

# Springwater Official Plan

## Section 11 – Commercial

### 11.1. General Policies

#### 11.1.1. Objectives

- 11.1.1.1. To provide opportunities for a diversified economic base which supports a healthy, stable economy and enhances employment opportunities.
- 11.1.1.2. To provide commercial facilities for the day to day needs of local residents
- 11.1.1.3. To provide for highway, recreational and service oriented commercial facilities to serve the needs of the traveling public and Township residents or for specific commercial uses requiring large areas of land and good road access.

#### 11.1.2. Policies

- 11.1.2.1. The Commercial classification of land shall mean that the predominant use shall be for commerce which is defined as the buying, selling and provision of goods and services. This classification need not prevent some of the land from being used for other purposes provided these purposes are compatible with Commercial and will in no way detract, hinder or prevent the areas from being used for proper commercial development and provided further that precautions are taken by imposing standards on how the land may be used by these other purposes to protect the areas for commerce. These standards are to be included in the implementing Zoning By-law.
- 11.1.2.2. The exception to permit other land uses does not include any industrial undertaking unless such industrial undertaking is accessory, incidental and subordinate to the Commercial undertaking and is essential for the satisfactory operation of the Commercial undertaking.
- 11.1.2.3. Commercial uses on private or partial municipal services may include a dwelling unit as an accessory use, where there exists a suitable environment for a residence. In areas of full municipal services residential uses in conjunction with Commercial uses will generally be permitted. In addition, the implementing Zoning By-law will contain regulations governing location, off street parking requirements, minimum floor areas for residential uses and other related regulations.
- 11.1.2.4. Compatible public and institutional uses may also be permitted within the various Commercial designations. Such uses shall be generally small in

scale and may include churches, community centres, daycare centres and schools.

- 11.1.2.5. Commercial development shall be prohibited in areas of prime agricultural lands. In regard to the location of any Commercial development, consideration shall be given to ensure that such development will not negatively impact the farming industry or community.
- 11.1.2.6. Regard shall be had to the transportation section of this Plan to ensure compliance with entrance, location and design criteria as may be required.
- 11.1.2.7. Off street areas shall be required for every building and use within this classification in order that adequate parking and loading space may be provided to the degree required by the nature of the business being carried on.
- 11.1.2.8. Access points to such parking shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic. Where appropriate, the off street connection of parking areas between adjacent Commercial properties is encouraged to facilitate the movement between sites and to avoid the use of adjacent public roads.
- 11.1.2.9. Commercial facilities shall be located and sited so as to be easily accessible by vehicular traffic. Major Commercial areas shall be located near or adjacent to highways and arterial roads.
- 11.1.2.10. Commercial facilities shall be encouraged to develop in such a manner so that they are compact, attractive and efficient.
- 11.1.2.11. Adequate buffering shall be provided between the Commercial areas and any adjacent residential areas and buffer planning may include provisions for grass strips and appropriate planting of trees shrubs as may be specified in the implementing Zoning By-law.
- 11.1.2.12. As a condition of development or redevelopment of land, Council may, as provided for under the Planning Act, require the conveyance of land or alternatively a cash payment in lieu of conveyance, for park or other recreational purposes, in an amount not exceeding 2% of the land area or the value of the lands as may be calculated through the provisions of the Planning Act.11.1.2.13.
- 11.1.2.13. Where municipal services are not required, development proposals shall be accompanied by an engineering report indicating that there is an available and adequate supply of potable water for such development, and that soil conditions will permit the installation of an appropriate sewage treatment system. In addition, all sewage treatment systems shall conform to the

standards of local agencies having jurisdiction and/or the Ministry of Environment and Energy.

- 11.1.2.14. All areas or lots designated in any of the Commercial categories found within this Official Plan and shown on Schedule "A" or any other Schedule to this Official Plan which are either currently vacant of any buildings or structures or which are built on or are currently used for another purpose such as residential, may be subject to Site Plan Control pursuant to Section 29 of this Plan.
- 11.1.2.15. In addition to the above, the development or re-development of existing Commercial uses, which would result in the significant expansion of useable floor area of the use, may be subject to Site Plan Control. For the purpose of this section, "significant expansion" is defined as an expansion of approximately 25% or greater of lot coverage on the subject lot or 25% or 150 square metres (500 square feet) of the useable floor area of any buildings associated with the use.
- 11.1.2.16. Elmvale: In addition to the policies of this section the following policies apply to the Urban Settlement Area of Elmvale.
- a) Maintain, improve and provide for the controlled growth of the central business district as well as to allow limited commercial expansion in other parts of the community, having careful regard for good site development standards.
  - b) Provide adequate highway commercial establishments oriented to the needs of the travelling public while at the same time having regard that they do not compete on a functional basis with the central business district.
  - c) Permit commercial infilling adjacent to existing commercial uses.
- 11.1.2.17. Phelpston: In addition to the policies of this section the following policies apply to the Urban Settlement Area of Phelpston: a) All commercial development within the Phelpston area shall be encouraged to locate in proximity to the intersection of Flos Road Four West and Phelpston Road. The intent of this policy is to create, in terms of the community, a well defined urban core. It is also intended to permit those uses which serve.

## **11.2. General Commercial**

### **11.2.1. Definition**

- 11.2.1.1. The uses permitted in a "General Commercial" designation are those commercial uses which typically provide for the sale of goods and services

to meet the needs of the local market area. Permitted uses may include, but are not limited to, retail commercial uses, personal services, recreational and tourism uses, entertainment uses, community facilities, business and professional offices, eating establishments, service shops and medical services.

#### 11.2.2. **Policies**

11.2.2.1. General Commercial uses should be directed to settlement areas. Such uses should be grouped together and future development should typically take the form of a natural and logical extension to the existing development.

11.2.2.2. New development should have regard for adjacent residential and non-commercial uses and appropriate suitable measures should be employed to mitigate potential adverse impacts.

### 11.3. **Highway Commercial**

#### 11.3.1. **Definition**

11.3.1.1. The uses permitted in a “Highway Commercial” designation are those commercial uses which typically serve vehicular traffic and which generally rely on such traffic for their economic existence. Permitted uses may include automobile service stations, public garages, automobile sales agencies, eating establishments, custom workshops, motels and accessory retail uses to the above. In addition, land extensive retail and service uses requiring highway access such as construction and building supply yards, commercial nurseries, commercial/industrial vehicle and farm implement dealers may be permitted on a limited basis.

#### 11.3.2. **Policies**

11.3.2.1. Areas to be designated for Highway Commercial use should be located on the perimeter of, or distant from, lands to be used for other commercial activities in order to reduce to a minimum the conflict between pedestrian and vehicular movement. This policy does not preclude the designation and recognition of existing Highway Commercial uses in settlement areas nor the future designation for such uses in settlement areas, however this activity should be limited and consideration must be given to the compatibility of the use with surrounding uses, pedestrians and vehicular movements. **[This section was appealed to the OMB by Chase and withdrawn on Oct. 22/98]**

11.3.2.2. Highway Commercial uses should be grouped whenever possible and served by a service road or designed to facilitate site to site movement so

as to reduce to a minimum the number of access points onto the adjacent public road.

- 11.3.2.3. Storage. The open storage of goods or materials shall only be permitted in conjunction with vegetable and fruit markets, garden centres, motor vehicle and recreational vehicle sales or service centres, antique dealers, lumber and building supply outlets and nurseries. Where goods or materials are stored in the open they generally shall be screened through the use of fencing or landscaping and shall not be visible from the road or surrounding properties. Notwithstanding the above where goods or materials such as motor vehicles or recreational vehicles, antiques, fruit, vegetables, plants, trees or any other form of vegetation are being offered for immediate sale by a motor vehicle or recreational vehicle sales outlet, an antique dealer, a nursery or a garden centre, such goods or materials may be stored in such a way as to be visible from a road or adjacent property.

### 11.3.3. **Special Urban Settlement Area Policies**

#### 11.3.3.1. **Midhurst**

- a) Although this is a land use designation which is found in other areas of the Township, the policies of this section reflect the particular circumstances in the **Bayfield Street North (Highway 26) [OPA #3 - Sept. 29/99]** area and these policies shall apply to those areas designated "Highway Commercial" on Schedule "A-8".
- b) Conditions are different on each side of the highway and therefore two sets of policies apply. In addition to all other relevant policies, on the east side of the highway, the policies of Subsections c) to e) apply while on the west side, Subsections f) to h) apply. The policies following Subsection h) apply to all areas designated "Highway Commercial" on Schedule "A-8".
- c) Lands designated "Highway Commercial" on Schedule "A-8" on the east side of **Bayfield Street North (Highway 26) [OPA #3 - Sept. 29/99]** may be used for highway oriented uses, service commercial uses and local commercial uses. Such uses may include service stations, new vehicle dealerships, restaurants including drive-in restaurants, food and other retail stores, personal service shops, service shops, financial service establishments, fruit and vegetable markets, commercial nurseries and commercial schools.
- d) Uses involving outside storage will not be permitted on the east side of the highway in order to protect existing residential neighbourhoods. The display of automobiles or other goods for sale is not considered outside storage.

- e) Extensive landscaping and buffering will be required where a “Highway Commercial” use abuts existing or future residential areas. The potential nuisance effects on the Midhurst residential community will be minimized or eliminated.
- f) The lands designated “Highway Commercial” on the west side of **Bayfield Street North (Highway 26) [OPA #3 - Sept. 29/99]** may be used for all uses permitted in Subsection c) as well as land extensive types of commercial uses such as building supply outlets, recreational establishments, mobile home sales, prefabricated building sales and display and swimming pool sales and display. Suitably screened outside storage may be permitted in conjunction with any permitted use.
- g) An accessory manufacturing, assembly or processing operation may be permitted if it is within the same building and subordinate to the commercial operation. Such accessory industrial activity shall comply with the relevant policies of Subsection 8.6.6, “Light Industrial/Commercial” of the Midhurst section.).
- h) Existing residential uses, particularly those along Snow Valley Road, shall be suitably screened and buffered from any adjacent use permitted in the “Highway Commercial” designation. Less extensive screening may be permitted in the case of an existing residential use within the area designated “Highway Commercial”.
- i) Apartments may be permitted above permitted office and commercial uses in accordance with the policies of the Mixed Use Section 8.6.5, Subsection 8.6.5.12.
- j) All areas designated “Highway Commercial” on Schedule “A-8” may be designated as Site Plan Control areas and are subject to the provisions of the Planning Act and the policies of this Official Plan.
- k) No new non-residential accesses will be permitted onto **Bayfield Street North (Highway 26) [OPA #3 - Sept. 29/99]** by the Ministry of Transportation and Communication. Therefore the joint use of existing commercial accesses and the use of accesses onto side streets in the vicinity of the highway will be permitted and encouraged. The policies of Section 26, Transportation will apply with regard to access and related matters.
- l) The development of combined and coordinated off street parking areas shall be encouraged whenever possible. The Zoning By-law

may contain provisions reducing the parking requirements or increasing the lot coverage of each development in such cases.

- m) In view of the prominent location and highway exposure of areas designated “Highway Commercial” on Schedule “A-8”, the design guidelines of Subsection 8.6.7 shall apply to development or redevelopment in this area, with the exception of existing single detached dwellings.
- n) The servicing policies of Subsection 8.6.8, Servicing, shall apply to the areas designated as “Highway Commercial” on Schedule “A-8”.
- o) Permitted uses in the “Highway Commercial” designation may be developed as individual uses on separate lots or in the form of a multiple use building or plaza.
- p) Developments of over 465 m<sup>2</sup> (5005 sq. feet) of floor area in areas not currently zoned for “Highway Commercial” type uses may be required to address the following matters to the municipality’s satisfaction prior to rezoning:
  - i. The need for impact of additional commercial facilities in terms of existing and projected trade area market conditions;
  - ii. Vehicular traffic to be generated, the ability of existing and proposed roads to accommodate projected traffic volumes, and any required transportation improvements;
  - iii. The management of surface drainage and any pollutants generated by the development;
  - iv. The provision of an adequate supply of potable water and;
  - v. The adequacy of the proposed methods of sewage disposal.
- q) If the Township is not satisfied as to the manner in which some or all of the above matters have been addressed, it shall so inform the developer immediately after completing its study of the relevant material. The Township shall specifically identify any additional information required. The development may not be approved if these matters are not satisfactorily addressed.

#### 11.3.4. **Exceptions**

##### 11.3.4.1. **West half of Lot 24, Concession 8, former Vespra, Schedule "A-3"**

The permitted uses of lands designated Highway Commercial and referring to this policy, shall be fruit and vegetable market and commercial gardening and nursery centre operations, agriculture, outside display and sale of goods, and outside storage.

**11.3.4.2. Part of Lot 5, Concession 1, former Flos, Schedule “A-2”**

In addition to the permitted uses of the Highway Commercial Section of the Plan, the lands designated Highway Commercial, in the south Part of Lot 5, Concession 1, may also be used for warehousing and inside storage, service industries and transportation uses. Permitted uses shall be of a dry nature in regard to sewage effluent. Furthermore, any development of the subject property shall have regard for and be designed to provide appropriate and safe levels of traffic generation and traffic movement. Prior to Site Plan approval, a Traffic Impact Study shall be completed to the satisfaction of the County that is based upon complete development of the site and a 20 year time horizon. The study is to be completed to the satisfaction of the County, and the applicant will be required to enter into appropriate agreements with the County in the event any road improvements are required. **[OMB Order #2575 - Chase Appeal]**

**11.3.4.3. Part of Lots 24 and 25, Concession 8, former Vespra, Springwater (Part of 662 County Road 90), Schedule “A-3**

In addition to the permitted uses of the Highway Commercial Section a mini-storage warehouse use is permitted. **[OPA 14 - Miller Lumber - County approved April 9, 2003]**

**11.4. Tourist and Recreational Commercial**

**11.4.1. Definition**

11.4.1.1. The uses permitted in a Tourist and Recreational Commercial designation are those commercial uses which primarily serve the tourist and recreational market. Such uses would include tourist accommodations (motel, campground, tourist cabins or a lodge), places of entertainment, ski resorts, conference centres, arenas, golf courses, private parks, amusement parks, and eating establishments.

**11.4.2. Policies**

11.4.2.1. Tourist and Recreational Commercial uses should be encouraged to be grouped and to locate near other tourist attractions so as to further enhance the attraction and local environment of the area.

11.4.2.2. Roadways should be designed to inhibit through vehicular traffic in these areas.

11.4.2.3. Minimum lot sizes should be determined for the particular use in accordance with the particular regulations of the Ministry of Citizenship, Culture and

Recreation, the Ministry of Environment and Energy and/or the appropriate local agency having jurisdiction. Lot sizes should also be related to the topography, drainage and proposed servicing of the individual site.

- 11.4.2.4. Council in the consideration of the merits of any proposal may require a Feasibility Study and/or Market Analysis prepared by a qualified professional on behalf of the owner. The purpose of any such study should, among other matters, be to address the appropriateness, desirability, scope, impact and cost/benefit of the proposed use.
- 11.4.2.5. The location of new Tourist and Recreational Commercial uses shall be generally restricted to highways and a limited number of specific locations on arterial roads and to waterfront areas where consolidated development presently exists. Provisions shall be made regarding the buffering of commercial land from adjacent land uses. The indiscriminate mixing of Tourist and Recreational Commercial and other land uses should not be permitted.
- 11.4.2.6. Council may enact the necessary By-laws with regard to campgrounds in accordance with the provisions of the Municipal Act. Campgrounds may provide facilities for tent, transient recreational vehicles and house trailers and park model trailers which may be located on site on an annual basis. Campgrounds shall be for seasonal and occasional non-permanent residential use only and shall also be subject to Township licensing and zoning provisions.
- 11.4.2.7. In addition to the Site Plan Control provisions of Section 11.1.2.15, the following shall apply to campgrounds. Development and redevelopment involving the long term (semi-permanent) siting of park model trailers and house trailers in a planned and organized manner within a defined area of a campground may be subject to Site Plan Control.
- 11.4.2.8. Ancillary commercial uses should not exceed 5% of the total developed area or 1,850 sq. metres (19,913 sq. feet), whichever is lesser.
- 11.4.2.9. A minimum of 30% of the development area shall be used for open space recreational, park and nature area purposes.
- 11.4.2.10. In addition to those uses included in Section 11.4.1.1, a communal wastewater treatment system may be located within lands designated Tourist and Recreational Commercial to service the Snow Valley Ski Resort. **[OPA #13 OMB approved Jan. 27/03]**
- 11.4.2.11. Any new warming hut or chalet structure south of the existing Snow Valley ski hills shall be a maximum of 300 square metres in total floor area. **[OPA #13 OMB approved Jan. 27/03]**