

**COMMUNITY OF KINGSTON**

**OFFICIAL PLAN**

**P. Wood & Associates**

**November 2012**

## **TABLE OF CONTENTS**

|   | <b><u>Page</u></b> |
|---|--------------------|
| <b>1.0 INTRODUCTION</b>                           | <b>1</b>           |
| <b>1.1 Purpose</b>                                | <b>1</b>           |
| <b>1.2 Planning Area</b>                          | <b>1</b>           |
| <b>1.3 Legal Enablement</b>                       | <b>1</b>           |
| <b>1.4 Time Frame</b>                             | <b>1</b>           |
| <b>1.5 Plan Content</b>                           | <b>2</b>           |
| <b>1.6 Official Plan Preparation/Review</b>       | <b>2</b>           |
| <b>1.7 Special Planning Area</b>                  | <b>5</b>           |
| <b>2.0 THE COMMUNITY OF KINGSTON</b>              | <b>6</b>           |
| <b>2.1 Historical Background</b>                  | <b>6</b>           |
| <b>2.2 Municipal Organization</b>                 | <b>7</b>           |
| <b>2.3 Site and Situation</b>                     | <b>8</b>           |
| <b>2.4 Population</b>                             | <b>8</b>           |
| <b>Map 1 - Topography and Drainage</b>            | <b>9</b>           |
| <b>Table 1 – Development Permits 1977-2011</b>    | <b>11</b>          |
| <b>Map 2 – Present Land Use</b>                   | <b>12</b>          |
| <b>Present Land Use</b>                           | <b>13</b>          |
| <b>2.5.1 Residential</b>                          | <b>13</b>          |
| <b>2.5.2 Rural Resource</b>                       | <b>14</b>          |
| <b>2.5.3 Commercial</b>                           | <b>15</b>          |
| <b>2.5.4 Institutional</b>                        | <b>15</b>          |
| <b>2.5.5 Industrial</b>                           | <b>15</b>          |
| <b>2.5.6 Parks and Open Space</b>                 | <b>15</b>          |
| <b>2.6 The Local Economy</b>                      | <b>16</b>          |
| <b>2.7 Transportation</b>                         | <b>16</b>          |
| <b>2.8 Municipal Services</b>                     | <b>17</b>          |
| <b>2.8.1 Sanitary Sewer</b>                       | <b>17</b>          |
| <b>2.8.2 Central Water</b>                        | <b>17</b>          |
| <b>2.8.3 Fire Protection</b>                      | <b>17</b>          |
| <b>2.8.4 Police Protection</b>                    | <b>17</b>          |
| <b>2.8.5 Solid Waste Management and Recycling</b> | <b>17</b>          |
| <b>2.8.6 Social and Recreation</b>                | <b>18</b>          |
| <b>3.0 ENVIRONMENT</b>                            | <b>19</b>          |
| <b>3.1 Surface Water and Groundwater</b>          | <b>19</b>          |
| <b>3.2 Environmental Sustainability</b>           | <b>20</b>          |

|            |  |           |
|------------|--|-----------|
| <b>4.0</b> | <b>FUTURE DEVELOPMENT GOALS</b>                | <b>21</b> |
| 4.1        | Introduction                                   | 21        |
| 4.2        | Future Development Concept                     | 21        |
| 4.3        | Goals  | 22        |
|            | 4.3.1 General                                  | 22        |
|            | 4.3.2 Social                                   | 22        |
|            | 4.3.3 Economic                                 | 22        |
|            | 4.3.4 Physical                                 | 23        |
|            | 4.3.5 Environmental                            | 23        |
| <b>5.0</b> | <b>OBJECTIVES, POLICIES AND PLAN ACTIONS</b>   | <b>23</b> |
| 5.1        | Introduction                                   | 23        |
| 5.2        | Residential                                    | 23        |
|            | Policy PR-1: Zoning                            | 25        |
|            | Policy PR-2: Minimum Lot Sizes                 | 26        |
|            | Policy PR-3: Undersized Lots                   | 26        |
|            | Policy PR-4: Ribbon/Strip Development          | 27        |
|            | Policy PR-5: Residential Compatibility         | 27        |
|            | Policy PR-6: Residential Development Standards | 28        |
|            | Policy PR-7: Accessory Apartments              | 28        |
|            | Policy PR-8: Summer Cottages                   | 29        |
|            | Policy PR-9: In-Home Occupation                | 30        |
|            | Policy PR-10: Bed & Breakfast                  | 30        |
| 5.3        | Commercial                                     | 31        |
|            | Policy PC-1: Zoning                            | 32        |
|            | Policy PC-2: Buffers                           | 32        |
| 5.4        | Industrial                                     | 32        |
|            | Policy PM-1: Zoning                            | 33        |
| 5.5        | Agriculture                                    | 33        |
|            | Policy PA-1: Zoning                            | 34        |
|            | Policy PA-2: Livestock Operations              | 34        |
|            | Policy PA-3: Riparian Zones                    | 35        |
| 5.6        | Transportation                                 | 36        |
|            | Policy PT-1: Strip Development                 | 36        |
|            | Policy PT-2: Maintenance/Speeding              | 37        |
|            | Policy PT-3: Private Roads                     | 37        |
| 5.7        | Environment                                    | 38        |
|            | Policy PE-1: Septic Systems and Wells          | 38        |
|            | Policy PE-2: Point Sources of Pollution        | 39        |
|            | Policy PE-3: Riparian Zones                    | 40        |
|            | Policy PE-4: Alternate Energy Systems          | 40        |

|     |  |    |
|-----|--|----|
| 5.8 | Special Planning Area Regulations              | 40 |
| 6.0 | GENERAL LAND USE PLAN                          | 42 |
|     | Map 3 – General Land Use Plan                  | 43 |
| 7.0 | IMPLEMENTATION                                 | 44 |
| 7.1 | Administration                                 | 44 |
| 7.2 | Development Bylaw                              | 44 |
|     | 7.2.1 Approval of Development or Change of Use | 44 |
|     | 7.2.2 Development Agreements                   | 45 |
|     | 7.2.3 Variances                                | 45 |
| 7.3 | Budgeting                                      | 45 |
|     | 7.3.1 Budget Policies                          | 45 |
| 7.4 | Review   | 46 |
| 7.5 | Amendments                                     | 46 |
| 7.6 | Appeal Procedure                               | 46 |

## **1.0 INTRODUCTION**

### **1.1 PURPOSE**

The Official Plan for the Community of Kingston is a formalized statement of Goals, Objectives, Policies and Plan Actions approved by Council concerning the nature, extent and pattern of land use and development within the Community until the year 2027.

The Community's Goals as set out in the Plan indicate overall policy direction while the Objectives and Policies deal with specific topics and issues. Plan Actions are statements indicating specific initiatives or directions which will be undertaken to implement the Plan's Policies and Objectives.

The Official Plan guides the physical, social and economic development of the Community. It provides the policy framework for the Community of Kingston Zoning and Subdivision Control (Development) Bylaw and policy direction for Council's actions in relation to: economic development initiatives; public works; social programs; municipal services; environmental standards; and fiscal management.

### **1.2 PLANNING AREA**

The Official Plan covers all the geographical area contained within the legal municipal boundaries of the Community of Kingston. Although the Official Plan can only control those matters which arise within the Community's legal boundaries, consideration must also be given to what is happening in adjacent municipalities and, indeed, the Greater Charlottetown Area and the Province as a whole.

### **1.3 LEGAL ENABLEMENT**

The Community of Kingston derives the majority of its powers from the *Planning Act* and the *Municipalities Act*. The *Planning Act* empowers Council to appoint a Planning Board, adopt an Official Plan and subsequently adopt land use control bylaws. The *Municipalities Act* empowers the community to make bylaws and/or develop programs and strategies which help, in part, to implement other aspects of the Official Plan.

### **1.4 TIME FRAME**

The Official Plan will guide the physical, social and economic development of Kingston until the year 2027. Periodic reviews will take place as required, but the reviews must occur at least once every 5 years or as soon as possible after that date.

### **1.5 PLAN CONTENT**

The *Planning Act, R.S.P.E.I., 1988, Cap P-8*, requires that an Official Plan shall include:

- **a statement of economic, physical, social and environmental objectives;**
- **a statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;**
- **proposals for its implementation, administration and the periodic review of the extent to which the objectives are achieved.**

This document contains six sections:

- 1) Introduction
- 2) The Community of Kingston
- 3) Future Development Goals
- 4) Objectives, Policies and Plan Actions
- 5) General Land Use Plan; and
- 6) Implementation

The first section deals with the purpose, scope and legal enablement for the Official Plan. It also describes the process which was undertaken to prepare and adopt the Official Plan. The second section summarizes the background studies and provides a description of the physical, social and economic characteristics of the Community. The third section provides a broad summary of how the Community desires to see its development unfold in the future. The fourth section is the core of the document, stating objectives, policies and intended actions for specific topics. The fifth section includes the General Land Use Plan or Official Plan Map. The last section sets out the process for administering and implementing the Official Plan and Development Bylaw.

## **1.6 OFFICIAL PLAN PREPARATION/REVIEW**

An Official Plan is intended to be a dynamic planning tool and is therefore subject to periodic review and/or amendment. This is the first Official Plan for the Community of Kingston and it is therefore particularly important to perform a review of how well the Plan is meeting the Community's objectives relatively early during its initial implementation. While the *Planning Act* requires that a formal review must be undertaken every 5 years, it would be advisable for Council to perform a preliminary review after the first 12 to 24 months in order to make sure that the Plan is meeting the

public's expectations. This is an ideal time to perform any necessary "mid-course corrections" which might be necessary.

### Official Plan Preparation

The process of preparing an Official Plan for the Community of Kingston started in the spring of 2011 with an application to the Infrastructure Secretariat for financial assistance. Once this support was secured Council issued a call for proposals for a planning consultant. A consultant was selected in the summer of 2011 and an Official Plan committee was appointed by Council which began meeting in the fall of 2011.

The Committee reviewed the provisions of the *Planning Act* and also the current Official Plans and Bylaws from several adjacent communities as a starting point. The consultant was also instructed to start the preparation of a number of thematic maps, a present land use survey, population analysis, building permit activity and other background studies. A student was also hired to prepare a community history.

### Interim Planning Policy

Very early in the process the Official Plan Committee identified that given the Community's total lack of experience with development control matters, it might be quite beneficial for the Council to adopt an Interim Planning Policy and Interim Planning Bylaw pursuant to the provisions of the *Planning Act*. This would allow Council to immediately assume the authority to control development within the boundaries of the Community and gain some familiarity with the development control process. Since there is no zoning or control of a wide range of potentially contentious forms of development under the *Provincial Planning Act Regulations*, it was felt that an Interim Planning Bylaw could also provide some useful land use protection during the period of Official Plan and Development Bylaw preparation.

Many Interim Planning Policies amount simply to a temporary freeze on development. This was thought to be unwise and certainly could be unpopular. The Official Plan Committee therefore recommended the adoption of a slightly streamlined version of the Development Bylaw which was currently in effect in the adjacent Community of New Haven–Riverdale. This community had a long history of local community planning and was felt to have much in common with Kingston. It was also felt that by attempting to use a compatible set of planning documents to those of our neighbours whenever appropriate, the long term potential for sharing some implementation costs could be enhanced. The potential for a Regional Land Use Plan for the communities surrounding the Capital Region was also a long term consideration.

The Interim Planning Policy and Bylaw were presented to a Public Meeting on October 17<sup>th</sup>, 2011 and received strong public support. They were approved by Council and submitted to the Minister of Finance and Municipal Affairs in November and became

law in late December of 2011 for a period of 6 months. Given a rather steep learning curve for Council with the initial enforcement of the new Bylaw, problems getting information on outstanding case files from the Provincial Government and a number of particularly complex development applications, the Official Plan preparation process was somewhat delayed and the Interim Planning Policy and Bylaw had to be extended for a further 6 months in June of 2011.

### Public Consultation

The Public Meeting on the Interim Planning Policy and Bylaw was the first formal opportunity for Council and the Official Plan Committee to engage the public in a discussion about land use and development issues in the community and about the need for an Official Plan. Prior to the meeting our planning consultant prepared a Newsletter which was circulated to the majority of households in the community. The Newsletter outlined a number of land use and development issues, explained the Special Planning Area Regulations and the Official Plan process and explained the proposed Interim Planning Policy. This led to a healthy discussion of general planning issues at the public meeting.

The next step in the public consultation process was the formation of a number of focus groups made up of local residents and targeted at specific issues within the Community. Council actually formed 3 separate focus groups being made up of residents concerned with: agriculture; watershed and environmental issues; and residential and social issues.

The Agricultural Focus Group met once, the Residential Focus Group met twice and the Watershed focus Group met three times, the last of which was a joint meeting with the Residential group. These meetings were extremely well attended and very active. At the end of this process the planning consultant prepared another Newsletter which summarized the content of the Focus Group's discussions to provide a foundation for a Public Forum which was held on June 25<sup>th</sup>, 2012. Attendance was again very strong and all the issues raised by the Focus Groups were presented to the residents and feedback was sought.

Based on the feedback from the Focus Groups and the Public Forum the newly appointed Planning Board began to prepare a first draft of the new Official Plan and Development Bylaw. These drafts were then taken to another Public Forum in the Fall of 2012 prior to the preparation of the final draft documents which were presented to a formal Public Meeting held pursuant to the provisions of the Planning Act on November 15, 2012.

## **1.7 SPECIAL PLANNING AREA**

In 1993 as part of the Provincially initiated Municipal Reform process in the Greater Charlottetown and Summerside Areas, the Provincial Government imposed *Special Planning Area (SPA) Regulations* which enforced a limited development freeze in the rural areas directly adjacent to the 2 major urban regions. The eastern portion of

Kingston fell under the Cornwall Region Special Planning Area. While most municipalities within the SPA chose to have their entire community included within the SPA area, Kingston was the only municipality to choose to have our community essentially divided in half, with different development rules in each half of the community.

While some limited development was allowed, large scale unserviced residential development was dramatically curtailed within the SPA. Communities with existing Official Plans were also forced to adopt severe development restrictions which to a large extent removed most of the community's autonomy and control. Some communities, such as Winsloe South, responded by abandoning their Official Plans. Others continued to operate for the next 15 years under a confusing arrangement with duplicated regulations and severely curtailed authority. The result was very slow rates of development and a great deal of confusion and frustration. At the same time uncontrolled and unserviced residential development continued at an increased rate just beyond the SPA, including the western portion of Kingston.

In 2008 the communities affected by the SPA regulations in the Charlottetown, Stratford and Cornwall Areas joined together, hired a consultant and submitted a report to the Provincial Government on the future of the SPA.

The report resulted in an agreement with the Provincial Government whereby Official Plans in the SPA could effectively be removed from the specific restrictions in the SPA Regulations provided that the Plans and Bylaws were consistent with the underlying policies of the SPA Regulations and that they effectively restricted large scale unserviced urban style developments from spilling over into these rural communities. The Report also recommended the development of a Regional Land Use Plan for the 13 affected communities and this remains a goal for many of the communities. Wherever possible the 13 communities have endeavored to adopt standardized policies and terminology in their individual plans and bylaws in order to facilitate this long term objective.

This Official Plan has been prepared in conformance with the standards imposed by the Provincial Government and upon its approval the Community of Kingston is no longer bound by the specific provisions of the SPA regulations. This plan shall, however, be interpreted to be consistent with the policy objectives stated in Section 63(3) of the Regulations and the provisions of Section 63(10), as noted in Section 5.8 of this Plan.

## **2.0 THE COMMUNITY OF KINGSTON**

### **2.1 HISTORICAL BACKGROUND**

The earliest settlement of the Kingston area took place in 1840. Lot 31, which is generally the area from Clyde River north to North Wiltshire and includes the area

known formerly as Kingston, was given to the Earl of Selkirk as a vast wilderness. The Earl first appointed an agent who had the area surveyed and divided into farms. Access to the area was provided by the Bannockburn Road until the current Kingston Road was constructed. During its early development the area was referred to locally as South Wiltshire and the Kingston Road was referred to as the South Wiltshire Road. The western portion of the current municipality lies in the middle of Lot 30 and was also settled in 1840. It became known as Emyvale and the name is still used by many today to refer to the western portion of the Community of Kingston.

The early Irish settlers had to travel to Charlottetown for church services. In 1850 they decided to build their own place of worship and St. Anne's Parish opened its doors in 1851 generally in its current location. In 1890 plans were made to construct a larger Catholic church which was completed in 1898. This wooden structure was unfortunately lost to fire on January 14, 1962. Construction began almost immediately on the current building and it was opened on December 24, 1962.

The Kingston Baptist Church was originally constructed in 1880. It was remodeled and expanded in 1901. In its early days the church operated as part of the North River Baptist Church. In 1905 the Baptists of Kingston separated from North River and the church became known formally as the Kingston Baptist Church. The church building still exists on the Bannockburn Road just north of the Kingston Road.

The Kingston United Church was first constructed in 1865 (started as a Methodist Church). This building was lost to fire in the late 1970's and was replaced by the current building in the early 1980's.

The first school in Kingston was established in 1855 and was located beside the Catholic Church. It was a one room facility. The school closed briefly in 1864 but was re-opened in 1869. In 1889 a larger one room school was constructed and in 1906 the school was expanded to a two room graded facility. This school closed in 1951 and was replaced by the current school building which now operates as the Emyvale Rec Centre and is managed by a private board of directors.

The other school in Kingston was a 2 room school located in the current 4-H building.

The first stores in Kingston were the Carragher Store, located on the northeast corner of the Peter's Road and the Kingston Road, and the MacSwain Store, located across the street from the current United Church.

## **2.2 MUNICIPAL ORGANIZATION**

The Community of Kingston was first incorporated as a Community Improvement Committee or CIC in 1974. At that time the most common reasons for rural communities to incorporate were for garbage collection and the collection of fire dues.

In 1983 the *Community Improvement Act* was replaced by the *Municipalities Act*. As a result the Kingston Community Improvement Committee became the Community of Kingston. Prior to municipal incorporation most rural communities such as Kingston were school districts, each with their own local school and Board of Trustees. The board was essentially an identifiable group within the community that government and other groups could liaise with on matters of concern to the community. In the late 1960's the province began its school consolidation program and by the mid 1970's many rural schools (including the Kingston school) had been closed and school boards disbanded. This left the old school districts without any recognizable body to which governments and/or individuals could raise concerns and was another reason for the formation of many C.I.C.'s.

At the time of its original incorporation Kingston was given five areas of authority that were standard for all C.I.C.'s: administration, fire protection, garbage collection, street lighting and recreation. Under the *Municipalities Act* the Community of Kingston kept all of its former powers. Under the *Planning Act* the Community of Kingston also has the authority to assume responsibility for the control of local development. This authority is obtained by means of the Council preparing and adopting its own Official Plan and Development Bylaw.

### **2.3 SITE AND SITUATION**

The Community of Kingston is located in the middle of Queens County directly to the west of the Town of Cornwall. The Kingston Road bisects the Community from east to west.

The Community is approximately 11,850 acres in size. Topography is flat to gently rolling in the east close to Cornwall. As you move to the west the terrain becomes more rolling and in the Emyvale, Green Bay areas the terrain is quite dramatic and features a number of deeply incised river valleys with very steep slopes. Most of the western portion of the Community is part of the West River watershed. Map 1 is a topographic map of the Community showing contour lines. Contour lines indicated areas on the ground with the same elevation. The contour interval, or elevation difference between each contour line, on the map is 2 meters. This map provides dramatic evidence of the deeply incised river valleys and steep slopes in parts of western Kingston.

To the north the Community is bounded by North Wiltshire, to the south by New Haven – Riverdale and to the west by unincorporated lands with no significant population clusters until Hunter River.

### **2.4 POPULATION**

Population numbers for the Community of Kingston are difficult to obtain since the Community is not designated as a community by Statistics Canada and no separate population statistics are produced. The Community is primarily part of both Lots 30 and 31. A narrow portion of Lot 65 also extends into the Community separating Lots 30 and 31. **MAP 1**

**TOPOGRAPHY AND DRAINAGE** and 31. While population statistics are available for these Lots, it is almost impossible to disaggregate the totals to produce reliable figures for the Community of Kingston.

The Provincial Government estimates the population of Kingston at 794 people as of 2011. Based on our analysis of land use and the 2011 Census we feel this estimate is probably low.

Our 2011 Present Land Use Survey indicated a total of 365 residences in the Community of Kingston, with several more under construction.

The 2011 Census indicates a total of 1028 private dwellings in all of the combined Lots 30 and 31. This means that 35.5% of the total dwelling units in these combined Lots were located in Kingston. The total population for the Lots 30 and 31 in 2011 was 2466 which indicates an average household size of 2.4 persons. If we apply the 35.5% ratio to this total population we get a projected total population for the Community of Kingston in 2011 of 875 people. If we apply the average household size to the 365 residences in Kingston we get the same number. We feel that this population estimate is probably much closer than the Provincial estimate of 794. The portion of Lot 65 which is in Kingston is relatively narrow and quite rural. Development character is very consistent with the adjacent portions of Lots 30 and 31. Since the lower portion of Lot 65 is more developed, it was felt that using Lot 65 household sizes might distort the ratios.

Population growth rates over time are very difficult to estimate since we have no historical land use data. Total population in Lot 30 grew by 2.4 % from 1996 to 2001 and declined by 1.8% between 2001 and 2006. It saw quite rapid growth of 9.6 % from 2006 to 2011. It is interesting to note that a large part of Lot 30 lies outside of the Special Planning Area boundaries.

Lot 31 by comparison saw growth rates of 1.1% from 1996 to 2001. Population declined by 1.1% from 2001 to 2006 and then grew only marginally (1.1%) from 2006 to 2011. It is hard to assume that the Special Planning Area Regulations did not play a part in this disparity of growth rates (particularly since Lot 31 is closer to the Town of Cornwall and the Provincial Capital and normally would have been expected to experience higher residential development rates). Visual evidence on the ground certainly seems to confirm that rates of residential development in western Kingston have dramatically

outstripped the rates in eastern Kingston since the SPA Regulations came into effect. This, of course, was one of the primary objectives of the Regulations.

**Development Activity**

Prior to late 2011 all development in the Community of Kingston was controlled by the Provincial Government pursuant to the provisions of the Planning Act Regulations. The Community was able to obtain Building Permit statistics for new home construction from the Provincial Government for the years 1997 to 2011 and they are depicted in the Table below. Based on visual evidence on the ground and feedback from the Focus Groups it is apparent that the pace of residential development has been much higher in the western portion of the Community over the last 18 years, no doubt as a result of the SPA restrictions.

Commercial developments of all kinds have not been a factor in Kingston with no major or even minor commercial developments occurring in the Community.

**Table 1**

**Development Permits 1997 – 2011**  
**(not including storage buildings, garages or additions)**

|      |    |
|------|----|
| 1997 | 13 |
| 1998 | 5  |
| 1999 | 6  |
| 2000 | 8  |
| 2001 | 14 |
| 2002 | 10 |
| 2003 | 20 |
| 2004 | 20 |
| 2005 | 16 |
| 2006 | 10 |
| 2007 | 10 |
| 2008 | 7  |

|      |    |
|------|----|
| 2009 | 18 |
| 2010 | 10 |
| 2011 | 18 |

**MAP 2**

**PRESENT LAND USE**

## **2.5 PRESENT LAND USE**

### **2.5.1 Residential**

The 2011 Land Use Survey (see Map2) illustrates a land use pattern which remains relatively rural in nature with the vast majority of land still in resource use. There is, however, a significant level of residential development in the Community. This largely takes the form of “strip” development which is primarily concentrated along the Kingston Road, but also extends to the Bannockburn Road north and south of the Kingston Road, the Colville Road mostly south of the Kingston Road, the Quinn Road immediately to the west of the Kingston Road intersection, and the Peters Road both north and south of the Kingston Road. There are also strips of residential development along the Riverdale Road and the Clarkin Road and somewhat more scattered residential development along all other roads in the Community.

As noted above, the vast majority of residential development in the Community takes the form of individual lots subdivided along the frontage of the existing public roads. The exception is in the vicinity of the Peters Road and Kingston Road intersection in the Emyvale area. Here we find a more traditional suburban form of residential development with dedicated subdivision streets. There is one quite large residential subdivision just to the west of the Peters Road on the north side of the Kingston Road and another somewhat smaller (but also potentially large) subdivision just to the east on the south side of the Kingston Road. On the Peters Road to the north of the Kingston Road there are also three seasonal “cottage” subdivisions with private roads, one of which was approved in late 2011 and does not show on the Land Use Map.

These “cottage” subdivisions have been approved by the Provincial government for many years. While true seasonal cottage developments have been located in resort destinations like Cavendish, Stanhope, Mill River and elsewhere for a very long time, more recent “cottage” developments have located in less obvious seasonal destinations

and have tended to represent simply an effort by developers to avoid the installation of appropriate year round roads and other services. As many of these subdivisions have been developed for year round homes the residents have found that year round services (such as garbage collection) may not be available and their local subdivision roads may not be adequate for year round use. Developers have often not been willing to upgrade services and the Provincial Government takes no responsibility because these are not public roads built to normal Provincial standards.

Given the growing concerns, the Provincial Government recently significantly raised the standard for “cottage roads” to more closely resemble the standards for public roads, at least for cottage subdivisions of more than 5 lots. Smaller subdivisions may still be developed with essentially no minimum development standards for their private roads, however, (even though the homes in these subdivisions may be occupied on a year round basis).

While the vast majority of homes in the Community of Kingston are traditional detached single family units, there are a number of manufactured “mini” homes and a few older style mobile homes. There are also a number of duplex units and one triplex. Several duplex units and the one triplex unit are clustered in the vicinity of the Linwood Road and Kingston Road intersection.

As noted earlier, there were a total of 335 residential units in Kingston as of the date of the 2011 Land Use Survey (August 2011).

### **2.5.2 Rural Resource**

Farm fields and woodland remain the dominant land use in Kingston and will no doubt remain so for the foreseeable future, particularly in the light of the SPA controls. Given the hilly terrain in the western portion of the community, significant portions of the land mass are not well suited to agriculture and remain wooded.

Based on feedback from our Agricultural Focus Group it is apparent that the number of active full time farmers in the Community has declined dramatically in recent years. The group estimated that there are not more than 14 full time farmers resident in the Community as of 2011. While the number of farmers has declined, most farmland in the Community remains in active production due the increasing size of the remaining farming operations and a large amount of land which is owned or leased by non-resident farmers or agricultural corporations.

There is a significant amount of potato production in Kingston but many farms are mixed. Beef production on Prince Edward Island has declined dramatically over the last ten years due largely to very low beef prices. With recent strengthening of beef prices, herd sizes are starting to rebound and there is evidence of increasing numbers of cattle in the Community. Pork production has faced similar challenges to beef and there is no

sign of large scale hog production facilities in Kingston at present. Dairy production is also limited and our land use survey also did not identify any large scale poultry operations.

### **2.5.3 Commercial**

Commercial development in Kingston is very limited. Other than several small service operations most commercial activities could best be classified as “in home occupations” which have very limited visibility and minimal impact on their neighbours. There are no large scale commercial enterprises presently operating in the community with the possible exception of the very large commercial shale pit on the northern boundary of the community. This can be most appropriately described as an extractive industrial use. There is no area in the community, planned or otherwise, which has developed as a commercial centre. The commercial needs of Kingston residents are currently met primarily in Charlottetown. There is one local store just to the north in Hampshire, Clow’s Red and White, and another, Gass’ Store and Service Station to the south in New-Haven which supply meat, gasoline, food and other convenience items to local residents in the region.

### **2.5.4 Institutional**

The Community of Kingston is quite well supplied with institutional facilities considering its location and rural character. The Bluefield High School is located just to the north of the Community boundary in the Community of Hampshire. There are two churches in the Community, St. Anne’s Catholic Church located at the intersection of the Peters Road and the Kingston Road, and the Kingston United Church located at the intersection of the Bannockburn Road and the Kingston Road. Both churches have graveyards adjacent to them.

The former Emyvale School is located just to the west of St. Anne’s Church. As noted earlier it is now used as the Emyvale Recreation Centre. The 4-H clubhouse is located just to the east of the Bannockburn Road on the north side of the Kingston Road.

### **2.5.5 Industrial**

There are no obvious industrial facilities in Kingston with the exception of the “extractive” operations at several active pits within the community. The largest of these was referred to under the commercial section above. There is also a small saw mill on the Eliot River Road.

### **2.5.6 Parks and Open Space**

Kingston has very limited recreational land. The only recreational land in evidence is the ballfield behind the Emyvale Recreation Centre. There are also soccer fields and a ballfield at the Bluefield High School just to the north of the Community. The Brookvale Ski facility is located just to the west of the Community on Rte 13. Access to the Confederation Trail is available just to the north of the Community in Hampshire. All other recreational needs for Kingston residents are met by the facilities in Cornwall and Charlottetown.

## **2.6 THE LOCAL ECONOMY**

The vast majority of Kingston residents could be classified as “rural non-farm”. While these residents live in an area with a truly rural economy, most make their living in the Provincial Capital of Charlottetown. With the advancement of communications technology we are also increasingly finding many people choosing a rural location for lifestyle reasons since they can largely do their business from home. Several participants in our Focus Groups would clearly fall into this category.

Despite this “commuter-shed” aspect, the local economy remains truly rural in nature with an emphasis on farming and this will likely remain the case into the foreseeable future. Kingston residents treasure the rural character of their Community and the maintenance of a healthy local agricultural economy is paramount in order to retain the appearance of cultivated fields and well maintained farm properties.

## **2.7 TRANSPORTATION**

The main transportation route in the Community of Kingston is the Kingston Road or Rte 235. This route connects from the Town of Cornwall (and Charlottetown) in the east to Rte 13 in the west, which connects to Rte 2 and Hunter River and the Cavendish Resort area to the north and Crapaud to the south. While there is a significant amount of through-traffic on this route, most traffic on this route appears to have its destination in the Community of Kingston. With the significant amount of strip residential development along this highway, excess speeds are a concern to local residents.

Starting from the east, the major north-south connecting roads are the Bannockburn Road, the Colville Road, the Peters Road and the Riverdale/Clarkin Road. Smaller local roads include the Callaghan Road, the Eliot River Road, the Currie Road, McKenna Road, Quinn Road and the Linwood Road. There are also several subdivision streets, both public and private.

There are no public transit services in Kingston.

Most of the major roads are paved and are in good condition. Some of the smaller roads are clay, gravel or have poor to moderately poor asphalt paving. Sections of these less

developed roads would not be serviceable at some times during the year and would qualify as “seasonal” roads.

## **2.8 MUNICIPAL SERVICES**

### **2.8.1 Sanitary Sewer**

At present there are no central sanitary sewer systems or central waste water treatment facilities in Kingston. All lots are serviced by on-site septic systems.

The Bluefield High School just beyond the northern boundary of the Community, however, does have a sewage lagoon with an outfall that drains into one of our local streams.

### **2.8.2 Central Water**

There are no municipal central water systems in the Community of Kingston. Presently all homes in Kingston are serviced by individual on-site wells. The one small exception is the Kingswood subdivision which has a small privately owned and managed central water system.

### **2.8.3 Fire Protection**

The Community of Kingston receives fire protection from the North River Fire Department. There are usually 2-4 calls per year from Kingston, not including responding to vehicular accidents. In general, the community is content with the quality and the price of the service it receives.

### **2.8.4 Police Protection**

The Community of Kingston receives police protection from the RCMP based in the former Community of West Royalty. This service is provided from the Province and at present, there are no other feasible alternatives.

### **2.8.5 Solid Waste Management and Recycling**

The Community of Kingston participates in the province-wide waste reduction strategy managed by the Island Waste Management Corporation. Residents sort their household waste, compost and recyclables for road side pick-up. This situation is a vast improvement as it was previously the responsibility of residents to individually dispose of their household waste in an environmentally responsible manner.

### **2.8.6 Social and Recreation**

The Community of Kingston has access to the Emyvale Recreation Centre for social and recreational events and community meetings and gatherings. As noted earlier, the hall is owned and operated by a private non-profit Board of Directors. During our public consultations it became apparent that the Board has struggled to maintain and operate the facility and it is getting more difficult to find volunteers to sit on the Board. As with many volunteer organizations, a few people have carried the lion's share of responsibility for the operation of this facility and they are suffering from over work and burn-out. Participation at events and public support for the facility has not been strong in recent years and it will be important for the Community to rally behind the Board in the future and to support and promote this valuable community resource if it is to remain viable. The Recreation Centre also has a ballfield located behind the building but during our Focus Groups it was indicated that the facility is not well used at present and also needs to be better promoted and better supported by volunteers.

The two Community churches are also important social cornerstones of the Community and even though regular attendance levels have declined, these churches remain very active. It is apparent that as more residents have moved into the Community from Charlottetown, Cornwall and elsewhere, that many continue to support churches in their former communities. Moving forward it will be important for all Kingston residents, new and old, to recognize the importance of supporting our local social institutions as they are an important part of our social fabric and the foundation for our sense of Community identity.

The 4-H clubhouse just east of the Bannockburn Road is also an important facility, particularly for our rural youth.

One point that was strongly emphasized by longer term residents during our Focus Group discussions was the ongoing decline in the sense of "community" that most people felt. Several decades ago most people in the community knew and felt a bond with their neighbours. As new residents have come to dominate the local population, it was felt that neighbours increasingly began to feel more like strangers. This declining sense of community can be addressed through increased efforts to reach out to new residents and increase the number of events where neighbours can come together for shared activities. Stronger community support for activities and operations at the Emyvale Recreation Centre and at the two local churches could be an important part of this process.

There was no identification of an active local chapter of the Women's Institute or Boy Scouts, Wolf Cubs or other social clubs. Kingston is also a member of Communities 13 Inc. which was created to help finance the construction of the APM Rink and Recreational Facility in 2003. Many of our children utilize the APM Rink for sportin and social events: hockey, figure skating, ringette, basketball, volleyball, gymnastics, church services, etc.

### **3.0 ENVIRONMENT**

#### **3.1 Surface Water and Groundwater**

The major environmental concern in Kingston, as with many other Island communities, is the protection of surface and groundwater resources. A basic knowledge of the hydrologic cycle makes it clear that these resources are closely linked and mutually dependent.

Given the fact that Prince Edward Island is completely surrounded by salt water and we have no large bodies of fresh water, we are completely dependent on groundwater and wells for our domestic water supply. The aquifers in Kingston not only supply the needs of local residents for drinking water, they are also closely tied to the health of our surface ponds, wetlands, streams and rivers. During dryer periods some of our farmers also depend on our groundwater for irrigation.

The majority of the soil conditions in Kingston are less than ideal for the installation and operation of septic tanks and tile fields. Very few areas in the Community show as Category I soils on the Provincial soils mapping. Most soils are Category II or worse and the steep slopes in some areas create additional challenges. During our Focus Group discussions reports surfaced about various residents experiencing onsite waste water system problems and resultant well contamination. It was difficult to determine precise numbers, but the level of concern over establishing sustainable on-site waste water system standards was significant.

In general residents felt that current Minimum Lot size standards established by the Provincial government might be adequate for stand- alone rural lots with ideal soil and slope conditions. As soil conditions become more marginal, slopes increase or development clusters start to occur, it is felt by most people that lot sizes need to be larger than the current standard in order to ensure long term sustainability. There was also concern expressed with the Provincial Government's recent decision to allow installers to certify lot conditions and essentially selfregulate. Unfortunately it is often the neighbouring property owners who will feel the effects first from any non-performing or poorly performing systems.

In order to protect our local rivers and streams it is also felt that the minimum Riparian set backs (or buffer zones) for both residential development and cropping as established by the Provincial Government may also be inadequate, particularly in areas with steep slopes. Our watershed Focus Group expressed major concerns about the negative impact of residential development, agricultural activities and road construction and maintenance activities in close proximity to streams on stream health and fish stocks. Removal of trees in the Riparian Zones adjacent to streams also has a serious effect on water temperatures and fish health and can result in increased erosion and sedimentation in streams.

### **3.2 Environmental Sustainability**

Fortunately, there appears to be strong agreement between Kingston's residents and local farmers about the need to protect our Community's surface and ground water resources and even to maintaining our woodlands adjacent and in close proximity to streams. As residential development proceeds it may be necessary for Council to act proactively to ensure that development standards are adequate to guarantee a sustainable form of development and also to attempt to maintain the rural character of the community. It will also be important for Council to work with our farming community to ensure the long term protection of our surface and ground water resources and the maintenance of healthy treed buffers along our streams.

Higher minimum lot sizes, higher standards for septic tank installation and maintenance and restrictions on overall residential densities will also be required in order to avoid future well contamination and the necessity to install extremely expensive central waste water treatment solutions. This may necessitate developers of larger residential subdivisions to install central water supply and central waste water treatment systems as a condition of major developments. On properties with obvious site limitations Council may need to consider requiring that on-site systems be designed by licensed engineers in order to protect the interests of long term residents and their neighbours.

## **4.0 FUTURE DEVELOPMENT GOALS**

### **4.1 INTRODUCTION**

The Goals presented in this Chapter are broad statements indicating the overall shared vision of Kingston's Council, residents and property owners in terms of the future evolution or development of the Community. These Goals provide the framework and general direction for the subsequent more detailed statements which follow.

### **4.2 FUTURE DEVELOPMENT CONCEPT**

The Community of Kingston is unique among the 13 communities that are included in the Special Planning Areas around the Provincial Capital. Kingston is the only community which chose to have only one part of the Community included in the SPA and leave essentially half of the Community operating under different development standards.

The common thread in the Community of Kingston is the strong shared appreciation for the Community's rural character and its physical beauty. Most if not all residents of Kingston moved to the Community (or stayed there) because they did not want to live in an urban area. The suggestion is often made that residents in rural areas adjacent to cities

move there simply to avoid urban taxes and utility rates. While this issue cannot be negated, there are many other appeals to living in a smaller community relatively close to an urban centre which is able to maintain its rural values and lifestyle.

The challenge will be to permit an appropriate level of development in the future which will be environmentally sustainable and which will not jeopardize the Community's rural character or the interests of existing residents and farmers.

**The Future Development Concept reflected in this Plan would see the Community of Kingston remain as a distinct and viable rural community with one common standard for development. Farming would continue to be the dominant land use and the legitimate interests of farmers would be appropriately balanced with those of established and new residents. The health of the Community's ground and surface water resources will be protected as part of a "sustainable" approach to development and land use management. Efforts will be made to minimize the negative impacts of strip development and, in general, large lot residential developments shall be encouraged. In appropriate areas, sustainable "cluster" style residential developments may be permitted which meet sustainable development standards and maintain a truly rural development character. While additional non-resource commercial and industrial developments are not envisioned, community building facilities such as additional institutional and recreational facilities will be encouraged.**

This Plan will also seek to establish higher development and certification standards for on-site waste water systems and individual wells and will establish an education program to better inform our residents on the operation and long term maintenance of their individual septic systems and wells.

### **4.3 GOALS**

#### **4.3.1 General**

- To preserve and enhance the unique rural character of the Community.
- To create a community climate which fosters a sense of safety, security and stability.
- To strictly limit large scale unserviced residential development.
- To minimize land use conflicts

#### **4.3.2 Social**

- To foster the creation and maintenance of a safe, efficient, stable and visually appealing residential environment.
- To foster social interaction and healthy lifestyles for all residents of the Community.
- To provide for a range of housing opportunities which meet varied socio-economic needs.

#### **4.3.3 Economic**

- To prohibit large, non-resource urban scale commercial and industrial development in the future.
- To protect the viability of farming and other resource based activities.

#### **4.3.4 Physical**

- To establish a plan for future development that limits large scale development and maintains the rural character of the Community.
- To encourage the maintenance of a safe and efficient vehicular circulation system in the Community.
- To enhance the safety of pedestrians.
- To encourage action to protect the quality of drinking water in the Community.

#### **4.3.5 Environmental**

- To protect and enhance the quality and quantity of groundwater and surface water resources in and adjacent to the Community.
- To protect and enhance significant natural areas.
- To encourage energy efficiency.
- To protect air quality.

## **5.0 OBJECTIVES, POLICIES AND PLAN ACTIONS**

### **5.1 INTRODUCTION**

This chapter represents the policy core of the Official Plan. Within the broad policy framework laid down by the previous chapter, the following Objectives provide more precise statements which address specific issues and concerns within the Community.

Policies and Plan Actions outline the proposed course of action to achieve the performance targets described in the Objectives. Policies indicate with some precision the approach the Council will take in pursuing its Objectives. Plan Actions are concrete measures which implement that approach.

### **5.2 RESIDENTIAL**

Kingston offers a very appealing location for residential development due to its combination of close proximity to the City of Charlottetown and its rolling pastoral rural landscapes. As a direct result of the Special Planning Area Regulations, residential development has been relatively slow over the past 18 years. For the most part this slow pace of residential development is felt by residents to have directly contributed to the maintenance of the rural quality of life which they value.

Pursuant to the policies of the Special Planning Area Regulations, large scale unserviced residential developments must continue to be curtailed and Council believes that this policy must be uniformly applied across the entire Community. Efforts will also be made to minimize the negative impacts of strip residential development patterns. In order to accommodate the legitimate interests of current land owners who no longer wish to farm, Council may consider the development of selective larger “cluster” style residential developments with a large percentage of open common areas and shared central water systems and/or common sewage collection and treatment systems with shared land based disposal systems. Such developments must be demonstrated to be sustainable in the long term and offer no risks to neighbouring properties or to natural ground or surface water systems. In order to be consistent with the policies and standards of the Special Planning Area Regulations such subdivisions must be serviced by at least one municipally owned and managed service (central water or central sewer). The form of development must also maintain the rural character of the area and the overall effect cannot undermine the rural economy by taking an inappropriate amount of resource land out of production.

#### **OBJECTIVES:**

- To restrict large scale unserviced residential development.
- To ensure that all residential development is environmentally sustainable and does not detract from the rural character of the Community.

- To encourage a range of cost-effective residential development options.
- To enhance the character and appearance of established residences and neighbourhoods.
- To encourage residential development standards which stress safety, efficiency, aesthetic appeal, land use compatibility and fostering of healthy lifestyles.

## **POLICIES:**

### **Policy PR-1: Zoning**

It shall be the policy of Council to establish two Rural Zones in the Community and to permit restricted residential development within those zones. All unserviced (on-site) residential development shall occur in the Rural Zones and shall conform to the policies set out in Section 63 (10) of the Charlottetown Region Special Planning Area Regulations (SPA Regulations) with one exception. In the Rural West Zone the definition of “existing Parcel” shall be interpreted to be a parcel of land held in separate ownership as of the date of approval of the new bylaw. Selective centrally serviced residential subdivisions may be approved where they comply with the provisions of the SPA Regulations and where Council agrees to take ownership of at least one central service (sewer or water). The design and development of these larger subdivisions shall be certified to be sustainable by a licensed professional approved by Council and the net impact of the development shall not, in the opinion of Council, detract from the rural character of the area. Council may also require that a significant portion of the lands to be subdivided be retained as open space and that substantial buffers are provided between these developments and any adjacent residential development.

### **Plan Action:**

- The Zoning and Subdivision Control Bylaw will establish two Rural Zones.
- The boundaries of these zones will conform to the boundaries of that portion of the Charlottetown

Region Special Planning Area as it exists within the boundaries of the Community of Kingston.

- All unserviced residential development shall take place in the Rural East Zone in conformance with the policies as established under the Charlottetown Region Special Planning Area Regulations. Accordingly, no more than five (5) lots may be created from any parcel which was legally “existing” as of July 9, 1994. In the Rural West Zone, no more than five (5) lots may be created from any parcel which was legally “existing” as of the date of approval of the Bylaw.
- Notwithstanding the above, Council may at its discretion approve larger residential subdivisions in either Rural

Zone where the development is of a “cluster” style with large lots and large percentages of common area and shared central water systems and/or waste water collection and treatment systems; and where Council deems that the development would contribute to the rural character of the Community; and where Council agrees to assume ownership of at least one of the shared utility systems. Significant buffer areas must also be provided from any adjacent residential development. All costs of development shall be paid by the Developer, including the hiring of a qualified planner, landscape architect or engineer as approved by Council who shall certify the subdivision design to be environmentally sustainable.

### **Policy PR-2: Minimum Lot Sizes**

It shall be the policy of Council to establish minimum residential lot sizes which exceed those established by the Provincial Government’s Minimum Lot Standards.

#### **Plan Action:**

- The Zoning and Subdivision Control Bylaw shall establish a minimum lot size for any centrally serviced lots which shall maintain the rural character of the area.
- In the Rural Zone unserviced residential lot sizes shall be a minimum of 1 acre and shall be of an adequate size to accommodate the installation of a second tile field in order to better ensure the long term sustainability of the system.

### **Policy PR-3: Undersized Lots**

It shall be the policy of Council to permit the development of existing undersized lots under certain conditions.

#### **Plan Action:**

- The Zoning and Subdivision Control Bylaw will permit the development of existing undersized lots provided that a licensed engineer has certified both the design and installation of the on-site wastewater treatment system.

### **Policy PR-4: Ribbon/Strip Development**

It shall be the policy of Council to regulate the number of uncontrolled accesses in the Rural Zone in order to control strip development.

#### **Plan Action:**

- The Zoning and Subdivision Control Bylaw will limit the number of new accesses to one (1) for every six hundred and sixty feet (660') of road frontage (or less) in the Rural Zone. This is in addition to the access that may legally be provided to any "residual" parcel.
- Where this would limit the total number of unserviced lots to less than five (5) from the existing parcel, the Bylaw will permit the establishment of a subdivision road serving up to five (5) lots, provided that safe sight distance can be obtained.
- The Bylaw will also enable the creation of "panhandle" lots which share a single access.
- The Bylaw will place restrictions on the clustering of more than two panhandle lots in one location in order to restrict residential densities and to maintain the rural character of the Community.

### **Policy PR-5: Residential Compatibility**

It shall be the policy of Council to encourage a housing mix compatible with adjacent areas. Innovative multiple unit residential developments may be considered by Council up to four (4) units per building where Council is satisfied that the lot is of adequate size to accommodate the development in a sustainable manner, the on-site waste water treatment system is designed and certified by a licensed engineer and the development is adequately screened to minimize any impact on the surrounding rural landscape.

**Plan Action:**

- Limited duplex developments will be permitted if, in the opinion of Council, they will not detract from existing low density neighbourhoods and if the lot on which they are located has suitable septic disposal capabilities.
- Permanent occupancy of travel trailers or recreational vehicles will be prohibited.
- Mobile homes shall not be permitted to be located in the Community.
- Mini-homes will be considered single family dwellings under the Zoning and Subdivision Control Bylaw and will be permitted in all Rural Zones.
- Clusters of Duplex units or Mini-homes will not be permitted in order to maintain the rural character of the area.

**Policy PR-6: Residential Development Standards**

It shall be the policy of Council to establish residential development standards relating to density, architectural harmony, setbacks, parking, buffering and other matters in order to enhance the health, safety and convenience of residents.

**Plan Action:**

- The Zoning and Subdivision Control Bylaw will establish residential designations for mini-homes, single family, duplex and innovative multiple family dwellings.

- The Zoning and Subdivision Control Bylaw will establish residential development standards relating to lot sizes, setbacks, servicing, open space, parking, buffering and other related matters.
- Council will encourage residential properties to be developed and maintained at a high standard.
- Council will encourage energy efficiency and reduced water consumption in residential construction.

### **Policy PR-7: Accessory Apartments**

It shall be the policy of Council to permit the addition of an accessory apartment to any single family dwelling provided that the exterior of the residence retains an appropriate single family appearance and the lot has suitable septic disposal capabilities.

#### **Plan Action:**

- The Zoning and Subdivision Control Bylaw will permit the addition of an accessory apartment to any existing single family dwelling provided that adequate parking spaces are provided, the apartment has safe fire exits and meets all requirements of the fire marshal, the exterior of the residence retains an appropriate single family appearance, the accessory apartment is less than fifty percent 50 % as large as the total habitable floor area of the main dwelling and the lot and septic system have been certified by a licensed engineer to be able to sustain the additional wastewater treatment demand.

### **Policy PR-8: Summer Cottages**

As noted earlier, the Provincial Government has been approving residential subdivisions for some time for “cottage use only”. For many years these subdivisions were developed with very minimal services and private roads which were not built to any established standard. This led to many year round homes being built in subdivisions which were not adequately serviced to provide year round services or access. In many cases the developers have been unwilling to upgrade these private roads and the Provincial Government has refused to assume any liability. In response to many complaints the Provincial government recently established minimum standards for private roads.

Essentially there are still no standards for “cottage” subdivision roads serving up to five lots. For roads serving up to 20 lots, the road must be built to Provincial public road standards with the exception that pavement is not required. For roads serving over 20 lots the road must be built to meet the same standard as any other public road, including pavement.

It is the opinion of Council that very few lot purchasers in Kingston will intend to purchase homes for purely summer occupation. There are, however, a number of existing approved subdivisions in the Community which were approved for “cottage use only” and the ongoing development of these lots must be addressed.

It will therefore be the policy of Council to prohibit the approval of any additional “summer cottage” lots in the Community. Existing designated summer cottage subdivisions will be allowed to have summer cottages constructed in conformance with the conditions which were placed on the original subdivision approval, but no further summer cottages will be approved on other lots in the Community.

**Plan Action:**

- The Development Bylaw will only permit summer cottages to be developed in existing approved cottage subdivisions.
- No additional summer cottage lots shall be created..
- Caveats will be attached to all summer cottage development permits stating that the lot was approved for summer cottage use and that year round access and full services cannot be assured for this type of development, and that the Municipality will not assume any responsibility for the condition of the private roadway or for the provision of public services including fire protection and garbage pick-up.

**Policy PR-9: In-Home Occupations**

Dramatic changes in the workplace combined with new telecommunications technology such as computers, the internet, modems and fax machines have made it possible, and sometimes imperative, that more people work out of their homes. With this trend in mind, Council shall permit a range of in-home occupations in residential areas, provided there is no significant negative impact on adjacent properties or the immediate neighbourhood.

**Plan Action:**

- The Development Bylaw will set out standards for home occupations, which limit potential residential conflicts such as noise, hours of operation, square footage, number of employees, parking, signage, physical changes to the structure and any other factors which may represent an impediment to the safety, convenience or enjoyment of neighbouring residents.

### **Policy PR-10: Bed & Breakfast**

It shall be the policy of Council to permit and in fact encourage the operation of small scale “bed and breakfast” establishments in all Rural Zones, provided they have no negative effects on the surrounding neighbourhood.

#### **Plan Action:**

- The Development Bylaw shall permit the operation of “bed and breakfast” establishments in all Rural Zones provided that they are limited in terms of size, signage, parking, dining facilities and that the overall visual appearance of the building and character of the neighbourhood is not negatively affected.
- All Bed and Breakfast operations shall require a certification from a professional engineer licensed to practice on PEI indicating that the current or proposed on site waste water treatment system is capable of handling the projected waste water treatment demands of the operation.

### **5.3 COMMERCIAL**

The Charlottetown Region Special Planning Area Regulations place severe limitations on large scale non-resource based commercial development. In terms of realizing Council’s goal of maintaining the rural character of the Community this restriction is very appropriate and is supported in this Plan.

Resource-based commercial activities which are closely related to primary sector activities are very appropriate and necessary in the rural parts of the Community and should be permitted provided that safe access can be established and there are no negative impacts on neighbouring residences or farms.

## **OBJECTIVES:**

- To strictly limit new large scale non-resource commercial development.
- To minimize potential land use conflicts between commercial development and local residents and landowners.
- To protect the interests of established commercial developments where they do not pose public safety or health risks and where they are compatible with neighbouring land uses.
- To accommodate limited commercial development where it poses no risks to neighbouring properties and can contribute to strengthening the Community's rural lifestyle.
- To accommodate appropriate resource-based commercial development in rural areas.

## **POLICIES:**

### **Policy PC-1: Zoning**

It shall be the policy of Council to not zone any land in the Community for commercial use. Limited "in-home occupations" will be permitted and those activities that are directly related to the health of the farming or forestry industries may be permitted at the discretion of Council unless they pose safety concerns or create significant land use conflicts with neighbouring properties.

### **Plan Action:**

- No new large scale non-resource based commercial developments shall be permitted.
- Any new small scale non-resource commercial developments shall be processed as a Development Bylaw amendment but shall not require an Official Plan amendment.
- Resource-based commercial developments, such as feed mills or saw mills, shall be considered as "special permit

uses” within the Rural Zone and may be approved provided that safe access can be provided and no land use conflicts will be created for neighbouring properties.

### **Policy PC-2: Buffers**

It shall be the policy of Council to establish adequate buffer areas adjacent to any new or expanded commercial developments in order to minimize any negative effects on adjacent properties.

#### **Plan Action:**

- The Zoning and Subdivision Control Bylaw shall establish minimum buffer area requirements, ie. setbacks, screening, etc. for any new or expanded commercial developments in order to mitigate negative impacts on adjoining properties.

## **5.4 INDUSTRIAL**

The Charlottetown Region Special Planning Area Regulations place severe limitations on any large scale non-resource based industrial development. In terms of realizing Council’s goal of maintaining the rural character of the Community, this restriction is very appropriate.

Certain resource-based industrial developments are necessary to a healthy rural economy and may be considered by Council on a discretionary basis where there are no negative effects on adjoining properties or residents in the area.

#### **OBJECTIVES:**

- To strictly limit any further development of non-resource based industrial developments in the Community.
- Where such facilities are already established to protect their long term viability unless there are significant land use conflicts with adjacent properties.
- To permit the development of appropriate resource-based industrial uses in rural areas.

#### **POLICIES:**

### **Policy PM-1: Zoning**

It shall be the policy of Council to prohibit new non-resource based industrial uses. Resource-based industrial uses may be accommodated in rural areas where they are deemed to be appropriate.

**Plan Action:**

- No new non-resource based industrial developments will be permitted.
- Resource-based industrial developments may be considered as “special permit uses” within the Rural Zone and may be approved provided that safe access can be provided and no land use conflicts will be created for neighbouring properties.

**5.5 AGRICULTURE**

Agriculture and related resource activities remain the dominant land use in Kingston and provide the foundation for the community’s high quality rural lifestyle. While the number of full time farmers has declined and a significant amount of farmland is leased to corporate or non-resident farmers, farming and forestry will continue to be the dominant land use in the Community for the period of this Plan and for the foreseeable future.

Current market conditions make resource activities challenging and the Community must be sensitive to these challenges. To the extent practical, however, resource lands should be encouraged to be kept in active resource use.

While there are inevitable minor conflicts between resource uses and non-farm residents, the Community accepts these minor nuisances as part of our rural lifestyle. Fur farms, such as fox or mink farms can be a source of significant conflict with adjacent residents due to concerns over odor and manure management. For this reason Council will carefully scrutinize any fur farm applications and will not issue any development permits without first requesting the preparation of a comprehensive Environmental Impact Assessment from the Department of Environment, Labour and Justice.

**OBJECTIVES:**

- To protect the long term viability of resource uses in the Community.
- To minimize conflicts between farming, forestry and non-farm residents.

## **POLICIES:**

### **Policy PA-1: Zoning**

It shall be the policy of Council to designate a Rural Zone which will protect farm and forestry lands from the intrusion of conflicting land uses and serve to discourage the conversion of primary resource lands into non-resource use.

#### **Plan Action:**

- The Development Bylaw shall designate all those lands currently in agriculture or resource use as a Rural Zone.
- Council shall work with the local farming and forestry community and residents to minimize land use conflicts.

### **Policy PA-2: Livestock Operations**

It shall be the policy of Council to protect existing livestock operations from residential encroachment, but also to protect existing residents from the encroachment of new or expanded large-scale livestock operations.

#### **Plan Action:**

- The Development Bylaw shall restrict any new residential development from locating within five hundred feet (500') of an existing livestock operation.
- The Development Bylaw shall prohibit any new intensive livestock operation from locating within one thousand feet (1000') of any existing residences.
- Council will endeavour to ensure that all livestock operations in the Community comply fully with all Provincial regulations in relation to manure handling and storage and other matters.

- Fur farming operations shall be designated as a Special Permit use in the Development Bylaw and no permits shall be issued until a comprehensive Environmental Impact Assessment has been completed by the

Department of Environment , Labour and Justice and the neighbours have been consulted for their comments.

### **Policy PA-3: Riparian Zones**

It shall be the policy of Council to support the protection of the Provincially designated Riparian Zones adjacent to streams and wetlands in the Community.

#### **Plan Action:**

- Council will work with the Provincial Government to ensure that designated Riparian Zones adjacent to streams and wetlands are appropriately protected and managed.
- An Environmental Reserve Zone shall be established in the Development Bylaw which shall require the protection of designated Riparian Zones and any additional buffer areas which Council may require in order to adequately protect the Communities watercourses and wetlands.
- Council will work with farmers and other land owners to increase the Riparian Zone setbacks adjacent to watercouses and wetlands wherever soil conditions, slopes or other features may place the health of the watercourse or wetland at increased risk.

## **5.6 TRANSPORTATION**

Significant volumes of traffic pass through the Community of Kingston and Council wishes to minimize the risks to pedestrians, local residents and the travelling public caused by excessive speeding and uncontrolled strip development along the roads in the Community.

## **OBJECTIVES:**

- To protect the safety of the travelling public.
- To maintain safety and efficiency of the Community's highway and local road system.
- To limit uncontrolled access and turning movements on all roads in the Community.
- To ensure a high level of maintenance on all roads in the Community.
- To limit strip development.

## **POLICIES:**

### **Policy PT-1: Strip Development**

It shall be the policy of Council to adopt regulations which limit strip development in the Community.

#### **Plan Action:**

- The Development Bylaw shall adopt the "ten chain rule" which will limit new accesses to one for each 660 feet of road frontage (or less) for the purposes of providing access to a new lot.
- Where this is not sufficient to accommodate the needs of the developer, Council may permit one of these accesses to be used to create a public or private road which will provide internal access.
- Any existing property as of the date of approval of the Bylaw shall be permitted to have an access, provided that an access permit can be obtained from the Provincial Government.

### **Policy PT-2: Maintenance / Speeding**

It shall be the policy of Council to work with the Provincial Government to ensure that all roads in the Community are maintained in good condition and that speed limits are enforced.

**Plan Action:**

- Council will meet with officials from the Provincial Government on an annual basis to discuss road maintenance priorities in the Community.
- Council will meet with the local Division of the RCMP to ensure that speed limits within the Community are enforced.

**Policy PT-3: Private Roads**

It shall be the policy of Council to permit the construction of private roads to service more than 3 residential lots where Council deems that it is not viable to establish a public road and where the subject roadway either meets the design and construction standards established by the Provincial Government or, at Council's sole discretion, it is designed and certified by an engineer to provide safe year round access and where all property owners fronting on the road have entered into an agreement for the common ownership and maintenance of the roadway.

**Plan Action:**

- All private roads serving more than 3 lots shall be constructed to meet the Provincial public road standards with the exception of final paving. At Council's discretion, private roads may be approved at a lower standard provided that a professional engineer licensed to practice on Prince Edward Island has certified the design to Council's satisfaction to be fully serviceable on a year round basis; that a storm water management plan has been prepared; and the engineer certifies that a storm water management system has been designed and installed that will adequately handle projected storm water flows and provide protection from flooding for all

properties in the subdivision and for adjacent properties.

## **5.7 ENVIRONMENT**

All properties in the Community of Kingston are dependent on individual wells and on-site sewage treatment systems. Proper installation and maintenance of these systems is therefore of critical importance to the entire Community. The Community is also concerned about the protection of surface water resources and air quality. Stream health and fish stocks can be significantly affected by agricultural and construction activities or by the removal of trees in the Riparian Zones adjacent to streams. Run-off from agricultural fields or malfunctioning septic tanks and tile fields can also add significant amounts of nutrients to streams and negatively impact their health. Fish kills as a result of pesticide run-off from farm fields are also a cause of major public outrage when they occur. With these concerns in mind, Council intends to work with land owners and Watershed groups to improve the level of protection for the surface water systems in Kingston.

### **OBJECTIVES:**

- To protect the quality and quantity of ground and surface water resources.
- To improve the standards of installation and maintenance of onsite sewage treatment systems in the Community.
- To protect air quality.
- To encourage the use of alternate energy systems.

### **POLICIES:**

#### **Policy PE-1: Septic Systems and Wells**

It shall be the policy of Council to work with the Provincial Government to ensure that all on-site sewage treatment systems and wells in the Community are installed at a high standard and are appropriately maintained. Where systems are abandoned Council shall endeavor to ensure that the systems are removed and proper abandonment techniques are utilized. Where the current standards for installation or inspection are felt by Council to not be adequate, Council will take action to ensure that higher standards are put in place.

### **Plan Action:**

- The Zoning and Subdivision Control Bylaw shall require that all new on-site treatment systems and wells are approved by the Provincial Government.
- Where existing lots are less than the minimum lot size established in the Development Bylaw or where in the opinion of Council site conditions are problematic or sewage loadings or water demands may exceed normal levels, Council may require that systems be designed and the installation certified by a licensed engineer.
- Council will encourage all property owners to perform regular maintenance on their on-site systems.
- Council will provide information to the public on the proper installation and maintenance of onsite wastewater treatment systems.

### **Policy PE-2: Point Sources of Pollution**

It shall be the policy of Council to work with the Provincial Government to identify and control potential point sources of groundwater and surface water pollution.

#### **Plan Action:**

- Council will work with the Provincial Government to help identify and mitigate potential point sources of pollution such as underground and above ground petroleum storage, pesticide and fertilizer storage, other chemical storage, manure storage, etc.

### **Policy PE-3: Riparian Zones**

It shall be the policy of Council to ensure that the Provincial Riparian Zone setbacks are enforced and to work with land owners, developers and local Watershed Management

groups to increase development and cultivation setbacks wherever possible. Council will also encourage the maintenance of existing vegetation along local streams in a manner which will help to protect stream health and fish habitat.

**Plan Action:**

- Council will work with the Provincial Government to ensure that Riparian Zone setbacks are effectively enforced within the Community.
- Council will attempt to increase these minimum Riparian Zone setbacks whenever possible through the development control process and by working with land owners to obtain voluntary conservation agreements to better protect the Community's wetlands and streams.

**Policy PE-4: Alternate Energy Systems**

It shall be the policy of Council to encourage the use of alternate energy systems in the Community.

**Plan Action:**

- A windmill enabling section will be added to the Development Bylaw.
- Council will endeavour to encourage the use of alternate energy systems in the Community and will work to reduce or eliminate any regulatory hurdles which may be in place.

**5.8 SPECIAL PLANNING AREA REGULATIONS**

At the time of approval of this Official Plan the Community of Kingston remained under the Charlottetown Region Special Planning Area Regulations. This Plan was prepared in conformance with Section 63 (10) of these regulations and shall be interpreted to be consistent with the objectives stated in Section 63(3) of the Regulations:

**63(10) a Municipality with an official plan may, as an alternative to amending its official plan and bylaws to**

conform with subsections (2) to (9), otherwise  
and bylaws where the

amend its official plan

amendments comply with subsection 7(2) of the Act  
and

(a) are consistent with the objectives set out in  
subsection (3);

(b) satisfy the minimum requirements  
applicable to

official plans pursuant to section 7 of the Act;

(c) revoked by EC 421/09;

(d) with the exception of the Community of  
Miscouche, limit the number of lots in a  
subdivision for residential use to no more  
than five lots per existing parcel of land,  
unless

(i) central water service, central sewer service,

or both of them, by  
a

municipal water utility, municipal sewage utility, or both of them is available, and

(ii) an irrevocable agreement has been signed between the developer and the  
municipal water utility, municipal sewage utility, or both of them, to provide  
central water service, central sewerage service, or both of them, to all lots prior to  
the conveyance of any lot from the approved subdivision

### 63 (3)

(a) to minimize the extent to which unserved 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 uses; and

c) to minimize the potential for conflicts between resource uses  
and urban residential, commercial and industrial uses.

## 6.0 GENERAL LAND USE PLAN

The General Land Use Plan is a conceptual representation of the direction Council  
envisions land use patterns emerging over the next fifteen years. It lays the foundation  
and establishes the direction for the Zoning Map in the Development Bylaw, which is

normally more precise in terms of boundaries and land use designation. The Zoning Map must, however, conform to the General Land Use Plan.

In formulating the General Land Use Plan, Council has applied the following criteria:

- Land use conflicts shall be minimized.
- Commercial development shall be severely limited.
  
- No new large scale unserviced residential development is envisaged.
  
- Resource activities shall remain the dominant land use in the community.
  
- Industrial development shall be discouraged unless directly related to the primary sector.
  
- All other relevant policies and principles included in this Plan shall be implemented.

**MAP 3**  
**GENERAL LAND USE PLAN**

**7.0 IMPLEMENTATION**

## **7.1 ADMINISTRATION**

Administration of this Plan shall be the responsibility of Council. Council shall, however, seek the input of Planning Board on matters pertaining to the Plan. The primary implementation tool for this Plan is the Development Bylaw. Aspects of the Plan may also be implemented through other municipal bylaws and regulations, Council's operating policies and procedures, the municipal budget and other appropriate Council actions. Council may also delegate aspects of the implementation of this Plan or the Development Bylaw to a Development Officer appointed by Council.

## **7.2 DEVELOPMENT BYLAW**

Immediately upon approval by the Minister of Finance and Municipal Affairs, Council shall adopt a Zoning and Subdivision Control (Development) Bylaw to be in conformance with the policies and provisions of this Plan, in accordance with the provisions of the *Planning Act*. The revised bylaw shall be referred to as the Community of Kingston Zoning and Subdivision Control (Development) Bylaw.

The Development Bylaw shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and standards and procedures for the subdivision and consolidation of land in the Community. The Bylaw may also provide for "conditional" and "special permit" uses. Conditional uses shall be subject to such restrictive conditions as Council deems appropriate. Special Permit uses represent exceptions to the "permitted uses" in each zone and shall be approved at the sole discretion of Council.

### **7.2.1 Approval of Development or Change of Use**

The Development Bylaw shall require any person undertaking any development, change of use of land or premises or subdivision/consolidation of land to apply for a permit using a standard application procedure. Exceptions shall be noted in the Bylaw. Council may attach such conditions as it deems appropriate to any permit in order to ensure conformance with this Plan.

The Bylaw may also require submission of a Construction Plan for the development outlining such details as construction phasing, stockpiling of soil, screening or fencing, erosion or run-off control measures, heavy truck traffic access, hours of operation and any other items which could present a nuisance or hazard during construction.

Once the development is approved, a numbered permit will be issued which must be displayed at the site. The receipt of a development permit does not excuse the applicant from complying with any Provincial or Federal laws in force, such as fire protection, health and safety, sewage disposal, plumbing and electrical installation, disabled access.

Council shall maintain liaison with appropriate Provincial officials during the permit issuing process.

### **7.2.2 Development Agreements**

Council may, at its discretion, require the developer of a subdivision or a development to enter into a Development Agreement or Subdivision Agreement. These agreements will contain all conditions which were attached to the building permit or subdivision approval and shall be legally binding on both parties.

### **7.2.3 Variances**

Council may grant a variance to the provisions of the Development Bylaw where strict compliance would represent an inappropriate burden to the developer and where the general intent of this Plan are upheld.

## **7.3 BUDGETING**

While the Development Bylaw and other bylaws passed under the *Municipalities Act* are the primary tools for controlling and directing development activities in the Community, the Community budget is the key policy tool for directing the annual activities of Council. As such, the budget is a key implementation tool for many of the policies and plan actions laid out in this Plan. To the extent practicable, the budget should conform with the policies of this Plan.

### **7.3.1 Budget Policies**

Council has established the following fiscal policies as a framework to guide decisions on municipal revenues and expenditures:

- Council shall strive to maintain stable and affordable property tax rates.
- Council shall pursue options for cost-sharing and maximize financial assistance from other levels of government.
- Council shall pursue a “user pay” approach for programs and services where appropriate.
- Council shall not budget for an operating deficit in any year.

- Any incurred deficit shall be addressed as part of the subsequent annual budget if possible.
- Council shall continue to maintain low staff levels and contract out for specialized services until needs and projected savings warrant additional staffing.

#### **7.4 REVIEW**

Council shall on a regular basis review its activities in terms of successful implementation of this Plan.

#### **7.5 AMENDMENTS**

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

#### **7.6 APPEAL PROCEDURE**

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