

HALIFAX

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Item No. 14.1.5
Halifax Regional Council
February 13, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: Jacques Dubé, Chief Administrative Officer

DATE: December 1, 2017

SUBJECT: Halifax Mainland Land Use By-law Amendments for Signage

ORIGIN

On February 7, 2017 the following motion of Regional Council was put and passed:

That Halifax Regional Council request a staff report regarding possible amendments to the Halifax Mainland Land Use By-law under the C-2 Zone (signs) to include the addition of 42(3): "42(3) in addition to signs permitted in (1) each C-1, C2-A, or C-2 use a business located in a corner unit shall be permitted an additional identification sign which may be illuminated."

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax Regional Council refer the proposed amendment to the Halifax Mainland Land Use By-law to increase the number of signs permitted on corner lots in C-2 Zone, as set out in Attachment B, to the Halifax and West Community Council to consider through the standard LUB amendment process.

BACKGROUND

The *HRM Charter* provides broad discretion to the Municipality to “*regulate or prohibit the type, number, size and location of signs and sign structures*”. Accordingly, HRM’s community Land Use By-laws (LUBs) contain a wide variety of regulations related to signs. In general, regulations for signs are flexible in commercial and industrial zones and more stringent in residential zones.

The Halifax Mainland Municipal Planning Strategy (MPS) addresses signs in Policy 3.9, which states the following:

“For commercial areas the land use by-law may regulate the number, size, height, illumination and location of signs to ensure that development is in keeping with the character of the respective commercial areas”.

Consistent with the above policy, the Halifax Mainland LUB in Section 42 contains specific regulations for signs within the C-2 Zone as follows:

42(1) Each C-1, C-2A or C-2 use shall be permitted one identification sign which may be illuminated.

42(2) In addition to the sign permitted in (1), each property shall be permitted to erect one free-standing identification sign which may be illuminated, provided that it will not cause a nuisance or hazard to the public.

Under the Mainland LUB, the C-2 (General Business) Zone is applied to four established commercial areas that contain a wide variety of small and large scale commercial uses, including shopping malls, strip malls, grocery stores, banks, hotels and restaurants. There are a total of twenty six (26) properties zoned C-2, of which six (6) are corner lots each containing one or more uses. (Maps 1 and 2).

Regional Council’s motion on possible LUB amendments coincided with a land use compliance case involving a business within the corner unit of a multi-tenant commercial building located on Lacewood Drive in Halifax. The business installed a second sign without a development permit and, at the time, staff determined that a development permit for the second sign could not be issued under the LUB regulations that only allowed one sign per use in a C-2 Zone.

After opening of the land use compliance case staff have since informed the applicant that they could in fact apply for one wrap-around sign that can be seen from both sides of the corner building. This would be consistent with the LUB and other previously issued approvals for signs on corner buildings.

DISCUSSION

Staff has reviewed the proposed LUB amendment relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B contains the proposed LUB text amendment that would allow uses located on corner lots in the C-2 Zone to have one additional sign. The following matters have been identified for more detailed discussion.

MPS Policy Review

The general wording of the signs policy contained in the Halifax Mainland MPS provides Council with broad discretion to set specific signage regulations in the LUB. In this case, the C-2 Zone is applied to major

intersections and collector roads and a significant amount of commercial signage is already present in these areas. The proposal to allow uses located on the six corner lots to locate one additional sign would provide greater flexibility for these uses to advertise in multiple directions. Since a small number of lots are affected, this additional flexibility is not expected to result in a noticeable difference in the amount of signage present in the area. Furthermore, a number of other community LUBs have provisions that allow an additional sign on corner lots. Therefore, staff advise that the modest increase in the number of permitted signs is consistent with the MPS policy aimed at ensuring permitted signs are in keeping with the character of these commercial areas.

Plan & By-law Simplification

The regulation of signs is inconsistent across HRM's 22 LUBs, which causes confusion to the public, and requires significant staff resources to both interpret and enforce. This example of inconsistent regulations demonstrates the need for the Plan and Land Use By-law Simplification project, which is aimed at developing a more consistent and streamlined regulatory framework. Signage regulations will be one of the items reviewed through this initiative, including the amount of signage permitted in commercial areas and corner lots.

LUB Amendment Process

The *HRM Charter* enables Regional Council to establish one or more Community Councils and delegate them certain authorities. One of the authorities Council may delegate to Community Councils is the power to amend the LUB within its applicable area, providing the amendment carries out the intent of the MPS. Once Council delegates such authority, the *HRM Charter* provides that "the community council stands in the place and stead of the Council". In this case, Council has created the Halifax and West Community Council and delegated it the authority to amend the LUB, providing the amendment carries out the intent of the MPS. As this LUB amendment would carry out the intent of the MPS, staff is recommending this matter be referred to the Halifax and West Community Council for its consideration.

Conclusion

Staff have reviewed the proposal in terms of all relevant policies and advise that the proposal is reasonably consistent with the intent of the MPS. The C-2 Zone applies to four established commercial areas and the modest increase in the number of signs permitted on corner lots is consistent with the character of these commercial areas. Staff also note that the inconsistent signage regulations will be comprehensively reviewed through the Plan and By-law simplification initiative, which may result in further changes to signage regulations in the longer-term. Therefore, staff recommend that Regional Council refer the proposed LUB amendment to Halifax and West Community Council.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with the LUB amendment process can be accommodated within the approved 2017/18 operating budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. The proposed LUB amendment may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The standard community engagement process for LUB text amendments is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement proposed is consultation, achieved through providing information and seeking comments through the HRM website, and letters mailed to property owners that would be effected by the proposal.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, effected property owners will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact business owners and the travelling public.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Regional Council may choose to forward the proposed LUB amendments to Halifax and West Community Council subject to modifications. Such modifications may require a supplementary staff report.
2. Regional Council may choose to not forward the proposed LUB amendments to Halifax and West Community Council. A decision of Council to not forward the proposed amendments to Community Council is not appealable to the N.S. Utility & Review Board as no application has been made and Council is under no obligation to consider any amendments to its signage regulations.

ATTACHMENTS

Map 1	C-2 Zoned Properties, North
Map 2	C-2 Zoned Properties, South
Attachment A	Proposed Halifax Mainland LUB Amendments

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Report Approved by: Kelly Denty, Acting Director, Planning and Development, 902.490.4800



Map 1
Halifax

HALIFAX

 C-2 Zoned Properties in the
Halifax Mainland Land Use By-Law



The accuracy of any representation on
this plan is not guaranteed.

Halifax Mainland
Land Use By-Law Area



Map 2

Halifax

HALIFAX



C-2 Zoned Properties in the
Halifax Mainland Land Use By-Law



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Halifax Mainland
Land Use By-Law Area

Attachment A

Proposed Amendments to the Land Use By-law for Halifax Mainland

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby further amended as follows:

1. Insert Section 42(3) following section 42(2) as follows:

42(3) In addition to the sign permitted in (1), each C-1, C-2A or C-2 use located on a corner lot shall be permitted one additional identification sign which may be illuminated.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Halifax Mainland, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of _____, 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2018.

Municipal Clerk