

10.1.2



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
February 27, 2006

To: Western Region Community Council

Submitted by:


Paul Dunphy, Director of Planning & Development Services

Date: February 8, 2006

Subject: **Case 00860: Amendment to the Timberlea/Lakeside/Beechville Land Use By-law**

ORIGIN:

Application by R.L. Dennis Associates to permit personal service shops in the I-1 (Light Industrial) Zone.

RECOMMENDATION:

It is recommended that Western Region Community Council:

1. Give First Reading to the proposed amendments to the Timberlea/Lakeside/Beechville Land Use By-law (LUB) as contained in Attachment A to add personal service shops to the list of permitted uses in the I-1 (Light Industrial) Zone, and to schedule a public hearing; and,
2. Approve the proposed amendments to the Timberlea/Lakeside/Beechville Land Use By-law (LUB) as contained in Attachment A.

BACKGROUND:

In September 2005, staff received a complaint against 2 Lakeside Drive that a beauty parlor was operating without permits. After receiving its Notice to Comply, property owner R.L. Dennis Associates Limited applied for building and development permits for the beauty parlor. The development permit was denied because the use, defined as a personal service shop, is not permitted in the I-1 Zone, within which the beauty parlor is located.

Section 2.5 of the TLB LUB defines personal service shops as:

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 parlors, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and drycleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

In November 2005, the applicant requested an amendment to the LUB to add personal service shops to the list of permitted uses in the I-1 Zone.

Public information meeting

In consultation with Councillor Rankin, the public information meeting was waived.

DISCUSSION:

Policy IND-2 of the *Timberlea/Lakeside/Beechville Municipal Planning Strategy* states that, "it shall be the intention of Council to establish a light industrial zone which permits general industrial, commercial and open space uses". The current list of permitted uses in the I-1 Zone includes such varied services as banks, restaurants, and research facilities (see Attachment B).

Adding personal service shops to the I-1 Zone list of permitted uses would be consistent with the Municipal Planning Strategy given:

- the policy context of permitting commercial uses alongside industrial and open space uses; and,
- that personal service shop uses would be consistent with the types of commercial uses which are already permitted in the I-1 Zone.

If Council approves the proposal, the applicant will have the opportunity to obtain necessary permits for the beauty shop, and staff will not proceed with legal action against the property owner. If Council rejects the proposal, and the applicant is not successful in appealing Council's decision, staff will proceed with legal action against the property owner.

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:

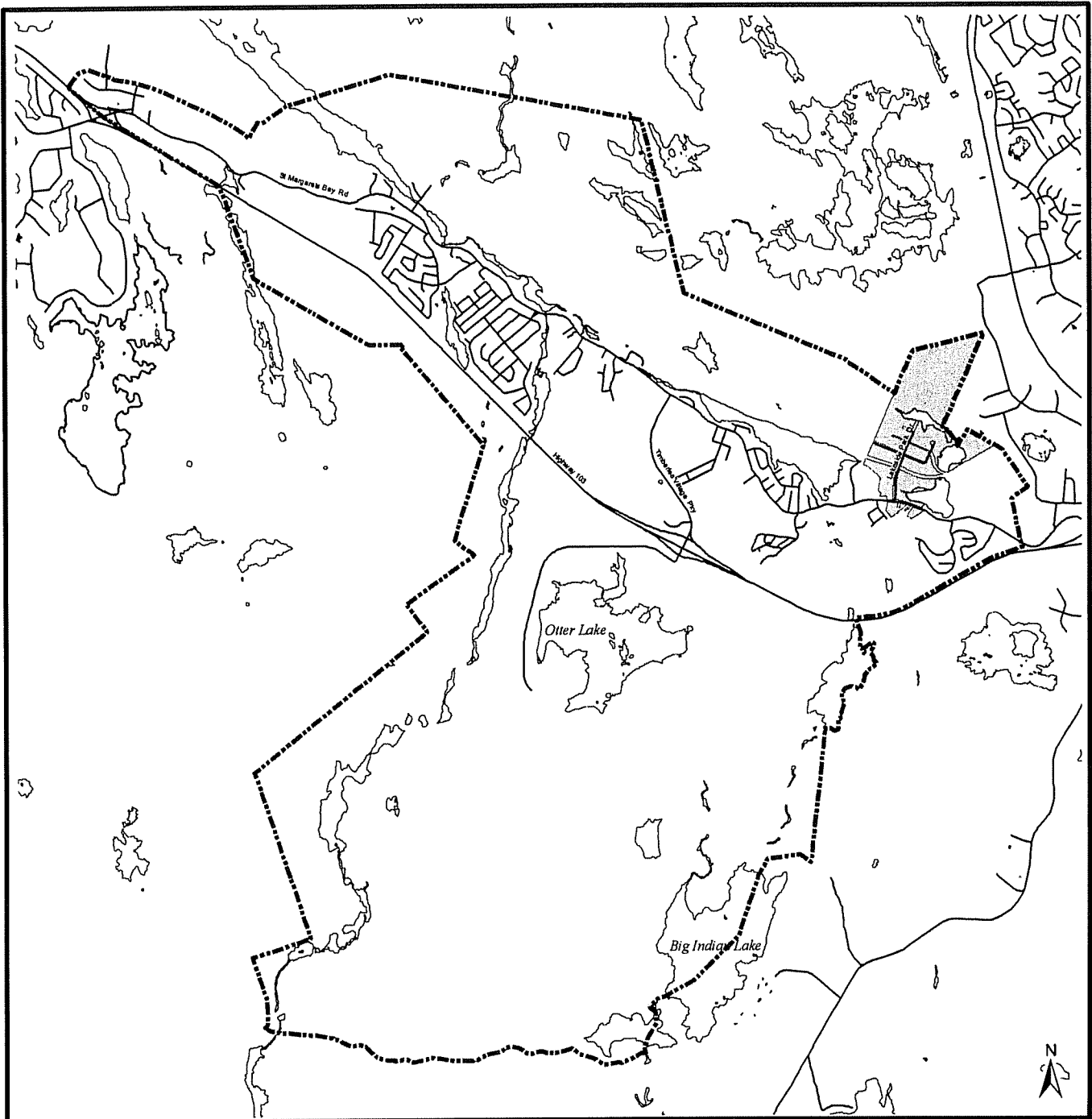
1. Proceed with the amendments to the *Timberlea/Lakeside/Beechville LUB* as set out in Attachment A to add personal service shops to the list of permitted uses in the I-1 Zone. This is the recommended course of action.
2. Take no action. This is not recommended at this time.

ATTACHMENTS:

- Map 1: Location of I-1 Zones within the Timberlea/Lakeside/Beechville Plan Area
Map 2: Location of I-1 Zones within Lakeside
Attachment A: Proposed amendments to the I-1 (Light Industrial) Zone of the *Timberlea/Lakeside/Beechville Land Use By-law*
Attachment B: Excerpts from the *Timberlea/Lakeside/Beechville Land Use By-law*


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

Report prepared by: Jaime Smith, Planner, 490-4793, smithja@halifax.ca



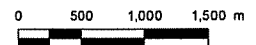
Map 1

Location of I-1 Zone areas
Lakeside

 I-1 (Light Industrial) Zone

Timberlea/Lakeside/Beechville Plan Area

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES




This map is an unofficial reproduction
of a portion of the Zoning Map for the
Timberlea/Lakeside/Beechville Plan area.

HRM does not guarantee the accuracy of
any representation on this plan.



Map 2

Location of I-1 Zone areas
Lakeside

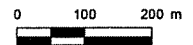
 I-1 (Light Industrial) Zone

Timberlea/Lakeside/Beechville Plan Area

Zone

- R-1 Single Unit Dwelling
- R-1A Auxiliary Dwelling Unit
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multi-unit Dwelling
- C-2 General Business
- P-1 Open Space
- P-2 Community Facility
- CDD Comprehensive Dev. District

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



This map is an unofficial reproduction
of a portion of the Zoning Map for the
Timberlea/Lakeside/Beechville Plan area.

HRM does not guarantee the accuracy of
any representation on this plan.

Attachment A

Amendments to the Timberlea/Lakeside/Beechville Land Use By-law

The Land Use By-law for *Timberlea/Lakeside/Beechville* is hereby amended by:

Adding the following to Section 15.1, Light Industrial (I-1) Zone list of permitted uses:

Personal service shops

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

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____ A.D., 2006.

Jan Gibson
Municipal Clerk

Attachment B

Excerpts from the *Timberlea/Lakeside/Beechville Land Use By-law*

PART 15: I-1 (LIGHT INDUSTRY) ZONE

15.1 I-1 USES PERMITTED

No development permit shall be issued in any I-1 (Light Industry) Zone except for the following:

Commercial Uses

Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Greenhouses and nurseries
Support services
Machinery sales and service
Vehicle sales
Office and retail uses accessory to Industrial Uses permitted
Entertainment uses (MC-Feb7/94, E-Mar5/94)

Industrial Uses

Warehousing and warehouse sales
Wholesale and wholesale sales
Service industries
Service shops
Industrial training facilities
Research facilities
Postal and commercial courier distribution facilities
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots within wholly enclosed buildings
Transport facilities and maintenance yards
Taxi and bus depots
Parking lots

Community Uses

Open space uses

Other Uses

Composting operations (see section 4.31) (MC-February 26, 1996 / M-March 28, 1996)

15.2 I-1 ZONE REQUIREMENTS: INDUSTRIAL USES AND COMMERCIAL USES

In any I-1 Zone, where uses are permitted as Industrial Uses and Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (558 m ²)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	50 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	70 percent

15.3 OTHER REQUIREMENTS: INDUSTRIAL USES AND COMMERCIAL USES

Notwithstanding the provisions of Section 15.2, where any I-1 Zone abuts any Residential Zone, the following shall apply:

- (a) No building or structure within the I-1 Zone shall be located less than fifty (50) feet (15.2 m) from the Residential Zone.
- (b) No outdoor storage within the I-1 Zone shall be located less than twenty-five (25) feet (7.6 m) from the Residential Zone.

15.4 EXEMPTION: INDUSTRIAL USES AND COMMERCIAL USES

Notwithstanding the provisions of Section 15.2, where industrial uses involve railway transportation in any I-1 Zone, and the rear or side yards required by this by-law prohibit direct access to such ways, the impeding rear or side yard requirements shall be waived and such yards shall be used in the most safe and efficient manner to accommodate the transportation of goods and materials.

15.5 I-1 ZONE REQUIREMENTS: COMMUNITY USES

In any I-1 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19.

15.6 RESTRICTIONS: ENTERTAINMENT USES

No entertainment uses shall be permitted on any lands located on the south side of Highway No. 3 (St. Margarets Bay Road) (MC-Feb7/94, E-Mar5/94)