CHARLOTTETOWN

PLANNING & HERITAGE COMMITTEE AGENDA
NOTICE OF MEETING

Tuesday, September 1, 2026 @ 3:30 PM
Parkdale Room, 2nd Floor, City Hall, 199 Queen Street
Live streaming: www.charlottetown.ca/video

1. **Call to Order**
2. **Declaration of Conflicts**
3. **Approval of Agenda –** Approval of Agenda for Tuesday, September 1, 2026
4. **Adoption of Minutes** - Minutes of Planning & Heritage Committee Meeting of Wednesday, July 29, 2026
5. **Business arising from Minutes**
6. **Reports or Discussions:**
    a) Patio Bylaw - What We Heard Report
    b) 68 Queen Street - (PID#s 336982, 336974, 336909, 336917, 336966 and 1172915), request for approval of Public Benefit in exchange for Bonus Height.
7. **Introduction of New Business**
8. **Adjournment**

PLANNING & HERITAGE: COMMITTEE MINUTES
WEDNESDAY, JULY 29, 2026, 3:30 PM
PARKDALE ROOM 2ND FLOOR, CITY HALL, 199 QUEEN STREET
Live streaming at www.charlottetown.ca/video

Present:	**Deputy Mayor Alanna Jankov, Chair** **Mayor Philip Brown**	**Councillor Julie McCabe** **Councillor Norman Beck**
Also:	**Brad MacConnell, CAO** **Michael Ruus, Director, Int. Growth** **Donna Miller-Ayton, Mgr, Policy & Heritage** **Natalie Munn, HO** **Shane Jones, Manager, Bld. Insp.**	**Jason Doucette, IO/AA*** **Minute taker* **Cleo Corbett, CMHC*** **Kelvin Ndoro, CMHC*** ***attended virtually**

Regrets:

1. **Call to Order**
   Chair Jankov called the meeting to order at 3:32 PM.

2. **Declaration of Conflicts**
   Chair Jankov asked if there were any conflicts; there were none.

3. **Approval of Agenda**
   Moved by Mayor Brown and seconded by Councillor McCabe that the agenda for Wednesday, July 29, 2026, be approved.

   CARRIED
   (2-0)

4. **Adoption of Minutes**
   Moved by Mayor Brown and seconded by Councillor McCabe that the minutes of the meeting held on Thursday, June 11, as circulated, be approved.

   CARRIED
   (2-0)

5. **Business arising from Minutes**

It was said that the City received a Housing Accelerator Fund Codes Acceleration Fund funding agreement on July 14. Staff explained that the funding is intended to support training, inspections, and operational activities aimed at modernizing Charlottetown's building inspection services and strengthening compliance with advanced energy performance standards.

Staff stated that project activities include digital modernization initiatives, mobile inspection devices, and tablets integrated with the City's e-permitting software. The funding is intended to improve the efficiency and effectiveness of building inspection and permitting services.

A Committee member inquired about the status of the e-permitting initiative, noting that the project had previously been identified as delayed. Staff advised that implementation is expected to proceed once the financial component has been finalized and integrated with the portal.

Following integration, a final round of testing will be completed before the system is opened to public application submissions.

It was also asked whether the delayed status could soon be removed from the initiative. Staff indicated that the project is nearing completion and that the status should be updated in the near future.

Discussion also referenced other approved initiatives, including the parking strategy, and the distinction between project approval and full implementation. Staff confirmed that the e-permitting initiative may be considered approved for milestone tracking purposes, while implementation activities continue. A Committee member emphasized the importance of monitoring project funding, initiatives, and milestones to ensure progress toward intended outcomes.

*Councillor Beck joined the meeting at 4:30PM

6. Reports:

a) CMHC Charlottetown Housing Statistics Presentation

Summary:

Staff introduced the report as response to a request from Councillor Tweel at the May 12, 2026, Regular Council Meeting seeking updated housing information for Charlottetown. The purpose of the report was to provide Council with a better understanding of current housing trends, market conditions, and recent housing data affecting the city. Staff noted that CMHC representatives Cleo Corbett and Kelvin Ndoro were invited to provide detailed housing market insights and analysis to support Council's understanding of local housing challenges and opportunities.

- The report was prepared in response to a Council request for updated housing data and market information.
- Staff recommended that the committee forward the information to Council and that Council receive the report for information purposes.

Cleo Corbett welcomed attendees and explained that she works closely with municipal staff on housing-related initiatives, including the Housing Accelerator Fund. She introduced Kelvin Ndoro, who presented CMHC's latest housing market analysis for PEI and Charlottetown.

Key points:

• CMHC continues to support municipalities through housing programs and partnerships.
• The presentation focused on current housing trends, affordability, and future market pressures.

Housing Market Overview
Kelvin Ndoro explained that PEI's housing market is gradually moving away from the extreme pressures seen during the pandemic years. While demand has begun to moderate and new housing supply is increasing, the market remains tight and affordability challenges continue.

Key points:
• Housing conditions are improving but are not yet balanced.
• Rental supply is increasing faster than ownership housing.

Population Growth and Migration
Population growth continues to be one of the primary drivers of housing demand in PEI. Although growth has slowed recently, the province has consistently outpaced the national average due to strong migration and immigration trends.

Key points:
• Immigration remains a significant source of population growth.
• Non-permanent resident numbers have declined recently.
• Charlottetown remains a major destination for new residents.

Labour Market and Affordability
PEI's labour market remains relatively healthy, with employment growth continuing and labour force participation reaching record levels. Wages have grown strongly since the pandemic, although rising housing costs and inflation continue to reduce affordability for many households.

Key points:
• Employment remains strong.
• Wage growth has exceeded national averages.
• Housing and shelter costs continue to strain household budgets.

Housing Construction Trends
PEI recorded a record number of housing starts in 2025, with most of the growth concentrated in apartment and rental developments. Kelvin emphasized that the market also needs more ownership and family-sized housing options.

Key points:
• Approximately 1,800 housing starts were recorded.
• Rental construction now exceeds ownership-focused development.
• A balanced housing mix remains a priority.

Rental Housing Market
Rental construction has improved supply and increased vacancy rates across the province. However, many newly completed units are higher-priced developments, contributing to rising average rents.

Key points:
• Vacancy rates have improved but remain below balanced levels.
• Affordable rental units remain in very short supply.
• Charlottetown continues to be one of Canada's tightest rental markets.

Homeownership Market
The resale housing market has cooled from pandemic highs, but home prices remain significantly above pre-pandemic levels. PEI has retained much of the housing price growth experienced during the pandemic.

Key points:
• Sales activity has returned to more normal levels.
• Home prices remain approximately 78% higher than pre-pandemic levels.
• Affordability challenges persist for aspiring homeowners.

Closing Remarks and Conclusions
Kelvin concluded that recent improvements are encouraging but do not solve the underlying supply challenges facing PEI and Charlottetown. Continued housing development will be necessary to support future population growth and improve affordability.

Key points:
• More rental, ownership, and family-sized housing is needed.
• Current improvements represent progress rather than a complete solution.
• Long-term housing supply growth remains critical.

Discussion:

It was asked whether the housing data presented by CMHC accurately reflected conditions within Charlottetown, noting that Census Metropolitan Area (CMA) data includes surrounding rural and suburban communities in addition to the city itself.

- CMHC advised that more localized information can sometimes be provided, including data specific to downtown Charlottetown. However, smaller geographic areas can create sample-size limitations that restrict the level of detail available. It was noted that the vacancy rate for downtown Charlottetown was approximately 1.5%.

It was asked whether CMHC could provide the number of affordable housing units developed in Charlottetown between 2022 and 2026 using CMHC affordability criteria.

- CMHC indicated that those figures were not immediately available but may be obtainable in the future. It was explained that rising construction costs make it difficult for newly constructed units to match the affordability of older housing stock and that affordability can be measured in several ways depending on program requirements. It was also asked how many additional housing units are needed to move Charlottetown toward a balanced housing market.

It was also asked how many additional housing units are needed to move Charlottetown toward a balanced housing market.

- CMHC referenced its housing supply gap analysis and advised that additional housing supply is still required. While housing construction has increased significantly, vacancy rates remain below balanced market levels, indicating that demand continues to exceed supply.

It was asked whether Charlottetown could eventually face an oversupply of housing given the number of projects currently under construction.

- CMHC advised that population growth and migration continue to generate housing demand. While vacancy rates have improved, current market conditions suggest that additional supply is still needed and that long-term housing requirements should be considered alongside near-term construction activity.

It was asked whether family-sized rental housing remains a concern in Charlottetown and across PEI.

- CMHC agreed that there is a significant shortage of larger family-oriented units. It was noted that affordability must also consider whether housing is suitable for the size and composition of a household. The current supply of three-bedroom rental units remains limited, and vacancy rates for those units are particularly low.

It was also asked why average rent figures appear lower than the rents currently faced by people searching for housing in Charlottetown.

- CMHC explained that average rent data includes existing tenants who may have occupied units for several years and therefore pay lower rents. Individuals seeking housing today are generally paying market rents for vacant units, which are often substantially higher than the average rent reported for occupied units.

A request was made for a plain-language summary of the presentation that could be included in a future Council package.

- CMHC agreed to prepare a concise summary of the presentation and provide additional supporting data that would help Council and the public better understand the housing information presented.

b) Scope Change – Zoning and Development Bylaw

Summary:

Manager of Policy and Heritage presented a report seeking the Planning and Heritage Committee's recommendation to Council, through the Finance Committee, to approve an expanded scope of

work and associated budget increase for the completion of the City's Zoning and Development Bylaw review.

The report explained that the City retained Fathom Studio in 2024 to undertake a comprehensive modernization of the Zoning and Development Bylaw. While the original consulting agreement contemplated a defined scope of work, additional requirements have emerged throughout the project.

These include further public engagement opportunities, responses to stakeholder feedback, broader community participation initiatives, and implementation support to assist Council during the bylaw adoption process.

Key Points:

- The City retained Fathom Studio in 2024 to conduct a comprehensive review and modernization of the Zoning and Development Bylaw. Additional work has been identified to support stakeholder engagement, public consultation, and implementation of the bylaw.
- Staff believe the expanded scope will help ensure the successful completion and adoption of the new bylaw.
- That the Planning and Heritage Committee recommend to Council, through the Finance Committee, approval of an additional $30,000 (excluding HST) for the expanded scope of work required to complete the City's Zoning and Development Bylaw review and adoption process.

Discussion:

Committee members sought clarification regarding the proposed $30,000 increase to the consulting contract with Fathom Studio for the Zoning and Development Bylaw review.

Staff confirmed that the original contract value was approximately $198,160 plus HST and that the additional funding would support expanded public engagement, consultation activities, and implementation assistance that were not included in the original scope of work.

- The original consulting contract was approximately $198,160 plus HST.
- The proposed amendment would add $30,000 plus HST to the contract.
- The additional costs are related primarily to expanded public engagement and consultation activities, including additional in-person meetings.
- Committee members noted that the enhanced consultation process demonstrates the City’s commitment to providing meaningful opportunities for public input.
- Clarification was provided that the proposed timeline and meeting schedule outlined in the report account for the requested budget increase.
- The additional funding is proposed to come from the Housing Accelerator Fund (HAF).
- Committee members confirmed that the request would proceed to the Finance Committee for consideration before being forwarded to Council.

- It was noted that the report will clearly indicate that the request originated with the Planning and Heritage Committee and that the committee supports the additional public engagement efforts undertaken as part of the project.
- The matter is scheduled to proceed to the next Finance Committee meeting for review and recommendation.

MOTION:

Moved by Councillor McCabe and seconded by Mayor Brown that Planning and Heritage Committee recommend that Council, through the Finance Committee, approve the proposed additional scope of work in the amount of $30,000.00, excluding HST, to enable the City's consultants to complete the City's Zoning and Development Bylaw.

Carried
(3-0)

c) Appointment of Matt Mowry as a Level I Building Official

Summary:

It was said that Matt Mowry was hired by the City of Charlottetown as a Building Inspector I on November 14, 2024. Since joining the City, he has completed the required training, examinations, and practical experience necessary to obtain Level 1 Building Official qualifications. On May 22, 2026, he received confirmation from the Nova Scotia Building Code Training and Certification Board that he had successfully achieved this qualification.
Staff stated that Matt's qualification was obtained through completion of courses and examinations administered through the Nova Scotia Building Officials Association training program, together with hands-on experience conducting inspections and reviewing plans under mentorship within the City's Building Inspection Division.

It was also said that, on July 6, 2026, Matt received a letter from the Minister confirming that he satisfies the requirements under the Building Codes Regulations for appointment by Council as a Level 1 Building Official for the City of Charlottetown. A copy of the Minister's letter was included in the meeting package for reference.

Key Points

- Conduct plan reviews and inspections for buildings within the scope of Part 9 of the National Building Code.
- Exercise the powers and responsibilities granted to Building Officials under the PEI Building Codes Act for those buildings.
- Review and issue permits for a broader range of building types.

It was said that Matt is currently limited to inspections and permitting activities involving single-family dwellings, two-unit residential buildings such as duplexes and semi-detached homes, and related accessory buildings. The proposed appointment would significantly expand the range of work he is authorized to undertake on behalf of the City.

Staff stated that the appointment represents another step in the City's ongoing efforts to build capacity within the Building Inspection team, improve permit processing times, enhance customer service, and help distribute workload more effectively among staff. Staff recommended that Council appoint Matt Mowry as a Building Official with Level 1 qualification.

Discussion:

Mayor Brown indicated that he was hopeful that with 4 inspectors the work could be completed quicker.

Committee members discussed the process around Provincial legislation and Building Code Act requirements for this process.

Councillor Beck stated that he was one of the people who had questioned this type of appointment before and said that, in principle, he disagrees with the process. His concern was that Council is being asked to approve positions with individuals' personal names attached to them in a public setting. He acknowledged that the requirement comes from external legislation that requires Council approval, comparing it to other appointments such as the fire chief, police chief, or CEO, but said he does not agree with having discussions in public with people's names attached to the positions first. Since these are personnel matters, and employee privacy needs to be respected, he believes that the discussions should be held in a closed session first, then come out of that meeting with a recommended resolution.

Staff further emphasized that significant due diligence is completed before a recommendation of this nature is brought forward for Council consideration. Staff are responsible for verifying that an employee has satisfied all training, examination, and experience requirements necessary to obtain the applicable certification through a recognized and reputable organization. In addition to obtaining the Level 1 qualification, the certification is reviewed by the Province, and the Minister provides written confirmation that the individual possesses the qualifications required for Council appointment. It was noted that these measures provide assurance that all statutory and regulatory requirements have been met prior to a recommendation being presented to Council for approval.

MOTION:

Moved by Mayor Brown and seconded by Councilor McCabe that the Committee recommend to Council that Matt Mowry be appointed as a Building Official with Level 1 Qualification, allowing him to undertake all the duties and responsibilities that come with that qualification.

CARRIED
(2-1)
***Councillor Beck opposed**

d) Appointment of Shane Jones as a Level II Building Official

Summary:

It was said that, pursuant to subsection 83 of the PEI Building Codes Act, staff are recommending that Committee recommend to Council the appointment of Shane Jones as a Building Official with Level 2 qualification, enabling him to undertake the duties and responsibilities associated with that designation.

Staff stated that a signed letter dated June 30, 2026, was received from the Minister confirming that, pursuant to the Building Codes Regulations, Shane Jones possesses the necessary qualifications and requirements to be considered for Council appointment as a Level 2 Building Official. Staff therefore recommended that Council approve the appointment of Shane Jones as a Building Official with Level 2 qualification.

Discussion:

There was no new discussion.

MOTION:

Moved by Mayor Brown and seconded by Councillor McCabe that Committee recommend to Council that Shane Jones be appointed as a Building Official with Level 2 Qualification, allowing him to undertake all the duties and responsibilities that come with that qualification.

Carried
(2-1)
***Councillor Beck opposed**

7. Introduction of New Business

Staff to speak with the Province on the process of appointments and bring back to Committee at a later date.

8. Adjournment of Public Session

Moved by Mayor Brown and seconded by Councillor McCabe that the meeting be adjourned. The meeting was adjourned at 4:53 PM.

CARRIED
(3-0)

_____

Deputy Mayor Alanna Jankov, Chair

City of Charlottetown Committee Report

Report No: PH-2026-09-13

Date: September 01, 2026

Directed to Council through the following Committee:
Planning & Heritage Committee

Reporting Department:
Planning & Heritage Department

Other Associated Departments:
Communications Department

Prepared by: Michael Ruus, Director of Integrated Growth

Attachments:

- What We Heard Report – City of Charlottetown Patio Bylaw Update

Report Title:
Patio Bylaw Update – What We Heard

Report Purpose:
To provide a summary of stakeholder and public engagement undertaken to support the transition from the City's temporary COVID-19 patio program to a permanent Patio Bylaw framework.

Staff Recommendation:
That Committee and Council receive for information purposes.

Background:
In response to the COVID-19 pandemic, the City introduced the Temporary Patio Program to support local businesses and downtown economic recovery. Following several seasons of operation, Administration has undertaken a comprehensive review of the program and developed a draft permanent Patio Bylaw intended to support economic vitality, accessibility, safety, tourism, and downtown vibrancy.

To support development of the proposed bylaw, Administration completed a jurisdictional scan of approximately twenty Canadian municipalities, including five municipalities within Atlantic Canada. The review examined patio regulations, permitting models, accessibility requirements, operational standards, enforcement mechanisms, and best practices to identify approaches that could strengthen the effectiveness of Charlottetown's Patio Bylaw.

- Transfer of administration and oversight of patio permits to the Planning and Heritage Department.
- Expanded and clarified definitions throughout the bylaw.
- Revised fee structure to reflect current operational and administrative requirements.
- A streamlined application process intended to improve clarity and efficiency.
- Enhanced compliance and enforcement provisions to support consistent interpretation and administration of the bylaw.

Public engagement was undertaken between February 5 and February 24, 2026, and included:

- A public information and stakeholder session.
- Verbal and written feedback opportunities.
- An online business survey administered by Downtown Charlottetown Inc. (DCI).

Additional stakeholder discussions took place with DCI through the summer of 2026 to clarify feedback received and outline on-going operational pain points.

The DCI survey received 84 responses representing restaurants, retailers, service providers, entertainment operators, and other downtown businesses.

Key Themes from Engagement

Downtown Vibrancy and Economic Activity
Participants generally expressed strong support for patios as a means of activating and animating the downtown core. Respondents identified patios as contributing positively to tourism, pedestrian activity, economic development, and the overall attractiveness of downtown Charlottetown.

Parking and Access
Parking availability was the most frequently identified concern. Many businesses expressed concern regarding the conversion of on-street parking spaces to patio use and the potential impacts on customer access and business operations. Conversely, other participants supported reallocating select parking spaces to pedestrian-focused uses as part of broader downtown placemaking initiatives.

Noise and Neighbourhood Impacts
Concerns were raised regarding late-night noise, outdoor entertainment, and potential impacts on nearby residents and businesses. Participants emphasized the importance of clear operating standards and effective enforcement, particularly if patio operating hours are extended to 1:00 a.m.

Accessibility and Safety
Stakeholders generally supported enhanced accessibility and safety requirements, including accessible seating, ramps, pedestrian clearances, fire safety measures, and compliance with current accessibility standards.

Design Standards and Enforcement
Participants emphasized the importance of attractive, well-designed patios that contribute positively to the downtown streetscape. Feedback highlighted the need for clear design standards, maintenance expectations, inspection protocols, and consistent enforcement.

Operational Consistency
Additional feedback from DCI identified opportunities to strengthen the administrative framework by clarifying patio dimensions, parking space allocation, construction standards, inspection requirements, seasonal installation and removal dates, and permit-holder responsibilities.

Survey Results
The DCI survey demonstrated mixed opinions regarding the current patio program:

- 42% of respondents were satisfied with the current patio program.
- 39% were dissatisfied.
- 19% indicated patios had no impact on their business.

When asked what changes they would like to see:

- 25% supported additional patios.
- 25% requested clearer design and footprint regulations.
- 17% preferred fewer patios.
- 14% indicated no changes were required.

Regarding proposed operating hours:

- 54% supported extending patio operations from midnight to 1:00 a.m.
- 15% felt the proposed closing time was too late.
- 4% felt it was too early.

Respondents also identified improved communication with neighbouring businesses, parking management, accessibility, aesthetics, enforcement, and design consistency as key priorities.

Summary

The engagement process demonstrates broad support for patios as a permanent feature of the downtown environment. Participants generally recognize the important role patios play in supporting business activity, tourism, and vibrancy. At the same time, stakeholders identified several areas requiring careful management, particularly parking impacts, noise, accessibility, design quality, and enforcement.

The jurisdictional review and internal consultation process have strengthened the proposed bylaw by introducing clearer administrative requirements, enhanced compliance measures, improved accessibility provisions, and more robust enforcement tools.

Feedback received from DCI further suggests there may be opportunities to strengthen the bylaw further by addressing patio sizing, seasonal operations, inspection procedures, and permit-holder responsibilities. Additionally, a patio permit information guide and implementation strategy with support from stakeholders will assist in forming clearly understood expectations with operators.

Overall, feedback indicates support for a permanent patio program, provided it balances economic opportunities with effective management of public space, accessibility, parking, safety, and neighbourhood impacts.

Next Steps:

Based on the feedback received through the engagement process, and any additional feedback from Committee, Administration will:

1. Review and incorporate stakeholder and public feedback into the final draft Patio Bylaw, where appropriate.
2. Evaluate opportunities to strengthen provisions related to patio size, parking space allocation, seasonal operation requirements, and permit-holder expectations.
3. Develop a Patio Design and Operations Guide that clearly outlines:
    - Approved patio layouts and dimensions;
    - Design and construction expectations;
    - Seasonal installation and removal timelines;
    - Accessibility requirements;
    - Inspection and compliance processes; and
    - Permit-holder responsibilities.
4. Complete final legal review and confirmation by the City Solicitor.
5. Present the final draft bylaw to Senior Management and subsequently bring the bylaw forward for Council consideration and adoption.
6. Upon adoption, implement administrative procedures, application forms, enforcement protocols, and communications materials to support consistent administration of the new Patio Bylaw.

Council or Committee History:
Planning and Heritage Committee – April 01, 2025
Planning and Heritage Committee – October 09, 2025

Financial Implications:

Public Engagement and Communication:
Facilitated public and stakeholder information session – February 05, 2026
Independent survey of downtown businesses – Downtown Charlottetown Incorporated February, 2026

Legislative Authority:
Municipal Government Act

Strategic Alignment:
Community-Building and Placemaking
Governance and Civic Engagement
Inclusive Economic Growth
Infrastructure and the Environment

Reviewed By:

Manager	**CAO/Director**

Committee Recommendation: (if differing from staff)



What We Heard

City of Charlottetown Patio Bylaw Update

Prepared for: City of Charlottetown

Prepared By: Stantec LTD.

CHARLOTTETOWN

June, 2026

Stantec

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APPENDIX B – BIA SURVEY SUMMARY

APPENDIX C – DETAILED SURVEY RESULTS (INCL. COMMENTS)

APPENDIX D –COVID 19 TEMPORARY PATIO PROGRAM BYLAW BYLAW # 2020- CTP-01

APPENDIX E – DRAFT PATIO BYLAW BYLAW # 2025-P-01

1. Introduction

This What We Heard report summarizes feedback received during public and stakeholder engagement undertaken as part of the City of Charlottetown's update to its COVID 19 TEMPORARY PATIO PROGRAM BYLAW BYLAW # 2020- CTP-01. The City is transitioning from the COVID-19 Temporary Patio Program Bylaw to a permanent Patio Bylaw, informed by research on comparable patio regulations across Canada and input from stakeholders, local stakeholders and the public.

The purpose of this report is to document and share the feedback through engagement activities and written submissions. The feedback summarized reflects participant perspectives and questions and does not represent analysis, recommendations, or final decisions.



2. Engagement Overview

Engagement Approach

Engagement focused on gathering input from local stakeholders and the broader public on proposed changes to the draft Patio Bylaw.

Engagement activities included:

- Facilitated Stakeholder and Public Information Session held on February 5, 2026, at City Hall, consisting of an in-person presentation followed by an open discussion and question-and-answer period.
- Opportunities for verbal input during the session, allowing participants to ask questions and provide comments directly to the project team.
- Invitation for written feedback following the session, with comments accepted through an online form and by email until February 24, 2026.
- Additionally, Downtown Charlottetown Inc. (the Business Improvement Area) conducted an online survey of BIA members in advance of February 5, 2026, to gather feedback from downtown businesses on the existing patio program and proposed bylaw changes. The results of this survey were provided to City staff as part of the engagement process and are summarized in this report.



3. Feedback Organization and Themes

To support clarity and consistency, feedback was organized into key themes. Individual comments may relate to more than one theme; however, they are summarized under the theme that best reflects the primary topic raised.

Major Themes

- Downtown activation and pedestrianization
- Parking and access
- Noise and nuisance considerations
- Patio operations and duration
- Accessibility and safety
- Fees and business considerations



4. What We Heard

1. Downtown Activation and Pedestrianization

Participants generally expressed support for patios as a tool for downtown activation. Key points included:

- Support for reducing vehicle presence in the downtown to encourage pedestrian activity and patio use.
- Recognition that patios contribute positively to vibrancy, safety, and animation in public spaces.
- Comments suggesting that increased activation has helped reduce undesirable activities in some downtown areas.

2. Parking and Access

Feedback related to parking highlighted a range of perspectives, including::

- Some participants supported the reallocation of on-street parking spaces to patios as part of broader downtown pedestrianization efforts.
- Retail business owners raised concerns about potential impacts of parking reductions on customer access and business operations.
- Questions were raised about whether the Patio Bylaw would result in additional parking removals, whether there is a maximum number of patios permitted downtown, and whether alternative parking options would be provided.
- Clarification was provided that patios are not permitted to occupy accessible (disability) parking spaces.

3. Noise and Nuisance Considerations

Noise and late-night activity were recurring topics during discussion, such as:

- Participants noted that areas such as Victoria Row and Sydney Street already host significant outdoor activity and live music, raising questions about how noise limits would be enforced if patio operating hours are extended.
- Concerns were expressed by downtown residents regarding music being played late into the night, particularly up to 1:00 a.m.
- Suggestions were made to ensure consistency between the Patio Bylaw and the City's Nuisance Bylaw, including potential limits on amplified sound after certain hours.
- Questions were raised about whether a baseline level of noise should be expected if patios are permitted to operate later in the evening.

4. Patio Operations and Duration

Feedback on patio operations included:

- General support for extending patio operating approvals beyond one year, with comments noting that multi-year approvals (e.g., three-year terms) provide greater certainty for business owners.
- Questions about how patio operating hours would be regulated and enforced under the new Bylaw.

5. Accessibility and Safety

Participants raised questions related to accessibility and safety requirements, such as:

- Clarification was sought on whether existing patios would be grandfathered under the new bylaw or required to meet updated standards.
- It was confirmed that existing patios would need to be updated to comply with new accessibility and safety requirements.

6. Fees and Business Considerations

Business-related questions and suggestions included:

- Requests for fee reductions, phased fees, or a tiered fee structure could be considered especially for new business owners.



5. External Engagement

Overview

External engagement to inform the Draft Patio Bylaw was undertaken by Downtown Charlottetown Inc. (DCI) to gather input from downtown stakeholders, particularly businesses affected by patio regulations. This work was carried out independently of the City's engagement program but was graciously shared with the City as part of the process. This feedback is summarized here to ensure the feedback is reflected in the What We Heard Report. Details of the engagement materials are provided in Appendices B through E.

Timing and Approach:

- Stakeholder Survey: DCI administered an online survey to BIA members in advance of February 5, 2026, to collect feedback on the existing patio program and potential changes proposed through the Draft Patio Bylaw.
- Survey: Results of the member survey were submitted to City staff for inclusion as part of the engagement strategy.

Participation

A total of 84 respondents participated in the survey, representing a range of downtown business sectors:

- Service businesses (24 respondents)
- Retail (21 respondents)
- Restaurants (19 respondents)
- Other business types (16 respondents)
- Entertainment (4 respondents)

This feedback represents a broad cross-section of the downtown business community.

6. Summary of External Engagement

Feedback provided through the DCI survey indicates mixed views on the current patio program, with respondents identifying both benefits and challenges.

Overall sentiment

- 42% of respondents indicated they are satisfied with the current patio situation.
- 39% indicated they are not satisfied.
- 19% reported that patios have no impact on their business.

Overall, responses demonstrate divided opinions, with no clear consensus among downtown stakeholders.

Desired changes when asked what changes they would like to see:

- 25% supported more patios.
- 25% called for clearer rules related to patio design and footprint.
- 17% preferred fewer patios.
- 14% indicated no changes were needed, with comments noting improved enforcement of existing regulations.

Common themes identified in written comments included:

- Concerns about the loss of on-street parking associated with patios.
- A preference for patios to be associated primarily with food and beverage establishments.
- Noise, safety, and impacts on neighbouring businesses, residents, and pedestrians.
- The importance of consistent design standards, aesthetics, and ongoing maintenance.
- Ensuring patios maintain adequate pedestrian clearances, accessibility, and emergency access.

Operating hours Respondents were asked about a proposed extension of patio operating hours from midnight to 1:00 a.m.:

- 54% felt the extension is appropriate.
- 15% felt it is too late.
- 4% felt it is too early.
- 23% provided no comment.

While a majority supported the later closing time, concerns regarding late-night noise and activity were also noted.

Priorities for bylaw changes

When asked to identify the most important changes to the patio bylaw, respondents emphasized:

- Improved communication with neighbouring businesses (20%).
- Limiting the number of patios downtown (17%).
- Uniform aesthetic requirements (16%).
- Additional accessibility requirements (11%).
- Other comments emphasized parking availability, safety, enforcement, and equitable access to patios for food and beverage businesses.

Other comments emphasized parking availability, safety, enforcement, and equitable access to patios for food and beverage businesses.



7. Summary of Key Themes

Across the Downtown Charlottetown Inc. (DCI) members survey, several overarching themes emerged that align with feedback received through the City-led public and stakeholder engagement activities.. These include strong support for patios as a means of activating and animating the downtown; a desire for clarity and consistency between the Patio Bylaw and other municipal bylaws, particularly with respect to noise; mixed perspectives on parking impacts and business access; and the importance of clear, enforceable standards for accessibility, safety, and operating conditions. The following themes will help inform the refinement of a new By-law.:

- Downtown stakeholders hold varied views on patios, reflecting both support and concern.
- Parking loss, noise, and patio design standards were among the most frequently cited issues.
- Many respondents value patios as contributors to downtown vibrancy when they are appropriately regulated, safe, accessible, and well-designed.
- Clear rules, consistent aesthetics, effective enforcement, and communication with nearby businesses are seen as important to improving the patio program.



Appendix A – Open House Presentation

Patio Bylaw Update: 2023 vs. 2025



February 5, 2026

Stantec

CHARLOTTETOWN

HSSE: Safety

Winter Driving Essentials



SaferTogether™

Tips to know before you go

Check your tires
Make sure you have adequate tread

Keep your distance
Stay at least 650 ft. (200 m) from snowplows

Better visibility
Remove ice, snow, and condensation from all windows, lights, and mirrors

When skidding
Take your foot off the accelerator and steer into the skid

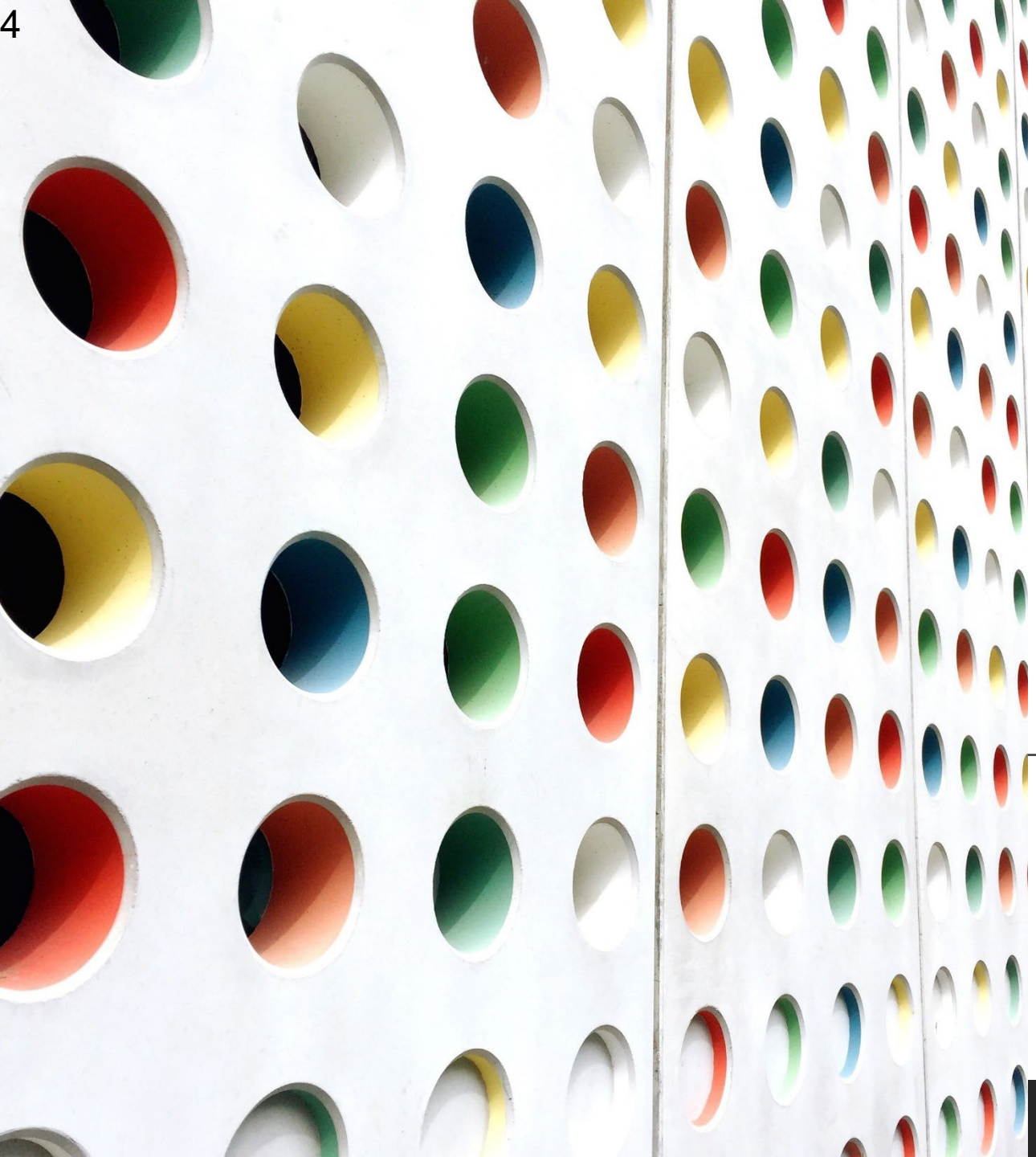
Avoid cruise control
to maintain control of acceleration and deceleration

Stantec Moment



Patio Bylaw Update: 2023 vs. 2025

1. Introduction & Context
2. Why Update the Bylaw?
3. Key Differences: 2023 vs. 2025
4. Benefits of the New Framework
5. Conclusion & Next Steps



Who we are

WITH EVERY COMMUNITY, WE REDEFINE WHAT'S POSSIBLE

1954
FOUNDED

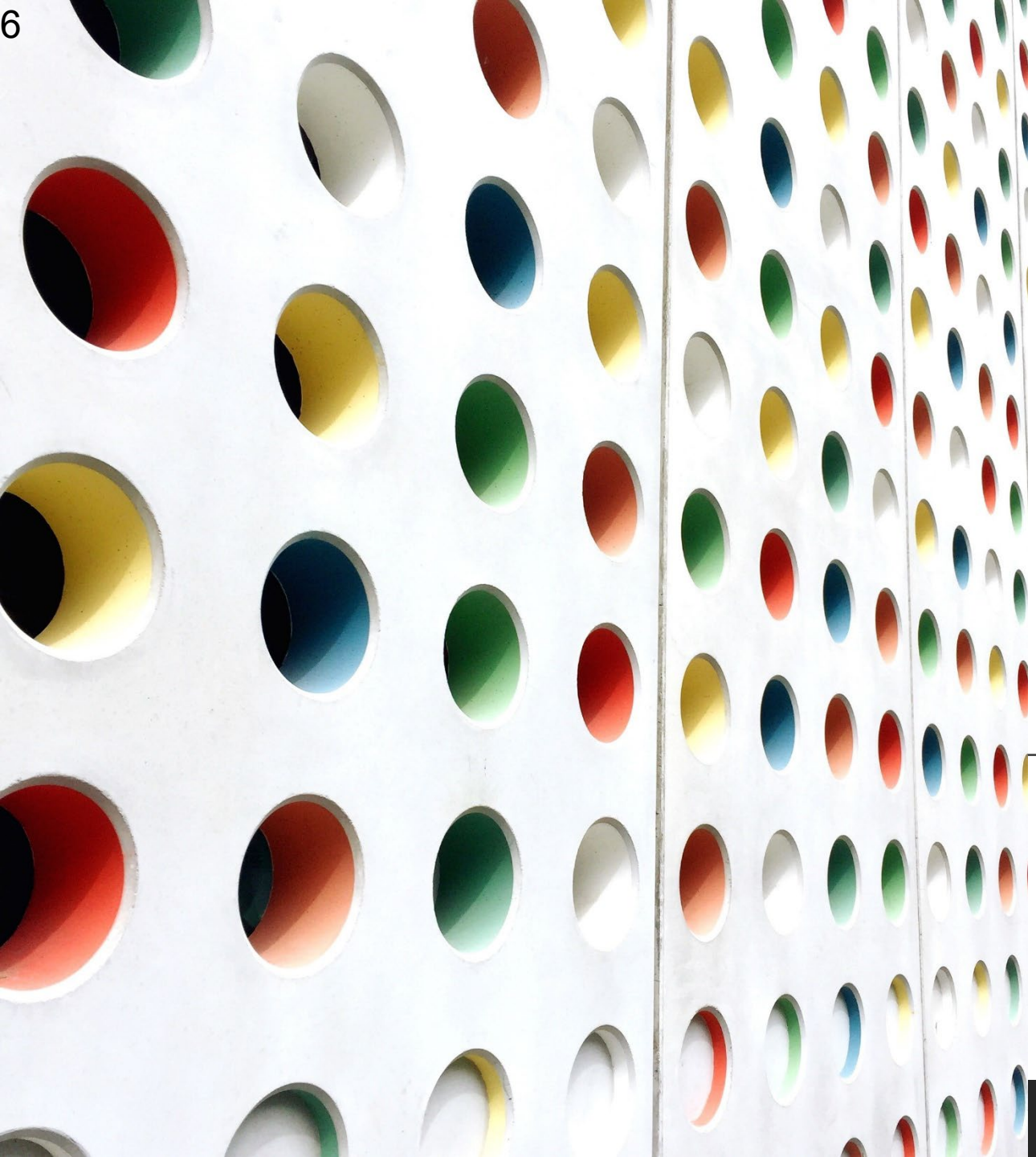
400+
OFFICES AROUND THE WORLD

900+
AWARDS

33,000+
EMPLOYEES

Moncton, Fredericton, Saint John, etc.
LOCAL PRESENCE





Introduction

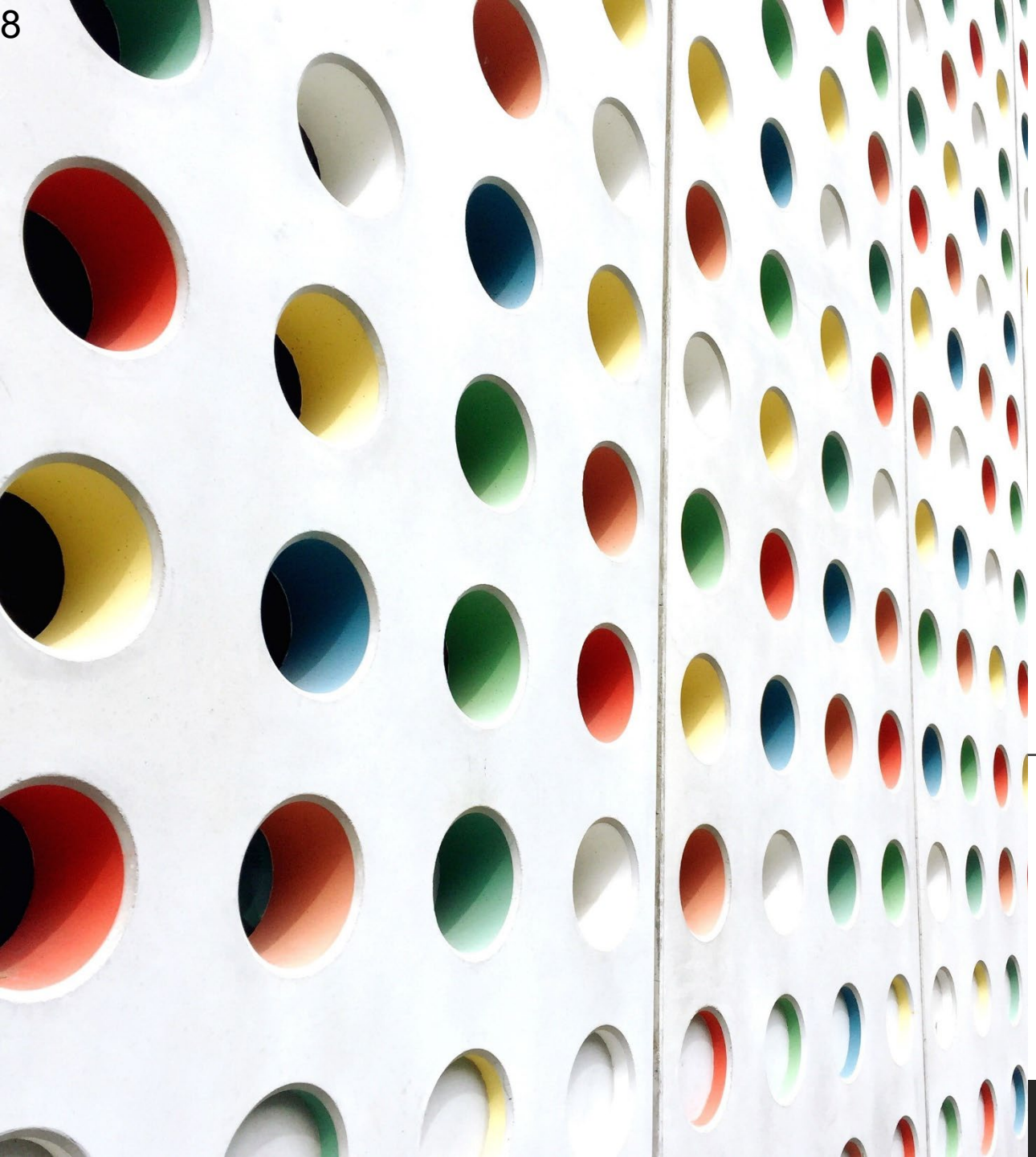
Reason for Update

Purpose:

- Transition from a temporary COVID-19 recovery measure to a permanent framework for patios.
- All patios now fall under the Patio Bylaw, including those previously under the COVID-19 Temporary Patio Bylaw Program and the Street Vendor's Bylaw.
- Focus: Economic vitality, accessibility, and urban character.

Reason for Updating the Bylaw:

- Outdated provisions in the 2023 Bylaw.
- Stakeholder and community feedback identified gaps.
- Need for improved clarity, enforceability, and effectiveness.
- 2023 Bylaw was a pandemic lifeline; 2025 Bylaw formalizes patios as permanent, vibrant public spaces.



Key Changes

Application & Permit Process

Feature	2023 Bylaw	2025 Bylaw
Permit Duration	Until Oct 31, 2023	3 years
Application Deadline	Rolling	March 31 annually
Fee	$600/space	$1,000/space Fees will now be handled under the Fees Bylaw
Required Documents	Insurance, Hold Harmless	Insurance, Hold Harmless, Encroachment Agreement, Patio Plan
Approval Authority	Licensing Inspector	Development Officer

Benefits: Predictable timelines, multi-year permits, higher fees support enforcement and maintenance.



Design & Operational Requirements

- 2025: Introduces CSA and National Fire Code standards for umbrellas/heaters.
- Accessibility: Ramps and inclusive seating required.
- New safety: Reflective tape, stormwater management.
- Electrical/heating devices: Provincial permits, national standards.

Benefits: Safer, more inclusive patios; reduced liability; better integration with streetscape.



Operating Hours & Use

Feature	2023 Bylaw	2025 Bylaw
Hours	8 AM – 12 Midnight	8 AM – 1 AM
Liquor Service	Allowed w/license, metal fencing required	Allowed w/license, fencing required (no longer mandating metal but open to “create appropriate” options)
Food Prep	Not addressed	Explicitly prohibited

Benefits: Extended hours support nightlife/tourism; clear rules reduce enforcement issues.



Enforcement & Appeals

Feature	2023 Bylaw	2025 Bylaw
Enforcement	Licensing Inspector	Bylaw Enforcement Officer
Penalties	$100–$500	As per Enforcement & Summary Proceedings Bylaw

Benefits: Easier application process; stronger enforcement tools; improved compliance.



Other Notable Changes

Expanded Definitions

- New terms: “Agent,” “Clear Path of Travel,” “Patio Plan,” etc.
- Clarifies roles and responsibilities for applicants, property owners, and city staff.
- Internal comment threads included in the bylaw show rationale for retaining or updating definitions (e.g., “Abutting Retailer Space(s),” “Property Owner”).

Encroachment Agreement

- Now required for all patios occupying public space.
- Ensures clear legal responsibility for maintenance, liability, and restoration.

Lighting & Electrical Standards

- All lighting and electrical wiring must meet safety codes.
- Specific standards for umbrella and heater safety (CSA and National Fire Code).

Permit Reversion Clause

- If a permit is not renewed, the patio space automatically reverts to parking or its previous use.
- Ensures efficient use of public space.

Design Diagrams vs. Design Guide

2023 Bylaw: Design Diagrams

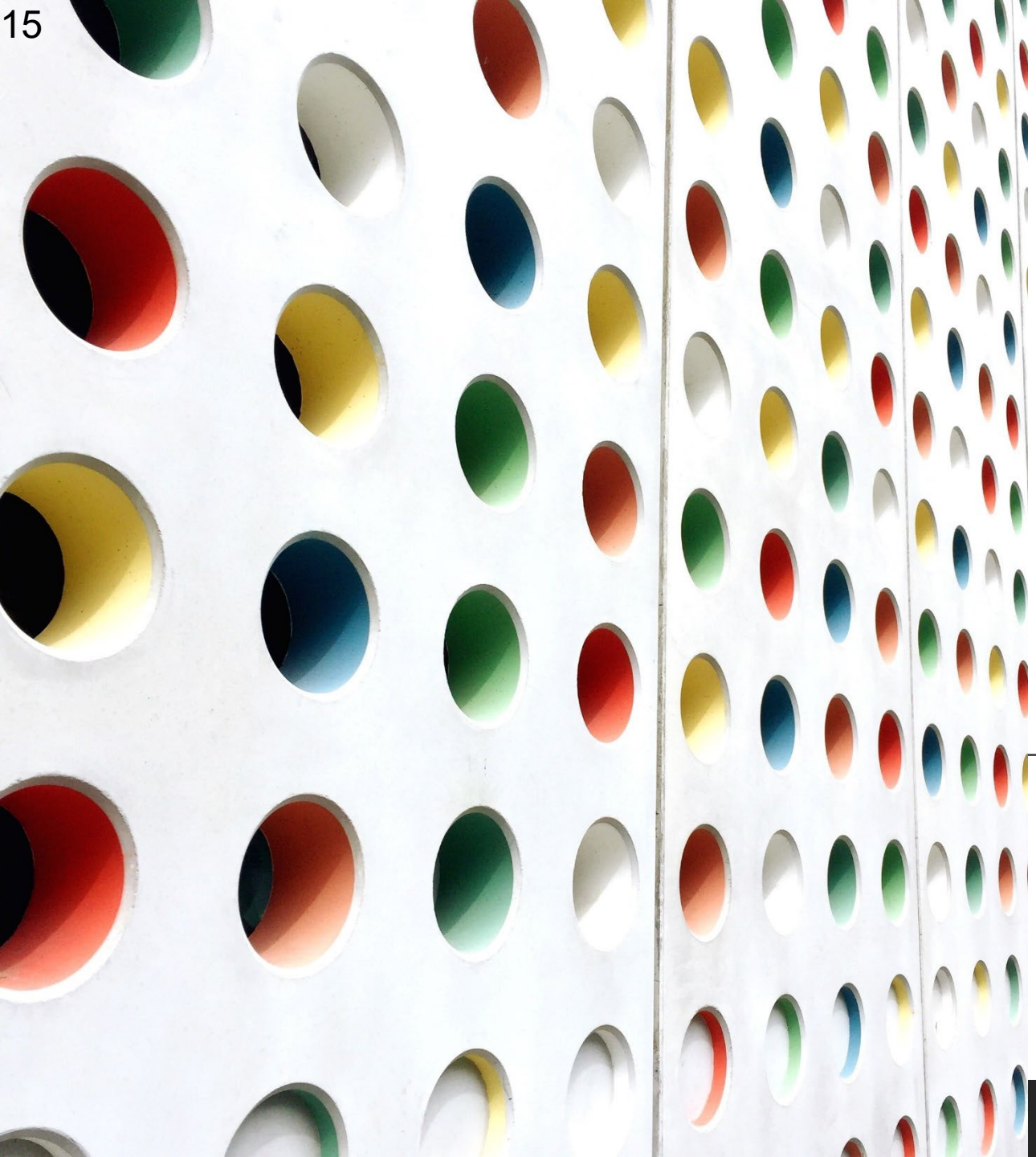
- Mandatory diagrams embedded in Schedule B.
- Council approval required for any changes.
- Applicants had to conform to fixed layouts and configurations.
- Limited flexibility for unique site conditions or innovative designs.

2025 Bylaw: Design

- Schedule B diagrams removed from the bylaw text.
- A separate Design Guide will be provided as a reference tool (not a regulatory requirement).
- Applicants can propose innovative, context-sensitive patio layouts.
- Staff can update the Design Guide as needed without formal bylaw amendments.
- Focus on aligning patios and fences with the character of Charlottetown while maintaining safety and accessibility.

Benefits:

- Reduces rigidity and administrative burden.
- Encourages creative, inclusive, and adaptable public space design.
- Supports ongoing improvements and best practices.



Overall Benefits



Benefits to the City & Community

- Enhanced public safety and accessibility.
- Predictable permitting for businesses.
- Supports tourism and downtown vibrancy.
- Aligns with Council goals for economic development and inclusive design.
- Activates public spaces, encourages pedestrian traffic.
- Reflects commitment to thoughtful urban planning and economic resilience.

Conclusion

- The 2025 Permanent Patio Bylaw builds on the success of the temporary COVID-19 measures, creating a lasting framework for vibrant, accessible, and safe public spaces.
- Key improvements include clearer processes, stronger safety and accessibility standards, and more flexibility for innovative patio designs.
- The new bylaw supports economic vitality, tourism, and aligns with Council’s goals for inclusive urban development.





Next Steps

- Incorporate comments from the Stakeholder Engagement Session into the Bylaw, as appropriate.
  *(**Completed by February 13**)*

- Circulate the amended Bylaw (with incorporated comments from Stakeholder Engagement Session) to the City Solicitor to review and confirmation of correctness.
  *(**February 16** - 3 weeks review)*

- Share the final draft of the Patio Bylaw with Senior Management.
  *(**March 9**)*

- Seek Council approval and finalize the Bylaw.
  (Final Step)

Stantec

CHARLOTTETOWN

Thank you



Appendix B – BIA Survey Summary

Feb 5, 2026

Downtown Charlottetown BIA Members Survey – Patio Feedback Summary

City of Charlottetown Draft Patio Bylaw

"Downtown Charlottetown stakeholders were surveyed to better understand perspectives on the current patio situation. A total of 84 respondents participated, representing a broad cross-section of the downtown business community. Respondents identified primarily as ***service businesses (29%)****,* ***retail (25%)****,* ***restaurants (23%)*** *and* ***other (19%),*** *with smaller* ***5%*** *representation from* ***entertainment****.*

Satisfaction with Current Patios

Opinions on the current patio situation are quite divided. About 42% of respondents indicated they are satisfied, while 39% are not satisfied, and 19% reported that patios have no impact on their business. This shows that while a slight plurality is content, there is no strong consensus, and a significant number of stakeholders have concerns or suggestions for improvement.

Desired Changes

When asked what changes they would like to see, responses were varied:

- 25% want more patios,
- 25% want clearer rules regarding design and footprint,
- 17% prefer fewer patios,
- 14% want no changes, and
- 19% had other suggestions.

Comments highlighted several recurring themes:

- Patios should primarily serve food and beverage businesses, not retail.
- Parking is a concern, as patios often occupy key downtown spaces.
- Noise and safety considerations for neighbors and pedestrians are important.

- Some suggested wider sidewalks, better accessibility, and clearer enforcement of existing rules.
- Aesthetic quality and proper maintenance are seen as important for patios to contribute positively to downtown.

Operating Hours
Currently, patios can operate until midnight. A proposed bylaw would extend this to 1 a.m. About 54% of respondents felt this is an appropriate extension, 15% thought it's too late, 4% thought it's too early, and 23% had no comment. Overall, the majority are comfortable with a later closing time, though some concerns about late-night activity remain.

Priorities for By-law Changes
When asked about the most important changes to the patio bylaw, respondents emphasized:

- Better communication with neighboring businesses (20%),
- Limiting the number of patios downtown (17%),
- Uniform aesthetic requirements (16%),
- Additional accessibility (11%),
- Other considerations (29%), including safety, parking, and equitable access for restaurants.

Key Takeaways

- Downtown stakeholders are divided on the current patio situation, showing both satisfaction and notable concern.
- Parking, noise, and design standards are recurring issues.
- Many respondents support patios but stress they should be regulated, safe, accessible, and primarily for food and beverage establishments.
- Clear communication, consistent aesthetics, and maintaining pedestrian and traffic flow are priorities.

In conclusion, the survey highlights that patios are generally valued but that improvements in regulation, design, accessibility, and coordination with neighboring businesses could enhance their benefit to downtown Charlottetown. There is a clear opportunity for the City to refine policies to balance vibrant outdoor spaces with the practical needs of all downtown stakeholders.

Appendix C – Detailed Survey Results (including comments)

Q1 What sector is your business:

Answer Choices	Percentage	Responses
Retail	25.00%	21
Restaurant	22.62%	19
Service	28.57%	24
Entertainment	4.76%	4
Other (please specify) Show responses	19.05%	16
Total		**84**

Other (please specify):

2-mental health services

2- Church/ Not for profit

2- Real Estate

5- Accommodation

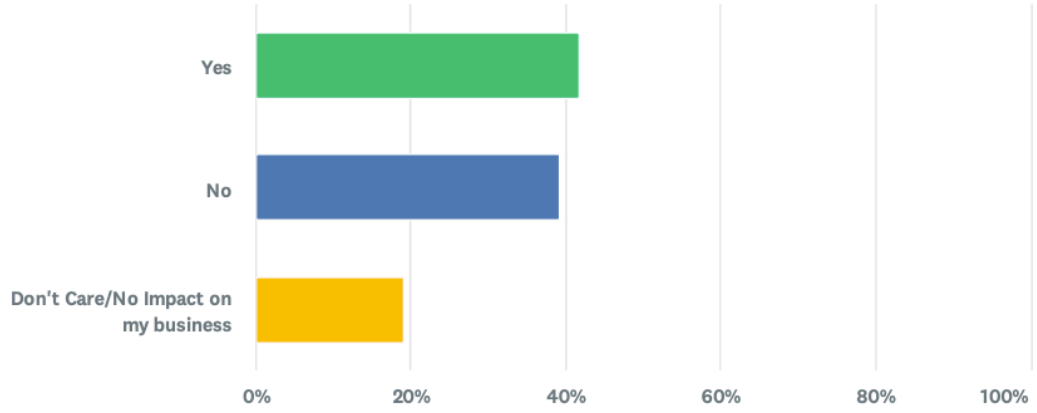
2- Arts & Culture

Development Organization

2- Professional Service

Q2 Are you satisfied with the current patio situation in downtown Charlottetown?

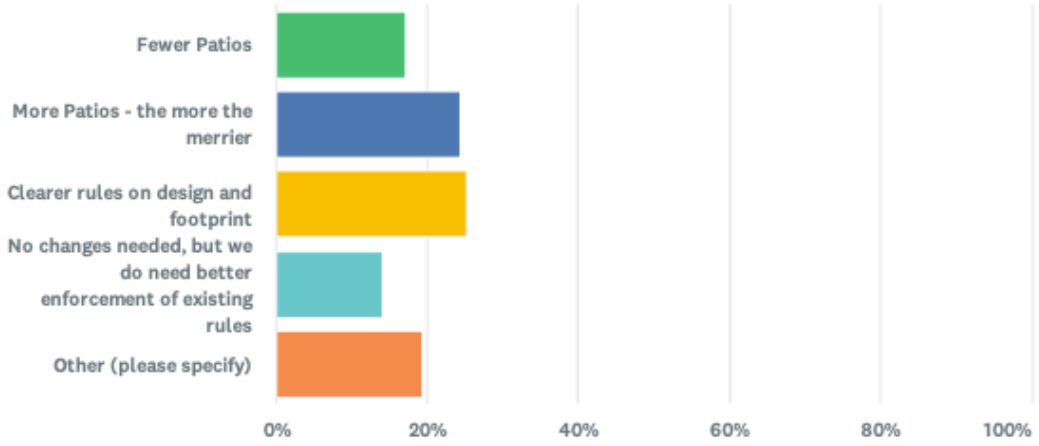
Answered: 84 Skipped: 0



Answer Choices	Percentage	Responses
Yes	41.67%	35
No	39.29%	33
Don't Care/No Impact on my business	19.05%	16
Total		**84**

Q3 What changes would you like to see?

Answered: 80 Skipped: 4



Answer Choices	Percentage	Responses
Fewer Patios	17.17%	17
More Patios - the more the merrier	24.24%	24
Clearer rules on design and footprint	25.25%	25
No changes needed, but we do need better enforcement of existing rules	14.14%	14
Other (please specify) Show responses	19.19%	19
Total		**99**

Other (Please Specify):

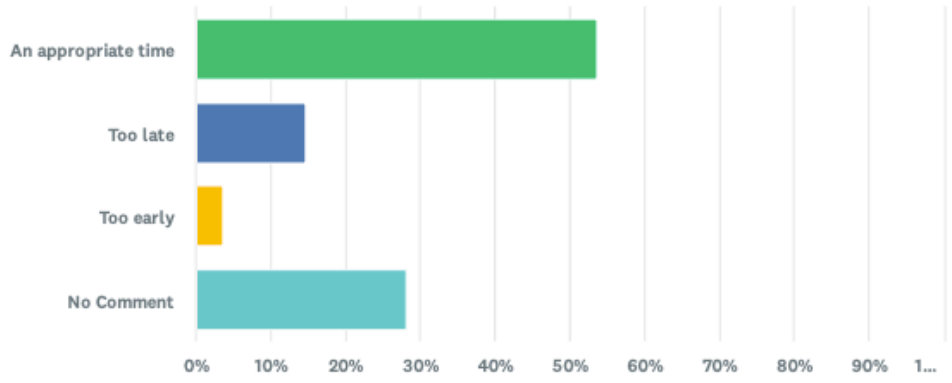
- Should be reserved for food and beverage only (not retail). Should be costly enough to make them think long and hard.
- more consideration of impact of noise on neighbouring businesses
- Clearer notice that restaurants do not have to allow pets in any of their food service areas including patios. Pet owners were always an issue when there was a bylaw in place to not allow animals (other than trained service animals) in food service areas, now if you refuse them they call for blood. The rational before was a food

safety and comfort for all consumers. Why circumvent those measures to appease a pet owner who won't leave their pet at home or get takeout?

- Only downside to the patios is the comprimised parking spaces for Downtown Shoppers.
- Try and keep them from taking existing parking, there's not enough now.
- I do not know the existing rules so I can't comment. Additionally, it does not affect my business.
- More parking
- I understand the importance of outdoor seating, but feel a lot of parking spaces lost in key areas.
- Not loud music. Affect my guests.
- The ability for patios to be up against their storefront. Eliminate angled parking and build wider sidewalks that can properly accommodate foot traffic (minimum 4 persons wide) and a patio
- Love patios; however I hate to see empty patios and no available street parking
- Fewer patios in parking spaces.
- too many patios taking up prime parking
- Only businesses that serve food & beverages primary business model should have patios
- We need to secure parking for down town businesses. Patios take away from that.
- Enforcement of bylaws on sidewalks hasn't happened on Vic Row in a number of years. There is less than two feet clearance in front of some restaurants in the evenings, blocking pedestrian traffic and impedes fire and ambulance repsonse.
- I don't need any changes
- Patios takeover Sydney street
- No changes needed.

Q4 Patios are currently permitted to operate until 12am.The proposed bylaw would extend this to 1 am.Do you feel this is:

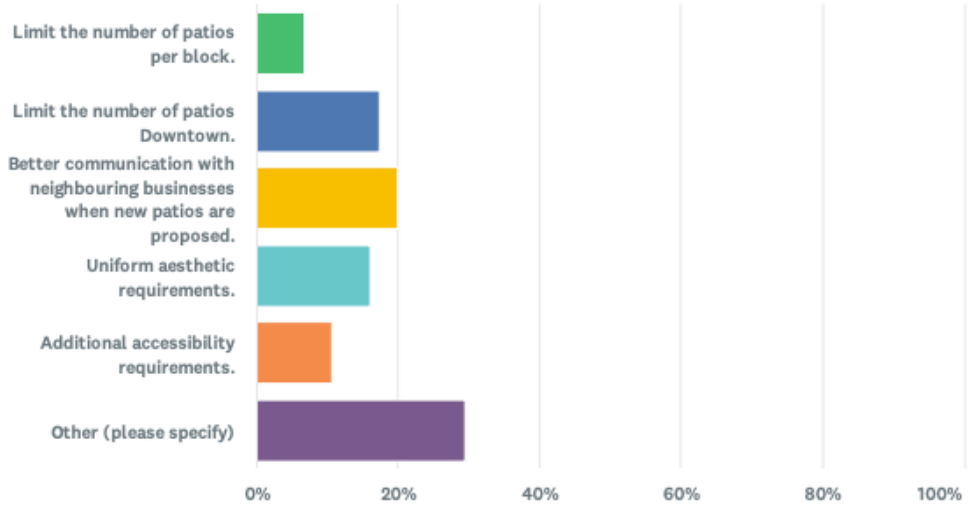
Answered: 82 Skipped: 2



Answer Choices	Percentage	Responses
An appropriate time	53.66%	44
Too late	14.63%	12
Too early	3.66%	3
No Comment	28.05%	23
Total		**82**

Q5 If you were to request a change to the current patio bylaw, which would be most important to you?

Answered: 75 Skipped: 9



Answer Choices	Percentage	Responses
Limit the number of patios per block.	6.67%	5
Limit the number of patios Downtown.	17.33%	13
Better communication with neighbouring businesses when new patios are proposed.	20.00%	15
Uniform aesthetic requirements.	16.00%	12
Additional accessibility requirements.	10.67%	8
Other (please specify) Show responses	29.33%	22
Total		**75**

Other (please specify)

- No retail
- nothing in mind
- As long as the patios are safe for all customers, upkept/clean, and noise levels and lighting are appropriate for neighbours, all should be good.
- Try to use street space, not parking spaces

- The current patios are already aesthetically pleasing and a wonderful addition to downtown Charlottetown, supporting resident and tourists by allowing them to linger downtown, stay outside, enjoy the sites, and spend time shopping or running errands before and after enjoying an outdoor meal in downtown Charlottetown.
- Locations (some in high traffic areas have safety risks)
- Make sure they don't affect other businesses.
- Equal opportunities for all restaurants to have a patio
- Nada, more patios.
- No patios in parking spaces
- Accessibility to parking when and where patios remove spaces during high traffic seasons
- Every side-walk front business can get a patio as a right.
- the number of patios, the hours of operation, and the location of them...
- more European in setup/design, not taking up parking spaces
- Mandatory accessibility features like ramps and seating space for wheelchair users, and really important that only businesses that serve f&b as primary business model can have a patio
- Don't take up more parking
- Ensure that there was an increased police/bylaw enforcement presence as business that late at night is routed solely in alcohol consumption.
- Less barriers to put them up and keep them up yearround
- A minimum amount of safety and overall appearance. Some are made with a few 2x4s and some plastic lattice. And no one sits on them. Cheap underused and unsafe.
- Nothing
- None

Q 6 Additional Comments:

- Parking spaces for patios should be limited to 20. No more than 2 spaces per establishment. A lottery for choosing restaurants for 3 year leases, then a new lottery as spaces become available. Lease rate should be increased to a rent that shows the true value of a parking space ie. $100 per day Patios to be inside the diagonal parking lines. To insure they only take two spaces and ease of use adjoining parking spaces. No more than one patio per establishment. If Restaurant has an off street patio, it will not qualify to lease parking spaces. City is in desperate need of a

Parking authority to manage all parking in downtown. The new patio bylaw should all under their authority.

- Some businesses don't need a patio. They put one up because they can. Then they take parking spots away from other businesses. That's really my only frustration with patios.
- I love patios but have concerns about the noise level during regular business hours (9-5). Having music being played or coming from speakers near my business during these hours would be highly disruptive to my business, where I provide trauma therapy. Informed and respectful decisions about the impact of noise, such as music is my primary concern. I have had issues in the past when certain street festivals were held a block away from my office during business hours, completely disrupting my ability to provide treatment to clients. Consideration and respect for the work that is occurring inside the offices of nearby businesses is my primary concern when determining where to allow a patio.
- As a downtown merchant we struggle with parking as it is. These patios are using up spots that downtown shoppers can use for parking.
- Because parking downtown is an issue even in the Winter, i'd ask if there is a way the city can create more parking lots downtown. OR offer free sign posts for downtown businesses that lead customers from parking areas further from the downtown core to their businesses, such as the boardwalk and founders hall.
- If possible some additional parking (especially free parking) would be good to offset what gets lost.
- There should be some standards set for the patios, some in the past were cheap plastic chairs and tables that really didn't look appropriate.
- I love the vibe and energy that outdoor patios bring to the downtown. I feel the uniqueness of each patio is an expression of the establishment itself. The downside is the lack (or perceived lack) of parking at a time when there's so many tourists here.
- Thank you to the businesses providing beautifully designed patios (flower boxes and matching umbrellas) creating a wonderful downtown experience and giving an option to enjoy the city in the summer, they give me a reason to come downtown and then visit the shops while I’m there.
- A supporter of patios but concerned how many parking spaces are lost in core area of Confederation Centre and retail areas. Loss of parking spaces actually affect the business community. This also causes additional danger when delivery trucks have reduced delivery areas and parked on streets and blocking streets sometimes as busy times, forcing both cars to wait and go around or parking partially over the

sidewalks forcing pedestrians into the streets. Thank you for this survey and attempts to improve this situation!

- If this city ever wants to "get with the times" it is imperative that we stop centering car culture and eliminate both parking minimums AND angled parking so that we can expand sidewalks and have patios next to the buildings they're associated with. Vistoria Row and Sydney Street should become a permanent pedestrian mall.
- Limit all patio downtown. We have no parking as it.
- Please get rid of the one way streets, Kent and Fitzroy. One way streets turn the area into car corridors with very little care for pedestrians or the sense of neighbourhood.
- Important for restaurants but some are poor looking
- Parking is already difficult in Charlottetown on a yearly basis. The biggest complaint I get from customers is that there is never anywhere to park. This is often a reason given by some customers for why they don't come downtown often. Side note, people are always concerned with getting a ticket. I can't tell you how many times people have been feeling rushed in the store because they don't want to get a ticket. It doesn't make customers want to wander or take their time when they shop.
- Parking is the main complaint our clients have in the summer. Either that or more parkades that aren’t used up by the hotels
- Business owners that require convenient parking need to relocate to a place with convenient parking. No one wants to hang out in the middle of the royalty center parking lot, and the push to keep downtown car-centric is destroying our ability to make downtown as vibrant as it can be. If we keep building for cars, we're creating incentives for people to buy and use cars, and worsening congestion, and worsening our downtown. We need a different path, and the people that can't accept the failure of car-centric transportation need to move their businesses to strip-malls, and let the rest of us get on with creating a transportation system that works for everyone. Lastly - I'm tired of entrepreneurs fighting to make entrepreneurship easier, at the expense of the general public. It's sad and a sad representation of our business community. The general public shouldn't have to adapt to make life easy for entrepreneurs who are unable to adapt. We need to adapt to what society wants, and entrepreneurs who can't, should move on and do something else.
- Outdoor patios belong on Victoria Row, not taking up precious parking spaces when parking downtown is already an issue.
- how big the patios are and how many parking spots they take up should be addressed

- patios are a great draw in summer months but we do have residents around these patios and it is not fair for them to have to deal with the noise etc, especially those with entertainment
- is there any safety requirement for fire? safety is important than aesthetic.
- I personally feel as though patio hours of operation should coincide with the hours of operation for the business for which it is attached to.
- Focus on parking over patios. Ensure that patios (and their decorative additions such as flower boxes) aren't obstructing visibility for drivers. Avoid placing patios over accessible parking spaces for people with mobility issues.
- Love patios personally
- Patios should be clearly defined so that they do not limit or block any sidewalk traffic along storefronts. They should not seep out or block travel. Maitre d stations must be contained within the patio confines, or else be inside.
- I think things are extremely overregulated as it is. The only issue really is parking. Perhaps there can Be parking on the skirts with a hop on/off shuttle service as part of the parking fee. The downtown is too small for so many cars anyway. Should be primarily pedestrian with shuttle options.
- my issue with patios is that it takes away so many parking spots and so we get less business from locals or tourists with cars ...also maybe take our some of the trees on Queen street that are in perfectly good parking spots

Appendix D – COVID 19 Temporary Patio Program Bylaw Bylaw # 2020-CTP-01

City of Charlottetown
COVID 19 Temporary Patio Program Bylaw
Bylaw # 2020-CTP-01

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

1. Title

1.1. This bylaw shall be known as, and may be cited as, the "COVID 19 Temporary Patio Program Bylaw"

2. Purpose

2.1. The purpose of this bylaw is to establish temporary placement of outdoor patios for the City of Charlottetown.

3. Authority

3.1. Section 180 (c) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap.M12.1., provides that a municipality may pass bylaws and provide services regarding businesses, business activities and persons engaged in business, including but not limited to the regulation and prohibition of business and business activities.

4. Definitions

Unless the context otherwise requires, in this Bylaw:

4.1. "Abutting Retailer" means, for the purposes of this bylaw, a person who carries on restaurant or café business and includes a business that holds a dining room licence pursuant to the Liquor Control Act of the Province (R.S.P.E.I. 1974, Cap. L-17), from a permanent place of business abutting a sidewalk in the City and pays business taxes to the City or is a tenant of the building for which taxes are paid to the City.

4.2. "Abutting Retailer – Space(s)" means the parking spaces, available for consideration of applications for the installation temporary patios in the area approved under section 4.2.

4.3. "Chief Administrative Officer" or "CAO" means the administrative head of a municipality as appointed by Council under clause 86.(2)(c) of the *Municipal Government Act*.

4.4. "City" means the City of Charlottetown, a body corporate, duly incorporated under the laws of the Province of Prince Edward Island and includes the area contained within the boundaries of the City of Charlottetown where the context so requires.

4.5. "Council" means the Mayor and other members of the Council of the municipality.

4.6. "Downtown Core Area" means the area:
-BOUNDED on the North by Euston Street;

- ON the East by Prince Street;
- ON the South by the Northern boundary of the Hillsborough Harbour; and
- ON the West by the Eastern boundary of Pownal Street;

4.7. "Goods" means food and/or beverages.

4.8. “Permit” means the authorization given to operate a temporary patio.

4.9. “Person” means a natural person, or a body corporate, and includes a partnership, a group of persons acting in concert or an association.

4.10. "Residential Street" means a street within the City of Charlottetown which is not located within the downtown core area.

4.11. "Selling" includes offering for sale and soliciting orders for the sale of goods.

4.12. "Sidewalk" means the portion of a street set aside for the use of pedestrians whether or not the surface is covered with gravel, concrete, asphalt, or other type of paving.

4.13. "Street" means any street within the boundaries of the City of Charlottetown and includes a lane, a bridge and a sidewalk.

5. General Provisions

5.1. No person shall park, place or permit to be parked or placed on any street, park or public place within the City any vehicle, mobile canteen, stand, van, trailer, push cart or combined unit of vehicle and trailer for the purposes of selling goods of any description except as permitted by this Bylaw.

5.2. No person shall expose for sale on, or sell any goods from any street, park, or public place within the City except as permitted by this Bylaw.

5.3. No person shall operate outside the approved hours of 8:00 AM to 12:00 midnight;

5.4. Every space for which a permit is issued shall require the permit holder to construct a metal fence around the site in accordance with the designs contained in Schedule “B”.

6. Administration

6.1. This Bylaw shall be administered and enforced by a Licensing Inspector and by so many Deputy Licensing Inspectors as Council may appoint from time to time. A Deputy Licensing Inspector appointed by Council under this Bylaw shall carry out such functions and duties as may be assigned to him by the Licensing Inspector which may include carrying on the duties of the Licensing Inspector in his absence.

6.2. An abutting retailer, not licensed under the provisions of the Street Vendors Bylaw, may make application to occupy a parking space(s) that abut their business, in the downtown core area under the *COVID 19 Temporary Patio Bylaw*.

6.3. An application for a temporary patio license under this Bylaw shall be in the form prescribed in the temporary application and information guide attached as Schedules "A" and "B", which shall contain: by the Licensing Inspector and shall include:

(a) The name of the street upon which the retailer's permanent place of business abuts;
(b) The name, home and business address and telephone number of the applicant;
(c) A description of the goods which the applicant intends to sell;
(d) A full description, sketch or artist's concept, of proposed patio;
(e) Parking space configuration;
(f) Operating hours; and
(g) Such other information as the Licensing Inspector may require.

6.4 All applications for temporary patios, once approved shall remain in effect until October 31st, 2023.

6.5 No approval shall be issued pursuant to this Bylaw unless:

(a) The temporary patio application has been completed in full as prescribed in Schedules "A" and "B";

(b) A certified copy of a public liability insurance policy in a form and in an amount established and described in Schedule "A" annexed hereto which has been approved by resolution", naming the City as an additional named insured has been provided to the Licensing Inspector;

(c) A certificate of insurance in respect of such insurance policy providing that such insurance policy cannot be cancelled or terminated without sufficient prior notice has been provided to the Licensing Inspector;

(d) A Hold Harmless Agreement has been completed and signed for any license issued to operate on City Property. Which stipulates the applicant agrees to save harmless the City of Charlottetown, from and against any and all claims, including, without limitation, all claims for death, bodily injury or property damage, arising from any act or omission of the vendor or any assignee, agent, contractor, servant, employee, invitee or licensee of the vendor and from and against all costs, counsel fees, expenses and liabilities incurred in connection with any such claim or any action or proceeding brought thereon related to the event;

(e) Any federal, provincial or municipal permit, certificate, authority, license or other document of qualification required by the applicant in order to carry

on his intended business, including any permit required under the Public Health Act R.S.P.E.I. 1979, Cap. P-29.1 as amended from time to time, has been obtained.

6.6 The permit fee prescribed in Schedule "C" to this Bylaw, as to align with the Street Vendors Bylaw, has been paid.

6.7 Unless otherwise provided in this Bylaw, if an applicant has complied with all the conditions of this Bylaw for the issuance of the permit sought by him, the Licensing Inspector shall issue that permit to the applicant.

7. Licensing Suspension

7.1 Subject to an appeal to Council, a license or permit issued under this Bylaw may be suspended or revoked by the Licensing Inspector:

(a) For violation of this Bylaw;

(b) For violation of any other Bylaw of the City;

(c) For violation of any provincial or municipal health standards;

(d) For violation of the Highway Traffic Act R.S.P.E.I. 1974 Cap. H-6;

(e) For violation of any federal, provincial or municipal laws or regulations governing business practices;

(f) Breach by the permit holder of any agreement entered into by him and the City; or

(g) On such other grounds as in the opinion of the Licensing Inspector are just and reasonable.

7.2 Upon a permit being suspended or revoked the Licensing Inspector shall notify the permit holder thereof by delivering a notice to him personally or by mailing a double registered letter to the address shown on his license and after that notice has been delivered the licensee shall not carry on his business until a new license is issued or his suspended license is reinstated.

8. Appeal

8.1. Any person who has been refused a permit or whose permit has been suspended or revoked by the Licensing Inspector may appeal such refusal, suspension or revocation to Council.

8.2. An appeal to Council shall be in writing, shall be filed with the City Administrator within 15 days of the receipt by the permit holder of notice of the refusal, suspension or revocation as provided by Subsection 8.1 of this Bylaw and shall clearly state the grounds for the appeal.

8.3. The Council shall hear such appeals at such time and place as it may determine and, upon such an appeal, Council may confirm the refusal, suspension or revocation by the License Inspector or may direct the License Inspector to issue or re-instate the license.

9. Penalty

9.1. A person who violates or fails to comply with the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than $100 and not more than $500 and in default of payment to imprisonment for a period not exceeding 30 days. Each day a person so operates shall comprise a separate offence.

9.2. Where a person is carrying on business without a permit required by this Bylaw, or from a space other than the space allocated to him and specified in a permit issued under this Bylaw, in addition to any other remedy or penalty imposed by this Bylaw.

9.3. Where a person is carrying on a business in contravention of this Bylaw, then in addition to any other remedy or penalty imposed by this Bylaw the City may, in all such cases, apply to the Supreme Court of Prince Edward Island for an injunction or other order prohibiting or restraining that person from contravening this Bylaw.

10. Other Provisions

10.1 A person holding a permit under this Bylaw shall permit employees of the City and employees of any public utility to enter upon any portion of any street which has been allocated to him under this Bylaw and which he is permitted to use for the purpose of installing, maintaining or repairing any street or part thereof or any pipes, drains, cables, wires, poles or other installations.

10.2 Except as otherwise specifically provided in this Bylaw or any other Bylaw of the City, nothing in this Bylaw relieves any person with a permit under this Bylaw from complying with all other applicable laws.

10.3 Where the provisions of this Bylaw conflict with the provisions of any other Bylaw of the City, the provisions of this Bylaw shall prevail.

11 Effective Date

11.1 This Covid 19 Temporary Patio Program Bylaw, Bylaw# 2020-CTP-01 shall be effective on the date of approval and adoption below.

First Reading:

This Covid 19 Temporary Patio Program Bylaw, Bylaw# 2020-CTP-01, was read a first time and approved by a majority of members present at the Council meeting held on the _____ day of_____, 2020.

Second Reading:

This Covid 19 Temporary Patio Program Bylaw, Bylaw# 2020-CTP-01, was read a second time and approved by a majority of members present at the Council meeting held on the ___day of_____, 2020.

Approval and Adoption by Council:

This Covid 19 Temporary Patio Program Bylaw, Bylaw# 2020-CTP-01, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 2020.

12. Witness the corporate seal of the City of Charlottetown

_____ _____

Mayor **Chief Administrative Officer**

This Covid 19 Temporary Patio Program Bylaw, Bylaw# 2020-CTP-01 adopted by the Council of the City of Charlottetown on the _____ of _____ is certified to be a true copy.

_____ _____

Chief Administrative Officer **Date**

SCHEDULE "A"

APPLICATION FOR TEMPORARY PATIO PROGRAM BYLAW

The City of Charlottetown requires that all applicants review and complete the following for consideration and approval with the Temporary Patio Program.

Business Name & Address:	
Type of Business: □ Licensed Restaurant □ Un-Licensed Restaurant□ Coffee Shop / Café	
Applicant:	
Mailing Address & **Postal Code:**	
Telephone #(day):	**Telephone #(night):**
Cell:	**Fax:**
Email Address:	
Description of Goods Being Offered for Sale:	
Parking Space Location Requested (civic address) □ Parallel Parking Space □ Angle Parking Space	
Operating Hours - Start:	**Operating Hours - Closing:**

ATTACHMENTS - Check all that apply:

Photographs/Artist Conception of:
Site Plan of Selected Location: Attached ☐
Certificate of Insurance Attached ☐
Hold Harmless Agreement Attached ☐

The applicant acknowledges that he/she has read the Temporary Patio Program Bylaw in its entirety, fully understands the terms and conditions as outlined and has fully disclosed all details and components related to applications for the program approval.

Applicant Name:	**Date:**
Applicant Signature:	

HOLD HARMLESS AGREEMENT

_____(Name of Applicant) shall indemnify and hold the City of Charlottetown and the Charlottetown Police Services harmless from and against all liability, loss, claims, demands, costs, and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence or acts or omissions by the above named, their officers, agents, employees, or others for whom they are responsible at law arising out of any cause whatsoever, either direct or indirect, through its use and/or operation of City property in connection with

_____

(Temporary Patio Program Business)

excluding only such liability as may solely rise out of the negligence of the City and/or Police Services, its employees, officers, or agents.

INSURANCE CERTIFICATE

During the period of the term of this permit agreement with,

_____

(Temporary Patio Program Business & Applicant)

shall maintain a policy of public liability and property damage insurance, including liquor liability coverage if applicable, in the amount of Two Million Dollars ($2,000,000) and containing endorsements showing "The Corporation of the City of Charlottetown" as an additional insured and having a cross-liability clause, in form satisfactory to the City of Charlottetown. Proof of insurance shall be made available to the City of Charlottetown with this application.

Name of Applicant – must be incorporated or an individual:	
Signature of Applicant or Authorized Representative:	**Signature of Witness:**
Print Name and Title:	**Print Name of Witness:**
Date	

SCHEDULE "B"

COVID 19 TEMPORARY PATIO BYLAW
INFORMATION GUIDE

Introduction

The COVID-19 pandemic has inflicted significant negative economic impacts to a broad spectrum of commerce including, retailers, restaurants, businesses, tourism operators, etc.

While many businesses have been impacted, restaurants have been one of the most immediate and hardest hit sectors, and as such business operators are struggling to survive with many limited to takeout offerings and attempting to make it through the pandemic with limited capacity.

Small businesses like restaurants are vital to the fabric and character of the downtown core of Charlottetown and are key contributors to our sense of community and economic health through generation of jobs and other economic spin-offs.

The City of Charlottetown has identified as priorities the following:

- Where it falls under the domain of the City, facilitate economic recovery with speed, flexibility, and nimbleness by examining area of assistance and making necessary regulatory changes
- Support businesses in maintaining health measures and physical gathering restrictions
- Review and improve on existing patio regulations and programs
- Demonstrating to our business community, specifically hard hit restaurants, that supporting them is a priority for Council.
- Supporting staff in prioritizing this work.
- Providing pre-prepared templates/types of patios to improve speed.
- Recognizing that time is of the essence to get restaurant businesses supported and open in a way they can sustain themselves and not go under.
- Meeting the Council priority to protect and build our economy.

Patio Options

At present, the Temporary Patio Program will consider patio applications that fit two options on City property: small patio or curbside patio (on-street parking spaces). The following pages will guide you through the description and specific requirements for each of these patio options.

Applicants must meet all of the requirements of the options they're applying for. These pre-approved requirements will ensure that patio applications can be efficiently and quickly permitted

and implemented. General rule of thumb: the simpler the patio proposal, the easier it is to approve and implement.

Once approved, the program will be available until October 31st, 2021. Permits issued are non-renewable. If applicants meet all requirements, the permits may be issued within two business days of application submission.

Please carefully read through the patio details and requirements to ensure you are prepared for our application and to avoid any potential delays.

Patio Options #1 - Small Patio

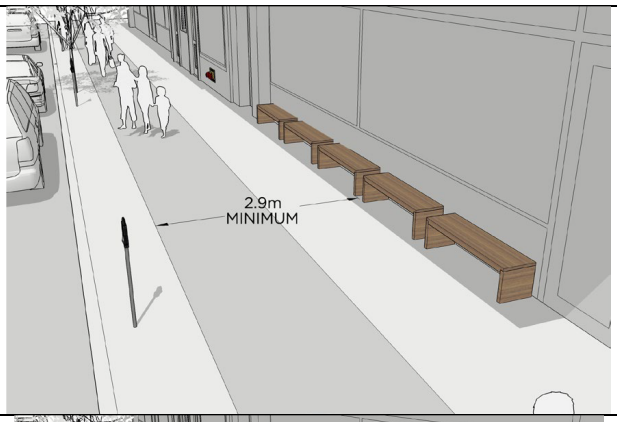
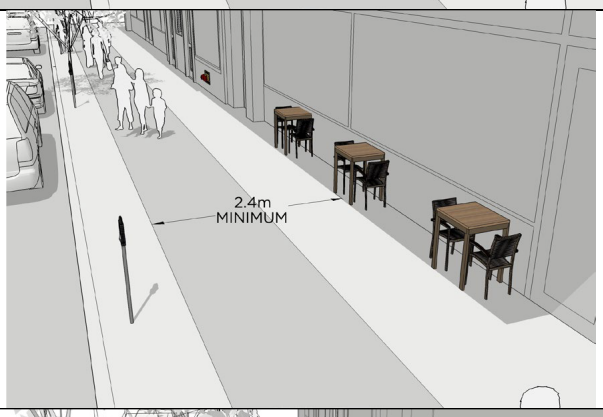
Description: Small patios are located directly against the business property, either in the front or on the side where there is suitable public space. Small patios are not enclosed by railings.

Liquor: Businesses may not serve liquor in small patios.

Requirements: Furniture may not be stored on the patio overnight. Businesses must take in furniture at closing hour each day. For accessibility, table and seating options that accommodate people of all abilities must be available. Additionally, furniture must not obstruct entrances and exits.

Small Patio Clearance Requirements

A. Furniture must maintain at minimum 0.5m clearance from centre of fire department connection.	

B. Benches must maintain at minimum 2.9m clearance from utility strip. If there's no utility strip, measure to the nearest sidewalk obstruction (e.g. edge of tree grate).	
C. Patio furniture must maintain at minimum 2.4m clearance from utility strip. If there's no utility strip, measure to the nearest sidewalk obstruction (e.g. edge of tree grate).	
D. Example of clearance measurement from furniture to tree grate.	

Patio Option #2 – Curbside

Description Curbside patios are fully detached from buildings and occupy on-street parking spaces. They are set back from the sidewalk, segregated from surrounding parking spaces, and enclosed by railings or fencing. These patios may be in front of the business or on the side, and can only be placed in parking spaces without parking restrictions (bus lanes, disabled, etc.).

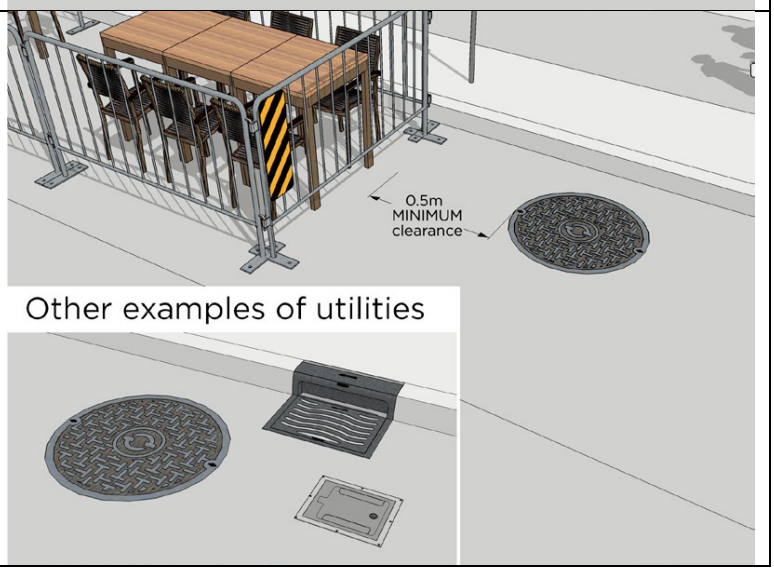
Liquor: Businesses may serve liquor in curbside patios if they hold a valid dining room license with the PEILCC.

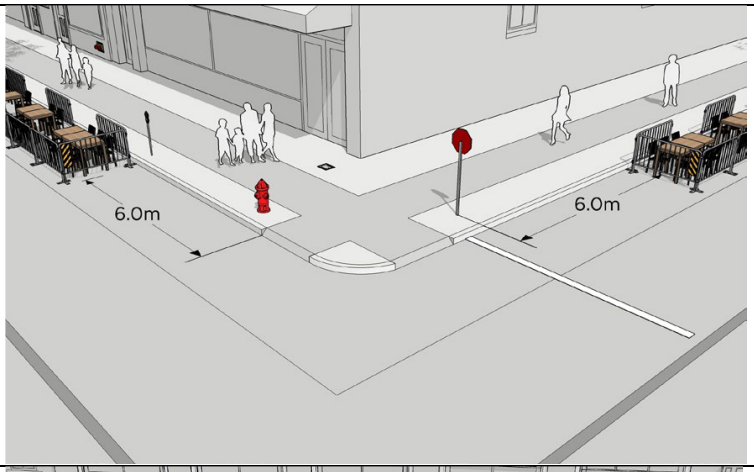
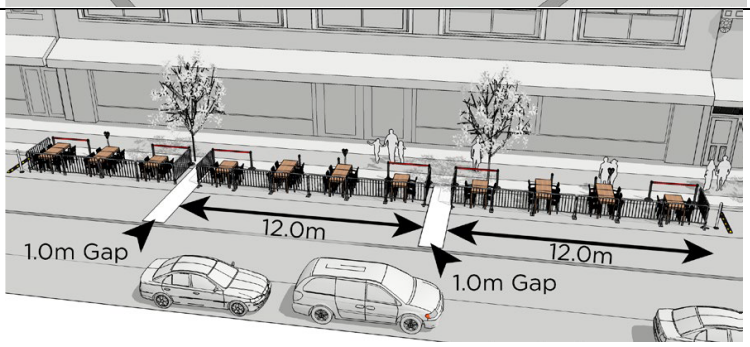
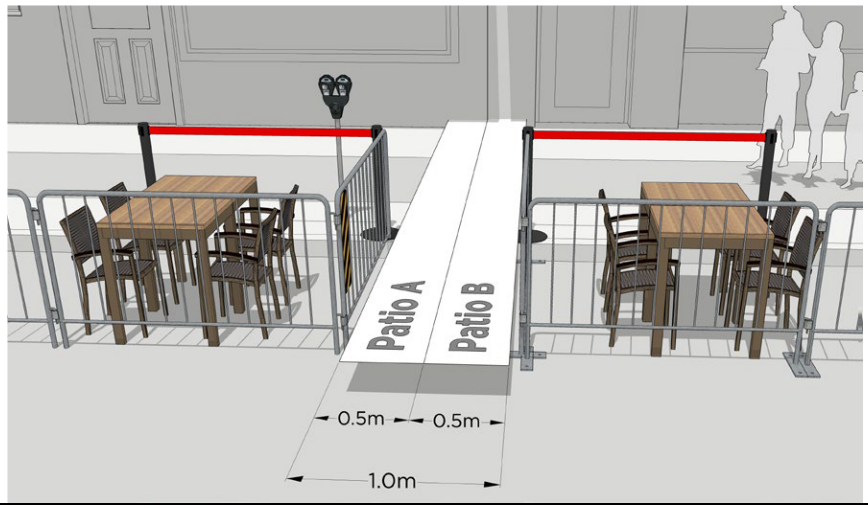
Requirements: To ensure safety, railings/fencing must be provided and maintained by the business at their cost.

For accessibility, table and seating options that accommodate people of all abilities must be available, and access ramps must be available wherever there may changes in grade (e.g. a step down from the curb).

Ramps must be provided and maintained by the business.

Furniture may be stored overnight on the patios.

A. Parameter of the patio must maintain at minimum 5.0m clearance from fire hydrants, and 0.5m clearance from fire department connections.	
B. Parameter of the patio must maintain at minimum 0.5m clearance from utilities (such as maintenance holes and storm drains).	

C. Curbside patios near corners must maintain at minimum 6.0m clearance from the edge of the sidewalk or stop sign/traffic control	
D. Curbside patio must maintain at minimum 1.0m clearance every two parking spaces (approx. 12m). A business with a curbside patio must offset the beginning and end of the patio 0.5m from the property line in order to provide 1.0m total clear space.	
	

GENERAL REQUIREMENTS

In addition to the requirements specific to the patio options, please review the requirements below to ensure your application is in compliance.

Applications must not have:

- Construction (new or of any kind)
- Utility connections of any kind (electrical, sprinkler, gas, heaters)
- Accessory structures (decking, tents, overhead canopy, platforms, enclosures) or heaters
- Increased occupancy of any kind

Applicants must ensure:

- Compliance with all applicable orders from the Provincial Health Officer (including occupancy, seating configurations, gathering restrictions, etc.). Please review the most up-to-date information through the Office of the Chief Provincial Health Officer:
- Valid PEILCC liquor licences (for patio options that allow liquor), and that railings are installed and maintained for liquor service areas.
- Proposed patios are accessible to people of all abilities (ramps and seating options).
- Railings must have an open appearance with an approximate height of 1m. Weights may be used to hold temporary railings in place within the patio area. The weights must not protrude into the roadway (curbside patios) or the sidewalk (large patios).
- Planters can substitute railings for delineation.
- Patio access cannot be through business kitchen or employee-only areas.
- Proof of liability insurance coverage.

SCHEDULE "C"

COVID 19 TEMPORARY PATIO BYLAW

LICENSE FEE PER YEAR

1.	Restaurant / Café – Abutting Retailer or Lounge	$600.00 per parking space

"This document is an office consolidation of this Bylaw (amending bylaw (#2020-CTP-01B) adopted 12-June-2023). It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources. If you find any errors or omissions in this consolidation, please contact the Records Management Clerk

Appendix E – Draft Patio Bylaw Bylaw # 2025-P-01

City of Charlottetown
Patio Bylaw
Bylaw # 2025-P-01

BEING A BYLAW of the City of Charlottetown with Respect to Licensing of Outdoor Patios pursuant to the provisions of the Municipal Government Act, RSPEI 1998, c M-12.1 as amended.

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

1. Title

1.1. This Bylaw shall be known as, and may be cited as, the "Patio Bylaw"

2. Purpose

2.1. The purpose of this Bylaw is to regulate the placement and operation of outdoor Patios within the City of Charlottetown, including the authority to establish conditions, approve or refuse applications and restrict Patios in specific areas or circumstances as necessary.

3. Authority

3.1. Section 180 (c) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap.M12.1., provides that a municipality may pass Bylaws and provide services regarding businesses, business activities and persons engaged in business, including but not limited to the regulation and prohibition of business and business activities.

3.2. Enforcement of this Bylaw shall be carried out by the Bylaw Enforcement Officer and Bylaw Officer.

4. Definitions

4.1. Unless the context otherwise requires, in this Bylaw:

4.2. "Abutting" means the land, lot or property shares common boundary, property line or border with another land or property.

4.3. "Abutting Retailer" means, for the purposes of this Bylaw, a person who carries on restaurant or café business and includes, but is not limited to, a business that holds a dining room licence pursuant to the Liquor Control Act of the Province (R.S.P.E.I. 1974, Cap. L-17), from a permanent place of business abutting a sidewalk in the City and pays business taxes to the City or is a tenant of the building for which taxes are paid to the City.

4.4. "Abutting Retailer – Space(s)" means the parking spaces, available for consideration of applications for the installation temporary Patios in the area approved under section 4.2.

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4.5. “Agent” means a person duly authorized by the Business Owner/ property owner in writing to act on behalf of or represent the Business Owner/ property owner on which the Patio is located.

4.6. “Alter or Alteration” has the same meaning as set out in the City’s Zoning and Development Bylaw.

4.7. “Applicant” means the individual, group of persons, a body corporate or organization applying for the Permit.

4.8. “Application” means a completed application form with all requisite accompanying documents for a Patio Permit.

4.9. “Building Code” means the National Building Code of Canada 2020, as amended.

4.10. “Business Operator” means any person or corporation that legally owns the business in whole or in part and can include but not limited to a sole proprietorship, partnership and or any person(s) or corporation(s) holding shares or financial interest in the business.

4.11. “Bylaw Enforcement Officer” has the same meaning as set out in the City’s Enforcement and Summary Proceedings Bylaw.

4.12. “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under clause 86.(2)(c) of the *Municipal Government Act*.

4.13. "City" means the City of Charlottetown established pursuant to the Municipal Government Act RSPEI 1988, Cap. M-12.1.

4.14. “City Property” means property, lands, or building owned by the City.

4.15. “Clear path of Travel” means a path created, designed or constructed for pedestrian travel and is intended to serve a functional purpose and not for recreational use. This can include but not limited to sidewalks, pathways and walkways.

4.16. “Council” means the Mayor and Councilors of the City of Charlottetown.

4.17. “Department” means the City of Charlottetown Planning and Heritage Department.

4.18. “Development Officer” has the same meaning as set out in the City’s Zoning and development Bylaw.

4.19. “Encroachment Agreement” means a signed agreement between the City and Agent to operate an outdoor Patio.

4.20. “Erect or Erection” has the same meaning as set out in the City’s Zoning and Development Bylaw.

4.21. "Goods" means food and/or beverages.

4.22. “Hold Harmless Agreement” means an agreement which stipulates the Agent and/or Business Owner, if not the same, to save harmless the City of Charlottetown, from and

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against any and all claims, including, without limitation, all claims for loss, damage, demands, death, bodily injury or property damage, arising from any act or omission of the vendor or any assignee, agent, contractor, servant, employee, invitee or licensee of the vendor and from and against all costs, counsel fees, expenses and liabilities incurred in connection with any such claim or any action or proceeding brought thereon related to creation of and use of the Patio.

4.23. “Lot” has the same meaning as set out in the City’s Zoning and Development Bylaw.

4.24. “Property Owner” has the same meaning as set out in the City’s Zoning and Development Bylaw.

4.25. “Patio” means a seasonal outdoor structure or space that can make or create an area for seating used for commercial or entertainment purposes.

4.26. “Patio Plan” means a plan of the property with dimensions in metric illustrating the location of the Patio, site features and functions including but not limited to driveways, parking layout, buildings/structures and sidewalks/ pathways.

4.27. “Permit” means an official document giving authorization to operate a Patio, subject to compliance with applicable Bylaws, regulations and conditions, which is revocable and non-transferable.

4.28. “Person” means a natural person, or a body corporate, and includes a partnership, a group of persons acting in concert or an association.

4.29. "Sidewalk" means the portion of a street set aside for the use of pedestrians whether or not the surface is covered with gravel, concrete, asphalt, or other type of paving.

4.30. "Street" has the same meaning as set out in the City’s Zoning and Development Bylaw.

4.31. “Zone” means a designated area of land on the Zoning Map under the City of Charlottetown’s Zoning and Development Bylaw PH-ZC.2, as amended, where signage is guided by the principles of compatibility, safety and integration allowing for a range of sign types that supports community needs and business activities, subject to this Bylaw.

5. Administration

5.1. All Applications for Permits shall be submitted to the Planning and Heritage Department for review and approval.

6. Application Process

6.1. Applicants proposing to operate a Patio shall, when applying for a Permit, submit a complete Application which includes:

a. The name of the street upon which the retailer’s permanent place of business abuts.

b. The name, home and business address and telephone number of the Applicant and Property Owner, if not the same.

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c. A description of the business operations.

d. A Patio Plan, including:

i. The property address

ii. A site layout plan showing adjacent business(es), driveways, parking layout and sidewalk/pathways within 3 metres of the Patio.

iii. The number of tables, chairs, location of umbrellas, any temporary boundary fencing.

iv. The location of ramps, heaters, waste receptacles, fire extinguishers, lighting fixtures.

e. Proposed maximum seating capacity.

f. Operating hours.

g. Any other information the Development Officer may require.

6.2. The annual Permit fee, as determined by the Department and set out in Schedule "D" of the City's Schedule of Fees Bylaw, has been paid.

6.3. If the Applicant differs from the Property Owner, the Applicant shall obtain written permission from the Property Owner offering no objection to installing and operating a Patio at the place of business.

6.4. All Applications shall be submitted on or before March 31st of the application year.

6.5. All Applications, once approved shall remain in effect for three years, expiring October 31st of the third year.

6.6. No approval shall be issued pursuant to this Bylaw unless:

a. The Application for a Permit has been completed in full.

b. Proof of insurance in accordance with Section 9 has been provided.

c. A Hold Harmless Agreement has been signed.

d. An Encroachment Agreement has been signed

e. Any federal, provincial or municipal Permit, certificate, authority, license or other document of qualification required by the applicant in order to carry on their intended business, including any Permit required under the Public Health Act RSPEI 1979, Cap. P-29.1 as amended from time to time, has been obtained and proof of which has been provided to the City.

7. General Provisions

7.1. No person shall operate outside the approved hours of 8:00 AM to 1:00 AM.

7.2. Applicants must ensure that:

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a. Compliance with all applicable orders issued by the Provincial Health Officer, including those related to occupancy, seating configurations and gathering restrictions.

b. Compliance with the requirements set out in the *Liquor Control Act*, RSPEI 1988, c L-14.

c. Railings are installed and maintained for liquor services areas, which shall have an open appearance with an approximate height of 1 metre. Weights may be used to hold temporary railings in place within the Patio area. The weights must not protrude into the roadway (curbside Patios) or the walkway (large Patios) or impede the movement of customers with disabilities.

d. Patios are accessible to people of all abilities (ramps and seating options).

e. Where planters are substituted for railing delineation, they do not encroach on the street, adjacent parking spaces or Patios or impede the movement of customers with disabilities.

f. Patios are accessible without requiring passage through kitchens or areas designed exclusively for employees.

7.3. No person shall operate a Patio beyond the capacity indicated on the approved Patio Plan.

7.4. No person shall cause vehicular traffic flow to be impeded when loading or unloading goods and products related to the operation of a Patio.

7.5. No person shall dispose of waste generated from the operation of a Patio into the City's public receptacles.

7.6. Patios shall be erected so that no portion of the Patio overhangs the parking space which it occupies, or blocks or encroach on any adjacent sidewalk or pathway.

7.7. Where a Patio is located on private property with frontage on two public streets, it may be allowed to operate on both frontages subject to:

a. The Patio does not obstruct pedestrian or vehicular access.

b. It complies with all municipal Bylaws, zoning provisions and safety standards.

7.8. Every space for which a Permit is issued shall require the Applicant to construct a suitable fence around the site in accordance with the designs contained in Accessible Design for the Built Environment B65, as amended

7.9. Umbrellas may be utilized within the Patio area; however, no part of the umbrella shall extend beyond the boundaries of the designated space. Umbrellas shall meet the Canada Standards Association (CAN/ULC – S109) and The Charlottetown Fire Prevention Bylaw and the National Fire Code of Canada standards and shall be fire/flame-resistant and treated with flame-retardant finish.

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7.10. No patio or associated structure shall be located so as to impede Fire Department access. A minimum unobstructed width of 6.1 m and unobstructed vertical clearance of 4.1 m shall be maintained along Fire Department access roads, consistent with NFPA 1, Section 18.2.3.5.1.1.

7.11. Adequate lighting may be provided within the Patio and surrounding area; however, no power source shall be stored within the Patio. All electrical wiring leading from the main building to the Patio must be covered to ensure wheelchair accessibility.

7.12. An electrical Permit must be obtained from the province and kept as proof if required by the Bylaw Enforcement Officer.

7.13. Any heating device to be used shall be located inside Patio and shall be approved by the Technical Standards and Safety Authority (TSSA) or the Canadian Standards Association (CSA), The Charlottetown Fire Prevention Bylaw and the National Fire Code of Canada. Heaters shall be turned off nightly and can only be stored outdoors when not in use.

7.14. There shall be no preparation of food or beverages on the Patio.

7.15. Any safety devices required for operation of the Patio shall be installed at the Applicant's expense and shall not present any inconvenience to the motoring or walking public.

7.16. Reflective tape shall be affixed to each corner of the temporary Patio to increase visibility.

7.17. The Applicant shall install and maintain ramps where there is a change in grade and follow the requirements in the Canada Standards Association (CSA) Accessible Design for the Built Environment B65, as amended.

7.18. Adequate provisions including ramps shall be put in place for the visually impaired or wheelchair bound persons.

7.19. The Applicant should ensure that stormwater flow is not impeded by installation of the temporary Patio and is responsible for removal of debris, snow or ice from the temporary Patio.

7.20. The Applicant shall ensure that siting and operation of a Patio does not damage any City property including but not limited to trees, curbs, sidewalks, streets or street furniture.

7.21. In the event the Applicant elects not to renew a Permit for the upcoming period, the Patio shall automatically revert to its prior use as vehicular parking.

8. Permit Suspension, Revocation, Cancellation or Refusal

8.1 All Permits issued under this Bylaw may be suspended, revoked or cancelled by the Development Officer:

(a) For violation of this Bylaw.

(b) For violation of any other Bylaw of the City.

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(c) For violation of any provincial or municipal health standards.

(e) For violation of any federal, provincial or municipal laws or regulations governing business practices.

(f) Breach by the Business Operator of any agreement entered into with the City; or

(g) If the Applicant fails to provide information required under Subsection 6 of this Bylaw within 14 calendar days of the request for the information.

(h) On such other grounds as in the opinion of the Development Officer are just and reasonable.

8.2 Upon a Permit being suspended, revoked or cancelled, the Development Officer shall notify the Applicant thereof by delivering a notice personally or by mailing a double registered letter to the address shown on the Application and after that notice has been delivered the Applicant shall not operate a Patio until a new Permit has been issued or the suspension, revocation or cancellation has been withdrawn.

8.3 The Development Officer or their designate may refuse an application for any of the following reason(s):

a. The Application is incomplete, per Subsection 6 of this Bylaw.

b. The Patio plan does not adhere to the regulations set out in this Bylaw or any other Bylaw of the City of Charlottetown, or provincial or federal legislation.

8.4 Where a Permit has been refused, the Development Officer or their designate will notify the Applicant in writing of their decision and reasons for the decision and indicate the next steps if the applicant wishes to appeal said decision.

9. Insurance

9.1. All applicants are required to secure and maintain Public Liability Insurance with a minimum coverage of $2,000,000.00 for each occurrence.

9.2. The City shall be added as an additional insured, together with a cross-liability clause and the City shall be provided with proof of such coverage prior to issuance of a Permit.

9.3. The insurance policy cannot be terminated or cancelled without giving at least ten (10) business days' notice to the City in writing by regular mail, personal delivery, e-mail or facsimile delivery.

10. Enforcement

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10.1. The Bylaw Enforcement Officer may enter the property operating under this Bylaw at any reasonable time for the purpose of carrying out an inspection to determine if the following has been complied with:

a. The provisions of this Bylaw.

b. An Order.

11. Penalty

11.1. A person who violates or fails to comply with the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule "B" of the Enforcement and Summary Proceedings Bylaw and if in default of payment is subject to imprisonment for a period not exceeding 30 days. Each day a person so operates shall comprise a separate offence.

11.2. Where a person is carrying on business without a Permit required by this Bylaw, or from a space other than the space allocated to them and specified in a Permit issued under this Bylaw, in addition to any other remedy or penalty imposed by this Bylaw, the City may immediately and without notice remove all structures and objects related to the operation of the Patio thereon to a place selected by the City and all costs and charges incurred by the City may, by action in any Court of competent jurisdiction, recover as a civil debt due to the City by the Business Owner the cost or removal and storage thereof.

11.3. Where a person is carrying on a business in contravention of this Bylaw, then in addition to any other remedy or penalty imposed by this Bylaw the City may, in all such cases, apply to the Supreme Court of Prince Edward Island for an injunction or other order prohibiting or restraining that person from contravening this Bylaw.

12.4 Without limiting any of the enforcement mechanisms available under this bylaw, the provisions of the City's Enforcement and Summary Proceedings Bylaw #2024-ESP-01, or any successor Bylaw, apply to the enforcement of this Bylaw.

12. Other Provisions

12.1. A person holding a Permit under this Bylaw shall permit employees of the City and employees of any public utility to enter upon any portion of any street which has been allocated to them under this Bylaw and which they are permitted to use for the purpose of installing, maintaining or repairing any street or part thereof or any pipes, drains, cables, wires, poles or other installations.

12.2. Except as otherwise specifically provided in this Bylaw or any other Bylaw of the City, nothing in this Bylaw relieves any person with a Permit under this Bylaw from complying with all other applicable laws.

12.3. Where the provisions of this Bylaw conflict with the provisions of any other Bylaw of the City, the provisions of this Bylaw shall prevail.

13. . Effective Date

DRAFT

13.1 This Patio Bylaw, Bylaw# 2025-P-01 shall be effective on the date of approval and adoption below.

First Reading:

This Patio Bylaw, Bylaw# 2025-P-01, was read a first time and approved by a majority of members present at the Council meeting held on the _____ day of_____,2026.

Second Reading:

This Patio Bylaw, Bylaw# 2025-P-01, was read a second time and approved by a majority of members present at the Council meeting held on the ___day of_____,2026.

Approval and Adoption by Council:

This Patio Bylaw, Bylaw# 2025-P-01, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____,2026.

Witness the corporate seal of the City of Charlottetown

_____ _____

Mayor **Chief Administrative Officer**

This Patio Bylaw, Bylaw# 2025-P-01adopted by the Council of the City of Charlottetown on the _____ of _____ is certified to be a true copy.

_____ _____

Chief Administrative Officer **Date**

DRAFT

"This document is an office consolidation of this Bylaw (amending bylaw (#2025-P-01)adopted September 2025. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources. If you find any errors or omissions in this consolidation, please contact the Records Management Clerk

DRAFT



Design with community in mind

City of Charlottetown Committee Report

Report No: PH-2026-09-14

Date:
September 1, 2026

Directed to Council through the following Committee:
Planning Committee

Reporting Department:
Planning and Heritage Department

Other Associated Departments:
N/A

Prepared by:
Laurel Palmer, RPP, MCIP, Senior Planner (Planner III)

Attachments:
- A- Survey showing Subject property
- B- Concept drawing showing active alleyway

Report Title:
Request to Approve the Proposed Public Benefit – 68 Queen Street (PID#s 336982, 336974, 336909, 336917, 336966 and 1172915)

Report Purpose:
Request to approve the proposed public benefit (an active alley way) in exchange for bonus height that was granted by Council for the construction of a proposed multi-use residential and commercial building within the 500 Lot Area being the properties identified as (PID#s 336982, 336974, 336909, 336917, 336966 and 1172915) addressed as 68 Queen Street.

Staff Recommendation:
The Planning & Heritage Department recommends that Planning Committee accept the proposal from the developer (Quentin Bevan, Weymouth Properties Ltd.) to construct and incorporate an active alleyway for public art and murals within their building at 68 Queen Street (PID #336982, 336974, 336909, 336917, 336966 and 1172915) as their public benefit requirement for two (2) additional storeys containing approximately *11,797 sq ft. (1,096 m2).* of floor area per storey, subject to the signing of a Development Agreement.

Report Details:

BACKGROUND

As the Committee will recall, this application involved a request for a rezoning and variances to facilitate the construction of a seven (7) storey, mixed-use commercial and multi-residential building.

Council subsequently approved this application on April 14, 2026. This application was unique in that it involved the exchange of additional density (two additional floors of density) for a public benefit as provided in Section 3.12 of the Zoning & Development Bylaw.

The applicant Sable Arc (architectural firm) on behalf of their client Quentin Bevan, Weymouth Properties Ltd. has submitted the details of proposed public benefit.

The application for Bonus Height is under Section 31.3 (Bonus Height Development Standards in the DMS zone) and Section 3.12 (Bonus Height Applications) of the Zoning and Development where the applicant has indicated in their submission that the public benefit they are providing in exchange for Bonus height is as follows:

"The public amenity is the new 'activated alley thruway'. It will provide lots of space for public art/ murals, along with seasonal food vendors and possible access to all the commercial properties fronting onto Queen Street"

This application also underwent Design Review and the application for Bonus Height was supported by the Design Reviewer.

Development Context

The subject property is located downtown within the 500 Lot Area. The properties are bounded to the north by Dorchester St, to the east by properties zoned Downtown Mixed-Use Neighbourhood (DMUN) with abutting residential and a commercial parking lot. To the south by King Street and to the west by properties zoned Downtown Main Street (DMS) which are bounded by Queen Street. Buildings within this area are mixed use and range from commercial office buildings, single detached dwellings, institutional, multi-unit apartment buildings and commercial retail. The properties are located just behind downtown main street (Queen Street) and are a few blocks from the core where various services, shopping, restaurants and theatres can be accessed.

ANALYSIS:

The applicant is requesting approval of the public benefits component of their application so that the Development Agreement on this property can be finalized. The Zoning & Development Bylaw provides direction as to how the public benefits section of the by-law should be applied. The following is from Section 3.12.1 and states:

> *"An increase to the minimum standards pertaining to Building Height shall be permitted at the discretion of the Development Officer/Planning Committee in certain Zones as specified in the regulations of the Zones where applicable, in exchange for securing specific public benefits of one or more of the following…*

As per Section 3.12.10, *"The City at its discretion shall provide a recommendation from Planning Committee to the CAO for the Public Benefits that should be required for the development pursuing a bonus height application.*

Under Section 3.12 Bonus Height Applications and Bonus Height Development Standards of Section 31.3 (Downtown Main Street Zone) of the Zoning and Development Bylaw a height variance. The request for a Bonus Height was approved through the Design Review process.

The developer has decided to focus their attention on section 3.12.1 h which states that: The provision of subsidized commercial space for arts or other cultural uses. In this case, the developer would like to provide an activated public alley for the display of public arts and murals. The alleyway will contain benches and will also provide a space for food vendors. There will be public access into the commercial shops fronting on Queen St. The developer will provide pavers or bricks for the walkway through the alleyway.

The Zoning By-law has a formula based upon a floor area calculation that stipulates how much money needs to be applied to the public benefits component of their application. In this case, the financial calculation is approximately $94,376.

Section 3.12.2 (Bonus Height Applications) states that:

> *"The value of the public benefit shall be a rate set from time to time by a resolution of Council based upon the Gross Floor Area of any Storey above the pre-bonus Height.*

On February 12, 2018, City Council approved the following resolution:

> *"That the 2018 rate of $4.00 per 0.1 square metre* [approximately 1 square foot] *shall be applied to any development applications that request consideration of public benefits section of the Zoning and Development By-law."*

See below, a list of the cost from the developer's consultant (Sable Arc) who estimates that the active alley way will cost approximately $125, 000 to install.
Below is a brief description of the public benefit of the pedestrian thoroughfare at the Queen St Revitalization project.

The approximate cost benefit to the general pubic as a result of the beautification and pedestrian-friendly public thoroughfare from King to Dorchester (verses a service alley):

1) *pavestones for pedestrian walkway from King to Dorchester - $85,000*
2) *exterior lighting - $15,000*
3) *public benches. $6,000*
4) *Planter boxes and climbing ivy lattice. $3,500*
5) *Artwork/Mural $10,000 +/-*
6) *Food vendor – service connections. $5,500*

= $125,000 total plus hst

The active alley way for public art is consistent with what the Zoning By-law envisions for a public benefit requirement. The cost estimate exceeds the public benefit financial requirement and can be quantified by a third-party estimator.

CONCLUSION:

The Planning & Heritage Department recommends that Planning Committee accept the proposal from the developer (Quentin Bevan, Weymouth Properties Ltd.) to construct and incorporate an active alleyway for public art and murals within their building at 68 Queen Street (PID #336982, 336974, 336909, 336917, 336966 and 1172915) as their public benefit requirement for two (2) additional storeys containing approximately *11,797 sq ft. (1,096 m2).* of floor area per storey.

Council or Committee History:
N/A

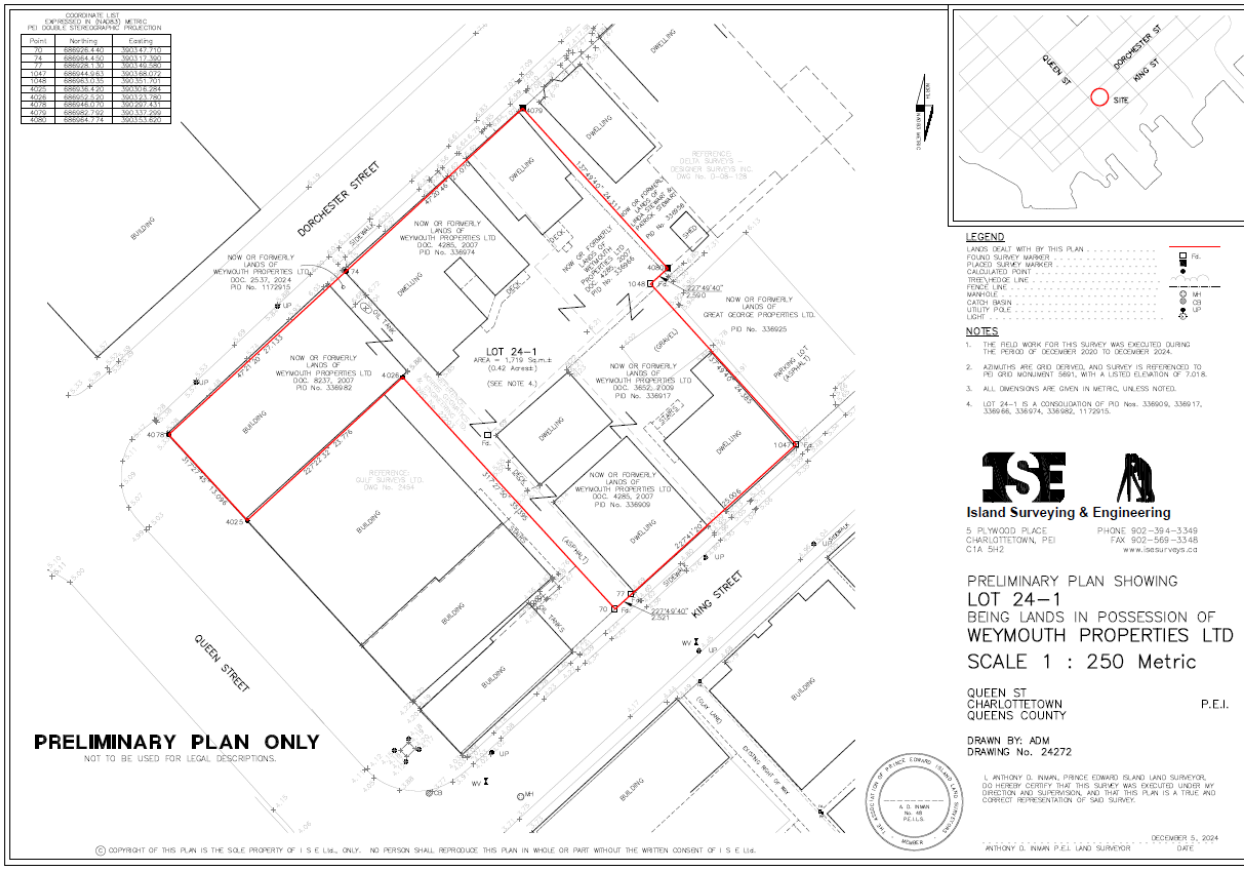
Financial Implications:
N/A

Public Engagement and Communication:
N/A

Legislative Authority:
Zoning and Development Bylaw

Strategic Alignment: City of Charlottetown Official Plan – 2026 500Lot Area Design Guidelines]	
Submitted By Planner: Laurel Palmer, RPP, MCIP  Planner 3 (Senior Planner)	
Reviewed By:	
Manager Donna Miller Ayton, 09/1/2026	**Director** Michael Ruus, RPP, MCIP, 09/1/2026
Committee Recommendation: (if differing from staff)	

Attachment “A” Survey Showing Subject Property:



Attachment “B”
Concept Drawing of Active Alley Way – 68 Queen St - The Monarch




SableARC
sustainable architecture + design


SableARC
sustainable architecture + design