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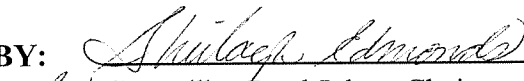


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
March 22, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Councillor Brad Johns, Chair
North West Community Council

DATE: March 8, 2005

SUBJECT: **Case 00603: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use Bylaw**

ORIGIN

Special Meeting of North West Community Council of March 8, 2005.

RECOMMENDATION

It is recommended that Regional Council:

1. Give First Reading to consider proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law, provided in the revised Attachment B, and schedule a joint public hearing with North West Community Council;
2. Approve the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law, provided in the revised Attachment B.

BACKGROUND

In May 2002, when the Sackville Drive Secondary Planning Strategy (SPS) and Land Use Bylaw (LUB) were adopted, staff indicated at that time a review may be necessary in future to address any inconsistencies, omissions or housekeeping matters within the documents. The purpose of this report is to address these.

DISCUSSION

See attached reports.

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

See attached report.

ATTACHMENTS

Report dated March 4, 2005 from the Chair of North West Planning Advisory Committee.
Revised Attachment B - Proposed Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law requiring the approval of Regional Council.
Revised Attachment C - Proposed Amendments to the Sackville Drive Land Use By-law requiring the approval of North West Community Council
Staff report dated February 22, 2005

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

Report Prepared by: Sheilagh Edmonds, Legislative Assistant

TO: North West Community Council
SUBMITTED BY: Gail Harnish / 304
Ann Merritt, Chair
North West Planning Advisory Committee
RE: Case 00603 - Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law
DATE: March 4, 2005

ORIGIN

North West Planning Advisory Committee meeting - March 3, 2005

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council recommend that Regional Council:

1. Give First Reading to consider proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law, provided in Attachment B of the staff report dated February 22, 2005, with amendments to **not** exempt service stations from the development agreement provision of Policy DB-3 and to include institutional uses in terms of the height provisions, and schedule a joint public hearing with North West Community Council;
2. Approve the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law.

The North West Planning Advisory Committee further recommend that North West Community Council:

1. Give First Reading to consider proposed amendments to the Sackville Drive Land Use By-law, provided in Attachment C of the staff report dated February 22, 2005, with an amendment to ensure that the size restriction is provided for ground signs, and schedule a joint public hearing with Regional Council.
2. Approve the proposed amendments to the Sackville Drive Land Use By-law.

The requested revisions to the Sackville Drive Municipal Planning Strategy and Land Use By-law have been incorporated into the attached Revised Attachments B and C.

ATTACHMENTS

- Staff report dated February 22, 2005
- Revised Attachment B - Proposed Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law requiring the approval of Regional Council
- Revised Attachment C - Proposed Amendments to the Sackville Drive Land Use By-law requiring the approval of North West Community Council

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

ATTACHMENT B (Revised)

**Case 00603: Amendments to the
Sackville Drive Secondary Planning Strategy and Land Use Bylaw
Requiring the Approval of Regional Council**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Secondary Planning Strategy of Sackville Drive as enacted by the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 29th day of June, 2002, is hereby further amended as follows:

1. Policy DB-4: Adding the words “**excluding internal renovations with no external renovation or modifications**” following “Site Plan Approval shall be required for all uses...”
2. Policy I-6 (a)(1) Adding the words “, **excluding internal renovations with no external renovation or modifications,**” following “All shopping centres, commercial, institutional and multiple residential uses, where a new building(s), expansions and/or renovations ...”
3. Policy PR-2: Adding the words “**One and two residential units, and**” before “Multiple Dwelling uses shall be permitted within...”
4. Policy LD-2 Adding the sentence “**The Zone shall permit one and two residential units where accompanied by commercial uses,**” before “The Zone shall permit multiple and townhouse uses.”
5. Policy AV-3: Adding the words “**accessory buildings and additions to existing buildings of 300 sq ft (27.87 m² or less,**)” following “Within the Acadia Village Centre Designation, except for Acadia School, Acadia Hall,...”

Adding the word “**agreement**” between the words “development” and “proposals” in the following sentence “In consideration of all development proposals, a detailed concept plan...”

6. Adding the following after Policy PR-5:

Policy PR-6

The property at 651 Sackville Drive contains a quonset style building which is occupied by an automotive repair outlet. The automotive repair outlet did not exist at the time a land use

survey was conducted in early spring of 2002 or at the date of the Public Hearing for the Sackville Drive Secondary Planning Strategy and Land Use Bylaw. However, the automotive repair outlet has existed since the summer of 2002 without municipal permits. In order to address this outstanding issue, provision will be made in the Land Use Bylaw to permit an automotive repair outlet at 651 Sackville Drive.

7. Adding the following in bold and delete the following in ~~strikeout~~ to Section 6.2.2 “Reinforcing a Sense of Human Scale”:

The height of a building will also influence one’s perception of scale. To maintain a sense of human scale, the height of a commercial building should be limited to three storeys **and height restrictions applied. ~~Where height limitation is not conducive or practical to the type of use.~~ Creating a sense of human scale-would also be accomplished by encouraging street level entry.**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use Bylaw of Sackville Drive as enacted by the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 29th day of June, 2002, is hereby further amended as follows:

1. Adding the words “, **internal renovations with no external renovation or modifications to an existing building,**” following “Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building...” to Part 9: Downsview Complex-1 (DC-1) Zone Section 4.
2. Adding the words “, **internal renovations with no external renovation or modifications to an existing building,**” following “Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building...” to Part 10: Downsview Complex-2 (DC-2) Zone Section 4.
3. Adding the words “, **internal renovations with no external renovation or modifications to an existing building,**” following “Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building...” to Part 11: Downsview Complex-1 (DC-3) Zone Section 4.
4. Adding the words “**One and Two Dwelling Units in Conjunction With a Commercial Use**” after “Existing Two Unit (detached or semi-detached) Dwellings” Part 12: “Pedestrian Retail (PR) Zone” under “Residential Uses”.

5. Adding the following section after Part 12, in Section 6:

Part 12 Section 7 to read as follows:

7. **Special Requirements: One and Two Units in conjunction with a commercial use**

Notwithstanding the provisions of Part 12, where any multiple unit dwelling is erected in any PR zone, the following shall apply:

- (1) **where a lot has frontage on Sackville Drive, commercial uses shall be provided and located at street level facing Sackville Drive;**

6. Adding **Part 13 Section 2 (4)** to read as follows:

Notwithstanding Part 13 Section 2 (1), a permit may be issued for an accessory building or an expansion or addition of 300 sq ft (27.87 m²) or less to an existing building by the Development Officer without being subject to the development agreement requirement provided the accessory building expansion or addition is not visible from Sackville and complies with all applicable provisions of this By-Law.

7. Adding the words, "**Automotive Repair Outlet at 651 Sackville Drive (PID #40003527)**" after "Strip Mall/Shopping Plaza" in Part 12 Pedestrian Retail (PR) zone.
8. Adding Sub-Section (7) (**in bold**) following Section 37 of Part 6: General Provisions for All Zones- Accessory Buildings:
- (7) **exceed the height of the main building.**
9. Adding Section (31 a) (**in bold**) following Section 31 of Part 6: General Provisions for All Zones - Height Regulations.

- 31a. **The height of all main commercial and institutional buildings and multiple unit dwellings shall be no more than three (3) stories within a maximum height of 45 ft (13.7m) from established grade. The height of all main residential building excluding multiple unit dwellings, shall not exceed three (3) storeys within a maximum height of 40 feet (12.9m) from established grade. On corner lots where there is a difference in existing grade on each lot frontage at the street line, the height requirement shall be measured to the street frontage with the lower grade.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the ____ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2005.

Jan Gibson
Municipal Clerk

ATTACHMENT C (Revised)

**Case 00603: Amendments to the
Sackville Drive Land Use Bylaw
Requiring Approval by North West Community Council**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use Bylaw for Sackville Drive as enacted by the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 29th day of June, 2002, is hereby further amended as follows:

1. Adding the words “, **Downsview Thoroughfare**” after “In all zones, architectural elements shall be incorporated into building facades and walls which face Sackville Drive...” and the words “**off Sackville Drive (i.e. corner lot)**” after the words “which face Sackville Drive or a side street(s)...” in Part 7 Section 11 General Streetscape Design - Architecture.
2. Adding the words “**Downsview Thoroughfare**” and “**Cluster Seating**” to Schedule C as shown on Attachment C.
3. Removing the words “on any LS zoned lot shall only be considered” and replace with the words “**in any LS zone except**” in Part 8 Section 2: Large Scale Commercial (LS) Zone.

Adding the words “**Public Transit Terminal**” before “Community/Recreation Centres in Par 8 Section 1: Large Scale Commercial (LS) Zone.

4. Adding the following text in bold to Appendix C Existing Uses:

Pedestrian Retail (PR) Zone		
Land Use	PID	Civic Number
Existing Recycling Depot	350819	446 Sackville Drive

5. Deleting the words “**Existing Service Shop**” in Part 12 Section 1: Pedestrian Retail (PR) zone.
6. Adding Section 2 (**in bold**) following Section 1 of Part 16: Community Parkland and Facility (CP) Zone

2. Lot Provisions

In any CP Zone, no development permit for cemeteries, museums and community centres in association with public parks shall be issued except in conformity with the following;

Minimum Lot Area:	6,000 square feet
Minimum Frontage:	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	½ the height of the main building
Maximum Lot Coverage	50 %

7. Adding the words “Motels,Hotels” after “Strip Mall/Shopping Plaza” and remove the words “Existing Motels /Hotels” from Part 12 Section 1: Pedestrian Retail (PR) zone.
8. Adding the following definitions to Part 2: Definitions:

All Age/Teen Club means an establishment with programs directed towards teens but includes all ages and is primary a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to the Theatre and Amusement Act and regulations made thereto and does not include the licensed sale of alcoholic beverages.

Consulting Room means the office and ancillary facilities commonly used by an individual, qualified medical practitioner for out-patient treatment.

Health and Wellness Centre means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists.

Shipping Container means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck.

9. Deleting the definition of “Personal Services” in Part 2: Definitions and replace it with the following definition:

Personal Service means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service, including but without limiting, the generality of the forgoing; barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, and doctors’ or dentists’ offices.

10. Adding the words “**but shall not include the repair of vehicles unless such activity is contained within a building.**” following “An outdoor display court may also include an auction facility for new/used cars...” to the definition of “Outdoor Display Court” in Part 2: Definitions.
11. Adding the words “**All Age/Teen Club**” after “Commercial Entertainment Uses” under “Shopping Centres containing the following uses:” and “Big Box (Large Box Retail) containing any of the following uses:” in Part 9 Section 1: Downsview Complex-1 (DC-1) zone.

Adding the words “**All Age/Teen Club**” after “Commercial Entertainment Uses” under “Shopping Centres containing the following uses:” and “Big Box (Large Box Retail) containing any of the following uses:” in Part 10 Section 1: Downsview Complex-2 DC-2) zone.

Adding the words “**All Age/Teen Club**” after “Commercial Entertainment Uses” under “Commercial Uses” in Part 11 Section 1: Downsview Complex-3 (DC-3) zone.

Adding the words “**All Age/Teen Club**” after “Commercial Entertainment Uses...” to Part 12 Section 1: Pedestrian Retail (PR) zone.

Adding the words “**All Age/Teen Club**” after “Commercial Entertainment Uses...” to Part 13 Section 1: Acadia Village Centre (VC) zone.

Adding the words “**All Age/Teen Club**” after “Commercial Entertainment” to Part 14 Section 1: Pinehill/Cobequid (PC) zone

12. Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” under “Shopping Centres containing the following uses:” and “Big Box (Large Box Retail) containing any of the following uses:” in Part 9 Section 1: Downsview Complex-1 DC-1) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” under “Shopping Centres containing the following uses:” and “Big Box (Large Box Retail) containing any of the following uses:” in Part 10 Section 1: Downsview Complex-2 DC-2) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” under “Shopping Centres containing the following uses:” and “Big Box (Large Box Retail) containing any of the following uses:” in Part 11 Section 1: Downsview Complex-3 DC-3) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” to Part 12 Section 1: Pedestrian Retail (PR) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” to Part 13 Section 1: Acadia Village Centre (VC) zone.

Adding the words “**Health and Wellness Centres**” after “Personal Service Shops” to Part 14 Section 1: Pinehill/Cobequid (PC) zone

13. Adding the following section after Part 6 Section 38

Shipping Containers as Accessory Buildings

- 38A. (1) **Shipping containers shall not be permitted as accessory buildings to a residential use. Shipping containers may be permitted as accessory buildings only in a business park zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation use shall not be permitted on any property which abuts a residential, park or institutional zone or use.**
- (2) **Shipping containers shall not be placed in the front or flankage yard of any lot, or between the main building and any street.**
- (3) **No shipping container shall be permitted in any zone as a dwelling or other form of accommodation, including offices.**

14. Adding the words “**The width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of 3 metres (10 ft) for one-way traffic and a minimum of 6.1 metres (20 ft) for two-way traffic.**” after “the property in a forward motion.” in Part 7 Section 23 (9).

15. Adding the following word (**in bold**) to Part 7 Section 16:

Proposed Use	Space(s) Required	Measurement Type (all square footage based on gross floor area unless specified otherwise)
Restaurants		
• Full Service	20	Per 1,000 sq ft (92.9m ²) of gross leasable floor area devoted to public use
• Drive-In Thru	27	Per 1,000 sq ft (92.9m ²) of gross leasable floor area devoted to public use
• Take-Out - exceeding 300 sq ft (28m ²) of gross floor area	16	Per 1,000 sq ft (92.9m ²) of gross leasable floor area devoted to public use
• Take-Out - not exceeding 300 sq ft (28m ²) of gross floor area	5	
Self Storage Units	11	Every 10 storage units and 1 space for every 2 employees 1 space for each employee if full service office is located on the lot and 1 space for every 100 storage units. Driveway aisles shall be a minimum of 20 feet where access to storage units is only on one side of the aisle, and 24 feet where access to storage units is on both sides of the aisle.

16. Deleting the first “provided” and replace it with the word “if” in Part 7 Section 11 (9).
17. Deleting the word “a” after “into all facades which” and replace it with the word “are” in Part 7 Section 12.

18. Removing the letter “B” and replace with the letter “D” after the word “Schedule” in Part 7 Section 11 (1) and (3).
19. Adding the words “Schedules” to the Table of Contents and include the following:
Schedule B Sackville Drive Zoning Map
Schedule C Sackville Drive Downsview Complex Map
20. Adding the words “Notwithstanding, a landscaped area of a minimum of 6.1 metres (20 feet) in depth running the length of and directly abutting the lot line (measured from the property line) shall be provided on any property with frontage on Douglas Avenue.” to the end of Part 7 Section 42: Landscaping.
21. Adding the words “and, Self Storage Facility in all applicable zones.” after “or townhouses within the Pinehill/Cobequid Zone (PC)” in Part 6 Section 23: One Main Building on a Lot.
22. Adding the “bold” wording to Part 7 General Streetscape Design: Signage

SIGNAGE

General

1. Where this part is inconsistent with the regulations respecting advertising signs on or near public highways, made or administered by the Department of Transportation and Communications, the more restrictive regulations shall apply.
2. No person shall erect a sign except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this by-law are satisfied.
 - 2b. **All signs shall be located on the lot containing the business being advertised.**

Number of Signs

3. For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premise.
4. For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs.

5. No more than two (2) signs shall be located on any premises, except on a corner lot where one (1) additional sign may be erected. For purposes of this Section, signs enumerated shall not be counted. **Canopies and Awnings are exempt from this provision.**

Signs Permitted in all Zones

6. The following signs shall be permitted in all zones and in addition to any signs permitted according with this section:
- (1) Any sign which has an area of no more than two (2) square feet (0.2 m²) and which identifies the name and address of a resident;
 - (2) Any sign which has an area of no more than two (2) square feet (0.2 m²) and which regulates the use of property, as do "no trespassing" signs;
 - (3) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m²) in any Residential Zone or twenty-four (24) square feet (2.2 m²) in any other zone;
 - (4) Any sign which has an area of no more than five (5) square feet (0.5 m²) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas;
 - (5) Any sign which has an area of no more than fifty (50) square feet (4.6 m²) and which is incidental to construction;
 - (6) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety;
 - (7) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization; or
 - (8) Any memorial sign, plaque or tablet.

Signs Prohibited in all Zones

7. The following signs shall not be permitted in any zone:
- (1) Any sign which obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets;

- (1a) **Any sign proximate to a road, driveway or parking area which creates an unsafe visual barrier or obstructs the function of such use.**
- (2) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit;
- (3) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body;
- (4) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means;
- (5) Any searchlight, string light, spinner or streamer except for string lights and pennant flags used in conjunction with permitted outdoor display courts and, except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations;
- (6) Any sign painted on a tree, stone, cliff or other natural object; or
- (7) Any sign which is not related to any business or use located on the lot or premises.
- (8) **Any sign which creates a hazard to the public;**
- (9) **Any sign which resembles traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;**
- (10) **Any sign which advertises a product which is no longer sold or a business which is no longer in operation;**
- (11) **Any sign which is not located on the same lot as the commercial establishment, which states the name of the said establishment and the type of business or products of said establishments;**

Projecting Signs

- 8. No projecting sign shall:

- (1) exceed twenty (20) square feet (2 m²) in area for that portion of the sign which projects beyond any wall or roof;
- (2) project horizontally more than six (6) feet (1.8 m) from any wall to which it is attached;
- (3) project over a public right-of-way or day lighting triangle;
- (4) be erect below a height of ten (10) feet (3 m) or exceed a height of thirty-five (35) feet (10.7 m);
- (5) be permitted to swing freely on its supports;
- (6) **project above the eaves, parapet or roof line of the buildings;
or**
- (7) **canopies and awnings incorporating signage are not subject to subsections 1), 2), 3), 4) and 6).**

Ground Signs

9. No ground sign shall:
 - (1) exceed a height of twenty-five (25) feet (7.6 m) **in the Downsview Complex Zones (DC-1, DC-2, and DC-3) and the Large Scale Commercial Zone (LS) and exceed a height of fifteen (15) feet (4.5 m) in the Pedestrian Retail Zone (PR), Pinehill/Cobequid Zone (PC), and Outdoor Display Court Zone (ODC) ;**
 - (2) extend beyond a property line or project over a public right-of-way, day lighting triangle, driveway or parking space;
 - (3) be less than ten (10) feet (3 m) from any front or flankage property line;
 - (4) **be permitted in the Community Parkland and Facilities Zone (CP) and Floodplain Zone (P-3);**
 - (5) **Where a multiple tenancy building is occupied by more than one (1) separate business, each business shall be considered to be a separate premise for the purpose of determining the number of signs permitted. Notwithstanding, only one ground sign shall be permitted per multiple tenancy building or one ground sign per 400 feet (121.9 m) of street frontage;**

- (6) **Landscaping shall be provided at the base of a ground sign. Landscaping shall consist of either planter boxes, shrubs and/or flower beds or a combination thereof. If landscape planters are utilized, the planters shall be constructed of a natural material and shall be a minimum of 2 feet (0.6m) wide and 3 feet (0.9m) high; or**
- (7) **A ground sign and the required landscaping as described above may be placed within the required landscaping setback as specified in Part 7 Section 7 Subsections 41 to 45.**
- (8) **The maximum number of sign faces shall be two, which shall be affixed back to back.**
- (9) **The maximum area per sign face shall be 2.97 square metres (32 square feet) for a sign with a maximum height of twenty-five (25) feet (7.6 m) in the Downsview Complex Zones (DC-1, DC-2, and DC-3) and the Large Scale Commercial Zone (LS) with the exception of the following:**
- **a maximum of 9.29 square metres (100 square feet) on any lot smaller than 4000 square metres (43057 square feet),**
 - **a maximum of 11.62 square metres (150 square feet) on lots between 4000 square metres and 12000 square metres (2.96 acres), and**
 - **a maximum of 18.58 square metres (200 square feet) on any lot larger than 12000 square metres (2.96 acres).**
- (10) **The maximum area per sign face shall be 2.32 square metres (25 square feet) for a sign with a maximum height of fifteen (15) feet (4.5 m) in the Pedestrian Retail Zone (PR), Pinehill/Cobequid Zone (PC), and Outdoor Display Court Zone (ODC).**

Facia Signs

10. No facia sign shall:
- (1) extend above the top of the wall on which it is attached; or
 - (2) project or extend beyond the extremities of the wall on which it is attached.

- (3) include more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; or
- (4) have an area which exceeds ten (10) percent of the area of the wall on which it is attached.

10a. Canopies/Awnings

- (1) Canopies and awnings attached to walls shall not project more than 4 feet (1.2 m) over a public sidewalk. Canopies and awnings shall be self supporting and shall be placed a minimum height of 9 feet (2.7m) above a sidewalk. Signage may be included as an integral part of an awning or canopy.
- (2) If signage is included as an integral part of an awning or canopy, the awning or canopy shall be considered or counted as part of the maximum number of signs permitted in accordance Part 7 Section 5.

10b. Window Signs

- (1) Window signs shall not: a) exceed 25% of the window area; b) exceed 25% of the glass area of a door area. For the purposes of this section, area shall be calculated on the basis of the smallest geometric shape which will contain the entire message.

10c. Roof Signs

- (1) Roof signs shall be prohibited.

10d. Billboards

- (1) Billboards shall be prohibited.

10e. Pennants and Banners

- (1) Pennants and Banners shall be prohibited except in accordance with Part 7 Section 7: Signs Prohibited in all Zones Subsection 12.

23. Adding the “**bold**” wording to Part 2: Definitions

A sign means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, person, activity, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot.

AWNING SIGN: means a sign affixed to a light detachable structure placed immediately above ground floor windows or entrances with a skin of fabric, canvas or other flexible material, which is entirely supported from a building by a fixed or retractable frame and offers weather protection.

BANNER SIGN: means a sign intended for temporary placement to advertise a specific event, promotion, performance or festival.

BILLBOARD SIGN: means a sign, fence, building, frame or structure made of any material which is erected, maintained or used for display of advertising matter, either on a permanent or temporary basis, which does not relate to the property or use of the property on which said billboard is placed.

CANOPY SIGN: means a sign attached to or integral with a rigid roof-like structure which is entirely supported from a building or which forms its own self-support structure, which may be below the level of the main building roof line or which may provide an enclosed bulkhead thereto, and projects beyond the building face just above the ground floor level to provide weather protection.

GROUND SIGN: means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.

FACIA SIGN: means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom nor extend above the roof line.

PROJECTING SIGN: means a sign which projects from and is supported by or which extends beyond a wall or the roof of a building.

ROOF SIGN: means a sign that is placed on and supported by a roof of a building or structure.

24. Adding Sub-Section (7) (**in bold**) following Section 37 of Part 6: General Provisions for All Zones- Accessory Buildings:

(7) exceed the height of the main building.

25. Adding Section (31 a) (**in bold**) following Section 31 of Part 6: General Provisions for All Zones - Height Regulations.

31a. The height of all main commercial, institutional buildings and multiple unit dwellings shall be no more than three (3) stories within a maximum height of 45 ft (13.7m) from established grade. The height of all main residential building excluding multiple unit dwellings shall be no more than three (3) stories within a maximum height of 40 (12.9m) from established grade. On corner lots where there is a difference in existing grade on each lot frontage at the street line, the height requirement shall be measured from the street frontage with the lower grade.

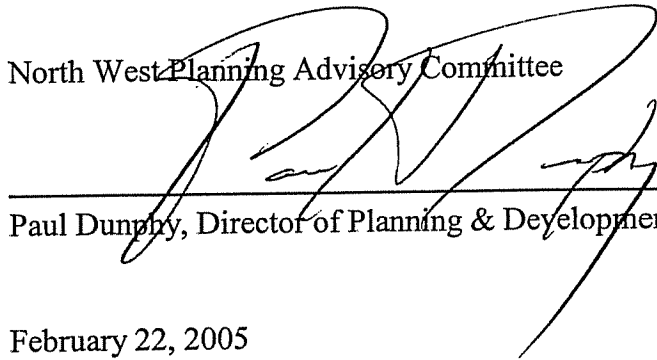
THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the ____ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2005.

Jan Gibson
Municipal Clerk

North West Planning Advisory Committee
March 2, 2005

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunny, Director of Planning & Development Services

DATE: February 22, 2005

SUBJECT: Case 00603 - Amendments to the Sackville Drive Secondary Planning Strategy and Land Use Bylaw

ORIGIN:

- Staff initiated application to amend the Sackville Drive Secondary Planning Strategy (SPS) and Land Use Bylaw (LUB)
- Staff report dated July 4, 2003 and July 15, 2003 agreement by Regional Council to initiate the plan amendment process; and
- Public Participation meetings held by North West Planning Advisory Committee on September 11, 2003 and February 17, 2005.

RECOMMENDATION:

It is recommended that Regional Council:

1. Give First Reading to consider amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law provided in Attachment B of this report and to schedule a public hearing;
2. Adopt the amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law provided in Attachment B of this report.

It is further recommended that North West Community Council:

1. Give First Reading to consider amendments to the Sackville Drive Land Use By-law provided in Attachment C of this report and to schedule a public hearing;
2. Approve the amendments to the Sackville Drive Land Use By-law as provided in Attachment C of this report.

BACKGROUND:

When the Sackville Drive Secondary Planning Strategy (SPS) and Land Use Bylaw (LUB) were adopted in May 2002, staff indicated a review may be necessary within approximately one year to address any inconsistencies, omissions or housekeeping matters within the documents. Inconsistencies and omissions are common with the adoption of any new Plan and Bylaw.

Since the adoption of the SPS and LUB, staff have processed numerous planning applications and development permits within the plan area, including the redevelopment of Sobeys, Shoppers Drug Mart at the former Canadian Tire site, Sunset Auto, Kibbles and Clips, as well as the new Canadian Tire, Empire Cinema 7, and Wendy's within the Downsview Complex area. In the course of reviewing these projects, staff discovered several inconsistencies and omissions in SPS policies as well as the LUB provisions. Additionally, several requests have been made by individual property owners to amend the SPS and LUB.

The SPS and LUB amendments addressed by this report fall under two broad categories:

- *Amendments to the Sackville Drive Secondary Planning Strategy, along with amendments to the Land Use By-laws required to implement SPS amendments.* As these amendments are matters of municipal policy, they require the approval of Regional Council. The legal resolution for these proposed amendments is provided in Attachment B of this report.
- *Amendments to the Sackville Drive Land Use By-law which do not entail SPS policy changes.* As these amendments do not entail policy changes, they are under authority of North West Community Council and may be approved by the community council. The legal resolution for these proposed amendments is provided in Attachment C of this report.

The specific amendments that fall under these two categories are described in more detail in the Discussion section of this report.

Public Participation Meeting

In accordance with Regional Council's policy on public participation, the North West Planning Advisory Committee (PAC) held a public participation meeting on this application on September 11, 2003. The PAC held a subsequent meeting on February 17, 2005. Details of the proposed SPS and LUB amendments were discussed at these two meetings. A summary of the meetings is provided in Attachment D of this report.

DISCUSSION:

SPS and LUB Amendments Requiring Approval by Regional Council (Attachment B)

Following is a summary of the proposed SPS and LUB amendments which require **approval by Regional Council:**

1. *Policy and by-law provisions to limit the height of buildings:*
 - to limit the height of all main commercial buildings and multiple unit dwellings to a maximum of three (3) stories up to a maximum height of 45 ft (13.7m) measured from established grade;
 - to limit the height of all main residential buildings, excluding multiple unit dwellings, to a maximum of three (3) stories up to a maximum height of 40 (12.9m) measured from established grade; and
 - to limit the height of all accessory buildings or structures to a height not to exceed the height of any main building.
2. *Policy and by-law provisions to enable Service Stations in the Large Scale Commercial (LS) Zone as-of-right;*
3. *Policy and by-law provisions to enable internal renovations within the Downsview Complex zones to be exempt from Site Plan Approval;*
4. *Policy and by-law provisions to enable one or two residential units on the second floor of a commercial building in the Pedestrian Retail (PR) or Pinehill/Cobequid (PC) Zone;*
5. *Policy and by-law provisions to enable additions to existing buildings and accessory buildings in the Acadia Village Centre (AVC) Zone as-of-right;*
6. *Policy and by-law provisions to permit an automotive repair use at 651 Sackville; and*
7. *Minor revisions to correct SPS policy labeling, numbering and cross references.*

A detailed description and rationale for these proposed amendments is provided in Attachment A of this report.

LUB Amendments Requiring Approval by North West Community Council (Attachment C)

Following is a summary of the proposed LUB amendments which require approval by **Community Council**:

1. *Amendments to the Downsview Complex (DC-1, DC-2 and DC-3) Zones to:*
 - require architectural treatments on any building facade facing the internal road network (Downsview Thoroughfare); and
 - label “Cluster Seating” and “Downsview Thoroughfare” on Schedule “C” (site plan for Downsview Mall property).

2. *Amendments to the Large Scale Commercial (LS) Zones to:*
 - reword Part 8 Section 2: Uses Permitted by Development Agreement; and
 - permit Public Transit Terminals as an Institutional and Community Use.

3. *Amendments to the Pedestrian Retail (PR) Zones to:*
 - identify 446 Sackville Drive as an existing recycling depot;
 - remove “existing service shops” as a permitted use; and
 - enable “motels and hotels” as a permitted use.

4. *Amendments to the Community Parkland and Facility (CP) Zone to:*
 - add minimum lot and building setback provisions.

5. *Acadia Village Centre (VC) Zone:*
 - see “Amendments to All Zones”, below.

6. *Pinehill/Cobequid (PC) Zone:*
 - see “Amendments to All Zones”, below.

7. *Amendments to All Zones to:*
 - enable “All Age/Teen Club” as a permitted use in all zones; and
 - enable “Health and Wellness Centres” as a permitted use in all zones.

8. *Amendments to Part 2 - Definitions to:*
 - define “All Age/Teen Club” for purposes of land use regulation;
 - update the definition of “Personal Service”;
 - define “Health and Wellness Centres” and permit as a use in all zones;
 - add a definition for “Consulting Room”; and
 - restrict, through the definition of “Outdoor Display Court”, the repair of vehicles to the inside of a building of a new/used car lot.

9. *Amendments to Part 6 - General Provisions to:*
 - restrict shipping containers from being used as accessory buildings; and
 - exempt a “self storage facility” from the provision of one (1) main building per lot.

10. *Amendments to Part 7 - General Streetscape Design to:*
 - add provisions for maneuvering aisles;
 - calculate parking requirements for Full Service and Drive-In Restaurants by gross leaseable floor area devoted to public uses rather than total floor area;
 - change the required parking spaces from 11 to 1 per every 10 storage units plus additional requirements for Self Storage Facilities;
 - reference Schedule “D” rather than Schedule “B” in Part 7 Section 11 Architecture;
 - correct awkward wording within Part 7 Section 11 Architecture;
 - require a 6.1 metres (20 feet) landscaped area on properties with frontage on Douglas Drive rather than the required 15.2 metres (50 feet) landscaped area; and

- insert additional sign provisions.

A detailed description and rationale for these proposed amendments is provided in Attachment A1 of this report.

Requested SPS and LUB Amendments Not Recommended by Staff:

A number of requests to amend the Sackville Drive SPS and LUB have been submitted by property owners over the past two years. These requests are included as Attachment E of this report. Several requests are supported by staff and have been incorporated into the proposed amendments provided in Attachments B and C of this report.

Following is a description of various amendments which have been requested which staff consider to be either inappropriate or not required and therefore not recommended for consideration at this time:

- A request to consider an amendment which would enable an accessory buildings to be permitted within the 100 foot setback from a watercourse. Staff have determined that this matter will be addressed through a Planning Case currently underway relating to the review of flood related policies for the Little Sackville River.*
- A suggestion (by staff) to consider amendments to enable the Development Officer to require a performance bond for landscaping where landscaping is impractical due to seasonal conditions (ie. winter). It has been determined that such a requirement is not enabled under the MGA.*
- A request to permit the sale of vehicles (outdoor display court) in conjunction with an existing pawn shop at 602 Sackville Drive. Staff felt that the addition of vehicle sales would be inappropriate for the site and that the sale of vehicles is not normally considered accessory to a pawn shop. Additionally, the property is small and has sufficient space to accommodate two service bays required by the Province for issuance of a Used Car Dealers Licence.*
- A request to rezone 315, 323 and 341 Sackville Drive from Pinehill/Cobequid (PC) to Outdoor Display Court (ODC). A rezoning of this portion of Sackville Drive to the Outdoor Display Court (ODC) zone can already be considered under Policy LD- 4. However, the policy criteria requires a specific proposal and to date, there is no proposal for 315, 323 or 341 Sackville Drive. Therefore, staff recommends that the Pinehill/Cobequid (PC) zone remain. The Pinehill/Cobequid (PC) zone permits the same land uses as the Outdoor Display Court (ODC) zone with the exception of the sale of vehicles (Outdoor Display Courts).*
- A request to permit a drive-thru restaurant at 486 Sackville Drive. The SPS clearly does not support this land use in the Pedestrian Retail (PR) areas. This area is intended for pedestrian oriented uses and the request to permit a drive-thru restaurant is therefore not recommended.*

- (f) *A request to permit "outdoor display courts" within the Pinehill/Cobequid (PC) zone.* The success of used car operations along Sackville Drive is attributed in some degree to the high concentration and grouping of this land use between Cobequid Road and Pinehill Drive. "Outdoor display courts, which include car lots, may be considered by rezoning in accordance with Policy LD-4. The current policy to require a rezoning in order to permit car dealerships is intended to discourage a proliferation of auto dealerships while maintaining the integrity of existing dealerships. It is the opinion of staff that the current provision should not change.
- (g) *A request to enable "outdoor display courts" at 466 Sackville Drive.* This property is presently being occupied by Econo Transmission and Service Centre and is adjacent to an existing outdoor display court. Policy PR-5 enables an "existing use" between 412 and 476 Sackville Drive to expand or encroach onto an abutting property through the development agreement process. This enables a request to expand either of the abutting uses to be considered by Council subject to a development agreement. However, the SPS does not encourage development of additional "outdoor display courts" in this area. It is the opinion of staff that the SPS provides reasonable redevelopment options, specific to "Outdoor Display Courts" and therefore no additional amendments are recommended.

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:

The following alternatives are identified in conjunction with this report for consideration by Regional Council:

1. Regional Council may choose to approve the amendments provided in Attachment B of this report. Staff recommends this alternative for the reasons outlined;
2. Regional Council may choose not to adopt the amend policy and by-law amendments provided in Attachment B. This is not recommended for reasons discussed above; or
3. Regional Council may choose to either adopt certain amendments but not others outlined in this report or alternatively request that additional amendments not identified in this report be made in which case an additional staff report(s) may be required.

The following alternatives are identified in conjunction with this report for consideration by North West Community Council:

1. Community Council may choose to approve the amendments as attached in this report. Staff recommends this alternative for the reasons outlined;
2. Community Council may choose not to amend the Sackville Drive SPS and LUB as attached in this report. This is not recommended for reasons discussed above; or
3. Community Council may choose to either adopt certain amendments but not others outlined in this report or alternatively request amendments in addition to those outlined in which case an additional staff report(s) may be required.

ATTACHMENTS:

- Map 1: Schedule C
- Map 2: Sackville Drive Secondary Planning Strategy and Land Use Bylaw Plan Area
- Attachment A: Detailed Description/Rationale for Proposed Amendments Requiring Approval by Regional Council
- Attachment A1: Detailed Description/Rationale for Proposed Amendments Requiring Approval by North West Community Council
- Attachment B: Case 00603: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use Bylaw Requiring the Approval of Regional Council
- Attachment C: Case 00603: Amendments to the Sackville Drive Land Use By-law Requiring Approval by North West Community Council
- Attachment D: Minutes of the Public Meetings held by North West Planning Advisory Committee on September 11, 2003 and February 17, 2005.
- Attachment E: Submissions

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

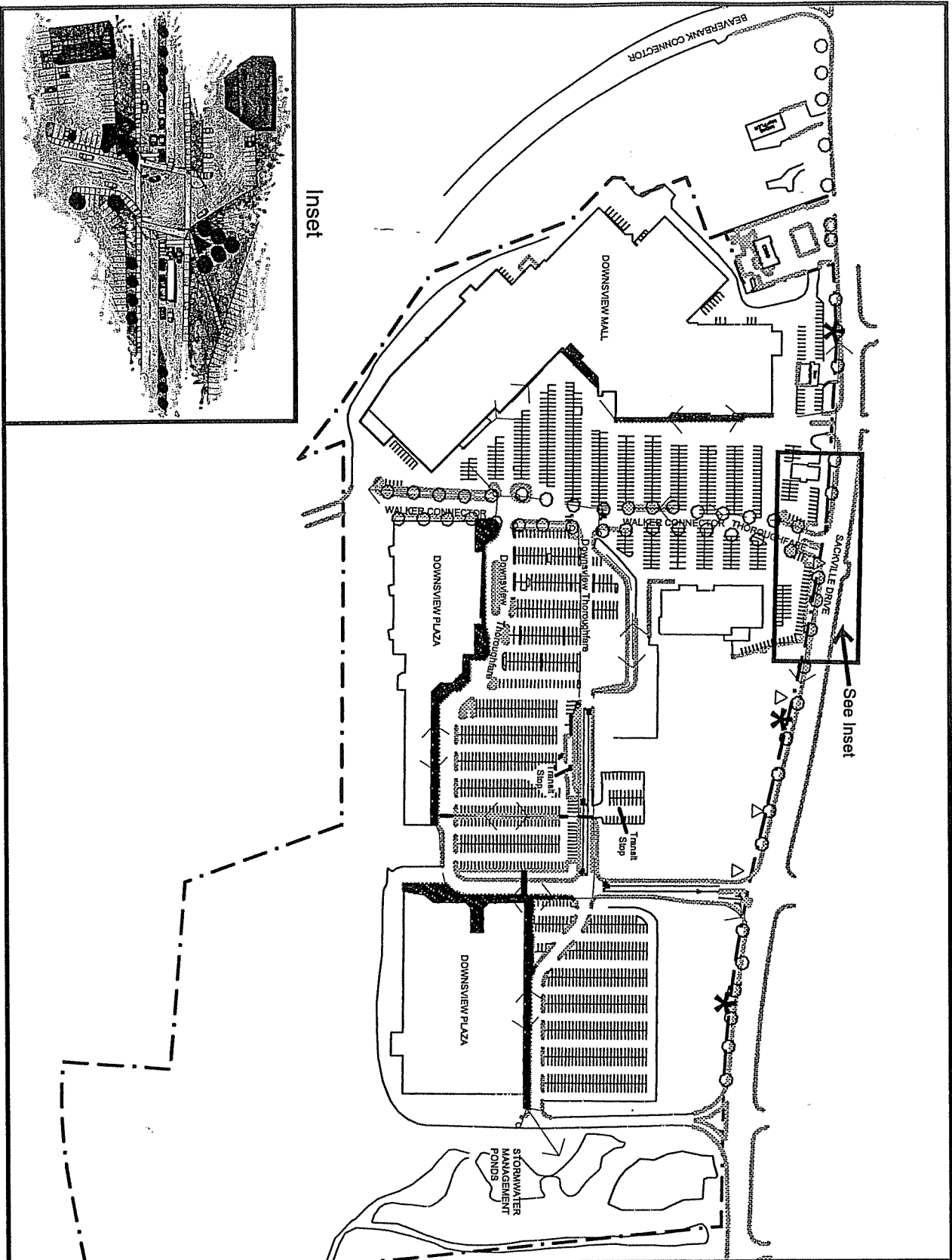
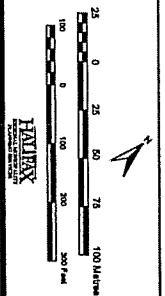
Report Prepared by: Thea Langille-Hanna, Planner, 869-4262



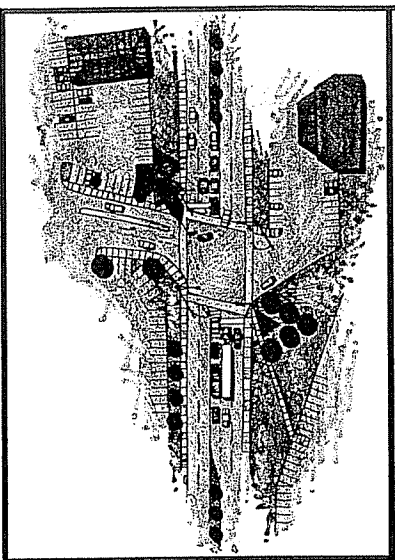
Secondary Planning Strategy

Sackville Drive
Downsview Complex

- Pedestrian Flow / Linkages
- Street Trees
- Edging Signs
- Culinar Sealing



Inset





Map 2

Area of the Sackville Drive Secondary Planning Strategy
and Land Use By-law



ATTACHMENT A

Detailed Description/Rationale for Proposed Amendments Requiring Approval by Regional Council

1. **Height Restrictions:**

Prior to the adoption of the Sackville Drive Secondary Planning Strategy in May 2002, land use and development on Sackville Drive was regulated through the Sackville Municipal Planning Strategy. The Sackville Municipal Planning Strategy contained no restrictions on the maximum height of buildings within the C-3 (Commercial Corridor) Zone which was applicable to the majority of properties along Sackville Drive. A similar approach was taken with the adoption of the Sackville Drive Secondary Plan. Presently there are no height restrictions but a recent Development Permit Application has caused staff to re-evaluate this approach.

In order to ensure future development along Sackville Drive is in keeping with the existing development pattern and scale, staff is recommending adoption of policy and by-law provisions to limit building height. Staff is recommending that building heights be limited to a height not to exceed three (3) storeys up to a maximum height of 45 ft (13.7m) from established grade for all main commercial buildings and multiple unit dwellings and no more than three (3) stories within a maximum height of 40 (12.9m) from established grade for all main residential buildings excluding multiples unit dwellings. This is proposed as an interim measure until a more detailed review can be conducted over the next several months.

2. **Enable Service Stations in the Large Scale Commercial (LS) zone as-of-right:**

Policy DB-3 requires all new commercial developments with building footprints of less than 10,000 sq. ft. (929 m²) to be permitted only by development agreement. The Large Scale Commercial (LS) zone is intended to foster a well-functioning, traffic efficient, retail power centre. Therefore, new small scale pedestrian orientated uses are discouraged as a means of ensuring effective traffic management. However, service stations, which are typically less than 10,000 sq. ft., will utilize the existing traffic flows and are not pedestrian oriented uses. Therefore, staff recommends that service stations be exempt from the development agreement provision of Policy DB-3.

3. **Enable internal renovations within the Downsview Complex zones to be exempt from the Site Plan Approval Process:**

Policy DB-4 facilitates a comprehensive approach to the redevelopment of the Downsview complex by establishing a clear vision with goals and objectives and minimizes the planning approval process. This was achieved by requiring site plan approval for all commercial developments within the Downsview Complex Zones (1, 2

and 3). However, SPS policy does not exempt internal renovations from the site plan approval process yet many internal renovations do not result in external modifications. It is the recommendation of staff that internal renovations (with no external modifications or renovations) be exempt from the site plan approval process within the Downsview Complex Zones (1, 2, and 3).

4. **Enable one or two residential units on the second floor of a commercial building in the Pedestrian Retail (PR) or Pinehill/Cobequid (PC) zone:**

Policy PD-2 identifies permitted uses within the Pedestrian Retail (PR) Zone and policy LD-2 identifies permitted uses within the Pinehill/Cobequid (PC) Zone. Both policies encourage residential development in conjunction with commercial buildings, however, one to two unit residential developments were omitted as a permitted use. It is not the intent of the Secondary Plan to restrict residential development to strictly multiple unit dwellings. Staff recommended that policies PD-2 and LD-2 and the appropriate zones be amended to enable one and two residential units in a commercial building provided commercial remains at Sackville Drive street level.

5. **Permit additions to existing buildings and accessory buildings in the Acadia Village Centre (AVC) zone as-of-right:**

Policy AV-3 requires any expansion to existing commercial buildings and structures or an accessory building to be considered only by development agreement. It is the opinion of staff that a development agreement provision is unnecessary for a relatively small addition with minimal impact on Sackville Drive. Therefore, it is the recommendation of staff to amend policies AV-3 and the Acadia Village Centre (VC) Zone to exempt accessory buildings and additions to existing buildings of 300 sq ft (27.87m²) or less from the development agreement requirement.

6. **651 Sackville Drive:**

The property at 651 Sackville Drive contains a quonset style building which is occupied by an automotive repair outlet. To date no information has been provided proving an automotive repair outlet existed during the land use survey which was conducted in early spring of 2002 or at the date of advertising the Public Hearing for the Sackville Drive Secondary MPS and LUB. However, the automotive repair outlet has existed since the summer of 2002 without municipal permits. Staff is prepared to recommend that an automotive repair outlet be permitted at 651 Sackville Drive.

7. **Policy labeling, numbering and policy cross reference:**

Several matters of a technical or housekeeping nature that require correction have been identified. These relate to incorrect or unclear wording in a Secondary Planning Strategy and include such minor amendments as adding the word "agreement" in Policy AV-3 after "In consideration of all development...".

ATTACHMENT A1

**Detailed Description/Rationale for Proposed Amendments
Requiring Approval by North West Community Council**

1. The Downsview Complex (DC-1, DC-2 and DC-3) Zones:

- (a) Architectural treatments are required on all facades along Sackville Drive and side streets. It is not intended that architectural treatments be required on facades facing the internal road network of the Downsview Complex (Downsview Thoroughfare). This is not the intent of plan policy. Therefore staff recommends that "Downsview Thoroughfare" be added to Part 7 Section 11 and label on Schedule "C" and that a clarification be made such that side streets refer to the side streets of Sackville Drive.
- (b) Cluster Seating is required along Sackville Drive as a provision of site plan approval but is not labeled on Schedule "C" of the by-law. Staff recommends that "Cluster Seating" be labeled on Schedule "C" for clarification.
- (c) The "Downsview Thoroughfare" is referenced throughout the Land Use Bylaw but is not labeled on Schedule "C". Staff recommends that "Downsview Thoroughfare" be labeled on Schedule "C" for clarification.

2. The Large Scale Commercial (LS) Zones:

- (a) The amendment is simply a rewording to provide a clearer intent of the provision which requires building lots less than 10,000 square feet to proceed by development agreement.
- (b) In order to accommodate any future "Public Transit Terminals" in this area, staff recommends the land use by-law wording be clarified in order to permit this as a community use.

3. The Pedestrian Retail (PR) Zones:

- (a) 446 Sackville Drive is identified as an existing recycling depot. "Existing" means it was legally in existence as of May 7, 2002. However this recognition was omitted by staff in the Land Use Bylaw. Therefore, staff recommends that 446 Sackville Drive be added to Appendix C "Existing Uses" to correct this oversight.
- (b) Service shops and existing service shops have been identified as a permitted use in the PR zone. Staff recommends that "existing service shops" be removed as a permitted use as this is a redundant provision.

- (c) In response to a request from the owner of 486 Sackville Drive, staff is recommending “motels and hotels” be listed as a permitted use.

4. **Community Parkland and Facility (CP) Zone:**

The lot and setback provision are missing from this zone, therefore staff recommends that lot and setback provisions be added.

5. **All Zones:**

- (a) In response to an inquiry for a “teen club” on Sackville Drive, staff is recommending that “All Age/Teen Club” be listed as a permitted use in the all zones. An “All Age/Teen Club” means an establishment targeted with programs directed towards teens but includes all ages and is primary a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to the Theatre and Amusement Act and regulations made thereto and does not include the licensed sale of alcoholic beverages. This is a permitted land use in the Bedford Land Use Bylaw but such a use has yet to be established.

- (b) Amendments were made to the Sackville and Shubenacadie Lakes Land Use By-law to enable “health and wellness centres” in response to the fast growing fitness trend of small-scale fitness centres such as but not limited to Curves, Contours and Bodies in Motion. Therefore, in keeping with this land use trend staff recommend similar amendments be made to the Sackville Drive Secondary Land Use Bylaw as well. The amendment entails defining a new land use; Health and Wellness Centres and a revision to the definition of Personal Service.

6. **Part 2: Definitions**

Staff recommends a definition of “consulting room” be added. The term “consulting room” is used to calculate the required parking spaces for Dental, Medical or any Health Practitioner (including Veterinary Clinic) yet no definition is provided in the Land Use By-law.

7. **Part 6: General Provisions**

- (a) In 2002 amendments were made to the all the urban Land Use Bylaws within the Municipality to ensure that shipping containers are not used as accessory buildings to a residential use. The amendments permit containers to be used as accessory buildings within a business park zone or in conjunction with a recreation use. Staff recommend including the Shipping Containers as Accessory Building amendments to the Sackville Drive Secondary Land Use Bylaw as well.

- (b) The Land Use Bylaw exempts the Downsview Complex zones (DC-1, DC-2 and DC-3), the Acadia Village Centre zone (VC) and townhouses within the Pinehill/Cobequid zone (PC) from the provision of only one (1) main building per lot. This provision should also apply to “self storage facilities” given the nature of their design.

8. **Part 7: General Streetscape Design**

- (a) The previous Land Use Bylaw for Sackville Drive included provisions for driveways, entrance/exit ramps and maneuvering aisles. The current Land Use Bylaw does not. The provisions and specifications for driveways and entrance/exit ramps are now within the HRM Municipal Service Systems Specifications and are not required in a Land Use Bylaw. However, the provisions for maneuvering aisles are not in the HRM Municipal Service Systems and therefore staff recommends that specifications for maneuvering aisles be included in the Land Use Bylaw.
- (b) Parking requirements for Full Service and Drive-In Restaurants should be calculated by gross leaseable floor area devoted to public uses rather than total floor area. This method of calculation is common in other land use bylaws throughout the Municipality and therefore staff is recommending similar provisions be included in the by-law for Sackville Drive. In addition, the parking space requirements for Self Storage Units is 11 spaces for every 10 storage units and 1 space for every 2 employees. Staff is recommending a provision requiring 1 space for each employee if a full service office is located on the lot and 1 space for every 100 storage units. Driveway aisles would be a minimum of 20 feet where access to storage units is only on one side of the aisle, and 24 feet where access to storage units is on both sides of the aisle.
- (c) Rewording and several clarifications are necessary within the Architectural Requirements section of the Land Use Bylaw. These are needed to assist Development staff in administering the Bylaw. The clarifications include referencing Schedule D rather than Schedule B and rewording of Part 7 Section 11.
- (d) The Land Use Bylaw does not require a landscaped area for properties along Douglas Avenue. It is the intention of plan policy for all properties to contain a landscaped area. Therefore staff is recommending that a provision be added to the Land Use Bylaw to require a 6.1 metres (20 feet) landscaped area along the property line adjacent to Douglas Avenue.

ATTACHMENT B

**Case 00603: Amendments to the
Sackville Drive Secondary Planning Strategy and Land Use Bylaw
Requiring the Approval of Regional Council**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Secondary Planning Strategy of Sackville Drive as enacted by the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 29th day of June, 2002, is hereby further amended as follows:

1. Policy DB-3: Adding the words **“excluding service stations”** following **“...within the Large Scale Zone, new commercial developments”** and following **“...or any proposed expansion to existing commercial development”**.
2. Policy I-4 (a)(1) Adding the words **“excluding service stations”** following **“all commercial developments...”**
3. Policy DB-4: Adding the words **“excluding internal renovations with no external renovation or modifications”** following **“Site Plan Approval shall be required for all uses...”**
4. Policy I-6 (a)(1) Adding the words **“, excluding internal renovations with no external renovation or modifications,”** following **“All shopping centres, commercial, institutional and multiple residential uses, where a new building(s), expansions and/or renovations ...”**
5. Policy PR-2: Adding the words **“One and two residential units, and”** before **“Multiple Dwelling uses shall be permitted within...”**
6. Policy LD-2 Adding the sentence **“The Zone shall permit one and two residential units where accompanied by commercial uses,”** before **“The Zone shall permit multiple and townhouse uses.”**
7. Policy AV-3: Adding the words **“accessory buildings and additions to existing buildings of 300 sq ft (27.87 m² or less,)”** following **“Within the Acadia Village Centre Designation, except for Acadia School, Acadia Hall,...”**

Adding the word “**agreement**” between the words “development” and “proposals” in the following sentence “In consideration of all development proposals, a detailed concept plan...”

8. Adding the following after Policy PR-5:

Policy PR-6

The property at 651 Sackville Drive contains a quonset style building which is occupied by an automotive repair outlet. The automotive repair outlet did not exist at the time a land use survey was conducted in early spring of 2002 or at the date of the Public Hearing for the Sackville Drive Secondary Planning Strategy and Land Use Bylaw. However, the automotive repair outlet has existed since the summer of 2002 without municipal permits. In order to address this outstanding issue, provision will be made in the Land Use Bylaw to permit an automotive repair outlet at 651 Sackville Drive.

9. Adding the following **in bold** and delete the following in ~~strikeout~~ to Section 6.2.2 “Reinforcing a Sense of Human Scale”:

The height of a building will also influence one’s perception of scale. To maintain a sense of human scale, the height of a commercial building should be limited to three storeys **and height restrictions applied.** ~~Where height limitation is not conducive or practical to the type of use.~~ Creating a sense of human scale-would **also** be accomplished by encouraging street level entry.

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use Bylaw of Sackville Drive as enacted by the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 29th day of June, 2002, is hereby further amended as follows:

1. Adding the words “**excluding service stations**” following “new commercial developments” and adding the words “**excluding service stations**” following “...or any proposed expansion to existing commercial development” in Part 5: Uses Permitted by Development Agreement Section 1 (1).
2. Adding the words “, **internal renovations with no external renovation or modifications to an existing building,**” following “Notwithstanding, site plan approval

shall not be required for a change in use or occupancy within an existing building..." to Part 9: Downsview Complex-1 (DC-1) Zone Section 4.

3. Adding the words "**, internal renovations with no external renovation or modifications to an existing building,**" following "Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building..." to Part 10: Downsview Complex-2 (DC-2) Zone Section 4.
4. Adding the words "**, internal renovations with no external renovation or modifications to an existing building,**" following "Notwithstanding, site plan approval shall not be required for a change in use or occupancy within an existing building..." to Part 11: Downsview Complex-1 (DC-3) Zone Section 4.
5. Adding the words "**One and Two Dwelling Units in Conjunction With a Commercial Use**" after "Existing Two Unit (detached or semi-detached) Dwellings" Part 12: "Pedestrian Retail (PR) Zone" under "Residential Uses".
6. Adding the following section after Part 12, in Section 6:

Part 12 Section 7 to read as follows:

7. **Special Requirements: One and Two Units in conjunction with a commercial use**

Notwithstanding the provisions of Part 12, where any multiple unit dwelling is erected in any PR zone, the following shall apply:

- (1) **where a lot has frontage on Sackville Drive, commercial uses shall be provided and located at street level facing Sackville Drive;**

7. Adding **Part 13 Section 2 (4)** to read as follows:

Notwithstanding Part 13 Section 2 (1), a permit may be issued for an accessory building or an expansion or addition of 300 sq ft (27.87 m²) or less to an existing building by the Development Officer without being subject to the development agreement requirement provided the accessory building expansion or addition is not visible from Sackville and complies with all applicable provisions of this By-Law.

8. Adding the words, "**Automotive Repair Outlet at 651 Sackville Drive (PID #40003527)**" after "Strip Mall/Shopping Plaza" in Part 12 Pedestrian Retail (PR) zone.

9. Adding Sub-Section (7) **(in bold)** following Section 37 of Part 6: General Provisions for All Zones- Accessory Buildings:

(7) exceed the height of the main building.

10. Adding Section (31 a) **(in bold)** following Section 31 of Part 6: General Provisions for All Zones - Height Regulations.

31a. The height of all main commercial buildings and multiple unit dwellings shall be no more than three (3) stories within a maximum height of 45 ft (13.7m) from established grade. The height of all main residential building excluding multiple unit dwellings, shall not exceed three (3) storeys within a maximum height of 40 feet (12.9m) from established grade. On corner lots where there is a difference in existing grade on each lot frontage at the street line, the height requirement shall be measured to the street frontage with the lower grade.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the ____ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2005.

Jan Gibson
Municipal Clerk

ATTACHMENT C

**Case 00603: Amendments to the
Sackville Drive Land Use Bylaw
Requiring Approval by North West Community Council**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use Bylaw for Sackville Drive as enacted by the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 29th day of June, 2002, is hereby further amended as follows:

1. Adding the words “, **Downsview Thoroughfare**” after “In all zones, architectural elements shall be incorporated into building facades and walls which face Sackville Drive....” and the words “**off Sackville Drive (i.e. corner lot)**” after the words “which face Sackville Drive or a side street(s)...” in Part 7 Section 11 General Streetscape Design - Architecture.
2. Adding the words “**Downsview Thoroughfare**” and “**Cluster Seating**” to Schedule C as shown on Attachment C.
3. Removing the words “on any LS zoned lot shall only be considered” and replace with the words “**in any LS zone except**” in Part 8 Section 2: Large Scale Commercial (LS) Zone.

Adding the words “**Public Transit Terminal**” before “Community/Recreation Centres in Par 8 Section 1: Large Scale Commercial (LS) Zone.

4. Adding the following text in bold to Appendix C Existing Uses:

Pedestrian Retail (PR) Zone		
Land Use	PID	Civic Number
Existing Recycling Depot	350819	446 Sackville Drive

5. Deleting the words “**Existing Service Shop**” in Part 12 Section 1: Pedestrian Retail (PR) zone.
6. Adding Section 2 (**in bold**) following Section 1 of Part 16: Community Parkland and Facility (CP) Zone

2. Lot Provisions

In any CP Zone, no development permit for cemeteries, museums and community centres in association with public parks shall be issued except in conformity with the following;

Minimum Lot Area:	6,000 square feet
Minimum Frontage:	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	½ the height of the main building
Maximum Lot Coverage	50 %

7. Adding the words “Motels,Hotels” after “Strip Mall/Shopping Plaza” and remove the words “Existing Motels /Hotels” from Part 12 Section 1: Pedestrian Retail (PR) zone.
8. Adding the following definitions to Part 2: Definitions:

All Age/Teen Club means an establishment with programs directed towards teens but includes all ages and is primary a dance or social club licensed and regulated by the Province of Nova Scotia pursuant to the Theatre and Amusement Act and regulations made thereto and does not include the licensed sale of alcoholic beverages.

Consulting Room means the office and ancillary facilities commonly used by an individual, qualified medical practitioner for out-patient treatment.

Health and Wellness Centre means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists.

Shipping Container means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck.

9. Deleting the definition of "Personal Services" in Part 2: Definitions and replace it with the following definition:

Personal Service means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service, including but without limiting, the generality of the forgoing; barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, and doctors' or dentists' offices.

10. Adding the words "**but shall not include the repair of vehicles unless such activity is contained within a building.**" following "An outdoor display court may also include an auction facility for new/used cars..." to the definition of "Outdoor Display Court" in Part 2: Definitions.

11. Adding the words "**All Age/Teen Club**" after "Commercial Entertainment Uses" under "Shopping Centres containing the following uses:" and "Big Box (Large Box Retail) containing any of the following uses:" in Part 9 Section 1: Downsview Complex-1 (DC-1) zone.

Adding the words "**All Age/Teen Club**" after "Commercial Entertainment Uses" under "Shopping Centres containing the following uses:" and "Big Box (Large Box Retail) containing any of the following uses:" in Part 10 Section 1: Downsview Complex-2 DC-2) zone.

Adding the words "**All Age/Teen Club**" after "Commercial Entertainment Uses" under "Commercial Uses" in Part 11 Section 1: Downsview Complex-3 (DC-3) zone.

Adding the words "**All Age/Teen Club**" after "Commercial Entertainment Uses..." to Part 12 Section 1: Pedestrian Retail (PR) zone.

Adding the words "**All Age/Teen Club**" after "Commercial Entertainment Uses..." to Part 13 Section 1: Acadia Village Centre (VC) zone.

Adding the words "**All Age/Teen Club**" after "Commercial Entertainment" to Part 14 Section 1: Pinehill/Cobequid (PC) zone

12. Adding the words "**Health and Wellness Centres**" after "Service and Personal Service Shops" under "Shopping Centres containing the following uses:" and "Big Box (Large Box Retail) containing any of the following uses:" in Part 9 Section 1: Downsview Complex-1 DC-1) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” under “Shopping Centres containing the following uses:” and “Big Box (Large Box Retail) containing any of the following uses:” in Part 10 Section 1: Downsview Complex-2 DC-2) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” under “Shopping Centres containing the following uses:” and “Big Box (Large Box Retail) containing any of the following uses:” in Part 11 Section 1: Downsview Complex-3 DC-3) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” to Part 12 Section 1: Pedestrian Retail (PR) zone.

Adding the words “**Health and Wellness Centres**” after “Service and Personal Service Shops” to Part 13 Section 1: Acadia Village Centre (VC) zone.

Adding the words “**Health and Wellness Centres**” after “Personal Service Shops” to Part 14 Section 1: Pinehill/Cobequid (PC) zone

13. Adding the following section after Part 6 Section 38

Shipping Containers as Accessory Buildings

- 38A. (1) **Shipping containers shall not be permitted as accessory buildings to a residential use. Shipping containers may be permitted as accessory buildings only in a business park zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation use shall not be permitted on any property which abuts a residential, park or institutional zone or use.**
- (2) **Shipping containers shall not be placed in the front or flankage yard of any lot, or between the main building and any street.**
- (3) **No shipping container shall be permitted in any zone as a dwelling or other form of accommodation, including offices.**

14. Adding the words “**The width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of 3 metres (10**

ft) for one-way traffic and a minimum of 6.1 metres (20 ft) for two-way traffic.” after “the property in a forward motion.” in Part 7 Section 23 (9).

15. Adding the following word (**in bold**) to Part 7 Section 16:

Proposed Use	Space(s) Required	Measurement Type (all square footage based on gross floor area unless specified otherwise)
Restaurants		
• Full Service	20	Per 1,000 sq ft (92.9m ²) of gross leasable floor area devoted to public use
• Drive-In Thru	27	Per 1,000 sq ft (92.9m ²) of gross leasable floor area devoted to public use
• Take-Out - exceeding 300 sq ft (28m ²) of gross floor area	16	Per 1,000 sq ft (92.9m ²) of gross leasable floor area devoted to public use
• Take-Out - not exceeding 300 sq ft (28m ²) of gross floor area	5	
Self Storage Units	11	Every 10 storage units and 1 space for every 2 employees 1 space for each employee if full service office is located on the lot and 1 space for every 100 storage units. Driveway aisles shall be a minimum of 20 feet where access to storage units is only on one side of the aisle, and 24 feet where access to storage units is on both sides of the aisle.

16. Deleting the first "provided" and replace it with the word "if" in Part 7 Section 11 (9).
17. Deleting the word "a" after "into all facades which" and replace it with the word "are" in Part 7 Section 12.
18. Removing the letter "B" and replace with the letter "D" after the word "Schedule" in Part 7 Section 11 (1) and (3).
19. Adding the words "Schedules" to the Table of Contents and include the following:
Schedule B Sackville Drive Zoning Map
Schedule C Sackville Drive Downsview Complex Map
Schedule D Examples of Architectural Treatments
20. Adding the words "Notwithstanding, a landscaped area of a minimum of 6.1 metres (20 feet) in depth running the length of and directly abutting the lot line (measured from the property line) shall be provided on any property with frontage on Douglas Avenue." to the end of Part 7 Section 42: Landscaping.
21. Adding the words "and, Self Storage Facility in all applicable zones." after "or townhouses within the Pinehill/Cobequid Zone (PC)" in Part 6 Section 23: One Main Building on a Lot.
22. Adding the "bold" wording to Part 7 General Streetscape Design: Signage

SIGNAGE

General

1. Where this part is inconsistent with the regulations respecting advertising signs on or near public highways, made or administered by the Department of Transportation and Communications, the more restrictive regulations shall apply.
2. No person shall erect a sign except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this by-law are satisfied.
 - 2b. **All signs shall be located on the lot containing the business being advertised.**

Number of Signs

3. For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premise.
4. For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs.
5. No more than two (2) signs shall be located on any premises, except on a corner lot where one (1) additional sign may be erected. For purposes of this Section, signs enumerated shall not be counted. **Canopies and Awnings are exempt from this provision.**

Signs Permitted in all Zones

6. The following signs shall be permitted in all zones and in addition to any signs permitted according with this section:
 - (1) Any sign which has an area of no more than two (2) square feet (0.2 m²) and which identifies the name and address of a resident;
 - (2) Any sign which has an area of no more than two (2) square feet (0.2 m²) and which regulates the use of property, as do "no trespassing" signs;
 - (3) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m²) in any Residential Zone or twenty-four (24) square feet (2.2 m²) in any other zone;
 - (4) Any sign which has an area of no more than five (5) square feet (0.5 m²) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas;
 - (5) Any sign which has an area of no more than fifty (50) square feet (4.6 m²) and which is incidental to construction;
 - (6) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety;

- (7) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization; or
- (8) Any memorial sign, plaque or tablet.

Signs Prohibited in all Zones

- 7. The following signs shall not be permitted in any zone:
 - (1) Any sign which obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets;
 - (1a) Any sign proximate to a road, driveway or parking area which creates an unsafe visual barrier or obstructs the function of such use.**
 - (2) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit;
 - (3) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body;
 - (4) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means;
 - (5) Any searchlight, string light, spinner or streamer except for string lights and pennant flags used in conjunction with permitted outdoor display courts and, except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations;
 - (6) Any sign painted on a tree, stone, cliff or other natural object; or
 - (7) Any sign which is not related to any business or use located on the lot or premises.
 - (8) Any sign which creates a hazard to the public;**

- (9) Any sign which resembles traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;
- (10) Any sign which advertises a product which is no longer sold or a business which is no longer in operation;
- (11) Any sign which is not located on the same lot as the commercial establishment, which states the name of the said establishment and the type of business or products of said establishments;

Projecting Signs

8. No projecting sign shall:
 - (1) exceed twenty (20) square feet (2 m²) in area for that portion of the sign which projects beyond any wall or roof;
 - (2) project horizontally more than six (6) feet (1.8 m) from any wall to which it is attached;
 - (3) project over a public right-of-way or day lighting triangle;
 - (4) be erect below a height of ten (10) feet (3 m) or exceed a height of thirty-five (35) feet (10.7 m);
 - (5) be permitted to swing freely on its supports;
 - (6) project above the eaves, parapet or roof line of the buildings;
or
 - (7) canopies and awnings incorporating signage are not subject to subsections 1), 2), 3), 4) and 6).

Ground Signs

9. No ground sign shall:
 - (1) exceed a height of twenty-five (25) feet (7.6 m) in the Downsview Complex Zones (DC-1, DC-2, and DC-3) and the Large Scale Commercial Zone (LS) and exceed a height of fifteen (15) feet

- (4.5 m) in the Pedestrian Retail Zone (PR), Pinehill/Cobequid Zone (PC), and Outdoor Display Court Zone (ODC) ;**
- (2) extend beyond a property line or project over a public right-of-way, day lighting triangle, driveway or parking space;
 - (3) be less than ten (10) feet (3 m) from any front or flankage property line;
 - (4) be permitted in the Community Parkland and Facilities Zone (CP) and Floodplain Zone (P-3);
 - (5) Where a multiple tenancy building is occupied by more than one (1) separate business, each business shall be considered to be a separate premise for the purpose of determining the number of signs permitted. Notwithstanding, only one ground sign shall be permitted per multiple tenancy building or one ground sign per 400 feet (121.9 m) of street frontage;
 - (6) Landscaping shall be provided at the base of a ground sign. Landscaping shall consist of either planter boxes, shrubs and/or flower beds or a combination thereof. If landscape planters are utilized, the planters shall be constructed of a natural material and shall be a minimum of 2 feet (0.6m) wide and 3 feet (0.9m) high; or
 - (7) A ground sign and the required landscaping as described above may be placed within the required landscaping setback as specified in Part 7 Section 7 Subsections 41 to 45.

Facia Signs

10. No facia sign shall:
 - (1) extend above the top of the wall on which it is attached; or
 - (2) project or extend beyond the extremities of the wall on which it is attached.

- (3) include more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies; or
- (4) have an area which exceeds ten (10) percent of the area of the wall on which it is attached.

10a. Canopies/Awnings

- (1) Canopies and awnings attached to walls shall not project more than 4 feet (1.2 m) over a public sidewalk. Canopies and awnings shall be self supporting and shall be placed a minimum height of 9 feet (2.7m) above a sidewalk. Signage may be included as an integral part of an awning or canopy.
- (2) If signage is included as an integral part of an awning or canopy, the awning or canopy shall be considered or counted as part of the maximum number of signs permitted in accordance Part 7 Section 5.

10b. Window Signs

- (1) Window signs shall not: a) exceed 25% of the window area; b) exceed 25% of the glass area of a door area. For the purposes of this section, area shall be calculated on the basis of the smallest geometric shape which will contain the entire message.

10c. Roof Signs

- (1) Roof signs shall be prohibited.

10d. Billboards

- (1) Billboards shall be prohibited.

10e. Pennants and Banners

- (1) Pennants and Banners shall be prohibited except in accordance with Part 7 Section 7: Signs Prohibited in all Zones Subsection 12.

23. Adding the “**bold**” wording to Part 2: Definitions

A sign means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, person, activity, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot.

AWNING SIGN: means a sign affixed to a light detachable structure placed immediately above ground floor windows or entrances with a skin of fabric, canvas or other flexible material, which is entirely supported from a building by a fixed or retractable frame and offers weather protection.

BANNER SIGN: means a sign intended for temporary placement to advertise a specific event, promotion, performance or festival.

BILLBOARD SIGN: means a sign, fence, building, frame or structure made of any material which is erected, maintained or used for display of advertising matter, either on a permanent or temporary basis, which does not relate to the property or use of the property on which said billboard is placed.

CANOPY SIGN: means a sign attached to or integral with a rigid roof-like structure which is entirely supported from a building or which forms its own self-support structure, which may be below the level of the main building roof line or which may provide an enclosed bulkhead thereto, and projects beyond the building face just above the ground floor level to provide weather protection.

GROUND SIGN: means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.

FACIA SIGN: means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom nor extend above the roof line.

PROJECTING SIGN: means a sign which projects from and is supported by or which extends beyond a wall or the roof of a building.

ROOF SIGN: means a sign that is placed on and supported by a roof of a building or structure.

24. Adding Sub-Section (7) **(in bold)** following Section 37 of Part 6: General Provisions for All Zones- Accessory Buildings:

(7) exceed the height of the main building.

25. Adding Section (31 a) **(in bold)** following Section 31 of Part 6: General Provisions for All Zones - Height Regulations.

31a. The height of all main commercial buildings and multiple unit dwellings shall be no more than three (3) stories within a maximum height of 45 ft (13.7m) from established grade. The height of all main residential building excluding multiple unit dwellings shall be no more than three (3) stories within a maximum height of 40 (12.9m) from established grade. On corner lots where there is a difference in existing grade on each lot frontage at the street line, the height requirement shall be measured from the street frontage with the lower grade.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Halifax Regional Council held on the ____ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2005.

Jan Gibson
Municipal Clerk

ATTACHMENT D

**Minutes of the Public Meeting held by the
North West Planning Advisory Committee on September 11, 2003**

HALIFAX REGIONAL MUNICIPALITY

**NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING
MINUTES
September 11, 2003**

PRESENT: Ms. Ann Merritt, Chair
Mr. Delphis Roy
Ms. Gloria Lowther
Ms. Karen Stadnyk

REGRETS: Mr. Roddy McDonald
Ms. Jan Gerrow

STAFF: Ms. Thea Langille-Hanna, Planner

1. CALL TO ORDER/OPENING COMMENTS

The meeting was called to order at 7:00 p.m. Ms. Merritt introduced the members of the North West Planning Advisory Committee who were present and Thea Langille-Hanna, Planner.

**2. PUBLIC PARTICIPATION - CASE 00603 - AMENDMENTS TO THE
SACKVILLE DRIVE SECONDARY PLANNING STRATEGY AND LAND USE
BY-LAW**

Ms. Langille-Hanna, Planner, with the aid of overheads, outlined the proposed amendments to the Sackville Drive Secondary Planning Strategy and the Sackville Drive Land Use By-Law. The amendments are:

PROPOSED AMENDMENTS TO THE SACKVILLE DRIVE SECONDARY PLANNING STRATEGY

All Zones

- Consider a provision to enable accessory buildings within 100 ft. of a watercourse
- Enable bonding for landscaping (weather pending)

Large Scale Commercial (LS) Zone

- Exempt service stations from the development agreement provision

All Downsview (DC-1, DC-2, DC-3) Zones

- Enable internal renovations to be exempt from the Site Plan Approval Process

Pedestrian Retail (PR) and Pinehill/Cobequid (PC) Zones

- Enable one or two residential units on the second floor of a commercial building

Acadia Village Centre (AV) Zone

- Exempt small additions to existing building from the development agreement provision
- Clarify the term "redevelopment"

PROPOSED AMENDMENTS TO THE SACKVILLE DRIVE LAND USE BY-LAW

All Zones

Definitions (Part 2 Section 1)

- update to allow the recent amendment to the Sackville and 14-17 Plan to enable health and wellness centres as a personal services shops
- review the definition of "pawn shop" and determine how many cars may be permitted as a component of the pawn shop operation

General Provision (Part 7 Section 29)

- review of bicycle rack requirements - should they apply to Day Care Facilities

Parking Standards (Part 7 Section 16-40)

- enable the parking requirement for Full Service and Drive-In Restaurant to be based on gross leasable floor area rather than total floor area
- review provisions for maneuvering aisles, driveways and entrance/exit ramps - determine if the Municipal Servicing Specifications address this adequately

Accessory Buildings (Part 6 Section 36)

- ensure recent amendments made to all HRM Land Use By-laws regarding shipping containers is within the Sackville Drive LUB

Architectural (Part 7 Section 11 to 15)

- insert a diagram to illustrate wall plane projections or recesses on facades greater than 100 ft (30 m)
- correct awkward wording and typographical errors
- should architectural requirements apply to temporary uses
- should architectural requirements apply to Memory Lane

All Downstreet (DC-1, DC-2, DC-3) Zones

- ensure architectural requirements to the internal road network as well as Sackville Drive
- label "cluster seating" on Schedule C

Pedestrian Retail (PR) Zones

- remove "existing service shops" as a permitted use

Pinehill/Cobequid (PC) Zones

- identify 446 Sackville Drive as an "existing recycling depot" in Appendix "C"

Acadia Village Centre (AV) Zone

- establish setback provisions for accessory buildings if exempt from the development agreement provision

Community Park Facility

- establish lot setback provisions

Ms. Karen Stadnyk noted that the streetscape provisions were to make changes along Sackville Drive such as 20ft. setback, change in facades, change in look of buildings and parking so that it is away from the street. Ms. Stadnyk asked how these proposed changes will affect those ideas and asked if the policies and by-laws still permit these things to take place.

Ms. Langille Hanna advised that if service stations were exempt they would still require the landscaping and signage requirements. She advised that if you remove the service stations you would still have to meet the landscaping requirements as per the documents.

Ms. Stadnyk expressed concern with leakage into the soil and changes in traffic patterns if there was no development agreement.

Ms. Langille Hanna stated there is a document in place to deal with those issues and the province deals with licensing for petroleum storage.

A resident asked if the service station zoning allows outdoor display.

In response, Ms. Langille Hanna advised outdoor display courts will not be permitted.

A resident asked if there was a vacant lot, would a new service station have to go through a development agreement.

Ms. Langille Hanna advised that they would be a permitted use.

Mr. David Grace advised there are only three properties designated for outdoor display in Sackville. He stated there are many things being eliminated.

On question, Ms. Langille Hanna advised mobile home sales is not permitted in an outdoor display. She noted it was felt this was not an appropriate land use on Sackville Drive.

Mr. David Grace expressed concern stating he felt the residents were not given sufficient notice of the changes when the secondary planning strategy was adopted.

In response to a resident, Ms. Langille Hanna advised the pawn shop definition will have the ability to include cars but not provide the ability to be a stand alone outdoor display court.

With regards to bike racks for daycare facilities, Ms. Langille Hanna advised staff felt this should be a requirement.

With regards to parking standards, Ms. Langille Hanna advised staff have suggested that parking be on gross leasable area not to include storage areas.

With regards to the Downsview zone, Ms. Langille Hanna advised architectural requirements are required on all facades that face the internal road network and facing Sackville Drive. She noted that sediment and erosion control plan provisions is a requirement for all development along Sackville Drive.

3. CLOSING COMMENTS

Ms. Merritt thanked the planner and the members of the public for their input into the process. She advised that the next step would be that a staff report and recommendations would come forward to the Planning Advisory Committee from there to the North West Community Council who in turn would make recommendations to Regional Council.

4. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.
Julia Horncastle

Legislative Assistant

**Minutes of the Public Meeting held by the
North West Planning Advisory Committee on February 17, 2005**

**NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING**

February 17, 2005

PRESENT: Ms. Ann Merritt, Chair
Mr. George Murphy
Mr. Walter Regan
Mr. Rob Batherson
Ms. Barb Grant
Ms. Gloria Lowther
Deputy Mayor Len Goucher (7:20 p.m.)

ALSO PRESENT: Ms. Thea Langille-Hanna, Planner II
Councillor Robert Harvey
Ms. Sheilagh Edmonds, Legislative Assistant

1. Call to Order/Opening Comments

The Chair called the meeting to order at 7:00 p.m. in the Fenerty Room, Sackville Library.

2. Public Participation: Case No. 00603 - Application by HRM to amend the Sackville Drive Secondary Planning Strategy (SPS) and Land Use By-law (LUB) to address inconsistencies, omissions and housekeeping matters discovered over the past two years of implementing the document. The Sackville Drive SPS and LUB includes all private and public lands within a general setback of 200 feet (61m) on either side of Sackville Drive running from Beaver Bank Road to Cobequid Road, including portions of Memory Lane, Walker Avenue and Sackville Cross Road.

- A copy of a staff report pertaining to this matter dated July 4, 2003, for the July 15 2003 meeting of Halifax Regional Council was submitted.
- A Summary of Proposed Amendments to the Sackville Drive Secondary Planning strategy and Land Use Bylaw was submitted.

Ms. Thea Langille-Hanna, Planner II addressed the meeting and began her presentation by providing a brief history on the Sackville Drive Secondary Plan, which was adopted in 2002. She noted that, at that time, staff identified a review may be necessary in the future to address housekeeping matters, and she added that the purpose of this evening's meeting was to address these inconsistencies.

In her presentation she noted there were amendments which would require the approval of Halifax Regional Council and other amendments requiring the approval of North West Community Council. She reviewed the proposed amendments as contained in the submitted Summary, and advised that three other issues have also arisen, i.e. doggie day care, height restrictions, and individual requests. She explained that with regard to Doggie Day Care facilities, staff are considering whether or not it is a reasonable land use; with respect to height restrictions, Ms. Langille-Hanna advised that presently there are no height restrictions and staff are wondering if this should be re-evaluated. As far as individual requests, she explained that staff will consider these and provide a response to Council at a later date.

Ms. Langille-Hanna responded to questions from the Committee members.

On a point of clarification, Ms. Lowther referred to the amendment on the Pedestrian Retail Zone (the first bulleted item) and questioned whether the civic number stated was correct. Ms. Langille-Hanna indicated she would check on this.

Ms. Langille Hanna responded to questions from the public. The following people spoke:

Ruth Baxter, Sackville Drive

In response to a question by Ms. Baxter, Ms. Langille-Hanna advised that Community Parkland and Facility Zone was missing lot and setback provisions and the proposed amendment is to rectify this. She noted that it does not deal with setback from the River; this aspect was being dealt with as a separate project by another planner.

Finlay Evong, Sackville Drive

Mr. Evong referred to the recommendation concerning the as-of-right use for service stations in large scale commercial zones, and questioned if the same argument can be made for outdoor display courts in the Cobequid Pinehill area.

In response, Ms. Langille-Hanna pointed out that when staff began the process of reviewing and creating a secondary plan for Sackville, one of the items that began the whole process was an interest from the general community about the number of car lots being developed along Sackville Drive. She added that staff's view was that this was a special commercial niche and should be maintained and protected, particularly the ones that are existing and those who want to establish for a long period of time. Ms. Langille Hanna advised that staff feel a public process is necessary with outdoor display courts given the concerns expressed by the public.

Robert Keddy

Mr. Keddy advised that he had experience in the self storage business, and that he felt the parking requirements for this business were minimal. He noted that the proposed amendments pertaining to this aspect seem to offer a high quantity of parking spaces. Ms. Langille-Hanna advised that she misspoke in her earlier remarks and that staff is proposing one parking space per ten storage units.

Mr. Keddy indicated he still believed this was too much, and Ms. Langille-Hanna advised that she would research and see if there is a standard.

Avis Taylor, McIntosh Road

Ms. Taylor raised questions on site plan approval process, cluster-seating, and car lot banners, to which Ms. Langille-Hanna responded.

Finlay Evong

Mr. Evong questioned how long the Superstore development agreement process took. Ms. Langille-Hanna indicated she was not the planner involved in that case, however typically the process takes six to eight months. She noted that she would speak to the planner involved with the case and get further details.

At this time, Ms. Langille-Hanna addressed the issues of height restrictions and doggie day care,

Height Restrictions:

Ms. Langille-Hanna advised that it has been brought to staff's attention they may want to consider implementing height restrictions. She added that staff are recommending height restrictions similar to what is in the downtown of Dartmouth, i.e. three stories, with a maximum of six stories as long as it is stepped back. She asked for feedback on staff's proposal.

Deputy Mayor Len Goucher

Deputy Mayor Goucher noted that the TD building in Bedford is six stories, and added that he felt that anything over three stories should be done by contract agreement, with specific criteria in what would be permitted with regard to the additional stories.

Ms. Langille-Hanna responded that if a building were stepped back, it would have to have detailed requirements in Land Use Bylaw.

Ms. Langille-Hanna responded to further questions and addressed the issue of doggie day care.

Doggie Day Care:

Ms. Langille-Hanna advised that doggie day care is becoming a very common land use request throughout Canada. She noted that it can presently be considered a kennel and is a permitted use in HRM's business parks. She added that staff is considering whether it is a reasonable use along Sackville Drive and she asked the public's feedback.

Deputy Mayor Len Goucher

Deputy Mayor Goucher indicated that he did not think this was an appropriate use for residential zones, particularly because of the noise. He added that it may be suitable for a commercial zone but it should have minimum setback requirements.

In response, Ms. Langille-Hanna advised that staff has concerns about the use in close proximity to a residential zone, and that it seems more appropriate to a business park.

In closing, Ms. Langille-Hanna explained that a detailed staff report will be presented at the public hearings. She added that this matter would be forwarded to the North West Planning Advisory Committee meeting, scheduled for March 2.

The Chair advised that NWPAC meeting is open to the public and welcomed anyone who wanted to come and observe.

3. Closing Comments

The Chair thanked everyone for coming out this evening and providing their input. She noted that if anyone had further questions, they could contact Ms. Langille-Hanna.

4. Adjourn

The meeting adjourned at 8:05 p.m.

Sheilagh Edmonds
Legislative Assistant

January 05, 2005

J.P. Shannon Realties Limited
64 Vidito Drive
Dartmouth, NS
B3B - 1P9

Att: Bruce Shannon

RE: Application to develop self storage units on Lot SBBX and a portion of Lot SR on Walker Avenue, Sackville.

Dear Mr. Shannon:

I have received your application to develop self storage units on the subject property. As per my discussions with Robert Keddy, Planning Services are preparing draft amendments to the Sackville Drive Land Use Bylaw. Currently, the Land Use Bylaw does not permit more than one building per lot. The proposed amendments provide for more than one building per lot for the purpose of self storage. Therefore, I would advise that your application be cancelled in favour of the proposed Land Use Bylaw amendments.

The anticipated time frame for a public hearing on the proposed amendments is within the next six months which is a shorter time lapse than that anticipated for a development agreement on the subject property. At this time, I would advise that the final decision on the proposed amendments will be made by North West Community Council and as such, there is no guarantee that the proposed amendments will be approved.

I have enclosed the application fee and will officially cancel your case. Thea Langille-Hanna, Planner II, is preparing the draft amendments and I would suggest that you contact her at 869-4262, should you have any additional questions or comments regarding the proposed amendments. If you would like to further discuss your case or this correspondence, please do not hesitate to contact me at 869-4747 or by way of e-mail.

Respectfully yours,



Jill Justason
Planning Services - Central Region
869-4747

cc: Robert Keddy - Keddy Construction

78 Hillside Avenue
Lower Sackville, NS
B4C 1W7

HALIFAX REGIONAL
MUNICIPALITY
DEC 10 2004
PLANNING SERVICES

December 10, 2004

To whom it may concern:

I would like to convey my wishes to extend the use of my land and building at 466 Sackville Drive to a Display Court.

Sackville Rad was created by myself, Paulette Shore, and my father, James Gavel, in the 1970's. Both of us, life time residents of Lower Sackville.

Originally, it was located at the foot of Pinehill Drive, where we did a very lucrative business. A piece of land was obtained at 466 Sackville Drive and my husband and I then moved the business there in the early 1980's.

The building, a two bay garage was sufficed to earn a sufficient living in the 1970's and 80's. It is not now in the year 2004.

Retail shops such as UAP Canadian Tire and R & A and other businesses, now sell rads as cheap or cheaper than I am able to.

Automotive shops such as C & A Automotive and all other shops that began to spring up along Sackville Drive began to do rads and gas tanks as well.

Business began to go downhill while the tax rates in Sackville went up, and along came the Occupancy tax.

My husband, Ron Shore, Manager of Sackville Rad, suddenly died at the age of 56, 4 years ago. I was then forced to run Sackville Rad myself. After 4 years of trying to pay decent salaries to employee's pay, \$7,000 a year taxes, \$4,000 a year occupancy, HST, Worker's Comp., utilities and improve the tools we were working with, I finally gave up. I then put the building up for sale or lease. The money coming from a salary, my only source of income. Without this, I have no source of income.

However, everyone who was interested in leasing or buying could not. The new rules for use of my building and land were severely restricted. I had the two bay garage needed as one of the rules stated was a requirement for outside display. However, the county would not let anyone sell cars on this land. One by one interest in this land and building decreased. I was then pushed into a corner.

I was in debt and sinking fast. I am now 59 years old and this place is my only source of income. I was able to rent the building to my next door neighbour and good fiends at Econo Transmission and Service Center.

However, if this situation changes, I am in serious jeopardy. I am stuck here in the middle like a giant squash. Between a car dealer on one side and Econo Transmission who also have a dealer's license on the other.

I would like to have the option to sell cars on this lot at 466 Sackville Drive as well. It would be to my betterment, if I could have this option.

Thank you for reading this letter and taking this into consideration. I can be reached at (902) 865-8774.

Sincerely,

Paulette Shore

✓
Mrs. Judy Reyno
445 Dea Sackville Rd.
Lr. Sackville, NS
B4C 2K1

PLANNING SERVICES
SEP 10 2003
MUNICIPALITY
HALIFAX REGIONAL

September 8, 2003

Planning and Development Services
636 Sackville Dr.
Lr. Sackville, NS
B4C 2S3

Attn: Mrs. Ibea Langille - Hanna:

I am writing with regards to the Sackville Land Use By-Law which has recently been implemented.

I wish to open and operate a Children's Dance Club here in Lr. Sackville at 506 Sackville Dr. This type of business is apparently classified as Commercial Recreation. The Hip Hop Dance Instruction which we wish to offer is permitted under Permitted Land Uses. However, the Karaoke and Dances which we also wish to offer, are not currently listed as Permitted Land Uses in a PR zoned

property. I have spoken to the landlord, the other tenants in the building located at 506 Sackville St. as well as several HRM employees with regards to the above mentioned suggested land uses and we agree that they are reasonable and should be permitted as well.

I am scheduled to attend the Public Information Meeting on Thursday, September 11th, 2003 at 7:00 pm at Acadia Hall on Sackville St. with regards to this matter.

I would greatly appreciate your support and hope to hear from you in the near future. I am hopeful that the committee will consider including Karaoke and dances in the land uses in the current Sackville Land Use By-Law. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

September 10th, 2003.

34 Sackville Dr.

L. Sackville, N.S. B4E 2R7.

Planning & Development Services

636 Sackville Dr.

L. Sackville, N.S.

HALIFAX REGIONAL
MUNICIPALITY
SEP 10 2003
PLANNING SERVICES

RE: Amendments To The Sackville Drive Secondary
Planning Strategy and Land Use By-Law
Case No. 00603.

We request that the properties at 315, 323 and 341 Sackville Drive be permitted the Outdoor Display zoning in order that we will have the full zoning privileges that were permitted on these properties prior to the adoption of the Sackville Drive Secondary Planning Strategy and Land Use By-Law. It is our understanding this will bring our properties into consistency with other properties on this side of Sackville Drive.

We also request that the plan be amended to reinstate mobile homes which were originally listed along with other uses in the preliminary plan and subsequently removed. We ask that this usage be reinstated at 344 Sackville Drive which now has the Outdoor Display zoning. This will bring this

Continued ...

property into consistency with the other usages permitted.

We also wish to register our concern with any plans to have the businesses and property owners along Sackville Drive assessed with an area rate to accommodate the proposed improvements for Sackville Drive.

It is our opinion that land-use provisions for the Little Sackville River also be addressed at this time since many lands along Sackville Drive abut the River, and these lands are dealt with in this plan as a major impetus and motivation for the Plan.

Sincerely,

Ruth Baxter
Dennis Baxter

Sackville Trenching (2002) Ltd

63 Lively Road, Middle Sackville, NS

P.O. Box 447,
Sackville, NS
B4C 3G4

Telephone: 902- 865-8335.

Fax: 902-864-5556

E-mail:

sacktrench@accesswave.ca

Halifax Regional Municipality
636 Sackville Drive
Lower Sackville, NS
B4C 2S3

Attention: Thea Langille-Hanna, BDEP, Planner
Planning Services , Acadia School

HALIFAX REGIONAL
MUNICIPALITY

JUL 16 2003

PLANNING SERVICES



Dear Thea,

Thank you for the opportunity to meet with you and discuss the situation of Lot 486 Sackville Drive.

As discussed during our meeting, Lot 486 Sackville Drive has been listed with a real estate company and has been receiving a lot of attention. However, with the new Sackville Drive Land Use Bylaw, recently in effect. Some of the offers are deciding to decline. Mostly due to the "no drive-thru clause".

I had a written offer from A&W on the property, but with no drive thru, they decided to locate in Bedford. I also have interest from Dairy Queen and fear losing them for the same reason.

We also discussed, the interest on the rear of the lot, entering from Seawood Avenue, the 100-foot setback rule from Sackville River, also restricts people on what they can construct.

In short, I am all for the future planning of Sackville Drive, as a landowner, I am disappointed in the input I have with the land that I own.

The following is a list to date of interested parties, who have not furthered their interests, due to this recent bylaw.

Lot 486 Sackville Drive (fronting Sackville Drive)

A & W Restaurants	Went to Bedford
Dairy Queen	Awaiting information
Pizza Town	Awaiting information
Family Restaurant (Similar to Kempsters)	Declined
Restaurant/Lounge/Steakhouse	Declined
Hotel	Awaiting information (have submitted price to Purchase Tavern and combine both lots, on the Verge of decline due to "red tape")
Strip Mall	
Darlene's Draperies/Sub Shop/other	Awaiting information

Lot 486 Sackville Drive (entering from Seawood Avenue)

Townhouses
Semi-dwellings
Multi-Unit Building

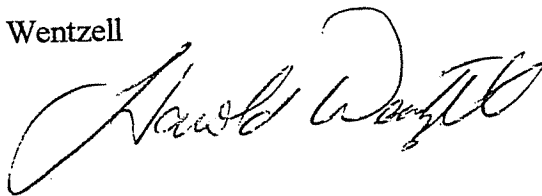
All of the above have had shown interest, but seem to get scared off with this new By-Law.

I would appreciate any co-operation to assist the above-mentioned clients and myself in the sale of this property, and to offer Sackville the opportunity of choice.

Looking forward to your reply at your earliest convenience.

Sincerely,

Harold Wentzell



From: "Finley P. Evong" <fpevong@accesswave.ca>
To: <langilt@region.halifax.ns.ca>
Date: 9/15/03 9:42am
Subject: Ammendments-Secondary Planning Strategy/Land use

Att: Thea Langille-Hanna
HRM

re: Land use by laws as it pertains to the PC Area(Cobequid Rd to Pinehill).

Currently the land use bylaw requires an application for a development agreement for new applicants for outdoor display use.

There is a strong feeling by the business owners within this zone this is unfairly applied in so much that the zoning was a right of use up until a year ago and it is still a permissible use with a development agreement under the new Secondary Planning Strategy and Land Use By-Laws.

The business owners have two major concerns.

1.having to go through the time and expense of a development agreement.

2.The negative impact this change has had on the value of their property.

Giving the criteria is in place for new businesses to follow, that should be sufficient to enable HRM to ensure that guidelines are met.

I would ask that you make the following recommendation to staff.

- within the PC(Cobequid to Pinehill) Zone, that outdoor display should be as-of-right.

As is with the proposed amendment tabled Sept 11/03 at the North West Advisory Committee Public Meeting regarding Services Stations,LS Zone Policy DB-3 & I-4(a).

Your consideration on this matter is appreciated.

Sincerely,

Finley P. Evong
456-6001

