TOWN OF CORNWALL
RESOLUTION

DATE: **November 22, 2023**

COMMITTEE: **Planning and Development**

MOTION NUMBER: **PL-34-2023**
Second Reading of Bylaw #422C
A Bylaw to Amend the Town of Cornwall Zoning & Subdivision Control (Development) Bylaw #422

MOTION CARRIED J 4-0

MOTION LOST _____

MOTION WITHDRAWN _____

Moved by Councillor _____ **Corey Frizzell**

Seconded by Councillor _____ **Cory Stevenson**

Whereas: Council has considered 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;

And Whereas: Town of Cornwall Zoning and Subdivision Control (Development) Bylaw #422C, a Bylaw to amend the Town of Cornwall Zoning and Subdivision Control (Development) Bylaw #422, was read and approved for the first time at the Town of Cornwall regular council meeting held on October 25, 2023;

Therefore, be it Resolved: That the Town of Cornwall Zoning & Subdivision Control (Development) Bylaw #422C, a Bylaw to Amend the Town of Cornwall Zoning & Subdivision Control (Development) Bylaw, is hereby read and approved a second time.

BYLAW # 422C

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. The Table of Contents in the Bylaw is amended by deleting reference to "Section 17.6 – Excavation Pits"

2. Section 1.5 of the Bylaw is amended by deleting clause 1.5(1)(h).

3. Section 3.1 of the Bylaw is amended by deleting clause 3.1(1)(h) and re-numbering the subsequent clauses accordingly.

4. Section 4.1(2) is amended by adding the words "Public Service and Institutional, Comprehensive Development Area," after the words "Except in a".

5. Section 4.1 is amended by adding the following new subsection (3) after subsection (2), and re-numbering the subsequent subsections accordingly:

    3. Notwithstanding subsection (2) above, Council may approve a Development Permit for an Accessory Building in the Agricultural Reserve (A1) Zone or in the Rural Residential (RR) Zone that exceeds the Building Height, Floor Area and/or number of Buildings per Lot, provided the following criteria are met:

        a. the minimum Yard requirements for the applicable Zone are met for all Buildings;

        b. the maximum Lot Coverage for the applicable Zone is not exceeded; and

        c. all other Bylaw requirements are met.

6. Subsection 9.2(1) of the Bylaw is deleted and replaced with the following:

    9.2 PERMITTED USES

    1. No Building or part thereof and no land shall be used for purposes other than:

        a. Single-detached Dwellings;

        b. Parks and Playgrounds; and

        c. Accessory Buildings.

7. Subsection 9.3(1) of the Bylaw is deleted and replaced with the following:

    1. Notwithstanding Section 9.2 above, Council may issue a Special Development Permit for the following uses where it deems the Development is appropriate, all relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

a. Group Homes; and

b. Early Learning and Child Care Centres.

8. Section 9.4 of the Bylaw 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.

9. Subsection 12.3(1) of the Bylaw is amended by deleting the word "and" at the end of clause (d), replacing the period with "; and" at the end of clause (e) and adding the following new clause (f):

f. other types of Multiple Unit Dwellings that are not included under subsections 12.2(1) or 12.3(1).

10. Subsection 13.3(1) of the Bylaw is amended by deleting the word "and" at the end of clause (b), replacing the period with "; and" at the end of clause (c), and adding the following new clause (d):

d. other types of Multiple Unit Dwellings that are not included under subsections 13.2(1) or 13.3(1).

11. Subsection 14.3(1) of the Bylaw is amended by deleting the word "and" at the end of clause (c), replacing the period with "; and" at the end of clause (d), and adding the following new clause (e):

e. other types of Multiple Unit Dwellings that are not included under subsections 14.2(1) or 14.3(1).

12. Section 17.2 of the Bylaw is amended by deleting clause 17.2(1)(f) and re-numbering the subsequent clauses accordingly.

13. The Bylaw is amended by deleting section 17.6.

14. The Bylaw is amended by adding the words "but does not include an excavation pit as defined in the *Excavation Pit Regulations*, EC146/17" at the end of the definition of "Development" in section 26.

15. The Bylaw is amended by deleting the definition of "Excavation Pit" in section 26.

First Reading:

Bylaw #422C, 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 #422C, 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 #422C, 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 422C, 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 #422C, 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