BYLAW # 2024-14-A01

A bylaw to amend the Rural Municipality of Miltonvale Park Zoning & Subdivision Control (Development) Bylaw (2021), Bylaw #2021-14 (the "Bylaw"), relating to zoning, subdivision and development within the Rural Municipality of Miltonvale Park.

This Bylaw is made under the authority of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 and the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED by the Council of the Rural Municipality of Miltonvale Park as follows:

1. Section 3.1 of the Bylaw is amended by

a) the deletion of clause (1)(g) and the renumbering of the subsequent clauses accordingly; and

b) the deletion of the period following "j) Subdivide or consolidate a Parcel or Parcels".

2. Section 3.14 of the Bylaw is amended by the renumbering of the subsections following subsection (7) as subsection (8) and subsection (9).

3. Section 3.15 of the Bylaw is amended by the following:

a) In subsection (5) by the deletion of the words "Amendments to the Official Plan or this bylaw approved by Council also require approval by the Minister responsible for administering the Planning Act."; and

b) In subsection (9) by the deletion of the words ", until the approval from the Minister responsible for administering the Planning Act or any successor legislation has been granted for the necessary amendments" and the substitution of the words "any necessary amendments approved by Council have taken effect."

4. Section 3.17 of the Bylaw is amended by the deletion of subsection (1) and the addition of the following:

1. Any appeal of a decision in respect to the administration of this Bylaw shall be undertaken in accordance with Part V of the *Planning Act*.

5. Subsections 3.18(1) and 3.18(2) of the Bylaw are amended by the deletion of the word "bylaw" and the substitution of the word "Bylaw".

6. Section 4.2 of the Bylaw is amended by:

a) the deletion of the words "when the Side Yard Setback is at least as wide as the minimum required setback for the Main Building" in Clause (2)(e); and

b) the addition of the "or the minimum Yard Setback for the applicable Zone, whichever is greater" following the words "5 m (16.40 ft)".

7. Section 4.3 of the Bylaw is amended by:

a) The deletion of subsection (1) to (7) and the substitution of the following:

"1. The standards for Accessory Buildings shall be as follows:

<table>
<tr><td></td><td colspan="5">All zones</td></tr>
<tr><td>Used for human habitation</td><td colspan="5">Only where a dwelling is a permitted accessory use</td></tr>
<tr><td>More than one Accessory Building permitted</td><td colspan="5">All zones except the O2 Zone</td></tr>
<tr><td></td><td>Farm or Resource Use property, Commercial Zone, Industrial Zone</td><td colspan="4">All other parcels</td></tr>
<tr><td>Located in front yard or flankage yard</td><td>No restriction</td><td colspan="4">Not permitted</td></tr>
<tr><td>Setback from Lot Line</td><td>Zone setbacks apply</td><td colspan="4">1.5 m (4.92 ft) except common garages for semi-detached dwellings</td></tr>
<tr><td>Minimum distance from main building on the lot</td><td>As required under the National Building Code</td><td colspan="4">The greater of 1.5 m (4.92 ft) or any applicable National Building Code standard</td></tr>
<tr><td rowspan="2">Maximum height</td><td rowspan="2">Zone standards apply</td><td colspan="4">4.60 m (15.1 ft) where Lot is less than 0.405 ha (1 acre) or is located in RS1 Zone</td></tr>
<tr><td colspan="4">7.62 m (25 ft) where Lot is equal to or greater than 0.405 ha (1 acre)</td></tr>
<tr><td></td><td>Farm or Resource Use property, Commercial Zone, Industrial Zone</td><td>Lot is < 0.202 ha (0.5 acre)</td><td>Lot is equal to or greater than 0.202 ha (0.5 acre) but less than 0.405 ha (1 acre) or is located in the RS1 Zone and is equal to or greater than 0.202 ha (0.5 acre)</td><td>Lot is between 0.405 ha (1 acre) and 1.22 ha (3 acres)</td><td>Lot is greater than 1.22 ha (3 acres)</td></tr>
<tr><td>Maximum combined gross Floor Area of all Accessory Buildings on Parcel</td><td>No restriction</td><td>10% of the Lot Area</td><td>the greater of 10% or 112 sq m (1,205.6 sq ft)</td><td>10% of the Lot Area</td><td>10% of the Lot Area</td></tr>
<tr><td>Maximum gross Floor Area of an individual Accessory Building</td><td>No restriction</td><td>93 sq m (1,001 sq ft)</td><td>112 sq m (1,205.6 sq ft)</td><td>140 sq m (1,507 sq ft</td><td>186 sq m (2,002 sq ft)</td></tr>
<tr><td></td><td>Residential Lot (including commercial uses on a Residential Lot)</td><td colspan="4">All other parcels</td></tr>
<tr><td>Zone Standards</td><td>Standards of this section apply</td><td colspan="4">Zone Standards for the Main Building apply</td></tr>
<tr><td>Reduced setback in rear yard</td><td>Not permitted</td><td colspan="4">Minimum Setback of 4.57 m (15 ft) if the Accessory Building is less than 600 sq m (6,458.3 sq ft) and is smaller than the footprint of the Main Building</td></tr>
</table>

b) Subsections (6) and (7) shall be renumbered as subsections (2) and (3) respectively.

8. The Bylaw is amended by the deletion of section 4.4.

9. The Bylaw is amended by the deletion of section 4.10.

10. The Bylaw is amended by the deletion of subsection 4.25(2) and the addition of the following:

"2. Without limiting the foregoing, the following uses are not permitted in any zone:

a) satellite dishes greater than 0.61 m (2 ft) in diameter; and

b) Salvage Yards."

11. The Bylaw is amended by:

a) In clause 4.28(1)(a), the deletion of the words 'side or Rear'; and

b) In clause 4.28(1)(b), the deletion of the words 'the front, rear, or side Yards' and the substitution of the words 'any Yard'.

12. The Bylaw is amended by the deletion of subsection 4.31 and the substitution of the following:

"1. A Swimming Pool shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:

a) a Development Permit has been issued for the Swimming Pool;

b) a 1.8 m. (6 ft.) high Fence fully encloses the Swimming Pool and is constructed in such a manner so as to impede unauthorized Persons from entering over or under said Fence;

c) any gate on such Fence is self-closing and self-latching to prevent its opening from outside the fenced area;

d) notwithstanding clause 4.31(1)(b), the Development Officer may allow one or more Buildings to take the place of a portion of the Fence so long as the Swimming Pool is fully enclosed by the Fence and Building(s);

e) The Owner shall satisfy any other conditions related to the Maintenance and safety of the Swimming Pool; and

f) The Swimming Pool shall not be located in a Yard that abuts a Highway."

13. Section 4.34 of the Bylaw is amended by the following:

a) The deletion of the words "energy facilities" in subclause (10)(g)(ii) and the substitution of the words "Energy Facilities"; and

b) The addition of the following after subsection (11):

"12. Section 4.34 does not apply to Wind Energy Facilities with a nameplate capacity equal to or greater than 1 megawatt."

14. Subsection 8.3(1) of the Bylaw is amended by adding 6.0 m (19.7 ft) as the Flankage Yard Setback (minimum) for an Interior Lot.

15. Subsection 9.2(1) of the Bylaw is amended by the deletion of the following words "with a Lot Area of 12,140.57 m^2 (3 acre) or less*".*

16. Schedule 2 of the Bylaw is amended by the following:

a) The deletion of the period and the addition of a comma after the words "intensity of Use or size of a Structure or Building" and the addition of the words "but does not include an excavation pit as defined in the *Excavation Pit Regulations*, EC146/17" at the end of the definition of "Development".

b) The deletion of the definition of "Excavation Pit".

17. Schedule 4 of the Bylaw is amended by the deletion of "excavation pits" and the associated permit fee.

18. Schedule 6 of the Bylaw is amended by the deletion of the existing text and the addition of the updated Part IV Special Regulations D – Stratford Region, Charlottetown Region, Cornwall Region and Summerside Region from the *Planning Act Subdivision and Development Regulations* current to the effective date of this Bylaw.

Readings and Approval

This Bylaw received first reading and formal approval at the Council meeting of _____, 2024.

This Bylaw received second reading and formal approval at the Council meeting of _____, 2024.

This Bylaw was declared to be passed on _____, 2024.

_____	_____
Mayor	Chief Administrative Officer
(signature sealed)	(signature sealed)

Ministerial Approval

This Bylaw, Bylaw 2024-14-A01, is hereby approved.

Dated on this ____day of _____, 202__.

_____

Minister of Housing, Land and Communities