

Island Regulatory and Appeals Commission
National Bank Tower
134 Kent Street, 5th Floor Charlottetown, PE C1A 8R8

Date: October 24, 2024

Appellants:

David and Eva Mol
Dean and Anne MacQuarrie
Gezinus Vos

RE: Appeal #LA24011 – Gezinus Vos; David and Eva Mol; and Dean MacQuarrie v. Rural Municipality of Miltonvale Park

Matter: Response Regarding Ministerial Approval Notice for Rural Municipality of Miltonvale Park

We are writing with respect to the Rural Municipality of Miltonvale Park's October 16, 2024 correspondence to the Island Regulatory and Appeals Commission and to all relevant parties to this file. The letter states:

[Para 2]

*The Rural Municipality advises that, as of today's date, it has **not** received any decision from the Minister in relation to the matters to which Mr. Zilke refers.*

We draw your attention to the Rural Municipality of Miltonvale Park website:

<https://miltonvalepark.com/category/planning/>

Section:

Official Plan and Development Bylaw Amendments -Public Meeting (March 19, 2024) & Information

We contend that the municipality **was notified** of the Minister's decision. OPA-2024-01 and Bylaw 2024-14-A01 received final Ministerial approval on July 31, 2024. Neither written nor formal notification was issued to the affected appellants or interested parties following approval. The lack of proper notice has raised further procedural concerns from the appellants. Furthermore, as of this date, Council minutes have not been updated on the municipal website since June 19, 2024, affecting notification of such matters in a timely manner to all residents of the community.

Given the importance of transparency and due process, we ask that this letter and the Ministerial approval files be attached to IRAC Appeal #LA24011.

Respectfully,
David and Eva Mol
Dean and Anne MacQuarrie
Gezinus Vos

Rural Municipality of Miltonvale Park

Official Plan Amendment OPA-2024-01

The Council of Rural Municipality of Miltonvale Park, under the authority vested in it by Sections 11-15 and 18 of the *Planning Act* R.S.P.E.I. 1988 Cap. P-8, hereby enacts as follows:

1. The Rural Municipality of Miltonvale Park Official Plan (2021) is amended as follows:

1.1. In subsection 8.2.1. Non-Resource Commercial and Industrial Land Use Policy by:

(a) the deletion of Plan Action CI-1 and the substitution of the following:

“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.”

1.2. In Subsection 8.2.5. Industrial Zone Policy by:

(a) the addition of the word ‘be’ between the words ‘shall’ and ‘policy of Council’ in the policy statement; and

(b) the addition of the following after Plan Action CI-7

“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.”

1.3. In subsection 9.2.2. General Development Standards Policy by the deletion of the words “for each zone” in Plan Action P-6.

1.4. By the deletion of Subsection 9.2.3 Excavation Pit Policy.

1.5. By the deletion of Subsection 12.8 Appeal Procedure and the addition of the following:

“12.8 Appeal Procedure

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

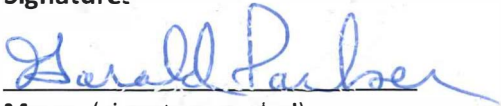
Effective Date

The effective date of Official Plan Amendment OPA-2024-01 is the date as signed below by the Minister of Housing, Communities and Land.

Council Approval:

Official Plan Amendment OPA-2024-01 was approved by a majority of council members present at the Council meeting held on the 17th day of April, 2024.

Signatures



Mayor (signature sealed)



Chief Administrative Officer (signature sealed)

Ministerial Approval

This Official Plan Amendment is hereby approved.

Dated on this 31 day of July, 2024



Minister of Housing, Communities, and Land
Rob Lantz

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:

	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 (1,205.6 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 (6,458.3 sq ft) and is smaller than the footprint of the Main Building			

- 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 m² (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 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 April 17, 2024.

This Bylaw received second reading and formal approval at the Council meeting of May 15, 2024.

This Bylaw was declared to be passed on May 15, 2024.



Mayor
(signature sealed)



Chief Administrative Officer
(signature sealed)

Ministerial Approval

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

Dated on this 31 day of July, 2024.



Minister of Housing, Land and Communities
Rob Lantz