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Harbour East Community Council
August 3, 2006

TO: Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services

DATE: July 20, 2006

SUBJECT: **CASE 00863: Housekeeping Amendment to the Dartmouth Land Use Bylaw**

ORIGIN:

Application by Halifax Regional Municipality to undertake a housekeeping amendment to the Land Use Bylaw for Dartmouth.

RECOMMENDATION:

It is recommended that Harbour East Community Council:

- 1. Waive the Public Participation policy and give First Reading for the proposed housekeeping amendment to the Land Use Bylaw for Dartmouth, as shown in Attachment A of this report, and schedule a public hearing;**
- 2. Approve the proposed amendment to the Land Use Bylaw for Dartmouth, as shown in Attachment A of this report.**

BACKGROUND:

The LUB for Dartmouth has been in effect since 1978. As is the case with any land use by-law, changes in the practical administration of this document prompts the need for periodic housekeeping amendments. These amendments are required to correct omissions, clarify definitions and confusing clauses and create consistency among various by-law provisions.

DISCUSSION:

In general, the proposed amendments can be characterized as follows:

- *Revise the Salvage Yard definition to permit the storage, handling or processing and/or the sale of scrap material.*

Currently the definition permits a salvage yard only when the storage, handling or processing of scrap material is for sale. Such operations may or may not offer the scrap metal for retail sale. This lack of flexibility places a unrealistic limitation on salvage yard operations and an undo hardship on salvage yard operators.

This amendment is relatively minor in nature and does not result in substantive changes to land use requirements. Rather this amendment generally reflects how staff has been interpreting the bylaw. These changes are intended to correct obvious mistakes and introduce requirements that have been omitted in error.

BUDGET IMPLICATIONS:

There are no budget implications.

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 housekeeping amendment. This is the staff recommendation.
2. Council may choose to reject the proposed housekeeping amendment. However the proper administration of the Land Use Bylaw is fundamental to the Planning process for Dartmouth.

Therefore if these housekeeping amendments are rejected staff may not be able to fully administer the Bylaw as was intended.

ATTACHMENTS:

Attachment A: Amendments to the Land Use By-law for Dartmouth
Attachment B: Excerpts from the Dartmouth Land Use By-law -Existing Salvage Yard definition

Further information regarding the contents of this report may be obtained by contacting Shayne Vipond, Planners at 490- 4335.
For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4234 or 490-4208 (FAX).

ATTACHMENT A

**Amendment to the Land Use Bylaw
for Dartmouth**

The Land Use Bylaw for Dartmouth is hereby amended by:

1. Deleting the words “handling or processing of and sale of scrap material” in the first sentence of Part 1, section 1 (an) and replacing it with the following words:

“ handling, processing of and/or sale of scrap material”

ATTACHMENT B

EXCERPTS FROM DARTMOUTH LAND USE BY-LAW

- (an) SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (Regional Council - September 10, 2002, Effective - November 9, 2002)

I-4 - SALVAGE ZONE

- 43A. (1) The following uses only shall be permitted in an I-4 Zone:
- (a) salvage yard and;
 - (b) any use accessory to the foregoing.
- (2) Prior to the issuance of any permit for development in an I-4 Zone, the applicant shall provide to the Development Officer evidence that all necessary approvals from other government agencies have been obtained and shall indicate any conditions attached thereto.
- (3) Lands used for I-4 uses in an I-4 Zone shall comply with the following requirements:
- (a) the salvage operations, scrap materials and scrap items on the site shall be completely enclosed and screened from the view of any adjacent sites or streets;
 - (b) without restricting the generality of clause (a) above, a fence shall be constructed around the entire property which fence shall be:
 - (i) not less than twelve (12) feet in height;
 - (ii) constructed of opaque material;
 - (iii) set back a minimum of twenty (20) feet from the property line on any side abutting a City street;
 - (c) all areas between the fence and the street line, with the exception of driveways and walkways, shall be landscaped and maintained by the owner. Landscaping shall include sodding to the curb and decorative shrubs or trees suitable for the location;

- (d) landscaped areas shall not be used for outside storage, parking, loading, unloading or similar uses;
- (e) the submission of a site plan;
- (f) minimum lot size 5,000 square feet.

(As amended by By-law C-562, Apr27/86)