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**PLANNING BOARD AGENDA  
NOTICE OF MEETING**

*Monday, May 06, 2019 at 5:00 p.m.  
Council Chambers, 2nd Floor, City Hall, (199 Queen Street)*

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- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda** – Approval of Agenda for Monday, May 06, 2019
- 4. Adoption of Minutes** - Minutes of Planning Board Meeting on Monday, April 01, 2019
- 5. Business arising from Minutes**
- 6. Reports:**
  - a) Rezoning**
    1. 351 North River Road (PID #'s 1014224 & 373415) Laurel  
Request to rezone the property at 351 North River Road from R-2S (Low Density Residential Single Zone) to R-3 (Medium Density Residential Zone) and amend the Official Plan Map from Low Density Residential to Medium Density Residential. Requires a recommendation to proceed to public consultation.
    2. Miller Street / Pearson Street / Hanover Street (PID #530980) Greg  
Request to rezone the property from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone. Requires a recommendation to proceed to public consultation.
    3. 89 Beach Grove Road (PID #386755) Greg  
Request to rezone the property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone. Requires a recommendation to proceed to public consultation.
  - b) Variances**
    4. 93 Weymouth Street (PID #340984) Robert  
Request to reduce the required lot frontage from 20m (65.6 ft) to approximately 10.4m (34.1 ft) in order to the convert the five (5) residential dwelling units into six (6) residential dwelling units;
    5. 101 Weymouth Street (PID #340992) Robert  
Request to reduce the required lot frontage from 20m (65.6 ft) to approximately 9.2m (30 ft) in order to the convert the three (3) residential dwelling units into six (6) residential dwelling units;



6. 15 Hillsborough Street (PID #336198) *Greg*  
Request to reduce the required side yard setback and rear yard setback in order to demolish the existing accessory building and construct a new accessory building.

**c) Others**

7. 185 Brackley Point Road (PID #344044) *Greg*  
Request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone. Requires a recommendation to proceed to public consultation.
8. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2) *Robert*  
Proposed amendments to allow for Home Occupations, Parking and Site Design Standards, 500 Lot Area Standards, and Tourist Accommodations along with other general housekeeping amendments.
9. Amendments to the Zoning & Development By-law (Bylaw PH-ZD.2) *Robert*  
Last month Planning Board deferred amendments relating to permitting an Asphalt, Aggregate, and Concrete Plant until planning staff met to discuss provincial requirements with the Department of Environment. After consultation with the province, planning staff is bringing back the same proposed amendments but excluding the environmental site assessment requirements to allow for an Asphalt, Concrete and Aggregate plant as a permitted land use in the Heavy Industrial (M-2) Zone.

**7.Introduction of New Business**

**8.Adjournment of Public Session**

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES  
MONDAY, APRIL 01, 2019, 5:00 P.M.  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL**

**Present:** Councillor Greg Rivard, Chair  
Deputy Mayor Jason Coady, Vice-Chair  
Councillor Alanna Jankov  
Basil Hambly, RM  
Bobby Kenny, RM

Kris Fournier, RM  
Alex Forbes, PHM  
Greg Morrison, PII  
Robert Zilke, PII  
Ellen Faye Ganga, PH IA/AA

**Also:** Mayor Philip Brown

**Regrets:** Rosemary Herbert, RM  
Reg MacInnis, RM  
Shallyn Murray, RM

Laurel Palmer Thompson, PII

**1. Call to Order**

Councillor Rivard called the meeting to order at 5:04 pm.

**2. Declaration of Conflicts**

Councillor Rivard asked if there are any conflicts. *Councilor Jason Coady declared conflict of interest on agenda item number 6a.2) Corner of Royalty Road & Upton Road (PID #388595).* Councillor Rivard then moved to the approval of the agenda.

**3. Approval of Agenda**

Moved by Bobby Kenny, RM, and seconded by Basil Hambly, RM, that the agenda for Monday, April 01, 2019 be approved.

**CARRIED**

**4. Adoption of Minutes**

Moved by Basil Hambly, RM, and seconded by Bobby Kenny, RM, that the minutes of the meeting on Wednesday, March 06, 2019, be approved.

**CARRIED**

**5. Business arising from Minutes**

There was no business arising from minutes.

**6. 197 Minna Jane Drive (PID #469841)**

This is a request to rezone the property at 197 Minna Jane Drive (PID #469841) from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone. Greg Morrison, Planner II, presented the application. See attached report.

The purpose of the rezoning is to construct a 70-unit apartment building and a future building which will likely contain a commercial daycare centre. The apartment building is approximately 69.75 ft in height therefore 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). Written notices were sent to residents within 100 meters and received two responses, one in support and one in opposition. The letter of support says it will be a great addition to the area and the letter of opposition expressed concerns that a residential apartment building should adhere to the requirements of the zone and should not be permitted in the commercial area. At the Public Meeting, there were no residents who spoke to the application. Staff recommendation to Council is to approve the application.

Councillor Greg Rivard clarified if the building on the top portion of the site plan already exists and Mr. Morrison responded that the only building that presently exists is the Dental Office and the building referred to in the presentation involves future development for a daycare centre. Mr. Morrison also added that should this rezoning be approved, the daycare would be allowed as-of-right, subject to parking spaces and setback requirements.

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

**Moved by Councillor Alanna Jankov and seconded by Bobby Kenny, RM, that the request to:**

- a) **Amend Appendix “A” – Future Land Use Map of the Official Plan from Concept Planning Area to Commercial;**
- b) **Amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone; and**
- c) **Increase the maximum height for an apartment dwelling in the C-2 Zone from 15.0m (49.2ft) to approximately 21.26m (69.75 ft),**

**for the property at 197 Minna Jane Drive (PID #469841), subject to the existing access between the Dental Office and the lower parking lot be removed as per the Department of Transportation regulations, be recommended to Council for approval.**

**CARRIED  
(5-0)**

#### **7. Corner of Royalty Road & Upton Road (PID #388595)**

*Deputy Mayor Jason Coady declared conflict of interest and has requested to step out and be taken out of the review for this application.*

This is a request to rezone a portion of the vacant property (approximately 3.25 acres) located at the corner of Royalty Road & Upton Road (PID #388595) from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone to allow for construction of seven two-unit dwellings which will have a cul-de-sac with access on to Royalty Road. Greg Morrison, Planner II, presented the application. See attached report.

The applicants have confirmed that they are not applying to rezone the remainder of the property so it will remain as R-1S during the Phase II of the development. The road and lot configuration of Phase II is not identified as it will be dealt with separately in the future. Since the lot is

already zoned as R-1S, the subdivision plans will be dealt with internally with the various Departments comments. Written notices to residents within 100 meter radius was sent on January 16, 2019 and 25 letters of opposition were received. At the Public Meeting, seven residents spoke in opposition and one in favor of the development. Staff met with the applicants to discuss these concerns and the applicants have requested to defer the application until such time that these concerns are addressed. On February 4<sup>th</sup>, 2019, the Board decided to defer it for a period of two months to allow the applicants revise the plan and engage the residents to look at other possible options to make this work. The applicants have since met with residents and provided staff with information and recommendations that would balance City requirements with the concerns of residents. The revised plan is attached in the report, reducing the original request to 3.25 acres. Initially, it was requested that the plans for Phase II also be shown but the applicants clarified that determining the plans for Phase II at this time is complicating the process and so they elected to focus on Phase I and Phase II will be addressed on a later work. Staff is recommending that this application be approved. The 2-unit cul-de-sac has little impact to the traffic on to Royalty Road and the applicants are required to meet the subdivision requirements for both Phase I and Phase II. The applicant also presented a brief summary of the concerns and proposals to mitigate these concerns. The applicant, George Zafiris, presented the summary.

Mr. Zafiris explained that Phase II will be entirely R-1 lots which mitigate the concern on higher density development. Also, to address the impact to property values, the R-2 lots will be located on a cul-de-sac and no lots fronting the road. To address traffic and water problems, an engineering firm has been retained to ensure that this is addressed and that they are going to work with the City and the residents to help resolve traffic issues.

Bobby Kenny, RM, asked if the tree line at the back of the proposed with the existing lots provides a significant enough tree line in that area. Mr. Zafiris confirmed that it is, and that they will try to keep it as a natural buffer between the properties. Mr. Kenny then confirmed that residents along Parricus Mead won't be able to see these new dwellings and Mr. Zafiris said yes.

Councillor Rivard advised everyone that he has allowed Chris Oatway to speak on behalf of the residents in relation to the application. Mr. Oatway commented on the tree line saying that the trees are about 80-year old birch trees with the top of the trees with a few branches and the lower portions have very little. This direct access backing to Parricus Mead changes the dynamic of that area. Mr. Oatway noted that there were concerns at public meeting where seven residents spoke, about 60 residents stood up in opposition and one in support. This number is a significant number showing their concern to the proposed development. The land was purchased as R-1 and is being requested to be changed to R-2. The applicant mentioned about lots and its affordability in the area. Mr. Oatway does not think it will be affordable as the semi-detached housing along the area is about \$1500, unheated a month. Mr. Zafiris mentioned that it will be build and sell and Mr. Oatway still thinks it is not an affordable option. Mr. Oatway also noted another concern about another resident's property that will be directly affected by this development. Even if the two lots fronting Royalty Road has been taken out of the proposal, the development still doesn't change what happens to his property. Finally, Mr. Oatway mentioned that the proposed rezoning doesn't fit the general landscape of the neighbourhood and would like to request that this land

remain to be an R-1S land. Residents have asked Mr. Oatway for updates and Mr. Oatway mentioned that he is attending tonight's meeting.

Councillor Alanna Jankov confirmed that there are still R-2 lots along the area that are for sale and Mr. Oatway confirmed that there are available R-2 lots for sale. Ms. Jankov commented that this could be another option.

Councillor Rivard asked Mr. Zafiris if he would like to respond to the concerns. Mr. Zafiris corrected the term affordable to the houses being more affordable. Also, it can be difficult to gauge the percentage of opposition as there were also residents who exchanged emails with positive feedback. The only contentious issue was if Meadow Lane was extended through to Royalty Road.

Basil Hambly, RM, asked if this moves forward, will the development agreement include Phase II conditions that it stays as R1. Mr. Forbes responded that it could, but should a rezoning be done again, it has to go to the same process. However, at this point, it was indicated that Phase II will remain as R1. Mr. Zafiris also confirmed that they are not requesting for more than the seven R-2 lots.

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

***Moved by Councillor Alanna Jankov that the request to rezone approximately 3.25 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) by amending Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone be recommended to Council for rejection.***

***There were no members who seconded this motion.***

**Moved by Bobby Kenny, RM, and seconded by Kris Fournier, RM, that the request to rezone approximately 3.25 acres of the vacant property located at the corner of Royalty Road & Upton Road (PID #388595) by amending Appendix "G" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1S) Zone to the Low Density Residential (R-2) Zone be recommended to Council for approval.**

**CARRIED  
(3-1)**

**8. 88 Brackley Point Road (PID #396770)**

This is a request to rezone 3.04 acres of land located at 88 Brackley Point Road (PID #396770) from Single-Detached Residential (R-1L) Zone to Medium Density Residential (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential to facilitate the construction of a 30-unit apartment building on one lot and a townhouse development on the other portion of the lot. Greg Morrison, Planner II, presented the application. See attached report.

Written notices were sent to residents within 100 meters and 39 letters were received in opposition, 6 in support and a petition of over 300 signatures. Some of the concerns noted were: parking spaces are not enough to accommodate visitors to the apartment building, traffic is a concern for both pedestrian and vehicle traffic around school drop-off and pick-up hours, the right-in right-out to Brackley Point Road would be difficult to enforce and the dust and noise during the construction. Some residents indicated that the townhouse units are reasonable but the apartment building is not. Laurel Palmer Thompson was in touch with the applicant and the concerns raised at the public meeting were focused on the apartment building. They were not too concerned about the townhouses. However, the residents were concerned at the levels of traffic that would be generated from both. At the Public Meeting, staff was made aware of traffic stacking during drop off and pick up and the access to Brackley Point Road. Staff noted that if this application is approved, it should be subject to a traffic study to validate the concerns of residents and ensure that the proposal has been sufficiently reviewed. After the Public meeting, the applicant is requesting to allow him to defer the application to a later date to be able to address the concerns of the residents. Ms Palmer Thompson has recommended four options: 1) Defer the application to allow the applicant to revise his application; 2) Rezone the property to R-3 where the townhouses are proposed and reject the apartment units; 3) Approve the application subject to a traffic study and Development Agreement; and 4) Reject the application. Staff is encouraging to recommend to defer the application.

Councillor Rivard clarified the process on deferral that if the apartment building was taken out of the application and the applicant comes back with a new proposal for townhouse or another type of dwelling unit, should this application go through another public consultation process. Alex Forbes, PHM, responded that it would require another public consultation. The applicant is not present at the meeting thus we need to clarify his intent to defer or withdraw before the scheduled Council Meeting. Mr. Forbes also noted that staff is reluctant to support this application until a traffic engineer reviews the access points to and from this property as well as how the proposed residential traffic will interact with existing traffic in the area. Also, Mr. Forbes indicated that the board can make a recommendation and then at the time of the Council meeting, a decision can be made regarding deferral versus withdrawal. The applicant will need to clarify the direction and his intent as this application moves forward. Mr. Forbes also noted that if the board recommends to defer this application until such time the applicant is able to provide a clear direction of what he intends to do, or should the applicant decide to withdraw, then a separate request needs to be made to Council.

Councillor Rivard asked if there could be two votes on this application, one on the deferral and the other on the intent of the applicant. Mr. Forbes noted that it is possible and that the application should be able to provide clear reasons as to their request to defer or withdraw.

Councillor Jankov asked if the application is deferred, will it be deferred for a month. Mr. Forbes noted that it is unfortunate that the applicant is not here, otherwise, he would be able to clearly provide information for the board to make a decision. Councillor Rivard asked that if the application is withdrawn or rejected, would this allow him to come back and provide for other options. Mr. Forbes noted that it will depend on Council's decision to allow him to withdraw but the Board needs to make a recommendation to Council to either withdraw or defer with clear

reasons. Councillor Rivard noted though, that even if the application is deferred, whatever change the applicant would be making would require another public consultation. Councillor Jankov then asked if at the time the applicant spoke to staff, did he provide a clear indication of what he wants to do and is there another option for board to do nothing at this time. Mr. Morrison responded that he cannot speak for Laurel at this time. Mr. Forbes also responded that the residents would also want to see a decision made at this point and then allow him to clarify the other concerns before it goes to Council. Council would like to see what Staff recommendation is and what the board recommendation is to help them with a decision.

Councillor Jason Coady also asked, if the application is rejected, can the applicants come back with another application without the apartment building. Mr. Morrison responded that if the whole application is rejected, the applicants would not be able to come back with a similar application for a year.

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

**Moved by Councillor Alanna Jankov and seconded by Basil Hambly, RM, that the request to:**

- a) **Amend Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; and**
- b) **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), ), in order to construct a 30-unit apartment building on one lot and townhouse units on the other lot, be recommended to Council for rejection.**

**CARRIED  
(5-0)**

**9. 200 & 202 Spring Park Road (PID #s 367938 and 367979)**

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

The application is a minor variance for an increase in density on the lot and to consolidate properties in the R-3 zone to allow for 16 units in addition to the existing 18 unit building. The map shows proposed configuration of the property. There are also major variances being requested which are 1) expand the legal non-conforming use of the existing parking lot located in the front of the building; 2) reduce the requirement for landscaping from the property line to the parking area from 12 feet to 8 feet; 3) decrease the side yard setback from 14.8ft to 10ft; and 4) decrease the rear yard setback from 19.7ft to 14ft 4in. Staff recommendation is to approve the application.



The applicant has since made some changes to the application and came back with a revised plan. Written notices were sent out to residents and one letter of opposition was received. Paul Murphy, applicant, is here to answer any possible questions.

A resident spoke to the application and raised her concerns about the application. She mentioned that she does not understand why the applicant is still requesting for increase in density to 34 units when an increase in density of 31 units has already been allowed. Councillor Rivard clarified how many units are allowed as-of-right in the current property and Mr. Murphy confirmed that 31 units are allowed, and are requesting for three additional units. Councillor Rivard also added that because of the affordable housing piece and policies in place, it has intensified additional density to existing properties. The other concerns were: 1) The parking space is already a legal non-conforming use so why make it worse. It is not aesthetically appealing to see all these cars parked in front and then have lesser green space available. 2) Reducing the green space to 8 feet will again reduce existing green space. 3) Reducing the side and rear yard setback would allow them to build larger dwellings. 4) There's less privacy with adjacent properties. 5) Traffic is terrible along that area and is requesting that the applicant do a traffic study at his own cost.

Mr. Paul Murphy, applicant, responded to the concerns and has requested that it would be nice to let applicants know or be made available ahead of time should there be letters or concerns so they could prepare or address it ahead of time. Mr. Murphy noted that they requested for the rear setback to address some concerns from the previous meeting. The building is setback further from Spring Park Road and the building size also shrunk from previous plan and up another story. Mr. Murphy is not sure how the privacy is a concern since the back of the property is right next to Holy Redeemer parking. Traffic is known at certain parts of the day because of the school. The goal of the apartment is to provide a more walkable access to schools, church, etc.

Councillor Rivard asked about the white house in the map and Mr. Murphy indicated that the house will be demolished and the apartment building will be erected. Mr. Rivard asked about the buffer to the sidewalk and Mr. Morrison responded that the site plan shows about 15 feet from parking to the sidewalk but will only be located 8 feet from the actual property line. There will be about 15 feet of City right-of-way and the requirement is 12 feet from property line. Mr. Rivard also talked about previous discussions on possible fence and Mr. Murphy mentioned that they would commit to shrubs or so to soften the view.

Bobby Kenny, RM, asked if there is no way to move the parking back and Mr. Murphy indicated that his designer looked at it but it will be difficult move it back and stil meet the 34 parking spaces. Mr. Rivard asked if the parking was moved to the back, it will also impact the houses at the back of the property and Mr. Murphy said yes, they will be facing a much larger parking lot.

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

**Moved by Councillor Jason Coady and seconded by Councillor Alanna Jankov, that the application for the following:**

- a. Minor variance to vary Section 15.2 of the Zoning & Development By-law by reducing the required lot area from 38,374.9 sq. ft. to approximately 42,088.6 sq. ft.;**
- b. Major variance to vary Section 3.9 c. of the Zoning and Development Bylaw to allow for the expansion of parking in the front yard;**
- c. Major variance to vary Section 6.4 of the Zoning and Development Bylaw to reduce the landscape buffer from 12 ft. to 8 ft.;**
- d. Major variance to the rear yard setback to reduce it from 19.7 ft. to 14.4 ft.;**
- e. Major variance to the side yard setback to reduce it from 14.8 ft. to 10 ft.; and**
- f. Lot Consolidation of PID#'s 367938 and 367979,**

**in order to construct a 16 unit apartment building in the for the property at 200-202 Spring Park Road (PID #'s 367938 and 367979), be recommended to Council for approval.**

**CARRIED  
(5-0)**

**10. Vacant Property off of Gerald Street (PID #359950)**

This is a request for three variances to decrease the interior side yard setback from 1.83m (6 ft) to 1.2m (4 ft) for the main dwelling; decrease the minimum flankage yard requirement from 6m (19.7 ft) to 3.3m (11 ft) for the main dwelling; and decrease the minimum flankage yard setback requirement from 6m (19.7ft) to 5.4m (18 ft) for the accessory building in order for the construction of a single detached dwelling with a detached garage on the vacant property off of Gerald Street (PID #359950). The property is located in the Low Density Residential (R-2) Zone. Robert Zilke, Planner II, presented the application. See attached report.

This application was before the Board previously and Public Works had concerns on visibility and proposed setback to the right of way. The applicant has since worked with staff to make changes to address these concerns. The applicant has proposed a single-detached dwelling and a detached garage with three variances. The changes to the design have addressed the previous planning concerns and staff recommendation is to approve the current application. The applicant, Roger Greaves, is here to answer questions.

Councillor Rivard commended the applicant for a job well done in addressing the concerns and still meeting their needs as well. Mr. Greaves responded that they can work with the revised design and appreciated staff's assistance.

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

**Moved by Kris Fournier, RM, and seconded by Basil Hambly, RM, that the request to:**

- a) Decrease the interior side yard setback from 1.83m (6 ft) to 1.2m (4 ft) for the main dwelling;**
- b) Decrease the minimum flankage yard requirement from 6m (19.7 ft) to 3.3m (11 ft) for the main dwelling; and**

**c) Decrease the minimum flankage yard setback requirement from 6m (19.7ft) to 5.4m (18 ft) for the accessory building; in order for the construction of a single detached dwelling with a detached garage on the vacant property off of Gerald Street (PID #359950), be recommended to Council for approval.**

**CARRIED  
(5-0)**

**11. 183 Great George Street (PID #344044)**

This is 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 within a fenced in property; seating capacity, washroom facilities; and trellises to cover portions of the property. The property is located in the Downtown Core (DC) Zone. Greg Morrison, Planner II, presented the application. See attached report.

Written notices were sent to properties within 100 meters and one letter was received in support of the application. At the public meeting, one resident and Councillor MacLeod noted that concerns on temporary businesses being put on vacant lands while there are empty store fronts across downtown and that temporary business would have lower overhead costs and taxes versus store front. Several residents spoke in support of the application and their comments were: it beautifies the area and makes it a more vibrant space; we need to start supporting youth starting business; youth growing business along storefront may hinder the youth to start a business; competition is a good thing and it brings the City to the next level. Staff worked with the applicant and feel that most concerns have been addressed in terms of washroom and fencing. Staff noted that should this application be approved, a development agreement should be in place for the hours of operation, seating operation closed by midnight and mobile canteen closes at 3am. The hours of operation will be discussed with the police department. Also, the Development Agreement should include storage and management of waste, washroom should be connected to the City's water and sewer system, dates and hours of operation and the design of the patio should be to the Development Officers satisfaction. Staff recommendation is to approve the application.

Bobby Kenny, RM, asked if there are residential units or apartments at the upper level of the adjacent buildings and Mr. Morrison noted that he is not sure but he thinks that the upper levels are also restaurants. Councillor Jankov commented that she liked the outline of the development agreement but would like to clarify if the artistic mural will be part of the application since the wall doesn't belong to the applicant or owner of the vacant property. Mr. Morrison responded that the mural is not part of the application and would require approval or permission of the owner before they can proceed. Councillor Jankov also asked about the side yard setback and if there's enough room between the property and the patio. Mr. Morrison noted that they would be utilizing the fence and the setback requirement would be zero and therefore abutting a zero lot line. Councillor Jankov noted that the development agreement outlined and addressed her concerns about the hours of operations. The initial application indicated much earlier hours of operations but the most recent information indicated that they would be closing at 3:00 am. Mr. Morrison mentioned that this will still be reviewed by the Police Department. Councillor Rivard

also mentioned that the owner of beer garden saw the proposed hours of operations and would like to ensure that it is reviewed so as not to restrict their business in terms of the hours of operation. Mr. Morrison responded that the development agreement will include the final decision on the hours of operation for this new development. Councillor Jankov then asked if the committee would be able to see the development agreement once it is ready and Mr. Morrison responded that the committee no longer has to review the agreement but staff will prepare the document which will include all the verbiage and requirements from the Police or Water & Sewer and will be signed by the Mayor and CAO. Councillor Jankov also requested that the development agreement include requirements on the right-of-way on a safety perspective like requiring a gate after 12 midnight. Mr. Morrison indicated that the seating area will be closed after 12 midnight but the right-of-way will still be accessible until 3:00 am for picking up order. Councillor Rivard asked if they are allowed to operate until 3:00am and Mr. Morrison noted that this will still be reviewed and determined by the Police Department. Councillor Jankov also added that she believes that the hours of operations will depend on the license that will be issued by the Liquor License Commission.

Basil Hambly, RM, asked if the right-of-way over the property and Mr. Morrison responded that right-of-way is owned by the current property owner but Cedar's has the ability or right-of-way to use the property to allow them to get to the back of their property. Councillor Jankov commented that this right-of-way is in favor of Cedar's.

Councillor Jankov added that this is an exciting endeavor but she is not in favor of any operations after midnight. Councillor Rivard responded that the police will take into consideration other outdoor establishments with similar operations when they make their review and recommendations. Mr. Morrison also added that the Liquor Commission should also be able to regulate it but the applicants cannot apply for a liquor license until they get approval from the City to proceed with this development.

Basil Hambly, RM, clarified if the food trucks will be taken out of the property after the season. Mr. Morrison responded that it is his understanding that the food trucks will be removed but the exact dates are not certain. Under the Bylaw pertaining to food trucks in the downtown area, they are allowed to operate from May 1 to October 31 and must be removed after that period.

Mr. Forbes commented that the applicants are entitled to paint a mural on the inside fence but not on the adjacent building. Mayor Philip Brown asked what happens when it rains and Mr. Morrison responded that there is a portion of the property where the food truck is that would have solid covering and people may just be getting food and leave when it is raining. Councillor Jankov asked if it will not be tarped and Mr. Morrison responded that it won't. Mayor Brown also questioned whether the variance requested for the fence is to increase the height from 3.3ft to 6.5 feet. Mr. Morrison clarified the height of the fence and indicated the type of fence will be unique in that they are proposing to use a plasma cut material. Councillor Jankov asked if this has to go to Heritage for approval and Mr. Morrison mentioned that since it is not a designated heritage property, it does not require Heritage review and approval.

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

**Moved by Bobby Kenny, RM, and seconded by Councillor Alanna Jankov, 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 recommended to council for approval.**

**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.**

**CARRIED  
(5-0)**

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

This is a proposal to amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, regulations permitting an Asphalt, Aggregate, Concrete Plant and General Housekeeping amendments. Robert Zilke, Planner II, presented the application. See attached report.

Mr. Zilke mentioned that the current report also includes additional amendments that were not presented at the initial Planning Board but was presented at the Public Meeting. The amendments are: Provide flexibility to sites with full lot coverage to provide the required landscaping in the form of a green roof; Reference to the procedure of transferring the Development Security for incomplete landscaping to a Public Tree Reserve Fund; Replace Appendix D Province Wide Development Standards with Landscape Standards, Specifications & Species List; Include a reference to the Provincial Development Standards under Section 45 General Provisions for Subdividing Land for site servicing; and decrease the interior lot setback requirement from 3.0m (9.8ft) to 1.83 (6ft) in the Low Density Residential Zones (R-2) and (R-2S)

Basil Hambly, RM, asked about the requirements for green roof or deck. Mr. Zilke mentioned that the green roof would be amount of greenscaping on the roof. Anything above it will be additional and hardscaping does not count. Bobby Kenny, RM, asked if there is a maximum height on green roofs. Mr. Zilke responded that the maximum height is dictated by the zone and the greenscaping will be on top of the roof.

On the environmental assessment, Councillor Jason Coady asked if this can be looked at before making amendments relating to concrete/asphalt to allow them in the M-2 zone. Councillor Rivard mentioned that he reached out to the Minister and are hopefully looking to meet this week. The main concern is not to upset residents in the area should this be pursued. Mr. Rivard also asked if the Province can do a study on M1 or M2 zones prior approval of any amendments. Mr. Forbes responded that the amendments can be approved with the exception of the amendments to the concrete/asphalt plant. Mr. Rivard indicated that since this will be a requirement of approval consultation with the province should clarify whether this is possible or not. Mr. Forbes mentioned that there are can be issues arise when development requires approval from both the City and the Province. Staff would like to work with the Province on this amendment and not set the province up for failure if there are known problems with this type of land use operating near a residential area. Mr. Forbes also mentioned that this can be deferred until further information is provided. Councillor Coady mentioned that this should be fine but there should be a consensus or an appetite to look into this further. Mr. Forbes mentioned that such applications may be difficult for planning staff to assess because they are not trained to prepare environmental assessments. These assessments/checklists are beyond staff's capabilities. There is a different type of review and planning staff would work with the province on how this type of land use should be regulated. The province should be able to provide information and give us feedback on any known potential issues. Mayor Brown then asked if this assessment is application generated and that the province is not going to do any assessment until an application is submitted. Councillor Rivard asked if we could defer this until there is a conversation on where M1 lots in the City are available and do these locations potentially present any problems. West Royalty Industrial Park has limited vacant land to locate /store sand/gravel and the only M1 lots that may be available are off Sherwood road. Mr. Forbes mentioned that it would be nice to have a meeting with provincial environmental staff to see if there are any known impediments to this amendment and noted that it is always prudent to consult with province. Mr. Zilke added that should this amendment be set aside, it should also include the amendments pertaining to environmental impact assessments as this relates to the asphalt plant amendments as well.

Basil Hambly, RM, asked if the decrease in the interior lot setback would allow more lots on property. Mr. Zilke responded that by shortening the interior side lots, you can essentially have more building lot coverage as a result. The rationale behind this is when you have a semi-detached dwelling, there is no setback between the two properties and that is why the side lot would require 3m. There were recent applications where applicants are wondering why a semi-detached dwelling would require 3m setback versus 1.6 m for single family dwellings. Mr. Zilke, did some research among different municipalities and found that 1.6 m would be a common side setback for lower density zones. Mr. Hambly indicated that his only concern would be for the property along the corner of Upton/Royalty Road where this could potentially add more density which have been the neighbourhood's concerns with the rezoning. Mr. Forbes

mentioned that this should not be a concern as the houses on these lots would potentially have same building setback as the adjacent single family dwellings.

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

**Moved by Basil Hambly, RM, and seconded by Councillor Alanna Jankov, that the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) pertaining to:**

- **Definitions/regulations pertaining to Transitional Housing Facility;**
- **Site regulations for Lodging Houses, Group Homes;**
- **Major development landscaping requirements; and**
- **General Housekeeping amendments pertaining to Undersized Lot regulations and reference corrections,**

**be recommended to Council for approval.**

**And that the amendments to the Zoning and Development Bylaw (Bylaw 2018-11) pertaining to permitting an Asphalt, Aggregate, Concrete Plant with Environmental Impact Assessment requirement, be deferred until Staff is able to have a discussion with the Provincial Department of Environment.**

**CARRIED  
(5-0)**

### **13. Secondary and Garden Suite Registry By-law**

This is 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. Robert Zilke, Planner II, presented the proposed By-law. See attached report.

At the public meeting, a question was asked if the secondary dwelling unit constitute a second unit which they do not. As defined, the secondary suite has to be within principal dwelling and cannot be sold separately.

Kris Fournier, RM, asked if the property sold/transferred, do they have to apply or register again and as long as it meets the code. Mr. Zilke responded that they do have to undergo the re-registration process every time the property is sold or transferred. Mr. Fournier asked who determines whether another inspection is required. Mr. Forbes responded that every time the property owner changes, they can either sign a declaration that the suite was not altered since the initial inspection or they can opt for a new inspection for a fee to ensure that it is still in compliance with the secondary suite requirements. Mr. Fournier recommended that there should be an education component to all residents regarding this. Mr. Forbes also added that hopefully this new registry would address this. The most common request from the department would be legal letters because most properties cannot be sold without going through a lawyer. If there are concerns with the property, the City cannot sign off until all outstanding issues are addressed. Mr. Forbes also agree that education is a key component and when this registry becomes available (and also available online), residents may check the properties that have been

registered. Also, parents/residents may be able to use this registry to look for safe spaces for their children/students when they move to Charlottetown to obtain post-secondary education.

Councillor Jankov also confirmed that when they are on the registry, they would have met all the requirements for the building code and fire code. Mr. Forbes confirmed and also mentioned that it may sometimes be difficult for building inspector to go in the buildings, especially older buildings that were built prior to the adoption of the National Building Code and no changes were made over the years because the building codes at that time did not apply. However, we could send the fire department to look into the safety aspect where they would also refer to the Life Safety Code.

Mayor Brown also commented that he has heard high praises to the City for having the registry in place for fire and safety purposes. For the existing secondary units, Mr. Brown clarified that these are for long term rentals only. Mr. Brown mentioned that some properties along Newman Crescent are used for both short and long term rentals and asked if those are going to be grandfathered in this registry. Mr. Forbes commented that we can grandfather a land use if it existed prior to the Zoning By-law. Short term rentals does not involve a specific land use and is a term relating to renting properties. Therefore, if a person was legally entitled to rent their property in the past they can continue to do so with the exception of secondary suites where it is specifically established in the Zoning By-law that you cannot rent these unit on a short term basis. At present there are no fixed rules on short term rentals and where communities do approve them they are typically approved on an annual basis and constantly subject to change by the municipality. So anyone seeking approval for short term rentals must adhere to existing requirements in the Zoning By-law. Mr. Zilke also added that the old bylaw does not have regulations on secondary suites or short term rentals but does have an in-law suite regulation which requires the owner to sign a contract which will only be effective until the identified occupant moves out of the unit. The registry will be for long term rentals only.

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

**Moved by Bobby Kenny, RM, and seconded by Kris Fournier, RM, 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 recommended to for approval.**

**CARRIED  
(5-0)**

#### **14. New Business**


There were no new businesses discussed.

**Moved by Councillor Alanna Jankov and seconded by Bobby Kenny, RM, that the meeting be adjourned. The meeting was adjourned at 6:48 p.m.**

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**Councillor Greg Rivard, Chair**



<b>TITLE:</b> <b>FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 1014224 &amp; 373415) 351 North River Rod</b> <b>FILE: PLAN-2019-05-May-6A1</b> <b>OWNERS:</b> <b>APPLICANT: Sable Arc Studios</b>		
<b>MEETING DATE:</b> May 6, 2019		<b>Page 1 of 13</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Map B. Concept Plan C. Elevation Drawings	
<b>SITE INFORMATION:</b> <b>Context:</b> Mature mixed density neighbourhood adjacent to a low density subdivision and vacant CDA land. <b>Ward No:</b> 5 – Ellen’s Creek <b>Existing Land Use:</b> existing single detached dwelling and vacant land. <b>Official Plan:</b> Low Density Residential <b>Zoning:</b> Low Density Residential Single (R-2S) Zone		

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council to advance the request 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-2S (Low Density Residential Single) Zone to R-3 (Medium Density Residential) Zone at 351 North River Road (PID #1014224 & 373415 ) to public consultation.

**REQUEST**

This is a request to proceed to public consultation for a request to rezone the property located at 351 North River Road PID #'s 1014224 & 373415 from R-2S Low Density Residential Single 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 vacant land zoned Comprehensive Development Area (CDA) and a lot containing a single detached dwelling zoned Low Density Residential Single (R-2S), to the east, by North River Road, to the south by R-1S zoned land on Madison Avenue and R-2 zoned land along North River Road and to the west by Ellen’s Creek.

**ANALYSIS:**

This is an application to rezone approximately 2.09 acres of land located off of North River Road. The land is currently zoned R-2S (Low Density Residential Single) and is occupied by a single detached dwelling with vacant property to the west bordering Ellen’s Creek. The proposal is to demolish or move the single detached dwelling, consolidate the two lots and construct a group of townhouses on the one property. The applicant is proposing to rezone the land to R-3 (Medium Density Residential) to facilitate the construction of two townhouse dwellings and one semi detached dwelling for a total of thirteen (13) units. All units are 3 stories (see attached concept drawings).

The property has frontage on North River Road and if the two properties are consolidated the dwellings could be built on the one parcel under the R-3 zone. The site plan shows a proposed public road however, if the buildings are constructed with the setbacks shown on the site plan a private road would have to be constructed and the property would remain as one lot. The applicant has indicated that the property owner has some interest in constructing a public road, subdividing and selling each townhouse as an individual lot. However, if the property owner chooses to proceed with this approach then the rear yard setbacks will have to be adjusted for units 8-13. If a private road is constructed then the proposed setbacks conform.

This property sits between property that is zoned Comprehensive Development Area, and a single detached residential subdivision on Madison Avenue. The CDA zoned land is currently vacant however; a comprehensive development proposal was approved in the early 2000’s for multi unit dwellings. Madison Avenue subdivision was also developed in the early 2000’s. At that time the current R-2S Zoning on this parcel allowed for single detached dwellings with 25% semi-detached or duplex dwellings. In the fall of 2018 a new Zoning and Development Bylaw was adopted and the R-2S Zone was changed to allow 100% of the lots in a subdivision to be developed as semi-detached or duplex dwellings. Therefore, the allowable density for this property has already doubled with the adoption of the new Bylaw. If the property is rezoned to R-3 there would be an increase of approximately 4 townhouse units on site. Staff does not view this as a significant increase. However, the R-3 zone permits other multi-unit buildings such as apartment dwellings which may cause concern with area residents. If a rezoning were permitted

than a development agreement must be required to limit the density and to restrict the developer to the project that has been proposed.

This property is located within a mature mixed density residential neighbourhood. There is R-3 development to the north on Waterview Heights and assisted living and community care facilities on North River Road. The subject parcel lies between a property which is slated for high density development and a low density subdivision. The current R-2S zoning provides a buffer between the proposed high density development to the north and low density development to the south.

There are institutional zoned properties consisting of an elementary school and a high school within a 15 minute walk to this property. North River Road is located along a public transit route. It is beneficial for medium and higher density developments to be located within walking distance to schools, and public transit. When located in proximity to such services residents do not have to rely on automobiles to access such uses. Town houses also provide an alternate housing choice for young families and people looking to downsize.

This proposed development is located along a watercourse and provincial regulations require a non-developable buffer zone. Therefore, a large percentage of this property will be retained as green space. A landscape buffer would be required to be retained along the property boundary of the proposed development and the low density development. Staff does not feel that the townhouse development is out of scale for the neighbourhood. However, given the proposed zoning change it may cause concern for area residents.

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 housing 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."*

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. The Official Plan has various policies which support the efficient use of services and making neighbourhoods stable and sustainable by supporting more infill development. The Plan also supports various housing options within existing neighbourhoods if it is appropriate in mass, scale and height and will integrate well into the surrounding neighbourhood.

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, schools and within walkable neighbourhoods. The proposed site is within walking distance to schools, transit and parkland.

Staff feel the proposed development meets many of the technical requirements stipulated in the Zoning Bylaw and policies of the Official Plan. The subject property is located within a mixed density neighbourhood. However, staff do feel that concerns may be raised by area residents regarding the proximity of this proposed development to a low density subdivision.

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"> <li>▪ The City is experiencing a demand for housing and this proposal would provide additional options for housing within a mature neighbourhood.</li> <li>▪ The proposal is close to schools, parkland and public transit.</li> <li>▪ The property is in an area that has municipal services.</li> <li>▪ At least 50% of the site has been left as green space in the proposal.</li> </ul>	<p>The property is located along a watercourse and an environmental buffer must be reserved.</p>	<ul style="list-style-type: none"> <li>▪ The site is located adjacent to a low density subdivision.</li> <li>▪ The proposal may be viewed by area residents as not compatible for the neighbourhood.</li> </ul>

**CONCLUSION:**

Given the location of this proposed infill development between a property that is slated for higher density development and a low density subdivision this property acts as a buffer between both. The current zoning allows for the property to be developed with semi-detached dwellings which would allow for approximately 9-10 units. The developer is proposing 13 units. The proposed density with the subject townhouse development is not a significant increase in units from what is currently permitted. However, staff do have concerns that a proposed rezoning to a higher density zone may cause concern with area residents.

Staff feel that the townhouse proposal can be integrated well on the site with the use of landscape buffers. However, if a rezoning is approved a development agreement must be required to ensure that the project is constructed as proposed.

It should be considered that there is a severe housing shortage within the City. Therefore, such a development would provide housing choices within the neighbourhood. Staff feel that the proposal does have merit and are recommending advancing the proposal to public consultation to gauge the public's opinion.

**RECOMMENDATION:**

Planning & Heritage Department encourages Planning Board to recommend to Council to advance the rezoning request for 351 North River Road to public consultation.

**PRESENTER:**

Laurel Palmer Thompson, MCIP  
Planner II

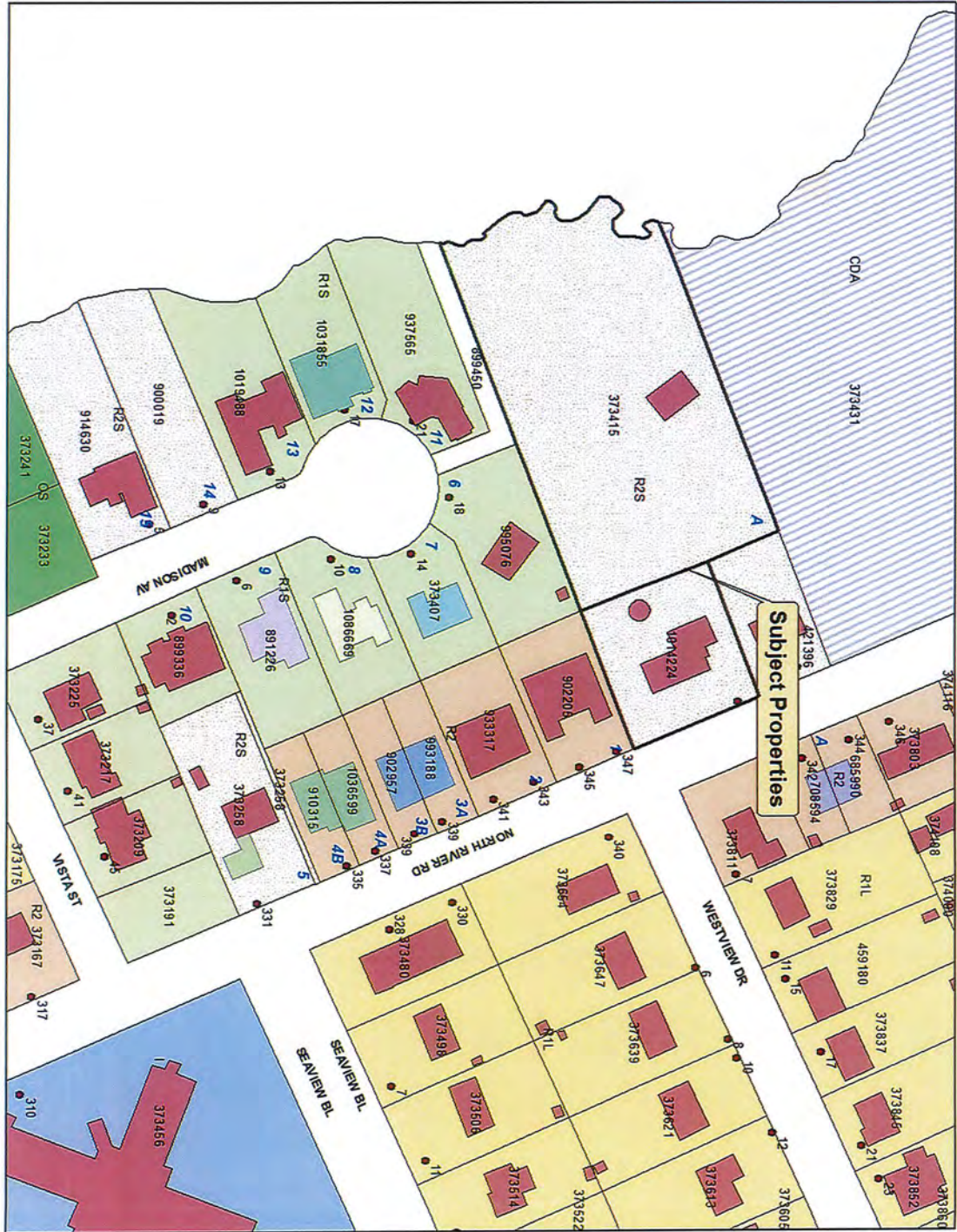


**MANAGER:**

Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

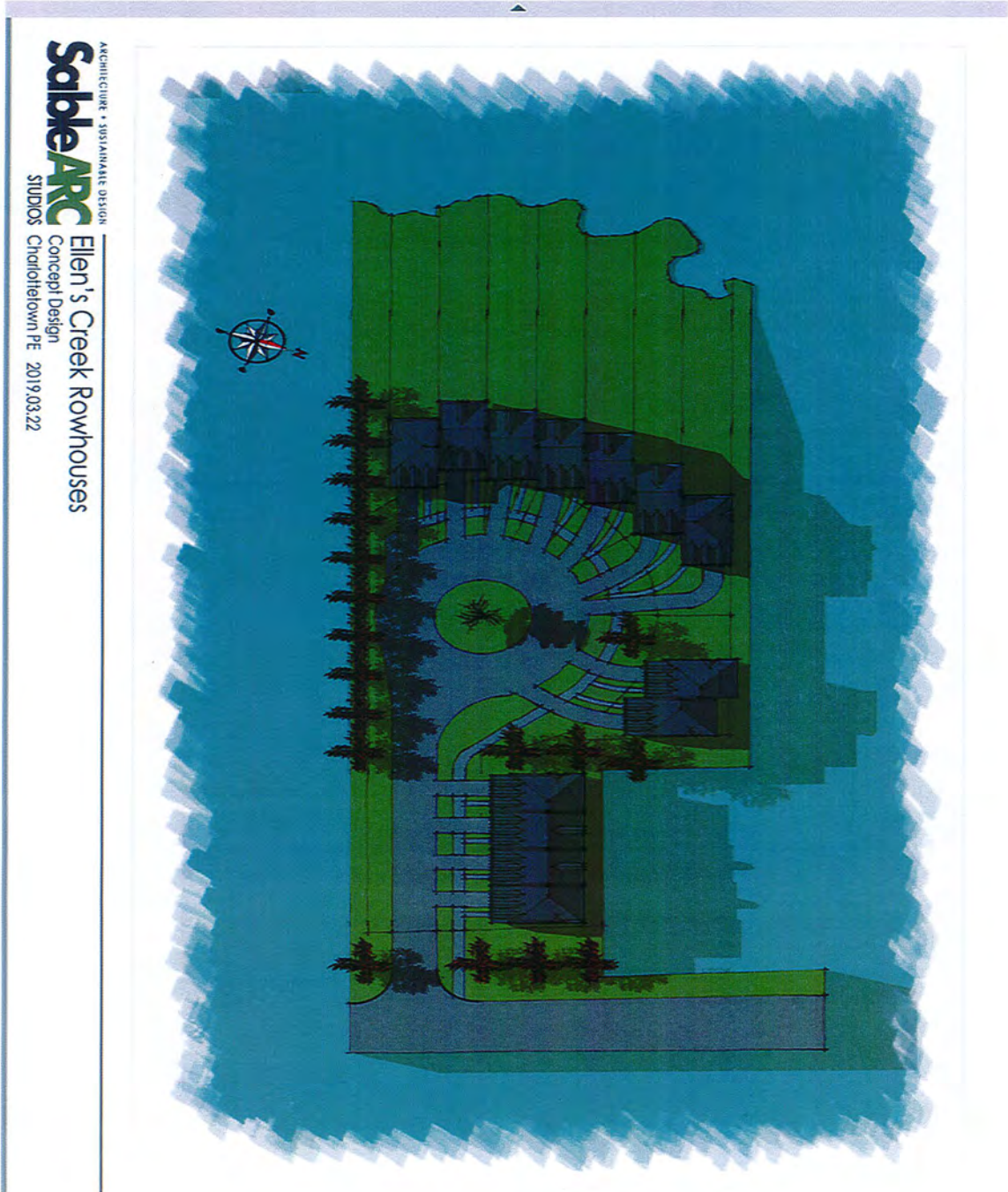


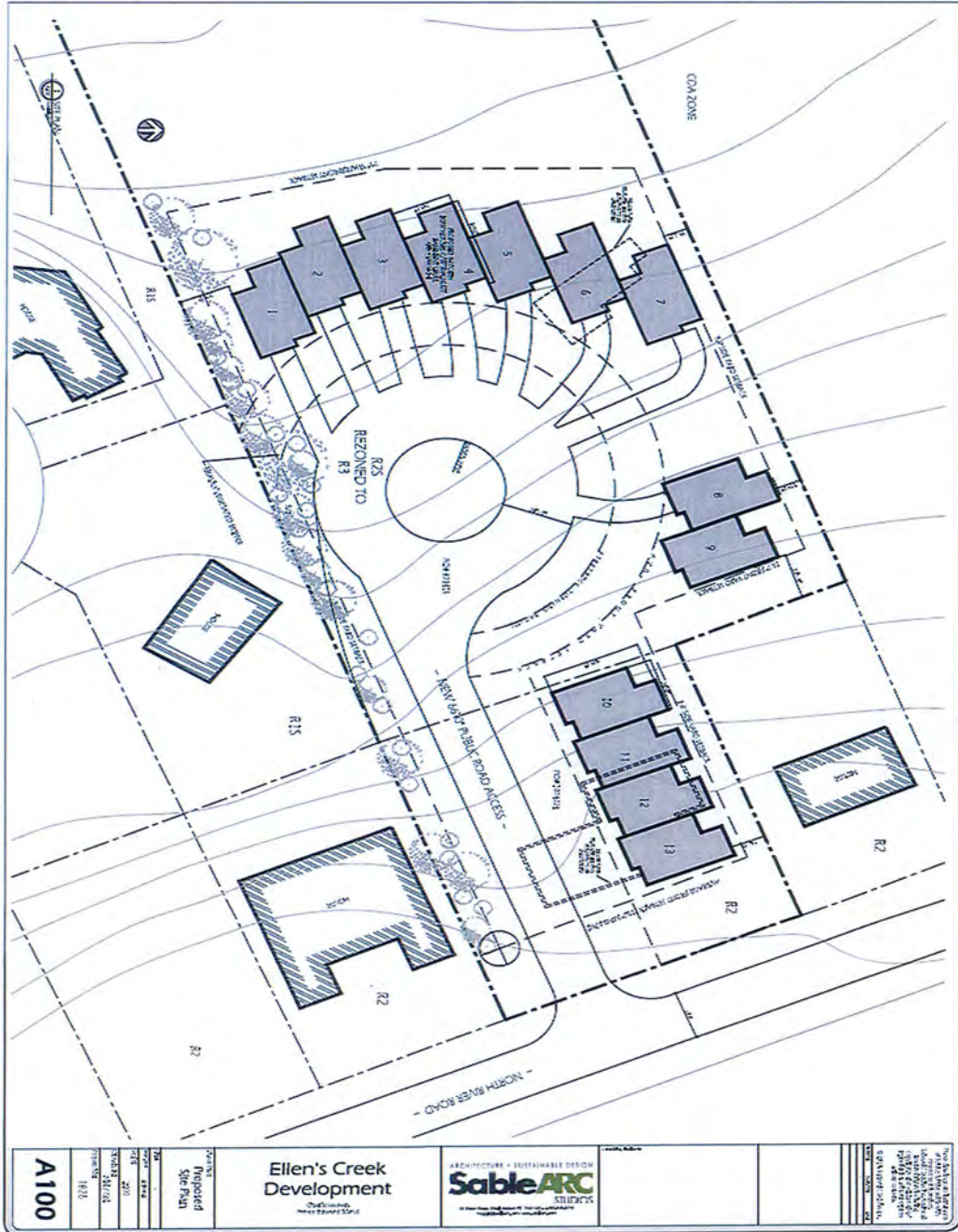
GIS Map:





Site Map:

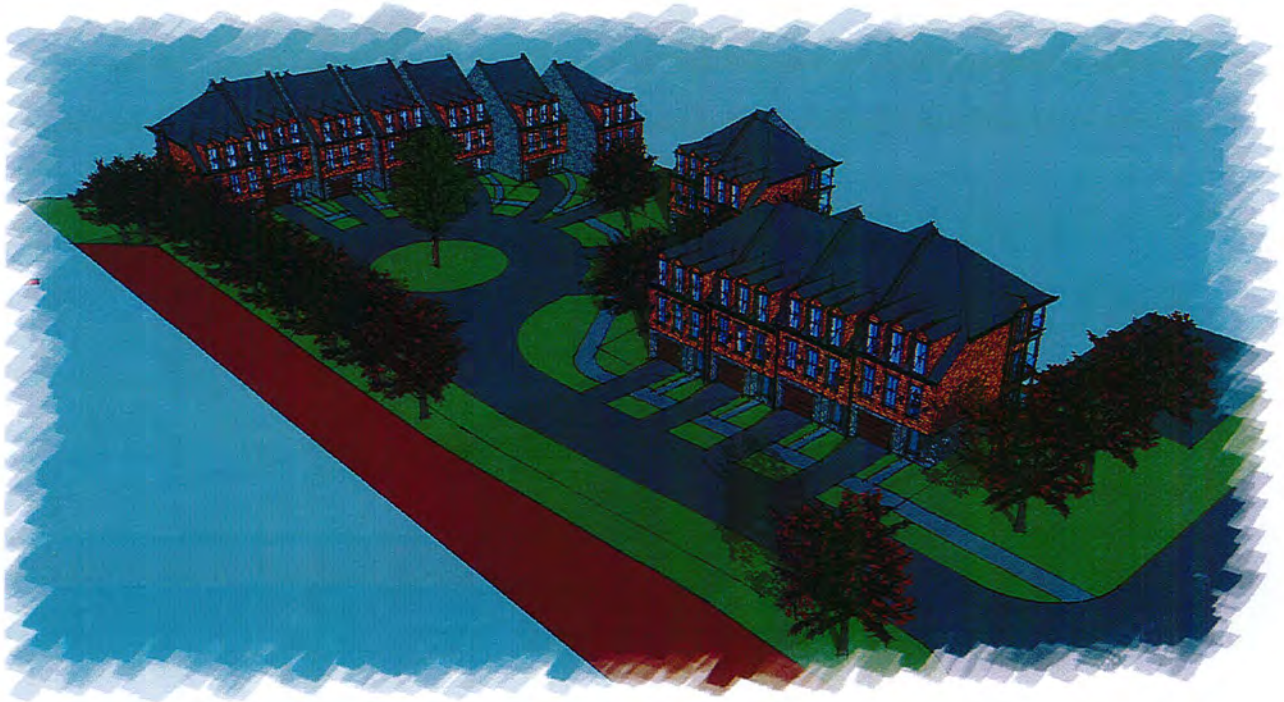





Elevations:







<b>TITLE:</b> <b>REZONING APPLICATION</b> <b>FILE: PLAN-2019-6-MAY- 6A2</b> <b>MILLER ST / PEARSON ST / HANOVER ST (PID #530980)</b> <b>OWNER: MAC &amp; MAC ENTERPRISES INC.</b>		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> May 6, 2019		<b>Page 1 of 5</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Map B. Site Plan	
<b>SITE INFORMATION:</b> <b>Context:</b> Vacant property on the corner of Miller Street, Pearson Street, and Hanover Street <b>Ward No:</b> 9 – Stonepark <b>Existing Land Use:</b> Vacant <b>Official Plan:</b> Low Density Residential <b>Zoning:</b> Single-Detached Residential (R-1L)		
<b>PREVIOUS APPLICATIONS:</b> Application to rezone the property from R-1L to R-1N was submitted on June 13, 2014.		

**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 amend Appendix “G” – Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone for the property located on the corner of Miller Street, Pearson Street, and Hanover Street (PID #530980).

**BACKGROUND:**

***Request***

The property owners, Mac & Mac Enterprises Inc., have made an application to rezone the property located on the corner of Miller Street, Pearson Street, and Hanover Street (PID #530980) from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone. The purpose of the rezoning is to subdivide the vacant property and construct five (5) single-detached dwellings.

***Development Context***

The subject property is located in East Royalty on a corner lot bounded by three (3) streets. These streets include Miller Street, Pearson Street, and Hanover Street.

***Property History***

A similar application was made on June 13, 2014 to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone in order to subdivide the vacant property and construct five (5) single-detached dwellings. This application proceeded to the Planning Board meeting on July 7, 2014.

At the meeting, Councillor Hilton asked the Board to defer this application until such time she can meet with the residents and the developer. The Board agreed to defer a recommendation on this application until next month.

The application did not proceed back to the Planning Board since the meeting on July 7, 2014.

**LEGISLATIVE REQUIREMENTS:**

***Notification***

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

**ANALYSIS:**

The property owner is requesting to subdivide the vacant property and construct five (5) single-detached dwellings. The preliminary site plan designed by ISE which is attached to this report (Attachment 'B') meets the requirements of the Zoning & Development By-law should the rezoning application be approved. An analysis of the By-law is below:

**Lot Frontage**

Should the subdivision be approved as proposed, each of the properties would be considered as through lots in light of the fact that the lots are bound on two opposite sides by streets. Further, where a lot abuts two streets, the lot frontage is the lesser distance of the two frontages. In light

of the foregoing, the lot frontage for Lots 1-4 would be on Pearson Street while the lot frontage for Lot 5 would be on Hanover Street. The minimum lot frontage for an interior lot is 34.8 ft while the minimum lot frontage for a corner lot is 49.9 ft. The property owner is proposing a lot frontage of 36.0 ft for Lots 1-4 and a lot frontage of 70.2 ft for Lot 5.

#### Setbacks

The front yard setback requirement of 19.7 ft would be required along Pearson Street for Lots 1-4 while the rear yard setback requirement of 19.7 ft would be required along Miller Street. Lot 5 is unique in the fact that the front yard setback requirement of 19.7 ft would be required along Hanover Street while the flankage yard setback requirement of 19.7 ft would be required along Pearson Street and Miller Street. All interior side yard setback requirements are 6.0 ft. The property owner is proposing to locate the proposed dwellings 19.7 ft front Pearson Street with 6.0 ft interior side yard setbacks, meeting the requirements of the By-law.

#### Height

The property owners are proposing a building height of approximately 27.5 ft. The maximum height for a single-detached dwelling in the R-1N Zone is 36.1 ft.

#### Secondary Uses

The property owners are proposing to construct five (5) single-detached dwellings in the R-1N Zone. The R-1N Zone does now allow for secondary uses and therefore the maximum density for this property would be five (5) residential dwelling units.

In contrast, if the applicant elected to develop this property with R-1L Zoning (i.e., 59.1 ft lot frontage for interior lots, 72.2 ft lot frontage for the corner lot, 5,812.5 sq ft lot area for interior lots, 7,384 sq ft lot area for the corner lot) they would likely be able to construct three (3) single-detached dwellings each with a secondary suite for a maximum density of six (6) residential dwelling units.

#### Parkland

When a subdivision includes more than two (2) properties, the applicant is required to provide parkland dedication in the amount of 10% or pay cash-in-lieu of green space. The total lot area of the property is 27,710 sq ft which equates to a green space requirement of 2,771 sq ft. Originally the property owners proposed a 3,000 sq ft green space on the corner of Pearson Street,



Hanover Street, and Miller Street. This request was directed to the Manager of Parks & Recreation who indicated that *'staff will be recommending to accept cash-in lieu for this development, since the size of parkland they are required to give (and recommending) is extremely small (3,000 square feet). There is greenspace across the street from this development, which meets the needs of this neighborhood.'* On April 30, 2019, the PRLA Committee concurred with staff's recommendation and elected to reject the proposed green space and required cash-in-lieu of green space instead.

This proposed development reflects the type of housing that has been constructed on Esher Street in Charlottetown, Madison Heights in Cornwall and Hollis Avenue in Stratford. Further, there are vacant properties zoned R-1N in Horseshoe Hills Estates and Emmery Estates in East Royalty.

When considering rezoning the property in question, key points from the Official Plan to be considered include:

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

*Section 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.2.1 - Our **policy** shall be to ensure that the footprint, height, massing, and setbacks of new residential, commercial, and institutional development in existing neighbourhoods are physically related to its surroundings.*

*Section 3.2.1 - Our **objective** is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.*

The development of narrow lot residential dwellings allows for compact urban form when developing a vacant property while utilizing existing services. The additional dwellings on the same street frontage promotes density and alternative forms of housing but in a harmonious

manner as the dwellings are physically related to its surroundings which include other low density residential dwellings.

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"><li>• Meets the requirements of the By-law.</li><li>• Compact urban form.</li><li>• Infill development.</li><li>• Efficient use of existing services.</li><li>• Harmonious development.</li><li>• Does not involve an Official Plan amendment.</li></ul>		

**CONCLUSION:**

Staff is recommending that the rezoning application be approved to proceed to public consultation.

**PRESENTER:**



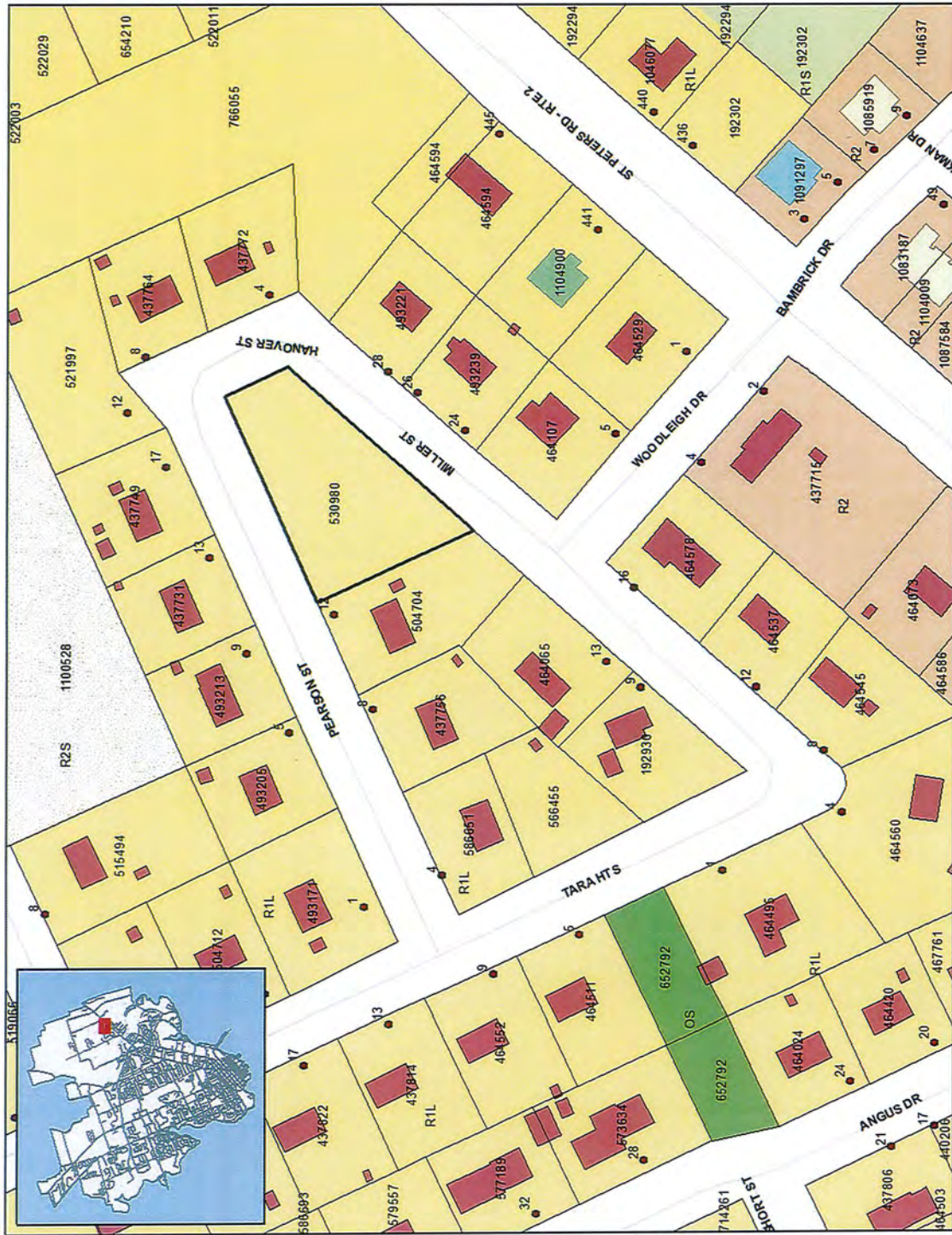
Greg Morrison, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

# Attachment A




Attachment A: GIS Map  
File: PLAN-2019-6-MAY- **6A2**  
Miller St / Pearson St / Hanover St  
(PID #530980)  
Owner: Mac & Mac Enterprises Inc.

  
**CHARLOTTETOWN**  
Planning & Heritage  
Department





<b>TITLE:</b> <b>REZONING APPLICATION</b> <b>FILE: PLAN-2019-6-MAY- 6A3</b> <b>89 BEACH GROVE ROAD (PID #386755)</b> <b>OWNER: DREW MELNICK</b>		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> May 6, 2019		<b>Page 1 of 6</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Maps B. Preliminary Site Plan C. Elevations	
<b>SITE INFORMATION:</b> <b>Context:</b> Legal non-conforming duplex dwelling on the corner of Beach Grove Road and Kirkcaldy Drive <b>Ward No:</b> 7 – Beach Grove <b>Existing Land Use:</b> Legal Non-Conforming Duplex Dwelling <b>Official Plan:</b> Low Density Residential <b>Zoning:</b> Single-Detached Residential (R-1L)		
<b>PREVIOUS APPLICATIONS:</b> Application to rezone the property from R-1L to R-3 was submitted on September 1, 2017.		

**RECOMMENDATION:**

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

1. Amend Appendix “A” – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential for the property located at 89 Beach Grove Road (PID #386755); and
2. Amend Appendix “G” – Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone for the property located at 89 Beach Grove Road (PID #386755).

**BACKGROUND:*****Request***

The property owner, Drew Melnick, has made an application to rezone the property located at 89 Beach Grove Road (PID #386755) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone. The purpose of the rezoning is to demolish the existing legal non-conforming duplex dwelling and construct a 6-unit apartment dwelling.

***Development Context***

The subject property is located on the corner of Beach Grove Road and Kirkcaldy Drive. Beach Grove Road primarily consists of low density residential dwellings but is bookended by apartment complexes. The adjacent property across Kirkcaldy Drive is also a 4-unit apartment building in the Medium Density Residential (R-3) Zone.

***Property History***

On July 27, 2017, staff completed a Zoning Inquiry which stated that:

*The property is located in the Single-Detached Residential (R-1L) Zone. The Planning & Heritage Department received a statutory declaration signed by Jarvis and Susan Mill dated July 19, 2017 which indicated that the property contained a second dwelling unit since 1976. This office relies on the Zoning & Development Bylaw adopted August 25, 1999 as the date that all properties must conform to the relevant provisions of this Bylaw. Since Jarvis and Susan Mill have provided documentation that the non-conforming duplex existed prior to August 25, 1999, this office will accept this evidence and deem the duplex as legal non-conforming unless new information is provided to the contrary. Please be advised that recognition of the legal non-conforming use of this property does not relate to any outstanding building or fire code regulations.*

A similar application was made on September 1, 2017 to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct an 8-unit apartment dwelling. This application proceeded to the Planning Board meeting on October 2, 2017.

At the meeting, it was discussed that the applicant has no immediate plans to construct the apartment building, but has indicated that it would be his desire in the future. Staff then noted

that this application is particularly difficult to assess as the applicant has not provided any plans for development. Without these plans, staff couldn't ensure the property would be able to contain sufficient parking, meet the required setbacks, allow for the minimum landscape requirement, or that the built form is harmonious with its surroundings.

Staff then explained that this application may have merit through the Official Plan to proceed to the public consultation phase; however, without development plans the application is premature. Staff suggested that the applicant should provide preliminary building plans prior to Council entertaining this request.

The Board felt that an apartment building would not be harmonious with its surroundings as the majority of the neighbourhood is single-detached dwellings. Further, the Board indicated they would like to see plans before advancing an application to a public meeting. The Board agreed with staff's recommendation that Council reject the rezoning request to proceed to public consultation.

Ultimately, the Planning Board passed the following recommendation to Council:

*Moved and seconded that the request to proceed to public consultation to amend Appendix "A" - Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential, and Appendix "H" - Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone for the property located at 89 Beach Grove Road (PID #386755) be recommended to Council for rejection.*

On October 4, 2017, prior to proceeding the Council, the applicant withdrew their application in order to develop building plans.

#### **LEGISLATIVE REQUIREMENTS:**

##### ***Notification***

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

**ANALYSIS:**

Since the application was withdrawn on October 4, 2017, the applicant has been working to develop a site plan and building plans (see attached).

Should the property be successfully rezoned to the Medium Density Residential (R-3) Zone, eight (8) residential dwelling units would be permitted on the property. That being said, the applicant is proposing to construct a two storey, 6-unit apartment building. The applicant has indicated that the six (6) units will be bachelor units aimed for professionals who work in the downtown core.

Beach Grove Road is considered a residential collector street in which density should be promoted. Further, the proposed apartment building is located on a bus route with a stop with 150 ft of the subject property.

The applicant has also attempted to eliminate access points on Beach Grove Road by locating the entrance to the proposed parking lot on Kirkcaldy Drive, similar to the adjacent apartment building. The existing driveway on Beach Grove Road will ultimately be removed. It is worth noting that as per Section 43.6.1 of the Zoning & Development By-law, the parking lot must be exclusive of the front yard for any building containing more than three (3) units. The applicant has addressed this requirement by locating the proposed parking lot in the flankage yard.

Through designing the building, the applicant has attempted to maintain the low density scale of the neighbourhood by limiting the proposed apartment building to two stories (approximately 22 ft to 24 ft). The maximum permitted building height in the R-3 Zone would be 49.2 ft.

When considering rezoning the property in question, key points from the Official Plan to be considered include:

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... 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 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.3.1 - 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.*

*Section 3.3.1 - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

The four sections of the Official Plan above provide policy to support higher density in existing neighbourhoods with existing underground services.

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"> <li>• Moderately higher density that will not adversely affect existing low density housing.</li> <li>• Additional density while using existing services to their fullest practical capacity.</li> <li>• Located along a bus route and on a residential collector street.</li> <li>• Access point is being moved from Beach Grove Road to Kirkcaldy Drive.</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant has attempted to address multiple concerns raised by the Planning Board at the last meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• The submitted plans are preliminary and will need to be slightly amended to ensure compliance with the By-law in relation to parking, landscaped buffers, setbacks, etc...</li> <li>• Proposed rezoning could be considered a spot rezoning.</li> <li>• No transition between the adjacent single-detached dwelling and the proposed apartment</li> </ul>

- Harmonious built form with building.  
its surroundings due to the  
height of the building in  
relation to adjacent low  
density dwellings.

**CONCLUSION:**

In light of the fact that the application has merit in the Official Plan to support the applicant and paired with the fact that the applicant has worked to address issues relating to building scale, location of parking facilities, etc... staff is recommending that the rezoning application be approved to proceed to public consultation.

Notwithstanding, this application includes increasing the density in an existing low density neighbourhood which may introduce land use conflicts with abutting property owners. The public consultation phase will be determined if there are incompatibility issues related to their application.

Staff would note that the site plan submitted is preliminary and should the application be approved, staff will work with the applicant to ensure all provisions of the Zoning & Development By-law are met in relation to setbacks, parking, landscaping buffer, etc...

**PRESENTER:**



Greg Morrison, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

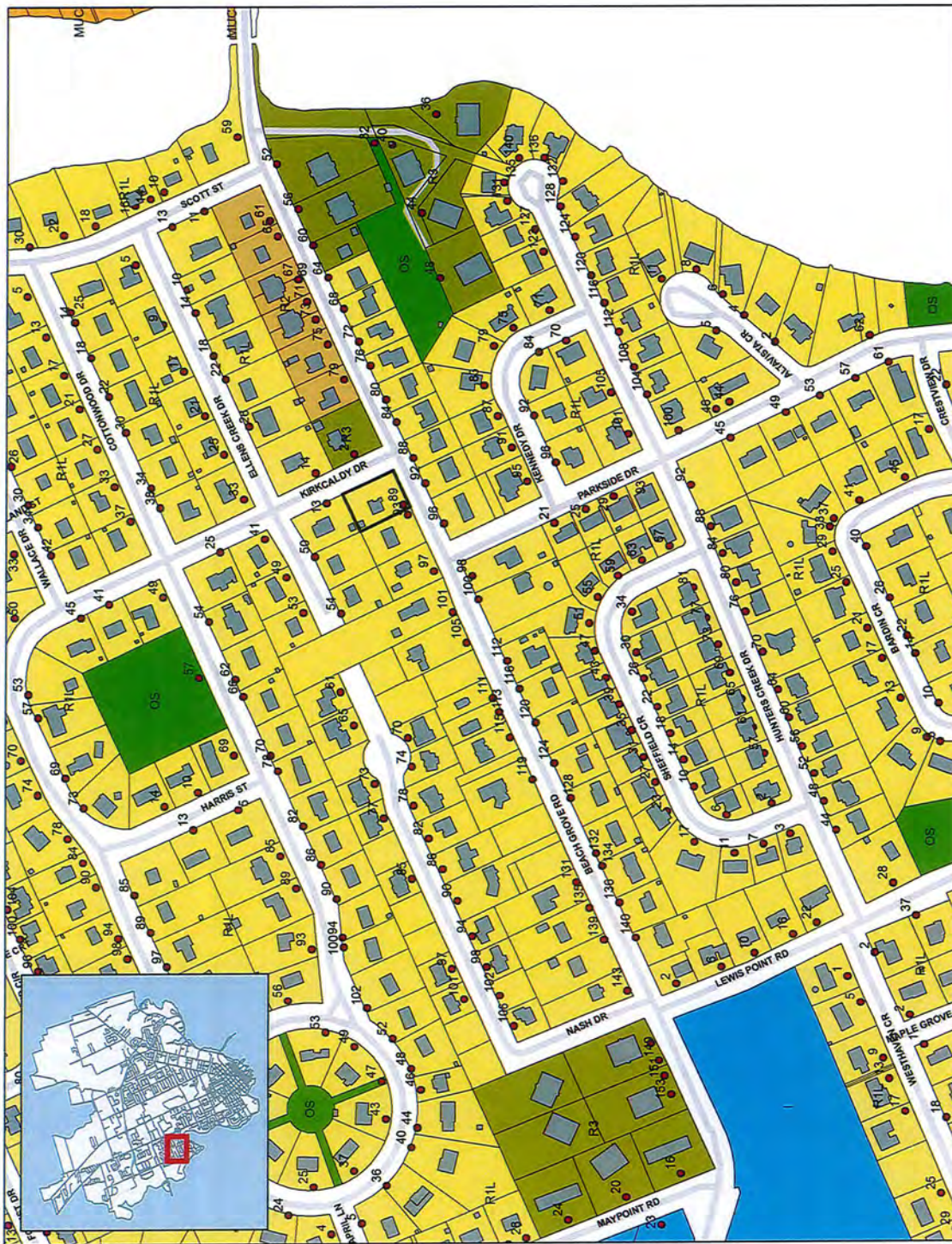
# Attachment A-1



Attachment A: GIS Map  
File: PLAN-2019-6-MAY-6A3  
89 Beach Grove Road (PID #386755)  
Owner: Drew Melnick



# Attachment A-2



Attachment A: GIS Map  
File: PLAN-2019-6-MAY-6A3  
89 Beach Grove Road (PID #386755)  
Owner: Drew Melnick



# Attachment B



**LEGEND**

□ FI	FINISHED GRADE
○ UP	UTILITY POINT
○ MH	MANHOLE
○ CS	CURB STOP
○	OTHER

- NOTES**
1. THIS WORK FOR THIS PLAN WAS EXERCISED DURING THE MONTH OF JANUARY 31, 2019.
  2. ALL DIMENSIONS ARE GIVEN IN FEET UNLESS NOTED OTHERWISE.
  3. THIS IS A PRELIMINARY PROPOSED PLAN AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.

**ISE**  
**Island Surveying & Engineering**  
 134 LONDON RD. #2  
 CHARLOTTETOWN, PEI  
 C1A 3B3  
 PHONE: 802-394-1349  
 FAX: 802-394-1350  
 WWW.ISECAPEL.COM

**SITE PLAN SHOWING  
 PID No. 386755 FOR  
 DREW MELNICK  
 SCALE 1" = 20'  
 89 BEACH GROVE ROAD  
 CHARLOTTETOWN  
 QUEENS COUNTY  
 P.E.I.**

**DRAWN BY: AVO  
 DRAWING No. 18019**

I, ARCHIBALD WAIN, PEI LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE EXAMINED THE ABOVE SITE PLAN AND THE INFORMATION ON WHICH IT IS BASED AND I AM OF THE OPINION THAT IT COMES INTO ACCORDANCE WITH THE REQUIREMENTS OF THE ACT AND REGULATIONS OF SAID PROVINCE.

ARCHIBALD WAIN, PEI LAND SURVEYOR  
 MARCH 2, 2019  
 SITE



Attachment B: Preliminary Site Plan  
 File: PLAN-2019-6-MAY-6A3  
 89 Beach Grove Road (PID #386755)  
 Owner: Drew Melnick



# Attachment C-1



Attachment C: Elevations  
File: PLAN-2019-6-MAY- **6A3**  
89 Beach Grove Road (PID #386755)  
Owner: Drew Melnick


  
**CHARLOTTETOWN**  
Planning & Heritage  
Department

# Attachment C-2



Attachment C: Elevations  
File: PLAN-2019-6-MAY-6A3  
89 Beach Grove Road (PID #386755)  
Owner: Drew Melnick

**CHARLOTTETOWN**  
Planning & Heritage  
Department

<b>TITLE:</b> LOT FRONTAGE VARIANCE FILE: PLAN-2019-6-MAY-6b-4 93 WEYMOUTH STREET OWNER: OSTRIDGE BROS (1983) INC.		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> May 6, 2019		Page 1 of 6
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Map B. Letter of Opposition	
<b>SITE INFORMATION:</b> <b>Context:</b> Existing Dwelling in the 500 Lot Area. <b>Ward No:</b> 1 – Queens Square <b>Existing Land Use:</b> 5-Unit Dwelling <b>Official Plan:</b> Downtown Mixed Use Neighbourhood <b>Zoning:</b> Downtown Mixed Use Neighbourhood (DMUN) Zone		
<b>PREVIOUS APPLICATIONS:</b> A zoning inquiry was completed on Feb 11, 2019 and April 2 2019.		

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request for a variance to Section 28.2.1 of the Zoning & Development By-law by reducing the required lot frontage from 65.6 ft to approximately 30 ft in order to convert the existing five (5) unit dwelling into a six (6) unit dwelling be *approved* for the property located at 93 Weymouth Street (PID #340984), subject to the following condition:

- 1) That an occupancy permit is issued on the additional dwelling unit based on the completion of all required work/upgrades to the dwelling unit and building as per the requirements of the Building & Development Permit.

**BACKGROUND:**

***Request***

The applicants Lucas Welsh and Ryan Trowsdale, is applying to vary the lot frontage requirement as illustrated in Section 29.2.1 of the Zoning & Development By-law in order to convert the existing five (5) unit dwelling into a six (6) unit dwelling at 93 Weymouth Street (PID #340984). The subject property is located in the Downtown Mixed Use Neighbourhood (DMUN) Zone.



***Development Context***

The subject property is currently located in an established neighbourhood within the 500 Lot Area. The subject property is located on Weymouth Street between Grafton Street to the north and Richmond Street to the south. The buildings on this block of Weymouth Street generally contain between two and six residential dwelling units.

***Property History***

Issues with this property were first raised by a zoning inquiry that was applied for pending the sale of the property. The inquiry stated that there were six (6) dwelling units but Provincial Assessment recorded only five (5) units while City permit history only indicated four (4) dwelling units. As such with the statutory declaration and Provincial Assessment information the City is willing to recognize a maximum of five (5) dwelling units for this property.

On February 14 2019, Fire Inspector, Kent Mitchell along with Building Inspector Trevor Eisner, conducted a site inspection at the property. During the inspection, it was determined that the building contained a total of six (6) residential dwelling units in 93 Weymouth Street (PID #340984). The following additional items relating to the building was discussed with the purchasers of the property:

- a. Create a new apartment unit by providing the required Fire Separations(s)
- b. Protect the existing exit stairs
- c. Possibly provide Fire Alarm if needed – to be investigated.
- d. Ensure each suite has a second means of egress if required
- e. Provide a room in the basement for the boiler, Fire Separation
- f. Ensure Suite doors are 20mins rated doors or equivalent.
- g. Adjust the head room clearance over the stairs

Staff sent a letter to the property owner on February 21, 2019 stating that *a building & development permit was never issued for the additional dwelling unit within the building nor would the additional dwelling unit be permitted under the current or previous Zoning & Development By-law(s). In light of the foregoing, the additional residential dwelling unit is not permitted and would be considered non-conforming.*

Staff then explained that *in light of the fact that the subject property contains one non-conforming dwelling unit, this unit must be removed or a variance application is required to decrease the required lot frontage.*

On March 22, 2019 the applicant provided a statutory declaration from the previous owner's estate, Zakem's Limited, indicating that the building was used for five (5) dwelling units with an office space. The purchasers of the property, with the owner's permission submitted a variance application on April 15, 2019.

### **LEGISLATIVE REQUIREMENTS:**

#### ***Notification***

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Friday, May 3, 2019.

#### ***Public Feedback***

The Planning & Heritage Department has received one (1) letter opposed to the variance application.

The resident who sent in a letter of opposition stated concerns relating to the limited amount of parking for the apartment building. Staff would note that parking would be determined by any work relating to renovations as per Section 43.2.1.b. of the Zoning & Development By-law:

*Renovations, Alterations, changes in use or intensification of use, which do not result in an increase in the Gross Floor Area of more than 390.2 sq m (4,200 sq ft) of a Building, shall not require any additional parking, but the number of spaces which existed prior to the Renovations, Alterations, changes in use or intensification of use shall not be diminished;*

The other concerns referenced possible noise relating to construction that would be required to upgrade the suite and the impact on the aesthetic design of the street/neighbourhood.

### **ANALYSIS:**

This property is unique in the fact that it has gone through various renovations and change in uses. The configuration / elevation of the building lends itself to resemble a large 3 storey single-detached dwelling – which it likely was in the past. In light of the fact that the property is located in the Downtown Mixed Use Neighbourhood (DMUN) Zone, any building type with four units or more requires 20m (65.6ft) of lot frontage. In order to construct an apartment dwelling with four

units or more, the property must have a lot frontage of 65.6 ft. The property has a lot frontage of approximately 9.1 m (30ft), which limits the lot to a single dwelling under the current and previous Zoning By-law regulations.

Currently, the adjacent property 101 Weymouth Street is going through a similar frontage variance application and if the two properties were consolidated, they would have a combined frontage of approximately 19.6m (64.1ft), which would be approximately 0.4m (1.2ft) short of allowing for a 12-unit apartment building as a conforming use in the DMUN Zone. In light of the fact that the properties are subdivided, neither lot individually has a frontage of 10.6m (34.8ft) so they would both be permitted to contain a single-detached dwelling. The building, whether subdivided or consolidated, has maximized the number of residential dwelling units permitted on the property. That being said, the purchasers of the property are willing to perform the required renovations to the building in order permit the additional sixth residential unit through a building & development permit.

It is very difficult for staff to review an application of this nature when the property owner has unilaterally decided to add additional dwelling units without seeking the proper approvals. Attempting to resolve this situation by variance after the fact sends a message to the community that if you ignore the rules and regulations of the Zoning & Development By-law by operating without a permit, that you can later resolve this problem through the variance process. Residents expect staff to ensure that the rules and regulations of the By-law are adhered to.

In this case, the new property owners are requesting that staff support an application which did not or would not today adhere to the By-law. These applications are much easier to review when the application is presented to the public prior to proceeding to implement the requested change in use. Approving these applications after the fact erodes the confidence of the public about the planning process.

On balance, when considering the variance in question, key points from the Official Plan to be considered include:

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... 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 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.3.1 - 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.*

*Section 3.3.1 - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

Finally, it is staff’s understanding that following a site visit of the building by both the Fire Inspector and Building Inspector, an outline of the necessary upgrades to the dwelling units was provided to the new owners to ensure compliance with applicable life safety and Building Code regulations.

Should the variance be approved, the property owner would be required to obtain a building & development permit for the additional dwelling unit which would have to conform to all applicable fire life safety standards and Building Code regulations.

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"> <li>▪ Moderately higher density using existing underground services.</li> <li>▪ Additional density without adversely affecting existing density character of the area.</li> <li>▪ The additional suite and building would receive necessary Code upgrades.</li> </ul>	<ul style="list-style-type: none"> <li>▪ While additional parking is not required, the existing parking on the property is limited.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The property does not have the lot frontage required in the DMUN Zone.</li> <li>▪ The renovations to convert space into additional dwelling units were completed prior to obtaining a permit.</li> </ul>

Staff would note that it is difficult to determine when the non-conformance started on the property. There is conflicting information with regards to the City’s files, Provincial assessment

records and the statutory declaration. In light of the fact that the unit has been in existence for some time, staff feel that the most appropriate concern should be the safety of the occupants and that the building meets all applicable fire safety and Building Code standards.

**CONCLUSION:**

The Planning & Heritage Department recommends that the lot frontage variance application, be *approved* subject to the following condition:

- 1) That an occupancy permit is issued on the additional dwelling unit based on the completion of all required work/upgrades to the dwelling unit and building as per the requirements of the Building & Development Permit.

**PRESENTER:**



Robert Zilke, MCIP  
Planner II

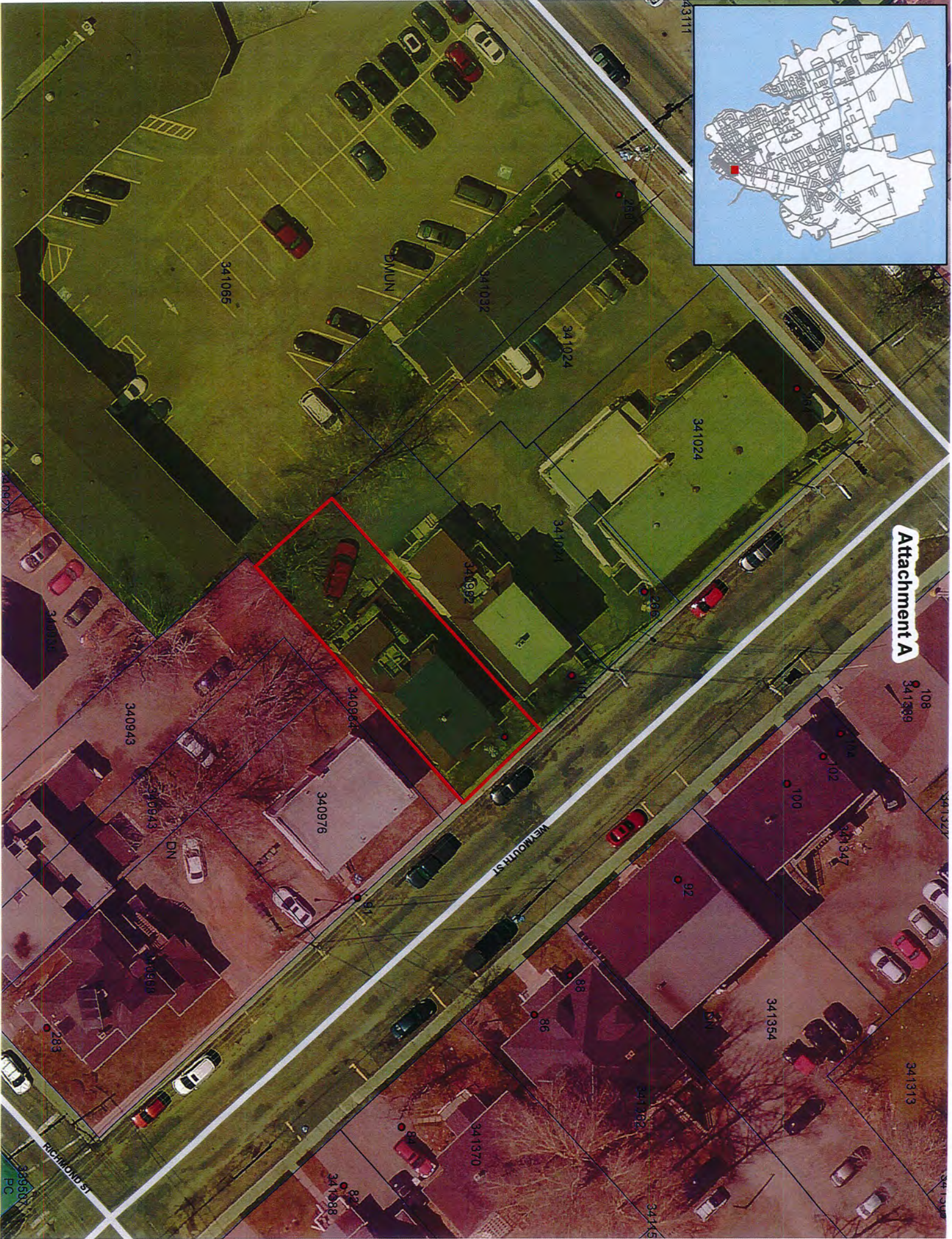
**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



**Attachment A**



## Attachment B

Thank you for your correspondence regarding the above-noted addresses and their proposed variances. As our residence is located within 100 metres of the subject properties, we do have concerns regarding construction noise, debris, dust, etc. A few years ago, another property owner on that same street knocked down part of our back yard fence while building a parking lot for tenants and after 3 months of trying to have them repair it, we had to go to the Charlottetown Police in order to finally have them repair the damage they caused. We had a dog at the time and during those 3 months, we had to be extra vigilant due to the increased number of wild critters entering our yard and the possibility that our dog would leave the yard as well. We also have concerns related to the possible timing of these renovations and the possible impact the disruption may have on property values and ability to sell. While we understand that new housing may be needed in the downtown core, we have had a look at these buildings and their lot frontage and, while we don't have all the details, could conclude that these proposals will hinder the aesthetic charm of the street/neighborhood.

Thank you,

Sandy Crawford, BPR

Service Delivery / Prestation des Services


Veterans Affairs Canada / Anciens Combattants Canada

Charlottetown, PEI / Charlottetown (Î.-P.-É.)

902-314-1647

(mailto:[sandy.crawford@canada.ca](mailto:sandy.crawford@canada.ca))

[www.veterans.gc.ca](http://www.veterans.gc.ca)

<b>TITLE:</b> LOT FRONTAGE VARIANCE FILE: PLAN-2019-6-MAY-6b-5 101 WEYMOUTH STREET OWNER: OSTRIDGE BROS (1983) INC.		
<b>MEETING DATE:</b> May 6, 2019		Page 1 of 6
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Map B. Letter of Opposition	
<b>SITE INFORMATION:</b> <b>Context:</b> Existing Dwelling in the 500 Lot Area. <b>Ward No:</b> 1 – Queens Square <b>Existing Land Use:</b> 3-Unit Dwelling <b>Official Plan:</b> Downtown Mixed Use Neighbourhood <b>Zoning:</b> Downtown Mixed Use Neighbourhood (DMUN) Zone		
<b>PREVIOUS APPLICATIONS:</b> A zoning inquiry was completed on Feb 11, 2019 and April 2 2019.		

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request for a variance to Section 28.2.1 of the Zoning & Development By-law by reducing the required lot frontage from 65.6 ft to approximately 30 ft in order to convert the existing three (3) unit dwelling into a six (6) unit dwelling be *approved* for the property located at 101 Weymouth Street (PID #340992), subject to the following condition:

- 1) That occupancy permits are issued on all the additional dwelling units based on the completion of all required work/upgrades to the dwelling unit and building as per the requirements of the Building & Development Permit.

**BACKGROUND:**

***Request***

The applicants Lucas Welsh and Ryan Trowsdale, is applying to vary the lot frontage requirement as illustrated in Section 29.2.1 of the Zoning & Development By-law in order to convert the existing three (3) unit dwelling into a six (6) unit dwelling at 101 Weymouth Street (PID #340992). The subject property is located in the Downtown Mixed Use Neighbourhood (DMUN) Zone.



***Development Context***

The subject property is currently located in an established neighbourhood within the 500 Lot Area. The subject property is located on Weymouth Street between Grafton Street to the north and Richmond Street to the south. The buildings on this block of Weymouth Street generally contain between two and six residential dwelling units.

***Property History***

Issues with this property were first raised by a zoning inquiry that was applied for pending the sale of the property. The inquiry stated that there were six (6) dwelling units but Provincial Assessment recorded only three (3) units while City permit history only indicated two (2) dwelling units. As such with the statutory declaration and Provincial Assessment information the City is willing to recognize a maximum of three (3) dwelling units for this property.

On February 14 2019, Fire Inspector, Kent Mitchell along with Building Inspector Trevor Eisner, conducted a site inspection at the property. During the inspection, it was determined that the building contained a total of six (6) residential dwelling units in 101 Weymouth Street (PID #340992). The following additional items relating to the building was discussed with the purchasers of the property:

- a. Create a 3 new apartments units by providing the required Fire Separations(s)
- b. Protect the existing exit stairs.
- c. Possibly provide Fire Alarm if needed – to be investigated.
- d. Ensure each suite has a second means of egress if required.
- e. Provide a room in the basement for the boiler, Fire Separation.
- f. Ensure Suite doors are 20mns rated doors or equivalent.

Staff sent a letter to the property owner on February 21, 2019 stating that *a building & development permit was never issued for the additional dwelling units within the building nor would the additional dwelling units be permitted under the current or previous Zoning & Development By-law(s). In light of the foregoing, the additional residential dwelling unit is not permitted and would be considered non-conforming.*

Staff then explained that *in light of the fact that the subject property contains one non-conforming dwelling unit, this unit must be removed or a variance application is required to decrease the required lot frontage.*

On March 22, 2019 the applicant provided a statutory declaration from the previous owner's estate, Zakem's Limited, indicating that the building was used for five (5) dwelling units. The purchasers of the property, with the owner's permission submitted a variance application on April 15, 2019.

**LEGISLATIVE REQUIREMENTS:**

***Notification***

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Friday, May 3, 2019.

***Public Feedback***

The Planning & Heritage Department has received one (1) letter opposed to the variance application.

The resident who sent in a letter of opposition stated concerns relating to the limited amount of parking for the apartment building. Staff would note that parking would be determined by any work relating to renovations as per Section 43.2.1.b. of the Zoning & Development By-law:

*Renovations, Alterations, changes in use or intensification of use, which do not result in an increase in the Gross Floor Area of more than 390.2 sq m (4,200 sq ft) of a Building, shall not require any additional parking, but the number of spaces which existed prior to the Renovations, Alterations, changes in use or intensification of use shall not be diminished;*

The other concerns referenced possible noise relating to construction that would be required to upgrade the suite and the impact on the aesthetic design of the street/neighbourhood.

**ANALYSIS:**

This property is unique in the fact that it has gone through various renovations and change in uses. The configuration / elevation of the building lends itself to resemble a large 3 storey single-detached dwelling – which it likely was in the past. In light of the fact that the property is located in the Downtown Mixed Use Neighbourhood (DMUN) Zone, any building type with four units or more requires 20m (65.6ft) of lot frontage. In order to construct an apartment dwelling with four

units or more, the property must have a lot frontage of 65.6 ft. The property has a lot frontage of approximately 9.1 m (30ft), which limits the lot to a single dwelling under the current and previous Zoning By-law regulations.

Currently, the adjacent property 93 Weymouth Street is going through a similar frontage variance application and if the two properties were consolidated, they would have a combined frontage as per the Provincial Assessment information, of approximately 19.6m (64.1ft), which would be approximately 0.4m (1.2ft) short of allowing for a 12-unit apartment building as a conforming use in the DMUN Zone. In light of the fact that the properties are subdivided, neither lot individually has a frontage of 10.6m (34.8ft) so they would both be permitted to contain a single-detached dwelling. The building, whether subdivided or consolidated, has maximized the number of residential dwelling units permitted on the property. That being said, the purchasers of the property are willing to perform the required renovations to the building in order permit the additional three (3) residential units through a building & development permit.

It is very difficult for staff to review an application of this nature when the property owner has unilaterally decided to add additional dwelling units without seeking the proper approvals. Attempting to resolve this situation by variance after the fact sends a message to the community that if you ignore the rules and regulations of the Zoning & Development By-law by operating without a permit, that you can later resolve this problem through the variance process. Residents expect staff to ensure that the rules and regulations of the By-law are adhered to.

In this case, the new property owners are requesting that staff support an application which did not or would not today adhere to the By-law. These applications are much easier to review when the application is presented to the public prior to proceeding to implement the requested change in use. Approving these applications after the fact erodes the confidence of the public about the planning process.

On balance, when considering the variance in question, key points from the Official Plan to be considered include:

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... 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 3.1.2 - Our **policy** shall be to use existing underground services to its fullest practical capacity before public funds are used to extend new water and wastewater lines into areas that are essentially undeveloped.*

*Section 3.3.1 - 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.*

*Section 3.3.1 - Our **policy** shall be to provide medium density housing styles to meet future housing needs.*

Finally, it is staff’s understanding that following a site visit of the building by both the Fire Inspector and Building Inspector, an outline of the necessary upgrades to the dwelling units were provided to the new owners to ensure compliance with applicable life safety and building codes. Should the variance be approved, the property owner would be required to obtain a building & development permit for the additional dwelling unit which would have to conform to all applicable fire life safety standards and Building Code regulations.

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"> <li>▪ Moderately higher density using existing underground services.</li> <li>▪ Additional density without adversely affecting existing density character of the area.</li> <li>▪ The additional dwelling units and building would receive necessary Code upgrades to make the units safer.</li> </ul>	<ul style="list-style-type: none"> <li>▪ While additional parking is not required, the existing parking on the property is limited.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The property does not have the lot frontage required in the DMUN Zone.</li> <li>▪ The renovations to convert space into additional dwelling units were completed prior to obtaining a permit.</li> </ul>

Staff would note that it is difficult to determine when the non-conformance started on the property. There is conflicting information with regards to the City’s files, Provincial assessment

records and the statutory declaration. In light of the fact that the unit has been in existence for some time, staff feel that the most appropriate concern should be the safety of the occupants and that the building meets all applicable fire safety and Building Code standards.

**CONCLUSION:**

The Planning & Heritage Department recommends that the lot frontage variance application, be *approved* subject to the following condition:


- 2) That occupancy permits are issued on all the additional dwelling units based on the completion of all required work/upgrades to the dwelling unit and building as per the requirements of the Building & Development Permit.

**PRESENTER:**

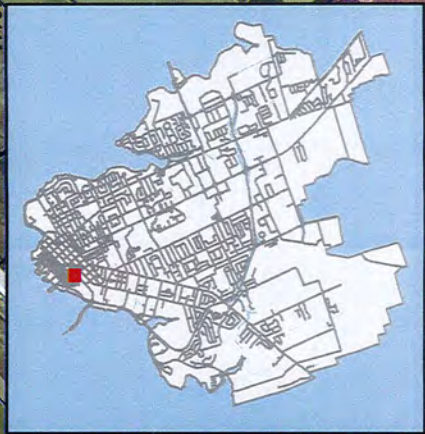


Robert Zilke, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



**Attachment A**

## Attachment B

Thank you for your correspondence regarding the above-noted addresses and their proposed variances. As our residence is located within 100 metres of the subject properties, we do have concerns regarding construction noise, debris, dust, etc. A few years ago, another property owner on that same street knocked down part of our back yard fence while building a parking lot for tenants and after 3 months of trying to have them repair it, we had to go to the Charlottetown Police in order to finally have them repair the damage they caused. We had a dog at the time and during those 3 months, we had to be extra vigilant due to the increased number of wild critters entering our yard and the possibility that our dog would leave the yard as well. We also have concerns related to the possible timing of these renovations and the possible impact the disruption may have on property values and ability to sell. While we understand that new housing may be needed in the downtown core, we have had a look at these buildings and their lot frontage and, while we don't have all the details, could conclude that these proposals will hinder the aesthetic charm of the street/neighborhood.

Thank you,

Sandy Crawford, BPR

Service Delivery / Prestation des Services


Veterans Affairs Canada / Anciens Combattants Canada

Charlottetown, PEI / Charlottetown (Î.-P.-É.)

902-314-1647

(mailto:[sandy.crawford@canada.ca](mailto:sandy.crawford@canada.ca))

[www.veterans.gc.ca](http://www.veterans.gc.ca)

<b>TITLE:</b> <b>SIDE &amp; REAR YARD VARIANCES</b> <b>FILE: PLAN-2019-6-MAY- 6b-6</b> <b>15 HILLSBOROUGH STREET</b> <b>OWNER: PAUL COLES</b>		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> May 6, 2019		Page 1 of 5
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Map B. Existing Site Plan C. Proposed Site Plan	
<b>SITE INFORMATION:</b> <b>Context:</b> Designated Heritage Resource in the 500 Lot Area <b>Ward No:</b> 1 – Queens Square <b>Existing Land Use:</b> Single-Detached Dwelling <b>Official Plan:</b> Downtown Mixed-Use Neighbourhood <b>Zoning:</b> Downtown Mixed-Use Neighbourhood (DMUN) Zone		
<b>PREVIOUS APPLICATIONS:</b> <ul style="list-style-type: none"> <li>• A building permit was issued on March 29, 2019 to construct an addition and renovate the existing single-detached dwelling.</li> <li>• Council passed a resolution on September 10, 2018 to reject the request to revoke the Heritage Resource designation in order to allow for the demolition of the existing building.</li> </ul>		

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request to reduce the required side yard setback from 0.85 m (2.79 ft) to approximately 0.31 m (1.02 ft) and to reduce the required rear yard setback from 0.48 m (1.57 ft) to approximately 0.30 m (0.98 ft) in order to demolish the existing accessory building (10 ft x 15.6 ft) and construct a new accessory building (approximately 10 ft x 18 ft) on the property located at 15 Hillsborough Street (PID #336198).

**BACKGROUND:**

***Request***

The property owner, Paul Coles, is proposing to demolish the existing accessory building (10 ft x 15.6 ft) and construct a new accessory building (approximately 10 ft x 18 ft) on the property. The



existing accessory building is approximately 10 ft x 15.6 ft while the proposed accessory building will be approximately 10 ft x 18 ft.

### ***Development Context***

The existing dwelling is a Designated Heritage Resource located between King Street and Water Street. The Inn on the Harbour is to the south of the subject property on the corner of Hillsborough Street and Water Street while the Black & White Convenience Store is to the north of the subject property on the corner of Hillsborough Street and King Street.

### ***Property History***

The property was designated a Heritage Resource with the original 250 Heritage Resources in 1979. It was not originally on its current site but on the southwest corner of Hillsborough and King Streets and records show that it was constructed prior to 1850. The Zoning and Development Bylaw: Appendix A - List of Heritage Resources described it thusly: *Built prior to 1850 and moved from corner of street; likely log construction.*

March 13, 2017 Regular Meeting of Council. A rezoning to allow an eating and drinking establishment was approved subject to the signing of a development agreement.

April 10, 2017 The Zoning and Development Bylaw was amended. 15 Hillsborough Street was rezoned from the Downtown Neighbourhood Zone to Downtown Mixed Use Neighbourhood Zone subject to the signing of a development agreement. Ministerial Letter received May 11, 2017.

Early 2018 – March 12, 2018 The Property had been for sale since 2017 but a buyer was found who intended on converting the first floor of the building to retail and the second floor to residential. Unfortunately, the deal to purchase fell through. Prior to this, she had extensively consulted with the City of Charlottetown re: her plan for the property and Charlottetown City Council had passed the following resolution at the monthly meeting of Council held on March 12, 2018 *“That the request to amend the intent of the proposed Development Agreement as it applies to the building at 15 Hillsborough Street (PID #336198) from a small café (Eating & Drinking Establishment) to a retail store on the ground floor and a residential dwelling unit on the second floor be approved.”*

September 10, 2018 The property owner submitted an application on July 31, 2018 to revoke the Heritage designation of the property in order to demolish the existing building. Council passed the following resolution at the monthly meeting of Council held on September 10, 2018 *“that the request to amend ‘Appendix A – Resources Designated under Heritage Provisions’ of the Zoning and Development Bylaw by removing the property at 15 Hillsborough Street (PID #336198) from the table, in conjunction with a recommendation from the Heritage and Planning Boards, be rejected.”*

March 29, 2019 A Building & Development Permit application was submitted on November 5, 2018 to construct an addition (16’ x 25’) and renovate the existing single-detached dwelling. This Permit was approved on March 29, 2019 subject to a variance needed for the proposed accessory building renovations.

#### **LEGISLATIVE REQUIREMENTS:**

##### ***Notification***

In accordance with Section 3.9.3 of the Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328.1 ft) of the subject property soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Friday, April 19, 2019.

##### ***Public Feedback***

The Planning & Heritage Department did not receive any written comments prior to the deadline for written comments.

#### **ANALYSIS:**

The purpose of the proposed variances is to demolish the existing accessory building (10 ft x 15.6 ft) and construct a new accessory building (approximately 10 ft x 18 ft) on the property. Originally, the applicant was proposing to construct an addition (approximately 10 ft x 2.4 ft) to the existing accessory building while moving said accessory building on the property. While this is still an option, the applicant has indicated that he would prefer to reconstruct / enlarge the accessory building rather than construct a small addition. Not only would this option be easier, but would create a better structure for the accessory building.

The table below illustrates the required setbacks, existing setbacks, and proposed setbacks for the accessory building:

	<b>Required Setbacks for an Accessory Building</b>	<b>Existing Setbacks for the Accessory Building (10 ft x 15.6 ft) see Attachment 'B'</b>	<b>Proposed Setbacks for the Accessory Building (10 ft x 18 ft) see Attachment 'C'</b>
<b>Side Yard Setback</b>	1.2 m (3.9 ft)	0.85 m (2.79 ft)*	0.31 m (1.02 ft)
<b>Rear Yard Setback</b>	1.2 m (3.9 ft)	0.48 m (1.57 ft)*	0.30 m (0.98 ft)
<b>Distance between the Main Dwelling and Accessory Building</b>	1.2 m (3.9 ft)	+/- 0.86 m (2.82 ft)*	1.30 m (4.27 ft)

*\*The existing accessory building does not conform to the required setbacks for an accessory building in the Zoning & Development By-law; however, since it was erected before the effective date of the by-law, it may continue to exist.*

The applicant is attempting to meet the requirement for the minimum distance between the main dwelling and the accessory building while applying to reconstruct / enlarge said accessory building which also did not adhere to the required setbacks for an accessory building. In order to do so, a variance is required for the side and rear yard setback requirements.

The table above clearly demonstrates the difficulty in constructing a marginally larger accessory building while meeting the required setbacks to property lines and distance to the main dwelling due to the small lot area of the property.

This property and building has had significant history over the past three years. Staff has been working with the previous property owner, current property owner and prospective property owners in order to retain and renovate the existing building into a single-detached dwelling.

Staff feels that the proposed variances are fairly minor in nature and are recommending approval subject to a Building & Development Permit being submitted which adheres to any applicable requirements in the Zoning & Development By-law.

Finally, staff would note that either the reconstruction / enlargement of the existing accessory building or an addition to the existing accessory building would be subject to Heritage Board approval.

**CONCLUSION:**

The Planning & Heritage Department recommends that the side and rear yard setback variances, be approved.

**PRESENTER:**

*Greg Morrison*

Greg Morrison, MCIP  
Planner II

**MANAGER:**

*Alex Forbes*

Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

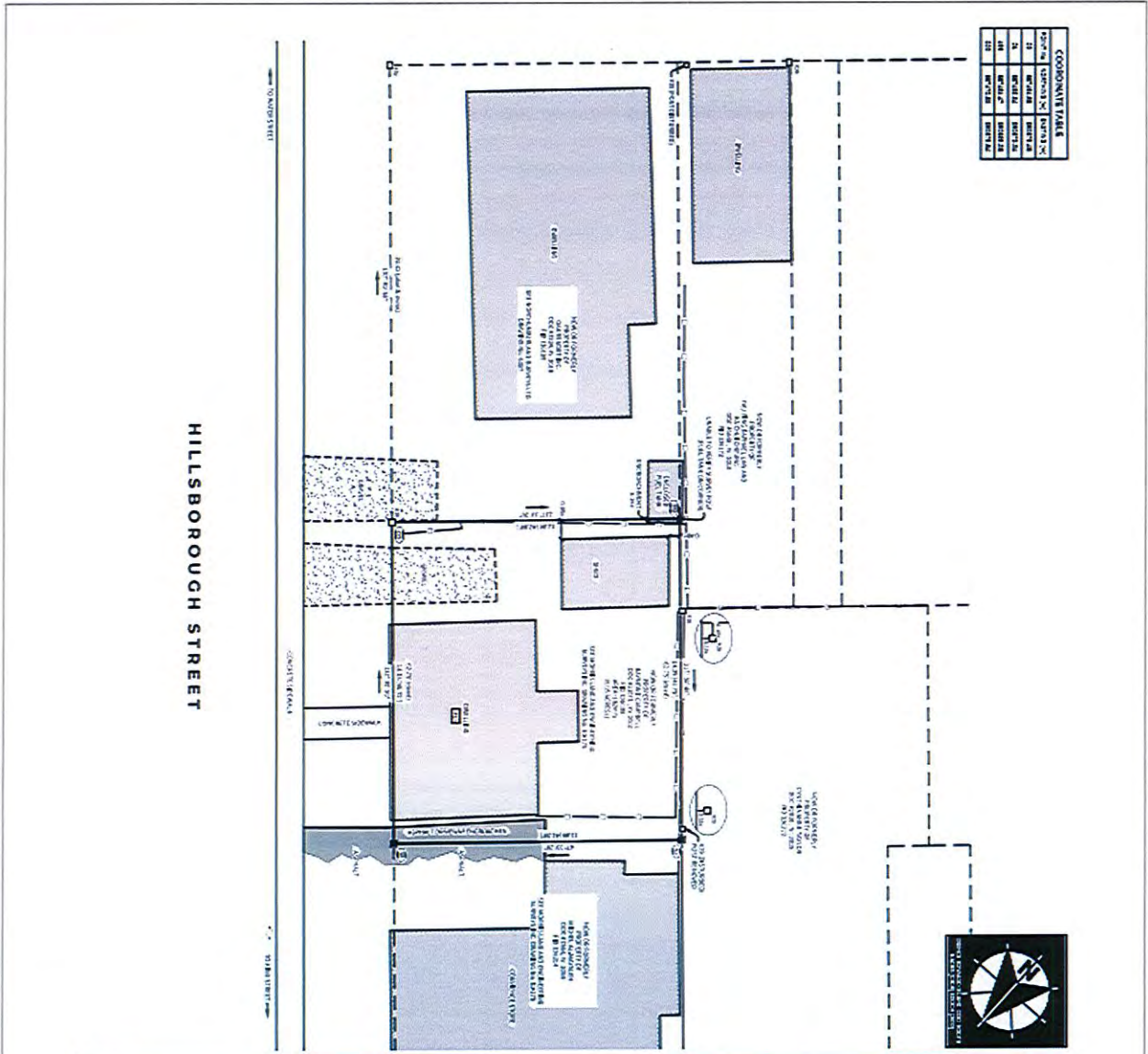
# Attachment A



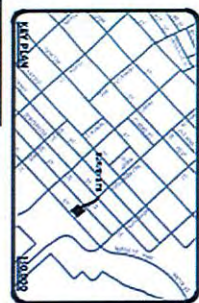
Attachment A: GIS Map  
File: PLAN-2019-6-MAY-6b-G  
15 Hillsborough Street (PID #336198)  
Owner: Paul Coles



# Attachment B-1



COMPONENT TABLE	
101	ASPHALT DRIVE
102	CONCRETE DRIVE
103	PAVING
104	PAVING
105	PAVING
106	PAVING
107	PAVING
108	PAVING
109	PAVING
110	PAVING
111	PAVING
112	PAVING



- GENERAL NOTES:**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 NORTH CAROLINA CONSTRUCTION CODE.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
  3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  4. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED PRIOR TO CONSTRUCTION.
  5. THE CONTRACTOR SHALL MAINTAIN PROPER EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
  6. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE LOCAL GOVERNMENT.
  7. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS OF ALL CONSTRUCTION ACTIVITIES.
  8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  9. THE CONTRACTOR SHALL MAINTAIN PROPER SAFETY MEASURES ON THE CONSTRUCTION SITE.
  10. ALL UTILITIES SHALL BE REPAIRED OR REPLACED TO ORIGINAL OR BETTER CONDITION.
  11. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS OF ALL CONSTRUCTION ACTIVITIES.
  12. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**LEGEND:**

SYMBOL	DESCRIPTION
(Symbol)	EXISTING BUILDING FOOTPRINT
(Symbol)	PROPOSED BUILDING FOOTPRINT
(Symbol)	EXISTING DRIVE
(Symbol)	PROPOSED DRIVE
(Symbol)	EXISTING SIDEWALK
(Symbol)	PROPOSED SIDEWALK
(Symbol)	EXISTING UTILITY
(Symbol)	PROPOSED UTILITY
(Symbol)	EXISTING EASEMENT
(Symbol)	PROPOSED EASEMENT
(Symbol)	EXISTING PROPERTY LINE
(Symbol)	PROPOSED PROPERTY LINE
(Symbol)	EXISTING CURB
(Symbol)	PROPOSED CURB
(Symbol)	EXISTING DRIVE CURB
(Symbol)	PROPOSED DRIVE CURB
(Symbol)	EXISTING SIDEWALK CURB
(Symbol)	PROPOSED SIDEWALK CURB
(Symbol)	EXISTING DRIVE CURB
(Symbol)	PROPOSED DRIVE CURB
(Symbol)	EXISTING SIDEWALK CURB
(Symbol)	PROPOSED SIDEWALK CURB



## PLAN OF SURVEY SHOWING LANDS OF RAYMOND CAMPBELL

**REPORT PREPARED BY:** J.S. MORRIS  
**DATE:** 05/11/2018  
**PROJECT:** 15 HILLSBOROUGH STREET  
**OWNER:** RAYMOND CAMPBELL  
**ADDRESS:** 15 HILLSBOROUGH STREET, CHARLOTTE, NC 28203

**CERTIFICATION:**  
 I, J.S. MORRIS, a duly licensed Professional Surveyor in the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land surveyed, and that the same was made by me or under my direct supervision and in accordance with the provisions of the laws of the State of North Carolina relating to the practice of the profession of surveying.

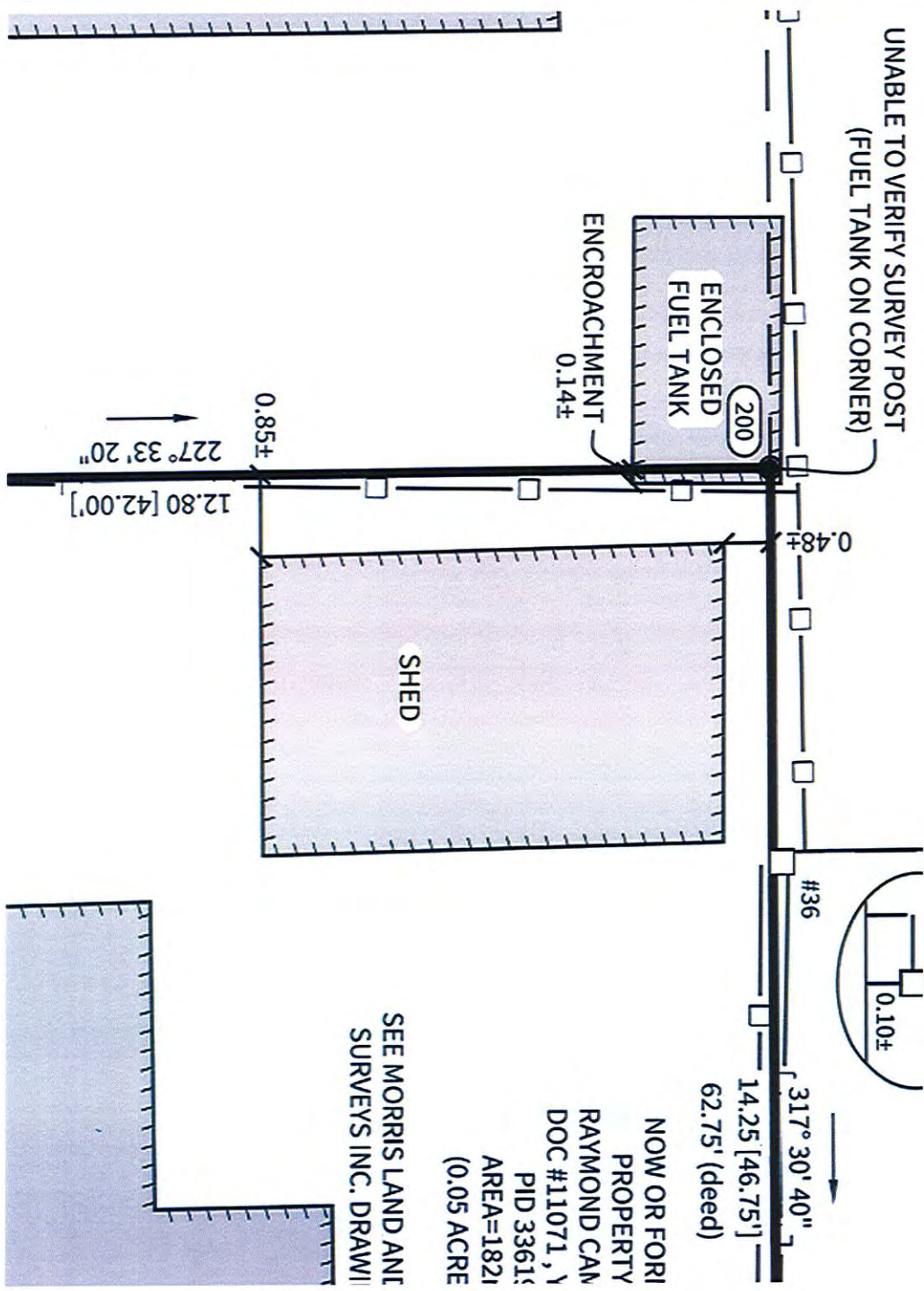
**J.S. MORRIS**  
 PROFESSIONAL SURVEYOR  
 No. 28166  
 State of North Carolina



Attachment B: Existing Site Plan  
 File: PLAN-2019-6-MAY-6b-6  
 15 Hillsborough Street (PID #336198)  
 Owner: Paul Coles



# Attachment B-2



Attachment B: Existing Site Plan  
 File: PLAN-2019-6-MAY-6b-6  
 15 Hillsborough Street (PID #336198)  
 Owner: Paul Coles



# Attachment C-1

## GENERAL NOTES:

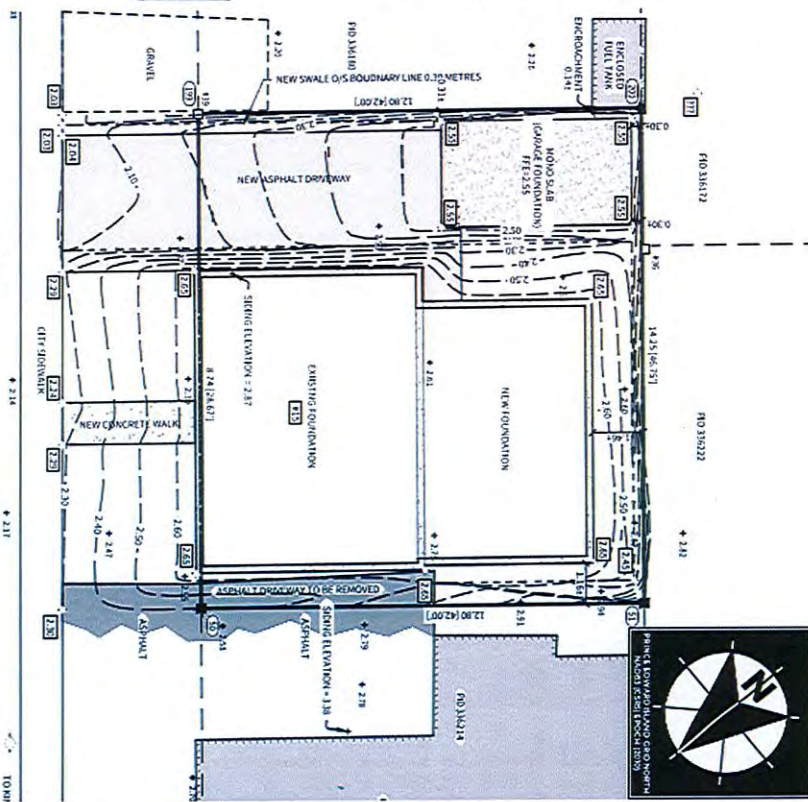
1. ALL WORK SPECIFIED ON THE PLAN AND PRINCE EDWARD COUNTY ORDINANCES AND ARE REFERRED TO THE PRINCE EDWARD COUNTY ACTING CONTROL NETWORK DIVISION NORTH AMERICA.
2. ELEVATIONS ARE QUASIGEOGRAPHIC VERTICAL DATUM (QVD) AND ARE OBTAINED FROM THE PRINCE EDWARD COUNTY ACTING CONTROL NETWORK DIVISION NORTH AMERICA.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
4. UNLESS OTHERWISE SPECIFIED ON THE PLAN, ALL DIMENSIONS ARE IN METRES.
5. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE PROVISIONAL C.O.P. 2018.
6. ALL INVESTIGATION OF UNDERGROUND INFRASTRUCTURE (ELECTRICAL AND COMMUNICATIONS) SHALL NOT BE CARRIED OUT BY PART OF THE SURVEY, WHERE APPROPRIATE AND IS TO BE COMPLETED ON-SITE BEFORE THE WORK BEGINS WITHIN THE LIMITS OF THE SURVEY AREA BOUNDARY WHICH MAY NOT BE SHOWN AS A RESULT OF INSUFFICIENT INVESTIGATION. IF THE CONTRACTOR RESPONSIBILITY TO CORRELATE THE LOCATION OF ALL UNDERGROUND UTILITIES BY THE RESPECTIVE SERVICE PROVIDER.
7. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE PROVISIONAL C.O.P. 2018 AND MAINTAIN ENVIRONMENTAL CONTROLS AS REQUIRED TO PROTECT EXISTING AND PROPOSED UTILITIES ON PROPERTY LINES TO BE MAINTAINED AND UTILIZED.
8. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AS REQUIRED TO REMAIN IN PLACE TO BE CONNECTED TO THE FRONT OF THE PROPERTY AND AWAY FROM THE ADJACENT PROPERTY.
9. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AS REQUIRED TO REMAIN IN PLACE TO BE CONNECTED TO THE FRONT OF THE PROPERTY AND AWAY FROM THE ADJACENT PROPERTY.
10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
11. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
12. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
13. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
14. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
15. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
16. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
17. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
18. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
19. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.
20. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAND SURVEY ACT, CHAPTER L-1.1 DATED AUGUST 14TH, 2018.

### LEGEND

EXISTING SURVEYING	EXISTING SURVEYING
PROPOSED SURVEYING	PROPOSED SURVEYING
PROPOSED SURVEYING	PROPOSED SURVEYING
PROPOSED SURVEYING	PROPOSED SURVEYING



HILLSBOROUGH STREET



TITLE: **PROPOSED SURFACE DRAINAGE PLAN ON LANDS OF PAUL L. COLES**

FIELDWORK COMPLETED

2018-10-24

DATE PLOTTED

2018-12-06

PROJECT NUMBER

18071

DRAWING NUMBER

18071.800.01.BG-1

**MORRIS**  
 MORRIS GEOSPATIAL & ENGINEERING LTD.  
 P.O. BOX 22846 | CHARLOTTETOWN  
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 tel: (866) 223-0487  
 email: info@morrismet.com  
 web: morrisgeo.com

REFERENCE DOCUMENT:  
 DOCUMENT #2089, Yr. 2018  
 MUNICIPALITY:  
 CHARLOTTETOWN

PID:  
 336198  
 TOWNSHIP:  
 N/A

ROAD:  
 15 HILLSBOROUGH STREET  
 COUNTY:  
 QUEENS

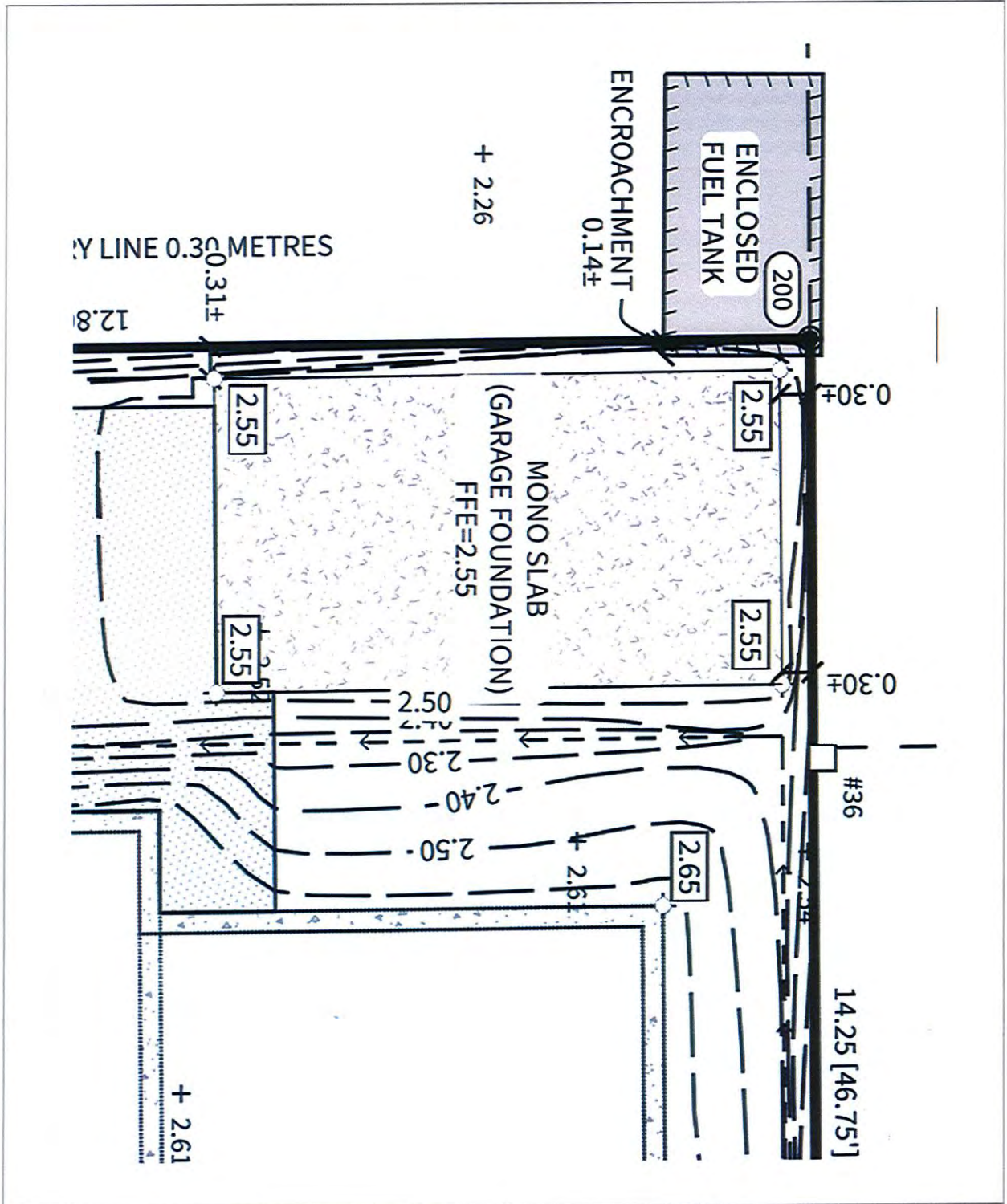
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Attachment C: Proposed Site Plan  
 File: PLAN-2019-6-MAY- 6b-G  
 15 Hillsborough Street (PID #336198)  
 Owner: Paul Coles






# Attachment C-2



Attachment C: Proposed Site Plan  
 File: PLAN-2019-6-MAY- 6b-6  
 15 Hillsborough Street (PID #336198)  
 Owner: Paul Coles



<b>TITLE:</b> SITE SPECIFIC EXEMPTION APPLICATION FILE: PLAN-2019-6-MAY- 6C7 185 BRACKLEY POINT ROAD (PID #390963) OWNER: BJS PROPERTIES INC. APPLICANT: OSAMA ABDOH		
<b>MEETING DATE:</b> May 6, 2019		Page 1 of 6
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Map – Property Context B. GIS Map – Neighbourhood Context	
<b>SITE INFORMATION:</b> <b>Context:</b> Vacant property on Brackley Point Road. <b>Ward No:</b> 6 – Mount Edward <b>Existing Land Use:</b> Automobile Sales & Services (Discount Car Rental) Automobile Service Station (MP Auto Repair) <b>Official Plan:</b> Commercial / Low Density Residential <b>Zoning:</b> Mixed-Use Corridor (MUC) / Single-Detached Residential (R-1L)		
<b>PREVIOUS APPLICATIONS:</b> Zoning Inquiry completed on June 13, 2014. Zoning Inquiry completed on December 5, 2012. Lot Consolidation of 185 Brackley Point Road (PID #390963 & 390971) was approved by Council on July 11, 2005.		

**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 Single-Detached Residential (R-1L) Zone of the Zoning & Development By-law as it pertains to 185 Brackley Point Road (PID #390963) in order to allow an Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses.

**BACKGROUND:*****Request***

The property owners, BJS Properties Inc., allowed Osama Abdoh to make an application for a site specific exemption to allow a Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses in the Single-Detached Residential (R-1L) Zone as it pertains to the property located at 185 Brackley Point Road (PID #390963).

Should the site specific exemption be approved, the existing uses (i.e., Automobile Sales and Services business & an Automobile Service Station) will remain legal non-conforming uses in the Single-Detached Residential (R-1L) Zone while an Automobile Body Shop and a Transportation Service establishment (taxi stand) would be considered a conforming uses for this property only.

***Development Context***

The subject property is located along Brackley Point Road between Thistle Drive and the Charlottetown By-pass.

The existing land uses surrounding the subject property are vastly different between the north side of the By-pass and the south side of the By-pass.

With the exception of the commercial property located at 180 Brackley Point Road (PID #610618) containing Needs and Greco, the properties to the south of the By-pass are generally zoned Residential, Institutional, or Open Space.

With the exception of the single-detached residential subdivision off of Brackley Point Road (MacLean Avenue, Cannon Drive, Revell Drive, etc...) the properties to the north of the By-law are generally zoned Institutional and Industrial (Airport, M-1, M-2, M-3).

***Property History***

Council passed the following resolution on July 11, 2005:

*That the request for lot consolidation at 185 Brackley Point Road (PID#s 390963 & 390971) be approved.*

The Planning Board report at that time stated:

*The applicant currently owns both properties and has operated an automobile sales and service business at this location for several years. The lot consolidation is required to allow a 718 sq. ft. addition to the existing main building, which would accommodate the relocation of Brown's Volkswagen.*

The Zoning Inquiry completed on June 13, 2014 stated:

*Two lots, 185 Brackley Point Road (PID #390963) and 189 Brackley Point Road (PID #390971), were consolidated on July 11, 2005 to form the existing PID #390963. The property is split zoned between Mixed Use Corridor (MUC) on the north end (original 189 Brackley Pt Rd) and Single Detached Residential (R1L) on the south end (original 185 Brackley Pt Rd). The current use as an automobile shop on the R1L zoned portion of the lot is considered a legal non-conforming use within that Zone. The MUC portion of the lot allows for commercial uses (see attached uses and regulations). We were able to locate older zoning maps showing the original 185 Brackley Pt Rd property zoned MUC; however the current zoning map takes precedent. Staff is receptive to recommending the R1L portion of the lot be rezoned to MUC during the next Zoning and Development Bylaw review.*

On February 15, 2019, the applicant submitted an application to rezone the subject property from Single-Detached Residential (R-1L) Zone / Mixed-Use Corridor (MUC) Zone to the Light Industrial (M-1) Zone. At the Planning Board meeting on March 4, 2019, it was suggested by the Board that it may be more appropriate to process this application as a site specific exemption to add an Automobile Body Shop as a permitted use in the R-1L Zone compared to rezoning the property to the M-1 Zone. The applicant was not present at the meeting but their representative was and he indicated that he would discuss the possibility for a site specific exemption with the applicant and the property owner. In light of the foregoing, the Board deferred the application to allow the applicant to confirm their future plans for the property being rezoned.

**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:**

The subject property is unique in the fact that its zoning is split between the Single-Detached Residential (R-1L) Zone and the Mixed-Use Corridor (MUC) Zone. While the MUC Zone allows for an Automobile Sales and Services business as well as an Automobile Service Station, these uses would be considered legal non-conforming in the R-1L Zone.

On September 12, 2018, staff sent a letter to the property owner indicating that a complaint was received in relation to the subject property. The complaint received was that the use has expanded to include vehicle body repair which would be defined as an Automobile Body Shop which would not be permitted in either the Single-Detached Residential (R-1L) Zone or the Mixed-Use Corridor Commercial (MUC) Zone.

The property owner's lawyer responded with a letter on October 5, 2018 which indicated that '*I confirm my client's advice that its' tenant is not carrying on any use of the property that would not be permitted by the existing By-law i.e., he is not carrying on a vehicle body repair shop business.*'

The Light Industrial (M-1) Zone rezoning application which was submitted to the Planning & Heritage Department on February 15, 2019, indicated that the present zoning of the property is *R-1L, despite the current zone, the facility has been historically used for over two decades as an automobile sales services and automobile service station.* The applicant then indicated that the proposed use of the property is *Light Industrial M-1, to comply with the current use of automobile sales services, automobile service station and basic touch painting with bodywork.*

*An Automobile Body Shop means a Building or a clearly defined space on a Lot used for the repair and servicing of motor vehicles including body repair, painting, and engine rebuilding, and*

*includes storage for an automobile towing establishments but does not include an Automobile Service Station or an Automobile Sales and Services.*

In light of the foregoing, the property is currently operating with components of an Automobile Body Shop (i.e., body repair and painting) which is not permitted in the R-1L Zone or the MUC Zone. Further, the applicant sent staff an email on March 6, 2019 which indicated that *'I'm adding basic bodywork and touch paint to my mechanic work scope , which I've been already practicing for the last 6 months.'* An Automobile Body shop is only permitted in the Light Industrial (M-1) Zone, Heavy Industrial (M-2) Zone, Business Park Industrial (M-3) Zone and the Airport (A) Zone.

Instead of pursuing the rezoning application to the M-1 Zone, the applicant is now requesting to operate an Automobile Body Shop without changing the current R-1L zoning through the site specific exemption process. The application for the site specific exemption was submitted on April 10, 2019.

Staff feels that the split zoning on the property is not an ideal situation and the existing uses of the property should be brought into conformance with the Zoning & Development By-law. That being said, rezoning to the M-1 Zone is not appropriate for the area and would introduce a number of uses which may conflict with the existing low density dwellings in the area. The current applicant to allow only an Automobile Body Shop would significantly reduce the potential for land use conflicts.

When considering rezoning the property in question, key points from the Official Plan to be considered include:

*Section 4.8.1 - Our **policy** shall be to establish a Light Industrial zone which is intended for industrial activities which do not create obvious land-use conflicts.*

*Section 4.8.3 - Our **policy** shall be to minimize the land-use conflicts which might exist or arise between existing industrial zones and their non-industrial neighbours.*

The applicant is also applying to operate a taxi stand from the subject property. That being said, there will be no vehicles parked at this location and no office will be located within the existing

building (i.e., all calls will be sent directly to the driver). The Police Department requires that a commercial address be identified in conjunction with the application for a taxi stand.

Staff would note that a Transportation Service establishment (taxi stand) is a permitted use in the MUC Zone but due to the location of the building on the property in the R-1L Zone a site specific exemption is required until such time that the property is entirely rezoned to MUC and the taxi stand no longer required a site specific exemption.

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"> <li>A site specific exemption is more appropriate than rezoning to the M-1 Zone.</li> </ul>	<ul style="list-style-type: none"> <li>The property is split between the MUC and R-1L Zone; rezoning the R-1L portion of the property would be appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Allow an Automobile Body Shop may create land-use conflicts with adjacent single-detached dwellings.</li> </ul>

**CONCLUSION:**

Staff feels that proposed site specific exemption is more appropriate than rezoning the subject property to the M-1 Zone. While a land use conflict between the automobile body shop and adjacent single-detached dwellings may become an issue should this request be approved, it is staffs understanding that this use has been operating for the past eight months without issue and are therefore recommending that this application proceed to public consultation to hear input from the public.

**PRESENTER:**



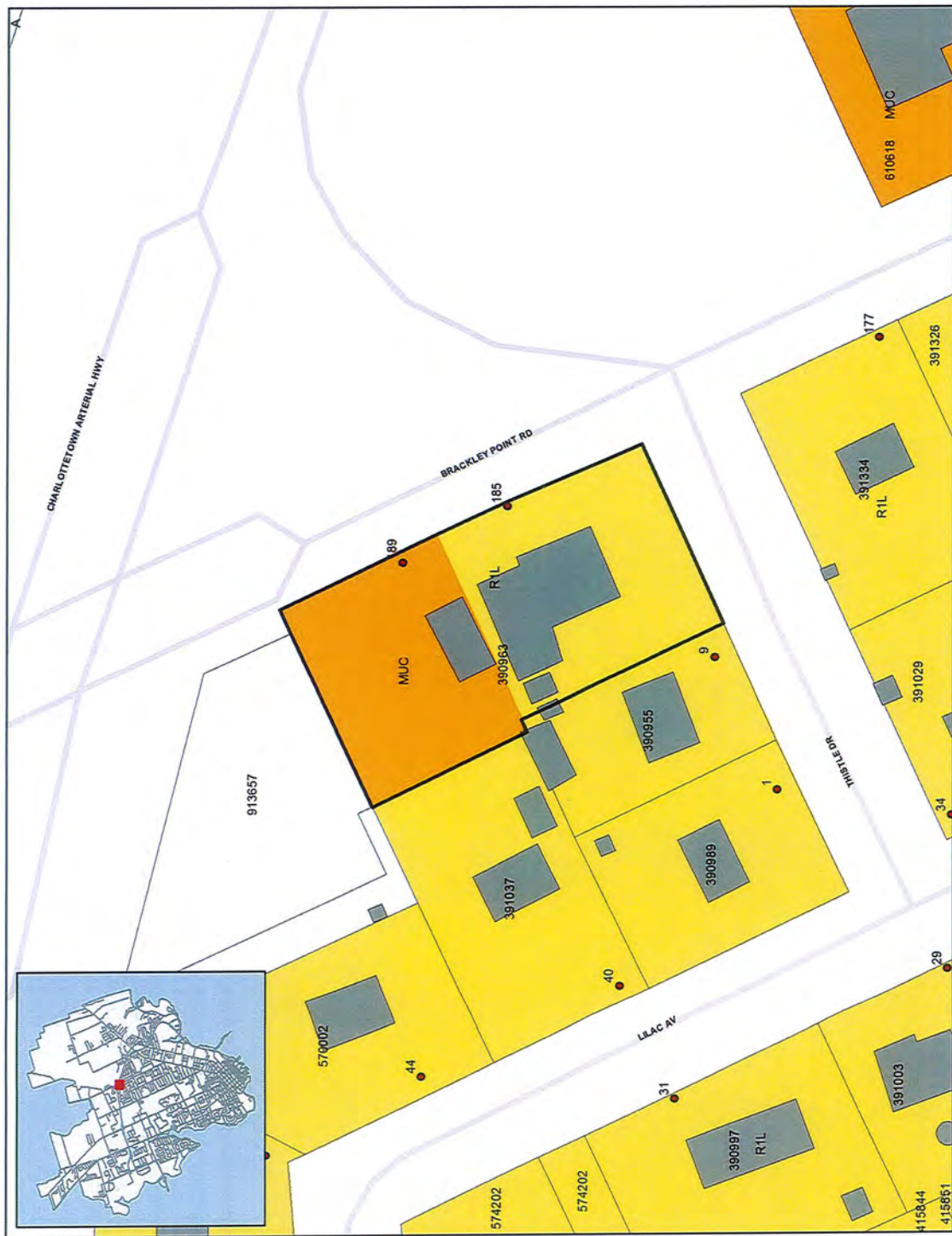
Greg Morrison, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

# Attachment A



Attachment A: GIS Map – Property Context

File: PLAN-2019-6-MAY- **6C7**

185 Brackley Point Road (PID #390963)

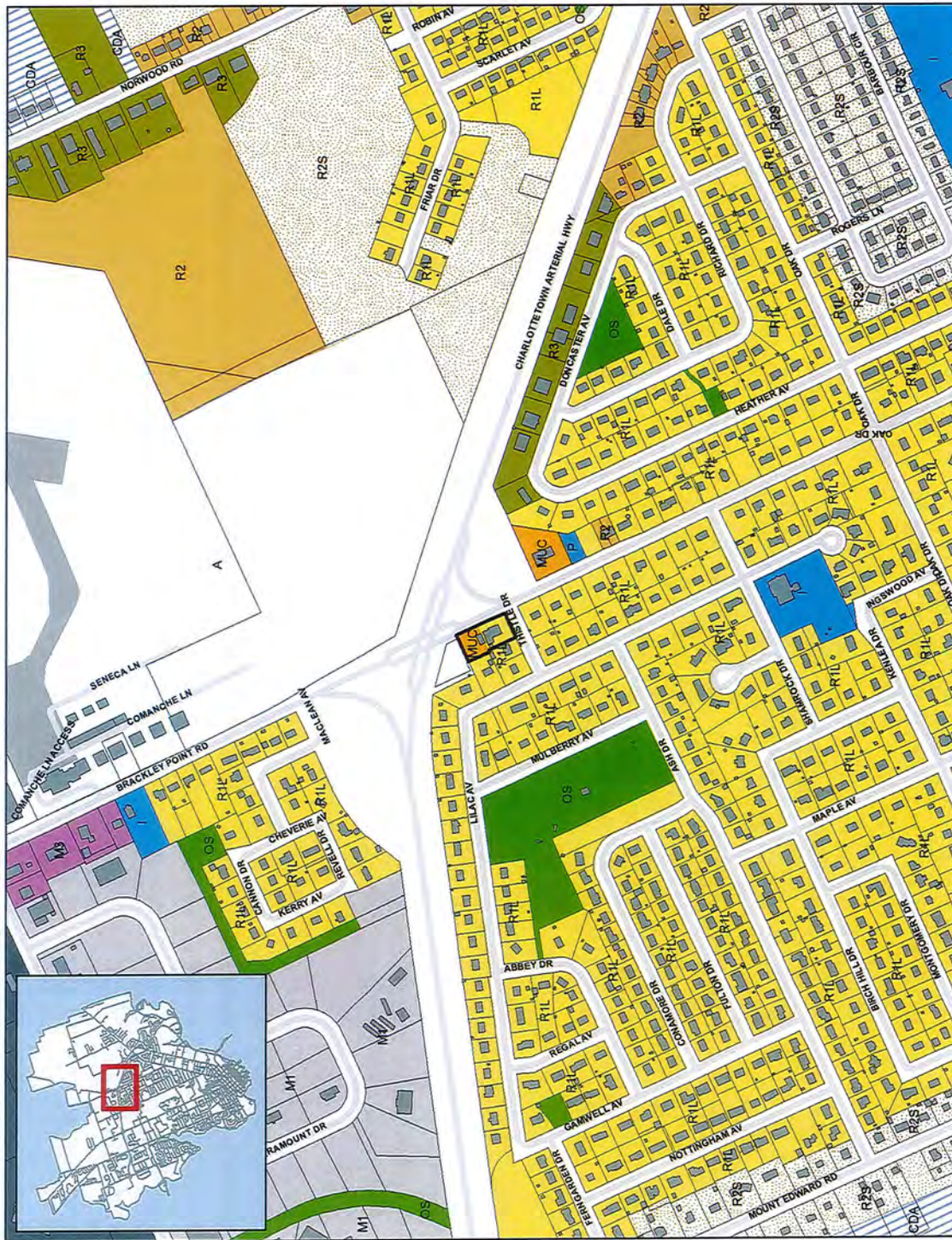
Owner: BJS Properties Inc.

Applicant: Osama Abdoh






# Attachment B



Attachment B: GIS Map – Neighbourhood Context  
File: PLAN-2019-6-MAY-6C7  
185 Brackley Point Road (PID #390963)  
Owner: BJS Properties Inc.  
Applicant: Osama Abdoh

  
**CHARLOTTETOWN**  
Planning & Heritage  
Department



<b>TITLE:</b> <b>ZONING &amp; DEVELOPMENT BY-LAW AMENDMENTS</b> <b>FILE: PLAN-2019-6-MAY- 6C-8</b>		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> May 6, 2019		<b>Page 1 of 7</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b>	

**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 PH-ZD.2 pertaining to Home Occupations, Tourist Accommodations, Low Density R-2 and R-2S Zones, 500 Lot Area Design Standards, Parking Standards and Appendix A. Definitions be approved to proceed to public consultation.

**BACKGROUND / ANALYSIS:**

The City of Charlottetown Planning & Heritage Department had hired Dv8 Consulting to develop the previous Zoning & Development By-law 2018-11 which was implemented by the City on October 1, 2018. Zoning & Development By-laws in their nature are fluid documents with amendments required on a frequent basis in order to respond to the Departmental requirements. Since the adoption of the Zoning & Development By-law on October 1, 2018 it was determined that additional changes were needed to take place in the sections pertaining to Home Occupations, Parking Standards, Site Design and Tourist Accommodations in order to ensure the process in dealing with these types of applications are improved.

**Home Occupations (Attachment A)**

The previous Zoning & Development By-law PH-ZD.2 which was implemented by the City on October 1, 2018 to simplify the process by allowing a number of uses to be as-of-right if they met the requirements set of out Section 5.8.1 which included the size of the home occupation, number of employees, number of parking spaces, etc. The home occupation section was further amended to require appointment based uses to go through the minor variance process, as per Section 5.9.3.g that states: *Additional uses, including uses with appointments typically on an hourly basis or as scheduled, may be considered following the process of review for a Minor Variance.* The concern that staff has encountered is that if a neighbouring resident does not object for whatever reason to the use, then it would be approved. This could allow incompatible home occupations slip into

neighbourhoods without an informed approval process. It is also the opinion of Staff that Council should decide on acceptable home occupations for low density residential areas of the City. Due to the broad nature of the regulation, could allow for a number of uses that may have the ability to generate significant amounts of traffic in low density residential neighbourhoods. These businesses typically involve appointments scheduled on an hourly basis. In light of the foregoing, staff is proposing that these uses that generate frequent appointments be subject to the process of review for a major variance in order to go to Council for approval.

Three items that need to be addressed specifically for home occupations are:

- 1) The parking requirements for home occupations; and
- 2) Determining the number of clients that can be on the premise at any one time for a home occupation;
- 3) Establishing prohibited land uses that are not appropriate for a home occupation.

Section 5.9.1.h the regulations for home occupations states that *parking shall be subject to the parking regulations of this by-law*, which is not listed in the parking space table. This requirement needs to be addressed as a parking amendment to Section 43. In order to provide some parking flexibility staff feels that due to the small scale nature of home occupations tandem parking could be permitted. Also, staff feels that a limit on the number of clients that visit the premise of appointment based home occupations should be left to Council's discretion through the major variance process.

The proposed amendments would read as follow:

- j) Required parking for home occupations may be provided in tandem with parking for the main residence.*
- k) The maximum number of clients permitted on the premise of appointment-based home occupations at any one time will be determined by Council.*

In addition, when the previous Zoning & Development By-law 2018-11 was implemented and then amended, there are still uses that are permitted under Section 5.9.3.g that would not be compatible in low density residential areas. Staff feels that certain commercial uses such as auto body services, eating and drinking establishment and on-site retail are more appropriate in commercial, industrial and institutional zones and therefore are recommending a prohibited home occupation list be defined in Section 5.9.4 as follows:

The following uses are prohibited as Home Occupations:

- a. Medical, Health and Dental Office;
- b. Automobile Body Shop;
- c. Eating and Drinking Establishment;
- d. Retail Store and/or On-site Sale of Products;
- e. Welding and Metal Fabrication.

#### Tourist Accommodations (Attachment B)

The previous Zoning By-law contained maximum bedroom counts for Bed & Breakfast Uses. The new Zoning & Development By-law (2018-11) removed these restrictions, thereby the amount of on-site parking would determine the number of bedrooms permitted. Staff has received some concerns regarding this since the parking requirements are not onerous at one (1) parking space per every three (3) bedrooms or guest rooms, therefore staff is recommending the following restrictions on bedroom count:

Zone Designation	# of Bedrooms Permitted
a. R1L, R1S, R2, and R2S Zones	Up to four (4) bedrooms
b. R3, R4, and the 500 Lot Area Zones	Four (4) bedrooms are permitted for the first 370 sq m (3,982.8sq ft) of <i>lot area</i> , and for every additional bedroom over four (4) the <i>lot</i> must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
c. <b>Heritage inn</b> in the R1L, R1S, R2, and R2S Zones	Four (4) bedrooms are permitted for the first 370 sq m (3,982.8sq ft) of <i>lot area</i> , and for every additional bedroom over four (4) the <i>lot</i> must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
d. <b>Heritage inn</b> in the	Up to seven (7) bedrooms

R3, R4 and the

500 Lot Area Zones

Low Density Residential (R-2) Zone & Low Density Residential Single (R-2S) Zone (Attachment C)

Currently, both the R-2 and R-2S zones do not account in terms of lot area and frontage for the subdivision of a lot with a semi-detached dwelling. The previous Zoning By-law contained regulations to account for this by splitting the required lot frontage of 22m (11m for each unit) for interior and 24.4m (12.2m for each unit).

Staff is proposing to include these requirements back into both regulation tables for semi-detached dwellings, as follows:

### 13.2 REGULATIONS FOR SEMI-DETACHED DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,491.7 sq ft)	790 sq. m (8,503.5 sq ft)
2 Lot Frontage (Minimum)	22.0 m (72.2 ft) 11.0 m (36.1 ft) per unit	24.4 m (80.1 ft) 12.2 m (40 ft) per unit
3 Front Yard (Minimum)		
Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
Rear lane access	4.2 m (13.8 ft)	4.2 m (13.8 ft)
4 Rear Yard (Minimum)		
Front yard access	7.5 m (24.6 ft)	7.5 m (24.6 ft)
Rear lane access	10.5 m (34.6 ft)	10.5 m (34.6 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

### 14.2 REGULATIONS FOR SEMI-DETACHED DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,491.7 sq ft)	790 sq. m (8,503.5 sq ft)

2	Lot Frontage (Minimum)	22.0 m (72.2 ft) 11.0 m (36.1 ft) per unit	24.4 m (80.1 ft) 12.2 m (40 ft) per unit
3	Front Yard (Minimum)		
	Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear lane access	4.2 m (13.8 ft)	4.2 m (13.8 ft)
4	Rear Yard (Minimum)		
	Front yard access	7.5 m (24.6 ft)	7.5 m (24.6 ft)
	Rear lane access	10.5 m (34.6 ft)	10.5 m (34.6 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

#### 500 Lot Design Requirements (Attachment D)

The previous amendments removed design guidelines that were set out in the Waterfront Master Plan. As such staff is proposing to reinsert setback/stepback massing regulations to the Regulations for Permitted Uses in the Waterfront (WF) Zone as follows:

<b>Interior/Corner Lots</b>		
1	Lot Frontage (Minimum)	Minimum 7.62 m (25 ft)
2	Height (See Map D)	Minimum: 10 m (32.3 ft) Maximum: 16.5 m (54.1 ft) properties adjacent to Water St Maximum: 24.5 m (80.4 ft) for all other properties.
3	Front or Flankage Yard (See Map F)	Maximum: 1.5 m (4.9 ft) on Water St Maximum: 4 m (13.1 ft) on all other streets.
5	Streetwall Height (See Map G)	Maximum: 15.5 m (50.9 ft) on Water St Maximum: 16.5 m (54.1 ft) on all other streets
6	Projections	Minimum 1.0 m (3.3 ft) from street line, and Maximum 2.5 m (8.2 ft) projection; OR Within the minimum and maximum range of the existing Buildings on the Block.
4	Rear or Side Yard	A Setback may be permitted but not to exceed 20% of the Lot Width or Lot Depth.
6	Building Setback/Stepback	Low-Rise Building

		A low-rise building may be setback from the interior lot line. This setback may not exceed 20% of the lot frontage; Mid-Rise Building Massing for mid-rise Buildings with a height above 13 m (42.6.1 ft) or the height of the streetwall, the mid-rise portion of a building shall be setback from the interior lot lines no less than 10% of the lot frontage or 5.5 m; whichever is less. Where a lot has more than one streetline, the greater lot width shall be applied.
7	Ground Floor Finished Floor Elevation (FFE)	Minimum 3.76 m CGVD28 (Canadian Geodetic Vertical Datum 1928)

Parking (Attachment E)

Carrying through amendments regarding home occupations, the Zoning & Development By-law currently does not list a *home occupation* as a use under the parking table found in Section 43.1 which, dictates number of parking spaces required. Through research staff recommend that in addition to the required one parking stall for the residence that *one (1) parking space per one (1) full-time or two part-time employees is required, and for appointment-based home occupations the required parking will be left to Council’s discretion.*

Appendix A: Definitions (Attachment F)

By adding the definitions for Heritage Inn and Tourist Home alphabetically as;

*“Heritage Inn means an Owner occupied establishment on a designated heritage resource that provides lodging to travelers on a short-term basis by way of a tourist accommodation.”*

*“Tourist Home means a dwelling unit in which rooms or the entire dwelling unit is available for a short-term rental to travelers.”*

**LEGISLATIVE REQUIREMENTS:**

***Notification***

If the proposed amendments to the Zoning & Development By-law PH-ZD.2 are approved to proceed to the public consultation phase, the Planning & Heritage Department shall notify the

public of said public meeting in accordance with Section 3.10.4.c of the Zoning & Development By-law PH-ZD.2.

**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



<b>ZONING &amp; DEVELOPMENT BY-LAW AMENDMENTS FOR AN          ASPHALT, AGGREGATE AND CONCRETE PLANT</b> FILE: PLAN-2019-6-MAY-6c-9		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> May 6, 2019		Page 1 of 3
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> Attachment A – Heavy Industrial (M-2) Zone properties Attachment B – Proposed Amendments	

**RECOMMENDATION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to Section 36 Heavy Industrial (M-2A) Zone in the Zoning & Development By-law PH-ZD.2 to permit an Asphalt, Aggregate, and Concrete Plant and insert a definition for said use under Appendix A be approved.

**BACKGROUND / ANALYSIS:**

The City of Charlottetown Planning & Heritage Department had taken proposed amendments for an Asphalt, Aggregate, and Concrete Plant to Planning Board and a public meeting in March 2019. There were no objections received on the proposed amendments but when staff took the amendments back to Planning Board on April 1<sup>st</sup> 2019, the Board decided to defer the amendments until City staff met with staff from the Department of Provincial Environment.

On April 23<sup>rd</sup> city staff met with Greg Wilson from the Provincial Environment to discuss the assessment requirements for an Asphalt, Aggregate, and Concrete Plant. The following Provincial regulations and guidelines would apply to the subject land use:

- a) Environmental Assessment - Just a simple initial screening to scope out the major issues and discuss which entity is best placed to ensure it is dealt with (ie - provincial legislation, or city bylaws). No provincially driven public consultation would be anticipated.
- b) Petroleum Storage Tanks Regulations - These regulations have established setback limits to help ensure that any wells, if they exist on the property, are protected from contamination.
- c) Watercourse and Wetland Protection Regulations - Ensure that the established, undisturbed, 15m buffer from watercourses and wetlands is maintained.

d) Air Quality Regulations - This will be your most restrictive issue as all asphalt plants must respect the following

An asphalt plant requires a permit under the Air Quality Regulations the setback standards we use are from the Guidelines for Asphalt Plants (1985)

"(1) No person shall build or install an asphalt plant in any territory zoned for residential, commercial or parks and recreational use or within 500 meters of such a territory"

"(2) The asphalt plant and the loading and unloading and discharge areas of aggregate stock piles shall be situated at a minimum distance of 500 metres from any dwelling and 100 metres from any watercourse..."

There is also a section stating that the Minister may reduce the 500 meter setback with a written agreement from the landowner within the 500 metres.

Since an Asphalt, Aggregate, and Concrete Plant would be assessed on a site by site basis and the onus is on the owner/operator of a plant to determine the most suitable location, staff is recommending that the original amendments excluding the environmental site assessment requirements proceed to Council for approval. The land use compatibility factor will be determined by the site assessment criteria if or when a formal application to develop an Asphalt, Aggregate, and Concrete Plant is submitted.

Future zoning amendments might introduce a new industrial zone for the West Royalty Industrial Park to reflect the surrounding sensitive land uses (i.e. Residential) in the adjacent area. After having discussions with the Province, staff feels that it is acceptable to move ahead with the previous amendments to Council for a decision.

#### **LEGISLATIVE REQUIREMENTS:**

##### ***Notification***

The proposed amendments for an Asphalt, Aggregate, and Concrete Plant to be defined and included as a permitted use under the Heavy Industrial (M-2) Zone of the Zoning & Development By-law PH-ZD.2 already proceeded to a public meeting on March 27 2019. There were no written or verbal objections received from residents prior to, during or post public meeting. Since the scope of the proposed amendments have remained the same and not considered a substantive change,

another public meeting is not required in accordance with Section 3.10 of the Zoning & Development By-law PH-ZD.2.

**CONCLUSION:**

The Planning & Heritage Department encourages Planning Board to recommend to Council that the proposed Zoning & Development By-law amendments for an Asphalt, Aggregate, and Concrete Plant be approved.

**PRESENTER:**



Robert Zilke, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



# Attachment B

## Section 36.1.2 is amended as follows:

Adding the term “Asphalt, Aggregate, Concrete Plant” under Permitted Uses between Abattoir and Automobile Body Shop as follows:

### 36.1 PERMITTED USES

- 36.1.1 Abattoir;
- 36.1.2 **Asphalt, Aggregate, and Concrete Plant;**
- 36.1.3 Automobile Body Shop;

## Appendix A: Definitions are amended and added as follows:

Add definitions for:

***Asphalt, Aggregate, and 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.

Attachment B:  
Amendments for Asphalt, Aggregate,  
and Concrete Plant  
File: PLAN-2019-6-May-

  
**CHARLOTTETOWN**  
Planning & Heritage Department