

Contents

- CHAPTER 1 **Introduction** **1**
 - 1.1 Preface..... 1
 - 1.2 Purpose..... 2
 - 1.3 Planning Area..... 2
 - 1.4 Legal Enablement 2
 - 1.5 Official Plan Review 3
 - 1.6 Plan Contents 3
- CHAPTER 2 **Community of Malpeque Bay**..... **5**
 - 2.1 Background..... 5
 - 2.2 Site and Situation..... 8
 - 2.3 Existing Land Use 9
 - 2.4 Population Analysis 9
 - 2.5 Municipal Services / Infrastructure 10
 - 2.6 Transportation..... 10
 - 2.7 Fire Protection 10
 - 2.8 Institutional Facilities..... 10
 - 2.9 Parks and Recreation..... 11
- CHAPTER 3 **Future Development Goals** **12**
 - 3.1 Introduction..... 12
 - 3.2 Future Development Concept 12
 - 3.3 Goals..... 12
 - 3.3.1 General 12
 - 3.3.2 Environmental 13
 - 3.3.3 Social..... 13
 - 3.3.4 Economic 13
 - 3.3.5 Physical 13
- CHAPTER 4 **Objectives, Policies, Plan Actions** **14**
 - 4.1 Introduction..... 14
 - 4.2 Agriculture and Resource Use 14
 - 4.3 Coastal Development 17
 - 4.4 Residential 21
 - 4.5 Commercial Use/ Light Industrial 24

4.6	Industrial.....	24
4.7	Institutional	25
4.8	Resort / Tourism	25
4.9	Multi Unit Residential.....	26
4.10	Accessory Units.....	27
4.11	Wind Turbines/ Telecommunication Towers	27
4.12	Parks and Recreation (Tourism Recreation and Heritage)	28
4.13	Environment.....	30
CHAPTER 5	General Land Use Plan	36
5.1	Approach to Zoning	36
5.2	Zones	37
5.2.1	Agricultural	37
5.2.2	Coastal	37
5.2.3	Residential	38
5.3	Special Permit Uses	38
5.3.1	Light Industrial / Commercial	38
5.3.2	Resort / Tourism	39
5.3.3	Industrial.....	39
5.3.4	Multi Unit Residential.....	39
5.3.5	Telecommunication Towers / Wind Farms	39
CHAPTER 6	IMPLEMENTATION	40
6.1	Administration.....	40
6.2	Development Bylaws.....	40
6.2.1	Approval of Development or Change of Use.....	41
6.2.2	Development Agreements	41
6.2.3	Occupancy Permit/ Certificate of Compliance	41
6.2.4	Variances	42
6.3	Development Assistance and Promotion	42
6.4	Budgeting.....	42
6.4.1	Budget Policies	42
6.5	Review	43
6.6	Amendments	43
6.7	Appeal Procedure	43

CHAPTER 1 INTRODUCTION

1.1 Preface

The Community of Malpeque Bay has experienced unprecedented growth over recent years. Although the Municipality was incorporated in 1973, no Official Plan and Bylaws 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 Bylaws.

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 Community 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 2008-2011 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 Community 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 until the year 2026.

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 Community of Malpeque Bay Development Bylaws 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 Community 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 Community of Malpeque Bay derives the majority of its powers from the *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 bylaws. 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

An Official Plan is intended to be a dynamic tool and should be subject to periodic review and/or amendment. The Official Plan will therefore be monitored on an ongoing basis to ensure its compatibility with changing circumstances. A formal, comprehensive review shall be undertaken every five years, starting in the year 2016, these 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 Community 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 Bylaws.

CHAPTER 2 COMMUNITY 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 Community 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 Community 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 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 Community 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.

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 in which 66 of the 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 the obligation to establish settlers on their lots.

Stewart and Allanby (primarily the former) established the first settlers, numbering about 60, in what is now the Community of Malpeque Bay in 1770. (The boundaries of Lot 18 do not coincide precisely with the boundaries of the present Community of Malpeque Bay.) The original settlers came to Malpeque in the brig Annabella from the port of Campbelltown in Argyshire, Scotland. The following year the brig Edinburgh, chartered by the Stewart family, brought to Malpeque an additional 60 settlers from Campbelltown.

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 brigantine "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.

(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 Community of Malpeque Bay.

The first official meeting of the incorporated Community 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 currently Council has dealt with the establishment of 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 Community 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 Community 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 24,000 acres of land fall within the municipal boundaries of the Community 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 Community 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 Community 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. Developed land accounted for 4.3% of land use, including residential, commercial, industrial and recreational uses.

Even though the Community 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 residency within the Municipality. Of the 667 private dwellings existing in 2006, only 403 dwellings were occupied permanently. Seasonal cottage dwellings are primarily located along the coast.

2.4 Population Analysis

The census subdivision encompassing the Community of Malpeque Bay had a relatively stable population growth over the last two decades. In 2006, 1055 people lived in the area, up from 996 people in 1991, resulting in an overall population increase of nearly 6%. Simultaneously, household sizes have declined from 2.82 persons per household in 1996 to 2.62 persons per household in 2006. Today, 1238 people reside within the municipal

boundaries of the Community 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. The municipality does not operate any municipal sewage collection and treatment system.

2.6 Transportation

All roads within the Community 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.

2.7 Fire Protection

Fire Protection is provided by the Town of Kensington Fire Department. Vehicles operated by the Fire Department include three pumpers, two tankers and a rescue van. Close to 30 volunteer fire fighters serve the area.

2.8 Institutional Facilities

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

The following serves as 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 (now home of the Indian River Music Festival)
- Princetown United Church Malpeque

2.9 Parks and Recreation

Residents of the Community 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 owned and operated 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 dates back to 1961, when the Government of Prince Edward Island purchased sixteen acres of land at Royalty Point. The park has since expanded to include 360 acres 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 100 acres 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.

CHAPTER 3 **FUTURE DEVELOPMENT GOALS**

As the Community of Malpeque Bay has had no prior Official Plan or Bylaws, this initial plan will serve as a foundation for development of land use policies.

3.1 Introduction

The goals presented in this chapter are broad statements indicating the overall shared vision of the Community 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 the Official Plan will conform to provincial regulations and guidelines, and in some cases municipal development standards may be more stringent than the provincial standards.

3.2 Future Development Concept

The Community of Malpeque Bay values the hopes and aspirations of its residents, and respects the traditional character of our seven original communities while embracing opportunities to provide increased societal benefits to both present and future generations.

3.3 Goals

3.3.1 General

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

3.3.2 Environmental

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

CHAPTER 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.

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 Agriculture and Resource Use

The Community 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 24,000 acres 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, it will strive to maintain effective buffers between intensive agricultural activities and other uses.

Established farming operations must 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 Bylaws.

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 designated as being primarily for agricultural and resource use. This will include all currently productive lands with the exception of those areas contained within the coastal or residential zones.

Action:

- To establish an Agricultural Resource (A) zone.
- Zoning shall be in conformance with the General Land Use Plan.
- The Development Bylaws shall designate as Agricultural Resource (A) all lands not located in the coastal or residential zones. The bylaws shall list permitted uses within the A zone.

The Development Bylaws shall establish criteria for resource based uses, including agricultural, fishing and forestry uses. Other uses such as industrial/light industrial, commercial, resort/tourism and multi-unit residential shall be reviewed by Council for special permit use only.

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 A-02 Property Tax

A two tiered property tax will be applied which will apply a lower tax rate for agricultural land owned by bona fide farmers.

Policy A-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:

- Council will work to establish and maintain a list of locally produced services and products.
- 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 Department of Environment, Energy and Forestry 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 A-04 Intensive Agriculture

Existing intensive agricultural operations shall be protected from encroachment. Intensive agricultural activities shall generally be contained to the Agricultural Resource (A) 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 Bylaws shall define “intensive agriculture” uses.

Policy A-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.

Council will review applications for Commercial Agricultural or Resource use.

Action:

- Commercial uses permitted in the Agricultural Resource (A) 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.

4.3 Coastal 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 Community of Malpeque Bay intends to promote coastal development that respects the traditional landscape and viewsapes.

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 subdivisions generally greater than 5 lots will be directed to the Coastal Development 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, and to promote a healthy lifestyle.
3. To ensure a high quality of drinking water in adequate quantities for all residents.
4. To create common green space.
5. To manage priority landscape and view plane lands by preserving them and enhancing them to the extent feasible.
6. To facilitate development of subdivisions in harmony with the existing natural features.

Policies:

Policy C-01 Coastal Development Zoning

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 primarily be directed away from Agricultural and Resource areas.

The growth and development of cottages, houses, apartments and subdivisions will take place in a planned and organized manner.

Action:

- To establish a coastal development zone to accommodate development in the coastal

area as defined in the bylaws.

- The Development Bylaws shall establish criteria for coastal development uses including agricultural and institutional uses. Other uses, such as industrial/light industrial, commercial, resort/tourism and multi-unit residential shall be reviewed by Council for special permit use only.
- Zoning shall be in conformance with the General Land Use Plan.

Policy C-02 Residential Development Standards

Residential development standards relating to lot coverage, setbacks, amenity areas, parking, buffering and other matters will be established in order to enhance the health, safety and convenience of residents. The growth and development of subdivisions will be monitored and managed with respect to septic systems and to protect the quality of drinking water.

Action:

- A Subdivision Control Bylaw will be established as part of the Development Bylaws.
- The Development Bylaws will define a permitting process for all new development.
- The Development Bylaws will establish development standards for all new development.
- The Development Bylaws shall establish residential development standards relating to subdivisions in coastal development areas with special regard for siting of parklands, public spaces and future beach accesses.
- Subdivision lots will be subject to a provincial minimum lot size, and where central water systems are installed, the lot size may be reduced.

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 Bylaws shall establish criteria for parkland/ open space/ green space/ beach access. When subdivisions over 5 lots are created in the coastal zone, 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 Conservation Subdivisions

In an effort to promote the long term conservation of open space and views of landscapes Council shall enable the development of smaller lot subdivisions when these subdivisions meet special conservation requirements.

Action:

- The Bylaws shall establish criteria for smaller lot **conservation subdivisions**, where up to half of the buildable land area is designated as permanent open space.
- The Development Bylaws shall require that developers of conservation subdivisions establish common water and/ or waste water systems in such a manner that will preserve the quality of groundwater or surface water systems.

Policy C-05 Viewscapes

Developments in the coastal zone will take into account areas 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 Bylaws will identify and preserve priority coastal natural areas for the passive recreational enjoyment of residents and visitors.
- The Development Bylaws shall establish criteria for subdivision design, including lot size, maximum building size, location of utility lines, and preservation of (designated) viewscapes.

Policy C-06 Special Planning Area

Currently the Provincial government manages subdivision and development within the portion of the Municipality that falls within the Princetown Point - Stanley Bridge Special Planning Area. After the Official Plan and Bylaws are formally adopted, the municipality will administer the Special Planning Area, continuing to uphold existing provincial rules and regulations.

Council will lobby the Province to rescind the current Special Planning Area regulations and to transfer regulation and management of the area in question from the Province to the Community of Malpeque Bay.

Action:

- Council will plan to extend zoning boundaries into the existing Special Planning Area, with zoning designations for Agricultural Resource, Coastal Development and Residential zones, utilizing principles consistent with the existing zone boundaries to determine the new zone boundaries.
- Subdivision and development in this area will be consistent with zoning designations for Agricultural , Coastal and Residential zones, in keeping with applicable provincial standards and regulations.

4.4 Residential

The Community 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 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. 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*.

Objectives:

1. To minimize conflicting land uses between residential and other uses.
2. To encourage development of a range residential housing within the municipality.
3. To protect the character and appearance of established residential properties.
4. To standardize lot and development standards within the municipality.
5. To establish residential development standards which stress safety, efficiency, aesthetic appeal, land use compatibility and fostering of a healthy lifestyle.
6. 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 residential development.

Action:

- Land shall be re-zoned to Residential from Agricultural Resource and from Coastal Development subject to Council approval. The Development Bylaws shall establish the process for re-zoning.
- The Development Bylaws will establish minimum and maximum (3 acre) lot size for all lots within the Residential zone.
- Residential zoning shall be in conformance with the General Land Use Plan.

Policy RS-02 Residential Development Standards

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

Action:

- The Development Bylaws shall establish a residential zone which will encompass single family, duplex and multi unit development. Other land uses, such as mobile and mini home residential development shall be reviewed by Council for special permit use only.
- The Development Bylaws 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 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 Bylaws shall establish criteria and standards for operation of home offices. Standards will strictly 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 represent an impediment to the functioning, safety, convenience or enjoyment of neighbours.

Policy RS-04 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 Bylaws shall establish criteria and standards for operation of small scale agriculture uses including the keeping of hens and chickens, small stables for horses and ponies. Standards will strictly limit the potential for conflicts such as smell, noise, hours of operation, square footage, parking, signage, physical changes to the structure and any other factors which may represent an impediment to the functioning, safety, convenience or enjoyment of neighbours.

4.5 Commercial Use/ Light Industrial

No land will be zoned for this purpose in the Development Bylaws.

Policies:

Policy CM-01 Commercial - Discretionary

Council may permit limited commercial/ light industrial uses (which are related to agriculture or resource operations) by special permit 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 Bylaws will set out standards for possible commercial/ light industrial use. The Development Bylaws will set out the application process, including fees and public notification.

4.6 Industrial

No land will be zoned for this purpose in the Development Bylaws.

Policies:

Policy IN-01 Industrial - Discretionary

Council may permit limited industrial uses (which are related to agriculture or resource operations) 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 Bylaws will set out standards for possible industrial uses. The Development Bylaws will set out the application process, including fees and public notification.

4.7 Institutional

No land will be designated for this purpose in the Development Bylaws. No Institutional uses will be permitted in the Residential zone or the Agricultural Zone.

Policies:

Policy NS-01 Institutional - Discretionary

Limited institutional uses may be permitted 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 Bylaws will set out standards for Institutional uses. The Development Bylaws will set out the application process, including fees and public notification.

4.8 Resort / Tourism

No land will be designated for this purpose in the Development Bylaws. No resort/ tourism uses will be permitted in the Residential zone.

Policies:

Policy RT-01 Resort /Tourism - Discretionary

Council may permit limited resort / tourism uses 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 Bylaws will set out standards for Resort /Tourism uses. The Development Bylaws will set out the application process, including fees and public notification.

4.9 Multi Unit Residential

No land will be designated for this purpose in the Development Bylaws. Multi Unit Residential uses may be permitted as a special permit use within the Residential Zone.

Policies:

Policy MR-01 Multi-Unit Residential - Discretionary

Multi-unit development may be permitted within the Residential zone, with conditions defined in the bylaws.

Multi-unit residential development in the Coastal Development Zone may be permitted by special permit, 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.

Multi-unit residential development in the Agricultural Zone for the housing of farm workers may be permitted by special permit, 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 Bylaws will set out standards for Multi Unit Residential uses. The Development Bylaws will set out the application process, including fees and public notification.

4.10 Accessory Units

Accessory units as residential uses may be permitted by special permit use only within the Agricultural, Residential and Coastal Development Zones.

Council may consider permitting limited accessory unit development uses.

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

4.11 Wind Turbines/ Telecommunication Towers

No land will be specifically designated for this purpose in the Zoning and Development Bylaws.

Wind turbines that serve a homeowner's personal needs may be permitted by special permit on lots over one acre in the Agricultural, Coastal and Residential Zones. Applications to develop wind turbines that are located in these zones will be assessed in terms of appropriate compatibility, size, scale, visual appearance, access, buffering and effects on the environment.

Commercial wind turbines and telecommunication towers may be located within the Agricultural Zone.

Council will not consider installation of wind towers in wooded areas, due to potential damage to established eco systems and habitat.

Policies:

Policy WT-01 Wind Turbine / Telecommunication Towers - Discretionary

Commercial wind turbines and telecommunication towers may be permitted by special permit use only within the Agricultural zone.

Action:

- The Development Bylaws will set out standards for establishing wind turbines and telecommunication towers. The Development Bylaws will set out the application process, including fees, public notification and requirements for an environmental impact assessment.
- Council will work with the Province to ensure that provincial regulations and policies are followed in establishing wind turbines.

4.12 Parks and Recreation (Tourism Recreation and Heritage)

Beautiful scenic views and the working agricultural landscape are part of what attracts residents and visitors to the Community of Malpeque Bay. Council will work to encourage and promote opportunities for residents and visitors alike 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 Community 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, graveyards, archaeological sites and

natural areas).

4. To encourage restoration and preservation of the natural and built environment.

Policies:

Policy PR-01 Viewscapes

Council will work to preserve and enhance the natural and cultural qualities which attract visitors to the area, particularly landscapes with views of the shoreline, beaches and natural areas.

Council will 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 these sites and to reduce any negative impacts of such access to environmentally sensitive coastal areas.

Action:

- The Development Bylaws will designate specific viewscapes.
- The Development Bylaws will regulate development within and in relation to designated viewscapes.

Policy PR-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. Council will consider working to designate the area within Cabot Beach Provincial Park (land currently owned by the Province) as Conservation and Recreation Land.

Action:

- Council will work with PEI Trails Inc. and the Province to identify, enhance, publicize and promote use of roads-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.
- Council will consider establishing a Conservation/ Recreation or Parks and Open Space overlay in the Zoning Bylaws to permit passive uses in either the Agricultural or Coastal zone.

Policy PR-03 Heritage Resources

Council will research, identify and work to preserve the natural and built heritage resources of the Community 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, graveyards, archaeological sites, and natural areas).

4.13 Environment

The Official Plan recognizes that the quality of life enjoyed by the residents of the Community of Malpeque Bay is directly linked to the natural environment. Conservation and preservation of the natural environment will ensure that a high quality of life is enjoyed by residents for generations to come. The natural environment is a combination of natural systems such as groundwater, surface water, soils, natural vegetation and wildlife habitat.

In order to ensure that the natural environment of the Community 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 will be upheld where applicable, such as with buffers and coastal setbacks. 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, and 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 Department of Environment, Energy and Forestry and other agencies to protect this resource from depletion or contamination. Where possible, significant 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 significant natural features.
4. To protect and enhance fish and wildlife habitat areas in the community.
5. To participate in the management and enhancement of significant 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 marginal agricultural lands with trees.

Policies:

Policy EN-01 Groundwater

Council will work with the Department of Environment, Energy and Forestry to protect both the quantity and quality of groundwater resources in the Municipality.

Action:

- Council shall work with the Department of Environment, Energy and Forestry 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 ecosystem.

Action:

- The Development Bylaws will establish a conservation setback (buffer) from streams, watercourses and wetlands in conformity with provincial policies and regulations.
- The Development Bylaws 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 Department of Transportation and Infrastructure Renewal 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 of 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 Department of Environment, Energy and Forestry and other departments and agencies to identify significant fish and wildlife habitat areas, to regulate development adjacent to and around these areas and to encourage the implementation of management plans to protect significant habitat areas within the region.

Action:

- Council will consider establishing a conservation zone in the General Land Use Plan.
- Council will consider establishing an Environmental Protection overlay on all zones.
- 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 or maintaining visual and environmental screens of mixed

tree and shrub species where practical 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.

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

Action:

- Council will work to increase coverage to establish a short-term target of 23% natural coverage.
- The Development Bylaws will establish where buffers and visual screens will be required.
- The Development Bylaws 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 the development bylaws.

Action:

- The Development Bylaws 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 Bylaws shall not permit the establishment of industries or other land uses which are known to cause significant air pollution.
- The Development Bylaws 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 Bylaws 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.

CHAPTER 5 **GENERAL LAND USE PLAN**

5.1 Approach to Zoning

Land use zones with clearly defined permitted uses will be designated to minimize land use conflicts between zones.

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. Three zones have been designated; Agricultural, Coastal and Residential.

In order to preserve the unique rural and agricultural character of the municipality, all other uses, including Commercial, Industrial, Resort/Tourism, Wind Turbines and other Towers, which are typically covered with zoning designations, will be permitted under various conditions through a special permit use, upon application to Council. The bylaws outline the process for special permit applications.

Figure 5.1 provides a conceptual sketch of the approach taken in the development to zoning.

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

5.2 Zones

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

5.2.1 Agricultural

The majority of the land mass is zoned for Agricultural use. Generally this land mass is located in the central area of the Municipality.

The primary goal of protecting farmland and fostering agricultural uses and related agricultural activities within the Municipality will be addressed. This zone will promote agricultural based economic opportunities. Within the Agricultural zone, residential subdivision will be limited to a maximum of five lots to preserve the important resource of arable agricultural land and to limit conflicts between agricultural and residential uses.

Special permit uses allowed in the Agricultural zone are:

- Light Industrial / Commercial use related to agriculture;
- Resort / Tourism;
- Industrial use related to agriculture;
- Multi Unit Residential related to the housing of farm workers; and
- Telecommunication Towers / Wind Farms.

5.2.2 Coastal

The land generally hugging the periphery, and adjacent to larger bodies of water within the municipality is zoned Coastal. Coastal zoning addresses water viewsapes, and will address the potential for seasonal and tourism based development, including institutional uses by special permit.

This zone permits residential subdivision at a variety of scales. Within this zone agricultural and institutional uses are permitted as-of-right with limited conditions as defined in the land use bylaw.

Uses in the Coastal zone requiring a special permit from Council are:

- Light Industrial / Commercial;
- Resort / Tourism;
- Industrial;
- Multi Unit Residential; and
- Wind Turbines that serve a homeowner's needs.

5.2.3 Residential

Any lot under three acres in size and containing one or more dwelling units is zoned Residential, regardless of its location.

In the Residential zone, home offices and multi unit residential are permitted as-of-right with conditions as defined in the land use by-law.

5.3 Special Permit Uses

Proponents of special permit uses will be required to submit a permit application. The full requirements of a permit application are provided in the by-law and will include information such as a plan of the proposed development illustrating the layout of buildings, access, parking, other facilities, and environmental protection measures. Council may establish additional requirements for protection of the environment and mitigation of disturbance to neighbours.

5.3.1 Light Industrial / Commercial

Special permits will be issued under review by Council for light industrial / commercial uses. Different uses and conditions are considered appropriate for the Agricultural and Coastal Zones. A list of special permit uses and the different conditions that will be considered by Council in a permit application are provided in the by-law, however, in general special permit uses in the Agriculture zone must be related to agriculture and may be slightly more noxious, while special permit uses in the Coastal zone include less noxious uses as well as other appropriate uses not related to agriculture.

5.3.2 Resort / Tourism

Special permits will be issued under review by council for resort / tourism uses. Different uses and conditions are considered appropriate for the Agricultural and Coastal Zones. A list of special permit uses and the different conditions that will be considered by Council in a permit application are provided in the bylaws, however, the same uses may require different conditions such as setbacks and screening within the different zones.

The Resort / Tourism use includes the development of golf courses.

5.3.3 Industrial

Special permits will be issued under review by council for industrial uses. Different uses and conditions are considered appropriate for the Agricultural and Coastal Zones. A list of special permit uses and the different conditions that will be considered by Council in a permit application are provided in the by-law, however, the location of industrial uses will be limited within either zone.

5.3.4 Multi Unit Residential

Special permits for multi unit residential use in the Agricultural zone will be issued under review by Council. A list of the different conditions that will be considered by Council in a permit application are provided in the by-law, however, this type of development in the Agricultural zone will be limited to the housing of farm workers.

5.3.5 Telecommunication Towers / Wind Farms

Special permits will be issued under review by Council for telecommunications towers / wind farms only within the Agricultural zone. A list of special permit uses and the different conditions that will be considered by Council in a permit application are provided in the by-law.

CHAPTER 6 **IMPLEMENTATION**

6.1 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 Bylaws. Aspects of the Plan may also be implemented through other municipal bylaws or regulations, Council's operating policies and procedures, the municipal budget and other appropriate Council actions. Council may also delegate aspects of the implementation of this Plan to a Development Officer appointed or delegated by Council.

6.2 Development Bylaws

Immediately upon the approval of this Plan by the Minister of Finance and Municipal Affairs, Council shall develop zoning and subdivision control bylaws 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 Community of Malpeque Bay Development Control Bylaws.

The Development Control Bylaws 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 Bylaws may also provide for "conditional", and "special permit" uses.

6.2.1 Approval of Development or Change of Use

The Development Bylaws 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 Bylaws. Council may attach such conditions as it deems appropriate to any development permit in order to ensure conformance with this Plan.

The Bylaws 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.

6.2.2 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.

6.2.3 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.

6.2.4 Variances

Council may grant variances to the provisions of the Development Bylaws where strict compliance would represent an inappropriate burden to the land owner and where the general intent of this Plan is upheld.

6.3 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 Bylaws 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 Community of Malpeque Bay as a location for appropriate investment, in conformance with the provisions of this Plan.

6.4 Budgeting

While the Development Bylaws and other Bylaws 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.

6.4.1 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 expensed 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.

6.5 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.

6.6 Amendments

The Official Plan and Development Bylaws 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.

6.7 Appeal Procedure

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