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# 1. INTRODUCTION

## 1.1. Preface

The Municipality of Malpeque Bay has experienced unprecedented growth over recent years. Although the Municipality was incorporated in 1973, no Official Plan and Bylaw were ever instituted to direct property development. The lack of a clear vision and lack of local management over land use were identified as issues, and the Municipality elected to develop an Official Plan and Land Use Bylaw.

This document serves as the first Official Plan for the community. This document together with any Appendices or Amendments constitutes the Official Plan for the Municipality of Malpeque Bay.

The geographic boundaries of the Municipality include the school districts of seven traditional communities: Indian River, Hamilton, Malpeque, Baltic, Spring Valley, Darnley and Sea View.

An essential part of Official Plan preparation is involvement of residents in the planning process. Effective public participation requires effective communications between all stakeholders. For this planning process four modes of communications were established and maintained: public meetings, newsprint, emails and a website. Between 2008 and 2012 over 10 public meetings were held in various locations across the Municipality. The purpose of these meetings was to ensure a wide range of accessibility, to provide opportunities for input, and to focus on various land use issues that had been identified.

## 1.2. Purpose

The Official Plan for the Municipality of Malpeque Bay is a formalized statement of Goals, Objectives, Policies (and Plan Actions) approved by Municipal Council concerning the nature, extent and pattern of land use and development within the community over the next five years (until 2017), and in the long term until the year 2027.

The Community's Goals as set out in the Plan indicate overall policy direction while the Objectives and Policies deal with specific topics and issues. (Plan Actions are statements indicating specific initiatives or directions which will be undertaken to implement the Plan's Policies and Objectives.)

The Official Plan guides the physical, social and economic development of the Community. It provides the policy framework for the Municipality of Malpeque Bay Development Bylaw and policy direction for Council's actions in relation to: economic development initiatives;

public works; social programs; municipal services; environmental standards; and, fiscal management.

### **1.3. Planning Area**

The Official Plan covers all of the geographic area contained within the legal boundaries of the Municipality of Malpeque Bay. Although the Plan formally addresses only those matters which arise within the Municipality's legal boundaries, consideration has also been given to the Community's relationship with neighbouring municipalities, adjacent rural areas, the region and the province as a whole.

### **1.4. Legal Enablement**

The Municipality of Malpeque Bay derives the majority of its powers from the Prince Edward Island *Municipalities Act* and the *Planning Act*. The *Planning Act* empowers Council to appoint a Planning Board, adopt (and amend) an Official Plan and subsequently to adopt implementing land use and development control bylaw. The *Municipalities Act* empowers Council to make other bylaws and/or implement programs and strategies to help implement other aspects of the Official Plan.

### **1.5. Official Plan Review and Monitoring**

An Official Plan is intended to be a dynamic tool and should be subject to continuing review, adaptation and/or amendment in order to meet changing circumstances. The Official Plan will therefore be monitored on an ongoing basis, at least once annually, to ensure its compatibility with changing circumstances. On an annual basis Council will review the Plan's continuing effectiveness, and will recommend changes if necessary. Council may pass resolutions to amend the Plan at any time on a specific needs basis. A formal, comprehensive review shall be undertaken every five years, in accordance with section 15.1(1) of the *Planning Act*. Starting in the year 2017, these comprehensive reviews will include opportunities for residents to continue to provide their input to the process.

### **1.6. Plan Contents**

The Provincial *Planning Act, R.S. P.E.I., Cap p – 8*, requires that an Official Plan shall include:

- A statement of economics, physical, social and environmental objectives;
- A statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years; and
- Proposals for its implementation, administration and the periodic review of the extent to which the objectives are achieved.

This document contains six sections:

1. Introduction
2. The Municipality of Malpeque Bay
3. Future Development Goals
4. Objectives, Policies and Plan Actions

5. General Land Use Plan, and
6. Implementation

The first section deals with the purpose, scope and legal enablement for the Official Plan. The second section summarizes relevant background information and provides a description of the physical, social and economic characteristics of the Community. The third section provides a broad summary of how the Municipality desires to see its development unfold in the future. The fourth section is the core of the document, stating objectives, policies and intended actions for specific topics. The fifth section includes the General Land Use Plan or Official Plan Map. The last section sets out the process for administering and implementing the Official Plan and Development Bylaw.

## 2. MUNICIPALITY OF MALPEQUE BAY

### 2.1. Background

While the Mi'kmaq people have lived in the area for many centuries, European settlement in the area of the Municipality of Malpeque Bay dates from 1728 when Acadians from Nova Scotia settled on the western shores of Malpeque Bay. They occupied themselves almost entirely with agriculture. Fishing was a secondary pursuit. By 1752 the French settlement had grown to 32 households and 201 people. The settlers lived peacefully with the local Mi'kmaq people.

In 1758 the Acadians of Prince Edward Island, then known as Île Saint-Jean, were deported to France several months after the Fortress of Louisburg was captured by the British. The Acadians living in the area of the Municipality of Malpeque Bay managed to escape this deportation and most fled to the mainland. After peace was re-established between Great Britain and France in 1763, some of the fugitive Acadians made their way back to the Island. The present-day Acadians of Prince Edward Island are generally the descendents of these Acadians. For a decade or two a dozen or so of the Acadian families who had returned from the mainland lived in the Malpeque/ Darnley area before relocating to places outside of the present boundaries of the Municipality of Malpeque Bay.

In 1764 the government of Great Britain commissioned a survey of north-eastern North America, and the first colony surveyed was Prince Edward Island, at that time called St. John's Island by the British. Samuel Holland was appointed as one of two Surveyors-General, his territory being that north of the Potomac River. Holland began his survey of St. John's Island in 1764 and completed it in the following year. He divided the Island into three counties, a number of parishes and 67 townships, or lots and three royalties.

Over the next couple of years the British government received a considerable number of applications for land grants on the Island. It responded by carrying out a lottery in July of 1767 when lots were drawn for, and awarded, to various individuals who had held prominent positions in Great Britain or had distinguished themselves as military officers in America during the Seven Years War. Lot 18 was drawn by Colonel Robert Stewart and Captain William Allanby. They had served as military officers in America during the Seven Years War. The individuals who received lots in Saint John's Island were known as "proprietors," and had an obligation to establish settlers on their lots.

Stewart and Allanby (primarily the former) established the first settlers, in what is now the Municipality of Malpeque Bay in 1770. (The boundaries of Lot 18 do not coincide precisely with the boundaries of the present Municipality of Malpeque Bay.) The original settlers came

to Malpeque in the brig Annabella from the port of Campbelltown in Argylshire, Scotland. The following year the brig Edinburgh, chartered by the Stewart family, brought additional settlers from Campbelltown to Malpeque.

A granite monument at Cabot Beach Provincial Park commemorates the arrival of the Annabella in 1770 from Scotland. The monument bears the inscription:

On this shore the barque "Anabella" from Campbelltown, Scotland was wrecked in October 1770. Her passengers, having lost all their possessions, found welcome shelter in French homes. In spite of extreme hardships, these immigrants and their descendants by their faith and courage made worthy contributions to the development of a progressive community, province and country. Sixty families arrived on the Annabella and included such names as: MacArthur, MacDougall, MacGougan, MacIntosh, MacKay, MacKenzie, Murphy (English), Montgomery, Sinclair, Stewart, Smith, Ramsay, Taylor and Woodside. To honour these pioneers and to commemorate the arrival of the Annabella, this monument is erected. (And on the reverse) Additional Names: Allanby, Carr, Inglis, MacKendrick, MacNeill, MacMillan, MacIntosh. (Research conducted since the monument was erected shows conclusively that some of the families named above came on the Edinburgh rather than the Annabella.).

Many of the families that settled in Malpeque eventually became owners of the land that they originally had leased from the proprietors. A tradition of stewardship developed. Descendants of these original families still own significant land holdings within the current Municipality of Malpeque Bay.

The first official meeting of the incorporated Municipality of Malpeque Bay was held at the Malpeque Hall on July 4th, 1973. The geographic boundaries of the Municipality included the seven school districts of Baltic, Darnley, Hamilton, Malpeque, Indian River, Sea View and Spring Valley. The original intent of the Council was to operate a Municipal dump, to set the tax rate, as well as to offer services such as fire protection, garbage disposal and to issue unsightly premises statements.

More recently Council has dealt with the establishment of a local 911 emergency response system and the renaming of roadways within the community. Council continues to provide for fire protection, animal control, to give stipends to Women's Institutes in the area for maintenance and upkeep of their signs and to provide a small bursary to graduating students at Kensington Intermediate Senior High School. A wreath is also laid annually at the cenotaph in Malpeque on behalf of all community residents. A newsletter is run in the local County Line Courier on an as needed basis.

Other activities include support for wildlife habitat improvement and stream and river enhancement programs, erosion control and prevention by the implementation of a tree row planting program (the first such program on P.E.I.).

## 2.2. Site and Situation

The Municipality of Malpeque Bay is located on the North Shore of Prince Edward Island and is a short drive to the Prince Edward Island National Park in Cavendish and all the attractions located nearby. The terrain is composed of gently rolling hillsides and the landscape is highlighted by dramatic water views.

The Municipality is about 25 minutes from the city of Summerside and an hour from Charlottetown. Kensington is the closest town, located only 8 km. away. It offers a variety of services including a post office, schools, stores, restaurants and banking services.

Farming, fishing and tourism have traditionally made up a large part of the local economy. The lovely beaches along the shores are a huge drawing point for residents and tourists. Malpeque Bay to the west of the Community was listed as “A Wetland of International Importance” in 1988, one of first of 37 Ramsar Sites in Canada. It is a shallow bay system protected from the Gulf of St. Lawrence by a 25-km long coastal barrier island dune formation. A one-km wide channel at the eastern tip of the sandspit provides for the main exchange of tidal waters between the bay and the Gulf. The Ramsar Convention site also includes Darnley Basin, a haven for migratory Canada Geese and the Indian River Wildlife Management Area.

The Bay is an excellent area for birds and thus for bird watchers. It is a particularly important habitat for two endangered shorebirds, nesting Piping Plovers; and Red Knots which migrate through in August. It is also an important staging area for very large numbers of geese and ducks during spring and autumn migration periods, and the secluded islands in the bay support a variety of colonial nesting birds. Beach Pinweed, a plant of "Special Concern" is found on Cabot Beach Provincial Park dunes and the baymouth barrier dunes.

The Municipality of Malpeque Bay and the surrounding area offer an abundance of quality accommodations, golf courses and a variety of dining establishments offering fresh local seafood including Malpeque oysters, lobster, mussels and fresh organic vegetables.

## 2.3. Existing Land Use

Approximately 9,700 hectares of land fall within the municipal boundaries of the Municipality of Malpeque Bay. Much of this area is prime agricultural land, directly or indirectly providing a livelihood to many area residents. Data from Statistics Canada does not directly correlate with the Municipality of Malpeque Bay's municipal boundaries, however, the trends evident inside the slightly larger Statistics Canada census subdivision of Lot 18, are indicative of the situation within the Municipality. In 2006, about one fifth of the labour force in the area was employed by agriculture and other resource-based industries.

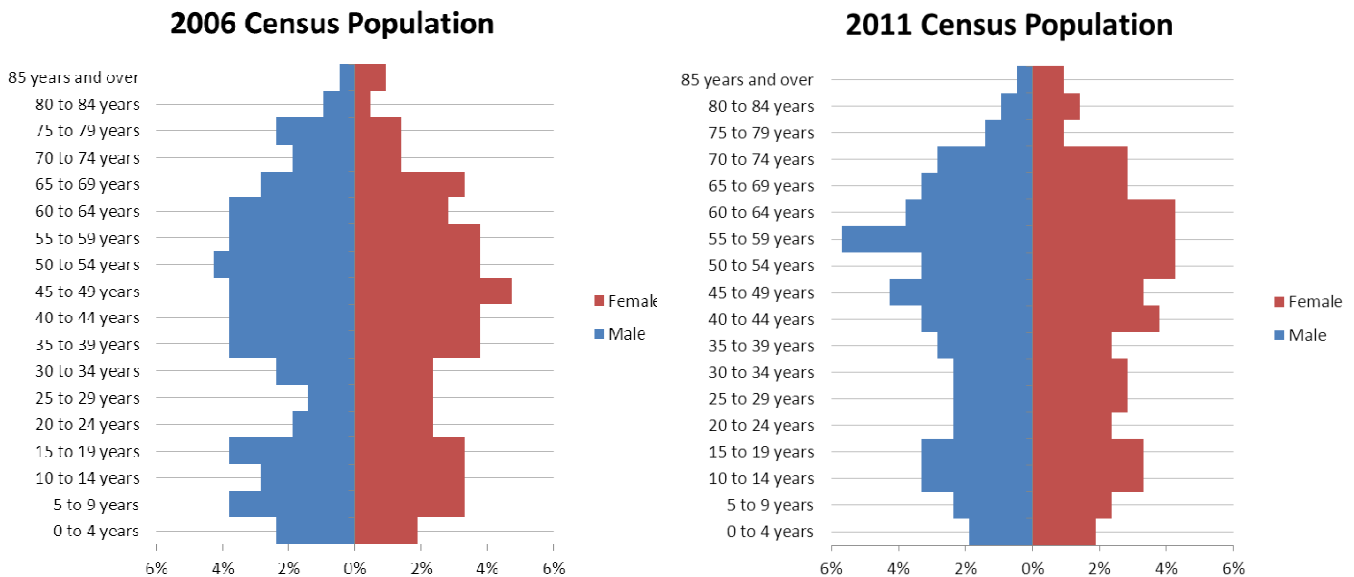
As of the year 2000, 68.7% of the land mass in the Municipality of Malpeque Bay was used for agricultural purposes, while another 16.8% was used for forestry purposes. Wetlands comprised 4.8% of the land mass. Other uses Residential, commercial, industrial and recreational uses account for 4.3% of the land mass.



Even though the Municipality of Malpeque Bay is still a traditional rural agricultural community with a dispersed settlement pattern, much of the recent and anticipated future demand for residential development is occurring along the coast. The demand for attractive coastal developments correlates with the partially seasonal nature of occupancy within the Municipality. Of the 667 private dwellings existing in 2006, 403 dwellings were occupied permanently. Seasonal dwellings are primarily located along the coast.

## 2.4. Population Analysis

The census subdivision encompassing the Municipality of Malpeque Bay had a relatively stable population growth over the last two decades. In the period between 1996 and 2006, the population increased by nearly 6% from 996 to 1055 people living in the area.. However, since 2006 the population has remained constant and was at 1054 persons in 2011. It is interesting to note that while the total population total has not changed from 2006 to 2011, there has been a change in the proportion for each age group. In particular, note the population pyramids in Figure 1. There has been a slight increase in the group aged 20-29 and a large increase in residents those aged 55-59. The increase in the residents age 55-59 may be linked to people returning to the community to retire.



**Figure 1 Population Pyramids**

Simultaneously, household sizes have declined from 2.82 persons per household in 1996 to 2.62 persons per household in 2006. Today, 1,054 people reside within the municipal boundaries of the Municipality of Malpeque Bay, a number that increases substantially during the summer season due to the seasonal influx of cottage dwellers.

## **2.5. Municipal Services / Infrastructure**

All properties within the Municipality are privately serviced. The Municipality does not own any wells or operate any central water supply system. No potential or future municipal well field has been identified at this time. The municipality does not operate any municipal sewage collection and treatment system.

## **2.6. Watersheds and Wellfields**

The Kensington North Watershed area is situated on the north shore of Prince Edward Island, between Malpeque Bay on the west and New London Bay on the east. The Kensington North Watershed Area encompasses several smaller watersheds within the area. It is comprised of sixteen watersheds that empty into the Gulf of St. Lawrence. The Barbara Weit River, Indian River, Oyster Cove and Shipyard River watersheds drain into Malpeque Bay. The Darnley Basin, MacKay's, Adams, Branders Cousins Pond and Campbells Pond along the North Shore drain directly into the Gulf of St. Lawrence. Paynters Creek, Long River, Tuplin Creek, Durant Creek and Harding Creek all drain into the Southwest River system which, along with the French River watershed, drains into New London Bay. This watershed covers all of lot 18, and part of lots 19, 20 and 21. The Town of Kensington and the Municipality of Malpeque Bay are situated within this Watershed, together they cover almost 49% of the total watershed area. The remaining area of the watershed is unincorporated.

Kensington North Watershed covers an area of 20,332 ha. Over 14,000 ha is agricultural land and about 3,365 ha is forested. It is bounded by 130 km of shoreline and it has nearly 130 km of rivers and streams within its watershed. The land in the west half of the Kensington North area covering seven watersheds can best be described as rolling countryside although there are some areas with relatively high slopes. There are only a few locations along the east side of this area that exceed 60 metres above sea level. The remaining nine watersheds in the east are much more steeply sloped than the west. And while elevations do not exceed 60 metres in the southern portion of this area, the land in the northern part of this area does rise to 100 metres near the centre.

A local group, the Kensington North Watersheds Association, is an incorporated body governed by a volunteer board. The group is mainly involved in stream restoration, tree planting and promoting and preserving the integrity of the water.

## **2.7. Transportation**

All roads within the Municipality of Malpeque Bay are owned and maintained by the Provincial Government, with the exception of private cottage driveway lanes and private right-of-ways.

The current storm water management system diverts water from roads and parking areas and channels it to nearby watercourses via a natural and open system of ditches and swales.

## **2.8. Fire Protection**

Fire Protection is provided by the Town of Kensington Fire Department. Equipment operated by the Fire Department includes several pumpers, tankers and rescue vehicles. Close to 30 volunteer fire fighters serve the area. Informal mutual aid agreements are in effect with other Fire Departments in the region.

## **2.9. Policing Services**

Policing services are provided by the Royal Canadian Mounted Police (RCMP).

## **2.10. Institutional Facilities**

This small rural municipality has no hospitals, schools, post offices, or police stations within its boundaries.

The following is a list of churches, institutional halls and community centres:

- Spring Valley Community Hall
- Malpeque Community Centre
- Hamilton Community Hall
- Sea View Community Hall
- Kier Memorial Museum (Former Keir Memorial Presbyterian Church)
- Saint Mary's Church in Indian River (currently home of the Indian River Music Festival)
- Princetown United Church Malpeque

## **2.11. Parks and Conservation**

Residents of the Municipality of Malpeque Bay have access to a wide variety of recreational opportunities. The Prince Edward Island National Park is located nearby, as is access to the Provincial Confederation Trail pedestrian and bike trail. The Kensington Area Snowmobile Club maintains about 16 kilometres of groomed trails in the community. Within municipal boundaries, Cabot Beach Provincial Park is currently owned by the provincial government.

Cabot Beach Provincial Park is the largest park in western PEI. It is located off of route 20, about 16 km north of Kensington. It originated in 1961, when the Government of Prince Edward Island purchased 6.5 hectares of land at Royalty Point. The park has since expanded to include 145.6 hectares of land complete with full camping facilities. This beautiful park has a large day-use area complete with playground equipment, an activity centre where children's programs are offered, and a naturalist on staff who provides guided nature walks. The park also has a supervised beach located on the scenic Gulf of St. Lawrence.

Twin Shores Campground is a privately owned and operated campground located along the North Shore in Darnley. This private campground has developed 600 sites to accommodate camping in both tents and coaches, on a property approximately 40.5 hectares in area. The campground is nestled between two beaches on Profit's Point; the northern beach is a white

sand beach, while the southern side has red sand. Public access to the beach and multi-use facility is offered through day passes.

Several other beaches within the community are accessible via various public roads.

## 3. FUTURE DEVELOPMENT GOALS

As the Municipality of Malpeque Bay has had no prior Official Plan or Bylaw, this initial plan will serve as a foundation for development of land use policies. Zoning and development control will be introduced in this initial Plan and in the accompanying Bylaw.

A portion of the Municipality falls within the Princetown Point - Stanley Bridge Special Planning Area, as designated under the Planning Act. It is the goal of the Municipality to have the Province of Prince Edward Island revoke the Special Planning Area designation on the portion of the Municipality that falls within the Princetown Point - Stanley Bridge Special Planning Area.

### 3.1. Introduction

The goals presented in this chapter are broad statements indicating the overall shared vision of the Municipality of Malpeque Bay's Council, residents and property owners in terms of the future evolution of the Municipality. These goals provide the framework and general direction for the subsequent, more detailed, statements which follow. Development standards that will be established as a result of this Official Plan will conform to provincial regulations and guidelines, in some cases municipal development standards may be more stringent than the provincial standards.

### 3.2. Future Development Concept

The Municipality of Malpeque Bay respects the traditional character of the seven original communities. The Municipality will seek to provide opportunities to protect and enhance existing land uses while embracing opportunities to provide increased societal benefits to both present and future generations.

### 3.3. Goals

#### 3.3.1. *General*

- To protect and enhance agricultural and resource land uses.
- To promote growth and development of land in an organized and efficient manner.
- To preserve the rural character of the Municipality of Malpeque Bay.

#### 3.3.2. *Environmental*

- To protect the quality and supply of ground water and surface water resources in the Municipality.
- To protect and enhance sensitive natural areas in the Municipality.

- To protect and enhance natural beauty and viewsapes in the Municipality.
- To manage storm water run-off in an efficient (safe and cost effective) manner.
- To encourage responsible waste management.
- To encourage and maintain public access to the shore.

**3.3.3. *Social***

- To foster the creation of a safe, efficient, stable and visually appealing residential environment.

**3.3.4. *Economic***

- To protect and enhance the right to farm and the long term viability of agriculture, resource use and aquaculture within the Municipality.
- To create expanded opportunities for commercial and (light) industrial development.
- To maintain sustainable property tax rates for all property owners.

**3.3.5. *Physical***

- To establish a plan for future development which minimizes land use conflicts.
- To enhance and protect viewsapes of the water and scenic rural vistas.
- To encourage the maintenance of a high standard of physical appearance for all properties.

## 4. OBJECTIVES, POLICIES, PLAN ACTIONS

### 4.1. Introduction

This chapter represents the core of the Official Plan. Within the broad policy framework laid down by the previous chapter, the following Objectives provide more precise statements which address specific issues and concerns within the Municipality.

General Objectives:

- To keep productive farm land in active use.
- To ensure a high quality of drinking water.
- To minimize land use conflicts between different land uses.
- To encourage the development of low density housing within the Municipality.
- To facilitate the development of subdivisions in harmony with existing natural features.

Policies and Plan Actions outline the proposed course of action to achieve the performance targets described in the Objectives. Policies indicate with some precision the approach the municipality will take in pursuing its Objectives. Plan actions are concrete measures which implement that approach.

### 4.2. Approach to Zoning

Given that this Official Plan is the first such land use plan for the Municipality, a simple and straightforward approach to zoning is provided to guide development. Four zones have been designated; Agricultural, Coastal, Residential and Parks and Conservation. Land use zones with clearly defined permitted uses will be designated to minimize land use conflicts between zones.

In order to preserve the unique rural character of the Municipality, all other uses, including Commercial, Resort Commercial, Industrial, and Institutional, which are typically covered with fixed zoning designations, will be managed by floating zone designations. Floating zones are zoning designations that are described in the zoning bylaw, but have not necessarily been indicated on the zoning map. The zone “floats” over the community until it is affixed to a particular area through an amendment to the zoning map. The floating zone regulations will clearly define under what circumstances the zone may be established by Council. The establishment of a particular floating zone will be based on whether the conditions of the floating zone have been met. Floating zones will list permitted uses. Some

types of development will require an application to Council for a special permit use. The bylaw will outline the process for special permit applications.

Legal land uses that are occurring on the date of implementation of this Official Plan are permitted to continue as legal nonconforming uses. The Development Bylaw will further define and will outline legal nonconforming uses.

All zoning will be in accordance with the General Land Use Plan.

The Development Bylaw shall:

- Establish the process for re-zoning
- List permitted uses within each zone
- Establish standards for all new development
- Define a permitting process for all new development
- Establish criteria for subdivision design including building density and lot size, location of utility lines and potential preservation of viewsapes.
- Establish a process of public notification, to be outlined in the bylaw.

#### **4.3. Agriculture and Resource Use**

The Municipality of Malpeque Bay is blessed with a generous amount of the very best agricultural land on Prince Edward Island. A large portion of the municipality is intensively farmed prime agricultural land, and many residents derive a significant portion of their livelihood from agriculture, either directly or indirectly. Agriculture is seen as a foundation of the local economy. Approximately 9,712.5 hectares of land rest within Municipal boundaries. Given the size of the municipality and moderate growth rates, it is evident that farming activity will continue to be a significant land use for many years to come. As development pressures grow, the potential for poor land management grows as well. Through this plan, the Municipality will endeavour to minimize the loss of farmland and to reduce potential land use conflicts. Council will represent the interests of the Municipality, and it will strive to maintain effective buffers between intensive agricultural activities and other uses. Established farming operations shall be protected from cumulative encroachment. The right to farm and to protect farmland from encroachment will be protected and enhanced through policies developed in the Official Plan and regulations in the Development Bylaw.

Objectives:

1. To keep productive farm land in active use.
2. To support the long term economic viability of farming.
3. To minimize land use conflicts between farmers and residents.
4. To encourage active dialogue and exchange of information between farmers, residents and business operators.
5. To encourage environmentally sustainable and responsible agricultural land use practices.



6. To support emerging initiatives of the agricultural community and the provincial government to develop and implement a course of action leading to an innovative and competitive future for agriculture.

*Policies:*

**Policy AR-01 Agricultural and Resource Zoning**

An area will be identified and zoned primarily for agricultural, forestry and resource use. This will include all currently productive lands with the exception of those areas contained within the coastal, parks and conservation or residential zones. Agricultural zoning provisions will be developed to protect agricultural interests and to maintain productive land in viable agricultural production.

Action:

- To establish an Agricultural Resource (AZ) zone.
- Zoning shall be in conformance with the General Land Use Plan.
- The Development Bylaw shall designate as Agricultural Resource (AZ) all lands not located in the coastal, parks and conservation or residential zones. The bylaw shall list permitted uses within the AZ zone.

**Policy AR-02 Agricultural Advisory Committee**

The Development Bylaw shall establish criteria for resource based uses, including agricultural, fishing and forestry uses. A committee will be formed to advise council on Land Use issues.

Action:

- To establish an Agricultural/Land Use Advisory Committee to advise Council and to facilitate communication and dialogue on issues and opportunities related to land use.

**Policy AR-03 Sustainable Agricultural Practices**

Farming practices that protect soil and water resources will be promoted, and Council will work to promote an awareness of the local services and products that are available in the area.

Action:

- To encourage the economy of the municipality, Council will work to establish and maintain a list of locally produced services and products to enable residents and visitors to source locally grown and harvested food products as well as local services.
- Council will work with community groups, organizations and with other levels of government to promote sustainable agricultural initiatives to protect and enhance soil and water resources.
- Council shall work with the Province to protect natural vegetation adjacent to streams, wetlands and other water courses.

- Council shall work with the staff of the Minister responsible for the Environment to ensure that surface water resources within municipal boundaries are protected from degradation, and to establish buffer zones to protect streams, wetlands and watercourses.
- Council will work to establish a process of public notification when applications to subdivide or develop agricultural land are being processed.

#### **Policy AR-04 Intensive Agriculture**

Existing intensive agricultural operations shall be protected from encroachment. Intensive agricultural activities shall generally be contained to the Agricultural Resource (AZ) zone.

Action:

- Residential development shall not be permitted in close proximity to existing intensive livestock operations.
- No intensive agricultural uses will be permitted within the Residential zone.
- The Development Bylaw shall define “intensive agriculture” uses.

#### **Policy AR-05 Commercial Agriculture**

Certain commercial activities which are related to farm operations shall be permitted to locate in the Agricultural Resource zone, subject to Council review and approval. Applications for Commercial Agricultural or Resource use may be submitted to Council for review

Action:

- Commercial uses permitted in the Agricultural Resource (AZ) Zone shall be those directly related to the production or sale of products from local agricultural operations, which will include small roadside fruit and vegetable stands and greenhouses. Council will consider establishing a maximum physical size for commercial agriculture facilities. Adequate parking and safe ingress and egress shall be required.
- The Development Bylaw will outline permitted uses and special permit uses within the Agricultural zone.

#### **Policy AR-06 Limits to Subdivisions**

Within the Agricultural Zone, residential subdivision will be limited to a maximum of 5 lots to preserve the important resource of arable agricultural land and to minimize the potential for land use conflicts between agricultural and residential or recreational I uses.

Action:

The Development Bylaw will outline subdivision provisions within the Agricultural zone.

### **4.4. Coastal Zone Development**

Malpeque Bay is a large beautiful bay that drains into the Gulf of St. Lawrence. The adjacent waters are sheltered by a series of sand bars and islands that protect the area from storms coming in from the Gulf. The Municipality of Malpeque Bay intends to promote

coastal development that respects the traditional landscape and viewsapes. Recent residential growth has been characterized primarily by single family homes and seasonal dwellings located along coastal areas. It is anticipated that this pattern will continue. In acknowledging the potential for residential growth, Council will work to minimize potential land use conflicts.

The land bordering the periphery of, and adjacent to, larger bodies of water within the municipality will be zoned Coastal. Coastal zoning addresses water viewsapes, and will address the potential for seasonal and tourism based development. This zone permits residential subdivision at a larger scale. When a residential subdivision having lots less than 0.8 hecatres in area is created, the lots will be rezoned to Residential Zoning. The process for rezoning will be outlined in the Bylaw. Within the Coastal Zone agricultural uses are permitted with conditions as defined in the Development Bylaw.

Currently a number of subdivisions, including cottage lot subdivisions, are located primarily within the coastal areas of the municipality. Approximately 62 subdivisions (consisting of about 1,250 lots) have been approved and/ or developed in various phases. The vast majority of building lots (about 1,100) are located in the coastal development area, and most of these are approved for seasonal use only. Development of new subdivisions greater than 5 lots will be required to locate in the Coastal Zone. Agricultural activities, together with forestry and resource uses will continue to be the dominant economic activities in this zone. Low density residential development will be permitted within the Coastal Zone.

**Objectives:**

1. To ensure availability of suitable land to meet present and future demands for subdivisions, cottages, houses and apartments.
2. To establish residential development standards which stress safety, efficiency, aesthetic appeal, land use compatibility, buffering, and to promote a healthy lifestyle.
3. To ensure a high quality of water in adequate quantities for all residents.
4. To create common green space.
5. To manage priority landscape and viewscape lands by preserving them and enhancing them to the extent feasible.
6. To facilitate future development of subdivisions in harmony with the existing natural features.

**Policies:**

**Policy C-01 Coastal Zone**

Sufficient land will be designated in order to accommodate the projected housing needs of the community for the period of this plan. Residential development shall be encouraged to take place away from Agricultural and Resource areas. Subdivision of land to residential lots of 0.8 hectares or less will entail a re- zoning process, which will be outlined in the bylaw.

**Action:**

- To establish a Coastal Zone to accommodate residential development in the coastal area as defined in the bylaw.
- The Development Bylaw shall establish criteria for Coastal Zone land uses.
- The Development Bylaw shall establish criteria for floating zones. Zoning shall be in conformance with the General Land Use Plan.

### **Policy C-02 Residential Development Standards**

Residential development standards relating to building height, setbacks, parking, buffering and other matters will be established in the Bylaw in order to enhance the health, safety and convenience of residents. The growth and development of subdivisions will be monitored by Council on an annual basis.

#### **Action:**

- A Subdivision Control Bylaw will be established as part of the Development Bylaw.
- The Development Bylaw will establish low residential density designations.
- Subdivision lots will be subject to the provincial minimum lot size. In accordance with the provincial regulations, the Development Bylaw will establish residential development standards relating to lot sizes, lot coverage, set backs, servicing, parking and open space, buffering, and other related matters.
- The Development Bylaw will define a permitting process for all new development.
- The Development Bylaw will establish development standards for all new development.

The Development Bylaw shall establish residential development standards relating to subdivisions in coastal zone areas with special regard for location of parklands, public spaces and future beach accesses.

### **Policy C-03 Green Space**

Council shall facilitate future public access to the shoreline by creating green space common areas which may in future be developed into designated shoreline access points.

#### **Action:**

- The Subdivision Development Bylaw shall establish criteria for parkland/ open space/ green space/ beach access. When subdivisions over 5 lots are created in the coastal zone, the Municipality shall have the option to require that the developer shall set aside and deed to the municipality 10% of the total area as green space and continue to provide beach access where applicable.

### **Policy C-04 Viewscapes**

Developments in the Coastal Zone will take into account areas that will be identified as priority landscapes or view planes. The visual and environmental impacts of coastal development will be mitigated to the extent feasible.

#### **Actions:**

- The Development Bylaw shall establish criteria for subdivision design, including lot size, maximum building size, location of utility lines, and preservation of (designated) viewscales.

### **Policy C-05 Special Planning Area**

The Planning Act, Part IV, Special Regulations – regulates the subdivision of land in the portion of the Municipality that falls within the Princetown Point - Stanley Bridge Special Planning Area. After the Official Plan and Bylaw are formally adopted, the municipality will administer its portion of the Special Planning Area, in accordance with applicable provincial regulations and with the Bylaw. Council will take immediate action to formally apply to the Province to rescind the current Special Planning Area designation for all lands within the Municipality.

#### **Action:**

- Council will zone its portion of the the existing Special Planning Area as a Coastal (CZ zone).
- Subdivision and development in this area will be consistent with zoning designations for the Coastal Zone, in keeping with applicable bylaw and regulations.

### **4.5. Residential**

The Municipality of Malpeque Bay has a generally dispersed pattern of settlement throughout the Municipality. A wide variety of seasonal and permanent single family homes exist, ranging from traditional farmhouses to modern energy efficient homes. Individual lot sizes vary as well. In acknowledging the opportunity to promote residential growth, Council will work to minimize potential land use conflicts.

In order to accommodate current development and to plan for future housing development a Residential Zone will be established to protect the integrity of residential lots and to minimize future land use conflicts. Low density residential development will be permitted within the Residential (RZ) zones. Policies will be established to create uniform residential lot and building standards. Minimum lot sizes must conform to the provincial standards which are in effect under the *Planning Act*.

In accordance with the Development Bylaw, any lot under 0.8 hectares in size will be zoned Residential, regardless of its location within Municipal Boundaries. Some lots over 0.8 hectares in area that are located within residential subdivisions will be zoned residential as well. The lot size 0.8 hectares was chosen to minimize the potential for land use conflicts. On lots larger than 0.8 hectares there is potential for more space between buildings and land uses, and conflicts are less likely to occur. On lots smaller than 0.8 hectares, the potential space between buildings is limited and conflicts could be more likely to occur. Residential zoning offers a higher level of regulation than other zones and should reduce the possibility of land use conflicts between differing uses. In the Residential zone, home offices are permitted with conditions as defined in the land use bylaw.

Objectives:

1. To minimize conflicting land uses between residential and other uses.
2. To encourage development of low density residential housing within the municipality.
3. To establish residential development standards which stress safety, efficiency, aesthetic appeal, land use compatibility and fostering of a healthy lifestyle.
4. To enable the continued development of large lot, on site serviced residential areas.

*Policies:*

**Policy RS-01 Residential Zoning**

A zone will be created to address low density residential development.

Action:

- Land shall be re-zoned to Residential from Agricultural Resource and from Coastal subject to Council approval. The Development Bylaw shall establish the process for re-zoning.
- The Development Bylaw will establish minimum and general maximum (0.8 hectares) lot size for all lots within the Residential zone. (Some exceptions will apply to minimize conflicting land uses.)
- Residential zoning shall be in conformance with the General Land Use Plan.

**Policy RS-02 Residential Development Standards**

Standards relating to lot sizes, height restrictions, setbacks, parking, buffering and other matters to enhance health, safety and convenience for residents will be established.

Action:

- The Development Bylaw shall establish a Residential Zone which will encompass single family and duplex development. The Development Bylaw shall establish residential standards and policies to ensure the long-term viability of on site or common waste water treatment systems and on site or common water systems, and to ensure the protection of groundwater supplies.

**Policy RS-03 Residential Density**

It shall be the Council policy to maintain the existing low density character of the community, while promoting a mix of housing options in the Community. Council shall consider expanded opportunities for residential development, but in a form and scale which will not conflict with the existing low density character of the Community.

Action:

- The Development Bylaw shall zone land consistent with the General Land Use Plan.
- The integrity of existing low density residential areas will be protected.
- The Development Bylaw will zone land for low density residential use which is appropriate in size and location and in conformance with the General Land Use Plan.

- Provisions will be made in the Development Bylaw for elements such as landscaping, buffering, useable on-site amenity space, setbacks, and parking.

#### **Policy RS-04 Home Offices**

In-home occupations that have no significant negative impact on adjacent properties or in the immediate vicinity will be permitted. In home offices will be a permitted use within the residential zone.

##### **Action:**

- The Development Bylaw shall establish criteria and standards for operation of home offices. Standards will limit the potential for conflicts such as noise, hours of operation, square footage, number of employees, parking, signage, physical changes to the structure and any other factors which may be an impediment to the functioning, safety, convenience or enjoyment of neighbours.

#### **Policy RS-05 Small Scale Agriculture**

Small scale agricultural uses will be permitted within the Residential Zone, provided there is no significant negative impact on adjacent properties or in the immediate vicinity.

##### **Action:**

- The Development Bylaw shall establish criteria and standards for operation of small scale agriculture uses for example, the keeping of hens and chickens, small stables for horses and ponies.

### **4.6. Parks and Conservation**

Beautiful scenic views and the working agricultural landscape are part of what attracts residents and visitors to the Municipality of Malpeque Bay. Access to beaches and shoreline are currently available to the public at Cabot Beach Provincial Park and, for a fee, at Twin Shores Campground. Council will work to encourage and promote opportunities for residents and visitors alike to access beaches and to enjoy recreational and cultural activities, whether they choose to spend time on a secluded stretch of beach, enjoy some live music at a festival, or dine on some of the finest shellfish available anywhere in the world.

##### **Objectives:**

1. To maintain and promote the Municipality of Malpeque Bay as a tourism destination area.
2. To provide a variety of recreational opportunities for both residents and visitors.
3. To increase awareness and enjoyment of our cultural and natural heritage resources (such as community halls, dwellings, churches, museums, graveyards, archaeological sites and natural areas).
4. To encourage restoration and preservation of the natural and built environment.

*Policies:*

**Policy PC-01 Zoning**

Council will work to preserve and enhance the natural and cultural qualities, particularly landscapes with views of the shoreline, beaches and natural areas by designating a Parks and Conservation Zone.

Council will work with residents and to identify and preserve priority coastal natural areas for the passive recreational enjoyment of residents and visitors.

Council will work to establish future public access to natural areas and to reduce any negative impacts of such access to environmentally sensitive coastal areas.

Action:

- The Development Bylaw will designate a zone for parks and conservation, which may include highlighted viewscales.
- All land which is owned by the Province of Prince Edward Island or by the Government of Canada within and around Cabot Beach Provincial Park will be zoned Parks and Conservation.

**Policy PC-02 Recreation**

Council will pursue opportunities to facilitate recreational activities, such as fishing, hiking and cycling trails. Council will work with the Province to maintain Cabot Beach Park as a 'Natural Area' and to develop a management plan for it.

Action:

- Council will work with PEI Trails Inc. and the Province to identify, enhance, publicize and promote use of roads and trails suitable for cycling or hiking.
- Council will address the long term future of Cabot Beach Park with the Province of Prince Edward Island.
- Council will welcome sustainable and responsible recreational fishing, hunting and trapping activities.
- Council will collaborate with Regional and Provincial tourism associations to develop future tourism promotions and initiatives.

**Policy PC-03 Heritage Resources**

Council will research, identify and work to preserve the natural and built heritage resources of the Municipality of Malpeque Bay.

Action:

- Council will work with government and non-government organizations towards maintaining and enhancing Cabot Beach Provincial Park as a priority coastal natural area, to be preserved in perpetuity.
- Council will work with the Kier Memorial Museum to identify and research significant heritage resources.



- Council will establish, publish and maintain a list of businesses and establishments associated with tourism and recreation.
- Council will encourage restoration and preservation of natural heritage resources (such as community halls, dwellings, churches, museums, graveyards, archaeological sites, and natural areas).

#### **4.7. Commercial**

A floating zone will be established in the Development Bylaw to address commercial land use.

Objectives:

1. To encourage new commercial development within the municipality.
2. To ensure that commercial developments are of a high quality in terms of appearance, traffic safety and of compatibility with adjacent land uses.
3. To minimize conflicts between commercial development and established land uses.
4. To meet objective standards for development as outlined in the Development Bylaw.

*Policies:*

##### **Policy CM-01 Commercial -**

Council may permit limited commercial uses (which are related to agriculture or resource operations) subject to a rezoning process. The Development Bylaw shall contain “floating zones” which will encourage rezoning applications for Commercial development. Council will determine if the development is appropriate in terms of compatibility, size, scale, visual appearance, access, buffering and effects on the environment.

Action:

- The Development Bylaw will set out standards for commercial use. The Development Bylaw will set out the application process, the rezoning process, including fees and public notification.

#### **4.8. Industrial**

A floating zone will be established in the Development Bylaw to address Industrial land use.

Objectives

1. To encourage new industrial development within the municipality.
2. To ensure that industrial developments are of a high quality in terms of appearance, traffic safety and of compatibility with adjacent land uses.
3. To minimize conflicts between industrial development and established land uses.
4. To meet objective standards for development as outlined in the Development Bylaw.

*Policies:*

**Policy IN-01 Industrial**

Council may permit limited industrial uses (which are related to agriculture or resource operations) subject to a rezoning process. The Development Bylaw shall contain “floating zones” which will encourage rezoning applications for Industrial development. Council will determine if the development is appropriate in terms of compatibility, size, scale, visual appearance, access, buffering and effects on the environment.

Action:

- The Development Bylaw will set out standards for possible industrial uses. The Development Bylaw will set out the application process, including fees and public notification.

**4.9. Institutional**

A floating zone will be established in the Development Bylaw to address Institutional land use. Institutional uses may be permitted in the Coastal or Residential zone.

Objectives

1. To encourage new institutional development within the municipality.
2. To ensure that institutional developments are of a high quality in terms of appearance, traffic safety and of compatibility with adjacent land uses.
3. To minimize conflicts between institutional development and established land uses.
4. To meet objective standards for development as outlined in the Development Bylaw.

*Policies:*

**Policy NS-01 Institutional – Discretionary**

Council may permit limited institutional uses subject to a rezoning process. The Development Bylaw shall contain “floating zones” which will encourage rezoning applications for institutional development. Council will determine if the development is appropriate in terms of compatibility, size, scale, visual appearance, access, buffering and effects on the environment.

Action:

- The Development Bylaw will set out standards for Institutional uses. The Development Bylaw will set out the application process and the rezoning process, including fees and public notification.

**4.10. Resort Commercial**

Resort Development is a type of development that may include a mixture of commercial and residential options. A floating zone will be established in the Development Bylaw to address Resort Commercial land use. Resort development will be permitted within the Coastal Zone.

#### Objectives

1. To encourage new Resort Commercial development within the municipality.
2. To ensure that Resort Commercial developments are of a high quality in terms of appearance, traffic safety and of compatibility with adjacent land uses.
3. To minimize conflicts between Resort Commercial development and established land uses.
4. To meet objective standards for development as outlined in the Development Bylaw.

#### *Policies:*

##### **Policy RT-01 Resort Commercial**

Council may permit limited resort use outside of the Coastal Zone by special permit or discretionary use, subject to Council review. Council will determine if the development is appropriate in terms of compatibility, size, scale, visual appearance, access, buffering and effects on the environment.

#### Action:

- The Development Bylaw will set out standards for Resort Commercial uses. The Development Bylaw will set out the application process, including fees and public notification.

#### **4.11. Accessory Unit Residential**

An accessory unit residential is defined as “one (1) or more habitable rooms within a single family home, which are designed, occupied or intended to be occupied as living quarters as a self contained unit and shall, as a minimum contain sanitary facilities, accommodation for sleeping and one (1) kitchen, but not more than one (1) kitchen.” No land will be designated for this purpose in the Development Bylaw. Accessory units as residential uses may be permitted by special permit use only within the Agricultural, Residential and Coastal Zones.

#### Objectives:

To ensure that Accessory unit developments are of a high quality in terms of appearance, traffic safety and of compatibility with adjacent land uses.

To minimize conflicts between Accessory unit development and established land uses.

To meet objective standards for development as outlined in the Development Bylaw.

#### *Policies:*

##### **Policy AU-01 Accessory Units - Discretionary**

Accessory units may be permitted by special permit. Council will determine if the development is appropriate in terms of compatibility, size, scale, visual appearance, access, buffering and effects on the environment.

#### Action:

- The Development Bylaw will set out standards for accessory units as residential uses. The Development Bylaw will set out the application process, including fees and public notification.

#### **4.12. Wind Turbines/ Telecommunication Towers**

No land will be specifically designated for this purpose in the Zoning and Development Bylaw. Wind Turbines may be installed by special permit use only within the Agricultural Zone. Council may consider developing a separate Wind Turbine Bylaw.

#### **4.13. Natural Environment**

The Official Plan recognizes that the quality of life enjoyed by the residents of the Municipality of Malpeque Bay is directly linked to the natural environment. Conservation and preservation of the natural environment will help to ensure that a high quality of life is enjoyed by residents for generations to come. The environment is a combination of natural systems such as groundwater, surface water, soils, vegetation and wildlife habitat. To ensure that the natural environment of the Municipality of Malpeque Bay is preserved and protected for future generations Council will work to preserve, protect and enhance air quality, ground water, surface water, storm water management, natural vegetation and wild life and fish habitat. Council will cooperate with the Province to ensure that provincial minimum standards, such as those for buffer zones and coastal setbacks, will be upheld. As the climate changes over time, it is anticipated that environmental changes such as increasing peak flows of rainfall will impact the built environment such as roads and bridges, or natural systems such as watersheds and forests. In order to sustain our local environment, Council will work to understand how the community can be vulnerable to climate change. Council will work to adapt and to change standards in a timely and responsible manner.

All communities on Prince Edward Island are dependent on ground water as the sole source of potable water. It is critical that the Municipality works with the ministry responsible for Environment and other agencies to protect this resource from depletion or contamination. Where possible the Community should acquire sensitive natural features such as streams, ponds and ravines should be acquired through open space dedication or negotiation with landowners.

Objectives:

1. To protect the quality and quantity of the Municipality's vital ground water resources.
2. To protect and enhance the quality of surface water within the Municipality.
3. To protect the Municipality's sensitive natural features.
4. To protect and enhance fish and wildlife habitat areas in the community.
5. To participate in the management and enhancement of sensitive regional natural systems including the marine and coastal wetlands of the Malpeque Bay Ramsar Site.
6. To protect the ecological and educational value of selected natural ecosystems, including sand dunes.

7. To implement policies controlling erosion.
8. To lessen the impact of siltation and excessive nutrient enrichment of wetlands and watercourses.
9. To encourage expanded planting of trees on marginal agricultural lands

*Policies:*

**Policy EN-01 Groundwater**

Council will work with the ministry responsible for Environment, and other agencies to protect both the quantity and quality of groundwater resources in the Municipality.

Action:

- Council shall work with the ministry responsible for Environment to identify and control point sources of groundwater contamination such as underground gasoline tanks, chemical storage areas, abandoned septic tanks and refuse or dump sites.

**Policy EN-02 Surface Water**

Council will protect and enhance the quality of streams, ponds, wetlands and rivers, including environmentally sensitive sites within the Municipality. Council will work with other levels of government and with other agencies to upgrade the Malpeque Bay eco-system.

Action:

- The Development Bylaw will establish a conservation setback (buffer) from streams, watercourses and wetlands in conformity with provincial policies and regulations.
- The Development Bylaw will establish erosion and siltation control measures to protect adjacent streams and wetlands and to prevent run off on to adjacent properties.

**Policy EN-03 Storm Water**

Council will work with the staff of the ministry responsible for highways to ensure that storm water run-off is managed in a manner that is cost effective and environmentally sensitive and to minimize risks to public health, safety and private property.

Council will protect and enhance existing surface water drainage systems and to upgrade capacity where indicated to handle storm water run-off.

Action:

- All new subdivisions above 5 lots and all major developments shall be required to submit a storm water management plan, in conformity with provincial standards.
- No physical changes or infilling of any swale, ditch, stream, wetland or watercourse shall be allowed without the approval of Council and an assessment of any storm water run-off implications.

**Policy EN-04 Habitat Areas**

Council will work with the ministry responsible for Environment and other departments and agencies to identify sensitive fish and wildlife habitat areas, to regulate development

adjacent to and around these areas and to encourage the implementation of management plans to protect sensitive habitat areas.

Action:

- Council will consider establishing a conservation zone in the General Land Use Plan.
- Council will limit development in wetlands, and other habitat areas such as bogs and ravines.
- Council will work with community groups such as Kensington North Watersheds Association to identify and manage coastal and environmentally sensitive areas; and to improve the habitat for fish and wildlife.
- Council will attempt to gain public ownership of sensitive natural areas where appropriate.

### **Policy EN-05 Vegetation**

Council will promote the planting of mixed tree and shrub species to provide or maintain visual and environmental screens between different land uses, such as residential and agricultural.

Council will encourage the protection and planting of trees, particularly in areas adjacent to streams and wetlands, and on marginal agricultural lands.

To mitigate erosion, Council will work with community groups such as Kensington North Watersheds Association to promote an increase in natural tree and shrub coverage.

Action:

- Council will work to increase coverage to establish a short-term target of 23% natural coverage.
- The Development Bylaw will establish where buffers and visual screens will be required.
- The Development Bylaw will establish standards for implementation of visual and environmental screens of mixed tree and shrub species between different land uses.

### **Policy EN-06 Excavation Pits**

Council will address excavation pits in conformity with provincial regulations. .

Action:

- The Development Bylaw will address development of excavation pits in conformity with provincial policies and regulations, including requirements for an Environmental Impact Assessment and a Restoration Plan.

### **Policy EN-07 Air Quality**

Activities which would be detrimental to air quality, will be restricted. Tree planting and tree preservation will be encouraged and promoted.

Action:

- The Development Bylaw shall not permit the establishment of industries or other land uses which are known to cause significant air pollution.
- The Development Bylaw shall address the burning of leaves, rubbish fires or other exterior fires, in accordance with provincial regulations.

**Policy EN-08 Climate Change**

Council will recognize Climate Change as a legitimate concern. Council will be proactive in order to mitigate the likely impacts of climate change.

Action:

- Council will work to understand how the community can be vulnerable to climate change, and Council will work to adapt and to change standards in a timely and responsible manner.
- The Development Bylaw will develop setbacks to address the migration of shores and wetlands inland as coastal erosion occurs.

**Policy EN-09 Cooperation with Related Agencies**

Council will work with organizations such as Kensington North Watersheds Association and the Island Nature Trust regarding planning and management of environmentally sensitive areas and fish and wildlife habitat.

Action:

- Council will work to establish a formal relationship with organizations such as Kensington North Watersheds Association and the Island Nature Trust.

## 5. GENERAL LAND USE PLAN

The General Land Use Plan is a conceptual representation of the direction of Land Use Patterns emerging over the next 15 years. It lays the foundation and establishes the direction for the Zoning Map in the Development Bylaw, which is more precise in terms of boundaries and land use designations. The Zoning Map must conform to the General Land Use Map.

In formulating the General Land Use Plan, the following criteria have been applied:

- Agricultural areas shall be protected
- Land use conflicts shall be minimized
- Low density residential uses will predominate
- Commercial and Industrial development will be located with consideration to compatible land uses
- Land adjacent to water courses and sensitive natural areas will be designated as a conservation buffer
- All other relevant policies and principles included in this plan.

### 5.1. Zones

The locations of the different zones are shown on Map # 1.

Four land use zones will be designated:

1. Agricultural
2. Coastal
3. Residential
4. Parks and Conservation

Four floating zones will be created:

1. Commercial
2. Resort Commercial
3. Industrial
4. Institutional



## 6. IMPLEMENTATION

### **Administration**

Administration and implementation of this Official Plan is the responsibility of Council. The Council shall, however, seek the input of the Planning Board on matters pertaining to the Plan. The primary implementation tool for the Plan is the Development Bylaw. Aspects of the Plan may also be implemented through other municipal bylaw or regulations, Council's operating policies and procedures, the municipal budget and appropriate Council actions. Council may also delegate aspects of the implementation of this Plan to a Development Officer appointed or delegated by Council.

### **Development Bylaw**

Immediately upon the approval of this Plan by the Minister of Finance and Municipal Affairs, Council shall develop a zoning and subdivision control bylaw to be in conformance with the policies and provisions of this Plan, according to the provisions of the *Planning Act*. This document shall be referred to as the Municipality of Malpeque Bay Zoning and Subdivision Control (Development) Bylaw. (Short title – Development Bylaw).

The Development Bylaw shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and procedures and standards controlling the subdivision and consolidation of land in the community. The Bylaw may also provide for “conditional”, and “special permit” uses.

### ***Approval of Development or Change of Use***

The Development Bylaw shall require any person undertaking any development or change of use of land or (premises) to apply for a development permit using a standard application form. Exceptions shall be noted in the Bylaw. Council may attach such conditions as it deems appropriate to any development permit in order to ensure conformance with this Plan.

The Bylaw may also require submission of a Construction Plan for the development outlining such details as construction phasing, stockpiling of soil, screening or fencing, erosion or run-off control measures, heavy truck access and any other item which could present a nuisance or hazard during construction.

Once the development is approved a numbered permit will be issued which must be displayed at the site. The receipt of a development permit does not excuse the applicant from complying with any provincial or federal laws in force, such as fire protection, health

and safety, sewage disposal, signage, plumbing and electrical installations, and others. Council will maintain a liaison with provincial officials during the permit-issuing process.

### ***Development Agreements***

Council may, at its discretion, require the developer of a subdivision or a development to enter into a Development or Subdivision Agreement. This agreement will contain all conditions which were attached to the building permit or subdivision approval and will be legally binding on both parties.

### ***Occupancy Permit/ Certificate of Compliance***

Council may, as a condition of approval, require that no property shall be occupied until all conditions stated in the Development Agreement are met.

### ***Implementation***

Council will designate a development officer, or may contract with professionals to implement the Official Plan and the Development Bylaw.

## **Development Assistance and Promotion**

Council shall direct its staff to provide hands-on assistance to prospective developers in terms of explaining the provisions of the Development Bylaw and promoting good design and safe, efficient use of land.

Council shall continue to work with individual land owners, local agencies and Federal and Provincial departments to promote the Municipality of Malpeque Bay as a location for appropriate investment, in conformance with the provisions of this Plan.

## **Budgeting**

While the Development Bylaw and other bylaw passed under the Municipalities Act are the primary tools for controlling and directing private sector development activities in the Municipality, the Municipal Budget is the key policy tool for directing the activities of Council. As such the Budget is a key implementation tool for the policies laid out in this Plan and to the extent practicable the Budget should conform with the policies of this Plan.

### ***Budget Policies***

Council has established the following fiscal policies as a framework to guide municipal revenues and expenditures:

- As a general policy Council shall strive to maintain stable and affordable property tax and utility rates.
- Council shall not budget for an operating deficit in any fiscal year.
- Any incurred deficit will be addressed as part of the subsequent annual budget.

- Council shall aggressively pursue all options for cost-sharing and maximize assistance from other levels of government.
- Council shall generally apply a “user pay” approach for the majority of programs and services, including processing of subdivision applications and development permits, while being sensitive to the needs of the less fortunate.
- Annual budgets shall include a Capital Reserve Fund.
- Smaller, routine capital expenditures shall be budgeted on an annual basis.
- Major capital expenditures shall be amortized over an appropriate period of years in order to maintain stable tax rates and utility rates.
- Council shall continue to maintain low permanent staff levels and contract out for specialized services until needs and projected savings warrant further staffing.

### **Review**

Council will, on a regular basis, review its activities in terms of the successful implementation of this Plan in accordance with the provisions of the Planning Act.

### **Amendments**

The Official Plan and the Development Bylaw may be amended as circumstances change in the Municipality or in response to requests from the public, provided that all provisions of the Planning Act are met.

### **Appeal Procedure**

Any person who is dissatisfied with a decision of Council in the administration of the Official Plan or the Development Bylaw may, within 21 days of the decision, appeal that decision in accordance with the provisions of the Planning Act.