

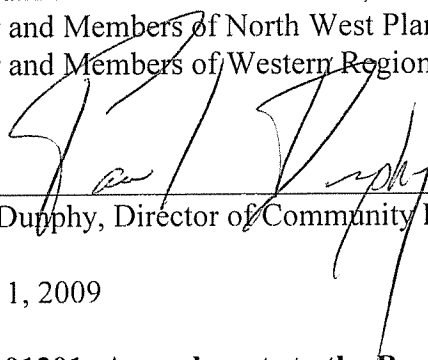
Item 10.1.2



PO Box 1749
Halifax, Nova Scotia
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Marine Drive, Valley and Canal Community Council - April 23, 2009
North West Planning Advisory Committee - May 6, 2009
Western Region Community Council - April 27, 2009

TO: Chair and Members of Marine Drive, Valley and Canal Community Council
Chair and Members of North West Planning Advisory Committee
Chair and Members of Western Region Community Council

SUBMITTED BY: 
Paul Duffhy, Director of Community Development

DATE: April 1, 2009

SUBJECT: **Case 01201: Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB - Signs for Home Based Business Uses**

ORIGIN

January 20, 2009, motion of Regional Council (item 11.1.5):

“MOVED BY Councillor Johns, seconded by Councillor Sloane that Halifax Regional Council:

- 1) Initiate the process to consider amending the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By- Law to consider permitting signs for home based business uses in all residential zones; and
- 2) Request staff to follow the public participation program as approved by Council in February 1997.”

RECOMMENDATION

It is recommended that Marine Drive, Valley and Canal Community Council, Western Region Community Council, and North West Community Council:

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as set out in Attachment A and Attachment B, and schedule a public hearing; and
2. **Recommend that Regional Council** approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as set out in Attachment A and Attachment B.

BACKGROUND

Signage for home offices, day cares facilities, and home businesses is not permitted in all residential zones found in the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB). Home business signage is currently prohibited in the R-1 (Single Unit Dwelling), R-1A (Auxilliary Dwelling), and R-2 (Two Unit Dwelling) zones. However, other Plan Areas under the jurisdiction of North West Community Council (NWCC) do permit such signage. To ensure a consistent and fair approach to home based business signage, Regional Council has requested that such signage should be permitted in all residential zones.

Request

On September 25, 2008, North West Community Council requested that staff initiate a process to enable signage for home based business uses throughout the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area in the R1 and R6 zones similar to the Sackville Plan Area for 1 sign not to exceed 2 feet square. However, existing MPS policy prohibits home based business signage. Therefore, Regional Council has requested amendments to both the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB to implement NWCC's request.

Existing MPS Policy

Policy P-34 of the Beaver Bank, Hammonds Plains and Upper Sackville MPS establishes the intent of the Residential Designation and prohibits signs, outdoor storage or display for home offices, day cares facilities (in conjunction with permitted dwellings), and home businesses to ensure visual compatibility within the residential environment. Any considerations permitting signage for residential zones requires an MPS amendment.

Existing LUB Provisions

Although MPS policy prohibits home based business signage in the Residential Designation the LUB regulations permit signage for home office, day care facilities and home businesses located in the R-3 (Mobile Dwelling) zone and for existing home businesses in the R-2 zone. Signs pertaining to Bed and Breakfast establishments are permitted in all residential zones.

The LUB signage regulations are intended to limit the potential for adverse negative effects on adjacent properties and the travelling public by permitting only 1 sign per property with a sign area of 2 square feet.

Sackville and Bedford Plan Areas

NWCC requested that staff consider the signage provisions within the Sackville and Bedford MPSs and LUBs when considering new sign provisions within the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB. A summary of policy and regulations of these Plan Areas are as follows:

Sackville MPS and LUB:

- MPS - limits the number and size of residential business signs.
- LUB - permit 1 sign with a maximum area of 2 square feet.

Bedford MPS and LUB:

- MPS - supports regulating size and type of signs for home businesses.
- LUB - permits 1 sign for home occupations with a maximum area of 2 square feet in all residential zones (sign can not be backlit).

DISCUSSION

Staff have reviewed the application based on all applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS that are attached as Attachment C to this report. The following issues have been identified for more detailed discussion.

Uniformity of Signs

Based on staff review, Canadian Municipalities were found to regulate home based business or home occupation signage much the same as HRM: restricted or prohibited in some residential areas, with limited variation in size and number where permitted. In residential areas, most municipalities permit:

- 1 sign per lot; and
- a maximum sign area of 0.2 m² (2.15 ft²) to 0.28 m² (3.02 ft²).

The results of staff's review is consistent with the comments received during the public information meeting (PIM) regarding sign alternatives. Further, the results are consistent with the existing provisions in Sackville and Bedford plan areas regarding home based business signage.

Visual Impact of Signage

The intent of the Beaver Bank, Hammonds Plains and Upper Sackville MPS is to ensure the external appearance of home businesses is compatible with the residential environment. Staff is of the opinion that limiting signage to 1 sign with a maximum sign area of 2 square feet for home occupations, as municipalities across the country and in Bedford and Sackville permit, should not significantly impact on the appearance of residential properties or neighbouring areas.

Public Information Meeting

A Public Information Meeting (PIM) was held on Monday, February 16, 2009, (Attachment E) in connection with the proposed amendments. Comments from the public attending included concern regarding the sign size (area) and consistency in where they are permitted in residential zones.

Should Council decide to schedule a public hearing, notification will be placed in the Chronicle Herald and on the HRM website. Further, persons that signed the sign-in sheet at the PIM will be notified by mail.

Conclusion

It is the opinion of staff that the proposed amendments set out in Attachments A and B of this report conform with the intent of the MPS to provide for home based businesses in residential zones without impacting the visual appearance of the residential environment. The proposed amendments would result in small scale signage for property owners to advertise their home based business in a manner accepted by other plan areas. Therefore, staff recommend that Council approve the proposed amendments to the Beaver Bank, Hammond Plains, Upper Sackville MPS and LUB included as Attachments A and B to this report.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the proposed 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 proceed with the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B. This is the recommended approach for the reasons stated in the report.
2. Council may choose to refuse to amend the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law. A decision to approve or refuse an application to amend a Municipal Planning Strategy is not subject to appeal to the Nova Scotia Utility and Review Board. This approach is not recommended for reasons stated in this report.

ATTACHMENTS

Attachment A	Proposed Amendments to the Beaver Bank, Hammonds Plains, and Upper Sackville Municipal Planning Strategy
Attachment B	Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
Attachment C	Relevant Sections of the Beaver Bank, Hammonds Plains and Upper Sackville MPS

Attachment D Relevant Sections of the Beaver Bank, Hammonds Plains and Upper Sackville LUB

Attachment E Minutes of Public Information Meeting, February 16, 2009

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: Darrell Joudrey, Planner, Community Development, 490-4181



Report Approved by: _____
Austin French, Manager, Planning Services, 490-6717

Attachment A

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

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains, and Upper Sackville Municipal Planning Strategy, is further amended as follows:

1. Replacing the wording “signs, outdoor storage or display are permitted” in Policy P-34 with new wording as follows:

outdoor storage or display are permitted and signs are regulated through provisions of the Land Use By-law

I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment B

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

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, is further amended as follows:

1. Replace the wording of Subsection 6.4(e) of Part 6, R-1 (Single Unit Dwelling) Zone, with the following wording:

Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area.

2. Replace the wording of Subsection 6.5(c) of Part 6, R-1 (Single Unit Dwelling) Zone, with the following wording:

Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area.

3. Replace the wording of Subsection 7.6(e) of Part 7, R1-A (Auxilliary Dwelling) Zone, with the following wording:

Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area.

4. Replace the wording of Subsection 7.7(c) of Part 7, R1-A (Auxilliary Dwelling) Zone, with the following wording:

Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area.

5. Replace the wording of Subsection 8.4(e) of Part 8, R-2 (Two Unit Dwelling) Zone, with the following wording:

Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area.

6. Replace the wording of Subsection 8.5(c) of Part 8, R-2 (Two Unit Dwelling) Zone, with the following wording:

Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment C

Relevant Sections of the Beaver Bank, Hammonds Plains and Upper Sackville MPS

- P-34 Within the Residential Designation, it shall be the intention of Council to establish a residential zone which permits single unit dwellings, existing two unit and mobile dwellings, open space uses, offices and day care facilities operated by a resident of the dwelling, bed & breakfasts, as well as activities related to traditional arts and crafts and domestic arts, provided that controls are established on the scale of the business and that no signs, outdoor storage or display are permitted, in order to ensure that the external appearance is compatible with the residential environment.
- P-128 It shall be the intention of Council to require amendments to the policies of this Strategy or to the Generalized Future Land Use Maps (Maps 1A, 1B, 1C, 1D, 1E) under the following circumstances:
- (a) where any policy is to be changed; or
 - (b) where a request for an amendment to the land use by-law which is not permitted is made and subsequent studies show that the policies of this Strategy should be amended.
- P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
 - (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
 - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.

- P-138 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Municipal Government Act.
- P-139 It shall be the intention of Council to establish controls over signs within the Plan Area in order to limit the potential for adverse negative effects on adjacent properties and the travelling public.

Attachment D

Relevant Sections of the Beaver Bank, Hammonds Plains and Upper Sackville LUB

Definitions

2.32 HOME BUSINESS USES means the accessory use of a dwelling for gainful employment involving the provision or sale of goods and/or services and without limiting the generality of the foregoing does not include restaurants, take-outs, convenience stores, the boarding of animals, taxi stands or any use deemed to be obnoxious.

2.73 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door.

(a) Ground Sign means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.

(b) Projecting Sign means a sign which projects from and is supported by or which extends beyond a wall or the roof of a building. (RC-Sep26/06;E-Nov18/06)

Attachment E

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC MEETING
CASE NO. 01201 - Home Based Business Signage**

7:00 p.m.

Monday, February 16, 2009

Hammonds Plains Consolidated Elementary School

STAFF IN

ATTENDANCE: Darrell Joudrey, Planner, HRM Planning Services
Alden Thurston, Planning Technician, HRM Planning Services
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Peter Lund, District 23

PUBLIC IN

ATTENDANCE: 2 people

The meeting commenced at approximately 7:10 p.m.

1. Opening Remarks/Introductions/Purpose of Meeting - Darrell Joudrey

Mr. Joudrey introduced himself as the Planner taking the application through the planning process; Councillor Peter Lund, District 23; Alden Thurston and Cara McFarlane, HRM Planning Services.

The meeting's agenda was reviewed.

The purpose of the meeting is to identify that HRM has received an application, what the proposal or request is, to inform the public of the proposed changes and to hear any concerns before a staff report is prepared.

2. Overview of Planning Process

After tonight's meeting: HRM staff review, staff report to Regional Council (RC) because the application is a plan amendment, RC gives first reading and sets public hearing date, public hearing held by RC, decision of RC and appeal period.

3. Presentation of Proposal

This application was requested by North West Community Council (NWCC). Home based business signs are prohibited in several of the residential zones. The direction from council to

staff was to consider amending the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Beaver Bank, Hammonds Plains and Upper Sackville plan area.

Policy prohibits home based signage in the R-1, R-1A and R-2 Zones.

The Beaver Bank, Hammonds Plains and Upper Sackville MPS recognizes and permits business uses, offices and daycare facilities in the policy. The general sign regulation in residential areas is usually put in place to ensure surrounding compatibility. Bed and breakfasts and property identification signs are currently permitted throughout the municipality in every zone. They are a two square foot sign that contains a name and address and are located at the end of the driveway to identify the property.

Other MPSs regulate home based business signage. Sackville and Bedford MPSs allow one sign for home based businesses up to 2 square feet maximum in area. In Bedford, back lit signs are prohibited. The prohibition of home based business signs is a much more stringent approach than regulating signage. It creates no opportunity for the residents to advertise their business.

The intent of the MPS was to ensure that no aspect of resident-operated businesses detract from the residential environment. The R-6 Zone in the Beaver Bank, Hammonds Plains and Upper Sackville MPS however, does permit one sign for home business and daycare facilities up to 2 square feet in the Rural Residential area. This is in addition to the bed and breakfast signage that is permitted.

4. Questions/Comments

Keith Ayling, Tantallon, asked if a look at different size signage will be part of this review. Mr. Joudrey said signage regulations in other jurisdictions will be taken into consideration.

Councillor Lund asked if the study will look at whether or not signs will be permitted to be placed on all residential zones or be restrictive within certain classifications of residential zones. Mr. Joudrey mentioned that it will be considered.

There was some discussion regarding the zoning along Hammonds Plains Road and in the Hammonds Plains area.

Mr. Ayling asked about a time frame for the application. Mr. Joudrey is hoping to prepare a staff report to Council for April of this year where a date for a public hearing will hopefully be set for May. Mr. Ayling would like to encourage more people to attend.

David Barrett, Beaver Bank, was a member of the public participation committee in 1982 to 1986. He encourages and is in favour of home businesses as they set the foundation for the province. The businesses need to advertise. He is pleased that this application has come forward and supports it fully. HRM should be encouraging more home based businesses. He feels people

start home businesses because of property taxes and believes this recession is going to drive many people to start home businesses. The quality of the signs has to be regulated but the sign should be visible to traffic moving both ways. The sign should be a minimum of 2 x 2 feet but he feels 2 x 3 feet would be better. Mr. Barrett does not feel there is a need for all the permits to create a home business sign.

Councillor Lund is glad to see this exercise taking place. A 2 x 2 foot sign on a property should be regulated in terms of home businesses otherwise it becomes confusing. The concept of having consistency of home based business signage is a concern.

5. Closing Comments

Mr. Joudrey gave his contact information and thanked everyone for coming and expressing their comments on the application.

6. Adjournment

The meeting adjourned at approximately 7:30 p.m.