

## **SECTION 2 OPERATION AND INTERPRETATION**

### **2.1 ADMINISTRATION**

The Council Shall appoint a Development Officer who Shall administer this By-law pursuant to Section 20 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, and the Council May, from time to time, name a designate or designates.

### **2.2 PLANNING BOARD**

.1 There is hereby established a single board for the City to be called the Planning Board pursuant to Section 9 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 with the powers and duties set out in subsection 9(3) of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, namely:

- (a) to investigate and survey the physical, social and economic conditions in relation to the Development of the municipality;
- (b) to recommend to Council for its adoption planning policies;
- (c) to prepare and recommend to Council for its adoption an Official Plan;
- (d) to prepare and recommend to Council proposed Alterations and additions to the Official Plan;
- (e) to recommend to Council by-laws in respect of the Official Plan;
- (f) to hold public meetings;
- (g) when requested by Council, prepare estimates of the cost of any public work, improvement or other project; and
- (h) to perform such other duties of a planning nature as May be requested by Council.

### **2.3 COMPOSITION OF PLANNING BOARD**

.1 The Planning Board Shall comprise up to fourteen (14) members appointed as follows:

- (a) the Planning Committee selected by the Mayor from time to time for such term of Office as the Mayor May determine. One member of the Planning Committee, selected by the Mayor, Shall serve as Chair of both the Planning, Heritage & Economic Development Committee and the Planning Board.
- (b) at least four (4) resident members appointed by Council on the recommendation of the Mayor for such term of Office as is determined by Council, but not to exceed the term of the Council at the time of the appointment; and
- (c) such other ex officio resource people from the City or other government departments who are requested by the Chair or a Development Officer from time to time. Ex-officio resource persons shall not have a vote.

.2 The quorum at any meeting shall be one-half of the Board plus one member, including at least two members who shall be Councillors.

.3 In the event that conflicts of interest should reduce the number of members of the Board below a quorum, the Mayor May appoint additional member(s) pro tem in order to satisfy the quorum requirements.

.4 If any member resigns or dies, the Mayor May appoint a new member for the remainder of the former member's term.

.5 All members Shall be eligible for reappointment by the Council.

.6 The Development Officer May request that Planning Board conduct the final vote from Board Members via telephone or email, in circumstances where the Board has already been briefed on the matter, and there is no new information to be presented to the Board, and where due to conflicts between the regular scheduled Board meetings and the date by which written responses from Affected Property Owners must be received, a final decision can not be made at the regular scheduled Board meeting.

### **2.4 CONFLICT OF INTEREST**

No member of the Planning Board Shall derive any profit or financial advantage from his or her position as a member of the Planning Board and where a member of the Planning Board has any pecuniary interest in or is affected by any matter before the Planning Board, he or she Shall declare the interest

therein, abstain from the voting and discussion thereon, and physically remove himself or herself from the meeting venue at that time.

## **2.5 OTHER BY-LAWS, PERMITS, AND LICENSES**

Nothing in this By-law Shall relieve any Person from the obligation to comply with the requirements of the Building and Fire Prevention By-laws or any other By-law of the City in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any By-law of the City, and in the event of a conflict between this By-law and any other By-law, the most restrictive By-law Shall prevail.

## **2.6 ZONING MAP**

The Zoning Map, Appendix "H", is an integral part of this By-law and Shall divide the City into zones, for which the regulatory provisions of this By-law apply.

## **2.7 BOUNDARY OF ZONES**

Where the boundary of any zone is uncertain:

- .1 The boundary, as shown on the Zoning Map, substantially follows a Street, lane, or railway right-of-way, the centre line of such feature is the boundary;
- .2 The boundary, as shown on the Zoning Map, substantially follows Lot Lines shown on the City's property map, such lines are the boundaries;
- .3 The boundary, as shown on the Zoning Map, runs substantially parallel to a Street Line and the difference from the Street Line is not indicated, the boundary Shall be deemed to be parallel to such Street Line and the distance from the Street Line Shall be determined according to the scale shown on the Zoning Map;
- .4 The boundary, as shown on the Zoning Map, follows the shore line of a Watercourse, the mean high water mark is the boundary unless the municipal boundary is different in which case the boundary shall be the extremity of the municipal boundary or where there is a water lot, in which case the extremity of the water lot shall be the zoning boundary.

## **2.8 PERMITTED USES AND REQUIREMENTS**

- .1 The Permitted Uses, the minimum sizes and dimensions of Lots, the minimum Setback distances, the Maximum Lot Coverage, the minimum Landscaped Open Space, the maximum Height of Buildings, and all other zone requirements are set out herein for the respective zones in which they Shall apply.
- .2 Matters set out in the General Provisions of Section 4, pertain to requirements which apply in all zones or in specified groups of zones.
- .3 With the exception of the matters set out in the General Provisions, all land Shall be Used and all Buildings or Structures or parts thereof, Shall be placed, Erected, Altered, or Used only in conformity with the provisions of the zone in which the said land, Buildings or Structures are situated.
- .4 The requirements pertaining to the Subdivision of land, the placement of Signs and the protection of Heritage Resources Shall apply in all zones.

## **2.9 POSTING OF BUILDING PERMITS**

The City Shall post Building and Development Permits, subdivision/consolidation, and demolition permits that have been issued by the City on their webpage and this Shall be deemed to be notification under the Bylaw of a permit being issued. The website posting shall:

- .1 be updated at least every second week;
- .2 state the parcel number, property address and type of work approved.

At least once every six (6) months the City will place an advertisement in the local newspaper indicating that the permits and approvals are posted on the City website.