TOWN OF CORNWALL
RESOLUTION

DATE: November 22, 2023

COMMITTEE: Planning Committee

MOTION NUMBER: PL-30-2023
Bylaw #422D - First Reading and Approval
A Bylaw to Amend the Town of Cornwall Zoning & Subdivision Control (Development) Bylaw #422

MOTION CARRIED V 4-0

MOTION LOST _____

MOTION WITHDRAWN _____

Moved by Councillor _____ **Corey Frizzell**

Seconded by Councillor _____ **Cory Stevenson**

Whereas: Council has undertaken a review of the Town of Cornwall Zoning & Subdivision Control (Development) Bylaw #422 (the "Bylaw") and considered several amendments for the Bylaw, including amendment to Schedule A (Zoning Map) of the Bylaw, concurrently with amendment to the Official Plan, General Land Use Plan being OPA-2023-1;

And Whereas: the proposed amendments to the Bylaw and Official Plan were presented to the public at an open meeting held on October 19, 2023.

And Whereas: Council has given consideration to the Town of Cornwall Official Plan policy statements regarding servicing, commercial and residential zoning and developments and the criteria for Official Plan and Bylaw amendments under Section 22 of the Development Bylaw, including comments from the Public;

Therefore, be it Resolved: that Bylaw #422D, a bylaw to amend the Town of Cornwall's Zoning and Subdivision Control (Development) Bylaw #422, is hereby read and approved a first time.

Bylaw #422D

A bylaw to amend the Town of Cornwall Zoning & Subdivision Control (Development) Bylaw, Bylaw #422 (the "Bylaw"), relating to zoning, subdivision and development within the Town of Cornwall.

This Bylaw is made under the authority of the Planning Act R.S.P.E.I. 1988, Cap. P-8 and the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

IT IS ENACTED by the Council of the Town of Cornwall as follows:

1. Section 3.3 is amended by adding the word "Development" before the words "Permit Applications" in the section heading.

2. Section 3.3.3 is amended by adding the word "Development" before the words "Permit Application".

3. Section 3.16.2 is amended by adding the words "Monday to Saturday," after the words "7am to 7pm".

4. Section 3.18.1 is amended by deleting the words "a land surveyor or" before the words "a professional engineer", and by deleting the words "or a landscape architect" after the words "a professional engineer".

5. Section 3.19.1 is amended by adding the following new subsection (c) after subsection (b):
   c) "existing and proposed elevations, including but not limited to existing and proposed structures, drainage channels and any other notable site features, and minimum 4.57m (15ft) into all adjacent properties."

   With the addition of subsection (c) all other subsections to be renumbered accordingly.

6. Section 4.1 of the Bylaw is amended by adding the following new subsection 4.1.7:

   4.1.7: Shipping Containers: A Shipping Container shall only be used as an accessory building or structure for storage purposes in the Agricultural Reserve Zone (A1), Rural Residential Zone (RR), and General Commercial Zone (C1), subject to the following provisions:
   a) shall be accessory use to the permitted Main Building on the same Lot;
   b) shall be maintained in good condition, free from rust, painted to remove any markings and/or labels, and generally match the aesthetic character of the Main Building;
   c) shall only be used to store dry goods and materials incidental to the operations or Use of the Main Building;
   d) shall be subject to all other provisions of Section 4.1; and
   e) shall be subject to all other provisions of the applicable Zone.

7. Section 4.7.1(e) is amended by including the words "shall be subject to a building inspection, and" after the words "The secondary suite".

8. Section 6.1.3 is amended by deleting and replacing the words "at 655 and 735 Main Street near" with the words "in the vicinity of Main Street's".

1ST READING

9. Section 6.1.3 is amended by adding the words "as depicted in Schedule "E" after the words "and extending to Hyde Creek".

10. Subsection 10.4 is amended by adding the following new subsection (2):

    2. Notwithstanding subsection (1) and section 1.5, Council may approve a Development Permit on a Lot where municipal sewer services and/or municipal water supply are unavailable provided that:

        a. it is not reasonably possible to extend municipal sewer services and/or municipal water supply to the Lot; and

        b. the Developer enters into a Development Agreement which includes a condition that the Developer connects to municipal sewer services and municipal water supply as soon as those services become available.

11. Section 13.7 is amended to include the following new subsection 13.7.2:

    13.7.2: "The provision of Pedestrian Walkways, designed and built to the standard established by the Town, shall be required within new PURD Developments."

    With the addition of Section 13.7.2 above, all existing sub-sections shall be renumbered accordingly.

12. Section 17.4.4 is amended by deleting and replacing the word "RR" with "A1".

13. Section 26 of the Bylaw is amended by adding the following definition of "Shipping Container": any new and/or used container designed and constructed for the purpose of intermodal shipment of goods and materials, and intended for repeated use.

14. Schedule "A", Zoning Map, of Bylaw #422 is amended by the following:

    i. The zoning of PID 928911 on Fulton Drive is designated as Attached Residential (R3), hereby excluding it from its former designation of Single Detached Residential (R1);

    ii. The zoning of PID 245407 on Main Street is designated as Multiple Unit Residential (R4), hereby excluding it from its former designations of General Commercial (C1) and Multiple Unit Residential (R4).

    iii. The zoning of PID 701623 on Lakeview Drive is designated as entirely Public Service and Institutional (PSI), hereby excluding it from its former designations of General Commercial (C1) and Public Service and Institutional (PSI).

    iv. The zoning of PID 246470 on Mill Pond Lane is designated as entirely Planned Unit Residential Development (PURD), hereby excluding it from its former designations of Single-detached Residential (R1) and Planned Unit Residential Development (PURD).

    v. The zoning of PID 1132430 on Waters Edge Lane is designated as entirely Single-detached Residential (R1), hereby excluding it from its former designations of Planned Unit Residential Development (PURD) and Single-detached Residential (R1).

vi. The zoning of PID 1132109 on Waters Edge Lane is designated as entirely Single-detached Residential (R1), hereby excluding it from its former designations of Single-detached Residential (R1) and Planned Unit Residential Development (PURD).

1st READING

First Reading:

Bylaw # 422D, a bylaw to amend the Town of Cornwall Zoning and Subdivision Control (Development) Bylaw (422), was read and approved a first time at the Council meeting held on the ____ day of _____ 2023.

Second Reading:

Bylaw # 422D, a bylaw to amend the Town of Cornwall Zoning and Subdivision Control (Development) Bylaw (422), was read and approved a second time at the Council meeting held on the ____ day of_____ 2023.

Approval and Adoption by Council:

Bylaw # 422D, a bylaw to amend the Town of Cornwall Zoning and Subdivision Control (Development) Bylaw (422), was approved and adopted by a majority of Council members present at the Council meeting held on the ____ day of _____ 2023.

Signatures

_____

Minerva McCourt, Mayor

_____

Kevin Coady, Chief Administrative Officer

This Bylaw 422D, A Bylaw to Amend the Town of Cornwall Zoning and Subdivision Control (Development) Bylaw, (Bylaw 422), was approved and adopted by the Council of the Town of Cornwall on the ____ day of _____ 2023, is certified to be a true copy.

_____ _____

Kevin Coady, Chief Administrative Officer **Date**

Ministerial Approval

Bylaw # 422D, A Bylaw to amend the Town of Cornwall Zoning and Subdivision Control (Development) Bylaw (422), is hereby approved.

Dated on this ___ day of _____, 20____ _____

Minister of Housing, Land and Communities