

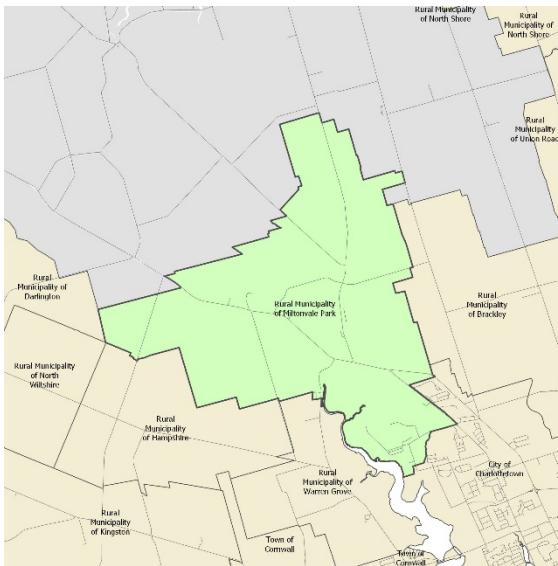
Rural Municipality of Miltonvale Park

SUMMARY OF PROPOSED AMENDMENTS

Official Plan – Proposed Amendments

Changes to Official Plan Text:

1. Change all references to the community name to from Community of to “Rural Municipality of” Miltonvale Park
2. Add date of amendment to cover page
3. In Section 1.1, following the reference to the *Miltonvale Park Zoning and Subdivision Control Bylaw (2016)*, add “as may be amended, and which may be referred to as the *Development Bylaw*.”
4. Change all subsequent references to the *Miltonvale Park Zoning and Subdivision Control Bylaw (2016)* to the *Development Bylaw*.
5. Change reference to the *Municipalities Act*, R.S.P.E.I. 1988, c. M 13 to “*Municipal Government Act* R.S.P.E.I. 1988, Cp. M-12.1” (Section 1.3), and subsequent references to the *Municipalities Act* to the “*Municipal Government Act*”.
6. Add sentence to Section 2.2 to recognize 2017 Municipal Government Act resulted in name change. “More recently, in 2017 the *Municipal Government Act* replaced the *Municipalities Act* and the name change once again to the Rural Municipality of Miltonvale Park”.
7. In Section 2.3, change name of Community of Winsloe South to “Rural Municipality of Brackley”
8. Update Figure 1 with new map as follows to reflect change in Brackley.

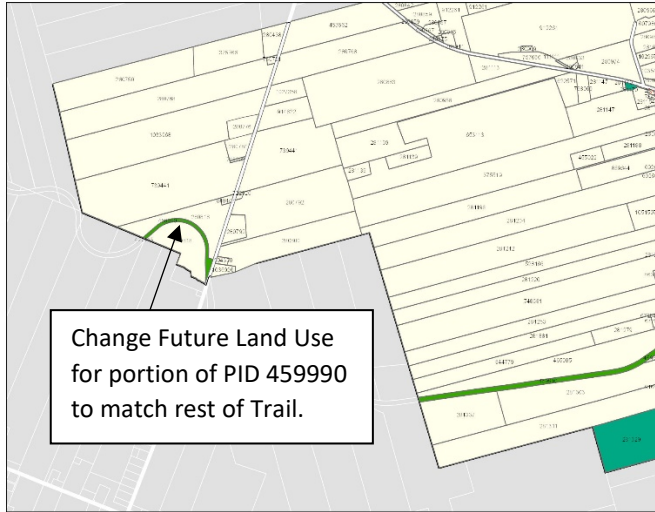


9. In Section 10.1, following the reference to the *Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw (2016)*, add “as may be amended, and may be referred to as the *Development Bylaw*.”
10. Appendix 1 – Corporate Land Use Inventory Map, update map with name change in the title. (see draft)
11. Appendix 2 – Future Land Use Map, update map with name change in the title. (see draft)

Amendments to Future Land Use Map:

Change PID 459990, from Agricultural to Recreation and Open Space.

Note that during the 2016 Official Plan and Bylaw review the majority of the trail was rezoned and this small portion was missed at that time. (see map detail below)



Development Bylaw – Proposed Amendments

Administrative amendments:

1. Change name of Community of Miltonvale Park to Rural Municipality of Miltonvale Park.
2. Change references to Municipalities Act to Municipal Government Act.
3. Change name of *Official Zoning Map* to the *Zoning Map*.
4. Separate 3.5 Site Plan and Drainage Plan into two separate sections
5. Old Section 4.10 Construction Plans, has been moved to Section 3.8 as it is an administrative requirements for permit applications, not a general provision.
6. Old Section 4.13 Denying Permits and Development Restrictions, has been moved to Section 3.11 as it is an administrative requirement not a general provision.
7. Move satellite dishes statement from accessory buildings section to prohibited uses (Section 4.26).
8. Move Section 4.5 Authorization for Inspection to Administration to Section 3.12
9. Rename “Bed and Breakfast” section to Tourist Accommodations and move accordingly by alphabetical order of sections.
10. Section 4.8 Building setback between Existing Buildings – section title does not accurately reflect what the issue is. Move the regulations under new heading of Section 4.16 Front Yard Setbacks Between Existing Buildings.
11. Change name of Section 4.7 from Commercial Use in a Dwelling to Commercial Use on a Residential Property.
12. Change name of Light Industrial Zone from M2 to M1. M2 implies that there is more than one category of Industrial zones.

Changes in Application Processing:

1. Section 1.4: Propose change to the Development Officer’s authority. Under proposed changes the DO shall be able to issue all permits that conform to the Bylaw. Only those applications that require a variance, rezoning, bylaw amendment, or otherwise an “exception to the rules” will require Council’s approval. The DO reserves the right to refer any applications to Planning Board and Council, when they are unable to determine if the application conforms to the Bylaw. Note this change has implications on the text throughout many other sections in the Bylaw that otherwise refer to Council as the approving authority.
2. Section 3.1.2 (v): No permit required for removal of vegetation for agricultural and/or forestry practices (added this because we are adopting the province’s new definition for development which includes removal of vegetation)
Section 3.1.2 (vii): No permit required for ornamental structures, removed size requirement and added a definition:

Ornamental structure means a structure of less than 20 m² (215.8 ft²), erected with no foundation or footings and no connection to utility services, and which serves no purpose other than for the aesthetic value and/or delight of its user, such as a gazebo or a play structure. This definition excludes any structures used for storage.

Section 3.1.2 (xi): No permit is required for placing or erecting a *temporary structure* in accordance with this bylaw. Note that new regulations for temporary structures have been added (Section 4.31) and a definition as follows:

Temporary structure means a structure without any foundation or footings, with a short-term or seasonal purpose, and which will be removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

3. Section 3.5 Site Plans: Clarify that site plans that include information about the location of existing structures may be generalized and that only when the information is necessary for the issuance of the permit may the DO request a survey plan to confirm the location (as per *Land Surveyors Act*). Note the *Land Surveyors Act* does not require a survey plan for site plans showing proposed setbacks.

4. Section 3.6 Surface Drainage Plans:

Relaxation on requirement for surface drainage plans for buildings with a *building footprint* greater than 65 m² (700 ft²) and a proposed *setback* of 15.3 m (50 ft) or more from any *lot line* or existing *building* or *structure* excluding *accessory buildings*, and where the development requires no alteration or change to the existing *grade* within the minimum setbacks of the *lot*;

A Surface Drainage Plan is not required for a *development* that conforms with a preapproved *stormwater management plan* as prepared for subdivision approval of the *lot*;

Clarify information required on a surface drainage plan.

5. New Section 3.7. Building Design Drawings

Stamped construction plans and elevation drawings shall be required for all applicable *development* in accordance with the *Architects Act* R.S.P.E.I. 1988 c. A-18.1. and the *Engineering Profession Act*, R.S.P.E.I. 1988 c. E-8.1.

6. Sections 3.14.1 and 3.14.4 Variances: specify that a *variance* may only be granted in relation to the minimum setback, lot area, frontage, lot coverage and/or building height as required in the zone.
7. Section 3.17 Reconsiderations and Appeals.

NEW – with the added authority of the DO to issue all applications that conform to the Bylaw, adding a reconsideration process. A person dissatisfied with a decision by Council or DO may now apply for a ‘reconsideration’ to Council for a “second opinion” before appealing the decision to IRAC.

Changes to General Provisions:

1. Section 4.3 Accessory Apartments. Change the maximum size of an *accessory apartment* from “not larger than 25% of the floor area of the main building”, to align with National Building Code requirements which is “less than
 - a. 80% of the Gross Floor Area of the main Dwelling, excluding the garage; and
 - b. 80 m² (861 ft²) in Floor Area”

Specify that an accessory apartment shall not be permitted in a dwelling, if the property already contains an accessory apartment in an accessory building.

Add a minimum lot area of 1.0 acre for properties that are permitted to have accessory apartments in accessory buildings.

Change definition of Accessory apartment to align with that of National Building Code, as follows:

Accessory apartment means a self-contained *dwelling unit* with a prescribed *floor area* located in a building or portion of a building of only residential occupancy that contains only one other *dwelling unit* and common spaces, and where both *dwelling units* constitute a single real estate entity.

- Section 4.4 Accessory Buildings. Add table to clarify maximum permitted number of accessory buildings and the maximum size and/or combined floor area (actual changes to regulations shown in red) as follows:

	Lot area is less than 1 acre	Lot area is between 1-3 acres	Lot area is greater than 3 acres
Number of Accessory Buildings permitted (maximum)	2	2	2 3
Number of Accessory Buildings permitted on a property with an approved Accessory Apartment (maximum)	2	2 3	2 3
Floor Area (maximum) for individual Accessory Buildings	700 ft ²	1,000 ft ²	1,000 ft ²
Combined Floor Area (maximum)	1,000 ft ²	1,000 ft² 1,200 ft ²	1,000 ft² 1,500 ft ²

- New – Section 4.6 Building Separation Distances. Add minimum separation distance requirement between more than one main building on a lot (20 ft) and between main buildings and accessory buildings (4 ft). Separation distance may be reduced but only with confirmation that the building separation has been designed to NBC standards.
- Section 4.7. Commercial Use on a Residential Property
 Address issue of vehicles being stored or parked on a lot separately from other storage by specifying that a maximum of 3 vehicles (other than those registered to the property owner) may be parked or stored on the lot at any time, unless stored within a building. Intent is to limit number of clients visiting at a time, or for storage of vehicles related to business.

 Specify that a maximum of 2 commercial vehicles may be parked or stored on the lot, unless stored within a building. NOTE that home occupations currently have a maximum of 2 employees living outside the dwelling.

 Change regulations to permissive structure by listing as of right permitted uses (instead of prohibited uses) and all other proposed uses shall require Council’s approval after sending notice to surrounding property owners.
- New Section 4.15 Fences specifies a maximum height for fences at 8.2 ft and that no fence may be electrified or use barbed wire unless it is on an active farm.
- Section 4.18, clarify existing regulations for land use edges between adjacent land uses, the requirement is for (1) a 4.6 m (15 ft.) wide landscape buffer (new definition added), OR (2) if landscape buffer doesn’t exist, a *fence* of a height that forms a visual barrier.

Landscape buffer means a visual barrier formed by a row of shrubs or trees that is maintained to form a screen between one *lot* or *land use* and another.

It was never intended to be a 15 ft high fence but was previously misunderstood, and we do not want people cutting trees to build a fence or claiming they will plant trees and it taking 20 years to create a buffer.

Relaxation on fence/buffer requirement for agricultural uses. No longer required for crops or forestry uses, and not required if agricultural development has a 75 ft setback or more from the residential use.

7. Section 4.25. Prohibited Uses. Add regulation that trailer truck bodies and storage containers are not permitted to be used as accessory buildings, and temporary placement of them on a lot shall not exceed 60 days, unless the applicant has received approval from Council. Add definition:

Storage container means a container with strength suitable to withstand shipment, storage, and handling, and may range in size from a large reusable steel cargo container typically used for intermodal shipments to smaller corrugated boxes.

8. Section 4.29 Swimming Pools. “Aesthetically presentable” and “preference to fences constructed of wood” are not enforceable regulations. Removed from section.
9. NEW Section 4.30 Temporary Structures. As noted above Temporary Structures that conform to these new regulations are permitted and do not require permit. Includes maximum size, setbacks and building separation distances. Maximum time permitted is 150 days, otherwise the structure is to be treated as an accessory building.
10. Section 4.31 Tourist Establishments (previously titled Bed and Breakfast), now covers both B&Bs and Short Term Rentals (AirBnB, VRBO, Homeaway, etc.). The only new regulation is the requirement for a license under the Tourism Industry Act, a copy of which is to be submitted with the permit application, and that short term rentals that rent the whole house rather than by the room do not have additional parking requirements.

Change Bed and Breakfast, to Tourist Establishment, in lists of permitted uses for each zone.

Add definition: **Tourist Establishment** means an establishment that provides temporary accommodation for a guest for a continuous period of less than one month, and includes a building, structure or place in which accommodation or lodging, with or without food, is furnished for a price to travellers.

11. Section 5. Change permitted size of accessory building in manufactured housing park zone from 8.9 m² (96 ft²) to 11.2 m² (120 ft²).
12. Section 6. Serviced Residential Zone (RS1) Lot area requirement to change from a minimum of 185.8 m² (20,000 ft²) to 1,394 m² (15,000 ft²)
13. Section 8. Agricultural Zone. Permitted uses are permitted on all lots over 3 acres; otherwise only residential uses are permitted.

Changes in Section 14 - Subdivisions

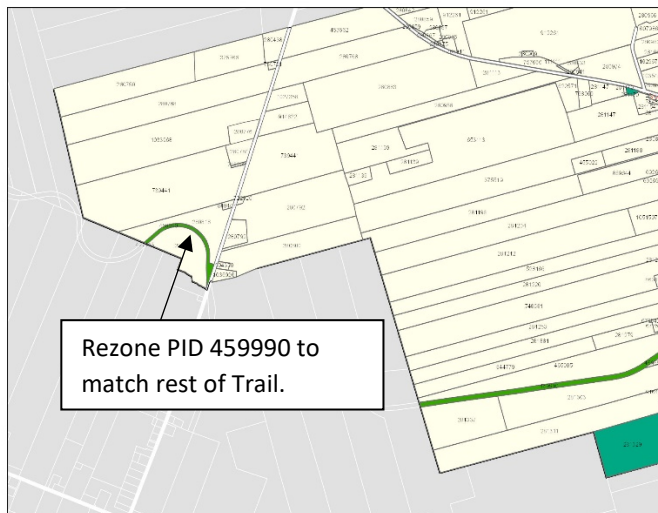
14. Section 14.4.1. Remove reference to Existing Parcels – as other parcels can be consolidated, boundary line adjustments etc. The regulations for existing parcels is covered by Special Planning Area Regulations.
15. Section 14.12 Preliminary Approvals – clarify stormwater management plan requirements. Only those subdivisions involving the construction of a new road requires a stormwater management plan at the preliminary approval phase. But also under 14.12.2 DO reserves right to request one when additional information is required.
16. Section 14.13. All subdivisions of a lot into 2 or more lots requires a stormwater management plan for final approval. Note that these lots will not require a drainage plan for development permits if proposed development conforms with preapproved plan.

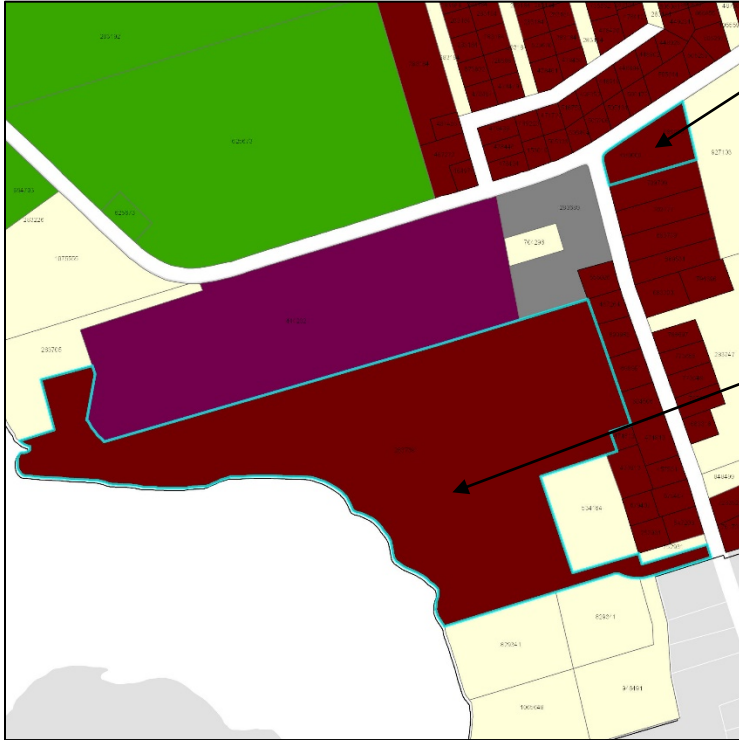
Changes in Definitions

1. Amend definition for Development in accordance with new Planning Act definition
2. Amend definition for Accessory Apartment
3. Add definition for landscape buffer
4. Amend definition for mini home (not on foundation)
5. Amend definition for modular home (any size but on a foundation)
6. Add definition for ornamental structure
7. Add definition for short-term rental
8. Add definition for storage container
9. Add definition for Temporary structure
10. Add definition for Tourist Establishment as per Tourism Industry Act

Changes in Zoning Map

Rezone PID 459990 from Agricultural to Recreation and Open Space, as per proposed Future Land Use Map amendment.





Rezone PID 689000 from A1 to RS1, as the lot is serviced and has been developed in accordance with the RS1 Zone and the rezoning is supported by the current Official Plan Future Land Use Map.

Rezone PID 283739 from A1 to RS1, to allow for a new serviced residential neighbourhood. This rezoning is supported by the current Official Plan Future Land Use Map.