



TOWN OF CORNWALL RESOLUTION

DATE: August 26, 2026
COMMITTEE: Planning Committee
MOTION NUMBER: PL-25-2026
Bylaw #422M – First Reading and Approval
A Bylaw to Amend the Town of Cornwall Zoning & Subdivision
Control (Development) Bylaw #422

MOTION CARRIED ✓ 5-0

MOTION LOST _____

MOTION WITHDRAWN _____

Moved by Councillor



Corey Frizzell

Seconded by Councillor



Steven Campbell

Whereas: Council has received an application to rezone Lot 18-4 By Way Avenue, being PID 607960, from Public Service and Institutional (PSI) to Multiple Unit Residential (R4);

And Whereas: Pursuant to Section 2.2.1 and Section 22 of the *Zoning & Subdivision Control (Development) Bylaw #422* (the “Bylaw”) Council may concurrently consider an amendment to the Zoning Map, being Schedule “A” to the Bylaw, and the General Land Use Plan, being Part 5, Figure 5 of the *2022 Official Plan* (the “Official Plan”);

And Whereas: The proposed amendment to the designation of said PID 607960 on the Zoning Map and General Land Use Plan was presented to the public at an open meeting held on August 6th, 2026;

And Whereas: Council has considered the Town of Cornwall Official Plan policy statements regarding servicing, commercial and residential zoning, and the criteria for Official Plan and Bylaw amendments under Section 6.4 of the Official Plan and Section 22 of the Bylaw.

Therefore, be it Resolved: that Bylaw #422M, a bylaw to amend the Zoning Map being Schedule “A” to the Bylaw, is hereby read and approved a first time.

Lot 18-4 By Way Ave



Existing



Proposed

Bylaw #422M

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

- a) PID 607960 is designated as Multiple Unit Residential (R4), hereby excluding it from its former designation of Public Service and Institutional (PSI).

The effective date of Bylaw #422M is the date as signed below by the Minister of Housing and Communities.

First Reading:

Bylaw #422M, 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 _____, 2026.

Second Reading:

Bylaw #422M, 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 _____, 2026.

Approval and Adoption by Council:

Bylaw #422M, 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 _____, 2026.

Signatures:

Minerva McCourt, Mayor

Kevin Coady, Chief Administrative Officer

This Bylaw 422M, 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 _____, 2026, is certified to be a true copy.

Kevin Coady
Chief Administrative Officer

Date

Ministerial Approval

Bylaw #422M, 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 and Communities

DRAFT

Planning Report

Rezoning Application – PID 607960, By Way Avenue

Report for

Town of Cornwall

Date

August 5, 2026

Prepared by

Samantha Murphy, RPP, FCIP

Municipal File Number

Z-01-26

Subject

Rezoning of PID 607960 from PSI to R4

Background

The Town has received an application for the rezoning of PID 607960, Lot 18-4 of the Hyde Pond Subdivision, from the Public Service and Institutional Zone (PSI) to the Multiple Unit Residential Zone (R4), to permit the construction of an apartment building.

A planning opinion was requested for the application. This opinion is based on the information provided, including the Town's Official Plan (2022), Zoning and Subdivision Control Development Bylaw #422 (current to Amendment #422H), the rezoning application form, aerial and zoning maps for the subject property, and the Town of Cornwall Development Agreement with 101564 PEI Inc. dated October 23, 2018 (the "Agreement").

As the application affects both the Future Land Use Map and the Zoning Map, this application also involves an amendment to the Town's Official Plan to change the future land use designation from Institutional to Residential, which may be considered concurrently.

Note: As the future land use and zoning titles and boundaries are the same, a reference to 'designation' or 'zone' in this report may be assumed to apply to both the Future Land Use Map and the Zoning Map except where a map is specifically named.

Overview of Proposal

The applicant is seeking to rezone PID 607960 from PSI to R4 to permit the construction of an apartment building. The present use of the subject property is described on the application as vacant

land. The parcel, PID 607960, is part of the Hyde Pond Subdivision, for which a development agreement was entered into with the Town in October 2018.

Under the Development Agreement, Lot 18-4 was designated for senior-focused residential development, not public service and institutional uses. The proposed R4 zone would permit general apartment dwelling uses, which is a slightly different use type than the senior-focused residential committed to in the Agreement; however, the Bylaw does not contain a specific use or zone for senior-focused residential uses as described in the Agreement and instead establishes barrier free design requirements for apartment buildings over a certain size. Based on the information provided, the parcel was zoned R3 on the 2014 zoning map. The Multiple Unit Residential (R4) zoning being requested matches the Multiple Unit Residential (R3) zone of the development bylaw in existence at the time of the original development agreement. The rezoning would bring the zoning into closer agreement to the intended purpose of the lot as described in the agreement, although an amendment to the Agreement may be needed to reflect the move away from the original Campus of Care concept.

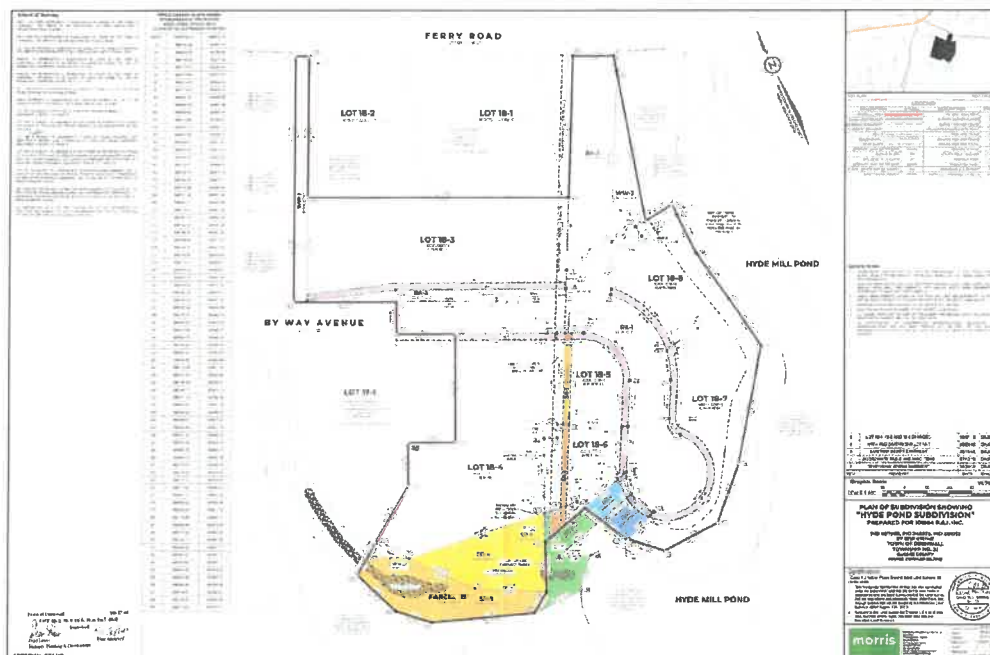


Figure 1- Approved Plan of Subdivision (2018)

Site Overview

Uses

The subject property is vacant land. Adjacent uses include multi-unit residential buildings to the north and north-west of the property, with attached housing located to the southeast side. An R4-zoned

apartment building is located nearby along By Way Avenue. The surrounding area is predominantly residential in character, transitioning from lower-density single-detached and duplex housing on Alcan Drive and part of By Way Avenue to higher-density multi-unit forms closer to Ferry Road and Pyes Ln.

Environmental Risk

Hyde Mill Pond is located immediately to the south of the subject property. The southern portion of the lot abuts or closely approaches the pond shoreline, which is protected as an Environmental Reserve area under the Official Plan and Bylaw and the Environmental Reserve Overlay (O2) zoning would apply to the pond and buffer areas. Any development on the lot must respect the Environmental Reserve Overlay boundaries and setbacks. A review of information on PEI's Climate Hazard and Risk Information System (CHRIS) suggests that the property could be subject to occasional inland flooding in a 50yr current climate scenario to an estimated depth of 0.1-1.0m, largely in the areas already containing the stormwater retention system, as well as along By Way Av. More of the property could be subject to occasional inland flooding in a 50yr future climate scenario.



Figure 2: Inland Flooding Projections from chris.peirclimate.ca

Access

The subject property fronts on By Way Avenue, which connects to the Ferry Road, via Alcan Drive and Pyes Lane. The Agreement requires that any development permit application include a scaled site plan clearly showing how stormwater is directed from the lot in conformity with the subdivision's stormwater management plan.



Figure 3- aerial view and location of O2 overlay zone boundary - green hatching represents the best available information regarding the extent of the 15m buffer

Assessment

The development details considered in this analysis help inform the determination of the suitability of the site for the proposed use. Specific questions on the development concept itself are not assessed at the zoning stage and are only used as an aid to understanding whether the proposed use is feasible and appropriate.

Zoning

The property is currently zoned PSI (Public Service and Institutional), which does not permit apartment dwellings as a permitted or special permit use, except for apartment dwellings designed and built specifically for people with disabilities (s.20.3(1)(b)). The applicant is seeking to rezone the lot to R4 (Multiple Unit Residential), which permits apartment dwellings as a permitted use (up to 12

units per building) and, with a special development permit from Council, apartment dwellings exceeding 12 units per building (see Appendix A for a full list of permit and special permit uses).

The surrounding lots within the Hyde Pond Subdivision are zoned R4 and the requested R4 designation is consistent with the zoning of the abutting properties.

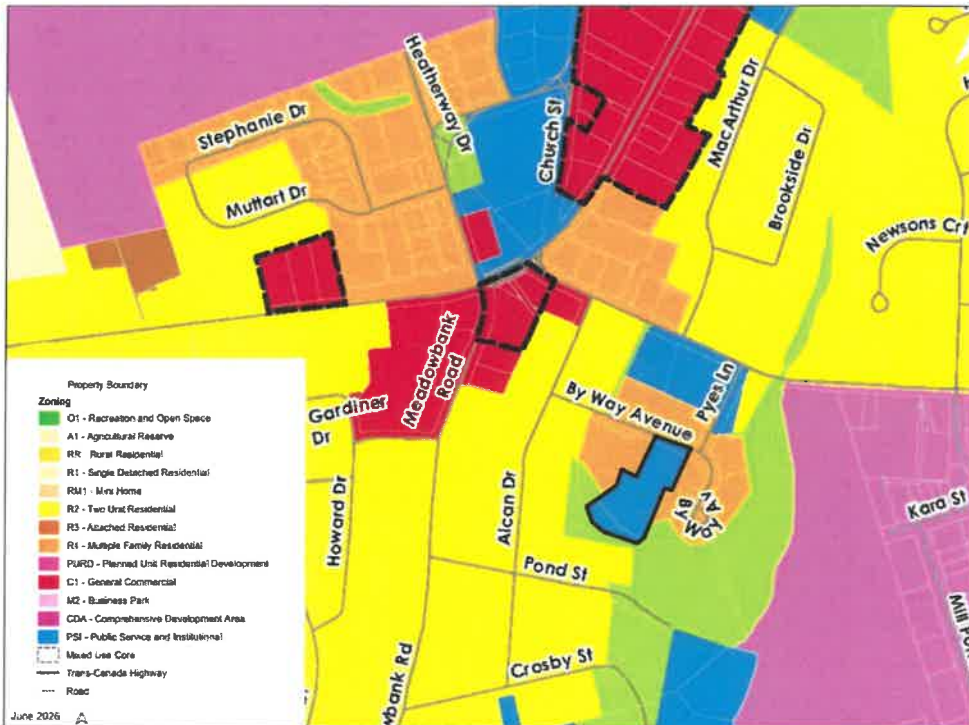


Figure 4 – Zoning Context

Lot Requirements - R4 Zone (Section 12.5)

The lot requirements for apartment dwellings and other types of multiple unit dwellings in an R4 Zone are set out in Appendix A. The lot is irregular in shape, with the southern portion approaching or abutting Hyde Mill Pond. The effective developable area of the lot after accounting for any requirements for development adjacent to an Environmental Reserve Overlay area (s. 4.29) and Coastal and Watercourse Subdivision Requirement standards (s. 23.7) should be confirmed prior to or as part of any development permit application.

Under s.12.5(2), Council may authorize reduced lot requirements where the owner agrees to provide underground parking, which may be a relevant consideration given the site's constrained southerly area.

Servicing - R4 Zone (Section 12.4)

All developments in an R4 Zone shall be serviced by municipal sewer services and municipal water supply. The rezoning application confirms that both municipal water and municipal sanitary sewer services are available to the subject property through the existing Hyde Pond Subdivision infrastructure.

Development Agreement Considerations

A rezoning from PSI to R4 for general apartment use would represent a slight departure from the intended development concept (senior-focused residential use) for this lot as set out in the Agreement. Council should determine whether an amendment to the Agreement would be required to reflect the changed development intent, or whether to require the applicant to demonstrate that the proposed apartment building meets the senior-friendly design criteria established in the Agreement.

Amendment Criteria

Bylaw Requirements

Subsection 22.2(2) of the Development Bylaw sets out criteria for the review of applications for zoning amendments. Areas marked 'conditional' do not necessarily present a concern but include requirements that would apply at the subdivision or development stage.

	Criteria for Zoning Amendments	Finding	Comment
a.	Conformity with all requirements of this Bylaw	Conditional	A concurrent official plan amendment from Institutional to Residential would be required. Conformity depends on Council approval and Ministerial approval under the <i>Planning Act</i> .
b.	Conformity with the Official Plan	Conditional	The change from Institutional to Residential is generally supportable as the site is near existing residential uses and municipal services. However, conformity depends on Council being satisfied that removing the institutional designation is consistent with the Town's institutional land use objectives under s.4.9, and that the proposed residential use meets the standards and density objectives in s.4.2.

c.	Suitability of the site for the proposed development	Conditional	The serviced site is vacant land within Hyde Pond Subdivision. Suitability is conditional on confirming wetland buffers, meeting R4 lot requirements, and addressing stormwater through the approved subdivision plan.
d.	Compatibility with surrounding land uses, existing and future, per the Zoning Map	Conforms	The proposed R4 use is compatible with the residential character of Hyde Pond Subdivision and the broader By Way Avenue area, which include nearby R4 lots and multi-unit residential development.
e.	Any comments from residents or other interested persons	Pending	A public meeting has not yet been held. Notice to property owners within 75 m, a sign on the property and public notice at least 7 clear days before the meeting.
f.	Adequacy of existing water, sewer, road, storm water, and parklands	Conditional	Municipal water and sewer are available, and By Way Avenue provides access. A development-level site plan and stormwater plan should confirm compliance with the approved subdivision stormwater plan.
g.	Impacts on pedestrian/vehicular access and safety, and public safety	Conditional	Access would be from By Way Avenue. Site layout should confirm safe access, circulation and stormwater routing, consistent with the Agreement and required design review. Comments should be sought from the Department of Transportation if there are any questions about the capacity of the existing road design to accommodate the anticipated level of traffic.
h.	compatibility with environmental, scenic and Historic Resources	Conditional	Hyde Mill Pond lies south of the site. Any development must respect the Environmental Reserve Overlay, wetland or watercourse buffers and appropriate environmental protection measures would need to be in place during construction and as part of the overall site design.

i.	impact on Town finances and budgets	Conforms	The developer is responsible for costs under the Agreement. Rezoning would add residential assessment and is not expected to create municipal cost exposure.
j.	other matters as considered relevant by the Council	N/A	Council may consider whether general R4 apartment use aligns with the Agreement's senior-focused intent, or whether an amendment to the Agreement is required.

Relevant Official Plan Policies

The table below indicates a conformity finding for each policy theme area of the Official Plan relevant to this application. Areas marked 'conditional' do not necessarily present a concern but include requirements that would apply at the subdivision or development stage.

Policy Theme Area	Conformity	Notes
4.2 Residential	Conditional	PR-1 supports residential development in serviced areas near the existing core, and PR-4 encourages medium- and high-density housing. Conformity depends on Council being satisfied that the proposed density and use meet PR-2 standards and are compatible with the Development Agreement's senior-focused intent, or that an amendment to the Agreement is appropriate.
4.6 Water & Sewer	Conditional	Municipal water and sewer are available. Compliance with PS-5 and the approved subdivision stormwater plan should be confirmed at the development permit stage.
4.7 Protective Services	Conforms	No concerns identified. The development would add residential assessment and is not expected to create service demands beyond normal residential growth.
4.9 Institutional	Conditional	PI-1 supports institutional facilities in designated Institutional areas. Council should balance

removing this PSI lot with the residential nature of the lot described in the Development Agreement.

4.10 Environment

Conditional

Hyde Mill Pond is adjacent to the site. Development must meet PE-2, PE-3, PE-4, and PE-12 setback and buffer requirements, respect any O2 Environmental Reserve Overlay.

Considerations

Consideration	Comment
Key Areas of Conformity	- The site is already serviced with municipal water and sanitary sewer through Hyde Pond Subdivision. - R4 zoning more closely matches the use described in the agreement and the zoning in place previously than the current PSI zoning. - R4 zoning matches adjacent Hyde Pond lots and the broader By Way Avenue residential context. - Rezoning would add higher-density residential land in a serviced, central area, consistent with PR-1 and PR-4. - The change would support housing supply and add residential assessment.
Key areas of Non-conformity or Concern	- The Development Agreement designates the lot for senior-focused use; general R4 apartment use may require an amendment. - Removing the PSI designation would reduce designated institutional land and should be considered against PI-1. - Setbacks and any O2 Environmental Reserve Overlay near Hyde Mill Pond may constrain the developable area.

Summary

Supporting the request may be appropriate if Council is satisfied that:

- The PSI-to-R4 rezoning supports the Official Plan's residential objectives and does not materially compromise institutional land objectives under s.4.9;
- The rezoning is consistent with, or could be supported by an amendment to, the 2018 Development Agreement;
- The lot has sufficient developable area after applying any Environmental Reserve Overlay setbacks; and
- The required public consultation process under s.22.2(4) has been completed.

Council has two options:

Approval

Council may approve the PSI-to-R4 rezoning, with a concurrent Official Plan map amendment from Institutional to Residential, if, after holding the required public meeting, Council is satisfied the proposal meets the Official Plan, is consistent with or supported by an amendment to the Development Agreement, and the required public meeting process is complete. Upon completion of the process, the Town would post the decision in accordance with the Bylaw and the *Planning Act*.

Denial

Council may deny the application if, after holding the required public meeting, Council is not satisfied that the rezoning meets the Official Plan's institutional land objectives or appropriately addresses the Development Agreement or other identified official plan policy objectives or bylaw requirements.

If denied by resolution, Council must provide written reasons and post the decision in accordance with the Bylaw and the *Planning Act*.

Recommendation

The proposed change in zoning would allow the uses permitted under the zoning on the property in place at the time of the original development agreement and is supported by the policies of the official plan. Any identified site constraints could be addressed at the development stage. **Approval is recommended.**

Appendix A

Zone Requirements

Uses Permitted in R4 Zone (s.12.2)

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
- d.** Accessory Buildings

Special Permit Uses in R4 Zone (s.12.3)

Notwithstanding s. 12.2, Council may issue a special development permit for the following uses:

- 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) units per building
- c.** Group Homes
- d.** Early Learning and Child Care Centres
- e.** Health Clinics
- f.** Other types of Multiple Unit Dwellings not included under ss.12.2(1) or 12.3(1)

For Ground-Oriented Housing in an R4 Zone, lot requirements are the same as s.11.5(1)(c) (R3 Zone, Ground-Oriented Housing).

Lot Requirements

Standard	Zone 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.)

Uses Permitted in PSI Zone (s.20.2)

No building or part thereof and no land shall be used for purposes other than:

- | | |
|------------------------------------|---|
| a. Institutional Buildings | f. Recreational Uses |
| b. Group Homes | g. Burial Place |
| c. Civic Centres | h. Church/Religious/Multi-cultural Buildings |
| d. Accessory Buildings | i. Gardens |
| e. Public and private parks | |

Special Permit Uses in PSI Zone (s.20.3)

Notwithstanding s. 13.2, Council may issue a special development permit for the following uses:

- | | |
|--|--|
| a. Retail operations associated with Hospitals and Clinics such as pharmacies and medical supply stores | b. Apartment Dwellings designed and built specifically for people with disabilities |
|--|--|

Development Agreement: Article 5 - Development Concept

From the Town of Cornwall Development Agreement with 101564 PEI Inc., dated October 23, 2018 (Article 5):

- The Developments on Lots 18-4 to 18-8 will be senior focused, each building will incorporate design elements that will assist seniors to live conveniently with in these buildings.
- The Town will work with future developers to encourage the creation of a caring neighborhood by promoting senior activities and shared services within the subdivision.