PUBLIC MEETING AGENDA
NOTICE OF MEETING
Thursday, September 3rd @ 6:00 PM
Georgian Room, Rodd Charlottetown, 75 Kent Street, Charlottetown, PE
(livestreaming at www.charlottetown.ca/video)

1) **Call to Order**
2) **Declaration of Conflicts**
3) **Approval of Agenda**
4) **Discussions:**

a) Jacob Ritchie & Donna Miller-Ayton

This request is to convene a public meeting to provide residents and other interested persons with an opportunity to make representations on the City of Charlottetown's draft Zoning and Development Bylaw, in accordance with section 18 of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

5) **Introduction of New Business**
6) **Adjournment of Public Session**

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Information Sheet for Public Meeting on Thursday, September 3, 2026

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

1. **Draft Zoning and Development Bylaw**
   Donna Miller-Ayton, Manager, Policy & Heritage

This is a request to:

Convene a public meeting to provide residents and other interested persons with an opportunity to make representations on the City of Charlottetown's draft Zoning and Development Bylaw, in accordance with section 18 of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

Notice of the proposed draft was advertised in The Guardian newspaper on Saturday, August 22, 2026, and again on Saturday, August 29, 2026

A notice was also posted on the City's website and social media platforms.

As of Noon on Wednesday, September 2, 2026, a total of 171 comments were received, including 102 from the public and 69 from developers, with 24 supportive, 58 conditionally supportive, 89 concerns, 36 seeking clarification and 24 technical conflicts identified.; 52 items have been resolved to date. A comprehensive technical submission was received as well as a submission in support of draft regulations. Any letters received after this time and up until Noon on Friday, September 18, 2026, will be included in the recommendation report to Planning Board at a later date.

Notes:

City of Charlottetown Committee Report	**Report No:** PLAN-2026-05-AUGUST-6A-1 **Date:** August 5, 2026
Directed to Council through the following Committee: Planning Board	**Attachments:** A- Draft Zoning and Development Bylaw B- Planning Act – Section 18
Reporting Department: Planning and Heritage Department	
Other Associated Departments: None	
Prepared by: Donna Miller-Ayton, Manager Policy & Heritage Brad Vince, Planner II & Heritage Officer	

Report Title:

Request to Proceed to Public Meeting for the Proposed City of Charlottetown Zoning and Development Bylaw

Report Purpose:

To review the draft Zoning and Development Bylaw and request that the Planning Board recommend that Council authorize the draft Bylaw to proceed to a public meeting, in accordance with section 18 of the *Planning Act*, R.S.P.E.I. 1988, c. P-8, thereby providing residents and other interested persons with an opportunity to make representations on the proposed Bylaw.

Staff Recommendation:

That the Planning Board recommend that Council approve the convening of a public meeting to provide residents and other interested persons with an opportunity to make representations regarding the City of Charlottetown's draft Zoning and Development Bylaw, in accordance with section 18 of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

Report Details:

In 2025, the City of Charlottetown initiated a comprehensive review of its Zoning and Development Bylaw. The Zoning and Development Bylaw is the City's primary regulatory instrument for governing land use, development, subdivision, and building activity.

Report Details Cont'd:

The Zoning and Development Bylaw implements the policy directions established in the City's Official Plan by prescribing requirements related to:

a. The permitted uses of land, buildings, and structures within each zone;
b. Standards governing the placement, construction, alteration, and use of buildings and structures;
c. The administration of a permit system, including applications for building, sign, footing, demolition, and moving permits;
d. Standards and procedures for subdivision applications and approvals; and
e. Standards governing the design, location, and placement of signs.

The draft Bylaw also includes transitional provisions to address permits and applications issued or submitted before the new Bylaw comes into force.

The proposed Zoning and Development Bylaw establishes an updated regulatory framework for the administration of land use and development within the City of Charlottetown and aligns its regulations with the policy directions of the Official Plan. The new Bylaw is intended to provide greater clarity and predictability for residents, property owners, developers, staff, and other interested parties. It is also intended to reduce unnecessary administrative requirements, streamline approval processes, and support more consistent and efficient decision-making.

The draft Bylaw was informed by a comprehensive public and stakeholder engagement process that included public open houses, community pop-up events, online engagement initiatives, and consultation sessions with City staff, Council, and key stakeholders. Following the engagement process, the draft was subject to further staff and legal review.

An updated draft Zoning and Development Bylaw has now been prepared for consideration by the Planning Board and Council.

Legislative Requirements:

Publish of Notice

If the draft Zoning and Development Bylaw is approved to proceed to a public meeting of Council, the Planning and Heritage Department will cause a notice to be published in a newspaper circulating in the area at least seven clear days before the meeting. The notice will describe, in general terms, the nature of the proposed Bylaw and specify the date, time, and place of the Council meeting at which it will be considered, in accordance with subsection 18(1)(b) of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

Analysis and Conclusion:

Subsection 18(1) of the *Planning Act* requires Council to provide residents and other interested persons with an opportunity to make representations before approving a Zoning and Development Bylaw. Convening a public meeting is therefore a necessary step in the statutory adoption process and will enable Council to receive and consider public input on the proposed regulatory framework.

Accordingly, the Planning and Heritage Department recommends that the Planning Board recommend that Council approve the convening of a public meeting to provide residents and other interested persons with an opportunity to make representations regarding the City of Charlottetown's new draft Zoning and Development Bylaw, in accordance with subsection 18(1)(a) of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

Should Council approve the request, the Planning and Heritage Department will undertake the required public notification and advertising in accordance with the applicable provisions of the *Planning Act*.

Council or Committee History:
Special Meeting of Council – March 4, 2026
Committee of the Whole – June 23, 2026

Financial Implications:
The requisite cost to legislatively hold the Public Meeting of Council was included in the department's approved budgetary allocations.

Public Engagement and Communication:
In tandem with the public engagement strategy, a social media campaign was launched, issuing PSAs, social media posts, and radio and newspaper ads were published to inform residents of the engagement opportunities on the draft Zoning and Development Bylaw.

Legislative Authority:
Planning Act
Municipal Government Act

Strategic Alignment:
Vision: Embracing the Future, Creating a community for everyone
Purpose: Delivering community-focused programs and services that matter most to our residents. Provide accountable, accessible, and fiscally responsive local government to build a sustainable and resilient city
Guiding Principles: People-focused, Welcoming, Accountable, Safety
Commitments: Sustainability, Reconciliation, Collaboration and Partnership, Inclusion, Residents and Visitors, Transparency, Engagement, Communication, Growth
Pillars: Community Building and Placemaking; Governance & Civic Engagement; Inclusive Economic Growth; Infrastructure and the Environment

Reviewed By:

Manager	**Director**
Original document signed by Donna Miller-Ayton	Original document signed by Michael Ruus

Committee Recommendation: (if differing from staff)

CHARLOTTETOWN

CITY OF CHARLOTTETOWN

ZONING & DEVELOPMENT BYLAW

DRAFT Date:

July 30, 2026

Amendment No./ Revision No.:

000

Date of most recent amendment:

XXX X, XXXX

Document updated:

XXX X, XXXX

CHARLOTTETOWN

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PART 1
Administration & Operation

1.1 AUTHORITY

.1 This bylaw is enacted under the authority of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1 and the Planning Act, R.S.P.E.I. 1988, c. P-8 of the Province of Prince Edward Island.

1.2 TITLE

.1 This bylaw may be cited as the City of Charlottetown Zoning and Development Bylaw, and may be referred to as the Zoning Bylaw.

1.3 SCOPE

.1 This bylaw prescribes:

(a) The purposes for which land, buildings and structures in any zone may be used;
(b) Standards for the placement, erection, alteration, and use of buildings and structures;
(c) The use of a permit system that includes the application for a building permit, Sign Permit, footing permit, demolition permit and moving permit;
(d) Standards for subdivision approval and the subdivision application process; and
(e) Standards for the design and placement of a sign.

1.4 TRANSITIONAL PROVISIONS

.1 Any application for a permit or subdivision that has been made but not completed as of the effective date of this bylaw shall continue to be processed in accordance with the provisions of the former City of Charlottetown Zoning and Development Bylaw (October 1, 2018).

.2 Any permit that has been issued and any preliminary or final subdivision approval that has been given prior to the effective date of this bylaw shall stand as issued or approved until its original expiry date, and any work in accordance with the approved permit or subdivision may continue uninterrupted.

1.5 ZONES

.1 The City is divided into zones for which the regulatory provisions of this bylaw apply.

.2 The zones may be referred to by the following symbols and colours in Figure 1.1.

.3 The boundaries are shown on the Zoning Map (Schedule A), which is an integral part of this bylaw.

.4 Where the boundary of any zone is uncertain:

(a) The boundary substantially follows a street, lane, or other public right-of-way, then the centre line of such feature is the boundary;
(b) The boundary substantially follows lot lines shown on the City's property map, then the lot lines are the boundaries;

Figure 1.1 City of Charlottetown Zones

Official Plan Land Use Category	Zone Name	Symbol
Neighbourhoods	Neighbourhood	RN
	Medium Density Residential	RM
	High Order Residential	RH
Downtown (Core, Periphery and Waterfront)	Downtown Core	DC
	Downtown Main Street	DMS
	Downtown Mixed Use	DMU
	Downtown Neighbourhood	DN
	Downtown Waterfront	DW
Workscapes	Business Park	BP
	Airport Periphery	AP
	Heavy Industrial	HI
	Port	P
Corridors	Growth Corridor	GC
Nodes	Growth Node	GN
Institutional	Institutional	I
Parks and Public Spaces	Parks and Public Spaces	PPS
	Privately-owned Open Spaces	POS
Urban Expansion	Urban Expansion	UE

(c) The boundary runs substantially parallel to a street line and the difference from the street line is not indicated, then the boundary shall be deemed to be parallel to such street line and the distance from the street line shall be determined according to the scale shown on the Zoning Map; or

(d) The boundary follows the shoreline of a watercourse, then the mean high water mark is the boundary unless the municipal boundary is different. Where there is an existing water lot(s), the water portion of the lot will be zoned separately to reflect this unique land use.

1.6 OTHER BYLAWS, PERMITS, AND LICENSES

.1 Nothing in this bylaw shall relieve any person from the obligation to comply with the requirements of any other bylaw of the City in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any bylaw of the City, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.

.2 Where the provisions of this bylaw conflict with those of any other city bylaw or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement shall prevail.

1.7 CERTAIN WORDS

.1 In this bylaw words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular, all as the context allows; and the word ‘shall’ is mandatory and is not permissive.

1.8 REPEAL

.1 This bylaw shall come into force effective the date of the Minister's approval.

.2 The City of Charlottetown Zoning and Development Bylaw (October 1, 2018) is hereby repealed.

1.9 DEVELOPMENT OFFICER

.1 The Council shall appoint a Development Officer who shall administer this bylaw, and the Council may name a designate or designates to the Development Officer.

.2 Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny a permit or a subdivision application in accordance with this bylaw, except for those applications that require Planning Board, Design Review Board and/or Council to be involved in the process as specified in this bylaw.

1.10 PLANNING BOARD

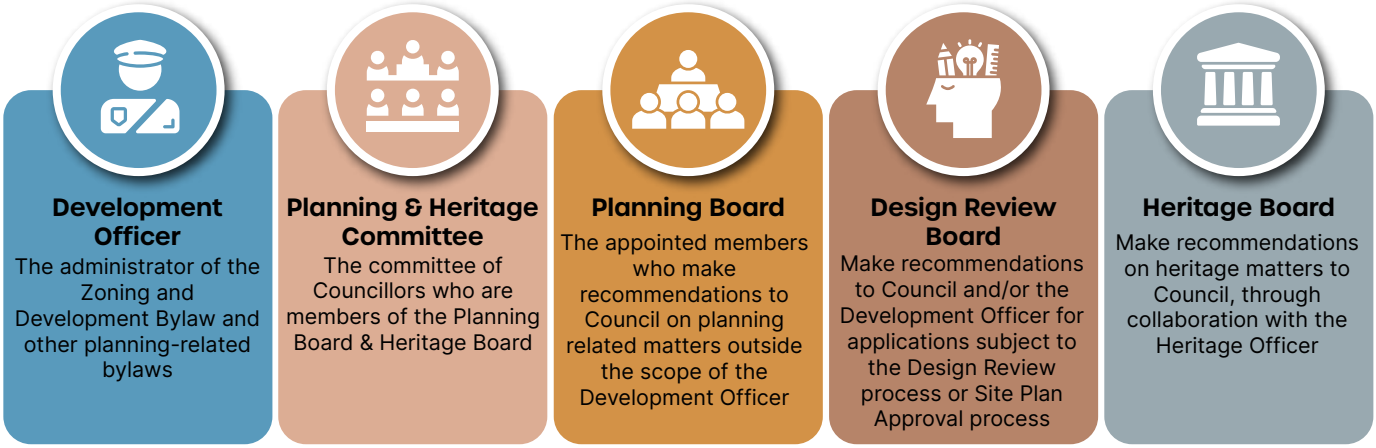
.1 There is hereby established a board for the City to guide matters of planning called the Planning Board.

.2 The duties, composition and requirements of the Planning Board shall be established in a boards and committees' terms of reference document separate from this bylaw.

1.11 DESIGN REVIEW BOARD

.1 There is hereby established a Design Review Board.

Figure 1.2 Land use planning related roles & responsibilities



.2 The duties, composition and requirements of the Design Review Board shall be established in a boards and committees terms of reference document separate from this bylaw.

1.12 HERITAGE BOARD

.1 There is hereby established a Heritage Board.

.2 The duties, composition and requirements of the Heritage Board shall be established in a boards and committees terms of reference document separate from this bylaw.

1.13 CONFLICT OF INTEREST

.1 No member of the Planning & Heritage Committee, the Planning Board, the Design Review Board, or the Heritage Board shall derive any profit or financial advantage from their position. Where a member has any pecuniary interest in or is affected by any matter before these committees or boards, they shall declare the interest therein, abstain from voting and discussion, and physically remove themselves from the meeting venue at that time.

.2 In the event that conflicts of interest should reduce the number of members of the Planning Board, Heritage Board and/or Design Review Board below a quorum, the mayor may appoint additional member(s) for the time being in order to satisfy the quorum requirements.

1.14 CALCULATION OF NUMERICAL REQUIREMENTS

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

.2 In this bylaw, unless otherwise stated, metric fractions of one-half (0.5) or greater must be rounded up to the nearest whole number and fractions of less than one-half (0.5) must be rounded down to the nearest whole number. This rule does not apply to prescribed dimensions.

1.15 CONTRADICTIONS

.1 If a figure and text contradict each other in this bylaw, the text shall prevail.

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PART 2

Permit Applications & Processes

2.1 FEES FOR PERMITS AND RELATED SERVICES

.1 The City shall collect fees for permit applications and related services as outlined in a separate city fee schedule and as enabled by the Planning Act.

.2 The value of the processing fees shall be set from time to time by a resolution of Council and may be amended by resolution in accordance with the Municipal Government Act.

.3 Fees shall be submitted with a completed application form for a:

(a) Building permit, sign permit, footing permit, demolition permit, and moving permit;
(b) Preliminary or final subdivision;
(c) Variance, rezoning, design review, pre-application inquiry, and planning inquiry;
(d) Moving and demolition permit deposits; and
(e) The value of cash-in-lieu of parking spaces and parkland.

2.2 UNDERTAKINGS

.1 No person shall undertake a development except as provided herein and in conformity with this bylaw and the Province-Wide Minimum Development Standard Regulations in accordance with the Planning Act and where there is a lack of clarity the Province shall be consulted.

.2 No development shall be undertaken without a building permit.

.3 No building construction, addition or renovation, subject to the Building Code Bylaw, shall be undertaken without a building permit.

2.3 PERMIT EXEMPTIONS

.1 Notwithstanding Section 2.2, a building permit is not required when:

(a) Normal maintenance of the exterior of an existing building or structure (i.e. shingling, siding, roofing, repainting) excepting registered heritage properties;
(b) Temporary uses or temporary signs as specified in Part 9.
(c) The following or similar miscellaneous minor structures:
    i) Clothes poles
    ii) Flag poles
    iii) Garden trellises
    iv) Cold frames
    v) Fences
    vi) Retaining walls under 1.2 m high
    vii) Children's play structures
    viii) Doghouses
    ix) Interpretive displays
(d) Any other exemptions contained in the PEI Building Code.

2.4 RIGHT OF ENTRY

.1 Subject to subsection 24.1(8) of the Planning Act, every owner or occupant shall allow an enforcement officer and any accompanying person to enter any land, building, premises or work site at any reasonable time for the purposes of administering and enforcing this bylaw.

2.5 DEVELOPMENT PATHWAYS

.1 This bylaw enables development through three potential pathways:

(a) **As-of-Right Pathway:** This process is fully administered by the Development Officer. Some as-of-right pathways may include conditions that must be met as set out in the zones.

(b) **Site Plan Approval Pathway:** This process includes more rigorous built-form and application submission requirements for larger projects. This process is administered by the Development Officer unless a variance is required.

(c) **Development Agreement Pathway:** The Development Agreement (DA) pathway requires approval by Council and is more time-intensive than the other pathways with less certainty of outcome. DA pathways are only permitted where specifically identified in this bylaw.

.2 These development pathways are described more fully, including key review stages and timelines, and submission requirements in a separate *PLANNING & HERITAGE DEPARTMENT CHECKLIST* document which is periodically updated as may be required by the PEI Planning Act.

.3 The applicable zone or another provision of this Bylaw identifies where the Site Plan Approval or Development Agreement Pathway is available or required.

.4 Except where otherwise specified in an approved Development Agreement, development approved through the Development Agreement Pathway shall comply with all other applicable provisions of this Bylaw.

2.6 BUILDING PERMIT

.1 No person shall erect a building or undertake development unless a building permit has first been issued in accordance with the two-stage process established by this section.

.2 **Stage 1**, the zoning compliance review, shall ensure that the zoning and subdivision requirements of this bylaw are met prior to advancing to stage 2.

.3 **Stage 2**, the building code review, is designed to ensure the Building Code requirements are met, following on the approval of the Stage 1 review.

.4 If an application for a building permit is incomplete, the Development Officer shall notify the applicant in writing within seven (7) calendar days of the submission.

.5 If an application for a building permit is incomplete and remains so for a period of six (6) months, the application is considered abandoned and thus cancelled, null and void.

.6 Where the Development Officer is unable to determine if an application meets the requirements of this bylaw, or other bylaws or statutes which may be in force, the

Development Officer may refer the application to the Planning Board or Heritage Board to give direction on the disposition of the application.

.7 An application for a building permit shall be rejected if:

(a) The proposed development does not conform to this bylaw, or other bylaws (including the Building Code Bylaw) or applicable provincial legislation;
(b) The proposed method of water supply and/or waste disposal is not appropriate;
(c) There is not a safe and efficient access to the public street; or
(d) The impact of the proposed development would be detrimental to environmentally sensitive areas.

.8 When an application for a building permit is rejected, the Development Officer shall notify the applicant in writing of the decision and the reason for the refusal within seven (7) calendar days of the decision.

.9 Construction undertaken pursuant to a building permit shall be commenced within

(a) A twenty-four (24) month period from the date of issuance of an as-of-right building permit.
(b) A twenty-four (24) month period from the date of issuance of a site plan approval building permit.
(c) A three (3) year period from the date of issuance of a development agreement building permit, or as negotiated in the agreement.

.10 Construction shall be completed within the time specified on the permit when applicable.

.11 A building permit may be renewed for one (1) period upon application to the Development Officer and shall be valid only for the time period specified at the time of renewal.

.12 Council may require that a development agreement be signed between the two parties, for an application under any of the three development pathways, indicating that the development will be carried out in accordance with the drawings and other documents produced in respect of the proposed development and agreed upon between both parties, and the development agreement shall bear the signatures of the applicant and the City. When an applicant refuses to enter into a development agreement when required by the City, the application shall be denied.

2.7 VARIANCES

.1 When a stage 1 building permit application does not meet the minimum regulations of this bylaw, the applicant may apply for a variance to:

(a) Reduce the minimum setback / stepback requirement for a front, rear, side and/or flankage yard by up to 15%;
(b) Reduce the minimum regulation pertaining to lot area, coverage, parking counts, and lot frontage by up to 10%;
(c) Increase the minimum building height by up to 10%, as long as the change is not intended to provide additional floor area than what might otherwise have been permitted;
(d) Increase the building height in accordance with Section 2.10;

(e) Reduce the minimum streetwall width, maximum building dimensions; articulation requirements, or other built-form standards by up to 10%; and
(f) Signage requirements.

.2 An application for a variance shall be submitted with sufficient information as may be required by the Development Officer for the purpose of adequately assessing the proposal, including:

(a) All required submissions for either the as-of-right, site plan approval, or development agreement pathways, highlighting the requested variance on related drawings.
(b) The reason why the variance is being sought and the rationale for the request.
(c) A written summary of how the requested variance meets the intent of the Official Plan.
(d) Any such other information as deemed necessary by the Development Officer to evaluate the proposal.

.3 Before a Variance may be approved, the Development Officer shall:

(a) Determine that the application is complete and that all required fees have been paid;
(b) Evaluate the application against the requirements and limits of this section; and
(c) May refer variance requests associated with Site Plan Approval to the Design Review Board for final review and approval.

.4 When an application for a variance has been lawfully denied, the same or a similar variance application shall not be considered within one (1) year of the decision unless:

(a) New material facts or evidence not available at the time of the initial order or decision have come to light; or
(b) A material change of circumstances has occurred since the initial order or decision.

.5 Land uses that are not permitted in each zone of this bylaw shall not be considered through a site specific variance but only through a rezoning process (see 2.9).

2.8 ZONING BYLAW AMENDMENTS

.1 Council may initiate an amendment to the Zoning and Development Bylaw to change the text of the bylaw or to rezone a property without the authorization of the owner(s) of land(s) involved in the rezoning, provided that the proposed amendment obtains the support of Council and complies with the general intent and purpose of the Official Plan. If the proposed amendment is contrary to the policies in the Official Plan, an amendment to the Official Plan must be filed in conjunction with or prior to the bylaw amendment.

.2 A person who seeks to rezone a parcel of land, or to otherwise have this bylaw amended, shall submit an application that includes such information as may be required by the Development Officer for the purpose of adequately assessing the desirability of the proposal, and if the application is for a rezoning it shall include:

(a) Sufficient funds to cover the cost associated with processing the application;
(b) A legal description and a plot plan, or a survey plan, accurately showing the

location of the property or properties to be rezoned;

(c) The names and addresses of the owner of the property and, if the applicant is not the owner, a statement as to the applicant's interest in the property or statement of consent from the owner;

(d) Documentation of any supporting policies from the Official Plan to support the change;

(e) If the proposed amendment is contrary to the policies in the Official Plan, an amendment to the Official Plan must be filed in conjunction with the bylaw amendment; and

(f) Such other information as deemed necessary by the Development Officer to evaluate the proposal.

.3 Before amending the regulations of this bylaw or rezoning any parcel of land, Council shall conduct a public meeting to receive additional opinions from the public.-

.4 Before a rezoning is heard at a public meeting, the Development Officer shall:

(a) Provide written notice by ordinary mail, courier or by hand delivery advising all affected property owners within 100 m (328.1 ft) of the boundaries of the subject lot through notification in writing at least twenty (20) calendar days prior to the public meeting, of the date of the public meeting;

(b) Ensure that the notice identifies the subject lot and describes the rezoning application and the date by which written objections must be received;

(c) Publish a notice in not less than two issues of a newspaper circulating in the City with the first notice at least seven (7) calendar days prior to the public hearing date; and

(d) Post a copy of the notice in at least one (1) conspicuous place on the subject lot at least seven (7) calendar days prior to the date fixed for the public meeting.

.5 A notice in writing shall be sent to the applicant within seven (7) calendar days of the Council decision stating if the application is successful, and if not successful, stating the appeal process available to the applicant.

2.9 SITE SPECIFIC ZONING AMENDMENTS

.1 Site specific zoning amendments for changes to dimensional zoning measures (frontage, height, parking count, tree planting etc.) shall be addressed through variance protocols and are otherwise not permitted on a site specific basis.

.2 An application for a site specific zoning amendment for a land use change may be considered by addressing:

(a) The reason for the request;

(b) The supporting policies of the Official Plan; and

(c) Any mitigation measures intended to reduce the impacts to traffic, neighbourhood character change, safety, or other negative impacts the land use change may have on the surrounding neighbourhood.

.3 The procedure for consideration of a site specific zoning amendment shall follow the same approval process as the zoning bylaw amendment process (Section 2.8)

2.10 BONUS HEIGHT APPLICATIONS

The purpose of this section is to permit additional building height, beyond the maximum height otherwise permitted in the applicable zone, where a development proposal demonstrably provides public benefits that advance municipal objectives.

.1 Bonus Height is not permitted as of right. The Design Review Board may approve, approve in part or refuse an application for Bonus Height in accordance with Sections 2.11 and 2.12.

.2 Notwithstanding the maximum building height permitted in the applicable zone, a development may be permitted a maximum bonus of two (2) additional storeys, in the following zones:

(a) Downtown Core (DC),
(b) Downtown Waterfront (DW), and
(c) Growth Node zones (GN).

.3 An application for a bonus height shall be submitted with sufficient information as may be required by the Development Officer for the purpose of adequately assessing the proposal, including:

(a) A legal description and a plot plan, or a survey plan, accurately showing the location of the property and building(s) or structure(s) on the property in question;
(b) The name and address of the owner(s) of the property and, if the applicant is not the owner, a statement as to the applicant's interest in the property;
(c) Design drawings, as required to proceed through the design review process;
(d) The drawings must show the affordable units, if they are being proposed, and their total Gross Floor Area; and
(e) Such additional information as deemed necessary by the Development Officer, including studies or analyses to ensure that the proposed Bonus Height and/or its massing meet the desired performance standards with respect to mitigating visual, shadow, wind, and traffic impacts.

.4 Any additional height granted through this section shall be proportional and commensurate with the value of the public benefit provided as set out in Section 2.11.2.

.5 Approval of bonus height under this section shall not be construed as creating a precedent or vested right, and each application shall be evaluated on its own merits having regard to site specific conditions and municipal policy objectives.

.6 An approval under this section determines only the maximum additional building height that may be incorporated into the proposed development. Development shall not proceed until the applicant has obtained all other approvals required by this bylaw, including Council approval of any applicable Development Agreement.

2.11 ELIGIBLE PUBLIC BENEFITS FOR BONUS HEIGHT

.1 Bonus height may be considered only in exchange for the provision of one or more of the following public benefits, to the satisfaction of the City:

(a) Affordable Housing

i) Affordable housing shall meet income, rent, and tenure requirements established by the City's housing policies or programs in effect at the time of application.

ii) Affordable units shall be secured for a minimum period of 10 years, or such longer period as Council may require.

(b) Public Art

i) Public art shall be publicly accessible and visible from a public street or publicly accessible open space.

ii) Public art shall be designed, commissioned, and installed in accordance with City-approved public art guidelines.

iii) Cash-in-lieu contributions may be permitted where physical installation is not feasible, at Council's discretion.

(c) Publicly Accessible Indoor or Outdoor Space

i) Public spaces shall be legally secured for public access and use.

ii) Such spaces may include plazas, courtyards, atriums, or similar areas designed to accommodate public gathering or pedestrian circulation.

iii) Spaces shall be accessible during hours determined by the City and maintained at the owner's expense.

(d) Green Roofs

i) Green roofs shall exceed any minimum landscaping or sustainability requirements otherwise required by this bylaw.

ii) Green roofs shall be designed to meet recognized industry standards for performance, maintenance, and longevity.

iii) Preference shall be given to green roofs that are accessible or that demonstrably contribute to stormwater management, urban heat reduction, or biodiversity.

(e) Additional Open Space

i) Open space provided under this subsection shall be in addition to any minimum landscaped open space otherwise required by this bylaw.

ii) Open space shall be usable, well-designed, and appropriately landscaped.

iii) Priority shall be given to open space that improves pedestrian connectivity or contributes to the public realm.

(f) Natural Heritage Enhancement and Urban Canopy

i) The provision or restoration of natural heritage features that deliver a demonstrable public benefit, including the establishment or enhancement of tree cover equivalent to a minimum of fifteen percent (15%) of the lot area, using City-approved tree species. This may also include the restoration or enhancement of natural areas, undertaken in collaboration with a local conservation or watershed group or the City's Urban Forestry Team. All works shall be designed, implemented, and maintained to the satisfaction of the City.

.2 Bonus height shall be granted only where the applicant demonstrates, to the satisfaction of the City, that the value of the public benefit provided is commensurate with the value of the additional development rights conferred. For the purposes of this section:

(a) The value of additional height shall be assessed based on additional gross floor area of the additional storeys at a rate of $38/ft² (2026 dollars).

(b) The rate above shall vary annually in accordance with the Annual PEI Consumer Price Index.

.3 Where multiple public benefits are provided, the City may consider the combined value of such benefits in determining eligibility for bonus height.

.4 The Design Review Board may approve, approve in part, or refuse the requested bonus height where the proposed public benefit is insufficient, inappropriate, inadequately secured or not commensurate with the value of the additional development rights.

2.12 DESIGN REVIEW FOR BONUS HEIGHT

.1 The design review process shall apply to bonus height, as described in Section 2.10 in accordance with typical site plan approval submission requirements.

.2 In considering a new application for bonus height, the Design Review Board may consider any requested changes from the built form requirements of the zone on a case-by-case basis for the additional floors only.

.3 The developer shall provide for consideration their calculations for the assessed value of the additional gross floor area following Section 2.11.2 and the developer's assessed value of the proposed public benefit including their methodology for valuation.

.4 Design Review Process

(a) Upon receipt of the completed application and related application fee for a design review, the plans shall first be reviewed by the Development Officer to confirm compliance with all other applicable provisions of this bylaw.

(b) Compliant applications shall be forwarded to a design reviewer, no less than one week before the design review meeting. Each design reviewer shall, prior to the meeting:

i) Conduct a review of the proposed development for conformance with the intent of this bylaw, including the Design Standards for the 500 Lot Area and the criteria for evaluation for design review.

ii) For Designated Heritage Resources, subject to the regulations of the Heritage Preservation Bylaw, the design reviewer shall also review the Heritage Assessment Report prepared by the Heritage Officer.

iii) Review the policies of the Official Plan which permit consideration of the additional height.

(c) Each design reviewer shall attend the design review meeting to provide opinions and feedback on the proposed request for additional height.

(d) Within 30 days of receiving a complete application by the Development Officer the Design Review Board shall vote to:
   iv) approve the requested bonus height;
   v) approve a reduced amount of bonus height; or
   vi) refuse the requested bonus height.
   The Board shall provide written reasons addressing the design criteria and public-benefit requirements of sections 2.10 to 2.12.

(e) If rejected, there is no appeal process for the applicant and the only recourse is to alter the design to incorporate suggestions from the Design Review Board and resubmit after 60 days.

.5 Upon completion of the design review process and prior to the issuance of a building permit where bonus height has been granted by the Design Review Board, the applicant shall enter into a development agreement with the City that shall include:

(a) The parcel of land to be developed as well as the additional gross floor area provided for by the additional height.

(b) Drawings and/or additional information provided by the applicant detailing the proposed public benefit.

(c) Any conditions for acceptance of the proposed public benefit including maintenance or accessibility criteria over a period of no less than 10 years.

2.13 BYLAW ENFORCEMENT

.1 The Development Officer or designate is authorized, with cause, to enter any land, building, or structure in the City, provided such entry is not excessive or by force, is at a reasonable time, and is for the purpose of making an inspection or examination relating to this bylaw.

.2 Bylaw enforcement may be undertaken by the City in accordance with the Planning Act.

.3 The Development Officer may apply to a Justice of the Peace or provincial Court Judge for an order authorizing entry onto a property in the event that any person refuses or does not permit an inspection to be carried out pursuant to this bylaw.

.4 The provincial Court Judge or Justice of the Peace may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a building, receptacle or place if the Provincial Court Judge or Justice of the Peace is satisfied by information on oath that there are reasonable grounds to believe that an offence is being committed and the entry will afford evidence relevant to an offence, and such a search warrant shall name the date upon which it expires which shall be not later than fifteen (15) days after the warrant is issued.

.5 In addition to any fine or penalty imposed, the Provincial Court of Prince Edward Island may order the person convicted to restore the premises or land on which the offence has occurred to its original condition or to the satisfaction of the authority having jurisdiction, unless such restoration will constitute a safety or health hazard.

.6 The Supreme Court of Prince Edward Island may, upon application by the City, cease or

prohibit by injunction any development which does not comply with the provisions of this bylaw.

.7 The City, its officers and employees shall not be liable for any damage caused to any property when acting under the authority of this section.

2.14 BYLAW OFFENCES

.1 Any person who, being the owner or occupant of any land, building, or structure to which this bylaw applies, fails to:

(a) Remove a sign;
(b) Comply with City bylaw provisions;
(c) Obtain a permit;
(d) Cease work on or restore a building or property to its original condition, when development has been undertaken; or
(e) Obtain a proper subdivision approval.

Is guilty of an offence and liable under conviction to a fine and, in default of payment, to a term of imprisonment.

.2 Any person who impedes, attempts to impede, refuses or does not permit inspection of a property pursuant to this bylaw shall be guilty of an offence.

.3 Where a person convicted under this section fails to commence the restoration ordered within sixty (60) days after the order has been made, the City may take such steps as it deems necessary to restore or remove the subject matter of the offence at the expense of the owner.

.4 When an offence under this bylaw is committed or continued for more than one (1) day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

2.15 PENALTIES

.1 A person, contractor or owner who violates this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars ($5,000) in each case together with the cost of prosecution, and, in default of payment of the fine and costs, to imprisonment for a term not exceeding three (3) months unless the fine and costs together with the costs of enforcing the same are sooner paid.

.2 Where the offence is a continuing offence in addition to the penalties provided in this section, such person shall be liable for all costs in immediate removal of such an offence, and the Provincial Judge may impose a penalty not exceeding five thousand dollars ($5,000) for every day the said offence continues and in default of payment thereof to imprisonment not exceeding thirty (30) days.

.3 Where there is default of payment, any person or corporate officer is liable to be imprisoned in accordance with the Summary Convictions Act.

2.16 APPEALS

.1 A person who is dissatisfied that staff or Council are not following the procedures and requirements of this bylaw, may appeal to the Island Regulatory and Appeals Commission (IRAC) in accordance with the Planning Act.

2.17 DEMOLITION PERMITS

.1 No building or structure shall be demolished without obtaining a demolition permit.

.2 A demolition permit may be issued for a building or structure, or a part thereof, unless the property on which the building or structure is located is identified as a Designated Heritage Resource or is located within a Heritage Preservation Area, in accordance with the Heritage Preservation Bylaw.

.3 Debris from a demolition site shall be hauled to and disposed of at a provincially approved location with signed assurances to that effect provided by the owner.

.4 The foundation of a demolition site shall be levelled to grade, unless the demolition permit was approved in conjunction with an approved building permit for the same property.

.5 An application for a demolition permit shall include the submission of a damage deposit, in an amount set from time to time in the City fees document.

2.18 MOVING PERMIT

.1 No building or structure shall be moved through, into, or out of the City without obtaining a moving permit.

.2 An application for a moving permit shall include:

(a) The transportation route within City boundaries;
(b) The date and time of the proposed move; and
(c) An approved building permit for a building moving onto a property within the City.

.3 When a building is moved off of a property within the City, the foundation shall be levelled to grade, unless the moving permit was approved in conjunction with an approved building permit for the same property.

.4 An application for a moving permit shall include the submission of a damage deposit, in an amount set from time to time by Council.

2.19 OCCUPANCY PERMITS

.1 No person shall use or occupy any building or structure which has been constructed or altered in accordance with the Building Code Bylaw without first obtaining an occupancy permit.

.2 An occupancy permit shall not be issued until:

(a) The owner has satisfied to the City that the work carried out conforms to all regulations, to all plans submitted for the building permit and to any conditions of the building permit; or
(b) The City is satisfied that the work has progressed to a stage where occupancy of the building or structure does not endanger the health or safety of the occupants or any other person entering therein.

.3 An occupancy permit may be issued after:

(a) Receiving satisfactory reports from the Building Inspector and/or the Fire Inspector;

(b) Being satisfied that all the requirements for the building permit including the site and landscape plan have been met as certified by a landscape architect and/or engineer; and

(c) Being satisfied that the building, structure and/or development complies with all applicable City bylaws.

.4 The Development Officer may post or cause to be posted one (1) or more notices on any part of a building or structure, or an addition or part thereof that is being occupied in contravention of this bylaw.

CHARLOTTETOWN

PART 3
General Provisions for Buildings & Structures

3.1 NON-HABITABLE ACCESSORY BUILDINGS

.1 No accessory building, except Accessory Dwelling Units (ADUs), shall be used for human habitation except as otherwise permitted in this bylaw.

.2 A non-habitable accessory building may be erected on any property, subject to the requirements below:

(a) The requirements in Table 3.1
(b) Location: accessory buildings are not permitted in the front yard or flankage yard setbacks unless no primary building exists on the property.
(c) Distance to the side and rear lot line (minimum): 1.2 m (3.9 ft) measured to the wall of the accessory building.
(d) Separation: the minimum distance between any building on a lot shall be 2.4 m (8 ft).
(e) Accessory buildings are prohibited from containing a basement or any below-grade construction.
(f) A boat house and/or boat dock may be built to the water's edge, subject to the regulations of the provincial Environmental Protection Act; and
(g) A toll booth or security booth may be erected at the entrance of any parking lot that exceeds 20 cars.

3.2 DECKS AND OTHER PROJECTIONS INTO YARDS

.1 Projecting structures listed in Table 3.2 shall be permitted to project from a primary building into the required Yard for the distance specified.

Table 3.1 Non-habitable accessory buildings requirements per lot

Lot Area	# of Accessory Buildings permitted	Total Building Footprint (max.)	Height (max.)
< 0.5 Acres	One	10% of the lot area to a max. of 79 m²	5.3 m (17.5 ft)
> 0.5 to 0.99 Acres	Two	79 m² combined	6.1 m (20 ft)
> 1 Acre	Three	111.5 m² combined; however, no individual accessory building shall exceed 79 m²	6.1 m (20 ft)

Table 3.2 Projecting Structures into yard setbacks

Structure	Yard in which projection is permitted	Maximum projection into Yard	Minimum distance from Lot Line
Air conditioning / heat pump units	All yards	1.5m	1 m
Awning/canopy	Front, rear, flankage	1.0 m (3.3 ft)	0.3 m (1 ft)
Balcony	Front, flankage, rear	1.2 m (3.9 ft)	1 m (3.3 ft)
Bay window	All yards	0.6 m (2.0 ft)	1 m (3.3 ft)
Ramp	All yards	1.83 m (6 ft)	1 m (3.3 ft)
Exterior staircase (landing and stairs connecting to the first storey)	All yards	1.83m (6 ft)	6 m (19.7 ft) from the front lot line and flankage lot line; 1.2 m (3.9 ft) from the side or rear lot line
Exterior staircase (fire escape and any stairs extending beyond the first storey)	Side and rear	1.2 m (3.9 ft)	1.2 m (3.9 ft)
Deck 0.3 m (1.0 ft) or more above grade	Rear, side, flankage		Same as minimum side yard for the building, except in RN and RM Zones where the setback is 4.6 m (15.1 ft) from the rear lot line
Deck at grade or less than 0.3 m (1.0 ft)	Rear , side, flankage		1 m (3.3 ft)
Deck at grade or less than 0.3 m (1.0 ft)	Front yard	1.83m (6 ft)	2 m (6.6 ft)
Porch	Front, rear, flankage	1.5 m (4.9 ft)	1 m (3.3 ft)

3.3 SWIMMING POOLS

.1 A swimming pool may be erected or placed in a side yard or rear yard provided that the wet-edge of the pool is not less than 1.83 m (6.0 ft) from the nearest lot line.

.2 A swimming pool shall be completely surrounded with a fence or structure that is:

(a) Not less than 1.83 m (6 ft) in height; and
(b) A type that would impede unauthorized passage either through, under, or over the fence to the pool area.

.3 Water and sewer services shall be in accordance with the PEI Municipal Water and Sewerage Utility General Rules and Regulations.

.4 A temporary inflatable swimming pool is exempt from these requirements.

3.4 FENCES

.1 Notwithstanding any other provision of this bylaw a fence may be placed or located in any yard and is exempt from permits if they follow the requirements below.

.2 The maximum height for a fence in any zone is 2.5 m (8.2 ft), and in the front or flankage yard the height of the fence shall not exceed:

(a) 1 m (3.3 ft) in the 500 Lot Area (excluding the Port Zone);
(b) 2.5 m (8.2 ft) in employment/industrial zones; and
(c) 1.83 m (6 ft) in any other zone.

.3 No fence may be electrified or incorporate barbed wire or other dangerous material except for uses that pose a danger to the public such as power substations, farms, penitentiaries, or mines.

.4 No fence shall block views in the sight triangle.

.5 No fence shall be placed or located on property without permission of the owner.

3.5 NON-CONFORMING BUILDINGS

.1 Where a building has been erected on or before the effective date of this bylaw, which does not meet the current requirements of this bylaw, the building may be repaired or renovated provided that:

(a) The repair or renovation does not further reduce any requirement of this bylaw; and
(b) All other applicable provisions of this bylaw are satisfied.

.2 A building or structure shall be deemed to be existing on the effective date of this bylaw if:

(a) It was lawfully constructed or under construction on that date; or
(b) The building permit for its construction was in force and effect on that date.

.3 If a building that is non-conforming under the provisions of this bylaw is destroyed by a fire or natural forces, it shall not be rebuilt or repaired unless:

(a) It is rebuilt or repaired in conformity with the permitted land uses of this bylaw;
(b) A site specific zoning amendment is approved; and
(c) The rebuilding or repair is in conformity with other requirements of this bylaw.

3.6 BUILDING HEIGHT EXEMPTIONS

.1 The maximum height of a building may be increased, to accommodate the following rooftop height exemptions as listed in Table 3.3.

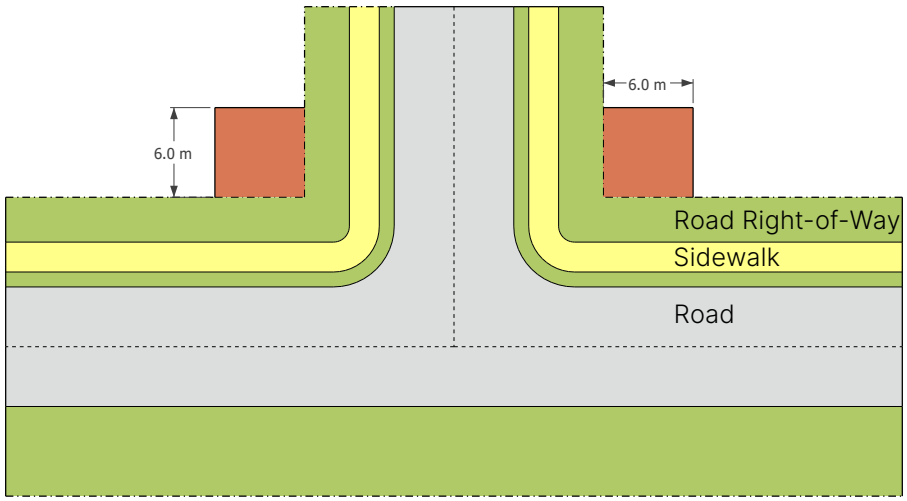

Figure 3.1 Sight Triangle at Intersections

3.7 SETBACK EXEMPTIONS

.1 No building or structure shall be placed closer to the front lot line than the minimum front yard setback required for its zone. However, if the proposed building is located between two existing buildings on adjacent lots along the same block and street side, and both of those buildings have smaller front yard setbacks, the new building may align its front wall with the average setback of the two adjacent buildings.

.2 When the main entrance of a proposed building is to be oriented towards the flankage yard, then the rear yard and side yard setbacks may be interchanged.

3.8 SIGHT TRIANGLE ON CORNER LOTS

.1 No structures or vegetation shall be placed, erected, planted or maintained at a height over 1 m (3.3 ft) on a corner lot where it may obstruct the view from a vehicle within 6 m (19.7 ft) of the point of intersection of the street lot lines (See Figure 3.1).

3.9 TEMPORARY STRUCTURES

.1 A building permit may be issued for a temporary structure:

(a) When a building or structure is accessory to construction in progress, such as a work or construction camp, modular dwelling, sales or rental office, tool or maintenance shed and scaffold.

(b) For a greenhouse, event tent or other seasonal structure or building in any zone for up to six (6) months.

3.10 ONE PRIMARY BUILDING ON A LOT

.1 There shall be only one (1) primary building on a lot within all zones, unless otherwise stated in each zone.

.2 A building shall not be constructed or placed over any lot boundary, regardless of whether the lots are owned by the same owner, except as otherwise permitted in this bylaw.

.3 Where more than one primary building is permitted on a lot, the minimum distance between buildings shall be 2.5 m unless otherwise stated.

3.11 GROUPED DWELLINGS

.1 Grouped dwellings are permitted on a lot in residential and mixed use zones, except for RN, RM, RH and GC, but such a grouping shall not include single-detached dwellings.

.2 The City may require a development agreement between the owner and the City which shall be registered on title.

.3 The minimum distance between buildings on any lot containing grouped dwellings shall be 6 m (19.7 ft).

.4 The minimum lot area on which Grouped Dwellings may be located shall be 0.4 hectare (1.0 acre).

.5 The minimum standards of a zone shall apply to any lot on which grouped dwellings are

Table 3.3 Rooftop Height Exemptions

Feature	Column 1: Maximum height above maximum roof	Column 2: 30% roof coverage restriction	Column 3: Minimum setback from roof edge facing front flanking lot lines
Antenna	Unlimited		3 m
Chimney	Unlimited		
Clear glass guard and railing system	2 m		
Clock tower or bell tower	Unlimited	YES	
Communication tower required to support uses and activities in the building	Unlimited		3 m
Cooling Tower	Unlimited	YES	3 m
Elevator enclosure	6.0 m	YES	
Flag pole	Unlimited		
Heating, ventilation, and air conditioning equipment and enclosure	5.5 m	YES	3 m
Helipad on a hospital roof	4.5 m		
High-plume laboratory exhaust fan	Unlimited	YES	3 m
Hard landscaping or soft landscaping	4.5 m		
Lightning Rod	Unlimited		
Mechanical Penthouse	5.5 m		3 m
Parapet	2 m		
Rooftop Cupola	4.5 m	YES	
Rooftop Greenhouse	6.0 m		3 m
Skylight	1.5 m		
Spire, steeple, minaret, and similar features	Unlimited	YES	
Staircase or staircase enclosure	4.5 m		3 m
Windscreen	4.5 m		
Window cleaning platform	Unlimited	YES	

located, but the minimum lot frontage requirement shall only apply as if one building is being located on the lot.

3.12 ATTACHED DWELLINGS

.1 Attached dwellings including semi-detached, townhouse, and duplex dwellings, must adhere to the following regulations:

(a) A separate connection to municipal services shall be provided for each dwelling unit in accordance with the P.E.I. Municipal Water and Sewerage Utilities Rules and Regulations.

(b) Each dwelling unit shall have a separate electrical service, except where sustainable development initiatives are being utilized such as the use of a shared windmill, ground source heat exchange system, and/or other alternative renewable energy resource.

(c) Each dwelling unit shall have a separate heating device, except where sustainable development initiatives are being utilized such as the use of a shared windmill, ground source heat exchange system, and/or other alternative renewable energy resource.

(d) Each dwelling unit shall have separate parking or access to a common parking lot.

3.13 AMENITY SPACE REQUIREMENTS

.1 Any multi-unit dwelling that exceeds 24 units shall provide amenity space:

(a) At a rate of no less than 5 m^2 per dwelling unit; and

(b) By providing a dedicated indoor amenity room that is at least 150 m^2 or 30% of the total amenity requirements; whichever is greater.

3.14 FUEL-BURNING BUILDINGS

.1 The use of fuel burning equipment in the City shall be regulated by the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9 and the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9 Air Quality Regulations (No. EC377/92).

.2 Stand-alone biomass heating plants with less than 1 MW (megawatt) in net capacity are permitted on Employment/Industrial and Institutional properties with a minimum lot area of 1.5 acres, subject to all other provisions of this bylaw being satisfied.

3.15 ATTACHED GARAGES

.1 An attached garage may be added to any residential dwelling as permitted in each zone, but the maximum size of the attached garage cannot exceed 40% of the gross floor area of the residential dwelling unit space.

3.16 SHIPPING CONTAINERS

.1 Shipping containers used for storage are only permitted in the BP, P, and AP zones.

.2 A shipping container may only be used to contain an office use, retail use, restaurant use, drinking establishment use, or urban farm use in the BP, DC, DMS, DW, GC and GN Zones.

.3 Shipping containers must meet all accessory building requirements set out in 3.1 except in the HI, AP and BP Zones.

.4 Shipping containers may be used as accessory dwelling units in all zones where

accessory dwelling units are permitted, and subject to the rules for ADUs found in Section 4.7.

3.17 QUONSET HUTS

.1 Quonset huts are only permitted in the BP, P, AP, and HI zones.

3.18 MINIMUM BUILDING ELEVATION

.1 All ground floor uses bordering a tidal waterfront shall have a minimum finished floor elevation (FFE) of 3.67 m CGVD2013. Underground parking garages are excluded.

3.19 DEVELOPMENT STANDARDS FOR COMMERCIAL FLOATING STRUCTURES AND LIVE ABOARD VESSELS/FLOAT HOMES

.1 Live-aboard vessel/float homes and floating commercial structures shall be a prohibited use in any water lots that border the Hillsborough River or Charlottetown Harbour.

.2 Floating commercial structures will be reviewed through a site specific amendment application subject to the following regulations:

(a) A water lot may contain more than one floating structure;
(b) A floating structure may straddle or cross a lot boundary between two lots that are both within this zone;
(c) Floating structures must be permanently connected to the municipal sewer system by means of a marina sewage collection system, or are moored at a marina that has a sewage pump-out facility that is permanently connected to the municipal sewer system that is available for use at all times, and complies with all applicable Federal and Provincial Environmental Protection Acts and Regulations.
(d) Compliance with all applicable federal, provincial and municipal acts, Regulations and Standards including the Public Health Act and Regulations and the Liquor Control Act and Regulations;
(e) Before a building permit may be issued, a certificate from a qualified engineer shall first be provided to the City certifying that the design and construction of the floating commercial structure and the access / egress thereto satisfies any applicable building, fire and life safety codes and is safe and fit for its intended use; and, if there is a difference in the applicable standards and/or regulations then in accordance with Section 1.6.2 of this bylaw the higher or more stringent standard or regulation shall apply; and
(f) A building permit must be sought and approved on an annual basis.
(g) Floating commercial structures shall only be permitted to operate between May 1 and October 31 in each calendar year, at which time they must cease operations
(h) Structures can only extend out a maximum distance of 30.5 m (100 ft) from the ordinary high water mark or from the edge of the seawall, whichever is greater.
(i) No access / egress to floating commercial structures shall be allowed from Victoria Park.

.3 Development Standards for live-aboard vessels/float homes are subject to the

following standards and regulations:

(a) Live-aboard vessels/float homes must comply with all applicable federal, provincial and municipal acts, regulations and standards and, if there is a difference in the applicable standards and/or regulations then the higher or more stringent standard or regulation shall apply:

(b) Live-aboard vessels/float homes must be permanently connected to the municipal sewer system by means of a marina sewage collection system, or are moored at a marina that has a sewage pump-out facility that is permanently connected to the municipal sewer system that is available for use at all times, and is equipped with a sewage holding tank for the temporary storage of sewage that complies with Division 4 of the Vessel Pollution and Dangerous Chemical Regulation of the Canada Shipping Act, as amended, where all zones that permit live-aboard vessels / float homes are considered "designated sewage area" under the regulation.

(c) Any chimneys, solid fuel-burning fireplaces and appliances, or electrical, gas and plumbing systems installed in a live-aboard vessel after the date of original manufacture of the vessel must be certified as being in accordance with the requirements of Marine Safety Directorate.

(d) The live-aboard vessel/float home is a registered vessel by Transport Canada.

(e) A maximum of three (3) live-aboard vessels/float homes shall be permitted in the waterlot unless more than three (3) live-aboard vessels/float homes operated from a given property in the past.

(f) Dangerous, hazardous, unsightly or derelict vessels are prohibited; and

(g) Live-aboard vessels/float homes shall be permitted to operate between May 1st and October 31st, the site specific amendment process will determine whether these vessels are required to be removed from the water or can remain in place.

.4 An application for a building permit for a floating commercial structure or a live-aboard vessel/float home shall include the following, in addition to the applicable provisions of Section 2.6 of this bylaw and the signing of a development agreement with the City in accordance with Section 2.5 of this bylaw:

(a) Confirmation from the Charlottetown Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have been met and that a Fire Standpipe System Class #1 and Fire Safety Plan will be on site at all times;

(b) Confirmation from the City Water & Sewer Utility Department that the development is fully connected to the City's sewer and water supply while operational;

(c) Copy of a comprehensive public liability insurance policy in an amount of no less than five (5) million dollars that provides comprehensive third party liability coverage for the owners, operators and the City and names the City as a co-insured;

(d) Confirmation of the use and purpose of each building or structure constructed

as shown on a detailed site plan with accurate dimensions of the dock and the location of buildings contained thereon;

(e) Photographs or renderings of the proposed floating structure including all developments contained thereon;

(f) A qualified engineer must provide a confirmation letter stating that the floating dock(s) as assembled and constructed is designed to carry current structures and specified maximum occupancy capacity.

(g) Applicant must adhere to load capacities of floating dock(s) and ensure adequate safety measures are in place for all occupants.

(h) A qualified architect or engineer to provide a letter of assurance that handrail and guards for the floating dock(s) and access to the floating dock(s) meet applied force standards.

(i) Clarification whether the floating commercial structure and live-aboard vessel/float home are proposed to remain on the water lot from November 1 to April 30 coupled with a plan to physically secure the structure of vessel; and

(j) Location and dimensions of any proposed signage as defined in this bylaw.

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PART 4
General Provisions for Land Use

4.1 USES PERMITTED IN ALL ZONES

.1 Nothing in this bylaw shall prevent the use of land in any zone for:

(a) Public streets;
(b) Open space
(c) Landscaped area;
(d) Passive recreation;
(e) Parks;
(f) Utility services; and
(g) Parking lots that meet the zone requirements.

4.2 USES PROHIBITED IN ALL ZONES

.1 No truck, bus, coach, recreational vehicle or trailer or streetcar body, nor a structure of any kind other than a dwelling unit erected and used in accordance with this and all other municipal bylaws shall be used for human habitation.

.2 No vehicle body, truck trailer, or container shall be used as a commercial or accessory building except as specifically permitted by this bylaw or other legislation.

.3 Temporary plastic garages are prohibited in all zones.

.4 A boat, motor home or piece of heavy equipment such as construction equipment or a commercial truck shall not be stored in the front yard of a residential property for more than six (6) months.

4.3 MIXED USES

.1 Where two (2) or more permitted uses are proposed in one (1) building or on one (1) lot, and when the regulations applicable to these uses are different, the most restrictive regulations shall be deemed to be in force for that lot or building, unless otherwise specified.

4.4 EXISTING USES

.1 A lawful use existing on the effective date of this bylaw may continue subject to Section 4.5.

4.5 NON-CONFORMING USES

.1 Subject to the provisions of this bylaw, a specific use of land or a building, which is lawfully in existence on the effective date of this bylaw, and which does not conform to the permissible use of the zone where it is located, may continue to exist.

.2 Any change of occupants or tenants of any premises or building shall not of itself be deemed to affect the use of the premises or building for the purposes of this bylaw.

.3 A non-conforming use of land or building shall not be permitted to resume if it has been discontinued for a period of six (6) consecutive months, and in such event the land or building shall not thereafter be used except in conformity with this bylaw.

.4 Where a non-conforming commercial use is occupying a building and the owner is requesting to convert the building or part thereof to residential use, and it is determined, by the Development Officer, that the number of units and use will not adversely affect the neighbourhood by way of traffic to the site, the Development Officer may, after receiving the plans, allow the building to be used for residential purposes.

4.6 ACCESSORY DWELLING UNITS, ATTACHED

.1 Attached Accessory Dwelling Units (ADUs) are permitted in RN, RM, DN, and DMU Zones only.

.2 One (1) attached ADU is permitted in a single-detached, semi-detached or duplex dwelling subject to the following conditions:

(a) The zone requirements and building code requirements must be met;
(b) The attached ADU has no more than two (2) bedrooms;
(c) One (1) additional parking space shall be provided on the same lot;
(d) The main dwelling unit on the subject property is a principal residence unit for the owner; and
(e) The unit can be used as a short-term rental as long as the operator/host is present in the principal dwelling unit during the stay.

.3 Two (2) attached ADU units are permitted in a single-detached dwelling subject to the following conditions:

(a) The lot size is no less than 1,130 m^2;
(b) The zone requirements and building Code requirements must be met;
(c) Each attached ADU has no more than two (2) bedrooms;
(d) Two (2) additional parking spaces shall be provided on the same lot, unless the unit is within 400 m of a bus stop, in which case, only one (1) is required;
(e) The additional parking space(s) are not located in the front yard;
(f) The main dwelling unit on the subject property is a principal residence unit for the owner; and
(g) One of the units, but not both, can be used as a short-term rental as long as the operator/host is present in the principal dwelling unit during the stay.

.4 No additional secondary suites (as defined in the National Building Code) shall be permitted.

.5 The addition of any external staircase taller than 2 m shall address the following design controls:

(a) External staircases shall not be located on any façade facing a public street.
(b) External staircases shall be constructed of materials that are visually compatible with the principal dwelling and shall be designed as a subordinate architectural element.
(c) The staircase shall not project into any yard setbacks.

.6 Exterior entryways for accessory dwelling units shall face side or rear yards. No more than two entry ways can face the street frontage.

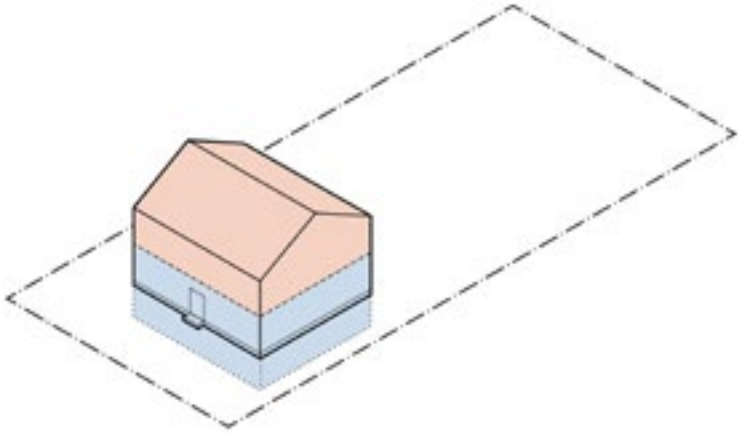

Figure 4.1 2-unit Attached ADU Example

Example 1 - One Attached ADU

- One unit is the principal residence unit of the owner
- Meets zone requirements for coverage and setbacks
- Can be used as short-term rental
- One additional parking space provided

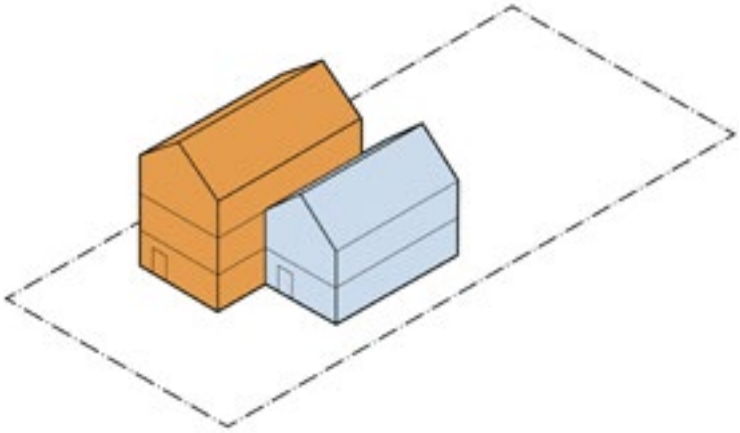

Figure 4.2 2-unit Attached ADU Example

Example 2 - One Attached ADU

- One unit is the principal residence unit of the owner
- Meets zone requirements for coverage and setbacks
- Can be used as short-term rental
- One additional parking space provided

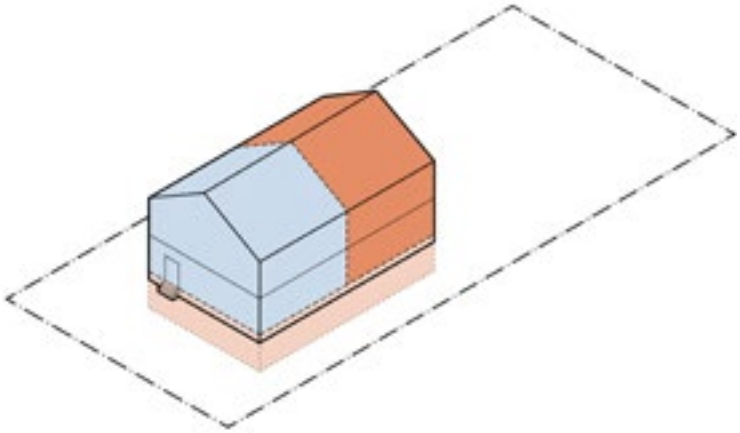

Figure 4.3 3-unit Attached ADU Example

Example 3 - Two Attached ADUs

- Min. lot area - 1,130 m²
- One unit is the principal residence unit of the owner
- Meets zone requirements for coverage and setbacks
- One unit can be used as short-term rental
- Two additional parking spaces provided

4.7 ACCESSORY DWELLING UNITS (DETACHED)

.1 Detached Accessory Dwelling Units (ADUs) are permitted in RN, RM, DN, and DMU Zones only.

.2 One (1) detached ADU may be permitted on a lot with a single-detached, semi-detached, duplex, or townhouse dwelling if the subject property meets the following requirements:

(a) The lot has a minimum area of 500 m^2;
(b) The combined footprint of the ADU and principal dwelling does not exceed the lot coverage requirements of the zone plus 10%;
(c) The ADU is located in the side or rear yard and not the front or flankage yard;
(d) One (1) additional parking space is provided on the same lot unless the lot is within 800 m of a transit stop;
(e) The additional parking space is not located in the front yard;
(f) The ADU is connected to municipal services.

Table 4.1 Detached ADU Requirements

Requirement	Condition
Rear Setback	min. 1.5 m
Side Setback	min. 1.5 m
Floor Area	max. 80 m^2
Height	max. 7 m
Distance Between Buildings	min. 2 m

.3 Notwithstanding Section 4.7.1, one (1) detached ADU may be permitted within an existing carriage house on a designated heritage property in any zone, provided that:

(a) The carriage house is designated; and
(b) The ADU otherwise meets the policies set out in Section 4.7, except where a requirement is varied or deemed inapplicable through the applicable heritage review process.

.4 The detached ADU shall be subject to the following design requirements:

(a) Meets the requirements in Table 4.1
(b) Basements or any below-grade construction is not permitted except where the slope permits a walk-out unit.
(c) Can be used as a short-term rental under the condition that the operator/host must be present in the principal dwelling unit during the time of stay.

.5 No secondary suite (as defined in the National Building Code) shall be permitted as a detached structure.

4.8 GROUP HOMES

.1 Group Homes shall be permitted in the following zone(s) depending on the classification/type of group home:

(a) Group Home Limited: Permitted in the RM Zone and only within a single-detached dwelling;
(b) Group Home: Permitted in the RM, RH, DN, and DMU Zones and within a dwelling unit or an institutional facility.

.2 The following regulations will apply to both categories of group home:

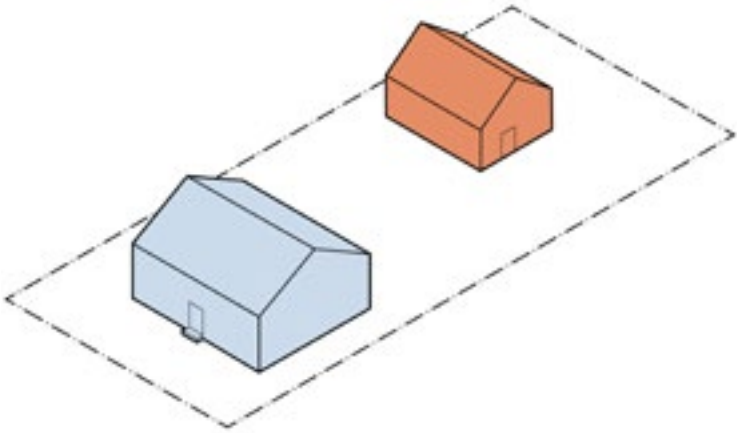

Figure 4.4 2-unit Example (Principal residence + ADU)

Example 1 - One detached ADU

- Min. lot area - 500 m^2
- Max. ADU Floor Plate - 80 m^2
- One unit is the principal residence of the owner
- Meets zone requirements for coverage (+10%) and setbacks
- Can be used as short-term rental
- One additional parking space provided

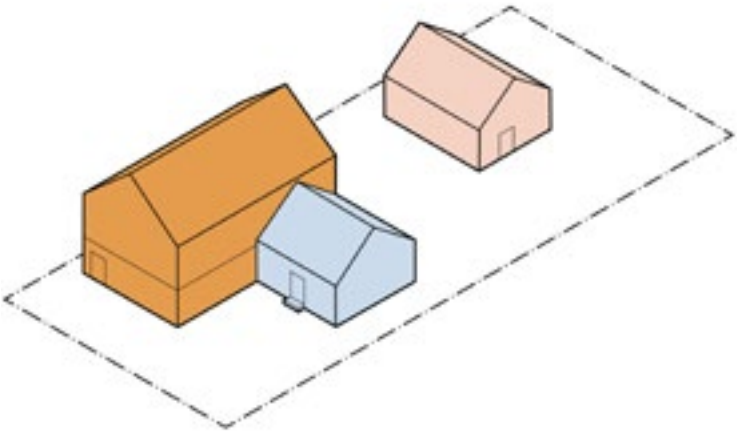

Figure 4.5 3-unit Example (Principal residence + detached ADU + attached ADU)

Example 2 - One detached ADU, plus one attached ADU

- Min. lot area - 500 m^2
- Max. ADU Floor Plate - 80 m^2
- One unit is the principal residence of the owner
- Meets zone requirements for coverage (+10%) and setbacks
- Can be used as short-term rental
- One additional parking space provided

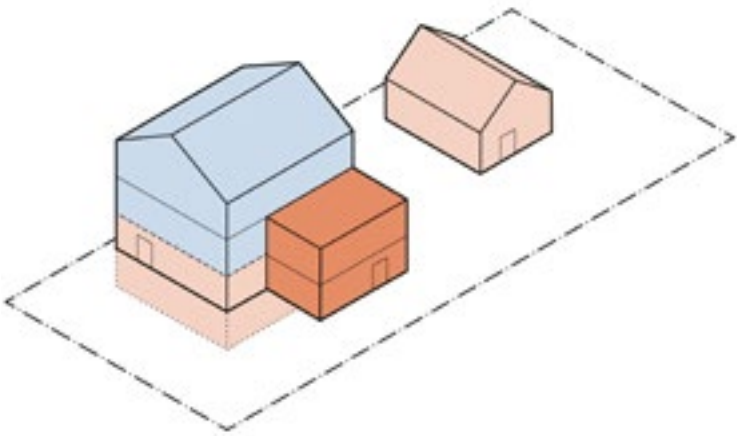

Figure 4.6 4-unit Example (Principal residence + detached ADU + 2 attached ADUs)

Example 2 - One ADU, plus 2 Attached ADUs

- Min. lot area - 1,130 m^2
- Max. ADU Floor Plate - 80 m^2
- One unit is the principal residence of the owner
- Meets zone requirements for coverage (+10%) and setbacks
- Can be used as short-term rental
- One additional parking space provided

(a) Maintain a minimum radius of 300 metres to another group home for those areas not in the 500 Lot Area;
(b) Requires one (1) off street parking space per three (3) beds, plus one (1) off-street parking space per two (2) employees on a shift;
(c) Not permitted as a lodging house, Transitional housing facility, tourist accommodation or home occupation.

4.9 HOME OCCUPATIONS

.1 Home Occupations may be permitted in any Neighbourhood or Downtown zones provided that:

(a) The total Floor Area used for the home occupation shall not exceed 25% of the Gross Floor Area of the principal dwelling up to a maximum area of 46.5 m² (500 ft²) within the dwelling; or, when the home occupation operates from an accessory building, the accessory building shall meet the regulations for maximum Gross Floor Area permitted on the property;
(b) The proprietor(s) of the home occupation shall live in the primary dwelling in which the home occupation is located, and it shall be the proprietor's principal residence;
(c) There shall be a maximum of one (1) full-time employee or two (2) part-time employees, other than the proprietor, working inside or outside of the dwelling. The proprietor(s) shall not exceed these requirements by contracting work out to other persons (employees) not located in the dwelling.
(d) There shall be no external storage of materials and no outdoor animal enclosures which would indicate that any part of the dwelling or lot is being used for any purpose other than a residential use;
(e) There are no other home occupations on the property or in the dwelling;
(f) No more than one (1) commercial vehicle shall be parked or stored on the lot, but notwithstanding the foregoing, other vehicles may be parked or stored on the lot in a wholly enclosed building;
(g) Parking shall be subject to the parking regulations of this bylaw;
(h) Signage shall be subject to the signage regulations of this bylaw;
(i) Required parking for home occupations may be provided in tandem with parking for the main residence;
(j) Are limited to one per lot; and
(k) Are not permitted within a multi-unit dwelling or an attached ADU.

.2 If alterations or renovations are required for the operation of the home occupation the proprietor shall obtain a building permit before commencing operation of the home occupation.

.3 The following uses are permitted as home occupations:

(a) Home daycare, subject to the bylaw provisions for home daycares;
(b) Broadcast and production studio use;
(c) Home office, clerical, computer and/or telephone-based services;
(d) Catering use;
(e) Grooming and personal care salon;
(f) Pet grooming;
(g) Pet daycare up to five (5) animals;
(h) Medical clinic use;

Table 4.2 Regulations for Tourist Accommodations

	Zone Designation	# of Bedrooms Permitted
a.	RN, RM, and RH Zones	Up to four (4) bedrooms
b.	GC, GN, DC, DN, DMU, and DW Zones	Four (4) bedrooms are permitted for the first 370 m² (3,982.8 ft²) of lot area, and for every additional bedroom over four (4) the lot must be increased by 100 m² (1076.4 ft²), up to a maximum of 7 bedrooms

(i) Custom sewing, crafts, or production of visual arts studio use (i.e. painting, pottery, wood carving);
(j) Office use;
(k) Additional uses, including uses with appointments typically on an hourly basis or as scheduled, may be considered following the process of review for a variance;
(l) Tailoring or shoecare;
(m) Tattooing; and
(n) Tutoring.

.4 The following uses are prohibited as home occupations:

(a) Automobile body shop;
(b) Automotive sales beyond selling one personal vehicle;
(c) Eating and drinking establishment;
(d) Retail style operations;
(e) Welding and metal fabrication; and
(f) Industrial uses that cause strong smells or loud noises.

4.10 HOME DAYCARE

.1 A home daycare is a permitted home occupation, subject to the following requirements:

(a) It shall be located on a local street where on-street parking is permitted;
(b) It shall comply with all provincial requirements of the Child Care Facilities Act R.S.P.E.I. 1988, Cap. C-5 and amendments thereto;

.2 The maximum gross floor area for a home occupation does not apply for a home daycare;

.3 Daycare services classified as a commercial daycare centre must be licensed under the Child Care Facilities Act R.S.P.E.I. 1988, Cap. C-5.

4.11 TOURIST ACCOMMODATIONS

.1 Tourist accommodations, such as a heritage inn, hostel, Airbnb/VRBO, or tourist home, are permitted, subject to the following requirements:

(a) It is licensed under the Tourism Industry Act;

(b) No kitchen and/or cooking facilities are permitted in a guest room;
(c) Short-term rental accessory to a residential use in Table 4.2 shall be permitted provided that the dwelling unit is the primary residence of the short-term rental operator;
(d) An ADU may be rented as a short-term rental if the operator/host is present in the Principal Residence during the time of stay;
(e) The operator/host does not have to be present during the stay if the entire dwelling unit is rented;
(f) No more than one (1) booking may be permitted for tourist accommodation rental lodging in each dwelling unit at one time;
(g) Parking shall be subject to the parking regulations of this bylaw;
(h) Signage shall be subject to the signage regulations of this bylaw; and
(i) Not permitted in a multi-unit dwelling that contains four or more units.

4.12 MOBILE CANTEENS

.1 A mobile canteen may be permitted:

(a) In any zone for which eating and drinking establishments are permitted;
(b) On a publicly owned property within the PPS Zone, to support an active recreation land use, subject to approval by the City for a short term special event or events; and
(c) On a street right-of-way, subject to the Street Vendors Bylaw.

.2 Mobile canteens in the downtown shall be permitted to operate between May 1st and October 31st, at which time the mobile canteen must be removed from the property.

.3 Mobile canteens outside of the downtown on private property shall be permitted to operate for a twelve (12) month period, at which time the mobile canteen must be removed or the applicant must reapply.

.4 A mobile canteen shall not exceed 20 m^2 (215.3 ft^2).

.5 The minimum landscaped area requirement shall not be diminished for the property in which the Mobile Canteen is located.

.6 The mobile canteen shall not be required to provide additional parking spaces on the property; however, the minimum parking space standards shall not be diminished for the property in which the mobile canteen is located.

.7 An application for a mobile canteen shall include the following information:

(a) A site plan accurately drawn to scale that shows;
  i) The location of the mobile canteen on the site and its proximity to other structures or buildings on the site;
  ii) The location of existing and proposed parking spaces; and
  iii) The location of garbage receptacles.
(b) A photo of the mobile canteen from which merchandise will be sold;
(c) Confirmation of compliance from the Charlottetown Fire Department where the mobile canteen is equipped with a cooking and/or heating apparatus;

(d) Confirmation of compliance that the mobile canteen meets all provincial health regulations and inspections; and
(e) Written authorization from the property owner granting permission to use the property for the purpose applied for and for timeframe requested.

.8 The Street Vending Permit as granted and issued may not be transferred, assigned, conveyed or sold to another applicant or person.

.9 Nothing in this bylaw shall prevent a licensee from holding more than one license issued pursuant to this bylaw; however, only one (1) mobile canteen shall be permitted per property.

.10 No structural modifications may be made to the mobile canteen or equipment placed within it without prior approval of the Development Officer and/or Fire Inspector.

4.13 OUTDOOR OPERATIONS

.1 Where any outdoor site in any zone is used for an outdoor salvage or waste disposal facility, auto-wrecking, recycling depot or scrapyard facility; or an outdoor facility for assembly, production, storage, repair or distribution of goods or products, the following conditions shall apply:

(a) The whole of the operation (excluding the front yard) shall be surrounded by an opaque fence not less than 2.5 m (8 ft) and not greater than 3.7 m (12 ft) in height, and which is continuous except for gates necessary for access to the operation; and
(b) Any land not required for entrance and exit driveways and which is located between the fence and any lot line shall only be used for a landscaped area.

.2 Outside storage or stockpiling of goods shall not:

(a) Cause a nuisance to adjoining properties by way of dust; and
(b) Be stockpiled higher than the primary building on the lot and where the lot has no building, the stockpile shall be no higher than 6.1 m (20 ft).

.3 Where any property is used for an outdoor industrial operation, including storage or display, such an operation shall be established behind the minimum setback for buildings in that zone.

4.14 AUTOMOBILE SERVICE STATIONS

.1 Where a lot is used for an automobile service station, the following requirements shall apply:

(a) The minimum lot frontage shall be 38 m (124.7 ft);
(b) No more than two vehicular ingress/egress points are permitted per street frontage with driveway widths a maximum of 10 m wide;
(c) The minimum lot depth shall be 30 m (98.4 ft);
(d) The turning radii at the vehicular ingress/egress point shall be a minimum of 9 m;
(e) A pump island shall set back at least 6.1 m (20 ft) from the street line;
(f) a canopy or roof over a pump island shall meet the minimum setback required for the primary building, or 5 m (17 ft) from the street, whichever is less; and

(g) A development agreement is required for all new automobile service stations.

4.15 EXCAVATION PIT

.1 No person may strip, excavate, or otherwise remove topsoil for sale or use from a lot or other parcel of land or operate an excavation pit as defined in the excavation pit Regulations of the Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9.

.2 Where a building permit has been issued or where a subdivision plan has been approved, and where there is an excess of soil material other than that required for grading and landscaped areas on the lot, such excess may be removed for use or sale.

.3 The City may enter into an agreement for the removal of excess soil material or the infill of a lot or the dumping of material and place any requirements it deems necessary to protect adjacent land or the environment provided the work is done in accordance with the Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9, and its regulations, as amended from time to time.

.4 Any change to existing elevations that will impact the existing surface water drainage patterns onto adjoining lots or onto the public street or Right-of-way shall require approval by the jurisdiction having authority.

4.16 USE OF UNDEVELOPED LANDS IN ALL ZONES

.1 A parcel of undeveloped land in any residential zone that has at least 100 m (325 ft) of lot frontage and 1 hectare (2.45 acres) in lot area may be used, prior to its subdivision, servicing or development, for any of the following purposes:

(a) Single-detached dwelling;
(b) Farm;
(c) Agricultural field crop or pasture;
(d) Market garden;
(e) Greenhouse; and
(f) Forestry related.

4.17 RESIDENTIAL DEVELOPMENT NEAR A SEWAGE LAGOON OR TREATMENT PLANT

.1 Notwithstanding any other provision of this bylaw, no residential dwelling shall be located within 45 m (147.6 ft) of a sewage lagoon or treatment plant.

4.18 CANNABIS RETAIL STORE

.1 Cannabis retail sales uses and cannabis lounge uses are only permitted if such facilities are operated by the PEI Cannabis Management Corporation.

.2 Notwithstanding any other provision of this bylaw, a cannabis retail store shall not be located within 300 m (984.2 ft) of the following land uses:

(a) School;
(b) Park, with play equipment intended for children;
(c) Daycare or other early learning facility licensed under the Child Care Facilities Act R.S.P.E.I. 1988, Cap. C-5.

.3 Notwithstanding any other provision of this bylaw a cannabis retail store shall not be located within 1,000 m (3,280.8 ft) of an existing cannabis retail store.

.4 The provisions under this section are to be applied at the time of the establishment of a new cannabis retail store and are not intended to restrict any of the protected uses noted above from locating within the required separation distance after the cannabis retail store is established.

CHARLOTTETOWN

PART 5
General Provisions for Lots & Site Design

5.1 NON-CONFORMING LOTS

.1 Notwithstanding any other requirements of this bylaw, a vacant lot shown on a deed as a separate lot from adjoining parcels on the effective date of this bylaw, having less than the minimum lot frontage or lot area required by this bylaw, may:

(a) Be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in this bylaw are satisfied; and

(b) Where all other applicable provisions in this bylaw cannot be satisfied, the Development Officer may apply procedures set out in this bylaw for the handling of a variance to the minimum required rear yard, front yard, flankage yard, side yard setback or lot coverage requirements.

5.2 UNDERSIZED LOTS

.1 Notwithstanding any other requirements of this bylaw, in zones where a single-detached dwelling is permitted, nothing in this bylaw shall prevent the use of an undersized lot with respect to minimum lot area and frontage for a single-detached dwelling provided that all other standards of the zone are met.

.2 In all other zones nothing in this bylaw shall prevent the use of an undersized lot with respect to minimum lot area or frontage provided that:

a) The use of such lot is permitted in the zone in which such lot is located;

b) All other standards of the zone are maintained.

5.3 ACCESS TO A PUBLIC STREET

.1 Street access to any lot is controlled through the Street Access Bylaw. Where contradictions exist between this bylaw and the Street Access Bylaw, the Street Access Bylaw takes precedence.

.2 No development shall be approved on a lot unless the lot abuts or has frontage on a public street. Notwithstanding the foregoing, development may be approved on a lot having frontage on an existing private street that satisfies the requirements of Section 7.8.3.

.3 All access to a lot, both vehicular and pedestrian, shall be safe and where there is concern, an independent assessment by a qualified traffic engineer may be required at the owner's expense, as determined by the Development Officer.

.4 The minimum stopping sight distance standard is established based on the most recent version of the Transportation Association of Canada (TAC) standards.

.5 If an access to a lot crosses a sidewalk or

curb, or requires the removal of a utility pole, street tree or fire hydrant, the City shall be notified and costs shall be recouped at the owner's expense.

.6 The removal or alteration of any tree located partially or fully on public property shall be in accordance with the Tree Protection Bylaw.

.7 A lot may be restricted from having more than one (1) access point to a street in accordance with the Street Access Bylaw.

.8 Access to a lot through an adjacent lot may be restricted, where a right-of-way agreement has not been registered.

.9 Where there is an intensification of use on a lot, one (1) or more access points may need to be closed to enhance the safety of the street access to that lot as recommended by a traffic impact study paid at the owner's expense.

.10 All access locations and curb crossings shall require the approval of the City's Public Works Department or the provincial department responsible for the Roads Act, where such Streets or highways are under provincial jurisdiction.

.11 The City and/or the Province may restrict or eliminate existing access to a lot if there are street improvements necessary or for public safety due to the activities on the lot.

.12 Where a development proposal has the potential to generate substantial increased traffic flow, the Development Officer may require the applicant to obtain an independent traffic impact study after consulting with the City Public Works Department at the owner's expense, and may negotiate an equitable cost sharing for any necessary street improvements arising from the analysis.

.13 A traffic impact study may be required by the authority having jurisdiction, at the expense of the owner, to assess the potential traffic impacts of a proposed Development or subdivision.

.14 Any requested changes to City or Provincial public infrastructure shall be submitted to City and upon approval, restoration costs shall be recouped at the owner's expense.

5.4 GRADING AND STORMWATER MANAGEMENT

.1 A grading and stormwater management plan shall be submitted at both stages (Stage 1 and 2) of the building permit process following the City of Charlottetown Stormwater Management Guidelines, as amended from time to time, indicating:

(a) The existing and proposed grade elevations of the property relative to the adjoining property(s);
(b) The location of every wetland and watercourse and its direction of flow;
(c) The location and layout of storm sewers (pipes, minor drainage system) including manholes, catch basins, pipe size, grade and direction of flow;
(d) How the design meets the post development runoff calculations for the intended design frequency of storm events as set out in the Stormwater Management Guidelines; and
(e) The drawings and calculations have been prepared by a qualified engineer or landscape architect to meet the

requirements of the Stormwater Management Guidelines.

.2 A Grading and Stormwater Management Plan is not required for the following types of building permit applications:

(a) Accessory buildings:
  i) Under 20 m² (215 ft²); and
  ii) Replacement of an accessory building in the same general area on the lot as a previous accessory building and the drainage direction on the lot will not change due to the new accessory building location or size.

(b) When the aerial extent of impermeable hard surfaces on a lot will not increase from existing conditions.

(c) New buildings or additions to existing buildings and structures:
  i) Additions to existing buildings that are under 20 m² (215 ft²) in Gross Floor Area and that do not involve an alteration to the existing grade surrounding the addition;

.3 For any Development, the grading and stormwater management plan shall be approved in three stages:

(a) At the stage 1 building permit review;

(b) At the stage 2 building permit review; and

(c) At the site inspection stage where a licensed professional shall verify that the site has been constructed to conform to the final grading and stormwater management plan as a condition of the approval of an occupancy permit at the owner's expense.

.4 Where the surface drainage plan has not been built according to the plan, a qualified engineer or landscape architect must certify that the drainage and stormwater requirements of this bylaw have been met at the owner's expense.

.5 The Development Officer may waive the requirement for a final site inspection report as a condition of the final occupancy permit during winter months, provided the property has been rough graded and appropriate siltation measures are in place to mitigate surface water run off or erosion during this period.

5.5 GARBAGE AREA

.1 Garbage containers shall be stored inside a building or within a garbage container enclosure and screened by a 1.8 metre opaque fence or masonry wall, except for residential development of less than four (4) dwelling units.

.2 A garbage container enclosure shall not be located within the front yard in a residential zone and shall not be located within the front yard setback within all other zones.

.3 Refuse areas should be located beside or behind buildings to minimize their visual impact from the street.

.4 When a garbage container is located onsite and visible from a street, the enclosure shall improve the overall aesthetic of the streetscape, and use high quality materials incorporating design elements of the principal building.

.5 A garbage container shall be accessible and unencumbered for collection at all times.

5.6 DEVELOPMENT ABUTTING THE CONFEDERATION TRAIL

.1 Where any development is constructed on land that abuts the Confederation Trail, the setback distance for a building or structure shall be 8 m (26 ft) from the nearest lot line of the Confederation Trail, and 3 m for an Accessory Dwelling Unit.

.2 Where Outdoor Storage is maintained on land that abuts the Confederation Trail, such storage shall not be located closer than 8 m (26 ft) to the lot line of the Confederation Trail unless it is suitably screened by an opaque fence and landscaping that includes no less than 1 tree (2 m tall or larger) for every 10 m of frontage. Existing trees taller than 2 m may be included in this calculation.

5.7 ILLUMINATION

.1 Exterior building lighting shall not be directed towards abutting lots or streets and shall be downward directed where possible.

.2 If exterior building lighting adversely affects adjoining residential properties, the owner may be required to take measures such as redirecting lights, reducing lighting levels, providing landscape buffers and/or a timer to shut off the lighting.

5.8 DEVELOPMENT ADJACENT TO WATERCOURSES AND WETLANDS

.1 Where part of the lot area of a lot is located within or adjacent to a watercourse or wetland, the minimum required setback shall be measured from the nearest wall of the primary building or structure to the delineated edge of the watercourse or wetland environmental buffer, as defined in the regulations of the Environmental Protection Act.

.2 No excavating, infilling, pumping, draining or vegetation removal is permitted within the buffer area as defined in the regulations of the Environmental Protection Act.

.3 Notwithstanding the foregoing required minimum building setback, the Development Officer may approve a lesser setback, if the applicant provides a copy of an approved Watercourse and Wetland Alteration Permit in accordance with the Environmental Protection Act or:

(a) The property is located on the Charlottetown Waterfront between the Lieutenant-Colonel J. David Stewart Armoury and the Hillsborough Bridge; and

(b) The existing lot or parcel has insufficient lot area to reasonably provide the required setback from a watercourse or wetland.

.4 The following uses may be permitted adjacent to a watercourse or wetland where they are a permitted use in the zone, and if the applicant provides a copy of an approved Watercourse and Wetland Alteration Permit in accordance with the PEI Environmental Protection Act:

(a) Boat ramp or launch facility;
(b) Boathouse;
(c) Natural trails;
(d) Wharf; and
(e) Marina.

.5 When a building or structure can be built over water and has the required approvals from federal and provincial governments, the area of the water lot shall only be counted

for the area encompassed by the footprint of the building or structure under the provisions of this bylaw for lot area and all other provisions for the zone in which the property is located shall be followed.

.6 Where a watercourse, wetland, or associated buffer is identified on Schedule D, the requirements of Section 5.9 shall also apply.

5.9 ENVIRONMENTAL CONSTRAINTS OVERLAY

.1 Applies to lands identified on Schedule D: Environmental Constraints Schedule.

.2 Where the requirements of the Overlay conflict with the requirements of the underlying zone, the more restrictive requirement shall apply.

.3 The boundaries shown on Schedule D are approximate and may be refined through field verification, survey, wetland or watercourse delineation, environmental assessment, or updated provincial or municipal mapping. Where an assessment by a qualified professional confirms the location of a natural feature or buffer, the confirmed boundary shall be used for development review.

.4 Except where otherwise permitted by this bylaw, no development, subdivision, site alteration, excavation, infilling, grading, vegetation removal, or alteration to drainage shall be permitted within the overlay unless the City is satisfied that the proposed activity will not adversely affect ecological function, hydrological function, water quality, slope stability, or public safety.

.5 Where a development, subdivision, site alteration, or vegetation removal requires approval under provincial legislation, including the Environmental Protection Act or its regulations, no municipal permit shall be issued until the required provincial approval has been obtained. Provincial approval shall not, on its own, constitute municipal approval where additional requirements of this bylaw apply.

.6 The Development Officer may require an Environmental Impact Assessment, prepared by a qualified professional, where an application is proposed within or adjacent to the overlay feature. The assessment may be required to:

(a) Identify and delineate natural features and buffers;
(b) Assess potential impacts on wetlands, watercourses, hydrology, water quality, habitat, and ecological connectivity;
(c) Demonstrate that impacts have been avoided or minimized to the greatest extent possible;
(d) Recommend mitigation, restoration, monitoring, and maintenance measures; and
(e) Identify any required provincial or federal approvals.

.7 Development within or adjacent to the Overlay shall be designed to avoid or minimize impacts on natural features and hazard areas, including impacts from post-development stormwater runoff. The City may require onsite retention, low-impact development, green infrastructure, erosion and sediment control, or other measures to maintain pre-development hydrology and water quality.

.8 The City may require buildings, lots, streets, driveways, infrastructure, grading, and stormwater facilities to be located outside the Overlay where feasible, and may require natural features to be protected through easements, covenants, parkland dedication, stewardship agreements, public ownership, or other legal mechanisms acceptable to the City.

5.10 UTILITIES AND INFRASTRUCTURE

.1 When a property owner connects an existing or proposed building to a power supply or upgrades an existing power supply, and where the power supply is underground in the public right-of-way or in an easement (public or private), or is buried underground on private property, the property owner shall be required to bury the electrical supply for the connection between the building (existing or proposed) to the adjacent right-of-way or easement (public or private) or existing buried service to the property.

PART 6

Design Standards for 500 Lot Area

6.1 WHERE THESE REGULATIONS APPLY

The following regulations shall apply to all building permit applications for properties located within the 500 Lot Area, as defined and described in Figure 6.1 and covering the Downtown Zones: DC, DMS, DMU, DN, and DW.

6.2 DESIGNATED HERITAGE RESOURCES

A designated heritage resource within the 500 Lot Area shall comply with this Part and the City of Charlottetown Heritage Preservation Bylaw. Where a heritage permit issued under the Heritage Preservation Bylaw authorizes a design treatment that conflicts with this Part, the heritage permit prevails, but only to the extent of the conflict.

6.3 NEIGHBOURING HERITAGE RESOURCES

Notwithstanding the minimum front yard setback in each downtown zone, if the site borders a designated heritage resource site, the setback from the abutting lot line(s) shall not be less than the average setback of the neighbouring heritage resource.

6.4 BUILDING MATERIALS

.1 The front and flankage façades shall carry a consistent type and quality of materials. Where a side yard setback is greater than 3 m (9.8 ft), the side façade shall also carry a consistent material. This clause also applies to the rear façade on a corner lot when the rear yard is greater than 3 m (9.8 ft).

.2 Prohibited front or flanking façade materials in the 500 Lot Area include:

(a) Vinyl siding
(b) Cement and aluminum clap-board siding
(c) EIFS / synthetic stucco (Exterior Insulation and Finish Systems)
(d) Imitation stone/brick panels (faux masonry veneer), stone-tile, plastic laminates or other synthetic materials that mimic real stone or real wood.
(e) Concrete block (CMU) exposed finishes
(f) Unfinished or painted metal sheet siding
(g) Reflective or mirrored glass
(h) Plastic or plywood

.3 Notwithstanding Section 6.4.2 above, vinyl siding or cement clap-board may be permitted on the rear of the building, or the side of the building if the side yard is no less than 3 m in accordance with Section 6.4.1.

.4 Where a prohibited material currently exists it may be maintained and replaced as necessary.

6.5 WINDOWS

.1 The front and flankage façades shall carry a consistent style and material of windows. Where a side yard setback is greater than 3 m (9.8 ft), the side façade shall also carry a consistent style and material of windows. This clause also applies to the rear façade on

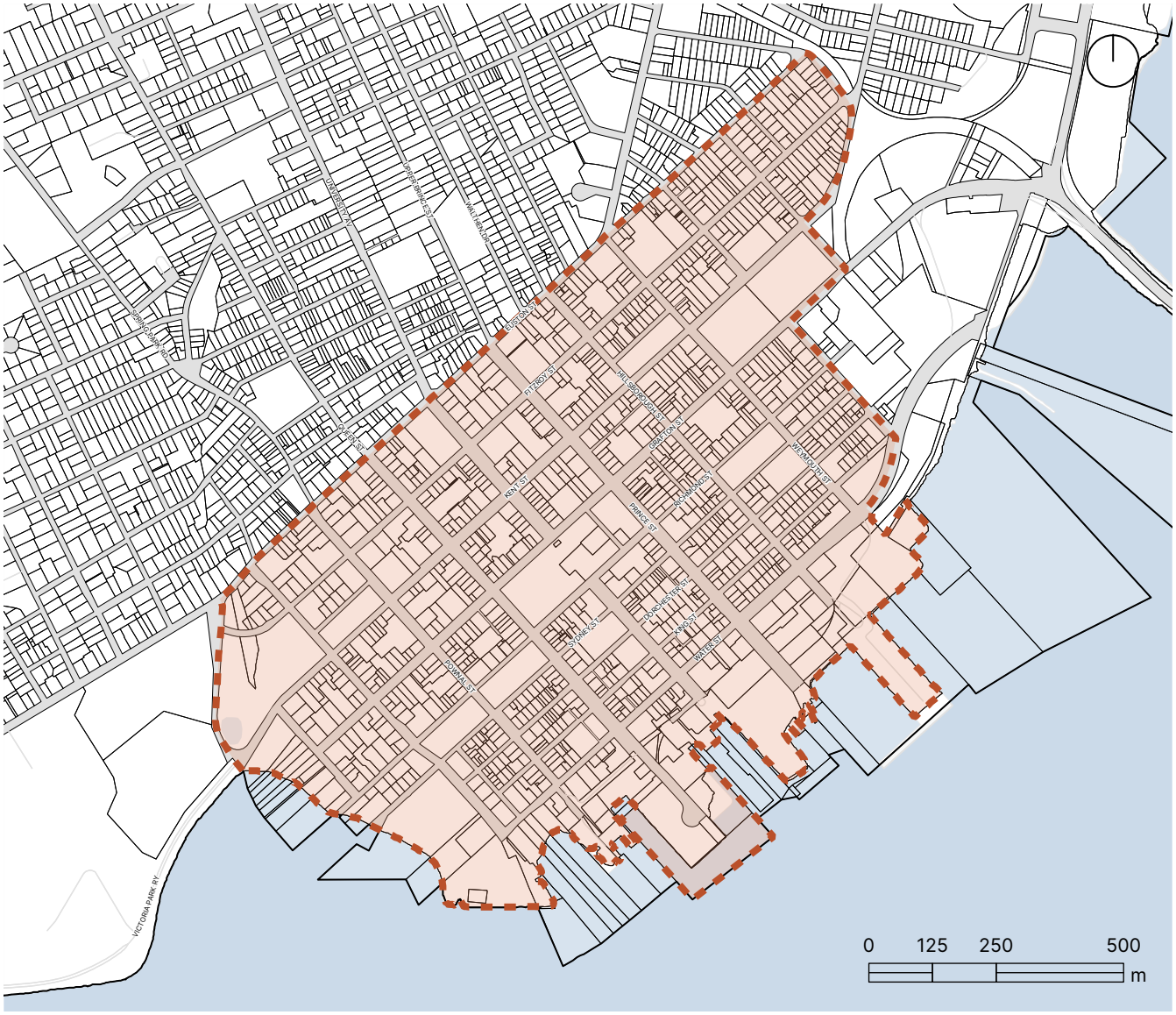

Figure 6.1 500 Lot Area Map

a corner lot when the rear yard is greater than 3 m (9.8 ft).

.2 For additions to, or for a renovation to an existing structure with:

(a) Windows with simulated divided lights with a spacer bar, new windows shall also have simulated divided lights with a spacer bar.

(b) Single or double hung windows, new windows shall also be single or double hung.

6.6 ROOF

The expression of the roof shall be clearly distinguished from the rest of the building through treatments such as step-backs, change in materials, cornice lines, and overhangs when architecturally appropriate for the design of the building.

6.7 MECHANICAL STRUCTURES

.1 Mechanical penthouses shall be integrated within the architectural treatment of roofs and shall be screened from view.

.2 Ducted heat pumps or mini-splits shall not be visible on the front façade of buildings.

6.8 LANDSCAPING

.1 All disturbed surfaces shall be seeded, sodded or hydroseeded with grass or meadow mixture or restored to natural condition. Seeding mixes must not include PEI invasive species.

.2 A landscaped area or hard-surfaced plaza shall be provided between the sidewalk and the front façade of the building.

.3 Front doors shall connect to adjacent sidewalks by a hard-surfaced walkway no less than 1.8 m wide.

.4 For buildings that have been set back more than 3 m from the front lot line, no less than 1 tree shall be planted per 10 m of frontage.

.5 Chain-link fencing is prohibited for all residential or commercial uses.

.6 Existing mature trees (>100 mm caliper) shall be preserved wherever possible. Removals require replacement with a similar caliper tree or a cash-in-lieu payment.

.7 Where work is to be undertaken within a Tree Protection Zone, as defined in the City's Tree Protection Bylaw, a City arborist shall be consulted.

.8 For multi-unit dwellings that exceed 8 units, the landscaping requirements for any multi-unit dwelling that directly borders any adjoining single-detached, semi, duplex or townhouse lots include:

(a) No less than a 2 m wide landscape buffer along the periphery boundary.
(b) The buffer shall include no less than 1 tree per 10 m of length.
(c) A 1.8 m minimum opaque wood or stone fence along the property side or rear yard boundary.
(d) If the patio decks of the multi-unit dwelling are within 25 m of a property line, the landscape buffer shall be widened to 3 m and the trees shall be increased to 1 tree per 6 m of boundary length.
(e) The buffer requirements may be increased or decreased by the Development Officer or heritage officer depending on the context of the adjacency and the scale of the development.

6.9 SURFACE PARKING

.1 Surface Parking is not permitted in the Front Yard or flankage yard unless:

(a) Attached to a porte cochere or drop off for a hotel;
(b) For single-detached units that are setback more than 10 m from the street right-of-way;
(c) The lot has no primary building;
(d) The site fronts onto 3 streets; and
(e) Educational facilities that exceed 1,000 m^2 of gross floor area.

.2 Driveways are permitted when they extend into the side or rear yard of the property, or when used to access an attached garage.

.3 Shared driveways and curb cuts are permitted with adjacent properties, subject to a Right-of-way agreement between property owners.

6.10 MULTI-UNIT DWELLING

.1 The amenity requirements in Section 3.13 shall apply.

.2 The main lobby of any multi-unit dwelling shall exit onto an adjoining street, connected by a minimum 2 m wide hard-surfaced walkway to the adjacent sidewalk.

.3 Grade-related dwelling units, where permitted, shall include a patio door and a landscaped private patio no less than 6 m^2.

.4 The minimum required ground floor height shall be 3.5 m.

6.11 WATERFRONT PUBLIC OPEN SPACE

.1 As a condition of development approval for a property bordering the Hillsborough River or Charlottetown Harbour within the 500 Lot Area:

(a) a continuous corridor at least 4 metres wide shall be provided along the waterfront for a public boardwalk;
(b) the boardwalk shall be constructed of wood or hard-surfaced unit pavers to a standard approved by the City and, where applicable, in consultation with the Charlottetown Area Development Corporation; and
(c) public access over the boardwalk corridor shall be secured through an easement or other legal instrument acceptable to the City.

.2 Section 6.11.1 does not apply to properties in the Downtown Neighbourhood (DN) Zone or Port (P) Zone.

PART 7
General Provisions for Subdividing Land

7.1 SCOPE

.1 These provisions for subdividing land shall be the minimum requirements for the protection of public health, safety, and welfare, and are intended to protect the public and provide a wholesome community environment, adequate municipal services and safe streets.

.2 This section shall not apply to any lot or lots forming part of a subdivision created and recorded prior to the effective date of this bylaw, nor is it intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other bylaws or regulations, except those specifically repealed by this bylaw; or with private restrictions placed upon property by deed, covenant, or other private agreement; or with restrictive covenants running with the land to which the City is a party.

.3 Where this bylaw imposes a greater restriction upon land than is imposed or required by earlier existing provisions of law, regulation, contract or deed, the provisions of this bylaw shall supersede those imposed by other legislation or agreement.

7.2 SERVICING

.1 Where municipal services are available in the opinion of the Director of Community Services, or any successor office, no subdivision approval shall be issued except where the subdivision is provided with such services.

.2 The Development Officer shall not approve a proposed subdivision until the applicant constructs all municipal services required for any public street(s) shown on a subdivision plan. The applicant has the option of constructing the future street or streets, or posting a bond guaranteeing their construction.

.3 All future and undeveloped streets must be designed and serviced to a standard that enables their acceptance by the municipality as either public streets prior to subdivision approval.

7.3 SUBDIVISION AND CONSOLIDATION OF LOTS

.1 No person shall subdivide a lot, tract, or parcel of land or consolidate two (2) or more lots, tracts or parcels of land except as provided herein and in conformity with this bylaw and the Province-Wide Minimum Development Standards in accordance with the Planning Act and where there is a lack of clarity the Province shall be consulted.

.2 Preliminary subdivision or lot consolidation

approval shall be required before an application for final approval and:

(a) The Development Officer may waive the requirement for preliminary subdivision or lot consolidation approval for subdivisions of four (4) lots and under;

(b) Every person proposing to subdivide or consolidate land shall first apply to the Development Officer for preliminary approval before a land surveyor pins the subdivision or consolidation on the ground. The proponent shall submit four (4) copies of the preliminary plan of the proposed subdivision;

(c) Such application shall meet the requirements as stated in this subsection as well as the Provincial Minimum Lot Size Standards;

(d) When the Development Officer is satisfied that an application and preliminary plan of subdivision or lot consolidation are complete, the applicant shall forward a copy of the preliminary plan to any other department or agency of the Province or City or to the Planning Board which the Development Officer deems necessary;

(e) Approval of a preliminary plan of subdivision or lot consolidation shall not be refused or withheld solely on the basis of comments or recommendations received from circulated departments or agencies, unless the proposal is demonstrably inconsistent with applicable laws, bylaws, or regulations of the Province or the City. However, such input may inform conditions of approval or guide further review where relevant to public interest, infrastructure, or policy alignment;

(f) The Development Officer shall review such application and shall advise the applicant in writing within fourteen (14) calendar days from the receipt of such application that the subdivision or consolidation proposal has received preliminary approval or that it cannot be approved under the provisions of this bylaw and/or the Provincial Minimum Lot Size Standards;

(g) The Development Officer may, where a lot or lots are subdivided from a parent parcel, waive the requirement for a survey of any remnant parcel which is greater than 0.6 hectares (1.5 acres);

(h) Preliminary approval of any proposed subdivision or consolidation shall not be construed as final approval of such subdivision or consolidation for land registration purposes or for legal conveyance; and

(i) Preliminary approval shall be effective for a period of twelve (12) months unless, upon application, an extension is granted. If an application for final approval is not tendered to the Development Officer within this period of time, an application for preliminary approval shall be resubmitted.

7.4 PRELIMINARY PLANS OF SUBDIVISION

.1 Preliminary plans of subdivision or lot consolidation submitted to the Development Officer shall:

(a) Be drawn to a legible scale or scales sufficient for clarity of all particulars on the preliminary plan of subdivision;

(b) Be based on a boundary survey of the property to be subdivided;

(c) Be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the preliminary plan of subdivision;

(d) Include a digital copy of the survey plan as a non-scanned PDF file and as a CAD file in DWG format in the Prince Edward Island Coordinate System as outlined in the Land Survey Act, Spatial Referencing Regulations with the vertical reference system being the Canadian Geodetic Vertical Datum of 2013; and

(e) Show the following:

i) Name of subdivision, if any, and the name of the owner of the area of land;

ii) Names of all owners or the lot identifiers of all properties abutting the area of land proposed to be subdivided;

iii) A location map, drawn to scale no smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;

iv) The words “Preliminary Plan” located above the title block;

v) A clear space for stamping by the City which measures at least 10 cm (3.9 in.) by 10 cm (3.9 in.);

vi) The dimensions of the area of land to be subdivided;

vii) The proposed dimensions and shape of lots and blocks;

viii) The area of each lot including the approximate area of the remainder lot, if any, and the Provincial Parcel Identification Number (PID #) of the parent lot;

ix) The purpose for which the land is to be used and its conformity to this bylaw;

x) Each proposed lot individually identified without duplication of lot identifiers, and where a parcel is being added to or subtracted from an existing lot, or where a lot shown on a plan of subdivision is being divided, the proposed lot or lots shall be identified by the existing lot identifier and a letter;

xi) Approximate locations of all existing primary buildings on the area of land proposed to be subdivided with the graphic location for all buildings within 10.0 m (32.8 ft) of either side of the boundaries of the proposed lot;

xii) The boundary lines of proposed lots shown by solid lines, and the vanishing boundaries of existing lots being re-subdivided, consolidated, or both, shown as broken lines;

xiii) The scale to which the preliminary plan of subdivision is drawn;

xiv) The width and location of all Rights-of-way and existing and proposed public streets, including pedestrian walkways, intersections and turning circles;

xv) The names of existing and proposed public streets;

xvi) A plan showing the centre line profiles of the proposed public streets;

xvii) Existing contours at 1 m (3.3 ft) intervals, proposed spot elevations, and drainage patterns;

xviii) A site drainage plan prepared by a qualified professional engineer which must meet the provisions of the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9 and any regulations or amendments thereto, showing the erosion control measures on lands that drain directly into streams, rivers, harbours, or any existing watercourses;

xix) The location of existing and proposed municipal services, and the proposed connections thereto;

xx) The identification, location, dimensions, and area of land proposed to be reserved for park, playground, and similar public purposes;

xxi) The width and location of frontages on public streets of land proposed to be reserved for park, playground, and similar public purposes;

xxii) The width, location, and nature of any easements or rights-of-way affecting the area of land proposed to be subdivided;

xxiii) The north arrow or point;

xxiv) The date on which the preliminary plan of subdivision was drawn, and the date of any revisions;

xxv) The location of any watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other prominent natural or environmentally sensitive features which might affect the orientation of buildings or the layout or provision of public streets and municipal services to the area where the subdivision is to be located;

xxvi) A boundary survey of the area of land proposed to be subdivided, with the remainder lot shown on the plan with dimensions, certified and stamped by a land surveyor in the manner required by the Land Surveyors Act and any regulations or amendments thereto; and

xxvii) Any other information which the Development Officer deems necessary to determine whether a preliminary plan of subdivision conforms to this bylaw.

.2 Final approval of a subdivision or lot consolidation shall be subject to the following requirements:

(a) The Development Officer may grant final approval to subdivisions which comply with this bylaw and the Provincial Minimum Lot Size Standards, and give approval for lot consolidations where a dwelling may be constructed in a RN Zone;

(b) Nine (9) copies of the final plan of the proposed subdivision shall be submitted; and

(c) When the Development Officer or planning board is satisfied that an application and final plan of subdivision are complete, a copy of the application

and final plan of subdivision may be circulated to any department or agency of the Province or the City as is deemed necessary.

7.5 FINAL PLANS OF SUBDIVISION

.1 Final plans of subdivision shall:

(a) Be drawn to a legible scale or scales sufficient for clarity of all particulars on the final plan of subdivision;

(b) Be stamped by a land surveyor who shall certify that the lots for which approval is requested have been surveyed in the manner required by the Land Surveyors Act and any regulations and amendments thereto;

(c) Be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the plan of subdivision;

(d) For a subdivision creating more than four (4) lots and where new streets are to be constructed the applicant shall submit an overall grading and stormwater-management plan prepared and stamped by a Professional Engineer. The plan shall show for each lot, proposed top of foundation elevations for all new primary buildings to be erected on a lot.

(e) Show the following information:

i) Name of the subdivision, if any, and the name of the owner of the area of land;

ii) Names of all owners or the lot identifiers of all properties abutting the area of land proposed to be subdivided;

iii) A location map, drawn to a scale no smaller than 1:5000 with such scale to be shown on the map, preferably with the same orientation as the area of land;

iv) Identify the type of street (public, private, future or undeveloped) including the length of the boundaries of all existing and proposed lots, streets, rights-of-way and easements including the length or arc, points or curvature and radius in the case of curved lines;

v) A clear space for stamping by the City measuring at least 10 cm (3.9 in.) by 10 cm (3.9 in.);

vi) The dimensions of the area of land to be subdivided;

vii) The shape, dimensions, and area of lots, blocks, and the remainder lot, if any, and the Provincial Parcel Identification Number (PID #) of the parent lot;

viii) Each proposed lot individually identified without duplication of lot identifiers, and where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided, the proposed lot or lots shall be identified by the existing lot identifier and a letter;

ix) Locations of all existing primary buildings on the area of land proposed to be subdivided with the graphic location for all buildings within 10.0 m (32.8 ft) of either side

of the boundaries of the proposed lot;

x) The width and location of all rights-of-way and existing and proposed public streets including intersections and turning circles, and these shall meet the City requirements for snow removal and fire protection services;

xi) The identification, location, dimensions, and area of land proposed to be reserved for park, playground, and similar public purposes;

xii) The width, location and nature of any easements or rights-of-way affecting the area of land proposed to be subdivided;

xiii) North arrow and orientation

xiv) The location of any watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other prominent natural or environmentally sensitive features which might affect the orientation of buildings or the layout or provision of public streets and municipal services to the area where the subdivision is to be located;

xv) The date on which the final plan of subdivision was certified, with all revisions to be identified, dated, and initialled by a surveyor;

xvi) Where the subdivision was designed by an individual or firm other than the land surveyor who has certified the final plan of subdivision, the name of such individual or firm and the nature of the work performed shall be shown in the title block of the final plan of subdivision; and

xvii) Any other information which the Development Officer deems necessary to determine whether a final plan of subdivision conforms to this bylaw.

.2 In addition to the requirements set out in this subsection, the drawings shall show the location and dimensions of existing municipal services to which the proposed underground systems for the subdivision will connect.

.3 An applicant who proposes to lay out and construct streets or install public services on lands that drain directly into lakes, streams, rivers, or any existing watercourses shall submit a drainage plan and an erosion control plan that complies with the City's specifications and meets the requirements of the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9, and any regulations or amendments thereto.

.4 An applicant shall be required:

(a) To pay the cost of preparing a traffic impact study, where required, in accordance with terms of reference and standards established by the Development Officer from time to time;

(b) To pay all or any part of the cost of:

i) Upgrading any existing street (public, private, future, undeveloped) which does not meet City service standards and forms part of the proposed subdivision or

which provides street access and egress to the subdivision;

ii) Constructing any new streets within the proposed subdivision;

iii) Constructing a new street which meets city standards or upgrading an existing street to city standards in order to connect the proposed subdivision to an existing street in the vicinity of the proposed subdivision which meets City standards; and

iv) Constructing access points or upgrading the existing street network in the vicinity of the proposed subdivision including, but not limited to, traffic signals, widening of intersections and access turning lanes.

.5 Final approval of subdivision shall not commit the City to extending or connecting municipal services to that subdivision.

.6 Where an existing street does not meet City standards, or municipal services are not installed to serve an existing street, the Council shall require the applicant or owner, as the case may be, to enter into a Subdivision Roads and Services Agreement which provides that the applicant or owner, as the case may be, shall, where required, pay the cost of a traffic impact study, upgrading of streets to City standards and the installation of municipal services including the acquisition of any land, easement or right-of-way required for street or municipal services purposes.

.7 The City shall not be committed to extend or connect municipal services until the applicant enters into a "Subdivision Roads and Services Agreement" which outlines the terms for the installation of public services and construction of public streets and the extension or connection of municipal services as follows:

(a) The Subdivision Roads and Services Agreement shall be accompanied by detailed engineering design drawings for the construction of public streets, which are prepared in accordance with the City's specifications and signed and stamped by an engineer licensed to practice under the provisions of the Engineering Profession Act;

(b) The Subdivision Roads and Services Agreement shall be accompanied by detailed engineering design drawings for the municipal services to be installed, which are prepared in accordance with the City's specifications and stamped by an engineer licensed to practice under the provisions of the Engineering Profession Act; and

(c) The Subdivision Roads and Services Agreement, where there are sidewalks, pedestrian walkways, rights-of-way, street lighting, curbs, traffic signals or other municipal services in the area shall include this as part of the detailed engineering design in accordance with any City specification and the drawing shall be stamped by an engineer licensed to practice under the provisions of the Engineering Profession Act.

7.6 APPROVAL NOTIFICATION

.1 The Development Officer shall approve a plan of subdivision or consolidation where it meets the requirements of this section.

.2 When a plan of subdivision has been approved, the Development Officer (or Designate) shall affix a stamp with the City of Charlottetown crest and his or her signature and date of approval to the plan and the following statements may form part of the stamp. As well, the Development Officer may attach other written notices or conditions to the approval (e.g. lot must be consolidated with adjoining lot, previous plans were registered, municipal services are not available, deeds must reflect this plan, no building on this lot).

"This final plan of subdivision is approved for lot(s) _____ and has been approved on _____ and forwarded to be registered with the Registry." or

"This preliminary plan of subdivision is approved for lot(s) _____ on _____ , and no sale of lots may occur until a final plan of subdivision is approved and a 'Subdivision Roads and Services Agreement' is signed."

7.7 ENFORCEMENT

.1 Recording of Plan: no plan of subdivision shall be entitled to be recorded in the Registry of Deeds, or have any validity, until it has been approved in the manner prescribed herein. In the event an unapproved plan is recorded, it shall be considered invalid and the City shall institute proceedings to have the plan stricken from its records.

.2 Sale of land in subdivision: no owner, or agent of the owner, of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the Use of a plan of subdivision before such plan has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this subsection of the bylaw is, at the City's option, voidable and shall allow the City to apply to a court of competent jurisdiction for equitable relief. The description of such lot or parcel by metes and bounds in the instrument of transfer, or other documents used in the process of selling or transferring, shall not exempt the transaction from the provisions of this bylaw.

.3 Public Improvements: the City and the authority approving municipal services hereby state that all public improvements will be withheld, including the maintenance of streets and supplying water and wastewater service, from all subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed herein.

.4 Revision to plan after approval: no changes, erasures, modifications, or revisions, shall be made in any plan or a subdivision after approval has been given (approval stamp and signed) by the City unless said plan is first re-submitted to the City for approval.

7.8 GENERAL PROVISIONS FOR SUBDIVISION

.1 All lots on a final plan of subdivision shall

abut a public street;

.2 All subdivision proposals or requests to build on property must provide frontage on a public, or future street that meets all servicing standards as set out in the Municipal Design Guidelines and the requirements set out in each zone.

.3 There are four types of streets that exist within the City and include public streets, private streets, future street, and undeveloped streets.

(a) Private streets that existed and were approved prior to July 2020 shall be permitted to exist and building permits may be approved on these private streets but no future private streets shall be approved for subdivision or development after this date.

(b) Existing private streets must be suitable and safe for emergency vehicles such as police, fire and ambulance services.

(c) Services such as: water and sewer, electricity and telecommunications must be adequately provided and accommodated for the development located on an existing private street.

(d) The existing private street must provide safe and convenient public and private pedestrian and vehicular access.

.4 Where multiple accesses on an existing or proposed public street are not deemed appropriate in the interest of safety, subdivisions for residential development may be designated with rear lane access driveways. Rear lane access driveways must meet the requirements for the passage and accessibility of emergency vehicles.

.5 All streets and services shall meet the requirements set out in the City of Charlottetown Municipal Design Guidelines.

.6 Where a public street in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, the public street in the latter shall, if reasonably feasible, be laid out in prolongation of such public streets unless it would be in violation of the bylaw;

7.9 LOT CONFIGURATIONS

.1 Wherever possible, side lot lines shall be substantially at right angles to a public street or radial to a curved public street; and

.2 Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous and not stepped or jogged.

7.10 WATER, SEWER, AND OTHER SERVICES:

.1 Water and sewer plans shall be submitted to the City for approval of the Utilities Department;

.2 The cost of water and sewer installation shall be required to be borne by the person subdividing or developing land;

.3 A person who proposes to subdivide an area of land in the City shall install a public water system for the area of land proposed to be subdivided;

.4 The public water system shall include mains and laterals to the boundaries of the proposed lots, and the system shall be designed by a Professional Engineer and comply with the City's specifications;

.5 A person who proposes to subdivide an area of land in the City shall install a public

sanitary sewer system for the area of land proposed to be subdivided;

.6 The public sanitary sewer system shall include collectors and any laterals to the boundaries of the proposed lots, and the system shall be designed by a Professional Engineer and comply with the City's specifications;

.7 A person who proposes to subdivide an area of land in the City shall install a public storm sewer system for the area of land proposed to be subdivided unless waived by the City where there is no connection to an available piped storm system, or where surface drainage such as ditches, swales, holding ponds, silt traps, and the like of the subdivision does not present undue stress on the environment;

.8 The public piped storm sewer system shall include collectors and laterals to the boundaries of the proposed lots, and the system shall be designed by a Professional Engineer and comply with the City's specifications. Where possible, the applicant of the subdivision shall be encouraged to incorporate swales in the design of the public storm sewer system;

.9 The public storm sewer system shall be designed to discharge into existing streams and brooks utilizing natural run-off channels. Connections may only be made to existing storm sewers with prior approval from the City, and approval shall only be refused if the Existing storm sewer is inadequate.

.10 Approved public streets and private streets shall include all roadway culverts and drainage ditches, hydrants, easements, pedestrian walkways, sidewalks and shall be designed by a Professional Engineer and comply with the City's Municipal Design Guidelines and specifications.

7.11 LAND FOR PUBLIC PURPOSES (LPP)

.1 Any person who subdivides more than one (1) lot from the parent parcel as of the date of this bylaw in the City, shall convey to the City either, or a combination of,:

(a) Ten percent (10%) of the land, at the sole discretion of the City, for public purposes; and

(b) Cash in lieu to the City equal to ten percent (10%) of the fair market value of the future use of the lots severed for subdivision for public park purposes. Fair market value will be prepared by the City using its standing offer list of assessors or the mean value of the owners private assessment (by a registered land valuator) and the City's assessment.

.2 The City will not accept land for public purposes that includes:

(a) Wetlands, watercourses and their buffers;

(b) Environmentally sensitive areas that cannot otherwise be developed;

(c) Contaminated lands;

(d) Lands that have been stripped of topsoil;

(e) Lands that do not include at least 20m of road frontage; and

(f) Sloping lands that exceed 15% slope conditions.

.3 Notwithstanding Section 7.11.2, the City will accept or reject LPP lands for subdivisions at its sole discretion.

7.12 PERFORMANCE GUARANTEES AND CONVEYANCE OF PUBLIC SERVICES

.1 The applicant shall satisfy the requirements of subdivision approval by entering into a subdivision agreement as follows:

(a) The applicant shall agree by subdivision agreement to install the required systems as stipulated by the City, which may include: Streets, sidewalks, water supply, sewage collection, fire hydrants, storm drainage, street lighting, curbing, landscaped areas and traffic control systems, and where appropriate, multi-use pathways and bus pullovers. The owner shall deposit with the Chief Administrative Officer cash, a certified cheque, indemnity, or other security acceptable to the Chief Administrative Officer which shall be sufficient to cover 25% of the estimated installation costs of the required systems, and such estimates shall be subject to the approval of the Director of Public Services or any successor in office;

(b) An agreement entered into between the City and the owner shall be executed in triplicate, signed by the mayor and Chief Administrative Officer on behalf of the City and by the owner;

.2 The agreement shall contain terms with respect to:

(a) Commencement and completion dates for construction of public streets and installation of public water, sanitary and storm sewer systems or other systems;

(b) Provision of general automobile liability insurance;

(c) Description of the work to be carried out within the subdivision;

(d) Furnishing of security to the City as faithful performance Maintenance of the proposed work;

(e) Such phasing as may be agreed upon by the owner and the City;

(f) The provision and acceptance of Easements and rights-of-way associated with the public streets and underground systems; and

(g) Any other matter required by the provisions of this bylaw.

.3 The owner who is responsible for the construction of public streets and the installation of public water, sanitary and storm sewer systems shall:

(a) Arrange and pay for engineering design specifications for the public streets, public water, sanitary and storm sewer specifications of the City;

(b) Arrange for complete testing of the systems and shall advise the City of proposed test dates, sites, and times;

(c) Arrange for service installation inspection; and

(d) Allow the City to inspect the construction and installation at any stage.

.4 Following construction and installation of the required services, and before acceptance by the City of the public streets, water, sanitary and storm sewer systems, the owner shall:

(a) Provide "as built" reproducible engineering drawings for all public systems which shall be stamped and signed by a Professional Engineer. Included with the "as-built" plans shall be a digital plan copy as a non-scanned PDF file and as a CAD file in DWG format in the Prince Edward Island

Coordinate System as outlined in the Land Survey Act, Spatial Referencing Regulations with the vertical reference system being the Canadian Geodetic Vertical Datum of 2013;

(b) Provide all operating and procedural manuals for each public water or sanitary or storm sewer system;

(c) Provide the results of all required test reports of the public systems demonstrating that they have been constructed and are operating according to the standards of the agreement and this bylaw;

(d) Provide all Easements and rights-of-way associated with the public streets and underground systems; and

(e) Post a Maintenance bond or other security acceptable to the Chief Administrative Officer made in favour of the City in an amount equal to 12.5% of the actual costs of constructing the public streets and installing the public water, and sanitary and storm sewer systems. This bond is to be posted for up to one (1) year from the date of a "Certificate of Provisional Acceptance" and then a further bond of 6.25% of the actual cost of construction shall be posted for an additional year after "Final Acceptance" to allow for two (2) years of Maintenance bonds.

.5 The owner shall convey to, and at no cost to, the City the public streets, any easements, water, sanitary and storm sewer systems, and parkland which shall be free of encumbrances or cash-in-lieu of said parkland.

.6 Following completion of the public streets, water, sanitary and storm sewer systems and any other requirements in the subdivision agreement, a "Certificate of Provisional Acceptance" shall be issued to the owner by the City's Director of Public Services, or sucessor in office, or the Development Officer.

.7 Following acceptance of the public streets and all associated work, including final asphalt seal, water, sanitary and storm sewer systems, the City shall provide a "Certificate of Final Acceptance" to the owner. The maintenance bond shall remain in place for a period of up to two (2) years regardless if a "Certificate of Final Acceptance" is issued by the City.

7.13 EXEMPTIONS TO SUBDIVISION REQUIREMENTS

.1 The Development Officer may approve an undersized lot if an existing undersized lot is consolidated with another parcel in order to bring the new consolidated lot closer to the minimum requirements of this bylaw, provided that the remaining parcel or parcels meet the lot requirements of this bylaw or were lawfully existing at the effective date of this bylaw.

.2 Where a lot or parcel of land contains more than one primary building lawfully existing at the effective date of this bylaw the Development Officer may approve a plan of subdivision for the lot or parcel of land showing a lot designed for each of the primary buildings provided that each lot has a Frontage of not less than 6 m and is served by municipal services.

.3 Notwithstanding the lot area and frontage

requirements of this bylaw, where a development component of a permanent nature such as a structure, well, or septic tank is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

.4 Notwithstanding Section 7.13.1 there may be a unique circumstance whereby the Manager of Water & Sewer Utility is prepared to grant an unserviced development. In this circumstance, the owner of said property must meet all requirements of the Province-Wide Minimum Development Standards Regulations set out in the Planning Act R.S.P.E.I 1988, Cap. P-8.

7.14 LOT SIZE

.1 No lot shall be reduced in area, either by conveyance or alienation of any portion thereof, or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, lot frontage, or lot area that is less than that required by this bylaw for the zone in which such lot is located.

.2 If Council approves the construction of a semi-detached dwelling or townhouse dwelling on an undersized lot through a lot area or frontage variance, each semi-detached dwelling unit or townhouse dwelling unit can be further subdivided subject to the requirements in Section 3.12.

.3 A Development Officer may approve, the subdivision of a single infill lot that is undersized in lot area and/or lot frontage, and that meets the average lot size of the existing developed lots on the street within the same zone. Such infill lots are to be used for single-detached dwellings only, or for 2-unit dwellings where permitted in the zone and where the lot has the minimum requirement for lot area for that use.

.4 Consideration will be given to permitting a flag lot in those circumstances where an existing legal lot was created with less than 6.1 m (20 ft) of frontage or in circumstances where a parcel is landlocked and there will never be the ability for the extension of a future street road network to provide the required street frontage from the rear of the property. In the case of a landlocked parcel, a Development Officer may, in their sole discretion, approve a flag lot provided:

(a) The flag lot has no less than 6.1 m of frontage on a public street;
(b) The main body of the lot (flag portion) meets the lot area and frontage requirements of the zone;
(c) Only one flag lot will be permitted per parent parcel; and
(d) No portion of the access strip (pole) portion of the lot shall be included in computing the required lot area for the flag portion.

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PART 8
General Provisions for Parking

8.1 PURPOSE

This chapter aims to manage parking supply in a way that supports urban vitality, climate goals, housing affordability, and equitable mobility. Parking is treated as shared infrastructure to be managed, not maximized. Maximizing parking imposes significant economic, environmental, and social costs on cities. Land consumed by surface parking lots represents a major opportunity cost, displacing housing, businesses, and public spaces that could contribute more meaningfully to urban vitality and tax revenues. Reducing parking minimums can therefore unlock more equitable, compact, and climate-conscious development and support improved transit in Charlottetown.

8.2 PARKING REQUIREMENTS

.1 Unless otherwise specified, off-street parking shall be provided in accordance with the parking requirements in Tables 8.1, 8.2, and 8.3.

.2 There are no minimum parking requirements in the 500 Lot Area of Charlottetown which is inclusive of the DC, DMS, DMU, DN and DW Zones.

.3 The Development Officer may, in their sole discretion, accept less parking than is required in this bylaw on a site if a traffic impact study (TIS) can demonstrate a rationale for less parking.

.4 New additions that result in an increase in the gross floor area greater than 25%, shall require additional parking over and above the existing parking spaces following Section 8.2.1.

.5 Renovations or alterations that increase the gross floor area by less than 25% shall not require additional parking. Existing parking spaces may be reduced, provided that the number of remaining spaces is no less than the minimum required by this Part. A reduction below the applicable minimum may only be approved in accordance with Section 8.2.3 or Section 2.7.

.6 Where a building is repaired to the same use after a fire or other catastrophe, the original number of parking spaces is adequate even if it does not meet the current parking requirements.

.7 Where a parking calculation for a development in any zone results in a fraction of a parking space, the final number of required parking spaces shall be rounded down to the next whole number to a minimum of one (1) space.

.8 Parking must be located on the lot being developed and must address any built-form

Table 8.1 Residential Parking Requirements per lot outside of the 500 Lot Area

Type of Use	Minimum Parking Requirement
Single dwelling unit, semi, duplex, townhouse, or attached ADU	1 parking space per dwelling unit
Detached or detached accessory dwelling unit (ADU)	As noted in Sections 4.6 and 4.7
Affordable housing	0.5 parking spaces per dwelling unit; If the affordable unit(s) is within 400 m of a bus stop, 0 spaces per unit are required.
Short-term rentals	1 space per rental for the first 2 units, 0.5 spaces per unit for the additional units.
Home occupation	A minimum of 1 parking space per working employee; plus 1 visitor space. If the home occupation is within 400 m of a bus stop, the parking space requirements may be reduced to one space.
RM, RH, GN, GC Zone parking requirements	0.5 parking spaces per unit.

requirements detailed in the zone.

.9 Where a building or lot use is used for more than one use:

(a) The Development Officer may apply the closest parking requirement deemed to fit the proposed use(s) for the purposes of determining the parking requirements; or

(b) The parking requirements for the site shall be the sum of the parking required for each use.

8.3 CASH-IN-LIEU

.1 Cash-in-lieu of parking spaces may be accepted outside of the 500 Lot Area in any situation where adequate parking cannot be provided or is unfeasible on a lot.

.2 All funds obtained through the cash-in-lieu provisions shall be used exclusively for the provision of additional parking spaces or improved mobility facilities (bike lanes, transit shelters, bike parking, etc) in the downtown area.

8.4 PARKING SPACE DESIGN STANDARDS

.1 All parking spaces, except stacked spaces, shall have unobstructed access to a public street by means of a driveway, aisle, or lane.

.2 'Stacked' parking spaces can be counted as a parking space for the RN, RM, RH, GC and GN Zones.

.3 An automobile parking space shall have minimum dimensions of not less than 2.6 m (8.5 ft) by 5.5 m (18.0 ft).

.4 Parking spaces for trailer trucks, buses, delivery trucks, motor homes or other large vehicles shall have dimensions no less than 3.05 m (10 ft) by 12.2 m (40 ft) or larger, if necessary to accommodate longer vehicles.

.5 Parking aisles shall be no less than 6.1 m (20 ft) wide for right angle parking, 5.49 m (18.0 ft) for 60 degree parking, 3.35 m (11.0 ft) for 45 degree parking or less.

Table 8.2 Commercial, Office & Industrial Parking Requirements

Type of Use	Minimum Parking Requirement
Clubs, educational facilities, places of entertainment, places of worship, churches, auditoriums, academic research and administration buildings, theatres, arenas, halls, stadiums, and other places of assembly.	1 parking space per 30 m² of gross floor area.
Eating and drinking establishment, cocktail lounge, tavern or club, restaurant or drive-through	1 space per 30 m² of gross floor area; plus queuing space for drive-through as required
Day-care facilities	1 space for each working employee plus a drop-off area or 2 parking spaces for the parents
Laundromat	1 space for every 10 washing machines
Animal shelter	1 space for every 28 m² of floor space.
Funeral establishment	A minimum of 15 spaces plus 1 space for each 5 seats
Office, retail store, retail service shop	1 space per 25 m² of gross floor area; 0 spaces required for the 500 Lot Area
Convenience store	1 space per 25 m² of gross floor area; 0 spaces required for the 500 Lot Area
Shopping centre and retail store	1 space per 25 m² gross floor area
Tourist accommodations	1 space per 3 bedrooms or guest rooms, plus 1 space for the operator/proprietor (additional space not required for lodging houses)
Hotel	1 space for every 25 m² of commercial or office space in the hotel; plus 1 space per room. 1 tour bus space may be substituted for vehicle parking for every 18 rooms or suites up to a maximum of 36 rooms or suites.
Industrial or warehousing establishment manufacturing	1 space for each 23 m² of office space plus 1 space for each additional 30 m² of floor area of manufacturing area plus 1 space for each 93 m² of warehousing area (exclusive of loading spaces, truck parking, and landscaped areas) or 1 space for each working employee, whichever is greater
Marina	1 space per every 3 boat berths and mooring areas
Storage facility	1 space for each 23 m² of office space plus 1 space per 300 m² of gross floor area dedicated to storage or 1 parking space per twenty (20) storage units, whichever is lesser
Marijuana production facility	1 space per 200 m² of Floor area or 1 space per working employee, whichever is greater.
Any use not specified above.	1 parking space per 30 m² of gross floor area.

Table 8.3 Institutional and Public Use Parking Requirements

Type of Use	Minimum Parking Requirement
Hospitals and nursing homes	1 parking space for each 4 beds or each 30 m² of gross floor area, whichever is less
School, elementary	2 spaces for every classroom
School, junior high	3 spaces for every classroom
School, senior high	5 spaces for every classroom
University or college	1 space per 200 m^2 of gross floor area
Dormitory	1 space for every 3 beds or 0.5 space per unit, whichever is less
Medical, health, and dental clinics	2 spaces per 1,000 ft²
Community care facility	1 space per 3 bedrooms, or 1 space per 4 bedrooms in the Lot 500 Area
Cultural establishment	1 space per 50 m² of gross floor area plus 1 space per working employee
Library	1 space per 100 m² of gross floor area
Active recreation facilities e.g. baseball, soccer, tennis, pickleball	1 space per court, 20 per soccer/baseball field
Parks	No requirement
Any use not specified above	1 parking space per 30 m² of gross floor area

8.5 PARKING LOTS

.1 A new or expanded parking lot containing four or more parking spaces shall comply with the following minimum requirements:

(a) The parking lot shall be on a hard surface (asphalt, pavers, concrete) to prevent the raising of dust and to prevent tracking materials on to a street;

(b) Parking lots shall address the stormwater management requirements of this bylaw draining to a central public storm system or to an on-site retention system or combination of both. At no time shall water from a parking lot drain onto adjoining lots.

(c) The City may require a stormwater plan and grading plan stamped by a civil engineer or landscape architect in accordance with the City of Charlottetown Stormwater Management Guidelines.

(d) Any light used for illumination of the parking lot or parking station shall be arranged so as to direct light away from adjacent lots;

(e) All pedestrian access to the main door(s) of the building from the parking lot shall be designed with a minimum 1.2 m (4 ft) wide hard-surfaced pedestrian pathway with asphalt, concrete, or unit pavers;

(f) A land use buffer, satisfactory to the Development Officer, consisting of a 1 m wide landscape treatment, a fence and/or mature trees (spaced no more than 6.1 m apart), or both, shall be provided where a parking lot abuts a residential zone or a building occupied for residential use in a commercial zone;

.2 The access to the parking lot shall conform with the Street Access Bylaw requirements;

.3 A structure of not more than 3.66 m (12 ft) in height and 4.65 m² (50.1 ft²) in area may be erected on a parking lot for the use of attendants, and it shall be painted and maintained in good condition;

.4 The City may, where for safety reasons due to traffic volumes and the number of existing access points to an arterial or collector street, require adjoining property owners to share the access to their lots and parking, or the City may refuse a new access to a lot.

8.6 LANDSCAPED PARKING ISLANDS

.1 For parking lots exceeding 30 stalls, the lot shall include landscape islands:

(a) At a rate of one island per 15 parking spaces over the initial 30 stalls and one island per 30 stalls for the remaining parking spaces;

(b) That shall have a minimum width of 2.5 m for the full length of the stall and contain at least one deciduous tree and a combination of shrubs, ornamental grasses and/or ground covers;

(c) They shall include curbs and gutters;

(d) That may be designed as stormwater gardens for stormwater management;

(e) That may include a 1 m wide concrete walkway if the island width is increased to 3 m.

8.7 ACCESSIBLE PARKING SPACE STANDARDS

.1 Off-street accessible parking spaces shall measure at least 3.6 m wide and shall contain:

(a) Paint markings that include the accessible logo stencil and access aisle paint marking;

(b) Accessible parking sign at the back of the sidewalk; and

(c) An accessible curb cut or mountable curb where curbs are present.

.2 Where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to an accessible entrance or elevators and in no case, shall it be further than 50 m (164 ft) from the location which it is intended to serve, with the exception of a university or college which has a central campus and perimeter parking already established.

.3 The accessible parking space(s) shall be situated as close as possible to the entrance location it is intended to serve.

.4 Each reserved parking space shall be clearly identified by a ground sign.

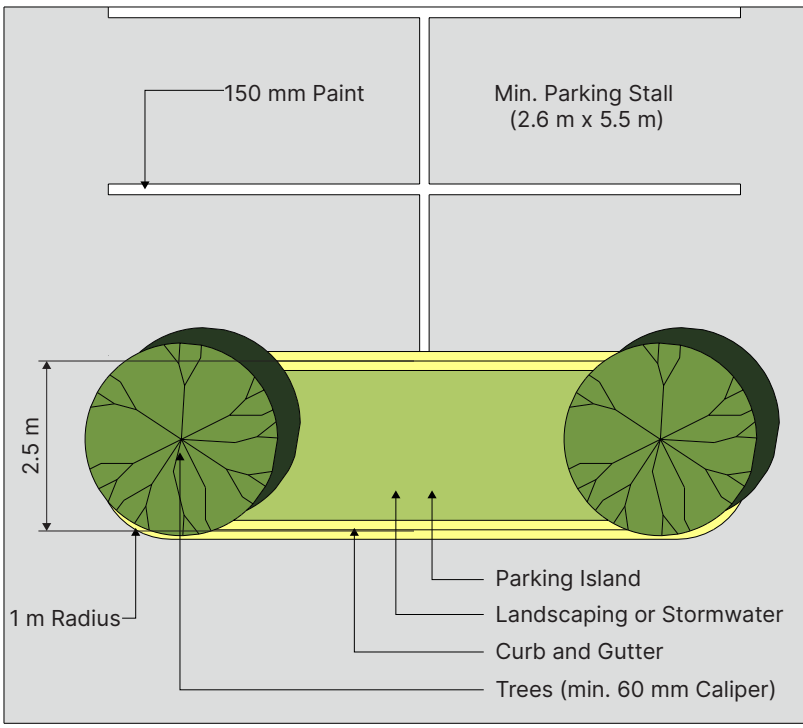
.5 Accessible parking spaces shall be provided at a rate as shown in Table 8.4 and count towards the overall parking requirement.

8.8 PARKING IN RESIDENTIAL ZONES

.1 For all single-detached homes, no more than 35% of the area of the front or flankage yard shall be dedicated to driveways or parking;

.2 For all semi-detached and duplex homes, no more than 50% of the area of the front or flankage yard shall be dedicated to driveways or parking;

Figure 8.1 Parking Island Requirements



.3 For all townhouses, no more than 80% of the area of the front or flankage yard shall be dedicated to driveways or parking;

.4 Driveway widths for any residential lots shall meet the minimum and maximum dimensions as outlined in the Street Access Bylaw for any given use.

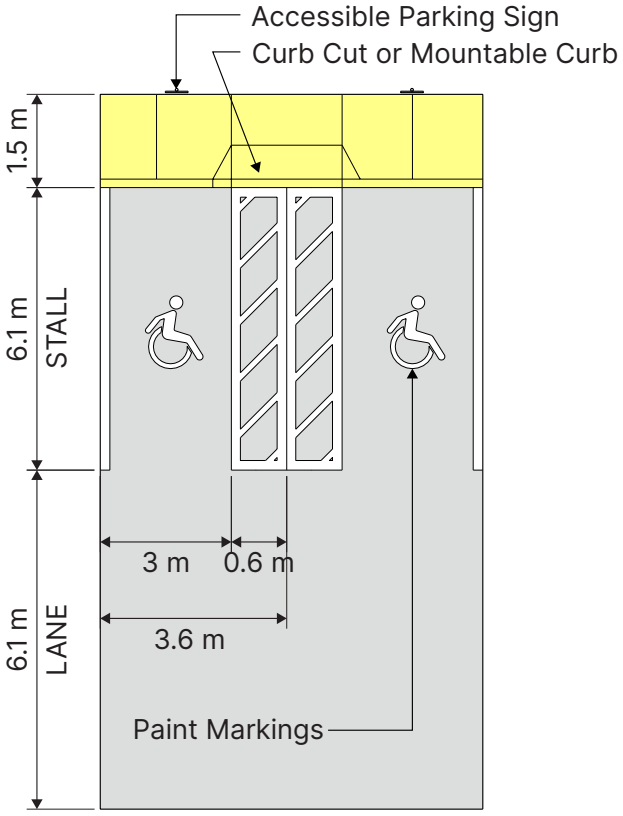
.5 Parking lots for multi-unit dwellings are not permitted between the street and the building except where the building fronts two (2) or more streets.

.6 Porte cochères or driveway drop-offs for multi-unit dwelling entries are permitted between the building and the street with 2 temporary parking stalls.

Table 8.4 Accessible Parking Space Requirements

Use	Minimum Required Spaces
Medical, Health and Dental Office	1 Accessible parking space for the first 10 parking spaces required with 1 additional space for each 30 required spaces or part thereof.
Seniors Care Facilities	1 Accessible parking space per 20 beds.
Multi-unit Dwellings	1 Accessible parking space for the first 10 units, and one additional space per 30 units.
Restaurants and Theatres	1 Accessible parking space for the first 10 required parking spaces, and one additional space per 30 required parking spaces.
All other uses	1 Accessible parking space for the first 10 required parking spaces, and one additional space per 50 required parking spaces.

Figure 8.2 Accessible Parking Space Dimensions & Markings



.7 Indoor parking spaces must provide EV chargers at a rate of either:

(a) 10% of all indoor spaces as Level 1 chargers, or

(b) 5% of all indoor spaces as Level 2 chargers.

.8 Each zone may have additional parking design requirements as set out in the built-form standards of the zone.

8.9 SHARED PARKING

.1 The Development Officer may approve shared parking facilities, subject to the following standards:

(a) Shared parking arrangements are permitted between two or more uses that demonstrate offsetting peak parking demand (e.g., daytime offices with evening residential uses).

(b) Owners must provide a signed legal agreement specifying the shared parking arrangement, duration, maintenance responsibilities, and enforcement measures. Such agreements must be approved by the

Development Officer and registered against the property title.

(c) The Development Officer may authorize up to a 40% reduction in required parking spaces based on a shared parking analysis prepared by a qualified transportation professional, demonstrating complementary parking demand.

(d) The total shared parking supply must not fall below the peak combined parking demand identified by a professional parking analysis.

(e) If the shared agreement is no longer in force, then parking must be provided as otherwise required by this bylaw.

.2 Temporary Shared Parking: the Development Officer, with input by the traffic authority and/or public works of the City, permit temporary use of land for shared parking provided that:

(a) The temporary use of land in any zone for shared parking shall only be for a period of up to four (4) months.

(b) There is a viable plan for permanent parking or permanent shared parking developed by the applicant

(c) The applicant must enter into an agreement with the City that parking will be provided as per this bylaw for permanent parking within a specified time frame but in no case more than eighteen months from the date of the agreement.

(d) The temporary parking is designed to meet the requirements this bylaw for design of a parking lot and is stamped and signed by a qualified engineer for drainage and design.

8.10 QUEUEING SPACE

.1 Queueing spaces shall be provided in accordance with the following requirements:

(a) Businesses must ensure all vehicles waiting for service remain within their property boundaries. Queueing vehicles on public roadways is prohibited.

(b) If queueing issues persist on public streets, the Development Officer may impose additional operational restrictions or modifications, including limiting hours of operation, fines or mandating additional on-site queueing capacity or traffic management measures.

(c) Queueing lanes must be clearly marked, separated from parking areas and pedestrian walkways, and designed to avoid interference with internal circulation and external roadways.

(d) Queueing lane lengths based on use shall include:

i) Drive-through restaurants: minimum eight (8) vehicle queueing spaces.

ii) Car washes and financial institutions: minimum four (4) vehicle queueing spaces.

iii) All other drive-through services: minimum 3 vehicle queueing spaces.

.2 All queueing spaces shall be a minimum of 6.5 m (21.3 ft) long and 2.7 m (9 ft) wide

.3 Queueing lanes shall provide sufficient space for turning and manoeuvring and shall not occupy any portion of a designated fire lane or restrict access to parking spaces.

8.11 PARKING GARAGE STRUCTURES

.1 Within the 500 Lot Area, dedicated parking garages shall:

(a) Provide ground floor retail uses for no less than 50% of any street frontage to a minimum depth of no less than 6 m;
(b) Require screening of parking levels above ground floor with architectural elements such as louvres, perforated metal, glazing, or green walls to obscure direct views of parked vehicles;
(c) Be made of high-quality, durable, and visually appealing materials sympathetic to the surrounding architecture for all visible façades;
(d) Facade design should complement the surrounding built form, respecting height, materials, and rhythm of adjacent buildings.
(e) Where feasible, incorporate weather-protected sidewalks, bike parking, or small seating areas along the frontage.
(f) Include landscaping or other softening treatments along sidewalks and entrances to enhance pedestrian environment and mitigate visual impact.
(g) Parking garage entries on frontages shall not exceed 7 m wide and more than 30% of the buildings frontage.

8.12 BICYCLE PARKING

.1 The minimum required bicycle parking spaces shall be provided in accordance with the bicycle parking requirements in Table 8.5. Decimal results shall be rounded up.

.2 Notwithstanding the ratios required for class A and B bike parking, class A bike parking can be provided at a higher than the recommended percentage to meet the bike parking requirements up to 100%.

.3 Bicycle parking racks shall be required to be spaced:

(a) At least 0.45 m apart for a vertical rack or two-tier rack with a lift assist, or
(b) At least 0.9 m apart for other types of rack.

8.13 BICYCLE PARKING (CLASS A)

.1 Class A bicycle parking shall be located:

(a) Within a room that is dedicated to the storage of bicycles;
(b) Within a roofed bicycle cage outside of a building;
(c) Within an enclosed bicycle locker outside of a building;
(d) Within a covered parking garage area reserved for bicycles; or
(e) Within a resident storage unit located in an indoor parking area that is associated with a multi-unit dwelling use.
(f) On the ground floor of the building; or
(g) Within one storey of a ground floor and be:
    i) Accessible from a ground floor with ramps, which are protected from motor vehicle traffic, or
    ii) Accessible from a ground floor by elevator.

.2 Any Class A bicycle storage shall be secured against unauthorized entry.

.3 Parking stalls shall be no less than 0.6 m (2 ft) long and 1.2 m (3.9 ft) high, and have an associated aisle of 1.5 m in width.

Table 8.5 Required Bicycle Parking Spaces by Use

Use	Bike Parking Requirement	Ratio of Class A and B
Multi-unit Dwelling	1 space per 4 units	80% class A, 20% class B
Hotels	1 space/ 30 rooms	50% class A, 50% class B
Commercial/Office	1 space/ 500 m² GFA	50% class A, 50% class B
Entertainment Establishment	1 space/ 25 seats	20% class A, 80% class B
Institutional uses	1 space/ 250 m² GFA	100% class B
Parking Structure	1 space/ 20 parking stalls	100% class B
Any other uses	1 space/ 500 m² GFA	50% class A, 50% class B

8.14 BICYCLE PARKING (CLASS B)

.1 Class B bicycle parking shall:

(a) Be located outside of a building in a location that is visible and accessible from the street, within 20 m of a main door;

(b) Be surfaced with a hard material such as asphalt, concrete, or unit pavers;

(c) Include galvanized, powder coated or stainless steel racks spaced 0.90 m width apart with a clear bike parking length of 1.8 m.

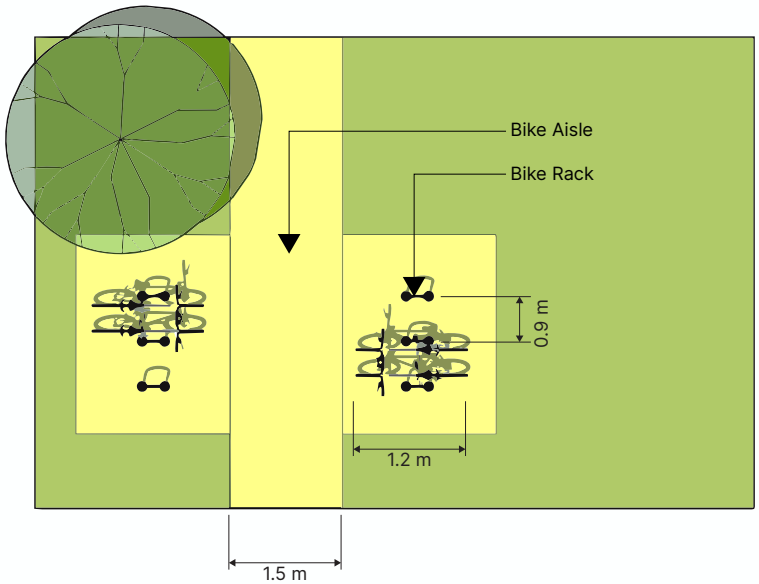


Figure 8.3 Class B Bike Parking

CHARLOTTETOWN

PART 9
General Provisions for Signage

9.1 PURPOSE

The purpose of this section is to regulate signage to protect public safety, enhance visual quality, improve legibility, and preserve the heritage character of Charlottetown, especially within the Downtown 500 Lot Area.

9.2 GENERAL

.1 Signs and their components, shall not be erected, placed, displayed, altered, or relocated on private or public property unless a sign permit has been issued or the sign is exempted as per the provisions of this Section.

.2 Signs and their components, shall be maintained in a good state of repair so that they do not pose a hazard to public health or safety, or become unsightly.

.3 Normal sign maintenance, including the refurbishment of existing signs, replacement of sign components with identical features, and repair of structural members or lighting shall not require a sign permit.

.4 Signs that do not meet the requirements of this bylaw shall be prohibited unless permitted through a variance.

.5 The sign owner and property owner shall be liable for all signs and parts thereof. The City is indemnified from all claims for damages, injury, loss, or expense arising from the approval, erection, maintenance, removal, or failure of a sign, and parts thereof, on private or public property.

9.3 SIGNS PERMITTED WITHOUT A SIGN PERMIT

.1 The following signs are permitted without a sign permit:

(a) Signs identifying the name and/or address of a resident, up to a maximum sign area of 0.2 m² (2.2 ft²);

(b) Signs regulating the use of a property, such as no trespassing, for rent, or warning signs, up to a maximum sign area of 0.2 m² (2.2 ft²);

(c) Non-illuminated real estate signs, up to a maximum sign area of:

i) 0.6 m² (6.5 ft²) in any residential zone or the 500 Lot Area;

ii) 3 m² (32.3 ft²) for up to two (2) years in a residential zone when the sign advertises five or more lots in the same subdivision, or a multi-unit dwelling with more than 24 units; and

iii) 1.4 m² (15.1 ft²) in all other zones;

(d) Signs associated with a municipal, provincial, or federal election, up to a maximum sign area of 3 m² (32.3 ft²).

Such signs can only be erected on the day the election period begins and shall be removed within seven (7) days following the election. In the case of a municipal election, the start date is defined to be the Tuesday four (4) weeks prior to the fixed election date.

(e) Signs identifying hazardous or dangerous areas, or the storage of potentially hazardous materials, up to a maximum sign area of 0.6 m² (6.5 ft²);

(f) One building identification sign denoting the name, number and/or erection date of a building, which has been incorporated into the building's original construction materials;

(g) Signs painted on a mobile canteen;

(h) Any flag, insignia, or bulletin board erected on-site by a charitable organization, religious organization, or a fraternal organization, up to a maximum sign area of 1.7 m² (18.3 ft²);

(i) Memorial signs or historical plaques denoting the heritage significance of a building, structure, or place;

(j) Signs erected or authorized by a government body (federal, provincial or municipal) including signs placed on properties for rezonings or development agreements as set out in TIS bylaw;

(k) Entrance identification signs placed over, adjacent to, or on a building entrance, including but not limited to a service entrance, sales entrance, or Loading spaces;

(l) Signs placed at the start of a driveway to identify points of access/egress, not including advertising aside from a corporate logo, are permitted on:

i) Properties in an institutional zone which are 7 acres or greater in lot area, provided that:
   1) The maximum sign area is 2.97 m² (32 ft²);
   2) The maximum height is 2.74 m (9 ft); and
   3) The sign shall be setback a minimum of 1 m (3.3 ft) from the property line or a building.

ii) Properties in all other zones and in an institutional zone which are less than 7 acres in lot area, provided that:
   1) The maximum sign area is 0.5 m² (5.4 ft²); and
   2) The maximum height is 1.22 m (4 ft).
   3) The sign shall be setback a minimum of 1 m (3.3 ft) from the property line or a building.

(m) Signs facilitating the movement of pedestrians or vehicles on-site, or denoting the location or function of a building, parking lot, accessible parking, or traffic lane, up to a maximum sign area of 0.37 m² (4 ft²) and a maximum height or 1.22 m (4 ft);

(n) Non-illuminated window signs provided that the sign covers a maximum of 30% of the window upon which it is attached;

(o) One menu sign, up to a maximum sign area of 0.37 m² (4 ft²), may be mounted to the façade of an eating and drinking establishment;

(p) Menu signs associated with Drive-through Businesses;

(q) Two construction signs, up to a maximum sign area of 3 m² (32.3 ft²)

and a maximum height of 2 m (6.6 ft);

(r) Banners advertising a grand opening for a business premise outside of residential zones and the downtown zones, provided that:
  i) There are a maximum of two Banners per property;
  ii) Banners are a maximum of 2 m² (21.5 ft²) in area per face;
  iii) Banners are securely attached parallel to a building wall, or to a supporting structure(s);
  iv) Banners do not extend over a property line, traffic lane, parking space, or an area used for vehicular and pedestrian accessibility; and
  v) Banners are not erected for more than seven (7) consecutive days. Banners exceeding this timeframe shall be subject to Section 9.17; and

(s) Feather banners outside of the 500 Lot Area and residential zones, provided that:
  i) There are a maximum of four feather banners per lot frontage;
  ii) All feather banners shall be placed a minimum of 1.83 m (6 ft) apart from each other along the lot frontage;
  iii) Feather banners have a maximum width of 0.76 m (2.5 ft) and a maximum height of 3.7 m (12.1 ft) in height;
  iv) Feather banners are securely attached to the ground or a solid base;
  v) Feather banners do not extend over a property line, traffic lane, parking space, or an area used for vehicular and pedestrian accessibility; and
  vi) Feather banners are not erected for more than 30 consecutive days and 60 days within a calendar year.
  vii) A non-illuminated fascia sign, up to a maximum sign area of 0.45 m² (4.8 ft²), may be erected for a home occupation, home daycare, tourist accommodations, in accordance with the general provisions, and unless the property is a designated heritage resource in which case a Heritage Permit is required.

(t) Signs (including banners) indicating "open", "closed", "sale" or similar terms for any business.

(u) Temporary signs in windows advertising sales and bargains that are displayed for two weeks or less.

(v) Temporary community special event signs can be displayed one week prior to the event and removed within one week of the event's conclusion.

9.4 PROHIBITED SIGNS

.1 The following signs are strictly prohibited:

(a) Signs posing a hazard to public safety or health, including signs that were previously approved by a Development Officer, but have become hazardous due to inadequate maintenance;
(b) Signs painted on or attached to a fence, utility pole, bench, tree, rock, or any other natural object;
(c) Signs painted on or attached to a parked vehicle or trailer not normally used in the day-to-day activity of a business premise that is visible from a street;
(d) Signs obstructing a window, fire escape, required exit, doorway, or any other building opening intended as a means of ingress or egress;
(e) Signs obstructing the sight triangle area;
(f) Signs, which by reason of location, design, content, colouring, or manner of illumination:
    i) Create a hazard to the safe and efficient movement of vehicular or pedestrian traffic; or
    ii) May be confused with, or obstruct the effectiveness of official traffic signs, signals, or devices.
(g) Signs located on a public right-of-way, unless the sign is erected by a government body or it has been approved by a Development Officer in accordance with this bylaw;
(h) Signs emitting sounds (unless associated with a drive-through business), odours, gases, or liquids;
(i) Signs displaying obscene, offensive, discriminatory, or misleading content;
(j) Abandoned signs;
(k) Billboard signs;
(l) Flashing signs, or any sign that incorporates kinetic or pulsating illumination;
(m) Murals or any sign painted on a building or structure in the 500 Lot Area, unless they have been reviewed and approved as per the City of Charlottetown Public Art Policy;
(n) Roof signs;
(o) Rotating signs; and
(p) Signs that advertise a product, service, or business that is not available at that location unless otherwise permitted in this bylaw; and
(q) Changeable copy signs are not permitted in the 500 Lot Area.

9.5 NON-CONFORMING SIGNS

.1 A sign that is lawfully in existence at the effective date of this bylaw, although the sign does not conform to the provisions of this bylaw, may continue to be used as a non-conforming sign.

.2 Non-conforming signs may be replaced by an identical sign. A component of a non-conforming sign may also be replaced with an identical component;

.3 The reader board component of a non-conforming sign may be replaced with an electronic sign if it adheres to the bylaw requirements; and

.4 Non-conforming signs shall not be altered, redesigned, or relocated unless:

(a) Alterations comply with this bylaw; or

(b) The total sign area is reduced by a minimum of 25%.

9.6 SIGN PERMIT APPLICATION

.1 A sign permit application shall contain the following information before a sign permit may be issued:

(a) A completed sign permit application and a paid application fee, in accordance with Council's approved schedule of fees;
(b) Written authorization from, and the contact information of the property owner;
(c) Scaled drawings illustrating the type, dimensions, sign area, colour, finishing material, and supporting structures of all proposed signs and/or sign modifications that are prepared by a qualified professional;
(d) Applications for signs and/or banners that are attached to a wall, shall include elevation drawings of the building wall illustrating the height and length of the wall, placement of windows, location of the proposed sign, and the clearance distance from the ground;
(e) Applications for free standing signs shall include elevation drawings illustrating the sign's design and the clearance between the ground and the sign;
(f) Applications for free standing signs, sandwich board signs, and banners attached to the ground shall include a site plan of the subject property, illustrating the location of existing buildings and structures, property lines, signs, driveways, parking lots, and other site characteristics in relation to property lines. Accurate measurements shall also be provided;
(g) Applications for electronic signs shall include a signed letter from the sign manufacturer stating that the sign is equipped to comply with the general provisions of this bylaw; and
(h) Any additional information that a Development Officer or Heritage Officer deems relevant to the issuance of a sign permit for a sign.

.2 A sign permit application shall not be approved when:

(a) The proposed sign does not adhere to the provisions of this bylaw; and
(b) The proposed sign is to be erected on a property containing an existing sign that does not comply with this bylaw;

.3 An issued sign permit shall be valid for one year. If the approved sign is not erected within one year, the permit shall become null and void

.4 An incomplete application will be held for a three (3) month period, at which point the application shall become null and void.

9.7 SIGN ENFORCEMENT

.1 A Development Officer may enter any parcel of land during the City's office hours in order to inspect a sign to determine its compliance with this bylaw;

.2 Where a Development Officer is aware that a sign has been erected prior to the issuance of a sign permit, they will provide notice to the owner, instructing them to submit a completed sign permit application

immediately;

.3 A Development Officer shall provide notice to the owner of a sign and/or property upon which a sign is placed, instructing them to remove said sign when:

(a) A sign is not permitted, in accordance with the provisions of this bylaw;
(b) A sign and/or property owner has received notice and failed to submit a sign permit application for an illegally erected sign in a reasonable period of time;
(c) A sign, for which a sign permit was previously issued, now violates the conditions of the issued sign permit;
(d) A temporary sign has exceeded the maximum duration specified by this bylaw, the conditions of a sign permit, and/or resolution of Council; and
(e) A sign poses a hazard to public health and safety, has fallen into disrepair, or has become unsightly, as determined by a Development Officer or Bylaw Enforcement Officer.

9.8 RESIDENTIAL & INDUSTRIAL IDENTIFICATION SIGNS

.1 A residential neighbourhood, multi-unit dwelling exceeding ten units, or farm may have one free standing sign that identifies the entrance and/or name of the building or facility, up to a maximum sign area of 2.5 m² (26.9 ft²); and

.2 An industrial park may have one free standing sign that identifies the entrance and/or name of the development, up to a maximum sign area of 3.9 m² (42 ft²).

9.9 NUMBER OF PERMITTED COMMERCIAL SIGNS

.1 The following commercial signs are permitted per business premise, in accordance with the sign dimensions and general provisions outlined in the following tables:

(a) Fascia signs up to a maximum sign area as specified in the table;
(b) A maximum of two additional signs comprised of the following options:
  i) Awning/canopy signs;
  ii) Projecting wall sign;
  iii) One free standing sign; or
  iv) One sandwich board sign.

.2 A permitted business premise in a residential zone, or a legal non-conforming use in a residential zone including the Downtown Neighbourhood (DN) Zone may erect one of the following non-illuminated signs:

(a) A Fascia sign, up to a maximum sign area of 2 m² (21.6 ft²); and
(b) A Free Standing sign, up to a maximum sign area of 2 m² (21.6 ft²) per sign face and a maximum height of 1.5 m (5 ft).

9.10 SIGN PROVISIONS FOR DEVELOPMENT AGREEMENTS

.1 If the development agreement specifically notes any signage requirements that do not meet the requirements of this bylaw, the development agreement shall supersede this bylaw; otherwise these signage requirements shall be met.

Figure 9.4 Sign Types

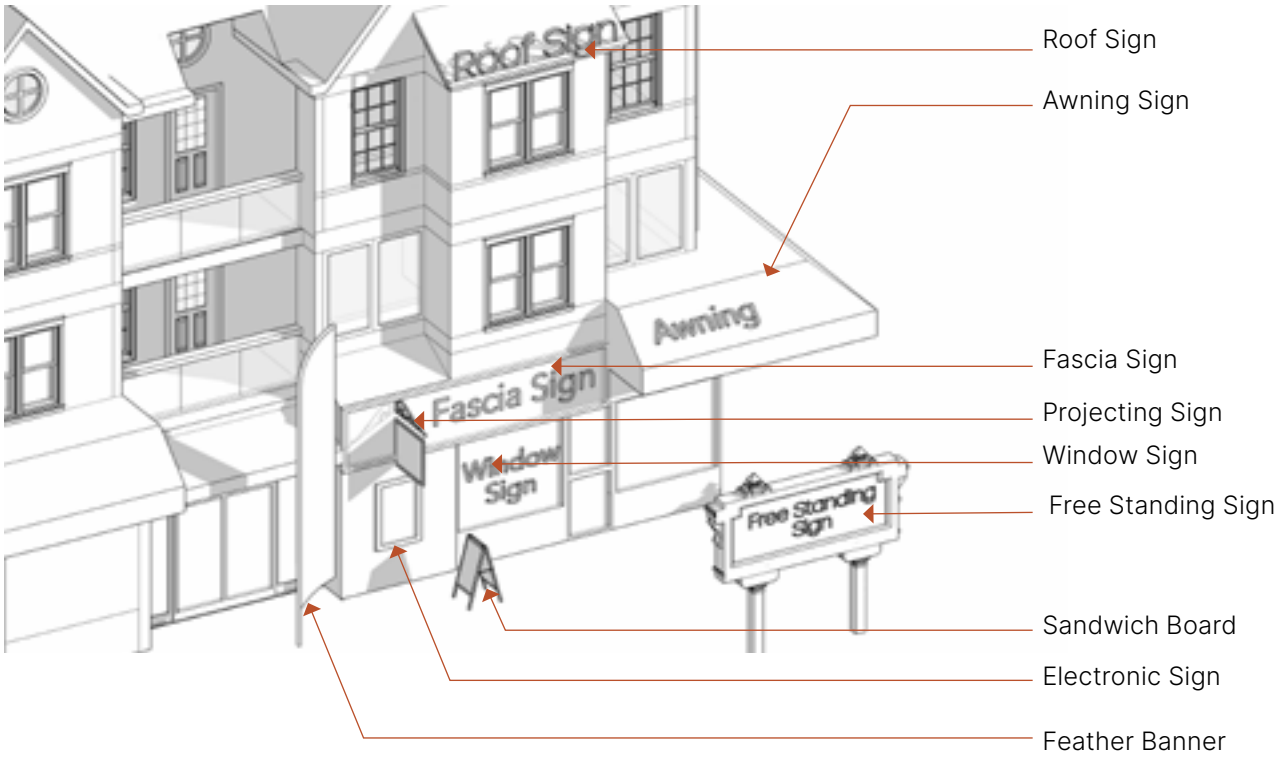


Table 9.1 Awning/Canopy Table

Zone	Dimensions	General provisions
500 Lot Area (Excluding DN Zone)	Sign Area shall not exceed 40% of the Awning / Canopy upon which it is attached.	Signs shall be affixed to, or painted on an Awning / Canopy that is securely attached to a building wall that abuts a street; Signs shall be attached to an Awning / Canopy that may extend a maximum of 1 m (3.3 ft) over a sidewalk or public right-of-way; Signs shall be attached to an Awning / Canopy that is located below the bottom of the second Storey windows; Signs shall be attached to an Awning / Canopy that provides a minimum clearance of 2.2 m (7.2 ft) over a sidewalk and 3 m (9.8 ft) over a Parking Space or traffic lane; The owner of a Sign that extends over a public right-of-way shall: • Carry liability insurance that names the City as a third party and provides a minimum coverage of $1,000,000; and • Enter into an encroachment agreement with the City to Permit said Sign; and • Signs erected in the 500 Lot Area or on a Heritage Resource shall adhere to the Sign design criteria.
Any other Mixed Use Residential/ Commercial, Institutional, Open Space or Employment/ Industrial Zone	Sign Area shall not exceed 60% of the Awning / Canopy upon which it is attached.	

9.11 AWNING / CANOPY SIGNS

.1 Awning / Canopy Signs shall adhere to the following provisions in Table 9.1:

Table 9.2 Projecting Sign Table

Zone	Dimensions	General Provisions
500 Lot Area (Excluding DN Zone)	Sign Area shall not exceed 1 m² (10.8 ft²) per Sign Face.	Signs shall have a maximum of two parallel sign faces; Signs shall be erected on a building wall that abuts a street or the business premise's interior parking lot; Signs shall have a minimum clearance of 2.2 m (7.2 ft) from the ground; Signs and their supporting structures shall extend a maximum of 1.1 m (3.6 ft) from the building wall. No sign shall extend over a side property line or the roof of a building; Supporting structures shall be designed in proportion to the size of the Sign; The owner of a sign that extends over a public right-of-way shall carry liability insurance that names the City as a third party and provides a minimum coverage of $1,000,000; and Enter into an encroachment agreement with the City.
Any other Mixed Use Residential/ Commercial, Institutional, Open Space or Employment/ Industrial Zone	Sign Area shall not exceed 2 m² (21.5 ft²) per Sign Face. When erected on a designated heritage resource, Sign Area shall not exceed 1 m² (10.8 ft²) per sign face.	

9.12 PROJECTING SIGNS

.1 Projecting signs shall adhere to the following provisions in Table 9.2:

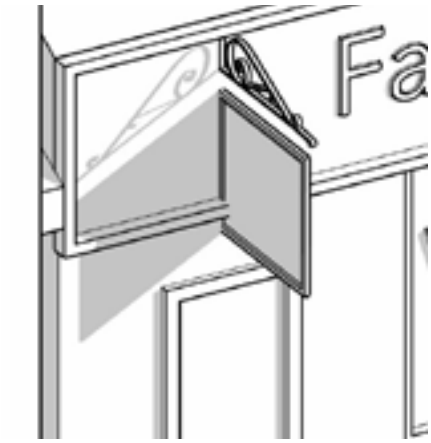


Table 9.3 Fascia Sign Table

Zone	Dimensions	General Provisions
DN RM RH PPS POS UE	Sign Area shall not exceed 0.30 m² per linear meter of the building wall upon which the Sign is erected.	Signs shall be erected on a building wall that abuts a public street. If a business premise is located on a corner lot, signs may be erected on each façade of the building adjacent to a street or in the instance of a shopping centre, signs may also be erected on one wall that abuts an interior parking lot; Buildings that are four stories and higher can also erect signage on the building façade above the fourth floor provided they meet all other provisions of the sign bylaw with regard to maximum sign face area permitted on the building; Signs shall be erected on a maximum of three building walls, in accordance with Section 9.6.1(d) Signs shall not project more than 0.31 m (1 ft) from the wall upon which it is erected; Signs shall not extend beyond the extremities of the wall upon which it is erected; Signs erected in the 500 Lot Area or on a Heritage Resource shall not exceed 1.21 m (4 ft) in the vertical dimension unless approved by the Heritage Committee.
DC DMS DMU DW	Sign Area shall not exceed 0.4 m² per linear meter of the building wall upon which the sign is erected.	
GC GN I BP P AP HI	Sign Area shall not exceed 0.6 m² per linear meter of the building wall upon which the sign is erected.	

9.13 FASCIA SIGNS

.1 In a multi-tenant building where business premises are clearly divided and have a usable ground floor storefront, sign area shall be calculated using the length of the building wall occupied by the subject business premise;

.2 In a multi-tenant building where business premises are not clearly divided and lack a usable ground floor storefront, sign area shall be calculated for the entire building. In these instances, the property owner shall determine which usable sign area is allocated to each business premise;

.3 Illuminated window signs and non-illuminated window signs covering more than 30% of the window upon which they are attached shall be regulated as fascia signs and occupy part of the permitted sign area; and

.4 Fascia signs shall adhere to the following provisions in Table 9.3.



Table 9.4 Free Standing Sign Table

Zone	Dimensions	General provisions
DC DMS DMU DW	Sign Area shall not exceed 2.32 m² (25 ft²) per Sign Face. Signs shall not exceed 2.5 m (8.2 ft) in Height.	Signs shall have a maximum of two parallel sign faces; Signs shall not impede pedestrian or vehicular visibility when accessing a lot; Signs shall be set back a minimum of 1 m (3.3 ft) from the property line and a building; Signs erected on a corner lot shall be prohibited within the sight triangle area; Signs shall have a minimum clearance of 2.2 m (7.2 ft) above open areas and 4 m (13 ft) above a driveway or vehicular traffic area; When a business premise(s) is located on a corner lot or through lot, one sign is permitted on each of two lot frontages, provided that the second Sign is 50% of the total sign area identified in this table, and there is a minimum distance of 30.1 m (99 ft) between the signs.
BP P AP	Sign Area shall not exceed 13.9 m² (25 ft²) per Sign Face. Signs shall not exceed 8 m (12.1 ft) in Height.	
PPS POS	Sign Area shall not exceed 4.65 m² (50 ft²) per Sign Face. Signs shall not exceed 3.7 m (12.1 ft) in Height.	
GC I HI	Sign Area shall not exceed 9.29 m² (100 ft²) per Sign Face. Signs shall not exceed 8 m in Height.	
DA	**Shopping Centres:** Sign Area shall not exceed 30 m² (323 ft²) per Sign Face. Signs shall not exceed 9.75 m (32.0 ft) in Height. **Non-Shopping Centres:** Sign Area shall not exceed 13.9 m² (150 ft²) per Sign Face. Signs shall not exceed 8 m (26.2 ft) in Height.	

9.14 FREE STANDING SIGNS

.1 A property owner may erect a free standing sign that contains advertising for a business premise(s) that is located on the subject property. A free standing sign that contains advertising for multiple tenants shall contribute to the total number of permitted signs for each business premise listed on said sign;

.2 When a free standing sign is used to advertise multiple business premises a Development Officer shall calculate the permitted sign area for the entire property, and the property owner(s) shall determine which usable sign area is allocated to each business premise.

.3 Free standing signs shall adhere to the following provisions in Table 9.4:



Table 9.5 Electronic Sign Table

Zone	Dimensions	General provisions
DC DMS DMU DW	Electronic Signs may occupy a maximum of 2.23 m² (24 ft²) of the permitted Sign Area for Fascia Signs or Free Standing Signs.	One Electronic Sign shall be permitted per property. When the subject property is a corner lot or through lot, one Electronic Sign shall be permitted on each of the two lot frontages; Heritage Properties are not permitted
All other zones except DN and RN	Electronic Signs may occupy a maximum of 2.79 m² (30 ft²) of the permitted Sign Area for Fascia Signs or Free Standing Signs.	Electronic Signs may have two parallel Sign Faces; Electronic Signs shall not be erected within 30.5 m (100 ft) of a residential zone or the Downtown Neighbourhood (DN) Zone; If installed on a Free Standing Sign, an Electronic Sign shall not be located within 9.14 m (30 ft) of the outermost portion of an intersection roundabout, or interchange. On undersized lots where this figure cannot be satisfied, Signs shall instead be erected at the midpoint of the property lot frontage; If installed on a legal non-conforming Free Standing Sign, Section 9.5 shall apply; Signs shall be equipped with automatic dimming technology to automatically adjust Sign brightness in correlation with ambient light conditions. Sign brightness shall not be brighter than 0.3 Foot Candles (equivalent to 0.3 lumen per ft² or 3.58 lux) above ambient light conditions; Messages shall have a minimum duration of 10 seconds, and shall not include off-premise advertising; The intensity of illumination of a message shall be maintained at a constant level throughout the duration of the message; The transition period between messages shall be a maximum of 0.25 seconds. The message transition shall not incorporate blinking, flashing, scrolling, bouncing, or other moving effects; and Electronic Signs may include static images, however, animation, video, or moving images shall be prohibited.

9.15 ELECTRONIC SIGNS

.1 Electronic signs shall be incorporated into a free standing sign or be erected on a building wall.

.2 Electronic signs shall occupy a portion of the permitted sign area for fascia signs (Section 9.13.4) or free standing signs (Section 9.14.3), as determined by its classification;

.3 Electronic signs shall not be permitted:

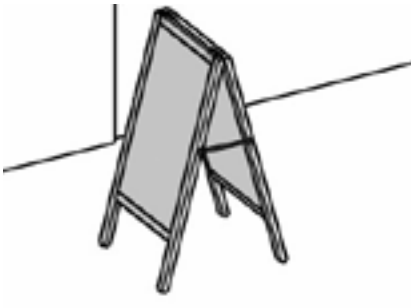
(a) In the 500 Lot Area;
(b) On a heritage resource; or
(c) In a residential zone; and
(d) Electronic signs shall adhere to the following provisions, in addition to the provisions for fascia signs or free standing signs, as determined by its classification:

9.16 SANDWICH BOARD SIGNS

.1 Sandwich board signs shall adhere to the following provisions in Table 9.6:

Table 9.6 Sandwich Board Sign Table

Zone	Dimensions	General Provisions
DC DMS DMU DW DN	Sign Area shall not exceed 0.6 m² (6.5 ft²) per Sign Face. Signs shall not exceed 1 m (3.3 ft) in Height.	Signs shall only be displayed when the advertised business premise is open; Signs shall not interfere with pedestrian or vehicular circulation, or impede pedestrian or vehicular visibility when accessing the lot; Signs shall be placed on private property or on the public right-of-way abutting the subject building, excluding the sidewalk, where possible; Where there is insufficient space to satisfy c., the sign may be placed on the sidewalk abutting the subject building or the outermost edge of the sidewalk, as long as a minimum pathway of 1.5 m (5 ft) exists on the sidewalk; Signs shall display the City's approval sticker indicating that said sign has been approved in accordance with this bylaw; When placed on a public right-of-way, the owner of a sign shall carry liability insurance that names the City as a third party and provides a minimum coverage of $1,000,000; and Proof of liability insurance shall be provided on an annual basis.
All other zones except and RN	**Placed On Public Right-of-way:** Sign Area shall not exceed 0.6 m² (6.5 ft²) per Sign Face. Signs shall not exceed 1 m (3.3 ft) in Height. **Placed On Private Property:** Sign Area shall not exceed 1.2 m² (13 ft²) per Sign Face. Signs shall not exceed 1.21 m (4 ft) in height.	



9.17 TEMPORARY BANNERS

.1 Banners may be permitted on a temporary basis if they adhere to the following provisions in Table 9.7:

Table 9.7 Temporary Banner Sign Table

Zone	Dimensions	General provisions
All Zones	Sign Area shall not exceed 1.95 m² (21 ft²) per Banner face.	In the 500 Lot Area, two banners are permitted per property. In all other areas a maximum of four banners are permitted per property; Banners shall be securely attached parallel to a building wall, or to a supporting structure(s); Banners shall not extend over a property line, traffic lane, parking space, or an area used for vehicular and pedestrian accessibility; and Banners shall not be erected for more than 30 consecutive days and 60 days within a calendar year.

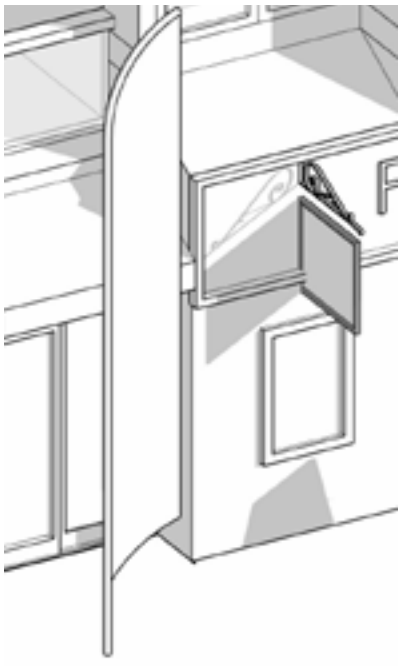


Table 9.8 Roof Sign Table

Zone	Dimensions	General provisions
DW	Sign area shall not exceed 0.30 m² (3.3 ft²) per linear meter (1.0 ft² linear foot) of the structure roof upon which the Sign is erected.	Only permitted on floating structures; Only one (1) roof sign per structure; Roof signs may be attached to the sloping portions of the roof, provided that no portion of the sign is located above the highest point of the roof surface, such as the top of the gable, hip, gambrel or peak portion of the roof; In instances where a structure has a roof sign that same structure may only have one (1) additional fascia sign, subject to the regulations therein.

9.18 ROOF SIGNS

.1 Roof signs may only be permitted on floating structures if they adhere to the following provisions in Table 9.8.

9.19 TEMPORARY MISCELLANEOUS SIGNS

.1 Miscellaneous signs, including ribbons, inflatable signs, balloons, and activated devices, may be permitted on a temporary basis if they adhere to the following provisions:

(a) Temporary signs shall be prohibited in the 500 Lot Area, unless associated with a special event or festival;
(b) A maximum of two signs are permitted per property;
(c) Signs shall not extend over a property line, traffic lane, parking space, or other area used for vehicular or pedestrian access; and
(d) Signs shall be erected for a maximum of 14 consecutive days and 30 days within a calendar year.

9.20 OFF-PREMISE SIGNS FOR SPECIAL EVENTS

.1 The City has designated locations where off-premise signs for special events may be permitted on a temporary basis. Temporary, off-premise signs for special events shall adhere to the following provisions:

.2 A maximum of seven (7) signs shall be erected per special event. The maximum sign area shall not exceed 3 m² (32 ft²) per sign face;

.3 Signs shall not be illuminated;

.4 Signs shall only be erected at a location designated by the City; and

.5 Signs shall be erected for a maximum period of 21 consecutive days and be removed within two days following the event's conclusion. Signs exceeding this maximum duration may be permitted subject to approval by City tourism and event staff.

9.21 OFF-PREMISE ELECTRONIC SIGNS

.1 Off-site electronic signage, promoting local businesses and local events, may be permitted subject to the following criteria:

(a) The permitted off-premise electronic sign types include 'pole signs' and 'building wall signs' with a maximum sign area of 5 m² (53.8 ft²).
(b) Off-site electronic signs shall meet the following siting criteria:
    i) Shall not be located within any public street rights-of-way;
    i) Shall be located on lands fronting on collector roads (Schedule C) that are zoned GC, GN, BP, AP, HI or I;
    ii) Shall not impede the visibility of any traffic signals or traffic signage;

iii) Shall be located in a manner that does not create distractions or safety hazards for pedestrians or motorists, or a danger to the public; and

iv) Any additional criteria which the City staff believe may pose a safety threat.

(c) Off-site electronic signs shall meet the following setback and design requirements:

i) 60 m from any intersection measured from the closest streetline(s);

ii) 100 m from any crosswalk or traffic signal;

iii) At least 15 m from any residential zones;

iv) At least 2 m from any streetline;

v) The minimum underside height of any free standing pole type sign shall be 2.2 m; and

vi) The maximum height of any free standing pole type sign shall be 5 m.

(d) Off-site electronic signs shall meet the following illumination criteria:

i) Message transition shall be instantaneous and shall not involve any visible effects including scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;

ii) The minimum dwell time of each image shall be 10 seconds;

iii) The maximum brightness levels shall be 5,000 nits during daytime and 500 nits at nighttime; and

iv) The sign shall not be Illuminated between the hours of 11:00 p.m. and 7:00 a.m.

9.22 SIGN DESIGN CRITERIA - DESIGNATED HERITAGE RESOURCES AND WITHIN THE 500 LOT AREA

.1 Excluding sandwich board signs and temporary signs, all signs that require a sign permit shall adhere to the following design criteria if erected in the 500 Lot Area or on a designated heritage resource:

.2 Content:

(a) Sign content shall be limited to the name, logo(s), or slogan of a business premise, the name of practitioners of said business premise, the name of the building, or the civic address;

(b) Signs shall utilize a maximum of two fonts;

(c) Signs shall be limited to a maximum of three colours, unless incorporated into a corporate logo, with sufficient contrast so that the sign is clearly legible;

(d) Sign board and background colours shall be dark with a light contrast colour for letter detailing; and

(e) Signs shall not have a reflective or neon/ fluorescent background.

.3 Materials & Design:

(a) Signs and channel letters shall be designed in a manner that is consistent with the architectural style and original façade materials of the building upon which they are erected;

(b) Signs and channel letters shall be constructed of natural materials, such as wood, metal, glass, or fabric, or a

high quality composite material that appears to be a natural material; and

(c) Crafted signs with three-dimensional features and decorative detailing are encouraged.

.4 Compatibility & Placement:

(a) Signs shall not obstruct any prominent architectural feature or character defining elements of a building, including but not limited to windows, sills, entrances, door frames, arches, columns, cornices, and molding;

(b) Where multiple signs exist for a single business premise, all signs shall incorporate unifying styles, materials, fonts, colours, and/or typologies;

(c) Repetitious sign information on the same building wall shall be prohibited;

(d) Where a sign band exists on a façade, fascia signs shall be centred in the sign band. Where no sign band exists, the fascia sign shall be centred over the doorway or display windows;

(e) Fascia signs that run the full width of the building wall are preferred; and

(f) Signs shall only be located on an awning/canopy that extends the full width of the business premise.

.5 Method of Attachment:

(a) Signs shall be securely mounted onto a structure in a manner that does not have an adverse impact on the building's structural integrity, or compromise its heritage value or character defining elements; and

(b) All fastening hardware and brackets shall blend into, and be compatible with the sign's materials and colours.

.6 Lighting:

(a) Back-lit sign boxes shall not be permitted. Back-lit signs that illuminate only text and logo(s), and have an opaque background, shall be permitted;

(b) Signs that incorporate Halo Lighting or a LED back-lighting that illuminates individual letters shall be permitted;

(c) Light sources or fixtures shall be compatible with the character of the building upon which they're attached;

(d) Light sources or fixtures shall be positioned directly above, below, or to the side of the sign that it illuminates. Lighting shall be shielded or directed onto the sign so that it does not shine onto the street or adjacent properties;

(e) Lighting may instead be provided from a light source / fixture that illuminates the sign face(s); and

(f) Light sources shall not extend more than 0.6 m (2 ft) from the building wall upon which they are attached.

9.23 EXEMPTIONS TO SIGN REGULATIONS

.1 Heritage Board shall make a recommendation to Council on sign permit applications for Heritage Designated Properties that do not adhere to the sign design criteria and/or the placement of the sign, but not allow an increase in permitted sign face area.

.2 Planning Board shall review applications and make a formal recommendation to Council for applications:

(a) For off-premise signs for special events where there is a request to erect signs that exceed the maximum duration;

(b) For off-premise signs for special events where there is a request to erect signs on an annual basis; and

(c) For off-premise electronic signs.

PART 10
RN - Neighbourhood

10.1 INTENT

The RN zone is intended to permit single-detached and semi-detached dwellings up to 4 units per lot (with conditions) and complementary forms of uses that maintain community residential character (accessory dwelling uses, home occupations, home daycare, etc.).

10.2 RE-ZONING

.1 Rezoning from RN to RM may be considered where the policies of the Official Plan can be demonstrated, otherwise, rezonings are not permitted in the RN Zone.

10.3 PERMITTED USES

.1 The following uses are permitted in the RN Zone:

(a) Government Offices
(b) Library
(c) Semi Detached Dwelling
(d) Single Detached Dwelling

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 318 m² for detached dwelling, 240 m² for semi-detached dwelling
(b) Frontage	min. 10.6 m, 8 m for semi-detached dwelling
(c) Front Yard Setback	min. 6 m
(d) Flankage Yard Setback	min. 4 m
(e) Side Yard Setback	min. 1.8 m, 0 m for the shared wall of a semi-detached dwelling
(f) Rear Yard Setback	min. 6 m
(g) Coverage	max. 40%

.3 Existing lots with frontage greater than 18 m shall not be subdivided except with an approved variance.

10.4 PERMITTED WITH CONDITIONS

.1 Accessory Dwelling Unit (ADU) permissions:

(a) One or two attached ADUs may be permitted if the conditions in Section 4.6 can be met; and

(b) One rear-yard or side-yard detached ADU may be permitted if the conditions in Section 4.7 can be met.

(c) Notwithstanding Sections 10.3.1, 10.4.1(a), 4.6.2 and 4.6.3, a designated heritage buildings on a lot with an area exceeding 600 m² permit up to 6 attached ADUs, subject to the following requirements:

i) the conversion is authorized through a Heritage Permit issued in accordance with the Heritage Preservation Bylaw;

ii) the dwelling units are located within the existing heritage building, except for an addition expressly approved through the Heritage Permit process;

iii) the development complies with applicable building, fire, water and sewer requirements;

iv) parking is provided in accordance with Part 8;

v) no additional attached or detached accessory dwelling unit or secondary suite is permitted on the lot;

vi) any short-term rental use complies with Section 4.11 and is limited to no more than one dwelling unit on the lot; and

vii) all other applicable requirements of this bylaw are satisfied.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Home occupations are permitted if Section 4.9 requirements are met.

.4 Home daycare uses are permitted if Section 4.10 requirements are met.

.5 Notwithstanding Section 10.3.1, manufactured housing uses are permitted in the areas shown in Schedule 10.1 provided that the following requirements are met:

(a) Lot Area	min. 465 m² interior l

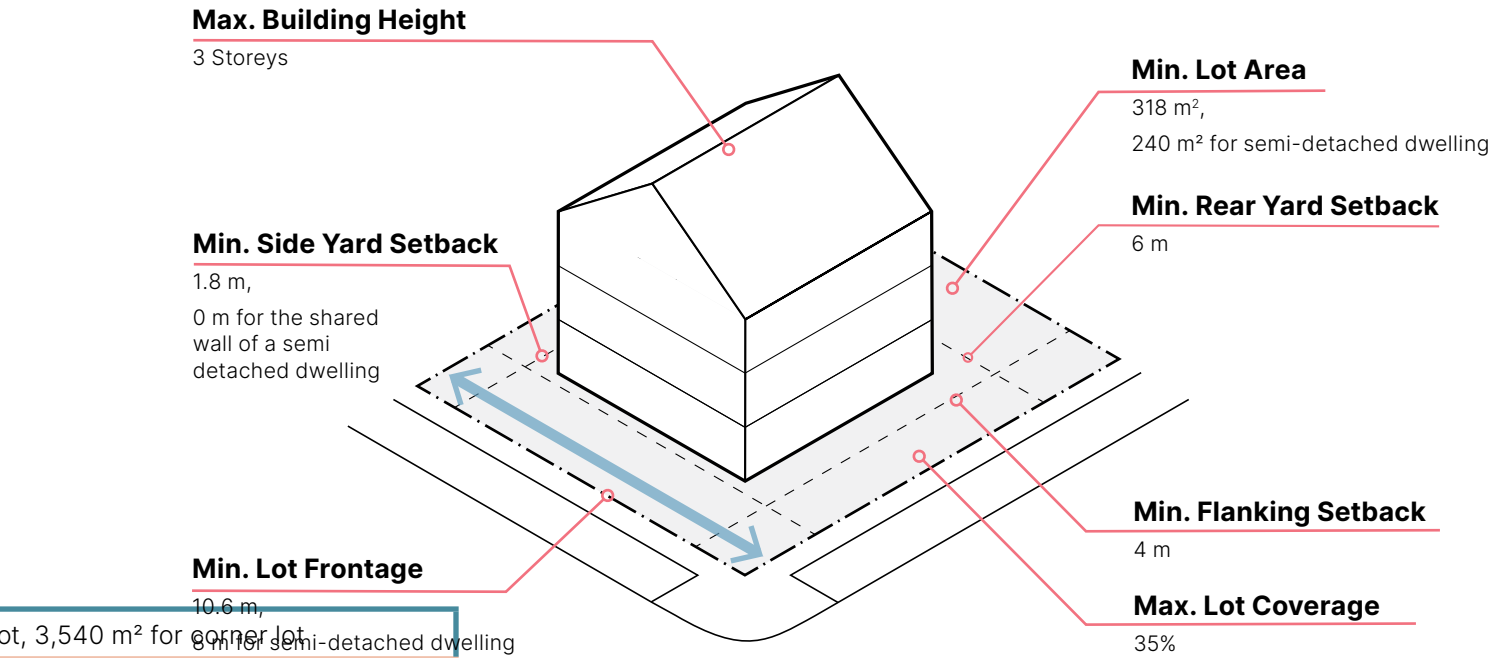


Figure 10.1 RN Zone Built Form Standards

(b) Frontage	min. 12 m for interior lots, 15 m for corner lots
(c) Front Yard Setback	min. 6 m
(d) Flankage Yard Setback	min. 4 m
(e) Side Yard Setback	min. 1.8 m
(f) Rear Yard Setback	min. 4.5 m
(g) Coverage	max. 40%

.6 Neighbourhood local commercial is permitted in the RN Zone along any collector or arterial road as identified in Schedule C up to a gross floor area of 120 m² and by meeting the following requirements:

(a) Three dedicated off-street automobile parking spaces and 2 class B biking parking spaces;

(b) A minimum 1.5 m wide hard surface sidewalk linking the front entry of the store with the parking area; and

(c) A landscape buffer 2 m wide shall be constructed which includes an opaque fence no less than 1.8 m high along all properties that directly abut the commercial use or any associated parking.

10.5 BUILT FORM REQUIREMENTS

.1 One building per lot is permitted.

.2 The maximum building height for the RN zone is 3 storeys.

.3 Any garage (attached or detached) shall not project any closer to the streetline than the longest wall of the attached main dwelling that faces the same streetline.

.4 Attached garages shall not exceed 50% of the primary building's frontage on any streetline to a maximum of 6 m in total.

.5 Developers are encouraged to use materials and styles consistent with existing neighbourhood character.

.6 To discourage excessive repetition of identical home designs within the same street block the following requirements must be met:

(a) New residential development shall exhibit a variety of building designs along each block to reinforce individual identity and neighbourhood character.

(b) The same dwelling design, including mirrored variations, shall not appear more than twice within any street block.

(c) Developments proposing repeated models shall vary at least two of the following elements between dwellings:

viii) Exterior cladding material;

ix) Roof form or pitch;

x) Porch or entry design;

xi) Window placement; or

xii) Garage placement and style

(d) The Development Officer may approve alternative approaches that achieve an equivalent degree of architectural diversity.

.7 To enhance streetscape interest and avoid flat wall surfaces, all street-facing facades shall include horizontal or vertical modulation of at least 150 mm in depth across no less than 20% of the facade area.

.8 At least 4 m^2 of front porch (covered or uncovered) is required for every street

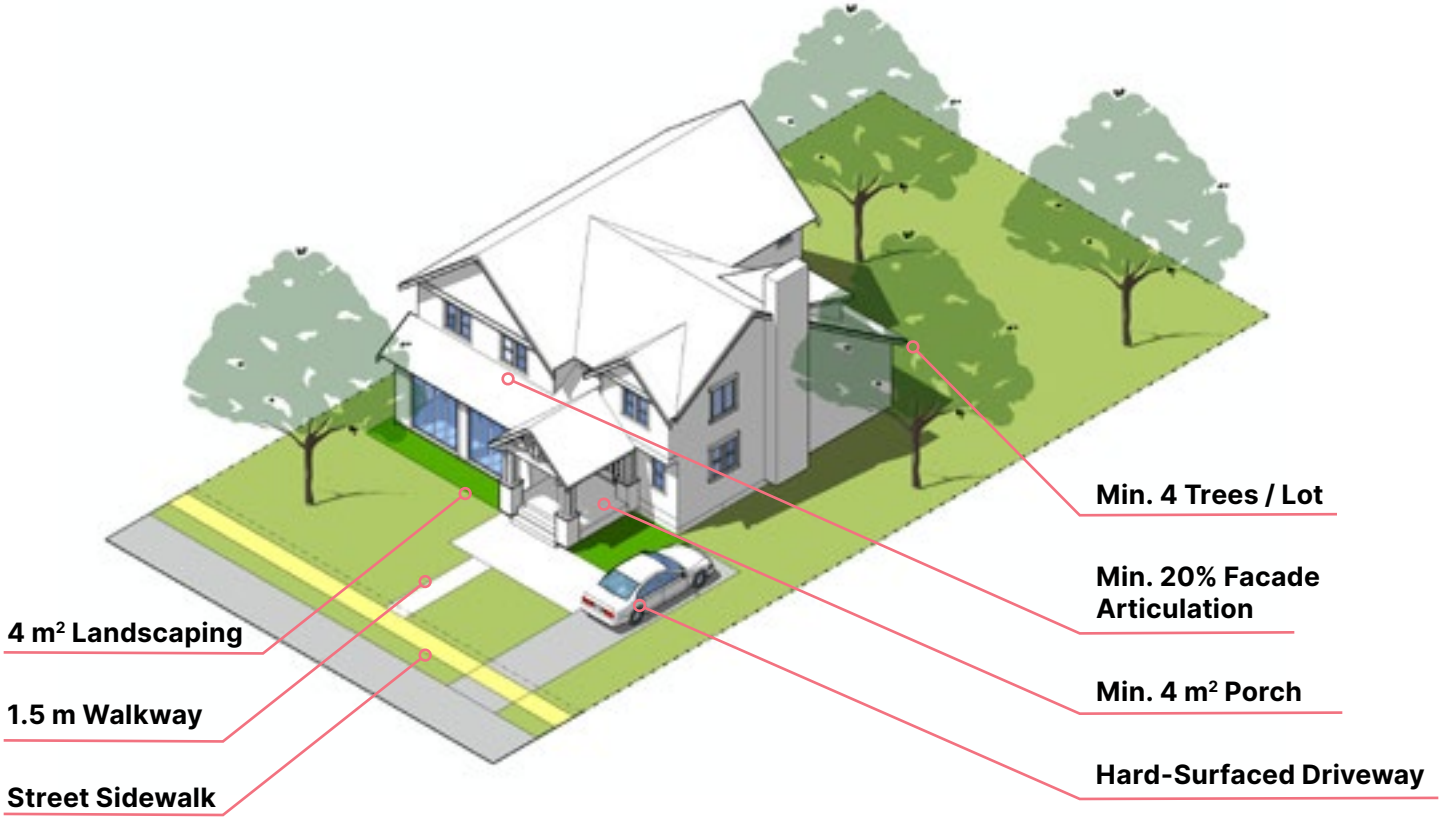
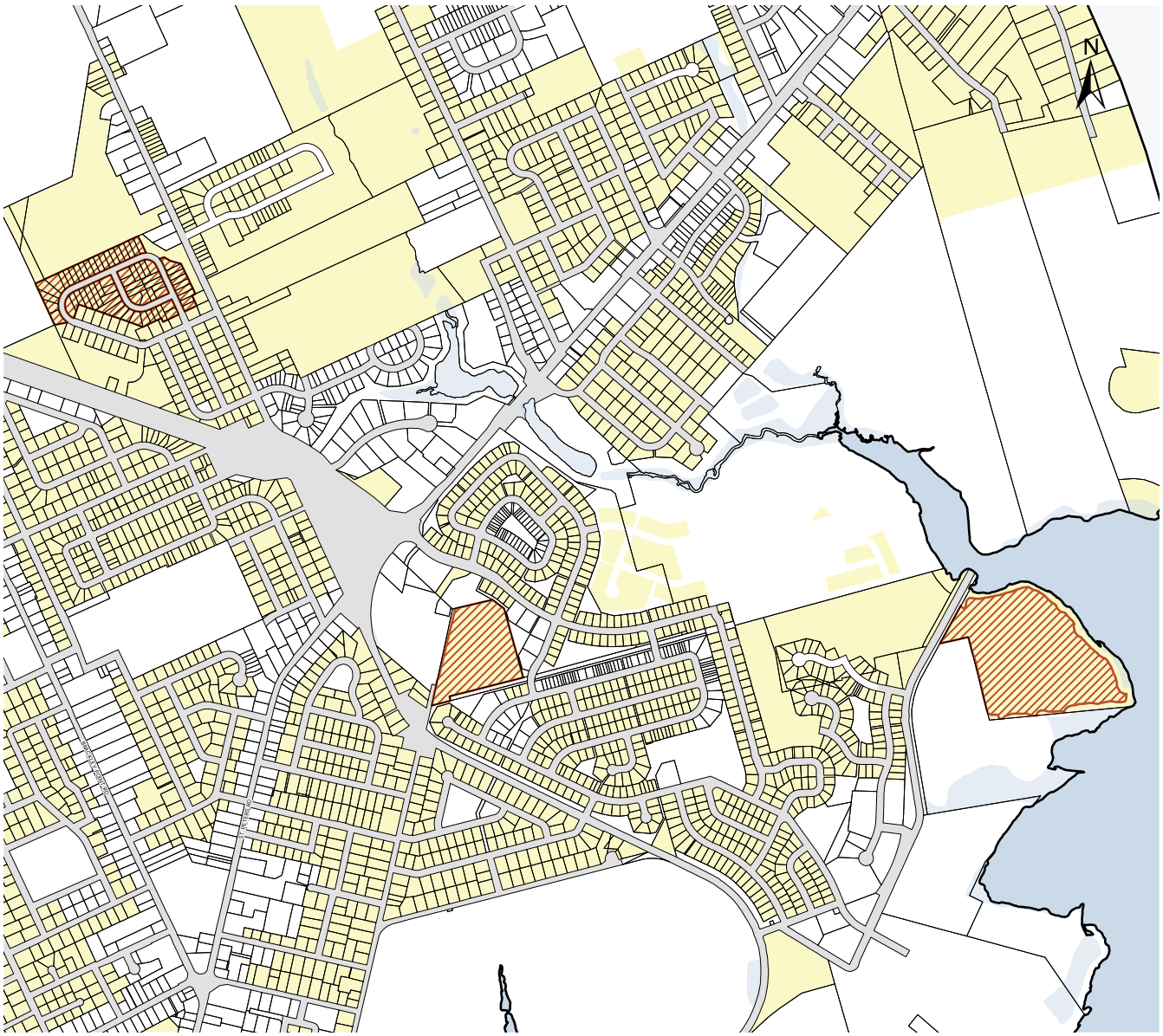


Figure 10.2 Typical RN Zone Landscape Requirements



Schedule 10.1 Manufactured Homes Schedule

Manufactured Homes Permitted in accordance with Section 10.4.5

facing facade.

10.6 LANDSCAPE REQUIREMENTS

.1 All disturbed surfaces shall be seeded, sodded or hydroseeded with grass or meadow mixture or restored to natural condition. Seeding mixes must not include PEI invasive species.

.2 All driveways shall be hard-surfaced with asphalt, concrete or unit pavers. Loose gravel or soil is not permitted.

.3 Parking in the front yard is only permitted on hard-surfaced driveways or parking spots.

.4 No more than 40% of the front yard area can be driveway or parking spaces.

.5 No less than 4 (min. 2 m high) trees shall be planted on each lot or 1 per manufactured home for units in Schedule 10.1 areas.

.6 No less than 4 m² of shrub beds shall be planted in the front yard consisting of shrubs, annuals or perennials.

.7 Where manufactured housing directly abuts the property line of any other housing type in the RN zone, a landscape buffer consisting of a minimum 1.8 m high opaque fence, and one tree (min. 2 m high) for every 8 m of abutting side or rear yard shall be installed.

PART 11
RM - Medium Density Residential

11.1 INTENT

The RM zone is intended to accommodate a range of medium density dwelling types that allow for gentle densification in suitable locations with developments of up to three storeys.

11.2 RE-ZONING

.1 Rezonings are not permitted in the RM Zone except

.2 Notwithstanding 11.2.1, rezoning from RM to RH may be considered where the lot fronts a Collector Road and the rezoning request aligns with the policies of the Official Plan.

11.3 PERMITTED USES

.1 The following uses are permitted in the RM Zone:

(a) Cluster Housing
(b) Duplex Dwelling
(c) Government Offices
(d) Library
(e) Lodging House
(f) Mini-home Dwelling
(g) Modular Dwelling
(h) Multi-unit Dwelling
(i) Recreation or Fitness Centre (indoors)
(j) Semi Detached Dwelling
(k) Seniors Housing
(l) Single Detached Dwelling
(m) Tourist Accommodation
(n) Townhouse Dwelling

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 230 m² multi-unit dwelling, 165 m² for a semi-detached dwelling or townhouse
(b) Frontage	min. 8 m for semi-detached dwelling, 10 m for duplex dwelling, 5 m for townhouse 20 m for multi-unit dwellings or cluster townhouse condominiums
(c) Front Yard Setback	min. 6 m
(d) Flankage Yard Setback	min. 6 m
(e) Side Yard Setback	min. 0 m shared*, 2 m for duplex or semi-detached dwelling, 3 m for end townhouse or cluster, 6 m for multi-unit dwelling
(f) Rear Yard Setback	min. 6 m
(g) Coverage	max. 50%, 60% if half the parking is located underground

* 'shared' includes the shared walls of a townhouse or semi.

.3 Cluster housing is permitted provided that the following lot requirements are met:

(a) Coverage	max. 60%
(b) Footprint / building	max. 90 m²
(c) Density	min. one unit per 75 m² of lot area
(d) Units	max. 8 units per cluster
(e) Separation between units	min. 3 m
(f) Central garden area	min. 25 m² / unit

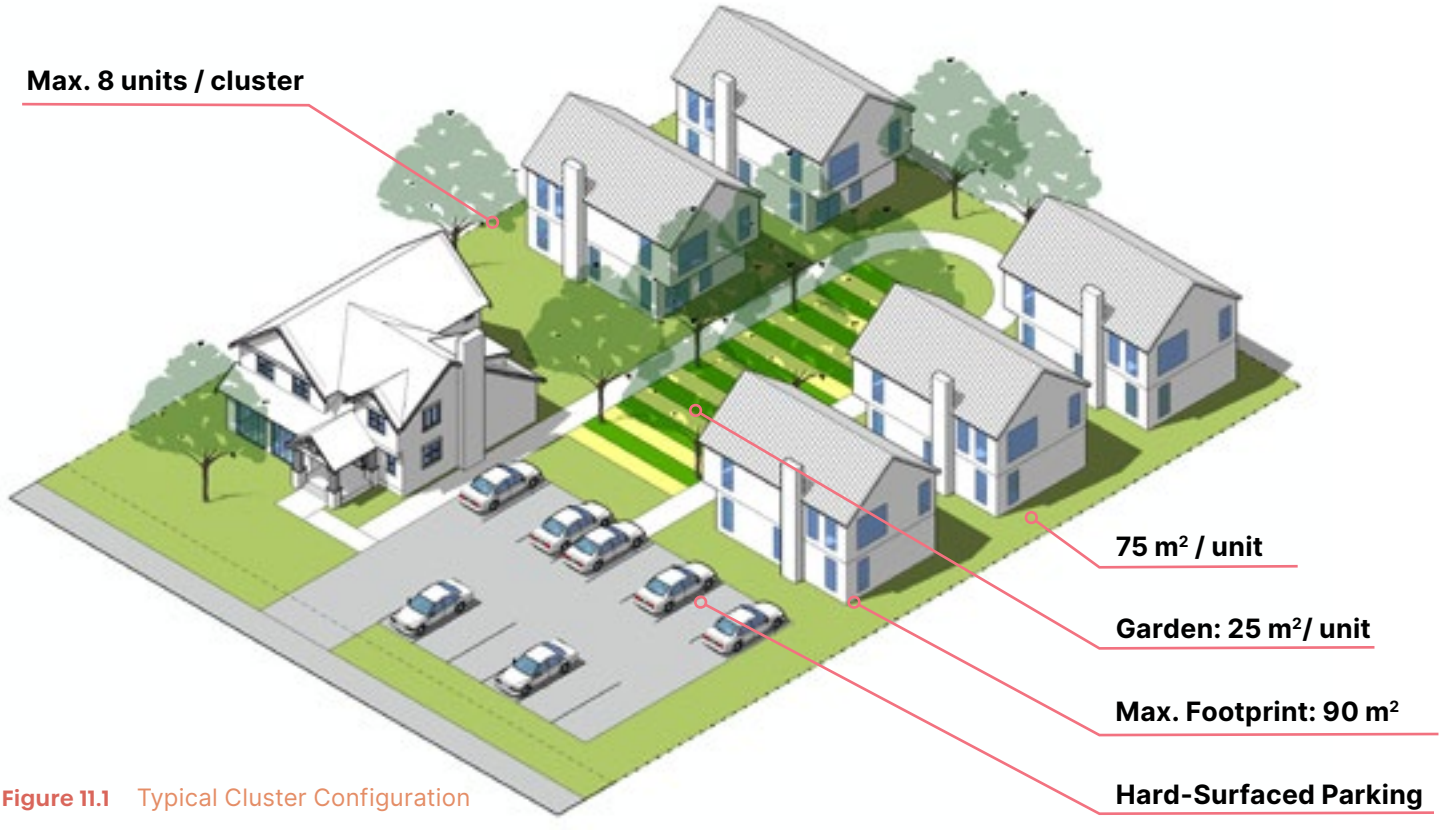


Figure 11.1 Typical Cluster Configuration

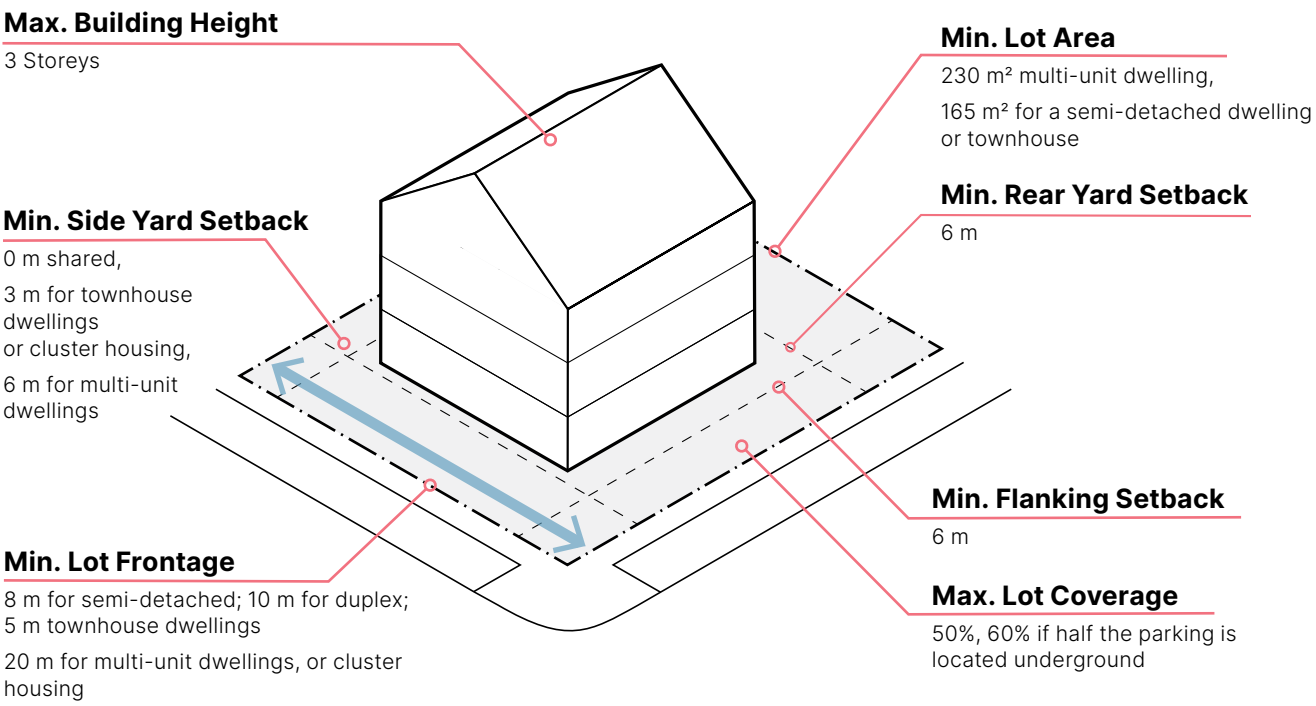


Figure 11.2 RM Zone Built Form Standards

11.4 PERMITTED WITH CONDITIONS

.1 One rear-yard or side-yard detached ADU per lot may be permitted if the conditions in Sections 4.7 can be met.

.2 One attached ADU may be permitted if the conditions in Section 4.6 can be met.

.3 Flag lots are permitted with no less than 4 m frontage as long as all other site and building requirements are met in Section 11.3.2 for both the flaglot and main lot.

.4 Permitted encroachments into the setbacks are listed in Table 3.2.

.5 Home occupations are permitted if Section 4.9 requirements are met.

.6 Home daycare uses are permitted if Section 4.10 requirements are met.

.7 Neighbourhood local commercial is permitted in the RM Zone along any collector or arterial road as identified in Schedule C up to a gross floor area of 120 m^2 and by meeting the following requirements:

(a) Three dedicated off-street automobile parking spaces and 2 Class B biking parking spaces; and

(b) A minimum 1.5 m wide hard surface sidewalk linking the front entry of the store with the parking area.

(c) A landscape buffer 2 m wide shall be constructed which includes an opaque fence no less than 1.8 m high along all properties that directly abut the commercial use or any associated parking.

11.5 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted with the exception of cluster housing.

.2 The maximum building height for the RM zone is 3 storeys.

.3 Any garage (attached or detached) shall not project any closer to the streetline than the longest wall of the attached main dwelling that faces the same streetline.

.4 Garage doors shall not exceed 50% of the primary building frontage on any streetline to a maximum of 7 m in total.



Figure 11.3 Townhouse Configuration Perpendicular to the Street

.5 Developers are encouraged to use materials and styles consistent with existing neighbourhood character.

.6 All street-facing façades shall provide at least one horizontal or vertical façade articulation of no less than 150 mm for no less than 30% of the façade area.

.7 Townhouse clusters shall not exceed 6 consecutive units.

.8 Townhouses may be oriented perpendicular to the street as long as

(a) The building has frontage on a street and meets the fire code requirements.
(b) Provides a connected walkway from each door to the street
(c) Parking is in the rear or side yard
(d) The building is located on one lot such that units are rental or condominium

11.6 LANDSCAPE REQUIREMENTS

.1 All disturbed surfaces shall be seeded, sodded or hydroseeded with grass or meadow mixture or restored to natural condition. Seeding mixes must not include PEI invasive species.

.2 All driveways shall be hard-surfaced with asphalt, concrete or unit pavers. Loose gravel or soil is not permitted.

.3 Parking in the front yard is only permitted on hard-surfaced driveways or parking spots with no more than 1 car per driveway.

.4 No more than 40% of the front yard area can be driveway or parking spaces.

.5 A minimum 1.5 m wide hard-surfaced pathway shall link the driveway to the front door of every ground floor unit.

.6 No less than 1 (min. 2 m high) tree shall be planted on each lot or 0.5 trees per unit, whichever is greater. Decimals shall be rounded up.

.7 No less than 3 m² of shrub beds shall be planted per ground floor unit consisting of shrubs, annuals or perennials.

.8 Each grade-related unit shall provide no less than 4 m² of private outdoor amenity space (patio, balcony, rooftop deck, or small yard) to ensure resident comfort and privacy.

PART 12
RH - High Order Residential

12.1 INTENT

The RH zone is intended to apply to select areas within 800 metres of the University of Prince Edward Island, Holland College and the Queen Elizabeth Hospital allowing for multi-unit dwelling of up to four storeys without any density maximums.

12.2 RE-ZONING

.1 Rezonings are not permitted in the RH Zone.

.2 Nothwithstanding 12.2.1, rezoning from RH to GC or GN may be considered where the rezoning request aligns with the policies of the Official Plan.

12.3 PERMITTED USES

.1 The following uses are permitted in the RH Zone:

(a) Cluster Housing
(b) Government Offices
(c) Library
(d) Lodging House
(e) Multi-unit Dwelling
(f) Recreation or Fitness Centre (indoors)
(g) Seniors Housing
(h) Tourist Accommodation

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 1,100 m^2
(b) Frontage	min. 20 m for multi
(c) Front Yard Setback	min. 6 m
(d) Flankage Yard Setback	min. 6 m
(e) Side Yard Setback	min. 3 m for cluster, 6 m for multi
(f) Rear Yard Setback	min. 6 m
(g) Coverage	max. 50%, 60% if half or more the parking is underground

.3 Cluster housing permits more than one building per lot provided that the following requirements are met:

(a) Coverage	max. 60%
(b) Footprint / building	max. 800 m^2
(c) Buildings	max. 4 buildings per cluster per lot
(d) Separation between units	min. 6 m
(e) Central garden area	min. 35 m^2 / building

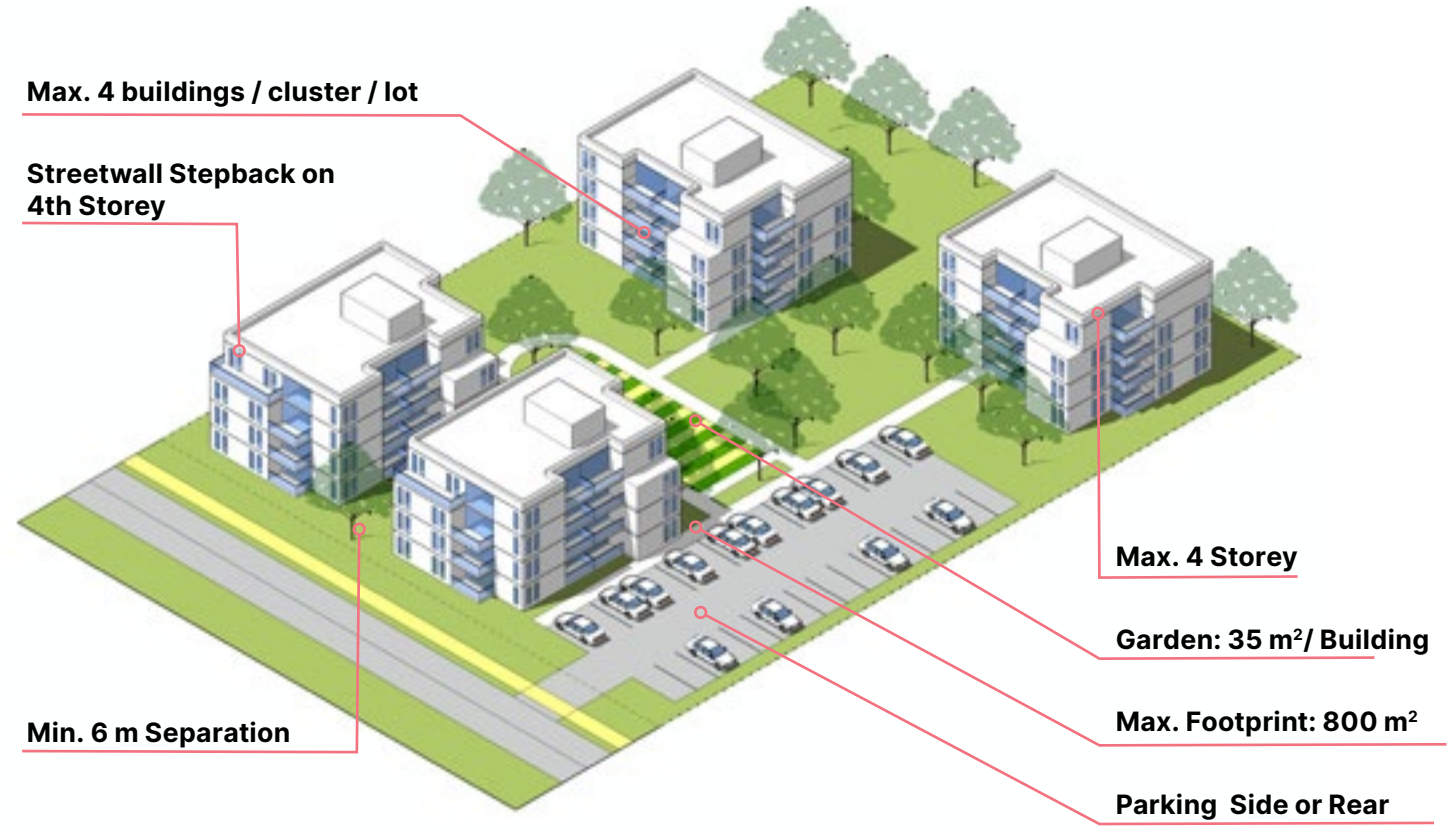


Figure 12.1 Cluster Housing Configuration - Multi-unit Dwellings

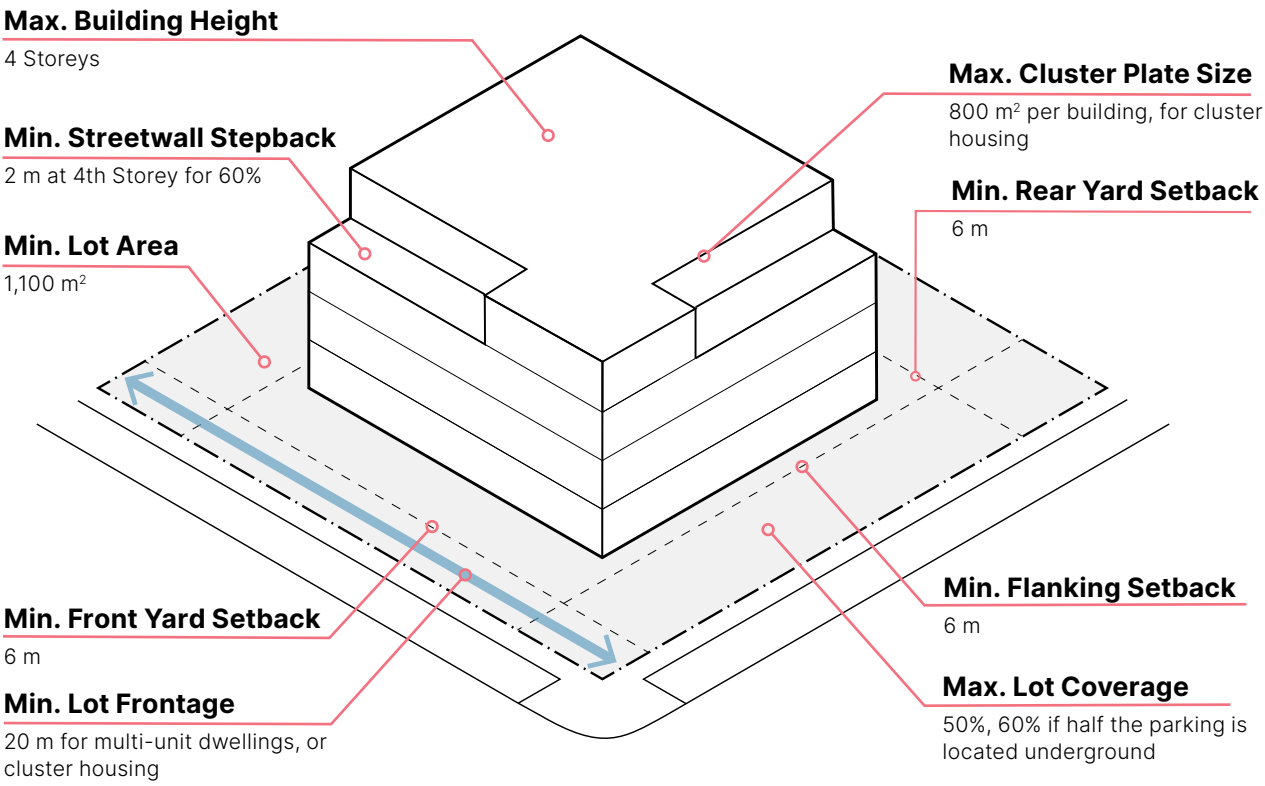


Figure 12.2 RH Zone Built Form Standards

12.4 PERMITTED WITH CONDITIONS

.1 Flag lots are permitted with no less than 6 m frontage as long as all other site and building requirements are met in Section 12.3.2 for both the flaglot and main lot.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Home occupations are permitted if Section 4.9 requirements are met.

.4 Neighbourhood local commercial is permitted in the RH Zone along any collector or arterial road as identified in Schedule C up to a gross floor area of 120 m² and by meeting the following requirements:

(a) Three dedicated off-street automobile parking spaces and 2 Class B biking parking spaces; and

(b) A minimum 1.5 m wide hard surface sidewalk linking the front entry of the store with the parking area.

(c) A landscape buffer 2 m wide shall be constructed which includes an opaque fence no less than 1.8 m high along all properties that directly abut the commercial use or any associated parking.

12.5 BUILT FORM REQUIREMENTS

.1 One building per lot is permitted with the exception of cluster housing.

.2 The maximum building height for the RH Zone is four (4) storeys.

.3 A minimum streetwall stepback of 2 m is required above the 3rd storey. The stepback may be less than the minimum requirement for up to 40% of the streetwall.

.4 Any garage (attached or detached) shall not project any closer to the streetline than the longest wall of the attached main dwelling that faces the same streetline.

.5 Garages shall not exceed 50% of the primary building frontage on any streetline to a maximum of 6 m in total.

.6 All street-facing façades shall provide at least one horizontal or vertical façade articulation of no less than 300 mm for no less than 30% of the façade area.

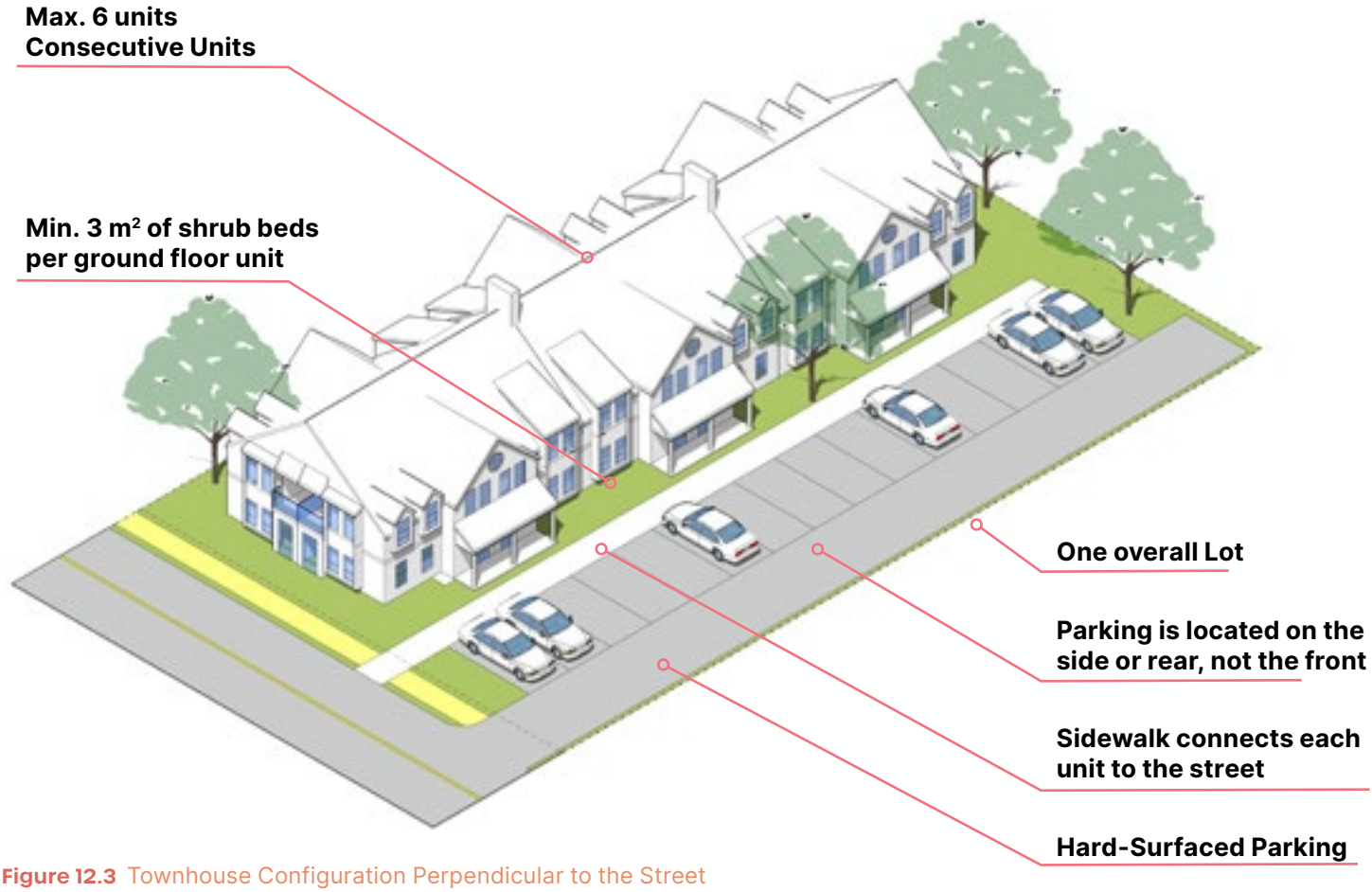


Figure 12.3 Townhouse Configuration Perpendicular to the Street

.7 Townhouse clusters shall not exceed 6 consecutive units.

.8 Townhouses may be oriented perpendicular to the street as long as

(a) The building has frontage on a street and meets the fire code requirements.
(b) Provides a connected walkway from each door to the street
(c) Parking is in the rear or side yard
(d) The building is located on one lot such that units are rental or condominium

.9 The amenity requirements in Section 3.13 shall be followed.

.10 For multi-unit buildings, each grade-related unit shall include a patio door.

12.6 LANDSCAPE REQUIREMENTS

.1 All driveways shall be hard-surfaced with asphalt, concrete or unit pavers. Loose gravel or soil is not permitted.

.2 Parking in the front yard is only permitted on hard-surfaced driveways or parking spots with no more than one (1) car per driveway.

.3 No more than 40% of the front yard area can be driveway or parking spaces.

.4 A minimum 2 m wide hard-surfaced pathway shall link the parking lot to the front door of every building.

.5 No less than two (2) (minimum 2 m high) tree shall be planted on each lot or 0.5 trees per unit, whichever is greater. Decimals shall be rounded up.

.6 No less than 3 m² of shrub beds shall be planted per ground floor unit consisting of shrubs, annuals or perennials.

.7 All disturbed surfaces shall be seeded, sodded or hydroseeded with grass or meadow mixture or restored to natural condition. Seeding mixes must not include PEI invasive species.

.8 Each grade-related unit shall provide no less than 4 m² of private outdoor amenity space (patio, balcony, rooftop deck, or small yard) to ensure resident comfort and privacy.

PART 13
DC - Downtown Core

13.1 INTENT

The DC Zone is celebrated as the historic heart of Charlottetown's downtown core. With a small lot fabric and small block scale compared to other more modern downtowns, the Downtown Core sits at the northwestern gateway to Province House and links to the waterfront via Queen Street. The area supports several large new developments that are sympathetic to the city's rich history and the need to project the City as a modern hub in Atlantic Canada.

13.2 RE-ZONING

.1 Rezoning to another zone is not permitted in the DC Zone

13.3 PERMITTED USES

.1 The following uses are permitted in the DC Zone:

(a) Commercial Daycare Centre
(b) Community Care Facility
(c) Community Institutional
(d) Convenience Store
(e) Converted Dwelling
(f) Cultural Establishment
(g) Eating and Drinking Establishment
(h) Educational Institution (private)
(i) Educational Institution (public)
(j) Entertainment Establishment
(k) Fire Station
(l) Funeral Establishment
(m) Government Offices
(n) Grocery Store
(o) Hostel / Hotel
(p) Library
(q) Lodging House
(r) Medical, Health and Dental Office
(s) Multi-unit Dwelling

(t) Office
(u) Personal Service Shop
(v) Police Station
(w) Recreation or Fitness Centre (indoors)
(x) Retail Store
(y) Service Repair Establishment
(z) Shopping Centre
(aa) Theatre
(ab) Veterinary Services

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	N/A
(b) Frontage	min. 7.6 m
(c) Front Yard Setback	min. 0 m max. 2 m the front yard setback may be greater than the max. for up to 20% of the streetline
(d) Flankage Yard Setback	min. 0 m max. 2 m the flankage yard setback may be greater than the max. for up to 20% of the streetline
(e) Side Yard Setback	min. 0 m
(f) Rear Yard Setback	min. 0 m when abutting DC, otherwise 6 m
(g) Coverage	max. 100%

13.4 PERMITTED WITH CONDITIONS

.1 Encroachments into the public street right-of-way for decks, signage, public art, and architectural features above 3 m from grade at the streetline may be considered by Planning Board.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Short-term rentals are permitted following the requirements of Section 4.11.

13.5 BUILT FORM REQUIREMENTS

.1 One building per lot is permitted with the exception of cluster housing.

.2 The minimum building height shall be 3 storeys.

.3 The maximum building height shall be:

(a) The height shown in schedule B for unregistered heritage properties.
(b) For registered heritage properties, the height shall be the height of the existing heritage building unless negotiated through a heritage development agreement.

.4 The maximum streetwall height shall be:

(a) 4 storeys for all buildings that exceed 4 storeys in height; and
(b) 5 storeys for all buildings that are equal to or exceed 8 storeys in height.

.5 The minimum streetwall stepback shall be:

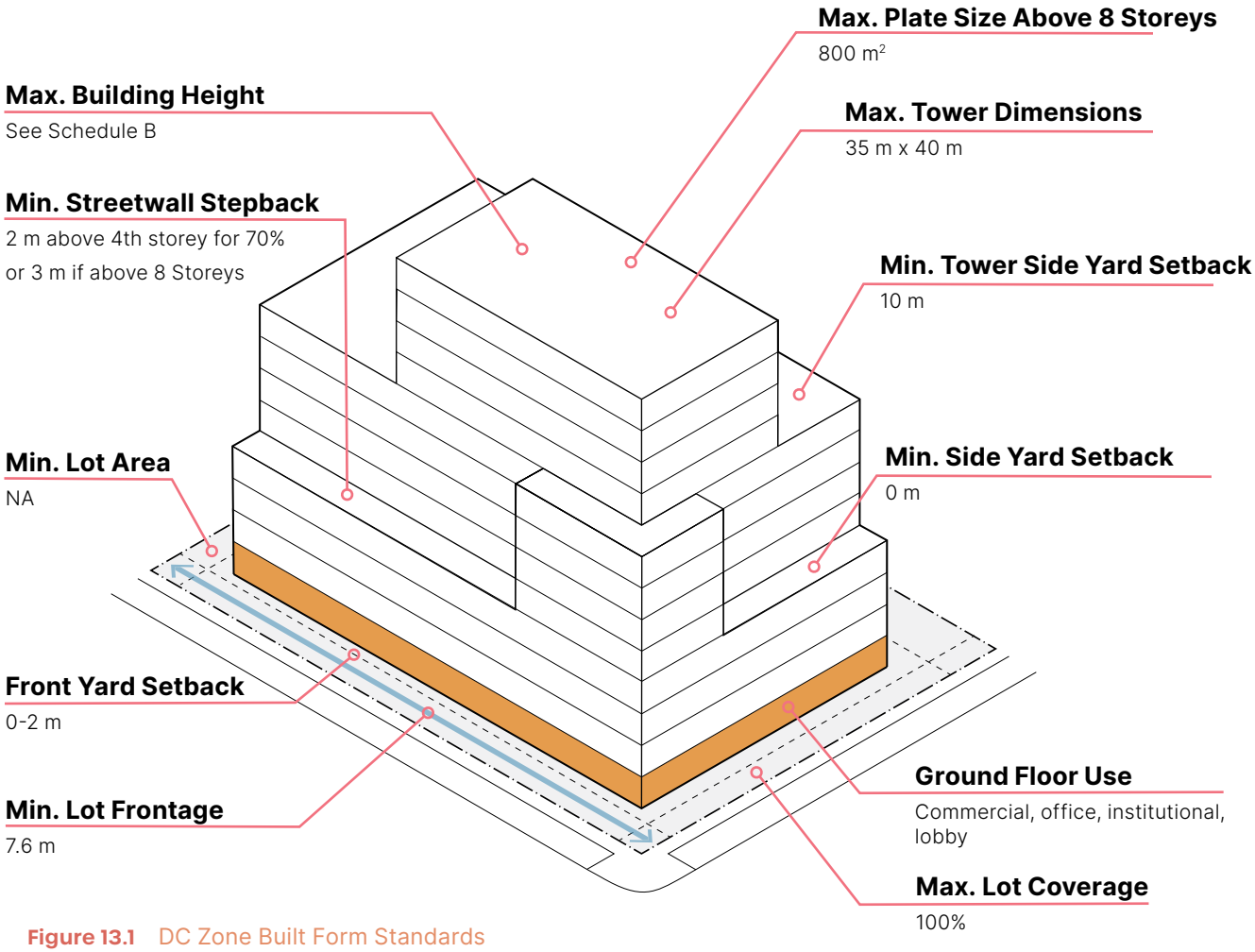


Figure 13.1 DC Zone Built Form Standards

(a) 2 m for all buildings that exceed 4 storeys in height; and
(b) 3 m for all buildings that are equal to or exceed 8 storeys in height.

.6 The streetwall stepback may be less than the minimum requirement for up to 30% of the width of the building facing the streetline.

.7 Any portion of a tower above 8 storeys in height shall have a minimum required side yard stepback of 10 m.

.8 Above 8 storeys, the maximum floor plate area shall be 800 m^2 and the maximum tower dimensions shall be 35 m x 40 m.

.9 The minimum ground floor height shall not be less than 4 m in height and shall be no more than 1.5 m above or below the streetline grade. Registered heritage properties shall maintain their ground floor height.

.10 Ground floor uses in the DC Zone are reserved for active uses like retail, offices, institutional uses, and lobbies, and are restricted from uses such as:

(a) Parking (unless placed no less than 12 m behind an active ground floor use), and
(b) Grade-related residential dwellings (except residential lobbies) unless placed no less than 10 m behind an active ground floor use.

.11 A streetwall frontage shall extend the full width of any streetline unless an at-grade

plaza or a mid-block pedestrian connection is provided or if an existing heritage façade is preserved which is less than the full width.

.12 Cantilevered or recessed portions within any streetwall that have a depth of 2 m or greater shall not exceed 30% of the width of the streetwall.

.13 Parking garage entries are permitted if they are less than 40% of the frontage.

.14 Parking garage doors shall be set back no less than 3 m from the front lot line.

.15 The maximum front or flanking setback requirement in Section 13.3.3 may be exceeded, if an at-grade open space, such as a plaza, is located between a front or flanking lot line and a primary building provided the setback is not exceeded by more than 30% of the façade.

.16 The amenity requirements in Section 3.13 shall be followed.

.17 For multi-unit dwellings, each grade-related unit shall include a patio door.

13.6 LANDSCAPE REQUIREMENTS

.1 Parking is not permitted between the building and the street.

.2 All entries and exits shall be constructed of high quality landscape materials including natural stone or unit pavers. Cast in place concrete is only permitted for garage entries.

.3 Sidewalk patios may be permitted following the requirements of the Sidewalk Café Bylaw.

.4 All disturbed surfaces shall be sodded or hard-surfaced.

.5 All buildings exceeding 4 storeys with a flat roof shall include a no less than 30% green roof.

13.7 LANDSCAPE REQUIREMENTS

.1 See Sections 6.8 and 6.9

PART 14
DMS - Downtown Main Street

14.1 INTENT

The DMS zone is located in the Downtown Periphery area surrounding much of the downtown core. The area supports many of the downtown's ground floor commercial areas and pedestrian oriented streetscapes. The area supports a mix of commercial, office, small scale accommodations, and upper floor residential uses.

14.2 RE-ZONING

.1 Rezoning to the DC, DMU, or DN Zone may be considered in the DMS Zone if the rezoning request aligns with the policies of the Official Plan.

14.3 PERMITTED USES

.1 The following uses are permitted in the DMS Zone:

(a) Commercial Daycare Centre
(b) Community Care Facility
(c) Community Institutional
(d) Convenience Store
(e) Converted Dwelling
(f) Cultural Establishment
(g) Eating and Drinking Establishment
(h) Educational Institution (private)
(i) Educational Institution (public)
(j) Entertainment Establishment
(k) Fire Station
(l) Funeral Establishment
(m) Government Offices
(n) Grocery Store
(o) Hostel / Hotel
(p) Library
(q) Medical, Health and Dental Office
(r) Multi-unit Dwelling
(s) Office
(t) Personal Service Shop

(u) Police Station
(v) Recreation or Fitness Centre (indoors)
(w) Retail Store
(x) Service Repair Establishment
(y) Shopping Centre
(z) Theatre
(aa) Veterinary Services

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	N/A
(b) Frontage	min. 7.6 m
(c) Front Yard Setback	min. 0 m max. 3 m the front yard setback may be greater than the max. for up to 20% of the streetline
(d) Flankage Yard Setback	min. 0 m max. 3 m the flankage yard setback may be greater than the max. for up to 50% of the streetline
(e) Side Yard Setback	min. 0 m
(f) Rear Yard Setback	min. 3 m when abutting DC or DMS, otherwise 6 m
(g) Coverage	max. 100%

14.4 PERMITTED WITH CONDITIONS

.1 Encroachments into the public street right-of-way for decks, signage, public art, and architectural features above 3 m from grade at the streetline may be considered by Planning Board.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Short-term rentals are permitted following the requirements of Section 4.11.

.4 Sidewalk cafés and patios may be permitted following the requirements ofthe Sidewalk Café Bylaw.

.5 Automobile service stations may be permitted by development agreement.

.6 Developments lower than 6 m in height may be permitted by development agreement.

14.5 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted in the DMS Zone.

.2 The minimum building height shall be 2 storeys.

.3 The maximum building height shall be:

(a) The height shown in schedule B for unregistered heritage properties.
(b) For registered heritage properties, the height shall be the height of the existing heritage building unless negotiated through a heritage development agreement.

.4 The maximum streetwall height shall be 3 storeys.

.5 The minimum streetwall stepback shall be 2.5 m.

.6 The streetwall stepback may be less than the minimum requirement for up to 30% of

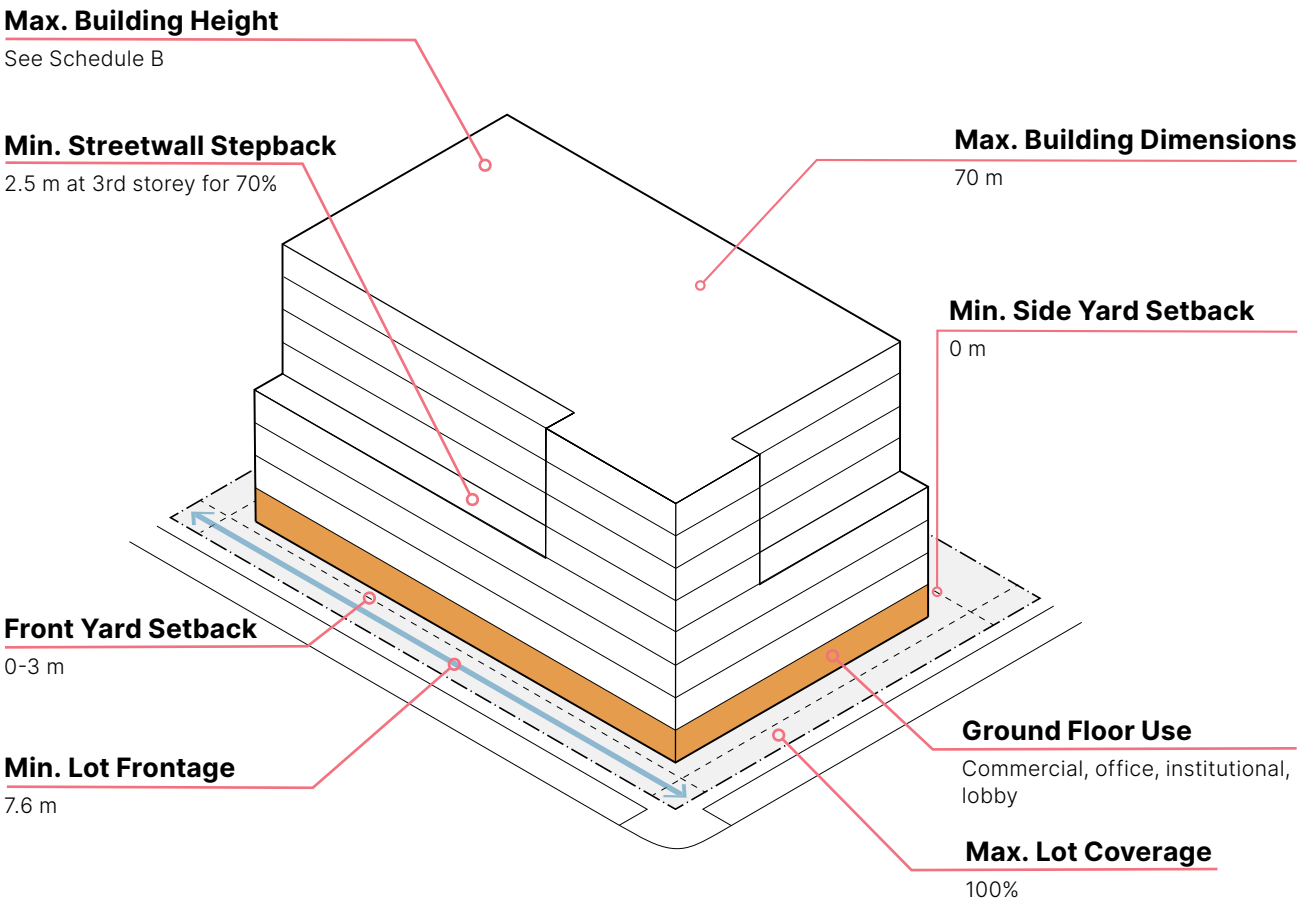


Figure 14.1 DMS Zone Built Form Standards

the width of the building facing the streetline.

.7 The maximum building dimension is 70 m.

.8 The minimum ground floor height shall not be less than 3.5 m in height and shall be no more than 1.5 m above or below the average streetline grade. Registered heritage properties shall maintain their ground floor height.

.9 Ground floor uses in the DMS zone are reserved for active uses like retail, offices, institutional uses, and lobbies, and are restricted from uses such as:

(a) No less than 50% of the ground floor area shall be used for commercial, office or institutional.

(b) Parking (unless placed no less than 12 m behind an active ground floor use), and

(c) Grade-related residential dwellings (except residential lobbies) unless placed no less than 10 m behind an active ground floor use.

.10 A streetwall frontage shall extend no less than 80% of the width of any streetline unless an at-grade plaza is or mid-block pedestrian connection is provided or if an existing heritage façade is preserved which is less than the full width.

.11 Cantilevered or recessed portions within any streetwall that have a depth of 2 m or greater shall not exceed 30% of the width of the streetwall.

.12 Parking garage entries are permitted if they

are less than 40% of the frontage.

.13 Parking garage doors shall be set back no less than 3 m from the front lot line.

.14 The maximum front or flanking setback requirement of Section 14.3.2 may be exceeded:

(a) If an at-grade open space, such as a plaza, is located between a front or flanking lot line; and

(b) A primary building provided the setback is not exceeded by more than 30% of the façade.

.15 The amenity requirements in Section 3.13 shall be followed.

.16 For multi-unit dwellings, each grade-related unit shall include a patio door.

14.6 LANDSCAPE REQUIREMENTS

.1 See Sections 6.8 and 6.9

PART 15
DMU - Downtown Mixed Use

15.1 INTENT

The DMU zone is located in the Downtown Periphery area surrounding much of the downtown core. The zone supports a compact mix of residential, commercial, office, and community-serving uses, while providing a transition in building scale between the Downtown Core and surrounding neighbourhoods. Ground floors are intended to accommodate active or flexible uses, with residential and compatible non-residential uses permitted on upper floors.

15.2 RE-ZONING

.1 Rezoning to the DN or DMS zone may be considered in the DMU Zone if the rezoning request aligns with the policies of the Official Plan.

15.3 PERMITTED USES

.1 The following uses are permitted in the DMU Zone:

(a) Commercial Daycare Centre
(b) Community Care Facility
(c) Community Institutional
(d) Convenience Store
(e) Cultural Establishment
(f) Eating and Drinking Establishment
(g) Government Offices
(h) Library
(i) Lodging House
(j) Medical, Health and Dental Office
(k) Multi-unit Dwellings
(l) Office
(m) Personal Service Shop
(n) Recreation or Fitness Centre (indoors)
(o) Retail Store

.2 Uses permitted if not within 400 m of any Residential Neighbourhood Zone:

(a) Club
(b) Entertainment Establishment

(c) Grocery Store
(d) Hostel / Hotel
(e) Service Repair Establishment
(f) Shopping Centre
(g) Theatre
(h) Veterinary Services

.3 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	N/A
(b) Frontage	min. 7.6 m
(c) Front Yard Setback	min. 0 m max. 3 m the front yard setback may be greater than the max. for up to 40% of the streetline
(d) Flankage Yard Setback	min. 0 m max. 6 m the flankage yard setback may be greater than the max. for up to 50% of the streetline
(e) Side Yard Setback	min. 1.5 m
(f) Rear Yard Setback	min. 6 m
(g) Coverage	max. 80%

15.4 PERMITTED WITH CONDITIONS

.1 Encroachments into the public street right-of-way for decks, signage, public art, and architectural features above 3 m from grade at the streetline may be considered by Planning Board.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Short-term rentals are permitted following the requirements of Section 4.11.

.4 Sidewalk cafés and patios may be permitted following the requirements of The Sidewalk Café Bylaw.

.5 Developments lower than 6 m in height may be permitted by development agreement.

15.5 BUILT FORM REQUIREMENTS

.1 One building per lot is permitted.

.2 The minimum building height shall be 3 storeys.

.3 The maximum building height shall be:

(a) 4 storeys; or
(b) For registered heritage properties, the height shall be the height of the existing heritage building unless negotiated through a Heritage development agreement.

.4 The maximum streetwall height shall be 3 storeys.

.5 The minimum streetwall stepback shall be 2.5 m.

.6 The streetwall stepback may be less than the minimum requirement for up to 30% of the width of the building facing the streetline.

.7 The maximum building dimension is 60 m.

.8 Ground floor uses in the DMU zone may range from any mix of commercial, office,

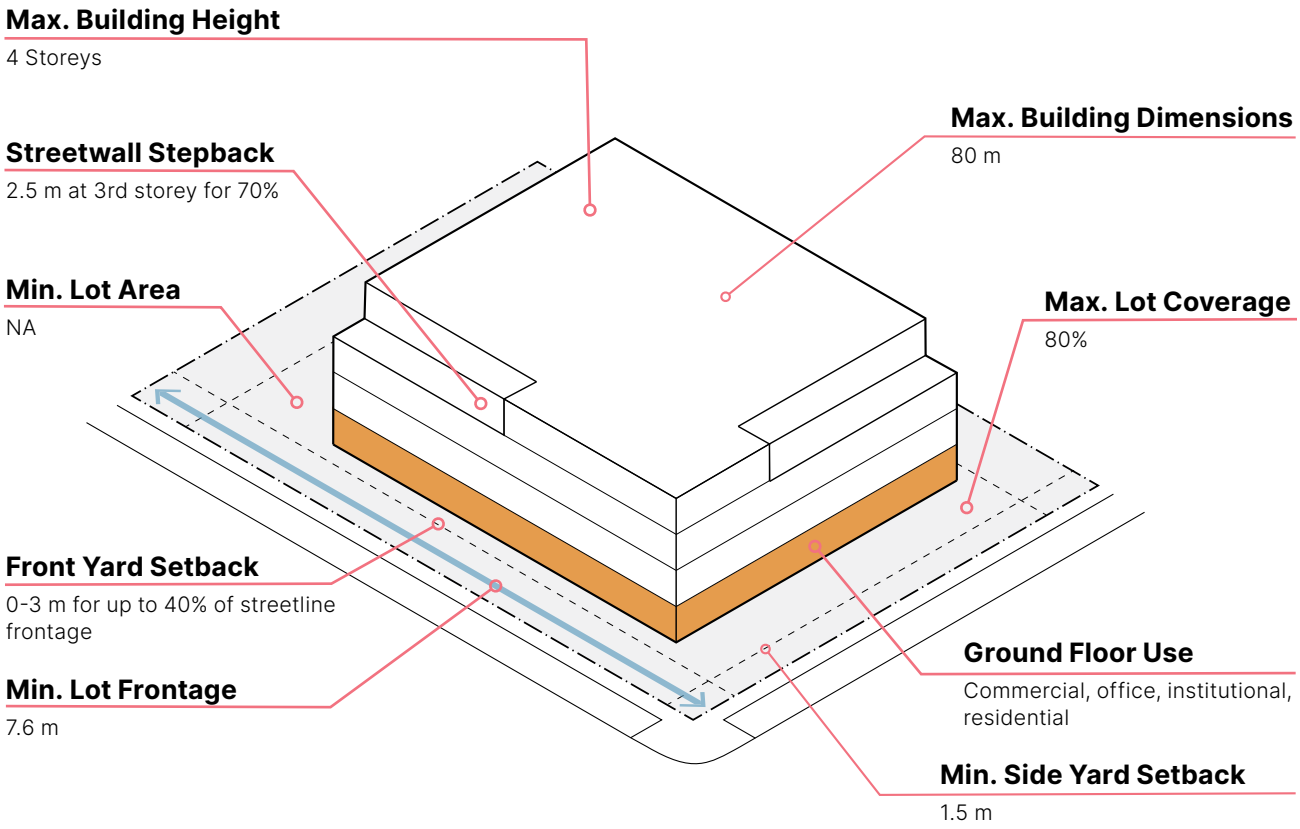


Figure 15.1 DMU Zone Built Form Standards

institutional and residential uses.

.9 Parking garage entries are permitted if they are less than 40% of the frontage.

.10 Parking garage doors shall be set back no less than 3 m from the front lot line.

.11 For multi-unit buildings, each grade-related unit shall include a patio door.

15.6 LANDSCAPE REQUIREMENTS

.1 See Sections 6.8 and 6.9

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PART 16

DN - Downtown Neighbourhood

16.1 INTENT

The DN Zone includes many of the original '500 Lot Area' which are mostly residential in character in the Downtown periphery. Many of the narrow lots and small traditional homes still exist today maintaining the feel of the original town character at its founding. The zone also permits a range of semi, duplex, townhouse and small multi-unit buildings The maximum height is 3 storeys in this zone.

16.2 RE-ZONING

.1 Rezoning from DN to the DMU may be considered where the rezoning request aligns with the policies of the Official Plan.

16.3 PERMITTED USES

.1 The following uses are permitted in the DN Zone:

(a) Lodging House
(b) Medical, Health and Dental Office
(c) Multi-unit Dwelling
(d) Recreation or Fitness Centre (indoors)
(e) Semi Detached Dwelling
(f) Single Detached Dwelling
(g) Townhouse Dwelling

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	N/A
(b) Frontage	min. 10.6 m for any building type with 3 units or less, 6 m for a townhouse or semi-detached dwelling, 20 m for buildings with 4 or more units
(c) Front Yard Setback	min. 2.4 m max. 4.9 m or within the min. range of the existing buildings on the block
(d) Flankage Yard Setback	min. 2.4 m max. 4.9 m or within the min. range of the existing buildings on the block
(e) Side Yard Setback	min. 1.83 m, or equal to the side yard setback of the existing building on the abutting property, whichever is less
(f) Rear Yard Setback	min. 6 m or within the min. average of the existing buildings on the block
(g) Lot Coverage	max. 80%

16.4 PERMITTED WITH CONDITIONS

.1 Permitted encroachments into the setbacks are listed in Table 3.2.

.2 Short-term rentals are permitted following the requirements of Section 4.11.

.3 Neighbourhood convenience stores may be permitted if the following conditions can be met:

(a) The total store floor area is less than 150 m^2

(b) There is parking for two (2) cars either off-street on the same lot, or on-street within 100 m.

(c) Any exterior garbage bins or dumpsters are fenced with a minimum 1.8 m high opaque timber fence.

(d) Where a neighbourhood convenience store or associated parking/loading area directly abuts a residential use, the owner shall provide and maintain a continuous fence no less than 1.8 m high consisting of a wood fencing or masonry wall

.4 One rear-yard or side-yard detached ADU may be permitted if the conditions in Sections 4.7 can be met.

.5 Up to two (2) Attached ADUs may be permitted if the conditions in Section 4.6 can be met.

16.5 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted.

.2 The maximum building height shall be 3 storeys.

.3 The maximum building dimension is 60 m.

.4 The minimum Finished Floor Elevation (FFE) shall be 3.76 m CGVD2013.

.5 Attached garages are not permitted on the front of units in the DN Zone unless set back no less than 2 m from the front façade.

.6 Townhouses shall have no more than 6 consecutive units in a continuous block.

.7 Whenever possible new homes should include porches, pitched roofs, and cladding to match the neighbourhood context whenever possible.

16.6 LANDSCAPE REQUIREMENTS

.1 See Sections 6.8 and 6.9

.2 Curb cuts shall accommodate single-car access and the single-car width of the driveway shall be maintained until the driveway extends beyond the front façade of the primary building.

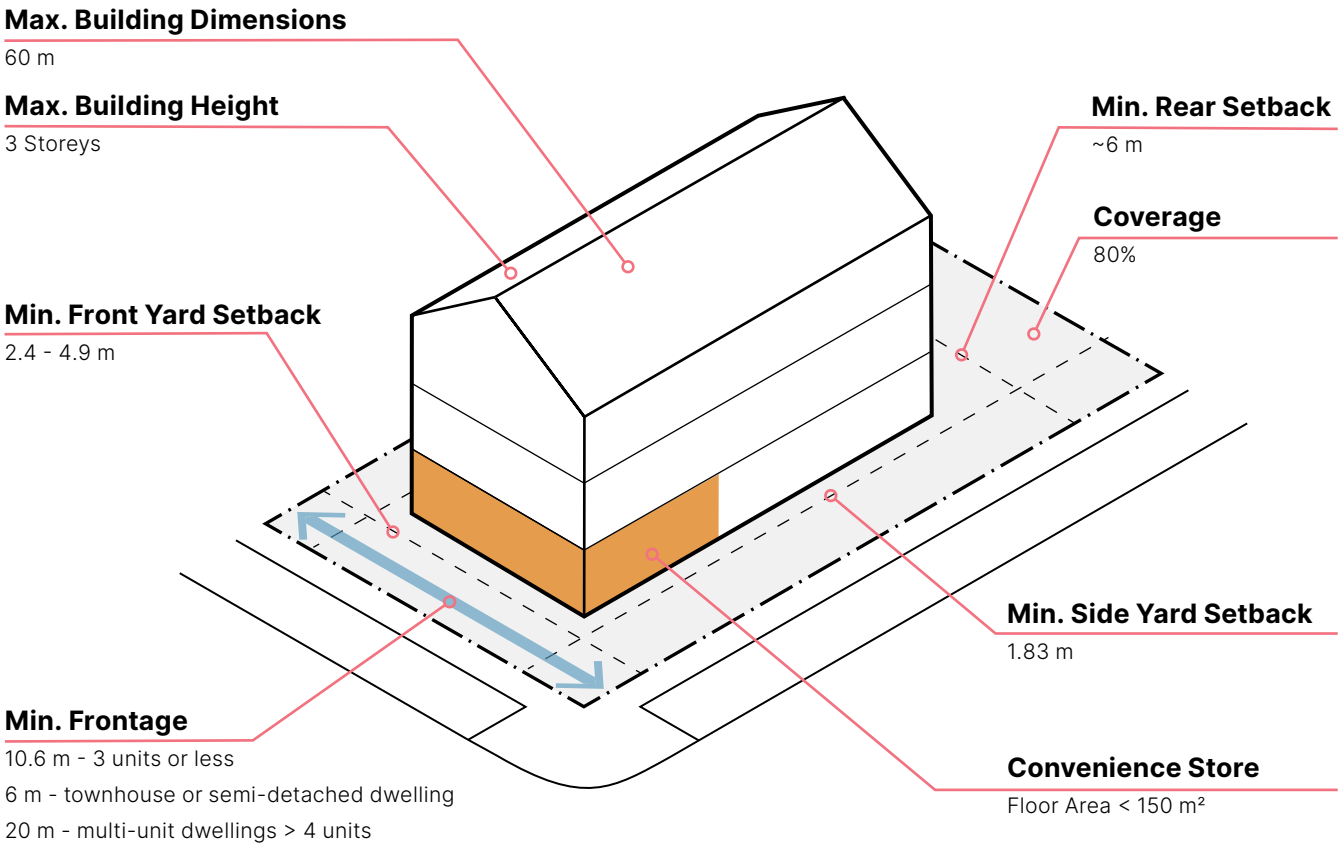

Figure 16.2 DN Zone Built Form Standards

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PART 17

DW - Downtown Waterfront

17.1 INTENT

The DW Zone is the heart of Charlottetown's urban waterfront along the Hillsborough River Estuary. The waterfront's direct connection to the ocean means it is home to a variety of pleasure craft, cruise ships and ships large and small. The waterfront boardwalk continues to evolve to reserve the open space corridor for the public along the water's edge from the Culinary Institute to the Cruise Port. There is some concern over the impacts of sea level rise on the waterfront.

17.2 RE-ZONING

.1 Rezoning to another zone is not permitted in the DW Zone.

17.3 PERMITTED USES

.1 The following uses are permitted in the DW Zone:

(a) Commercial Daycare Centre
(b) Community Care Facility
(c) Community Institutional
(d) Convenience Store
(e) Cultural Establishment
(f) Eating and Drinking Establishment
(g) Educational Institution (private)
(h) Educational Institution (public)
(i) Entertainment Establishment
(j) Fire Station
(k) Funeral Establishment
(l) Government Offices
(m) Grocery Store
(n) Hostel / Hotel
(o) Library
(p) Lodging House
(q) Medical, Health and Dental Office
(r) Multi-unit Dwellings
(s) Office
(t) Personal Service Shop

(u) Police Station
(v) Recreation or Fitness Centre (indoors)
(w) Retail Store
(x) Service Repair Establishment
(y) Shopping Centre
(z) Theatre
(aa) Veterinary Services

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	N/A
(b) Frontage	min. 7.6 m
(c) Front Yard Setback	min. 0 m max. 4 m the front yard setback may be greater than the max. for up to 30% of the streetline
(d) Flankage Yard Setback	min. 0 m 4 m the flankage yard setback may be greater than the max. for up to 30% of the streetline
(e) Side Yard Setback	min. 3 m
(f) Rear Yard Setback	min. 6 m, may include the water setback
(g) Lot Coverage	max. 100% if > 50% parking is underground, otherwise 60%

17.4 PROTECTED VIEW CORRIDORS

.1 Buildings are not permitted in the protected view corridors of all streets that extend to the waterfront shown in Figure 17.1

17.5 WATERFRONT BOARDWALK

.1 A 6 m (min) wide public boardwalk easement shall be required along all waterfront edges of the DW Zone.

.2 The boardwalk shall be built to match the existing standard of a wooden or hard-surfaced unit-paver in coordination with the help of the City and/or CADC.

.3 Buildings shall be set back no less than 2 m from the edge of the public boardwalk.

.4 All ground floor uses fronting the boardwalk shall include active uses including commercial, cultural, tourism, or food services. These active uses shall be no less than 12 m deep for the full length of the waterfront frontage.

.5 No less than 50% of the waterfront frontage of the building should include a hardscape plaza between the building and the boardwalk if applicable.

.6 Pop-up uses (e.g. mobile carts, seasonal stalls, kiosks, touch tanks), public art installations, and flexible event spaces are permitted and encouraged along the boardwalk edge.

.7 Any ground floor uses shall include no less than 60% windows and doors along the entire length of the buildings frontage on the waterfront.

.8 Blank walls at the base of buildings are not permitted along the boardwalk, but underground parking may be permitted behind an active ground floor façade that has no less than 12 m depth and is not visible from the street or boardwalk.



Figure 17.1 Protected View Corridors

.9 The amenity requirements in Section 3.13 shall be followed.

.10 For multi-unit buildings, each grade-related unit shall include a patio door.

17.6 PERMITTED WITH CONDITIONS

.1 Encroachments into the public street right-of-way for decks, signage, public art, and architectural features above 3 m from grade at the streetline may be considered by Planning Board.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Short-term rentals are permitted following the requirements of Section 4.11.

17.7 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted.

.2 The minimum building height shall be 3 storeys.

.3 The maximum building height shall be:

(a) The height shown in schedule B for unregistered heritage properties; or

(b) For registered heritage properties, the height shall be the height of the existing heritage building unless negotiated through a heritage development agreement.

.4 The maximum streetwall height shall be 3 storeys.

.5 The minimum streetwall stepback shall be

(a) 2.5 m for all buildings that exceed 3 storeys in height; and

(b) 3 m for all buildings that are equal to or exceed 8 storeys in height.

.6 The streetwall stepback may be less than the minimum requirement for up to 30% of the width of the building facing the streetline.

.7 A minimum 2 m waterwall stepback is required above the 3rd storey for all buildings that exceed the streetwall height.

.8 Above 8 storeys, the maximum floor plate area shall be 800 m^2 and the maximum tower dimensions shall be 35 m x 40 m.

.9 The minimum ground floor height shall not be less than 4 m in height and shall be no more than 1.5 m above or below the

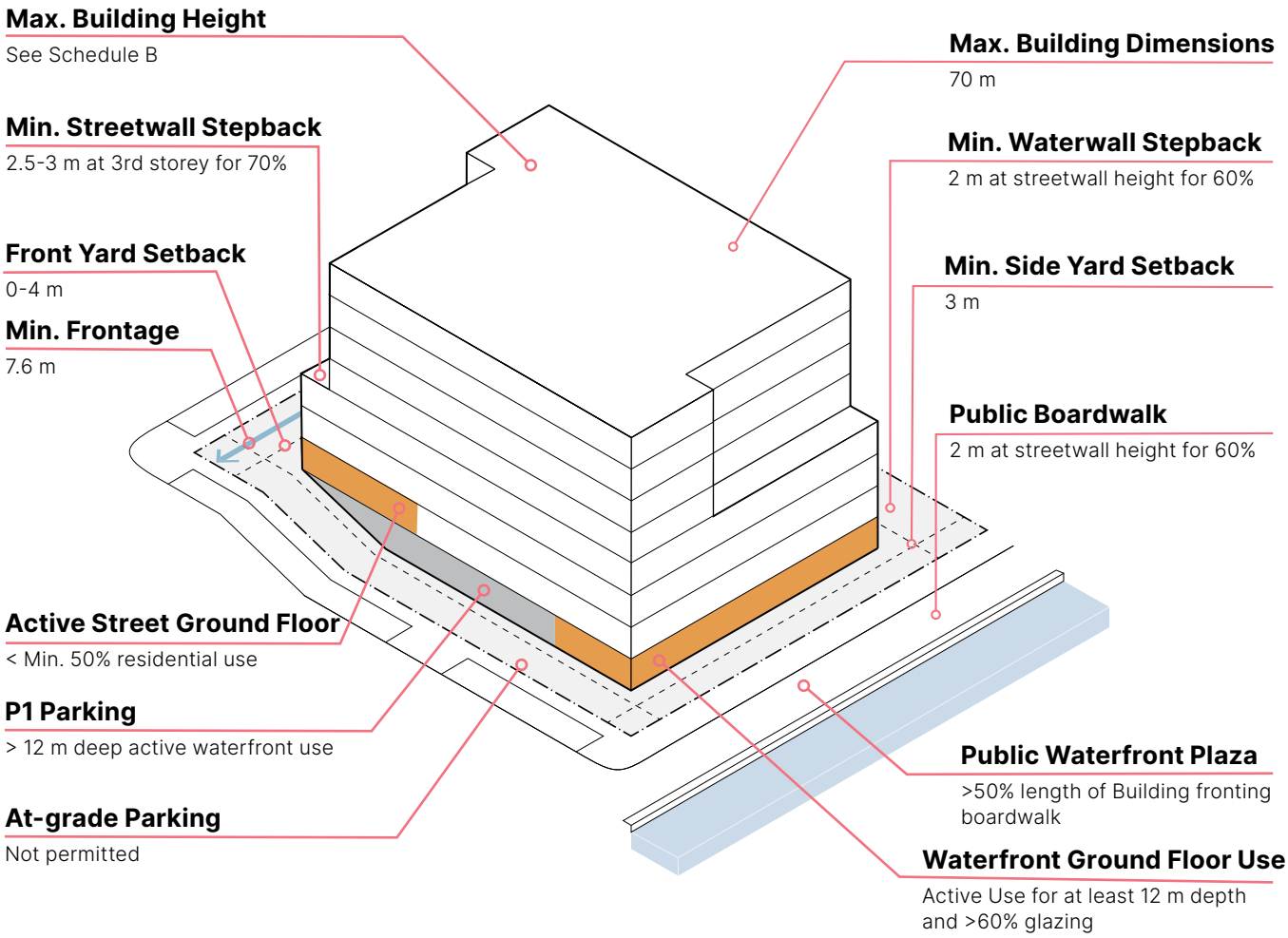

Figure 17.2 DW Zone Built Form Standards

streetline grade. Registered heritage properties shall maintain their ground floor height.

.10 No less than 50% of ground floor uses in the DW Zone are reserved for active uses such as retail, offices, institutional uses, tourism and lobbies, and are restricted from uses such as:

(a) Parking, and
(b) Grade-related residential dwellings (except residential lobbies) unless placed no less than 10 m behind an active ground floor street-front use.

.11 A streetwall frontage shall extend the full width of any streetline unless an at-grade plaza or mid-block pedestrian connection is provided or if an existing heritage façade is preserved which is less than the full width.

.12 Cantilevered or recessed portions within any streetwall that have a depth of 2 m or greater shall not exceed 30% of the width of the streetwall.

.13 Parking garage entries are permitted if they are less than 40% of the frontage.

.14 Parking garage doors shall be set back no less than 3 m from the front lot line.

.15 The maximum front or flanking setback requirement of Section 17.3.3 may be exceeded, if an at-grade open space, such as a plaza, is located between a front or flanking lot line and a primary building provided the setback is not exceeded by more than 30% of the façade.

17.8 LANDSCAPE REQUIREMENTS

.1 See Sections 6.8 and 6.9

PART 18
BP - Business Park

18.1 INTENT

The Business Park Zone is intended to accommodate a wide range of employment-generating uses in a planned, campus-like setting that supports Charlottetown's economic growth. Development within this zone shall consist of a range of commercial and light industrial land uses including light manufacturing, storage and warehousing of goods or data, vehicle parks, indoor food or plant production, building supplies stores, machinery sales, service and rentals, wholesale businesses, car dealerships,and similar or complementary land uses.

18.2 RE-ZONING

.1 Rezoning from BP to AP or RH may be considered where the intent meets the policies of the Official Plan.

18.3 PERMITTED USES

.1 The following uses are permitted in the BP Zone:

(a) Automobile Body Shop
(b) Automobile Sales and Services
(c) Club
(d) Commercial Daycare Centre
(e) Cultural Establishment
(f) Educational Institution (private)
(g) Educational Institution (public)
(h) Equipment Sales, Rental Service
(i) Fire Station
(j) Garden Centre
(k) Greenhouse (private industrial)
(l) Hostel / Hotel
(m) Kennel
(n) Manufacturing, Light
(o) Marijuana Production Facility
(p) Medical, Health and Dental Office
(q) Office

(r) Outdoor Retail Display
(s) Outdoor Storage
(t) Parking Lot / Structure
(u) Personal Service Shop
(v) Place of Worship
(w) Police Station
(x) Recreation or Fitness Centre (indoors)
(y) Research and Development Facilities
(z) Retail Store
(aa) Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility
(ab) Retail Warehouse
(ac) Service Repair Establishment
(ad) Transitional Housing
(ae) Transport Terminal
(af) Transportation Service
(ag) Veterinary Services
(ah) Warehouse, Storage Facility and/or Distribution Centre

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 800 m² interior lot, 900 m² corner lot
(b) Frontage	min. 20 m
(c) Front Yard Setback	min. 7.5 m
(d) Flankage Yard Setback	min. 7.5 m
(e) Side Yard Setback	min. 3 m, 6 m if bordering on any residential zone
(f) Rear Yard Setback	min. 7.5 m, 10 m if bordering on any residential zone
(g) Lot Coverage	N/A

.3 Accessory buildings are permitted in accordance with Section 3.1

18.4 PERMITTED WITH CONDITIONS

.1 Notwithstanding Section 18.3, Automobile service stations in compliance with Section 4.14 may be considered by Development Agreement in accordance with Section 2.5.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

18.5 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted.

.2 The maximum building height shall be 12 m or 3 storeys.

.3 All buildings exceeding 800 m² of gross floor area must be designed and stamped by a professional architect licensed to practice in PEI.

.4 Buildings shall be constructed of high-quality materials excluding:

(a) Vinyl siding
(b) EIFS/synthetic stucco (Exterior Insulation and Finish Systems)
(c) Imitation stone/brick panels (faux masonry veneer), stone-tile, plastic laminates or other synthetic materials that mimic real stone or real wood.
(d) Concrete block (CMU) exposed finishes
(e) Unfinished or painted metal sheet siding
(f) Reflective or mirrored glass

.5 The City may also approve other materials that, in its discretion, determines are compatible with any permitted materials if it finds that:

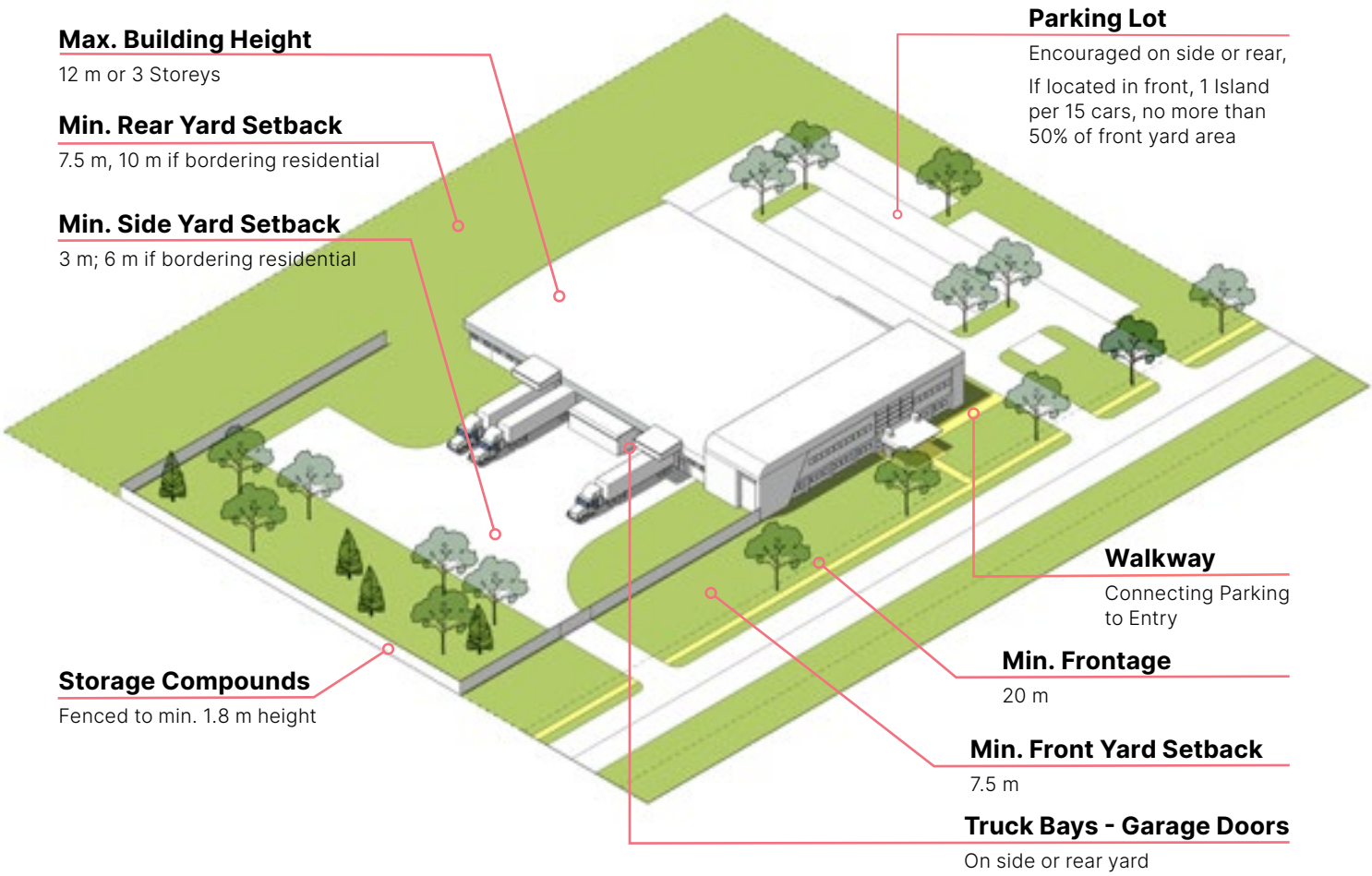

Figure 18.1 BP Built Form and Landscape Requirements

(a) The quality and appearance of the proposed materials is consistent with the standard that has been set within the business park; or

(b) The use of these materials will not have a detrimental effect upon adjacent property values or property values within the park.

.6 Primary building entries should be clearly visible in the design of the building and scaled proportionally for the buildings. The use of character defining elements such as; overhangs, columns, pilasters, window placements and/or signage should be used to define the main entry. Additional options include extra-height lobby space, distinctive doorways, distinctive landscaped entry area, and changes in paving materials, textures or colour. Primary building entries should face the main parking area.

.7 Buildings in the BP Zone should employ design approaches to avoid monolithic or monotonous building appearances. This includes:

(a) Facade modulation - stepping back or extending forward a portion of the façade to articulate flat building faces

(b) Vertical divisions using different textures or materials

(c) Division into store-fronts, with separate display windows and entrances

(d) Front facing façades shall include no less than two (2) different building materials with each material no less than 20% of the total façade area.

(e) Pedestrian entrances must be prominent, glazed, and weather-protected (canopy, awning).

(f) Buildings on corner lots must address both street frontages with articulated façades.

.8 Loading bays, overhead doors, vehicle services doors and service yards must be

located at the side or rear of the lot where possible.

.9 Parking is encouraged on the side or rear of the lot but is permitted in the front yard if:

(a) No more than 50% of the front yard is dedicated to a parking lot (lanes, stalls and driveways);

(b) For every 15 parking spaces, the lot shall include one landscaped island (the size of a parking stall) which includes 1 tree and landscaping including shrubs, ornamental grasses or stormwater gardens; and

(c) These landscaped islands are not included in the area calculation above.

.10 Temporary and/or mobile buildings are prohibited from serving as primary buildings on locations found in front or flank yard.

18.6 LANDSCAPE REQUIREMENTS

.1 All disturbed areas should be well landscaped using mostly (>75% quantities) indigenous, low maintenance plants that are well adapted for the local microclimates on each site. Shade tolerant species shall be specified for the north side of buildings or in areas of frequent shade. Similarly, windy sites should be planted with wind tolerant species. Disturbed areas cannot be left without landscaping.

.2 Where grass is being considered for any project:

(a) Ensure the grass species is selected is adequate for shade levels on the site;

(b) Pegged sod is required on all landscaped slopes exceeding 30%. erosion control measures must be clearly identified on sloping sites to minimize soil erosion;

(c) A minimum of 1.5 m wide of sod strip is required adjoining any asphalt areas, pathways, gravel storage areas, or landscape beds;

(d) A minimum of 2 m wide strip of sod is required for all drainage swales;

(e) Any reinstatement of public road rights-of-way must be sodded; and

(f) Hydraulic seeding is permitted in all other areas where sod is not required. Broadcast seed is not permitted unless used for spot repairs.

.3 For any parking lots located in the front yard, a minimum 2 m wide hard-surfaced sidewalk shall connect the front door of the building to any adjacent sidewalks adjoining the property if present.

.4 Driveways, parking areas, storage areas, and loading and unloading areas shall be separated from landscaped areas by continuous concrete curbing unless the design is part of a larger stormwater management strategy using rain gardens, engineered wetlands or other stormwater measures.

.5 Slopes shall be no steeper than three (3) horizontal to one (1) vertical, except as an engineered retaining structure. All slopes shall be vegetated (not necessarily grass) and no riprap stone armouring is permitted on any site unless it is not materially visible from any road or sidewalk.

.6 No permanent or temporary structures are permitted in the public road right of way and any disturbance to the public right-of-way shall be reinstated to existing or better

condition including damages to trees, grass, lights or power infrastructure. Only driveways and walkways are permitted in the public right-of-way.

.7 All main entries should be well landscaped to a scale that is appropriate for the scale of the building and the importance of the entry sequence.

.8 Every use with more than 30 employees working in the building must include a well designed outdoor rest area complete with features such as outdoor seating, picnic tables, wind shelter, landscaping, or hardscape areas. The area should be no less than 1.5 m^2 for every employee parking space and the area should be located to maximize use and enjoyment by staff.

.9 The Front doors must connect to adjacent sidewalks and parking areas by a hard-surfaced walkway no less than 1.8 m wide.

.10 All disturbed surfaces shall be sodded or hard-surfaced (asphalt, pavers, concrete). Gravel or bare earth is not permitted except within fenced storage compounds (1.8 m min. fence).

.11 Front yards shall be landscaped with grass and shrub bed(s) at a rate of 0.5 m^2 of shrub bed per metre of frontage and one tree in the front yard for every 8 m of frontage. Decimal results shall round up.

.12 Garbage and refuse containers shall be concealed from the view of adjoining properties and public streets by means of a screening fence of material compatible with the architecture of the building. These screening elements shall be integrated with the concept of the site and building plan; be designed so as not to attract attention; and shall be located in the most inconspicuous manner possible.

.13 Properties that abut residential uses shall include a 3 m wide landscape buffer along the abutting property line that includes:

(a) A 1.8 m high (min.) opaque fence;
(b) One 60 mm caliper tree per 8 m of side or rear yard planted in the landscape buffer placed to block light and views; and
(c) For buildings that have been set back more than 3 m from the front lot line, no less than 1 tree shall be planted per front yard.

.14 The Development Officer may forgo these landscape requirements if it can be demonstrated that any of these requirements do not apply on a specific site. In addition, they may require additional requirements on a site specific basis to deal with special site consequences.

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PART 19
AP - Airport Periphery

19.1 INTENT

The Airport Periphery Zone is established to accommodate aviation-related operations and supporting uses essential to the safe and efficient functioning of the Charlottetown Airport. The zone provides for runways, taxiways, terminals, hangars, air cargo facilities, and associated commercial and service uses, while ensuring that development remains compatible with federal aviation regulations and surrounding land uses. The intent is to protect the long-term viability of the airport as a regional transportation hub, promote economic development through aviation-related industries, and manage land use in a manner that minimizes impacts on neighbouring residential and business areas.

19.2 RE-ZONING

.1 Rezoning from AP to another zone is not permitted.

19.3 PERMITTED USES

.1 The following uses are permitted in the AP Zone:

(a) Agricultural and Resource Land Uses
(b) Airport
(c) Automobile Body Shop
(d) Automobile Sales and Services
(e) Bulk Fuel Station
(f) Club
(g) Commercial Daycare Centre
(h) Cultural Establishment
(i) Educational Institution (private)
(j) Educational Institution (public)
(k) Equipment Sales, Rental Service
(l) Fire Station
(m) Garden Centre
(n) Government Offices
(o) Greenhouse (private industrial)
(p) Heavy Equipment Repair
(q) Hostel/ Hotel
(r) Kennel

(s) Manufacturing, Heavy
(t) Manufacturing, Light
(u) Marijuana Production Facility
(v) Medical, Health and Dental Office
(w) Office
(x) Outdoor Retail Display
(y) Outdoor Storage
(z) Parking Lot / Structure
(aa) Personal Service Shop
(ab) Place of Worship
(ac) Police Station
(ad) Recreation or Fitness Centre (indoors)
(ae) Research and Development Facilities
(af) Retail Store
(ag) Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility
(ah) Retail Warehouse
(ai) Service Repair Establishment
(aj) Transitional Housing
(ak) Transport Terminal
(al) Transportation Service
(am) Veterinary Services
(an) Warehouse, Storage Facility and/or Distribution Centre

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 600 m² interior lot, 700 m² corner lot
(b) Frontage	min. 20 m
(c) Front Yard Setback	min. 7.5 m
(d) Flankage Yard Setback	min. 7.5 m
(e) Side Yard Setback	min. 3 m, 6 m if bordering on any residential zone
(f) Rear Yard Setback	min. 10 m, 20 m if bordering on any residential zone
(g) Lot Coverage	N/A

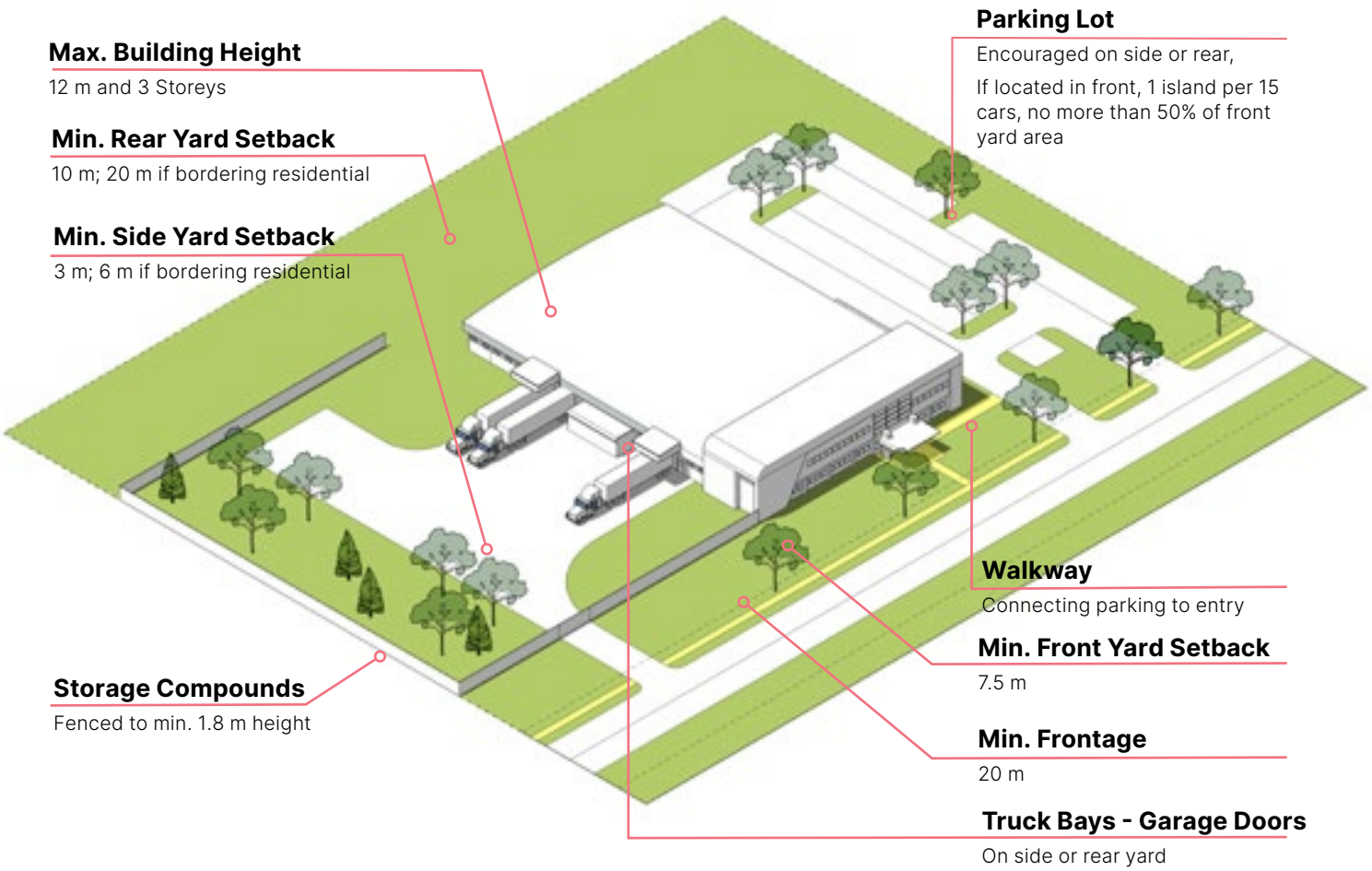

Figure 19.1 AP Built Form and Landscape Requirements

.3 Accessory buildings are permitted in accordance with Section 3.1

.4 Notwithstanding Section 19.3.3, airport related facilities operated by the Charlottetown Airport Authority Inc. are permitted to include more than one building per lot, with no maximum or minimum zoning requirements.

.5 Development in the Airport Periphery (AP) Zone may be subject to additional regulations of the Charlottetown Airport Zoning Regulations (SOR/92-649) under federal authority of the Aeronautics Act, R.S.C., 1985, c. A-2 and all amendments thereto.

.6 Subject to Transport Canada's Obstruction Limitation Surfaces (OLS) — no building or structure may penetrate federally regulated height surfaces.

19.4 PERMITTED WITH CONDITIONS

.1 Notwithstanding Section 19.3, Automobile service stations in compliance with Section 4.14 may be considered by Development Agreement in accordance with Section 2.5.

.2 Notwithstanding Section 19.3, any use or development proposed on a lot greater than one hectare in area may be considered through the Development Agreement Pathway in accordance with Section 2.5.

.3 Permitted encroachments into the setbacks are listed in Table 3.2.

.4 All uses permitted in the Business Park (BP) Zone are permitted in the AP Zone, subject to the Regulations for Permitted Uses for the BP Zone.

.5 Airport towers or aviation equipment that exceed the maximum height requirement are permitted as of right.

19.5 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted.

.2 The maximum building height shall be 12 m or 3 storeys.

.3 All built form requirements in the BP Zone (Section 18.5) apply to all uses for new buildings in this zone, except airport related facilities.

.4 Airport related facilities are exempt from any built form requirements such as:

(a) Service and loading areas requirements or screening from public streets.
(b) Garage requirements
(c) Any parking requirements
(d) Setback and coverage requirements

19.6 LANDSCAPE REQUIREMENTS

.1 All Landscape requirements in the BP Zone (Section 18.6) apply to all uses for new buildings in this zone.

.2 Airport related facilities are exempt from:

(a) Any of the landscape requirements in Section 19.6
(b) Any safety fencing requirements which prohibit the use of razor wire

PART 20
HI - Heavy Industrial

20.1 INTENT

The intent of the Heavy Industrial Zone is to provide areas for a range of industrial, manufacturing, warehousing, logistics, and related employment uses that contribute to the economic development of the City. This zone is intended to accommodate activities that require larger sites, specialized infrastructure, and separation from sensitive land uses due to noise, traffic, or operational characteristics. Development within the Industrial Zone shall promote efficient land use, safe and effective transportation access, and compatibility with adjacent uses, while supporting innovation, job creation, and long-term economic sustainability.

20.2 RE-ZONING

.1 Rezoning from HI to another zone, except BP, is not permitted.

20.3 PERMITTED USES

.1 The following uses are permitted in the HI Zone:

(a) Abattoir
(b) Automobile Body Shop
(c) Automobile Sales and Services
(d) Bulk Fuel Station
(e) Equipment Sales, Rental Service
(f) Extractive Facilities
(g) Feedmill
(h) Fire Station
(i) Forestry Related
(j) Heavy Equipment Repair
(k) Kennel
(l) Manufacturing, Heavy
(m) Manufacturing, Light
(n) Marijuana Production Facility
(o) Office
(p) Outdoor Storage
(q) Police Station

(r) Public Utility Service Operation
(s) Recycling Depot
(t) Retail Store
(u) Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility
(v) Retail Warehouse
(w) Salvage or Waste Disposal Facility
(x) Service Repair Establishment
(y) Transport Terminal
(z) Transportation Service
(aa) Warehouse, Storage Facility and/or Distribution Centre

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 600m² interior lot, 700m² corner lot
(b) Frontage	min. 20 m
(c) Front Yard Setback	min. 7.5 m
(d) Flankage Yard Setback	min. 7.5 m
(e) Side Yard Setback	min. 3 m, 6 m if bordering on any residential zone
(f) Rear Yard Setback	min. 10 m, 20 m if bordering on any residential zone
(g) Lot Coverage	N/A

.3 Accessory buildings are permitted in accordance with Section 3.1

20.4 PERMITTED WITH CONDITIONS

.1 Notwithstanding Section 20.3, the following uses may be considered by Development Agreement in accordance with Section 2.5:

(a) Automobile service stations in compliance with Section 4.14; and
(b) Refuelling stations.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Uses that produce strong odours or loud noises may be subject to additional studies (at the discretion of the Development Officer) to minimize impacts on surrounding land uses that may be negatively impacted.

.4 Hazardous materials handling or processing, may be subject to provincial and federal approvals.

20.5 BUILT FORM REQUIREMENTS

.1 Two buildings per lot are permitted.

.2 The maximum building height shall be 12 m or 3 storeys.

.3 Loading bays and service doors shall be located to the side or rear of the building where abutting a public street except where the lot configuration makes it impossible to do so.

.4 Building façades facing a public street shall include architectural articulation, variation in materials, or glazing.

.5 Blank façades exceeding 20 m in length are prohibited along a public street.

20.6 LANDSCAPE REQUIREMENTS

.1 Outdoor storage in the HI Zone shall:

(a) Not be permitted in the front yard of the primary building;
(b) Be fully screened in accordance with Section 5.6.2;
(c) Not exceed the height of the principal building.

.2 General landscaping in the HI Zone:

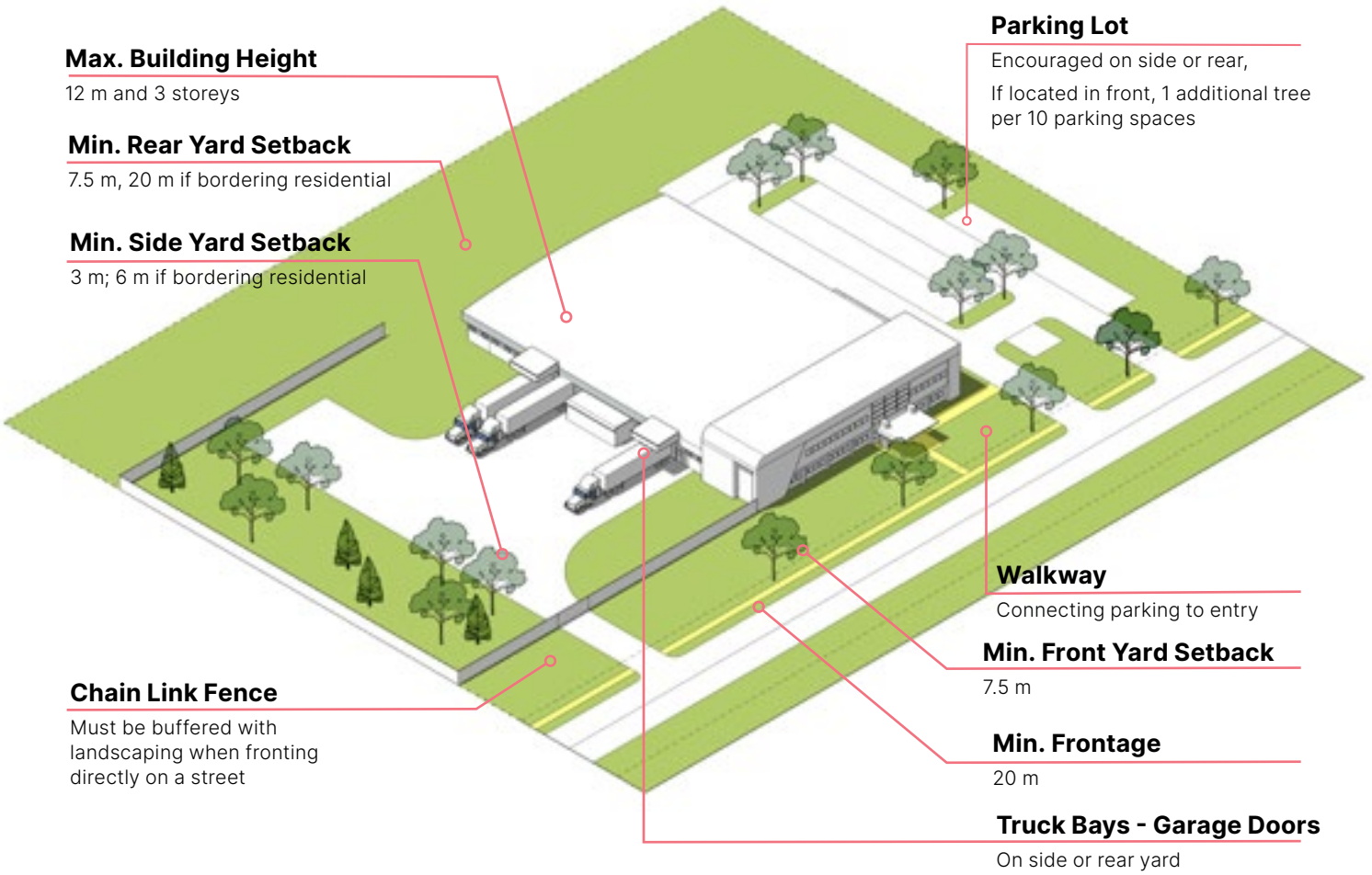

Figure 20.1 HI Built Form and Landscape Requirements

(a) Shall not be less than 15% of the lot area and may include preserving existing woodlands or vegetation on site;
(b) May permit the use of planting beds, grassy berms, bio-swales, and stormwater features as part of the landscape calculation;
(c) Requires native trees with a minimum height of 2.5 m at a rate of no less than 2 trees per acre.
(d) Requires landscaped beds consisting of ornamental grasses, woody shrubs or perennials at a rate of no less than 0.5 m^2 per metre of frontage of the principal building and located in the front yard.

.3 Properties that abut residential uses shall include a 3 m wide landscape buffer along the abutting property line that includes:

(a) A 1.8 m high (min.) opaque fence
(b) One 60 mm caliper tree per 8 m of side or rear yard planted in the landscape buffer placed to block light and views.
(c) For buildings that have been set back more than 3 m from the front lot line, no

less than 1 tree shall be planted per front yard.

.4 Any chain link fences fronting directly on a street must be buffered using a combination of trees, shrubs or vines.

.5 All disturbed areas should be well landscaped using mostly (>75% quantities) indigenous, low maintenance plants that are well adapted for the local microclimates on each site. Shade tolerant species shall be specified for the north side of buildings or in areas of frequent shade. Similarly, windy sites should be planted with wind tolerant species. Disturbed areas cannot be left without landscaping.

.6 Where grass is being considered for any project:

(a) Ensure the grass species is selected is adequate for shade levels on the site.
(b) Pegged sod is required on all landscaped slopes exceeding 30%. Erosion Control measures must be clearly identified on sloping sites to minimize soil erosion.
(c) A minimum of 1.5 m wide of Sod strip is required adjoining any asphalt areas, pathways, gravel storage areas, or landscape beds.
(d) A minimum of 2 m wide strip of sod is required for all drainage swales
(e) Any reinstatement of public road rights-of-way must be sodded.
(f) Hydraulic seeding is permitted in all other areas where sod is not required. Broadcast seed is not permitted unless used for spot repairs.

.7 For any parking lots located in the front yard, a minimum 2 m wide hard-surfaced sidewalk shall connect the front door of the building to any adjacent sidewalks adjoining the property if present.

.8 Slopes shall be no steeper than three (3) horizontal to one (1) vertical, except as an engineered retaining structure. All slopes shall be vegetated (not necessarily grass) and no riprap stone armouring is permitted on any site unless it is not materially visible from any road or sidewalk.

.9 All main entries should be well landscaped to a scale that is appropriate for the scale of the building and the importance of the entry sequence.

.10 The front door of the primary building must connect to adjacent sidewalks and parking areas by a hard-surfaced walkway no less than 1.8 m wide.

.11 Parking is recommended in the side or rear yard of the lot, but any parking located in front yard of the primary building shall include one additional tree for every 10 parking spaces located in the front yard.

.12 The Development Officer may forgo these landscape requirements if it can be demonstrated that any of these requirements do not apply on a specific site. In addition, they may require additional requirements on a site specific basis to deal with special site consequences.

PART 21
P - Port

21.1 INTENT

The Port Zone is intended to accommodate marine-related operations and supporting uses essential to the functioning of Charlottetown's harbour. This zone provides for shipping, ferry, cruise, fishing, and cargo-handling activities, along with associated industrial, commercial, and transportation facilities. The intent is to protect the Port's role as a regional economic driver and gateway, while ensuring safe and efficient marine operations, maintaining public access to selected waterfront areas, and managing land uses to minimize impacts on adjacent neighbourhoods and the downtown waterfront.

21.2 RE-ZONING

.1 Rezoning land from the Port (P) Zone to another zone may only be considered where:

(a) the land is no longer required for existing or planned Port Land Uses;
(b) the proposed rezoning will not interfere with the continued operation or future expansion of the Port; and
(c) the proposed rezoning is consistent with the Official Plan.

21.3 PERMITTED USES

.1 The following use is permitted in the P Zone:

(a) Marine Gas Station

21.4 PERMITTED USES BY SITE PLAN APPROVAL

.1 Uses Permitted by Site Plan Approval:

(a) Events Hosting
(b) Hostel / Hotel
(c) Marina
(d) Office
(e) Port Land Uses
(f) Retail Store
(g) Transportation Service

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 600 m² interior lot, 700m² corner lot
(b) Frontage	min. 20 m
(c) Front Yard Setback	min. 7.5 m
(d) Flanking Yard Setback	min. 7.5 m
(e) Side Yard Setback	min. 3 m, 6 m if bordering on any other
(f) Rear Yard Setback	min. 10 m, 20 m if bordering on any other zone
(g) Lot Coverage	N/A

.3 Accessory buildings are permitted in accordance with Section 3.1.

.4 Facilities and uses must comply with Transport Canada's Marine Transportation Security Act and Regulations.

21.5 PERMITTED WITH CONDITIONS

.1 Notwithstanding section 21.3 and 21.4, any use or development proposed on a lot greater than one hectare in area may be considered through the Development Agreement Pathway in accordance with section 2.5.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Notwithstanding the accessory buildings which are permitted in accordance with Section 3.1, port facilities operated by the Charlottetown Port Authority Inc. are permitted to include more than one building per lot, with no maximum or minimum zoning requirements.

.4 A continuous linear boardwalk connection shall be provided along the waterfront, excluding wharfs and piers for the length of the Port Zone along the waterfront.

.5 Any new building or development proposed in the Port Zone (P) is subject to the Regulations for Permitted Uses for the Downtown Waterfront (DW) Zone.

21.6 BUILT FORM REQUIREMENTS

.1 Two buildings per lot are permitted.

.2 The maximum building height shall be 12 m or 3 storeys.

.3 New buildings require a separation distance of 5 m.

.4 Port land uses facilities are exempt from any built formrequirements such as:

(a) Service and loading areas requirements or screening from public streets
(b) Garage requirements
(c) Any parking requirements
(d) Setback and coverage requirements
(e) Storage requirements

21.7 LANDSCAPE REQUIREMENTS

.1 A land use buffer from adjacent abutting zones shall include:

(a) No less than 5 m (16.4 ft) in width reserved for boardwalk, a linear trail, greenway, or landscaped area.
(b) The land use buffer shall be planted with street trees and shrubs at a frequency of one tree for every 8 m (26.2 ft) of length along the abutting boundary line.

.2 Port land uses are exempt from:

(a) Any of the landscape requirements in Section 20.6.
(b) Any safety fencing requirements which prohibit the use of razor wire or security fencing.

PART 22
GC - Growth Corridor

22.1 INTENT

Located primarily on the city's main arterial roads, linear Growth Corridors (GC) form corridors of development that are prime opportunities for increasing residential densities and supporting existing commercial uses. These areas are also ideal for mixed use development due to the proximity to transit and active transportation linkages along the arterials. Growth corridors should support walkable neighbourhoods by encouraging street-related buildings with parking in side or rear yards.

22.2 RE-ZONING

.1 Rezoning from GC to GN may be considered where the rezoning request aligns with the policies of the Official Plan.

22.3 PERMITTED USES

.1 The following uses are permitted in the GC Zone:

(a) Automobile Sales and Services
(b) Cannabis Retail Store
(c) Cemetery
(d) Commercial Daycare Centre
(e) Community Care Facility
(f) Community Institutional
(g) Convenience Store
(h) Cultural Establishment
(i) Dormitory
(j) Eating and Drinking Establishment
(k) Educational Institution (private)
(l) Educational Institution (public)
(m) Entertainment Establishment
(n) Equipment Sales, Rental Service
(o) Fire Station
(p) Funeral Establishment
(q) Garden Centre
(r) Government Offices

(s) Greenhouse (nursery retail)
(t) Grocery Store
(u) Hospital
(v) Hostel / Hotel
(w) Laundromat
(x) Library
(y) Medical, Health and Dental Office
(z) Multi-unit Dwelling
(aa) Office
(ab) Outdoor Retail Display
(ac) Parking Lot / Structure
(ad) Personal Service Shop
(ae) Place of Worship
(af) Police Station
(ag) Public Utility Service Operation
(ah) Recreation or Fitness Centre (indoors)
(ai) Retail Store
(aj) Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility
(ak) Retail Warehouse
(al) Service Repair Establishment
(am) Shopping Centre
(an) Theatre
(ao) Transport Terminal
(ap) Transportation Service
(aq) Veterinary Services
(ar) Warehouse, Storage Facility and/or Distribution Centre

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	N/A
(b) Frontage	min. 12 m
(c) Front Yard Setback	min. 2 m max. 6 m the front yard setback may be greater than the max. for up to 20% of the streetline
(d) Flanking Yard Setback	min. 2 m max. 6 m the flankage yard setback may be greater than the max. for up to 20% of the streetline
(e) Side Yard Setback	min. 0 m, 6 m where bordering a residential zone
(f) Rear Yard Setback	min. 12 m when abutting RN or RM, otherwise 6 m
(g) Coverage	max. 50%, 70% if half the parking is located underground

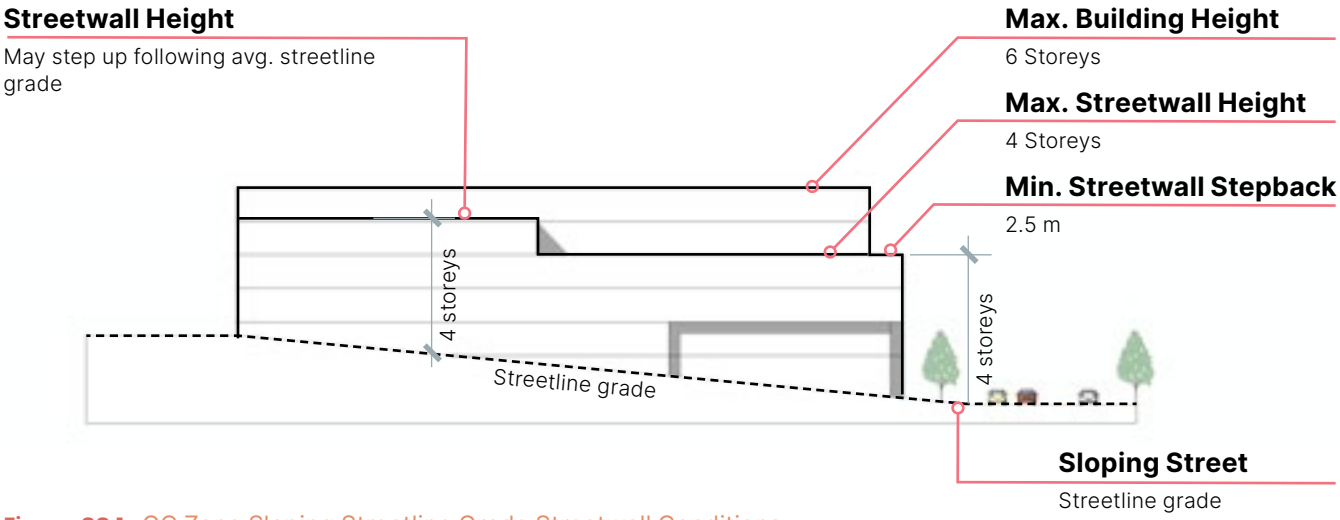

Figure 22.1 GC Zone Sloping Streetline Grade Streetwall Conditions

22.4 PERMITTED WITH CONDITIONS

.1 Notwithstanding section 22.3, the following uses may be considered by Development Agreement in accordance with Section 2.5:

(a) Automobile service stations in compliance with Section 4.14; and

(b) Drive-through Businesses.

.2 Flag lots are permitted with no less than 6 m frontage as long as all other site and building requirements are met in Section 22.3.2 for both the flaglot and the main lot.

.3 Permitted encroachments into the setbacks are listed in Table 3.2.

.4 Home occupations are permitted if Section 4.9 requirements are met.

22.5 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted.

.2 Attached garages shall not front onto the street frontage unless it provides access to an underground parking garage that does not exceed 25% of the primary building frontage on any streetline to a maximum width of 6 m.

.3 All street-facing façades shall provide at least one horizontal or vertical façade articulation of no less than 300 mm for no less than 30% of the façade area.

.4 The maximum building height is as follows:

(a) Any GC zoned property that borders a residential zone on its side yard shall have a maximum building height of 4 storeys.

(b) Any GC zoned property that borders a residential zone on its rear yard that has an average lot depth less than 38 m shall have a maximum building height of 4 storeys;

(c) Any GC zoned property that borders a residential zone on its rear yard that has an average lot Depth greater than 38 m but less than 60 m shall have a maximum building height of 5 storeys

(d) Any GC zoned property that borders a residential zone on its rear yard that has an average lot depth that exceeds 60 m shall have a maximum building height of 6 storeys.

(e) Any GC zoned property that shares side yards and rear yard with another GC zoned property shall have a maximum building height of 6 storeys. The properties shall have been in existence at the time this bylaw was adopted.

.5 The maximum streetwall height is as follows:

(a) If the allowable building height is equal to or less than 5 storeys, the maximum allowable streetwall height shall be 3 storeys

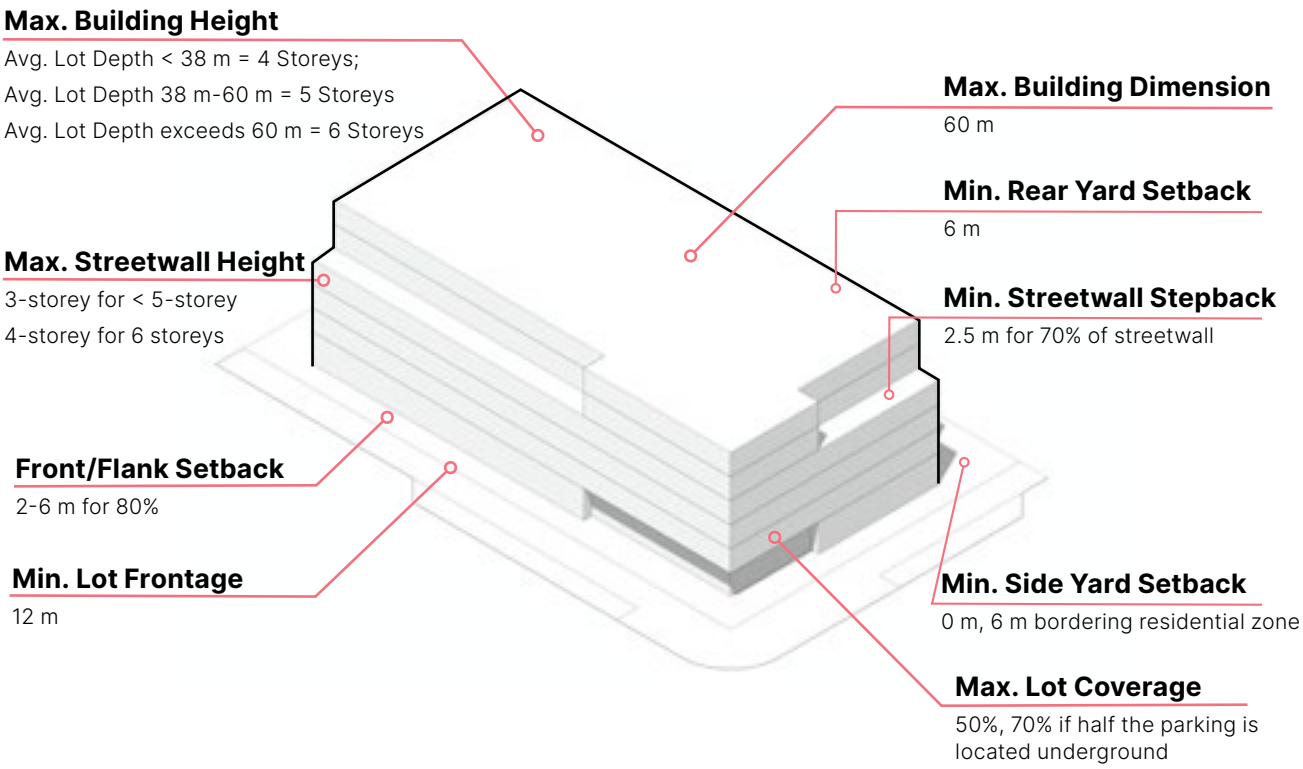

Figure 22.2 GC Zone Built Form Standards

(b) If the allowable building height is 6 storeys, the maximum allowable streetwall height shall be 4 storeys

(c) Streetwall height can be less than the maximum allowable streetwall height to a minimum of 2 storeys high.

(d) Streetwall heights can step up or down along sloping streetline grades as long as the maximum height is not exceeded (see Figure 22.1).

.6 The maximum building dimension is 60 m.

.7 Parking is not permitted between the street and the building.

.8 Primary building lobbies shall front onto the street-front.

.9 The amenity requirements in Section 3.13 shall be followed.

.10 For multi-unit buildings, each grade-related unit shall include a patio door.

22.6 LANDSCAPE REQUIREMENTS

.1 All driveways shall be hard-surfaced with asphalt, concrete or unit pavers. Loose gravel or soil is not permitted.

.2 Only one driveway per 20 m of frontage is permitted to a maximum of two (2) driveways per lot.

.3 Shared driveways are encouraged between neighbouring properties whenever possible.

.4 A minimum 2 m wide hard-surfaced pathway shall link the parking lot to the front door of every building.

.5 A minimum 2 m wide hard-surfaced pathway shall link the sidewalk to the front door of every building.

.6 If there are no street trees in the bordering public street right-of-way, each development shall include no less than 1 tree per 10 m of frontage between the building and the street. Decimal results shall be rounded up.

.7 A 3m landscape buffer is required for any GC properties that border residential zoned properties in the rear yard. Each landscape buffer shall include:

(a) A 1.8 m high opaque fence along the rear yard;

(b) One tree per 6 m of rear yard border; and

(c) Shrub beds at a rate of 2 m^2 per tree consisting of shrubs, annuals or perennials.

.8 All disturbed surfaces shall be seeded, sodded or hydroseeded with grass or meadow mixture or restored to natural condition. Seeding mixes must not include PEI invasive species.

.9 Each grade-related unit must provide no less than 4 m^2 of private outdoor amenity space (patio, balcony, rooftop deck, or small yard) to ensure resident comfort and privacy.

.10 Surface parking lots that exceed 24 cars shall include one landscaped island per 15 parking spots. Decimal results shall be rounded up.

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PART 23
GN - Growth Node

23.1 INTENT

The Growth Node Zone is intended to accommodate compact, mixed-use development in strategically identified areas of Charlottetown that can support higher density housing, commercial services, and community amenities. These nodes are planned to concentrate growth in walkable, transit-supportive locations, reduce pressure on outlying areas, and create vibrant neighbourhood centres. Development in this zone should promote a mix of residential, retail, office, and institutional uses in mid-rise built forms, supported by high-quality public spaces, active transportation connections, and sustainable infrastructure.

23.2 RE-ZONING

.1 Rezoning from GN is not permitted.

23.3 PERMITTED USES

.1 The following uses are permitted in the GN Zone:

(a) Automobile Sales and Services
(b) Cannabis Retail Store
(c) Cemetery
(d) Commercial Daycare Centre
(e) Community Care Facility
(f) Community Institutional
(g) Convenience Store
(h) Cultural Establishment
(i) Dormitory
(j) Eating and Drinking Establishment
(k) Educational Institution (private)
(l) Educational Institution (public)
(m) Entertainment Establishment
(n) Equipment Sales, Rental Service
(o) Fire Station
(p) Funeral Establishment
(q) Garden Centre
(r) Government Offices

(s) Greenhouse (nursery retail)
(t) Grocery Store
(u) Hospital
(v) Hostel / Hotel
(w) Laundromat
(x) Library
(y) Medical, Health and Dental Office
(z) Multi-unit Dwelling
(aa) Office
(ab) Outdoor Retail Display
(ac) Parking Lot / Structure
(ad) Personal Service Shop
(ae) Place of Worship
(af) Police Station
(ag) Public Utility Service Operation
(ah) Recreation or Fitness Centre (indoors)
(ai) Retail Store
(aj) Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility
(ak) Retail Warehouse
(al) Service Repair Establishment
(am) Shopping Centre
(an) Theatre
(ao) Transport Terminal
(ap) Transportation Service
(aq) Veterinary Services
(ar) Warehouse, Storage Facility and/or Distribution Centre

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	N/A
(b) Frontage	min. 12 m
(c) Front Yard Stepback	min. 2 m max. 6 m the front yard setback may be greater than the max. for up to 20% of the streetline
(d) Flanking Yard Setback	min. 2 m, max. 6 m, the flankage yard setback may be greater than the max. for up to 20% of the streetline
(e) Side Yard Setback	min. 0 m, 6 m bordering residential zones
(f) Rear Yard Setback	min. 12 m when abutting RN, or RM, otherwise 6 m
(g) Coverage	max. 60%, 80% if half the parking is located underground

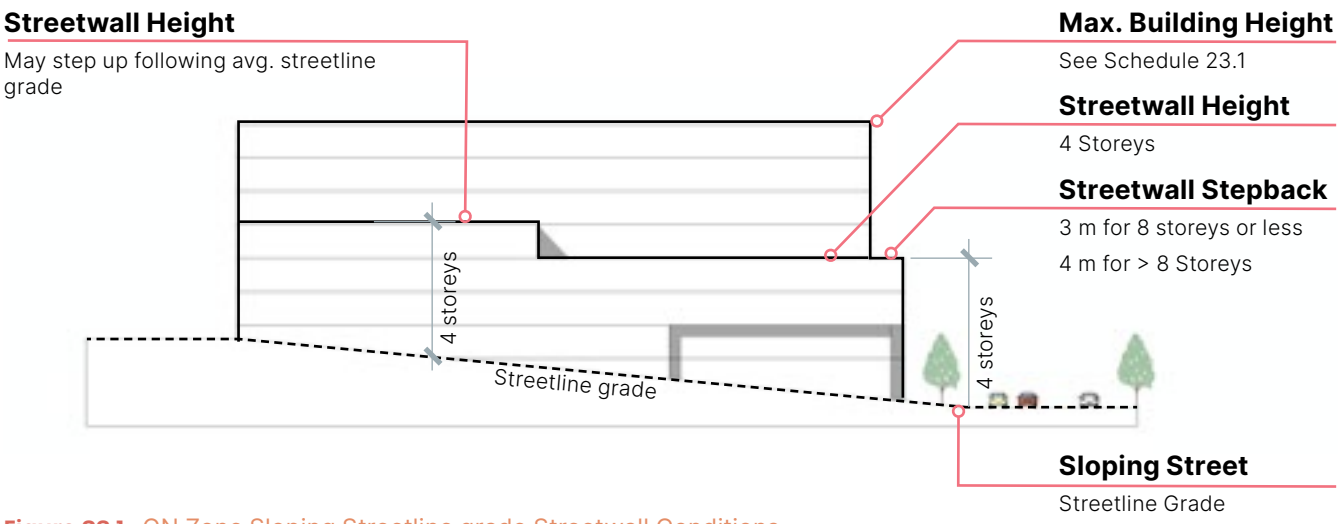


Figure 23.1 GN Zone Sloping Streetline grade Streetwall Conditions

23.4 PERMITTED WITH CONDITIONS

.1 Notwithstanding section 23.3, the following uses may be considered by Development Agreement in accordance with Section 2.5:

(a) Automobile service stations in compliance with Section 4.14; and
(b) Drive-through Businesses.

.2 Bonus building height requests shall be considered in accordance with Section 2.10.

.3 Notwithstanding section 23.3, any use or development proposed on a lot greater than one hectare in area may be considered through the Development Agreement Pathway in accordance with section 2.5.

.4 Flag lots are permitted with no less than 6 m frontage as long as all other site and building requirements are met in Section 23.3.2 for both the flaglot and the main lot.

.5 Permitted encroachments into the setbacks are listed in Table 3.2.

.6 Home occupations are permitted if Section 4.9 requirements are met.

23.5 BUILT FORM REQUIREMENTS

.1 One primary building per lot is permitted.

.2 Attached garages shall not front onto the street frontage unless it provides access to an underground parking garage that does not exceed 25% of the primary building frontage on any streetline to a maximum width of 6 m.

.3 All street-facing façades shall provide at least one horizontal or vertical façade articulation of no less than 300 mm for no less than 30% of the façade area.

.4 Maximum Building Height is set out in Schedule 23.1.

.5 The streetwall height in the GN Zone is 4 storeys. A 5 storey streetwall height may be considered as part of the requests for additional bonus height in accordance with Section 2.10.

.6 Streetwall Stepbacks vary as follows:

(a) For buildings that are 8 storeys or less, streetwalls shall stepback no less than 3 m above the streetwall for no less than 70% of the streetwall.
(b) For buildings that exceed 8 storeys, streetwalls shall stepback no less than 4 m above the streetwall for no less than 70% of the streetwall.

.7 The maximum building dimension is 70 m.

.8 The ground floor height shall:

(a) Not be less than 4 m high,
(b) Not be less than 3.5 m high if no more than 20% of the floor slab is a stepped slab.

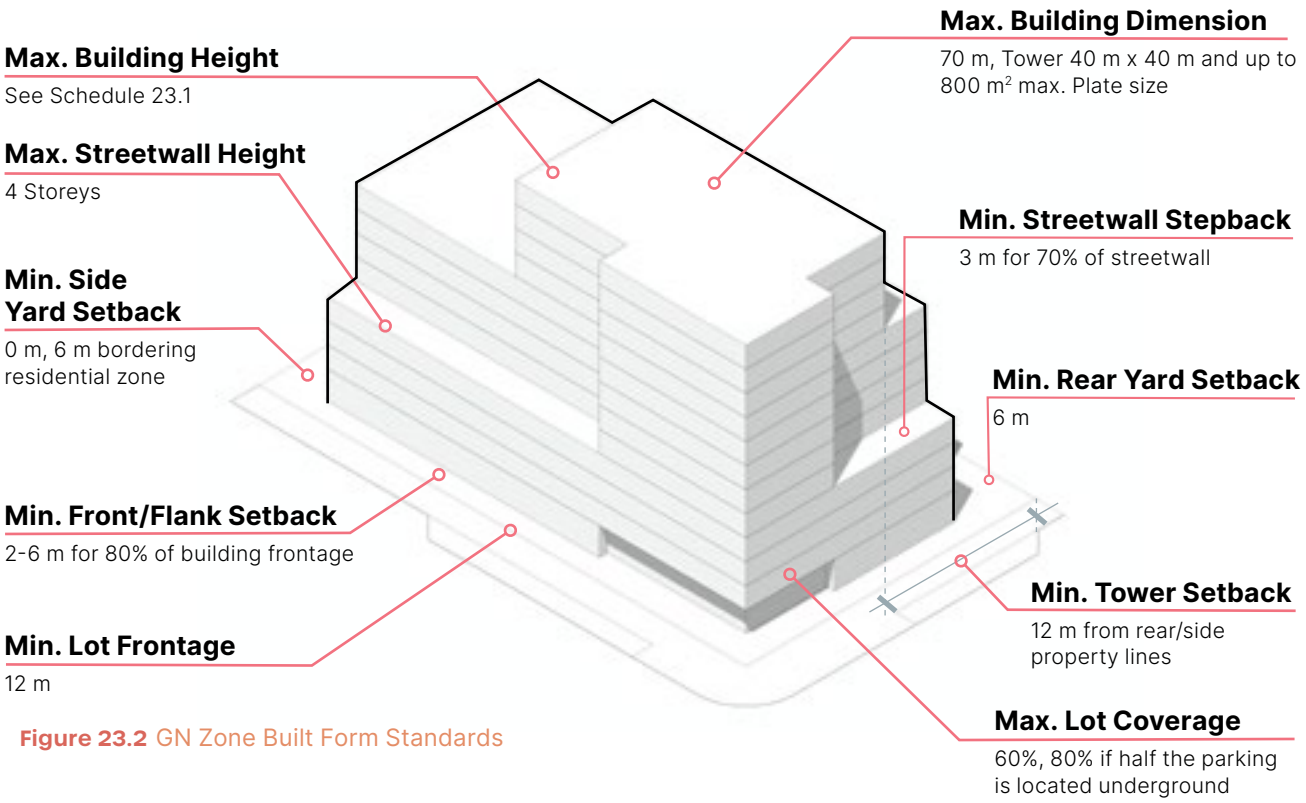


Figure 23.2 GN Zone Built Form Standards

.9 Above the 8th storey, the maximum tower dimensions are 40 m x 40 m and no more than 800 m².

.10 Towers shall be setback no less than 12 m from all side yard or rear yard property lines.

.11 If two towers share the same mid-rise, the tower separation shall be 24 m.

.12 Parking is not permitted between the street and the building.

.13 The main lobby and elevator core shall exit onto the street-front.

.14 The amenity requirements in Section 3.13 shall be followed.

.15 For multi-unit buildings, each grade-related unit shall include a patio door.

23.6 LANDSCAPE REQUIREMENTS

.1 All driveways shall be hard-surfaced with asphalt, concrete or unit pavers. Loose gravel or soil is not permitted.

.2 Only one driveway per 20 m of frontage is permitted to a maximum of 2 driveways per lot. Shared driveways are encouraged between neighbouring properties whenever possible.

.3 A minimum 2 m wide hard-surfaced walkway shall link the parking lot to the front door of every building.

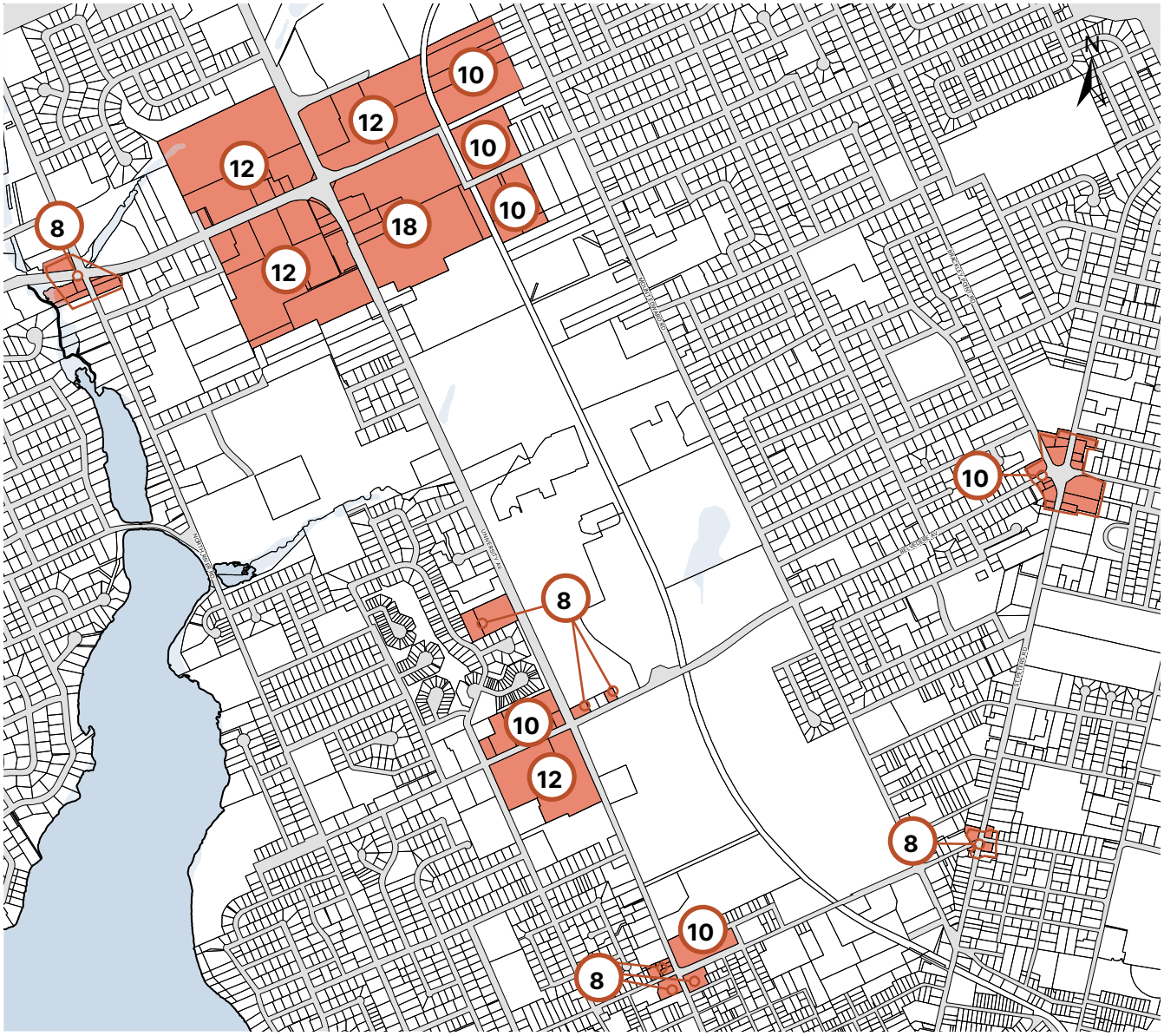
.4 A minimum 2 m wide hard-surfaced walkway shall link the sidewalk to the front door of every building.

.5 If there are no street trees in the bordering public street right-of-way, each development shall include no less than 1 tree per 10 m of frontage between the building and the street. Decimal results shall be rounded up.

.6 A 3 m landscape buffer is required for any GN properties that border residential zoned properties in the rear yard. Each landscape buffer shall include:

(a) A 1.8 m high opaque fence along the rear yard
(b) One tree per 6 m of rear yard border
(c) Shrub beds at a rate of 2 m² per tree consisting of shrubs, annuals or perennials.

.7 All disturbed surfaces shall be seeded, sodded or hydroseeded with grass or meadow mixture or restored to natural



Schedule 23.1 GN Height Precinct - Numbers represent maximum storeys

condition. Seeding mixes must not include PEI invasive species.

.8 Each grade-related unit must provide no less than 4 m^2 of private outdoor amenity space (patio, balcony, rooftop deck, or small yard) to ensure resident comfort and privacy.

.9 Surface parking lots that exceed 24 cars shall include one landscaped island per 15 parking spots. Decimal results shall be rounded up.

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PART 24
I - Institutional

24.1 INTENT

The Institutional Zone is intended to accommodate public and community-oriented facilities that provide essential services to Charlottetown residents, including schools, places of worship, government buildings, health care, cultural, and recreational institutions. The zone ensures that these uses are integrated into neighbourhoods in a manner that is compatible with surrounding development, while allowing flexibility for future expansion and modernization. Development in the Institutional Zone should emphasize accessibility, pedestrian connections, high-quality landscaping, and building forms that contribute positively to the community fabric.

24.2 RE-ZONING

.1 Rezoning from I to any other zone may be considered where the rezoning request aligns with the policies of the Official Plan.

24.3 PERMITTED USES

.1 The following uses are permitted in the I Zone:

(a) Cemetery
(b) Commercial Daycare Centre
(c) Community Care Facility
(d) Community Institutional
(e) Cultural Establishment
(f) Dormitory
(g) Educational Institution (private)
(h) Educational Institution (public)
(i) Fire Station
(j) Funeral Establishment
(k) Government Offices
(l) Hospital
(m) Library
(n) Medical, Health and Dental Office
(o) Place of Worship
(p) Police Station

(q) Public Utility Service Operation
(r) Recreation or Fitness Centre (indoors)

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 930 m²
(b) Frontage	min. 24 m
(c) Front Yard Setback	min. 7.6 m
(d) Flanking Yard Setback	min. 7.6 m
(e) Side Yard Setback	min. 3 m
(f) Rear Yard Setback	min. 6 m; 10 m when abutting RN, or RM
(g) Coverage	max. 60%

.3 Accessory buildings are permitted in accordance with Section 3.1.

24.4 PERMITTED WITH CONDITIONS

.1 Notwithstanding section 24.3, any use or development proposed on a lot greater than one hectare in area may be considered through the Development Agreement Pathway in accordance with section 2.5.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

.3 Community care facilities and nursing homes are subject to the following conditions in addition to those in Section 24.3.2:

(a) A density cap of 100 m² of site area for each bedroom; and
(b) The 4 storey height cap is increased to 5 storeys.

.4 Lodging houses and group homes are subject to the following conditions and those in Section 24.3.2:

(a) A density cap of 100 m² of site area for each bedroom;
(b) A lot area minimum of 325 m²; and
(c) A lot frontage of 10.6 m.

24.5 BUILT FORM REQUIREMENTS

.1 More than one building per lot is permitted.

.2 The maximum building height shall be 4 storeys.

.3 Buildings shall be constructed of high-quality materials excluding:

(a) Vinyl siding;
(b) EIFS / synthetic stucco (Exterior Insulation and Finish Systems);
(c) Imitation stone/brick panels (faux masonry veneer), stone-tile, plastic laminates or other synthetic materials that mimic real stone or real wood;
(d) Concrete block (CMU) exposed finishes;
(e) Unfinished or painted metal sheet siding; and
(f) Reflective or mirrored glass.

.4 The City may also approve other materials that, in its discretion, determines are compatible with any permitted materials if it finds that the use of these materials will not have a detrimental effect upon adjacent property values.

.5 Primary building entries should be clearly visible in the design of the building and scaled proportionally for the buildings. The

use of character defining elements such as; overhangs, columns, pilasters, window placements and/or signage should be used to define the main entry.

.6 Buildings in the I Zone should employ design approaches to avoid monolithic or monotonous building appearances. This includes:

(a) Facade modulation - stepping back or extending forward a portion of the façade to articulate flat building faces;
(b) Vertical divisions using different textures or materials;
(c) Division into store-fronts, with separate display windows and entrances;
(d) Front facing façades shall include no less than 2 different building materials with each material no less than 20% of the total façade area;
(e) Pedestrian entrances must be prominent, glazed, and weather-protected (canopy, awning); and
(f) Buildings on corner lots must address both street frontages with articulated façades.

.7 Loading bays, overhead doors, vehicle services doors and service yards must be located at the side or rear of the lot where possible.

.8 Parking is encouraged on the side or rear of the lot but is permitted in the front yard if:

(a) No more than 50% of the front yard is dedicated to a parking lot (lanes, stalls and driveways)
(b) For every 15 parking spaces, the lot shall include one landscaped island (the size of a parking stall) which includes 1 tree and landscaping including shrubs, ornamental grasses or stormwater gardens.
(c) These landscaped islands are not included in the area calculation above.

.9 Temporary and/or mobile buildings are prohibited from serving as primary buildings on locations found in front or flank yard.

24.6 LANDSCAPE REQUIREMENTS

.1 All disturbed areas should be well landscaped using mostly (>75% quantities) indigenous, low maintenance plants that are well adapted for the local microclimates on each site. Shade tolerant species shall be specified for the north side of buildings or in areas of frequent shade. Similarly, windy sites should be planted with wind tolerant species. Disturbed areas cannot be left without landscaping.

.2 Where grass is being considered for any project:

(a) Ensure the grass species is selected is adequate for shade levels on the site;
(b) Pegged sod is required on all landscaped slopes exceeding 30%. Erosion Control measures must be clearly identified on sloping sites to minimize soil erosion;
(c) A minimum of 1.5 m wide of Sod strip is required adjoining any asphalt areas, pathways, gravel storage areas, or landscape beds;
(d) A minimum of 2 m wide strip of sod is required for all drainage swales;
(e) Any reinstatement of public road rights-of-way must be sodded; and
(f) Hydraulic seeding is permitted in all other areas where sod is not required. Broadcast seed is not permitted unless used for spot repairs.

.3 For any parking lots located in the front yard, a minimum 2 m wide hard-surfaced sidewalk

shall connect the front door of the building to any adjacent sidewalks adjoining the property if present.

.4 Driveways, parking areas, storage areas, and loading and unloading areas shall be separated from landscaped areas by continuous concrete curbing unless the design is part of a larger stormwater management strategy using rain gardens, engineered wetlands or other stormwater measures.

.5 Slopes shall be no steeper than three (3) horizontal to one (1) vertical, except as an engineered retaining structure. All slopes shall be vegetated (not necessarily grass) and no riprap stone armouring is permitted on any site unless it is not materially visible from any road or sidewalk.

.6 No permanent or temporary structures are permitted in the public road right of way and any disturbance to the public right-of-way shall be reinstated to existing or better condition including damages to trees, grass, lights or power infrastructure. Only driveways and walkways are permitted in the public right-of-way.

.7 All main entries should be well landscaped to a scale that is appropriate for the scale of the building and the importance of the entry sequence.

.8 Every institutional use with more than 30 employees working in the building must include a well designed outdoor rest area complete with features such as outdoor seating, picnic tables, wind shelter, landscaping, or hardscape areas. The area should be no less than 1.5 m² for every employee parking space and the area should be located to maximize use and enjoyment by staff.

.9 The front doors must connect to adjacent sidewalks and parking areas by a hard-surfaced walkway no less than 1.8m wide.

.10 All disturbed surfaces shall be sodded or hard-surfaced (asphalt, pavers, concrete). Gravel or bare earth is not permitted except within fenced storage compounds (1.8 m min. fence).

.11 Front yards shall be landscaped with grass and shrub bed(s) at a rate of 0.5 m^2 of shrub bed per metre of frontage and one tree in the front yard for every 8 m of frontage. Decimal results shall round up.

.12 Garbage and refuse containers shall be concealed from the view of adjoining properties and public streets by means of a screening fence of material compatible with the architecture of the building. These screening elements shall be integrated with the concept of the site and building plan; be designed so as not to attract attention; and shall be located in the most inconspicuous manner possible.

.13 Properties that abut residential uses shall include a 3 m wide landscape buffer along the abutting property line that includes:

(a) A 1.8 m high (min.) opaque fence
(b) One 60 mm caliper tree per 8m of side or rear yard planted in the landscape buffer placed to block light and views.
(c) For buildings that have been set back more than 3 m from the front lot line, no less than one (1) tree shall be planted per front yard.

.14 The Development Officer may forgo these landscape requirements if it can be demonstrated that any of these requirements do not apply on a specific site. In addition, they may require additional requirements on a site specific basis to deal with special site consequences.

PART 25
PPS - Parks & Public Spaces

25.1 INTENT

This part aims to safeguard and enhance lands designated as parks and public spaces, ensuring they serve as accessible and multi-functional amenities that enrich the aesthetic, recreational, ecological, and social fabric of Charlottetown. It supports the City's Official Plan by preserving open areas for leisure, community gathering, and environmental conservation, promoting equitable distribution across neighbourhoods while reinforcing connectivity with active transportation networks.

25.2 RE-ZONING

.1 Rezoning from PPS to any other zone may be considered where the rezoning request aligns with the policies of the Official Plan.

25.3 PERMITTED USES

.1 The following uses are permitted in the PPS Zone:

(a) Active Recreation
(b) Cemetery
(c) Community Gardens
(d) Community Institutional
(e) Cultural Establishment
(f) Golf Course
(g) Government Offices
(h) Library
(i) Recreation or Fitness Centre (indoors)
(j) Trail System

.2 These uses are permitted provided that the following lot requirements are met:

(a) Lot Area	min. 930 m²
(b) Frontage	min. 24 m
(c) Front Yard Setback	min. 7.6 m
(d) Flanking Yard Setback	min. 7.6 m
(e) Side Yard Setback	min. 3 m
(f) Rear Yard Setback	min. 6 m; 10 m when abutting RN, or RM
(g) Coverage	max. 60%

.3 Accessory buildings are permitted in accordance with Section 3.1.

25.4 PERMITTED WITH CONDITIONS

.1 Permitted encroachments into the setbacks are listed in Table 3.2.

.2 Commercial buildings and seasonal kiosks may be permitted by development agreement.

.3 Temporary commercial events may be permitted by agreement with the City.

25.5 BUILT FORM REQUIREMENTS

.1 More than one building per lot is permitted.

.2 The maximum building height shall be 4 storeys.

.3 Buildings shall be constructed of high-quality materials excluding:

(a) Vinyl siding
(b) EIFS / synthetic stucco (Exterior Insulation and Finish Systems)
(c) Imitation stone/brick panels (faux masonry veneer), stone-tile, plastic laminates or other synthetic materials that mimic real stone or real wood.
(d) Concrete block (CMU) exposed finishes
(e) Unfinished or painted metal sheet siding
(f) Reflective or mirrored glass

.4 The City may also approve other materials it determines are compatible with any permitted materials if it finds that the use of these materials will not have a detrimental effect upon adjacent property values.

.5 The City, or its partners, may establish design guidelines or operating covenants at their discretion with groups or individuals to operate park facilities, events or special uses within the PPS Zone.

PART 26
POS - Privately-owned Open Spaces

26.1 INTENT

The intent of this chapter is to regulate the use and preservation of privately-owned open spaces, including golf courses, driving ranges, and similar recreational lands, recognizing their dual role as community amenities and significant landscaped areas within the urban fabric. These lands are intended primarily for outdoor recreational use, while maintaining their contribution to the City's green space network, stormwater management, and ecological systems.

26.2 RE-ZONING

.1 Rezoning from POS to any other zone may be considered where the rezoning request aligns with the policies of the Official Plan.

26.3 PERMITTED USES

.1 The following uses are permitted in the POS Zone by Site Plan Approval:

(a) Golf Course

.2 This use is permitted provided that the following lot requirements are met:

(a) Lot Area	min. 930 m²
(b) Frontage	min. 24 m
(c) Front Yard Setback	min. 7.6 m
(d) Flanking Yard Setback	min. 7.6 m
(e) Side Yard Setback	min. 3 m
(f) Rear Yard Setback	min. 6 m; 10 m when abutting RN, or RM
(g) Height	max. 4 storeys
(h) Coverage	max. 60%

.3 Accessory buildings are permitted in accordance with Section 3.1.

26.4 BUILT FORM REQUIREMENTS

.1 The maximum building height shall be 4 storeys.

.2 Up to four buildings per lot are permitted by Site Plan Approval.

26.5 PERMITTED WITH CONDITIONS

.1 Notwithstanding section 26.3, additional residential uses may be considered through the Development Agreement Pathway in accordance with section 2.5.

.2 Permitted encroachments into the setbacks are listed in Table 3.2.

PART 27
UE - Urban Expansion

27.1 INTENT

The Urban Expansion Zone is intended to ensure that future greenfield development proceeds through coordinated secondary planning and creates complete communities with a mix of residential densities, complementary uses, community amenities, infrastructure and protected natural assets. The zone also provides a transitional framework that allows approved Development Concept Plans on former Comprehensive Development Area lands to proceed to completion while requiring secondary planning for material amendments.

27.2 RE-ZONING

.1 Rezoning from the Urban Expansion Zone shall only be permitted:

(a) under an approved Legacy Development Concept Plan, following completion of development the lands shall be rezoned from Urban Expansion to the zone or zones that most closely correspond with the approved land uses and developments; or

(b) lands included in an adopted secondary plan, shall be rezoned from Urban Expansion to an appropriate zone or zones outlined in the secondary plan.

27.3 PERMITTED USES

.1 Single-detached dwellings in accordance with the RN Zone requirements.

27.4 PERMITTED WITH CONDITIONS

.1 Additions and accessory buildings associated with a permitted single-detached dwelling may be permitted in accordance with this bylaw, including Section 3.1.

.2 Notwithstanding Section 27.3, a use, development or subdivision may be considered through the Development Agreement Pathway in accordance with Section 2.5 where it:

(a) implements an adopted Secondary Plan; or

(b) is authorized by and consistent with an Approved Legacy Development Concept Plan.

.3 Except as provided by Sections 27.3 and 27.6, no development or subdivision shall be approved in the Urban Expansion Zone before completion of the applicable secondary planning process.

27.5 SECONDARY PLANNING

.1 A secondary planning process shall be authorized by Council and shall apply to the geographic area determined by Council.

.2 A secondary planning process shall include public consultation and shall consider:

(a) the proposed distribution, mix and density of land uses;
(b) connections to existing and planned street, transit and active transportation networks;
(c) the location, capacity and phasing of municipal services;
(d) parks, public spaces and community facilities;
(e) existing and potential ecological and agricultural functions;
(f) the protection and integration of natural assets;
(g) stormwater management and conservation measures;
(h) development phasing and coordination between properties and landowners;
(i) the fiscal, social and environmental viability of the proposed development;
(j) the long-term public benefits resulting from the development; and
(k) any other matter identified by Council.

.3 A secondary planning process is complete when Council has adopted a Secondary Plan and any related Official Plan amendments required to implement the Secondary Plan.

.4 Following adoption of a Secondary Plan, development shall proceed in accordance with:

(a) the Secondary Plan;
(b) the zone or zones established to implement the Secondary Plan;
(c) any applicable Development Agreement; and
(d) all other applicable provisions of this bylaw.

27.6 APPROVED LEGACY DEVELOPMENT CONCEPT PLANS

.1 For the purposes of this Part, Legacy CDA Lands means lands that were zoned Comprehensive Development Area immediately before the effective date of this bylaw.

.2 An Approved Legacy Development Concept Plan means a Development Concept Plan:

(a) approved by Council before the effective date of this bylaw;
(b) applicable to Legacy CDA Lands; and
(c) including its approved schedules, associated Development Agreement and amendments approved before the effective date of this bylaw.

.3 Development and subdivision authorized by an Approved Legacy Development Concept Plan may proceed to completion without completing a secondary planning process and shall proceed in accordance with:

(a) the Approved Legacy Development Concept Plan and its approved schedules;

(b) the associated Development Agreement;
(c) the conditions of the original Council approval; and
(d) the zoning and development requirements applicable when the Development Concept Plan was approved, except where current legislation or other applicable law requires otherwise.

.4 Nothing in this section authorizes development that materially departs from the land uses, density, building form, infrastructure or phasing authorized by the Approved Legacy Development Concept Plan. Changes shall be considered in accordance with Section 27.7.

.5 A working site plan or building plan for an outstanding phase shall be reviewed in accordance with the process established by the Approved Legacy Development Concept Plan or associated Development Agreement. Where no process is established, Council may approve the plans on the recommendation of the Planning Board where they are consistent with the Approved Legacy Development Concept Plan.

.6 Security may only be required where authorized by the Approved Legacy Development Concept Plan, associated Development Agreement or the requirements applicable when the Development Concept Plan was approved.

.7 An application for a Development Concept Plan accepted as complete but not decided before the effective date of this bylaw shall be processed in accordance with the former bylaw.

.8 Former Comprehensive Development Area lands without an Approved Legacy Development Concept Plan or an application protected under Section 27.6.7 are subject to the secondary planning requirements of Section 27.5.

27.7 CHANGES TO APPROVED LEGACY DEVELOPMENT CONCEPT PLANS

.1 A minor change that does not alter the approved intent of an Approved Legacy Development Concept Plan does not constitute an amendment and may be approved by the Development Officer where the change:

(a) does not change an approved land use;
(b) does not materially change the approved density, building height or built form;
(c) does not materially alter the approved street network, municipal servicing, parkland, public space or environmental protections;
(d) does not materially affect an adjacent property or approved phase;
(e) remains consistent with the associated Development Agreement; and
(f) complies with all other applicable requirements.

.2 Minor building additions, lot-boundary adjustments, lot consolidations and subdivisions required to implement the approved lot layout may be considered minor changes where they meet the requirements of Section 27.7.1.

.3 A proposed change that does not meet the requirements of Section 27.7.1 constitutes a material amendment to the Approved Legacy Development Concept Plan.

.4 A material amendment shall not be considered until:

(a) a secondary planning process has been completed for the area determined by Council; and

(b) the proposed amendment is consistent with the resulting Secondary Plan.

.5 Following completion of the secondary planning process, the proposed development shall be implemented through the applicable rezoning and development approval processes under this bylaw rather than as an amendment to the Approved Legacy Development Concept Plan.

PART 28
DEFINITIONS

28.1 DEFINED USES

Abattoir means the use of land, a building, or a structure in which animals are slaughtered and may include the packing, treating, storing, and sale of the product on the premises.

Accessory Dwelling Unit, Attached means a dwelling unit that is attached to the structure of an existing dwelling**.**

Accessory Dwelling Unit, Detached means a detached accessory building used, or intended to be used, as a dwelling unit.

Active Recreation means recreational activities, such as organized sports that require specialized facilities and development.

Agricultural and Resource Land Use means the non-intensive use of land, buildings or structures for the production of crops, animal husbandry or other similar uses normally associated with agriculture. Agricultural resource uses may also include retail or market outlets for the sale of agricultural goods; but shall not include intensive fowl, livestock, a kennel, or a fox farm operation.

Airport means the use of land or a building to facilitate the landing and handling of aircraft, their passengers, baggage, and freight, and may include secondary uses such as a ticket office, eating and drinking establishment, convenience store, retail store, transportation services and parcel and freight shipping facilities.

Animal Shelter means a building or structure used for the care of lost, abandoned, or neglected animals and operated by a public or semi-public authority, or by a non-profit private organization. Use as a kennel shall be limited to short-term boarding and shall be incidental to care provided.

Automobile Body Shop means a building or a clearly defined space on a lot used for the repair and servicing of motor vehicles including body repair, painting, and engine rebuilding, and includes storage for automobile towing establishments but does not include an automobile service station or automobile sales and services.

Automobile Service Station means an establishment where gasoline, oil, grease, anti-freeze, tires, and accessories for motor vehicles are stored and kept for sale, and where repairs of automobiles and trucks not exceeding one-and-one-half-tons may be repaired, including alignment, muffler, automotive glass, transmission repair, vehicle upholstery shops, tire stores, and car washes. This use may also be connected with a convenience store. “Automobile Body Shop” is a separate use.

Automobile Sales and Services means a building or lot used for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday trailers, boats or other recreational vehicles or craft, and includes supplementary vehicle maintenance, sale of vehicle parts and accessories, and dispensing of motor fuel to vehicles owned or rented by the vehicle sales and rental service.

Bulk Fuel Station means an establishment for the storage and distribution of petroleum products in bulk quantities, and may include retail sales or processing. Accessory uses may include tanker vehicle storage and key-lock pumps. Storage tanks under 4000 USWG fall under the installation regulations of the Province (and CSA Standards B-149.2) and over that size tank used for storage, the City of Charlottetown under the Fire Prevention Bylaw which adopts NFPA 1 and thereby, NFPA 58 may be applied for new or expansion of bulk fuel stations and distribution sites in the City.

Cannabis Retail Store means the premises specified in a retail cannabis license where the retail sale of cannabis is authorized.

Cemetery means land that is used as a place for the interment of the dead or in which human bodies have been buried.

Club (Including Commercial, Private or Service Clubs) means an association of persons united by a common interest and who meet periodically. The building in which the club meets may be licensed to serve alcoholic beverages.

Cluster Housing means a form of residential development where up to eight (8) dwelling units or residential buildings are grouped on a portion of a lot, site, or parcel to preserve land for recreation, open space, shared amenity space, or the protection of environmental, historical, cultural, or other significant features. Cluster housing may include shared access, parking, servicing, amenity space, reduced lot areas, reduced setbacks, or other site design techniques, provided that any resulting open space or protected area is secured through a legal mechanism acceptable to the City.

Commercial Daycare Centre means an establishment for the provision of care and supervision of children, as regulated in the Early Learning and Child Care Act R.S.P.E.I. 1988, Cap. E-.01 and amendments thereto.

Community Care Facility means a facility licensed as such pursuant to the Community Care Facilities and Nursing Homes Act R.S.P.E.I. 1988, Cap. C-13 and amendments thereto.

Community Garden are a single piece of land gardened collectively by a group of people. Community gardens are run by dedicated non-profit community groups. Each garden is unique with different numbers of garden plots, costs for plots and availability.

Community Institutional means a charitable or non-profit organization or government service which provides a neighbourhood or community service in a residential area.

Convenience Store means a small retail store, located in a convenient site in a neighbourhood, that serves the daily or occasional needs of residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, delicatessen products, sundries, tobacco, incidental hardware, newspapers, magazines, and videos.

Cultural Establishment means an establishment used for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to uses such as art galleries, Theatres, libraries, auditoria, archives, interpretive centres, and museums.

Dormitory means a building or structure where residents have exclusive use of a bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the owner for providing the accommodation.

Drive-thru Business means an establishment which is designed to provide either wholly or in part, service to customers while in their motor vehicles.

Dwelling means a building or portion of a building containing one or more dwelling units.

- **Dwelling, Duplex** means a building divided horizontally into two (2) dwelling units (an upper and lower unit) each with an independent entrance, either directly or through a common vestibule.
- **Dwelling, Mini-home** means a dwelling having a maximum width of 5 m (16.4 ft) that is substantially assembled in a manufactured plant, and designed to be transported (either on its own chassis or on a truck or trailer) as one integral unit and placed on a lot for year round living.
- **Dwelling, Modular** means a dwelling unit of at least 7.0 m (23.0 ft) in width constructed in accordance with the standards set forth in the Charlottetown Building Code Bylaw and composed of components substantially assembled in a manufacturing plant and transported to the lot for final assembly. A modular dwelling may also consist of two or more sections transported to the site in a manner similar to a mini-home or a series of panels or room sections transported on a truck and erected or joined together on a lot.
- **Dwelling, Multi-unit** means a building containing four or more dwelling units.
- **Dwelling, Townhouse** means a building that is divided vertically into three or more dwelling units, each of which has independent entrances.
- **Dwelling, Two Unit** means a building containing two (2) dwelling units.
- **Dwelling, Semi-detached** means a building divided vertically into two side-by-side separate dwelling units each of which has independent entrances.
- **Dwelling, Single-detached** means a stand-alone building that contains one dwelling unit and is not attached to another dwelling by a common wall or roof.

Dwelling Unit means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and containing independent cooking, sleeping and sanitary facilities, but does not include a lodging house, hotel, hostel, or recreational vehicle.

Eating and Drinking Establishment means an establishment where food is prepared and served, and may include alcoholic and non-alcoholic beverage service.

Equipment Sales, Rental Service means an establishment for the retail sale, wholesale distribution, rental and/or service of equipment. This term does not include heavy equipment repair or automobile sales and services.

Events Hosting refers to a temporary gathering activity, or function that takes place within a designated area for a specific duration of time. It may include festivals, fairs, concerts, exhibitions, and other similar social or cultural occasions organized by numerous groups, individuals, government organizations, non-governmental organizations, event promoters or management firms.

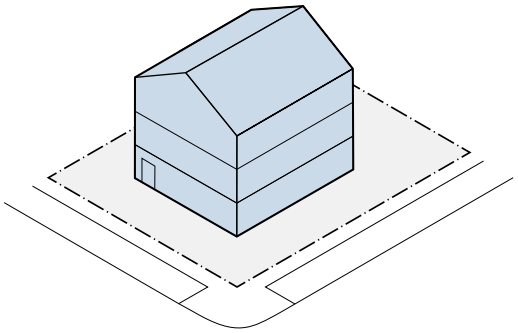
Extractive Facilities means all buildings, aggregate plants material storage areas, and weigh scales associated with extractive uses, but does not include structures or storage areas which are fundamental to the activities of mining.

Feedmill means a mill for the processing, blending, grinding, and mixing of grains, seeds, and concentrates.

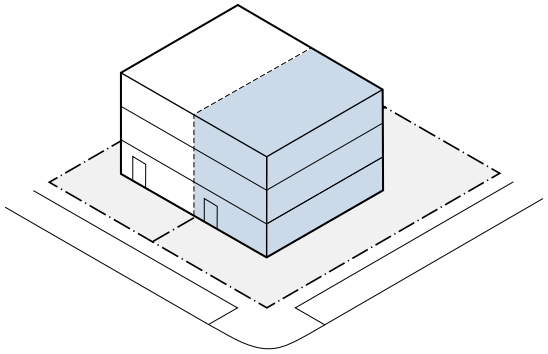
Fire Station means a building or structure used for storage of firefighting apparatus such as fire engines

Dwelling Unit Types

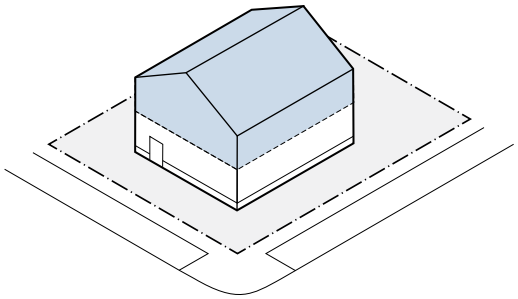
a. Single detached dwelling



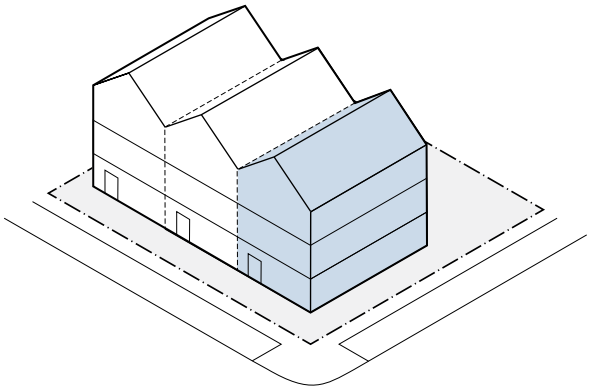
b. Semi-detached dwelling



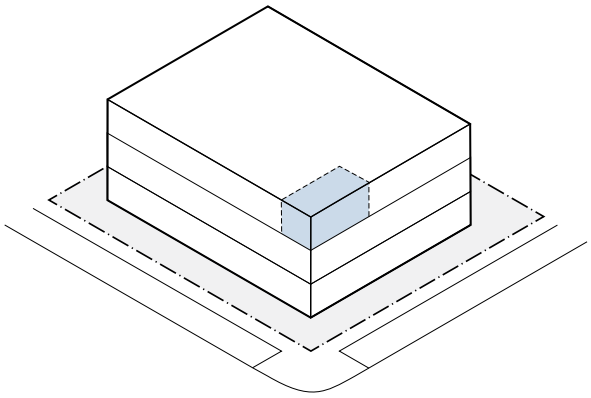
c. Duplex dwelling



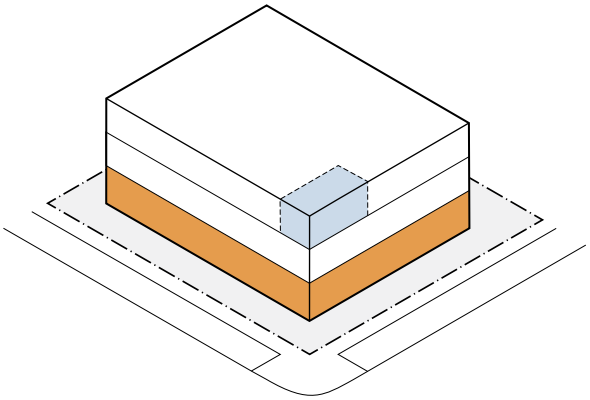
d. Townhouse



e. Multi-unit Dwelling



f. Mixed use building



Dwelling Unit

Commercial Space

and related vehicles, personal protective equipment, fire hoses and other specialized equipment. It may also have secondary uses, such as dormitory living facilities and work areas for the use of fire fighters.

Forestry Related means a commercial silviculture or the production of timber or pulp and any other uses associated with forestry including sawmills, related vehicle and equipment storage, accessory buildings and yards, as well as retail and wholesale outlets for wood and wood products.

Funeral Establishment means an establishment or part thereof used for human funeral services, and may include space and facilities for autopsies, embalming and short-term storage of human remains; as well as chapels and crematoriums.

Garden Centre means an establishment for the growing, storage, and/or sale of garden, household, and ornamental plants and trees, and includes supplementary retail sale of fertilizers, garden chemicals, garden implements, and associated products.

Golf Course means a public or private area operated for the purpose of playing golf and related activities including a club house and administration building(s). The foregoing is specifically limited by excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for maintenance or security personnel.

Government Office means an office used by the public (federal, provincial or municipal) sector government(s) including crown corporations and government agencies to conduct public administration or a person funded by a government to conduct programs or projects on behalf of the government(s).

Greenhouse means a permanent or temporary structure used for the growing, storage and sale, or any one of the foregoing, of trees as well as garden, household, and ornamental plants.

Grocery Store means a retail store which primarily sells food as well as other convenience and household goods.

Heavy Equipment Repair means an establishment for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

Hospital means a building used for the observation, medical and dental care and supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill persons.

Hostel means a supervised lodging establishment for travelers.

Hotel means a commercial building providing temporary accommodations for travelers or transients, and may have one or more public dining rooms and convention meeting rooms.

Kennel means a building or structure where more than two domestic animals are kept for commercial breeding, showing, or boarding with or without veterinary care.

Laundromat means an establishment where individual washing machines and clothes dryers are operated by the customer or by an attendant, but does not include a pressure steam boiler, flat work ironing equipment, garment pressing, or shirt finishing equipment.

Library means a building containing printed and pictorial material for public use for purposes of study, reference and recreation.

Limited Car Rental Operation means a use that permits a maximum of 10 passenger motor vehicles (including light trucks, SUVs, and minivans) not

exceeding 1 ton capacity that are rented to the public and may include the cleaning of such vehicles.

Lodging House means a building that supplies lodging and may provide meals for compensation to board between nine (9) to a maximum of sixteen (16) persons by way of providing lodging room(s), which is not open to the public but does not include a group home, transitional housing facility or a tourist accommodation.

Lodging Room means a bedroom within a Lodging House which is exclusively used by the resident(s) of the bedroom, and is not accessible to persons other than the resident(s) of the bedroom.

Manufacturing, Heavy means the production, compounding, processing, crating, bottling, packing, or assembly of raw or pre-processed materials including refining, smelting, forging, stamping, blanking, punch-pressing, or the manufacturing of chemical products.

Manufacturing, Light means the production, compounding, processing, packaging, crating, bottling, packing, or assembly of raw or pre-processed materials, but excluding refining, smelting, forging, stamping, blanking, punch-pressing, and the manufacturing of chemical products.

Marijuana Production Facility means premises used for growing, producing, testing, destroying, storing, or distribution of marijuana.

Marina, Commercial means a public, private, or commercial dockage which provides the services of a marina, in addition to eating and drinking establishments, recreational equipment rental/ services and businesses where watercraft are operated for the purposes of providing marine tours or charters.

Medical, Health and Dental Office means an establishment used by qualified medical practitioners and staff for the provision of medical, health and dental care on an outpatient basis. This term refers to such uses as medical and dental offices, physiotherapy services, chiropractic services, counselling services, and ancillary clinic counselling services, but does not include veterinary services.

Office means an establishment to accommodate professional, managerial, clerical services, consulting services, the administrative needs of business, government, and other organizations, or the sale of services such as travel agents and insurance brokers.

Outdoor Retail Display means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains, as well as prefabricated mini or modular dwellings and cottages.

Outdoor Storage means the storage of merchandise, goods, inventory, materials, equipment, or other items by locating them on a lot exterior to a building.

Parking Lot or Area means an open area, other than a street, containing parking spaces for four or more motor vehicles which is available for public use or as an accommodation for clients, customers, or residents, and which has adjacent access permitting ingress or egress of motor vehicles to a street by means of driveways, aisles, or manoeuvring areas where no parking or storage of motor vehicles is permitted.

Parking Structure means a covered or enclosed building containing communal parking spaces for the parking and/or storage of vehicles.

Personal Service Shop means a business premise in which people provide services directly for and to other individuals for their personal needs. Without limiting the generality of the foregoing, this definition may include a barber shop, hairdresser, aesthetician, shoe repair and shoe shining, tailor, laundry, and dry cleaning depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

Place of Worship means lands or buildings used for worship by an association of persons and may include such accessory uses as an assembly hall, a residence for the head of congregation and/or caretaker, a nursery school, and a school or religious education.

Police Station means the office or headquarters of the Charlottetown Police Department or the RCMP.

Port Land Uses means any land use or building used to support port activities and that which is owned, managed or operated by the local port or harbour authority.

Public Utility Service Operations means the land, building(s) or structure(s) of which the proprietor of the public utility maintains its Offices, or maintains and houses equipment used in connection with the Utility Service, and includes a water or sewerage pumping station, water storage reservoir, substation, road salt storage facility or government owned garage.

Recreational or Fitness Centre means a building or part of a building in which a recreational activity is performed and for which a membership or instruction fee may be charged and without limiting the generality of the foregoing includes weight-lifting, boxing or racquet sport clubs, martial arts school, and yoga and dance studios.

Recycling Depot means a building, structure, or land which is used for the deposit, collection, and handling of waste paper, rags, tires, bottles, or other materials which are to be delivered wholesale to other operations for reclamation, processing, or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a recycling depot. “Salvage or Waste Disposal Facility” is a separate use.

Research and Development Facilities means a building or place used primarily for the operation of scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Retail Store means an establishment for the retail sale or rental of merchandise, including hardware, from within an enclosed building. This definition may include supplementary postal services, film processing, repair or merchandise sold or rented by the store, and food consumption areas not exceeding 20 percent of the Gross Floor Area.

Retail Warehouse means a building or structure, or part thereof, where specific commodities are stored and sold. This definition includes home furnishings and products such as furniture and garden furniture, appliances, electrical fixtures, carpets, floor coverings, building supplies, plumbing supplies, decorating supplies, catalogue sales, and sporting goods.

Salvage or Waste Disposal Facility means an establishment for purchasing, receiving, re-sale, or transporting of spent materials or substances which may generate a detrimental impact or nuisance. This definition refers to uses such as salvage and scrap yards, garbage container services, and effluent tanker services. “Recycling Depot” is a separate Use.

Seniors Housing means housing intended primarily for seniors, which may include independent dwelling

units, shared amenity areas, and optional support services, but does not include a community care facility, nursing home, or hospital unless licensed or approved as such.

Service Repair Establishment means a building, or part thereof, for the servicing or repairing of articles, goods, or materials, but shall not include manufacturing or motor vehicle repair.

Shopping Centre means a commercial development containing three (3) or more retail business establishments conceived and designed as a single structure; or a comprehensively planned commercial development project of two or more structures and multiple retail businesses with appropriate relationships between the buildings, activities, open spaces, parking areas, loading spaces, driveways, other shared facilities, public areas, and adjoining streets, and held in single or multiple ownership.

Storage Facility means a building or structure consisting of individual storage units accessible by the user, used for the storage of goods, wares, merchandise, items or things.

Theatre means a building, or part of a building, devoted to showing motion pictures, or for dramatic, musical, or live performances.

Tourist Accommodation means temporary accommodations for travelers or transients within a dwelling unit for the exclusive use of one (1) guest and their party of guests, such as a bed and breakfast, heritage inn or hostel or a tourist home, but a hotel and motel are separate uses and separately defined.

Trail System means an area used for hiking, walking, biking, cross country skiing or other similar forms of non-motorized recreational travel.

Transitional Housing Facility means a facility for the temporary placement of people until they can be placed in a more permanent residence and/or temporary placement of people to be reestablished into society after receiving supervised care/ rehabilitation at a previous facility but does not include a group home, lodging house, nursing home, hotel, motel or a hostel.

Transport Terminal means the use of land, buildings, or structures for the purpose of storing, servicing, repairing, or loading of aircraft, trucks, transport trailers and/or buses.

Transportation Service means an establishment for aircraft and/or vehicles to transport people, documents, and packages. This term refers to uses such as aircraft carriers, bus lines, transit services, taxis, limousine services, and courier services.

Veterinary Services means the provision of services by veterinarians for the purposes of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and may also include the retailing of pet supplies.

Warehouse and/or Distribution Centre means an establishment used primarily for the storage, wholesaling, and distribution of goods and materials. This definition also includes self-storage units.

28.2 GENERAL DEFINITIONS

500 Lot Area means the Heritage Resource area identified within the City of Charlottetown that is generally located south of Euston Street.

Abut means where properties or lots share a common lot line or a common point along a lot line.

Accessory Building means a detached building or structure located on the same lot as a primary building, and the use of which is incidental or secondary to the primary building.

Accessory Use means the use of land or a building or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot. e.g., coffee roasting is an accessory use to the permitted retail sale of coffee beans.

Accommodations means a building or part thereof in which rooms are regularly provided for compensation for use by the travelling public for gain or profit and is not used as a dwelling for the owner and/or members of the owner's family. Hotels, inns, motels and cottages are examples of accommodations; however, accommodations shall not include a multi-unit dwelling, a bed & breakfast, a boarding, a rooming or a lodging house.

Addition means an alteration to an existing building resulting in an increase in the Gross Floor Area of the building.

Affected Property Owners means the property owner(s) identified on the assessment roll in accordance with the Real Property Assessment Act, Cap. R-4, R.S.P.E.I. 1988, and as provided to the City by the Province at the beginning of each year (with printed and/or electronic updates throughout the year). The City is responsible for only those names on the latest electronic files for the assessment roll to the City when sending notices under the provisions of this bylaw.

Affordable Housing means any type of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit, co-operative housing, or rent supplements for people living in private market housing.

Airport Related Facilities means any facilities operated by the Charlottetown Airport Authority Inc in direct support of the Charlottetown Airport including fuelling facilities, hangars, terminals, training centres, emergency services, customs, security facilities, aviation schools, car rental facilities, etc.

Alter or Alteration means to change in any manner, structurally or otherwise, in whole or in part, the exterior or interior of a building or structure, and includes to restore, renovate, repair, or change the design of such building or structure.

Amenity Space means non-commercial indoor or outdoor space dedicated for private or shared use by a building's occupants, such as balconies, grade-related dwelling unit patios, courtyards, planters and plots for gardening, rooftop barbecue areas, indoor and outdoor kitchens, swimming pools, saunas, fitness rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, greenhouses, and meeting rooms.

Amenity Room means an indoor space dedicated for private or shared use by a building's occupants, such as exercise rooms, indoor kitchens, social rooms, swimming pools, saunas, art studios, music rooms, greenhouses, short-term rental for tenants, and tenant meeting rooms.

Architect means a practicing architect who is a member of The Architects' Association of Prince Edward Island (AAPEI).

Artisan Food and Beverage Production Facility means a place where a licensed micro-brewery or a licensed micro-distillery produces craft beer, cider and spirits; or a place where specialized food products or soft drinks are produced.

Attached means a building or dwelling connected to the primary building by means of a common wall, which depends for structural support or complete enclosure upon this division wall or walls shared in common with, or roof and enclosed walkway to allow access without a person going outside.

Authority Having Jurisdiction means the governmental body responsible for the administration and enforcement of any part of this bylaw or the official or agency designated by that body to exercise such a function.

Average Finished Grade means the average elevation of the finished ground surface at the exterior of a building where the ground meets the building, or, in the case of a structure, the average elevation of the finished ground surface immediately surrounding the structure, excluding any artificial embankment in both cases. When used in reference to a street, road, or highway, Average Finished Grade means the elevation of that street, road, or highway as established by the City or other designated authority.

Awning means a fixed or retractable hood or roof-like shelter that extends from an exterior building wall, and consists of fabric, canvas, plastic, or similar material that is supported by a frame.

Basement (or Cellar) means that portion of the foundation system partially or wholly below-grade level and which provides storage, utility, or living space.

Balcony means a railed elevated platform projecting from the wall of a building, and which is not connected to the ground by a staircase, and does not include a deck which is above grade.

Bicycle Parking (Class A) means an indoor facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

Bicycle Parking (Class B) means an outdoor bike rack facility which is secure, durable, anchored to a stable surface, and supports the bike frame at multiple points. Bike racks must located in a visible and well travelled location within 30 m of a main entrance.

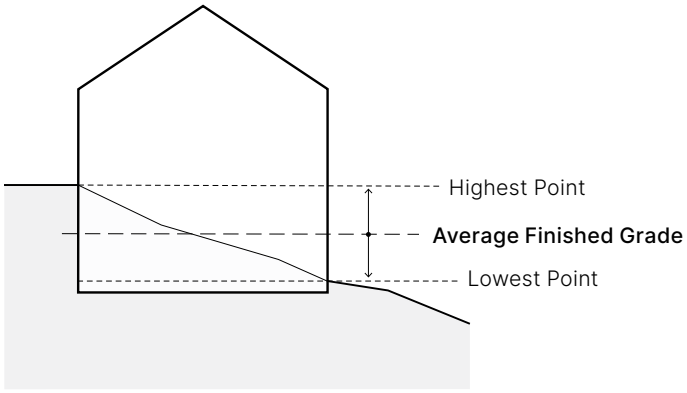
Block means a unit of land, the boundaries of which consist entirely of streets, rivers, railroads, parks, zone boundary, or any combination thereof.

Bonus Height means additional building height, not exceeding two storeys beyond the maximum height otherwise permitted in the applicable zone, that may be approved by the Design Review Board in accordance with Sections 2.10 to 2.12 in exchange for one or more secured public benefits. Approval of bonus Hheight does not constitute development approval and does not replace any other approval required by this bylaw.

Booking means a confirmed reservation of the dwelling unit or portion thereof, up to a maximum of four (4) bedrooms, as a short-term rental lodging.

Building includes any structure placed on, over or under the land used for the shelter, accommodation or enclosure of persons, animals or goods, and every part of the same and any external or projecting structures used in connection with such a building.

Building Area means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.



Building Line means any line regulating the position of a building or structure on a lot.

Build-to Plane means the vertical plane that extends upward three storeys from a line drawn parallel to the street at the established front yard setback or extending to both the front and flanking yard setbacks if on a corner lot.

Bulk Chemical Storage means the storage of chemicals, including organic compounds, herbicides, fertilizers, and pesticides for use on or off-site, but excluding materials in packages or containers intended for retail sale to the public and materials to support research and teaching activities.

Bulk Mineral Storage means the storage of salt or other similar de-icing agents, sand, gravel, gypsum, or other similar materials for use on or off-site, but excluding materials in packages or containers intended for retail sale to the public or use by a public authority.

Business Premise means a location, building, or establishment where a commercial or industrial activity is undertaken, or where professional, personal or other services are provided to the public, typically for monetary gain.

Cafe means an establishment primarily serving coffee or tea and may also serve light meals, sandwiches and/or desserts.

Canopy means a rigid, permanent hood or roof-like shelter, other than a projecting roof, that extends from an exterior building wall, typically over a doorway, windows, or seating area.

Cantilever means an enclosed portion of an upper floor extending beyond a lower floor facade without structural support for the enclosed portion of the upper floor beyond the lower floor facade, excluding balconies.

Carport means an open-ended automobile shelter by the side of a building.

Car Wash means a building or structure containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed. The car wash may operate on its own or in conjunction with an automobile service station.

Cash-in-lieu means an arrangement whereby an owner or applicant pays money to the City in substitution of a provision required under this bylaw, as a condition of approval of an application made under this bylaw.

Catering Establishment means a building where food is prepared for distribution and consumption outside the premises and does not include a restaurant, café, or drive-through facility.

Channel Letters means a type of sign where a series of single solid structures - each resembling a letter, number, logo, or other symbol - are affixed parallel to a wall or sign board in order to display a message. Channel letters may be lit by an internal or external light source, or by halo lighting.

Character-defining Elements means the materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of the property, as identified in the Statement of significance or equivalent heritage inventory document.

City means the City of Charlottetown established pursuant to the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1.

Clearance means the vertical distance from Grade to the underside of the sign or it's supporting structure, whichever is less.

Commercial School means a school conducted for gain, and includes, but is not limited to, a secretarial school, language school, or driving school, but does not include a public school.

Commercial Motor Vehicle means any motor vehicle which is used for a business activity and which has as its main purpose financial gain and includes taxis, ambulance, trucks, tractors, tractor trailers, buses, delivery vehicles, and oil trucks, which has three or more axles.

Commercial Use means the use of a building or lot for the purpose of buying and selling goods and supplying services.

Community Building means a building or site owned by a government agency, non-profit organization, religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall.

Converted Dwelling means a building originally constructed as a single-detached dwelling which has been altered to house more than one dwelling unit..

Cooking facilities means any appliances or installations intended or used for the preparation or cooking of food, including a stove, oven, cooktop, microwave oven, hot plate, or similar appliance, whether permanently installed or not.

Council means the Mayor and Councillors of the City of Charlottetown.

Craft Products means products made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sailmakers, small distilleries, and similar skilled craftspeople.

Curb Cut means the cutting or lowering of a curb, sidewalk, or boulevard to provide for vehicular and pedestrian access to a site.

Deck means an open, unroofed porch or platform extending from a building, and serving as an outdoor living area.

Design Review Board means the board or committee established by the City to process development applications subject to the design review process as per the provisions of this bylaw.

Design Review Roster means a roster of individual, external design reviewers whose professional expertise is sought by the City to evaluate development applications subject to the design review process as per the provisions of the bylaw.

Development shall have the same meaning as defined in the Planning Act, as may be amended and in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

Development Concept Plan means a detailed plan showing the proposed location, land use and form of all development of any land in a defined area.

Development Officer means the individual or such other designate as appointed by the Council charged by the City with the duty of administering the provisions of this and other planning-related bylaws.

Development Agreement means an agreement made between the City and a developer pursuant to the provisions of the Planning Act.

Developer means any person, incorporated body, partnership or other legal entity which undertakes a development.

Discriminatory Content means content that exhibits unjust, biased, slanted, or prejudicial messages that are linked or refer to age, race, skin colour, ethnicity, religion, sex, disability, sexual orientation, or gender identity. The definition of discriminatory content in this bylaw only applies to signs in the public right of way as outlined in section 9.4.1(i).

Domestic Animals means any animal that is tamed and kept under human control for companionship, assistance, or recreation, and includes animals such as dogs, cats, rabbits, ferrets, caged birds, and small rodents typically kept within a dwelling. For the purposes of this bylaw, domestic animal does not include livestock, poultry, bees, reptiles, amphibians, or wild or exotic species, whether or not such animals are tamed or kept as pets.

Easement means a right to use land, most commonly for access to over one property to another property or as a right-of-way for a utility service.

Electric Vehicle (EV) Charging

- **Level 1:** An electric vehicle charging method that uses a standard 120-volt AC power outlet, providing a slow charging rate typically sufficient for overnight charging or extended parking periods. Level 1 chargers supply power at approximately 2-5 kilometres of driving range per hour of charging.
- **Level 2:** A charging station that provides electric vehicle charging at 208-240 volts AC, capable of delivering power typically ranging from 3.3 to 19.2 kW, allowing vehicles to recharge fully within several hours, suitable for commercial, institutional, and residential use.

Emergency Services means any building or part of a building that houses an organization whose purpose is to provide police, ambulance, firefighting, or search and rescue services. These uses may also include, but are not limited to, the storage of emergency vehicles until they are dispatches, overnight accommodations for personnel directly related to the use, and associated training facilities.

Environmental Impact Assessment means a study prepared by a qualified professional that identifies natural features and ecological functions, assesses the potential impacts of a proposed development or subdivision, and recommends avoidance, mitigation, restoration, monitoring, or other measures.

Environmentally Sensitive Area means land or water that contains natural features, functions, or ecological processes that are particularly vulnerable to disturbance or degradation and that require protection, conservation, or special management. Environmentally Sensitive Areas may include, but are not limited to:

a) wetlands, watercourses, lakes, shorelines, and riparian areas;

b) floodplains, steep slopes, erosion-prone lands, and unstable soils;

c) areas of significant biodiversity;

d) environmentally significant woodlands, forests, or vegetation communities;

e) groundwater recharge areas, wellhead protection areas, or other sensitive hydrological features; and

f) lands designated or identified for environmental protection under an Official Plan, Zoning and

Development Bylaw, Urban Forest Plan, provincial legislation, or approved environmental study.

Erect or Erection means to build, construct, re-construct, alter, or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition or extension and placing, painting or installing of a sign(s).

Facade means an exterior building wall facing a street or open space.

Farm means a lot, buildings, and structures where the primary use for agricultural or resource land use. An accessory use to a farm may include a residential dwelling.

Farm Animal means any animal kept for agricultural purposes, including animals raised or kept for food, fibre, work, or breeding, and includes cattle, sheep, goats, pigs, horses, poultry, llamas, alpacas, and similar livestock species.

Fence means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Financial Institution means any chartered bank, trust company, credit union, or similar business.

First Storey means the storey or floor immediately above a cellar or basement, or where no basement or cellar exists the first floor shall be that floor at or above grade level and that which is not more than 2 m (6.6 ft) above grade.

Flag lot is the result of a subdivision where the flag (developable portion of the lot) is behind another lot and connected by the pole (a narrow strip of land that does not meet the required street frontage defined by the zone).

Flat Roof means a roof that is sloping no greater than 1:12.

Float Home means a structure incorporating a flotation system or a converted vessel that is used as a self-contained dwelling unit but is not intended for navigational purposes.

Flood Plain means the area of land adjoining a river, stream, or ocean which has been or may be hereafter covered by flood water and shall include land subject to flooding by tidal action.

Flood Tolerant means remedial measures undertaken to reduce flood risk on buildings in the flood plain area.

Floor Area means the total of the horizontal areas of each floor in a building or structure measured from the exterior of outside walls or outside finished partitions, but excluding any unfinished areas, porch, private garage or other rooms not inhabitable such as a furnace or mechanical room, washroom and ancillary facilities, common corridors and exits.

- **Commercial Floor Area** means the total usable floor area within a building used for commercial purposes, but excludes washrooms, furnace and utility rooms, and common areas between stores.
- **Dwelling Floor Area** means the aggregate floor area of all floors contained within the outside walls of a dwelling, excluding any private garage, porch, sunroom; unfinished attic, basement or cellar, or other room not habitable at all seasons of the year.

Floor Area, Gross means the total of the floor areas of a building above and below-grade, measured between the exterior faces of the exterior walls of the building as each floor level but excluding car parking areas, electrical and mechanical rooms, storage racking areas, washrooms, and common corridors

within the building. For the purpose of 'bonus height', the sum of the total horizontal floor area of the additional floor(s) measured from the interior face of the enclosing exterior walls.

Footprint means the area of a building on a lot, including land over which the building projects, but excluding any area below the eaves of a roof, and any portion not covered by a roof, such as unsheltered steps, verandas or decks.

Garage means an accessory building or part of a principal building designed and intended to be used for the storage of motor vehicles.

Garbage Container, means a receptacle, cart, bin, dumpster, or similar container used for the temporary storage of waste, recycling, or organic material.

Government Body means a municipal, provincial, or federal government agency.

Grade means the level of finished ground adjoining the exterior walls of the building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

Grading means the alteration of land levels, including the addition or removal of topsoil or other material of any kind.

Green Roof means a roof consisting of vegetation and soil planted over a waterproofing membrane (Canada Green Building Council), or a usable outdoor amenity space for building occupants that includes planters designed to allow vegetation to grow in a growing medium. These roofs must be designed by a qualified Landscape Architect, maintained regularly, and include plant species appropriate to Charlottetown's climate conditions to ensure long-term viability and sustainability.

Ground Floor means the lower most storey of a building which has more than one half of its height above the average finished grade level adjacent to the exterior walls of the building.

Group Home means a facility licensed or funded by the Province of Prince Edward Island that provides supervised living accommodation and personal care to residents and at least one (1) staff person is in employment at the home but does not include a lodging house, transitional housing facility, tourist accommodation or home occupation.

Group Home Limited means a group home that provides supervised living accommodation and personal care to residents where there are four (4) or less residents and a maximum of two (2) staff persons at any given time but does not include a lodging house, transitional housing facility, tourist accommodation or home occupation.

Halo Lighting means a type of lighting that is used to illuminate signs. Halo lighting occurs when individually mounted opaque raised letters or symbols incorporate a back-lit, recessed light source behind mounted elements so that light source is not directly visible. The placement of halo lighting creates a “halo” or reflective rim effect around the mounted element so that it is visible in the evening or low light conditions.

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

Heritage Inn means a heritage place that is a single property or structure registered by the Minister under the Heritage Places Protection Act R.S.P.E.I.

1988, Cap. H-3.1, or identified as a heritage building, including a Heritage Resource, by a bylaw of an authority having jurisdiction.

Heritage Resource as defined in the City of Charlottetown Heritage Preservation Bylaw.

High Water Mark means the ordinary high water mark reached by the average of the mean high tides over a lunar cycle.

Home Daycare means a home occupation for the provision of care and supervision of children as regulated in the Child Care Facilities Act R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.

Home Occupation means an accessory use conducted in a portion of a dwelling unit, or within an accessory building, for pursuits which are compatible with a domestic household. A home occupation shall be clearly incidental and secondary to the residential use of the dwelling unit.

Home Occupation – Restricted means a room or rooms in a dwelling unit used for the operation of a business, where a maximum of one client may be on the premises simultaneously, without signage, and in which no employees, other than the resident, are employed.

Household means one (1) or more persons living together as a single nonprofit, independent housekeeping unit, sharing all areas of the dwelling unit with up to a maximum of four (4) tenants but does not exceed a maximum total of eight (8) persons when blended with tenants does not contain a lodging room(s) or is a lodging house.

Industrial Uses means the use of a building or lot for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

Institutional Use means any educational or religious use, museum, public library, fire or police station, public works, hospital, nursing home, community building, recreational, cultural or open space use.

Interpretive Displays are educational exhibits used to translate historical, or cultural concepts into engaging, accessible stories. They combine text, high-quality visuals, and interactive elements to help communicate the historical or cultural significance of the area.

Intersection means the area embraced within the prolongation of the lateral curb lines; or, if none, then a) the lateral boundary lines of the roadways of two roadways which join one another at approximately right angles, or b) the area within which vehicles, traveling upon different roadways joining at any other angle, may come in conflict.

Kitchen means a room or area equipped for the preparation and cooking of food, including cooking facilities, a sink with running water, and storage or counter space, whether the appliances are permanent or portable. The existence of a kitchen shall be deemed evidence of a separate dwelling unit when located within a self-contained portion of a building.

Land Use Buffer means a portion of any lot or parcel of land that is set aside to serve as a visual and spatial separation “through the use of a landscaped berm, trees or a man-made feature such as a wall, fence, or walkway” between a specified land use that is carried out on the lot and a different land use that is carried out on the adjacent lot.

Landscape Architect means a person who is a member in good standing in the Atlantic Provinces Association of Landscape Architects (APALA);

Landscaped Area means a portion of a lot which is not used for buildings or structures, parking spaces or driveway, and which may contain any combination of trees, shrubs, flowers, grass or other horticultural

elements, decorative stonework, pavers, screening or elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a building.

Landscaped Island means an island in a parking lot which is the same size as a parking stall which includes a 60 mm caliper tree or larger, shrubs and/or ornamental grasses, perennials or annuals, or stormwater gardens for stormwater management. The island includes curbs where it borders pavement. Each island is usually set at a rate depending on the number of parking spots in the parking to maximize shade and reduce the urban heat island effect.

Level 1 Charging uses a standard 120v outlet for charging electric vehicles.

Level 2 Charging is defined by SAE International's J1772 standard and includes:

- **Charge Method**: AC Level 2
- **Nominal Supply Voltage (V)**: 208V to240V AC, single phase
- **Max. Current (Amps-continuous)**: ≤ 80A The amperage rating for EV circuits required by most Level 2 EVSE is 40A, although this may differ depending on the particular system design.

Level of Service of a street is a measure of its vehicular capacity. Six levels of service (A to F) are identified in the Transportation Association of Canada manual. Level of service "A" is identified as "free" vehicular flow with few conflicts or interruptions. Level of service "F" is identified as highly congested stop-and-go with many vehicular conflicts and interruptions. The level of service for a particular street is a measure of speed and travel time, traffic interruptions or restrictions, freedom to maneuver, safety, driver comfort and convenience, and economy.

Light Industrial Use means the use of a building or part thereof for research and development facilities; small scale processing and fabrication operations; or small-scale light manufacturing operations.

Limited Institutional Use means the small scale use of land, or building by an incorporated body or society for promoting a particular purpose or for providing a service, including private schools, daycare facilities, medical clinics, places of worship, nursing homes, and private non-profit clubs for five to ten persons.

Live-Aboard Vessel means any vessel or watercraft (sail or powered) that is occupied for rent to the public for residential purposes (self-contained dwelling) that can either be anchored or moored to a dock. This definition does not apply to live-aboard vessels that are used by a boat owner in a commercial marina to reside on their vessel overnight.

Loading Space means an area of land which is used for the temporary parking of a commercial vehicle while merchandise or materials are being loaded or unloaded from the vehicle.

Long-term Rental means the rental of a dwelling unit for a continuous period of more than one (1) month.

Lot means a parcel of land, whether or not it is shown as a lot on a filed plan of subdivision, which is occupied by one or more buildings, structures, or uses, and including all yards and landscaped areas required by this bylaw, and is registered in the Registry of Deeds.

- **Corner Lot** means a lot situated at the corner or intersection of two streets, of which two adjacent sides abut the intersecting streets and contain an angle of not more than one hundred and thirty-five (135) degrees.
- **Flanking Lot** means a lot situated at the intersection of three or more streets.
- **Flag Lot** means a lot situated at the rear of another lot having normal street frontage and

depending on a narrow strip of land which is part of the lot, for access to a street.

- **Interior Lot** means a lot abutting only a single Street.
- **Through Lot** means a lot bounded on two opposite sides by streets.

Lot Area means the total area within the lot lines of a lot, excluding the horizontal area of a lot usually covered by water or marsh, or beyond the edge of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty degrees or more from the horizontal.

Lot Coverage means the percentage of lot area covered by buildings and structures, but does not include swimming pools or decks.

Lot Depth means the horizontal distance between the front and rear lot lines.

Lot Frontage means the horizontal distance between the side lot lines measured at the minimum front yard setback for the zone as measured parallel to the street. In the case of a lot with frontage on a curved street boundary or irregular shape, the lot frontage means a line measured along the arc of the curve of the street for the lot and established by the minimum front yard setback required for the zone in which said lot is located. Where a lot abuts two streets, the lot frontage means the lesser distance of the two frontages.

Lot Line means any boundary of a lot.

- **Interior Lot Line** means any lot line that is not coincident with a street.
- **Front Lot Line** means the lot line abutting a street and is synonymous with streetline.
- **Side Lot** Line means a lot line other than a front or rear lot line.
- **Rear Lot Line** means the lot line furthest from or opposite to the front lot line.
- **Flankage Lot Line** means a side lot line which abuts the street on a corner lot.
- **Rear Lot Line** means the lot line farthest from, or opposite to, the front lot line.
- **Side Lot Line** means a lot line other than a front or rear lot line.

Maintenance means those actions undertaken to prevent the deterioration of a building or structure, but does not include any alteration, design change, and/or replacement where such replacement involves a change in design.

Main Wall means the exterior front, side, or rear wall of a building and all structural members essential to the support of a fully or partially enclosed space or roof.

Mobile Canteen means any trailer or motorized vehicle used for the display, storage, or sale of food and/or non-alcoholic beverages on a temporary basis.

Municipal Services means piped water supply and sewerage services provided by the municipality and may include piped storm drainage.

Mural means a painting or graphic representation that is placed / painted on a building. Murals may be decorative, or serve identification, advertising, or information purposes.

Number of Vehicle trips per day means the number of one way trips per day anticipated on a street.

Nursing Home means a facility licensed as such pursuant to the Community Care Facilities and Nursing Homes Act R.S.P.E.I. 1988, Cap. C-13 and amendments thereto.

Obnoxious Use means a use which, from its nature or operation, creates a nuisance or is offensive by

reason of noise or vibration or the emission of gas, fumes, dust, oil or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse, waste, or other material.

Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.

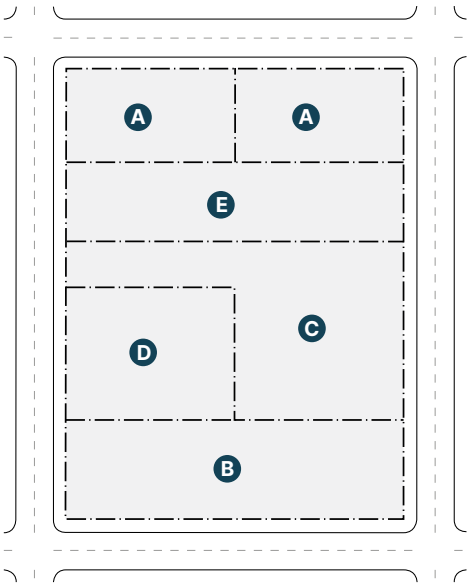
Open Space means land which is inappropriate for development by reason of distinctive natural or anthropological characteristics, or because of inherent or natural hazards such as susceptibility to flood or erosion which, if developed, may cause property damage or loss of life.

Open Space (Water) means open water within a water lot which is inappropriate for development by reason of its distinctiveness and/or natural environment (aquatic marine habitat and environment) or natural hazards such as susceptibility to wind, tides, navigational concerns, ice, etc.

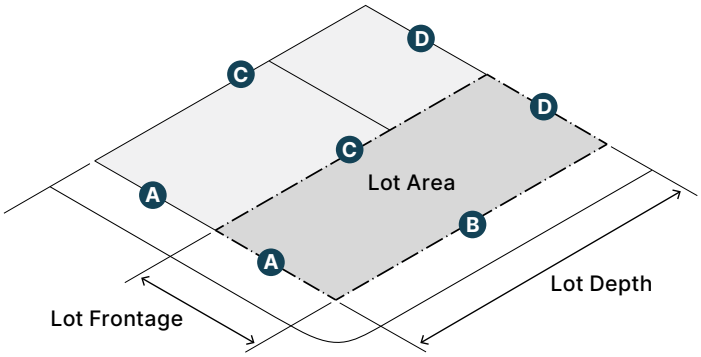
Outdoor Wood Furnace / Water Stove means any individual furnace designed to burn untreated wood and wood products and used for the purpose of heating liquid or air where the furnace is located outside the structure into which the hot water or air is produced or piped.

Owner means a person who legally owns a lot and is a registered land owner; or an executor, administrator, trustee, agent, or other person managing the subject lot or building for the registered land owner. Owner includes, as it refers to the owner of property:

- A part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
- In the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a
- Mortgagee in possession or a person having the care or control of the land or building,



A Corner Lot
B Flanking Lot
C Flag Lot
D Interior Lot
E Through Lot



A Front Lot Line
B Flankage Lot Line
C Side Lot Line
D Rear Lot Line

- A person who occupies shores, beaches or shoals, and
- In the absence of proof to the contrary, the person assessed for the property.

Park means an area of land set aside for public recreational purposes and may include passive and/or active recreational features such as playgrounds, walkways, courts, lawn bowling areas, athletic fields, swimming pools, and includes accessory buildings and structures to the uses.

Parking Island means a landscape island in a parking lot that is the length of the parking stall and no less than 2.5 m wide designed to provide shade and break up the cars and parking lot with landscaping.

Parking Space means a space designed for parking or storage of an automobile, and which has adequate space to permit access and egress to and from a street by means of a driveway, aisle, or maneuvering area, and a parking space designed for the parking of a trailer truck, bus, motor home or other large vehicle shall, except for its necessary larger dimension, have a corresponding meaning.

Parking Space (Stacked) means a parking space that has no direct access to a lane, driveway or aisle and requires other cars to be moved in order to gain access and egress.

Passive Recreation means outdoor recreational activities, such as nature observation, hiking, and canoeing or kayaking, that require a minimum of facilities or development and that have minimal environmental impact on the site.

Pavilion means a building or temporary structure used as a shelter in a park or large garden that is usually open and ornamental and may include a tent.

Pedway means an elevated, enclosed pedestrian walkway between buildings, and a pedway may cross a public street or right-of-way.

Permit means an official document giving authorization to proceed with a proposed action as regulated under this bylaw and may include a building permit, moving permit, demolition permit, occupancy permit, footing permit or sign permit.

Phase means one of two or more components of a development project that represents work undertaken or proposed to be undertaken in a specified period of time.

Place of Assembly means a building or facility where people congregate for deliberation, entertainment, cultural, recreation or similar purposes, including but not limited to auditoriums, places of worship, clubs, halls, meeting halls, community facilities, open spaces, restaurants, galleries, and recreational fields, courts or facilities.

Plan of Subdivision means a plan or survey prepared by a registered land surveyor licensed to practice on PEI for the purpose of effecting the subdivision of a parcel or parcels of land.

Planning Act means the Planning Act R.S.P.E.I. 1988, Cap. P-8 of the Province of Prince Edward Island.

Planning Committee means the committee of councillors who are members of the Planning Board.

Planning Board means the standing committee of councillors and lay people as appointed by the Mayor and Council pursuant to the Planning Act R.S.P.E.I. 1988, Cap. P-8.

Plot Plan means a scaled drawing or plan, prepared for the purpose of a site plan approval, development agreement or building permit application, which illustrates the existing and proposed conditions of a lot. A Plot Plan shall typically show:

a) the boundaries, dimensions, and area of the lot;

b) the location, footprint, height, and setbacks of all existing and proposed buildings and structures;

c) required yards, landscaped areas, parking spaces, driveways, and access points;

d) easements, rights-of-way, and municipal services where applicable;

e) wetlands, watercourses, trees, endangered flora or fauna, or other sensitive site features; and

f) any other information necessary to determine compliance with this bylaw.

Professional Engineer means a registered or licensed member in good standing of the Association of Professional Engineers of PEI;

Porch means a covered structure attached to the exterior of a building with walls that are open and unenclosed to the extent of at least 50 percent, except by insect screening between floor and ceiling.

Post Office means an institution which organizes and handles the delivery of mail, possibly with associated retail.

Primary building means that building on a lot wherein the principal use of that lot is carried out.

Principal Residence means the dwelling unit where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, medical services plan documentation, driver's licenses, personal identification, vehicle registration and utility bills. No individual shall have more than one (1) Principal Residence**.**

Public Utility Service Operations means the land, building(s) or structure(s) of which the proprietor of the public utility maintains its offices, or maintains and houses equipment used in connection with the utility service, and includes a water or sewerage pumping station, water storage reservoir, substation, road salt storage facility or government owned garage.

Public Park means a park owned or operated by a Public Authority or the City.

Qualified Professional means a person with demonstrated expertise, professional training, and, where applicable, professional licensing or registration in the field relevant to the required study, assessment, design, or certification.

Recreational Uses means the public or private use of land for parks, playgrounds, courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, and other similar uses, together with necessary and accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.

Renovation means any change in a non-structural component of a building or structure and does not include an alteration.

Residential Occupancy means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured for the purpose of receiving care or treatment and are not involuntarily detained.

Restaurant means a building or part thereof where food and drink are prepared and served to the public for consumption within the building or attached outdoor patio or for takeout.

Restore means any actions undertaken which return a building or structure to a previous condition and appearance at a specific period of time.

Restoration Value means the dollar value of approved heritage restoration work, as confirmed by the City through a heritage permit or other approval process.

Rezoning means to assign a different land use zone designation to a land area or a lot.

Right-of-way means the entire area measured between opposite sidelines of a street. It represents the area enclosed with an easement or a fee acquisition, designated for road use which is available for road improvements such as curbs and gutters, sidewalk, roadbed pavement, bike facilities, pathways, grading, drainage facilities, utilities and other underground and overhead improvements.

Satellite Dish means an antenna and attendant processing equipment for the reception of electronic signals from satellites.

Secondary Plan means a detailed, area-specific plan adopted by Council following a public consultation process to guide future land use and development. A Secondary Plan may establish policies respecting land uses, density, transportation, municipal services, parks and public spaces, natural assets, development phasing, implementation and anticipated municipal expenditures.

Servicing standards are stipulated in this bylaw to provide for the regulation of right-of-way improvements to be dedicated to the public and accepted by the municipality as a result of the land development process. The standards are intended to keep the operating cost of maintaining public facilities at a reasonable level and at the same time provide for the service and protection of the public.

Setback means the distance between the lot line and the nearest point of the exterior wall of the building or a structure or another part of the building or structure if specified elsewhere in this bylaw.

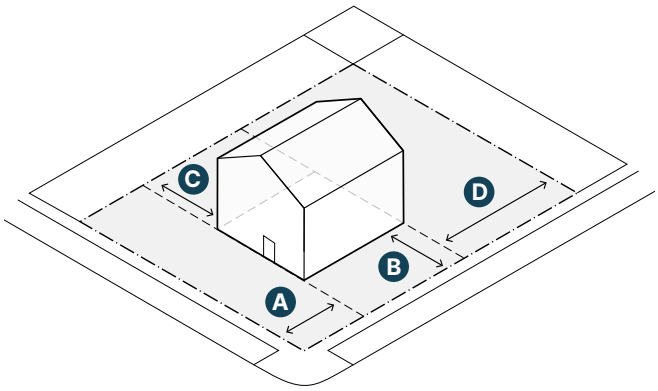
Short-term Rental means the rental of an entire dwelling unit, or a portion of a dwelling unit that serves as the operator/host's principal residence for a continuous period of less than one month and defined as a permitted use by way of a tourist home.

Sidewalk Cafe means a group of tables and chairs, and other accessories belonging to an owner, situated and maintained upon a public sidewalk for the use and consumption of food and beverages sold to the public, from or in, the owner's adjoining indoor food and beverage establishment. Sidewalk cafés shall be subject to the sidewalk café bylaw.

Sign means any structure, device, light, painting, or other representation or natural object which is used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business; or which displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from on or off the premises or from a parking lot, excepting any signs which are affixed to the inside of a window or glass door.

- **Abandoned Sign** means a sign or signs structure which has no advertisement and/or name or has missing parts or advertises a product or service which use is no longer associated with the lot or building for a period of 90 days.
- **Animated Sign** means any sign that incorporates animation or video, or contains a sign face that moves in whole or in part. Animated signs do not include clocks, date or temperature displays,

Setbacks



A Front Yard Setback
B Flanking Yard Setback
C Side Yard Setback
D Rear Yard Setback

or electronic signs that display changing static messages.

- **Awning / Canopy Sign** means a sign that is painted or affixed flat to the surface of an awning /canopy, and does not extend beyond the limits of said awning/canopy.
- **Banner** means a temporary sign that is composed of lightweight, non-rigid material such as cloth, canvas, nylon, or similar fabric, either enclosed or not enclosed by a rigid frame. Banners shall not include theatre show posters.
- **Billboard Sign** means a large ground sign or fascia wall sign which is not related to any business or Use located on the lot or premises.
- **Building Identification Sign** a sign that identifies the name of the building and/or year that it was constructed. This type of sign typically includes text carved into stone at the top of the building, or incorporating text into the building's construction materials at the time the building was originally constructed.
- **Construction Sign** means a sign indicating that a building project (on the same lot) is about to be undertaken, or is currently in progress and may display the name and contact information of the project, owner, contractor, consultant, and/or architect affiliated with the construction.
- **Directional Sign** means a type of free standing sign that directs people or traffic, or indicates the direction or route from the sign to a business premise(s), entryway, place, or event upon which the sign is erected. Directional signs shall not contain advertising aside from one corporate logo.
- **Election Sign** means a sign erected to support the election of a particular candidate or the support for a particular cause at a municipal, provincial or federal election.
- **Electronic Sign** means an electronic sign that automatically displays information/messages to the public by way of a pre-arranged sequence(s) of letters, numbers, words, or images that are generated by the illumination of tubes, bulbs, LEDs, or similar electronically controlled technology. Each individual message and/ or image displayed on an electronic sign shall be static in nature, and shall not incorporate animation, videos, moving effects, or changes in intensity of illumination.
- **Fascia Sign** means a sign attached, painted on, applied to or erected horizontally parallel against the face of a building for the purpose of identification of a business or occupancy.
- **Feather Banner** means a temporary lightweight sign that is comprised of a partial metal or plastic frame, pole, or bottom, which is attached to the ground, and upon which a cloth, canvass, nylon, or similar fabric sign face is attached. Feather banners may also be referred to as a "flutter", "teardrop", "flying", "wing" or "blade" Banners.

- **Flashing Sign** means a sign which includes or reflects an intermittent, flashing or oscillating light source or which includes the illusion of intermittent, flashing, or oscillation light by means of animation, externally mounted light sources, moving lights, beacons, etc.
- **Free Standing Sign** means a sign supported independently of a building which is permanent affixed to the ground. A free standing sign may advertise all business premises that are located on the subject property at the discretion of the property owner.
- **Illuminated Sign** means a sign which provides artificial light directly or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.
- **Inflatable Sign** means a sign or advertising device designed to be airborne and tethered to the ground or any other structure and shall include balloons and any other inflatable advertising device.
- **Menu Sign** means a sign erected as part of a drive-through facility, and is used to display and order products and services available at that location.
- **Mobile Sign** means an outdoor advertising Structure placed for the purpose of promotion of a business or product and which may be fixed to wheeled structure and designed to be moveable either by towing or easily loaded to a vehicle for transport.
- **Non-conforming Sign** means a sign that is lawfully in existence at the effective date of this bylaw, but does not comply with the provisions hereto.
- **Off-premise Sign** means a sign which advertises or identifies a business, person, service, or product that is not available at the property upon which the sign is located. Off-premise signs do not include approved sandwich board signs or temporary signs for special events.
- **Projecting Sign** means a sign which projects from and extends beyond a wall and is usually hung at right angles to the face of a building for the purpose of promotion of a business or product.
- **Reader Board** means a sign on which the message can be changed manually through the use of attachable letters, numbers, and pictorial panels.
- **Real Estate Sign** means a sign for the purpose of advertising the sale, rental, or leasing of a building or lot.
- **Roof Sign** means any sign erected or painted upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.
- **Rotating Sign** means any sign or portion of a sign which moves in a revolving or turning manner.
- **Sandwich Board Sign** means an “A” shaped sign which is constructed of two panels that are connected at one end, placed on the ground, and capable of being readily taken on and off of a site.
- **Sequential Sign** means two or more signs used in series to convey a cohesive message related to the subject matter, each sign message being dependent upon the other.
- **Special Event Sign** means a sign not exceeding 32 ft² and erected for a period not to exceed 21 days and is placed for the purpose of promoting special events and festivals within the City.

- **Vehicle Sign** means a sign attached to, painted on or mounted on a parked vehicle or trailer not normally used in the daily activity of the business, with the sign visible from a public location so as to act as a sign for the advertisement of products or to direct people to a business or activity.
- **Window Sign** means painted, gold leaf, or otherwise affixed signage on display windows or door windows for the purpose of identifying a business name or proprietor's name.

Sign Area means the total area within the outermost frame or edge of a sign. Where a sign is not bounded by a frame or edge, or the sign is composed of individual letters, numbers, or symbols, sign area means the area contained within the smallest square or rectangle that encloses the grouping of letters, numbers, or symbols that conveys a message.

Sign Band means the flat, horizontal area that is integrated into the architectural detailing of a facade, usually immediately above the storefront but below the second storey windows, where fascia signs are historically erected.

Sign Face means a side of a sign where an advertisement, message, or graphics may be placed.

Single Room Occupancy means a housing type wherein one or two people are housed in single rooms, wherein tenants typically share bathrooms and a kitchen in a single unit dwelling.

Sight Triangle Area means the triangular shaped area which is that part of and within a corner lot measured from the intersection of the projected curb line of two intersecting streets 6 m (19.7 ft) along each curb line and within a straight line joining the two points within which visibility from any street or driveway shall be unobstructed above a height of 1 m (3.3 ft).

Special Event means an event such as a festival or large sporting event which is organized to promote tourism within the City or that is organized or sponsored by a recognized nonprofit organization, fraternal organization, religious organization, or government body, for the purpose of raising awareness on an important issue or initiative, celebrating a civic holiday or historical event, or providing entertainment to the community.

Stacked Parking means parking spaces that do not have direct access to a drive aisle for exit or entry.

Storey means that portion of a building included between the surface of any floor and the surface of the floor next above it, and if there is no floor above, the portion between the surface of the top floor and the roof above. A basement shall not be considered a storey if the finished floor level immediately above it is 1.5 m or less above the average finished grade adjoining the building. A mezzanine shall be counted as part of the storey below if its floor area does not exceed 40 percent of that storey.

Street includes roads and highways. The terms street, road, and highway are used interchangeably and refer to the Rights-of-way used for vehicular traffic.

- **Future Street** means a parcel of land, delineated on a subdivision plan to be used as a street at some point in the future. The title of the land vests in the municipality upon the filing of the subdivision plan, however the responsibility for installing required municipal services to develop lots off of such a street is borne entirely on the developer.
- **Private Street (shared driveway)** means a street within private property that is privately owned, maintained and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. Their main function is to provide access to the private land. Private roads are not designed to the same standards as public streets. Municipal

services may be provided when development approval is sought if the lot satisfies all servicing standards as prescribed by the municipality.

- **Public Street** means the whole and entire right-of-way of every street allowance vested in the Government of Canada, Province of Prince Edward Island, or the City used as a highway, arterial, collector or local street in accordance with servicing standards prescribed by the municipality, and available to the public for pedestrian use or vehicular transportation.
- **Undeveloped Street** means a right-of-way that is either owned by the municipality or privately owned and has either historically existed for a long period of time (over 20 years) providing some level of public access or was delineated on a subdivision plan in the past but was never serviced to city standards.

Streetline means the division line between a street and a lot providing the primary access to any lot and abutting along its length the required lot frontage.

Streetline Grade means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 38 m (124.7 ft) in width or part thereof.

Streetwall means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

Streetwall Height means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall.

Streetwall Setback means the distance between the streetwall and the streetline.

Streetwall Stepback means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

Structure means anything that is erected, built, or constructed of parts joined together, or any such erection fixed to or supported by the soil or by any other structure. This term includes fences exceeding 1.8 m (5.9 ft) in height and signs.

Studio means a building or part thereof used for the study, or instruction of any fine or commercial art including photography, music, visual arts, and commercial design or the sale of craft products.

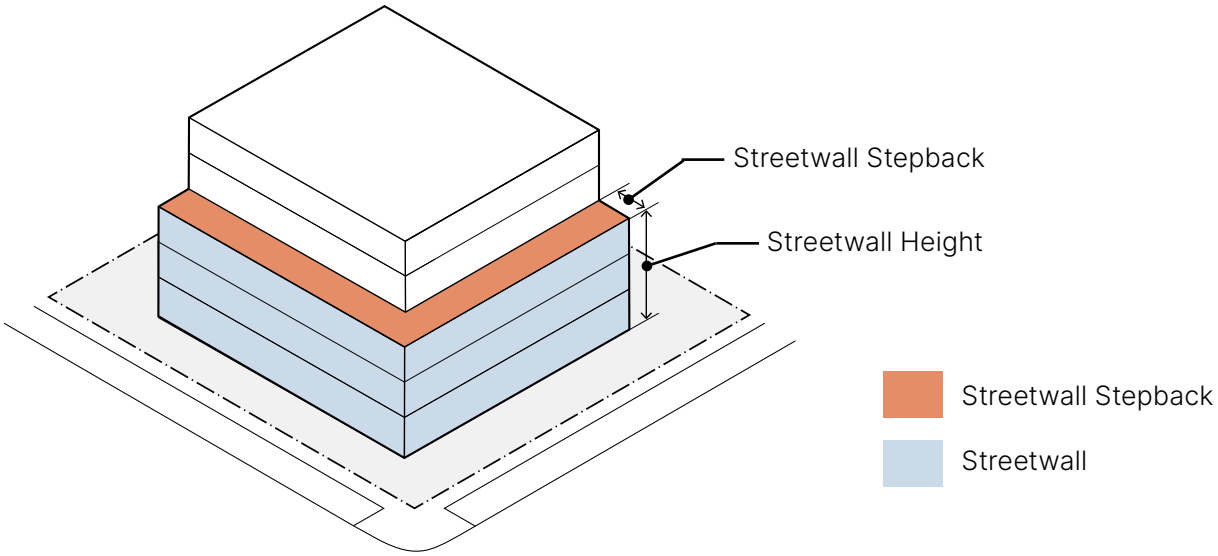
Subdivision means the division of a parcel of land into two or more lots; the consolidation of two or more contiguous lots to create a new lot; or the attachment of a part of a lot to another lot contiguous to that part to create a new lot, by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat that transfers or creates an estate or interest in the new lots created by the division, or in the new lot created by the consolidation or the attachment, as the case may be.

Standards and Guidelines means the Standards and Guidelines for the Conservation of Historic Places in Canada, latest edition, as published by Parks Canada, and as amended from time to time.

Swimming Pool means an artificial body of water intended to be a permanent structure which is used for swimming or wading purposes and which has a possible water depth greater than 0.6 m.

Tourist Home means temporary accommodations for travelers or transients within a principal residence of the operator/host that is not a company or corporation for the exclusive use of one (1) guest and their party of guests, such as a short-term rental lodging but a heritage inn, hostel, hotel, and motel are separate uses and separately defined.

Traffic Impact Study (TIS) may be required to assess the potential traffic impacts of a land development



project. Official Plan, zoning and development policies for the preparation of traffic impact studies establish thresholds for when a traffic impact study is needed and when a traffic impact occurs. In addition to the criteria established within these policies, a focused traffic impact study may be required to address local and/or residential street issues.

Underground Parking means on-site parking contained within or under the footprint of a primary building or structure on a lot.

Undeveloped Land means land that has not yet been subdivided into lots and which has not been provided with municipal services.

Use means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended, or the purpose for which any land, building or structure is occupied or maintained.

Utility Services means the component of a water, sewage, storm water or solid waste disposal, cable television, electrical power, or telecommunication system.

Variance means an authorized relaxation from the standards imposed by regulations made under this bylaw within the limits specified with respect to lot size or dimensions, setbacks, area or the height or size of a structure.

View Plane means the line of sight from one or more vantage points that will allow a viewer to obtain a reasonably unobstructed view of a specific scene or location.

Waste Bin means a building used to store solid waste or resource materials for a period of time until they are collected for disposal.

Water Lot means the existing water lots on the Charlottetown waterfront generally as depicted by the Province's Geolink mapping and includes an area of land either contiguous or attached to dry land, or it may be entirely separated from dry land that is usually covered with water, but can be uncovered at low tide.

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

Waterwall means the wall of a building or portion of a wall directly facing the waterfront in the DW Zone that is below the height of a specified stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

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

Wetland shall have the same meaning as defined in the Watercourse and Wetland Protection Regulations prescribed under the Environmental Protection Act, as may be amended and in the case of any dispute,

the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

Windmill means a device which converts energy to mechanical or electrical energy.

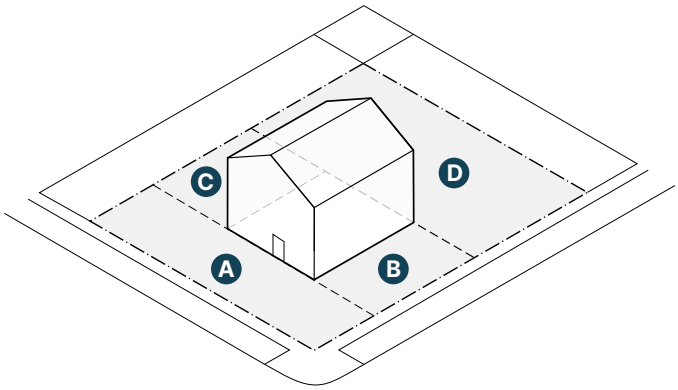
Yard means an open, uncovered space on a lot appurtenant to a building, except a court bounded on three or more sides by buildings.

- **Flankage Yard** means the side yard of a corner lot, and which side yard abuts a street or proposed street shown on an approved survey plan. Required flankage yard or minimum flankage yard means the minimum side yard required by this bylaw where such yard abuts a street.
- **Front Yard** means a yard extending across the full width of a lot and between the front lot line and the wall of any primary building or structure on the lot. Required front yard or minimum front yard means the minimum depth required by this bylaw of a front yard extending across the full width of a lot and between the front lot line and the wall of any building or structure on the lot.
- **Rear Yard** means a yard extending across the full width of a lot and between the rear lot line and wall of any primary building or structure on the lot. Required rear yard or minimum rear yard means the minimum depth required by this bylaw of a rear yard on a lot between a rear lot line and the wall of any building or structure on the lot.
- **Side Yard** means a yard extending between the front yard and the rear yard and between a side lot Line and the wall of any building on the lot. Required side yard or minimum side yard means the minimum breadth required by this bylaw of a side yard on a lot between a side yard line and the wall of any building or structure on the lot.

Zone means a designated area of land shown on the zoning map of the bylaw within which land uses are restricted to those specified by this bylaw.

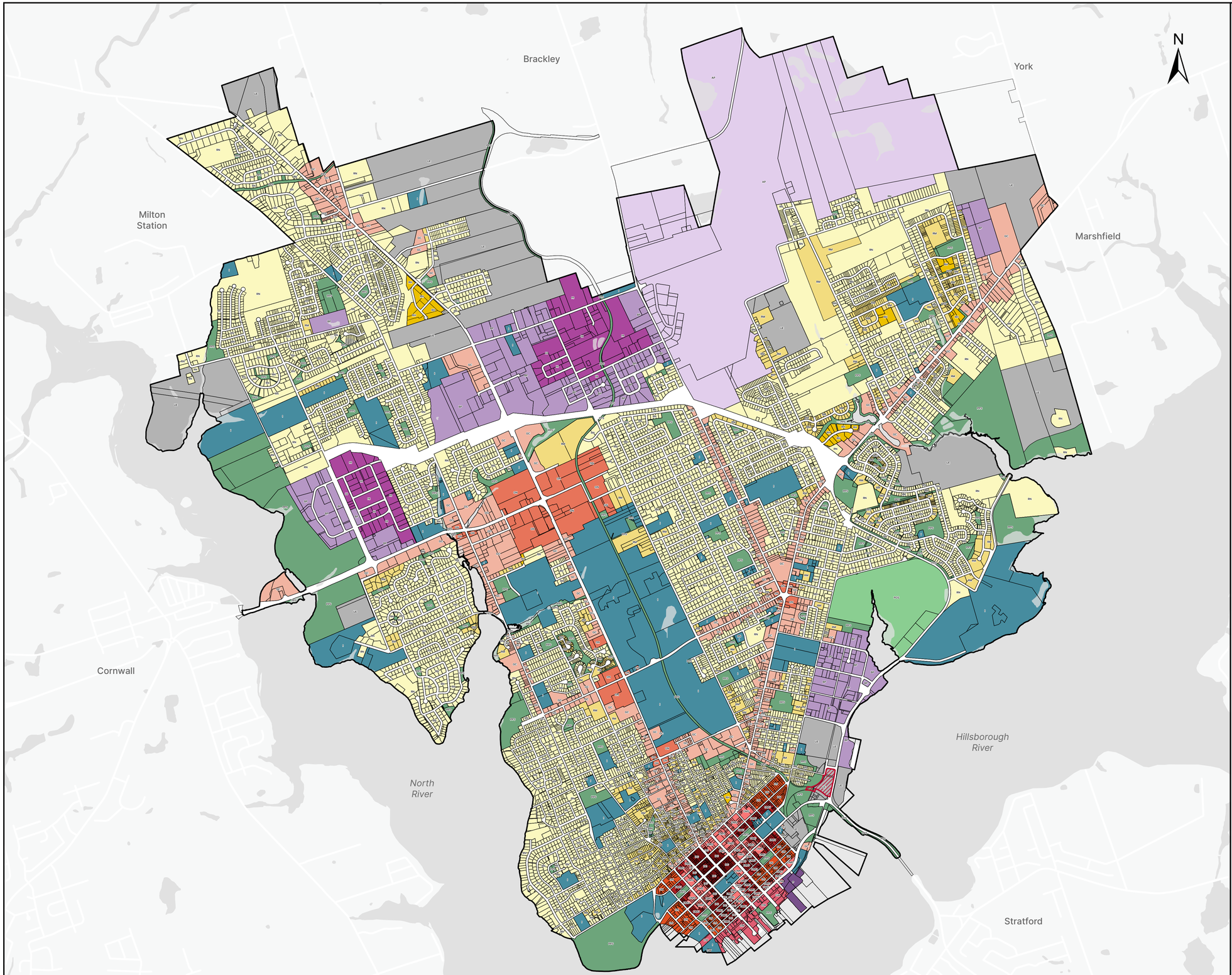
Zoning Inquiry means an application to request confirmation of the zone and permitted land uses of a property.

Yards



- **A** Front Yard
- **B** Flanking Yard
- **C** Side Yard
- **D** Rear Yard

PART 29
SCHEDULES



CHARLOTTETOWN

ZONING & DEVELOPMENT BYLAW

Schedule A

Draft Zoning Map

- Neighbourhood (RN)
- Medium Density Residential (RM)
- High Order Residential (RH)
- Downtown Core (DC)
- Downtown Main Street (DMS)
- Downtown Mixed Use (DMU)
- Downtown Neighbourhood (DN)
- Downtown Waterfront (DW)
- Business Park (BP)
- Airport Periphery (AP)
- Heavy Industrial (HI)
- Port (P)
- Growth Corridor (GC)
- Growth Node (GN)
- Institutional (I)
- Parks and Public Spaces (PPS)
- Privately-owned Open Spaces (POS)
- Urban Expansion (UE)

- Charlottetown Park Street Special Planning Area

0 0.5 1 1.5 2
km

CHARLOTTETOWN

ZONING & DEVELOPMENT BYLAW

Schedule B

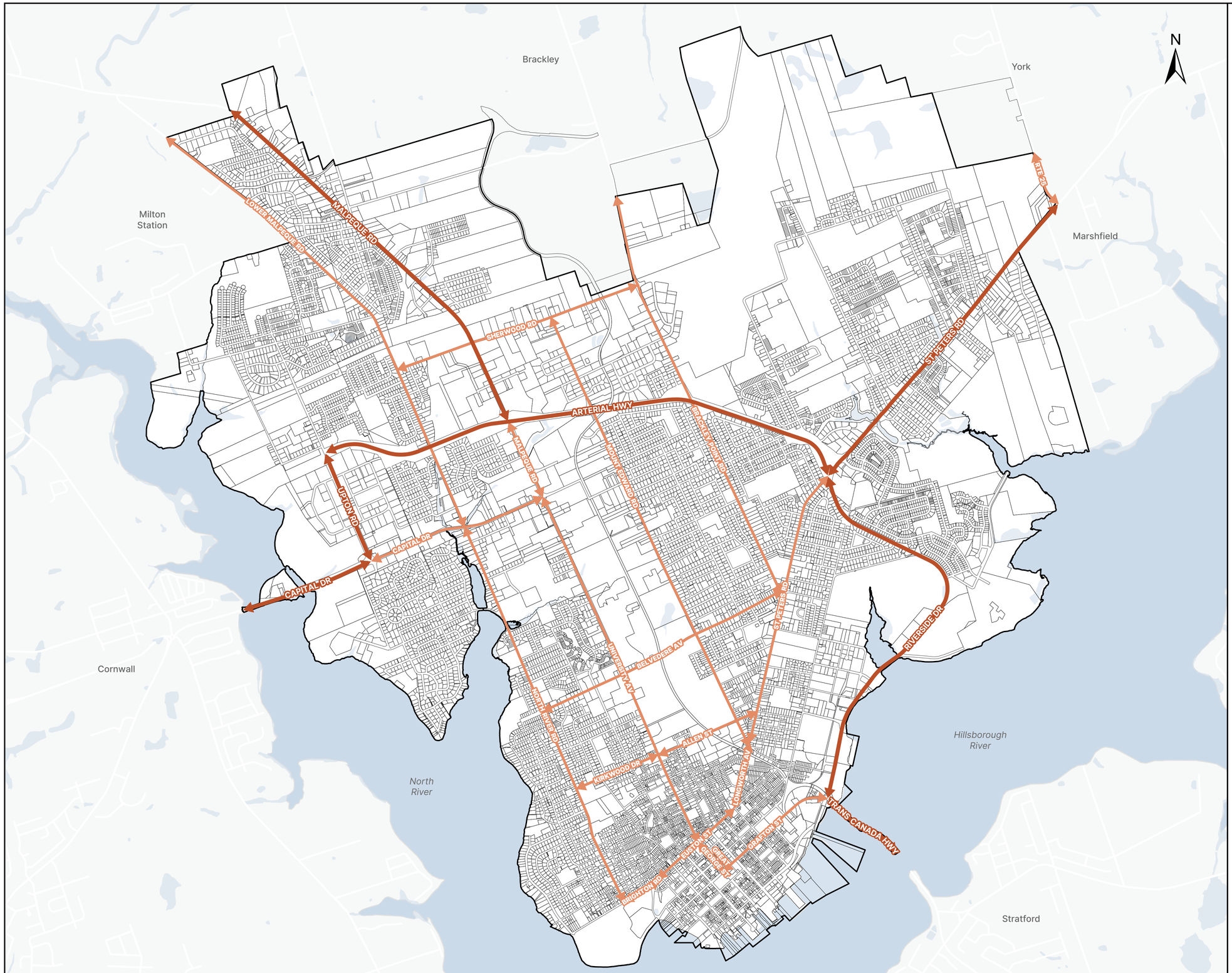
Building Heights within Specific Downtown Zones

All heights are in Storeys

- Downtown Core (DC)
- Downtown Main Street (DMS)
- Downtown Waterfront (DW)

0 90 180 270 360

m



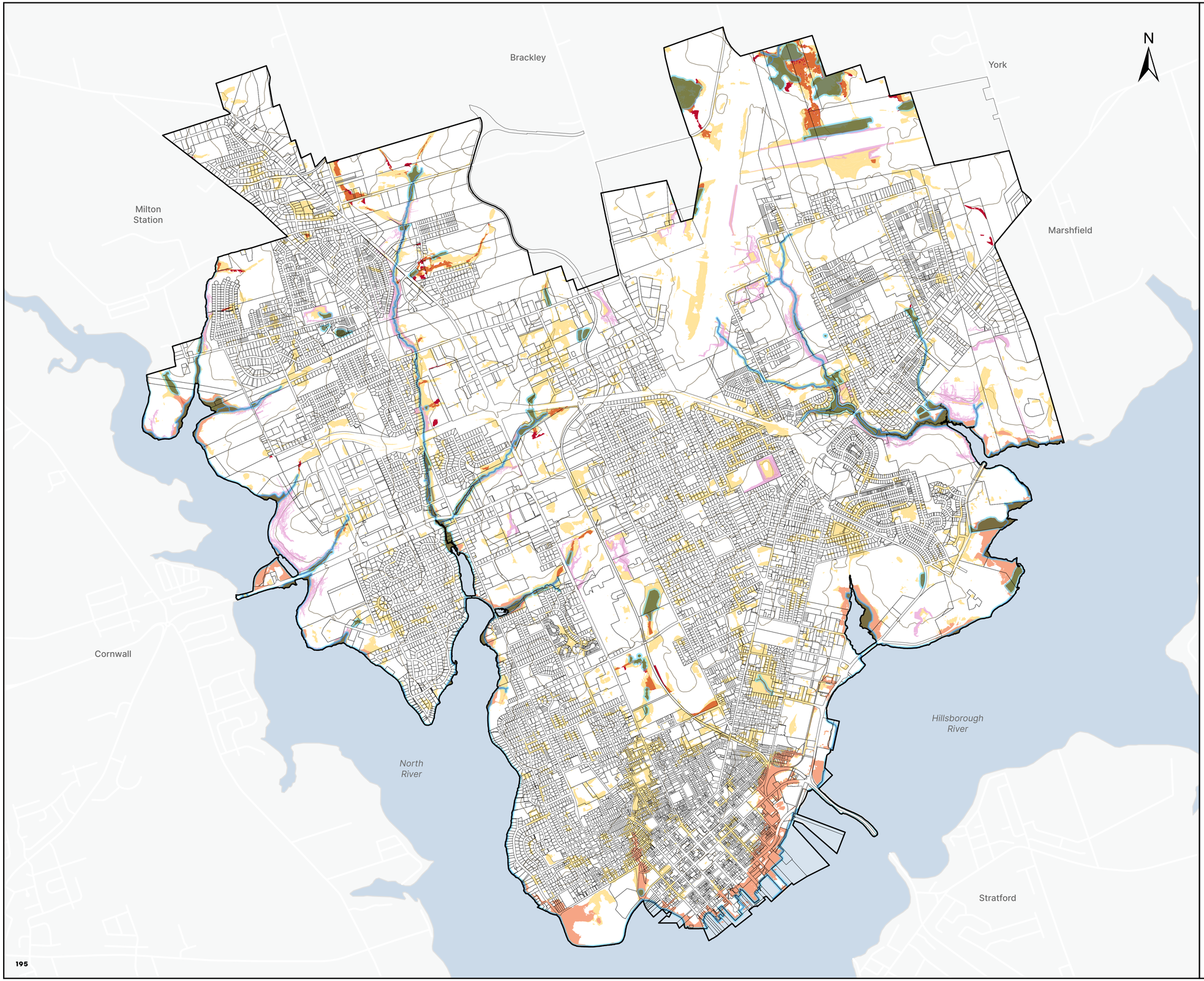
CHARLOTTETOWN
ZONING & DEVELOPMENT BYLAW

Schedule C

Street Hierarchy

- Arterial Roads
- Collector Roads

0 0.5 1 1.5 2
km



CHARLOTTETOWN

ZONING & DEVELOPMENT BYLAW

Schedule D

Environmental Constraints Map

- Watercourses
- 10 m Contour Lines
- Sloped Land Inventory
- Potential Development Restrictions

Wetlands

- Wetland
- Wetland 15 m buffer

CHRIS Flood Risk

- Moderate-High Flood Hazard (2050)
- Pluvial 1-in-100 year flood risk future conditions

0 0.5 1 1.5 2
km



CHARLOTTETOWN

ATTACHMENT B

MUNICIPAL PLANNING BYLAWS

16. Municipal planning bylaws

A council may make bylaws implementing an official plan for the municipality. *1988, c.4, s.16.*

17. Approval of Minister

The bylaws shall be subject to the approval of the Minister and shall be effective on the date of approval by the Minister. *1988, c.4, s.17.*

18. Notice of meeting

(1) Before making any bylaw the council shall

(a) give an opportunity to residents and other interested persons to make representations; and

(b) at least seven clear days prior to the meeting, publish a notice in a newspaper circulating in the area indicating in general terms the nature of the proposed bylaw and the date, time and place of the council meeting at which it will be considered.

Bylaw amendment requiring official plan amendment

(2) Where a bylaw amendment requires an amendment to the official plan pursuant to subsection 15(2), the council may consider the official plan amendment concurrently with the bylaw and shall

(a) indicate in general terms, in the notice published under clause (1)(b), the nature of the proposed plan amendment; and

(b) give the planning board an opportunity to comment on the plan amendment prior to adoption of the amendment.

Council meeting during state of emergency

(3) During a state of emergency, the council meeting referred to in subsection (1) may be held by telephonic or other electronic means and any person who, using the telephonic or electronic means provided, participates in, votes at or establishes a communications link to the meeting is deemed for the purposes of this Act to be present at the meeting. *1988,c.4 s.18; 2021,c.14,s.5.*

CITY OF CHARLOTTETOWN
RESOLUTION OF COUNCIL # 2026-COCR-0096

Planning & Heritage #6

MOTION CARRIED 9-0 (Councillor McCabe absent)

MOTION LOST _____

Date: August 11, 2026

Moved by Deputy Mayor Alanna Jankov

Seconded by Councillor Norman Beck

RESOLVED:

That Council approve the convening of a public meeting to provide residents and other interested persons with an opportunity to make representations regarding the City of Charlottetown's draft Zoning and Development Bylaw, in accordance with section 18 of the *Planning Act*, R.S.P.E.I. 1988, c. P-8;

And Further That, upon approval, the Planning and Heritage Department shall cause a notice to be published in a newspaper circulating in the area at least seven clear days before the public meeting. The notice shall describe, in general terms, the nature of the proposed Bylaw and specify the date, time, and place of the public meeting, in accordance with subsection 18(1)(b) of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

October 1, 2025

City of Charlottetown Planning & Heritage Department
70 Kent Street
Charlottetown, PE
C1A 1M9

To whom it may concern,

Fusion Charlottetown is a volunteer-run advocacy organization that has been working since 2015 to amplify the voices of youth to help make Charlottetown the best place to live, work, and play. We do this by advocating for youth and young adults, hosting impactful events, and encouraging young people to shape their city and province.

Fusion supports the efforts by Council and Staff to reform local land use rules to facilitate more housing options. In May 2024, Fusion wrote a letter to members of the City of Charlottetown's Planning Board in support of the draft Official Plan. The letter included a number of additional recommendations to ensure that the ambition of the plan is raised for youth and young adults. In August 2025, Fusion reiterated its support for the initial ambition of the plan in a letter to the Minister of Housing, Land and Communities, and provided some guidance to ensure that sensible housing options like fourplexes remain within reach for young people in Charlottetown.

On behalf of the Fusion Charlottetown Board of Directors, I welcome the opportunity for our organization to provide feedback on the design of the City of Charlottetown's new Zoning and Development Bylaw. To support the Zoning and Development Bylaw reform process, Fusion has provided a detailed series of recommendations under a number of overarching guiding principles. These principles include:

1. Legalizing apartments and fourplexes city-wide,
2. Creating expedited pathways for affordable housing and family-sized dwelling units,
3. Introducing a new form-based code for the 500 Lot Area,
4. Reforming off-street and on-street parking rules and practices,
5. Prioritizing sustainable transportation alternatives to reduce automotive congestion,
6. Eliminating 'poison pills' that will impede progress on housing, and
7. Reducing input costs for townhouse and apartment dwellings.

The City of Charlottetown is currently experiencing one of its strongest years ever for housing construction, according to housing starts data from the Canada Mortgage and Housing Corporation. To ensure that Charlottetown can build on this success, the City must have a zoning and development bylaw that enables housing construction rather than

obstructs it. The measures Fusion has outlined in the attached list of recommendations would allow for housing development in a manner that stimulates economic growth, improves long-term affordability, protects heritage structures through adaptive reuse, and gives youth and young adults the opportunity to thrive in PEI's Capital Area.

It should also be noted that Charlottetown is a national leader in rankings of housing processes in large part because it does not employ development charges to finance housing-enabling infrastructure extensions. Although these sorts of charges can take fiscal pressure off of the property tax base and develop local infrastructure that supports new communities, these charges end up getting passed onto new residents in the form of steeper purchasing and rental prices. To avoid worsening housing affordability for new residents, Charlottetown should look at more equitable alternatives to development charges when creating capital plans to support intensification and new subdivisions.

We thank you for the opportunity to contribute to this important process, and we would be open to further discussing this matter. Fusion Charlottetown would welcome the opportunity to speak with planning board members, department staff, and other city officials to share more about how the Zoning and Development Bylaw can be reformed to support youth and young adults in PEI's Capital Area. If you are interested in connecting with the Fusion team, please do not hesitate to reach out to us by email at fusioncharlottetown@gmail.com.

Sincerely,

Cecilia Williams, President
Fusion Charlottetown Board of Directors

FUSION CHARLOTTETOWN

Fusion Charlottetown's recommendations for the design of the City's new Zoning and Development Bylaw

1. **Legalizing apartments and fourplexes city-wide**

- Allow for convenience stores and other small ground-level retail services as-of-right in all residential, commercial, downtown, and mixed-use zones.
- Eliminate the R-1L, R-1N, R-2, R-2S, R-3, and R-3T zoning designations for all areas of the city, and rezone affected properties as RN, RM, and RH based on their specific lot sizes.
    - Specify that townhouse and apartment dwellings of at least four units are permitted as-of-right within any of the new zoning changes, with no maximum limits on the proportion of lots in those zones which shall permit townhouse and apartment dwellings of at least four units.
    - Allow for townhouse and apartment dwellings of at least six units permitted as of right in RM zones
    - All for apartment dwellings of at least four storeys as-of-right in all RH zones.
- Allow for apartment dwellings of at least ten storeys as of right in all GN zones, and for apartment dwellings of at least six storeys as of right in all GC zones
- Allow for apartment dwellings of at least four storeys as-of-right in all DC, DMS, DMUN, and W zones
- Specify that, unless superseded by zoning provisions in GN and GC zones, apartment dwellings of at least four storeys are permitted in all residential, commercial, downtown, and mixed-use zones, provided they are situated within 800 metres of the following institutions:
    - Any property owned in part or wholly by the University of Prince Edward Island;
    - Any property owned in part or wholly by Holland College; and
    - The Queen Elizabeth Hospital and the Hillsborough Hospital.

2. **Creating expedited pathways for affordable housing and family-sized dwelling units**

- Expedite or prioritize review decisions relating to:
    - a) bonus height and density applications in exchange for the provision of Affordable Housing Dwelling Units when the applicant is a community housing provider such as a cooperative, a non-profit organization, or a

provincial or federal housing corporation, by way of subsidization between the applicant for a specified period of time and confirmed in a written agreement registered to the property; and
    - b) rezoning applications for which at least 50% of the units in the proposed development have three bedrooms or more.
- Specify in the Zoning and Development Bylaw that planning and development fees outlined in Schedule D of the Fees Bylaw do not apply to applications made by or in partnership with community housing providers.
- Introduce a rental replacement bylaw requiring applicants to allow for incumbent tenants to have a right of return or first refusal to a unit at a similar rent in the event of displacement due to dwelling unit conversion or demolition.

3. Introducing a new form-based code for the 500 Lot Area

- As outlined in the new Official Plan, "update the Zoning and Development Bylaw to provide guidance for new development by adding aspects of the 500 Lot Area Development Standards & Design Guidelines that are suitable for form-based requirements of all Downtown Zones."
- As part of these guidelines, create a new design review process for rezoning applications in the 500 Lot Area that shall
    - Focus on built form, social and structural heritage, and the streetscape contributions of the application rather than the applicant's intended use.
    - Automatically accept current and future low-rise housing designs as outlined in the Canada Mortgage and Housing Corporation's Housing Design Catalogue section for Atlantic Canada.
    - Respect as-of-right storey allowances for apartment dwellings being constructed within 800 metres of all post-secondary institution campuses.

4. Reforming off-street and on-street parking rules and practices

- Eliminate the requirement for off-street parking in all residential zones, and eliminate the 500 Lot Area cash-in-lieu requirement for the removal of parking spaces in downtown zones.
- Reduce on-street angle parking with parallel parking to maximize safety and improve the flow of traffic by all modes of transportation.
- Earmark on-street parking meter revenue for operational expenses related to T3 public transit service.

5. **Prioritizing sustainable transportation alternatives to reduce automotive congestion.**

- Create zoning areas for facilities and public infrastructure assets that are needed to support the implementation of the PEI Capital Area Public Transit Plan and the City of Charlottetown's forthcoming Active Transportation Plan.
    - Requiring bike parking spaces on new developments, with at least 5% of spots being available for larger mobility devices.
    - Minimum sidewalk widths of 1.8 m and, where possible, on both sides of the street.
    - Allowing end-of-trip facilities in all zones, such as repair stations, change rooms & showers (in non-residential), charging, and maintenance stations
    - Creating park-and-ride facilities to encourage transit use from peripheral communities.
- Pilot a weekday, peak-hour bus rapid transit lane along University Ave in sections where appropriate.

6. **Eliminating 'poison pills' that will impede progress on housing**

- Ensure that height limits, setback requirements, floor space ratios, and similar design requirements do not conflict with as-of-right allowances for townhouses and apartment dwellings in residential, downtown, and mixed-use zones unless such restrictions are in place as a mitigative measure to separate sensitive land uses from existing industrial land uses.
- Work with provincial and federal partners to identify climate-resilient townhouse and apartment designs that can be allowed as-of-right in areas with known flood risks, such as the Downtown Waterfront and the Eastern Gateway.

7. **Reducing input costs for townhouse and apartment dwellings.**

- Exempt townhouses and apartment dwellings from the implementation of any new development charges or non-property taxation measures that increase the input costs of residential construction
- Explore alternative approaches to financing housing-enabling infrastructure, such as intergovernmental transfers, municipally-issued debt instruments, and a public utility model for cost recovery on major capital projects..

EXECUTIVE SUBMISSION & COMPREHENSIVE BRIEFING MEMO

Six-Part Technical Paper Series: Reconciling the Draft Bylaw with Economic Reality

To: Donna Miller-Ayton (Manager of Public Policy & Heritage) & Charlottetown City Council.

From: David R. J. Morris, P.Eng, P.Surv, PEILS, CLS (Morris Geomatics & Engineering Ltd.)

Date: August 24, 2026

Subject: Comprehensive Public Registry Submission – Systemic Pro-Forma, Siting, and Operational Deficiencies in the Draft Zoning and Development Bylaw

Reference: CL-HAF-2026-EXECUTIVE -COVER-V5

Status: PUBLIC REGSITRY SUBMISSION (PEI *Planning Act*, Section 18)

INVITATION TO TECHNICAL REVIEW & THE HAF MANDATE

[1.] This submission serves as the formal cover letter and overarching executive briefing memo introducing our **Six-Part Technical Paper Series**, officially submitted to the public registry for the upcoming **September 3, 2026 public meeting**.

[2.] Under the terms of the federal **Housing Accelerator Fund (HAF**), the City of Charlottetown is legally and financially obligated to rewrite its Zoning and Development Bylaw to enable rapid, gentle, and affordable residential density. The critical nature of this task is underscored by the fact that **the City has already lost $1.26 million of its original over $10 million HAF allocation** due

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C1A 8Z3
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to non-compliance on 28 of 31 key milestones in its CMHC agreement[1][2][3][4][5][6]. This compliance cut is spread over two years, costing the City **$628,687 in both 2026 and 2027** [62, 68]. If the City fails to clear its backlog of 28 unmet milestones and meet its extended October 2026 zoning target, the remainder of the fund is directly jeopardized [7][8][6. Indeed, CMHC has established a strict precedent of complete **termination, having recently canceled the City of Miramichi's entire HAF agreement** for failing to meet mandatory zoning changes [65, 71].

[3.] As a land development consultant, my job is to underwrite land acquisitions, model development feasibility, and advise clients on how to maximize buildable site yield while minimizing carrying-cost and permitting risks. A rigorous professional review of the proposed draft bylaw reveals a devastating disconnect between the planning department's academic density models and the raw economic and engineering realities of constructing housing in Charlottetown.

[4.] As currently written, the proposed draft bylaw **will not deliver gentle, affordable rental housing**. Instead, it combines statutory professional practice conflicts, prohibitive civil infrastructure connection surcharges, and restrictive owner-occupancy covenants that completely sterilize private capital. If passed without amendments, these rules will trigger immediate administrative permit freezes, force the physical demolition of mature bungalows, or actively incentivize developers to bypass rental density entirely. Instead, they will be pushed to rotate structures and subdivide mature parcels to build expensive,

[1] Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund (HAF) Compliance Review Audit Report (2026).
[2] CBC News Prince Edward Island (October 2024 / March 2025) - 'Charlottetown loses federal housing funding.
[3] PNI Atlantic News / SaltWire Network (April 2026) - 'Charlottetown penalized for non-compliance on HAF milestones'.
[4] Canada Mortgage and Housing Corporation (CMHC) 10 Housing Accelerator Fund Best Practices Guide.
[5] Facebook - What is Up PEI - 'Charlottetown loses $1.26 million in federal housing funding'.
[6] Yahoo News Canada / CBC News (December 2024 / January 2025) - 'Charlottetown housing action plan compliance audits.
[7] What We Heard Report - Public Engagement Summary for the Draft Zoning Bylaw (BV Edits July 29, 2026) / HAF Compliance and Deadlines Schedule.
[8] Northumberland Free Press - 'City loses $3.1M in Housing Accelerator (Miramichi Termination Precedent)".

market-rate fee-simple homes—the exact opposite of the gentle, affordable rental density that the Housing Accelerator Fund was designed to deliver.

THE SIX-PART TECHNICAL PAPER SERIES OVERVIEW

[5.] To help Council and staff systematically review and correct these structural issues, our submission is organized into six targeted, independent technical papers:

PAPER 1: THE STATUTORY & PERMIT PIPELINE ALIGNMENT (STATUTORY GRIDLOCK)

[6.] **The Conflict**: Direct collision between the Land Surveyors Act and Engineering Profession Act created by Section 5.4.3(c), which demands a single "licensed professional" to certify both spatial setbacks and hydraulic drainage. Additionally, measuring setbacks to the outermost finished cladding face (rather than the concrete foundation) without encroachment protection in Table 3.2 guarantees late-stage zoning violations once siding is applied.

[7.] **The Developer Impact**: Severe Carrying-Cost Risk. Developers face immediate building permit and occupancy lockouts at the finish line while professionals refuse to sign combined certificates that void their insurance. Every week of delay at this stage drains cash-on-cash return in carrying interest, turning profitable projects into losses.

[8.] **The Solution**: Re-establish foundation-based setbacks with a 150 mm cladding encroachment allowance as-of-right, and formally bifurcate Stage 3 spatial as-builts from engineering stormwater certifications.

PAPER 2: THE UTILITY INFRASTRUCTURE SURCHARGE (SEPARATE CONNECTIONS)

[9.] **The Conflict**: Section 4.14.1(a) mandates separate water and sewer lateral connections directly to the street main for every individual "Dwelling Unit." Because basement suites and backyard cottages are defined as "Dwelling Units," a single single-title property hosting 1 home and 3 ADUs is legally treated as a fee-simple subdivision.

[10.] **The Developer Impact**: Prohibitive Front-End Civil CapEx. Homeowners and builders are forced to cut street asphalt four times and run four splayed lines. This selectively penalizes "gentle density," while a commercial developer building a 24-unit apartment building is legally permitted to share a single master service lateral and meter internally under Section 4.2 of the Utility Bylaw.

[11.] **The Solution**: Permitting co-located ADUs on undivided, single-title parcels to connect via a single, shared master lateral and meter internally.

PAPER 3: YIELD STERILIZATION & THE SUBDIVISION LOOPHOLE

[12.] **The Conflict**: An arbitrary 1,130 m^2 lot area threshold for two attached ADUs, a front-yard parking ban that legally forces the physical demolition of attached garages/carports to access the rear yard, and an owner-occupancy covenant that sterilizes rental portfolio capitalization and asset liquidity.

[13.] **The Developer Impact (The Subdivision Pivot)**: If retrofitting a basement suite or cottage requires garage demolition, splayed utilities, and owner-occupancy restrictions on an undivided title, **it is mathematically more profitable to demolish the bungalow entirely**. With a 30.0 m frontage, a developer will simply rotate the structure onto a compliant 14.0 m narrow lot (clearing the 10.6 m minimum) and subdivide the remaining 16.0 m for a semi-detached duplex. This yields **three high-value, fee-simple market-rate homes** sold individually on the open market.

[14.] **The Backfire**: This subdivision path is highly liquid and attractive to developers, but it **will not create affordable housing**. It gentrifies mature neighborhoods with expensive new construction, defeating the HAF rental mandate.

[15.] **The Solution**: Decouple ADUs from arbitrary lot sizes, repeal the owner-occupancy covenant, and eliminate turnaround hammerhead parking penalties for serviced infill.

PAPER 4: OPERATIONAL SAFETY & EMERGENCY STAGING LIMITS

[16.] **The Conflict**: Excavating concrete egress window wells (0.9 m projection) in narrow side setbacks (1.2 m to 1.5 m) chokes the remaining emergency corridor to under 30 cm, blockading firefighters wearing full breathing apparatus (violating NFPA 1).

[17.] **The Developer Impact**: Late-Stage Design Rejection Risk. Discovering these emergency response and physical walkway conflicts late in the design process forces expensive site-plan redesigns, delayed construction starts, and wasted architectural and engineering fees.

[18.] **The Solution**: Mandate a 1.8 m side-yard setback if an egress window well is present to guarantee a safe 0.9 m (3.0 ft) clear walking path, and establish manual hose-lay corridor standards for deep lots to avoid expensive heavy vehicle turnarounds.

PAPER 5: THE UNDERWRITING BLINDSPOT (THE "GHOST GUIDELINES" VACUUM)

[19.] **The Conflict**: The draft proposed bylaw defers critical, high-cost compliance gates to three completely unreleased external manuals: the Municipal Design Guidelines, the Stormwater Management Guidelines, and the Landscaping Requirements.

[20.] **The Developer Impact**: Un-underwritable Acquisition Risk. A consultant cannot reliably run land-residual models or price acquisitions during a standard due diligence window if the physical buildable area, architectural constraints, and storm retention surcharges are kept hidden. This regulatory vacuum guarantees arbitrary, case-by-case permitting and extended delay-loop carrying costs.

[21.] **The Solution**: Table the adoption of the proposed bylaw until all design, stormwater, and landscaping manuals are fully drafted, published, and attached as public appendices.

PAPER 6: REGULATORY ALIGNMENT, POLICY GAPS, AND PLANNING ERRORS

[22.] **The Conflict**: Identifies the disconnect between the draft's written text and CMHC Best Practices regarding minor variance "NIMBY" escalations, pre-approved design bypasses, planning fee waivers, and binding permit SLAs. It also exposes four major planning errors: the oversized lot subdivision frontage blunder, the provincial ADU short-term rental conflict, the "one accessory building" garden shed trap, and the unserviced septic lot-size blockade.

[23.] **The Developer Impact**: Unnecessary Administrative Risk & Financial Penalties. Developers are subjected to politicized public hearings over minor technical variances, charged thousands in design review fees, held in indefinite staff review loops, and exposed to provincial enforcement penalties or unserviced septic permit rejections.

[24.] **The Solution**: Adopt Amendments M through T to depoliticize variances, fast-track pre-approved plans, waive planning fees for infill, establish binding 21-day SLAs, correct the frontage blunder, align ADUs with provincial STR laws, protect garden sheds, and warn developers about unserviced septic limitations.

CONSOLIDATED REFERENCE LIST OF RECOMMENDED CLINICAL AMENDMENTS

[25.] To assist Council in executing its legislative duties under the PEI Planning Act, we have compiled all twenty proposed clinical amendments into a single, comprehensive reference checklist. Each amendment is designed to directly resolve a specific engineering, financial, or spatial barrier, aligning the bylaw text with the HAF mandate and protecting developer pro-formas:

[26.] **AMENDMENT A: Re-Establish Foundation-Based Setbacks**

[27.] Amend setbacks to concrete foundation wall and add a 150 mm projection allowance for finished exterior wall cladding, siding, trim, and insulation as-of-right.

[28.] **AMENDMENT B: Bifurcate Stage 3 Grading & Siting Verification**

[29.] Amend Section 5.4.3(c) to separate spatial setbacks (certified by a PEI Land Surveyor) from hydrological drainage performance (certified by a Professional Engineer).

[30.] **AMENDMENT C: Define Professional Actors & Eliminate "Plot Plan" Interchangeability**

[31.] Formally define Licensed PEI Land Surveyor, Site Plan, and Grading Plan in Part 28, and completely replace all interchangeable occurrences of "Plot Plan" with "Site Plan."

[32.] **AMENDMENT D: Decouple Attached ADUs from Separate Utility Mandates**

[33.] Insert an exception clause in Section 3.12 and 4.14.1 allowing attached basement ADUs to share domestic water, sanitary sewer, and electrical services with the primary home.

[34.] **AMENDMENT E: Allow Shared Service Connections for Undivided Title Lots**

[35.] Add an exception clause in Section 4.14.1 allowing co-located units on single, undivided title parcels (such as ADU retrofits) to connect via a single shared master lateral.

[36.] **AMENDMENT F: Decouple ADUs from Arbitrary Lot Sizes**

[37.] Remove the 500 m^2 minimum lot size barrier for single ADUs and lower the two-suite allowance threshold under Section 4.6.3(a) from 1,130 m^2 to 800 m^2.

[38.] **AMENDMENT G: Repeal the Owner-Occupancy Covenant for Accessory Dwelling Units**

[39.] Completely delete and repeal Section 4.6.2(d) requiring deed holders to reside on-site to unlock private capital pools and secure long-term rental housing tenancy.

[40.] **AMENDMENT H: Eliminate Parking Turning Penalties for Serviced Infill**

[41.] Add a clause exempting developments of 4 units or fewer from turning-aisle and forward-motion turnaround requirements and permit required parking in front driveways as-of-right.

[42.] **AMENDMENT I: Permitting Setback Relief for Detached ADU Conversions**

[43.] Allow existing legally constructed detached accessory structures (such as garages) to be converted to detached ADUs while maintaining existing setbacks down to 1.2 m.

[44.] **AMENDMENT J: Mandate a Coordinated Side-Yard Setback for Egress**

[45.] Amend Table 4.1 to mandate a minimum side-yard setback of 1.8 m for any property line hosting a required basement egress window well, guaranteeing a 0.9 m clear walking path for firefighters carrying hoses and ladders.

[46.] **AMENDMENT K: Establish Hose-Lay Standards for Deep Lots**

[47.] To eliminate expensive backyard vehicular turnarounds, require any backyard ADU walking distance exceeding 45.0 m from the street to maintain a continuous 1.5 m side-yard clear walkway to facilitate manual hose-lay deployment.

[48.] **AMENDMENT L: Table the Bylaw Pending Release of All Guidelines**

[49.] Transitionally suspend bylaw adoption and enforcement until the Municipal Design, Stormwater, and Landscaping manuals are fully drafted, published, and appended.

[50.] **AMENDMENT M: Staff Autonomy over Technical Variances**

[51.] Amend Section 3.8.5 to establish that written public objections to minor variances (under 10% for area/height and 15% for setbacks) shall be evaluated strictly on objective planning merits by the Development Officer, whose decision remains delegated and final.

[52.] **AMENDMENT N: Pre-Approved Design Fast-Track Bypass**

[53.] Insert a clause in Section 2.5 and Section 2.6 establishing that any building permit application utilizing an officially certified, pre-approved municipal model plan shall bypass Stage 1 zoning compliance and Design Review, and be issued a permit within ten (10) business days.

[54.] **AMENDMENT O: Missing Middle & ADU Fee Waivers**

[55.] Amend Section 2.1 to mandate a 100% waiver on all Minor Variance, Design Review, Design Reviewer ($2,500), and Development/Subdivision Agreement fees for any residential development of four (4) units or fewer and all purpose-built rental developments.

[56.] **AMENDMENT P: Binding Permit Service Level Agreements (SLAs**)

[57.] Amend Section 2.6 to codify a binding permit turnaround SLA of 21 calendar days for as-of-right developments of four (4) units or fewer, and 45 calendar days for Site Plan Approvals, backed by a 50% fee-refund penalty for municipal delays.

[58.] **AMENDMENT Q: Correction of Subdivision Frontage Blunder**

[59.] Amend Section 10.1.3 to replace the word "greater" with "less," protecting the as-of-right subdivision rights of oversized infill parcels.

[60.] **AMENDMENT R: ADU Provincial STR Alignment**

[61.] Amend Sections 4.6.2(e) and 4.7.4(c) to explicitly note that ADU short-term rental permissions are subject to overriding provincial long-term mandates under Section 41(2)(g) of the PEI Planning Act Regulations.

[62.] **AMENDMENT S: Exclusion of ADUs from Accessory Building Counts**

[63.] Amend Part 3.1 and Table 3.1 to explicitly state that habitable ADUs shall be excluded from the maximum number of permitted non-habitable accessory buildings, protecting existing garden sheds from forced demolition.

[64.] **AMENDMENT T: Unserviced Lot Density Warnings**

[65.] Insert a mandatory notice clause in Sections 4.6 and 4.7 clarifying that unserviced lot sizing and densities shall be governed strictly by the Province-Wide Minimum Development Standards Table 1 under the PEI Planning Act, preventing septic field permitting blockades.

CONCLUSION

[66.] A zoning bylaw must be grounded in statutory, physical, and economic reality. In its current form, the draft proposed bylaw is not ready for passage. It represents a high-risk, un-underwritable framework that will freeze the construction of gentle rental density, lock out private capital, and force developers to subdivide and replace naturally occurring affordable housing with high-end, fee-simple new construction.

[67.] By adopting these twenty clinical amendments, Council can restore statutory alignment, eliminate civil connection surcharges, protect emergency responders, and establish a highly predictable, rapid permitting pipeline. This is the only pathway to protect municipal capital budgets, preserve mature neighborhood character, and successfully deliver the gentle, affordable rental housing mandated by the Housing Accelerator Fund.

SCHEDULE OF ACCOMPANYING ATTACHMENTS (EXHIBITS INDEX)

[68.] This formal submission is supported by a comprehensive, six-part Technical Paper series. Each paper provides exhaustive physical, economic, and statutory auditing to back our recommended clinical amendments:

[69.] **Attachment 1 (Technical Paper 1):** The Statutory & Permit Pipeline Alignment — Reference Key: **CoC-PH-AG0526 / LDC-ZDB-2026 / TECH-1**

[70.] **Attachment 2 (Technical Paper 2):** The Utility Infrastructure Surcharge — Reference Key: **CoC-PH-AG0526 / LDC-ZDB-2026 / TECH-2**

[71.] **Attachment 3 (Technical Paper 3)**: Yield Sterilization, The Owner-Occupancy Covenant, and the Subdivision Loophole — Reference Key: **CoC-PH-AG0526 / LDC-ZDB-2026 / TECH-3**

[72.] **Attachment 4 (Technical Paper 4):** Operational Safety & Emergency Access Logistics — Reference Key: **CoC-PH-AG0526 / LDC-ZDB-2026 / TECH-4**

[73.] **Attachment 5 (Technical Paper 5):** The Underwriting Blindspot — Reference Key: **CoC-PH-AG0526 / LDC-ZDB-2026 / TECH-5**

[74.] **Attachment 6 (Technical Paper 6):** Regulatory Alignment, Policy Gaps, and Planning Errors — Reference Key: **CoC-PH-AG0526 / LDC-ZDB-2026 / TECH-6**

TECHNICAL PAPER 1: THE STATUTORY & PERMIT PIPELINE ALIGNMENT

Six-Part Technical Paper Series: Reconciling the Draft Bylaw with Economic Reality

To: Donna Miller-Ayton (Manager of Public Policy & Heritage) & Charlottetown City Council.

From: David R. J. Morris, P.Eng, P.Surv, PEILS, CLS (Morris Geomatics & Engineering Ltd.)

Date: August 24, 2026

Reference: CL-HAF-2026-PAPER1

Status: PUBLIC REGSITRY SUBMISSION (PEI *Planning Act*, Section 18)

THE HAF CONTEXT: STREAMLINING THE PERMIT PIPELINE

[1.] Under the terms of the federally funded **Housing Accelerator Fund (HAF),** the City of Charlottetown is mandated to accelerate housing starts by removing systemic barriers, simplifying local bylaws, and creating a highly predictable, rapid building permit pipeline.

[2.] A key HAF objective is to transition from discretionary, high-risk approvals to "as-of-right" development pathways. By establishing clear, objective, and unambiguous zoning rules, developers can underwrite land, secure private capital, and execute housing projects quickly without the cash-draining delays of public hearings or municipal appeals.

[3.] However, a rigorous technical review of the draft proposed Zoning and Development Bylaw reveals that rather than streamlining the development process, the proposed text introduces a critical Statutory and Administrative

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Gridlock at the construction finish line. By failing to align the zoning text with provincial statutes—specifically the PEI Land Surveyors Act and the PEI Engineering Profession Act—the draft bylaw creates an unworkable permitting bottleneck [91, 96]. This gridlock introduces severe carrying-cost risks that threaten developer returns and will actively freeze housing delivery.

THE SETBACK DEFINITION SHIFT: FOUNDATION VS. CLADDING

[4.] In land development, protecting the pro-forma requires maximizing site coverage and building footprints. To achieve this, developers routinely design and site residential structures to sit exactly at the minimum permitted setbacks (such as the 1.5 m side setback for Accessory Dwelling Units or the 1.83 m setback in standard Neighbourhood [RN] zones).

A. THE ACTIVE FRAMEWORK (PH-ZD.2, REV 050): PREDICTABLE CONSTRUCTION

[5.] Under the active bylaw, **"Setback"** is defined in relation to the **"nearest main wall of any Building or Structure."** [1]

[6.] **The Siting Standard**: Historically, surveyors, builders, and municipal inspectors have legally interpreted "main wall" as the structural, load-bearing core of the building, which is established by the concrete foundation footprint.

[7.] **The Encroachment Failsafe**: Crucially, the active bylaw includes a permitted encroachment clause. Siding, cladding, trims, gutters, and high-performance exterior insulation are permitted to project or encroach into a required yard setback by up to **0.6 m (2.0 feet)** as-of-right [2].

[8.] **The Practical Result**: A surveyor can confidently pin the concrete foundation exactly at the 1.5 m or 1.83 m setback line. Once the building is framed and siding

[1] Active City of Charlottetown Zoning and Development Bylaw PH-ZD.2 (rev 050), Part 4.1 (Accessory Building Setbacks) & Part 12 (Permitted Yard Encroachments).
[2] Id.

is applied (which projects outward by 75 mm to 150 mm), the building remains legally compliant. The construction pipeline remains uninterrupted.

B. THE PROPOSED DRAFT FRAMEWORK: HIGH-RISK "EXTERIOR WALL" MEASUREMENTS

[9.] The proposed draft bylaw completely breaks this established, predictable pipeline:

[10.] **The New Definition**: It redefines **"Setback"** as the distance measured to "*the nearest point of the exterior wall of the building.*"[3] [4]

[11.] **The Omission**: The draft's projection regulations (Table 3.2) completely **omit exterior wall cladding, siding, trim, and exterior insulation systems** from the list of permitted yard encroachments.

[12.] **The Siting Dilemma**: Because the setback is now measured to the finished siding face, and because siding has no permitted encroachment protection, **it is legally impossible to pour a concrete foundation at the minimum setback line.**

C. THE SETBACK CLADDING TRAP: PHYSICAL VS. LEGAL BOUNDARY COMPARISON

[13.] **Active Bylaw Pathway (PH-ZD.2) — Conforming & Protected**:

a) **Setback Target**: Measured strictly to the concrete foundation wall (1.50 m minimum).

b) **Exterior Cladding**: Finished siding and insulation project outward by 150 mm into required yards as-of-right, legally protected under the active 0.6 m permitted encroachment clause.

c) **Result on Site**: A builder can legally pour concrete at exactly 1.50 m. The physical building remains 100% compliant and protected.

[3] Draft Zoning and Development Bylaw (August 5, 2026), Table 4.1 (Detached ADU Built Form Standards) / Part 4.6 (Accessory Dwelling Unit Standards
[4] Draft Zoning and Development Bylaw (July 30, 2026 version), Section 5.4 (Grading and Stormwater Standards).

[14.] **Proposed Draft Bylaw Pathway — The Zoning Infraction Trap**:

a) **Setback Target**: Measured to the outermost finished cladding or siding face (1.50 m minimum).

b) **Exterior Cladding**: Siding and insulation have no encroachment protection or exemptions in Table 3.2.

c) **Result on Site**: Poured concrete at exactly 1.50 m foundation line becomes an automatic zoning infraction once siding is applied, shifting the finished setback to 1.35 m.

D. THE DEVELOPER IMPACT: CARRYING-COST RISKS & OCCUPANCY LOCKOUT

[15.] This change introduces a severe, un-underwritable risk to developer capital:

[16.] **Late-Stage Zoning Infractions**: A surveyor cannot verify the finished wall cladding offsets during the footing stage because the cladding does not exist yet. If the builder pours concrete at the 1.5 m setback line, the surveyor's final as-built survey (submitted at the occupancy stage) will show the "exterior wall" (siding) sitting at **1.35 m**. This represents an **instant, illegal zoning infraction**.

[17.] **Occupancy Permit Lockout**: Discovering a minor cladding encroachment of 50 mm to 150 mm at the final inspection stage halts the project. The developer is trapped in an occupancy lockout. They cannot close sales, transition construction financing to long-term mortgages, or generate rental income.

[18.] **Finance Drain**: While the developer is forced to seek minor variances or structurally modify the finished cladding, their construction financing continues to accrue interest. This carrying-cost drain directly eats into the project's internal rate of return (IRR) and can easily turn a profitable infill development into a financial loss.

PROFESSIONAL PRACTICE STANDOFF: SECTION 5.4.3(C)

[19.] The carrying-cost risk is further amplified by a major drafting error in the final site-grading and stormwater verification stage.

[20.] Under **Section 5.4.3(c)** of the proposed draft:

a) "...a licensed professional shall verify that the site has been constructed to conform to the final grading and stormwater management plan as a condition of the approval of an occupancy permit..."

[21.] This clause attempts to force a single, generic "licensed professional" to sign a joint certification of conformance for both spatial positioning and hydrological drainage. Under Prince Edward Island provincial statutes, this is a **legal impossibility**:

a) **The Surveyor's Statutory Monopoly**: Under the **PEI *Land Surveyors Act* R.S.P.E.I. 1988, Cap. L-3.1 (Section 1(f)),** certifying the spatial coordinates of any object relative to a property boundary is a **land survey**, restricted exclusively to licensed land surveyors. A Professional Engineer (P.Eng.) who signs a spatial setback certification is committing a provincial offense under Section 20 of the Act.

b) **The Engineer's Statutory Monopoly**: Under the **PEI *Engineering Profession Act* R.S.P.E.I. 1988, Cap. E-8.1 (Section 1(s)),** evaluating and certifying functional hydrological runoff performance and stormwater design is restricted exclusively to Professional Engineers. A licensed land surveyor has no legal authority or training to design or certify stormwater retention compliance[5] [91].

THE COMBINED CERTIFICATION CONFLICT FLOW

[22.] **Stage 1 & 2: Original Site Design**:

[5] Prince Edward Island *Engineering Profession Act*, R.S.P.E.I. 1988, c. E-8.1, Section 1(s) (Practice of Professional Engineering) & Section 20.

a) Hydrological, storm, and grading features are designed and stamped strictly by a Professional Engineer (P.Eng.) or Landscape Architect (L.A.) under Section 5.4.1.

[23.] **Stage 3: Completed On-Site Construction**:

a) The builder pours foundation walls and applies finished cladding to complete the structure.

[24.] **Stage 3: The Combined Certification (Section 5.4.3(c)):**

a) The City mandates that a single "licensed professional" must sign and certify that the constructed site conforms to both spatial setbacks and hydraulic grading plans.

[25.] **The Professional Practice Standoff**:

a) The *Licensed PEI Land Surveyor:* Can legally certify spatial setback ties to boundaries, but cannot certify hydrological runoff performance without voiding professional liability insurance.

b) The *Professional Engineer* (P.Eng.): Can legally certify hydrological stormwater performance, but cannot certify legal boundary ties (doing so constitutes a provincial offense under the Land Surveyors Act).

[26.] **Result — Permanent Regulatory Gridlock**:

a) Neither professional can sign the combined certificate, leaving the builder with a frozen occupancy permit at the finish line.

THE DEVELOPER IMPACT: PROFESSIONAL INSURANCE VOID

[27.] Because neither professional can legally stamp a combined spatial and stormwater certificate, both will refuse to sign Section 5.4.3(c) as drafted. Doing so would instantly void their professional liability insurance (errors & omissions), as insurers do not cover professionals operating outside their statutory scope.

[28.] The developer is left with a completed, market-ready building but no legal pathway to obtain an Occupancy Permit. The project is frozen indefinitely while municipal staff, legal counsel, and the development team argue over who can sign what.

[29.]

CLINICAL MUNICIPAL AMENDMENTS

[30.] To protect the development permit pipeline, eliminate un-underwritable carrying-cost risks, and meet the HAF mandate for streamlined approvals, the City of Charlottetown must adopt the following direct text amendments prior to the final reading of the proposed draft bylaw:

AMENDMENT A: RE-ESTABLISH FOUNDATION-BASED SETBACKS

[31.] **Part 28 / Definitions**: Amend the definition of "**Setback"** as follows:

a) From: "Setback means the distance between the Lot Line and the nearest point of the exterior wall of the building..."

b) To: "**Setback means the distance between the Lot Line and the nearest point of the concrete foundation wall of the building**..."

[32.] **Table 3.2 (Projecting Structures**): Insert a new permitted projection:

a) "**Finished exterior wall cladding, siding, trim, sheathing, rainscreen assemblies, and exterior insulation systems may project or encroach into a required yard setback by up to 150 mm (6.0 inches) as-of-right beyond the concrete foundation line**."

[33.] Technical Justification: This preserves the traditional surveying footing-certificate pipeline, allows developers to maximize floor area ratios (FAR) during footing design, and legally protects builders from zoning violations once exterior finishes are applied.

AMENDMENT B: BIFURCATE STAGE 3 SITING & STORMWATER VERIFICATION

[34.] **Section 5.4.3(c) (Site Inspection Stage)**: Amend the text as follows:

a) From: "...a licensed professional shall verify that the site has been constructed to conform to the final grading and stormwater management plan..."

b) To: "...**Stage 3 Site Verification shall be bifurcated as follows: (i) A Licensed PEI Land Surveyor shall submit an As-Built Survey confirming that building setbacks and foundation elevations comply with property limits and design plan elevations; and (ii) A Professional Engineer shall submit a Certificate of Conformance verifying that the constructed drainage features satisfy the hydraulic performance requirements of the approved Stormwater Management Plan**."

[35.] Technical Justification: This aligns the bylaw directly with the PEI Land Surveyors Act and Engineering Profession Act, enabling both professionals to sign off on their respective legal scopes of practice without delays or insurance conflicts.

AMENDMENT C: FORMALLY DEFINE THE STATUTORY ACTORS IN PART 28

[36.] **Part 28 (Definitions**): Add the following definitions to eliminate administrative confusion and Interchangeable "double-speak" regarding site plans:

a) "**Licensed PEI Land Surveyor means a registered member in good standing of the Association of Prince Edward Island Land Surveyors, holding a valid license to practice land surveying on Prince Edward Island under the Land Surveyors Act R.S.P.E.I. 1988, Cap. L-3.1."** [6][96]

b) "**Site Plan means a scaled, technical drawing illustrating existing and proposed property boundaries, building footprints, setbacks,**

[6] Prince Edward Island *Land Surveyors Act*, R.S.P.E.I. 1988, Cap. L-3.1, Section 1(f) (Practice of Land Surveying) & Section 20.

parking areas, landscaped spaces, and servicing connections, used as the primary spatial reference for building and development permit applications."

c) "**Grading Plan (or Surface Drainage Plan) means a technical drawing prepared and stamped by a Professional Engineer or Landscape Architect illustrating existing and proposed grade elevations, drainage swales, stormwater catch basins, and runoff flow directions, in compliance with municipal stormwater management guidelines."**

d) "Plot Plan": Completely delete "Plot Plan" and "Plots Plan" from Part 28 and replace all occurrences across the bylaw text with "Site Plan" (or "Survey Plan" when legal boundary ties are certified by a surveyor).

[37.] Technical Justification: This establishes strict professional terminology, eliminates interchangeable "plot plan" double-speak, and defines the exact deliverables required to keep the building permit pipeline moving efficiently.

COMPARATIVE STATUTORY PIPELINE SUMMARY

Head-to-Head Statutory Pipeline Comparison

Metric	Active Bylaw (PH-ZD.2)	Proposed Draft Zoning
Setback Measurement Basis Siding Fac	Concrete Foundation wall	Finished Siding Face
Encroachment Allowance for Siding	Up to 0.6 metres (2.0 ft)	None (0.0 m)
Siting Verification Stage	Footing/Foundation	Final Occupancy Permit
Gracing & Siting Sign-off stamp	Separate spatial as-builts	Combined single stamp
Risk of Late-Stage Project Freeze at Occupancy	Low (Siting locked in early)	High (Frozen at occupancy)
Professional Insurance Compliance Violation	Full Alignment	Direct Statutory Violation

[38.] This paper demonstrates that by making these three technical corrections, Council can restore complete statutory alignment, protect the developer's pre-construction financing from costly carry delays, and establish a highly predictable, rapid building permit pipeline that satisfies the core objectives of the Housing Accelerator Fund.

TECHNICAL PAPER 2: THE UTILITY INFRASTRUCTURE SURCHARGE

SUBMISSION TO THE PUBLIC REGISTRY FOR THE SEPTEMBER 3, 2026 PUBLIC MEETING

To: Donna Miller-Ayton (Manager of Public Policy & Heritage) & Charlottetown City Council.

From: David R. J. Morris, P.Eng, P.Surv, PEILS, CLS (Morris Geomatics & Engineering Ltd.)

Date: August 24, 2026

Reference: CL-HAF-2026-PAPER2

Status: PUBLIC REGSITRY SUBMISSION (PEI *Planning Act*, Section 18)

THE HAF CONTEXT: REDUCING THE CAPITAL COST OF ADUS

[1.] The federal **Housing Accelerator Fund (HAF)** is specifically designed to incentivize "gentle density"—such as accessory dwelling units (ADUs), secondary basement suites, and backyard garden cottages. A core tenet of HAF Best Practices is that to make these units economically viable for property owners and small-scale developers, municipal governments must actively reduce or eliminate the front-end capital expenditures (CapEx) associated with their construction[1] [2].

[1] Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund (HAF) Compliance Review Audit Report (2026).
[2] Canada Mortgage and Housing Corporation (CMHC) 10 Housing Accelerator Fund Best Practices Guide, Best Practice 5 (Reduce Front-End Fees & Waive Connection Surcharges).

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[2.] Under standard municipal practices across Canada, gentle density is capitalized as an accessory rental conversion of an existing single-title property. The secondary suites leverage the existing structure's footprint and utilities, utilizing internal sub-meters or shared service connections to minimize civil engineering and trenching surcharges.

[3.] However, a direct cross-reference of the draft proposed Charlottetown Zoning and Development Bylaw with the current utility and subdivision standards reveals a regressive **Utility Connection Mandate** (Section 4.14.1(a)). Rather than reducing costs, this rule forces small-scale housing retrofits to undergo commercial, subdivision-level civil engineering requirements. By legally prohibiting shared utility connections, the proposed draft imposes a massive, redundant underground infrastructure surcharge that completely destroys the financial pro-forma of gentle density.

THE APARTMENT EXEMPTION VS. THE ADU SURCHARGE

[4.] A glaring logical and engineering double standard exists between how the City of Charlottetown regulates utility service connections for major commercial developments versus how it regulates "gentle density" for average single-title properties.

A. THE COMMERCIAL APARTMENT STANDARD (SHARED SERVICE CONNECTION)

[5.] Under Schedule "A" (**Water and Sewer Utilities General Rules and Regulations**) of the active **Water Sewer Utility Bylaw.pdf** (Section 4.2: Individual Service), the separate connection rule is defined as follows:

> *"Except with the special written approval of the Utility, each separate residential building or premises, **not including multiple apartment buildings exceeding two (2) units**, shall have a separate water service*

> *with a curb stop and a separate sewerage connection directly to the sewerage main."*[3]

THE IMPACT:

[6.] **The Shared Master Pipe**: Under this statutory rule, a commercial developer constructing a 24-unit apartment building is **explicitly** exempted from the separate service mandate. They are permitted to run **one single, large-diameter water service lateral and one single sanitary sewer lateral** from the municipal street main to service all 24 units on the undivided parcel. Units are metered internally, minimizing front-end excavation, asphalt-cutting, and tapping fees.

B. THE DUPLEX AND TOWNHOUSE MANDATE (MANDATORY SEPARATE CONNECTIONS)

[7.] Conversely, for smaller attached residential structures, the city historically enforces individual splayed connections. Under the active SUBDIVISION ROADS AND SERVICES AGREEMENT-COPY FIRST.pdf (Schedule "D", Section 3) and Utility Requirements for Subdivision Development - 2017.pdf:

> *"Duplex lots, if included, are to be serviced **with separate water and sewer services for each of the units within the duplex building**."*[45]

[8.] Furthermore, Section 4.14.1(a) of the draft proposed bylaw mandates:

> *"A separate connection to Municipal Services shall be provided for each Dwelling Unit."*[67]

[3] City of Charlottetown Water Sewer Utility Bylaw, Part 4.2 (Individual Service Exemption Standards).
[4] City of Charlottetown Subdivision Roads and Services Agreement (First Copy), Schedule "D" (Utility Specifications).
[5] City of Charlottetown Utility Requirements for Subdivision Development (2017), Section 3.
[6] Draft Zoning and Development Bylaw (August 5, 2026), Section 4.14 (Utility Requirements).
[7] Draft Zoning and Development Bylaw (July 30, 2026 version), Section 4.14 (Utility Connection Mandates).

C. THE ADU TRAP: THE SINGLE-TITLE SPLAY

Because the proposed draft bylaw defines basement suites and backyard garden cottages as independent "Dwelling Units" (Part 28), they are captured by Section 4.14.1(a).

[9.] This means a property owner who wishes to utilize the new "as-of-right" density on a standardized 1,130 m^2 lot to establish **one primary home, two attached basement suites, and one detached backyard cottage** is legally blocked from sharing existing utility connections.

[10.] Despite the property sitting on an undivided, single-title parcel, the developer is legally forced to execute the following civil works:

[11.] **Street Cutting**: Excavate and cut the municipal street asphalt four separate times.

[12.] **Water Main Taps**: Tap the municipal water main four separate times, running four independent water laterals with four separate curb stops through the yard.

[13.] **Sewer Main Taps**: Tap the municipal sanitary sewer main four separate times, running four independent sewer lines splaying across the front lawn.

CIVIL UTILITY CONNECTION LAYOUT: APARTMENT VS. GENTLE DENSITY

[14.] **Scenario A: 24-Unit Commercial Apartment Building (Shared Connection Exemption)**:

a) **Exemption Rule**: Under Section 4.2 of the Water & Sewer Utility Bylaw, multiple apartment buildings exceeding 2 units are explicitly exempted from separate service connection rules.

b) **Infrastructure Layout**: One single, large-diameter shared master lateral runs from the street main to the entire building. Units are metered internally.

c) **Financial Impact**: Extremely low pre-construction civil infrastructure CapEx. Highly feasible.

[15.] **Scenario B: Single-Title Lot with Primary Residence + 3 ADUs (The Civil Splay Surcharge):**

a) **Zoning Rule**: Under Section 4.14.1(a) of the Draft Bylaw, a separate service connection is strictly mandated for each individual "Dwelling Unit."

b) **Infrastructure Layout**: The homeowner is legally forced to cut the municipal street asphalt four separate times and lay four independent water and sewer lines splaying across their front yard.

c) **Financial Impact:** Prohibitive pre-construction CapEx. Terminally deficient pro-forma.

THE DEVELOPER PRO-FORMA IMPACT: PROHIBITIVE CIVIL CAPEX

[16.] In land development consulting, front-end civil infrastructure costs are heavily weighted because they must be fully capitalized before any vertical construction begins or any rental revenue is generated.

[17.] This separate service mandate breaks the financial pro-forma of gentle density in three distinct ways:

a) **Redundant Pre-Construction** CapEx: Splaying four separate water and sewer lines from the property line to the street main introduces a massive, unnecessary civil engineering surcharge. This redundant excavation, street-cutting, backfilling, and compaction adds **prohibitive pre-construction capital outlays** that can easily represent 20% to 30% of the entire budget for a basement conversion or detached cottage.

b) **Selectively Penalizing Affordability**: Under this structure, a multi-million-dollar commercial developer is granted a massive infrastructure discount by sharing a single lateral for dozens of units. Meanwhile, an average homeowner or small-scale builder attempting to add low-cost rental suites to a single lot is hit with a severe financial penalty. This is hydraulically and economically indefensible[8] [67].

c) **Destruction of Project IRR**: For a typical 4-unit configuration (1 main house + 3 ADUs), these excessive pre-construction civil connection fees severely depress the cash-on-cash return and internal rate of return (IRR). It makes gentle density retrofits on mature single-family lots completely unfeasible for private capital.

CLINICAL MUNICIPAL AMENDMENTS

[18.] To align the bylaw with the HAF mandate to lower development costs and enable the financially viable construction of gentle density, Council must adopt the following direct amendments to the proposed text:

Amendment D: Decouple Attached ADUs from Separate Utility Mandates

[19.] Section 3.12 (Utility Connections) & Section 4.14.1 (Utility Requirements): Insert the following explicit exception clause:

a) "**Notwithstanding Section 3.12(a) and Section 4.14.1, an Attached Accessory Dwelling Unit (ADU) located within the structure of a primary dwelling shall be permitted to share domestic water, sanitary sewer, electrical service, and heating systems with the principal residence, utilizing sub-meters or shared service lines**."

[20.] Technical Justification: This eliminates redundant civil engineering costs, aligns Charlottetown with standard municipal practices across North America, and

[8] Canada Mortgage and Housing Corporation (CMHC) 10 Housing Accelerator Fund Best Practices Guide, Best Practice 5 (Reduce Front-End Fees & Waive Connection Surcharges)

makes basement suite conversions economically viable for average property owners.

AMENDMENT E: ALLOW SHARED SERVICE CONNECTIONS FOR UNDIVIDED TITLE LOTS

[21.] **Section 4.14.1:** Insert the following text:

a) "**Multiple residential units located on a single, undivided parcel under single-title ownership (including Primary Dwellings with Attached and/or Detached ADUs, and multi-family structures up to 24 units) shall be permitted to connect to municipal water and sewer utilities through a single, shared, master service lateral splayed to the street main**."

[22.] Technical Justification: This resolves the absurd double standard between apartments and ADUs. It ensures that homeowners and small-scale developers are treated fairly under utility engineering rules, removing a major capital barrier to housing delivery.

COMPARATIVE CIVIL SERVICING SUMMARY

Head-to-Head Civil Servicing Pipeline

Metric	24-Unit Commercial Apt	Primary Home + 3 ADU's
Number of Residential Units	24 Units	4 Units (1 main + 3 ADU's)
Ownership Title	Undivided Single Title	Undivided Single Title
Water/Sewer Connection Mandala	1 Shared Main Lateral	$ Separate Splayed laterals
Utility Bylaw Exemption Status	Exempt (Section 4.2)	Non-Exempt
Pre-Construction Civil CapEx Budget	Low (Shared Infrastructure))	Prohibitive (Redundant)
Financial Feasibility	High	Terminally Deficient

[23.] By adopting Amendments D and E, Council can remove this regressive civil engineering surcharge, lower the barrier to entry for small-scale developers, and unlock the gentle, affordable rental density that the Housing Accelerator Fund was designed to deliver.

TECHNICAL PAPER 3: YIELD STERILIZATION, THE OWNER-OCCUPANCY COVENANT, AND THE SUBDIVISION LOOPHOLE

SUBMISSION TO THE PUBLIC REGISTRY FOR THE SEPTEMBER 3, 2026 PUBLIC MEETING

To: Donna Miller-Ayton (Manager of Public Policy & Heritage) & Charlottetown City Council.

From: David R. J. Morris, P.Eng, P.Surv, PEILS, CLS (Morris Geomatics & Engineering Ltd.)

Date: August 24, 2026

Reference: CL-HAF-2026-PAPER3

Status: PUBLIC REGSITRY SUBMISSION (PEI *Planning Act*, Section 18)

THE HAF CONTEXT: THE OBJECTIVE OF GENTLE RENTAL DENSITY

[1.] The core objective of the **Housing Accelerator Fund (HAF**) is to stimulate the rapid creation of gentle, affordable rental density (adding 3 to 4 rental units per lot) within established residential neighborhoods. HAF aims to achieve this without altering the physical character, mature tree canopy, or single-title ownership structure of these stable suburban areas.

[2.] To incentivize homeowners and private developers to invest in these retrofits, the regulatory framework must ensure that the "as-of-right" density pathways are simple, cost-effective, and financially liquid.

[3.] However, a spatial and economic audit of the proposed draft Zoning and Development Bylaw reveals that its accessory dwelling unit (ADU) regulations are designed in a way that completely sterilizes private investment. By combining

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restrictive lot-size thresholds, a rigid front-yard parking ban, and an owner-occupancy covenant, the draft makes gentle rental retrofits financially unfeasible. Paradoxically, the proposed rules actively incentivize developers to bypass the rental mandate entirely. Instead, they are pushed to demolish existing affordable housing stock, rotate buildings, and subdivide mature lots to construct high-end, fee-simple market-rate homes—completely defeating the intent of the HAF.

THE THREE REGULATORY ROADBLOCKS TO ADU YIELD

[4.] From a land development perspective, the draft proposed bylaw contains three specific clauses that combine to sterilize the buildable yield and financial capitalization of any mature residential parcel:

A. THE ARBITRARY LOT AREA GATEKEEPER (SECTION 4.6.3(A))

[5.] **The Draft Rule**: The draft permits two attached ADUs (dual basement suites) strictly on lots that meet or exceed an arbitrary **1,130 m^2 lot area threshold**.

[6.] **The Yield Impact**: This high threshold excludes over 75% of the mature residential lots in Charlottetown's established subdivisions. It limits the "as-of-right" 4-unit density model to a tiny fraction of oversized parcels, rendering the HAF density targets statistically impossible on a city-wide scale.

B. THE OWNER-OCCUPANCY COVENANT (SECTION 4.6.2(D))

[7.] **The Draft Rule**: The draft legally mandates that a property owner must reside in either the primary dwelling or one of the ADUs.

[8.] **The Yield Impact (Asset Sterilization**): This covenant completely blocks private and institutional capital pools from participating in gentle density. Local builders, contractors, and rental developers are barred from purchasing underutilized bungalows, retrofitting them with basement suites and backyard cottages, and operating them as 100% rental assets. Shifting the entire

construction and project-management burden exclusively onto individual, non-professional families ensures that housing starts will remain stagnant.

[9.] **The Exit Strategy Lockout**: Because ADUs are built under undivided single-title ownership, they cannot be individual fee-simple assets. Capping rental use strictly to owner-occupied lots ensures that any change in a family's life circumstances (e.g., job relocation, aging, or financial distress) forces either the sale of the entire property or the eviction of tenants to restore legal occupancy compliance. This instability actively discourages long-term rental housing security.

C. THE FRONT-YARD PARKING BAN (SECTION 4.6.3(E))

[10.] **The Draft Rule**: The draft mandates that none of the additional off-street parking spaces required for ADUs can be located within the front yard, forcing them into side or rear yards.

[11.] **The Yield Impact (Mandatory Structural Demolition**): To park vehicles in the rear yard, there must be a clear side-access corridor of at least 3.0 m to allow vehicles and construction machinery (concrete pumpers, excavators) to pass. On mature lots with attached carports or garages built close to property lines, this rule legally forces the physical demolition of a portion of the primary home simply to open up a path.

D. THE ACCESSORY STRUCTURE CONVERSION SETBACK TRAP (TABLE 4.1 VS. STANDARD ACCESSORY RULES)

[12.] **The Draft Rule**: Under standard accessory building rules, non-habitable accessory structures (such as detached storage sheds or garages) are permitted to have a **1.2 m side and rear setback** [1]. However, under **Table 4.1 (Detached ADU Requirements)** of the proposed draft bylaw, a habitable detached ADU

[1] Active City of Charlottetown Zoning and Development Bylaw PH-ZD.2 (rev 050)

(garden suite/backyard cottage) must have a minimum 1.5 m side and rear setback[2].

[13.] **The Yield Impact (Conversion Blockade**): Under the HAF "as-of-right" gentle density targets, many homeowners and small-scale developers will naturally seek to convert existing, legally constructed detached accessory structures (such as a double garage built at the standard 1.2 m setback) into backyard cottages. This is the most economically and environmentally sustainable way to build gentle density.

[14.] **The Trap**: The instant a change of use is proposed to convert that non-habitable accessory building (1.2 m setback) into a habitable dwelling unit (detached ADU), the zoning officers will apply Table 4.1's strict 1.5 m **setback[3]**. Because the structure sits at 1.2 m, the conversion is ruled non-compliant.

[15.] **The Physical & Financial Impact**: The builder must either physically lift and move the entire wooden/masonry garage structure 30 cm (1.0 ft) inward to satisfy the 1.5 m line (which is a massive, cost-prohibitive CapEx item of $15,000 to $25,000), or undergo a discretionary, months-long public variance appeal process (with a high risk of rejection and carrying cost drain). This effectively outlaws the most cost-effective and common backyard housing conversion option in the city.

THE GEOMETRIC SQUEEZE: MINIMAL REAR-YARD REALITY

[16.] To demonstrate the real-world impact of these rules, we conducted an on-the-ground spatial audit of seven standardized 1,130 m^2 lots across Charlottetown's amalgamated communities (each hosting a standard 1970s suburban bungalow).

[2] Active City of Charlottetown Zoning and Development Bylaw PH-ZD.2 (rev 050
[3] Id.

[17.] The audit reveals a critical geometric conflict in the rear yard: **on-site parking pads and detached backyard cottages cannot physically co-exist on mature lots with minimal rear yards**.

GEOMETRIC REAR-YARD DEPTH CONSTRAINTS (EXAMPLE: 168 SOUTHDALE)

[18.] **Rear Boundary Setback Line**: 1.5 m (Minimum required rear yard under Table 4.1).

[19.] **Detached Backyard Cottage**: Consumes 8.0 m of yard depth (based on an 80 m^2 footprint: 8 m x 10 m).

[20.] **Mandatory Building Separation**: 2.0 m separation distance required between the cottage and the primary bungalow.

[21.] **Rear-Yard Parking and Turnaround Pad**: Paving pad consumes the remaining rear-yard space (no soil or green space left for landscaping, resulting in landscaping sward zoning rejections).

[22.] **Shallow Rear Yard Total Depth**: Standard lot depth is only 11.2 m from the existing primary bungalow foundation, leaving no physical space for both the parking pad and the ADU structure to co-exist.

ON-THE-GROUND SPATIAL COLLISIONS ACROSS THE 7 AMALGAMATED LOTS:

a) **132 Beachgrove Road (West Royalty - PID 384818**): To establish the required 3.0 m wide access pathway for building machinery and rear-yard tenant parking, the homeowner **must demolish their attached single-car garage**.

b) **168 Southdale (Hillsborough Village - PID 383569**): This parcel features an attached carport built directly along the left property

boundary and a shallow rear yard of just 11.2 m. To construct a detached ADU, the owner must demolish the carport. Furthermore, once you subtract the 1.5 m rear setback, the 2.0 m building separation distance, and the 8.0 m depth of an 80 m^2 ADU, the remaining space is completely consumed by the mandatory parking pad. **The parking pad and the ADU footprint geometrically eliminate each other**.

c) **10 Melody Lane (Winsloe - PID 382489):** The wide bungalow footprint blocks rear access on both sides, forcing the **complete demolition of the attached garage** for construction access. Additionally, running splayed utilities across the front yard will sever the root system of the mature deciduous tree that defines the streetscape, violating the Tree Protection Bylaw.

d) **104 Brackley Point Road (Sherwood - PID 381945**): Side-yard clearances are choked to less than 1.2 m by a masonry chimney and foundation projections. Standard construction machinery cannot reach the backyard unless the homeowner **demolishes the chimney and modifies the foundation**. Furthermore, the lot already hosts a detached garage; under accessory structure count rules, this garage must be demolished before the ADU can be built.

e) **5 Angela Street (East Royalty - PID 380481**): This property features a shallow rear yard of **less than 5.0 m** behind the house. Once you subtract the 1.5 m rear setback and 2.0 m building separation, the remaining buildable depth is less than 1.5 m. The shallow rear yard completely eliminates the possibility of constructing a detached ADU, regardless of the lot's overall size.

f) **59 Kensington Road (Parkdale - PID 379482):** Paving the required rear-yard parking and turnaround area covers over 55% of the property, **violating the mandatory grass landscaping sward ratios of Section 6.8**, resulting in automatic zoning rejection.

g) **157 Nassau Street (Historic Core - PID 371963):** Sloping side setbacks require massive concrete retaining walls for basement egress, encroaching into the 1.83 m setbacks. The irregular rear-yard shape leaves no contiguous, flat footprint large enough to host both the ADU and its required parking turnaround.

THE DEVELOPER'S PIVOT: THE "ROTATE-AND-SUBDIVIDE" LOOPHOLE

[23.] If a developer or property owner faces mandatory structural demolition (such as tearing down a garage or carport), expensive splayed utility connections, front-yard parking bans, and owner-occupancy restrictions on an undivided title, **they will not build accessory units.**

[24.] Instead, from a land development perspective, the only economically rational business decision is to demolish the bungalow entirely (or structurally reposition it) and subdivide the lot.

THE "ROTATE-AND-SUBDIVIDE" COMPLIANCE MATH:

[25.] Under standard zoning guidelines, a compliant "narrow lot" must be a minimum of **10.6 m wide**. For a standard mature suburban parcel with a **30.0 m wide frontage** and a total area of 1,130 m^2, a developer can bypass the punitive ADU retrofit pathway entirely by re-surveying and splitting the lot into two distinct fee-simple parcels:

[26.] **Lot 1: The Preserved Bungalow Lot (14.0 m Frontage):**

a) **Math**: A **14.0 m wide** lot is carved out, easily clearing **the 10.6 m narrow lot minimum**.

b) **Siting:** The existing 1970s bungalow is structurally rotated 90 degrees (or physically relocated on the new lot) so that its wide footprint runs depth-wise down the lot rather than wide-wise across the frontage. This preserves the existing structure while restoring conforming setbacks.

[27.] **Lot 2: The Semi-Detached Lot (16.0 m Frontage**):

a) **Math:** The remaining **16.0 m of frontage** is subdivided for a semi-detached duplex, providing exactly **8.0 m of frontage per side** (the standard compliance minimum for semi-detached dwellings split down a common party line).

b) **The Build**: A brand-new semi-detached duplex (yielding 2 dwelling units) is constructed.

THE DEVELOPER'S PIVOT: ADU RETROFIT VS. FEE-SIMPLE SUBDIVISION

[28.] **Pathway A: The ADU Retrofit (Undivided Single-Title Rental**)

a) **Ownership structure**: Single undivided title. The asset is illiquid and restricted by owner-occupancy.

b) **Yield Potential:** Up to 3 ADUs (2 basement suites + 1 cottage), but restricted behind heavy parking, utility, and garage demolition surcharges.

c) **Exit Strategy:** Low liquidity. The entire property must be sold as one piece.

[29.] **Pathway B: The Rotate-and-Subdivide Loophole (Three Fee-Simple Deeds)**

a) **Ownership structure**: Subdivided into two distinct, saleable fee-simple lots.

b) **Lot 1 (Conforming Bungalow Lot - 14.0 m Frontage**): The existing bungalow is rotated 90 degrees (or physically re-sited depth-wise) to meet setback requirements.

c) **Lot 2 (Semi-Detached Lot - 16.0 m Frontage**): Subdivided for a brand-new semi-detached duplex, split down the common party line (8.0 m frontage per side).

d) **Yield Potential**: Three independent, high-value fee-simple homes sold individually on the open market.

e) **Exit Strategy:** High liquidity. Immediate capital extraction with zero owner-occupancy covenants and standard shared utilities.

THE AFFORDABLE HOUSING PARADOX (DEVELOPER ATTRACTIVENESS):

[30.] **The Power of Fee-Simple Title**: Pathway B yields **three high-value, independent, fee-simple homes** (the rotated bungalow on its own deed, plus two semi-detached homes on their own individual deeds) that can be sold independently on the open market. This path requires zero owner-occupancy restrictions, utilizes standard single-pipe service taps, and provides immediate asset liquidity.

[31.] **The Backfire**: While the subdivision path is highly attractive to developers due to fee-simple liquidity, **this path will not necessarily create affordable housing**. Instead of retrofitting low-cost, gentle rental density (such as basement suites), the draft proposed bylaw's rules actively incentivize developers to replace naturally occurring affordable housing with brand-new, high-end, market-rate fee-simple homes.

CLINICAL MUNICIPAL AMENDMENTS

[32.] To resolve this economic and land-use contradiction, Council must adopt the following amendments to make the ADU rental retrofit pathway competitive with full-scale subdivision:

AMENDMENT F: DECOUPLE ADUS FROM ARBITRARY LOT SIZES

[33.] **Section 4.7.2(a) & Section 4.6.3(a):** Completely remove the arbitrary **500.0 m^2 minimum lot size barrier** for single ADUs, and lower the dual-attached ADU threshold under Section 4.6.3(a) **from 1,130 m^2 to 800 m^2**.

[34.] Technical Justification: This unlocks established residential lots that are physically and structurally ideal for gentle density, while preventing arbitrary statistical exclusions.

AMENDMENT G: REPEAL THE OWNER-OCCUPANCY COVENANT FOR ADUS

[35.] **Section 4.6.2(d):** Completely delete and repeal the requirement for owner-occupancy on properties hosting ADUs.

[36.] Technical Justification: This unlocks private and institutional capital, allowing local builders to develop multi-unit rental portfolios and ensuring long-term rental housing security for tenants independent of owner-occupancy changes.

AMENDMENT H: ELIMINATE MULTI-UNIT PARKING TURNING PENALTIES FOR SERVICED INFILL

[37.] **Part 8 (Off-Street Parking Regulations) & Section 4.6.3(e):** Insert a blanket exemption clause:

a) **"For any residential development proposing four (4) units or fewer on a lot served by municipal water and sanitary sewer lines, no additional off-street parking spaces or forward-motion vehicle turnaround corridors (hammerheads/turning aisles) shall be required on-site, and any additional parking required may be located in the front yard as-of-right."**

[38.] Technical Justification: This satisfies HAF Best Practice #6 (Reduce or eliminate parking standards for ADUs and multiplexes). It prevents backyard soil from being paved over, protects the 50% lot coverage limit, and enables actual gentle density to be constructed without forcing garage demolitions.

AMENDMENT I: PERMITTING SETBACK RELIEF FOR DETACHED ADU CONVERSIONS

[39.] **Table 4.1 (Detached ADU Siting Standards)**: Add a footnote or clause:

a) "**Where an existing, legally constructed detached accessory structure (such as a garage or shed) is proposed to be converted into a detached Accessory Dwelling Unit (ADU), the minimum side and rear setbacks of the existing structure shall be permitted to be maintained down to a minimum of 1.2 m, provided that all building and fire code safety requirements (including spatial separation and fire-rated assemblies) are fully satisfied.**"

[40.] Technical Justification: This unlocks thousands of existing detached garages across Charlottetown for immediate habitable conversion, reducing CapEx and preventing unnecessary structural demolition or variance appeals.

TECHNICAL PAPER 4: OPERATIONAL SAFETY & EMERGENCY ACCESS LOGISTICS

SUBMISSION TO THE PUBLIC REGISTRY FOR THE SEPTEMBER 3, 2026 PUBLIC MEETING

To: Donna Miller-Ayton (Manager of Public Policy & Heritage) & Charlottetown City Council.

From: David R. J. Morris, P.Eng, P.Surv, PEILS, CLS (Morris Geomatics & Engineering Ltd.)

Date: August 24, 2026

Reference: CL-HAF-2026-PAPER4

Status: PUBLIC REGSITRY SUBMISSION (PEI *Planning Act*, Section 18)

THE HAF CONTEXT: AS-OF-RIGHT BACKYARD HOUSING

[1.] Under the federal **Housing Accelerator Fund (HAF)**, municipalities are encouraged to adopt rapid "as-of-right" zoning for backyard accessory structures, such as detached Accessory Dwelling Units (ADUs) or garden cottages. By simplifying siting requirements, HAF aims to make underutilized backyard land highly productive, adding new housing starts quickly and efficiently.

[2.] To ensure developers can reliably execute these projects, zoning parameters must be fully coordinated with municipal safety standards. If a land-use bylaw is drafted in isolation from emergency service requirements, it introduces a major project-killing risk: **Late-Stage Fire Marshal Rejections**.

[3.] In land development consulting, discovering a fundamental life-safety or emergency access conflict late in the permitting or construction phase is a

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financial catastrophe. It triggers expensive, late-stage site-plan redesigns, wastes architectural and engineering fees, and causes severe project delays that inflate carrying costs.

[4.] Because ADUs are low-rise residential structures (typically 1 to 2 storeys), they do not require heavy aerial ladder trucks or complex vehicle turnaround circles on-site. Instead, fire suppression is managed by standard pumpers parking on the public street and deploying **manual handlines (fire hoses) and ground ladders** to the backyard. Therefore, the primary safety requirement is guaranteeing a clear, walkable ground-level path for firefighters carrying heavy gear and hoses. This paper analyzes the physical side-yard dimensions required to secure this pedestrian corridor without compromising site yield.

THE EMERGENCY ACCESS CORRIDOR SQUEEZE (NFPA 1)

[5.] To establish legal, habitable units in subterranean basements or detached backyard ADUs, builders must construct concrete egress window wells.

[6.] **The Code Requirement**: Under the Building Code, a compliant egress well must project outward from the foundation wall by at least **0.9 m (3.0 ft)** to allow occupant escape[1] [2].

[7.] **The Draft Setback Conflict**: Under the proposed draft bylaw, detached ADU side setbacks are squeezed as tight as 1.5 m (or 1.2 m for converted accessory structures)[3].

[8.] **The Fire Safety Blockade**: If a builder excavates a 0.9 m concrete egress well in a 1.2 m or 1.5 m side yard, the remaining walkable clearance is choked to **0.3 m**

[1] City of Charlottetown Building Code Bylaw PH-BC.3 (Rev 001) / National Building Code of Canada 2020 (Egress Well Sizing Standards).
[2] What We Heard Report - Public Engagement Summary for the Draft Zoning Bylaw (BV Edits July 29, 2026) / HAF Compliance and Deadlines Schedule.
[3] Draft proposed Zoning and Development Bylaw (August 5, 2026), Section 4.7 & Table 4.1 - Detached ADU Built Form Standards.

to 0.6 m (12 to 24 inches). This physically blockades firefighters wearing bulky turnout gear and self-contained breathing apparatus (SCBA) from carrying ground ladders, hoses, or rescue stretchers to the backyard in an emergency. This directly violates basic **NFPA 1 (Fire Code**) and emergency staging guidelines, creating a major life-safety liability.

THE 1.8-METER SOLUTION: PRESERVING WALKABLE SPACE

[9.] A highly practical, developer-friendly solution that guarantees firefighter safety while maintaining site predictability is to coordinate the side setback with the standard **1.8 m (or 1.83 m)** principal residential setback [4] [5].

[10.] If the side yard acting as the emergency access corridor is mandated to be **1.8 m wide**:

a) **The Egress Well**: The mandatory **0.9 m egress window well** is excavated [6].

b) **The Clear Walkway**: A clean, unobstructed ground-level clearance of **0.9 m (3.0 ft)** is preserved alongside the well.

c) **The Result**: A 0.9 m clear width perfectly accommodates the physical envelope of a firefighter carrying equipment, satisfying NFPA 1 standards without forcing expensive, unpredictable variance negotiations or late-stage permit denials.

[4] Draft proposed Zoning and Development Bylaw (August 5, 2026), Section 4.7 & Table 4.1 - Detached ADU Built Form Standards.
[5] Active City of Charlottetown Water Sewer Utility Bylaw, Part 4.2 - Municipal Service Connection Guidelines.
[6] City of Charlottetown Building Code Bylaw PH-BC.3 (Rev 001) / National Building Code of Canada 2020 (Egress Well Sizing Standards).

COORDINATED SIDE-YARD ACCESS CORRIDOR LAYOUT

[11.] **Property Boundary Line**: 0.0 m

[12.] **Mandated Emergency Side Setback Corridor**: 1.8 m total width.

[13.] **Excavated Concrete Egress Window Well**: Projects 0.9 m outward from the foundation wall to satisfy Building Code bedroom egress window rules.

[14.] **Safe Walking Corridor Clear Width**: 0.9 m (3.0 ft) of clean, unobstructed walkable space remaining. This space perfectly satisfies NFPA 1, allowing firefighters in full breathing apparatus to carry ladders, rescue stretchers, and hose lines to the backyard.

[15.] **Result on Site**: 100% compliant with both zoning setback requirements and emergency life-safety guidelines.

THE HOSE-LAY LIMIT: ACCESSING DEEP BACKYARDS

[16.] Because fire trucks park on the public street, firefighters must manually drag fire hoses from the pumper to the furthest rear-yard unit.

[17.] **The Hose-Lay Standard**: Standard municipal fire operations limit the maximum manual hose-lay distance to **90.0 m (300 ft)** from the closest fire hydrant to the primary entrance of the furthest dwelling unit.

[18.] **The Deep Lot Risk**: On exceptionally deep residential lots in Charlottetown's mature subdivisions (some exceeding 60 m to 80 m in depth), a detached ADU constructed at the rear of the lot can easily exceed this 90.0 m threshold when measured around the perimeter of the primary house.

[19.] **The Development Solution**: Rather than forcing developers to construct expensive, wide municipal-grade vehicle driveways and heavy-duty turnaround circles, the bylaw should establish a simple, pedestrian-focused clearance standard. If a lot exceeds a certain depth, the emergency walkway width should

be slightly expanded to allow rapid, unimpeded hose deployments, or an on-site yard hydrant must be provided.

CLINICAL MUNICIPAL AMENDMENTS

[20.] To eliminate late-stage design rejections, protect developer pro-formas from emergency layout revisions, and guarantee absolute tenant safety on infill parcels, Council must adopt the following direct amendments:

AMENDMENT J: MANDATE A CONTINUOUS UNOBSTRUCTED EMERGENCY ACCESS PATH

[21.] **Section 4.6.2 (ADU Siting Standards) & Table 4.1**: Insert the following mandatory safety clause:

a) **"For any residential lot hosting a detached Accessory Dwelling Unit (ADU) or multiple attached ADUs, a continuous, unobstructed ground-level emergency access pathway with a minimum width of 1.0 m (3.3 ft) and a vertical clearance of 2.1 m (7.0 ft) shall be maintained along at least one side yard of the primary dwelling, extending from the public street to the rear yard. Where an egress window well is excavated within this side yard, the minimum side setback for that portion of the building shall be expanded to 1.8 m to preserve a minimum 0.9 m clear walkable ground-level path."**

[22.] Technical Justification: This protects the physical staging envelope required by firefighters under NFPA 1, ensuring life-saving equipment can always reach backyard structures without zoning-infraction delays.

AMENDMENT K: ESTABLISH HOSE-LAY STANDARDS FOR DEEP LOTS

[23.] **Section 4.7 (Detached ADU Standards):** Insert the following standard:

a) **"Where a detached ADU is located on a lot where the walking distance from the public street curb to the furthest entrance of the**

ADU exceeds 45.0 m (150 ft), the designated emergency access side yard corridor shall maintain a minimum width of 1.5 m (5.0 ft) free of any architectural, landscaping, or mechanical obstructions to facilitate rapid manual fire hose deployment."

[24.] Technical Justification: This replaces expensive vehicle turnaround requirements with a simple, low-cost pedestrian clearance standard, ensuring fire safety compliance for deep lots while protecting developer capital.

COMPARATIVE EMERGENCY ACCESS SUMMARY

Head-to-Head Emergency Access Comparison

Metric	Proposed Draft Zoning Text	Coordinated Safety Standard
Side-Yard Setback with Egress Well	1.2 m to 1.5 m (Choked by 0.9 m wells to <0.6 m)	1.8 m Side Setback (Preserves 0.9 m walkway))
Emergency Walking Path Width	Unregulated (Subject to case-by-case staff discretion)	Minimum 1.0 m continuous unobstructed corridor
Deep Lot Access Standard	None	Expanded 1.5 m walkway or 90.0 m max hose-lay limit
Fire Marshal Approval Risk	Extreme (Late-stage rejection)	Low (Clear civil standard)

[25.] By adopting Amendments J and K, Council can establish a transparent, safe, and predictable engineering baseline that eliminates underwriting blindspots and guarantees that gentle density developments are fully compatible with Charlottetown's emergency response operations.

TECHNICAL PAPER 5: THE UNDERWRITING BLINDSPOT

SUBMISSION TO THE PUBLIC REGISTRY FOR THE SEPTEMBER 3, 2026, PUBLIC MEETING

To: Donna Miller-Ayton (Manager of Public Policy & Heritage) & Charlottetown City Council.

From: David R. J. Morris, P.Eng, P.Surv, PEILS, CLS (Morris Geomatics & Engineering Ltd.)

Date: August 24, 2026

Reference: CL-HAF-2026-PAPER5

Status: PUBLIC REGSITRY SUBMISSION (PEI *Planning Act*, Section 18)

THE HAF CONTEXT: TRANSPARENT AND OBJECTIVE "AS-OF-RIGHT" STANDARDS

[1.] Under the federal **Housing Accelerator Fund (HAF),** a cornerstone policy is the implementation of transparent, highly objective, and predictable "as-of-right" development standards[1] [2]. HAF advocates for clear rules of the game so that developers can fast-track housing projects without undergoing subjective, discretionary reviews, public hearings, or administrative delays.

[2.] In professional land development, the first rule of underwriting is predictability. To purchase land, secure financing, and run accurate feasibility models during a

[1] Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund (HAF) Compliance Review Audit Report (2026).

[2] Canada Mortgage and Housing Corporation (CMHC) 10 Housing Accelerator Fund Best Practices Guide, Best Practice 1 (Implement Predictable, Transparent, and Objective Standards).

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standard 30-to-60-day due diligence window, a developer must be able to calculate three basic metrics with absolute mathematical certainty:

[3.] **True Buildable Area**: The exact spatial footprint available for vertical construction after setbacks, height limits, and lot coverage are applied.

[4.] **Infrastructure Surcharges**: The cost of utility connections, site grading, and civil stormwater retention works.

[5.] **Soft Costs & Timelines**: The predictable duration of the permit review process.

[6.] However, a technical audit of the proposed draft Zoning and Development Bylaw reveals that it fails this core HAF objective. By deferring critical, high-cost compliance gates to three completely unreleased external documents—the **"Ghost Guidelines**"—the draft introduces an un-underwritable acquisition risk that invites arbitrary permitting decisions and project-killing carrying costs [35].

THE THREE "GHOST GUIDELINES" VACUUMS

[7.] Throughout the proposed draft bylaw text, critical compliance gates are tied to documents that have been completely omitted from the public review package:

A. THE MUNICIPAL DESIGN GUIDELINES (ARCHITECTURAL & LAYOUT BLINDSPOTS)

[8.] **The Deferral**: Architectural, accessibility, and site-layout constraints are deferred to an unreleased design manual.

[9.] **The Underwriting Risk**: A development consultant cannot calculate buildable floor plans, envelope heights, or structural configurations during the land-acquisition phase if the physical design parameters are governed by a hidden document. It is impossible to run a reliable pro-forma when basic design requirements remain completely unknown.

B. THE STORMWATER MANAGEMENT GUIDELINES (CIVIL ENGINEERING BLINDSPOTS)

[10.] **The Deferral**: Section 5.4 strictly outlaws discharging surface runoff onto adjoining properties, forcing engineers to design complex on-site subsurface retention and gravel infiltration systems (such as dry wells or French drains).

[11.] **The Underwriting Risk**: The specific hydraulic and engineering standards required to design these systems are completely absent from the draft bylaw. Because the City has omitted and unreleased these stormwater guidelines, a licensed Professional Engineer (P.Eng.) has no official criteria to design against. This lack of standards traps the developer's engineering team in an indefinite Staff review loop, bleeding cash in carrying interest while they guess the City's requirements.

C. THE LANDSCAPING REQUIREMENTS (SPATIAL & CLEARANCE BLINDSPOTS)

[12.] **The Deferral**: Tree planting species, canopy sizing ratios, and soil volume calculations are referenced as external mandates.

[13.] **The Underwriting Risk**: Siting detached backyard ADUs requires compliance with mandatory canopy tree planting rules (Appendix D)[3]. However, because these guidelines are kept hidden, developers cannot model the spatial clearance conflicts between splayed utility lines, foundation setbacks, and required root volumes

THE DEVELOPER PRO-FORMA IMPACT: UN-UNDERWRITABLE ACQUISITION RISK

[14.] In land development consulting, uncertainty is the enemy of capital. The "Ghost Guidelines" vacuum impacts the development pro-forma in three highly damaging ways:

[3] Draft Zoning and Development Bylaw (August 5, 2026), Section 4.6 (ADU Development Standards).

a) **Inflated Carrying Costs**: Deferring critical engineering and design rules to unreleased guidelines guarantees that the municipal permit review process will be slow and highly inconsistent. City staff will be forced to review applications on a subjective, case-by-case basis. This lack of predictability results in extended, delay-loop carrying costs that drain the developer's cash reserves.

b) **Unpredictable Design Fees**: Because engineers and architects are forced to design in a regulatory vacuum, they must constantly revise their drawings to meet arbitrary, un-codified staff feedback. This significantly inflates professional soft costs and delays project delivery.

c) **Sterilized Land Values**: When faced with extreme regulatory uncertainty, sophisticated developers must heavily discount their land-purchase offers to price in the risk of unexpected site surcharges. This reduces transactions and slows overall housing development, the exact opposite of the Housing Accelerator Fund's goals.

THE UNDERWRITING BLINDSPOT: ACTIVE VS. PROPOSED PIPELINE

[15.] **Active Bylaw Pipeline (Predictable & Transparent)**:

a) **Codified Bylaws**: All design and civil parameters are completely public.

b) **Predictable Sizing & Surcharges**: Standard metrics allow developers to calculate buildable areas during the standard 30-day due diligence window.

c) **Fast Permit Issuance**: Standardized approvals accelerate housing starts and project delivery.

[16.] **Proposed Draft Pipeline (The "Ghost Guidelines" Vacuum):**

a) **Proposed Draft Bylaw**: Contains vague, high-level zoning text.

b) **External Deferrals to "Ghost Guidelines**": High-cost architectural, landscaping, and stormwater compliance metrics are kept in unreleased external manuals.

c) **The Underwriting Blindspot**: Unpredictable building sizing, arbitrary permit conditions, and indefinite carrying-cost interest drain during prolonged case-by-case staff review loops.

CLINICAL MUNICIPAL AMENDMENT

[17.] To restore complete transparency, eliminate un-underwritable acquisition risks, and meet the HAF mandate for objective, as-of-right development standards, the City of Charlottetown must adopt the following direct amendment prior to the final reading of the draft bylaw:

AMENDMENT L: TABLE THE BYLAW PENDING RELEASE OF ALL GUIDELINES

[18.] **Section 1.4 (Administration & Compliance**): Insert the following transitional clause:

a) **"The adoption and enforcement of this Zoning and Development Bylaw shall be tabled and suspended until the Municipal Design Guidelines, the Stormwater Management Guidelines, and the Landscaping Requirements are fully drafted, published, and incorporated as legally binding, public appendices to the bylaw text."** [4]

[19.] Technical Justification: This protects developers, property owners, and municipal staff from the legal and operational risks of a regulatory vacuum. It guarantees that when a developer purchases land in Charlottetown, they can

[4]] Draft Zoning and Development Bylaw (July 30, 2026 version), Section 1.4 (Administration and Transitional Provisions) & Section 5.4 (Grading).

underwrite its potential with 100% mathematical certainty under the HAF's "as-of-right" model[5] .

COMPARATIVE UNDERWRITING SUMMARY

Head-to-Head Underwriting Comparison

Metric	Active Bylaw (PH-ZD.2)	Proposed Draft Zoning
Siting & Sizing Predictability	High (All rules codified)	Low (Omitted guidelines)
Stormwater Design Standard	Clear historical guidelines	Absent (Ghost guidelines)
Municipal Design Standards	Publicly accessible bylaws	Absent (Ghost guidelines)
Landscaping & Root Clearance Rules	Publicly accessible bylaws	Absent (Ghost guidelines
Permitting Pipeline Speed	Rapid and predictable	Slow, case-by-case loops
Underwriting Acquisition Risk	Low (Predictable pro-forma)	Severe (Un-underwriteable)

[20.] This paper proves that by tabling the bylaw until the Ghost Guidelines are fully drafted and attached as public appendices, Council can guarantee a transparent,

[5] Canada Mortgage and Housing Corporation (CMHC) 10 Housing Accelerator Fund Best Practices Guide, Best Practice 1 (Implement Predictable, Transparent, and Objective Standards).

objective, and predictable "as-of-right" development environment that satisfies the core requirements of the Housing Accelerator Fund.

TECHNICAL PAPER 6: REGULATORY ALIGNMENT, POLICY GAPS, AND PLANNING ERRORS

SUBMISSION TO THE PUBLIC REGISTRY FOR THE SEPTEMBER 3, 2026, PUBLIC MEETING

To: Donna Miller-Ayton (Manager of Public Policy & Heritage) & Charlottetown City Council.

From: David R. J. Morris, P.Eng, P.Surv, PEILS, CLS (Morris Geomatics & Engineering Ltd.)

Date: August 24, 2026

Reference: CL-HAF-2026-PAPER6

Status: PUBLIC REGSITRY SUBMISSION (PEI *Planning Act*, Section 18)

THE HAF CONTEXT: ALIGNING BYLAWS WITH CMHC BEST PRACTICES

[1.] Under the federal **Housing Accelerator Fund (HAF**), the City of Charlottetown is legally and financially obligated to align its land-use bylaws with the Canada Mortgage and Housing Corporation (CMHC) **10 HAF Best Practices** and its own **eight approved HAF Action Plan Initiatives**.

[2.] The core mandate of HAF is to remove restrictive zoning barriers, establish highly predictable, fast "as-of-right" permitting pipelines, reduce development fees for priority housing types, and eliminate political "NIMBY" delay loops that make housing construction slow and expensive.

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[3.] A rigorous, comparative review of the draft proposed Zoning and Development Bylaw reveals several critical policy gaps and planning blunders. Far from streamlining approvals, the draft proposed text introduces new discretionary escalations, fails to fast-track pre-approved plans, ignores municipal fee-structure reform, and features direct legal conflicts with provincial PEI statutes. If passed without amendments, these gaps will expose developers and property owners to massive timeline uncertainty, unnecessary front-end CapEx, and legal liabilities.

[4.] This paper exposes these omissions and provides actionable text amendments to restore full policy alignment with the HAF mandate.

THE $1.26 MILLION COMPLIANCE PENALTY & SAVING THE REMAINING HAF FUNDING

[5.] The critical nature of this regulatory alignment is highlighted by the City of Charlottetown's actual funding status under the HAF[1] [2]. Under the original 2024 agreement, the federal government committed **over $10 million** to the City to accelerate housing supply[3] [4] . However, following a rigorous compliance review by the Canada Mortgage and Housing Corporation (CMHC), **the City of Charlottetown lost $1.26 million in funding** due to being found non-compliant on **28 of 31 key milestones**—with most non-compliance stemming from delays in implementing the new zoning and development bylaw[5].

[1] Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund (HAF) Compliance Review Audit Report (2026).
[2] Canada Mortgage and Housing Corporation (CMHC) 10 Housing Accelerator Fund Best Practices Guide.
[3] CBC News Prince Edward Island (October 2024 / March 2025) - 'Charlottetown loses federal housing funding'
[4] Canada Mortgage and Housing Corporation (CMHC) 10 Housing Accelerator Fund Best Practices Guide.
[5] PNI Atlantic News / SaltWire Network (April 2026) - 'Charlottetown penalized for non-compliance on HAF milestones'.

[6.] This $1.26 million penalty represents a 50% cut to the City's third funding installment, spread evenly over two fiscal years, costing municipal taxpayers $628,687 in both 2026 and 2027[6].

[7.] The risk of further financial damage is severe:

a) **The Threat of Total Cancellation**: CMHC has established a strict precedent of pulling all funding from non-compliant jurisdictions. During this exact same review cycle, the City of **Miramichi had its entire HAF agreement terminated** (losing its entire $3.1 million allocation) for failing to implement mandatory zoning reforms[7] .

b) **The Pushed Zoning Deadline**: Charlottetown's original zoning implementation deadline was September 2025. The City was forced to push its extended target to October 2026. Missing or further delaying this target will trigger harsher federal financial clawbacks or complete suspension of future disbursements[8].

c) **The Fourth Installment Jeopardy**: The remaining millions in HAF funding are tied strictly to subsequent milestones. If the City does not clear its backlog of 28 unmet milestones, the final rounds of funding are directly jeopardized[9].

[8.] **To stop additional money from being lost**, the City must understand that CMHC's funding model is strictly audit-driven, requiring the submission of micro-

[6] CBC News Prince Edward Island (October 2024 / March 2025) - 'Charlottetown loses federal housing funding'.
[7] Northumberland Free Press - 'City loses $3.1M in Housing Accelerator (Miramichi Termination Precedent)'
[8] Id.
[9] Id.

level permit data showing real net housing starts[10] [11] [12]. Merely rushing to pass a broken bylaw to "check a box" will fail. If "poison pill" regulations—like splayed utility trenching (Section 4.14.1(a)), owner-occupancy covenants (Section 4.6.2(d)), and front-yard parking bans (Section 4.6.3(e))—remain in the text, on-the-ground rental housing starts will stay at zero. When CMHC audits the micro-level permit reports next year and finds no housing starts, they will withhold the final funding rounds.

[9.] Therefore, the only way to save Charlottetown's federal funding is to adopt our twenty clinical amendments to ensure these accessory and missing-middle units are actually financially and physically buildable on standard residential lots.

EXPOSING THE FOUR REGULATORY AND POLICY GAPS

[10.] A review of the draft proposed bylaw reveals four major policy omissions that directly violate or fail to implement the core requirements of the Housing Accelerator Fund:

A. THE MINOR VARIANCE "NIMBY" ESCALATION HOLE (SECTION 3.8.5)

[11.] **The HAF Mandate**: CMHC Best Practice 3 requires municipalities to expand delegated authority to staff for development permits and minor variances to depoliticize approvals and increase permitting certainty.

[12.] **The Draft Omission**: While the draft proposed bylaw permits the Development Officer to approve minor variances, **Section 3.8.5** states that if even **one single written objection** is received from any neighboring property owner within 14 days, the Development Officer is stripped of their approving authority. The

[10] City of Charlottetown HAF Action Plan - Initiative 1 (New Official Plan and Zoning Bylaw Implementation).
[11] City of Charlottetown HAF Action Plan - Initiative 2 (Pre-approved ADU Plans and Models Program).
[12] City of Charlottetown HAF Action Plan - Initiative 3 (Streamlining Review & Approvals Timelines / E-permitting Integration).

variance is then escalated to the Planning Board and Council for a highly politicized public hearing loop.

[13.] **The Development Impact**: This is a major NIMBY loophole. By allowing a single objector to freeze an as-of-right development over a minor technical variance (such as a 10% setback adjustment), the draft proposed bylaw re-introduces the exact timeline risks, delays, and political interference that HAF was designed to eliminate. Every week a project is held up at Council drains cash-on-cash return in pre-construction carrying interest.

B. THE "PRE-APPROVED DESIGN" APPROVALS BYPASS (SECTION 2.5 / 2.6)

[14.] **The HAF Mandate**: Under Charlottetown's approved **HAF Initiative 2**, the City committed to creating detailed pre-approved plans and models to promote uptake and allow for streamlined reviews, in line with CMHC Best Practice 9 (pre-reviewed building plans to allow projects to proceed directly to building permits).

[15.] **The Draft Omission**: While the draft proposed bylaw and Official Plan reference an "Accessory Dwelling Unit Program" to make pre-approved plans available, **the draft proposed bylaw completely fails to codify a legal fast-track approvals bypass for developers using them**. An applicant using a City-certified pre-approved model plan is still subjected to the standard, multi-week Stage 1 zoning compliance queue, standard site plans, and standard staff backlogs.

[16.] **The Development Impact**: Pre-approved plans are useless to a developer if they still face standard permitting queues and carrying costs. To make ADU retrofits highly profitable and scalable, utilizing a pre-approved plan must offer an immediate, friction-free regulatory bypass.

C. REGRESSIVE SQUEEZE ON SITE FEES AND DESIGN SURCHARGES (SECTION 2.1)

[17.] **The HAF Mandate**: CMHC Best Practice 5 requires a comprehensive review of development charges and fee schedules, actively waiving application and permit

fees for priority housing types including accessory dwelling units and missing middle housing.

[18.] **The Draft Omission**: While Section 2.1 defers fee collections to a separate Fees Bylaw, the City's active Schedule of Fees features incredibly punitive front-end fee surcharges. For example, a missing middle development is subjected to standard Design Review Application Fees ($400), **Design Reviewer Fees ($2,500 flat rate)**, and Agreement Fees ($600 to $900).

[19.] **The Development Impact**: If a homeowner or local builder wants to add gentle density, they are hit with thousands of dollars in front-end municipal fee surcharges before driving a single nail. Charging a local builder $2,500 in Design Reviewer Fees for low-density infill is regressive and directly violates CMHC Best Practice 5.

D. ABSENCE OF BINDING SERVICE LEVEL AGREEMENTS (SLAS) ON TIMELINES (SECTION 2.6)

[20.] **The HAF Mandate**: HAF Initiative 3 and CMHC Best Practice 3 mandate that municipalities streamline inter-departmental reviews and improve approval times by 20 percent.

[21.] **The Draft Omission**: In the draft proposed bylaw (Section 2.6), the only binding timeline placed on municipal staff is that they must notify the applicant in writing within **7 calendar days** if their application is incomplete. **There is no maximum binding timeline whatsoever for staff to actually approve or deny a complete, compliant permit**.

[22.] **The Development Impact**: Timeline unpredictability is a project-killing risk. A builder cannot underwrite land or secure construction financing if their permit application can sit on a planner's desk indefinitely. If the City is receiving $10,000,000 in federal HAF incentive funds, they must legally commit to binding turnaround standards for developers.

EXPOSING THE FOUR PLANNING ERRORS AND PROVINCIAL CONFLICTS

[23.] In addition to policy omissions, a detailed review of the draft proposed bylaw text has exposed four major planning errors and legal conflicts:

A. THE "OVERSIZED LOT" SUBDIVISION PROHIBITION (SECTION 10.1.3 FRONTAGE BLUNDER)

[24.] **The Draft Error**: The draft proposed text in Section 10.1.3 literally states: "Existing lots with frontage **greater than 18 m** shall not be subdivided except with an approved variance."

[25.] **The Planning Blunder**: This is a massive, backwards drafting error. In land-use planning, subdivisions are restricted on undersized frontages. By using the word **"greater than"** instead of "less than," **the City has accidentally outlawed as-of-right subdivisions on the largest lots in Charlottetown**.

[26.] **The Development Impact**: If your client owns an oversized suburban lot with a wide **30.0 m frontage**, they should be legally permitted to split it into two highly conforming **15.0 m frontage lots** as-of-right (which easily clear the 10.6 m narrow lot minimum). Under this draft, they are blocked. They are forced to pay for a Major Variance, notify neighbors within 100 m, and face a political Council vote just to split a large lot—completely freezing infill density.

B. THE PROVINCIAL ADU SHORT-TERM RENTAL CONFLICT (SECTIONS 4.6.2(E) & 4.7.4(C))

[27.] **The Draft Error**: The City's draft explicitly permits both attached and detached ADUs to be operated as **Short-Term Rentals (STRs**), provided the owner/host is present in the principal residence.

[28.] **The Provincial Prohibition**: The provincial **PEI Planning Act Subdivision and Development Regulations (Section 41(2)(g))** strictly and unconditionally outlaws this: "the accessory dwelling unit shall only be used for housing on a **long-term basis in excess of 30 days** and shall **not serve as short-term rental or tourism accommodations**;"

[29.] **The Planning Blunder**: Under the Planning Act (Section 8), a municipal bylaw is legally subordinated to provincial regulations. A municipal bylaw **cannot be less restrictive** than a provincial prohibition. Because the Province outlaws STRs in ADUs, Charlottetown's attempt to permit them is legally ultra vires and invalid.

[30.] **The Development Impact**: If a consultant advises a client to capitalize a backyard carriage house as a short-term rental under the City's new **bylaw, the client is exposed to immediate provincial enforcement, stop-use orders, and heavy fines**. The City is actively misleading developers into a provincial prosecution trap.

C. THE "ONE ACCESSORY BUILDING" GARDEN SHED COUNT TRAP (TABLE 3.1)

[31.] **The Draft Error**: For standard residential lots under 0.20 ha (0.5 acres), Table 3.1 restricts property owners to "**One" accessory building per lot**.

[32.] **The Planning Omission**: Because a detached Accessory Dwelling Unit (ADU)—such as a garden suite or backyard cottage—is legally defined as an "accessory building" or "accessory structure," it is captured by this limit.

[33.] **The Development Impact**: If your client's property already hosts a standard **detached garden shed** or a detached single-car garage (non-habitable accessory buildings), **they are legally blocked from constructing a detached ADU as-of-right** because they have reached their limit of "One" accessory building. To build the ADU, they must pay for a variance or physically demolish their garden shed. This represents a ridiculous and unnecessary barrier to HAF density.

4. CLINICAL MUNICIPAL AMENDMENTS

[34.] To correct these policy gaps and planning errors, Council must adopt the following text amendments prior to the final reading of the draft proposed bylaw:

AMENDMENT M: STAFF AUTONOMY OVER TECHNICAL VARIANCES

[35.] Section 3.8.5 (Minor Variance Objections): Amend the text:

a) From: "...where a written objection is received from an assessed owner of land within 100 m of the subject property, the Development Officer shall refer the minor variance application to the Planning Board and Council..."

b) To: "...**where a written objection is received from an assessed owner of land within 100 m of the subject property, the Development Officer shall evaluate the objection strictly on objective planning, engineering, and architectural merits in compliance with the Official Plan. The Development Officer's decision shall remain delegated and final, with no automatic escalation to Planning Board or Council, subject only to a formal appeal to IRAC**."

[36.] Technical Justification: Eliminates the NIMBY veto, depoliticizes minor technical approvals, and guarantees timeline certainty for developers.

AMENDMENT N: PRE-APPROVED DESIGN FAST-TRACK BYPASS

[37.] **Section 2.5 & Section 2.6 (Application Review**): Insert the following mandatory fast-track clause:

a) "Any building permit application for a residential development (including ADUs and duplexes) utilizing an officially certified, pre-approved municipal or federal model plan shall be exempt from Stage 1 zoning compliance review and Design Review. The City shall legally issue a combined building permit within ten (10) business days of submission, subject only to a localized footing site-plan and structural foundation check."

[38.] Technical Justification: Satisfies HAF Initiative 2 and CMHC Best Practice 9, incentivizing developers to use pre-approved plans by offering an immediate, friction-free regulatory bypass.

AMENDMENT O: MISSING MIDDLE & ADU FEE WAIVERS

[39.] **Section 2.1 (Fees**): Insert the following fee-reform clause:

a) "**To align with HAF and CMHC Best Practice 5, a 100% waiver on all Minor Variance fees, Major Variance fees, Design Review application fees, external Design Reviewer fees, and Development/Subdivision Agreement fees shall be granted for any residential development proposing four (4) units or fewer (including primary residences with ADUs) and for all purpose-built rental developments**."

[40.] Technical Justification: Reduces front-end CapEx, encourages gentle rental starts, and removes regressive financial penalties on small-scale housing providers.

AMENDMENT P: BINDING PERMIT SERVICE LEVEL AGREEMENTS (SLAS)

[41.] **Section 2.6 (Processing Timelines**): Insert the following binding timeline standard:

a) "The City of Charlottetown shall adhere to the following maximum permit turnaround standards: (i) As-of-Right permits for developments of four (4) residential units or fewer shall be approved or denied within twenty-one (21) calendar days of a complete submission; and (ii) Site Plan Approvals shall be processed within forty-five (45) calendar days. Failure by the City to meet these timelines shall result in a mandatory 50% refund of all permit processing fees to the applicant, and the applicant may appeal the delay to IRAC as a deemed refusal."

[42.] Technical Justification: Removes timeline unpredictability, protects developer pro-formas from administrative carry-cost drains, and holds the planning department accountable.

AMENDMENT Q: CORRECTION OF SUBDIVISION FRONTAGE BLUNDER

[43.] **Section 10.1.3 (Subdivision of Lots**): Amend the text:

a) From: "Existing lots with frontage greater than 18 m shall not be subdivided except with an approved variance."

b) To: **"Existing lots with frontage less than 18 m shall not be subdivided except with an approved variance**."

[44.] Technical Justification: Corrects an obvious, critical drafting blunder that accidentally outlawed as-of-right subdivisions on the largest lots in Charlottetown.

AMENDMENT R: ADU PROVINCIAL STR ALIGNMENT

[45.] **Section 4.6.2(e) & Section 4.7.4(c):** Insert the following statutory compliance clause:

a) **"The operation of an Accessory Dwelling Unit (ADU) as a Short-Term Rental (STR) or tourism accommodation is subject strictly to Section 41(2)(g) of the provincial PEI Planning Act Subdivision and Development Regulations, which restricts ADU occupancy to long-term housing in excess of 30 days. No municipal permit for an STR in an ADU shall be issued unless provincial regulations are amended to permit such use**."

[46.] Technical Justification: Protects local property owners from provincial enforcement liabilities and ensures municipal bylaws comply with overriding provincial statutes.

AMENDMENT S: EXCLUSION OF ADUS FROM ACCESSORY BUILDING COUNTS

[47.] **3.1 & Table 3.1 (Section Accessory Buildings**): Insert the following explicit exclusion clause:

a) **"Notwithstanding Table 3.1, habitable Accessory Dwelling Units (ADUs) shall be excluded from the maximum number of permitted non-habitable accessory buildings (such as storage sheds or detached carports) per lot. A property owner shall be permitted to maintain up to one (1) non-habitable accessory building alongside a permitted detached ADU as-of-right."**

[48.] Technical Justification: Eliminates the "garden shed trap" where homeowners were legally forced to demolish existing storage structures to build a backyard ADU.

COMPARATIVE POLICY INTEGRITY SUMMARY

[49.] The following table summarizes how our proposed clinical amendments resolve the policy gaps and planning errors in the draft text, compared to the active bylaw

Policy Area	**Active Bylaw (PH-ZD,2**	**Proposed Draft Zoning**	**Amended Bylaw** (Our Proposal)
Minor Variance Approvals	High Risk NIMBY delay loops	Escalate to Council of one single neighbour objects	Delegated to Staff based on Planning Merit (Amendment M)
Pre-Approved ADU's	None available	ADU program referenced, but standard permit queue.	10-day fast-track bypass directly to building permit (Amendment N)
Infill Development Fees	Standard fee structures apply	Standard fee structures apply ($2,500 design fee).	100% waiver on planning and design fees (Amendment O)

Permit Processing SLA	No binding timelines	Vague incompleteness check; no binding approval timelines	Binding 21-day timeline with 50% fee refund penalty (Amendment P).
Lot Subdivision Limits	High frontage standards	Subdivisions of lots greater than 18m prohibited	Subdivisions of lots less than 18m prohibited (Amendment Q).
ADU Short-term Rentals	Banned in garden suites	Permitted municipal STRs (provincial violation)	Subject to overriding provincial long-term mandate (Amendment R).)
Accessory Building Limits	One accessory building	ADU counts as accessory, forcing garden shed demolition	ADUs excluded from non-habitable accessory counts (Amendment S)

[50.] By adopting Amendments M through T, Council can correct these critical planning errors, restore complete statutory alignment with the Province of Prince Edward Island, and establish a highly transparent, predictable "as-of-right" development environment that fully satisfies the mandates of the Housing Accelerator Fund.

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NOTICE OF PUBLIC MEETING

DATE: **September 3, 2026 (Thursday)**
TIME: **6:00 PM**
VENUE: **Rodd Charlottetown Hotel, 75 Kent Street**

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

Proposed City of Charlottetown Zoning and Development Bylaw

Donna Miller-Ayton, Manager, Policy & Heritage

The City of Charlottetown has completed a comprehensive review of its Zoning and Development Bylaw — the City's primary regulatory instrument governing land use, development, subdivision, and building activity.

The proposed Bylaw implements the policy directions of the City's Official Plan and updates requirements for permitted uses, development standards, the permit system, subdivision approvals, and sign regulations.

Key Goals:

- **Increase Clarity:** Proposed updates aim to increase certainty, making development approvals more predictable, consistent and efficient.
- **Reduce Red Tape:** Proposed updates aim to streamline approval processes and decision making to help create a wider range of housing options more quickly.
- **More Housing Opportunities:** Proposed updates aim to create clearer, more flexible pathways for residents that want to add accessory dwelling units to their properties, while maintaining appropriate site standards and neighbourhood compatibility.

How to participate at the public meeting:

- In-person at the Rodd Charlottetown Hotel, 75 Kent Street;
- Virtually; or
- Livestream (observe the meeting without commenting at www.charlottetown.ca/video)

To participate virtually:

Register with the Planning & Heritage Department (name, contact number and/or email) by any of the following options:

- *Email at planning@charlottetown.ca, or*
- *Call 902-629-4158 during business hours (8:00 AM – 4:00 PM, Mon-Fri)*
- *Deadline for registration: Tuesday, September 1, 2026*
- *Registered participants will receive an update from staff with instructions on how to participate in the meeting no later than Noon on Wednesday, September 2, 2026.*

How to submit comments:

- Oral submissions or comments may be made at the public meeting (residents are requested to please keep their oral submissions to three (3) to five (5) minutes maximum).

Written comments may be submitted no later than Noon on Friday, September 18, 2026, by:

- Email planning@charlottetown.ca or
- Written submissions delivered to the City's Planning & Heritage Department, 70 Kent Street, Charlottetown.
- Completion of the feedback form through the Charlottetown Hall website at: https://www.charlottetownhall.ca/zoning-and-development-bylaw-review/surveys/draft-zoning-and-development-bylaw-feedback

All responses received will become part of the public record.

Anyone wishing to view the proposed Zoning and Development Bylaw can visit the City's website at www.charlottetown.ca and find the Meeting Packages under the Mayor and Council section. As comments are received and meeting minutes are compiled, the package will be updated with additional information leading up to the public meeting.

The general public is encouraged to participate.

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