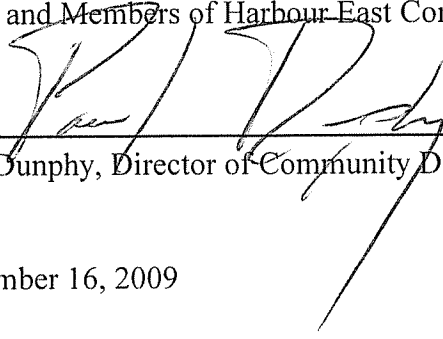


**Harbour East Community Council**  
**January 14, 2010**

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** December 16, 2009

**SUBJECT:** **Case 01363 - Dartmouth Land Use By-law Amendment – Excluding  
Tattoo Businesses as Home Occupations**

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## **INFORMATION REPORT**

### **ORIGIN**

November 12, 2009 Harbour East Community Council meeting (Item 10.2)

*Moved by Councillor Fisher, seconded by Councillor Karsten, that Harbour East Community Council request staff to initiate the amendment process for the Dartmouth Land Use By-law to exclude tattoo businesses as a home occupation within Dartmouth.*

### **BACKGROUND**

Home occupation uses are a permitted land use within residential areas of the Dartmouth Municipal Planning Strategy (MPS). The regulations regarding home occupations are contained in the Dartmouth Land Use By-law (LUB) (Attachment A). Home occupation uses allow residents to utilise their dwelling for limited commercial enterprises subject to certain conditions.

Harbour East Community Council has requested staff exclude tattoo businesses as a home occupation use by amending the Dartmouth LUB. Presently, the LUB does not list the types of home occupations that are permitted but instead lists those uses that are not permitted as home occupation uses (Attachment A).

## **DISCUSSION**

In response to Council's request, staff has opened Planning Case 01363 for this issue. In order to move forward with Council's request a public information meeting (PIM) has been scheduled for early 2010. Then, following the PIM staff will prepare a report that will be submitted to Harbour East Community Council for first reading and to set the date for a public hearing.

## **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.

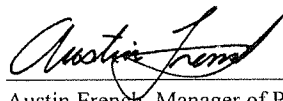
## **ATTACHMENTS**

Attachment A                      Excerpt from Dartmouth LUB

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

Report Prepared by:                      Darrell Joudrey, Planner I, 490-4181

Report Approved by:



Austin French, Manager of Planning Services, 490-6717

**Attachment A:**  
**Excerpt from Dartmouth LUB**

23. A home occupation shall be permitted in any dwelling in an R-1, *R-1M*, R-1A (RC-Sep 8/09;E-Nov 14/09), R-2, R-3, R-4, T and TH Zone provided: (As amended by By-law C-694, Dec 6/91)
- (a) it shall be conducted by the resident occupant in his or her residence;
  - (b) it shall be clearly accessory and incidental to the use of the dwelling as a residence;
  - (c) it shall be conducted within the enclosed living areas of the dwelling or accessory buildings;
  - (d) no alterations shall be made which would change the physical character of the dwelling as a residence;
  - (e) no outside storage of any kind shall be associated with the home occupation;
  - (f) there shall be no exterior evidence of the conduct of a home occupation except for a business identification plate or sign of two square feet in maximum area;
  - (g) not more than 25% of the total floor area of the dwelling shall be used for a home occupation;
  - (h) one off-street parking space, other than that required for the dwelling, shall be provided for each 200 square feet of floor space occupied by the home occupation;
  - (i) it shall not be an obnoxious use;
  - (j) *no stock in trade, except articles produced by members of the immediate family residing in the dwelling shall be displayed or sold on the property; (As amended by By-law C-421, Jan 2/81)*
  - (k) *the following are deemed not to be home occupations:*
    - (i) *automotive repair shop*
    - (ii) *autobody repair shop*
    - (iii) *auto paint shop*
    - (iv) *machine shop*
    - (v) *welding*
    - (vi) *retail sales outlets, except articles produced by members of the immediate family in the dwelling*
    - (vii) *restaurants*
    - (viii) *amusement arcades (As amended by By-law C-514, Feb 15/84)*
    - (ix) *adult entertainment uses (RC-Jan 31/06;E-Mar 16/06)*
    - (x) *salvage yards (HECC-Mar 1/07;E-Mar 17/07)*