

Bylaw # 422F

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.

Effective Date

The effective date of the Town of Cornwall Bylaw # 422F, a bylaw to amend the Zoning & Subdivision Control (Development) Bylaw, is the date as signed below by the Minister of Housing, Land and Communities.

Authority

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.

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

- 1. Clause 4.1(7)(d) of the Bylaw is amended by the deletion of the word ‘tot’ and the substitution of the word ‘to’.**
- 2. Subsection 4.6(2) of the Bylaw is deleted and replaced with the following:**
 2. Notwithstanding any maximum Height restriction set out in this Bylaw and the variance provisions in Part 21, Council may approve a Building exceeding the maximum Height where:
 - a. the Building and construction are in accordance with the National Building Code;
 - b. the firefighting access has been approved by the provincial fire marshal’s office;
 - c. the Building contains a sprinkler system; and
 - d. in the opinion of the Council, the Building is compatible with surrounding development in terms of architectural design, building materials, building massing, building form and streetscape.
- 3. Section 4.7 of the Bylaw is deleted and replaced with the following:**
 1. Secondary Suites and Garden Suites shall be permitted, subject to the following:
 - a. the Property Owner shall submit a written application to the Town on the prescribed form;
 - b. the Secondary Suite or Garden Suite, or both, shall comply with the following:

Secondary Suite	Garden Suite
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Permitted in association with	single detached dwellings, semi-detached dwellings and townhouse dwellings	single detached dwellings and semi-detached dwellings
Maximum floor area	no more than the lesser of: <ul style="list-style-type: none"> • 40% of the total floor area of all storeys of the main dwelling, excluding the garage floor area and common spaces serving both dwelling units; or • 80 sq. m. (861 sq. ft) of finished living space. 	no more than 80 sq. m. (861 sq. ft) of finished living space
Use restrictions	not permitted in a main dwelling that is operated as a tourism establishment, boarding house, or group home and shall not be rented for a period of less than one month	shall not be operated as a tourism establishment and shall not be rented for a period of less than one month
Parking	one parking space, in addition to the parking space(s) required for the main dwelling and any Garden Suite under this Bylaw	one parking space, in addition to the parking space(s) required for the main dwelling and any Secondary Suite under this Bylaw
Number permitted per lot	1	1
Electrical, water, and sewer services	<ul style="list-style-type: none"> • connected to the same electrical, water and sewer services as the main dwelling on the lot, except where a shared connection is not feasible or appropriate; and • in the case of an on-site septic system, the system shall be certified by a qualified engineer licensed to practice in the province 	<ul style="list-style-type: none"> • connected to the same electrical, water and sewer services as the main dwelling on the lot, except where a shared connection is not feasible or appropriate; and • in the case of an on-site septic system, the system shall be certified by a qualified engineer licensed to practice in the province
Design requirements	where the Secondary Suite has a separate outside entrance from the main dwelling, the entrance must be located on the side or rear wall of the main dwelling	windows in the Garden Suite shall be placed and sized such that they minimize direct views of adjacent lot(s) through one or more of the following:

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- Off-setting window placement to limit direct view into a window of an adjacent site;
 - Strategic placement of windows in conjunction with landscaping features; and/or
 - Placing larger windows to face a lane, flanking public roadway or other dwelling on the same site.
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c. Garden suites:

- i. shall be subject to the standards of clause 4.1(2)(c) with respect to the number of accessory buildings and structures per lot;
- ii. may be established in existing accessory buildings, where all applicable standards can be met. In addition, a new or converted building containing a garden suite may include accessory uses such as a garage or storage; and
- iii. shall not exceed one storey in height;

d. Notwithstanding subclause 4.7(1)(c)(iii), where the Garden Suite is in an accessory building that includes accessory uses such as a garage or storage, the accessory building may be more than one storey, provided the living space does not exceed one storey in height and in no case shall the Garden Suite or accessory building containing the Garden Suite exceed the height of the main dwelling on the lot; and

e. The Secondary Suite or Garden Suite or both shall meet the requirements of the National Building Code and all requirements under the Town's Bylaw.

4. Subsection 4.10(2) of the Bylaw is amended by the deletion of words 'or R4' following the words 'an R3'.

5. Section 4.23 of the Bylaw is amended:

- 5.1. by the deletion of the words ', Row' in the section header;
- 5.2. in subsection (1), by the deletion of the words ', Row' after the words 'Semi-Detached'; and
- 5.3. in subsection (2), by the deletion of the words 'Row or' after the words 'Semi-Detached'.

6. '5. Signage' of the Bylaw is amended:

6.1. In subsection 5.2(1), by the deletion of the word ‘and’ at the end of clause (d), the deletion of the period at the end of clause (e), the addition of the words ‘; and’ at the end of clause (e), and the addition of the following after clause (e):

- f. electronic signs pursuant to the provisions of section 5.13.

6.2. By the addition of the following after section 5.12:

5.13 ELECTRONIC SIGNS

1. Electronic signs are permitted as part of a freestanding, fascia, or canopy sign in the PSI, C1 or M1 zones subject to the general provisions for those types of signs as well as the following standards:
 - a. the message duration shall not be less than 10 seconds;
 - b. the message transition shall be instantaneous;
 - c. the message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - d. the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
 - e. the sign shall use automatic dimming technology which automatically adjusts the sign copy’s brightness in direct correlation with ambient light conditions;
 - f. illumination shall not negatively impact adjacent residential properties;
 - g. the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless the business is open or in operation during those hours; and
 - h. the sign shall be turned off in the case of a malfunction.

7. ‘6. Parking Requirements’ in the Bylaw is amended:

7.1. by the deletion of section 6.1 and the substitution of the following:

6.1 PARKING REQUIREMENTS

1. For every Building to be Erected, placed, used or enlarged, there shall be provided and maintained off-Street parking on the same Lot to the extent, prescribed in the following chart:

Primary Type of Building	Minimum Requirement
Single-detached Dwelling	2 Parking Spaces per Dwelling Unit
Accessory Dwelling Unit	1 additional Parking Space per Dwelling Unit
Ground Oriented Housing	1.5 Parking Spaces per Dwelling Unit
Apartment Dwelling and other Multiple Unit Dwellings	1 Parking Spaces per Dwelling Unit

Primary Type of Building	Minimum Requirement
Senior Citizens Apartments and Community Care Facilities	1 Parking Spaces per Dwelling Unit
Hospitals and Nursing Homes	0.75 Parking Spaces per bed
Hotel, Motel or Other Tourist Establishment	1 Parking Space per guest/room or rental unit and 1 Parking Space for each 5 sq. m. (53.8 sq. ft.) of Floor Area devoted for public use (e.g. banquet rooms, Lounge)
Auditoriums, Places of Worship, Halls, Libraries, Museums, Theatres, Arenas, Private Clubs, And Other Places of Assembly or Recreation	1 Parking Space/20 sq. m. (215.2 sq. ft.) of public use area
Schools (public and private)	1 space/employee + 1 drop-off space + elementary school 1 space/8 classrooms junior secondary school 1 space/4 classrooms senior secondary school 2 spaces/classroom
Funeral Home	1 space/4.5 sq. m. (48.4 sq. ft.) of assembly area
Business and Professional Offices, Service and Personal Service Shops, and home occupations	1 Parking Space per 30 sq. m. (323 sq. ft.) of Floor Area
Shopping Centre (Indoor Mall)	1 Parking Space per 30 sq. m. (323 sq. ft.) of retail space, excluding temporary retail uses in public areas
Restaurant or Lounge	1 Parking Space per four seats of seating capacity
Other Commercial / Retail Stores	1 Parking Space per 25 sq. m. (269.1 sq. ft.) of Floor Area
Business Park	As determined by the Development Officer, taking into consideration the size of the office facility or plant, and the number of employees for which it is designed; the projected flow of visitors and customers; and the amount of truck parking projected
Automobile Sales and Service Establishment	1 Parking Space per 4.7 sq. m. (50 sq. ft.) of Floor Area
Automobile establishment: Automobile Service Station or Service Station, Automobile Washing Establishment, Auto Body Repair Shop or Auto Body Shop	3 spaces / bay
All other Uses not listed	1 space per 20 sq. m. (215 sq. ft.) of Floor Area, 1 space per 10 seats, or as otherwise determined by the Development Officer.

2. Additional Parking Spaces may be required if, in the opinion of the Development Officer, the spaces required under Section 6.1(1) will not meet anticipated parking requirements.
3. Where,
 - a. a proposed change of use within a building or structure existing as of the date of passage of this Bylaw; or
 - b. the proposed expansion or an increase in capacity or intensity of use of any building or structure existing as of the date of passage of this Bylaw will, in the opinion of the Development Officer, substantially increase the volume of traffic necessitating off-street parking, the number of additional parking or loading spaces required shall be the difference between the parking and/or loading spaces required by the new or expanded use and the parking and/or loading spaces required by the former use.
4. Notwithstanding the above requirements, in the C-1 Zone fronting Main Street beginning in the vicinity of Main Street's intersection with Meadowbank and Cornwall Roads and extending to Hyde Creek as depicted in Schedule "E":
 - a. no parking spaces shall be required; and
 - b. no parking shall be permitted between any structure located within the zone and Main Street.
5. Notwithstanding the provisions of Part 6 above or other provisions of this Bylaw, Council may through a development agreement waive or reduce the parking requirements in return for cash in lieu of parking spaces or other considerations, as approved by Council, which will further the objectives and policies of the Official Plan in relation to development in the Town. In rendering its decision, Council shall consider factors such as but not limited to the following:
 - a. availability of parking in the proximity of the proposed development;
 - b. the extent to which the proposed development contributes toward the objectives and policies of the Official Plan;
 - c. the availability of public transportation services within 400 m. (0.25 miles) of the site; and
 - d. estimated traffic generation and parking requirements of the proposed development.
6. The minimum number of off-street parking spaces required for each building shall be calculated to the nearest whole number.

- 7.2. in subsection 6.2(1), by the deletion of the words ‘parking facilities are required or permitted’ and the addition of the words ‘four (4) or more parking spaces are required for the use on a lot’ following the word ‘Where’;
 - 7.3. in subsection 6.2(1), by the deletion of the words ‘Row Dwelling or’ in clause (i);
 - 7.4. in subsection 6.2(1), by the addition of the period and the addition of the words ‘; and’ at the end of clause (l); and
 - 7.5. in subsection 6.2(1), by the deletion of the words ‘; and’ and the addition of a period at the end of clause (m) and the deletion of clause (n).
8. Subsection 7.4(1) of the Bylaw is amended by the rounding of all metric measurements in the table to 1 decimal point.
9. Subsection 8.4(1) of the Bylaw is amended by the rounding of all metric measurements in the table to 1 decimal point.

10. ‘9. Single-Detached Residential (R1)’ in the Bylaw is amended:

- 10.1. In subsection 9.5(1), by the rounding of all metric measurements in the table to 1 decimal point.
- 10.2. In subsection 9.5(4), by the deletion of the word ‘30%’ and the substitution of the word ‘35%’.

11. ‘10. Two-Unit Residential (R2)’ in the Bylaw is amended:

- 11.1. In subsection 10.5(1)(b) by the deletion of the table and the substitution of the following:

	Requirement
Minimum Lot Area	250 sq. m (2,691 sq. ft.) per unit
Minimum Frontage	9 m. (29.5 ft.) for each unit
Minimum Front Yard	6.1 m. (20 ft.)
Minimum Rear Yard	4.6 m. (15 ft.)
Minimum Side Yard	2.3 m. (7.5 ft.)
Minimum Flankage Yard	6.1 m. (20 ft.)
Maximum Building Height	12.2 m. (40 ft.)

- 11.2. In clause 10.5(1)(c) of the Bylaw, by the rounding of all metric measurements in the table to 1 decimal point.

12. ‘11. Attached Residential (R3)’ of the Bylaw is amended:

- 12.1. in subsection 11.2(1), by the deletion of clause (b) and the substitution of the words ‘Ground-Oriented Housing, to a maximum of six (6) Dwelling Units per building, or in the case of Stacked Townhouse Dwellings, a maximum of six (6) stacks per building;’
- 12.2. in subsection 11.2(1), by deleting clause (c) and re-numbering the subsequent clauses accordingly;

12.3. in clause 11.5(1)(a), by deleting the words 'Section 9.5' and substitution the words 'subsections 9.5 (1) to (3);

12.4. by deleting clause 11.5(1)(b) and re-numbering clause (c) as clause (b);

12.5. by the rounding of all metric measurements in the table in the re-numbered clause (b) to 1 decimal point.

12.6. by deleting clause 11.5(1)(d) and substituting the following:

c. for Ground-Oriented Housing, the lot requirements shall be as follows:

	Requirements
Minimum Lot Area	250 sq. m (2,691 sq. ft.) per unit
Minimum Frontage	9 m. (29.5 ft.) for each unit or stack in the case of stacked units
Minimum Front Yard	6.1 m. (20 ft.)
Minimum Rear Yard	4.6 m. (15 ft.)
Minimum Side Yard	2.3 m. (7.5 ft.)
Minimum Flankage Yard	6.1 m. (20 ft.)
Maximum Building Height	12.2 m. (40 ft.)

12.7. by deleting the words ' Row,' in subsection 11.5(2); and

12.8. by deleting subsection 11.5(5) and re-numbering subsection (6) to (5).

13. '12. Multiple unit Residential (R4)' of the Bylaw is amended:

13.1. by the deletion of subsection 12.2(1) and the substitution of the following:

1. No Building or part thereof and no land shall be Used for purposes other than:
 - a. Ground-Oriented Housing, to a maximum of six (6) Dwelling Units per building or in the case of Stacked Townhouse Dwellings, to a maximum of six (6) stacks per building;
 - b. Apartment Dwellings, to a maximum of twelve (12) Dwelling Units per building;
 - c. Parks and Playgrounds; and
 - d. Accessory Buildings.

13.2. by the deletion of subsection 12.3(1) and the substitution of the following:

1. Notwithstanding Section 12.2 above, the Council may issue a special Development Permit for the following Uses where it deems the Development is appropriate, the Development is fully serviced, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Council may impose:

- a. Ground-Oriented Housing with more than six (6) Dwelling Units per building, or in the case of Stacked Townhouse Dwellings, more than six (6) stacks per building;
- b. Apartment Dwellings with more than twelve (12) Dwelling Units per building;
- c. Group Homes;
- d. Early Learning and Child Care Centres;
- e. Health Clinics; and
- f. Other types of Multiple Unit Dwellings that are not included under subsections 12.2(1) or 12.3(1).

13.3. by the deletion of subsection 12.5(1) and the substitution of the following:

- 1. The following requirements shall apply to Developments in an R4 Zone:
 - a. for Ground-Oriented Housing, the Lot requirements shall be the same as clause 11.5(1)(c); and
 - b. for Apartment Dwellings and other types of Multiple Unit Dwellings not covered by clause (a), Lot requirements shall be as follows:

	Requirement
Minimum Lot Area	139.4 sq. m. (1,500 sq. ft.) per unit
Minimum Frontage	25 m. (82 ft.)
Minimum Front Yard	6.1 m. (20 ft.)
Minimum Rear Yard	4.6 m. (15 ft.)
Minimum Side Yard	4 m. (13 ft.)
Minimum Flankage Yard	6.1 m. (20 ft.)
Maximum Building Height	18.3 m. (60 ft.)

13.4. by the deletion of the words ‘, Row,’ in subsection 12.5(4) following the words ‘Semi-Detached’.

14. ‘13. Planned Unit Residential Development (PURD)’ of the Bylaw is amended:

14.1. by the deletion of subsection 13.2(1) and the substitution of the following:

- 1. No Building or part thereof and no land shall be Used for purposes other than:
 - a. Single-detached Dwellings;
 - b. Ground-Oriented Housing, to a maximum of four (4) Dwelling Units;
 - c. Parks and Playgrounds;
 - d. Accessory Buildings;

- e. Group Homes; and
 - f. Ancillary Uses such as Community Facilities and laundromats.
- 14.2. **by the addition of a new clause (a) ‘Ground-Oriented Housing with more than four (4) Dwelling Units; and the re-numbering of the following clauses accordingly;**
- 14.3. **by the deletion of clause 13.5(1)(a) and the substitution of the following:**
- a. for Single-detached Dwellings, Ground-Oriented Housing, or Apartment Dwellings, the Lot requirements shall be the same as Sections 9.5, 11.5, and 12.5 respectively.
- 14.4. **by the deletion of section 13.6;**
- 14.5. **in subsection 13.7(1), by the deletion of the words ‘a new PURD Subdivisions or Developments’ and the substitution of the following ‘new PURD Subdivisions or Developments involving special permit uses identified in section 13.3’;**
- 14.6. **by the deletion of subsection 13.7(3) and the substitution of the following:**
- 3. Any application for approval of new PURD Subdivisions or Developments involving special permit uses identified in section 13.3 shall be reviewed at a Public meeting held pursuant to the provisions of Section **Error! Reference source not found.**
- 14.7. **in subsection 13.7(4), by the addition of the words ‘involving special permit uses identified in section 13.3’ after the words ‘All new PURD Subdivisions or Developments’;**
- 14.8. **in subsection 13.7(5), by the deletion of the words ‘PURD Developments’ and the substitution of the words ‘PURD Subdivisions or Developments involving special permit uses identified in section 13.3’; and**
- 14.9. **by the deletion of Section 13.8 ‘Existing PURD Developments’.**
15. **‘14. General Commercial Zone (C1)’ of the Bylaw is amended:**
- 15.1. **In subsection 14.2(1), by the addition of the following after clause (h.) Institutional Buildings, and the renumbering of the remaining clauses accordingly:**
- i. Ground-Oriented Housing, up to 12 Dwelling Units;
 - j. Apartment Dwellings, up to 12 Dwelling Units;
- 15.2. **In clause 14.3(1)(c), by the addition of the words ‘with more than 12 Dwelling Units’ after the words ‘Apartment Dwellings’;**
- 15.3. **By the deletion of subsection 14.4(1) and the substitution of the following:**
- 1. Except where otherwise specified, the following lot requirements shall apply to Development in a C1 Zone:

	Requirement
Minimum Lot Area	1,395 sq. m. (15,000 sq. ft.)
Minimum Frontage	30.5 m. (100 ft.)
Minimum Front Yard	6.1 m. (20 ft.)
Minimum Rear Yard	4.6 m. (15 ft.)
Minimum Side Yard	3.0 m. (10 ft.)
Minimum Flankage Yard	6.1 m. (20 ft.)
Maximum Building Height	18.3 m. (60 ft.)

15.4. By the deletion of subsection 14.4(2) and the substitution of the following:

2. Notwithstanding subsection (1) and subject to subsection (3),
 - a. for Ground-Oriented Housing, the Lot requirements shall be the same as clause 11.5(1)(c); and
 - b. for Apartment Dwellings, the Lot requirements shall be the same as clause 12.5(1)(b).

15.5. In subsection 14.4(3), by the deletion of the words ‘Notwithstanding the requirements of subsections (1) and (2),’ and the deletion of the words ‘C-1 Zone’ and the substitution of the words ‘C1 Zone’;

16. ‘15. Business Park Zone (M2)’ of the Bylaw is amended:

16.1. by the deletion of the table in subsection 15.4(1) and the substitution of the following:

	Requirement
Minimum Open Space	10% of the total area of the Lot
Minimum Lot Area	1,395 sq. m. (15,000 sq. ft.)
Minimum Driveway Width	6.1 m. (20 ft.)
Minimum Frontage	22.9 m. (75 ft.)
Minimum Front Yard	7.6 m. (25 ft.)
Minimum Side Yard	3.1 m. (10 ft.)
Minimum Rear Yard	7.6 m. (25 ft.)
Minimum Flankage Yard	7.6 m. (25 ft.)
Maximum Building Height	18.3 m. (60 ft.)

16.2. by the deletion of section 15.10.

17. Subsection 16.2(1) of the Bylaw is amended by the deletion of the words ‘shall be those approved by the Authority Having Jurisdiction and’ and by deletion of the words ‘in either a C1 Zone, M2 Zone, PSI Zone or R3 Zone’ in subsection 16.2(1) and the substitution of the words ‘in a C1 Zone, M2 Zone, PSI Zone, R3 Zone or R4 Zone’.

18. ‘26. Definitions’ of the Bylaw is amended:

18.1. by the addition of the following after the definition of 'Accessory Use':

ACCESSORY DWELLING UNIT means a self-contained Dwelling Unit which is secondary to a main Dwelling Unit, either attached to or detached from the main Dwelling Unit on the same Lot, and includes the following:

SECONDARY SUITE means a self-contained Dwelling Unit with a prescribed floor area located within a Single Detached Dwelling, a Semi-Detached Dwelling Unit or a Townhouse Dwelling Unit and where both Dwelling Units constitute a single real estate entity.

GARDEN SUITE means a self-contained Dwelling Unit located on the same Lot as a primary Dwelling Unit but detached from the main Dwelling Unit.

18.2. by the deletion of the words 'Also see Secondary Suite.' in the definition for 'Dwelling';

18.3. by the deletion of the definition of "Apartment Dwelling" under "Dwelling" and the substitution of the following: "APARTMENT DWELLING" - means a Dwelling in a Building containing three or more such Dwelling Units that share common hallways and a common outdoor entrance or a Dwelling Attached to a Building which is principally commercial but does not include Ground-Oriented Housing.";

18.4. by the capitalization of the word 'narrow' in the definition of Narrow Lot Single-Detached Dwelling';

18.5. by the addition of the following after the definition of 'Single-Detached Dwelling': "STACKED TOWNHOUSE DWELLING" - means a Dwelling in a Building containing three (3) or more Dwelling Units attached side by side, two Dwelling Units high, where each Dwelling Unit has an independent outdoor entrance at grade, but does not include Townhouse Dwellings or Apartment Dwellings.

18.6. by the deletion of the words 'or ROW HOUSE DWELLING' in the definition of 'Townhouse Dwelling' and the addition of the words 'a Dwelling in' before the words 'a Building';

18.7. by the addition of the following after the definition of 'Garden': 'GARDEN SUITE – see ACCESSORY DWELLING UNIT';

18.8. by the addition of the following after the definition of 'Grade': 'GROUND-ORIENTED HOUSING – means a Building with more than one (1) Dwelling Unit, with each Dwelling Unit having direct access to a street or public space without the use of shared corridors, lobbies or hallways.'; and

18.9. in the definition of 'Secondary Suite' following the definition of 'Screening', by the deletion of the words 'means a second dwelling unit, located within the structure of an owner occupied single-detached dwelling', and the substitution of the words 'see ACCESSORY DWELLING UNIT'.

Adoption and Approval by Council

First Reading:

Bylaw #422F, 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 25th day of September, 2024

Second Reading:

Bylaw #422F, 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 23rd day of October, 2024

Adoption and Approval by Council:

Bylaw #422F, 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 23rd day of October, 2024.



Minerva McCourt, Mayor



Kevin Coady, Chief Administrative Officer

This Bylaw #422F, 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 23rd day of October, 2024, is certified to be a true copy.



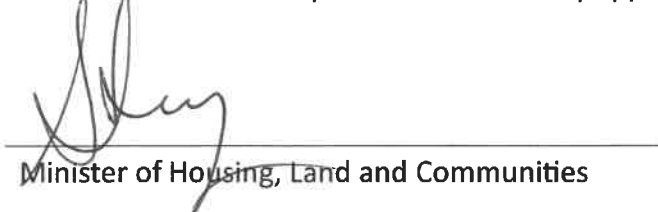
Kevin Coady, Chief Administrative Officer

NOV-8/24

Date

Ministerial Approval

The Town of Cornwall Bylaw # 422F is hereby approved.



Minister of Housing, Land and Communities

January 7, 2025

Date