

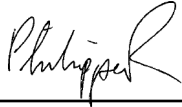
**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**
Wednesday, February 27, 2017 / Le lundi 27 février, 2017

Staff Report / Rapport du personnel

Subject / Objet : Temporary Use Application / Application pour une usage temporaire

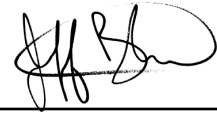
File number / Numéro du fichier : 17-051

From / De :



Phil Robichaud

Reviewed by / Révisé par :



Jeff Boudreau

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérent :

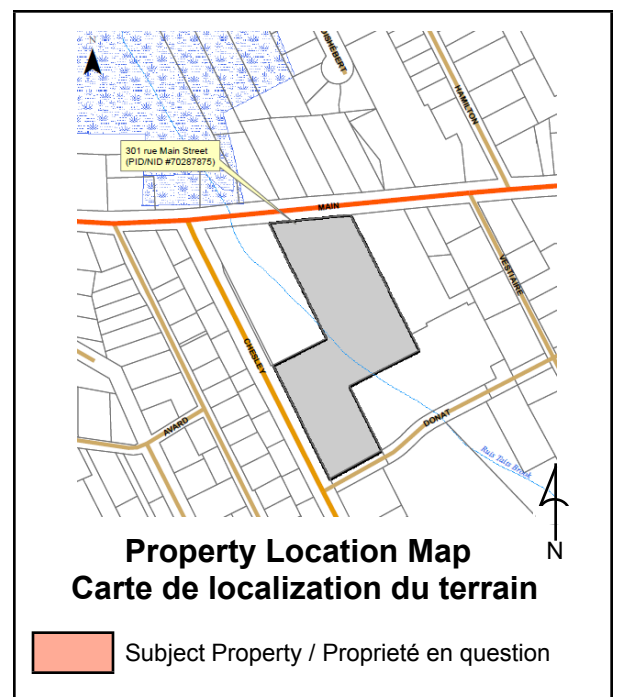
Eugene Brydges Home Hardware Stores Limited

Landowner / Propriétaire :

Home Hardware Stores Limited

Proposal / Demande :

Allow a garden center in the Central Commercial zone for up to one year while the Town of Shediac adopts amendment to the zoning by-law permitting this use.



Site Information / Information du site

PID / NID: 70287875

Lot Size / Grandeur du lot: 1.81 Hectares

Location / Endroit :

301 rue Main ST, Shediac, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Commercial

Zoning / Zonage :

CC

Future Land Use Designation / Désignation de l'utilisation future du sol :

Future Land Use : Commercial

Surrounding Use & Zoning / Usage des environs & Zonage :

Central Commercial

Municipal Servicing / Services municipaux:

Public water and sewer

Access-Egress / Accès/Sortie :

Main Street and Donat Street

Policies / Politiques

3.2.3 Economic development

Policies

2. Municipal council's policy is to encourage the successful completion of all projects based on economic development in commercial, industrial, and institutional sectors, keeping in mind the preservation of residents' quality of life and the environment.
3. Council's policy is to promote a balanced economy, encouraging a wide array of commercial, industrial, and institutional uses.

3.2.4 Commercial sectors and uses

Policies

2. Council's policy is to correctly frame commercial activities.
3. Council's policy is to recognize the downtown area as the heart of commercial activity within the municipality.
6. Council's policy is to encourage continued growth in commercial developments in the Town of Shediac

7. Boroughs of the Town of Shediac

7.1.2 Proposals related to the Downtown borough:

9. It is proposed to encourage multiple uses for land and facilities located in this borough in order to promote and maximize resource utilization.

Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

The use "Garden Center" is not a permitted use in the Central Commercial zone as per the Town of Shediac Zoning By-Law Z-14-44 :

Central Commercial Zone (CC)

13.1 Permitted uses

13.1.1 No land, building or structure shall be used for any purpose other than:

a) one or several of the following main uses:

- (i) a personal service shop, (ii) a bank or financial institution, (iii) a hotel or motel, (iv) a governmental or institutional use,
- (v) a multiple unit dwelling, subject to paragraph b
- (vi) a museum or library,
- (vii) a public park,
- (viii) a restaurant,
- (ix) a theatre,
- (x) a retail store,
- (xi) a funeral home,
- (xii) a pub, bar, or night club, as long as they are located on Main Street,
- (xiii) an office or office building,
- (xiv) a professional office,
- (xv) a daycare or kindergarten,
- (xvi) a sports complex,
- (xvii) a cultural centre, art gallery or studio,
- (xviii) land and/or building intended for parking, as long as it is not on Main Street and subject to Section 31;

b) the multiple unit use shall be on the storeys above the ground floor in a building on Main Street;

c) a dwelling as a secondary use, subject to Section 13.1.2;

d) one or several buildings, structures or accessory uses related to the main use for the land, building or structure

Internal Consultation & External Consultation / Consultations internes et externes

Southeast Regional Service Commission staff have consulted with Town of Shediac administration and are in support of the proposal.

Discussion

The owner of the property at 301 Main Street, Shediac with the PID 70287875, zoned Central Commercial (CC), has relocated a retail store (Home hardware) on the same lot. The new location has been moved closer to the Main Street. The previous location was operating a garden center incidental to the retail store that, as per the current Shediac Zoning by-law, is not permitted. The retail store was previously operating the garden center as an existing non-conforming and lost this status after relocating. The applicant has applied for a temporary use for up to one year that would allow them to operate a garden center as a secondary use, pending amendments on the zoning by-law by the council.

Amendment on the current zoning by-law is currently being undertaken by the Town of Shediac, where adding a garden center as a secondary use has been added to the proposed amendments in the CC zone.

The applicant has applied for a temporary use because he wishes to operate the garden center prior to the start of the summer season. The amendment is estimated to be adopted in June 2017. Waiting for the amendments to be adopted could negatively impact the business during the busiest time for a garden center. The garden center consist of fences that are not permanently fixed to the ground. In the event that a garden center would not be adopted in the amendment, the fences could easily be removed.

It would be reasonable to permit a garden center as a temporary considering that :

- the proposed use is seasonal by nature and would not include any permanent structures,
- the proposed amendment may only be adopted in the month of June and could negatively impact the business
- the garden center is not a permanent use and could easily be removed

Attached is a copy of the proposed garden center site plan.

Public Notice / Avis public

Neighbours within 60m were notified of the temporary use application.

Legal Authority / Autorité légale

34(3) Subject to subsection (4), for greater certainty without limiting the general power conferred by subsection (1) or (2), a zoning by-law mentioned therein shall divide the municipality into zones, prescribe the purposes for which land, buildings and structures in any zone may be used, and prohibit the use of land, buildings and structures for any other purpose, and may

(h) empower the advisory committee or regional service commission, subject to such terms and conditions as it considers fit,

(i) to authorize, for a temporary period not exceeding one year, a development otherwise prohibited by the by-law,

Recommendation / Recommandation

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee **approve** the temporary use applicant to permit a garden center for a period of one year.

Note: This report was written in english and translated to a bilingual document. Where a conflict exists between the two languages, the language the report was written shall prevail. / **Note:** ce rapport a été rédigé en anglais et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.