

To: **Inverness District Planning Advisory Committee
Inverness Planning Advisory Committee
Inverness County Council**

From: **Planning Staff (EDPC)**

Date: **July 26, 2017**

Reference: **Proposed Omnibus Amendments to the Community of Inverness, Inverness County, *Land Use by-law*:**

- 1) allowing for “Personal Services Establishment” uses within the Residential Urban (R-1) Zone subject to Site Plan Approvals and expanding the definition of Personal Service Establishments to include “Fitness Centres”, and**
- 2) allowing free standing carwashes in both the Commercial Business District (C-1) and Commercial Mixed Use (C-2) Zones subject to Site Plan approval.**

Recommendations:

It is the recommendation of staff that Council approve an amendment to the *Inverness Secondary Land Use Bylaw* adding “Personal Services Establishments” as a permitted use within the Residential Urban (R-1) Zone subject to site plan approvals.

It is the recommendation of staff that Council approve an amendment to the *Inverness Secondary Land Use Bylaw* adding “fitness centre” to the definition of “Personal Services Establishments” to clarify the present interpretation of the term.

It is the recommendation of staff that Council approve an amendment to the *Inverness Secondary Land Use Bylaw* adding “Carwash” as a permitted use within the Commercial Business District (C-1) and Commercial Mixed Use (C-2) Zones subject to site plan approvals.

Analysis:

1) Healthy Communities

In response to an application to allow for a fitness centre in an existing single family dwelling staff completed a preliminary review of the Inverness Municipal Planning Strategy and Land Use By-law informing the applicant that there were no provisions to rezone the property to allow for such a use. Staff did note however that a fitness centre could be permitted as a home business however the applicant would not be living in the building. Staff then met with the local District Planning Advisory Committee which directed staff to prepare amendments which would allow for recreational facilities, specifically fitness centres in the Residential Zone. Staff then held a follow up meeting with the local Committee in June with a recommendation to expand the definition of “recreational uses” to include fitness centres and allow them by right within the Residential Urban (R-1) Zone. This recommendation

was not supported by the whole of the Committee and there was some discussion about this being more aligned with a “Healthy Communities” initiative rather than a recreational use which could be more intrusive.

The Nova Scotia Government’s “Thrive!” initiative identifies a number of benefits from healthy community initiatives. From their webpage they note: *“The way our cities, towns, and communities are designed affects our health. Access to parks, trails and woodlands, space for community gardens, safe, efficient walking and cycling networks, and good public transit make it easier for people of all ages to be healthier.”* Therefore one of the Healthy Communities principles is: *“Increasing access to recreation facilities provides more children, youth and families to with the opportunity to enjoy activities like ice skating, swimming and more.”* This amendment would be in keeping with that initiative of the Province.

Staff have reviewed this request and given the very broad home business provisions in the Land Use By-law presently have proposed amendments which would allow a fitness centre subject to architectural controls for new buildings and restrictions on changes to existing buildings.

2) Carwashes

In response to an application for a standalone carwash on a property on the corner of Highway 19 and Old Deepdale Road zoned Commercial Mixed Use (C-2) Zone staff completed a preliminary review of the Inverness Municipal Planning Strategy and Land Use By-law informing the applicant that the use was not permitted within the zone. Staff used a principle of interpretation that where a use is specifically mentioned as permitted in another zone that it could not be interpreted to be permitted in a zone where it was not specifically mentioned.

The C-1 zone permits: *“Automobile service centres including a car wash, subject to Part 6, Section 5 and Site Plan Approval”* while the C-2 zone permits: *“Automobile Service Station, subject to Part 6, Section 5 and Site Plan Approval”*.

Also an “Automobile Service Station” was defined as: *“a building or clearly defined space on a lot used for the sale of lubricating oils and motor vehicle fuels, and may include the sale of automobile accessories and the servicing and minor repair of motor vehicles. Accessory uses may include an automobile car wash, convenience store and body shop.”*

“Automobile Service **Centre**” was not defined in the Land Use Bylaw. Staff concluded that a standalone carwash could be permitted as an “Automobile Service **Centre**” in the C-1 zone but could only be permitted as accessory to an “Automobile Service **Station**” in the C-2 zone. After meeting with the Committee in June there was general agreement that there was no need for such a fine distinction between the two commercial zones. Staff have therefore presented amendments which remove the different wording.

Appendix “A” – Amending Pages

A By-law to Amend the *Inverness Land Use By-law*

The *Inverness Land Use By-law* is hereby amended as follows:

1. Adding the following term as clause “h” immediately following clause “g. Mobile / Mini Home, subject to Special Requirements” in Section 1 of Part 8 “RESIDENTIAL URBAN (R-1) ZONE”:

h. Personal Services Establishments subject to Site Plan approval

and renumbering the remainder of the Section accordingly, and

2. Adding the following text (in bold) to Section 4 of Part 8: “RESIDENTIAL URBAN (R-1) ZONE”:

Special Requirement – Conversion of Dwelling

4. ***Notwithstanding anything else in this By-law, a single-detached dwelling may be converted to house with up to three (3) dwelling units or a Personal Service Use provided:***

- a. *No exterior alteration is made to the dwelling that would increase the overall size of the structure except additions necessary to comply with all federal, provincial or municipal regulations, By-law or codes in force; and,*
- b. *The existing rooflines are maintained on the dwelling.*

3. Adding the following Section 6 to Part 8: “RESIDENTIAL URBAN (R-1) ZONE”:

Special Requirement – Personal Service Uses

6. ***Any new personal service use structure shall conform to the Building Design Guidelines of Appendix B – Community Design Guidelines of the Inverness Land Use By-law.***

4. Adding the text in bold and deleting the text in strike through from Section 70 of Part 20: “DEFINITIONS”:

*“Personal Services Establishment”: the provision of services involving the health, **fitness,** beauty or grooming of a person ~~or the maintenance or cleaning of his apparel,~~ but shall not include a medical clinic or health office.”*

5. Adding the text in bold and deleting the text in strike through from Section 1 of Part 14 “COMMERCIAL BUSINESS DISTRICT (C-1) ZONE”:

*a. Automobile service ~~centres~~ **station including a car wash**, subject to Part 6, Section ~~5~~ **3** and Site Plan Approval*

b. Carwash subject to Site Plan approval

and renumbering the remainder of the Section accordingly, and

6. Adding the text in bold and deleting the text in strike through from Section 1 of Part 15 “COMMERCIAL MIXED USE (C-2) ZONE”:

*a. Automobile Service Station, subject to Part 6, Section ~~5~~ **3** and Site Plan Approval*

b. Carwash subject to Site Plan approval

and renumbering the remainder of the Section accordingly.

This is to certify that the resolution of which this is a true copy, was passed at a duly called meeting of the Municipal Council of the Municipality of the County of Inverness held on the:

_____ day of _____ 2017.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the Municipality this:

_____ day of _____ 2017.

Mr. Joe O’Connor, Chief Administrative Officer