

**9 – Resolutions
4 – Anticipated Resolutions
6 – Bylaws**



**CITY OF CHARLOTTETOWN
MONTHLY MEETING OF COUNCIL
MONDAY, MAY 13, 2019 AT 5:00 PM
COUNCIL CHAMBERS - CITY HALL, 199 QUEEN STREET**

- 1. Call to Order**
- 2. Declarations of Conflict of Interest**
- 3. Approval of Agenda**
- 4. Adoption of Previous Draft Minutes**
 - Regular Meeting - April 8, 2019
 - Special Meetings (open minutes) – April 8, 9, 11, 17, 25 and May 3, 2019
- 5. Business Arising out of the Minutes**
- 6. Reports of Committees**
 - 6.1 Planning & Heritage – Coun. Greg Rivard, Chair**
 - Monthly Report
 - Nine (9) Resolutions
 - 2nd readings pertaining to:
 - Z&D Bylaw - 197 Minna Jane Drive
 - Z&D Bylaw - Amendments to Z&D Bylaw re: types of housing
 - Secondary and Garden Suite Registry Bylaw – create and implement
 - 6.2 Environment & Sustainability – Coun. Terry MacLeod, Chair**
 - Monthly Report
 - One (1) Resolution to be brought forward Monday
 - 2nd reading of the Tree Protection Bylaw
 - 6.3 Strategic Priorities & Intergovernmental Cooperation - Coun. Alanna Jankov**
 - Monthly Report
 - No Resolutions
 - 6.4 Finance, Audit & Tendering – Coun. Terry Bernard, Chair**
 - Monthly Report will be available Monday
 - No Resolutions
 - 6.5 Human Resources, Communications & Admin – Coun. Julie McCabe, Chair**
 - Monthly Report
 - No Resolutions
 - 2nd reading of the Staffing Bylaw Amendment Bylaw

- 6.6 Parks, Recreation & Leisure Activities – Coun. Mitchell Tweel, Chair**
 - Monthly Report
 - No Resolutions

- 6.7 Protective & Emergency Services – Coun. Bob Doiron, Chair**
 - Monthly Report
 - No Resolutions

- 6.8 Water & Sewer Utility – Deputy Mayor Jason Coady, Chair**
 - Monthly Report
 - No Resolutions

- 6.9 Public Works & Urban Beautification – Coun. Mike Duffy, Chair**
 - Monthly Report
 - Three (3) Resolutions (to be brought forward Monday)

- 6.10 Economic Development, Tourism & Event Management – Coun. Kevin Ramsay, Chair**
 - Monthly Report
 - One (1) Resolution
 - 2nd Reading of the Tourism Accommodation Levy Amendment Bylaw

- 6.11 Council Advisory Committee – Coun. Terry MacLeod, Chair**
 - Monthly Report
 - One (1) Resolution

- 6.12 Introduction of New Business**

7. Motion to Adjourn



DRAFT

**Regular Meeting of Council
Monday, April 8, 2019 at 7:00 PM
Council Chambers, City Hall, 199 Queen Street**

Mayor Philip Brown Presiding

Present: Deputy Mayor Jason Coady
Councillor Kevin Ramsay
Councillor Terry MacLeod
Councillor Bob Doiron
Councillor Alanna Jankov

Councillor Mike Duffy
Councillor Terry Bernard
Councillor Julie McCabe
Councillor Mitchell Tweel

Also: Peter Kelly, CAO
Brad MacConnell, DPC
Frank Quinn, PRM
Paul Johnston, IAMM
Wayne Long, EDO
Laurel Lea, TO
Stephen Wedlock, AC
Beth Hoar, PC
Tracey McLean, RMC

Randy MacDonald, FC
Alex Forbes, PM
Richard MacEwen, UM
Ron Atkinson, EconDo
Bethany Kauzlarick, HRM
Ramona Doyle, SO
Jen Gavin, CO
Karen Campbell, CS

Regrets: Councillor Greg Rivard
Scott Adams, PWM

The Mayor announced that April 7th was Green Shirt Day; it is in honour of Logan Boulet who passed away as a result of the Humboldt Broncos bus crash in April 2018. Logan had planned to register for organ donation so his parents offered to donate his organs so that six lives could live on.

April 9, 2019 is the 102nd anniversary of the Battle of Vimy Ridge; City Hall's flag will be lowered to half-mast on that day.

- 1. Call to Order**
Mayor Brown called the meeting to order.
- 2. Declarations of Conflict of Interest**
Deputy Mayor Coady indicated that he is in conflict with the Planning resolution pertaining to the request to rezone vacant property located at the corner of Royalty Road & Upton Road.
- 3. Approval of Agenda**
It was requested by Councillor MacLeod that a proposed amendment to the Procedural Bylaw, under Council Advisory Committee, be added to the agenda. Council agreed. Moved by Deputy Mayor Coady and Seconded by Councillor Ramsay that the agenda be approved as amended. Carried.
- 4. Adoption of Previous Draft Minutes**
Moved by Councillor Bernard and Seconded by Deputy Mayor Coady that the draft minutes of the previous meetings now be adopted. Carried.

- Regular Meeting - March 11, 2019
- Special Meeting – March 11, 2019
- Planning Public Meeting – March 27, 2019

5. Business Arising out of the Minutes

No business arose from the minutes.

6. REPORTS OF COMMITTEES / RESOLUTIONS

6.1 Planning & Heritage – Coun. Greg Rivard, Chair

Deputy Mayor Coady, on behalf of Councillor Rivard, indicated the Committee's report was included in the weekend package.

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That, pursuant to the requirements of Section 20 of the Planning Act, R.S.P.E.I., 1988, Cap. P-8, and the requirements of Section 2.1 of the Zoning and Development Bylaw, Council hereby appoints Ellen Faye Ganga as designate Development Officer to administer provisions of the Zoning and Development Bylaw with the exception of multi-residential, commercial, industrial, institutional, subdivision developments, rezoning and variance applications.

This designation of authority shall cease if the job duties of this employee no longer require the designation, if the employee terminates employment with the City of Charlottetown, or upon further written notice.

CARRIED 9-0

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That the request to:

1. Amend Appendix "A" – Future Land Use Map of the Official Plan from Concept Planning Area to Commercial;
2. Amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone; and
3. 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), be approved, subject to the existing access between the Dental Office and the lower parking lot be removed as per the Department of Transportation regulations.

CARRIED 9-0

Due to a conflict of interest, Deputy Mayor Coady left the Chambers prior to the following resolution.

**Moved by Councillor Terry Bernard
Seconded by Councillor Mike Duffy**

RESOLVED:

That the request to rezone approximately 3.25 acres (7 building lots on cul-de-sac) 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 approved.

Concern was raised regarding a deferral by Planning Board (not Council) following the public consultation held January 2019. The Planning Manager indicated that after the public meeting, Planning Board gave the opportunity to the applicant to go back out to the community to gather feedback on the development on how they could improve their application before bringing it back for Council's consideration.

**DEFEATED 7-1
Councillor Duffy recorded a "yea" vote**

Deputy Mayor Coady returned to the Chambers.

**Moved by Councillor Terry Bernard
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

Whereas, a public meeting was held March 27th, 2019 to hear comments from the public regarding a proposed development at 88 Brackley Point Road (PID #396770).

And Whereas, under section 3.10.3 of the Zoning and Development By-law it states: "...if an application goes to a public meeting, then the Council shall determine the disposition of the application and the applicant may not be allowed to withdraw the application after the public meeting."

Therefore, it is mandatory that Council exercise its discretion as to whether or not to allow the application to be withdrawn and re-submitted at a later date before the expiration of one (1) year and make a determination as to the disposition of the application;

And Whereas, the applicant has formally requested by letter the opportunity to go back and prepare a new proposal for the subject property which will expand on the duplex and townhouse portion of the development to address resident concerns without being subject to the restriction that prevents them from reapplying for a new proposal during the next year.

Be It Resolved that pursuant to section 3.10.3 Council:

1. Approve the Applicant's request of April 2nd, 2019, to withdraw their application as it pertains to 88 Brackley Point Road;

2. Allow the Applicant to re-submit their application afresh without being limited to the one year restriction to reapply for a new development proposal on the subject property.

DEFEATED 8-1
Councillor Doiron recorded a "yea" vote

Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady

RESOLVED:

That the request to:

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

for the property at 88 Brackley Point Road (PID #396770), in order to construct a 30-unit apartment building on one lot and townhouse units on the other lot, be rejected.

CARRIED 9-0

Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady

RESOLVED:

That the request 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,

for the property at 200-202 Spring Park Road (PID #'s 367938 and 367979), in

order to construct a 16 unit apartment building, be approved.

CARRIED 7-2

Councillor Bernard and McCabe recorded "nay" votes

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

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 approved.

CARRIED 9-0

**Moved by Councillor Terry Bernard
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

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

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

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 9-0

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

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 approved.

CARRIED 9-0

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

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

CARRIED 9-0

1st reading of the Zoning & Development Bylaw - To adopt Bylaw 2018-11-014, A Bylaw to amend the Zoning & Development Bylaw, to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone, subject to the existing access between the Dental Office and the lower parking lot be removed as per the Department of Transportation regulations.

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That the Bylaw to amend the City of Charlottetown Zoning and Development Bylaw (2018-11-014) be read a first time.

CARRIED 9-0

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That the Zoning & Development Amendment Bylaw (2018-11-014), be approved and that it be read a second time at the next public meeting of Council.

CARRIED 9-0

1st reading of the Zoning & Development Bylaw - To adopt Bylaw 2018-11-017, A Bylaw to amend the Zoning & Development Bylaw, to amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) relating 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.

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That the Bylaw to amend the City of Charlottetown Zoning and Development Bylaw (2018-11-017) be read a first time.

CARRIED 9-0

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That the Zoning & Development Amendment Bylaw (2018-11-017), be approved and that it be read a second time at the next public meeting of Council.

CARRIED 9-0

1st reading to create a Secondary and Garden Suite Registry Bylaw - To adopt Bylaw, Bylaw PH-SSB.1, A Bylaw 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.

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That the City of Charlottetown Secondary and Garden Suite Registry Bylaw (PH-SSB.1) be read a first time.

CARRIED 9-0

**Moved by Councillor Alanna Jankov
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That the City Of Charlottetown Secondary And Garden Suite Registry Bylaw, Bylaw PH-SSB.1, be approved and that it be read a second time at the next public meeting of Council.

CARRIED 9-0

6.2 Economic Development, Tourism, Arts & Culture – Coun. Kevin Ramsay, Chair
Councillor Ramsay indicated his Committee's report was included in the weekend package.

An update was requested with respect to the Charlottetown Event Grounds. Councillor Ramsay referred to the CAO who indicated there is no recent update as negotiations are ongoing between CADC and Holland College.

1ST reading of the Tourism Accommodation Levy Amendment Bylaw - amend the City of Charlottetown Tourism Accommodation Levy Bylaw, #2019-TAL-01, to apply the levy to all accommodations inclusive of B&Bs, Inns, Airbnb, VRBO, etc. sold in tourism establishments.

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Terry MacLeod**

RESOLVED:

That the bylaw to amend the City of Charlottetown Tourism Accommodation Bylaw be read a first time.

CARRIED 9-0

**Moved by Councillor Kevin Ramsay
Seconded by Councillor Terry MacLeod**

RESOLVED:

That the bylaw be now approved as a City Bylaw and that it be entitled the City of Charlottetown Tourism Accommodation Bylaw and that it be read a second time at the next meeting of Council.

CARRIED 9-0

6.3 Environment & Sustainability – Coun. Terry MacLeod, Chair

Councillor MacLeod indicated his Committee's report was included in the weekend package.

It was suggested that the Committee look at establishing a long-term plan to effectively deal with the issue of crows. Councillor MacLeod took this under advisement.

**Moved by Councillor Terry MacLeod
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

WHEREAS local governments around the world are taking new actions to avoid the worst impacts of climate change and calling on senior levels of government for a more urgent, emergency response;

WHEREAS the Intergovernmental Panel on Climate Change finds that limiting global warming to 1.5°C with no or limited overshoot would imply global net CO2 emissions dropping to between 50% and 58% below 2010 levels by 2030, and between 94% and 107% below 2010 levels by 2050;

WHEREAS the world is currently on track for more than 3°C of warming based on policies currently in place, and those policies will need to be strengthened significantly to limit global warming to 1.5°C;

WHEREAS the costs to Charlottetown for dealing with sea level rise, stormwater, and sewer management is already significant and will become exceedingly so as a result of climate change;

WHEREAS the City of Charlottetown has been taking action on sustainability through adopting its Community Energy Plan which includes corporate and community greenhouse gas reduction targets and through participation the QUEST Community Resilience Project, setting a solid foundation for ramping up ambition and action to meet the moral and scientific urgency of climate change;

AND WHEREAS a growing list of cities, districts and counties across the world representing over 15 million people collectively have recently declared or officially acknowledged the existence of a global climate emergency, including Vancouver, Kingston, Halifax, Edmunston and Moncton.

BE IT RESOLVED that Council recognize the breakdown of the stable climate and sea level under which human civilization developed constitutes an emergency for the City of Charlottetown;

AND FURTHER that Council continue to support projects that will support the City in mitigating climate change and reaching the City's corporate and community targets for greenhouse gas emission reduction as well as those that support the transition from fossil fuels and towards renewable energy;

BE IT FURTHER RESOLVED that Council continue to work cross-departmentally, with other levels of government, and with external partners to identify and prioritize climate adaptation projects that increase the resilience of Charlottetown to the impacts of climate change.

CARRIED 9-0

**Moved by Councillor Terry MacLeod
Seconded by Deputy Mayor Jason Coady**

RESOLVED:

That, City Council receive the Fitzroy Street Bike Lane Design developed by CBCL Ltd.;

And that the City not proceed with construction in 2019-2020;

And that the City withdraw its application to the Municipal Strategic Component of the Provincial Gas Tax Funding for the Fitzroy Street Bike Lane Project, forfeiting the 50% funding for the design costs and the 50% funding for the construction costs.

And further, that the total costs of the design phase of the Fitzroy Street Bike Lane Design (\$62,890 plus HST) be expensed out of the 2018-2019 operational budget.

CARRIED 9-0

1st reading of the Tree Protection Bylaw – to establish a City of Charlottetown Bylaw with respect to tree preservation and protection pursuant to the provisions of Section 180 (K) of the Municipal Government Act of P.E.I., R.S.P.E.I., 1988, Cap. M-12.1 and subject to the

Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9 and the Pesticides Control Act R.S.P.E.I. 1988, Cap. P-4

Moved by Councillor Terry MacLeod
Seconded by Deputy Mayor Jason Coady

RESOLVED:

That the bylaw to establish the City of Charlottetown Tree Protection Bylaw be read a first time.

CARRIED 9-0

Moved by Councillor Terry MacLeod
Seconded by Deputy Mayor Jason Coady

RESOLVED:

That the bylaw now be approved as a City Bylaw and that it be entitled the City of Charlottetown Tree Protection Bylaw and that it be read a second time at the next public meeting of Council.

CARRIED 9-0

6.4 Strategic Priorities & Intergovernmental Cooperation - Coun. Alanna Jankov
Councillor Jankov indicated her Committee's report was included in the weekend package.

6.5 Finance, Audit & Tendering – Coun. Terry Bernard, Chair
Councillor Bernard indicated his Committee's report was included in the weekend package. He reported that the 2019/2020 Operational budget is scheduled for April 17, 2019.

It was requested that the Management Letter from the Auditors be made available to Council. Councillor Bernard indicated that this letter goes to management when the annual audit is complete for review and follow-up. He further indicated that the City had an \$11.2 Capital surplus and a \$25,000 Operational surplus in 2018.

6.6 Human Resources, Communications & Admin – Coun. Julie McCabe, Chair
Councillor McCabe indicated her Committee's report was included in the weekend package.

Concern was raised again regarding the delay in repairing the system that webcasts monthly Council meetings. The CAO indicated that an analysis was completed on the existing electronic equipment recently but does not have an update at this time.

1ST reading of the Staffing Amendment Bylaw - amend the City of Charlottetown Staffing Bylaw, #2018-20, with regard to consistent practices for the recruitment and selection of staff.

Moved by Councillor Julie McCabe
Seconded by Councillor Bob Doiron

RESOLVED:

That the bylaw to amend the City of Charlottetown Staffing Bylaw be read a first time.

CARRIED 9-0

**Moved by Councillor Julie McCabe
Seconded by Councillor Bob Doiron**

RESOLVED:

That the bylaw be now approved as a City Bylaw and that it be entitled the City of Charlottetown Staffing Bylaw and that it be read a second time at the next meeting of Council.

CARRIED 9-0

6.7 Parks, Recreation & Leisure Activities – Coun. Mitchell Tweel, Chair

Councillor Tweel indicated his Committee's report was included in the weekend package. Volunteer of the Month for March is Sarah Taylor. He recognized Parks & Rec staff responsible for the upkeep and maintenance of the outdoor skating rinks and thanked them for a job well done.

6.8 Protective & Emergency Services – Coun. Bob Doiron, Chair

Councillor Doiron indicated his Committee's report was included in the weekend package.

Concern was raised with respect to speeding on Palmers Lane and it was requested that when a speed bump is installed this year, it be moved farther up the street. It was also requested that more police patrols be conducted in that area as well. Councillor Doiron indicated the Committee would follow-up and advise.

**Moved by Councillor Bob Doiron
Seconded by Councillor Kevin Ramsay**

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patio to be located in the two (2) perpendicular parking spaces in front of Brits Fish And Chips, 141 Great George Street (PID# 342360), be approved to the end of the 2021 season, subject to annual permit applications,

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this Resolution.

CARRIED 9-0

**Moved by Councillor Bob Doiron
Seconded by Councillor Kevin Ramsay**

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patio to be located in the two (2) parallel parking spaces on King Street adjacent to Piatto Neapolitan Pizza, 45 Queen Street (PID# 335653), be approved to the end of the 2021 season, subject to annual permit applications,

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this Resolution.

CARRIED 9-0

**Moved by Councillor Bob Doiron
Seconded by Councillor Kevin Ramsay**

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patio to be located in the three (3) perpendicular parking spaces in front of Casa Mia Restaurant, 131 Queen Street (PID# 340232), be approved to the end of the 2021 season, subject to annual permit applications,

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this Resolution.

CARRIED 9-0

**Moved by Councillor Bob Doiron
Seconded by Councillor Kevin Ramsay**

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patios to be located in two (2) perpendicular parking spaces on Queen Street and two (2) parallel parking spaces on Sydney Street for Sim's Corner Steakhouse, 86 Queen Street (PID# 338145), be approved to the end of the 2021 season, subject to annual permit applications,

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this Resolution.

CARRIED 9-0

**Moved by Councillor Bob Doiron
Seconded by Councillor Kevin Ramsay**

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patios to be located in three (3) perpendicular parking spaces on Queen Street in front of the Merchantman Pub, 23 Queen Street (PID# 335091), be approved to the end of the 2021 season, subject to annual permit applications,

And that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this Resolution.

CARRIED 9-0

**Moved by Councillor Bob Doiron
Seconded by Councillor Kevin Ramsay**

RESOLVED:

That the request to enter into a Development/Encroachment Agreement for the outdoor patio to be located in the two (2) perpendicular parking spaces in front of the Terra Rouge Bistro, 72 Queen Street (PID# 338160), be approved to the end of the 2021 season, subject to annual permit applications,

And that the Mayor and CAO are hereby authorized to execute standard

contracts/agreements to implement this Resolution.

CARRIED 9-0

6.9 Water & Sewer Utility – Deputy Mayor Jason Coady, Chair

Deputy Mayor Coady indicated his Committee's report was included in the weekend package.

**Moved by Deputy Mayor Jason Coady
Seconded by Councillor Julie McCabe**

RESOLVED:

WHEREAS, the City of Charlottetown passed a policy resolution of April 10, 2000 "that City Council confirm its policy not to entertain applications for water service to properties outside the municipal boundary of the City of Charlottetown" without first receiving approval from City Council to do so;

BE IT RESOLVED, that City Council approves the request for service received from the APM Construction Services. The request is for water service to the proposed APM commercial development to be located on Union Road, within the Community of Brackley;

BE IT FURTHER RESOLVED, that the costs associated with making the connections will be paid by APM Construction Services. As well, services will be billed with a 25% premium as a surcharge for services provided outside the City of Charlottetown municipal boundary.

CARRIED 8-1

Councillor Tweel recorded a "nay" vote

**Moved by Deputy Mayor Jason Coady
Seconded by Councillor Julie McCabe**

RESOLVED:

That a Memorandum of Agreement be entered into with PEI Department of Communities, Land and Environment to provide stream flow and groundwater monitoring related to wellfields in Winter River and Miltonvale,

And that expenses be drawn from the Utility Operating Budget,

And further that the Mayor and CAO are hereby authorized to execute contracts/agreements to implement this resolution.

CARRIED 9-0

6.10 Public Works & Urban Beautification – Coun. Mike Duffy, Chair

Councillor Duffy indicated his Committee's report was included in the weekend package.

**Moved by Councillor Mike Duffy
Seconded by Councillor Alanna Jankov**

RESOLVED:

That the City of Charlottetown:

- 1) Adopts the attached proposed Driveway Access Over Existing City Infrastructure Policy as proposed by the Public Works Committee,
- 2) Amend the Fees Bylaw (2018-18) to reflect the recommendations under the Driveway Over Existing City Infrastructure Policy,
- 3) Start to implement the Access Over Existing City Infrastructure Policy upon the adoption of proposed amendments.

CARRIED 9-0

6.11 Council Advisory Board – Coun. Terry MacLeod, Chair

Councillor MacLeod indicated his Committee's report was included in the weekend package.

Following a brief discussion with respect to the proposed additional amendment to the Procedural Bylaw which was floored this evening, it was the consensus of Council that it be deferred back to the Council Advisory Committee for further review.

**Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy**

RESOLVED:

That the following appointments, as recommended by the Council Advisory Committee, be approved:

Affordable Housing Advisory Committee:

Craig Cameron	Kandace Hagen	Donna Keenan
Jamie E. MacDonald	Gregory McKee	Aimee Power
Ladjane Carvalho-Schulman.		

And that this Committee's membership be increased to nine (9) members following an advertised application process.

Arts & Culture Advisory Board:

Barbara MacLeod	Brandon Hood	Cheryl Wagner	Jennifer Campbell
Mark Sandiford	Na Lu	Stephen MacInnis	

Youth Engagement Committee:

Hilary Wood	Jay Nobel	Kyla MacDonald	Lauren McKearney
Bob Wu	Robyn Dann	Lucas MacArthur	

Civic Board for Persons with Disabilities:

Andrea MacNeill	Brenda Porter	Felix Tanze	Judy Hughes
Linda Clarke	Magan MacDonald-O'Keefe		Kenneth Murnaghan

Seniors Engagement Committee:

Carolyn Villard
Hubert McIsaac

Darlene Hughes
Jacinta Campbell

Gloria Large
Robert Foster

Walaa

CARRIED 9-0

**Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy**

RESOLVED:

That the City of Charlottetown forward the following names to the Charlottetown Harbour Authority Inc. (CHAI) for consideration for appointment to their Board of Directors, as recommended by the Council Advisory Committee, be approved:

Don Love

CARRIED 9-0

**Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy**

RESOLVED:

That Shawn Murphy, Donna Profit and Mike James be the City of Charlottetown representatives on the Capital Area Recreation Inc (CARI) Board, as recommended by the Council Advisory Committee, be approved

And that Shawn Murphy be appointed as Chair.

CARRIED 9-0

**Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy**

RESOLVED:

That the City of Charlottetown representatives on the Special Events Reserve Fund Committee (SERF), as recommended by the Council Advisory Committee, be as follows:

Laurel Lea, Chair
Wayne Long, City of Charlottetown
Michael Wasnidge

CARRIED 9-0

**Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy**

RESOLVED:

That City Council appoint Councillor Mitchell Tweel as the City representative on the Federation of PEI Municipalities, as recommended by the Council Advisory Committee.

CARRIED 9-0

1st reading of the Procedural Amendment Bylaw – to incorporate proposed revisions as recommended by the Council Advisory Committee and City Solicitor, correct formatting/grammatical errors and to ensure overall consistency of the bylaw.

**Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy**

RESOLVED:

That the bylaw to amend the City of Charlottetown Procedural Bylaw be read a first time.

CARRIED 9-0

**Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy**

RESOLVED:

That the bylaw be now approved as a City Bylaw and that it be entitled the City of Charlottetown Procedural Bylaw and that it be read a second time at the next public meeting of Council.

CARRIED 9-0

6.12 New Business

There was no New Business.

7. Adjournment

Moved by Councillor Ramsay and Seconded by Councillor Jankov that the meeting be adjourned. Carried.

The meeting adjourned at 9:45 PM



DRAFT

**Special Meeting of Council
Monday, April 8, 2019 at 5:30 PM
(Prior to the Regular Meeting of Council)
Parkdale Room, City Hall**

Mayor Philip Brown Presiding

Present: Deputy Mayor Jason Coady
Councillor Bob Doiron
Councillor Terry Bernard
Councillor Alanna Jankov
Councillor Kevin Ramsay

Councillor Terry MacLeod
Councillor Julie McCabe
Councillor Mitchell Tweel (arr. 5:38pm)
Councillor Mike Duffy (arr. 5:44pm)

Also: Peter Kelly, CAO
Tracey McLean, RMC

Karen Campbell, CS

Regrets: Councillor Greg Rivard

- 1. Call to Order**
Mayor Brown called the meeting to order.
- 2. Declarations of Conflict of Interest**
There were no conflicts declared.
- 3. Approval of Agenda**
Moved by Councillor Doiron and seconded by Deputy Mayor Coady that the agenda be approved as presented. Carried.
- 4. Motion to move in a Closed Session of Council**
Moved by Councillor McCabe and seconded by Councillor Jankov to close the meeting to the public to discuss matters as per Section 119 (1) (d) & (e) of the Municipal Government Act of PEI. Carried.
- 5. New Business**
Following the Closed session, Council returned to an open forum and indicated that it was the consensus of Council that a resolution be forwarded at this evening's Regular Meeting for consideration to receive the Fitzroy Street Bike Lane Design developed by CBCL Ltd. and that the City not proceed with construction in 2019-2020.
- 6. Motion to Adjourn**
There being no further business, it was moved by Councillor MacLeod and seconded by Councillor Ramsay that the meeting be adjourned. Carried.

The meeting concluded at 6:53 PM.



DRAFT

**Special Meeting of Council
Tuesday, April 9, 2019 at 5:30 PM
Council Chambers, City Hall**

Mayor Philip Brown Presiding

Present: **Deputy Mayor Jason Coady** **Councillor Terry MacLeod**
 Councillor Bob Doiron **Councillor Julie McCabe**
 Councillor Terry Bernard **Councillor Mike Duffy**
 Councillor Alanna Jankov **Councillor Mitchell Tweel (arr. 5:48 pm)**
 Councillor Kevin Ramsay

Also: **Peter Kelly, CAO** **Tracey McLean, RMC**

Guests: **Dawn Alan, Downtown Charlottetown Inc.**
 Stan MacPherson, MacPherson Roche Smith & Associates

Regrets: **Councillor Greg Rivard**

- 1. Call to Order**
Mayor Brown called the meeting to order.
- 2. Declarations of Conflict of Interest**
There were no conflicts declared.
- 3. Approval of Agenda**
Moved by Councillor Jankov and seconded by Councillor Doiron that the agenda be approved as presented. Carried.
- 4. Motion to move in a Closed Session of Council**
Moved by Councillor MacLeod and seconded by Councillor Ramsay to close the meeting to the public to discuss matters as per Section 119 (1) (e) of the Municipal Government Act of PEI. Carried.
- 5. Motion to Adjourn**
Following the Closed session, Council returned to an open forum. There being no further business, moved by Councillor Duffy and seconded by Councillor MacLeod that the meeting be adjourned. Carried.

The meeting concluded at 6:48 PM.



DRAFT

**Special Meeting of Council
Thursday April 11, 2019 at 5:30 PM
Council Chambers, City Hall**

Mayor Philip Brown Presiding

**Present: Deputy Mayor Jason Coady
Councillor Bob Doiron
Councillor Terry Bernard
Councillor Alanna Jankov**

**Councillor Terry MacLeod
Councillor Julie McCabe
Councillor Mike Duffy
Councillor Mitchell Tweel**

**Also: Peter Kelly, CAO
Randy MacDonald, FC
Frank Quinn, PRM**

**Stephen Wedlock,
Richard MacEwen, UM
Tracey McLean, RMC**

Regrets: Councillor Greg Rivard

Councillor Kevin Ramsay

1. Call to Order

Mayor Brown called the meeting to order.

2. Declarations of Conflict of Interest

There were no conflicts declared.

3. Approval of Agenda

Moved by Councillor McCabe and seconded by Councillor Doiron that the agenda be approved as presented. Carried.

4. Motion to move in a Closed Session of Council

Moved by Councillor MacLeod and seconded by Councillor Duffy to close the meeting to the public to discuss matters as per Section 119 (1) (e) of the Municipal Government Act of PEI. Carried.

5. Motion to Adjourn

Following the Closed session, Council returned to an open forum. There being no further business, moved by Councillor Jankov and seconded by Councillor Tweel that the meeting be adjourned. Carried.

The meeting concluded at 1:30 PM



DRAFT

**Special Meeting of Council
Wednesday, April 17, 2019 at 12:00 Noon
Council Chambers, City Hall**

Mayor Philip Brown Presiding

Present: Deputy Mayor Jason Coady
Councillor Mike Duffy
Councillor Mitchell Tweel
Councillor Alanna Jankov

Councillor Terry Bernard
Councillor Greg Rivard
Councillor Terry MacLeod

Also: Peter Kelly, CAO
Randy MacDonald, FC
Scott Adams, PWM
Richard MacEwen, UM
Ron Atkinson, EconDo
Bethany Kauzlarick, HRM
Laurel Lea, TO
Tracey McLean, RMC

Paul Smith, PC
Brad MacConnell, DPC
Frank Quinn, PRM
Paul Johnston, IAMM
Wayne Long, EDO
Stephen Wedlock, AFM
Jen Gavin, CO

Regrets: Councillor Kevin Ramsay
Councillor Julie McCabe
Ramona Doyle, SO

Councillor Bob Doiron
Alex Forbes, PM

- 1. Call to Order**
Mayor Brown called the meeting to order.
- 2. Declarations of Conflict of Interest**
There were no conflicts declared.
- 3. Approval of Agenda**
Moved by Councillor Rivard and seconded by Councillor Jankov that the agenda be approved as presented. Carried.
- 4. Presentation and approval of the 2019/20 City Budget (General Government and Utility) – Councillor Terry Bernard, Chair of Finance, Audit & Tendering Committee**

Councillor Bernard, Chair of Finance, Audit & Tendering, presented his 2019/20 Budget speech noting that last year, the City began its 15-month 2018-2019 operations with a \$25,452 surplus on the City side of the ledger and with continued good management and oversight of our revenues and expenses, as well as finding operational efficiencies, he estimates that the City will end its 2018-2019 fiscal year with an approximate \$1.8 million dollar surplus.

Councillor Bernard reported that the net expenditure for the City's overall 2019-2020 Capital Budget is \$21.97 million dollars along with \$21.91 million from the Federal and Provincial

governments for a total Capital Budget expenditure of \$43.88 million dollars; with some of those investments being made in the following:

- \$26.3 million - Water & Sewer Infrastructure
- \$2.92 million – Municipal buildings
- \$2.68 million – Roads and streets
- \$2.68 million – Storm water management
- \$1.3 million – Fire services
- \$1.22 million – Recreation infrastructure
- \$896,000 – Information Technology
- \$835,000 – Curbs and sidewalks
- \$820,000 – Fleet replacements
- \$800,000 – Light/intersection upgrades
- \$500,000 – Transit
- \$263,000 – Police Services
- \$200,000 – Bell Aliant Centre
- \$150,000 – Eastlink Centre

Councillor Bernard commended the City in recognizing the challenges in obtaining affordable housing in Charlottetown. The City has stepped forward and developed an Affordable Housing Incentive Program, which will provide an initial \$250,000 for permit offset grants and property tax rebates for new affordable housing units under government or CMHC contract.

With regard to the Water and Sewer Utility, Councillor Bernard reported that the Utility started 2018 with a \$673,954 carry-over deficit and ended March 31st of this year with a projected deficit of \$1.2 million dollars; for the foreseeable future, this department will be completing significant infrastructure upgrades. With increased capital investment comes increased operational costs. To ensure the Utility assets are well maintained and operated to the benefit of residents, the Utility must increase the standard residential water metered charge from \$0.326 a day to \$0.336 a day and consumption charge \$0.264 per cubic metre to \$0.382 per cubic metre. He added that the rate increases amount to approximately 32 cents per day for the average residential customer.

In closing, Councillor Bernard thanked those who participated in the budget preparations – Mayor and Council, the Finance Committee, Senior Management and staff.

**Moved by Councillor Terry Bernard
Seconded by Councillor Greg Rivard**

RESOLVED:

That the 2019 City of Charlottetown Operational Budget estimates as presented by Councillor Terry Bernard, Chair of Finance, Audit and Tendering Committee, be approved.

CARRIED 7-0

**Moved by Councillor Terry Bernard
Seconded by Councillor Greg Rivard**

RESOLVED:

That a Municipal Tax Rate of \$0.67 per \$100 of assessment be levied against all non-commercial property in the City of Charlottetown for the period of January 01, 2019 to December 31, 2019 as per the provisions of the Real Property Tax Act, save and except:

- (1) The non-commercial component of property which is owned by a non-resident person or non-resident corporation where the Municipal Tax Rate shall be \$1.33 per \$100 of assessment;
- (2) The non-commercial component of hotels and motels where the Municipal Tax Rate shall be:
 - a. \$0.91 per \$100 of assessment where the owner is a resident person or a resident corporation; or
 - b. \$1.57 per \$100 of assessment where the owner is a non-resident person or a non-resident corporation;
- (3) The non-commercial component of apartment buildings containing four or more units where the Municipal Tax Rate shall be:
 - a. \$0.91 per \$100 of assessment where the owner is a resident person or a resident corporation; or
 - b. \$1.57 per \$100 of assessment where the owner is a non-resident person or a non-resident corporation; and
- (4) The non-commercial component of properties located in the Parkwood Estates and the Riverview Estates Mobile Home Parks where the Municipal Tax Rate shall be:
 - a. \$0.42 per \$100 of assessment where the owner is a resident person or a resident corporation; or
 - b. \$1.08 per \$100 of assessment where the owner is a non-resident person or a non-resident corporation;

For the purposes of this resolution, "non-resident person" and "non-resident corporation" applies to property owners as described in Section 24 of the Real Property Tax Act Regulation

Finance #2

THEREFORE BE IT RESOLVED that a Municipal Tax Rate of \$2.36 per \$100 of assessment be levied against all commercial property located in the City of Charlottetown for the period of January 01, 2019 to December 31, 2019 as per the provisions of the Real Property Tax Act.

AND BE IT FURTHER RESOLVED that the City of Charlottetown request the Province of PEI to collect an additional \$0.18 per \$100 of assessment on all commercial properties within the Business Improvement Area (BIA), as per the attached map, for the period of January 01, 2019 to December 31, 2019. The monies collected from this shall be transferred to Downtown Charlottetown Inc. for the purpose of marketing and enhancing the downtown core of the City of Charlottetown.

CARRIED 7-0

**Moved by Councillor Terry Bernard
Seconded by Councillor Greg Rivard**

RESOLVED:

That the Charlottetown Water and Sewer Corporation implement water, sewer and combined water and sewer rates effective April 1, 2019 as detailed on the attached rate schedule.

CARRIED 7-0

5. Motion to Adjourn

There being no further business, it was moved by Councillor Bernard and seconded by Councillor Jankov that the meeting be adjourned. Carried.

The meeting concluded at 12:30 PM

DRAFT



DRAFT

**Special Meeting of Council
Thursday April 25, 2019 at 12:15 PM
Council Chambers, City Hall**

Deputy Mayor Jason Coady presiding

**Present: Councillor Greg Rivard
Councillor Mike Duffy
Councillor Mitchell Tweel**

**Councillor Terry MacLeod
Councillor Terry Bernard
Councillor Alanna Jankov**

**Also: Peter Kelly, CAO
Jen Gavin, CO**

**Richard MacEwen, UM
Tracey McLean, RMC**

**Regrets: Mayor Philip Brown
Councillor Bob Doiron**

**Councillor Kevin Ramsay
Councillor Julie McCabe**

1. Call to Order

Deputy Mayor Coady called the meeting to order.

2. Declarations of Conflict of Interest

There were no conflicts declared.

3. Approval of Agenda

Moved by Councillor Duffy and seconded by Councillor MacLeod that the agenda be approved as presented. Carried.

4. Items

a) Resolutions

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Greg Rivard**

RESOLVED:

That Island Coastal Services be awarded the tender for the East Royalty Sewer Trunkmain in the amount of \$5,265,620.00 (HST included),

And that the Utility's Capital Budget be increased by \$1,000,000,

And that WSP complete the engineering project oversight in the amount of \$151,731 (HST included),

And further that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

In response to a question raised regarding project timelines, the Utility Manager advised Council that this is a significant project but looking to start as quickly as possible.

CARRIED 6-0

**Moved by Councillor Alanna Jankov
Seconded by Councillor Mike Duffy**

RESOLVED:

Whereas; The ICIP will create long-term economic growth, build inclusive, sustainable communities and support a low carbon, green economy; and

Whereas; the Community, Culture and Recreation Stream will focus on projects that improve citizen's access to and quality of cultural, recreational and community spaces; and

Whereas; a professional or semi-professional sport facility that is primarily a commercial operation, such as those that serve major junior hockey leagues is excluded from funding under the ICIP;

Be it therefore resolved; that the Atlantic Mayors Congress support that municipalities should be able to determine their community, culture and recreational needs and that those needs be eligible for funding under the ICIP inclusive of being able to use for the purposes of semi-professional sport; and

Be it further resolved; that the Atlantic Mayor Congress request that the Federal Government amend the ICIP Program to allow for semi-professional sport facilities to be funded and that the support of the Federation of Canadian Municipalities is pursued to support this initiative.

CARRIED 6-0

**Moved by Councillor Alanna Jankov
Seconded by Councillor Mike Duffy**

RESOLVED:

Whereas, the Gas Tax Fund (GTF) was designed to leverage the strength of each level of government; and

Whereas, the GTF recognizes the diversity of Canadian provinces, territories, regions, and communities and the inherent need for a flexible approach to program delivery; and

Whereas, the GTF provides predictable, long term funding for communities, where communities choose projects locally and prioritize them according to their needs; and

Whereas, the GTF is administered via an open and transparent governance process which recognizes and communicates Canada's contribution to communities' infrastructure priorities and includes regular program evaluations and progress reporting to Canadians; and

Whereas the Canadian government must recognize that the financial availability and affordability of municipalities differ across the Country; and

Whereas, there is a need to recognize that financial disparity, in particular for the Country's smaller populated provinces and territories and the municipalities in which they serve.

Be it therefore resolved; that the Atlantic Mayors Congress support the GTF being able to be used towards the Municipality's share of other Federal Infrastructure Programs such as the Investing in Canada Infrastructure Program (ICIP) in the Atlantic Provinces; and

Be it further resolved; that the Atlantic Mayor Congress request that the Federal Government amend the GTF Program to allow for stacking with other Federal Government funding; and

Be it further resolved; that the Atlantic Mayors Congress seek the support of the Federation of Canadian Municipalities for this initiative.

CARRIED 6-0

5. Motion to move in a Closed Session of Council

Moved by Councillor Bernard and seconded by Councillor MacLeod to close the meeting to the public to discuss matters as per Section 119 (1) (e) of the Municipal Government Act of PEI. Carried.

6. New Business

As a result of discussions from the Closed session, the following motion was forwarded for Council's consideration.

**Moved by Councillor Alanna Jankov
Seconded by Councillor Mike Duffy**

RESOLVED:

That the City of Charlottetown's Investing in Canada Infrastructure Program (ICIP) priority list be forwarded to the Province for their consideration.

CARRIED 6-0

7. Motion to Adjourn

There being no further business, it was moved by Councillor MacLeod and seconded by Councillor Tweel that the meeting be adjourned.

The meeting concluded at 1:20 PM



DRAFT

**Special Meeting of Council
Friday, May 3, 2019 at 12:15 PM
Council Chambers, City Hall**

Mayor Philip Brown presiding

Present: **Deputy Mayor Jason Coady** **Councillor Terry MacLeod**
 Councillor Greg Rivard **Councillor Terry Bernard**
 Councillor Mike Duffy **Councillor Alanna Jankov**
 Councillor Mitchell Tweel **Councillor Bob Doiron (arr. 12:46pm)**
 Councillor Julie McCabe

Also: **Peter Kelly, CAO** **Frank Quinn, PRM**
 Scott Adams, PWM **Tracey McLean, RMC**

Regrets: **Councillor Kevin Ramsay**

- 1. Call to Order**
Mayor Brown called the meeting to order.
- 2. Declarations of Conflict of Interest**
There were no conflicts declared.
- 3. Approval of Agenda**
Moved by Councillor MacLeod and seconded by Councillor Duffy that the agenda be approved as presented. Carried.
- 4. Discussion Items:**

a) Tender Awards (Resolutions)

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Terry Bernard**

RESOLVED:

That the City of Charlottetown accepts the following bids for playground equipment from:

- PlayPower in the amount of \$23,645.04 (HSTI) for Doncaster Park,
- PlayPower in the amount of \$23,857.81 (HSTI) for Upton Park,
- PlayPower in the amount of \$23,574.90 (HSTI) for Andrews Court Park,
- Tessier in the amount of \$2160.85 (HSTI) for Desbrisay Park
- Tessier in the amount of \$9,944.05 (HSTI) for two small independent play pieces and one small slide for Messer Park
- PlayPower in the amount of \$3,361.21 (HSTI) for one eight foot (three bay) swing set with three tot seats and three belt seats for G. Stewart McKay Park
- PlayPower in the amount of \$7,175.68 for three eight feet (two bay) swing sets with two seats and 2 belts for Victoria Park, Shell Court Park, and Centennial Park

- PlayPower in the amount of \$4,594.72 (HSTI) for two six foot (two bay) swing sets with 3 tot seats and 3 belt seats for Richmond Hill Park and Thorndale Park

And that in addition, \$80,000.00 be approved for playground removal, installation and contingency costs under the Parks Playground Projects as noted above,

And further that this amount be expensed to the approved 2019/20 Parks and Recreation Capital Budget.

CARRIED 8-0

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Terry Bernard**

RESOLVED:

That the City of Charlottetown accepts the following low bid from Island Backhoe Service Inc. in the amount of \$51,333.13 (HSTI) for the trail construction along the east side of Andrew's Pond,

And that this amount be expensed to the approved 2019/20 Parks and Recreation Capital Budget,

And further that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 8-0

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Terry Bernard**

RESOLVED:

That the City of Charlottetown agrees to exempt the Province of PEI for the Acadian Drive Subdivision, as indicated in the proposed concept development, from having to provide the City with cash-in-lieu of parkland,

And that the Planning Department will enter into a development agreement with the Developer,

And further that the Mayor and CAO are hereby authorized to execute standard contracts/agreements to implement this resolution.

CARRIED 8-0

**Moved by Councillor Mike Duffy
Seconded by Councillor Terry Bernard**

RESOLVED:

That as per the conditions of the Tender for "2019 Storm Sewer Package A", the low submission of Birt & MacKay Backhoe Services Ltd. in the amount of \$1,041,191.75 (taxes included) be accepted, and

That this expenditure has been previously approved in the 2019-20 Capital budget,

And further that the Mayor and CAO are hereby authorized to execute any standard contracts/agreements to implement this resolution.

CARRIED 8-0

Moved by Councillor Mike Duffy
Seconded by Councillor Terry Bernard

RESOLVED:

As per the conditions of the Request for Quotations for "Supply for Traffic Signal Equipment", the low submission of Fortran Traffic Systems Ltd. in the amount of \$79,296.58 (taxes included) be accepted, and

That this expenditure has been previously approved in the 2019-20 Capital budget,

And further that the Mayor and CAO are hereby authorized to execute any standard contracts/agreements to implement this resolution.

CARRIED 8-0

Moved by Councillor Mike Duffy
Seconded by Councillor Terry Bernard

RESOLVED:

As per the conditions of the Request for Quotations for "Traffic Control Signage", the low submission of Stinson Equipment Ltd. in the amount of \$33,961.92 (taxes included) be accepted, and

That this expenditure has been previously approved in the 2019-20 Capital budget,

And further that the Mayor and CAO are hereby authorized to execute any standard contracts/agreements to implement this resolution.

CARRIED 8-0

b) 2nd reading of the Procedural Bylaw Amendment Bylaw - to incorporate proposed revisions as recommended by the Council Advisory Committee and City Solicitor, correct formatting/grammatical errors and to ensure overall consistency of the bylaw.

Councillor MacLeod noted that the amending bylaw currently notes that subsection 45.2 (a) and (b) increase the number of members sitting on the Council Advisory Committee from two (2) to three (3); however, he moved that it be increased from two (2) to four (4) members. He further noted that the increase should resolve any issues with respect to quorum and it was also a recommendation from the City Solicitor. Moved by Councillor MacLeod and seconded by Councillor Duffy that subsection 45.2 (a) and (b) be amended to increase the number of members on the Council Advisory Committee from two (2) to four (4). Motion Carried 8-0.

Moved by Councillor Terry MacLeod
Seconded by Councillor Mike Duffy

RESOLVED:

That the City of Charlottetown Procedural Bylaw be read a second time and that the said Bylaw be now adopted.

CARRIED 8-0

5. Motion to move in a Closed Session of Council

Moved by Councillor Jankov and seconded by Councillor Rivard to close the meeting to the public to discuss matters as per Section 119 (1) (e) of the Municipal Government Act of PEI. Carried.

6. New Business

After the Closed session, Council returned to an open forum as the following motions were brought forward for Council's consideration.

a) Floating Dock System proposed for Victoria Park

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Terry Bernard**

RESOLVED:

That the City will proceed to a public consultation as per Section 7 of the Victoria Park and Promenade Bylaw to obtain public input on the installation of the low profile floating modular composite docking system that is being considered to be installed in Victoria Park,

And that this public meeting will take place on May 27, 2019.

CARRIED 9-0

b) Request to Rename Street

**Moved by Councillor Mitchell Tweel
Seconded by Councillor Terry Bernard**

RESOLVED:

To rename Parkdrive Way North to Forbes Kennedy Way.

CARRIED 9-0

7. Motion to Adjourn

There being no further business, it was moved by Councillor Doiron and seconded by Councillor that the meeting be adjourned. Carried.

The meeting concluded at 1:05 PM



**PLANNING AND HERITAGE COMMITTEE
REPORT TO COUNCIL
May 13, 2019**

The Planning & Heritage Committee met on May 06, 2019; copies of the Planning & Heritage Committee minutes are included in your package.

The Planning Board met on Monday, May 06, 2019; copies of the Planning Board Report and the minutes are included in your package.

The Heritage Board met on Monday, April 29, 2019; copies of the Heritage Board Report and the minutes are included in your package.

The Design Review met on Thursday, April 18, 2019 and Tuesday, April 30, 2019; copies of the Design Review Board Report and the minutes are included in your package.

There are nine (9) resolutions to be put forward for Planning:

Planning:

1. 351 North River Road (PID #'s 1014224 & 373415): 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.
2. Miller Street / Pearson Street / Hanover Street (PID #530980): Rezone the property from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone.
3. 89 Beach Grove Road (PID #386755): Rezone the property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone and amend the Official Plan Map from Low Density Residential to Medium Density Residential.
4. 93 Weymouth Street (PID #340984): Variance 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): Variance 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): Variance 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.
7. 185 Brackley Point Road (PID #344044): 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.
8. Amendments to the Zoning & Development Bylaw (PH-ZD.2): 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 (PH-ZD.2): Proposed amendments to allow for an Asphalt, Concrete and Aggregate plant as a permitted land use in the Heavy Industrial (M-2) Zone.

Council Package
May 13, 2019
Page 2 of 2

Reading Papers:

First Readings:

None.

Second Readings:

1. 197 Minna Jane Drive (PID #469841): Rezone the property from the Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone. This request includes a major height variance from 49.2 ft to approximately 69.75 ft.
2. Amendments to the Zoning & Development Bylaw (Bylaw 2018-11): Proposed amendments pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations and General Housekeeping amendments
3. Secondary and Garden Suite Registry By-law: Proposed amendments to create and implement the Secondary and Garden Suite Registry 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.

For information purposes, a listing of permit applications issued during the past month has been included with your package.

Respectfully submitted,

Councillor Greg Rivard, *Chair*

**PLANNING AND HERITAGE COMMITTEE – COMMITTEE MINUTES
MONDAY, MAY 06, 2019, 6:30 P.M.
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL**

Present: Councillor Greg Rivard, Chair
Councillor Alanna Jankov

Alex Forbes, PHM
Ellen Faye Ganga, PH IA/AA

Also: Mayor Philip Brown

Regrets: Deputy Mayor Jason Coady, Vice-Chair

1. Call to Order

Councillor Rivard called the meeting to order at 7:00 pm.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Mayor Philip Brown and seconded by Councillor Alanna Jankov, that the agenda for Monday, May 06, 2019, be approved.

CARRIED

4. Adoption of Minutes

Moved by Mayor Philip Brown and seconded by Councillor Alanna Jankov, that the minutes of the meeting on Monday, April 01, 2019, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from minutes.

6. Direction on short-term rentals

Alex Forbes, PHM, is seeking direction from the Committee as to whether staff should start the public input phase regarding concerns/issues related to short term rentals. Councillor Rivard commented that staff has already done a lot of research on short term rentals and recommended the committee to direct staff to move forward to obtain public feedback.

Mayor Brown clarified the numbers for number of rental units – 491 unique short term rentals and approximately 60% of those are owner occupied. Mr. Forbes confirmed and noted that approximately 60% of those are owner occupied single family dwellings but could not confirm whether these units were owner occupied at time of rental. Mr. Forbes also added that if this is approved to proceed to public consultation phase to seek more input from the public, staff would be able to provide Council with more details and a better idea on future policy related to short term rentals if and when a public hearing was scheduled. After hearing from the public, Council can provide staff with the proposed direction on policy for the City of Charlottetown.

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

Moved by Mayor Philip Brown and seconded by Councillor Alanna that the request to direct staff to initiate the public consultation phase on short term rental, be recommended to proceed.

CARRIED

7. Direction on Erosion Controls provisions in the Zoning & Development Bylaw

Alex Forbes, PHM, explained that staff is dealing with water issues when we experience significant rain events. Presently, developers are required to submit a preliminary and final lot grading plan at the time of Building permit to ensure that water is managed appropriately on site. Staff is currently dealing with issues with silt runoff making it way into Andrew's Pond in East Royalty. This issue is occurring globally across the City and Andrew's Pond is an example of what's happening though out the City. Together with the assistance of the the province, it is the City's responsibility to be on top of erosion controls during construction. Staff is seeking direction from the Committee to determine if Council wishes staff to start looking at the issue and at a minimum, engage in some level of public consultation. This will involve input and discussion from engineers who prepare lot drainage plans. The implication is that erosion control plans will likely need to be submitted by a professional engineer during construction.

Mayor Brown inquired about a subdivision in East Royalty which previously had stop work orders for not obtaining the appropriate permits and asked if this specific development caused more silts enter the pond. Mr. Brown also added that the Charlottetown Airport spent a significant amount of money to build the new runway and retention ponds which helped reduce the water issues. Mr. Forbes responded that retention plans in this case are what is necessary to prevent erosion on property.

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

Moved by Mayor Philip Brown and seconded by Councillor Alanna that the request to direct staff to initiate the public consultation phase on erosion controls provisions in the Zoning & Development Bylaw, be recommended to proceed to public consultation.

CARRIED

8. New Business

Mayor Philip Brown has requested that the Committee initiate the first meeting and organize plans in relation to affordable housing/accessible housing. Mr. Forbes and the Committee acknowledged this request.

9. Motion to move into a Closed Session

Moved by Mayor Philip Brown and seconded by Councillor Alanna Jankov, that the Committee move into a closed session as per Section 119 (1) subsections (a) and (e) of the Municipal Government Act of PEI.

10. Adjournment

Following the Closed session, it was moved by Mayor Philip Brown and seconded by Councillor Alanna Jankov to move back into an open forum.

Moved by Mayor Philip Brown and seconded by Councillor Alanna Jankov, that the meeting be adjourned.

CARRIED

The meeting was adjourned at 7:16 p.m.

Councillor Greg Rivard, Chair

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES
MONDAY, MAY 06, 2019, 5:00 P.M.
COUNCIL CHAMBERS, 2nd 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
Rosemary Herbert, RM

Reg MacInnis, RM
Shallyn Murray, RM
Alex Forbes, PHM
Greg Morrison, PII
Laurel Palmer Thompson, PII
Robert Zilke, PII
Ellen Faye Ganga, PH IA/AA

Also: Mayor Philip Brown

Regrets:

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. Kris Fournier declared conflict of interest on agenda item number 6a.3) 89 Beach Grove Road (PID #386755). Councillor Rivard then moved to the approval of the agenda.

3. Approval of Agenda

Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the agenda for Monday, May 06, 2019 be approved.

CARRIED

4. Adoption of Minutes

Moved by Kris Fournier, RM, and seconded by Basil Hambly, RM, that the minutes of the meeting on Monday, April 01, 2019 be approved.

CARRIED

5. Business arising from Minutes

Reg MacInnis, RM, asked what happened to applications under item 7) Corner of Upton Road and Royalty Road (PID #388595) and item 11) 183 Great George Street (PID #344044). Councillor Rivard responded that both applications were rejected at the Regular Meeting of Council on April 8, 2019.

6. 351 North River Road (PIDs #1014224 & 373415)

This is a request to rezone the property at 351 North River Road (PIDs #1014224 & 373415) from the Low Density Residential (R-2S) to Medium Density Residential (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential. The purpose of the rezoning is to demolish or move the existing dwelling, consolidate two lots and

facilitate the construction of two (2) townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units. Laurel Palmer Thompson, Planner II, presented the application. See attached report.

The property is a 2.09 acre lot and the attached concept plan indicates that all the units will be three-storeys. The site plan also shows the proposed public road, however, if they build with the setbacks as shown, a private road would have to be constructed and the property will remain as one lot. If a public road is constructed, setbacks for units 8-13 will have to be adjusted. The property is located between land zoned CDA and a single-detached subdivision. The current zoning of the property would allow for semi-detached dwellings and the proposed townhouse development would only increase the total density by 4 townhouse units onsite. Staff does not view that as a significant increase. Rezoning the property to the R-3 Zone allows for other multi-unit uses which may pose concerns with residents. There is also a 50 meter coastal buffer zone that cannot be developed and this will remain as green space for the property. If the rezoning is permitted, a development agreement must be in place to limit the density and restrict the development as proposed. Staff noted that the bulk and mass of the development does not appear to be out of scale with existing development and recommends that it be approved to proceed to a public consultation to gauge the resident's opinions. Greg Munn, architect for the development, was present to provide more details and to answer any possible questions.

Mr. Munn mentioned that the applicant wants to increase the density of the property and that the owners are willing to sign a development agreement with the City to ensure that they only build townhouses are constructed and the applicant has no intention of pursuing apartment units. The owner's idea is to build townhouses/row houses that will cater to the upper/middle range clients. Mr. Munn also added information on the buffer zone being maintained as green space, the materials to be used and other details of the development.

Reg MacInnis, RM, asked what would be the estimated cost per unit and Mr. Munn responded that it has not been determined at this point but is guessing to be at the \$400,000-\$500,000 range. Councillor Rivard clarified that the parking will be private. Mr. Munn confirmed and this is a good location for a nice architecturally designed project and would be a nice example to set for the area. Councillor Jankov asked if these houses are to be sold individually or rented (short and long term or Airbnb), and if any of these houses would be for affordable housing. Mr. Munn responded that they will be sold individually and will definitely not be for short term rentals. Mr. Munn also added that the owner originally wanted to subdivide the lot into individual lots but there may be concerns with setback requirements if they proceed in this manner. However, the subdivision type has not been resolved to date. There may be fewer units if developed on a public street with individual lots but the owner wants to develop it as row houses/condo. Mr. Munn also confirmed that there will be no affordable housing units on this development.

Rosemary Herbert, RM, asked if Mr. Munn could respond to whether they intend to use public or private roads and how they intend to design them. Ms. Thompson responded that if the road is a public road, units 8-13 will require adjustments or reorientation to meet the rear yard setbacks or a variance will be required. The owners prefer not to develop this property with requests for variances. If it is developed as a private road, it can be developed with the existing setbacks.

Councillor Rivard asked what the heights of the houses would be and Ms. Thompson responded that it is 39.4 feet for townhouses and that they will measure the average finished grade. Mr. Munn also mentioned that they will be looking at the average heights of the buildings and there could be adjustments to the heights as the development is finalized. Mr. Munn also confirmed that it will be under 39 feet in height. Councillor Rivard added that there are apartment buildings on the other side and single houses on the other and wanted to make sure that it matches with the surroundings.

Mr. MacInnis also asked if the number of units is flexible and asked if there is a possibility of taking out units. Mr. MacInnis also asked if they have talked to the neighbours about the proposed development. Mr. Munn responded that they haven't talked to the neighbors. Mr. MacInnis also inquired if the owners are waiting for the public meeting and Mr. Munn confirmed this was the case. Councillor Rivard clarified with Ms. Thompson that this is going to go to public meeting to rezone and the net increase is only for 4 four additional units beyond what they would be permitted by right in the current zone which permits semi-detached dwellings. Ms. Thompson confirmed that rezoning will only increase the density by four units. Ms. Thompson also added that the land grade slopes down from the road to the water side so the heights would be lower. Bobby Kenny, RM, asked if the garage would fit one or two cars and Mr. Munn responded that it will be for one car but will have around 16 feet of driveway.

Councillor Rivard clarified that if the application was approved, they are going to stick to what is presented. Mr. Munn confirmed that they have looked at all possible developments including apartment buildings but confirmed that the townhouses are the best route for this property.

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

Moved by Reg MacInnis, RM, and seconded by Rosemary Herbert, 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 Low Density Residential (R-2S) to Medium Density Residential (R-3) Zone,**
- for property at 351 North River Road (PIDs #1014224 & 373415), be recommended to Council to proceed to public consultation.**

CARRIED

7. Miller Street/ Pearson Street/ Hanover Street (PID #530980)

This is a request to rezone the property on the corner of Miller Street/ Pearson Street/ Hanover Street (PID #530980) from the Single-Detached Residential (R-1L) Zone to the Narrow Single-Detached Residential (R-1N) Zone to subdivide the vacant property and construct five (5) single-detached dwellings. Greg Morrison, Planner II, presented the application. See attached report.

In 2014, an application to rezone this property was submitted but at that time, was deferred until more details were provided. No updates were made until 2019 where this is again being

requested to proceed to public consultation to rezone the property. The applicants are requesting that the properties face Miller Street. Should the property be rezoned, it will meet all the required setback requirements of the R-1N zone. When dealing with through lots, the frontage would be based upon the smaller of two and in this case, will be on Pearson Street, and it doesn't matter where the house would be facing. Also, it has been discussed that instead of a green space requirement, cash-in-lieu would be required. Based upon the existing lot area and lot frontage, the applicants would be able to subdivide the property into three R-1L lots which would each allow for the construction of a secondary suites for a total density of six residential dwelling units. The current proposal is for five narrow lots (R-1L). Staff is recommending that it be approved to proceed to public consultation. The applicants were present to answer any possible questions.

Councillor Rivard clarified that accessory structures are allowed on R-1L lots and Mr. Morrison responded that they are not allowed for R-1N zones. There are other properties in the City that are zoned R-1N in East Royalty but none have been developed yet. Mr. Kenny asked if the homes surrounding the property all single family homes. Mr. Morrison mentioned that majority of the houses are single detached dwellings; however, there may be a few legal-non conforming two unit dwellings.

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

Moved by and seconded by, RM, that the request to amend Appendix "G" – Zoning Map of the Zoning & Development Bylaw from Single-Density Residential (R-1L) to Narrow Single-Density Residential (R-1N) for the property on the corner of Miller Street / Pearson Street / Hanover Street (PID #530980), be recommended to Council to proceed to public consultation.

**CARRIED
(7-1)**

8. 89 Beach Grove Road (PID #386755)

Kris Fournier declared conflict and has stepped out of the room for this application.

This is a request to rezone the property at 89 Beach Grove Road (PID #386755) 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. The purpose of the rezoning is to facilitate the construction of a two storey, 6-unit apartment building. Greg Morrison, Planner II, presented the application. See attached report.

The current property is a legal non-conforming duplex dwelling in the R-1L Zone and the applicant is looking to rezone to R-3 in order to demolish the existing duplex and construct a 6-unit apartment building facing Kirkcaldy Drive. A similar application was submitted in 2017 but was deferred by Planning Board because there were no specific plans at that time. Rezoning the property to R-3 would allow for eight dwelling units but the applicant is applying to build six bachelor apartment units. The applicant is planning to relocate the driveway from Beach Grove Road to Kirkcaldy Drive. The plans will be adjusted to meet landscape buffer requirements and

the building size will also be determined. The neighbouring properties are mostly R-1L lots with the exception of the 4-unit apartment directly adjacent the property and the apartment complexes at each end of Beach Grove Road. The height of the building will line up with adjacent properties and will be smaller than the 4-unit due to the elevation of the land. Staff recommends that it be approved to proceed to public consultation with a note that introducing an apartment building may create land use conflict and may raise potential concerns with the residents if they feel that an apartment building may be incompatible to the neighbourhood. The applicant, Drew Melnick, was present to answer any questions.

Mr. Melnick emphasized that the height of the proposed apartment will be similar to the other apartment buildings. Councillor Jankov asked if these are going to be long term rentals or bnbs. Mr. Melnick confirmed that these are for long term rentals and the target are the upper range housing with a one year lease.

Basil Hambly, RM, asked if the roadway exiting the building will be directly across the current apartment building and Mr. Melnick confirmed and commented that they are flexible on keeping the access along Beach Grove Road or move it to Kirkcaldy Drive, depending on what the direction of the City would be. Mr. Hambly added that there are traffic issues in that area and adding another apartment building may result to more congestion and may be a more dangerous on a busy road. Mr. Morrison also added that the Bylaw requires an access distance of at least 50 meters from the corner for a corner lot and the parking cannot be in the front yard of apartment. The flankage would be along Kirkcaldy Drive therefore the parking will not be located closer to Beach Grove Road than the proposed apartment building.

Councilor Rivard commented that he shares the same concerns with Mr. Hambly on the traffic flow on Beach Grove Road and asked if it would create any potential issues having two large parking lots opposite each other and one with one entry/exit point. Mr. Morrison responded that the bylaw would only permit one access point. Councillor Rivard also asked about the building facing Kirkcaldy versus facing Beach Grove Road considering that most if not all houses face Beach Grove Road. Mr. Morrison noted that the building can remain to face Kirkcaldy Drive and can make some design features for the façade facing the street. Mr. Melnick also added that they have reviewed a plan of the building Beach Grove Road with parking on the side and can also be considered.

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

Moved by Shallyn Murray, RM, and seconded by Reg MacInnis, 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 89 Beach Grove Road (PID #386755), be recommended to Council to proceed to public consultation.

**CARRIED
(5-2)**

9. 93 Weymouth Street (PID #340984)

This application is request for variance for the property at 93 Weymouth Street (PID #340984). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone. Robert Zilke, Planner II, presented the application. See attached report.

Mr. Zilke mentioned that current and the next application will have the same variance request to reduce the lot frontage requirement from 65.6 ft to approximately 30 ft., same ownership and are two adjacent properties. The proposed variance is to allow the applicants to convert the existing five (5) unit dwelling to a six (6) unit dwelling. Both properties have undocumented renovations at the time they converted the dwelling into a six unit dwelling. Staff noted that it is difficult to review the application considering that work has been done prior seeking proper approvals; staff feels that approving this application would then allow the department to adhere to Building Code requirements and bring the building up to safety with the existing Building Code and fire regulations. The applicants are more than willing to work with Staff to meet all these requirements. Staff recommendation is to approve the application. Karolyn Walsh, representative of the applicant was present to add more details and to answer any possible questions.

Rosemary Herbert, RM, asked that the report mentioned consolidating the property and if in doing so, would it almost meet the Zoning By-law requirement. Mr. Zilke confirmed that consolidating the property would still require a variance but for just 1.5 meters of lot frontage. Mr. Zilke also did a brief survey of the properties on the block and informed the Board that most properties range from three (3) to eight (8) units. There is quite a bit of density in that area. Mr. Zilke noted though that he is not advocating the lot consolidation but providing it as an example that if a lot consolidation was done, they would still be permitted to go up to a max of 12 units. Ms. Herbert commented that it may also be a good option because it limits the variance request and it may send a message to others to follow the laws and apply for the necessary permits for consideration. Mr. Zilke noted that that may be an option for the board to consider as well.

Shallyn Murray, RM, asked if there is an issue for the buildings being too close if they were consolidated. Mr. Zilke responded that it is not a factor and the buildings were built prior to the adoption of the current bylaw. As it is, and if they were consolidated, it would still adhere to the bylaw as they are not expanding the structure or making changes to the dimensions. The only thing that would apply at this point would be Fire and Building code requirements. Pertaining to parking, they are not required to provide additional parking spaces. For any renovations or additions to property within the 500 Lot area, the parking requirements are triggered when units are over 4200 sq.ft. which in this case, the units combined floor area are smaller than 4200 sq.ft. This applies to both applications.

Councillor Rivard asked how many parking spaces are available. Mr. Zilke responded that there are three (3) stalls on each site, 93 and 101 Weymouth Street. The three stalls on 101 Weymouth are not tandem parked so they have three accesses without moving the other vehicles. For 101,

parking is on the side of the building and cuts through another parking lot owned by another business. The applicants were present to provide more information about the parking. Councillor Rivard then asked for the total number of units for both buildings. Mr. Zilke responded that there are 6 units per property, 93 Weymouth Street is requesting one additional unit and 101 Weymouth Street is requesting an additional three units. Councillor Jankov asked if 101 Weymouth Street contains 6 units at present and Mr. Zilke confirmed that both currently have 6 units per property. Councillor Jankov also asked if the apartments are used for short term or long term rentals. Mr. Zilke responded that he cannot comment on the length of time they are rented and the applicants may wish to comment on this question.

Ms. Walsh confirmed that there are no changes to the front of the building, the property will be long term rentals and will never be rented for short term rentals or for airbnbs. Ms. Walsh also commented that they do not need additional parking and parking is currently not a concern. Since the building is side by side, and if in the future, tenants of one of the building would require additional parking, they can use parking spaces from the other lot and vice versa. There are no plans to consolidate the lot. The owners will be applying for permit approvals as necessary to bring the building into compliance. The rentals will not be low rentals but reasonable/affordable rentals.

Bobby Kenny, RM, clarified that these units are not intended to be airbnbs and Ms. Walsh confirmed this to be correct. Mr. Kenny noted that there are students there. Ms. Walsh responded that these students may also be working during the summer and are staying year round and would most likely sign a year lease, not like other students who would stay from September to April and then have the units rented out as bnbs during the summer. Ms. Walsh confirmed that they are definite it will not be for short term rentals. Councillor Rivard commented that housing for students is a need as well. Mr. Kenny also asked if the driveway is a shared driveway and Ms. Walsh confirmed that it is a shared driveway for both dwelling units. There is enough space for parking for the two properties.

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

Moved by and seconded by, that the application to reduce the lot frontage from 65.6 feet to approximately 30 feet in order to convert the existing five (5) unit dwelling into a six (6) unit dwelling for the property at 93 Weymouth Street (PID #340984), be recommended to Council for approval, subject to the following condition:

- **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.**

CARRIED

10. 101 Weymouth Street (PID #340992)

This application is request for variance for the property at 101 Weymouth Street (PID #340992). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone. Robert Zilke, Planner II, presented the application. See attached report.

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

Moved by and seconded by, that the application to reduce the lot frontage from 65.6 feet to approximately 30 feet in order to convert the existing three (3) unit dwelling into a six (6) unit dwelling for the property at 101 Weymouth Street (PID #340992), be recommended to Council for approval, subject to the following condition:

- **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.**

CARRIED

Shallyn Murray, RM, asked for clarifications on the restrictions for frontages whether it is required just to keep the scale of the property or does it have anything to do with fire access, etc. Mr. Forbes responded that lot frontage and lot area work together and the Downtown area would usually have smaller frontages. A minimum distance is required for a driveway in order to gain entry and a certain distance is required for the building with side yard. There are several properties in the downtown that do not meet the standards and in this case, this property has been operating as six units over the years and staff did not receive any complaints. The frontages are also used to calculate density in some areas.

11. 15 Hillsborough Street (PID #336198)

This is a request for variances for the property at 15 Hillsborough Street (PID #336198) 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.). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) and is a Designated Heritage Resource. Greg Morrison, Planner II, presented the application. See attached report.

The applicant originally proposed to construct an addition to the existing accessory building while moving the accessory on the property. This is feasible but the applicants would prefer to construct a new one which would create a better structure for the accessory building. The current Bylaw requirement for side and rear yard setback for an accessory building is 3.9 ft and a distance of 3.9 ft from the eaves of the accessory building to the dwelling. The current accessory building does not conform to the current setback but since it was erected prior to the introduction of the said bylaw, it can continue to exist. The proposed structure is attempting to meet the requirement for the minimum distance between the main dwelling and the accessory building but will result in the side and rear yard setbacks being reduced and requiring a variance.

Staff has been working with previous, current and prospective property owners in order to retain and renovate the existing building and should this application be approved, the design of the accessory building will be subject to Heritage Board approval as well.

Councillor Rivard commended Mr. Coles for stepping in to purchase the historic log cabin and restoring it and would support applications in relation to this property.

Bobby Kenny, RM, commented that it will not have a significant difference if the accessory building was moved and it may not even be noticeable or will not have any impact on adjacent properties. Mr. Morrison presented the site plan showing an enclosed fuel tank encroaching to the property and the neighbor does not seem to have any opposition to this variance application.

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) Reduce the required side yard setback from 0.85 m (2.79 ft) to approximately 0.31 m (1.02 ft); and**
- b) 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.) for the property at 15 Hillsborough Street (PID #336198), be recommended to Council for approval.

CARRIED

Councillor Jason Cody had to leave the meeting and Mayor Philip Brown stepped in for the remainder of the meeting.

12. 185 Barkley Point Road (PID #390963)

This is a request to obtain a site-specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning & Development Bylaw for the property at 185 Barkley Point Road (PID #390963) in order to allow an Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses. Greg Morrison, Planner II, presented the application. See attached report.

This application was before the board on March 4, 2019 to rezone the property from R-1L to M-1 but was deferred by Planning Board and suggested that a site specific exemption may be a more feasible option. The property is currently a split zone between an MUC and R-1L zone and the applicant is proposing to locate a taxi stand as well as an automobile body shop on the R-1L portion of the property which is not a permitted use for this zone. The owner is not involved in this application but has given permission to the applicants to proceed with their proposal.

The proposed automobile body shop services would include light vehicle painting, light repair but no large scale repair. A mobile taxi stand is also being proposed where only one vehicle will be onsite and all other inquiries will be made through the applicant's mobile phone. The Police Department requires that a taxi stand have a business address for it to be approved. A taxi stand is a permitted use in the MUC zone but this specific taxi stand is located in the R-1L portion of the property which is why it is included in the application. That being said, the auto body shop is not permitted in either zone. Staff has concerns rezoning it to the M-1 zone because of the other permitted uses that are allowed in an M-1 zone. Staff recommends that it proceed to a public

consultation to determine whether there would be concerns from the residents regarding the proposed use and the attached single detached dwelling.

Rosemary Herbert, RM, asked if there are any safety considerations in terms of potential fire or explosion hazards. Mr. Morrison responded that they would be performing some repair welding but most of would be light painting. If this is approved, they will be required to apply for a change of use permit which will be reviewed by building inspector and possibly fire and this should address the safety concerns or risks. Mayor Brown added that there will be welding and other equipment in the City which may be flammable but will not pose a high risk. Mr. Kenny asked if they require a license and Mr. Morrison mentioned that the City would provide a permit but if they need business licenses, it would be through the Province.

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 Reg MacInnis, RM, that the request to obtain a site specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning and Development Bylaw 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, be recommended to Council to proceed to public consultation.

CARRIED

13. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2)

This is a proposal to amend sections of the Zoning & Development Bylaw (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. Robert Zilke, Planner II, presented the application. See attached report.

Mayor Brown clarified if the airbnbs will fall under tourist homes and Mr. Zilke confirmed. Mr. Zilke also added that Airbnb is basically an online platform to allow them to advertise the property. From a land use perspective, it is treated as a bed and breakfast and would follow the same requirements for this use. Mayor Brown then mentioned that by the end of May, the owner of a property along Upper Prince Street wants to convert his property for short term rentals and clarified if this will then be considered as a tourist home. Mr. Zilke confirmed and commented that adding the definition for the tourist home would allow the department to regulate the use. The Building Code requirement for bnbs requires that the proprietor has to live in the property being rented out. For airbnbs, owners are not required to live onsite. This definition would then recognize the use. Mayor Brown clarified if the Airbnb along Dorchester Street would then be categorized as a tourist home. Mr. Zilke responded that when either rooms are rented or the whole property is being rented, it has to follow the requirements. Mayor Brown asked clarifications on owner occupied businesses and if they can use it as short term rentals instead of home occupations such as massage/hair dressing and also asked if they pay non-residential taxes. Mr. Forbes clarified that we are not amending regulations pertaining to short term rentals at this point but we are just trying to utilize existing tools in the current bylaw to make short term rentals a reality. In the future, Council may give us direction to change the requirements on this

issue as well and then provide clearer regulations on short or long term rentals. Mayor Brown asked how a decision can be made if there are no regulations in the bylaw relating to it. Mr. Forbes indicated that the Zoning & Development Bylaw is an effective tool to regulate most land use decisions but from time to time, amendments are required to address concerns that are realized when an application comes in and specifically referenced in the existing bylaw.

Councillor Jankov clarified the definition of tourist home where apartment units/rooms cannot be considered for short term rentals and if it was allowed before. Mr. Zilke responded to say that the current bylaw only permits tourist accommodations in single family residential dwellings. Mayor Brown asked if this changed and Mr. Zilke responded that it did not change but it just defines what a tourist home is. Mr. Forbes and Mr. Zilke both clarified and confirmed that tourist homes/short term rentals are typically located in a single detached dwelling unit. Mr. Forbes indicated that people go to the province to apply for short term rental approval and they are advised to go to the City to ensure that the property is properly zoned to permit this type of use. The City does not recognize short term rentals as a permitted use but there are other ways to achieve the same objective by permitting them in tourist homes. Planning staff will need direction in the future to monitor short term rentals and where they can be permitted. There are about approximately 500 short term rentals in the City and 70% are located in the single family dwellings.

Mr. MacInnis mentioned that the definitions are clear and if we could add the term Airbnb. Mr. Brown mentioned that the City may wish to define the length of time it operates as short term rentals. Mr. Forbes added that short term rentals are an issue and staff is fortifying the existing Zoning By-law to address this issue. Staff cannot sign off on an application for a short term rental in some situations even if the province has already approved the use. Mr. Forbes also added that this is the reason why the amendments are to go to public consultation to assess what the public thinks and then Council may obtain further clarity and provide a recommendation to staff as to how they wish to move forward.

Ms. Herbert also asked how this definition will help staff make decisions on short term rentals. Mr. Zilke noted that there are two types of short term rentals, one is bed and breakfast and the other is a tourist home. The tourist home is mentioned in the Bylaw but was never defined. Therefore by providing the definition, it will be easier for staff to determine which type of short term rentals are they inquiring about.

Councillor Jankov clarified that since a definition of a tourist home is in place, then if and when applicants want to apply for a tourist home, they can apply for a permit through the City and it will be clear to determine whether the applications would be permitted or not. Mr. Forbes confirmed and also added that the provincial tourist home operator form refers to tourist homes and bed and breakfast operations and the form has been used by the province for years. Recently they added the requirement to get approval from the City for airbnbs. Councillor Jankov asked if we can force people to apply. Mr. Forbes mentioned that we cannot enforce since the province is approving the permits. Councillor Jankov emphasized that applicants must meet the requirements of the City first before applying to the Province to ensure that they meet our regulations. Mr. Zilke also added that the Province does not perform inspections or compliance to applicable

building and fire codes. Therefore, the municipality/City needs to review the application to ensure that there are no safety issues/concerns before a permit is approved.

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 Rosemary Herbert, RM, that the amendments to the Zoning and Development Bylaw (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 recommended to Council to proceed to a Public Consultation.

CARRIED

14. Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2)

This is an application to amend section of the Zoning & Development Bylaw (PH-ZD.2) pertaining to Section 36 Heavy Industrial (M-2A) Zone to permit an Asphalt, Aggregate and Concrete Plant and insert a definition for said use under Appendix A. Robert Zilke, Planner II, presented the application. See attached report.

This application was deferred by the Planning Board on April 1, 2019 in order for staff to meet with the Department of Provincial Environment to discuss the environmental assessment requirements for asphalt, aggregate and concrete plant to be located in the City. For any application for these uses, they are required to undergo an environmental screening through the province who in turn will make a recommendation to the City before a permit can be approved. The Department of Provincial Environment indicated that these uses can be accommodated in M-2 Heavy industrial zones. There are only two areas in the City that are zoned M-2, one in West Royalty and one along Sherwood Road. The M-2 Zone along West Royalty Road would have low density residential zones adjacent to it and will not meet the screening buffer requirement, therefore will not be suitable to locate these uses. Should this use be proposed in the City, it will most likely be along the Sherwood Area. The previous amendments dealing with this issue included the requirement for Environmental Impact Assessment and it has been determined that this is no longer required in the Zoning By-law because the province is already mandated to have to undertake this type of review.

Rosemary Herbert, RM, asked why the environmental assessment requirement is no longer going to be required by the City. Mr. Zilke noted that since the environmental assessment will already be done by the province prior and will make a recommendation to staff based on their environmental screening. It will become redundant to require the applicants to redo the assessment. Ms. Herbert then asked if this screening process is the same as an environmental

assessment and is our bylaw congruent with the province. Mr. Zilke confirmed that it is the same assessment and requirement. It is up to the applicant or the owner to choose the best and correct site and then work with the Province to complete the necessary assessments.

Mayor Brown also clarified that the zones we are looking at are those along Sherwood Road near the Island Construction and the other one along West Royalty Industrial Park. Mr. Brown also confirmed that applicants who will be looking at West Royalty Industrial Park as a potential will be advised that it is not a suitable site. Mr. Forbes responded that they will be advised that the properties in the West Royalty Industrial Park are located near residential properties which will make it very difficult to pass the screening. Applicants wishing to establish an asphalt plant need to locate and undergo the assessments necessary before being granted approval. The DOE goes through a screening process before they move to a full environmental impact review. Screening can result in a project either being screened in or out and the province may determine that an environmental impact assessment is not required. Mr. Brown also asked if there are any other M2 zones and Mr. Forbes confirmed that only those two M2 sites in the City.

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 Kris Fournier, RM, that the request to amend Section 36 of the Zoning & Development Bylaw (PH-ZD.2) to permit an Asphalt, Aggregate and Concrete Plant and insert a definition for said use under Appendix A, be recommended to Council for approval.


**CARRIED
(7-1)**

15. 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 6:56 p.m.

Councillor Greg Rivard, Chair

TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 1014224 & 373415) 351 North River Rod FILE: PLAN-2019-05-May-6A1 OWNERS: APPLICANT: Sable Arc Studios		
MEETING DATE: May 6, 2019		Page 1 of 13
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Concept Plan C. Elevation Drawings	
SITE INFORMATION: Context: Mature mixed density neighbourhood adjacent to a low density subdivision and vacant CDA land. Ward No: 5 – Ellen’s Creek Existing Land Use: existing single detached dwelling and vacant land. Official Plan: Low Density Residential Zoning: 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"> ▪ The City is experiencing a demand for housing and this proposal would provide additional options for housing within a mature neighbourhood. ▪ The proposal is close to schools, parkland and public transit. ▪ The property is in an area that has municipal services. ▪ At least 50% of the site has been left as green space in the proposal. 	<p>The property is located along a watercourse and an environmental buffer must be reserved.</p>	<ul style="list-style-type: none"> ▪ The site is located adjacent to a low density subdivision. ▪ The proposal may be viewed by area residents as not compatible for the neighbourhood.

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

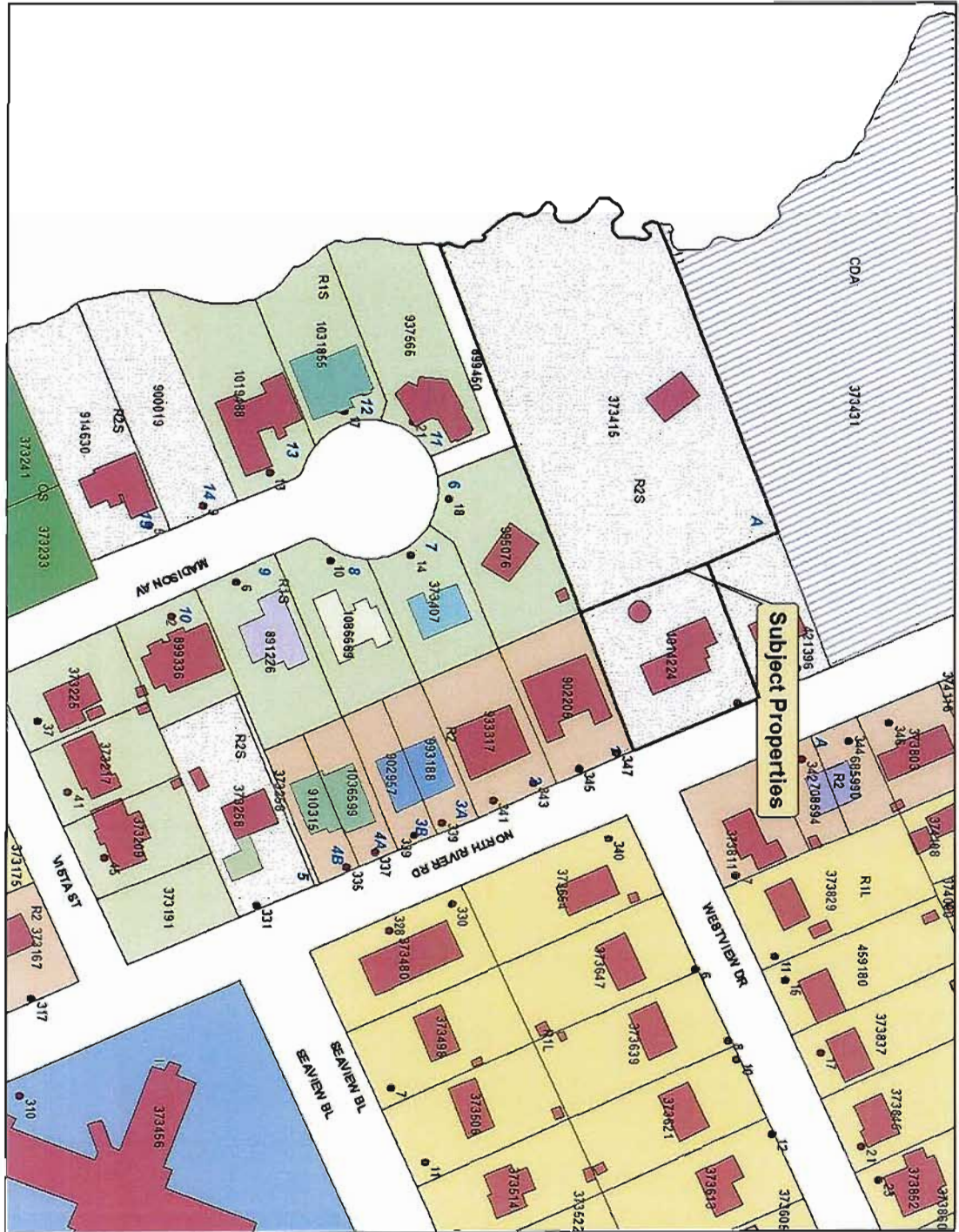


MANAGER:

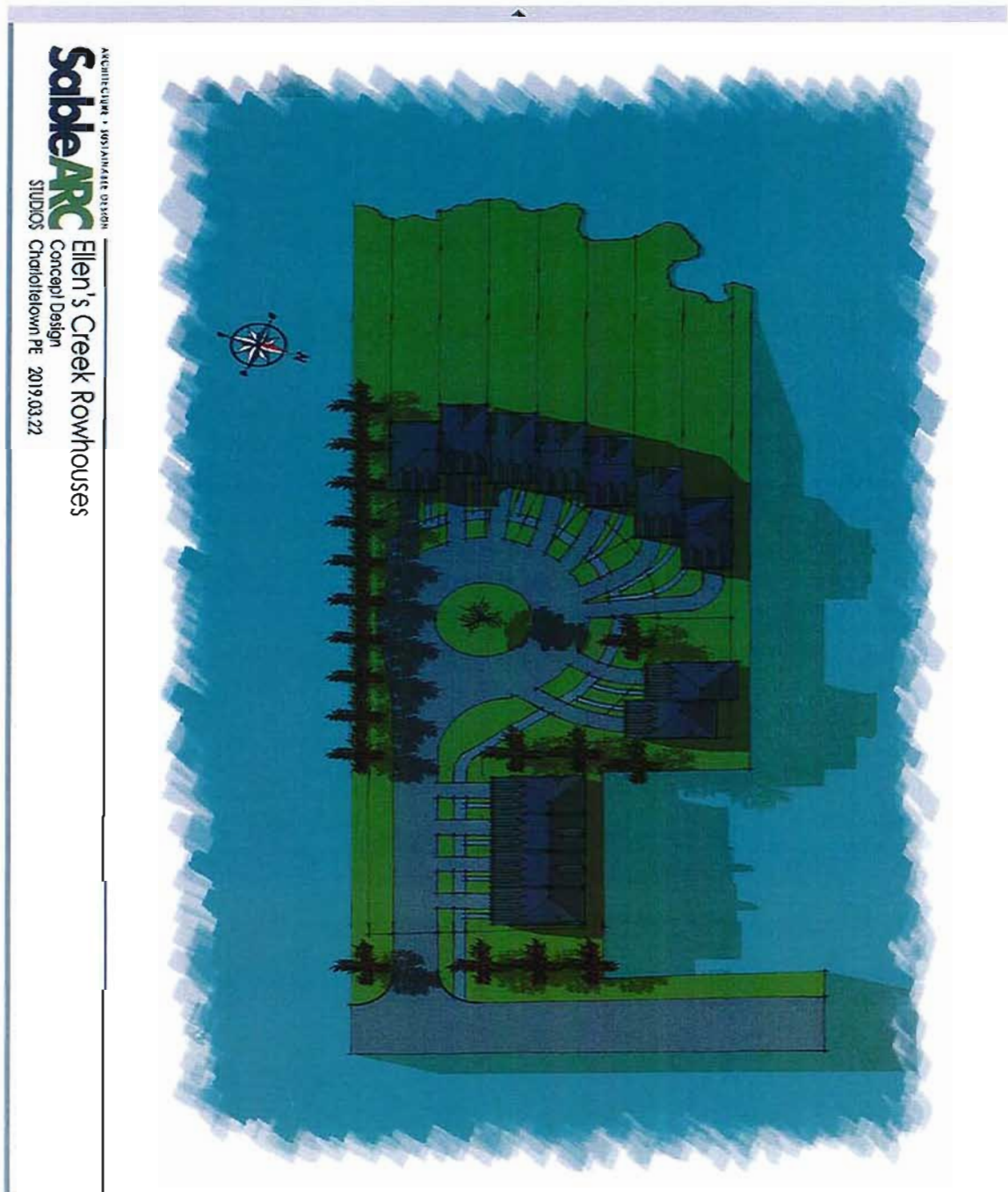
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



GIS Map:



Site Map:

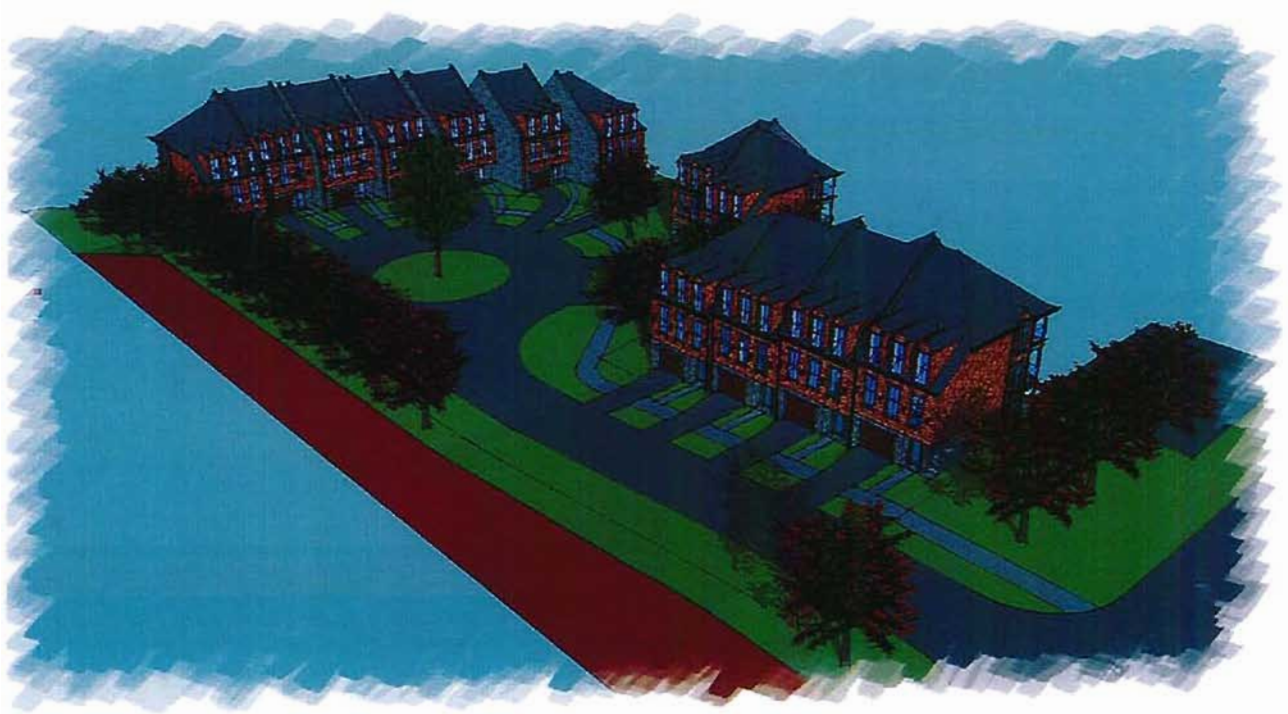





Elevations:







TITLE: REZONING APPLICATION FILE: PLAN-2019-6-MAY- 6A2 MILLER ST / PEARSON ST / HANOVER ST (PID #530980) OWNER: MAC & MAC ENTERPRISES INC.		
MEETING DATE: May 6, 2019		Page 1 of 5
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Site Plan	
SITE INFORMATION: Context: Vacant property on the corner of Miller Street, Pearson Street, and Hanover Street Ward No: 9 – Stonepark Existing Land Use: Vacant Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L)		
PREVIOUS APPLICATIONS: 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">• Meets the requirements of the By-law.• Compact urban form.• Infill development.• Efficient use of existing services.• Harmonious development.• Does not involve an Official Plan amendment.		

CONCLUSION:

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

PRESENTER:



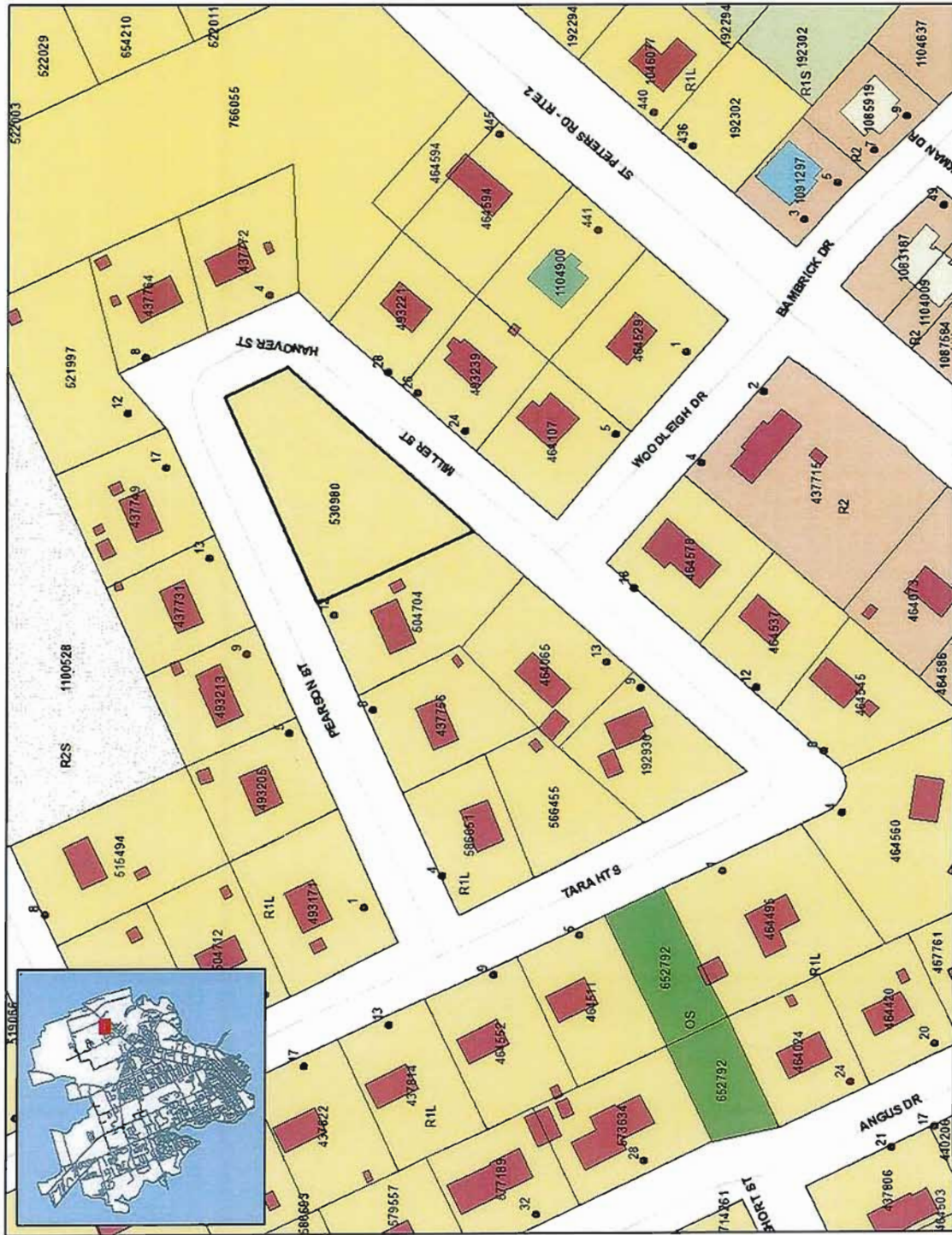
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

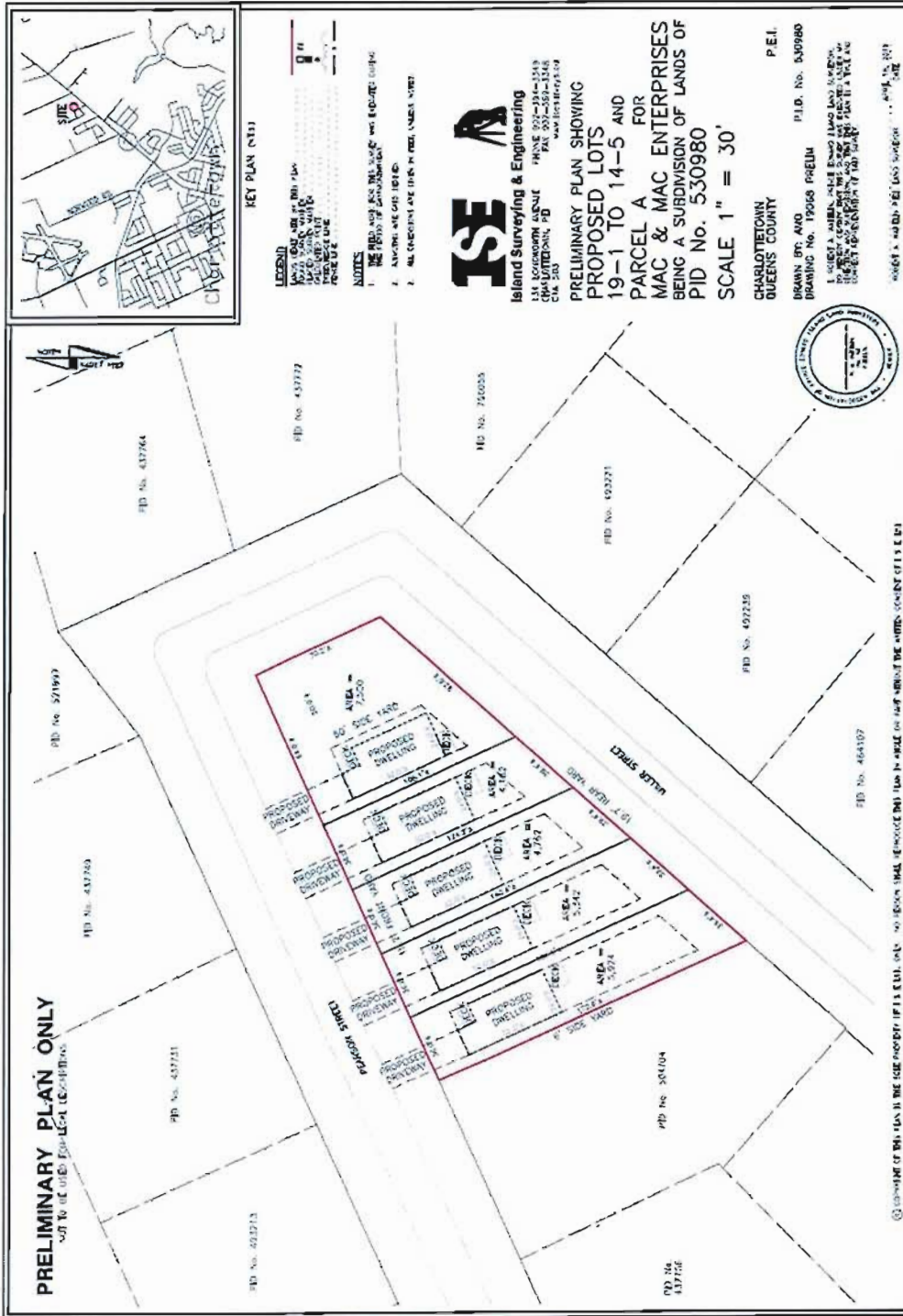
Attachment A



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




Attachment B



Attachment B: Site Plan
File: PLAN-2019-6-MAY-6A2
Miller St / Pearson St / Hanover St
(PID #530980)
Owner: Mac & Mac Enterprises Inc.



TITLE: REZONING APPLICATION FILE: PLAN-2019-6-MAY- 6A3 89 BEACH GROVE ROAD (PID #386755) OWNER: DREW MELNICK		 CHARLOTTETOWN
MEETING DATE: May 6, 2019		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Maps B. Preliminary Site Plan C. Elevations	
SITE INFORMATION: Context: Legal non-conforming duplex dwelling on the corner of Beach Grove Road and Kirkcaldy Drive Ward No: 7 – Beach Grove Existing Land Use: Legal Non-Conforming Duplex Dwelling Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1L)		
PREVIOUS APPLICATIONS: 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"> • Moderately higher density that will not adversely affect existing low density housing. • Additional density while using existing services to their fullest practical capacity. • Located along a bus route and on a residential collector street. • Access point is being moved from Beach Grove Road to Kirkcaldy Drive. 	<ul style="list-style-type: none"> • The applicant has attempted to address multiple concerns raised by the Planning Board at the last meeting. 	<ul style="list-style-type: none"> • 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... • Proposed rezoning could be considered a spot rezoning. • No transition between the adjacent single-detached dwelling and the proposed apartment

- 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...

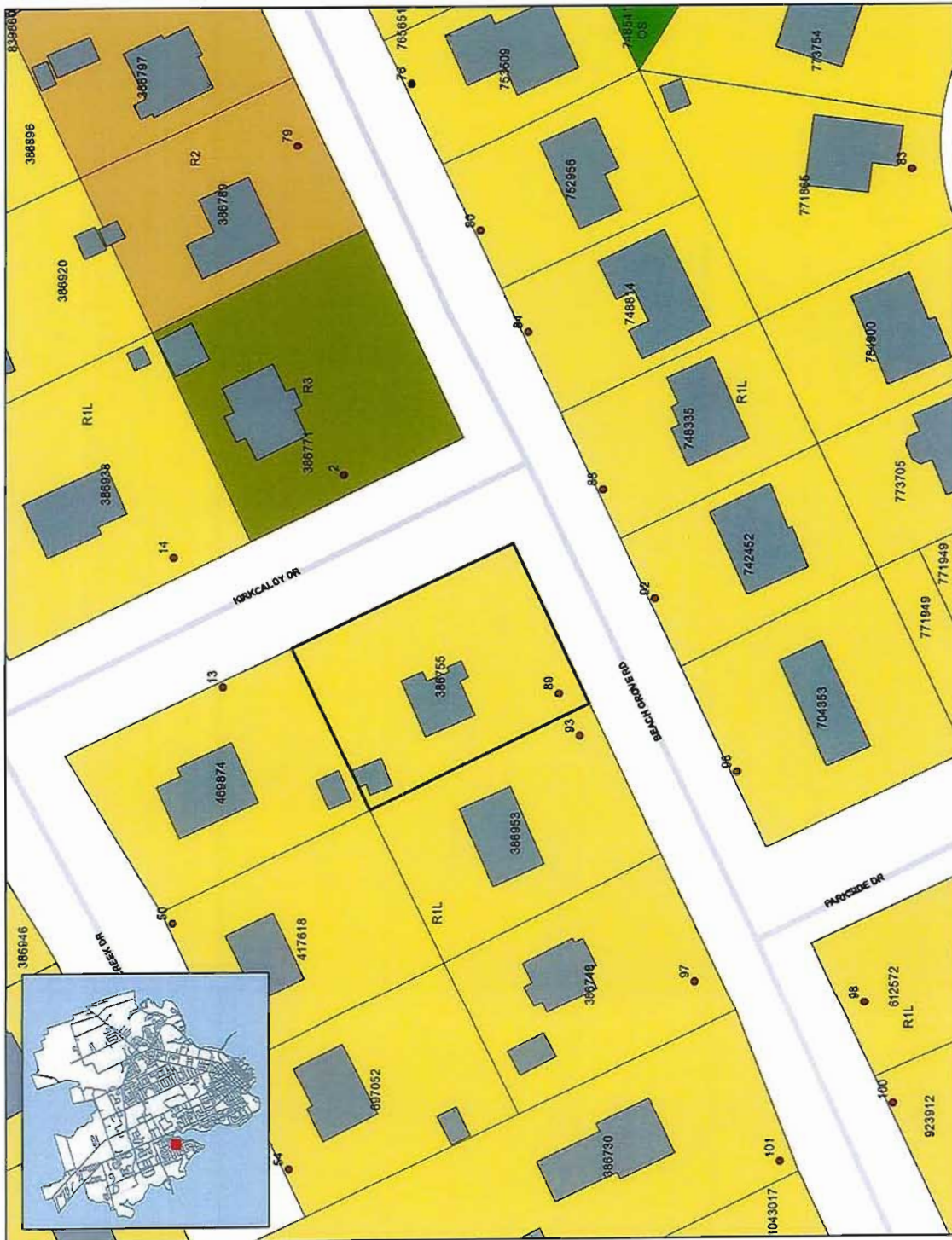
PRESENTER:

Greg Morrison, MCIP
Planner II

MANAGER:

Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A-1

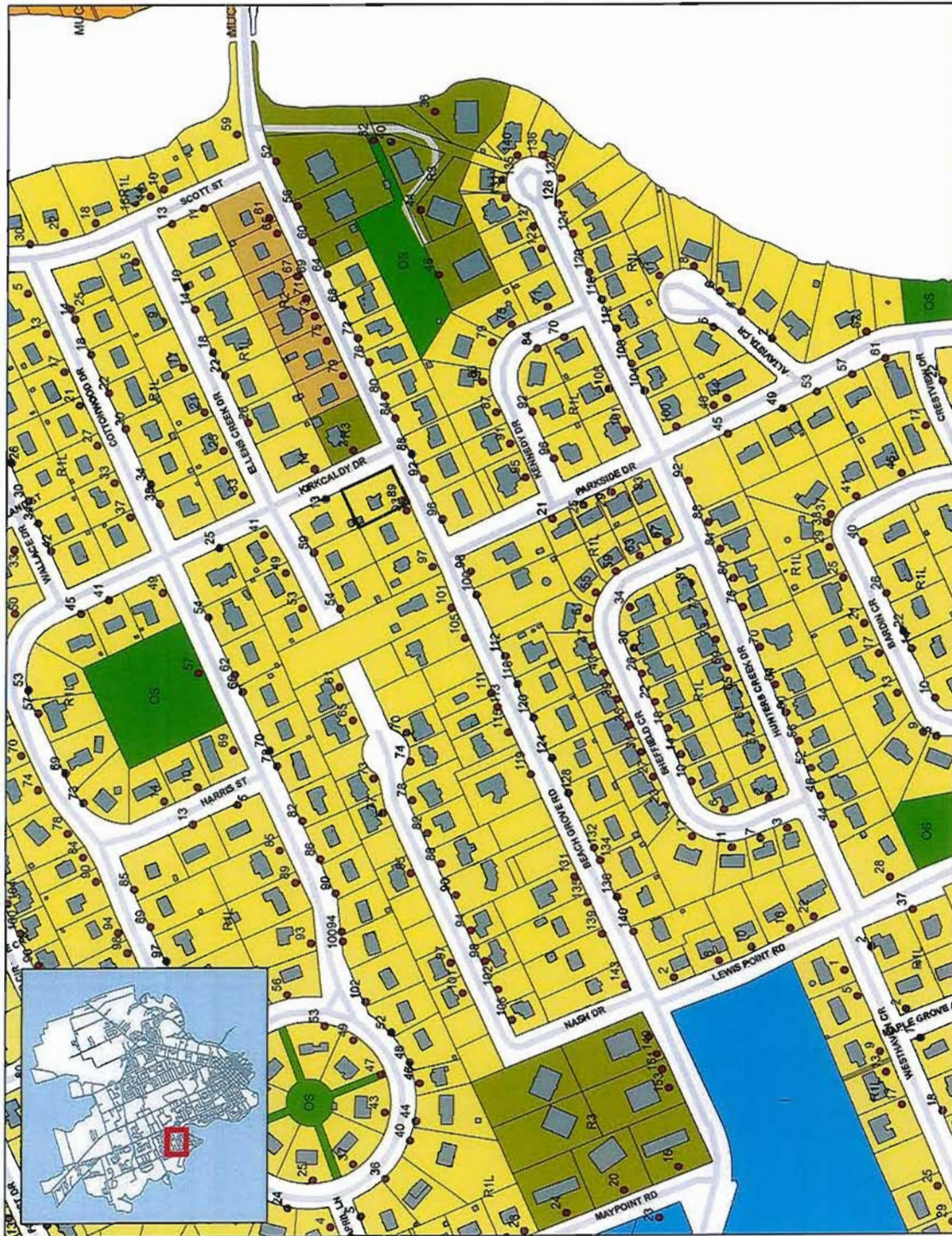


Attachment A: GIS Map
File: PLAN-2019-6-MAY-6A3
89 Beach Grove Road (PID #386755)
Owner: Drew Melnick


CHARLOTTETOWN
Planning & Heritage
Department



Attachment A-2



Attachment A: GIS Map

File: PLAN-2019-6-MAY-6A3

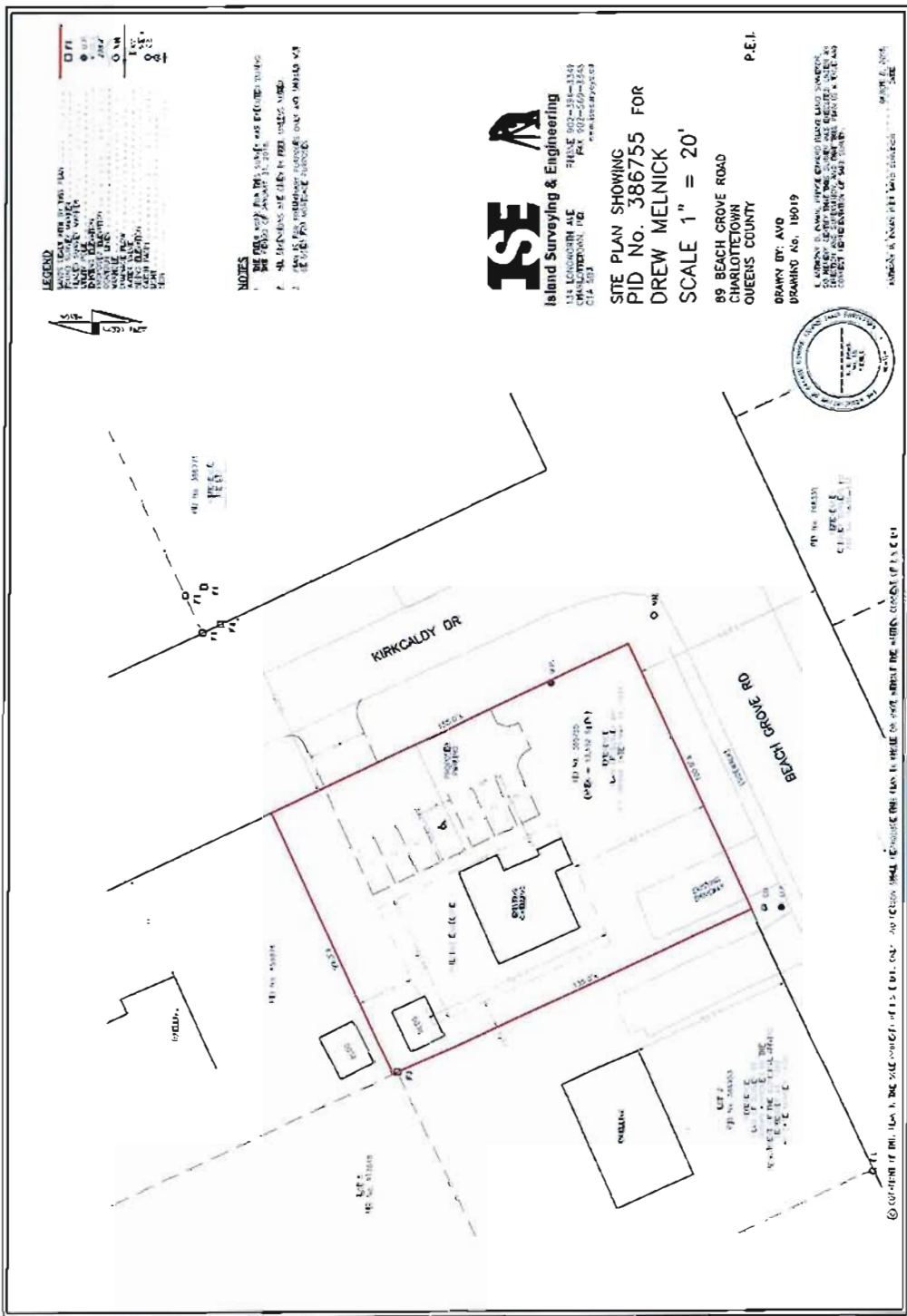
89 Beach Grove Road (PID #386755)

Owner: Drew Meinick


CHARLOTTETOWN
Planning & Heritage
Department

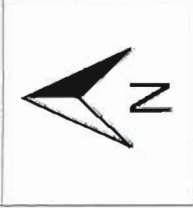


Attachment B



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

CHARLOTTETOWN
 Planning & Heritage
 Department



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

TITLE: LOT FRONTAGE VARIANCE FILE: PLAN-2019-6-MAY-6b-4 93 WEYMOUTH STREET OWNER: OSTRIDGE BROS (1983) INC.		
MEETING DATE: May 6, 2019		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Letter of Opposition	
SITE INFORMATION: Context: Existing Dwelling in the 500 Lot Area. Ward No: 1 – Queens Square Existing Land Use: 5-Unit Dwelling Official Plan: Downtown Mixed Use Neighbourhood Zoning: Downtown Mixed Use Neighbourhood (DMUN) Zone		
PREVIOUS APPLICATIONS: 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"> ▪ Moderately higher density using existing underground services. ▪ Additional density without adversely affecting existing density character of the area. ▪ The additional suite and building would receive necessary Code upgrades. 	<ul style="list-style-type: none"> ▪ While additional parking is not required, the existing parking on the property is limited. 	<ul style="list-style-type: none"> ▪ The property does not have the lot frontage required in the DMUN Zone. ▪ The renovations to convert space into additional dwelling units were completed prior to obtaining a permit.

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:

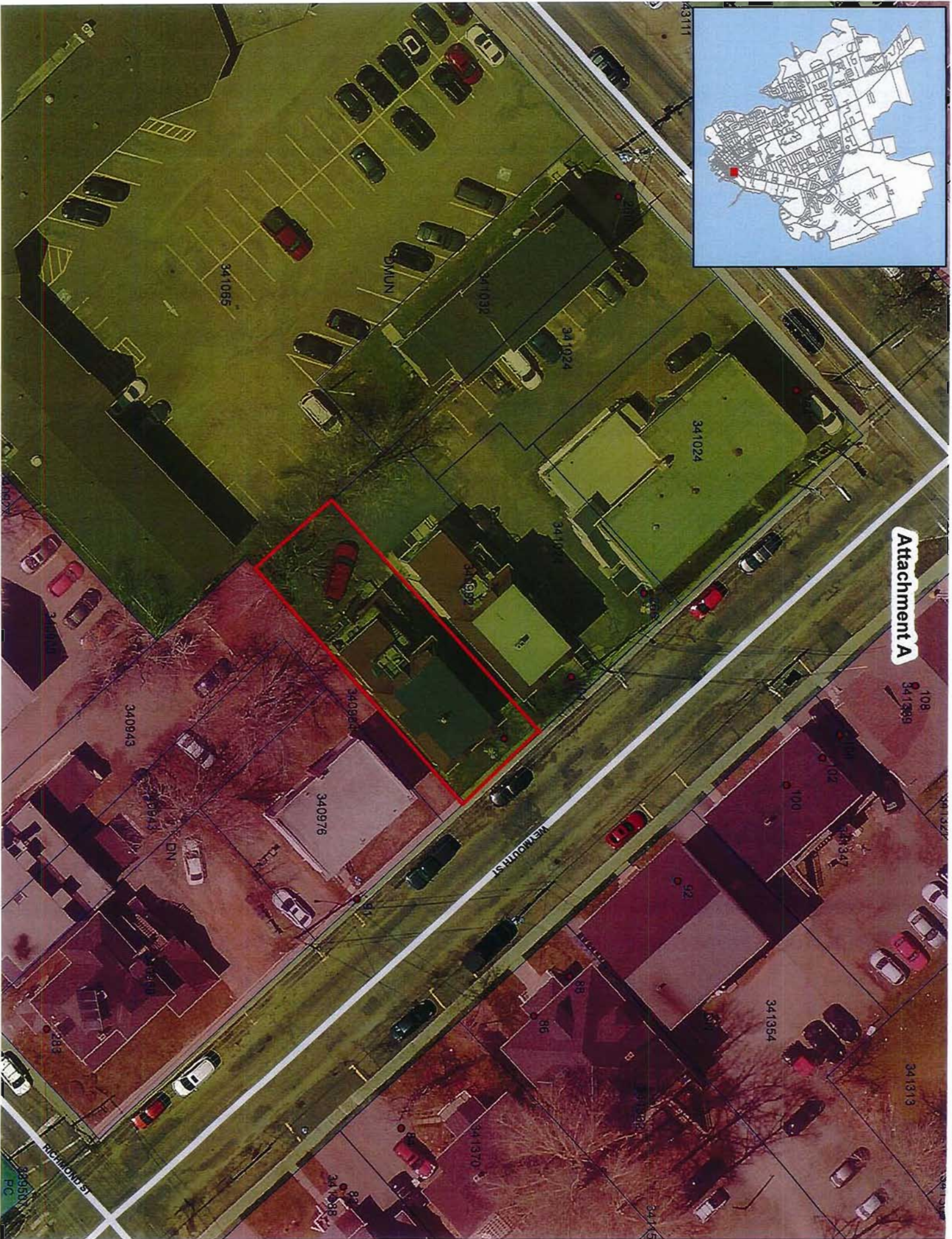


Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



Attachment A

341085

DMUN

341032

341024

341024

341010

340997

340964

340976

340943

340943

DN

341010

WALDOUST

108
341389

102

100

92

98

96

341354

341313

341370

341385

RICHMOND ST

341350

FC

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)

www.veterans.gc.ca

TITLE: LOT FRONTAGE VARIANCE FILE: PLAN-2019-6-MAY-6b-5 101 WEYMOUTH STREET OWNER: OSTRIDGE BROS (1983) INC.		
MEETING DATE: May 6, 2019		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Letter of Opposition	
SITE INFORMATION: Context: Existing Dwelling in the 500 Lot Area. Ward No: 1 – Queens Square Existing Land Use: 3-Unit Dwelling Official Plan: Downtown Mixed Use Neighbourhood Zoning: Downtown Mixed Use Neighbourhood (DMUN) Zone		
PREVIOUS APPLICATIONS: 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 20mins 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"> ▪ Moderately higher density using existing underground services. ▪ Additional density without adversely affecting existing density character of the area. ▪ The additional dwelling units and building would receive necessary Code upgrades to make the units safer. 	<ul style="list-style-type: none"> ▪ While additional parking is not required, the existing parking on the property is limited. 	<ul style="list-style-type: none"> ▪ The property does not have the lot frontage required in the DMUN Zone. ▪ The renovations to convert space into additional dwelling units were completed prior to obtaining a permit.

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:

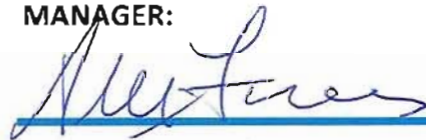
- 2) That occupancy permits are issued on all the additional dwelling units based on the completion of all required work/upgrades to the dwelling unit and building as per the requirements of the Building & Development Permit.

PRESENTER:

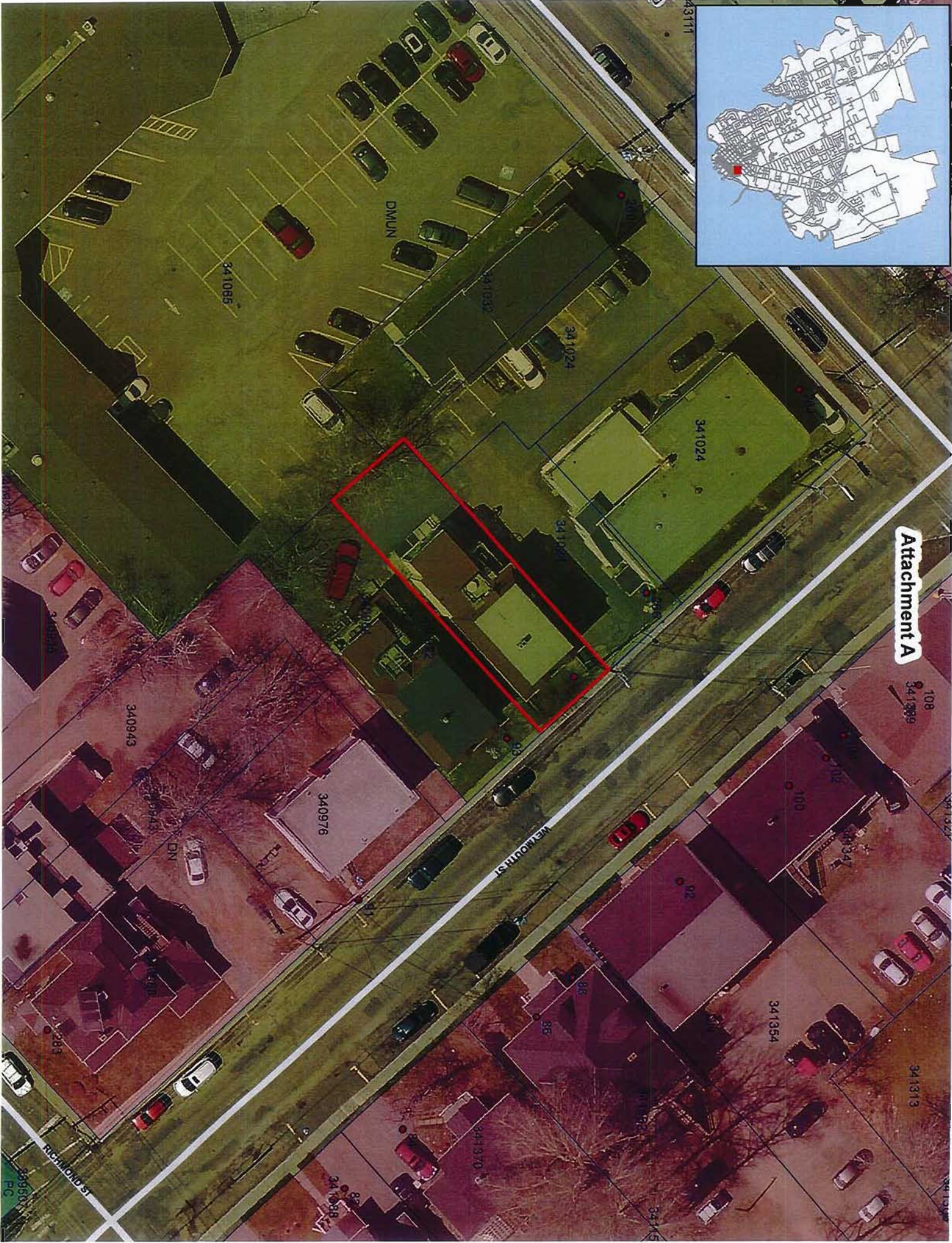


Robert Zilke, MCIP
Planner II

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)

www.veterans.gc.ca

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

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:

	Required Setbacks for an Accessory Building	Existing Setbacks for the Accessory Building (10 ft x 15.6 ft) <i>see Attachment 'B'</i>	Proposed Setbacks for the Accessory Building (10 ft x 18 ft) <i>see Attachment 'C'</i>
Side Yard Setback	1.2 m (3.9 ft)	0.85 m (2.79 ft)*	0.31 m (1.02 ft)
Rear Yard Setback	1.2 m (3.9 ft)	0.48 m (1.57 ft)*	0.30 m (0.98 ft)
Distance between the Main Dwelling and Accessory Building	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, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

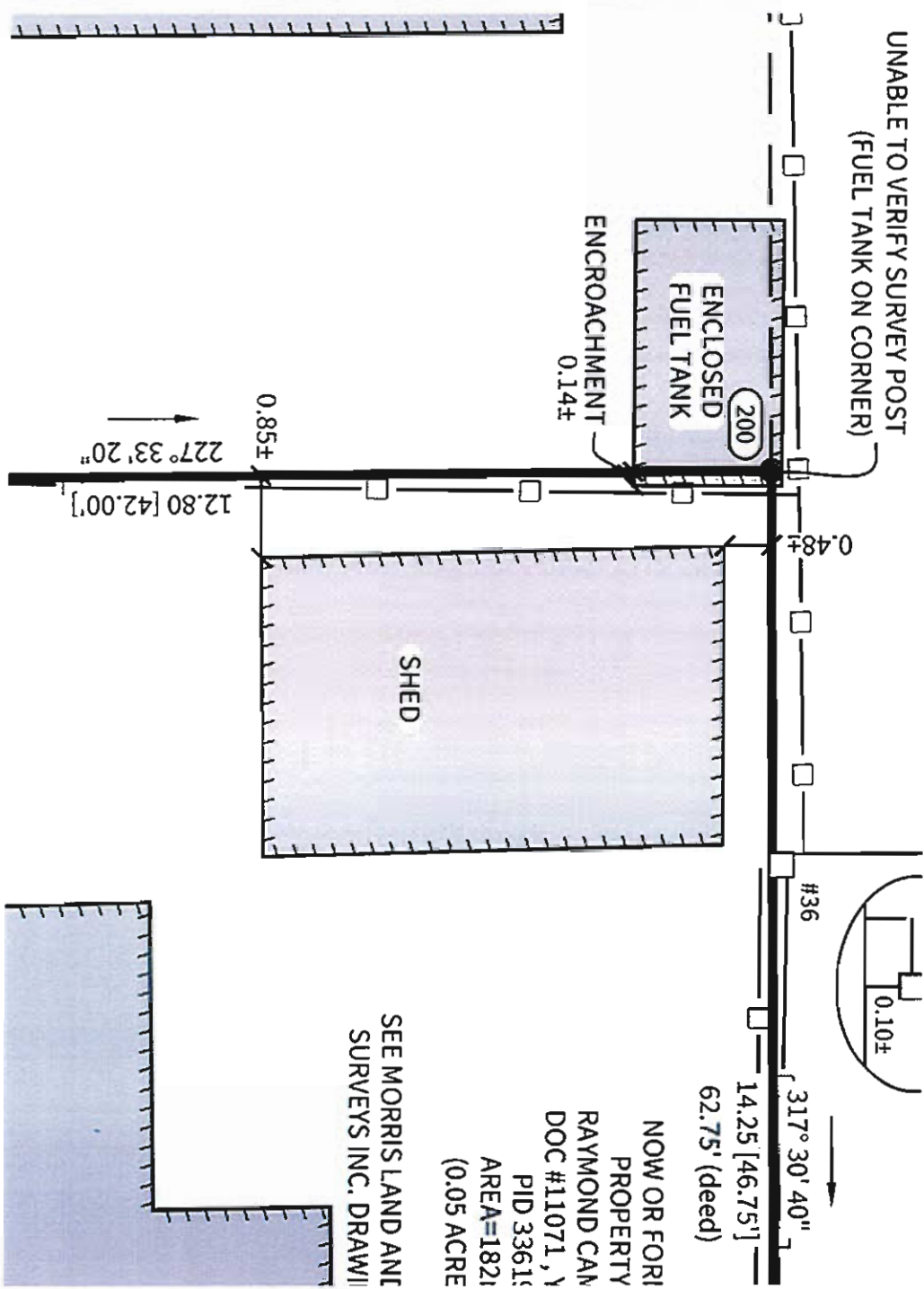


Attachment A: GIS Map
File: PLAN-2019-6-MAY- **6b-6**
15 Hillsborough Street (PID #336198)
Owner: Paul Coles


CHARLOTTETOWN
Planning & Heritage
Department



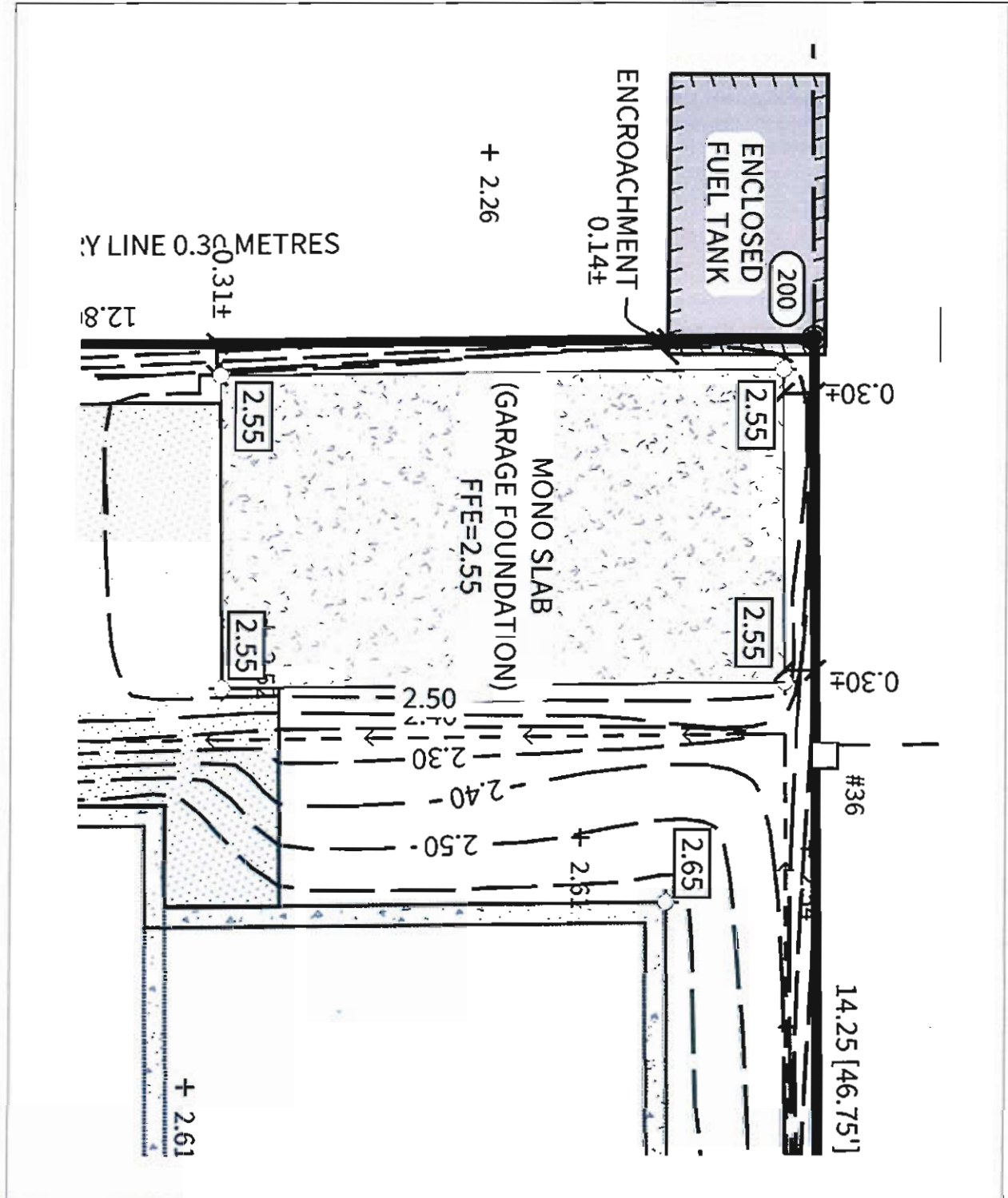
Attachment B-2



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




Attachment C-2



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



TITLE: SITE SPECIFIC EXEMPTION APPLICATION FILE: PLAN-2019-6-MAY- 6C7 185 BRACKLEY POINT ROAD (PID #390963) OWNER: BJS PROPERTIES INC. APPLICANT: OSAMA ABDOH		
MEETING DATE: May 6, 2019		Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map – Property Context B. GIS Map – Neighbourhood Context	
SITE INFORMATION: Context: Vacant property on Brackley Point Road. Ward No: 6 – Mount Edward Existing Land Use: Automobile Sales & Services (Discount Car Rental) Automobile Service Station (MP Auto Repair) Official Plan: Commercial / Low Density Residential Zoning: Mixed-Use Corridor (MUC) / Single-Detached Residential (R-1L)		
PREVIOUS APPLICATIONS: 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"> A site specific exemption is more appropriate than rezoning to the M-1 Zone. 	<ul style="list-style-type: none"> The property is split between the MUC and R-1L Zone; rezoning the R-1L portion of the property would be appropriate. 	<ul style="list-style-type: none"> Allow an Automobile Body Shop may create land-use conflicts with adjacent single-detached dwellings.

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:



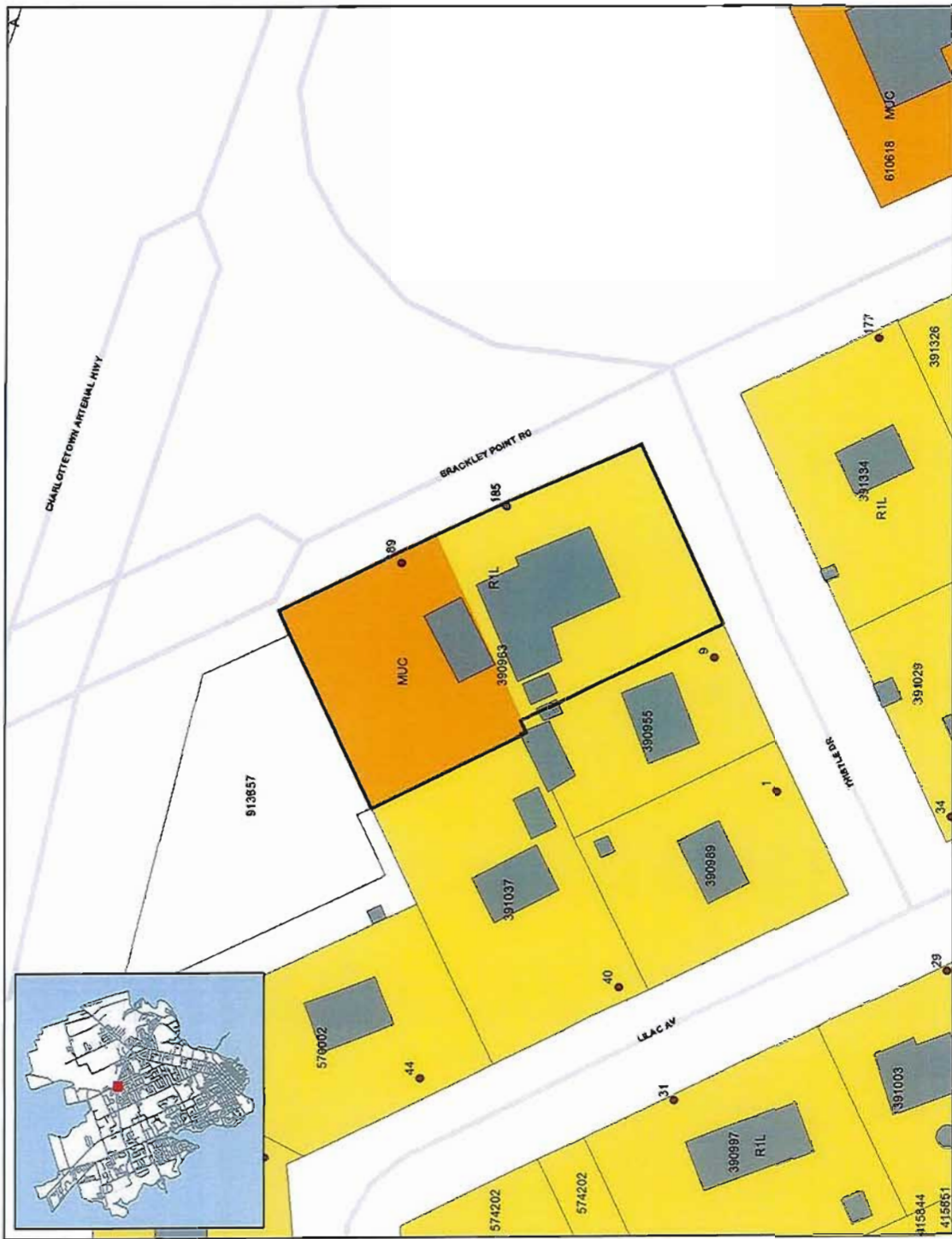
Greg Morrison, MCIP
Planner II

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)

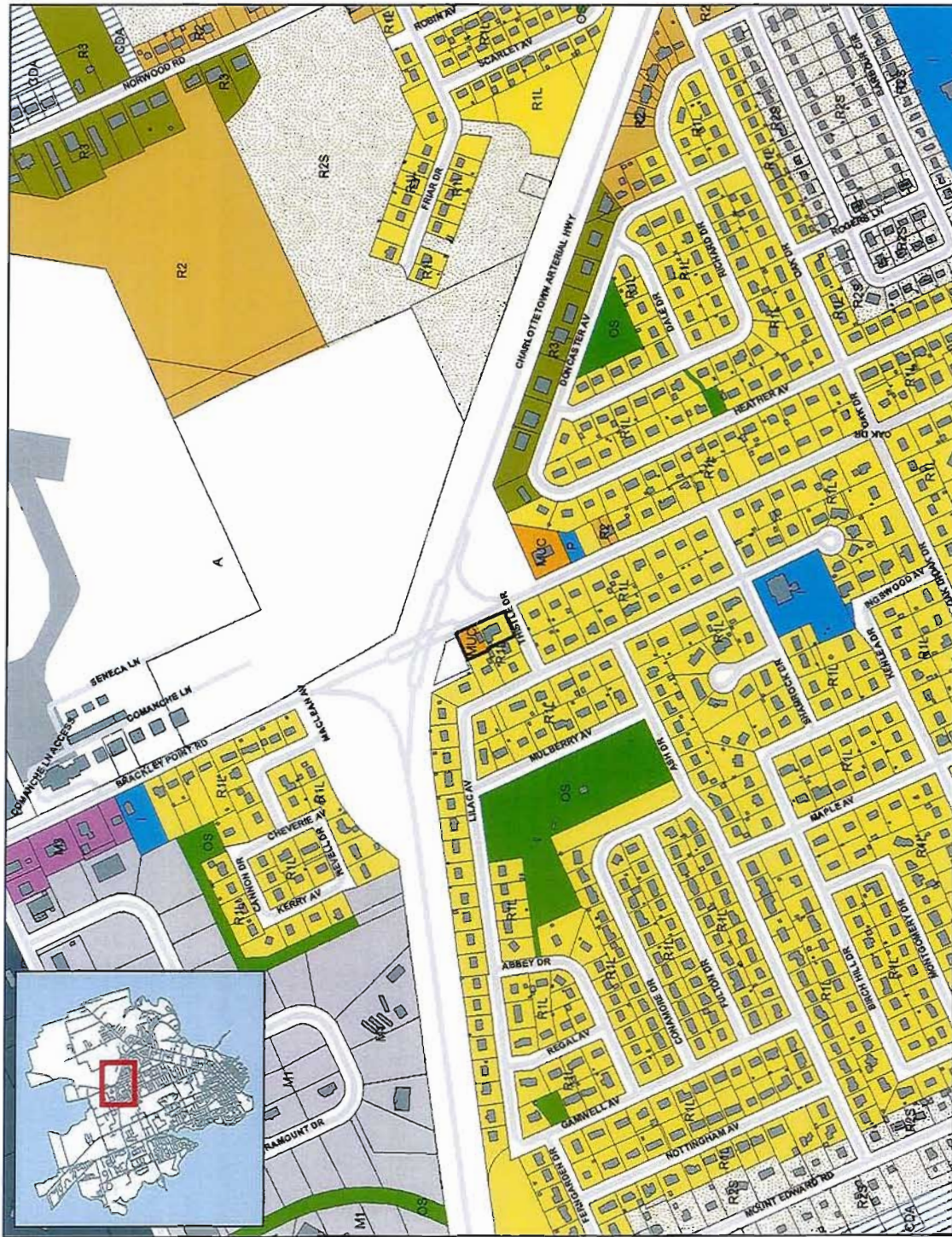
Owner: BJS Properties Inc.

Applicant: Osama Abdoh


CHARLOTTETOWN
Planning & Heritage
Department




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



TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-6-MAY- 60-8		
MEETING DATE: May 6, 2019		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS:	

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council that the request to amend the following sections of the Zoning & Development By-law 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 lot area, and for every additional bedroom over four (4) the lot must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
c. Heritage inn in the R1L, R1S, R2, and R2S Zones	Four (4) bedrooms are permitted for the first 370 sq m (3,982.8sq ft) of lot area, and for every additional bedroom over four (4) the lot must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
d. Heritage inn 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:

Interior/Corner Lots		
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

ZONING & DEVELOPMENT BY-LAW AMENDMENTS FOR AN ASPHALT, AGGREGATE AND CONCRETE PLANT FILE: PLAN-2019-6-MAY-6c-9		 CHARLOTTETOWN
MEETING DATE: May 6, 2019		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: 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 1st 2019, the Board decided to defer the amendments until City staff met with staff from the Department of Provincial Environment.

On April 23rd 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:

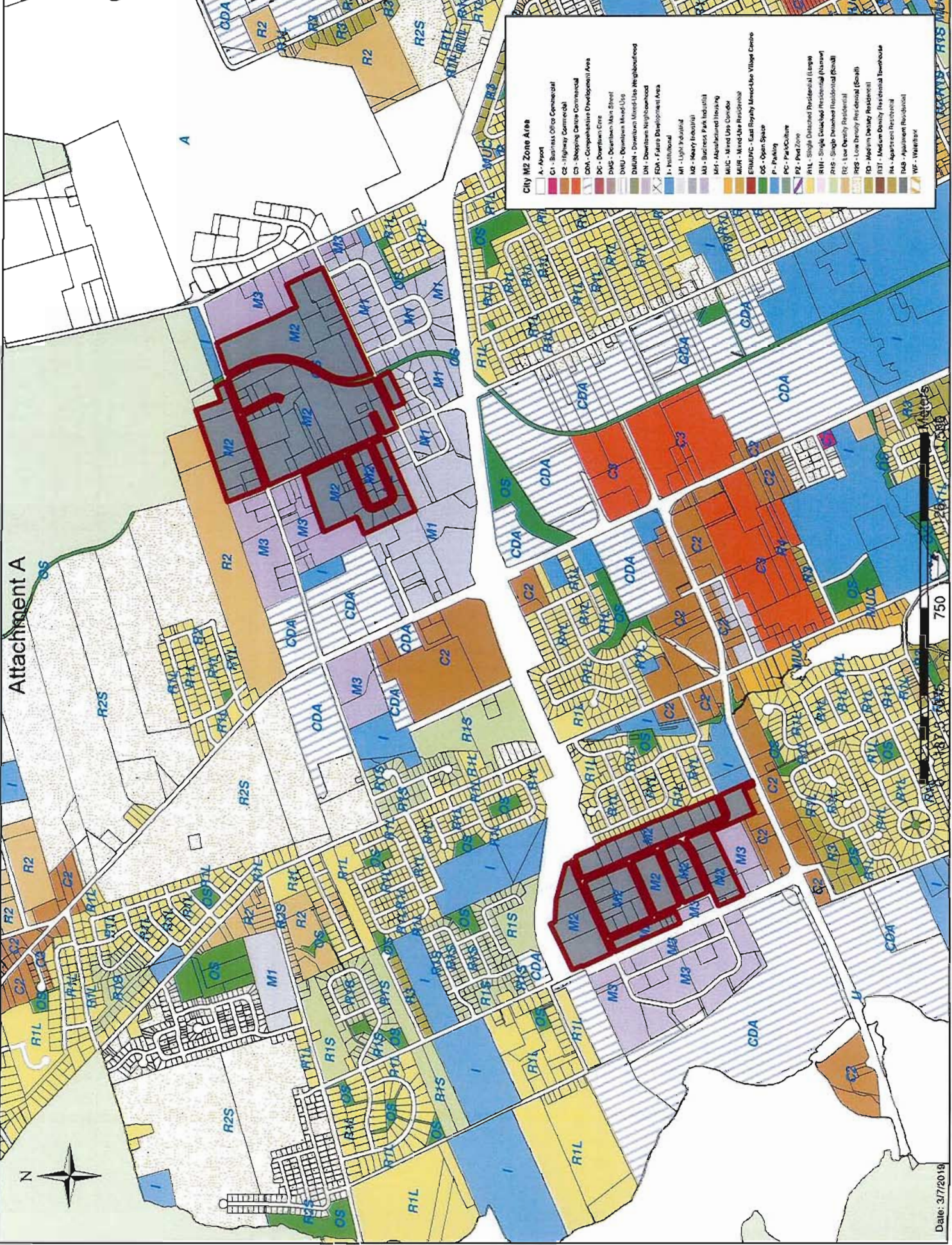


Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



CITY M2 Zone Area

A - Aeronaut	C1 - Business Office Commercial	M1 - Light Industrial	R1L - Single Detached Residential (Large)
C1 - Business Office Commercial	C2 - Highway Commercial	M2 - Heavy Industrial	R2 - Single Detached Residential (Medium)
C2 - Highway Commercial	C3 - Shopping Center Commercial	M3 - Business Park Industrial	R3 - Single Detached Residential (Small)
C3 - Shopping Center Commercial	CDA - Comprehensive Development Area	M4 - Manufactured Housing	R4 - Low Density Residential
CDA - Comprehensive Development Area	DC - Downtown Core	M5 - Mixed-Use Developer	R5 - Low Density Residential (South)
DC - Downtown Core	DMS - Downtown Main Street	M6 - Mixed-Use Residential	R6 - Medium Density Residential
DMS - Downtown Main Street	DMU - Downtown Mixed-Use	EMUD/C - East Supply Mound Lake Village Center	R7 - Medium Density Residential (Townhouse)
DMU - Downtown Mixed-Use	DMUN - Downtown Mixed-Use Neighborhood	OS - Open Space	R8 - Apartment Residential
DMUN - Downtown Mixed-Use Neighborhood	DN - Downtown Neighborhood	P - Parking	R9 - Apartment Residential
DN - Downtown Neighborhood	EDA - Future Development Area	PC - Park/Culture	R10 - Waterfront
EDA - Future Development Area	I - Individual	PZ - Port Zone	
I - Individual	M1 - Light Industrial	R1L - Single Detached Residential (Large)	
M1 - Light Industrial	M2 - Heavy Industrial	R2 - Single Detached Residential (Medium)	
M2 - Heavy Industrial	M3 - Business Park Industrial	R3 - Single Detached Residential (Small)	
M3 - Business Park Industrial	M4 - Manufactured Housing	R4 - Low Density Residential	
M4 - Manufactured Housing	M5 - Mixed-Use Developer	R5 - Low Density Residential (South)	
M5 - Mixed-Use Developer	M6 - Mixed-Use Residential	R6 - Medium Density Residential	
M6 - Mixed-Use Residential	EMUD/C - East Supply Mound Lake Village Center	R7 - Medium Density Residential (Townhouse)	
EMUD/C - East Supply Mound Lake Village Center	OS - Open Space	R8 - Apartment Residential	
OS - Open Space	P - Parking	R9 - Apartment Residential	
P - Parking	PC - Park/Culture	R10 - Waterfront	
PC - Park/Culture	PZ - Port Zone		
PZ - Port Zone	R1L - Single Detached Residential (Large)		
R1L - Single Detached Residential (Large)	R2 - Single Detached Residential (Medium)		
R2 - Single Detached Residential (Medium)	R3 - Single Detached Residential (Small)		
R3 - Single Detached Residential (Small)	R4 - Low Density Residential		
R4 - Low Density Residential	R5 - Low Density Residential (South)		
R5 - Low Density Residential (South)	R6 - Medium Density Residential		
R6 - Medium Density Residential	R7 - Medium Density Residential (Townhouse)		
R7 - Medium Density Residential (Townhouse)	R8 - Apartment Residential		
R8 - Apartment Residential	R9 - Apartment Residential		
R9 - Apartment Residential	R10 - Waterfront		

Attachment A



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

**PLANNING AND HERITAGE COMMITTEE – HERITAGE BOARD MINUTES
29 APRIL 2019 12:00 PM
PARDKALE ROOM, CITY HALL**

Included Councillor Greg Rivard, Chair
Deputy Mayor Jason Coady
Councillor Alanna Jankov
Simon Moore, RM
Tara Maloney, RM

Greg Munn, RM
Wayne MacKinnon, RM
Alex Forbes, PHM
Todd Saunders, HO
Ellen Ganga, IA/AA

Regrets Aaron Stavert, RM

1. Call to Order

Councillor Greg Rivard called the meeting to order at 12:05 pm.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Simon Moore, RM, and seconded by Tara Maloney, RM, that the agenda for Monday, April 29, 2019, be approved.

CARRIED

4. Adoption of Minutes

Moved by Greg Munn, RM, and seconded by Simon Moore, RM, that the minutes of the Monday, January 28, 2019 meeting be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from the minutes.

6. 23 Victoria Park Roadway (PID #385973)

This is an application from Parks and Recreation to install a sculpture of a fox and a kit in the area of the park called the arboretum near 23 Victoria Park Roadway (PID #385973). Todd Saunders, HO, presented the application. See attached report.

The proposed location is close to dead man's pond. This was a sculpture that they have done for Canadian Heritage in Gatineau last year and are now giving each province their representative sculpture. The Parks and Recreation Department would like to locate it in the identified area in the park. In Quebec, it was initially clad in plant material but the Parks and Recreation Department is not proposing that it have vegetation. They are proposing that it be clad in different metal and be allowed to rust to the color of the fox.

The application includes:

- Installation of a sculpture in a clearing within the wooded area west of Victoria Park Roadway.
- The sculpture is a three dimensional, metal-clad wire frame in the form of an adult fox and kit.

- The adult fox measures approx. 11ft high and 4ft wide. The tail is 14ft long and has a width of between 1ft to 2.3ft.
- The kit which sits beside the adult measures 6ft high and 2ft wide.

This is being presented to the Heritage Board to determine whether the proposed location is appropriate to put a piece of sculpture. The application will then be sent to the Arts Advisory Board to then determine if it is an appropriate piece of art work. The board will not be judging on the artistic merit, but to determine an appropriate location for the structure. Staff reviewed existing Bylaws and guidelines but it does not really talk about permanent sculptures. Park plan suggests that this should be an ecological conservation area as opposed to the more passive recreations within the park. The proposed area is in the location where the salamander plant bed used to be located.

Comments/concerns noted:

- Board member asked what's in that location at the moment and if the salamander was damaged by vandalism when it was there. Staff mentioned that it is currently vacant and to staff's knowledge, the salamander did not suffer any damage and that it was just a planting bed.
- Board member commented that it may be a great project but will have to consider putting a permanent structure in this area of the park. Board member also asked who would be maintaining the artwork should it gets damaged, considering that this sculpture was done by an artist and who would pay for artist fees. Staff is not aware of artist fees. It was piece that's already done and would have already been paid, or may be a commissioned piece. Board member is also curious to see the contract of the sculpture being displayed to ensure that the City is not caught in any agreement or fees in the future. Staff indicated that this will be noted in this review and that the Arts Advisory Board should be aware should there be any contracts related to this sculpture. It was also noted by staff that this is the actual display, except that the City wants to change the material into a metal one because it will be very expensive to maintain as planted structure.
- The Board also clarified if the request to locate this piece along Victoria Park was a request for Parks and Recreation Department and staff clarified that this piece was given to the City and the department is seeking to locate it at Victoria Park. It was noted that putting the sculptural piece in this location doesn't support any of the historic characteristics of the park and it was recommends that a different location should be considered. The park itself is continually being added to and at some point, may get saturated and lose its historic qualities. A fox may also be better suited for Summerside having an existing fox industry there and that a sculpture of a crow for Charlottetown may even be better suited.
- Board members threw in possible locations such as the newly purchased land by the City beside Founders' Hall or the Beach Grove or Upton Park, or the walking trail along Beach Grove Road along the back of Beach Grove Homes. Another board member mentioned that he has seen the art pieces in Gatineau in 2018 for Canada 150 and he thought it would also be more appropriate to locate it near the Confederation Centre or the Province House. The trail at Beach Grove was favoured over any downtown location.

- Board member also asked if this has to go to a public consultation and staff indicated that it doesn't have to as it is not required under any of the bylaws or guidelines.
- Board member also commented that the new playground, the new Cultural Pavillion and the skateboard park are fairly recent and substantial additions which detract from the historic, natural qualities of the park.
- It was noted also added that these were from national events and may be considered a highly sensitive issue, so it would really be best to determine the right place for it to be located.
- Board members recommended that Parks and Recreation identify a better location to put the art structure.

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

Moved by Tara Maloney, RM and seconded by Councillor Alanna Jankov, that application to install a metal clad sculpture of a fox and a kit in the area in the park called the arboretum near 23 Victoria Park Roadway (PID #385973), be rejected..

CARRIED

7. 14 Weymouth Street (PID #725804)

This is an application to replace existing windows on the third floor of the property at 14 Weymouth Street (PID # 725804). The property is located in the Downtown Mixed Use Neighbourhood (DMUN) Zone and is a Designated Heritage Resource. Todd Saunders, HO, presented the application. See attached report.

The application includes:

- Replacement of all 18 third storey windows with new units to fit the existing openings.
- Windows proposed are Marvin (or similar), single-hung, one over one (50% split), aluminum-clad wooden windows with a sub-sill.

The windows were last replaced in 1996 and the proposed replacements to the third floor windows will have the same outline as the existing windows.

Comments/concerns noted:

- Board members asked if the request is just for the third floor windows and staff indicated that it is, for this current application. We may expect another application in the future if they would possibly want to replace the first or second floor windows.

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

Moved by Tara Maloney, RM and seconded by Greg Munn, RM, that application to replace the existing third floor windows for the property located at 14 Weymouth Street (PID #725804), be approved as presented.


CARRIED

8. Adjournment

Moved by Simon Moore, RM, and seconded by Tara Maloney, RM, that the meeting be adjourned.

The meeting was adjourned at 12: 26 PM.

Councillor Greg Rivard

TITLE: INSTALLATION OF A SCULPTURE - DESIGNATED HERITAGE PROPERTY FILE: HERT-2019-29-APRIL-6-1 23 VICTORIA PARK ROADWAY OWNER/APPLICANT: CITY OF CHARLOTTETOWN		
MEETING DATE: April 29, 2019		Page 1 of 16
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Location Map B. Historic Photo C. Proposed Photos D. Proposal Renderings	
SITE INFORMATION: Ward No: 1 – Queens Square Property Use: Recreation/Parkland Heritage Recognition: Designated Heritage Resource located in the OS zone. Adjacent Heritage Properties: There are six properties adjacent to the development site which are found on the list of Designated Heritage Resources; <ul style="list-style-type: none"> • 1 Terry Fox Drive - Fanningbank • 5 Queen Elizabeth Drive - F.W. Hyndman House • 112 Brighton Road - Brighton Compound • 102 Brighton Road - Woodmore • 94 Brighton Road - Ivan Y. Reddin Houses • 90 Brighton Road – “ 		

RECOMMENDATION:

The Planning & Heritage Department encourages Heritage Board to reject the application or seek additional input from Council/public on the application to locate a permanent piece of artwork within the wooded (referred to as the arboretum) area near 23 Victoria Park Roadway (PID #385973).

BACKGROUND:

Application

The City of Charlottetown Parks and Recreation Department, are applying to install a permanent piece of artwork in a small clearing within the wooded area (referred to as the arboretum) on the

west side of Victoria Park Roadway within the boundaries of Victoria Park. The proposed artwork is to be reviewed by the City of Charlottetown Arts Advisory Board to determine its artistic merit.

Proposal

The applicant has provided the following:

MosaiCanada 150/Gatineau 2017, a Canada 150 project funded by Canadian Heritage, the Government of Quebec and the Ville de Gatineau, was held in 2017/2018 in Jacques Cartier Park. The project consisted of creating mosaïculture artworks as a major attraction/event to celebrate Canada's 150th Anniversary. The mosaïculture structures celebrated Canadian Confederation, the Founding Peoples, the First Nations and our Canadian Heritage. The theme of the Gatineau exhibit reflected 150 years of history, values, culture and arts in Canada. Mosaïculture structures represented the provinces and territories of Canada and were designed in consultation with each province and territory.

After the exhibition, the structures were shipped to each province or territory.

- *Yukon: Gold Digger - City of Whitehorse*
- *Northwest Territories: Muskoxes - City of Yellowknife*
- *Nunavut: Drum Dancer - Nunavut Arts and Crafts Association*
- *British Columbia: Bill Reid's Killer Whale - City of Coquitlam*
- *Alberta: Wild Rose - City of St. Albert*
- *Saskatchewan: Mosaïculture Artwork in development*
- *Manitoba: Polar Bear - Assiniboine Park Conservancy*
- *Ontario: Niagara Gateway - Niagara Parks Commission*
- *Québec: Mosaïculture Artwork in development*
- *New Brunswick: Horse in field - New-Brunswick Botanical Garden*
- *Nova Scotia: Fisherman and dory - Annapolis Royal Historic Gardens*
- *Prince Edward Island: Red Fox - City of Charlottetown*
- *Newfoundland and Labrador: Puffins – Memorial University of Newfoundland Botanical Garden*

PRINCE EDWARD ISLAND'S DISPLAY IN GATINEAU:

The City, working with [Mosaïcultures Internationales de Montreal](#) and with the support of the Province, chose the red fox to represent us as our mosaic sculpture.

The following text was on the display panel by our mosaic sculpture in Gatineau:

The fox, a small omnivorous mammal, is a member of the family Canidae, like the coyote and the wolf. Of the four species found in Canada – red, swift, grey and Arctic – the red fox is the largest and most common. There are three main color morphs of red fox – red, cross and black/silver.

Generally nocturnal, skittish and jumpy, the fox seems quite at ease in Prince Edward Island where it is seen day and night, in town and country, in yards and on golf courses.

The province is also home to many black, or silver, foxes, so called because their black hairs are more or less silver-tipped. Through the first half of the 20th century, fox farming on PEI flourished as fox pelts were in high demand the world over. Silver foxes are featured on the Provincial coat of arms due to their historical significance.

PROPOSED PROJECT IDEAS:

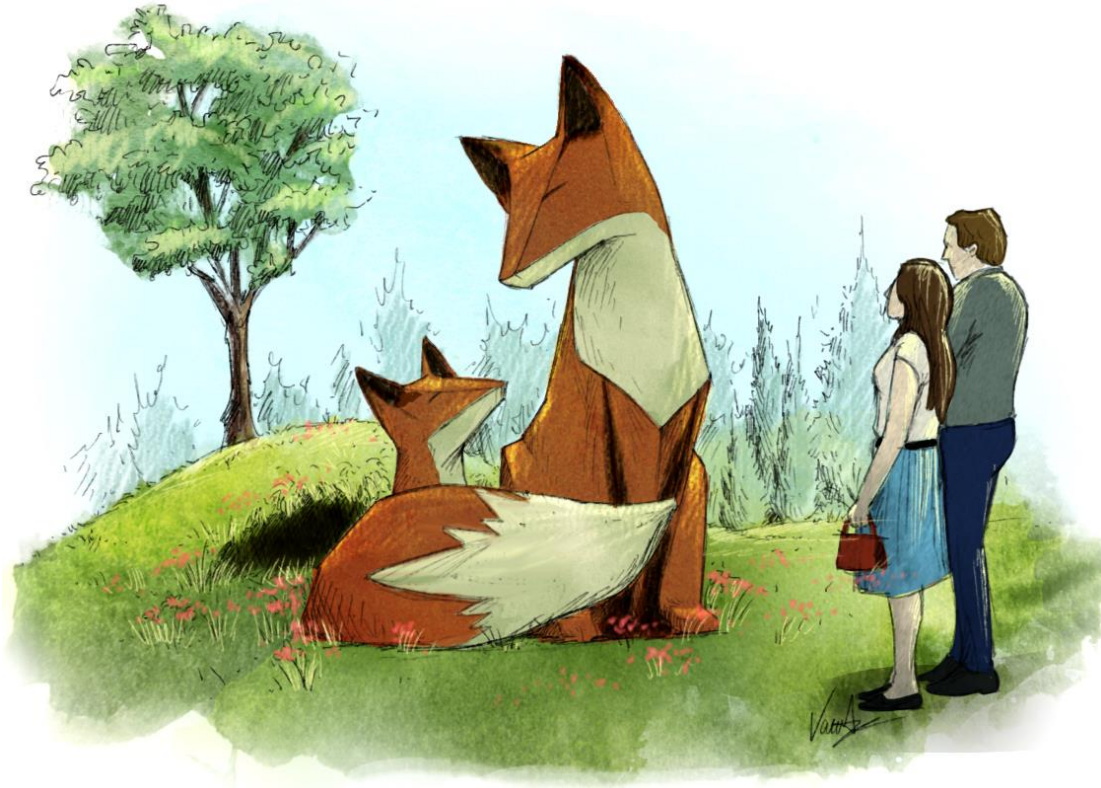
To clad the existing frame of the fox and her kit, in different types of metals.

- *The Sculpture would resemble the sketch of the mother fox and her kit.*
- *Part of the Sculpture would be clad in iron and allowed to rust to resemble the coat of the red fox.*
- *Use of different types/sizes/shapes of metal could be used to depict different parts of the foxes.*
- *The fox and her kit come with eyes would need to be installed.*
- *The frame and cladding would need to be durable.*

GENERAL INFORMATION:

1. *The approximate dimensions of the sections of the Sculpture are (Note: measurements are approximate due to the variation in the width and height of the sculpture):*
 - *Tail of the Mother Fox – from twelve (12) inches to twenty-seven (27) inches high and fourteen (14) feet long.*
 - *Body of the Mother Fox – seven (7) feet high and four (4) feet wide at the widest point (near the base).*
 - *Head of the Mother Fox - four (4) feet long (top of head to nose) and three (3) feet wide at the widest point.*
 - *Kit – six (6) feet high and an average of twenty-four (24) inches wide.*
 - *The Sculpture is three-dimensional.*
 - *Interested bidders should attend the site meeting to take their own measurements and observe metal frame.*

- The Proposed location is in the Native Tree and Shrub Arboretum in Victoria Park. The site would replace the salamander shaped perennial bed that was located in the center of the arboretum. The site was chosen for the fox and her kit as it is a location that is surrounded by woodlands and would be the type of habitat where you would see a real red fox.*

**THE APPLICATION INCLUDES:**

- Installation of a sculpture in a clearing within the wooded area west of Victoria Park Roadway.
- The sculpture is a three dimensional, metal-clad wire frame in the form of an adult fox and kit.
- The adult fox measures approx. 11ft high and 4ft wide. The tail is 14ft long and has a width of between 1ft to 2.3ft.
- The kit which sits beside the adult measures 6ft high and 2ft wide.

PROPERTY HISTORY

The site now occupied by Victoria Park was originally part of Government House grounds, dating from 1789. A portion of the Government House property was appropriated in 1805 for a new site for Fort Edward Battery. In 1873 part of Government House Farm was deeded to the citizens of

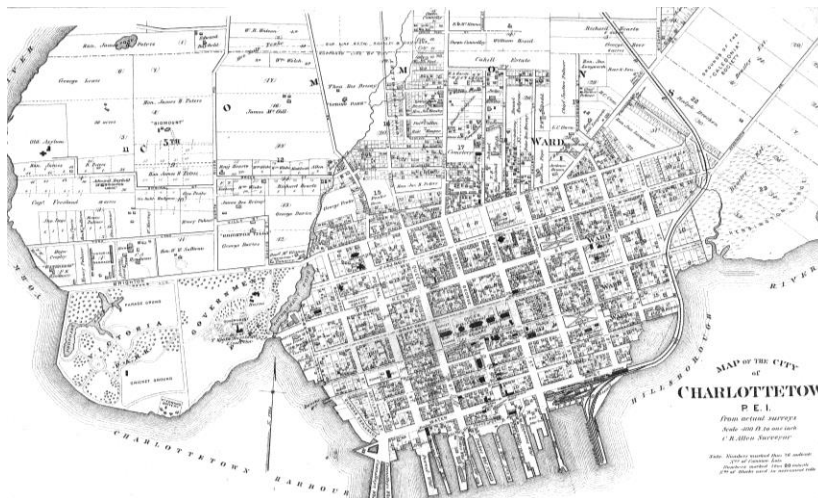
"It is a spot that nature and man have combined to make, within a few minutes' walk of the centre of the city, for recreation, quietness and beauty a place hard to surpass – a place where both youth and mature age can gather for enjoyment and rest."

PAPEI T.E. MacNutt Papers.

Charlottetown to be used as a park. It would be 1905 before 16 more acres of land, including the Prince Edward Battery and the field to the west of Government House, would be given over to the City of Charlottetown making Victoria Park the size it is today. After the Park was acquired in 1873, the City began to make improvements including the planting of trees, the removal of stumps, the construction of bathing houses

and the removal of mud from Dead Man's Pond. It was first designated as a municipal heritage resource in 2005. Since then it has been listed on both the PEI Register of Historic Places and the National Register of Historic Places.

The park has long been a major source of pride for Charlottetownians and Islanders. As with most urban centers there is little sizeable open space remaining within an easy walk of the downtown area. As the population has grown and the available recreation land in proximity to the downtown has decreased, both the pressures on, and significance of, Victoria Park has continued to grow. The park itself with its connected walking trails, water views, natural features and mature treed area is of significance in its own right; however the park also has both strong military and surveying histories.



Map 1880 Meacham Atlas

Following the passing of an Act in 1896 granting a roadway be constructed along the shore to Fort Edward from Kent Street, considerable land was again expropriated from Fanningbank and a raised terrace for foot traffic was developed as well as the main road; not far from the high tide mark. This new roadway provided a venue for processions and parades, often with people walking along with marching bands and mounted horsemen. In 1903, the roadway was extended from the Battery around to Brighton Road. It remained a dirt road until it was paved with gravel in 1925. During WW II, it was suggested that part of the Park be used to construct a Naval Barracks, but this was never built.



Victoria Park – Coronation Day, Collection Michael Curry

Given the considerable effort and expense dedicated to the construction of the park roadway, little funding remained for other improvements to the park in early years. Bath houses were constructed, some clearing and removing of stumps was conducted as well as removing mud from Dead Man's Pond. However it was really the arrival at the Prince Edward Battery as approached from Kent Street which remained the main attraction upon arrival in the park.

“The meridian stone locations should be highlighted and preserved and their stories told with site interpretation.”
Victoria Park Comprehensive Master Plan 2013 pg. 74

As a result of many mistakes being made and significant confusion regarding boundaries of land in the early 1800s The Legislature passed an Act in 1809 establishing a meridional line to regulate surveyors in the colony. Nothing happened for a number of years. Then, under Governor Charles

Douglas Smith, three commissioners; Charles Wright, William Townson and George Sydney Smith, were appointed to establish the lines for the purpose of the Act. The three commissioners ascertained the magnetic variation for True North in Charlottetown in 1820, (W 18°22'49"). They immediately placed markers on the ground in 1820 to preserve the line, and these markers are still in place. The marks placed to preserve the line were three granite stones; the one by Prince Edward Battery called the angle stone with the inscription on it, one in the field to the right and one just inside the fence of Government House grounds. The mark used to show the angle between true north and the direction of the Township line was a cannon set on end located near the rear of the south east field. Another Act was passed in 1846 requiring a line at right angles to the line established in 1820 be marked, which fixed the east/west direction. This was achieved using the 1820 angle stone and adding two others to the west, one of which is still in place. The angle stone survey markers and cannon barrel are the oldest, tangible items of historical significance on the island and are the most important artifacts in the province.

The park has experienced tremendous development pressures during the 20th century:

- In 1934, the northern portion of the adjoining Government House property (along the eastern boundary of the park) was secured for the Prince Edward Island Hospital.
- A "caretaker's cottage" was built in the early part of the 20th century to house a park warden, typically a military veteran. This house is now occupied by a community pottery studio.
- On September 20, 1947, a baseball field and running track named "Memorial Field" was dedicated in honour of Prince Edward Island athletes who sacrificed their lives in World War I and World War II.
- A service road, named the Park Driveway, was constructed at this time to access the baseball field from Brighton Road, continuing south to the Prince Edward Battery, bisecting the park.
- In the 1950s an ice cream parlour was constructed and operated as a fundraising enterprise for the non-profit Kiwanis Club.
- Tennis courts and a clubhouse were constructed off the Park Driveway west of the Prince Edward Battery.
- A public swimming pool was built in the 1950s at the northwest corner of the park.
- Two softball fields were built on the east side of the Park Driveway opposite Memorial Field during the 1970s-1980s.
- A playground was established in the 1970s near the swimming pool.
- A skate park was constructed between Memorial Field and the swimming pool/playground in the early 2000s.

- Additional tennis courts were constructed in 2008 in preparation for Prince Edward Island to host the 2009 Canada Games. Memorial Field was upgraded at this time.
- The Canada Day fireworks displays and associated public celebrations were held at the park near Fort Edward until being moved to Confederation Landing Park in the mid-1990s. The Canada Day fireworks returned to Victoria Park in 2011.
- A for-profit children's winter carnival was held in the park during the early 2000s before moving elsewhere. This was moved after being found to be in violation of the park's founding charter.
- “Art in the Open” operating since 2001 holds a weekend event showcasing temporary public art in various downtown locations including Victoria Park woods and open fields.
- A fully accessible addition to the playground was installed in 2018.

The heritage value of Victoria Park lies in its long history as a place of recreation for residents of Charlottetown; its association with the Province's military history; and its role as the site for the establishment of the meridional line.

Features of the Park today include a dairy bar, a playground, a swimming pool, improved tennis courts, sports fields, a skateboard park, and a waterfront boardwalk. Victoria Park plays host to a number of events including City sponsored events, Canada Day Celebrations, outdoor plays and concerts. Other popular attractions include the historic Prince Edward Battery and Powder Magazine.

The following character-defining elements contribute to the heritage value of Victoria Park:

- The various woodlands with original cultivated stock, which includes varieties of pine, fir, oak, birch, beech, maple, linden and spruce trees
- The size, shape, and location of Dead Man's pond
- The size and placement of the tennis courts, playgrounds, sports fields, skateboard park and swimming pool
- The various trails throughout the woodlands
- The placement and overall construction of the various survey monuments at right angles of the meridional line
- The components and placement of the restored Prince Edward Magazine and Battery
- The continued use of the Park for recreational purposes
- The unobstructed view of the harbour
- The boardwalk running along the Park's perimeter

Early after its formation as a park the area was used for organized recreation such as cricket, baseball and tennis. A tobogganing slide was also constructed, for the use of members and guests of the Victoria Tobogganing Club. Recreational facilities have continued to increase in size and permanence and now include tennis courts, baseball diamonds, swimming pool and playground area. The Kiwanis Club has operated a dairy bar near the Battery since the 1950s.

The park contains a series of connected passive walking paths, wooded area and natural features such as Dead Man's Pond. The park is heavily used for passive walking, biking, snow shoeing and cross country skiing on the trails through the woods. The old baseball diamond was renamed Memorial Field in 1947, in dedication to P.E.I. athletes who sacrificed their lives for Canada as members of the armed forces in the First World War and Second World War. The original caretaker's house is now used as a

"In the future, Victoria Park will continue to epitomize the very best of Charlottetown. Its spaces will be of the highest quality in terms of ecology, design, and materials... it will continue to be the Crown Jewel of Charlottetown and a source of immense pride for the City."
Victoria Park Comprehensive Master Plan 2013

pottery studio. Off-leash dog walking is not permitted. Gardening demonstration boxes have been incorporated for the last number of years. In recent years, the tennis courts have been expanded, a new tennis clubhouse has been built as well as new swimming pool changing facilities. The pool and adjacent playground receive heavy use throughout the warmer months and over the past year a new substantial piece of playground equipment has been added. At one time (perhaps until the 70's) swimming off the seawall was common and bathhouses were located on the water's edge near the battery. During the 1970s and 1980s two softball fields were constructed on the east side of Park Roadway across from Memorial Field. A new baseball building has been added in the center area of the park. The central road effectively splitting the park in two has been closed to through vehicular traffic. A heavily used boardwalk was constructed along the waterfront perimeter of the park in 1994 and was recently upgraded.

There has historically been considerable pressure placed on the park for various additional uses. Regulations governing uses within the park do not allow for an entry fee to be charged for any activity. Community awareness and emotional attachment to this property is considerably high as many residents have strong memories associated with the site, live in the immediate area, or have had some form of regular and ongoing connection with it.

POLICY FRAMEWORK:***Bylaw Requirements***

In accordance with Section 4.2.3.a (iv) of the Heritage Preservation By-law, Heritage Board will review the compatibility of the proposed development in relation to the criteria listed in Section 5.1.2.

Victoria Park Bylaw and Act of 1873

<https://www.charlottetown.ca/common/pages/DisplayFile.aspx?itemId=12053302>

Victoria Park bylaw governs the use of the park and the act outline provincial regulations which state: *“The said lands shall be used, appropriated and set apart by the said City, at the expense of the said City, for the sole purpose of a Park, Promenade and Pleasure Ground, for the use of the citizens, the inhabitants of this Island, and all Her Majesty’s subjects. The said City shall not, on any account whatsoever, use, or permit to be used, the said lands, for the purposes of Circuses, Shows, or Exhibitions of any kind, whatsoever, and should the same be so permitted to be used by the said City, the lands hereinbefore mentioned shall revert to and be vested in Her Majesty, her heirs and successors.”*

Victoria Park Comprehensive Master Plan

The Master Plan for Victoria Park was adopted by the City of Charlottetown in 2013, <https://www.charlottetown.ca/common/pages/DisplayFile.aspx?itemId=12053064> to guide future development and conservation of the park. The Management Plan from this report identifies the “arboretum area” to the west of Victoria Park Roadway as “Ecological Conservation”, the dominant management function of which is restoration of the Acadian Forest composition and structure. Other areas of the park are identified for passive recreation

The report references Arts and Cultural Uses: *Arts and Cultural Uses: Much focus has been given on the recreational importance of the Park, and it is also necessary to focus on the opportunities for Arts and Culture. Victoria Park’s history, location, and landscape afford many opportunities for arts and cultural programming. Art in the park, art classes, buskers and small music performers will all enliven the space and add richness and depth to the present palette of park programs. Any art installations, performances, or other arts and cultural programming should conform to the guidelines outlined by the comprehensive plan.*

East Meadow's planting beds are popular destinations for photography, and add colour to the park. The grassy spaces beyond permit a wide variety of uses, and are popular areas for sunny naps, sketching, or yoga. Within the East Meadow, the meridian stone locations should be highlighted and preserved and their stories told with site interpretation. The East Meadow would also be the ideal location for any temporary installations of public or landscape art.

The Standards and Guidelines for the Conservation of Historic Places in Canada

<https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

The relevant Standards include: Conserve heritage value by adopting an approach calling for minimal intervention. Minimal intervention in the context of heritage conservation means doing enough, but only enough to meet realistic objectives while protecting heritage values. Minimal does not mean, doing little or nothing, or the least possible. In fact, enough intervention to arrest and correct deterioration, meet codes, or introduce new services, can be quite extensive. Determining minimal intervention is a matter of rigorous assessment, options analysis and creativity to identify the intervention that balances technical and programmatic requirements with protecting heritage value. The extensive damage caused by Hurricane Juan to the Halifax Public Gardens required substantial replanting. The large scope of work is still considered a minimal intervention because any less work would have negatively affected the heritage value of the place.

In accordance with recommended guidelines for cultural landscapes, as noted in the Standards and Guidelines, it is recommended protecting and maintaining a feature that supports a land use by adopting non-destructive maintenance methods in daily, seasonal and cyclical tasks to extend the life expectancy. The addition of a large metal sculpture within the Ecological Conservation Zone may negatively impact the heritage character defining elements.

ANALYSIS:

Victoria Park is a landmark in the community. Residents have strong emotional ties to the park. The Park has experienced many changes over its lifetime. Victoria Park has historically played an important part of the recreational life of Charlottetown's citizens. Its numerous attractions and historically significant monuments make it one of the most important sites on Prince Edward Island and the jewel of the Charlottetown park system.

Victoria Park features a woodland environment, cultural landmarks, and areas of both passive and active recreation. In addition to what it features within its bounds, it is also what is to be seen beyond the Park that is of significance. The transition between one landscape and another, of a ship entering the harbour, or a glimpse of the downtown form part of the park experience. Views are an important component of the landscape architecture of the park as is the opportunity to frame historic views or to possibly obscure a less desirable view. Views within the woodland as well must be considered and what may be expected to be found within an historic woodland clearing.

It is not uncommon for urban parks to have a *monument policy* that would include a process for application, review and approval (with public input) for the installation of new monuments/sculptures. The subjects of new monuments must typically be directly associated with the park, be significant to a wide range of citizens, and to future generations. The location of a monument must be accessible to all and must not compete with existing trees, structures or services, or cause traffic that conflicts with existing walking patterns. Monuments must not block important views: landscape, nature or historic features in the park. Possible future events connected with a monument should be considered when it is designed.

Regulatory documentation regarding the development and/or conservation of Victoria Park does not speak directly to the installation of permanent artwork. It is suggested from a heritage perspective the focus is to conserve and protect the original heritage defining characteristics of the park as an open natural space within close proximity to the downtown. It may be possible to determine a more urban location for the proposed sculptural.

CONCLUSION:

The Planning & Heritage Department recommends the application for a permanent sculpture to be located in Victoria Park be rejected, or the application be referred to Council/public process.

PRESENTER:



Todd Saunders, M.Arch
Heritage Officer

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

LOCATION MAP
Victoria Park

ATTACHMENT A



Location Map showing Victoria Park



Map showing proposed location to the east of Dead Man's Pond

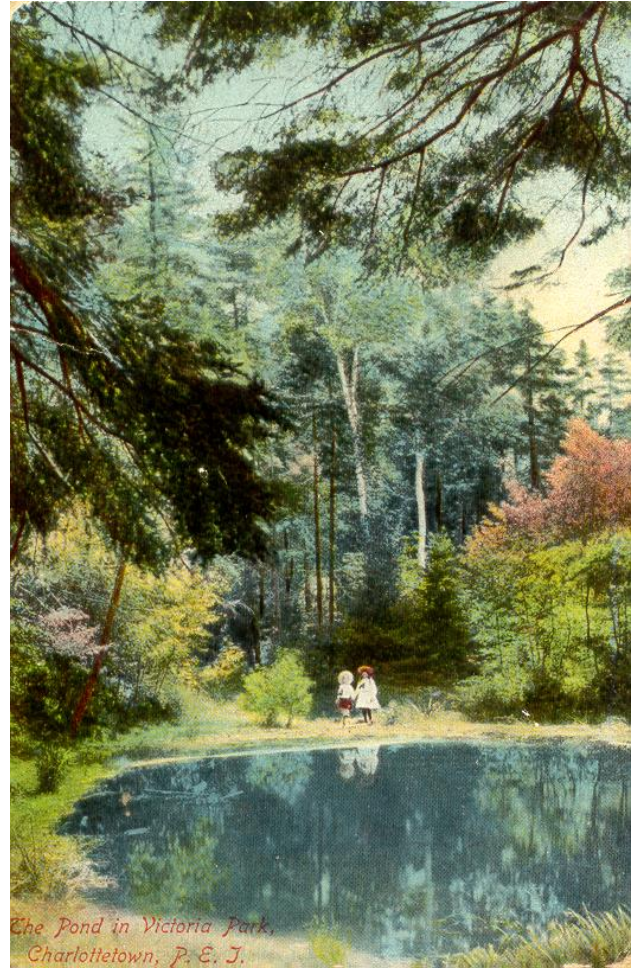
HISTORIC PHOTOS

ATTACHMENT B



AMONG THE BIRCHES. PARK SCENE, PRINCE EDWARD ISLAND

Photo by W. S. Louson Garden of the Gulf Series 2082 S



*The Pond in Victoria Park,
Charlottetown, P. E. I.*

Historic photos illustrating the park atmosphere.

PROPOSAL PHOTOS

ATTACHMENT C



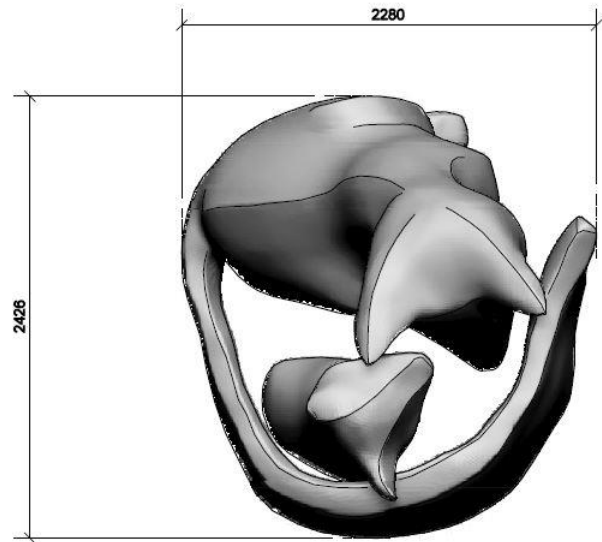
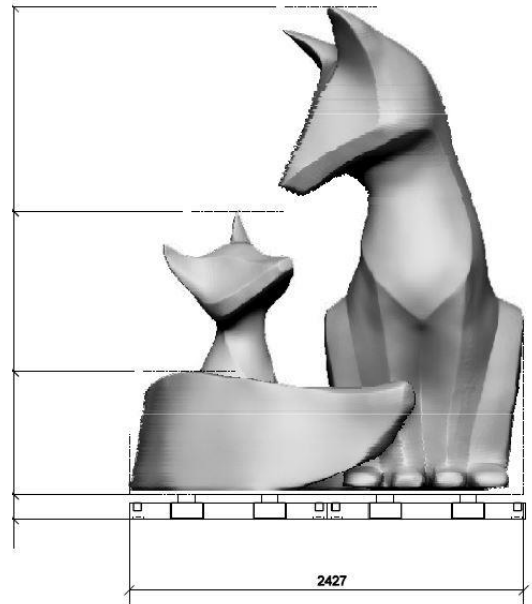
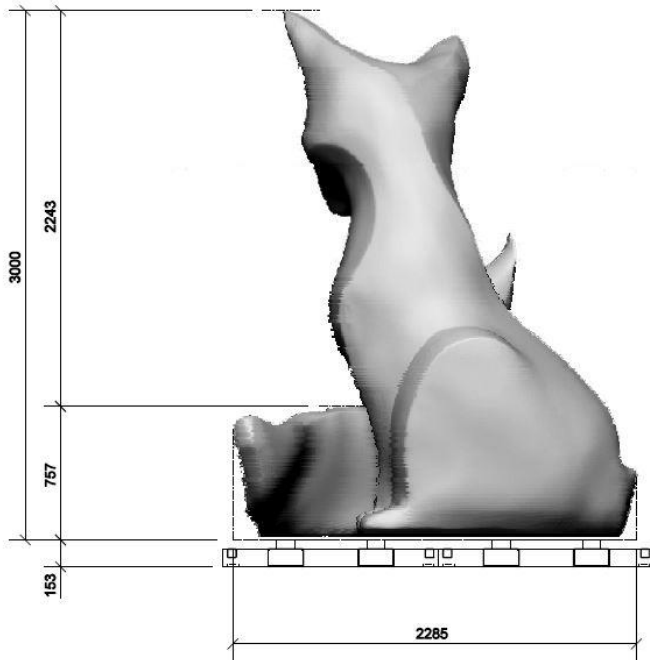
Kit and body of Mother




Photos of Existing Sculpture Framing (burlap will be removed)

PROPOSAL RENDERINGS

ATTACHMENT D



Computer Rendered, Three-Dimensional Image of Sculpture

TITLE: ALTERATION TO A DESIGNATED HERITAGE PROPERTY FILE: HERT-2019-29-APRIL-6-2 14 WEYMOUTH STREET APPLICANT: WCB of PEI		
MEETING DATE: April 29, 2019		Page 1 of 13
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. Location Map B. Streetscape Photo C. Proposed window details and partial elevations D. Historic Photos 	
SITE INFORMATION: Ward No: 1 – Queens Square Property Use: Office Heritage Recognition: Designated Heritage Resource located in the DMUN zone of the 500 Lot Area. Adjacent Heritage Properties: There are no immediately adjacent designated properties. The properties surrounding the site are zoned DN on the north side, DN & DMUN on the east side, PZ on the south side, and I on the west side.		

RECOMMENDATION:

The Planning & Heritage Department encourages Heritage Board to support the application to replace third floor windows at 14 Weymouth Street (PID #725804).

BACKGROUND:

Application

The applicant is applying to replace existing wooden windows on the third floor only, on all sides of the stone clad building. The proposed alterations include replacement of third floor windows with wooden windows to match the existing in style and function. The proposed windows are triple glazed, aluminum clad wood to be installed in the existing openings.

It is assumed the existing windows were installed during the 1996 renovations. As can be evidenced from the attached historic photos, it would appear the third storey windows have historically been one over one, equal split, wooden windows.

The application includes:

- Replacement of all 18 third storey windows with new units to fit the existing openings.
- Windows proposed are Marvin (or similar), single-hung, one over one (50% split), aluminum-clad wooden windows with a sub-sill.

PROPERTY HISTORY

The former Charlottetown Canadian National Railway Station is a large Richardsonian Romanesque influenced train station, constructed of Island sandstone with Nova Scotia freestone trim. The building is located near the waterfront on the corner of Weymouth and Water Streets.

Heritage Value:

The heritage value of the former Charlottetown CNR Station lies in its association with the railway on Prince Edward Island, the Station's role as a Charlottetown landmark and its importance to the Weymouth and Water Street streetscapes.

The original Charlottetown Railway Station was a wooden building located close to where the current station now stands. The wooden structure was one of six terminal stations across Prince Edward Island. These terminal stations had covered platforms, which created not only a fire hazard, but a great deal of smoke within the building each time an engine passed through the engine shed. The Station was 25 by 40 feet with a covered track and a 200-foot long platform.

By 1900, there was a need to construct a new railway station. A great deal of controversy ensued as a new site for the Station was being selected. According to newspapers of the day, city residents favored a site at the foot of Great George Street but ultimately it was decided to build the new building near the original wooden Station, in the east bog, on the edge of town. A pond had to be filled in before construction could begin on the new building. Controversy continued as the building was constructed. Allegations of political corruption and poor workmanship were reported. Finally, when the building was completed, project costs had exceeded 13 000 dollars.

Despite the problems with the project, the beautiful, Island sandstone building was opened on 8 July 1907. The contractor was EA Wallberg of Montreal and the Engineer who supervised the site was W. Frank Boggis. The building was Richardsonian Romanesque influenced, with its heavy Island sandstone construction, Nova Scotia Freestone trim and large, arched, deeply set windows.

The building had three floors with the first containing a ticket sales area, as well as general and separate waiting rooms. The second floor housed offices and the third floor was dedicated to union meetings and storage.

The railway played an integral role in the transportation needs of Islanders throughout the 19th and a large portion of the 20th century. It was also one of the largest employers on the Island. However, due to declining passenger traffic in the 1960's, the railway passenger service ceased, with only the freight service remaining. The railway's freight service was finally terminated on 31 December 1989. Soon after, all railway tracks were removed and the land was turned over to the Province. The rail beds were eventually converted to a large trail system running throughout the entire Province known as the Confederation Trail. The former Charlottetown CNR Station is unique in Prince Edward Island and stands as a reminder of a bygone era. The building is a landmark and supports the Weymouth Street and Water Street streetscape.

Canadian National moved from the building in 1983. The building was used temporarily to house the local Farmers Market before it was left vacant until the mid 1990's. The Workers Compensation Board of Prince Edward Island purchased and renovated the building in 1996.

CHARACTER-DEFINING ELEMENTS

The following Richardsonian Romanesque influenced character-defining elements illustrate the heritage value of the former Charlottetown CNR Station:

- The stone foundation
- The Island sandstone exterior
- The Nova Scotia freestone trim, including the banding, the arches around the ground floor windows and doors with keystone, as well as the decorative broken pediments on the top floor dormers
- The style and placement of the deeply set windows, including the arched windows of the first floor alternating with the more simply designed, tall windows, with transom lights, as well as the single and paired windows of the second and third floors with their transom lights
- The style and placement of the storefront door with its transom light and lunette above
- The style and shape of the heavy stone chimneys trimmed with Nova Scotia freestone
- The style and placement of the awning on the west and south side of the Station
- The style and placement of the porch on the east side of the Station
- The mansard roof with its dormers particularly the centrally placed dormers with chimneys on either side

- The overall symmetry of the building
- The location of the building on the corner of Weymouth and Water Streets

POLICY FRAMEWORK:

Bylaw Requirements

In accordance with Section 4.2.3.a (iii) of the Heritage Preservation By-law, Heritage Board will review the compatibility of the proposed development in relation to the criteria listed in Section 5.1.1.

Official Plan

Section 3.5.2 of the Official Plan, Waterfront Development states; *Our policy shall recognize the importance of Water Street as a streetscape and urban design corridor and shall provide support for streetscape enhancements, protection of historic buildings and considerate urban infill.*

The Standards and Guidelines for the Conservation of Historic Places in Canada <https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

The relevant Standards include:

- *Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character defining elements. Do not move a part of an historic place if its current location is a character-defining element.*
- *Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence*

In accordance with recommended guidelines for rehabilitation:

Replacing in kind an entire built feature by using the physical evidence of its form, material and detailing to reproduce it. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered; for example, replacing redwood decking with cedar, a less endangered species. The replacement feature should be as similar as possible to the original, both visually and functionally.

ANALYSIS:

It is noted the existing third storey windows are believed to have been installed during the 1996 renovations. It is also assumed the original 1907 windows would have been single pane wood framed windows. Given the condition of the existing windows necessitates replacement, consideration of the environmental impact of replacement with single pane must be considered. In such an instance it would appear triple pane is a logical choice. It may also be noted the

aluminum cladding may assist in ensuring the new windows are more durable and have a longer life span than those installed in the previous renovations which have lasted only approximately 23 years. The character defining elements of the building refer to the style and placement of the windows which is replicated in the proposed replacements.

CONCLUSION:

The Planning & Heritage Department recommends the application for replacement of third storey windows at 14 Weymouth Street with aluminum-clad wooden, single-hung windows to fit existing openings, be approved.

PRESENTER:



Todd Saunders, M.Arch
Heritage Officer

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

LOCATION MAP

ATTACHMENT A



LOCATION MAP – 14 Weymouth Street showing the property located at the north east corner of Weymouth Street and Water Street. Properties shown in pink are zoned DN (Downtown Neighbourhood), those in green DMUN (Downtown Mixed Use Neighbourhood), those in purple stripe are zoned PZ (Port Zone) and in blue are zoned I (Institutional).

STREETSCAPE PHOTO

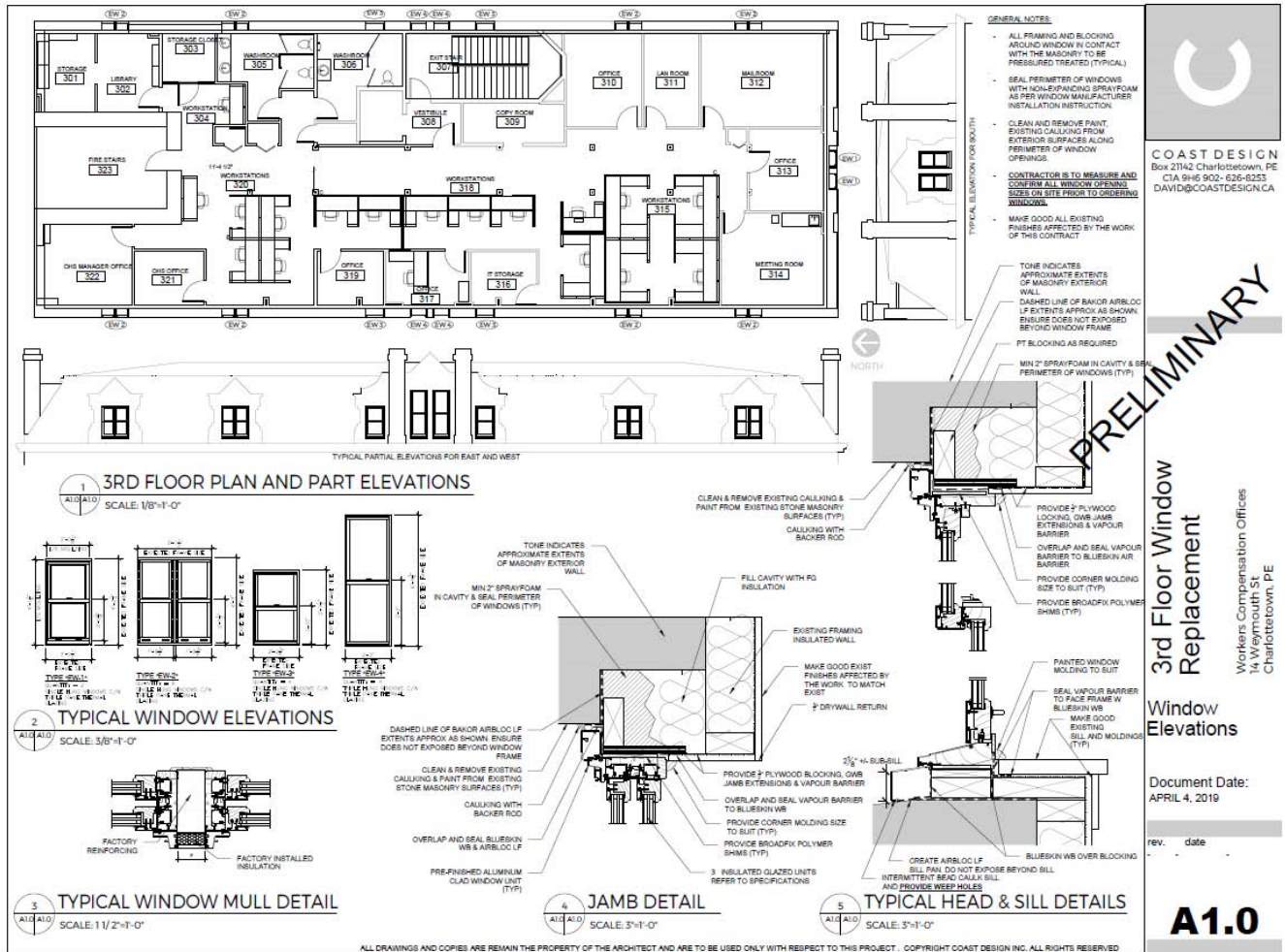
ATTACHEMENT B



14 Weymouth Street - from corner of Weymouth Street and Water Street

PROPOSED WINDOW DETAIL AND PARTIAL ELEVATIONS

ATTACHMENT C



HISTORIC PHOTOS

ATTACHMENT D



Historic photo from corner of Weymouth Street and Water Street



Photo of east elevation from 1996 renovations



East elevation after window installation in 1996



Photo of west elevation prior to 1996 renovations



West

elevation following 1996 window installation



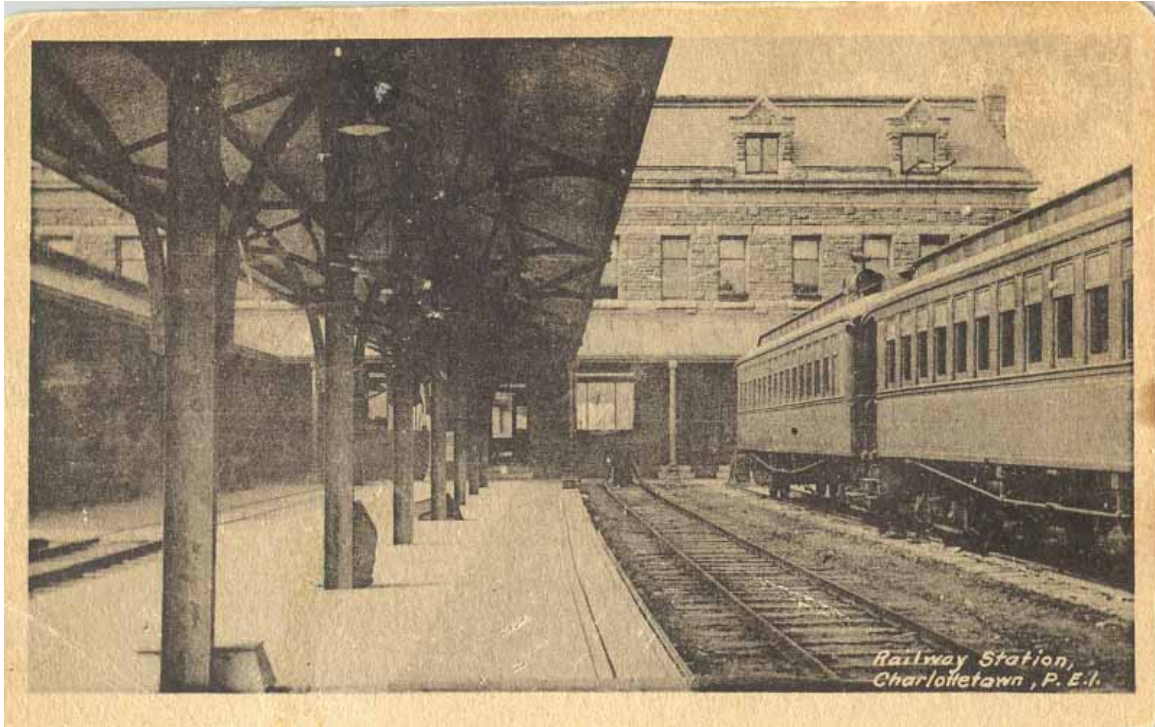
Third Floor window detail c. 1996



Historic Photo from north-west corner



Historic Photo from street corner



Historic Photo – East elevation

The application is to construct a 60-unit apartment building, 50 units of which will be for affordable housing and the remaining ten (10) units will be at market rate. The design reviewer has had some concerns and recommendations relating to the design of the building, including concerns with the internal pedestrian connections. Staff then worked with the applicant to address these concerns and review the recommendations. Several options were also provided to address the pedestrian connection concerns. The recommendation is to provide connections internal to the site, one that runs along the parking area and connects to Acadian Drive and the other along the proposed apartment and connects to Patterson Drive. Both will link to the existing public trail system in the area. The applicant submitted a new site design that had the two pedestrian connections that are flush with the parking lot that are only delineated with white lines. Staff presented a number of options for the pedestrian delineation as well and felt that the proposal submitted does not provide a safe connection. Staff feels that the applicant's building design met the bylaw requirements but recommends approval of the design with the condition that the pedestrian connections be separated from the parking lot.

Sharon Larter, RM, clarified where the location of the property in relation to the Carrefour de l'Isle-Saint-Jean school and commented on the pedestrian curb not being visible during winter time. Mr. Zilke presented the map to indicate the location of the proposed structure and elaborated on the proposed pedestrian access in relation to the access to the school.

Councilor Rivard also confirmed if the property has enough green space and why not create a separate path for pedestrian instead of putting the path very close to the road. Mr. Forbes mentioned that this is an affordable housing project and is not sure of the financial implications of this requirement. However, it should be regarded as a small component of the whole overall cost of this project. Mr. Rivard then asked if this pedestrian path was part of the existing plan or if it was just added as a result of the review. Mr. Zilke confirmed that it was added after receiving comments from the design reviewer. Mr. Rivard also commented that the 3 foot pavement is considerably small with the same amount of material to be used for the driveway. Mr. Forbes also added that the curb could use the same material (rolled asphalt) but should be elevated with asphalt sidewalk. If only a line was painted to mark the pedestrian path, this will not be visible during the winter months. It was also pointed out that this is an established neighbourhood with children who may be visiting other children in the proposed apartments so staff needs to be more vigilant on ensuring safety. Mr. Rivard also emphasized that we do not want to send a message that because this is an affordable housing project, it can be designed to a lower standard.

Kenneth McInnis, RM, commented that he appreciated the design and how the building's design makes it look like it's broken into two buildings. Mr. Forbes acknowledged that the applicants are willing to work with Staff towards determining an acceptable design. Mr. Forbes added that the board's responsibility is to review the proposal and make recommendations to further enhance the proposed building design and site plan. Mr. Forbes also acknowledged that the proposed building takes into consideration other apartment buildings in the area and adds a number of additional design features to the building that enhance the overall design. Mr. McInnis also asked if the front design is the same as the back and Mr. Zilke confirmed this to be correct. Sharon Larter, RM, also clarified where the southwest elevation is facing and Mr. Zilke responded that the southwest is facing Acadian Drive.

Mr. Rivard then asked Mr. Zilke if there is anything else in the design that needs to be addressed aside from the requirement for the sidewalk. Mr. Forbes commented that the board may wish to consider directing Staff to ensure that the applicants meet the requirements for the sidewalk to clearly be separated from the parking lot and provide a clear delineation or marking. Ms. Larter also added that this marking should be visible even during the winter season.

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

Moved by Kenneth McInnis, RM and seconded by Sharon Larter, RM, that the request to construct a four-storey, 60-unit apartment building for affordable housing located at 10 Acadian Drive (PID #442400), be approved, provided that the sidewalk be separated from the parking lot to the satisfaction of the Development Officer.

CARRIED

The meeting was adjourned at 12:20 PM.

Councillor Greg Rivard

**PLANNING AND HERITAGE COMMITTEE – DESIGN REVIEW BOARD MINUTES
TUESDAY, APRIL 30, 2019 12:00PM
PARDKALE ROOM, CITY HALL**

<u>Included</u>	Councillor Greg Rivard, Chair	Kris Fournier, RM
	Deputy Mayor Jason Coady, Vice-Chair	Sharon Larter, RM
	Councillor Alanna Jankov	Alex Forbes, PHM
	Brian Gillis, RM	Greg Morrison, PII
	Greg Munn, RM	Todd Saunders, HO
	Kenneth McInnis, RM	Ellen Ganga, IA/AA

Regrets

1. Call to Order

Councillor Greg Rivard called the meeting to order at 12:04 pm.

2. Declaration of Conflicts

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

3. Approval of Agenda

Moved by Greg Munn, RM, and seconded by Kenneth McInnis, RM, that the agenda for Tuesday, April 30, 2019, be approved.

CARRIED

4. Adoption of Minutes

Moved by Councillor Alanna Jankov and seconded by Kenneth McInnis, RM, that the minutes of the Thursday, April 18, 2019 meeting, be approved.

CARRIED

5. Business arising from Minutes

There was no business arising from the minutes.

6. 80 Grafton Street (PID #340265)

This is a design proposal for a five-storey, mixed-use building at 80 Grafton Street (PID #340265). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone. Greg Morrison, Planner II, presented the application.

The proposed building's ground floor will be used as retail, the second floor will be used as offices and the upper three floors will contain residential dwelling units. The application for a site-specific exemption was approved on November 13, 2018. Bill Chandler, applicant, is present to provide more details of the proposed development. The plans presented at the meeting differ slightly with the plans included in the package and will be presented by Mr. Chandler as well.

Bill Chandler described the materials to be used for the outside of the building, allowing it to portray the look and feel of traditional buildings along the downtown area. Mr. Chandler also

discussed the different dimensions and materials for the rest of the building. Details of the proposal are outlined in the attached report.

Councilor Rivard noted that the reports were just provided on the day of the meeting so the Board may not have had enough time to digest all the details of the application. Staff also just received the design review report the day prior the meeting.

Greg Munn, RM, commented that the guidelines when doing an infill building is not to try to recreate or give a false sense of history and this design makes it look like it is trying to be an older building. It is trying to give a false sense of history and a significant change or difference in material between lower and upper portion. It then looks like an older building that has two floors added instead of a single construction. The intent is not to put a false sense of history in newer buildings. Mr. Munn understands that the applicants are trying to work on the materials and the massing which are good things, but it may be going too far in terms of making it too historic. Mr. Chandler responded that it is not intended to fake heritage. But there is pressure from the owners to make it look contemporary. Brian Gillis, RM, asked if you are directed by the investor to build this style and Mr. Chandler confirmed to some extent.

Councillor Rivard clarified if staff's recommendation is to reject this application as presented or because of the time allowed for staff to review. Alex Forbes, PHM, commented that the reviewers have concerns on the design which was indicated in the report. Also, the reports were sent just on the day of the meeting. Staff feels that there are outstanding questions or concerns at this time. Staff would like to confirm with the applicant if he wants to revisit the design a little bit more and consider the comments from the design reviewer. Mr. Forbes also noted that it is not the intent of the design reviewers to redesign the building but to provide comments and directions to meet the design reviewer and the applicant's objective as a whole. Councillor Rivard asked Mr. Chandler if there is a timeframe for this application and if this application can be deferred until Staff is able to further work with the applicants or clients on the comments. Mr. Chandler responded that they are looking to get a permit in May. They are hoping to dig the foundation during the Spring. Mr. Chandler also confirmed that if the design is not approved at this point, the size and shape doesn't change. Putting in the foundation would allow them a month or two to work on this as the elevation or design is being fine-tuned.

Councillor Rivard commented that there are concerns identified by staff and the recommendation is to reject the application. However, there may be an opportunity to defer and then just have a special meeting if needed in order to be able to work with staff to look at the concerns. Mr. Chandler asked what the concerns of staff were and Mr. Forbes responded that Mr. Chandler is correct with the volume of the building but the concerns are more on the design of the building. The design review process is to allow the applicants to make adjustments based on the design reviewers comments and in the end, be able to continue to work with the applicants to achieve a desirable output. When the decision is to reject, it is not to reject the project but to reject the proposal in order to be able to work with the applicants to refine the project.

Mr. Munn asked if it is possible to determine a date in the future to review this application and Mr. Forbes confirmed that it is possible and would like to ask the board if there are any direction

for staff considering that the reports were finalized on the day of the meeting, not giving the board enough time to go over the report in detail.

Brian Gillis, RM, commented that he agrees with staff's recommendation but empathizes with Mr. Chandler because he also needs to work with the requirements of his client. Mr. Gillis also noted that rejecting this application, it also indicates that it is not their taste but what's good for the community. Mr. Gillis also commented that if this application was rejected, there might be a faster turnaround. Mr. Forbes also added that the applicants have gone through several approvals already and at this point, the rejection is only for the design of the building. The volume and mass have all been determined. Councillor Rivard clarified that if this is rejected, the applicants may come back with a new design and Mr. Forbes confirmed that they could.

Aaron Stavert, design reviewer for this application, added that he would like to hear comments or feedback from the design committee based on his comments to the design. Mr. Stavert noted that he has no issue with contrast between the lower and upper portion of the building. The comments were more on the approach where the applicants wanted to have a more historic building but then the details need to be as close to the authentic as possible. Mr. Stavert doesn't feel that the current design is. Mr. Gillis commented that he agrees with Mr. Stavert's comments about the property trying to be something that is not.

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

Moved by Brian Gillis, RM and seconded by Ken McInnis, RM, that the submitted building design of the proposed five-storey mixed-use development at 80 Grafton Street (PID #340265), be rejected.

**CARRIED
(6-1)**

7. Vacant lot between Founders Hall and 4 Prince Street (PID #841536)

This is a proposed design for a multi-unit building on a vacant lot between Founders Hall and 4 Prince Street (PID #841536). The property is located in the Waterfront (WF) Zone. Aaron Stavert, representative for the applicant, presented the application.

Mr. Stavert noted that it is the narrow lot between the Founders Hall and the property at 4 Prince Street. It is a visible site from Water Street and from the Boardwalk. Mr. Stavert also mentioned that there are several easements along the property constricting the development of the property. The proposal is for a seven storey building. 60% of the first floor will be the Hotel Lobby, which will be filled with games, social spaces and eating spaces. The rear portion of the first floor will be commercial spaces. There will be 24 units per floor for the second to the fifth floor. The sixth and seventh floor will have larger units. Additional details are in the report.

Alex Forbes commented that Fellows & Company Limited are the reviewers for this application based on the review, they seem to like the design and in this case, staff is supporting the application.

Greg Munn, commented that there is a difference from the previous application. This application is taking the scale and material at a different level. It is looking forward and contemporary. Mr. Munn likes the idea of the types of materials that will be used and it speaks well of the site and feels that the design is appropriate. Mr. Munn also asked if there are any feedback on the height of the building. Mr. Forbes responded that the height is as of right and that this does not have to go to the public. Mr. Stavert also acknowledged the design review process. It helps the applicants to be able to refine the application based on comments or feedback to make the development even better. Mr. Forbes commented that design reviewers spend a lot of time looking at applications in order to really determine the most appropriate designs for the property.

Mr. Munn commented that this development has more success considering the combination of design of the lower and upper portion of the property. The design is very cohesive.


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

Moved by Greg Munn, RM and seconded by Brian Gillis, RM, that the proposed site and building façade plans for the proposed seven (7) storey, multi-use building consisting of ninety-six (96) hotel rooms, twelve (12) condo units and approximately 4000 sq.ft. of office space at 4A Prince Street (PID #841536), be approved.

**CARRIED
(7-0)**

The meeting was adjourned at 12:45 PM.

Councillor Greg Rivard

TITLE: <p style="text-align: center;"> DESIGN REVIEW FILE: DESIGN-2019-18-APRIL-01 10 ACADIAN DRIVE OWNER: PEI HOUSING CORPORATION </p>		 CHARLOTTETOWN
MEETING DATE: April 18, 2019		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Design Review Submission (March 21, 2019) B. External Design Reviewer Comments (April 3, 2019) C. Revised Site Plan (April 9, 2019)	
SITE INFORMATION: Ward No: 10 Existing Land Use: Vacant Property Official Plan: High Density Residential Zoning: Medium Density Residential (R3) Zone		

RECOMMENDATION:

The Planning & Heritage Department encourages the Design Review Board to approve the proposed site and building façade plans for the proposed four (4) storey, sixty (60) unit apartment dwelling to be constructed at 10 Acadian Drive (PID #442400), fifty (50) units which will be for affordable housing.

BACKGROUND:

Request

The contractor, APM, on behalf of The King's Square Affordable Housing Corp, has submitted a design for the proposed four (4) storey, sixty (60) unit apartment dwelling to be constructed at 10 Acadian Drive (PID #442400). The request is to approve the design proposal.

By-law Requirement

As per Section 3.14.1 of the Zoning and Development By-law, any affordable housing project is required to undergo the Design Review process. This is to ensure that the proposed development satisfies basic architectural principles and from a design perspective which is compatible and compliments existing buildings on surrounding properties.

ANALYSIS:

On March 21, 2019, the applicant submitted façade drawings, rendering of the proposed apartment building and a site plan (Attachment A). Staff immediately sent the proposed façade designs and site plan to an independent design reviewer, Robert Matthews, a licensed Architect to perform a design analysis.

On April 3, 2019, Mr. Matthews submitted his formal review, for further information please refer to Attachment B, which indicated the following main points:

- 1) *The proposed massing and scale makes the building seem long, this could be addressed by reducing the amount of white and introducing a contrasting second colour shade on the facades between the second and third floors. This would help reduce the building length and create a vertical aesthetic. In comparison with other existing apartment buildings to the north at River Ridge Drive, the overall proposal is generally acceptable;*
- 2) *The siting of the proposed building could be improved by situating it closer to Acadian Drive toward the east, and physically connecting to it with a sidewalk. Internally, a pedestrian connection (i.e. sidewalk) should be included that connects the apartment through the parking lot to the existing sidewalk in order to minimize pedestrians from walking through the parking drive aisles. This would enhance the safety and accessibility of the site.*

Staff forward these review comments to the applicant requesting the proposed changes relating to the internal pedestrian connections. The Zoning & Development By-law under Section 43.5.1 (e) states *all pedestrian access to the Building from the Parking Lot shall be designed with pedestrian travel routes that minimize hazards and inconvenience to pedestrians, and shall be well marked and maintained.* The applicant worked with staff to address the pedestrian connection comments with a revised site design. On April 9, 2019 the applicant provided a revised site plan that includes two internal sidewalks that connect the apartment building with both Acadian Drive (east) and Patterson Drive.

Staff feels that as per the revised site design, the applicant has met the intent of the Zoning & Development By-law and addressed the pedestrian connection issues outlined in Robert Matthew's report by providing two internal sidewalks to both Acadian Drive and Patterson Drive.

CONCLUSION:

Staff is recommending that the Design Review Board approve the proposed building façade designs and site plan for the sixty (60) unit apartment building located at 10 Acadian Drive.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:

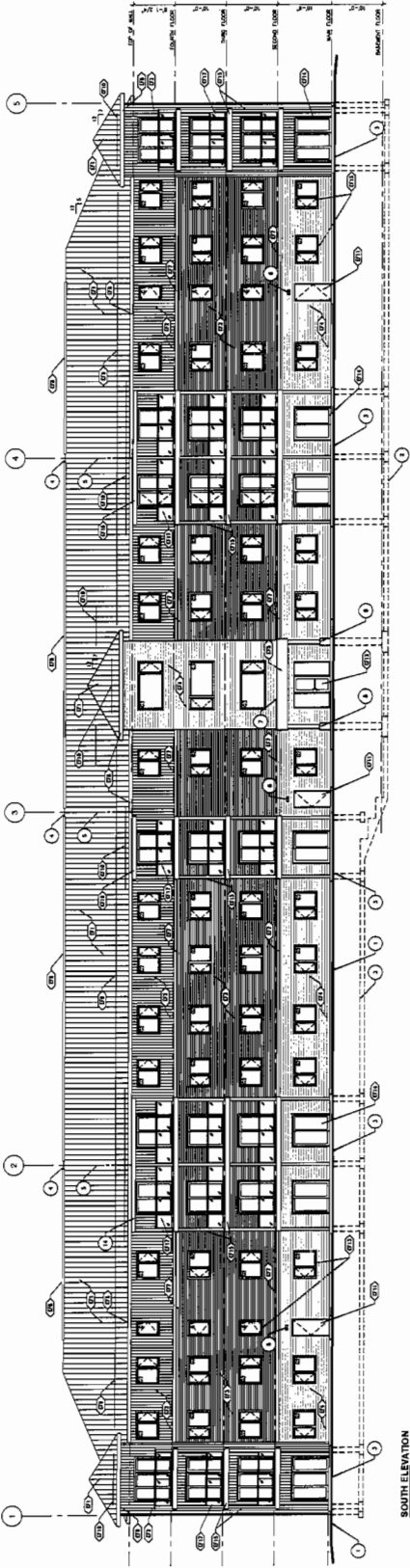


Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

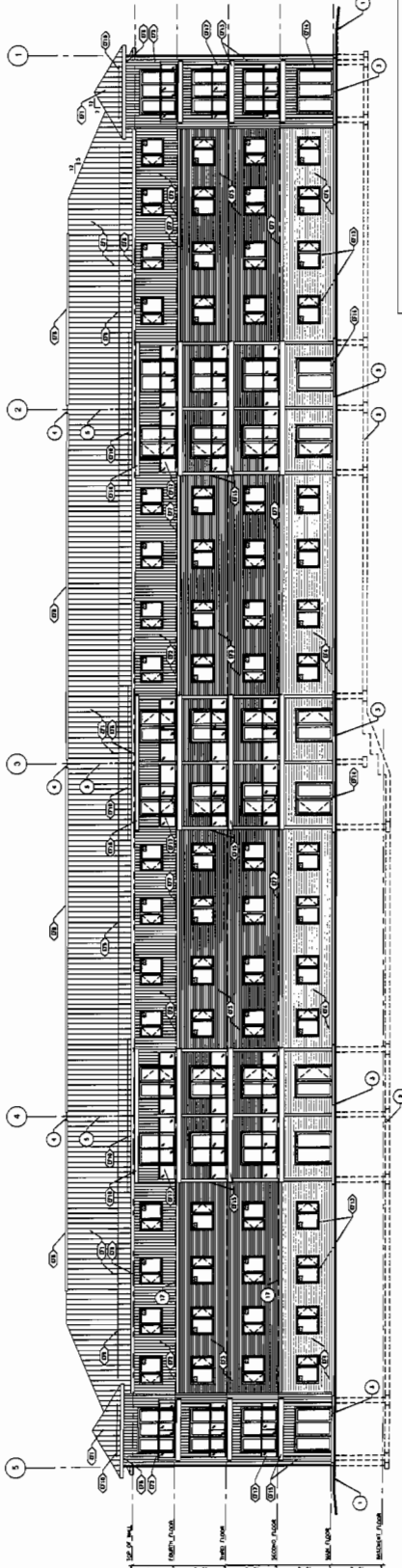
Attachment A - 1

©Royal LePage/AFPM Commercial 2018...All rights reserved.

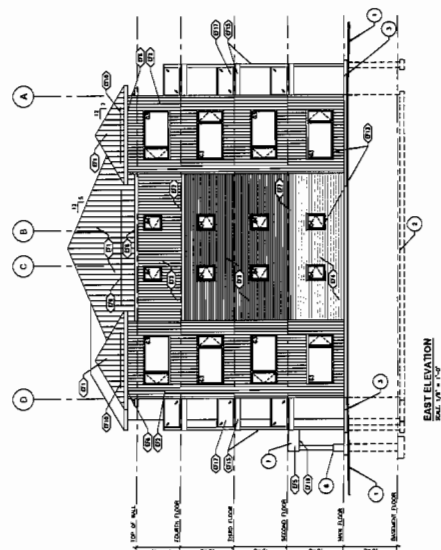




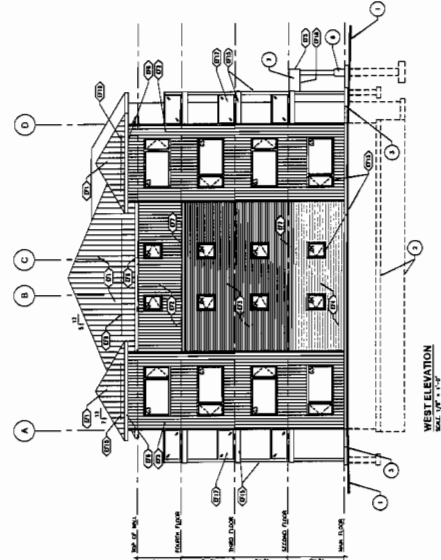
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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



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



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

KEY NOTES

1. EXTERIOR FINISH SCHEDULE TO APPLY TO ALL EXTERIOR SURFACES UNLESS OTHERWISE NOTED.
2. ALL EXTERIOR SURFACES TO BE FINISHED WITH CONCRETE UNLESS OTHERWISE NOTED.
3. ALL EXTERIOR SURFACES TO BE FINISHED WITH CONCRETE UNLESS OTHERWISE NOTED.
4. ALL EXTERIOR SURFACES TO BE FINISHED WITH CONCRETE UNLESS OTHERWISE NOTED.
5. ALL EXTERIOR SURFACES TO BE FINISHED WITH CONCRETE UNLESS OTHERWISE NOTED.
6. ALL EXTERIOR SURFACES TO BE FINISHED WITH CONCRETE UNLESS OTHERWISE NOTED.
7. ALL EXTERIOR SURFACES TO BE FINISHED WITH CONCRETE UNLESS OTHERWISE NOTED.
8. ALL EXTERIOR SURFACES TO BE FINISHED WITH CONCRETE UNLESS OTHERWISE NOTED.

EXTERIOR FINISH SCHEDULE

ITEM	DESCRIPTION
01-1	CONCRETE
01-2	CONCRETE
01-3	CONCRETE
01-4	CONCRETE
01-5	CONCRETE
01-6	CONCRETE
01-7	CONCRETE
01-8	CONCRETE
01-9	CONCRETE
01-10	CONCRETE
01-11	CONCRETE
01-12	CONCRETE
01-13	CONCRETE
01-14	CONCRETE
01-15	CONCRETE
01-16	CONCRETE
01-17	CONCRETE
01-18	CONCRETE
01-19	CONCRETE
01-20	CONCRETE

WORK IN PROGRESS

UNIVERSITY OF PENNSYLVANIA

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

OSBO
CONSULTANTS, P.C.

APM
ARCHITECTS

CHARLESTON • HANNA • TORRES • CROTTY
ARCHITECTS

PROJECT:
**APARTMENT BUILDING
(AFFORDABLE HOUSING)**
KINGS SQUARE, ACADIA DR.
CHAMLIDETOWN, PE

ISSUED FOR:
ELEVATIONS

DATE:
NOV. 13, 2023

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

PROJECT NO.:
2320230000

REV. NO.:
A201

Attachment B - 1



The Sovereign Building
71 Bank St., 7th Floor
Ottawa ON, Canada
K1P 5N2

t. 613-224-0095
f 613-224-9811
Info@n45.ca
N45.CA

N45 ARCHITECTURE INC.

03 April 2019

Mr. Robert Zilke, MCIP
Planner II
PO Box 98
City of Charlottetown, PE
C1A 4B7

**Plans Review for
Affordable Housing, Acadia Dr.
Architecture 360 & APM**

Overview

The site is located in the Falconwood neighbourhood area of Charlottetown. Neighbours include Sherwood Special Care Facility, Queen Elizabeth Hospital, École Françoise-Boute, and a municipal works site, all to the East. To the North on River Ridge Dr., there are apartment buildings of a similar scale [to this proposal] and to the North-west, single family homes.

Generally, one could characterize the site as being in one of higher density development with a building scale in the multi-storey category.

Siting

The proposed building is situated at the corner of Acadian Drive where it turns 90 degrees and eventually intersects with an exit from the Trans Canada Highway.

Good planning would normally expect that the building's main entrance be facing and physically connected by sidewalk to a principal street [in this instance, Acadian Dr.] However, in this case it isn't as relevant as there isn't a sidewalk on that section of the street. Having said this, the design would be improved if the proposed building main entrance were to be situated closer to Acadian Dr [East] facing the municipal property as there is a sidewalk along the project side of the street. To achieve this, the building plan could be simply mirrored to improve the relationship to both the street and the parking lot. Internally, a side walk should be added to the site plan so that the residents don't have to walk in the parking drive aisles. Similarly, there should be another sidewalk connecting the building entrance to Patterson Drive. This would provide a safe and accessible route from the handicap parking to both the building entrance and the street.

PARTNERS

ROBERT MATTHEWS
B.Arch., OAA
AANB, FRAIC

VLADIMIR POPOVIC
OAA, AANB, FRAIC
LEED ap bd+c

NATHALIE ROUTHIER
OAA, OAC, AANB,
MRAIC, LEED ap bd+c

GARY WENTZELL
MAATO

SENIOR ASSOCIATES

GERRY MALLETT
Dipl. Architectural Technology

KEITH DICKIE
B.Arch, OAA, MRAIC

Attachment B - 2



The Sovereign Building
71 Bank St., 7th Floor
Ottawa ON, Canada
K1P 5N2

t 613-224-0095
f 613-224-9811
info@n45.ca
N45 CA

N45 ARCHITECTURE INC.

Architectural Character

The design, although having more character than the apartments on River Ridge Drive could be more responsive to scale and materiality of a residential development.

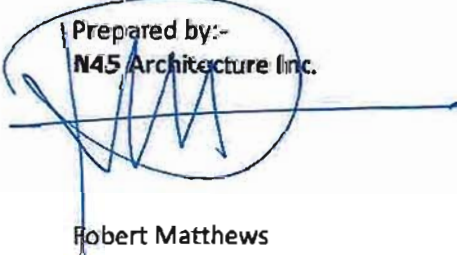
The building base has been defined by the use of a dark [Urban Grey] metal siding, which is a nice gesture to the scale of the single family homes. Above the base [floors 2, 3 & 4], "Snow White" has been used in two different patterns - horizontal & vertical. Since the building is long, the massing could be further enhanced by introducing a contrasting and second colour [alternating] shade on the facades between the balconies [floors two and three] to help reduce the building length and create a vertical aesthetic [see attached drawing].

The entrance has been defined by a 4 storey tower feature, expressed by the use of the grey colour and a black canopy. This feature might be less overwhelming at two or three storeys in height than the proposed four.

Conclusion

The project as proposed in this area of the City is generally acceptable. It reads very long and could be somewhat enhanced by reducing the use of white and introducing another colour in vertical elements to change the scale. The lack of a pedestrian connection to the street and internally is problematic as safety and accessibility should be considered a priority.

Prepared by:-
N45 Architecture Inc.



Robert Matthews

LEGEND

1. CONC	CONCRETE
2. ASP	ASPHALT
3. GRS	GRAVEL
4. S	SUBGRADE
5. S	SUBGRADE
6. S	SUBGRADE
7. S	SUBGRADE
8. S	SUBGRADE
9. S	SUBGRADE
10. S	SUBGRADE
11. S	SUBGRADE
12. S	SUBGRADE
13. S	SUBGRADE
14. S	SUBGRADE
15. S	SUBGRADE
16. S	SUBGRADE
17. S	SUBGRADE
18. S	SUBGRADE
19. S	SUBGRADE
20. S	SUBGRADE
21. S	SUBGRADE
22. S	SUBGRADE
23. S	SUBGRADE
24. S	SUBGRADE
25. S	SUBGRADE
26. S	SUBGRADE
27. S	SUBGRADE
28. S	SUBGRADE
29. S	SUBGRADE
30. S	SUBGRADE
31. S	SUBGRADE
32. S	SUBGRADE
33. S	SUBGRADE
34. S	SUBGRADE
35. S	SUBGRADE
36. S	SUBGRADE
37. S	SUBGRADE
38. S	SUBGRADE
39. S	SUBGRADE
40. S	SUBGRADE
41. S	SUBGRADE
42. S	SUBGRADE
43. S	SUBGRADE
44. S	SUBGRADE
45. S	SUBGRADE
46. S	SUBGRADE
47. S	SUBGRADE
48. S	SUBGRADE
49. S	SUBGRADE
50. S	SUBGRADE

DESIGNER'S INFORMATION

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.

2. ALL MATERIALS SHALL BE TESTED AND APPROVED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION BEFORE BEING USED IN CONSTRUCTION.

3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.

4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.

5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.

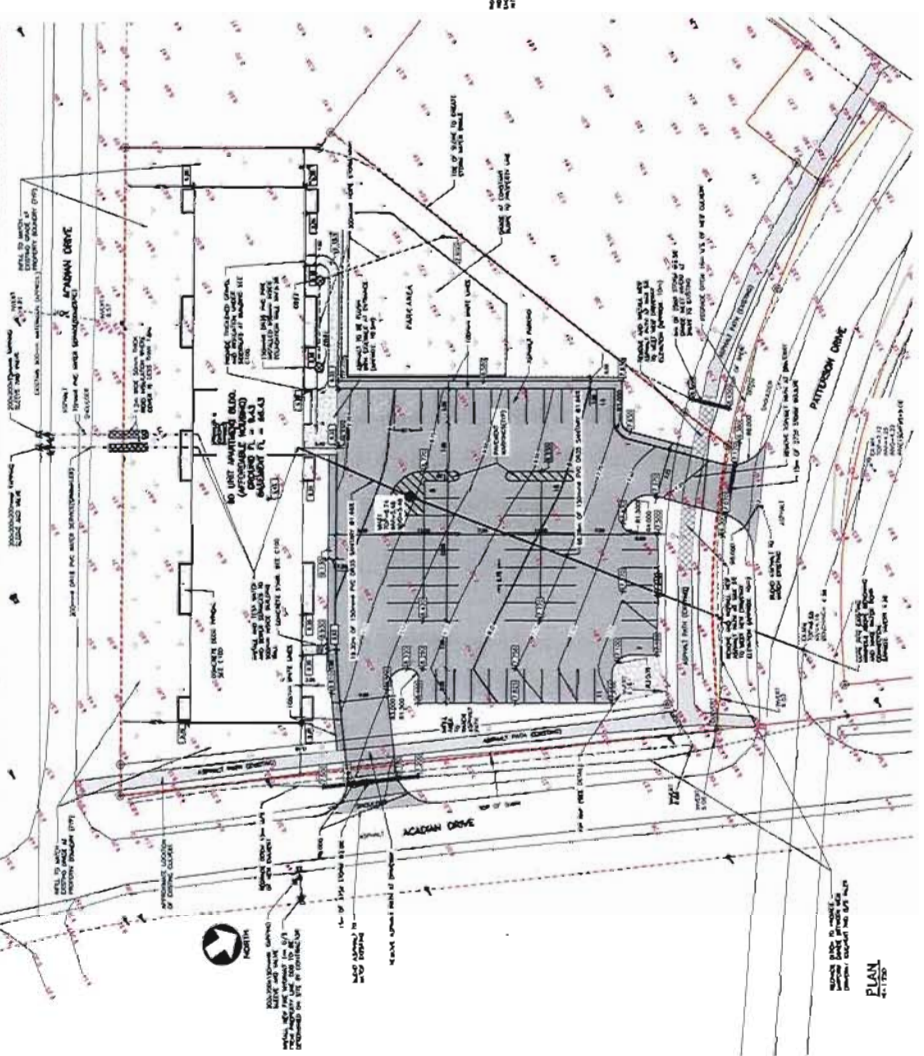
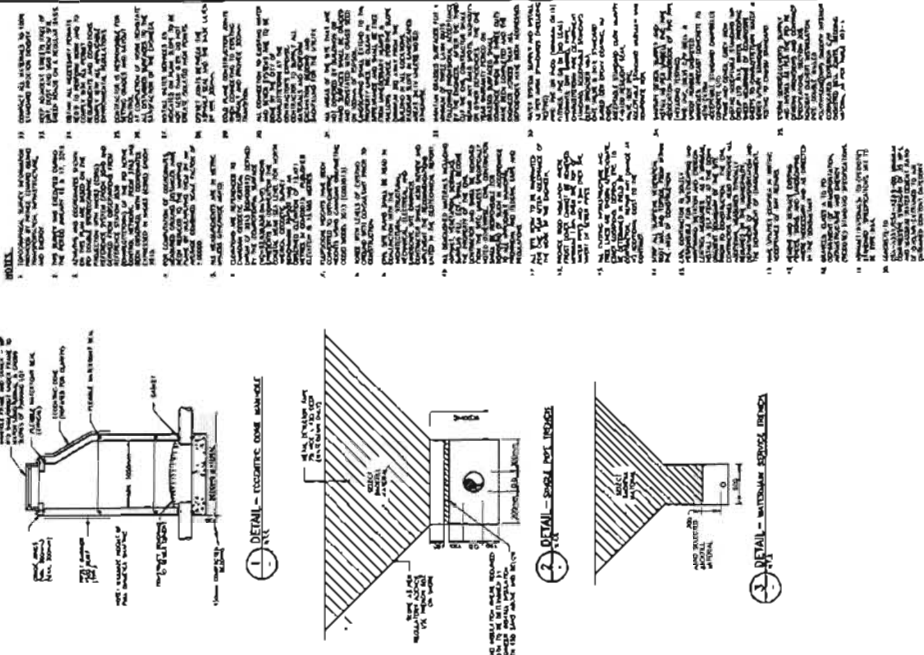
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.

7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.

8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.

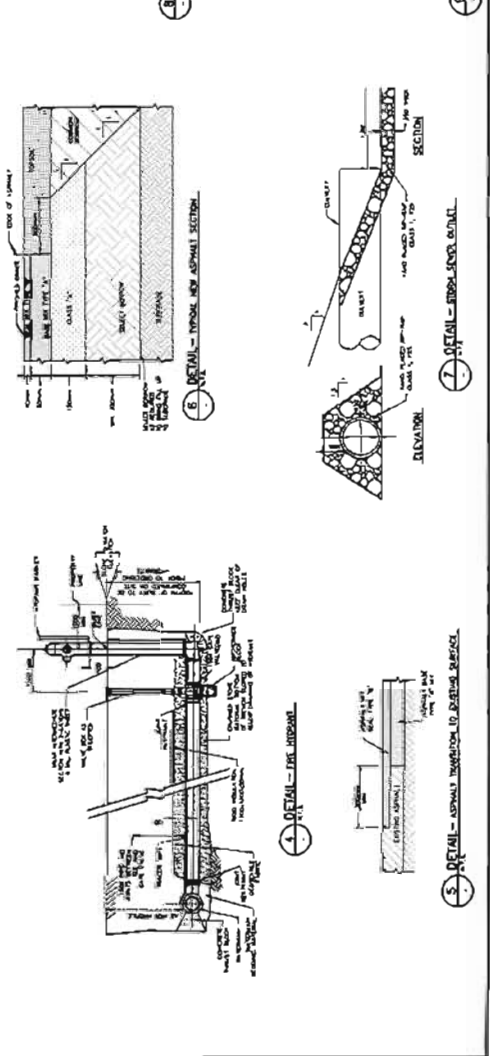
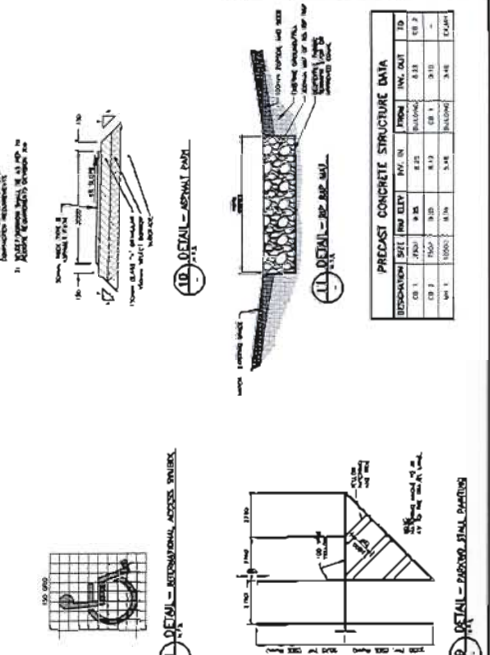
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.


10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE STATE OF CALIFORNIA, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, AS APPLICABLE TO THE STATE OF CALIFORNIA.



PROCAST CONCRETE STRUCTURE DATA

SECTION	NO.	THICKNESS	SPACING	NO. OF BARS	NO. OF BARS	NO. OF BARS	NO. OF BARS	NO. OF BARS	NO. OF BARS
1	1	12"	12"	4	4	4	4	4	4
2	2	12"	12"	4	4	4	4	4	4
3	3	12"	12"	4	4	4	4	4	4
4	4	12"	12"	4	4	4	4	4	4
5	5	12"	12"	4	4	4	4	4	4
6	6	12"	12"	4	4	4	4	4	4
7	7	12"	12"	4	4	4	4	4	4
8	8	12"	12"	4	4	4	4	4	4
9	9	12"	12"	4	4	4	4	4	4
10	10	12"	12"	4	4	4	4	4	4
11	11	12"	12"	4	4	4	4	4	4
12	12	12"	12"	4	4	4	4	4	4
13	13	12"	12"	4	4	4	4	4	4
14	14	12"	12"	4	4	4	4	4	4
15	15	12"	12"	4	4	4	4	4	4
16	16	12"	12"	4	4	4	4	4	4
17	17	12"	12"	4	4	4	4	4	4
18	18	12"	12"	4	4	4	4	4	4
19	19	12"	12"	4	4	4	4	4	4
20	20	12"	12"	4	4	4	4	4	4
21	21	12"	12"	4	4	4	4	4	4
22	22	12"	12"	4	4	4	4	4	4
23	23	12"	12"	4	4	4	4	4	4
24	24	12"	12"	4	4	4	4	4	4
25	25	12"	12"	4	4	4	4	4	4
26	26	12"	12"	4	4	4	4	4	4
27	27	12"	12"	4	4	4	4	4	4
28	28	12"	12"	4	4	4	4	4	4
29	29	12"	12"	4	4	4	4	4	4
30	30	12"	12"	4	4	4	4	4	4
31	31	12"	12"	4	4	4	4	4	4
32	32	12"	12"	4	4	4	4	4	4
33	33	12"	12"	4	4	4	4	4	4
34	34	12"	12"	4	4	4	4	4	4
35	35	12"	12"	4	4	4	4	4	4
36	36	12"	12"	4	4	4	4	4	4
37	37	12"	12"	4	4	4	4	4	4
38	38	12"	12"	4	4	4	4	4	4
39	39	12"	12"	4	4	4	4	4	4
40	40	12"	12"	4	4	4	4	4	4
41	41	12"	12"	4	4	4	4	4	4
42	42	12"	12"	4	4	4	4	4	4
43	43	12"	12"	4	4	4	4	4	4
44	44	12"	12"	4	4	4	4	4	4
45	45	12"	12"	4	4	4	4	4	4
46	46	12"	12"	4	4	4	4	4	4
47	47	12"	12"	4	4	4	4	4	4
48	48	12"	12"	4	4	4	4	4	4
49	49	12"	12"	4	4	4	4	4	4
50	50	12"	12"	4	4	4	4	4	4
51	51	12"	12"	4	4	4	4	4	4
52	52	12"	12"	4	4	4	4	4	4
53	53	12"	12"	4	4	4	4	4	4
54	54	12"	12"	4	4	4	4	4	4
55	55	12"	12"	4	4	4	4	4	4
56	56	12"	12"	4	4	4	4	4	4
57	57	12"	12"	4	4	4	4	4	4
58	58	12"	12"	4	4	4	4	4	4
59	59	12"	12"	4	4	4	4	4	4
60	60	12"	12"	4	4	4	4	4	4
61	61	12"	12"	4	4	4	4	4	4
62	62	12"	12"	4	4	4	4	4	4
63	63	12"	12"	4	4	4	4	4	4
64	64	12"	12"	4	4	4	4	4	4
65	65	12"	12"	4	4	4	4	4	4
66	66	12"	12"	4	4	4	4	4	4
67	67	12"	12"	4	4	4	4	4	4
68	68	12"	12"	4	4	4	4	4	4
69	69	12"	12"	4	4	4	4	4	4
70	70	12"	12"	4	4	4	4	4	4
71	71	12"	12"	4	4	4	4	4	4
72	72	12"	12"	4	4	4	4	4	4
73	73	12"	12"	4	4	4	4	4	4
74	74	12"	12"	4	4	4	4	4	4
75	75	12"	12"	4	4	4	4	4	4
76	76	12"	12"	4	4	4	4	4	4
77	77	12"	12"	4	4	4	4	4	4
78	78	12"	12"	4	4	4	4	4	4
79	79	12"	12"	4	4	4	4	4	4
80	80	12"	12"	4	4	4	4	4	4
81	81	12"	12"	4	4	4	4	4	4
82	82	12"	12"	4	4	4	4	4	4
83	83	12"	12"	4	4	4	4	4	4
84	84	12"	12"	4	4	4	4	4	4
85	85	12"	12"	4	4	4	4	4	4
86	86	12"	12"	4	4	4	4	4	4
87	87	12"	12"	4	4	4	4	4	4
88	88	12"	12"	4	4	4	4	4	4
89	89	12"	12"	4	4	4	4	4	4
90	90	12"	12"	4	4	4	4	4	4
91	91	12"	12"	4	4	4	4	4	4
92	92	12"	12"	4	4	4	4	4	4
93	93	12"	12"	4	4	4	4	4	4
94	94	12"	12"	4	4	4	4	4	4
95	95	12"	12"	4	4	4	4	4	4
96	96	12"	12"	4	4	4	4	4	4
97	97	12"	12"	4	4	4	4	4	4
98	98	12"	12"	4	4	4	4	4	4
99	99	12"	12"	4	4	4	4	4	4
100	100	12"	12"	4	4	4	4	4	4



TITLE: <p style="text-align: center;">DESIGN REVIEW FILE: PLAN-2019-30-APRIL-6a 80 GRAFTON STREET (PID #340265) OWNER: 1867 DEVELOPMENTS INC APPLICANT: BILL CHANDLER</p>	 CHARLOTTETOWN
MEETING DATE: April 30, 2019	Page 1 of 6
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. GIS Maps B. Council Resolution C. Original Design Review Submission D. Preliminary Design Reviewer Comments E. Revised Design Review Submission F. Final Design Reviewer Comments
SITE INFORMATION: Context: Vacant property in the 500 Lot Area Ward No: 1 – Queen Square Existing Land Use: Vacant Parking Lot Official Plan: Downtown Mixed-Use Neighbourhood Zoning: Downtown Mixed-Use Neighbourhood (DMUN) Zone	
PREVIOUS APPLICATIONS: Council passed a resolution on November 13, 2018 for a site specific exemption including three variances to allow the development of this application.	

RECOMMENDATION:

The Planning & Heritage Department encourages the Design Review Board to reject the submitted design for the proposed five (5) storey mixed-use development at 80 Grafton Street (PID #340265).

BACKGROUND:

Request

The applicant, Bill Chandler, has submitted a design for the proposed five (5) storey mixed-use development at 80 Grafton Street (PID #340265) on behalf of the owners, 1867 Developments Inc.

Development Context

The subject property is currently a vacant parking lot located on Grafton Street between two (2) designated heritage resources – 137 Queen Street (MRSB) and 70 Grafton Street (Pilot House). The property is located in the Downtown Mixed-Use Neighbourhood (DMUN) Zone.

Property History

The Planning & Heritage Department has no recent building permit records for the vacant parking lot but Charlottetown City Council passed the following resolution at the monthly meeting of Council held on Tuesday, November 13, 2018:

That the request to obtain a site specific exemption of the Downtown Mixed-Use Neighbourhood (DMUN) Zone of the Zoning & Development By-law as it pertains to 80 Grafton Street (PID #340265) in order to construct a five (5) storey mixed-use development and allow the applicant to enter into an agreement with the City to provide fifteen of the required parking spaces off-lot in the Pownal Parkade (100 Pownal Street, PID #340414) for a period of not less than 10 years with the rest of the required parking spaces to be paid through cash-in-lieu (\$6,000 per parking space required), be approved, subject to:

- 1. Design Review approval; and*
- 2. The signing of a Development Agreement including bonusing agreement and parking requirements.*

The site specific exemption also includes the following three (3) variances:

- 1. Reducing the minimum lot frontage required to be eligible for a bonus height from 98.4 ft to approximately 76.1 ft;*
- 2. Reducing the minimum side yard setback for the fourth and fifth floors of the proposed building to 70 Grafton Street (PID #340273) from 18.0 ft to approximately 14.33 ft; and*
- 3. Reducing the minimum side yard setback for the fourth and fifth floors of the proposed building to 137 Queen Street (PID #340257) from 18.0 ft to approximately 13.0 ft.*

BY-LAW REQUIREMENTS:***Section 3.14 of the Zoning & Development By-law***

As per Section 3.14.1.a. & 3.14.1.c., the design review process applies to any new construction of any non-residential use / a multi-unit residential building and any development applications that involved bonus height and / or a site specific exemption. In light of the foregoing, the subject property is to the design review process.

As per Section 3.14.3.b., the role of the Design Reviewer is to:

- i. Conduct a review of the proposed Development for conformance with the intent of this by-law, including the Design Standards for the 500 Lot Area and the criteria for evaluation for Design Review.*
- ii. Provide written feedback, comments, and a final recommendation within a specified 10 business day review period. Written comments may be supported by redline markups of the submission.*
- iii. Comments and markups from the Design Reviewer are forwarded to the applicant, and the applicant may revise their submission accordingly. Revised plans may be resubmitted to the City, along with a compliance (secondary) review fee.*
- iv. The revised plans are forwarded to the Design Reviewer for the compliance review.*
- v. If the review is satisfactory, the plans are granted conditional approval.*

As per Section 3.14.3.d., the role of the Design Review Board is to review the written feedback, comments, and recommendation by the Design Reviewer and shall provide a recommendation on the disposition of the application. When the application is jointly supported or rejected by the Design Reviewer and Design Review Board, the disposition of the application shall be determined and where the Design Review Board does not support the recommendation of the Design Reviewer than the Design Review Board shall make a recommendation to Council, and Council shall determine the disposition of the application.

ANALYSIS:

On April 29, 2019, the Design Reviewer, Aaron Stavert submitted his formal review (Attachment F). At this time the Design Reviewer is not in a position to grant conditional approval and

indicated that *'it is the opinion of this design reviewer, that the submitting design consultant should further refine and develop the design, in the areas identified here in... It is recommended that the revisions be re-submitted prior to final acceptance.'*

Staff would note that the applicant has designed a building which has satisfied many components / requirements identified in the Zoning & Development By-law and the 500 Lot Area Development Standards & Design Guidelines; however, this report will mainly focus on the outstanding deficiencies identified by the Design Reviewer to raise the level of the built environments in the 500 Lot Area.

The Design Reviewer has indicated that *'the architect has selected a route of blending the new development into the existing street context by emulating its surroundings. It is the opinion of the design reviewer that if this is the approach, then the building should be clear in its detailing supporting the tradition load bearing masonry construction.'*

As per Section 5.3.1 of the 500 Lot Standards & Guidelines, *'the new construction should be visibly differentiated from the old, achieving compatibility primarily through harmonious scale, massing, façade articulation and materiality.'* Further, *'mimicry and designs that borrow and mix historic stylistic detailing inappropriately or incorrectly should be avoided.'*

Similar window design can be found along Queen Street in the photo below:



In relation to the proposed window design, the Design Reviewer also states that *'the stucco infill between the windows, is inappropriate. Typically in paired arch-topped windows, there is the masonry opening, and then contained within, is a pair of wood muller windows'* and *'the window proportions do not reflect load bearing masonry walls. They are too wide and not tall enough.'*

The Design Reviewer also indicates that *'the strong contrasting colour scheme of the shouldice stone and windows de-emphasizes the solidity associated with masonry construction.'*

A few examples of this type of shouldice stone can be found throughout the 500 Lot Area:



The Design Reviewer has indicated that *'the architect has made a strong change in appearance to the upper (2) Floors of the building. Steel Cladding, is proposed. However there is very little detailing presented. The design needs more refinement and detailing. There is no expression of floor plates, or cornices.'*

Staff has also noted the change in the applicant's approach between the streetwall which has been designed in a traditional style while the upper stepback have been designed in a contrasting style. This results in the appearance of a historic building with a new addition on top rather than a cohesive design for a new construction.

From a design perspective, the vertically oriented metal siding on the upper two stories appears to lack quality and results in more of an industrial character rather than the residential use that it is.

The Design Reviewer states two additional key features which are unique to this project that should require greater design excellence.

- 1. The location of the development is highly visible and is located near a "key corner" as identified in the 500 Lot Standards & Guidelines.*
- 2. The proposed building is located between (2) heritage designated properties, this further requires design excellence as outlined in Section 5.3 of 500 Lot Standards & Guidelines. And Section 3.6 of the illustrated design manual.*

The proximity of this site to a main intersection of Queen Street and Grafton Street necessitates careful consideration to the neighbourhood character. This key site in the 500 Lot Area adds to and determines the overall atmosphere of the historic 500 Lot Area. As such, it is essential to highlight existing Designated Heritage Resources with new development by complementing these structures while avoiding mimicry.

CONCLUSION:

The Planning & Heritage Department recommends that the design review be further refined and developed prior to being re-submitted for conditional approval by the design reviewer.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

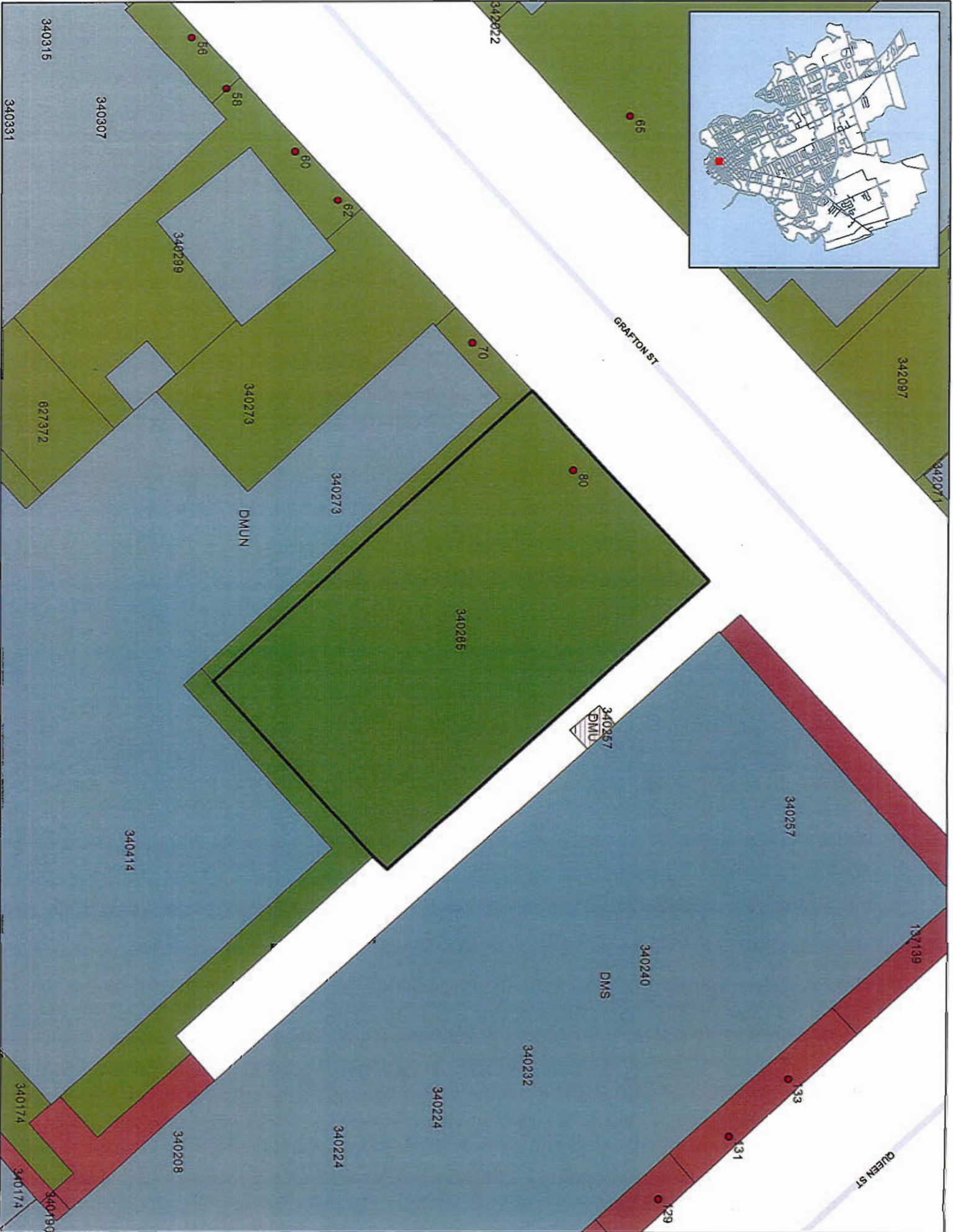
GIS Maps Attached:

1. Zoning Map
2. Aerial Map

.Attachment A: GIS Maps
File: PLAN-2019-30-April-
80 Grafton Street (PID #340265)
Owner: 1867 Developments Inc.
Applicant: Bill Chandler







Attachment B

Council Resolution Attached:

1. November 13, 2018

Attachment B: Council Resolution
File: PLAN-2019-30-April-
80 Grafton Street (PID #340265)
Owner: 1867 Developments Inc.
Applicant: Bill Chandler





CITY OF CHARLOTTETOWN

RESOLUTION

Planning #3

MOTION CARRIED 10-0
MOTION LOST _____

Date: November 13, 2018

Moved by Councillor [Signature] Greg Rivard

Seconded by Councillor [Signature] Terry MacLeod

RESOLVED:

That the request to obtain a site specific exemption of the Downtown Mixed-Use Neighbourhood (DMUN) Zone of the Zoning & Development By-law as it pertains to 80 Grafton Street (PID #340265) in order to construct a five (5) storey mixed-use development and allow the applicant to enter into an agreement with the City to provide fifteen of the required parking spaces off-lot in the Pownal Parkade (100 Pownal Street, PID #340414) for a period of not less than 10 years with the rest of the required parking spaces to be paid through cash-in-lieu (\$6,000 per parking space required), be approved, subject to:

1. Design Review approval; and
2. The signing of a Development Agreement including bonusing agreement and parking requirements.

The site specific exemption also includes the following three (3) variances:

1. Reducing the minimum lot frontage required to be eligible for a bonus height from 98.4 ft to approximately 76.1 ft;
2. Reducing the minimum side yard stepback for the fourth and fifth floors of the proposed building to 70 Grafton Street (PID #340273) from 18.0 ft to approximately 14.33 ft; and
3. Reducing the minimum side yard stepback for the fourth and fifth floors of the proposed building to 137 Queen Street (PID #340257) from 18.0 ft to approximately 13.0 ft.

Attachment C

Original Design Review Submission Attached:

1. Design Brief (2 Pages)
2. Site Plan
3. Elevations (2 Pages)
4. Renderings (5 Pages)

Attachment C: Original Design Review Submission
File: PLAN-2019-30-April-
80 Grafton Street (PID #340265)
Owner: 1867 Developments Inc.
Applicant: Bill Chandler



80 GRAFTON STREET - DESIGN BRIEF

The property located at 80 Grafton Street is one of the few remaining vacant lots in the central area of downtown Charlottetown. Situated between two designated heritage buildings and backing onto the Pownal Parkade, the site offers the potential for a new building to complete the historic streetscape while providing better access to the Parkade.

The design presented meets the Design Standards for the 500 Lot Area as we will describe below.

The building will be 5 storeys, with the main floor being for commercial or office, the second floor for an office, the third floor being smaller, more affordable apartments, and the top two floors being larger more luxurious apartments.

The building will connect to the Pownal Parkade, where a long term parking agreement has been negotiated to satisfy the City of Charlottetown's parking requirements. Public access to the Parkade will also be moved from the side alley to the new side courtyard to allow a safer, barrier free entry.

Front Facade Height and Width:

The design has the top two floors set back from the primary facade to allow the scale and rhythm of the streetscape to continue. The facade treatment for the lower three floors will wrap around the two sides for a portion of the side facades.

The primary facade is intended to portray the look and feel of traditional commercial buildings in downtown Charlottetown, which were invariably brick, trimmed with stone. The design incorporates traditional red brick, string banding courses of stone, window sills and headers of stone, and quoins on the corners. The ground floor shall have large, storefront type windows, while the second and third floors shall have arched topped windows.

As the building steps back on the top two floors, and moves farther away from the street on the lower three floors, the facade treatment changes to more modern materials of prefinished steel siding, and regular rectangular windows.

Building Materials:

The primary facade will be faced with Shaw Brick, Maritime design, Loyalist colour, trimmed with Shouldice Stone for the horizontal bands, window trims, and corner quoins. The accents in the arched windows will be charcoal coloured EIFS. On the lower floors at the rear of the building, the masonry will be painted concrete block. The prefinished steel siding will be a flat profile with concealed fasteners, in a light grey colour. The balcony railings on the upper floors shall be tempered glass in aluminum supports.

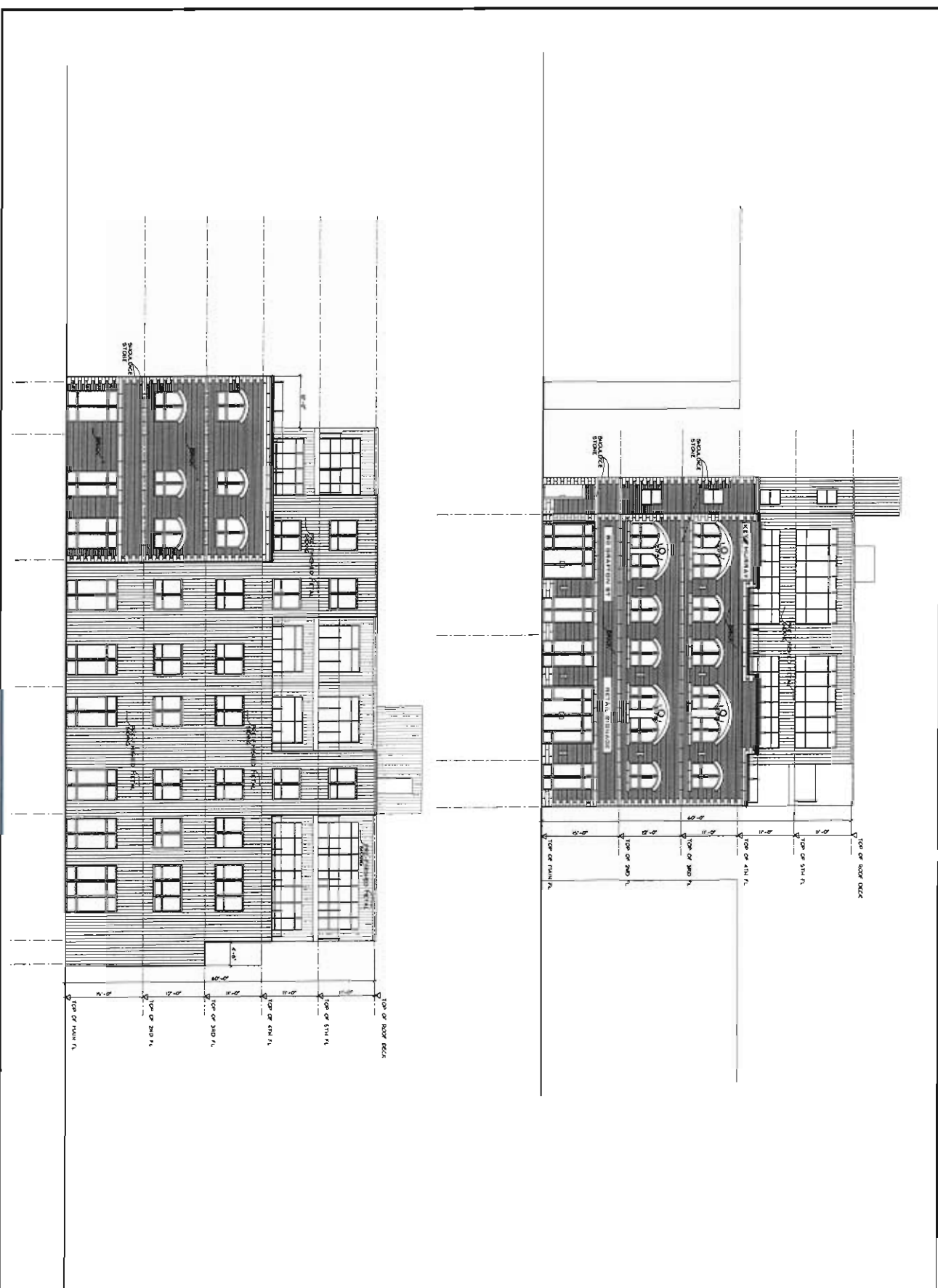
Windows:

The windows on all facades align both vertically and horizontally, and are placed to create a balanced facade. The windows and entry systems shall be aluminum framed with a clear anodized finish.

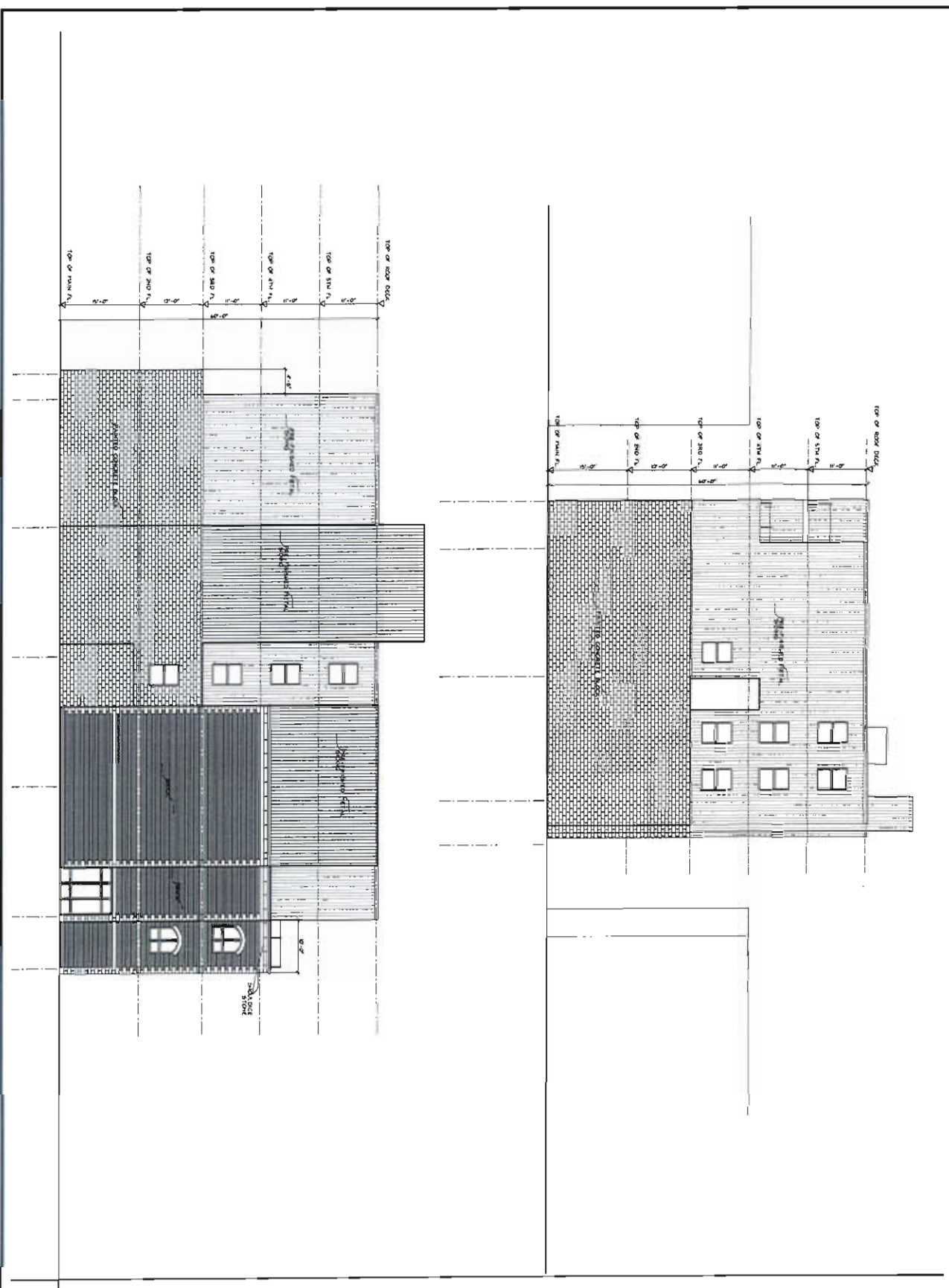
Landscaping:

The fifteen foot wide strip to the west side of the building shall be a “hardscaped” public space, with street lighting, benches, and planters. It is intended that this will provide a new public access point to the Pownal Parkade which will be barrier free. The existing Parkade entrance is from the side alley which is a dark and an unpleasant area of garbage containers, and is only accessible by a few steps.

The roof of the building will have a roof deck for use by the residential tenants.



A8 13	Project	GRAFTON ST PROPOSAL		<p>CHANDLER ARCHITECTURE DESIGN MATTERS</p> <p>82 Quail Street PO Box 300 Chesham Irvine CA 92614 Tel 949 453 8888 Fax 949 453 8884</p>	<p>All measurements must be checked on site prior to construction or fabrication.</p> <p>This drawing is the property of Chandler Architecture and shall not be used on other projects or extensions to this project except by agreement in writing from the architect.</p> <p>This drawing is not to be used for construction unless stamped by the architect.</p>		
	Scale	1/8" = 1'-0"				Date	FEB. 13, 2019
Sheet Title	ELEVATION		Dir BY	FADI MANSOUR	Drawn		
			Org No		Rev		
					Date		



A9 13	Project	GRAFTON ST PROPOSAL
	Sheet Title	ELEVATION

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

Date: FEB. 15, 2019

Chandler Architecture
DESIGN MATTERS

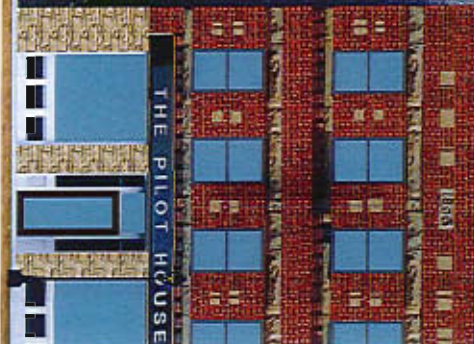
12 Quail Street, PO Box 1901, Channahon, IL 61615
Tel: 815.429.8888 Fax: 815.429.8224

All measurements must be checked on site prior to construction or fabrication.

This drawing is the property of Chandler Architecture and shall not be used on other projects or referenced to this project except by agreement in writing from the Architect.

This drawing is not to be used for construction unless approved by the Architect.

0		02/15/19
Rev	Description	Date







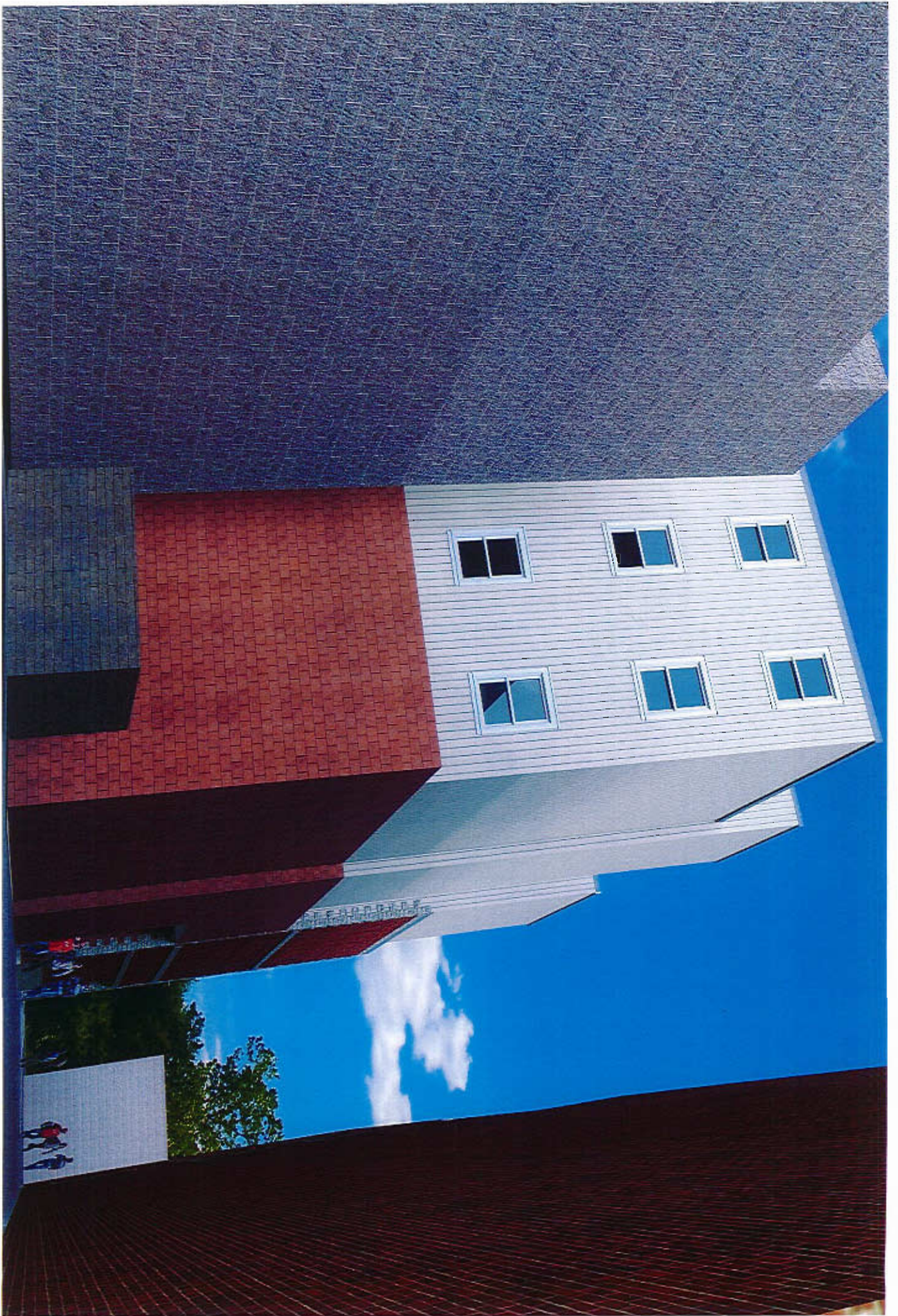


30 GARAGE ST

RETAIL SIGNAGE

THE PILOT HOUSE

1890



Attachment D

Preliminary Design Reviewer Comments Attached:

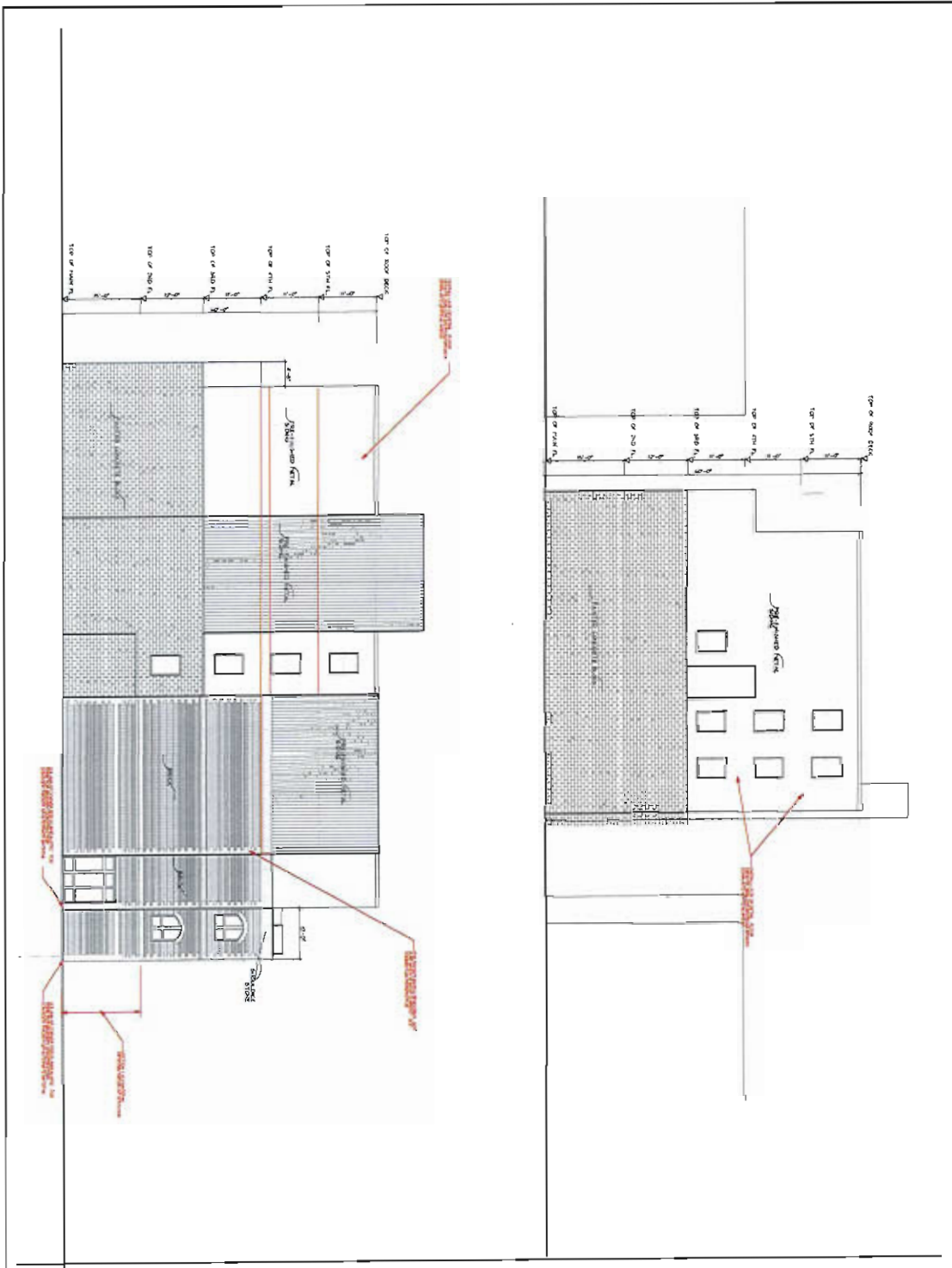
1. Site Plan
2. Elevations (2 Pages)
3. Rendering

Attachment D: Preliminary Design Reviewer Comments
File: PLAN-2019-30-April-
80 Grafton Street (PID #340265)
Owner: 1867 Developments Inc.
Applicant: Bill Chandler





A8 13	PROJECT GRAFTON ST PROPOSAL	Scale 1/8" = 1'-0"	<p>CHANDLER ARCHITECTURE DESIGN MATERS</p> <p>© 2014 Chandler Architecture Design Matters 1000 North 1st Street, Suite 100 Phoenix, AZ 85004 Tel: 602.498.1111 Fax: 602.498.1112</p>	<p>All measurements shall be checked and approved prior to construction or fabrication.</p> <p>The drawings are the property of Chandler Architecture and shall not be used on other projects or reproduced in any project except by agreement in writing from the architect.</p> <p>This drawing is not to be used for construction unless stamped by the architect.</p>					
	DATE FEB. 13, 2014	DRW BY FACU BRIND							
	Sheet Title ELEVATION	Day to							



A9 13	Project GRAFTON ST PROPOSAL	Scale 1/8" = 1'-0"	<p>© 2008 Chandler Architecture 1000 South Main Street, Suite 100 Salt Lake City, UT 84143 Tel: 801.488.8888 Fax: 801.488.8887</p>	<p>All measurements shall be checked on site prior to construction or installation.</p> <p>This drawing is the property of Chandler Architecture. This shall not be used on other projects or otherwise in the original project by agreement in writing from the architect.</p> <p>This drawing is not to be used for construction unless approved by the architect.</p>	<table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE									
	NO.	DESCRIPTION				DATE											
Sheet Title ELEVATION	Date FEB. 13, 2008	Drawn by 															



80 GRAFTON ST

80 GRAFTON ST

BEHAL SERVICE

THE HOUSE

80 GRAFTON ST

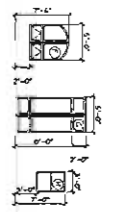
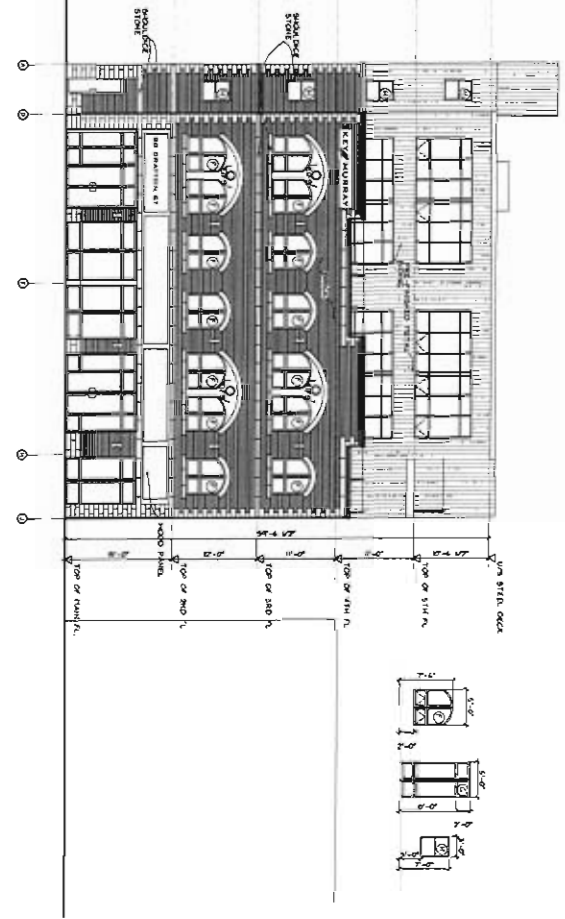
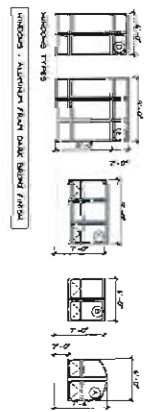
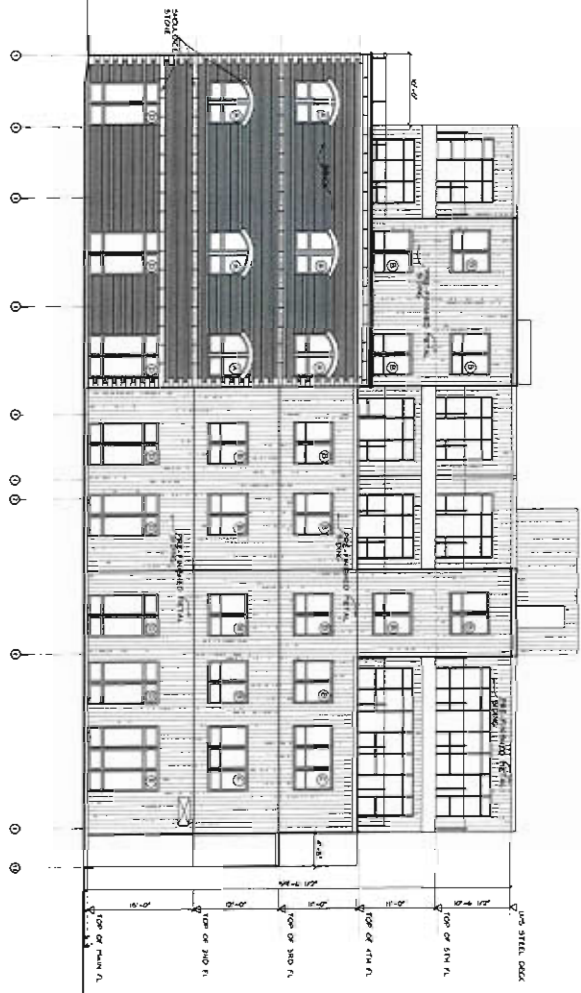
Attachment E

Revised Design Review Submission Attached:

1. Elevation
2. Renderings (2 Pages)

Attachment E: Revised Design Review Submission
File: PLAN-2019-30-April-
80 Grafton Street (PID #340265)
Owner: 1867 Developments Inc.
Applicant: Bill Chandler





A8
14

Project: **GRAFTON ST PROPOSAL**
 Sheet Title: **ELEVATION**

Scale: 1/8" = 1'-0"
 Date: MAR 10, 2018
 Dra. By: FADI MIRSH
 Dwg. No: HMC17-080

CHANDLER ARCHITECTURE DESIGN MATTERS
 82 Queen Street PO Box 1000 Champlain
 Montpelier Vermont 05602 USA
 Tel: 802.529.1888 Fax: 802.529.1888

All measurements must be checked on site prior to construction or fabrication.
 This drawing is the property of Chandler Architecture and shall not be used on other projects or reproductions to this project without the permission or writing from the architect.
 This drawing is not to be used for construction unless stamped by the architect.

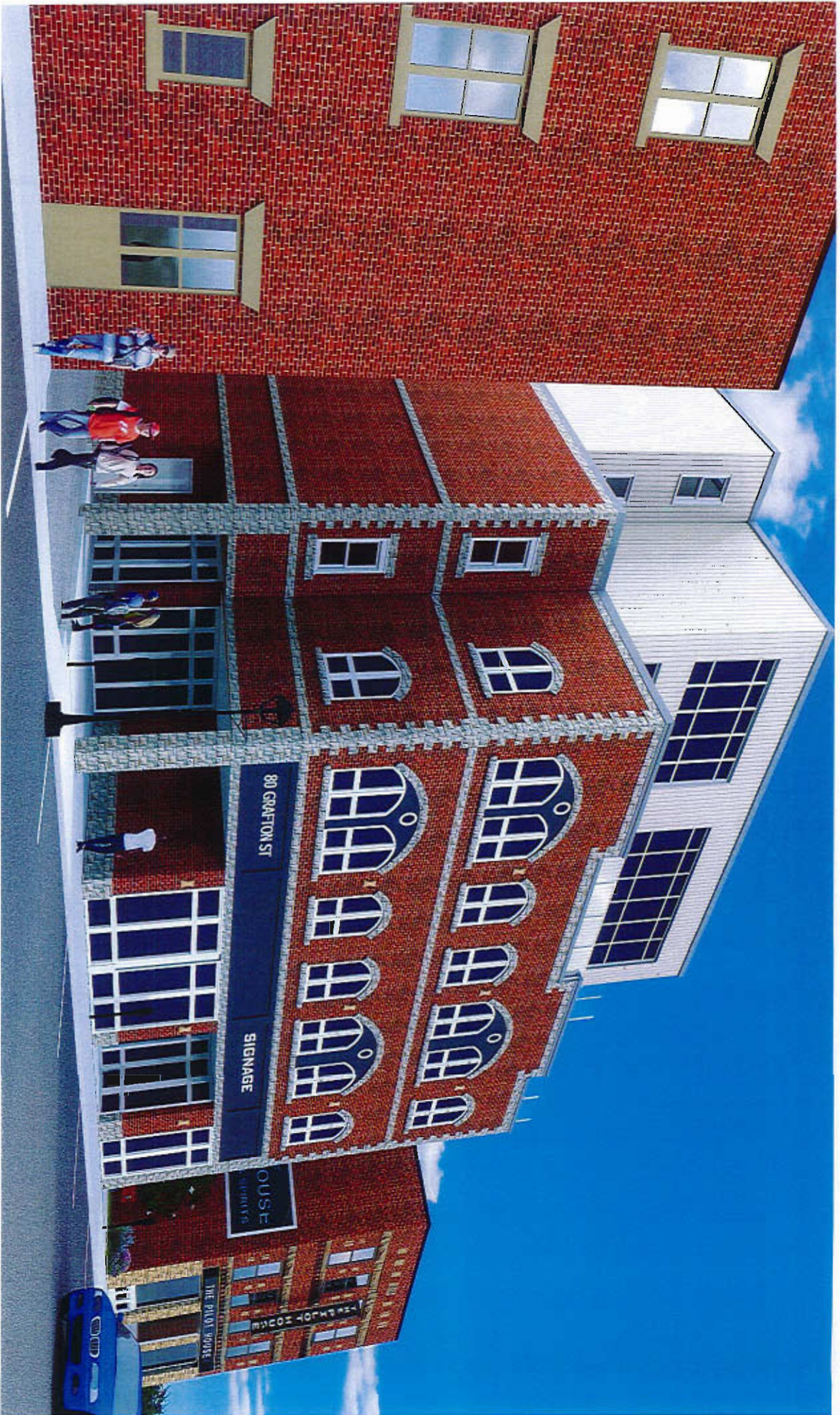
No.	Description	Date



80 EASTON ST

THE PILOT HOUSE

1806



Attachment F

Final Design Reviewer Comments Attached:

1. April 29, 2019 (4 Pages)

Attachment F: Final Design Reviewer Comments
File: PLAN-2019-30-April-
30 Grafton Street (PID #340265)
Owner: 1867 Developments Inc.
Applicant: Bill Chandler



collaborative architecture
OPENPRACTICE

openpractice.ca
aaron@openpractice.ca
TEL 902 370 2086
FAX 902 370 2087

April 29, 2019

City of Charlottetown
c/o Greg Morrison
PO Box 98, 223 Queen St.
Charlottetown, PE C1A 7K2

Re: Design Review for 80 Grafton St – 5 Storey Mixed Use .

Greg,

Please see enclosed our formal response to the submission as received from Bill Chandler Architects on March 25, 2019 for a new 5 Storey Mixed Use In-Fill Development at 80 Grafton St. Preliminary review and questions were sent back to Bill Chandler & the city on March 29, 2019. There was no further communication between design architect and ourselves until April 23, 2019.

In formulating responses to all design review submission, I am constantly challenging the submission against Section 2.0 Guiding Principles of the 500 Lot Guidelines Document which states.

"The intent is to raise the level of development standards. To put more scrutiny on design excellence. The downtown is a finite resource, in-fills and new development are to proceed with care and diligence."

All comments are not intended as negative, but critical commentary to raise the level of the built environment in our downtown core.

It is the opinion of this design reviewer, that the submitting design consultant should further refine and develop the design, in the areas identified here in. Design modifications identified are requested so that, in the opinion of the design reviewer, the final building will meet the intent of the 500 Lot guidelines, the Illustrated Design Manual and the zoning by-laws for the Downtown Mixed Use Zone. It is recommended that the revisions be re-submitted prior to final acceptance.

Sincerely,



Aaron Stavert, MRAIC, AAPEI

General Commentary on the Importance of Design:

The architect has selected a route of blending the new development into the existing street context by emulating its surroundings. It is the opinion of the design reviewer that if this is the approach, then the building should be clear in its detailing supporting the tradition load bearing masonry construction. It should be relevant to the 500 Lot area and in accordance with established “orders: and details of that architectural style. **“Section 10 of guiding principals and Section 5.3.1. of the 500 Lot Standards and Guidelines discourages historic mimicry with incorrect or inappropriate detailing.”**

The strong contrasting colour scheme of the shouldice stone and windows de-emphasizes the solidity associated with masonry construction. The window proportions do not reflect load bearing masonry walls. They are too wide and not tall enough. The stucco infill between the windows, is inappropriate. Typically in paired arch-topped windows, there is the masonry opening, and then contained within, is a pair of wood mullied windows. The material and colour located in the masonry opening is consistent.

The location of the development is highly visible and is located near a "key corner" as identified in the 500 lot guidelines. Given the location and size of the in-fill project the building takes on a greater civic responsibility for design excellence. See guiding principals section of 500 lot guidelines. This project has also received a variance to allow for additional stories. It is the opinion of the design reviewer that the building has even further “civic responsibility”

The proposed building is located between (2) heritage designated properties, this further requires design excellence as outlined in section 5.3 of 500 lot guidelines. And section 3.6 of the illustrated design manual.

The fact that the building has been positioned to create a public landscaped area leading toward a new entry to the parking garage, yet the primary entry is located on the opposite side of the building. Second means of egress and main entry all open to the service alley instead of the public landscaped area..

Design Manual Section 3.6 Designated Heritage Resources:

	When located between two building of different heights, the taller cornice height shall prevail.	The proposed design does not meet the intent of this section.
	Maintain Heights and Proportions of the 1 st Storey	The proposed design does not meet the intent of this section.
	Reinforce the prevailing rhythm of heritage buildings – generally narrow vertical Proportion	The proposed design does not meet the intent of this Section. Both the building front width and window proportions.
		Glass Guardrails at upper decks need to be pull back from the front façade.

By-law / Design Submission Review Table.


DMUN Section

Section 29	29.1 Permitted Uses.	The proposed design meets the intent of the by-law.
	29.2 Setbacks and Reg's	It is the understanding of this design reviewer that the project has received variances to address all items in this section.
	29.3 Bonus Height	It is my understanding that the application of the Bonus Height Requirements have not yet been worked out.

Design Standards for the 500 Lot Section 7 – Applicable to this Project:

Section 7.3 Front façade height and width	<p>7.3.1 The primary plane of the front façade shall not appear taller than traditional Buildings on the Street, unless the adjacent Building marks an identifiable transition in Building style and/or land use.</p> <p>7.3.2 Building elements that are taller than the primary plane of the front façade shall be designed to contrast that of the lower levels in materials and/or design.</p> <p>7.3.4 For Larger wider buildings, vertical subdivisions or bays in the façade at a width consistent with the street.</p>	<p>The building primary façade is taller than both adjacent neighbours.</p> <p>The architect has made a strong change in appearance to the upper (2) Floors of the building. Steel Cladding, is proposed. However there is very little detailing presented. The design needs more refinement and detailing. There is no expression of floor plates, or cornices.</p> <p>The current design does not break the façade down into smaller subdivisions.</p>
Section 7.4 Building Materials	<p>The Front and Flankage facades shall carry a consistent type and quality of materials. Where a Side Yard Setback is greater than 3 m (9.8 ft), the Side facade shall also carry a consistent material. This clause also applies to the rear façade on a Corner Lot when the Rear Yard is greater than 3 m (9.8 ft).</p> <p>7.4.4 Metal Siding Using Exposed Fasteners is not allowed.</p>	<p>The architect has revised the drawings to further extend the masonry construction down the public walk-way. It doesn't fully match the word of the by-laws, however with limited view down this walk-way, I believe the revision meets the intent.</p> <p>Confirm that final material detailing has not exposed fasteners.</p>

Section 7.5 Windows	All Sections	The proportion and detailing of the windows are not well aligned with the style of the building. Arch top windows – the mainstyle on the primary façade are not continued on the step-backed portion of the street façade (A8 Elevation)
Section 7.6 Roof	All Sections	The current design meets the intent of this section.
Section 7.7	All Sections	At this level of development - The current design meets the intent of this section. – Review final location of plumbing stacks, HRV and exhaust fan locations during design development.
Section 7.9	7.9.1 A Landscaped Area shall be provided between the sidewalk and the front façade of the Building, where appropriate for a continuous streetscape.	Not Applicable
Section 7.12 Storefronts	7.12.1 – 7.12.3	The revised drawing has increased the amount of glass on the storefront. However there a lot of inconsistencies in column widths. Windows are returned at entries, but masonry is left between the windows, emphasizing the thinness of the brick veneer. Section 7.12.3 requests an identifiable transition between ground floor and upper floors. The pilot house has a clear example of material differentiation and window size changes from reference.

TITLE: DESIGN REVIEW FILE: DESIGN-2019-30-APRIL-6B 4 A PRINCE STREET OWNER: PEI HOUSING CORPORATION		
MEETING DATE: April 30, 2019		Page 1 of 3
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Design Review Submission (April 3, 2019) B. External Design Reviewer Comments (April 17, 2019) C. Revised site plan showing easements	
SITE INFORMATION: Ward No: 10 Existing Land Use: Vacant Property Official Plan: Waterfront Zoning: Waterfront (WF) Zone		

RECOMMENDATION:

The Planning & Heritage Department encourages the Design Review Board to approve the proposed site and building façade plans for the proposed seven (7) storey, multi-use building consisting of ninety-six (96) hotel rooms, twelve (12) condo units and approximately 4000 sq. feet of office space to be constructed at 4 A Prince Street (PID #841536).

BACKGROUND:

Request

Architect, Aaron Stavert, on behalf of his client, Paul Jenkins, has submitted a design for a proposed seven (7) storey, multi-use building consisting of ninety-six (96) hotel rooms, twelve (12) condo units and approximately 4000 sq. feet of office space to be constructed at 4A Prince Street (PID #841536). The request is to approve the design proposal.

By-law Requirement

As per Section 7.1 of the Zoning and Development By-law, new buildings within the 500 Lot Area are required to undergo the Design Review process. This is to ensure that the architectural design of proposed development within the 500 Lot Area maintains a higher quality of design and is constructed with a consistent type and quality of materials. From a design perspective, "is a building of its time" which compliments and is compatible with existing buildings on surrounding properties.

ANALYSIS:

On April 3, 2019, the applicant submitted façade drawings, and a site plan of the proposed multi-unit building (Attachment A). Staff immediately sent the proposed façade designs and site plan to an independent design reviewer, Peter Fellows, a licensed Architect to perform a design analysis.

On April 17, 2019, Mr. Fellows submitted his formal review, for further information please refer to Attachment B, which indicated the following main points:

- 1) *The current massing of the project is intriguing with not only the setbacks and intended by the Bylaws, but also corresponding overhangs which create an innovative foil for the classic heritage of Founder's Hall. We could see the structure moved a bit closer to Prince Street but feel that the required four meter maximum would make the building feel too overpowering. Perhaps a split halfway between the Founder's Hall setback and the condominium setback would result in a good compromise. In doing this, the rear parking lot could be expanded to allow for a tour bus parking space, thus reducing the parking requirement by eighteen spaces.*
- 2) *The use of a few basic materials-glass, corton steel and black siding panels-makes this structure have a well-proportioned yet strong sense of presence. My only suggestion would be to change the grade level cladding form cement panels to black brick. The addition of some nominal masonry. The choice of a black brick eliminates any suggestion of "historic mimicry". Some landscape features like the planters could also be in this dark material.*

In the design review report the design reviewer indicates that under Section 3.12 and 33.3.2 of the Zoning and Development bylaw a height variance would be required and public benefits provided. Staff would like to clarify that a variance is not required for height or public benefits are not required to be provided. The building is permitted to be constructed to a height of 80.4 ft.

The design reviewer has also indicated that under Section 33.3.3 and 33.3.4 variances would be required for the rear and front yard setbacks. The architect has indicated that the rear yard has a substantial easement to and in favor of the condo corporation located at 4 Prince Street. There is

also an electrical easement in the front yard that traverses the property. The building is not permitted to be constructed on either easement. A variance would be required to increase the setbacks but such circumstances could be considered under Section 3.9.1.b. *"The need for consideration of a Major Variance is owing to peculiar conditions specific to the property and is unique to the area and not the result of actions by the owner, and a literal enforcement of this by-law would result in unnecessary and undue hardship."* The architect will submit a legal survey drawing showing the exact locations of the easements. Once the survey plan is received a variance can be processed.

The design reviewer has indicated that a minor variance may be required to the side step back on the waterside. Staff would like to confirm that the Bylaw is in the process of being amended to include the provision of either 18 ft. or 10 % of the lot width. Once the Bylaw is amended the building in its current position will still be 1ft. closer to the side boundary than permitted by the Bylaw therefore, the architect has stated that the building will be repositioned so that a variance to the side yard step back will not be required.

In terms of parking, the developer can provide cash-in-lieu of parking with Council's permission for parking space that cannot be provided onsite. Given the use of the building the developer has secured 20 additional spaces from the Port Authority in their parking lot. However, these spaces cannot be included in the parking count for the proposed building.

Any required variances and parking will proceed through the legislated process if design review approval is granted.

Staff feels that the applicant has met the intent of the Zoning & Development By-law in terms of Design Review and agrees with the recommendations as outlined in Peter Fellow's report.

CONCLUSION:

Staff is recommending that the Design Review Board approve the proposed building façade designs and site plan for the seven (7) storey, multi-use building consisting of ninety-six (96) hotel rooms, twelve (12) condo units and approximately 4000 sq. feet of commercial office space.

PRESENTER:



Laurel Palmer Thompson, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

FELLOWS & COMPANY LIMITED

5-169 Dundonald St. E3B 1W7

T: 506.462.6140

F: 506.462.6141

E: fellows@nb.aibn.com

Peter Fellows, B.Arch., AANB

April 17, 2019

FCL Project 1035

Laurel Thompson
Planner II
City of Charlottetown
PO Box 98, 233 Queen Street
Charlottetown, PEI
C1A 7K2

Attn: Laurel Thompson

Dear: Ms. Thompson

**Re: Multi Unit Building 2 Prince Street Charlottetown, PEI
Design Review**

I have reviewed the above referenced project as submitted by Open Practice; drawings A0.1, A1.1, A1.2, A2.1, A2.2, A2.3, A2.4, and the perspective.

My comments are based upon the latest City of Charlottetown Zoning & Development Bylaw, specifically:

- Section 3 Permit Applications and Application Process
 - 3.12-Bonus Height Applications
 - 3.14-Design Review
- Section 7 Design Standards for the 500 Lot Area
- Section 33 Waterfront Zone (WF)
- Section 43 General Provision for Parking

In addition a review of the City of Charlottetown Comprehensive Waterfront Master Plan, and the Ten Guiding Principles found in the 500 Lot Area Development Standards & Design Guidelines.

City of Charlottetown Zoning & Development Bylaw

Section 3 Permit Applications and Application Process

- 3.12 A cursory review of the bonus height section revealed that this application probably would have difficulty in achieving enough "Public Benefits" to qualify for requesting this height extension.
 - 3.14 In reviewing the Design Review section, the Proponents have included sufficient information and drawings to allow our review to proceed. A site grading plan was not provided to confirm that the first floor elevation meets the correct datum. Viewing the site on a Google Maps confirmed an almost flat site and that the Condominiums close to the water must have had the correct first floor elevation or their project would not have been built. Our assumption is that this is not a problem for this proposed building.
-

Section 7 Design Standards for the 500 Lot Area

- 7.1 This application is located in the 500 Lot Area.
- 7.2 Although technically not a corner lot, the large easement makes this property feel like one. The new proposed structure has both access to the sidewalk and wraps the corner with its Architectural details as required.
- The rhythm of the windows on all facades are at a nice scale and relate well to both neighbours.
- 7.3 While the proposed building is taller than its neighbours, with the fifth floor step back and a greater setback in front, the apparent size is diminished. Its width is in keeping with the surroundings.
- 7.4 The proposed materials are all acceptable and are true to their nature. We might suggest that at grade level the black cement board could be replaced with black brick which might better relate to both neighbours. This could include the planters as well.
- 7.5 The new facades, as mentioned above are well balanced and wrap all sides well. All windows are non-reflective and consistent with each other.
- 7.6 The expression of the roof is very clear as it cantilevers beyond one side and the rear with a strong but simple cornice at the fifth floor.
- 7.7 Roof top element as shown, is minimal and non-intrusive.
- 7.8 N/A
- 7.9 The proposed landscaped areas are again simple but effective.
- 7.10 Surface parking appears to be asphalt but with the appropriately sized buffers. The planting shown in the perspective could be enhanced- but there is time for that prior to completion.
- 7.11 N/A
- 7.12 The store fronts seem consistent with the hotel and do not appear tinted or reflective. A wrap around canopy protects the entries and together with material changes, serves to transition well from grade level to the hotel floors above.

Section 33 Waterfront Zone (WF)

- 33.1 This concept, with five floors of hotel, together with two floors of residential units and the supplemental retail or office space at grade, qualifies as an acceptable use.
- 33.2 It would appear that the hotel main floor with its lounge zone, eating/dining zone, work zone, play zone, and patio probably meet the requirements for use at grade on the Walkable Prince Street. When adding the retail space behind

Section 33.2 Cont.

the hotel, these grade level uses represent 68% of the total footprint which easily complies.

- 33.3
1. Minimum lot frontage exceeds the required minimum
 2. Overall height above grade of 80'-5", exceeds the standard by 2'-6" and would require a variance.
 3. Front yard on Prince Street is a maximum of 13.1 feet- this project is 33.9 feet and would require a variance to be compliant. Our suggestion would move the building forward to reduce the 33.9 feet' to about 18 feet
 4. The rear yard setback is to be no more than 20% of lot depth or 55.3 feet. The rear building overhang set back is 61.5 feet which exceeds this therefore another variance would be required.
 5. There is a discrepancy with this Bylaw; streetwall height in the table indicates 54.1 feet on Prince Street, but Map 'G' states 60.7 feet. We assume the 60.7 feet is correct as it is what the old Bylaw stated for Prince Street. This being correct, the proposed building with a streetwall of 58.77 feet complies. If it is indeed 54.1 feet then yet another variance would be needed.
 6. The building step backs appear to only refer to buildings of less than 54.1 feet in height. However; this may not be the intent! The building as submitted has a front step back of about 23 feet which exceeds the 9.8 feet required and would therefore be compliant.

The side step back on the waterside is 10 feet, far less than the 18 feet required. Another variance would be required. We are of the understanding that this is being revised to be 10% of lot width or 11.1 feet; still not quite compliant but with some juggling this could be satisfied.

On the Founder's Hall side there is no stepback but the overhang here is about 40 feet from the property line and therefore appears to be compliant.

7. We assume the ground floor meets the required vertical datum.-Nothing on the drawings states this. So it should be verified by the Proponent.
- 33.4
- .1 Not clear what DWF zone is but we think this is a typo, if so Prince Street may be bonused to 106.6 feet.
 - .3(a) This section applies to this project and requires a step back from Prince Street of 19.7 feet. The Proponent complies
 - .3(b)(i) The allowable floor plate is 8,073 square feet so this project 9,600 square feet is much too big at this level. Either a size reduction or a variance if the proponent attempts the bonus.

Section 33.4 Cont.

.3(b)(ii) the interior lot setback of 32.8 feet on the water side cannot be easily met.

However, we do not believe the Proponent is seeking a height bonus, so 33.4 becomes entirely moot.

33.5 N/A

Section 43 General Provision for Parking

43.1 .1 The project complies
.2 The table reveals:

-96 hotel rooms-	96 spaces
-public areas	15 spaces
-12 condo units	6 spaces
-Retail Store	<u>5 spaces</u>
	122 spaces

When parking requirements are in excess of 100 spaces-2% shall be for the disabled or 3 spaces.

Project has 44 total, including 3 required for the disabled, the resultant is a short-fall of 78. If a single spot for a tour bus could be developed, the required short fall would be reduced to 60.

43.2.2 Cash-in-lieu solves the City requirement but realistically the building requires this parking from a business perspective.

43.3 The project complies

43.4 None shown

43.5 Project complies, except for quantity

43.6 Project complies

43.7 Shared parking onsite would be very limited and not really useful.

43.8 N/A

43.9 The project has no specific loading zone but with two access roads around the building we feel that for the amount of deliveries temporary unloading may not pose any problem.

43.10 N/A

43.11 Project appears to comply

Section 43 Cont.

- 43.12 Bicycle parking is not indicated, our count suggests 17 spots with 14 being class "A" protected from weather are needed. We have confidence that the Proponent can provide a sheltered space for these.

After a review of Section 43 it appears that the entire parking must be located on the subject lot. The provision for using another parking area within 240 meters of the site and is apparently no longer an option. The only other option is to have underground parking- a quick check suggests that maybe an additional 50± spaces might be possible, but also at a significant cost!

City of Charlottetown Comprehensive Waterfront Master Plan

This site is one of many referenced in the Masterplan. It is a very desirable location with good connections and views to both Confederation Landing and Hillsborough Landing. This project is a good fit.

The master plan suggests underground parking if possible for all new Waterfront buildings in order to minimize surface parking lots, but as stated above costs would be very high.

Due to the wide easement, the master plan also recommends any grade parking be developed with pavers similar to the Bishops Landing project in Halifax so as to be an event type plaza space. As the parking is a must for this type of development, whether this parking area succeeds as such a plaza, may be debateable. For a hotel to survive it requires appropriate parking.

The 500 Lot Area Development Standards & Design Guidelines

"New developments in the 500 Lot Area should reflect Architectural design that is of its time" this approach is consistent with the best practices in heritage conservation which strongly discourage historic mimicry. New buildings should complement the old but be designed in today's Architectural styles. They should exhibit a high quality of design excellence- this proposal does just that.

Final Thoughts

The current massing of the project is intriguing with not only the stepbacks as intended by the Bylaws, but also corresponding overhangs which create an innovative foil for the classic heritage of Founder's Hall. We could see the structure moved a bit closer to Prince Street but feel that the required four meter maximum would make the building feel too overpowering. Perhaps a split halfway between the Founder's Hall setback and the Condominium setback would result in a good compromise. In doing this, the rear parking lot could be expanded to allow for a tour bus parking space, thus reducing the parking requirement by eighteen spaces.

The use of a few basic materials- glass, corten steel and black siding panels- makes this structure have a well-proportioned yet strong sense of presence. My only suggestion

would be to change the grade level cladding from cement panels to black brick. The addition of some nominal masonry would be a design nod to the two neighbours that are predominantly clay masonry. The choice of a black brick eliminates any suggestion of "historic mimicry". Some landscape features like the planters could also be in this dark material.

I feel that although there are a several variances required to meet the City's revised Bylaws, this project is a worthwhile development and would be both a good use of this awkward parcel and also a positive addition to the waterfront infrastructure.

The biggest hurdle in my opinion is the lack of sufficient parking for this development. In other Cities where land is tight, the hotels arrange with nearby parking garages or lots to accommodate what is primarily an overnight requirement. With not one but two adjacent parking lots next to this project it would not be a stretch to attain a legal parking agreement to assist all parties; the City, the Developer, and the parking lot owners. If I remember, the former Bylaw did allow for this type of arrangement to occur. Perhaps Charlottetown might reconsider the revival of this former method since the parking is truly a shared type-daytime-night time use.

In conclusion I think this project brings positive attributes to the waterfront:

- High density
- Tourists
- Vibrancy
- Public interaction
- Great views
- Smart infill
- Upbeat Architectural style

As I have said before, if this were my City I would be happy to have such a development near my waterfront.

Yours truly,



Peter Fellows, B.Arch., AANB



collaborative architecture
OPENPRACTICE

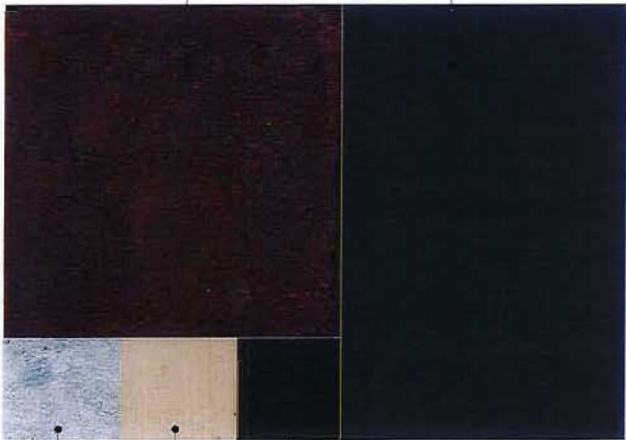
**PRELIMINARY
NOT FOR CONSTRUCTION**

LEVEL	DESCRIPTION	NO. OF PANELS	AREA	TOTAL AREA
001	CONCRETE	1	1.00	1.00
002	WOOD	1	1.00	1.00
003	GLASS	1	1.00	1.00
004	STEEL	1	1.00	1.00
005	MECHANICAL	1	1.00	1.00
006	ELECTRICAL	1	1.00	1.00
007	PLUMBING	1	1.00	1.00
008	MECHANICAL	1	1.00	1.00
009	ELECTRICAL	1	1.00	1.00
010	PLUMBING	1	1.00	1.00
011	MECHANICAL	1	1.00	1.00
012	ELECTRICAL	1	1.00	1.00
013	PLUMBING	1	1.00	1.00
014	MECHANICAL	1	1.00	1.00
015	ELECTRICAL	1	1.00	1.00
016	PLUMBING	1	1.00	1.00
017	MECHANICAL	1	1.00	1.00
018	ELECTRICAL	1	1.00	1.00
019	PLUMBING	1	1.00	1.00
020	MECHANICAL	1	1.00	1.00
021	ELECTRICAL	1	1.00	1.00
022	PLUMBING	1	1.00	1.00
023	MECHANICAL	1	1.00	1.00
024	ELECTRICAL	1	1.00	1.00
025	PLUMBING	1	1.00	1.00
026	MECHANICAL	1	1.00	1.00
027	ELECTRICAL	1	1.00	1.00
028	PLUMBING	1	1.00	1.00
029	MECHANICAL	1	1.00	1.00
030	ELECTRICAL	1	1.00	1.00
031	PLUMBING	1	1.00	1.00
032	MECHANICAL	1	1.00	1.00
033	ELECTRICAL	1	1.00	1.00
034	PLUMBING	1	1.00	1.00
035	MECHANICAL	1	1.00	1.00
036	ELECTRICAL	1	1.00	1.00
037	PLUMBING	1	1.00	1.00
038	MECHANICAL	1	1.00	1.00
039	ELECTRICAL	1	1.00	1.00
040	PLUMBING	1	1.00	1.00
041	MECHANICAL	1	1.00	1.00
042	ELECTRICAL	1	1.00	1.00
043	PLUMBING	1	1.00	1.00
044	MECHANICAL	1	1.00	1.00
045	ELECTRICAL	1	1.00	1.00
046	PLUMBING	1	1.00	1.00
047	MECHANICAL	1	1.00	1.00
048	ELECTRICAL	1	1.00	1.00
049	PLUMBING	1	1.00	1.00
050	MECHANICAL	1	1.00	1.00
051	ELECTRICAL	1	1.00	1.00
052	PLUMBING	1	1.00	1.00
053	MECHANICAL	1	1.00	1.00
054	ELECTRICAL	1	1.00	1.00
055	PLUMBING	1	1.00	1.00
056	MECHANICAL	1	1.00	1.00
057	ELECTRICAL	1	1.00	1.00
058	PLUMBING	1	1.00	1.00
059	MECHANICAL	1	1.00	1.00
060	ELECTRICAL	1	1.00	1.00
061	PLUMBING	1	1.00	1.00
062	MECHANICAL	1	1.00	1.00
063	ELECTRICAL	1	1.00	1.00
064	PLUMBING	1	1.00	1.00
065	MECHANICAL	1	1.00	1.00
066	ELECTRICAL	1	1.00	1.00
067	PLUMBING	1	1.00	1.00
068	MECHANICAL	1	1.00	1.00
069	ELECTRICAL	1	1.00	1.00
070	PLUMBING	1	1.00	1.00
071	MECHANICAL	1	1.00	1.00
072	ELECTRICAL	1	1.00	1.00
073	PLUMBING	1	1.00	1.00
074	MECHANICAL	1	1.00	1.00
075	ELECTRICAL	1	1.00	1.00
076	PLUMBING	1	1.00	1.00
077	MECHANICAL	1	1.00	1.00
078	ELECTRICAL	1	1.00	1.00
079	PLUMBING	1	1.00	1.00
080	MECHANICAL	1	1.00	1.00
081	ELECTRICAL	1	1.00	1.00
082	PLUMBING	1	1.00	1.00
083	MECHANICAL	1	1.00	1.00
084	ELECTRICAL	1	1.00	1.00
085	PLUMBING	1	1.00	1.00
086	MECHANICAL	1	1.00	1.00
087	ELECTRICAL	1	1.00	1.00
088	PLUMBING	1	1.00	1.00
089	MECHANICAL	1	1.00	1.00
090	ELECTRICAL	1	1.00	1.00
091	PLUMBING	1	1.00	1.00
092	MECHANICAL	1	1.00	1.00
093	ELECTRICAL	1	1.00	1.00
094	PLUMBING	1	1.00	1.00
095	MECHANICAL	1	1.00	1.00
096	ELECTRICAL	1	1.00	1.00
097	PLUMBING	1	1.00	1.00
098	MECHANICAL	1	1.00	1.00
099	ELECTRICAL	1	1.00	1.00
100	PLUMBING	1	1.00	1.00

LEVEL	DESCRIPTION	NO. OF PANELS	AREA	TOTAL AREA
001	CONCRETE	1	1.00	1.00
002	WOOD	1	1.00	1.00
003	GLASS	1	1.00	1.00
004	STEEL	1	1.00	1.00
005	MECHANICAL	1	1.00	1.00
006	ELECTRICAL	1	1.00	1.00
007	PLUMBING	1	1.00	1.00
008	MECHANICAL	1	1.00	1.00
009	ELECTRICAL	1	1.00	1.00
010	PLUMBING	1	1.00	1.00
011	MECHANICAL	1	1.00	1.00
012	ELECTRICAL	1	1.00	1.00
013	PLUMBING	1	1.00	1.00
014	MECHANICAL	1	1.00	1.00
015	ELECTRICAL	1	1.00	1.00
016	PLUMBING	1	1.00	1.00
017	MECHANICAL	1	1.00	1.00
018	ELECTRICAL	1	1.00	1.00
019	PLUMBING	1	1.00	1.00
020	MECHANICAL	1	1.00	1.00
021	ELECTRICAL	1	1.00	1.00
022	PLUMBING	1	1.00	1.00
023	MECHANICAL	1	1.00	1.00
024	ELECTRICAL	1	1.00	1.00
025	PLUMBING	1	1.00	1.00
026	MECHANICAL	1	1.00	1.00
027	ELECTRICAL	1	1.00	1.00
028	PLUMBING	1	1.00	1.00
029	MECHANICAL	1	1.00	1.00
030	ELECTRICAL	1	1.00	1.00
031	PLUMBING	1	1.00	1.00
032	MECHANICAL	1	1.00	1.00
033	ELECTRICAL	1	1.00	1.00
034	PLUMBING	1	1.00	1.00
035	MECHANICAL	1	1.00	1.00
036	ELECTRICAL	1	1.00	1.00
037	PLUMBING	1	1.00	1.00
038	MECHANICAL	1	1.00	1.00
039	ELECTRICAL	1	1.00	1.00
040	PLUMBING	1	1.00	1.00
041	MECHANICAL	1	1.00	1.00
042	ELECTRICAL	1	1.00	1.00
043	PLUMBING	1	1.00	1.00
044	MECHANICAL	1	1.00	1.00
045	ELECTRICAL	1	1.00	1.00
046	PLUMBING	1	1.00	1.00
047	MECHANICAL	1	1.00	1.00
048	ELECTRICAL	1	1.00	1.00
049	PLUMBING	1	1.00	1.00
050	MECHANICAL	1	1.00	1.00
051	ELECTRICAL	1	1.00	1.00
052	PLUMBING	1	1.00	1.00
053	MECHANICAL	1	1.00	1.00
054	ELECTRICAL	1	1.00	1.00
055	PLUMBING	1	1.00	1.00
056	MECHANICAL	1	1.00	1.00
057	ELECTRICAL	1	1.00	1.00
058	PLUMBING	1	1.00	1.00
059	MECHANICAL	1	1.00	1.00
060	ELECTRICAL	1	1.00	1.00
061	PLUMBING	1	1.00	1.00
062	MECHANICAL	1	1.00	1.00
063	ELECTRICAL	1	1.00	1.00
064	PLUMBING	1	1.00	1.00
065	MECHANICAL	1	1.00	1.00
066	ELECTRICAL	1	1.00	1.00
067	PLUMBING	1	1.00	1.00
068	MECHANICAL	1	1.00	1.00
069	ELECTRICAL	1	1.00	1.00
070	PLUMBING	1	1.00	1.00
071	MECHANICAL	1	1.00	1.00
072	ELECTRICAL	1	1.00	1.00
073	PLUMBING	1	1.00	1.00
074	MECHANICAL	1	1.00	1.00
075	ELECTRICAL	1	1.00	1.00
076	PLUMBING	1	1.00	1.00
077	MECHANICAL	1	1.00	1.00
078	ELECTRICAL	1	1.00	1.00
079	PLUMBING	1	1.00	1.00
080	MECHANICAL	1	1.00	1.00
081	ELECTRICAL	1	1.00	1.00
082	PLUMBING	1	1.00	1.00
083	MECHANICAL	1	1.00	1.00
084	ELECTRICAL	1	1.00	1.00
085	PLUMBING	1	1.00	1.00
086	MECHANICAL	1	1.00	1.00
087	ELECTRICAL	1	1.00	1.00
088	PLUMBING	1	1.00	1.00
089	MECHANICAL	1	1.00	1.00
090	ELECTRICAL	1	1.00	1.00
091	PLUMBING	1	1.00	1.00
092	MECHANICAL	1	1.00	1.00
093	ELECTRICAL	1	1.00	1.00
094	PLUMBING	1	1.00	1.00
095	MECHANICAL	1	1.00	1.00
096	ELECTRICAL	1	1.00	1.00
097	PLUMBING	1	1.00	1.00
098	MECHANICAL	1	1.00	1.00
099	ELECTRICAL	1	1.00	1.00
100	PLUMBING	1	1.00	1.00

NOTE: CHECK FOR CONFLICTS WITH OTHER SHEETS.
DATE: 10/10/2023
DRAWN BY: J. SMITH
CHECKED BY: M. JONES
PROJECT: 2023-001

CONCRETE
WOOD
GLASS
STEEL
MECHANICAL
ELECTRICAL
PLUMBING

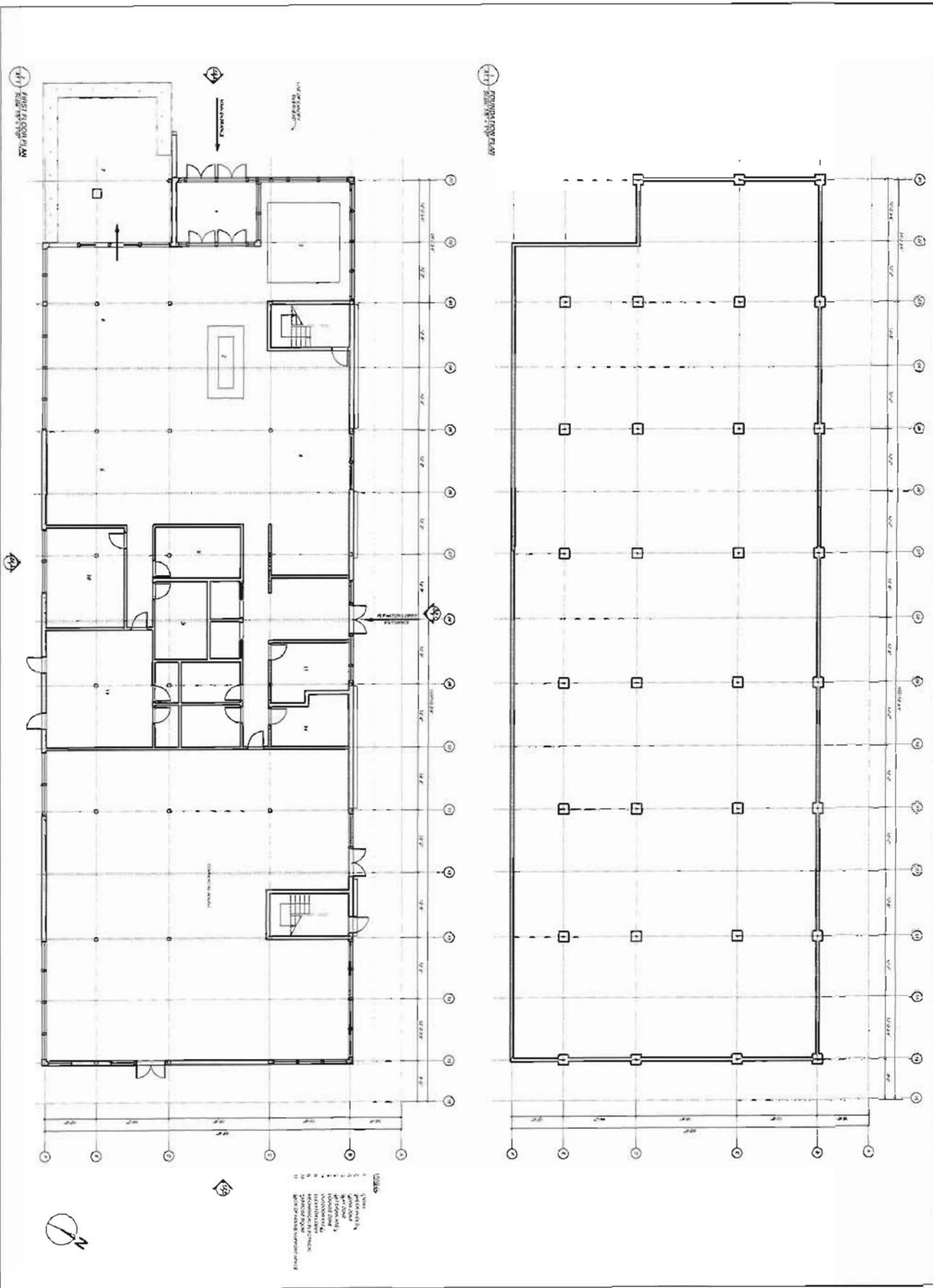


CONCRETE
WOOD
GLASS
STEEL
MECHANICAL
ELECTRICAL
PLUMBING

OPEN PRACTICE
ARCHITECTS
1000 BROADWAY
NEW YORK, NY 10018
TEL: 212 512 1000

PROJECT TITLE
NEW MALL
2 PRINCE STREET
COVER PAGE

A0.0



PRELIMINARY
 NOT FOR CONSTRUCTION

OPEN PRACTICE
 ARCHITECTS
 1000 BROADWAY, SUITE 1000
 NEW YORK, NY 10010
 TEL: 212 512 1000
 FAX: 212 512 1001
 WWW.OPENPRACTICE.COM

PROJECT: NEW
 NEW YORK CITY
 2 PRINCE STREET
 FLOOR PLANS

DATE: 01/10/10
 SCALE: 1/8" = 1'-0"
 SHEET: A1.1



PRELIMINARY
NOT FOR CONSTRUCTION

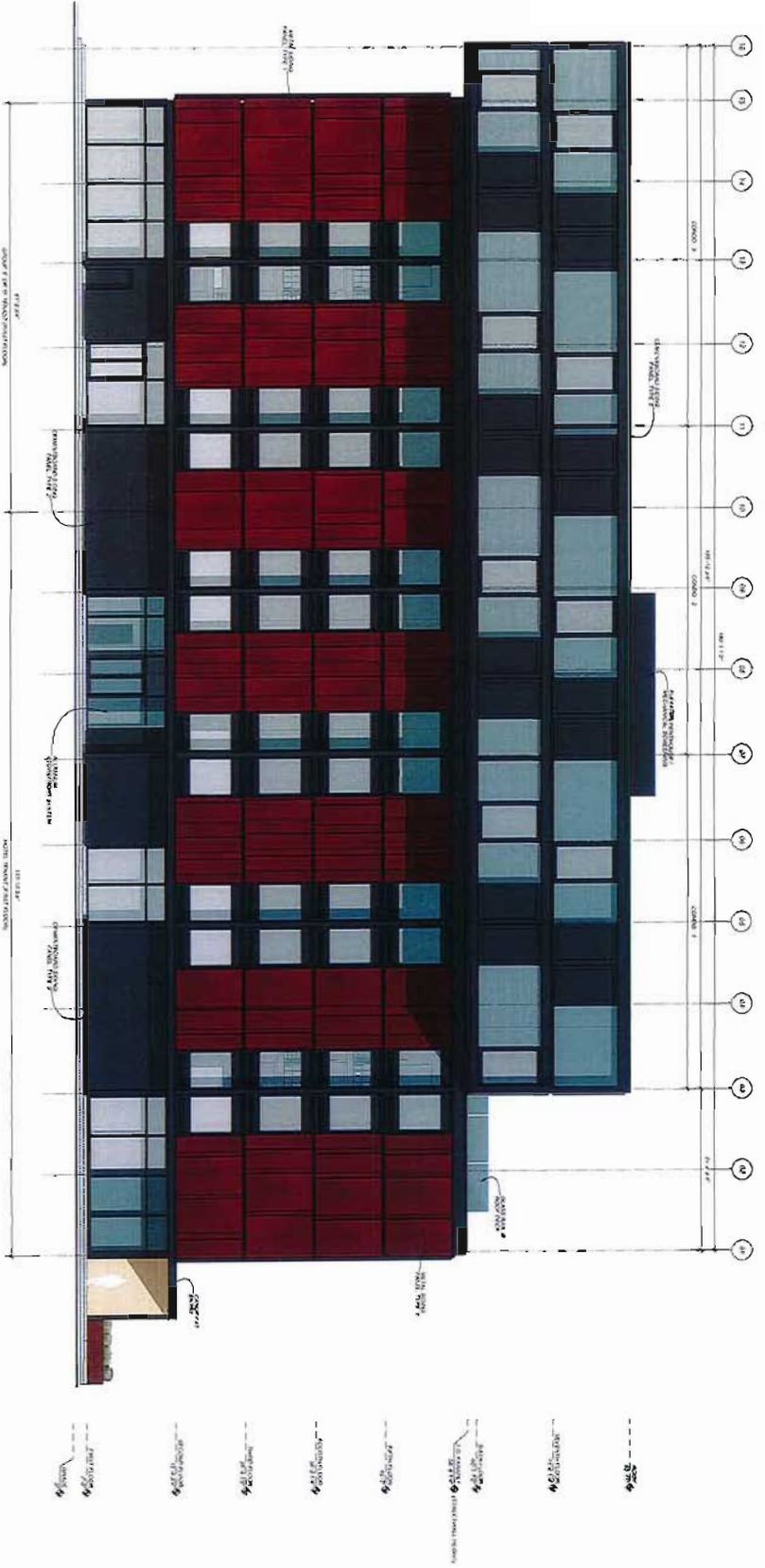
OPENPRACTICE
ARCHITECTS
1000 BROADVIEW AVENUE, SUITE 100
VANCOUVER, BC V6A 4K9
TEL: 604.273.2222

PROJECT: NEW MULTI-UNIT
2 PRINCE STREET
DATE: 2024.08.15

ARCHITECT: OPENPRACTICE
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 2024.08.15

PROJECT NO: 2024.08.15
SHEET NO: A1.2

**PRELIMINARY
NOT FOR CONSTRUCTION**



237 ARCHITECTURE

- 2" x 4"
- 4" x 4"
- 6" x 6"
- 8" x 8"
- 10" x 10"
- 12" x 12"
- 14" x 14"
- 16" x 16"
- 18" x 18"
- 20" x 20"
- 22" x 22"
- 24" x 24"
- 26" x 26"
- 28" x 28"
- 30" x 30"
- 32" x 32"
- 34" x 34"
- 36" x 36"
- 38" x 38"
- 40" x 40"
- 42" x 42"
- 44" x 44"
- 46" x 46"
- 48" x 48"
- 50" x 50"
- 52" x 52"
- 54" x 54"
- 56" x 56"
- 58" x 58"
- 60" x 60"
- 62" x 62"
- 64" x 64"
- 66" x 66"
- 68" x 68"
- 70" x 70"
- 72" x 72"
- 74" x 74"
- 76" x 76"
- 78" x 78"
- 80" x 80"
- 82" x 82"
- 84" x 84"
- 86" x 86"
- 88" x 88"
- 90" x 90"
- 92" x 92"
- 94" x 94"
- 96" x 96"
- 98" x 98"
- 100" x 100"

OPENPRACTICE
 41 King Street East, Suite 100, Toronto, ON M5X 1C5
 Tel: 416-593-8888
 www.openpractice.ca

PROJECT TITLE
 NEW MULTIFAMILY
 2 PRINCE STREET
 EXTERIOR ELEVATION

DATE
 10/11/2023

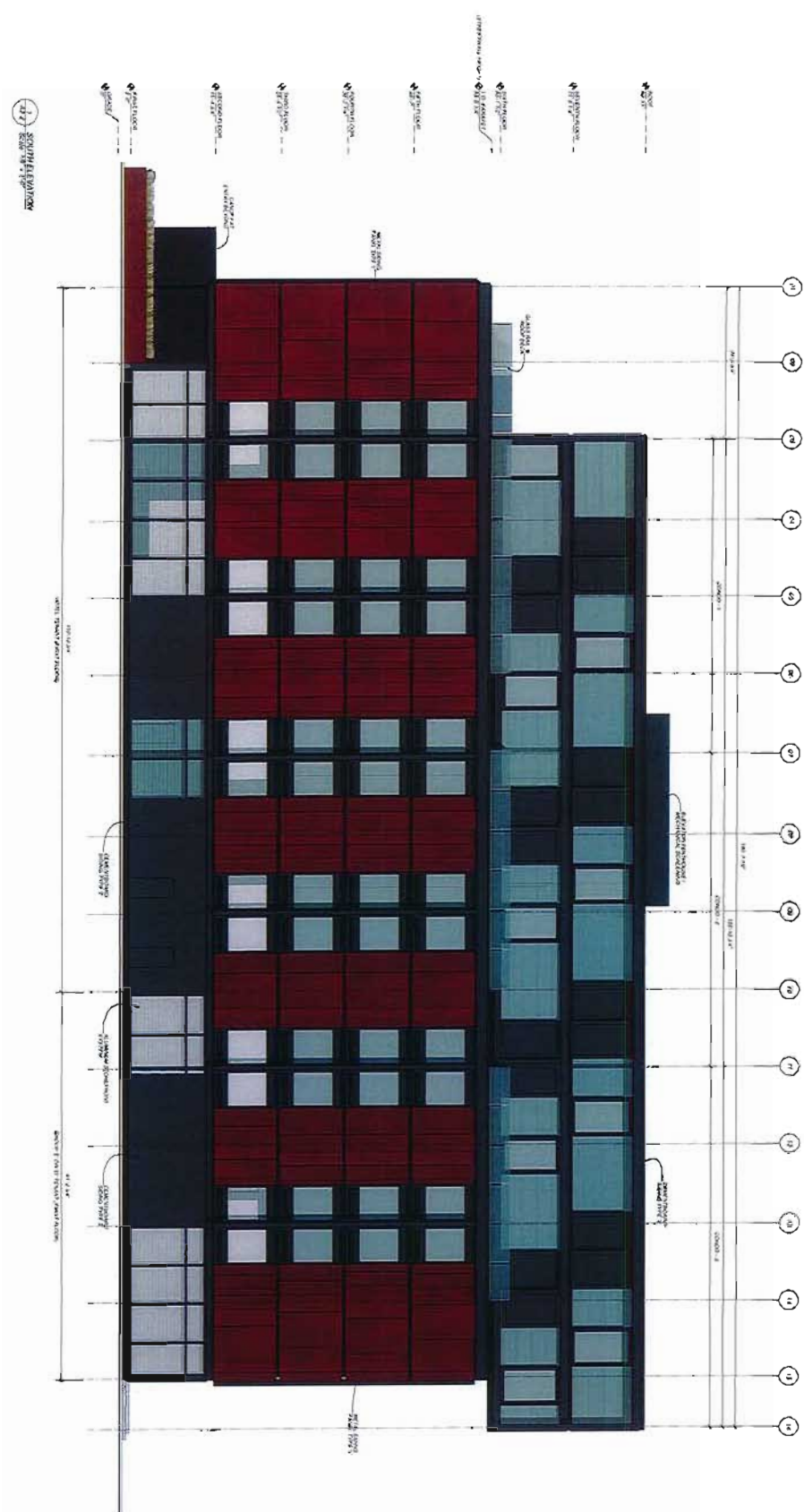
PROJECT NO.
 237-001

SCALE
 AS SHOWN

DESIGNED BY
 J. [Name]

CHECKED BY
 M. [Name]

PRELIMINARY
NOT FOR CONSTRUCTION

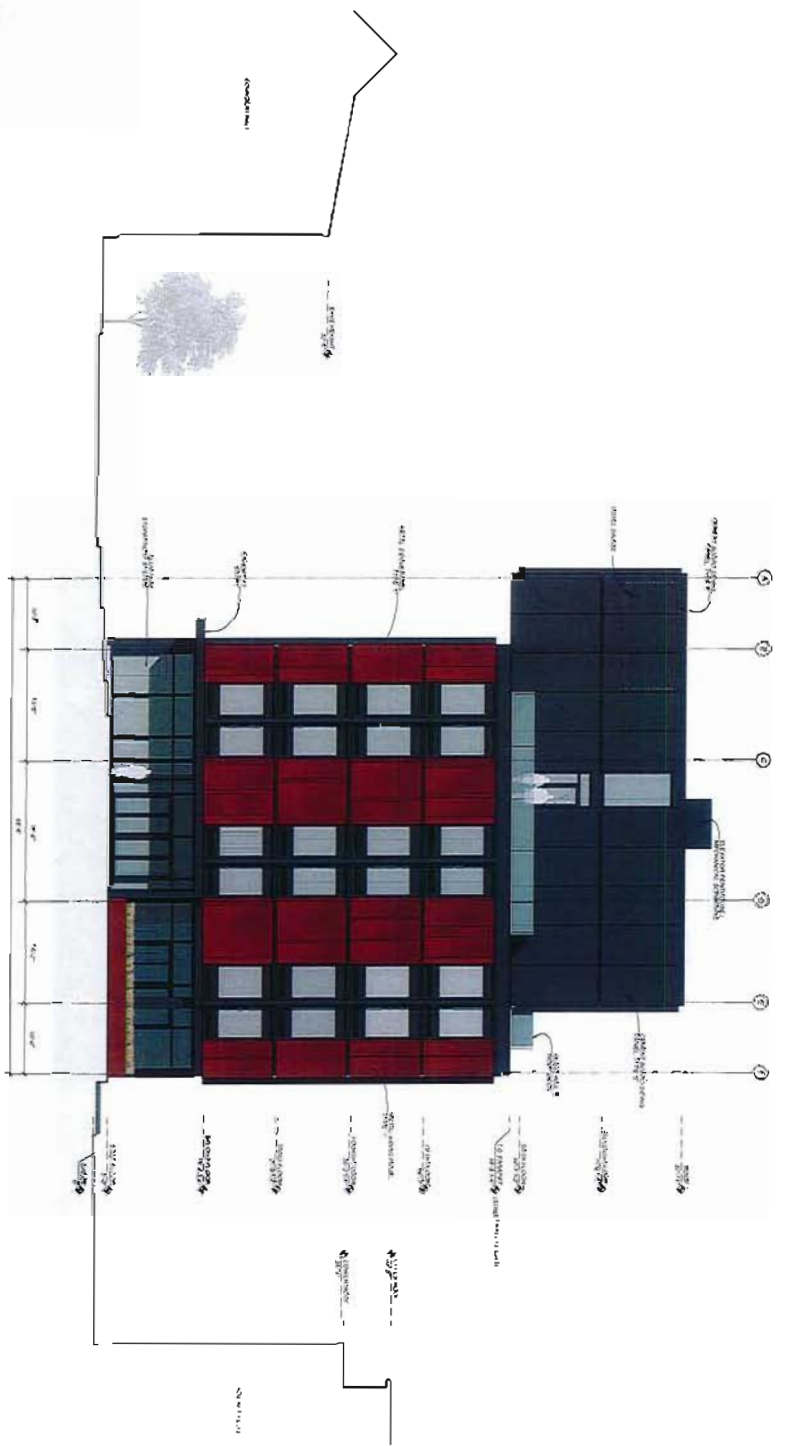


OPEN PRACTICE
ARCHITECTS
1800 BROADWAY, SUITE 100
NEW YORK, NY 10014
TEL: 212.279.8000
WWW.OPPRACTICE.COM

PROJECT: NEW MULTIFAMILY
LOCATION: PRINCE STREET
DATE: 10/20/2023
SCALE: AS SHOWN

ARCHITECT: OPEN PRACTICE
DATE: 10/20/2023
SCALE: AS SHOWN
PROJECT: NEW MULTIFAMILY
LOCATION: PRINCE STREET

PRELIMINARY
NOT FOR CONSTRUCTION



OPEN PRACTICE
ARCHITECTS

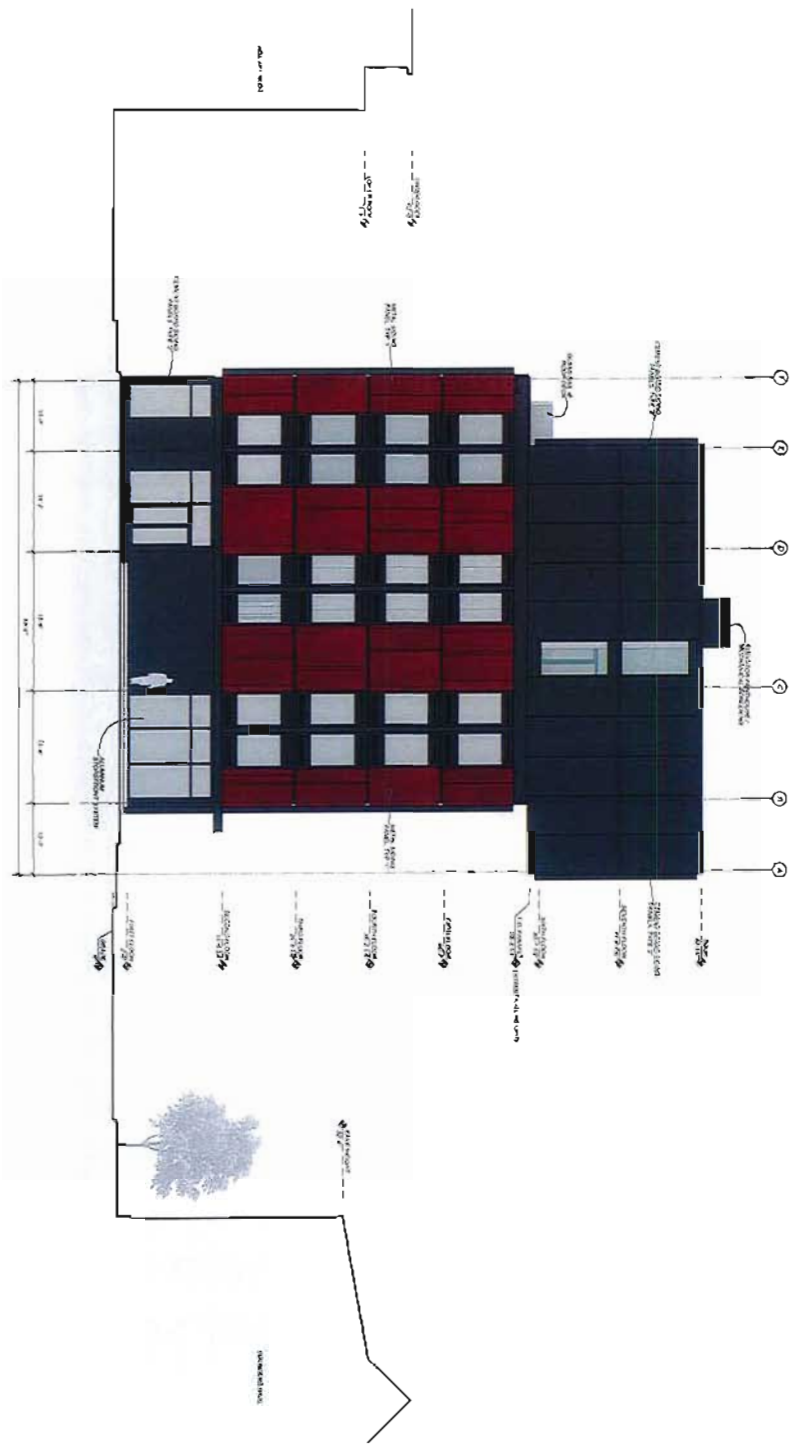
PROJECT TITLE
**NEW MULTIFAMILY
2 PRINCE STREET**

DATE: 10/20/2023

PROJECT LOCATION
2 PRINCE STREET
DOWNTOWN BOSTON, MA 02108

ARCHITECT
OPEN PRACTICE ARCHITECTS
100 STATE STREET, SUITE 200
BOSTON, MA 02108
TEL: 617.552.1234
WWW.OPA-ARCHITECTS.COM

PRELIMINARY
NOT FOR CONSTRUCTION



1
ELEVATION
SECTION

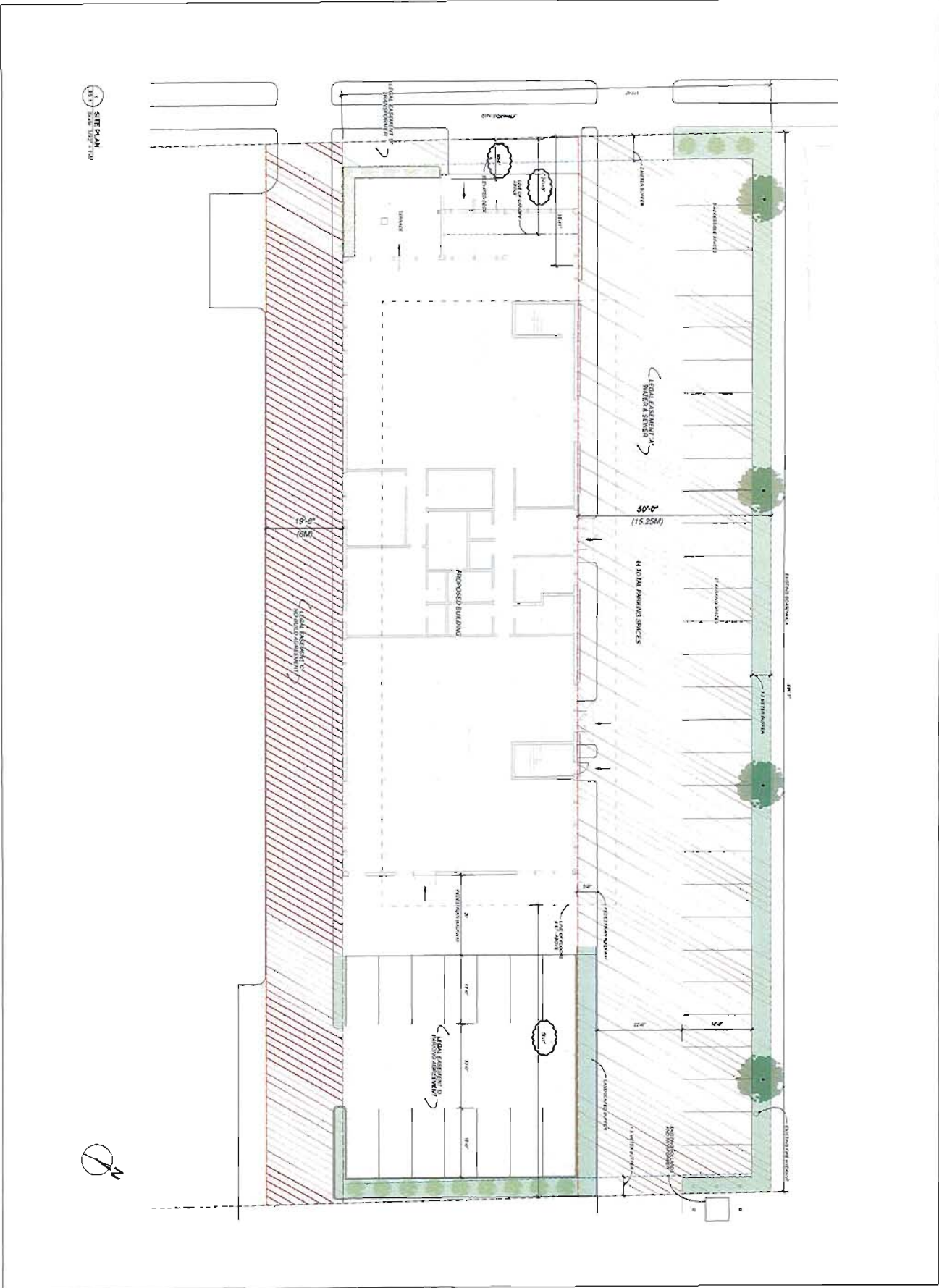
OPENRAGICE
ARCHITECTS
1000 BROADWAY
NEW YORK, NY 10018
TEL: 212 512 1000
WWW.OPENRAGICE.COM

PROJECT TITLE
**NEW MAINTENANCE
2 PRINCE STREET
EXTENSION ELEVATION**

DATE
10/10/18

SCALE
1/4" = 1'-0"

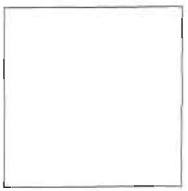
DESIGNED BY
ARCHITECT
DRAWN BY
DATE



11 SITE PLAN
DATE: 08/17/20



PRELIMINARY
NOT FOR CONSTRUCTION



OPEN RADIANCE
ARCHITECTS AND PLANNERS
2725 KENNEDY AVENUE, SUITE 100
DALLAS, TEXAS 75226
TEL: 214.255.1234

PROJECT	NEW MULTIFAMILY
CLIENT	PRINCE STREET DEVELOPMENT
DATE	08/17/20
SCALE	AS SHOWN

**NEW MULTIFAMILY
2 PRINCE STREET**
SITE PLAN
DATE: 08/17/20



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #1

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

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 Low Density Residential (R-2S) to Medium Density Residential (R-3) Zone,

for the property at 351 North River Road (PIDs #1014224 & 373415), be approved to proceed to public consultation.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #2

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

That the request amend Appendix “G” – Zoning Map of the Zoning & Development Bylaw from Single-Density Residential (R-1L) to Narrow Single-Density Residential (R-1N) for the property on the corner of Miller Street/ Pearson Street/ Hanover Street (PID #530980), be approved to proceed to public consultation.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #3

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

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 89 Beach Grove Road (PID #386755), be approved to proceed to public consultation.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #4

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

That the request to reduce the lot frontage from 65.6 feet to approximately 30 feet in order to convert the existing five (5) unit dwelling into a six (6) unit dwelling for the property at 93 Weymouth Street (PID #340984), be approved, subject to the following condition:

- **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.**



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #5

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

That the request to reduce the lot frontage from 65.6 feet to approximately 30 feet in order to convert the existing three (3) unit dwelling into a six (6) unit dwelling for the property at 101 Weymouth Street (PID #340992), be approved, subject to the following condition:

- **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.**



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #6

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

That the request to:

- a) Reduce the required side yard setback from 0.85 m (2.79 ft) to approximately 0.31 m (1.02 ft); and
- b) 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.) for the property at 15 Hillsborough Street (PID #336198), be approved.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #7

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

That the request to obtain a site specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning and Development Bylaw 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, be approved to proceed to public consultation.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #8

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

That the amendments to the Zoning and Development Bylaw (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.



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #9

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Greg Rivard

Seconded by Deputy Mayor _____ Jason Coady

BE IT RESOLVED:

That the request to amend Section 36 of the Zoning & Development Bylaw (PH-ZD.2) to permit an Asphalt, Aggregate and Concrete Plant and insert a definition for said use under Appendix A, be approved.



CITY OF CHARLOTTETOWN
BYLAW

CB
9-0
Councillor
Rivard
absent

To adopt Bylaw 2018-11-014, A Bylaw to amend the Zoning & Development Bylaw, to rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone, subject to the existing access between the Dental Office and the lower parking lot be removed as per the Department of Transportation regulations.

BE IT RESOLVED THAT THE "BYLAW TO AMEND THE CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW, (2018-11-014, as it pertains to 197 Minna Jane Drive (PID #469841))", as attached, be read a first time.

Date: _____ April 08, 2019

Moved by Councillor: _____ x Greg Rivard *Jaouko*

Seconded by Deputy Mayor: *Jaouko* _____ x Jason Coady

BE IT RESOLVED THAT the Zoning & Development Amendment Bylaw (2018-11-014), be approved and that it be read a second time at the next Regular Meeting of Council.

Date: _____ April 08, 2019

Moved by Councillor: _____ x Greg Rivard *Jaouko*

Seconded by Deputy Mayor: *Jaouko* _____ x Jason Coady

WHEREAS THE "BYLAW TO AMEND THE CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW, (2018-11-014, as it pertains to 197 Minna Jane Drive (PID #469841))", as attached, was read and approved a first time on April 08, 2019;

BE IT RESOLVED THAT the said Bylaw be read a second time.

Date: _____ May 13, 2019

Moved by Councillor: _____ Greg Rivard

Seconded by Deputy Mayor: _____ Jason Coady

BE IT RESOLVED THAT the said Bylaw be approved and adopted.

Date: _____ May 13, 2019

Moved by Councillor: _____ Greg Rivard

Seconded by Deputy Mayor: _____ Jason Coady

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

City of Charlottetown
A Bylaw to amend the Zoning and Development Bylaw
BYLAW # 2018-11-014

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

(1) This Bylaw shall be known and cited as the “Bylaw to amend the Zoning and Development Bylaw, Bylaw # 2018-11-014”

2. Authority

(1) Section 16 of the Planning Act R.S.P.E.I 1988 Cap. P-8, enables the Council of the City of Charlottetown, to adopt bylaws implementing an official plan for the municipality

3. Purpose

(1) The purpose of this bylaw is to amend the City of Charlottetown’s Zoning and Development Bylaw provisions found in Appendix G.

PART II – AMENDMENTS

4. The zoning of the property at 197 Minna Jane Drive (PID #469841) as shown on Appendix “G” of the Zoning & Development Bylaw, Bylaw #2018-11-014, is Highway Commercial (C-2) Zone, hereby excluding it from its former designation of Comprehensive Development Area (CDA) Zone.



PART III – EFFECTIVE DATE

20. Effective Date

(1) The effective date of the Zoning & Development Bylaw amendment is the date as signed by the Minister of Communities, Land and Environment.

First Reading:

This Zoning & Development Bylaw, Bylaw #2018-11-014, was read a first time at Council meeting held on the ____ day of _____, 2019.

This Zoning & Development Bylaw, Bylaw #2018-11-014, was approved by a majority of Council members present at the Council meeting held on ____ day of _____, 2019.

Second Reading:

This Zoning & Development Bylaw, Bylaw #2018-11-014, was read a second time at Council meeting held on the ____ day of _____, 2019.

This Zoning & Development Bylaw, Bylaw #2018-11-014, was approved by a majority of Council members present at the Council meeting held on ____ day of _____, 2019.

Approval and Adoption by Council:

This Zoning & Development Bylaw, Bylaw #2018-11-014, was adopted by a majority of Council members present at the Council meeting held on ____ day of _____, 2019.

21. Signatures

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

This Zoning & Development Bylaw, Bylaw #2018-11-014, adopted by the Council of the City of Charlottetown on ____ day of _____, 2019 is certified to be a true copy.

Chief Administrative Officer
(signature sealed)

Date:

MINISTERIAL APPROVAL

This Zoning and Development Bylaw amendment (2018-11-014) is hereby approved.

Dated on this __ day of _____, _____.

Hon. Richard Brown
Minister of Communities, Land and Environment



CITY OF CHARLOTTETOWN

Official Plan Amendment PH-OPA.1-002
Appendix "A" – Official Plan Map

Authority

The Council for the City of Charlottetown under the authority vested in it by Section 11 and 15 of the Planning Act R.S.P.E.I. 1988 Cap. P-8 hereby enacts as follows:

The land use for 197 Minna Jane Drive (PID #469841) as shown on Appendix A – Official Plan Map of the City of Charlottetown Official Plan, is designated as Commercial, hereby excluding it from its former designation of Concept Planning Area.





CITY OF CHARLOTTETOWN
BYLAW

7-0 AB
Councillor
Rivard
absent

To adopt Bylaw 2018-11-017, A Bylaw to amend the Zoning & Development Bylaw, to amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) relating 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 IT RESOLVED THAT THE "BYLAW TO AMEND THE CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW, (2018-11-017, as it pertains to Zoning & Development Amendments)", as attached, be read a first time.

Date: _____ April 08, 2019

Moved by Councillor: [Signature] x Greg Rivard *Tankov*

Seconded by Deputy Mayor: [Signature] x Jason Coady

BE IT RESOLVED THAT the Zoning & Development Amendment Bylaw (2018-11-017), be approved and that it be read a second time at the next Regular Meeting of Council.

Date: _____ April 08, 2019

Moved by Councillor: [Signature] x Greg Rivard *Tankov*

Seconded by Deputy Mayor: [Signature] x Jason Coady

WHEREAS THE "BYLAW TO AMEND THE CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW, (2018-11-017, as it pertains to Zoning & Development Amendments)", as attached, was read and approved a first time on April 08, 2019;

BE IT RESOLVED THAT the said Bylaw be read a second time.

Date: _____ May 13, 2019

Moved by Councillor: _____ Greg Rivard

Seconded by Deputy Mayor: _____ Jason Coady

BE IT RESOLVED THAT the said Bylaw be approved and adopted.

Date: _____ May 13, 2019

Moved by Councillor: _____ Greg Rivard

Seconded by Deputy Mayor: _____ Jason Coady

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

City of Charlottetown
A Bylaw to amend the Zoning and Development Bylaw
BYLAW # 2018-11-017

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

(1) This Bylaw shall be known and cited as the “Bylaw to amend the Zoning and Development Bylaw, Bylaw # 2018-11-017”

2. Authority

(1) Section 16 of the Planning Act R.S.P.E.I 1988 Cap. P-8, enables the Council of the City of Charlottetown, to adopt bylaws implementing an official plan for the municipality

3. Purpose

(1) The purpose of this bylaw is to amend the City of Charlottetown’s Zoning and Development Bylaw provisions relating 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

PART II – AMENDMENTS

4. Section 1.4.3 is amended as follows:

The reference to Appendix “D” be changed to Appendix “G”

5. Section 1.7.1 is amended as follows:

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

6. Section 2.2 is amended as follows:

To replace the text “appointed by Mayor” with “appointed by Council”

7. Section 2.2.7 be removed.

8. Section 3.3.1 is amended as follows:

Removing the reference of “(See Appendix D)”

9. Section 3.13.1 is amended as follows:

Replace “Appendix E” with “Appendix H”

10. Section 3.14.1 is amended as follows:

Replace “Appendix E” with “Appendix “G”

11. Section 5.6.1 is amended as follows:

One (1) Secondary Suite may be permitted in a Single-detached Dwelling “subject to the following conditions:”

12. Section 5.7.2 is amended as follows:

The Garden Suite shall “be subject to the following conditions:”

13. Section 5.6.2 is amended as follows:

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

14. Section 5.7.3 is added as follows:

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

15. Section 6.2. is amended as follows:

Notwithstanding any other requirements of this By-law:

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

And all corresponding sections renumbered.

16. Section 6.5 is amended as follows:

6.5.2 Where the minimum ten percent (10%) of the Lot Area for landscaping cannot be provided on the ground level, the remaining required Landscaped Area can be accommodated with a Green Roof as an alternative.

6.5.3 In all Zones where the minimum Front Yard Setback permits, a strip of landscaped area of not less than 3.7m (12ft) in width shall be provided along the frontage of the property but shall not prevent the provision of an access driveway across the strip of land.

6.5.4 In all Zones with the exception of the R-1L, R-1S, R-1N, R-2, R-2S and the A Zones, within the minimum Front Yard Setback, the landscaped area shall consist of trees, shrubs or a combination of both not less than 3.7 m (12 ft) in width shall be provided along a Lot Line(s) which abut a Street Line and shall adhere to the following conditions:

- a. Comprise a portion of the required ten percent (10%) Landscaped Area and be used for no other purpose thereof;
- b. This provision shall not prevent the provision of an access driveway across the strip of land;
- c. A minimum of one tree per 10m (32.8ft) of site frontage shall be provided;
- d. Required landscaping in the form of trees shall be a minimum of 1.5m (4.9ft) in height with a caliper of at least 55 mm at the time of planting and shall be salt tolerant;
- e. Tree species and planting requirements shall be in accordance with Appendix D: Landscape Standards & Specifications;
- f. A variety of sizes and species of both deciduous and coniferous plants should be provided to provide year-round interest, colour and aesthetic appeal;
- g. Where there are site constraints regarding the planting of trees a landscaping alternative shall be provided in the form of planting beds, ornamental grasses, hard/soft landscaping or a combination thereof;
- h. All private landscaped areas, including shrub and tree plantings shall be completed in accordance with the approved site plan and maintained to a standard as defined at the time of the building permit;
- i. Where there is any outstanding landscaping work that has not been completed as per the approved plans of a development, the Development Deposit shall be forfeited and directed to a fund for public landscaping.

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

6.5.6 Where landscaping requirements as set forth in this By-law are not met, the Development Security submitted at time of permit shall be forfeited and the funds therein shall be deposited to a Public Tree Reserve Fund to be used for landscaping on public property.

17. Section(s) 13.2.5, 13.3.5, 14.2.5, 14.3.5 are amended as follows:

The minimum Side Yard for both the Interior and Corner Lot shall be changed from 3.0m (9.8ft) to "1.83m (6ft)".

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

Add below table:

REGULATIONS FOR LODGING HOUSES AND GROUP HOMES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	325 sq. m (3,498.3 sq. ft)	395 sq. m (4,251.9 sq. ft)
2 Lot Frontage (Minimum)	10.6 m (34.8 ft)	15 m (49.2 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	1.8 m (6 ft)	1.83 m (6 ft)

6	Flankage Yard (Minimum)	6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)

The number of rooms is determined by the following:

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

19. Section 21 is amended as follows:

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

20. Section 45.11 is amended by adding the following subsection:

45.11.4 Notwithstanding section 45.14.1 there may be a unique circumstance whereby the Manager of Water & Sewer Utility is prepared to grant an unserviced development. In this circumstance, the owner of said property must meet all requirements of the Province Wide Minimum Development Standards Regulations set out in the Planning Act R.S.P.E.I 1988, Cap. E-9.

21. Section 45.3.1 is amended as follows:

Removing the reference of “(See Appendix D)”

22. Appendix A: Definitions are amended and added as follows:

Add definitions for:

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

Amend the definitions as follows:

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

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

23. Appendix D be amended as follows:

Delete APPENDIX D. PLANNING ACT PROVINCE WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS and replace with:

APPENDIX D: LANDSCAPE STANDARDS, SPECIFICATIONS & SPECIES LIST

New planting sites for trees must meet the following criteria:

Along the street planting sites will be setback the recommended distance of 4m (13.1ft) from the curb. When this cannot be achieved planting sites may be positioned up to a minimum setback of 2m (6.5ft) on smaller streets. Large statured trees cannot be placed underneath existing utility transmission lines.

Plantings should not impede sight lines or create a visibility hazard. Plantings should be near the City property line. If room allows, trees can be planted on public property but must follow the setbacks outlined below:

Tree Sizing Requirements:

- Caliper minimum size: 55mm
- Root ball minimum size: 70cm

Setback for trees:

- Streets, lanes and sidewalks – 2m (6.5ft)
- Fire hydrants - 3m (9.8ft)

Electrical boxes on ground – 2m (6.5ft)
Sewer/water grates – 2m (6.5ft)
Surface utility equipment – 3m (9.8ft)
Underground services – 3m (9.8ft)
Private approaches – 3m (9.8ft)
Light poles and poles with transformer boxes in residential areas - 6m (19.6ft)
Bus stops - 8m (26.2ft) from the approach direction
Stop signs - 8m (26.2ft)
Light poles and poles with transformer boxes on arterial roads - 10m (32.8ft)
Signal regulated street intersections - 10m (32.8ft)

Setback for Shrubs:

Surface utility equipment – 0.5m (1.6ft)
Streets, lanes and sidewalks – 1m (3.3ft)

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

Non-Permitted Invasive Species List:

Norway maple, *Acer platanoides*
Manitoba maple, *Acer negundo*
Sycamore maple, *Acer pseudoplatanus*
Scots (Scotch) pine, *Pinus sylvestris*
Silver (White) poplar, *Populus alba*
European mountain ash, *Sorbus aucuparia*
Sycamore maple, *Acer pseudoplatanus*
White fringe tree, *Chionanthus virginicus*, is also a host to emerald ash borer (EAB). Avoid planting to help combat EAB.
Glossy buckthorn, *Frangula alnus*, *Rhamnus frangula*
Common buckthorn, *Rhamnus cathartica*
Blackthorn, *Prunus spinosa*
Scotch broom, *Cytisus scoparius*, *Sarothamnus scoparius*
Salt cedar (Tamarisk), *Tamarix spp.*
Oriental bittersweet, *Celastrus orbiculatus*
Virginia creeper, *Parthenocissus quinquefolia*, *Parthenocissus vitacea*
Multiflora rose, *Rosa multiflora*

Species of Note

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

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

American elms, *Ulmus americana*, are susceptible to Dutch elm disease (DED). Cultivars and hybrids have been developed that are resistant to DED and are good alternatives to native elm trees. All true ash trees are susceptible to emerald ash borer (EAB). There are two ash species native to Prince Edward Island – white ash, *Fraxinus americana* and black ash, *Fraxinus nigra*. Choose alternate species to plant. If planting native ash trees, also plant a variety of other species to increase biodiversity.

PART III – EFFECTIVE DATE

25. Effective Date:

- (1) The effective date of the Zoning & Development Bylaw amendment is the date as signed by the Minister of Communities, Land and Environment.

First Reading:

This Zoning & Development Bylaw, Bylaw #2018-11-017, was read a first time at Council meeting held on the _____ day of _____, 2019.

This Zoning & Development Bylaw, Bylaw #2018-11-017, was approved by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

Second Reading:

This Zoning & Development Bylaw, Bylaw #2018-11-017, was read a second time at Council meeting held on the _____ day of _____, 2019.

This Zoning & Development Bylaw, Bylaw #2018-11-017, was approved by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

Approval and Adoption by Council:

This Zoning & Development Bylaw, Bylaw #2018-11-017, was adopted by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

26. Signatures:

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

This Zoning & Development Bylaw, Bylaw #2018-11-017, adopted by the Council of the City of Charlottetown on _____ day of _____, 2019 is certified to be a true copy.

Chief Administrative Officer
(signature sealed)

Date:

MINISTERIAL APPROVAL

This Zoning and Development Bylaw amendment (2018-11-017) is hereby approved.

Dated on this ___ day of _____, _____.

Hon. Richard Brown
Minister of Communities, Land and Environment



CITY OF CHARLOTTETOWN
BYLAW

9-0
(Councillor
Rivard)
absent PB

To adopt Bylaw, Bylaw PH-SSB.1, A Bylaw 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 IT RESOLVED THAT THE "CITY OF CHARLOTTETOWN SECONDARY AND GARDEN SUITE REGISTRY BYLAW, BYLAW PH-SSB.1", as attached, be read a first time.

Date: _____ April 08, 2019

Moved by Councillor: [Signature] x Greg Rivard *Saukou*

Seconded by Deputy Mayor: [Signature] x Jason Coady

BE IT RESOLVED THAT the City Of Charlottetown Secondary And Garden Suite Registry Bylaw, Bylaw PH-SSB.1, be approved and that it be read a second time at the next Regular Meeting of Council.

Date: _____ April 08, 2019

Moved by Councillor: [Signature] x Greg Rivard *Saukou*

Seconded by Deputy Mayor: [Signature] x Jason Coady

WHEREAS THE "CITY OF CHARLOTTETOWN SECONDARY AND GARDEN SUITE REGISTRY BYLAW, BYLAW PH-SSB.1", as attached, was read and approved a first time on April 08, 2019;

BE IT RESOLVED THAT the said Bylaw be read a second time.

Date: _____ May 13, 2019

Moved by Councillor: _____ Greg Rivard

Seconded by Deputy Mayor: _____ Jason Coady

BE IT RESOLVED THAT the said Bylaw be approved and adopted.

Date: _____ May 13, 2019

Moved by Councillor: _____ Greg Rivard

Seconded by Deputy Mayor: _____ Jason Coady

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

**City of Charlottetown
Secondary and Garden Suites Bylaw
BYLAW # PH-SSB.1**

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

(1) This Bylaw shall be known and cited as the “City of Charlottetown Secondary and Garden Suite Registry Bylaw, Bylaw PH-SSB.1

2. Authority

(1) Section 16 of the Planning Act R.S.P.E.I 1988 Cap. P-8, enables the Council of the City of Charlottetown, to adopt bylaws implementing an official plan for the municipality

3. Purpose

(1) The purpose of this bylaw is 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.

PART II – AMENDMENTS

4. Refer to attached Bylaw, PH-SSB.1

PART III – EFFECTIVE DATE

5. Effective Date

(1) The effective date of the Secondary and Garden Suites Bylaw is the date as signed by the Minister of Communities, Land and Environment.

First Reading:

This Secondary and Garden Suites Bylaw, Bylaw # PH-SSB.1, was read a first time at Council meeting held on the _____ day of _____, 2019.

This Secondary and Garden Suites Bylaw, Bylaw # PH-SSB.1, was approved by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

Second Reading:

This Secondary and Garden Suites Bylaw, Bylaw # PH-SSB.1, was read a second time at Council meeting held on the _____ day of _____, 2019.

This Secondary and Garden Suites Bylaw, Bylaw # PH-SSB.1, was approved by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

Approval and Adoption by Council:

This Secondary and Garden Suites Bylaw, Bylaw # PH-SSB.1, was adopted by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

6. Signatures

Mayor/Chairperson
(signature sealed)

Chief Administrative Officer
(signature sealed)

This Secondary and Garden Suites Bylaw, Bylaw # PH-SSB.1, adopted by the Council of the City of Charlottetown on _____ day of _____, 2019 is certified to be a true copy.

Chief Administrative Officer
(signature sealed)

Date:

MINISTERIAL APPROVAL

This Secondary and Garden Suites Bylaw, (Bylaw# PH-SSB.1) is hereby approved.

Dated on this __ day of _____, _____.

Hon. Richard Brown
Minister of Communities, Land and Environment



CHARLOTTETOWN

Bylaw Name:	Secondary and Garden Suites Registration Bylaw (PH-SSB.1)
Effective Date:	

4 EXISTING DWELLING UNITS

4.1 IN-LAW SUITES

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

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

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

5 REGISTRATION APPLICATION

5.1 THE APPLICANT

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

5.2 REGISTRATION OF EXISTING DWELLING UNITS

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

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

6 REVOKING A REGISTRATION

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

7 REGISTRATION RENEWAL

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

City of Charlottetown Secondary and Garden Suites Registration By-law (PH-SSB.1)

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

- n. **Registry, or Registry of Secondary Suites** means a publically accessible Registry or list of Secondary Suites which have been reviewed by the City and approved based on conformance with the Zoning and Development and Building Code By-law regulations as well as other best practices for supporting safe and affordable housing.
- o. **Secondary Suite** means a subordinate Dwelling unit located within a Single-Detached Dwelling.
- p. **Short-term Rental** means the rental of a dwelling unit or a portion of a dwelling unit (including a Secondary Suite within a dwelling) for a period of less than 30 consecutive days. **Single-Detached Dwelling** means a building which is a completely detached Dwelling unit, and whose main walls have a minimum width of not less than 5.5 m (18 ft).
- q. **Zoning and Development By-law** means the *City of Charlottetown Zoning and Development By-law (2018-11)*.

10.1.2 In this by-law words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular, all as the context allows; and the word 'shall' is mandatory and is not permissive.

CITY OF CHARLOTTETOWN
 BUILDING CONSTRUCTION STATISTICS FOR APRIL 2018
 DOLLAR VALUES

	April	Totals
Residential New	2,205,000.00	14,175,000.00
Residential Renovations and Additions	467,500.00	960,360.00
Industrial-Commercial New	8,900,210.00	8,963,210.00
Industrial-Commercial Renovations	1,483,000.00	6,755,800.00
Institutional New	0.00	1,500,000.00
Institutional Renovations	0.00	269,000.00
Signage	10,000.00	48,925.00
Other	81,200.00	329,800.00
Agriculture	0.00	0.00
TOTALS	13,146,910.00	33,002,095.00

CITY OF CHARLOTTETOWN
 BUILDING CONSTRUCTION STATISTICS FOR APRIL 2019
 DOLLAR VALUES

	APR	Totals
Residential New	\$7,220,000.00	\$10,420,000.00
Residential Renovations and Additions	\$409,500.00	\$2,727,000.00
Industrial-Commercial New	\$11,595,000.00	\$11,995,000.00
Industrial-Commercial Renovations	\$1,233,045.00	\$3,779,045.00
Institutional New	\$448,000.00	\$5,248,000.00
Institutional Renovations	\$9,488,000.00	\$9,488,000.00
Signage	\$18,100.00	\$266,400.00
Other	\$180,900.00	\$306,700.00
Agriculture	\$0.00	\$0.00
TOTALS	30,592,545.00	44,230,145.00

CITY OF CHARLOTTETOWN
 BUILDING CONSTRUCTION STATISTICS FOR 2018
 BREAKDOWN OF PERMITS ISSUED *(Not projects)*

	April	Totals
Single Family Dwellings - New	6	9
Two-Family Dwellings - New	1	2
Multi-Family Dwellings - New	0	5
Residential Renovations and Additions	8	19
Industrial-Commercial New	2	4
Industrial-Commercial Renovations	13	29
Institutional New	0	1
Institutional Renovations	0	2
Signage	3	10
Other	9	17
Agriculture Renovations	0	0
TOTALS	42	98

CITY OF CHARLOTTETOWN
 BUILDING CONSTRUCTION STATISTICS FOR APRIL 2019
 BREAKDOWN OF PERMITS ISSUED *(Not projects)*

	APR	Totals
Single Family Dwellings - New	10	19
Two-Family Dwellings - New	3	6
Multi-Family Dwellings - New	2	2
Residential Renovations and Additions	8	24
Industrial-Commercial New	3	4
Industrial-Commercial Renovations	9	27
Institutional New	1	2
Institutional Renovations	1	1
Signage	9	20
Other	9	16
Agriculture Renovations	0	0
TOTALS	55	121



Planning & Heritage Summary (Week ending April 05, 2019)

ISLAND REGULATORY APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION

The information provided on this page is intended to provide notice to the public when building and development permits have been approved by the Charlottetown Planning and Heritage Department. Residents or interested parties have **21 days to appeal** to the Island Regulatory and Appeals Commission (IRAC) any building and development permit approvals listed below within the required time period.

If you have any questions regarding the approvals listed below please contact the Planning and Heritage Department at 902-629-4158.

Planning Development Permit Approvals

FILE #	PID #	PERMIT #	APPLICATION DATE	DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
18-053	279232	031-bld-18	5-Apr-2019	5-Apr-2019	APPROVED	13 Mount Edward Road	Occupancy Permit-Interior renovations to existing building	W Chandler	26-Apr-2019
18-479	345629	404-BLD-18	5-Apr-2019	5-Apr-2019	APPROVED	29 Fitzroy Street	OCCUPANCY PERMIT-11 X 17 addition for a Laundry room	Roger Balderston	26-Apr-2019
18-578	545863	512-BLD-18	2-Apr-2019	2-Apr-2019	APPROVED	41 MacLeod Court	Occupancy Permit - Commercial space	Chris Linzel-Waddell	23-Apr-2019
18-590	1091289 Parent	526-BLD-18	13-Nov-2018	3-Apr-2019	APPROVED	25 Hanmac Drive (Lot# 18)	New Single Family home	Allen & Barb Bradley	24-Apr-2019
19-019	340190	156-BLD-19	1-Apr-2019	4-Apr-2019	APPROVED	111 Queen Street	Seasonal banner for The Guild	The Guild	25-Apr-2019
19-089	342717	092-BLD-19	5-Mar-2019	2-Apr-2019	APPROVED	152A Great George Street	Fitup for new Cafe/ Tea Room	Amy Smith	23-Apr-2019
19-098	1092188	102-BLD-19	11-Mar-2019	5-Apr-2019	APPROVED	19-21 Red Fox Court	New Semi-detached dwelling	New Homes Plus	26-Apr-2019
19-099	394726	103-BLD-19	11-Mar-2019	2-Apr-2019	APPROVED	36 Centennial Drive	Demolition of 6 Unit Apartment Building	Bevan Enterprises Inc	23-Apr-2019
19-117	part of 1094952	125-BLD-19	5-Apr-2019	5-Apr-2019	APPROVED	174 Essex Crescent (Lot 107)	FOOTING PERMIT-New Single Family Dwelling	Justin and Sarah Bradley	26-Apr-2019
19-119	437723	127-BLD-19	20-Mar-2019	5-Apr-2019	APPROVED	14 Amanda Drive (Lot 2002-9)	New Single Family Dwelling	Patrick & Eileen Curran	26-Apr-2019
19-136	457259	145-BLD-19	27-Mar-2019	5-Apr-2019	APPROVED	53 KirkCady Drive	Single Family dwelling	A C McCardle Construction	26-Apr-2019
19-141	361626	150-BLD-19	28-Mar-2019	1-Apr-2019	APPROVED	40 Passmore Street	21' X 5' at grade deck	John Drinkwater	22-Apr-2019
19-146	388272	156-BLD-19	2-Apr-2019	5-Apr-2019	APPROVED	21 John Yeo Drive	62" X 110" unlit sign face	Sign Craft	26-Apr-2019
19-146	388272	163-BLD-19	2-Apr-2019	5-Apr-2019	APPROVED	21 John Yeo Drive	2300 sq ft Dental office fit-up	APM Construction Ltd.	26-Apr-2019
19-147	340422	157-BLD-19	1-Apr-2019	5-Apr-2019	APPROVED	145 Richmond Street	29' X 19' Banner and 3 8' X 18' Banners	Confederation Centre of the Arts	26-Apr-2019
19-148	342774	159-BLD-19	1-Apr-2019	5-Apr-2019	APPROVED	128 Great George Street	two 2' X 5'Banners and two 7' Images on wall	Confederation Centre of the Arts	26-Apr-2019
19-152	1035211	165-BLD-19	3-Apr-2019	4-Apr-2019	APPROVED	34 Alderwood Avenue	15' X 30' above ground pool	Nic Reardon	25-Apr-2019



Planning & Heritage Summary (Week ending April 12, 2019)

ISLAND REGULATORY APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION

The information provided on this page is intended to provide notice to the public when building and development permits have been approved by the Charlotte Town Planning and Heritage Department. Residents or interested parties have **21 days to appeal** to the Island Regulatory and Appeals Commission (IRAC) any building and development permit approvals listed below within the required time period.

If you have any questions regarding the approvals listed below please contact the Planning and Heritage Department at 902-629-4158.

Planning Development Permit Approvals

FILE #	PID #	PERMIT #	APPLICATION DATE	DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
19-030	610105	174-DEM-19	5-Apr-19	11-Apr-19	APPROVED	37 Queen Elizabeth Drive	Demolition of single family home	Island Construction Services Ltd	2-May-19
19-031	359950	032-VAR-19	28-Jan-19	8-Apr-19	APPROVED	PID# 359950 (Off of Gerald Street)	Major Variances for flankage, side and rear setbacks	Roger Greaves & Mary Rogerson	29-Apr-19
19-043	1102797	044-BLD-19	9-Apr-19	9-Apr-19	APPROVED	14 Hanmac Drive (Lot 17-1)	New Single Family Dwelling-Final Approval	Cecil MacLauchlan	30-Apr-19
19-076B	388207	184-BLD-19	9-Apr-19	10-Apr-19	APPROVED	167 Minna Jane Drive	Retail Fit-up for flooring warehouse	APM Construction Ltd.	1-May-19
19-076C	388207	191-BLD-19	10-Apr-19	11-Apr-19	APPROVED	167 Minna Jane Drive	Electrical upgrade for multiple tenants	APM Construction Ltd.	2-May-19
19-078	1054972	080-BLD-19	22-Feb-19	8-Apr-19	APPROVED	20 Babineau Avenue	Locate Ken's Fries truck	Ken's Island Fries (Lori Visser)	29-Apr-19
19-099	394726	115-BLD-19	14-Mar-19	10-Apr-19	APPROVED	36 Centennial Drive	Construction of 20 Unit Apartment Building	Bevan Enterprises Inc	1-May-19
19-103	880401	107-BLD-19	12-Mar-19	10-Apr-19	APPROVED	18 Riverside Drive	New Primary screening, various upgrades & maintenance	Robert Fraser (Higgins Construction)	1-May-19
19-121	274571	129-BLD-19	21-Mar-19	11-Apr-19	APPROVED	34 Gower Street	Addition to existing home	Scott Gower	2-May-19
19-130	335620	139-BLD-19	25-Mar-19	11-Apr-19	APPROVED	49 Water Street	Commercial renovation of storage into office space	Regan MacLellan	2-May-19
19-154	340745	170-BLD-19	4-Apr-19	9-Apr-19	APPROVED	85 Hillsborough Street	Interior renovations to single family home	Phillip West	30-Apr-19
19-155	335083	171-BLD-19	4-Apr-19	10-Apr-19	APPROVED	2 Pownal Street	Two 40 Sq Ft fascia signs	Jenna Shinn	1-May-19
19-163	1100528	182-BLD-19	8-Apr-19	10-Apr-19	APPROVED	2 MacWilliams Road	Construction site Trailer-Office on site	Montgomery Heights (Derek French)	1-May-19
19-165	1081074	185-BLD-19	9-Apr-19	10-Apr-19	APPROVED	16 Cohen Court	Inground pool	Jonathan Bromley	1-May-19
19-168	342022	188-BLD-19	10-Apr-19	10-Apr-19	APPROVED	59 Grafton Street	2" X 8' Fascia Sign	Sign Craft	1-May-19
19-169	604173	189-BLD-19	10-Apr-19	10-Apr-19	APPROVED	37 McCarville Street	Temporary trailer on site	Valentine Gomez	1-May-19
19-171	344382	193-BLD-19	10-Apr-19	11-Apr-19	APPROVED	156 Great George Street	Sandwich Board sign	Cody MacKay	2-May-19
18-088	388595	539-REZ-18	27-Nov-18	8-Apr-19	REJECTED	Royalty Road (PID# 388595)	Rezoning from R-1S to R2	George Zafiris	29-Apr-19
18-213	865833	168-BLD-18	8-Apr-19	8-Apr-19	APPROVED	1 West Street	4 room Bed & Breakfast renovation	Dan Zheng	29-Apr-19
18-324	1097005	377-BLD-18	8-Apr-19	8-Apr-19	APPROVED	96 Sherwood Road	Occupancy Permit - Phase 2 - Partial Occupancy Only	APM Commercial	29-Apr-19
18-576	367938 & 367979	510-VAR-18	31-Oct-18	8-Apr-19	APPROVED	200 & 202 Spring Park Rd	Variance application	Wildwood Holdings Ltd	29-Apr-19
18-588	1091289 Parent	524-BLD-18	9-Nov-18	8-Apr-19	APPROVED	33 Hanmac Drive (Lot# 14)	New Single Family home	Scott Glosson	29-Apr-19
18-589	1091289 Parent	525-BLD-18	9-Nov-18	8-Apr-19	APPROVED	35 Hanmac Drive (Lot# 13)	New Single Family home	Scott Glosson	29-Apr-19
19-030	610105	174-DEM-19	5-Apr-19	11-Apr-19	APPROVED	37 Queen Elizabeth Drive	Demolition of single family home	Island Construction Services Ltd	2-May-19

Lot Subdivisions

FILE	PID#	APPLICATION DATE	APPROVAL DATE	MAILED OUT	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
2018-028	1048404 & 283150	5-Oct-18	10-Apr-19	11-Apr-19	APPROVED	79 Gardiner Drive	Lot Consolidation PID# 1048404 & part of 283150	Gardiner Holdings (PEI) Ltd	2-May-19

Council Approvals

FILE #	PID#	PERMIT #	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
18-576	367938 & 367979	510-VAR-18	31-Oct-18	8-Apr-19	APPROVED	200 & 202 Spring Park Road	Variance application	Wildwood Holdings Ltd	29-Apr-19
19-031	359950	032-VAR-19	28-Jan-19	8-Apr-19	APPROVED	PID# 359950 (Of fo Gerald Street)	Major Variances for flankage, side and rear setbacks	Roger Greaves & Mary Rogerson	29-Apr-19
18-088	388595	539-REZ-18	27-Nov-18	8-Apr-19	REJECTED	Royalty Road (PID# 388595)	Rezoning from R-1S to R2	George Zaifiris	29-Apr-19
19-036	396770	037-REZ-19	1-Feb-19	8-Apr-19	REJECTED	88 Brackley Point Road	Rezone property from R1L to R3	Ron Wood	29-Apr-19
19-051	344044	052-VAR-19	11-Feb-19	8-Apr-19	REJECTED	183 Great George Street	Variance to privacy fence height on vacant lot	Micheal Wasnidge	29-Apr-19
19-079	469841	081-REZ-19	25-Feb-19	8-Apr-19	APPROVED. First reading done. For second reading.	197 Minna Jane Drive	Rezone from CDA to C-2	Cordova Realty Ltd	29-Apr-19
19-101	N/A	105-BYL-19	4-Mar-19	8-Apr-19	APPROVED. First reading done. For second reading.	Zoning & Development ByLaw Amendments	Proposed amendments to the Zoning & Development Bylaw pertaining to Housing Transitional Facility, Site regulations for Lodging Houses, Group Homes, Site Landscaping Requirements, Undersized Lot Regulations, Asphalt, Aggregate & Concrete Plant and General Housekeeping amendments.	City of Charlottetown	29-Apr-19
19-102	N/A	106-BYL-19	4-Mar-19	8-Apr-19	APPROVED. First reading done. For second reading.	Secondary & Garden Suite Registry	Proposal to create and implement the Secondary and Garden Suite Registry Bylaw	City of Charlottetown	29-Apr-19



**ENVIRONMENT & SUSTAINABILITY COMMITTEE
REPORT TO COUNCIL
MAY 13, 2019**

The Environment & Sustainability Committee met on May 1, 2019 and the Food Council met on April 16, 2019, the draft minutes are included in your package.

There is one (1) resolution anticipated for your consideration.

Included in your package is the second reading of the Tree Protection Bylaw.

Respectfully submitted,

Councillor Terry MacLeod, Chair

ENVIRONMENT & SUSTAINABILITY COMMITTEE

Wednesday, May 1, 2019

12:15 PM – Parkdale Room, City Hall

**PRESENT: Councillor Terry MacLeod, Chair
Deputy Mayor Jason Coady, Vice-Chair
Mayor Philip Brown
Peter Kelly, CAO**

**ALSO: Ramona Doyle, SO
Jess Brown, SOC
Cindy MacMillan, AA**

**REGRETS: Councillor Kevin Ramsay, Member
Betty Pryor, SPO**

1) Call to Order

The meeting was called to order at approximately 12:25 pm by Chair MacLeod.

2) Declarations of conflict of interest

There were no conflicts of interest declared.

3) Approval of Agenda

It was moved by Deputy Mayor Coady and seconded by Mayor Brown that the agenda be approved as circulated. Carried.

4) Adoption of Minutes

It was moved by Deputy Mayor Coady and seconded by Mayor Brown that the minutes from April 2, 2019 be approved as circulated. Carried.

5) Discussions/Reports

a. Water School

Ramona Doyle, SO, presented the report to the Committee. Charlottetown is pleased to be partnering with Stratford on the Water School this year. The Town of Stratford has operated a successful water school to grade five students for the last several years. There are four Charlottetown schools participating this year with 204 grade five students.

The program is not only for grade five students, residents and utility customers will have an opportunity to attend and experience this activity as there will be sessions held on May 9 & 16 from 6:30-8:30PM at Holland College.

b. ICIP Minibus Application

Ramona Doyle, SO, presented the report to the Committee. The City of Charlottetown allocated capital funds for a transit fleet project up to \$500,000. These funds were intended to be used to leverage funds from the public stream of ICIP to purchase additional used buses to integrate into the tri-municipal transit fleet.

\$165,000 has been allocated to purchase three refurbished buses from T3 transit in 2019-2020. The Capital Area Transit Coordinating Committee (CATCC) was not eligible to receive funding for this purchase. This expense will be cost-shared between Cornwall, Stratford, and Charlottetown only. Charlottetown's contribution would be \$123,750 from the 2019-2020 Capital Budget.

The CATCC have agreed that they would also like to purchase two new minibuses in 2019-2020 that could be used to service smaller routes and for trials and pilot projects for transit service. The CATCC would be able to receive funding for the purchase of two new minibuses from the ICIP program. The total cost of purchasing two minibuses is estimated at \$240,000. If approved, this purchase would be 73.3% funded through ICIP. Therefore, the City of Charlottetown's total contribution for the purchase of three refurbished buses and two new minibuses in the 2019-2020 Capital Budget would be \$171,750.00.

It was moved by Deputy Mayor Coady and seconded by Mayor Brown that the Committee approve moving forward with the purchase of two minibuses to support transit service in Charlottetown contingent on receiving funding from the public transit stream of the Investing in Canada Infrastructure Program (ICIP) and in cost-sharing with Cornwall and Stratford. Carried.

c. East Royalty – Parkdale Transit Pilot Service

Ramona Doyle, SO, presented the report to the Committee. The City of Charlottetown allocated operational funds for 2019-2020 for transit pilot projects to test out new areas for transit service in Charlottetown. The trial would run Mondays through Fridays with limited pick-up and drop-off options for a six month period. It is proposed that the pilot start on May 27 and run for six months. Standard transit fares would be collected for passengers participating in the pilot.

If the pilot is approved, the City would offer two information sessions to residents at Malcolm Darragh Community Centre at 12:30pm on May 17 and 9:30am on May 18. Both sessions would run for about 1.5 hours and provide an opportunity for any interested participants to ask questions about the pilot, and get support with trip planning.

At the end of six months the pilot would be assessed as to whether the route should be added as a regular part of the on-going transit system. This will be based on ridership data that will be collected throughout the pilot.

It was moved by Deputy Mayor Coady and seconded by Mayor Brown that the Committee approve moving forward with a six month trial of limited transit service to underserved areas of East Royalty and Parkdale. Carried.

d. Citizen Advisory Group for Cycling

The Committee discussed the possibility of forming an advisory group/taskforce for cycling in Charlottetown. The Committee suggested that the topic be forwarded for discussion to the Council Advisory Committee.

e. Bike Route at UPEI

Ramona Doyle, SO, reported that there has been no update from UPEI on this item.

6) Move to Closed Session

It was moved by Deputy Mayor Coady and seconded by Mayor Brown to move into closed session as per Section 119(1) subsection (e) of the PEI Municipal Government Act. Carried.

7) Introduction of New Business

There was no new business to discuss.

8) Adjournment

Moved by Mayor Brown and seconded by Deputy Mayor Coady that the meeting be adjourned. Carried.

The meeting adjourned at 1:30 PM.



City of Charlottetown

Report No: E&S 19-28

Date:
April 29, 2019

Directed to:
Chairperson Terry MacLeod, Members of the E&S
Committee

Attachments:
Nil

Department: Environment & Sustainability Committee

Prepared by: Betty Pryor

Subject:
Water School

RECOMMENDATION:

For information only

The Town of Stratford has operated a very successful water school to Grade five students in the Stratford area. Started in 2008, it was expanded in 2011 to include watershed education. Grade five students attend for a day-long education session where they split the time between water conservation and watershed protection learning activities. It has been known to be described by the students as the "best day of the year".

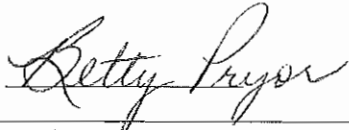
Charlottetown is pleased to have partnered with Stratford on the water school for 2019. With the support of Holland College, the program will be offered to grade five students at Holland College Prince of Wales Campus on May 7-17, 2019, inclusive. The first week (May 7-10) will be Charlottetown students, and the second week (May 10-14) will be Stratford area students.

This year, there will be four Charlottetown schools participating with 204 students from nine grade five classes of which one is a grade four/five class. Participating schools are Parkdale Elementary, Prince Street Elementary, West Kent Elementary and West Royalty Elementary. Registration was done based on first come, first served based. It is hoped that all schools will have an opportunity to participate on a rotation basis over the coming years.

The program is not only for grade five students as interested residents and Utility customers will have an opportunity to attend and experience this great activity. On Thursday, May 9th, there will be a Water Conservation session in Room 21W and on Thursday, May 16th, there will be a Watershed Protection session in Room 20W. Both sessions are from 6:30-8:30 p.m. and are located at Holland College using Grafton Street Entrance.

To deliver the program to the 204 grade five students and to offer the two educational additional sessions open to the general public costs the City of Charlottetown \$2,400. These funds are expensed out of the water conservation budget of the Water & Sewer Utility.

Respectfully,



Reviewed By:

CAO	Manager <i>EB</i>	Other				
-----	----------------------	-------	--	--	--	--

RECOMMENDATIONS/ACTIONS:



City of
Charlottetown

Report No: E&S 19-29

Date: May 1, 2019

Directed to:
Chairperson Terry MacLeod, Members of the E&S
Committee

Attachments:

-

Department: Environment & Sustainability Committee

Prepared by: Ramona Doyle, Sustainability Officer

Subject: ICIP Application for Minibuses

RECOMMENDATION: That the Committee approve moving forward with the purchase of two minibuses to support transit service in Charlottetown contingent on receiving funding from the public transit stream of the Investing in Canada Infrastructure Program (ICIP) and in cost-sharing with Cornwall and Stratford.

The City of Charlottetown allocated capital funds for 2019-2020 for a transit fleet project up to \$500,000. These funds were intended to be used to leverage funds from the public stream of ICIP to purchase additional used buses to integrate into the tri-municipal transit fleet.

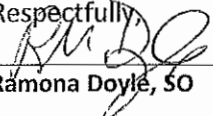
\$165,000 has been allocated to purchase three refurbished buses from T3 transit in 2019-2020. The Capital Area Transit Coordinating Committee (CATCC) was not eligible to receive funding for this purchase. This expense will be cost-shared between Cornwall, Stratford, and Charlottetown only. Charlottetown's contribution would be \$123,750 from the 2019-2020 Capital Budget.

The CATCC have agreed that they would also like to purchase two new minibuses in 2019-2020 that could be used to service smaller routes and for trials and pilot projects for transit service. The CATCC would be able to receive funding for the purchase of two new minibuses from the ICIP program. The total cost of purchasing two minibuses is estimated at \$240,000. If approved, this purchase would be 73.3% funded through ICIP. The remaining costs, (\$64,000) would be cost-shared between Cornwall, Stratford, and Charlottetown. Charlottetown's contribution would be \$48,000 from the 2019-2020 Capital Budget.

Therefore, the City of Charlottetown's total contribution for the purchase of three refurbished buses and two new minibuses in the 2019-2020 Capital Budget would be \$171,750.00

An application has been made to the Infrastructure Secretariat to secure funding for the purchase of the two minibuses. If approved, the CATCC would like to proceed with tendering and purchase.

Respectfully,


Ramona Doyle, SO

Reviewed By:

CAO	Manager	Other				
----------------	---------	-------	--	--	--	--

RECOMMENDATIONS/ACTIONS:



City of
Charlottetown

Report No: E&S 19-31

Date: May 1, 2019

Directed to:
Chairperson Terry MacLeod, Members of the E&S
Committee

Attachments:

•

Department: Environment & Sustainability Committee

Prepared by: Ramona Doyle, Sustainability Officer

•

Subject: East Royalty – Parkdale Transit Pilot Service

RECOMMENDATION: That the Committee approve moving forward with a six month trial of limited transit service to underserved areas of East Royalty and Parkdale

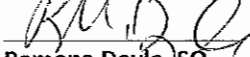
The City of Charlottetown allocated operational funds for 2019-2020 for transit pilot projects to test out new areas for transit service in Charlottetown. The trial would run Mondays through Fridays with limited pick-up and drop-off options for a six month period. It is proposed that the pilot start on May 27 and run for six months. Standard transit fares would be collected for passengers participating in the pilot.

If the pilot is approved, the City would offer two information sessions to residents at Malcolm Darragh Community Centre at 12:30pm on May 17 and 9:30am on May 18. Both sessions would run for about 1.5 hours and provide an opportunity for any interested participants to ask questions about the pilot, and get support with trip planning.

At the end of six months the pilot would be assessed as to whether the route should be added as a regular part of the on-going transit system. This will be based on ridership data that will be collected throughout the pilot.

The cost for the six-month pilot will be \$22,000 for the service hours and an additional \$2,000 for transit stop signage. Following the Transit Agreement, this cost includes fifty percent (50%) of the hourly Base Service Cost less the amount of ridership revenue collected by T3 from all sources.

Respectfully,


Ramona Doyle, SO

Reviewed By:

CAO

Manager

Other

RECOMMENDATIONS/ACTIONS:

CHARLOTTETOWN FOOD COUNCIL
Tuesday, April 16, 2019
7:00 PM – Sherwood Room, City Hall

PRESENT: Karen Murchison, Chair
Jennifer Whittaker
Gail Metcalf
Emilee Sorrey
Stan Chaisson

ALSO: Jessica Brown, SOC
Jacqui Scaman, SOCA

REGRETS: Morgan Palmer
Robert Godfrey, Vice Chair
Travis Cummisky
Phil Ferraro
Bernie Plourde
Pierre Hajjar
Colleen Walton
Mike MacDonald
Shannon Courtney

ALSO: Ramona Doyle, SO

1) Call to Order

The meeting was called to order at 7:10 PM

2) Declarations of conflict of interest

No declarations of conflict.

3) Approval of Agenda

Motion to approve agenda as appears was made by Karen Murchison, seconded by Emilee Sorrey. Motion Approved.

4) Appoint Meeting Secretary & Referee

Jacqui – secretary, Jessica – referee for the meeting

5) Adoption of Minutes

The minutes from the February 2019 meeting were included in the meeting package. No new business arose from meeting minutes.

6) Items for Discussion

- a) City Sustainability Intern Auditing Meeting: Jacqui Scaman
Jacqui gave a brief bio about herself: she is an intern in the Sustainability Department for the City of Charlottetown. She went to school for Food Security and Economic Development and is now enrolled in an urban food security certificate. She is interested in farming and community development.
- b) Budget:
The City of Charlottetown budget has yet to be approved by council, so approval of Food Council budget will remain outstanding.
- c) YCAN Students:
- YCAN Presentations are live online.
 - Discussion about having YCAN students present at an event to be added to next meeting's agenda.
 - Potential to have them at Herb Day, or at an event in June at Charlottetown Rural.

d) Working Group Updates:

- a. **Finance:** Committee drafted a budget as well as purchasing guidelines. Finalized budget has been submitted to City Council and the Environment & Sustainability Committee. It has been fully approved by E&S and is pending approval from Council.

Discussion was initiated by Gail Metcalf about adding purchase guidelines surrounding local procurement. Emilee Sorrey proposed the guideline read that the procurement of goods and services will be from the local community whenever possible. This was seconded by Jessica Brown.

- b. **Communications:** Committee presented logo and draft Food Charter design. Everyone liked and generally approved both the logo and the draft contingent upon adding the City of Charlottetown "Great Things Happen Here" logo to the charter in some capacity. Committee will finalize it pending Council approval.

Committee has met regarding Herb Day and using it as a platform to launch Food Council. Committee will discuss how to present the platform at Herb Day, including if we would like to create a 30-minute presentation, questions we would like to ask the public, and developing a rack card about the Food Charter as a hand-out.

Discussion centered on preparing a communications strategy for the year. Committee would like to initiate a microblog in lieu of using Twitter to drive traffic to the website. Proposed tasking Council members with microblogging ongoingly over the year.

- c. **Projects:** Committee presented their progress on asset mapping. Discussion centered on the possibility of doing three data gathering events with the public before July 1st, 2019 (Herb Day, Farmer's Market, Sobeys), and then they will formally start to organize the Excel sheets into an asset map. The committee presented potential formats for an asset map. It was discussed that this map should be a living document for the community as well as a guiding tool for Council.

Gail Metcalf discussed how some organizations may want privacy and less exposure, hence not being part of the asset map for the community.

Council discussed using Let's Talk Food as a project development tool, and the potential to create a "Let's Talk Food 2.0".

- d. **Policy:** Committee has had two meetings, one with city planner Robert Zilkie, discussing laws regarding food security, new construction, where you can grow, and green roofs. Committee has two motions to put forth that will require Council approval:

- The zoning and development bylaw be amended to allow a food garden to meet requirement of what is allowed to be landscaped. This would allow for yards with no grass and just an edible garden as your landscaping.
- That a food security lens be added to the city's official plan in 2019/2020, incorporating key components of the food charter in to part of the cities official plan.

Voting on these motions will be added to the next meeting agenda as not enough Council members were present to vote, and more discussion about what the motions would entail will be required.

e. **External funding opportunities:**

- \$5000: Community Foundation, must include a poverty reduction theme, deadline is May 1.

- \$1-\$10,000: Food Awareness Fund from the Department of Agriculture, must have a food security component, September intake.
- \$10,000 (uncertain): Agra-Spirit Fund from Farm Credit Canada, looking for infrastructure or a legacy piece.
- Federation of PEI Municipalities has a lot of grants as well focused on rural growth initiatives.

Council discussed that this funding is for projects, and they want to receive funding after projects have been developed, and not to push project development to meet funding deadlines.

f. **Other:**

Herb Day:

May 25 from 10AM-2PM at the Farm Centre. Food Council will have large booth in lobby, and a half hour presentation space if deemed necessary. Council discussed that a meeting should be held before Herb Day to finalize details.

Scheduling of Meetings:

Discussion centered around changing meeting times to accommodate more council members. It was agreed to keep the 3rd Tuesday of the month at 7PM as the meeting time, however potential to use Google Hangouts or a conference call for those who cannot attend.

Emilee Sorrey suggested there should be Council policy guidelines surrounding meeting attendance as a general reference for current and future Council members. Karen Murchison seconded the suggestion.

7) Action Items:

ACTION: Finance Committee will add a guideline about local procurement to the drafted purchasing guidelines. Any other additions or changes you would like to see contact Karen Murchison.

ACTION: Karen Murchison will provide the first micro-blog for communications before Herb Day on a topic of her choice, Jennifer Whittaker will provide the second.

ACTION: Communications Committee to prepare a communications strategy and content calendar for the 2019 year, which will require approval by Council.

ACTION: All Council members to continue adding to the asset mapping sheet in Excel.

ACTION: Council to approach the Let's Talk Food document and develop some project ideas to accomplish, using feedback at Herb Day to give us an idea about what grants to apply for.

ACTION: All Council members to make an appearance at Herb Day on May 25th.

ACTION: Policy & Planning Committee to develop a guideline surrounding meeting attendance.

ACTION: Jessica Brown to allow Council members permissions on all of the Google Drive folders, as well as add a folder to be populated for images.

8) Motion for Adjournment:

Motion to adjourn made by Karen Murchison. Seconded by Jessica Brown. Motion Passed.

Meeting Adjourned at 8:33PM.

CHARLOTTETOWN RIDERSHIP - APRIL 2019

Sum of Charlottetown Route #	1	2	3	4	5	6	7	9	11	13	14 Grand Total
01-04-19 Mon	516	249	252	289	118	241	17	264	223	5	2,176
02-04-19 Tue	599	338	323	363	164	275	34	282	251	4	2,634
03-04-19 Wed	423	243	229	273	133	235	20	228	193	4	1,982
04-04-19 Thu	528	298	264	233	131	277	23	244	218	4	2,223
05-04-19 Fri	515	313	277	278	151	265	14	208	244	3	2,269
06-04-19 Sat	424	245	344	0	0	165	0	0	0	0	1,178
07-04-19 Sun	385	0	0	0	0	0	0	0	0	0	385
08-04-19 Mon	483	246	265	274	123	0	18	215	190	4	1,820
09-04-19 Tue	445	279	261	250	123	0	22	226	208	2	1,818
10-04-19 Wed	414	282	250	224	109	224	21	202	191	1	1,918
11-04-19 Thu	494	275	273	278	124	210	19	271	183	5	2,134
12-04-19 Fri	592	298	274	276	124	260	18	251	192	7	2,294
13-04-19 Sat	422	377	324	0	0	201	0	0	0	0	1,324
14-04-19 Sun	461	0	0	0	0	0	0	0	0	0	461
15-04-19 Mon	392	243	228	241	116	207	16	234	197	3	1,879
16-04-19 Tue	474	270	274	244	148	238	19	245	200	0	2,114
17-04-19 Wed	538	256	277	262	140	263	23	187	189	2	2,139
18-04-19 Thu	586	297	299	267	127	269	23	285	206	2	2,363
19-04-19 Fri	0	0	0	0	0	0	0	0	0	0	0
20-04-19 Sat	424	255	300	0	0	168	0	0	0	0	1,147
21-04-19 Sun	0	0	0	0	0	0	0	0	0	0	0
22-04-19 Mon	347	143	154	170	66	205	2	168	126	1	1,382
23-04-19 Tue	463	250	246	209	117	235	18	247	199	2	1,988
24-04-19 Wed	504	267	257	266	128	250	21	204	171	2	2,072
25-04-19 Thu	466	257	307	223	105	253	22	217	234	3	2,089
26-04-19 Fri	522	262	295	241	148	285	19	237	233	2	2,247
27-04-19 Sat	350	280	289	0	0	142	0	0	0	0	1,061
28-04-19 Sun	408	0	0	0	0	0	0	0	0	0	408
29-04-19 Mon	514	262	238	209	112	236	16	183	187	1	1,959
30-04-19 Tue	434	290	272	261	133	257	17	258	179	12	2,114
Grand Total	13,124	6,775	6,772	5,331	2,640	5,361	402	4,856	4,214	69	49,578

CHARLOTTETOWN RIDERSHIP - APRIL 2019

Values		2019	2018	2017	2016
Total Ridership		49,578	40,568	36,089	34,318
Monday - Friday	Paying	42,868	34,874	30,213	29,093
	Non - Paying	746	800	575	753
	Working Da	21	20	19	21
	Average	2,077	1,784	1,620	1,421
Saturday	Paying	4,601	3,679	4,160	3,572
	Non - Paying	109	77	83	83
	Working Da	4	4	5	5
	Average	1,178	939	849	731
Sunday	Paying	1,242	1,127	1,054	798
	Non - Paying	12	11	4	19
	Working Da	3	4	5	4
	Average	418	285	212	204

CHARLOTTETOWN RIDERSHIP - APRIL 2019

Day	Monthly Ridership	
	Non Paying	Paying
Sun	12	1,242
Mon	179	9,037
Tue	157	10,511
Wed	160	7,951
Thu	129	8,680
Fri	121	6,689
Sat	109	4,601
Grand Total	867	48,711

49,578



**CITY OF CHARLOTTETOWN
TREE PROTECTION BYLAW
#2019-TP-01**

9-0
Councillor
Bivard
absent

TO ESTABLISH A CITY OF CHARLOTTETOWN BYLAW WITH RESPECT TO TREE PRESERVATION AND PROTECTION PURSUANT TO THE PROVISIONS OF SECTION 180 (K) OF THE MUNICIPAL GOVERNMENT ACT OF P.E.I., R.S.P.E.I., 1988, Cap. M-12.1 AND SUBJECT TO THE ENVIRONMENTAL PROTECTION ACT R.S.P.E.I. 1988, Cap. E-9 AND THE PESTICIDES CONTROL ACT R.S.P.E.I. 1988, Cap. P-4

RESOLVED: THAT the bylaw to establish the "CITY OF CHARLOTTETOWN TREE PROTECTION BYLAW" be read a first time.

Moved by Councillor Terry MacLeod x Terry MacLeod

Seconded by Deputy Mayor Jason Coady x Jason Coady
Date: April 8, 2019

RESOLVED: THAT the bylaw now be approved as a City Bylaw and that it be entitled the "CITY OF CHARLOTTETOWN TREE PROTECTION BYLAW" and that it be read a second time at the next public meeting of Council.

Moved by Councillor Terry MacLeod x Terry MacLeod

Seconded by Deputy Mayor Jason Coady x Jason Coady
Date: April 8, 2019

THEREFORE; BE IT RESOLVED: THAT the "CITY OF CHARLOTTETOWN TREE PROTECTION BYLAW" be read a second time and that the said Bylaw be now adopted.

Moved by Councillor _____

Seconded by Deputy Mayor _____
Date: _____

This Tree Protection Bylaw, #2019-TP-01, was adopted by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

Peter Kelly, CAO

Philip Brown, Mayor

**City of Charlottetown
Tree Protection Bylaw
Bylaw #2019-TP-01**

BE IT ENACTED by the Council of the City of Charlottetown as follows:

1. Title

1.1. This Bylaw shall be known as, and may be cited as, the "Tree Protection Bylaw".

2. Purpose

2.1. The purpose of this Bylaw is to:

- a) recognize the importance of trees as green infrastructure and to protect trees on City-Owned Property;
- b) protect privately owned and City-Owned Heritage Trees within the City;
- c) prohibit the removal of, or damage to, Protected Trees;
- d) regulate and establish requirements for preservation, protection, maintenance, removal and replacement of Protected Trees;
- e) put in place inspection and enforcement provisions, including penalties for damaging or removing a Public Tree or Protected Tree without written permission.

3. Authority

3.1. Section 180(k) of the *Municipal Government Act*, R.S.P.E.I. 1988, M-12.1., provides that a municipality may pass bylaws respecting tree preservation and protection, and the development and implementation of maintenance standards for trees and other vegetation, subject to the *Environmental Protection Act*, R.S.P.E.I. 1988, E-9., the *Pesticides Control Act*, R.S.P.E.I. 1988, P-4, and any other applicable enactment.

4. Application

4.1. This Bylaw applies to:

- (a) all trees located on or abutting City-Owned Property;
- (b) Heritage Trees and Protected Trees on City-Owned Property and private property;
- (c) diseased, Infested or Hazardous trees on City-Owned Property and private property; and
- (d) development and construction activities, including those pursuant to the City's Zoning and Development Bylaw.

4.2. Nothing in this Bylaw precludes or relieves a person of complying with any federal, provincial or local government enactments that may apply to the protection or removal of trees.

5. Definitions

5.1. In this bylaw:

- a) "Abutter" means the owner, lessee, or occupier of any premises or lot in the City which abuts a street or any other City-Owned Property, and includes premises or a lot which has been registered as a condominium under the *Condominium Act Regulations*, EC10/78, including the condominium corporation which manages the premises or lot.
- b) "Certified Arborist" means a person who is certified by the International Society of Arboriculture.
- c) "City" means the City of Charlottetown.
- d) "City Arborist" means a person retained or designated by the City as the City's Arborist.
- e) "City-Owned Property" means all properties owned by the City of Charlottetown including, but not limited to, rights-of-way, leases, parks and green spaces, and woodlands.
- f) "Damage" means any action that will cause a tree to decline or die.
- g) "Diameter at Breast Height or DBH" means the diameter of the stem of a tree measured at 1.37 meters (or 4.5 feet) above the natural grade at the base of the tree, except where there are multiple trunks, in which case DBH means the sum of the diameter of the trunks measured 1.37 meters (or 4.5 feet) above the natural grade.
- h) "Diseased Tree" means any tree with an abnormal growth or dysfunction.
- i) "Drip Line" is the area on the ground that corresponds with the outermost circumference of a tree canopy where water drips from and onto the ground.
- j) "Forestry Technician" means a person with forestry experience and education which enables them to preserve and safeguard the urban forest.
- k) "Grade" means increasing or decreasing the natural level of the soil around the trunk of a tree. Raising the grade reduces the tree's access to air, water and nutrients. Reducing the grade exposes and causes damage to tree roots in the TPZ. Grade changes lead to root mortality, decline in vigor and frequently, death of the tree.
- l) "Hazardous" means a tree with a defect sufficient to increase the likelihood that all or part of the tree will fail, resulting in risk of personal injury or property damage. Whether a tree is hazardous will be determined by a Certified Arborist or Certified Tree Risk Assessor as designated by the International Society of Arborists or a Forestry Technician.
- m) "Heritage Tree" means a Protected Tree within the City that has historical or cultural value to the City and/or has a DBH of greater than 100 cm.

- n) "Infested Tree" means a tree that is infested with an insect pest.
- o) "Large Caliper Tree" means a balled and burlapped tree with no less than a 50mm trunk diameter measured approximately 30 cm above the ground. See Appendix 2.
- p) "Natural Causes" means causes including disease, insect pests, climatic, hydrological or geotechnical conditions, structural defects or aging, which cause a tree to become hazardous.
- q) "Owner" means the registered owner of a lot upon which a tree is located, or their authorized agent.
- r) "Park" means any green space, woodland or recreational facility owned by the City.
- s) "Protected Tree" means a tree, hedge or shrub of any size located on City-Owned Property or a Heritage Tree located within the City. Invasive species, as listed in Appendix 3, are not considered protected.
- t) "Pruning" means selective cutting or removal of living or dead branches of a tree according to the standards set out by the International Society of Arboriculture and which is consistent with promoting the health and growth of the tree.
- u) "Public Tree" means any tree in a Park, along a highway, and on any other land owned, leased or otherwise vested in or controlled by the City.
- v) "Remove" means to cut down a tree and/or remove it from its present location.
- w) "Small Tree" means a tree that is no more than four feet tall and/or is in a five gallon pot.
- x) "Structural Root, Buttress Root or Anchoring Root" means a large, woody tree root that anchors the tree and supports the trunk and crown of the tree.
- y) "Tree" is a woody perennial plant with one or more substantially erect trunks or stems and a root system.
- z) "Tree and Root Protection Zone or TPZ" means the area around the trunk of the tree contained within a circle which has a radius of X meters, where $X = (DBH(cm) \times 15) / 100$ (or 1.25 feet for every inch of DBH), or one meter beyond the drip line, whichever is greater. Also defined as the area within the Tree Protection Barrier.
- aa) "Tree Risk Assessment" means a report prepared by the City Arborist, or designate, that documents the characteristics, condition and possible hazards of the tree and includes a photograph. The report includes a recommendation to retain or remove the tree and any required maintenance.
- bb) "Tree Maintenance" means the application of arboricultural techniques to maintain a tree.

- cc) "Tree Protection Barrier" means a sturdy, continuous protection barrier or fence that is at least one meter in height and is installed around the TPZ, or one meter beyond the Drip Line, whichever is greater.
- dd) "Topping" means indiscriminate cutting off of branches at the top of a tree which may result in weak unstable limbs that are prone to breakage and tree decay resulting in increased maintenance requirements, possible hazards, or the death of the tree.
- ee) "Tunneling" means boring a hole under the root system of a tree causing minimum disturbance to accommodate underground installations.
- ff) "Utility" includes the facilities for energy and communications, the provision of those facilities and the persons responsible for the provision and maintenance, whether the facilities are publicly or privately owned.
- gg) "Written Permission" means signed letter or email correspondence.

6. Interpretation

- 6.1. This Bylaw relates to the protection, assessment, maintenance, removal and disposal of trees within the City of Charlottetown.
- 6.2. This Bylaw is administered under the authority of the City Arborist in consultation with the Managers of Public Works, Parks and Recreation, Water and Sewer Utility, Sustainability and Planning Departments.
- 6.3. Tree ownership will be determined by the City's Forestry Technician or designate using field markers and land survey information.

7. Tree Maintenance

7.1. City Tree-Crew staff have the following duties and powers:

- a) to inspect, protect and carry out maintenance on Public Trees;
- b) to enter upon any lands in the City, including privately owned lands, for the purpose of assessing trees for risk and for disease or insect infestations that may affect the health of the trees;
- c) to enter upon any lands in the City, including privately owned lands, to carry out pruning or tree removal operations for the protection of the public, City-Owned Property or the health of the trees;
- d) to plant trees on any City-Owned Property;
- e) to plant trees on private property, in consultation with the property Owner, where the City right-of-way is not sufficient to sustain a tree. Trees planted on private property will be maintained by the City for one year. After one year, the tree care and maintenance becomes the responsibility of the property Owner.

7.2. Notice will be served to the property owner three days in advance of any work (tree planting, removals or pruning) taking place on private property.

8. Restrictions

- 8.1. No person shall alter or remove a Public Tree without obtaining written permission from the City in accordance with section 19 of this Bylaw.
- 8.2. Trees planted on private and City-Owned Property must meet the criteria laid out in Appendix 4 – Criteria for Vacant Tree and Shrub Planting Sites.
- 8.3. No person shall carry out, cause or permit the following:
 - a) take down, remove, top, prune, spray, fertilize or otherwise disturb a Public Tree;
 - b) deposit, place or store on City-Owned Property, any material that may impede the free passage of water, air or other nutrients to the roots of a Public Tree;
 - c) excavate or disturb the soil within the Tree Protection Zone (TPZ) of a Public Tree, as identified in Section 10 and Appendix 1;
 - d) cut, damage or undermine the roots of a Public Tree within the TPZ;
 - e) cut a Public Tree's structural or anchoring roots;
 - f) change the grade or drainage around a Public Tree within in the TPZ, or otherwise interfere with the Public Tree's access to water, air or nutrients;
 - g) operate a truck, backhoe, excavator, other heavy equipment or otherwise cause soil compaction over the roots within the TPZ of a Public Tree;
 - h) mark, brake, remove bark or branches from or deface a Public Tree;
 - i) dent, gouge or damage the trunk of a Public Tree;
 - j) fasten any sign, bill, notice, wire, rope, nail, zip tie or any other potentially restrictive or damaging material to or around a Public Tree;
 - k) attach anything to or lean anything up against a Public Tree which may cause damage to the trunk or any part of the Public Tree;
 - l) cause or allow any gas, liquid or solid harmful to trees to come in contact with a Public Tree or the roots of a Public Tree;
 - m) damage a Public Tree by fire;
 - n) remove or interfere with a barrier designed to protect a Public Tree;
 - o) permit an electrical current to come in to contact with a Public Tree;
 - p) cut, remove or damage a Public Tree on a steep slope, within a buffer zone or woodland; and/or
 - q) plant a tree or shrub on City-Owned Property.

9. Articles and Decorative Lights

- 9.1. Articles hung or installed in Public Trees, including lights, shall be done in a way such that there is no harm to the Public Tree:

- a) no pruning can be done for the installation;
- b) in accordance with sections 8.3(j) and (k), articles should be draped loosely over branches, no zip ties, wires or other fasteners can be used to fasten the articles to the Public Tree;
- c) articles must be installed on branches that are one inch in diameter or more to prevent breakage;
- d) articles cannot be installed or removed between March 1st and May 30th to prevent damage to leaf buds;
- e) articles must be inspected annually; and
- f) written permission from the City Arborist is required before installation of any articles in Public Trees.

10. Tree and Root Protection Zone (TPZ) – Construction

10.1. Where work or activities are taking place (on private land or City-Owned Property) that could damage the roots, trunk or branches of a Public Tree, a Tree Protection Barrier will be placed around the TPZ of the Public Tree, by the individual/organization doing the work. Where such work is taking place:

- a) a site plan must be submitted to the City prior to construction starting;
- b) the TPZ is calculated as the area around the trunk of the tree contained within a circle which has a radius of X meters, where $X = (DBH \times 15) / 100$ (or 1.25 feet for every inch of DBH), or one meter beyond the drip line, whichever is greater. TPZ distances are measured as a radius from the center of the trunk at ground level, as per Appendix 1;
- c) a Tree Protection Barrier shall be installed around the TPZ that is no less than 1 meter high, is made out of chain link or orange safety fencing and has metal or wood stakes securing it every 2.5 m, as per Appendix 1;
- d) a minimum of two signs will be placed on the fencing stating that this is a Tree Protection Zone, as per Appendix 1;
- e) the Tree Protection Barrier must be inspected and approved by the City Arborist or designate;
- f) the Tree Protection Barrier may not impede the sight lines of any roadway or driveway;
- g) all equipment and construction material must be kept outside of the Tree Protection Barrier;
- h) any grade changes must be made outside of the TPZ or the drip line plus one meter, whichever is greater;
- i) no portion of the Tree Protection Barrier can be affixed to the Public Tree;

- j) the Tree Protection Barrier will remain in place throughout the construction project;
- k) trenching shall not take place within the TPZ;
- l) if underground installations must take place in the TPZ, they must be installed by tunneling. Tunnels must not be less than one meter below grade;
- m) no roots greater than 2.5 cm in diameter can be cut;
- n) exposed tree roots must be covered with a suitable material and kept damp. Prolonged exposure of roots must be kept to a minimum.

11. Heritage Trees

- 11.1. Private or Public Trees that are one of the following five species – American elm, red oak, red maple, sugar maple, linden spp. – and which have historical or cultural significance and/or are trees with a DBH of 100cm or more are protected as Heritage Trees.
- 11.2. No person shall, without the written permission of the City, carry out, cause or permit the following:
 - a) removal of a Heritage Tree without a full Tree Risk Assessment and written permission from the City;
 - b) cause any type of damage, as per this Bylaw, to a Protected Tree.
- 11.3. The owner of a Protected Tree may, under the advisement of the City Arborist or City approved Certified Arborist, carry out pruning that is beneficial to the Protected Tree.

12. Pruning

- 12.1. All pruning cuts on Public Trees and Heritage Trees must be made by qualified individuals in accordance with International Society of Arborists (ISA) standards and may be inspected by the City Arborist or designate.
- 12.2. All pruning cuts made by City staff on private trees, in accordance with section 14.4, must meet the standards laid out in Subsection 12.1.

13. Invasive Species

- 13.1. City staff have the authority to enter upon any lands in the City, including privately owned lands, to assess, prune or remove a Diseased Tree, Hazardous Tree, or Infested Tree that is detrimental to the health of the tree or other trees.
- 13.2. Tree maintenance activities for diseased or infested trees must follow the protocols laid out in the City's Insect and Disease Management Programs.
- 13.3. No pruning or removal of elm or ash trees will take place between March 30th and October 30th unless deemed an emergency by the City Arborist or designate.
- 13.4. Invasive tree and shrub species shall not be planted. Refer to Appendix 3 of this Bylaw and/or the P.E.I. Invasive Species Council's Invasive Plant List (<http://peinvasives.ca/report>). If there is any discrepancy between Appendix 3 of

this Bylaw, and the P.E.I. Invasive Species Council's invasive plant list, the latter shall prevail.

- 13.5. No person shall remove wood from tree removal sites or sites designated for the disposal of insect infested or diseased wood without the written permission of the City Arborist. Notices will be posted at these sites and any persons removing wood from these sites will be subject to fines as per Subsection 22.2 of this Bylaw.

14. Removal or Pruning of Hazardous Trees on Private Property

- 14.1. The owner of a tree which abuts an adjacent public right of way or City-Owned Property, and which, in the opinion of the City Arborist, poses a hazard or a danger to persons or public property, shall, when so ordered in writing by the City Arborist and within the time designated by the City Arborist, abate such hazard or danger to the satisfaction of the City Arborist.
- 14.2. Where the Abutter has failed to comply with Subsection 14.1, the City Arborist may serve a notice in writing upon the Abutter requiring the trimming or removal of the tree. If the Abutter fails to abide by the City Arborist's notice within the time frame stipulated on the notice, the City may cause the same to be done at the expense of the Abutter, and the cost may be recovered from the Abutter by the City.
- 14.3. City staff may enter any lands within the City, including privately owned land, and undertake the work referred to in Subsection 14.1, if the Abutter does not undertake or complete the work, as in Subsection 14.1. Work done by City staff or a City contractor will be at the expense of the Abutter.
- 14.4. The City Arborist or designate may authorize the pruning of any privately owned trees which abut City-Owned Property, that extend out over a right-of-way, impede foot traffic or sight lines, or otherwise create an unsafe condition or hazard.
- 14.5. Notice will be served to the Abutter three days in advance of work referred to in this section taking place.

15. Parks, Green Spaces, Woodland Trees and Buffer Zone Trees

- 15.1. Persons doing any work in a Park or accessing a property through a Park shall carry out such work or access in accordance with this Bylaw.
- 15.2. The removal of healthy trees is not permitted, as per Subsection 19.1(a). Any individual, organization, business, or other party, who injures, destroys or removes a Public Tree in a Park without the prior written permission of the City may be subject to providing payment to the City as per Section 22 – Contravention of Bylaw.
- 15.3. Tree maintenance work must follow the Provincial *Environmental Protection Act*, R.S.P.E.I. 1988, E-9, when working near a watercourse, wetland or buffer zone.
- 15.4. The City Arborist or designate may authorize the pruning of any trees located on private property that have branches that extend over a Park, including the pruning of branches that are hazardous or create an unsafe condition.

16. Planning and Developments

- 16.1. This Tree Protection Bylaw is independent of the development process pursuant to the City of Charlottetown Zoning & Development Bylaw. However, development and construction activities must comply with this Bylaw's requirements.
- 16.2. Tree retention on lots and developments within the City is encouraged and shall count towards the required landscaping per the Zoning & Development Bylaw.
- 16.3. Heritage Trees are protected, and work around Heritage Trees must follow the restrictions laid out in Sections 8 and 10 of this Bylaw.
- 16.4. A minimum of one Large Caliper Tree (as per Appendix 2) per 10m of site frontage shall be provided by the Developer or property owner for every new building or development. The location of the tree planting sites will comply with the criteria in Appendix 4 of this Bylaw and the City's Planning Department's permitting process.
- 16.5. A variety of sizes and species of both deciduous and coniferous plants should be provided to ensure year round interest, diversity of species and aesthetic appeal. See Appendix 3 of this Bylaw for invasive plant species that are not allowed.
- 16.6. The City Arborist may approve the removal of trees and shrubs to allow for access to underground services and/or utilities. Landscaping plants must be reinstated once the utility and/or service work is complete. See Appendix 2 of this Bylaw for tree planting information.
- 16.7. Tree Risk Assessments must be done by the City Arborist or designate when building permit applications are submitted.

17. Supervision of Utilities and Contractors

- 17.1. Where a Utility or a contractor alters a Public Tree, the City Arborist may assign an inspector to supervise the work, the cost of which shall be borne by the Utility or the contractor.
- 17.2. The City Arborist may require that a Utility or contractor do such things as are necessary to ensure the health and safety of Public Trees affected by any works carried out by the Utility or contractor, even where not required by the Utility's or contractor's own standards.
- 17.3. The City Arborist may grant the approval for any work that is required under any other Bylaw to proceed even though the work may impact Public Trees.
- 17.4. A private or public Utility may carry out tree maintenance for the purpose of safety or to maintain the operation of the Utility's service and infrastructure. All pruning cuts must be made by qualified individuals in accordance with the International Society of Arborists (ISA) standards. The utility must seek written permission from the City to remove a tree.

18. Inspections

- 18.1. The City Arborist or designate may enter any property, including privately owned property, at reasonable times, to inspect a Public Tree or Heritage Tree or to carry out a Tree Risk Assessment for any purpose under this Bylaw.
- 18.2. No person shall prevent or obstruct entry authorized under this Bylaw.

19. Request to Alter or Remove a Public Tree

- 19.1. A request to alter or remove a Public Tree may be submitted to the City.
 - a) Written Permission to alter or remove healthy Public Trees will not be granted except under extreme circumstances. Each case will be reviewed by the City Arborist or designate.

19.2 If permission is granted to remove a healthy Public Tree per Section 19.1(a):

- a) measures must be taken to ensure the safety of the public and infrastructure [during the removal of the healthy tree]. Cleanup and disposal of wood must take place promptly;
- b) a fee, based on the size of the tree being removed, will be paid to the City by the person making the request:

Size of Tree to be Removed (DBH)	Fee
< 65 cm	\$1000.00
65 cm – 100 cm	\$2000.00
> 100 cm	Protected

- c) the cost of the tree removal, stump grinding and lawn reinstatement will be the responsibility of the person making the request.

20. Approvals and Exemptions

20.1. The City may do any of the following:

- a) refuse a request to remove or prune a Public Tree;
- b) approve a request to remove or alter a Public Tree, subject to conditions;
- c) approve a request to remove or prune a Public Tree, without conditions;
- d) approve activities prohibited under this Bylaw, as reviewed on a case by case basis.

20.2. The City may approve maintenance work that impacts Public Trees when carried out under the authority of the City. City work that will alter Public Trees must be approved by the City Arborist or designate.

21. Stop Work Order

21.1. Where the City Arborist determines that there is a failure to comply with any provision of this Bylaw, the City Arborist may give the applicant, violator, contractor responsible for the work, or the owner of the property on whose behalf the work is being done, an order in writing to stop said work and/or directing compliance with such provision, and may require the order to be carried out forthwith or within such reasonable time as the City Arborist requires.

22. Contravention of Bylaw

22.1. A person who contravenes a provision of this Bylaw is subject to the penalties imposed by this Bylaw.

A person, who removes, cuts down, alters or otherwise damages a Public Tree without the City's prior written permission is subject to a fine of:

- a) \$3000.00 for the first offence;
- b) \$4000.00 for a second offence and all subsequent offences.

22.2. A person, who removes insect infested or diseased wood from a tree removal site or a site designated for the disposal of such wood, contrary to Section 13.5, without the prior written permission of the City and where notice of such site is posted, is subject to a fine of \$1000.00.

23. Tree Reserve Fund

23.1. Funds collected from fines, pursuant to Section 22 of this Bylaw, and requests to remove Public Trees, pursuant to Section 19 of this Bylaw, will be directed to a Tree Reserve Fund.

23.2. Where landscaping work, as per Zoning & Development By-law PH-ZD.2-000, has not been completed, the Development Deposit shall be forfeited and directed to a Tree Reserve Fund.

23.3. Tree Reserve Funds will be used to plant trees on City-Owned Property to improve the City's urban forest canopy.

23.4. Planting locations will be chosen by the City Arborist or their designate.

24. Emergency Removal

24.1. A person may cut down or prune a tree that would otherwise be prohibited under this Bylaw where:

- a) there has been severe damage to the tree from Natural Causes;
- b) the tree is imminently dangerous to the public or to property;
- c) the City Arborist or designate has been contacted and has given verbal or written permission to cut down or prune the tree.

25. Use of Wood

25.1. In compliance with the City's sustainable practices, and with the permission of the City Arborist, effort should be made to use the wood from any trees that are removed (by, or on behalf, of the City) pursuant to this Bylaw. These uses must not contravene the protocols laid out in the City's Insect and Disease Management Programs.

26. Repeal of Existing Bylaw

26.1. On adoption, this bylaw replaces the Tree Maintenance Bylaw.

27. Effective Date

27.1. This Tree Protection Bylaw, Bylaw# 2019-TP-01, shall be effective on the date of approval and adoption below.

First Reading:

This Tree Protection Bylaw, Bylaw #2019-TP-01, was read a first time and approved by a majority of members present at the Council meeting held on the _____ day of _____, 2019.

Second Reading:

This Tree Protection Bylaw, Bylaw #2019-TP-01, was read a second time and approved by a majority of members present at the Council meeting held on the _____ day of _____, 2019.

Approval and Adoption by Council:

This Tree Protection Bylaw, Bylaw #2019-TP-01, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 2019.

Witness the corporate seal of the City of Charlottetown

Mayor

Chief Administrative Officer

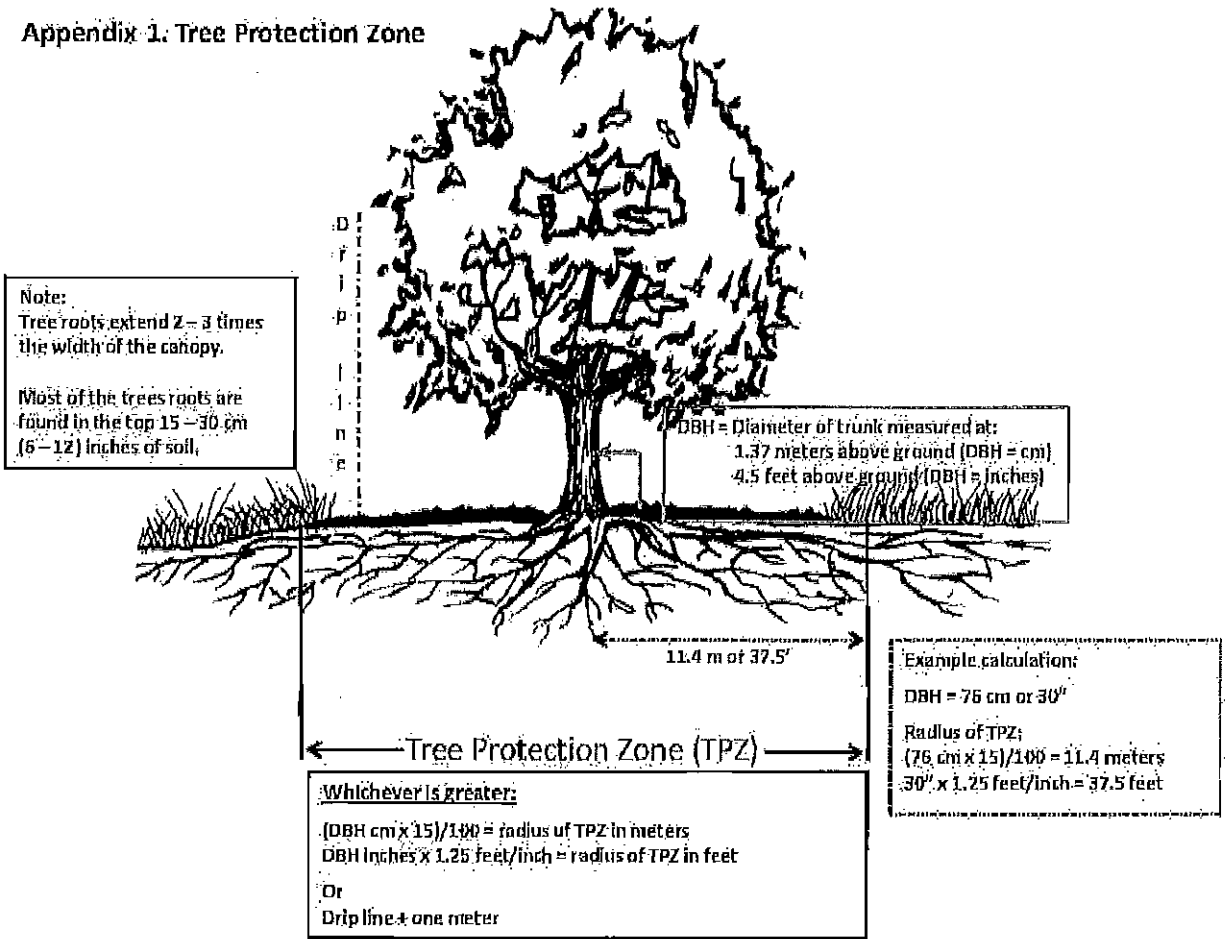
This Tree Protection Bylaw, Bylaw #2019-TP-1 adopted by the Council of the City of Charlottetown on the _____ day of _____, 2019 is certified to be a true copy.

Chief Administrative Officer

Date

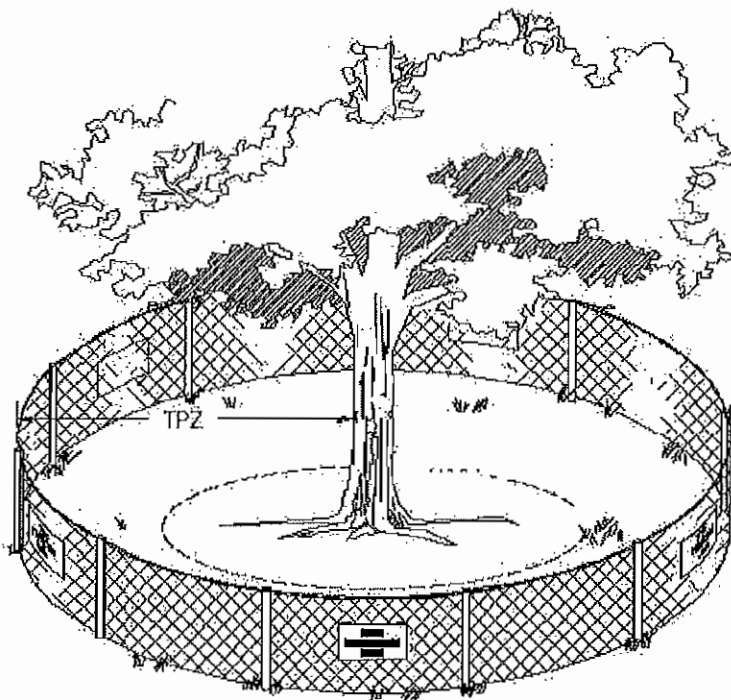
APPENDIX 1

Appendix 1. Tree Protection Zone



APPENDIX 1

Tree Protection Zone (TPZ) Fencing



Fencing will be placed at the boundary of the TPZ.

Fencing must be one meter high and secured to metal or wood stakes every 2.5 m.

Signage must be placed on fencing, indicating that this is a protected area.

APPENDIX 1

TREE PROTECTION ZONE (TPZ)

No grade change, storage of materials or equipment is permitted within this area.

This tree protection barrier must not be removed without the written authorization of the Town of Oakville.

Report any contraventions to

Unauthorized removal of the tree protection barrier or other contraventions may result in prosecution.

TREE PROTECTION ZONE (TPZ)


No equipment or vehicles shall be operated, parked, repaired or refueled within the Tree Protection Zone.

No construction activity, grade changes, surface treatment or excavations of any kind is permitted within the Tree Protection Zone.

No materials or fill may be stored within the Tree Protection Zone.

This tree protection barrier must not be removed prior to the completion of construction without written authorization from the City of Burlington, Urban Forestry Department.

For information contact:



**Tree
Protection
Zone**



NO ACCESS
Contact:

APPENDIX 2

Tree Planting Information

- Tree planting locations should be assessed for proper growing conditions.
- Tree species should be researched to determine their suitability for the planting site conditions (plant hardiness zone, growing conditions, size at maturity, susceptibility to insect pests and diseases, maintenance, growth habit, invasive tendencies or other possible issues).
- Native species generally thrive and have fewer insect and disease issues because they are growing in their native range.
- There is a wide variety of non-native trees and shrubs available. Avoid invasive species.
- See Appendix 4 for planting distances from utilities, underground services, City infrastructure, private approaches, etc.
- Shrubs and trees that need to be removed for access to underground services must be replaced as soon as possible.

Large Statured Trees

Caliper size (trunk diameter measured approximately 30 cm above the ground) no less than 55mm or a root ball size of 70cm.

Small Statured Trees

Caliper size (trunk diameter measured approximately 30 cm above the ground) no less than 45mm or 10 gallon pot.

APPENDIX 3

Invasive Species – Woody Plants

These plants have been identified by the PEI Invasive Species Council as invasive and should not be purchased, planted or swapped. <http://peiinvasives.ca/>

Species List:

Norway maple, *Acer platanoides* – There are many varieties of Norway maple available. Any tree with *platanoides* in the latin name is a Norway maple. 'Crimson King' maples are a Norway maple.

Manitoba maple, *Acer negundo*

Sycamore maple, *Acer pseudoplatanus*

Scots (Scotch) pine, *Pinus sylvestris*

Silver (White) poplar, *Populus alba*

European mountain ash, *Sorbus aucuparia*

Sycamore maple, *Acer pseudoplatanus*

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

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

Common buckthorn, *Rhamnus cathartica*

Blackthorn, *Prunus spinosa*

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

Salt cedar (Tamarisk), *Tamarix spp.*

Oriental bittersweet, *Celastrus orbiculatus*

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

Multiflora rose, *Rosa multiflora*

Species of Note

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

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

APPENDIX 3

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

All true ash trees are susceptible to emerald ash borer (EAB). EAB has been found in Nova Scotia and New Brunswick. There are two ash species native to Prince Edward Island – white ash, *Fraxinus americana* and black ash, *Fraxinus nigra*. Choose alternate species to plant. If planting native ash trees, also plant a variety of other species to increase biodiversity.

APPENDIX 4

Criteria for Vacant Tree and Shrub Planting Sites

New planting sites for large statured trees must meet the following criteria:

- ✓ The spacing for planting sites along city streets and sidewalks should be 8-10m apart.
- ✓ Volume of soil available to the tree should be 1000 cubic feet or 30 cubic meters.
- ✓ Large statured trees cannot be placed underneath existing utility transmission lines.
- ✓ Plantings should not impede sight lines or create a visibility hazard.
- ✓ On major arterial streets planting sites will be setback the recommended distance of 4m from the curb. When this cannot be achieved planting sites may be positioned up to a minimum setback of 2m on smaller streets. Smaller statured tree species should be used where the minimum setback is less than 4m.
- ✓ Plantings should be near the City property line. If room allows, trees can be planted on public property but must follow the setbacks outlined below:

Setback for trees:

Streets, lanes and sidewalks – 2m unless approved by the City Arborist or designate.

Fire hydrants - 3m

Electrical boxes on ground – 2m

Sewer/water grates – 2m

Surface utility equipment – 3m

Underground services – 3m

Private approaches – 3m

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

Bus stops - 8m from the approach direction

Stop signs - 8m

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

Signal regulated street intersections - 10m

Setback for Shrubs:

Surface utility equipment – 0.5m

Streets, lanes and sidewalks – 1m



**STRATEGIC PRIORITIES & INTERGOVERNMENTAL
COOPERATION COMMITTEE
REPORT TO COUNCIL
MAY 13, 2019**

The Strategic Priorities & Intergovernmental Cooperation Committee has not met since the last Council meeting.

There are no resolutions for your consideration.

Respectfully submitted,

Councillor Alanna Jankov, Chair



**FINANCE, AUDIT & TENDERING COMMITTEE
REPORT TO COUNCIL
May 13th, 2019**

The Finance, Audit & Tendering Committee met on May 8th, 2019. There are no Financial Statements included in this package for Council consideration.

There are no resolutions included in this package for your consideration.

Respectfully submitted,

Councillor Terry Bernard, Chair

Finance, Audit & Tendering Committee
May 8th, 2019
12:00 pm Parkdale Room

Present: **Councillor Terry Bernard (Chair)** **Councillor Greg Rivard**
 Councillor Bob Doiron **Councillor Mike Duffy**
 Mayor Philip Brown **Peter Kelly, CAO**
 Stephen Wedlock, AFM **Connie McGaugh, ACC**

Regrets:

1) Call to Order

Chair Bernard called the meeting to order at 12:05pm

2) Declarations of conflict of interest

There were no conflicts of interest declared.

3) Approval of Agenda

Moved by Councillor Rivard and seconded by Councillor Duffy that the agenda be approved as circulated. Motion Carried.

4) Adoption of Minutes

Moved by Councillor Doiron and seconded by Councillor Rivard that the minutes of April 4th and 5th, 2019 be approved as circulated. Motion Carried.

5) Business arising from Minutes

There was no business arising from the minutes.

6) Public Procurements

- a. Conference Management – Canadian Urban Forest Conference (May 1, 2019)**
- b. 2019 Tree Maintenance (1-May-19)**
- c. 2019 Fleet Vehicles Purchases (cancelled)**
- d. Winter River Wellfields Upgrades Phase 5 – Suffolk Wellfield Wellheads (3-May-19)**
- e. Fencing Replacement – Victoria Park Roadway (5-Apr-19)**
- f. Tennis Clubhouse Roof Replacement (5-Apr-19)**
- g. Update on Tenders**

Committee reviewed the bid sheets for the public procurements which have closed and are under review. AFM reported that the Fleet Vehicle Purchase was cancelled but went back on the City website today to go back out for quotes since the specifications were incorrect. The Committee reviewed the update on the tenders as to which have closing dates and which are still under review.

7) Manager's Operational Update

The AFM reported that the finance department is busy working on the capital expenditure claim as well as audit. The auditors are expected to be here starting June 3rd.

8) Motion to move into closed session, as per Section 119 (1) sub-sections (b) & (e) of the PEI Municipal Government Act.

Moved by Councillor Rivard and seconded by Councillor Duffy that the meeting move into the closed session. Motion Carried.

9) Adjournment of Public Session

Moved by Councillor Duffy and seconded by Councillor Doiron that the meeting be adjourned. Motion Carried.

Meeting adjourned 1:15 p.m.

Chair: Councillor Terry Bernard



**HUMAN RESOURCES, COMMUNICATIONS
AND ADMINISTRATION COMMITTEE
REPORT TO COUNCIL
May 13, 2019**

The Human Resources, Communications and Administration Committee have not met since the last meeting of Council.

- 2nd Reading and adoption – Staffing Bylaw Amendment Bylaw

Respectfully submitted,

Councillor Julie McCabe, Chair



**CITY OF CHARLOTTETOWN
STAFFING BYLAW AMENDMENT BYLAW
#2018-20-B**

GB
9-0
(Councillor Rivard absent)

Amend the City of Charlottetown Staffing Bylaw, #2018-20, with regard to consistent practices for the recruitment and selection of staff.

RESOLVED: THAT the bylaw to amend the "CITY OF CHARLOTTETOWN STAFFING BYLAW" be read a first time.

Moved by Councillor *Julie McCabe* Julie McCabe

Seconded by Councillor *Bob Doiron* Bob Doiron
Date: April 8, 2019

RESOLVED: THAT the bylaw be now approved as a City Bylaw and that it be entitled the "CITY OF CHARLOTTETOWN STAFFING BYLAW" and that it be read a second time at the next public meeting of Council.

Moved by Councillor *Julie McCabe* Julie McCabe

Seconded by Councillor *Bob Doiron* Bob Doiron
Date: April 8, 2019

THEREFORE; BE IT RESOLVED: THAT the "CITY OF CHARLOTTETOWN STAFFING BYLAW" be read a second time and that the said Bylaw be now adopted.

Moved by Councillor _____

Seconded by Councillor _____
Date: _____

This Staffing Bylaw Amendment Bylaw, #2018-20-B, was adopted by a majority of Council members present at the Council meeting held on ____ day of _____, 2019.

Peter Kelly, CAO

Philip Brown, Mayor

City of Charlottetown, PEI
A Bylaw to Amend the City of Charlottetown Staffing Bylaw
Bylaw #2018-20-B

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1.1. This bylaw shall be known and cited as the “Staffing Bylaw Amendment Bylaw.”

2. Purpose

2.1. The purpose of this bylaw is to amend the City of Charlottetown’s Staffing bylaw to establish fair and consistent practices for the recruitment and selection of staff.

3. Authority

3.1. Division 3 Section 93 (1)(d) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1 indicates the Chief Administrative Officer is responsible for hiring, directing, managing and supervising the employees of the municipality.

4. PART II – RECRUITMENT - of the City of Charlottetown Staffing Bylaw is hereby amended by the following:

4.1. Add new Section 3.8 as follows: *“Should the City be hiring for the position of Manager of Human Resources or Deputy CAO, the CAO and/or their designate will coordinate the hiring process with the assistance of an external hiring firm.”*

Approval and Adoption

5. Effective Date

5.1. This Staffing Bylaw Amendment Bylaw, #2018-20-B shall be effective on the date of approval and adoption below.

First Reading:
 This Staffing Bylaw Amendment Bylaw, #2018-20-B was read a first time and approved by a majority of members present at the Council meeting held on the ____ day of _____, 2019.

Second Reading:
 This Staffing Bylaw Amendment Bylaw, #2018-20-B was read a second time and approved by a majority of members present at the Council meeting held on the ____ day of _____, 2019.

Approval and Adoption by Council:
 This Staffing Bylaw Amendment Bylaw, #2018-20-B was adopted by a majority of Council members present at the Council meeting held on the ____ day of _____, 2019.

Witness the corporate seal of the City of Charlottetown

Mayor

Chief Administrative Officer

This Staffing Bylaw Amendment Bylaw, #2018-20-B adopted by the Council of the City of Charlottetown on ____ day of _____, 2019 is certified to be a true copy.

Chief Administrative Officer

Date



**PARKS, RECREATION AND LEISURE ACTIVITIES COMMITTEE
REPORT TO COUNCIL
May 13th, 2019**

The Parks, Recreation and Leisure Activities Committee met on April 30th and a copy of those draft minutes are included in your package.

There are no resolutions from our department.

The Volunteer of the Month for May is Russell Hambly. Russell has been a constant volunteer at many city events over the past number of months including George Trainor Holiday Classic, the SPUD AAA Minor Hockey Tournament and the National Dodgeball Championship to name a few.

Respectfully submitted,

Councillor Mitchell Tweel, Chair

PARKS, RECREATION AND LEISURE ACTIVITIES COMMITTEE
Tuesday, April 30th, 2019
4:00 PM – Parkdale Room, City Hall

Present: **Councillor Mitchell Tweel, Chair** **Councillor Julie McCabe**
 Councillor Terry Bernard **Frank Quinn, PRM**
 Peter Kelly, CAO **Philip Brown, Mayor**
 Christopher Drummond PC (Note Taker) **Mike White AS**

Others:
Twelve members of the general public also in attendance.

Regrets: Jackie McKinnon AA

1. CALL TO ORDER

The meeting was called to order at 4:03 PM by Chair Mitchell Tweel.

2. DECLARATIONS OF CONFLICT OF INTEREST

No declarations of conflict.

3. APPROVAL OF AGENDA

Moved by Councillor Bernard and seconded by Councillor McCabe, that the agenda for Tuesday, April 30th 2019, be approved.

CARRIED

4. ADOPTION OF MINUTES (April 11th, 2019)

Moved by Councillor Bernard and seconded by Councillor McCabe that the minutes of April 11th, 2019 be approved.

CARRIED

5. BUSINESS ARISING FROM THE MINUTES

a. Mayor Brown mentioned that he has received numerous emails with regards to the floating dock in Victoria Park and that all of them were not in favor of the dock. Mayor Brown asked if this matter would be dealt with at today's meeting. Councillor Bernard noted that this item is scheduled to be discussed in the closed session today.

b. Follow up on Forbes Kennedy Open House Event

Chair Tweel spoke about the purpose of the Forbes Kennedy Open House that the Parks and Recreation Department are attempting to organize. The event is expected to be held at the Beaconsfield Carriage House. George Matthews has been confirmed as the MC. This Open House event will also be an opportunity for the first Forbes Kennedy Volunteer of the Year Award to be presented. This event is scheduled to take place during the City's Natal Day Weekend on June 8 from 11 AM – 1 PM. Staff are finalizing the criteria for the award and the details relating to this open house.

The PRLA Committee supports the location, date and time of the Open House event.

6. REPORTS:

a. Resolutions

i. Awarding of Playground Equipment Purchase 2019

The PRM handed out a draft resolution and backgrounder which included the results of the recently closed RFP for the purchase of park playground equipment for 2019. The PRM explained that the evaluation criteria is broken into two parts, which includes the Technical Evaluation Score, and if proponents scored at least 75 points out of 100 points, then their fee will be evaluated. The technical evaluation score is based on the following areas: play value, inclusive play, technical specifications, creativity and quality of proposal. It was noted that there was only one case where the low bid was not successful as the other values mentioned above outweighed the price when the scores were totaled. The PRM noted that further details are provided in the backgrounder to explain the evaluation criteria. There was a question if these companies were all Canadian based. The companies have Canadian distributors and all quotes are in Canadian dollars. Another question, what is the timeframe for receiving the equipment. The equipment will be ordered as soon as a resolution is passed by Council. It is expected to take 6 – 8 weeks to receive equipment from the order date. There being no further questions, the following resolution will be brought forth to council for consideration at a special meeting on May 3, 2019.

Moved Councilor McCabe and seconded Councillor Bernard that the resolution be accepted and forwarded to City Council for consideration.

CARRIED

ii. Awarding of Andrews Pond Trail Construction

The PRM handed out a draft resolution with regards to the awarding of the Andrews Pond Trail Construction project. The PRM mentioned that he was in the process of compiling the backgrounder, and he provided the committee with a verbal overview. It was noted that the City of Charlottetown in partnership with Wright's Creek Watershed Environmental Committee recently invited contractors to submit bids on this project. Three quotes were received, with the successful bid being Island Backhoe Services Inc for \$51,333.13 (HSTI). The proposed trail development will be taking place on new parkland that the City obtained as part of the Mackay Subdivision (PID #191718).

Councillor McCabe expressed her concern with regards to the amount of silt runoff that is going into Andrews Pond from neighboring building sites. It was agreed by the committee that the City needs to have tougher bylaws with regards to the runoff. The CAO is going to inquire with the Planning Department and request that they work closely with the provincial Department of Communities, Lands and Environment.

Moved Councilor McCabe and seconded Councillor Bernard that the resolution be accepted and forwarded to City Council for consideration on May 3, 2019.

CARRIED

7. INTRODUCTION OF NEW BUSINESS

Mayor Brown introduced a letter from a local tennis participant and his concerns at the Victoria Park Tennis courts. Mayor provided copies of the letter for all committee members and staff in attendance and asked that they review the concerns. Chair Tweel inquired about the work that was done on the Victoria Park Tennis Courts in the Fall of 2018 and asked if these deficiencies are covered under our warranty. The PC said that there is warranty for this work. The PRM noted that there is a significant hold back for this project, and the funds will not be released until the work is completed in the late Spring early Summer of 2019.

8. MOTION TO MOVE INTO CLOSED:

Moved by Councillor Bernard and Seconded by Councillor McCabe to move into closed session at 4:25PM, as per section 119 (1) sub-section (e) of the Prince Edward Island Municipal Government Act.

CARRIED

9. MOVED BACK INTO OPEN SESSION

Moved by Councillor McCabe and Seconded by Councillor Bernard to move back to open session at 6:18PM.

CARRIED

10. REQUEST RELATING TO ACADIAN DRIVE SUBDIVISION

The PRLA Committee supports the recommendation to exempt this subdivision from having to provide cash-in-lieu of parkland. The committee agreed to forward a resolution to Council for consideration on May 3, 2019.

The committee requested that the PRM follow-up with the Province to request that the remaining upper piece of land (same PID #442400) be conveyed to the City of the purpose of public road. The committee suggested that the Province host a Public Meeting, so that the residents can be informed on the details of this proposed development.

11. MOTION TO ADJOURN

Moved by Councillor McCabe and Seconded by Councillor Bernard that the meeting be adjourned a 6:25PM.

The meeting adjourned at approximately 6:25PM

Chair: Councillor Mitchell Tweel



**PROTECTIVE AND EMERGENCY SERVICES COMMITTEE
REPORT TO COUNCIL
May 13, 2019**

The Protective & Emergency Services Committee met on May 6th 2019. The minutes are included in your package.

There are no resolutions for your consideration.

Respectfully submitted,

Councillor Bob Doiron, Chair

FIRE INVESTIGATIONS – There were four fire investigations.

FIRE INSPECTOR CONSULTATIONS – There were thirteen Fire Inspector consultations. Those included meetings, code inquiries, etc.

SMOKE ALARM VISITS – There were one hundred and twenty-eight buildings visited, and one hundred and eighty-three units.

PUBLIC EDUCATION SESSIONS/PARTICIPANTS – There were six sessions with a total of 129 participants.

EMERGENCY RESPONSES – Total number of calls was 76. District 1 had 29 emergency responses (Engine 1 – 8 A.M. – 4 P.M. – 8 responses and 12 P.M. – 8 A.M. – 4 responses). District 2 had 26 emergency responses. There were nine Fire Inspector callouts. Total on scene time was 34 hours and 18 minutes.

TRAINING - Weekly Department training consisted of JPR topics, ladder drills, pump and vehicle operations, foam application practice, auto extrication, SCBA drills and Rapid Intervention Crew drills. Department also had five members recertified as MFR, five members completed the Fire Attack course, three completed the Incident Safety Officer course and five of the six recruits completed their Hazmat Awareness course.

DEPARTMENT ACTIVITIES – The Department participated in three Muscular Dystrophy boot drives, opened Station 2 for the Daffodil Campaign, and participated in the Emergency Preparedness Week activities at Canadian Tire. Members attended the WCB OH&S Conference and also coordinated and attended a Critical Incident Stress debriefing.

Chief MacDonald provided the following information to Committee:

- Social Media had 1958 tweets, 2386 followers and 2106 Face Book likes.
- New Fire Engine – Pre-construction meeting was held on both April 8th and 9th. Delivery date is to be on or before June 2, 2020.

Chief MacDonald advised the Provincial Hazardous Materials Response Team has been disbanded. Chief MacDonald and Deputy Chief Mamye are continuing discussions with the Provincial Government. In the interim, Provincial Government has confirmed an out of province Hazardous Materials Response Team will be deployed if necessary.

7. Reports – (Police)

Police Personnel – Training continues for personnel in Police Services. This includes Conducted Energy Weapon –Instructor & Recertification and Active Shooter – Instructor & Recertification.

Chief Smith updated Committee on replacements for vacant positions in Police Services. Cst. Phil Hirschberger began employment with Police Services on May 6th and Cst. Justin Drake and Cst. Josh Engroff will begin on May 13th. Those three are full time positions. Cst. Tyler Shea and Cst. Cody Cudmore will begin work in part-time positions around May 13th.

The screening process for summer staff is being finalized.

Members and employees of Police Services will be recognized at the upcoming Natal Day Service Awards.

Chief Smith updated Committee pertaining to the Cannabis Memorandum of Understanding with the Province.

Operational - There were no issues with the ECMA'S from a policing perspective.

Chief Smith advised meetings are still progressing with regard to the Police Review.

Committee was updated on Photo Enforcement elements within License Plate Reader System.

Deputy Chief MacConnell spoke on the new electronic parking ticket system which is set to go live on May 13th. He explained how the new system will work to Committee.

Traffic – A request was received from DCI- Farmers Market for Sunday Market. Concerns with full street closures, security, etc. were discussed. This request is presently with Scott Adams, Public Works for his input.

Community Policing - A new program from Medic Alert “Connect Protect Program” will be discussed with the P.E.I Chief's of Police to see if it could be used provincially. This program would assist Police Services when dealing with individuals with dementia, autism, etc.

Deputy Chief Coombs updated Committee on the following:

- Road checks were held during the month at multiple locations
 - Polar Plunge Fundraiser for Special Olympics was held at Police Services and raised a total of \$20,000.00 (\$2500.00 was raised by Police Services).
 - Continued with “Picture This” at Queen Charlotte Junior High School classes (7, 8 and 9.
 - Charlottetown Police Services partnered with Newcomers Society to create a translator list. There will be volunteers available at all times (24/7) in Somali, Mandarin, Arabic and Vietnamese.
 - Police Services participated in the Emergency Preparedness week at Canadian Tire
 - Member attended an invitation only information session put on by Halifax Regional Police and Nova Scotia Department of Justice. Speaker was Justice Michael Tulloch speaking on the “Independent Oversight Review” issues of street checking and carding of citizens and in particular information gathered on visible minorities.
 - Healthy Me officers are active in all Charlottetown Elementary schools (Grade 6). Approximately 400 students are participating.
- 8. Other Items:** Discussion was held on the following items:
- Issue with crosswalk on Mount Edward Rd. at the Mount For Continuing Care - This will be re-painted by Public Works.
 - Stop sign at Maple Ave. and Pine Dr. - Public Works will be contacted to obtain their input into this.
 - Cell phone enforcement - Deputy Chief Coombs advised designated enforcement will be conducted.

9. Adjournment

Moved by Mayor Brown and seconded by Councillor Ramsay that the meeting be adjourned. Carried.



#3 FIRE CALLS FOR APRIL 2019

District #1		District #2	
Type	Number	Type	Number
A/Alarm – Alarm Ringing No Fire	3	A/Alarm – Alarm Ringing No Fire	4
A/Alarm –Detector Activated	2	A/Alarm – Pulled/Accidental	2
A/Alarm – Equip Malfunction	4	A/Alarm – Smoke/Steam/Dust	3
A/Alarm – Workers Set Off	2	A/Alarm – Equip Malfunction	2
A/Alarm Cooking	2	A/Alarm – Workers Set Off	3
Ammonium Leak	1	A/Alarm – Working on System	1
MV Accident	4	A/Alarm – Cooking	11
MV Fire	1	Smoke from Chimney	1
EMS Assistance	1	Mutual Aid EMS	2
Brush Fire	1	Medical Assistance	1
Leaves Burning	1	Smell of Propane	1
Propane Leak	1	Water Rescue/2 People Missing/M Aid	1
		Wire on Tree	1
		MV Fire	1
		MV Accident	1
Fire Calls	23	Fire Calls	35

Total Calls for the Years 2018 and 2019

Total Fire Calls for 2018	Dist: #1	Dist. #2	Total Fire Calls for 2019	Dist: #1	Dist. #2
January	33	+ 18 (51)	January	30	18 (48)
February	23	+ 14 (37) (88)	February	34	19 (53) (101)
March	32	+ 11 (43) (131)	March	36	19 (55) (156)
April	27	+ 15 (42) (173)	April	23	35 (58) (214)
May	38	+ 26 (64) (237)	May		
June	21	+ 24 (45) (282)	June		
July	54	+ 27 (81) (363)	July		
August	53	+ 25 (78) (441)	August		
September	45	+ 19 (64) (505)	September		
October	48	+ 14 (62) (567)	October		
November	53	+ 34 (87) (654)	November		
December	35	+ 23 (58) (712)	December		
	Total Calls for 2018 - 712				

2019	(2018)	(From February 1 st to April 30, 2019)
23	25	Auto Alarms (No Fire/Alarm Ringing) both Station
4	1	Auto Alarms – Detector Activated both Stations
7	8	Auto Alarms – Pulled/Accidental/False both Stations
11	10	Auto Alarms – Smoke/Steam/Dust both Stations
26	20	Auto Alarms – Equip. Malfunction both Stations
2	3	Auto Alarms – Sprinkler/Power Failure both Stations
21	12	Auto Alarms – Working on System/Workers set off
29	20	Auto Alarms – Cooking both Stations
123	99	Total Auto Alarm
28	21	Mutual Aid/Stand By - Both Stations
6	6	Fire Calls to the WR Ind. Park – District #2

April 2019

	2019 Monthly Reported	2019 Monthly Actual	2019 Actual To Date	2018 Monthly Actual	2018 Actual To Date
Robbery	2	2	4	2	2
Assault	31	23	83	18	70
Break & Enter	7	4	17	10	26
Theft of MV	4	2	6	0	0
Theft Over \$5000	0	0	3	0	3
Theft Under \$5000	96	84	332	56	221
Have Stolen Goods	3	2	15	2	7
Frauds	19	16	88	12	83
Offensive Weapons	1	1	6	0	2
Other Criminal Code	116	77	323	72	248
Drugs	5	5	22	9	33
LCA	59	53	131	23	104
Municipal - Totals	2520	2520	10239	2847	10866
Parking Tickets	2433	2433	9916	2741	10538
Nuisance Bylaw	65	65	225	70	221
Dog Bylaw	22	22	98	36	107
Collisions	91	91	388	53	298
HTA	355	349	1225	386	1707
HTA Violations		316	1076	316	1500
Other Traffic	72	72	176	64	289
CC Traffic	32	18	78	40	108
Complaints		1252	4616	1034	3955

HIGHWAY TRAFFIC ACT – Moving Violations non- speeding

The following is a synopsis of vehicles found in violation of non-speed related moving violations for the month of Apr 2019.

Allen St/Upper Prince	1
Arterial Hwy/Rte 2	1
Belvedere Ave/Queen	3
Capital Dr/North River Rd	1
Euston St/Great George	1
Euston St/Weymouth	4
Grafton St E	2
Great Geroqe St/Kent	2
Heather Ave/Coles	2
Park St/Riverside	1
Prince St/Grafton	1
Prince St/Kent	2
Oak Dr/Rogers	1
Queen St/Grafton	1
St Peters Rd/Angus	5
St Peters Rd/St Pius X	2
University Ave/Allen	2
University Ave/Belvedere	5
University Ave/Enman	3
University Ave/Nassau	2

Upper Prince St/Euston	1
Walker Dr	1
Water St/Weymouth	4

HIGHWAY TRAFFIC ACT – Non-Moving Violations

The following is a synopsis of vehicles found in violation of non-moving violations for the month of Apr 2019.

Allen St/Jordan	2
Arterial Hwy/Mount Edward	1
Arterial Hwy/St Peters	4
Beasley Ave	1
Belvedere Ave/Brackley Point	1
Belvedere Ave/Farmers Mkt	1
Belvedere Ave/Maple	1
Brackley Point Rd/Arterial	1
Brackley Point Rd/Ellis	1
Brackley Point Rd/MacAleer	2
Brackley Point Rd/Oak	3
Capital Dr/Sandstone	2
Confederation St	1
Eden St	1
Enman Cres	2
Esher St/Fitzroy	2
Euston St/Great George	1
Euston St/Spring Park	2
Euston St/Weymouth	4
Grafton St E	1
Grafton St/Edward	1

Grafton St/Queen	2
Grafton St/Weymouth	1
Heather Ave/Coles	1
Kensington Rd/Beasley	1
Kent St/Great George	4
Kent St/Prince	1
Kent St/Queen	1
Longworth Ave/Lapthorne	2
Lower Malpeque Rd/Gates	2
Lower Malpeque Rd/Westway	5
Maple Ave/Oak	1
Mount Edward Rd/Allen	1
Mount Edward Rd/Belvedere	2
Mount Edward Rd/Centennial	1
Mount Edward Rd/Fern Garden	3
Mount Edward Rd/Pine	2
Mount Edward Rd/Woodlawn	1
Nassau St/Dunkirk	6
Nassau St/Trafalgar	2
Northridge Pkwy	3
North River Rd/Beach Grove	1
North River Rd/Capital	7
North River Rd/Kirkwood	2

NON MOVING CONT'D

North River Rd/Nassau	5
North River Rd/McGill	1
Norwood Rd	5
Prince St/Grafton	5
Prince St/Richmond	3
Queen St/Connelly	1
Queen St/Euston	1
Queen St/Fitzroy	1
Queen St/Nassau	1
Queen St/Park Royal	2
Ralden Ave/St Peters	3
Riverside Dr/Garfield	2
Route 2/Countryview	2
Royalty Rd/Upton	1
Sherwood Rd	1
Spencer/Babineau	1
Spruce St	2
St Dunstans/Rte 2	3
St Peters Rd/Angus	3
St Peters Rd/Brows	1
St Peters Rd/Woodward	2
Sydney St/Cumberland	1

University Ave/Allen	2
University Ave/Belvedere	4
University Ave/Browns	4
University Ave/Buchanan	7
University Ave/Chestnut	1
University Ave/Enman	2
University Ave/Gerald	2
University Ave/Nassau	4
University Ave/Spencer	1
University Ave/Young	2
Upper Prince St/Gerald	1
Upton Rd	10
Walker Dr	1
Water St Pkwy	3
Water St/Queen	2

HIGHWAY TRAFFIC ACT – SPEED MONITORING

Police vehicles are equipped with radar monitoring devices, which provide speed monitoring capabilities in both stationary and moving operational modes from both marked and unmarked police vehicles. These capabilities provide monitoring to be at random and targeted locations.

The following is a synopsis of vehicles found in violation of speeding regulations for the month of Apr 2019.

Arterial Hwy/Oak	6
Brackley Point Rd/MacAleer	7
Brackley Point Rd/Sherwood	2
Fourth St	10
Heather Ave	1
Lower Malpeque Rd/Highfield	5
Lower Malpeque Rd/Westway	3
Mount Edward Rd/Hillside	6
Mount Edward Rd/Palmers	1
Mount Edward Rd/Woodlawn	1
North River Rd/Inkerman	4
North River Rd/McGill	3
Norwood Rd/Friar	1
Route 2/ Campbell	4
Route2/Sherwood	1
Route 2/Stockman	1
Sleepy Hollow Rd/Lower Malpeque	2
St Peters Rd/MacWilliams	5
University Ave/Belvedere	1

University Ave./Enman Cres.	6
University Ave/McKinnon	12
Upton Rd	5
Winsloe Rd/Campbell	1

CHARLOTTETOWN POLICE DEPARTMENT
BY-LAW ENFORCEMENT
Monthly Report April 2019

Phone Call Breakdown

Call Type	Total This Month	Total Previous Month	Total To Date
Dangerous, Hazardous, Unsightly	33	61	94
Nuisance	8	21	29
Zoning & Development	12	38	50
Traffic	17	46	63
Snow Related	7	61	68
Street Vendors	27	77	104
Other Bylaws (Crossing Guards, Etc)	11	41	52
TOTAL	115	345	460

Taxi Bylaw Breakdown

	Total This Month	Total Previous Month	Total To date
Taxi License Bylaw	2	8	10
Taxi Inspections	2	4	6
Total	85	14	99

Breakdown of Duties

	Week 1 April 1 st – 5 th	Week 2 April 8 th -12 th	Week 3 April 15 th - 19 th	Week 4 April 22 nd - 26 th	Week 5 April 29 th - 30 th	Total this Month	Total Prev. Month	TOTAL to Date
Files OPENED	7	6	4	6	3	26	83	109
Files CONCLUDED	9	8	9	3	4	33	64	97
Site Visits	5	7	6	5	3	26	110	136
SOT's sworn	82	91	74	23	48	318	1353	1671
Towed Vehicles	0	0	1	0	0	1	16	17
Paid Summons	0	0	175	0	0	0	\$7297	\$7472
Information's Signed	0	0	328	0	0	328	1059	1387
Crossing Guard Duties	0	0	0	2	0	2	6	8
Bylaw/Parking Tickets	0	0	012	0	0	12	0	12

Quick Look At This Month:

- This month there was a total of 115 calls received/made through the Bylaw Enforcement Office for April
- There were 26 Occurrences generated as a results of complaints.
- April was Taxi License Renewal month. Writer inspected 96 taxis
- There were 26 site visits/follow-ups made in April
- There was no "Resolutions To Council" this month.
- There was one (1) "Written Warning" in April.
- The majority of time for April was for Unsightly Premises (garbage), applications for Encroachment Agreements, and taxi inspections

Cst Todd Sutcliffe _____

Date: April 8th , 2019



**WATER AND SEWER UTILITY COMMITTEE
REPORT TO COUNCIL
MAY 13, 2019**

The Water and Sewer Utility Committee met on April 12, 2019 and the minutes are included in your package.

There are no resolutions for your consideration.

Respectfully submitted,

Deputy Mayor Jason Coady, Chair

Water & Sewer Utility Committee
Friday, April 11, 2019
12:00 PM – Parkdale Room

Present: Deputy Mayor Jason Coady, Chair
Councillor Julie McCabe, Vice-Chair
Councillor Mitchell Tweel, Member at Large
Peter Kelly, CAO
Richard MacEwen, UM
Chantal Matheson, EA

Regrets: Mayor Philip Brown

1) Call to Order

Deputy Mayor Jason Coady called the meeting to order at 12:00 PM.

2) Declarations of conflict of interest

There were no conflicts of interest declared.

3) Approval of Agenda

The agenda was approved as circulated.

4) Reports

a. Report No. WSC 3-19 East Royalty Lagoon Interconnection Gravity Sewer Trunkmain

A tender was issued for the construction of the East Royalty Lagoon Interconnection Sewer Trunk main. The bids were reviewed by WSP and they recommend acceptance of the low bid from Island Coastal Services \$5,265,620.00 (HST included).

The initial project budget was \$4,400,000. Construction costs have increased in the years since the initial estimate. Based on current pricing the tender value seems fair and is validated with two similar bids. It is recommended to proceed with the work. There is a need for an additional \$1,000,000 from the capital budget to cover potential increased costs. Should additional funding sources become available they will be pursued.

It was moved by Councillor Julie McCabe seconded by Councillor Mitchell Tweel to forward a recommendation to Council to accept the low bid from Island Coastal Services \$5,265,620.00 (HST included) and increase the Water and Sewer Utility Capital budget by \$1,000,000.

5) Adjournment

Moved by Councillor Mitchell Tweel and seconded by Councillor Julie McCabe that the meeting be adjourned. Carried.

Meeting Adjourned 12:05 pm.



**PUBLIC WORKS & URBAN BEAUTIFICATION COMMITTEE
REPORT TO COUNCIL
May 13th, 2019**

The Public Works & Urban Beautification Committee met on Thursday, May 2nd, 2019, with draft minutes included in the Regular Monthly Council package.

Three resolutions are anticipated to be forwarded.

Respectfully submitted,

Councillor Mike Duffy, Chair

PUBLIC WORKS & URBAN BEAUTIFICATION COMMITTEE

Thursday, May 2nd, 2019

12:15PM Parkdale Room, City Hall

Present: **Councillor Mike Duffy, Chair**
Councillor Alana Jankov
Councillor Mitchell Tweel
Councillor Terry MacLeod
Peter Kelly, CAO
Scott Adams, MPW
Wallace Higgins, AA

Absent: **Mayor Philip Brown**

CALL TO ORDER

Chair Duffy called the meeting to order at approximately 12:15PM. Moved by Councillor Jankov and seconded by Councillor Tweel.

DECLARATIONS OF CONFLICT OF INTEREST

No declarations of conflict.

APPROVAL OF AGENDA

The agenda was approved by Councillor MacLeod and seconded by Councillor Tweel.

ADOPTION OF MINUTES

It was moved by Councillor Jankov and seconded Councillor Tweel that the minutes from March 27th, 2019, meetings be approved.

BUSINESS ARISING FROM THE MINUTES

There was no business arising.

DOWNTOWN CHARLOTTETOWN'S FARMER'S MARKET

The current arrangement of the Downtown Charlottetown Farmer's Market permits vehicles to proceed along Queen St. without any restrictions and no barrier protection to vendors and pedestrians. Vendors line up along both sides of Queen St. in the parking stalls and pedestrians access a vendor's booth from the sidewalk. Pedestrians are encouraged to cross at crosswalks, but at times, they will pass between vendor booths and cross the street at various points. There is also an issue that some vehicles choose to double park behind vendors, to access local business which impedes traffic but creates safety concerns for vendors and pedestrians. This set up is not ideal

from a safety perspective. Although there have been no accidents to date, Ms. Alan, Downtown Charlottetown Inc., did note that there have been some near misses between vehicles and pedestrian since the market's inception.

All other major events that use this portion of Queen Street have been granted approval to shut down the street for the duration of the festivities, which has been successful for increasing safety for all those in attendance.

If approved, it should be required that Downtown Charlottetown Inc. meet the requirements of the Police and Public Works & UB Departments, and bare any additional costs for the shutdown, similar to other events. The Police and Public Works & UB Departments would also work with Downtown Charlottetown Inc. to reduce the footprint of the event to minimize traffic impacts in the area.

It is the recommendation of the Public Works & UB Committee that Council approve the request to close a portion of Queen St. downtown, each Sunday from June 23 to October 6, 2019. The Police Department have also reviewed the matter and are in agreement with this recommendation.

STREET BENCH DEDICATION PROGRAM

The City initiated the "Street Bench Dedication Program" where a member of the public can make a donation of \$600 to the City for the installation of a new park bench, with memorial plaque, to be installed at an agreed upon location within the City of Charlottetown. Since its inception, over 85 memorial benches have been installed, mostly in the Victoria Park Area. As years past, the City keeps adding to their inventory of benches due to this program, which adds additional maintenance costs.

Since its inception, the donation amount was intended to cover the cost of the purchase and installation of the bench. However, over time both the costs of the bench and delivery has significantly increased. The current cost of a new bench is approximately \$1,400-\$1,500. Please note that this does not include installation cost or ongoing maintenance.

The Manager of Public Works has reviewed similar programs from across Canada. Donation values vary between cities, but range from \$2,000 - \$2,800. Many cities also include a timeframe for the memorial benches (10 years) before a donor must renew their donation or the bench is available to other donors. Renewal fees vary, ranging from \$800-\$2,000. If a donor chooses not to renew a bench, the bench is then open to other donors.

Based on the above information, the Manager of Public Works is recommending a re-write of the program. This will include increasing the donation amount and will be reviewed on an annual basis, and adjusted accordingly. The donation will expire after a 10 year period, giving the existing donor first right of refusal to renew the donation for a reduced rate (50% of the original donation). If the donor does not renew, the bench is available to other donors as a memorial. These changes will help control the yearly increase of park benches that the City installs each year and help spread out benches throughout the City.

The Public Works & UB Committee approved the request to temporarily suspend the Memorial Bench program until the new program is re-written and approved by Council. The draft version will be brought forward at a future Public Works & UB Committee Meeting.

PUBLIC WORKS OPERATION UPDATE

The Public Works Department is currently in transition from winter operations to summer maintenance. For management, that means issuing tenders, and purchasing materials that will be used by staff during the summer. Management is also busy planning the summer activates for each crew.

Major operational items currently underway:

- a. Closing the Victoria Row for pedestrians only
- b. Opening the Victoria Park bike lane
- c. Deploying park benches around the city
- d. Creating an inventory of damage from the winter and developing repair schedules
- e. Cleaning up dirt and debris from the winter months

Committee members discussed ensuring the cleaning of bike lanes, pickup of sweeper piles in a timely manner, cleaning of University Ave., and the quality of topsoil used by staff.

INTRODUCTION OF NEW BUSINESS

Councillor Tweel recommended that the Victoria Park bike lane should remain close year round. Chair Duffy noted that this item should be brought forward at the next Parks & Recreation Committee meeting as they are responsible for Victoria Park.

MOTION TO MOVE INTO CLOSED SESSION

Moved by Councillor Tweel and Seconded by Councillor Jankov to go into closed session, as per section 119. (1) Sub-sections (e) of the Prince Edward Island Municipal Government Act.
Motion Carried. (at approximately 12:50pm).

MOTION TO ADJOURN

Moved by Councillor Tweel and Seconded by Councillor Jankov that the meeting be adjourned.
Motion Carried.

The meeting adjourned at approximately 1:00PM

The next regular meeting of the Public Works & Urban Beautification Committee is tentatively set for 12:15pm on Wednesday, May 22nd, 2019, at City Hall.

- end -

Councillor M. Duffy, Chair



**ECONOMIC DEVELOPMENT, TOURISM &
EVENTS MANAGEMENT COMMITTEE
REPORT TO COUNCIL
MAY 13, 2019**

The Economic Development, Tourism & Events Management Committee met on April 8 and May 9, 2019 and the draft minutes are included in your package.

There is one (1) resolution for your consideration.

Included in your package is the 2nd Reading of the Tourism Accommodation Levy Bylaw Amendment Bylaw (2019-TAL-01A).

Respectfully submitted,

Councillor Kevin Ramsay, Chair

**Economic Development, Tourism & Events Management
Committee Meeting
Monday, April 8, 2019
12:15 PM - Parkdale Room**

Present: **Chair, Councillor Kevin Ramsay** **Mayor Philip Brown**
 Councillor Terry MacLeod **Peter Kelly, CAO**
 Wayne Long, EDO **Ron Atkinson, EconDO**
 Laurel Lea, TO **Cindy MacMillan (AA)**
 Charlotte Nicholson, TEC

Regrets: **Councillor Bob Doiron**

1. Call to Order

Chair Councillor Kevin Ramsay called the meeting to order at 12:15pm

2. Declarations of conflict of interest

There were no conflicts of interest declared.

3. Approval of Agenda

It was moved by Mayor Brown and seconded by Councillor MacLeod that the agenda be approved as circulated. Carried.

4. Adoption of Minutes

It was moved by Councillor MacLeod and seconded by Mayor Brown that the minutes from March 13, 2019 be approved as circulated. Carried.

5. Business arising from Minutes

There was no business arising from the minutes.

6. Reports/Discussions

a. Event Management Update

Wayne Long, EDO, provided the Committee with a departmental update. The EDO recently attended the Sport Events Congress and two back to back Meetings & Conventions PEI attraction missions. The EDO highlighted that we're in a busy period of event hosting with a number of national and regional sport events due to take place. He also highlighted that the City will soon be hosting the East Coast Music Awards and the Event Atlantic Summit during the first week of May.

The Event Management file continues to be steady with prospecting and bidding. The Mayor, Councillor Ramsay, and the EDO recently met with the QMJHL with respect to new requirements associated with player safety, as well as future event hosting opportunities.

There will be a presentation to the Committee in the near future with respect to the advancing the Birthplace file.

b. Global Sport Impact (GSI) Report

Charlottetown maintained the number one ranking in Canada for hosting sport events in the GSI Canada Index: Population under 50,000. Charlottetown also climbed to number six overall in the country.

c. Tourism Update

Laurel Lea, TO, provided the Committee with a departmental update. The Tourism department has begun planning for Natal Day and Canada Day celebrations.

The TO inquired whether the Mayor's Office would be reinstating the Citizen Recognition Awards this year following an election year hiatus, and if yes, would the Awards take place during Natal Day celebrations. The Mayor indicated the Awards would be reinstated and confirmed that awards criteria is being evaluated.

The Visitor Information Centre will open on a limited schedule May 1 with the arrival of the first cruise ship of the season. The Centre will begin operating on a full time basis beginning Monday, June 3 and will be open the same hours as City Hall.

d. Economic Development Update

The EconDO provided an update to the Committee and reviewed upcoming meeting opportunities with businesses which include an IT event in Toronto along with Innovation PEI next month. Ron gave an overview of planning for Art in the Open which is the largest visual arts and culture event in the province each year, and is to be held on August 24. Ron provided background on a meeting with a foreign Global Affairs Canada Trade Commissioner from India, and possible connections in that market in the future. Ron attended meetings in Toronto along with Invest in Canada officials to re-establish the biennial business cost report by KPMG International, which is an excellent sales tool for Charlottetown. Ron also attended a meeting with the World Council on City Data to consider Charlottetown for their comparative Investable Cities Index. Ron reviewed a recent Turner Drake office and warehouse report indicating decreases in vacancy rates.

7. Motion to move into closed session

Motion to move into closed session, as per Section 119 (1) sub-section (e) of the PEI Municipal Government Act was moved by Councillor MacLeod and seconded by Mayor Brown. Carried.

8. Introduction of New Business

There was no new business.

9. Motion to adjourn

It was moved by Mayor Brown and seconded by Councillor MacLeod that the meeting be adjourned. Carried.

Adjourned 1:30 PM

**Economic Development, Tourism & Events Management
Committee Meeting
Thursday, May 9, 2019
12:15 PM - Parkdale Room**

Present: **Chair, Councillor Kevin Ramsay** **Mayor Philip Brown**
 Councillor Terry MacLeod **Peter Kelly, CAO**
 Wayne Long, EDO **Ron Atkinson, EconDO**
 Laurel Lea, TO **Jill Stewart, EA**

Regrets: **Councillor Bob Doiron**

1. Call to Order

Chair Councillor Kevin Ramsay called the meeting to order at 12:15PM

2. Declarations of conflict of interest

There were no conflicts of interest declared.

3. Approval of Agenda

It was moved by Councillor MacLeod and seconded by Mayor Brown that the agenda be approved as circulated.

4. Motion to move into closed session

Motion to move into close session, as per Section 119 (1) sub-section (e) of the PEI Municipal Government Act was moved by Mayor Brown and seconded by Councillor MacLeod. Carried.

5. Introduction of New Business

Natal Day Celebration Dates:

During the closed session Laurel Lea, TO presented a report on Natal Day Celebration dates.

The City of Charlottetown holds Natal Day celebrations annually during the first weekend of June to mark the City's birthday.

There is no clear understanding internally of the decision behind holding Natal Day celebrations in June; the City's official date of incorporation is actually April 17, 1855. Through conversations with the City's Heritage Researcher and Collections Coordinator, it has been discovered that a Civic Holiday for Natal Day was first proclaimed in 1957 and took place on August 5 of that year. There is

no official record of when the shift to a June date occurred; however records indicate it has been at least 20 years.

In an effort to have more optimal weather, maximize attendance at the City's Natal Day celebrations and not compete directly with similar events which happen during the current date, consideration should be given to transitioning Natal Day celebrations back to one of two August dates:

- The weekend preceding the first Monday in August. This weekend would align with the initial Natal Day proclamation, as well as with Natal/Civic Holidays in 9 other Canadian provinces.
- The final weekend in August. This weekend would align with the newly established Victoria Park Sunset Series and allow for the celebrations to be combined into a single event moving forward.

It was moved by Councillor MacLeod and seconded by Mayor Brown to forward a resolution to Council establishing its Natal Day the first Monday of August and that it be declared as an annual City of Charlottetown Civic Holiday.

2023 Canada Games:

During the closed session there was discussion on 2023 Canada Games Infrastructure. It was the consensus of the Committee that they support the development of an internal Canada Games Infrastructure Review Committee comprised of a combination of elected officials and staff of affiliated departments. The Committee would be tasked with making a recommendation to Council and eventually, the 2023 Canada Games Host Society.

It was moved by Mayor Brown and seconded by Councillor MacLeod that an internal 2023 Canada Games Advisory Committee on Infrastructure be established.

6. Motion to adjourn

It was moved by Mayor Brown and seconded by Councillor MacLeod that the meeting be adjourned. Motion Carried.

Adjourned 1:30PM



CITY OF CHARLOTTETOWN

RESOLUTION

Economic Development,
Tourism & Events
Management #1

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Kevin Ramsay

Seconded by Councillor _____ Terry MacLeod

RESOLVED:

That the City of Charlottetown establish its Natal Day to be the first Monday of August and that it be declared as an annual City of Charlottetown Civic Holiday.



City of Charlottetown

Report No: T 04-19

Date: May 9, 2019

Directed to:

ED, Tourism & Event Management Committee

Attachments:

- None

Department:

Tourism

Prepared by:

Laurel Lea, Tourism Officer (TO)

Subject:

Natal Day Celebration Dates

Recommendation:

That the Committee support the City's Natal Day celebrations transitioning from the first full week in June to one of two weekends during the month of August: the weekend prior to the first Monday in August or the final weekend in August, annually.

Report:

The City of Charlottetown holds Natal Day celebrations annually during the first weekend of June to mark the City's birthday.

There is no clear understanding internally of the decision behind holding Natal Day celebrations in June; the City's official date of incorporation is actually April 17, 1855. Through conversations with the City's Heritage Researcher and Collections Coordinator, it has been discovered that a Civic Holiday for Natal Day was first proclaimed in 1957 and took place on August 5 of that year. There is no official record of when the shift to a June date occurred; however, records indicate it has been at least 20 years. Former City staff recall a time when Natal Day celebrations took place over the Father's Day weekend, and note the eventual movement to the current celebration dates took place under former Mayors.

Charlottetown's climate often makes for temperamental weather in June (both unseasonably cool and/or wet) which at times has led to the cancellation of outdoor Natal Day programming such as Afternoon Fun in the Park and the Skateboard/BMX Competition. Additionally, the past few years have seen the introduction of two high profile fundraising events in Charlottetown which take place on Natal Day weekend: The Ronald McDonald House PJ Walk for Kids in support of Ronald McDonald House Charities Atlantic, and the Saints Peter & Paul Annual Middle Eastern Festival in support of Saints Peter & Paul Orthodox Church. The scheduling of these events which employ very similar programming including a pancake breakfast, face painting, and inflatables, have the events going head to head and have had a noticeable impact on Natal Day activity crowd sizes, particularly at Afternoon Fun in the Park and the Annual Pancake Breakfast in Rochford Square. I anticipate the scheduling conflict has also served as a deterrent from some families taking part in these worthwhile fundraising activities.



On a related note, as the City continues to more publicly embrace it's official designation as the "Birthplace of Confederation", more emphasis has been placed on the City's Capital City Canada Day celebrations which take place a mere three weeks after Natal Day and to date have incorporated a number of similar activities, albeit on a much larger scale.

In an effort to have more optimal weather and maximize attendance at the City's Natal Day celebrations, as well as at The Ronald McDonald House PJ Walk for Kids and the Saints Peter & Paul Annual Middle Eastern Festival, consideration should be given to transitioning Natal Day celebrations back to one of two August dates:

- The weekend preceding the first Monday in August. This weekend would align with the initial Natal Day proclamation, as well as with Natal/Civic Holidays in 9 other Canadian provinces.
- The final weekend in August. This weekend would align with the newly established Victoria Park Sunset Series and allow for the celebrations to be combined into a single event moving forward.

Following individual discussions with all Committee members, there has been a consensus to move the celebrations to August, therefore staff have begun to transition the planning period. Previous June holds for programming and promotions have been released and inquiries have been done with all regular Natal Day vendors with respect to potential availability on both August dates. No conflicts have been identified to date. Internal Natal Day Committee members have also been notified of the shift and have been asked to identify potential programming on each of the above listed dates.

Reviewed By:

CAO 	DCAO	Manager 	Other			
---	-------------	---	--------------	--	--	--

Recommendation(s)/Action(s):



**CITY OF CHARLOTTETOWN
TOURISM ACCOMMODATION LEVY BYLAW
#2019-TAL-01A**

9-0
(Councillor
Pisano
absent)
PB

Amend the City of Charlottetown Tourism Accommodation Levy Bylaw, #2019-TAL-01, to apply the levy to all accommodations inclusive of B&Bs, Inns, Airbnb, VRBO, etc. sold in tourism establishments.

RESOLVED: THAT the bylaw to amend the "CITY OF CHARLOTTETOWN TOURISM ACCOMMODATION LEVY BYLAW" be read a first time.

Moved by Councillor Kevin Ramsay Kevin Ramsay

Seconded by Councillor Terry MacLeod Terry MacLeod
Date: April 8, 2019

RESOLVED: THAT the bylaw now be approved as a City Bylaw and that it be entitled the "CITY OF CHARLOTTETOWN TOURISM ACCOMMODATION LEVY BYLAW" and that it be read a second time at the next public meeting of Council.

Moved by Councillor Kevin Ramsay Kevin Ramsay

Seconded by Councillor Terry MacLeod Terry MacLeod
Date: April 8, 2019

THEREFORE; BE IT RESOLVED: THAT the "CITY OF CHARLOTTETOWN TOURISM ACCOMMODATION LEVY BYLAW" be read a **second** time and that the said Bylaw be now adopted.

Moved by Councillor _____

Seconded by Councillor _____
Date: _____

This Tourism Accommodation Levy Bylaw, #2019-TAL-01A, was adopted by a majority of Council members present at the Council meeting held on _____ day of _____, 2019.

Peter Kelly, CAO

Philip Brown, Mayor

City of Charlottetown, PEI
A Bylaw to Amend the City of Charlottetown Tourism Accommodation Levy Bylaw
Bylaw # 2019-TAL-01A

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

- 1.1. This bylaw shall be known and cited as the “Tourism Accommodation Levy Bylaw Amendment Bylaw.”

2. Purpose

- 2.1. The purpose of this bylaw is to amend the City of Charlottetown’s Tourism Accommodation Levy Bylaw to incorporate proposed amendments as recommended by Economic Development, Tourism & Events Management Committee, to standardize formatting and to ensure overall consistency.

3. Authority

Pursuant to Section 161 (2) of the Municipal Government Act R.S.P.E.I. 1988, Cap M-12.1, Council may, by bylaw, impose a tourism accommodation levy on any person who for a daily charge, fee or remuneration purchases accommodation at a tourism establishment in the municipality.

4. Definitions

- 4.1. In this bylaw, any word and term that is defined in the *Municipal Government Act*, the *Tourism Industry Act R.S.P.E.I. 1988, Cap. T-3.3* or the *City of Charlottetown Tourism Accommodation Levy Bylaw* has the same meaning as in that Act, regulations or bylaw.

5. Section (4) Exemption from Levy – of the Charlottetown Tourism Accommodation Levy Bylaw is hereby amended by the following:

- 5.1. Delete subsection 4.2 and renumber remaining subsections
- 5.2. Replace subsection 4.3 with “*On June 1, 2019 the Tourism Accommodation Levy shall apply to all accommodations inclusive of B&Bs, Inns, Airbnb, VRBO, etc. sold in tourism establishments.*”

6. Section (6) Return and Remittance of Levy – of the Charlottetown Tourism Accommodation Levy Bylaw is hereby amended by the following:

- 6.1. In subsection 6.6, correct spelling error.

7. Section (9) Refund of Levy – of the Charlottetown Tourism Accommodation Levy Bylaw is hereby amended by the following:

- 7.1. Amend section 9.2 to read “...under subsection 9.1 from the amount”

Part II – Approval and Adoption

8. Effective Date

8.1. This Tourism Accommodation Bylaw Amendment Bylaw, #2019-TAL-01A, shall be effective on the date of approval and adoption below.

<p>First Reading: This Tourism Accommodation Levy Bylaw Amendment Bylaw, #2019-TAL-01A, was read a first time and approved by a majority of members present at the Council meeting held on the ___ day of _____, 2019.</p> <p>Second Reading: This Tourism Accommodation Levy Bylaw Amendment Bylaw, #2019-TAL-01A, was read a second time and approved by a majority of members present at the Council meeting held on the ___ day of _____, 2019.</p> <p>Approval and Adoption by Council: This Tourism Accommodation Levy Bylaw Amendment Bylaw, #2019-TAL-01A, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 2019.</p>

9. Witness the corporate seal of the City of Charlottetown

Mayor

Chief Administrative Officer

This Tourism Accommodation Levy Bylaw Amendment Bylaw, #2019-TAL-01A, adopted by the Council of the City of Charlottetown on _____ day of _____, 2019 is certified to be a true copy.

Chief Administrative Officer

Date



**COUNCIL ADVISORY COMMITTEE
REPORT TO COUNCIL
MAY 13, 2019**

The Council Advisory Committee met on May 7, 2019 and the draft open minutes are included in the package.

There is one (1) resolution for your consideration.

Respectfully submitted,

Councillor Terry MacLeod, Chair

Present: **Councillor Terry MacLeod, Chair
Councillor Mike Duffy, Vice-Chair
Mayor Philip Brown, Member
Peter Kelly, CAO
Tracey McLean, RMC**

Also: **Councillor Alanna Jankov**

1. Call to Order

Councillor MacLeod called the meeting to order.

2. Declarations of Conflict of Interest

There were no declarations of conflict.

3. Approval of Agenda

Moved by Councillor Duffy and seconded by Mayor Brown that the agenda be approved as presented. Carried.

4. Business Arising from the Minutes

It was noted that the Affordable Housing Advisory Committee, which was appointed April 5, 2019, still requires a City staff person and another member. Some discussion took place of whether the additional member should be a Councillor or an appointed resident member. More discussion to take place during the Closed session.

5. Approval of Draft Open Minutes

Moved by Mayor Brown and seconded by Councillor Duffy that the draft minutes of March 29, April 1, 2 & 5, 2019 be approved. Carried.

6. Motion to move into Closed Session

Moved by Councillor Duffy and seconded by Mayor Brown that the meeting move into a Closed Session as per Section 119 (1) Subsection (d) of the Municipal Government Act of Prince Edward Island. Carried.

7. New Business

Council moved back to an open forum and the following is a result of discussions held during the Closed session:

- It was moved by Councillor Duffy and seconded by Mayor Brown that the Council Advisory Board recommends that the Food Council receive a monthly stipend similar to what other advisory committees receive; a resolution to be forwarded for Council's consideration in the near future.
- The City to advertise in the local newspaper, social media and on its website to fill vacancies on remaining advisory boards.
- Standing Committees will consist of four (4) members (+ Mayor). Councillors will be contacted and asked to submit their preferences of which committees they wish to sit on; that information will then be reviewed by the Council Advisory Committee at a meeting scheduled for May 14, 2019 at Noon.

8. Adjournment

Moved by Councillor Duffy and seconded by Mayor Brown that the meeting be adjourned. Carried.

The meeting adjourned at 1:20 PM



CITY OF CHARLOTTETOWN

RESOLUTION

Council Advisory
Committee #1

MOTION CARRIED _____

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor _____ Terry MacLeod

Seconded by Councillor _____ Mike Duffy

RESOLVED:

That as per Council's discussion and decision of January 14, 2019, Councillor Alanna Jankov be appointed to the Council Advisory Committee as per Section 42.2 (a) of the City of Charlottetown Procedural Bylaw.

PROCEDURAL BYLAW (SECTION)

42 Committees of Council

42.1 Council shall, by resolution, establish a Council Advisory Committee which will recommend the terms of reference and Council appointments to any and all ad hoc or standing committees required or requested to consider, discuss or advise on matters of Council.

42.2 (a) The Council Advisory Committee shall consist of the Mayor, four (4) members of Council (nominated and appointed by motion of Council) and the CAO in an advisory (non-voting) capacity.

(b) Should Council receive from its members more than four (4) nominees to serve on the Council Advisory Committee, then the Council shall vote to determine the four (4) members from all of those Members nominated. The four (4) nominees with the highest vote count shall serve as Council's four (4) representatives on the Council Advisory Committee.

(c) The Council Advisory Committee shall each establish all committee mandates, terms, objectives, tasks, duties and responsibilities on any matter of which Council has requested.