

North West Community Council
September 12, 2006

TO: North West Community Council

SUBMITTED BY: Gail Harnish / for
Barb Grant, Vice Chair
North West Planning Advisory Committee

RE: Case 00934: Sackville Land Use By-law Amendment - Personal Service Uses

DATE: September 7, 2006

ORIGIN

North West Planning Advisory Committee meeting - September 6, 2006

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council:

1. Give First Reading to consider the proposed amendments to the Sackville Land Use By-law and schedule a public hearing.
2. Approve the proposed amendments to the Sackville Land Use By-law relating to the definition of personal service uses as set out in Attachment "C" of the staff report dated August 25, 2006.

ATTACHMENTS

Staff report dated August 25, 2006

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

Report reviewed by: Barb Grant, Vice Chair, North West PAC




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Halifax, Nova Scotia
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**North West Planning Advisory Committee
September 6, 2006**

TO: North West Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director, Planning and Development Services

DATE: August 25, 2006

SUBJECT: Case 00934: Sackville Land Use By-law Amendment -Personal Service
Uses

ORIGIN

Request by North West Community Council on July 20, 2006.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider the proposed amendments to the Sackville Land Use By-law and schedule a public hearing.
2. Approve the proposed amendments to the Sackville Land Use By-law relating to the definition of personal service uses as set out in Attachment "C".

BACKGROUND

North West Community Council at its July 20, 2006 meeting, passed a motion requesting staff to initiate a planning process to consider an amendment to the Sackville Land Use By-law (LUB) to change the definition of personal service uses to permit a broader range of land uses. Council made such a request because the C-1 (Local Commercial) Zone does not provide a broad range of uses for private land owners. In addition there have been a number of inquires looking at redevelopment of properties zoned C-1 to land uses not permitted by the current definition, but still personal service related.

The LUB currently defines a personal service shop as:

PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining, and tailoring, laundromats and laundry and drycleaning depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

DISCUSSION

The current definition of a personal service shop in the Sackville Land Use By-law is somewhat dated and permits a limited range of personal service land uses. Several other HRM Land Use By-laws have incorporated a broader range of uses within the Personal Service definition to reflect changes in the personal service industry. In general the changes in the industry have seen an increase in the type of businesses providing personal services. These businesses are similar to uses identified in the existing personal service shop definition, specifically in terms of scale, impact on the community and clientele. In addition the existing definition does not provide the flexibility to accommodate the service when it is not directly provided to a client. Staff proposes to amend the definition of a personal service shop, rename it to personal service uses and to add a definition for a health and wellness centre. The new definitions will accommodate all existing uses and broaden the number of uses permitted by including health and wellness centres and small local professional offices. The proposed definitions to be added to the Land Use By-law are as follows:

PERSONAL SERVICE USE means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail goods is only accessory to the provisions of such service, including, but without limiting the generality of the forgoing, barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, or local offices of professionals providing personal services such as physicians, dentists, lawyers, accountants, or realtors.

HEALTH and WELLNESS CENTRE means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services

tailored to a range of individual needs, including but not limited to: physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists.

Other than personal services uses the C-1 (Local Commercial) zone only permits small retail and food stores. These stores are facing increasing competition from other retails such as larger convenience stores, drug stores and gas bar. The broadening of land uses will help ensure that properties which are zoned C-1 will have adequate uses to sustain the commercial properties over time.

Issues:

Parking: Staff have considered the impact of the proposed change and has identified that parking standards need to be added for health and wellness centres. The proposed parking requirements are included in Attachment “C”. Parking standards for other land uses are currently adequate.

Impact of New Uses: The scale of the new uses to be added is controlled by the Land Use By-law through zone requirements. The table below indicated the maximum permitted floor area for personal service in zones where permitted:

Zone	Maximum Floor Area
C-1 (Local Business)	2000 square feet
C-2 (Community Commercial)	10,000 square feet
C-2A (Minor commercial)	10,000 square feet
BP (Business Park)	site specific
BP-1 (Business Park -1) Zone	site specific

Ultimately the new uses proposed primarily impact the C-1 (Local Business) Zone as the other zones currently permit a broad range of uses including many enabled by the proposed new definitions. The following properties are currently zoned C-1 under the Sackville Land Use By-law: 190 Cobequid Road, 302 Cobequid Road, 58 Riverside Drive, 65 Millwood Drive and 124 Walker Service Road.

Public Participation:

A public information meeting was not held for this planning process. Councillor Harvey (District 20) and Councillor Johns (District 19) concurred with the staff recommendation to waive the requirement for a public information meeting. If Council should decide to hold a public hearing, notification, in addition to a newspaper ad will be sent to property owners adjacent to current C-1 zoned properties.

Conclusion:

Given the scale and impact of the broadened personal service uses is similar in scale and impact on the community to existing permitted uses and that the proposal is reasonably consistent with the Municipal Planning Strategy, staff therefore recommend the amendments as shown in Attachment “C” be approved by Community Council.

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 approve the proposed amendment to the Land Use By-law. This is the recommended course of action.
2. Council may choose to refuse the proposed amendment to the Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff is satisfied that the proposed amendment is consistent with the policies and intent of the MPS.
3. Council may choose to alter the proposed amendment to the Land Use By-law. This may necessitate further negotiations with the applicant and additional report(s) In the event substantive revisions are requested subsequent to advertising for a public hearing, an additional public hearing may be required.

ATTACHMENTS

Attachment “A”	Relevant MPS Policy
Attachment “B”	Relevant LUB Requirements
Attachment “C”	Proposed Land Use By-law Amendments

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Planner 1, Planning and Development Services, 869-4226

Attachment "A"
Relevant MPS Policy

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.

CC-2 Within the Community Commercial Designation it shall be the intention of Council to establish a community commercial zone which permits a range of commercial and office uses, community facility uses and existing (deletion - June 16, 1994) dwellings. Controls on maximum size, outdoor storage and display, parking and loading areas, landscaping

and signage will be established in order to promote well-designed commercial development and to address compatibility concerns with adjacent residential and community facility development. When considering amendments to the land use by-law to permit new commercial uses within the Community Commercial Designation, Council shall have regard to the following:

- (a) the impact of the proposed use on traffic circulation, and in particular, sighting distances and entrance to and exit from the site;
- (b) the potential impact of the proposed use on adjacent residential and community facility use; and
- (c) the provisions of Policy IM-13.

BP-2 Within the Business Park Designation, it shall be the intention of Council to establish a business park zone which permits a range of general commercial, office and retail uses and light industrial uses as well as existing concrete batch plants and garbage disposal facilities. The street layout, lot design and location of new commercial, office and retail uses and light industrial uses shall be generally in accordance with the master plan for the Sackville Business Park included as Schedule "B" of the land use by-law.

BP-4 With reference to Policy BP-3, it shall be the intention of Council to establish a business park-1 zone which permits light industrial and office uses and commercial office and retail uses and denominational institutions and uses. (RC-Dec 16/03;E-Jan 24/04) This zone shall be applied to lands to the northeast of the Sackville Business Park.

UR-29 Notwithstanding Policy UR-2 and RR-2, the properties known locally as Atlantic Gardens at 1620 Sackville Drive (PID 40150856) and the lot at the corner of Sackville Drive and Old Sackville Road (PID 40150815) shall be zoned to a Minor Commercial Zone. This zone shall provide for a limited range of retail, personal service, and service uses which can be accommodated without detriment to the surrounding residential neighbourhood by virtue of aesthetics, and environmental degradation. These uses shall include: retail stores, service and personal service shops, offices, commercial schools, banks and financial institutions, restaurants take-out and drive-in, shopping plazas and malls, commercial recreation uses, and greenhouses and nurseries. Institutional uses shall also be permitted. Outdoor storage, display, and signs shall be regulated.

IM-8 It is not intended that all land shall be rezoned for specific uses. Rather, in order to give the Sackville Community Council a greater degree of control, this planning strategy provides that certain land uses shall be considered only as amendments to the land use by-law or in certain instances by development agreement as provided for by the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within the planning strategy.

IM-13 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to, or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;
- (e) any other relevant matter of planning concern; and
- (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

IM-14 In considering amendments to the land use by-law or development agreements, the Sackville Community Council shall hold a Public Hearing according to the provisions of the Planning Act.

IM-15 It shall be the intention of Council to refer all proposed amendments to the Municipal Planning Strategy and/or the standards of the Land Use By-law for Sackville to the Sackville Community Council.

Attachment B - Relevant LUB Requirements

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 shops

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 ²)
	on-site services	20,000 square feet (1858.1 m ²)
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 m²), 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.

PART 15: C-2 (COMMUNITY COMMERCIAL) ZONE

15.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (Community Commercial) Zone except for the following:

Commercial Uses

Retail stores
Food stores
Service and personal service shops
Offices
Commercial schools
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Outdoor display courts
Shopping plazas and malls
Motels and hostels
Commercial recreation uses
Service stations
Taxi and bus depots
Parking lots
Greenhouses and nurseries
Veterinary hospitals and kennels
Welding, plumbing and heating, electrical and other special trade contracting services and shops
Local fuel distribution facilities
Re-cycling depots within wholly enclosed buildings
Automotive repair outlets
Funeral parlours and undertaker establishments
Existing auto body shops
Existing transport facilities and maintenance yards
Existing construction yards and maintenance facilities

Residential Uses

Existing dwellings
Existing multiple unit dwellings
Boarding and rooming houses

Community Uses

Open space uses
Institutional uses

15.2 C-2 ZONE REQUIREMENTS: COMMERCIAL AND RESIDENTIAL USES

In any C-2 Zone, where uses are permitted as Commercial Uses or Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1,858 m ²)
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		50 per cent
Maximum Height of Main Building		35 feet (10.7 m)

15.3 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 13.2, where any service station is erected in any C-2 Zone the following shall apply:

- (a) Minimum Lot Area 30,000 square feet (2,787 m²)
- (b) Minimum Frontage 150 feet (45.7 m)
- (c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
- (d) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m).
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

15.4 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

- (a) The gross floor area of all commercial buildings on a lot in any C-2 Zone shall not exceed ten thousand (10,000) square feet (929 m²).
- (b) Notwithstanding the provisions of Subsection 13.4(a), where welding, plumbing and heating, electrical and other special trades contracting services and shops are permitted in any C-2 Zone, no such shop shall exceed thirty-five hundred (3,500) square feet (325 m²) of gross floor area.

- (c) Notwithstanding the provisions of Subsection 13.4(a), where offices are permitted in any C-2 Zone, no office building shall exceed five thousand (5,000) square feet (465 m²) of gross floor area.

15.5 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in any C-2 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor display shall be located within ten (10) feet (3 m) of any front lot line.
- (d) No open storage or outdoor display shall be permitted within any yard in a C-2 Zone where such yard abuts any Residential or Community Uses Zone, except where a fence or other visual and physical barrier is provided within the abutting yard.

15.6 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-2 Zone, whether in conjunction with other uses or as a separate use of land, the following shall apply:

- (a) Where any C-2 Zone abuts any Residential or Community Uses Zone, no portion of any parking space within the C-2 Zone shall be permitted within ten (10) feet (3 m) of any side or rear lot line.
- (b) No portion of any parking space within any C-2 Zone shall be located within ten (10) feet (3 m) of any front lot line.

15.7 C-2 ZONE REQUIREMENTS: COMMUNITY USES

In any C-2 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19 and Part 20 as are applicable.

15.8 OTHER REQUIREMENTS: EXISTING USES

Existing uses which are in excess of the maximum gross floor area requirements of Section 15.4 shall be permitted as existing uses. Any expansion to such existing uses may only be considered by development agreement.

15.9 OTHER REQUIREMENTS: SACKVILLE TOWN CENTRE

Notwithstanding the provisions of Section 15.1, and 15.4, the existing Sackville Town Centre Shopping Centre, located on the lot identified by LRIS Number 362442, may be used for any of the uses listed below. In conformity with Section 15.8, expansion of the Shopping Centre may only be considered by development agreement. (RC-May 7, 2002; Effective-June 29, 2002)

Commercial Uses

Retail stores
Food stores
Service and personal service shops
Offices
Commercial schools
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Outdoor display courts
Shopping plazas and malls
Theatres and cinemas
Entertainment uses
Motels, hotels and hostels
Commercial recreation uses
Service stations
Taxi and bus depots
Parking lots
Greenhouses and nurseries
Veterinary hospitals and kennels
Welding, plumbing and heating, electrical and other special trade contracting services and shops
Local fuel distribution facilities
Re-cycling depots
Automotive repair outlets
Funeral Parlours and undertaker establishments
Wholesale bakeries
Printing and publishing establishments
Existing auto body shops
Existing transport facilities and maintenance yards

Residential Uses

Up to two (2) dwelling units in conjunction with commercial uses
Existing dwellings
Boarding and rooming houses

Community Uses

Open space uses
Institutional uses (RC-May 7, 2002; Effective-June 29, 2002)

PART 15A: C-2A (MINOR COMMERCIAL) ZONE

15A.1 C-2A USES PERMITTED

No development permit shall be issued in any C-2A (Minor Commercial) Zone except for the following:

Commercial Uses

Retail stores
Food stores
Service and personal service shops
Offices
Commercial schools
Banks and financial institutions
Restaurants take-out and drive-in
Shopping plazas and malls
Commercial recreation uses
Greenhouses and nurseries
Veterinary hospitals and kennels

Community Uses

Open space uses
Institutional uses

15A.2 C-2A ZONE REQUIREMENTS: COMMERCIAL USES

In any C-2A Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area: central services	6,000 square feet (558 m ²)
on-site services	20,000 square feet (1,858 m ²)
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	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

15A.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

- (a) The gross floor area of all commercial buildings on a lot in any C-2A Zone shall not exceed ten thousand (10,000) square feet (929 m²).

15A.4 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in any C-2A Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor display shall be located within ten (10) feet (3 m) of any front lot line.
- (d) No open storage or outdoor display shall be permitted within any yard in a C-2A Zone where such yard abuts any Residential or Community Uses Zone, except where a fence or other visual and physical barrier is provided within the abutting yard.

15A.5 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-2A Zone, whether in conjunction with other uses or as a separate use of land, the following shall apply:

- (a) Where any C-2A Zone abuts any Residential or Community Uses Zone, no portion of any parking space within the C-2A Zone shall be permitted within ten (10) feet (3 m) of any side or rear lot line.
- (b) No portion of any parking space within any C-2A Zone shall be located within ten (10) feet (3 m) of any front lot line.

15A.7 C-2A ZONE REQUIREMENTS: COMMUNITY USES

In any C-2A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19 and Part 20 as are applicable.

15A.8 OTHER REQUIREMENTS: ATLANTIC GARDENS

Notwithstanding the provisions of Sections contained within 15A the existing Atlantic Gardens Centre, located on the lot identified by PID Number 40150856, is recognized as an existing use. An expansion which does not meet the provision of 15A3 (maximum commercial floor area) shall be permitted. All other provisions of the zone shall be met. (Regional Council-April 24, 2001, Effective-June 2, 2001)

PART 16: C-3 (COMMERCIAL CORRIDOR) ZONE (Refer to Sackville Drive SPS: RC-May 7, 2002; Effective-June 29, 2002)

PART 17: BP (BUSINESS PARK) ZONE

17.1. BP (BUSINESS PARK) USES PERMITTED

No development permit shall be issued in any BP (Business Park) Zone except for the following:

Commercial Office/Retail Uses

Retail stores
Food stores
Service and personal service shops
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities
Outdoor display in conjunction with permitted commercial office/retail uses (C - March 27, 1996 / E - April 20, 1996)

Light Industrial/Office Uses

Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels
Cinemas

Restaurants including drive-in and take-out restaurants
Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging

Assembly operations
Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments
Taxi and bus depots
Parking lots
Existing uses
Any commercial office/retail uses

Composting operations (see section 4.30) (MC-February 26, 1996 / M-March 28, 1996)

Community Uses

Any use permitted in the P-1 (Open Space) Zone

17.2 BP ZONE REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES

Except as otherwise provided for in this part, where uses are permitted as commercial office/retail uses, in any BP Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	10 feet (3.1 m)
Maximum Lot Coverage	50 percent

17.3 OTHER REQUIREMENTS: LIGHT INDUSTRIAL/OFFICE USES

Where light industrial/office uses are permitted in any BP Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

17.4 OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES

- (a) No development permit shall be issued for a commercial office/retail use in any BP Zone except in conformity with Schedule "B" of the land use by-law.
- (b) Where commercial office/retail uses are permitted in any BP Zone, the following shall apply:
 - i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.
 - ii) No walls of any building shall be erected nearer to Glendale Avenue or any other street than forty (40) feet (12.2 m).
 - iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
 - glass
 - pre-engineered steel
 - brick
 - cast-in-place concrete
 - precast concrete
 - iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage **or for outdoor display areas in conjunction with permitted commercial office/retail uses, (C - March 27, 1996 / E - April 20, 1996)** shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m²) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.
 - v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.

- vi) No landscaping area shall be used for parking or developed in any other manner.
- vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.
- viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.
- ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.
- x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m²) in area. Islands shall be separate from any other landscaped areas.
- (xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.
- (xii) No outdoor storage shall be permitted. **(C - March 27, 1996 / E - April 20, 1996)**
- (xiii) No garbage shall be stored outside except in a permanent refuse container. Such a container shall be located in the rear yard and shall be completely, enclosed and screened from view.
- (xiv) No trailer shall be parked or placed on any lot except for loading or unloading purposes.
- (xv) **No outdoor display shall be located within any front yard or exceed fifteen (15) percent of the total lot area. (C - March 27, 1996 / E - April 20, 1996)**

17.5 OTHER REQUIREMENTS: COMMUNITY USES

Where open space uses are permitted in any BP Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

17.6 **MASTER PLAN: SACKVILLE BUSINESS PARK**

Notwithstanding the Master Plan: Sackville Business Park, as contained in Schedule "B" of this By-law, the Development Officer may issue a development permit for any use permitted by Section 17.1 where so authorized by the owner or an authorized agent on behalf of the owner of the Business Park. All other provisions of this By-law shall apply. (C-January 9, 1997 / E-February 4, 1997)

PART 18: BP-1 (BUSINESS PARK-1) ZONE

18.1. BP-1 (BUSINESS PARK-1) USES PERMITTED

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

Commercial Office/Retail Uses

Retail stores
Food stores
Service and personal service shops
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities

Light Industrial/Office Uses

Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels
Cinemas
Restaurants including drive-in and take-out restaurants
Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations

Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments

Taxi and bus depots
Parking lots
Existing uses
Any commercial office retail uses
Composting operations (see section 4.30) (MC-February 26, 1996 / M-March 28, 1996)

Institutional Uses

Denominational Institutional and Uses (RC-Dec 16/03;E- Jan 24/04)

Open Space Uses

Any use permitted in the P-1 (Open Space) Zone

18.2 **BP-1 ZONE REQUIREMENTS**

Where light industrial/office uses and commercial office/retail uses are permitted in any BP-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

18.3 **OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES AND LIGHT INDUSTRIAL/OFFICE USES**

- (a) Where commercial office/retail uses and light industrial/office uses are permitted in any BP-1 Zone, the following shall apply:
 - i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.
 - ii) No walls of any building shall be erected within forty (40) feet (12.2 m) of any public street or road reserve.

- iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
 - glass
 - pre-engineered steel
 - brick
 - cast-in-place concrete
 - precast concrete
- iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m²) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.
- v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.
- vi) No landscaping area shall be used for parking or developer in any other manner.
- vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.
- viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.
- ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.
- x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m²) in area. Islands shall be separate from any other landscaped areas.
- xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.
- xii) No outdoor storage or display shall be permitted.

18.4 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any BP-1 Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

Attachment C
Proposed Amendments to the Sackville Land Use By-law

The Sackville Land Use By-law is hereby amended as follows by:

1. Part 2, Section 2.56 shall be deleted and replaced with the following text:

“2.56 PERSONAL SERVICE USE means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail goods is only accessory to the provisions of such service, including, but without limiting the generality of the forgoing, barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, or local offices of professionals providing personal services such as physicians, dentists, lawyers, accountants, or realtors.”

2. Part 2 shall be amended by adding section 2.28A after section 2.28 and before section 2.29 with the following text:

“2.28A HEALTH and WELLNESS CENTRE means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists.”

3. Part 4, section 4.24 shall be amended by adding the following text prior to the words “Any use not specified above”;

Health and wellness centres:

- | | | |
|-----|--|--|
| (a) | exceeding 2,000 square feet
(464.5 m ²) of gross floor area | 5 spaces per 1,000 square feet
(92.9 m ²) of gross floor area |
| (b) | not exceeding 2,000 square feet
(464.5 m ²) of gross floor area | 3.3 spaces per 1,000 square feet
(92.9 m ²) of gross floor area |

4. Where the words “Personal Service Shop” appear in any section of the Land Use By-law, they shall be replaced with “Personal Service Use”.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the __ day of _____, 2006.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this __ day of _____, 2006

Jan Gibson
Municipal Clerk