Regulations; watercourse

**(rr) by the revocation of clause (x) and the substitution of the following:**

- (x) “wetland” means a wetland as defined in the *Environmental Protection Act* Watercourse and Wetland Protection Regulations; wetland

**(ss) in clause (z),**

- (i) **by the deletion of the words “means an open space” and the substitution of the words “means an area of land”,**
- (ii) **by the deletion of the words “main building” wherever they occur and the substitution of the words “principle building”, and**

**(iii) in subclause (iv) by the addition of the words “or entrance steps” after the words “any chimney breast”.**

**2. Subsection 3(3) of the regulations is revoked.**

**3. Section 12 of the regulations is amended**

**(a) by the revocation of subsection (1) and the substitution of the following:**

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

**(b) by the revocation of subsection (3) and the substitution of the following:**

(3) Where one or more of the parcels described in subsection (2) are to be conveyed independently of any other parcel under the same ownership, a subdivision approval shall not be required. Independent sale

**4. Section 14 of the regulations is amended**

**(a) by the revocation of subsection (1) and the substitution of the following:**

**14. (1)** An application for subdivision shall be made on a form prescribed by the Minister, and shall include the following: Application for subdivision

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

**(b) in subsection (2),**

**(i) by the deletion of the words “An application for an approved subdivision of” and the substitution of the words “An application for the subdivision of”, and**

**(ii) in clause (a), by the deletion of the words “proposed for access to the lots” and the substitution of the words “proposed to provide access to the lots from a public highway”;**

**(c) by the revocation of subsection (3) and the substitution of the following:**

(3) An application for the subdivision of six or more lots shall be accompanied by: Six or more lots

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

**(d) in subsection (4), by the deletion of the word “subdivided” and the substitution of the word “severed”; and**

**(e) by the revocation of subsection (5) and the substitution of the following:**

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

**5. Section 16 of the regulations is amended**

**(a) by the revocation of subsection (1) and the substitution of the following:**

**16. (1)** Where a subdivision is proposed within a coastal area, the proposed subdivision shall, where applicable, include the following: Buffer inside coastal area

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

**(b) by the revocation of subsection (2);**

**(c) by the revocation of subsection (3) and the substitution of the following:**

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

**(d) in subsection (4), by the deletion of the words “in a buffer” and the substitution of the words “within a required buffer”;**

**(e) by the revocation of subsection (7).**

**6. Section 17 of the regulations is amended**

**(a) by the revocation of subsections (1) to (3) and the substitution of the following:**

**17. (1)** All roads, other than existing roads within Slemon Park, shall have a minimum width of 66 feet (20.1 metres) and shall be designed to meet the following requirements: Subdivision roads

- (a) where practicable, be connected to existing roads in adjacent subdivisions, and make provision for extension into any future subdivisions on adjacent properties;
- (b) provide a temporary turning area with a minimum turning radius of 40 feet (12.2 metres) where a subdivision is approved in phases and any phase results in a dead-end road, or where a road is to be extended onto an adjacent property in accordance with clause (a), until either an approved cul-de-sac has been constructed or the dead-end road has been extended.

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

(3) The following types of development may be allowed on lots that have frontage onto a private road: Permitted development on private roads

- (a) commercial rental cottages;
- (b) seasonal commercial uses related to tourism;
- (c) seasonal resort developments or portions of a resort development not intended for year-round use;
- (d) summer cottages;
- (e) industrial, commercial office or retail, institutional, public service or residential development within the 600 acres of the Slemon Park future development area as described in Appendix B.

**(b) by the addition of the following after subsection (4):**

(5) Private roads serving from six to 20 residential lots approved after March 21, 2009, shall be designed by and constructed under the supervision of a professional engineer in accordance with the applicable standards for private roads and to the satisfaction of the Minister responsible for the *Roads Act*.

Private roads,  
professional  
engineer

**7. Section 19 of the regulations is revoked and the following substituted:**

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

Minimum lot  
requirements

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

Soil testing

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

*Idem*

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

Sewage disposal  
system

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

Previously  
approved lots

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

Revision of  
previously approved  
lots

(7) Where an application is submitted to increase the intensity of use of

Increase in area of  
previously approved  
lots

- (a) a lot approved prior to June 12, 1993;
- (b) an existing parcel of land; or
- (c) an existing building,

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

**8. Section 20 of the regulations is revoked and the following substituted:**

20. (1) Where a lot is proposed to be subdivided from an existing parcel of land that is not a panhandle lot, and the proposed lot does not have the minimum required frontage on a public road, it may be approved as a panhandle lot where:

Panhandle lots

- (a) the lot will include vehicular access to a public road by way of a driveway that is part of the lot, or an exclusive right-of-way that is registered over an adjacent parcel;
- (b) the access driveway or right-of-way has a minimum width of 24 feet (7.3 metres);
- (c) no other panhandle lot has been subdivided from the existing parcel of land;
- (d) the lot and the remnant parcel meet all the requirements of these regulations.

(2) The area of the access driveway or right-of-way portion of a panhandle lot shall not be included in the minimum lot area requirements as set out in Table 1 under subsection 23(2).

Driveway area not  
included

(3) Notwithstanding clause (1)(c), where one panhandle lot has been subdivided from an existing parcel of land pursuant to subsection (1), no

Additional  
panhandle lots

more than one additional non-residential panhandle lot may be approved for each of the following uses only:

- (a) a primary resource use with a minimum area of 10 acres (4.05 hectares);
- (b) an existing or approved commercial or industrial development.

(4) A lot that has been approved as a panhandle lot may not be further subdivided unless the proposed subdivision meets all the requirements of these regulations. *Idem*

**9. Section 21 of the regulations is revoked and the following substituted:**

**21.** (1) Where a lot is intended for any non-residential use where water and sewage services are not required for the proposed development, the Minister may approve an exemption from the requirements of section 23. *Lots not requiring water and sewage servicing*

(2) A change of use application to permit a development requiring water and sewage services on a lot approved pursuant to subsection (1), may only be approved if the lot meets the minimum standards set out in section 23. *Change of use of excepted lot*

**10. Section 22 of the regulations is amended by the deletion of the words “, by the sale of a part of any lot, diminish a lot below the standards set out in Table 1 or Table 2” and the substitution of the words “diminish a lot below the standards set out in subsection 23(2)”.**

**11. Section 23 of the regulations is revoked and the following substituted:**

**23.** (1) Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards: *Lot categories*

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

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

Minimum lot size standards - residential lots

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

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			2	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			3	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			4	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			more than 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
			2	56,000 sq. ft. / 5,202 sq. m.	250 ft. / 76.2 m.
			3	61,000 sq. ft. / 5,667 sq. m.	275 ft. / 83.8 m.
			4	66,000 sq. ft. / 6,131 sq. m.	300 ft. / 91.4 m.
			more than 4	66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	300 ft. / 91.4 m.
on-site water supply and on-site sewage system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	75,000 sq. ft. / 6,975 sq. m.	300 ft. / 91.4 m.
			2	80,000 sq. ft. / 7,440 sq. m.	
			3	85,000 sq. ft. / 7,905 sq. m.	
			4	90,000 sq. ft. / 8,370 sq. m.	
			more than 4	90,000 sq. ft. / 8,370 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	
on-site water supply and on-site sewage system	V	N/A	N/A	not developable	N/A
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251 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 sewage disposal system	II	50 feet / 15.25 metres	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			2	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			3	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			4	55,000 sq. ft. / 5,110 sq. m.	275 ft. / 83.8 m.
			more than 4	55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.

central water supply and on-site sewage disposal system	IV	50 feet / 15.25 metres	1 2 3 4 more than 4	60,000 sq. ft. / 5,580 sq. m. 65,000 sq. ft. / 6,450.5 sq. m. 70,000 sq. ft. / 6,510 sq. m. 75,000 sq. ft. / 6,975 sq. m. 75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1 2 3 4 more than 4	15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

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

Minimum lot size standards - non-residential lots

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

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

central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister

(4) No person shall diminish a lot below the standards set out in subsection (2) except as otherwise provided for in subsections 19(2) and 21(1). Prohibition

**12. Section 24 of the regulations is revoked and the following substituted:**

**24.** No person shall create a lot which does not have vehicular access to a public road or a private road, or which prevents or eliminates vehicular access from an adjacent parcel to a public road. Access

**13. Sections 25 to 29 of the regulations are revoked and the following substituted:**

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

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

(3) No person shall subdivide a parcel of land that abuts, and requires access to, a collector highway, unless it is an existing parcel of land, in which case: Collector highways

(a) where the parcel has a frontage of less than 1,320 feet (402.3 metres), no more than one lot may be approved;

(b) where the parcel has a frontage of 1,320 feet (402.3 metres) or more, one lot may be allowed for every 660 feet (201 metres) of frontage;

(c) one lot in addition to those permitted in clauses (a) and (b) may be approved provided:

(i) that the proposed lot contains an existing farm dwelling served by an existing highway access,

(ii) that no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

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

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



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

Non-essential  
highways

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

Preliminary  
approval

(2) Preliminary approval for all or a portion of a plan of subdivision may include conditions relating to:

Conditions

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

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

Expiry

**27.** (1) Final approval for all or a portion of a subdivision application shall not be granted until:

Final Approval

- (a) all the conditions of preliminary approval established in accordance with subsection 26(2) have been met;
- (b) an agreement has been completed with the Department of Transportation and Public Works for the construction and deeding of all public roads;
- (c) a storm water management plan, acceptable to the Minister responsible for the *Environmental Protection Act*, where required, has been submitted for the construction and post-construction phases of the subdivision;
- (d) a survey plan, certified by an accredited member of the Association of Prince Edward Island Land Surveyors, has been submitted showing the location of all survey pins.

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

Where survey not  
required

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

*Idem*

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

Preliminary  
approval prior to  
these regulations

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

(2) No person shall use a parcel for any purpose other than that which is specified on the approved plan of subdivision. Offence

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

(2) Where a change of use application has been made, the Minister, in reviewing the application for a change of use, may take into consideration any written submissions received from the owners of lots within 330 feet (150 metres) of the lot to which the application applies. *Idem*

**14. Section 30 of the regulations is revoked and the following substituted:**

**30.** The Minister may alter or rescind a subdivision approval, in whole or in part, where Rescind or alter approval

- (a) the subdivision has been carried out contrary to the approved plan, any conditions of approval, or these regulations; or
- (b) the owner of the land has stated, in writing, that the conveyance of lots is no longer intended and has requested that the approval be rescinded.

**15. Subsection 60(4) of the regulations is revoked and the following substituted:**

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

**TABLE 6**  
**Greenwich Special Planning Area Special Requirements for St. Peters Village Zone and Rural Development Zone**

**St. Peters Village Zone**

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

<b>Rural Development Zone</b>			
<b>Requirements</b>	<b>Residential use</b>	<b>Commercial use</b>	<b>Industrial use</b>
Setback from highway boundary	150 ft. (47.7 m.)	250 ft. (76.2 m.)	250 ft. (76.2 m.)
Setback from side yard property lines	50 ft. (15.2 m.)  30 ft.(9.1 m.) within a resort development	50 ft. (15.2 m.)	50 ft. (15.2 m.)
Lot coverage	one or more buildings - a maximum of 10% of the lot area	one or more buildings - a maximum of 10% of the lot area	one or more buildings - a maximum of 10% of the lot area
<b>Architectural standards:</b>			
Building height	a maximum of 3 storeys, not exceeding 37 ft. (10.7 m.)	a maximum of 3 storeys, not exceeding 37 ft. (10.7 m.)	a maximum of 3 storeys, not exceeding 37 ft. (10.7 m.)
Exterior building materials	exterior wood finish, vinyl siding, brick or stone	exterior wood finish, vinyl siding, brick or stone	exterior wood finish, vinyl siding, brick or stone
Maximum roof slope (standard gable)	4/12	4/12	4/12
Roofing materials	shingles	shingles	unrestricted

**16. Section 64 of the regulations is amended**

**(a) by renumbering it as subsection 64(1);**

**(b) in the words preceding clause (a), by the deletion of the words “no person shall” and the substitution of the words “, no person shall”; and**

**(c) by the addition of the following after subsection (1):**

(2) Subsection (1) shall apply to the following off-shore islands:

Off-shore islands

- (a) Glenfinnan Island;
- (b) Governor’s Island;
- (c) St. Peter’s Island;
- (d) Holman Island;
- (e) Murray Islands:
  - (i) Reynolds Island,
  - (ii) Herring Island,
  - (iii) Cherry Island,
  - (iv) Thomas Island,
  - (v) Gordon’s Island;
- (f) Boughton Island;
- (g) Grover (Ram) Island;
- (h) Little Courtin Island;
- (i) Bunbury Island;
- (j) Bird Island;
- (k) Oulton’s Island;
- (l) Cascumpeque Sand Hills;
- (m) Conway Sand Hills;
- (n) Hog Island Sand Hills;
- (o) George Island.

**17. Section 68 of the regulations is revoked and the following substituted:**

**68.** Fees for subdivision and development applications are prescribed in Fees Table 12.

**TABLE 12 - FEES**

Application	Application type	Fee
subdivision	one or more lots	\$100 for the first lot plus \$50 for each additional lot*
subdivision	application to create vacant land condominium units	\$100 for the first unit plus \$50 for each additional condominium unit
change of use	change of use of one or more lots or parcels from an approved plan of subdivision use	\$100
development site evaluation	pre-development permit application to determine site compliance with Part III, C-Development Permits	\$65 per site*
development permit	new building or structure, addition to or relocation of existing building or structure:	per building or structure**
	(a) less than 250 sq. ft. / 23.2 sq. m.	(a) \$25
	(b) 250 sq. ft. / 23.2 sq. m. or greater but less than 10,000 sq. ft. / 929 sq. m.	(b) \$0.10 per sq. ft. / 0.09 sq. m.
	(c) 10,000 sq. ft. / 929 sq. m. or greater	(c) \$1,000
	change of use of existing building or structure	\$100
	travel trailer as a primary or accessory use on a lot	\$100
	mobile home park or campground	\$200
	wind energy conversion system with a name plate generating capacity of 100kw or less	\$250
	wind energy conversion system with a name plate generating capacity of more than 100kw	\$1,000

\* does not include assessment fee for on-site sewage capability

\*\* where the structure has no floor area, the fee is based on the square footage of the structure's footprint

**18. These regulations come into force on March 21, 2009.**

**EXPLANTORY NOTES**

**SECTION 1** amends definitions in the definition section of the regulations.

**SECTION 2** revokes a provision dealing with the need to establish a forested riparian zone under the *Environmental Protection Act*, which is no longer needed due to amendments to the *Environmental Protection Act* in 2008. Specifically, 'forested riparian zone' is no longer referred to in that Act. A single buffer is now required for various situations adjacent to water or watercourses.

**SECTION 3** amends the provision to provide that a person must receive final approval of a subdivision before subdividing land for any reason. Previously, the provision provided that final approval was required by a person for an approved subdivision before subdividing land for development purposes. An amendment is also made to provide that subdivision approval is not required where one or more parcels of land are to be conveyed independently of any other parcel under the same ownership.

**SECTION 4** outlines the required information to be included in an application for the subdivision of land. The amendment also corrects an error in the date applicable to incremental subdivisions. The date for incremental subdivisions (i.e., bringing the number of lots to more than five lots created since February 3, 1979) is incorrect in referencing the February 3, 1979 date. The date has been amended to refer to June 12, 1993. As well, the number of lots is amended from five lots to six in respect of incremental subdivisions.

**SECTION 5** updates the buffer requirements for a subdivision that is proposed adjacent to a beach, watercourse, or sand dune to bring such requirements in line with the new buffer zone requirements contained in the *Environmental Protection Act Watercourse and Wetland Protection Regulations*, and clarifies wording in the provision. The amendment also removes the requirement that a buffer within a subdivision of six or more lots be a separate lot. A provision is revoked dealing with increasing the width of buffers. The provision is no longer necessary since buffer zones are now dealt with in the *Environmental Protection Act Watercourse and Wetland Protection Regulations*.

**SECTION 6** amends the provision which previously required that only roads within subdivisions, as opposed to all roads, had to meet the requirements of the regulations. Specifically, the amendment outlines that the requirements for all roads, other than existing roads within Slemon Park, are to meet minimum width requirements; that public roads serving 21 or more lots approved after March 21, 2009, are required, and the types of allowable development are outlined in respect of lots having frontage onto a private road. A new provision is added that requires private roads serving from six to 20 residential lots approved after March 21, 2009, are to be designed and constructed under the supervision of a professional engineer.

**SECTION 7** clarifies the wording in respect of the lot area and dimension requirements for lots that will be serviced by on-site water and septic sewage services. As well, the provision dealing with the ability to approve under-sized lots is revoked.

**SECTION 8** clarifies the requirements for the approval of a panhandle lot and provides that a panhandle lot cannot be further subdivided unless it meets all the requirements for subdivision.

**SECTION 9** establishes that where any lot is proposed for a non-residential use (not requiring water and sewage services) such lots may be approved for non-residential use.

**SECTION 10** provides that no person shall diminish a lot below the standards set out in subsection 23(2) of the regulations.

**SECTION 11** outlines the minimum site dimensions, area and frontage requirements for all lots based on soil depth and permeability to accommodate an on-site septic sewage system.

**SECTION 12** outlines an offence provision which requires that a person not create a lot that prevents or eliminates vehicular access to an adjacent parcel of land or to a public or private road.

**SECTION 13** clarifies the wording with respect to: (1) regulating new lots abutting and requiring access to a public road; (2) preliminary approval of lots intended to accommodate septic sewage disposal systems; (3) final approval of a subdivision application; (4) establishing the use of each lot on a plan of subdivision; and (5) the process for changing an approved use.

**SECTION 14** outlines the circumstances in which the Minister may alter or rescind a subdivision approval, in whole or in part.

**SECTION 15** updates the Table which sets out special requirements for buildings erected within the Greenwich Special Planning Area and adds a modified side yard setback for residential lots within a resort development in the Rural Development Zone.

**SECTION 16** adds a list of the off-shore islands to which the subdivision prohibitions apply.

**SECTION 17** updates the provision dealing with fees for subdivision and development applications by establishing fees for subdivision applications to create condominium units and for development site evaluations.

**SECTION 18** provides for the commencement of these regulations.

### **EC2009-138**

#### **PUBLIC DEPARTMENTS ACT ACTING MINISTERS APPOINTMENTS**

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

1. Honourable Robert Ghiz to be Acting Minister of Communities, Cultural Affairs and Labour commencing on the 16<sup>th</sup> day of March 2009, and continuing for the duration of the absence from the Province of Honourable Carolyn Bertram.
2. Honourable Wes Sheridan to be Acting Minister of Tourism commencing on the 11<sup>th</sup> day of March 2009, and continuing for the duration of the absence from the Province of Honourable Valerie Docherty.
3. Honourable Ron MacKinley to be Acting Minister of Agriculture commencing on the 12<sup>th</sup> day of March 2009, and continuing for the duration of the absence from the Province of Honourable George Webster.

### **EC2009-139**

#### **ENVIRONMENTAL PROTECTION ACT ENVIRONMENTAL ADVISORY COUNCIL APPOINTMENTS**

Pursuant to section 4 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Mark Bernard Freetown (vice Joanne LeBlanc-Arsenault, term expired)	3 March 2009 to 3 March 2012
Patrick Birtwistle Stratford (reappointed)	31 October 2008 to 31 October 2011
Bertha Campbell Kensington (vice Emmerson McMillan, term expired)	3 March 2009 to 3 March 2012
Alan Hicken South Pinette (reappointed)	29 March 2008 to 29 March 2011

Paula MacKinnon Charlottetown (vice Jeanne Maki, term expired)	3 March 2009 to 3 March 2012
Bruce MacNeill Beach Point (reappointed)	29 March 2008 to 29 March 2011
Stephen Moorehead Stratford (vice Leslie Hartling, term expired)	3 March 2009 to 3 March 2012
Sherra Profit Alberton	3 March 2009 to 3 March 2012
member nominated by the Federation of Prince Edward Island Municipalities	
Mel Gass New Haven (vice Gwen Wyand, term expired)	3 March 2009 at pleasure

Further, in accordance with clause 4(4)(a) of the said Act, Council designated Elmer MacDonald as chairperson and Dr. James Kemp as vice-chairperson for the balance of their terms as members.