

**Town of Conception Bay South
Land Use Zoning, Subdivision and Advertisement
(Development) Regulations
Amendment No. 27, 2017**

**Personal Service Uses as
Home Based Businesses in
Residential Zones**

**Prepared by the
Town of Conception Bay South**

November 2017

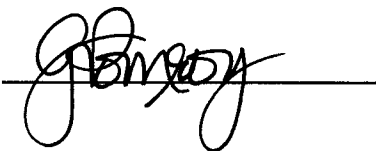
**Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Conception Bay South
Development Regulations
Amendment No. 27, 2017**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South hereby adopts Amendment No. 27, 2017 to the Conception Bay South Development Regulations.

Adopted by the Town Council of Conception Bay South on the 5th day of December 2017.

Signed and sealed this 5th day of December, 2017.

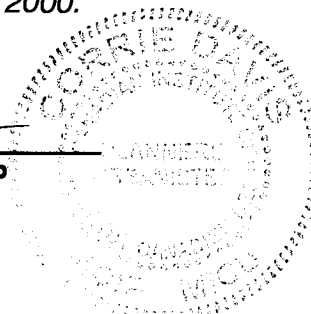
Mayor: 

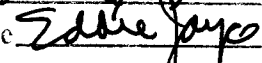
Clerk: 

Canadian Institute of Planners Certification

I certify that Amendment No. 27, 2017 to the Conception Bay South Development Regulations has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.


Corrie Davis, MCIP



Development Regulations/Amendment	
REGISTERED	
Number	<u>1145-2017-019</u>
Date	<u>Dec 18/17</u>
Signature	<u></u> 2

Town of Conception Bay South Development Regulations Amendment No. 27, 2017

Purpose

The Conception Bay South Development Regulations came into legal effect on July 20, 2012. The Development Regulations allow home based businesses as “Home Occupations” throughout the Town where those businesses do not create a negative impact on adjacent residential uses. However, barber shops, hairdressing, beauty and tanning salons similar uses are specifically not permitted as home based businesses. Council would like to change the Development Regulations in order to allow such personal service uses at the discretion of Council.

There are a number of barbers, hairdressers, and similar businesses operating from homes on Conception Bay South, and have been since before the Conception Bay South Municipal Plan and Development Regulations, 2012 came into legal effect. The proposed amendment would remove a cloud of uncertainty that hovers over those businesses that have been operating since before 2012. Council also believes that small scale barbershops, hairdressers, beauty and tanning salons do not pose a significant impact to residential neighborhoods in terms of increased traffic, parking, noise, fumes and other potential nuisances. The Town believes that these uses may be more compatible than some other home based businesses that could be approved under current regulatory controls. For example, the Conception Bay South Municipal Plan allows Council to consider small scale manufacturing businesses that include storage and activities within accessory buildings as home based businesses.

Therefore, Council is willing to consider allowing barbershops, hairdressers, beauty and tanning salons as home based businesses where the business is limited to a single service provider who must be a resident of the dwelling and the business generates no more than two overlapping client visits.

St. John’s Urban Region Regional Plan

The St. John’s Urban Region Regional Plan (Regional Plan) identifies Conception Bay South as a sub-regional centre. Upon installation of municipal services, the Regional Plan encourages a wide range of residential densities, a variety of commercial operations, parks and recreational facilities and other uses that are characteristic and appropriate for a sub-regional centre.

Allowing a broad range of Personal Service Uses as Home Based Business within Residential zones in Conception Bay South complies with the policies of the Regional Plan.

The Conception Bay South Municipal Plan

The Conception Bay South Municipal Plan came into legal effect on July 20, 2012. This amendment complies with the intent and policies of the Conception Bay South Municipal Plan. Specifically, section 4.3.25(2) of the Municipal Plan encourages home based businesses within dwellings as accessory uses so long as they are compatible with adjacent uses, are not generally visible, and do not generate noise, odour, dust or traffic in residential neighbourhoods.

Additionally, the policies associated with areas designated as Residential Low and Medium Density within the Municipal Plan allow home occupations. Policy 5.2.3(11) of the Municipal Plan further allows home based businesses, including personal service uses, in all residential designations of the Municipal Plan. Barbershops, hairdressers, beauty and tanning salons are included within the examples of personal service use class established within Schedule A of the Conception Bay South Development Regulations. The changes to the Conception Bay South Development Regulations proposed within this amendment therefore complies with the intent and explicit policies of the Conception Bay South Municipal Plan.

Consultation

In accordance with section 14 of the *Urban and Rural Planning Act, 2000*, notices seeking feedback on the proposed amendment were published in the November 8th and 15th, 2017 editions of *The Shoreline* newspaper. A similar notice, and the proposed amendment, was also published on the Town's website and circulated through the Town's social media presence on Twitter and Facebook.

The Town determined that this consultation opportunity was reflective of the size, structure and complexity of planning issues under consideration and provided reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

As a result of this consultation, one written submission was received by the Town that expressed several concerns with allowing personal service uses as home based businesses. Those concerns included:

- Reduced demand for commercial rental spaces
- Reduced business taxes payable to the town.
- No net benefit of home based businesses to surrounding neighbourhoods.
- Decreased neighbourhood property values.
- Increased traffic and impacts on safety

This amendment requires public notice and consultation for any proposed personal service uses as home based business and each application must be assessed on its own merits to consider impacts, and how to mitigate those impacts on the neighbourhood.

Development Regulations Amendment No. 27, 2017

The Conception Bay South Land Use Zoning, Subdivision and Advertisement (Development) Regulations shall be amended as follows:

1. Section 6.7.1(a), that states:

“a) The use shall not include a barber, hairdresser, beauty or tanning salons, or salon/spa;”

Is deleted and replaced with the following:

“a) Where the proposed use is a barber, hairdresser, beauty or tanning salon, esthetician salon/spa or other similar use, the use may be permitted under the following conditions:

- i) Notwithstanding section 6.7.1(d) of these regulations, the business is limited to one service provider who must be a resident of the dwelling where the business is located,*
- ii) No more than two overlapping client appointments are permitted at any one time, and*
- iii) Notwithstanding section 6.7.1(f) of these regulations, a minimum of two parking spaces are required to accommodate the business in addition to parking required for the dwelling. Parking associated with the business must be arranged so that each space is individually accessible from the public street;”*

2. “Personal Service” is added to the list of Home Occupations permitted as discretionary uses within Section 10.10.2 of the Residential Low Density Zone (R1), so that it now reads as:

10.10.2 Discretionary Uses

Agriculture

Bed and Breakfast

Child Care

Family and Group Care Home

Public School
Place of Worship
Boat houses, wharves and docks
Home Occupations –Light industry such as manufacturing of crafts, art; medical and professional service; personal service;
Private School for teaching individuals or small groups including such things as music, art or craft, but excluding nursery or pre-school education.

3. "Personal Service" is added to the list of Home Occupations permitted as discretionary uses within Section 10.11.2 of the Residential Medium Density Zone (R2), so that it now reads as:

10.11.2 Discretionary Uses

Agriculture
Apartment Buildings (5 to 10 units)
Row Dwellings (5 to 10 units)
Bed and Breakfast
Child Care
Convenience Store
Family and Group Care Home
Assisted Living Facility (under 80 beds)
Home Occupations including light industry such as manufacturing of crafts, art;
Medical and professional services;
Personal services; and
Private School for teaching individuals or small groups including such things as music, art or craft, but excluding nursery or pre-school education
Place of Worship
Public School
Boat houses, wharves and docks

4. "Home Occupations (Personal Service uses only)" is added to the list of discretionary uses within Section 10.12.2 of the Residential Mixed Density Zone (R3), so that it now reads as:

10.12.2 Discretionary Uses

Bed and Breakfast
Business, Professional and Personal Service uses
Convenience Store
Cultural and Civic
General Assembly
General Service
Shop
Home Occupations (Personal Service Uses only)

5. All other sections of the Conception Bay South Development Regulations not referenced in this amendment retain their current wording.