

**APPLICATION TO AMEND THE MUNICIPAL
PLANNING STRATEGY AND LAND USE BY-LAW, TO
ADD “LIGHT SERVICE INDUSTRIES” AS A USE
PERMITTED IN THE
SECONDARY COMMERCIAL (C-3) ZONE**

Respectfully Submitted to: Planning Advisory Committee

Submitted by: Arthur MacDonald

Dated: May 12, 2010

File # 66560-35-18 (2010-18)

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REQUEST FOR DECISION

SUBJECT: Application to amend the Municipal Planning Strategy and Land Use By-law, to add “Light Service Industries” as a use permitted in the Secondary Commercial (C-3) zone.

RECOMMENDATION: Approval

RECOMMENDATION: Report attached.

KEY ISSUE(S) / CONCEPTS DEFINED: The Glassman Inc. wishes to establish an automobile glass repair shop at 632 Main Street (Irving Station) which also makes and repairs glass for residential and commercial buildings as well as boats and other similar items. Though the Secondary Commercial (C-3) zone enables automobile service stations and includes the repair of automobiles, including the windshields, the other uses fall under the use category of “Light Service Industries”. This has not been an issue in the General Commercial (C-2) zone where similar uses, such as Apple Auto Glass, are established as both Automobile Service Stations and Light Service Industries which are deemed permitted uses. As the uses are similar in nature, though not considered accessory, it is recommended to enable the inclusion of “Light Service Industries” as a use in the Secondary Commercial (C-3) zone provided the use is wholly enclosed within a building.

RELEVANT POLICY: Policy 2.3.3

RESPONSE OPTIONS: Approve, refuse or send back for revisions.

PREFERRED STRATEGY: To approve.

IMPLICATIONS OF RECOMMENDATION: One could argue that industrial uses should be kept completely separated from commercial uses to maintain the “commercial” flavour of a district or area. Though this would be supported by earlier planning theory; emerging planning theory, with regards to “smart growth” planning and sustainable planning principals, supports the intermixing of these uses. The General Commercial (C-2) zone currently supports this intermixing and limits the potential impacts of the industrial uses on the commercial and residential uses by requiring the use to be wholly enclosed within a building. The potential impacts are also minimized as the use is limited to 278.7m² (3,000 ft²) or less. Uses greater than 278.7m² (3,000 ft²) are defined as “Heavy Service Industries” and are currently limited to the General Industrial (M-1) and the Waterfront Industrial (M-2) zone.

FINANCIAL: No financial implications for the Town as of a direct consequence of the proposed amendments.

FOLLOW UP ACTION: Recommendation to proceed to a Public Participation Meeting.

Applicant: The Glassman Inc.
c/o Chris Surette
RR #4, Box 1 - Site 6,
Yarmouth, N.S.,
B5A 4A8

Application: Application to amend the Municipal Planning Strategy and Land Use By-law, to add "Light Service Industries" as a use permitted in the Secondary Commercial (C-3) zone.

Relevant Municipal Planning Strategy Text and Policy Provisions:

"The Municipal Planning Strategy contains policies enabling the creation of a Secondary Commercial (C-3) zone. Commercial uses located within the Secondary Commercial designation will be zoned Secondary Commercial (C-3). All other uses in this designation will be zoned according to their use. The Secondary Commercial (C-3) zone will permit a broad range of commercial uses including, but not restricted to the following: retail shops; wholesale shops; convenience and grocery stores; restaurants; institutional uses; medical clinics; light service shops; personal service shops; places of recreation, fitness and assembly within wholly enclosed buildings; public parks; hotels, motels and hostels; automobile service stations; taxi and bus stations; parking lots and parking structures; residential dwelling units up to a maximum of four (4) units per lot; laundromats and accessory uses excluding taverns, lounges and cabarets. The development of new business and professional offices and financial institutions will not be permitted in this zone as these uses are restricted to the Downtown Commercial (C-1) zone and the Waterfront Commercial Industrial (WCI-5) zone. Warehousing will also not be permitted due to small lot size and frontage constraints but existing warehousing uses will be permitted to continue."

2.3.3 It shall be the intention of Council to include in the Land Use By-law a Secondary Commercial (C-3) zone. This zone shall include the following and similar types of uses permitted as-of-right: retail shops; wholesale shops; convenience and grocery stores; restaurants (eat-in, drive-in or drive-thru); institutional uses; medical clinics; light service shops; personal service shops; internet web site development; places of recreation, fitness and assembly within wholly enclosed buildings; public parks; hotels, motels and hostels; automobile service stations; taxi and bus stations; parking lots and parking structures; residential dwelling units up to a maximum of four (4) units per lot; laundromats and accessory uses excluding taverns, lounges and cabarets.

Relevant Land Use By-law Provisions:

16.1 C-3 Zone Uses Permitted

In the Secondary Commercial (C-3) zone, no development permit shall be issued except for one or more of the following uses:

- * Retail Shops;
- * Wholesale Shops;
- * Convenience and Grocery Stores;
- * Restaurants (eat-in, drive-in or drive-thru);
- * Institutional Uses;

- * Medical Clinics;
- * Light Service Shops;
- * Personal Service Shops;
- * Internet Web Site Development;
- * Places of Recreation, Fitness and Assembly within wholly enclosed buildings;
- * Public Parks;
- * Hotels, Motels and Hostels;
- * Automobile Service Stations;
- * Taxi and Bus Stations;
- * Parking Lots and Parking Structures;
- * Residential Dwelling Units up to a maximum of four (4) units per lot;
- * Laundromats; and,
- * Accessory uses excluding taverns, lounges and cabarets;

67. Light Service Industry means a building or part of a building comprising an area of 278.7m² (3,000 ft.²) or less engaged in the following activities: a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop, plumbing shop, sheet metal shop, metal fabrication shop, sign shop, lumber shop and similar uses and includes the accessory retail sales of such items.

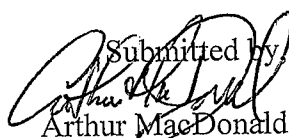
53. Heavy Service Industry means a building or part of a building engaged in the following activities: the processing of milk and dairy products, a recycling center, the shredding and/or sorting of materials, a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop, plumbing shop, sheet metal shop, metal fabrication shop, sign shop, lumber shop and similar uses and includes the accessory retail sales of such items.

Current Conditions:

The Glassman Inc. wishes to establish an automobile glass repair shop at 632 Main Street (Irving Station) which also makes and repairs glass for residential and commercial buildings as well as boats and other similar items. Though the Secondary Commercial (C-3) zone enables automobile service stations and includes the repair of automobiles, including the windshields, the other uses fall under the use category of "Light Service Industries". This has not been an issue in the General Commercial (C-2) zone where similar uses, such as Apple Auto Glass, are established as both Automobile Service Stations and Light Service Industries which are deemed permitted uses. As the uses are similar in nature, though not considered accessory, it is recommended to enable the inclusion of "Light Service Industries" as a use in the Secondary Commercial (C-3) zone provided the use is wholly enclosed within a building.

Recommendation:

In light of the above, it is recommended to proceed to a Public Participation meeting in order to consider and if deemed advisable, amend the Municipal Planning Strategy and Land Use By-law, to add "Light Service Industries" as a use permitted in the Secondary Commercial (C-3) zone as outlined in Appendix "A".

Submitted by:

 Arthur MacDonald
 Town Planner

Appendix “A”

Amendments to the Municipal Planning Strategy

1) An amendment to the Municipal Planning Strategy, in particular the text of Chapter 4 Commercial Development, by deleting the second paragraph following the “Secondary Commercial District” heading and substituting therefore the following:

“The Municipal Planning Strategy contains policies enabling the creation of a Secondary Commercial (C-3) zone. Commercial uses located within the Secondary Commercial designation will be zoned Secondary Commercial (C-3). All other uses in this designation will be zoned according to their use. The Secondary Commercial (C-3) zone will permit a broad range of commercial uses including, but not restricted to the following: retail shops; wholesale shops; convenience and grocery stores; restaurants; institutional uses; medical clinics; light service shops; light service industries within wholly enclosed buildings, personal service shops; places of recreation, fitness and assembly within wholly enclosed buildings; public parks; hotels, motels and hostels; automobile service stations; taxi and bus stations; parking lots and parking structures; residential dwelling units up to a maximum of four (4) units per lot; laundromats and accessory uses excluding taverns, lounges and cabarets. The development of new business and professional offices and financial institutions will not be permitted in this zone as these uses are restricted to the Downtown Commercial (C-1) zone and the Waterfront Commercial Industrial (WCI-5) zone. Warehousing will also not be permitted due to small lot size and frontage constraints but existing warehousing uses will be permitted to continue.”

2) An amendment to the Municipal Planning Strategy, in particular Policy 2.3.3 by deleting it and substituting therefore the following:

“**2.3.3** It shall be the intention of Council to include in the Land Use By-law a Secondary Commercial (C-3) zone. This zone shall include the following and similar types of uses permitted as-of-right: retail shops; wholesale shops; convenience and grocery stores; restaurants (eat-in, drive-in or drive-thru); institutional uses; medical clinics; light service shops; light service industries within wholly enclosed buildings, personal service shops; internet web site development; places of recreation, fitness and assembly within wholly enclosed buildings; public parks; hotels, motels and hostels; automobile service stations; taxi and bus stations; parking lots and parking structures; residential dwelling units up to a maximum of four (4) units per lot; laundromats and accessory uses excluding taverns, lounges and cabarets.”

Appendix “B”

Amendment to the Land Use By-law

1) An amendment to the Land Use By-law, in particular Part 16.1, by deleting it and substituting therefore the following:

“16.1 C-3 Zone Uses Permitted

In the Secondary Commercial (C-3) zone, no development permit shall be issued except for one or more of the following uses:

- * Retail Shops;
- * Wholesale Shops;
- * Convenience and Grocery Stores;
- * Restaurants (eat-in, drive-in or drive-thru);
- * Institutional Uses;
- * Medical Clinics;
- * Light Service Shops;
- * Light Service Industries within wholly enclosed buildings;
- * Personal Service Shops;
- * Internet Web Site Development;
- * Places of Recreation, Fitness and Assembly within wholly enclosed buildings;
- * Public Parks;
- * Hotels, Motels and Hostels;
- * Automobile Service Stations;
- * Taxi and Bus Stations;
- * Parking Lots and Parking Structures;
- * Residential Dwelling Units up to a maximum of four (4) units per lot;
- * Laundromats; and,
- * Accessory uses excluding taverns, lounges and cabarets.”

2) An amendment to the Land Use By-law, in particular Part 31 Definitions, by deleting Definition 67 and substituting therefore the following:

“67. Light Service Industry means a building or part of a building comprising an area of 278.7m² (3,000 ft.²) or less engaged in the following activities: a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making, glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.”

3) An amendment to the Land Use By-law, in particular Part 31 Definitions, by deleting Definition 53 and substituting therefore the following:

“53. Heavy Service Industry means a building or part of a building engaged in the following activities: the processing of milk and dairy products, a recycling center, the shredding and/or sorting of materials, a bakery, a candy factory, a public or private garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a painting shop including a decal shop, a plumbing shop, a sheet metal shop, a glass making, glass blowing, glass repair and glass fabrication shop, a metal fabrication shop, a sign shop, a wood, lumber and furniture manufacturing shop, a door and window manufacturing shop, a building material manufacturing shop, a plastic fabrication shop and similar uses and includes the designing and manufacturing aspects as well as the accessory retail sales of such items.”