



# Official Plan



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With Amendments To: N/A

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and Communities, Honorable Rob Lantz

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# 1. Introduction

## 1.1 Purpose

The Official Plan for the Rural Municipality of Eastern Kings is a formal set of goals, objectives, and policies approved by Council concerning the nature, extent, and pattern of future land use and development within the municipality until the year 2028.

The land use and development objectives set out in the Plan are broad statements of intent, while the policy statements serve as guidelines indicating the specific action which will be taken to achieve the stated goals and objectives. The 2023 Rural Municipality of Eastern Kings Official Plan also serves as a basis for the 2023 Development Bylaw, which will implement many of the policies outlined in the Plan.

## 1.2 Planning Area

The geographical area that is the subject of the 2023 Official Plan is the area within the legal Municipal boundaries of the Rural Municipality of Eastern Kings.

## 1.3 Legal Enablement

The Province's *Planning Act* R.S.P.E.I. 1988, Cap. P-8 and *Municipal Government Act* R.S.P.E.I. 1988, M-13 gives the Eastern Kings Municipal Council most of its powers. Under the *Municipal Government Act*, municipalities have the right to pass bylaws and provide services in several areas. Municipalities such as Eastern Kings that were incorporated as Community Improvement Committees (before 1983) have responsibility over Official Plans and Development Bylaws, fire protection, and administration. The *Planning Act* gives Council the authority to appoint a Planning Committee, adopt an Official Plan for the Municipality, and to make bylaws that will help, in part, to implement the policies identified in the Plan.

## 1.4 Official Plan Review and Monitoring

The 2023 Official Plan directs the future of Eastern Kings for approximately the next five years and will be subject to periodic review to compare the extent to which the objectives have been achieved. An Official Plan is intended to be a dynamic planning tool and a “living” document. As such, it is subject to ongoing review. This Official Plan will be monitored on an ongoing basis to ensure compatibility with changing circumstances. A comprehensive and major review of this Plan will be scheduled for 2028.

## 1.5 Human Rights Legislation

All policy and regulations included within this Official Plan and the accompanying Development Bylaw must be consistent with the rights and freedoms laid out in the *Canadian Charter of Rights and Freedoms* and the *Prince Edward Island Human Rights Act*.

The policies and regulations contained within these documents are intended to govern solely land use and cannot regulate people who own or use the facilities, services, and amenities provided for within this Plan. Each land use planning action will be analyzed to ensure that it has proper planning purpose. If it is determined that the action may operate to create an exclusion, restriction, or preference of a group of persons protected by the Charter and the Code, then the action must:

- be adopted for a purpose or goal that is rationally connected to the planning action / policy; and
- be adopted in good faith with the belief that it is necessary to fulfill the purpose; and
- be “reasonably necessary” to accomplish its purpose or goal, because it is not possible to accommodate the group without undue hardship to the Municipality considering the cost, outside sources of funding, if any, and the health and safety requirements, if any.

## 1.6 Planning Context

The Planning context in Prince Edward Island is changing. In 2017, the Province adopted a new *Municipal Government Act* which set out new requirements for municipalities, including the development of municipal land use planning documents, budgets, bylaws, and enforcement protocols.

In 2021, the Province released the final report of the Land Matters Advisory Committee, which provides recommendations on land-related legislation and policy in the province, particularly that which falls under the *Lands Protection Act* and the *Planning Act*. The development of this report involved a long process of public consultation and will set the foundation for provincial land use planning. Recommendations cover matters such as separating conflicting land uses, mitigating the effects of climate change, and addressing the challenges created by land speculation.

Although recommendations of the Land Matters Report have not yet been implemented, the Eastern Kings Plan Review process took into consideration the findings of the Advisory Committee. Updates to this Official Plan aim to reflect Provincial planning values by addressing key issues and simplifying the planning process in Eastern Kings, ensuring that associated documents are easy to use and understand.

### Chapter I Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 2 The Municipality of Eastern Kings

## 2.1 Historical Background

The Mi'kmaq have called Epekwitk (Prince Edward Island) home for more than 15,000 years. Epekwitk means “cradled in the waves”, and Kespemenegek (East Point) means “end of an island”. Throughout the Municipality of Rural Eastern Kings, archaeologists have found remnants of Mi'kmaw settlements including animal bones that point to popular hunting and camping sites, and what seem to have been significant food sources of the Mi'kmaw diet, like seal, beaver, otter, fox, fish, and shellfish.

In the 1970s and early 1980s, several archeological sites were excavated in Eastern Kings where remnants of previous Mi'kmaw settlements were found. The Wakelin Site, near Basin Head, was determined to be an area where Mi'kmaq had hunted over 2,000 years ago. The area was most likely a seasonal hunting and fishing camp. It is assumed that the Mi'kmaq would canoe across the strait from the mainland for the summer. In 1980, the MacDonald Site uncovered more remnants dating around 800 and 1000 AD. This was a more popular spot for Mi'kmaw residents who would camp here several times throughout the year, depending on how abundant the hunt was.

Under French rule, Pointe de l'Est was mapped in 1686 by the first European settlers on PEI. In the French census of 1728, Francois Douville of St. Peter's Harbour and Matthieu Turin of East Point were noted as the first known European settlers on the Island. However, in 1738, a fire destroyed much of Eastern Kings, including the French settlement.

In 1763, the community had become a trading port when the Island came under British Rule, and shortly thereafter Pointe de l'Est was anglicized to East Point by British Surveyor-General Samuel Holland. British colonists divided the Island into three counties and 67 lots were sold off in a London lottery. In the early 1800s, families from the Scottish Highlands began arriving at East Point and Kingsboro.

Steep colonist population increases reduced Mi'kmaq access to traditional land and resources throughout PEI, and colonizers across the Island created settlements and farms on traditional unceded Indigenous territory. Today most residents on Prince Edward Island are of European descent, and many family names in Eastern Kings originate from the 19th Century, dating back generations. Both the Lennox Island First Nation and the Abegweit First Nation remain on the Island today, and many Mi'kmaw families live off-reserve.

Local heritage is visible throughout Eastern Kings, and the Mi'kmaq Confederacy of PEI continues to map and document sacred cultural and historic sites across the Island.

## 2.2 Site and Situation

The Rural Municipality of Eastern Kings is the most eastern municipality in Prince Edward Island, Canada. The Municipality of Eastern Kings was incorporated in 1974, and the current municipal boundaries encompass the local communities of Basin Head, Bayfield, Bothwell, Campbell's Cove, East Baltic, East Point, Elmira, Fairfield, Glencorradale, Kingsboro, Lakeville, Munns Road, North Lake, Priest Pond, Red Point and South Lake.

Many attractions are located within the municipality, such as the Basin Head Fisheries Museum and Park, the Confederation Trail, the East Point Lighthouse, and the Elmira Railway Museum.

## 2.3 Existing Land Use

The Rural Municipality of Eastern Kings is 34,830 acres in area. Land uses in the municipality are summarized in the below table:

Land Use	Land area in acres	Proportion of municipal land area
Rural	21,376	61%
Agriculture	6,725	19%
Conservation	3,138	9%
Wetland / Water Body	1,417	4%
Residential	1,681	5%
Recreation	183	0.5%
Institutional	9	0.03%
Commercial	17	0.05%
Industrial	112	0.3%
Transportation	52	0.2%

Provincial tax records indicate that a total of 2,167 properties were identified within the municipality. Of these properties, 143 are owned by the Province, making up 4,816 acres in total, and 14 are federally owned, at 41 acres.

It is important to note that a total of 373 properties are currently under the provincial minimum lot size of 0.57 acres (25,000 ft<sup>2</sup>). Therefore around 17% of properties are undersized. Properties range in size from 0.02 acres (871 ft<sup>2</sup>) to 202.50 acres (13,220,461 ft<sup>2</sup>). The median property size was identified as 3.40 acres (148,104 ft<sup>2</sup>).

The total length of roads within the municipality is 132.5 km, and 55% are paved (72.6 km), while 45% are unpaved (60 km). Road lengths are further broken down by road classification in the following table:

Road Classification	Total length in kilometres	Proportion of road network
Collector	57	43%
Local	71	53%
Resource / Recreation	2.4	1.8%
Service Lane	2.2	1.7%





Eastern Kings has a significant portion of Provincially owned land, making up 4,816 acres or 14% of the municipality. This land is spread throughout the municipality, and includes the eastern portion of the Confederation Trail, which ends in Elmira. The North Lake fishery is Federally owned and falls under the jurisdiction of the Department of Fisheries and Oceans Canada. The fishery covers 41 acres of land around North Lake Harbour.

Figure 2 illustrates this publicly owned land within Eastern Kings.

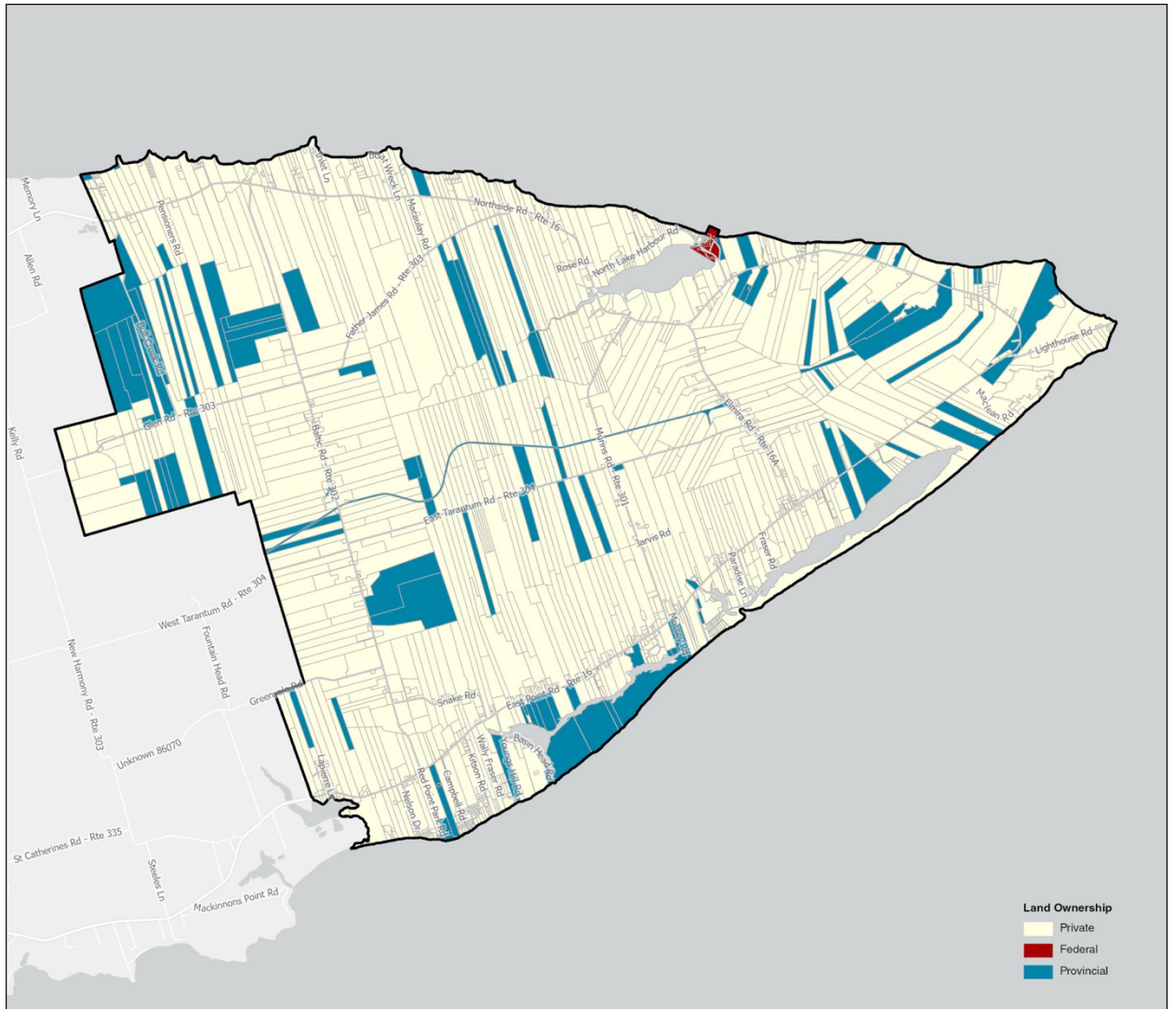


Figure 2: Map of Government-owned Land

## 2.4 Development

### 2.4.1 Development Trends

Development in the municipality has increased in recent years. The Municipality received 26 development permit applications in 2019, and 26 again in 2020. This included two commercial projects in 2019: a telecommunications tower and a 30-megawatt wind farm. Combined, these two commercial projects garnered \$19,200 in Municipal development permit fees. Permits were issued for 51 of the 52 applications, including 16 new accessory buildings, 6 cottages, 3 modular homes, 11 single-unit dwellings, and 14 additions, alterations, or renovations. The permit for the wind farm was applied for but not issued. After a dip to only 12 permits in 2021, applications rebounded with 33 in 2022.

**Table 1: Development Permit Applications by Type**

	Accessory Building	Cottage	Modular / Mini Home	Single-Unit Dwelling	Additions or Alterations	Other
2019	9	1	1	6	6	3
2020	7	5	2	5	8	0
2021	5	0	0	1	4	2
2022	12	9	0	3	6	3

### 2.4.2 Subdivision and Consolidation

In 2019, five applications received final approval for subdivision or consolidation. One of these was a lot consolidation, and another was a combination of subdivision and consolidation. All these applications involved only one lot being subdivided. In 2020, 11 applications received final approval. Of these, one was a lot consolidation and three were a combination of subdivision and consolidation. Two of the 2020 applications involved two lots being subdivided.

### 2.4.3 Residential

Residential development is characterized by a generally low-density pattern of primarily single-unit dwellings dispersed throughout the municipality. A wide variety of dwellings exist, ranging in use from small seasonal cottages to large single-unit homes.

### 2.4.4 Commercial and Industrial

Commercial businesses include agricultural operations, fishery related services, general services, tourist accommodations or tourist related operations. See the Current Land Use Map for the location of commercial and industrial activities that have been identified. A number of commercial businesses are related to either agricultural activities or to the fishery. Over 17% of the tax assessment for all developed buildings is commercial.

## 2.5 Population Analysis

The 2021 Census reported that the Municipality of Eastern Kings has a population of 687, down from 698 in 2016. This small decline may seem inconsistent with the “development boom” that has occurred within the municipality in recent years. There are a few potential explanations for this:

- Census population numbers do not include seasonal or part-time residents. In 2021, only slightly more than half of the 499 dwellings were occupied by full-time residents. If development has been for seasonal properties, this will not be captured in Census population numbers.
- The Census enumeration date was May 11, 2021, which may have missed some of the peak growth that resulted from migration to Atlantic Canada during the COVID-19 pandemic.
- Average household size is shrinking, which means the number of dwellings can increase without a corresponding increase in population.

Over the course of the last twenty years, the population in Eastern Kings has shifted westward. Population density is more concentrated in the southern half of Eastern Kings, particularly in the vicinity of Red Point as well as the communities of Kingsboro and South Lake.

Generally, population is aging across rural PEI, a trend that is reflected in Eastern Kings. There has been an increase in the percentage of people over the age of 65. Residents over 65 made up 27% of the population in 2021, up from 25% of the population in 2016.

## 2.6 Municipal Services / Infrastructure

The Royal Canadian Mounted Police provide police services through a contract with the Province respecting police services in rural communities.

Fire protection for the municipality is provided by the Eastern Kings Fire Department and paid for through the Municipality’s tax revenue.

All dwellings and public facilities within the municipality are serviced by individual water supplies. All properties in Eastern Kings are serviced by on-site sewage disposal systems.

Garbage collection, compost collection and recycling within the municipality is through the Province of Prince Edward Island’s Island Waste Watch Program.

## 2.7 Transportation

There are 132.5 kilometres of roads in the municipality, and all public highways are the responsibility of the Provincial Department of Transportation and Infrastructure, including arterial, collector, and local roads.

The Confederation Trail is a provincially-regulated rail-trail that crosses Prince Edward Island. The trail extends through Eastern Kings to Elmira.

The Island Walk is a 700-kilometre walking route maintained by Island Trails that loops around the Island. A portion of the Island Walk forms a loop between Souris and East Point, following the Confederation Trail between the western boundary of the municipality east to Elmira. From there, it continues north and east to a spur that connects the Island Walk to East Point before it returns southwest along East Point Road to Kingsboro. There, the Island Walk routes northwest out of the municipality, eventually reconnecting with the Confederation Trail in Souris.

## 2.8 Institutional Facilities

The Eastern Kings Community Centre houses the Municipal Council Offices, meeting rooms, and an auditorium. A park area is located on the building grounds. The Elmira railway station and the East Point Lighthouse are open to the public in the summer. Other institutional facilities include the Eastern Kings Fire Department Hall and local churches.

Children living in Eastern Kings attend public schools within the Souris or Morell Family of Schools. The École La-Belle-Cloche is a Francophone school located in Rollo Bay and offers Kindergarten through Grade 12.

## 2.9 Recreation

Located off Route 16, Basin Head is a day use park featuring a supervised white sand beach, play area, food on site, washrooms, and shower facilities. The park is home to the Basin Head Fisheries Museum.

The Red Point Provincial Park on Route 16 includes a supervised beach, campground, and playground. The campground is accessible for large recreational vehicles, and associated amenities are available on-site.

A branch of the Confederation Trail leads east to the terminus of the trail at Elmira where a 1912 wooden railway station has been restored as a railway museum.

### Chapter 2 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 3 Vision, Goals, and Objectives

## 3.1 Vision

*The Rural Municipality of Eastern Kings will protect the health and vitality of the natural environment and sustain the quiet and natural beauty of the landscape. The municipality will be a place where all community members are welcomed and cared for, with access to a high quality of life year-round. The community will balance traditional industries with new opportunities, looking to the future while staying true to the deep-rooted sense of place.*

## 3.2 Future Development Goals

- To protect and enhance the existing physical features in order to promote a viable local economy, especially related to agriculture, forestry, the fishery and recreation.
- To protect and enhance the health of the local watersheds by establishing a high standard of buffers along watercourses and wetlands, and by promoting a high standard of property development.
- To promote a vibrant community which supports residents throughout their full lifecycle, including affordable year-round housing.

## 3.3 Objectives

### 3.3.1 General

- To preserve the rural integrity of Eastern Kings; and
- To promote the local economy.

### 3.3.2 Social

- To promote a range of housing opportunities to meet the changing needs of a diverse population;
- To develop facilities to promote a variety of recreational and cultural activities;
- To promote vibrant active communities and lifestyles; and
- To promote entrepreneurial spirit and small businesses.

### 3.3.3 Economic

- To maintain affordable tax rates;
- To protect our major attractions;
- To develop a long-term sustainable economy which is in harmony with the natural carrying capacity of the planning area;
- To promote the existing fishing, forestry, and farming economy; and
- To promote innovative economic development.

### 3.3.4 Physical

- To encourage a high standard of site planning and development;
- To minimize potential land use conflicts;
- To ensure that storm water run-off is managed in a safe, cost effective and environmentally sensitive manner;
- To ensure that waste water is treated and disposed of in an efficient and environmentally acceptable manner;
- To ensure a secure and safe supply of potable water;
- To encourage the development and maintenance of a safe and efficient transportation system;
- To regulate development to ensure growth and development of land is in an organized and efficient manner; and
- To encourage development of pathways, parks, and additional recreational facilities.

### 3.3.5 Environmental

- To protect and enhance the ecological integrity of Eastern Kings;
- To promote watershed management principles in land use planning;
- To encourage responsible waste management;
- To facilitate opportunities for residents to have access to natural areas and the shoreline;
- To identify, protect, and enhance important and significant environmental features;
- To encourage responsible waste management;
- To protect the quality and supply of groundwater and surface water resources; and
- To ensure that the environmental impacts of development do not compromise the ability of future generations to meet their needs and enjoy the quality of life that we enjoy today.

## Chapter 3 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change



# 4 Engagement

## 4.1 Engagement

Planning impacts various aspects of daily life including housing, commercial uses, neighbourhood design, and the protection of sensitive environments and natural resources.

This process of developing this Official Plan began with initial community engagement to hear from residents and stakeholders about their priorities. The project team asked participants to share their insights and perspectives on land use and development in Eastern Kings. The engagement made use of various methods and tools to reach different people in different ways. Over the summer of 2021, the project team hosted a series of in-person and online engagement activities which were promoted online, in the local newspaper, and in print materials available at local businesses. The results from these activities demonstrate a series of key themes and findings, which were captured in a public “What We Heard” report.

Additional community engagement was completed to hear input on the draft Official Plan and Development Bylaw, and to make adjustments to the proposed documents as necessary to respond to this input.

## 4.2 Stakeholder Interviews

Stakeholder interviews were conducted over the phone with 15 stakeholder groups, including:

- Five local farms & aquaculture companies
- Aquaculture PEI
- Basin Head Marine Protected Area Advisory Committee
- ECO PEI & Macphail Woods Ecological Forestry Project
- Island Nature Trust
- Eastern Kings Fire Department
- North Lake Harbour Authority
- Elliott’s General Store
- Two local campgrounds and accommodations
- Tourism PEI
- PEI Energy Corporation

## 4.3 Public Survey

A public survey was hosted online, and paper copies were made available at the Eastern Kings Community Centre and local businesses. The survey was open for two months between August and October, 2021, and a total of 35 survey responses were collected.

## 4.4 Public Workshop

A public workshop was held at the Eastern Kings Community Centre on September 23, 2021, with nine participants.

## 4.5 Council Workshop

A Council workshop was held at the Eastern Kings Community Centre on August 31, 2021, with four Council members, and one member of municipal staff.

## 4.6 Draft Engagement

Draft documents were released to the public on the project website and available in printed form at the Municipality’s offices. The Municipality hosted public meetings on November 30, 2022 and May 30, 2023 to receive public feedback on the drafts.

### Chapter 4 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 5 Future Development

## 5.1 Housing

Housing is a fundamental human right, providing shelter from the elements, and it is where we spend much of our time sleeping, eating, socializing, and recreating. For some people, housing can also be a place of business.

Many of this Plan’s policies apply to housing, and much of the relevant components of housing are integrated throughout the other sections of the document. The policies in this section deal with specific aspects of housing that do not necessarily apply to other chapters and sections of this plan, such as accessory suites.

### *Objectives*

1. To facilitate a diversity of housing options.
2. To establish standards for the location and scope of housing development which ensure efficiency, safety, and land use compatibility.

### 5.1.1 Housing Diversity

The housing in Eastern Kings is primarily single-detached dwellings. With national and regional trends of smaller household sizes and an aging population, Council recognizes a potential demand for more diversity in the types of housing available to residents. Single-detached dwellings will likely continue to be the housing form of choice for many residents, but Council wishes to ensure that options are available for all household types, ages, abilities, and incomes.

The Development Bylaw will permit alternative housing forms—with appropriate controls—such as duplexes, multi-unit residential facilities, grouped dwellings of two or more dwellings on one lot, as well as accessory dwellings including secondary or garden suites.

- Policy 5-1: Council shall, through the policies of this Official Plan and through the Development Bylaw, enable diversity in the form, scale, and location of housing that is permitted.
- Policy 5-2: Council shall, within the Development Bylaw, define and describe the permitted placement of grouped dwellings and accessory suites.

5.1.2 Residential Facilities

Residential facilities offer supportive housing options for their target audience, and often provide affordable alternatives for vulnerable populations. Some groups served by residential facilities include unhoused people, people transitioning out of institutions, seniors, and people with disabilities.

Residential facilities will be permitted in all zones allowing dwellings and regulated according to the number of beds or units to ensure these facilities are treated the same as homes of a similar scale, with similar servicing needs and traffic impacts.

Policy 5-3: Council shall, through the Development Bylaw, permit residential facilities including, but not limited to, supportive or assistive housing, transitional housing, nursing homes, long-term residential facilities, rooming houses, and emergency shelters in the Agricultural, Residential, and Mixed-Use Zones, regulating these residential facilities in the same manner as dwellings of a similar scale.

5.1.3 Grouped Dwellings

Grouped dwellings consist of two or more dwelling units on one lot where each dwelling is contained in a separate building. These grouped dwellings can be used for “bare land” condominium corporations, cohousing collective ownership agreements, cooperative housing organizations, or clustered seniors rental housing.

Policy 5-4: Council shall, through the Development Bylaw, allow the development of grouped dwellings as a special permitted use on land zoned as Agricultural or Residential.

Policy 5-5: Council shall, through the Development Bylaw, establish development standards for grouped dwellings.

5.1.4 Multi-unit Dwellings

Multi-unit dwellings may include row houses, town houses, or low-rise apartment buildings. These provide a higher density of housing and may provide a more accessible or affordable option for some households.

Policy 5-6: Council shall, through the Development Bylaw, allow the development of multi-unit dwellings as a special permitted use on land zoned as Agricultural or Mixed-use.

Policy 5-7: Council shall, through the Development Bylaw, establish development standards for multi-unit dwellings.

5.1.5 Accessory Dwellings

Accessory dwelling units can include secondary suites within a main building (main buildings may be single-detached homes or duplexes), or garden suites as all or part of a separate structure. These dwelling types offer an opportunity to increase a neighbourhood’s “invisible” or “gentle” density and allow homeowners to reduce their shelter costs and provide affordable rental housing.

Council supports the creation of accessory dwellings through conversion or construction to encourage a diversity of housing options and accommodations.

- Policy 5-8: Council shall, through the Development Bylaw, permit accessory dwellings in the Agricultural, Residential, and Mixed-use Zones where:
  - (a) there is a single-detached home or duplex;
  - (b) the accessory dwelling is a garden suite as all or part of a separate structure or is contained within the main dwelling; and
  - (c) where the use of the suite is clearly secondary and incidental to the use of the main building.
  
- Policy 5-9: Council shall, through the Development Bylaw, establish development standards for accessory dwellings.

## 5.2 Economic Development

The economy in Eastern Kings is traditionally based on resource uses, and agriculture and fishing are still important economic drivers in the community. Other industries have made up larger portions of the economy and local employment in recent years, and tourism has become a key resource. While economic development goals are reflected throughout this plan, this section deals with topics that do not fit within other chapters, such as home-based businesses.

### *Objectives*

1. To facilitate diverse economic activity and enable a range of business types.
2. To enable residents to work from their homes.
3. To work with fishers and commercial business owners to ensure wharves are accessible to both the fishing industry and the public.
4. To provide adequate services and accommodations for visitors.
5. To ensure any golf course development is respectful and considerate of the natural environment.
6. To ensure adequate signage for local businesses.

### 5.2.1 Home-based Businesses

Home-based businesses can be located within a dwelling or within an accessory building on a lot with a dwelling. These businesses often include things like art and craft studios, shops, and professional offices. The operations must be incidental and secondary to the residential use.

In order to encourage home-based businesses and establish a variety of commercial opportunities, Council wishes to permit this use within a variety of zones.

Policy 5-10: The Development Bylaw shall permit home-based businesses within any zone permitting dwellings.

Policy 5-11: The Development Bylaw shall establish criteria and standards for the operation of home-based businesses. The standards shall limit the potential for conflicts related to noise, traffic, aesthetic character, and other factors which may represent an impediment to the safety, convenience, or enjoyment of neighbours.



## 5.2.2 Agriculture

Agriculture plays a key role in Eastern Kings' economy, culture, and food security, and Council wishes to protect existing agricultural land and support these uses. In addition to crop-based agriculture, livestock-based agriculture is also a valuable land use but has the potential to have negative impacts on the surrounding environment, particularly related to the storage of manure. Council intends to permit livestock operations in some zones, with regulations and limits on the scope of such operations.

Council also recognizes the value of smaller-scale agricultural uses such as the keeping of bees; farm markets, fish, farm, and forest stalls; and community gardens.

- Policy 5-12: Council shall, through the Development Bylaw, permit crop-based agricultural activities in the Agricultural Zone.
- Policy 5-13: Council shall, through the Development Bylaw, permit household-scale (i.e. "hobby") livestock operations in the Agricultural Zone with controls to limit the impact of odours and noise on nearby properties, and the impact of manure storage on nearby properties and watercourses.
- Policy 5-14: Council shall, through the Development Bylaw, permit intensive livestock operations in the Agricultural Zone, with controls to limit the impact of odours and noise on nearby properties, and the impact of manure storage on nearby properties and watercourses.
- Policy 5-15: Council shall, through the Development Bylaw, permit the keeping of bees in the Agricultural, Residential, and Mixed-use Zones.
- Policy 5-16: Council shall, through the Development Bylaw, permit farmers' markets in the General Commercial Zone, as well as in accordance with outdoor vending regulations.
- Policy 5-17: Council shall, through the Development Bylaw, permit fish, farm, and forest stalls with controls on the size and setbacks of associated structures.
- Policy 5-18: Council shall, through the Development Bylaw, permit community gardens with controls on water sources and waste disposal.

5.2.3 Accommodations

Eastern Kings includes several tourist destinations which attract visitors from across the Island and around the world. The municipality is home to bed and breakfasts and several commercial accommodations, including motels, campgrounds, and tourist cottages. Council recognizes the value of these businesses in the local economy, both from the direct spending on accommodations as well as the general spending of overnight guests.

“Vacation rentals” or “short-term rentals” (i.e. the short-term rental of a dwelling to travelers, which excludes bed and breakfast operations) have been present on the Island for a long time, but more recent online platforms such as Airbnb and HomeAway have increased the popularity and visibility of the market. Short-term rentals can increase the supply of visitors’ accommodations, they can support existing business through increased visitation and extended shoulder seasons, and they allow homeowners to earn a second income. However, in some cases short-term rentals also create concerns about competition with the traditional hospitality industry, the potential increase in tourism, and decreases in the supply of long-term housing options.

By enabling a variety of accommodation types, and establishing restrictions around short-term rentals, Council intends to support the tourism industry while limiting potential negative impacts on quality of life.

- Policy 5-19: Council shall, through the Development Bylaw, permit the operation of small-scale bed and breakfast establishments in single-unit dwellings within any zone, provided they are licensed and limited in terms of size and parking.
- Policy 5-20: Council shall, through the Development Bylaw, permit hotels, motels, and inns on land zoned as Mixed-use or General Commercial.
- Policy 5-21: Council shall, through the Development Bylaw, permit tourist cottages on land zoned as General Commercial.
- Policy 5-22: Council shall, through the Development Bylaw, permit campgrounds as a special permitted use on land zoned as General Commercial or Parks and Conservation.
- Policy 5-23: Council shall, through the Development Bylaw, permit short-term rentals within the Agricultural, Residential, Mixed-use, and General Commercial Zones, with a limit on the number of listings per lot.

5.2.4 Golf Courses

While Prince Edward Island has become a popular golf destination, there are currently no courses within Eastern Kings. Council acknowledges that there may be requests for this land use in the future and wishes to have a mechanism to consider golf courses where they are appropriate and do not pose significant impacts on the surrounding environment or adjacent uses.

- Policy 5-24: Council shall, through the Development Bylaw, permit golf courses as a special permitted use on land zoned as Parks and Conservation.

5.2.5 Fisheries

The North Lake Harbour in Eastern Kings hosts the local fishery, which makes up an important piece of the economy. The Harbour is surrounded by fishing, processing, and related operations. The harbour also draws tourists and residents to commercial operations including a tourist accommodation, restaurant, and deep-sea fishing tour companies. Council recognizes that the North Lake Harbour and local fishery are outside the Municipality’s jurisdiction, but Council will continue to communicate with the relevant organizations and parties to encourage the harbour to remain both a working waterfront and a valued destination for the public.

Policy 5-25: Council shall continue to work with the North Lake Harbour Authority and Provincial and Federal departments on the continued maintenance of the wharf and associated facilities.

5.2.6 Signage

Signage is an important part of our communities. It identifies businesses and guides local residents and visitors where they need to go. Prince Edward Island has provincial signage regulations which guide the type, size, and location of signs in order to balance the aesthetics of communities with the need to communicate information and advertise.

Policy 5-26: Council shall defer to the Provincial Signage Regulations for all commercial operations within the municipality.

## 5.3 The Environment

The municipality's natural environment serves a number of ecosystem functions and contributes to the pastoral beauty of the community.

The municipality is totally dependent on groundwater for its domestic water supply. The local fishery, tourism and wildlife are dependent on the quality of our surface water. Wildlife is dependent on the protection of habitat areas. The quality and volume of groundwater are dependent on the preservation of vegetation and aquifer re-charge areas and control of pollution.

The sustainability of the community depends on protection of the natural environment. It is also important to protect development from the adverse effects of erosion and flooding. Recognizing the interconnectivity of our ecosystem, long term planning for the municipality must be founded on a well-informed understanding and respect for the area's natural systems.

With both economic and environmental sustainability in mind, the Municipality will work to protect and promote a healthy natural environment for the long term, and ensure development is protected and respectful of the surrounding land.

### *Objectives*

1. To protect the natural environment from significant negative environmental impacts resulting from development.
2. To protect and enhance wildlife and natural habitat within the municipality.
3. To mitigate the effects of climate change, erosion, and flood risk.
4. To protect the quality and quantity of the municipality's groundwater resources.
5. To protect and enhance the quality of surface water in the municipality.
6. To encourage the preservation and expansion of forested area within the municipality.
7. To promote the establishment of conservation and natural areas within the municipality.
8. To cooperate with the Souris and Area Branch of the Wildlife Federation, a Watershed Group to address watershed integrity.
9. To work co-operatively with staff from the Provincial Department of Environment, Energy and Climate Change, or its successor, and community groups to maintain the ecological integrity of the municipality's natural areas.

### 5.3.1 Groundwater Protection

There is no central servicing in Eastern Kings, so all residents rely on groundwater for their water supply. The protection of this natural resource is essential to ensure public safety and protect the wider ecosystem.

- Policy 5-27: Council shall work with staff from the Provincial Department of Environment, Energy and Climate Change, or its successor, to protect the quality and quantity of groundwater resources within the municipality.
- Policy 5-28: Council shall work with staff from the Provincial Department of Environment, Energy and Climate Change, or its successor, to identify and control potential sources of groundwater contamination.
- Policy 5-29: Council shall ensure any land uses such as chemical plants and storage depots, which pose a serious contamination risk to groundwater, shall not be permitted within the municipality.
- Policy 5-30: Council shall work with the Provincial Department of Environment, Energy and Climate Change, or its successor, to protect natural vegetation adjacent to streams, wetlands, and other water courses.

### 5.3.2 Environmental Overlay Zone

The Environmental Overlay Zone is enabled by the *Environmental Protection Act* and establishes buffers and setbacks for sensitive environments.

- Policy 5-31: Council shall, through the Development Bylaw, establish the Environmental Overlay Zone in accordance with the Province's *Environmental Protection Act*.
- Policy 5-32: Council shall, through the Development Bylaw, designate lands for environmental protection within the Environmental Overlay Zone.
- Policy 5-33: Council shall, through the Development Bylaw, require construction projects within the Environmental Overlay Zone to implement erosion and siltation control measures to ensure the protection of adjacent streams and wetlands.
- Policy 5-34: Council shall, through the Development Bylaw, ensure that buildings or structures used for fishing sheds, aquaculture facilities, boat launching facilities, and wharves be permitted within the Environmental Overlay Zone, according to Municipal, Provincial and Federal regulations.

### 5.3.3 Watercourse and Coastal Buffers

Watercourse and coastal buffers aim to limit any negative effects development may have on the environment and protect the built environment from the effects of erosion and flooding.

- Policy 5-35: Council shall, through the Development Bylaw and in conformity with Provincial policies and regulations, maintain specified buffer areas along all watercourses and wetlands within the municipality, separating the watercourse/wetland from adjacent development and subdivision, and ensure that only those activities which do not negatively impact the quality of the watercourse/wetland shall be permitted within the established buffer areas.
- Policy 5-36: Council shall, through the Development Bylaw, maintain greater buffer distances where appropriate along specified watercourses and wetlands within the municipality, separating the watercourse/wetland from adjacent development and subdivision.
- Policy 5-37: Council shall, through the Development Bylaw and in conformity with Provincial policies and regulations, maintain a minimum coastal area setback of 30 m (100 ft) along the shoreline within the municipality, separating the shoreline from adjacent development and subdivision. Council shall ensure that only those activities which do not negatively impact the quality of the coastline shall be permitted within the established coastal area setback.
- Policy 5-38: The alteration of any buffer or coastal area setback along a watercourse or wetland within the municipality shall only be undertaken with the approval of the Provincial staff responsible for the Environment in accordance with Provincial policies and regulations regarding such alterations.
- Policy 5-39: It shall be Council's policy that no activity, including but not limited to development, landscaping, or repairs, shall be permitted within 15 m (50 ft) of a watercourse or wetland without a Watercourse, Wetland and Buffer Zone Activity Permit from the Provincial Department of Environment, Energy and Climate Action, or its successor.

### 5.3.4 Steep Slopes

Steep slopes are not suitable for development and building in these areas can affect soil stability and create major risks to public safety and the health of the natural environment.

- Policy 5-40: Council shall, through the Development Bylaw, prohibit development within 23 m (75 ft) of embankments.
- Policy 5-41: Council shall, through the Development Bylaw, prohibit development on slopes of 20% and over.



## 5.4 Recreation

Recreation opportunities and open space are a key component of quality of life and help create livable communities. Recreation opportunities can range from trails and boardwalks to parks, playgrounds, or arenas. These opportunities come with social, mental, and physical benefits for individuals, and can help to create a sense of place and community identity.

The Municipality can provide spaces, facilities, and programs, and regulate where commercial recreation can be developed. Policy guiding parks and open space are covered within the Parks and Conservation designation, while this section guides appropriate locations for recreation facilities and the acquisition of new parkland through the subdivision process.

### Objectives

1. To provide adequate recreation facilities and open spaces to meet the needs of residents and visitors.
2. To ensure adequate funding for maintenance and improvements to existing recreation facilities and open space.
3. To facilitate the dedication of parkland as needed.

#### 5.4.1 Recreation Facilities

Recreation opportunities in Eastern Kings include the Confederation Trail and the Island Walk pedestrian route, as well as Red Point Provincial Park and Basin Head Provincial Park. The Municipality does not offer any formal recreation facilities or programming.

Council wishes to enable recreation options for all residents and visitors, and so will place few limits on development opportunities for new recreation facilities.

**Policy 5-42:** Council shall, through the Development Bylaw, allow the development of recreation facilities on land zoned as Agricultural, Residential, Mixed-use, Parks and Conservation, and General Commercial.

#### 5.4.2 Parkland Dedication

Parkland dedication allows municipalities to require all new development to contribute to the expansion and enhancement of the public park system. Council understands the value that parks and open space provide to residents and wishes to maximize the health and environmental benefits of parkland.

**Policy 5-43:** Council shall, through the Development Bylaw, require the dedication of parkland or cash-in-lieu through the subdivision process except:

- (a) subdivision of fewer than three (3) lots;
- (b) boundary adjustments between existing lots;
- (c) consolidation of lots; or
- (d) subdivision of lots resulting from the probating of a will.

## 5.5 Institutions

There is a long history of many generations of settlement in this region, dating back long before the first European arrivals. Eastern King’s heritage is evident in its landscapes, stories, cultural assets, and built environment, creating a culture made up of all those who have lived and continue to live in Eastern Kings.

While many aspects of heritage and culture are beyond the scope of land use planning, some of the more tangible aspects of heritage and culture are the buildings and landscapes that serve important cultural purposes. Policies in this section outline some of the ways in which Council intends to support the culture of its residents, past and present.

### Objectives

1. To encourage the ongoing use and maintenance of existing institutions.
2. To encourage the development of new institutional uses and facilities.

### 5.5.1 Arts & Culture Uses

Arts and culture are a source of community, recreation, and entertainment, and they also contribute to the economy of Eastern Kings. They offer benefits to social and individual well-being by promoting self-expression, offering educational opportunities, and building community involvement. In Eastern Kings, arts and culture opportunities include several places of worship, the Basin Head Fisheries Museum, Elmira Railway Station & Museum, and the East Point Lighthouse. Arts and culture can also take the form of art galleries, commercial studios, cultural centres, libraries, museums, lighthouses, theatres, and similar uses. Council supports these arts and culture activities and intends to accommodate them throughout the Development Bylaw.

Policy 5-44: Council shall, through the Development Bylaw, permit arts and cultural uses on lands zoned as Residential, Mixed-use, or Commercial.

Policy 5-45: Council shall, through the Development Bylaw, allow places of worship on lands zoned as Mixed-use.

Policy 5-46: Council shall, through the Development Bylaw, allow cemeteries as a special permitted use on lands zoned as Mixed-use.

### 5.5.2 Public Service Uses

Public service uses such as community facilities, emergency services, government offices, post offices, and healthcare, are an important part of our communities. In Eastern Kings, this includes the Community Centre and Fire Hall.

Policy 5-47: Council shall, through the Development Bylaw, allow public service uses on lands zoned as Residential or Mixed-use.

### 5.5.3 Education Facilities

There are currently no educational facilities in Eastern Kings, but Council will enable the development of this land use, which could include elementary, secondary, or post-secondary schools, and similar operations.

Policy 5-48: Council shall, through the Development Bylaw, allow education facilities on lands zoned as Agricultural, Residential, or Mixed-use.

## 5.6 Infrastructure

Infrastructure serves as the foundation of any community, and this is one of the main services provided by governments. Infrastructure includes some of the biggest costs for local governments, and Council believes that responsible use of tax dollars requires being strategic about the location and use of new infrastructure. This section contains policies for making these strategic decisions.

### Objectives

1. To ensure the environmental, social, and economic sustainability of infrastructure within the municipality.
2. To develop a high level of co-operation with the PEI Department of Transportation and Infrastructure, or its successor, respecting the infrastructure located within the municipality.
3. To coordinate land use planning and infrastructure development.
4. To provide and plan for efficient transportation routes that will facilitate the safe and efficient movement of people and goods through and within the municipality.
5. To ensure safe and convenient connections for active transportation users.
6. To support accessibility improvements for people with disabilities.
7. To ensure the effective and sustainable management of storm water.
8. To provide for the adequate and appropriate provision of services.
9. To provide a reasonable level of municipal services to residents within municipal budget constraints.
10. To allow for renewable energy sources without sacrificing quality of life, the health of the natural environment, or shoreline viewscales.
11. To encourage the provision of adequate internet access.
12. To minimize potential land use conflicts.

### 5.6.1 Road Network

While the Municipality does not own or have direct responsibility of any of the public or private roads within its boundaries, they still have a role in transportation planning. It is important that Council work with staff at the Provincial Department of Transportation and Infrastructure, or its successor, to ensure a safe and efficient transportation network is created and maintained within the municipality. It is important that land use patterns and development standards do not undermine the efficiency or safety of the transportation network, and Council will plan for increasing use of the existing network of private and public roads.

Active transportation includes any human-powered mode of transportation, including walking, rolling, cycling, and more. Council will aim to expand the existing network of active transportation routes and ensure the safety, convenience, and comfort of active transportation users in Eastern Kings.

## 5.6.2 Transportation Policies

Roadways help connect people to economic and educational opportunities, social services and healthcare, communities, and nature. All public highways within the municipality are the responsibility of the Provincial Department of Transportation and Infrastructure, including arterial, collector, and local roads. This provincial responsibility includes road maintenance, snow clearing, and storm water management.

To ensure roads within the municipality are designed to a consistent standard and well maintained, new private roads for the purpose of enabling subdivision will not be permitted in Eastern Kings.

Given the critical relationship between land use and traffic generation, it is imperative that Council work closely with the Province to ensure that both safe and efficient transportation facilities are provided to service the needs of both the municipality and the region, and that land use patterns and development standards do not compromise the efficiency or safety of the transportation network.

Council will assist the Province in identifying annual road maintenance requirements and significant safety, design or drainage concerns.

- Policy 5-49: It shall be Council's policy that the Municipality adopt the standards and policies of the PEI Department of Transportation and Infrastructure Renewal, or its successor, respecting the future development or redevelopment of the municipality's transportation network.
- Policy 5-50: Council shall continue to work with the PEI Department of Transportation and Infrastructure, or its successor, to review and approve new subdivision roads, private road accesses, annual road maintenance priorities, speed limits, roadway and intersection improvements, and any development that will generate significant traffic volume.
- Policy 5-51: It shall be Council's policy that, in order to ensure safe and efficient roads exist in the municipality to service residents and the travelling public, any new or proposed access to the municipality's transportation network shall comply with all Provincial policies and regulations governing safe sight distance standards.
- Policy 5-52: The Development Bylaw shall make the provision that any person establishing a new access to the municipality's transportation network shall first receive a highway access permit from the Provincial Department of Transportation and Infrastructure, or its successor.
- Policy 5-53: It shall be the Policy of Council to require developers of residential subdivisions to contribute to the capital cost of any road improvements that are required as a direct result of the development.
- Policy 5-54: Developers of residential subdivisions shall continue to be responsible for the full cost of design and construction of all local roads.
- Policy 5-55: The Development Bylaw shall not permit subdivision on private roads created after the effective date of the Bylaw.
- Policy 5-56: All new subdivision roads shall be deeded to the Province as a public right-of-way.

### 5.6.3 Automobile Parking

The size and rural character of Eastern Kings makes it a largely car-dependent community. While parking is a necessity, large parking areas can push land uses apart, making the community less enjoyable for pedestrians and cyclists, and increasing servicing costs. To best accommodate all forms of transportation, Council wishes to establish minimum parking requirements for some uses and zones. Parking minimums will be intended to reduce any overflow, but will not necessarily accommodate peak demand at all times.

**Policy 5-57:** Council may, through the Development Bylaw, establish minimum parking requirements for some uses and zones, aimed at reducing parking overflow into adjacent neighbourhoods and in inappropriate areas, but not necessarily accommodating peak parking demand at all times.

### 5.6.4 Active Transportation

The Confederation Trail and Island Walk both run through Eastern Kings, and it is an important destination for active transportation users, including pedestrians and cyclists. Despite the strong culture of recreation, most residents are dependent on private vehicles to access amenities and appointments within the municipality, and some trips require travel to Souris or Charlottetown area.

Working with the Province, Council will continue to plan for increased active transportation tourism and enable alternative transportation options for year-round residents.

**Policy 5-58:** Council shall work with the Province and local stakeholders to encourage the implementation and improvement of pedestrian amenities accessible for people of all ages and abilities, including but not limited to, public seating and public washrooms.

**Policy 5-59:** Council shall, through the Development Bylaw, require active transportation connections between new public streets and adjacent planned or existing pedestrian trails or pathways.

**Policy 5-60:** Council shall, through the Development Bylaw, encourage bicycle parking for select uses.

**Policy 5-61:** Council shall, through the Development Bylaw, develop recommendations for bicycle parking spaces aimed at making them visible, accessible, and secure.

**Policy 5-62:** Council shall, through the Development Bylaw, establish requirements for parking lot design that provide for pedestrian connections between the front door of the main building and the street.

### 5.6.5 Accessibility

Accessibility and universal design aim to remove physical barriers from the built environment to ensure it is usable for users of all abilities. Working with the Province and local business owners, Council wishes to prioritize the accessibility of the built environment, following design regulations set by the Provincial *Building Code Act* as well as best practices and standards for accessibility, where applicable and feasible.

- Policy 5-63: Council may develop an Accessibility Plan for the Municipality, in partnership with local residents and stakeholders.
- Policy 5-64: Council shall work towards improving the accessibility of all municipal buildings, following standards set out by Provincial regulations.
- Policy 5-65: Council shall, through the Development Bylaw, enable a diversity of housing types that are accessible and suited to seniors and people with disabilities.
- Policy 5-66: Council shall work with local stakeholders and the Province to encourage accessibility improvements for retrofits to existing structures, new development, and streetscapes.

### 5.6.6 Storm Water Management

Storm water management and drainage have been an ongoing concern in Eastern Kings. The impacts of development and climate change have increased the flow and contaminants of surface water in some areas, which has had negative impacts on sensitive environments and resource uses like aquaculture and fisheries operations. Storm water runoff can also affect the quality and recharging of groundwater. With no central servicing, residents in Eastern Kings rely on groundwater for their drinking water, so it is essential to protect this resource.

Proper management is required to limit runoff and flooding, protect groundwater, limit property damage, and avoid environmental impacts. The Province provides storm water management services to the municipality through the PEI Department of Transportation and Infrastructure.

- Policy 5-67: It shall be the policy of Council to work closely with the Provincial Department of Transportation and Infrastructure, or its successor, to ensure that storm water run-off is managed in a cost-effective and environmentally-acceptable manner and minimizes the risk to public health, safety, and public property.
- Policy 5-68: All new subdivisions involving the construction of public roads and major developments shall be required to submit a Storm Water Management Plan prepared by a licensed engineer for review by staff from the Provincial Department of Transportation and Infrastructure, or its successor.

### 5.6.7 On Site Services

All existing properties are serviced by private sewerage treatment systems and on-site water systems. There is no current central water supply and no central systems to collect and treat sanitary waste within the municipality.

- Policy 5-69: It shall be Council's policy that the Municipality continue with the present system of individual water supply systems.
- Policy 5-70: It shall be Council's policy that any person undertaking development on any lot within the municipality that will require an on-site sewage disposal system shall, prior to receiving a development permit:
- (a) demonstrate to the Municipality's satisfaction that a Site Suitability Assessment has been conducted on the land being subdivided and filed with the Province, and that the results indicate that the land in question is suitable for the proposed sewage disposal system, or, in the case of a multiple lot subdivision, a communal-type sewage disposal system; and
  - (b) apply for and receive an on-site sewage disposal system permit from a registered contractor.
- Policy 5-71: Council may require the Development Officer to distribute public information on the importance of proper care and maintenance of septic systems with all new Development Permits.

### 5.6.8 Municipal Services

The Rural Municipality of Eastern Kings provides the community with fire and first responder services through the Eastern Kings Fire Department. RCMP police services are on contract with the Province of PEI. Island Waste Management Corporation provides solid waste pick-up, as well as compost pick-up and recycling pick-up.

- Policy 5-72: It shall be Council's policy that the Municipality continue to acquire fire protection services from the Eastern Kings Fire Department and to work closely with the Fire Department to ensure that a high level of fire protection services is provided to residents.
- Policy 5-73: Council may annually review the level and quality of fire protection service and security relative to the type and extent of development permitted in the municipality.
- Policy 5-74: The Municipality may require, as part of a Development Agreement, that the developer contribute to the cost of providing any special fire services or facilities which may be necessitated by a major commercial or industrial development.
- Policy 5-75: It shall be Council's policy that the Municipality continue to utilize the police protection provided by the Royal Canadian Mounted Police under its contract with the Province of Prince Edward Island, provided that the current level of service and acceptable costs are maintained.
- Policy 5-76: It shall be Council's policy that waste collection within the municipality shall be in accordance with the Province of Prince Edward Island's Waste Management Program.

### 5.6.9 Wind Turbines

There is currently (2023) one wind farm in Eastern Kings. Council will consider future development of wind turbines through a clear and transparent process. This process carefully regulates development to minimize any potential negative impacts on the natural environment or quality of life, while considering development where benefits may exist for residents.

**Policy 5-77:** Council shall, through the Development Bylaw, permit small-scale wind turbines (equal to or less than 100 kilowatts nameplate capacity) in all zones except the Parks and Conservation Zone, subject to:

- (a) a 2-kilometre minimum buffer from the marine shoreline;
- (b) limits on exterior finish, lighting, and signage;
- (c) minimum setbacks from property lines; and
- (d) maximum height provisions.

**Policy 5-78:** Council shall, through the Development Bylaw, permit large-scale wind turbines (greater than 100 kilowatts nameplate capacity) in the Agriculture Zone, subject to:

- (a) a 2-kilometre minimum buffer from the marine shoreline;
- (b) limits on exterior finish, lighting, and signage;
- (c) minimum setbacks from property lines;
- (d) maximum height provisions;
- (e) minimum separation distances between turbines; and
- (f) a minimum separation distance of 1 kilometre between turbines and any dwellings that are not part of the wind turbine proposal.

**Policy 5-79:** In addition to the standards of Policy 5-78 and the application requirements for all developments, Council shall, through the Development Bylaw, require applicants for large-scale wind turbines to:

- (a) provide a project description;
- (b) provide a detailed site plan;
- (c) provide an emergency response plan and decommissioning and reclamation plan;
- (d) provide evidence of compliance with all applicable federal and provincial legislation and regulations; and
- (e) enter into a development agreement with the Municipality that includes the detailed project description, site plan, emergency response plan, and decommissioning plan as terms and conditions for the development.



5.6.10 Solar Energy

Although solar energy as an accessory use represents an alteration to building exteriors, the flexibility of panel designs ensures that, with careful design, solar energy uses do not need to negate the aesthetic or heritage value of properties.

Recognizing the environmental and economic benefits of alternative energy sources, Council wishes to encourage the use of solar energy within all development.

Policy 5-80: Council shall, through the Development Bylaw, allow solar energy as an accessory use within all zones.

Policy 5-81: Council shall, through the Development Bylaw, allow solar energy as a main use within the Agricultural and General Commercial Zones.

5.6.11 Internet Service

Internet access is increasingly a determining factor in the success of businesses, and the COVID-19 pandemic led to a rise in remote work. Internet is also a crucial amenity for accessing online services such as tele-health and other social services. The lack of rural internet access in areas of Eastern Kings has been a challenge to businesses, residents, and visitors.

While the Municipality does not own any internet services, Council acknowledges the importance of this infrastructure and their responsibility to continue to advocate for improved internet access and communicate with the organizations having jurisdiction.

Policy 5-82: Council shall communicate with Provincial and Federal government departments to explore opportunities for local broadband infrastructure through available funding programs.

Chapter 5 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 6 Land Use Designations

## 6.1 General Policies

Land use designations are one of the primary policy tools to guide how development in Eastern Kings will occur. Represented on the Future Land Use Map, the land use designations broadly map out how development is going to occur in specific areas. In short, land use designations generally describe the future of an area. For example, an area encompassed within the Residential Designation is intended to be primarily residential in nature; however, the designation can allow for other use zones that complement and are compatible with residential uses.

Land use designations are supported by Land Use Zones within the Development Bylaw, which specify the types of uses that are permitted in each land use zone. Each area within the Planning Area is covered by a Land Use Designation under this Plan and by a Land Use Zone under the Development Bylaw.

### *Objectives*

1. To establish effective lot and development standards.
2. To facilitate an appealing and cohesive built environment.

### 6.1.1 General

Land use designations contained within this plan are intended to reflect the general future of an area and will typically allow a range of zones within each designation. Land use zones implemented as part of the Development Bylaw establish standards and specify which types of uses are permitted on the land.

- Policy 6-1: Council shall, within this Plan and on the Future Land Use Map, establish a series of land use designations to guide future growth in Eastern Kings. Each land use designation may permit a range of uses and land use zones that are similar or which complement one another, and which are suitable to the intent of the land use designation.
- Policy 6-2: Council shall, through the Development Bylaw, establish and implement effective standards in all zones relating to lot sizes, density levels, permitted uses, setbacks, amenity areas, parking, buffering and other matters in order to promote the health, safety, and convenience of residents.

### 6.1.2 Buildings

A key role of land use planning is to regulate the size, number, and location of buildings. It is the intention of Council to provide flexibility in the design and position of buildings. However, Council also recognizes that some regulations around access, setbacks, and scale are needed in order to ensure safety and utility and mitigate impacts on neighboring uses.

- Policy 6-3: Council shall, through the Development Bylaw, regulate the size, location, and number of buildings on a lot in order to carry out the intent of each specific zone.

6.1.3 Non-conforming Structures and Uses

Sometimes changes to planning rules will make structures or land uses that were legally established under previous rules, “non-conforming”. In other words, the structure or land use met the previous rules but does not conform with the new rules. Ideally, such uses or structures would eventually be made conforming through changes to the use or structure. However, there must be recognition of the good-faith effort that went into meeting the original rules, and such uses or structures are given a degree of protection. As a result, the Development Bylaw regulates their continued existence.

Non-conforming structures may be altered or replaced provided the construction does not further infringe on Bylaw requirements creating the non-conformity. For example, a home that is built closer to the property line than current rules allow may still expand (subject to other applicable Bylaw rules) as long as the expansion does not make the setback situation worse.

Non-conforming land uses are permitted to continue. Additionally, if they discontinue there is a grace period of 12 months where the non-conforming land use can be started up again. However, beyond that 12-month grace period the non-conforming use protections expire and any use of the land must conform with the zoning.

Policy 6-4: Council shall, through the Development Bylaw, regulate the lawful existence of non-conforming structures and uses.

6.1.4 Lot Sizes

Communities are shaped around lot sizes. Small lots bring uses closer together and create a higher density that feels pedestrian-scaled, while larger lots push uses and buildings apart and create a low-density openness more often associated with rural areas. In Eastern Kings, the municipality is characterized by an open, rural feel created by lower density uses.

Policy 6-5: Council shall, through the Development Bylaw, regulate the size of created lots in keeping with the intent of each specific zone.

Policy 6-6: Council shall, through the Development Bylaw, regulate the use of existing undersized lots.

## 6.2 Agriculture Designation

This Plan recognizes the overriding importance of agriculture and forestry in the economy of Eastern Kings and its role in shaping the long-term health and character of the community, with over 81% of the municipality’s land mass currently used for agricultural or rural uses (including forestry).

Agricultural and forestry land will be protected and enhanced through policies developed in the Official Plan and regulations in the Development Bylaws. In the interest of protecting and enhancing local soil and water resources, Council will work with community groups, organizations and with other levels of government to promote sustainable agricultural initiatives.

Within the Agriculture Designation, Council will establish the Agricultural Zone, which will cover the majority of land within the municipality, and allow a range of agricultural and resource uses, as well as residential development.

### Objective

1. To promote agriculture and forestry within the entire community.
2. To encourage responsible and environmentally sustainable agricultural and forestry land use practices.
3. To minimize land use conflicts between different land uses.
4. To promote commercial operations that are related to agriculture or forestry.
5. To promote the health of the local watersheds.
6. To regulate the development of wind turbines.

### 6.2.1 General

- Policy 6-7: Council shall, on Schedule A, the Future Land Use Map, designate as Agriculture lands intended to prioritize agricultural, forestry, and resource activities.
- Policy 6-8: Council shall, on the Zoning Map of the Development Bylaw, permit the following zones within the Agriculture Designation:
- (a) Agricultural Zone.
- Policy 6-9: Council shall encourage and promote farming practices that protect the local watersheds and soil and water resources, and Council shall work to promote an awareness of the local services and products that are available.
- Policy 6-10: It shall be Council’s policy to minimize land use conflicts between intensive livestock uses and noncompatible land uses by requiring greater building setbacks or buffers between intensive livestock uses in the Agricultural Zone and adjacent non-agricultural uses located outside the Agricultural Zone.
- Policy 6-11: The Development Bylaws shall respect Provincial policies and regulations regarding intensive livestock operations.

Policy 6-12: Intensive agricultural activities shall generally be contained to the Agriculture Designation.

Policy 6-13: The Development Bylaw shall ensure that minimum lot sizes for agricultural development within Eastern Kings are at least 0.40 hectares (one acre) in area and otherwise will be in accordance with minimum Provincial standards.

### 6.2.2 Agricultural Zone

Policy 6-14: Council shall, through the Development Bylaw, establish the Agricultural Zone. Zone standards shall accommodate primarily the needs of resource uses and permitted uses shall include those associated with agricultural, forestry, and resource uses, as well as residential and recreation uses, and wind turbines.

## 6.3 Residential Designation

Residential growth in the municipality has historically consisted of single-unit homes and summer cottages scattered along the coast, but with changing economic and demographic conditions there is a need for more housing options in Eastern Kings. Council wishes to maintain the existing low-density character of the community while also providing for some flexibility, encouraging sustainable residential development that fits the needs of the community.

To accomplish these goals, Council will allow for a range of dwelling types within the Residential Designation and develop policies to protect the integrity of residential lots and minimize potential land use conflicts. The Development Bylaw will establish development standards for residential development that ensure public health and safety and pertain to servicing; lot sizing and coverage; building height and setbacks; buffering; visual appearance; site compatibility; subdivision; and other matters.

In order to keep up with demand, Council will review market trends as part of future plan reviews and ensure there is sufficient residential land designated to accommodate the projected housing needs for both seasonal and year-round residents.

### *Objectives*

1. To ensure that residential development is appropriately serviced and sensitive to the natural environment.
2. To protect the quality of drinking water.
3. To ensure high standards of subdivision design, site planning and physical appearance.
4. To promote only seasonal type activities to locate on existing seasonal roads, and private rights-of-way.
5. To enable the continued development of low-density large lots, on site serviced residential areas.
6. To minimize conflicting land uses between residential and other uses.
7. To enable the development of conservation subdivisions to promote a variety of housing options.
8. To encourage residential development in and adjacent to existing built up areas.
9. To standardize lot and development standards across the Municipality.
10. To facilitate alternative forms of housing.

6.3.1 General

- Policy 6-15: Council shall, on Schedule A, the Future Land Use Map, designate as Residential lands intended to prioritize residential development.
- Policy 6-16: Council shall, on the Zoning Map of the Development Bylaw, permit the following zones within the Residential Designation:
  - (a) Residential Zone; and
  - (b) Mixed-use Zone.
- Policy 6-17: The Development Bylaw shall ensure that minimum lot sizes for residential development within Eastern Kings are at least 0.40 hectares (one acre) in area and otherwise will be in accordance with minimum Provincial standards;
- Policy 6-18: The Development Bylaw shall establish criteria for conservation subdivisions where half or more of the buildable land area of a residential subdivision is designated as undivided, permanent open space.

6.3.2 Residential Zone

- Policy 6-19: Council shall, through the Development Bylaw, establish the Residential Zone. Zone standards shall primarily accommodate the needs of residential uses, as well as home-based businesses, parks and recreation uses, institutional, small-scale agricultural, and small-scale commercial uses including but not limited to private garages, childcare facilities, bed and breakfast operations, and short-term rentals.

6.3.3 Mixed-use Zone

- Policy 6-20: Council shall, through the Development Bylaw, establish the Mixed-use Zone. Zone standards shall accommodate the needs of residential uses, as well as home-based business, parks and recreation uses, and a wide range of institutional and commercial uses.

## 6.4 Commercial Designation

Commercial development within the municipality is generally comprised of a convenience store, repair shops, restaurants, and tourist related uses. It is the objective of the Council to permit commercial development within the municipality, while maintaining the rural character.

Council wishes to promote safe, attractive, and well-designed commercial development which will enhance residential property values and the overall appeal of the municipality. In order to protect established land uses, Council will address potential land use conflicts by ensuring high standards of development for commercial operations. This will include addressing traffic safety, site development, and buffering.

### Objectives

1. To provide an opportunity for diverse commercial development opportunity to locate within the municipality.
2. To ensure that commercial developments are of a high quality in terms of appearance, traffic safety and compatibility with adjacent land uses.
3. To ensure commercial development enhances the local economy and responds to the needs of the local community.
4. To direct commercial development to appropriate locations within the municipality.
5. To minimize conflicts between commercial development and established or future agricultural operations or residential neighbourhoods.

### 6.4.1 General

Policy 6-21: Council shall, on Schedule A, the Future Land Use Map, designate as Commercial lands intended to prioritize commercial development.

Policy 6-22: Council shall, on the Zoning Map of the Development Bylaw, permit the General Commercial Zone within the Commercial Designation.

### 6.4.2 General Commercial Zone

Policy 6-23: Council shall, through the Development Bylaw, establish the General Commercial Zone. Zone standards shall primarily accommodate the needs of commercial operations, including business and retail, tourist accommodations, offices, restaurants, personal service, recreation, and institutional uses.



## 6.5 Industrial Designation

The majority of industrial activity within the municipality is related to fishing, agriculture, or forestry uses. It is the objective of Council to encourage expansion of established industries and to permit industrial development within the municipality, while maintaining the rural character and minimizing land use or environmental conflicts.

### Objectives

1. To support the establishment of appropriate light industrial uses within the community.
2. To direct industrial developments to appropriate locations within the community.
3. To impose high development standards to ensure compatibility of any future Industrial developments.
4. To limit industrial development to activities which are environmentally sustainable and compatible with the established character of the community.
5. To minimize conflicts between industrial development and established or future agricultural operations, commercial operations, or residential neighbourhoods.

### 6.5.1 General

- Policy 6-24: Council shall, on Schedule A, the Future Land Use Map, designate as Industrial lands intended to prioritize industrial development.
- Policy 6-25: Council shall, on the Zoning Map of the Development Bylaw, permit the Industrial Zone within the Industrial Designation.

### 6.5.2 Industrial Zone

- Policy 6-26: Council shall, through the Development Bylaw, establish the Industrial Zone. Zone standards shall primarily accommodate the needs of industrial uses.

## 6.6 Parks and Conservation Designation

The purpose of the Parks and Conservation Zone is to conserve natural areas and establish parkland for the enjoyment of residents and visitors alike.

In addition to being important areas for recreation, the municipality's natural and conserved spaces provide essential "ecosystem services". These services include providing habitat for a wide variety of animal species, cleaning the air and water, flood protection, erosion control, and soil nutrient cycling, to name a few.

One major conservation area in the municipality is the Basin Head lagoon, which contains a unique species of Irish moss that is not found elsewhere in the world. This species, which is much larger than common Irish moss, is free floating instead of anchoring itself to rocks. Beyond its unique characteristics and contribution to the overall biodiversity of the Island, the moss is also an important link in the overall ecosystem of the Basin Head estuary. To help preserve this Irish moss, protection of the lagoon will also serve to preserve other flora and fauna found in this very picturesque marine site. While the Federal Government establishes regulations to control activities within the lagoon, the quality of water within the lagoon is largely dependent on land management within the lagoon watershed.

In the future, a high level of awareness and understanding of the sensitivity and interdependence of these vital natural features must be reflected in the land use and management decisions of those who utilize these systems and depend upon them. Council must play a leadership role in promoting effective and responsible stewardship of our natural environment.

### *Objectives*

1. To preserve the health of the Basin Head Lagoon watershed.
2. To protect sensitive natural environments.
3. To maintain and improve the current facilities within the municipality.
4. To promote recreational space and facilities that stimulate health and wellness.
5. To promote safe passive and active natural spaces and trails.
6. To promote volunteerism within the municipality.
7. To support volunteer organizations developing recreation and other programs.
8. To facilitate access to natural areas and to the shoreline.

### 6.6.1 General

**Policy 6-27:** Council shall, on Schedule A, the Future Land Use Map, designate as Parks and Conservation lands intended to prioritize recreation and open space uses.

**Policy 6-28:** Council shall, on the Zoning Map of the Development Bylaw, permit the Parks and Conservation Zone within the Parks and Conservation Designation.

6.6.2 Parks and Conservation Zone

Policy 6-29: Council shall, through the Development Bylaw, establish the Parks and Conservation Zone. Zone standards shall primarily accommodate recreational and open space uses.

**Chapter 6 Changelog**

Reference No.	Effective Date	File or Project	General Nature of Change

# 7 Administration and Implementation

## 7.1 Administration

This Official Plan is a policy document that sets out the vision, goals, and policies for development and land use in the Rural Municipality of Eastern Kings. The Municipality derives the majority of its powers from the Province's *Municipal Government Act* and the *Planning Act, RSPEI 1988, Cap P-5* (the Act). The *Planning Act* empowers Council to appoint a Planning Committee to adopt an Official Plan and, subsequently, to implement a Zoning and Subdivision Control Bylaw (Development Bylaw).

It is Council's objective to implement the Municipality's future land use and development policies in a fair and equitable manner, and to ensure that there is coordination between the Municipality's policies and any Provincial land use and development policies and regulations which may be in force.

### 7.1.1 Roles

Administration and implementation of the Rural Municipality of Eastern Kings 2023 Official Plan is the responsibility of the Council. Nevertheless, Council shall seek the input of the Planning Committee on matters pertaining to land use and development within the municipality. Planning Committee is appointed by Council and acts as a special committee reporting directly to Council. The Planning Committee's authority shall be detailed in the Municipality's Planning Committee's Terms of Reference.

The Development Officer's authority shall be detailed in the Municipality's Development Bylaw. Council may delegate aspects of the implementation of this Plan and the Development Bylaw to a Development Officer appointed by Council.

### 7.1.2 Document Structure

This document and the Development Bylaw are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

I — Chapter

I.I — Section

I.I.I — Subsection

I.I.I (a) — Clause

I.I.I (a) (i) — Subclause

When amending this Official Plan or the text of the Development Bylaw, the Municipality will use the following practices:

- The date, general nature of the change, and reference file or project will be noted in the changelog at the end of each Chapter.
- Each record in the changelog will be given a reference number prefaced with the letters, “CHG”.
- Deleted text will be replaced with the text, “DELETED” and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- Additions or substitutions will be bolded with the reference number for the appropriate record in the changelog following in brackets.
- If additions would normally require the renumbering of following text, the “highway interchange” system will instead be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.

### 7.1.3 Policy Statements

Policy statements of Council are separate from the above document structure and are denoted by the text “POLICY #-#”. All contents of this Plan not contained within a Policy are considered preamble and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

Policy 7-1: Official Council Policies are denoted in this Plan by the text, “POLICY #-#”, with the number signs replaced by the appropriate policy number.

### 7.1.4 Language

The policies of this Plan are written to be as clear and precise as possible. As a result, some words have specific, defined meanings.

Policy 7-2: In this Plan, the word “shall” takes the imperative, and indicates a duty to act. The word “may” takes the permissive, and indicates permission to act.

## 7.2 Zoning and Subdivision Control (Development) Bylaw

The Zoning & Subdivision Control Bylaw may be referred to as the “Eastern Kings Development Bylaw” or “Development Bylaw”. The Development Bylaw is a regulatory tool used to implement the Official Plan. It includes zones that establish the permitted uses on a piece of land, the permitted size and dimensions of lots, and the standard land uses and structures must meet. It also sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

### 7.2.1 Bylaw Adoption

Although the Development Bylaw is the primary implementation tool for the Official Plan policies, aspects of the Plan may also be implemented through other municipal bylaws or regulations, Council’s operating policies and procedures, the municipal budget, and other appropriate Council actions.

Policy 7-3: Council shall adopt a Development Bylaw consistent with the intent of this Plan. In the event of any conflict or inconsistency with the Official Plan, the Official Plan shall prevail.

Policy 7-4: The Development Bylaw shall be administered, on Council’s behalf, by one or more Development Officers appointed by the Municipality. Development Officers shall issue and deny permits under the terms of this Bylaw.

Policy 7-5: The Development Bylaw shall:

- (a) apply to the whole of the Municipality;
- (b) set out specific land use areas and zones;
- (c) regulate permitted uses for each area or zone;
- (d) set out standards and procedures for development and land use;
- (e) contain standards to control the subdivision and consolidation of land; and
- (f) contain any other provisions needed to fulfill the intent of this Plan.

## 7.3 Development Process

Through this Official Plan and the associated Development Bylaw, Council has a range of planning tools with which to regulate and approve development in the municipality. This section outlines the administration of key planning tools.

### 7.3.1 Development Permit Requirement Policy

Development permits are required for any development or change of use of land or premises, and the Development Officer responsible may attach additional restrictions or require additional information.

- Policy 7-6: It shall be the Council's policy that, except where specifically exempted by the Development Bylaw, a development permit shall be required for anyone wishing to:
- (a) construct, erect, demolish, change the exterior dimensions of, or construct a dwelling or residence or, any building or structure within the municipality;
  - (b) change the use of any land or existing building or structure in the municipality, or expand the existing use of a building or structure in the municipality to the extent that it will require provision of new or expanded services by the municipality; or
  - (c) move within or into the municipality any building or structure.
- Policy 7-7: Anyone wishing to apply for a development permit shall request one using a standard application form.
- Policy 7-8: The Development Officer responsible for such permits may attach additional restrictions or require additional information at their discretion. Such additional information may include, but is not limited to, Construction Plans, Storm Water Management Plans, traffic studies, and environmental studies.
- Policy 7-9: It shall be Council's policy that the Municipality maintain a file of all approved development permits issued in the municipality, and that this file shall be open to the public.

### 7.3.2 Conformity with Provincial / Federal Laws and Regulations

Development permits are subject to any Provincial or Federal laws and must comply with such enactments.

Policy 7-10: It shall be Council's policy that a development permit not be issued if the development does not comply with any Provincial or Federal laws which are in force, respecting fire protection, health and safety, sewage disposal, underground storage tanks, signage, civic addressing, plumbing and electrical installations, and the like. Receipt of a development permit does not excuse the developer from complying with any such enactments.

Policy 7-11: The Municipality may, where appropriate and as necessary, forward a copy of a proposed development plan to the appropriate government department for review and comment in order to ensure compliance with Provincial and Federal regulations, prior to the issuance of any development permit by the Municipality.

### 7.3.3 Permitted Uses and Special Permitted Uses

Zones included within the Development Bylaw contain both permitted and special permitted uses. Permitted uses are allowed within that zone and development for these uses may proceed upon the approval of a development permit, as long as the proposed development complies with all other requirements of the Official Plan and Development Bylaw, as well as any relevant Municipal, Provincial, or Federal laws in force.

Special permitted uses are allowed at Council's discretion, and the Development Bylaw sets out criteria for Council's approval.

Policy 7-12: Permitted uses shall be approved through the Development Bylaw, provided the proposed development complies with all other requirements of the Official Plan and Development Bylaw.

Policy 7-13: Special permitted uses may be approved through the Development Bylaw at Council's discretion, as per the criteria outlined in the Development Bylaw.



### 7.3.4 Development Agreements

Policy 7-14: The Development Officer shall, where specified by the Development Bylaw, only approve certain developments or subdivisions subject to the landowner entering into a development agreement with the Municipality. The Development Officer may, as a condition of issuing a development permit, require the landowner to enter into a development agreement with the Municipality for any permitted development or subdivision to ensure fulfillment of any special conditions attached to the development.

Policy 7-15: Where Council approves a development agreement, the development agreement shall:

- (a) be legally binding on both parties;
- (b) specify the development, expansion, alteration, or change permitted;
- (c) specify the conditions under which the development may occur;
- (d) be registered against the property in accordance with the *Registry Act*, R.S.P.E.I. 1988, c. R-11; and
- (e) set terms by which Council may amend or terminate and discharge the agreement.

### 7.3.5 Variances

Sometimes there are unique situations, such as lots that are oddly-shaped due to the presence of natural features, where it can be difficult to strictly apply the requirements of the Development Bylaw. The variance process enables some relief for these unique situations. As outlined in Section 7.7, any person dissatisfied with Council's decision to grant a variance may appeal that decision to the Island Regulatory and Appeals Commission (IRAC) in accordance with the Province's *Planning Act*.

Policy 7-16: Council shall, through the Development Bylaw, outline the situations in which The Development Officer may grant a variance to the provisions of the Development Bylaw.

## 7.4 Subdivision Process

The Development Bylaw sets out regulations on the subdivision of land within the municipality.

### 7.4.1 Subdivision Permit Requirement Policy

Policy 7-17: Regulations governing the subdivision and consolidation of land and subdivision permit applications shall be established in the Development Bylaw; and the Development Bylaw shall outline the process for review of all subdivision applications.

## 7.5 Plan Reviews and Implementation Policy

This Official Plan will be reviewed and amended regularly in response to changes within the social, economic, and environmental context of Eastern Kings.

- Policy 7-18: Council shall instruct the Planning Committee to undertake the annual review of the objectives and policies contained in the Official Plan, and to prepare a report for Council to present at the Municipality's annual meeting. Where Council has determined that an amendment(s) to the Official Plan is warranted, Council shall instruct the Planning Committee to undertake and prepare amendments to the Official Plan in accordance with the provisions of the Province's *Planning Act*.
- Policy 7-19: Irrespective of the annual review and possible amendments to the 2023 Official Plan, it shall be Council's policy that the Official Plan shall, in accordance with the Province's *Planning Act*, receive formal major review and amendment, as required, no later than December 31, 2028, following public engagement requirements as set out in the Act.
- Policy 7-20: Council may include funding allocation within the Municipality's annual budget for review and implementation of the Official Plan and Bylaw.

## 7.6 Amendments

The Official Plan and Development Bylaw are "living documents", and amendments will be allowed in accordance with all provisions and procedures set out in the *Planning Act*.

### 7.6.1 Amending the Official Plan

- Policy 7-21: The Official Plan may be amended as circumstances change in the municipality or in response to requests from the public, provided that all provisions of the *Planning Act* are met.

### 7.6.2 Amending the Development Bylaw

Council recognizes that it cannot foresee all possible types of development that might be acceptable in the municipality in general, or on a specific piece of land. As such, there will be times when the Development Bylaw needs to be amended to accommodate a new development trend or specific development proposal.

- Policy 7-22: Any amendments to the Development Bylaw shall be adopted in accordance with the procedures set out in the *Planning Act*.
- Policy 7-23: A change to either the text or the maps of the Development Bylaw shall be considered a Development Bylaw amendment and must be consistent with Official Plan policies.
- Policy 7-24: Council may amend an Official Plan policy to enable a Development Bylaw amendment, including policy statements and/or the Future Land Use Map, but any such Official Plan amendment shall precede or be concurrent with the Development Bylaw amendment.

- Policy 7-25: A person who seeks an amendment to the Development Bylaw, including the Zoning Map, shall address a written and signed application to the Development Officer which shall accompany any applicable fees as established by Council, and include:
- (a) a general development concept showing proposed land uses, any subdivisions, buildings, means of servicing, traffic access and parking;
  - (b) an assessment of any potentially significant development impacts on municipal infrastructure and the natural environment; and
  - (c) any other information as may be required for the purpose of adequately assessing the desirability of the proposal.
- Policy 7-26: Planning Committee shall review each Official Plan and Development Bylaw amendment request and provide recommendations to Council.
- Policy 7-27: Planning Committee and Council shall consider the following general criteria when reviewing applications for amendments to the Development Bylaw and Zoning Map, as applicable:
- (a) conformity with the Official Plan;
  - (b) suitability of the site for the proposed development;
  - (c) compatibility of the proposed development with surrounding land uses, including both existing and future uses as per the Zoning Map;
  - (d) any comments from residents or other interested persons;
  - (e) adequacy of existing or proposed water, sewer, road, storm water and electrical services, and parklands for accommodating the development, and any projected infrastructure requirements;
  - (f) impacts from the development on pedestrian/vehicular access and safety, and on public safety generally;
  - (g) compatibility of the development with agricultural, environmental, scenic viewscapes, and heritage resources;
  - (h) impact on Municipal finances and budgets;
  - (i) other matters as specified in this Official Plan; and
  - (j) other matters as considered relevant.
- Policy 7-28: Council retains the right to deny an amendment 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 application fee shall be returned to the applicant.

- Policy 7-29: Subject to Policy 7-22, Council shall hold a public meeting to solicit input from residents on the proposed request. At least 7 clear days prior to the public meeting, the Development Officer shall post the date, time, and place of the public meeting, together with the general terms of the application, by:
- (a) public notice at least twice in a newspaper circulating in the area;
  - (b) public notice on the Municipality's website and/or social media;
  - (c) written notice to all property owners wholly or partially within 60 metres (197 feet) of the boundaries of the subject property, if applicable; and
  - (d) placing a sign on the land being proposed for rezoning indicating that a rezoning request has been received, if applicable.
- Policy 7-30: Council shall have the authority to determine whether an amendment request is approved, modified, or denied and applications shall be approved or denied by resolution of Council and the applicant shall be notified in writing of the decision.
- Policy 7-31: Nothing in this Bylaw restricts the right of Planning Committee or Council to initiate its own amendment requests.
- Policy 7-32: Official Plan and zoning amendments approved by Council also require approval by the Minister responsible for administering the *Planning Act* or any successive legislation.

### 7.6.3 Zoning and General Land Use Map Revisions

- Policy 7-33: Provided that there is no inconsistency with Official Plan policies, the Development Officer may make technical revisions to the zoning map for purposes of:
- (a) better reflecting detailed topographical or legal conditions; or
  - (b) ensuring that the Zoning Map and the Future Land Use Map are concurrent.
- Policy 7-34: The Development Officer shall advise Council of all technical revisions made under Policy 7-33 and may refer a proposed technical revision to Council to determine its consistency with Official Plan policies.
- Policy 7-35: Where a change of use would require an amendment to the Zoning Map, Council shall consider the potential impact of the new zone on existing zoning and proposed land uses. The primary goal of promoting long term viability of farming, forestry and fishing in the municipality shall be considered when reviewing any application to change the use of land or to amend the Zoning Map.

# 7.7 Appeals

Any person who is dissatisfied with a decision of the Council in the administration of the 2023 Official Plan may, within twenty-one (21) consecutive days of the relevant Council decision, appeal that decision to the Island Regulatory and Appeals Commission (IRAC) in accordance with the provisions of the Province’s *Planning Act*.

- Policy 7-36: Any person may, within twenty-one (21) consecutive days of the relevant Council decision, appeal to the Island Regulatory and Appeals Commission any decision made by Council in the administration of the Official Plan.
- Policy 7-37: A notice of appeal to the Commission under Policy 7-36 shall be in writing and shall state the grounds for the appeal and the sought relief.
- Policy 7-38: The appellant shall, within seven (7) consecutive days of filing an appeal with the Commission, serve a copy of the notice of appeal on the Council.

### Chapter 7 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 8 Investing in the Future

This Official Plan, and its supporting Development Bylaw, primarily deal with land use. However, the analysis and public consultation that happen as part of the process of developing a land use plan often identify various other programs, policies, and infrastructure that could support planning goals. This Chapter lists these identified initiatives. This list is not intended as a detailed or mandatory work plan for the Municipality, but rather as an aspirational list to help direct the Municipality’s efforts over the coming years. **Projects are not listed or ranked by any sort of priority.**

- Inventory of parkland, natural areas, and trails within the municipality.
  - An inventory of parkland, natural areas, and trails, could be a starting point for the Municipality before working to expand these amenities. This inventory would help in decision making for parkland dedication, as provided for within the Development Bylaw.
- Climate Change Adaption Plan
  - A Climate Change Adaption Plan would allow the Municipality to strategically examine their approach to mitigating impacts of climate change like sea level rise and erosion. This Plan could also examine the adequacy of local infrastructure and ensure these systems and structures are safeguarded through a changing climate.
- Tourism Strategy
  - The Covid-19 pandemic has had a major impact on tourism throughout PEI, and the nature of tourism has been changing in recent years. A Tourism Strategy could help the Municipality to guide their vision for tourist operations within Eastern Kings, as well as key infrastructure such as local museums, trails, parks, and beaches.
- Housing Strategy
  - An in-depth consultation with residents could involve mapping opportunities for future growth, and identifying tools or properties which could help address local housing issues.
- Sustainability Pamphlets
  - The Municipality could provide short pamphlets or other information sheets to landowners whose property is within a watercourse or coastal area, when they apply for development permits. This could provide information and resources on buffer zones, shoreline management, the serious risks of wetland alteration. Additional topics could include sustainable agriculture and forestry practices.

### Chapter 8 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 9 Schedules

## 9.1 Schedule A: Future Land Use Map

The Future Land Use Map captures a long-term vision for growth within the municipality, using land use designations. The Future Land Use Map represents a long-term vision for land use patterns emerging over the next fifteen years. It lays the foundation and establishes the direction for the Zoning Map in the Development Bylaw, which is much more precise in terms of boundaries. The Zoning Map must, however, conform to the Future Land Use Map. Properties within the municipality shall only be rezoned in accordance with the future land use identified on the Future Land Use Map.

In formulating the Future Land Use Map, Council has applied the following criteria:

- Land use conflicts shall be minimized;
- The municipality shall remain low density in nature;
- The local watersheds will be protected and enhanced;
- Commercial, industrial, and institutional developments shall be located in areas that are compatible with existing and adjacent land uses; and
- All other relevant policies and principles included in this Plan.

### Chapter 9 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

