



Public Meeting

Proposed Official Plan and Bylaw
Amendments

March 19, 2024



Rural Municipality of Miltonvale Park
Public Meeting – Official Plan and Bylaw Amendments

Agenda

Meeting Procedures

Official Plan Amendments

- Housekeeping Amendments
- Future Land Use Map: PID 283325 & portion of 658799

Development Bylaw Amendments

- Housekeeping Amendments

Housekeeping Amendments

- Non-Resource Commercial and Industrial and Industrial Zone policies (ss. 8.2.1 & 8.2.5),
- Removal of subsection 9.2.3 (Excavation Pits), and
- Minor wording changes for sections 9.2.2 and 12.8.

Housekeeping Amendments

8.2.1 Non-Resource Commercial and Industrial Land Use Policy

It shall be the policy of Council to continue to support existing non-resource commercial and industrial uses within the Rural Municipality and to encourage the reasonable growth of those businesses, while permitting the limited approval of new non-resource commercial and industrial uses in order to minimize the loss of primary resource lands to non-resource commercial and industrial uses in accordance with subsection 63(10) of the *Planning Act* Subdivision and Development Regulations.

Current Official Plan	Proposed Official Plan
<p>8.2.1 Non-Resource Commercial and Industrial Land Use Policy</p> <p>CI-1. The Development Bylaw will only permit the expansion of existing non-resource based commercial and industrial land uses where the proposed development will not involve the loss of existing resource land for a non-resource use.</p>	<p>8.2.1 Non-Resource Commercial and Industrial Land Use Policy</p> <p>CI-1 <u>The</u> Council shall consider potential impacts on the supply or use of resource lands when reviewing applications for a proposed expansion of existing non-resource based commercial and industrial land uses or for a change from an agricultural to a commercial or industrial designation and zoning.</p>

Housekeeping Amendments

8.25. Industrial Zone Policy

It shall **be** the policy of Council to establish a zone on land designated for industrial uses.

Plan Action:

CI-7 The Development Bylaw will establish a Light Industrial Zone (M1), which shall be applied in areas where non-resource based industrial uses are already in existence.

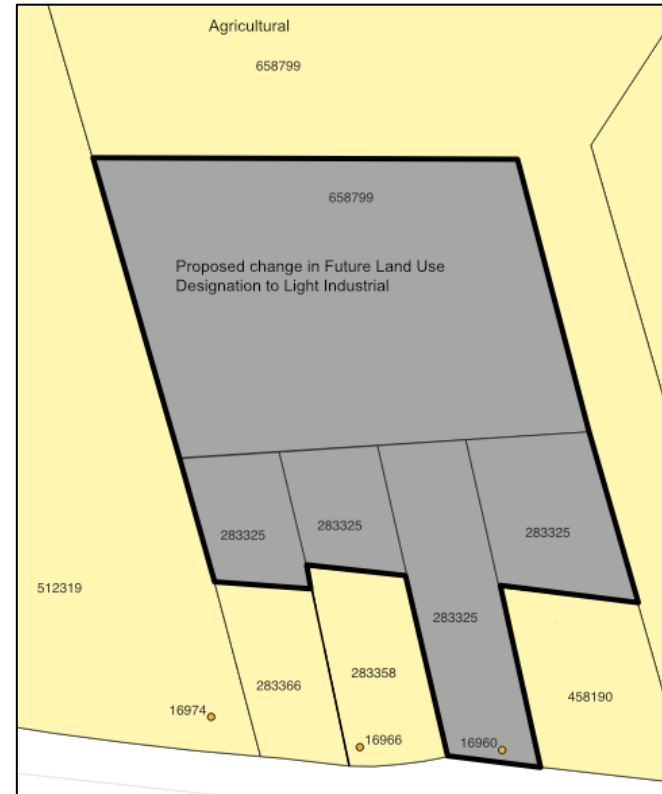
Proposed Addition:

NEW CI-7.1 The Development Bylaw may be amended on application to apply the Light Industrial (M1) Zone to lands determined to be unsuited for primary resource uses, for new small-scale light industrial activities appropriate to a rural area, where the objective of limiting unserved commercial development and the other policies of this official plan can be met.

Housekeeping Amendments

Current Official Plan	Proposed Official Plan	Note
<p>9.2.3 Excavation Pit Policy</p> <p>It shall be the policy of Council to restrict new excavation pits in areas that may present land use conflicts.</p> <p>Plan Actions:</p> <p>P-7 - New excavation pits will not be permitted where potential land use conflicts cannot be mitigated.</p> <p>P-8 The <i>Development Bylaw</i> shall establish standards for excavation pits, including setbacks and buffering.</p>	<p>9.2.3 Excavation Pit Policy (repealed)</p>	<p>Removing from municipal authority to reflect provincial regulations.</p>
<p>12.8 Appeal procedure</p> <p>Any person who is dissatisfied with certain decisions of Council in the administration of the <i>Development Bylaw</i> may appeal to the Island Regulatory and Appeals Commission in accordance with the <i>Planning Act</i>.</p>	<p>12.8 Appeal procedure</p> <p>Any appeal of a decision in respect to the administration of the Development Bylaw shall be undertaken in accordance with Part V of the <i>Planning Act</i>.</p>	<p>Updated to reflect changes to Planning Act.</p>
	<p>The Rural Municipality of Miltonvale Park Official Plan (2021) Appendix B, Future Land Use Map, is amended, as indicated in Figure 1, by the following:</p> <ul style="list-style-type: none"> • The future land use designation of PID 283325 is changed from a combination of General Commercial and Agricultural to Light Industrial; and • The future land use designation of a 1.8-acre portion of PID 658799 is changed from Agricultural to Light Industrial. 	<p>Application first presented in association with the Bylaw Zoning Map in May 2023</p>

Future Land Use Map Amendments



2023 application for rezoning was already brought to the public and Council has considered information presented previously.

Changes to the zoning map must be consistent with the Future Land Use Map in the Official Plan; Council may consider concurrent amendments to the both the Official Plan and Bylaw.

Housekeeping Amendments

- Administrative Corrections
- Removal of Excavation Pits from municipal authority;
- Addition of salvage yards to s. 4.25 (Prohibited Uses); updated pool regulations,
- Yards and setbacks for accessory apartments, ground mounted solar arrays and PURD zone;
- Updates to wind energy and appeal provisions to reflect provincial changes to enactments; and
- New table summarizing accessory building standards.

Housekeeping Amendments

Current Bylaw	Proposed Bylaw	Note
<p>3.1 DEVELOPMENT APPROVAL</p> <p>1. No person shall:</p> <ul style="list-style-type: none"> a) Change the Use or intensity of Use of a Parcel, Structure or Building; b) Locate, place, erect, Construct, or replace a Structure or Building; c) Make structural Alterations, repairs, or additions to a Structure or Building; d) Make a connection to a central or municipal water supply or Sewerage Disposal System; e) Make an underground installation such as a fuel tank, foundation wall or other installation; f) Move or undertake the Demolition of a Structure or Building that is greater than 20 m² (215.28 ft²); g) Establish or operate an Excavation Pit; h) Construct a Highway; i) Place or dump any fill or other material or otherwise Altering the grade of the land; or j) Subdivide or consolidate a Parcel or Parcels; <p>without first applying for, and receiving, a Development Permit or Subdivision approval, as the case may be, except where otherwise specifically provided in this bylaw.</p>	<p>3.1 DEVELOPMENT APPROVAL</p> <p>1. No person shall:</p> <ul style="list-style-type: none"> a) Change the Use or intensity of Use of a Parcel, Structure or Building; b) Locate, place, erect, Construct, or replace a Structure or Building; c) Make structural Alterations, repairs, or additions to a Structure or Building; d) Make a connection to a central or municipal water supply or Sewerage Disposal System; e) Make an underground installation such as a fuel tank, foundation wall or other installation; f) Move or undertake the Demolition of a Structure or Building that is greater than 20 m² (215.28 ft²); g) Construct a Highway; h) Place or dump any fill or other material or otherwise Altering the grade of the land; or i) Subdivide or consolidate a Parcel or Parcels <p>without first applying for, and receiving, a Development Permit or Subdivision approval, as the case may be, except where otherwise specifically provided in this bylaw.</p>	<p>Removal of references to Excavation Pits, which will be regulated by the Province rather than the municipality.</p> <p>Punctuation correction.</p>

Housekeeping Amendments

Current Bylaw	Proposed Bylaw	Note
<p>3.14 VARIANCES</p> <p>6. Planning Board shall consider the application having regard for the criteria in subsection 1, the input received from the public, the policies and objectives of the Official Plan and shall make a recommendation to Council.</p> <p>7. Where Council decides a variance application could have a Significant effect on adjacent Parcels or Parcels in the general vicinity of the Lot, or when Council decides insufficient input has been received, Council may require that a public meeting be held pursuant to the provisions of Section 3.16 of this bylaw.</p> <p>6. When an application for a variance has been decided, the same or a similar variance application for the Lot shall not be heard by Council within one (1) year of its rendering a decision unless Council is of the opinion that there is new information.</p> <p>7. If, after one (1) year of a variance approval, no Development Permit is issued for the Lot or the Development has not been commenced, the variance and any related Development Permit shall be deemed null and void.</p>	<p>3.14 VARIANCES</p> <p>6. Planning Board shall consider the application having regard for the criteria in subsection 1, the input received from the public, the policies and objectives of the Official Plan and shall make a recommendation to Council.</p> <p>7. Where Council decides a variance application could have a Significant effect on adjacent Parcels or Parcels in the general vicinity of the Lot, or when Council decides insufficient input has been received, Council may require that a public meeting be held pursuant to the provisions of Section 3.16 of this bylaw.</p> <p>8. When an application for a variance has been decided, the same or a similar variance application for the Lot shall not be heard by Council within one (1) year of its rendering a decision unless Council is of the opinion that there is new information.</p> <p>9. If, after one (1) year of a variance approval, no Development Permit is issued for the Lot or the Development has not been commenced, the variance and any related Development Permit shall be deemed null and void.</p>	<p>Correction to numbering</p>
<p>3.15 Bylaw Amendments</p> <p>5. Prior to amending this bylaw, Council shall provide public notice and hold a public meeting pursuant to the provisions of section 3.16 in this bylaw and the requirements of the <i>Planning Act</i>. Amendments to the Official Plan or this bylaw approved by Council also require approval by the Minister responsible for administering the <i>Planning Act</i>.</p> <p>[(6)-(8) – no change]</p> <p>9. No Development Permits or Subdivision applications related to a proposed amendment(s) shall be approved by the Municipality, until the approval from the Minister responsible for administering the <i>Planning Act</i> or any successor legislation has been granted for the necessary amendments.</p>	<p>3.15 Bylaw Amendments</p> <p>5. Prior to amending this bylaw, Council shall provide public notice and hold a public meeting pursuant to the provisions of section 3.16 in this bylaw and the requirements of the <i>Planning Act</i>.</p> <p>[(6)-(8) – no change]</p> <p>9. No Development Permits or Subdivision applications related to a proposed amendment(s) shall be approved by the Municipality until any necessary amendments approved by Council have taken effect.</p>	<p>Simplifying language to remain current with any future changes to the Planning Act.</p>

Housekeeping Amendments

Current Bylaw	Proposed Bylaw	Note
<p>3.17 APPEALS</p> <p>1. A person who is dissatisfied by a decision of the Development Officer or Council in respect of an application made pursuant to this bylaw may appeal the decision to the Island Regulatory and Appeals Commission in accordance with section 28 of the <i>Planning Act</i>.</p>	<p>3.17 APPEALS</p> <p>1. Any appeal of a decision in respect to the administration of this Bylaw shall be undertaken in accordance with Part V of the <i>Planning Act</i>.</p>	<p>Simplifying language to remain current with any recent or future changes to the <i>Planning Act</i>.</p>
<p>3.18 OFFENCES AND PENALTIES</p> <p>1. A person who violates any provision of this bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the <i>Planning Act</i>.</p> <p>2. The Municipality is also entitled to enforce this bylaw and restrain any breach of this bylaw in accordance with the <i>Planning Act</i> and the <i>Municipal Government Act</i>.</p>	<p>3.18 OFFENCES AND PENALTIES</p> <p>1. A person who violates any provision of this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the <i>Planning Act</i>.</p> <p>2. The Municipality is also entitled to enforce this Bylaw and restrain any breach of this bylaw in accordance with the <i>Planning Act</i> and the <i>Municipal Government Act</i>.</p>	<p>Capitalizing to indicate a defined term.</p>
<p>4.2 ACCESSORY APARTMENTS</p> <p>2. One (1) Accessory Apartment may be permitted in a detached Building or in an Accessory Building on a Lot with a Single Unit Dwelling if the application meets the following requirements:</p> <p>[(a)-(d) – no change proposed]</p> <p>e) The following site standards for an Accessory Apartment in a detached Building or Accessory Building, shall apply:</p> <p>Permitted location Rear Yard or Side Yard when the Side Yard Setback is at least as wide as the minimum required Setback for the Main Building.</p> <p>Setback from Lot Line (Minimum) 5 m (16.4 ft)</p>	<p>4.2 ACCESSORY APARTMENTS</p> <p>2. One (1) Accessory Apartment may be permitted in a detached Building or in an Accessory Building on a Lot with a Single Unit Dwelling if the application meets the following requirements:</p> <p>[(a)-(d) – no change proposed]</p> <p>e) The following site standards for an Accessory Apartment in a detached Building or Accessory Building, shall apply:</p> <p>Permitted location Rear Yard or Side Yard</p> <p>Setback from Lot Line (Minimum) 5 m (16.4 ft) or the minimum Yard Setback for the applicable Zone, whichever is greater</p>	<p>Cleaning up lot standards for separate accessory apartments such as garden suites</p>

Housekeeping Amendments

<p>4.3 ACCESSORY BUILDINGS AND STRUCTURES</p> <ol style="list-style-type: none"> An Accessory Building shall be permitted on a Parcel but shall not be used for human habitation except where an Accessory Apartment is a permitted Use. <ol style="list-style-type: none"> One or more Accessory Buildings on a Lot are a permitted Use in all Zones, except in the O2 Zone. The combined gross Floor Area of Accessory Buildings on a Parcel: <ol style="list-style-type: none"> Shall not exceed 10% of the Lot Area, or in the case of a Lot under clause 4(b) exceed the greater of 10% or 112 m² (1,205.6 ft²); and Shall be included in the calculation of maximum Lot Coverage as described in the Lot requirements for the applicable Zone. Except on a Farm or Resource Use property or in a Commercial or Industrial Zone, Accessory Buildings and Structures shall not: <ol style="list-style-type: none"> Be located in the front or Flankage Yard; Be closer than 1.5 m (4.92 ft) to a Lot Line, except that common garages for Semi-Detached Dwellings may be centered on a mutual Side Lot Line; Be closer than 1.5 m (4.92 ft) to the Main Building or to another Accessory Building, subject to any limiting distance requirements under the National Building Code; or Exceed 4.60 m (15.1 ft) in height, where the Lot is less than 0.405 ha (1 acre) or is located in the RS1 Zone; Exceed 7.62 m (25 ft) in height, where the Lot is equal to or greater than 0.405 ha (1 acre). Except on a Farm or Resource Use property or in a Commercial or Industrial Zone, the maximum gross Floor Area for an individual Accessory Building shall not: <ol style="list-style-type: none"> Exceed 93 m² (1,001 ft²), where the Lot is less than 0.202 ha (0.5 acres); Exceed 112 m² (1,205.6 ft²), where the Lot is equal to or greater than 0.202 ha (0.5 acres) 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 acres); Exceed 140 m² (1,507 ft²), where the Lot is between 0.405 ha (1 acre) and 1.22 ha (3 acres); or Exceed 186 m² (2,002 ft²), where the Lot is greater than 1.22 ha (3 acres). An Accessory Building on a Lot other than a Residential Lot, and excluding Commercial Uses on a Residential Lot, shall: <ol style="list-style-type: none"> Meet the requirements for the development of a main building within the applicable zone; and May be permitted to be located in the Rear Yard with a reduced minimum Setback of 4.57 m (15 ft), if the Accessory Building is less than 600 m² (6,458.35 ft²) and is smaller than the footprint of the Main Building. No Accessory Building or Structure shall be constructed: <ol style="list-style-type: none"> Prior to the construction of the Main Building to which it is accessory; or Prior to the establishment of the Use of the Lot where no Main Building is to be built. Notwithstanding the above provisions of section 4.3, but after having followed the process in Section 3.14.5 of this bylaw, Council may approve an Accessory Building that is located within the Front Yard or Flankage Yard of a Lot provided Council is satisfied the proposed Structure will be architecturally compatible with adjacent Structures and no permanent injury will be caused to the existing and permitted Uses of adjoining properties. 	<p>4.3 ACCESSORY BUILDINGS AND STRUCTURES</p> <ol style="list-style-type: none"> The standards for Accessory Buildings shall be as follows: <p>[see standards table at bottom]</p> No Accessory Building or Structure shall be constructed: <ol style="list-style-type: none"> Prior to the construction of the Main Building to which it is accessory; or Prior to the establishment of the Use of the Lot where no Main Building is to be built. Notwithstanding the above provisions of section 4.3, but after having followed the process in Section 3.14.5 of this bylaw, Council may approve an Accessory Building that is located within the Front Yard or Flankage Yard of a Lot provided Council is satisfied the proposed Structure will be architecturally compatible with adjacent Structures and no permanent injury will be caused to the existing and permitted Uses of adjoining properties. 	<p>Conversion of standards to table for ease of reference while fixing numbering issue.</p>
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Housekeeping Amendments

Proposed new table for 4.3(1) to summarize standards.

	All zones				
Used for human habitation	Only where a dwelling is a permitted accessory use				
More than one Accessory Building permitted	All zones except the O2 Zone				
	Farm or Resource Use property, Commercial Zone, Industrial Zone	All other parcels			
Located in front yard or flankage yard	No restriction	Not permitted			
Setback from Lot Line	Zone setbacks apply	1.5 m (4.92 ft) except common garages for semi-detached dwellings			
Minimum distance from <i>main building on the lot</i>	As required under the National Building Code	The greater of 1.5 m (4.92 ft) or any applicable National Building Code standard			
Maximum height	Zone standards apply	4.60 m (15.1 ft) where Lot is less than 0.405 ha (1 acre) or <u>is located in RS1 Zone</u>			
		7.62 m (25 ft) where Lot is equal to or greater than 0.405 ha (1 acre)			
	Farm or Resource Use property, Commercial Zone, Industrial Zone	Lot is < 0.202 ha (0.5 acre)	Lot is equal to or greater than 0.202 ha (0.5 acre) but less than 0.405 ha (1 acre) or <u>is located in the RS1 Zone</u> and is equal to or greater than 0.202 ha (0.5 acre)	Lot is between 0.405 ha (1 acre) and 1.22 ha (3 acres)	Lot is greater than 1.22 ha (3 acres)
Maximum combined gross Floor Area of all Accessory Buildings on Parcel	No restriction	10% of the Lot Area	the greater of 10% or 112 sq m (1,205.6 sq ft)	10% of the Lot Area	10% of the Lot Area
Maximum gross Floor Area of an individual Accessory Building	No restriction	93 sq m (1,001 sq ft)	112 sq m (1,205 sq ft)	140 sq m (1,507 sq ft)	186 sq m (2,002 sq ft)
	Residential Lot (including commercial uses on a Residential Lot)	All other parcels			
Zone Standards	Standards of this section apply	Zone Standards for the Main Building apply			
Reduced setback in rear yard	Not permitted	Minimum Setback of 4.57 m (15 ft) if the Accessory Building is less than 600 sq m (6,458.35 sq ft) and is smaller than the footprint of the Main Building			

Housekeeping Amendments

Current Bylaw	Proposed Bylaw	Note
<p>4.25 PROHIBITED USES</p> <p>1. Uses that are not specified as permitted Uses in the Zone shall not be permitted in the Zone unless otherwise indicated.</p> <p>2. Satellite dishes greater than 0.61 m (2 ft) in diameter are not permitted.</p>	<p>4.25 PROHIBITED USES</p> <p>1. Uses that are not specified as permitted Uses in the Zone shall not be permitted in the Zone unless otherwise indicated.</p> <p>2. Without limiting the foregoing, the following uses are not permitted in any zone:</p> <p>a) satellite dishes greater than 0.61 m (2 ft) in diameter; and</p> <p>b) Salvage Yards.</p>	<p>Clarified for the avoidance of doubt that salvage yards are not permitted in any zone.</p>
<p>4.28 SOLAR ARRAYS</p> <p>1. Ground Mounted Solar Arrays shall be permitted in all Zones, subject to the following:</p> <p>a) The minimum Setback to adjacent side or Rear Lot Lines for Ground Mounted Solar Arrays shall be 4.57 m (15 ft) or the height of the Ground Mounted Solar Array as measured from Grade to the highest point of the Solar Array, whichever is greater;</p> <p>b) Ground Mounted Solar Arrays may be placed in the front, rear, or side Yards; and</p>	<p>4.28 SOLAR ARRAYS</p> <p>Ground Mounted Solar Arrays shall be permitted in all Zones, subject to the following:</p> <p>a) The minimum Setback to adjacent Lot Lines for Ground Mounted Solar Arrays shall be 4.57 m (15 ft) or the height of the Ground Mounted Solar Array as measured from Grade to the highest point of the Solar Array, whichever is greater;</p> <p>b) Ground Mounted Solar Arrays may be placed in any Yard; and</p>	<p>Revisions to establish setbacks that apply to all lots lines and yards in which ground mounted solar arrays may be placed.</p> <p>Revision to make language broad enough to capture flankage yards.</p>

Housekeeping Amendments

Current Bylaw	Proposed Bylaw	Note
<p>4.31 SWIMMING POOLS</p> <p>1. A Swimming Pool shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:</p> <p>a) A 1.8 m (5.91 ft) Fence shall be constructed in such a manner so as to impede unauthorized persons from entering the Swimming Pool;</p> <p>b) The gate in the Fence shall be capable of being locked;</p> <p>c) The Owner shall satisfy any other conditions related to the Maintenance and safety of the Swimming Pool; and</p> <p>d) The Swimming Pool shall not be located in a Yard that abuts a Highway.</p>	<p>4.31 SWIMMING POOLS</p> <p>1. A Swimming Pool shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:</p> <p>a) a Development Permit has been issued for the Swimming Pool;</p> <p>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;</p> <p>c) any gate on such Fence is self-closing and self-latching to prevent its opening from outside the fenced area;</p> <p>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);</p> <p>e) The Owner shall satisfy any other conditions related to the Maintenance and safety of the Swimming Pool; and</p> <p>f) The Swimming Pool shall not be located in a Yard that abuts a Highway.</p>	<p>Updates to standard language to address a number of common scenarios.</p>
<p>4.34 WIND ENERGY</p> <p>10. A Development Permit application for a Wind Energy Facility in excess of 100 kilowatts shall include:</p> <p>g) A site plan showing:</p> <p>(i.) Existing and proposed Wind energy facilities;</p>	<p>4.34 WIND ENERGY</p> <p>10. A Development Permit application for a Wind Energy Facility in excess of 100 kilowatts shall include:</p> <p>g) A site plan showing:</p> <p>(i) Existing and proposed Wind Energy Facilities;</p> <p>12. Section 4.34 does not apply to Wind Energy Facilities with a nameplate capacity equal to or greater than 1 megawatt.</p>	<p>Capitalization to indicate defined term.</p> <p>New subsection to address recent changes to Renewal Energy Act Development Permit Regulations.</p>
<p>8.3 REGULATIONS FOR PERMITTED USES</p> <p>1. The following requirements shall apply to single-unit residential & Mini Home Developments in the PURD Zone:</p> <p>vi. Flankage Yard Setback (minimum) (interior) 6.0 m (19.7 ft) (corner)</p>	<p>8.3 REGULATIONS FOR PERMITTED USES</p> <p>1. The following requirements shall apply to single-unit residential & Mini Home Developments in the PURD Zone:</p> <p>vi. Flankage Yard Setback (minimum) 6.0 m (19.7 ft) 6.0 m (19.7 ft)</p>	<p>Added missing Flankage yard setback for interior lots.</p>

Questions and Comments

March 19, 2024



Rural Municipality of Miltonvale Park
Public Meeting – Official Plan and Bylaw Amendments

Next Steps

Comments will be accepted until noon on April 2
Comments can be submitted to the municipal office

The amendments will be considered at Council meetings
scheduled for:

April 17 (Official Plan and Bylaw – first reading)

May 15 (Bylaw – 2nd reading)