



**PUBLIC MEETING AGENDA  
NOTICE OF MEETING**

*Tuesday, October 29, 2019 at 7:00 p.m.*

*Provinces Room, Rodd Charlottetown Hotel, 75 Kent Street*

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**1. Call to Order**

**2. Declaration of Conflicts**

**3. Approval of Agenda**

**4. Reports:**

a) 68 Brackley Point Road (PID #396713)

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.

**5. Introduction of New Business**

**6. Adjournment of Public Session**

**Information Sheet for Public Meeting of Tuesday, October 29, 2019**

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

**68 Brackley Point Road (PID #396713)**

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.

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

Thirty nine (39) letters were sent out on October 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, October 19, 2019 and Saturday, October 26, 2019. Notice was also posted on the City's website.

Notice was posted on the subject property on October 16, 2019.

Two (2) letters of opposition have been received to date.

*Notes:*

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<b>TITLE:</b> <b>REZONING APPLICATION</b> <b>FILE: PLAN-2019-7-OCTOBER- 6A1</b> <b>68 BRACKLEY POINT ROAD (PID #396713)</b> <b>OWNER: HILL-BAY HOLDINGS INC.</b>		
<b>MEETING DATE:</b> October 7, 2019		<b>Page 1 of 7</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. GIS Map B. Site Plan C. Elevations D. Floor Plans	
<b>SITE INFORMATION:</b> <b>Context:</b> Vacant property in Sherwood <b>Ward No:</b> 9 - Stonepark <b>Existing Land Use:</b> Vacant Property <b>Official Plan:</b> Low Density Residential <b>Zoning:</b> Single-Detached Residential (R-1L) Zone		
<b>PREVIOUS APPLICATIONS:</b> The applicant withdrew their application on February 7, 2019 to rezone the subject property from the R-1L Zone to the R-3 Zone in order to construct a 48-unit apartment building.		

**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 construct two (2) townhouse dwellings on the property for a total of 14 units at 68 Brackley Point Road (PID #396713) subject to:

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

**BACKGROUND:**

***Request***

The property owners, David Jackson & Veronica Laidlaw (Hill-Bay Holdings Inc.), are applying to rezone the vacant property located at 68 Brackley Point Road (PID #396713) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone.

The purpose of the rezoning would be to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other townhouse dwelling would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.

***Development Context***

The subject property is located along Brackley Point Road between Duncan Heights and Coles Drive which would be considered a minor arterial road.

All of the properties along Brackley Point Road between Duncan Heights and Coles Drive are located in the Single-Detached Residential (R-1L) Zone. All of these properties either contain a one-unit or two-unit dwelling.

The subject property is located within 300m of both Sherwood Elementary School and Stonepark Junior High School. In addition, the T3 Transit stops at the Sherwood Business Centre which is approximately 500m from the subject property.

***Property History***

There is no building & development permit records or subdivision records for the vacant property.

That being said, the applicant submitted a rezoning application on January 14, 2019. The request was to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct a 48-unit apartment building on the vacant property.

The rezoning request was presented to Planning Board on February 4, 2019 and made the following motion:

*Moved by Rosemary Herbert, RM, and seconded by, RM, that the request to:*

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

*for the property located at 68 Brackley Point Road (PID #396713), be recommended to Council to reject the request to proceed to a Public Consultation.*

Following the Planning Board meeting, the application was withdrawn by the applicant on February 7, 2019.

#### **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 of the Zoning & Development By-law.

#### **ANALYSIS:**

Arterial roads by nature are generally categorized as high capacity urban roads. Their primary function would be to deliver traffic from collector roads to the by-pass or highways at the highest level of service possible. Arterial roads typically contain higher densities than collector or local streets but generally have less access points for residential development. Brackley Point Road and Mount Edward Road generally contain low density residential dwellings. Other arterial roads in the City of Charlottetown containing medium density residential dwellings, commercial uses, or industrial uses include Euston Street (between Weymouth Street and University Avenue), North River Road (between Beach Grove Road and Gates Drive), Sherwood Road, Belvedere Avenue (between North River Road and University Avenue) and St. Peter's Road (between Brackley Point Road and Mount Edward Road).

In addition, higher densities should be located along bus routes. Due to the current low density nature of Brackley Point Road, the T3 Transit does not run along Brackley Point Road but it does stop at the Sherwood Business Centre which is approximately 500m away at the intersection of Belvedere Avenue, Brackley Point Road and St. Peter's Road.

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

*Section 3.1.2 - Our **policy** shall be to allow moderately higher densities in neighbourhoods ... and to make provision for multiple-family dwellings in the downtown core, and multiple-family dwellings in suburban centres and around these centres provided it is development at a density that will not adversely affect existing low density housing.*

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

*Section 3.3.1 - Our **objective** is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.*

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

In the applicant's rationale on their previous rezoning application, they refer to the significant housing shortage and explain that:

*"There is very little vacant land available for development so it is particularly important that housing densification happens where development is possible. This is a great opportunity to fill in the gap of this streetscape and achieve some much needed housing. That said, it is of the utmost importance that, where there is pressure to develop, that it is done with careful consideration to the qualities of the area – in a manner that is sensitive to the characteristics that define the area."*

In order to reduce the effect of the increased density on existing low density housing along Brackley Point Road, the applicant has reduced their request from a 48-unit apartment building to 14 residential dwelling units constructed within two (2) townhouse dwellings.

When reviewing the submitted preliminary site plan and building plans, the applicant appears to be adhering to all setback requirements as illustrated in the Zoning & Development By-law below:

	Requirement	Proposal
<b>Lot Area</b>	29,386 sq ft (14-units)	+/- 69,000 sq ft
<b>L Side Yard Setback</b>	9.8 ft (min)	21.5 ft
<b>Rear Yard Setback</b>	24.6 ft (min)	55.1 ft
<b>Unit Width*</b>	21.3 ft (max)	21.25 ft

*\*Section 15.3.8 – Where 8 consecutive dwelling units are proposed, individual dwelling units shall not exceed 6.5 m (21.3 ft) in width.*

Should the rezoning application be approved, the applicant will have to further develop their plans to ensure compliance with the parking requirements (Section 43 of the Zoning & Development By-law) and with the landscaping requirements (Section 6.5 of the Zoning & Development By-law). Specifically, the application lacks mobility disabled parking spaces as well as a landscaped area consisting of trees and shrubs within the minimum front yard setback.

Staff sent the preliminary site plan the Police Department, Fire Department and the Public Works Department on September 25, 2019 but did not receive any comment back. That being said, a street access sight distance review was done for this property on May 23, 2008 at which time it was indicated that the minimum site required is 85.0 m for this site. An access from the north of the property would only have an 80 m approach from the south and an access from the south of the property would only have a 70 m approach from the south. The approach from the north was sufficient from either access point on the property. Should the rezoning be approved, the applicant would be required to submit a Building & Development Permit application in which the access would be reviewed by the Departments noted above and the Building Inspector would have to review to ensure compliance with the National Building Code.

Staff would suggest that it is difficult to evaluate this rezoning request in isolation of the existing land uses in the surrounding neighbourhood. This rezoning has the potential to change the long term direction of this neighbourhood and may lead to additional rezoning requests for the rest of the properties. Ideally, the long term direction of this neighbourhood should be dealt with in a secondary planning process where the residents would be consulted for input on potential changes to the land use in this area. Notwithstanding, the applicant has reduced the scale of their proposed development in an attempt to limit the negative impact on adjacent properties.

Staff would note that a rezoning request for 88 Brackley Point Road (PID #396770) to rezone from the R-1L Zone to the R-3 Zone in order to construct a 30-unit apartment building and townhouse dwelling units was already rejected by Council on April 8, 2019. Council in their decision making noted the public opposition from affected property owners who expressed concerns relating to the increased density of the proposed zoning in the existing neighbourhood, the potential for reduced property values of adjacent properties in the neighbourhood and the potential for increased traffic generated from the proposed rezoning.

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

Positives	Neutral	Shortcomings
<ul style="list-style-type: none"> <li>▪ Higher density development should be located along arterial roads.</li> <li>▪ Two schools are located within 300m.</li> <li>▪ A commercial shopping centre and bus stop is located within 500m.</li> <li>▪ Moderately higher density using existing underground services.</li> </ul>		<ul style="list-style-type: none"> <li>▪ The scale of the townhouse dwellings may adversely affect existing low density dwellings.</li> <li>▪ This section of Brackley Point Road is established as single-detached dwellings.</li> <li>▪ The access from this property onto Brackley Point Road may not have sufficient sight lines.</li> </ul>



- The proposed development appears to be able to meet the requirements of the By-law.
- It is difficult to evaluate a spot rezoning of this one property.
- Adjacent properties may seek similar rezonings in the future if this is approved which would change the character of the neighbourhood.

**CONCLUSION:**

The Planning & Heritage Department recommends 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

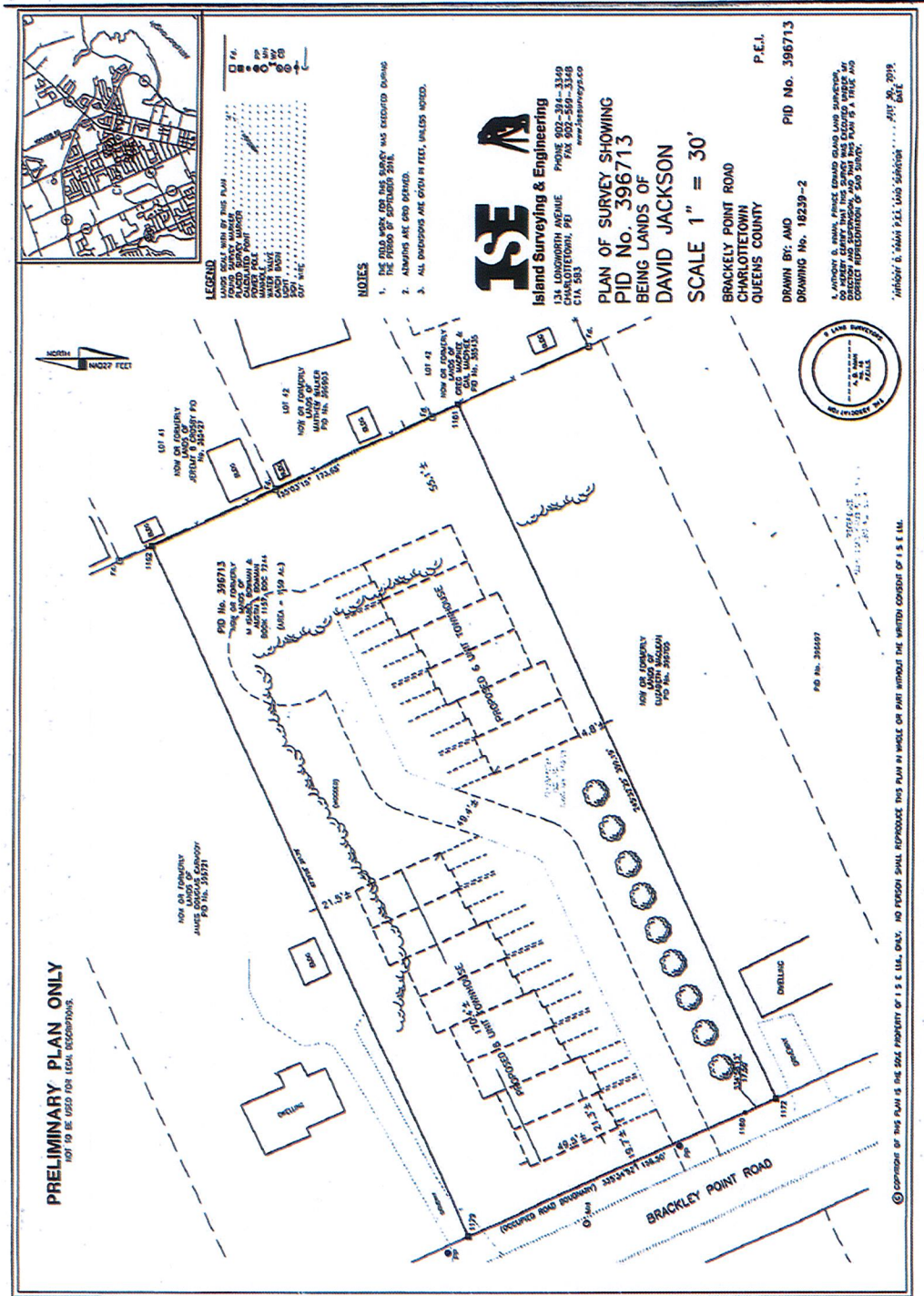


Attachment A: GIS Map  
File: PLAN-2019-7-OCTOBER-**6A1**  
68 Brackley Point Road (PID #396713)  
Owner: Hill-Bay Holdings Inc.

  
**CHARLOTTETOWN**  
Planning & Heritage  
Department



# Attachment B

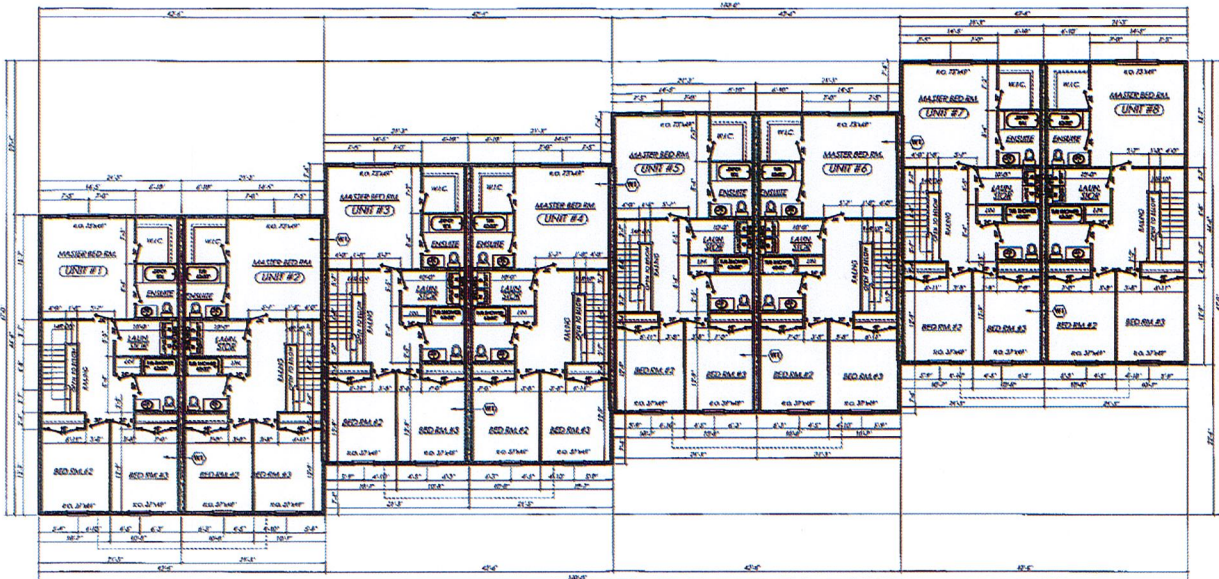
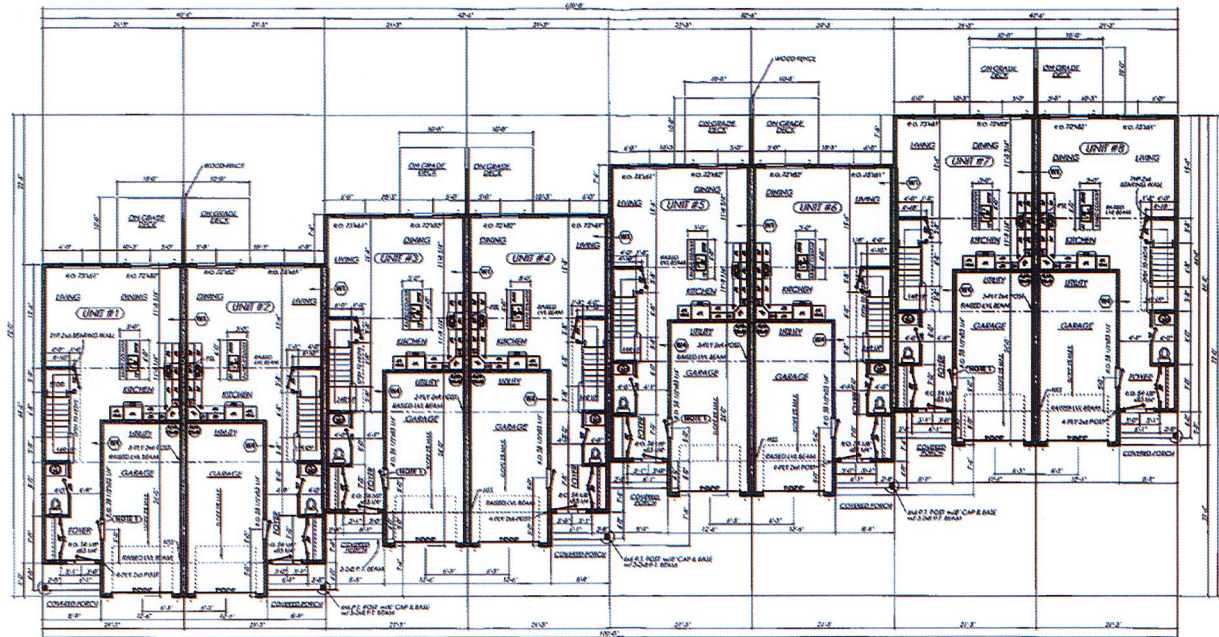


Attachment B: Site Plan  
 File: PLAN-2019-7-OCTOBER-6A1  
 68 Brackley Point Road (PID #396713)  
 Owner: Hill-Bay Holdings Inc.





# Attachment D



Attachment D: Floor Plans  
File: PLAN-2019-7-OCTOBER-6A1  
68 Brackley Point Road (PID #396713)  
Owner: Hill-Bay Holdings Inc.





# CITY OF CHARLOTTETOWN

## RESOLUTION

Planning #1

MOTION CARRIED

10-0 (Carried)

MOTION LOST \_\_\_\_\_

Date: October 15, 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 and Development Bylaw from the Single-Detached Residential (R-1L) to Zone to the Medium Density Residential (R-3) Zone;

for property located at 68 Brackley Point Road (PID #396713), in order to construct two (2) townhouse dwellings containing a total of 14-units, be approved to proceed to public consultation.

October 16, 2019

Dear Property Owner:

**Re: 68 Brackley Point Road (PID #396713)**

The City of Charlottetown Planning & Heritage Department has received a request to rezone the vacant property located at 68 Brackley Point Road (PID #396713) from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone. The purpose of the rezoning is to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.

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 request. A public meeting for this application will be held on **Tuesday, October 29, 2019 at 7:00 p.m. in the Provinces Room, Rodd Charlottetown Hotel, 75 Kent Street**. All residents are welcome to attend.

Furthermore, we solicit your written comments for or against this rezoning application, 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](mailto:planning@charlottetown.ca). Comments must be received prior to **12:00 pm (noon) on Wednesday, October 30, 2019**. All submitted comments shall become part of the public record.

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

Yours truly,



Greg Morrison, MCIP  
Planner II









**LEGEND**

□	WALL BY THIS PLAN
○	PLACED SURVEY MARKER
●	FOUND SURVEY MARKER
○	POLE POINT
○	POLE POLE
○	MARKER
○	WOOD
○	CATCH BASIN
○	LIGHT
○	CONCRETE
○	BAR WIRE

- NOTES**
1. THE FIELD WORK FOR THIS SURVEY WAS EXECUTED DURING THE PERIOD OF SEPTEMBER 2018.
  2. AZIMUTHS ARE GIVEN DEGREES.
  3. ALL DIMENSIONS ARE GIVEN IN FEET, UNLESS NOTED.

**ISE**

**Island Surveying & Engineering**

134 LONGWORTH AVENUE    PHONE 902-394-3349  
 CHARLOTTETOWN, PEI    FAX 902-399-3346  
 C1A 5R3    www.islandsurveying.ca

**PLAN OF SURVEY SHOWING  
 PID No. 396713  
 BEING LANDS OF  
 DAVID JACKSON**

**SCALE 1" = 30'**

**BRACKLEY POINT ROAD  
 CHARLOTTETOWN  
 QUEENS COUNTY**

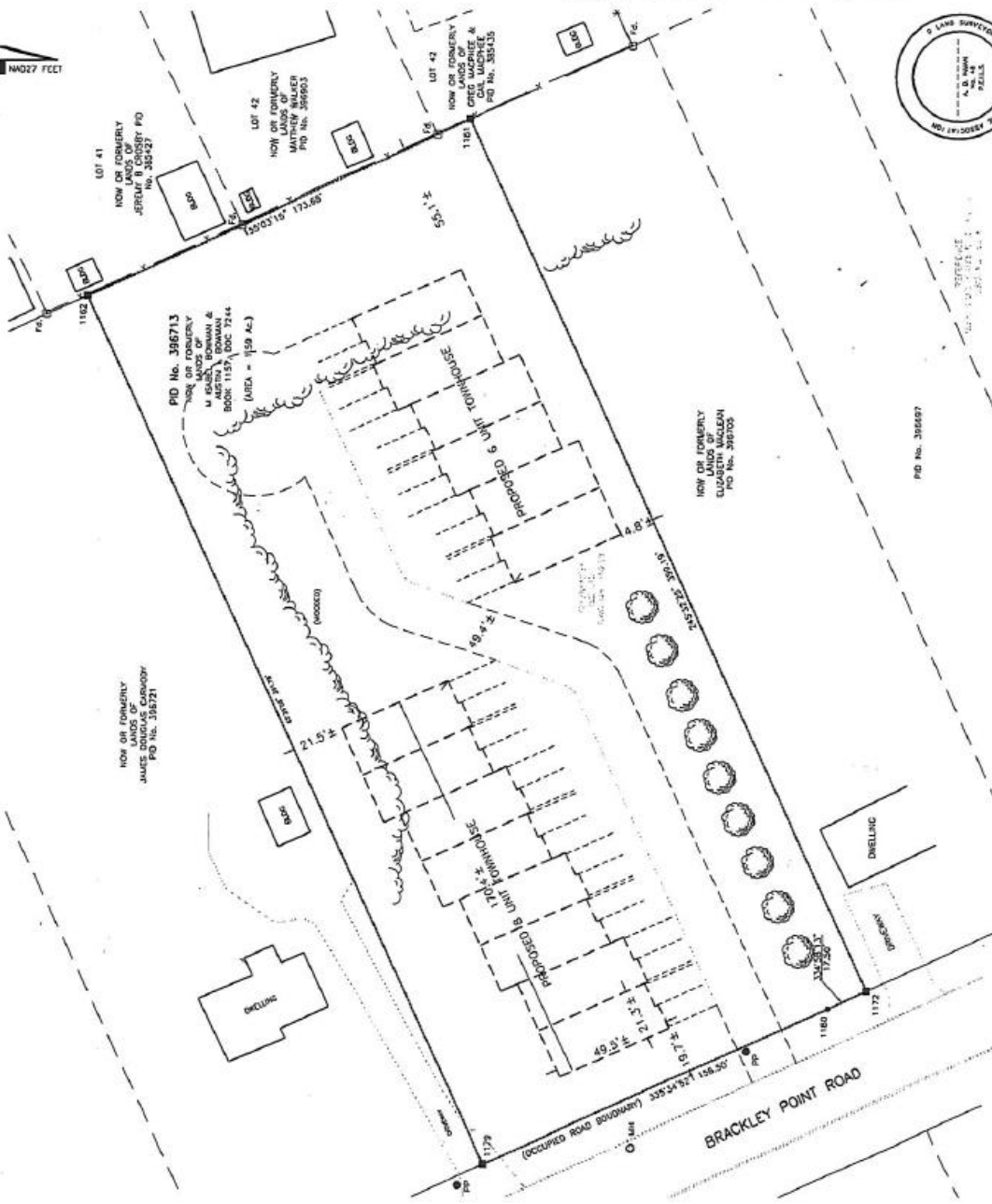
P.E.I.  
 DRAWN BY: AMO    PID No. 396713  
 DRAWING No. 18239-2

I, ANDREW D. TAMAR, PRINCIPAL ENGINEER, BRACKLEY POINT ROAD SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE DIRECTIONS AND SUPERVISION, AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

ANDREW D. TAMAR P.E.I. LAND SURVEYOR    JULY 30, 2019  
 DATE



**PRELIMINARY PLAN ONLY**  
 NOT TO BE USED FOR LEGAL DESCRIPTIONS.



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*Additional information may be available on the City's website*

## **PUBLIC MEETING**

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

### **68 Brackley Point Road (PID #396713)**

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.



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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:00 AM – 4:30 PM, Monday – Friday. The proposed amendments are also on the City's website at [www.charlottetown.ca](http://www.charlottetown.ca). Please have any written comments submitted to the Planning Department before 12:00 p.m. on Wednesday, October 30, 2019. Comments may also be emailed to [planning@charlottetown.ca](mailto:planning@charlottetown.ca). Any responses received will become part of the public record.

**The Public Meeting will be held on:  
TUESDAY, OCTOBER 29, 2019 AT 7:00 P.M.  
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL, 75 KENT STREET**

*The general public is invited to attend.*

7869393

October 19, 2019

Oct. 16, 2019  
2:45 P.M.  
*Shirley*



**CHARLOTTETOWN**

**NOTICE OF  
PUBLIC  
MEETING**

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

**68 Brackley Point Road (PID #396713)**

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.

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**The Public Meeting will be held on:  
TUESDAY, OCTOBER 29, 2019 AT 7:00 P.M.  
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL  
75 KENT STREET**

*The general public is invited to attend.*

## Catane, Ellen

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**From:** Tracey Andrew <tracey.andrew@hotmail.com>  
**Sent:** Wednesday, October 16, 2019 8:26 PM  
**To:** Planning Department  
**Cc:** McCabe,Julie L.  
**Subject:** Rezone request for 68 Brackley Point Roaf

I am writing with my concern about the request to rezone 68 Brackley Point Road to R3. I am totally against it. We have way too much traffic by that daycare/ school now, more traffic in that area is an accident waiting to happen. Brackley point road is busy and to think of that many more cars turning onto Brackley point right there is a scary thought, the school cross walk area is a risk your life crossing area now..... As well Mornings and after school time is impossible on Pope Drive. I walk my dogs everyday down that hill and across that crosswalk on Brackley point , and everyday I see a near miss with cars and buses turning and stopping, kids jumping out of the way alot of times!!! Cars are lined on both sides of the road at 3pm by Stonepark school making only one lane of traffic which goes half way up pope drive. I hope that more people will speak up. I unfortunately can't make the meeting so I wanted to voice my disapproval of the rezoning request. I hope the city will reconsider rezoning to R3.

Thank you

Tracey Andrew

(Arcona Drive Resident)

Sent from Tracey's iPhone

Get [Outlook for iOS](#)

## Catane, Ellen

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**From:** Julie Mccabe <julynnemccabe@gmail.com>  
**Sent:** Thursday, October 17, 2019 4:12 PM  
**To:** Merrill Wigginton; Planning Department  
**Subject:** Re: Meeting is a go

Thanks Merrill I am including planning in your email so they have your thoughts.

Sent from my iPhone

On Oct 17, 2019, at 4:06 PM, Merrill Wigginton <[mhwigginton@bellaliant.net](mailto:mhwigginton@bellaliant.net)> wrote:

Hi Julie:

Thanks for providing us with the information concerning the zoning change at 68 Brackley Point Road.

Sorry we will be away and not going to be in attendance for the zoning meeting but we are definitely opposed to this change.

This area of the city of Charlottetown zoned as R1L should remain as such because the traffic on Brackley Point Rd. is very heavy now. Access unto Brackley Point Rd. from Duncan Heights is quite difficult at present even when visible sight right and left is possible. Allowing additional traffic from 14 units on the very top of the hill on Brackley Point Rd. would not be rational therefore the zoning of R1L should remain in force.

Please vote against changing the present zoning from R1L single detached residential to R3 medium density residential.

We appreciate your support.

Merrill and Audrey Wigginton

15 Pope Avenue

Charlottetown, PE

C1A 6N4

**From:** Julie Mccabe <[julynnemccabe@gmail.com](mailto:julynnemccabe@gmail.com)>  
**Sent:** October 16, 2019 9:47 AM  
**To:** Julie McCabe 2 <[jlmccabe@edu.pe.ca](mailto:jlmccabe@edu.pe.ca)>  
**Subject:** Meeting is a go

Just want to let you know that the public meeting for the rezone is OCT 29 @ 7:00. Look forward to hearing from you.  
Julie

## Information Sheet for Public Meeting of Tuesday, October 29, 2019

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

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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties

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, October 19, 2019 and Saturday, October 26, 2019. Notice was also posted on the City's website.

No letters or comments have been received to date.

*Notes:*

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<b>TITLE:</b> <b>ZONING &amp; DEVELOPMENT BY-LAW AMENDMENTS</b> <b>FILE: PLAN-2019-07-OCTOBER-60-11</b>		
<b>MEETING DATE:</b> October 07, 2019		<b>Page 1 of 5</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> Attachment A – Operations: Calculation of Numerical Requirements Attachment B – Variance Approval Expiry Attachment C – Design Review Attachment D – Attached Garages Attachment E – Non-Conforming Buildings Attachment F – Parking Space Standards Attachment G – Fascia Signage General Requirements and reinsertion of the DMS Zone Attachment H – Reinsertion of the DMS Zone into the General Provision Tables for Signage Attachment I – Designated Heritage Resource Sign Exemptions	

**RECOMMENDATION:**

The Planning & Heritage Department recommends that the proposed Zoning & Development By-law amendments pertaining to:

- Section 2 Operation;
- Sections 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs
- Sections 44.13.3, 44.15.1, and 44.16.1 reinsertion of the Downtown Main Street DMS Zone in the General Provision Tables for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to Sign Regulations

be *approved* to proceed to public consultation.

**BACKGROUND / ANALYSIS:**

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 staff have encountered some applications that require a review or insertion of additional regulations relating to formalizing standard practices dealing with measurements, restrict the expansion of legal non-conforming uses, require design review for developments that undergo a significant design alteration in the 500 Lot Area, dictate the maximum size of an attached garage, establish Marijuana Production Facility parking requirements, provide clarification for fascia sign placement on buildings four (4) stories or greater and enable Heritage Board to provide a recommendation to Council on the design and placement of signage for Designated Heritage Resources.

**Measurements under Operation Section (Attachment A)**

The Zoning & Development does not contain provisions to deal with calculations of numerical measurements. For example both density and parking calculations could result in fractions thereby leaving some ambiguity to the final calculation. Currently, staff have been using common practices to determine final dwelling unit or parking space counts, instances whereby a calculation results in a fraction of a whole number staff either rounds up or down if it is less than 0.5 or greater than 0.5 of the whole number. The other proposed amendments is to clarify situations that pose discrepancies between metric and imperial measurements. The proposed amendments are to formalize rounding practices.

**Minor and Major Variance Approval Expiry (Attachment B)**

Currently, the Zoning & Development By-law prescribes that either a Minor and Major Variance approval shall expire after one (1) year if *no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (i.e. construction has not commenced), the Variance approval and Permit shall automatically be deemed null and void*. Due to the limited construction season and high demand for labour, it can make it difficult for applicants to satisfy the requirements of the variance approval and thus lose said approval. This then precipitates a reapplication through the variance process that takes up additional time and resources for approved applications. In most instances the application remains unchanged but still requires the execution of the full approval process. Staff is proposing on lengthening the expiry

period to two (2) years in order to provide the applicant with an adequate amount of time to satisfy the requirements or conditions of their variance approval.

#### Criteria for Design Review Requirements (Attachment C)

The Zoning & Development By-law requires any new construction, multi-unit residential, increase in a Building's footprint/GFA by 20 sq.m or greater, or development that requires a land use approval application (i.e. subdivision, major variance, bonus height) in the 500 Lot Area to undergo the Design Review process. Staff is recommending that in addition to the above criteria that any development proposal that results in a significant alteration to a Building's design should also be subject to the Design Review process. This is to ensure that the unique architectural character of the 500 Lot Area is not only maintained but enhanced in the future.

#### General Provisions for Buildings and Structures – Attached Garage (Attachment D)

The Zoning & Development By-law does not regulate maximum sizes for attached garages for residential properties. Over the past couple of years the Planning office has been receiving inquiries and at times applications for large attached garages for residential properties. In some instances, the attached garage has been larger than the residential floor area of the dwelling. This has led to massive garages that is out of scale and character of a typical residential area that has caused various neighbourhood complaints. To address this staff is proposing a limit to the size of an attached garage for residential dwellings. Presently, the size of detached accessory structures (i.e. sheds, garages) are regulated in the Zoning & Development By-law. As per jurisdictional research and a scan of permits that have been previously approved staff is recommending that attached garages be restricted to a maximum gross floor area of 40% of the residential dwelling.

#### Non-Conforming Buildings (Attachment E)

Jurisdictional scan of other municipalities show that non-conforming buildings may be reconstructed, repaired or renovated but does not necessarily allow the non-conforming building to be enlarged. To allow for a non-conforming building to be enlarged undermines the purpose for discontinuing the non-conforming building to encourage compliance with the Zoning standards of the day. The purpose of the amendment is to remove references of enlargement of a non-conforming building.

#### Parking Space Standards (Attachment F)

The first amendment is to delete the reference to the parking requirement calculation regarding rounding of parking space requirements since this provision has been moved to the Operation

section of the By-law. The second is to include parking space calculations for a Marijuana Production Facility in the City. The Zoning & Development By-law does not include a parking standard for this particular use, but due to its unique nature as a land use and operation it would require a specific standard. Through research staff recommends that “1 space per 200 sq. m (2,152.8 sq. ft) of *Floor Area* or 1 space per employee per shift, whichever is greater” be inserted into the General Provisions for Parking.

Fascia Sign Requirements for Buildings that are Four (4) Stories or Greater (Attachments G and H)

The Zoning & Development By-law had some ambiguity regarding the placement of fascia signs for buildings that were four (4) stories or taller, especially those buildings that had multi-tenants. Staff is seeking to provide clarity into this matter by providing clear regulation. The proposed regulations will allow for additional fascia signs to be located either below the second storey windows and/or if the maximum allowable sign area for the façade has not been met additional fascia signage may be located above the fourth storey windows. This regulation seeks to limit the proliferation of fascia sign coverage on buildings and maintain the aesthetics of taller buildings. The other amendment to the signage provisions is to re-insert the Downtown Main Street DMS Zone back into the permitted Zones for signage. In the previous By-law the DMS Zone permitted the same signage and had the same standards as that of the Downtown Core DC Zone but was removed in the last comprehensive review. Staff are proposing to reinsert the DMS Zone back into the General Provisions for Fascia, Free Standing, Sandwich Board signs and Temporary Banners.

Enable Heritage Board to make a recommendation to Council for Variance of Signage on Designated Heritage Resources (Attachment I)

Clarification on the variance process for signage on Designated Heritage Resources is required to ensure that both the Zoning & Development By-law and the Heritage Preservation By-law is consistent. The proposed amendments seek to enable Heritage Board to provide a recommendation to Council for signs on designated heritage properties relating to the design and placement.

**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 pertaining to:

- Section 2 Operation;
- Sections 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4 Accessory Structures;
- Section 4.6 Non-Conforming Buildings;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs
- Sections 44.13.3, 44.15.1, and 44.16.1 reinsertion of the Downtown Main Street DMS Zone in the General Provision Tables for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to Sign Regulations

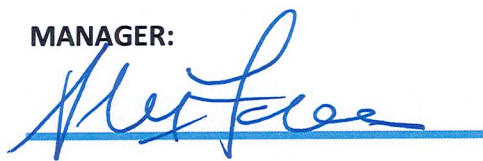
be *approved* to proceed to public consultation.

**PRESENTER:**



Robert Zilke, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

# Attachment A

**Section 2.0 OPERATIONS is amended by inserting the following section:**

## **2.7 CALCULATION OF NUMERICAL REQUIREMENTS**

2.7.1 All numerical requirements in this By-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.

2.7.2 In this By-law, unless otherwise stated for density and parking calculations metric fractions of one-half (0.5) or greater must be rounded up to the nearest whole number and fractions of less than one-half (0.5) must be rounded down to the nearest whole number.

Attachment A:  
Amendments to Operation  
File: PLAN-2019-07-OCT-



# Attachment B

Sections 3.8.7 MINOR VARIANCES and Section 3.9.7 MAJOR VARIANCES is amended as follows:

Delete “one (1) year” and replace with “two (2) years” as follows:

**3.8.7 If, after *two (2) years* of a Minor Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Minor Variance and the related Permit shall automatically be deemed null and void.**

**3.9.7 If, after *two (2) years* of a Minor Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Minor Variance and the related Permit shall automatically be deemed null and void.**

Attachment B:  
Amendments to Minor and Major Variance  
Approval Expiry  
File: PLAN-2019-07-OCT-



# Attachment C

**Section 3.14 DESIGN REVIEW is amended by adding an additional subsection as follows:**

3.14.1 The Design Review process shall apply to the following Building and/or Development Permit applications for any Affordable Housing development(s) in or outside the 500 Lot Area and properties located within the 500 Lot Area, as defined and described in Appendix H:

- a. New construction of any non-residential use or of a Multi-unit Residential Building;
- b. An increase in an existing Building's footprint or Gross Floor Area by 20 sq. m (215 sq ft) or more, excluding residential properties with less than four (4) Dwelling Units;
- c. A Development application that involves a Subdivision/Consolidation, Major Variance, Bonus Height and/or a Site Specific Exemption;
- d. *A significant alteration to the Building's original style, design or materials.*

Attachment C:  
Amendments to Design Review  
File: PLAN-2019-07-OCT-

  
**CHARLOTTETOWN**  
Planning & Heritage Department



# Attachment D

**Section 4 is amended by adding an additional subsection as follows:**

**4.18 Attached Garages**

4.18.1 An Attached Garage may be added to any dwelling, but the maximum size of the attached garage cannot exceed 40% of the gross floor area of the residential dwelling unit space.

4.18.2 A portion of an Attached Garage may be utilized for a Secondary Suite, subject to the Secondary Suite Regulations therein.

Attachment D:  
Amendments to General Provisions for  
Buildings and Structures  
File: PLAN-2019-07-OCT-



# Attachment E

Section 4.6 Non-Conforming Buildings is amended as follows:

**By deleting the words “enlarged”, “reconstructed”, or “demolished”, “enlargement” and “new Building”;** and

**adding “or” between “repair” and “renovation”/”renovated” as follows:**

4.6.1 Where a Building has been Erected on or before the effective date of this by-law, on a Lot having less than the minimum Lot Frontage or Lot Area , or having less than the minimum Setback required by this by-law, the Building may be ~~enlarged, reconstructed,~~ repaired *or* renovated, ~~or demolished~~ provided that:

a. The ~~enlargement, reconstruction,~~ repair *or* renovation, or ~~new Building~~ does not further reduce the existing Setback that does not conform to this by-law, and in the case of a Demolition, a new Building is constructed within two (2) years;

Subsection 4.6.3 (b) is amended as follows:

**By deleting subsection (b)**

~~b. Such rebuilding, enlargement, reconstruction, repair, Renovation, or new Building does not further reduce a required Front Yard or Side Yard that does not conform to this By-law;~~

**and replacing it with the following:**

*b. An applicant who loses a Building through fire or demolition can apply to seek a variance to reinstate the property as it existed prior to its removal.*

Attachment E:  
Amendments to Non-Conforming Buildings  
File: PLAN-2019-07-OCT-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

# Attachment F

Section 43.1 PARKING SPACE STANDARDS is amended as follows:

Delete subsection 43.1.2 “A Parking requirement calculation that is derived from the table and that specifies at least 0.5 of a space but less than 1.0 shall be deemed to be a requirement for one (1) additional space” with all corresponding subsections renumbered; and

Insert “Marijuana Production Facility” under Use following “Funeral Establishment” as follows:

<b>Dwelling Unit in the 500 Lot Area</b>	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> .
<b>Funeral Establishment</b>	A minimum of 15 spaces plus 1 space for each 5 seats
<b>Marijuana Production Facility</b>	1 space per 200 sq. m. (2,152.8 sq. ft.) of <i>Floor Area</i> or 1 space per employee per shift, whichever is greater.
<b>Hospital</b>	1.25 spaces per bed

Attachment F:  
Amendments to Parking  
File: PLAN-2019-07-OCT-



**CHARLOTTETOWN**  
Planning & Heritage Department


# Attachment G

Section 44.12.4 FASCIA SIGN REGULATIONS Table is amended as follows:

Insert the following in the table below:

- Insert “DMS Zone” under Zone
- Delete “One Sign per Building wall may be erected above the bottom of the second Storey windows if:” and “The Business Premise is in a multi-tenant Building and lacks a usable ground floor storefront; or the Business Premise is located in the A, DMU, C-3, M-1, M-2, or EBP Zones; and”
- Insert “unless” preceding “Signs shall be erected below the bottom of the second Storey windows;” and
- Insert “then additional fascia signage may be located above the top floor windows provided that the maximum allowable Sign Area for the Building wall will not be exceeded.” preceding “The Building is four or more stories in Height”.

Zone	Dimensions	General Provisions
<b>DMUN Zone</b>	Sign Area shall not exceed 0.30sq m per linear meter (1.0 sq ft per linear foot) of the Building wall upon which the Sign is erected.	Signs shall be erected on a Building wall that abuts a public street. If a Business Premise is located on a Corner Lot or in a Shopping Centre, Signs may also be erected on one wall that abuts an interior Parking Lot;
<b>DC Zone</b> <b>DMS Zone</b> <b>PC Zone</b> <b>WF Zone</b>	Sign Area shall not exceed 0.38sq m per linear meter (1.25sq ft per linear foot) of the Building wall upon which the Sign is erected.	Signs shall be erected on a maximum of three Building walls, in accordance with Section 5.12.4.a;  Signs shall be erected parallel to a wall;  Signs shall not project more than 0.31m (1ft) from the wall upon which it is erected;
<b>C-1 Zone</b> <b>DMU Zone</b> <b>I Zone</b> <b>MUC Zone</b> <b>OS Zone</b> <b>P Zone</b> <b>PZ Zone</b>	Sign Area shall not exceed 0.46sq m per linear meter (1.5sq ft per linear foot) of the Building wall upon which the Sign is erected.	Signs shall not extend beyond the extremities of the wall upon which it is erected;  Signs shall be erected below the bottom of the second Storey windows; <i>unless</i>
<b>C-2 Zone</b> <b>C-3 Zone</b>	Sign Area shall not exceed 0.53sq m per linear meter (1.75sq ft per linear foot) of the Building wall upon which the Sign is erected.	<del>One Sign per Building wall may be erected above the bottom of the second Storey windows if:-</del>

	<p><b>A Zone</b>  <b>M-1 Zone</b>  <b>M-2 Zone</b>  <b>M-3 Zone</b></p>	<p>Sign Area shall not exceed 0.61sq m per linear meter (2sq ft per linear foot) of the Building wall upon which the Sign is erected.</p>	<p>The Building is four or more stories in Height <i>then additional fascia signage may be located above the top floor windows provided that the maximum allowable Sign Area for the Building wall will not be exceeded.</i></p> <p><del>The Business Premise is in a multi-tenant Building and lacks a usable ground floor storefront; or the Business Premise is located in the A, DMU, C-3, M-1, M-2, or EBP Zones; and</del></p> <p>Signs erected in the 500 Lot Area or on a Heritage Resource shall not exceed 1.21m (4ft) in the vertical dimension.</p>
<p>Attachment G:  Amendments to the Fascia Sign Regulations  File: PLAN-2019-07-OCT-</p>		 <p><b>CHARLOTTETOWN</b>  Planning &amp; Heritage Department</p>	

# Attachment H

Sections 44.13.3, 44.15.1 and 44.16.1 is amended as follows:

Insert "DMS Zone" under Zone for the following tables:

Zone	a. Dimensions	b. General Provisions
<b>DC Zone</b> <b>DMS Zone</b> <b>DMUN</b> <b>PC Zone</b> <b>WF Zone</b>	Sign Area shall not exceed 2.32sq m (25sq ft) per Sign Face.  Signs shall not exceed 2.5m (8.2ft) in Height.	Signs shall have a maximum of two parallel Sign Faces;  Signs shall not impede pedestrian or vehicular visibility when accessing a lot;  Signs shall be setback a minimum of 1m (3.3ft) from the property line and a Building;  Signs erected on a Corner Lot shall be prohibited within the Sight Triangle Area;
<b>C-1 Zone</b> <b>DMU Zone</b> <b>P Zone</b> <b>PZ Zone</b>	Sign Area shall not exceed 3.72sq m (25sq ft) per Sign Face.  Signs shall not exceed 3.7m (12.1ft) in Height.	Signs shall have a minimum Clearance of 2.2m (7.2ft) above open areas and 4m (13ft) above a driveway or vehicular traffic area;
<b>OS Zone</b>	Sign Area shall not exceed 4.65sq m (50sq ft) per Sign Face.  Signs shall not exceed 3.7m (12.1ft) in Height.	When a Business Premise(s) is located on a Corner Lot or through lot, one Sign is permitted on each of two Lot Frontages, provided that the second Sign is 50% of the total Sign Area identified in this table, and there is a minimum distance of 30.1m (99ft) between the Signs.
<b>C-2 Zone</b> <b>MUC Zone</b> <b>I Zone</b>	Sign Area shall not exceed 9.29sq m (100sq ft) per Sign Face.  Signs shall not exceed 6m (19.7ft) in Height.	
<b>C-3 Zone</b>	<b>Shopping Centres:</b>  Sign Area shall not exceed 30sq m (323sq ft) per Sign Face.  Signs shall not exceed 9.75m (32.0ft) in Height.  <b>Non-Shopping Centres:</b>  Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face.	

	Signs shall not exceed 8m (26.2ft) in Height.	
<b>A Zone</b> <b>M-1 Zone</b> <b>M-2 Zone</b> <b>M-3 Zone</b>	Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face.  Signs shall not exceed 8m (26.2ft) in Height.	

Zone	Dimensions	General Provisions
<b>DC Zone</b> <b>DMS Zone</b> <b>DMUN Zone</b> <b>OS Zone</b> <b>PC Zone</b> <b>PZ Zone</b> <b>WF Zone</b>	Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face.  Signs shall not exceed 1m (3.3ft) in Height.	Signs shall only be displayed when the advertised Business Premise is open;  Signs shall not interfere with pedestrian or vehicular circulation, or impede pedestrian or vehicular visibility when accessing the lot;
<b>A Zone</b> <b>C-1 Zone</b> <b>C-2 Zone</b> <b>C-3 Zone</b> <b>DMU Zone</b> <b>I Zone</b> <b>M-1 Zone</b> <b>M-2 Zone</b> <b>M-3 Zone</b> <b>MUC Zone</b> <b>P Zone</b>	<b>Placed On Public Right-of-way:</b>  Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face.  Signs shall not exceed 1m (3.3ft) in Height.  <b>Placed On Private Property:</b>  Sign Area shall not exceed 1.2sq m (13sq ft) per Sign Face.  Signs shall not exceed 1.21m (4ft) in Height.	Signs shall be placed on private property or on the public Right-of-way abutting the subject Building, excluding the sidewalk, where possible;  Where there is insufficient space to satisfy c., the Sign may be placed on the sidewalk abutting the subject Building or the outermost edge of the sidewalk, as long as a minimum pathway of 1.5m (5ft) exists on the sidewalk;  Signs shall display the City's approval sticker indicating that said Sign has been approved in accordance with this by-law;  When placed on a public Right-of-way, the owner of a Sign shall carry liability insurance that names the City as a third party and provides a minimum coverage of \$1,000,000; and  Proof of liability insurance shall be provided on an annual basis.

Zone	Dimensions	General Provisions
<b>A Zone</b> <b>DC Zone</b> <b>DMS Zone</b> <b>DMU Zone</b> <b>DMUN Zone</b> <b>C-1 Zone</b> <b>C-2 Zone</b> <b>C-3 Zone</b> <b>I Zone</b> <b>M-1 Zone</b> <b>M-2 Zone</b> <b>M-3 Zone</b> <b>MUC Zone</b> <b>OS Zone</b> <b>P Zone</b> <b>PC Zone</b> <b>WF Zone</b>	Sign Area shall not exceed 1.95sq m (21sq ft) per Banner face.	<p>In the 500 Lot Area, two Banners are permitted per property. In all other areas a maximum of four Banners are permitted per property;</p> <p>Banners shall be securely attached parallel to a Building wall, or to a supporting Structure(s);</p> <p>Banners shall not extend over a property line, traffic lane, Parking Space, or an area used for vehicular and pedestrian accessibility; and</p> <p>Banners shall not be erected for more than 30 consecutive days and 60 days within a calendar year.</p>

Attachment H:  
 Amendments to Reinsert the DMS Zone into  
 Sign Regulation Tables  
 File: PLAN-2019-07-OCT-





# Attachment I

Section 44.21 EXEMPTIONS TO SIGN REGULATIONS is amended as follows:

## 44.21 EXEMPTIONS TO SIGN REGULATIONS

**44.21.1** Heritage Board shall ~~review~~ *make a recommendation to Council on sign Permit applications for Designated Heritage Resources* that do not adhere to the Sign Design Criteria *and/or the placement of the sign, but not allow an increase to the permitted sign face area.*

**44.21.2** Planning Board shall review applications and make a formal recommendation to Council for applications:


a. for Off-premise Signs for Special Events where there is a request to erect Signs that exceed the maximum duration;

b. for Off-premise Signs for Special Events where there is a request to erect Signs on an annual basis; and

~~c. where a Variance is being sought due to conditions peculiar to the property or unique to the area. This request shall only pertain to the placement and design of Signs, not an increase to the permitted Sign Area.~~

Attachment I:  
Amendments to Exemptions to Sign  
Regulations  
File: PLAN-2019-07-OCT-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

<b>TITLE:</b> <b>ZONING &amp; DEVELOPMENT BY-LAW ADDENDUM AMENDMENTS</b> <b>FILE: PLAN-2019-15-OCTOBER-</b>		
<b>MEETING DATE:</b> October 15, 2019		<b>Page 1 of 2</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> Attachment A – Legal Non-Conforming Uses Attachment B – Lot Area and Variance to the Subdivision Regulations	

**RECOMMENDATION:**

The Planning & Heritage Department recommends that in addition to the nine (9) proposed Zoning & Development By-law amendments that have been put forward by Staff that additional amendments pertaining to:

- Section 5.5 Non-Conforming Uses; and
- Section 45.13 Lot Size

be *approved* to proceed to public consultation.

**BACKGROUND / ANALYSIS:**

Since the adoption of the Zoning & Development By-law on October 1, 2018 it was found that a previous regulation that existed in the previous By-law allowing for the subdivision of a semi-detached dwelling despite conformance with the minimum lot area, frontage or setback requirements was removed. Staff is proposing to reinsert this previous regulation back into the By-law to recognize these existing situations. Furthermore, staff is also proposing to expand on the allowance of variances to lot area and frontage requirements for Semi-Detached or Townhouse Dwelling Units. This would provide some flexibility to property owners seeking to subdivide a property in established areas that could lead to more infill development and promote density.

**Non-Conforming Uses (Attachment A)**

The Zoning & Development By-law previously allowed for the use of a Converted Dwelling or Semi-Detached Dwelling that was lawfully in existence to be a conforming use in the R-1L or R-1S Residential Zones. Staff is proposing to reinsert that regulation back into the By-law to recognize these previously determined conforming uses.

Subdivision Regulations Lot Size (Attachment B)

Staff are proposing an additional regulation to allow for the subdivision of undersized lots pending the approval of a lot area or frontage variance for the dwelling unit. Council would need to approve the variances prior to the subdivision approval being granted.

**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 pertaining to:

- Section 5.5 Non-Conforming Uses; and
- Section 45.13 Lot Size

be *approved* to proceed to public consultation.

**PRESENTER:**

Robert Zilke, MCIP  
Planner II

**MANAGER:**

Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

# Attachment A

**Section 5.5 NON-CONFORMING USES is amended by adding the additional subsections 5.5.5 as follows:**

**5.5.5** *An existing Converted Dwelling or an Existing Semi-Detached Dwelling that is lawfully in existence at the effective date of this By-law in any location within an R-1L or R-1S Residential Zone, shall be a Permitted Use and shall be deemed to be a conforming Use in the R-1L or the R-1S Zone within which it is located at that date.*

**Attachment A:**  
Amendments to Non-Conforming Uses  
File: PLAN-2019-15-OCT-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

# Attachment B

**Section 45.13 LOT SIZE is amended by adding the additional subsections (a) to section 45.13.1 as follows:**

## **45.13 LOT SIZE**

45.13.1 No Lot shall be reduced in area, either by conveyance or alienation of any portion thereof, or otherwise, so that any Building or Structure on such Lot shall have a Lot Coverage that exceeds, or a Front Yard, Rear Yard, Side Yard, Lot Frontage, or Lot Area that is less than that required by this by-law for the Zone in which such Lot is located, *notwithstanding*:

- a) If Council approves the construction of a Semi-Detached Dwelling or Townhouse Dwelling on an undersized lot through a lot area or frontage variance, each Semi-Detached Dwelling unit or Townhouse Dwelling Unit can be further subdivided subject to the requirements in Section 4.14.*

Attachment B:  
Amendments to General Provisions for  
Subdividing Land  
File: PLAN-2019-15-OCT-






# CITY OF CHARLOTTETOWN

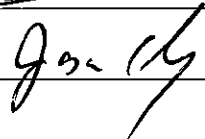
## RESOLUTION

Planning #10

MOTION CARRIED 10-0 (Carroll)  
MOTION LOST \_\_\_\_\_

Date: October 15, 2019

Moved by Councillor  Greg Rivard

Seconded by Deputy Mayor  Jason Coady

### BE IT RESOLVED:

That the amendments to the Zoning & Development Bylaw (PH-ZD.2) pertaining to:

- Section 2: Operation;
- Section 3.8.6 and 3.9.6 Minor and Major Variances;
- Section 3.14 Design Review;
- Section 4: Accessory Structures;
- Section 4.6: Non-Conforming Buildings;
- Section 5.5: Non-Conforming Uses;
- Section 43.1 Parking Space Standards;
- Section 44.12.4 General Provisions for Fascia Signs;
- Section 44.13.3, 44.15.1 and 44.16.1 Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners;
- Section 44.21 Exemptions to sign regulations for Designated properties
- Section 45.13 Lot Size.

be approved to proceed to Public Consultation;

*Additional information may be available on the City's website*

## **PUBLIC MEETING**

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

### **68 Brackley Point Road (PID #396713)**

This is a request to rezone the subject property from the Single-Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone in order to construct two (2) townhouse dwellings on the vacant property. One of the townhouse dwellings would contain six (6) residential dwelling units while the other would contain eight (8) residential dwelling units for a total of 14 residential dwelling units.



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

Proposed amendments to the Zoning & Development Bylaw pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties.

Anyone wishing to view the proposed amendments may do so at the Planning & Heritage Department, 233 Queen Street, between the hours of 8:00 AM – 4:30 PM, Monday – Friday. The proposed amendments are also on the City's website at [www.charlottetown.ca](http://www.charlottetown.ca). Please have any written comments submitted to the Planning Department before 12:00 p.m. on Wednesday, October 30, 2019. Comments may also be emailed to [planning@charlottetown.ca](mailto:planning@charlottetown.ca). Any responses received will become part of the public record.

**The Public Meeting will be held on:  
TUESDAY, OCTOBER 29, 2019 AT 7:00 P.M.  
PROVINCES ROOM, RODD CHARLOTTETOWN HOTEL, 75 KENT STREET**

*The general public is invited to attend.*

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October 19, 2019