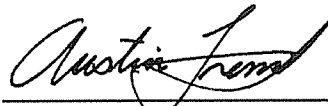




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Marine Drive, Valley and Canal Community Council
March 11, 2010

TO: Chair and Members of Marine Drive, Valley and Canal Community Council

SUBMITTED BY: 
Austin French, Acting Director of Community Development

DATE: February 10, 2010

SUBJECT: Case 15782: Rezoning - 2875 Highway 7, Lake Echo

ORIGIN

Application by Crystal Bellefontaine to rezone 2875 Highway 7, Lake Echo, from the R-1 (Single Unit Dwelling) Zone to the C-1 (Community Commercial) Zone to permit an expansion to the existing daycare facility.

RECOMMENDATION

It is recommended that Marine Drive Valley and Canal Community Council:

1. Give First Reading to the proposed rezoning of 2875 Highway 7 from R-1 (Residential Single Unit Dwelling) Zone to C-1 (Community Commercial) Zone as shown in Attachment A and schedule a public hearing; and
2. Approve the proposed rezoning of 2875 Highway 7 in Lake Echo from R-1 (Residential Single Unit Dwelling) Zone to C-1 (Community Commercial) Zone as shown in Attachment A.

BACKGROUND

Busy Bee Day Care is located at 2875 Highway 7 in Lake Echo and has been in operation since 1985 when the building was constructed. The daycare currently employs 12 to 15 people and provides care for approximately 55 children. There is no dwelling associated with the daycare. In 1988, the property was rezoned to R-1 when the Planning Districts 8 and 9 Municipal Planning Strategy was adopted. Under the R-1 Zone, a day care facility is permitted provided that the business takes place in the home of the operator of the facility and that there are no more than 14 children. As the day care facility existed before the Land Use Bylaw was adopted the use is non-conforming. Therefore, any expansion of the operation beyond the walls of the existing building is not permitted.

Proposal

In July of 2009, the Bellefontaine's applied for a building permit to expand the building to allow for a larger daycare. The application was denied as the building could not be expanded under the R-1 Zone standards. Although, the Bellefontaine's are unsure if they will proceed with the extension to the building for the Day Care, they have requested that the property be rezoned to the C-1 Zone, which permits Day Care Facilities (See Attachment D).

Location, Designation, Zoning and Surrounding Land Uses

The subject property is:

- a 27,500 square foot parcel of land located within the community of Lake Echo (see Map 1)
- designated Lake Echo Community under the Planning Districts 8 and 9 Municipal Planning Strategy (MPS) and is zoned R-1 (Residential Single Unit Dwelling) under the Land Use Bylaw (LUB) (See Attachment C)
- surrounded by properties designated Lake Echo Community and zoned residentially.

Enabling Policy

Marine Drive Valley and Canal Community Council can consider the rezoning of the subject lands to C-1 under the MPS for Planning Districts 8 and 9, through policies P-65 and P-89. The C-1 (Community Commercial Zone) Zone permits commercial, industrial, institutional and residential uses.

DISCUSSION

Staff have reviewed the proposed rezoning with regard to the relevant policies contained in the MPS for Planning Districts 8 and 9. The proposed rezoning of the subject property to the C-1 Zone is consistent with the intent of the MPS and meets the criteria contained in Policies P-65 and P-89 (see Attachment B). A detailed review of the relevant policies are included as Attachment F. The following issues have been identified for more detailed discussion.

Road Access

Policy P-65 only permits the application of the C-1 Zone to properties that abut Highway 7, Mineville Road, Bell Street or Old Lake Echo Road. The subject property abuts Highway 7 and access to the site is gained from an existing driveway off Highway 7. This application was reviewed

by the Provincial Department of Transportation and Infrastructure Renewal and the site meets the stopping site distance requirements for commercial and industrial uses.

Compatibility

The C-1 Zone permits a broader range of land uses than the R-1 Zone. As such, the C-1 Zone standards are more restrictive than in the R-1 Zone in order to minimize land use compatibility issues with adjacent residential properties. Any extension to the building or the creation of a new building would have to comply with the more restrictive C-1 Zone standards. In the opinion of staff, the proposed rezoning of the subject property to recognize and permit the future expansion of the daycare would have limited impact on the abutting properties. However, Council should be aware that the application of the C-1 Zone would permit the owner to apply for any use permitted under that zone. Due to the range of uses permitted, the potential impact of the rezoning on the abutting properties could be increased.

Setback Standards

A daycare facility is permitted in the C-1 Zone as an Institutional Use. The existing structure meets all the setback requirements for commercial, industrial service and institutional uses permitted in the C-1 Zone, except for the rear yard setback requirement. As a result, if the proposed rezoning is approved, any extension to the building that further reduces the rear yard setback requirement will require the submission and approval of a variance by the Municipality. Staff are of the opinion that such an encroachment would not cause a significant impact to the neighbouring property, if approved, as the rear property is also owned by the Bellefontaines. Additionally, the property meets the requirements of Section 16.5 of the LUB which applies to institutional and recreation uses.

Public Information Meeting / Notification Area

Given the nature of the application, a public information meeting was not held at the request of the local councillor. Should Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified, as shown on Map 2.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may choose to approve the proposed rezoning of 2875 Highway 7, as shown on Attachment A , to C-1 Zone. This is the staff recommendation.
2. Council may choose to refuse the proposed rezoning of 2875 Highway 7 and in doing so, must provide reasons based upon a conflict with MPS policies.

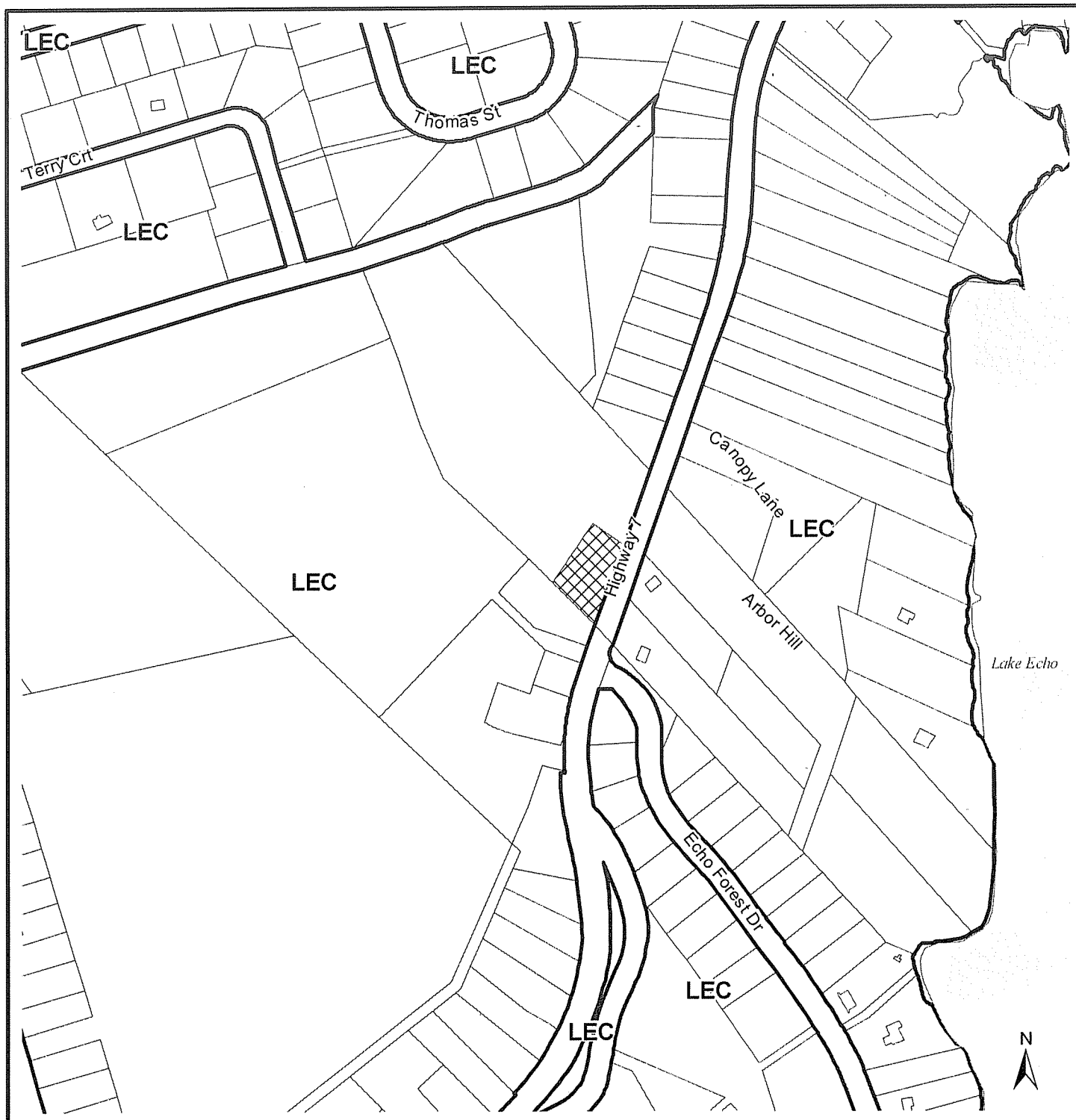
ATTACHMENTS

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map and Public Hearing Notification Area
Attachment A	Proposed Land Use By-law Amendment
Attachment B:	Excerpt from the MPS for Planning Districts 8 & 9
Attachment C:	Excerpt from the LUB for Planning Districts 8 and 9 - R-1 Zone
Attachment D:	Excerpt from the LUB for Planning Districts 8 and 9 - C-1 Zone
Attachment E:	Excerpt from the LUB for Planning Districts 8 and 9 - Section 4.8
Attachment F:	Review of Relevant Policies from the MPS for Planning Districts 8 and 9

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by : Jillian MacLellan, Planner 1, (902)-490-3999

Report Approved by: 
Kelly Denty, Acting Manager, Planning Services, 490-6011



Map 1 - Generalized Future Land Use

2875 Highway # 7

 Subject Property

Designation

LEC Lake Echo Community

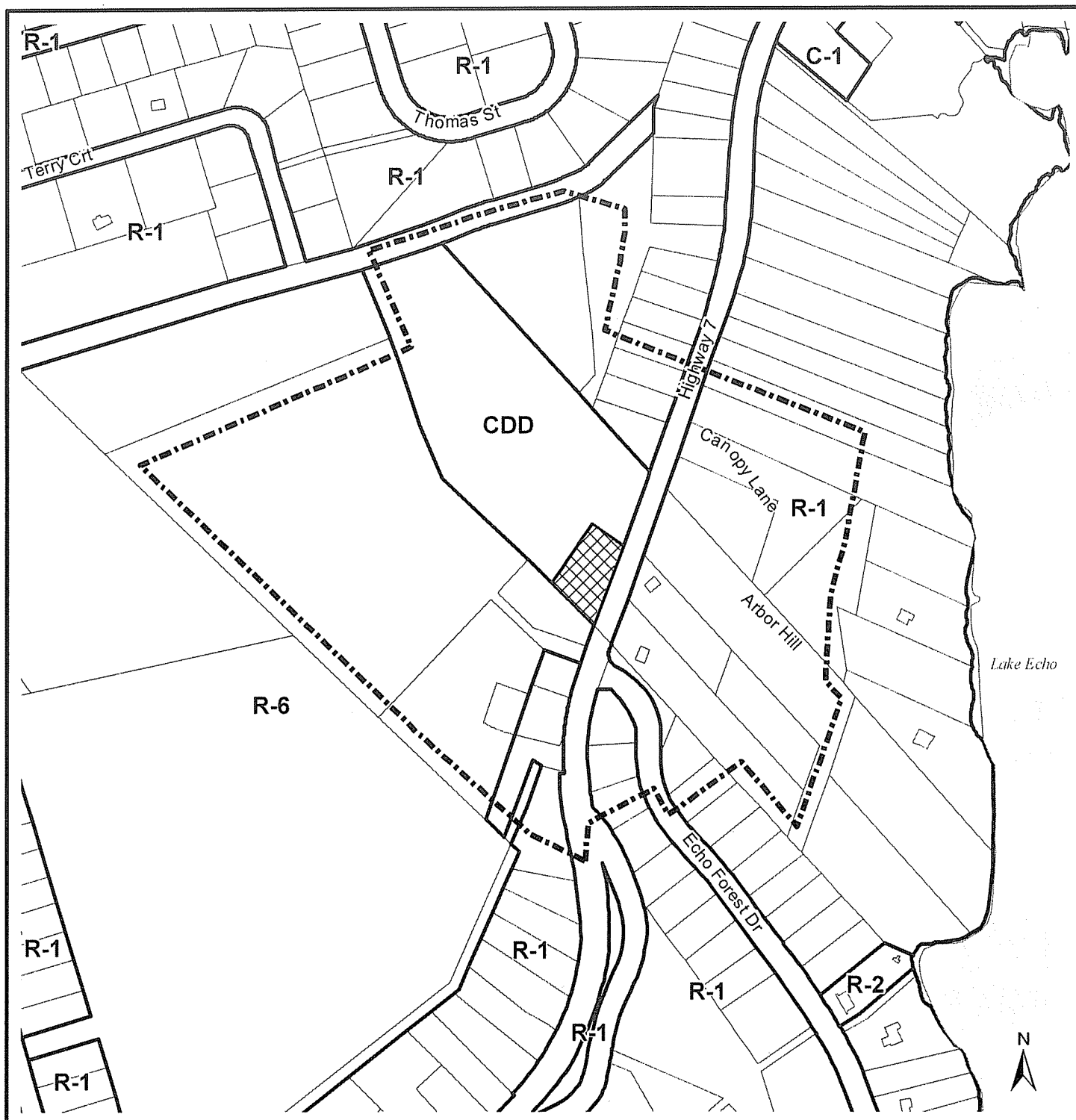
Lake Echo/Porters Lake Plan Area
Planning District 8 & 9

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 90 180 360 540 Feet


This map is an unofficial reproduction
of a portion of the Zoning Map for the
Lake Echo/Porters Lake Plan Area

HRM does not guarantee the accuracy
of any representation on this plan



Map 2 - Location and Zoning

2875 Highway # 7

 Area to be Rezoned
from R-1 to C-1

 Notification Area

Lake Echo/Porters Lake Plan Area
Planning District 8 & 9

Zone

R-1 Single Unit Dwelling
R-2 Two Unit Dwelling
R-6 Rural Residential
C-1 Community Commercial
CDD Comprehensive Development District

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 90 180 360 540
Feet

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Attachment "A"
Proposed Land Use By-law Amendment

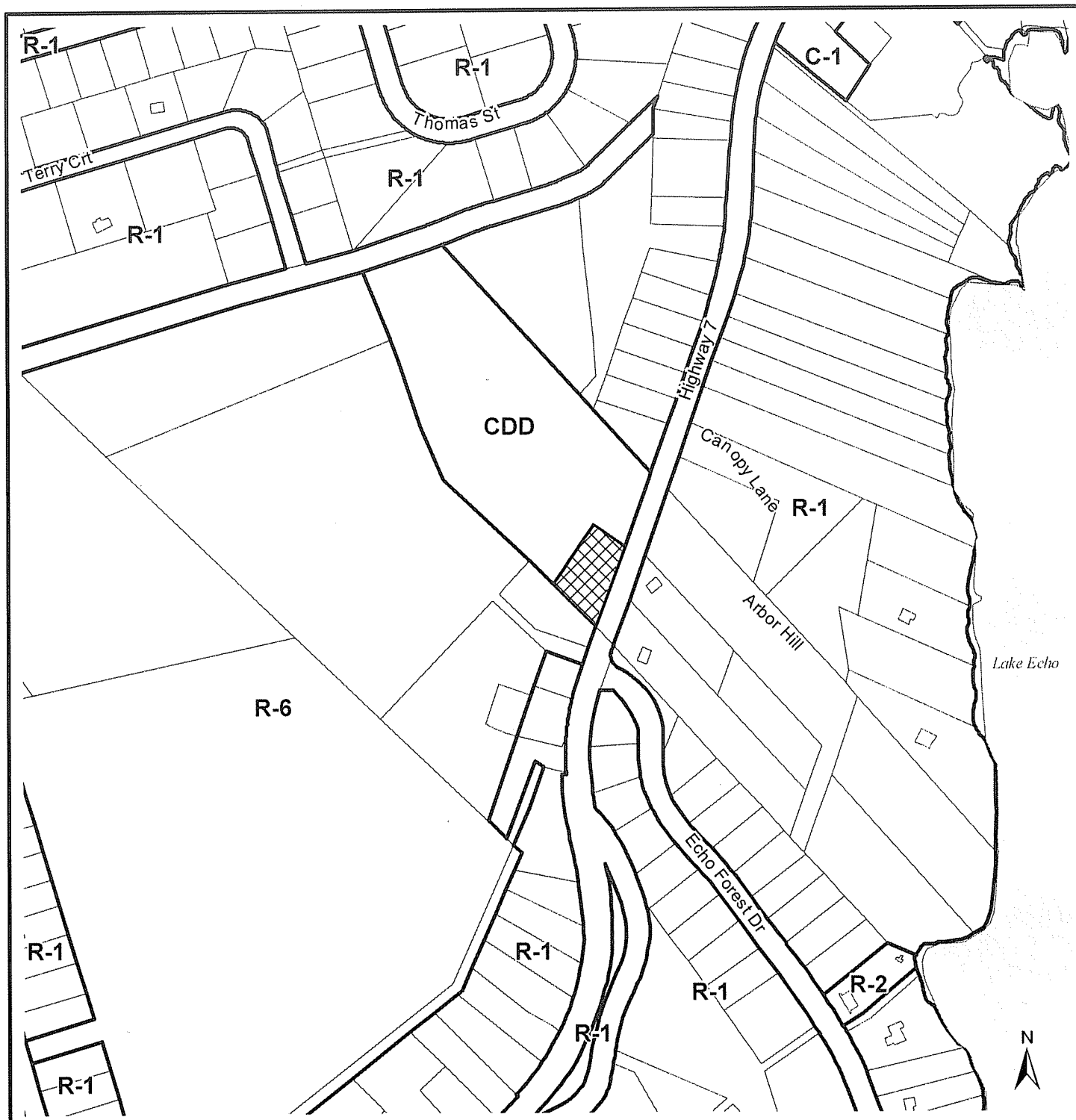
BE IT ENACTED by the Marine Drive and Canal Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8 and 9 as enacted by the former Halifax County Municipality on the 20th day of September, 1988 and approved by the Minister of Municipal Affairs on the 10th day of March, 1989 as amended, is hereby further amended as follows:

1. Schedule A (Planning Districts 8 and 9 Zoning Map) is further amended by rezoning 2875 Highway # 7 (PID# 40260168) from the R-1 (Single Unit Dwelling) Zone to the C-1 (Community Commercial) Zone as shown on Schedule A attached to this report.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 8 and 9 as set out above, was passed by a majority vote of the Marine Drive, Valley and Canal Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2010


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010

Municipal Clerk



Schedule A

2875 Highway # 7

 Area to be Rezoned
from R-1 to C-1

Lake Echo/Porters Lake Plan Area
Planning District 8 & 9

Zone

R-1 Single Unit Dwelling
R-2 Two Unit Dwelling
R-6 Rural Residential
C-1 Community Commercial
CDD Comprehensive Development District

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 90 180 360 540 Feet

This map is an unofficial reproduction
of a portion of the Zoning Map for the
Lake Echo/Porters Lake Plan Area

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Attachment B
Applicable Sections of the MPS for Planning Districts 8& 9

LAKE ECHO COMMUNITY DESIGNATION

Commercial Development

P-65 It shall be the intention of Council, in support of community-oriented commercial development within the Lake Echo Community Designation, to create a Community Commercial Zone which permits local and general commercial and industrial service uses which are limited in size, and also permits residential and community uses. The zone shall be applied only to lands abutting Highway No. 7, Mineville Road, Bell Street or Old Lake Echo Road and access for non-residential uses shall only be from these highways. The zone shall provide for increased separation distances and screening for commercial, industrial service and institutional uses from residential uses. In addition, the zone shall control open storage and outdoor display, parking and parking lots, driveways, and signs. This zone shall not include beverage rooms and lounges.

EXISTING USES

Prior to the adoption of the land use by-law authorized under this planning strategy, land use within Planning Districts 8 and 9 was regulated by Zoning By-law No. 24. Most of the area was either unzoned or given a General Building Zone. In both cases, most uses were permitted by right. The exceptions were for mobile home parks and salvage yards over the whole plan area and for industrial uses within the District 8 portion. In addition, a number of residential subdivisions applied for and received more restrictive residential zoning.

One outcome of these limited zoning controls was the mixing of residential, resource, and commercial uses. Although there have been some conflicts resulting from mixed development, residents support as a matter of principle the right of all existing uses to continue. Most uses will be given an appropriate zone, regardless of the designation, which will allow them to expand up to the limits imposed by the zone or to change the use to another one permitted by the zone.

The right to expand any existing use, whether or not it is specifically permitted in a zone, is generally supported. In most cases, expansion of the use will be subject to the requirements of the zone in which it is located. However, within the Mixed Use Designation, provision to expand beyond the requirements of the zone will be established in certain situations. These situations occur where commercial and industrial uses are operating within predominantly residential areas, and where the application of residential zoning restricts their expansion.

IMPLEMENTATION

P-89 In considering development agreements and amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations.

- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage; and
 - (v) signs.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-79F", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (Regional Council - July 2, 2002, Effective - August 17, 2002)

Attachment C
Excerpt from the LUB for Planning Districts 8 and 9 - R-1 Zone

PART 6: R-1 (SINGLE UNIT DWELLING) ZONE

6.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Residential Uses

Single unit dwellings;

Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings;
and

Business uses except kennels in conjunction with permitted dwellings.

Community Uses

Open space uses; and

Senior citizen housing.

6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1 Zone where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858.1 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

6.3 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in any R-1 Zone, the following shall apply:

- (a) Any dwelling and accessory building which is used for such purposes shall be the principal residence of the operator of the business;
- (b) No more than twenty-five (25) per cent of the combined gross floor area of any dwelling and accessory building shall be devoted to any business use;
- (c) No obnoxious uses shall be permitted;
- (d) No permanent open storage or outdoor display shall be permitted;
- (e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed four (4) square feet (0.4 m²) in area; and
- (f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of gross floor area devoted to any business.

6.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- (a) any dwelling and accessory building which is used for such purposes shall be the principal residence of the operator of the facility;
- (b) no more than one (1) sign shall be permitted for any facility and no sign shall exceed four (4) square feet (0.4 m²) in area; and
- (c) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of gross floor area devoted to any facility.

Attachment D

Excerpt from the LUB for Planning Districts 8 and 9 - C-1 Zone

PART 16: C-1 (COMMUNITY COMMERCIAL) ZONE

16.1 C-1 USES PERMITTED

No development permit shall be issued in any C-1 (Community Commercial) Zone except for the following:

Commercial Uses

Retail stores;
Rental outlets;
Service and personal service shops;
Banks and financial institutions;
Offices;
Restaurants;
Athletic and health clubs;
Outdoor display courts;
Funeral establishments;
Service stations;
Taxi and bus depots;
Greenhouses and nurseries; and
Veterinary hospitals and indoor kennels.
Recycling Depots. (C-Jul 9/90;E-Aug 4/90)

Industrial Service Uses

Service industry uses;
Vehicle repair and body shops;
Trucking, excavation, landscaping and paving services;
Welding, plumbing and heating, electrical, carpentry and other trade contracting services and shops;
Cement works services and manufacturing; and
General contracting, storage yards and services.

Community Uses

Open space uses;
Institutional uses; and
Recreation uses.

Residential Uses

Single unit dwellings;
Two unit dwellings;
Single dwelling units in conjunction with permitted commercial, industrial or institutional uses;
Boarding and rooming houses;
Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings; and
Business uses except kennels in conjunction with permitted dwellings.

16.2 C-1 ZONE REQUIREMENTS: COMMERCIAL, INDUSTRIAL SERVICE AND INSTITUTIONAL USES

In any C-1 Zone, where uses are permitted as Commercial, Industrial service or Institutional Uses,

no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858.1 m ²)
Minimum Frontage:	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	20 feet (6.1 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

16.3 OTHER REQUIREMENTS: COMMERCIAL AND INDUSTRIAL SERVICE USES

Where uses are permitted as Commercial or Industrial Service Uses in any C-1 Zone, the following shall apply:

- (a) No more than two thousand square feet (185.8 m²) of any main building shall be devoted to any commercial or industrial service use;
- (b) No building or structure shall be located more than two hundred (200) feet (61.0 m) from the front lot line;
- (c) No building or structure shall be located less than twenty-five (25) feet (7.5 m) from any watercourse;
- (d) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened from public view; and
- (e) Access to a lot shall only be from Highway No. 7, Mineville Road, Bell Street and Old Lake Echo Road except where access is not permitted by the provincial Department of Transportation, and shall be by either a two lane driveway or separate entrance and exit driveways.

16.4 C-1 ZONE REQUIREMENTS: SENIOR CITIZEN HOUSING

In any C-1 Zone, where senior citizen housing is permitted, no development permit shall be issued

except in conformity with the following:

Minimum Lot Area	30,000 square feet (2787.1 m ²) and 10,000 square feet (929.0 m ²) for each unit in excess of three (3)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	½ height of the main building
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

16.5 OTHER REQUIREMENTS: INSTITUTIONAL AND RECREATION USES

Where uses except senior citizen housing are permitted as Institutional Uses and Recreation Uses in any C-1 Zone the following shall apply:

- (a) No main building or accessory building shall be located more than two hundred (200) feet (61.0 m) from the front lot line; and
- (b) Access to a lot shall only be from Highway No. 7, Mineville Road, Bell Street and Old Lake Echo Road except where access is not granted by the provincial Department of Transportation and shall be by either a two lane driveway or separate entrance and exit driveways.

16.6 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 16.2, where any service station is erected in any C-1 Zone, the following shall apply:

- (a) The minimum lot area shall be 30,000 square feet (2787.1 m²) and the minimum frontage shall be 200 feet (61.0 m);
- (b) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line;
- (c) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m);
- (d) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m);
- (e) The minimum angle of intersection of a ramp to a road line shall not be less than forty-five (45) degrees; and
- (f) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

16.7 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in any C-1 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage or outdoor display shall not exceed fifty (50) per cent of the lot area;
- (b) No permanent open storage shall be permitted within any required front yard;
- (c) No outdoor display shall be located within ten (10) feet (3.1 m) of any front lot line; and
- (d) No permanent open storage or outdoor display shall be permitted within any yard in a C-1 Zone where such yard abuts any residential zone, except where a fence or other visual and physical barrier is provided within the abutting yard.

16.8 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-1 Zone in conjunction with other uses, the following shall apply:

- (a) Where any C-1 Zone abuts any residential zone, no portion of any parking space within the C-1 Zone shall be permitted within ten (10) feet (3.1 m) of any side or rear lot line; and
- (b) No portion of any parking space within any C-1 Zone shall be located within ten (10) feet (3.1 m) of any front lot line.

16.9 C-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any C-1 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858.1 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

16.10 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted as residential uses in any C-1 Zone, the following shall apply:

- (a) Any dwelling which is used for such purposes shall be the principal residence of the operator of the business;
- (b) No more than fifty (50) per cent of the gross floor area of any dwelling and any accessory structure shall be devoted to any business use;
- (c) No obnoxious uses shall be permitted;
- (d) No permanent open storage or outdoor display shall be permitted; and
- (e) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of floor area devoted to any business;

16.11 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any C-1 Zone, the following shall apply:

- (a) any dwelling and accessory building which is used for such purposes shall be the principal residence of the operator of the facility; and
- (b) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of gross floor area devoted to any facility.

16.12 C-1 ZONE REQUIREMENTS: OPEN SPACE USES

In any C-1 Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the following:

Minimum Frontage or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	30 feet (9.1 m)

16.13 OTHER REQUIREMENTS: RECYCLING DEPOTS

In any C-1 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted. (C-Jul 9/90;E-Aug 4/90)

Attachment E

Excerpt from the LUB for Planning Districts 8 and 9 - Section 4.8

4.8 EXISTING UNDERSIZED LOTS

(a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied or a minor variance granted.

(b) Further to Section 4.8(a) above, the Development Officer may issue a development permit for a lot approved according to Part 14 of the Subdivision By-law, where an undersized lot has had its boundaries altered. (C-Dec 18/89;E-Jan 13/90)

Attachment F:
Review of Relevant Policies from the MPS for Planning Districts 8 and 9

Policy Criteria	Staff Comment
Policy P-65	
It shall be the intention of Council, in support of community-oriented commercial development within the Lake Echo Community Designation, to create a Community Commercial Zone	2875 Highway 7 has the required Lake Echo Community Designation.
The zone shall be applied only to lands abutting Highway No. 7, Mineville Road, Bell Street or Old Lake Echo Road ...	The property abuts Highway No.7
Access for non-residential uses shall only be from these highways. (see above)	Access is gained from Highway No. 7
The zone shall provide for increased separation distances and screening for commercial, industrial service and institutional uses from residential uses.	<p>The C-1 Zone requires larger set backs from neighbouring properties than required in the R-1 Zone.</p> <p>The structure at 2875 Highway 7, meets the setback requirements of the C-1 Zone, except for the rear yard set back. If the building were to further encroach into the rear yard a variance would be required. As the rear yard is owned by the Bellefontaines.</p>
The zone shall control open storage and outdoor display, parking and parking lots, driveways, and signs.	<p>The C-1 Zone includes provisions for screening outdoor display and requires setbacks for parking on properties that abut residential properties.</p> <p>The current parking area on the property does not conform with the provisions of the C-1 Zone nor the R-1 Zone, but is grand fathered as part of the legal non-conforming use. If the use were to change the new use would need to meet the requirements of the applicable Zone.</p> <p>Section 5.4 of the LUB outlines the requirements for signage in the C-1 Zone.</p>
This zone shall not include beverage rooms and lounges.	The C-1 Zone does not permit beverage rooms or lounges.

Policy Criteria	Staff Comment
Policy P-89	
The proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations.	The proposal is consistent with the intent of the Lake Echo Community Designation. The proposal also meets the criteria outlined in Policy P-65, which deals specifically with the application of the C-1 (Community Commercial) Zone.
The proposal is not premature or inappropriate by reason of: (ii) the adequacy of central or on-site sewerage and water services; (iv) the adequacy of road networks leading or adjacent to or within the development;	Any addition or change in use will need the proper septic approval to be obtained when applying for a building and/or development permit. It is not anticipated the traffic generated through the proposed rezoning will have a noticeable impact on the traffic generated at this site.
That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	The policies of the MPS for Planning Districts 8 and 9 limit staff and Council to consider a rezoning to the C-1 (Community Commercial) Zone. In this case the option for a development agreement does not exist.
The proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding;	The property is not located in close proximity to a water course or wet area. From the road the property inclines and levels out where the building is situated. The rear property continues to incline. The site is suitable for the proposed use as a Day Care.
Any other relevant matter of planning concern.	Although the uses in the C-1 Zone are quite varied and some may have a greater impact on the neighbouring residential uses, the subject property does meet the requirements outlined in Policy P-65 which outlines the requirements for the C-1 Zone.
Within any designation, where a holding zone has been established ...	Not applicable to 2875 Highway 7