



**PUBLIC MEETING AGENDA
NOTICE OF MEETING**

Tuesday, May 28, 2019 at 7:00 p.m.

Grafton/Richmond Room, Rodd Charlottetown Hotel, 75 Kent Street

1. **Call to Order**
2. **Declaration of Conflicts**
3. **Approval of Agenda**
4. **Reports:**
 - a. **351 North River Road (PID #'s 1014224 & 373415)**

A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) 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 this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.
 - b. **Miller Street / Pearson Street / Hanover Street (PID #530980)**

A request to rezone the 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.
 - c. **185 Brackley Point Road (PID #390963)**

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone.
 - d. **Amendments to the Zoning & Development Bylaw (Bylaw PH-ZD.2)**

Proposed amendments to the Zoning & Development Bylaw 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.
5. **Introduction of New Business**
6. **Adjournment of Public Session**



Information Sheet for Public Meeting of Tuesday, May 28, 2019

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

351 North River Road (PID #'s 1014224 & 373415)

A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) 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 this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.

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

Forty (40) letters were sent out on May 17, 2019 to property owners within a 100 meter radius of the subject property as per the Zoning & Development Bylaw.

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, May 18, 2019 and Saturday, May 25, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on May 15, 2019.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

(10-0)
Carried
PTB

RESOLUTION

Planning #1

MOTION CARRIED 10-0

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor  Greg Rivard


Seconded by Deputy Mayor  Jason Coady

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.

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		 CHARLOTTETOWN
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.

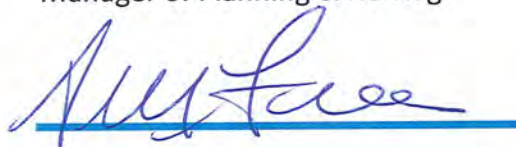
PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II

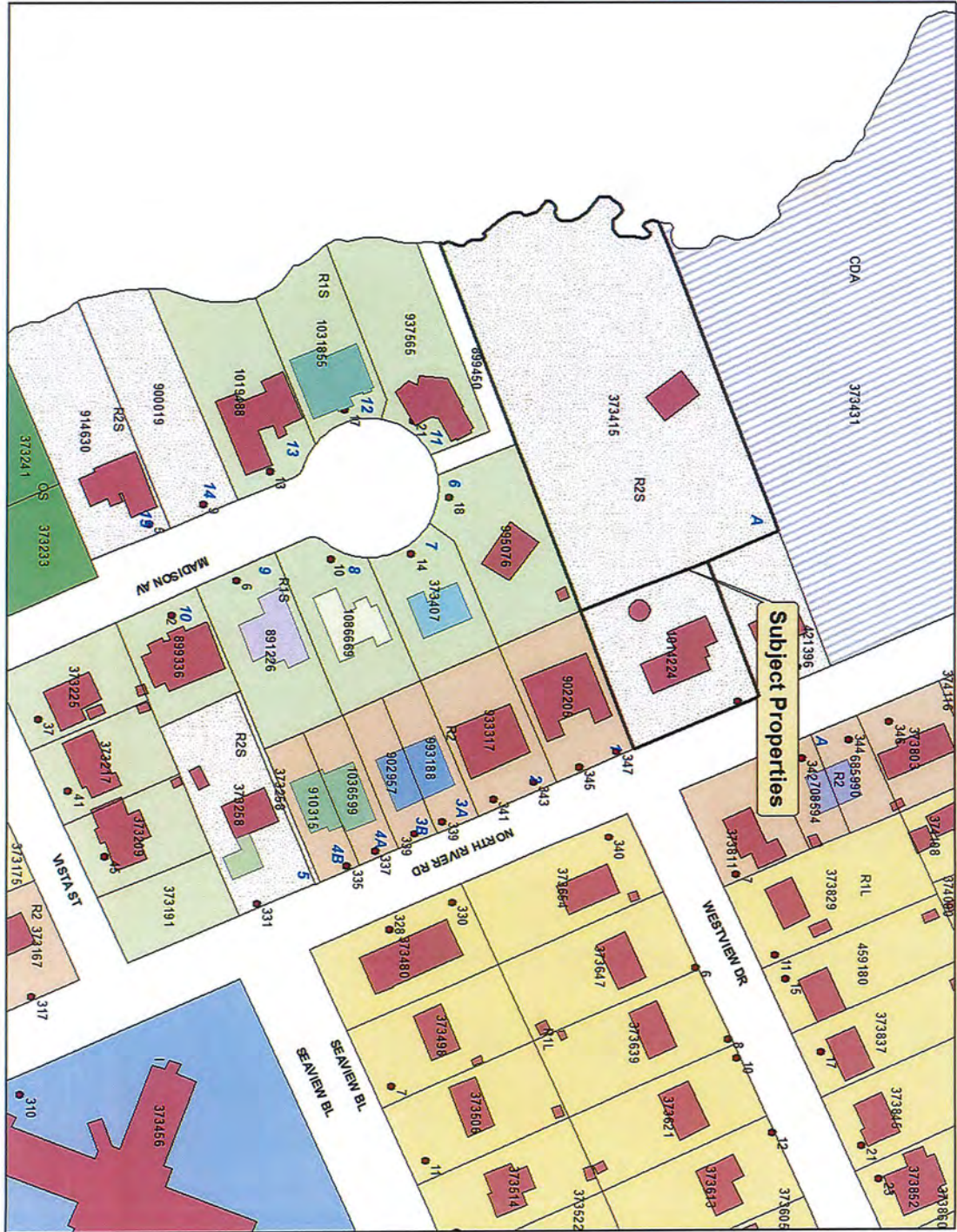


MANAGER:

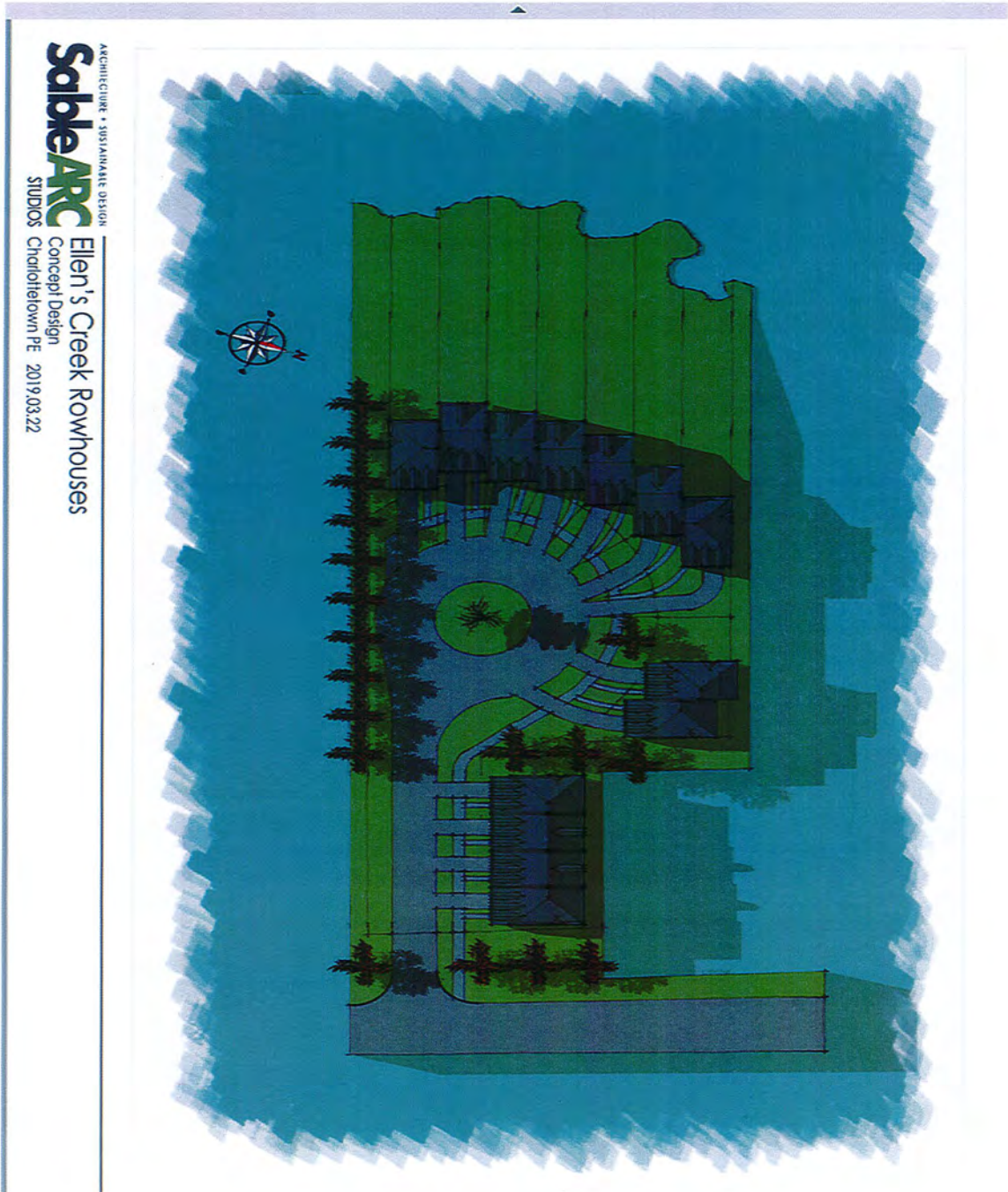
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



GIS Map:



Site Map:

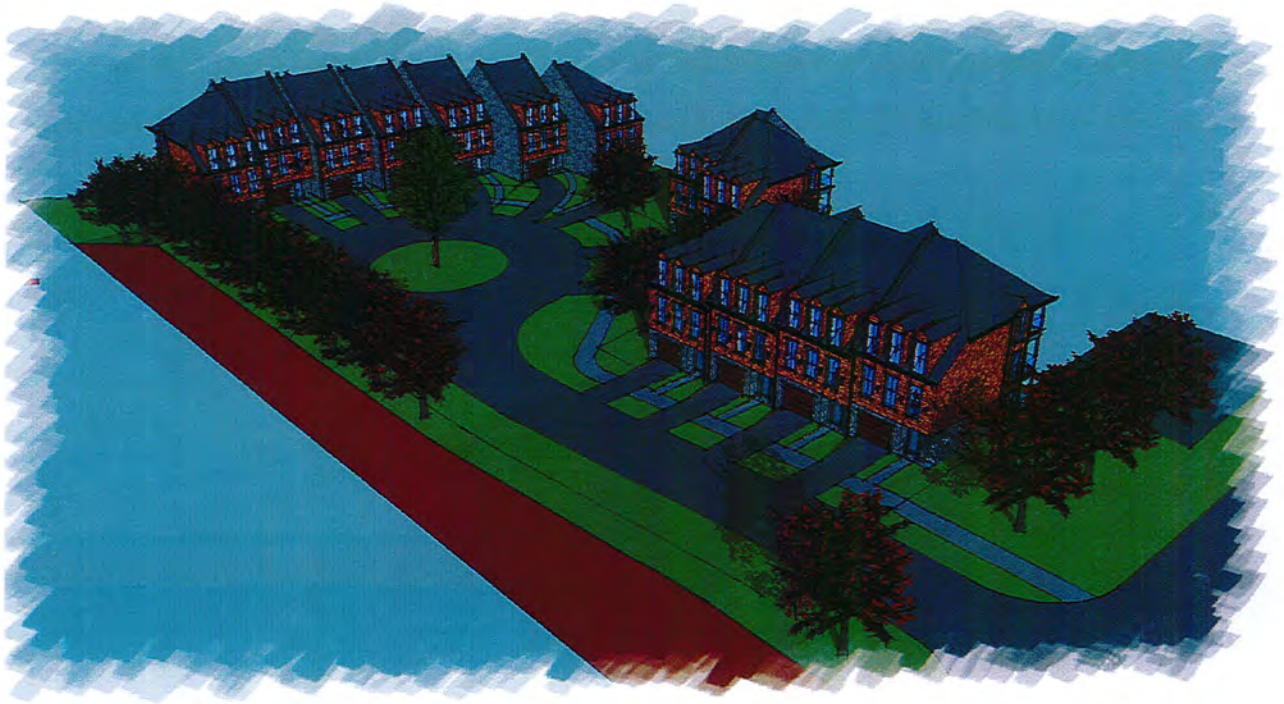




Elevations:







May17, 2019

Dear Property Owner:

Re: 351 North River Road (PID #s 1014224 & 373415)

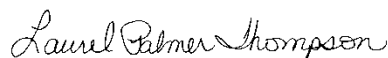
The City of Charlottetown Planning & Heritage Department has received a request to consider rezoning the property located at 351 North River Road (PID #s 1014224 & 373415) (see attached map) from the Low Density Residential Single (R-2S) Zone to the Medium Density Residential (R-3) Zone and to amend Appendix “A” the Official Land Use Map of the City of Charlottetown from Low Density Residential to Medium Density Residential and to amend Schedule “G” the Zoning Map of the City of Charlottetown from Low Density Residential Single (R-2S) Zone to Medium Density Residential (R-3) Zone.

The subject property is located along North River Road and borders Ellen’s Creek. The purpose of this rezoning request is to facilitate the construction of two townhouse dwellings and one semidetached dwelling for a total of thirteen (13) units (see attached site plan and concept drawings). The developer will have concept drawings of the proposed building available for viewing at the public meeting. The current R-2S Zone only allows for single detached or semidetached dwellings.

Pursuant to the requirements of the Zoning & Development Bylaw, and as a property owner located within 100 meters of the subject property, we’re inviting you to attend a Public Meeting for this application scheduled on Tuesday May 28, 2019, 7:00 p.m.at the Rodd Charlottetown Hotel (75 Kent Street). Written comments regarding the rezoning will be accepted at the Planning & Heritage Department or emailed to planning@charlottetown.ca no later than 12:00 pm on Wednesday, May 29, 2019. Any written response received will become part of the public record.

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

Yours truly,



Laurel Palmer Thompson, MCIP
Planner II

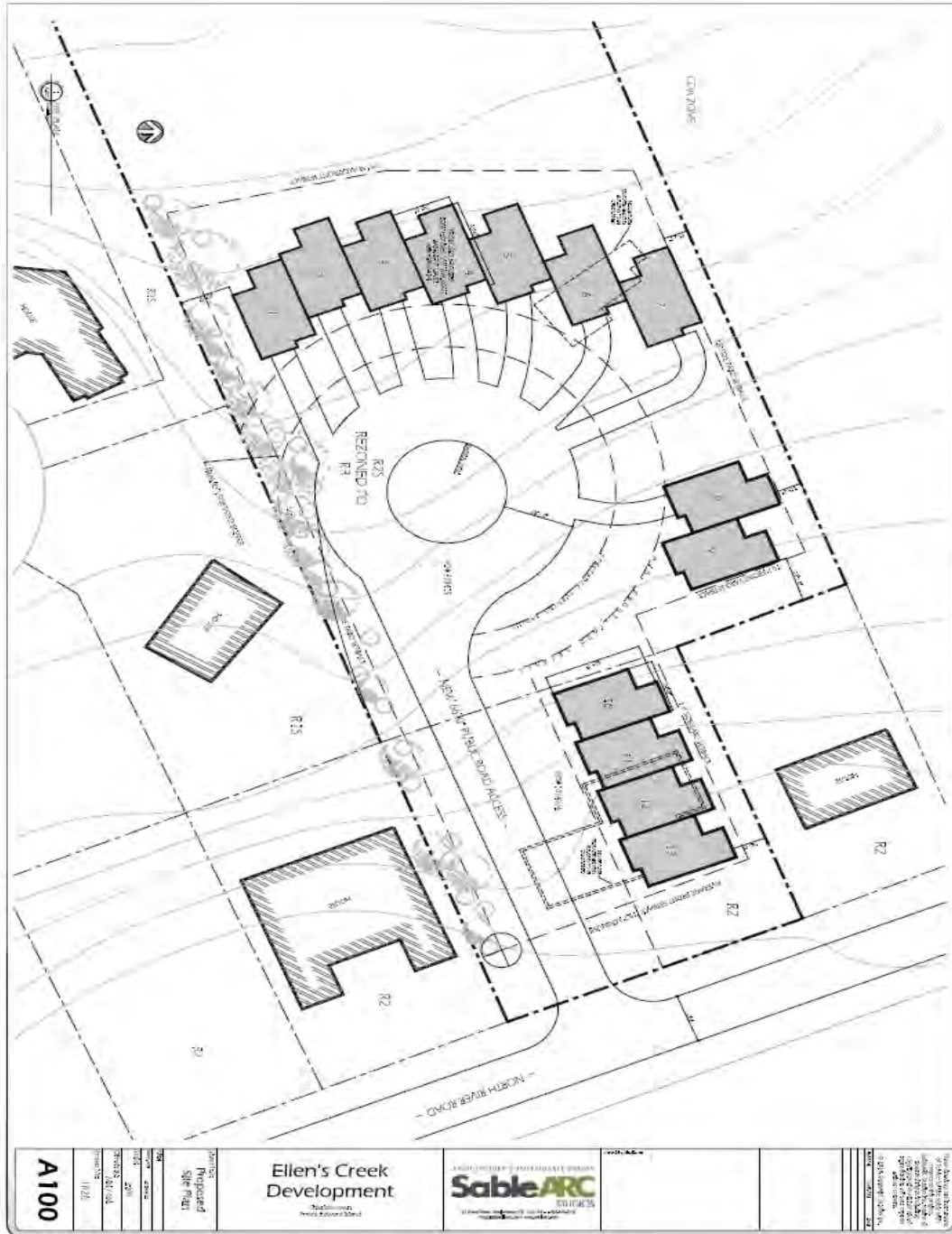


Location of Property requested to be rezoned:



Proposed site plan:





A100

Project Name	Ellen's Creek Development
Project No.	2015-001
Project Manager	John Doe
Project Status	Proposed
Project Date	11/25

Ellen's Creek Development
 The City of Charlottetown
 Planning Department

SableARC
 1000 Highway 100
 Charlottetown, PE
 T42 1A1
 www.sablearc.com

Site Plan
 Scale: 1:1000
 Date: 11/25/15
 Author: [Name]
 Reviewer: [Name]



Proposed buildings:





CHARLOTTETOWN



posted on pole along North River Road

2:31 PM, May 16, 2019

- EG



CHARLOTTETOWN

**NOTICE OF
PUBLIC
MEETING**

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

351 North River Road (PID #'s 1014224 & 373415)

A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) 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 this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department before 12:00 p.m. on Wednesday, May 29, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

**The Public Meeting will be held on:
TUESDAY, MAY 28, 2019 AT 7:00 P.M.
GRAFTON/RICHMOND ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.

Additional information may be available on the City's website

REQUEST FOR PROPOSALS

Sealed Proposals will be received by the office of the Acting Controller, 3rd floor, City Hall, 199 Queen Street, Charlottetown, PE until 2:00:00 PM local time on Thursday May 23, 2019 for the following:

PICK UP AND DISPOSAL OF COMPOST, RECYCLABLES, & WASTE FOR MUNICIPAL BUILDINGS

Proposal documents may be obtained at www.charlottetown.ca/tenders
 The City of Charlottetown is not bound to accept the lowest or any proposal received.

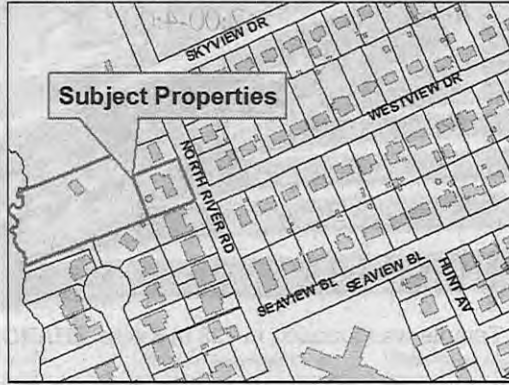
May 18, 2019

PUBLIC MEETING

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

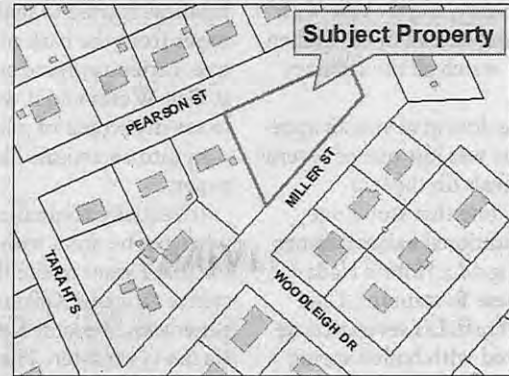
351 North River Road (PID #'s 1014224 & 373415)

A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) 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 this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.



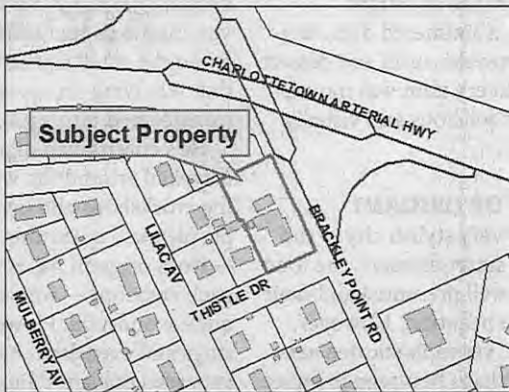
Miller Street / Pearson Street / Hanover Street (PID #530980)

A request to rezone the 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.



185 Brackley Point Road (PID #390963)

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone.



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

Proposed amendments to the Zoning & Development Bylaw 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.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department before 12:00 p.m. on Wednesday, May 29, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

**The Public Meeting will be held on:
 TUESDAY, MAY 28, 2019 AT 7:00 P.M.
 GRAFTON/RICHMOND ROOM, RODD CHARLOTTETOWN HOTEL
 75 KENT STREET**

The general public is invited to attend.

Information Sheet for Public Meeting of Tuesday, May 28, 2019

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

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

A request to rezone the 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.

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

Twenty eight (28) letters were sent out on May 16, 2019 to property owners within a 100 meter radius of the subject property as per the Zoning & Development Bylaw.

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, May 18, 2019 and Saturday, May 25, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on May 15, 2019.

One letter of opposition was received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

Planning #2

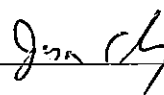
(10-0)
Carried
PB

MOTION CARRIED 10-0

MOTION LOST _____


Date: May 13, 2019

Moved by Councillor  Greg Rivard

Seconded by Deputy Mayor  Jason Coady

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.

TITLE: REZONING APPLICATION FILE: PLAN-2019-6-MAY- 6A2 MILLER ST / PEARSON ST / HANOVER ST (PID #530980) OWNER: MAC & MAC ENTERPRISES INC.		 CHARLOTTETOWN
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:



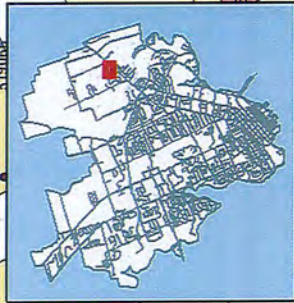
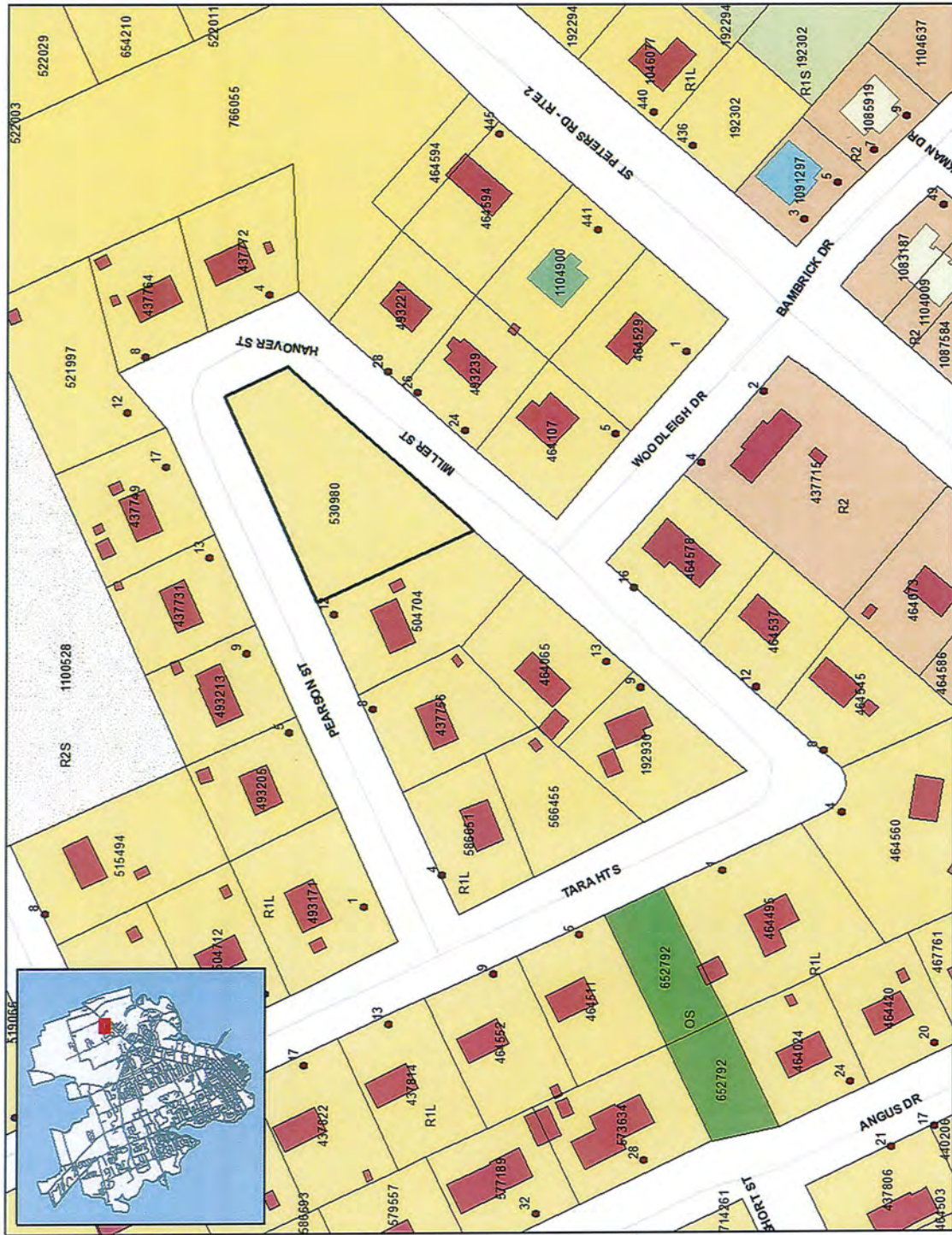
Greg Morrison, MCIP
Planner II

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.


CHARLOTTETOWN
Planning & Heritage
Department



May 16, 2019

Dear Property Owner:

Re: Corner of Miller Street / Pearson Street / Hanover Street (PID #530980)

The City of Charlottetown Planning & Heritage Department has received a request 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 on narrow properties (see attached plans).

Pursuant to the requirements of the Zoning & Development By-law, and as a property owner located within 100 meters of the subject property, you are being notified of this rezoning request. A public meeting for this application will be held on **Tuesday, May 28, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street**. All residents are welcome to attend.

Furthermore, we solicit your written comments for or against this rezoning request, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments in relation to the rezoning request must be received prior to **12:00 pm (noon) on Wednesday, May 29, 2019**. All submitted comments shall become part of the public record.

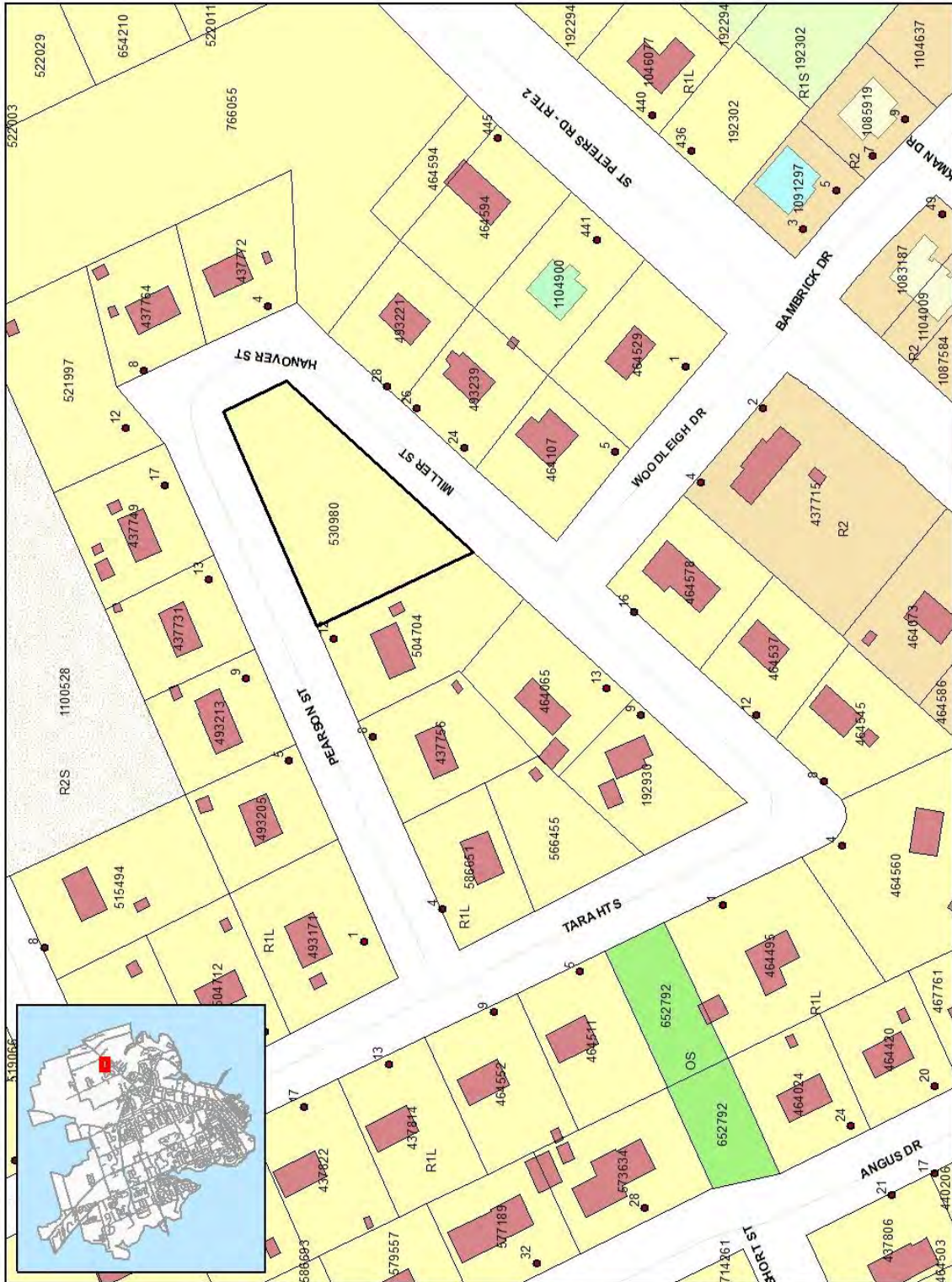
If you have any questions, in regards to this rezoning request, please contact the Planning & Heritage Department at (902) 629-4158.

Yours truly,



Greg Morrison, MCIP
Planner II





Posted on pole & tree

2:19 PM, May 16, 2019

-EG-



CHARLOTTETOWN

**NOTICE OF
PUBLIC
MEETING**

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

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

A request to rezone the 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.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department before 12:00 p.m. on Wednesday, May 29, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

**The Public Meeting will be held on:
TUESDAY, MAY 28, 2019 AT 7:00 P.M.
GRAFTON/RICHMOND ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET**

The general public is invited to attend.

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REQUEST FOR PROPOSALS

Sealed Proposals will be received by the office of the Acting Controller, 3rd floor, City Hall, 199 Queen Street, Charlottetown, PE until 2:00:00 PM local time on Thursday May 23, 2019 for the following:

PICK UP AND DISPOSAL OF COMPOST, RECYCLABLES, & WASTE FOR MUNICIPAL BUILDINGS

Proposal documents may be obtained at www.charlottetown.ca/tenders
 The City of Charlottetown is not bound to accept the lowest or any proposal received.

May 18, 2019 **PUBLIC MEETING**

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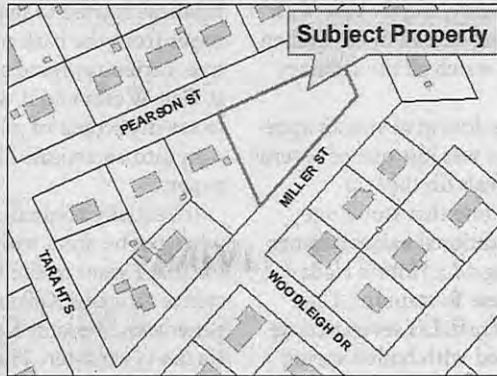
351 North River Road (PID #'s 1014224 & 373415)

A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) 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 this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.



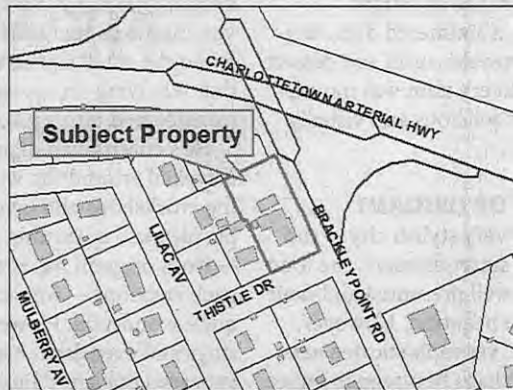
Miller Street / Pearson Street / Hanover Street (PID #530980)

A request to rezone the 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.



185 Brackley Point Road (PID #390963)

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone.



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

Proposed amendments to the Zoning & Development Bylaw 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.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department before 12:00 p.m. on Wednesday, May 29, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

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 GRAFTON/RICHMOND ROOM, RODD CHARLOTTETOWN HOTEL
 75 KENT STREET**

The general public is invited to attend.

Ganga, Ellen

From: Sandy Maceachern <sanleemac@gmail.com>
Sent: Wednesday, May 22, 2019 11:41 AM
To: Planning Department
Subject: PID #530980

I am against the proposed rezoning of the land on Miller, Pearson and Hanover streets. The lots and proposed houses will look incongruous with the bungalows on the street. I'm assuming the houses will be two story as the lots will be narrow, so the buildings will look totally out of place. There is quite a lot of space on the lot so it makes more sense for the builder to put two bungalows on Pearson, two on the other side and one on the end. This will also be more effective for the situating of driveways on the roads. Five separate but close driveways on one side of the street seems unnecessary and possibly a little dangerous

I don't object so much about the property going from three lots to five (greed aside, we do have a housing shortage), it is the aesthetics that are of concern to me. For that reason, I am against the proposal.

Sincerely,
Sandy MacEachern for Barbara Israel



Information Sheet for Public Meeting of Tuesday, May 28, 2019

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

185 Brackley Point Road (PID #390963)

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone.

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

Twenty one (21) letters were sent out on May 16, 2019 to property owners within a 100 meter radius of the subject property as per the Zoning & Development Bylaw.

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, May 18, 2019 and Saturday, May 25, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on May 15, 2019.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

*9-1 Council (Core
Decision
against)
AB*

Planning #7

MOTION CARRIED 10-0

MOTION LOST _____


Date: May 13, 2019

Moved by Councillor  Greg Rivard

Seconded by Deputy Mayor  Jason Coady

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.

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:



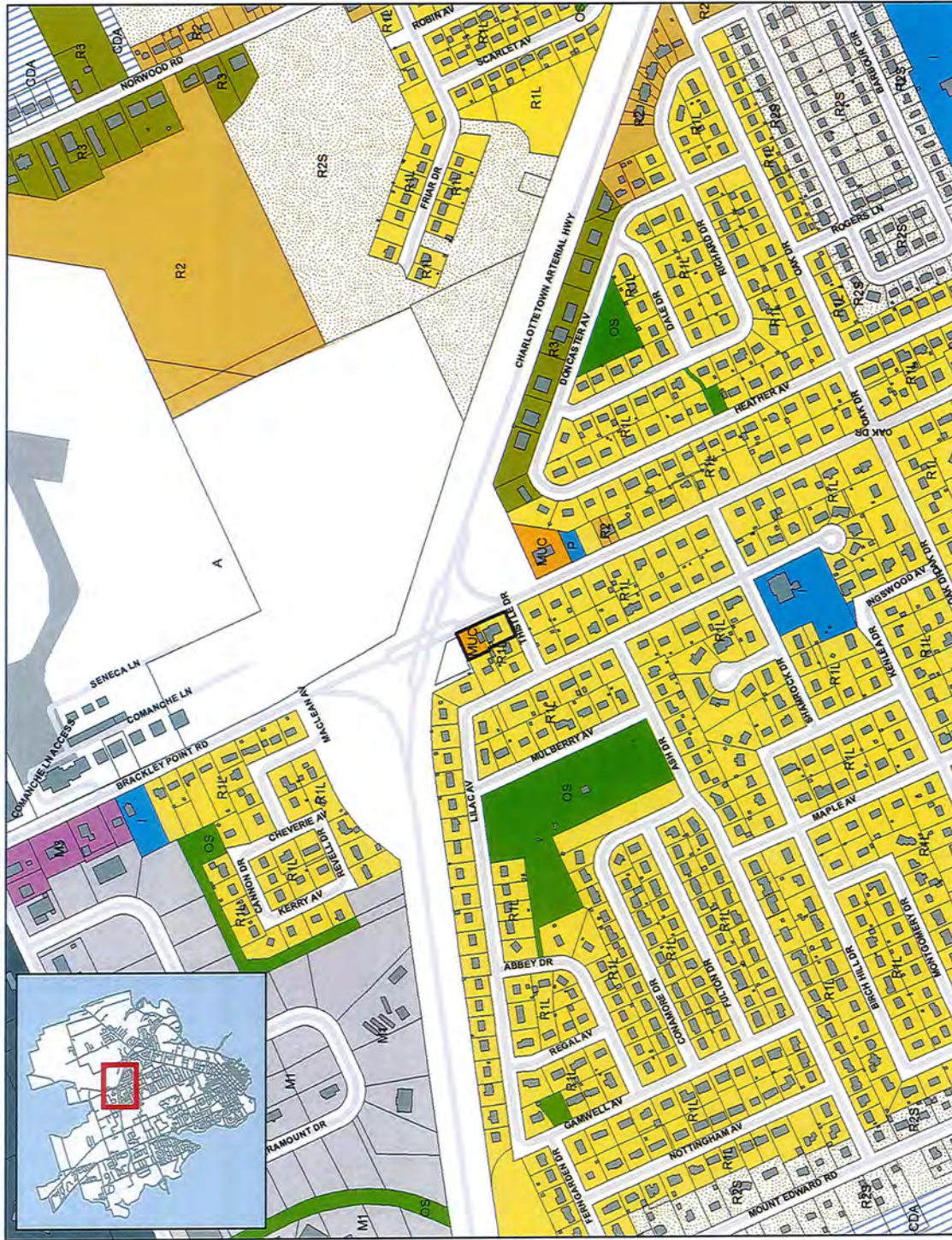
Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment 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



May 16, 2019

Dear Property Owner:

Re: 185 Brackley Point Road (PID #390963)

The City of Charlottetown Planning & Heritage Department has received a request for a site specific exemption in order to allow an Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses in the Single-Detached Residential (R-1L) Zone which is where the building is located.

The property currently contains Discount Car Rental (a legal non-conforming Automobile Sales and Services Business) and MP Auto Repair (a legal non-conforming Automobile Service Station). The purpose of the site specific exemption is to allow MP Auto Repair to include body repair and painting which is included under the definition for Automobile Body Shop.

Further, 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). This request is because the Police Department requires that a commercial address be identified in conjunction with the application for a taxi stand.

Pursuant to the requirements of the Zoning & Development By-law, and as a property owner located within 100 meters of the subject property, you are being notified of this requested site specific exemption. A public meeting for this application will be held on **Tuesday, May 28, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street**. All residents are welcome to attend.

Furthermore, we solicit your written comments for or against this requested site specific exemption, in addition to the rationale for your position. You may submit your comments to the Planning & Heritage Department or send an email to planning@charlottetown.ca. Comments in relation to the requested site specific exemption must be received prior to **12:00 pm (noon) on Wednesday, May 29, 2019**. All submitted comments shall become part of the public record.

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

Yours truly,

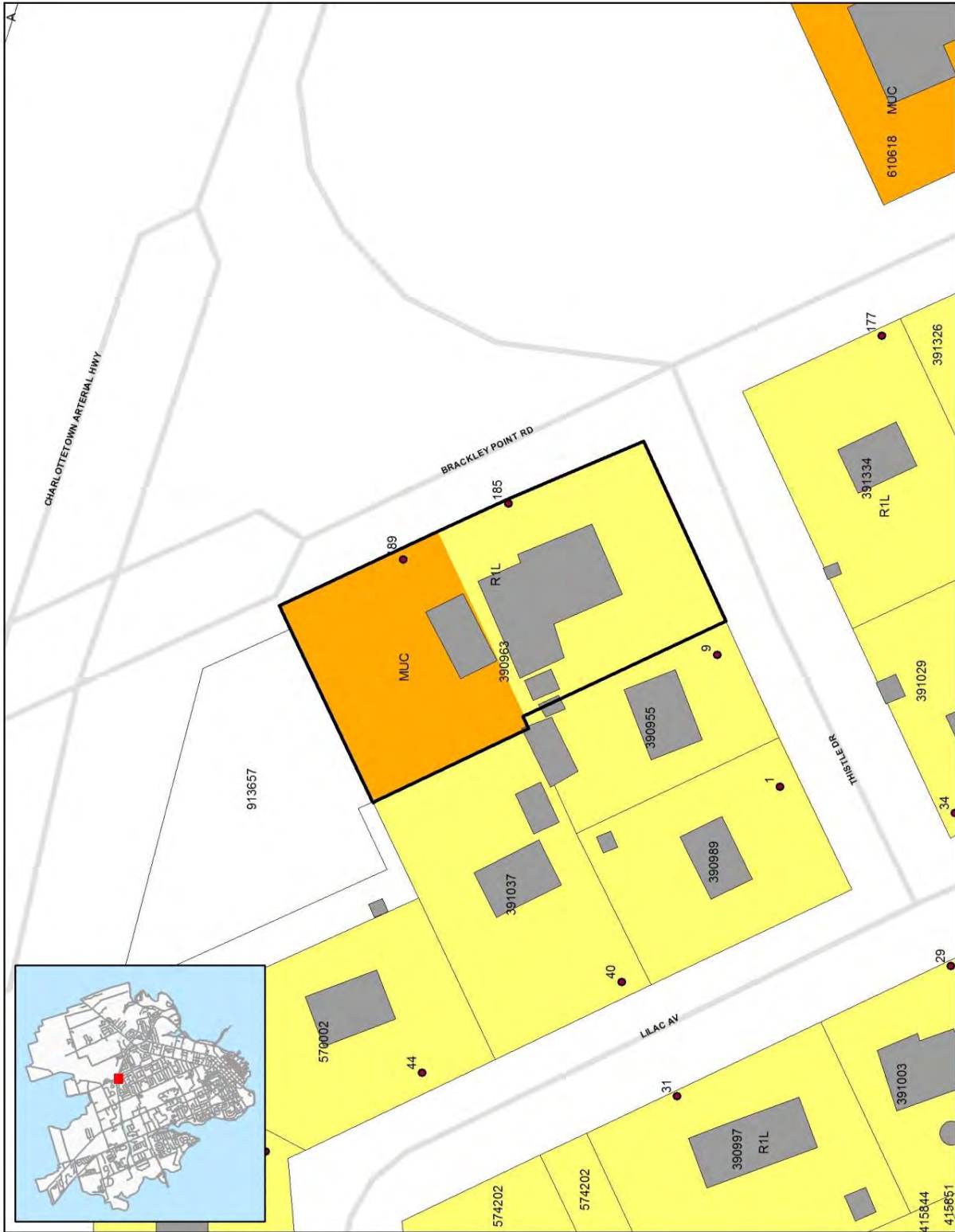


Greg Morrison, MCIP
Planner II





CHARLOTTETOWN



posted on pole (along Brackley & along Thistle Dr)

@ 2:24 PM, May 16, 2019

-E6-



CHARLOTTETOWN

**NOTICE OF
PUBLIC
MEETING**

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

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A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone.

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May 18, 2019

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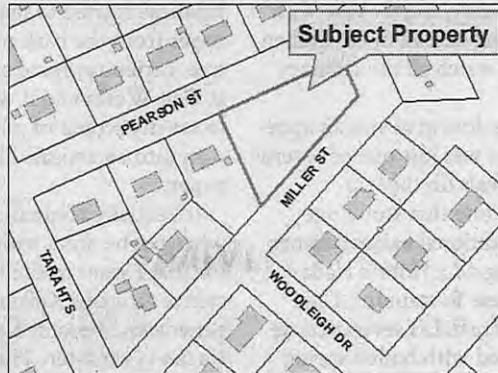
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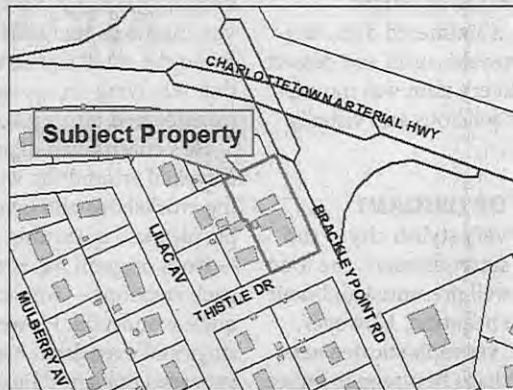
Miller Street / Pearson Street / Hanover Street (PID #530980)

A request to rezone the 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.



185 Brackley Point Road (PID #390963)

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone.



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

Proposed amendments to the Zoning & Development Bylaw 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.

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

Proposed amendments to the Zoning & Development Bylaw 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.

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

Notice of the proposed amendments was advertised in The Guardian newspaper on Saturday, May 18, 2019 and Saturday, May 25, 2019. Notice was also posted on the City's website.

No responses have been received to date.

Notes:



CITY OF CHARLOTTETOWN

RESOLUTION

*(10-0)
Carried
MB*

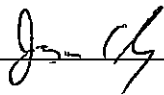
Planning #8

MOTION CARRIED 10-0

MOTION LOST _____

Date: May 13, 2019

Moved by Councillor  Greg Rivard


Secoded by Deputy Mayor  Jason Coady

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.

TITLE: ZONING & DEVELOPMENT BY-LAW AMENDMENTS FILE: PLAN-2019-6-MAY- 6C-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 <i>lot area</i> , and for every additional bedroom over four (4) the <i>lot</i> must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
c. 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 <i>lot area</i> , and for every additional bedroom over four (4) the <i>lot</i> must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
d. 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

Additional information may be available on the City's website

REQUEST FOR PROPOSALS

Sealed Proposals will be received by the office of the Acting Controller, 3rd floor, City Hall, 199 Queen Street, Charlottetown, PE until 2:00:00 PM local time on Thursday May 23, 2019 for the following:

PICK UP AND DISPOSAL OF COMPOST, RECYCLABLES, & WASTE FOR MUNICIPAL BUILDINGS

Proposal documents may be obtained at www.charlottetown.ca/tenders
The City of Charlottetown is not bound to accept the lowest or any proposal received.

May 18, 2019

PUBLIC MEETING

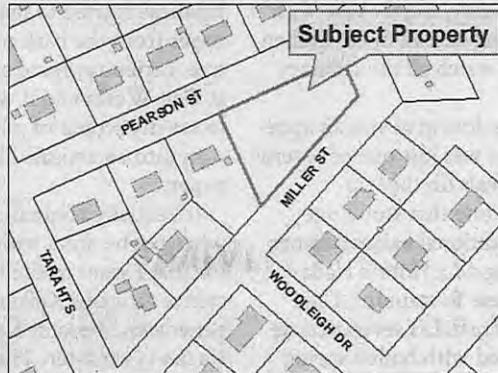
City Council will hold a Public Meeting to hear comments on the following:

351 North River Road (PID #'s 1014224 & 373415)

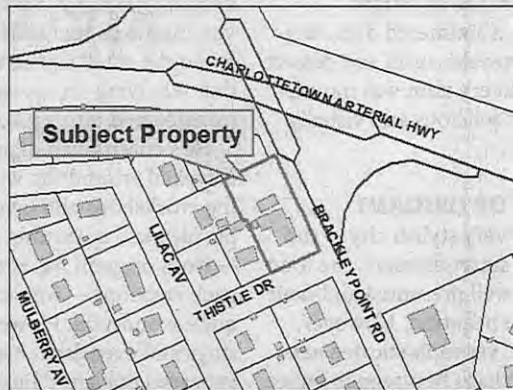
A request to rezone the property at 351 North River Road from Low Density Residential Single (R-2S) Zone to Medium Density Residential (R-3) Zone and to amend the Official Plan Map from Low Density Residential to Medium Density Residential. The purpose of this application is to demolish or move the existing dwelling, consolidate two lots and facilitate the construction of townhouse dwellings and one (1) semi-detached dwelling for a total of 13 units.

**Miller Street / Pearson Street / Hanover Street (PID #530980)**

A request to rezone the 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.

**185 Brackley Point Road (PID #390963)**

A request for a site specific amendment to allow an Automobile Body Shop and a Transportation Service (taxi stand) as permitted used in the Single-Detached Residential (R-1L) Zone.

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

Proposed amendments to the Zoning & Development Bylaw 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.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:30 AM – 5:00 PM, Monday – Friday. The proposed amendments are also on the City's website at www.charlottetown.ca. Please have any written comments submitted to the Planning Department before 12:00 p.m. on Wednesday, May 29, 2019. Comments may also be emailed to planning@charlottetown.ca. Any responses received will become part of the public record.

The Public Meeting will be held on:
TUESDAY, MAY 28, 2019 AT 7:00 P.M.
GRAFTON/RICHMOND ROOM, RODD CHARLOTTETOWN HOTEL
75 KENT STREET

The general public is invited to attend.