



REQUEST FOR COUNCIL DECISION

SUBMITTED BY:	Mackenzie Childs, Planner
DATE:	January 25, 2021
SUBJECT:	Special Commercial (C8) Zone Amendments – 1st reading

Document #20-158B	
Approved	
Date 18 January 2021	
COPIES TO:	
Council	X
Senior Mgmt	X
Discussion Session	
Agenda	25 Jan
Committee	
Other	

ORIGIN

This report originates with staff in the Community Development Department. This report is regarding amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to the Special Commercial (C8) Zone. A Report for Direction (Document #20-158) went to Council on September 14 from which Council recommended that staff begin the process to amend the MPS and LUB.

RECOMMENDATION

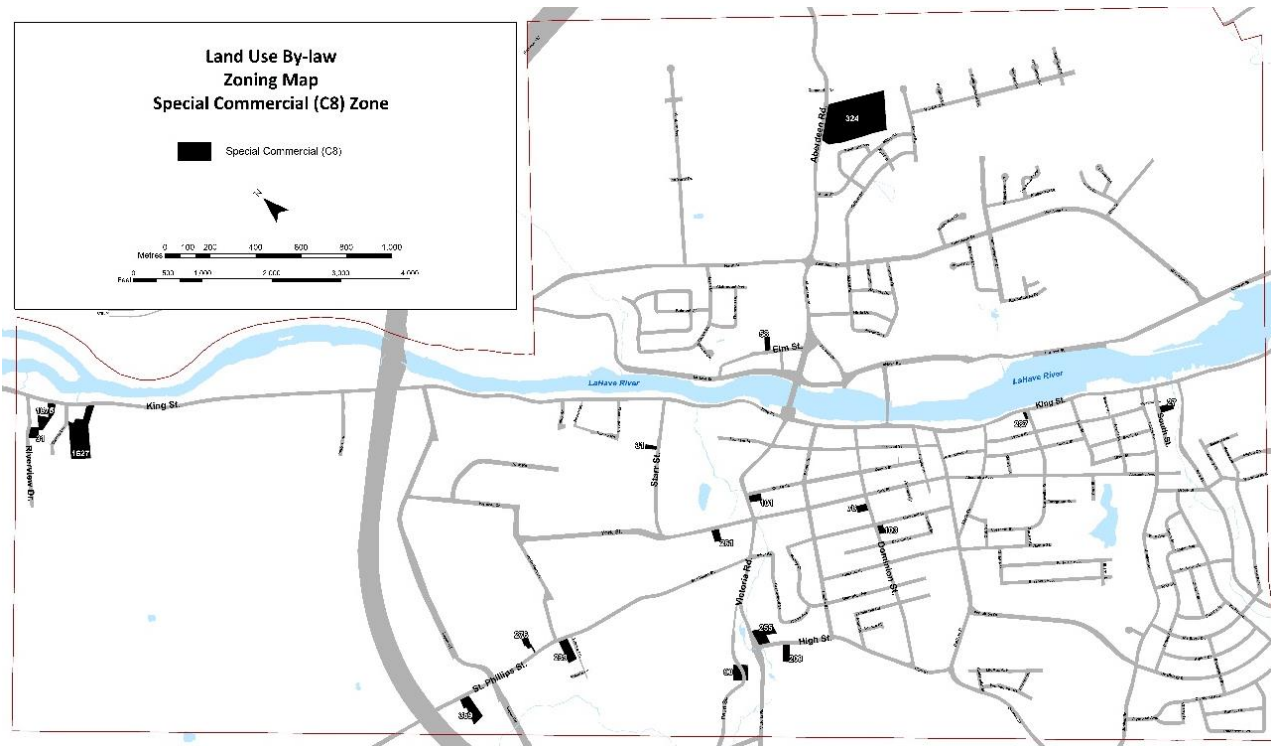
It is recommended that Town Council for the Town of Bridgewater give first consideration to the amendments to the Municipal Planning Strategy and Land Use By-law as contained in Appendix A for the Special Commercial (C8) Zone and schedule a Public Hearing during the regularly scheduled meeting on February 22, 2021.

BACKGROUND

An application has been brought forward by staff to amend the Land Use By-law (LUB) and Municipal Planning Strategy (MPS) to permit additional uses by development agreement in the Special Commercial (C8) Zone.

The MPS 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 LUB 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 are discontinued, Council shall consider rezoning them in accordance with the Future Land Use Map (FLUM) of the MPS. The C8 Zone properties are designated on the Future Land Use Map as either Low Density Residential, Comprehensive Residential, Medium Density Residential, and Limited Commercial.

There is no single subject property for this application; the amendments would affect the entire zone. The C8 Zone has 18 properties throughout town on the Zoning Map of the LUB as shown on the map below.



Special Commercial (C8) Properties

The following shows what uses are currently permitted in the C8 Zone by different processes.

The current uses permitted as-of-right are:

- Single unit dwellings
- Two unit dwellings
- A specific commercial use for each property listed in Table T, Section 5.9.1 of the LUB (as shown in the chart below)

The current uses permitted as-of-right with conditions are:

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

The current uses permitted by development agreement are:

- 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;
- Multi-unit residential development up to a maximum of 10 units per hectare (4 units per acre), in accordance with MPS Policy IM-6;
- 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
- Inns in buildings constructed before August 27, 1975, in accordance with MPS Policy IM-6.

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
Demones 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

Specific As-of-Right Commercial Use Currently Permitted for Each C8 Zone Property

DISCUSSION

Staff is bringing forward proposed amendments to the LUB and MPS to permit additional uses by development agreement in the C8 Zone. Current permissions of the C8 Zone are limited. They only allow one specific commercial use on each property and restrict other non-residential uses that may be appropriate in residential neighbourhoods. In addition, some of the buildings were originally built for commercial uses, so the existing buildings do not necessarily support the conversion to residential yet are zoned and designated to be residential. These amendments would provide the opportunity for mixing uses around town with context-appropriate commercial uses, including in buildings that may not support residential.

Proposed Permitted Uses

The proposed LUB and MPS amendments would include a list of additional uses permitted by development agreement. There would be additional text amendments in the MPS and LUB. The following is the proposed list:

- Change of use to any of the following uses, or the addition of any of the following uses, in the existing buildings at the date of this by-law.
 - Craft Workshops
 - Dog Grooming
 - Dressmaking & Tailoring
 - Galleries
 - Household Repair Services
 - Offices
 - Personal Service Shops
 - Retail Sales up to 93m² (1,000ft²) on corner lots of arterial or collector streets, with the immediate residential area in which the use is located as the primary service area for the use
 - Studios

These uses would only be permitted in existing buildings. This is to ensure compatibility with the surrounding neighbourhood and to follow the intent of the MPS policy.

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 for that property, is compatible with the neighbourhood, and is supported with existing infrastructure. The development agreement process would include meeting specific policy criteria and a review of Policy IM-6 by the Engineering Department.

The proposed list of permitted commercial uses was determined based on a variety of factors. The list evolved from the list of uses permitted by development agreement in the 1997 planning documents. That list can be seen in Appendix B. Some uses from the 1997 documents were not included in the proposed list because they are more suited to home based businesses, others were not included because staff determined they are no longer compatible, and others were not included because the use no longer exists in the Town's current planning documents. Two uses (dog grooming and galleries) were added to the proposed list because they are new uses from the 2014 documents and staff believe they are appropriate for this zone.

The list of permitted uses in the 1997 documents had been removed for the 2014 documents. This was because there was a stronger push towards changing these properties to residential. Over the years however, it has become apparent that some of these properties are still desirable as commercial, and that certain non-residential uses can be compatible at these properties.

Another factor used to determine what uses are compatible is basing them off those that are currently permitted as home based businesses. All proposed uses except dog grooming, galleries and retail sales are permitted as home based businesses in all residential zones, the C8 Zone, some other commercial zones and the Agricultural (AG) zone. This supports the idea that these uses are compatible in residential areas. Home based businesses however, have limitations, as outlined in Section 3.1.23 of the LUB. These limitations include restricting the size of the businesses to no more than 25% of the dwelling's gross floor area up to a maximum of 350ft² and requiring the owner to live in the dwelling in which the business is located. So, permitting the uses in the C8 Zone by development agreement provides the ability to have

additional commercial uses with the same limitations as the existing commercial uses permitted in the C8 Zone (as listed in Table T of the LUB, shown previously).

Permitted by Development Agreement

Although the C8 Zone properties may be suitable for certain commercial uses, there are 18 properties and each property has different characteristics. Due to location, street classification, walkability, surrounding zoning, and other characteristics, not all properties would be suitable to have commercial uses permitted as-of-right.

This amendment has come about because of inquiries for a change of commercial use at 287 King Street. The current permitted use is shoe repairs & shoe/leather sales and there is interest in changing the use to what would be considered a craft workshop. Staff explored options for this specific property, but none were suitable.

Staff analyzed the option to rezone the property to Residential Commercial (C6) because that zone permits more commercial uses yet still has limited commercial uses in comparison to other commercial zones. In policy, the C6 zone is described as accommodating commercial within residential neighbourhoods. Policy for other commercial zones are written too specifically in terms of permitted location or permitted uses to be applicable to 287 King St. Therefore, it was determined that rezoning to Residential Commercial wouldn't be an appropriate solution for a variety of reasons. Firstly, a redesignation of the property on the Future Land Use Map (FLUM) of the MPS would be required. The FLUM designates the property as Medium Density Residential, not commercial, and the designation guides the zone, so in order to rezone a property, the designation has to align with the proposed zone. Additionally, the property doesn't meet zone standards (specifically the yard setbacks) of that zone. Policy IM-4 of the MPS states an amendment to the LUB can only be considered if the site meets all of the lot size and zone standards for the zone sought, which the property doesn't. Craft workshops – the use being considered for the property – are also not currently permitted in the C6 Zone, plus the C6 Zone would also permit multiple uses that may not be suitable for that area.

Staff analyzed the option of amending Table T in Section 5.9.1 of the LUB that outlines permitted commercial uses in the C8 Zone. This option would replace the permission of shoe repairs & shoe/leather sales with craft workshop. However, it is not general practice to complete site-specific amendments. This would lead to confusion about permitted uses in the zone and would not follow the general principle of having overarching zones with consistency throughout them. In addition, this solution would change the permitted use at this property specifically to craft workshop and if a different, suitable commercial use were sought later, it would bring the property owner and staff back to the current position.

Options were considered for the entire zone after analyzing the 18 C8 Zone properties and the Town's policy. Staff analyzed the option to rezone all the C8 Zone properties but it was determined it wouldn't be an appropriate solution. The properties are designated either Low Density Residential, Comprehensive Residential, Medium Density Residential, and Limited Commercial on the Future Land Use Map of the MPS, which is what guides a new future zone. These designations do not permit rezoning the properties to a zone that would allow for commercial uses. Although a rezoning and a redesignation can happen at the same time, in this case it wouldn't have made sense because all the properties are unique and looking at each

property to rezone and/or redesignate was out of the scope. It is a large undertaking and is recommended to be done during a full review of the planning documents.

In the end staff determined an amendment to the entire zone would be suitable because the request for new commercial uses on C8 Zone properties has come up in the past. In 2017 staff brought forward a report to Council to recommend changes to the C8 Zone by reverting back to the 1997 MPS and LUB, allowing personal service shops and office uses as-of-right. That application did not proceed past the Public Participation Meeting because two of the C8 Zone properties were instead rezoned to accommodate the new uses. However, the larger issue has not been resolved and the limitations of the C8 Zone still create issues for property owners and prospective buyers. Although the 2017 application focused on permitted additional uses as-of-right, the current application is to permit uses by development agreement, in order to expand the possibility of uses while maintaining compatibility between permitted commercial uses and the surrounding neighbourhood.

Proposed Amendments

The proposed amendments are to the LUB and the MPS. The full proposed amendments can be found in Appendix A. Section 5.9.3 of the LUB lists the uses permitted by development agreement and to this staff propose adding:

- e) Change of use to any of the following uses, or the addition of any of the following uses, in the existing buildings at the date of this by-law, in accordance with Policy IM-6.
 - i. Craft Workshops
 - ii. Dog Grooming
 - iii. Dressmaking & Tailoring
 - iv. Galleries
 - v. Household Repair Services
 - vi. Offices
 - vii. Personal Service Shops
 - viii. Retail Sales up to 93m² (1,000ft²) on corner lots of arterial or collector streets, with the immediate residential area in which the use is located as the primary service area for the use
 - ix. Studios

Policy C-56 of the MPS lists the permitted uses by development agreement and the above addition is proposed for that section as well.

Policy CDA-5 of the MPS lists criteria to be met when there is a proposal for expansion, replacement or change of use in the C8 Zone by development agreement. Currently CDA-5(a) requires that an addition or expansion of a building can be up to 20% of the gross floor area of the existing building, or up to 40% when 75% of the abutting zones are non-residential. Staff are proposing to change this so that any new building or expansion of a building can add up to 40% of the gross floor area, no matter what the surrounding zoning is, when the use is *non-residential* and permitted in the zone. This would still be done by development agreement as is required currently with this clause. This change would then permit any *residential* additions to the existing building as-of-right, rather than by development agreement, as long as they are in line with the zone standards that exist in Section 5.9.4 of the LUB. Staff believe this change is supported because there is currently only one C8 Zone property where more than 75% of the

surrounding zoning is non-residential, so the existing permission isn't widely applicable, and 20% expansion is very limiting. Also, single- and two-unit residential dwellings are permitted as-of-right in the zone so requiring a property owner to enter into a development agreement to add residential seems counter-intuitive to the policy.

Future Steps

The preliminary report regarding this application (Document #20-158) and the report regarding the public participation meeting (Document# 20-158A) discuss two aspects to this application. The amendments to permit additional uses by development agreement as well as rezoning C8 properties that no longer have a commercial use.

Document #20-158A stated that the first phase of this application would concentrate on the amendments to permit additional uses. This is still the case and staff will bring back a report at a later date to continue with the property rezoning and may include this as part of the larger planning document review rather than a separate process.

Compliance with the Municipal Planning Strategy

The Municipal Planning Strategy (MPS) contains 15 Objective Statements to guide its policy statements. Of particular importance to this application are the following:

2. Control land use and development in a manner that will minimize conflicts between land uses and in a manner that is compatible with the town's service infrastructure.
3. Mix compatible land uses to promote diverse and convenient neighbourhoods.
4. Encourage compact development to maximize the town's shared infrastructure and to promote healthy, close-knit neighbourhoods.
5. Support a functional and sustainable transportation network by improving street connectivity and supporting a range of transportation options.
13. Control land use and development in a manner that will preserve, enhance and protect the natural environment.

In order to consider the requested amendment, staff reviewed the policies of the Municipal Planning Strategy. It was found that the requested amendment is consistent with planning principles, vision and objectives and existing policy of the MPS, including implementation policies IM-1, IM-2, IM-3, IM-4 and IM-6. Policy IM-6 and the analysis of IM-6 can be found in Appendix C.

Policy IM-1 states it shall be the policy of Council to require an amendment to the Municipal Planning Strategy where:

- a) Any policy intent is to be altered;
- b) A text or map amendment in the Land Use By-law would conflict with the text or maps of the Municipal Planning Strategy;
- c) An amendment to the Subdivision By-law would conflict with the text of the Municipal Planning Strategy;
- d) Where the boundaries of the planning area are altered; or
- e) Housekeeping amendments

The amendments are required to the MPS because it cannot conflict with the amendments to the LUB.

Policy IM-2 states it shall be the policy of Council to consider amendments to the Land Use By-law provided the amendment is consistent with the intent of the Municipal Planning Strategy. The amendments are consistent with the intent of the MPS.

Policy IM-3 states it shall be the policy of Council to consider an application for amendment to the Land Use By-law only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone. This is not a property specific amendment; however, a list of permitted uses is part of the amendment.

Policy IM-4 states it shall be the policy of Council to consider an application for amendment to the Land Use By-law only if the site meets all of the lot size and zone standards for the zone sought. The zone standards would not be changing for the C8 Zone.

The MPS also contains policies for residential and commercial development. The following policies relate to this application.

Policies for Commercial and Residential Development		Staff Comment
R-2	<i>It shall be a policy of Council to control land use and development in a manner that will minimize conflicts between land uses, in accordance with the Land Use By-law.</i>	These amendments will assist in minimizing conflicts between land uses in multiple ways. The list of permitted uses has been selected based on their compatibility with, and lack of impact on, residential neighbourhoods. Permitting the uses through development agreement gives additional control to what uses can be permitted at what properties, and how they can be designed and accommodated to reduce conflict. The amendment to CDA-5 that increases the amount of gross floor area a building can expand still minimizes conflict because the use must be a permitted use and must go through a DA for a non-residential use. For any additions that are for a residential use, residential is a compatible use for the C8 Zone properties.
C-4	<i>It shall be the policy of Council to control land use and development in a manner that will minimize conflicts between land uses and in a manner that is compatible with the Town's service infrastructure.</i>	See previous row for information on minimizing conflicts. The additional uses would be permitted by development agreement so during the development agreement process compatibility with the Town's service infrastructure would be analyzed.
C-56	<i>It shall be a policy of Council to consider the following developments by development agreement in the Special Commercial (C8) Zone:</i>	Staff is proposing an additional list of uses to be added as C-56(e) that would

	<p><i>a) Expansion of an existing building or use, or the replacement of a building, listed in the Special Commercial (C8) Zone of the Land Use By-law, in accordance with Policy CDA-5;</i></p> <p><i>b) Inns in buildings constructed and located on the lot before August 27, 1975, in accordance with Policy IM-6;</i></p> <p><i>c) Multi-unit residential development up to a maximum of 10 units per hectare (4 units per acre), in accordance with Policy IM-6; and</i></p> <p><i>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, with a maximum permitted density of up to 10 units per hectare (4 units per acre), in accordance with Policy IM-6.</i></p>	be considered within existing buildings.
CDA-5	<p><i>It shall be a policy of Council to ensure that the following criteria are met when Council is considering proposals for expansion, replacement or change of use in the Special Commercial (C8) Zone by development agreement:</i></p> <p><i>a) Any new building, or any expansion in the volume of a building in which an established commercial or industrial use is located shall not result in the creation of new floor area that is in excess of 20% of the gross floor area of the building prior to expansion; or shall not result in the creation of new floor area that is in excess of forty 40% of the gross floor area of the building prior to expansion where a maximum of 25% of the abutting zones are Residential as shown on the Zoning Map of the Land Use By-law;</i></p> <p><i>b) The area of outdoor storage or open display uses that are located on the lot shall not increase;</i></p> <p><i>c) Any nuisances that are associated with the use will be eliminated or reduced to an acceptable level as a result of the change, including noise, odour, dust, unsightly material, and unsanitary conditions, or no new nuisances will be created as a result of the proposed change;</i></p> <p><i>d) Any new buildings and any alterations, or additions made to established buildings with respect to the development shall be compatible in terms of architectural features, height and bulk, with other buildings in the neighbourhood;</i></p> <p><i>e) All signage shall be reasonably consistent with the requirements of the Land Use By-Law; and</i></p> <p><i>The development is in accordance with Policy IM-6.</i></p>	Staff is proposing amendments to CDA-5.

Public Participation Meeting

A public participation meeting was held on November 25th, 2020 at 6:00pm in Council Chambers at Town Hall. Notification was provided to all properties within 30m (100ft) of all the C8 Zone properties. In attendance at the meeting were 3 members of the public and 2 staff. Notice was published on November 18th, 2020 in the South Shore Breaker for one week prior to the meeting.

The main concerns were impacts to adjacent properties and the burden of a development agreement for change of use. A positive discussion was had about excluding residential expansion from the existing expansion criteria. The meeting notes can be found in Appendix D.

Staff held an additional meeting on November 18th, 2020 for the property owners of the C8 Zone properties. In attendance at the meeting were 3 members of the public and 2 staff. This meeting was to discuss the proposed amendments from the perspective of property owners. The meeting notes can be found in Appendix E.

IMPLICATIONS

Financial/Budget

There are no anticipated financial costs.

Legal

Concurrent amendments to the MPS and LUB are not subject to appeal.

Strategic Priorities / Work Program

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

Municipal Planning Strategy
Land Use By-law

OPTIONS

1. Council give first consideration to the draft amendments contained in Appendix A and schedule a Public Hearing during the regularly scheduled Council meeting on February 22, 2021.
2. Deny the request for amendments.
3. Defer the request back to staff for further analysis.

COMMUNICATIONS

A public participation meeting was held on November 25, 2020 as per the requirement of the Municipal Government Act Section 205(4). A Public Hearing will be held prior to final consideration of the proposed amendments in accordance with section 206 of the Municipal Government Act.

Proposed Amendments to the Land Use By-law (2014)

NOTE: The proposed amendments are shown below. Underlined text is to be added. Strikethrough text is to be removed.

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

5.9.3 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.

e) Change of use to any of the following uses, or the addition of any of the following uses, in the existing buildings at the date of this by-law, in accordance with Policy IM-6.

- i. Craft Workshops
- ii. Dog Grooming
- iii. Dressmaking & Tailoring
- iv. Galleries
- v. Household Repair Services
- vi. Offices
- vii. Personal Service Shops
- viii. Retail Sales up to 93m² (1,000ft²) on corner lots of arterial or collector streets, with the immediate residential area in which the use is located as the primary service area for the use
- ix. Studios

PUBLIC PARTICIPATION MEETING conducted on:

November 25, 2020

FIRST READING conducted on:

January 25, 2021

PUBLIC HEARING conducted on:

SECOND & FINAL READING conducted on:

Proposed Amendments to the Municipal Planning Strategy (2014)

NOTE: The proposed amendments are shown below. Underlined text is to be added. Strikethrough text is to be removed.

6.5.3 Special Commercial (C8) Zone

Policy C-56: It shall be a policy of Council to consider the following developments by development agreement in the Special Commercial (C8) Zone:

- a) Expansion of an existing building or use, or the replacement of a building, listed in Section 5.9.1.b of the Special Commercial (C8) Zone of the Land Use By-law, in accordance with Policy CDA-5;
- b) Inns in buildings constructed and located on the lot before August 27, 1975, in accordance with Policy IM-6;
- c) Multi-unit residential development up to a maximum of 10 units per hectare (4 units per acre), in accordance with Policy IM-6;~~and~~
- 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, with a maximum permitted density of up to 10 units per hectare (4 units per acre), in accordance with Policy IM-6;and
- e) Change of use to any of the following uses, or the addition of any of the following uses, in the existing buildings at the date of this by-law, in accordance with Policy IM-6.
 - x. Craft Workshops
 - xi. Dog Grooming
 - xii. Dressmaking & Tailoring
 - xiii. Galleries
 - xiv. Household Repair Services
 - xv. Offices
 - xvi. Personal Service Shops
 - xvii. Retail Sales up to 93m² (1,000ft²) on corner lots of arterial or collector streets, with the immediate residential area in which the use is located as the primary service area for the use
 - xviii. Studios

6.6 Commercial Development Agreement Policies

Policy CDA-5: It shall be a policy of Council to ensure that the following criteria are met when Council is considering proposals for expansion, replacement or change of use in the Special Commercial (C8) Zone by development agreement:

- a) Any new building, or any expansion in the volume of a building in which an established commercial or industrial use is located shall not result in the creation of new ~~non-residential~~ floor area that is in excess of ~~20~~40% of the gross floor area of the building prior to expansion; ~~or shall not result in the creation of new floor area that is in excess of forty 40% of the gross floor area of the building prior to expansion where a maximum of 25% of the abutting zones are Residential as shown on the Zoning Map of the Land Use By-law;~~

- b) The area of outdoor storage or open display uses that are located on the lot shall not increase;
- c) Any nuisances that are associated with the use will be eliminated or reduced to an acceptable level as a result of the change, including noise, odour, dust, unsightly material, and unsanitary conditions, or no new nuisances will be created as a result of the proposed change;
- d) Any new buildings and any alterations, or additions made to established buildings with respect to the development shall be compatible in terms of architectural features, height and bulk, with other buildings in the neighbourhood;
- e) All signage shall be reasonably consistent with the requirements of the Land Use By-Law; and
- f) The development is in accordance with Policy IM-6.

PUBLIC PARTICIPATION MEETING conducted on:

November 25, 2020

FIRST READING conducted on:

January 25, 2021

PUBLIC HEARING conducted on:

SECOND & FINAL READING conducted on:

Appendix B

List of uses permitted by development agreement from 1997 documents

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.

Appendix C

MPS SECTION 17 POLICY REVIEW OF APPLICATION

In accordance with Section 17 of the Municipal Planning Strategy, Town Council shall consider MPS Policies IM-1, IM-2, IM-3, IM-4 and IM-6 prior to making a decision on requested MPS and LUB amendments. Accordingly, planning and engineering staff have reviewed the request in accordance with the policies and provide the following comments:

MPS Policy IM-6	Staff Comment
<i>When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:</i>	
<i>a) Compatibility of the proposed land use with adjacent land uses; and</i>	The proposed list of uses permitted by development agreement was selected based on various factors as described in the report. They are proposed as compatible uses with residential areas.
<i>b) Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and</i>	These amendments are not for a specific development. These aspects will be evaluated within the development agreement process.
<i>c) Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and</i>	Same comment as above.
<i>d) Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and</i>	Same comment as above.
<i>e) The adequacy of sanitary services, water services, and storm water management services; and</i>	The Engineering Department provided general comments regarding the proposed amendments. See below.
<i>f) Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services; and</i>	Same comment as above.
<i>g) The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</i>	Same comment as above.
<i>h) The adequacy of site access as determined by the Traffic Authority; and</i>	Same comment as above.
<i>i) The ability of emergency services to respond to an emergency at the location of the proposed development; and</i>	Same comment as above.

MPS Policy IM-6	Staff Comment
<i>When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:</i>	
<i>j) The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</i>	Same comment as above.
<i>k) The provision of off-street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area; and</i>	These amendments are not for a specific development. These aspects will be evaluated within the development agreement process.
<i>l) Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</i>	The Engineering Department provided general comments regarding the proposed amendments. See below.
<i>m) Suitability of the site in terms of slope and flood and erosion risk in accordance with Map 6 – Environmental Constraints; and</i>	Same comment as above.
<i>n) Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage;</i>	Same comment as above.
<i>o) The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure, environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc.; and</i>	These amendments are not for a specific development. These aspects will be evaluated within the development agreement process.
<i>p) The financial ability of the Town to absorb any costs relating to the proposal; and</i>	The Engineering Department provided general comments regarding the proposed amendments. See below.

MPS Policy IM-6	Staff Comment
<i>When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:</i>	
<p><i>q) The proposal's conformance with the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law are regarded as guidelines.</i></p>	<p>The proposed amendments conform with the intent of the MPS. The intent of the Special Commercial (C8) Zone is that uses identified in the LUB 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 are discontinued. Similarly impactful commercial uses are being proposed and restrictions are in place regarding the expansion of non-residential uses.</p>

Engineering staff provided the following comments taking into consideration Policy IM-6:

Individual properties (18 listed in the application briefing) were not individually assessed, generic comments would be provided as each of the properties would still need to go through a Development Agreement process and receive a more detailed review at that time.

1. The adequacy of sanitary services, water services, and storm water management services regarding the amendments.

Servicing - Typically, the higher the elevation the less fire flow/protection that is readily available unless the development is within a pressurized system. Servicing the extremities becomes more challenging for available capacities and increase operations and maintenance and therefore more costly. Several areas in Town still have aged, undersized infrastructure that may not be suited for increased densities without upgrades. The 2018 Sanitary Stormwater Master Plan concluded that "Future development or densification within Town will increase overflows from the sanitary and combined sewer system with the exception of development or redevelopment in areas which can drain by gravity to the WWTP." It further states that "Current NSE/CCME regulations and guidelines require that new developments or densification of existing developments do not increase the frequency or volume of overflows. To accommodate development, system improvements to the wastewater collection system will be necessary to offset the increased flows from any new development or redevelopment at a recommended ratio of 2:1 (removed 2 parts stormwater to allow 1 part of new sanitary sewer)".

Some of the proposed changes in use such as dog groomers and personal service shops would increase wastewater and thus increase overflows if offsetting is not achieved. Stormwater management such that post development peak flows do not exceed predevelopment peak flows should continue to be required to ensure localized flooding does not worsen.

Provided the process does not change such that a development agreement is still required,

specific analysis of each property would be completed allowing concerns to be addressed in the same manner as it has been.

2. The adequacy of the road network regarding connectivity, congestion, traffic hazards and active transportation regarding the amendments.

Traffic - Arterial and Collector streets are intended for higher volumes of traffic; the subject properties located on these street classifications would likely cause less of an issue as properties located on local streets intended for lower traffic volumes;

3. Consideration of environmental impacts regarding the amendments.

Environmental - would be site specific depending on existing and past use. Some areas of Town may be more environmentally sensitive such as areas around bodies of water, steep slopes, etc.

Minutes from Public Participation Meeting:

Special Commercial Zone

Wednesday, November 25, 2020 @ 6:00PM

Attendance: Leslie Armstrong; John Zuck; Robbie Cusack; Mackenzie Childs (Planner, Town); and Nick Brown (town staff - Chair)

- Potential impacts to adjacent properties were discussed and the Planner responded that these amendments would set up the ability to enter into a development agreement for certain commercial uses, and at that time the impact to neighbouring properties would be evaluated. Also, that the list of proposed uses was developed to include neighbourhood-oriented services and less impactful land uses.
- It was suggested that the necessity to go through a development agreement process each time there was a proposed change to another commercial classification would be burden on property owners and prospective buyers, especially with the uncertainty and time associated with the development agreement process.
- While the proposed commercial uses do seem compatible, any purchaser would see the additional development agreement requirement as an impediment.
- The Town was applauded for considering the integration of community commercial uses within residential areas, rather than separating.
- It was suggested that buyers and sellers (associated with the subject properties) would find the development agreement process difficult to navigate, as they are not typically developers. The applicants may not have the time and resources to go through with the application.
- It was agreed that conditional offers could work with uncertain buyers as the development agreement process and approvals unfold; however, what would be usually a small-scale development may not be conducive to waiting.
- The Planner clarified, upon being questioned, that the development agreement process would be triggered each time there was a newly proposed main commercial use.
- There was a question regarding the necessity of the development agreement process for the change to certain compatible commercial uses, and if other mechanisms might be available whether it's another process or a new zone. The Planner described the different processes that have been / are being examined to facilitate these changes to the commercial use. The development agreement process, to date, had been deemed most appropriate; however, detailed planning analysis follows the public participation meeting.
- There was positive discussion related to allowing residential on the same site and excluding new residential from the expansion criteria presently in place for any expansion to a structure in the Special Commercial (C8) Zone.

Minutes from Public Information Meeting:

Special Commercial Zone land owners

Wednesday, November 18, 2020 @ 6:00PM

Attendance: Howard and Odette Van Tassel (287 King Street); Fazel Rahman (87 Aberdeen) on behalf of David Rahman (58 Elm Street); Mackenzie Childs (Planner, Town); and Nick Brown (town staff - Chair)

- It was suggested that the proposed list of new uses permitted by development agreement was a good list, where such would provide flexibility while still protecting the neighbourhood.
- The Planner clarified, upon being questioned, that the development agreement process would be triggered each time there was a newly proposed main commercial use.
- The proposed changes and effort appreciated; however, nothing guaranteed through the subject amendment process. What if prospective buyers do not want to wait for a development agreement process? Therefore, concerns regarding the time and uncertainty with the development agreement process.
- The Planner confirmed that a proposed use is required to begin development agreement negotiations, in response to a question concerning how an owner could pre-condition their property for the market by entering into a development agreement for an office (as an example).
- The Planner confirmed that it is the intention to ultimately rezone Special Commercial to a residential zone; however, if the use does change to residential (which is currently permitted) but the zoning does not, these proposed new uses permitted by development agreement would still be available as long the property is located in the Special Commercial (C8) Zone.