

For Review/Discussion
Municipality of Barrington Municipal Planning Strategy and Land Use By-law Amendments

K. Anthony Application

Draft Municipal Planning Strategy Amendments

Amend Part 4, Coastal Wetlands, Environmental Stewardship and Climate Change:

1. Insert the following new Policy CW-4

CW-4 Notwithstanding Policy CW-3, where the Coastal Wetland (CW) Zone is applied to a lot which is also subject to the Commercial General (CG) Zone the development of a structure and/or the extension of a permitted use within the Commercial General (CG) Zone, including related or accessory uses, structures and infrastructure, may be considered within the Coastal Wetland (CG) Zone by Development Agreement.

2. Insert the following new Policy CW-5

CW-5 In evaluating proposals for Development Agreement pursuant to Policy CW-4, and in addition to criteria contained in Policy IMP-17, consideration shall be given to the following:

- a) *That the lands are not a designated or characterized as beach or wetlands, in which case any development other than permitted in the Coastal Wetland (CW) Zone shall be prohibited;*
- b) *The preparation of a report, commissioned and at the expense of an applicant, by a Environmental Engineer, a Marine Biologist, an Ecologist or other individual with recognized professional credentials (a "Qualified Person") identifying measures to mitigate potential impacts of the proposed development with respect to :*
 - i) *Sea level rise, storm surge and flood risk;*
 - ii) *Marine habitat damage or destruction.*

Part 5, Rural Centres, Commercial General (CG)

3. Amend Part 5, Commercial General MPS text, Paragraph 4 to read:

In order to foster and accommodate commercial development in Barrington Passage Council will designate as Commercial General the lands located between Fresh Brook and the northern property line of *civic 3322 Highway 3 Barrington Passage (PID 82569120)*. Within this designation Council will zone most of the land, except for those properties located within the Group Commercial (GC) Zone and the Business Park (BP) Zone as Commercial General (CG) and will establish the Commercial General (CG) Zone in the Land Use By-law to primarily accommodate a wide range of commercial uses as well as a mixture of residential, institutional, recreation, utility, *specific fishery and marine related* and existing industrial uses listed in Schedule J.

4. Amend Policy CG-1 to read:

CG-1 Except for the areas designated Coastal Wetlands and Business Park to designate as Commercial General the area between Fresh Brook and the eastern property line of the Barrington Passage Ground Search and Rescue, civic 3329 Highway 3 (PID 80050917) as shown on Generalized Future Land Use Map 1 to primarily accommodate commercial uses and developments and secondarily to accommodate residential, institutional, *specific fishery and marine related uses* and utility uses along with existing industrial uses listed in Schedule J.

5. Amend Policy CG-4 to read:

CG-4 *To consider only by Development Agreement, pursuant to criteria contained in Policy IMP-17, in areas zoned Commercial General (CG) proposals for:*

- *New Lounges, taverns and cabarets;*
- *Lobster Pounds Lobster Storage Facilities and associated lobster and seafood retail.*

Draft Land Use By-law Amendments

1. Amend Part 4.22.1, Riparian Buffers to read:

4.22.1 In all zones where development is undertaken on a lot which borders a watercourse or the ocean, *except as may be permitted pursuant to the terms and conditions of a Development Agreement*, an undisturbed buffer of 12 meters is required to be maintained between the high water mark on either side of a watercourse and any structure or developed portion of the lot. Infilling or removal of material is not permitted within the buffer except for minimal disturbances incidental to a permitted undertaking. In the watercourse buffer area the natural flora and fauna is to remain substantially undisturbed except for penetrations for wharves and boat launches. Moderate thinning of tree cover in the buffer area to enable views is permitted and good ecological practices designed to minimize disturbance of natural shoreline areas are encouraged when undertaking all activities within the buffer and all developments on properties abutting watercourses in the Municipality.

Amend Part 6, Commercial General (CG) Zone by:

2. Insert the following new Part 6.3:

6.3 *Development Permitted Subject to Development Agreement*

The following uses shall be permitted in the Commercial General (CG) Zone only subject to Development Agreement pursuant to MPS Policy CG-4:

- *Lounges, taverns and cabarets*
- *Lobster Pounds and associated fish and seafood retail*

3. Renumber existing Part 6.3 as 6.4 accordingly.

Part 15, Coastal Wetland (CW) Zone:

4. Insert the following new Part 15.3:

15.3 Development Permitted Subject to Development Agreement

Notwithstanding Part 15.1, where a lot is subject to multiple zones other than the Coastal Wetland (CW) Zone and subject to the terms and conditions of a Development Agreement, uses permitted within the abutting zone shall be permitted to extend onto that portion of the lot which is zoned Coastal Wetland (CW) Zone.

5. Renumber existing Part 15.3 as 15.4 accordingly.

Amendments to address Cannabis Production and Processing Uses

Draft Municipal Planning Strategy Amendments

Part 5, Rural Centre, Business Park (BP) :

1. Amend Policy BP-4 to read:

BP-4 To consider only by development agreement in areas zoned Business Park (BP) potentially obnoxious uses including certain light industrial uses, food processing *operations including cannabis production and processing*, laboratories, heavy equipment repair operations, recycling depots and service industries subject to the following criteria:

- a) That the use will not, by way of emissions of odour, dust, smoke, noise or vibration, or by excessive traffic generation; disrupt or detrimentally affect abutting or nearby land uses nor be a use characterized by producing wastes that can contaminate soils or watercourses;
- b) That the use excluding storage facilities and wholesale warehousing and distribution facilities is contained and conducted within a wholly enclosed building;
- c) That adequate screening is provided to screen storage and work yards so as not to be visible from abutting uses;
- d) That all provisions of the By-Law respecting minimum yards, parking, loading and unloading requirements are satisfied;
- e) That the use generally conforms with all relevant criteria of Policy IMP-17 inclusive.

Part 6, Rural Development:

2. Amend Policy RD-4 to read:

RD-4 To consider only by Development Agreement, in areas zoned Rural Development (RD) proposals for fish reduction and fish composting operations, intensive livestock operations, motor vehicle race tracks, wind farms, *cannabis production and processing facilities*, expansion of existing fur farms and new fur farms in accordance with *Policies ECON-1 and ECON-2*.

Part 11, Economic Development, Agriculture:

3. Amend by adding the following new paragraph in the introductory text:

With the 2018 federal legalization of cannabis use and production the Municipality has determined that commercial cannabis production and processing should be limited to specific areas and be subject to approval by Development Agreement in order to minimize the potential for land use conflict. Cannabis production and processing shall only be considered in the Business Park (BP) and Rural Development (RD) Zones.

4. Insert the following new Policy ECON-2:

Econ-2 To require development agreements for all proposals for cannabis production and processing uses within the Business Park (BP) and Rural Development (RD) Zone.

Part 13, Implementation

5. Insert the following new Policy IMP-18

IMP-18 Notwithstanding requirements contained in Policy IMP-17, when considering proposals for the establishment of cannabis production and processing uses within the Business Park (BP) Zone and the Rural Development (RD) Zone as enabled by Policies BP-4 and RD-4 respectively, Council shall require that the proposed cannabis production and processing facility not be located closer than three hundred (300) feet to any existing residential dwelling, institutional building or community service structure.

6. Renumber existing Policies IMP-18 through IMP-24 accordingly.

Draft Land Use By-law Amendments

Part 8.2, Business Park (BP) Zone, Developments Permitted Subject to Other Requirements of This By-law, Uses Subject to Development Agreement

1. Amend by inserting the following use:

➤ *Cannabis Production and Processing*

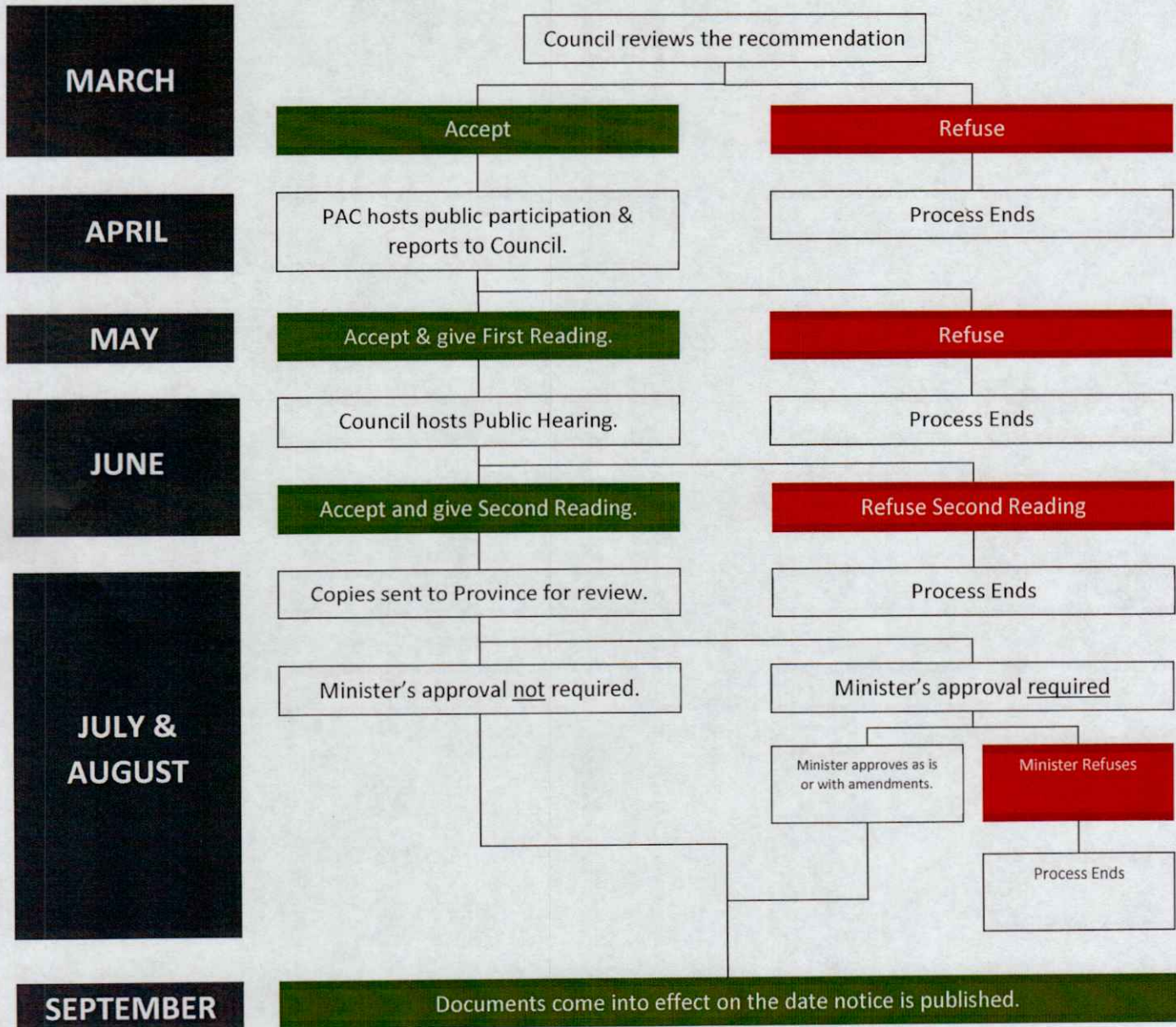
Part 11.3 Rural General (RG) Zone, Developments Permitted Subject to Development Agreements:

2. Amend by inserting the following use:

➤ *Cannabis Production and Processing*

On February 28th, 2019, PAC approved to recommend to Council to amend the MPS & LUB to include lobster pounds and storage facilities within the Commercial General Zone as a permitted use subject to approval by Development Agreement.

Here are the next steps:



If the recommended amendments are approved by Council and the Province, the developer would be able to apply for such a development through a Development Agreement. Here is the process for approving a Development Agreement:

