

Rural Municipality of Miltonvale Park

Zoning and Subdivision Control (Development) Bylaw Review 2019

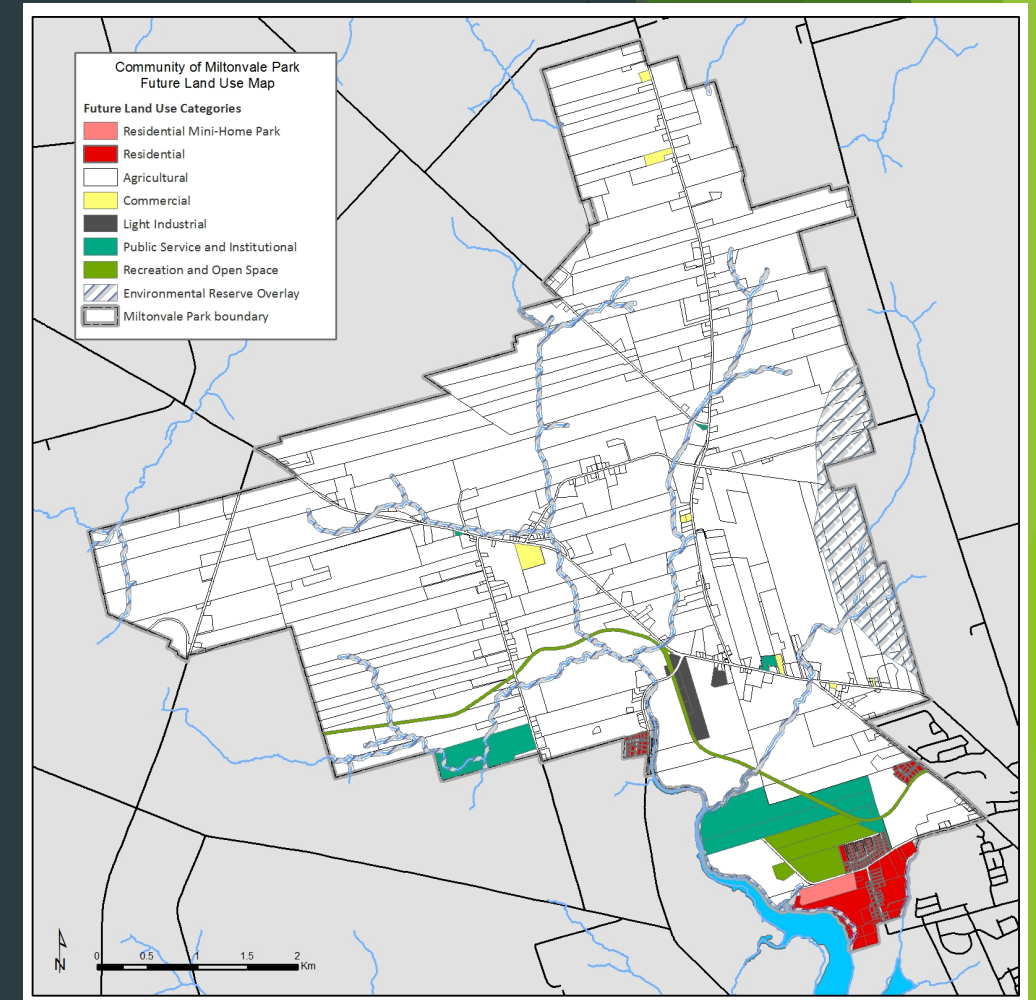
Municipal Planning 101:

The Official Plan and Future Land Use Map

Official Plan: Goals, Objectives, and Policies of the municipality.

Future Land Use Map: describes the preferred future land uses of properties rather than the current ones.

The Official Plan and Future Land Use Map are legally binding, and Council decisions can be challenged if they do not align.



Municipal Planning 101

Zoning and Subdivision Control (Development) Bylaw and Zoning Map

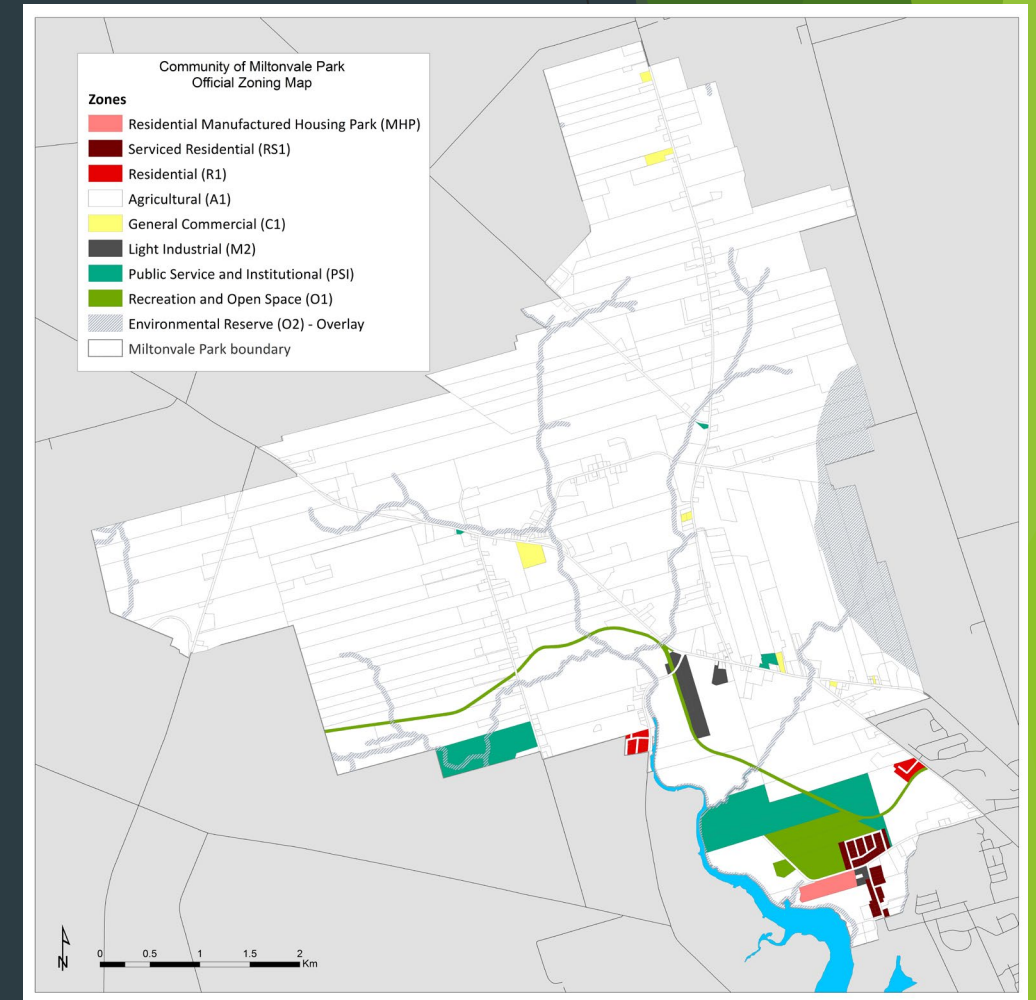
Zoning and Subdivision Control (Development)

Bylaw: regulations (aka. rules) for development and subdivisions.

Zoning Map: identifies the zone of each property

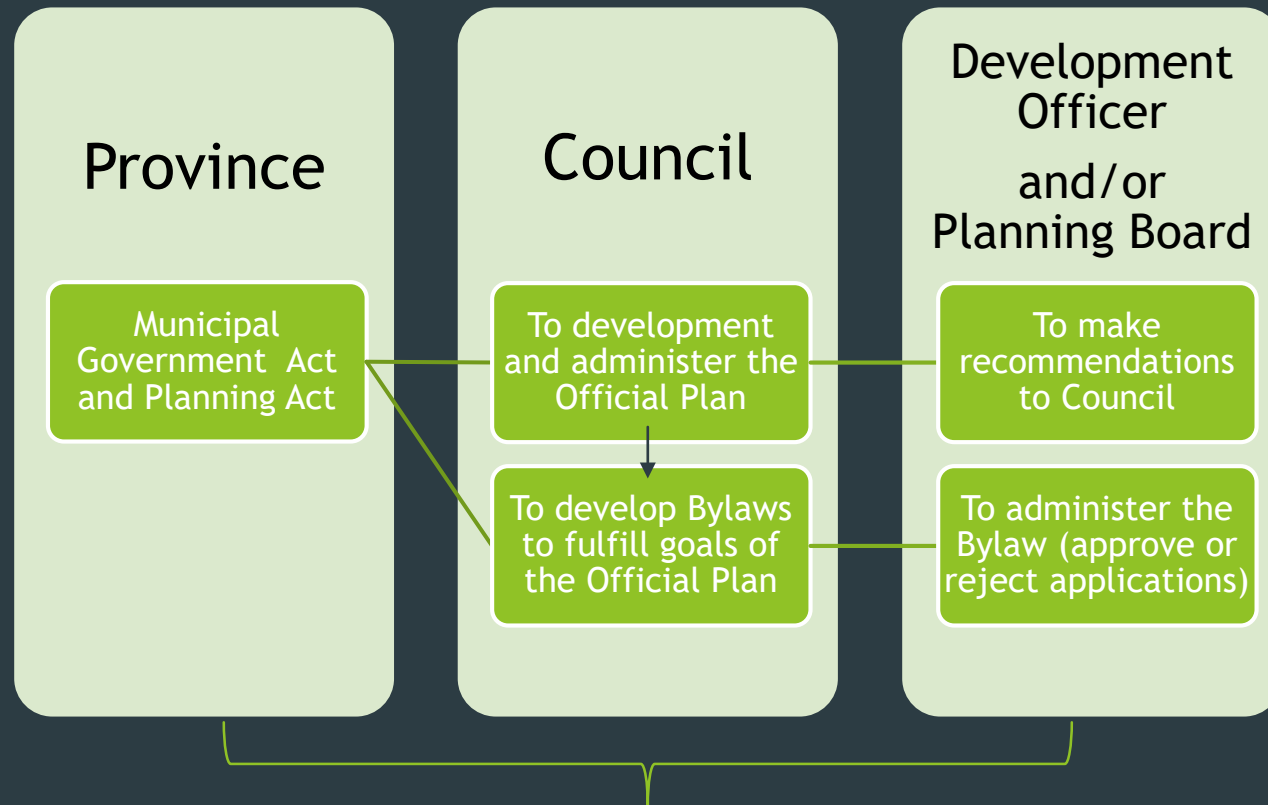
Different “rules” apply to different properties, depending on the zone.

The regulations in the *Bylaw* must be supported the policies in the *Official Plan*



Municipal Planning 101

Everyone has different roles and responsibilities



IRAC (Island Regulatory and Appeals Commission) has responsibilities too:

1. To confirm the 'rules' (in the Act, Official Plan and Bylaw) were followed; and
2. That planning best practices prevailed.

Current Project:

Zoning and Subdivision Control (Development) Bylaw Review

Goal is to review and amend the Bylaw regulations (rules) that don't:

- Support the Official Plan policies or Future Land Use map;
- Align with Provincial regulations; or
- Reflect planning best practices.

We can not make changes to the Bylaw unless the change is supported by the Official Plan.

And, we can not amend the Official Plan in a substantial way without a public review process (required every 5 years).

2: Bylaw: Housekeeping

Same administrative changes as in the Official Plan:

- Change name from Community... to Rural Municipality of... .
- Change reference to *Municipalities Act* to *Municipal Government Act*.

Restructure/Rename Sections to make document more user friendly:

- Move sections around to improve organization and to make the document more user friendly.
- Change the name of some sections to clarify the type of regulations.
- Change symbol of Industrial Zone from M2 to M1.

3: Bylaw Administration

Section 1.4 Authority of the Development Officer (DO)

EXISTING:

DO administers:

- Permit applications and subdivisions (up to 4 lots)
- Variances less than 5%.

Council approves:

- All applications for Commercial, Industrial, Institutional (over 100 sq m);
- multi-unit residential;
- Variances more than 5%;
- Bylaw amendments; and
- Change of use applications.

PROPOSED:

DO administers:

- ALL permit applications and subdivisions that conform to the regulations of the Bylaw. (aka. everything that follows the rules)

Council approves:

- Variances (the exceptions to the rules);
- Bylaw amendments or Rezoning Applications (changes to the rules themselves).
- Special applications where the rules do not apply.

3: Bylaw Administration

Section 1.4 Authority of the Development Officer (DO)

Benefits to Municipality:

- Reduce staff/planning board/Council time (money) spent preparing reports and discussing applications;
- Eliminates arbitrary decisions made by Council; and
- Reduces risk of appeals – if an application is “as of right” the permit should be issued, not debated and left up to a vote by Council.

Benefits to Applicants/Property Owners:

- Improves application processing time;
- Provides improved clarity on property development rights and responsibilities.

4: Bylaw Administration - Appeals

Section 3.18 Reconsideration and Appeals

A person who is unhappy with the administration of the Bylaw whether it is an approval, rejection or approval with conditions...

EXISTING:

... can file an appeal to IRAC.

PROPOSED

... may apply for a RECONSIDERATION.

Council can change the original decision, IF:

1. New material facts or evidence is presented;
2. A change in circumstances has occurred; or
3. The original decision was found to be incorrect.

IF the person is still unhappy, then they file an appeal to IRAC.

5: Application requirements

What drawings/information do you need to submit???

Site Plans and Survey Plans (new section – but not new rules)

A hand drawn site plan provides general information on the proposed location for a development; BUT if the 'exact' location of an existing structure in relation to a lot line is required information, a survey plan must be submitted (as per *Land Surveyors Act*).

Building Design Drawings (new section – but not new rules)

Currently no building design drawings are required for applications; BUT some development requires stamped drawings – therefore verification of stamped drawings must be submitted (as per *Architects Act* and *Engineering Profession Act*).

Surface Drainage Plan (change existing rules)

No longer required for a building with a setback of 15.3 m (50 ft) or more**, when the development will not result in a change of grade within minimum setbacks.

A Surface Drainage Plan will not be required when a Storm Water Management Plan has been pre-approved (at subdivision phase).

*** Note typo in draft that was circulated*

6: Variances See Section 3.15

Variances are exceptions to the rules. As per changes in provincial legislation, a variance can no longer be issued for any regulation in the Bylaw.

Variances can ONLY be granted for:

- Front, side, rear yard setbacks;
- Lot area requirement;
- Lot frontage requirement;
- Lot coverage; and/or
- Building height.

If Council wants to 'vary' another regulation, the application must go through a Bylaw amendment process.

7: Permits are not required for... See Section 3.1

- Removal of vegetation for agricultural and/or forestry practices [necessary as province changed the definition of 'development' which now includes removal of vegetation]
- Ornamental structures – new definition:
 - less than 20 m² (215.8 ft²); no foundation or footings and no connection to utility services; serves “no purpose” other than enjoyment - excludes any *structures* used for storage.
- Temporary structures – new definition and new regulations:
 - No foundation or footings; short-term or seasonal use; and will be removed when no longer used.
 - Regulations include maximum size and separation distances.
 - Max 150 days – otherwise it has to be considered an accessory building.



8: Accessory Apartment See Section 4.3

EXISTING:

- Size may not be larger than 25% of the floor area of the main building (difficult to calculate and enforce).



PROPOSED:

- Size shall be less than 80% gross floor area of dwelling; AND
- less than 80 sq m (861 sq ft) in floor area.

Plus New Regulations:

- You can not have both an accessory apartment IN the dwelling, and in an accessory building on the property.
- Accessory apartments in accessory buildings require a minimum Lot Area of 1.0 acre.

New definition for Accessory Apartment aligns with the National Building Code. Regulations are no longer subject to variances.

9: Accessory Buildings See Section 4.4

Existing regulations are not clear.

Proposed table clarifies the **maximum number of buildings permitted**, **maximum size**, and **maximum combined size for residential properties**.

	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 ft² (this used to be a variance option)



All other land uses (i.e. agricultural, commercial etc.) can treat accessory buildings as a second main building on the lot (unchanged).

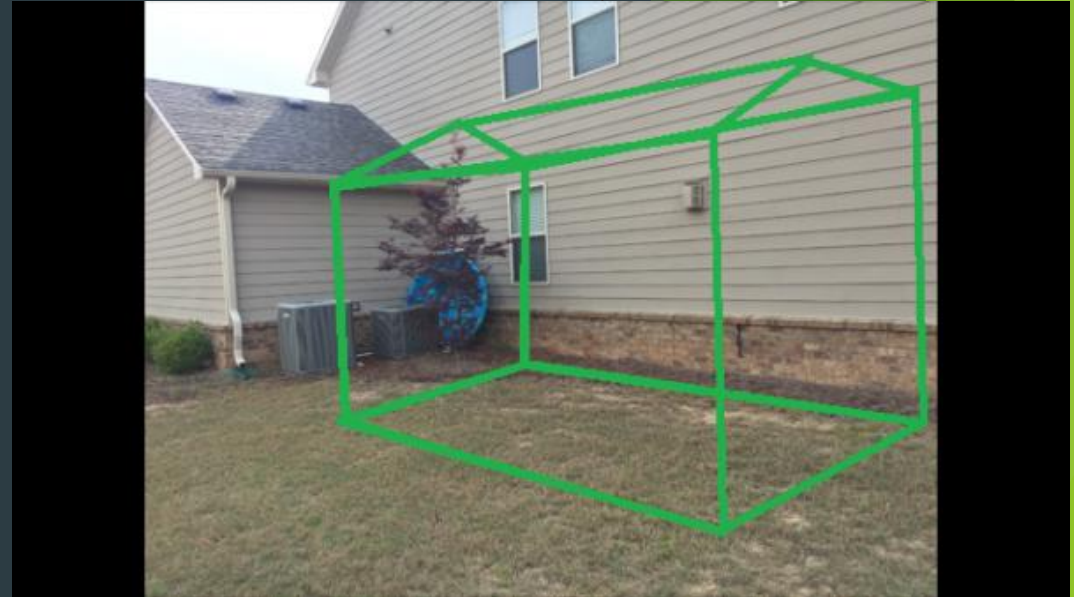
10: Building Separation Distances See Section 4.6

When multiple buildings are on a lot, there will be a **minimum separation distance** between the buildings:

- 20 ft between two main buildings (non residential); and
- 4 ft between a main building and an accessory building

Option to reduce minimum separation distance:

The proposal must meet National Building Code requirements which requires an architect/engineer to design the building with the necessary fire separation for proposed setback.



11: Fences See Section 4.15 and 4.29

New regulations

- Maximum height = 8.2 ft
- No fence may be electrified or barbed wire unless on an active farm

Fences for Pools

- Remove regulation that fences must be “aesthetically presentable and preference is for constructed of wood”



12: Home Occupations

See Section 4.7 - Commercial Uses on Residential Properties

EXISTING:

Prohibited uses include:

- Automobile shop, body shop, service station or repair shop
- Entertainment facility
- Restaurant; and
- Convenience store

Unclear on what is permitted.

PROPOSED:

Permitted uses (subject to the bylaw regulations for home occupations) include:

- Home daycare
- Tourist establishment
- Personal service shop (hair, esthetics etc.)
- Home office
- Custom sewing, craft or production of art
- Multi-level marketing retail sales
- Off-premise catering
- Private lessons or tutoring
- Health and wellness services
- Craft studio

ALL other proposed uses require public notification and Council's approval, and/or a Bylaw amendment.

13: Home Occupations and Vehicles

See Section 4.7 - Commercial Uses on Residential Properties

- A **maximum of 2 commercial vehicles** (registered to a company and/or providing advertisement decals).
- A **maximum of 3 other vehicles** (staff/customer vehicles)

Note: automobile-related home occupations are NOT permitted as of right and require Council's approval.

If an applicant applies for an automobile-related HOME OCCUPATION and Council supports the application these regulations still apply.



14: Land use Edges See Section 4.18

Clarify existing regulations.

A buffer is required between two adjacent land uses.

The buffer can be:

1. 4.6 m (15 ft) landscape buffer (hedgerow or trees); or
2. in absence of a landscape buffer, a fence that forms a visual barrier.

Intent is that a fence is required when no landscape buffer already exists. We do not want people cutting down an existing landscape buffer to build a fence.



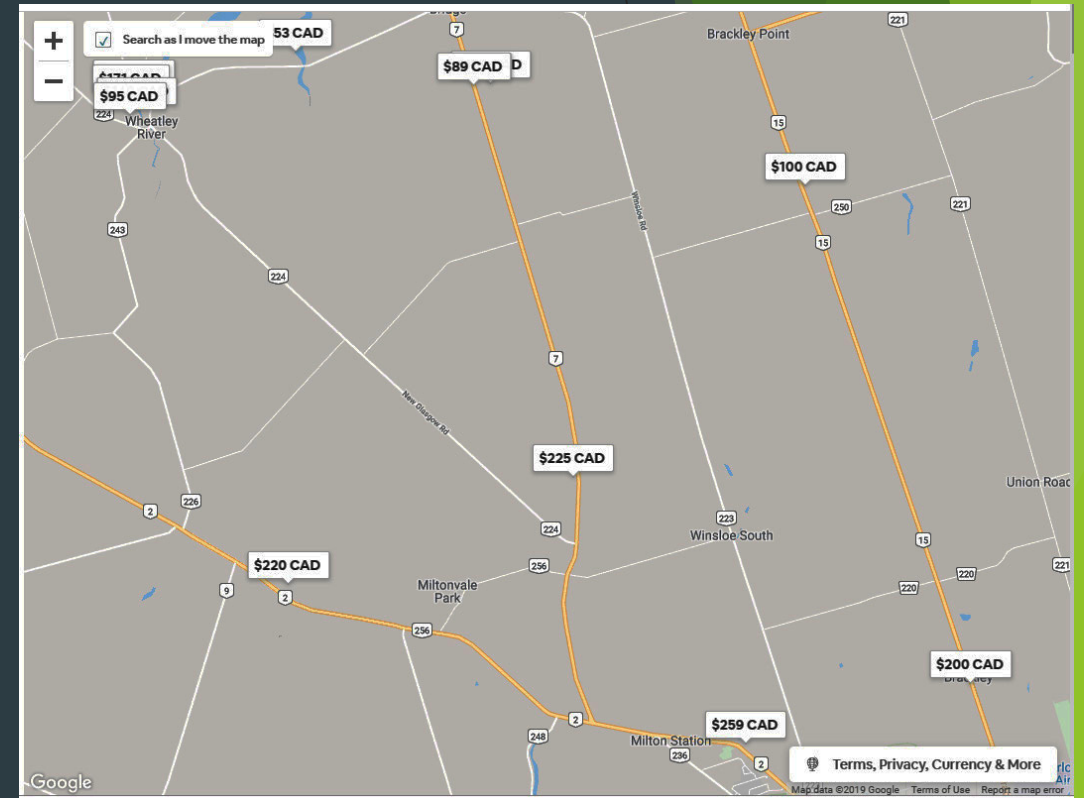
Relax requirement for buffer and/or fence for agricultural uses that are:

1. Crops or forestry uses (no buffer/fence required); or
2. Development that is 75 ft or more from shared boundary with residential use.

15: Tourist Establishments on Residential Properties

Aka. Bed and Breakfasts and Short-term Rentals (AirBnB/VRBO/etc) See Section 4.31

- Include Short-term Rentals under existing regulations for Bed and Breakfasts .
- Require that all Tourist Establishments be licensed (as per *Tourism Industry Act*).
- Require a copy of the license to be submitted to the municipality.
- License number to be included in all advertisements and online posts.
- Parking requirements based on number of rooms for rent, exclude requirement for a short term rental of an entire dwelling.



AirBnB.com Listings
April 11, 2019

16: Prohibited Uses See Section 4.25

Trailer truck bodies and storage containers shall not be used as accessory buildings.



NOTE: This does not prohibit temporary use of these structures up to 60 days OR with written approval from Council; and, does not prohibit the use of these structure incidental to construction, with an approved development permit (Section 4.24).

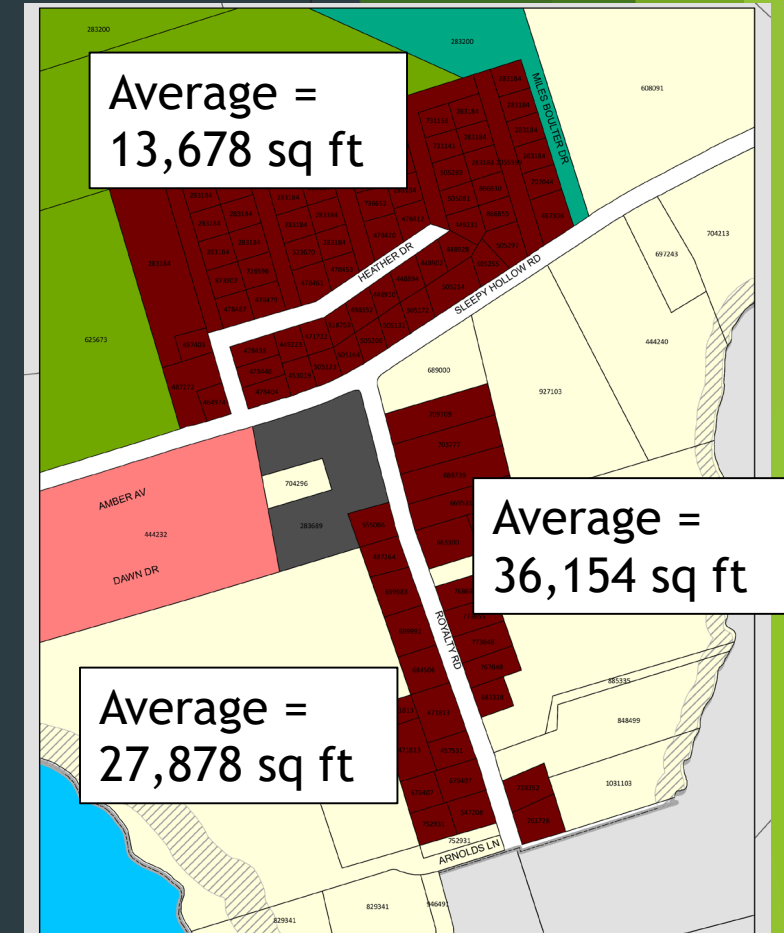
17: Serviced Residential (RS1) Lot Size

See Section 6

Compare lot size requirements of other municipalities for serviced lots and existing average lot sized in the RS1 zone.

EXISTING REGULATION Miltonvale Park (RS1)	20,000 sq ft, 1,858 sq m
Charlottetown	5,812.5 sq ft, 540 sq m
Summerside	7,427 sq ft, 690 sq m
Borden-Carleton	7,500 sq ft, 697 sq m
Cornwall (R1)	7,500 sq ft, 697 sq m
Stratford (R1L)	11,000 sq ft, 990 sq m
Brackley (R1S)	15,000 sq ft, 1,394 sq m
Stratford (R1L)	22,000 sq ft, 2,044 sq m
Cornwall (Rural Residential)	43,560 sq ft, 4,046.8 sq m

Proposed change from 20,000 sq ft (1,858 sq m) to 15,000 sq ft (1,394 sq m).



18: Mini Homes in the Serviced Residential (RS1) Zone

See Section 6:

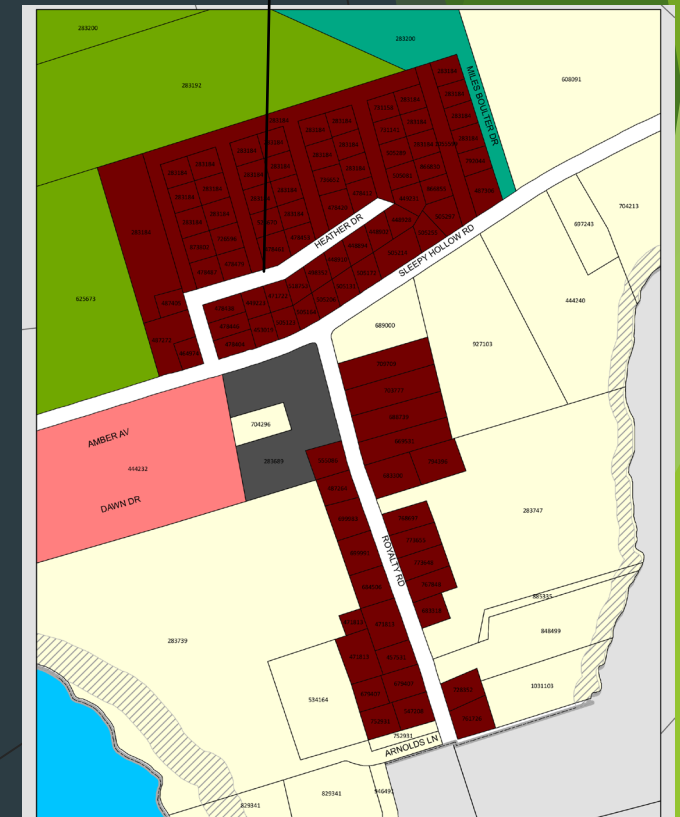
EXISTING:

Mini-homes are currently not a permitted use in RS1 Zone.

A legally existing mini-home may be replaced with a mini-home as long as the exterior dimensions are not increased.

PROPOSED - CHANGES TO DEFINITIONS:

- ▶ **Mini home** means a pre-manufactured *dwelling unit* having a maximum width of 5.0 m (16.4 ft.) and that which is not on a foundation. Mini homes are substantially assembled in a manufactured plant, designed to be transported as one integral unit and placed on a lot for year round occupation, not including appurtenances such as porches, entries, etc.
- ▶ **Modular home** means a *dwelling unit* ~~of at least 5.0 m (16.4 ft.) in width~~, composed of components substantially assembled in a manufacturing plant and transported to the *building* lot for final assembly and installation on a foundation.



19: Land Uses in the Agricultural Zone (A1) See Section 8

EXISTING

Permitted Uses:

- Single detached dwelling
- Mini home
- Modular home
- Accessory building
- Accessory apartment
- *Bed and Breakfast*
- *Duplex dwelling;*
- Craft studio;
- Resource use including barn, stable, other accessory building and residential use directly related to a farm;
- Forestry use;
- Resource commercial use
- Resource industrial uses
- Wind Turbine

PROPOSED

Permitted Uses (to be regulated by lot size):

Permitted in all A1 lots.

Permitted in A1 lots with a lot area greater than 3 acres.

20: Changes to Subdivision Regulations See Section 14

General changes include:

- Process and application requirements clarified;
- Differences between preliminary and final subdivision application requirements.

Storm Water Management Plans (prepared by engineer) will be required:

- For preliminary approval of a subdivision that involves new roads and services (just as engineering drawings for the road and utilities are required at the preliminary stage).
- For final approval of any subdivision of a lot into 2 or more lots

Not required for consolidations or boundary line adjustments.

NOTE that when a storm water management plan is approved at the subdivision phase, the drainage plan requirement is waived for the development permit stage.

