



**PUBLIC MEETING AGENDA
NOTICE OF MEETING**

*Wednesday, January 30, 2019 at 7:00 p.m.
Studio 1, Confederation Centre of the Arts, 145 Richmond Street*

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda**
- 4. Reports:**
 - a. 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789)**

A request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct an 18-unit apartment building.
 - b. Corner of Royalty Road & Upton Road (PID #388595)**

A request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of two-unit dwellings.
 - c. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Home Occupation, Design Review, Parking, Medical Marijuana, and Temporary Use**

Proposed amendments to requirements on Home Occupation, Design Review, Parking, Medical Marijuana, and Temporary Use sections.
 - d. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11) on Affordable Housing Zoning**

Proposed amendments to implement objectives out of the Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed Zoning & Development Bylaw amendments are a result of the implementation objectives outlined in the Affordable Housing Incentive Program.
 - e. Renumbering of Planning Bylaws:**

Proposed renumbering of Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07)
- 5. Introduction of New Business**
- 6. Adjournment of Public Session**

Information Sheet for Public Meeting of Wednesday, January 30, 2019

The City of Charlottetown has received the following application for consideration:

562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789)

A request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct an 18-unit apartment building.

All the procedures as outlined in the Charlottetown Zoning and Development Bylaw have been followed:

Nineteen (19) letters were sent out on January 16, 2019 to property owners within a 100 meter radius of the subject property as per the Zoning & Development Bylaw.

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, January 19, 2019 and Saturday, January 26, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on January 16, 2019.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN


RESOLUTION

Planning #1

MOTION CARRIED 10-0 PB
MOTION LOST _____


Date: January 14, 2019

Moved by Councillor  Greg Rivard

Seconded by Deputy Mayor  Jason Coady

BE IT RESOLVED:

That the request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone, be approved to proceed to a Public Consultation.

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:

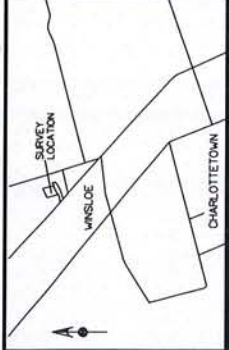
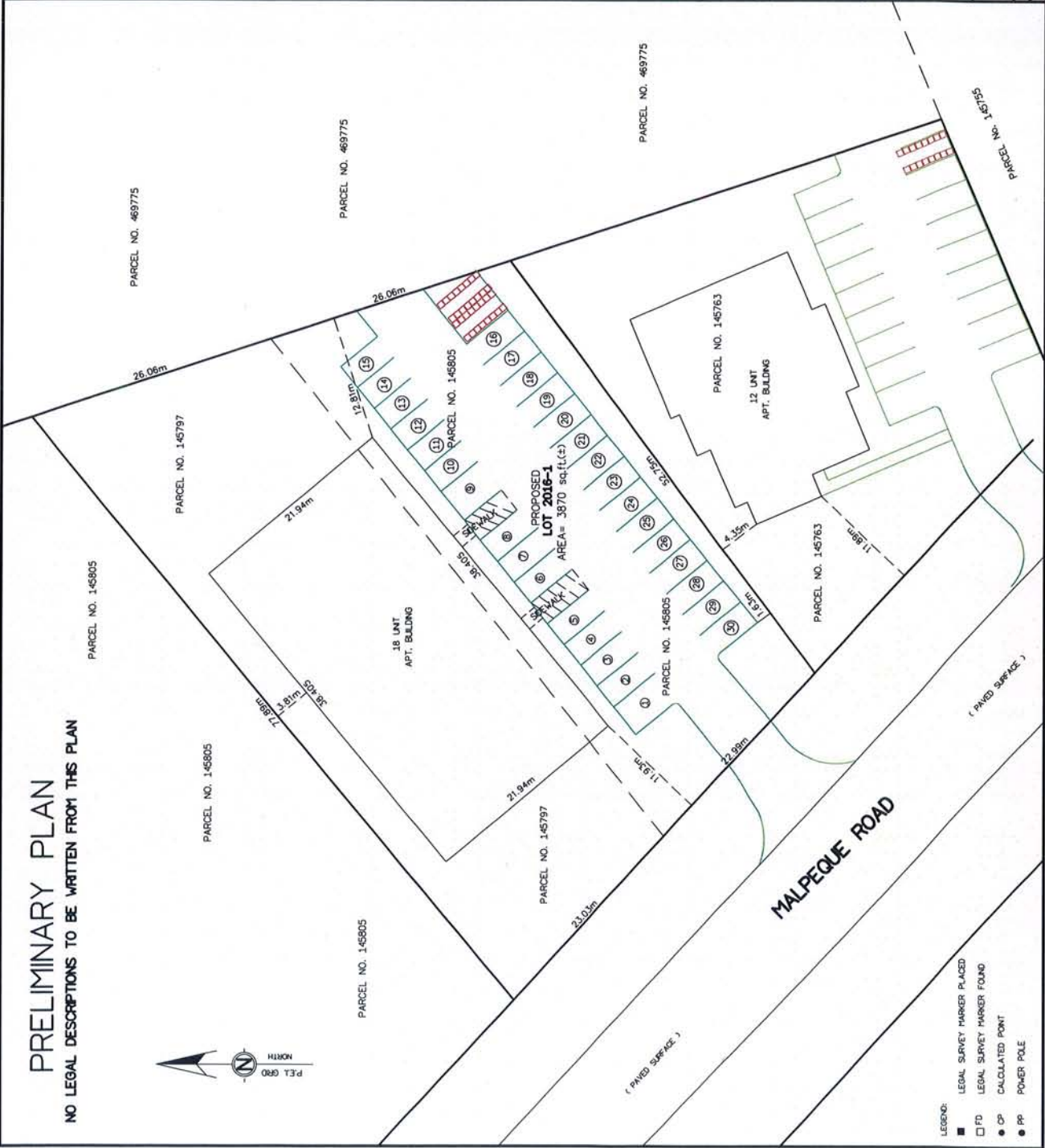


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

PRELIMINARY PLAN

NO LEGAL DESCRIPTIONS TO BE WRITTEN FROM THIS PLAN



LOT 2016-1: NOW OR FORMERLY PROPERTY OF TRENT SWITZER & DONNA SWITZER BOOK 1126, PAGE 10 & BOOK 5510, DOC#5286 PARCEL NO. 145797 & PARCEL NO. PARCEL NO. 145789.

NOTE: FOR THIS SURVEY TO BE VALID, IT IS NECESSARY FOR APPROVAL TO BE GRANTED BY THE APPROPRIATE AUTHORITY.

REV. No.	DATE	DESCRIPTION

MANITHA LAND SURVEYS INC.
113 MYRTLE STREET
STRAITFORD, P.E.I.
C1B 1P4
Phone 902-566-6884

PRELIMINARY PLAN
SHOWING A PROPOSED REZONING
AND CONSOLIDATION OF
LOT 2016-1 PROPERTY OF
TRENT SWITZER & DONNA SWITZER

LOCATION: CHARLOTTETOWN, QUEENS CO., P.E.I.

SCALE: 1:500 DATE: NOVEMBER 28, 2017

FILE: 2016-11-30 DWS No. 17-16-103_REV2

DRN BY: JJA DATED: JJA

January 16, 2019

Dear Property Owner:

Re: 562 Malpeque Road (PID #145797) adjacent to Property (PID #145789)

The City of Charlottetown Planning & Heritage Department has received a request to rezone the properties at 562 Malpeque Road (PID #145797) and property (PID #145789) to the Medium Density Residential (R-3) Zone and to designate the property as Medium Density Residential on Appendix A of the Official Plan.

The purpose of the rezoning and Official Plan amendment is to allow the owner to develop the property for an 18-unit apartment building for medium density residential purposes.

Pursuant to the requirements of the Zoning & Development Bylaw, and as a property owner located within 100 meters of the subject property, you are being notified of this request. A Public Meeting for this application is scheduled on **Wednesday, January 30, 2019 at 7:00 p.m. at the Confederation Centre of the Arts in Studio 1.** All residents are welcome to attend.

Written comments regarding the rezoning will be accepted at the Planning & Heritage Department or emailed to planning@charlottetown.ca no later than 12:00 p.m. on Thursday, January 31, 2019. Any written response received will become part of the public record.

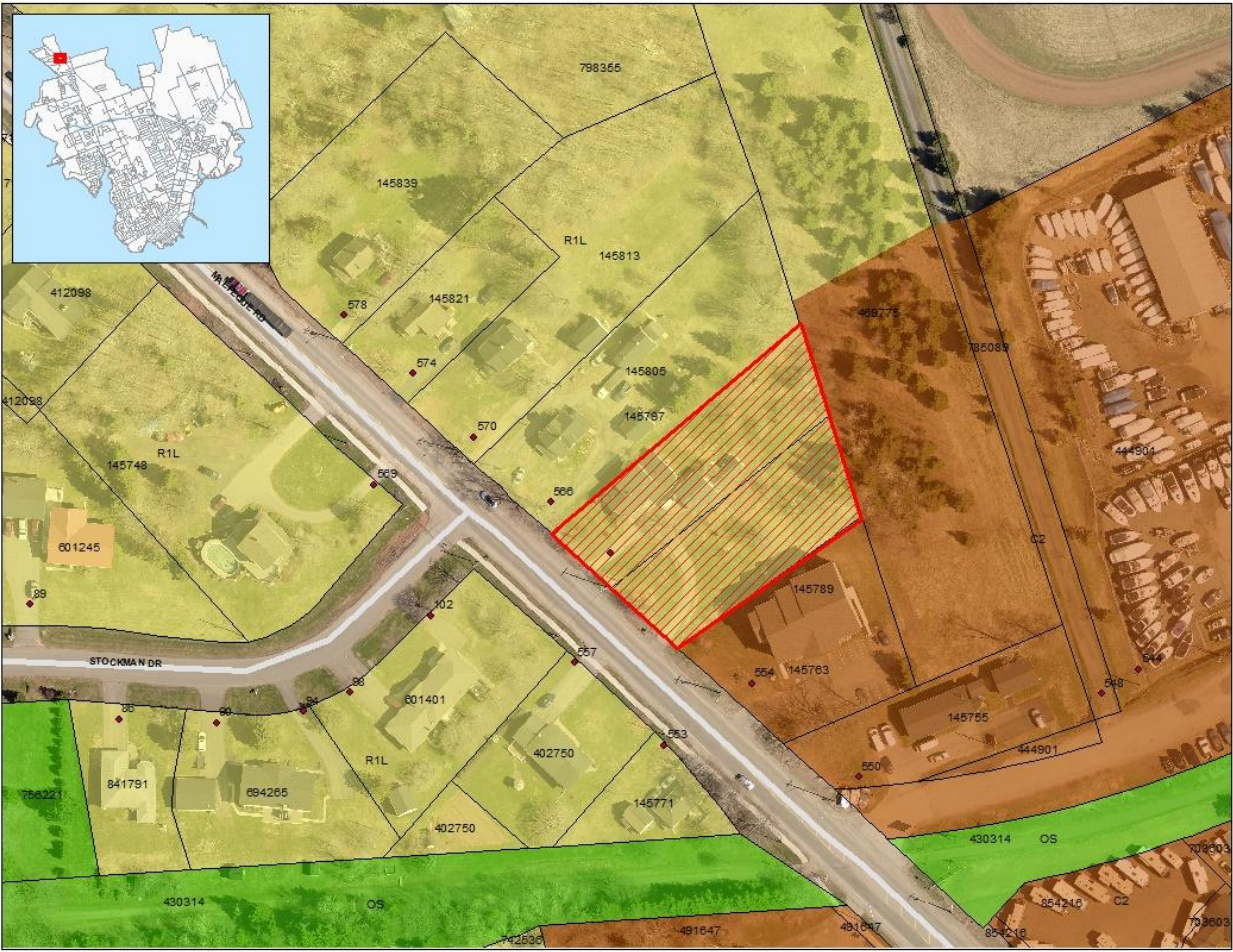
If you have any questions, in regards to this application please call the Planning & Heritage Department at (902) 629-4158.

Yours truly,



Robert Zilke, MCIP
Planner II





Notices

Notices


CHARLOTTETOWN

PO Box 98 (199 Queen Street)
Charlottetown, PE C1A 7K2
Phone: (902) 566-5548
Fax: (902) 566-4701
www.charlottetown.ca

Additional information may be available on the City's website

CANCELLATION OF NOTICE OF INTENTION TO DESIGNATE A HERITAGE RESOURCE

The application to designate the property located at **41 Prince Street (PID #337097)** as a Heritage Resource of the City of Charlottetown has been **CANCELLED**. Ownership of the property has changed nullifying the application.

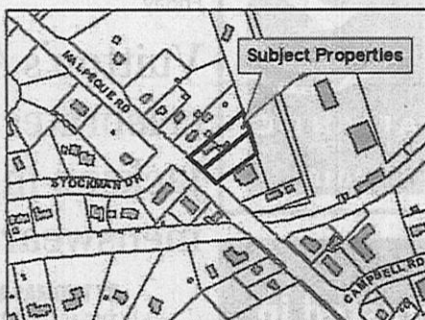
If you have any questions or concerns, you may contact the Planning & Heritage Department at 902-629-4158 between the hours of 8:30 a.m. and 5:00 p.m., Monday to Friday or email at planning@charlottetown.ca. Any responses received will become part of the public record.

PUBLIC MEETING

City Council will hold a Public Meeting to hear comments on the following:

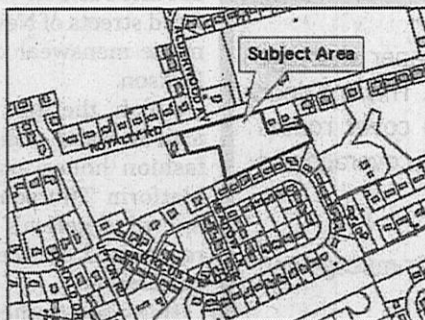
562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789)

A request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct an 18-unit apartment building.



Corner of Royalty Road & Upton Road (PID #388595)

A request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow construction of two-unit dwellings.



Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Home Occupation, Design Review, Parking, Medical Marijuana and Temporary Use sections.

Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed Zoning & Development Bylaw amendments are a result of the implementation objectives outlined in the Affordable Housing Incentive Program.

Renumbering of Planning Bylaws

A request to renumber Planning Bylaws as it pertains to Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07) to standardize planning specific bylaw numberings.


Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca.

Please have any written comments submitted to the Planning Department before 12:00 p.m. on Thursday, January 31, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

The Public Meeting will be held on:

WEDNESDAY, JANUARY 30, 2019 AT 7:00 P.M.
STUDIO 1, CONFEDERATION CENTRE OF THE ARTS
145 RICHMOND STREET

The general public is invited to attend.

Posted Jan 16/19 2:52 PM
@ Utility Pole between
Properties. 



CHARLOTTETOWN

NOTICE OF PUBLIC MEETING

City Council will hold a public meeting to hear comments on the following application:

562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789)

A request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct an 18-unit apartment building.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department before 12:00 p.m. on Thursday, January 31, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

The Public Meeting will be held on:

**WEDNESDAY, JANUARY 30, 2019 at 7:00 P.M.
STUDIO 1, CONFEDERATION CENTRE OF THE ARTS
145 RICHMOND STREET**

The general public is invited to attend.

Information Sheet for Public Meeting of Wednesday, January 30, 2019

The City of Charlottetown has received the following application for consideration:

Corner of Royalty Road & Upton Road (PID #388595)

A request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow construction of two-unit dwellings.

All the procedures as outlined in the Charlottetown Zoning and Development Bylaw have been followed:

Forty five (45) letters were sent out on January 16, 2019 to property owners within a 100 meter radius of the subject property as per the Zoning & Development Bylaw.

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, January 19, 2019 and Saturday, January 26, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on January 16, 2019.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #2

MOTION CARRIED 9-0 *AB*

MOTION LOST _____

*Councillor
Coady
declared
Conflict of Interest*

Date: January 14, 2019

Moved by Councillor

Greg Rivard


Seconded by Deputy Mayor

Jason Coady

Alana Jonkou

BE IT RESOLVED:

That the request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of two-unit dwellings, be approved to proceed to a Public Consultation.

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:



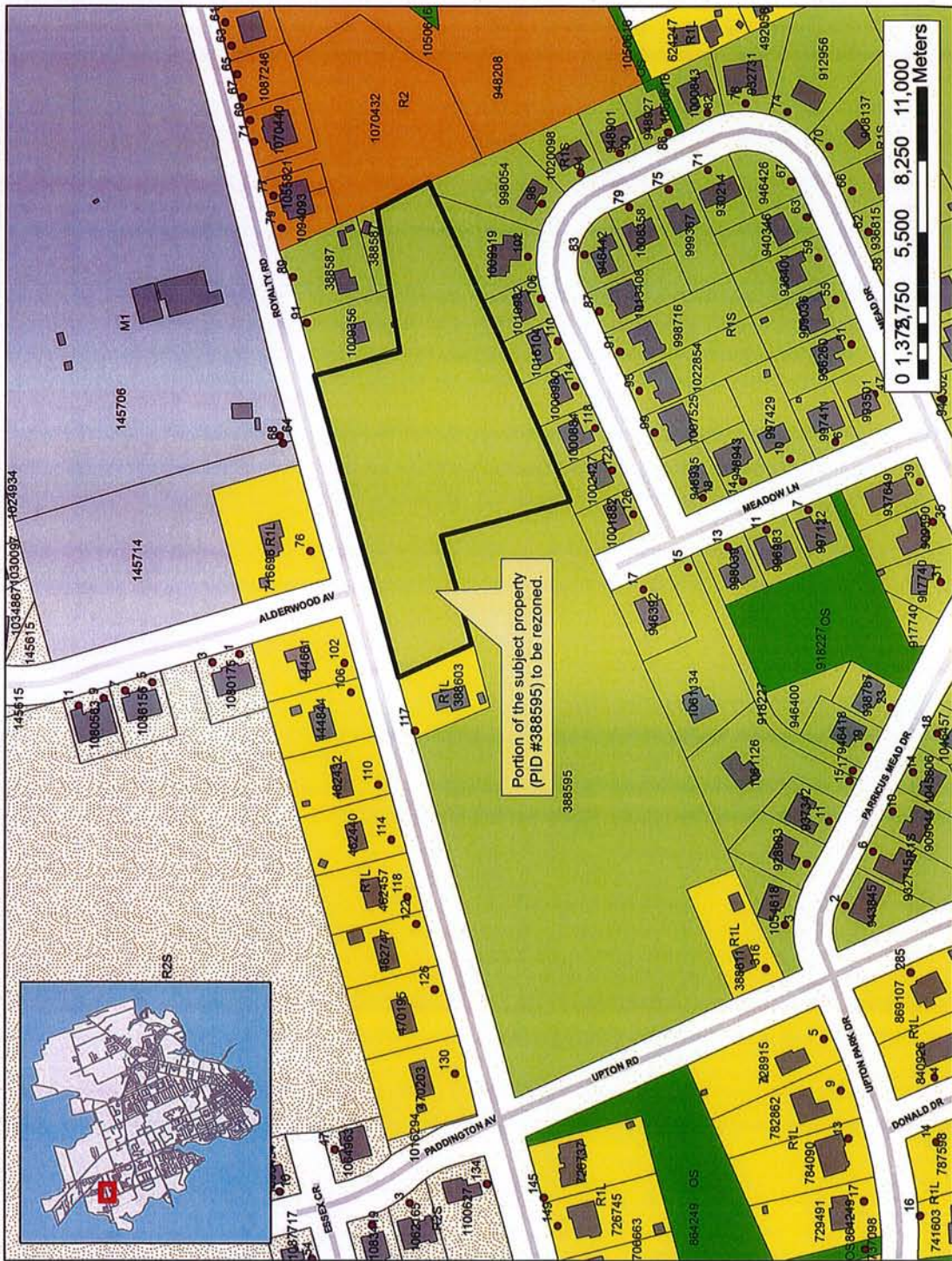
 Greg Morrison, MCIP
 Planner II

MANAGER:



 Alex Forbes, MCIP, MBA
 Manager of Planning & Heritage

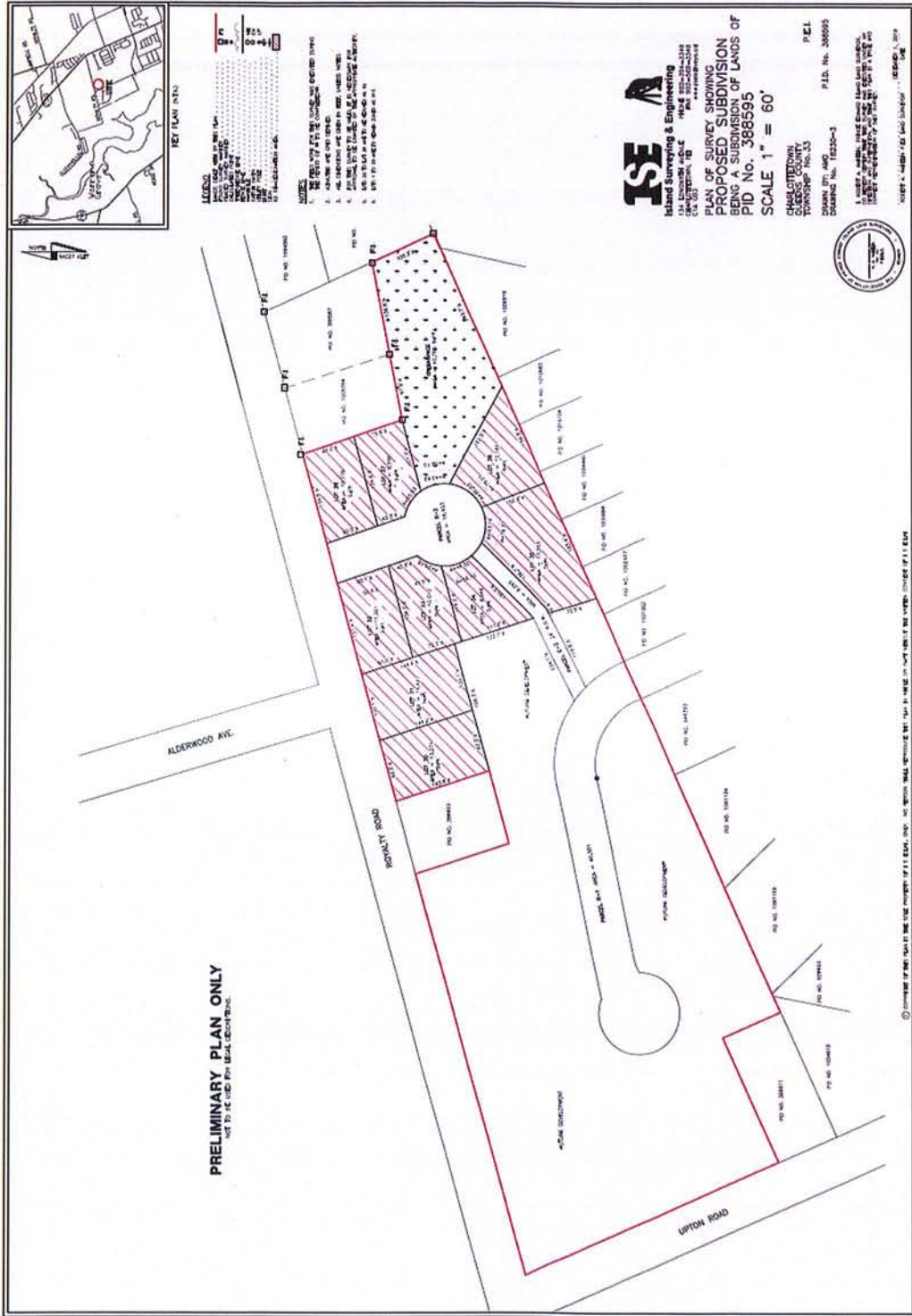
Attachment A



Attachment A: GIS Map
 File: PLAN-2019-10-JANUARY-6a-2
 Royalty Road (PID #388595)
 Owner: Royalty Ridge Estates Inc.



Attachment B



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



January 16, 2019

Dear Property Owner:

Re: Corner of Royalty Road & Upton Road (PID #388595)

The City of Charlottetown Planning & Heritage Department has received a request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone (see attached plans). The remaining portion of the property will remain zoned R-1S at this time. If the applicant wishes to rezone the remaining portion of the property in the future, a separate rezoning application and public meeting would be required.

Pursuant to the requirements of the Zoning & Development By-law, and as a property owner located within 100 meters of the subject property, you are being notified of this request. A public meeting for this application will be held on **Wednesday, January 30, 2019 at 7:00 p.m. at Studio 1, Confederation Centre of the Arts, 145 Richmond Street**. All residents are welcome to attend.

Furthermore, we solicit your written comments for or against this rezoning application, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments must be received prior to **12:00 pm (noon) on Thursday, January 31, 2019**. All submitted comments shall become part of the public record.

If you have any questions, in regards to this rezoning application, please contact the Planning & Heritage Department at (902) 629-4158.

Yours truly,



Greg Morrison, MCIP
Planner II



Notices

Notices


CHARLOTTETOWN

PO Box 98 (199 Queen Street)
 Charlottetown, PE C1A 7K2
 Phone: (902) 566-5548
 Fax: (902) 566-4701
www.charlottetown.ca

Additional information may be available on the City's website

CANCELLATION OF NOTICE OF INTENTION TO DESIGNATE A HERITAGE RESOURCE

The application to designate the property located at **41 Prince Street (PID #337097)** as a Heritage Resource of the City of Charlottetown has been **CANCELLED**. Ownership of the property has changed nullifying the application.

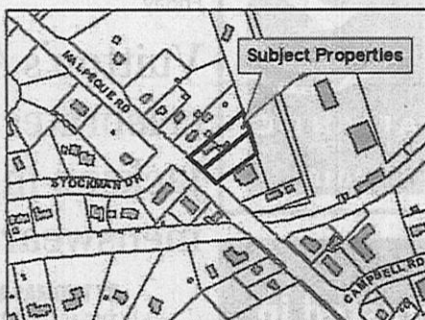
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PUBLIC MEETING

City Council will hold a Public Meeting to hear comments on the following:

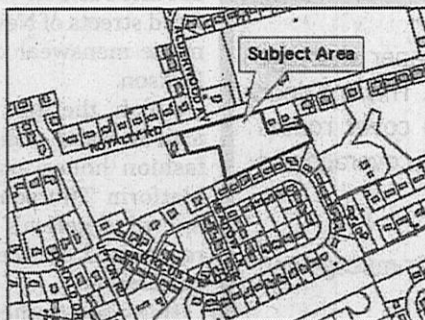
562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789)

A request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct an 18-unit apartment building.



Corner of Royalty Road & Upton Road (PID #388595)

A request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow construction of two-unit dwellings.



Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Home Occupation, Design Review, Parking, Medical Marijuana and Temporary Use sections.

Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed Zoning & Development Bylaw amendments are a result of the implementation objectives outlined in the Affordable Housing Incentive Program.

Renumbering of Planning Bylaws

A request to renumber Planning Bylaws as it pertains to Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07) to standardize planning specific bylaw numberings.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca.

Please have any written comments submitted to the Planning Department before 12:00 p.m. on Thursday, January 31, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

The Public Meeting will be held on:

WEDNESDAY, JANUARY 30, 2019 AT 7:00 P.M.
STUDIO 1, CONFEDERATION CENTRE OF THE ARTS
145 RICHMOND STREET

The general public is invited to attend.

Posted Jan 16/19 3:02 PM
@ Fence Post on Property



NOTICE OF PUBLIC MEETING

City Council will hold a public meeting to hear comments on the following application:

Corner of Royalty Road & Upton Road (PID #388595)

A request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow construction of two-unit dwellings.

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STUDIO 1, CONFEDERATION CENTRE OF THE ARTS
145 RICHMOND STREET**

The general public is invited to attend.



Information Sheet for Public Meeting of Wednesday, January 30, 2019

The City of Charlottetown has received the following application for consideration:

Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed Zoning & Development Bylaw amendments are a result of the implementation objectives outlined in the Affordable Housing Incentive Program.

All the procedures as outlined in the Charlottetown Zoning and Development Bylaw have been followed:

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, January 19, 2019 and Saturday, January 26, 2019. Notice was also posted on the City's website.

No responses have been received to date.

Notes:




CITY OF CHARLOTTETOWN

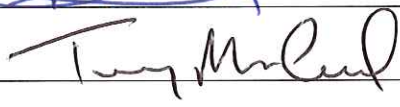
RESOLUTION

Planning #4

MOTION CARRIED 10
MOTION LOST 8 PB

Date: December 10, 2018

Moved by Councillor  Greg Rivard

Seconded by Councillor  Terry MacLeod

RESOLVED:

That the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Affordable Housing, be approved to proceed to Public Consultation to be scheduled in January 2019.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #5

MOTION CARRIED

10-0 *RB*

MOTION LOST _____

Date: January 14, 2019

Moved by Councillor _____

[Signature]

Greg Rivard


Seconded by Deputy Mayor _____

[Signature]

Jason Coady

BE IT RESOLVED:

That the revisions to the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Affordable Housing, be approved to proceed to a Public Consultation.

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;

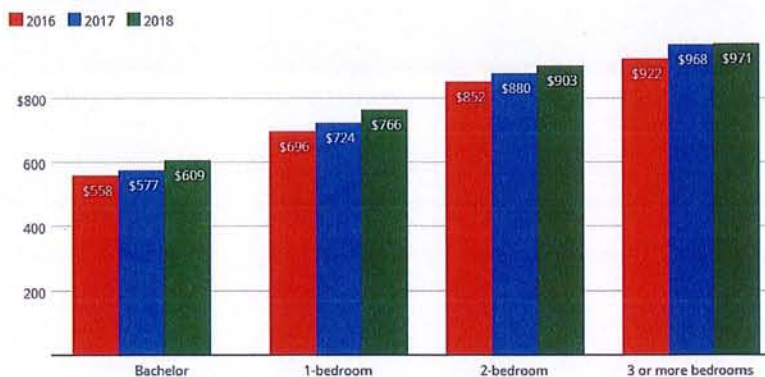
- Air B&B has removed a large portion of long term rentals out of the housing market;
- Both Holland College and UPEI have experienced growth to its student population;
- Immigration has been steadily rising over the past four years.

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:

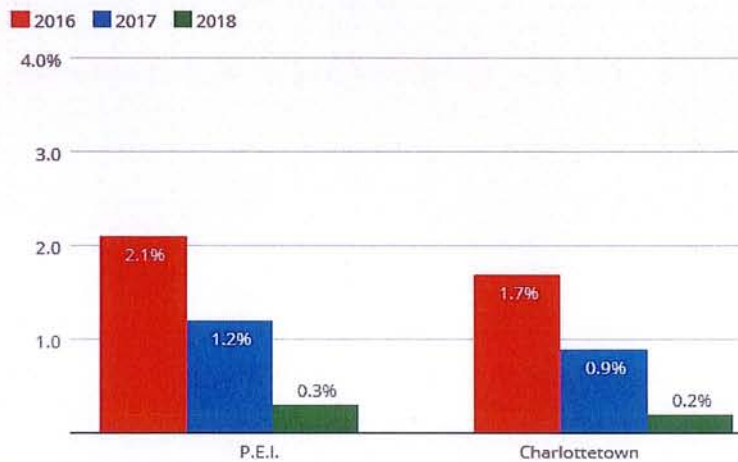
Average rents



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.

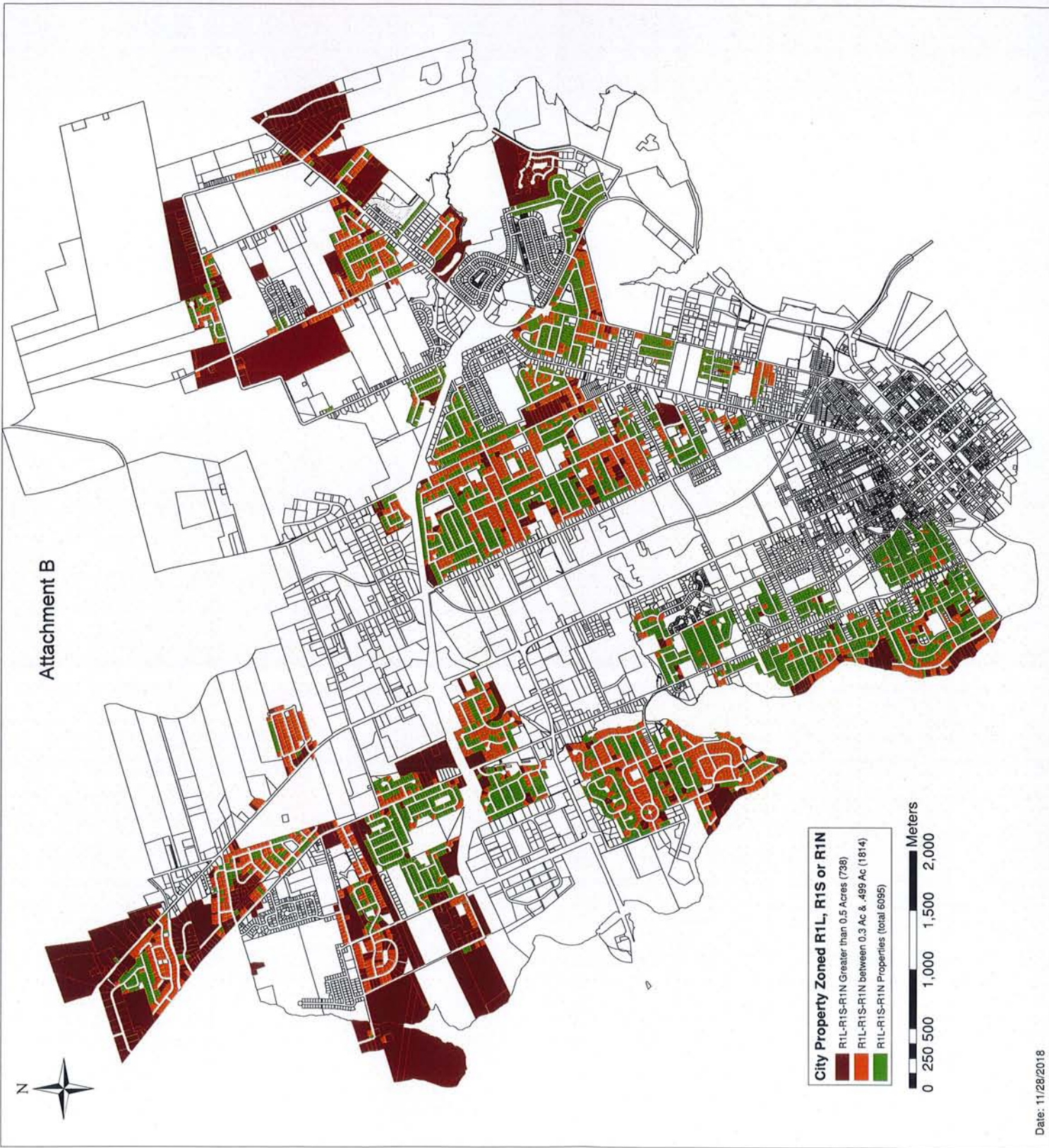
Administration

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.

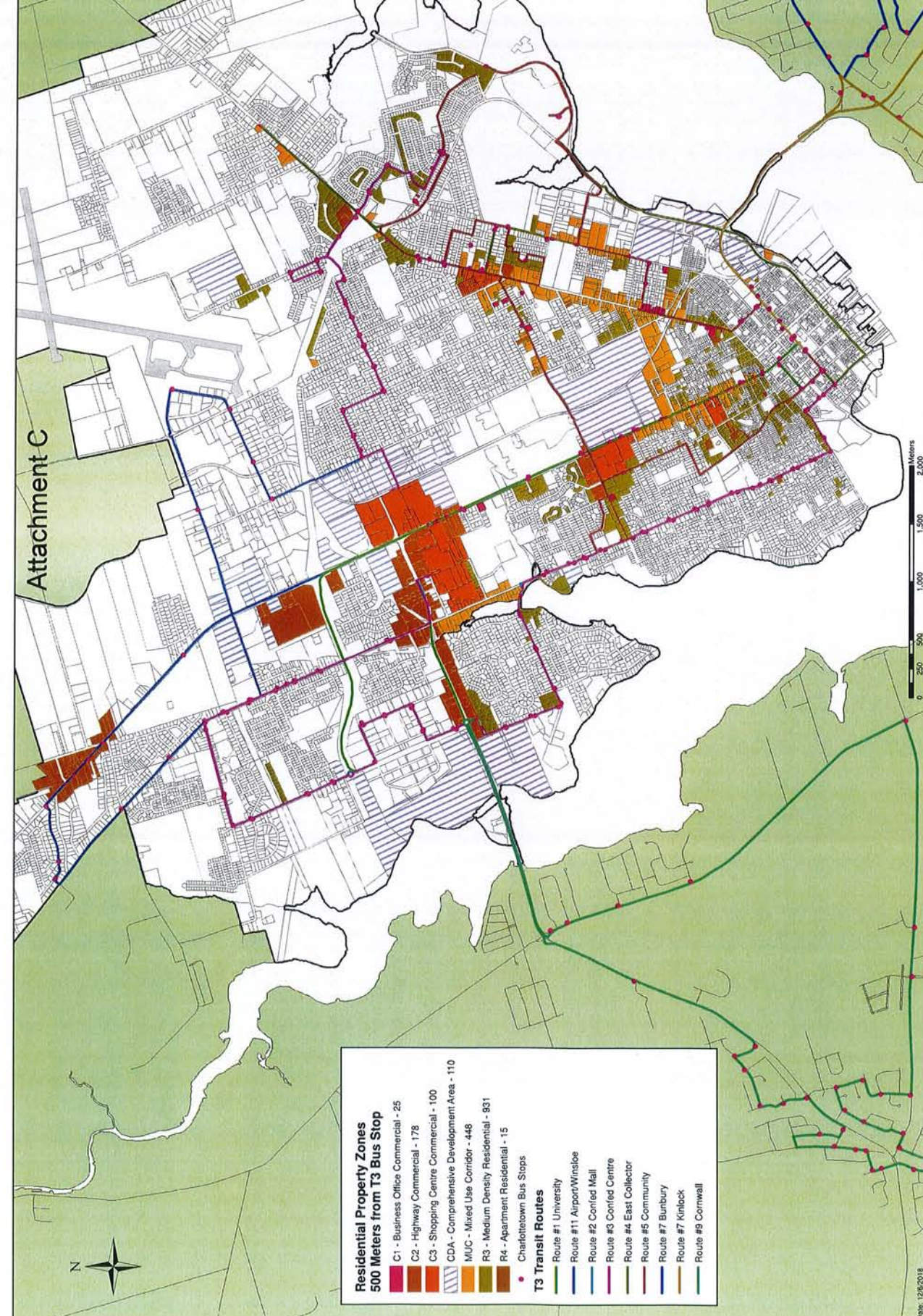
Attachment B



City Property Zoned R1L, R1S or R1N
■ R1L-R1S-R1N Greater than 0.5 Acres (738)
■ R1L-R1S-R1N between 0.3 Ac & .499 Ac (1814)
■ R1L-R1S-R1N Properties (total 6095)

Meters
0 250 500 1,000 1,500 2,000

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

Notices

Notices


CHARLOTTETOWN

PO Box 98 (199 Queen Street)
Charlottetown, PE C1A 7K2
Phone: (902) 566-5548
Fax: (902) 566-4701
www.charlottetown.ca

Additional information may be available on the City's website

CANCELLATION OF NOTICE OF INTENTION TO DESIGNATE A HERITAGE RESOURCE

The application to designate the property located at **41 Prince Street (PID #337097)** as a Heritage Resource of the City of Charlottetown has been **CANCELLED**. Ownership of the property has changed nullifying the application.

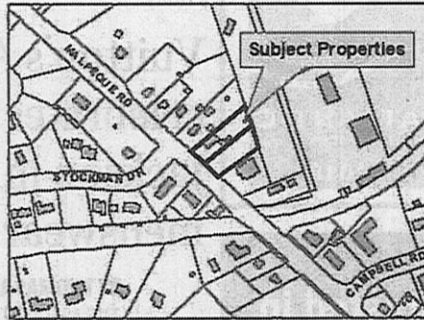
If you have any questions or concerns, you may contact the Planning & Heritage Department at 902-629-4158 between the hours of 8:30 a.m. and 5:00 p.m., Monday to Friday or email at planning@charlottetown.ca. Any responses received will become part of the public record.

PUBLIC MEETING

City Council will hold a Public Meeting to hear comments on the following:

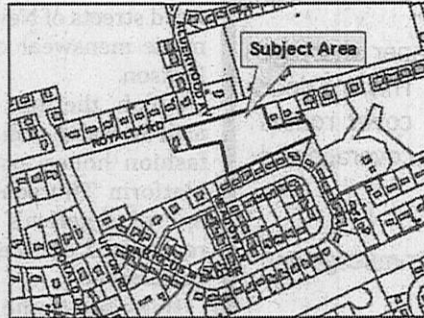
562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789)

A request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct an 18-unit apartment building.



Corner of Royalty Road & Upton Road (PID #388595)

A request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow construction of two-unit dwellings.



Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Home Occupation, Design Review, Parking, Medical Marijuana and Temporary Use sections.

Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed Zoning & Development Bylaw amendments are a result of the implementation objectives outlined in the Affordable Housing Incentive Program.

Renumbering of Planning Bylaws

A request to renumber Planning Bylaws as it pertains to Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07) to standardize planning specific bylaw numberings.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca.

Please have any written comments submitted to the Planning Department before 12:00 p.m. on Thursday, January 31, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

The Public Meeting will be held on:

WEDNESDAY, JANUARY 30, 2019 AT 7:00 P.M.
STUDIO 1, CONFEDERATION CENTRE OF THE ARTS
145 RICHMOND STREET

The general public is invited to attend.



Information Sheet for Public Meeting of Wednesday, January 30, 2019

The City of Charlottetown has received the following application for consideration:

Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Home Occupation, Design Review, Parking, Medical Marijuana and Temporary Use sections.

All the procedures as outlined in the Charlottetown Zoning and Development Bylaw have been followed:

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, January 19, 2019 and Saturday, January 26, 2019. Notice was also posted on the City's website.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

Handwritten initials

RESOLUTION

Planning #3

MOTION CARRIED 16 *Handwritten signature*
MOTION LOST 0

Date: December 10, 2018

Moved by Councillor *Handwritten signature* Greg Rivard

Seconded by Councillor *Handwritten signature* Terry MacLeod

RESOLVED:

That the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Design Review, Home Occupation and Parking requirements, be approved to proceed to Public Consultation to be scheduled in January 2019.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #6

MOTION CARRIED 10-0 *PK*

MOTION LOST _____


Date: January 14, 2019

Moved by Councillor *[Signature]* Greg Rivard

Seconded by Deputy Mayor *[Signature]* Jason Coady

BE IT RESOLVED:

That the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) relating to Design Review, Home Occupations, Parking, Medical Marijuana Production Facility and Temporary Use Variances, be approved to proceed to a Public Consultation.

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

Notices

Notices


CHARLOTTETOWN

PO Box 98 (199 Queen Street)
 Charlottetown, PE C1A 7K2
 Phone: (902) 566-5548
 Fax: (902) 566-4701
www.charlottetown.ca

Additional information may be available on the City's website

CANCELLATION OF NOTICE OF INTENTION TO DESIGNATE A HERITAGE RESOURCE

The application to designate the property located at **41 Prince Street (PID #337097)** as a Heritage Resource of the City of Charlottetown has been **CANCELLED**. Ownership of the property has changed nullifying the application.

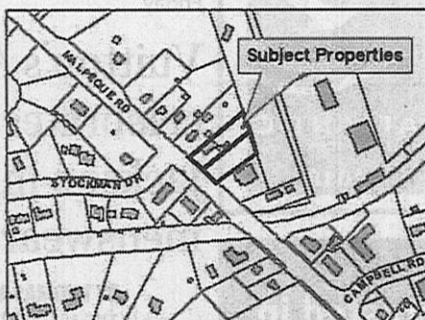
If you have any questions or concerns, you may contact the Planning & Heritage Department at 902-629-4158 between the hours of 8:30 a.m. and 5:00 p.m., Monday to Friday or email at planning@charlottetown.ca. Any responses received will become part of the public record.

PUBLIC MEETING

City Council will hold a Public Meeting to hear comments on the following:

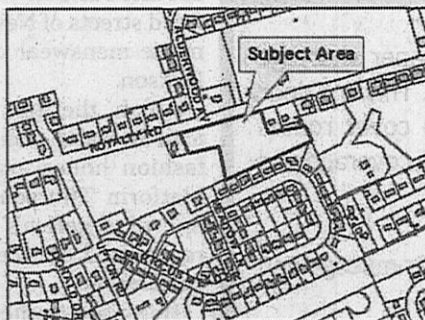
562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789)

A request to amend the Official Plan from Low Density Residential to Medium Density Residential and to rezone the property at 562 Malpeque Road (PID #145797) and adjacent vacant parcel (PID #145789) from Single-Detached Residential (R-1L) to Medium Density Residential (R-3) Zone to construct an 18-unit apartment building.



Corner of Royalty Road & Upton Road (PID #388595)

A request to rezone approximately 3.89 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow construction of two-unit dwellings.



Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Home Occupation, Design Review, Parking, Medical Marijuana and Temporary Use sections.

Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)

A request to amend the Zoning & Development Bylaw as it pertains to Affordable Housing. On September 10, 2018, City Council adopted the Affordable Housing Incentive Program which consists of a variety of policy and procedure amendments to incentivize affordable housing projects. The proposed Zoning & Development Bylaw amendments are a result of the implementation objectives outlined in the Affordable Housing Incentive Program.

Renumbering of Planning Bylaws

A request to renumber Planning Bylaws as it pertains to Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07) to standardize planning specific bylaw numberings.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca.

Please have any written comments submitted to the Planning Department before 12:00 p.m. on Thursday, January 31, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

The Public Meeting will be held on:

WEDNESDAY, JANUARY 30, 2019 AT 7:00 P.M.
STUDIO 1, CONFEDERATION CENTRE OF THE ARTS
145 RICHMOND STREET

The general public is invited to attend.

Information Sheet for Public Meeting of Wednesday, January 30, 2019

The City of Charlottetown has received the following application for consideration:

Renumbering of Planning Bylaws

A request to renumber Planning Bylaws as it pertains to Zoning & Development Bylaw (2018-11), Building Code Bylaw (2018-12) and Heritage Preservation Bylaw (2018-07) to standardize planning specific bylaw numberings.

All the procedures as outlined in the Charlottetown Zoning and Development Bylaw have been followed:

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, January 19, 2019 and Saturday, January 26, 2019. Notice was also posted on the City's website.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

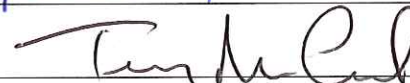
RESOLUTION

Planning #5

MOTION CARRIED 10 PB
MOTION LOST 0

Date: December 10, 2018

Moved by Councillor  Greg Rivard

Seconded by Councillor  Terry MacLeod

RESOLVED:

That the request to renumber Planning Bylaws below:

- From Zoning and Development Bylaw, Bylaw #2018-11 to PH-ZD-2;
- Building Code Bylaw, Bylaw #2018-12 to PH-BC-2; and
- Heritage Preservation Bylaw, Bylaw #2018-07 to PH-HB-1

be approved to proceed to a Public Consultation to be scheduled in January 2019.

Notices

Notices


CHARLOTTETOWN

PO Box 98 (199 Queen Street)
Charlottetown, PE C1A 7K2
Phone: (902) 566-5548
Fax: (902) 566-4701
www.charlottetown.ca

Additional information may be available on the City's website

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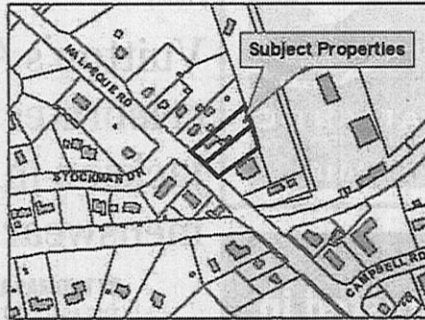
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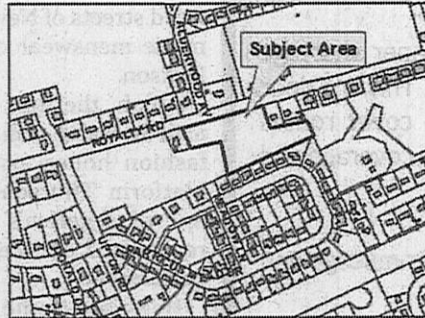
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