

REVISED



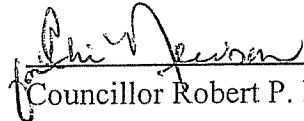
PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.3

Halifax Regional Council
August 5, 2008
August 12, 2008
September 16, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Councillor Robert P. Harvey, Chair, North West Community Council

DATE: July 17, 2008

SUBJECT: Case 01029: Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law - C-1 Zone

ORIGIN

North West Community Council Meeting of July 10, 2008.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-Law as provided in Attachments A and B of the staff report dated June 17, 2008 with an amendment to proposed clause (m) in Attachment A to state that “the architectural design is compatible with the surrounding residential neighbourhood”, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-Law as provided in Attachments A and B of the staff report dated June 17, 2008 with an amendment to proposed clause (m) in Attachment A to state that “the architectural design is compatible with the surrounding residential neighbourhood”.

BACKGROUND

At the July 10, 2008 meeting of North West Community Council, approval was given to forward the recommendation of the North West Planning Advisory Committee to Regional Council for the setting of a public hearing date.

BUDGET IMPLICATIONS

None associated with this report. See attached North West Planning Advisory Committee report dated July 3, 2008.

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 North West Planning Advisory Committee report dated July 3, 2008.

ATTACHMENTS

Attachment "A" - North West Planning Advisory Committee Report dated July 3, 2008

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Chris Newson, Legislative Assistant, Municipal Clerk's Office

North West Community Council
July 10, 2008

TO: North West Community Council

SUBMITTED BY: Gail Harnish / for
Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 01029 - Amendments to the Sackville MPS and LUB - C-1 Zone

DATE: July 3, 2008

ORIGIN

North West Planning Advisory Committee meeting - July 2, 2008

RECOMMENDATION

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

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-law as provided in Attachments A and B of the staff report dated June 17, 2008 with an amendment to proposed clause (m) in Attachment A to state that "the architectural design is compatible with the surrounding residential neighbourhood", and schedule a public hearing; and
2. **Recommend that Regional Council** approve the proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-law as provided in Attachments A and B of the staff report dated June 17, 2008 with an amendment to proposed clause (m) in Attachment A to state that "the architectural design is compatible with the surrounding residential neighbourhood".

The proposed amendment recommended by the Committee is shown in strikeout on Attachment A of the staff report.

ATTACHMENTS

Staff report dated June 17, 2008

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.

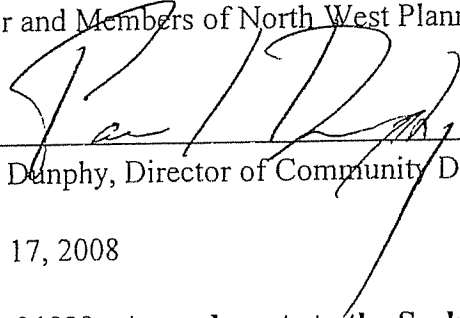
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Ann Merritt, Chair, North West PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
July 2, 2008

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: June 17, 2008

SUBJECT: Case 01029 - Amendments to the Sackville MPS and LUB - C-1 Zone

ORIGIN

1. A motion of North West Community Council (NWCC) on March 22, 2007 requesting staff to initiate a plan amendment process to consider increasing the permitted size of C-1 (Local Commercial) uses from 2,000 square feet to 5,000 square feet within the Sackville Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB).
2. On August 7, 2007 Regional Council initiated a process to amend the Sackville MPS and LUB to consider increasing the maximum gross floor area of a building within the C-1 zone from 2,000 square feet to a maximum of 5,000 square feet.

RECOMMENDATION

It is recommended that **North West Community Council**

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy (MPS) and the Sackville Land Use By-law (LUB) as provided in Attachments A and B, and schedule a public hearing; and
2. **Recommend that Regional Council** approve the proposed amendments to the Sackville MPS and LUB as provided in Attachments A and B;

BACKGROUND

There are five C-1 (local commercial) zoned properties within the Sackville Plan Area. The C-1 zone was applied to existing local commercial uses at the adoption of the LUB in 1994. Two of the C-1 zoned properties are located within residential areas, another two are located on Cobequid Road, and the last is located at the entrance to Sackville Manor mobile home park (Map 1). The C-1 zone is characterized by the following:

- local commercial uses (variety stores, food stores, service and personal service uses);
- a gross floor area restriction of 2,000 square feet (185.8m²);
- a maximum lot coverage of 25 %; and
- all new C-1 zone uses are only permitted by development agreement (Policy UR-18).

The next largest commercial zone within the Sackville Plan Area is the C-2 (Community Commercial) zone. The C-2 zone permits a broad range of commercial uses to a maximum floor area of 10,000 square feet (929m²) (Attachment D). The C-2 zone is characterized by the following:

- larger scale commercial developments (shopping plazas, motels, automotive repair);
- broad range of commercial uses (restaurants, vet clinics and service stations);
- applied to larger properties than the C-1 zone; and
- located along transportation corridors (Glendale Avenue, Sackville Drive, Cobequid Road and Beaver Bank Road).

The lack of a single application for local commercial development over the last ten years is an indicator the requirements and standards for local commercial development may not be accommodating the intent of the Sackville Plan, specifically policies UR-1, UR-17 and UR-18. In the case of the most recent local commercial application (Case 00004 in 1998), the developer was unable to find a buyer or tenant for the approved C-1 property and eventually discharged the agreement to permit residential development on the site.

The request of Council is to consider C-1 (local commercial) buildings greater than 2,000 square feet (185.8m²).

DISCUSSION

MPS Amendments

Plan amendments are only considered where there has been a change in circumstance or a significantly different situation from what the plan policies anticipated. A review has identified the following:

- the Sackville Plan encourages local commercial uses in predominantly residential neighbourhoods;
- there are only five C-1 zoned properties in the Sackville area, with only two being located in a primarily residential neighbourhood;
- new C-1 (local commercial) uses are only permitted by Development Agreement;

- commercial trends appear to have shifted toward larger, multi-faceted commercial convenience and service uses;
- there has not been an application for new C-1 uses since 1998.

Existing Plan Policy

General commercial development is not permitted in the Urban Residential designation. However, neighbourhood (local) commercial services such as corner stores (variety and food stores) and service and personal service uses are permitted and can conveniently serve the public from locations within the general residential area. However, such uses create compatibility concerns with adjacent residential areas. In light of these concerns, Policy UR-17 supports existing local commercial uses (Attachment C). However, Policy UR-18 enables new local commercial uses by development agreement. This policy establishes evaluation criteria such as massing compatibility with the adjacent land uses, traffic and access to major collector roads, site design, hours of operation and that the proposed use is intended to serve the local neighbourhood for new local commercial uses (Attachment C).

Policy UR-18 also restricts the gross floor area to 2,000 square feet (185.8m²). This gross floor area restriction acts as a limiting factor against new local commercial uses, regardless of the fact that a proposal may clearly meet the other criteria in policy, such as building mass compatibility. A set square footage restriction is a valuable tool when negotiating new local commercial uses as it will establish a massing threshold that is not subject to interpretation. However, it is staff's opinion, the 2,000 square feet (185.8m²) of gross floor area restriction is too limiting and is discouraging the development of new local commercial uses within residential areas.

The Middle Sackville Community Visioning

The Regional Municipal Planning Strategy (RPS) has designated the Middle Sackville area as a Suburban Local Centre. All centres will be subject to a Community Visioning process aimed at providing opportunities to creatively think about how the area will grow over the next 25 years. The Community Visioning process for the Middle Sackville area was launched in May of this year. The RPS has established criteria to guide the Visioning process and emphasises development within centres should support walking as well as encourage compatibility in design. Therefore, it is the opinion of staff, the proposed amendments to local commercial throughout the Sackville Plan area, which included areas of Middle Sackville, is in keeping with the Regional Plan and the vision criteria for Suburban Local Centres.

Recommendation

Local Commercial properties can play an important role in providing commercial services at the neighbourhood level and contributing toward a community identity. However, the existing building size restrictions has not allowed this to occur throughout the Sackville Plan Area. A change to planning policy that enables larger local commercial uses to locate where appropriate will reinforce the importance of these uses in residential neighbourhoods.

Staff recommends the gross floor area restriction of the MPS be enlarged to a maximum gross floor area of 5,000 square feet (464.5m²) to promote new local commercial uses in Sackville, while at the same time incorporating architectural requirements that will maintain an acceptable level of continuity with existing neighbourhoods (Attachment A).

Public Participation Program

A Public Meeting was held and chaired by the North West Planning Advisory Committee on October 15, 2007. Minutes of this meeting are included as Attachment E. There was general support for an increase to the allowable size for C-1 uses. Notification for the Public Meeting was made through a general advertisement in the newspaper. In addition to notification in the newspaper, attendees of the Public Meeting and existing C-1 zoned property owners will receive written notification of the Public Hearing.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310.

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

1. Council may choose to approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law. This is staff's recommended course of action for the reasons described in this report.
2. Council may choose to refuse the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law. This alternative is not recommended as Staff are satisfied that the proposed amendments to the Sackville Plan and subsequent amendments to the Land Use By-law is in the best interest of the Sackville Community.

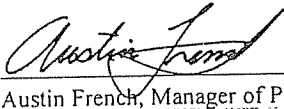
ATTACHMENTS

Map 1: Location of Existing C-1 (Local Commercial) Zoned Properties
Attachment A: Proposed amendments to the Sackville Municipal Planning Strategy
Attachment B: Proposed amendments to the Sackville Land Use By-law
Attachment C: Relevant Sections of the Sackville Municipal Planning Strategy
Attachment D: Relevant Sections of the Sackville Land Use By-law
Attachment E: Minutes of the October 15, 2007 Public Meeting

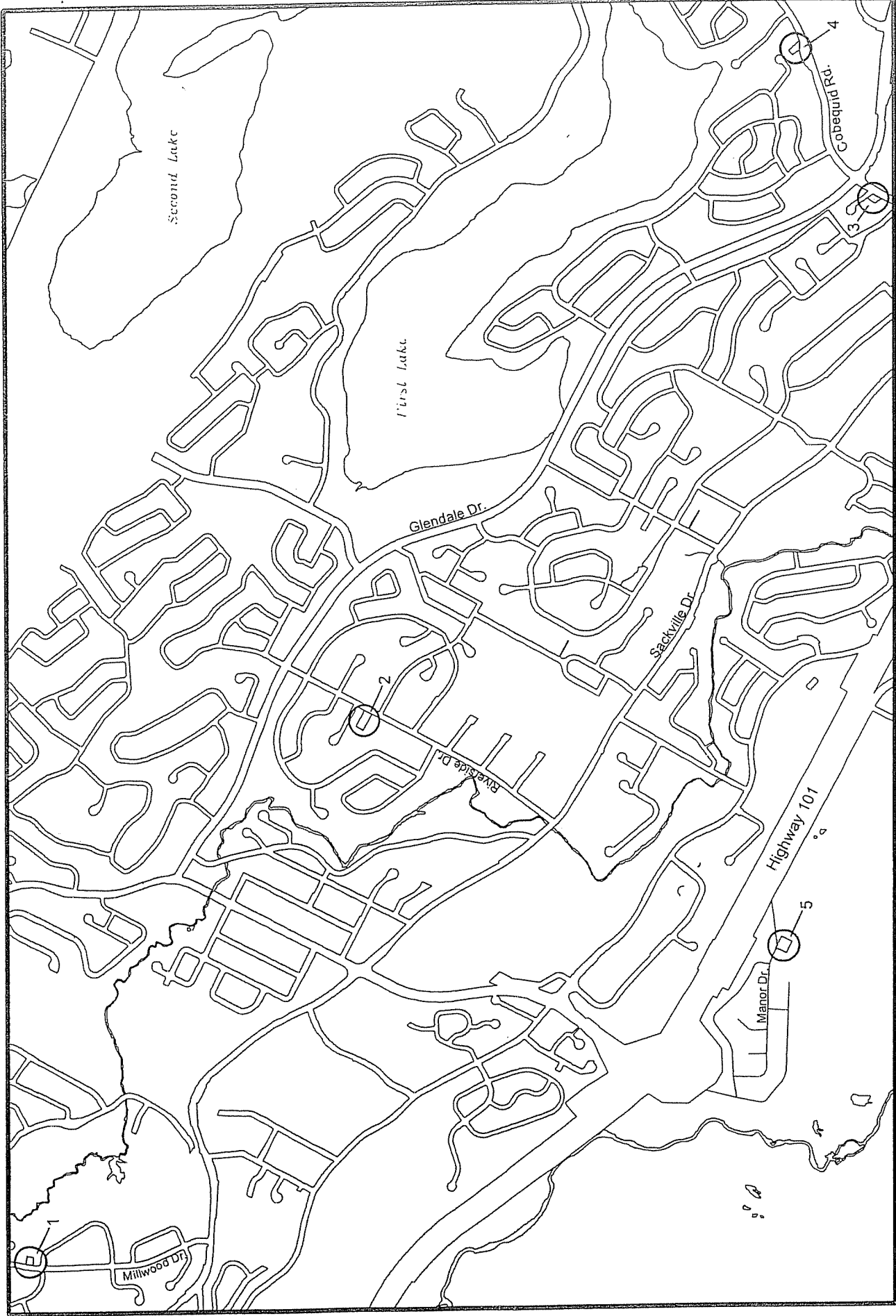
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Miles Agar, Planner, Community Development, 869-4262

Report Approved by:



Austin French, Manager of Planning Services, 490-6717



Map 1



C-1 (Local Business) Zoned Properties



HALIFAX
 REGIONAL MUNICIPALITY
 Planning Services

Attachment A (Revised to include NWPAC's recommendation)
Amendments to the Sackville Municipal Planning Strategy

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Sackville Municipal Planning Strategy as enacted by the former Halifax County Municipality on the 5th day of April, 1994, and approved by the Minister of Municipal Affairs on the 16th day of June, 1994 as amended, is hereby further amended as follows:

1) Amend Policy UR-18 by deleting the following ~~strikeout~~ text and inserting the following text in bold:

UR-18 Notwithstanding Policies UR-2 and UR-17, within the Urban Residential Designation, it shall be the intention of Council to consider new local commercial uses, **and the expansion of local commercial uses in the C-1 (Local Commercial) zone beyond the permitted gross floor area**, according to the development agreement provisions of the Planning Act. In considering any such agreement, Council shall have regard to the following:

- (a) that commercial uses shall be limited to service and personal service uses and local convenience outlets;
- (b) that the proposed development does not exceed a maximum gross floor area of ~~two thousand (2,000)~~ **five thousand (5,000)** square feet, exclusive of any area devoted to an accessory dwelling unit;
- (c) that the use is primarily intended to serve the local neighbourhood;
- (d) that the height, bulk **and** lot coverage ~~and appearance~~ of any building is compatible with the adjacent land uses **and with the character of the surrounding residential neighbourhood;**
- (e) that no open storage or outdoor display shall be permitted;
- (f) that site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;
- (g) that there is direct access to a major collector as identified on Map 3 - Transportation, with preference given to commercial sites which are located at the intersection of major and minor collectors;
- (h) the impact on traffic circulation and, in particular, the suitability of access to and from the site;
- (i) that it is not being considered on lands which are presently zoned and developed for either single or two unit dwelling purposes nor where it is intended to replace a single or two unit dwelling which has been demolished, removed or destroyed by fire.
- (j) maintenance of the development;
- (k) hours of operation;
- (l) the provisions of Policy IM-13; **and**
- (m) **the architectural design is compatible with the predominant roof styles, window styles and exterior cladding materials used in the surrounding residential neighbourhood.**

THIS IS TO CERTIFY that the amendments to the Sackville Municipal Planning Strategy, as set out above, were passed by a majority vote of the Halifax Regional Council on the ____ day of _____, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008.

Julia Horncastle
Acting Municipal Clerk

Attachment B
Amendments to the Sackville Land Use By-law

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Sackville as enacted by the former Halifax County Municipality on the 5th day of April, 1994, and approved by the Minister of Municipal Affairs on the 16th day of June, 1994 as amended, is hereby further amended as follows:

1) Amend Section 14.3 by adding the following text in bold:

Where uses are permitted as Commercial Uses in any C-1 Zone, the following shall apply:
(a) The gross floor area of any commercial building in any C-1 Zone shall not exceed two thousand (2,000) square feet (185.8 m²), exclusive of any residential component. **Local commercial uses may exceed a gross floor area of two thousand (2,000) square feet by Development Agreement according to the provisions of policy UR-18.**

THIS IS TO CERTIFY that the amendments to the Sackville Municipal Planning Strategy, as set out above, were passed by a majority vote of the Halifax Regional Council on the ____ day of _____, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008.

Julia Horncastle
Acting Municipal Clerk

Attachment C
Relevant Sections of the Sackville Municipal Planning Strategy

URBAN RESIDENTIAL DESIGNATION

NOTE: The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands is subject to the 1982 Plan and By-law.

Prior to the land assembly conducted by the Nova Scotia Department of Housing and the introduction of central sewer and water services, Sackville's housing consisted primarily of single unit dwellings with on-site services. Although the predominant housing type in Sackville is still the single unit dwelling, the community's overall density has increased with the introduction of central services. In 1981, there were 5,365 occupied dwellings and by 1986, this number had increased to 6,425. In 1993, the estimated number of dwelling units in Sackville grew to 9,607.

The Urban Residential Designation is designed to recognize the importance of the single unit dwelling environment with its associated activities such as home business uses, and yet acknowledge the need for higher density residential, larger day care facilities, medical clinics and local commercial development. The Urban Residential Designation will be the priority area for future residential development.

UR-1 In recognition of the established residential community and the need to provide for a variety of residential opportunities as the community continues to grow and evolve, it shall be the intention of Council to establish the Urban Residential Designation, as shown on the Map 1 - Generalized Future Land Use. The designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.

UR-2 Within the Urban Residential Designation, it shall be the intention of Council to establish a single unit dwelling residential zone which permits single unit dwellings and open space uses, and provides for the use of dwellings for limited business and day care uses within a dwelling. In addition, controls relative to vehicular parking, the number and size of signs, and open storage and outdoor display shall be established within the land use by-law.

Local Commercial Uses

Although general commercial development is not permitted in the Urban Residential Designation, neighbourhood commercial services such as corner stores and personal service shops can conveniently serve the public from locations within the general residential area. However, such uses create compatibility concerns with adjacent residential development relative to traffic generation on local streets, access controls, hours of operation, and visual effects related to site and building design. In light of these concerns, zoning for existing local commercial uses

will be maintained, but new local commercial uses will only be considered by development agreement.

UR-17 Notwithstanding Policy UR-2, in recognition and support of existing local commercial uses within the Urban Residential Designation, it shall be the intention of Council to establish a local business zone which permits variety and food stores. It is the intention of Council that this zone shall be applied only to existing local commercial uses.

UR-18 Notwithstanding Policies UR-2 and UR-17, within the Urban Residential Designation, it shall be the intention of Council to consider new local commercial uses according to the development agreement provisions of the Planning Act. In considering any such agreement, Council shall have regard to the following:

- (a) that commercial uses shall be limited to service and personal service uses and local convenience outlets;
- (b) that the proposed development does not exceed a maximum gross floor area of two thousand (2,000) square feet, exclusive of any area devoted to an accessory dwelling unit;
- (c) that the use is primarily intended to serve the local neighbourhood;
- (d) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- (e) that no open storage or outdoor display shall be permitted;
- (f) that site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;
- (g) that there is direct access to a major collector as identified on Map 3 - Transportation, with preference given to commercial sites which are located at the intersection of major and minor collectors;
- (h) the impact on traffic circulation and, in particular, the suitability of access to and from the site;
- (I) that it is not being considered on lands which are presently zoned and developed for either single or two unit dwelling purposes nor where it is intended to replace a single or two unit dwelling which has been demolished, removed or destroyed by fire.
- (j) maintenance of the development;
- (k) hours of operation; and
- (l) the provisions of Policy IM-13.

Attachment D
Relevant Sections of the Sackville Land Use By-law

PART 14: C-1 (LOCAL BUSINESS) ZONE

14.1 C-1 USES PERMITTED

No development permit shall be issued in any C-1 (Local Business) Zone except for the following:

Residential Uses

Single unit dwellings

Commercial Uses

Variety stores

Food stores

Service and Personal Service Uses

14.2 C-1 ZONE REQUIREMENTS

In any C-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1858.1m ²)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		15 feet (4.6 m)
Maximum Lot Coverage		25 per cent
Maximum Height of Main Building		35 feet (10.7 m)
Minimum Width of Main Building		20 feet (6.1 m)

14.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-1 Zone, the following shall apply:

- (a) The gross floor area of any commercial building in any C-1 Zone shall not exceed two thousand (2,000) square feet (185.8 m²), exclusive of any residential component.
- (b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (c) Except where any lot in any C-1 Zone abuts another commercially zoned property, no portion of any parking space within the C-1 Zone shall be permitted within any

required side or rear yard, except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.

PART 15: C-2 (COMMUNITY COMMERCIAL) ZONE

15.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (Community Commercial) Zone except for the following:

Commercial Uses

Retail stores
Food stores
Service and Personal Service Uses
Offices
Commercial schools
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Outdoor display courts
Shopping plazas and malls
Motels and hostels
Commercial recreation uses
Service stations
Taxi and bus depots
Parking lots
Greenhouses and nurseries
Veterinary hospitals and kennels
Welding, plumbing and heating, electrical and other special trade contracting services and shops
Local fuel distribution facilities
Re-cycling depots within wholly enclosed buildings
Automotive repair outlets
Funeral parlours and undertaker establishments
Existing auto body shops
Existing transport facilities and maintenance yards
Existing construction yards and maintenance facilities

Residential Uses

Existing dwellings
Existing multiple unit dwellings
Boarding and rooming houses

Community Uses

Open space uses
Institutional uses

15.2 C-2 ZONE REQUIREMENTS: COMMERCIAL AND RESIDENTIAL USES

In any C-2 Zone, where uses are permitted as Commercial Uses or Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1,858 m ²)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		15 feet (4.6 m)
Maximum Lot Coverage		50 per cent
Maximum Height of Main Building		35 feet (10.7 m)

15.3 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 13.2, where any service station is erected in any C-2 Zone the following shall apply:

- (a) Minimum Lot Area 30,000 square feet (2,787 m²)
- (b) Minimum Frontage 150 feet (45.7 m)
- (c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
- (d) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15.2 m).
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

15.4 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

- (a) The gross floor area of all commercial buildings on a lot in any C-2 Zone shall not exceed ten thousand (10,000) square feet (929 m²).
- (b) Notwithstanding the provisions of Subsection 13.4(a), where welding, plumbing and heating, electrical and other special trades contracting services and shops are permitted in any C-2 Zone, no such shop shall exceed thirty-five hundred (3,500) square feet (325 m²) of gross floor area.

- (c) Notwithstanding the provisions of Subsection 13.4(a), where offices are permitted in any C-2 Zone, no office building shall exceed five thousand (5,000) square feet (465 m²) of gross floor area.

15.5 OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Where any portion of any lot in any C-2 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No outdoor display shall be located within ten (10) feet (3 m) of any front lot line.
- (d) No open storage or outdoor display shall be permitted within any yard in a C-2 Zone where such yard abuts any Residential or Community Uses Zone, except where a fence or other visual and physical barrier is provided within the abutting yard.

15.6 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-2 Zone, whether in conjunction with other uses or as a separate use of land, the following shall apply:

- (a) Where any C-2 Zone abuts any Residential or Community Uses Zone, no portion of any parking space within the C-2 Zone shall be permitted within ten (10) feet (3 m) of any side or rear lot line.
- (b) No portion of any parking space within any C-2 Zone shall be located within ten (10) feet (3 m) of any front lot line.

15.7 C-2 ZONE REQUIREMENTS: COMMUNITY USES

In any C-2 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19 and Part 20 as are applicable.

15.8 OTHER REQUIREMENTS: EXISTING USES

Existing uses which are in excess of the maximum gross floor area requirements of Section 15.4 shall be permitted as existing uses. Any expansion to such existing uses may only be considered by development agreement.

15.9 OTHER REQUIREMENTS: SACKVILLE TOWN CENTRE

Notwithstanding the provisions of Section 15.1, and 15.4, the existing Sackville Town Centre Shopping Centre, located on the lot identified by LRIS Number 362442, may be used for any **of the uses listed below**. In conformity with Section 15.8, expansion of the Shopping Centre may only be considered by development agreement. **(RC-May 7, 2002; Effective-June 29, 2002)**

Commercial Uses

Retail stores
Food stores
Service and Personal Service Uses
Offices
Commercial schools
Banks and financial institutions
Restaurants and drive-in and take-out restaurants
Outdoor display courts
Shopping plazas and malls
Theatres and cinemas
Entertainment uses
Motels, hotels and hostels
Commercial recreation uses
Service stations
Taxi and bus depots
Parking lots
Greenhouses and nurseries
Veterinary hospitals and kennels
Welding, plumbing and heating, electrical and other special trade contracting
services and shops
Local fuel distribution facilities
Re-cycling depots
Automotive repair outlets
Funeral Parlours and undertaker establishments
Wholesale bakeries
Printing and publishing establishments
Existing auto body shops
Existing transport facilities and maintenance yards

Residential Uses

Up to two (2) dwelling units in conjunction with commercial uses
Existing dwellings
Boarding and rooming houses

Community Uses

Open space uses
Institutional uses (RC-May 7, 2002; Effective-June 29, 2002)

Attachment E
Minutes from the October 15, 2007 Public Meeting

HALIFAX REGIONAL MUNICIPALITY

**NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING
MINUTES**

October 15, 2007

PRESENT: Ms. Ann Merritt, Chair
Mr. Walter Regan
Ms. Jessica Alexander
Mr. Caylum Evong
Councillor Gary Martin
Councillor Brad Johns
Councillor Bob Harvey

REGRETS: Mr. Jim Sullivan
Ms. Gloria Lowther

ABSENT: Mr. Lorne Piercey
Mr. Warren Hutt

STAFF: Mr. Joseph Driscoll, Planner
Ms. Melody Campbell, Legislative Assistant

1. CALL TO ORDER

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

The Chair welcomed HRM staff and Members of the Public to the meeting and reviewed the ground rules.

2. **Case 01029 - Application by North West Community Council to consider amending the Sackville Municipal Planning Strategy and Land Use By-law to increase the maximum gross floor area of a building within the C-1 (Local Business) Zone from 2,000 square feet to a maximum of 5,000 square feet**

Mr. Joseph Driscoll, Planner, presented Case 01029 - Application by North West Community Council to consider amending the Sackville Municipal Planning Strategy and Land Use By-law to increase the maximum gross floor area of a building within the C-1 (Local Business) Zone from 2,000 square feet to a maximum of 5,000 square feet.

Mr. Driscoll advised that there will be no decision made this evening, this is for information purposes only. This public meeting is the first step. The report will then go forward to North West Planning Advisory Committee, on to North West Community Council and then to Regional Council for approval.

The following discussion was held after the presentation.

Ms. Denise Cooke, Middle Sackville agrees with the proposal to increase, the 2000 square feet is not large enough, 5000 is needed. With the growth of the community, it would promote growth of business.

Mr. Terry Panopolis does not agree with the increase. Many of the businesses on Sackville Drive will lose business. Businesses on Sackville Drive depend on clients from the surrounding districts. He noted that beauty salons and small restaurants do not have to be larger than 2000 square feet.

Ms. Michelle Champness, Sackville Drive Business Association asked if all new buildings could automatically be 5000 square feet. Mr. Driscoll advised that if this is approved, they will be able to build up to 5000 square feet although you will still require a development agreement. If you want to expand, it would go through a development agreement.

Ms. Merritt clarified that these development agreements would not be required for the businesses on Sackville Drive, it is for the residential areas to build business in their areas. Mr. Driscoll added that the C1 areas have a very limited use compared to businesses on Sackville Drive. This proposal does not address a change of permitted uses, as permitted in C1. It only addresses building business size.

Mr. Panopolis is concerned that up to 4-5 stores in an area could increase sizes causing too much competition. Mr. Driscoll added that due to the larger retailers in the area, and increased business hours, this has not been the case.

Mr. Regan inquired as to the percentage of a lot can be used. Mr. Driscoll advised that a building can be 25% of the property lot, this is the preferred scenario.

Ms. Alexander requested clarification to the dimensions currently in place in a strip mall. Is the 2000 square feet for the whole mall or for each unit. Mr. Driscoll noted that the 2000 square feet is for the whole building. Normally, in a residential area, there are no strip malls, which are normally in a commercial area.

Mr. Evong supports the decision to increase the square footage through a development agreement. This will develop prosperity in the community.

Mrs. Cooke, Sackville, supports the proposal. She owns a business in the community and would like the opportunity to expand. She has received support from the community for the expansion. As it is now, 2-3 business cannot build together due to the 2000 square feet restriction.

Councillor Johns added that under a C1 zone any development is approved by a development agreement. Mr. Driscoll concurred that any new businesses in a C1 zone still have to go through the development agreement process.

3. CLOSING COMMENTS

Ms. Merritt, Chair, thanked the public for their participation.

4. ADJOURNMENT

The meeting adjourned at 7:45 pm.

Melody Campbell
Legislative Assistant