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REQUEST FOR DIRECTION

SUBMITTED BY:	Mackenzie Childs, Planner
DATE:	September 14, 2020
SUBJECT:	LUB and MPS amendment for Special Commercial Zone (C8)

ORIGIN

This report originates with staff in the Community Development Department. This report is to determine if Council wants to a) undertake amendments to the Municipal Planning Strategy regarding the Special Commercial (C8) Zone, b) direct staff to begin the associated Land Use By-law amendments, and c) begin the rezoning process to rezone some C8 Zone properties to Two Unit Residential (R2).

RECOMMENDATION

It is recommended that Town Council for the Town of Bridgewater direct staff to begin the process to amend the Land Use By-law and Municipal Planning Strategy to provide greater flexibility in permissions of the Special Commercial (C8) Zone.

It is recommended that Town Council for the Town of Bridgewater direct staff to begin the process to amend the Land Use By-law to rezone properties that have changed use from commercial to residential from Special Commercial (C8) to Two Unit Residential (R2).

BACKGROUND

On March 13th, 2017 staff brought forward a Request for Direction report to Council (#17-032) to recommend a preliminary report be prepared to explore changes regarding the Special Commercial (C8) Zone. As a result of the 2014 Plan Review, the 2014 Municipal Planning Strategy and Land Use By-law changed the permitted uses associated with the Special Commercial (C8) zone; it permits single unit and two unit residential dwellings, as well as a commercial use unique to the property, as-of-right for each property. The MPS states that should these commercial land uses be discontinued Council shall consider rezoning them in accordance with the Future Land Use Map of the MPS, which identifies the C8 properties as residential. In the 2017 report staff observed that the changes were too restrictive to allow for re-sale and re-use of many of the buildings in a manner that is still consistent with the neighbourhood yet not residential in nature.

In 2017 staff suggested that Council consider reverting to the permissions for Special Commercial granted under the 1997 Municipal Planning Strategy and Land Use By-law. This change would have allowed office uses and personal service shops as-of-right in the Special Commercial Zone. This would have enabled a wider range of limited commercial uses for these properties.

At that time Council directed staff to prepare a report exploring the issues with and opportunities for changes to the Special Commercial (C8) Zone after hosting a public participation meeting (PPM). Staff held the PPM on June 21st, 2017. Nine (9) members of the public attended and had questions and

concerns regarding permitting commercial uses on the properties, permitting previous historic uses, excessive noise, societal and environmental impacts, and expanding existing structures. The process did not proceed any further because two Special Commercial zoned properties, whose owners were inquiring about options, were instead rezoned to accommodate the proposed uses.

Staff is once again bringing this forward to Council because the issue has not been resolved and the limitations of the C8 Zone still create issues for property owners and prospective buyers. However, although the intent is similar, the amendments to the LUB and MPS would be different than those proposed in 2017. The amendments would not change the as-of-right permissions, rather the list of permitted uses by Development Agreement.

DISCUSSION

There are currently 18 properties throughout town zoned as Special Commercial (C8) on the Zoning Map of the Land Use By-law. The current as-of-right permissions are single and two unit dwellings, as well as a specific use for each property listed in Table T, Section 5.9.1 of the LUB. The table can be found in Appendix A. Uses by development agreement are as follows, each with specific reference to a section of the LUB or a policy of the MPS: an expansion of the existing building or use, the replacement of a building, multi-unit residential up to 4 units per acre, collective residential development up to 4 units per acre, and inns in buildings constructed before August 27, 1975.

The Municipal Planning Strategy states that the C8 Zone contains properties with commercial uses established before land use controls were instituted in the 1970s. The intent is that uses identified in the Land Use By-law shall be allowed to remain in the existing buildings, however controls have been established to limit expansion of the use and buildings to reduce conflict in residential areas and if the commercial uses be discontinued Council shall consider rezoning them in accordance with the Future Land Use Map (FLUM) of the Municipal Planning Strategy.

LUB and MPS Amendments to C8 Zone

Staff is bringing forward amendments to the C8 Zone and the corresponding section in the MPS because the properties are designated as residential on the FLUM and rezoning to residential may not be suitable for all properties. It restricts non-residential uses that may be appropriate in residential neighbourhoods, and as some of the buildings were originally built for commercial uses, the existing buildings do not necessarily support conversion to residential.

The LUB and MPS amendments would include a list of additional uses permitted by Development Agreement. In the future, if a change of use were requested and is on this list, a Development Agreement process would be required to determine if the proposed use is suitable on that property and is compatible with the neighbourhood, using the Town's Development Agreement criteria and process. The list of uses permitted by Development Agreement from the 1997 MPS, section 5.32, is attached as Appendix B for an example of potential uses, although staff need to determine what uses would be appropriate to permit through Development Agreement for the entire C8 Zone.

Rezoning

In addition to amendments to the LUB and MPS for the C8 Zone, staff propose to rezone the Special Commercial (C8) properties that have discontinued the permitted commercial use and converted to a residential use. As per the MPS, Council shall consider rezoning properties that have discontinued their commercial use in accordance with the designation of the Future Land Use Map of the MPS. Each of the properties is designated as Low Density Residential, which includes Single Unit Residential (R1) and Two Unit Residential (R2). Staff recommend rezoning to R2 rather than R1 because the as-of-right permissions of that zone mirror those of the C8 Zone.

IMPLICATIONS

Financial/Budget

None

Legal

None

Strategic Priorities / Work Program

Land use and development control is one of the core responsibilities of the Community Development Department.

Land Use By-law

Municipal Planning Strategy

Economic Action Plan

OPTIONS

1. Direct staff to begin the process to amend the Land Use By-law and Municipal Planning Strategy to provide greater flexibility in permissions of the Special Commercial (C8) Zone.
2. Defer the decision and request more information.
3. Deny the request.

COMMUNICATIONS

If directed to proceed with the amendments, staff will contact the property owners of each C8 zoned property to inform them of the process. MPS Policy IM-7 describes the required public participation program that staff and Council must undertake before Council can consider final approval of the requested LUB amendment. Notification will be provided in writing to all property owners within 30 meters (100 feet) of the subject property; in this case the subject properties are all C8 zoned properties. Some property owners will be notified of the amendments to the C8 Zone while others will be notified of the rezoning from C8 to R2, depending on the property they are in proximity to. An advertisement will also be placed in the local newspaper 1-week prior to the public participation meeting

Appendix A

5.9 Special Commercial (C8) Zone

5.9.1 Permitted Developments

- a. The following developments shall be permitted as-of-right in the Special Commercial (C8) Zone subject to the requirements of this By-law:
 - Single Unit Dwellings
 - Two Unit Dwellings
- b. The following developments shall be permitted in existing buildings and on sites so used prior to the effective date of this By-law; however, these development shall not be expanded or enlarged as-of-right:

Table T: Permitted Commercial Uses in C8 Zone

Name	Address	Use
A. Collicut	90 Pearl Street	Used Automobile Sales
Argyle Inn	324 Aberdeen Road	Motel & Restaurant
Cobbler Corner	287 King Street	Shoe Repairs & Shoe/Leather Sales
Country Home Woodworks	27 South Street	Woodworking Shop
Demonos C. Monuments Ltd.	101 Victoria Road	Monument Sales
Food Inspection Agency	1675 King Street	Office
G. Lake	255 Victoria Road	Wood Product Sales
Gerald Hebb's Tow & Salvage Yard	359 St. Phillips Street	Towing & Salvage Yard
Hubley's Electrical Ltd.	56 Starr Street	Electrical Installation & Repairs
Langille's Plumbing & Heating	261 York Street	Contractor Shop and Plumbing & heating Sales Office
Lester Zwicker Trucking	239 St. Phillip's Street	Truck Parking & Storage
Rahman's Blacksmith Shop	58 Elm Street	Blacksmith Shop
Riverview Automotive	31 Riverview Drive	Automobile Repair
Riverview Machining Services	1627 King Street	Machine Shop
Sew What?	103 Dominion Street	Dress Sales, Dress Making & Alterations
South Shore Nursery	209 High Street	Office & Commercial Building Retail Sales
South Shore Speed & Sound	76 Dominion Street	Automobile and automobile parts sales and services
Victor Greek's Meat Market	276a St. Phillip's Street	Meat Packing & Retail Sales

5.9.2 Permitted Uses with Conditions

The following uses shall be permitted as-of-right in the Special Commercial (C8) Zone subject to the requirements of this By-law, including the special conditions listed below:

- Home Based Businesses, in accordance with Section 3.1.24
- Residential Conversions up to three units, in accordance with Section 3.1.25

5.9.3 Uses by Development Agreement

The following developments shall be permitted by Development Agreement in the Special Commercial (C8) Zone subject to the requirements of this By-law, in addition to the development agreement policies outlined in the Municipal Planning Strategy:

- a. Expansion of an existing building or use, or the replacement of a building listed in Section 5.9.1.b, in accordance with MPS Policy CDA-5;
- b. Multi-unit residential development up to a maximum of 10 units per hectare (4 units per acre), in accordance with MPS Policy IM-6;
- c. Single and two-unit dwellings as a collective residential development up to a maximum of 10 units per hectare (4 units per acre), in accordance with MPS Policy IM-6; and
- d. Inns in buildings constructed before August 27, 1975, in accordance with MPS Policy IM-6.

5.9.4 Zoning Standards

The following requirements apply to all developments permitted as-of-right in the Special Commercial (C8) Zone:

C8	Special Commercial Zone
Minimum front yard	4m (13ft)
Minimum rear yard	4m (13ft)
Minimum side yard	1.5m (5ft)
Minimum flankage yard	3m (10ft)
Maximum building height	10m (33ft)
Minimum lot area	650m ² (6,997ft ²)
Minimum lot frontage	20m (66ft)

Special Commercial

Background

Bridgewater was settled during the 1800's; land use controls were not instituted until the 1970's. As a result, a number of commercial and industrial uses were established in areas which are predominately residential and are designated and zoned residential. Council is aware of both the present and potential conflicts between these commercial and industrial uses and their residential neighbours. Council is also aware that the majority of these uses pre-date any form of land use control in town. As a result, these uses are allowed to remain in the buildings and on the sites they have occupied. Controls are placed on the expansion or change in use of these *businesses* in order to reduce future conflict in residential areas. *(amended December, 2000)*

Policies

It shall be the policy of Council to:

Special Commercial Zone and Uses

- 5.30 establish a Special Commercial (SC) Zone in the Land Use By-Law, as shown on Schedule A, the Zoning Map of the Land Use By-law, within areas designated residential on Map 2, the Future Land Use Map.
- 5.31 permit in areas zoned Special Commercial (SC):
- (a) single unit dwellings
 - (b) two unit dwellings
 - (c) developments in existence before the date of approval of this Municipal Planning Strategy and listed in the Special Commercial (SC) Zone of the Land Use By-law
 - (d) business uses that are incidental and secondary to a main residential use. Requirements will be established in the Land Use By-law regarding the type of use, the maximum size and location of the use, associated outdoor storage and display, signs and parking.
 - (e) conversion of buildings established before August 27, 1975, to a maximum of three units, subject to specific requirements regarding location and parking established in the Land Use By-law.
 - (f) personal service shops
 - (g) offices
- 5.32 consider only by development agreement in areas zoned Special Commercial (SC), proposals for:
- (a) expansion of a building or use, or replacement of a building, listed in the Special Commercial Zone of the Land Use By-law, in accordance with policy 5.40.
 - (b) change of use to any of the following uses, or the addition of any of the following uses in accordance with policy 5.40.
 - (i) catering establishments
 - (ii) craft workshops

- (iii) craft shops, including retail sales
- (iv) day care centres and nursery schools
- (v) guest houses
- (vi) inns
- (vii) institutional *developments* (amended December 2000)
- (viii) office uses, *provided the maximum floor area used for office space does not exceed 140 sq. metres (1,500 sq. ft.) in gross floor area (amended December, 2000)*
- (ix) personal service shops
- (x) repair shops, excluding small engine repair shops such as but not limited to auto, chain saw, outboard motor and lawn mower repair shops
- (xi) retail sales not exceeding 232 sq. metres (2,495 sq. ft.) in gross floor area; service stations shall not be considered
- (xii) studios for the practice or instruction of fine arts, commercial arts, or crafts
- (xiii) tailoring or dressmaking
- (c) inns in buildings constructed and located on the lot before August 27, 1975, in accordance with policy 4.39
- (d) single unit development as a collective development, two unit development on both individual lots or as a collective development, and multi-unit residential development in accordance with policy 4.40.
- (e) office uses in accordance with policy 4.41
- (f) institutional developments in accordance with policy 4.42
- (g) neighbourhood grocery and convenience stores in accordance with policy 4.43
- (h) restaurants within neighbourhood grocery and convenience stores in accordance with policy 4.44.