



**PLANNING BOARD AGENDA
NOTICE OF MEETING**

*Thursday, January 10, 2019 at 5:00 p.m.
Council Chambers, 2nd Floor, City Hall, (199 Queen Street)*

Note: Planning Board Introduction starts at 4:30 p.m. Meeting proper commences at 5:00 p.m.

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda** – Approval of Agenda for Thursday, January 10, 2019
- 4. Adoption of Minutes** - Minutes of Planning Board Meetings on Monday, December 03, 2018
- 5. Business arising from Minutes**
- 6. Planning Board Orientation**
- 7. Reports:**
 - a) Rezoning**
 1. 562 Malpeque Road (PID #145797) & (PID #145789) Robert
Request to rezone both properties from Single-Detached Residential (R-1L) to Highway Commercial (C-2) and designate the same properties Commercial under the Official Plan in order to allow for the construction of an 18-unit apartment building.
 2. Corner of Royalty Road & Upton Road (PID #388595) Greg
Request to rezone a portion of the vacant property from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone.
 - b) Variances**
 3. 58 Victoria Street (PID #353433) Laurel
Request for a major variance to decrease the flankage yard setback requirement to construct an attached garage and to consolidate the back portion with the front portion of the property.
 4. 120 Westridge Crescent (PID #776435) Greg
Request for a minor variance to reduce lot frontage and a major variance to reduce the required lot area in order to construct a semi-detached dwelling on the vacant property.
 - c) Others**
 5. 180 Beach Grove Road (Lot 18-A) with PID #1000744) Laurel
Request for a lot consolidation for two parcels located in an Institutional Zone



6. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Affordable Housing Zoning *Robert*
Proposed amendments to implement objectives out of the Affordable Housing Strategy
 7. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Home Occupation, Design Review, Parking, Medical Marijuana, and Temporary Use *Greg*
Proposed amendments to requirements on Home Occupation, Design Review, Parking, Medical Marijuana, and Temporary Use sections.
8. **Introduction of New Business**
 9. **Adjournment of Public Session**

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD
MONDAY, DECEMBER 3, 2018
5:00 P.M.**

Present: Councillor Greg Rivard, Chair Roger Doiron, RM
Councillor Terry MacLeod, Vice-Chair Ron Coles, RM
David Archer, RM Alex Forbes PHM
Lea MacDonald, RM Greg Morrison, PII
Lynn MacLaren, RM Laurel Palmer Thompson, PII
Pat Langhorne, RM Robert Zilke, PII
Loanne MacKay, RM Ellen Faye Ganga, PH IA/AA

Also: Peter Kelly, CAO

Regrets: Councillor Jason Coady Karolyn Walsh, RM

1. Call to Order

Councillor Rivard called the meeting to order at 5:01 pm.

2. Declaration of Conflicts

Councillor Rivard asked if there are any conflicts and there being none, moved to the approval of the agenda.

3. Approval of Agenda

Moved by Lynn MacLaren, RM, and seconded by Roger Doiron, RM, that the agenda for Monday, December 03, 2018 be approved.

CARRIED

4. Adoption of Minutes

Moved by Roger Doiron, RM, and seconded by Lynn MacLaren, that the minutes of the meetings on Wednesday, October 31, 2018 and Wednesday, November 7, 2018, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

6. 101 Oak Drive (PID #452748)

This application is a request to rezone the property at 101 Oak Drive (PID # 452748) from Single-Detached Residential (R-1L) Zone to the Low Density Residential (R-2) Zone. The property is located on the corner of Oak Drive and Doncaster Ave. Laurel Palmer Thompson, PII, presented the application. See attached report.

It was presented to the Planning Board on October 31, 2018 but the applicant was out of the country at that time and requested to defer this application to the December meeting to be able to provide more details relating to the site plan and building design. The applicant, Noel Doucette, and engineer, Mr. Dave Morris, were there to provide more information about the application.

Mr. Doucette indicated that they intend to build a duplex (pertaining to a semi-detached dwelling). There were 12 signatures received in opposition to the rezoning and Mr. Doucette's wife spoke to at least 8 residents last Saturday (December 1st) and they mentioned that the majority are not concerned about the rezoning or construction of the duplex but more on the drainage concerns. Mr. Doucette then decided to consult with Engr. David Morris to design the property's drainage plans to make sure it does not cause problems to existing properties. The proposed development will also locate the driveways along Doncaster Ave. Mr. Doucette then asked Mr. Morris to explain the drainage plans for the property.

Mr. Morris noted that the land is relatively flat and the water flow is the main concern of the residents. The plan is to install two swales on both sides of the property, one along Doncaster and the other at the back of the property to divert water from flowing to adjoining properties. He indicated that water is flowing toward his property from further uphill. This will provide a channelized flow to get the water to a piped system. They intend to pipe across Doncaster Ave to channel into the storm system then to the ditch along the bypass. Mr. Morris handed a copy of the proposed plans to the board and indicated that the proposed dwelling would be the same size as the existing property adjacent to it. It has a low driveway and water is not flowing into the collection system but flows into the driveway and the property.

Pat Langhorne, RM, asked Ms. Thompson she is recommending that the applicant build a single detached dwelling with accessory apartments and asked Mr. Doucette if he plans to live on one side or sell the house as one or two separate units. Ms. Thompson responded that she wanted to point to the Board that the new Bylaw now allows for an accessory apartment in a single detached dwelling. This then, meets the same density request as this rezoning. It is to be noted though that the owner or the principal resident must reside in that property and the accessory apartment can be rented. It would also be required to be registered in the Registry for Accessory Apartments. Mr. Doucette responded that he plans to sell the dwelling, either as one unit or as two separate units. He added that Ms. Thompson's recommendation would only allow them to build up to 80% of the main dwelling floor area (principal unit) and a basement unit does lend itself to seniors who prefer to live at ground level, and preferred a slab foundation so that they don't encounter water problems. Ms. Thompson also added that even if the property was a single detached dwelling, both units can still be rented as long as the principal owner lives in the main dwelling and is responsible for renting out the accessory apartment.

Lea MacDonald, RM, clarified if there are existing catch basins and Mr. Morris noted that there are no existing catch basins, just outlets. Therefore, they intend to channel the water to run into the existing catch basins. Mr. MacDonald also asked how many duplexes (or semi-detached) are in the area and Mr. Doucette responded that there are about five in the immediate area and a few more and pointed to properties on the map presented.

Pat Langhorne, RM, commented that the property and area has water problems and asked why it was never corrected. Mr. Morris noted that their proposal would then prevent water from building up or going back to properties.

Ms. Thompson added that her recommendation in the report is based upon what the Bylaw allows but it would be up to the Board to recommend a decision to Council. The Board has heard what the applicant is proposing and that the applicants have spoken to residents to address their concerns. Lynn MacLaren, RM, asked Ms. Thompson if the department received any calls lately from neighbours with concerns and Ms. Thompson responded that no calls were received. Ms. Thompson also added that on a staff's perspective, the applicant has tried to address the concerns on access and drainage raised during the Public Hearing. The plans have not yet been reviewed by staff as it was presented only at the meeting but should this application be approved, the drainage plan should still meet the requirements of the Bylaw.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Lea MacDonald, RM, and seconded by Pat Langhorne, RM, that the request to amend Appendix "G" – Zoning Map of the Zoning and Development Bylaw to rezone the property located at 101 Oak Drive (PID #452748) from the Single-Detached Residential (R-1L) Zone to the Low Density Residential (R-2) Zone, be recommended to Council for approval.

**CARRIED
(5-2)**

7. 200 & 202 Spring Park Road (PID #s 367938 and 367979)

This application is request for two variances and a lot consolidation for the property at 200-202 Spring Park Road (PID #'s 367938 and 367979). The property is located in the Medium Density Residential (R-3) Zone. Laurel Palmer Thompson, PII, presented the application. See attached report.

The application is a minor variance for an increase in density for two additional units, thus decreasing the lot area requirement and a major variance to allow for the expansion of parking in the front yard. The property contains an 18-unit apartment building and the proposal is to build an additional 15 units with a connector between the two buildings to be used as a common room. The existing parking lot is located in the front yard of the building and is therefore considered a legal non-confirming use because it was built prior to the adoption of the Bylaw in 1998. If the additional parking for the new apartment building is expanded in the front of 202 Spring Park Road, it will be an extension of legal non-confirming use. Staff advised that if the variance is approved, the recommendation should be to require a landscaped buffer of 12 ft. with shrubs to screen the parking lot from the street. It was also discussed that the site plan does not appear to show adequate room to locate the landscape buffer. In order to incorporate a landscape buffer the applicant may have to reduce the foot print of the addition. Staff also advised that a development agreement be required which outlines the landscape requirements for the site. The

staff recommendation is to approve the application subject to a development agreement and the landscape buffer.

The applicant, Mr. Paul Murphy, attended to answer any possible questions.

Lea MacDonald, RM, asked how much buffer is required between the street and the parking lot. Ms. Thompson noted that it is required to have at least 12 feet between the parking lot and the property boundary. Should the Board decide to decrease the buffer to less than 12 feet, a landscape hedge or a fence, etc. should be required. The current buffer between the sidewalk and the parking lot is on the City right-of-way. Councillor Rivard also asked if the property meets the rear yard setback requirement and is there an option to go back further to create more open space in the front. Ms. Thompson confirmed that they meet the average rear yard setback and if they pull back, they may still meet it but it is hard to determine if they will without seeing a revised site plan. Another option is to decrease the building footprint and reconfigure units inside. Mr. Rivard also asked if the applicant would be okay to pull the building back on the lot. Ms. Thompson mentioned that if it required a minor variance to do that, then another mailout will be circulated for that change. Councillor MacLeod also asked about snow removal and where would they put the snow if there's not enough space in front. Ms. Thompson noted that it is no different from what the current situation is. They either have to truck it off site or store it on their property.

Mr. Murphy, owner of the property, indicated that they have acquired the adjacent lot with an existing single family dwelling with the intent to further develop the site to address the shortage in apartment units. It would be a great neighbourhood because it is close to schools, the church and other retail shops. Should there be a need to revisit the proposal to make modifications to the current plan, we would have to review it again to determine whether the increased costs could be covered in a manner that would make the project viable.

Pat Langhorne, RM, asked what would be the configuration of the proposed apartment. Mr. Murphy commented that it would be nine (9) one-bedroom and six (6) two-bedroom units. Lynne MacLaren, RM, also asked where the garbage bins would be located on the site. Mr. Murphy noted that it is not shown on the plan but they will definitely provide for it on site. Ms. MacLaren commented that garbage trucks need to empty these bins so they need to be located in an accessible location.

Mr. Rivard asked if there is an opportunity to shrink the parking lot to allow the buffer in front to meet the 12 feet requirement and if Mr. Murphy would agree to that. Ms. Thompson noted though that there is a size requirement for parking spaces and drive aisles for parking lots that has to be satisfied.

Ron Coles, RM, also asked if the building can be reconfigured to face Spring Park Road. Ms. Thompson responded that this was looked at as an option but that configuration does not work. The Bylaw does not permit two buildings on a single lot.

Mr. MacLeod also asked how the parking lot is going to change the streetscape along Spring Park. Members of the board noted that the parking lot already exists along the street if approved

it will be an extension of the existing parking lot. Mr. Rivard also asked if there is an appetite for the applicant to landscape along the streetscape and Mr. Murphy indicated he would be willing to make those changes. Mr. Rivard also asked if this application is deferred, would the applicant be willing to go back with a new proposal and possibly undergo the variance process again, or would the applicant just stay with the current application. Mr. Murphy would be willing to undergo changes as recommended. Mr. Forbes also added that it may be best to also ask the applicant for their timeline. Mr. Murphy indicated that they are not proceeding with the project anytime soon and would be willing to work with staff to review the options for the building. Mr. Forbes also added that it would be best to have all plans refined, all questions or concerns about this project clarified before going to Council.

Ms. Thompson asked Mr. Murphy about the height of the existing building and Mr. Murphy noted that he does not have the height at the moment but he knows that it is three floors. And the new building will be slightly higher than the existing.

Ms. Thompson indicated that the land uses in the immediate area consists of a high school, a church, apartment buildings and lower density residential. She indicated that when reviewing the application staff weighed the front yard landscape requirements against the need for additional housing in the area. Therefore, staff recommends for approval of the variances subject to landscape buffer and a development agreement. If the board decides to defer the application until further design work is done on the building and landscape buffer requirements, then staff is supportive of this as well.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Lynn MacLaren, RM, and seconded by Loanne MacKay, RM, that the application for a minor variance to vary Section 15.2 of the Zoning & Development By-law by reducing the required lot area from 1,237.9 sq. ft. to approximately 1,190.64 sq. ft., a major variance to vary Section 3.9 c. of the Zoning and Development Bylaw to allow for the expansion of parking in the front yard and the consolidation of PID#'s 367938 and 367979 in order to construct a 15 unit addition to an apartment building in the Medium Density Residential (R-3) Zone for the property at 200-202 Spring Park Road (PID #'s 367938 and 367979), be deferred until a revised plan to address the Board's concerns are resolved.

CARRIED

8. 120 Westridge Crescent (PID #776435)

This is a variance application to reduce lot frontage and lot area in order to construct a semi-detached dwelling on the vacant property at 120 Westridge Crescent (PID #776435). The property is located in the Low Density Residential Single (R-2S) Zone. Greg Morrison, PII, presented the application. See attached report.

A building permit was issued on July 21, 2017 to demolish the single-detached dwelling and has remained vacant since that time. The property is located in the R-2S Zone in which semi-detached dwellings are a permitted use. The purpose of the variances is to construct a semi-

detached dwelling on the vacant property. That being said, the lot is undersized, both for lot frontage and lot area. The R-2S Zone required 72.2 ft of lot frontage in order to construct a semi-detached dwelling; however, the subject property only has 67 ft of lot frontage which represents a 7.2% minor variance. The lot area requirement is 7,491.7 sq.ft but the subject property has only 6,700 sq.ft which is a 10.57% major variance.

For a minor variance, if there are no written oppositions from residents, this variance may be approved by staff. Letters were sent to residents and staff has spoken to a resident in opposition, but since there were no written comments received, then the minor variance is approved and only the major variance will be dealt by the Board tonight.

Staff feels that variance is minor in nature, the zone allows the development of a two unit dwelling, and the proposed semi-detached dwelling meets all other setback requirements of the R-2S Zone. Should this variance be approved, staff feels that it may set a precedent for other residents in the area to request the same variances in order to convert their single-detached dwellings into two unit dwellings. The current bylaw allows for single-detached dwellings to be constructed with accessory apartments and these types of dwellings do not change the streetscape of the area while allowing two unit dwellings may potentially change the streetscape. Staff's recommendation is to reject the application. The applicant, Shane Dunn, attended the meeting to answer any possible questions.

Councillor Rivard asked how much difference would be required to meet the 10% variance and Mr. Morrison noted that it would be less than 100 sq.ft in additional lot area.

Shane Dunn, applicant, acknowledged Mr. Morrison's presentation and understood the idea that this application may set a precedent for future property owners requesting to demolish their existing houses in order to build two unit dwellings along the area. This proposal would be a benefit to the current housing need and will also be twice the tax base for the City. The goal is to build a one level semi-detached dwelling that will blend in terms of the cosmetic side or streetscape of that area. The developer for this property has built several houses in Charlottetown and Stratford area and has received positive feedback for the work.

Loanne MacKay, RM, asked why the original dwelling was demolished. Mr. Dunn mentioned that it was due to oil spill and the insurance company indicated that it would be more cost efficient to tear it down rather than to dig around the house and try to resolve the concern.

Lea MacDonald, RM, also clarified if it was a one storey dwelling and with a garage. Mr. Dunn confirmed that the dwelling would be single storey without a garage.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Councillor Terry MacLeod, and seconded by Lea MacDonald, RM, that the variance application to vary Section 14.2 of the Zoning & Development By-law by reducing the required lot area from 7,491.7 sq ft to approximately 6,700 sq ft the in order to

construct a semi-detached dwelling on the vacant property at 120 Westridge Crescent (PID #776435), be recommended to Council for approval.

CARRIED

9. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Home Occupation, Design Review and Parking

This is a proposal to amend three sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Home Occupation, Design Review and Parking. Greg Morrison, PII, presented the application. See attached Report.

The first amendment is to remove the section that requires design review to be completing prior to public notification for a variance, rezoning, etc... This requirement has been found to be difficult to enforce in light of the fact that when a design review is completed and then the variance or rezoning is rejected, then the applicant needs to go back and undergo another set of design review process. Staff's opinion is that the development approvals should be determined first before a detailed design is reviewed. Developers would usually have the proposed designs at the time of the application and public hearing and then the design review can follow later to finalize the design.

The second amendment is to further restrict as-of-right home occupations. The new bylaw has simplified the process for permitted home occupations but staff feel that any proposed home occupation that generates hourly or scheduled appointments should follow the process for a minor variance which would require Council approval if there was public opposition.

The third amendment is to clarify regulations as to how much of your front yard / lot frontage can be used for a driveway / parking as well as prohibit parking on any landscaped area of the front yard.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Lynn MacLaren, and seconded by Roger Doiron, RM, that the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Design Review, Home Occupation and Parking requirements, be recommended to Council to proceed to a Public Consultation.

CARRIED

10. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Affordable Housing Zoning

This is a proposal to amend three sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Affordable Housing Zoning. Robert Zilke, PII, presented the application. See attached Report.

The Affordable Housing Initiative Program was adopted and approved on September 10th 2018 with the objective of increasing density and decreasing parking requirements. Councillor Rivard mentioned that there is pressure on the City on affordable housing. Council is working closely on what the City can do in relation to affordable housing and at the same what the Planning Department needs to implement in terms of the Bylaw requirements. Mr. Zilke continued on to discuss the different sections of the Bylaw that will be changed in relation to Affordable Housing as it relates to initiatives to support this program.

Pat Langhorne, RM, asked what affordable housing is in terms of dollar value. Robert Zilke noted that it based on CHMC's definition which is 30% after taxes of a person's gross annual income. Mr. Forbes also noted that in order to get into this category, it should be federally, provincially or municipally subsidized. Ms. Langhorne also added that not all affordable housing may be the best housing. Mr. Zilke noted that the applications will undergo design review process and while it may not the most expensive type buildings in the city they can incorporate elements in the design such as change in color, materials and incorporate different design elements etc. Mr. Forbes noted that we have a need to accommodate affordable housing but we also need to consider the designs of these buildings so that they integrate into neighbourhood.

Mr. Forbes also added that this application is going to a Public Hearing and we would like to invite as much people and developer to attend so we can hear as much detail as we can at the meeting, or meet specific groups ahead of time.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

Moved by Roger Doiron, RM, and seconded by Lynn MacLaren, RM, that the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating Affordable Housing, be recommended to Council to proceed to a Public Consultation.

CARRIED

11. Others

Alex Forbes, PHM, mentioned that we have recently adopted new Bylaws pertaining to the Zoning & Development Bylaw, Heritage and Conservation and the Building Code Bylaw. Staff is proposing to rename the current Bylaws so that we have unique identifiers to Planning Bylaws. This is a good opportunity to fix these Bylaw numbers and so when it goes to Council for amendments, it will be easier for Council to know that these are amendments pertaining to Planning Department. The following will be the proposed changes:

- Zoning & Development Bylaw from 2018-11 to PH-ZD.2-000
- Building Code Bylaw from 2018-12 to PH-BC.3-000
- Heritage Bylaw from 2018-07 to PH-HB.1-000

Where, the digit after the two letter code would refer to the number of bylaws adopted, and the last three digits would be the number of amendments made to the current bylaw.

Also, because of the MGA requirements, we are providing more transparency of all the applications and activities of the Department. As a result, we are also putting the Planning

packages in the website, Friday before the scheduled meeting. This is to allow the public to also read the reports as necessary instead of them just knowing what is in the report at the time of the meeting.


All these amendments will also be included in Council's package for next week.

11. New Business

There were no businesses discussed.

The meeting was adjourned at 6:38 p.m.

Councillor Greg Rivard, Chair

TITLE: ZONING AMENDMENT PID 145797 (562 MALPEQUE ROAD) & PID 145789 OWNER: DONNA & TRENT SWITZER APPLICANT: MAPLE ISLE HOMES PEI INC. PLAN-2019-10-JANUARY-6A-1		
MEETING DATE: January 10 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
SITE INFORMATION: Context: Single detached dwelling and relatively flat Ward No: 8 Existing Land Use: Residential Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L) Zone		
PREVIOUS APPLICATIONS: 15-327, 07-372		

RECOMMENDATIONS:

That the Planning Board recommend to City Council to **reject** the request to proceed to a public consultation to rezone 562 Malpeque Road (PID 145797) & PID 145789 from Single-Detached Residential (R-1L) to the Highway Commercial (C-3) Zone and re-designate the same properties from Low Density Residential to Commercial.

Notwithstanding, staff would encourage Planning Board to **approve** the request to proceed to public consultation to rezone both properties to the Medium Density Residential (R-3) Zone and re-designate from Low Density Residential to Medium Density Residential in order to permit the construction of an 18-unit apartment building.

BACKGROUND:

Request

The applicant, Maple Isle Homes PEI Inc., on behalf of the property owners, Donna and Trent Switzer, is applying to:

- 1) Rezone the property located at 562 Malpeque Road (PID 145797) and PID 145789 from Single-Detached Residential (R-1L) Zone to the Highway Commercial (C-2) Zone; and
- 2) Re-designate the property from Low Density Residential to Commercial.

Approval of this application will allow for the development of an 18-unit apartment dwelling.

Development Context

The subject site PID 145789 is vacant while the site at 562 Malpeque Road (PID 145797) currently contains a single detached dwelling that operates a Bed & Breakfast business and is located along Malpeque Road. Both sites are relatively flat and located near the Confederation Trail. Uses surrounding the site include an existing 12-unit apartment dwelling to the south, Highway Commercial (C2) Zone property to the east, low density single detached properties to the north and west. There is a transit line with a bus stop located within 26 metres of the site. Other than the Confederation Trail to the south there are no other open accessible greenspace areas in the immediate area, as part of approval for this zoning amendment application the Board might want to give consideration of having the developer provide an amenity space for future residents. Both properties have access points on Malpeque Road, since this street is under Provincial jurisdiction, approval of a combined access point for the proposed development will be required. The proposal would be of a similar built form and housing typology as the existing 12-unit apartment building that was constructed by the applicant immediately to the south at 38 Malpeque Road. Since this area is transitioning to higher density it is recommended that a traffic management study be undertaken to determine level of capacity and infrastructure upgrades required to ensure that development along route 2 is safe and efficient.

History

In 2015, the current owners of the properties applied for the same zoning amendment application to change the existing R-1L to the C-2 Zone on the same two parcels (PID 145797/PID 145789). The applicant's reason to amend their property to the C-2 zone was to provide greater lot entitlements in order to increase the property's value in order to sell. Staff's recommendation which was supported by the Board was to defer the application from proceeding to a public meeting. The rationale for deferring the application was based on the fact that the owners did not provide any concept of how the lots were going to be developed. The C-2 Zone permits a wide variety of land uses (i.e. retail, warehouse, auto sales) that might not be compatible with the residential nature of the surrounding area. If the properties were to be pre-zoned without any concept provided, surrounding property owners would not have the ability to comment on any potential future development.

During this time the lot immediately to the south located at 38 Malpeque Road was being developed into a 12-unit apartment building. The land to the east was developed as a boating sales and service commercial land use. The area over a number of years has been transitioning into commercial but to the north and west there is an established low density residential neighbourhood.

ANALYSIS:

The current owners have found a potential buyer for both lots with Maple Isle Homes PEI Inc. wanting to develop an 18-unit apartment building on both properties. The site is adjacent to a public transit route with the Confederation Trail situated 50 metres to the south. The nearest park is located at 53 Stockman Dr. approximately 330 metres from the subject site. Although to access this park residents would have to cross Malpeque Rd. and there is no direct pedestrian connection (i.e. sidewalk) to connect the two sites. Both lots will have to be consolidated as well in order to accommodate the requirements of the Zoning & Development By-law.

Consistency with the Official Plan

The existing designation in the Official Plan is Low Density Residential and thus the applicant is requesting to change the land use designation to Commercial in order to accommodate the proposal. Alternatively, staff recommends to change the designation to Medium Density Residential in order to provide a softer transition in terms of potential land uses.

The Official Plan contains various policies that support multi-dwelling developments. Under Section 2.2 Growth Management policies the objective is to promote compact urban form and infill development with the efficient use of infrastructure facilities. Section 3.3 of the Official Plan contains multiple policies that support the proposed development, such as:

- Encourage development in fully serviced areas and ensure new residential development is located near areas of employment (i.e. commercial);
- Intensify residential development along public transit routes and open space amenities (i.e. Confederation Trail);
- Provide medium density housing styles to meet housing needs.

The proposal also brings much needed residential density to the Winsloe area which primarily supplies low density residential development. The current designation of the property is Low Density Residential and would therefore require a change in designation to Medium Density Residential in order to maintain consistency with the zoning amendment to the R-3 Zone to permit the construction of an apartment. The immediate area to the south and east are designated Commercial in the Future Land Use map of the Official Plan, re-designation of these properties to Medium Density Residential would provide a more compatible transition between the existing Low Density Residential and Commercial designated lands.

Consistency with the Zoning By-law

The area around the subject properties have two different distinct zones, being either Single-Detached Residential (R-1L) or Highway Commercial (C-2). Lands to the north and west are zoned R-1L and lands to the south and east are zoned C-2, the subject properties being in the R-1L Zone. Staff recommends that these properties be zoned to the Medium Density Residential (R-3) Zone for the purpose of allowing for the construction of an apartment building and to provide a more logical transition of land uses. The C-2 zone allows for a wide variety of commercial uses, many of

which could disrupt nearby low density residential properties and the neighbourhood in general. Given the character of the surrounding area, this rezoning request may very well be suitable and appropriate; however, nearby property owners should have the opportunity to comment on a specific future commercial development before it is approved. The R-3 Zone would still allow for the construction of an 18-unit apartment building as proposed.

Commenting Agencies

All comments have been addressed and summarized below.

Transportation, Infrastructure and Energy: Malpeque Road is under Provincial jurisdiction and requires approval from this agency for access to the site. Concerns were raised that properties along Malpeque Road that will transition to denser development will increase potential for conflicts as Route 2 in this area and that will generate additional traffic above those that would be generated by existing zoning. In order to ensure that density in this area transitions appropriately it is recommended that a traffic management plan in undertaken for this area to determine necessary infrastructure upgrades that will ensure for safe and efficient development in the Winsloe area.

CONCLUSION:

The Planning & Heritage Department recommends that the application proceed to public consultation to rezone 562 Malpeque Road (PID 145797) & PID 145789 from Single-Detached Residential (R-1L) to the Medium Density (R-3) Zone and re-designate the same properties from Low Density Residential to Medium Density Residential.

PRESENTER:



Robert Zilke, MCIP
Planner II

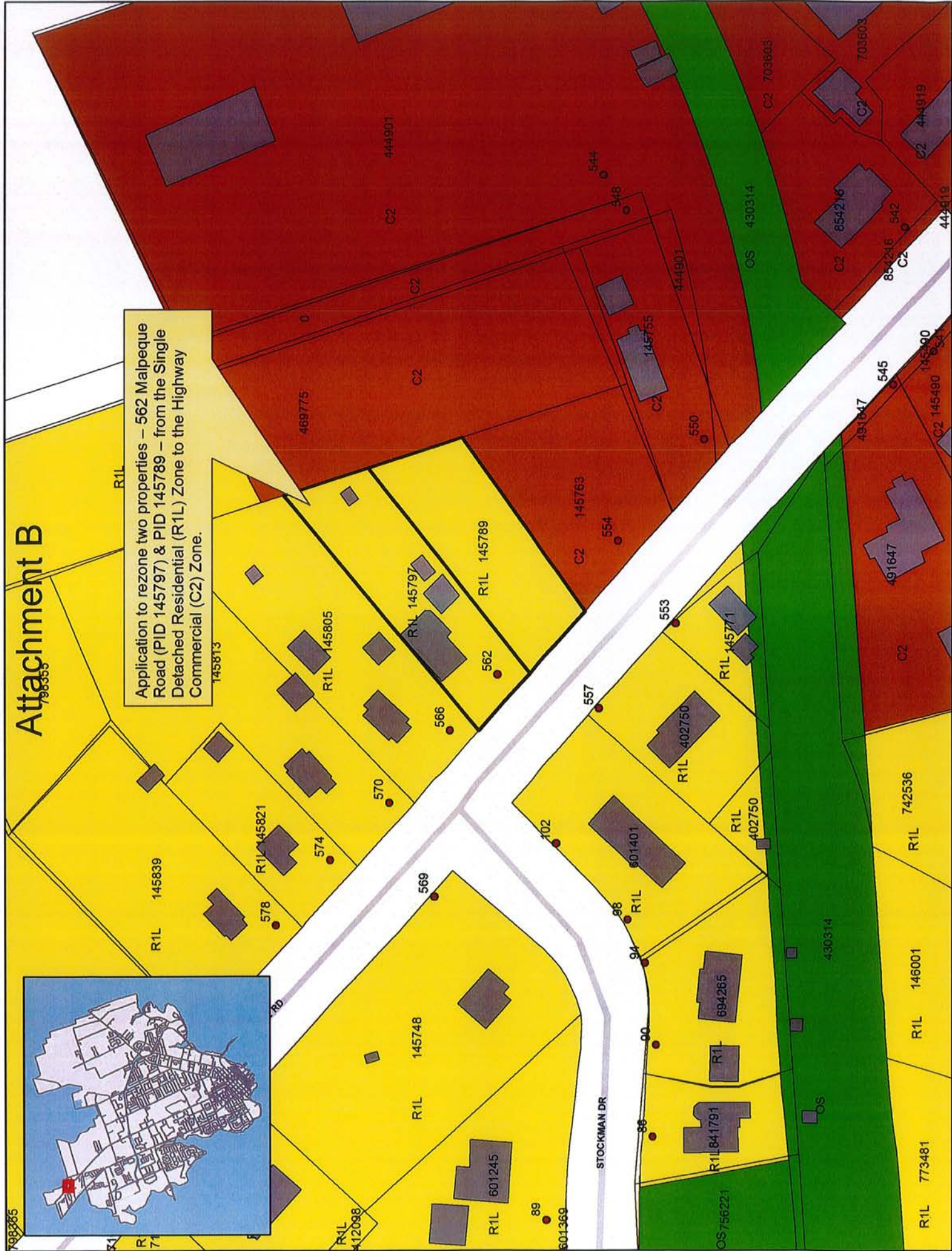
MANAGER:




Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment B

Application to rezone two properties – 562 Malpeque Road (PID 145797) & PID 145789 – from the Single Detached Residential (R1L) Zone to the Highway Commercial (C2) Zone.



TITLE: REZONING APPLICATION FILE: PLAN-2019-10-JANUARY-6a-2 ROYALTY ROAD (PID #388595) OWNER: ROYALTY RIDGE ESTATES INC.		 CHARLOTTETOWN
MEETING DATE: January 10, 2019		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Proposed Site Plan	
SITE INFORMATION: Context: 11.06 acre vacant property on the corner of Upton Road and Royalty Road. Ward No: 8 - Highfield Existing Land Use: Vacant Property Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1S) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to rezone approximately 3.89 acres of the vacant property located on the corner of Royalty Road and Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone be approved to proceed to public consultation.

BACKGROUND:

Request

The property owners, George Zafiris & Robert Wakelin (Royalty Ridge Estates Inc.), are applying to rezone a portion of the vacant property located on the corner of Royalty Road & Upton Road from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone.

The purpose of the rezoning would be to construct nine properties which would allow the development of 2-unit dwellings. Seven of these properties would be located on a cul-de-sac off Royalty Road while the remaining two lots would have direct frontage onto Royalty Road.

At this time, it is proposed that the remaining lands would be developed with frontage on either Royalty Road or Upton Road or would have frontage off of the proposed Meadow Lane extension. The road configuration has been reviewed by Police, Public Works, and Fire but the zoning of these lands has yet to be determined. At this time, they will remain zoned R-1S.

Finally, the applicant is proposing a 6,295 sq ft landscaped corridor between the two cul-de-sacs and a 40,760 sq ft landscaped open space which has been reviewed by and satisfies the requirements of the Parks & Recreation Department.

Development Context

The vacant property is located on the corner of Upton Road and Royalty Road and is currently zoned Single-Detached Residential (R-1S). The subdivisions to the south and the west are both zoned R-1L and R-1S, while the vacant land to the east is zoned R-2. The properties across the street with frontage on Royalty Road are located in the R-1L Zone; however, the vacant land in the rear of said properties is located in the R-2S Zone.

The overall neighbourhood of West Royalty is mixed with single-detached dwellings and semi-detached / duplex dwellings. The proposed rezoning from the R-1S Zone to the R-2 Zone would not be out of context for the neighbourhood, but staff would note that the existing dwellings that would bookend the area being rezoned along Royalty Road are zoned R-1S and R-1L.

Property History

There is no building & development permit records or subdivision records for the 11.06 acre vacant property.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed rezoning is approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4.c of the Zoning & Development By-law.

ANALYSIS:

The surrounding neighbourhood of West Royalty has a mix of single-detached dwellings and semi-detached dwellings. The proposed rezoning would not be out of context for the area and

the applicant is making an effort to seclude the portion of the lands being rezoned by giving them an independent access onto Royalty Road without having to join with any existing single-detached residential neighbourhood.

Staff is hesitant in the fact that both properties on either side of the proposed rezoning are located in the R-1S and R-1L Zones. That being said, the Official Plan identifies this area as Low Density Residential which would include the R-1S Zone, R-1L Zone, R-1N Zone, R-2 Zone, and the R-2S Zone. In light of the foregoing, all of these zones would be considered compatible and the proposed rezoning application would not require an Official Plan amendment.

Staff is recommending that the proposed rezoning proceed to public consultation to hear any concerns raised by the residents in the immediate area.


Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ The adjacent vacant lands owned by Don MacKinnon and Duncan Shaw are both zoned for semi-detached / duplex dwellings. ▪ The proposed landscaping has been approved by the Parks & Recreation staff. 	<ul style="list-style-type: none"> ▪ The proposed road configuration has been reviewed by the Police, Public Works, and Fire Departments but hasn’t been approved until engineering drawings have been submitted. 	<ul style="list-style-type: none"> ▪ The proposed rezoning is bookended by single-detached dwellings. ▪ Allowing this portion of the property to be rezoned may lead to the balance being rezoned in the future as well.

CONCLUSION:


The Planning & Heritage Department recommends that the rezoning application be approved to proceed to public consultation.

PRESENTER:



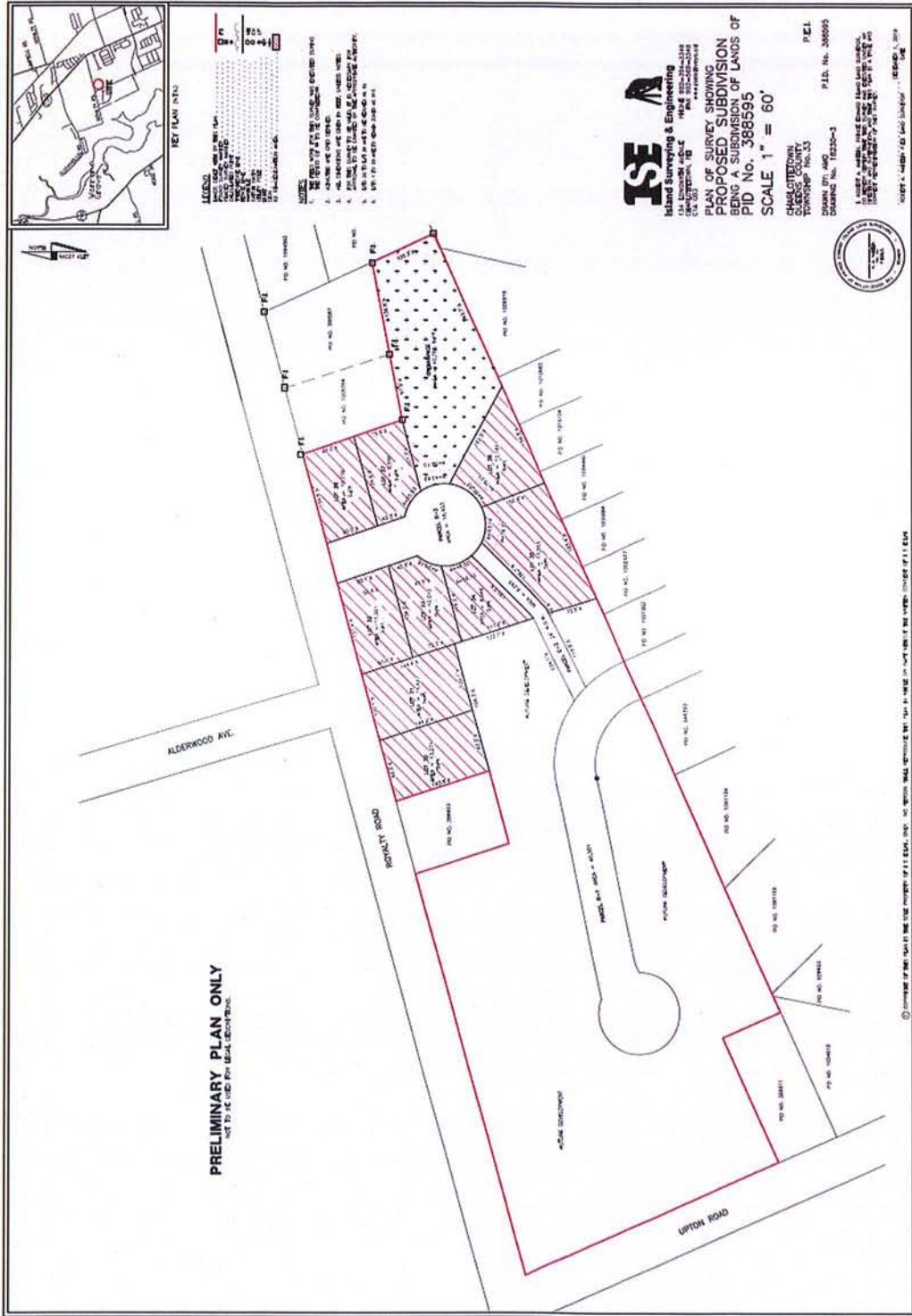
 Greg Morrison, MCIP
 Planner II

MANAGER:




 Alex Forbes, MCIP, MBA
 Manager of Planning & Heritage

Attachment B



Attachment B: Proposed Site Plan
File: PLAN-2019-10-JANUARY-6a-2
Royalty Road (PID #388595)
Owner: Royalty Ridge Estates Inc.



TITLE: MAJOR VARIANCE TO LEGAL NON CONFORMING SETBACK AND LOT CONSOLIDATION FILE: PLAN-2019-10-JANUARY-6b-3 58 Victoria Street OWNER: Jason Cadman		 CHARLOTTETOWN
MEETING DATE: January 10, 2018		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Proposed Site Plan C. Letter in response to the notification	
SITE INFORMATION: Context: Developed neighbourhood consisting of a variety of low density housing. Property on the corner of Victoria Street and Peake Street Ward No: 3 – Brighton Existing Land Use: existing single detached dwelling Official Plan: Medium Density Residential Zoning: Medium Density Residential (R-3) Zone		
PREVIOUS APPLICATIONS: Building is a designated heritage resource.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the Major Variance Section to vary Section 15 of the Zoning and Development Bylaw to decrease the flankage yard setback on a corner lot from 19.7 ft. (6 m) to 1.1 ft. (0.36 m) be rejected and the consolidation of PID# 353433 (Parcel A & Parcel B) be approved in order to construct an attached garage in the Medium Density Residential (R-3) Zone at 58 Victoria Street (PID #353433).

BACKGROUND:

Request

The City of Charlottetown has received an application in accordance with Section 3.9, Major Variances of the Zoning and Development Bylaw, for a variance to the property located at 58 Victoria Street (PID#353433).

The property is zoned Medium Density Residential (R-3) Zone and is currently occupied with a single-detached dwelling. The applicant has requested a major variance under Section 3.9 of the Bylaw to decrease the flankage yard setback on a corner lot from 19.7 ft. (6 m) to 1.1 ft. (0.36 m). The flankage yard setback for the existing dwelling is currently 6.2 ft. (1.89 m). The property owner has asked to further decrease the flankage yard setback to enable them to add an attached garage to their home. Please see the attached site plan.

The applicant is also purposing to consolidate the back portion of his property with the front portion. Both parcels are numbered with the same PID # and are under the same ownership but currently exist as separate parcels. Notice to property owners is required for a lot consolidation in the R-3 Zone. (Section 45.3.5 of the Zoning and Development Bylaw states, "*Notice to property owners within 100 meters of the subject property is required to consolidate properties in the R-3 Zone.*")

Development Context

The subject property is located on the corner of Victoria Street and Peake Street in a mature neighbourhood. For the most part buildings within the neighbourhood are setback within close proximity to the street. The proposed addition is approximately 24 ft. wide x 31 ft. deep. The garage door is proposed to face Peake Street. A detached shed currently exists on the property and the applicant will be removing it and constructing the garage in the location of the existing shed and driveway. The applicant has indicated that the reason for the request to move the addition closer to the street boundary is to preserve additional backyard space and so they will not have to remove or decrease the size of the existing deck. The applicant has also indicated that the 1.1 ft. setback would allow the entry door from the garage to the house to be located at the back of the garage as opposed to entering in the center of the garage.

History

The subject property is a designated heritage property. Therefore, the proposed design of the garage addition will have to be vetted and approved by Heritage Board. This application will be forwarded to Heritage Board once it is determined if the variance will be granted approval.

ANALYSIS:

Section 15 of the Zoning and Development Bylaw, the R-3 (Medium Density Residential Zone) requires a flankage yard setback of 19.7 feet. The existing dwelling currently has a flankage yard setback at the closest point to the property boundary of 6.2 feet. Given this is an older established neighbourhood the setback is considered "legal non-conforming". Section 4.6 *Non-Conforming Buildings* of the Zoning and Development Bylaw states, "*Where a Building has been*

erected on or before the effective date of this by-law, on a Lot having less than the minimum Lot Frontage or Lot Area, or having less than the minimum Setback required by this by-law, the Building may be enlarged, reconstructed, repaired, renovated, or demolished provided that:

- a. The enlargement, reconstruction, repair, Renovation, or new Building does not further reduce the existing Setback that does not conform to this by-law, and in the case of a Demolition, a new Building is constructed within two (2) years; and*

The Bylaw allows a building with a legal non-conforming setback to be expanded or enlarged provided the setback of the expansion does not further reduce the existing nonconforming setback. In this case the applicant is requesting to enlarge the building and further reduce the setback for the garage addition closer to the flankage yard setback than the already legal non-conforming setback of the main dwelling.

Staff forwarded the application for review and comment to the Public Works Department and Public Works have concerns with snow plowing. They have indicated that Peake Street is a very narrow street with little shoulder within the ROW. The current set back of the house is sufficient enough to allow snow clearing activities and push the snow off the street. However, with only a 1.1 ft setback, there are concerns that when plowing, snow may be pushed in such a way to damage the garage. Therefore, they do not support the variance request.

The applicant has indicated that the adjoining dwelling is located approximately 1 ft. from the street boundary. Staff calculated the average setback of the adjoining dwelling and the subject property and the average setback for both dwellings is approximately 5.8 feet. Therefore, if approved the addition would also exceed the average setback.

Section 3.9.1 b. of the Zoning and Development Bylaw states,

“b. the need for consideration of a Major Variance is owing to conditions specific to the property and is unique to the area and not the result of actions by the Owner, and a literal enforcement of this Bylaw would result in unnecessary and undue hardship;”

In review of the proposed site plan there is adequate room to move the addition back to meet the 6.2 ft. setback of the existing dwelling. A portion of the existing deck/covered porch would have to be removed however; there is still adequate room within the rear yard. Therefore, staff does not view this variance request as an unnecessary and undue hardship.

The applicant has also requested a lot consolidation of the parcel containing the existing dwelling and the rear portion of the property to facilitate the addition. It is staff’s opinion that the consolidation should be approved as it will bring the rear yard setback of the existing dwelling into conformity. As per Section 45.3.5 of the Zoning and Development Bylaw notification of the request for consolidation was included within the letter that was sent to residents on November 9, 2018.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, on December 14, 2018 notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance and lot consolidation. The deadline to submit written comments on the application was Wednesday, January 2, 2019.

Public Feedback

In response to the City’s notification letter One (1) letter in favor of the major variance and lot consolidation was received. The letter stated that they did not feel the addition would negatively impact the neighbourhood and that other properties were very close to the street. See attached letter.

Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Approval of the lot consolidation will bring the rear yard setback of the existing dwelling into conformity. 	<ul style="list-style-type: none"> ▪ . The existing covered deck at the back of the house may have to be decreased to accommodate the garage addition. 	<ul style="list-style-type: none"> ▪ The flankage yard setback of the existing dwelling already does not conform to the Bylaw. ▪ The proposed flankage yard setback exceeds the current building line of the legal non-conforming dwelling. ▪ Public Works have concerns about the width of Peak Street and snow clearing may be hindered with the garage this

close to the street boundary. Additionally Public Works have concerns that the garage may risk damage if constructed this close to the property boundary on such a narrow street.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend that the major variance request to reduce the flankage yard setback from 19.7 ft. to 1.1 ft. be rejected and that the lot consolidation of PID # 353433 (Parcel A & Parcel B) be approved.

PRESENTER:

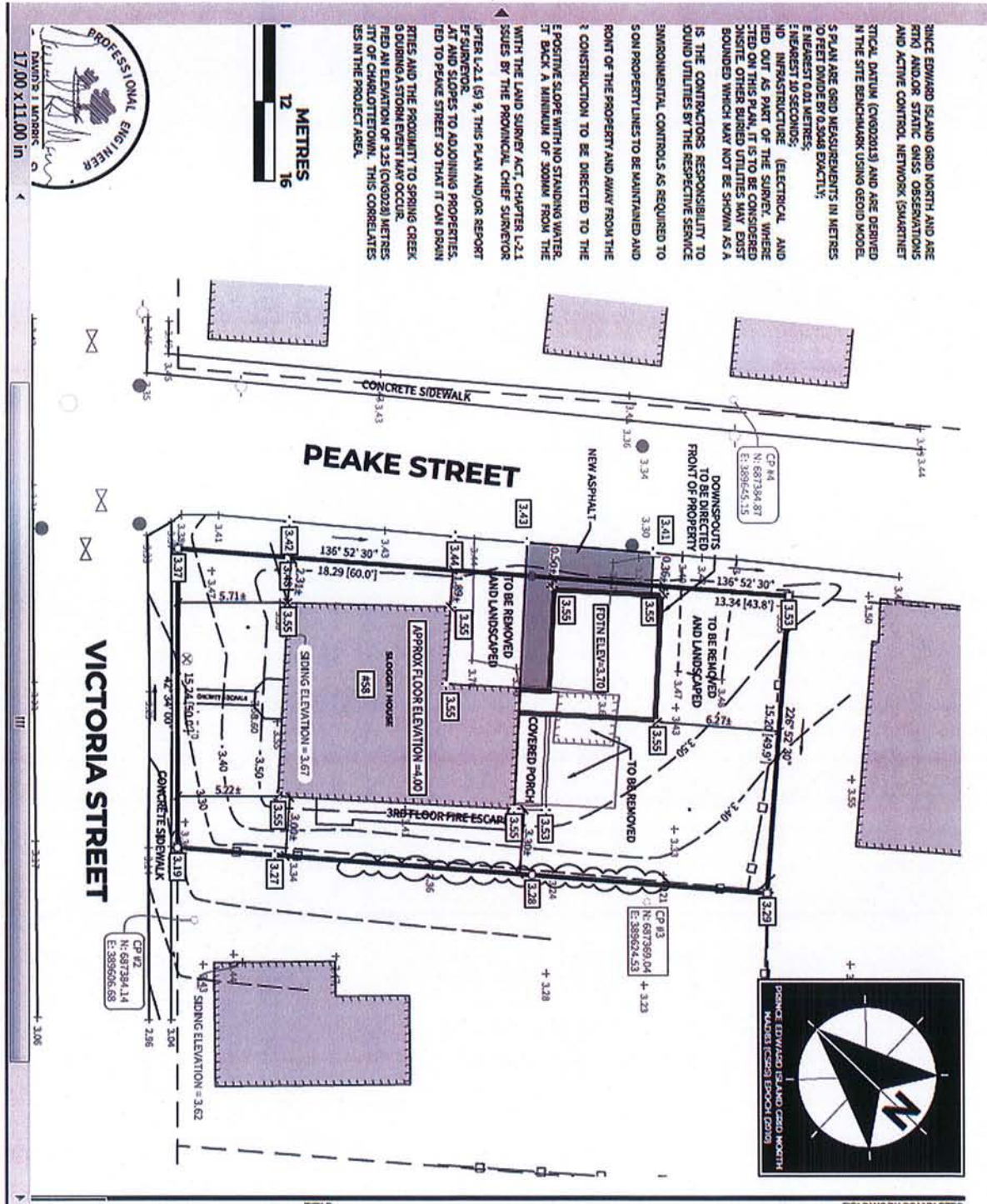
Laurel Palmer Thompson, MCIP
Planner II

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage




Site Map:



SINCE EDWARD ISLAND GRID NORTH AND ARE (RTX) AND/OR STATIC GNSS OBSERVATIONS AND ACTIVE CONTROL NETWORK (SMARTNET) STICAL DATUM (CNGD2013) AND ARE DERIVED IN THE SITE BENCHMARK USING GEOID MODEL. 5 PLAN ARE GRID MEASUREMENTS IN METRES TO FEET DIVIDE BY 0.3048 EXACTLY; NEAREST 0.01 METRES; INFRASTRUCTURE (ELECTRICAL, AND BOUND OUT AS PART OF THE SURVEY, WHERE LISTED ON THIS PLAN, IT IS TO BE CONSIDERED AS OTHER BURIED UTILITIES MAY EXIST BOUNDING WHICH MAY NOT BE SHOWN AS A IS THE CONTRACTORS RESPONSIBILITY TO SOUND UTILITIES BY THE RESPECTIVE SERVICE ENVIRONMENTAL CONTROLS AS REQUIRED TO SON PROPERTY LINES TO BE MAINTAINED AND FRONT OF THE PROPERTY AND AWAY FROM THE CONSTRUCTION TO BE DIRECTED TO THE POSITIVE SLOPE WITH NO STANDING WATER. IT BACK A MINIMUM OF 300MM FROM THE WITH THE LAND SURVEY ACT, CHAPTER L-2.1 ISSUES BY THE PROVINCIAL CHIEF SURVEYOR AFTER L-2.1 (S) 9, THIS PLAN AND/OR REPORT OF SURVEYOR, AT AND SLOPES TO ADJOINING PROPERTIES, TO PEAKE STREET SO THAT IT CAN DRAIN RIES AND THE PROXIMITY TO SPRING CREEK G DRAINAGE STORM EVENT MAY OCCUR. FIELD AN ELEVATION OF 3.25 (CNGD2013) METRES OF CHANGELIETIOWM. THIS CORRELATES IN THE PROJECT AREA.



TITLE: LOT AREA & LOT FRONTAGE VARIANCES FILE: PLAN-2019-10-JANUARY-6b- 4 120 WESTRIDGE CRESCENT OWNER: VINCENT DUNN		 CHARLOTTETOWN
MEETING DATE: January 10, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Proposed Site Plan C. Proposed Front Elevation	
SITE INFORMATION: Context: Developed neighbourhood in Hillsborough Park consisting of a variety of housing types. Ward No: 10 - Falconwood Existing Land Use: Vacant Property Official Plan: Mature Neighbourhood (Low Density Residential) Zoning: Low Density Residential Single (R-2S) Zone		
PREVIOUS APPLICATIONS: A building & development permit was issued on July 21, 2017 to demolish the existing single-detached dwelling.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the Variance Application to vary Section 14.2 of the Zoning & Development By-law by reducing the required lot area from 7,491.7 sq ft to approximately 6,700 sq ft the in order to construct a semi-detached dwelling on the vacant property in the Low Density Residential Single (R-2S) Zone be rejected at 120 Westridge Crescent (PID #776435).

BACKGROUND:

Request

The property owner, Vincent Dunn, is applying to vary the lot frontage and lot area requirements as illustrated in Section 14.2 of the Zoning & Development By-law in order to construct a semi-detached dwelling at 120 Westridge Crescent (PID #776435) which is a vacant property in the Low Density Residential (R-2S) Zone. Approval of this application will allow for the construction of a one-storey semi-detached dwelling with a building footprint of 1,990.80 sq ft (47.40 ft x 42.00 ft).

This application was before the Planning Board on December 3, 2018 at which time the Board recommended to Council that the lot area variance be approved. Council reviewed the application on December 10, 2018 at which time they deferred the application to request that staff discuss the possibility of adding a fence to the side yard adjacent to the open space corridor (PID #690966) with the applicant. Staff spoke to the applicant on December 12, 2018 and he was willing to construct a fence to meet the request of Council.

Development Context

The subject property is currently vacant and is located in Hillsborough Park on Westridge Crescent adjacent to a landscaped corridor which is owned by the City of Charlottetown. The uses surrounding the site include a variety of housing types including single-detached dwelling on either side of the subject property and semi-detached dwelling / townhouse dwelling across the street.

Property History

The subject property formally contained a single-detached dwelling; however, it was demolished following the issuance of a building & development permit on July 21, 2017. The property has remained vacant since that time.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variances. The deadline to submit written comments on the application was Friday, November 30, 2018.

Public Feedback

The Planning & Heritage Department has not received any written responses in relation to this application. Staff spoke with one resident who opposed the variance but did not submit a formal letter of opposition.

Staff would note that since no written objections were received prior to the above noted deadline, the proposed minor variance to the lot frontage has been approved by the Planner and only the major variance will be required to be decided by the Planning Board & Council.

ANALYSIS:

While the R-2S Zone allows for the development of semi-detached dwellings, Section 14.2 of the Zoning & Development By-law indicates that in order to be eligible to construct said dwelling, the property must have a lot frontage of 72.2 ft and a lot area of 7,491.7 sq ft. The subject property has a lot frontage of 67.0 ft and a lot area of 6,700 sq ft. The request represents a 10.57% major variance to the lot area and a 7.20% minor variance to the lot frontage.

Staff are concerned that the need for the lot area variance is not owing to peculiar conditions specific to the property. While the R-2S Zone allows for 2-unit dwellings, the property is undersized to permit such a use. This situation is similar to the majority of dwellings on Westridge Crescent and Glenthorn Avenue. Should the variance be approved, numerous property owners may seek similar variances in order to convert their existing single-detached dwellings into 2-unit dwellings and it would be difficult to reject such a request in the future if the precedent was already established. If this was the case, then over time it could change the dynamic of the neighbourhood by becoming entirely 2-unit dwellings. Staff would also note that with the new Zoning & Development By-law, accessory apartments are permitted within single-detached dwellings which would allow the applicant to construct a second unit while maintaining the single-detached dwelling streetscape. Staff would note that there are limitations as to who can create an accessory apartment.

Notwithstanding staff's concerns above, the proposed variances are fairly minor in nature and the proposed semi-detached dwellings could be constructed while adhering to all other requirements of the Zoning & Development By-law including setbacks and parking. Further, the surrounding area already contains a variety of housing types. While the subject property is adjacent to single-detached dwellings, there are semi-detached dwellings and townhouse dwelling across the street. Further, there are apartment buildings further down Westridge Crescent. Staff would note that this application had previously received a recommendation from the Planning Board and the applicant is willing to meet the request of Council to construct a fence adjacent to the landscaped open space adjacent to the subject property.

Below is a quick summary of the subject application's positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> ▪ Semi-detached dwelling is a permitted use in the Low Density Residential Single (R-2S) Zone. ▪ According to the site plan provided, all other requirements of the Zoning & Development By-law including setbacks and parking have been satisfied. ▪ The proposed variances are fairly minor in nature. ▪ There is a variety of housing types on Westridge Crescent including single-detached dwellings, semi-detached dwelling, townhouse dwellings and apartment dwellings. ▪ Planning Board recommended to Council that this variance be approved on December 3, 2018. ▪ The applicant is willing to construct a fence adjacent to the landscaped open space as requested by Council. 	<ul style="list-style-type: none"> ▪ The Zoning & Development By-law allows for accessory apartments within single-detached dwellings which would allow the applicant to construct a second unit while maintaining the single-detached dwelling streetscape. 	<ul style="list-style-type: none"> ▪ Contradicts Section 3.9.1.b. <i>The need for consideration of a Major Variance is owing to peculiar conditions specific to the property and is unique to the area.</i> ▪ Approving this variance could set a precedent and eventually change the dynamic of the neighbourhood.

CONCLUSION:

The Planning & Heritage Department recommends that the lot area variance application, be rejected.

PRESENTER:



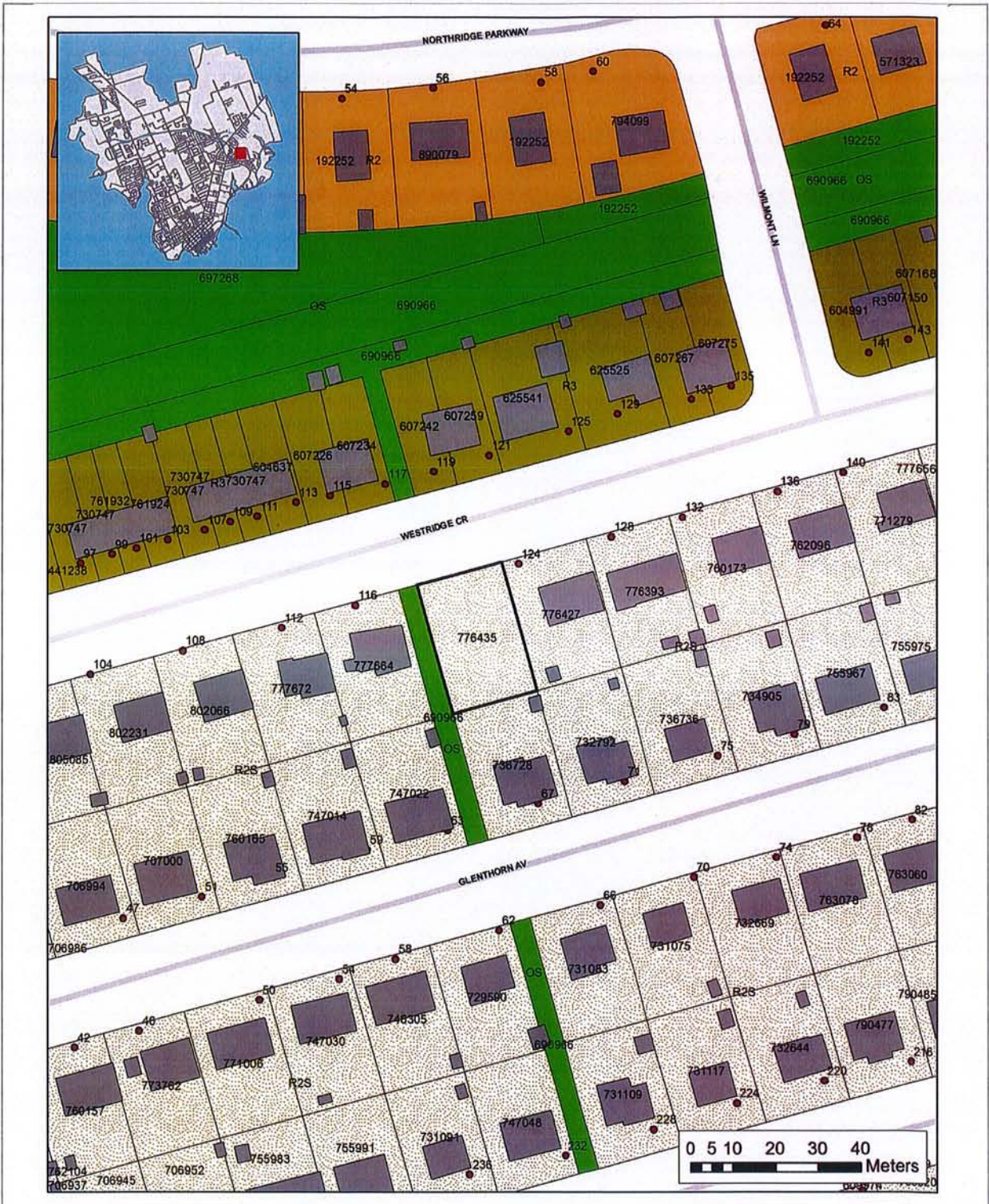
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

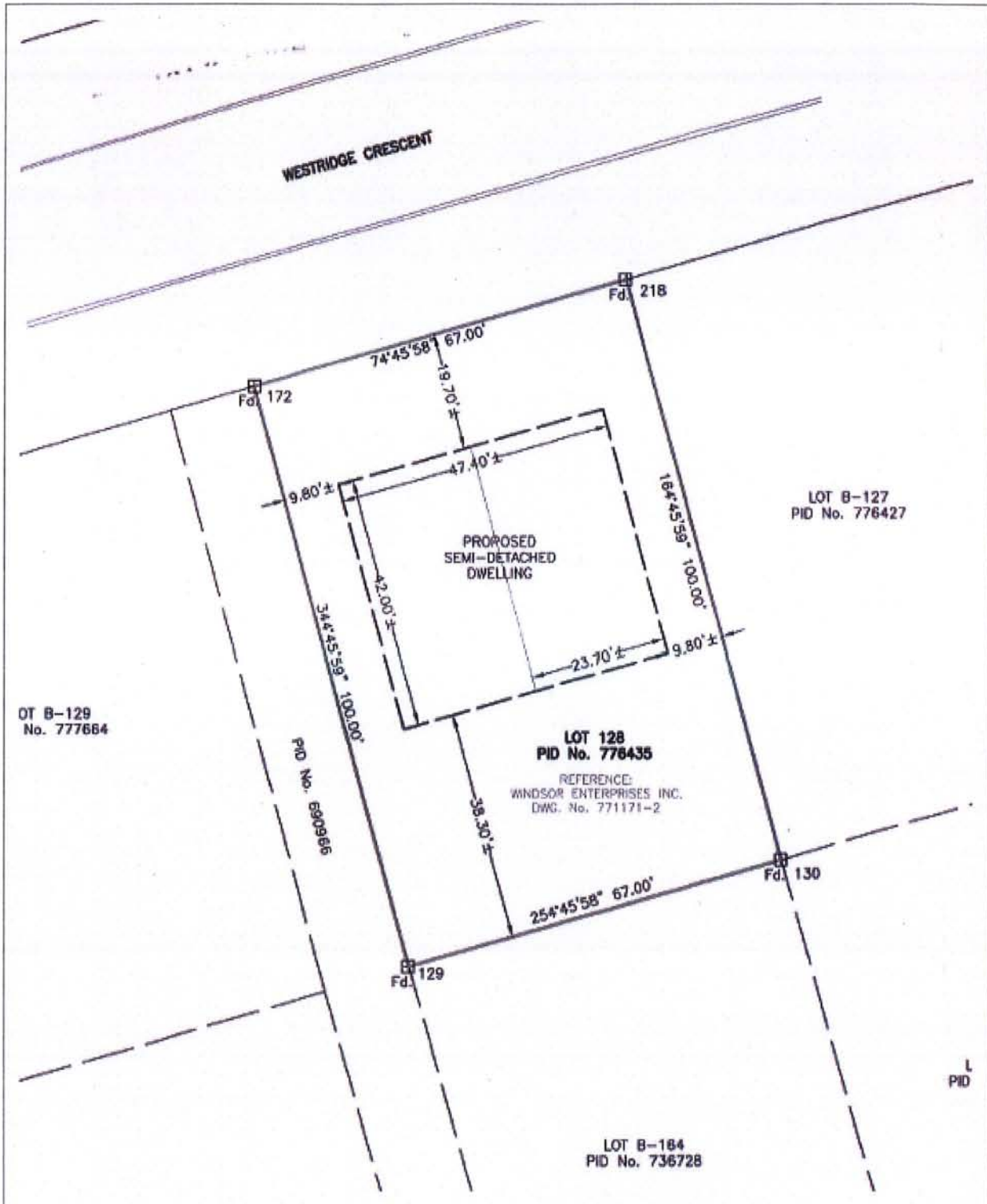
Attachment A



Attachment A: GIS Map
File: PLAN-2019-10-JANUARY-6b-4
120 Westridge Crescent
Owner: Vincent Dunn



Attachment B



OT B-129
No. 777664

LOT B-127
PID No. 776427

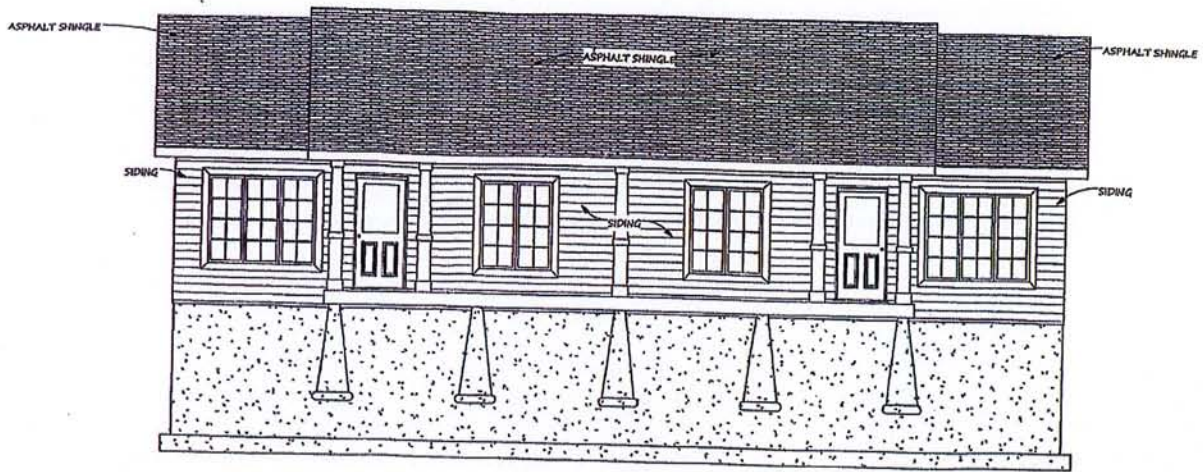
LOT 128
PID No. 776435
REFERENCE:
WINDSOR ENTERPRISES INC.
DWG. No. 771171-2

LOT B-184
PID No. 736728

Attachment B: Proposed Site Plan
File: PLAN-2019-10-JANUARY-6b-4
120 Westridge Crescent
Owner: Vincent Dunn




Attachment C



Attachment C: Proposed Front Elevation
File: PLAN-2019-10-JANUARY-6b-4
120 Westridge Crescent
Owner: Vincent Dunn


CHARLOTTETOWN
Planning & Heritage
Department



TITLE: LOT CONSOLIDATION FILE: PLAN-2019-10-JANUARY GC-5 180 Beach Grove Road OWNER: Province of Prince Edward Island		 CHARLOTTETOWN
MEETING DATE: January 10, 2018		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map	
SITE INFORMATION: Context: Institutional Zoned Land Ward No: 7 – Beach Grove Existing Land Use: Queens County Residential Services, Institutional Official Plan: Institutional Zoning: (I) Institutional		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the consolidation of PID# 1000744 and a portion of 388736 be approved subject to a final pinned survey plan.

BACKGROUND:

Request

The City of Charlottetown has received an application in accordance with Section (Section 45.3.4 a) of the Zoning and Development Bylaw to consolidate PID # 1000744 with a portion of PID #388736 to extend the lands of Queens County Residential Services. Lot consolidations in the Institutional Zone (I) requires approval from Council.

Development Context

The subject property is located on Beach Grove Road within an Intuitionl Zone on lands owned by the Provincial Government. There are no residential uses located within the immediate area.

ANALYSIS:

The applicant has also requested a lot consolidation of the parcel to facilitate future expansion of the building occupying the site. It is staff's opinion that the consolidation should be approved as it does not offend the Bylaw.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend that the lot consolidation of PID #1000744 and a portion of PID # 388736 be approved subject to a final pinned survey plan.

PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II



Handwritten signature of Laurel Palmer Thompson in blue ink, written over a blue horizontal line.

MANAGER:


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



Handwritten signature of Alex Forbes in blue ink, written over a blue horizontal line.

GIS Map:



TITLE: ZONING AMENDMENT AFFORDABLE HOUSING AMENDMENTS PLAN-2019-10-JANUARY-6C-6		 CHARLOTTETOWN
MEETING DATE: January 10 2019		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. City of Charlottetown Affordable Housing Incentive Program B. Properties with Potential Garden Suites C. Properties with Greater Density Bonuses	
The following are textual amendments to the Zoning & Development By-law in order to define, incentivize and establish land use regulations for affordable housing within the City of Charlottetown.		
Reason for Amendments: Implementation of the Affordable Housing Incentive Program		

RECOMMENDATIONS:

That the Planning Board recommend City Council to **approve** the request to proceed to a public consultation for By-law No. to include the following amendments:

- 1) To add Bonus Density to Section 3 to allow for developments to increase unit density up to 20% for Affordable Housing Dwellings;
- 2) Provide Planning Committee with the ability to provide input, amend and require a particular incentive for any Bonus Height application;
- 3) Remove the provision of three or four bedroom Dwelling Units from public benefits in the Bonus Height Applications;
- 4) To allow a development to combine the density bonuses for underground parking (20%) and affordable housing dwellings (20%) for a total density bonus of up to 40%;
- 5) Require affordable housing developments that are constructed entirely for the purpose of affordable housing be subject to design review, whereby the design review costs be covered by the City;
- 6) Change the term Accessory Apartments to Secondary Suites throughout the By-law to be consist with the National Building Code;
- 7) Amend the Garden Suite section to decrease the minimum required lot area from 1 acre to 0.5 acre and prevent a Garden Suite from being subdivided;
- 8) Include Garden Suite as an *Accessory* and *Secondary Use* in the Future Development (FD) Zone
- 9) Insert Affordable Housing parking standards (up to 25% decreases depending on area and form of the development) into the Parking Space Standards table;
- 10) Amend Appendix A: Definitions to remove the numbering and replace the definition of Accessory Apartment with Secondary Suite. Include additional definitions for Boarding/Rooming House, Group Home, Short and Long term rentals.
- 11) Amend Appendix F: Fee Schedule to exempt Affordable Housing development(s) as defined by the Zoning & Development By-law from permit and development fee(s).

BACKGROUND:

Staff at the request of City Council initiated a review of the Zoning By-law to implement the policy direction outlined in the *Affordable Housing Incentive Program*. The proposed amendments to the Zoning & Development By-law has been based on the policy objectives of the *Affordable Housing Incentive Program* and best practices found in other Canadian cities. The intention is to provide incentives to the development community to construct more affordable housing dwellings across the City. The proposed changes will allow for increased densities/entitlements on properties across the City, reductions of parking requirements, and the creation of well-designed buildings for affordable housing developments.

Development Context

Summary of Proposed Changes to Zoning & Development By-law:

Intent of Change	Impacted Zone(s)	Proposed Regulations	Existing Regulations
<ul style="list-style-type: none"> Increase density and promote more affordable housing units in a variety of housing types and zones. 	<ul style="list-style-type: none"> R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1, C-2, C-3, CDA 	<ul style="list-style-type: none"> Affordable Housing development(s) are permitted for 20% density increases over and above the applicable zone requirements. As long as the development can meet all of the applicable requirements of the Zoning By-law. 	<ul style="list-style-type: none"> None.
<ul style="list-style-type: none"> To provide Planning Committee with the ability to provide direction on specific public benefits that should be required for a Bonus Height application. 	<ul style="list-style-type: none"> DMUN, DMS, DC, WF 	<ul style="list-style-type: none"> Provide Planning Committee with the ability to provide input, amend and stipulate the preferred incentive for a Bonus Height application. 	<ul style="list-style-type: none"> It is at the developer's discretion on what public benefit is offered.
<ul style="list-style-type: none"> Difficult for staff to quantify as a public benefit. 	<ul style="list-style-type: none"> DMUN, DMS, DC, WF 	<ul style="list-style-type: none"> Remove 	<ul style="list-style-type: none"> The provision of three or four bedroom Dwelling Units.

<ul style="list-style-type: none"> To encourage affordable housing and blended affordable housing developments to include underground parking. 	<ul style="list-style-type: none"> R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1,C-2, C-3, CDA 	<ul style="list-style-type: none"> To allow for combining of the Density and Underground Parking Bonus provisions, up to a maximum of 40%. 	<ul style="list-style-type: none"> Providing 75% of required parking spaces of a development underground, allowed for 20% density bonus.
<ul style="list-style-type: none"> Increase affordable housing densities, while ensuring compatibility with the surrounding area. The costs of the design review will be covered by the City in order to promote good affordable housing building design. 	<ul style="list-style-type: none"> DMUN, DMS, DC, WF, R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1,C-2, C-3, CDA 	<ul style="list-style-type: none"> Development(s) that are constructed entirely for the purpose of Affordable Housing is subject to Design Review, the cost of the review will be covered by the City. 	<ul style="list-style-type: none"> Design Review only applied to buildings within the 500 Lot Area.
<ul style="list-style-type: none"> Change the term <i>Accessory Apartment</i> to <i>Secondary Suite</i> in order to be consistent with the National Building Code (NBC) of Canada 2015. 	<ul style="list-style-type: none"> R1-L, R-1S, FD 	<ul style="list-style-type: none"> Replace the term “Accessory Apartment” with “Secondary Suite”. 	<ul style="list-style-type: none"> Accessory Apartment
<ul style="list-style-type: none"> Amend the minimum required lot area from 1 acre to 0.50 acre; To prohibit the subdivision of the Garden Suite from the subject property. The intent is that these suites will not be subdivided in the future. See Attachment B for impacted properties. 	<ul style="list-style-type: none"> R1-L, R-1S, FD 	<ul style="list-style-type: none"> (b) Has a minimum Lot Area of 0.2 hectares (0.5 acre); and (d) A Garden Suite shall not be permitted to be separated from the principle lot through a condominium conversion or subdivision. 	<ul style="list-style-type: none"> (b) Has a minimum Lot Area of 0.4 hectares (1 acre).
<ul style="list-style-type: none"> To maintain consistency with the other low density residential zones by permitting a Garden Suite. 	<ul style="list-style-type: none"> FD 	<ul style="list-style-type: none"> Permit a Garden Suite as an Accessory or Secondary Use. 	<ul style="list-style-type: none"> None
<ul style="list-style-type: none"> Promote and incentivize affordable housing projects with decreased parking requirements. Direct development with decreased parking requirements along public transit routes to promote a <i>Walkable City</i>. Refer to Attachment C for impacted properties. 	<ul style="list-style-type: none"> R-3, R3T, R-4, R-4A, R-4B, MUR, ER-MUVC, MUC, C-1,C-2, C-3, CDA 	<ul style="list-style-type: none"> Insert <i>Affordable Housing</i> in the Parking Standard Table. 0.75 parking stall per <i>Dwelling Unit</i>. <i>*To qualify the property must be within 500 metres of a transit stop.</i> 	<ul style="list-style-type: none"> 1.00 parking stall per <i>Dwelling Unit</i>

<ul style="list-style-type: none"> • Ensure amendments to the definition section of the By-law is cleaner. • Define existing uses in the City. 	<ul style="list-style-type: none"> • Appendix A - Definitions 	<ul style="list-style-type: none"> • Boarding/Rooming House means a Dwelling or portion thereof in which the proprietor supplies lodging, for hire or gain, to other persons with or without meals in rooms furnished by the proprietor with necessary furnishings, and shall have anywhere from four (4) to a maximum of six (6) people but does not include a hotel. • Group Home means a facility licensed or funded by the Province of Prince Edward Island and used to provide supervised living accommodation for more than three (3) persons to a maximum of six (6) persons, living together in a single housekeeping unit because they require a supervised group living arrangement. • Long-term Rental means the rental of a dwelling unit for a period of 30 days or greater. • Registry of Approved Secondary Suites means a publically accessible registry or list of <i>Secondary Suites</i> which have been legally 	<ul style="list-style-type: none"> • None
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		<p>approved through the Building and Development Permit process.</p> <ul style="list-style-type: none"> • Secondary Suite means a self-contained dwelling unit with a prescribed floor area located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling unit constitute a single real estate entity. • Short-term Rental means the rental of a dwelling unit or a portion of a dwelling unit (including a secondary suite within a dwelling) for a period of less than consecutive 30 days. 	
<ul style="list-style-type: none"> • Exempt affordable housing projects from building and development fees. 	<ul style="list-style-type: none"> • Appendix F – Fee Schedule 	<ul style="list-style-type: none"> • To exempt Affordable Housing development(s) as defined by the Zoning & Development By-law from permit and development fee(s). 	<ul style="list-style-type: none"> • None

History

Over the past few years the City of Charlottetown has been dealing with a mounting housing problem, whereby supply of housing cannot keep up with the demand. The demand for housing has been rising and changing for a number of reasons:

- Aging population has precipitated seniors moving from the rural areas and smaller communities into the City to be close to services and family;

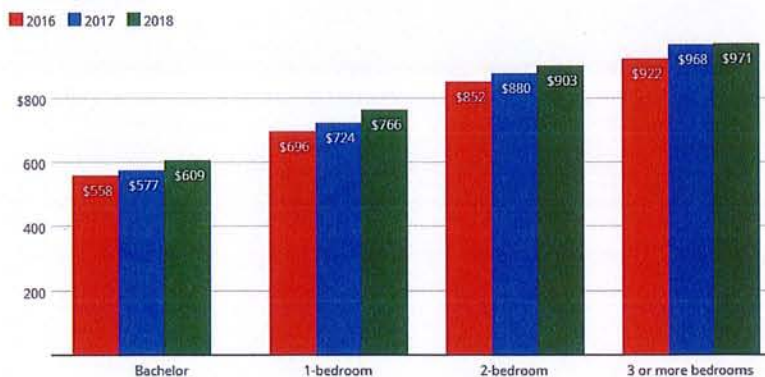
- Air B&B has removed a large portion of long term rentals out of the housing market;
- Both Holland College and UPEI have experienced growth to its student population;
- Immigration has been steadily rising over the past four years.

These external changes to the housing market has resulted in increased demand for both rentals that are primarily sought after by the student and aging demographics and home ownership that is being sought by young professionals, families and new immigrants. The supply for housing has not increased as quickly because:

- Construction sector capacity is not sufficient to quickly match new housing demand with supply;
- Building costs have risen due to increases in material prices, increased building code requirements and the tight supply of contractors and labour;
- Federal mortgage rules and financing requirements have tightened; and
- Construction of new provincial affordable housing has lagged behind.

Vacancy rates have dropped sharply both in the City and Province over the last four years. From 2014 to 2017 the vacancy rate dropped 2.4% across all rental categories (market, affordable, social), according to the PEI Housing and Data Trends published in 2018. In the *2017 Fall Housing Market Outlook*, Canada Mortgage and Housing Corporation (CMHC) forecasted 350-450 new units in the Charlottetown area in 2018. Recent building permit data for Charlottetown indicate that this number is higher with over 820 rental units approved for construction, however a majority of these units do not have occupancy and thus cannot be counted to available housing stock. The situation has gotten to a point where demand for housing is greater than the supply. This housing shortage has resulted in the average monthly rents to increase, as the recent rental data released by CMHC shows:

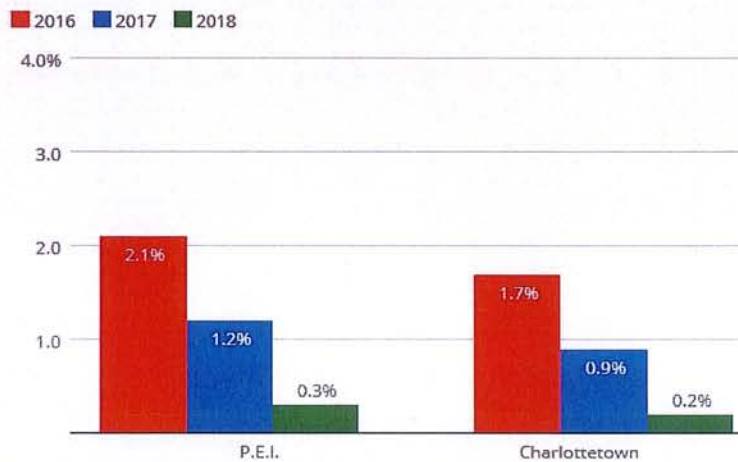
Average rents



Source: Canada Mortgage and Housing Corporation

The CMHC recently provided an update to the vacancy rate for the Island. Charlottetown’s vacancy rate has dropped from 0.9% to 0.2% - one of the lowest in the Province:

Vacancy rates by location



Source: Canada Mortgage and Housing Corporation

ANALYSIS:

The objective of the affordable housing amendments is to provide greater flexibility in the zoning regulations for affordable housing developments. Every residential zone from lower density to higher density have been amended to provide for more affordable housing in a unique way to its form and function. Density increases and parking reductions for multi-dwelling units and greater flexibility for both Secondary and Garden Suites for single detached properties. Further amendments could be reviewed with additional input to be received from stakeholders and the general public.

Consistency with the Official Plan

The Official Plan contains limited policies regarding affordable housing:

Section 3.3 Housing Needs and Variety states that one of the fundamental aims of good community management is to ensure that there is an adequate supply and variety of affordable housing for all sectors of the population.

It is important to note that the Official Plan will have to be updated in the near future to contain stronger support and guidance to address affordable housing issues.

Consistency with any applicable Master Plan

The *East Royalty Master Plan* contains a guiding principal for affordable housing:

Policy iv. Range of housing – Provide a full range of housing types, including seniors and other special needs housing to create diverse residential neighbourhoods. The City will work with other government agencies and the private sector to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing.

The *Waterfront Master Plan* contains direction to increase density within the waterfront area:

Sections 28.15 and 28.16 – These policies grant development(s) to increase their maximum building height under the condition that a public benefit is provided. Affordable housing has been added as a public benefit within the Zoning & Development By-law to take advantage of this entitlement.

LEGISLATIVE REQUIREMENTS:

Public Meeting

In accordance with Section 3.10.3 of The Charlottetown Zoning & Development By-law, Council shall conduct a public meeting to receive the views and opinions of the public. Staff shall meet with various stakeholders and members of the public to obtain feedback on the affordable housing amendments.

CONCLUSION:

The Planning & Heritage Department encourages Planning Board to recommend to proceed to a public consultation for the affordable housing amendments.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

CITY OF CHARLOTTETOWN
AFFORDABLE HOUSING INCENTIVE PROGRAM

Policy Number: P-Admin-2018 (01)

Originating Department: Advanced Planning

Approved By: City Council

Date of Approval: September 10, 2018

Background

Municipalities not only across Canada, but around the world as well, are struggling to meet the demand for safe social and affordable housing units; and have begun to explore and implement strategies that they believe will assist in promoting development of additional and diverse housing stock. These proposed strategies have been varied and contain an assortment of incentives to try to entice multilevel partnerships through Canadian Mortgage and Housing (CMHC), private developers and/or non-profit agencies.

According to the Canadian Mortgage and Housing Corporation (CMHC), housing affordability is directly correlated to a household's level of income. The CMHC defines affordable housing as suitably-sized ownership housing that costs no more than 32% of a household's gross annual income, and no more than 30% of gross annual income for rental accommodations.

Charlottetown is no stranger to these housing demands and is readily aware that it too must do its part to assist and encourage the creation of community based partnerships through economic incentives to fulfill these growing voids within the community.

Objective

To both encourage and assist the private and non-profit sectors to come forward with various housing projects that will assist the City in meeting its residents housing demands thereby creating a larger inventory of affordable and accessible housing stock for all demographics within the City.

Strategic Direction

- 1) To encourage renovation of existing building stock, including the upper levels (2nd floor and above) commercial buildings within the existing downtown core.
- 2) To ensure the City has taxation policies that will encourage further development of affordable housing stock throughout the City.
- 3) To encourage new development that will provide affordable housing opportunities for the City's most vulnerable citizens.
- 4) To ensure the City's Zoning & Development Bylaw reflect the challenging housing needs with in the various population segments.

Community Vision

As the City moves forward in building its community partnerships and provide housing options and opportunities throughout the City, it is important that it incorporates for the following fundamentals:

- Assist in supplying housing for vulnerable populations so to provide a range of housing options for the homeless, persons with disabilities, seniors, students, low income individuals and those who require ongoing supports.
- Affordable housing options should be blended and available throughout the City so not to stigmatize and/or overly concentrate any particular population.
- Develop strategic partnerships/relationships with all potential community stakeholders to ensure less NIMBYism (Not In My Backyard), stigma, and community opposition to affordable housing within the City.
- Look at creating financial incentives and strategies to advance affordable housing units throughout the City.
- Increase the population density in the downtown by allowing the upper floors of the City's Commercial Sector to be used for residential housing.

Eligibility

- 1) Within the City of Charlottetown this strategy applies to:
 - a) Any developer, Provincial Body or Crown Corporation, non-profit agency(s), rental co-operatives and/or other person or organization that provide new affordable housing opportunities.
 - b) Applicants that are eligible and are receiving financial assistance from the Province of PEI and/or the Government of Canada through a program designed for affordable housing needs.
- 2) In order to qualify for assistance the housing development must comply with all City of Charlottetown Bylaws, Zoning and Development requirements, and that the project has received all the approvals, certificates and licenses that may be required at any time and for any reason by the City of Charlottetown.
- 3) The City of Charlottetown reserves the right to amend and/or alter existing criteria or to impose additional or alternative criteria, as it may deem appropriate.
- 4) These incentives only apply to the property or part-there-of while the property or segment(s) of the property are being occupied as an affordable housing project or unit.

Recommendations:

- 1) In an effort to recognize that property owners are converting residential housing stock and dwellings units to Short Term Rentals (i.e. Airbnb) at an increasing rate and therefore eliminating housing stock and/or rental options for many of the City's residents. That the City of Charlottetown collaborate with the Assessment Division of the Province of PEI to establish the commercial assessment value of the property for that portion of the year the property/unit is used for commercial rental. The assessment value is to be determined by professional property assessors employed by the Province taking into account the commercial activity and revenue generation. Thereby resulting in a fairer property assessment of the property, acknowledging the commercial activity and subsequent commercial property valuation for taxation purposes (if the property is being used for commercial purpose for let's say 5 / 12th of the year, then the property should have a commercial valuation for that particular duration (5months/7months tax ratio)).
- 2) That the City support and encourage the construction of Accessory/Axillary Suites within existing residential dwellings (i.e. Single family) by amending its Zoning and Development By-laws to allow for additional residential Accessory/Auxiliary units. This may include basement, garden and carriage suites throughout the City.
- 3) That the City support and encourage the revitalization/rejuvenation of the upper levels of the Commercial Sector within the Downtown Core allowing for multi-residential units to be built in the upper floors.
- 4) The City's Zoning & Development Bylaw reduce its requirements for parking spaces for new multi-unit residential construction. The requirement should be lessened by up to 50% for affordable housing units (location and # of units' dependent) so to allow for more competitive market conditions.
- 5) That the City's Zoning & Development Bylaw presently allows for Bonus Density for affordable housing. These sections of the Zoning Bylaws be reviewed to strengthen density bonus development opportunities within all areas of the City. Such bonus considerations could allow for higher height and/or variance considerations. The percentage bonus density increase is dependent upon the derived benefits to the City and its' residents but should allow for up to 20% density increases.
- 6) In an effort to recognize innovative affordable housing trends the City should amend its Zoning & Development Bylaw to recognize and allow for the development of tiny homes. The City's Zoning and Development bylaw would need to be amended to allow for smaller lot sizes and living units.
- 7) In an effort to recognize the importance of ongoing energy efficiency and emerging Green Technology that applications under this program undergo a green lens review of the proposed technology so to ensure long term energy efficiency and sustainability.

Recommendations Continued:

- 8) That the City review its current application process and find ways to streamline and fast-track affordable housing applications; offering guidance to try to remove any barriers or restrictive zoning requirements.
- 9) That the City offer up to a 100% Property Tax Exemption Incentive on all new affordable housing units meeting and maintaining the City's strategic housing needs for a period up to 20 years.
- 10) That the City collaborate with the Provincial Government to match the City's property tax exemption initiative on properties and/or development projects approved by the City.
- 11) That the City would encourage integrated housing that would allow for seniors, youth, family housing and subsidized rental units be housed within the same building/complex. If for example 50% of the units were subsidized rentals, then the tax forgiveness would be 50%.
- 12) That the City forego the building permit and development fee(s) for affordable housing projects or percentage thereof for blended units within an overall project.
- 13) That the City expand its beatification program and explore the possibility of providing grass cutting services to these properties.
- 14) That the City collaborate with the Provincial Government to allow Municipalities to require in their Zoning Bylaws a percentage of affordable housing.
- 15) That the City give consideration to make any property under its ownership that is deemed to be surplus to the City's needs be made available through an RFP for social housing needs.
- 16) The City create an Affordable Housing Advisory Committee (AHAC) that meets at least quarterly to provide guidance and advice in regards to the City's changing housing trends, supply and demographics and subsequent affordable housing needs. The AHAC should consist of and be representative of developers, senior citizens, individuals involved with nonprofit housing groups/organizations, social agencies, the City's Youth Retention Committee, the Province, CMHC, City Staff and members at large. (Working in concert with the Community Advisory Board on Homelessness (John Howard Society) and/or Provincial Committee).
- 17) That the City encourage affordable housing projects be built in all wards within the City and that the City review and adjust its transit routing to compliment such developments.
- 18) Notwithstanding #15 above affordable housing development should follow sound planning principles, and as a rule, should be developed in residential areas only.

Recommendations Continued:

- 19) Collaborate with the Province to implement a Housing Action Plan which would in part support both the Province and the City in benchmarking/assessing community need and Capacity with the City.

Timely Application Required

An applicant shall make application for the program at the same time that the application for a building permit has been applied for. The onus to make a timely application is upon the developer.

Agreement

The applicant and the City shall enter into an agreement upon completion of the project. The agreement shall include but not be limited to:

- a) An approved City of Charlottetown building permit
- b) An approved City of Charlottetown Occupancy permit
- c) To continue to receive the annual benefits the applicant must submit annually information to the satisfaction of the City demonstrating that the property continues to operate as an affordable housing complex/unit(s).

Interpretation, Application & Appeal

The proper interpretation or application of this program shall be determined by the City's CAO or his/her designate. Where in doubt the matter shall be referred to City Council and Council's determination shall be final and binding.

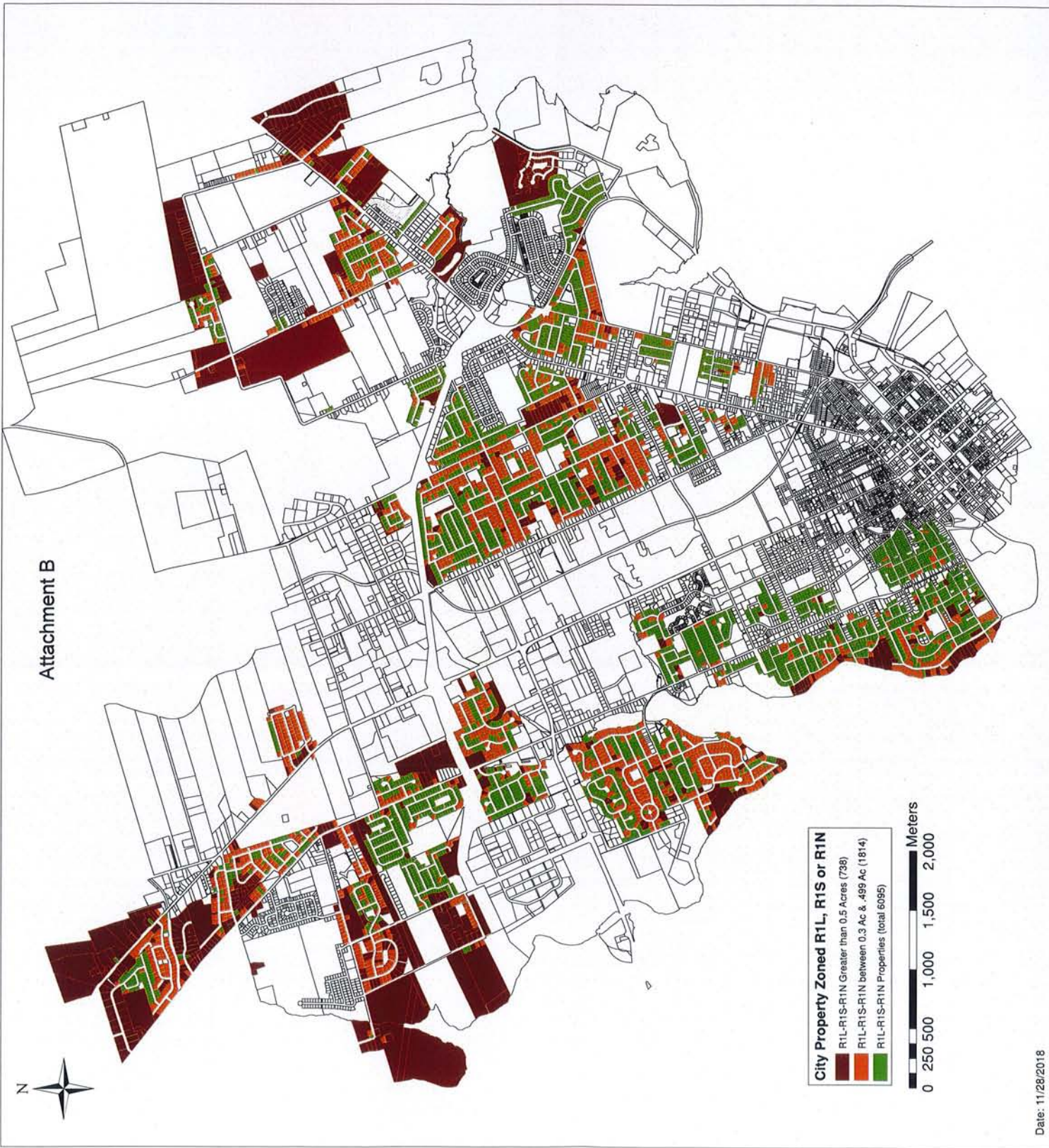
Administration

The City of Charlottetown's Affordable Housing Incentive Program shall be administered by the CAO or his or her designate.

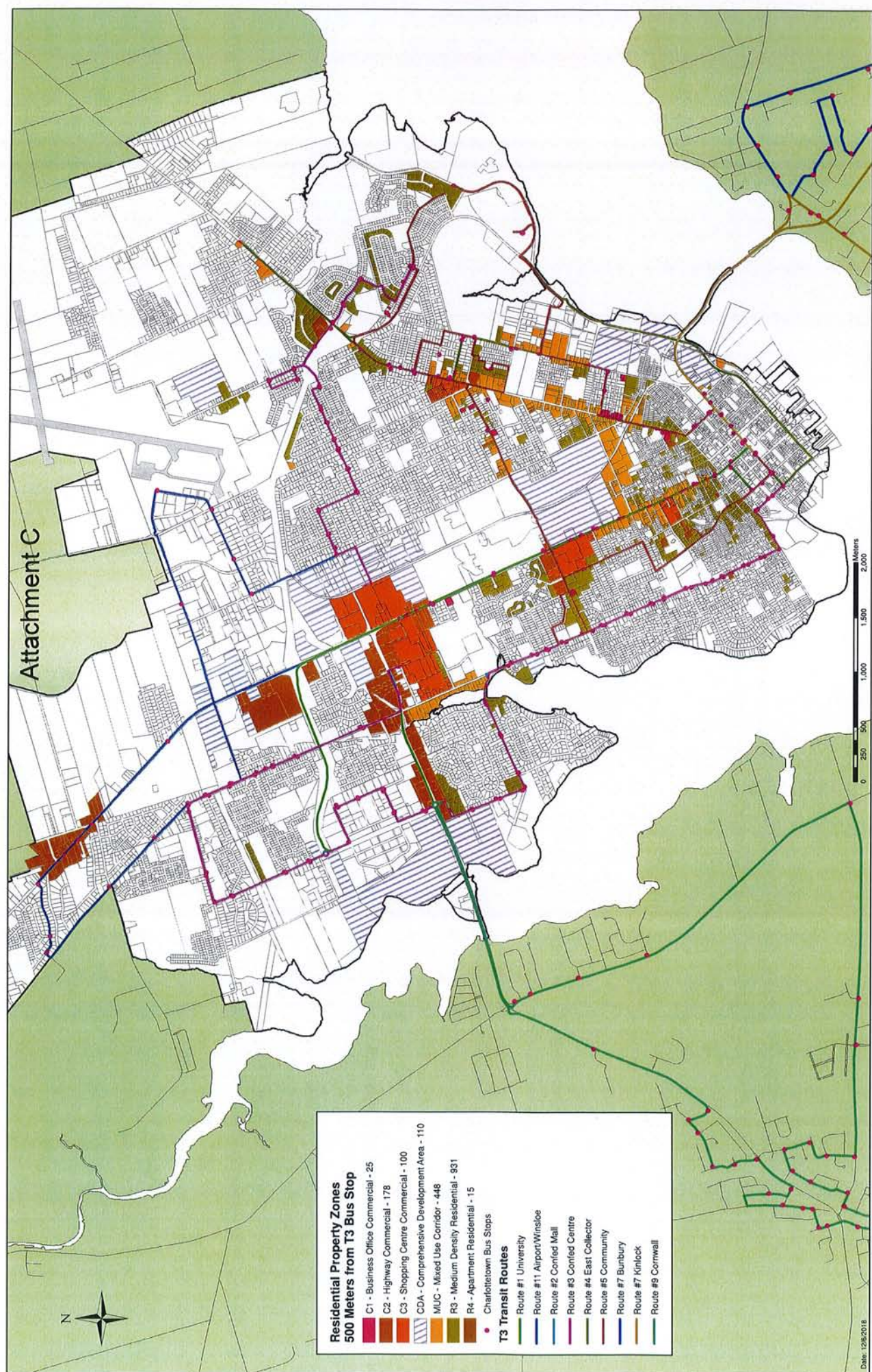
Amendment

This program shall be evaluated on an annual basis to determine whether or not the goals and objectives of the program are effectively and efficiently being met. Council may amend, alter, or terminate the program. Each ward will be evaluated to determine how each area is meeting the City's affordable housing objectives.

Attachment B



Attachment C




**Residential Property Zones
500 Meters from T3 Bus Stop**

- C1 - Business Office Commercial - 25
- C2 - Highway Commercial - 178
- C3 - Shopping Centre Commercial - 100
- CDA - Comprehensive Development Area - 110
- MLJC - Mixed Use Corridor - 448
- R3 - Medium Density Residential - 831
- R4 - Apartment Residential - 15

T3 Transit Routes

- Charlotte Bus Stops
- Route #1 University
- Route #11 Airport/Winslow
- Route #2 Conifed Mall
- Route #3 Conifed Centre
- Route #4 East Collector
- Route #5 Community
- Route #7 Bunbury
- Route #7 Kinlock
- Route #9 Cornwall

TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-10-JANUARY-6c-7		
MEETING DATE: January 10, 2019		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. Amendments to Design Review B. Amendments to Home Occupations C. Amendments to Parking D. Amendments to Medical Marijuana Production Facility E. Amendments to Temporary Use Variances 	

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to amend the following sections of the Zoning & Development By-law pertaining to Design Review, Home Occupations, Parking, and Medical Marijuana Production Facilities be approved to proceed to public consultation:

Sections 2.4; 2.5; 3.13.3; 3.13.5 are amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

Section 3.9.1 is amended as follows:

Remove Section 3.9.1.f. and renumbering all subsequent items.

Section 3.9.1.g. is amended as follows:

By inserting the words "use or" following the words "A temporary".

Section 3.13.4 is amended as follows:

Remove Section 3.13.4

Section 3.13.5 is renumbered to 3.13.4

Section 5.6.1.c. is amended as follows:

By deleting the words “and where the additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement.”

Section 5.8.1 is amended as follows:

Insert Section 5.8.1.a. and renumbering all subsequent items.

Section 5.8.3 is amended as follows:

Remove Sections 5.8.3.c., 5.8.3.h., 5.8.3.i.

Section 5.8.3.j. is amended as follows:

By inserting the words “, including uses with appointments typically on an hourly basis or as scheduled,” following the words “Additional uses”.

Section 36.1 is amended as follows:

By inserting 36.1.15 as “Medical Marijuana Production Facility” and renumbering all subsequent permitted uses.

Section 37.1 is amended as follows:

By inserting 37.1.19 as “Medical Marijuana Production Facility” and renumbering all subsequent permitted uses.

Section 43.6.1 is amended as follows:

Remove Sections 43.6.1.c.

Section 43.6.3 is added as follows:

No driveway or access to a parking lot for residential properties shall:

- a. Occupy more than 40% of the Front Yard;
- b. Occupy more than 40% of the Flankage Yard on a corner lot; and
- c. Occupy more than 40% of the Lot Frontage up to a maximum of 30 ft.

Section 43.6.4 is added as follows:

Parking in the Front Yard is limited to the driveway only and is not permitted on the remaining Front Yard area / landscaped area.

Section 43.7.1 is amended as follows:

Remove Section 43.7.1.e.

Appendix A. is amended as follows:

By adding the definition for Medical Marijuana Production Facility alphabetically as *“Medical Marijuana Production Facility means premises used for growing, producing, testing, destroying, storing, or distribution of medical marijuana authorized by a license issued by the Federal Minister of Health, pursuant to Section 25 of the Marijuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, SC 1996, as amended.”*

BACKGROUND / ANALYSIS:

The City of Charlottetown Planning & Heritage Department had recently hired Dv8 Consulting to develop a new Zoning & Development By-law which was implemented by the City on October 1, 2018. Zoning & Development By-laws in their nature are fluid documents with amendments required on a frequent basis in order to respond to the Departmental requirements. Since the adoption of the Zoning & Development By-law on October 1, 2018 it was determined that changes were needed to take place in the sections pertaining to Design Review and Home Occupations in order to ensure the process in dealing with these types of applications was improved.

Design Review (Attachment A)

The Design Review Committee was previously a sub-committee of the Heritage Board; however, Council determined that the Design Review component become a duly constituted Board completely separate from the Heritage Board. Staff is recommending that any reference to Design Review Committee be changed to Design Review Board.

Another change to the Design Review section of the Zoning & Development By-law is that Section 3.13.4 of the Zoning & Development By-law states that:

Where a Development and/or Building Permit application is subject to Design Review and is also subject to an application for a Minor Variance, Major Variance, Rezoning and/or a Site Specific Exemption, the application shall be processed to the conditional approval Phase prior to the public notification stage of the review process for the Variance, Rezoning and/or Site Specific Exemption.

By the way the Zoning & Development By-law was created, the design review process is required to be completed prior to any public notification for a variance, rezoning or site specific exemption. This requirement has resulted in placing a considerable amount of onus on the applicant early in the process prior to having confirmation on what can be constructed on the property. For example, if the applicant was requesting a height variance to construct a fourth floor, the current By-law would require that they complete Design Review for the 4-storey building; however, if Council was to reject the height variance, they would have to redo the Design Review process for a 3-storey building. This process became an issue at a recent IRAC Appeal on July 11, 2018.

Staff has determined that the design of the building could be finalized through the Development Agreement process once all other approvals have been grants or rejected. Notwithstanding, the applicant needs to submit a design that is sufficiently developed to indicate to Council and the public what is generally being proposed. The Design Review process in itself is costly for the developer and consumes a lot of staff time in an event the project does not proceed. Staff would like to work with applicants who have a reasonably developed proposal to proceed to a public consultation and provide an opportunity to fully finalize their design through the design review process at a later date.

Home Occupations (Attachment B)

Historically, obtaining approval for a home occupation was a drawn out approval process including a notice sent to all property owners within 100m of the subject property and two advertisements in the newspaper. If no objections were received, the home occupation was approved; however, if objections were received, the disposition of the home occupation was determined by Council following a recommendation from the Planning Board.

The new Zoning & Development By-law which was implemented by the City on October 1, 2018 to simplify the process by allowing a number of uses to be as-of-right if they met the

requirements set out in Section 5.8.1 which included the size of the home occupation, number of employees, number of parking spaces, etc. These uses include:

- Home Daycare, subject to the by-law provisions for Home Daycares
- Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations
- Personal Service Shop
- Home Office, clerical, computer and/or telephone-based services
- Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)
- Multi-Level Marketing Retail Sales
- Catering, for off-premise delivery of products
- Private lessons, tutoring, or training sessions
- Health and wellness services
- Additional uses may be considered following the process of review for a Minor Variance.

The concern that staff has encountered is that a number of the uses on the above mentioned list, have the ability to generate significant amounts of traffic due to the nature of the business. These businesses typically involve appointments scheduled on an hourly basis. In light of the foregoing, staff is proposing that these uses that generate frequent appointments are no longer permitted as-of-right but are subject to the process of review for a minor variance.

The proposed amendment to the Zoning & Development By-law would include removing Section 5.8.3.c., Personal Service Shop; Section 5.8.3.h., Private lessons, tutoring, or training sessions; and Section 5.8.3.i., Health and wellness services.

Section 5.8.3.j. which currently states *“Additional uses may be considered following the process of review for a Minor Variance”* would be amended to read *“Additional uses, including uses with appointments typically on an hourly basis or as scheduled, may be considered following the process of review for a Minor Variance.”*

In addition, when the new Zoning & Development By-law was implemented, the reference to home occupations only being permitted in one and two-unit dwellings were removed. In light of

the foregoing, home occupations were then permitted in multi-unit buildings. Staff feels that home occupations are more appropriate in one and two-unit dwellings rather than multi-unit dwellings and are therefore recommending that the location in which home occupations are permitted is further defined in Section 5.8.1.

Parking (Attachment C)

In light of recent amendments to allow for accessory apartments, concerns have been expressed in relation to the impact on the parking requirements for single-detached dwellings that may be permitted to obtain an accessory apartment.

Section 5.6.1.c. of the Zoning & Development By-law has regulations that require *one (1) additional parking space shall be provided [for an accessory apartment] and where additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement.*

The second part of this section is a duplicate on Section 43.6.1.c. of the Zoning & Development By-law; so staff is recommending that it be removed, and Section 43.6.1 be amended.

The amendments to Section 43.6.1 include limiting the amount of front yard and lot frontage that can be used for a driveway / access to a parking while also restricted parking from being on any landscaped area of the front yard.

Finally, off-lot parking is no longer permitted within the City of Charlottetown; however when the new by-law was developed, one reference to off-lot parking was not removed and therefore, staff are recommending that this reference be removed.

Medical Marijuana Production Facility (Attachment D)

On April 9, 2014, the Minister of Finance, Energy and Municipal Affairs approved amendments concerning the Zoning & Development By-law; specifically regulations which pertain to medical marijuana production facilities. While these amendments were approved in 2014, they were not inserting into the Zoning & Development By-law at that time. The purpose of these amendments now is to reapprove the amendments from 2014 and officially insert them into the Zoning & Development By-law.

Temporary Use Variances (Attachment E)

The Zoning & Development By-law allows Council to approved variances for temporary uses and temporary structures. That being said, a variance is permitted for a temporary use for up to four (4) months in any year while a variance is permitted for a temporary structure for a period no longer than one (1) year. Staff is proposing to better align these two requirements by allowing Council to approved a variance for either a temporary use or a temporary structure for a period no longer than one (1) year.

LEGISLATIVE REQUIREMENTS:***Notification***

If the proposed amendments to the Zoning & Development By-law are approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the public of said public meeting in accordance with Section 3.10.4.c of the Zoning & Development By-law.

CONCLUSION:

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments, be approved to proceed to public consultation.

PRESENTER:

Greg Morrison, MCIP
Planner II

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

Sections 2.4 and 2.5 are amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

2.4 DESIGN REVIEW COMMITTEE BOARD

2.4.1 There is hereby established a Design Review ~~Committee~~ Board.

2.4.2 The duty of the Design Review ~~Committee~~ Board is to make recommendations to Council and/or the Development Officer with regards to the review of applications subject to the Design Review process.

2.4.3 The Design Review ~~Committee~~ Board shall be appointed by Council in accordance with the following:

- a. At least one (1) member of the Planning Committee, who shall serve as chair of the Design Review ~~Committee~~ Board; and
- b. At least four (4) resident members appointed by Council on the recommendation of the mayor for such term of office as determined by Council, but not to exceed the term of the Council at the time of the appointment; and
- c. Such other *ex officio* resource people from the City or other government departments who are requested by the chair of the Design Review ~~Committee~~ Board or the Development Officer from time to time. *Ex officio* resource persons shall not have a vote.
- d. If any member resigns, or can no longer perform their duties, the mayor may appoint a new member for the remainder of the former member's term.
- e. All members shall be eligible for reappointment by Council.

2.4.4 The quorum at any meeting shall be one-half of the Design Review ~~Committee~~ Board plus one, including at least one member of the Planning Committee.

2.4.5 The Development Officer may request that the Design Review ~~Committee~~ Board conduct a vote by telephone or email, in circumstances where the Committee has already been briefed on the matter and there is no new information to be presented or discussed.

2.5 CONFLICT OF INTEREST

2.5.1 No member of the Planning Board, Design Review Roster or the Design Review ~~Committee~~ Board shall derive any profit or financial advantage from their position and where a member has any pecuniary interest in or is affected by any matter before the Planning Board and/or Design Review ~~Committee~~ Board, they shall declare the interest therein, abstain from the voting and discussion thereon, and physically remove themselves from the meeting venue at that time.

2.5.2 In the event that conflicts of interest should reduce the number of members of the Planning Board and/or Design Review ~~Committee~~ Board below a quorum, the mayor may appoint additional member(s) pro tem in order to satisfy the quorum requirements.

Attachment A

Section 3.13.3 is amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

3.13.3 Design Review Process

- a. Upon receipt of the completed application and related application fee for a Design Review a Building and/or Development Permit application subject to Design Review shall first be reviewed by the Development Officer to confirm compliance with all other applicable provisions of this by-law.
- b. Compliant applications shall be forwarded to a Design Reviewer, as appointed as a member of the Design Review Roster. The Design Reviewer shall:
 - i. Conduct a review of the proposed Development for conformance with the intent of this by-law, including the Design Standards for the 500 Lot Area and the criteria for evaluation for Design Review.
 - ii. For Designated Heritage Resources, subject to the regulations of the *Heritage Preservation By-law*, the Design Reviewer shall also review the Heritage Assessment Report prepared by the Heritage Officer.
 - iii. Provide written feedback, comments, and a final recommendation within a specified 10 business day review period. Written comments may be supported by redline markups of the submission.
 - iv. Comments and markups from the Design Reviewer are forwarded to the applicant, and the applicant may revise their submission accordingly. Revised plans may be resubmitted to the City, along with a compliance (secondary) review fee.
 - v. The revised plans are forwarded to the Design Reviewer for the compliance review.
 - vi. If the review is satisfactory, the plans are granted conditional approval.
- c. Notwithstanding any other sections of this by-law, upon conditional approval by the Design Reviewer, applications shall be referred to the Design Review ~~Committee~~ Board.
- d. The Design Review ~~Committee~~ Board shall review the written feedback, comments, and recommendation by the Design Reviewer and shall provide a recommendation on the disposition of the application.
 - i. When the application is jointly supported or rejected by the Design Reviewer and Design Review ~~Committee~~ Board, the disposition of the application shall be determined; and
 - ii. Where the Design Review ~~Committee~~ Board does not support the recommendation of the Design Reviewer than the Design Review ~~Committee~~ Board shall make a recommendation to Council, and Council shall determine the disposition of the application.

Attachment A

Section 3.13.4 is amended as follows:

Remove Section 3.13.4

~~3.13.4 Where a Development and/or Building Permit application is subject to Design Review and is also subject to an application for a Minor Variance, Major Variance, Rezoning and/or a Site Specific Exemption, the application shall be processed to the conditional approval Phase prior to the public notification stage of the review process for the Variance, Rezoning and/or Site Specific Exemption.~~

Section 3.13.5 is amended as follows:

Replace the words "Design Review Committee" with the words "Design Review Board."

Section 3.13.5 is renumbered to 3.13.4

3.13.5 The Development Officer and Design Review ~~Committee~~ *Board* shall review Development and/or Building Permit applications for Alterations and Additions to existing Buildings for compliance with the Design Standards for the 500 Lot Area and shall give further consideration for the following:

- a. The original character of a Building or Structure, the construction and original architectural details;
- b. Use of the same traditional materials already used on the Building of this era;
- c. The scale of any Alterations or Additions to a Building in relation the scale of the original or the existing Building or Structure;
- d. Existing doors and windows, and these existing openings in relation and proportion to others in the Building;
- e. Original door and window casements, sashes, mullions, or muntins, and glazing in doors and windows;
- f. Alterations or Additions to the pitch, direction and arrangement of the roof and whether these are in keeping with the original or existing design of the Building or Structure;
- g. Architectural details which do not need to be changed, removed or replaced; or
- h. The location of any attached or protruding mechanical or Utility Services.

Attachment B

Section 5.8.1 is amended as follows:

Insert Section 5.8.1.a. and renumbering all subsequent items.

5.8.1 Home Occupations may be permitted provided that:

- a. *The Home Occupation is located within an accessory building, single-detached dwelling, modular dwelling, semi-detached dwelling, or duplex dwelling.*
- b. The total Floor Area used for the Home Occupation shall not exceed 25% of the Gross Floor Area of the Dwelling or up to 46.5 sq m (500 sq ft) within the Dwelling; or, when the Home Occupation operates from an Accessory Building, the Accessory Building shall meet the regulations for maximum Gross Floor Area permitted on the property.
- c. The proprietor(s) of the Home Occupation shall live in the Dwelling in which the Home Occupation is located.
- d. There shall be a maximum of one (1) full-time employee or two (2) part-time employees, other than the proprietor, working inside or outside of the Dwelling. The proprietor(s) shall not exceed these requirements by contracting work out to other persons (employees) not located in the Dwelling.
- e. There shall be no external storage of materials and no outdoor animal enclosures which would indicate that any part of the Dwelling or Lot is being used for any purpose other than a residential use.
- f. There are no other Home Occupations on the property or in the Dwelling.
- g. No more than one (1) commercial vehicle shall be parked or stored on the Lot, but notwithstanding the foregoing, other vehicles may be parked or stored on the Lot in a wholly enclosed Building.
- h. Parking shall be subject to the parking regulations of this by-law.
- i. Signage shall be subject to the signage regulations of this by-law.

Attachment B

Section 5.8.3 is amended as follows:

Remove Sections 5.8.3.c., 5.8.3.h., 5.8.3.i.

Section 5.8.3.j. is amended as follows:

By inserting the words “, including uses with appointments typically on an hourly basis or as scheduled,” following the words “Additional uses”.

5.8.3 The following uses are permitted as Home Occupations:

- a. Home Daycare, subject to the by-law provisions for Home Daycares
- b. Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations
- ~~e. Personal Service Shop~~
- d. Home Office, clerical, computer and/or telephone-based services
- e. Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)
- f. Multi-Level Marketing Retail Sales
- g. Catering, for off-premise delivery of products
- ~~h. Private lessons, tutoring, or training sessions~~
- ~~i. Health and wellness services~~
- j. Additional uses, *including uses with appointments typically on an hourly basis or as scheduled*, may be considered following the process of review for a Minor Variance.

Attachment C

Section 5.6.1.c. is amended as follows:

By deleting the words "and where the additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement."

4.6.1 One (1) Accessory Apartment may be permitted in a Single-detached Dwelling if:

- c. One (1) additional Parking Space shall be provided ~~and where the additional parking is located in the front yard, no more than 40% of the front yard may be allocated for parking or pavement.~~

Section 43.6.1 is amended as follows:

Remove Sections 43.6.1.c.

42.6.1 Parking Spaces for residential properties shall:

- ~~e. No driveway or area designated for Parking Spaces shall occupy more than 40% of the required Front Yard.~~

Section 43.6.3 is added as follows:

43.6.3 *No driveway or access to a parking lot for residential properties shall:*

- a. *Occupy more than 40% of the Front Yard;*
- b. *Occupy more than 40% of the Flankage Yard on a corner lot; and*
- c. *Occupy more than 40% of the Lot Frontage up to a maximum of 30 ft.*

Section 43.6.4 is added as follows:

43.6.4 *Parking in the Front Yard is limited to the driveway only and is not permitted on the remaining Front Yard area / landscaped area.*

Section 43.7.1 is amended as follows:

Remove Sections 43.7.1.e.

43.7.1 The Development Officer is authorized to approved Shared parking facilities, subject to the following standards;

- ~~e. Shared parking may be located off-site, subject to the off Lot parking regulations.~~

Attachment D

Section 36.1 is amended as follows:

By inserting 36.1.15 as “Medical Marijuana Production Facility” and renumbering all subsequent permitted uses.

....

37.1.13 Manufacturing, Heavy;

37.1.14 Manufacturing, Light;

37.1.15 *Medical Marijuana Facility*;

37.1.16 Office;

37.1.17 Outdoor Storage;

....

Section 37.1 is amended as follows:

By inserting 37.1.19 as “Medical Marijuana Production Facility” and renumbering all subsequent permitted uses.

....

37.1.17 Manufacturing, Light;

37.1.18 Medical, Health and Dental Office;

37.1.19 *Medical Marijuana Facility*;

37.1.20 Office;

37.1.21 Outdoor Retail Display;

....

Appendix A. is amended as follows:

By adding the definition for Medical Marijuana Production Facility alphabetically as:

Medical Marijuana Production Facility means premises used for growing, producing, testing, destroying, storing, or distribution of medical marijuana authorized by a license issued by the Federal Minister of Health, pursuant to Section 25 of the Marijuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, SC 1996, as amended.

Attachment E

Section 3.9.1 is amended as follows:

Remove Section 3.9.1.f. and renumbering all subsequent items.

Section 3.9.1.g. is amended as follows:

By inserting the words "use or" following the words "A temporary".

- 3.9.1 Where a Development and/or Building Permit application does not meet the regulations of this by-law the applicant may apply for a Major Variance if the proposed Building or Development complies with the general intent and purpose of the *City of Charlottetown Official Plan*, and in any of the following circumstances:
- a. The proposed Building Height is more than the percentage allowed with a Minor Variance, and the application is not eligible for a Bonus Height;
 - b. The need for consideration of a Major Variance is owing to peculiar conditions specific to the property and is unique to the area and not the result of actions by the Owner, and a literal enforcement of this by-law would result in unnecessary and undue hardship;
 - c. The extension or intensification of a specific non-conforming use upon a site occupied by such use or Building on the effective date of this by-law;
 - d. A non-conforming use of a Building or Lot which has been discontinued for a period of six (6) months or more to be reestablished the previous non-conforming use provided it has not been discontinued for more than two (2) years;
 - e. A less intensive use of the Building or site other than the previous non-conforming use, provided that the Building or Structure had not at any time in the interim become a conforming use;
 - f. ~~A temporary use in a manner otherwise prohibited by this by-law, for a period not exceeding four (4) months in any year;~~
 - g. A temporary *use or* Structure in a manner otherwise prohibited by this by-law for a period lasting no longer than one (1) year;
 - h. An Accessory Building to be located on a Lot closer to the Street than the main Building on the Lot;
 - i. The need for consideration of a Major Variance is supported by a recommendation from the Heritage Board, and the proposed Development is deemed necessary for the preservation of a Designated Heritage Resource, as identified in the City of Charlottetown Heritage Preservation By-law.
 - j. The Variance request is not substantial and does not entail a Rezoning application. If there is any doubt, then a Rezoning application or Site Specific Exemption must be sought by the applicant.

Attachment E:
Amendments to
Temporary Use Variances
File: PLAN-2019-10-JANUARY-6c-7


CHARLOTTETOWN
Planning & Heritage Department