

REPORT FOR: Rural Municipality of Miltonvale Park
 DATE: April 9, 2024
 PREPARED BY: Samantha Murphy, RPP, MCIP
 REPORT NUMBER: MVP-2024-01
 SUBJECT: Official Plan and Bylaw Housekeeping Amendments

BACKGROUND

The Rural Municipality of Miltonvale Park undertook a review of its official plan and development bylaw in 2021. As is not uncommon with such processes, a number of amendments and refinements have been identified through the implementation of the new planning documents.

The proposed amendments are summarized in the table included in the appendices. A public meeting was held on March 19, 2024 to review the proposed changes and receive public comment. Written comments were accepted until April 2, 2024.

RECOMMENDATION

The proposed amendments are consistent with sound planning principles and the Rural Municipality’s existing Official Plan and Development Bylaw.

PROPOSED OFFICIAL PLAN AMENDMENTS

Non-Resource Commercial and Industrial Use Policies

In considering an application for a change in zoning/land use designation, it became apparent that Plan Action CI-1 associated with Policy 8.2.1 did not provide for the balancing of any factors when considering the expansion of existing operations, with the decision tied solely to the loss of existing resource lands. The existing wording effectively counters the policy’s goal of permitting the reasonable growth of existing operations, given that most land likely to be considered for the expansion of existing operations would fall into the category of resource lands. Modified language for Plan Action CI-1 would permit a more nuanced consideration of the impacts of a proposed application.

In addition, while Policy 8.2.1 references both existing commercial and industrial uses, Policy 8.2.5 did not include the option to consider a change in zoning to Light Industrial, parallel to and consistent with Plan Action CI-6.

If amended to add the proposed CI-7.1, implementing and administering both plan actions CI-6 and CI-7.1 would involve considering a number of factors when assessing the suitability of land for resources uses during the assessment of applications for a change in zoning, including current, proposed, and adjoining uses, physical characteristics of the site, land use conflicts, buffering, and the economic, social, and environmental context.

Other Housekeeping Amendments

Three other proposed housekeeping amendments remove some wording that might cause interpretational challenges (Policy 9.2.2, Plan Action P-6) and addressed changes to provincial enactments and policies related to excavations pits and planning appeals (section 12.8).

PROPOSED BYLAW AMENDMENTS

Excavation Pits

In light of how the regulation of excavation pits is set out in the provincial Excavation Pits Regulations and the Province's interpretation policy, the Bylaw provisions regarding pits create the potential for jurisdictional challenges. The proposed changes remove excavation pits as a use regulated by the municipality, with changes in section 3.1, section 4.10, the definition of 'development', and in the fee schedule. Going forward, the permitting, licensing, and other regulation of excavation pits would rest fully with the Province.

Provincial Changes

A number of proposed housekeeping amendments address changes to provincial enactments and policies related to planning excavations pits, wind energy, and planning appeals. Other amendments are proposed to ensure the long-term applicability of provisions should other legislative changes be made in the future. The proposed changes affect sections 3.15, 3.17, 3.18, and 4.34.

Typographic Revisions

A number of numbering and formatting changes were identified, including in sections 3.1, 3.14, 3.18 and 4.34.

Clarity of Standards

In a couple of instances, the expression of lot standards was confusing, missing, or duplicated. Proposed changes relate to sections 4.2, 4.3 (substitution of text with a table and correction of numbering), 4.4, 4.28, and 8.3. In the case of section 4.31, more comprehensive language was added for swimming pools and in 9.2, left-over language from the previous bylaw was removed.

Policy Clarification

While the original 2021 Official Plan and Bylaw sought to prohibit salvage yards by excluding them as a permitted use, it is proposed that they be added to section 4.25 for full clarity of intent.

ASSESSMENT SUMMARY

Section 3.16 of the Bylaw establishes criteria to be considered when reviewing applications for bylaw amendments. These include:

Criteria under Development Bylaw ss 3.16	Compliance	Notes
a) conformity with all requirements of this Bylaw;	Consistent	The proposed amendments would facilitate ease of interpretation of the requirements of the Bylaw.
b) conformity with the Official Plan;	Consistent	The proposed bylaw amendments are consistent with Official Plan policies
c) suitability of the site for the proposed Development;	Not applicable	The amendments noted in this report are not site-specific.
d) compatibility of the proposed Development with surrounding land Uses, including both existing and other permitted Uses;	Not applicable	The amendments noted in this report are not site-specific.
e) any comments from residents or other interested Persons;	Weighing required	The public meeting was held on March 19, 2024 and comments were received until April 2, 2024. See below for details.
f) adequacy of existing or proposed water supply system, Sewerage Disposal System, road access, storm water management, electrical services, Parkland for accommodating the Development, and any projected infrastructure requirements.	Not applicable	The amendments noted in this report are not site-specific.
g) impacts from the Development on pedestrian/vehicular access and safety, including public safety generally;	Not applicable	The amendments noted in this report are not site-specific.
h) compatibility of the Development with agricultural, environmental, scenic and heritage resources;	Not applicable	The amendments noted in this report are not site-specific.
i) impact on municipal finances and budgets; and	Not applicable	The amendments noted in this report are not site-specific.
j) other matters as considered relevant by Planning Board or Council.	Not applicable	None identified

Summary of Responses

Public feedback has been received and is considered through the lens of sound planning principles and consideration of both the policies of the Municipality's Official Plan and the public interest. Responses from the public at the March 2024 public meeting and in writing following were primarily focused on the future land use map/zoning application for PID 283325 and a portion of PID 658799 that was also reviewed at that meeting. A few comments did, however, speak to the timing of amendments so soon after a plan review process.

Considerations of feedback

The proposed amendments covered in this Report have been developed for the purpose of clarifying and facilitating the interpretation and administration of the policies in the 2021 Official Plan and the standards in the Development Bylaw and do not represent a shift in policy direction from the priorities identified as part of the 2021 review process.

APPENDIX A – SUMMARY OF HOUSEKEEPING AMENDMENTS – OFFICIAL PLAN

Current Official Plan	Proposed Official Plan	Note
<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 The 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>	<p>Replacement text to the plan action to allow for a more nuanced consideration of factors in light of Policy 8.2.1.</p>
<p>8.2.5 Industrial Zone Policy</p> <p>It shall the policy of Council to establish a zone on land designated for industrial uses.</p>	<p>8.2.5 Industrial Zone Policy</p> <p>It shall be the policy of Council to establish a zone on land designated for industrial uses.</p> <p>[New Plan Action]</p> <p>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.</p>	<p>Missing word in policy statement and addition of a Plan Action missed during 2021 plan review process, mirrors CI-6</p>
<p>9.2.2 General Development Standards Policy</p> <p>P-6 The <i>Development Bylaw</i> shall establish standards for each zone relating to the permitted number, size, and siting of accessory structures and uses, including exempting certain uses or structures from the requirement to seek a permit.</p>	<p>9.2.2 General Development Standards Policy</p> <p>P-6. The <i>Development Bylaw</i> shall establish standards relating to the permitted number, size, and siting of accessory structures and uses, including exempting certain uses or structures from the requirement to seek a permit.</p>	<p>Standards for accessory structures are established in Part 4 as general standards (deletion of the words “in each zone”).</p>
<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>9.2.3 Excavation Pit Policy (repealed)</p>	<p>Removing from municipal authority to reflect provincial regulations.</p>

Current Official Plan	Proposed Official Plan	Note
<p>P-8 The <i>Development Bylaw</i> shall establish standards for excavation pits, including setbacks and buffering.</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 <i>Development Bylaw</i> shall be undertaken in accordance with Part V of the <i>Planning Act</i>.</p>	<p>Updated to reflect changes to <i>Planning Act</i> (replacement of entire section).</p>

APPENDIX B – SUMMARY OF HOUSEKEEPING AMENDMENTS – DEVELOPMENT BYLAW

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>
<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>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</p>	<p>Correction to numbering</p>

Current Bylaw	Proposed Bylaw	Note
<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>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>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 <i>Planning Act</i>.</p>
<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>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>Cleaning up lot standards for separate accessory apartments such as garden suites</p>

Current Bylaw	Proposed Bylaw	Note
<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>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>4.3 ACCESSORY BUILDINGS AND STRUCTURES</p> <p>1. 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.</p> <p>a) One or more Accessory Buildings on a Lot are a permitted Use in all Zones, except in the O2 Zone.</p> <p>2. The combined gross Floor Area of Accessory Buildings on a Parcel:</p> <p>a) 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</p> <p>b) Shall be included in the calculation of maximum Lot Coverage as described in the Lot requirements for the applicable Zone.</p> <p>3. Except on a Farm or Resource Use property or in a Commercial or Industrial Zone, Accessory Buildings and Structures shall not:</p> <p>a) Be located in the front or Flankage Yard;</p> <p>b) 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;</p> <p>c) 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</p> <p>d) 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;</p> <p>e) Exceed 7.62 m (25 ft) in height, where the Lot is equal to or greater than 0.405 ha (1 acre).</p> <p>4. 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:</p> <p>a) Exceed 93 m² (1,001 ft²), where the Lot is less than 0.202 ha (0.5 acres);</p>	<p>4.3 ACCESSORY BUILDINGS AND STRUCTURES</p> <p>1. The standards for Accessory Buildings shall be as follows: [see standards table at bottom]</p> <p>2. No Accessory Building or Structure shall be constructed:</p> <p>a) Prior to the construction of the Main Building to which it is accessory; or</p> <p>b) Prior to the establishment of the Use of the Lot where no Main Building is to be built.</p> <p>3. 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>	<p>Conversion of standards to table for ease of reference while fixing numbering issue.</p>

Current Bylaw	Proposed Bylaw	Note
<p>b) 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);</p> <p>c) Exceed 140 m² (1,507 ft²), where the Lot is between 0.405 ha (1 acre) and 1.22 ha (3 acres); or</p> <p>d) Exceed 186 m² (2,002 ft²), where the Lot is greater than 1.22 ha (3 acres).</p> <p>5. An Accessory Building on a Lot other than a Residential Lot, and excluding Commercial Uses on a Residential Lot, shall:</p> <p>a) Meet the requirements for the Development of a Main Building within the applicable Zone; and</p> <p>b) 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.</p> <p>6. No Accessory Building or Structure shall be constructed:</p> <p>a) Prior to the construction of the Main Building to which it is accessory; or</p> <p>b) Prior to the establishment of the Use of the Lot where no Main Building is to be built.</p> <p>7. 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>		
<p>4.4 SETBACK FROM HIGHWAYS</p> <p>1. The minimum Setback from the Street Line of a Highway shall be:</p> <p>a) 15.24 m (50 ft) from arterial, collector, and local Highways; and</p> <p>b) 5.18 m (17 ft) from interior Subdivision Highways or seasonal Subdivision Highways.</p> <p>2. The minimum Setback from the Street Line of a Private Road shall be 15.24 m (50 ft).</p>	<p>4.4 [repealed]</p>	<p>Setbacks are set out in each zone's requirements</p>
<p>4.10 EXCAVATION PITS</p> <p>1. A Development Permit is required for the operation of an Excavation Pit and shall be subject to annual renewal.</p>	<p>4.10 [repealed]</p>	<p>Excavation Pits to be regulated by the Province.</p>

Current Bylaw	Proposed Bylaw	Note								
<p>2. An Excavation Pit shall not be permitted within the MHP, RS1 or R1 Zones.</p> <p>3. Excavation Pits shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed Development complies with such enactments shall be submitted with a Development Permit application.</p> <p>4. The standards of the <i>Environmental Protection Act</i> Excavation Pit Regulations shall apply and where there is a conflict between those regulations and the requirements of this bylaw, the more stringent standard shall apply.</p> <p>5. The following minimum separation distances shall apply to all new Excavation Pits:</p> <table border="0" data-bbox="142 561 716 943"> <tr> <td>Minimum Setback from a residential, institutional or recreation and Open Space Use, other than a property owned by the Owner</td> <td>300 m (984.25 ft)</td> </tr> <tr> <td>Minimum Setback from Lot Line</td> <td>8 m (26.25 ft)</td> </tr> <tr> <td>Minimum Setback from a Watercourse or Wetland</td> <td>50 m (164.04 ft)</td> </tr> <tr> <td>Minimum Setback from a Highway</td> <td>60 m (196.85 ft)</td> </tr> </table> <p>6. Excavation Pits shall be screened from view from any adjacent Highway either by a growth of trees of sufficient density or by the creation of an earthen berm.</p>	Minimum Setback from a residential, institutional or recreation and Open Space Use, other than a property owned by the Owner	300 m (984.25 ft)	Minimum Setback from Lot Line	8 m (26.25 ft)	Minimum Setback from a Watercourse or Wetland	50 m (164.04 ft)	Minimum Setback from a Highway	60 m (196.85 ft)		
Minimum Setback from a residential, institutional or recreation and Open Space Use, other than a property owned by the Owner	300 m (984.25 ft)									
Minimum Setback from Lot Line	8 m (26.25 ft)									
Minimum Setback from a Watercourse or Wetland	50 m (164.04 ft)									
Minimum Setback from a Highway	60 m (196.85 ft)									
<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> <ul style="list-style-type: none"> a) satellite dishes greater than 0.61 m (2 ft) in diameter; and b) Salvage Yards. 	<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>4.28 SOLAR ARRAYS</p> <p>1. Ground Mounted Solar Arrays shall be permitted in all Zones, subject to the following:</p>	<p>Revisions to establish setbacks that apply to all lots lines and yards</p>								

Current Bylaw	Proposed Bylaw	Note
<ul style="list-style-type: none"> 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; b) Ground Mounted Solar Arrays may be placed in the front, rear, or side Yards; and 	<ul style="list-style-type: none"> 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; b) Ground Mounted Solar Arrays may be placed in any Yard; and 	<p>in which ground mounted solar arrays may be placed. Revision to make language broad enough to capture flankage yards.</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> <ul style="list-style-type: none"> 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; b) The gate in the Fence shall be capable of being locked; c) The Owner shall satisfy any other conditions related to the Maintenance and safety of the Swimming Pool; and d) The Swimming Pool shall not be located in a Yard that abuts a Highway. 	<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> <ul style="list-style-type: none"> 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. 	<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> <ul style="list-style-type: none"> (g) A site plan showing: <ul style="list-style-type: none"> (i) Existing and proposed Wind energy facilities; 	<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> <ul style="list-style-type: none"> (g) A site plan showing: <ul style="list-style-type: none"> (i) Existing and proposed Wind Energy Facilities; <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. New subsection to address recent changes to Renewal Energy Act Development Permit Regulations.</p>

Current Bylaw	Proposed Bylaw	Note
<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) [redacted] (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) (interior) 6.0 m (19.7 ft) (corner)</p>	<p>Added missing Flankage yard setback for interior lots.</p>
<p>9.2 PERMITTED USES</p> <p>1. No Building or part thereof and no Lot with a Lot Area of 12,140.57 m² (3 acre) or less shall be used for purposes other than</p>	<p>9.2 PERMITTED USES</p> <p>1. No Building or part thereof shall be used for purposes other than</p>	<p>Deletion of left-over language from previous bylaw.</p>
<p>Schedule 2: Definitions</p> <p>34. Development means</p> <p>iv. Changing the Use or intensity of Use of a Lot or the Use, intensity of Use or size of a Structure or Building.</p> <p>45. Excavation Pit means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a Highway, or a snow-trap constructed to protect a roadway from snow accumulation;</p>	<p>Schedule 2: Definitions</p> <p>35. Development means</p> <p>iv. Changing the Use or intensity of Use of a Lot or the Use, intensity of Use or size of a Structure or Building</p> <p>but does not include an excavation pit as defined in the Excavation Pit Regulations, EC146/17</p> <p>45. [repealed]</p>	<p>To reflect removal of excavation pits as a use regulated by the Municipality.</p>
<p>Schedule 4: Schedule of Fees</p> <p>Excavation Pit 200</p>	<p>Schedule 4: Schedule of Fees</p> <p>Excavation Pit 200 [row to be removed]</p>	<p>With removal of excavation pits, fee no longer required.</p>
<p>Schedule 6: Special Planning Area Regulations</p> <p>Text of regulations from 2021</p>	<p>Schedule 6: Special Planning Area Regulations</p> <p>Current text of regulations</p>	<p>Updating Schedule to reflect current regulations</p>

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 is located in RS1 Zone			
		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 is located in the RS1 Zone 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			