


TITLE: FUTURE LANDUSE MAP AMENDMENT AND ZONING AMENDMENT (PID# 278721) 7 Lions Crescent FILE: PLAN-2019-06-June-6A4 OWNERS: Parkdale Sherwood Lions Corporation APPLICANT: Sable Arc Studios		 CHARLOTTETOWN
MEETING DATE: June 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, medium density and MUC zoned land. Ward No: Existing Land Use: vacant R-1S lot. Official Plan: Low Density Residential Zoning: Low Density Residential		

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-1L (Low Density Residential Single) Zone to R-3 (Medium Density Residential) Zone at 7 Lions Crescent (PID #278721) to public consultation.

REQUEST

This is a request to proceed to public consultation for a request to rezone the property located at 7 Lions Crescent PID #'s 278721 from R-S Low Density Residential to R-3 Medium Density Residential and to amend Appendix "A" the Official Plan Map from Low Density Residential to Medium Density Residential.

Development Context

The property is bounded to the north by Lions Crescent, to the east, by Laurie Drive with single detached dwellings on the opposite side of the street, to the south by R-1S zoned land and R-3 zoned land and to the west by R-3 zoned land on Lions Crescent.

ANALYSIS:

This is an application to rezone 1 lot approximately .45 of an acre located on the corner of Laurie Drive and Lions Crescent. The land is currently zoned R-1S (Single Detached Residential) and is vacant. The proposal is to consolidate 4 lots and construct an additional apartment building on the three vacant lots. There is currently a 30 unit apartment building on one property the applicant is proposing to construct a 2.5 storey thirty two (32) unit affordable housing project on the remaining three lots. All properties will be consolidated and a new parking lot will be constructed between both buildings to provide parking for both. Forty seven (47) parking spaces are required for both buildings. The total lot area is 83,441 sq. ft. and the Bylaw requires 1,507 sq. ft. of lot area per unit on a corner lot. Therefore, 55 units are permitted. A density increase under Section 3.13 of the Bylaw can be applied to this building because it is an affordable housing project. Therefore, the density can be increased to a total of 66 units on site. The applicant is proposing a total of 62 units between the existing and proposed building. The R-3 zone permits more than one building on site.

This property borders land that is zoned for low density residential and land that is zoned for medium density residential. The single detached dwellings that are adjacent to the subject property along Lorie Drive back on to existing multi-unit dwellings. Open space consisting of a playground and park is located on the north side of Lions Crescent. Lions Crescent is also a bus route for public transit located within a mature mixed density residential neighbourhood. Zoning within this neighbourhood ranges from single detached residential to commercial development on St. Peter's Road. This lot is a corner lot and does provide a transition zone between the multi-unit development on Lions Crescent and the low density development on Lori Drive. However, if this property were rezoned to R-3 Medium Density Residential it would not be out of character with the neighbourhood as it is adjacent to a contiguous R-3 zone. A landscape buffer would be required to be retained along the property boundary of the proposed development and the low density development.

The property is located on a public transit route and therefore, residents do not have to rely on automobiles if public transit is available. There currently is a demand for multi-unit development within Charlottetown's mature neighbourhoods.

Infill development within established low density residential neighbourhoods is supported within the policies of the Official Plan.

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.*

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. The proposed apartment building is 2.5 storeys in height and is similar in height and scale to the existing apartment building on the street. If the rezoning is granted the building design will be required to go through a design review process.

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 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.

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 parkland and public transit. ▪ The property is in an area that has municipal services. ▪ The project is an affordable housing project. 		<ul style="list-style-type: none"> ▪ The site is located adjacent to some low density development. ▪ The proposal may be viewed by area residents as not compatible for the neighbourhood.

CONCLUSION:

Given the location of this proposed infill development adjacent to medium density development and that it is in a mixed density residential neighbourhood staff feel that the apartment building proposal can be integrated well on the site with the use of landscape buffers between it and the existing single detached residential dwellings. 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.

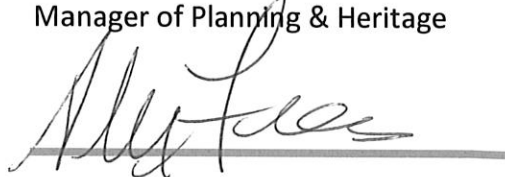
PRESENTER:

Laurel Palmer Thompson, MCIP
Planner II



MANAGER:

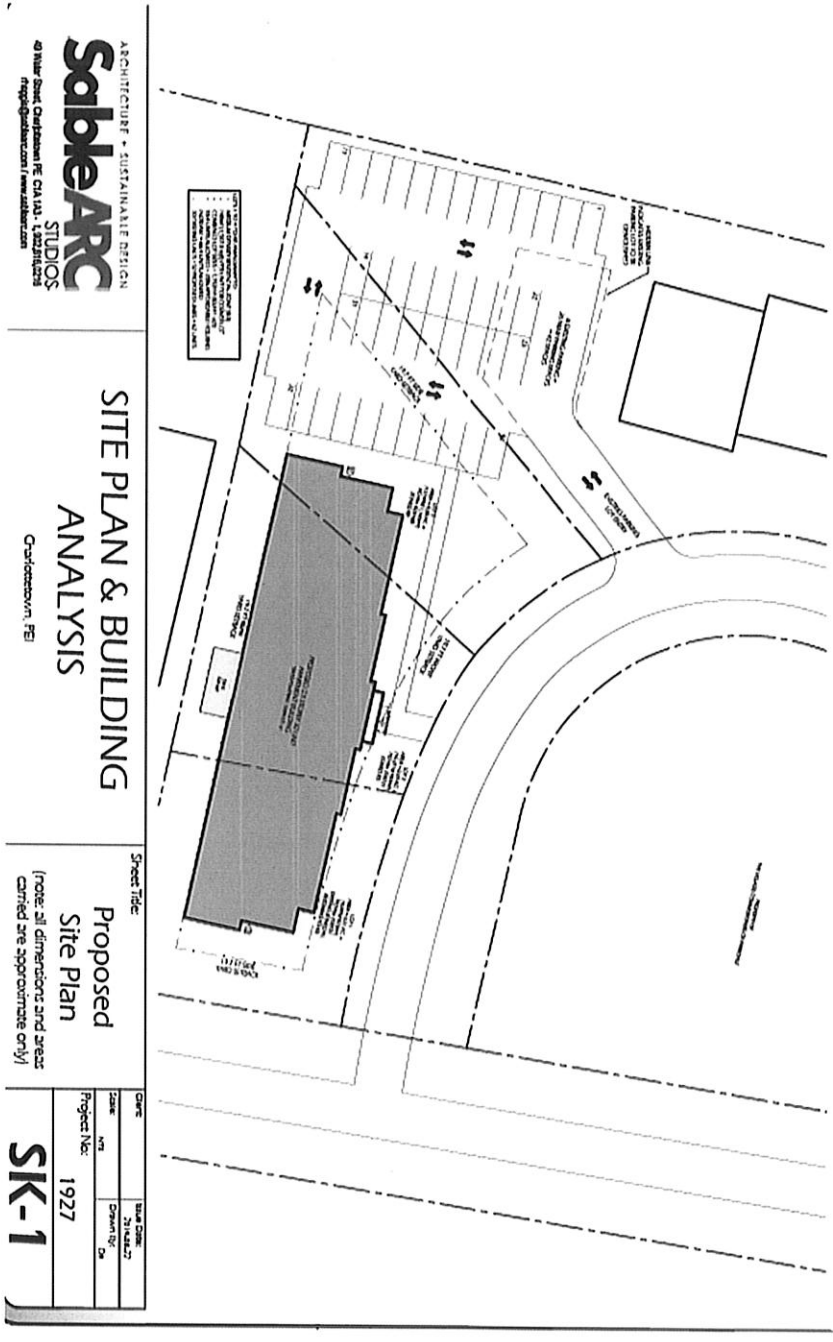
Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



GIS Map:



Site Map:




Elevations:



ARCHITECTURE + INTERIOR DESIGN
SableARC
STUDIOS

Lions club 32 unit
Side perspective
2019.05.22

TITLE: <p style="text-align: center;">VARIANCE 6 VIC CAMBELL BLVD 665 APPLICANT/OWNER: THOA THI NGUYEN</p>		 CHARLOTTETOWN
MEETING DATE: June 4 th 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Letters of Opposition	
SITE INFORMATION: Context: Primarily low density residential Ward No: 6 Existing Land Use: Single detached dwelling Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1S) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

That Variance Application PLAN-2019-04-JUNE-3b to allow for a home occupation (home office for online sales) as per Section 5.9.3 (g) in the Single-Detached Residential (R-1S) Zone be approved at 6 Vic Campbell Blvd (PID #275743) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-2" and subject to:

- a) There will be no direct retail sales conducted on the property and distribution of the product shall be done by mail.

BACKGROUND:

Request

The applicant and property owner, Thoa Thi Nguyen, is applying for a home occupation of the City of Charlottetown Zoning By-law for a home office to operate an online retail sales use for the property located at 6 Vic Campbell Blvd (PID #275743) in the Single-Detached Residential (R-1S) Zone. Approval of this application will allow for the owner of the subject property to have a home office to operate an online retail sales (i.e. lashes) business.

Development Context

The subject site is currently developed with a single detached dwelling, and is located on the corner of Vic Campbell Blvd and Mackay Drive. Uses surrounding the site include various low density residential dwellings and park space. A large 9m (30ft) driveway off of Vic Campbell Blvd provides access to the site.

ANALYSIS:

As part of the application process, the applicant has submitted a home occupation form (see attached) describing the nature of the business. The home occupation will occupy approximately 40 sq ft of the 2,300 sq ft dwelling. The applicant would be looking to operate six (6) days a week and would anticipate none to possibly one (1) to two (2) visits per day. The retail products are mostly being delivered through the postal service.

Upon receiving the application, staff evaluated the application's compliance with Section 5.9 of the Zoning & Development By-law. The dwelling currently contains a driveway that is approximately 9m (30ft) wide that would be able to accommodate the two (2) vehicles. The applicant is required to locate two (2) on the property; one (1) for the single-detached dwelling, and one (1) for the Home Occupation. The Zoning & Development By-law requires that each parking space is 8.5' x 18' which could be accommodated on the existing driveway.

In the Zoning & Development By-law, any proposed home occupation that receives opposition is subject to approval from Council. The proposed Zoning & Development By-law allows a number of home occupations to be as-of-right. These home occupations include:

- a. Home Daycare, subject to the by-law provisions for Home Daycares
- b. Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations
- c. Home Office, clerical, computer and/or telephone-based services
- d. Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)
- e. Multi-Level Marketing Retail Sales
- f. Catering, for off-premise delivery of products
- g. 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.

Any other uses may be considered following the process of review for a minor variance. Staff would note that the proposed home occupation (i.e., home office for online sales) would not be included in this list and would follow the minor variance process. As per the process our office received multiple objections to proposed home occupation and must be subject to Council approval. The

proposed Zoning & Development By-law was written to simplify the process for unobtrusive home occupations and allows Council to determine the disposition of all other home occupations.

The Official Plan provides support for home occupations within the City of Charlottetown. Specifically, Section 4.5 of the Official Plan provides policy to support home occupations:

*Our **goal** is to encourage home occupations as a platform for new economic growth and community development.*

1. *Our **objective** is to support the creation and operation of home occupations in all residential zones on the condition that they are clearly secondary to the residential use of a property and do not create land-use conflicts.*
 - *Our **policy** shall be to set out in the Zoning By-law the terms and conditions on which allow unobtrusive home occupations within the City of Charlottetown.*

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 goal in the Official Plan is to encourage home occupations as a platform for new economic growth. An objective in the Official Plan is to support the creation and operation of home occupations in all residential zones. Minimal land use impact (client visits) since the product would be shipped via post. 	<ul style="list-style-type: none"> Home occupations are a conditional permitted use in all residential zones and there are numerous examples of successful home occupations within the City. 	<ul style="list-style-type: none"> A policy in the Official Plan is to allow home occupations that are unobtrusive. Difficult to monitor the intensity of a home occupation of this nature.

Due to the fact that the nature of the business will generally utilize postal services to ship packages and the product is sold online resulting in few onsite visits, staff would recommend that the home occupation for a home office be approved.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 4.31.2 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 feet) of the subject site.

Public Feedback

After mailing letters and creating newspaper ads, staff received two (2) letters of opposition from residents (see attached); as a result, the application is now subject to Planning Board review and Council approval as opposed to staff approval.

The residents that were opposed to the application had concerns, but not limited to:

1. A home occupation would increase traffic in an already congested neighbourhood at peak travel times.
2. Proximity of the site to the intersection and an existing daycare could result in traffic incidents with pedestrians and vehicles.
3. This particular home occupation could exceed expectation that might result in more traffic and client site visits.

CONCLUSION:

The Planning & Heritage Department recommends that for a home occupation (home office for online sales) as per Section 5.9.3 (g) in the Single-Detached Residential (R-1S) Zone be approved at 6 Vic Campbell Blvd (PID #275743) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-2" and subject to:

- a) There will be no direct retail sales conducted on the property and distribution of the product shall be done by mail.

PRESENTER:



Robert Zilke, MCIP

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage



Mailing Address:
 P.O. Box 98
 233 Queen Street
 Charlottetown, PE
 C1A 7K2
 Tel: 902-629-4158
 Fax: 902-629-4156
 Email: planning@charlottetown.ca
 Website: www.charlottetown.ca

For Office Use Only	Permit #: 155-BLD-19
	File #: 19-145
	PID #: 275743
	Zone: RIS
	Permit Fee: 300 ⁰⁰

Received Date:

PLANNING

Rec'd April 17/2019 Int _____

Application Date: _____

BUILDING & DEVELOPMENT PERMIT APPLICATION

1. TYPE OF WORK

New Building Renovate Existing Addition Change Use Other: _____

2. CONTACT INFORMATION

APPLICANT
 Name: Thoa Thi Nguyen Address: 6 Vic Campbell Blvd
 Phone: 902-316-3700 Cell: _____ Charlottetown
 Email: Cadiesbenefit@gmail.com Postal Code: C1A-5W4

OWNER
 Name: Thoa Thi Nguyen Address: 6 Vic Campbell Blvd
 Phone: 902-316-3700 Cell: _____ Charlottetown
 Email: ~~Cadiesbenefit@gmail.com~~ Cadiesbenefit@gmail.com Postal Code: C1A-5W4

CONTRACTOR, ARCHITECT, OR ENGINEER
 Name: Thoa Thi Nguyen Address: 6 Vic Campbell Blvd
 Phone: 902-316-3700 Cell: _____ Charlottetown
 Email: Cadiesbenefit@gmail.com Postal Code: C1A-5W4

3. PROJECT INFORMATION

Project Location: Single house, 6 Vic Campbell Blvd Charlottetown
 Proposed Occupancy: Office for sale Lashes Online
 Current Occupancy: _____
(If Existing Building on Lot)
 Estimated Value of Construction: \$ _____
 Corner Lot: Yes: No: Other Buildings on Lot? Yes: No: If yes, identify use: _____

4. DETAILED PROJECT DESCRIPTION

Sale Lashes Online.

THIS IS NOT A BUILDING PERMIT

What will be nature of the business?

Sale Lashes Online

In what type of dwelling of live?

My house is Single house

How many employees will you have?

I work alone

What is the total floor area of your dwelling?

2300sf

Floor area used for business?

40sf

How many parking spaces do you have?

We have 4 parking spaces

Is your property currently being used for any other uses besides a welling?

No

Days and hours of operation?

I just work part time because my husband have a full time job

Will clients/customers visit your home?

Yes, some time some clients come to my house or some time I shipping the item to them by Canada post

How many visits per hour or day are anticipated?

One or two visits in day or some time no

Attachment B



E. Ellis
 26 Mackay Dr.
 Ch'town, P.E.I. CIA 5W3

May 14, 2019

City of Ch'town
 P.O. Box 98, 233 Queen St.
 Ch'town, P.E.I. CIA TK2

Re: Proposed Home Occ. @ 6 Vic Carapell Blvd.
 (PID # 275743)

Sirs:

The only objection to the home-based business is due to the increased traffic.

There is a day-care at Park Royal United and also a school nearby. There are always children walking in the area.

Also due to congestion at rush-hours, traffic is always cutting through the area to avoid the lights at Mt. Edward Rd. to Belvedere Ave. and Vogue Optical corner to Belvedere Ave. These are my objections:

eganga@charlottetown.ca
www.charlottetown.ca



From: Gerald MacDougall [<mailto:eagle.dynasty@gmail.com>]
Sent: Monday, May 20, 2019 11:39 PM
To: Planning Department
Subject: Proposed Home Occupation at 6 Vic Campbell Boulevard (PID #275743)

We are against the variance.

This road is close to the schools and already subject to much vehicle and pedestrian traffic. It is also adjacent to the mail boxes where there is additional traffic .

It is also close to two intersections.

There is a church and day care nearby which also add substantial traffic.

Overall this area is already being subjected to addition traffic as a result of the many new apartment complexes in the area.

In addition many of the existing dwellings in the vicinity of our property have been converted to rentals even though they are suppose to be single family dwellings. For 8 months last year this area has been subject to a poorly planned water supply refit.


MacKay drive is is in desperate need of repaving.

It is time to start looking after this area and enforcing existing bylaws when it comes to single family dwellings without issuing a variance that will further erode the neighbourhood.

We are also concerned that the proposed business may exceed its expectation. Increased traffic poses a safety issue for school children and could cause traffic congestion as cars try to back on to the road.

We are not in favour of this variance.

Gerald and Alangh MacDougall
30 MacKay Drive
Charlottetown

TITLE: REAR YARD VARIANCE FILE: PLAN-2019-4-JUNE- 686 37 VISTA STREET (PID #373225) OWNERS: GREGORY & SANDRA MILLS		 CHARLOTTETOWN
MEETING DATE: June 4, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS Map B. Preliminary Site Plan C. Elevations / Floor Plan D. Letters of Support E. Letters of Opposition	
SITE INFORMATION: Context: Single-Detached Dwelling on the Corner of Vista Street and Madison Avenue Ward No: 5 – Spring Park Existing Land Use: Single-Detached Dwelling Official Plan: Low Density Residential Zoning: Single-Detached Residential (R-1S) Zone		
PREVIOUS APPLICATIONS: N/A		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to reject the request to reduce the required rear yard setback from 24.6 ft to approximately 18.0 ft in order to construct a garage addition (approximately 24.0 ft x 30.0 ft) on the property located at 37 Vista Street (PID #373225).

BACKGROUND:

Request

The property owners, Gregory and Sandra Mills, are proposing to construct an attached garage, approximately 24.0 ft x 30.0 ft on the subject property which will be setback approximately 19.0 ft from the property line. That being said, the applicant has requested a variance to 18.0 ft in order to ensure that there is enough room to construct the proposed addition once a proper site drainage plan has been completed, avoiding the need to potentially reapply for a variance.

Development Context

The existing single-detached dwelling is located on the corner of Vista Street and Madison Avenue. The adjacent properties along Vista Street and Madison Avenue are also single-detached dwellings.

Property History

There is no recent building & development permit history for this property.

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 on May 13, 2019 which soliciting their written comments for or against the proposed variance. The deadline to submit written comments on the application was Tuesday, June 4, 2019.

Public Feedback

The Planning & Heritage Department received two letters of support (Attachment D) and three letters of opposition (Attachment E) through the public notification. Further, the applicant submitted two letters of support (Attachment D) in conjunction with their application.

ANALYSIS:

The minimum rear yard setback in the Single-Detached Residential (R-1S) Zone is 24.6 ft. Without a variance, the applicant would be permitted to construct an addition in the rear yard which is approximately 18.4 ft in depth. That being said, the applicant is proposing to construct an attached garage in the rear yard which is approximately 24.0 ft in depth resulting in a variance of approximately 5.6 ft (6.6 ft with the addition 1.0 ft buffer).

This application could be considered a minor request and the applicant has received four (4) letters of support, including support from the directly affected property owner at 2 Madison Avenue (PID #899336). That being said, three letters of opposition were received including one from the adjacent property owner, 41 Vista Street.

In two of the letters of opposition, the residents indicated that *'such building would severely curtail our enjoyment of our property by blocking the view of Ellen's Creek from our back yard where we are planning to build a deck and barbecue area.'* & *'we are against the variance due to the obstruction of water view which will affect the future property value and resale of our property.'* While staff sympathizes with the residents, there is no right to the view and the applicant is permitted to construct the addition to 24.6 ft as indicated above without a variance.

That being said, one resident also states that *'there is the possibility of building a one car garage in and around the current carport facing Vista Street.'* While it may be possible to convert the existing carport into a single car garage, it raises the point that instead of an addition to construct a two car garage, the addition to construct a one car garage in the rear yard would also be permitted without the need for a variance.

The final letter of opposition stated concerns relating to the projection towards Madison Avenue and in their opinion, the obstruction of view for traffic that this addition will create. In staff's opinion, the proposed addition will retain a minimum flankage yard setback of 27.0 ft; well within the minimum setback requirements as illustrated in the Zoning & Development By-law. Further, in light of the fact that the proposed addition will be setback approximately 99.2 ft from Vista Street, staff do not feel that this addition will create any safety issues for vehicles. Staff would note that the site triangle area in which development is restricted for corner lots is only 19.7 ft from the intersection of lot lines.

As per Section 3.9.1.b. of the Zoning & Development By-law, a variance is permitted in a number of circumstances. Staff did not receive detailed rationale for the request but elected to make note of the following circumstance:

'the need for consideration of a major variance is owing to peculiar conditions specific to the property and is unique to the area and no result of actions by the owner, and a literal enforcement of this by-law would result in unnecessary and undue hardship.'

While the minimum front yard setback off Vista Street is 19.7 ft, the existing single-detached dwelling is set back approximately 31.0 ft. If this dwelling was located closer to the minimum front yard setback, a variance would not be required for the proposed addition which could be considered a peculiar condition to the property. That being said, this condition is not unique to the area as all of the dwellings along this portion of Vista Street are generally aligned. Further,

literal enforcement of the By-law would result in the applicant only being permitted an 18.4 ft addition which staff feels would not cause unnecessary and undue hardship.

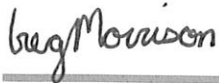
Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • Request is fairly minor in nature. • If the existing dwelling was located closer to the minimum front yard setback, a variance would not be required for an addition of this scale. • Letter of support from one directly affected property owner. 	<ul style="list-style-type: none"> • Apartment buildings only require 19.7 ft rear yard setback. 	<ul style="list-style-type: none"> • A single car garage (approx. 18.4 ft deep) could be constructed without a variance. • Circumstance is not unique to the area. • Literal enforcement of the By-law would not cause undue hardship. • Letter of opposition from one directly affected property owner.

CONCLUSION:

The Planning & Heritage Department recommends that the rear yard setback variance, be rejected.

PRESENTER:



Greg Morrison, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

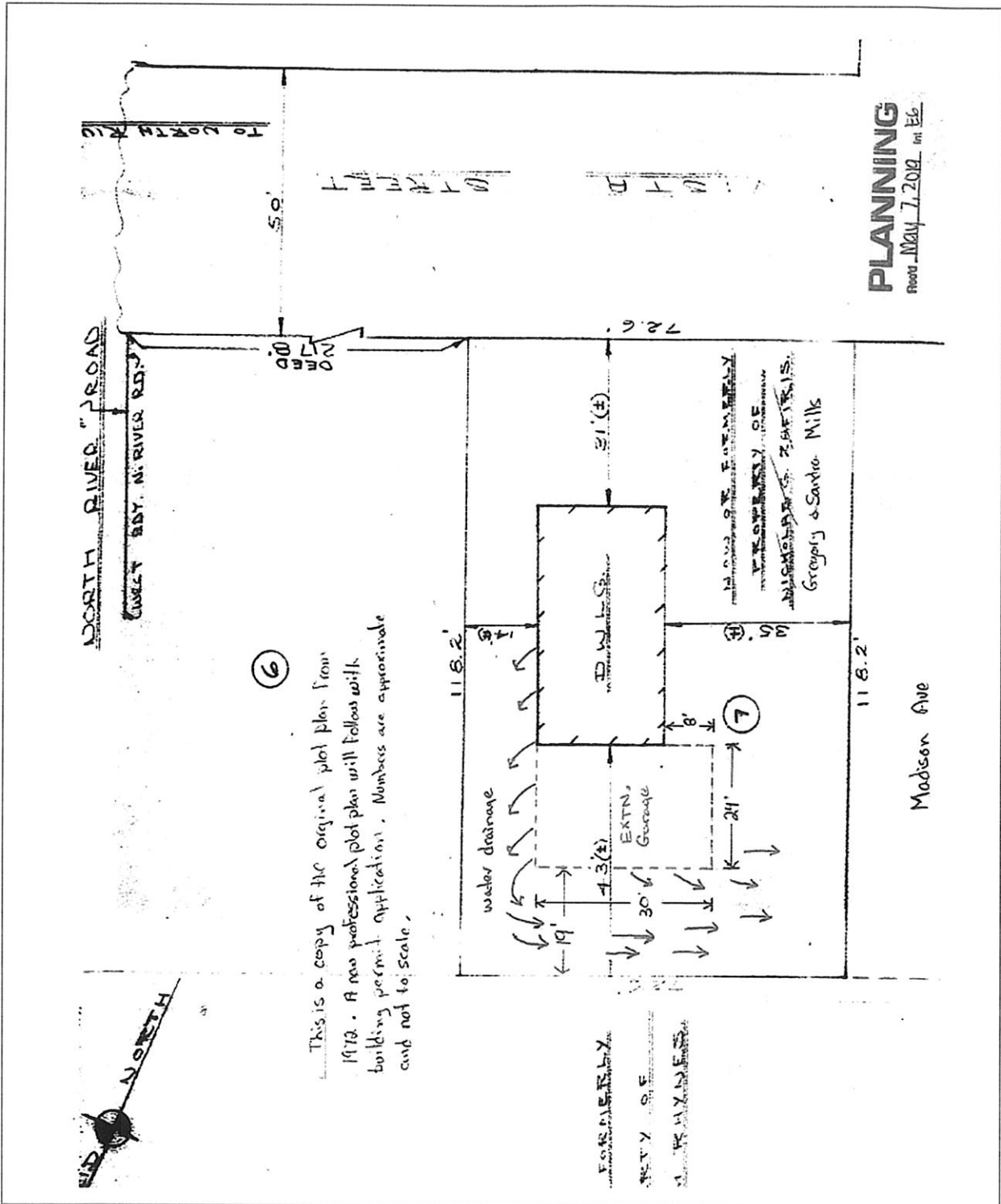


Attachment A: GIS Map
File: PLAN-2019-4-June- 686
37 Vista Street (PID #373225)
Owner: Greg Mills


CHARLOTTETOWN
Planning & Heritage
Department



Attachment B



⑥

This is a copy of the original plot plan from 1979. A new professional plot plan will follow with building permit application. Numbers are approximate and not to scale.

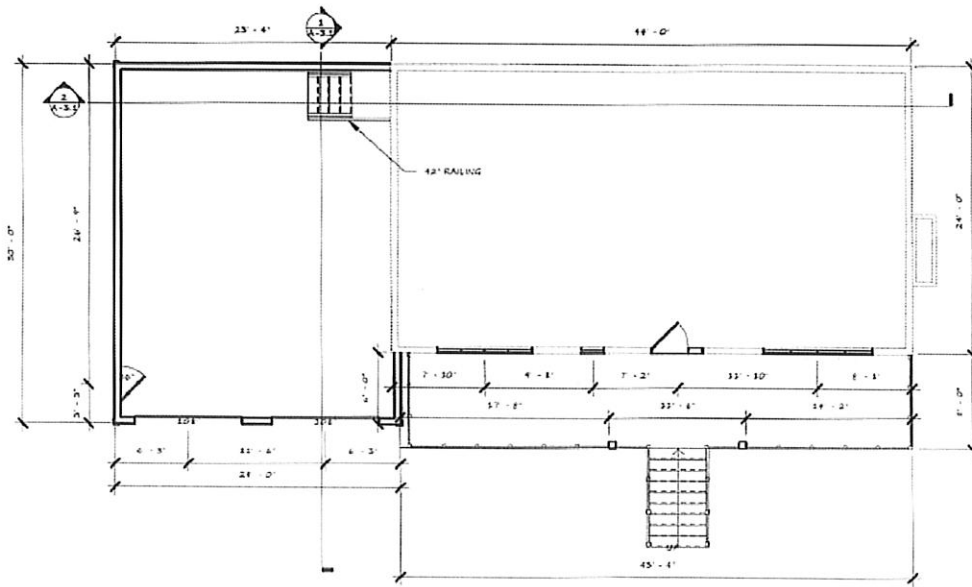
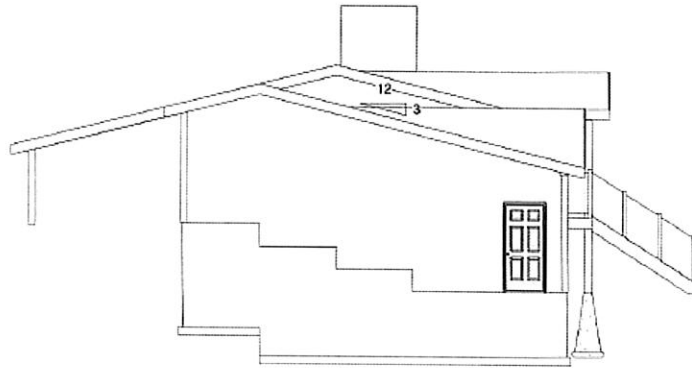
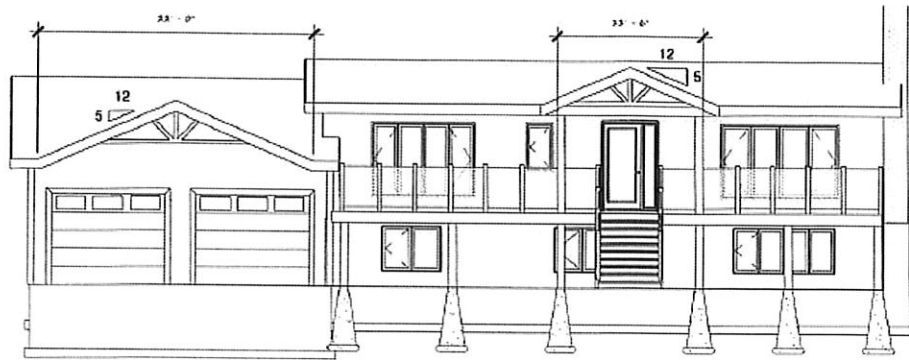


PLANNING
 FROM MAY 7, 2019 in E66

Attachment B: Preliminary Site Plan
 File: PLAN-2019-4-June- 686
 37 Vista Street (PID #373225)
 Owner: Greg Mills



Attachment C



Attachment C: Elevations / Floor Plan

File: PLAN-2019-4-June- 686

37 Vista Street (PID #373225)

Owner: Greg Mills



CHARLOTTETOWN
Planning & Heritage Department

Attachment D

Four Letters of Support Attached:

1. John & Diane Bell
2. Glenn Rixon & Lynne Bowler
3. Malcolm & Rena Pratt
4. Judy & Trevor Pye

Attachment D: Letters of Support

File: PLAN-2019-4-June- **686**

37 Vista Street (PID #373225)

Owner: Greg Mills



CHARLOTTETOWN

Planning & Heritage

Department

To Whom it may concern:

This letter is to confirm the acknowledgement of the proposed addition of an attached garage to the existing residential house located at 37 Vista Street in Charlottetown. I understand the owner will be applying for a variance of approximately six feet on the north side of the house to allow for this addition. Please be advised that as the proper owner adjacent to this property I have no issue with this request.

Name:

John F. Dieme Bee

Address:

2 Macleod Ave

Date:

May 6, 2019

Signature:

J. Dieme Bee

To Whom it may concern:

This letter is to confirm the acknowledgement of the proposed addition of an attached garage to the existing residential house located at 37 Vista Street in Charlottetown. I understand the owner will be applying for a variance of approximately six feet on the north side of the house to allow for this addition. Please be advised that as the proper owner adjacent to this property I have no issue with this request.

Name: GLENN RIXON & LYNNE BOWLER

Address: S MADISON AVE

Date: MAY 6/2019

Signature: 

Morrison, Greg

From: Ganga, Ellen on behalf of Planning Department
Sent: May 19, 2019 2:16 PM
To: Morrison, Greg
Subject: FW: 37 Vista Street (PID #373225)

Hi Greg,
Fyi.

Best Regards,
Ellen

From: Malcolm Pratt [<mailto:malcolmpratt52@gmail.com>]
Sent: Sunday, May 19, 2019 12:50 PM
To: Planning Department
Subject: 37 Vista Street (PID #373225)

Dear Planning Department.

We have no objections to this variance.

Regards
Malcolm & Rena Pratt

Morrison, Greg

From: Ganga, Ellen on behalf of Planning Department
Sent: May 21, 2019 1:16 PM
To: Trev Pye; Morrison, Greg
Subject: RE: Re:37 Vista Street (PID #373225)

Hi Judy and Trevor,
Good day and thank you for your email. I have looped our development officer reviewing your application in this email.
Thank you.

Best Regards,
Ellen

From: Trev Pye [<mailto:judyandtrev@gmail.com>]
Sent: Tuesday, May 21, 2019 11:46 AM
To: Planning Department
Subject: Re:37 Vista Street (PID #373225)

With regard to the above planning application we would like to place on record that we have no objections to this going ahead and are in full support.

Judy and Trevor Pye
21 Madison Avenue
Charlottetown C1A9R7

Attachment E

Three Letters of Opposition Attached:

1. David Woodbury & Maria Pochylski-Woodbury
2. Mrs. Mildred Johnson
3. Ngo Trung Dung

Attachment E: Letters of Opposition
File: PLAN-2019-4-June- **686**
37 Vista Street (PID #373225)
Owner: Greg Mills


CHARLOTTETOWN
Planning & Heritage
Department

Charlottetown, May 16, 2019

Att: Planning Board
City of Charlottetown
233 Queen Street
Charlottetown, PE, C1A 4B9

RE: Variance application for 37 Vista Street, Charlottetown, C1A 3J8

Dear Board Members:

We, David Woodbury and Maria Pochylski, own and reside in the house at 41 Vista Street in Charlottetown. It has come to our attention that the new owner of the adjacent property at 37 Vista Street has filed for a variance to build a 2-car garage facing Madison Avenue.

We would like the City Planning Board to consider our objections to granting such a permit on the following grounds:

1. Such building would severely curtail our enjoyment of our property by blocking the view of Ellen's Creek from our back yard where we are planning to build a deck and barbecue area;
2. Aforementioned loss of view would likely translate into a loss of value of our property. Retired since 2016, we have invested most of our life savings in said property and cannot afford to lose a single penny;
3. There is the possibility of building a one-car garage in and around the current carport facing Vista Street;
4. It would be morally objectionable and contrary to the City's own Community Energy Plan Objective "To Greatly Reduce Energy Use in Transportation" to grant a permit for a 2-car garage, thus encouraging 2 people to use 2 cars, in this day and age when most governments are endeavouring to minimize the number of cars in circulation.

We are very grateful for the Board's time and consideration of our position.

Sincerely,



MPochylskiWoodbury

Morrison, Greg

From: Planning Department
Sent: May 27, 2019 3:45 PM
To: Morrison, Greg
Subject: FW: 37 vista street #373225

Follow Up Flag: Follow up
Flag Status: Flagged

From: jtj johnson [<mailto:jjjohnson111@hotmail.com>]
Sent: Sunday, May 26, 2019 4:23 PM
To: Planning Department
Subject: 37 vista street #373225

Attn. Greg Morrison

Regarding the application of variance at 36 Vista street we are against the variance due to the obstruction of water view which will affect the future property value and resale of our property.

James Johnson on behalf of Mrs Mildred Johnson

Get [Outlook for Android](#)

Morrison, Greg

From: Planning Department
Sent: May 28, 2019 8:08 AM
To: Morrison, Greg; Thompson, Laurel
Subject: FW: 37 Vista Street (PID 373225) - Response of the neighbours

From: Ngo Trung Dung [<mailto:trungdung.ngo@gmail.com>]
Sent: Monday, May 27, 2019 6:18 PM
To: Planning Department
Subject: RE: 37 Vista Street (PID 373225) - Response of the neighbours

Hello,


We received your letter regarding to the request of reducing the rear yard setback to build a garage.

I AM WRITING TO EXPRESS MY OBJECTION TO THIS REQUEST BECAUSE

1. From the aerial view/top view, the wall of the existing house at Madison Ave is the most frontal and aligned with all the houses on the row. If the extension of the garage is 8ft ahead toward the Madison, it will be completely out of the common of this area. **More importantly, the extended 8ft towards the direction of Madison Ave will block the view of the conjunction of Vista Rd and Madison Ave, which exponentially increases accidental possibilities, especially when the school bus must stop to pick up children at the conjunction. Who will take the responsibility if there are any car accident due the blind spot by the garage?**
2. It is considered as the rear yard of Vista Rd but it is the front of Madison Rd. They are requesting to extend the garage from the view of Madison Ave so the owner is blending the words to hide the fact of his/her request.

I recommend the owner to shorten or move the garage backward to ensure that the frontal wall of the garage is aligned with the frontal wall of the existing house with the view at Madison Ave. It is even better if they build a single garage only so they don't need to submit this request!

Regards,

TITLE: LOT CONSOLIDATION APPLICATION FILE: PLAN-2019-4-JUNE- 6C7 41-51 ALLEN STREET (PID #371690 & PID #371609) 53 ALLEN STREET (PID #371617) OWNER: AUSTIN MCQUAID INC.		 CHARLOTTETOWN
MEETING DATE: June 4, 2019		Page 1 of 4
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. GIS (Aerial) Map B. Lot Consolidation Plan	
SITE INFORMATION: Context: Two properties on the corner of Allen Street and Jordan Crescent Ward No: 4 – St Avars Existing Land Use: Upstreet Brewing, Most Wanted Pawn and a Single-Detached Dwelling Official Plan: Commercial Zoning: Mixed-Use Corridor Commercial (MUC)		
PREVIOUS APPLICATIONS: Application for a lot consolidation of five (5) properties was withdrawn on April 11, 2016.		

RECOMMENDATION:

The Planning & Heritage Department encourages Planning Board to recommend to Council to approve the request for a lot consolidation of 41 - 51 Allen Street (PID #371690 & PID #371609), and 53 Allen Street (PID #371617), subject to a pinned final survey plan and a new perimeter deed description being registered describing the outer boundaries of Lot 19-1.

BACKGROUND:

Request

The property owner, Austin McQuaid Inc., has made an application to consolidate two (2) properties located in the Mixed-Use Corridor (MUC) Zone. The two (2) properties include 41 - 51 Allen Street (PID #371690 & PID #371609) and 53 Allen Street (PID #371617). The purpose of the lot consolidation is to demolish the existing single-detached dwelling located at 53 Allen Street (PID #371617) and construct an addition (approximately 40 ft x 60 ft) to the rear of Most Wanted Pawn located at 51 Allen Street (PID #371609).

Development Context

The block of seven (7) properties bordered by Allen Street and Jordan Crescent are located in the Mixed-Use Corridor Commercial (MUC) Zone. The applicant, Austin McQuaid Inc., owns all of the properties with the exception of 59 Allen Street (PID #371633). The block contains Upstreet Brewing, Most Wanted Pawn, McQuaid Trucking and Warehousing and three (3) single-detached dwellings.

Property History

Council passed the following resolution on March 10, 2014:

That the request for a lot consolidation of the properties located at 41 Allen Street (PID #371591) and 10 Jordan Crescent (PID #371690) subject to the receipt of signed pinned survey plans, be approved.

A lot consolidation was then approved by staff on May 14, 2014 subject to 'a new perimeter deed must be registered describing the outer boundaries of Lot 2014-1.'

Council then passed the following resolution on March 10, 2014:

That the request to consolidate 41 Allen Street (PID #371591) and 51 Allen Street (PID #371609), subject to the receipt of signed, pinned survey plans, be approved.

A lot consolidation was then approved by staff on October 2, 2014 subject to 'a new perimeter deed must be registered describing the outer boundaries of Lot 2014-1.' According to our mapping data provided to us by the Province, it does not appear that a new deed was registered. Staff met with the applicant on May 22, 2019 who indicated they will work to satisfy this requirement right away.

On March 21, 2016, the applicant then applied to consolidate five (5) properties in the MUC Zone. At the Planning Board meeting on April 4, 2016, the Board felt that this request was premature without any plans for development on the consolidated properties. The applicant then withdrew their application on April 11, 2016 prior to proceeding to Council that day.

ANALYSIS:

As per Section 45.3.4.a. of the Zoning & Development By-law, any lot consolidations in zones other than the Single-Detached Residential (R-1) Zone and Low Density Residential (R-2) Zone shall be subject to Council approval.

The Development Officer May grant final approval to Subdivisions which comply with this by-law and the Provincial Minimum Lot Size Standards, and give approval for Lot consolidations where a Dwelling may be constructed in a R-1 or R-2 Zone;

Following the resolution of Council on March 10, 2014, Upstreet Brewing and Most Wanted Pawn are located on the same property, 41 - 51 Allen Street (PID #371690 & PID #371609). The requested lot consolidation is to join the existing single-detached dwelling at 53 Allen Street (PID #371617) with 41 - 51 Allen Street (PID #371690 & PID #371609). The single-detached dwelling would then be demolished and the applicant would construct an addition (40 ft x 60 ft) onto Most Wanted Pawn.

Since the applicant's request to consolidate all of the properties within the block with the exception of one single-detached dwelling in 2016, the applicant has reduced the requested lot consolidation from five (5) properties to two (2) properties and has explained his development intention should the requested lot consolidation be approved. This approach has eliminated many of staff's concerns in the previous application:

Staff feel that the proposed consolidation of the lots is too premature without any development plans ... Staff would note that in the event that this application is recommended to Council for approval, the applicant would be able to demolish any existing buildings on the property as of right and construct a number of potential uses subject to the National Building Code requirements and MUC Zone regulations in the Zoning & Development Bylaw. Staff suggest that any future redevelopment on this property should be known before recommending any future lot consolidation to occur.

When considering the proposed lot consolidation in order to expand the existing commercial business, key points from the Official Plan to be considered include:

*Section 3.2.3 – Our **objective** is to support the provision of suitable commercial and institutional needs, employment opportunities, community-based services, and public realm amenities within neighbourhoods.*

*Section 3.2.3 – Our **policy** shall be to allow small-scale commercial and institutional development which serves the local needs of the neighbourhood, subject to the City’s development regulations.*

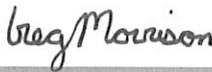
Below is a quick summary of the subject application’s positive attributes, neutral attributes, and shortcomings:

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> • The single-detached dwelling to be demolished is directly across from a commercial establishment, not residential. • Official Plan supports suitable commercial which serves the local needs of the neighbourhood. 	<ul style="list-style-type: none"> • The applicant has now explained the development intention of the property. 	

CONCLUSION:

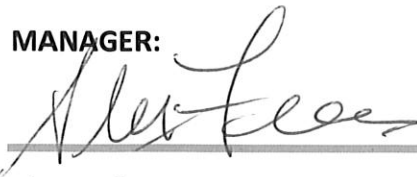
Staff is recommending that the lot consolidation application be approved subject to a pinned final survey plan and a new perimeter deed description being registered describing the outer boundaries of Lot 19-1.

PRESENTER:



 Greg Morrison, MCIP
 Planner II

MANAGER:



 Alex Forbes, MCIP, MBA
 Manager of Planning & Heritage

Attachment A

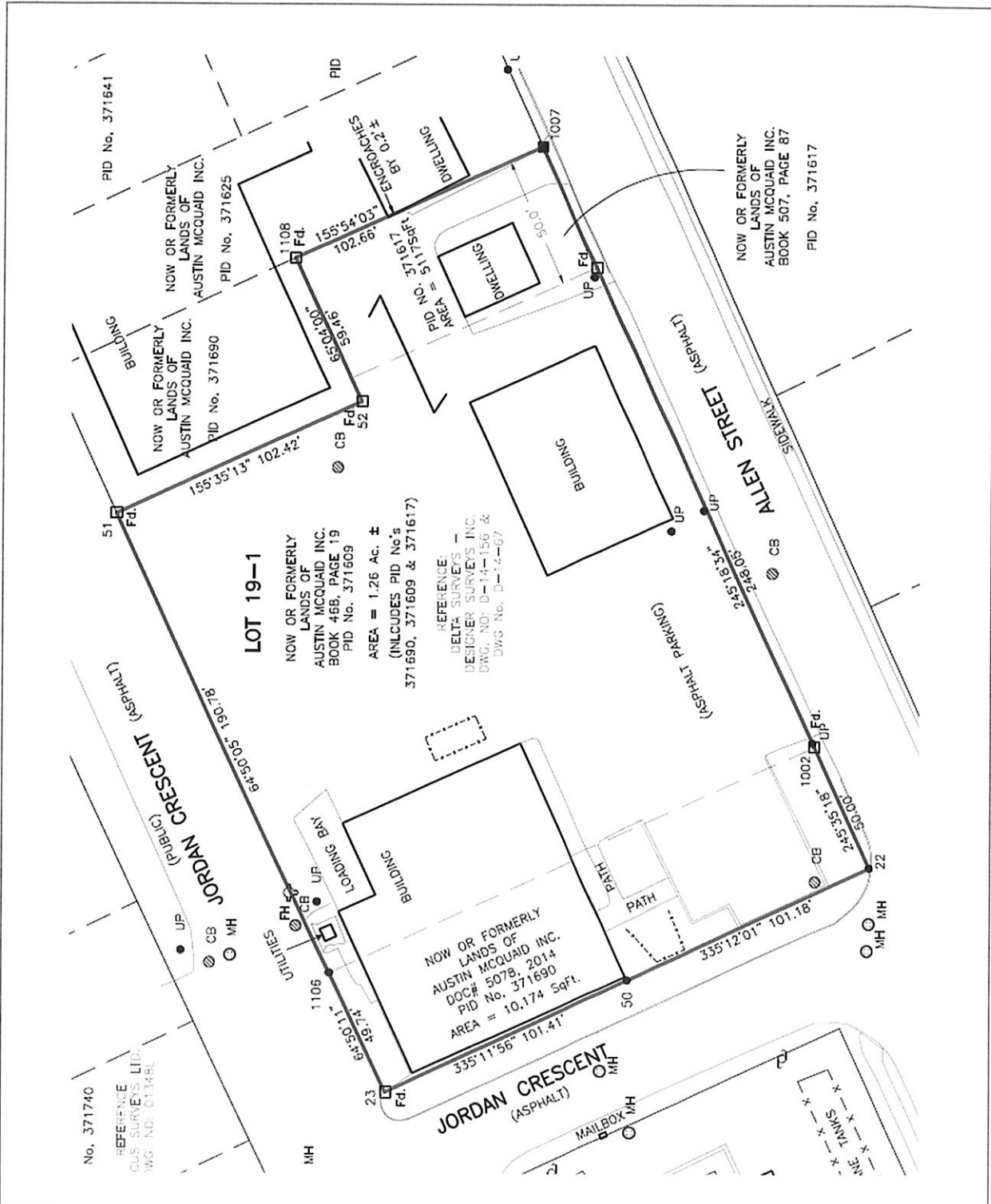


Attachment A: GIS (Aerial) Map
File: PLAN-2019-4-June- 667
41-53 Allen Street
Owner: Austin McQuaid Inc.


CHARLOTTETOWN
Planning & Heritage
Department




Attachment B



Attachment B: Lot Consolidation Plan
 File: PLAN-2019-4-June- 607
 41-53 Allen Street
 Owner: Austin McQuaid Inc.



TITLE: SITE SPECIFIC EXEMPTION APPLICATION FILE: PLAN-2019-4-JUNE- 608 185 BRACKLEY POINT ROAD (PID #390963) OWNER: BJS PROPERTIES INC. APPLICANT: OSAMA ABDOH		 CHARLOTTETOWN
MEETING DATE: June 4, 2019		Page 1 of 8
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 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, subject to the signing of a Development Agreement.

BACKGROUND:***Request***

The property owners, BJS Properties Inc., allowed Osama Abdoh to make an application for a site specific exemption to allow an 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***

On May 13, 2019, Council passed the following resolution:

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.

As per Section 3.11.2 and Section 3.10.4 of the Zoning & Development By-law, written notice was sent to all affected property owners within 100m of the subject property on May 16, 2019. The letter informed them of the site specific exemption application and the upcoming public meeting. The letter then explained that comments for or against the proposed site specific exemption must be submitted prior to 12:00 p.m. (noon) on Wednesday, May 29, 2019.

In addition, staff published a notice in two issues of The Guardian on May 18, 2019 & May 25, 2019 and posted a copy of the notice on the subject property.

Public Feedback

Of the 21 letters sent to affected property owners. No responses were received prior to the deadline.

In addition to the public feedback received during the mailout process, a public meeting of Council was held on May 28, 2019 at 7:00 p.m. at the Rodd Charlottetown, 75 Kent Street. At the meeting, two (2) residents spoke to the application.

One resident explained that he had no issues with the existing business operation or the proposed taxi stand, but indicated that he is opposed to the Automobile Body Shop due to the fumes and noise that it will generate. The applicant responded that he will only be performing light body work and touch painting (as much as you would use to paint your furniture) in which no fumes could be able to be noticed beyond 5 - 10 m of the business. Staff would note that the existing building is located approximately 4.7 m from the nearest property line, approximately

11.7 m from the nearest dwelling and approximately 43.2 m from the property of the concerned resident.

A second resident asked the applicant if the taxi stand business will meet all of the Police requirements including criminal record checks for drivers. The applicant responded that he meets all these requirements (qualified drivers, records checks, and registered, etc...) and the Police have already granted approval with the only outstanding item being the zoning.

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.

Further, staff would note that it is very difficult to review an application of this nature when the property owner has unilaterally decided to operate this business without seeking the proper approvals. Attempting to resolve this situation by site specific exemption 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 site specific exemption process. In this situation, the light body work and touch painting has been operating from this business for a number of months with no complaints from adjacent property owners. The only complaint received, as eluded to earlier, was from a prospective purchaser of the property who was told an Automobile Body Shop is not permitted at this location without Council approval. This leads staff to believe that this operation can operate without land use conflicts with adjacent residential dwellings.

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 could 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

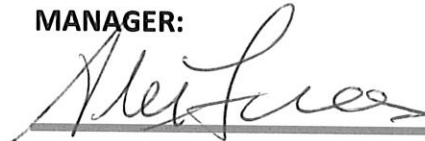
adjacent single-detached dwellings may become an issue should this request be approved, it is staffs understanding that this use has been operating for the past nine months without issue and are therefore recommending that this application be approved subject to the signing of a Development Agreement in order to ensure that only light bodywork and touch painting part of an Automobile Body Shop is performed from this location by the applicant and any future tenants.

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-2019-4-JUNE- 608

185 Brackley Point Road (PID #390963)

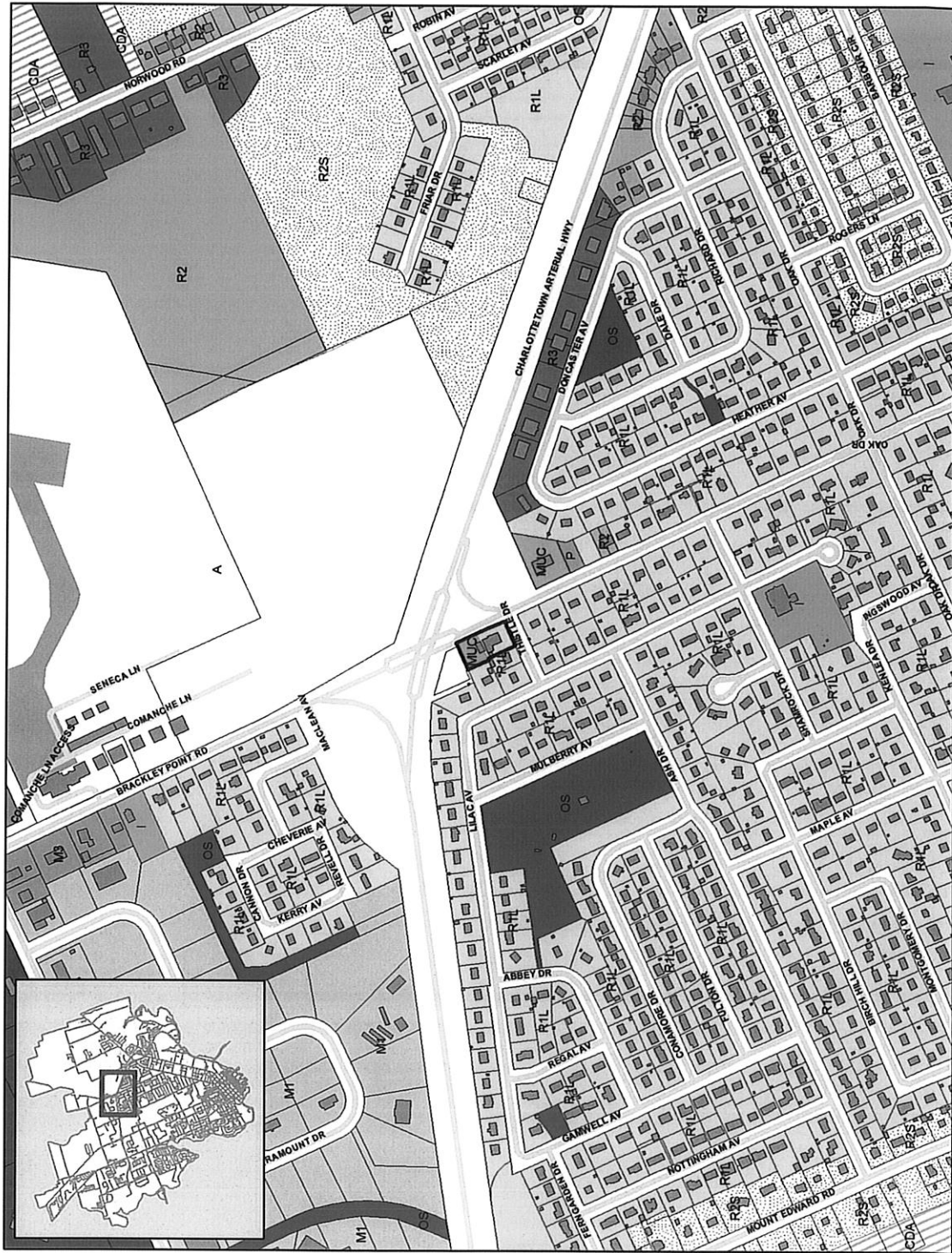
Owner: BJS Properties Inc.

Applicant: Osama Abdoh


CHARLOTTETOWN
Planning & Heritage
Department




Attachment B



Attachment B: GIS Map – Neighbourhood Context
 File: PLAN-2019-4-JUNE- 6C8
 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-2019-04-JUNE- 009		 CHARLOTTETOWN
MEETING DATE: June 04, 2019		Page 1 of 8
DEPARTMENT: Planning & Heritage	ATTACHMENTS: <ul style="list-style-type: none"> A. Amendments to Home Occupations B. Amendments to Tourist Accommodations C. Amendments to Semi-Detached Dwelling tables D. Amendments to Waterfront Zone Requirements E. Amendments to Parking F. Amendments to Appendix A. Definitions 	

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* as per Attachments A to F.

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 concerning 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 out in Section 5.9.1 which included the size of the home occupation, number of employees, number of parking spaces, etc.

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.

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.

In addition, when the previous Zoning & Development By-law 2018-11 was implemented and then amended, there are still uses that could be applied for as per 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;*
- e. *Welding and Metal Fabrication.*

Tourist Accommodations (Attachment B)

As per the feedback received during the public meeting it was determined that the term *Tourist Home* was to be removed and revisited at a later date when staff brings forward specific amendments regarding short-term rentals. As such Section 5.11 shall be amended to remove the references to both Bed & Breakfast and Tourist Home.

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 for Tourist Accommodations:

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 R3, R4 and the 500 Lot Area Zones	Up to seven (7) bedrooms

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 also proposing to treat lot area the same way by dividing the minimum lot area in half per dwelling unit in the same way as the lot frontage since the two are interlinked.

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)	348 sq. m (3,745.7 sq ft) per unit	395 sq. m (4,251.7 sq ft) per unit
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)	1.83 m (6 ft)	1.83 m (6 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)	348 sq. m (3,745.7 sq ft) per unit	395 sq. m (4,251.7 sq ft) per unit
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)	1.83 m (6 ft)	1.83 m (6 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. <i>"All buildings shall be setback a minimum of 8m (26.2ft) from the ordinary high water mark."</i>
6	Building Setback/Step- back	<i>"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 step-back from the interior lot lines no less than 10% of the lot frontage or 5.5m (18ft); whichever is less. Where a lot has more than one streetline, the greater lot width shall be applied."</i>
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 Welding and Metal Fabrication, and amending the definition for Tourist Accommodation 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."

"Welding and Metal Fabrication means the stamping, drawing, grinding, machining, turning, heat treating, galvanizing, plating, coating or other metal processing or metal fabricating including pipe or tube fabrication and including the production of recycled metals entirely from scrap."

"Tourist Accommodation means temporary accommodations for travelers or transients within a Dwelling to provide accommodation and may provide breakfast for remuneration, but a Hotel is a separate use and is separately defined."

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.

Public Feedback

A public meeting of Council was held on May 28, 2019 at 7:00 p.m. at the Grafton/Richmond Room, Rodd Charlottetown Hotel of the Arts, 75 Kent Street. During the public meeting five (5) residents

spoke to the proposed amendments. The majority of comments and concerns expressed by residents was in relation to the issue of short-term rentals and the impact on affordable housing. There was some concerns expressed about defining the existing term *Tourist Home* in relation to the short-term rental issue. After receiving public feedback staff feels that it is not crucial at this time to proceed with defining a *Tourist Home*, but this land use will be reevaluated at a later date when moving forward with short-term rental regulations. In the interim the existing references to *Tourist Home* in the Zoning & Development By-law will be removed along with the reference to *Bed & Breakfast* in order to provide a consistent definition for any type of tourist accommodation.

The Planning & Heritage Department did not receive any written response pertaining to these amendments.

CONCLUSION:

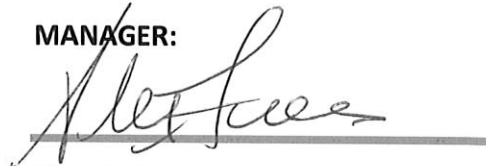
The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments, be *approved* as per Attachment(s) A to F.

PRESENTER:



Robert Zilke, MCIP
Planner II

MANAGER:



Alex Forbes, MCIP, MBA
Manager of Planning & Heritage

Attachment A

Section 5.9.1 is amended by adding additional subsections as follows:

- 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.*

Section 5.9.3.g. is amended as follows:

By deleting the word “*Minor*” and replace with “*Major*” following the words “process of review for a” in subsection g as follows:

5.9.3 The following uses are permitted as Home Occupations:

- a. Home Daycare, subject to the by-law provisions for Home Daycares
- b. Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations
- c. Home Office, clerical, computer and/or telephone-based services
- d. Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)
- e. Multi-Level Marketing Retail Sales
- f. Catering, for off-premise delivery of products
- g. 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~~ Major Variance.

Section 5.9.4 is added as follows:

5.9.4 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;*
- e. Welding and Metal Fabrication.*

Attachment B

Section 5.11 is amended by correcting the word "Accommodation" as follows:

TOURIST ACCOMMODATIONS ON RESIDENTIAL PROPERTIES

Section 5.11.1 is amended as follows:

By deleting the words "such as a bed and breakfast or tourist home."

5.11.1 Tourist Accommodation, ~~such as a bed and breakfast or tourist home~~, are a permitted Home Occupation, subject to the following requirements:"

Section 5.11.3 is added as follows:

5.11.3 *The maximum number of bedroom(s) for any Tourist Accommodation shall be determined as follows:*

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 R3, R4 and the 500 Lot Area Zones	Up to seven (7) bedrooms

Attachment B:
Amendments to Tourist Accommodation
File: PLAN-2019-4-JUNE-



Attachment C

Section(s) 13.2 and 14.2 siting tables Regulations for Semi-Detached Dwellings are both amended as follows:

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,491.7 sq ft) 348 sq. m (3,745.7 sq ft) per unit	790 sq. m (8,503.5 sq ft) 395 sq. m (4,251.7 sq ft) per unit
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)	1.83 m (6 ft)	1.83 m (6 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)

Attachment C:
Amendments to Regulations for Semi-Detached
Dwellings
File: PLAN-2019-4-JUNE-



CHARLOTTETOWN
Planning & Heritage Department

Attachment D

Section 33.3 Regulations for Permitted Uses in the WF Zone is amended as follows:

By inserting "All buildings shall be setback a minimum of 8m (26.2ft) from the ordinary high water mark" under subsection 4 and insert "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 step-back from the interior lot lines no less than 10% of the lot frontage or 5.5m (18ft); whichever is less. Where a lot has more than one streetline, the greater lot width shall be applied" under subsection 6 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. "All buildings shall be setback a minimum of 8m (26.2ft) from the ordinary high water mark."
6	Building Setback/Step-back	"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 step-back from the interior lot lines no less than 10% of the lot frontage or 5.5m (18ft); 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)

Attachment D:
Amendments to Regulations for
Permitted Uses in the Waterfront (WF)
Zone
File: PLAN-2019-4-JUNE-



CHARLOTTETOWN
Planning & Heritage Department

Attachment E

Section 43.1 the parking table is amended as follows:

By inserting the Use "Home Occupation," following the Use "Funeral Establishment" but preceding the Use "Hospital" as follows:

Dwelling Unit	1 space per <i>Dwelling Unit</i>
Dwelling Unit in the 500 Lot Area	1 space per <i>Dwelling Unit</i> in a <i>Building</i> with three or few <i>Dwelling Units</i> ; and in a <i>Building</i> with more than three <i>Dwelling Units</i> the parking shall be 1 space for every two <i>Dwelling Units</i> with no <i>Parking Lot</i> to have less than three <i>Parking Spaces</i> .
Funeral Establishment	A minimum of 15 spaces plus 1 space for each 5 seats
Home Occupation	<i>A minimum of 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.</i>
Hospital	1.25 spaces per bed
Hotel	1 space per guest room or suite; 1 space for every 21 sq. m (226.0 sq. ft) of commercial, <i>Office</i> space or public use access; 1 tour bus space may be substituted for vehicle parking for every 18 rooms or suites up to a maximum of 36 rooms or

Attachment E:
Amendments to Parking
File: PLAN-2019-4-JUNE-



Attachment F

Appendix A. Definitions are amended as follows:

- 1) By inserting the definition alphabetically for “*Heritage Inn*” proceeding after “*Height*” but before the existing definition “*Heritage Resource*” as follows:

Height means the vertical distance measured from average finished Grade to the highest point of the roof surface in the case of a Flat Roof, or the ridge of a gable, hip, or gambrel roof, and excluding such Structures as antennas, municipal water storage tanks, skylights, cupolas, elevator penthouses, mechanical penthouses, solar panels, chimneys, silos, smoke stacks, steeples and spires.

“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.”

Heritage Resource as defined in the City of Charlottetown Heritage Preservation By-law.

- 2) By inserting the definition for “*Welding and Metal Fabrication*” proceeding after “*Watercourse*” but before the definition “*Wetland*” as follows:

Watercourse shall have the same meaning as defined in the Watercourse and Wetland Protection Regulations prescribed under the Environmental Protection Act, as may be amended and in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

“Welding and Metal Fabrication means the stamping, drawing, grinding, machining, turning, heat treating, galvanizing, plating, coating or other metal processing or metal fabricating including pipe or tube fabrication and including the production of recycled metals entirely from scrap.”

Wetland shall have the same meaning as defined in the Watercourse and Wetland Protection Regulations prescribed under the Environmental Protection Act, as may be amended and in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

- 3) Amending the existing definition “*Tourist Accommodation*” by deleting the words “and includes bed and breakfasts and tourist homes,” as follows:

Tourist Accommodations means temporary accommodations for travelers or transients within a Dwelling to provide accommodation and breakfast for remuneration, ~~and includes bed and breakfasts and tourist homes,~~ but a Hotel is a separate use and are separately defined.