

To: **Antigonish County Planning Advisory Committee  
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **July 26, 2019**

Reference: **Application by Allan Anderson to amend the Commercial (C-1) zone in the Eastern Antigonish Land Use By-law to allow for a stand-alone car wash on the property located at PID# 01253822, on Highway 104 in Auld’s Cove, NS.**

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**Recommendation:**

That Council approve the amendment to the Eastern Antigonish County Land Use By-law to add ‘car wash operations’ to the list of permitted uses in the Commercial (C-1) zone.

**Information:**

Staff received a request to amend the Eastern Antigonish County Land Use By-law to include car washes as a permitted use in the C-1 zone. The property located at PID# 01253822 in Auld’s Cove is currently zoned C-1 and would be able to construct an automobile service station that could have a car wash as an accessory use. This amendment would permit a stand-alone car wash business as the main use on the property. The property is on the east side of Highway 104 and is located three properties to the north of the Irving Big Stop service station.

	<b>Description</b>
<b>Designation:</b>	Commercial
<b>Zone:</b>	Commercial (C-1)
<b>Site:</b>	Highway 104, Auld’s Cove, PID# 01253822.
<b>Site Visit:</b>	June 18, 2019.

**Analysis:**

Currently the Commercial (C-1) zone allows automobile washing establishments as an accessory use to an automobile service station. The amendment to the C-1 zone would permit a stand-alone car wash. Car wash operations would be added to the list of permitted uses in the C-1 zone, which would allow Anderson’s Car Wash to be an ‘as of right’ development in the zone.

The property in Auld’s Cove is already in the C-1 zone and is in the Commercial Designation. This is the main commercial area for the Eastern Antigonish Plan Area and therefore Council encourages more commercial development to be located in this Commercial Designation.

Policy 2 (e) states that the C-1 zone shall apply to those lands designated Commercial and **shall permit, but not be limited to the following:** business and professional offices, service shops, financial institutions and banks, retail stores, restaurants, taverns and lounges, and sales

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establishments for automobiles, boats, trailers, snowmobiles and mobile homes. Given this policy, it is reasonable to add car washes as a permitted use, because car washes are already permitted as an accessory use in the zone. There is no policy in the Eastern Antigonish County Municipal Planning Strategy that would prevent this amendment to the C-1 zone. In fact, the policy indicates that the C-1 zone is specifically intended for a variety of commercial uses.

### Policy 39: Amendment Criteria

Comments received from the Municipal Clerk and Treasurer are supportive of the proposed amendment; they indicate that there are no foreseeable expenses to the Municipality associated with this development. Similarly, Nova Scotia Transportation and Infrastructure



Figure A: The cleared site facing northwest and looking at Highway 104

Renewal do not foresee any issues with having the proposed development fronting on Highway 104. NSTIR does not have any concerns with the road networks or public street access in that particular area.

The proponent is aware of the potential for the creation of erosion and sedimentation, and also of the potential for contamination of watercourses as a result of the development. He has given

affirmation that the soaps and cleaning agents will be handled in a self-contained manner on-site, and are not expected to cause any adverse ecological impacts.

Staff have determined that the proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal By-laws and regulations. In fact, Policy 8 of the Strategy states this objective clearly; it states the following:

*It is the intention of Council to designate one area along the Trans Canada Highway in Auld's Cove as "Commercial" as shown on the Generalized Future Land Use Map and to zone it Commercial (C-1), which shall allow for a variety of commercial uses as indicated in Policy 2(e).*

Taking a broader planning perspective of the land uses in the Auld's Cove section of the Plan Area, it is reasonable to suggest that there is no real difference between having a car wash as part of an automobile service station or having a stand-alone car wash. Therefore, in the opinion of Staff both uses ought to be permitted as of right in the C-1 zone. This amendment will add stand alone car washes as a permitted use to the C-1 zone.

Council should also be aware that there are no municipal water or sewer services in Auld's Cove. Therefore, access to a consistent water source is entirely the responsibility of the developer.

**Conclusion:**

It is the opinion of Staff that the proposed amendment to the Eastern Antigonish County Land Use By-law is consistent with the intents of the Eastern Antigonish County Municipal Planning Strategy and with the requirements of all other Municipal By-law and regulations. The intent of the Commercial (C-1) Zone policy is to allow a wide variety of commercial uses, as is suggested by the terms used in the policy.

Therefore, it is the recommendation of Planning Staff to approve the proposed amendment to the C-1 zone in the Eastern Antigonish County Land Use By-law to add "car wash operations" to the list of permitted uses in Part 12 of the Land Use By-law.

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**Appendix 'A' – Summary of Evaluation Criteria**

<b>POLICY 39:</b> In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Strategy, Council shall have regard for the following matters:	
<b>(a)</b> That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal By-laws and regulations;	Complies
<b>(b)</b> That the proposal is not premature or inappropriate by reason of the following:	
<b>(i)</b> the financial capability of the Municipality to absorb any costs relating to the proposal;	Complies. No costs to Municipality.
<b>(ii)</b> the adequacy of sewer and/or water services to support the proposal;	Complies. No Municipal services.
<b>(iii)</b> the adequacy and proximity of school, recreation and other community facilities;	N.A.
<b>(iv)</b> the adequacy of road networks, in, adjacent to, or leading to the development and the adequacy of proposed accesses and parking facilities;	Complies. NSTIR has no concerns.
<b>(v)</b> the potential for the contamination of abutting watercourses or the creation of erosion or sedimentation as a result of the development as determined by a qualified person from the appropriate government department;	Intended mitigation measures to be taken.
<b>(vi)</b> suitability of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps or bogs as determined by a qualified person from the appropriate government department and proximity of highway ramps and railway rights-of-way.	N.A.

**Proposed Amendment:**

A BY-LAW TO AMEND THE LAND USE BY-LAW  
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The *Eastern Antigonish County Land Use By-law* for the Municipality of the County of Antigonish is hereby amended as follows:

**1) In Part 12 adding the following text in bold immediately following ‘campgrounds’:**

- **Carwash operations**

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Antigonish held on the \_\_\_\_ day of July 2019

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of July 2019

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Mr. Glenn Horne, Municipal Clerk