



Equipment Storage Use

Rezoning Application from Rural Development to General Industrial

PID #90177270 & PID 90179276

Address 177 Wyman Road

Applicant: David Trefry

Date: February 28, 2025

Prepared by: Caroline Robertson, MCIP, LPP

Presented to the Planning Advisory Committee



C+D community design

REPORT OVERVIEW

<p>Request</p>	<p>The applicant owns the property at 177 Wyman Road. They are requesting that a rezoning for a portion of the property from Rural Development to General Industrial concurrent with an application for subdivision to separate the existing storage building from the single-family dwelling on the same property.</p>
<p>Description</p>	<p>A residential property owner who runs an excavation company currently stores company-related equipment in the accessory building on his property, which is zoned for Rural Development. He would like to subdivide the accessory building from the original residential property, and his son will take over the company, own the building, and operate the company elsewhere while storing equipment in the newly subdivided main building.</p>
<p>Recommendation</p>	<p>It is recommended that the Planning Advisory Committee recommend to Council to rezone the property from Rural Development to General Industrial in keeping with the permitted zoning within the Rural Designation, provided the newly subdivided lot meets the lot requirements of the General Industrial zone.</p>
<p>Relevant Policies and Legislation</p>	<p>Public Participation Program Policy P-102-21 Municipal Planning Strategy Land Use By Law</p>
<p>Follow Up Action</p>	<p>An amendment to a Planning Document, in this case the Land Use By-Law, does not require the Planning Advisory Committee to perform a <i>Public Participation Program</i>.</p> <p>This Application Requires the Following Steps:</p> <ol style="list-style-type: none"> 1. 1st Reading (Council) 2. Public Hearing (Council) 3. 2nd Reading (Council)

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Application

The property owner at 177 Wyman Road has submitted an application to rezone the property from Rural Development to General Industrial to separate the existing home-based business from the single-family home on the same property. The current building is already being used as a storage facility for an excavation equipment company. The intention is to divide the building from the single-family home so that their son can take over the business and own the property. However, subdividing the lot would render the existing business non-conforming. To continue operating under the land-use by-law, its use would need to be categorized as either light industrial or equipment storage, which are not permitted as a main building in the Rural Development Zone. For this reason, the applicant seeks to rezone to General Industrial in order to operate the business separately from the family home

The Proposal

The proposed lot is located at 177 Wyman Road. The lot is currently designated as Rural Development on the Future Generalized Land Use Map. The proposal is to rezone a portion of the property which is to be subdivided to general industrial in order to prevent creating a non-conforming use.

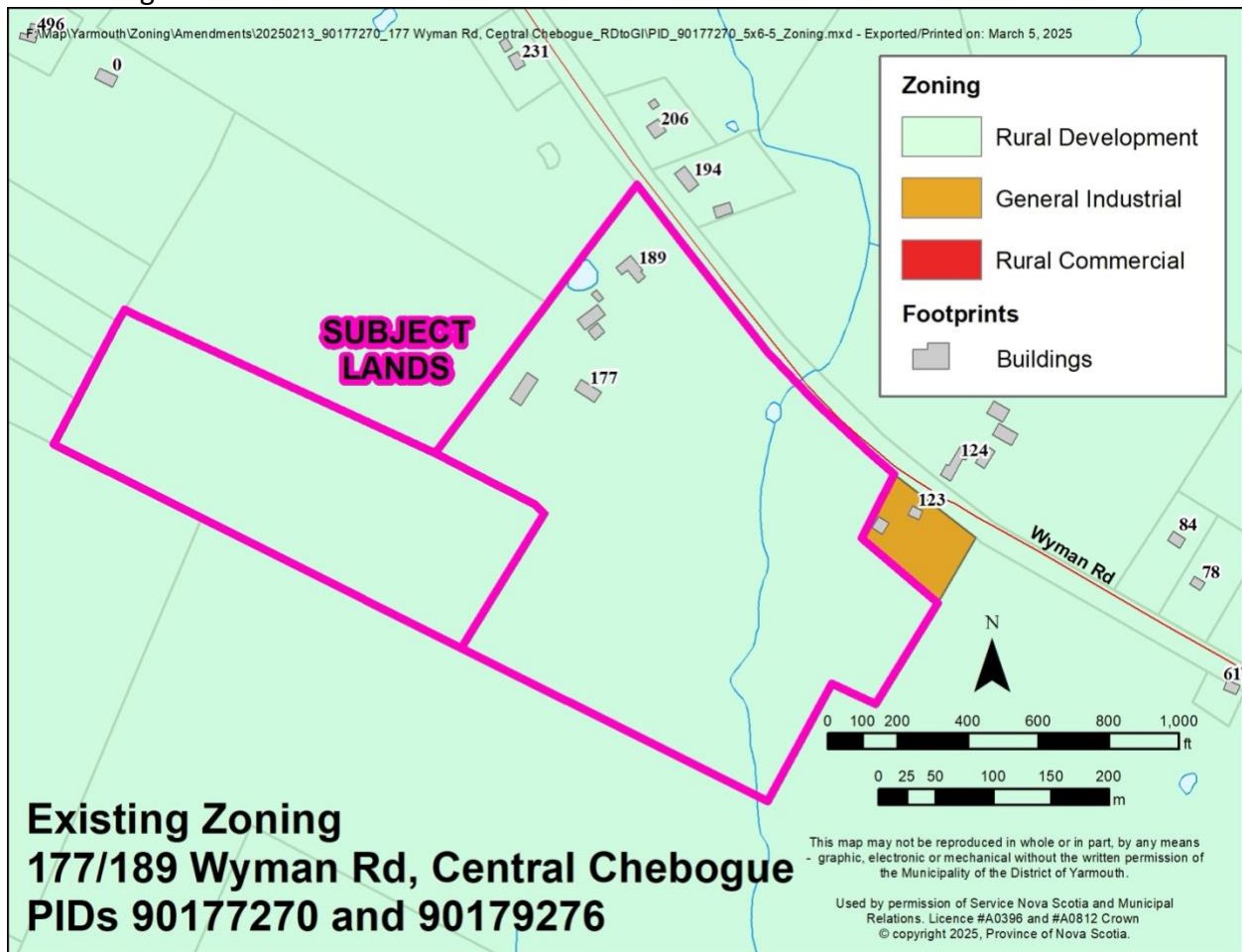


Figure 1 Generalized Future Land Use Map - Existing Land

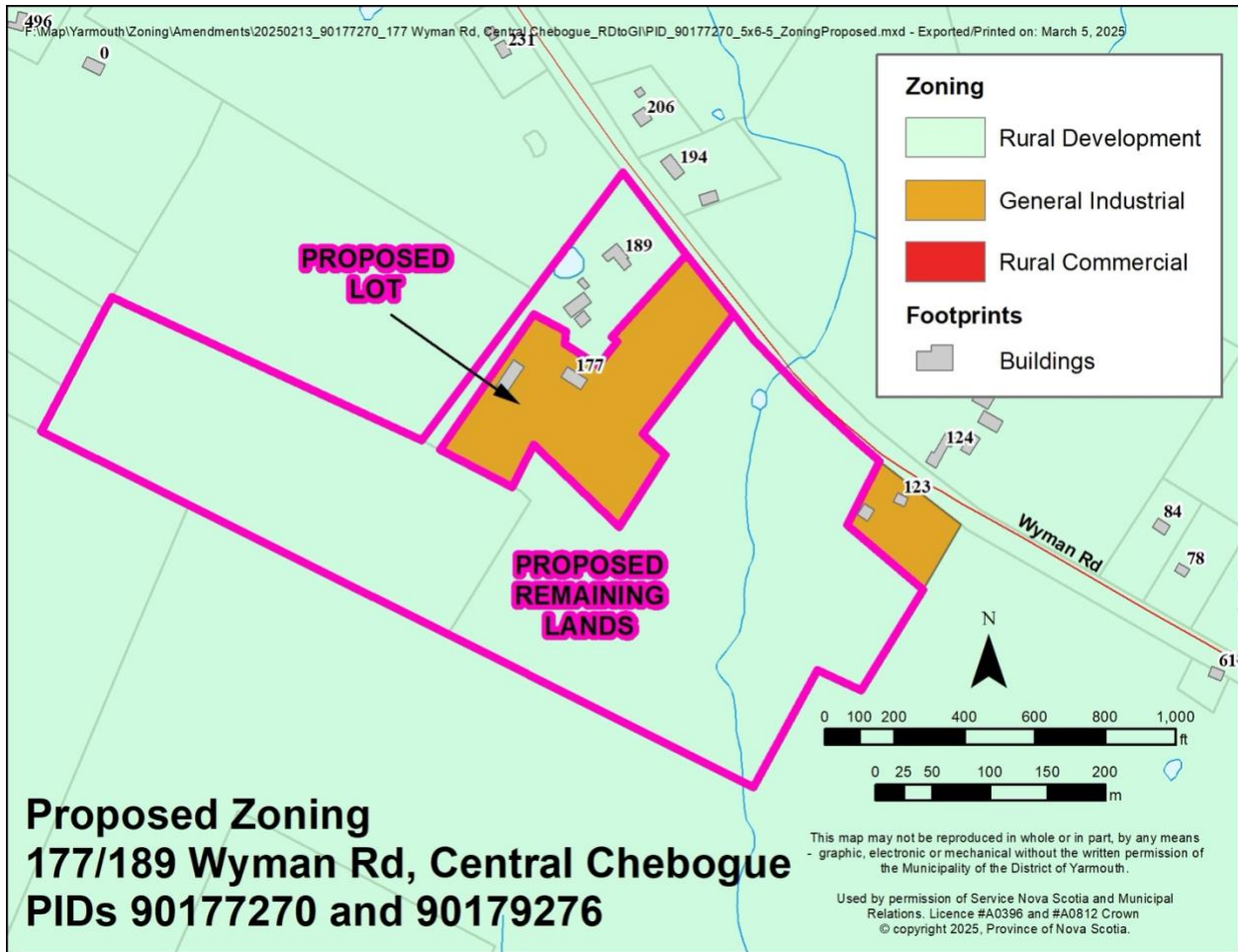


Figure 2 Proposed Subdivision and Re-Zoning

Policy Analysis

The lot is currently designated for Rural Development on the Future Generalized Land Use Map. Under Policy 5-21 of the Municipal Planning Strategy, it may be rezoned to General Industrial, provided that a) the risk of land use conflicts between permitted industrial uses in the zone and surrounding land uses is low, including, but not limited to, conflicts arising from heavy equipment traffic, noise, odours, light emissions, and visual impacts, and b) the proposal meets the rezoning criteria outlined in Section 6.6 of the plan.

As the use of the property is already occurring without complaints from neighbours, it is believed that the proposed rezoning is appropriate and aligns with Policy 5-21 and Policy 6-21. In addition, policy 23.7.4 of the Land Use By-Law required that any General Industrial property that abuts a residential property must be screened by natural landforms, existing or planted, an opaque fence or a combination of the two so the use is not visible from the abutting residential property.

Land Use By-Law

23.7.4 Parking lots, loading spaces and areas of open storage on lots used for any industrial purpose shall in the General Industrial Zone be screened by natural landforms, existing or planted vegetation; an opaque fence or a combination of such method of screening so as not to be visible from abutting residential, institutional, or recreational uses in any zone.

17.2 Permitted Main Uses

17.2.1 The following uses shall be permitted as a main use in the Rural Development (RD) Zone subject

to the requirements of this By-law:

- (a) Abattoirs –400 m² gross floor area or smaller
- (b) Agriculture-related Uses
- (c) Airport Instrument Approach
- (d) Airport Navigation Systems
- (e) Animal Shelter
- (f) Boarding/Rooming House
- (g) Campgrounds
- (h) Community Centres and Community Clubs
- (i) Daycare Operations
- (j) Dwellings – 1 to 4 dwelling units per lot
- (k) Equestrian Facilities
- (l) Farmers' Markets
- (m) Forestry-related Uses
- (n) Institutional Uses
- (o) Places of Worship
- (p) Private Recreational Uses – Outdoor
- (q) Small Item Repair Shops
- (r) Small Options Home
- (s) Special Care Homes

(t) Wharves

Accessory Building

means a separate building located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Equipment Storage Building

means a building intended for the storage of commercial equipment such as but not limited to

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Asphalt Paving Plants, Permanent	-	-	-	-	-	-	DA	-	-	-	-	-	DA	-	-	-	-	-	-	-
Automobile Sales, Rentals, Service Stations, and Car Washes	-	-	-	PC	-	-	-	PC	PC	PC	PC	-	PC	-	-	-	-	-	-	-
Aviation Clubs	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
Banks and Financial Institutions	-	-	-	P	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-
Building Contractor	-	-	-	P	-	P	-	P	-	P	P	-	P	-	-	-	-	-	-	-
Bulk Petroleum Storage Depots	-	-	-	-	-	-	-	-	S	-	-	-	S	-	-	-	-	-	-	-
Business and Professional Offices	-	-	-	P	-	P	-	P	P	P	-	-	P	-	-	-	-	-	-	-
Call Centres	-	-	-	P	-	-	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Campgrounds	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P
Cemeteries	PC	PC	-	-	PC	PC	PC	PC	-	PC	-	-	PC	-	-	-	-	-	-	PC
Commercial Fitness Centres	-	-	-	P	-	P	-	P	P	P	P	-	-	-	-	-	-	-	-	-
Commercial Schools	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Commercial Storage Facilities	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Community Centres and Community Clubs	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	P
Concrete Plants	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Cultural Facilities	-	-	-	P	-	P	-	P	P	-	-	P	-	-	-	-	-	-	-	P
Daycare Operations	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	-	-	-	-	-
Display Court	-	-	-	P	-	-	-	P	P	P	-	-	P	-	-	-	-	-	-	-
Drive-in Theatres	-	-	-	P	-	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-
Electric Vehicle Charging as a Main Use	-	-	-	PC	-	PC	-	PC	PC	-	PC	-	PC	-	-	-	-	-	-	-
Emergency Services	-	-	-	P	-	P	-	P	P	-	P	P	P	-	-	-	-	-	-	-
Equestrian Facilities	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P
Equipment Storage Buildings	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-

vehicles and commercial fishing gear.

Existing

means legally existing on the indicated date or, where no date is indicated, legally existing on the effective date of this By-law. For streets and private roads, the date the street or private road was shown on a plan of subdivision tentatively approved by the Municipality shall be used to determine whether or not it was existing on an indicated date.

Home Occupation

means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

Industrial Uses, Light

means a use engaged in the manufacturing, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Municipal Planning Strategy

5.5.1 Rural Development Designation

This designation is primarily comprised of single-unit residential dwellings, but the mix of uses includes agriculture, forestry, institutional uses, recreational, commercial, and industrial development.

Policy 5-21 Council shall consider proposals to amend the Zoning Map of the Land Use By-law to place the General Industrial Zone or Marine Industrial Zone on lands within the Rural Development Designation. Council shall not approve such an amendment unless Council is satisfied:

- a) the risk of land use conflicts between industrial uses permitted in the zone and surrounding land uses is low, including, but not limited to, conflicts due to heavy equipment traffic, noise, odour, dust, light emissions, or visual impacts; and
- b) the proposal meets the criteria of Section 6.6 of this Plan.

6.6.1 Amending the Land Use By-law & Adopting Development Agreements

Amendments to the Land Use By-law and the adoption of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 5-21 Council shall consider proposals to amend the Zoning Map of the Land Use By-law to place the General Industrial Zone or Marine Industrial Zone on lands within the Rural Development Designation. Council shall not approve such an amendment unless Council is satisfied:

- a) the risk of land use conflicts between industrial uses permitted in the zone and surrounding land uses is low, including, but not limited to, conflicts due to heavy equipment traffic, noise, odour, dust, light emissions, or visual impacts; and
- b) the proposal meets the criteria of Section 6.6 of this Plan.

Policy 6-21 Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied with the proposal:

- a) is consistent with the intent of this Municipal Planning Strategy;
- b) does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the municipality;
- c) is not premature or inappropriate due to:
 - i. the ability of the Municipality to absorb public costs related to the proposal;

- ii. impacts on existing drinking water supplies, both private and public;
- iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
- iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
- v. the adequacy of fire protection services and equipment;
- vi. the adequacy and proximity of schools, recreation facilities, and other community facilities;
- vii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- viii. site-specific climate change risks;
- ix. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- x. impacts on known habitat for species at risk;
- xi. light pollution and impacts on dark sky views;
- xii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and
- xiii. the potential to create excessive noise or odour.

Recommendation

It is recommended that the Planning Advisory Committee recommend to Council to rezone the property from Rural Development to General Industrial in keeping with the permitted zoning within the Rural Designation, provided the newly subdivided lot meets the lot requirements of the General Industrial zone.

Additional MaterialsSubdivision Plan

Worksheet
Job #346
Scale: 1:750
Date: Jan 29, 2025

Schedule A Property Description

PID 90177270

Location: Central Chebogue

Designation of Parcel on Plan: Lot 2A

Title of Plan: Plan Showing Subdivision of Lands of Walter E. Perry

Registration County: Yarmouth

Registration Reference of Plan: 2506

Registration Date of Plan: April 8, 1988

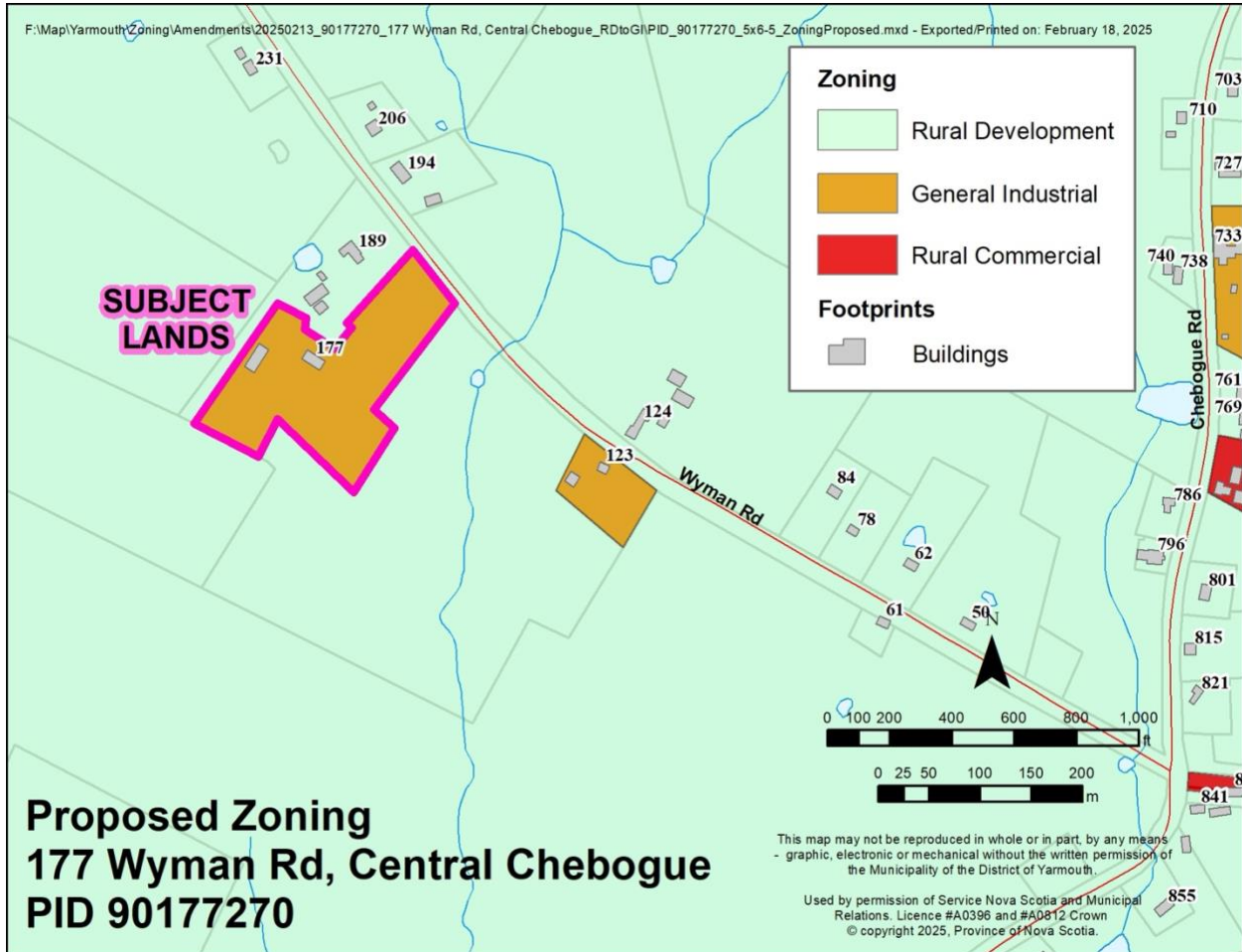
The parcel complies with the subdivision provisions of Part IX of the Municipal Government Act.

PID 90179276

Non-Land Registration parcels ARE NOT REGISTERED PURSUANT TO THE Land Registration Act. As such, ownership and all information in this report is believed to be an accurate reflection of registered documents affecting the parcel of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the parcel of land under consideration. THESE ARE NOT OFFICIAL RECORDS.

Land Registration parcels ARE REGISTERED PURSUANT TO THE Land Registration Act. The registered owner of the registered interest owns the interest defined in this register in respect of the parcel described in the register, subject to any discrepancy in the location, boundaries or extent of the parcel and subject to the overriding interests [Land Registration Act subsection 20(1)].

No representations whatsoever are made as to the validity or effect of recorded documents listed in this parcel register. The description of the parcel is not conclusive as to the location, boundaries or extent of the parcel [Land Registration Act subsection 21(1)].

Schedule B Zoning Map

Schedule C General Industrial Lot Requirements

23.6 Zone Standards

23.6.1 In the General Industrial Zone, no development permit shall be issued except in conformance with the following requirements:

Table 20: GI Zone Development Standards

Standard	All Permitted Main Uses
(a) Minimum Lot Area	29,000 m ²
(b) Minimum Lot Frontage	30.0 m
(c) Minimum Front/Flankage Setback	7.6 m
(d) Minimum Side Setback	12.0 m
(e) Minimum Rear Setback	12.0 m
(f) Maximum Building Height	14.0 m