



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Marine Drive, Valley and Canal Community Council**  
**June 27, 2007**

**TO:** Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** June 18, 2007

**SUBJECT:** Case 01045 - Shubenacadie Lakes LUB Amendments

**ORIGIN**

- Public consultation relating to Case 00617 - Aerotech / Planning Districts 14 and 17 (Shubenacadie Lakes) MPS and LUB Amendments identified a number of housekeeping amendments to the Planning Districts 14 and 17 Land Use By-law.

**RECOMMENDATION**

It is recommended that Marine Drive, Valley and Canal Community Council:

1. Give First Reading to consider amendments to the Planning Districts 14 and 17 Land Use By-law, provided in Attachment A of this report to amend the definition of obnoxious use and to schedule a public hearing;
2. Give First Reading to consider amendments to the Planning Districts 14 and 17 Land Use By-law, provided in Attachment B of this report to amend sign requirements and to schedule a public hearing;
3. Approve the amendments to the Planning Districts 14 and 17 Land Use By-law to amend the definition of obnoxious use, provided in Attachment A of this report.
4. Approve the amendments to the Planning Districts 14 and 17 Land Use By-law to amend sign requirements, provided in Attachment B of this report.

## **BACKGROUND**

During the public consultation phase for the review of land use policy and regulations of the Aerotech Industrial Park (Case 00617), a number of issues with the current Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law (LUB) were identified of a housekeeping nature. Because of the time sensitivity of developments related to these matters, staff have identified three specific issues that should be reviewed prior to the completion of the Aerotech review. These issues relate to the definition of obnoxious use and facia and ground signage within the Shubenacadie Lakes LUB. Specifically the issues identified were:

- a) The definition of Obnoxious Use is not consistent with current practices as it could preclude a land use for reasons other than the use being obnoxious, further the definition is considered by staff to be inappropriate and difficult to enforce. This issue was raised to staff in relation to an existing bulk storage/warehousing facility, Alpha Chemical in Waverley.
- b) Existing sign regulations do not allow for multiple facia signage and the permitted size of facia signage is not directly related to the area of the wall to which it is attached. This issue was raised to staff in relation to the new Scotiabank which recently opened in Fall River.
- c) Existing sign regulations limit ground signs in the AE-4 (Aerotech Business) and C-4 (Highway Commercial) Zones to a height of 100 feet (30.5m) or 50 feet (15.2m) respectively but limit the area to 100 square feet (9.3m<sup>2</sup>), approximately 10 feet by 10 feet. This issue was identified by staff in relation to an inquiry by the Airport Hotel.

## **DISCUSSION**

### **Definition of Obnoxious Use**

The existing definition of an obnoxious use is:

OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials and shall include, in unserviced areas, operations which produce wastes which cannot be disposed of by means of an on-site sewage disposal system or which involves, as the primary function, the processing, production, or warehousing of dangerous goods or hazardous wastes.

The portion of the current definition which refers to the processing, production, or warehousing of dangerous goods or hazardous wastes has been identified by staff as not being appropriate for the inclusion within the definition of obnoxious use. Obnoxious uses are identified in the Land Use By-law in order to minimize the impact or nuisance of land uses which are obnoxious by means of noise, vibration, fumes, unsightliness, or garbage. The definition should not preclude or manage a land use which is permitted by the Land Use By-law that does not create a nuisance.

Currently the Land Use By-law, through specific zones, may permit the processing, production, or warehousing of dangerous goods or hazardous wastes, but the obnoxious use definition limits the processing, production, or warehousing of such materials to operations where the primary function/ use on a parcel of land is less than half of the operation. Therefore, the current definition needs to be amended to remove the primary function limitation.

It is the opinion of staff that the primary function limitation is inappropriate as:

- a) the handling of these materials is regulated by the Nova Scotia Department of the Environment and Labour and their environmental assessment process where applicable;
- b) the processing, production, or warehousing of dangerous goods or hazardous wastes does not necessarily create a nuisance;
- c) the listing of the processing, production, or warehousing of dangerous goods or hazardous wastes as obnoxious does not preclude the establishment of these uses under the Land Use By-law; and
- d) the enforcement of the current standard is difficult to enforce and the Land Use By-law does not provide much guidance on how to measure compliance (i.e. volume, value, weight, etc.).

Therefore, staff are recommending the following new definition of obnoxious use be adopted:

2.51 OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.

### **Revised provisions for Signage**

The current Land Use By-law (Attachment C) limits the number of fascia signs and limits the area of signs in a manner that has no direct relationship to the area of the wall to which it is attached. Further the regulations restrict ground signs in high traffic areas zoned C-4 (Highway Commercial) Zone and AE-4 (Aerotech Business) Zone to 100 square feet (9.3m<sup>2</sup>). These provisions may needlessly restrict the options for businesses. To remedy the issues, staff are proposing the following changes (Attachment B):

- permitting multiple fascia signs.
- restrictions on the combined area of all fascia signs.
- Increased maximum sign area of 250 square feet in the C-4 Zone and AE-4 Zone.

The impact of the proposed changes are identified in the following tables:

Facia Signs (Sample Building with a building face of 35 feet by 100 feet):

	Existing Regulations	Proposed Regulations
Number of Facia Signs (maximum)	1	unlimited
Max. Size of any Sign	200 square feet (18.5m <sup>2</sup> )	350 square feet (32.5.m <sup>2</sup> )
Total area of all of Signs	200 square feet (18.5m <sup>2</sup> )	525 square feet (48.7.m <sup>2</sup> )

Ground Signs:

	Existing Regulations	Proposed Regulations
Permitted Height (maximum)	100 feet (30.5m)	100 feet (30.5m)
Permitted Area (maximum)	100 square feet (9.3m <sup>2</sup> )	250 square feet (23.2m <sup>2</sup> )

The proposed changes to the sign regulations will allow for greater options for the placement of facia signage. The proposed changes are designed to be directly proportionate with the size of a building and thus should not have a significant impact on the aesthetic of a building.

The proposed changes to ground signs allows for signs of a greater area on lands which are adjacent to high traffic areas. The proposed changes allow for an increased size of sign, two and a half times greater than the existing regulation, for businesses that are located on or near high volume roads such as Highway 102 and zoned C-4 (Highway Commercial) Zone or AE-4 (Aerotech Business) Zone.

It is the opinion of staff that the proposed changes to the current signage provisions are reasonable and consistent with the requirements of the MPS (Attachment D).

#### **Public Participation Meetings:**

In response to public participation meetings held for the review of Aerotech/Planning Districts 14 and 17 (Shubencacadie Lakes) MPS and LUB Amendments (Planning Case 00617), the above noted issues(definition of obnoxious and signage provisions) were raised to staff for consideration under the review. These issues were considered minor housekeeping amendments and would apply throughout the plan area. One of the main reasons for a public information meeting is to allow an applicant to present their proposal or issue to the public. Due to the housekeeping nature of the amendments and the lack of a specific application to present, no public information meeting was held on either issue.

Should Council decide to hold a public hearing on the attached proposals, staff will publish a newspaper ad as notification of the hearing. An additional notification will not be distributed to

individual property owners as the proposed amendments are general in nature and could affect a broad number of property owners.

### **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. Approve the proposed changes to the District 14 and 17 LUB. This is recommended the recommended course of action for reasons described above.
2. Refuse the proposed changes to the District 14 and 17 LUB. This is not recommended, as it is staff's opinion that the proposed changes meet the intent of the MPS.
3. Council may approve the proposed amendments with minor modifications. This is not the recommended course of action for reasons described above.
4. Council may approve the proposed amendments with major modifications. This may require the scheduling of an additional public hearing. This is not the recommended course of action for reasons described above.

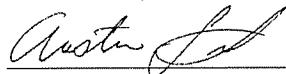
### **ATTACHMENTS**

Attachment A	Proposed Amendments to the Shubenacadie Lakes LUB - Obnoxious Use
Attachment B	Proposed Amendments to the Shubenacadie Lakes LUB - Signs
Attachment C	Excerpts from Existing LUB Sign Regulations
Attachment D	Relevant MPS Policy

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Andrew Bone, Senior Planner, Community Development, 869-4226

Report Approved by:



Austin French, Manager of Planning Services, 490-6717

**Attachment A**  
**Proposed Amendments to the Planning Districts 14 and 17 Land Use By-law**  
**Obnoxious Use**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law of Planning Districts 14 and 17 as enacted by the Halifax Regional Municipality on the 2<sup>nd</sup> day of May, 1989 and approved by the Minister of Municipal Affairs on the 19<sup>th</sup> day of July, 1989, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 22<sup>nd</sup> day of April, 2004, is hereby further amended as follows:

1. Part 2: Definitions of the Land Use By-law is amended by deleting Part 2, Section 2.51 and replacing it with a new Section as follows:

“2.51 OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.”

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 14 and 17 as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_, 2007

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_, 2007

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk

**Attachment B**  
**Proposed Amendments to the Planning Districts 14 and 17 Land Use By-law**  
**Signs**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law of Planning Districts 14 and 17 as enacted by the Halifax Regional Municipality on the 2<sup>nd</sup> day of May, 1989 and approved by the Minister of Municipal Affairs on the 19<sup>th</sup> day of July, 1989, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 22<sup>nd</sup> day of April, 2004, is hereby further amended as follows:

1. Part 5, Section 5.7 shall be deleted and replaced with the following text;

“5.7 FACIAL WALL SIGNS

- a) No facial wall sign shall cover:
  - i) more than ten percent of the area of the wall which it is attached; or
  - ii) more than two (2) square feet (.19 m<sup>2</sup>) per lineal foot of the wall on which the sign is affixed, whichever is greater.
- b) The total areas of all facial wall signs shall not exceed fifteen percent of the area of the wall which it is attached or an area of more than two (2) square feet (.19 m<sup>2</sup>) per lineal foot of the wall it is attached, whichever is greater.
- c) Notwithstanding Section 5.3, all facial wall signs combined shall count as one sign and sign coverage shall be allocated proportionally for each business premises in the case of multiple occupancy buildings.”

2. Part 5, Section 5.9 (a) (i) shall be deleted and replaced with the following text;

- “5.9 (a) (i) signs within the C-4 (Highway Commercial) and AE-4 (AeroTech Business) Zones where such signs shall not exceed two hundred-fifty (250) square feet (23.2 m<sup>2</sup>) square feet of sign area on a single face or five hundred (500) square feet (46.4 m<sup>2</sup>) of sign area of both faces combined; or”

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 14 and 17 as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_, 2007

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_, 2007

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk



**Attachment C**  
**Excerpts from Existing LUB Requirements - Signage**

**PART 5: SIGNS**

**5.3 NUMBER OF SIGNS**

- (a) 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 premises.
- (b) 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. Where latter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.
- (c) No more than two (2) signs shall be erected on any premises at any one time. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

**5.4 SIGN AREA**

The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or three-faced sign in the plane of its largest dimension. Each visible face of a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.

**5.7 FACIAL WALL SIGNS**

No facial wall sign shall cover more than two (2) square feet (.19 m<sup>2</sup>) per lineal foot of the wall on which the sign is affixed, such coverage to be allocated proportionally for each business premises in the case of multiple occupancy buildings.

**5.9 GROUND SIGNS**

- (a) No ground sign shall exceed thirty-two (32) square feet (3 m<sup>2</sup>) of sign area on a single face or sixty-four (64) square feet (6 m<sup>2</sup>) of sign area for both faces combined, except for:
  - (i) signs within the C-4 (Highway Commercial) and AE-4 (AeroTech Business) Zones where such signs shall not exceed one hundred (100) (9.3 m<sup>2</sup>) square feet of sign area on a single face or two hundred (200) square feet (18.6 m<sup>2</sup>) of sign area of both faces combined; or

- (ii) signs accessory to existing commercial or industrial uses within the C-2 (Community Commercial) Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m<sup>2</sup>) of sign area on a single face or two hundred (200) square feet (18.6 m<sup>2</sup>) of sign area of both faces combined.
- (b) No ground sign shall exceed a height of:
  - (i) twenty-five (25) feet (7.6 m) in the C-2 (Community Commercial) Zone;
  - (ii) fifty (50) feet (15.2 m) in the C-4 (Highway Commercial) Zone;
  - (iii) one hundred (100) feet (30.5 m) in the AE-4 (AeroTech Business) Zone,
- (c) No ground sign shall extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space.
- (d) No ground sign shall share a sign supporting structure with any other sign.
- (e) No ground sign shall be located within fifteen feet (4.6 m) of any property line.
- (f) No more than one ground sign shall be permitted on any lot.

**Attachment D  
Relevant MPS Policy**

P-158 In accordance with Sections 54 (1)(a) and (b) of the Planning Act, it shall be the intention of Council to establish regulations and standards within the Land Use By-law, with respect to the nature, type and size of signs permitted and prohibited within the Plan Area generally as well as within specific zones.