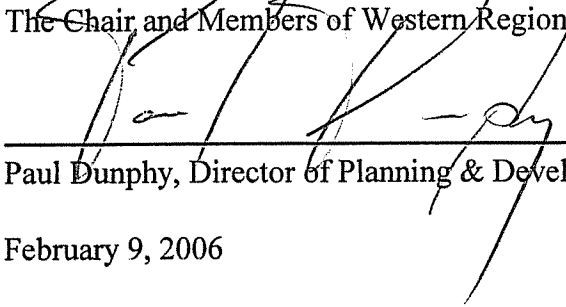


Western Region Community Council
February 27, 2006

TO: The Chair and Members of Western Region Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: February 9, 2006

SUBJECT: **Case 00813: Rezoning of Property at the South East Corner of Majesty Court and Hammonds Plains Road**

ORIGIN

Application by Avery's Farm Market Limited to rezone the property (PID 41165275) at the south east corner of Majesty Court and Hammonds Plains Road from MU-1 (Mixed Use 1) Zone to C-2 (General Business) Zone to permit a retail store (farm market).

RECOMMENDATION

It is recommended that the Western Region Community Council:

1. Give First Reading to the proposed rezoning of the property (PID 41165275) at the south east corner of Majesty Court and Hammonds Plains Road from from MU-1 (Mixed Use 1) Zone to C-2 (General Business) Zone as set out in Attachment A and schedule a public hearing; and
2. Approve the proposed rezoning of the property (PID 41165275) at the south east corner of Majesty Court and Hammonds Plains Road from from MU-1 (Mixed Use 1) Zone to C-2 (General Business) Zone as set out in Attachment A.

BACKGROUND

Site Description and Location: This vacant property is at the south east corner of Majesty Court (accepted as a street on December 1, 2005) and Hammonds Plains Road (see Map 1).

Project Description and Proposal: The proposal is to build a 4,000 square foot retail store to be used as an Avery's Farm Market. The building will be similar in design to other Avery's Farm Markets in HRM. The development will be on municipal water service.

Designation and Zoning: The property is designated MU-B (Mixed Use B) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (see Map 1) and is presently zoned MU-1 (Mixed Use 1) (see Map 2). The property is also located within the Hammonds Plains-Lucasville Water Service District. The uses permitted in the MU-1 and C-2 Zones are similar in terms of commercial uses; however, the C-2 Zone permits a use up to 5,000 square feet as opposed to 2,000 square feet in the MU-1 Zone. The C-2 Zone does not permit outdoor storage. The proposed building would have to meet the standards in the C-2 Zone.

Public Information Meeting: A public information was held on January 12, 2006, to hear concerns on this proposal (see Attachment B) including one written submission. Should Community 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 3. The proposed notification area was expanded as a result of suggestions made at the public information meeting.

DISCUSSION

Policy Analysis: This proposed rezoning to C-2 meets the policy criteria set out set out in Policies P-23 and P-137 of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (see Attachment C).

The safety of vehicles and pedestrians related to this proposal was a major concern at the public meeting. Hammonds Plains Road, which is defined as a collector roadway in the MPS, has very high traffic volumes. Traffic lights are not planned for the Hammonds Plains Road/Crestfield Drive/Majesty Court intersection. A crosswalk would not be installed as there is unlikely to be sufficient pedestrian traffic to warrant such a system. In addition, as no sidewalks are proposed in the Capital Budget for this or later years, the encouragement of pedestrian traffic would not be a good policy.

Based on the completed traffic study, the proposal can be accommodated safely and efficiently by doing the following:

- Locating the driveway access off Majesty Court at least 30 m from the intersection with Hammonds Plains Road;
- Constructing an eastbound left turn storage lane at the Hammonds Plains/Crestfield Drive/Majesty Court intersection at the applicant's cost; and

- Constructing a median, at the applicant's cost, on Hammonds Plains Road to completely restrict vehicles from making a left turn if there is to be right in and right out driveway access from Hammonds Plains Road.

Prior to issuance of permits for the street access, the applicant will be required to enter into a Municipal Service Agreement for completion of the required roadway improvements. This application must be judged on the policy framework presently in force. Staff recommends the rezoning as it meets the applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS.

BUDGET IMPLICATIONS

None at this time.

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. Proceed with the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as set out in Attachment A to rezone the property (PID 41165275) at the south east corner of Majesty Court and Hammonds Plains Road, as shown on Map 2, from MU-1 (Mixed Use 1) to C-2 (General Business Zone) to permit a retail store (farm market). This is the recommended course of action.
2. Refuse the rezoning. This is not recommended for the reasons set out in the staff report.

ATTACHMENTS

Map 1: Generalized Future Land Use Map

Map 2: Zoning

Map 3: Area of Notification

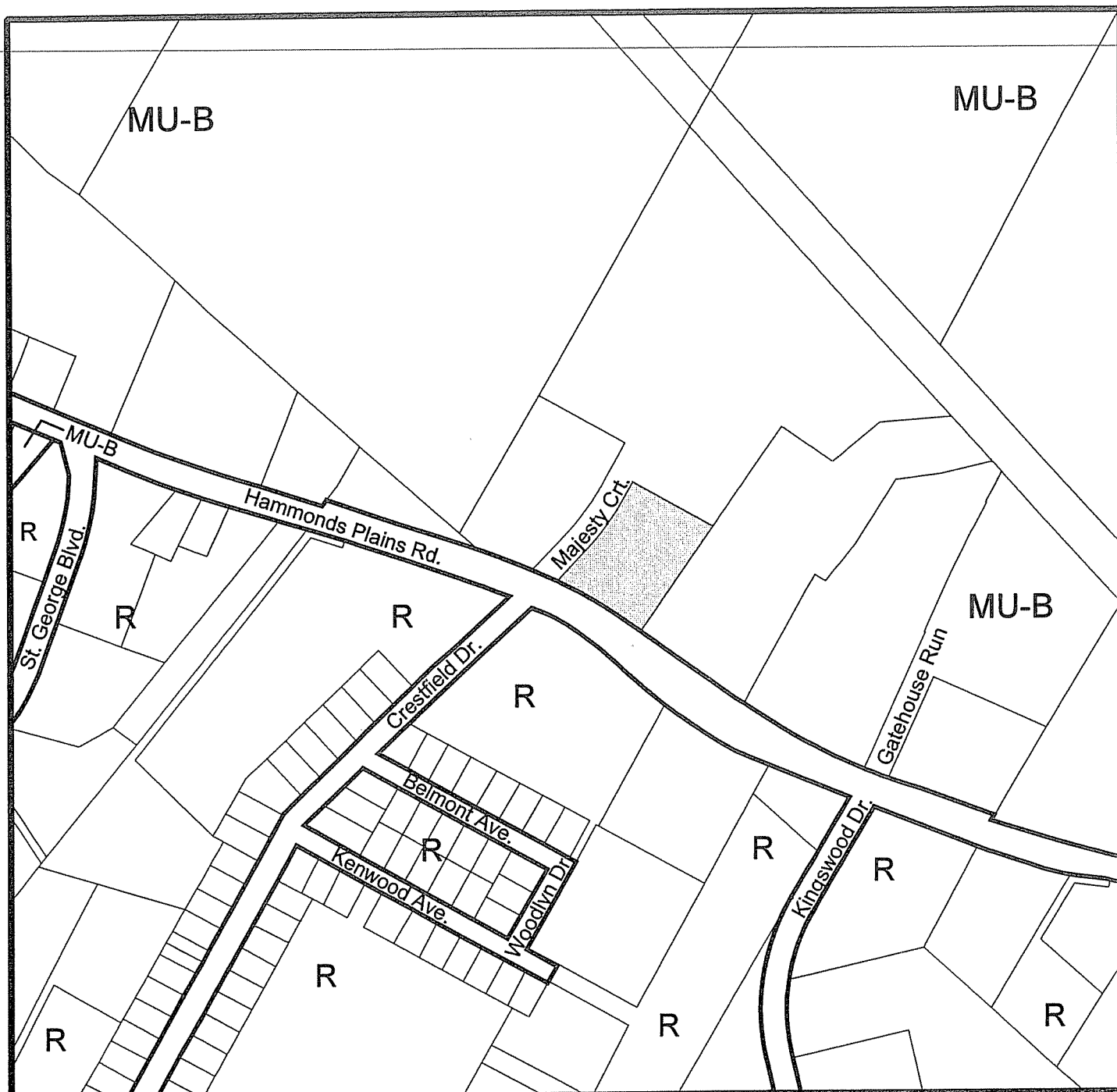
Attachment A: Proposed Amendment

Attachment B: Public Information Meeting of January 12, 2006

Attachment C: Extracts from the MPS and Land Use By-law

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Angus E. Schaffenburg, Senior Planner, Development and Planning, 869-4747



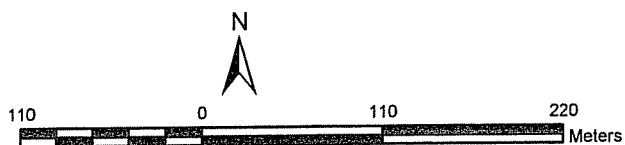
Map 1
Generalized Future Land Use

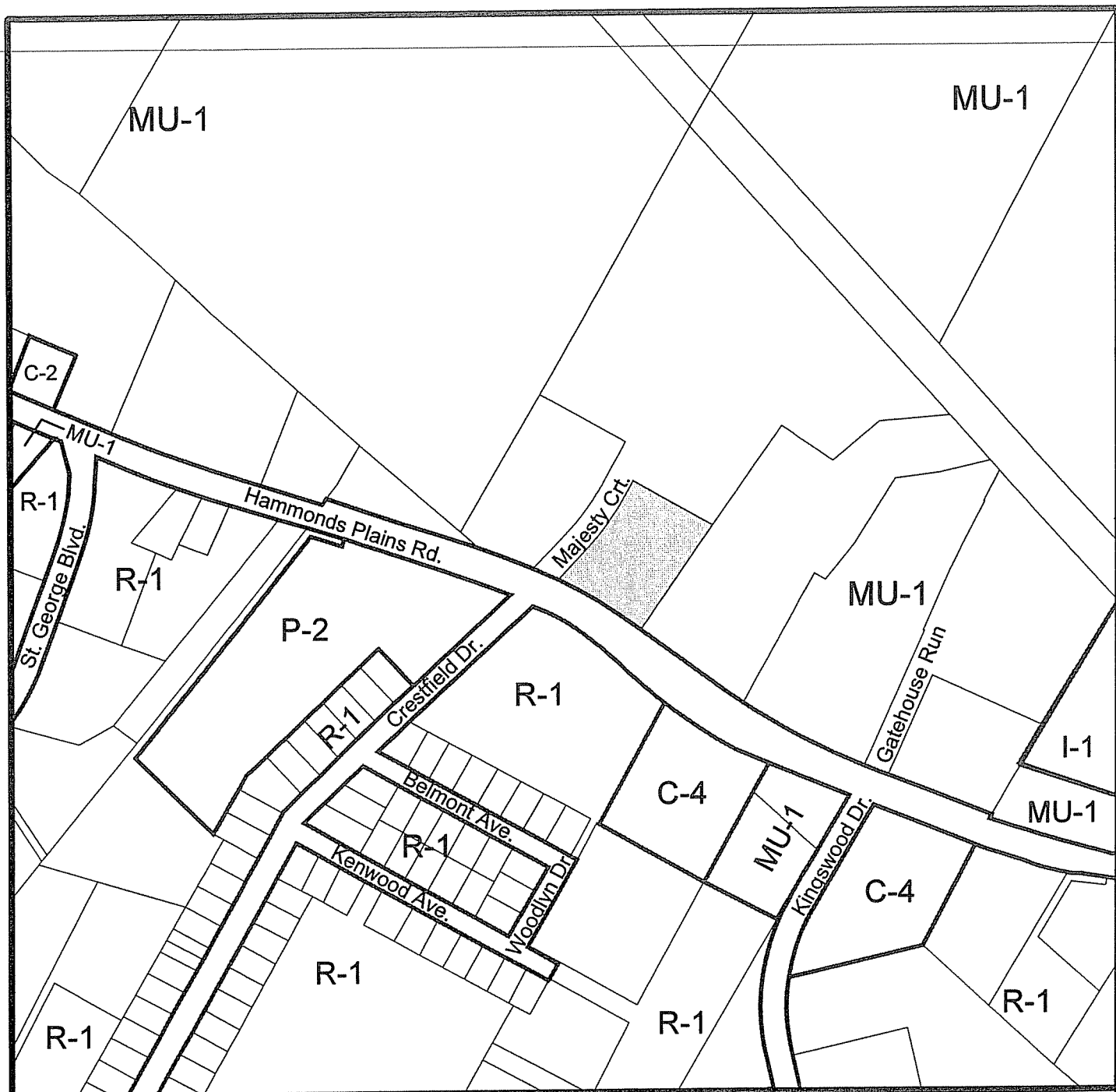


Area to be Rezoned
from MU-1 to C-2

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

R Residential Designation
MU-B Mixed Use B Designation





Map 2 Zoning



Area to be Rezoned
from MU-1 to C-2

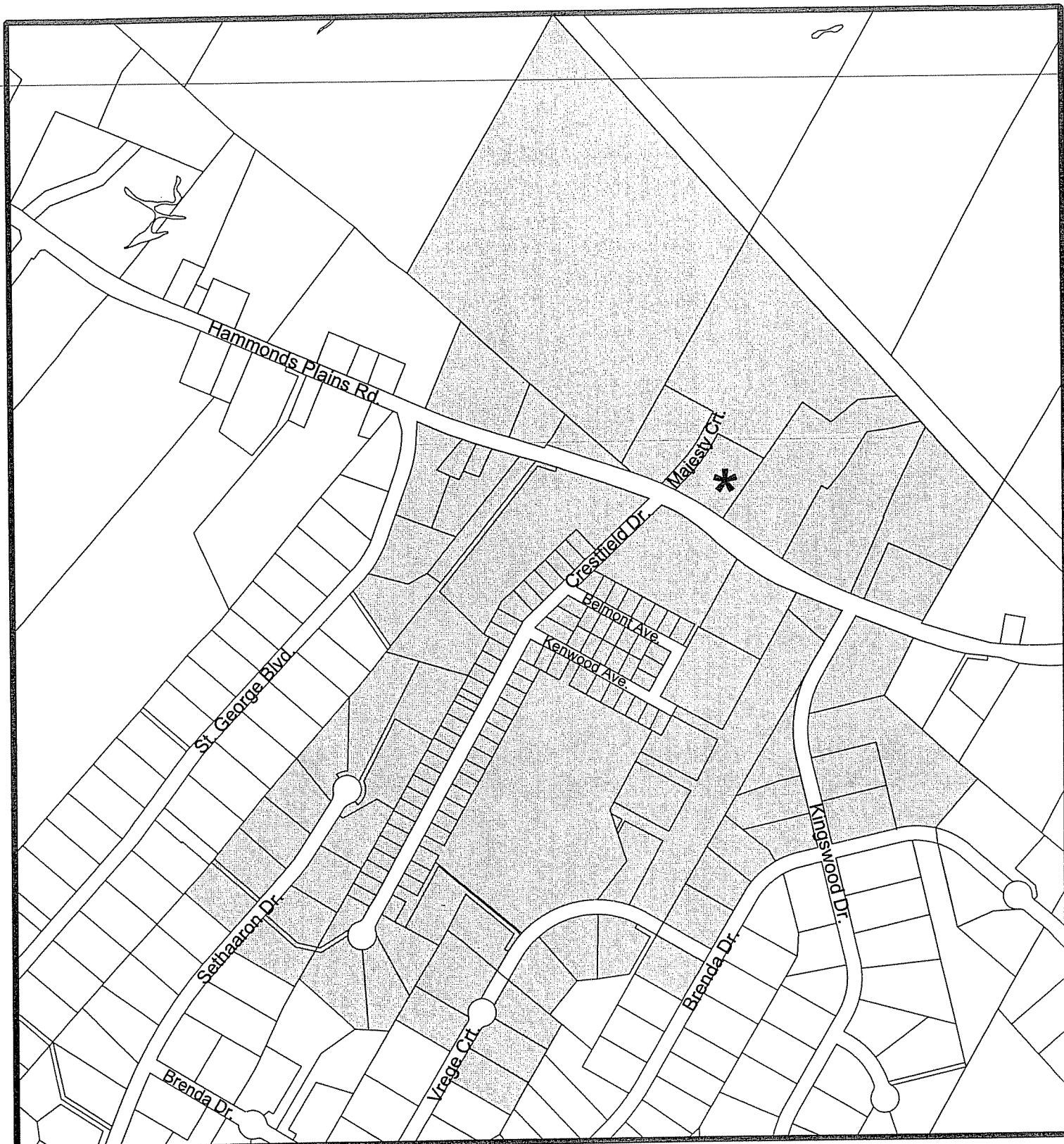
HALIFAX
REGIONAL MUNICIPALITY
Planning Services

R-1 Single Unit Dwelling Zone
C-2 General Business Zone
C-4 Highway Commercial Zone

MU-1 Mixed Use 1 Zone
P-2 Community Facility Zone
I-1 Mixed Industrial Zone



100 0 100 200
Meters

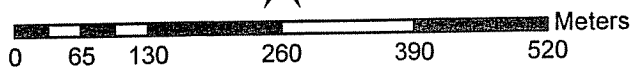


Map 3
Notification



Notification Area

* Subject Property



HALIFAX
REGIONAL MUNICIPALITY
Planning Services

**Attachment A: Proposed Amendments to the Beaver Bank, Hammonds Plains and
Upper Sackville Land Use By-law**

BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as enacted by Halifax Regional Municipality the 14th day of September 1987 and approved by the Minister of Municipal Affairs on the 9th day of December 1987 as amended, is hereby amended as follows:

1. Amend the zoning map by rezoning the property (PID 41165275) at the south east corner of Majesty Court and Hammonds Plains Road as shown on Map 2 attached.

I HEREBY CERTIFY that the amendment to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, as set out above, was passed by a majority vote of the Western Region Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2006.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2006.

Jan Gibson, Municipal Clerk

Attachment B: Public Information Meeting

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 00813 - AVERY'S FARM MARKET**

7:00 P.M.

Thursday, January 12, 2006

Kingswood Elementary School, Cafeteria

IN ATTENDANCE: Angus Schaffenburg, Senior Planner, HRM Planning Services
Cara McFarlane, Administrative Support, HRM Planning Services

ALSO PRESENT: Ross McKeil, Applicant
Councillor Gary Meade, District 23

**PUBLIC IN
ATTENDANCE:** Approximately 9

The meeting commenced at approximately 7:02 p.m.

1. Opening remarks/Introductions/Purpose of meeting - Angus Schaffenburg

Mr. Schaffenburg introduced himself as the Planner assigned to this application; Gary Meade, Councillor for District 23; and Cara McFarlane, Administrative Support/Recording Secretary.

The site was shown on overhead. It is located on Majesty Court. One side abuts land used by HRM for a sewage treatment plant. The zoning map was shown on overhead. Properties zoned R-1 and C-4 are in the vicinity of the property.

The applicant would like to rezone the property from a MU-1 Zone to a C-2 Zone. A C-2 Zone allows essentially the same uses as the MU-1 Zone. The MU-1 Zone permits the commercial uses in a C-2 Zone but only allows 2 000 square feet as the maximum size for the commercial use whereas in a C-2 Zone the maximum size is 5 000 square feet. There is a C-4 Zone that allows essentially the same type of uses except it allows commercial uses up to 10 000 square feet and as well as open storage.

2. Overview of planning process - Angus Schaffenburg

Following tonight's public information meeting a staff report will be written with tonight's minutes attached. The staff report is prepared for the Western Region Community Council (WRCC). If Council wishes to approve this application, a public hearing would have to be held. The public hearing would be advertized in the newspaper twice and notices would be sent out to abutting property owners and anyone who has added their name to the sign up sheet.

When the staff report is tabled at WRCC it becomes a public document and is available on the internet.

3. Presentation of proposal - Ross McKeil

All of the Avery Farm Markets are the same square footage and style. The intentions for the Hammonds Plains store would be identical to the other outlets. The business is year-round. The main store will be 2 800 square feet along with a garden centre of 1 200 square feet. The total would be 4 000 square feet which is the reason for changing the zone to C-2.

Avery Farm Market is a neighbourhood business and there are thirteen attractive stores within the province of Nova Scotia with four in HRM. Potentially, there would be up to twelve local jobs created.

4. Questions and comments

Andrej Susnik, Uplands Park, asked if the Avery Farm Market on Kearney Lake Road will be closing. Mr. McKeil said that is speculation at this time. This application would be pursued regardless of the status of the store on Kearney Lake Road.

Mr. Susnik asked if it will be the same as the building on Kearney Lake Road. Mr. McKeil said it would be the same look as that building.

Mr. Susnik asked what type of buildings are allowed in the C-2 Zone. Mr. Schaffenburg read the permitted uses in the C-2 Zone.

Mr. Susnik asked why the applicant is rezoning to 20 times the size of what is required. Mr. Schaffenburg explained that the next commercial zone to MU-1 is the C-2 Zone. This zone allows a maximum of 5 000 square feet. The applicant will require 4/5 of the maximum square footage.

Mr. Susnik asked where the sewer will go. Mr. Schaffenburg said this parcel would be using a septic system. Mr. Susnik asked if anyone has calculated the size to make sure it is large enough. Mr. Schaffenburg mentioned that the treatment plant is capable of handling what is here now. It is not intended to be extended or allow anyone else to hook into it. It is Mr. Schaffenburg's understanding that a septic bed will be put in. This would have to be reviewed by the Nova Scotia Department of Environment (DOE) and signed off by them before any permits are issued.

Mr. Susnik asked about the traffic. Mr. Schaffenburg said Hammonds Plains Road has a lot of traffic issues. There is a requirement that the driveway to the site must be at least 30 metres from the intersection to minimize the impact on the Hammonds Plains traffic. There has to be a left-turn lane put in for Majesty Court. The applicant could choose to go with a right in/right out approach which would require a barrier to be put in on Hammonds Plains Road.

Mr. Susnik asked if traffic lights will be installed. Mr. Schaffenburg explained that traffic lights would be considered if the warrants suggest them and there would probably be issues with the distance of traffic lights at Kingswood Drive. He will ask the question of the engineers.

Art Vieth, Uplands Park, asked if the entrance to the market will be off of Majesty Court or onto Hammonds Plains Road. Mr. Schaffenburg said if they want to enter onto Hammonds Plains Road a barrier would have to be built. HRM's preference is Majesty Court.

Mr. Vieth asked if it would warrant traffic lights. Is safety taken into consideration? Making a left-hand turn onto Hammonds Plains Road is very difficult and dangerous. Mr. Schaffenburg said he would look into it. Traffic lights are based on the counts on Hammonds Plains Road and the opposing streets. Safety is taken into consideration, but Mr. Schaffenburg does not have an answer as to the volumes on all the streets.

Mr. McKeil said upon the request of HRM, a company was contacted to do a traffic study and that company established that the construction could be done safely. As the zone stands now, other commercial uses under 2 000 square feet could go in on that lot without any public process. Some of these businesses could generate much more traffic.

Mr. Vieth said it doesn't really matter what goes there, but traffic is already a problem and it will only worsen.

Mr. Susnik was concerned if more buildings were built on Majesty Court and the road was connected through more traffic would be generated. Mr. Schaffenburg mentioned that it was accepted in December by the Municipality and it is meant to be a cul-de-sac; therefore, the road cannot connect through.

Mr. McKeil mentioned that the Water Commission has a right away there that would prevent any connection.

Mark Filiaggi, Uplands Park, imagines this won't be the last commercial building to be built on the Hammonds Plains Road. The market will be on the other side of the Hammonds Plains Road from the residential area. Kids will be going to the store. How is this development being planned without any consideration of sidewalks or crosswalks for that area of Hammonds Plains Road?

Mr. Filiaggi asked if HRM looks at each lot for rezonings or do they look at a masterplan for Hammonds Plains. Mr. Schaffenburg explained that the rezonings are done on an application by application basis in conjunction with the policy. The plan doesn't say that certain uses have to stay in certain places. The MU-1 Zone itself allows up to 2 000 square feet of commercial use as of right as long as the land use by-law requirements are met.

There is a Regional Plan that has been tabled with Regional Council which may be helpful. The Regional Plan contains specific policies relating to the Hammonds Plains area. Staff is accepting public comment on the Regional Plan until the end of January and there will be a public hearing process after that.

Pam Streeter, Hammonds Plains, had some comments on transportation. She took part in the Regional Plan process, she particularly sat on the Transportation Focus Group. At that time, there wasn't really any focus on Hammonds Plains Road area in regards to solving the traffic issues. There is now a citizen's group that has been developed to look into traffic issues in Hammonds Plains. Before more commercial uses are added to the Hammonds Plains Road, it would be nice to get a handle on the current transportation issues. The road was never meant to handle the amount of traffic that has been generated.

Ms. Streeter agrees with Mr. Filiaggi regarding the sidewalks and children walking along and crossing Hammonds Plains Road. She wondered if WRCC would look at having residents get

together and put some input on how they would like to see these types of ventures progress. Right now there isn't a concrete plan in place to get all the pieces together before starting.

Ms. Streeter mentioned, as a resident, she would like to see the application held off until such time when there has been some determination as to what is going to happen with the Hammonds Plains Road and how the traffic issues will be handled.

Ms. Streeter asked if Gatehouse Run is a viable site for this market as there are lights there already?

Mr. McKeil said they opted for that location first, but there is a large power easement through the property and it does not allow enough room to build. Ms. Streeter asked if the other corner, across from Value Foods on Kingswood Drive, is taken. Mr. McKeil explained that there was no response from the property owner of that particular site. The site on Majesty Court was presented to him.

Edith Haverstock, Hammonds Plains, asked if there would be a turning lane going toward Bedford to get into the site. Mr. Schaffenburg said from Bedford there wouldn't be a turning lane but going towards Bedford there would be. That would be HRM's preliminary requirement.

Mr. Filiaggi is concerned that there will be kids crossing that intersection which is a blind hill. He believes the left turn lane is a good idea, but regardless the traffic has to be dealt with.

Mr. McKeil mentioned that the Department of Transportation (DOT) and the traffic study has done sight and stop distances and established that it is safe.

Councillor Meade asked how far the building is set back from the street line. Mr. McKeil said to the front of the building it is 71 feet from the property line which puts the building back a considerable ways. Ms. Streeter asked how far it is from the street line to the parking lot.

Councillor Meade explained to the public that a sidewalk would cost in the vicinity of \$800 000/km. HRM would pay for half, but the area residents would have to pay for the rest.

Ms. Streeter would like to see a plan that will look ahead and take into account all the types of possible problems that might come up. Mr. Schaffenburg mentioned that a review was done four or five years ago of this plan that dealt a great deal with the residential development and put into place controls that are similar to the interim growth controls that are in place now. Ms. Streeter knows about the review, but so many applications were approved before then that it didn't seem like there were any controls in place.

Martin Boudreault, Uplands Park, asked what the major impediments are for HRM to put a plan in place now so they are not trying to back track. What prevents us from having this master plan in place? Mr. Schaffenburg said there was a plan in place. It may be better to say that the plan is not adequate as to what is happening because there is a large residential population. Naturally, there are commercial establishments. There are other people who would like to invest and think there is a market for more commercial than what is currently there. The policy does have the ability of Council to look at the issues. If and when the Regional Plan is approved, they will be rolling out a program for review of the planning process.

Mr. Boudreault asked if HRM believes that the plan currently in place is adequate. Mr. Schaffenburg said it may not be adequate but it is the plan we have today. He suggested to the public to look at the Regional Planning documents.

Mr. McKeil stated that Avery's Farm Market does not want to create an unsafe environment for anyone in the community and that was the reason for the traffic study. The traffic study established that with the left-hand turning lane this development could be done safely.

Ms. Streeter realizes this, but is concerned because other areas have been deemed safe and then turned out not to be. She would like to see the issues taken care of before any type of commercial business is permitted on the site.

Mr. Schaffenburg said Traffic Services staff accept that this is a road with a lot of issues.

Mr. Filiaggi asked if there is any other business going into that specific site. Mr. McKeil said there would only be an Avery's on the property.

Mr. Schaffenburg said Avery's could add another 1 000 square feet if they wished.

Mr. McKeil explained that DOE required the lot to be the size it is because of the on-site septic system. Avery's will generate about 85 gallons of flow per day whereas a normal single family residence is over 200 gallons per day.

Ms. Haverstock asked if there have been any requests for other buildings to go on the street. Mr. Schaffenburg said there have been no rezoning requests. He is not aware of any permit applications for commercial or any other uses.

Ms. Streeter asked what the notification area covers. Mr. Schaffenburg showed the area (on overhead) that was notified for the public information meeting. Ms. Streeter would like to see it expanded further to include all the residents that would be impacted.

It was suggested to include all of Crestfield Drive and St. George Boulevard residents. Mr. Schaffenburg explained usually properties within a minimum of 500 feet of the subject property are notified and usually other properties/areas that would be concerned/impacted about the application.

One resident suggested all of Uplands Park be notified for the public hearing.

5. Closing comments

Mr. Schaffenburg thanked everyone for coming and expressing their comments and concerns.

6. Adjournment

The meeting adjourned at approximately 8:03.

ATTACHMENTS

Attachment 1: E-mail from Martin Boudreault dated January 12, 2006

ATTACHMENT 1
E-mail from Martin Boudreault

As a follow-up to the meeting that took place on January 12, 2006 at the Kingswood Elementary School, I am forwarding you, as the Senior Planner for HRM responsible for this file, the following proposal for consideration and insertion in the official minutes or notes of the said CASE (#00813).

1. It is proposed that,

a. given this commercial retail business will attract significant local shoppers (vehicular and pedestrian)

b. given the location of the proposed commercial establishment, that is;

- its proximity to a large residential area populated by hundreds of young families with children
- its proximity to a heavily used (vehicular traffic) road
- its proximity to heavily used park and recreational field
- its proximity to an intersection, and
- its proximity to a blind hill for vehicles driving towards Bedford

HRM installs an effective and safe means for pedestrian to cross the Hammonds Plains Road where it intersects with Crestfield Dr. (for example an appropriate crosswalk with signage/flashing lights effectively visible for incoming vehicles and allowing for safe stopping distance) to enhance the safe crossing of the road by pedestrians desiring access to Majestic Crt.

Thank you,

Martin Boudreault

Attachment C: Extracts from the MPS and Land Use By-law

- P-7 It shall be the intention of Council to establish the Mixed Use A and B Designations as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within these designations, it shall be the intention of Council to support the continuation of the existing semi-rural mixed use environment, characterized by low density residential development, community facilities and a mixture of light industrial, resource and small scale commercial uses, often located on residential lots. It shall further be the intention of Council to reflect certain community differences regarding future development within its policies for each designation.
- P-8 Within the Mixed Use A and B Designations, it shall be the intention of Council to establish a Mixed Use 1 Zone which permits single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. Forestry uses and larger scale agricultural operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements designed to promote compatibility with surrounding land uses.

Commercial Development - Mixed Use A and B Designations

As has been previously discussed, commercial development is interspersed with residential development in the Mixed Use Designations. While home business and commercial operations of a limited scale comprise most existing commercial development and will be permitted "by right" within the Mixed Use A and B Designations, there is also a need to accommodate a small number of larger existing developments as well as to provide an opportunity for new commercial uses, which serve a growing local market. As well, there is a limited regional market capable of being met within the Mixed Use B Designation.

Although the designations provide for the protection of existing and future residential environments, the availability of a significant amount of undeveloped land makes it possible for residential and some commercial development to be accommodated without creating major land use conflicts. The requirement for an amendment to the land use by-law is intended to provide the review procedure necessary to protect residential and community facility uses and reduce the potential for land use conflict.

Aspects of commercial developments such as lot size, separation distances, highway access, location of parking areas, setbacks from the highway, limits on outdoor storage and display and signage will be addressed in the land use by-law through the use of zone standards. Through attention to such development details, it is possible to accommodate commercial uses without unduly interfering with the suburban and rural residential environments as well as associated community facilities.

In order to provide more flexibility in accommodating commercial development while protecting residential development, there is a need to distinguish between two types of commercial uses. One type of commercial operation involves no outdoor storage or display and is wholly contained in one building. Examples include retail stores and personal service shops. Other types of commercial uses, by the nature of their operation, involve outdoor activities, storage and display and may require

numerous accessory buildings or extensive parking areas. Examples include car lots, building supply operations, and garden centres. Such uses will have more significant impacts on the surrounding areas than will the more limited commercial uses. While one site may be appropriate for the more limited range of commercial uses, it may not be suitable for the more intensive commercial uses. These two types of commercial uses will be accommodated through the creation of two commercial zones, with varying zone standards regulating outdoor storage and display, lot coverage, lot size and signage.

Although there are, at present, no identifiable concentrations of commercial development within the Mixed Use A and B Designations, this is a development form which shall be encouraged. It is premature to predesignate land for a commercial core, the concentration of commercial uses will be encouraged through the rezoning process. A reduction in abutting yard requirements will serve as a development bonus for commercial operations proposed to locate adjacent to existing commercial development.

Within the Mixed Use B Designation, construction of a Hammonds Plains by-pass will significantly affect the potential for commercial development serving a regional market. (See Transportation and Utilities). Although the alignment of the Hammonds Plains by-pass is not finalized, it will intersect with the Hammonds Plains Road in the general area of English Corner. This intersection will create a potential commercial focus for the general Hammonds Plains area and this focus shall be encouraged. At the same time, commercial potential along the Hammonds Plains Road from Bedford to this point will be reduced with the reduction in commuter traffic.

A site that has become a commercial centre for the larger area of Hammonds Plains/St. Margaret Bay is located in District 23 just outside the Plan Area, at the intersection of Highway 103 and the Hammonds Plains Road and known as Tantallon Centre. This development serves many shopping needs of residents from the communities along the limited access portion of the Hammonds Plains Road, from English Corner to Highway 103, thereby reducing the need for commercial outlets within this portion of the Plan Area.

The Department of Transportation & Public Works discourages major commercial development along this limited access portion of the Hammonds Plains Road, because of the proposed access points to the Hammonds Plains Road (Highway 213). The Department of Transportation and has established a Route 213 Road Access Location Policy Plan which identifies six permanent access locations along the Hammonds Plains Road from English Corner to the Highway 103 intersection, as shown on Map 2, Transportation. All future development of lands adjacent to this highway must gain access through one of these proposed access points. Traffic safety concerns related to commercial development at these points reduce their suitability for larger scale commercial development.

For the most part, specialized shopping needs for the entire Plan Area will continue to be met in the urban areas of Sackville, Bedford and Halifax / Dartmouth. Commercial entertainment uses such as taverns, nightclubs and cabarets will not be permitted in the Mixed Use A and B Designations. The public has identified, through community surveys and public meetings, that they are not in keeping with the character of their communities. They are felt to be more appropriately located in more urban areas closer to their major market.

P-23 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-2(General Business) Zone in the land use by-law which permits commercial uses and

accessory residential uses to a maximum of 5,000 square feet, which do not involve any outdoor storage or display and are wholly contained in one building. The zone shall not include commercial entertainment uses.

This zone shall be applied to existing commercial uses. When considering amendments to the schedules of the land use by-law to permit new commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:

- (a) preference for a location adjacent to or in close proximity to other commercial uses;
- (b) the potential for adversely affecting adjacent residential and community facility uses;
- (c) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
- (d) the impact of the commercial use on traffic circulation and, in particular, sighting distances and entrance to and exit from the site;
- (e) in areas of heavy traffic, preference for a site which is provided with sidewalks or adequate pedestrian walkways as well as street lighting; and
- (f) the provisions of Policy P-137.

P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan 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;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (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.
- (e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", 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.

PART 13: MU-1 (MIXED USE) 1 ZONE

13.1 MU-1 USES PERMITTED

No development permit shall be issued in any MU-1 (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings
Two unit dwellings
Boarding and rooming houses
Bed and Breakfast
Senior citizens housing
Existing mobile dwellings
Existing multiple unit dwellings
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Business uses in conjunction with permitted dwellings

Other Uses

Institutional uses, except fire and police stations
Open space uses
Commercial uses permitted in the C-2 (General Business) Zone
Trucking, landscaping, excavating and paving services
Agriculture uses
Forestry uses and wooden furniture manufacturing
Composting operations (see section 4.29)

13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

13.3 MU-1 ZONE REQUIREMENTS: OTHER USES

In any MU-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	29,064 square feet (2700 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)

Maximum Lot Coverage for Structures and Storage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

- (a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.
- (b) Outdoor display shall not be permitted:
 - (i) within 10 feet of the front lot line or within the required side yard;
 - (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
 - (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in any MU-1 Zone, the following shall apply:

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:
 - (i) be less than fifty (50) feet from any side lot line;
 - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
 - (iii) be less than three hundred (300) feet from any watercourse or water body;
 - (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN
FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.
- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

PART 16: C-2 (GENERAL BUSINESS) ZONE

16.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Retail stores
Food stores
Service and personal service shops
Offices

Commercial schools
Banks and financial institutions
Full Service and Take-out Restaurant
Funeral establishments
Theatres and cinemas, except drive-in theatres
Parking lots
Welding, plumbing and heating, electrical and other special trade contracting services and shops
Bakeries
Single and two unit dwellings
Institutional Uses

16.2 C-2 ZONE REQUIREMENTS

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

Minimum Lot Area	29,064 square feet (2700 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)

16.3 OTHER REQUIREMENTS: PARKING AND OUTDOOR DISPLAY

In any C-2 Zone, the following shall apply:

- (a) No open storage or outdoor display shall be permitted.
- (b) No parking shall be permitted within any required side or rear yard where the required yard abuts any residential or community use, except where a visual barrier is erected, in which case there will be no parking within (five) 5 feet of the side or rear lot line.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.

16.4 OTHER REQUIREMENTS: ABUTTING USES

Notwithstanding the provisions of Section 16.2, where any commercial use abuts another commercial or an industrial use, the abutting side or rear yard requirement may be reduced to eight (8) feet.

16.5 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

The gross floor area of all commercial buildings on a lot in any C-2 Zone shall not exceed five thousand (5000) square feet of gross floor area, including any floor area devoted to permitted dwelling units.

16.6 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any C-2 Zone, the provisions of Part 22 shall apply.