



***Tentative Agenda for Committee of  
Council***

***Monday, November 27, 2023***

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***Please ensure all cell phones and other electronic devices are turned  
off or placed on non-audible mode during the meeting.***

**Town of Kensington  
Committee of Council Meeting  
Monday – November 27, 2023**

- 1. Call to Order**
- 2. Adoption of Agenda (Additions/Deletions)**
- 3. Declaration of Conflict of Interest**
- 4. Delegations, Special Speakers and Public Input**
- 5. Adoption of Previous Meeting Minutes – October 23, 2023**
- 6. Business Arising from Minutes – October 23, 2023**
- 7. Staff Reports**
  - a. Chief Administrative Officer’s Report
  - b. Fire Department Statistical Report
  - c. Police Department Statistical Report
  - d. Development Permit Summary Report
  - e. Bills List – Town
  - f. Bills List – Water and Sewer Utility
  - g. Bills List - Capital
  - h. Consolidated Summary Income Statement
  - i. Credit Union Centre Report
- 8. New Business**
  - a. COC Memo - COC Memo - Subdivision and Variance Request - Lot 15N and 15S  
Brookins Drive

- b. COC Memo - Official Plan Adoption and Land Use and Development Bylaw First Reading
- c. COC Memo - Jr. U7 Vipers Islander Day Hockey Jamboree - Donation Request

**9. Councillor Issues/Inquiries**

**10. Correspondence**

**11. In-Camera (Closed Session)** – *One item under section 119(b) of the Municipal Government Act, PEI*

**12. Adjournment**

**Town of Kensington  
Committee of Council Meeting  
Monday, October 23, 2023  
6:30 PM**

**Council Members Present:** Mayor, Rowan Caseley; Deputy Mayor Spencer  
Councillors: Doucette, Toombs, Mann, Gallant and  
MacRae

**Staff Members Present:** Chief Administrative Officer, Geoff Baker; Manager of  
Finance, Dellon Paul; Police Chief, Lewie Sutherland;  
Constable Mullett

**Visitors:** Randy Oatway

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**1. Calling of Meeting to Order**

**1.1** Mayor Caseley called the meeting to order at 6:30 pm and welcomed the Committee of Council members, staff, and visitors to the October Committee of Council meeting. Mayor Caseley acknowledged that the land on which we gather is the traditional and unceded territory of the Mi'kmaq First Nation.

**2. Adoption of Agenda**

**2.1** *Moved by Councillor Gallant, seconded by Councillor Doucette to approve the agenda for the October 23, 2023, Committee of Council meeting. Unanimously carried.*

**3. Declaration of Conflict of Interest**

**3.1** Mayor Caseley discussed that Members of the Committee of Council or staff who believe they may have a conflict of interest on any matter that will be discussed at this meeting should declare that potential conflict at this time, withdraw at the time of discussion, and vacate the Council Chambers during deliberation and decision.

**4. Delegations, Special Speakers, and Public Input**

**4.1** Introduction of Constable Ryan Mullett, a new officer with the Kensington Police Service.

**4.2** Randy Oatway addressed Council with concerns regarding ongoing noise from a neighbouring property located at 12682 Margate Rd, Nature's Crop International. Mayor Caseley noted that he would take his information under advisement and confirmed he has spoken to Nature's Crop regarding these concerns. Nature's Crop

is not currently aware of a solution to further decrease the noise of their operation.

*Randy Oatway excused himself from the Council Chamber at 6:37 pm.*

## **5. Adoption of Previous Meeting Minutes**

**5.1** *Moved by Councillor Toombs, seconded by Deputy Mayor Spencer to approve the Committee of Council meeting minutes from September 25, 2023. Unanimously carried.*

## **6. Business Arising from Minutes**

**6.1** Deputy Mayor Spencer inquired about updates regarding the recent reports of coyotes in the area. Chief Sutherland confirmed that the Department of Wildlife has been notified, however are hesitant to set traps due to the risk of injury to other wildlife and pets.

## **7. Staff Reports**

### **7.1 CAO's Report**

**7.1.1** *Moved by Deputy Mayor Spencer, seconded by Councillor Doucette to receive and recommend Town Council's approval to adopt the October 2023 CAO's Report as prepared by CAO, Geoff Baker. Unanimously carried.*

**7.1.2** Mayor Caseley noted that November 15 is tentatively scheduled for the Public Meeting of the Official Plan and Bylaw Review, details on time and location will be confirmed shortly.

### **7.2 Fire Department Statistical Report**

**7.2.1** *Moved by Councillor Toombs, seconded by Councillor MacRae to receive and recommend Town Council's approval to adopt the September 2023 Fire Chief's Report as prepared by Fire Chief Hickey. Unanimously carried.*

### **7.3 Police Department Statistical Report**

**7.3.1** *Moved by Councillor MacRae, seconded by Councillor Gallant to receive and recommend Town Council's approval to adopt the September 2023 Police Statistical Report as prepared by Chief Sutherland. Unanimously carried.*

- 7.3.2** Councillor Mann inquired how the trial of 24-hour policing has been going. Chief Sutherland confirmed that it is going very well and the additional coverage has been well received within the community.

*Chief Sutherland and Constable Mullett excused themselves from the Council Chamber at 6:47 pm.*

**7.4 Development Permit Summary Report**

- 7.4.1** *Moved by Councillor Toombs, seconded by Councillor Doucette to receive the Development Permit Summary Report for the month of October as prepared by Municipal Clerk, Kim Caseley. Unanimously carried.*

**7.5 Financial Report - Bills List**

- 7.5.1** *Moved by Councillor Mann, seconded by Councillor Toombs to receive and recommend Town Council's approval to adopt the General Bills for September 2023 in the amount of \$206,234.60. Unanimously carried.*

- 7.5.2** *Moved by Councillor MacRae, seconded by Councillor Doucette to receive, and recommend Town Council's approval to adopt the Water & Sewer Utility Bills for September 2023 in the amount of \$6,830.86. Unanimously carried.*

- 7.5.3** *Moved by Councillor Mann, seconded by Councillor Doucette to receive and recommend Town Council's approval to adopt the Capital Expenditures for September 2023 in the amount of \$548,020.12. Unanimously carried.*

**7.6 Summary Income Statement**

- 7.6.1** *Moved by Councillor Mann, seconded by Councillor Doucette to receive and recommend Town Council's approval to adopt the Summary Income Statements for September 2023, as prepared by Manager of Finance, Dellon Paul. Unanimously carried.*

- 7.6.2** Councillor Mann inquired about the wage overages for the administration department. CAO Baker noted that staff will review.

**7.7 Credit Union Centre Report**

- 7.7.1** *Moved by Councillor Toombs, seconded by Councillor Doucette to receive and recommend Town Council's approval to adopt the Credit Union Centre Report for September 2023, as prepared by CUC Manager, Robert Wood. Unanimously carried.*

7.7.2 Mayor Caseley announced that November 4, 2023 at 7:00 pm will be the Grand Re-Opening for the Credit Union Centre.

**8. New Business**

**8.1 Kensington Moase Plumbing & Heating Vipers – Sponsorship Request**

**8.1.1** *Moved by Councillor Toombs seconded by Councillor Doucette*

*THAT Committee of Council recommends to Town Council that they approve a sponsorship to the Kensington Vipers for their 2023/24 season in the amount of \$750.00.*

*Unanimously carried.*

**8.2 School Street Parking Area**

**8.2.1** *Moved by Councillor Toombs, seconded by Deputy Mayor Spencer*

*THAT Committee of Council to direct staff to proceed with the development of a formal project, and that the project be included in the Town's 2024/25 Capital Budget.*

*Unanimously carried.*

**8.3 Queen Elizabeth Elementary School Playground Donation**

**8.3.1** *Moved by Deputy Mayor Spencer, seconded by Councillor Gallant*

*THAT Committee of Council recommend to Town Council a donation to the QEES Playground Replacement Fundraising Committee at the "Community Partner" level in the amount of \$20,000, with \$10,000 provided in fiscal year 2023/24 (current fiscal year), and a further \$10,000 provided in fiscal year 2024/25.*

*Unanimously carried.*

**9. Councillor Issues/Inquiries**

**9.1** Mayor Caseley noted that the Kensington Area Chamber of Commerce All Members Board Meeting will be held at the Under the Spire Pavilion on Thursday, October 26, 2023 at 9:00 am. Council members and staff are welcome to attend.

**9.2** Councillor Gallant requested the Town contact the Provincial Government and request the Post Office building be decorated for the Christmas holidays.

**10. Correspondence**

**10.1** A donation request from the IWK – *Annual donation already approved.*

**10.2** A donation request from the Heart & Stroke Foundation – *Received.*

**11. In-Camera (Closed Session)**

*Nil.*

**12. Adjournment**

**12.1** *Moved by Councillor Toombs, seconded by Councillor Gallant to adjourn the meeting at 7:20 pm. Unanimously carried.*

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Geoff Baker,  
CAO

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Rowan Caseley,  
Mayor



**Town of Kensington**

**CAO's Report for Committee of Council - November 2023**

<b>Item #</b>	<b>Project/Task</b>	<b>Status</b>
1	Official Plan and Zoning Bylaw - 5 Year Review	A memo has been circulated with the tentative agenda package requesting a recommendation to approve the Official Plan and to give and approve first reading of the Land Use and Development Bylaw.
2	VueWorks	With GeoNet no longer able to support the Town's GIS system (VueWorks) staff have established an annual agreement with DTS Solutions to enable telephone and email support, system back-ups, and software hosting. A meeting is planned for December 12, 2023 with SNC Lavalin to establish a hosting agreement for the Town's data, i.e. property, water and sewer infrastructure, etc. The agreement will also allow for the periodic updating of our GIS infrastructure and property data.
3	Credit Union Centre Upgrades	The replacement of the rink boards, glass and safety netting is complete. Painting, outside and I-beams, is complete. Re-paving and marking of the parking area is complete. The LED light replacement is complete. The new ice plant has been installed and was made operational on Thursday, October 19, 2023. Plans are to start making ice on Saturday, October 21st, with an opening date of October 26 or 27. All effort is being made to open the arena as expediently as possible. The electrical service upgrade to accommodate the new ice plant is complete. The tender for the installation of solar panels was awarded to Hansen Electric at the October meeting of Town Council. Since that time, additional panels have been added to the project to increase its capacity. All new flooring has been installed in the public washrooms, fixtures have been replaced (hand dryers, soap dispensers, etc., toilets, partitions, and urinals have been replaced, counter tops are replaced. Repairs have been completed on the Vipers washroom and is anticipated that new fixtures will be installed shortly. The ballfield washroom has also been updated with new fixtures, etc.
4	Broadway Street South Water and Sewer Main Extension Project and sidewalk installation (Broadway Street South Infrastructure Upgrades)	NO UPDATE We continue to wait for Birt and MacKay to complete work on noted deficiencies. Correspondence has been sent to Birt and MacKay requesting their schedule to address the items. The Town will not release their holdback amounts until such time that the deficiencies are addressed adequately. This project is now considered substantially complete.
5	Human Resource Matters	Les Thomas requested and was granted approval to reduce his working hours in Public Works down to two days per week. The revised schedule began on October 30th. Les continues to split his time between maintenance and water and sewer related duties. Three new constables started with the Town over the past month; Constable Ryan Mullett, Constable Braedan Steenson, and Karlie Arnold. Constable Adam MacDonald and Constable Tessa MacKinnon recently left employment with the Town and moved to the Summersdie Police Service. Two rink attendants were hired for the primary duty of maintenance and cleaning; Jeff Caseley, and Connie Pinksen.
6	Hurricane Fiona	NO UPDATE Staff met with the insurance adjustor on Tuesday, September 5th. The insurance claim was submitted the week of October 16th. We anticipate it will be two to three weeks before we hear something from the insurance company. Any uninsurable expenses may be claimed through the Province's Disaster Assistance Fund. The repairs resulting from Fiona included repairs and/or replacement of several facility roofs, fence replacements, sign replacements, tree removal, wage expenses, lost revenue at the rink, ballfield repairs etc.
7	Meeting with Kensington North Watershed Association (KNWSA)	The trail was commissioned and opened on November 10, 2023. Another funding application is being developed by the KNWSA to extend the trail in 2024.
8	Legion Re-Zoning Application (PID No. 79749)	NO UPDATE The public meeting to hear public comment/concern on the Legion's re-zoning application for their property located along School Street was held on August 30, 2023. The Legion has been advised to submit a subdivision plan and development plan for the property prior to the Town finalizing the re-zoning application. The re-zoning application has been reviewed by DV8 Consulting and is being recommended for approval pending the submittal (and approval) of the subdivision plan.
9	Annual Water Main Flushing Program	This maintenance activity has been completed by Water and Sewer Utility staff.
10	Annual Sewer Main Cleaning and Video	This maintenance activity has been completed and all reports have been provided to the Town.
11	Green Space (parking area) Development	Town Council authorized staff to start development of the project and to include it in the Town's 2024/25 Capital Budget. Staff will seek appropriate funding sources to complete the project in 2024. Further information will be provided as the project moves forward.
12	Seniors Centre Upgrades	The Seniors Centre was recently painted on the inside, and several ceiling tiles were replaced. Credit Union Centre staff continue to work with the Seniors Centre folks to work through maintenance and other upgrade activities.
13	Street Lights Policy	NO UPDATE I have completed preliminary research on an appropriate policy to guide the installation and operation of Street Lights throughout the Town.
14	Woodleigh Drive Sidewalk	NO UPDATE The Province has been informed of Town Council's desire to keep this sidewalk in its current location. Staff will evaluate the area and bring options and a recommendation to Town Council with regard to potential improvements to pedestrian and vehicle circulation in the area.
15	Commercial Street/Broadway Street Intersection	NO UPDATE Mayor Caseley and I met with the Minister of Transportation on September 22, 2022 to discuss several transportation issues throughout the town. In discussions with Provincial Department of Transportation Staff, I am informed that any work that may be completed in the vicinity of the intersection will be delayed to the 2023 construction season. It is evident that parking spaces may have to be removed to complete any required upgrades.
16	Freight Shed Upgrades	NO UPDATE A structural review was completed on the building. We are currently seeking potential funding sources for an upgrades project which would generally include addressing any structural issues, connection to the water and sewer system, addition of a washroom, installation of heating/cooling, and insulation and covering of the walls. Provision will be made to protect any historical elements of the building such as the markings on the internal walls. The roof was replaced in later April/Early May.
17	Relocation of Town of Kensington Signs	NO UPDATE We are currently working with a property owner along the Kelvin Grove Road to relocate a welcome sign to their property. The sign will be relocated as soon as land issues are worked out. We are hopeful to have the sign relocated this Spring/2023.
18	Website	NO UPDATE The web designer has completed the design of the website and is in the process of transferring information from our existing website over to the new site.
19	Dog Bylaw	NO UPDATE Work on this was ceased in 2022 in favour of working on other projects and initiatives. The Province of PEI is in the process of updating their Dog Act (which was drafted in the 1970's) which may impact how the town proceeds with the Bylaw. Work will continue on the Bylaw as information on the updated Act is available.
20	Civic Re-Numbering	NO UPDATE We have been working with the Provincial 911 office in regards to civic numbering issues within the Town. There are a number of areas that require re-numbering under the Town's Bylaw and Provincial regulation. While, at this point in time we have no current timeline for the completion of the re-numbering, staff will continue to work with the Province and will update Town Council as information becomes available.
21	Roy Paynter Park	NO UPDATE Staff completed an assessment and clean up of the Roy Paynter Park. We are also seeking out pricing on additional equipment for the park to be funded through the Town's Gas Tax contribution under the project category Parks and Playground improvements. Further information will be provided to Town Council as we gather information.

<b>Item #</b>	<b>Project/Task</b>	<b>Status</b>
22	Bobcat Tractor Replacement	The new Kubota tractor has been delivered to the Town and is currently in operation.
23	Annual Generator Maintenance	Annual maintenance on all Town generators was completed by Sansom Equipment.
24	Public Works - 5 way Blade	The 5 way blade for the trackless sidewalk equipment was received by the Town.
25	Disposal of Bobcat Tractor	The Bobcat Tractor was disposed of to a private buyer in the amount of 12,600 plus HST.

Kensington Fire Department  
Occurrence Report 2023

Description	January	February	March	April	May	June	July	August	September	October	November	December	YTD total	% Total
Medical First Responder	3	1	2	4	3	5	6	3	2	4			33	28.45%
Motor Vehicle Accident	4	2	1	5	2	1	5	4	0	2			26	22.41%
Emergency Response - Fuel Spill, etc	0	0	0	0	0	0	0	1	0	1			2	1.72%
<b>Fire Related</b>														
Smoke Investigation	1	1	0	1	0	0	2	0	1	0			6	5%
Outside Fire - Brush, Grass, Utility Pole, etc.	0	0	1	4	2	0	0	1	1	0			9	8%
Structure Fire - House, Building, Vehicle, etc.	0	0	5	3	2	3	3	1	0	1			18	16%
Alarms	4	3	1	2	1	1	5	2	3	0			22	19%
<b>Total Fire Related</b>	<b>5</b>	<b>4</b>	<b>7</b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>10</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>55</b>	
<b>Total Incidents</b>	<b>12</b>	<b>7</b>	<b>10</b>	<b>19</b>	<b>10</b>	<b>10</b>	<b>21</b>	<b>12</b>	<b>7</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>116</b>	
Mutual Aid Call Out													0	0%
<b>Total Incidents (Including Mutual Aid Provided by KFD)</b>	<b>12</b>	<b>7</b>	<b>10</b>	<b>19</b>	<b>10</b>	<b>10</b>	<b>21</b>	<b>12</b>	<b>7</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>116</b>	<b>100%</b>
Mutual Aid Call in														
Firefighter Attendance	12	12	15	15	12	12	13	16	12	12				13
Regular Monthly Training - No. of Firefighters	24	18	22	17	17	20				23				20
Training School/Association Meeting/Department Meeting	21	19	23	17	18	18	23	22	20	18				20
<b>Call Area</b>														
Kensington	1	3	4	2	4	2	8	2	2	3			31	26.72%
Malpeque CIC	3	1	1	7	2	3	4	7	2	2			32	27.59%
Zone's 1 to 5	8	3	5	10	4	5	9	3	3	3			53	45.69%
Other													0	0.00%

## Kensington Fire Department October 2023 Fire Report

The Kensington Fire Department responded to 8 calls in October. Following is a breakdown of calls:

Date	Call Details	Location	# Firefighters	# Trucks
Oct. 2 20:30 pm	Structure Fire	Spring Valley	21	4
Oct. 5 20:44 pm	MFR - cardiac arrest	Travellers Rest	7	1
Oct. 11 14:46 pm	MFR - choking	Kensington	8	1
Oct. 12 23:13 pm	MFR - chest pain	Malpeque	7	1
Oct. 20 09:54 am	MVC - 1 vehicle	Blue Shank Rd.	10	2
Oct. 20 17:10 pm	Fluids leaking from farm vehicle	Springfield	10	2
Oct. 24 06:47 am	MVC - 2 vehicles	Kensington	14	2
Oct. 31 13:38 pm	MFR - requesting bolt cutters	Kensington	14	1

**Oct. 3** - Association meeting held with 18 present.

**Oct. 11** - Call received from a concerned citizen regarding wood chips smoldering at the rink. Sent 1 truck with 2 firemen to put some water on it.

**Oct. 12** - Two Kensington kindergarten classes visited the fire hall on a field trip to learn more about fire safety.

**Oct. 17** - Training was held with 23 present.

**Oct. 24** - Chief Rodney Hickey and Deputy Chief Jason Paynter attended a fire safety consultation meeting at Kinkora Fire Hall.

**Oct. 31** - Halloween duty at the fire hall with 22 present. No issues.

Rodney Hickey  
Chief

Police Department Occurrence Report Summary 2023														
Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	% Total
911 Act	1	3	2	2		1	1	2	1	2			15	2.31%
Abandon Vehicle			1		1								2	0.31%
Abduction													0	0.00%
Alarms	3		3	3	2	5	3		6	4			29	4.46%
Animal Calls	2		2		1	1	4						10	1.54%
Arson													0	0.00%
Assault PO													0	0.00%
Assault with Weapon					1								1	0.15%
Assaults (Level 1)	2			2	3		2		2	1			12	1.85%
Assistance Calls	1	5	1	1	1	2	3	2	2	5			23	3.54%
Bank Runs	2												2	0.31%
Breach of Peace		1			4		2	2	3	4			16	2.46%
Breach of Recognizance													0	0.00%
Break and Enter (business)													0	0.00%
Break and Enter (other)													0	0.00%
Break and Enter (residence)	2						1	1		1			5	0.77%
Carry concealed weapon													0	0.00%
Child Pornography													0	0.00%
Child Welfare	1	1				1		2	1	1			7	1.08%
Coroner's Act				1	1								2	0.31%
Crime Prevention													0	0.00%
Criminal Harassment					1				1	1			3	0.46%
Dangerous Driving	2	3			2	2		6					15	2.31%
Disturbing the Peace	1				2		1	1					5	0.77%
Dog Act													0	0.00%
Driving while disqualified				1	1	2		1					5	0.77%
Drug Charges			1	1		1			1	1			5	0.77%
Excise Act													0	0.00%
Fail to Comply Probation		1											1	0.15%
Fail to comply undertaking	1		1		2				2				6	0.92%
Fail to remain at scene of accident								1	1				2	0.31%
Family Relations Act	5			1				1		1			8	1.23%
Fingerprints taken													0	0.00%

Police Department Occurrence Report Summary 2023														
Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	% Total
Fire Prevention Act			1	1	1		1						4	0.62%
Firearm Act			1						1				2	0.31%
Forcible confinement													0	0.00%
Fraud		1	2	2	2			1	2	2			12	1.85%
Funeral Escorts	2		2	1	2	2	1	3	2	5			20	3.08%
Harrassing Communication	1	1		2	1			1		1			7	1.08%
Impaired Driver		1		2			2	2	4	1			12	1.85%
Information Files	2	1		1	1	3	2	1	2	1			14	2.15%
Injury Accidents													0	0.00%
Liquor Offences								2	1				3	0.46%
Litter Act													0	0.00%
Lost and Found	3		1	3		2	3		3	1			16	2.46%
Luring Minors													0	0.00%
Mental Health Act	1			2	1		2		1	1			8	1.23%
Mischief	1	5			1	4	4	4	1	3			23	3.54%
Motor Vehicle Accidents	2	2	1	2		5	4	4	5	4			29	4.46%
Motor Vehicle Act	2	7	5	5	6	6	9	11	8	12			71	10.92%
Municipal Bylaws			3		2	1		1		1			8	1.23%
Off Road Vehicle Act					1								1	0.15%
Other Criminal Code			1			1	1	1					4	0.62%
Person Reported Missing	1								1				2	0.31%
Possession of restricted weapon													0	0.00%
Property Check	2		2		1	1	1	1					8	1.23%
Resist Arrest													0	0.00%
Roadside Suspensions										1			1	0.15%
Robbery													0	0.00%
Sexual Assaults / Interference	1												1	0.15%
STEP (Integrated Traffic Enforcement)													0	0.00%
Sudden Death													0	0.00%
Suspicious Persons / Vehicle	2	5	3	3	3	5	7		2	5			35	5.38%
Theft Of Motor Vehicle	2	1			1								4	0.62%
Theft Over \$5000													0	0.00%
Theft Under \$5000	3	8			1	4	6	3					25	3.85%

Police Department Occurrence Report Summary 2023														
Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	% Total
Trespass Act		1			1		1	1					4	0.62%
Trespass at Night							1						1	0.15%
Uttering Threats	2		1	3		1	1						8	1.23%
Wellbeing Check	3		2	2	2	4	1	1	2				17	2.62%
SOTS Issued	6	8	6	10	11	20	18	17	8	32			136	21%
<b>Total Incidents</b>	59	55	42	51	60	74	82	73	63	91			650	100%
HTA Warnings	3	3			10	4	5	7	7	7			46	
<b>Fine Revenue</b>	\$1,100.00	\$1,853.00	\$832.50	\$1,574.00	\$1,785.00	\$2,793.50	\$2,228.50	\$2,376.50	\$1,003.00	\$4,565.00			20,111.00	
Foot Patrols in hours	2	3	4	2	3	4	4.00	4	4	7			37	
Community policing school	6	4	3	4	5	5			7	5				
Bike helmet checks					6	6	5	3	4	1			25	
Record Checks A ( BC )	12,251	10,651	12,611	11,628	12,040	10,313	8,502	8,520	7,890	6,886			101,292	
Record Checks C ( KPS )	6	5	8	13	7	14	6	10	24	15			108	
<b>KPS assisting other agencies</b>	1	2	2		1	1	5			4			16	
<b>Other agencies assisting KPS</b>	1	3							1				5	



## Police Report October 2023

### **There were 4 alarm calls to report for this month.**

Oct 10<sup>th</sup> @ 1800hrs – Liquor Store, member attended.

Oct 17<sup>th</sup> @ 0850hrs – Frosty Treat, member did not attend.

Oct 22<sup>nd</sup> @ 0010hrs - Subway, member attended.

Oct 24<sup>th</sup> @ 1440hrs – 90 Victoria Street, member attended.

### **Assistance files for the month consisted of:**

2 files where we assisted in keeping the peace during property retrieval.

Pick up a used needle.

Resident unhappy with construction company.

Keep the peace with family issues.

### **KPS assisting other agencies**

Oct 20 Assist Summerside with MHA call

Oct 21 Assist RCMP with a wellbeing check

Oct 23 Assist RCMP with traffic complaint

Oct 26 Assist RCMP with suspicious people

## Year To Date Approved Development Permits Summary Report 2023

Development Permit Category	January	February	March	April	May	June	July	August	September	October	November	December	Total
Addition Industrial						1							1
Addition Residential Accessory Structure									1				1
Addition Residential Deck/Fence/Pools					1								1
New Commercial									2				2
New Industrial						2							2
New Multi-unit Family Dwelling				1					1				2
New Other									1				1
New Residential Accessory Structure				1			1	1					3
New Residential Deck/Fence/Pools					2	1					1		4
Other Industrial										1			1
Renovation Commercial			2										2
Renovation Residential additions/alterations						1							1
Renovation Residential Deck/Fence/Pools					1								1
Renovation Single Family Dwelling		2	1										3
<b>Total:</b>		2	1										25

Total Estimated Construction Value
\$180,000.00
\$2,500.00
\$2,000.00
\$345,000.00
\$3,314,105.00
\$5,450,000.00
\$1,500.00
\$39,450.00
\$70,900.00
\$7,500.00
\$130,000.00
\$40,000.00
\$1,500.00
\$498,000.00
<b>\$10,082,455.00</b>

## Town of Kensington Bills List October 2023

55 PLUS SOCIETY	OCT10/2023	\$1,839.75
911 BADGE INC	23-0113-POLICE BADGE	\$563.50
ADL	4923297025	\$66.77
ADL FOODS	2540586P	\$2,434.96
ALIAANT	INV9868218	\$413.74
ALIAANT	INV9919216-OCT23CUC	\$401.60
BEDFORD EXCHANG	56THEXCHANGEDONATION	\$1,500.00
BRENDA MACISAAC	OCT RRSP 2023	\$333.62
CIBC SECURITIES	OCT RRSP 2023	\$454.24
COGSDALE	COGMN0000054-ANNFEE	\$10,400.32
COMBAT COMPUTER	1000101464	\$138.00
COMBAT COMPUTER	1000101230	\$157.80
CREDENTIAL	OCT RRSP 2023	\$427.18
CUPE	OCT UNION DUES	\$755.78
DENNIS LOWTHER	SEP2023CELLPHONE	\$47.81
DENNIS LOWTHER	OCT2023CELLPHONE	\$47.81
EASTLINK	20714116	\$191.94
EASTLINK	20671442	\$159.90
EASTLINK	20671654	\$23.00
FPEIM	3715	\$431.25
FRITO LAY CANAD	43544384	\$391.90
GEOFF BAKER	OCT23/2023	\$351.00
GER	GERRY PAY	\$1,168.49
HOLLAND COLLEGE	OCT30-POLICE GEAR	\$792.48
HOME HARDWARE	BV5859	\$436.77
IDEAL AUTO PART	138590 - BATTERY	\$195.49
IRVING OIL	923007	\$1,722.55
IRVING OIL	627789	\$982.82
IRVING OIL	744608-HEATINGOIL-TH	\$2,453.75
IRVING OIL	127469	\$659.48
IRVING OIL	28311	\$212.06
IRVING OIL	636621	\$93.09
IRVING OIL	578993-OIL FIREHALL	\$546.53
IRVING OIL	325087	\$16.60
IRVING OIL	759296	\$203.50
IRVING OIL	719188	\$34.88
IRVING OIL	480134 FD	\$397.03
IRVING OIL	28746	\$333.16
IRVING OIL	637041	\$68.07
IRVING OIL	35250783	\$410.61
IRVING OIL	35243534	\$202.10
IRVING OIL	628285	\$195.87
IRVING OIL	35221575	\$2,146.75
IRVING OIL	35258489-GASCARDS	\$839.59
IRVING OIL	120804	\$896.33
IRVING OIL	926345	\$161.62
IRVING OIL	636791	\$119.44

IRVING OIL	325767	\$265.43
IRVING OIL	939923	\$167.43
IRVING OIL	423974	\$163.45
IRVING OIL	132527	\$138.93
IRVING OIL	27168-DIESELWKSHP	\$135.18
IRVING OIL	324130 WRKSHP	\$156.84
IRVING OIL	323878	\$641.75
IRVING OIL	524012 WRKSHP	\$299.15
IRVING OIL	627380	\$787.24
IRVING OIL	636634-OILTRAIN STN	\$377.26
IRVING OIL	939887CNSTN	\$492.32
IRVING OIL	225237	\$636.41
IRVING OIL	232636	\$92.00
ISLAND FIRST AI	SI21429-CUC RESTOCK	\$611.79
ISLAND FIRST AI	SI-18860-OHS SRVCFEE	\$28.75
ISLAND HOT TUBS	11928-'23POOLCLOSING	\$980.26
ISLAND PETROLEU	00205221999748	\$253.83
ISLAND PETROLEU	00205221999749	\$147.33
JAMES GOTELL	GLOCK MAGAZINE	\$152.45
JORDAN FULFORD	10/03/2023	\$96.58
JORDAN FULFORD	124687	\$72.16
KAYS WHOLESALE	634015	\$276.00
KAYS WHOLESALE	634524	\$1,450.13
KELLY'S KLEANIN	SEPT2023CLEANING	\$525.00
KENSINGTON AGRI	14172	\$50.55
KENSINGTON AGRI	14070	\$15.70
KENSINGTON LEGI	37-WREATH NOV11/23	\$50.00
KENSINGTON LEGI	38- WREATH NOV11/23	\$50.00
KENSINGTON META	65295	\$93.02
KENSINGTON VIPE	2023-PLYRSPONSORSHIP	\$750.00
KENT	3003359449	\$2.63
KENT	3003349973	\$32.18
KENT	3003396766-PAINT	\$41.39
KENT	3003085893A	\$127.28
KENT	3003324268	\$69.39
KENT	3003335019	\$80.01
KENT	3003345682	\$34.45
KENT	3003357591	\$34.47
KENT	3003359041	\$22.98
KENT	3003373974	\$113.23
K'TOWN AUTO PAR	63181/5	\$28.38
K'TOWN AUTO PAR	62937/5	\$142.27
K'TOWN AUTO PAR	63035/5	\$71.76
K'TOWN AUTO PAR	63236/5 - KUBOTA	\$5.80
LANDON YUILL	OCT RRSP 2023	\$620.56
LANDON YUILL	OCT12/2023	\$62.49
LEWIS SUTHERLAN	OCT RRSP 2023	\$768.36
MALPEQUE FINE	OCT13/2023	\$149.50
MALPEQUE FINE	101023XMASDEC	\$701.50

MARITIME ELECTR	OCT23-TOWN HALL	\$1,558.97
MARITIME ELECTR	OCT23-TOWNHALLEVCHGR	\$133.23
MARITIME ELECTR	OCT23-TRAINSTNEVCHGR	\$50.44
MARITIME ELECTR	OCT23-FIRE HALL	\$362.85
MARITIME ELECTR	OCT23-LIBRARY	\$127.51
MARITIME ELECTR	OCT23-SPEEDRADARLGH	\$117.58
MARITIME ELECTR	OCT23-WORKSHOP	\$140.32
MARITIME ELECTR	OCT23-POLICECAMERAS	\$13.42
MARITIME ELECTR	OCT23-TRAIN STATION	\$970.29
MARITIME ELECTR	OCT23- FREIGHT SHED	\$240.26
MARITIME ELECTR	OCT23-EVK POOL	\$71.93
MARITIME ELECTR	OCT2023 EVK POOL	\$71.93
MARITIME ELECTR	OCT23-RINK	\$1,299.28
MARITIME ELECTR	OCT23-ICE PLANT	\$3,254.14
MARITIME ELECTR	OCT23-CUC SIGN	\$28.72
MARITIME ELECTR	OCT23-SENIOR CENTRE	\$532.09
MBCU	OCT RRSP 2023	\$928.40
MEDACON ATLANT	INV014727	\$268.21
MJS MARKETING	2826017	\$86.25
MJS MARKETING	2827010-HALLOWEENAD	\$201.25
MJS MARKETING	2826008	\$373.75
ORKIN-PCO	C-4232163	\$57.26
ORKIN-PCO	C-4232147	\$32.20
ORKIN-PCO	C-4232149	\$113.90
PEPSICO	55413457-Supplies	\$1,952.65
PRINCESS AUTO	OCT10/2023	\$101.16
ROBERT WOOD	SEPT2023 EXPENSES	\$175.50
ROGERS PLUMBING	15668	\$172.50
ROWAN CASELEY	MILEAGESEPT2023	\$163.85
RYAN MULLETT	OCT10,2023	\$16.95
SAVE EASY	OCT4/2023	\$11.10
SCOTIA SECURITI	OCT RRSP 2023	\$859.20
SHERRY'S HEATIN	3164-RESTART BOILERS	\$163.88
SOORAJ RYAN	123282	\$36.83
SPRING VALLEY B	K83547	\$225.80
SPRING VALLEY B	240196-PROPANE	\$90.32
SPRING VALLEY B	239569	\$163.88
SPRING VALLEY B	239799	\$141.42
SPRING VALLEY B	263667	\$457.63
STANDARD AUTO	8821-0000007	\$365.13
STERLING MURPHY	3279-Mow grass	\$690.00
SUMMERSIDE CHAM	160388-SUMMERSIDE	\$80.50
SUPERIOR SANITA	EH0000835103-TH10/23	\$353.10
SUPERIOR SANITA	EH0000835099-FD10/23	\$138.67
SUPERIOR SANITA	EH0000835101-PW10/23	\$494.33
SUPERIOR SANITA	EH000835100-EVK10/23	\$137.70
SUPERIOR SANITA	EH0000835102-CUC	\$449.96
T & K FIRE	284552-FIREEXTSERV	\$230.58
TELUS	OCT/09/2023	\$2,463.65

TOWN OF KENSING	117350-OCTFIREHALL	\$156.77
TOWN OF KENSING	115942	\$158.27
TOWN OF KENSING	116651	\$148.93
TOWN OF KENSING	117310-OCT23TRAINSTN	\$66.71
TOWN OF KENSING	115902	\$65.40
TOWN OF KENSING	116611	\$65.40
TOWN OF KENSING	117345-OCTSRCNTR	\$121.17
TOWN OF KENSING	117339-OCTCUC	\$506.90
TOWN OF KENSING	115931	\$469.54
TOWN OF KENSING	116640	\$441.52
TOWN OF KENSING	115937	\$116.50
TOWN OF KENSING	116646	\$107.16
WET N WILD CAR	OCT10,2023	\$110.00

**Subtotal** \$73,591.24

**Payroll** \$122,583.01

**Total Bills and Payroll** \$196,174.25

## W & S Utility Bills List October 2023

ALIAN T	X013342807231024	\$227.28
ATLANTIC PURIFI	241356- LAMPS&ORINGS	\$703.36
ATLANTIC PURIFI	38696	\$616.40
EASTLINK	20670949	\$963.21
HANSEN ELECTRIC	75476	\$258.88
IRVING OIL	637696	\$95.96
IRVING OIL	635852	\$402.02
IRVING OIL	30141	\$350.57
IRVING OIL	637402	\$167.21
KENSINGTON COUN	10/06/2023	\$504.07
MARITIME ELECTR	OCT23-WATERTOWER	\$123.40
MARITIME ELECTR	OCT23-WELL#3	\$692.88
MARITIME ELECTR	OCT23-PUMP CTRL BLDG	\$136.88
MARITIME ELECTR	OCT2023PUMPWEST#1	\$549.01
MARITIME ELECTR	OCT'23ADDTL LIFT STN	\$196.12
MARITIME ELECTR	OCT23-SEWAGEPUMP	\$41.98
MARITIME ELECTR	OCT23-PUMPEAST#2	\$236.60
MARITIME ELECTR	OCT23-SEWAGETREATMNT	\$1,252.86
MARITIME ELECTR	OCT2023 SEWERLIFT	\$69.12
MINISTER OF FIN	231003081	\$541.65
SANSOM EQUIPMEN	INV-FR-15369-Lift Pump parts	\$5,147.03
<b>Total W&amp;S Bills</b>		<b><u><u>\$13,276.49</u></u></b>

# Town of Kensington Capital Bills List October 2023

BLACK & MCDONAL	80-1547696-ICEPLANT	\$511,538.69
BLACK & MCDONAL	80-1534937 -ICEPLANT	\$498,908.81
CURRAN & BRIGGS	00051817- Cuc upgrade	\$373,768.40
GLOBAL INDUST.	836963-CUCFLOORSCRB	\$7,354.22
ISLAND FIRST AI	SI-21404-AEDTH&POL	\$2,681.80
KEY MURRAY LAW	PURCHASE LOT21-6	\$131,756.95
MID ISLE	13211-CUC RENO	\$79,398.59
SAUNDERS EQUIPM	93564-5 way blade attchement	\$9,660.00
SPRING VALLEY B	283038A- Dressing rooms doors	\$1,023.50
TOPS TO FLOORS	14677- Installcounter top	\$1,236.25
ULINE	7736535-Back Pack Vaccum	\$1,191.41
WSP	20051119	\$9,136.75
WSP	200311167	\$6,243.06

**Total Capital Bills**

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**\$1,633,898.43**

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**Town of Kensington  
Consolidated  
For the Seven Months Ending October 31, 2023**

	October			YTD			Full Year
	2023 Actual	2023 Budget	Variance	2023 Actual	2023 Budget	Variance	2023 Budget
Fire Dues - District 1910	C\$16,644.00	C\$16,644.00		C\$116,508.00	C\$116,508.00		C\$199,736.00
Fire Dues - Malpeque	7,280.00	7,280.00		50,960.00	50,960.00		87,360.00
Fire Dues - Kensington	7,280.00	7,280.00		50,960.00	50,960.00		87,360.00
Ice Rental	5,647.85	27,000.00	-21,352.15	14,200.03	55,000.00	-40,799.97	174,000.00
Canteen Sales	1,532.04	6,000.00	-4,467.96	11,917.22	12,000.00	-82.78	42,000.00
Fitplex Sales	6,543.05	4,500.00	2,043.05	29,182.12	31,500.00	-2,317.88	54,000.00
Harvest Festival Sales	434.78			30,814.51	50,000.00	-19,185.49	50,000.00
Building Rentals		50.00	-50.00		350.00	-350.00	600.00
Ballfield Sales				4,030.45	4,000.00	30.45	4,000.00
Sign Rentals	173.91		173.91	11,882.24	12,000.00	-117.76	14,000.00
Donations				700.43		700.43	10,000.00
Fund Raising Events	900.00	2,000.00	-1,100.00	8,123.52	14,000.00	-5,876.48	24,000.00
Grants - Operational	3,000.00	3,000.00		21,000.00	31,000.00	-10,000.00	46,000.00
Wage Grants		11,000.00	-11,000.00	1,968.57	30,000.00	-28,031.43	41,000.00
Miscellaneous Revenue		100.00	-100.00	11,340.00	700.00	10,640.00	1,200.00
Police Dept Revenue	4,565.00	4,000.00	565.00	16,325.50	28,000.00	-11,674.50	48,000.00
Police Training Grants					3,700.00	-3,700.00	3,700.00
Police Miscellaneous Revenue		6,547.00	-6,547.00	3,000.00	48,602.00	-45,602.00	84,794.00
Police Provincial Tax Credit	16,738.00	16,738.00		117,166.00	117,166.00		200,856.00
Contract Revenue	23,917.87	36,000.00	-12,082.13	204,348.68	248,200.00	-43,851.32	411,200.00
Record Checks	199.60	125.00	74.60	1,247.50	875.00	372.50	1,500.00
Building Permits	150.00	900.00	-750.00	2,950.00	4,450.00	-1,500.00	5,800.00
Donations				9,450.00	2,500.00	6,950.00	2,500.00
Canada Day Grant				1,920.00	1,000.00	920.00	1,000.00
Employment Grant	19,181.03	9,100.00	10,081.03	19,181.03	33,600.00	-14,418.97	36,300.00
Equalization Grant	35,280.40	35,280.00	0.40	246,962.80	246,960.00	2.80	423,365.00
Miscellaneous Revenue	1,240.00	250.00	990.00	22,987.78	1,750.00	21,237.78	3,000.00
PST Refund - MCEG	262,122.74		262,122.74	262,122.74	6,000.00	256,122.74	9,000.00
Property Taxes	60,838.00	60,838.00		425,866.00	425,866.00		730,056.00
Tax Credit Less Police Tax Credit	4,686.00	4,686.00		44,219.00	32,802.00	11,417.00	56,232.00
Gain (Loss) on Disposal of Capital Assets	12,601.00		12,601.00	403,644.28	475,000.00	-71,355.72	475,000.00
<b>Subtotal General Revenue</b>	<b>396,099.17</b>	<b>111,054.00</b>	<b>285,045.17</b>	<b>1,439,303.63</b>	<b>1,229,928.00</b>	<b>209,375.63</b>	<b>1,742,253.00</b>
Rental Revenue	11,052.22	8,660.00	2,392.22	61,917.10	62,120.00	-202.90	107,720.00
Recreation & Aqua Program				3,430.00	4,500.00	-1,070.00	4,500.00
<b>Subtotal Recreation Revenue</b>				<b>3,430.00</b>	<b>4,500.00</b>	<b>-1,070.00</b>	<b>4,500.00</b>
<b>Revenue</b>	<b>502,007.49</b>	<b>267,978.00</b>	<b>234,029.49</b>	<b>2,210,325.50</b>	<b>2,202,069.00</b>	<b>8,256.50</b>	<b>3,439,779.00</b>
Depreciation	49,058.00	49,058.00		343,406.00	343,406.00		588,696.00
Water & Sewer	852.21	940.00	87.79	5,812.73	6,580.00	767.27	11,280.00
Property Taxes				10,480.48	17,280.00	6,799.52	26,170.00
Electricity	7,140.85	10,485.00	3,344.15	47,615.70	61,440.00	13,824.30	119,040.00
Heating Oil	2,989.33	5,550.00	2,560.67	20,143.44	26,195.00	6,051.56	75,845.00
Electricity (Street / Freight Shed / Sign)	243.42	3,320.00	3,076.58	20,996.02	23,600.00	2,603.98	40,355.00
Electricity Ball Field / Canteen		30.00	-30.00	1,269.36	210.00	-1,059.36	360.00
Telephone	1,696.76	1,620.00	-76.76	9,824.00	11,840.00	2,016.00	19,940.00
Cellular	2,364.55	1,675.00	-689.55	11,837.10	11,725.00	-112.10	20,100.00
Office Expenses	142.38	1,755.00	1,612.62	11,111.62	12,285.00	1,173.38	21,060.00
IT Services	127.20	600.00	472.80	18,866.75	6,200.00	-12,666.75	12,100.00
Advertising	632.50	1,375.00	742.50	4,468.20	8,425.00	3,956.80	14,700.00
Administration From Gen Gov't	3,000.00	3,000.00		21,000.00	21,000.00		36,000.00
Administration to Police Dept	-820.27	-1,000.00	-179.73	-5,459.92	-7,000.00	-1,540.08	-12,000.00
Wages	107,889.48	114,285.00	6,395.52	832,193.19	860,117.00	27,923.81	1,508,175.00
Workers Compensation				8,249.13	15,700.00	7,450.87	15,700.00
Honorariums							67,000.00
Fire Equipment, Supplies & Misc		1,000.00	1,000.00	12,066.47	7,000.00	-5,066.47	12,000.00
Repair and Main. - Equip	1,833.98	1,450.00	-383.98	18,619.81	15,400.00	-3,219.81	22,650.00
Repair and Main. - Vehicle	273.23	1,550.00	1,276.77	11,372.21	10,050.00	-1,322.21	17,800.00
Repair and Main. - Building	2,592.38	4,300.00	1,707.62	36,214.24	33,100.00	-3,114.24	52,850.00
Repair and Main. - Ice Plant		200.00	-200.00		600.00	600.00	1,600.00
Repair and Main. - Property		50.00	-50.00		350.00	350.00	600.00
Repair and Main. - Ice Surface	49.95	200.00	150.05	2,097.95	600.00	-1,497.95	1,900.00
Zamboni Propane	354.89	300.00	-54.89	474.02	900.00	425.98	2,400.00
Vehicle - Gas & Oil	3,531.23	3,380.00	-151.23	25,729.31	23,660.00	-2,069.31	40,560.00
Ballfield Expense				6,800.57	600.00	-6,200.57	600.00
Canteen Expense	5,277.41	3,000.00	-2,277.41	9,031.93	6,000.00	-3,031.93	21,000.00
Harvest Festival Expense		100.00	100.00	20,238.76	21,700.00	1,461.24	22,200.00
Fitplex Expense	525.00	200.00	-325.00	3,255.00	1,400.00	-1,855.00	2,400.00
Snow and Ice Control				444.00	3,350.00	2,906.00	21,050.00
MBCU Loan Interest Community Garden		50.00	50.00	0.78	350.00	349.22	600.00
Fund Raising Expense		1,500.00	1,500.00		3,500.00	3,500.00	3,500.00
Zamboni Loan Interest				625.35	1,000.00	374.65	1,000.00
Senior Center Heating Oil		75.00	75.00		525.00	525.00	900.00
Senior Center Electricity	462.69	200.00	-262.69	2,852.78	1,400.00	-1,452.78	2,400.00
Senior Center Repair and Main.		200.00	200.00	11,093.93	2,400.00	-8,693.93	2,400.00
Conventions and Meetings	412.50	150.00	-262.50	869.12	1,050.00	180.88	1,800.00
Dues & Memberships				4,127.33	4,170.00	42.67	5,620.00
Travel and Mileage	643.07	1,500.00	856.93	4,074.62	6,750.00	2,675.38	10,500.00
Proff Development	75.65	190.00	114.35	5,556.37	1,330.00	-4,226.37	2,280.00
Uniforms - Clothing & Supplies	903.75	200.00	-703.75	6,795.66	2,300.00	-4,495.66	3,500.00
Donations and Grants	2,300.00	1,200.00	-1,100.00	15,760.00	20,450.00	4,690.00	26,450.00
KISH Scholarship				1,000.00	1,000.00		1,000.00

	October			YTD			Full Year 2023 Budget
	2023 Actual	2023 Budget	Variance	2023 Actual	2023 Budget	Variance	
Special Events Expense	671.00	500.00	-171.00	17,560.43	16,700.00	-860.43	20,200.00
Miscellaneous	2,147.73	2,000.00	-147.73	19,064.08	2,300.00	-16,764.08	4,500.00
Crosswalk		600.00	600.00	1,544.84	2,600.00	1,055.16	5,400.00
Emergency Shelter		100.00	100.00	487.74	1,300.00	812.26	2,250.00
Insurance - Life	118.14	119.00	0.86	826.98	833.00	6.02	1,428.00
Insurance - Other				89,058.18	75,000.00	-14,058.18	99,250.00
Professional Fees - Accountant				14,575.00	13,000.00	-1,575.00	13,000.00
Professional Fees - Other	8,828.30	12,500.00	3,671.70	88,408.17	87,500.00	-908.17	150,000.00
Bylaw Enforcement	220.89	200.00	-20.89	1,546.23	1,400.00	-146.23	2,400.00
Janitor Supplies	746.29	375.00	-371.29	6,631.63	5,625.00	-1,006.63	10,500.00
Answering Service	256.55	255.00	-1.55	7,789.53	13,785.00	5,995.47	27,060.00
2010 Fire Truck Loan Int Loan #21		350.00	350.00		2,450.00	2,450.00	4,200.00
Fire Hall Loan Int. Loan #10	765.69	415.00	-350.69	5,300.61	2,905.00	-2,395.61	4,980.00
2019 Fire 1/2 Ton Truck Loan Interest	204.54	185.00	-19.54	1,406.26	1,295.00	-111.26	2,220.00
2020 Rescue Command Vehicle Interest	291.86	300.00	8.14	2,088.67	2,100.00	11.33	3,600.00
2022 Fire Tanker Truck	1,424.45	1,300.00	-124.45	9,586.67	9,100.00	-486.67	15,600.00
Fire Dept Administration	-4,030.00	-4,030.00		-28,210.00	-28,210.00		-48,360.00
Animal Control		10.00	10.00		70.00	70.00	120.00
Photocopier	145.45	800.00	654.55	1,883.23	3,200.00	1,316.77	4,800.00
Web Page Expenses		25.00	25.00		175.00	175.00	300.00
ADP Payroll Expenses	358.23	430.00	71.77	2,910.61	3,010.00	99.39	5,160.00
Bank Charges	211.69	485.00	273.31	2,011.03	3,395.00	1,383.97	5,820.00
Promotional Materials		600.00	600.00		4,200.00	4,200.00	7,200.00
Operating Loan Payment & Interest		75.00	75.00		525.00	525.00	900.00
Annual Fire Protection Charge	4,760.00	4,760.00		33,320.00	33,320.00		57,120.00
Allocation to Sales and Services	-3,000.00	-3,000.00		-21,000.00	-21,000.00		-36,000.00
W&S Share of General Government	-11,900.00	-11,900.00		-83,300.00	-83,300.00		-142,800.00
Kensington Fire Dues	7,280.00	7,280.00		50,960.00	50,960.00		87,360.00
Administration & Operating Costs	5,005.00	5,005.00		35,035.00	35,035.00		60,060.00
Vehicle - Rental		100.00	100.00		300.00	300.00	300.00
Court Costs & Witness Fees		50.00	50.00	25.00	350.00	325.00	600.00
Crime Prevention Initiatives		25.00	25.00	150.00	175.00	25.00	300.00
PROS				5,941.91		-5,941.91	6,700.00
2020 Ford Explorer Loan Interest	317.80	300.00	-17.80	2,159.41	2,100.00	-59.41	3,600.00
Administration from Sales of Services	820.27	1,000.00	179.73	5,459.92	7,000.00	1,540.08	12,000.00
Gas & Oil - Equipment Public Works	2,036.68	630.00	-1,406.68	3,109.56	4,410.00	1,300.44	7,560.00
Small Tools & Shop Supplies	176.50	150.00	-26.50	1,112.84	1,050.00	-62.84	1,800.00
Miscellaneous Signage/Fencing/Trees		500.00	500.00	2,100.56	3,500.00	1,399.44	6,000.00
Garbage Disposal	864.11	465.00	-399.11	5,712.39	3,255.00	-2,457.39	5,580.00
Patching	417.78		-417.78	6,605.50	36,000.00	29,394.50	36,000.00
Allocation to Water & Sewer	-10,300.00	-10,300.00		-72,100.00	-72,100.00		-123,600.00
Capital Loan 2022	3,999.47	3,750.00	-249.47	27,188.04	26,250.00	-938.04	45,000.00
Chemicals				2,680.30	3,500.00	819.70	3,500.00
Canada Day Expense				3,113.12	4,000.00	886.88	4,000.00
CUC Operational Grant	3,000.00	3,000.00		21,000.00	21,000.00		36,000.00
Business Park Expense	660.00	400.00	-260.00	3,989.00	2,800.00	-1,189.00	4,800.00
Town Hall Parking Lot Paving Loan Int	60.07		-60.07	423.41		-423.41	
Business Park Loan Int - Park & Land	11,442.77	6,500.00	-4,942.77	74,130.01	45,500.00	-28,630.01	78,000.00
Cogsdale Maintenance Fee	9,948.13		-9,948.13	16,639.72	6,500.00	-10,139.72	8,900.00
CUC Loan#15 Interest	2,577.83		-2,577.83	4,688.79		-4,688.79	
COVID-19 Expense		10.00	10.00		70.00	70.00	120.00
Park Improvements		3,000.00	3,000.00	5,733.51	20,000.00	14,266.49	20,000.00
Town Decorations		5,000.00	5,000.00		10,000.00	10,000.00	20,000.00
<i>Library Expense Total</i>	<i>294.05</i>	<i>1,150.00</i>	<i>855.95</i>	<i>7,470.03</i>	<i>8,050.00</i>	<i>579.97</i>	<i>13,800.00</i>
Vueworks - Geo Net Project				6,095.79	4,125.00	-1,970.79	5,500.00
<b>Expenditures</b>	<b>235,373.41</b>	<b>249,157.00</b>	<b>13,783.59</b>	<b>1,953,827.71</b>	<b>1,967,046.00</b>	<b>13,218.29</b>	<b>3,410,809.00</b>
Net Income(Deficit)	266,634.08	18,821.00	247,813.08	256,497.79	235,023.00	21,474.79	28,970.00

Town of Kensington  
Water and Sewer Utility  
For the Seven Months Ending October 31, 2023

	October			YTD			Full Year
	2023 Actual	2023 Budget	Variance	2023 Actual	2023 Budget	Variance	2023 Budget
Water Revenue	C\$21,002.64	C\$21,650.00	(C\$647.36)	C\$150,517.39	C\$151,550.00	(C\$1,032.61)	C\$261,750.00
Water & Sewer Interest / Other	93.46	180.00	-86.54	836.76	1,260.00	-423.24	2,160.00
Fire - Water	5,735.00	5,735.00		40,145.00	40,145.00		68,820.00
Sewer Revenue	31,819.13	31,500.00	319.13	221,161.36	220,500.00	661.36	382,725.00
Revenue	58,650.23	59,065.00	-414.77	412,660.51	413,455.00	-794.49	715,455.00
Capital Expenses	12,000.00	12,000.00		84,000.00	84,000.00		144,000.00
Property Taxes				977.69	1,880.00	902.31	2,820.00
Electricity	3,155.40	500.00	-2,655.40	29,124.80	3,500.00	-25,624.80	6,000.00
Telephone	308.31	425.00	116.69	2,221.80	2,975.00	753.20	5,100.00
Advertising		10.00	10.00		70.00	70.00	120.00
Wages - Admin	5,992.56	6,050.00	57.44	37,896.14	45,375.00	7,478.86	79,500.00
Professional Development		100.00	100.00	62.80	700.00	637.20	1,200.00
Professional Fee - Other				6,962.03		-6,962.03	
Repairs & Maintenance - Water	764.57	1,500.00	735.43	17,356.51	10,500.00	-6,856.51	18,000.00
Bank Charges Water	141.79	325.00	183.21	1,999.93	2,275.00	275.07	3,900.00
Interest on Capital Debt Water	8,487.66	6,625.00	-1,862.66	57,357.91	46,375.00	-10,982.91	79,500.00
Water Analysis	518.10	400.00	-118.10	5,387.80	2,800.00	-2,587.80	4,800.00
Water Chlorination	482.15	300.00	-182.15	2,777.01	2,100.00	-677.01	3,600.00
Bank Charges Sewer	141.84	315.00	173.16	2,051.50	2,205.00	153.50	3,780.00
Interest on Capital Debt Sewer	8,487.65	5,700.00	-2,787.65	56,769.45	39,900.00	-16,869.45	68,400.00
Repair & Maintenance Sewer	5,668.68	22,000.00	16,331.32	38,236.25	40,000.00	1,763.75	55,000.00
Gen Gov't Share of W&S	11,900.00	11,900.00		83,300.00	83,300.00		142,800.00
Public Works Share of W&S	10,300.00	10,300.00		72,100.00	72,100.00		123,600.00
Expenditures	68,348.71	78,450.00	10,101.29	498,581.62	440,055.00	-58,526.62	742,120.00
Net Income(Deficit)	-9,698.48	-19,385.00	9,686.52	-85,921.11	-26,600.00	-59,321.11	-26,665.00

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**TOWN OF KENSINGTON – MEMORANDUM**

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**TO: MAYOR AND TOWN COUNCIL, CAO**

**FROM: ROBERT WOOD, CUC MANAGER**

**DATE: OCTOBER 2023**

**SUBJECT: OCTOBER 2023 - CREDIT UNION CENTRE REPORT**

**ATTACHMENT: STATISTICAL REPORT**

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**October 2023**

**Fitplex**

- Hours of operation are 5:00 am – 10:00 pm daily.
- Staffed Hours are Monday to Friday 4:00 pm-8:00 pm.

**Arena**

- The Arena was open for rentals on October 26, 2023
- The Ice plant has been installed and Black and Macdonald are still working through a couple of programming issues to have both compressors running together, but one compressor is enough to accommodate our usage at this time.
- Railings will have signage boards (rentals) installed to address concerns over small children being able to climb\fall etc. through the openings.
- Arena attendants have been hired (2 full time) and started on October 23, 2023. Their primary duties will be related to cleaning and janitorial.
- Grand re-opening is scheduled to be held on November 4, 2023.
- Electrical upgrades have been completed.

- Crushed asphalt has been placed at the back of the arena. The asphalt was donated by the Provincial Government and spreading and compacting was donated by Commercial Construction.
- The gutters have been cleaned on the south facing side of the rink by Branch Manager. They donated this service.

**Kensington Cash Draw**

• Oct 5	176.00
• Oct 12	180.00
• Oct 19	176.00
• Oct 26	172.00
<b>Total</b>	<b>704.00</b>

**Ball Fields**

- Ballfields have been closed and netting rolled up for the season. Branch Manager removed the netting and donated the service.

**Senior Center**

- The interior of the senior center upstairs will be painted by Ralph Wadman in consultation with the senior center board.

**Tennis \ Pickleball Courts KISH**

- Nets will be taken down in November. They were left up because of the good Fall weather and the fact that the tennis courts are still seeing use.

**CUC Property**

- Skate Park and ball hockey has seen steady use.

- Kensington North Watershed and Town constructed a new trail through the wooded area behind the ballfields, including signage, benches and flower beds and has a Grand opening is scheduled for November 11, 2023.

### **Upcoming Events**

- Dave Martin Memorial U 18 A hockey tournament Dec 1-3
- Xmas Parade Dec 3
- Caseley Classic rec tournament Dec 22
- Boxing day games Vipers and Wild
- U 11 Girls Tournament Dec 28-29 Tournament
- U 9 Tournament Jan 2,2024
- Bedford exchange Jan 27-28,2024
- ADL ice show Feb 17,2024
- U7 Jamboree Feb 19,20224



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**TOWN OF KENSINGTON - MEMORANDUM**

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**TO:** COMMITTEE OF COUNCIL  
**FROM:** GEOFF BAKER, CAO  
**SUBJECT:** SUBDIVISION AND VARIANCE REQUEST – LOTS 15N AND 15S  
BROOKINS DRIVE  
**DATE:** 2023-11-24  
**ATTACHMENTS:**

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**Introduction**

A request has been received for the Town's consideration of subdividing 13 A & B (Lots 15N and 15S on attached Plan), Brookins Drive (PID No. 1100049), currently owned by Todd Murphy. The purpose of the subdivision is to facilitate the sale of the semi-detached unit located on the property, as separate units. An excerpt of Survey Plan No. 23239-S01 is attached to this memo and a hardcopy will be available for review at the meeting.

A variance on the frontage requirement is required, given the shape of the property (located on a turn), to allow the property to be subdivided in the safest manner possible. To meet the frontage requirements of the Bylaw the common wall projection to the road would have to project on an angle which would essentially limit the driveway width of the northern property (15N). To project the common wall directly perpendicular to the roadway (recommended) will require a variance to allow the frontage requirement of the southern lot to be reduced from the Bylaw required 11.43 m to 10.51 m (0.92 m).

**Recommendation**

It is recommended that Committee of Council consider and adopt the following resolution, recommending approval of the subdivision and variance request.



*WHEREAS a subdivision plan (Plan #23239-S01) and request has been received from the owners of a property located at 13 A and 13B (Lots 15N and 15S, PID No. 1100049) Brookins Drive for Town Council's consideration of subdividing the property;*

*AND WHEREAS a request has been received for Town Council's consideration of a variance for 13B Brookins Drive (Lot 15S) to reduce the frontage requirement from 11.43 metres to 10.51 metres (0.92 metres) to facilitate safe access to the newly formed properties;*

*AND WHEREAS the proposed subdivision plan and variance have been reviewed against the Town's Development Control Bylaw and is found to be in general compliance therewith;*

*BE IT RESOLVED THAT Committee of Council recommend that Town Council approve a subdivision of 13 Brookins Drive (Lot 15, PID No. 1100049), being lands owned by Todd Christopher Murphy and Norma Eleanor Murphy, into Lots 15N and 15S, as per Survey Plan No. 23239-S01, dated November 21, 2023, drawn by Locus Surveys Ltd.;*

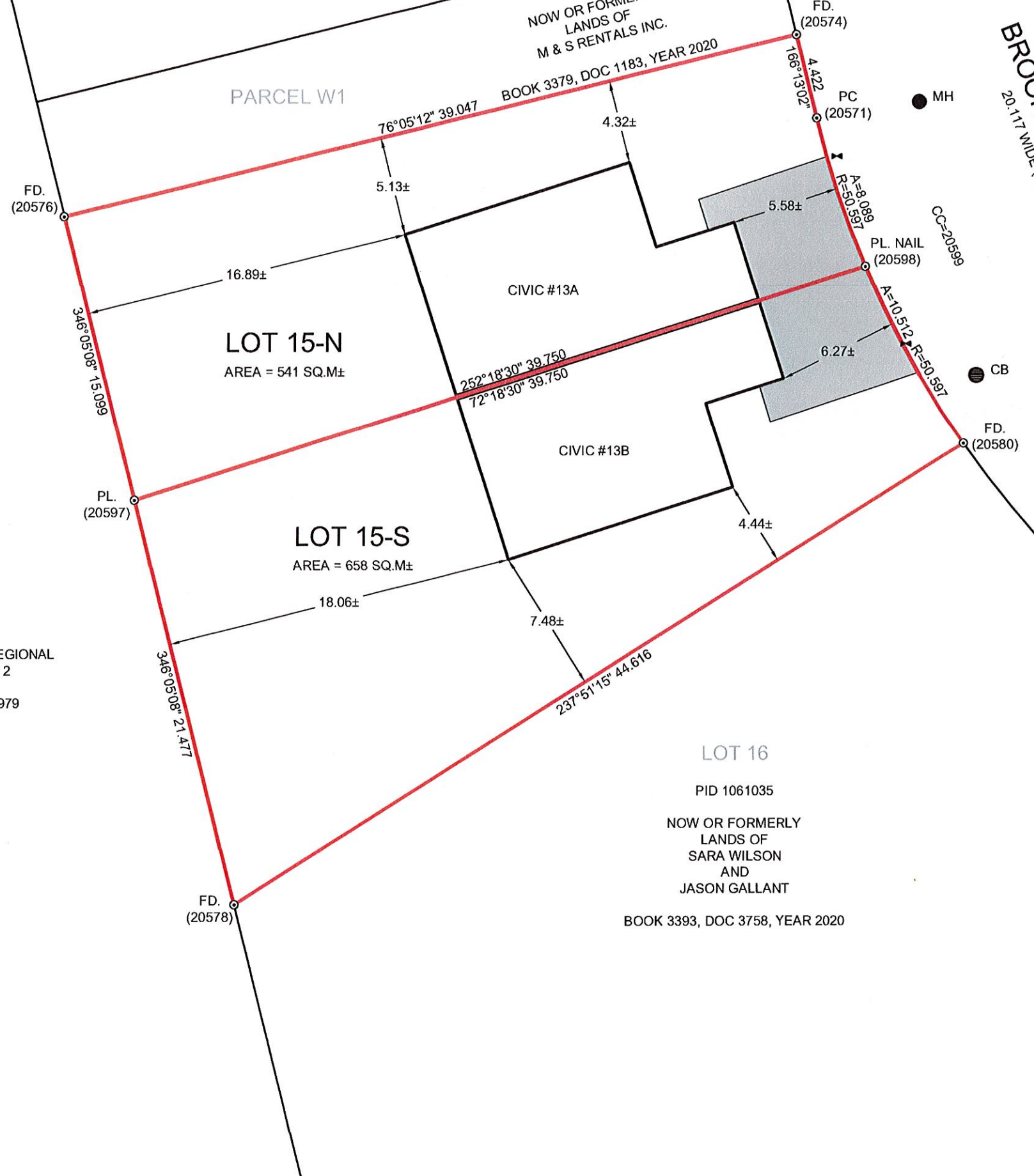
*BE IT FURTHER RESOLVED THAT Committee of Council recommend that Town Council approve a variance for the newly created Lot 15S to reduce the frontage requirement from 11.43 metres to 10.51 metres (0.92 metres), as indicated on Survey Plan No. 23239-S01, dated November 21, 2023, drawn by Locus Surveys Ltd.*

LOT 14

PID 77271  
NOW OR FORMERLY  
LANDS OF  
M & S RENTALS INC.  
BOOK 3379, DOC 1183, YEAR 2020

PARCEL W1

BROOKINS DRIVE  
20.117 WIDE (66')



PID 498220  
NOW OR FORMERLY  
LANDS OF  
REGIONAL SCHOOL BOARD OF REGIONAL  
ADMINISTRATIVE UNIT NO. 2  
BOOK 232, DOC 939, YEAR 1979

LOT 15-N  
AREA = 541 SQ.M±

LOT 15-S  
AREA = 658 SQ.M±

LOT 16  
PID 1061035  
NOW OR FORMERLY  
LANDS OF  
SARA WILSON  
AND  
JASON GALLANT  
BOOK 3393, DOC 3758, YEAR 2020

APPROVAL STAMP



SURVEYOR'S CERTIFICATE

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**TOWN OF KENSINGTON - MEMORANDUM**

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**TO:** COMMITTEE OF COUNCIL  
**FROM:** GEOFF BAKER, CAO  
**SUBJECT:** OFFICIAL PLAN ADOPTION AND LAND USE AND DEVELOPMENT BYLAW FIRST READING  
**DATE:** 2023-11-24  
**ATTACHMENTS:** OFFICIAL PLAN FINAL DRAFT  
LAND USE AND DEVELOPMENT BYLAW FINAL DRAFT

---

**Introduction**

The Town initiated a process to update its Official Plan and Development Control Bylaw in 2018. The project saw several delays related to the municipal boundary adjustment project that was undertaken in 2019, COVID in 2020, and in 2021 the Town was requested to pause work on the project while the Province underwent their own planning legislation review.

In May of 2022, the Town held a public meeting to re-initiate the Plan and Bylaw update process. An online survey was issued in June of 2022 with forty-one responses received. Throughout 2022 and 2023 research and data updates were made to the documents. The Draft Bylaw and Plan were prepared and presented to Committee of Council in September of 2023 where a recommendation was made to proceed with a legislatively required public meeting to hear any stakeholder comments and/or concerns on the documents. A resolution was considered and passed at the October regular meeting of Town Council formally directing staff to proceed with the public meeting. The draft Bylaw and Plan were placed on the Town's website and hardcopies were made available at the Town Hall. Notification ads for the meeting were placed in both the Guardian and the County Line Courier. The public meeting was held on November 15<sup>th</sup>, 2023 at the Kensington Fire Hall with four members of the public in attendance (Mayor and Council, the CAO and Fire Chief, and Hope Parnham were in attendance). No concerns were

noted from the public during the meeting. Further, the Town received written comments until November 20<sup>th</sup>, 2023. No written comments were received.

## **Recommendation**

It is proposed that Committee of Council recommend the adoption of the Official Plan and Land Use and Development Bylaw (first reading) through the following resolutions:

### Official Plan Recommendation

*WHEREAS Section 15.1 of the Planning Act requires that council of a municipality shall review its official plan and bylaws at intervals of not more than five years;*

*AND WHEREAS Council has determined that a major review was required to meet the requirements of the Planning Act and EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans.*

*AND WHEREAS Council has complied with EC 640/97 – Planning Act Minimum Requirements for Municipal Official Plans which requires full public participation in the case of a major review.*

*AND WHEREAS EC 640 / 97 – Planning Act Minimum Requirements for Municipal Official Plans states that major amendments will be treated as new official plans;*

*BE IT RESOLVED THAT the Committee of Council, acting in the role of Planning Board, recommend that the Town of Kensington Official Plan 2023-1 be formally adopted by Town Council at their regularly scheduled Council meeting on December 11, 2023.*

Land Use and Development Bylaw First Reading

*WHEREAS Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan;*

*AND WHEREAS Council has complied with the processes established in section 18 of the Planning Act and with EC 640/97 – Planning Act Minimum Requirements for Municipal Official Plans;*

*BE IT RESOLVED THAT Committee of Council, acting in the role of Planning Board, recommend that Town Council give first reading to the Town of Kensington Land Use and Development Bylaw at their regularly scheduled meeting on December 11, 2023.*

Land Use and Development Bylaw Approval of First Reading

*WHEREAS Section 16 of the Planning Act allows municipalities to adopt bylaws to implement their official plan;*

*AND WHEREAS Council has complied with the processes established in section 18 of the Planning Act and with EC 640/97 – Planning Act Minimum Requirements for Municipal Official Plans;*

*BE IT RESOLVED THAT Committee of Council, acting in the role of Planning Board, recommend that Town Council approve first reading to the Town of Kensington Land Use and Development Bylaw at their regularly scheduled meeting on December 11, 2023.*



# Town of Kensington Land Use and Development Bylaw

**2023**



Prepared by DV8 Consulting

**Town of Kensington Land Use and Development Bylaw (2023)**

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### **Land Acknowledgement**

The land upon which the Town of Kensington (Kataqanek) is located is in unceded Mi'kmaq territory and is covered by the historic Treaties of Peace and Friendship.

We pay our respects to the Indigenous Mi'kmaq People who have occupied this land for over 12,000 years; past, present, and future.

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Town of Kensington Land Use and Development Bylaw (2023)

Original date of approval	XXXXXX, 2023
Amendment Number	Effective Date

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## 1. SCOPE

### 1.1. TITLE

- (1) This Bylaw shall be known and may be cited as the Town of Kensington *Land Use and Development Bylaw (2023)*, or the Bylaw.

### 1.2. PURPOSE

- (1) The purpose of the Bylaw is to implement the policies of the Town of Kensington Official Plan (2023), referred to in the Bylaw as the *Official Plan*, and to establish a fair and systematic means of Development control for the Municipality.

### 1.3. AUTHORITY FROM THE PROVINCE OF PRINCE EDWARD ISLAND

- (1) The Bylaw is enacted pursuant to the Planning Act, R.S.P.E.I. 1988, Cap. P-8, referred to here as the *Planning Act*.

### 1.4. AREA DEFINED

- (1) This Bylaw applies to the geographical area within which the Town of Kensington Council has jurisdiction.

### 1.5. SCOPE

- (1) No Dwelling, business, trade, or industry shall be located, nor shall any Building or Structure be Erected Altered, used, or have its Use changed, nor shall any land be subdivided, consolidated, or used in the Municipality, except in conformity with this Bylaw.

### 1.6. AUTHORITY OF DEVELOPMENT OFFICER

- (1) Council shall appoint a Development Officer whose duties shall be as provided in this Bylaw.
- (2) The Development Officer shall not be a member of Council.
- (3) The Development Officer shall have the authority to administer this Bylaw, and shall have the authority to approve Subdivision applications and Development Permits that comply with the provisions of this Bylaw, except for a:
  - a. Commercial, Institutional or Industrial Development involving a new Building, or addition to an existing Building, with a Floor Area greater than 300 m<sup>2</sup> (3,230 ft<sup>2</sup>);

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- b. Residential Development for a Multi-unit Building with 3 or more Dwelling Units, or a Cluster Housing Development;
  - c. Subdivisions of more than four Lots or one that involves the Development of a new Street and/or extension of municipal services;
  - d. Variances of more than ten percent (10%);
  - e. Changes in Land Use that involve a rezoning application; or
  - f. Discretionary approvals as identified in the Bylaw.
- (4) Where the Development Officer is unable to determine if an application meets the requirements of this bylaw, or other bylaws or statutes which may be in force, the Development Officer may refer the application to Council, and Council shall give direction on the disposition of the application.
- (5) The Development Officer shall post all decisions relating to applications in accordance with Section 23.1 of the *Planning Act*.

### 1.7. INTERPRETATION

- (1) In this Bylaw, words used in the present tense include the future tense; words in the singular number include the plural; the word “used” includes “arranged, designed or intended to be used”; the word “shall” is mandatory and not permissive; and the word “may” is permissive and not mandatory.
- (2) All official measurements are in metric. Where imperial measurements are provided, they are for information purposes only.

### 1.8. EFFECTIVE DATE

- (1) This Bylaw shall come into force on the date approved by the Minister responsible for administering the *Planning Act*.
- (2) The effective date of this Bylaw is **xxxxxx**

### 1.9. REPEAL

- (1) Any previous bylaws covering the lands and Structures contained within the current boundaries of the Town of Kensington are hereby repealed as of the Effective Date in the previous section.

## 2. ADMINISTRATION

### 2.1. APPLICATIONS

- (1) The following types of applications shall be administered in accordance with the Bylaw:
  - a. Development Permit;
  - b. Variance;
  - c. Bylaw and/or Official Plan Amendment, including rezoning applications; and
  - d. Subdivision.
- (2) An application submitted in accordance with the Bylaw shall be:
  - a. Completed on a form prescribed by Council;
  - b. Submitted to the Municipal Office with all additional information as required by the Bylaw;
  - c. Signed and dated by the Lot Owner or the Lot Owner's designate, and who shall be referred to as the applicant; and
  - d. Shall be accompanied by an application fee in accordance with the Fee Schedule.
- (3) Where an application is considered incomplete, a decision shall not be rendered on such an application until such time as all required information is submitted, including the:
  - a. Application form signed and dated by the Owner or the Owner's designate;
  - b. Non-refundable administrative fee, the application fee and any other required fees;
  - c. Site plans, drawings and other representations of the proposed Development, as required;
  - d. Approval(s) from other governments and/or agencies, as required; and
  - e. Additional information, as required by the Development Officer.
- (4) An application shall be considered null and void if the applicant does not submit the required information or does not make payment in full on the application within six (6) months of submitting the initial application form or inquiry.
- (5) An application submitted in accordance with the Bylaw shall constitute authorization for inspection of the Structure or land in question, by the Development Officer or an officer or agent of the Municipality, for the purpose of ensuring compliance with the provisions of the Bylaw.

## 2.2. FEE SCHEDULE

- (1) Council shall set fees for applications and related services in a Fee Schedule.

## 2.3. DEVELOPMENT PERMITS

- (1) No Development, including Demolition work, shall be undertaken until an application has been made to the Municipality and the Development Officer has issued a Development Permit.
- (2) Notwithstanding Section 3.3(1), a Development Permit is required to:
  - a. Change the Use of a Lot, Building or Structure;
  - b. Commence a Development;
  - c. Construct, place, move or demolish a Building or Structure;
  - d. Make structural Alterations to a Building;
  - e. Erect or place a Temporary Structure, or commence a Temporary Land Use;
  - f. Make a connection to a central water supply or sewerage disposal system;
  - g. Install a Swimming Pool that will not be removed and disassembled seasonally;
  - h. Install underground a septic tank, a fuel/petroleum storage tank, a foundation wall;
  - i. Create or extend a Cluster Housing Development;
  - j. Create or construct an entrance way, or lay new paving material for a driveway, Internal Drive or Parking Lot that was previously unpaved and provides access for more than one Dwelling Unit;
  - k. Start a Home Occupation;
  - l. Dig an excavation pit;
  - m. Place or dump fill or other material in a manner that alters the grade of the lot; or
  - n. Install ground-mounted solar panel(s) or solar array.
- (3) Notwithstanding Section 3.3(1), a Development Permit is not required to:
  - a. Erect or place a Temporary Structure that is incidental to an approved Development;
  - b. Lay paving materials for a patio, driveway for a single Dwelling Unit, or sidewalk;
  - c. Construct a Fence of less than 1.8 m (6 ft) in height;
  - d. Install a clothesline, pole, or radio/television antennae, not including satellite dishes;



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- e. Install a temporary and/or seasonal Swimming Pool or children's play equipment;
  - f. Make a garden for Personal Use;
  - g. To make or use a space within a Dwelling as a home office for use by resident(s) of the Dwelling.
  - h. Make Landscaping improvements or construct an ornamental Structure of less than 6 m<sup>2</sup> (64.6 ft<sup>2</sup>);
  - i. Grow a crop or prepare land for a crop;
  - j. Install public or private utilities within the public right of way;
  - k. Replace roofing, shingling, or siding;
  - l. Install a roof mounted Solar Array on an existing Structure;
  - m. Chimney Maintenance or chimney rebuilding;
  - n. Replacement of windows and doors in existing openings without changing the size;
  - o. Interior renovations to a Building that will not change the shape, dimensions, Footprint or number of Dwelling Units, and will not result in a change in Use of the Building;
  - p. Routine Maintenance of a Building or Structure in a manner that does not involve structural alterations.
- (4) No Person shall carry out any site work in any Zone which, when judged by reasonable community living standards, can be considered improper activity such as to create a nuisance, hardship, or other inconvenience to Persons in the vicinity.
- (5) When a Development does not require a Development Permit, the requirements of the Bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Provincial government or the Government of Canada, shall still apply.
- (6) A Development Permit shall be valid for a twelve (12) month period from the date of approval, or such additional time as may be authorized by the Development Officer in advance of the permit expiring. If work has not commenced within that time period, the Development Permit shall be considered null and void.
- (7) Council may revoke a Development Permit where information provided on the application is found to be inaccurate, and Council may treat any ongoing Development as a violation of the Bylaw.
- (8) An approved permit shall be posted on the subject Lot in a location visible to the public.

#### 2.4. DEMOLITION OR MOVING PERMIT

- (1) No Building shall be demolished, or moved on to or from a Lot, without a Development Permit and such other permits as may be required.
- (2) Debris from a Demolition site shall be hauled to and disposed of at a provincially approved location.
- (3) When a Structure is demolished or moved from a Lot, the foundation shall be levelled to Grade, unless a Development Permit for new construction has also been approved for the same Lot.
- (4) When a Structure is demolished or moved from a Lot, the applicant shall be responsible for ensuring that the on-site well and sewage disposal system, if applicable, are decommissioned, or temporarily capped in accordance with any applicable statute, regulation, or other enactment.

#### 2.5. BUILDING CONSTRUCTION DRAWING REQUIREMENTS

- (1) Every Person proposing to Erect a Building or Structure as part of a Development shall, when applying for a Development Permit, submit the following:
  - a. floor plans, with the room size and/or dimensions labelled to confirm the Floor Area dedicated to each proposed Use within the Building; and
  - b. elevation drawings, to confirm proposed height of the Building or Structure.

#### 2.6. SITE PLAN REQUIREMENTS

- (1) A Development Permit application shall be accompanied by a site plan drawn to scale certifying the agreement of the applicant to develop the site in accordance with the plan.
- (2) The site plan shall include the following information, where applicable to the site and proposed Development:
  - a. The boundaries of the subject Lot, including dimensions;
  - b. All existing Highways, rights-of-way and/or easements on and adjacent to the Lot;
  - c. The location of existing and proposed driveways, including the distance of the driveway to the nearest Lot Line;
  - d. The distance from the proposed Building or Structure to all Lot Line;
  - e. The location and exterior dimensions of the proposed Building or Structure;

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- f. The location and exterior dimensions of all existing Buildings or Structures on the Lot;
  - g. The distance from the proposed Building or Structure to the Lot Line fronting on a Highway and/or Private Road;
  - h. The distance from the proposed Building or Structure to any existing Buildings or Structures;
  - i. The distance from the proposed Structure to the boundary of any Wetland or Watercourse and the location of the Environmental Buffer Zone as defined in the Watercourse and Wetland Protection Regulations prescribed under the Environmental Protection Act;
  - j. The distance from the proposed Building or Structure to any existing or proposed on-site well or sewerage disposal system (including tank and field tile);
  - k. The distance between any existing or proposed well and sewerage disposal system;
  - l. The proposed Use of the Lot and any Building or Structure;
  - m. The location of any well, sewerage disposal system;
  - n. Parking Spaces and driveways within 30 m (98.4 ft) on adjacent Lots;
  - o. The existing or proposed location, width and type of land Use buffer or Fence to be maintained, if a land Use buffer is required under this Bylaw; and
  - p. Any other information which the Development Officer considers necessary to demonstrate compliance with the requirements of the Bylaw.
- (3) The Development Officer may waive the requirement for any or all of the above information on the site plan, for minor alterations, additions and/or development of accessory structures, where the Development Officer finds the additional information unnecessary for the determination of the status of the permit application.
- (4) The following additional information is required for Commercial, Industrial, Institutional, and multi-unit (3 or more units) Residential Developments, including but not limited to the following:
- a. Parking Lot layout showing adequate off-Street parking for residents, employees, visitors and other traffic and dimensions for the internal circulation pattern and turning radius for service vehicles, where applicable;
  - b. Location of garbage containers and a description of any screening or fencing proposed; and
  - c. Proposed storage areas and description of any screening or fencing, if applicable.
- (5) Council may require the following additional information for major Commercial, Industrial or Agricultural Developments, or new large Subdivision proposals:

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- a. Traffic impact studies
  - b. Environment impact assessment
- (6) Following the approval of a Development Permit, should there be a change in any of the information submitted for the approval, the applicant shall submit the proposed changes by way of written description or revised drawings and representations for review and the Development Officer will determine if the changes are substantial enough to warrant a new Development Permit application and review.
- (7) The Development Officer may waive the requirement for a Site Plan for:
- a. The Demolition or removal of a Building or Structure;
  - b. The Change of Use of an existing Building or Structure, where no exterior Alterations are being made to the Building or site; or
  - c. Any other Development that is unlikely to impact the existing Grade, hard surface area or runoff from the Lot in question.

### 2.7. STORMWATER MANAGEMENT PLANS REQUIREMENTS

- (1) A Development Permit application shall be accompanied by a Stormwater Management Plan, prepared by a licensed engineer, or qualified landscape architect, drawn to scale, and showing the following information:
- a. Existing and proposed Grade elevations relative to the adjoining Lot(s) and the public right of way;
  - b. Stormwater management design features (i.e., swale, berm etc.) and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent Lots, including existing Private Roads and rights-of-way;
  - c. The finished floor or foundation elevation of existing Buildings or Structures on the Lot and of existing Buildings or Structures on adjacent Lots located within 15 m (49.2 ft) of the adjoining Lot Line; and
  - d. The proposed surface finished floor or foundation elevation of the proposed Building or Structure.
- (2) If a Development does not involve an Alteration or other change to the existing Grade of the land within the minimum side or Rear Yard Setbacks of the Lot, the requirement of a stormwater management plan may be waived for the following types of Development:
- a. A Development that conforms with a preapproved stormwater management plan as prepared for the Subdivision approval of the Lot;

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- b. A Development of a Structure with a Footprint less than 65 m<sup>2</sup> (699.7 ft<sup>2</sup>) and a proposed Setback of more than 15 m (49.2 ft) from any Lot Line or existing Building or Structure;
  - c. A Development that will result in a total Lot Coverage of less than 10%;
  - d. A Development of a Building or Structure with a Footprint less than 20 m<sup>2</sup> (215.3 ft<sup>2</sup>);
  - e. A Development of a Building or Structure that will be built on raised sono-tubes, posts or piles and will not affect the natural and existing flow for drainage; or
  - f. The replacement of a Building Structure with one of the same size and in the same general location, provided no changes are being made to the Grade of the Lot under or around the original foundation.
- (3) The information submitted on the required Site Plan and Stormwater Management Plan may be submitted on a single combined plan if all necessary information can be presented on a single plan and the plan has been prepared and stamped by the appropriate licensed/qualified professional(s).

### 2.8. FOOTING CERTIFICATION

- (1) When the proposed location of a Building or Structure is that of the minimum Setback permitted in the Zone, or when a variance has been approved for a reduced minimum Setback, the Development Permit shall be approved in two Phases.
- (2) The first Phase of the Development Permit will allow only for site work and the construction of the Building's footing.
- (3) When a Phased Development Permit has been issued, a footing certificate or Survey Plan shall be submitted to confirm the location of the Building's footing prior to the second Phase Development Permit being approved and construction commencing beyond the footing stage.

### 2.9. CONSTRUCTION PLAN REQUIREMENTS

- (1) An applicant may be required to submit a Construction Plan for a Development to address such details as construction phasing, stockpiling of soil, temporary screening or fencing, erosion or run-off control measures, heavy truck access and any other item which could present a nuisance or hazard during construction.

### 2.10. DENYING PERMITS

- (1) A Development Permit shall be denied, if, in the opinion of the Development Officer or Council:
  - a. the Development does not conform to this Bylaw;

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- b. the method of water supply or sewer disposal is not appropriate;
- c. the proposed location of Structures, access, or water and sewer lines hinders future Development options;
- d. the Development has been denied an entrance way permit by the Province;
- e. the Development would be Detrimental to the environment;
- f. the Development would create unsafe traffic conditions;
- g. the Development could create a hazard, including but not limited to health, fire or accidental hazard to the public or an adjoining Lot;
- h. the Development could increase the likelihood of existence of rodents, vermin, or other pests;
- i. the Development would significantly or permanently injure neighbouring Lots by reason of architectural disharmony;
- j. the Development would be Detrimental to the convenience, health, or safety of residents in the vicinity or the public; or
- k. the Development could injure or damage a neighbouring Lot or other Lot in the Municipality due to water drainage or other water run-off damage.

### 2.11. CONSTRUCT IN ACCORDANCE WITH APPLICATION

- (1) Any Person who has been granted a Development Permit shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the Development Permit or within the Development agreement and shall comply therewith.

### 2.12. BUILDING PERMIT

- (1) A Development Permit issued under the Bylaw does not substitute or supersede the requirement for a Building Permit for the construction, Demolition, occupancy, or Use of a Building under the *Building Codes Act* and applicable regulations.
- (2) A Building Permit issued under the *Building Codes Act* and applicable regulations, does not substitute, or supersede the requirement for a Development Permit under the Bylaw.

### 2.13. TEMPORARY COMMERCIAL USE PERMITS

- (1) Notwithstanding any other provision of this Bylaw, temporary permits may be issued for a temporary Commercial Use, subject to the following:
  - a. the Development shall not result in a traffic hazard;

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- b. the Development shall not interfere with the parking requirements of regular users of the Lot in which the Development will be located;
- c. the Development shall not create a public nuisance;
- d. the temporary permit shall not exceed a twenty (20) week period; and
- e. if applicable, the applicant shall submit the necessary information to confirm that such Development complies with all health regulations.

### 2.14. COMPLIANCE WITH OTHER BYLAWS AND REGULATIONS

- (1) Nothing in this Bylaw shall exempt any Person from complying with the requirements of any other bylaw of the Municipality or from obtaining any license, permission, authority, or approval required by any other bylaw of the Municipality or any legislation or regulation of the Province of Prince Edward Island or the Government of Canada.
- (2) Where the provisions of this Bylaw conflict with those of any other bylaw of the Municipality or with a statute regulation, or other enactment of the Provincial Government or the Government of Canada, the highest, strictest, or more stringent provision shall prevail.

### 2.15. VARIANCES

- (1) When a Development Permit application cannot be approved because the proposed Development does not meet the minimum requirements of the Bylaw, the applicant may apply for a variance to:
  - a. reduce the minimum Setback requirements for a front, rear, side and/or Flankage Yard;
  - b. reduce the minimum regulation pertaining to Lot Area or Lot Frontage; and/or
  - c. increase the maximum permitted height.
- (2) The Development Officer may approve, reject, or approve with conditions a minor variance (not exceeding 10%) if the variance is desirable and appropriate, and if the general intent and purpose of this Bylaw is maintained, and:
  - a. The Lot in question has peculiar physical conditions, including but not limited to a small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict compliance with Bylaw standards;
  - b. Strict application of all Bylaw standards would impose undue hardship on the applicant by excluding them from the same rights and privileges for reasonable Use of their Lot as enjoyed by other Persons in the same Zone;
  - c. The variance is of the least magnitude required to enable reasonable Use of the Lot; or

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- d. The proposed variance will not impact unduly on the enjoyment of adjacent Lots, or on the essential character of the surrounding neighbourhood.
- (3) Authorization for a minor variance shall be documented and recorded in writing.
  - (4) Notwithstanding any other section of this Bylaw, Council may authorize variances of more than ten percent (10%) if Council deems such a variance desirable and appropriate and if such variance is in keeping with the general intent and purpose of this Bylaw.
  - (5) Before Council considers a variance of more than 10%, the Development Officer shall:
    - a. Receive from the applicant sufficient funds to cover the costs associated with a mail out and the application fee.
    - b. Provide written notice by ordinary mail or hand delivery, explaining the details of the proposed application, to all Owners within 150 m (492.1 ft.) of the boundaries of the subject Lot.
    - c. Ensure that the notice identifies the subject Lot and describes the application and the date by which written comments must be received.
    - d. Accept all comments submitted within fourteen (14) calendar days from the date of the notice.
    - e. The applicant or their authorized agent shall be provided an opportunity to present their proposal for a variance and to answer any questions that may arise from comments received from the public notice.
  - (6) Where Council deems that a variance application could have a significant effect on adjacent Lots or Lots in the general vicinity, Council may require that a public meeting be held.
  - (7) No variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the applicant in relation to the Lot.
  - (8) Council may approve, reject, or approve with conditions a variance application, including approval of a variance which is less than requested, by way of resolution, and authorization for a variance shall be documented and recorded in writing.
  - (9) If a variance is approved or approved with conditions, the variance approval shall be noted on the applicable Development Permit and any conditions of the approval shall also be stated on the Development Permit or within a Development agreement.

#### 2.16. BYLAW AMENDMENTS AND REZONINGS

- (1) An application to change the text of the Bylaw or to change the designated Zone of a Lot on the *Zoning Map*, which may be referred to as a rezoning, shall be considered a Bylaw amendment.



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- (2) Applications to amend the Bylaw must demonstrate that they are consistent with the policies and objectives of the Official Plan and the Future Land Use Map, otherwise the application shall also involve an amendment to the Official Plan and/or Future Land Use Map.
- (3) Bylaw and Official Plan amendments may be heard concurrently, provided that:
  - a. Applications for both amendments are posted on the same public and written notices; and
  - b. The Official Plan amendment precedes the Bylaw amendment.
- (4) An application to amend the Bylaw and/or Official Plan shall include information as may be required for the purpose of adequately assessing the proposal, which may include but is not limited to:
  - a. A written description of the proposed amendment(s), and the applicable *Official Plan* policies and objectives that support the amendment(s), or a description of the section(s) of the *Official Plan* to be amended to enable the Bylaw amendment(s);
  - b. For a rezoning application, a legal description of the Lot(s) to be rezoned, the name and address of the Owners of the Lot(s) and, a statement as to the applicant's interest in the Lot(s);
  - c. A general Development concept plan showing details such as proposed land uses, Subdivisions, Buildings locations, means of servicing, access and parking, as applicable;
  - d. A Development concept plan showing details such as the proposed site plan, Building elevation drawings, landscape and stormwater management plan, access, and parking; or
  - e. A written description on the potential impacts or implications on existing infrastructure.
- (5) Any application for an amendment shall be made, in writing, along with a non-refundable application fee according to the Fee Schedule set by Council.
- (6) The Municipality may initiate a Bylaw and/or *Official Plan* amendment by preparing a report and all other necessary information, consistent with that of an external application.
- (7) Council shall review the *Official Plan* to ensure that the proposed amendment will not be contrary to any policy within the *Official Plan*, and will decide if the application may proceed to a public meeting; to reject the application; or to request additional information on the application.
- (8) No amendment shall be made to the Bylaw and/or *Official Plan* unless Council provides for adequate public notice and a public meeting pursuant to the provisions of the *Planning Act*.
- (9) Council has the right to reject 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 applicable portion of the application fee shall be returned to the applicant.

## 2.17. PUBLIC NOTICE AND PUBLIC MEETINGS

- (1) At least seven (7) clear days prior to holding a public meeting public notice shall be distributed as follows:
  - a. The date, time and place of the public meeting, together with the general terms of the application or amendment shall be published in a newspaper circulating in the area on at least two occasions, and
  - b. Written notice of the application or amendment shall be delivered, by ordinary mail or hand delivery, explaining in general terms, the nature of a rezoning application, to all Owners within 150 m (492.1 ft) of the boundaries of the subject Lot, if applicable;
- (2) When residents or other interested persons are unable to attend the public meeting, the Municipality will accept written comments on the application up to the date of the public meeting.
- (3) At the public meeting called in respect of a proposed amendment(s) to the Bylaw and/or Official Plan:
  - a. Council shall preside at the meeting;
  - b. the Person proposing the amendment(s) or their designate shall describe and defend the proposed amendment and shall answer any questions presented to them; and
  - c. Council shall hear the comments and opinions of any Person who wishes to be heard on the matter at hand.
- (4) Following the public meeting, the Development Officer shall prepare a report to Council including a summary of the application, the public meeting and all comments made by the public and/or received in writing in response to the notices.
- (5) Council shall determine if the proposed amendment(s) application is approved or rejected. The decision shall be made in accordance with Sections 14 and 19 of the *Planning Act* and the applicant will be notified that the proposed amendment(s) has been approved or denied.
- (6) Where a proposed amendment to the Bylaw has been denied by Council, the reasons for the denial shall be stated, in writing to the applicant.
- (7) When an application has been denied, Council shall not entertain any new application for the same proposed amendment(s) for a period of one (1) year from the date of previous application of proposed amendment to the Bylaw.

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- (8) Bylaw and Official Plan amendments approved by Council also require approval by the Minister responsible for administering the Planning Act or any successor enactment. No Development Permits or Subdivision applications related to the amendment(s) shall be approved by the Municipality, until the approval from the Minister has been granted for the necessary amendments.

2.18. CONDITIONAL APPROVALS AND DEVELOPMENT AGREEMENTS

- (1) In deciding to approve an application for a variance and/or amendment, Council may require any applicant to enter into a Development Agreement which may describe additional conditions negotiated as a condition of the approval.
- (2) A Development Agreement may address but shall not be limited to the following matters:
- a. site design;
  - b. the design and construction cost associated with sidewalks, pathways and other pedestrian access matters;
  - c. Landscaping and screening;
  - d. vehicular accesses and exits;
  - e. signage;
  - f. security and safety lighting;
  - g. architectural harmony;
  - h. methods of waste disposal;
  - i. fencing; and
  - j. any other matters that Council deems necessary to ensure the health, safety and convenience of community residents and the travelling public.
- (3) A Development Agreement shall be a contract binding on both parties, containing all conditions which were attached to Council's decision to approve a variance and/or amendment. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw.
- (4) A Development Permit issued subject to a Development Agreement shall reference the signed agreement as a Condition on the Permit.
- (5) A Development Agreement shall be registered in accordance with the *Registry Act*.
- (6) Fees associated with the preparation, registration and enforcement of a Development Agreement shall be paid by the applicant.

## 2.19. APPEALS

- (1) Any Person who is dissatisfied with a decision of the Development Officer or Council in respect of an application made pursuant to this Bylaw may appeal the decisions to the Island Regulatory and Appeals Commission in accordance with section 28 of the *Planning Act*.

## 2.20. BYLAW ENFORCEMENT

- (1) The Development Officer is authorized, with cause, to enter any land, Building, or Structure in the Municipality, provided such entry is not excessive or by force, is at a reasonable time, and is for the purpose of implementation and enforcement of this Bylaw.
- (2) Bylaw enforcement may be undertaken by the Municipality in accordance with *Planning Act*.
- (3) The Municipality, its officers and employees shall not be liable for any damage caused to any Lot or Structure when acting under the authority of this section.

## 2.21. VIOLATIONS AND PENALTIES

- (1) A Person who violates a provision of the Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the *Planning Act*.
- (2) The Municipality is entitled to enforce the Bylaw and restrain any breach of the Bylaw in accordance with the *Planning Act* and the *Municipal Government Act*.

### 3. GENERAL PROVISIONS FOR LAND USE AND DEVELOPMENT

#### 3.1. ACCESS

- (1) No Development Permit shall be issued unless the Lot intended to be used or upon which the Building or Structure is to be Erected has Lot Frontage on a Highway.
- (2) Notwithstanding the foregoing, Council may approve a Development Permit for a Residential or Commercial Development which has Frontage on an existing Private Road, provided that the following criteria are met:
  - a. no reasonable provision can be made to provide access to a public Street,
  - b. safe ingress and egress from the Lot and from the Private Road can be provided,
  - c. an agreement is registered in the P.E.I. Registry Office, binding on all landowners and heirs, successors and assigns of the current Lot Owners of all Lots abutting or fronting on the Private Road that:
    - i. provides for the long-term Ownership and Maintenance of the right-of-way; and
    - ii. acknowledges that the Private Road is not owned or maintained by either the Province of Prince Edward Island or the Municipality and therefore (a) Lots located on the Private Road are not entitled to any provincial or municipal services including grading, ditching, snowplowing, gravelling, school busing, or solid waste collection; and, (b) emergency service access may be impacted, delayed and/or limited if the Private Road is not properly maintained for emergency vehicles.
- (3) Where an entrance way permit is required under the *Roads Act Highway Access Regulations*, its issuance shall be a precondition of the approval of a Development Permit.
- (4) No Person shall construct or Use an entrance way except as per the conditions of the approved entrance way permit.
- (5) Driveway access for a Through Lot may be provided to either or both Streets, but in no case shall a Driveway or Internal Drive continue directly from one Street to the other.

#### 3.2. ACCESSORY BUILDINGS AND STRUCTURES

- (1) Accessory Buildings shall be permitted on any Lot, subject to the following:
  - a. An Accessory Building shall not be used for human habitation except where an Accessory Apartment has been approved as a permitted Accessory Use;
  - b. The Accessory Building shall be located within the rear or Side Yard, unless in the O1 or O2 Zones, in which case, it may be permitted in the Front Yard;

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- c. The minimum Setback of an Accessory Building is 0.9 m (3 ft) to any Lot Line;
  - d. The maximum height of an Accessory Building shall be 6.7 m (22 ft);
  - e. The maximum Floor Area of the Accessory Building on a Residential Lot shall not exceed 111.5 m<sup>2</sup> (1,200 ft<sup>2</sup>); and on a non-Residential Lot shall not exceed 600 m<sup>2</sup> (6,458 ft<sup>2</sup>);
  - f. The minimum Building separation distance between the Accessory Building and any other Building on the Lot shall be 2.1 m (7 ft); and
  - g. No more than two (2) Accessory Buildings are permitted on a Lot, except three (3) Accessory Buildings are permitted on a Residential Lot with a Lot Area greater than 3 acres.
- (2) An Accessory Building or Structure shall not be constructed prior to the construction of the Main Building to which it is accessory.
- (3) In a Zone that permits more than one Main Building on a Lot, an application for an Accessory Building that exceeds the maximum height or total Floor Area permitted may be treated as a second Main Building on the Lot if it meets the Development requirements for a Main Building in the Zone.
- (4) Free standing Accessory Structures, including but not limited to gazebos, utility structure and ground mounted solar arrays, shall be required to meet the Setback requirements of an Accessory Building in the Zone.
- (5) Accessory Structures that are attached to and project from a Building, including but not limited to a staircase, ramp, Deck, balcony, shall be subject to the same Building Setback requirements as the Main Building or the Accessory Building within the Zone; unless the height of the attached accessory Structure is less than 0.6 m (2 ft) above Grade, in which case the Structure may be permitted within the minimum side or Rear Yards with a minimum Setback of 1 m (3.3 ft) to the Lot Line.
- (6) A Fence may be Erected or placed on a Lot subject to the following regulations:
- a. The maximum height for a Fence in any Zone is 2.5 m (8.2 ft);
  - b. The maximum height for a Fence in the front or Flankage Yard is 1.8 m (5.9 ft); and
  - c. Where a Fence is placed on a Lot Line, the Lot shall be surveyed by a licensed surveyor in accordance with the *Land Surveyors Act*, prior to construction to ensure the Fence line does not encroach on an adjacent Lot.
- (7) Satellite dishes or wind turbines greater than 0.9 m (3 ft) in diameter shall not be Erected in any Zone in the Municipality.
- (8) Notwithstanding the above provisions, Council may issue a special Development Permit for an accessory Building or Structure that does not meet the requirements of this section, where

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Council is satisfied the Building or Structure will be architecturally compatible with adjacent Structures and no permanent injury would be caused to adjoining Lots, subject to such conditions as Council may impose.

### 3.3. ACCESSORY APARTMENTS

- (1) One (1) Accessory Apartment may be constructed within a Single Detached Dwelling, OR in an Accessory Building to a Single Detached Dwelling, and the Accessory Apartment shall be incidental and subordinate to the main Use.
- (2) An Accessory Apartment shall be less than 80% of the gross Floor Area of the main Dwelling, excluding the garage; and less than 80 m<sup>2</sup> (861 ft<sup>2</sup>) in Floor Area.
- (3) Accessory Apartments shall not contain more than 2 bedrooms.
- (4) At least one on-site Parking Space shall be provided, in addition to the parking requirements for the main Dwelling.
- (5) Where an Accessory Apartment is located in a detached Building or within an Accessory Building to the Single Detached Dwelling, the following provisions shall apply:
  - a. the Accessory Apartment must share the water supply and sewerage disposal system of the Main Building;
  - b. In the case of connection with an on-site water supply and sewerage disposal system, the Intensification of Use and necessary upgrades to the system(s) must be approved by the responsible provincial government department; and
  - c. The minimum Side Yard and Rear Yard Setbacks for an Accessory Building containing an Accessory Apartment shall be the minimum Side Yard and Rear Yard Setbacks as required for the Main Building.
- (6) No variances shall be approved to increase the maximum size of an Accessory Apartment and where an application is received for a larger Accessory Apartment, it shall be treated as an application for a second Dwelling Unit on the Lot.

### 3.4. BUILDING SEPARATION DISTANCES

- (1) Where more than one Main Building is permitted on a Lot, the minimum separation distance between the Main Buildings shall be 6.0m (19.7 ft).
- (2) The minimum separation distance between a Main Building and an Accessory Building, accessory Structure, or temporary Building shall be 2.1 m (7 ft).

### 3.5. CLUSTER HOUSING DEVELOPMENTS

- (1) A Cluster Housing Development shall comprise a minimum of 4 residential buildings, and a maximum of 48 Dwelling Units.
- (2) A Cluster Housing Development shall have a minimum of 10% of the total Lot Area designated as a common open space or shall have a shared Accessory Building for communal use.
- (3) A Cluster Housing Development shall have sufficient space for receptacles for garbage, compost and recycling, and access to the receptables for collection must be accommodated in the site design.
- (4) Each Dwelling Unit within the Cluster Housing Development shall:
  - a. Be connected to the municipal water and sewerage systems,
  - b. Have access to a continuous Internal Drive not less than 7.5 m (24.6 ft) wide and the Internal Drive will be paved with a minimum width of 6 m (19.7 ft).
  - c. Have a dedicated Parking Space which does not have direct access to a public road.
- (5) Council may require a Development Agreement with regards to the integrated site design, including but not limited to the proposed dwelling types, water and sewerage servicing agreements, property maintenance, snowplow service and maintenance of the internal drive, garbage storage and collection. The agreement shall be registered on title.

### 3.6. EXEMPTIONS: HEIGHT REGULATION

- (1) The height regulations of this Bylaw shall not apply to spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lighting standards, television or radio antennae, telecommunications towers, ventilators, skylights, barns, fire towers, chimneys, clock towers, roof mounted solar array, power transmission towers, roof top cupola, wind power generators, or utility poles.
- (2) Council may approve an application for a Building or Structure exceeding the maximum Building Height of the Zone, subject to a variance application, and provided that the proposed height of the Building or Structure would not exceed 20 m (65.6 ft).

### 3.7. EXEMPTIONS: BUILDING SETBACKS

- (1) Notwithstanding the Side Yard Setback requirements for any Zone in the Bylaw, where two units within a Building share a Common Wall, the Side Yard requirement will be 0 m (0 ft) along the common Lot Line to permit Subdivision of the units.



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- (2) In the Commercial (C1) Zone, if a proposed Building is to be located adjacent to an existing Building on an adjoining Lot and the adjacent Building has a reduced Side Yard Setback, the minimum Side Yard Setback for the proposed Building may also be reduced to 0 m (0 ft).
- (3) If a proposed Building is to be located between existing Buildings on adjoining Lots and the adjacent Buildings have a reduced Front Yard Setback, the minimum Front Yard Setback for the proposed Building shall be that which aligns with the front walls of the adjacent Buildings.
- (4) When the main entrance of a proposed Building is to be oriented towards the Flankage Yard, then the Rear Yard and Side Yard Setbacks may be interchanged.

### 3.8. HERITAGE DESIGNATIONS

- (1) Buildings or Lots located within the Municipality that have been designated as National Heritage Sites or Provincial Heritage Places shall comply with the following requirements:
  - a. If a Building which still has a façade reflecting the original architectural style needs exterior renovation, replacement or repair, said facade shall be replaced or repaired in the original style of the Building. Detailed renovation or repair plans shall be submitted and shall receive Council's approval prior to the commencement of any renovation or repair.
  - b. No designated Building or Structure shall be demolished or moved without approval of Council, and Council may seek public consultation or may hold a public meeting to consider the merits of the application.

### 3.9. HOME OCCUPATIONS

- (1) Nothing in this Bylaw shall prevent the Use of a portion of any Dwelling Unit or Accessory Building to a Dwelling Unit as a home office provided the home office is not intended to be visited by members of the public and no signage is posted.
- (2) The following types of Home Occupations are a permitted Use, subject to an approved Development Permit, in a Single Detached Dwelling or in an Accessory Building to a Single Detached Dwelling:
  - a. Business or Professional Offices, providing clerical, computer and/or telephone-based services only;
  - b. Craft Studio
  - c. Multi-level marketing retail sales;
  - d. Private lessons, tutoring or training sessions (maximum 2 students at a time); or

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- e. Bed and Breakfast or Short-term Rental, subject to the Home Occupations: Tourism Establishments in Dwellings regulations in this Bylaw.
- (3) Home Occupations, excluding permitted Tourism Establishments, shall comply with the following requirements:
- a. the Dwelling shall be occupied as a residence by the principal operator;
  - b. the external appearance of the Dwelling shall not be changed by the Use;
  - c. there shall be no more than two non-resident assistants employed in the business;
  - d. not more than 25% of the Floor Area of the Dwelling shall be occupied by the business;
  - e. adequate off-Street parking, in accordance with this Bylaw, in addition to that required for the Dwelling, shall be provided;
  - f. there shall be no open storage or outdoor Display area; and
  - g. signage shall be restricted to a maximum size of 0.25 m<sup>2</sup> (2.7 ft<sup>2</sup>).
- (4) Council may approve other types of Home Occupation, or the operation of a Home Occupation in a Dwelling type other than a Single Detached Dwelling, provided that the Use is found to be compatible with adjacent land uses, and that no permanent injury or nuisance will be caused to the existing or permitted uses of the adjoining Lots and/or attached Dwelling Units.

### 3.10. HOME OCCUPATIONS: TOURISM ESTABLISHMENTS IN DWELLINGS

- (1) A Bed and Breakfast or a Short-Term Rental, may be permitted to operate in a Dwelling in a Residential Zone subject to the following:
- a. the Dwelling Unit is a Single Detached Dwelling and is not located within a Cluster Housing Development;
  - b. the external appearance of the Dwelling shall not be changed by the Use;
  - c. adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided;
  - d. A Bed and Breakfast shall be occupied by the principal operator; and
  - e. Premise Signs shall be restricted to a maximum of 0.6 m<sup>2</sup> (6.5 ft<sup>2</sup>).
- (2) Council may allow a Bed and Breakfast or a Short-Term Rental in a Duplex, Semi-Detached, or multi-unit Residential Building, where the applicant has provided documentation that such a Use is permitted under the terms of their rental and/or party-wall agreement with the other occupants in the Building.

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- (3) Tourism Establishments shall be licensed in accordance with the *Tourism Industry Act* and upon receiving approval of the license from the province:
  - a. the license number shall be included in all public and online advertisements of the Tourism Establishment; and
  - b. a copy of the license shall be provided to the Municipality upon receipt and renewal as required by the province.

### 3.11. INTENSIVE LIVESTOCK OPERATIONS

- (1) The following minimum separation distances shall apply to all new Intensive Livestock Operations or extensions and to new Residential Development in the vicinity of an Intensive Livestock Operation:
  - a. Distance from any Dwelling on an adjacent Lot 150 m (492.1 ft)
  - b. Distance from Highway 45 m (147.7 ft)
  - c. Distance from any domestic well 150 m (492.1 ft)
  - d. Distance from any Watercourse or Wetland 90 m (295.3 ft)
  - e. Distance from any Lot Line 15 m (49.2 ft)
- (2) Where a new Intensive Livestock Operation is proposed within 305 m (1000 ft) of an existing Residential Subdivision notification shall be sent to the Lot Owners within 305 m (1000 ft) of the proposed operation and invite their comments.
- (3) All intensive livestock Buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.
- (4) The provincial department responsible for agriculture may be consulted regarding manure storage capacities and design standards and shall require the livestock operator to follow these capacity and design requirements.
- (5) The developer shall also be required to undertake an Environmental Impact Assessment in conjunction with the provincial department responsible for the environment and provide details of the assessment to the Municipality as part of the application process.

### 3.12. INTERSECTION TRIANGLE

- (1) Notwithstanding any other provisions of this bylaw, no Building or Structure shall be Erected on a Corner Lot within 6 m (19.7 ft) of the triangular space included between Street Lot Lines.

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- (2) No Structures or vegetation shall be placed, Erected, planted or maintained at a Height over 0.6 m (2.0 ft) on a Corner Lot where it may obstruct the view from a vehicle within 6 m (19.7 ft) of the point of intersection of the Street Lot Lines.

**3.13. LAND USE BUFFER BETWEEN DIFFERENT LAND USES**

- (1) A Land Use Buffer shall consist of:
  - a. An existing vegetated area of land not less than 4.5 m (14.8 ft) in width and of a height that forms a visual barrier (e.g., a hedge); or
  - b. A Fence that forms a visual barrier
- (2) The provision and Maintenance of a land Use buffer on the rear and Side Lot Lines, is required between Residential uses and any of the following new developments:
  - a. Commercial,
  - b. Industrial
  - c. Agricultural uses, where Buildings and/or Structures used for Agricultural purposes have a Setback of less than 22.8 m (75 ft) from the shared Lot Lines.
  - d. Other land uses characterized by significant traffic generation, heavy Use of trucks, noise, Outdoor Storage, congregations of people, or other factors that may adversely affect the adjacent Residential amenity.
- (3) The provision and Maintenance of a land Use buffer on the rear and Side Lot Lines, is required between a Commercial or Industrial land Use and any of the following new developments:
  - a. Residential Use;
  - b. Tourism Establishment;
  - c. a Public Service and Institutional Use; or
  - d. a park and/or recreation land Use.
- (4) Where a Commercial, Industrial or Agricultural Development directly abuts on any Residential Use the following conditions shall also apply:
  - a. any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent Residential Use; and
  - b. Outdoor Storage shall be prohibited adjacent to a Residential Use unless it is hidden from view by means of a wall, Fence or other appropriate Structure.

### 3.14. MIXED USE RESIDENTIAL-COMMERCIAL USES:

- (1) No Dwelling Unit, or any part thereof, shall be located below a Commercial Use.
- (2) A Dwelling Unit may be permitted on the same floor as Commercial Use provided that they are completely segregated from the Commercial Use and have a separate entrance which serves the Dwelling Units.
- (3) The number of Dwelling Units permitted in a Mixed Use Residential-Commercial Use shall be determined by the Lot Size and Development Standards of the R3 Zone, and each Commercial Unit within the Building will be considered one (1) Dwelling Unit.

### 3.15. MULTIPLE BUILDINGS ON A LOT

- (1) Except in the R1, R2 or O2 Zone, more than one (1) Main Building may be placed on a Lot in any Zone, provided all other provisions of this Bylaw are met.
- (2) In the Agricultural Zone, no more than one Single Detached Dwelling may be permitted on a Lot, and any other Main Buildings on the Lot shall be related to the Agricultural Use including additional dwelling units as approved by Council for farm workers.

### 3.16. MULTIPLE USES

- (1) Where any land or Building is used for more than one (1) purpose, all provisions of this Bylaw relating to each Use shall be satisfied. Where there is a conflict, the stricter of the regulations shall apply.
- (2) Regulations pertaining to parking requirements shall be cumulative for each Use, unless a shared parking arrangement has been submitted as an Alternative and has been approved by Council.

### 3.17. NONCONFORMING BUILDINGS

- (1) A Building or Structure lawfully in existence on the effective date of approval of the Bylaw may continue to exist and may be referred to as nonconforming.
- (2) A Building or a Structure shall be deemed to exist on the effective date of approval of this Bylaw if:
  - a. it was lawfully under construction; or
  - b. the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.

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- (3) Where a nonconforming Building or Structure has less than the minimum Setbacks or which exceeds the maximum height required by this Bylaw, the Building may be enlarged, reconstructed, repaired or renovated provided that the Development does not further reduce the Setbacks or increase the height which does not conform to this bylaw; and, all other applicable provisions of this Bylaw are satisfied.
- (4) If a nonconforming Building is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the Building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the Building or repair work would not be Detrimental to the convenience, health or safety of residents in the vicinity or the general public.

### 3.18. NONCONFORMING LOTS

- (1) No Person who owns a Lot, or a Lot containing a Structure, held in separate Ownership from adjoining Lots on the effective date of the Bylaw, having less than the minimum Lot Frontage or Lot Area required by the Bylaw, shall be deprived of the ability to make reasonable Use of the Lot in accordance with the Zone in which it is located and where such a Person makes application for a Development Permit, the Development Officer or Council may:
  - a. waive Rear Yard, Front Yard or Side Yard Setback requirements to an extent that is reasonable and feasible and does not compromise safety, convenience or the aesthetic character of the neighbourhood and may issue a permit; or
  - b. apply procedures set out in this Bylaw for the handling of variances if the variance from the required Rear Yard, Front Yard or Side Yard Setback is substantial.
- (2) Notwithstanding any other requirements of the Bylaw, a nonconforming Lot held in separate Ownership from adjoining Lots on the effective date of this Bylaw, may be used for any purpose permitted in the Zone in which the Lot is located provided that all other applicable provisions in this Bylaw are satisfied.
- (3) A nonconforming Lot may be increased in Lot Area or Lot Frontage or both and still remain undersized provided that this increase does not further reduce an adjacent Lot which may be below the standard set out in this Bylaw.
- (4) Council may approve the rezoning of a nonconforming Lot through a Bylaw amendment application process set out in this Bylaw, provided that:
  - a. the Use is found to be compatible with the policies outlined in the *Official Plan* and adjacent land uses, and that no permanent injury or nuisance will be caused to the existing or permitted Use of the adjoining Lot(s); and
  - b. the Lot satisfies the Lot Frontage and/or Lot Area requirements of the proposed Zone or it is the same or more similar to that of the proposed Zone, than that of the current Zone.

### 3.19. NONCONFORMING USES

- (1) The Use of land, Building or Structure lawfully in existence on the effective date of approval of this Bylaw may continue to be used.
- (2) No Intensification of Use shall be made while a nonconforming Use of land, Building or Structure is being continued.
- (3) No increase in the area occupied by the nonconforming Use shall occur while a nonconforming Use is being continued.
- (4) No structural Alterations that would increase the exterior dimensions, except as required by statute or Bylaw, shall be made to a Building or Structure while a nonconforming Use is being continued.
- (5) Nothing in this Bylaw shall apply to prevent the Alteration and/or extension of a Single Detached Dwelling in any non-Residential Zone provided that the number of Dwelling Units is not increased and that such Alteration does not contravene any of the provisions of this Bylaw for such Use in a Residential Zone.
- (6) Any change of Ownership, tenants or occupants of a premises or Building shall not of itself be deemed to affect the Use of the premises or Building for the purposes of the Bylaw.
- (7) A non-conforming Use of land, Building or Structure shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively, and in such event, the land, Building or Structure shall not thereafter be used except in conformity with this Bylaw.

### 3.20. PERMITTED USES IN ALL ZONES

- (1) The following uses are permitted in all Zones:
  - a. Accessory Building, subject to regulations for Accessory Buildings
  - b. Conservation
  - c. Passive Recreational uses, such as trails for hiking or snowshoeing
  - d. Public and private utility Buildings and Structures, subject to the setbacks of an Accessory Structure.
- (2) Temporary construction facilities such sheds, scaffolds and equipment incidental to construction with a valid Development Permit on the premises for so long as work is in progress or for a maximum period of six (6) months, whichever is the shorter period.

### 3.21. PETROLEUM STORAGE – QUESTION STILL WITH PROVINCE

- (1) The Development Officer shall refer applications for underground petroleum storage tank to the government authority having jurisdiction for these facilities.
- (2) Underground petroleum or gasoline storage facilities shall not be permitted in any Residential Zone.
- (3) All home heat tanks shall be installed according to the regulations listed in the *Environmental Protection Act Home Heat Tanks Regulations*.
- (4) Council shall consider the potential impacts of a proposed underground petroleum storage tank on the ground water supply for the Municipality before rendering a decision on the development permit application.

### 3.22. PROHIBITED USES

- (1) Land uses that are not specified as permitted uses in the Zone shall not be permitted in the Zone.
- (2) No Person shall Use or occupy a Recreational Trailer or Vehicle other than in an approved Campground, for a period for more than two weeks (14 days), unless they have received a development permit for such a Temporary Use.

### 3.23. SERVICE STATIONS

- (1) Notwithstanding any other provisions of this Bylaw, the following special provisions shall apply to an Automobile Service Stations:

a.	Minimum Lot Frontage	45 m (147.7 ft)
b.	Minimum pump Setback	6 m (19.7 ft)
c.	Minimum pump distance from access or egress	9 m (29.5 ft)
d.	Minimum width of driveway	7.5 m (24.6 ft)

- (2) Where the service station includes an Automobile Washing Facility, all washing operations shall be located within a Building.



### 3.24. SWIMMING POOLS

- (1) The installation of a Swimming Pool shall be permitted in accordance with the following provisions:
  - a. The pool shall be located in the side or Rear Yard;
  - b. The minimum Setback between the pool and the nearest Lot Line shall be 1.8 m (6 ft).
  - c. The pool shall be located within an enclosed area (e.g., building, fence, hedge, etc.), the perimeter of which is not less than 1.8 m (6 ft) in height, and the enclosure shall be constructed in such a manner to impede unauthorized Persons from entering.
  - d. Gated access shall be capable of being locked;
  - e. Disposal of water shall be either through the sewer system with coordination of Public Works Department, or carried off by truck; and
  - f. The applicant shall agree that other reasonable initiatives regarding Maintenance and safety which are reasonable and prudent shall be carried out at the initiative of the applicant.

### 3.25. TEMPORARY STRUCTURES

- (1) No one may Erect or place a Temporary Structure without first obtaining a Development Permit, unless the Temporary Structure is incidental to a Development that has an approved Development Permit.
- (2) Temporary Structures with a Footprint of 37.2 m<sup>2</sup> (400 ft<sup>2</sup>) or less, may be permitted on any Lot with a Main Building for up to 6 months.
- (3) Temporary Structures with a Footprint larger than 37.2 m<sup>2</sup> (400 ft<sup>2</sup>) may be permitted on a Lot for up to 6 months, subject to the following:
  - a. If the Lot is a Residential Use, the Temporary Structure shall be incidental to an approved Development; or
  - b. If the Lot is a non-Residential Use, the Temporary Structure is incidental to that Use or to an approved Development; and
- (4) Only one Temporary Structure shall be permitted on a Residential Lot in a single annual cycle, unless the Temporary Structure is incidental to an approved Development.
- (5) A maximum of two (2) consecutive Temporary Structure permits may be approved for the same Structure.

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- (6) Temporary Structures must conform to the Setback regulations for an Accessory Building or Accessory Structure in the Zone.
- (7) The placement or Erection of a Temporary Structure shall not involve an Alteration to the existing Grade of the Lot and shall not result in an Alteration to the natural surface drainage pattern on the Lot.
- (8) Following the expiration of two (2) consecutive Temporary Structure permits, Council may approve an extension following the process for a variance application, if Council is satisfied that the Temporary Structure is compatible with adjacent land uses and that no permanent injury or nuisance will result from an extension to the maximum time period permitted.
- (9) A Temporary Structure permit shall not be extended beyond two (2) years.

#### 3.26. TINY HOMES, MINI-HOMES AND MODULAR UNITS

- (1) A Tiny Home shall not be permitted to be used as Single Detached Dwellings other than:
  - a. in a designated Cluster Housing Development; or
  - b. as permitted by Council, on a legally existing, non-conforming (undersized) lot, within any residential zone, when a regular sized single detached Dwelling cannot reasonably or feasibly be constructed on the property in accordance with the Bylaw.
- (2) Mini-homes shall not be permitted to be used as Single Detached Dwellings other than in a designated Cluster Housing Development.
- (3) A Modular unit may be used as Single Detached Dwelling on a Residential Lot.
- (4) A Modular unit may be used as an Accessory Building on a non-Residential Lot where the Use of the unit is accessory to a Main Building or main outdoor Use on the Lot.

#### 3.27. WATER AND SEWERAGE SERVICES

- (1) All new Development that fronts on a public road with Municipal water and/or sewerage services shall be connected to the Municipal water and/or sewerage services.
- (2) A maximum of one (1) Single Detached Dwelling and one (1) Accessory Apartment is permitted on a Residential Lot with on-site utility (water and/or sewerage) services.
- (3) Notwithstanding the minimum Lot size standards of this Bylaw, all applications involving an on-site sewerage disposal system or on-site water supply must meet the requirements of the *Planning Act Province-Wide Minimum Development Standards Regulations* for on-site servicing based on soil category, as included in Schedule B of the Bylaw and the *Environmental Protection Act Sewage Disposal Systems Regulations and Water Well Regulations*.

### 3.28. WETLANDS AND WATERCOURSES

- (1) No Person shall, without a license or a Wetland, Watercourse and Buffer Zone Activity Permit issued by the province, Alter or disturb the ground or soil within the Buffer Zone as defined in the *Environmental Protection Act, Watercourse and Wetland Protection Regulations*.
- (2) The minimum Setback of any Building or Structure from a Wetland or Watercourse shall be 23 m (75.5 ft)
- (3) An erosion management plan may be required to address siltation and overland erosion during construction adjacent to a Wetland or Watercourse.

### 3.29. YARDS

- (1) Except for Accessory Buildings and Accessory Structures, every part of any Yard required by this Bylaw shall be open and unobstructed by any Structure from the ground to the sky.

## 4. PARKING REQUIREMENTS

### 4.1. PARKING SPACE REQUIREMENTS

- (1) A Parking Space shall have dimensions of not less than 2.6 m (8.5 ft) by 5.5 m (18.0 ft) exclusive of driveways and aisles and shall have adequate space to permit access and egress of a motor vehicle to and from a Street by means of a driveway, aisle, or a manoeuvring area.
- (2) Parking Spaces necessary for trailer trucks, buses, motor homes or other large vehicles shall be designed with dimensions of 3.7 m (12.1 ft) by 18.3 m (60 ft) or larger, as necessary to accommodate longer vehicles.
- (3) Designated Loading Zones shall be at least 3.6 m (11.8 ft) wide with a minimum of 4.25 m (13.9 ft) height clearance.
- (4) Parking Spaces reserved for individuals with mobility impairments shall have dimensions of not less than 3.6 m (11.8 ft) by 6.1 m (20.0 ft); and, there shall be at least one (1) reserved Parking Space for a multi-unit Residential Buildings with over 3 units, and at least two (2) reserved spots for a non-Residential Parking Lot that requires more than 25 Parking Spaces.
- (5) For every Building to be Erected, placed or used, or changed in Use for any of the purposes listed in the following table, there shall be provided and maintained off-Street parking on the same Lot to the minimum extent prescribed by the following table:

Primary Type of Building		Minimum Requirement
Residential Dwelling Unit (Single Detached, Duplex, Semi-detached or Accessory Apartment)		2 spaces/unit (Only 1 space is required if the Dwelling has a garage)
Multi-Unit Dwelling (with 3 or more units)		1.5 spaces/unit
Tourism Establishment		1 space/ room or rental unit
Recreation and Institutional Use	Fixed Seating	1 space for every four (4) seats
	No Fixed Seating	Based on the Fire Marshall's seating capacity rating.
Child Care Facility		1 space/employee, and a designated drop-off area
Hospital and Nursing Home		0.75 space/bed
Community Care Facility		1 space/unit
School		1.5 space per classroom and 1 space for each six (6) seats of seating capacity in the auditorium.

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Business and Professional Office, Service Shop and Personal Service Shop	1 space per 27.9 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area
Automobile Sales and Service Establishment	1 space per 4.6 m <sup>2</sup> (50 ft <sup>2</sup> ) of Floor Area
Shopping Centre (Indoor Mall)	1 space per 18.6 m <sup>2</sup> (200 ft <sup>2</sup> ) of gross Floor Area
Restaurant or Lounge	1 space per four (4) seats of seating capacity
Other Commercial/Retail Store	1 space per 14 m <sup>2</sup> (150 ft <sup>2</sup> ) of Floor Area
Industrial	1 space per 27.9 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area, or 1 Parking Space per employee, whichever is greater
All other uses	1 space/ 20 m <sup>2</sup> (215 ft <sup>2</sup> ) of Floor Area, or As decided by Council

- (6) Parking requirement calculation that is derived from the table and that specifies at least 0.5 of a space but less than 1.0 shall be deemed to be a requirement for one (1) additional space.
- (7) Renovations and Alterations, which do not result in an increase in the gross Floor Area of a Building, shall not require any additional parking, but the number of spaces which existed prior to the renovations, Alterations, shall not be diminished.
- (8) Where a Building or Lot Use is used for more than one Use:
  - a. The Development Officer May apply the closest Parking requirement deemed to fit the proposed Use(s) for the purposes of determining the Parking requirements; or
  - b. The Parking requirements for the site shall be the sum of the parking required for each Use.

#### 4.2. PARKING LOTS

- (1) Where four (4) or more Parking Spaces are required, a scaled drawing shall be submitted showing the Parking Spaces, aisles, easements, access to the Lot, drainage, Buildings, lighting, signs and other pertinent information.
- (2) Where ten (10) or more Parking Spaces are required, scale drawings drawn to parking design standards and certified (stamped) by a qualified engineer, architect, or public land surveyor shall be submitted showing the Parking Spaces, aisles, easements, access to the Lot, drainage, Buildings, lighting, signs and other pertinent information.

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- (3) Where four (4) or more Parking Spaces are required for the land Use on a Lot, the following minimum requirements shall apply:
  - a. The access to the Parking Lot shall be 3 m (9.8 ft) for one-way traffic and 6.1 m (20.0 ft) for two-way traffic with a maximum width of access to a public Street to be 7.6 m (24.9 ft), and individual Parking Spaces shall not have direct access to the Street but shall be designed for access by way of the common access to the Parking Lot;
  - b. the parking area shall be on a stable surface (pavement, gravel) to prevent the raising of dust and to prevent tracking materials on to a Street; and when the parking area is of a permanent hard surfacing, each Parking Space shall be clearly demarcated with painted lines and maintained on the Parking Lot.
  - c. the Parking Spaces shall be accessed from an aisle with a width of 6.7 m (22.0 ft) for right angle parking; 5.5 m (18.0 ft) for 60° angle parking; and 3.4 m (11.0 ft) for 45° angle or less.
- (4) The lights used for illumination of the Parking Lot or parking station shall be so arranged as to divert the light away from the Streets, adjacent Lots and Buildings.
- (5) A Structure not more than 3 m (9.8 ft) in height and not more than fifty 4.6 m<sup>2</sup> (49.5 ft<sup>2</sup>) in area may be Erected in the parking area for the Use of attendants.
- (6) The parking area shall be within 91.4 m (300 ft) of the location which it is intended to serve.

#### 4.3. LOCATION OF PARKING FACILITIES

- (1) Parking Spaces for a Residential Lot shall not be located within 1.5 m (4.9 ft) of any door or window in the Building serving as a bedroom.
- (2) Parking may be permitted in the Front Yard of a Townhouse Dwelling provided the Front Yard does not front on a Collector or Arterial Highway.
- (3) No driveway or access to a Parking Lot for a Residential Lot shall:
  - a. Occupy more than 40% of the Front Yard;
  - b. Occupy more than 40% of the Flankage Yard on a Corner Lot; and
  - c. Occupy more than 40% of the Lot Frontage up to a maximum of 9.1 m (30 ft).
- (4) For multi-unit Residential and a non-Residential Lot, where parking is provided in the Front Yard of a Building, a 1.5 m (4.9 ft) wide yard shall be provided between the parking area and the Street boundary, and the parking area will be accessed via a defined Entrance way.

#### 4.4. EXCEPTIONS TO THE PARKING REQUIREMENTS

- (1) Notwithstanding the parking provisions of this Bylaw, Council may waive or reduce the parking requirements in a non-Residential Zone in return for a Fee as set out in the Fee Schedule where Alternative arrangements are proposed for shared parking or bicycle parking.
- (2) Notwithstanding the parking provisions of this Bylaw, Council may authorize reduced Parking requirements where:
  - a. the applicant agrees to provide underground parking;
  - b. the Loading Space requirement for a Building under 1,858 m<sup>2</sup> (20,000 ft<sup>2</sup>)
- (3) In rendering its decision, Council shall consider the following:
  - a. availability of parking in the proximity of the proposed Development
  - b. the extent to which the proposed Development contributes toward the objectives and policies of the Official Plan
  - c. estimated traffic generation of the proposed Development.

## 5. DEVELOPMENT ZONES, PERMITTED LAND USES AND REGULATIONS

### 5.1. ZONE SYMBOL

- (1) All Lots within the Municipality are designated with a land Use Zone. Such Zones may be referred to by the appropriate symbols.

Zone Name	Zone Symbol
Residential – Low Density	R1
Residential – Neighbourhood	R2
Residential – Multi-Unit	R3
Residential – Cluster Housing	RCH
Commercial	C1
Industrial	M1
Agricultural	A1
Public Service and Institutional	PS1
Recreation and Open Space	O1
Environmental Reserve	O2

### 5.2. ZONING MAP

- (1) A visual representation showing the boundaries of each Zone, known as the *Zoning Map*, shall be Attached hereto as Schedule A and forms a part of the Bylaw.
- (2) Revisions and amendments to the *Zoning Map* shall be recorded by the Municipality, and the *Zoning Map* shall be updated periodically.

### 5.3. INTERPRETATION OF ZONE BOUNDARIES

- (1) Boundaries between Zones shall be determined as follows:
- a. Where a Zone boundary is indicated as following a Street or Highway, the boundary shall be the centre line of such Street or Highway;
  - b. Where a Zone boundary is indicated as following Lot Lines, the boundary shall be such Lot Lines;
  - c. Where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary; and



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- d. Where none of the above provisions apply, the Zone boundary shall be scaled from the high-resolution version of the Zoning Map lodged with the Municipality.

**5.4. PERMITTED USES FOR RESIDENTIAL ZONES**

- (1) A Building or Lot, or parts thereof, in any Residential Zone shall be used for no other purpose than the Land Uses identified in the following table, whereas a checkmark indicates a permitted use, and “DU” indicates a discretionary use that may be permitted subject to such terms and conditions imposed by Council.

	R1	R2	R3	RCH
<b>RESIDENTIAL LAND USES</b>				
Cluster Housing Development			DU	✓
Tiny Home				✓
Mini-home				✓
Single Detached Dwelling	✓	✓		✓
Duplex or Semi-detached Dwellings	✓	✓	✓	✓
Townhouse Dwellings (up to 8 units)		✓*	✓	✓
Apartment Dwellings (up to 12 units)			✓	
Apartment Dwellings with over 12 units			DU	
<b>ACCESSORY TO RESIDENTIAL LAND USES</b>				
Accessory Apartment	✓	✓		
Accessory Building	✓	✓	✓	✓
Home Occupations	✓	✓	DU	
Tourist Establishment (B&B and STR) in Dwellings	✓	DU	DU	
<b>RESIDENTIAL PUBLIC SERVICE/INSTITIONAL USES</b>				
Community Care Facility			DU	
Group Home		✓	✓	
Nursing Home			DU	
<b>NEIGHBOURHOOD COMMERCIAL LAND USES</b>				
Child Care Facility		DU	DU	
Convenience Stores of no greater than 139 m <sup>2</sup> (1,500 ft <sup>2</sup> )		DU	DU	
Business and Professional Office		DU	DU	
Service Shop		DU	DU	
Personal Service Shops		DU	DU	
<b>RECREATIONAL LAND USES</b>				
Park or playground	✓	✓	✓	✓

\* Townhouse Dwellings shall only be permitted in the R2-Zone when each dwelling unit fronts on a Public Street and is designed such that it can be subdivided.

**LOT SIZE AND DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONES**

(2) All Development shall conform to the following Lot size and Development standards for the applicable zone as identified in the following table:

		<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RCH</b>
<b>Minimum Lot Area</b>	<b>Single detached</b>	585 m <sup>2</sup> (6,297 ft <sup>2</sup> )	418 m <sup>2</sup> (4,499 ft <sup>2</sup> )		
	<b>Duplex or semi-detached</b>	1,170 m <sup>2</sup> (12,594 ft <sup>2</sup> )	360 m <sup>2</sup> /unit (3,875 ft <sup>2</sup> )/unit	720 m <sup>2</sup> (7,750 ft <sup>2</sup> )	
	<b>Townhouse Dwellings</b>		360 m <sup>2</sup> /unit (3,875 ft <sup>2</sup> )/unit	315 m <sup>2</sup> /unit (3,391 ft <sup>2</sup> )/unit	
	<b>Apartments and all other uses</b>			115 m <sup>2</sup> /unit (1,238 ft <sup>2</sup> )/unit	2,023 m <sup>2</sup> (0.5 acre)
<b>Minimum Lot Frontage</b>	<b>Single detached</b>	18 m (59.1 ft)	15.2 m (49.9 ft)		
	<b>Duplex or semi-detached</b>	18 m (59.1 ft)	12 m /unit (37.5 ft/unit)	12 m /unit (37.5 ft/unit)	
	<b>Townhouse Dwellings</b>		12 m /unit (37.5 ft/unit)	12 m /unit (37.5 ft/unit)	
	<b>Apartments and all other uses</b>			22.5 m (73.8 ft)	22.5 m (73.8 ft)
<b>Minimum Front and/or Flankage Yard</b>		4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
<b>Minimum Side Yard</b>		2.3 m (7.5 ft)	2.3 m (7.5 ft)	3 m (9.8 ft)	4.5 m (14.8 ft)
<b>Minimum Rear Yard</b>		4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
<b>Maximum Building Height</b>		12 m (39.4 ft)	12 m (39.4 ft)	12 m (39.4 ft)	12 m (39.4 ft)
<b>Minimum Floor Area</b>		46.5 m <sup>2</sup> /unit (500 ft <sup>2</sup> /unit)	46.5 m <sup>2</sup> /unit (500 ft <sup>2</sup> /unit)	46.5 m <sup>2</sup> /unit (500 ft <sup>2</sup> /unit)	

(3) All Lots shall also conform to the Provincial Minimum Lot Standards as amended from time to time, as noted in Schedule B.

(4) Townhouse Dwellings shall only be permitted in the R2-Zone when each dwelling unit fronts on a Public Street and is designed such that it can be subdivided.

(5) Notwithstanding the noted Lot requirements for each zone, a Park or playground may be exempt from the minimum Lot size standards in the Zones in which it is a permitted use.

**5.5. PERMITTED USES FOR NON-RESIDENTIAL ZONES**

(1) A Building or Lot, or parts thereof, in any Non-Residential Zone shall be used for no other purpose than the Land Uses identified in the following table, whereas a checkmark indicates a permitted use, and “DU” indicates a discretionary use that may be permitted subject to such terms and conditions imposed by Council.

	PSI	C1	M1	A1	O1	O2
<b>RESIDENTIAL LAND USES</b>						
Single Detached Dwelling				✓		
Apartment Dwellings (up to 12 units)		✓				
Apartment Dwellings with over 12 units		DU				
Mixed-Use Residential-Commercial		✓				
<b>ACCESSORY TO RESIDENTIAL USES</b>						
Accessory Apartment				✓		
<b>RESIDENTIAL PUBLIC SERVICE/INSTITUTIONAL USES</b>						
Community Care Facility	✓					
Nursing Home	✓					
<b>PUBLIC SERVICE/INSTITUTIONAL</b>						
Child Care Facility	✓	✓				
Club	✓	✓	✓			
Funeral Home	✓	✓	✓			
Government Building (federal, provincial or municipal)	✓	✓	✓			
Institutional Use	✓	✓	✓			
Medical, Health and Dental Office	✓	✓	✓			
<b>COMMERCIAL</b>						
Convenience Stores of no greater than 139 m <sup>2</sup> (1,500 ft <sup>2</sup> )		✓	✓			
Business and Professional Office		✓	✓			
Service Shop		✓	✓			
Personal Service Shops		✓	✓			
Banking and financial institution		✓	✓			
Entertainment Establishment		✓	✓			
Restaurant and Lounge		✓	✓			
Retail Store		✓	✓			
Automobile Service Station		✓	✓			
Tourist Establishment		✓	✓			
Temporary Commercial Use		✓	✓			
Public Parking Lot or Structure		✓	✓			
Other		DU	DU			

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	PSI	C1	M1	A1	O1	O2
<b>INDUSTRIAL</b>						
Automobile Service Shop, Automobile Sales and Service Establishment and other activities connected with the automobile trade other than a scrap Yard			✓			
Farm machinery and heavy equipment dealership and repair shop			✓			
Food processing			✓			
Manufacturing and assembly			✓			
Marine or shipping related activity			✓			
Transport operation			✓			
Warehousing			✓			
Wholesale operation			✓			
Commercial uses accessory to a main Use permitted in an M1 Zone			✓			
Storage of sand and aggregate			DU			
Concrete plant			DU			
Building supply dealership			DU			
Other			DU			
<b>AGRICULTURAL</b>						
Agricultural Uses				✓		
Forestry				✓		
Resource Commercial Use		✓	✓	✓		
Resource Industrial Use			✓	✓		
<b>RECREATIONAL</b>						
Active Recreational Uses	✓				✓	
Passive Recreational Uses	✓				✓	✓
Open Space and Conservation					✓	
Pavilions and Band Shells					✓	
Administrative Offices accessory to the Recreational Use					✓	
<b>OTHER ACCESSORY BUILDINGS and USES</b>						
Accessory Building	✓	✓	✓	✓	✓	✓
Park or playground	✓	✓	✓	✓	✓	
<b>USES PERMITTED IN ALL ZONES</b>						
Public/Private Utility Building	✓	✓	✓	✓	✓	✓
Conservation	✓	✓	✓	✓	✓	✓

**5.6. LOT SIZE AND DEVELOPMENT STANDARDS FOR NON-RESIDENTIAL ZONES**

- (1) All Development shall conform to the following Lot size and Development standards for the applicable zone as identified in the following table:

	<b>PSI</b>	<b>C1</b>	<b>M1</b>	<b>A1</b>	<b>O1</b>
<b>Minimum Lot Area</b>	585 m <sup>2</sup> (6,297 ft <sup>2</sup> )	585 m <sup>2</sup> (6,297 ft <sup>2</sup> )	1,350 m <sup>2</sup> (14,531 ft <sup>2</sup> )	4,047 m <sup>2</sup> (1 acre, 43,560 ft <sup>2</sup> )	585 m <sup>2</sup> (6,297 ft <sup>2</sup> )
<b>Minimum Lot Frontage</b>	18 m (59.1 ft)	18 m (59.1 ft)	30 m (98.4 ft)	45 m (147.7 ft)	18 m (59.1 ft)
<b>Minimum Front and/or Flankage Yard</b>	4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)	7.5 m (24.6 ft)	4.5 m (14.8 ft)
<b>Minimum Side Yard</b>	2.3 m (7.5 ft)	2.3 m (7.5 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
<b>Minimum Rear Yard</b>	4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
<b>Maximum Building Height</b>	12 m (39.4 ft)	12 m (39.4 ft)	12 m (39.4 ft)	12 m (39.4 ft)	12 m (39.4 ft)

- (2) All Lots shall also conform to the Provincial Minimum Lot Standards as amended from time to time, as noted in Schedule B.
- (3) In the C1 Zone, the minimum lot size and development standards for an Apartment Building shall be the same as those required for all other uses in the C1 Zone and the maximum size of an Apartment Building will be 24 Dwelling Units.
- (4) Notwithstanding the noted Lot requirements for each zone, a Park or playground may be exempt from the minimum Lot size standards in the Zones in which it is a permitted use.

## 5.7. ENVIRONMENTAL RESERVE ZONE (O2) AND O2 OVERLAY ZONE

- (1) When only a portion of a Lot is located within the O2 Zone, no Building or Structures, or Grade Alterations shall be permitted on that portion of the Lot that falls within the O2 Zone unless the Structure is designed to have the least impact necessary to provide safe egress/ingress across that portion of the Lot, and applicable permits have been issued by the provincial government department responsible for *Environmental Protection Act*.
- (2) Where an entire Lot is located with the O2 Zone, the only Building or Structure that may be Erected on the Lot is an Accessory Building and the Accessory Building shall have no other Use than to provide shelter or storage as necessary to support the Maintenance of the Lot.
- (3) Accessory Buildings in the O2 Zone are subject to the development standards of the O1 Zone.
- (4) The O2 Overlay Zone is intended to enhance the protection of ground water within the Town's wellfield. All land uses permitted within the zone underlying the O2 Overlay Zone, are permitted uses, however prior to issuance of a development permit within the O2 Overlay Zone and in the vicinity of the Town of Kensington Well Field, the Development Officer may consult with provincial government officials and/or private consultants to ensure that necessary measures are taken to protect the Well Field from potential direct, indirect and long term impacts of the proposed development and land use.

## 6. SUBDIVISION APPLICATIONS

### 6.1. SUBDIVISION APPROVAL

- (1) No Person shall subdivide one or more Lots or any portion of a Lot and no Person shall consolidate two or more Lots of land until the conditions of this Bylaw have been complied with and the applicant has received final approval from the Development Officer or Council.
- (2) No Person shall sell or convey any interest in a Lot in a Subdivision before the Development Officer or Council has approved the Subdivision in which the Lot is situated.
- (3) A Development Permit shall not be issued in a Subdivision until all the requirements of the Subdivision approval have been fulfilled.
- (4) Notwithstanding subsection (1), where a Lot is naturally subdivided into two or more units by a Street or Private Road each of the units shall be treated as a separate Lot.

### 6.2. PERMISSION TO SUBDIVIDE

- (1) Where an entrance way permit is required under the *Roads Act Highway Access Regulations*, its issuance shall be a precondition of the approval of the Subdivision application.
- (2) No Person shall subdivide land within the Municipality unless the Subdivision:
  - a. conforms with the requirements of this Bylaw;
  - b. is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
  - c. will not cause undue flooding or erosion;
  - d. has Street access;
  - e. has adequate utilities and services available or can be conveniently provided with such utilities and services;
  - f. will provide for safe and efficient traffic flow;
  - g. is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility; and
  - h. is suitable to the Use for which it is intended, and the future Use of adjacent lands.

### 6.3. PARKLAND DEDICATION AND/OR PARK DEDICATION FEE

- (1) A Person seeking Subdivision of a Lot into five (5) or more new Lots, exclusive of the parent parcel as it existed on the effective date of this bylaw, shall be required to dedicate and convey to the Municipality 10% of the lands being subdivided for public purposes.
- (2) Council shall determine the physical condition and location of parkland and priority will be made on selecting lands:
  - a. containing environmentally vulnerable features and natural assets; or
  - b. suitable for Park or playground Use that are connected to the active transportation network within the Municipality or otherwise have suitable accessibility for the existing and proposed Lot(s).
- (3) When a dedication of land is not deemed to be appropriate by Council, or the exercising of the full ten percent (10%) conveyance is not appropriate, Council may impose a Park dedication fee in lieu of land conveyance based on the assessed market value of all newly created Lots. The value of the Park dedication fee shall be calculated on the appraised value of the subdivided land and shall not include the value of Structures on such lands.
- (4) Council retains the right to Use the services of qualified appraiser(s) or to consult with other levels of government to determine the appraised value of land.
- (5) The parkland dedication may be in the form of land, cash, or a combination of land and cash of an equivalent value.

### 6.4. SUBDIVISION OF AN ATTACHED DWELLING

- (1) Semi-detached and Townhouse Dwellings may be subdivided independently for individual sale and Ownership provided that:
  - a. a Subdivision of the Lot has been approved by the Municipality and such Subdivision will provide for appropriate easements or common area to allow entry of any portion of the Building to the back Yard area;
  - b. the units must be separated from the basement floor to the underside of the roof in accordance with the National Building Code and Fire Code regulations;
  - c. a separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Municipality;
  - d. a separate electrical service is provided for each unit;
  - e. a separate heating device is provided for each unit; and
  - f. separate parking is provided unless Council approved otherwise.



## 6.5. SUBDIVISION IN THE AGRICULTURAL (A1) ZONE

- (1) Within an Agricultural (A1) Zone, no Person shall be permitted to subdivide from any Existing Parcel of land more than two (2) Lots.
- (2) No Person shall establish more than one access driveway for each 201 m (659.5 ft) of Lot Frontage on a Highway.
- (3) Within an Agricultural (A1) Zone:
  - a. A Residential Lot shall not be permitted within 150 m (492 ft) of an existing Intensive Livestock Operation, as per Provincial regulations.
  - b. Where a Residential Subdivision is proposed, the Municipality shall notify operators of Intensive Livestock Operations within 300 m (984.3 ft) and invite their comments.
  - c. Where a new Intensive Livestock Operation is proposed within 300 m (984.3 ft) of existing Residential Lots, the Municipality shall notify residents and Lot Owners and invite their comments.

## 6.6. REDUCED LOT FRONTAGE

- (1) If a Lot in any Zone is of such configuration that it cannot reasonably be subdivided in such a way to provide the required minimum Frontage on a Street, the Development Officer or Council may approve a reduced Frontage, provided that:
  - a. the Lot width at the Building Line measures at least as much as the minimum Lot Frontage for the Zone;
  - b. adequate and safe access is provided; and
  - c. the proposed Lot has a minimum Frontage of 7.3 m (24 ft).
- (2) The Development Officer or Council may approve a Flag Lot, where:
  - a. the proposed Lot has a minimum Frontage of 7.3 m (24 ft) and main body of the Lot (flag portion) meets the Lot Area and Frontage requirements; and
  - b. where a Lot or portion of a Lot is landlocked and there are no foreseeable options for the extension of a future Street network to provide the required Street Frontage from the rear of the Lot.
- (3) The Development Officer may approve an undersized Lot if an existing nonconforming Lot is consolidated with another Lot to bring the new Lot closer to the minimum requirements of this bylaw, provided that the remaining Lot(s) meet the Lot requirements of this bylaw or were lawfully existing at the effective date of this bylaw.
- (4) Where a Lot contains more than one Main Building lawfully existing at the effective date of this bylaw the Development Officer may approve a Subdivision for the Lot showing a Lot

designed for each of the Buildings provided that each Lot has a Frontage of not less than 7.3 m (24 ft) and each Lot is served by Municipal Services.

- (5) Notwithstanding the Lot Area and Frontage requirements of this bylaw, where a Building or Structure of a permanent nature is encroaching in or upon an adjacent Lot, the Development Officer may approve a Subdivision to the extent necessary and practical to remove the encroachment.

#### 6.7. WATER AND SEWERAGE SERVICES

- (1) Where municipal water and/or sewerage services are available no Subdivision approval shall be issued except where the Subdivision is provided with such services.
- (2) In the review of the proposed municipal water and/or sewerage services, a Subdivision approval may be withheld until such time as adequate servicing has been designed for the Subdivision.
- (3) Where municipal water and/or sewerage services are not available no Subdivision approval shall be issued for a proposal for more than one (1) Lot from an original Lot.
- (4) When a Lot is subdivided and permitted to Use on-site services, the applicant shall enter into an agreement to confirm that at such time as the Municipality provides water and/or sewerage services to the Subdivision, the on-site system shall be decommissioned, and the Lot shall be connected to the municipal services.
- (5) A proposed Subdivision involving the installation of municipal water and/or sewerage services for the area of land proposed to be subdivided shall submit Municipal Services Plans to the Municipality for approval.
- (6) The municipal water and/or sewerage services shall include water mains and laterals to the boundaries of the proposed Lots, and/or sanitary sewer system collectors and any laterals to the boundaries of the proposed Lots, and the system(s) shall be designed by a Professional Engineer and shall comply with the Municipality's specifications.

#### 6.8. APPLICATIONS FOR SUBDIVISION

- (1) Any Person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit the following information:
  - a. A completed preliminary Subdivision application form;
  - b. A description of the Use or proposed Use of the land subject to the Subdivision;
  - c. An electronic (pdf) preliminary Subdivision plan drawn to scale showing:
    - i. the true shape and dimensions of the proposed Lot(s);

- ii. the location of existing Building(s) or Structure(s) on the Lot;
  - iii. existing and proposed services and utilities;
  - iv. proposed widths and locations of all Streets;
  - v. location of land proposed for the public land dedication, if applicable; and
  - vi. Any other applicable existing or proposed features, including but not limited to Buildings, watercourses, wetlands, buffer Zone, wooded areas and areas subject to flooding.
- (2) The applicant may also be required to provide additional information to assist in evaluating a proposed Subdivision, including, but not limited to:
- a. The results of a soil and/or water test;
  - b. A traffic survey or assessment of the proposed connections to the existing vehicular and active transportation network;
  - c. An assessment of potential environmental impacts, including any requirements imposed by provincial statutes, regulations, or other enactments.
- (3) The Development Officer may consult with government officials and private consultants.
- (4) Preliminary approval of a Subdivision may be withheld, where it is found to be unsuitable under the provisions of this Bylaw.
- (5) Preliminary approval of a Subdivision shall not be construed as final approval of such Subdivision for legal conveyance or for land registration purposes, and preliminary approval shall be effective for a period of twelve (12) months, or such additional time as may be authorized by Council.
- (6) If preliminary Subdivision approval has been granted, a Subdivision agreement may be executed outlining the conditions to be satisfied for the Subdivision to proceed to final approval.
- (7) Where a Subdivision application is submitted concurrently with a rezoning application, the preliminary Subdivision approval shall not be granted until the rezoning application has been processed and has received approval.

## 6.9. SUBDIVISION AGREEMENT

- (1) An applicant may be required to enter into a Subdivision agreement as a condition of Subdivision approval. The Subdivision agreement may cover, but shall not be limited to, the following:
  - a. design and construction costs of Highways, sidewalks, water supply, sewerage and stormwater systems, and Street lighting;
  - b. dedication of land for public purposes, or payment of a fee in lieu of land;
  - c. Building of Highways to provincial standards and deeding of Highway to the provincial government;
  - d. posting of a financial guarantee;
  - e. provision of a storm water management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent Lots;
  - f. preservation and enhancement of surface water drainage systems;
  - g. provision of such services, facilities or actions as are necessary to ensure the satisfactory Development of the Subdivision;
  - h. provision for the phasing of the Subdivision;
  - i. assignment of costs associated with the drafting, signing and enforcing of the agreement; and
  - j. Any other matters that are deemed necessary to conform to the Bylaw or to ensure the health, safety and convenience of the public.
- (2) All Subdivision agreements shall be registered in accordance with the provisions of the *Registry Act*.

## 6.10. FINAL APPROVAL

- (1) Any Person seeking final Subdivision approval shall be required to submit to the Development Officer:
  - a. A completed final Subdivision application form with six (6) copies of the final Survey Plan showing all Lots pinned and certified by a licensed surveyor; and
  - b. A stormwater management plan prepared by a licensed engineer for any Subdivision of a Lot into two (2) or more new Lots. The stormwater management plan shall include an overall surface water management strategy for the proposed Subdivision, details for stormwater infrastructure if applicable, and shall include the proposed general location and top of foundation elevation for the Main Buildings to be Erected on each Lot.

- (2) Where a parent parcel of a Subdivision exceeds 4 ha (10 acres) in Lot Area, a pinned Survey Plan for the parent parcel of the Subdivision may be waived.
- (3) Final Subdivision approval shall be granted by the Development Officer or Council only after the applicant has:
  - a. complied fully with all applicable requirements of this Section and the conditions of the Subdivision agreement;
  - b. all transactions involving the transfer of land, money or security in conjunction with the Subdivision have been concluded to the satisfaction of the Development Officer; and
  - c. the applicant has completed any necessary conditions of agreements with the provincial department responsible for transportation respecting Highway construction and the Highway has been accepted as public.
- (4) Final approval may be granted to part of a Subdivision which is proposed to be developed in Phases.
- (5) Final approval of a Subdivision shall be provided in writing, and the Development Officer shall place the Municipality's seal on the six (6) copies of the Survey Plan and shall return one (1) copy to the applicant
- (6) The Municipality shall file a copy of the final Survey Plan with the:
  - a. Registrar of Deeds;
  - b. Provincial department responsible for transportation;
  - c. Municipal records; and
  - d. local utilities, as required.
- (7) The applicant is responsible to prepare and file the deed(s) following final approval of the Subdivision.

#### 6.11. CHANGES TO AN APPROVED SUBDIVISION

- (1) An application to subdivide land in an existing approved Subdivision will be denied where the change may have a Detrimental effect on neighbouring Lots.

#### 6.12. SEVERANCES/CONSOLIDATION

- (1) Notwithstanding the above provisions, the Development Officer may approve applications for Subdivisions with up to four (4) lots, partial Lots or easements and Lot Consolidations at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other sections of this Bylaw.

## 7. DEFINITIONS

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

- (1) **“Accessory Apartment”** see Dwelling definition.
- (2) **“Accessory Building or Structure”** means a Building or Structure whose Use is incidental and subordinate to, and consistent with, the main and approved Use of the Lot on which the Building is Located.
- (3) **“Accessory Use”** means a Use subordinate and incidental to the main Use of land or Buildings and on the same Lot.
- (4) **“Agricultural”** means a Use of a Lot or Buildings for Farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary Accessory Uses for packing, storing or treating the produce.
- (5) **“Alter or Alteration”** - means any change in the structural component or physical appearance of a Building or any part thereof, or any increase in the volume of a Building or Structure but does not include repairs carried out for the purpose of Maintenance or non-structural renovations.
- (6) **“Arterial Highway”** – means any highway that has been designated as an Arterial Highway under the provisions of the *Roads Act* Highway Access Regulations.
- (7) **“Attached”** - means a Building or Structure which has a Common Wall and/or common roof line and the Building or Structure may be considered common as long as a minimum of 20% of the length of the wall or roof line is common with the Main Building or Structure wall or roof.
- (8) **“Automobile Sales and Service Establishment”** - means a Building or part of a Building or a clearly defined space on a Lot used for the sale and Maintenance of used or new automobiles.
- (9) **“Automobile Service Station”** - means a Building or part of a Building or a clearly defined space on a Lot used for the sale of lubricating oils and/or gasoline and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles.
- (10) **“Automobile Washing Facility”** - means a Building or part thereof used for the operation of automobile washing equipment, which is manual, automatic or semi-automatic.
- (11) **“Bed and Breakfast”** – means a type of Tourism Establishment within a Dwelling used incidentally to provide accommodation and limited meals to transient travellers and includes a tourist home but does not include a boarding house, rooming house, Group Home, Restaurant or Lounge.

- (12) "**Building**" - includes any Structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any Person, animal or chattel.
- (13) "**Building Height**" - means the vertical distance measured from the averaged finished Grade to the highest point of roof surface.
- (14) "**Building Line**" - means any line regulating the position of a Building or Structure on a Lot.
- (15) "**Business and Professional Office**" - means premises where services are offered for a fee but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
- (16) "**Campground**" - means a Lot Used by the travelling public that provides sites for tents, tent trailers, travel trailers, motor homes, and Recreational vehicles and campers, and may also be called a RV Park but shall not include industrial, work or construction camps or permanent Cluster Housing Development.
- (17) "**Change of Use**" - means the Change of Use of a Lot or a Building from one type of permitted Use to another type of permitted Use or an increase in the Intensification of Use, including an increase in the number of Dwelling Units.
- (18) "**Child Care Facility**" - means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, which receives for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during part or all of the day.
- (19) "**Club**" - means an association of Persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the Club are conducted.
- (20) "**Collector Highway**" - means any highway that has been designated as a Collector Highway under the provisions of the *Roads Act* Highway Access Regulations.
- (21) "**Commercial**" - means the Use of a Building or Lot for the purpose of buying and selling goods and supplying services.
- (22) "**Common Wall**" means a vertical wall separating two Units between the top of the footings to the underside of the roof Deck and shall be mutually common to both Units.
- (23) "**Community Care Facility**" - means an establishment that provides care services for compensation to five or more residents who are not members of the operator's immediate family.
- (24) "**Conservation**" means an activity in which people make efforts to protect, preserve or restore the environment and its biological diversity.

- (25) "**Convenience Store**" - means a retail Commercial establishment supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food and household products and other complimentary items.
- (26) "**Council**" - means the Council for the Town of Kensington.
- (27) "**Craft Studio**" means a space occupied by a craftsperson and used solely for the production and sale of craft items such as pottery, weaving, sewing, jewelry, painting and print making, sculpture and fine woodworking, and such other similar handcrafted items.
- (28) "**Deck**" - means a Structure intended as outdoor living space, either Attached or adjacent to a Building.
- (29) "**Demolition**" - means to remove, pull down or destroy a Structure.
- (30) "**Detrimental**" means an impact suffered in person or property pursuant to the *Subdivision and Development Regulations* prescribed under the *Planning Act R.S.P.E.I. 1988, c. P-8*.
- (31) "**Development**" - means
- a. Site Alteration, including but not limited to
    - i. Altering the Grade of the land;
    - ii. removing vegetation from the land;
    - iii. excavating the land;
    - iv. depositing or stockpiling soil or other material on the land, and
    - v. establishing a Parking Lot,
  - b. Locating, placing, Erecting, constructing, Altering, repairing, removing, relocating, replacing, adding to or demolishing Structures or Buildings in, under, on or over the land;
  - c. Placing temporary or permanent mobile Use or Structures in, under, on or over the land; or
  - d. Changing the Use or intensity of Use of a Lot or the Use, intensity of Use or size of a Structure or Building.
- (32) "**Development Officer**" - means the Person charged by the Council with the duty of administering the provisions of this Bylaw.
- (33) "**Development Permit**" - means the formal and written authorization for a Person to carry out any Development.
- (34) "**Display**" - includes any item, group of items, sign, or billboard visible to the public, indicating that items or services are offered for sale or trade.



- (35) **“Driveway”** means a relatively short, paved area leading from a Street, a Private Road, or an Internal Drive to a Dwelling Unit or to a Parking Lot. A Driveway may also serve as a Parking Space(s) for a dwelling unit.
- (36) **“Dwelling”** - means a Building or portion thereof designated or used for Residential occupancy,
- a. **“Accessory Apartment”** means a Dwelling Unit within a Single Detached Dwelling, or in an Accessory Building to a Single Detached Dwelling that is incidental and subordinate to the principal Use of the main Dwelling. Also called a Secondary Suite.
  - b. **“Apartment Building”** means a Building comprising of three (3) or more Dwelling Units which generally share outside access; or Dwellings attached to or located above a Building which contains a Commercial Use.
  - c. **“Dwelling Unit”** - means one or more habitable rooms designed or intended for Use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.
  - d. **“Duplex”** - means a Building containing two (2) Dwelling Units each of which has at least two independent entrances.
  - e. **“Mini-home”** - means a Building containing one (1) Dwelling Unit having an average width of less than 6 m (19.7 ft), not including appurtenances such as porches, entries, etc.
  - f. **“Multi-Unit Dwelling”** - means a Building containing three or more Dwelling Units, including Townhouse dwellings and Apartments, where the Dwelling Units may share common spaces within the Building and may share a common entrance.
  - g. **“Semi-detached Dwelling”** - means a Building divided vertically into two (2) separate units, each of which has at least two independent entrances.
  - h. **“Single Detached Dwelling”** - means a Building designed or used for occupancy as one Dwelling Unit; a tiny home or mini-home have separate definitions.
  - i. **“Tiny Home”** means a Building containing one (1) Dwelling Unit constructed on a permanent foundation having a finished floor area (including a second story, if applicable) less than 46.5 m<sup>2</sup> (500 ft<sup>2</sup>) but not smaller than 17.5 m<sup>2</sup> (188 ft<sup>2</sup>).
  - j. **“Townhouse Dwelling”** - means a Building that is divided vertically into three or more Dwelling Units, each of which has independent entrances to a front and Rear Yard immediately abutting the front and rear walls of each Dwelling Unit
- (37) **“Entrance way”** means that portion of the public right-of-way where a driveway or private road connects with an arterial highway, collector, local, or seasonal highway, and as regulated by the *Roads Act, Highway Access Regulations*.
- (38) **“Entertainment Establishment”** means an establishment providing musical, dramatic, dancing, or cabaret entertainment and/or facilities for alcoholic beverage consumption and supplementary food service. This term refers to uses such as a theatre, cinema, auditoria,

beverage room, cocktail lounge, cabaret, casino, nightclub, theatre restaurant and other establishments that are used to host special events.

- (39) "**Erect**" - means to build, construct, reconstruct, Alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.
- (40) "**Existing Parcel**" shall mean a Lot of land which was held in separate Ownership as of February 3, 1979.
- (41) "**Farm**" - means arable land, Dwelling and complementary Buildings containing at least 10 acres, operated as a Farm enterprise and may comprise a lesser area when operated as a Farm enterprise by a *bona fide* Farmer as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4., but does not include land leased or rented from Owner(s) who are not bona fide Farmers.
- (42) "**Fence**" - means an artificially constructed barrier of any material or combination of materials Erected to enclose or screen areas of land.
- (43) "**Flag Lot**" - means a Lot that does not have the minimum Lot Frontage on a Street required by these regulations, but has an approved access on a Street, and is often referred to as a panhandle Lot.
- (44) "**Floor Area**" - means:
- a. With reference to a **Dwelling** the total horizontal areas of each floor contained within the outside walls excluding any rooms not habitable at all seasons of the year such as a garage, porch, veranda, sunroom, greenhouse, unfinished attic, or unfinished basement.
  - b. With reference to a **Commercial Building** the total usable Floor Area within a Building used for Commercial purposes excluding washrooms, furnace rooms and common halls between stores.
  - c. With reference to an **Accessory Building** the area contained within the outside walls.
- (45) "**Footprint**" means the area that falls directly beneath and shares the same perimeter as a Building or Structure.
- (46) "**Forestry**" - means Commercial silviculture and the production of timber or pulp and any Uses associated with a Forestry Use, including sawmills, shingle mills, vehicle and equipment storage and Maintenance Buildings and Yards and retail and wholesale outlets for wood and wood products.
- (47) "**Funeral Home**" means an establishment or part thereof used for human funeral services, and may include space and facilities for autopsies, embalming and short-term storage of human remains, as well as chapels; but excludes crematoriums.

- (48) "**Grade**" - means
- a. as it applies to the determination of Building Height, the lowest of the average levels of finished ground adjoining each exterior wall of a Building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground; and
  - b. as it applies to ground level, the average of the mean elevations of all the natural levels or finished ground adjoining existing walls of Buildings, and the degree of rise or descent of the sloping surface.
- (49) "**Group Home**" means a facility licensed or funded by the Province of Prince Edward Island that provides accommodation, supervisory and/or personal care to residents with social, physical or mental issues with at least one (1) staff person.
- (50) "**Highway or Street**" - means all the area within the boundary lines of every Public Road or right-of-way which is vested in the Province of Prince Edward Island under the *Roads Act* or the Municipality and used or intended for Use by the public for the passage of vehicles and includes any bridge over which any such Public Road or right-of-way passes. All Highways and Streets are public roads.
- (51) "**Home Occupation**" - means an Accessory Use of a Dwelling for gainful employment involving the provision or sale of goods and /or services.
- (52) "**Industrial**" - means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing.
- (53) "**Institutional**" - means the Use of a Lot or Buildings for non-profit or public purposes including but not limited to, hospitals, government Buildings, religious institutions, cemeteries, churches, public schools, colleges, cultural centres, libraries and public recreational and Park Buildings.
- (54) "**Intensification**" - means the Development of a Lot at a higher density than previously existed and includes reDevelopment or Development within existing communities, infill Development, or Development on vacant Lots or underdeveloped Lots within a built-up area, conversion or the Change of Use of an existing Structure or Use, and the creation of Dwellings or accommodation in Dwellings.
- (55) "**Intensive Livestock Operation**" means a feedlot, piggery, dairy, fox ranch or similar operation, or a Building used for the raising of poultry, with the calculation of animal units in accordance with the *Environmental Protection Act* Watercourse and Wetland Protection Regulations.

- (56) "**Internal Drive**" means a lane, access road or right-of-way on private property, designed, or intended for or used for the passage of vehicles and general traffic circulation within a single lot.
- (57) "**Land Use Buffer**" - means the boundary between different Zones, or the boundary between different Uses within the same Zone.
- (58) "**Landscaping**" - means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a Lot
- (59) "**Loading Zone**" - means an unencumbered area of land provided and maintained upon the same Lot or Lots upon which the principal Use is located, and which area is provided for the temporary parking of one (1) Commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such Parking Space shall not be for the purpose of sale or Display.
- (60) "**Lot**" - means any parcel of land described in a deed or as shown in a registered Subdivision plan.
- a. "**Lot Area**" - means the total area included within the Lot Lines.
  - b. "**Corner Lot**" - means a Lot situated at an intersection of and abutting on two or more Streets.
  - c. "**Flankage Lot Line**" - means the Side Lot Line which abuts the Street on a Corner Lot.
  - d. "**Front Lot Line**" - means the Lot Line abutting the Street upon which the Building or Structure Erected or to be Erected has its principal entrance.
  - e. "**Interior Lot**" - means a Lot other than a Corner Lot.
  - f. "**Lot Depth**" - means the depth from the Front Lot Line to the Rear Lot Line.
  - g. "**Lot Line**" - means any boundary of a Lot.
  - h. "**Rear Lot Line**" - means the Lot Line further from and opposite to the Front Lot Line.
  - i. "**Side Lot Line**" - means a Lot Line other than a front, rear or Flankage Lot Line.
- (61) "**Lot Consolidation**" - means the legal incorporation of two or more Existing Parcels of land to form a single, larger Lot.
- (62) "**Lot Coverage**" is the percentage of the Lot Area covered by the Main Building, Attached or detached garage and any Accessory Buildings.
- (63) "**Lot Frontage**" - all land abutting on one side of a Highway measured along the common or actual Lot Line.

- (64) **“Lounge”** - means a Commercial facility or Structure licensed to sell alcoholic beverages to the public.
- (65) **“Main Building”** - means that Building, the nature of the Use of which determines the status of the Lot upon which it is authorized to be constructed or upon which it is constructed.
- (66) **“Maintenance”** - means those actions undertaken to prevent the deterioration of a Building or Structure, but does not include any Alteration, design change, and/or replacement of windows or doors where such replacement involves a change in size.
- (67) **“Medical, Health and Dental Office”** means an establishment used by qualified medical practitioners and staff for the provision of medical, health and dental care on an outpatient basis. This term refers to such Uses as medical and dental offices, physiotherapy services, chiropractic services, counselling services, and ancillary clinic counselling services.
- (68) **“Modular unit”** - means a pre-manufactured unit having an average width of 6 m (19.7 ft) or more, not including appurtenances such as porches, entries, et al. and which may be designed as a Residential Dwelling Unit or Commercial Use.
- (69) **“Municipality”** - means the area incorporated and known as the Town of Kensington.
- (70) **“Nursing Home”** - means a Building, part of Building, or group of Buildings in which, that for compensation provides continual Residential accommodation with meals and housekeeping and nursing services, as required, to any five or more residents.
- (71) **“Obnoxious”** - means a Use which, when judged by reasonable community standards, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- (72) **“Open Space”** - means that portion of a Lot which may be used for Landscaping, Recreational space or leisure activities normally carried on outdoors; but does not include space used for service driveways or off-Street parking.
- (73) **“Outdoor Storage”** - means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
- (74) **“Owner”** - means a part Owner, a joint Owner, tenant in common or joint tenant of the whole or any part of any land or Building and includes a trustee, and executor, and executrix, a guardian, and agent, or mortgage in possession or other Person having the care or control of any land or Building in the event of the absence or disability of the Person having the title thereof.

- (75) **“Park”** means an area of land set aside for Recreational Use and areas designed for passive enjoyment and other similar Uses and includes the Buildings and Structures in connection therewith. A public Park means a Park owned by the Municipality or other level of government used or intended for Use by member of the public. A private Park means a Park owned by individuals or businesses and are used at the discretion of the Owner.
- (76) **“Parking Lot”** means an open area on a Lot, other than a Street, Private Road, Internal Drive, or an area within a Structure for the parking of vehicles.
- (77) **“Parking Space”** - means an area of land which is suitable for the parking of a vehicle accessible to vehicles without the need to move other vehicles on adjacent areas.
- (78) **“Personal Service Shop”** - means a Building in which in which services are administered to an individual for their personal needs and may include barber shops, hairdressing shops, beauty parlours, shoe repair and shoe shining, tailoring, and other similar services.
- (79) **“Person”** includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee, or agent and the heirs, executors or other legal representatives of a Person to whom the context can apply according to law.
- (80) **“Phase”** - means to develop a Lot over time in a series of prescribed stages; or one of such stages.
- (81) **“Premise Sign”** - means a sign that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the Lot upon which such sign is located, or to which it is affixed.
- (82) **“Private Road”** - means a right-of-way which is not vested in the Province or the Municipality, designed or intended for or used for the passage of vehicles and which provides access between a highway or street and a lot, but does not include an **Internal Drive**.
- (83) **“Recreational Trailer or Vehicle”** - means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar vehicles.
- (84) **“Recreational”** – means the Use of a Lot for a Park for passive or active activities including but not limited to a playground, tennis court, lawn bowling green, athletic field, golf course, picnic area, Swimming Pool, day camp, and similar Uses but does not include a track for the racing of animals or any form of motorized vehicles.
- (85) **“Recycling Depot”** - means a Building, Structure, or land which is used for the deposit, collection, and handling of waste paper, rags, tires, bottles, or other materials which are to be delivered wholesale to other operations for reclamation, processing, or salvage, but shall not

include any such salvage or processing on the same Lot or within any Building used as a Recycling Depot. "Salvage or Waste Disposal Facility" is a separate Use.

- (86) "**Residential**" means the Use of a Lot, Building or Structure or parts thereof as a Dwelling.
- (87) "**Resource**" means the Use of a Lot or Building for production and harvesting or extraction of any Agricultural, forestry or fisheries product.
- (88) "**Resource Commercial or Resource Industrial**" means the Use of a Lot or Building for the storage, Display or sale of goods, or for an Industrial Use, directly and primarily related to Resource Uses.
- (89) "**Restaurant**" - means Buildings or Structures or part thereof where food and drink is prepared and offered for sale to the public.
- (90) "**Retail Store**" - means a Building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.
- (91) "**Salvage or Waste Disposal Facility**" - means an establishment for purchasing, receiving, re-sale, or transporting of spent materials or substances which may generate a detrimental impact or nuisance. This definition refers to uses such as salvage and scrap yards, garbage container services, and effluent tanker services. "Recycling Depot" is a separate Use.
- (92) "**Service Shop**" - means a Building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include Industrial, manufacturing or motor vehicle body repair shops.
- (93) "**Setback**" - means the minimum horizontal separation distance between two objects as identified in this bylaw, such as a Building or Structure, Street Line, Watercourse, or Zone boundary, except Fences.
- (94) "**Sewerage System**" - means a system of pipes for the disposal of sewage controlled by a utility.
- (95) "**Short-term Rental**" means the rental of a Dwelling Unit or a portion of a Dwelling Unit (including an Accessory Apartment to a Dwelling Unit) for a period of less than 30 consecutive days.
- (96) "**Solar Array**" means a system of any number of solar energy Collectors and associated mounting and electrical equipment. A ground mounted Solar Array is structurally supported by the ground, rather than a Building. A roof mounted Solar Array is structurally supported by a Building, rather than the ground.
- (97) "**Storey**" - means that portion of a Building between any floor and ceiling or roof next above, provided that any portion of a Building partly below Grade level shall not be deemed a Storey unless its ceiling is at least 1.8 m (6 ft) above Grade and provided also that any portion of a

Building between any floor and ceiling or roof next above exceeding 4.3 m (14 ft) in height shall be deemed an additional Storey.

- (98) "**Street**" - see Highway.
- (99) "**Street Line**" - means the boundary of a Street.
- (100) "**Structure**" - means any construction including a Building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a Swimming Pool.
- (101) "**Subdivision**" - means a division of a Lot to create two or more new Lots; the consolidation of two or more contiguous Lots to create a new Lot; or the attachment of a part of a Lot to another Lot contiguous to that part to create a new Lot, by means of a plan of Subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat that transfers or creates an estate or interest in the new Lots created by the division, or in the new Lot created by the consolidation or the attachment, as the case may be.
- (102) "**Survey Plan**" - means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.
- (103) "**Swimming Pool**" - means an artificial body of water intended to be a permanent Structure which is used for swimming or wading purposes and which has a possible water depth greater than 0.6 m.
- (104) "**Temporary Structure**" means a Structure that is not affixed to the ground by foundation, footings or piles, and has a short-term or seasonal purpose, and which will be removed when the designated time period, activity or Use for which the Temporary Structure was Erected has ceased, and for greater certainty includes but is not limited to any tent, awning, bin, bunk, platform vessel, trailer truck body or container.
- (105) "**Through Lot**" - means a Lot bounded on two opposite sides by Streets.
- (106) "**Tourism Establishment**" - means an establishment that provides temporary accommodation for a guest for a continuous period of less than one month, and includes a Building, Structure or place in which accommodation or lodging, with or without food, is furnished for a price to travellers including but not limited to a cabin, cottage, housekeeping unit, hotel, lodge, motel, inn, hostel, bed and breakfast, resort, short-term rental, travel trailer, travel trailer park, recreational vehicle park, houseboat, or campground.
- (107) "**Use**" - means any purpose for which a Building or other Structure or Lot may be designed, arranged, intended, maintained, or occupied, and includes any activity, occupation, business or operation carried on or intended to be carried on, in a Building or other Structure or on a Lot.



(108) "**Warehouse**" - means a Building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail Commercial outlet but shall not include facilities for a truck or transport terminal or Yard.

(109) "**Watercourse**" - has the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

(110) "**Wetland**" - has the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

(111) "**Yard**" - means an open, uncovered space on a Lot pertinent to a Building and unoccupied by Buildings or Structures except as specifically permitted in this Bylaw.

a. "**Front Yard**" - means a Yard extending across the width of a Lot between the Front Lot Line and nearest wall of any Building or Structure on the Lot and "minimum Front Yard" means the minimum depth of a Front Yard on a Lot between the Front Lot Line and the nearest main wall of any Building or Structure on the Lot.

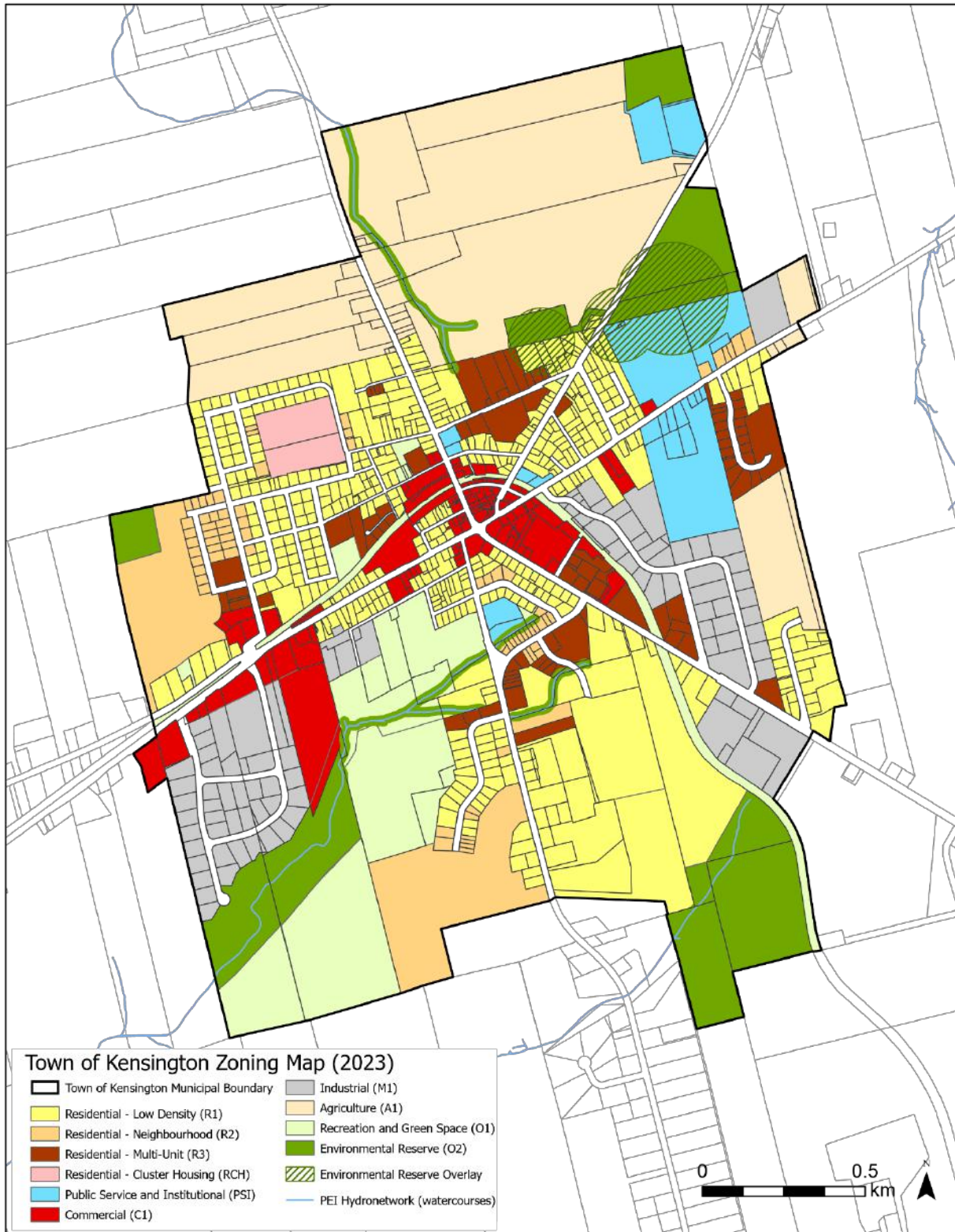
b. "**Rear Yard**" - means a Yard extending across the width of a Lot between the Rear Lot Line and the nearest wall of any Main Building or Structure on the Lot and "minimum Rear Yard" means the minimum depth of a Rear Yard on a Lot between the Rear Lot Line and the nearest main wall of any Main Building or Structure on the Lot.

c. "**Side Yard**" - means a Yard extending from the Front Yard to the Rear Yard of a Lot between a Side Lot Line and nearest wall of any Building or Structure on the Lot, and "minimum Side Yard" means the minimum width of a Side Yard on a Lot between a Side Lot Line and the nearest main wall of any Main Building or Structure on the Lot.

d. "**Flankage Yard**" - means the Side Yard of a Corner Lot which Side Yard extends from the Front Yard to the Rear Yard between the Flankage Lot Line and the nearest main wall of any Building or Structure on the Lot.

(112) "**Zone**" - means a designated area of land shown on the *Zoning Map* of the Bylaw within which land uses are restricted to those specified by this Bylaw

**SCHEDULE A – ZONING MAP**



**SCHEDULE B – PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS**

Notwithstanding any other provisions of this Bylaw, no Person shall subdivide a Lot intended to be serviced by an on-site Water and/or Sewerage System except in conformance with the minimum Lot size standards noted in Table 1 and Table 2 below.

**CHAPTER P-8 PLANNING ACT PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS**

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

<i>(a) Servicing</i>	<i>(b) Lot Category</i>	<i>(c) Minimum Lot Frontage</i>	<i>(d) Number of Dwelling Units</i>	<i>(e) Minimum Lot Area sq. ft. / sq. m.</i>	<i>(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - ft / m</i>
on-site water supply and on-site sewage disposal system	I	100 ft / 30.5 m (or 50 ft / 15.25 m, where the Frontage is on the interior curve of a Street)	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 ft / 30.5 m (or 50 ft / 15.25 m, where the Frontage is on the interior curve of a Street)	1	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			2	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			3	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			4	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			more than 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 ft / 30.5 m (or 50 ft / 15.25 m, where the Frontage is on the interior curve of a Street)	1	51,000 sq. ft. / 4,738 sq. m.	225 ft. 68.6 m.
			2	56,000 sq. ft. / 5,202 sq. m.	250 ft. /76.2 m.
			3	61,000 sq. ft. / 5,667 sq. m.	275 ft. / 83.8 m.
			4	66,000 sq. ft. / 6,131 sq. m.	300 ft. / 91.4 m.

Town of Kensington Land Use and Development Bylaw (2023)

			more than 4	66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	300 ft. / 91.4 m.
on-site water supply and on-site sewage system	IV	100 ft / 30.5 m (or 50 ft / 15.25 m, where the Frontage is on the interior curve of a Street)	1	75,000 sq. ft. / 6,975 sq. m.	300 ft. / 91.4 m.
			2	80,000 sq. ft. / 7,440 sq. m.	
			3	85,000 sq. ft. / 7,905 sq. m.	
			4	90,000 sq. ft. / 8,370 sq. m.	
			more than 4	90,000 sq. ft. / 8,370 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	
on-site water supply and on-site sewage system	V	N/A	N/A	not developable	N/A
central water supply and on-site sewage disposal system	I	50 ft / 15.25 m	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 ft / 15.25 m	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 ft / 15.25 m	1	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			2	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			3	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			4	55,000 sq. ft. / 5,110 sq. m.	275 ft. / 83.8 m.
			more than 4	55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.

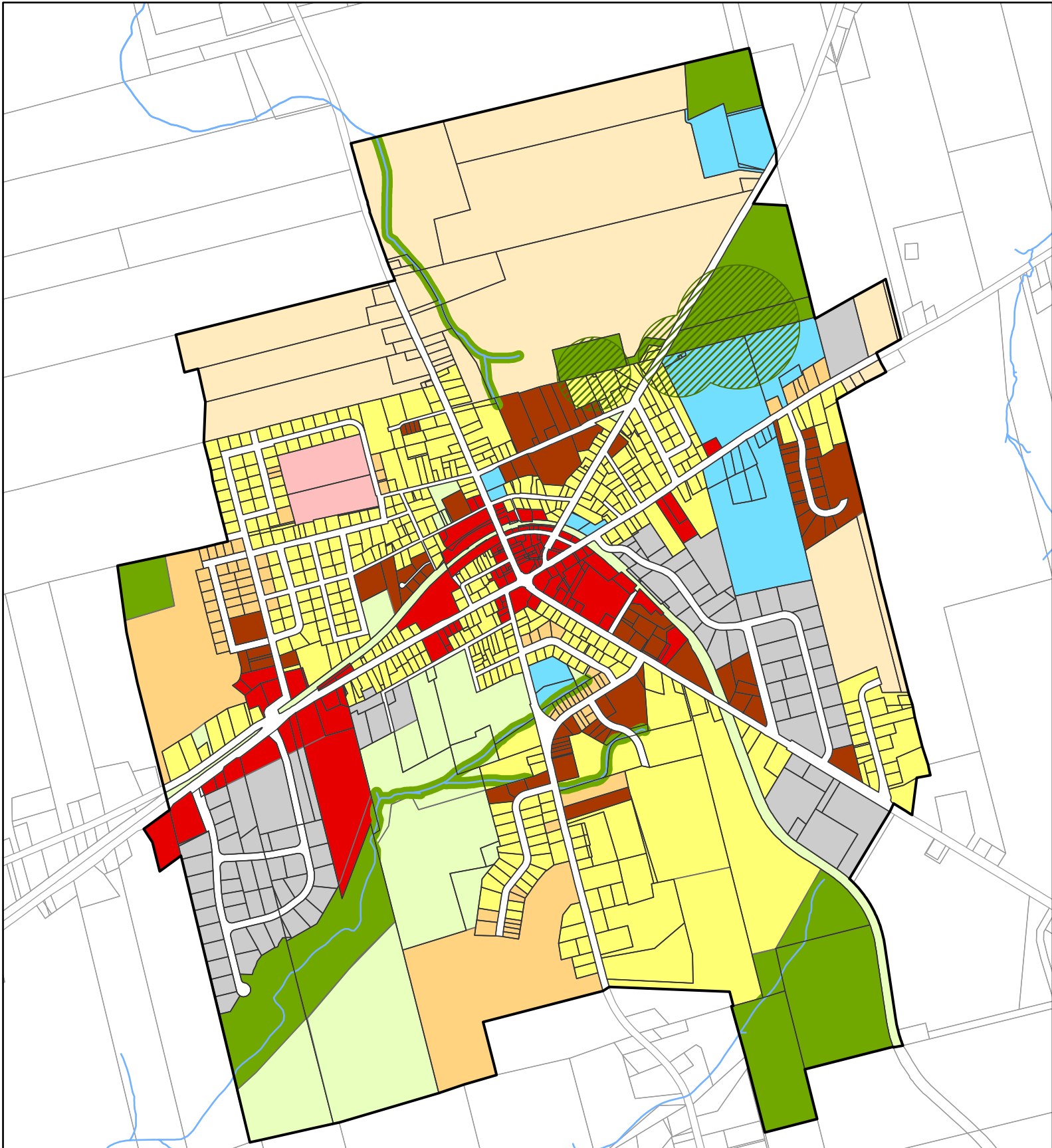
Town of Kensington Land Use and Development Bylaw (2023)

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

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

<i>(a) Servicing</i>	<i>(b) Lot Category</i>	<i>(c) Minimum Lot Frontage</i>	<i>(e) Minimum Lot Area</i>	<i>(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - ft / m</i>
on-site water supply and on-site sewage disposal system	I	100 ft / 30.5 m (or 50 ft / 15.25 m, where the Frontage is on the interior curve of a Street)	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
on-site water supply and on-site sewage disposal system	II	100 ft / 30.5 m (or 50 ft / 15.25 m, where the Frontage is on the interior curve of a Street)	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and on-site sewage disposal system	III	100 ft / 30.5 m (or 50 ft / 15.25 m, where the Frontage is on the interior curve of a Street)	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
central water supply and on-site sewage disposal system	I	50 ft / 15.25 m	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
central water supply and on-site sewage disposal system	II	50 ft / 15.25 m	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewage disposal system	III	50 ft / 15.25 m	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	50 ft / 15.25 m	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister





### Town of Kensington Zoning Map (2023)

- Town of Kensington Municipal Boundary
- Residential - Low Density (R1)
- Residential - Neighbourhood (R2)
- Residential - Multi-Unit (R3)
- Residential - Cluster Housing (RCH)
- Public Service and Institutional (PSI)
- Commercial (C1)
- Industrial (M1)
- Agriculture (A1)
- Recreation and Green Space (O1)
- Environmental Reserve (O2)
- Environmental Reserve Overlay
- PEI Hydronetwork (watercourses)





A detailed map of the Town of Kensington, showing a network of streets and a winding river. The map is divided into two main sections by a vertical line. The left section is white with black outlines for streets and buildings, and a blue line for the river. The right section is a solid light brown color, also with black outlines for streets and buildings. A dark red horizontal banner is overlaid across the top of the map.

# Town of Kensington Official Plan

**2023**



Prepared by DV8 Consulting



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### **Land Acknowledgement**

The land upon which the Town of Kensington (Kataqanek) is located is in unceded Mi'kmaq territory and is covered by the historic Treaties of Peace and Friendship.

We pay our respects to the Indigenous Mi'kmaq People who have occupied this land for over 12,000 years; past, present, and future.

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Town of Kensington Official Plan (2023)

<b>Original date of approval</b>	<b>XXXXXX, 2023</b>
Amendment Number	Effective Date

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## 1. INTRODUCTION

### 1.1 TITLE AND INTERPRETATION

This document will be known as the *Town of Kensington Official Plan (2023)* and may be referred to as the *Official Plan*. Any reference to the Town, municipality, or Council refers to the Town of Kensington and the Council for the Town of Kensington, unless otherwise specified.

The *Official Plan* covers the geographic area contained within the legal boundaries of the Town, as approved on May 1, 2021.

### 1.2 PURPOSE

The *Official Plan* is a formalized statement of the goals, objectives, policies, and plan actions approved by Council to address the nature, extent and pattern of land use and development within the Town until the year 2038. The *Official Plan* also includes objectives relating to physical features, infrastructure, and utilities; housing and social wellbeing; the local economy and livelihoods; environmental sustainability; and administration and implementation

The objectives are intended to address a wide range of municipal issues, including but not limited to affordable housing, development standards, climate change, economic development initiatives, environmental protection, equity and diversity in social programming, municipal services and utilities, reconciliation, social programming, and administration and fiscal management.

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**Goals** indicate the overall shared vision for the future of the Town. They provide the framework and general direction for the more detailed objectives and policies.

**Objectives** address performance targets and indicate the policy direction.

**Policies** indicate the approach the Town will take in pursuing the objectives with regards to specific topics and issues.

**Plan Actions** are the tools and/or initiatives that will be used to implement the policies.

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### 1.3 LEGAL ENABLEMENT

The municipality derives its planning authority from the *Municipal Government Act, R.S.P.E.I. 1988, Cap. M-12.1* and the *Planning Act, R.S. P.E.I., Cap p – 8*. The *Municipal Government Act* enables Council to make bylaws, and/or to develop programs or strategies to help implement the *Official Plan*. The *Planning Act* empowers Council to appoint a Planning Board, adopt an official plan, and, subsequently, to adopt bylaws. The *Planning Act* requires that the *Official Plan* include the following information: a statement of economic, physical, social, and environmental objectives; a statement of policies for future land use, management, and development, expressed with reference to a specified period not exceeding fifteen years; and proposals for its implementation, administration, and the periodic review of the extent to which the objectives are achieved.

#### 1.4 MUNICIPAL INTERESTS

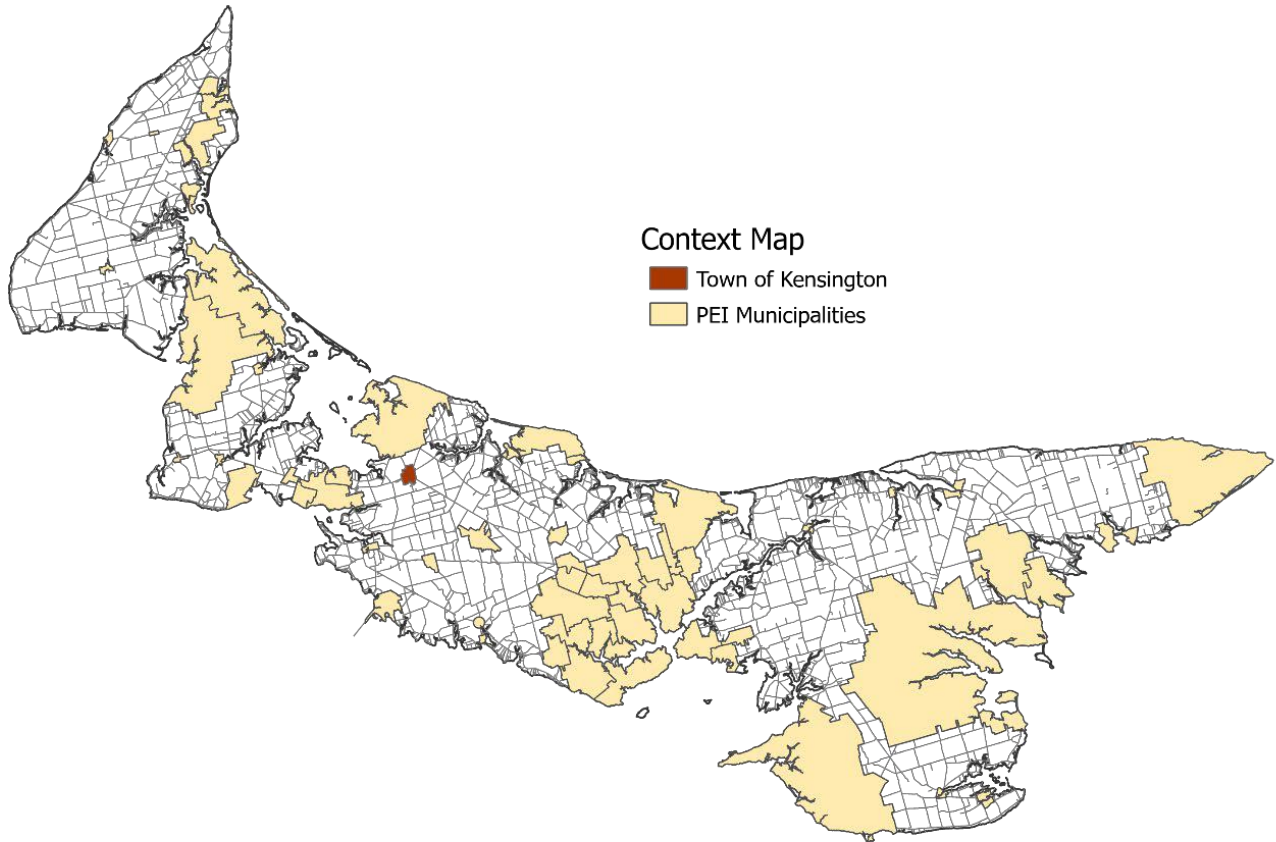
Council in carrying out their responsibilities in relation to municipal planning services and the effects of proposed development, will have regard for municipal interests, which are in alignment with that of the provincial interest statements described in the *Planning Act* as follows:

- a. The protection, conservation and management of resource lands;
- b. The protection, conservation and management of ecological systems;
- c. The prevention of fragmentation of land and of loss of natural habitat connectivity and biodiversity;
- d. The supply, efficient use and conservation of water;
- e. The supply, efficient use and conservation of energy;
- f. The adequate provision and efficient use of communication, transportation, sewage and water services, storm water management systems, waste management systems and other public services in relation to planning development, and the effect of planning development on those services;
- g. The effect of proposed planning development on, and measures for the protection of, public health and safety;
- h. The protection of features of significant archaeological, cultural, architectural, historical and scientific interest;
- i. The protection of viewsapes that contribute to the unique character of Prince Edward Island and the Town of Kensington;
- j. The direction of development to areas designed to support servicing;
- k. The orderly and sustainable development of a safe and healthy community;
- l. The adequate provision of a full range of housing options;
- m. The promotion of a built environment that supports public transit and active transportation;
- n. The promotion of a built environment that incorporates the principles of conservation design;
- o. The adaptation of the built and natural environment to address the effects of climate change;
- p. The mitigation of greenhouse gas emissions; and
- q. Adaptation to a changing climate.



## 2. CONTEXT AND PHYSICAL DESCRIPTION

The Town of Kensington covers 4.8 km<sup>2</sup> (1186 acres). It is located 1.5 km south of the Rural Municipality of Malpeque Bay, about 15 km northeast of the City of Summerside, and is otherwise surrounded by rural unincorporated lands (Figure 1).



**Figure 1. Location of the Town of Kensington in relation to other incorporated municipalities**

### 2.1 MUNICIPAL RESTRUCTURING

In 2019, the Town conducted a comprehensive study to assess the growth and development opportunities of the municipality and the need to restructure the municipal boundary. The study found that the Town had grown to the full extent of its boundary and was landlocked with few opportunities for new development.

The study resulted in a proposal that reflected a measured approach to restructuring. Properties that were annexed into the municipality were done so based on the following criteria:

- properties that have already benefited from and/or were connected to municipal services;
- properties that were surrounded by municipal properties - where the municipal boundary had leap-frogged properties in the past;
- properties that present an opportunity for future economic growth and investment through subdivision and development (e.g., a new Industrial or Business Park); and,

## Town of Kensington Official Plan (2023)

- properties that required improved environmental management and/or protection through the provision of land use planning.

Following a public hearing of the Island Regulatory and Appeals Commission in the fall of 2020, the new boundary was approved by the Province on May 1, 2021. The new boundary increased the Town's land area by approximately 1.5 km<sup>2</sup>, an increase of about 45%.

Currently, the Town does not intend to pursue a larger annexation of the surrounding agricultural, unincorporated land. However, should residents in the unincorporated area of the Kensington Fire District express interest in conducting a larger regional study, Kensington would welcome the opportunity to work collaboratively on such a municipal restructuring initiative.



**Figure 2. Town of Kensington municipal boundary. The yellow dashed line indicates the previous boundary. The solid red line indicates the current boundary as approved on May 1, 2021. Note the 2020 air photo has been used for visual reference only.**

## 2.2 LAND USE PATTERNS

Kensington has a well-defined commercial core area and commercial uses are also located along Victoria St W (Route 2), the arterial highway that passes through the Town. The industrial park is accessed from Broadway St S (Route 2) and from Victoria St E (Route 6). To accommodate the high demand for business growth, the Town has recently developed a second industrial/business park accessed from Victoria St W (Route 2) near the western boundary of the Town. The roads and services of the new business park have been constructed and properties are now for sale and are ready for development.

Residential neighbourhoods surround the commercial core, with most of the original housing in the northeast and northwest. New residential development has occurred primarily in the southwest (e.g., Barrett St, Rosewood Dr and Douglas St) and on the eastern boundary (e.g., Brookins Dr). Institutional land uses are scattered throughout the core area. There are also two large public-school properties located close to the eastern boundary on opposite sides of Victoria St E (Route 6).

Open space and recreation facilities are also located throughout the Town, including the Credit Union Centre, school properties, sports fields, and an outdoor community swimming pool. The Town has a healthy supply of land area dedicated to parks, open space, and environmental reserve, which includes a protected forested area in the south.

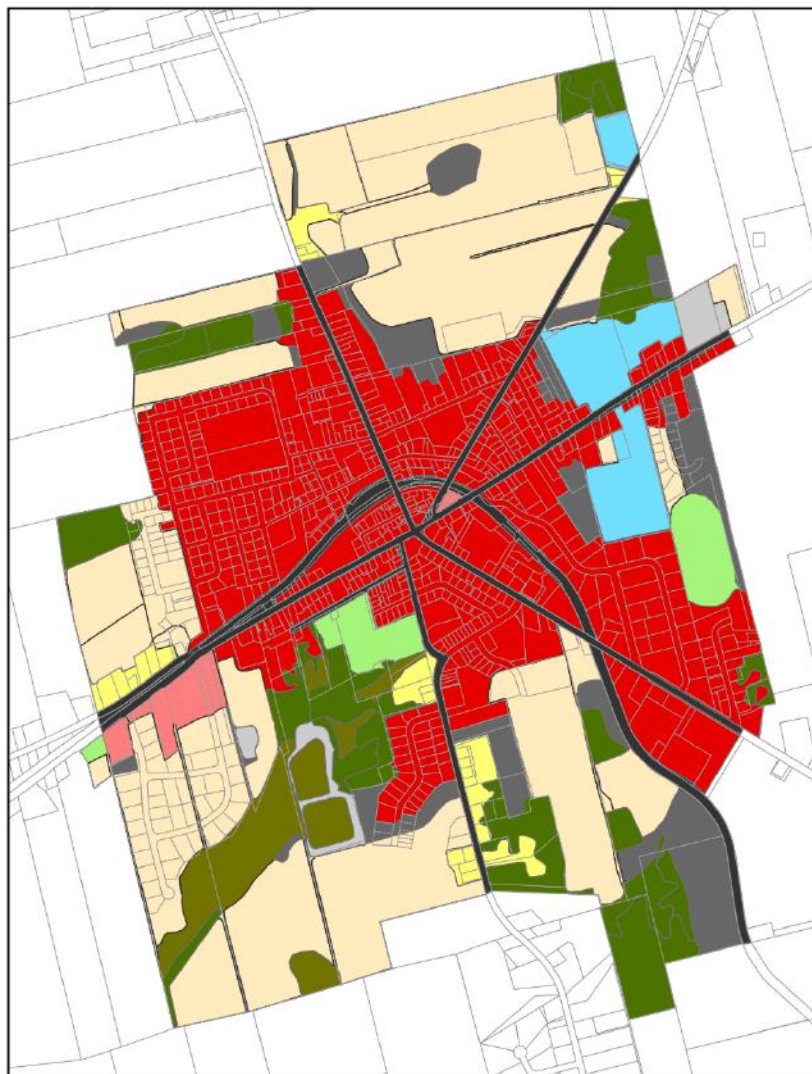
The Corporate Land Use Inventory (Figure 3) is a province-wide land use and land cover classification that is prepared by the Provincial Government every 10 years. This map identifies current land use coverage within the Town boundary. It is useful for identifying the developed or current land uses, in contrast to the Future Land Use Map which identifies land uses permitted.

### Corporate Land Use Inventory (PEI 2010)

**LANDUSE**

- Agriculture
- Residential
- Institutional
- Commercial
- Urban
- Industrial
- Transportation
- Recreation
- Forestry
- Wetland
- Non-identified

Land Use	Total Area (km2)	Percentage
AGR	1.62	33.73%
RES	0.11	2.19%
INT	0.17	3.48%
COM	0.06	1.17%
URB	1.46	30.36%
IND	0.05	1.12%
TRN	0.25	5.16%
REC	0.11	2.21%
FOR	0.46	9.66%
WET	0.18	3.66%
NON	0.35	7.27%
<b>Grand Total</b>	<b>4.81</b>	<b>100%</b>



**Figure 3. PEI 2010 Corporate Land Use Inventory for the land area within the current Town of Kensington Boundary**

\* Note that the data for the 2020 PEI Corporate Land Use Inventory was not available to include in the Official Plan. When this data is made available, Council intends to update Figure 3.

## 2.3 ENVIRONMENTAL FEATURES

The topography of the area features prominent hills in the north, northeast and in the southeast edges of the Town. The land slopes gently toward the west and to the center of Town which is relatively flat.

There are three tributaries of the Barbara Weit River that originate within the Town, and which flow in the southwest direction. Approximately two-thirds of the Town falls within the Barbara Weit Watershed, with the remaining land in the Indian River Watershed and the Tuplin Creek Watershed. Most of the soils in the region are rated as Class II and are highly productive and capable of supporting a wide range of crops.

Natural assets within the Town include a 14.9 acre provincially protected, Acadian forest called the John A. Hogg, Kensington Public Forest Trails. This protected area includes mature hardwoods including sugar maple, yellow birch, red maple, and red oak, as well as white pine, eastern hemlock, and rare plants such as the Christmas fern. On the Northeast boundary, approximately 19 acres of woodlands was donated to protect the Town's wellfield.

## 2.4 TRANSPORTATION

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### REGIONAL ROAD NETWORK

Kensington is located on a prominent node within PEI's transportation network – a point at which arterial and collector roads from five different communities converge.

**Victoria St W and Broadway St S, Route 2**, is the primary east-west arterial highways connecting to western PEI. Route 2 generates significant year-round traffic.

**Victoria St E, Route 6**, connects to a large rural service area and the Resort Municipality to the east. Traffic volumes on Route 6 are particularly high during the summer season.

**Broadway St N, Route 20**, connects to the northwest and the Malpeque area.

**Woodleigh Dr (Irishtown Road), Route 101**, connects north toward Irishtown and Park Corner.

**Barrett St/Kelvin Rd, Route 109**, connects south towards Kelvin Grove, Freetown and Kinkora.

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### LOCAL ROADS

The Town has turned over ownership and maintenance responsibility of public roads to the provincial government. The PEI Department of Transportation and Infrastructure maintains the roads, including snow clearing in the winter. Some of the older, local streets are relatively narrow and stormwater drainage has been identified as a concern by residents.

There are some residential developments on private roads within the town. The maintenance of these roads, including snow clearing, is the responsibility of the owners.

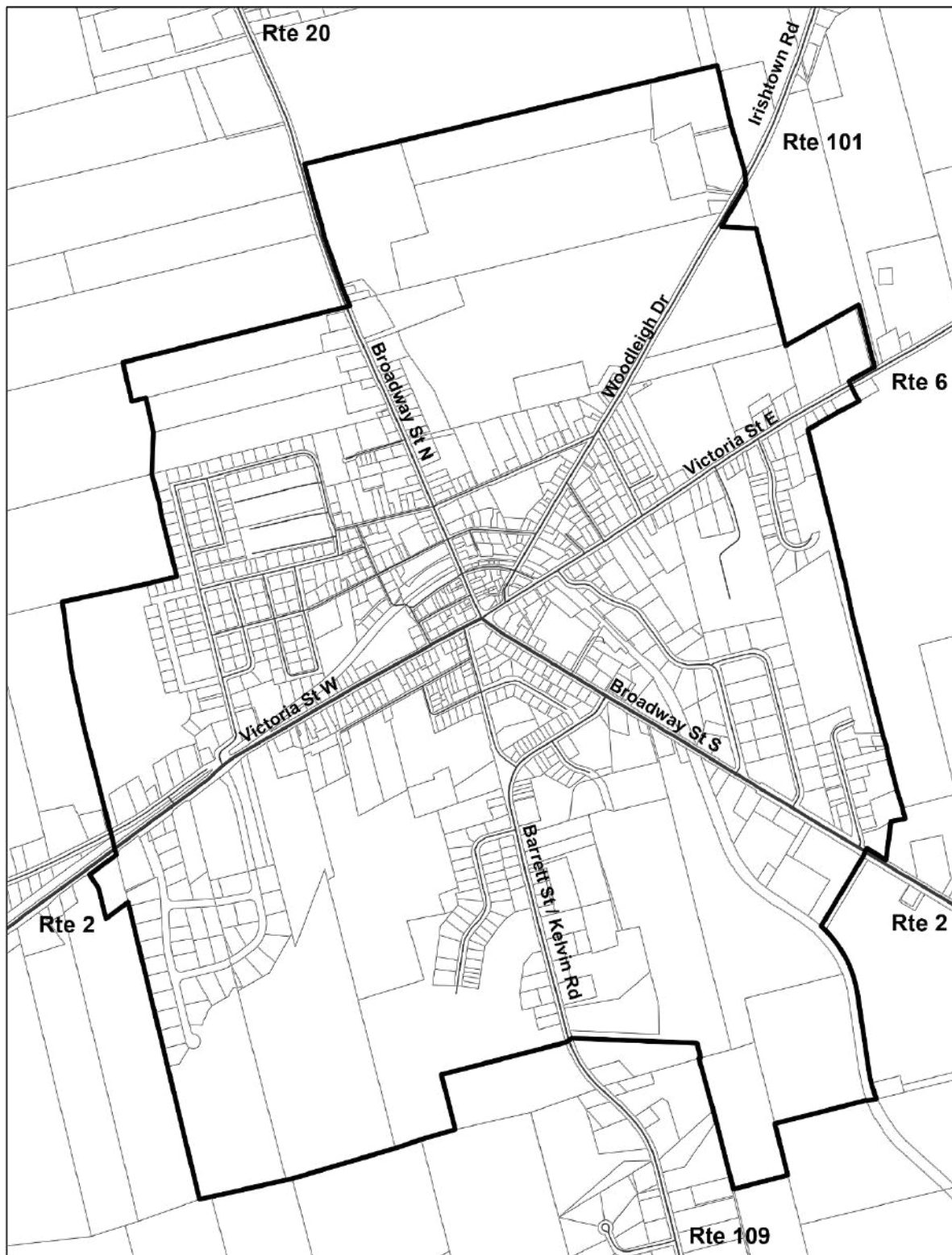


Figure 4 Town of Kensington arterial and collector road network

## ACTIVE AND ALTERNATIVE FORMS OF TRANSPORTATION

Pedestrians are served by a well-maintained sidewalk network within the Town. The sidewalk network has been expanded in recent years as new residential areas have been developed. The Confederation Trail also bisects the Town offering excellent recreational opportunities and access to the core area. The Town is working on identifying priority areas for sidewalk extensions and new trail connectors.

The Confederation Trail provides snow mobile access to the Town during the winter months. The local Snowmobile Association maintains a groomed trail connecting north to Burlington, east to Stanley Bridge/North Rustico, and southeast to Fredericton. The Quad Trax ATV Club also maintains a trail network that connects Kensington to North Granville and Borden with over 60 km of trails. Within the Town the trails to services on Route 2 including the Trailside Plaza, Frosty Treat and Bakin' Donuts.

The provincial T3 Rural Transit Charlottetown/Summerside Route connects through Kensington Monday-to-Friday with 6 runs in each direction daily. Bus stops are currently located at the Independent Grocer and the Post Office/Irving. In the summer months of 2022, a route from Summerside to Charlottetown through Cavendish and North Rustico was also added to support employees and tourists accessing north shore communities.

### 2.5 HERITAGE

There are five designated heritage properties within the Town (*See, Schedule B, Heritage Properties Map*).

The Kensington Railway Station was built in 1905 next to the former railway tracks, which is now part of the Confederation Trail. The Railway Station was designated as a National Historic Site in 1976. Its designation recognizes its distinctive architecture and its significant role in the history of the PEI railway.

The other four properties are provincially designated heritage places, including:

- St. Mark's Anglican Church (e. 1885) located at 49 Victoria St E;
- an office building, owned by the Government of Prince Edward Island, housing the local Post Office and other provincial government offices (e. 1954) located at 62 Victoria St W;
- a mid-Victorian mansard roofed residence (e. 1878) located at 7 Imperial St; and,
- an ornate Victorian home in the Gothic Revival style (e. 1895) located at 74 Victoria St W.



**Figure 4. Kensington Railway Station.** (Photo Credit: [www.waymarking.com/waymarks/WMWAG0\\_Kensington\\_Railway\\_Station\\_Kensington\\_PEI](http://www.waymarking.com/waymarks/WMWAG0_Kensington_Railway_Station_Kensington_PEI))

### 3. MUNICIPAL AND COMMUNITY SERVICES

#### 3.1 ADMINISTRATION AND PLANNING

The Town's Administration Department is responsible for the day-to-day management of the Municipal Corporation in accordance with the *Municipal Government Act*. The department provides support services to and on behalf of the Council and provides general leadership to support the Town's operations. The Town's Administration Department recently completed the *Town of Kensington Strategic Plan 2019-2024 (2019)* and the *Town of Kensington Municipal Restructuring Proposal (2020)*. This Department also provides planning and development control services. Planning services are provided by the CAO and municipal clerk in consultation with a planning consultant, when required.

#### 3.2 SEWAGE TREATMENT AND CENTRAL WATER SUPPLY

The Town of Kensington Water and Sewer Utility is responsible for providing clean water and effective wastewater treatment. Sewer and water services are billed separately from property tax rates, and as such only those properties connected to the services, pay for these services.

The Town's sewage collection and treatment infrastructure were upgraded in 2002 to a capacity that can support approximately 2,500 people. The sewerage system is primarily gravity fed, except for the north side of Pleasant Street and the northeastern side of Town which requires pumping facilities to move the wastewater. The Town plans to conduct a study on servicing capacity and population growth trends within the next year.

The water supply is provided by four wells and a water tower located on Gerald McCarville Drive. Most properties are connected to the central water supply system. The Town owns approximately 24 acres of property where the wells are located which provides increased protection of the water supply. Although extensions of the water supply are feasible, water pressure limitations may influence decisions regarding further expansion. A Wellfield Protection Plan was prepared in 2019 with recommendations relating to land use and development controls within and around the wellfield.

Properties that were outside the municipal boundary but connected to the sewerage and/or water services, or that were located within the Town's wellfield, have recently been incorporated into the Town through the recent boundary restructuring process.

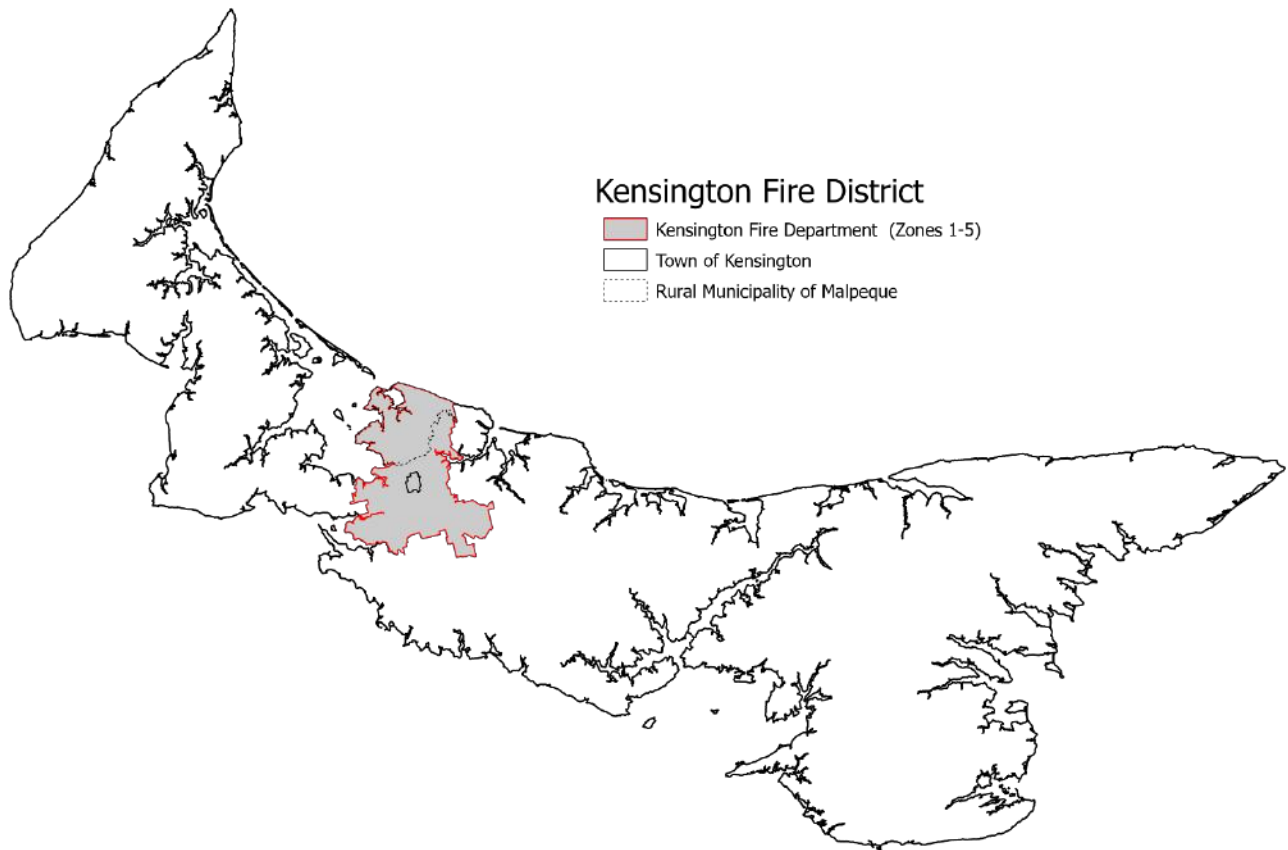
#### 3.3 RECREATIONAL AND SOCIAL SERVICES

Recreational services provided by the Town include maintenance of the Credit Union Centre and Fitplex, EVK Swimming Pool, two ball fields, a tennis court, skate park, parks, playgrounds, and a variety of other recreational facilities. The Town provides the building at 25A Garden Drive for meetings and activities of the Senior Surfers Club of Kensington and Area. Recreational services and other social activities are available for both municipal residents and residents of the regional service area.



### 3.4 EMERGENCY SERVICES

The Town maintains its own municipal police force. In addition to serving the Town, the police provide support to the RCMP for calls in the regional service area. The Town also operates a municipal fire department. The department supplies services to the Kensington Fire District, which includes the Town, the Rural Municipality of Malpeque and a large unincorporated area (Figure 5). A regional fire services levy is collected on behalf of the Town by the provincial government. A Fire Services Master Plan was completed in 2018.



**Figure 5 The Town of Kensington Fire Department service coverage area**

In the aftermath of Hurricane Dorian (2019), the Town enhanced its Emergency Reception Centre by installing a generator at the Murray Christian Education Centre, in the Kensington United Church. The Town has also installed a fixed, permanent generator at its wellfields.

### 3.5 PUBLIC WORKS AND PROPERTY MAINTENANCE

The Public Works Department provides a wide range of services. They are responsible for the daily upkeep, maintenance and cleanliness of Town properties and buildings. Other responsibilities include grass mowing; snow clearing from sidewalks, the boardwalk and Town owned properties; and maintenance of the EVK Memorial Pool. The Public Works Department is also responsible for operational duties related to the Kensington Water and Sewer Utility.

### 3.6 STORM WATER MANAGEMENT

While some areas of the Town are provided with a system of catch basins and storm drains, other parts of the Town have no storm sewers or ditches. Stormwater management within the public right-of-way is the responsibility of the Province. There is currently no comprehensive Stormwater Management Plan in place for the Town.

### 3.7 INSTITUTIONAL FACILITIES AND SOCIAL SERVICES

Kensington has educational facilities for children of all ages including the Queen Elizabeth Elementary School (Grades K-6), Kensington Intermediate Senior High School (Grades 7-12), and Fun Times, an early childhood education centre. An afterschool program currently operates out of the Queen Elizabeth Elementary School.

There are four churches in the Town including Kensington United Church, Kensington Presbyterian Church, Holy Family Roman Catholic Church, and Kensington Anglican Church. The Royal Canadian Legion, Branch #9 recently relocated from Victoria St W to Garden Drive.

There is no hospital in Kensington but Prince County Hospital in Summerside is within 15 km and ambulance services are provided by Island EMS. The Kensington Medical Clinic includes office space for 2 family physicians, a nurse practitioner, and a public health nurse. The Town also has a dentist, a veterinary clinic, and a pharmacy.

The Kensington North Watershed Association (KNWSA) covers the area situated on the north shore between Malpeque Bay and New London Bay.

### 3.8 COMMERCIAL SERVICES AND EMPLOYMENT OPPORTUNITIES

Kensington has a variety of retail stores, professional, financial and government services, and restaurants and cafés. With the development of a second industrial park, the number and type of commercial services available in the Town are expected to increase, as will employment opportunities.

Kensington is an essential service centre, meeting the needs of a large rural area which is dominated by agriculture, fisheries and tourism industries. The services in the Town also support many seasonal residents from the Rural Municipality of Malpeque, and the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

The Kensington and Area Chamber of Commerce serves approximately 130 member organizations. The *Heart of PEI* is a Chamber led initiative that helps promote tourism and economic growth in Kensington and the surrounding area. The *Heart of PEI* slogan accurately reflect the close relationships between the Town and the surrounding communities represented by local organizations. Regional cooperation and mutual support of one another's natural assets, services and amenities is the driving force behind the sustainable, healthy growth in this region.

#### 4. DEMOGRAPHICS AND DEVELOPMENT TRENDS

The Town of Kensington has a population of over 1,800 residents (Census, 2021). In comparison to the two (2) cities and nine (9) other towns on the Island, Kensington is the seventh largest municipality. The Town has consistently ranked high for population growth over the past 10 years (See Table 1) with an increase of at least 12% since 2016, which is higher than the provincial growth rate, and is third highest of all PEI municipalities.

While the 2021 Census did not reflect the recent increase in land area, or the additional residents gained through the municipal restructuring process, the current population density can be estimated at approximately 376 people/km<sup>2</sup>. As such, Kensington has the third highest population density of the ten Towns on the Island.

**Table 1. Census overview (2021) of PEI and the largest municipalities, Cities (C) and Towns (T)**

	2021	2016	2011	Growth (2016-2021)	Density persons/km <sup>2</sup>
PEI	154,331	142,907	140,204	8.0%	27
Charlottetown (C)	38,809	36,094	34,562	7.5%	877
Summerside (C)	16,001	14,829	14,751	7.8%	567
Stratford (T)	10,927	9,706	8,574	12.5%	482
Three Rivers (T)	7,883	-	-	-	18
Montague*	-	1,961	1,895	-	-
Georgetown*	-	555	675	-	-
Cornwall (T)	6,574	5,348	5,162	22.9%	233
<b>Kensington (T)**</b>	<b>1,812</b>	<b>1,619</b>	<b>1,513</b>	<b>11.9%</b>	<b>376</b>
Alberton (T)	1,301	1,145	1,135	4.7%	277
Souris (T)	1,079	1,053	1,173	7.5%	299
O'leary (T)	876	815	NA	7.5%	479
Tignish (T)	744	719	779	3.5%	127
Borden-Carleton (T)	788	724	NA	8.8%	61
North Rustico (T)	648	617	NA	5.0%	246

\* Georgetown and Montague are now included in the new Town of Three Rivers;

\*\* Kensington's 2021 population, rate of growth and density statistics are an underestimate, based on the current land area and the census data for the previous, smaller municipal boundary

## Town of Kensington Official Plan (2023)

The age distribution of residents in the Town is consistent with that of other municipalities in the province (See Table 2). However, the average age is 47 years which is older than the provincial average of 43. The Town has a notable growing seniors demographic, with about 30% of residents being over the age of 60.

**Table 2 Distribution of Population\* by Age Groups (Census 2021)**

Age Range	Total
0 to 19 years	360
20 to 29 years	165
30 to 39 years	170
40 to 49 years	215
50 to 59 years	250
60 to 69 years	305
70 to 79 years	220
80 and older	140
Average age of the population	47

\* Kensington's 2021 population is an underestimate, based on the current land area and the census data for the previous, smaller municipal boundary

Development trends in Kensington have been relatively stable for the past 10 years with a substantial increase in housing in the past few years. New development for housing has been primarily located in subdivisions in the southern portion of the Town.

**Table 3 Development Permit Records by Dwelling Type and Land Use**

Development Type by Land Use	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Residential	14	8	8	5	4	4	2	3	8	12	2
Single Detached	5	4	4	2	1	2	0	2	6	9	0
Attached - Semi/Duplex	4	2	4	3	1	2	2	1	1	1	1
Attached - Apartment	5	2	0	0	2	0	0	0	1	2	1
Commercial/Industrial	0	0	0	1	1	1	0	1	8	3	2
Institutional	0	0	0	0	1	0	0	2	1	1	0
Recreation	0	0	0	0	0	0	0	0	0	0	0
Other	26	21	6	9	10	14	17	11	21	16	16

\* Other: includes renovations and accessory buildings on existing properties

## Town of Kensington Official Plan (2023)

The predominant residential dwelling type in the Town is still single detached however there has been a steady increase in the number of residents in other dwelling types (semi-detached, rowhouses, apartments, secondary suites and movable dwellings) (Census, 2016 and 2021). This trend is consistent with the demographics of an aging population and the trend is likely to continue due to the current housing crisis impacting households across the province.

**Table 4 Number of Occupied Dwellings by Type (Census 2016 and 2021)**

Dwelling Characteristics*	2016	2021
Single-detached house	410	475
Attached dwellings:	270	325
Semi-detached house	90	120
Row house	60	70
Apartment/Secondary suite	120	135
Movable dwelling (Mobile and/or Mini Home)	65	75
<b>Total number of occupied dwellings</b>	<b>745</b>	<b>865</b>

\* Note that this data is based on the dwelling characteristics as identified by the individuals completing the census. Definitions may vary from that of the Town of Kensington's Bylaw. For example, for the purpose of the census a movable dwelling includes mobile homes and other movable dwellings such as houseboats, recreational vehicles, and railroad cars.

## 5. MUNICIPAL VISION STATEMENT AND GOALS

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**VISION 2037** – In 2037, the Town of Kensington is a community that:

Offers a quality of life and actively engages residents.

Is recognized as being safe and walkable.

Has a growing residential community, attracting and retaining young families.

Offers all the amenities required to support its residents and the surrounding region.

Is environmentally conscious.

Is resilient to a changing climate.

Embraces the principles of reconciliation.

Provides good governance.

Celebrates our rich history and culture.

**The Town of Kensington is where people choose to be.**

*Adapted from the Town of Kensington Strategic Plan 2019-2024*

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The Town is committed to pursuing the goals as described in the VISION 2037 statement.

The Town will continue to promote a range of affordable housing types and established residential areas will be enhanced by strategic growth policies. These policies will support infill development, increasing the efficiency of municipal services, protecting vulnerable environmental assets and reducing unnecessary sprawl.

Open space and natural assets will be preserved, protected, and restored. The location of the Town's wellfield, and potential future wellfield(s), will inform decisions related to land use in these areas to ensure the protection of the Town's vital groundwater resources.

Responding to the threat of climate change is necessary for the Town to continue to develop sustainably. To be better prepared, the Town will assess its risks to various climate hazards and prioritize adaptation strategies. Climate mitigation measures will be promoted through policy and initiatives to help reduce the carbon footprint of residents, local businesses, and municipal services.

Administratively, the Town will improve application processing and increase public engagement and transparency in planning processes. The Town will continue to provide services and initiatives by strengthening collaboration and partnerships with local and regional organizations.

The Town recognizes that the land subject to Council's policies and regulations is unceded Mi'kmaq territory covered by the historic Treaties of Peace and Friendship. The Town supports the celebration and recognition of Mi'kmaq history and culture, and Council and staff welcome future opportunities to work with and support the Lennox Island and Abegweit First Nations.

## 6. GENERAL LAND USE

### 6.1 OBJECTIVES

The objectives of the General Land Use Policies outlined in this section are to:

- promote a compact urban form to reduce sprawl, increase efficiency of municipal services and protect rural agricultural land; and
- accommodate an appropriate balance of land uses, to ensure housing availability, commercial and retail services, and employment and recreational opportunities.

### 6.2 FUTURE LAND USE MAP OBJECTIVES

The *Future Land Use Map* (See, Schedule A) is a long-term conceptual representation of the distribution of land uses within the Town, drawn in accordance with the policies and objectives of the *Official Plan*. It is distinct from the *Zoning Map* because it is a representation of the direction envisioned for land use patterns that will emerge as land uses change in the future. The *Future Land Use Map* is not intended to denote a zone designation on a property-by-property basis.

In the development of the *Future Land Use Map*, Council has and will continue to consider the following land use specific objectives.

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#### RESIDENTIAL LAND USE OBJECTIVES

- Older neighbourhoods that were originally designed with larger lots to accommodate on-site services and are predominantly single detached dwellings will be designated as low-density residential areas.
- Medium density residential areas will be located near commercial services, with convenient access to public parks, greenspace, and active transportation routes.
- Medium density residential areas will include a combination of street-oriented neighbourhoods with detached and/or attached dwellings, multi-unit residential and/or cluster housing developments.
- Residential land uses will be connected to municipal water and sewerage services.

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#### COMMERCIAL LAND USE OBJECTIVES

- Commercial land uses will be centralized in the core area and on Route 2, where safe and appropriate access can be provided.
- Infilling of commercial land uses will be encouraged.
- Mixed-use residential-commercial uses will be supported, especially in the core area.
- Commercial land uses will be connected to municipal water and sewerage services.

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#### INDUSTRIAL LAND USE OBJECTIVES

- Industrial land uses will be in the new and existing industrial and business parks.
- Industrial land uses will be connected to municipal water and sewerage services.

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## PUBLIC SERVICE AND INSTITUTIONAL LAND USE OBJECTIVES

- Public service and institutional land uses may be located throughout the Town and within residential areas when they provide residential or neighbourhood-oriented services.
- Public service and institutional land uses that generate a level of traffic and activity similar to that of a commercial land use will be located in the core area or on Route 2, where safe and appropriate access can be provided.
- Public service and institutional land uses will be connected to municipal water and sewerage services.

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## AGRICULTURAL LAND USE OBJECTIVES

- Established agricultural land uses will be protected through land use designation to minimize land use conflicts.
- Limited development on or adjacent to agricultural land will be permitted to protect it against premature development and changes in land use.

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## RECREATION AND OPEN SPACE OBJECTIVES

- Public parks and open spaces, including the active transportation trail network, will be protected through the Recreation and Open Space land use designation.
- The location of new public parks and open spaces will prioritize public accessibility.

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## ENVIRONMENTAL RESERVE OBJECTIVES

- Natural assets and vulnerable areas will be protected through the Environmental Reserve land use designation.
- The 250-day Wellfield Protection Zone, as described in the Town of Kensington Well Field Protection Plan report and as depicted on the Well Field Map (See, Schedule C), will be protected through an Environmental Reserve Overlay land use designation on the *Future Land Use Map*.



## 6.3 POLICIES

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### POLICY 1. LAND USE DESIGNATIONS AND ZONING

It shall be the policy of Council to adopt a *Future Land Use Map* that reflects the goals and objectives of the *Official Plan*.

Plan actions:

- a. The *Future Land Use Map* will be developed based on the objectives described within the *Official Plan*.
- b. All land within the Municipality will be designated with a land use zone and the zone designations will be identified on the *Zoning Map*.
- c. The *Land Use and Development Bylaw* will establish permitted land uses and development standards for each zone identified on the *Zoning Map*.
- d. The *Land Use and Development Bylaw* will set out a process for considering applications for a change in land use, otherwise referred to as a rezoning.
- e. When rezoning applications are considered, they will conform to the *Future Land Use Map*.
- f. The conversion of agricultural land to residential land uses will only be permitted where municipal services can be extended; new public streets can be connected to existing neighbourhoods; and, where vulnerable environmental features will remain protected.
- g. Existing nonconforming land uses will continue to be supported until an opportunity for redevelopment supports the transition of the land into a land use that aligns with the *Future Land Use Map*.

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### POLICY 2. LAND USE CONFLICT

It shall be the policy of Council to mitigate conflicts between different land uses through zoning and development standards.

Plan actions:

- a. The *Future Land Use Map* and *Zoning Map* will separate different uses and concentrate compatible uses.
- b. The *Land Use and Development Bylaw* will establish requirements for a land use buffer between new commercial and/or industrial land uses that are developed near residential areas.
- c. Spot rezoning applications that create the potential for land use conflict will not be considered.

### POLICY 3. MUNICIPAL BOUNDARY

It shall be the policy of Council to consider future boundary extensions only as necessary for the long-term sustainability of the Town.

#### Plan Actions:

- a. Council will monitor the vacant land inventory within the Town to ensure sustainable growth is not restricted by the current boundary.
- b. Council will pursue boundary extensions when it is necessary for the provision of municipal services, or when growth and development within the Town becomes restricted.
- c. Council will only consider applications for boundary extensions where municipal utility services can be extended and where the extension is mutually beneficial for both the Town and resident/property owner.
- d. Council will not pursue a large annexation of the surrounding regional service area until such time as residents of the service area express interest in having local municipal representation and increased access to municipal services.

## 7. PHYSICAL FEATURES, INFRASTRUCTURE AND UTILITIES

### 7.1 OBJECTIVES

The objectives of the Physical Features, Infrastructure and Utility Policies outlined in this section are to:

- ensure provincially owned public infrastructure is properly maintained;
- ensure that all new public infrastructure meets a minimum standard for development;
- ensure that new subdivisions and developments address stormwater management;
- maintain a safe and efficient active transportation network for pedestrians and cyclists;
- provide safe and convenient access to active and passive recreation areas;
- identify the servicing needs of the growing population and continue to provide high quality and cost-effective water and sewerage services; and
- support efforts to develop renewable energy sources and to improve the energy efficiency of existing buildings and services.

### 7.2 POLICIES

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#### POLICY 4. TRANSPORTATION NETWORK

It shall be the policy of Council to ensure that the provincially owned streets are maintained at acceptable levels and that new streets be vested in the Province.

Plan Actions:

- a. Council will continue to work with the Province to monitor the condition of the provincially owned roads and to advocate for improvements when necessary.
- b. Council will identify and pursue funding opportunities for cost-shared investments for public infrastructure maintenance and improvements.
- c. The *Land Use and Development Bylaw* will require that all new streets meet provincial standards and that all new streets be vested in the Province.
- d. The location of existing private roads and right-of-ways will be identified on the *Future Land Use Map*, and no other land use will be permitted on these properties other than that which supports access and/or a road, and no development or land use will be permitted that could impede future access across these lots.
- e. Council will review the Town of Kensington Civic Addressing Policy and update it as necessary to accommodate the civic addressing needs of different types of development within the Town, and if necessary, changes to the civic addresses of properties within the Town will be addressed.

#### POLICY 5. STORMWATER MANAGEMENT

It shall be the policy of Council to ensure that stormwater run-off is managed in a manner which is cost-effective, environmentally sensitive and minimizes risks to public health, safety and private property.

##### Plan Actions:

- a. Council will monitor the condition of the provincially owned stormwater systems and will advocate for improvements when necessary.
- b. Council will identify and pursue funding opportunities for cost-shared investments in stormwater infrastructure to address areas of concern.
- c. The *Land Use and Development Bylaw* will establish regulations for new subdivisions and developments and will require stormwater management plans as necessary.
- d. Council will cooperate with regional stakeholders to develop an approach to watershed management that considers the whole region.

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#### POLICY 6. ACTIVE TRANSPORTATION

It shall be the policy of Council to provide safe active transportation linkages throughout the Town and between all major destinations.

##### Plan Actions:

- a. Council will identify gaps in the existing active transportation network, and identify opportunities for sidewalk extensions, trails and street crossings, and connections between the Confederation Trail system and existing parks and other major destinations within the Town.
- b. Council will identify and pursue funding opportunities to support investment into the Town's active transportation network.
- c. Council will support opportunities to provide provisions (e.g., bike racks, water refill stations, seating, shade) for users of the active transportation network.

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#### POLICY 7. SAFETY

It shall be the policy of Council to improve transportation safety in the Town.

##### Plan Actions:

- a. Council will work with the Province to improve intersections, signage and sight lines for all users including vehicles, pedestrians, cyclists, and other street users.
- b. Council will monitor the use of the active transportation network and identify ways to improve safety through enhanced visibility and/or lighting.
- c. Council will monitor the condition of sidewalks and will implement maintenance as required.

## POLICY 8. OPEN SPACE AND RECREATIONAL FACILITIES

It shall be the policy of Council to maintain existing open spaces and recreational facilities, and to establish new spaces for active and passive recreation, while prioritizing the provision of safe and convenient access.

### Plan Actions:

- a. New open spaces and recreational facilities will be considered where gaps exist in existing neighbourhoods and to support new development.
- b. The Land Use and Development Bylaw will establish development standards for new open space and recreational land uses to ensure that the provision of public land, its location and proposed use are adequate to meet the needs of the Municipality.

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## POLICY 9. SITE DEVELOPMENT

It shall be the policy of Council to ensure that new development is designed to meet minimum site development principles with regards to vehicle and pedestrian circulation, garbage storage and collection, service deliveries, stormwater management, greenspace, and adequate permeable surface area to support groundwater recharge.

### Plan Actions:

- a. The *Land Use and Development Bylaw* will require that detailed site plans be submitted with all new development applications.
- b. Council may request input on proposed site plans as necessary from the provincial government and other relevant stakeholders, including but not limited to the Provincial Department of Transportation and Infrastructure, the Town of Kensington Fire Department, and Island Waste Management Corporation.

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## POLICY 10. PARKING

It shall be the policy of Council to encourage an adequate supply of parking for all new development while promoting active transportation and pedestrian circulation within the core area.

### Plan Actions:

- a. Council will monitor the parking demands and opportunities for public parking.
- b. The *Land Use and Development Bylaw* will require that new development provide adequate off-street parking for residents, visitors, and staff.
- c. The *Land Use and Development Bylaw* will require that new parking lots are designed to meet a minimum standard for safe and effective vehicle circulation.
- d. The *Land Use and Development Bylaw* will provide flexibility to parking requirements where suitable alternatives (e.g., shared parking, street parking, bicycle parking) are proposed as an alternative.

#### POLICY 11. CENTRAL SEWAGE COLLECTION AND TREATMENT

It shall be the policy of Council to provide high-quality, cost-effective sewage collection and treatment services.

Plan Actions:

- a. Council will continue to place a high priority on completing an inspection of all sewer lines and will continue a regular flushing program.
- b. Sewer lines found to be in poor condition or incurring frequent repairs will be replaced on a priority basis.
- c. The *Land Use and Development Bylaw* will require that all new development that can be connected to the Town sewerage system is connected.
- d. Council will monitor the Town's population growth and plan infrastructure upgrades accordingly.

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#### POLICY 12. CENTRAL WATER SUPPLY

It shall be the policy of Council to continue to endeavor to supply adequate, high quality, fire-rated central water supply services.

Plan Actions:

- a. The *Land Use and Development Bylaw* will require that all new development that can be connected to the Town central water supply is connected.
- b. Council will commission a study on the capacity of the existing central water supply.
- c. Council will monitor the Town's population growth and plan infrastructure upgrades for water services as required.

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#### POLICY 13. RENEWABLE ENERGY SOURCES AND IMPROVED EFFICIENCY

It shall be the policy of Council to encourage the use of renewable energy by residents and businesses, and to improve the energy efficiency of municipal buildings, facilities, and services.

Plan Actions:

- a. The *Land Use and Development Bylaw* will establish development standards for the installation of renewable energy structures (e.g., solar array) on private property.
- b. The *Land Use and Development Bylaw* will permit the development of a solar array as a public utility service.
- c. Council will support the installation of electric vehicle charging stations in publicly accessible parking areas.

## 8. HOUSING AND SOCIAL WELLBEING

### 8.1 OBJECTIVES

The objectives of the Housing and Social Wellbeing Policies outlined in this section are to:

- promote the Town as a community with a variety of affordable housing options;
- prioritize safety, affordability, sustainability and land use compatibility in residential areas;
- protect established residential areas by ensuring that redevelopment and infill development are consistent with the existing streetscape form;
- support the development of a range of alternate forms of housing;
- support the preservation and maintenance of culturally significant, heritage properties that contribute to the character of the Town;
- support established public service and institutional land uses with consideration of their needs for future growth and/or redevelopment;
- offer a range of social services, programs and facilities that meet the needs of the growing population and which foster healthy, active lifestyles;
- welcome the participation of residents and visitors from outside the municipality in social program planning and operations; and
- work with local and regional organizations to coordinate and promote programs and special events.

### 8.2 POLICIES

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#### POLICY 14. RESIDENTIAL DEVELOPMENT STANDARDS

It shall be the policy of Council to establish residential development standards in order to enhance the health, safety and convenience of neighbourhoods for residents.

Plan Actions:

- a. The *Land Use and Development Bylaw* will support a range of housing options.
- b. The *Land Use and Development Bylaw* will include development regulations relating to density, building type, lot size, setbacks, open space, parking, services, and land use buffers where necessary.
- c. Council will consider an increase to the maximum height permitted in medium density and commercial areas to promote sustainable development and increased density, giving consideration for public safety and emergency service provisions.
- d. The *Land Use and Development Bylaw* will establish development standards for accessory buildings, structures and accessory land uses on residential properties.
- e. The redevelopment of large, older buildings into multiple dwelling units or mixed-use developments, will be supported when the existing building form and street line can be maintained, the density is appropriate for the area, and all other requirements of the *Land Use and Development Bylaw* can be met.

- f. The *Land Use and Development Bylaw* will permit additional dwelling units in the Agricultural Zone when the primary use of the property is a Farm and the dwelling units will accommodate farm workers.

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#### POLICY 15. INFILLING

It shall be the policy of Council to support infill development in existing low density residential areas.

Plan Actions:

- a. The *Land Use and Development Bylaw* will establish standards based on density and availability of services to support infill development on or between existing low density residential properties.
- b. The *Land Use and Development Bylaw* will establish regulations for flag lots, and they will only be permitted where direct frontage on a future street is not possible.
- c. Infill residential development will be connected to municipal services.
- d. The *Land Use and Development Bylaw* will establish standards for narrow residential lots in medium density residential areas and in existing neighbourhoods with narrow lot frontages.

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#### POLICY 16. ACCESSORY APARTMENTS

It shall be the policy of Council to permit accessory apartments to facilitate the expansion of housing options throughout the Town.

Plan Actions:

- a. The *Land Use and Development Bylaw* will permit accessory apartments in single detached dwellings and in accessory buildings to single detached dwellings.
- b. The *Land Use and Development Bylaw* will establish minimum standards for accessory apartments relating to the maximum floor area and number of bedrooms, parking, and other infrastructure requirements.

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#### POLICY 17. CLUSTER HOUSING

It shall be the policy of Council to permit cluster housing developments to facilitate the expansion of sustainable and alternative housing options.

- a. Cluster housing developments will accommodate multiple residential buildings, including mini homes, tiny homes, or single detached dwellings, on a single lot and access to each unit will be via a private internal drive.
- b. The *Land Use and Development Bylaw* will establish standards for cluster housing developments that include common outdoor space and facilities, required spacing between units, and other sustainable development principles.



- c. Cluster housing developments will not be permitted where the development will block or prevent future public road access to undeveloped areas within the Town.
- d. All dwelling units within a cluster housing development will be connected to municipal water and sewerage services.

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#### POLICY 18. TINY HOMES AND MINI HOMES

It shall be the policy of Council to permit tiny homes and mini homes where appropriate to facilitate the expansion of housing options.

Plan Actions:

- a. The *Land Use and Development Bylaw* will permit the use of tiny homes or mini homes in cluster housing developments.
- b. Council may permit the use of a tiny home or mini home on a legally existing, undersized lot within a residential zone, when a single detached dwelling cannot reasonably or feasibly be constructed on the property in accordance with the Bylaw regulations.

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#### POLICY 19. MODULAR BUILDINGS AND UNITS

It shall be the policy of Council to permit prefabricated modular units as residential dwellings and as accessory commercial units.

- a. The *Land Use and Development Bylaw* will permit prefabricated dwellings in any zone that permits residential dwellings.
- b. The *Land Use and Development Bylaw* will permit the use of prefabricated units in a non-residential zone as an accessory building.

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#### POLICY 20. HERITAGE BUILDINGS AND PROPERTIES

It shall be the policy of Council to support the preservation and maintenance of culturally significant, heritage properties.

Plan Actions:

- a. Designated heritage properties will be identified on the *Town of Kensington, Heritage Properties Map*, See Schedule B.
- b. Council will encourage residents and property owners to protect and enhance designated heritage properties and other sites that have heritage values.
- c. Council will provide support for innovative solutions for redevelopment and/or reuse of designated heritage properties and other culturally significant sites to ensure preservation of the building or properties in a sustainable manner.
- d. Council will work with local and regional organizations and support their efforts to preserve heritage buildings and properties.

#### POLICY 21. RECREATIONAL PROGRAMS AND FACILITIES

It shall be the policy of Council to support a range of recreational programs and facilities to meet the needs of all residents and to promote healthy, active lifestyles.

##### Plan Action

- a. Council will conduct routine inspections of all municipally owned recreational facilities and will upgrade facilities as budgets permit, based on an assessment of need and demand.
- b. Council will continue to work with external partners and regional organizations to support growth of recreation programs.
- c. Council will support and encourage programs designed for and accessible to vulnerable populations.
- d. Council will monitor program requirements to ensure the level of service provided is adequate.

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#### POLICY 22. PUBLIC SERVICE AND INSTITUTIONAL FACILITIES

It shall be the policy of Council to support the long-term viability of established institutional facilities and to designate additional institutional lands only as necessary for the expansion and diversification of institutional service delivery.

##### Plan Actions:

- a. The Land Use and Development Bylaw will establish development standards for all institutional land uses.
- b. The Land Use and Development Bylaw will permit new institutional land uses that provide residential-type or neighbourhood-oriented services (e.g., community care facility or childcare facility) within medium density residential areas.
- c. Council will encourage regional cooperation to support sustainable development and to maximize opportunities to share institutional spaces for multiple purposes.
- d. Council will support efforts to locate additional institutional facilities in the Town where gaps in services are identified, and to support the expansion of current facilities.
- e. Council will consider applications to convert an institutional property to a land use compatible with surrounding properties when the existing use no longer is needed in the community.
- f. Council will continue to work with the Province to improve access to the existing school facilities for other community activities.

## 9. LOCAL ECONOMY AND LIVELIHOODS

### 9.1 OBJECTIVES

The objectives of the Local Economy and Livelihoods Policies outlined in this section are to:

- promote the Town as a regional service centre for the surrounding agricultural area and rural municipalities;
- support existing commercial and industrial operations with consideration of their needs for future growth and/or redevelopment;
- support new employment opportunities in the commercial core area, and existing and new industrial/business parks;
- support appropriate home-based businesses, including the use of residential properties as tourism establishments;
- enhance the viability of the commercial core area by supporting mixed use and infill development; and
- protect agricultural and resource land uses by minimizing encroachment of premature development.

### 9.2 POLICIES

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#### POLICY 23. COMMERCIAL DEVELOPMENT STANDARDS

It shall be the policy of Council to encourage development of new commercial operations and to continue to provide support to existing businesses.

Plan Actions:

- a. The *Land Use and Development Bylaw* will establish development standards for all commercial uses including but not limited to parking requirements, loading, garbage storage and collection, outdoor storage.
- b. Businesses that present pedestrian-friendly storefront opportunities will be encouraged to locate within the commercial core area.
- c. Businesses that generate high traffic, or that require large outdoor space and/or parking facilities will be encouraged to locate within the industrial/business parks.
- d. Council will work with local development groups and the business community to identify and pursue opportunities for joint promotion of the Town and regional businesses and attractions.

#### POLICY 24. INDUSTRIAL DEVELOPMENT STANDARDS

It shall be the policy of Council to encourage development of new industrial uses and to continue to provide support to existing operations.

Plan Actions:

- a. The *Land Use and Development Bylaw* will establish development standards for all industrial uses including but not limited to parking requirements, loading, garbage storage and collection, outdoor storage.
- b. The *Land Use and Development Bylaw* will permit retail commercial land uses in the industrial parks to support the development of mixed-use retail-manufacturing facilities.

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#### POLICY 25. PROTECTION OF AGRICULTURAL LANDS

It shall be the policy of Council to protect agricultural land from development and to support the development of resource-based commercial and industrial uses.

Plan Actions:

- a. The *Land Use and Development Bylaw* will permit agricultural resource-commercial or agricultural resource-industrial land uses, which directly support agricultural uses in the Agricultural Zone.
- b. An application to subdivide a property within the Agricultural Zone for a proposed change of use, will require a rezoning application to consider whether the subdivision and change of use proposal is premature development for the Town.

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#### POLICY 26. HOME OCCUPATIONS

It shall be the policy of Council to permit appropriate small businesses to operate inside residential dwellings including the use of a residential property as a tourism establishment, provided land use conflicts can be minimized.

Plan Actions:

- a. The *Land Use and Development Bylaw* will permit the establishment of appropriate home-based businesses in residential dwellings.
- b. The *Land Use and Development Bylaw* will define the types of business activities which may be permitted in a residence.
- c. The *Land Use and Development Bylaw* will permit licensed bed and breakfast establishments and short-term rentals in single detached dwellings in residential zones and will establish standards for their use to minimize land use conflicts.
- d. The *Land Use and Development Bylaw* will establish development standards for home-based businesses, to minimize land use conflicts and address other factors which may impact the safety, convenience, or enjoyment of adjacent residential properties.

## 10. ENVIRONMENTAL SUSTAINABILITY

### 10.1 OBJECTIVES

The objectives of the Environmental Sustainability Policies outlined in this section are to:

- protect and enhance significant natural and environmentally vulnerable areas;
- protect the quality of the Town's groundwater resources;
- support the local watershed association and other organizations in their efforts to protect and enhance the quality of surface water and watershed systems; and
- encourage the planting of trees on both private and public properties.

### 10.2 POLICIES

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#### POLICY 27. WELLFIELD PROTECTION PLAN

It shall be the policy of Council to review and implement appropriate recommendations of the Wellfield Protection Plan in a timely manner and as the budget permits.

Plan Actions:

- a. Industrial land uses, and other land uses that present a risk for contamination, will not be permitted within or adjacent to the Wellfield Protection Zone.
- b. Development applications (including change-of-use applications) within or adjacent to the Wellfield Protection Zone will be considered for risk of contamination and Council may consult an expert at the applicant's expense, where a decision relating to wellfield risk or risk mitigation strategies is required.
- c. Council will pursue funding opportunities to undertake the necessary hydrological review to identify and secure a future well field site(s) to ensure a plan is in place should a second well field be needed.

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#### POLICY 28. GROUND WATER

It shall be the policy of Council to protect both the quantity and quality of ground water resources available to the Town.

Plan Actions:

- a. Land uses which would pose a serious risk for ground water contamination will not be permitted in the Town.
- b. Council will work with the Province to identify and control potential point sources of pollution.
- c. The *Land Use and Development Bylaw* will require that applicants disclose chemical storage areas, underground petroleum storage or other potentially hazardous activities existing or proposed on a site.

- d. Council will support local organizations and programs that promote water conservation, safe disposal of household and business hazardous wastes, and other efforts relating to the protection of the water supply.

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#### POLICY 29. SURFACE WATER

It shall be the policy of Council to protect and enhance the quality of streams, ponds and wetlands within the Town.

Plan Actions:

- a. The *Land Use and Development Bylaw* will require development projects adjacent to watercourses and/or wetlands to implement erosion control measures.
- b. The *Land Use and Development Bylaw* will restrict infilling or alteration of surface drainage features, and any application to do so must be submitted with a copy of the necessary approvals from the Province.

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#### POLICY 30. URBAN TREES AND FORESTS

It will be the policy of Council to protect urban trees and forests from development.

- a. Council will support local organizations and programs that promote tree preservation and planting on public and private lands.
- b. Council will prioritize the protection of existing tree stands and hedgerows in selecting the location of public land dedicated through the subdivision process.

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#### POLICY 31. AIR QUALITY

It will be the policy of Council to restrict those activities in the Town which would be detrimental to air quality.

Plan Actions:

- a. The *Land Use and Development Bylaw* will restrict establishment of industries or other land uses which are deemed to be noxious by reason of smell, particulate or other risks to air quality.

## 11. MUNICIPAL GOVERNANCE AND SERVICES

### 11.1 OBJECTIVES

The objectives of the Municipal Governance and Services Policies outlined in this section are to:

- advance reconciliation through policy and relationship building;
- support the needs of vulnerable populations living in the Town and within the regional service area;
- understand the risks of climate change, and support efforts to address climate mitigation, and to enhance resilience and decrease vulnerability to climate hazards;
- continue to provide cost effective police and fire services for the growing population;
- support urban beautification through programs and services and responsible waste management;
- encourage acceptable maintenance standards and to address unsightly premises;
- make informed decisions based on the established policies outlined in this Official Plan and on planning best practices to minimize land use conflicts; and
- improve the effectiveness of municipal policies and bylaw regulations.

### 11.2 POLICIES

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#### POLICY 32. RECONCILIATION

It shall be the policy of Council to consider all programs, policies and initiatives including those presented in this *Official Plan* through principles that support allyship and reconciliation.

Plan Actions:

- a. Council acknowledges that the land upon which the Town is located is unceded Mi'kmaq territory covered by the historic Treaties of Peace and Friendship.
- b. Council commits to building respectful relationships with the Lennox Island and Abegweit First Nations and will welcome opportunities to celebrate the culture and history of the Mi'kmaq.
- c. Council will invite the Lennox Island and Abegweit First Nations, or their designate, to be involved in decisions relating to land use and development matters.

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#### POLICY 33. EQUITY AND DIVERSITY

It shall be the policy of Council to consider all programs, policies and initiatives through an equity and diversity lens.

- a. Council will make provisions to accommodate all people in programs and initiatives and will seek recommendations to improve accessibility from those who may feel excluded.
- b. Council will include all residents in public planning processes by ensuring that public notice is adequately posted in visible locations and is circulated through online forums.
- c. Council will welcome opportunities to recognize and celebrate the diversity of residents.

#### POLICY 34. CLIMATE CHANGE

It shall be the policy of Council to support innovative solutions for climate mitigation and adaptation by residents and businesses, and to pursue the same for municipal properties and services.

- a. Council will seek funding opportunities to undertake a climate change risk assessment to identify climate hazards and prioritize climate adaptation strategic initiatives.
- b. Council will pursue funding opportunities to support climate change mitigation and/or adaptation projects.
- c. Council will review annually the Emergency Management Plan and will provide updated information to the Provincial Emergency Management Office.
- d. Council will ensure that all new infrastructure projects, including renovations and upgrades to existing facilities, consider options for climate adaptation and improved energy efficiency.

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#### POLICY 35. PLANNING

It shall be the policy of Council to pursue long term planning exercises to ensure that future development within the Town aligns with 15-minute community strategies.

- a. Council will develop a Secondary Plan for the undeveloped areas within the Town, to identify the optimal configuration for a interconnected public road system, an active transportation network, and for the expansion of the municipal water and sewerage system.
- b. Council will consider the need for a range of community services to be located within proximity to residential areas, to support the basic, day-to-day needs of Town residents.
- c. Council will pursue the adoption of a Bylaw Enforcement Bylaw to improve bylaw enforcement administration processes.

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#### POLICY 36. FIRE PROTECTION SERVICES

It shall be the policy of Council to provide municipal and regional fire services through the Kensington Fire Department and will to continue to provide the department with the resources necessary for cost effective fire services.

Plan Actions:

- a. Council will continue to support the efforts of the Kensington Fire Department to maintain equipment, facilities, and training at adequate levels to provide cost effective fire services.
- b. Council will monitor and review fire services on a regular basis to ensure that service delivery meets the needs of the municipality.
- c. Council will review the recommendations of the Fire Services Master Plan (2018) and will implement necessary changes as budget permits.
- d. Council will hire a part-time permanent Fire Chief to continue to meet the needs of the growing municipality and Fire District.



### POLICY 37. POLICE SERVICES

It shall be the policy of Council to provide police services that ensures adequate security of its residents, visitors, and local businesses.

Plan Actions:

- a. Council will continue to support the delivery of police services through adequate levels of staffing, equipment, facilities and training.
- b. Council will monitor and review police services on a regular basis to ensure that service delivery meets the needs of the municipality.

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### POLICY 38. URBAN BEAUTIFICATION AND WASTE MANAGEMENT

It shall be the policy of Council to support urban beautification through programs and services and to address unsightly premises.

- a. Council will review and update as necessary the unsightly premises policies and regulations.
- b. Council will consider programs and initiatives that support private properties to enhance the streetscape through urban beautification features.
- c. The *Land Use and Development Bylaw* will require non-residential and multi-unit residential development proposals to include information on the proposed site plan to demonstrate accessible, waste management storage and collection facilities.

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### POLICY 39. BUDGETING

It shall be the policy of Council to ensure that the municipal budget supports the implementation of the goals, objectives and plan actions identified in the *Official Plan*.

- a. Council will consider *Official Plan* policies when making budgetary decisions.
- b. Council will strive to maintain stable property tax and utility rates while providing adequate services and allowing for long term maintenance of infrastructure and services.
- c. Council will pursue funding opportunities from other levels of government and will consider all available options for cost-sharing on municipal and public infrastructure projects.
- d. Council will continue to maintain low permanent staff levels and contract out for specialized services until needs and projected savings warrant additional staffing.
- e. Council will pursue a “user pay” approach for programs and services where appropriate.
- f. Council will include a Capital Reserve Fund in the annual budget.
- g. Council will expense smaller, routine capital expenditures on an annual basis; and major capital expenditures will be amortized over an appropriate period of years in order to maintain stable tax rates and utility rates.

## 12. ADMINISTRATION AND IMPLEMENTATION

### 12.1 ADMINISTRATION

Administration of the *Official Plan* is the responsibility of Council. The primary implementation tool for the *Official Plan* is the *Land Use and Development Bylaw*, however some policies and plan action may be implemented through other municipal bylaws and regulations; operating policies and procedures; the municipal budget; programs and initiatives or other appropriate Council actions.

### 12.2 LAND USE AND DEVELOPMENT BYLAW

The *Land Use and Development Bylaw* will set out specific land use zones, the permitted uses for each zone, development standards and application procedures for development and land use. The *Bylaw* will also establish the standards and application procedures for the subdivision of parcels of land.

Council will seek direction from the objectives and policies in the *Official Plan* and from the *Future Land Use Map* in making decisions regarding changes in land use (i.e., rezoning applications), *Land Use and Development Bylaw* amendments, and for applications for variances to the development standards.

Council will appoint a Development Officer to administer the *Land Use and Development Bylaw*. Council will, as necessary, refer to a Land Use Planning Consultant for professional services and/or recommendations on the implementation of the *Official Plan* and *Bylaw*.

Council may also appoint and seek recommendations from a Planning Board on matters pertaining to the development and implementation of the *Official Plan* and *Land Use and Development Bylaw*.

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### PERMIT APPLICATIONS

The *Land Use and Development Bylaw* will require any person undertaking any development, change of use of land or premises to apply for a permit using a standard application form. Exceptions will be noted in the *Bylaw*. Council may attach such conditions as it deems appropriate to any development permit in order to ensure conformance with this *Plan* and the *Bylaw* regulations.

The receipt of a development permit does not excuse the applicant from complying with any provincial or federal laws in force, such as building code, fire protection, health and safety, sewage disposal, plumbing and electrical installation, environmental protection, accessibility, etc.

## VARIANCES

The *Land Use and Development Bylaw* will require any person seeking a variance for a development and/or change of use application to apply using a standard application form.

Council may grant a variance to the provisions of the *Land Use and Development Bylaw* where strict compliance would represent an inappropriate burden to the applicant and where the general intent of this *Plan* is upheld. When a variance may impact adjacent properties, appropriate notice will be provided to seek public input on the application.

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## SUBDIVISIONS

The *Land Use and Development Bylaw* will require any person undertaking a subdivision (to divide a parcel into one or more new parcels, to combine two existing parcels into one, or to change the boundary between two or more existing parcels) to apply for a subdivision using a standard application form.

The *Land Use and Development Bylaw* will establish the requirements for subdivision applications including but not limited to minimum lot size, lot frontage, stormwater management, road development and driveway access, municipal servicing, public land dedication and environmental reserve.

Variances will not be permitted to the requirements for subdivisions, unless specified as an exception in the *Bylaw*.

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## DEVELOPMENT AGREEMENTS

Council may, at its discretion, require the developer of a subdivision or a major development to enter into a Development Agreement. This agreement will contain all conditions for the proposed development and/or subdivision and will be legally binding on both parties.

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### 12.3 REVIEW OF THE *OFFICIAL PLAN*

The *Official Plan* has been developed in consideration of the Town's existing land uses, development trends, demographics, and environmental features; as well as, the surrounding context of the adjacent rural areas and municipalities, and the regional transportation network.

The *Official Plan* reflects the findings identified during the review process, which was undertaken over an extended period (2019-2022) due to disruptions caused by the Municipal Boundary Restructuring Application, the global pandemic, the provincial Land Matters review, and the 2022 municipal election. Despite delays, this review was undertaken in accordance with Section 15.1 of the *Planning Act*.

The *Official Plan* is intended to be a dynamic planning tool, which will be subject to ongoing review. It should be monitored to confirm objectives are achieved and to address changing circumstances as necessary. A comprehensive review of the *Official Plan* is required every five (5) years, with the next review scheduled for 2028.

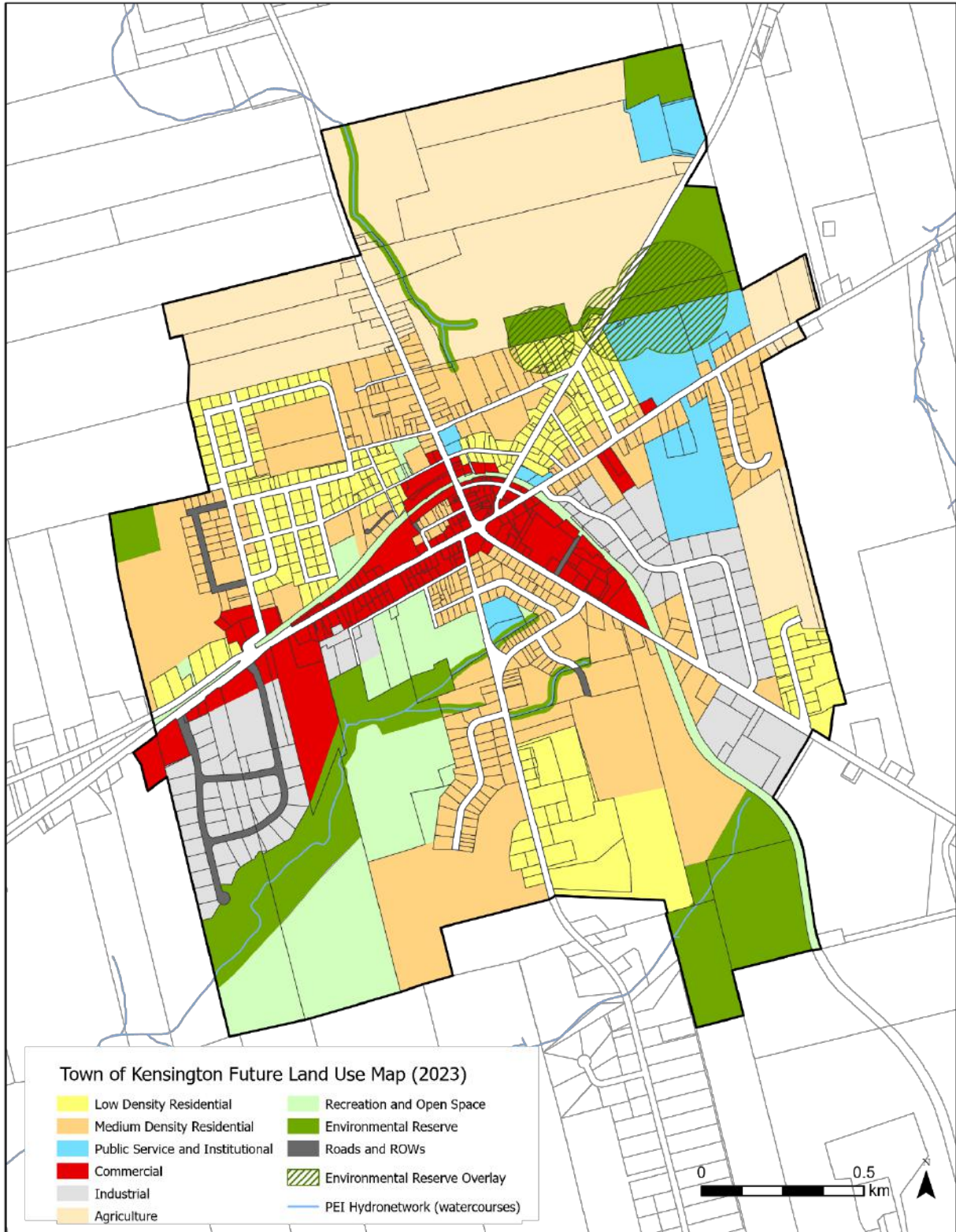
#### 12.4 AMENDMENTS

The *Official Plan* and *Land Use and Development Bylaw* may be amended as circumstances require or in response to requests from the public, provided that all provisions of the *Planning Act* are met.

#### 12.5 APPEAL PROCEDURE

Any person who is dissatisfied with a decision of Council in the administration of the *Official Plan* or the *Land Use and Development Bylaw* may, within 21 days of the decision, appeal the decision to the Island Regulatory and Appeals Commission.

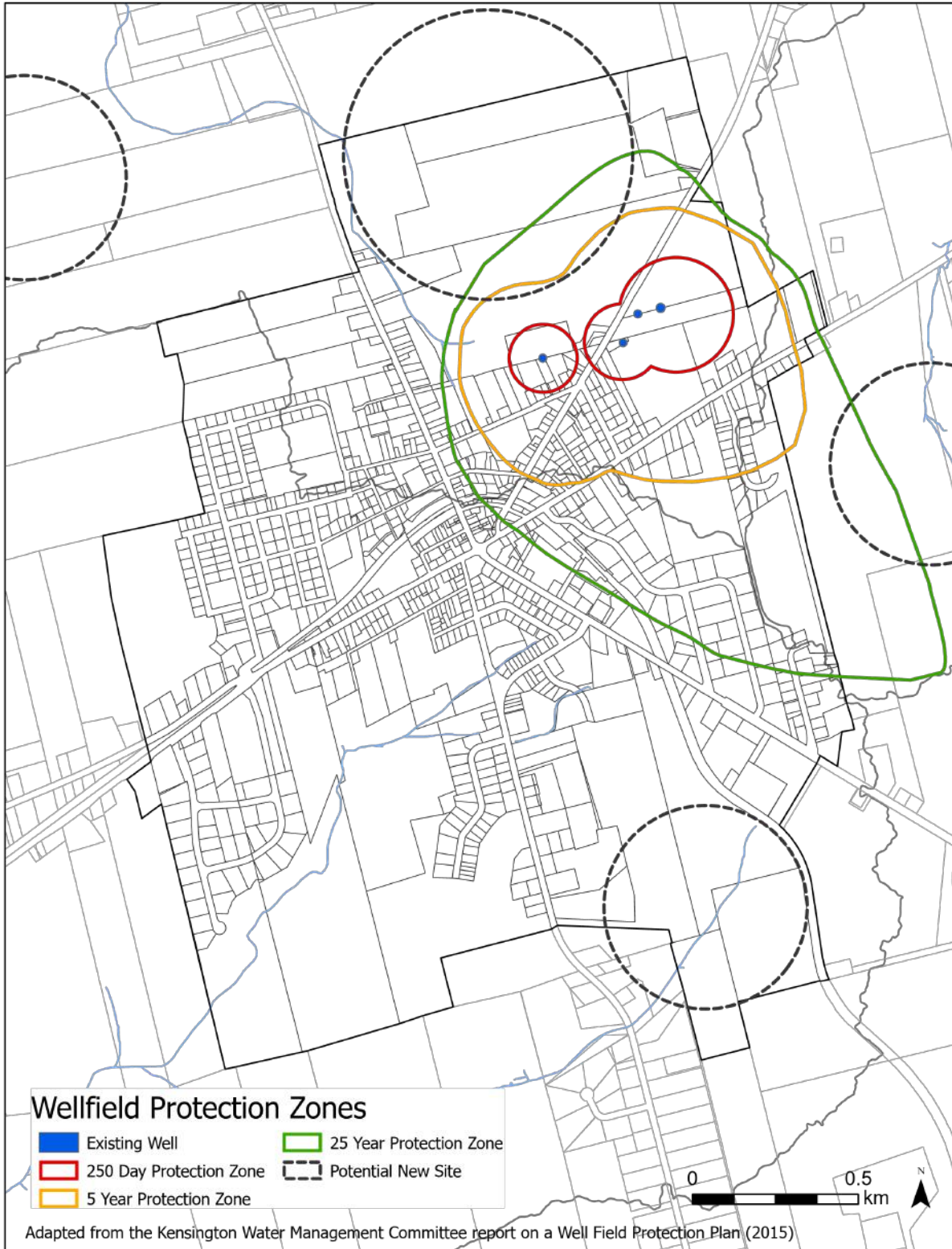
SCHEDULE A - FUTURE LAND USE MAP



SCHEDULE B - HERITAGE PROPERTIES MAP

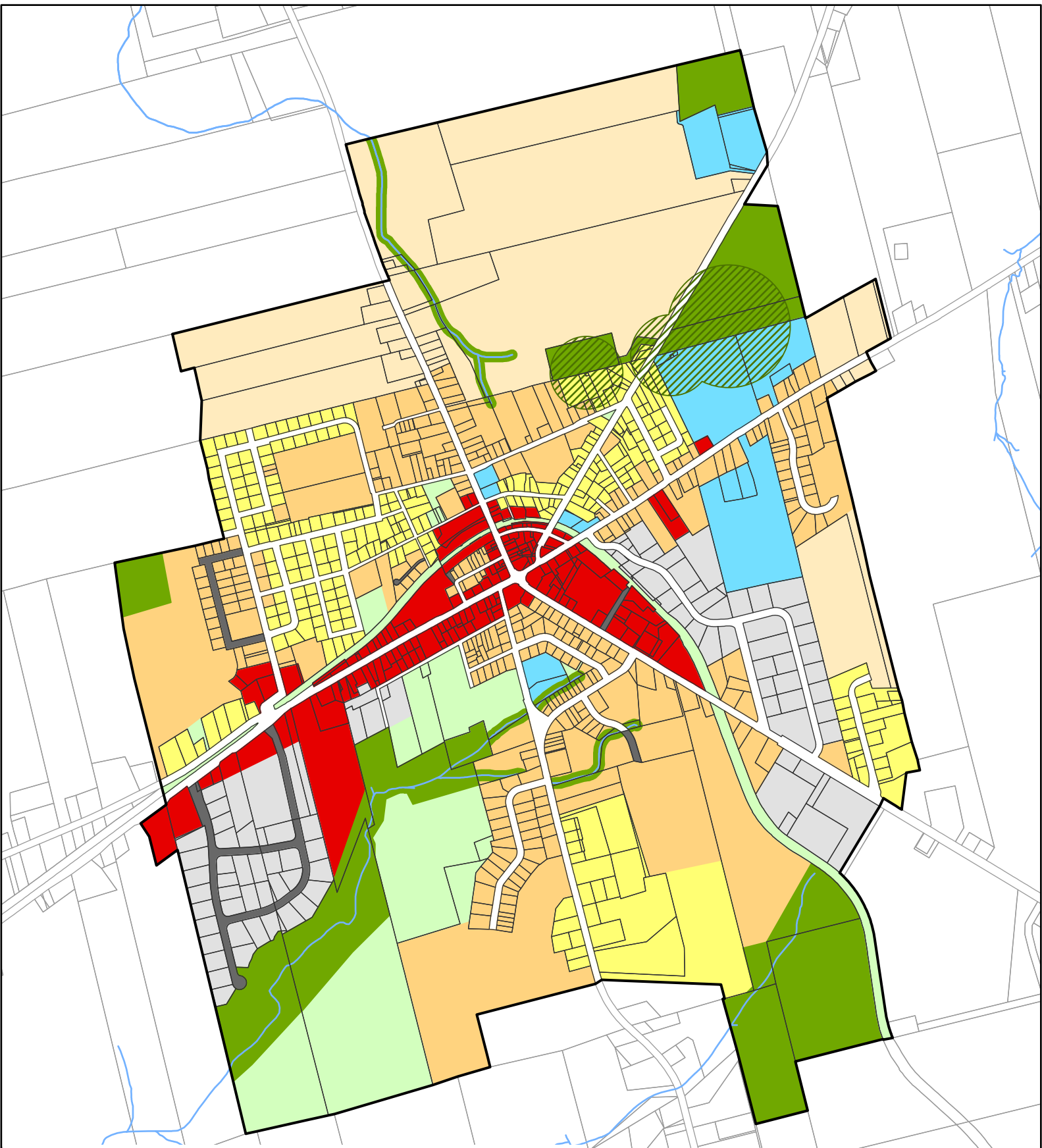


SCHEDULE C - WELL FIELD PROTECTION ZONES




















### Town of Kensington Future Land Use Map (2023)

- |  |   |
|--|---|
|  Low Density Residential          |  Recreation and Open Space       |
|  Medium Density Residential       |  Environmental Reserve           |
|  Public Service and Institutional |  Roads and ROWs                  |
|  Commercial                       |  Environmental Reserve Overlay   |
|  Industrial                       |  PEI Hydronetwork (watercourses) |
|  Agriculture                      |   |



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**TOWN OF KENSINGTON - MEMORANDUM**

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**TO:** COMMITTEE OF COUNCIL  
**FROM:** KIM CASELEY, MUNICIPAL CLERK  
**SUBJECT:** KENSINGTON JUNIOR (U7) VIPERS ICE TIME DONATION REQUEST  
**DATE:** 2023-11-24  
**ATTACHMENTS:** REQUEST LETTER

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**Background**

The Kensington and Area Minor Hockey Association (KAMHA) is hosting an ‘Under 7’ Jamboree Tournament on Islander Day - February 19<sup>th</sup>, 2024, at the Kensington Credit Union Centre.

The Town supported and donated the ice time to the KAMHA’s Initiation Tournament in 2017, 2018, 2019 and 2022. It has provided an opportunity for Kensington Town Council to support youth from the Kensington area. Further, it has been an opportunity for the town to support the growth of our local minor hockey association. The tournament is typically a large draw for the Credit Union Centre and town as the event attracts up to 160 initiation-aged players (four to seven years old) and their families. The event provides an opportunity for these young players to participate in a tournament-style event for the very first time and provides an opportunity to experience the excitement and friendship that accompanies the sport of hockey.

The request is for 8 hours in total at a value of approximately \$1,320.00. The donation can be accommodated through the Town’s General Government annual Donations and Grants budget.

**Recommendation**

It is recommended that Committee of Council consider and adopt the following resolution recommending approval of the donation request:

***BE IT RESOLVED THAT Committee of Council recommend to Town Council that the ice time rental donation request for the Kensington and Area Minor Hockey Association's 2024 Under 7 Islander Day Jamboree Tournament being held at the Kensington Credit Union Centre on February 19, 2024, be hereby approved.***



Kensington and Area Minor Hockey Association  
PO Box 659  
Kensington, PE  
COB1M0

November 17, 2023

The Kensington and Area Minor Hockey Association are hosting a U7 Jamboree on Islander Day February 19, 2024. In the past, this jamboree has been a great success and wonderful opportunity and experience for our association's youngest players.

In the past, the Town of Kensington has donated the ice time rental for this jamboree. The KAMHA is asking if the Town of Kensington would be able to donate the ice rental for that day again this season.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "A M Gallant". The signature is written in a cursive style with a long horizontal stroke at the end.

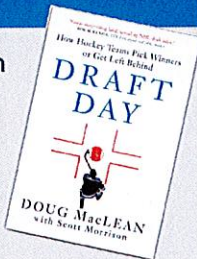
Amanda Gallant

U7 Coordinator KAMHA  
amandanum17@live.com

# A Night with Doug MacLean



Hot stove discussions on Doug's career in hockey as well as his new book - Draft Day. There will be a Silent & Live auction with George Mathews as our MC.



**DEC 6<sup>TH</sup>**  
**CREDIT UNION**  
**PLACE**

**\$125**  
per ticket  
**\$1000**  
per table

Social at 6:30pm with a meal & entertainment to follow at 7:00pm

All proceeds will go to



Summerside Western Capitals



Kensington Wild U18 Male



Western Wind U18 Female

For more information or to purchase a table please contact  
Pat McIver at [capsarmy33@gmail.com](mailto:capsarmy33@gmail.com)  
Duane Richards at [kensingtonwildhockey@gmail.com](mailto:kensingtonwildhockey@gmail.com)  
Eric Morency at [ericmorency2@gmail.com](mailto:ericmorency2@gmail.com)