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1. **CALL TO ORDER**

The meeting was called to order at 1:10 p.m. in the Council Chambers at 1841 Argyle Street, Halifax by Councillor Adams.

2. **APPOINTMENT OF CHAIR**

**MOVED by Councillors Walker and Blumenthal that Councillor Adams act as Chairman of this Joint Meeting. MOTION PUT AND PASSED.**

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The Order of Business was adopted.

4. **PUBLIC HEARINGS**

4.1 **Case 00207 - Amendment to the C-2A Zone Sign Requirements in the Land Use By-laws for Halifax Peninsula and Halifax Mainland**

A Staff Report dated July 19, 2000 was before the Community Councils. Gary Porter, Planner provided an overview of the application. He provided pictures of commercial uses in C-2A zones. During the course of his presentation, he advised that Atlantic Shopping Centres made the application to amend the By-law to get a provision back in place which was eliminated in C-2A zones as a result of amendments in September, 1999 to restrict the proliferation of billboards within the former City of Halifax, i.e. the ability to erect commercial fascia signs exceeding three feet in height.

Mr. Porter advised that staff reviewed the situation and put forward amendments felt to be consistent with the types of signs now in the C-2A zone while still being consistent with the previous billboard amendments. There were two changes proposed: 1) the rule that says you can have a 3' high sign immediately above the ground floor store windows would still be in place but with the addition of a sliding scale so that the further you set the building back the larger the sign can be. Under the proposed regulations, 8' would be the largest the sign could be. 2) In addition to that sign, there could also be up to two other signs having a total area of 300 sq. ft. and maximum height of 3'.

Mr. Porter continued that while some of the existing signs in the C-2A zone will continue to be non-conforming, this amendment was considered to be a reasonable compromise between what was previously permitted and what is permitted now. On that basis, staff was recommending approval.

Councillor Blumenthal asked if a sign for a banking machine would be permitted. In response, Mr. Porter advised that the rules are interpreted by the Development Officer. Directional signs are not counted under the permitted signs. Any signs that form part of an advertisement are. The bank sign would be an advertising sign but a sign indicating "open 24 hours" would not be regulated by these rules.

Councillor Read stated he had an issue with the designation of C-2 and C-2A and the parameters surrounding those. Even a major commercial should conform to the intent of the C-2A zone, part of which was a smaller sign. He asked if there was a major commercial facility going in legally on a C-2A but picking and choosing the requirements.

In response, Mr. Porter agreed there were some inconsistencies. The difficulty with the C-2A zone was that it does not put any limit on the size of buildings and permits retail uses which, in this case, has allowed a large store. The C-2 zone preceded the C-2A. C-2A was modeled to be halfway between the Peninsula C-1 and C-2 zones and similar rules were adopted for the Mainland.

Councillor Read pointed out that the only area zoned C-2 in Spryfield was South Centre Mall; however, the Sobeys property was roughly two-thirds the size of the shopping centre so it would seem that it is a major commercial facility.

The Chair then called for speakers for or against the application.

Mr. Glen Boone, representing Sobeys Leased Properties/Atlantic Shopping Centres provided a sketch showing the scale of the building. He advised that Sobeys came forward with the application for the new Sobeys store in Spryfield which is in a C-2A zone. Although the development permit application was issued last October, Sobeys only came forward recently with building plans. The proposed signage coming forward was felt to be reasonable, utilizing a standard corporate size and layout logo accompanied with the Sobeys name. Similar signs are on buildings throughout Atlantic Canada and now Ontario and Quebec. Sobeys was looking to design a new storefront and, as part, Sobeys had to consider how to fit the sign onto the front of the building. Most buildings are set back a considerable distance from the street and, in the initial application, it was understood that Sobeys was a large commercial use but within the rights of the existing By-laws. Although he agreed the buildings are large, there is not an overbearing impact with signage but a need to see the sign from the street. Corporate identity was important. Green is the corporate colour.

Mr. Boone continued that the C-2A zone permits the development. Even though the process got off track with meetings in July, it was fine now as Sobeys felt it was a reasonable approach to the situation. Sobeys was not looking at 10' high as originally

requested but has stepped back to the 8' high which is permissible at the 100' setback. Taking the average height was a reasonable approach and still respects the streetscape. Other issues, outside planning issues, were dealt with in conjunction with the community because the Spryfield store is a new store.

Councillor Blumenthal asked if Sobeys intended on changing the front on the store at Windsor Street. In response, Mr. Boone advised that the front facade would have the same look as the Spryfield store - the new look - glass with green lettering.

Ms. Beverly Miller, 6182 South Street requested that Community Council reject the application because, in her opinion, there are serious problems with the Staff Report. She referred to page 3, the portion stating that Plan policy supports sign regulations "in keeping with the character of the respective commercial areas". She was hearing today that the character of the commercial area was being determined by the building being built, not by the area which by definition, a C-2A minor commercial area, was a neighbourhood area. Staff was essentially saying that if you build a big enough building, that would determine the sign, not the area surrounding where the building is being built.

Ms. Miller also referred to the next paragraph on page 3 indicating that as the setback distance increases, the less practical a sign becomes when restricted to 3'. She asked if there was any reason why a 3' high sign was not practical. It seemed that now the sign should fit the building, not that the sign should fit the C-2A zone.

Ms. Miller also had questions with illuminated or non-illuminated signs - Attachments I and II. There did not appear to be restrictions as to where on the building the signs can go. She asked what was to prevent a sign on the back of the store that would shine in people's windows at night. This could create serious problems in the C-2A zone in residential areas. It was not the Spryfield building that was in question but all of the minor commercial areas in residential areas. Community Council should consider the ramifications carefully. She was concerned with the comment by staff in the report indicating that the existing sign by-laws are not being enforced and asked what guarantee there would be of enforcement of larger, more obtrusive signs.

Councillor Adams asked for clarification regarding enforcement. In response, Mr. Porter advised that any sign established legally prior to the new billboard changes would be permitted to remain. The regulations would only affect new structures or if someone removed the old signs and they were gone for an extended period. There would be nothing to prevent changing the message on the signs, however.

Ms. Miller also asked why the Public Hearing was being held at 1:00 p.m. rather than the evening when the public would be more available to attend. In response, Mr. Porter

advised that the Public Hearing date was set for September 5, 2000 and was intended to be a Joint Meeting of Regional Council and Chebucto Community Council. Subsequent to setting the date for the Hearing, the Peninsula and Western Region Community Council was formed and, therefore, they became the ones to hear the application rather than Regional Council. The Public Hearing could not be held at 6:00 p.m. because Regional Council meets at that time.

Ms. Marjorie Willison, 40 Rockingstone Road, Spryfield advised she had seen the first Staff Report but it had not been acceptable to her. The proposal before Community Council, however, was acceptable. She commented on the importance of scale and the fact that the size of the sign would vary with the setback made a lot of sense and could fit into a neighbourhood. She acknowledged the effort made by Sobeys to keep the community character, preserve green space and trees. She recommended that the Municipal Planning Strategy be reviewed every five years.

Councillor Blumenthal referred to the allowed three signs and said he hoped there would not be a sign on the back of the Sobeys building on Windsor Street. In response, Mr. Porter advised they would be as of right. The first sign has to be up front but under the current wording, it was entirely possible that the others could go at the back.

Councillor Blumenthal advised that if he could not get assurances from Sobeys that they will not put a sign on the back of the property, he would be voting against the application.

Councillor Uteck advised that Sobeys on Queen Street had been so accommodating that they turned the building around and made it more difficult for themselves. She agreed that the proposal was reasonable. The question that has come up is what is allowable in a C-2A zone not whether Sobeys should have a sign. She suggested this issue should be revisited to look at what can be the compatible size of a building in a neighbourhood.

Councillor Read said that in the case of Spryfield Sobeys, the rear of the building abuts a residential zone and asked if a sign could be put up there as well. In response, Mr. Porter advised this would be a fascia sign and could be permitted on the back side of the building. He asked for input from the Municipal Solicitor as to whether or not it would be possible to add the words "front of the building" to alleviate concerns.

Mr. Wayne Anstey, Municipal Solicitor stated that the bigger sign was only permitted on the front and the other two could go to a height of 3' with a total of 300 sq. ft. This would limit the size of the two signs. Staff would come to the conclusion, however, that any illuminated sign facing that close to a house would be a nuisance.

Mr. Porter said the wording indicated an illuminated sign was only allowed if it did not constitute a nuisance. Under the Sign By-law, the sign can only be illuminated up to 11:00 p.m. unless the business is open after that time.

Mr. Anstey noted that under the same Sign By-law, there were provisions about the way the signs are lighted - they could not put out a direct beam.

Councillor Blumenthal stressed that there is a complete residential area behind the Sobeys store on Summit Street. It is open 24 hours a day and he has had numerous calls about cars loading after 10:00 p.m. and trucks unloading after midnight. He did not want to have any problems with the residents in that area.

Mr. Anstey suggested that Community Council might consider an amendment that the illuminated sign provision not apply to those two signs.

The Chair called three times for further speakers in favour or against. There were none.

Mr. Glen Boone, in rebuttal, advised that the majority of the signage needed is on the front facade and there was no intention at this time to put any signs at the back or on the right side. The only other consideration would be a sign on Windsor Street which would be considerably smaller but not to the rear of the building.

Councillor Blumenthal asked for clarification of Mr. Boone's statement "no intention at this time". In response, Mr. Boone advised that if an amendment were to come forward, he could commit there would not be any signage at the back of the building short of having to come to Community Council with an amendment sometime in the future. The people to whom Sobeys was advertising were the neighbours and if they are annoyed, they would not become customers. Sobeys had to respect the clientele.

Councillor Adams asked if Mr. Boone was suggesting that there was no intention of putting a sign at the back but if there was, he would come forward to Community Council again for permission. In response, Mr. Boone advised that it did not make any sense to put a sign in commercially and he would hate to lose the amendment at this time with the stores going forward at Windsor and Spryfield. He respected Councillor Blumenthal's wishes.

**MOVED by Councillors Blumenthal and Walker to close the Public Hearing. MOTION PUT AND PASSED.**

Councillor Walker advised he was pleased with the amendments after stalling them earlier in the year. There were signs at the back of buildings now that no one has objected to.

He liked the proposal as it had nothing to do with the size of the building but the distance from the street.

Councillor Rankin stated that the important point is not so much the neighbourhood but the scale of the building being driven by consumers. The streetscape is important. The scale of the building was already accepted and the sign is in relation to the scale of the building. He would be supporting the application.

Councillor Read stated that if the Municipal Planning Strategy had been reviewed a number of years ago, this problem might have been sorted out then. He still had concerns, however, because there were others who were not such good corporate citizens as Sobeys.

Councillor Blumenthal said that if he had assurance that Sobeys or another major company would have to come for another amendment to get a back sign, then he would not have any problems and was in favour.

#### **Decision of Peninsula and Western Region Community Council**

**MOVED by Councillors Blumenthal and Mitchell to approve the proposed amendments to the C-2A zone sign requirements in the Land Use By-law for Halifax Peninsula as contained in Attachment I of the Staff Report dated July 19, 2000. MOTION PUT AND PASSED.**

#### **Decision of Chebucto Community Council**

**MOVED by Councillors Walker and Read to approve the proposed amendments to the C-2A zone sign requirements in the Land Use By-law for Halifax Peninsula and Mainland as contained in Attachment I of the Staff Report dated July 19, 2000. MOTION PUT AND PASSED.**

5. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None
6. **REPORTS** - None
7. **MOTIONS** - None
8. **ADDED ITEMS** - None
9. **NOTICES OF MOTION** - None



HALIFAX REGIONAL MUNICIPALITY  
**JOINT MEETING - CHEBUCTO AND PENINSULA  
AND WESTERN REGION COMMUNITY COUNCILS**

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September 5, 2000

10. **PUBLIC PARTICIPATION** - None

11. **ADJOURNMENT**

On a motion from Councillor Mitchell, the meeting adjourned at 2:00 p.m.

Sandra M. Shute  
Assistant Municipal Clerk