

HALIFAX

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Item No. 14.1.6
Halifax Regional Council
January 30, 2018

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: January 19, 2018

SUBJECT: **Case 21212: Municipal Planning Strategy and Land Use By-law amendments for 8646 and 8650 Peggys Cove Road, Indian Harbour**

ORIGIN

Application by WM Fares Architects, on behalf of Oceanstone Seaside Resort.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 1 and 3 for 8646 and 8650 Peggys Cove Road, Indian Harbour to recognize the existing tourist industry use on the site and allow for its expansion or alteration; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

WM Fares Architects on behalf of Oceanstone Seaside Resort is applying to rezone 8646 and 8650 Peggys Cove Road, Indian Harbour (the subject site) from the MU-1 (Mixed Use 1) Zone to the C-3 (Tourist Industry) Zone to better reflect the existing resort use established on the property and permit future expansion. This proposal cannot be considered under existing planning policies and, therefore, the applicant is seeking amendments to the Municipal Planning Strategy (MPS) for Planning Districts 1 and 3 (St. Margaret's Bay) to enable the proposal.

Subject Site	8646 and 8650 Peggys Cove Road, Indian Harbour
Location	Approximately 3.5 km north of Peggys Point Road
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Mixed Use A under the Municipal Planning Strategy (MPS) for Planning Districts 1 and 3 (St. Margaret's Bay)
Zoning (Map 2)	MU-1 (Mixed Use 1) under the Land Use By-law (LUB) for Planning Districts 1 and 3 (St. Margaret's Bay)
Size of Site	2.2 hectares (5.5 acres)
Street Frontage	104 meters (341 feet)
Current Land Use(s)	Oceanstone Seaside Resort and Rhubarb Restaurant
Surrounding Use(s)	North, East and South: Existing residential lots ranging in size from 1 to 16 acres North-east: East St. Margaret's Elementary School West: St. Margaret's Bay (Atlantic Ocean)

Proposal Details/ History

The Oceanstone Seaside Resort is comprised of 25 tourist accommodation suites, a restaurant (The Rhubarb Restaurant), and a canteen/snack shop. The suites are distributed across three main buildings and eight cabins (Map 3). The resort is a popular location for events and weddings.

The property, and some of the existing buildings, were formally used as a yoga and wellness/nature retreat (The Akala Point Retreat) which operated for about 12 years between 1986-1998. After that time, the resort was established and more buildings were added. The Oceanstone Resort has been operating under the current ownership since 2011.

This application initially came forward as a land use compliance matter. The development on the site currently exceeds the limits of the MU-1 Zone. This matter, for the time being, has been resolved through the courts. However, should this application not ultimately be successful, the property will be required to come into compliance with the MU-1 Zone and additional enforcement action may be taken.

The applicant proposes to rezone the property to the C-3 (Tourist Industry) Zone. This would allow greater flexibility for the operator to respond to changing trends in the tourism industry and it would also address the compliance matter. For reference, the applicant's letter of intent is attached as Attachment A of this report. The proposed rezoning can only be considered within the Mixed Rural Residential designation in the Municipal Planning Strategy (MPS). The subject site is designated Mixed Use A therefore, an amendment to the MPS is required to facilitate the rezoning.

MPS and LUB Context

The subject site is situated within the MPS for Planning Districts 1 and 3. It is designated Mixed Use A in this MPS which is intended to support a wide range of residential, commercial, institutional and resource uses.

Area wide context

The MPS and LUB support tourism accommodation uses through:

- permitting bed and breakfast establishments in most zones;

- allowing one unit per dwelling to be utilized for tourist accommodation purposes; and
- establishing the C-3 Zone which permits motels, hotels and restaurants, as well as all uses permitted within the Mixed Rural Residential (MRR-1) zone.

The MPS also contains policies MU-9, MRR-7 and RE-8 which enable the consideration of campgrounds through the development agreement process on properties designated Mixed Use A and B, Mixed Rural Resource and Resource respectively (Attachment B).

Site specific context

The LUB regulates the different components of the resort separately:

- The restaurant and main accommodation buildings (Inns) are permitted but cannot be expanded because, at 12,500 sq. ft., they currently exceed the maximum gross floor area set out in the land use bylaw (7,500 sq. ft.);
- The tourist cabins fall within the definition of campground¹ (Attachment C) and any expansion of that component would require a development agreement;

Given the different components of the resort use, without a resort use being specifically recognized as a single use within the MPS and LUB, there is no pre-determined planning process available to accommodate future expansion on the site under the existing provision of the MPS.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendments:

- Oceanstone Resort is a year-round business that showcases tourism in Nova Scotia and provides employment opportunities for the local community;
- The limitations of the existing zone pose serious adverse impacts on the viability and growth of the existing business; and
- The existing land uses would align more consistently with a Tourist Industry Zone.

Attachment A contains the applicant's application letter.

Review

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses and advise that there is merit to the request. While the MPS and LUB support a variety of tourist accommodation options, there are issues with how the LUB considers a resort that includes tourist cabins such as the Oceanstone Resort. As the LUB has no definition for a "resort", the range of tourism uses on this property fall under multiple definitions (inn, restaurant, campground etc.). While they can be regulated independently under the LUB, planning to allow changes or expansions can become unnecessarily complex.

¹ The LUB defines Campground as the commercial, institutional or non-profit use of land on which accommodations for temporary occupancy are located or may be placed, including tents, tourist cabins, camper trailers, and recreational vehicles, and which is primarily seasonal in operation.

The applicant has requested a rezoning to the C-3 Zone. The C-3 Zone has no restriction on gross floor area for commercial development and this may be a suitable zone to apply to the subject site. However, there is no MPS policy that enables the proposed rezoning, therefore an amendment to the MPS is necessary.

A full review would consider the following:

- the scope and appropriateness of different planning tools, such as zoning, development agreements or site plan approvals;
- the feedback received through community engagement initiatives;
- a review of other C-3 properties within the plan area to ensure that any changes to the zone would not have unintended consequences
- a review with the NS Department of Transportation and Infrastructure Renewal to assess the potential impact on local area traffic and site access; and
- a review with the NS Department of Environment to determine the ability of the site to accommodate on-site sewage disposal.

Conclusion

Staff have reviewed the proposed MPS amendment and advise there is merit to the request. The Oceanstone Resort has been in operation for several years and currently has no options to expand. The MPS recognises the importance of tourist accommodation and makes provisions for such uses. However, this use, a resort, did not appear to be fully contemplated when the MPS was established, making any proposal to expand the operation under existing policies unnecessarily complex. Therefore, staff recommend that Regional Council initiate the MPS amendment process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public information meeting early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the MPS for Planning Districts 1 and 3 will potentially impact the following stakeholders: residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2017/18 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential MPS amendments that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Municipal Planning Strategy for Planning Districts 1 and 3 is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area
Map 3: Site Plan

Attachment A: Applicant Letter of Intent
Attachment B: Excerpt from the MPS for Planning Districts 1 and 3
Attachment C: Excerpt from the LUB for Planning Districts 1 and 3

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

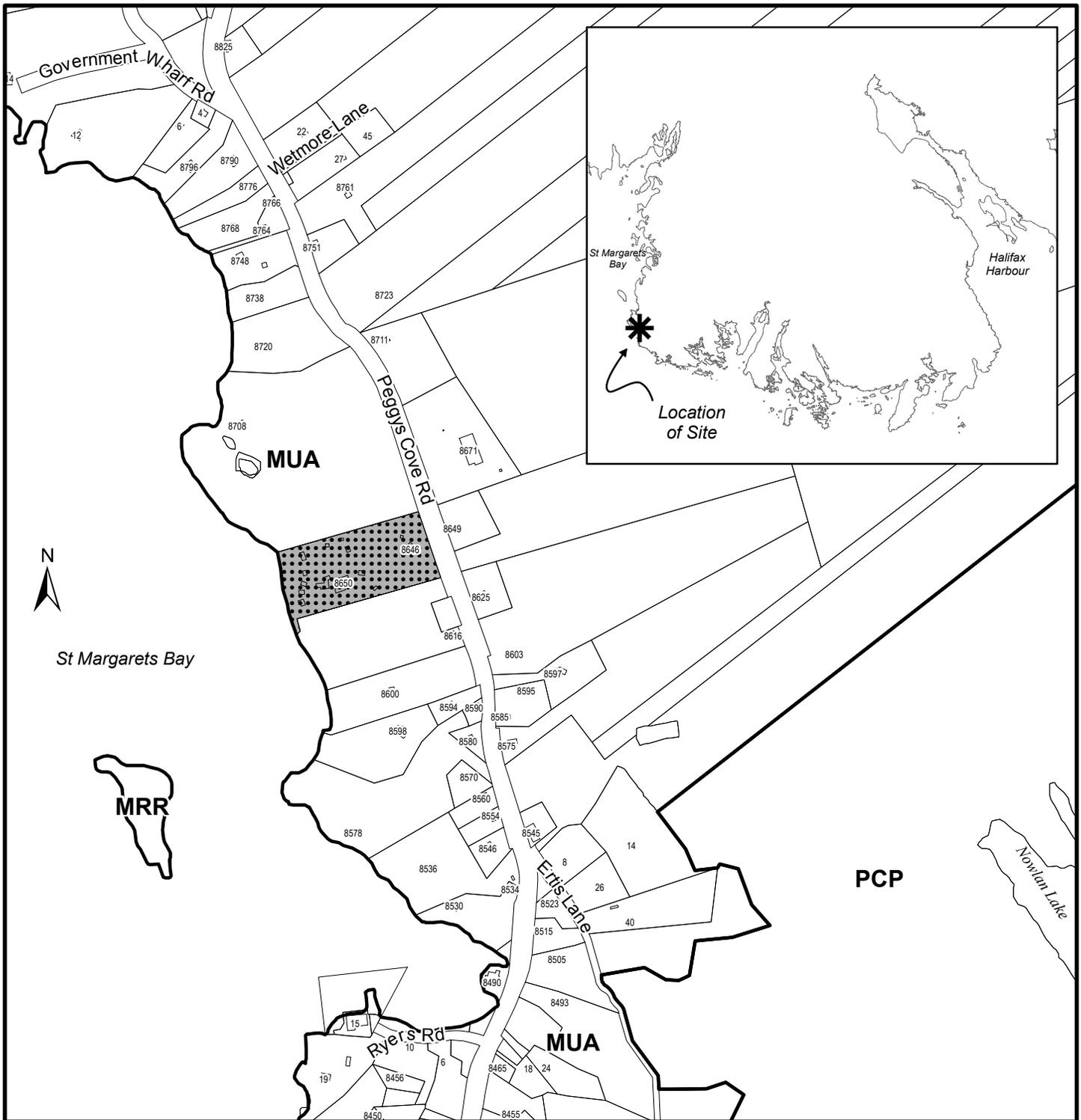
Report Prepared by: Jacqueline Belisle, Planner II, 902.490.3970

Original Signed

Report Approved by: _____
Steve Higgins, Acting Manager of Current Planning, 902.490.4382

Original Signed

Report Approved by: _____
Kelly Denty, Acting Director, Planning and Development, 902.490.1627



Map 1 - Generalized Future Land Use

8646/8650 Peggy's Cove Rd,
Indian Harbour

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 Subject Property

Designation

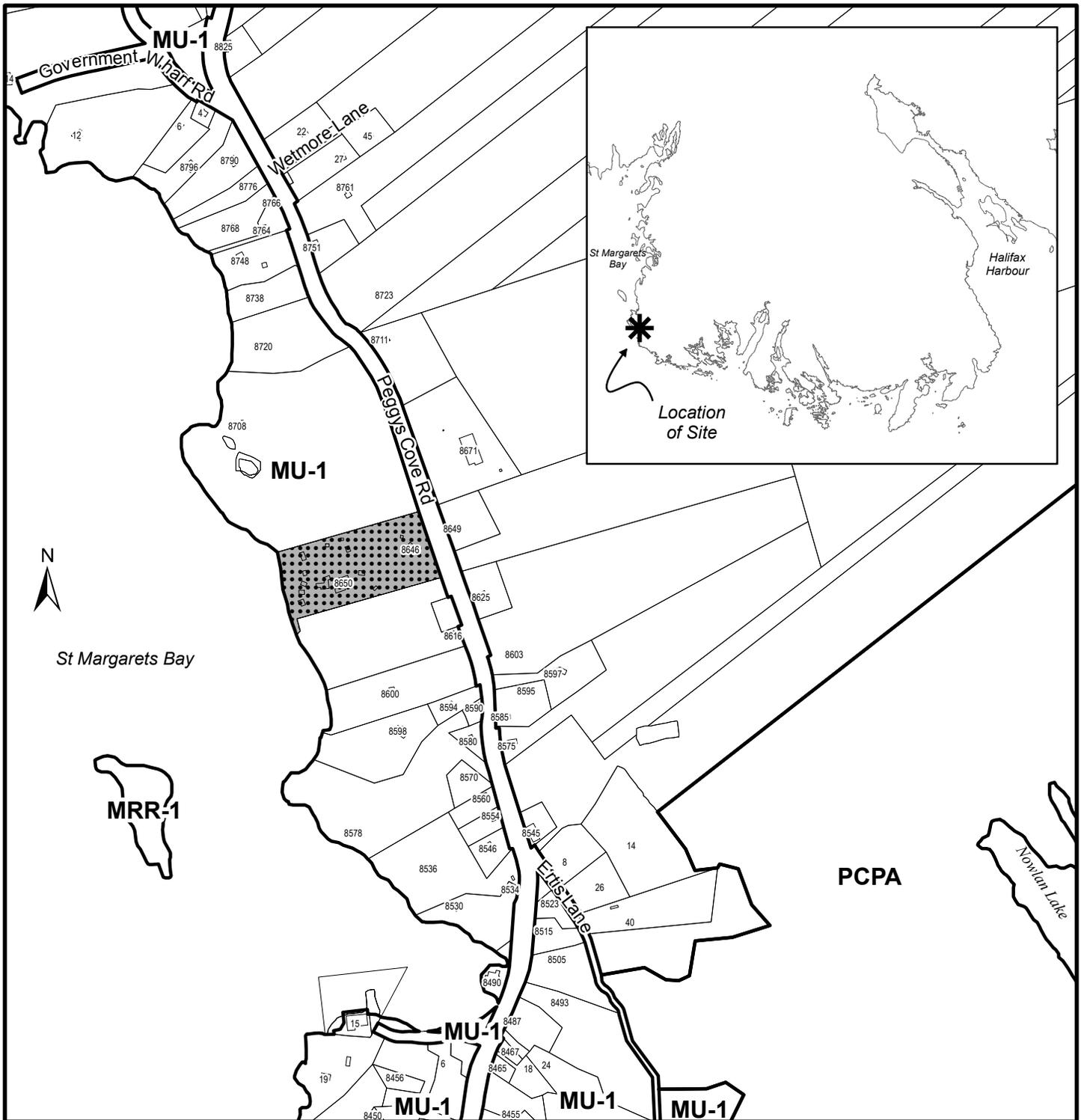
- MRR Mixed Rural Residential
- MUA Mixed Use A
- PCP Peggys Cove Preservation Area



Planning District 1 & 3
(St Margaret's Bay) Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning

8646/8650 Peggy's Cove Rd,
Indian Harbour

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 Subject Property

Zone

- MRR-1 Mixed Rural Residential
- MU-1 Mixed Use
- PCPA Peggys Cove Preservation Area



Planning District 1 & 3
(St Margarets Bay) Plan Area

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Oceanstone

SEASIDE RESORT

The inspiring seaside oasis that is Oceanstone has been inviting visitors from across the province and around the world to recharge, unwind and relax for more than three decades.

What began as a tiny yoga retreat on the shores of St. Margaret's Bay has grown organically over time. Today it is a destination for executive class retreats, unforgettably intimate weddings and an escape for both world travelers and busy Halifax couples alike.

Welcome to Oceanstone - stoke the fire

- 1 Oceanstone Lodge
Front Desk Check In/Out
Great Room
Conference + Meeting Space
Firepit
Lodge Room One
Lodge Room Two

- 2 Hollyhock Suites

- 3 Inn Rooms

- 4 Tree House

- 5 The Pines **cottage: 2-BEDR**

- 6 Ocean Vista

- 7 Captain's House

- 8 Crow's Nest

- 9 Dovekey **1-BEDR Suite**

- 10 Grey Owl **cottage: 3-BEDR**

- 11 Periwinkle

- 12 Rhubarb Restaurant & Rooms

- 13 Tuck Shop
Cold drinks, coffee, snack items and small items for breakfast.
Sandwiches and salads for that perfect meal on the go.
open daily 8am-3pm

-  Complimentary Wood Shed

-  Oceanstone Firepit

-  Outdoor Wedding Venue

cottage: - 2-BEDR

Cottage: 1-BEDR

AMENITIES

cottage: 1-BEDR

- Out door games
- Onsite Restaurant
- Oceanfront Property
- Private beach access
- 5 Minutes from Peggy's Cove

- WIFI
- Beach bonfires
- Board games
- DVD collect
- Ask staff for assistance

8650 Peggy's Cove Road
Indian Harbour, Nova Scotia B3Z 3P4
OceanStoneResort.com | 902-823-2160
RhubarbRestaurant.ca | 902-821-3013



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May 24, 2017

Jacqueline Belisle, Planner
Rural Policy & Applications
Current Planning | PLANNING & DEVELOPMENT
HALIFAX
PO BOX 1749
HALIFAX NS
B3J 3A5

**Re: Oceanstone Seaside Resort
8650 Peggys Cove Road
Indian Harbour, NS**

Dear Jacqueline,

Please accept the enclosed Planning Application for the subject property. It is our intention to amend the Municipal Planning Strategy and Land Use Bylaw to rezone this site from MU-1 (Mixed Use Zone) to C3 (Tourist Industry Zone).

The existing site is approximately 5.5 acres of land and is currently occupied by a well renowned touristic attraction known as Oceanstone Seaside Resort. It features 25 fully-serviced high-end furnished suites including rooms, inn suites, and cottages, in addition to Rhubarb restaurant.

Oceanstone is an award-winning resort and a premiere location for weddings, corporate events, retreats, and getaways. It has been recognized nationally for weddings, winning Top 5 places in Canada to get married by the Canadian Wedding Industry Awards as well as Elle Canada. It is a year-round business that showcases tourism in Nova Scotia, and provides employment opportunities for the local community.

It is our understanding that the current zone is MU-1 and the existing use falls under Campground. The Oceanstone Resort is not consistent with the definition of a Campground as stipulated under Planning Districts 1 and 3 Land Use Bylaw. Consequentially, the limitation of the existing zone poses serious adverse impacts on the viability and growth of the existing business.

We believe that the subject site aligns more with Policy MRR6 of the Municipal Planning Strategy and is consistent with the C3 – Tourist Industry Zone. It is our hope that both Staff and Council concur with our assessment, and agree to initiate the planning process that would apply the correct designation and zoning.

Thank you for your consideration.

Regards,

Cesar Saleh, P.Eng.
W M Fares Architects

**Attachment B:
Excerpts from the Municipal Planning Strategy
for Planning Districts 1 and 3**

MIXED RURAL RESIDENTIAL DESIGNATION

Given the locational attributes of much of the designation there are other uses related to the tourist industry that could conceivably find the designation particularly attractive from a business perspective. For example, certain parcels of land within the designation have an excellent view of the ocean and, in some instances, direct access to it. Commercial activities that would find such locations advantageous include motels, hotels and restaurants.

The nature of these uses, however, is such that they would not be appropriate to all areas within the designation. Therefore their establishment shall only be permitted by amendment to the land use by-law.

MRR-6 Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation, Council shall establish a tourist industry zone which permits all mixed rural residential uses, motels, hotels and restaurants. This zone shall be applied to existing tourist industry uses and shall establish controls on site design, details such as outdoor storage and display and parking areas. Council shall only consider permitting new tourist industries by amendment to the land use by-law. In considering an amendment to the land use by-law to permit such uses, Council shall have regard to the following:

- (a) the potential that the proposed use has for adversely affecting nearby residential and community facility development and an evaluation of the effect which the operational characteristics of the proposal will have on the surrounding community;
- (b) evidence of identifiable characteristics which make the site particularly suitable for the proposed use;
- (c) the effect of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (d) the means by which solid and liquid waste will be treated; and
- (e) the provisions of Policy IM-9.

MIXED USE DESIGNATIONS

Two uses that could find the designation attractive to locate in but bring with them potential negative side effects are campgrounds and marinas. Such uses are recognized, given the Plan Area's reliance on the tourist industry. However, residents are anxious to ensure that when they are developed they will not create disruption to neighbouring uses. Therefore, campgrounds and marinas shall only be considered by development agreement.

MU-9 Notwithstanding Policy MU-2, within the Mixed Use "A" and "B" Designations, Council shall only consider campgrounds and marinas according to the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting existing residential and community facility development in the area by virtue of noise, visual intrusion and traffic generation;
- (c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;
- (d) the impact on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
- (e) the layout and design of the facility and public safety regarding the operation of boats;
- (f) the general maintenance of the facility;
- (g) the means by which solid and liquid waste will be treated;
- (h) the provision of sewage pump-out facilities for marine craft;
- (i) that provisions for storage of marine craft require all masts and rigging be removed;
- (j) that the architectural design and scale of any buildings are compatible with nearby uses;
- (k) the ability to meet any applicable Provincial requirements;
- (l) the effects of the use on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (m) hours of operation; and
- (n) the provisions of Policy IM-9.

MIXED RURAL RESIDENTIAL DESIGNATION

Two other uses that potentially could find desirable locations within the designation are campgrounds and marinas. Marinas have an obvious need to be by the sea while campgrounds would be attracted by the scenic and natural amenities which exist within the area.

While residents appreciate the need for such facilities, there is concern that these uses could also bring with them noise and other problems, especially given the potentially large areas involved and the level of activity. Communities seek assurances that such activities will not detract from the existing character and usage of property. Therefore, such uses will be considered within the designation only where the site has a particularly valuable potential which can be developed without creating disruption to neighbouring land uses.

MRR-7 Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation,

Council shall only consider permitting campgrounds and marinas in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting nearby residential and community facility development in the area by virtue of noise, visual intrusion, traffic generation and littering;
- (c) the effect of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (d) the layout and design of the facility;
- (e) general maintenance of the facility;
- (f) the means by which solid and liquid waste will be treated;
- (g) the effects of the use on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (h) the provision of sewage pump-out facilities for marine craft;
- (i) that provisions for storage of marine craft require all masts and rigging be removed;
- (j) the appearance of all buildings and structures related to the use and their relation to nearby uses;
- (k) the requirement for any applicable provincial approvals;
- (l) hours of operation relating to retail and entertainment uses;
- (m) the provisions of Policy IM-9.

RESOURCE DESIGNATION

By virtue of its large area and natural features, the Resource Designation is an attractive area for recreational activities. Although some recreational activities, such as hiking trails, do not cause land use conflicts and, in fact, are well-suited to areas such as the Resource Designation, larger scale commercial operations such as golf courses, campgrounds and amusement parks could have significant effects upon the natural environment. The attraction of large numbers of people to such activities and the associated noise and traffic could also have a negative effect on the designation.

Therefore, such uses will only be permitted by development agreement, which will help to ensure that any commercial recreation development remains compatible with the area.

RE-8 Notwithstanding Policies RE-2 and RE-3, within the Resource Designation, Council shall only consider permitting commercial recreation uses and campgrounds according to the development agreement provisions of the Planning Act. In considering any such development agreements, Council shall have regard to the following:

- (a) the potential that the proposed use has been adversely affecting nearby residential

- and community facility development and an evaluation of the effect which the operational characteristics of the proposal will have on the surrounding community;
- (b) evidence of identifiable characteristics which make the site particularly suitable for the proposed use;
 - (c) the effect of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
 - (d) the means by which solid and liquid waste will be treated;
 - (e) the control of discharge of any pesticides or herbicides, including chemical fertilizers and fungicides into a watercourse or waterbody; and
 - (f) the provisions of Policy IM-9.

IMPLEMENTATION

IM-9 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 strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of 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 destruction of designated historic buildings and sites.
- (c) that in development agreement 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 with respect to the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy p-79F”, Subdivision Approval shall be**

subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

**Attachment C:
Excerpts from the Land Use By-law
for Planning Districts 1 and 3**

PART 2: DEFINITIONS

- 2.11 CAMPGROUND means the commercial, institutional or non-profit use of land on which accommodations for temporary occupancy are located or may be placed, including tents, tourist cabins, camper trailers, and recreational vehicles, and which is primarily seasonal in operation.
- 2.32 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- 2.34 HOTEL means a building or buildings or part thereof on the same lot used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities but not include tourist cabins.
- 2.49 MOTEL means a hotel primarily for transients traveling by automobile with a parking space on the lot for each lodging unit and with access to each such unit directly from the outside.
- 2.64 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.30 TOURIST ACCOMMODATIONS (WRCC-Jan 26/04;E-Feb 15/04)

One dwelling unit per lot may be used as an accommodation for the travelling public, on a daily, weekly, or monthly basis, for gain or profit, pending all other requirements of the Land Use By-law are met.

PART 11: MRR-1 (MIXED RURAL RESIDENTIAL) 1 ZONE

11.1 MRR-1 USES PERMITTED

No development permit shall be issued in any MRR-1 (Mixed Rural Residential) Zone except for the following:

Residential Uses

Single unit dwellings

Two unit dwellings

Mobile dwellings skirted

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

Business uses in conjunction with permitted dwellings

Boat houses

Commercial Uses

Bed and breakfast establishments

Craft shops

Antique shops

Local convenience stores

Service and personal service shops

Medical clinics

Grocery store

Variety store

Resource Uses

Agriculture uses

Forestry uses (but for purposes of this Section shall not include permanent sawmills or industrial mills)

Fishery support uses

Community Uses

Institutional uses

Open space uses

PART 12: MU-1 (MIXED USE 1) ZONE

12.1 MU-1 USES PERMITTED

A development permit may be issued for all uses in any MU-1 (Mixed Use) Zone, except for the following:

Residential Uses Not Permitted

Mobile home parks
Multi-unit dwellings
Senior citizen housing over 20 units

Commercial Uses Not Permitted

Commercial entertainment uses
Campgrounds
Marinas

All commercial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC -Feb 24/09;E-Apr 25/09)

Resource Uses Not Permitted

Agricultural uses, Intensive
Extractive facilities
Sawmills and industrial mills related to forestry over 3,000 square feet

Industrial Uses Not Permitted

Industrial uses but excepting traditional uses and service industries
Salvage yards

All industrial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)

Construction and Demolition Materials Operations Not Permitted

**C&D Materials Transfer Stations
C&D Materials Processing Facilities
C&D Materials Disposal Sites (RC-Sep 10/02;E-Nov 9/02)**

12.2 MU-1 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, no development permit shall be issued in any MU-1 Zone except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

12.3 OTHER REQUIREMENTS: COMMERCIAL USES INCLUDING COMMERCIAL USES ASSOCIATED WITH A RESIDENTIAL USE.

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

- (a) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (b) No portion of any parking space within the MU-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected.

PART 16: C-3 (TOURIST INDUSTRY) ZONE

16.1 C-3 USES PERMITTED

No development permit shall be issued in any C-3 (Tourist Industry) Zone except for the following:

All MRR-1 (Mixed Rural Residential) Uses

Tourist Industry Uses

Motels

Hotels

Restaurants, full-service, drive-in and takeout

16.2 C-3 ZONE REQUIREMENTS: TOURIST INDUSTRY USES

In any C-3 Zone, where uses are permitted as tourist industry uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	40,000 square feet (3716 m ²)
Minimum Frontage	150 feet (45.7 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	30 feet (9.1 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

16.3 OTHER REQUIREMENTS: TOURIST INDUSTRY USES

Where tourist industry uses are permitted in any C-3 Zone the following shall apply:

- (a) No structure shall be less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling on the same lot or directly related to the commercial use.
- (b) Except where any lot in a C-3 Zone abuts another lot in a commercial zone, no portion of any parking space within the C-3 Zone shall be permitted in any required side or rear yard except where a fence or other visual and physical barrier is erected

in which case there shall be no parking within fifteen (15) feet (4.6 m) of the side or rear lot line.

- (c) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.

16.4 OTHER REQUIREMENTS: MRR-1 USES

In any C-3 Zone, no development permit shall be issued for any MRR-1 use except in conformity with the provisions of the MRR-1 Zone.