



CUMBERLAND COUNCIL

RFD#

Date:

TO: Mayor and Council
FROM: Glen Boone, Director of Planning and Development
DATE: March 20, 2024
SUBJECT: **First Reading of Amendment to the Land Use Bylaw to permit the operation of personal service shops within the Institutional Zone**

ORIGIN: On February 20th, 2024, planning staff received an application regarding the property 272 Gulf Shore Rd, Pugwash – PID25360710 (the “subject property”) to permit the operation of a personal service shop within the Institutional Zone.

PID	Current Zone	Current Use	Proposed Zone	Proposed Use
25360710	Institutional	Medical Services	Institutional	Personal Services Shops

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT (210)

MPS 6.2.3 Amending the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the municipality in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

*****A full policy analysis is included as an attachment.*

RECOMMENDATION: That Council approve a first reading of a textural amendment to section 12.2 of the Land Use Bylaw, adding Personal Service Shops to the list of permitted uses as of right within the Institutional Zone, AND that council approve an amendment to Section 14 of the Land Use By-law redefining Personal Service Shops to better encapsulate the diversity of what is considered personal services, AND to schedule a public hearing for the proposed amendment.

Report prepared by: Kira Norgren, Municipal Planner
 Report and Financial approved by:



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BACKGROUND: The subject property is located on the outskirts of the Pugwash urban core, beside the Northumberland Memorial Hospital. The subject property is a two-level commercial building of 4000sqft, located in an Institutional zone, within the Residential Designation. The building is owned by Conrad Dental Services which is located on the second floor of the building. Currently Nova Scotia Health Authority rents the lower level which includes 10 operatories, however they intend to move into the new Pugwash Hospital upon opening. The owner would like to rent 4 operatories to a medspa and rent the remaining operatories to other personal service shops that are compatible with health care uses. Parking for the building is located on the west side of the building.

DISCUSSION: The addition of Personal Service Shops to the Institutional zone would permit the operation of a Medispa on the first level of 272 Gulf shore Rd and would allow for more flexibility towards permitted accommodating uses within an institutional zone.

FINANCIAL IMPLICATIONS: None specific to this matter.

ENVIRONMENTAL IMPLICATIONS: None specific to this matter.

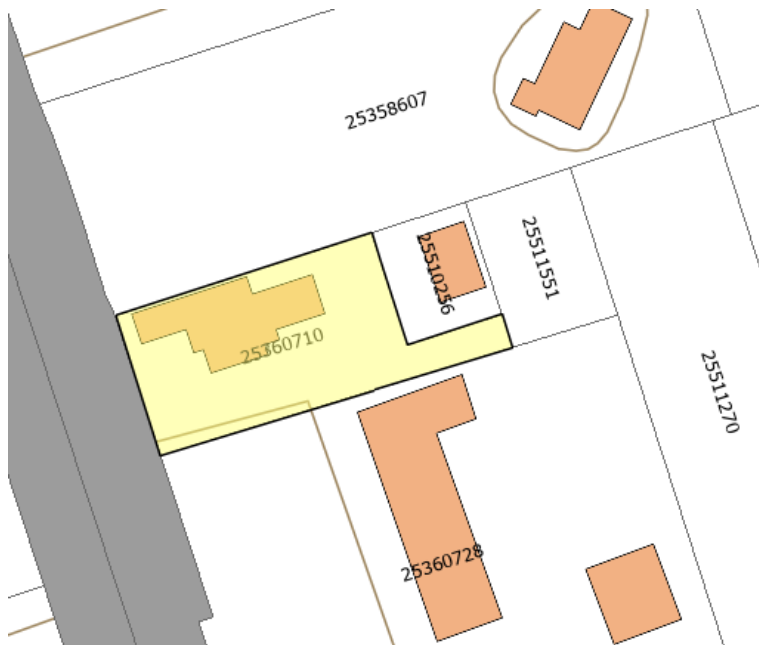
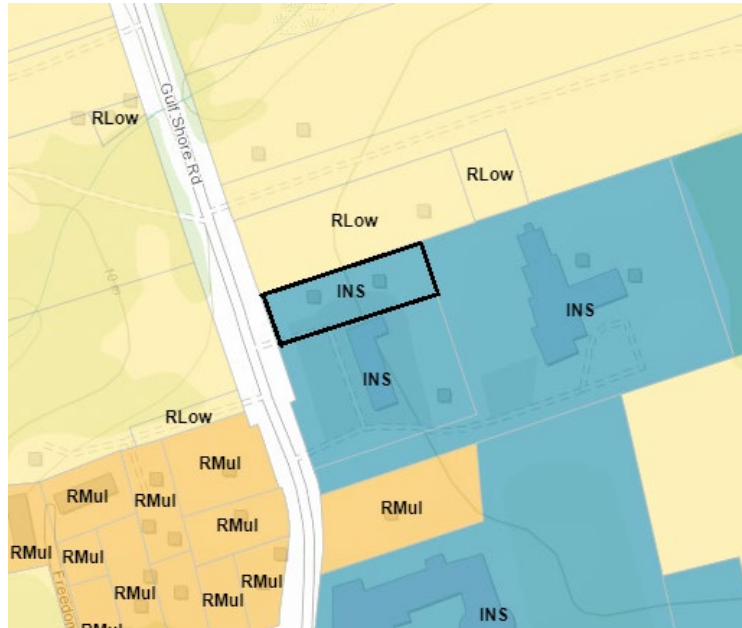
COMMUNITY ENGAGEMENT: Should council approve, a public hearing could be held on the above matter in April 2024, in accordance with MGA Section 206, notices will be placed in a locally circulated newspaper. A sign will also be posted on the property providing additional notice.

ALTERNATIVES: Council may defer the issue to a later date, request further information or reject the proposed amendment based on conflict with a policy in the MPS and require the applicant to submit apply for rezoning the site.

ATTACHMENTS:

Map 1: Zoning Map and site map
Street View Images
Full Policy Analysis Propose Use
Description

Map 1: Zoning Map and Site Map





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Street View



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The first policy to consider provides justification for the inclusion of the use of personal service shops in the Institutional Zone. The institutional zone is considered a common zone and is permitted within all designations. This means that all permitted uses within the institutional zone must be able to integrate into both residential and commercial zones. The first policy identifies that commercial uses can be responsibly integrated into the residential zone.

Policy 5-9 Council shall consider proposals to rezone lands in the Residential Designation to any other zone permitted in that designation. Council shall consider not approve such a rezoning unless council is satisfied;	
Requirement	Comment
A) The proposed change is not prohibited in any other policy in this Plan	None that are apparent
B) The purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands.	The institutional zone is intended to accommodate institutional uses. Personal service shops are often very important in accommodating many of the institutional uses.
C) The proposal meets general criteria for amending the Land Use By-Law set out in Policy 6-19	Proposal meets general criteria

The next policy to consider is Policy 6-19 General Criteria from Amending a Land Use Bylaw. This policy identifies the requirements for amending the Land Use Bylaw to ensure the amendment is appropriate.

Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:
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Requirement	Comment
Is consistent with the intent of this Municipal Planning Strategy	Yes, this proposal aligns with the intent of the Institutional zone, which is to accommodate institutional uses.
Does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality.	None that are apparent.
Is not premature or inappropriate due to:	
The ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal.	There are no public costs related to the proposal.
Impacts on existing drinking water supplies, both private and public.	None that are apparent.
The adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services.	No, the proposed amendment does not impact the infrastructure of the building and surrounding area
The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.	The proposed new use would not incur any increases or changes in traffic in the area.
The adequacy of fire protection services and equipment	None that are apparent.
The adequacy and proximity of schools and other community facilities.	NA
The creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.	None that are apparent.
The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas.	None that are apparent.
Impacts on sensitive environments, as identified on Schedule B of the MPS.	No
Impacts on wildlife corridors.	No
Impacts on known habitat for species at risk.	No
Risks presented by geohazards.	No Karst topography or abandoned mines near site.
The suitability of the site in terms of grades, soil and geological conditions, the location of	None that are apparent.



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watercourses and wetlands, and proximity to utility rights-of-way.	
Negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.	No nearby businesses.

The final policy to consider regarding the amendment of the Land Use Bylaw is the definition of Personal Service shop in section 14 of the Land Use Bylaw document. This definition should be expanded upon in order to adequately capture the vastness of services that can be considered as a personal service shop;

<p>Land Use Section 14 Definitions; Personal Service Shop means the use of a building or part of the building for the provision of services for the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barbershops, beauty parlors, automatic laundry shops, hairdressing shops, tanning salon, shoe repair and shoe shining, tailoring, and drycleaning collection depots, but excludes the manufacturing or fabrication for retail or wholesale distribution</p>	
Requirement	Comment
<p>... the use of a building or part of the building for the provision of services for the individual and personal needs....</p>	<p>Although it is not specifically identified as a personal service in the definition, the use of a Medispa provides services to meet the needs of an individual(s). A personal service shop should be re-defined in the definitions section to better identify the variety of services that work to meet an individual's personal needs.</p>

Proposed Use

272 Gulf Shore Rd (PID 25360710) has been a professional center since its inception. As a new hospital is being built nearby, I purchased the building in December 2021. Pugwash Professional Center is a two level, 4000 sq ft facility. Conrad Dental Services is on the upper level with parking on the west side of the building facing Northumberland Memorial Hospital.

Nova Scotia Health presently rents the lower level which has 10 operatories . The parking for this level faces the Gulf Shore Rd. As the new hospital nears completion, NS Health will soon move into the new facilities.

Presently the building is zoned institutional which leaves very few options for future tenants. A rezoning with a personal services designation would be within the intent of the original mandate of the building.

A future tenant would use 4 operatories as a Medical Esthetician performing facial and nail care, along with advanced skin care. My goal would use the building for other personal services closely aligned to original use of the professional center.

Sincerely,
Graham Conrad

Sent from my iPad