



**PUBLIC MEETING AGENDA
NOTICE OF MEETING**

*Wednesday, March 27, 2019 at 7:00 p.m.
Provinces Room, Rodd Charlottetown Hotel, 75 Kent Street*

- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda**
- 4. Reports:**
 - a. 197 Minna Jane Drive (PID #469841)**

A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.
 - b. 88 Brackley Point Road (PID #396770)**

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.
 - c. 183 Great George Street (PID #344044)**

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.
 - d. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11)**

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.
 - e. Secondary and Garden Suite Registry By-law**

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.
- 5. Introduction of New Business**
- 6. Adjournment of Public Session**



Information Sheet for Public Meeting of Wednesday, March 27, 2019

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

197 Minna Jane Drive (PID #469841)

A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.

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

Nine (9) letters were sent out on March 12, 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, March 16, 2019 and Saturday, March 23, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on March 13, 2019.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #1

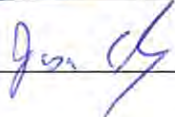
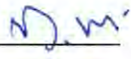
*Carried
9-0
Councillor
Tweed
absent*

MOTION CARRIED 9-0

MOTION LOST _____

Date: March 11, 2019

Moved by Councillor  Greg Rivard


Seconded by Deputy Mayor   Jason Coady

RESOLVED:

That the request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Concept Planning Area to Commercial; and
2. Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone,

for the property at 197 Minna Jane Drive (PID #469841), be approved to proceed to public consultation.

TITLE: REZONING APPLICATION FILE: PLAN-2019-4-MARCH- 6A1 197 MINNA JANE DRIVE (PID #469841) OWNER: CORDOVA REALTY LTD.		
MEETING DATE: March 4, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Building Plans	
SITE INFORMATION: Context: 3.0 Acre property containing Dr. McManaman's Orthodontist Practice Ward No: 8 – Highfield Existing Land Use: Medical, Health and Dental Office Official Plan: Concept Planning Area Zoning: Comprehensive Development Area (CDA) Zone		
PREVIOUS APPLICATIONS: A building permit was issued on October 12, 2007 to renovate the existing building to be used as a professional office space (i.e., dentist office).		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to proceed to public consultation for the rezoning request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Concept Planning Area to Commercial for the property located at 197 Minna Jane Drive (PID #469841); and
2. Amend Appendix "G" – Zoning Map of the Zoning & Development By-law from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone for the property located at 197 Minna Jane Drive (PID #469841).

The applicant is also requesting a major variance to increase the maximum height for an apartment dwelling in the C-2 Zone from 15.0 m (49.2 ft) to approximately 21.26 m (69.75 ft). The requested variance does not require public consultation but notification of this variance will be included in the public meeting notification. The proposed variance will also be included in the recommendation to Council following the public meeting.

BACKGROUND:***Request***

The property owners, Cordova Realty Ltd, are applying to rezone the property located at 197 Minna Jane Drive (PID #463841) from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone. The purpose of the rezoning is to allow the uses in the C-2 Zone including a 70-unit apartment building and a future building which will likely contain a commercial daycare centre.

The proposed 70-unit apartment building is approximately 21.26 m (69.75 ft) in height and would require a major height variance as it exceeds the maximum building height for an apartment building of 15.0 m (49.2 ft).

Development Context

The subject property abuts three streets – Minna Jane Drive, Daniel Drive, and Malpeque Road. The subject property and adjacent development is bordered by Maritime Electric property and the Charlottetown Arterial Highway.

Within the development area identified above, a 60-unit apartment building is currently under construction at 215 Minna Jane Drive and it is anticipated that an additional 60-unit apartment building will be constructed at 219 Minna Jane Drive. The rest of the surrounding lands identified above is being used as commercial or is vacant within the Highway Commercial (C-2) Zone.

Property History

A building permit was issued on October 12, 2007 to renovate the existing building to be used as a professional office space (i.e., dentist office). The rest of the property has remained vacant.

Appendix B. Comprehensive Development Area (CDA) Parcels and Permitted Uses of the Zoning & Development By-law identifies the existing use of this property to be offices.

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. The public notification will also include the request for variance.

ANALYSIS:

As previously explained in this report, the development context boundaries could be described as the Maritime Electric properties, Charlottetown Arterial Highway, and Malpeque Road.

All of the properties, with the exception of the subject property, are located in the Highway Commercial (C-2) Zone. These properties are primarily developed as commercial with the exception of the 60-unit apartment building to the north which received Council approval on October 10, 2017:

That the request for two variances to increase the maximum height requirements of the proposed building from 39.4 ft to approximately 65.25 ft. average grade to the top of the main roof line and to the minimum lot area requirements to increase the density from 57 units to 60 units at Lot 5-2 adjacent to 197 Malpeque Road (PID #577585) be recommended to Council for approval.

Should the rezoning be approved, the applicants are also applying for a variance to increase the maximum height requirement for an apartment building in the C-2 Zone from 15.0 m (49.2 ft) to approximately 21.26 m (69.75 ft). The proposed apartment building would only be 4.5 ft taller than the adjacent 60-unit apartment building but the applicants have indicated that due to the elevations of the land, the proposed building would appear to be approximately 3.26 m (10.70 ft) taller.

Staff discussed the application with the Traffic Operations Engineer at the Province who indicated that any new use of the property (i.e., apartment building or commercial daycare centre) could only be served from Minna Jane Drive or Daniel Drive which connects to the signalized intersection at Malpeque Road / Daniel Drive. He went on to explain that *'the only building allowed to use the right-in / right out is the Dr. McManaman's building.'* The existing access between parking lots which would allow the residents of the apartment building to access Malpeque Road would have to be removed.

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 property obtains a similar variance in 2017. • The proposed apartment building is only 4.5 ft taller than the adjacent apartment building but appears to be 10.7 ft taller due to the change in elevation. • All adjacent properties within the development context are zoned C-2. 		

CONCLUSION:

In light of the fact that all adjacent properties are located in the Highway Commercial (C-2) Zone and the adjacent 60-unit apartment building also received a major height variance for an apartment building, the Planning & Heritage Department recommends that the rezoning application be approved to proceed to public consultation to obtain feedback from the adjacent property owners.

PRESENTER:



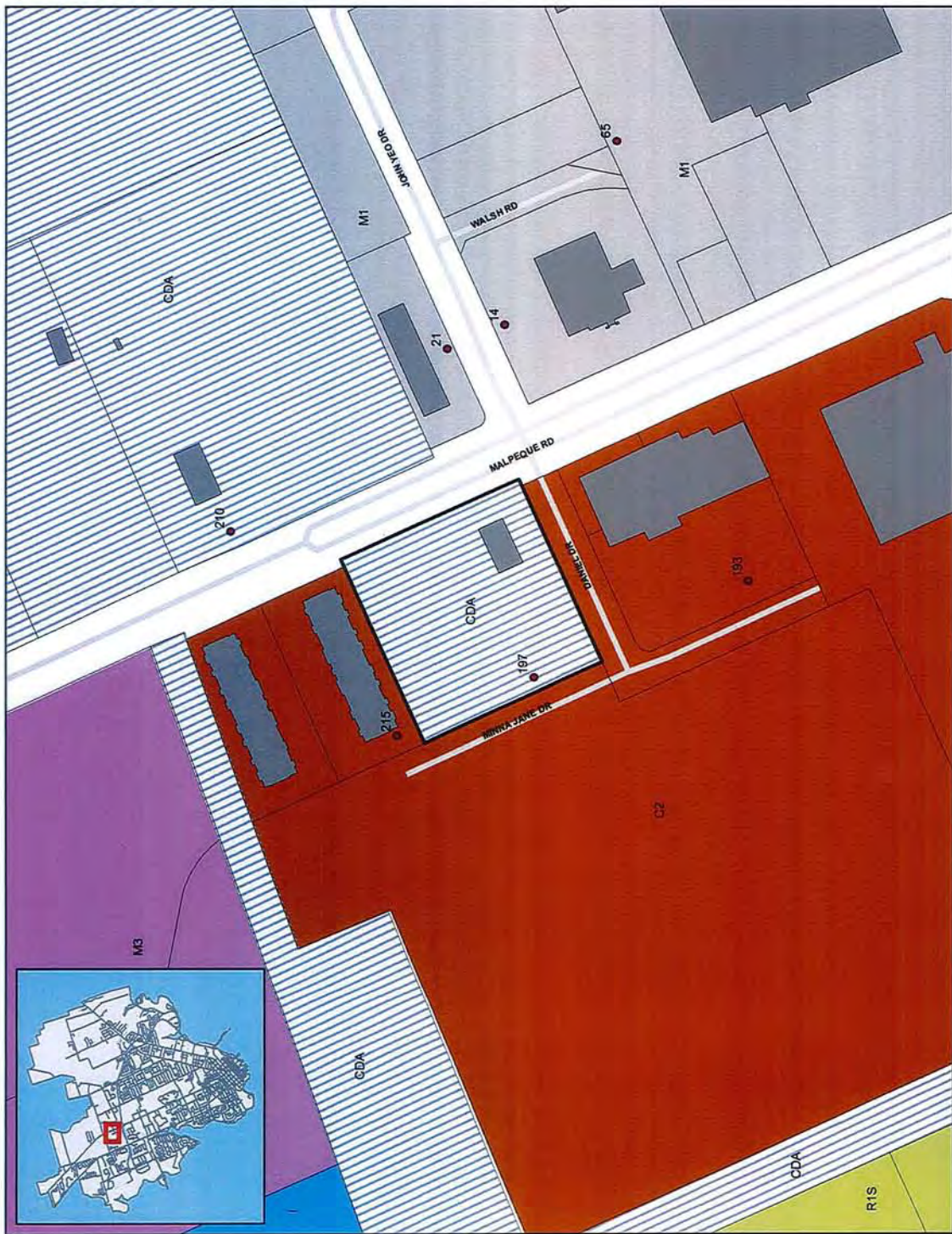
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A



Attachment A: GIS Map
File: PLAN-2019-4-March · **6A1**
197 Minna Jane Drive (PID #469841)
Owner: Cordova Realty Ltd.


CHARLOTTETOWN
Planning & Heritage
Department



Attachment B

Building Plans Attached:

1. Code Chart & Renderings
2. Site Plan
3. Garage & 1F
4. 2F – 6F
5. Suite Enlargements
6. Elevations
7. Elevations
8. Site Servicing and Drainage Plan

Attachment B: Building Plans
File: PLAN-2019-4-March -**6A1**
197 Minna Jane Drive (PID #469841)
Owner: Cordova Realty Ltd.





Preliminary
"Not For Construction"

NO.	REVISIONS	DATE

NO. 10
NO. 11
NO. 12

REVISIONS MAY NOT BE USED IN PLACE OR IN PART FOR ANY PROJECT OTHER THAN THAT DESIGNATED HEREIN.
ANY CHANGES TO THIS DESIGN PRIOR TO OUR DURING THE CONSTRUCTION PHASE MUST BE APPROVED BY THE ARCHITECT & ARCHITECTURAL DESIGNER.
ALL CONTRACTORS MUST CONFORM TO ALL REGULATIONS AND THE NATIONAL BUILDING CODE OF CANADA.
ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

NO.	REVISIONS	DATE

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NO.	REVISIONS	DATE

CODE CHART
1/2" = 1'-0"



Architectural rendering of the building showing landscaping and parking area.



Preliminary
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NO.	REVISIONS	DATE

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NO.	REVISIONS	DATE

spitfire
DESIGN CO.

1000 Steeles Avenue East, Suite 201, Scarborough, Ontario M1H 2L9
 Tel: (416) 291-2777 Fax: (416) 291-2778

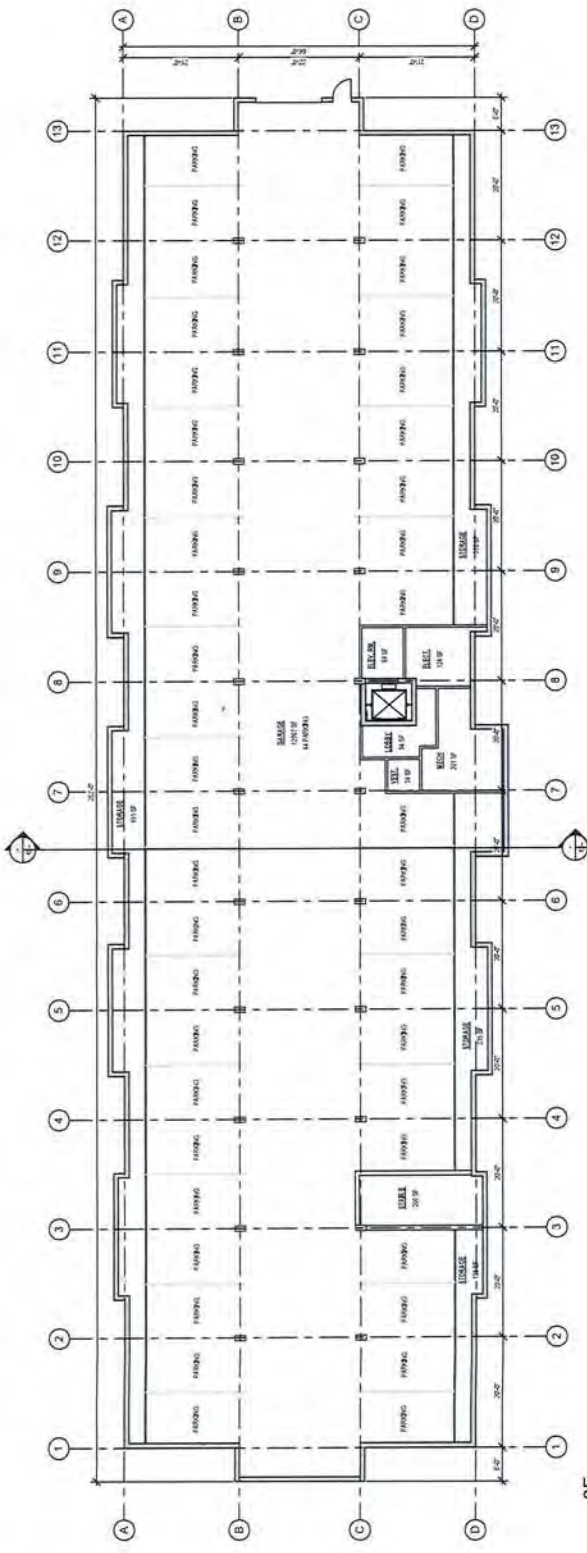
Contractor
 Carleton Multi Res.

Garage & LF

DATE: 04/21/2019

PROJECT: AS NOTED

SCALE: 1/8" = 1'-0"





Preliminary
Not For Construction

DATE	DESCRIPTION	BY

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DATE	DESCRIPTION	BY

spitfire
DESIGN CO.

3400 15th Street, Suite 100, Denver, CO 80202
Tel: (303) 555-7777 Fax: (303) 555-7778

Project: **Carloway - Middle Rise**
2744 Richardson Street

Sheet: **2F-6F**

Date: **10/21/2015**

Scale: **AS NOTED**

Author: **ALP**

ROOM LEGEND

- SUITE A
- SUITE B
- SUITE C
- SUITE D (MP)



2F-6F
33' x 114'

Room Schedule	Name	Area	Level
SUITE A	211 SF	1F	
SUITE B	211 SF	1F	
SUITE C	211 SF	1F	
SUITE D (MP)	211 SF	1F	
MEETING	121 SF	1F	
RECEPTION	121 SF	1F	
CORRIDOR	181 SF	1F	
ELEVATOR	121 SF	1F	
STAIR	121 SF	1F	
RESTROOM	121 SF	1F	
OFFICE	121 SF	1F	
CONFERENCE	121 SF	1F	
LOBBY	121 SF	1F	
SUITE A	211 SF	2F	
SUITE B	211 SF	2F	
SUITE C	211 SF	2F	
SUITE D (MP)	211 SF	2F	
MEETING	121 SF	2F	
RECEPTION	121 SF	2F	
CORRIDOR	181 SF	2F	
ELEVATOR	121 SF	2F	
STAIR	121 SF	2F	
RESTROOM	121 SF	2F	
OFFICE	121 SF	2F	
CONFERENCE	121 SF	2F	
LOBBY	121 SF	2F	
SUITE A	211 SF	3F	
SUITE B	211 SF	3F	
SUITE C	211 SF	3F	
SUITE D (MP)	211 SF	3F	
MEETING	121 SF	3F	
RECEPTION	121 SF	3F	
CORRIDOR	181 SF	3F	
ELEVATOR	121 SF	3F	
STAIR	121 SF	3F	
RESTROOM	121 SF	3F	
OFFICE	121 SF	3F	
CONFERENCE	121 SF	3F	
LOBBY	121 SF	3F	
SUITE A	211 SF	4F	
SUITE B	211 SF	4F	
SUITE C	211 SF	4F	
SUITE D (MP)	211 SF	4F	
MEETING	121 SF	4F	
RECEPTION	121 SF	4F	
CORRIDOR	181 SF	4F	
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STAIR	121 SF	4F	
RESTROOM	121 SF	4F	
OFFICE	121 SF	4F	
CONFERENCE	121 SF	4F	
LOBBY	121 SF	4F	
SUITE A	211 SF	5F	
SUITE B	211 SF	5F	
SUITE C	211 SF	5F	
SUITE D (MP)	211 SF	5F	
MEETING	121 SF	5F	
RECEPTION	121 SF	5F	
CORRIDOR	181 SF	5F	
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CONFERENCE	121 SF	5F	
LOBBY	121 SF	5F	
SUITE A	211 SF	6F	
SUITE B	211 SF	6F	
SUITE C	211 SF	6F	
SUITE D (MP)	211 SF	6F	
MEETING	121 SF	6F	
RECEPTION	121 SF	6F	
CORRIDOR	181 SF	6F	
ELEVATOR	121 SF	6F	
STAIR	121 SF	6F	
RESTROOM	121 SF	6F	
OFFICE	121 SF	6F	
CONFERENCE	121 SF	6F	
LOBBY	121 SF	6F	



Preliminary
 "Not For Construction"

NO.	DATE	DESCRIPTION	BY	CHKD.

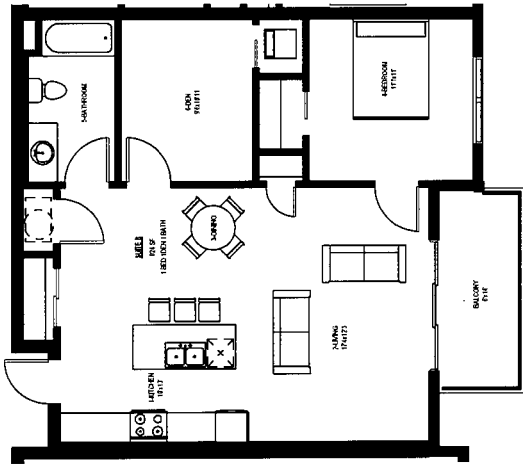
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 3. ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

spitfire
 DESIGN CO.
 1000 10th St. W. Suite 200
 Burnaby, BC V5A 1K6
 Tel: (604) 433-8777 Fax: (604) 433-8778 Email: info@spitfire.ca

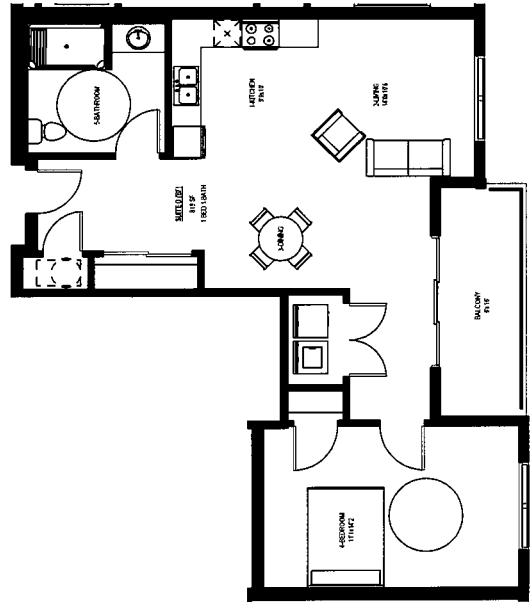
Contractor
 Carolina Multi Res.
 Courtenay, BC

SUITE ENLARGEMENTS

NO. 24-23-2019
 DATE: 11/14/19
 DRAWN BY: J.P.
 CHECKED BY: A.J.
 SCALE: AS NOTED
 SHEET NO. 42/45



SUITE B
 10'0" x 14'0"



SUITE D (BF)
 10'0" x 14'0"

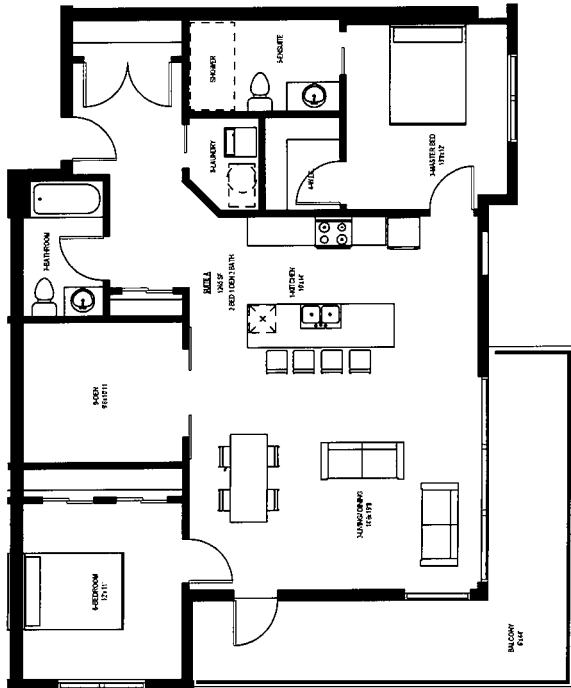
SUITE BREAKDOWN			
TYPE	COMMENTS	AREA	COUNT
SUITE A	3 BED 1 BATH	1362 SF	4
SUITE B	2 BED 1 BATH	1202 SF	2
SUITE C	2 BED 2 BATH	1522 SF	1
SUITE D (BF)	1 BED 1 BATH	1122 SF	1

SUITE BREAKDOWN PER FLOOR			
FLOOR	TYPE	AREA	COUNT
1F	3 BED 1 BATH	1362 SF	4
	2 BED 1 BATH	1202 SF	2
	2 BED 2 BATH	1522 SF	1
	1 BED 1 BATH	1122 SF	1

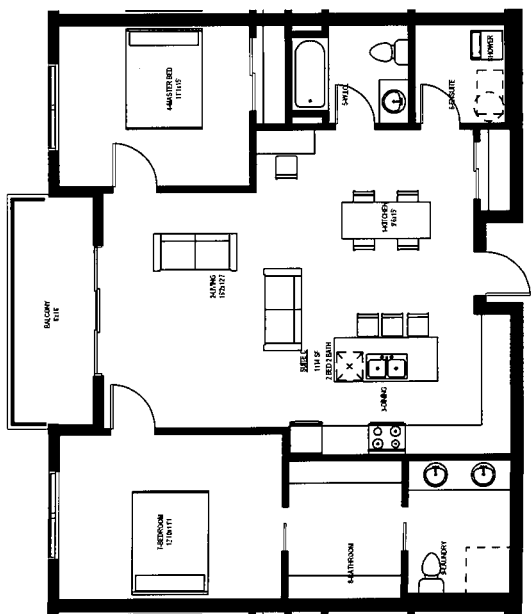
SUITE BREAKDOWN PER FLOOR			
FLOOR	TYPE	AREA	COUNT
2F	3 BED 1 BATH	1362 SF	4
	2 BED 1 BATH	1202 SF	2
	2 BED 2 BATH	1522 SF	1
	1 BED 1 BATH	1122 SF	1

SUITE BREAKDOWN PER FLOOR			
FLOOR	TYPE	AREA	COUNT
3F	3 BED 1 BATH	1362 SF	4
	2 BED 1 BATH	1202 SF	2
	2 BED 2 BATH	1522 SF	1
	1 BED 1 BATH	1122 SF	1

SUITE BREAKDOWN PER FLOOR			
FLOOR	TYPE	AREA	COUNT
4F	3 BED 1 BATH	1362 SF	4
	2 BED 1 BATH	1202 SF	2
	2 BED 2 BATH	1522 SF	1
	1 BED 1 BATH	1122 SF	1



SUITE A
 10'0" x 14'0"



SUITE C
 10'0" x 14'0"



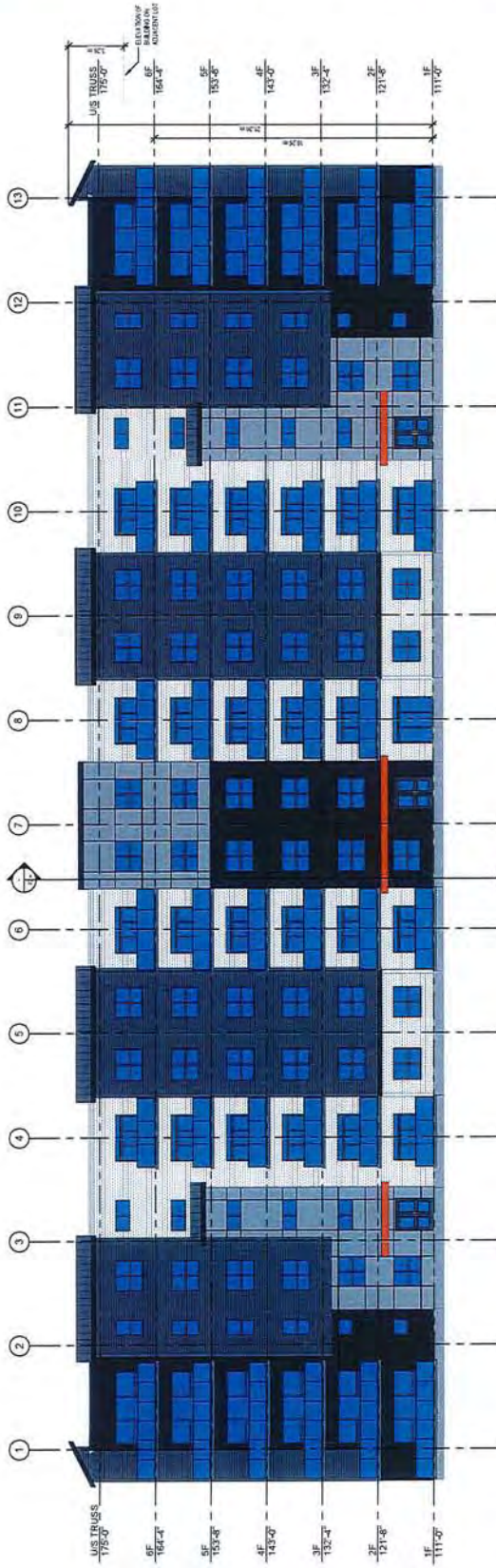
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NO.	DATE	DESCRIPTION

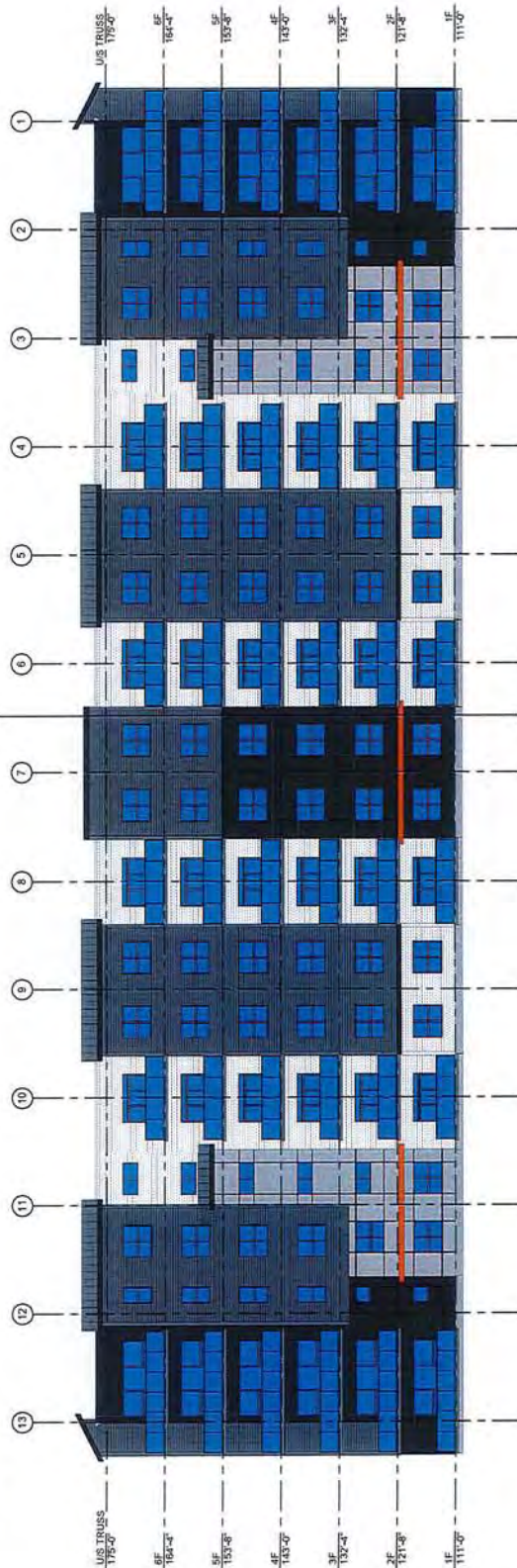
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NO.	DATE	DESCRIPTION



EAST ELEVATION
 3/22' x 1'-0"



WEST ELEVATION
 3/22' x 1'-0"



Preliminary
 Not For Construction

REV	DATE	DESCRIPTION

NO. 101
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

spitfire
 DESIGN CO.
 11111 S. 100th St., Suite 100, Overland Park, KS 66204
 Tel: 913.650.0777 Fax: 913.650.0778 www.spitfirearchitect.com

Continuum

Continuum - Mills Rd.
 CHARLESTON, SC

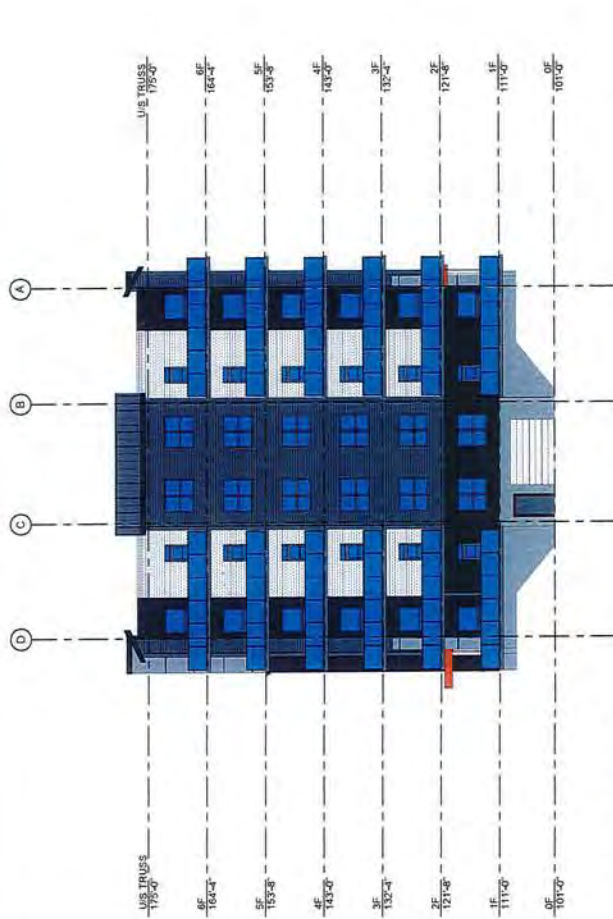
ELEVATIONS

DATE: 04/23/2019

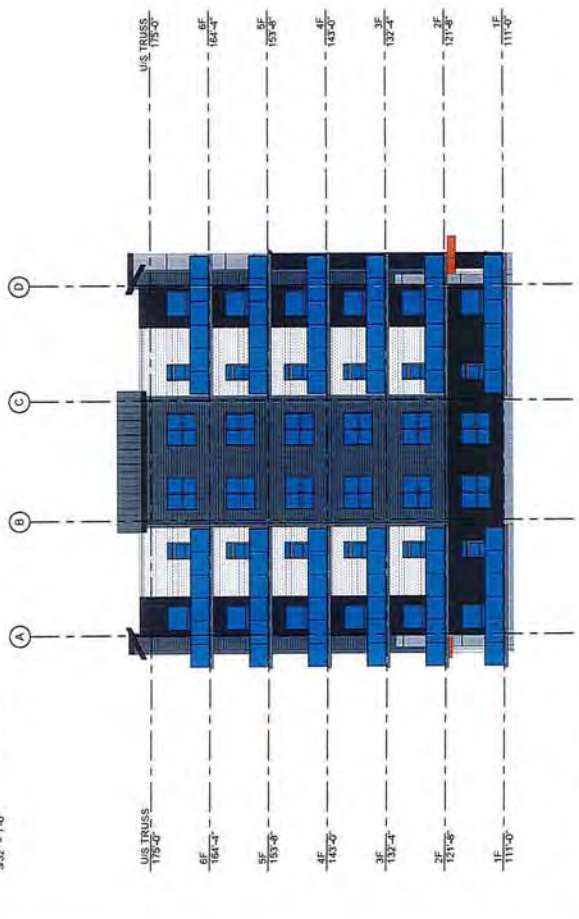
PROJECT: 19-0001

SCALE: AS SHOWN

Sheet: **A3.2**



NORTH ELEVATION
 3/32" = 1'-0"



SOUTH ELEVATION
 3/32" = 1'-0"



8173 SITE LOCATION

This plan was prepared by Fisher Engineering Ltd. under the supervision of the Professional Engineer, M. J. Fisher, P. Eng. The Engineer is responsible for the accuracy of the information shown on this plan. The Engineer is not responsible for the accuracy of the information shown on this plan if it is used for any purpose other than that for which it was prepared. The Engineer is not responsible for the accuracy of the information shown on this plan if it is used for any purpose other than that for which it was prepared. The Engineer is not responsible for the accuracy of the information shown on this plan if it is used for any purpose other than that for which it was prepared.

ENGINEER'S COMMENT:
 This plan was prepared by Fisher Engineering Ltd. under the supervision of the Professional Engineer, M. J. Fisher, P. Eng. The Engineer is responsible for the accuracy of the information shown on this plan. The Engineer is not responsible for the accuracy of the information shown on this plan if it is used for any purpose other than that for which it was prepared. The Engineer is not responsible for the accuracy of the information shown on this plan if it is used for any purpose other than that for which it was prepared.

PRELIMINARY

No.	Date	By
1	10/10/2018	M.J.F.
2	10/10/2018	M.J.F.
3	10/10/2018	M.J.F.



**CORDOVA
MULTI RESIDENTIAL**

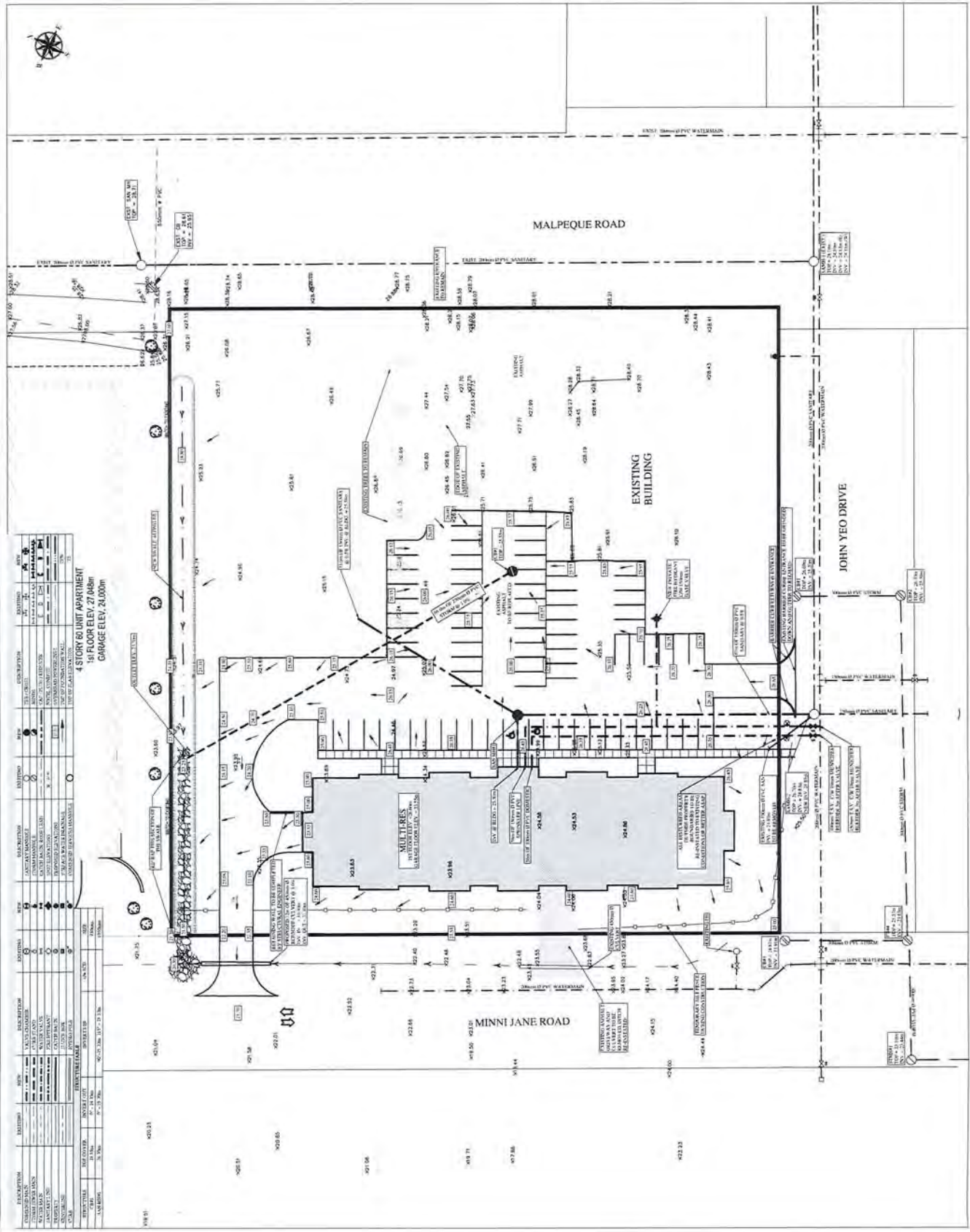
**SITE SERVING AND
DRAINAGE PLAN**

DE123

DE123010



Drawn By:	ACB
Checked By:	MJF
Design By:	MJF
Scale:	C-1



NO.	DESCRIPTION	DATE	BY	CHKD.	REV.
1	ISSUED FOR PERMIT	10/10/2018	MJF	ACB	1
2	REVISED FOR COMMENTS	10/10/2018	MJF	ACB	2
3	REVISED FOR COMMENTS	10/10/2018	MJF	ACB	3

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	10/10/2018	MJF	ACB
2	REVISED FOR COMMENTS	10/10/2018	MJF	ACB
3	REVISED FOR COMMENTS	10/10/2018	MJF	ACB

March 12, 2019

Dear Property Owner:

Re: 197 Minna Jane Drive (PID #469841)

The City of Charlottetown Planning & Heritage Department has received a request to rezone the property located at 197 Minna Jane Drive (PID #469841) from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone.

Dr. McManaman's Orthodontist practice is currently located on the subject property but should the rezoning be approved, the applicant would also be intending to construct a 70-unit apartment building as well as a third building in the future which will likely contain a commercial daycare centre (see attached plans).

Staff would note that the applicant is also requesting a major variance to increase the maximum height for an apartment dwelling in the C-2 Zone from 15.0 m (49.2 ft) to approximately 21.26 m (69.75 ft). The requested variance does not require public consultation but this letter also serves as notification to the property owners of the proposed variance.

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 rezoning and variance request. A public meeting for this application will be held on **Wednesday, March 27, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street**. All residents are welcome to attend.

Furthermore, we solicit your written comments for or against this rezoning and variance request, 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 in relation to the rezoning and variance request must be received prior to **12:00 pm (noon) on Thursday, March 28, 2019**. All submitted comments shall become part of the public record.

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

Yours truly,

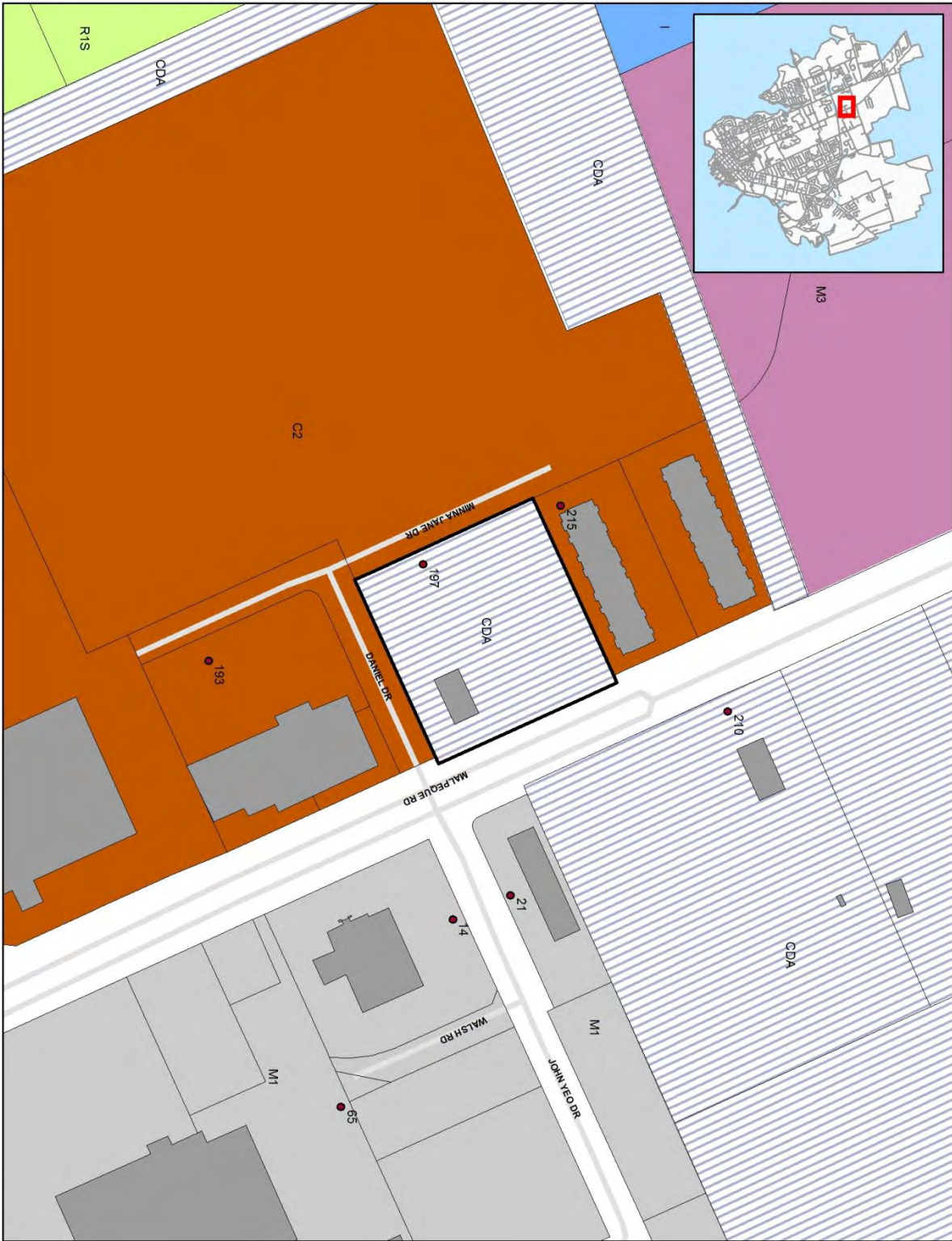


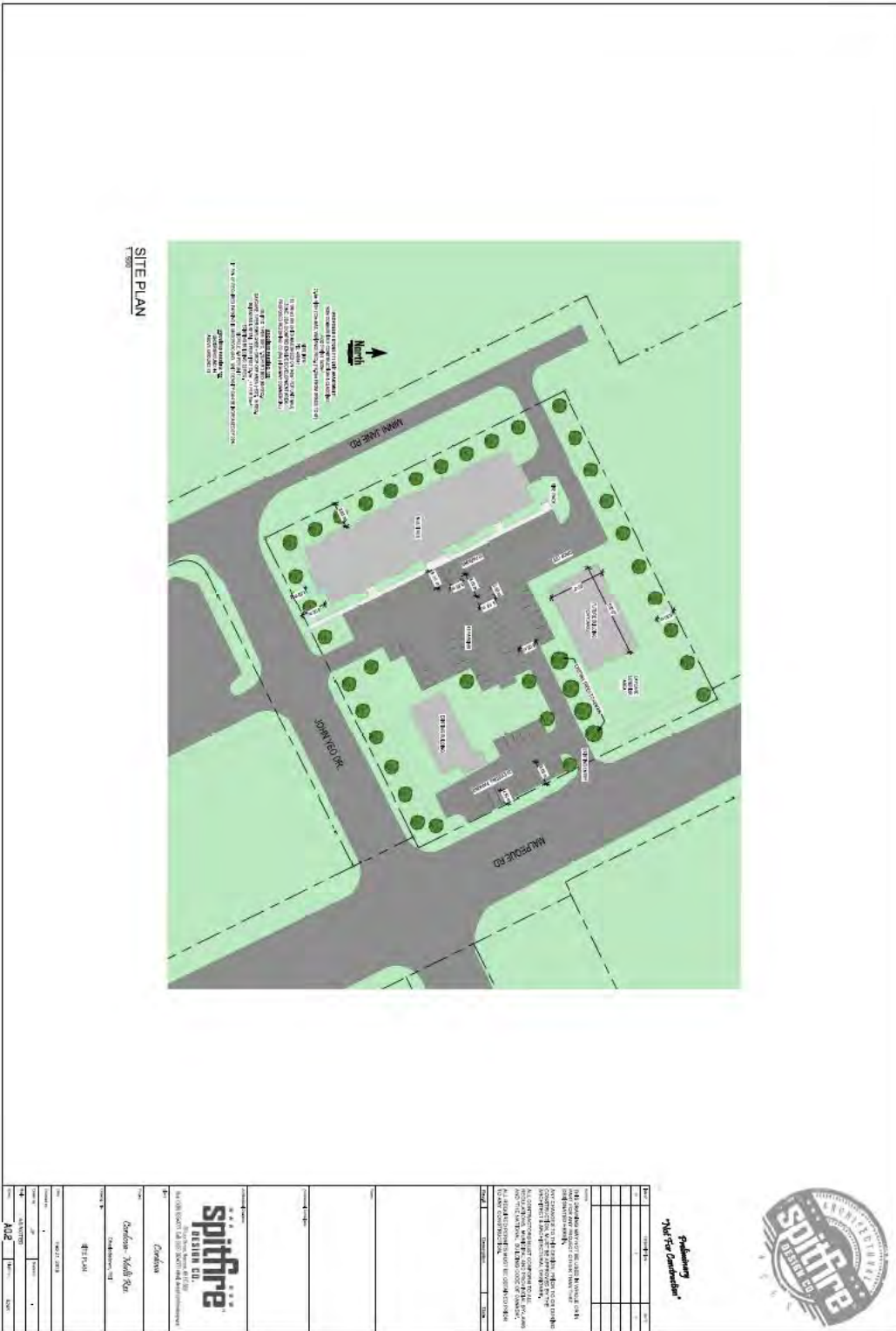
Greg Morrison, MCIP
Planner II





CHARLOTTETOWN





Planning
Map for Development

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50
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spitfire
DESIGN CO.

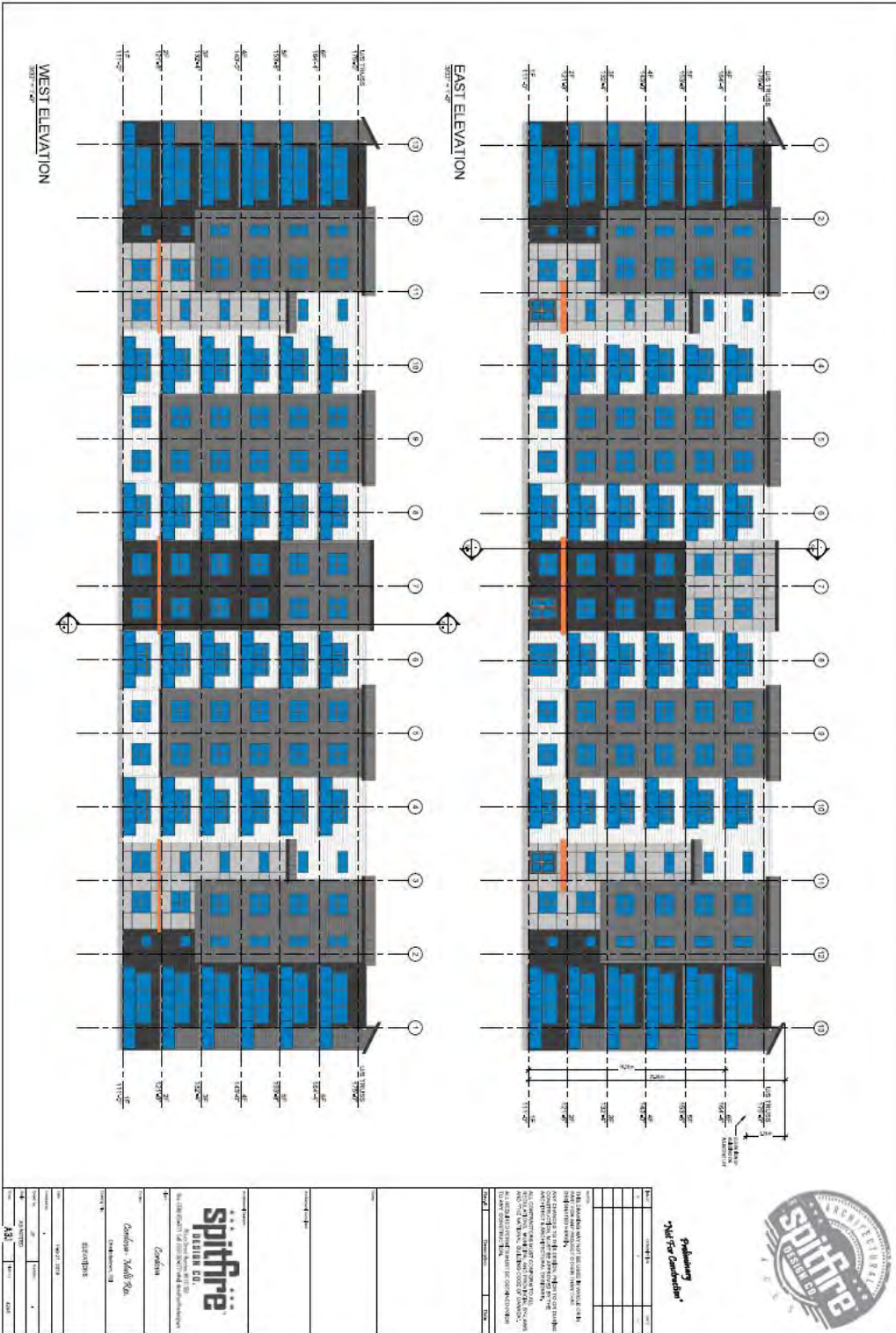
Outdoor, Multi-Use
7248 Brown, VA
478.688.1111

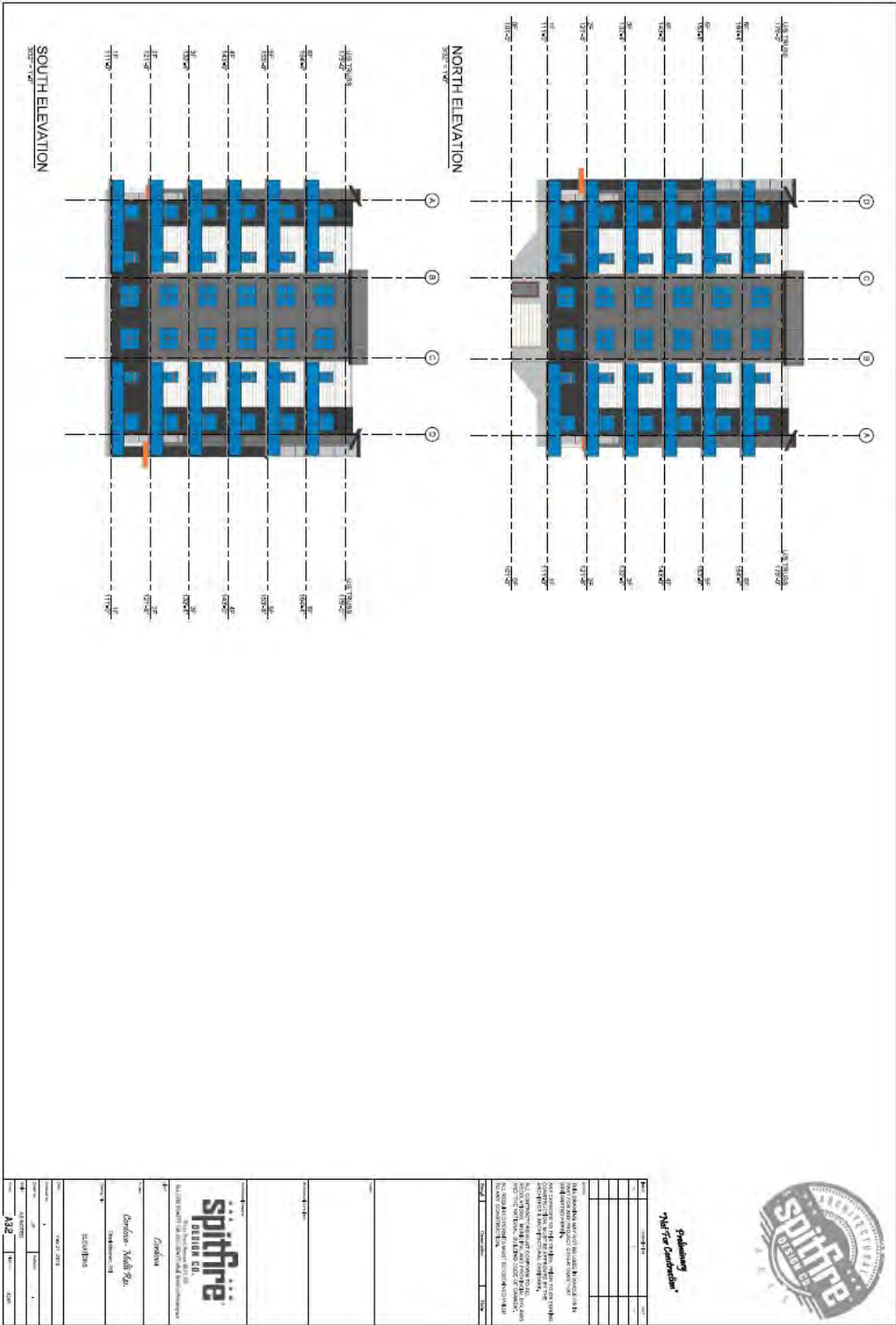
Project: [Blank]
Client: [Blank]
Date: [Blank]

Map 2



CHARLOTTETOWN





PUBLIC MEETING

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

197 Minna Jane Drive (PID #469841)

A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.

**88 Brackley Point Road (PID #396770)**

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.

**183 Great George Street (PID #344044)**

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

Secondary and Garden Suite Registry By-law

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

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, March 28, 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, MARCH 27, 2019 AT 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.

POSTED MARCH 13/19 1:39 PM

@ UTILITY POLE FACING
MALPEQUE RD.



CHARLOTTETOWN



NOTICE OF PUBLIC MEETING

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

197 Minna Jane Drive (PID #469841)

A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.

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WEDNESDAY, MARCH 27, 2019 at 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.



Information Sheet for Public Meeting of Wednesday, March 27, 2019

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

88 Brackley Point Road (PID #396770)

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.

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

Thirty six (36) letters were sent out on March 13, 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, March 16, 2019 and Saturday, March 23, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on March 13, 2019.

One letter of opposition has been received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

*Carried
9-0
Councillor
Trent
absent*

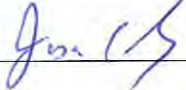
Planning #2

MOTION CARRIED 9-0

MOTION LOST _____

Date: March 11, 2019

Moved by Councillor  Greg Rivard


Seconded by Deputy Mayor  *D.M.* Jason Coady

RESOLVED:

That the request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and
2. Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Single Density Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone;

for the property at 88 Brackley Point Road (PID #396770), be approved to proceed to public consultation.

TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 396770) 88 Brackley Point Road FILE: PLAN-2019-04-March-6A3 OWNERS: Ron Wood APPLICANT: Ron Wood		
MEETING DATE: March 4, 2019		Page 1 of 13
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Concept Plan C. Concept Plan from 2016	
SITE INFORMATION: Context: Mature low density neighbourhood. Ward No: 9 – Stone Park Existing Land Use: existing single detached dwelling. Official Plan: Low Density Residential Zoning: Low Density Residential (R-1L) Zone		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend for the request to proceed to public consultation to amend Appendix “A” the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential and a request to amend Appendix “G” – Zoning Map of the Charlottetown Zoning and Development Bylaw from R-1L (Single Detached Residential) zone to R-3 (Medium Density Residential) zone for the property located at 88 Lower Brackley Point Road, PID #'s 396770.

BACKGROUND:

Request

An application has been received to rezone the property located at 88 Brackley Point PID # 396770 from R-1L Low Density Residential to R-3 Medium Density Residential and to amend Appendix “A” the Official Plan Map from Low Density Residential to Medium Density Residential.

Development Context

The property is bounded to the north by Pope Avenue with Institutional and R-1L zoned land, to the east, by Pope Avenue and Institutional zoned land on the opposite side of the street, to the south by R-1L zoned land and to the west by Brackley Point Road.

ANALYSIS:

This is an application to rezone 3.04 acres of land located off of Brackley Point Road. The land is currently zoned R-1L (Single Detached Residential) and is occupied by a single family dwelling. The proposal is to demolish the single detached dwelling and subdivide the property into two lots. The applicant is proposing to rezone the land to R-3 (Medium Density Residential) to facilitate the construction of a 30 unit, 3 story apartment building on one lot and a townhouse development on the other (see attached concept drawings and survey plan).

The property has frontage on both Brackley Point Road and Pope Avenue. However, the applicant is proposing to have the main access to the development on Pope Avenue. There will be a driveway restricted to right in right out off of Brackley Point Road. The Charlottetown Police Department has reviewed this access on Brackley Point Road and would only grant approval for a right in right out for the purpose of a secondary access to meet Fire Code regulations. Parking is proposed to be underground for the apartment building and surface for the town house development.

This property is located within a well-established R-1L Low Density Residential Zone. There are no other higher density developments within the immediate area. There is some higher density development within 1000 -2000 ft. of the subject property on Valdane Ave. and St. Peter's Road. There are institutional zoned properties consisting of an elementary school, a junior high school, a daycare and churches within walking distance to this property. Brackley Point Road is a minor arterial road and therefore has access to public transit near the Sherwood Shopping centre. It is beneficial for higher density developments to be located within walking distance to schools, churches and public transit. When located in proximity to such services residents do not have to rely on automobiles to access such uses. Apartment buildings also provide an alternate housing choice for young families and people looking to downsize.

There was a proposal to rezone this property in 2016 from R-1L to R-3 to facilitate the construction of two 36 unit apartment buildings. At that time the Board voted not to advance the application to public consultation. The Board felt the proposed density of 72 units was too high for the neighbourhood. As well, they also determined that the bulk, mass and scale of the proposed apartment buildings were not in keeping with the surrounding neighbourhood.

Following the Board's 2016 decision the property owner has been working on his application to develop a housing proposal that has less density and is more in keeping with the surrounding neighbourhood. The previous proposal was for two 36 unit apartment buildings for a total of 72 units. The current proposal is for a 3 story, 30 unit apartment building and 16 low rise townhouse units for a total of 46 units.

The two apartment buildings in the 2016 proposal were highly visible from both Brackley Point Road and Pope Avenue. With the current proposal the 30 unit apartment building is still visible from Pope Avenue however, it is buffered from Brackley Point Road by the proposed townhouse development. More than half of the lot where the apartment building is proposed is allocated to green space. A landscape buffer would be required to be retained along the property boundary of the proposed development and the low density development. On the current site plan the proposed apartment building is located on the 90 degree bend of Pope Avenue away from any adjoining single detached dwellings. Therefore, although larger in bulk, mass and scale than the single detached dwellings on Pope Ave. the proposed apartment building would not have a direct impact on other buildings along the streetscape. The apartment building would also be located approximately 450 feet away from any single detached dwellings on Brackley Point Road and is buffered by an existing mature tree line. The town house development also has approximately half of the property allocated to greenspace. Staff does not feel that the townhouse development is out of scale for the neighbourhood and can be integrated well.

Notwithstanding the building form on the east side of Brackley Point Road is small to medium sized single detached dwellings on large lots, approximately an acre in size. The dwellings along Pope Avenue are also located on lots of approximately 10,000 to 12,000 sq. ft. This property is approximately 3.04 acres in size and has the potential to support 107 units with surface parking and 128 units with underground parking if rezoned to R-3. The applicant has requested a total of 46 units with underground parking in the apartment building. If this rezoning is approved a condition of approval must be the requirement for the property owner to enter into a development agreement to restrict the density to the proposal as presented.

Infill development within established low density residential neighbourhoods is supported within the policies of the Official Plan. However, the Official Plan clearly states that it has to be development that will not adversely impact existing low density residential neighbourhoods.

Section 3.1.2 of the Official Plan states, "2. *Our objective is to promote compact urban form and infill development, as well as the efficient use of infrastructure and public service facilities.*

- *Our policy shall be to allow moderately higher densities in neighbourhoods, and to allow in-law suites in residential land-use designations, and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around*

these centres provided it is development at a density that will not adversely affect existing low density housing.

Section 3.2 of the Official Plan further states,

3.2 Sustaining Charlottetown's Neighbourhoods

Defining Our Direction

Our goal is to maintain the distinct character of Charlottetown's neighbourhoods, to enhance the special qualities of each, and to help them adjust to the challenges of economic and social transformation.

1. Our objective is to preserve the built form and density of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surroundings.

- Our policy shall be to ensure that the footprint, height, massing, and setbacks of new residential, commercial, and institutional development in existing neighbourhoods is physically related to its surroundings.*
- Our policy shall be to establish an appropriate relationship between the height and density of all new development in mixed-use residential areas of existing neighbourhoods.*

Section 3.2 under the heading of Environment for Change further states,

The Environment for Change

Preserving the distinctive character and identity of Charlottetown's neighbourhoods requires strategies that promote internal stability as well as a sense of community identity. The CHARLOTTETOWN PLAN incorporates policies which will help preserve the harmony and integrity of each existing neighbourhood within the City.

3.3 Housing Needs and Variety

If Charlottetown is to continue to grow as a healthy community, affordable housing for all segments of society must generally be available throughout the City. Moreover, the housing requirements of those with special needs (e.g., disabled, homeless, people in transition) also have to be addressed. Likewise, in the recent past, there has been a chronic shortage of most types of seniors housing. As the population base continues to age, this problem will become more acute unless civic decision-makers address it in a forthright manner.

These are some of the reasons why the City needs to encourage compact and contiguous development, more in-fill housing, and the efficient use of civic infrastructure. In addition, the direction of this plan is to make Charlottetown’s neighbourhoods more stable and sustainable.

Defining Our Direction

Our goal is to work with public and private sector partners to create an attractive physical environment and positive investment climate in which the housing requirements of all residents can be met (including those with special needs), and to provide clear direction as to where residential development should take place.

1. *Our objective is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*
 - Our policy shall be to ensure that all new multiple dwelling unit buildings are serviced by water and wastewater systems which have the capacity to accept the development proposed.
 - Our policy shall be to base residential densities on the availability of municipal services, education facilities, recreation and open space amenities, transportation routes, and such other factors as the City may need to consider.

The Official Plan supports mixed forms of housing within existing neighbourhoods to allow for housing choices. Housing choices within neighbourhoods are important as they provide variety for people at various stages of their lives. Notwithstanding, it clearly states that *new development must be physically related to its surroundings and that there should be an appropriate relationship between height and density for new development in existing neighbourhoods. “Our Policy shall be to ensure that the footprint, height, massing, and setbacks of new residential, commercial, and institutional development in existing neighbourhoods is physically related to its surroundings.”*

With the current application it is staff’s opinion that the applicant has put more consideration into a development proposal that is more in keeping with the neighbourhood. Although the applicant is still proposing one apartment building the building density has been reduced from 36 units to 30 units. The balance of the property has been allocated to a low rise townhouse development.

However, it still must be considered that this area was developed as a low density, single detached residential neighbourhood. Higher density development was not contemplated in the

long term planning of this neighbourhood. It is difficult to evaluate this rezoning request in isolation of the existing land uses in the surrounding neighbourhood. There is a possibility that this rezoning has the potential to change the long term direction of this neighbourhood and may lead to additional rezoning requests for other properties in the area. It should be noted that a similar proposal was heard at Planning Board last month. The proposal was a request to rezone a 1.6 area lot from R-1L to R-3. The lot was half the size of the subject lot at 88 Brackley Point Road with frontage only on Brackley Point Road, a minor arterial road. Site lines on this portion of Brackley Point Road are not ideal. The Board recommended not to advance the proposal at 68 Brackley Point Road to public consultation.

Notwithstanding, this proposal at 88 Brackley Point Road is located on a 3+ acre parcel that could in itself comprise a comprehensive development plan. Although roughly the same amount of units the units are split between an apartment dwelling that is half the size in mass and scale than the proposal at 68 Brackley Point Road and a 16 unit low rise townhouse development. It should be considered that the City is currently experiencing an increased demand for housing. The vacancy rate within the City is very low. Many residents are being forced to leave the City because of the lack of housing options and affordable housing. It has been very difficult to acquire land within established neighbourhoods at reasonable prices were rents can be kept at affordable levels.

In planning practice when assessing locations that are appropriate for residential uses it is appropriate to locate residential dwellings in locations close to amenities, transit, parkland and schools within walkable neighbourhoods. The proposed site is within walking distance to schools, a daycare, churches and within a 10 minute walk to the Sherwood Shopping Centre where public transit is also accessible.

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

Positives

Neutral

Shortcomings

- There City is experiencing a demand for housing and this proposal would provide additional options for housing within a mature neighbourhood that is predominantly low density residential.
- The proposal is close to schools, a daycare, shopping, churches and public transit.
- Access to the site is off of a local street where it is safe to access.
- At least 50% of the site has been left as green space in the proposal.
- The site is located in a mature low density neighbourhood.
- Although the apartment building has been scaled back in density and relocated on the site away from existing housing it still could be viewed as out of scale for the neighbourhood.

CONCLUSION:

Staff does have concerns that rezoning a property within a mature neighbourhood from single detached residential to medium density residential to accommodate a 46 unit development may cause concern within the neighbourhood. This may also be viewed as a spot zone.

Notwithstanding, the parcel is over 3 acres and not a small residential lot. The parcel is large enough to comprise a comprehensive development plan within the CDA Zone. In addition with the current housing demand this proposal may provide more affordable housing options within this established neighbourhood.

Therefore, the Planning & Heritage Department encourages Planning Board to recommend for the request to proceed to public consultation for the application to amend the Future Land Use map from Low Density Residential to Medium Density Residential and to rezone the properties located at 88 Brackley Point Road from R-1L Single Detached Residential to R-3 Medium Density Residential PID # 396770.

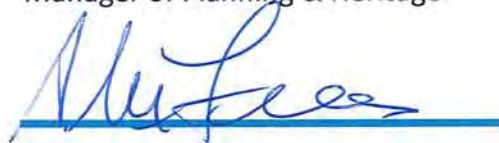
PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

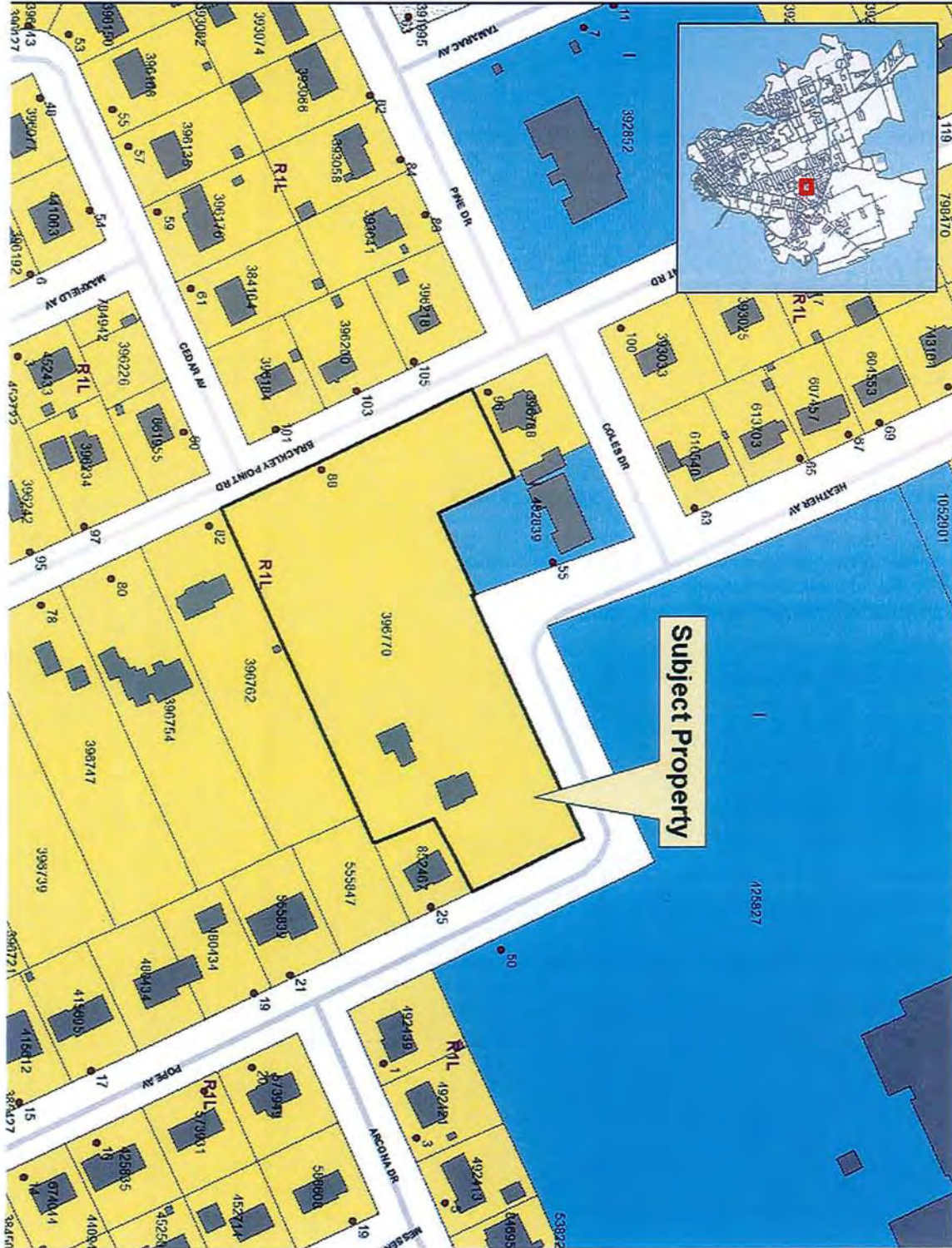


MANAGER:

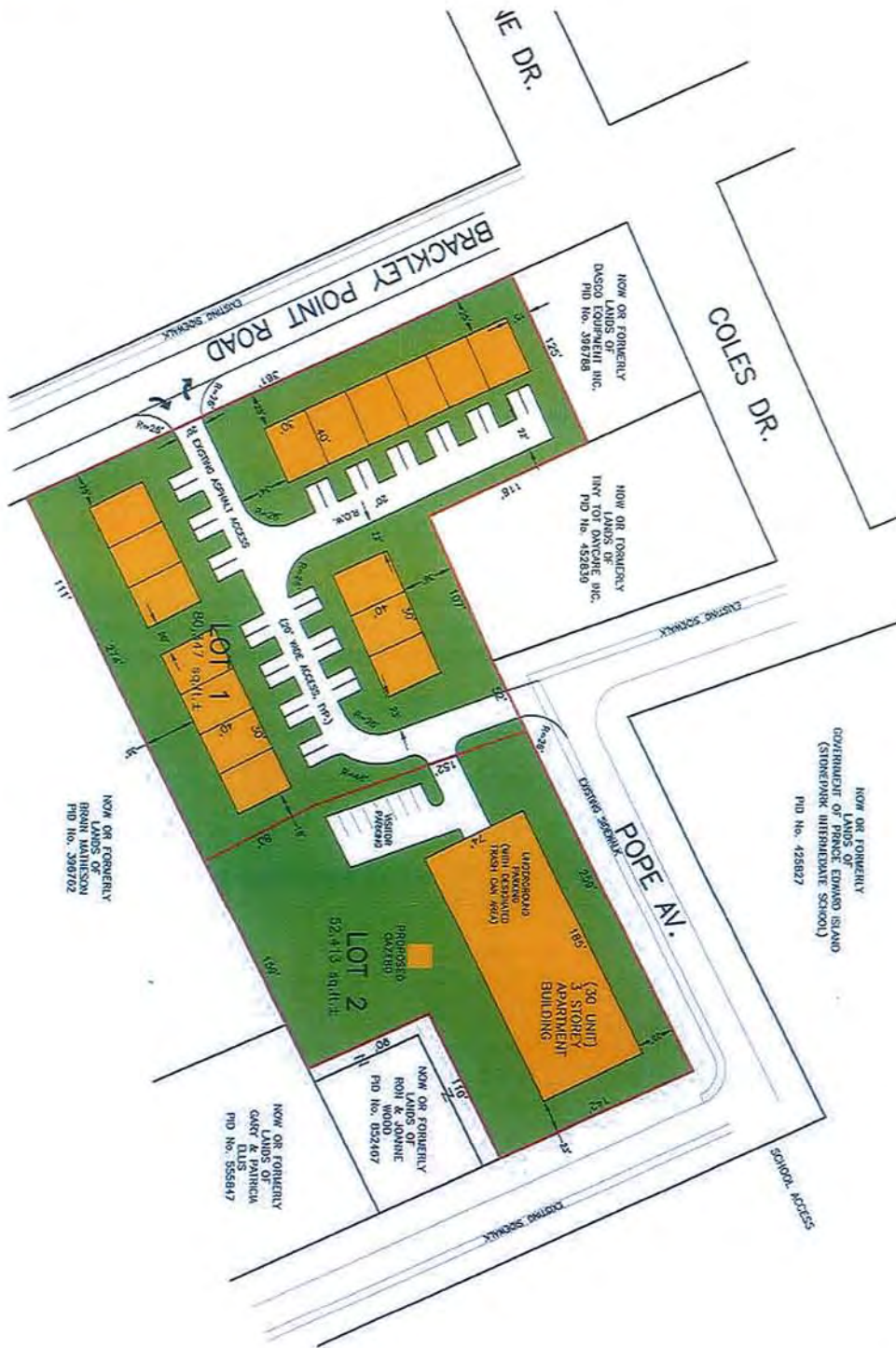
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



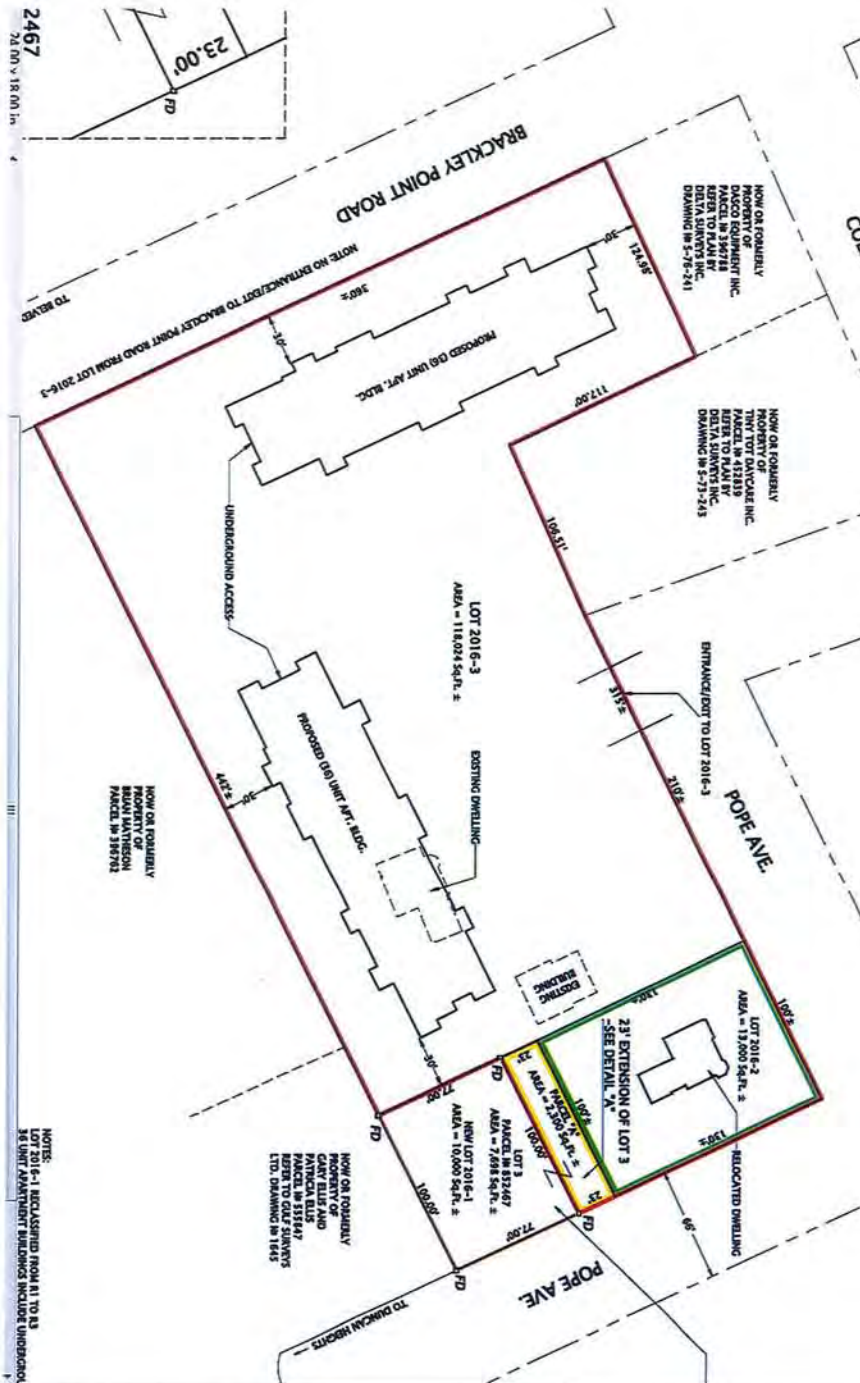
GIS Map:



Site Map:



2016 Proposal:



Proposed townhouses:

PLAN NO. 589D DP
 WIDTH: 80'-0"
 DEPTH: 52'-0"
 MAIN FLOOR TOTAL AREA: 3000 sq ft.
 - UNIT #1: 1000 sq ft. / GARAGE: 247 sq ft.
 - UNIT #2: 1000 sq ft. / GARAGE: 247 sq ft.
 - UNIT #3: 1000 sq ft. / GARAGE: 247 sq ft.

- LIST OF DRAWINGS**
1. COVER PAGE
 2. FRONT ELEVATION
 3. REAR ELEVATION
 4. MAIN FLOOR PLAN
 5. SECTION A-A
 6. SECTION B-B
 7. FOUNDATION PLAN



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 Contractors to verify all
 dimensions on this plan before
 construction and notify designer
 of any modifications.
 Construction shall comply with
 the current edition of the
 National Building Code

SHERWOOD TIMBER MART
 PROJECT: AARON MA CPADYEN
 TITLE: 1. COVER PAGE
 SCALE: N.T.S.
 DATE: MAY 07/2018
 DRAWN BY: 3D HOME DESIGN
 REVISIONS: 2. JUN 08/2018

PLAN NO. 1087A DP

WIDTH: 48'-0"
 DEPTH: 42'-0"

MAIN FLOOR TOTAL AREA: 1433 sq ft
 - UNIT #1: 718 sq ft. / GARAGE: 265 sq ft
 - UNIT #2: 718 sq ft. / GARAGE: 265 sq ft

SECOND FLOOR TOTAL AREA: 1200 sq ft.
 - UNIT #1: 605 sq ft.
 - UNIT #2: 605 sq ft.

TOTAL LIVING AREA
 - UNIT #1: 1013 sq ft.
 - UNIT #2: 1013 sq ft.

LIST OF DRAWINGS

1. COVER PAGE
2. FRONT & RIGHT ELEVATION
3. REAR & LEFT ELEVATION
4. MAIN FLOOR PLAN
5. SECOND FLOOR PLAN
6. BASEMENT FLOOR PLAN
7. KITCHEN PLAN
8. SECTION A-A
9. SECTION B-B
10. FOUNDATION PLAN

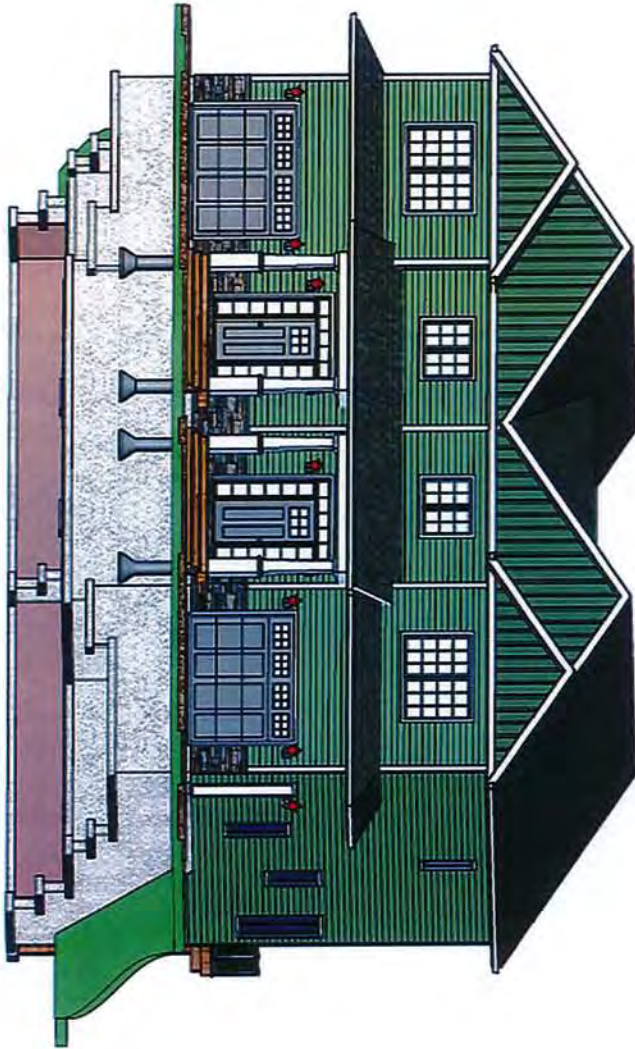
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3D Construction Design assumes no liability for any errors or omissions on this plan.

Contractor to verify all dimensions on this plan before construction and notify designer of any modifications.

Construction shall comply with all current codes, including National Building Code.



SHERWOOD TIMBER MART
 PROJECT: MOUNTGOMERY HEIGHTS
 TITLE: 1. COVER PAGE
 SCALE: N.T.S.
 DATE: SEP 17/2018
 DRAWN BY: 3D HOME DESIGN
 REVISIONS: 1. DEC 14/2018

March 13, 2019

Dear Property Owner:

Re: 88 Brackley Point Road (PID #396770)

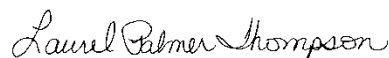
The City of Charlottetown Planning & Heritage Department has received a request to consider rezoning the property located at 88 Brackley Point Road (PID #396770) (see attached map) from the Single Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and to amend Appendix "A" the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential and to amend Schedule "H" the Zoning Map of the City of Charlottetown from R-1L (Single Detached Residential Zone) to R-3 (Medium Density Residential Zone).

The subject property is located between Brackley Point Road and Pope Avenue. The purpose of this rezoning request is to facilitate the construction of a 30-unit, 3-storey apartment building on one lot and a 16 unit townhouse development on the other (see attached site plan). The developer will have concept drawings of the proposed building available for viewing at the public meeting. The current R-1L Zone only allows for single detached dwellings.

Pursuant to the requirements of the Zoning & Development Bylaw, and as a property owner located within 100 meters of the subject property, we're inviting you to attend a Public Meeting for this application scheduled on Wednesday March 27, 2019, 7:00 p.m. at the Rodd Charlottetown Hotel (75 Kent Street). Written comments regarding the rezoning will be accepted at the Planning & Heritage Department or emailed to planning@charlottetown.ca no later than 12:00 pm on March 28, 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.

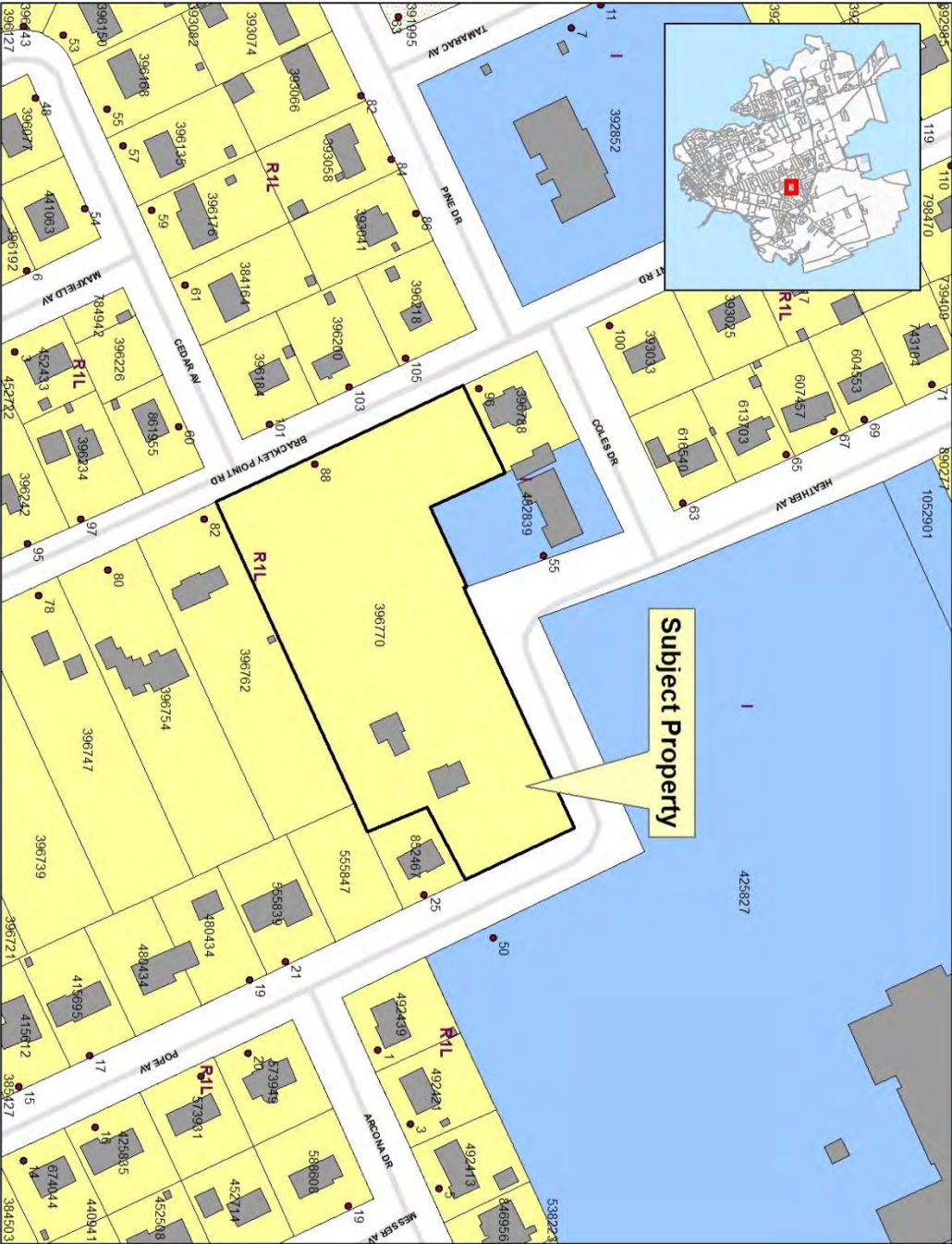
Yours truly,



Laurel Palmer Thompson, MCIP
Planner II



Location of Property requested to be rezoned:



Proposed semi-detached dwelling:



PUBLIC MEETING

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

197 Minna Jane Drive (PID #469841)

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**88 Brackley Point Road (PID #396770)**

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.

**183 Great George Street (PID #344044)**

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

Secondary and Garden Suite Registry By-law

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

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, March 28, 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, MARCH 27, 2019 AT 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.

POSTED MARCH 13/19 2:05 PM

@ UTILITY POLE FACING
BRACKLEY PT. RD.

KP



CHARLOTTETOWN

**NOTICE OF
PUBLIC
MEETING**

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

88 Brackley Point Road (PID #396770)

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.

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, March 28, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

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WEDNESDAY, MARCH 27, 2019 at 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.

Ganga, Ellen

From: Eileen Stewart <cestewart@hotmail.ca>
Sent: Tuesday, March 19, 2019 4:41 PM
To: Planning Department
Subject: Planning General Inquiries from Website

Good afternoon,

I am writing to you with my concerns re the proposed re-zoning changes for 88 Brackley Point Rd. We have lived on 7 Valdane Ave since 1973. We have seen a huge growth in this area over the years and have welcomed the changes to our neighbourhood.

We are certainly NOT in agreement with the proposed re-zoning changes for 88 Brackley Pt. Rd. With the traffic from Stonepark and Sherwood Schools and a Daycare Centre it is a very congested traffic area. It simply would not be safe to add an apartment building and town houses to an already overcrowded traffic system.

We have seen an increase in traffic on Valdane Ave. and know that Brackley Point Rd. And St. Peter's Rd. are heavy traffic areas and CANNOT handle this proposed plan.

This area could certainly benefit from making this property a green space and that is what we recommend.

Thank you,

Eileen & J K Stewart

7 Valdane Ave.

Charlottetown

cestewart@hotmail.ca



Information Sheet for Public Meeting of Wednesday, March 27, 2019

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

183 Great George Street (PID #344044)

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

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

Twenty seven (27) letters were sent out on March 13, 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, March 16, 2019 and Saturday, March 23, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on March 13, 2019.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

Carried
8-1 (opposed
Councillor
MacLeod)
Councillor Tweed
absent



Planning #4

MOTION CARRIED 8-1

MOTION LOST _____

Date: March 11, 2019

Moved by Councillor  Greg Rivard

Seconded by Deputy Mayor   Jason Coady

RESOLVED:


That the request to obtain a site specific exemption in the Downtown Core (DC) Zone of the Zoning & Development By-law as it pertains to 183 Great George Street (PID #344044) in order to:

1. Allow the sale of alcohol within in a mobile canteen which is contrary to the definition of a mobile canteen in the Zoning & Development By-law (2018-11.009);
2. Allow the mobile canteen to operate from April 1 to October 31 annually which is contrary to Section 5.11.2 of the Zoning & Development By-law (2018-11.009); and
3. Utilize a container to contain washroom facilities which is contrary to Section 5.2.2 of the Zoning & Development By-law (2018-11.009),

be approved to proceed to public consultation.

The site specific exemption also includes the following two (2) variances:

1. Increase the maximum height for a fence in the front yard (i.e., front property line) from 3.3 ft as permitted in Section 4.4.2.a. of Zoning & Development By-law (2018-11.009) to approximately 6.5 ft; and
2. Increase the maximum front yard setback for a building in the Downtown Core (DC) Zone from 3.3 ft as permitted in Section 31.2.2 of Zoning & Development By-law (2018-11.009) to approximately 52.5 ft.

TITLE: SITE SPECIFIC EXEMPTION APPLICATION FILE: PLAN-2019-4-MARCH- 6C7 183 GREAT GEORGE STREET (PID #344044) OWNER: 2950243 CANADA INC. APPLICANT: MICHAEL WASNIDGE		
MEETING DATE: March 4, 2019		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Building Plans	
SITE INFORMATION: Context: Vacant property on Great George Street Ward No: 1 – Queens Square Existing Land Use: Vacant Official Plan: Downtown Core Zoning: Downtown Core (DC) Zone		
PREVIOUS APPLICATIONS: Council passed the following resolution on May 12, 2014: <i>That the request to permit a temporary use of a food trailer on the property located at 83 University Avenue (PID #344044) for the 2014 season be rejected.</i>		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to proceed to public consultation in order to obtain a site specific exemption in the Downtown Core (DC) Zone of the Zoning & Development By-law as it pertains to 183 Great George Street (PID #344044) in order to:

1. Allow the sale of alcohol within in a mobile canteen which is contrary to the definition of a mobile canteen in the Zoning & Development By-law (2018-11.009);
2. Allow the mobile canteen to operate from April 1 to October 31 annually which is contrary to Section 5.11.2 of the Zoning & Development By-law (2018-11.009); and
3. Utilize a container to contain washroom facilities which is contrary to Section 5.2.2 of the Zoning & Development By-law (2018-11.009).

The site specific exemption also includes the following two (2) variances:

1. Increase the maximum height for a fence in the front yard (i.e., front property line) from 3.3 ft as permitted in Section 4.4.2.a. of Zoning & Development By-law (2018-11.009) to approximately 6.5 ft; and
2. Increase the maximum front yard setback for a building in the Downtown Core (DC) Zone from 3.3 ft as permitted in Section 31.2.2 of Zoning & Development By-law (2018-11.009) to approximately 52.5 ft.

BACKGROUND:

Request

The applicant, Michael Wasnidge, obtained permission from the property owner to apply for a site specific amendment at the property located at 183 Great George Street (PID #344044). The purpose of the site specific exemption would be to create an outdoor atmosphere where alcohol and food is sold from a mobile canteen within a fenced in property. Seating would be located throughout the property and the washrooms would be located in a container at the rear of the property. Finally, two trellises would cover a portion of the property.

Development Context

The vacant property is located on Great George Street between Fitzroy Street and Kent Street. The adjacent properties include Cedars Restaurant and the Old Triangle patio.

Property History

The former building was demolished in 1998 and remained vacant since that time. Applications were made in 2013 and 2014 to locate a mobile canteen on the property but ultimately Council passed the following resolution on May 12, 2014:

That the request to permit a temporary use of a food trailer on the property located at 83 University Avenue (PID #344044) for the 2014 season be rejected.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed site specific exemption 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:

Historically mobile canteens were not permitted to be located on private property without obtaining a temporary use variance through Council. An application for a temporary use (mobile canteen) was made on the subject property, formerly 83 University Avenue, and Council passed the following resolution on May 12, 2014:

That the request to permit a temporary use of a food trailer on the property located at 83 University Avenue (PID #344044) for the 2014 season be rejected.

In addition to said resolution, Council passed the following resolution on May 16, 2014:

That staff be directed to review and develop policies relating to food trailers or vendors on private property for the consideration of Council and that such provisions be in place by March 1, 2015.

Regulations pertaining to mobile canteens were first presented to the Planning Board on February 2, 2015 and eventually were approved by the Minister of Communities, Land and Environment on May 27, 2015.

As part of these amendments, the definition for Mobile Canteens was established as **Mobile Canteen** means any trailer or motorized vehicle used for the display, storage, or sale of food and/or non-alcoholic beverages on a temporary basis.

In light of the fact the applicant is requesting to sell alcohol from the mobile canteen, it cannot be classified as such and must be considered a restaurant. Because of that, it must meet the requirements in the National Building Code, including washroom facilities.

The applicant is proposing to locate the required washroom facilities within a container at the rear of the property. As per Section 5.2.2 of the Zoning & Development By-law, *no vehicle body, truck trailer, or container shall be used as a commercial or accessory building except as specifically permitted by other legislation.*

Allowing the washrooms to be located within a container would be included in the site specific exemption request.

Other items included in the site specific exemption request include the months of operation, fencing along the front property line and the setback distance of the mobile canteen.

Months of Operation

A typical mobile canteen is only permitted to operate on private property from May 1st to October 31st. That being said, the applicant would like to operate from April 1st to October 31st to be included in Burger Love which happens annually during the month of April. They are not requesting to operate from the property in April this year, but would be looking to do so in future years.

Fencing

As per Section 4.4.2.a. of the Zoning & Development By-law, *the maximum height for a fence ... in the front or flankage yard ... shall not exceed 1.0 m (3.3 ft) in the 500 Lot Area.*

The applicant is proposing to locate a 6.5 ft custom perforated metal fence along the front property line. They will be *'using a local metal fabricator to laser-cut a custom design that is being developed by local illustrator, Ali McNeil. The panels will piece together to create a wide panoramic image that will feature the familiar site of trees and crows on PEI. This will not only be a privacy fence, but also a one-of-a-kind piece of art for the downtown.'*

A fence up to 8.2 ft can be located along the sides and rear of the property.

Typically this request would require a major variance but in this circumstance, it can be included within the site specific exemption with Council approval.

Front Yard Setback

The subject property is located in the Downtown Core (DC) Zone. A mobile canteen or a typical building must adhere to the regulations of Section 31.2 in the Zoning & Development By-law. The

front yard setback in the DC Zone is a minimum 0 m (0 ft) and maximum 1.0 m (3.3 ft). It appears as though all of the buildings on the block have a 0 ft front yard setback; however, the applicant is proposing to locate the mobile canteen approximately 16 m (52.5 ft) from the front property line.

Typically this request would require a major variance but in this circumstance, it can be included within the site specific exemption with Council approval.

Finally, the applicant is also requesting to locate seating for up to 75 people and two trellises. One would be located above the mobile canteen and the other would be above a portion of the seating.

If applications for mobile canteens do not meet the requirements of Section 5.11 in the Zoning & Development By-law, staff would prefer to deal with them as a temporary use variance; however, the complexity of this application lends itself to be better handled as a site specific exemption. The applicant will be undertaking a significant initial cost to begin this operation and they need some certainty that they are able to obtain annual approval and be able to sell alcohol from the structure. Operating this business for a one year period only or doing so for multiple years without the ability to sell liquor does not make the project viable due to the economics. In light of the foregoing, the applicant is requesting more permanent approval from Council through a site specific exemption to ensure that the business model is possible, not only this year, but into the future as well.

Notwithstanding the significant amount of requests included in the site specific exemption, staff feels that a public meeting of Council should be held to discuss the merits of this application with adjacent business owners and residents.

Mobile canteens play an important role in the foodservice industry. They can deliver restaurant quality food and provide quick food service. These structures are being located throughout the country and have shown to be popular and can provide another food option late at night. However, the concept is to provide food to under-utilized and under-serviced areas and not compete with established foodservice establishments. These structures operate using lower overhead costs due to their temporary nature while traditional restaurants pay significant property taxes.

In the past, Restaurant Canada provided staff with some information specifically related to food trucks and indicated that Restaurant Canada supports the expansion of food truck licensing with the following conditions:

1. *Food trucks must meet and follow the same regulatory requirements as restaurants including food safety, signage, solid waste separation, waste water disposal and the availability of washrooms for staff and the public.*

2. *Food trucks should only be located in under-serviced areas. Food trucks are prohibited from locating directly in front of or adjacent to an existing restaurant and have a buffer zone of at least 100 meters from existing foodservice establishments.*

If this type of application does not have adverse negative effects on adjacent businesses, it could provide a unique atmosphere to the downtown which is not common. Similar examples of the type of atmosphere that the applicant is aiming for would be Sugar Skull Cantina and the Merchantman Next Door.

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"> • This type of unique atmosphere in the downtown is uncommon. • The property is currently vacant so having infill development, even on a temporary basis, is positive. 		<ul style="list-style-type: none"> • Cannot be defined as a mobile canteen because of the sale of alcohol. • The washrooms are located in a container which is not permitted in the By-law. • A 6.5 ft fence is not permitted in the front yard of any downtown property.

- The mobile canteen exceed the maximum front yard setback for the DC Zone.
- The concept is not serving an underserviced-area.

CONCLUSION:

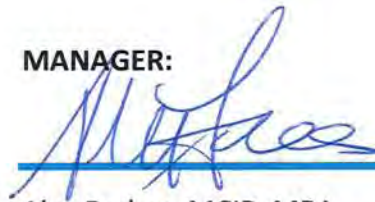
The Planning & Heritage Department recommends that the site specific exemption application be approved to proceed to public consultation to obtain feedback from the adjacent property owners.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

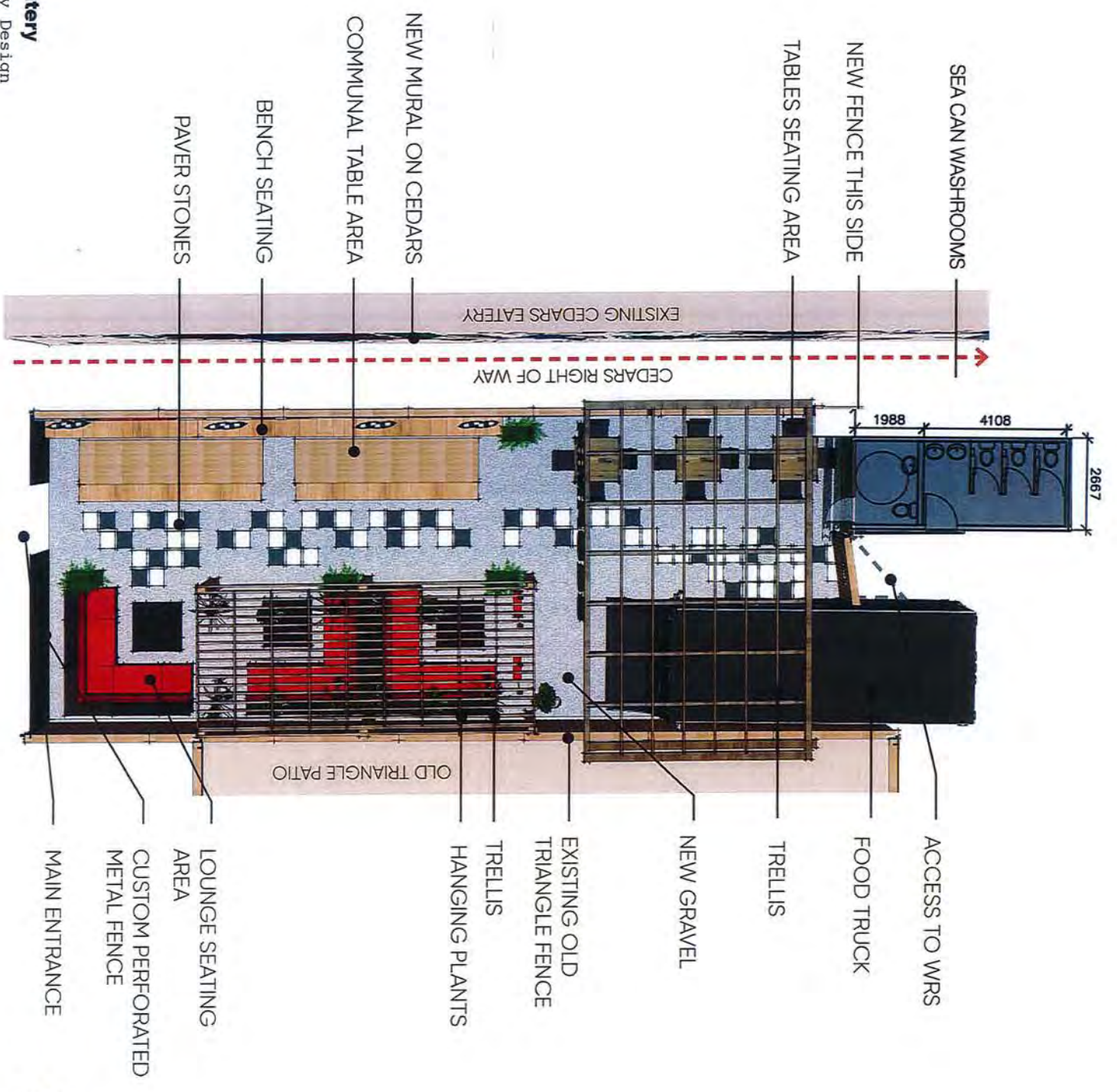
Attachment B

Building Plans Attached:

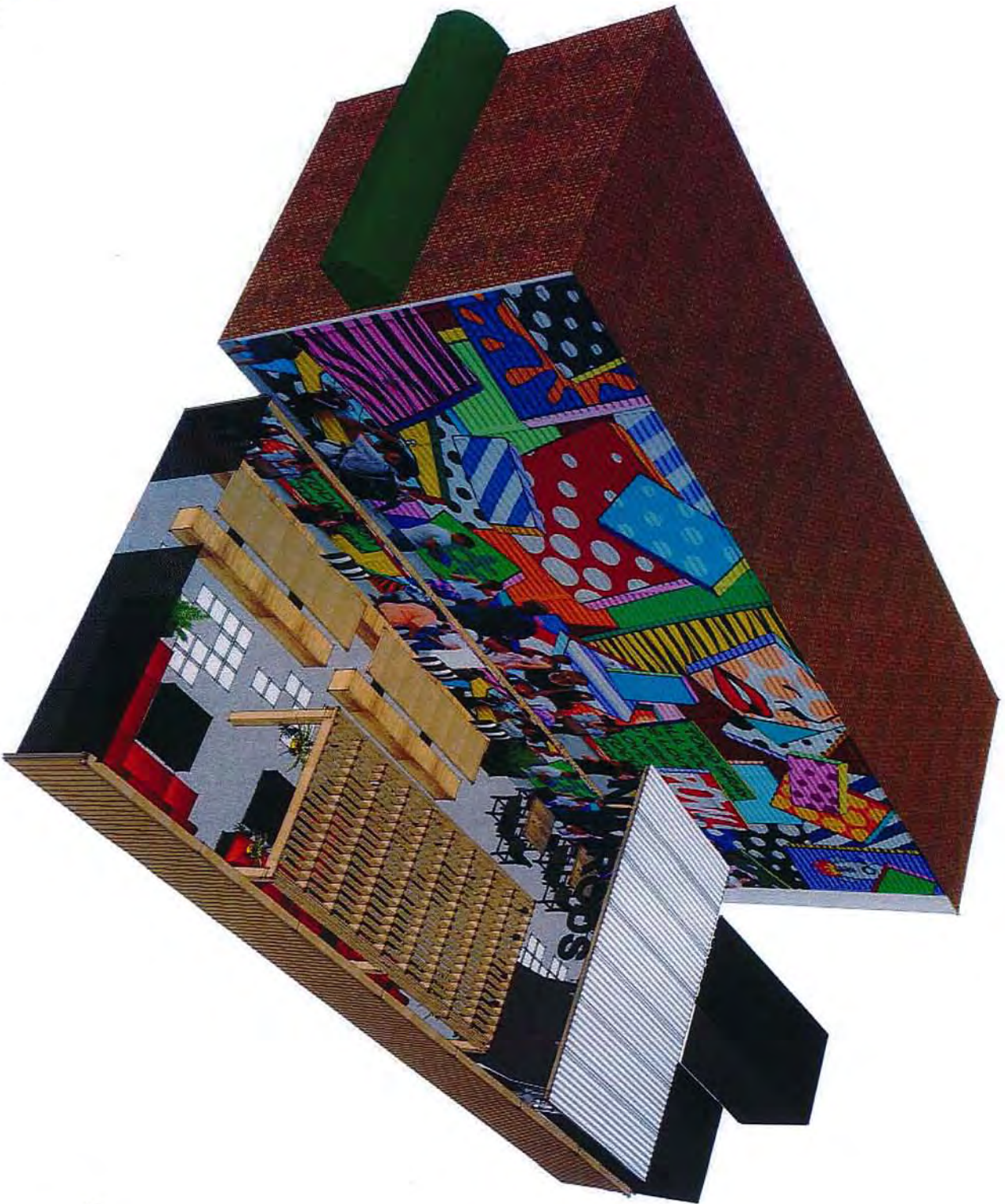
1. Site Plan
2. Birds Eye Rendering
3. Interior View Rendering
4. Interior View Rendering
5. Entering the Space Rendering
6. Existing Mobile Canteen

Attachment B: Building Plans
File: PLAN-2019-4-March -**607**
183 Great George Street (PID #344044)
Owner: 2950243 Canada Inc.
Applicant: Michael Wasnidge



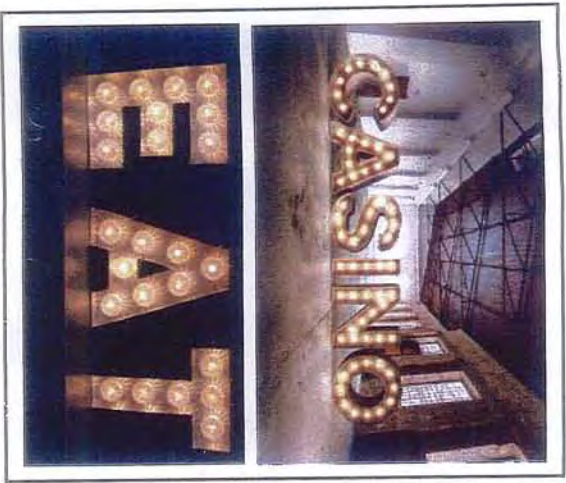


Nimrods Eatery
Preliminary Design



Birds Eye View

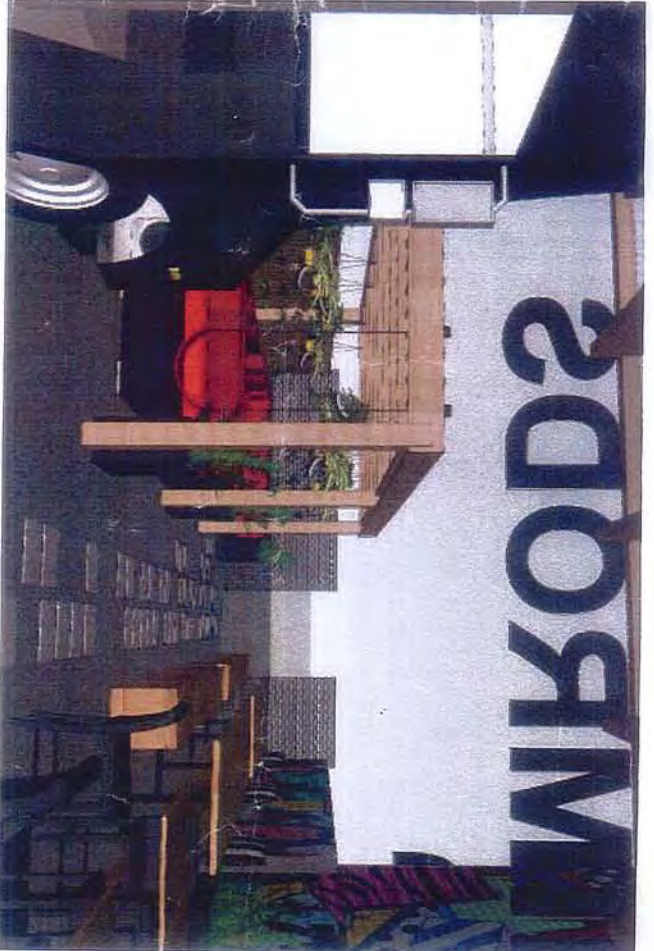
NINE
YARDS



SIGNAGE INSPIRATION



INTERIOR VIEW



Nimrods Eatery
Preliminary Design

INTERIOR VIEWS

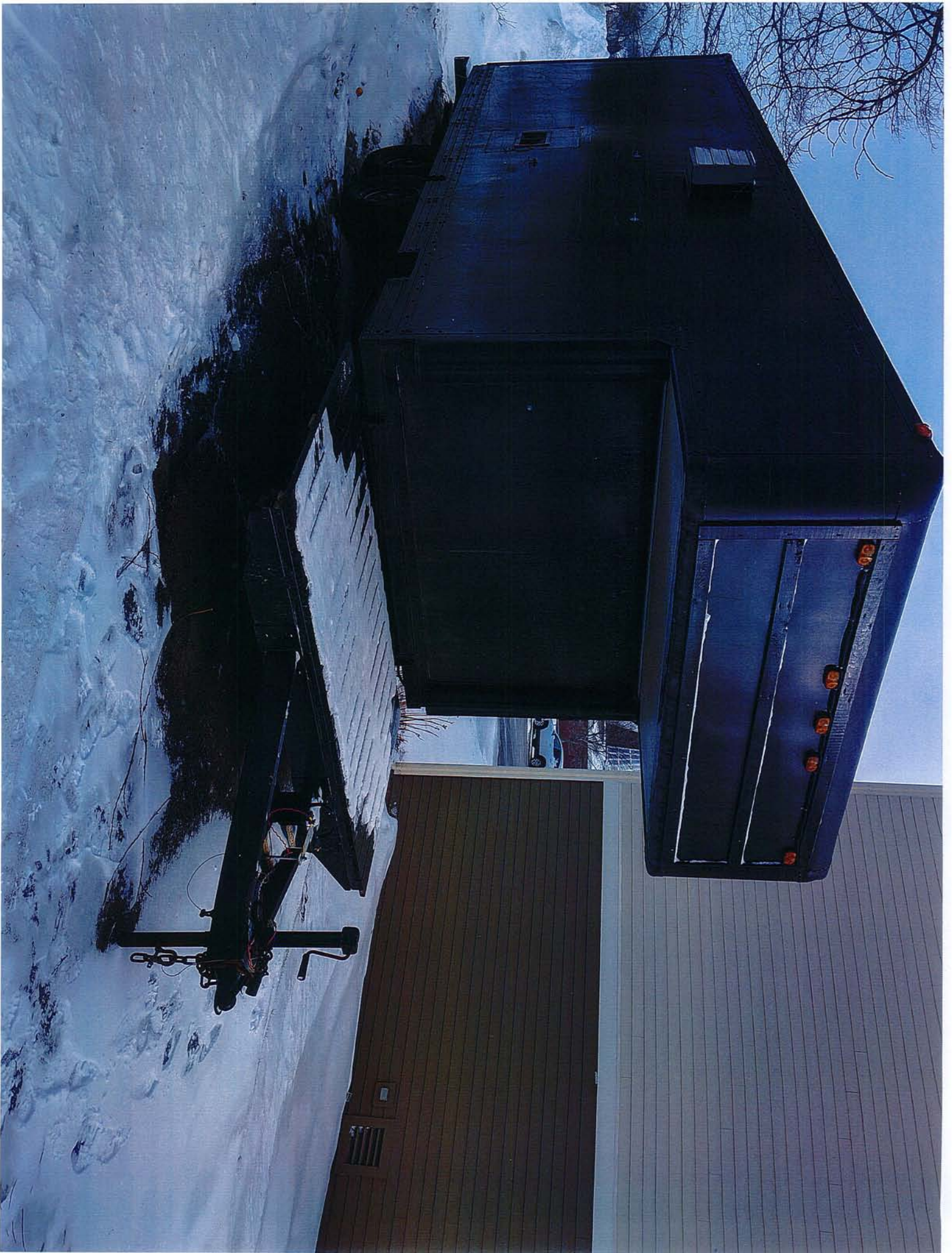
NINT
V/A



Nimrods Eatery
Preliminary Design

ENTERING THE SPACE

NINE
YARDS



March 13, 2019

Dear Property Owner:

Re: 183 Great George Street (PID #344044)

The City of Charlottetown Planning & Heritage Department has received a request for a site specific exemption in the Downtown Core (DC) Zone of the Zoning & Development By-law as it pertains to 183 Great George Street (PID #344044). The purpose of the site specific exemption is to:

1. Allow the sale of alcohol within in a mobile canteen which is contrary to the definition of a mobile canteen in the Zoning & Development By-law (2018-11.009);
2. Allow the mobile canteen to operate from April 1 to October 31 annually which is contrary to Section 5.11.2 of the Zoning & Development By-law (2018-11.009); and
3. Utilize a container to contain washroom facilities which is contrary to Section 5.2.2 of the Zoning & Development By-law (2018-11.009),

Further, the site specific exemption also includes the following two (2) variances:

1. Increase the maximum height for a fence in the front yard (i.e., front property line) from 3.3 ft as permitted in Section 4.4.2.a. of Zoning & Development By-law (2018-11.009) to approximately 6.5 ft; and
2. Increase the maximum front yard setback for a building in the Downtown Core (DC) Zone from 3.3 ft as permitted in Section 31.2.2 of Zoning & Development By-law (2018-11.009) to approximately 52.5 ft.”

The attached plans help to illustrate the proposed site specific exemption.

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 the proposed site





specific exemption. A public meeting for this application will be held on **Wednesday, March 27, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street**. All residents are welcome to attend.

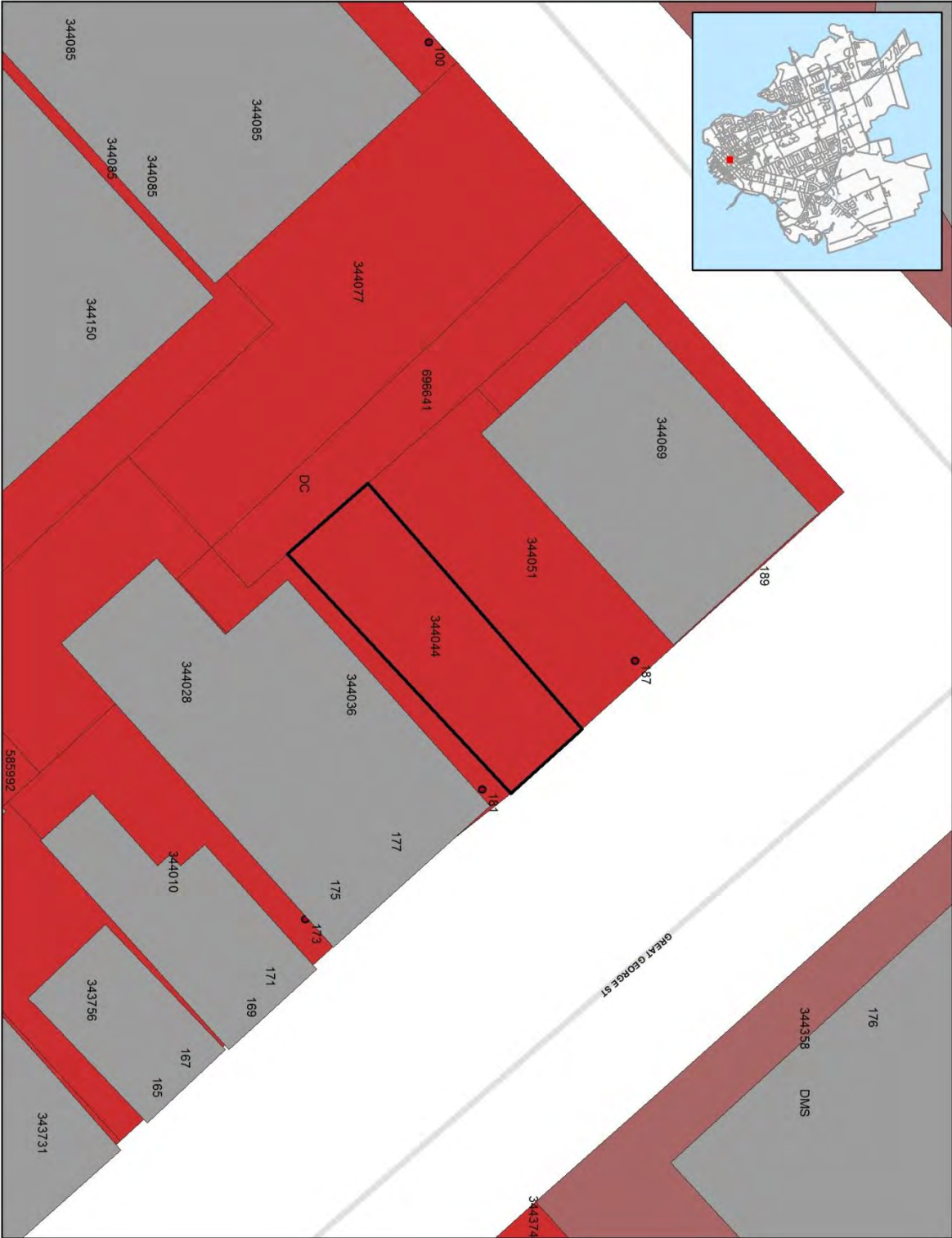
Furthermore, we solicit your written comments for or against the proposed site specific exemption, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments in relation to the proposed site specific exemption must be received prior to **12:00 pm (noon) on Thursday, March 28, 2019**. All submitted comments shall become part of the public record.

If you have any questions, in regards to the proposed site specific exemption, please contact the Planning & Heritage Department at (902) 629-4158.

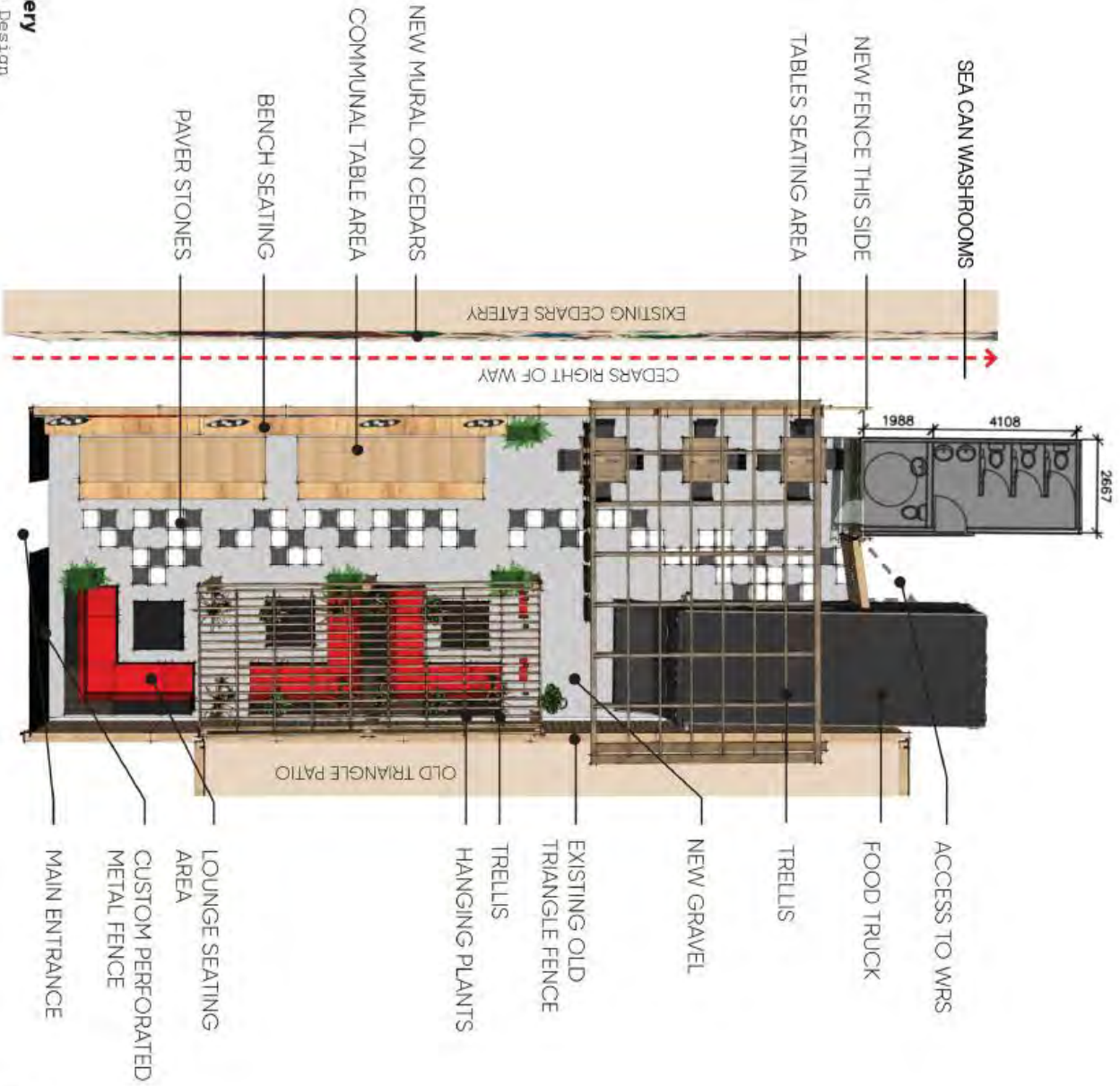
Yours truly,

Greg Morrison, MCIP
Planner II





Nimrods Eatery
Preliminary Design



Nimrods Eatery
Preliminary Design



Birds Eye View
NINE
YARDS



PUBLIC MEETING

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

197 Minna Jane Drive (PID #469841)

A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.

**88 Brackley Point Road (PID #396770)**

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.

**183 Great George Street (PID #344044)**

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

Secondary and Garden Suite Registry By-law

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

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, March 28, 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, MARCH 27, 2019 AT 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET

The general public is invited to attend.

POSTED MARCH 13/19 2:40 PM
@ TREE IN FRONT OF LOT.



CHARLOTTETOWN

NOTICE OF PUBLIC MEETING

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

183 Great George Street (PID #344044)

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

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, March 28, 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, MARCH 27, 2019 at 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.



Information Sheet for Public Meeting of Wednesday, March 27, 2019

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

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

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, March 16, 2019 and Saturday, March 23, 2019. Notice was also posted on the City's website.

No responses have been received to date.

Notes:




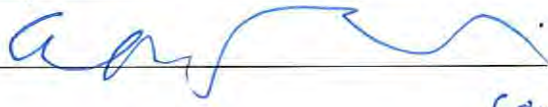


CITY OF CHARLOTTETOWN
RESOLUTION

Carried
JRM (D.M.)
7-2
Coady
Councillor
Doiker
Councillor
Tweed
absent

Planning #5


MOTION CARRIED 7-2
MOTION LOST _____

Date: March 11, 2019

Moved by Councillor  Greg Rivard
Seconded by Deputy Mayor  Jason Coady ~~~~
COUL JAWKOU 

RESOLVED:

That the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments, be approved to proceed to public consultation.

TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-4-MARCH- 6C-8		
MEETING DATE: March 4, 2019		
DEPARTMENT: Planning & Heritage	ATTACHMENTS:	

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 definitions/regulations pertaining to Housing Transitional Facility, site regulations for Lodging Houses, Group Homes, site Landscaping requirements, Undersized Lot regulations and General Housekeeping amendments, be approved to proceed to public consultation:

Section 1.7.1 is amended as follows:

This by-law shall come into force effective the date of the Minister's approval with the exception of Section 5.6.2 and the definition for the Secondary and Garden Suite Registry (Appendix A of this By-law) shall come into force upon adoption of a By-law to create this Registry.

Section 1.4.3 is amended as follows:

The reference to Appendix "D" be changed to Appendix "G"

Section 2.2 is amended as follows:

To replace the text "appointed by Mayor" with "appointed by Council"

Section 2.2.7 be removed.

Section 5.6.2 is amended as follows:

The Secondary Suite shall be approved pursuant to the Charlottetown Secondary and Garden Suite Registry By-law.

Section 5.7.3 is added as follows:

The Garden Suite shall be approved pursuant to the Charlottetown Secondary and Garden Suite Registry By-law.

Section 5.18 is added as follows:

ENVIRONMENTAL IMPACT ASSESSMENT

Any development that may:

- i) cause the emission or discharge of any contaminant into the environment;
- ii) have an effect on any unique, rare or endangered feature of the environment;
- iii) have a significant effect on the environment or necessitate further development which is likely to have a significant effect on the environment; or
- iv) cause public concern because of its potential effect on the environment

Shall provide written confirmation from either the Federal or Provincial Government agency or both having jurisdiction that an Environmental Impact Assessment was completed (or not required) to that agency's satisfaction prior to a permit being issued for said development.

Section 6.2. is amended as follows:

Notwithstanding any other requirements of this By-law:

no Person who owns a Lot held in separate Ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, shall be deprived of the ability to make reasonable Use of said Lot in accordance with the zone in which it is located;

With all corresponding sections renumbered.

Section 6.5 is amended as follows:

A minimum of ten percent (10%) of the Lot Area on which a Building or Structure is Erected shall be used for no other purpose than Landscaped Area.

Where the minimum ten percent (10%) Landscaped Area cannot be provided and the proposed Development meets the minimum Setback regulations within the Waterfront Zone, an outdoor Amenity Area and/or Green Roof may be provided as an alternative.

Where an existing parking area is located in front of any building, a 2.0 meter (6.6

ft.) landscaped buffer shall be provided between the Parking area and the Front Lot Line.

In all Zones with the exception of the R-1L, R-1S, R-1N, R-2, R-2S and the A Zones, in the minimum Front Yard Setback, a strip of land of not less than 3.7 m (12 ft) in width shall be provided along a Lot Line(s) which abut a Street Line and shall:

- a. Comprise a portion of the required ten percent (10%) Landscaped Area and be used for no other purpose thereof;
- b. This provision shall not prevent the provision of an access driveway across the strip of land;
- c. A minimum of one tree per 10m of site frontage shall be provided;
- d. Required landscaping in the form of trees shall be a minimum of 1.5 meters in height with a caliper of at least 45 mm at the time of planting and shall be salt tolerant;
- e. Tree species and planting requirements shall be in accordance with Appendix I: Landscape Standards & Specifications;
- f. A variety of sizes and species of both deciduous and coniferous plants should be provided to provide year-round interest, colour and aesthetic appeal;
- g. All private landscaped areas, including shrub and tree plantings shall be completed in accordance with the approved site plan and maintained to a standard as defined at the time of the building permit;
- h. Where there is any outstanding landscaping work that has not been completed as per the approved plans of a development, the Development Deposit shall be forfeited and directed to a fund for public landscaping.

Where there are site constraints regarding the planting of trees a landscaping alternative shall be provided in the form of planting beds, ornamental grasses, hard/soft landscaping or a combination thereof.

The removal or alteration of any tree located partially or fully on public property shall be in accordance with the City of Charlottetown Tree Protection By-law.

Section(s) 15.4, 16.4, 21.4 are amended and added as follows:

REGULATIONS FOR LODGING HOUSES AND GROUP HOMES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	325 sq. m (3,498.3 sq. ft)	395 sq. m (4,251.9 sq. ft)
2 Lot Frontage (Minimum)	10.6 m (34.8 ft)	15 m (49.2 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	1.5 m (5 ft)	1.83 m (6 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

The number of rooms is determined by the following:

- a. for the first 325 sq. m (3,498.3 sq. ft.) for an interior lot and 395 sq. m (4,251.7 sq. ft.) for an corner lot of Lot Area, four (4) bedrooms are permitted;
- b. for every additional bedroom over four (4) bedrooms, the Lot must be increased by 90 sq. m (968.7 sq. ft.).

Section 21 is amended as follows:

Insert Transitional Housing Facility under Permitted Uses as subsection 21.1.21; and Remove "NON-RESIDENTIAL" from section 21.2 REGULATIONS FOR PERMITTED NON-RESIDENTIAL USES

Section 36.1.2 is amended as follows:

Adding the term "Asphalt, Aggregate, Concrete Plant" under Permitted Uses.

Appendix A: Definitions are amended and added as follows:

Add definitions for:

Asphalt, Aggregate, Concrete Plant means a use where the production of asphalt, aggregate or concrete products take place and may include the stockpiling and storage and sale of finished products manufactured on the premises.

Transitional Housing Facility means a facility for the temporary placement of people until they can be placed in a more permanent residence and/or temporary placement of people to be reestablished into society after receiving supervised care/rehabilitation at a previous facility but does not include a Group Home, Lodging House, Nursing Home, Hotel, Motel or a Hostel; and

Amend the definitions of:

Registry of Approved Secondary Suites to Secondary and Garden Suites Registry means a publically accessible registry or list of Secondary and Garden Suites which have been legally approved through the Building and Development Permit process;

Land Use Buffer means a portion of any Lot or parcel of land that is set aside to serve as a visual and spatial separation through the use of a landscaped berm, trees or a man-made feature such as a wall, fence, or walkway between a specified land use that is carried out on the Lot and a different land use that is carried out on the adjacent Lot;

Landscaped Area means a portion of a Lot which is not used for Buildings or Structures, Parking Spaces or a driveway, and which shall contain a combination of trees, shrubs, flowers, grasses or other horticultural elements, decorative stonework, pavers, screening or elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a Building.

APPENDIX I: LANDSCAPE STANDARDS & SPECIFICATIONS is added as follows:

New planting sites for trees must meet the following criteria:

On major arterial streets planting sites will be setback the recommended distance of 4m from the curb. When this cannot be achieved planting sites may be added up to the minimum setback of 2m on major arterial streets and 1.5m on minor arterial streets.

Large statured trees cannot be placed underneath existing utility transmission lines.

Plantings should not impede sight lines or create a visibility hazard.

Plantings should be near the City property line. If room allows, trees can be planted on public property but must follow the setbacks outlined below.

Tree Sizing Requirements

Caliper range: 50-75mm

Root ball size: 70-90cm

Setback for trees:

Streets, lanes and sidewalks – 1m

Fire hydrants - 3m

Electrical boxes on ground – 2m

Sewer/water grates – 2m

Surface utility equipment – 3m

Underground services – 3m

Private approaches – 3m

Light poles and poles with transformer boxes in residential areas - 6-8m

Bus stops - 8-10m from the approach direction

Stop signs - 8-10m

Light poles and poles with transformer boxes on arterial roads - 10m

Signal regulated street intersections - 10-15m

Setback for Shrubs:

Surface utility equipment – 0.5m

Streets, lanes and sidewalks – 1m

These plants have been identified by the PEI Invasive Species Council as invasive and should not be planted on properties within the City of Charlottetown:

Species List:

Norway maple, *Acer platanoides*

Manitoba maple, *Acer negundo*

Sycamore maple, *Acer pseudoplatanus*

Scots (Scotch) pine, *Pinus sylvestris*

Silver (White) poplar, *Populus alba*

European mountain ash, *Sorbus aucuparia*

Sycamore maple, *Acer pseudoplatanus*

White fringe tree, *Chionanthus virginicus*, is also a host to emerald ash borer (EAB). Avoid planting to help combat EAB.

Glossy buckthorn, *Frangula alnus*, *Rhamnus frangula*

Common buckthorn, *Rhamnus cathartica*

Blackthorn, *Prunus spinosa*

Scotch broom, *Cytisus scoparius*, *Sarothamnus scoparius*

Salt cedar (Tamarisk), *Tamarix spp.*

Oriental bittersweet, *Celastrus orbiculatus*

Virginia creeper, *Parthenocissus quinquefolia*, *Parthenocissus vitacea*

Multiflora rose, *Rosa multiflora*

Species of Note

Ribes spp. (currents and gooseberries) can be the secondary host for white pine blister rust which is a devastating disease for white pine trees.

Berberis spp. (barberry) can be an alternate host for stem rust of wheat.

American elms, *Ulmus americana*, are susceptible to Dutch elm disease (DED). Cultivars and hybrids have been developed that are resistant to DED and are good alternatives to native elm trees.

All true ash trees are susceptible to emerald ash borer (EAB). There are two ash species native to Prince Edward Island – white ash, *Fraxinus americana* and black ash, *Fraxinus nigra*. Choose

alternate species to plant. If planting native ash trees, also plant a variety of other species to increase biodiversity.

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 has been determined that some sections were removed relating to regulations pertaining to undersized lots, landscaping requirements for major developments and siting requirements for Lodging and Group Homes. The proposed amendments helps to further clarify how to regulate these uses when they come up for review. Additional amendments consist of general housekeeping items that involve corrections to text and Bylaw references.

Housekeeping Amendments

The purpose of the housekeeping amendments is to make corrections to references and update previous regulations that have been altered or changed. Some changes relate to references for the appointment or recommendation of committees residing with Council as per the recent changes to the Municipal Government Act (MGA). Other references to the Secondary Suite Registry relate to the inclusion of Garden Suites. The other housekeeping amendments are to recognize as-of-right development for undersized lot(s) in the City and include lot siting regulations for both Lodging Houses and Group Homes since these regulations were removed from the last major By-law amendment.

New Permitted Uses and Regulations Amendments

Recently, the department has received either inquiries or applications for two different land uses that are not specifically defined in the Zoning & Development; Asphalt Plant and Transitional Housing Facility. The analysis for each use is as follows:

Asphalt, Aggregate, Concrete Plant is proposed as both a definition and permitted use in the Heavy Industrial (M-2) Zone. Historically, the City has approved such a use through the Discretionary use

approval process that has been removed from the existing By-law. Due to substantial land use impacts this use can have on adjacent properties (i.e. noise, odour, dust), staff is bringing this type of land use forward to Council for direction to determine if it should be included as a permitted use in the Heavy Industrial (M-2) Zone. If so, then staff is also bringing forward Environmental Impact Assessment requirements for land uses that could potentially present a nuisance or could have a negative environmental impact. These requirements are based on those regulations set out in the provincial *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 for developments that may cause the emission or discharge of contaminants that would have a significant effect on the environment. The purpose of this requirement is to ensure that the proposed development operations were analyzed under an Environmental Impact Assessment to the satisfaction of either the Federal or Provincial agency having jurisdiction. This is to ensure that the proposed development is operating under all applicable government environmental regulations and will not have a detrimental impact on adjacent properties.

Transitional Housing Facility is proposed as both a definition and permitted use in the Institutional (I) Zone. Recently, the Provincial government has received funding to construct dwelling units to temporarily house vulnerable segments of the population. This land use is unique in that it provides rotating accommodation for people from a state of homelessness or who resided in a facility that received supervised care and will transition to independent living. Given the nature of transitional housing, staff feels that this type of use would be best accommodated in the Institutional Zone where other community based residential uses are permitted.

Landscaping Requirement Amendments

Staff is proposing Landscaping requirements for multi-residential, commercial, business industrial and institutional type developments. This is to bolster and support community beautification through the provision of trees, ornamental planting beds and hard landscaping (decorative stonework) for larger more intensive developments. These requirements also support other City initiatives and plans such as the Integrated Sustainability Plan, Parks Master Plan and enhance the existing urban forest/tree canopy. Some benefits from landscaping include the following:

- i) Reduction of air pollution and provide oxygen;
- ii) Reduction of the urban heat island effect and reduce the temperature of cities that assist with the effects of climate change;
- iii) Improve water filtration, store water and help preserve biodiversity;
- iv) Increase property values;

- v) Create attractive business/commercial districts; and
- vi) Improve a visitor's perception of the community;

The landscaping regulations seek to enhance existing landscaping throughout the City, provide standardized siting requirements for landscaping and restrict the planting of invasive species. There is also a landscaping deposit requirement where developers submit a financial security to the City that would be returned if the required landscaping work is completed as per the final approved site plan. If the developer does not install the required landscaping they will forfeit their deposit and the money will go into a City tree fund which will be used for the planting of trees in public space. The remainder of the proposed landscaped amendments consist of providing additional landscaping within land use buffer areas for enhanced mitigation and visual appeal.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed amendment to the Zoning & Development By-law 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.

CONCLUSION:

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

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

PUBLIC MEETING

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

197 Minna Jane Drive (PID #469841)

A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.

**88 Brackley Point Road (PID #396770)**

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.

**183 Great George Street (PID #344044)**

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

Secondary and Garden Suite Registry By-law

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

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, March 28, 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, MARCH 27, 2019 AT 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET

The general public is invited to attend.



Information Sheet for Public Meeting of Wednesday, March 27, 2019

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

Secondary and Garden Suite Registry By-law

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

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, March 16, 2019 and Saturday, March 23, 2019. Notice was also posted on the City's website.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

*9-0
Carried
Council
March 11, 2019
a.s.c.*

Planning #6

MOTION CARRIED 9-0

MOTION LOST _____

Date: March 11, 2019

Moved by Councillor 

Greg Rivard


Seconded by Deputy Mayor 

J.C.

Jason Coady

RESOLVED:

That the proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements, be approved to proceed to public consultation.

TITLE: CITY OF CHARLOTTETOWN SECONDARY AND GARDEN SUITE REGISTRATION BY-LAW FILE: PLAN-2019-4-MARCH- 6C-9		
MEETING DATE: March 4, 2019		Page 1 of 2
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A) City of Charlottetown Secondary and Garden Suite Registration By-law	

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the proposed Secondary and Garden Suite Registration By-law, be approved to proceed to public consultation.

BACKGROUND:

In the fall of 2018, Council adopted amendments to the Zoning & Development By-law that would permit secondary suites in single-detached dwellings. As part of those amendments Council directed staff to develop and implement a Secondary Suite Registry (The Registry) that would become a public database of legally approved secondary suites in the City of Charlottetown.

Since that time staff is also proposing to include garden suites on the Registry, since they operate and are similar in nature from a land use perspective – providing a secondary residential use on a property. The Registry will also inform and support a future strategy to track and implement regulations relating to short-term rentals.

ANALYSIS:

The Registry is intended to give owners or principle residents a “stamp of approval” that can be easily verified by tenants and prospective purchasers of properties with suites. Once the suite is approved, the onus of ensuring the basic conditions of approval are in place and maintained at all times during occupancy will be on the owner or principle resident. It also makes it easier for an enforcement officer to identify potentially illegal suites. The suites can be identified with a unique civic address (#a = main dwelling; #b = secondary or garden suite) thereby improving emergency response services to the property, inform additional services such as refuse bins to the units and provides confirmation to the Province that property owners are paying their required taxes.

The Registry is considered as a necessary part of a strategy to legalize existing accessory dwelling units that may or may not require upgrades to meet the By-law and Building/Fire Code requirements. New suites that go through the permit process are expected to be added to the Registry systematically as those permits are approved. A transition or grace period of two (2) years will be provided to allow property owners with illegal suites to make an application to legalize and register undocumented suites without repercussions. To incentivize owners to register existing in-law suites or undocumented suites, the department will waive certain registration fees (up to January 1st 2021) for the following situations:

- i) In-law suites or non-conforming suites approved since July 10, 2011 (adoption of the 2010 National Building Code) will be exempted from the registration fee; and
- ii) In-law suites or non-conforming suites prior to July 10, 2011 will be exempted from the registration fee and the inspection fee will be decreased by 50%.

After the end of the grace period any suite that is undocumented would be subject to full registration fees and an inspection. The intention is to have both existing and new suites be registered with the City and made available to the general public.

LEGISLATIVE REQUIREMENTS:

Notification

If the proposed amendment to the Zoning & Development By-law 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.

CONCLUSION:

The Planning & Heritage Department recommends that the proposed Secondary and Garden Suite Registration By-law, be approved to proceed to public consultation.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

BEING A BY-LAW OF THE CITY OF CHARLOTTETOWN WITH RESPECT TO THE REGISTRATION OF SECONDARY AND GARDEN SUITES PURSUANT TO THE PROVISIONS OF THE *MUNICIPAL GOVERNMENT ACT* R.S.P.E.I. 1988, CAP. M-12.1.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

1 TITLE AND AUTHORITY

- 1.1.1 This by-law may be cited as the *City of Charlottetown Secondary and Garden Suites Registration By-law (By-law PH-SS.1-000)* and may also be referred to as the 'Secondary Suites By-law' or 'the by-law' within the context of this document.
- 1.1.2 This by-law is enacted under the authority of the *Municipal Government Act (MGA)* R.S.P.E.I. 1988, Cap. M-12.1.

2 SCOPE

- 2.1.1 This by-law applies to all lands, buildings, structures and Developments within the City on which a Secondary or Garden Suite has been established.
- 2.1.2 Every person who establishes, operates or permits the occupancy of a legally existing or new Secondary or Garden Suite shall register the Secondary or Garden Suite in accordance with this by-law.
- 2.1.3 This by-law prescribes the:
- a. Provisions for the registration of a Secondary or Garden Suite; and
 - b. Provisions for revoking the registration of a Secondary or Garden Suite.
- 2.1.4 Nothing in this by-law shall relieve any person from the obligation to comply with the requirements of any other by-law of the City in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any by-law of the City, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.

3 ADMINISTRATION

- 3.1.1 Council shall appoint a Registrar who shall administer this by-law.
- 3.1.2 The Registrar has the authority to register, to refuse to register or to revoke a registration of a Secondary or Garden Suite.
- 3.1.3 The Registrar may delegate any responsibilities conferred to the Registrar to a designee according to this by-law.

4 EXISTING DWELLING UNITS

4.1 IN-LAW SUITES

- 4.1.1 An In-law Suite which is lawfully in existence on the effective date of this by-law and which may not conform to the regulations pertaining to the Development, use, or occupancy of a Secondary Suite, may continue to exist.
- 4.1.2 All conditions as stated on the Building and/or Development Permit, and in the In-law Suite Agreement shall remain in effect and the In-law Suite shall be removed from the Dwelling when the named resident of the In-law Suite ceases to live there.
- 4.1.3 In-law Suites will not be included in the Registry of Secondary Suites unless an application is made and approved to register the In-law Suite as a Secondary Suite.

4.2 LEGAL NON-CONFORMING UNITS IN A SINGLE-DETACHED DWELLING

- 4.2.1 A subordinate Dwelling unit which is lawfully in existence on the effective date of this by-law and which may not conform to the regulations pertaining to the Development, use or occupancy of a Secondary Suite, may continue to exist.
- 4.2.2 Legal non-conforming units will not be included in the City's Registry of Secondary Suites unless an application is made and approved to register the unit as a Secondary Suite.

5 REGISTRATION APPLICATION

5.1 THE APPLICANT

- 5.1.1 An application to register a Secondary or Garden Suite shall be made by the Owner of the property using the appropriate form provided by the Registrar.
- 5.1.2 If the Owner is not the Principle Resident of the of the Secondary Suite:
 - a. Both the Owner and Principle Resident shall be required to authorize the application to register the Secondary or Garden Suite; and
 - b. The Principle Resident shall be responsible for overseeing the use and occupancy of the Secondary or Garden Suite and shall be identified as the primary contact on the property in relation to the Registry.

5.2 REGISTRATION OF EXISTING DWELLING UNITS

- 5.2.1 An In-law Suite in a Single-Detached Dwelling, for which a Building and/or Development Permit and Occupancy Permit has been issued since July 10 2011, may be registered as a Secondary Suite based on the previously approved Building and/or Development Permit and Occupancy Permit.

- 5.2.2 An In-law Suite or legal non-conforming unit, which was lawfully in existence prior to July 10 2011, may be registered as a Secondary Suite through the same application process as described for a new Secondary Suite.
- 5.2.3 An application to register an In-law Suite or Legal Non-Conforming Unit for which a Building and/or Development Permit and Occupancy Permit has been issued since July 10 2011, shall be submitted with the following information:
- a. A completed Secondary Suite Registration Form;
 - b. A copy of the previously approved Building and/or Development Permit and Occupancy Permit verifying the date of the permit approval for the In-law Suite or Legal Non-conforming Unit;
 - c. Payment of all required fees.
- 5.2.4 Where copies of the previously approved Building and/or Development Permit and Occupancy Permit for the In-law Suite or legal non-conforming unit are not available, the Owner may make application to the City of Charlottetown Planning and Heritage Department for a records search and additional fee shall apply accordingly.

5.3 NEW SECONDARY OR GARDEN SUITES

- 5.3.1 An application to register a new Secondary or Garden Suite shall be made at the same time as the Building and/or Development Permit application and shall be submitted with the following:
- a. A completed Secondary Suite Registration Form;
 - b. Payment of all required fees.
- 5.3.2 The new Secondary or Garden Suite will be registered upon approval of the Building and/or Development Permit and issuance of the Occupancy Permit.

5.4 APPLICATION REVIEW

- 5.4.1 The Registrar or their designate shall receive, process and review all applications to register a Secondary or Garden Suite.
- 5.4.2 The Registrar or their designate shall maintain a record showing all applications received, pending, approved, and registrations renewed or revoked, in order to create and maintain the Registry.
- 5.4.3 The Registrar shall refuse to register a Secondary or Garden Suite if:
- a. The application to register an Secondary Suite is not compliant with the requirements of this by-law; or
 - b. An application form or any other document provided by the Owner contains a false statement or false information.
- 5.4.4 The Owner bears the onus of proving that a Secondary or Garden Suite meets the requirements of this by-law to the Registrar's satisfaction.

- 5.4.5 The Registrar may deem an application abandoned if all requirements of the registration pursuant to this by-law have not been fulfilled to the Registrar's satisfaction three (3) months from the date that the Registrar receives the application.
- 5.4.6 An Owner may re-apply for registration when an application has been deemed abandoned.
- 5.4.7 All notices with regards to the status of the application and revoking of a registration of a Secondary or Garden Suite shall be sent to both the Owner and the Principle Resident if they are not the same person, as identified on the application form.

6 REVOKING A REGISTRATION

- 6.1.1 The Owner bears the onus of providing updated information as necessary to maintain the registration of the Secondary Suite in good standings to the Registrar's satisfaction.
- 6.1.2 The Registrar shall revoke the registration of a Secondary or Garden Suite if:
 - a. A Secondary or Garden Suite is found to be in violation of this or any other by-law;
 - b. An Owner fails to renew the registration of a Secondary Suite after taking ownership of the property;
 - c. An Owner fails to renew the registration when there is a change in the Principle Resident, if they are not the same person;
 - d. If the Secondary or Garden Suite is being used as a short-term rental; or
 - e. The information contained in the application or any other document provided by the Owner is found to contain a false statement, false information or the information previously provided is no longer accurate.
- 6.1.3 If the registration of a Secondary or Garden Suite is revoked, the Registrar may order that the Secondary or Garden Suite shall not be occupied as a secondary suite, in accordance with the *Municipal Government Act (MGA – Part 9 Section 238)* until the renewal application is approved.

7 REGISTRATION RENEWAL

- 7.1.1 Once a Secondary or Garden Suite has been registered according to this by-law, the Suite shall remain registered unless:
 - a. The registration is revoked;
 - b. The Property Ownership changes; or
 - c. The Principle Resident changes.
- 7.1.2 If the registration of a Secondary Suite has been revoked due to non-compliance with regards to a violation in the *Zoning and Development By-law* and/or *Building Code By-law*, the registration renewal shall also require a copy of a new Occupancy Permit to confirm the violation has been addressed prior to the renewal being approved.

8 FEES

8.1 REGISTRATION, INSPECTION AND RENEWAL FEES

8.1.1 The City shall collect registration fees for the administration of the application process and ongoing maintenance and upkeep of the Registry as follows:

a.	Registration of an existing In-law Suite or Legal Non-conforming Unit approved since July 10, 2011	\$100 (waived until Dec 31, 2020)
b.	Registration of a new Secondary Suite	\$ 100 (does not include fees pursuant to the <i>Zoning and Development By-law Fee Schedule</i>)
c.	Building and/or Development Permit and Residential Inspection	As per <i>Zoning and Development By-law Fee Schedule</i>
d.	Registration Renewal	\$50
e.	Re-inspection of Secondary Suite	\$200 (\$100 until Dec 31, 2020)

9 BY-LAW ENFORCEMENT, PENALTIES AND APPEAL

9.1.1 By-law enforcement may be undertaken by the City in accordance with the *Municipal Government Act. (MGA – Part 9)*

9.1.2 A person who, being the Owner or occupant of any land, Building, or Structure to which this by-law applies:

- a. Fails to register a Secondary or Garden Suite;
- b. Permits an unregistered Secondary or Garden Suite to be occupied; or
- c. Alters a Secondary or Garden Suite in any way that violates this or any other by-law without first seeking the necessary permit approvals and a registration renewal;
- d. Uses the Secondary or Garden Suite as a short-term rental.

is guilty of an offence of this by-law.

Attachment A - 6
City of Charlottetown Secondary Suites Registration By-law

- 9.1.3 A person who is guilty of an offence of this by-law is liable on summary conviction to:
- a. a fine in an amount
 - i. not less than \$200 and not more than \$10000, and
 - ii. an additional fine in an amount not less than \$500 and not more than \$2,500 for each day or part of a day on which the offence continues after the first day;
 - b. imprisonment for up to one year; or
 - c. both a fine in accordance with clause (a) and imprisonment in accordance with clause (b).
(MGA – Section 234)
- 9.1.4 When an offence under this by-law is committed or continued for more than one (1) day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued. *(MGA – Section 234 (3))*
- 9.1.5 A person who is dissatisfied with the administration or an order issued by an employee of the City under this by-law may appeal the decision or order to council. *(MGA – Section 239)*
- 9.1.6 A person who is appealing a decision to council made under this by-law must submit a written statement outlining the reason for appeal. *(MGA – Section 239 (2))*

10 DEFINITIONS AND INTERPRETATION

10.1.1 For the purposes of this by-law:

- a. **Building and/or Development Permit** means an official document giving authorization to proceed with a proposed action as regulated under the Zoning and Development By-law (2018-11) and/or Building Code By-law.
- b. **Building Code By-law** means the *City of Charlottetown Building Code By-law (2018-##)*.
- c. **City** means the City of Charlottetown;
- d. **Council** means the duly elected Mayor and Councilors of the City.
- e. **Development** means a change in the use of land, building, structure or sign for any purpose, and shall include the carrying out of any building, engineering, construction, or other operation in, on, over, or under land and water; or the construction, addition, erection or alteration of any building, structure or sign.
- f. **Dwelling** means a building or portion thereof used for residential occupancy.
- g. **Garden Suite** means a self-contained Dwelling Unit that is located in the Rear Yard of a Single-Detached Dwelling.
- h. **In-law Suite** means a legal non-conforming use, similar to a Secondary Suite but with specific regulations pertaining to who is permitted to live within the subordinate Dwelling Unit and a requirement that it is to be removed from the Single Detached Dwelling when the named individual no longer lives there.
- i. **MGA** means the *Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1* of the Province of Prince Edward Island.
- j. **Occupancy Permit** means an Occupancy Permit as required and/or obtained pursuant to the *City's Zoning and Development By-law*.
- k. **Owner** means a person who legally owns a lot and is a registered land Owner; or an executor, administrator, trustee, agent, or other person managing the subject lot or building for the registered land Owner.
- l. **Principle Resident** means the individual who resides within a Dwelling and who lives, makes their home and conducts their daily affairs within this Dwelling, including, without limitation, paying bills and receiving mail, and is generally the Dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills.
- m. **Registrar** means the person appointed by Council to administer this by-law and unless otherwise appointed shall be the City's Manager of Planning and Heritage;

Attachment A - 8
City of Charlottetown Secondary Suites Registration By-law

- n. **Registry, or Registry of Secondary Suites** means a publically accessible Registry or list of Secondary Suites which have been reviewed by the City and approved based on conformance with the Zoning and Development and Building Code By-law regulations as well as other best practices for supporting safe and affordable housing.
 - o. **Secondary Suite** means a subordinate Dwelling unit located within a Single-Detached Dwelling.
 - p. **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 30 consecutive days. **Single-Detached Dwelling** means a building which is a completely detached Dwelling unit, and whose main walls have a minimum width of not less than 5.5 m (18 ft).
 - q. **Zoning and Development By-law** means the *City of Charlottetown Zoning and Development By-law (2018-11)*.
- 10.1.2 In this by-law words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular, all as the context allows; and the word 'shall' is mandatory and is not permissive.

PUBLIC MEETING

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

197 Minna Jane Drive (PID #469841)

A request to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone and amend the designation in the Official Plan from Concept Planning Area to Commercial in order to construct a 70-unit apartment building as well as an additional building in the future which will likely contain a commercial daycare centre. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.

**88 Brackley Point Road (PID #396770)**

A request to rezone the property at 88 Brackley Point Road (PID #396770) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the designation in the Official Plan from Low Density Residential to Medium Density Residential in order to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot.

**183 Great George Street (PID #344044)**

A request to obtain a site specific exemption as it pertains to 183 Great George Street (PID #344044) in order to allow the sale of alcohol within in a mobile canteen; allow the mobile canteen to operate from April 1st to October 31st annually; and utilize a container to contain washroom facilities. The site specific amendment also includes two variances to increase the maximum height for a fence in the front yard and increase the maximum front yard setback.

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.

Secondary and Garden Suite Registry By-law

A proposal to create and implement the Secondary and Garden Suite Registry Bylaw to create and make available to the public a registry of all approved Secondary and Garden Suite(s) as per the previous Affordable Housing Amendment requirements.

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, March 28, 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, MARCH 27, 2019 AT 7:00 P.M.
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.