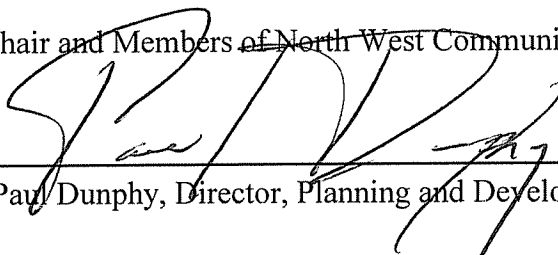




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Community Council
August 9, 2007

TO: Chair and Members of North West Community Council

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

DATE: July 31, 2007

SUBJECT: Case 01000: Ice Cream Stands as Temporary Commercial Uses - Sackville Drive Land Use By-law

SUPPLEMENTARY REPORT

ORIGIN

North West Community Council public hearing, May 24, 2007.

RECOMMENDATION

It is recommended that North West Community Council confirm its' motion of May 24, 2007 to permit ice cream stands as a temporary commercial use within the Sackville Drive Land Use By-law as outlined in Attachment "A" of this report.

BACKGROUND

On May 24, 2007, North West Community Council held a public hearing to consider changes to the Sackville Drive Land Use By-law (LUB) to permit ice cream stands as a temporary use.

In regard to the proposed amendment, Council approved the following motion:

"Approve the amendments to the Sackville Drive Land Use By-law to permit ice cream stands as temporary commercial uses as provided in Attachment "A" of this report (April 17, 2007)."

However, Attachment "A" of the April 17, 2007 staff report contained a typographic error which resulted in the wrong section of the LUB being referenced.

DISCUSSION

Staff would like to confirm with Council its intention relative to their above noted motion. Attachment "B" of this report contains the wording identified to Council in the original staff report which incorrectly references Part 6, Section 20. Attachment "A" contains the intended wording referring to Part 6, Section 16.

Legal Services has advised that a confirmation of the intent of Council's motion is adequate to correct this typographical error and resulting motion. Therefore, staff are recommending that North West Community Council confirm their intent to modify Part 6, Section 16 of the Land Use By-law as outlined in Attachment "A".

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

None

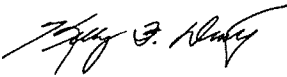
ATTACHMENTS

Attachment "A"	Intended Wording - Excerpt of Motion
Attachment "B"	Excerpt from Staff Report dated May 2, 2007 containing Typographic Error

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: Andrew Bone, Sr. Planner - Planning Applications: Community Development 869-4226

Report Approved by:



Kelly Denty A/ Manager of Planning Services 490-6011

Attachment "A"
Intended Wording - Excerpt of Motion

“2. Part 6, **Section 16** shall be deleted and replaced with the following text:

“Temporary Commercial Uses Permitted

16. Nothing in this Bylaw shall prevent the use of land or the erection of a temporary building or structure for such purpose as midways, circuses, fairs, festivals, the display of artwork and crafts, or artistic performances provided that such remain in place no longer than five (5) days. Christmas Tree sales are permitted in all zones. Temporary Ice Cream stands shall be permitted for a period of six months only in the Pedestrian Retail (PR) Zone and shall not exceed 18.5 m² (200 ft²) in area.

Any development permit issued for a special use under this section shall be in force for a maximum period of one (1) year (with the exception of Christmas Tree sales) from the date of issue and any permit may be reissued upon request, subject to review by the Development Officer. Flea Markets shall be considered as an accessory uses within the Downsview Complex Zones (DC-1, DC-2, DC-3) and shall be excluded from this provision. Any building or structure used for a temporary use shall be removed within 30 days of the discontinuance of the use or at the expiration of the temporary period.

Temporary ice cream stands shall provide landscaping in the form of a landscaped planter as identified in Part 7, Section 47 (3).”

Attachment "B"
Excerpt from Staff Report dated May 2, 2007 containing Typographic Error

“2. Part 6, Section 20 shall be deleted and replaced with the following text:

“Temporary Commercial Uses Permitted

20. Nothing in this Bylaw shall prevent the use of land or the erection of a temporary building or structure for such purpose as midways, circuses, fairs, festivals, the display of artwork and crafts, or artistic performances provided that such remain in place no longer than five (5) days. Christmas Tree sales are permitted in all zones. Temporary Ice Cream stands shall be permitted for a period of six months only in the Pedestrian Retail (PR) Zone and shall not exceed 18.5 m² (200 ft²) in area.

Any development permit issued for a special use under this section shall be in force for a maximum period of one (1) year (with the exception of Christmas Tree sales) from the date of issue and any permit may be reissued upon request, subject to review by the Development Officer. Flea Markets shall be considered as an accessory uses within the Downsview Complex Zones (DC-1, DC-2, DC-3) and shall be excluded from this provision. Any building or structure used for a temporary use shall be removed within 30 days of the discontinuance of the use or at the expiration of the temporary period.

Temporary ice cream stands shall provide landscaping in the form of a landscaped planter as identified in Part 7, Section 47 (3).”