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**Halifax Regional Council**  
**August 7, 2007**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "Dan English", written over a horizontal line.

Dan English, Chief Administrative Officer

A handwritten signature in black ink, appearing to read "Wayne Anstey", written over a horizontal line.

Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** July 23, 2007

**SUBJECT:** Case 01029: Amendments to the Sackville MPS and LUB - C-1 Zone

**ORIGIN**

On March 22, 2007, North West Community Council approved a motion requesting that Staff initiate a process to consider amending the Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to increase the maximum gross floor area of a building within the C-1 (Local Business) Zone from 2,000 square feet to 5,000 square feet.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Approve initiation of the process to amend the Sackville Municipal Planning Strategy and Land Use By-law to consider increasing the maximum gross floor area of a building within the C-1 Zone from 2,000 square feet to a maximum of 5,000 square feet; and
2. Request Staff to follow the public participation program approved by Council in February 1997.

## **BACKGROUND**

North West Community Council have requested that Staff review the maximum floor area restriction applied to C-1 Zone uses in response to concerns expressed by operators regarding the maximum square footage currently permitted in the zone (2,000 square feet). Within the Sackville Plan Area, there are only five C-1 zoned properties. New C-1 zone uses are only permitted by development agreement and there has not been a development agreement application for such uses since 1998. In that case the applicant was unable to find a buyer or tenant for the approved C-1 property and eventually discharged the agreement to permit residential development on the site.

Policies UR-17 and UR-18 of the Sackville MPS indicate that the C-1 zone is intended to provide for the establishment of neighbourhood commercial convenience uses such as corner stores (variety and food stores) and service and personal service uses within Urban Residential Designation (Attachment A). One of the criteria for new C-1 uses, both in policy and the zone, is that the use shall not exceed a maximum floor area of 2,000 square feet. Applications for new C-1 uses may only be considered by development agreement in order to ensure that proposals for C-1 uses are compatible with surrounding residential uses in terms of traffic, access, hours of operation, size, appearance, etc.

The next largest commercial zone within the Sackville Plan Area is the Community Commercial (C-2) Zone which permits a much broader range of commercial uses to a maximum floor area of 10,000 square feet (Attachment B). Uses permitted in this zone include restaurants, shopping plazas, motels, vet clinics and automotive repair shops. The C-2 Zone is applied in areas designated for Community Commercial use. For the most part, C-2 Zone uses are located on larger properties than C-1 uses, and tend to be located along transportation corridors such as Glendale Drive, Sackville Drive, Cobequid Road and Beaver Bank Road. Of the five C-1 zoned properties within the Plan Area two are located within residential areas (on Millwood Drive and Riverside Drive), two are located on Cobequid Road and the last is located at the entrance to Sackville Manor mobile home park.

Other plan areas in HRM that are similar to Sackville in terms of their suburban character and mix of housing and commercial development have very similar controls placed on the type and size of local commercial uses permitted within residentially designated areas. In the Cole Harbour/Westphal Plan Area, proposals for new C-1 (Neighbourhood Commercial) Zone uses, which include corner stores, personal service shops and offices up to a maximum gross floor area of 2,000 square feet, are considered through the development agreement process. New C-1 uses are considered through the rezoning process within the Timberlea/Lakeside/Beechville Plan Area.

## **DISCUSSION**

Generally, MPS amendments should only be considered where factors related to MPS policies have changed significantly. The preamble to Policy UR-1 as well as the policy itself, which establishes the Urban Residential Designation, indicate that the designation is intended to provide a priority area for residential development and uses supportive of the residential environment including local

commercial development (Attachment A). The intent of Policies UR-17 and UR-18 is to provide for the establishment of neighbourhood scale commercial uses within residential areas.

The maximum size limit of 2,000 square feet coupled with recent trends toward larger, multi-faceted commercial convenience and service uses may have impacted the viability for establishing new commercial uses in a manner which the MPS did not foresee. These larger commercial operations are typically unable to locate within residential areas, and as a result, residents must leave their neighbourhoods to access these uses. The maximum size requirement is a mechanism for limiting the potential impacts of commercial uses on the character and enjoyment of surrounding properties and neighbourhoods. However, the lack of a single application for local commercial development within residential areas over the last 9 years is an indicator that the requirements and standards for local commercial development may not be accommodating the intent of Policies UR-1, UR-17 and UR-18 in relation to the needs of modern small scale commercial uses. Therefore, Staff are recommending that Council consider expanding the maximum commercial floor area for C-1 Zone uses which will require an amendment to the Sackville MPS and LUB.

### **BUDGET IMPLICATIONS**

None.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

1. Council may choose to initiate the MPS amendment process. This is the recommended course of action.
2. Council may choose not to initiate the MPS amendment process. Council is under no obligation to initiate a process to amend an MPS or to adopt requested amendments.

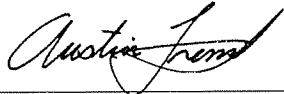
### **ATTACHMENTS**

Map 1: Existing C-1 (Local Commercial) Zone properties  
Attachment A: Excerpts from the Sackville Municipal Planning Strategy  
Attachment B: Excerpts from the Sackville Land Use By-law

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


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Report Approved by:



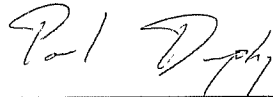
Austin French, Manager of Planning Services, 490-6717

Financial Approval by:

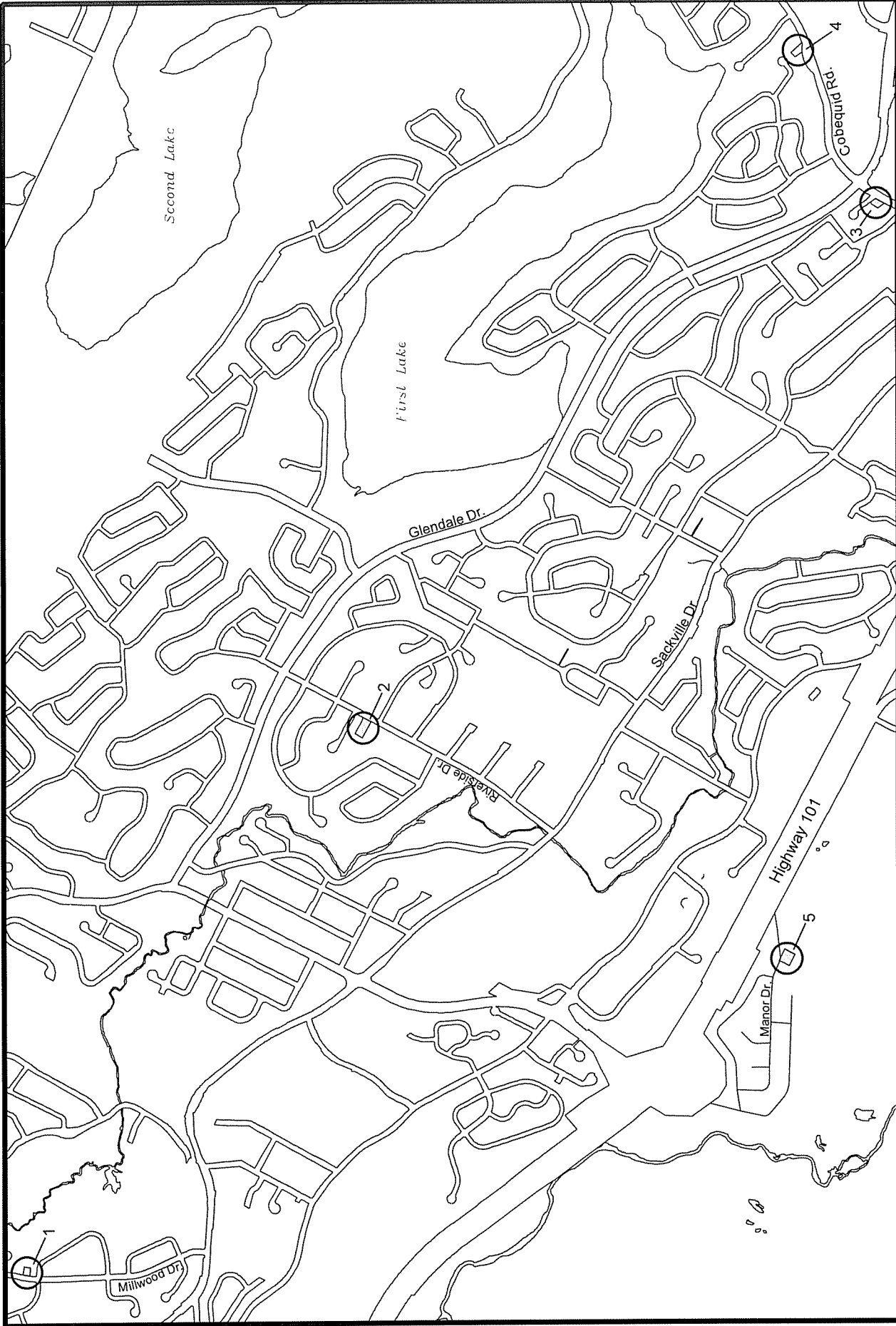


Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by:



Paul Dunphy, Director of Community Development



Map 1

C-1 (Local Business) Zoned Properties



**HALIFAX**  
Regional Municipality  
Planning Services

**Attachment A:**  
**Excerpts from the Sackville Municipal Planning Strategy and Land Use By-law**

**Municipal Planning Strategy:**

The Urban Residential Designation is designed to recognize the importance of the single unit dwelling environment with its associated activities such as home business uses, and yet acknowledge the need for higher density residential, larger day care facilities, medical clinics and local commercial development. The Urban Residential Designation will be the priority area for future residential development.

UR-1 In recognition of the established residential community and the need to provide for a variety of residential opportunities as the community continues to grow and evolve, it shall be the intention of Council to establish the Urban Residential Designation, as shown on the Map 1 - Generalized Future Land Use. The designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.

**Local Commercial Uses**

Although general commercial development is not permitted in the Urban Residential Designation, neighbourhood commercial services such as corner stores and personal service shops can conveniently serve the public from locations within the general residential area. However, such uses create compatibility concerns with adjacent residential development relative to traffic generation on local streets, access controls, hours of operation, and visual effects related to site and building design. In light of these concerns, zoning for existing local commercial uses will be maintained, but new local commercial uses will only be considered by development agreement.

UR-17 Notwithstanding Policy UR-2, in recognition and support of existing local commercial uses within the Urban Residential Designation, it shall be the intention of Council to establish a local business zone which permits variety and food stores. It is the intention of Council that this zone shall be applied only to existing local commercial uses.

UR-18 Notwithstanding Policies UR-2 and UR-17, within the Urban Residential Designation, it shall be the intention of Council to consider new local commercial uses according to the development agreement provisions of the Planning Act. In considering any such agreement, Council shall have regard to the following:

- (a) that commercial uses shall be limited to service and personal service uses and local convenience outlets;
- (b) that the proposed development does not exceed a maximum gross floor area of two thousand (2,000) square feet, exclusive of any area devoted to an accessory dwelling unit;
- (c) that the use is primarily intended to serve the local neighbourhood;
- (d) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- (e) that no open storage or outdoor display shall be permitted;

- (f) that site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;
- (g) that there is direct access to a major collector as identified on Map 3 - Transportation, with preference given to commercial sites which are located at the intersection of major and minor collectors;
- (h) the impact on traffic circulation and, in particular, the suitability of access to and from the site;
- (i) that it is not being considered on lands which are presently zoned and developed for either single or two unit dwelling purposes nor where it is intended to replace a single or two unit dwelling which has been demolished, removed or destroyed by fire.
- (j) maintenance of the development;
- (k) hours of operation; and
- (l) the provisions of Policy IM-13.

**Attachment B:  
Excerpts from the Sackville Land Use By-law**

**PART 14: C-1 (LOCAL BUSINESS) ZONE**

**14.1 C-1 USES PERMITTED**

No development permit shall be issued in any C-1 (Local Business) Zone except for the following:

Residential Uses

Single unit dwellings

Commercial Uses

Variety stores

Food stores

Service and Personal Service Uses

**14.2 C-1 ZONE REQUIREMENTS**

In any C-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m <sup>2</sup> )
	on-site services	20,000 square feet (1858.1m <sup>2</sup> )
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)	
Minimum Rear or Side Yard	15 feet (4.6 m)	
Maximum Lot Coverage	25 per cent	
Maximum Height of Main Building	35 feet (10.7 m)	
Minimum Width of Main Building	20 feet (6.1 m)	

**14.3 OTHER REQUIREMENTS: COMMERCIAL USES**

Where uses are permitted as Commercial Uses in any C-1 Zone, the following shall apply:

- (a) The gross floor area of any commercial building in any C-1 Zone shall not exceed two thousand (2,000) square feet (185.8 m<sup>2</sup>), exclusive of any residential component.
- (b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (c) Except where any lot in any C-1 Zone abuts another commercially zoned property, no portion of any parking space within the C-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.