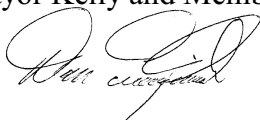


Item No. 8.1
Halifax Regional Council
February 9, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: January 18, 2010

SUBJECT: **Case 01186 - Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB**

SUPPLEMENTARY REPORT

ORIGIN

- January 12, 2010 - Regional Council held and closed a public hearing for this case and have requested a supplementary report to address specific questions and comments raised through the public hearing process. The following motion was passed by Regional Council on January 12, 2010:

MOVED BY Councillor Lund, seconded by Councillor Rankin, that Halifax Regional Council defer this item for three weeks pending a supplementary staff report regarding the exemption of the Cornerstone Wesleyan Church and Armco properties from the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law. MOTION PUT AND PASSED.

RECOMMENDATION

It is recommended that Halifax Regional Council:

- Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of this supplementary report.

BACKGROUND

The Public Hearing

On January 12, 2010, Regional Council held and closed a public hearing for Case 01186. The case deals with proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The proposed amendments specifically effect nine properties surrounding the four-way intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run (October 14, 2009 staff report).

Concerns from Owners

This supplementary report has been prepared at the request of Regional Council in response to specific questions and comments raised through the public hearing process. Specifically, two property owners directly effected by the proposed amendments expressed concerns related to specific provisions proposed in the new C-5 (Hammonds Plains Commercial) Zone.

Cornerstone Wesleyan Church - Own the property known as 1215 Hammonds Plains Road (Map 1). Through the public hearing process, the church has indicated that provisions in the proposed C-5 Zone related to controlling a building's footprint, floor area, and height will likely hamper their plans to expand the existing institutional facility.

Armco Capital Incorporated - Own the property east of the Cornerstone Wesleyan Church (Map 1). Through the public hearing process, Armco expressed an interest in amending the provisions of the proposed C-5 Zone to enable a drive-in restaurant, subject to appropriate land use provisions.

DISCUSSION

Excluding Land from the Study Area

Staff do not recommend the exclusion of the Cornerstone Wesleyan Church property and the Armco property from the proposed MPS and LUB amendments. These amendments are designed to promote a comprehensive, cohesive, and complimentary form of development, and in turn, create a commercial/mixed-use node designed to service the community of Hammonds Plains. An exclusion of these two properties from the proposed amendments would create three separate zones immediately surrounding the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run, with each regulating land use in very different formats. Further, this approach would leave the Mixed Use B (MU-B) designation on these two properties, and in turn, provide rezoning options not in keeping with the intent of the proposed HPC (Hammonds Plains Commercial) designation. In the end, excluding these properties will not promote a comprehensive approach to development, and in turn, will further cloud planning policy related to the context of land use in this area.

Cornerstone Wesleyan Church Property

Current Provisions - The church property is currently zoned MU-1 (Mixed Use - 1), which permits institutional uses subject to the requirements of the P-2 (Community Facility) Zone. The footprint of all institutional buildings in this zone can not exceed 50 percent of the lot's area. Height on the other hand is not regulated by an absolute number, but rather in relation to required rear and side yard setbacks - required rear and sideyard setbacks are set at $\frac{1}{2}$ the height of the main building. Further, the LUB contains a provision stating height regulations do not apply to certain features associated with a building, including church spires.

Previously Proposed Provisions - The proposed C-5 Zone permits institutional uses, however, in order to establish an overall building mass context and ensure new development is complimentary to the existing built form in the community, the zone establishes controls related to a building's footprint (15,000 ft² max.), floor area (30,000 ft² max.), and height (35 ft. max).

Proposed Modifications - Although building mass context has formed an important part of the framework for the proposed amendments, institutional uses also form an important part of the framework within a community. In an effort to ensure institutional uses are promoted in this central location of the community, while also ensuring the overall goal of the amendments is maintained, staff believe it is reasonable to allow institutional uses a slightly larger building footprint (not exceeding 20,000 ft²) and be constructed slightly higher than 35 feet (not exceeding 50 ft.) (Attachment B).

Armco Capital Incorporated Property

Current Provisions - In October of 2008, Armco applied to rezone their property at Hammonds Plains Road and Gatehouse Run from MU-1 to C-4 (Highway Commercial) (Map 1). As the property is designated MU-B, MPS policy enabled the application to be considered, and in June of 2009, Western Region Community Council approved the rezoning to C-4. The C-4 Zone permits a range of highway oriented commercial uses, including drive-in restaurants.

Previously Proposed Provisions - The proposed C-5 Zone allows certain uses permitted in the C-4 Zone, however, drive-in restaurants have not been included. In many cases, a drive-in (otherwise referred to a drive-thru) restaurant has the potential to create challenges related to the queuing of vehicles, resulting in conflict with other features of a development and interference with the public street. In addition, the queuing of vehicles can present issues related to the overall appearance of a development.

Accessory Drive-Up Windows - Although the C-5 Zone does not permit drive-in restaurants, allowing specific uses permitted in the C-5 zone to have an accessory drive-up window may be reasonable to consider. For example, a bank may choose to incorporate a drive-up window, with the intent on providing the occasional customer the ability to forego primary services provided within the building, while at the same time accessing a secondary level of service. In the same

light, service stations have evolved in character, and typically incorporate a convenience store, which in many cases provides services related to the sale of perishable goods (coffee, baked goods, etc.). In some cases, a service station with a convenience store may choose to provide a drive-up window for the purposes of providing customers the ability to access particular goods provided by the use.

These types of drive-up windows, simply by their accessory nature, typically create less challenges related to the queuing of vehicles. Although accessory drive-up windows specific to certain uses traditionally create less problems related to the queuing of vehicles (when compared to a drive-in restaurant), the more accessory drive-up windows permitted in an area, the higher probability of vehicle and traffic related issues.

Proposed Modifications - Given the ability to create provisions in the new C-5 Zone to ensure drive-up windows are well designed and accessory to specific land uses, and given the current zoning of the Armco property permits a drive-in restaurant, staff believe it is reasonable consider permitting one accessory drive-up window in association with a service station on the Armco property, provided currently proposed provisions related to service stations are left in place, and additional criteria is established in the C-5 Zone (Attachments A and B).

Additional Public Hearing

Attachments A and B of this supplementary report represent the same amendments proposed in the October 14, 2009 staff report, with modifications related to the maximum footprint and height of institutional buildings and the Armco Capital Incorporated property. These modifications do not require Regional Council to hold another public hearing. However, if Regional Council chooses to expand beyond the modified recommendations provided in Attachments A and B of this supplementary report, another public hearing may be required before approval is granted.

Conclusion

In order to promote a comprehensive, cohesive, and complimentary form of development for lands surrounding this significant intersection, and in turn, create a commercial/mixed-use node designed to service the community of Hammonds Plains, staff do not recommend excluding the Cornerstone Wesleyan Church property and the Armco Capital Inc. property from proposed MPS and LUB amendments. Staff recommend Regional Council approve the modified recommendations provided in Attachments A and B of this supplementary report. These amendments represent the same amendments proposed in the October 14, 2009 staff report, with modifications related to the maximum footprint and height of institutional buildings and the inclusion of a drive-up window (accessory to a service station) on the Armco Capital Incorporated property. These modifications are highlighted in grey. It is the opinion of staff, this modifications are a reasonable comprise to the concerns raised at the public hearing and interests of the community.

BUDGET IMPLICATIONS

The HRM costs associated with processing 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 amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as outlined in this supplementary report and presented in Attachments A and B. This is the recommended alternative.
2. Council may choose to modify the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as presented in Attachments A and B of this supplementary report. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing be held before approval is granted.
3. Council may choose to refuse the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as presented in Attachments A and B of this supplementary report. This is not the recommended course of action.
4. Council may choose to approve the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as outlined in the staff report dated October 14, 2009 and presented in Attachments A and B.
5. Council may choose to refuse the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as presented in Attachments A and B of the October 14, 2009 staff report. This is not the recommended course of action.

ATTACHMENTS

Map 1: Property Ownership Map
Attachment A: Proposed Amendments to the MPS
Attachment B: Proposed Amendments to the LUB

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.

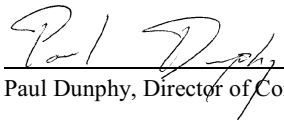
Report Prepared by: Miles Agar, Planner 1, Planning Services, 490-4495

Report Approved by:

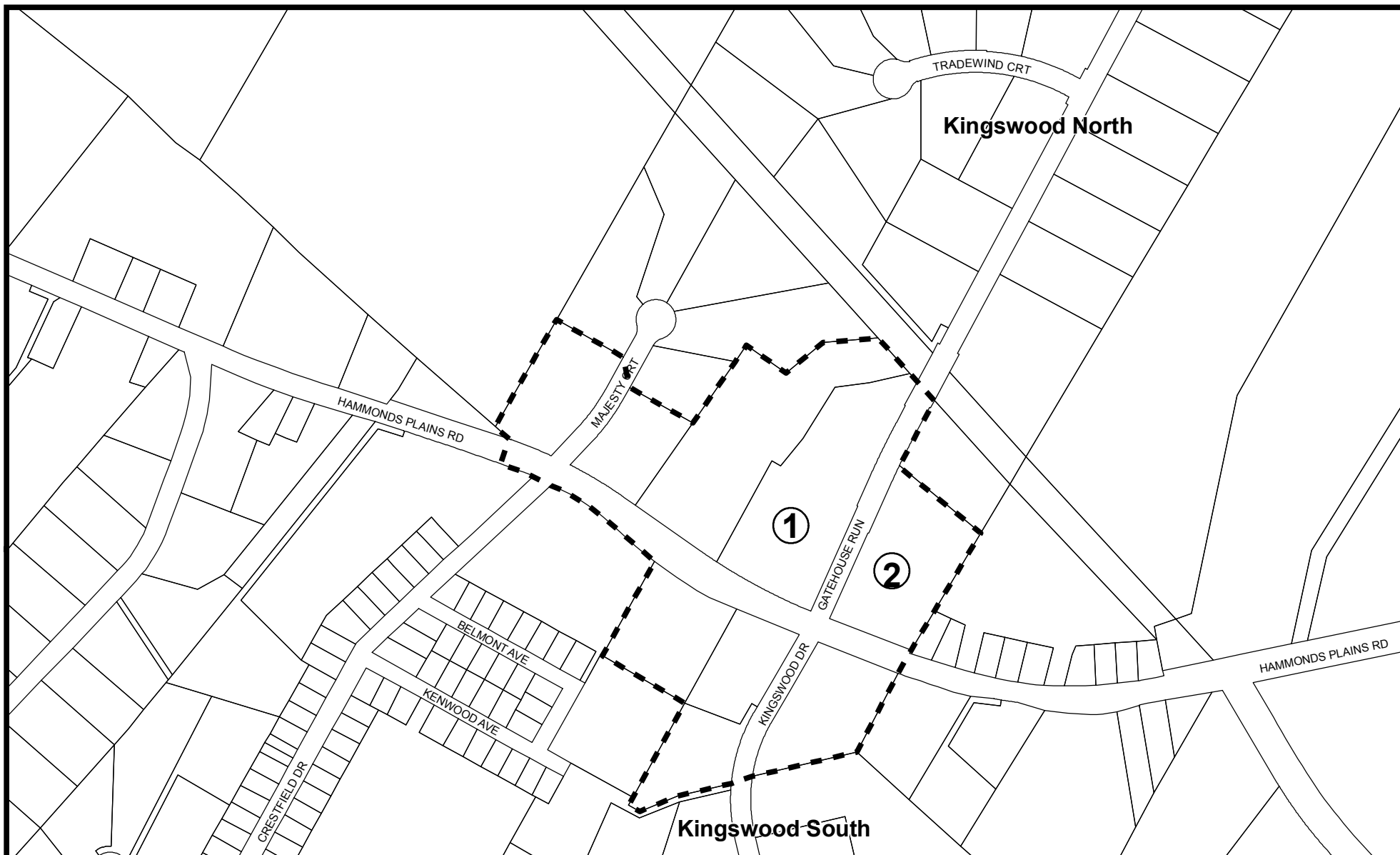


Austin French, Manager of Planning Services, 490-6717

Report Approved by:



Paul Dunphy, Director of Community Development

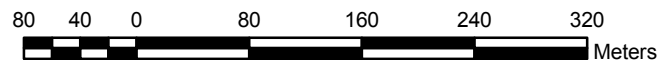


Map 1

--- Study Area

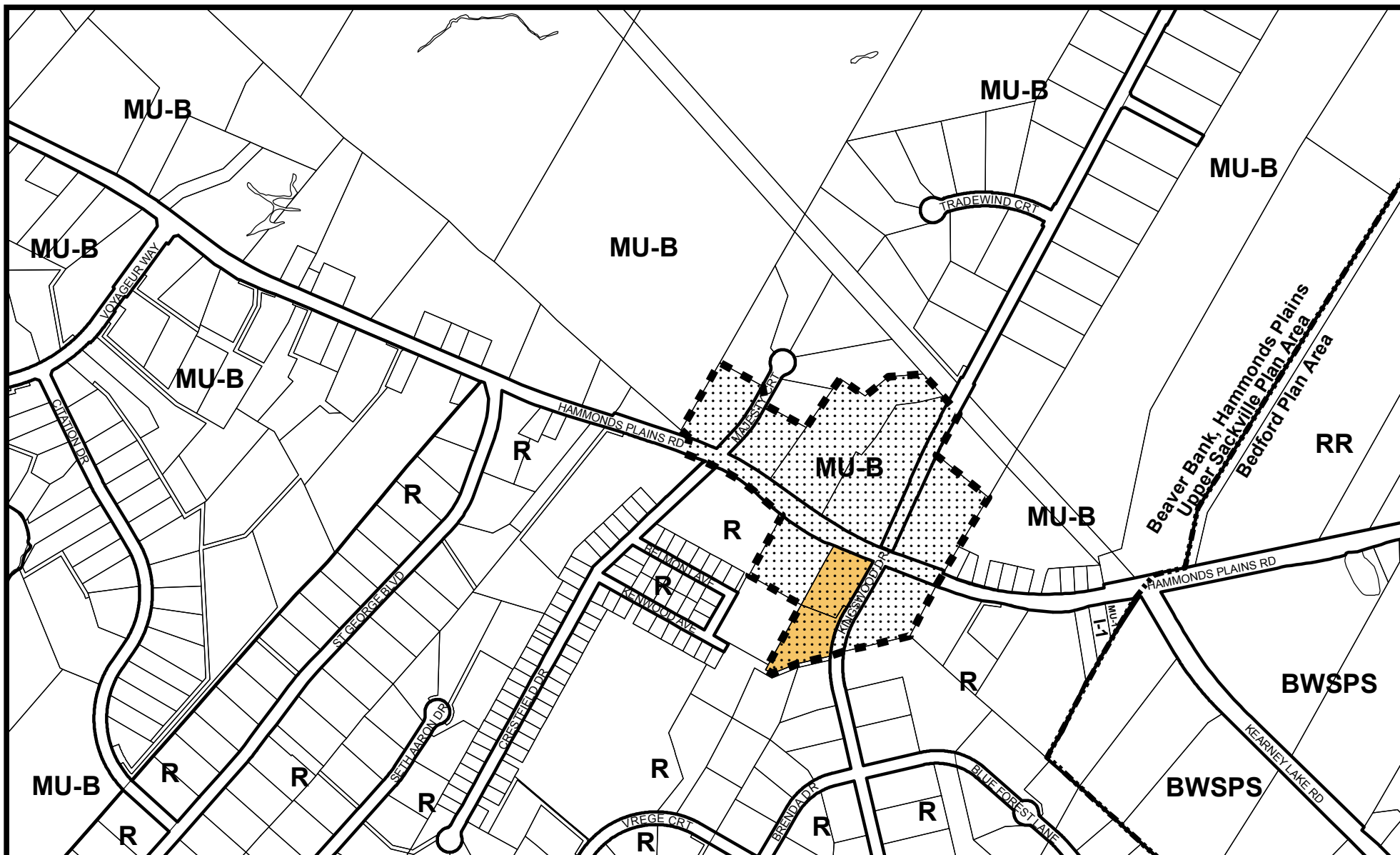
① Cornerstone Wesleyan Church

② Armco Capital Inc.



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**Schedule A
Generalized Future Land Use**

■ ■ ■ **Study Area**

 **Subject Properties**

 **Area to be redesignated
to HPC (Hammonds Plains Commercial Designation)**

**Beaver Bank, Hammonds Plains
Upper Sackville Plan Area**

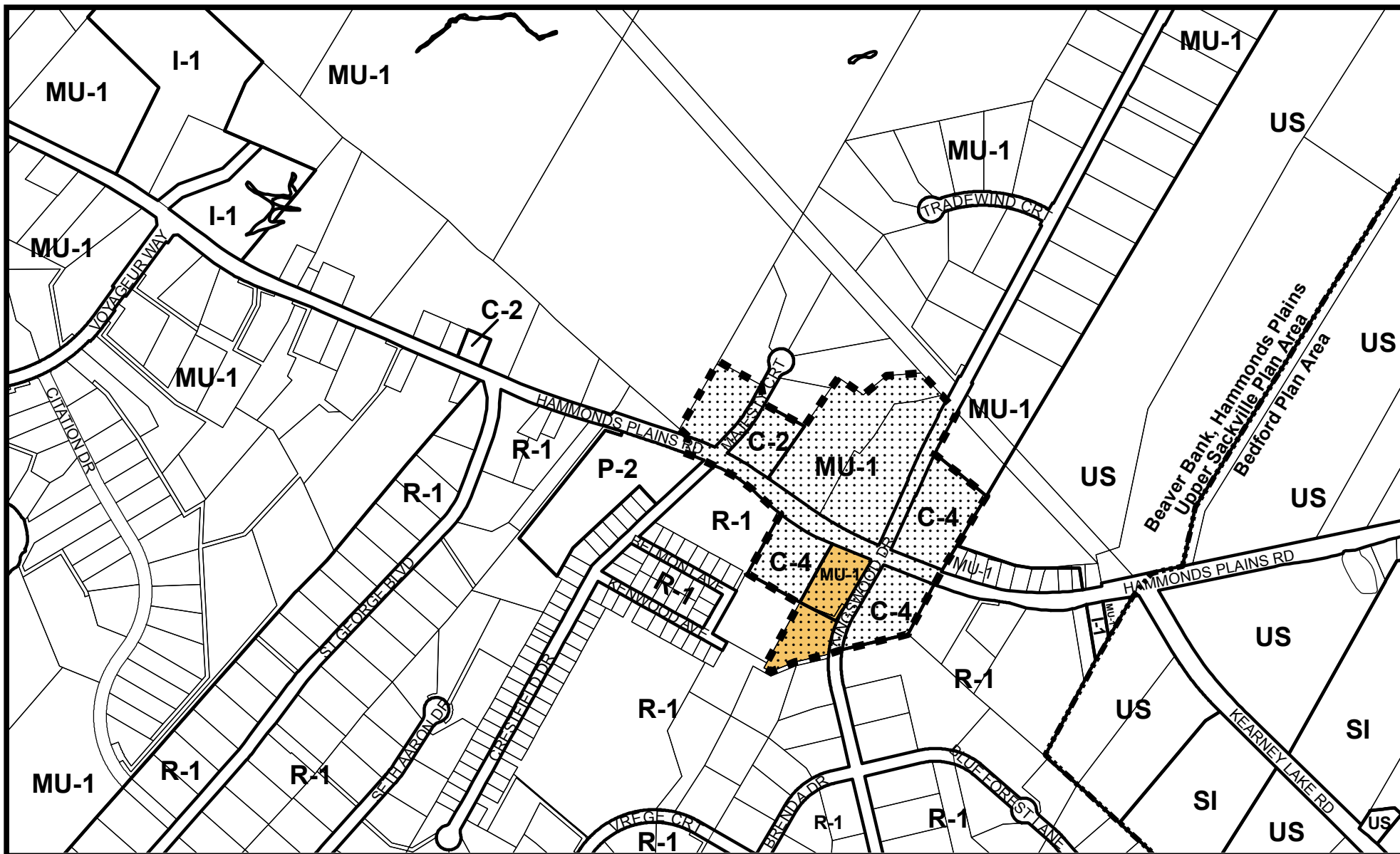
R Residential Designation
MU-B Mixed Use B Designation

Bedford Plan Area

RR Rural Residential Designation
BWSPS Bedford West Secondary Planning Strategy

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Schedule B - Zoning

■ ■ ■ Study Area

■ Subject Properties

■ Area to be Rezoned to C-5 (Hammonds Plains Commercial Zone)

Beaver Bank, Hammonds Plains Upper Sackville Plan Area

R-1 Single Unit Dwelling Zone
 MU-1 Mixed Use 1 Zone
 US Urban Settlement Zone
 C-2 General Business Zone
 C-4 Highway Commercial Zone
 P-2 Community Facility Zone
 I-1 Mixed Industrial Zone

Bedford Plan Area

SI Institutional Zone
 US Urban Settlement Zone

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Attachment A:
**Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville
Municipal Planning Strategy**

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, which was passed by majority vote of the former Halifax County Municipality at a duly called meeting held on the 9th day of November, 1999, and approved by the Minister of Municipal Affairs on the 4th day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 5th day of September, 2009, is hereby amended as follows:

1. In the Table of Contents, insert one new item in Section II after ‘Upper Hammonds Plains Community Designation’:

“Hammonds Plains Commercial Designation”

2. In the subsection of Section II related to Land Use Intent, replace the word ‘eleven’, which follows the words “The Generalized Future Land Use Maps(Maps 1A, 1B, 1C, 1D, 1E) illustrates”, with the following:

“twelve”

3. In the subsection of Section II which lists each designation, insert one new item after ‘Upper Hammonds Plains’:

“Hammonds Plains Commercial Designation”

4. In the subsection of Section II which provides a general description of each designation, insert the following new paragraph after the paragraph related to the ‘Upper Hammonds Plains Designation’:

“The Hammonds Plains Commercial Designation has been applied to several parcels of land near the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run. The designation encourages commercially focused development that is comprehensive, cohesive, and designed to provide a range of services within a centralized location. The designation supports a variety activities, including the potential for residential uses above the main floor of commercial use buildings, while establishing a number of requirements aimed at reducing land use incompatibility.”

5. Add a new subsection after the subsection of Section II related to the ‘Upper Hammonds Plains Designation’, and after the words ‘20 lots per 4 year period shown on an approved tentative plan of subdivision’:

“HAMMONDS PLAINS COMMERCIAL DESIGNATION

In 1991, the first phase of the Kingswood subdivision was approved, which included a new public street. The connection of this street (Kingswood Drive) to Hammonds Plains Road created a “T” intersection.

Throughout the 1990s the Kingswood subdivision expanded, and a commercial strip mall was constructed at the southeastern corner of the “T” intersection.

In 2005, the first phase of the Kingswood North subdivision was approved, which included three new public streets (Gatehouse Run, Majesty Court, and Tradewind Court). The connection of Gatehouse Run to Hammonds Plains Road converted the “T” intersection to a four-way intersection, while the connection of Majesty Court to Hammonds Plains Road created another four-way intersection.

By 2009, nearly 1,500 lots had been created within Kingswood and the neighbouring subdivisions of Voyager Lakes, Blue Mountain, and Kingwood North, with certain subdivisions having the potential to expand further.

The amount of residential growth near the intersection of Hammonds Plains Road and Kingwood Drive/Gatehouse Run has created demand for commercial services, while the scattering of existing commercial services along Hammonds Plains Road has left the growing community without a commercial node.

To address the need for a commercial node in Hammonds Plains, the Hammonds Plains Commercial (HPC) Designation will be created. The HPC designation will create a new zone designed to encourage commercially focused development, and regulate site development through the Site Plan Approval process.

- P-47(a) It shall be the intention of Council to establish the Hammonds Plains Commercial Designation as shown on the Generalized Future Land Use Maps (Map 1E). Within the designation, it shall be the intention of Council to encourage a commercially focused node that is comprehensive, cohesive, and designed to compliment the community. Commercial, institutional, residential, and public uses shall be considered through land use by-law requirements and the site plan approval process.**

- P-47(b)** Within the Hammonds Plains Commercial Designation, it shall be the intention of Council to establish a Hammonds Plains Commercial (C-5) Zone. The zone shall permit commercial, institutional, residential and public uses, subject to appropriate land use by-law requirements, and site plan approval. To ensure development compliments the community and is built to reflect an integrated approach to design, building form, and site development, controls related to architecture, landscaping, driveway access, parking, bicycle parking, outdoor storage and display, signage, and accessory buildings shall be established in the land use by-law. In addition, controls shall be established to ensure service stations are secondary land uses within the C-5 zone and compatible with development in the area. Further, where a service station is permitted on PID 41185133, a drive-up window may be permitted as an accessory function, provided appropriate controls are established in the C-5 zone. Multi-unit residential of a limited density shall be permitted within a commercial use building, provided commercial uses are the primary focus.
- P-47(c)** For lands zoned C-5, the Site Plan Approval notification distance required by the Halifax Regional Municipality Charter shall be expanded through the land use by-law.
- P-47(d)** It shall be the intention of Council to support the creation of a public corridor between the Uplands Park subdivision (in the area of Woodlyn Drive and Belmont Avenue) and Kingswood Drive by establishing specific site plan approval criteria.”
6. In the subsection of Section IV related to Implementation, insert the following new policy after policy ‘P-131’:
- “P-131(a)** Notwithstanding Policy P-131, no C-5 (Hammonds Plains Commercial) Zone shall be considered by amendment to the land use by-law for lands outside the Hammonds Plains Commercial Designation.”

7. Amend Map 1E as shown on Schedule A

THIS IS TO CERTIFY that the amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, as set out above, were passed by majority vote of the Halifax Regional Council on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk

Attachment B:
Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 9th day of November, 1999, and approved by the Minister of Municipal Affairs on the 4th day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 5th day of September, 2009, is hereby further amended as follows:

Table of Contents

1. Insert one new item after ‘PART 17: C-4 (Highway Commercial) Zone’:

“PART 17A: C-5 (Hammonds Plains Commercial) Zone”

2. Insert one new item after ‘APPENDIX “C”: Beaver Bank Description’:

“APPENDIX “D”: C-5 ZONE Site Plan Approval Submission Requirements”

Part 3: Zones and Zoning Maps

3. In Section 3.1, insert one new item after ‘C-4 Highway Commercial Zone’:

“C-5 Hammonds Plains Commercial Zone”

Part 4: General Provisions for all Zones

4. In Section 4.4, insert one new sentence after the existing sentence:

“Notwithstanding, in any C-5 (Hammonds Plains Commercial) Zone, a lot may contain more than one (1) dwelling.”

5. In Section 4.12, insert one new item after Section 4.12(a)(iii)2.:

“3. accessory uses or buildings in any C-5 (Hammonds Plains Commercial) Zone shall not be located in the front yard or flankage yard.”

6. In Section 4.12, add the following words to the end of subsection 4.12(iv):

“or C-5 (Hammonds Plains Commercial) Zone”

Part 5: Signs

7. After Section 5.9, add the following new section:

“5.10 ADDITIONAL SIGN CONTROL - C-5 (Hammonds Plains Commercial) Zone:

In any C-5 (Hammonds Plains Commercial) Zone, the following sign requirements shall apply. Where the following requirements conflict with Part 5, the more stringent shall apply:

Ground Signs

- (a) no more than one ground sign shall be permitted on a lot;
- (b) ground signs shall not exceed 4.6 m (15 ft) above established grade in vertical height and 4.6 m (15 ft) in width;
- (c) ground signs shall be permitted within the required landscape strip, provided other land use by-law requirements are satisfied;
- (d) ground signs located outside the required landscape strip shall be sited in a landscaped area a minimum of 27.9 m² (300 ft²) in size;
- (e) ground signs shall have a maximum of two (2) faces, which shall be affixed back to back, not exceeding 20.9 m² (225 ft²) per sign face;

Wall Mounted Signs

- (f) wall mounted (fascia) signs shall not exceed one (1) ft² of surface area for each lineal foot of building facade facing a public street, however, no fascia sign shall exceed 9.3 m² (100 ft²) in area;

Wall Mounted Signs - Multiple Commercial Occupancy Building

- (g) businesses located in multiple commercial occupancy building may be permitted a maximum of two (2) wall mounted (fascia) signs, the total of which shall not exceed an area equal to ten (10) percent of the business facade upon which it is located, however, no business fascia sign shall exceed 5.6 m² (60 ft²) in area; and

All Signs

- (h) **No signs shall be located on the roof of any building.”**

Parts Related to Zones

8. Insert PART 17A, the C-5 zone, immediately following ‘PART 17: (HIGHWAY COMMERCIAL) ZONE’:

“PART 17A: C-5 (HAMMONDS PLAINS COMMERCIAL) ZONE

17A.1 C-5 USES PERMITTED

No development permit shall be issued in any C-5 (Hammonds Plains Commercial) Zone except for the following, pursuant to the Site Plan Approval process:

Commercial Uses

Food Stores

Service and Personal Service Shops

Full Service Restaurants

Take-Out Restaurants

Retail Stores

Banks and Financial Institutions

Offices

Bakeries

Veterinary Clinics and the associated boarding of animals

Greenhouses and Nurseries

Service Stations, including an accessory drive-up window on PID 41185133, and associated vehicles washing facilities

Theatres and Cinemas, except drive in theatres

Commercial Schools

Private Clubs not exceeding 418.1 m² (4,500 ft²) of gross floor area

Commercial Entertainment Uses in conjunction with Full Service Restaurants, not exceeding 232.3 m² (2,500 ft²) devoted to public use

Other Uses

Institutional Uses, excluding cemeteries

A maximum of four (4) dwelling units within a commercial use building

Public Utilities/Works Uses

Public Transit Terminals

Uses Accessory to Permitted Uses

17A.2 Site Plan Approval shall not be required for a change in use or occupancy within a building, internal renovations with no external renovation or modifications to a building, accessory buildings (not including vehicle washing facilities), or any signage.

17A.3 **C-5 ZONE REQUIREMENTS**

In any C-5 (Hammonds Plains Commercial) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	2,787 m ² (30,000 ft ²)
Minimum Lot Frontage on Hammonds Plains Road	61.0 m (200 ft)
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front/Flankage Yard Setback	9.1 m (30 ft)
Minimum Rear and Side Yard Setback	4.6 m (15 ft)
Minimum Setback from an abutting residential zone or use	9.1 m (30 ft)
Maximum Height of Building	10.7 m (35 ft)
Maximum Height of Institutional Building	15.2 m (50 ft)
Maximum Lot Coverage	50 %
Maximum Impervious Surface Coverage	75%
Minimum Landscaped Area	25%

17A.4 **OTHER REQUIREMENTS: FLOOR AREA**

(a) The gross floor area of all buildings (including accessory buildings) on a lot in any C-5 (Hammonds Plains Commercial) Zone, including indoor parking at or above established grade, shall not exceed 2,787 m² (30,000 ft²). In addition, no building footprint shall exceed 1,393.5 m² (15,000 ft²).

(b) **Notwithstanding Section 17A.4 (a), where institutional uses are permitted in any C-5 (Hammonds Plains Commercial) Zone, the maximum footprint of an institutional building shall not exceed 1,858 m² (20,000 ft²).**

17A.5 **OTHER REQUIREMENTS: PUBLIC UTILITIES/WORKS USES AND PUBLIC TRANSIT TERMINALS**

Where public utility/works uses and public transit terminals are permitted

in any C-5 (Hammonds Plains Commercial) Zone, the following shall apply:

- (a) No development permit shall be issued for a public utility/works use or a public transit terminal except in conformity with the provisions of Part 22; and
- (b) Notwithstanding Section 17A.5(a), a public utility/works use or public transit terminal shall also conform, where applicable, with the Site Plan Approval provisions of the C-5 Zone, as required by Section 17A.14.

17A.6 OTHER REQUIREMENTS: SERVICE STATIONS

Where service stations are permitted in any C-5 (Hammonds Plains Commercial) Zone, the following shall apply:

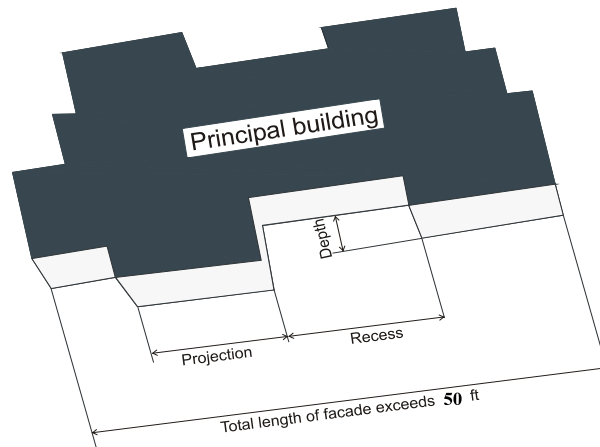
- (a) The lot shall have a minimum area of 3,716 m² (40,000 ft²);
- (b) The lot shall have a minimum of 60 m (200 ft) of contiguous frontage on Hammonds Plains Road;
- (c) No building associated with a service station shall exceed 185.8 m² (2,000 ft²) of gross floor area;
- (d) No portion of pump island canopy shall be illuminated.
Notwithstanding, a pump island canopy may be used as an anchor to direct light immediately beneath the canopy;
- (e) No signage shall be permitted on any portion of a pump island canopy;
- (f) A pump island canopy associated with a service station shall include no less than two of the following architectural elements:
 - (i) recesses/projections;
 - (ii) cornices and parapets;
 - (iii) peaked roof forms;
 - (iv) architectural details such as tile or stone work, and decorative mouldings; and
 - (v) or any other similar architectural treatment deemed to be an acceptable equivalent;
- (g) No portion of any pump island, including a pump island canopy, shall be located closer than 6.1 m (20 ft) from any street line;
- (h) No more than three (3) fuel pumps shall be permitted on a lot;
- (i) No servicing or general repair of motorized vehicles shall be permitted;
- (j) Vehicle washing facilities (car wash) must be accessory to a service station and shall not exceed 185.8 m² (2,000 ft²) of gross floor area;
- (k) All architectural requirements applicable to the C-5 (Hammonds

- (a) A combination of arcades, display windows, entry areas, permanent awnings or other such features shall be incorporated into all building facades along not less than 60 percent of their horizontal length facing a public street;

(b) The roof slope shall be pitched slope of ten (10) degrees. of any structure shall be a roof design that features such as dormers, roof forms, or other treatment considered to be

(c) With the corner lots, building lines generally parallel or the public street;

(d) No length of any facade facing a public street shall exceed 15.2 horizontal metres (50 feet). Wall plane projections or recesses shall be incorporated into all facades greater than 15.2 horizontal metres (50 feet) in length, measured horizontally, having a depth of at least three (3) percent of the length of the facade and extending at least 20 percent of the length of the facade;



predominant with a minimum The upper floor articulated with incorporates parapets, peak architectural acceptable; exception of shall be perpendicular to

uninterrupted

- (e) Building materials shall not include vinyl siding;
- (f) A minimum of one clearly defined, visible entrance way shall be provided on each facade oriented to the public street. All entrance ways required to be clearly defined shall include no less than three of the following elements:
 - (i) canopies or porticos;
 - (ii) overhangs;
 - (iii) recesses/projections;
 - (iv) arcades;
 - (v) raised corniced parapets over the door;
 - (vi) peaked roof forms;
 - (vii) display windows;
 - (viii) architectural details such as tile or stone work, and decorative mouldings which are integrated into the building;
 - (ix) integral planters or wing walls that incorporate landscaped areas and sitting places; and
 - (x) or any other similar architectural treatment considered to be an acceptable equivalent;
- (g) The total window area per building facade shall not exceed 50 percent. Windows shall be accentuated by design details (i.e. arches, hoods, mouldings, decorative lintels, pediments, sills);
- (h) Rooftop equipment, including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans shall be screened (visually) from the public street and adjacent properties. The screening shall include but not limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.

17A.9 OTHER REQUIREMENTS: LANDSCAPING

- (a) A 4.6 m (15 ft) wide landscape strip shall be provided along all street property lines, exclusive of driveways and walkways. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 7.6 m (25 feet) of street frontage. The incorporation of trees and shrubs into the required landscape strip may be provided in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 m (25 feet) of street frontage;
- (b) Notwithstanding Section 17A.9(a), existing trees may be substituted where trees and shrubs are required; and

- (c) All other landscaped areas shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, and annuals may be utilized.

17A.10 OTHER REQUIREMENTS: DRIVEWAY ACCESS

- (a) No lot with less than 200 feet of contiguous frontage on Hammonds Plains Road shall be permitted driveway access onto Hammonds Plains Road;
- (b) Where a lot has a minimum of 200 feet of contiguous frontage on Hammonds Plains Road, a maximum of one (1) driveway access onto Hammonds Plains Road shall be permitted; and
- (c) A lot with more than 300 feet of contiguous frontage on Hammonds Plains Road may be permitted a maximum of two (2) driveway accesses onto Hammonds Plains Road.

17A.11 OTHER REQUIREMENTS: PARKING

- (a) Minimum parking requirements established in Section 4.26(a) shall be reduced by 20 percent in the C-5 (Hammonds Plains Commercial) Zone; and
- (b) All lots with more than twenty (20) required parking spaces shall have ten (10) percent of their parking area landscaped with vegetation such that the parking lots do not have groups of parking stalls greater than twenty (20) in an uninterrupted area. Landscape areas designed to separate a bank of parking stalls shall be a minimum of six (6) feet in width and may be calculated as pervious surface where applicable. Required landscaped areas associated with required parking shall have a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs.

17A.12 OTHER REQUIREMENTS: BICYCLE PARKING

- (a) Bicycle parking which permits the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact (bicycle racks - including wall mounted varieties) shall be provided at a rate of one (1) per 250 m² (2,691 ft²) of gross floor area, excluding residential units; and
- (b) Bicycle parking that secures an entire bicycle and protects it from inclement weather, which includes any key secured areas such as lockers, bicycle rooms, and bicycle cages shall be provided at a rate

of one (1) per dwelling unit.

17.A.13 OTHER REQUIREMENTS: OUTDOOR STORAGE AND DISPLAY

- (a) No outdoor storage is permitted in the C-5 (Hammonds Plains Commercial) Zone;
- (b) Outdoor display of goods and wares shall be permitted, provided the outdoor display is associated with a retail use, food store, bakery, greenhouse and nursery use, or institutional use; and
- (c) No outdoor display shall be permitted in any required parking area, required landscaped area, or any area required for pedestrian and vehicular movement.

17A.14 OTHER REQUIREMENTS: SITE PLAN APPROVAL

- (a) No development permit shall be issued for any use permitted in the C-5 (Hammonds Plains Commercial) Zone, prior to the Development Officer granting Site Plan Approval. Applications for Site Plan Approval shall be in the form specified in Appendix D. All applications for Site Plan Approval shall be accompanied by a site plan properly drawn to scale and of sufficient detail to address all of matters identified in this Section.
- (b) Notwithstanding the Site Plan Approval notification distance required by the Halifax Regional Municipality Charter, the Development Officer shall give notice in writing of an approved site plan, or the appealed refusal of a site plan, to every assessed owner whose property is within the greater of 200 m (656.2 ft) of the applicant's property.
- (c) Where Site Plan Approval provisions conflict with Part 4 and Part 5, the Site Plan Approval provisions shall prevail.
- (d) The Development Officer shall approve a Site Plan where the following matters have been addressed:
 - (i) landscaping required by the C-5 Zone includes the retention of existing natural vegetation, where feasible;
 - (ii) designated walkways, sidewalks, and other pedestrian connections incorporate a change in colour, texture, or material;

- (iii) sidewalks are incorporated along the entire front facade of a commercial use building which contains three or more commercial occupancy spaces;
- (iv) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of a commercial use building which contains three or more commercial occupancy spaces;
- (v) designated walkways extend from building entrances to a public street and to any public park or trail system abutting the property, and unless otherwise not possible, do not cross any driveways or parking areas;
- (vi) a storm water management plan is prepared by a Professional Engineer, which includes consideration of both upstream and downstream properties;
- (vii) driveway access is located and designed to minimize impacts on adjacent properties;
- (viii) required non-residential bicycle storage facilities are provided near the main entrances to buildings;
- (ix) within any required side or rear yard, existing vegetation be retained unless it does not provide for adequate screening from abutting properties or where the existing vegetation conflicts with required parking and loading areas;
- (x) where parking areas are located within any required side or rear yard abutting a residentially used or zoned property, screening is provided;
- (xi) loading facilities are only located at the rear or side of the building and screened from any abutting residentially used or zoned property;
- (xii) all refuse is screened from abutting properties and public streets;
- (xiii) the Site Plan includes a lighting plan prepared by a lighting specialist, which identifies measures to ensure outdoor lighting is positioned and directed away from adjacent properties;
- (xiv) a qualified professional has identified how all applicable landscaping requirements will be satisfied;
- (xv) an active transportation corridor connecting the Uplands Park subdivision and Kingswood Drive that is designed to a standard acceptable by the Municipality, including a travel surface within the corridor that is clearly marked with a paved treatment such as concrete, asphalt, or interlocking

brick. The corridor only applies to PID 41185539, but may be incorporated into PID 00422493, and may require the use of fencing or vegetation to clearly identify the corridor and assist in directing movement. Where the corridor is required, a public access easement in favour of the Municipality shall be established. The minimum width of the public access easement shall be six (6) m (19.7 ft). In the event the corridor is unable to connect to Municipal land, or to a public access easement in favour of the Municipality, development on PID 41185539 shall be designed to facilitate a potential corridor from PID 41185539, across the northern portion of PID 00420927 to Municipal land;

- (xvi) Residential units are connected, where applicable, to commercial buildings on the same lot, public parkland and open space, pedestrian trails and walkways, parking lots, the public right of way, and the intersection of Hammonds Plains Road and Gatehouse Run/Kingswood Drive. Pedestrian connections may be a combination of on-site crosswalks, walkways and sidewalks, or other forms acceptable by the Municipality;
- (xvii) queuing areas for accessory drive-up windows are not located between a building and the public street, and where visible from the public street, screening is provided. Queuing areas are clearly delineated and well integrated into the site, while all features associated with the drive-up window, including exit areas from the queue and the call-box, are located and designed to minimize impacts with driveway accesses; and
- (xviii) all matters required by site plan approval shall be maintained.”

Appendices

9. Insert a new table within “Appendix A’ immediately following the section identifying “A.G. Hall Builders and Acadia Masonry”:

Hammonds Plains Commercial (C-5) Zone

USE	LOCATION	LIC
Tim Hortons Drive-In Restaurant	Hammonds Plains Road	421768

10. Insert a new appendix immediately following existing Appendix 'C':

**“APPENDIX D:
C-5 ZONE SITE PLAN APPROVAL SUBMISSION REQUIREMENTS**

- 1. An application for Site Plan Approval in the C-5 (Hammonds Plains Commercial) Zone shall include the following:**
 - (a) dimensions and area of the site;**
 - (b) a site plan properly drawn to scale showing all information required by the C-5 Zone;**
 - (c) description, area, and location of all proposed buildings and land uses;**
 - (d) each residential area indicating the number, size, and type dwelling units, including an indication of the number of bedrooms in each unit;**
 - (e) the location and type of existing and proposed easements on and abutting the site;**
 - (f) the location of existing and proposed septic systems, including any features associated with such a system;**
 - (g) identification, location and gradients of all parking areas, including the location and width of driveways, entrances and exits to parking areas, manoeuvring areas for vehicles, service areas, visitor parking and loading areas;**
 - (h) location, area, shape, landscaping and surface treatment of all public and private open spaces, park areas, or amenity spaces;**
 - (i) plan(s) showing all proposed streets, walkways, sidewalks, paths, and bike paths; and**
 - (j) any additional information related to the site, buildings, or abutting properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law.”**

6. Amend Map 1E as shown on Schedule B

I HEREBY CERTIFY that the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out above, were passed by majority vote of the Halifax Regional Council on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk