



Tantramar Planning Review and Adjustment Committee Staff Report Views and Recommendations

Subject: Map and text amendments to the Dorchester Zoning By-law
File Number: 15-043
Meeting Date: February 25, 2015
From: Lori Bickford, Tantramar Office Manager/Planner

General Information

The Village of Dorchester intends to amend the following:

- The zoning map to change the south side of Racetrack Road from Residential Cottage Enterprise to Village Center
- The definition of Cottage Enterprise to remove small scale manufacturing as a permitted use
- To change the opening statements for each zone to state “one or more of the following uses” are permitted

Map Amendment

The northern side of Racetrack Road is zoned Village Center while the southern side is zoned Residential Cottage Enterprise. Although it is acceptable to have different zones on opposing sides of the street, generally there is a justification associated with doing so, i.e. topographical change, property size limitations, current uses, etc. Racetrack Road is a dead end street which terminates at a public recreational area. Both sides of the street are, or capable of, being serviced by both municipal sewer and water, and properties of similar size are on both sides of the street. As this street can be expected to have higher levels of traffic due to the ball field, and there are no apparent reasons for the uses to be different on the opposing side of the street, it is more appropriate to include both sides of the street within the Village Center Zone or what can be considered the core of the Village.

The Municipal Plan allows the rezoning without an amendment to the Future Land Use Map through the following policy:

“2.3 Use Interpretation - The Future Land Use Map “(Figure 1) is a graphic representation of the Land Use Designations which are to be developed in accordance



with the policies of this Plan. Areas abutting or contiguous to a given designation may be considered for a zoning amendment to a use permitted within that designation without an amendment to this Plan, provided all other policies of the Plan are met.”

Cottage Enterprise Definition

The Residential Cottage Enterprise zone was created to allow small scale – low impact businesses to occur outside the Village Center area and include those types of uses which can easily be integrated into a residential area. The following Municipal Plan policies reflect this goal:

“3.2.3.1 The area as indicated on the Future Land Use map, (“Figure 2”) which is part of this Plan is designated “Residential/Cottage Enterprise” and is intended to provide a multiuse area where residential and low impact economic enterprises will be permitted to coexist.”

And

“3.2.3.6 It is a policy that a wide range of economic enterprises will be permitted within this designation, including home occupations, small scale retail, tourism related businesses, environmental related businesses, micro enterprises including computer or technology related businesses, craft related businesses, offices, boarding houses, antique dealers, restaurants and businesses. No uses will be permitted which may have a negative impact on the environment. Appropriate environmental standards will be set out in the Zoning By-law.”

One of the permitted uses in the RCE zone is Cottage Enterprise. The Zoning By-law defines it as:

*“COTTAGE ENTERPRISE, means the use of a residential dwelling and/or accessory structures for employment purposes involving the **small scale manufacture**, provision and/or sale of goods and services including restaurants, bed and breakfast, manufacturing, antique stores, bicycle repair and sales, sports wear and small engine repair which will not adversely affect adjacent residents or the natural environment but does not include uses that may have an adverse affect on the natural environment or adjacent residents including truck depot, auto body or engine repair, service station and lounges/taverns;”*

The inclusion of small scale manufacture conflicts with the policies which state the intended goals of this zone. As manufacturing is generally not conducive with residential areas and are often associated with having a negative effect on the environment such as increased noise, dust, by-products of processing, heavier equipment, etc. From a land use perspective, small scale manufacture would be considered a more intrusive use than engine repair which is prohibited through the definition. Therefore, to ensure the permitted uses are reflective of the



Municipal Plan policies and the permitted uses within this zone, the proposed amendment would remove small scale manufacture from the definition.

Permitting more than one use

At the beginning of each zone a general statement always sets the parameters of how to interpret the list of permitted uses. The general statement usually reads one of two ways:

“Any land, building or structure may be used for the purposes of, and for no other purpose, the following main or similar uses:...”

or

“Any land, building or structure may be used for the purposes of, and for no other purpose, one or more of the following main uses:...”

As 3 of the 4 zones in the Dorchester Zoning By-law, begin with the first statement, it limits the use on each lot to one single use. A review of the Municipal Plan policy and the permitted uses indicate that it is the intention of the documents, and more appropriate, to permit more than one use on the property (provided the uses are permitted in that zone). Therefore, to ensure the intention of the land use policies and regulations are fulfilled, an amendment to the general zone statements would ensure the regulation properly reflects the policy.

Legal Authority

The Community Planning Act requires that a Municipality request the views of the PRAC before enacting a by-law or an amendment thereto through Section 66 of the Community Planning Act.

“66(1) A council shall request in writing, before enacting a by-law hereunder, the written views of the advisory committee or regional service commission on
(a) any proposed by-law in respect of which such views have not been given previously,
and
(b) any change made in a proposed by-law subsequent to a giving of views by the advisory committee or regional service commission.”

The Village of Dorchester passed a resolution, and requested in writing, the views of the PRAC concerning the proposed amendments.



Recommendations

The proposed amendments highlighted in this report are all compatible with the goals and objectives of the Municipal Plan. Therefore, staff recommends the following motions:

Motion 1

That it is the views and recommendation of the Tantramar Planning Review and Adjustment Committee that the Village of Dorchester Zoning Map be amended by changing the zone of the south side of Racetrack Road from Residential Cottage Enterprise to Village Centre, as per “Attachment A”, as these properties are considered part of the Village core due to availability of municipal sewer and water services, surrounding public uses, and for consistency of permitted uses on the street.

Motion 2

That it is the views and recommendation of the Tantramar Planning Review and Adjustment Committee that the Village of Dorchester Zoning By-law be amended by removing “small scale manufacture” from the definition of Cottage Enterprise, as this change is reflective of the Municipal Plan policies and the permitted uses within the established Residential Cottage Enterprise and Resource zones.

Motion 3

That it is the views and recommendation of the Tantramar Planning Review and Adjustment Committee that the Village of Dorchester Zoning By-law be amended by changing the introductory text of Village Center, Residential Cottage Enterprise and Resource zones to state “one or more of the following uses”, as this amendment to the text ensures the intention of the land use policies and regulations are fulfilled by allowing more than one of the listed permitted use on the lot simultaneously.