

Clyde River PEI



Draft Official Plan
August 2022

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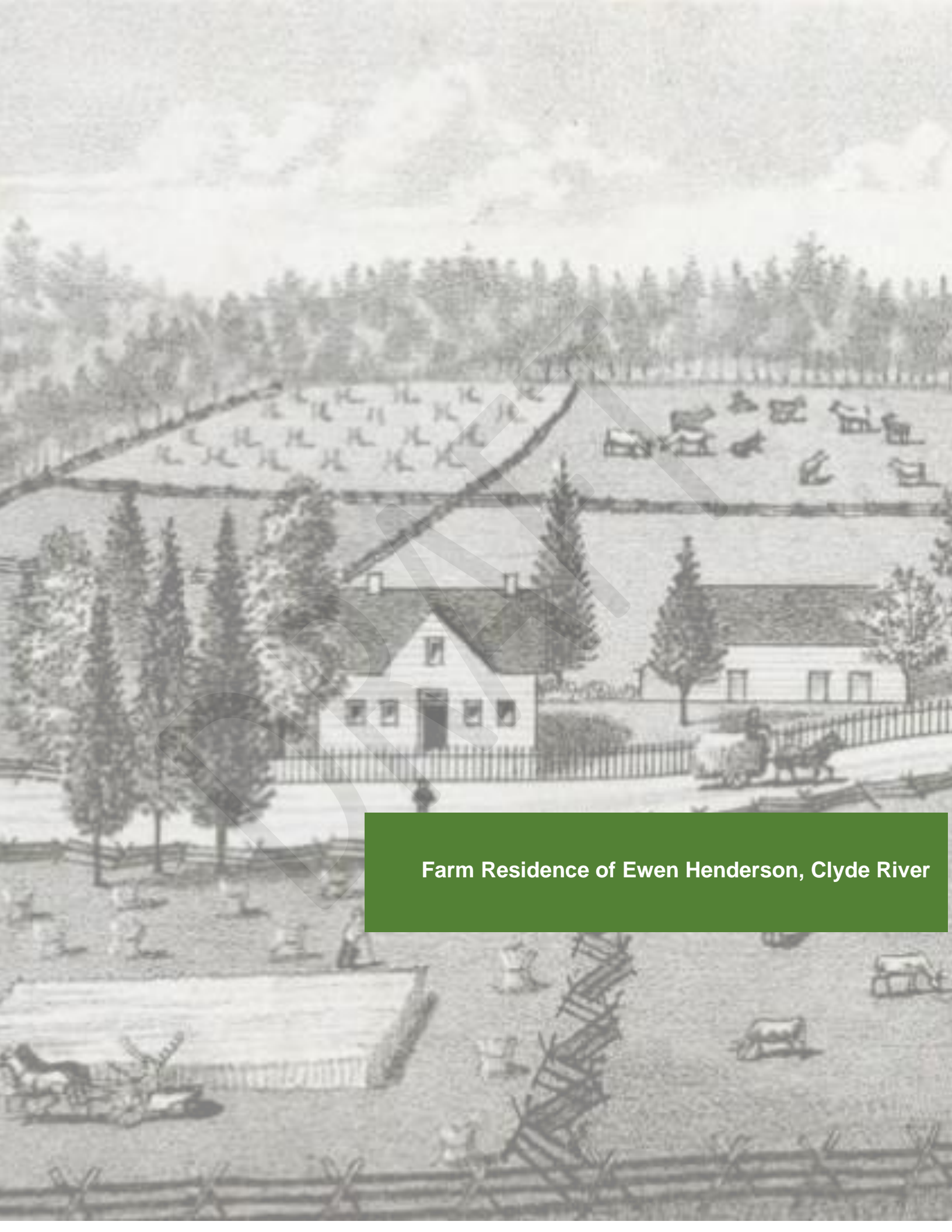
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Appendix 1: Terms of Reference for Required Plans and Studies



The Rural Municipality of Clyde River acknowledges that Prince Edward Island (Epekwitk) is unceded Mi'kmaq territory.



Farm Residence of Ewen Henderson, Clyde River

How to Use This Plan

This Official Plan for the Rural Municipality of Clyde River provides guidance for members of the public, Municipal Staff, and Municipal Council on land use planning matters.

The steps below are provided to assist the reader when development on a property is proposed.

1	Find the property on the Schedules. Schedules are found at the end of the document. Be sure to check each Schedule, as each one illustrates different policies.
2	Find the policies that relate to the applicable land use designations in Section 5 (Designations and Land Use Policies).
3	Review Section 4 (General Policies) to determine if the Plan offers specific guidance for the proposed use or application.
4	The property to be developed may contain natural or heritage resources that are not shown on the Schedules. Review Section 6 (Protection of Natural and Built Heritage Resources) section to determine if these policies apply.
5	The property to be developed may contain or generate hazards or compatibility concerns. Review Section 7 (Development Hazards and Land Use Compatibility) section to determine if these policies apply.
6	Contact the Rural Municipality of Clyde River for questions or additional information.



1. Introduction

1.1. Purpose

The purpose of the Official Plan is to provide direction for the physical growth of the Rural Municipality of Clyde River. The Plan will be used by Municipal Council and Town Staff to guide the review of development applications on private land, as well as decisions for public infrastructure investment.

As described in the Planning Act, the Official Plan creates the vision for the future use of land in the municipality, based on considerations such as the physical, social, environmental and economic effects of past, existing and projected land use and development trends. Through policies, maps and tools for its implementation, this Official Plan addresses matters such as:

- / the protection of resource land and natural areas;
- / the location of housing, community facilities, commercial offices, agricultural operations, and industrial activities; and
- / the need for essential public or private services, such as water supply, sewage disposal, roads, and parks.

As the first Official Plan for the Rural Municipality of Clyde River, this Plan is intended to implement a cohesive vision for land use in the municipality. The Plan is crafted to reflect the existing context, features, and character of the community, and to consider these defining elements when planning for future development of the community.

1.2. Legislative Authority

The authority of the Rural Municipality of Clyde River to adopt this Official Plan is derived from the provisions of the Planning Act R.S.P.E.I. 1988, P-8. The Act permits municipalities to adopt an Official Plan, which is to be adopted by Council. This Official Plan will assist Council in decisions regarding the use or development of land, within the framework provided by the Planning Act.

Further, by 2023, as required under subsection 14(b) of the Municipal Government Act, all municipalities within Prince Edward Island are required to provide land use planning services. The Official Plan is a key component of the core land use planning services provided by municipalities.

The Rural Municipality of Clyde River is within the catchment area of the Cornwall Region Special Planning Area (SPA). The Planning Act and its Subdivision and Development Regulations contain regulations for SPAs, which are intended to regulate development near larger cities and in environmentally sensitive areas.

The Cornwall Region SPA was established in 1994 to encourage large-scale development to be located in urban areas, while maintaining the character of surrounding rural areas. The main objectives of the SPA are:

- a. to minimize the extent to which un-serviced residential, commercial and industrial development may occur;

- b. to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and
- c. to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses.

In general, the provisions limit permitted uses and the number of lots permitted to be subdivided, with some exceptions. Where a municipality within the Cornwall Region Special Planning Area has an Official Plan in effect, the Official Plan must carry forward the objectives of the SPA. This Plan has been formulated in accordance with the provisions of the SPA.

This Plan **[has been approved]** by the Minister of Agriculture and Land, as prescribed by the Planning Act, R.S.P.E.I. 1988, P-8.

1.3. Structure of the Official Plan

The Official Plan is comprised of multiple sections, each of which is interrelated:

- 1) The **Basis of the Plan**, which outlines the foundational principles and approaches used in the creation of the Official Plan;
- 2) A description of the **Community Structure and Growth Strategy**, which describes the intended form of the community and establishes a high-level approach to managing development;
- 3) **General Policies**, which includes direction for various land use activities across the Rural Municipality;
- 4) **Designations and Land Use Policies**, which contain specific directions for policy areas and classifications;
- 5) Policies for **Protection of Natural and Built Heritage Resources**, which are intended to ensure that natural resources and features are protected and managed responsibly;
- 6) Policies for **Development Hazards and Land Use Compatibility**, which ensure that existing and proposed development is protected from the impacts of surrounding features and land uses;
- 7) Policies for **Infrastructure and Public Facilities**, which ensure that adequate, safe and appropriate services and facilities are provided to residents;
- 8) Policies for **Implementation**, which specify actions and tools to be employed by the Rural Municipality to ensure that the directions of the Official Plan are realized;
- 9) **Land Use Schedules**, which include maps of the Rural Municipality that illustrate land use designations and other information; and

- 10) **Appendices**, which contain additional reference materials.

1.4. Interpretation

1.4.1. Components of the Official Plan

- 1) The Official Plan should be read as a whole, reflecting its role as a comprehensive policy document for decision-making regarding land use activities.
- 2) All text and Schedules constitute the Official Plan. Appendices are provided for reference only and do not form part of the Plan.
- 3) Illustrations, sidebars and photos are included for the purpose of illustration only and are not part of the Plan.
- 4) Where the Plan refers to other legislation, policy documents, studies or guidelines, such documents are not part of the Plan unless the Plan has been specifically amended to include the document in whole or in part.
- 5) Where reference is made in the Official Plan to documents that reside outside of the Plan, such as provincial or federal Acts or other legislation, or to other documents that are not part of the Plan, the latest approved version of the document is implied.

1.4.2. Interpretation of Schedules

- 1) Boundaries of land use designations in this Official Plan are identified on the Schedules to this Plan. The boundaries of these policy areas are approximate and, unless otherwise noted, will be considered as general, except where they coincide with major roads, former rail corridors, hydro transmission lines, rivers and other clearly recognizable physical features.
- 2) Unless otherwise stated in the policies, when the general intent of the Plan is maintained, minor adjustment to boundaries will not require amendment to this Plan.

1.4.3. Terminology

- 1) In this Official Plan, use of the word “shall” indicates a compulsory requirement under the policy.
- 2) In this Official Plan, use of the words “may,” “should,” “can” or similar indicates an optional action on the part of the Rural Municipality or development proponent, as the case may be, in general terms. However, in certain cases these actions may nonetheless be deemed by the Rural Municipality to be a compulsory requirement, where warranted, in accordance with policy direction and good planning practice.

- 3) Policies referencing “Council” may also include involvement and decision-making by the Rural Municipality of Clyde River Planning Board, in cases where such powers have been delegated by Council or prescribed in the Planning Act R.S.P.E.I. 1988, P-8.

1.5. The Rural Municipality of Clyde River

1.5.1. Setting

The Rural Municipality of Clyde River is located in the central region of Prince Edward Island and was incorporated in 1974. As per the 2016 Canadian Census of Population, the Rural Municipality has a population of 614 and encompasses a total land area of 16.05 square kilometers.

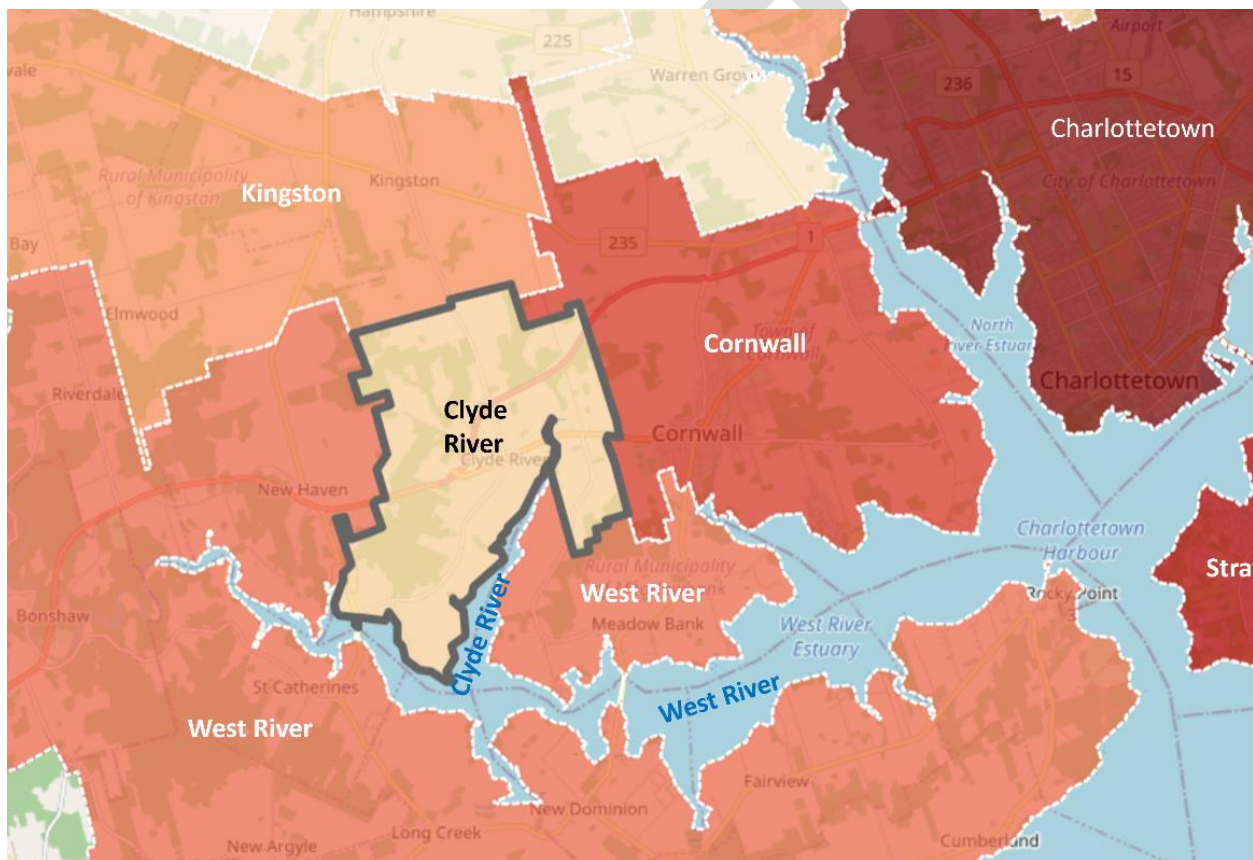


Figure 1: The Rural Municipality of Clyde River in regional context

Earning its name from its setting along the Clyde River, the Rural Municipality is located in Queen’s County in the central portion of Prince Edward Island. The community is located a 15-minute drive from Charlottetown, the Province’s capital, and less than five minutes’ drive to the Town of Cornwall to the east. Cornwall features a range of services and amenities, including recreational facilities, grocery stores, post office, library, and restaurants.

The Rural Municipality is generally bordered by the Town of Cornwall to the east, the Rural Municipality of Kingston to the north-west, and the Rural Municipality of West River to the east,

west and south. To the south and west, the Rural Municipality is also bordered by the West River and Clyde River, respectively.

1.5.2. History

Prince Edward Island has been inhabited for more than 12,000 years, beginning with the Mi'kmaq Peoples. Oral history and archaeological records agree that the ancestors of the Mi'kmaq followed the caribou and other large land mammals to the area after the retreating ice of the last Ice Age. At the time, the land masses currently in Nova Scotia, New Brunswick and Prince Edward Island were united as the Northumbria land mass, creating a land bridge to the Island. The traditional Mi'kmaq name for the Island is "Epekwitk," meaning "something lying on the water."

European exploration and settlement of Prince Edward Island began in the sixteenth century, principally by the French, who called the Island "Ile St. Jean." In 1731, King Louis XV of France granted approximately 35,000 acres to the Compagnie d'Est de l'Île Saint Jean in the southeast part of the Island. Acadian settlement on the Island began in the mid-eighteenth century, and control of the Island oscillated between the French and British until permanent British control was established through the Treaty of Paris in 1763. Political control initially resided in Nova Scotia.

In 1764, Captain Samuel Holland (1728-1801) was granted responsibility by the Board of Trade and Plantations for surveying a large portion of British North America. Surveys of the former Ile St. Jean, known as St. John's Island in English, was one of the first surveys performed in British territory in North America. Through his survey, Holland divided the land on the Island into 67 lots of approximately 20,000 acres each. The area now known as the Rural Municipality of Clyde River was documented as Lot #31 in this exercise.

Once surveyed, the 67 lots were disbursed by the Board of Trade and Plantations in a land lottery in 1767. The land holdings were generally granted to well-connected British politicians, military officers, and commercial merchants who had performed services during the war with France. Through successful lobbying of the British government, these new landowners championed the creation of a colonial administration separate from Nova Scotia in 1769, with a new colonial capital in Charlottetown, named for the wife of King George III.

In 1875, the Province of Prince Edward Island passed the Land Purchase Act, which compelled absentee landowners to sell their lands to the provincial government for the purposes of offering purchase of the parcels to local citizens. The Act, aided by financing by the new Government of Canada based on terms for the Province's joining Confederation, enabled land ownership by local residents over the following decade.

As urbanization increased in the nineteenth and early twentieth centuries, settlements on Prince Edward Island began to incorporate as municipalities, reflecting a broader trend across Canada of establishing formal governance structures. Along with other municipalities in Queens County such as the Rural Municipality of Kingston, the Rural Municipality of Clyde River was created in 1974. Other municipalities on the Island were created through amalgamations, including the Town of Cornwall (formerly Cornwall, Eliot River, and North River) in 1995 and the Rural Municipality of West River (formerly Afton, Bonshaw, New-Haven Riverdale, Meadowbank, and West River) in 2020. While Clyde River was considered for inclusion in West River, the community ultimately decided to remain independent.

1.5.3. Population and Housing Profile

Prince Edward Island remains the fastest growing province in Canada with calendar-year growth at 2.46 per cent in 2018 and 2.18 per cent in 2019. The growth rate slowed during the Covid-19 pandemic, but still outpaced the remainder of the country. Immigration represents a significant driver of this growth with an average of 2,310 new people moving to the province annually from 2017-19. As of the 2021 census, the Province had a total population of 154,331 and 8% increase from the 2016 census data.

In 2021, the Rural Municipality of Clyde River is estimated to have had a population of approximately 614 people. The population data is summarized in Table 1 below. Additionally, the number of private dwellings occupied by residents, is summarized in

Table 2 below.

Table 1: Population Data for the Rural Municipality of Clyde River

Rural Municipality of Clyde River						
Year	1996	2001	2006	2011	2016	2021
Population	601	581	618	576	653	614

Table 2: Private Occupied Dwellings in the Rural Municipality of Clyde River

Rural Municipality of Clyde River				
Year	2006	2011	2016	2021
Private Occupied Dwellings	214	205	248	252
Total Private Dwelling	227	215	270	271

2. Basis of the Plan

2.1. Community and Stakeholder Engagement

As a collaborative process, the preparation of the Official Plan involves the input of many community members in a variety of roles. The following groups were engaged throughout the process, including:

- 1) Rural Municipality of Clyde River Council;
- 2) Rural Municipality of Clyde River Staff;
- 3) Province of Prince Edward Island Staff;
- 4) Indigenous organizations;
- 5) Local stakeholders; and
- 6) Members of the public.

2.2. Vision

The Rural Municipality of Clyde River will build a healthy, active and responsible community which supports everyone who lives and works here, now and in the coming years.

2.3. Guiding Principles

This Official Plan is premised on the following Guiding Principles, derived from consultation with Town Council and the broader community.

The Official Plan is Council's principal guide for decisions on land use and development within the community and is critical to the Rural Municipality's long-term strategic direction.

The Plan also serves as a guide for residents and interested citizens to gain a more thorough understanding of the Rural Municipality's growth management approach.

This Official Plan aims to:

1. **Guide municipal decisions:** By guiding growth and change in accordance with the community's priorities, needs and vision for the future.
2. **Provide clarity for managed growth:** By providing clarity on where, and what type of growth should occur in the Rural Municipality and how it can be supported. It is intended to provide direction for businesses, land owners, developers, organizations, community groups and residents regarding future development.
3. **Influence community design:** By providing design guidelines, the Official Plan aims to ensure that development is attractive, compatible and functional.
4. **Improve development decision-making:** This plan introduces new tools and provides clear parameters. Processes should respect all involved in moving the Rural Municipality toward its community priorities.

2.4. Objectives of the Official Plan

The Official Plan will implement a strategy for orderly development which:

- / Maintains strong community identity;
- / Prevents environmental problems;
- / Achieves balanced, sustainable development; and
- / Encourages a welcoming environment for all present and future residents and businesses.

2.5. Planning Horizon

This Official Plan is prepared on the basis of a 15-year planning horizon to 2037. The goals, objectives, and policies contained within this Plan are intended to respond to the opportunities and challenges for land use planning in the Rural Municipality of Clyde River during this timeframe, including anticipated population trends.

2.6. Population and Housing Projections

The Official Plan is premised on a population projection prepared for the 15-year planning horizon, from 2022 to 2037. The population projections were developed using a trend analysis, which provides a general estimate of how populations may change based on previous data at 5-year intervals. To reflect current trends, the projections were developed using data from the 2006, 2011, 2016 and 2021 Census periods.

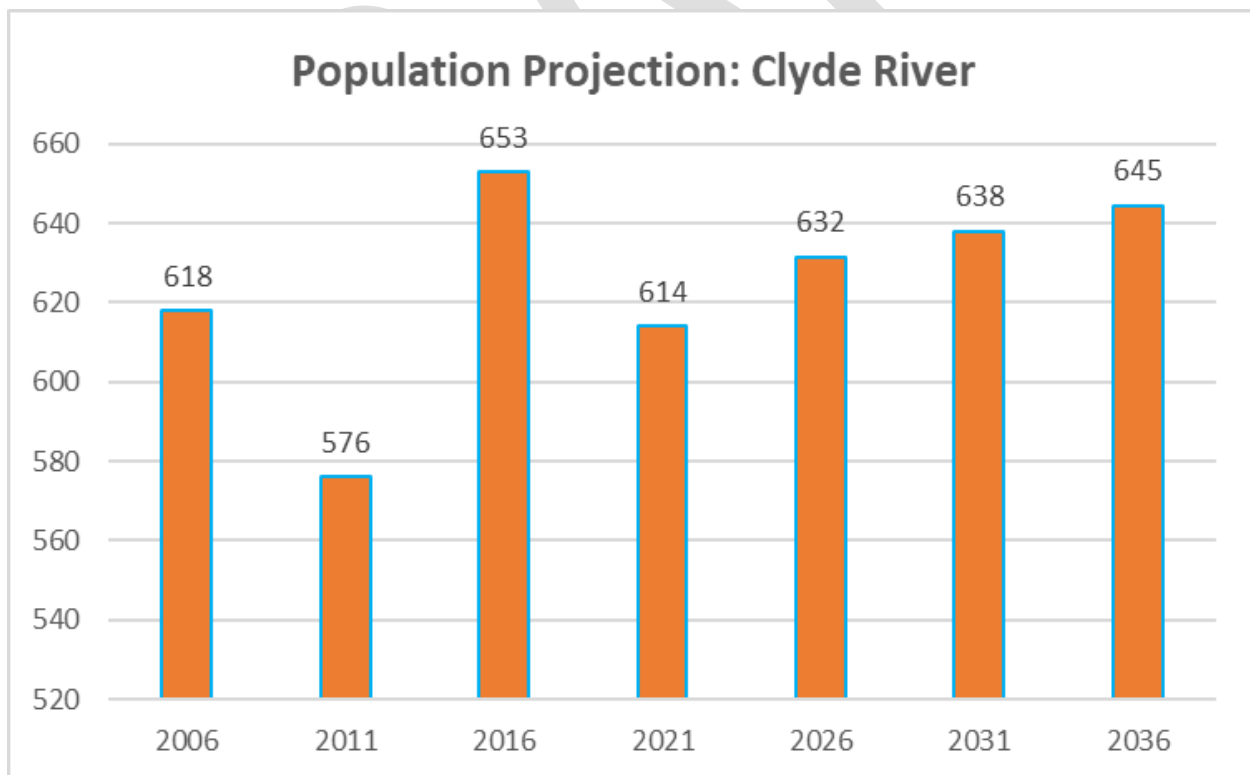


Figure 2: Projected Population in the Rural Municipality of Clyde River

Based on previous Census periods, the population of Clyde River has generally fluctuated while remaining in a range from 576 residents in 2011 to the current high of 614. Extrapolating these previous trends, the population of Clyde River is projected to increase modestly to approximately 703 by 2036, as shown in Figure 2.

2.6.1. Future Trends

Population growth in Clyde River is anticipated to result from the following sources:

1) General In-Migration and Immigration

As with the majority of Canadian communities, population growth in Clyde River will largely depend on in-migration and immigration, rather than the natural birth rate. As noted in the Island Investment Development Inc. (PEI Office of Immigration) annual report for 2019/2020, immigration will continue to be an important factor in the Island's economic and social growth in years to come.

To capitalize on this growth, Clyde River may choose to play a more active role in attracting new residents through the establishment of programs and services. Similarly, the planning system may encourage growth by providing for a range of housing types, infrastructure and services to ensure the varied needs of new residents can be met.

2) Retirees

With Prince Edward Island becoming an increasingly attractive location for retirees, the expansive and bucolic rural character of Clyde River may benefit from growth in this population segment. By definition, this group is of advanced age and will generally not participate in the work force, having implications for the economy, demands on local services, and infrastructure requirements.

3) Growth from Economic Activity

There are two possible sources of population growth generated by economic activity. First, Clyde River may experience growth from traditional economic drivers, such as a new or existing employer expanding into a new site in Clyde River. In this scenario, the amount of concurrent population growth will generally depend on the scale of the employment required.

Second, Clyde River may benefit from remote workers able to relocate from larger centres, provided the appropriate technological infrastructure is in place. Inspired by the pivot to remote work during the COVID-19 pandemic, workers who are able to continue working from any location may choose to settle in Clyde River, increasing the working-age population.



3. Community Structure and Growth Strategy

3.1. Growth Strategy

A central objective of this Official Plan is to maintain the rural character of the community, while allowing for compatible development in appropriate locations.

To achieve this objective, the Rural Municipality of Clyde River will consider the existing and historic character of the community in undertaking land use planning activities. The intention of this policy is not to prevent, discourage, or hinder development, but rather to emphasize the importance of compatibility with existing character and ensure that future development remains context appropriate.

Growth in the Rural Municipality of Clyde River will be planned in a coordinated manner based on sound planning principles and with regard for fiscal responsibility, maintenance of community character, protection of natural features and resources, and to foster an economically strong and socially vibrant community. The growth strategy of this Official Plan is premised on the following principles:

- 1) Rural Hubs shall be classified as target designations for growth and development.
- 2) Limited lot creation shall be permitted on lands under the Rural designation.
- 3) Development shall be directed away from natural heritage features.
- 4) Development shall be directed away from hazards and incompatible uses.
- 5) Development shall ensure protection of valuable cultural heritage resources, including historical and archaeological sites and buildings.

3.2. General Policies for Growth Management

The following policies are intended to accommodate growth in a safe, effective, efficient, and functional manner:

- 1) Across all policy designations, development shall proceed in a manner that utilizes land efficiently to maintain views, preserve existing drainage patterns, conserve natural resources, and improve functionality.
- 2) The Rural Municipality of Clyde River encourages developers to intensify existing lots of record with development that is consistent with the rural character of the community.
- 3) Lot creation and lot consolidation shall proceed in accordance with the policies and processes for subdivisions established in this Plan and in the implementing Development By-law.

- 4) Development shall be directed to areas that are suitable for the proposed use or buildings and away from environmentally-sensitive or hazardous lands.
- 5) Development that will require unnecessary infrastructure investments by either the Province of Prince Edward Island or the Rural Municipality of Clyde River shall be discouraged.

3.3. Servicing Approach

All development in the Rural Municipality of Clyde River is exclusively on the basis of private water and sanitary services. The following policies establish the future servicing approach.

- 1) All existing development, and development proposed through the planning horizon of this Plan, shall continue to be on the basis of private water and sanitary services. This Plan does not contemplate the establishment of central water or sanitary services in Clyde River.
- 2) Where a change in circumstances warrants consideration of central water and sanitary services, the Rural Municipality of Clyde River will initiate a comprehensive review of this Official Plan.



Welcome to
CLYDE RIVER

4. General Policies

4.1. Generally Permitted Uses

4.1.1. Public Uses

As the three levels of government provide vital services for residents of the Rural Municipality of Clyde River, this Official Plan recognizes the necessity of these works and the legal authority to provide them.

- 1) Public uses owned by the Rural Municipality of Clyde River, the Province of Prince Edward Island, the Government of Canada, or any board or agency thereof, are permitted in all land use designations. Such public uses may include, but are not limited to:
 - a) Buildings to fulfill government functions;
 - b) Public infrastructure, including:
 - / Linear utilities;
 - / Electricity generation, transmission, and distribution;
 - / Land, sea, or air-based transportation infrastructure; and
 - / Communications infrastructure.
 - c) Parks, landscaped areas, recreation facilities, and conservation areas.

4.1.2. Accessory Uses

References to land uses in this Plan imply primary land uses or buildings. However, other uses, buildings or structures that may be incidental to the normal use may be permitted, where appropriate.

- 1) Accessory uses, buildings, and structures shall be permitted in all land use designations, subject to the provisions of the Development By-law.
- 2) The Development By-law shall establish provisions for accessory uses, including definitions, setbacks and size limitations.
- 3) In recognition of the importance of water-based industry to Rural Municipality of Clyde River, the storage of equipment and vessels shall be permitted accessory to single-detached dwellings, subject to the provisions of the Development By-law.
- 4) Where accessory to a residential use, boathouses and docks shall be permitted on waterfront properties, subject to the provisions of the Development By-law.

4.1.3. Home-Based Business

Some community members may choose to undertake economic activities in their place of residence. Home-based businesses are generally service-based operations, such as day care operations, offices, barber shops or hair salons, beauty parlours, low-impact artisan workshops, and at-home IT services. In some cases, they may also include small-scale manufacturing, mechanical, or repair operations, which must be of a size and scale that ensure compatibility with surrounding uses.

- 1) Where a dwelling is permitted by the Development By-law, a home-based business may also be permitted, subject to the policies of this Plan.
- 2) A home-based business may be permitted through a renovation of the dwelling, or in an accessory structure.
- 3) A home-based business shall be secondary to the residential occupancy use of the dwelling unit.
- 4) Home-based businesses shall be compatible with surrounding uses and shall not generate undue adverse impacts, including, but not limited to traffic, noise, waste and/or odours.
- 5) The Development By-law will contain appropriate regulations to ensure functional and visual compatibility with surrounding uses. The provisions will address elements such as size, number of employees, parking, signage, physical changes to the dwelling, limitations on mechanical equipment, outdoor storage, and other factors related to safety, convenience or enjoyment of neighbouring residents.

4.1.4. Day Care Facilities

Day care facilities are centres that provide daily temporary care of children, seniors and / or the disabled. These facilities provide vital services to community members and are generally of greatest benefit when located in central, accessible, and convenient locations.

- 1) The policies of this section apply to day care facilities that are not classified as home-based businesses, as described in Section 4.1.3. These facilities may be located outside of a residential dwelling, or may exceed the standards established for home-based businesses.
- 2) Day care facilities are permitted in the Rural Hub and Rural Area designations.
- 3) Applications for day care facilities shall be evaluated based on anticipated impacts related to:
 - a) Parking supply;
 - b) Traffic generation;
 - c) Noise;
 - d) Water and sanitary servicing requirements; and

- e) Site suitability.
- 4) The Development By-law will contain provisions specifying appropriate locations for day care facilities.

4.1.5. Agricultural Uses

Agriculture in the Rural Municipality of Clyde River will continue to be an important land use in the future. Agricultural uses are generally found in rural areas, but in some cases are located within or adjacent to a Rural Hub.

- 1) Existing agricultural uses are permitted to continue in all land use designations.
- 2) Proposals to establish new agricultural uses shall be subject to the policies of this Plan. Proposals to change from one agricultural use to another shall be permitted.
- 3) Non-industrial harvesting of trees is permitted in all land use designations.
- 4) Community gardens will be regulated by the Development By-law and are not classified as an agricultural use.

4.1.6. Cemeteries

The Rural Municipality of Clyde River contains historic and modern cemeteries. The policies of this section recognize existing cemeteries, while restricting the location of new cemeteries.

- 1) The Rural Municipality of Clyde River recognizes existing cemeteries, including the Clyde River Pioneer Cemetery, in the municipality. Existing cemeteries shall be permitted in all land use designations.
- 2) New cemeteries shall be permitted, as appropriate, subject to Council and Provincial approval.

4.2. Economic Development

A central purpose of the Official Plan is to describe and facilitate objectives and strategies for economic development through land use planning. With a range of business and resource sectors, the Rural Municipality of Clyde River is positioned to build upon its existing economic base and advance creative initiatives to enhance economic opportunities.

4.2.1. Regional Economic Development

The economy of the Rural Municipality of Clyde River will continue to be integrated with regional economic activities, including nearby economic hubs of Cornwall and Charlottetown. Economic development in the community can be achieved through coordinated efforts with other groups and governments, as well as consideration of regional economic trends.

- 1) The Rural Municipality of Clyde River will work with neighbouring municipalities and the Province of Prince Edward Island to advance regional economic development through land use planning.
- 2) Council will explore opportunities to create and enhance transportation and economic connections with communities elsewhere on Prince Edward Island, including Charlottetown.
- 3) The Rural Municipality of Clyde River will work with the Province of Prince Edward Island, telecommunications service providers and neighbouring municipalities to advance installation and expansion of a 5G fibre-optic network.

4.2.2. Local Economic Development

With a diverse and vibrant economic base, the Rural Municipality of Clyde River can build upon and further enhance its economy across multiple sectors.

- 1) Council will consider forming and maintaining an Economic Development Committee to advance the economic interests of the community.
- 2) With input and guidance from the Economic Development Committee, where constituted, Council will consider the preparation of an Economic Development Plan to encourage investment in Clyde River and enhance overall economic opportunities.
- 3) The Rural Municipality will work with Innovation PEI and the Community Business Development Corporation (CBDC) on land use planning-related matters to facilitate the establishment and growth of new businesses in the Rural Municipality of Clyde River.
- 4) The Rural Municipality will encourage local opportunities for tourism and recreation, including boating, parks and pathways, sports tourism, and cultural features and programming. Council will consider the economic and social value of these facilities in making decisions on land use planning matters.
- 5) The Rural Municipality of Clyde River recognizes the important role that agriculture plays in the community, including crop harvesting, livestock, forestry, aquaculture, agri-tourism, and supporting retail, industrial and research operations. In accordance with the policies of this Official Plan, Council will have regard for the economic value of the agricultural industry to the community in its land use planning decision-making.

- 6) The Rural Municipality will promote the Route 27 Corridor between the Trans-Canada junction and Clyde River Road as a convenient and effective location to accommodate new businesses and industries, in accordance with the policies of this Plan.
- 7) Council recognizes and supports existing and future retail and industrial operations throughout the municipality, many of which serve markets within and beyond Clyde River.
- 8) The Rural Municipality of Clyde River will encourage innovative solutions to enhance soil quality, including natural local product development.
- 9) Recognizing the unique economic contributions of the Mi'Kmaq people throughout the history of Prince Edward Island, Council will encourage economic initiatives that benefit Indigenous peoples as a pathway to advance local and national goals of Reconciliation.

4.3. Housing

4.3.1. Unit Mix

Providing a range of housing types is a key ingredient in healthy, sustainable communities. While not all housing types are appropriate everywhere, the policies in this section are intended to ensure that housing choices are available to residents.

- 1) The Rural Municipality encourages the development of a variety of dwelling types in appropriate locations to accommodate a range of household needs.
- 2) The Rural Municipality encourages a range of housing tenures, including ownership, rental, condominium, cooperatives, seasonal dwellings, group homes, and public housing. The tenure of housing shall not influence land use planning decisions, unless explicitly referenced in this Plan.
- 3) Council will encourage the development of housing for seniors within Rural Hubs , to ensure adequate accommodations for older residents. Permissions for these housing developments will be established in the Development By-law.

4.3.2. Housing Typologies

This Official Plan recognizes the following densities and their corresponding housing typologies:

- 1) “Low-density” housing refers to single-detached dwellings.
- 2) “Medium-density” housing refers to semi-detached dwellings, duplex dwellings, three row dwellings, and triplex dwellings.
- 3) “High-density” housing refers to multi-unit dwellings with four units or more.

4.3.3. Affordability

The affordability of housing options is essential to ensure that residents can secure appropriate housing that meets their needs, while offering choice in both the rental and market housing sectors. New affordable housing development should provide for a mix of dwelling size, type and tenure that meets the housing needs of the area. To help residents meet these challenges, the Rural Municipality will support a range of housing options and delivery incentives.

- 1) Council will encourage development of a range of affordable housing directed toward the delivery of:
 - a) Housing units specifically priced for ownership below the market average for the area; or
 - b) Housing units allocated for rental below the average market rent of comparable units.
- 2) The Rural Municipality will consider the following measures to encourage the development of housing projects that meet the definitions of affordability in Policy 1:
 - a) Where appropriate, the Rural Municipality may enter into a Development Agreement with the proponent of a development that includes affordable housing units, which will establish terms and conditions to ensure that the units remain affordable for a defined period of time or in perpetuity;
 - b) Updating policies and Tariff of Fees by-laws to waive fees and charges for projects that feature affordable housing;
 - c) Considering the provision of affordable housing when evaluating development applications that propose to increase permitted density;
 - d) Utilizing municipally-owned land for affordable housing, or requiring affordable housing as a condition of land disposal, where appropriate;
 - e) The promotion of municipal-led incentives to bring new housing development to Clyde River; and
 - f) To continue to work with the Prince Edward Island Housing Corporation to provide new affordable housing projects in the Rural Municipality of Clyde River to meet the housing needs of residents.

4.3.4. Accessory Dwelling Units

Accessory dwelling units are dwelling units that are supplementary to a primary dwelling unit on a lot. The provision of accessory dwelling units can achieve multiple planning goals, including increasing housing stock, expanding affordable housing options, and providing low-impact forms of intensification. The policies of this section are intended to permit accessory dwelling units in appropriate locations to encourage the achievement of these planning goals.

- 1) The Development By-law shall permit accessory dwelling units to be developed on properties with a primary single-detached, semi-detached, or townhouse dwelling. The Development By-law will also contain additional provisions to regulate the location and scale of accessory dwelling units.

- 2) Accessory dwelling units may be located attached to a dwelling or in a detached building. The Development By-law will regulate the location of accessory dwellings that are detached from the primary dwelling.
- 3) Development of an accessory dwelling unit shall be subject to the following criteria:
 - a) A maximum of one accessory dwelling unit is permitted per lot;
 - b) The property complies with the lot area requirements in the Development By-law;
 - c) Adequate parking facilities are provided;
 - d) The accessory dwelling unit is of a modest size, and does not exceed the floor area of the primary dwelling; and
 - e) The accessory dwelling unit shall not be severed from the primary dwelling.
- 4) For the purpose of this Plan, accessory dwelling units shall be defined as dwellings in permanent buildings. Trailers and other moveable recreational vehicles shall not be classified as accessory dwelling units and shall be subject to separate provisions in the Development By-law.

4.3.5. Group Homes

- 1) Group homes shall be permitted in the Rural land use designation .
- 2) The Development By-law shall establish group homes as a permitted use in the rural and rural residential zones, subject to the policies of this Plan.

4.3.6. Bed and Breakfast Operations

Bed and breakfast operations, also known as “tourist homes” or “guest homes,” are common on Prince Edward Island and make a valuable contribution to the local tourism industry. Bed and breakfast operations are generally compatible in a range of contexts.

- 1) Bed and breakfast operations shall be permitted wherever a single-unit dwelling is permitted.
- 2) The Development By-law shall contain specific provisions for bed and breakfast operations. The provisions shall regulate such elements as:
 - a) Dwelling types in which bed and breakfast operations are permitted;
 - b) The maximum number of rooms available for guests;
 - c) Regulations for signage;
 - d) Parking requirements; and
 - e) Other compatibility considerations, as required.
- 3) An expansion to the number of rooms available for guests in a bed and breakfast operation may be permitted through a Zoning Amendment, provided that the proposal is compatible with existing and planned uses on

neighbouring properties, and that all other criteria for bed and breakfast operations are met.

4.3.7. Short-Term Rentals

The Rural Municipality of Clyde River recognizes the valuable role that short-term rentals can play in the community. The ability for local residents to lease dwelling space to tourists and business travellers on a short-term basis expands accommodation options for visitors in the community, generating economic benefits for those offering the service, as well as other businesses in Clyde River. However, experiences across Prince Edward Island have shown that offering entire dwellings exclusively to short-term rental tenants restricts housing options for existing and future residents, resulting in increased housing costs. The policies in this section are intended to address these concerns.

- 1) Residents offering short-term rental accommodations shall follow all regulations and procedures established by the Province of Prince Edward Island, including the requirement to obtain a Tourism Establishment License from Tourism PEI.
- 2) The Rural Municipality of Clyde River will monitor trends in the short-term rental and housing markets and may amend the Development By-law to introduce regulations, including but not limited to:
 - a) Restricting short-term rental offerings to primary residences, as classified for tax purposes;
 - b) Regulations to permit short-term rentals within Accessory Dwelling Units;
 - c) Permitting short-term rentals within a portion of a dwelling;
 - d) Defining the length of stay that constitutes a short-term rental; and
 - e) Requirements for public notification for short-term rentals.

4.4. Subdivisions and Condominiums

The subdivision process includes lot creation or lot consolidation, and may involve several land parcels, subject to the policies of this Plan. A condominium is a form of ownership structure that allows for ownership of portions of land or buildings, with communal ownership of other elements in the development. The purpose of the policies below is to establish policies for subdivisions and condominiums in the Rural Municipality of Clyde River.

4.4.1. Establishing New Subdivisions

- 1) Proposals for subdivisions shall comply with the provisions of the Cornwall Region Special Planning Area of the Planning Act Subdivision and Development Regulations, including restrictions on the number of lots permitted and corresponding land uses.
- 2) The design of new subdivisions shall be based on sound planning, engineering and environmental principles. The Rural Municipality of Clyde River will evaluate subdivisions against criteria including:

- a) Compatibility with surrounding uses, including agricultural uses;
 - b) The topography of the site;
 - c) Surface drainage on the site and its impact on adjacent parcels of land;
 - d) Access to adjacent public roads and the capacity of those roads to absorb traffic generated from the proposed subdivision;
 - e) Availability, adequacy and the economical provision of utilities and services;
 - f) The ability to further subdivide the land or adjoining land;
 - g) The provision of lots suitable for the intended uses;
 - h) Wastewater management;
 - i) Water supply; and
 - j) Natural features.
- 3) The Rural Municipality shall review the transportation network in proposed subdivisions with consideration of the following:
- a) Where there is an opportunity to create a connection with the road network of an existing subdivision on adjacent land, the Rural Municipality shall ensure that new connections are established, where feasible.
 - b) Where a future subdivision is possible on adjacent land, subdivision applications shall include road allowances to create road connections;
 - c) The Rural Municipality shall prioritize full-movement road connections, but may also consider walkways or other infrastructure to enhance pedestrian connections.
 - d) Applications for subdivisions shall conform with the policies of this Plan, including the policies for roads in the Infrastructure and Public Facilities Section of this Plan.
- 4) Where a subdivision is proposed along a shoreline, the subdivision may be required to include a right-of-way easement, at the request of the Rural Municipality of Clyde River, that enables pedestrian access to the waterfront, subject to the following conditions:
- a) The easement shall lead directly to the water, or to an area of public ownership with connection to the water;
 - b) The easement is of a sufficient width to enable reasonable access, as regulated by the Development By-law;
 - c) The easement leads to an area of land that is generally flat, unencumbered and suitable for the purpose of passage;
 - d) Any vegetation or rock features in the easement that would hinder pedestrian access can be removed without causing significant environmental damage or generating undue potential for erosion; and
 - e) Where deemed appropriate by the Rural Municipality, the easement shall be maintained for access for the general public.

4.4.2. Legacy Lots

Legacy lots are vacant lots that were legally established under a previous Provincial planning regime, but do not meet current lot standards for servicing by private well and septic systems. The following policies establish conditions under which such lots may be developed.

- 1) Properties that were legally established but do not meet the lot area requirements of the Development By-law shall be recognized as existing lots of record.
- 2) Legally established legacy lots may be developed, conditional upon satisfying the following criteria:
 - a) Issuance of a Building Permit by the Province of Prince Edward Island;
 - b) The provision of safe access and egress;
 - c) A demonstrated ability to provide for water and sanitary services, either by means of central or private services;
 - d) Development of the lot will not generate undue impacts on natural heritage features, in accordance with the policies of this Plan;
 - e) The lot is not affected by any natural hazards, in accordance with the policies of this Plan; and
 - f) The portion of the lot proposed to be developed is not located within the Rising Sea Level Impact Overlay, as shown on Schedule B.
- 3) The Development By-law may contain additional regulations for legacy lots, including special setbacks and maximum lot coverage requirements, as appropriate.

4.4.3. Condominiums

- 1) The Rural Municipality of Clyde River recognizes condominium ownership arrangements established under the Prince Edward Island Condominium Act R.S.P.E.I. 1988, C-16. Any policy in this Plan referring to subdivisions shall also apply to condominiums, with the necessary modifications, as applicable.
- 2) As stipulated in the Condominium Act R.S.P.E.I. 1988, C-16, developments proposing a condominium ownership structure are not exempt from policies and regulations established under the Official Plan and implementing by-laws.
- 3) For further clarity, the Rural Municipality of Clyde River shall review development applications that propose a condominium ownership structure against the criteria for Establishing New Subdivisions in Policy 1 of Section 4.4.1.
- 4) As an ownership structure, condominiums do not constitute a distinct land use. All development applications will be evaluated on the merits of the proposed land use, without regard for the condominium ownership tenure. Neither the Development By-law nor any other implementing by-law will construe condominiums as a distinct land use.

4.5. Community Design

Community design refers to the process of ensuring that development is attractive, compatible and functional. The guidelines in this section are intended to guide the form of development, such as the placement of buildings on a lot, built form, landscape patterns, and the location of elements associated with development.

The guidelines are not intended to be mandatory requirements, but best practices for design that the Rural Municipality can use to evaluate development proposals.

4.5.1. Design Guidelines for Rural Areas

- 1) Ensure development respects the natural topography of land and avoid alteration of the terrain.
- 2) Preserve and maintain the natural environment as much as possible.
- 3) Plant additional trees and other landscaping elements to complement existing and proposed development.
- 4) Conservation and adaptive re-use of existing buildings is encouraged.
- 5) Where fencing is provided, limit heights and choose styles and materials appropriate to the local context. Hedges may also be used as fencing.
- 6) Limit the extent of driveway materials to maintain natural drainage patterns.

4.5.2. Design Guidelines for Rural Hubs

- 1) Ensure development respects the natural topography of land.
- 2) Consider designing for active modes of transportation, such as walking and cycling, by including sidewalks, walkways, crosswalks and bicycle parking. Direct and accesible connections between buildings are particularly encouraged.
- 3) Consider opportunities to expand housing options, including the provision of a range of lot sizes, dwelling types, and dwelling sizes.
- 4) Where a proposed building features larger massing than existing adjacent development, incorporate a transition in the massing down to the existing condition through setbacks and lower building elements.
- 5) Design buildings to be consistent with the character and architectural styles in the area, including building forms, materials and colours.
- 6) Avoid blank walls and encourage generous window coverage, where possible.

- 7) Orient buildings to frame the public street to enhance sociability and community safety.
- 8) When siting buildings, consider views and vistas from public spaces to important buildings, community landmarks and landscapes, including the Clyde River.
- 9) Locate parking behind or beside buildings, with landscaping and pedestrian facilities in the front.
- 10) Where possible, preserve and re-use older buildings to conserve existing cultural assets.
- 11) Preserve opportunities for public art, where feasible.
- 12) Seek opportunities to reduce the carbon footprint of development, including through solar orientation, building materials, and high albedo (highly-reflective) colours.
- 13) Keep utilities and storage areas behind or interior to buildings, or screened by landscaping, fencing, or similar features.
- 14) Include lighting on buildings and in parking areas that enhances visibility and safety without impacting adjacent properties.



5.Designations and Land Use Policies

All lands in the Rural Municipality of Clyde River are subject to land use designations, as illustrated on Schedule A. In this section, policies are established for each land use designation, describing the vision for land use, growth, servicing, compatibility, and other considerations. Development must conform to the policies of each designation.

5.1.Rural

The Rural land use designation applies to the majority of land in the Rural Municipality. The designation is intended to accommodate a variety of land uses that are appropriate for a rural community, while ensuring that the local character is preserved and enhanced. As an important component of the local economy, the policies of this Plan aim to strengthen and support the local rural economy by permitting a diversity of uses.

A large portion of the Rural land use designation will continue to be farmed for agricultural-related purposes, yet there are existing residential developments located throughout Clyde River. The policies of the Rural designation are meant to recognize this existing situation while also offering opportunities for seasonal and full-time dwellings.

5.1.1. Permitted Uses

- 1) Agricultural and agriculture-related uses are permitted in the Rural designation.
- 2) Low-density residential uses are permitted in the Rural designation.
- 3) Council shall establish a Rural Residential Zone to permit low-density residential and supporting uses appropriate for a rural setting. These lots shall generally be 2 hecatres (5 acres) in size.
- 4) Council shall establish a Residential Mobile Home Park zone to permit mobile homes and associated land uses.
- 5) Medium-density residential dwellings shall be permitted provided that:
 - a) Adequate water and sanitary servicing can be provided; and
 - b) Parking facilities are made available for each unit.
- 6) High-density residential developments are prohibited in the Rural designation.
- 7) Council shall establish Community, Light Industrial, Heavy Industrial, and Resource Extraction Zones within the Rural designation. Subject to a Zoning Amendment, the following uses may be permitted:
 - a) Outdoor recreational and tourism uses;
 - b) Small-scale Community, Light Industrial, Heavy Industrial, and Resource Extraction uses where the following criteria are met:

- / The uses are necessary to serve the local rural community and/or the travelling public;
 - / The use being proposed can be supported by water and septic services according to the applicable provincial regulations;
 - / The scale of the development is appropriate for a rural context;
 - / Access and egress to the development can be safely provided; and
 - / The proposed development is compatible with surrounding land uses or impacts can be reasonably mitigated.
- c) Animal and veterinarian services, including boarding, breeding and training.
- 8) New mobile home parks are prohibited, in accordance with the Planning Act Subdivision and Development Regulations.
- 9) In addition to general permissions for accessory uses established in Section 4.1, the storage of fishing vessels and equipment is permitted in the Rural designation.
- 10) Subdivisions are permitted in the Rural designation, subject to the policies of this Plan. The Development By-law shall establish minimum lot sizes and minimum lot frontage for both the Rural and Rural Residential Zones.

5.1.2. Policies for Agricultural uses in the Rural Designation

- 1) In the Rural Designation Council shall permit agricultural and agricultural-related uses in the Rural Zone in the Development By-law.
- 2) Permitted agriculture uses in the Rural Zone shall include livestock operations, growing of marketed or subsistence crops, vineyards, limited processing of agricultural products, forestry, aquaculture-related staging and storage and associated buildings and structures.
- 3) Agri-tourism and on-farm supportive uses such as breweries, wineries, places of assembly, bed and breakfast operations, home-based businesses, and agriculture-related educational facilities shall also be permitted in the Rural Zone.
- 4) In addition to general permissions established in Section 4.1, the storage of fishing vessels and equipment is permitted in the Rural Zone.
- 5) The limited processing of agricultural products shall be permitted in the Rural Zone. These uses shall be limited in scale and compatible with existing or planned land uses on adjacent properties.
- 6) Larger-scale processing of agricultural, forestry and aquacultural products shall also be permitted in the Rural Zone, subject to a Zoning Amendment.

5.1.3. Compatibility with Sensitive Land Uses

- 1) Where feasible, agricultural development in the Rural designation shall ensure adequate separation between livestock and sensitive uses, including residential uses, day care services, retirement residences, educational facilities, parks and other uses in which outdoor amenities and recreation spaces are provided.
- 2) The Rural Municipality of Clyde River will evaluate the compatibility of agricultural uses that include livestock operations against the policies in the Development Hazards and Land Use Compatibility section of this Plan.

5.1.4. Aquaculture

Agricultural activities in the Rural Municipality of Clyde River are deemed to include aquaculture, typically for mussels and oysters. As municipal land use plans do not regulate uses in water bodies, the policies of this section reference provincial zoning systems and associated land-based activities.

- 1) Aquaculture activities shall be subject to the PEI Aquaculture Zoning.
- 2) Any land-based activities ancillary and adjacent to an established aquaculture operation, such as storage or staging of equipment, are permitted in the Rural Zone, Light Industrial Zone, and Heavy Industrial Zone of the Rural designation.

5.1.5. Policies for Industrial Uses in the Rural Designation

Industrial land uses in the Rural Area are characterized by traditional industrial activities and uses, including, but not limited to: manufacturing, processing, distribution, warehousing, construction and related trades, outdoor storage, and other uses requiring a range of parcels sizes. Due to the nature of these uses, there may be potential adverse impacts on adjacent sensitive land uses due to day-to-day operations (i.e. odours and emissions, effluent, smoke, dust, traffic, light and noise). As a result, industrial land uses should be separated from sensitive land uses, where appropriate, and where possible clustered together to minimize their overall impacts.

- 1) Council shall create the following zones to accommodate Industrial land uses:
 - a) A Light Industrial Zone to permit a wide range of low-impact light industrial uses and office-type uses, including showrooms and display areas; and
 - b) A Heavy Industrial Zone to permit a wide range of industrial uses including uses which, among others, generate noise, fumes, or odours that can be considered hazardous or obnoxious.
- 2) Council may apply the Industrial Zone to a property subject to the following considerations:
 - a) The property may be adequately serviced with water and sanitary services;

- b) The property has access to public roads that can accommodate vehicular traffic, including delivery trucks;
 - c) The property is located an adequate distance from residential and other sensitive land uses, or any potential impacts may be mitigated, subject to the policies of this Plan; and
 - d) The development of the property with industrial uses will not impact sensitive environmental features.
- 3) Heavy industrial uses that may result in noise, odour, dust, fungi, smoke, emissions, effluent, or other impacts may be established through a Zoning Amendment, subject to consideration of the following:
 - a) Whether adequate measures are proposed to mitigate anticipated impacts on neighbouring land uses and properties, including lighting, noise, and other impacts or nuisances related to the industrial operation;
 - b) The impact of the proposed use on traffic volumes on the surrounding local road network, as well as traffic circulation, sightlines, and vehicular access points;
 - c) Whether the design enables adequate on-site traffic circulation of vehicles;
 - d) Whether water and sanitary services can be adequately and safely provided;
 - e) Whether adequate setbacks are incorporated into the development design;
 - f) Whether adequate space is allocated for loading and deliveries; and
 - g) Whether adequate screening is provided for outdoor storage, loading areas, and other unsightly features of the development.
- 4) Developments containing light or heavy industrial uses shall include landscaping abutting streets or property lines to provide visual screening and amenity for the public realm and surrounding development. The Development By-law shall include landscaping requirements for industrial development.

5.1.6. Resource Excavation Pits - Overlay

- 1) In the Rural Designation, Council shall establish a Resource Excavation Zone in the Development By-law. Resource excavation pits are permitted in the Rural designation, subject to a Zoning Amendment. Applications to establish a new excavation pit shall comply with the provisions and regulations of the Environmental Protection Act R.S.P.E.I. 1988, E-9. Zoning Amendment applications shall consider:
 - a) Surrounding land uses and the proximity of the excavation pit to those uses;
 - b) The extent and duration of the proposed operation;
 - c) Vehicle circulation patterns and haul routes;
 - d) Requirements for water use;
 - e) Proposed rehabilitation measures; and
 - f) Mitigation measures to address potential impacts.

5.2. Rural Hubs

A Rural Hub can be characterized as a geographic area with a concentration of buildings and mix of land uses. Rural Hubs will feature modest intensive development forms due to private water and sanitary services, while providing a range of land uses.

- 1) Existing Low-density housing forms are permitted in the Rural Hub designation. New Low-density housing forms shall generally be discouraged in the Rural Hub designation.
- 2) Medium- and High-density housing forms shall generally be permitted in appropriate locations within the Rural Hub, subject to the following criteria:
 - a) The property can adequately provide for private or communal water and sanitary services;
 - b) The property has frontage on a public road subject to the policies of this Plan; and
 - c) The proposed development is designed to meet the applicable setbacks of the corresponding zone provisions.

5.2.1. Policies for Community Uses in Rural Hubs

Community uses are community-serving retail, commercial and small-scale institutional uses, including but not limited to, places of worship, community centres and a post office. These uses are commonly found in community hubs and on prominent streets, but may also be appropriate in other contexts.

- 1) Council shall establish the following zones in the Rural Hub:
 - a) A Mixed-Use Zone to permit a range of retail, commercial and tourism-oriented uses; and
 - b) A Community Zone to permit community-serving institutional uses such as municipal offices, post offices, fire halls, schools, places of worship, cultural facilities and similar uses.
- 2) Applications for a Zoning Amendment to change the zoning on a property, establish a use not permitted by the applicable zone, or exceed building envelope limitations shall be evaluated against the following criteria:
 - a) The potential for the use to generate undue traffic impacts;
 - b) Whether water and sanitary servicing requirements can be met;
 - c) Whether adequate setbacks are incorporated into the development design;
 - d) Whether adequate measures are proposed to mitigate noise, lighting or other impacts on adjacent properties; and
 - e) Whether the proposed use is appropriate for the site, considering surrounding uses and development.

5.2.2. Policies for Designing Rural Hubs

The Rural Hub designation is meant to contribute to the vibrancy and success of Clyde River. The Rural Hub referenced in this section is shown on Schedule A.

- 1) Over time, the Rural Hub shall develop in a compact built form offering a mix of uses, including buildings with commercial and retail uses on the ground floor and residential uses on upper floors.
- 2) New developments and buildings shall be designed to address the public street in the following ways:
 - a) Orient the primary façade of the building towards the street;
 - b) Achieve shallow setbacks from the street;
 - c) Designing buildings to include a large amount of window glazing; and
 - d) Locate vehicular parking away from view of the street.
- 3) Preserve existing, older buildings and integrate them into new developments, where feasible.
- 4) Provide for a continuous sidewalk along the street, with direct, accessible entrances to ground-level uses.
- 5) Preserve existing trees and integrate them into new developments, where feasible. New trees should be considered along all streets, where conditions allow. New trees should be native species with shallow root systems to protect underground infrastructure.
- 6) When evaluating new development proposals, Council shall take into consideration the Community Design Guidelines in Section 4 of this Plan.

5.3. Parks, Open Space and Recreation

The Parks, Open Space and Recreation land use designation identifies large parks and open spaces in public or private ownership as well as recreation areas, including golf courses and waterfronts. Open spaces contribute significantly to the quality of life in Clyde River, as well as the integrity of the natural environment.

5.3.1. General Policies

- 1) The Parks, Open Space and Recreation land use designation is identified on Schedule A to identify and protect large open spaces and recreational areas, generally to be available for public benefit and enjoyment.
- 2) The Parks, Open Space and Recreation land use designation is intended to recognize existing and future greenspaces in Clyde River, including parkland, open spaces, publically-accessible waterfronts, shorelines cemeteries and environmental areas. Lands under this designation serve multiple purposes,

including recreation, stormwater retention, pathway connectivity, and protection of natural features.

- 3) The following land uses and activities are permitted on lands designated Parks and Open Space where they do not adversely impact the natural environment, cultural heritage or general characteristics of the area:
 - a) Recreation, sport, leisure and cultural facilities;
 - b) Activities that involve scientific or educational study, conservation, interpretation or restoration of natural or cultural heritage resources or archaeological resources within the area or within adjacent waterways;
 - c) Small-scale commercial activities and community uses which are ancillary to the uses identified in a) and b) above.
- 4) Council shall establish a Parks, Open Space and Recreation Zone to reserve land for public parks, green spaces, trails and environmental areas.
- 5) Through its land use planning activities, Council shall encourage the creation of new trail development and connections between parks and open spaces to establish a linked greenspace network in Clyde River.
- 6) Where appropriate, the Rural Municipality of Clyde River shall encourage public access to waterfronts areas, and shall promote the development of recreational trails for public use along these waterfronts.
- 7) Council shall establish an Environmental Protection Zone to recognize lands that contain important environmental resources which must be protected for ecological, educational and recreational reasons and to permit only those uses which are compatible with and assist in the protection of the environmental attributes of these lands, and to regulate development to minimize the impact of any buildings or structures within these environmental areas.
- 8) A golf course and associated ancillary uses are permitted in the Parks, Open Space and Recreation designation.
- 9) In addition to an existing golf course, a residential development component may be permitted, subject to the provisions of the Cornwall Special Planning Area of the Planning Act Subdivision and Development Regulations.



6. Protection of Natural and Built Heritage Resources

A central principle of this Official Plan is the protection of natural and built heritage resources. The policies of this section are intended to ensure that development does not adversely impact these unique features.

6.1. Natural Heritage

Natural heritage features include forests, wetlands, waterbodies, and wildlife habitat. These features provide the basis of healthy ecosystems, as well as benefits to humans, such as maintaining clean air and groundwater. The policies of this section are intended to protect these features.

- 1) All development shall comply with the provisions of the Environmental Protection Act R.S.P.E.I. 1988, E-9 and the Wildlife Conservation Act 1998 C.107 R.S.P.E.I. 1988, W-4.1.
- 2) Natural heritage features shall be conserved as much as possible to maintain ecological integrity and public amenity for future generations, subject to the policies of this Plan.

6.1.1. Development Adjacent to Shorelines, Waterbodies and Wetlands

- 1) The Rural Municipality of Clyde River recognizes the importance of protecting surface water resources, including streams, springs, creeks, brooks, rivers, lakes, ponds, bays, estuaries, coastal bodies and wetlands. Development shall be prohibited within 15 metres of a waterbody or wetland, unless permission is granted by the Province under the Environmental Protection Act.
- 2) All waterbodies shall be subject to a protection buffer of 30 metres, including the 15-metre setback established by the Environmental Protection Act. Development within areas designated Buffer Area on Schedule B shall be required to provide a total setback of 30 metres, unless demonstrated through a study prepared by a qualified expert that a reduced setback can be achieved without causing undue negative impacts on the waterbody or wetland.

6.1.2. Trees and Forests

- 1) The harvesting of trees within 15 metres of a water body, or within 60 metres of a waterbody inside a Buffer Area on Schedule B, is prohibited.
- 2) Where development is proposed in the Rural Hub, the Rural Municipality may require submission of a Landscape Plan to ensure that development has an appropriate amount of natural vegetation, including conservation of existing landscape features.

6.1.3. Wildlife Habitat

- 1) The Rural Municipality of Clyde River recognizes the need to protect Species At Risk on Prince Edward Island. Council shall not make any land use planning decisions that would result in a clear threat to Species At Risk, unless permits are issued under the Federal Species At Risk Act or the Provincial Wildlife Conservation Act.
- 2) In making land use planning decisions, Council shall consider potential wildlife habitat, including forests, wetlands, sand dunes, beaches, and shorelines. Where applicable, the Rural Municipality may seek additional input from the Province of Prince Edward Island, the Government of Canada, or other stakeholders to inform the evaluation of development applications.

6.2. Built Heritage and Archaeology

6.2.1. Designated Buildings

The Rural Municipality of Clyde River honours and respects its heritage, including special buildings and places that bestow meaning and define the community. In accordance with the Heritage Places Protection Act, this Official Plan recognizes the importance of designated buildings in the Rural Municipality of Clyde River. The policies of this section are intended to ensure appropriate development in relation to designated heritage buildings.

- 1) Development in and around designated heritage resources shall comply with all applicable federal and provincial legislation and guidelines, as applicable. Council recognizes that Development Permits on sites with heritage designations must be authorized by the Minister of Economic Growth, Tourism and Culture before taking effect.
- 2) The Rural Municipality of Clyde River recognizes the federally- and provincially-designated heritage sites within the municipal boundaries:
 - a) Atwell House, Provincial Designated Heritage Place
- 3) The Rural Municipality of Clyde River recognizes the federally- and provincially-registered heritage sites within the municipal boundaries:
 - a) Clyde River Pioneer Cemetery, Provincial Registered Heritage Place
 - b) River Crest Acres Barn, Provincial Registered Heritage Place
- 4) Development applications within 50 metres of a property containing a designated heritage site, the development shall be reviewed for compatibility with the heritage resource. The Rural Municipality may require submission of a Heritage Impact Study to assist in the evaluation, which shall contain an assessment of the impact of the development on heritage value and any mitigation measures needed to ensure compatibility.

- 5) The Rural Municipality of Clyde River recognizes the value to the community of Registered Historic Places. While registered sites do not enjoy the equivalent levels of protection as Designated sites, development in proximity to Registered sites shall be reviewed for compatibility, where feasible.
- 6) Where a Heritage Impact Statement is prepared for a designated heritage resource under the Heritage Places Protection Act as part of a development application, the report shall be forwarded to the Rural Municipality of Clyde River as part of a complete application.

6.2.2. Archaeology

- 1) All development shall proceed in accordance with the provisions of the Archaeology Act 2006 c.2 R.S.P.E.I. 1988, A-17.1.
- 2) Where an Archaeological Impact Statement is prepared under the Archaeology Act 2006 c.2 R.S.P.E.I. 1988, A-17.1 for an archaeological site as part of a development application, the report shall be forwarded to the Rural Municipality of Clyde River as part of a complete application.



7. Development Hazards and Land Use Compatibility

The purpose of this section is to establish policies to ensure that development is compatible with adjacent land uses and protects the health and safety of residents and visitors. The policies seek to avoid or mitigate the inherent conflicts or challenges presented by certain land uses, natural features, or site conditions.

In this section, “compatibility” concerns the impacts on other properties generated from the normal practices associated with a land use. “Sensitive land uses” refers to land uses in which people will be particularly impacted by hazardous development, such as residential dwellings, retirement residences, day cares, educational facilities, and parks.

7.1. Climate Change Impacts

- 1) The Rural Municipality of Clyde River will consider the anticipated impacts of climate change in its land use planning decisions, including municipal projects and review development applications. In addition to other policies of this Plan, considerations may include:
 - a) Reducing greenhouse gas emissions;
 - b) Actions to reduce impacts of extreme heat, including increased tree planting and the creation of shaded areas in publicly-accessible spaces;
 - c) Increased potential for flooding and extreme precipitation events;
 - d) Increased potential for erosion as a result of stronger, more frequent winds; and
 - e) Intrusion of saltwater into aquifers supplying drinking water, as a result of rising sea levels.

7.2. Land Use Compatibility

7.2.1. Agriculture / Livestock

- 1) Development of, or in proximity to, livestock operations shall be designed with consideration of the Prince Edward Island Guidelines for Manure Management, as amended.
- 2) The Rural Municipality of Clyde River shall require a development proponent to submit a Minimum Separation Distance (MSD) and Sketch Sheet as part of a complete development application, where:
 - a) A new livestock operation is proposed in proximity to other land uses; or
 - b) New land uses are proposed in proximity to a livestock operation; and
 - c) Where the land use in proximity to the livestock operation is not an agricultural or industrial use.
- 3) Policies (1) and (2) shall not apply to expansions of existing livestock operations.

7.2.2. Industrial Uses

- 1) Heavy industrial uses that will generate noise, dust, odours, pollution or other impacts shall not be permitted within 100 metres of a sensitive land use, including residential uses, day care services, retirement residences, educational facilities, parks and other uses in which outdoor amenities and recreation spaces are provided.
- 2) Where development of new sensitive land uses is proposed within 100 metres of a heavy industrial use generating noise, dust, odours, pollution, or other impacts:
 - a) The Rural Municipality shall require submission of a Land Use Compatibility Study prepared by a qualified professional that demonstrates that the proposed sensitive use will not experience undue negative impacts from the industrial use.
 - b) Where a Land Use Compatibility Study recommends mitigation measures, the Rural Municipality may require proponents of development to enter into a Development Agreement to ensure that mitigation measures are applied.

7.3. Shoreline Development

7.3.1. Shoreline Erosion

The purpose of this section is to establish policies to protect people and property from shoreline erosion, while protecting the natural integrity of the shoreline against disturbances from development. Where applicable, the policies of this section apply to both primary and accessory structures.

- 1) The Development By-law may include regulations to mitigate shoreline erosion.
- 2) The Rural Municipality of Clyde River shall permit new shoreline stabilization armouring infrastructure and encourages, where appropriate, natural forms of erosion control and protection of property, including:
 - a) Adequate setbacks;
 - b) Protection of trees and their critical root systems; and
 - c) Preservation of existing rock formations.
- 3) Where shoreline stabilization armouring exists, the Rural Municipality encourages the restoration of the land to a naturalized condition over time, including through development activities.
- 4) Where development is proposed within 30 metres of a shoreline, the Rural Municipality shall require a Hazard Assessment as part of a complete Development Permit application. The 30-metre setback shall be measured from either:

- a) From the top of bank, when adjacent to a beach; or
 - b) The inland boundary of a wetland, or watercourse.
- 5) Subject to the findings of a Hazard Assessment, subdivisions proposed adjacent to a coastal body will be required to either:
 - a) Incorporate a 15-metre buffer into each lot abutting a shoreline; or
 - b) Create a separate property that accommodates a 15-metre buffer across the shoreline of the entire subdivision.

7.3.2. Climate Change Adaptation

The Rural Municipality of Clyde River recognizes the threat of rising sea levels as a result of a changing climate. The rising sea levels presents a threat to public safety and property through flooding damage, erosion impacts, and loss of protective vegetation.

- 1) To adapt to changing conditions and ensure public health and safety, development shall be prohibited in the Rising Sea Level Impact Overlay, as shown on Schedule B.
- 2) The Rural Municipality of Clyde River will consider increased potential for erosion as a result of climate change and rising sea levels when evaluating applications for development adjacent to coastal shorelines.
- 3) To maintain public safety, applications to expand existing development within the Rising Sea Level Impact Overlay shall be required to demonstrate that:
 - a) The expansion is designed to not reduce the setback of the building to the shoreline;
 - b) The expansion does not exceed 50 percent of the floor area of the existing building;
 - c) The expansion does not add any dwelling units or bedrooms to the building; and
 - d) The expansion will not result in any drainage or erosion impacts that may further exacerbate the hazard.

7.4. Contaminated Sites

Some properties in the Rural Municipality of Clyde River may have been contaminated through previous land uses, such as industrial uses. While administration and control of contaminated sites is generally governed by the Province under the Environmental Protection Act R.S.P.E.I. 1988, E-9, this section is intended to supplement those regulations.

- 1) Development on properties with contamination from landfills, metals, petroleum, or other chemicals shall comply with regulations established in the Environmental Protection Act R.S.P.E.I. 1988, E-9.
- 2) Where a property listed on the provincial Contaminated Sites Registry is proposed to be developed with sensitive uses such as residential, retirement residences, recreation, day care, education facilities or parkland, the Rural

Municipality shall require proponents of development to enter into a Development Agreement to ensure that contamination is remediated. In these cases, a Development Agreement may contemplate phasing of a portion of the development prior to remediation, where appropriate.

7.5. Resource Excavation Pits

- 1) Development of sensitive land uses shall not be permitted within 300 metres of a resource excavation pit operation, unless approved through a permit under the Environmental Protection Act.

7.6. Landfills

- 1) New landfills are not permitted in the Rural Municipality of Clyde River.
- 2) An Official Plan Amendment is required to establish a new landfill, where approved by the Province of Prince Edward Island. The Amendment shall include:
 - a) New text added to this section describing the location, nature, and extent of the proposed landfill;
 - b) Policies for site design of landfills, including site access, landscaping, visual screening, noise mitigation, and other design criteria; and
 - c) An amendment to Schedule B illustrating the location of the proposed landfill.



8. Infrastructure and Public Facilities

Infrastructure and public facilities provides important and valued services to community members. These services support economic and social activities, protect public safety, and improve quality of life. This section establishes planning policies for infrastructure and public facilities.

8.1. Transportation and Mobility

Successful communities rely on strong transportation networks. As with most communities on Prince Edward Island, the Rural Municipality of Clyde River features a network of provincially-owned and operated roads that connect residents to destinations throughout the municipality. With consideration for provincial ownership of the road network, this section establishes policies for transportation and mobility within municipal jurisdiction.

8.1.1. Public Roads

The road network in the Rural Municipality of Clyde River is under Provincial jurisdiction, similar to most communities on the Island. Under this ownership structure, the Province is responsible for approval and maintenance of all roads.

- 1) The Rural Municipality of Clyde River shall categorize all streets, roads and highways in the Rural Municipality in alignment with designations under the Roads Act R.S.P.E.I. 1988, R-15.
- 2) New roads shall be designed to Provincial standards in accordance with the Roads Act R.S.P.E.I. 1988 R-15.
- 3) Where a new subdivision is proposed on a parcel of land that abuts and requires access to an arterial, collector, local or seasonal highway, all roads or entranceways must meet the minimum sight distance standards established in the Roads Act Highway Access Regulations.
- 4) The Rural Municipality of Clyde River will work with the Province of Prince Edward Island to identify, protect, and secure dedication of lands to achieve right-of-way width requirements, as classified in the Roads Act R.S.P.E.I. 1988, R-15.
- 5) The Rural Municipality will work with the Province to make safety improvements and upgrades to problematic intersections that present hazards to motorists and pedestrians.
- 6) The Rural Municipality will work with the Province on issues of traffic management, including the identification of designated Truck Routes in appropriate locations.

8.1.2. Private Roads

- 1) New private roads are prohibited, except for the following development types:

- a) Commercial rental cottages;
 - b) Farm buildings;
 - c) Seasonal commercial uses related to tourism;
 - d) Seasonal resort developments or portions of a resort development not intended for year-round use;
 - e) Single-unit dwellings; and
 - f) Wind energy conversion system development.
- 2) Where permitted through a residential subdivision, all private roads serving 1-5 residential lots must be designed to meet Provincial width standards for local highways.
 - 3) Private roads shall be governed by a Homeowners Association or Condominium Corporation, which shall be secured through a Development Agreement.
 - 4) Notwithstanding the policies of this section, existing private roads shall be permitted to continue under current design and ownership arrangements, however, these roads will be encouraged to be improved to Provincial standards for local highways over time.

8.1.3. Active Transportation Infrastructure

Active modes of transportation include walking and cycling. A healthy, active community depends on sufficient infrastructure to support these modes, which also reduces dependence on private vehicles. While active transportation infrastructure is often found in urban areas, opportunities to enhance facilities in rural areas are also encouraged.

- 1) Council will explore opportunities to enhance connections within Clyde River by means of active modes of transportation.
- 2) The Rural Municipality of Clyde River may undertake streetscape beautification projects in strategic locations, subject to availability of funding. Improvements may include multi-use pathways, landscaping, street furniture, wayfinding signage, banners, and similar features.

8.2. Renewable Energy Infrastructure

As awareness of the impacts of fossil fuels increases and the capital costs of manufacturing and installing alternative energy infrastructure decreases, facilities generating energy from renewable sources such as wind, solar, biomass, and geothermal are becoming more common. The following policies apply development controls to these facilities.

- 1) All proposals for renewable energy systems shall comply with the provisions of the Renewable Energy Act 2004 c.16 R.S.P.E.I. 1988, R-12.1. Wind energy projects with a generation capacity of greater than 100 kilowatts are not permitted in the Rural Municipality of Clyde River, except with permission from the Minister of Transportation, Infrastructure, and Energy.

- 2) The Development By-law shall contain provisions for renewable energy facilities. Renewable energy facilities shall generally be permitted in the Rural Designation, subject to regulations controlling the number, size, and location of the infrastructure.

8.3. Servicing Policies

8.3.1. Communal Services

- 1) Communal services shall be encouraged for development featuring large buildings or clusters of buildings under single ownership.
- 2) Communal services systems shall be adequate to service the proposed development and will be reviewed to ensure they do not impact the private servicing potential of surrounding properties.

8.3.2. Private Services

- 1) New development proposals featuring private well servicing shall be designed to locate the well in accordance with provincial standards, and shall consider:
 - a) A location inland as far as possible;
 - b) At a high elevation, where applicable;
 - c) At a higher elevation than nearby septic systems; and
 - d) At an appropriate distance from other site features, such as driveways or trees.
- 2) New development proposals featuring private septic servicing shall be designed to locate the septic system in accordance with provincial standards, and shall consider locating the system:
 - a) At a sufficient distance from property lines, shorelines, buildings, and other features; and
 - b) At a lower elevation than nearby well systems.

8.3.3. Grading and Drainage

- 1) The Rural Municipality may require a Grading and Drainage Plan for all new development in the Rural Hub designation to ensure that surface water is directed to an appropriate outlet.
- 2) The Rural Municipality will encourage development to incorporate measures to promote sustainable drainage patterns, including:
 - a) Permeable surfaces;
 - b) Bioswales;
 - c) Stormwater management ponds;
 - d) On-site catch basins.

8.4. Parks and Community Facilities

- 1) The Rural Municipality of Clyde River shall provide parks, playgrounds, and recreational facilities, where feasible.
- 2) In programming existing and future parks, the Rural Municipality shall consider the needs of a wide range of demographics, and will program the spaces accordingly.
- 3) The Rural Municipality shall keep parks and community facilities to a reasonable standard of maintenance to ensure continued enjoyment by residents.
- 4) In cases where existing community facilities are vacant or underutilized, Council shall seek alternative uses for these facilities. Council shall prioritize other public or community-based uses for these facilities, but may also consider renting of these facilities for private uses.
- 5) Council shall develop and ensure the continued maintenance of safe playground areas adjacent to existing and future residential areas.



9. Implementation

9.1. Administration

- 1) In accordance with the Planning Act R.S.P.E.I. 1988, P-8, the Rural Municipality of Clyde River Council shall be responsible for administration of the Official Plan, including:
 - a) Prepare and recommend to Council proposed alterations and additions to the Official Plan;
 - b) To recommend to Council implementing by-laws in respect of the Official Plan;
 - c) To hold public meetings;
 - d) When requested by Council, to prepare estimates of the cost of any public work, improvement, or other project; and
 - e) To perform such other duties of a planning nature as may be requested by Council.
- 2) In accordance with the Planning Act Subdivision and Development Regulations, the Rural Municipality of Clyde River will report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use.
- 3) Council shall appoint a Development Officer to administer this Plan and review development applications. The role of the Development Officer shall be detailed in a Development By-law described in Section 9.3 below.
- 4) The Rural Municipality shall ensure that technical expertise is available to assist with the implementation of necessary elements of this Plan, including the review of development applications, the undertaking of public works, enforcement activities, and related matters. The necessary expertise may be secured through direct employment with the Rural Municipality, or through a contract with a qualified consultant.
- 5) The Rural Municipality of Clyde River recognizes the importance to landowners of timely implementation of the principles, objectives, and policies of this Plan. Council and Staff commit to:
 - a) The timely and efficient processing of applications for development;
 - b) Providing courteous and professional assistance to development proponents and residents;
 - c) Transparency in decision-making, as guided by the provisions of the Planning Act R.S.P.E.I. 1988, P-8; and
 - d) Promotion of opportunities for public input in planning activities.

- 6) In preparing annual budgets for the Rural Municipality of Clyde River, Council shall ensure that adequate funding is made available for the proper administration of the Official Plan, as described in the policies above.

9.2. Amendments and Review

9.2.1. Plan Review

- 1) As required by the Planning Act R.S.P.E.I. 1988, P-8, Council will review this Plan at intervals no shorter than five years to evaluate the extent to which the goals and objectives are achieved. Following the review, Council will by resolution confirm or amend the Plan.
- 2) Where the Rural Municipality undertakes a review of the Official Plan under Policy 1, the Plan review shall consider:
 - a) Amending land use designations in the vicinity of the proposed infrastructure;
 - b) Whether amendments are required to servicing policies; and
 - c) Whether adjustments to the Rural Hub designation are required, as applicable.

9.2.2. Criteria for Amendments

Policies in this section are intended to provide guidance to Council for evaluating Official Plan Amendment applications.

- 1) Amendments to this Official Plan shall be evaluated against the following criteria:
 - a) Conformity with the provisions of the Planning Act R.S.P.E.I. 1988, P-8 and associated Regulations, including the Cornwall Region Special Planning Area;
 - b) Conformity with the Guiding Principles and Objectives of this Official Plan;
 - c) That the proposed development will not create undue negative impacts on adjacent properties; and
 - d) That the proposed development will not generate unreasonable or undesirable financial burdens on the Rural Municipality of Clyde River.

9.3. Development By-law

Council shall enact a Development By-law as an implementation mechanism for the goals, objectives, and policies of this Official Plan. In accordance with the Planning Act R.S.P.E.I. 1988, P-8, the Development By-law may address elements including:

- 1) Regulate development to advance the general welfare, health, safety and convenience of persons in the municipality;
- 2) Define the areas to be regulated;

- 3) Establish land use zones, including permitted uses of land and structures;
- 4) Subdivision of land;
- 5) Development and services;
- 6) Development charges;
- 7) Building standards, addressing fire suppression and architectural controls;
- 8) Development permits;
- 9) Environmental protection, including that issuance of a permit is conditional upon compliance with the Environmental Protection Act;
- 10) Access to highways;
- 11) Mobile homes;
- 12) Parking areas;
- 13) Summer cottages;
- 14) Fees; and
- 15) Enforcement.

9.3.1. Rezoning Applications

Every landowner has the opportunity to apply to the Rural Municipality of Clyde River for a change in zoning on a property, or to change provisions within the applicable zone.

- 1) Applications for rezoning will be evaluated against the following criteria:
 - a) Conformity with the provisions of the Planning Act R.S.P.E.I. 1988, P-8 and associated regulations;
 - b) Conformity with the policies of this Official Plan, including the applicable policy designation;
 - c) That the proposed development will not create undue negative impacts on adjacent properties; and
 - d) That the proposed development will not generate unreasonable or undesirable financial burdens on the Rural Municipality of Clyde River.

9.3.2. Variances

- 1) The Rural Municipality of Clyde River may consider variances to zoning provisions in the Development By-law where strict compliance would represent an inappropriate burden to the landowner. The Rural Municipality may authorize such minor variance from the provision of the zoning regulations as, in its opinion, is desirable and consistent with the general

intent and purpose of the Official Plan and the regulations to which the variance applies.

9.4. Application Procedures

- 1) The Development By-law shall establish standards for application procedures, including required processes for applicants, timelines, and other requirements related to the receiving and processing of applications.
- 2) Development proponents may be required to submit supporting materials to comprise a complete application. A list of materials that may be requested is included in this Plan as Appendix 1.

9.5. Other Plans and By-laws

9.5.1. Heritage Plan

- 1) Council will consider establishing a Heritage Plan for the Rural Municipality of Clyde River to request delegated powers from the Minister of Economic Growth, Tourism and Culture for planning controls for heritage sites.
- 2) Where a Heritage Plan is prepared, Council will ensure compliance with the Heritage Places Protection Act 1992 c.31 R.S.P.E.I. 1988, H-3.1, including outlining objectives, policies, and programs for conservation of heritage resources.
- 3) Where a Heritage Plan is approved by the Minister of Economic Growth, Tourism and Culture, Council shall explore opportunities for designation of additional heritage resources, including buildings, landscapes, districts, trails or corridors.
- 4) Where a Heritage Plan is prepared, Council shall ensure compliance with the goals, objectives, and policies of this Official Plan.

9.5.2. Asset Management Policy

Asset Management Policies are guiding statements adopted by Council that provide a consistent framework for decision-making regarding municipal assets. Such policies can clarify the roles and responsibilities of the Rural Municipality for municipal infrastructure and other assets.

- 1) The Rural Municipality of Clyde River shall consider maintaining an Asset Management Policy to provide a consistent framework for decision-making regarding municipal assets.
- 2) The Rural Municipality shall consider the policies of this Official Plan when preparing or updating its Asset Management Policy.

9.5.3. Development Charge By-law

- 1) Council may enact a Development Charge By-law in accordance with the provisions of the Planning Act R.S.P.E.I. 1988, P-8 to recover eligible costs for specified facilities and services. Before enacting a Development Charge by-law, Council will order or commission a background study to determine the need for a cost recovery program and to which facilities and services it would apply. Where a by-law is enacted, the by-law will address:
 - a) Eligible on-site and off-site costs, or portions of them, that a development charge may be levied to fund;
 - b) Rules to calculate a development charge for an eligible cost;
 - c) Prescribing development charges;
 - d) Means of payment of development charges;
 - e) The amount and type of security a developer may be required to provide to ensure the payment of development charges;
 - f) Authorizing the Rural Municipality to negotiate and enter into development charge agreements with developers and other parties;
 - g) Registration of development charge agreements;
 - h) Any other matters necessary or desirable to effect a development charge agreement.

9.5.4. Tree Protection By-law

Trees are critical to healthy ecosystems, including in urban areas. Regulations to ensure preservation of trees can help to maintain the many associated environmental benefits.

- 1) Council will consider enacting a Tree Protection By-law to regulate removal of trees across the Rural Municipality of Clyde River. At Council's discretion, such a by-law may contain different regulations for urban areas and rural areas.
- 2) Any Tree Protection By-law shall balance the need to preserve existing trees with the requirements of the forestry industry.
- 3) As part of a Tree Protection By-law, Council may consider requirements to replace removed trees with new plantings.
- 4) As part of a Tree Protection By-law, Council may consider a credit system in which new tree plantings may be considered as offsets to felled trees, while remaining mindful of the value of older trees to ecosystems.
- 5) Where a Tree Protection By-law is enacted, it shall contain provisions that implement the goals, objectives, and policies of this Plan.

9.5.5. Nuisance and Noise Control By-law

- 1) The Rural Municipality of Clyde River may enact a Noise By-law under the Municipal Government Act 2016 c.44 R.S.P.E.I. 1988, M-12.1.

- 2) Where a Noise By-law is enacted, the by-law shall address the noise impacts of stationary noise sources described under the Development Hazards and Land Use Compatibility section of this Plan.

9.5.6. Dangerous, Hazardous and Unsightly Premises By-law

The Municipal Government Act 2016 c.44 R.S.P.E.I. 1988, M-21.1 permits municipalities to pass by-laws to control dangerous, hazardous and unsightly elements on private lands. The Rural Municipality of Clyde River recognizes the value of this tool in ensuring community safety and beautification.

- 1) Council shall enact a Dangerous, Hazardous and Unsightly Premises By-law for the entire Rural Municipality of Clyde River.

9.6. Development Agreements

- 1) The Rural Municipality of Clyde River may, at its discretion, enter into Development Agreements with a developer in accordance with the provisions of the Planning Act R.S.P.E.I. 1988, P-8 and the policies of this Plan. Development Agreements will contain all conditions applied to the Development Permit or Subdivision Approval, as applicable. The terms of Development Agreements shall be binding on both parties.
- 2) The use of Development Agreements may be warranted where proposals involve more complex planning issues. Examples may include, but shall not be limited to, subdivisions, large-scale developments, and developments that feature unique conditions that require additional scrutiny by the Rural Municipality following approval of a Development Permit. Such Agreements can address items including, but not limited to, the following:
 - a) Phasing of development;
 - b) Provision of infrastructure;
 - c) Protection of natural features;
 - d) Functional considerations, including access, vehicle circulation, snow storage, landscaping, fencing, and related matters; and
 - e) Protection of municipal assets and other infrastructure.
- 3) Where a Master Plan drawing set is prepared for a large-scale development and submitted with an application for municipal or provincial planning approvals, the Master Plan may serve as the basis for a Development Agreement with the administration of the Rural Municipality. Where appropriate, the Development Agreement may also include conditions in accordance with the policies of this section.
- 4) Where Development Agreements were entered into between land owner(s) and the Province of Prince Edward Island prior to adoption of this Official Plan, the Rural Municipality of Clyde River may assume party status in the Agreement(s) in lieu of the Province of Prince Edward Island on a case-by-

case basis, subject to negotiations with the Province and the allocation of adequate resources to fulfill the terms of the Agreement(s).

9.7. Local Improvements

As a municipality with responsibilities for certain local infrastructure assets, the Rural Municipality of Clyde River has the ability to undertake improvements, as required.

- 1) Where deemed appropriate by Council to fulfill the land use planning goals of this Plan, the Rural Municipality of Clyde River may undertake local improvements, subject to the provisions of the Planning Act R.S.P.E.I. 1988, P-8 and Municipal Government Act 2016 c.44 R.S.P.E.I. 1988, M-12.1.

9.8. Acquisition and Expropriation of Land

- 1) Where deemed necessary by Council to fulfill the goals of this Plan, the Rural Municipality of Clyde River may acquire or expropriate land, subject to the provisions of the Municipal Government Act 2016 c.44 R.S.P.E.I. 1988, M-12.1 and any other applicable legislation.

9.9. Funding and Resource Supports

Opportunities for funding and other resource supports are available to support certain undertakings envisioned by this Official Plan. This section enables the Rural Municipality to seek and utilize these resources.

- 1) Council will seek funding and resource support from other levels of government and organizations to fulfill the land use planning goals of this Plan. The Rural Municipality will consider seeking supplementary resources from the following:
 - a) The Government of Canada, including through the Atlantic Growth Strategy;
 - b) The Atlantic Canada Opportunities Agency (ACOA);
 - c) The Province of Prince Edward Island; and
 - d) Private sector and non-profit sources.
- 2) Where Council identifies an area or ecosystem as warranting additional protection from development and other damaging activities, Council will work with the Province of Prince Edward Island to designate the identified area or ecosystem as a Natural Area in accordance with the Natural Areas Protection Act R.S.P.E.I. 1988, N-2. Where a Natural Area is designated, this Plan shall be amended to recognize the designation.

9.10. Indigenous Engagement

The Rural Municipality of Clyde River is committed to engaging with Indigenous peoples and organizations on land use planning matters of mutual interest, specifically L'nuey, the consultation unit of Mi'kmaq governance on Prince Edward Island, as the first point of contact. The following policy shall apply:

- 1) The Rural Municipality of Clyde River shall circulate L'nuey on all development applications or projects that receive funding from Provincial and / or Federal governments.
- 2) The Rural Municipality of Clyde River shall engage with L'nuey, the Native Council of PEI (NCPEI), or any other Indigenous organization on land use planning matters of mutual interest.

9.11. Public Engagement

Public engagement is an important part of the planning process. Residents of the Rural Municipality of Clyde River know their community best and can share valuable insights on planning matters and development applications. This section is intended to encourage opportunities for public engagement in the planning process.

- 1) The Rural Municipality of Clyde River shall follow the public engagement requirements of the Planning Act R.S.P.E.I. 1988, P-8 for development applications and other planning matters.
- 2) Council shall work to encourage public forums and “town hall”-style meetings to provide opportunities for the public to provide feedback on planning matters.
- 3) Council shall utilize other forms of public engagement, where appropriate, including:
 - a) Use of online videoconferencing for non-Statutory public meetings, where deemed appropriate;
 - b) Postings on the municipal website;
 - c) Postings to social media channels; and
 - d) Posting notifications in key destinations.

9.12. Central Queens Branch of the PEI Wildlife Federation

The Central Queens Branch of the PEI Wildlife Federation (CQWF) is a non-profit, non-government volunteer organization that promotes the conservation of wildlife and their habitat. The CQWF advocates for sustainable use of natural resources; provides a forum for communication among individuals interested in wildlife and natural Island environments; educates youth on recreational use and respect for Island natural spaces; and supports conservation and restoration work in Queens County. The CQWF is uniquely positioned to play a role in land use planning and environmental protection in the Rural Municipality of Clyde River and can provide valuable insight into certain planning matters. This section recognizes that unique role in the application circulation process.

- 1) The Rural Municipality of Clyde River will circulate notice of planning applications to the CQWF for review and comment, where the application is deemed to be of mutual interest.



10. Land Use Schedules

Schedule A - Land Use and Road Network

Schedule B – Environmental Features & Hazards

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Appendix 1: Required Plans and Studies

The following materials may be requested as part of a complete application for Development Permit:

Plans

- 1) Survey Plan
- 2) Site Plan
- 3) Subdivision Plan
- 4) Site Servicing Plan
- 5) Grading and Drainage Plan
- 6) Erosion Control Plan
- 7) Landscape Plan
- 8) Architectural Drawings
- 9) Parking Lot or Parking Garage Plan

Studies

- 1) Site Suitability Assessment
- 2) Site Servicing Study
- 3) Hazard Assessment / Flood Risk Assessment / Geotechnical Study
- 4) Transportation Study
- 5) Noise Study
- 6) Land Use Compatibility Study
- 7) Planning Justification Report
- 8) Heritage Impact Study
- 9) Archaeological Assessment
- 10) Environmental Impact Study

