

To: **Town of Port Hawkesbury Planning Advisory Committee
Town of Port Hawkesbury County Council**

From: **Planning Staff (EDPC)**

Date: **April 25, 2024**

Reference: **Request to amend the Port Hawkesbury Planning Strategy and Land Use By-law to allow a building supply sales business, retail sales, restaurants, clinics, warehouses, and outdoor storage in the Commercial Restricted (C-4) Zone, to relax architectural requirements for accessory buildings, and amend signage provisions.**

Background:

District Planning originally received a request from Jim Mustard on behalf of 678734 N.B. Inc. in May of 2023 to amend the Port Hawkesbury Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow retail sales including building supply stores in the Commercial Restricted (C-4) Zone. The application has been taken over by Daniel MacDonald of MacDonald Group. They are also seeking to allow restaurants, clinics, warehouses, and outdoor storage in the C-4 Zone. They are also seeking a relaxation of architectural requirements for accessory buildings and for signage regulations specific to the C-4 Zone. Overall, these amendments aim to add flexibility to enable the adaptive reuse of the former call center site.

	Description
Designation:	Commercial
Zoning:	Commercial Restricted (C-4)
Identification:	50273309
Total Lot Area:	13.94 acres
Site Visit:	June 12, 2023



Figure 1 Former Minacs call center located at 24 Queen Street Extension.

The former call center at 24 Queen Street Extension (PID 50273309 is the only property zoned Commercial Restricted (C-4). The C-4 Zone is also available by rezoning. This zone permits a range of commercial and light industrial uses including: Call centers, Business offices, Banks, Cannabis production and processing, Grocery stores, Hotels and motels, Medical research and production facilities, and Shopping centers.

To the north of the property, across Queen Street Extension, is the Cairdeil Estates mobile home park which contains upward of 100 dwellings. There is industrial zoning abutting the lot to the

south and west, however the industrial activity is accessed by Granville Street and the topography and forested area acts as a buffer. The eastern property boundary forms part of the Town's boundary; the area beyond falls under Richmond County's jurisdiction.



Figure 2 Map of Commercial Restricted (C-4) zoning and surrounding area.

Property History

In the mid-1990's the Government of Nova Scotia initiated a call center strategy to generate economic development in the province. The call center in Port Hawkesbury was constructed in 2001 and was operated by EDS Canada. In 2007, Minacs took over, but the call center ultimately shut down in 2011. Since that time, the building has been subject to two renovations to accommodate new uses. There is a 4,000 sq. ft. area that continues to be leased by the Department of National Defense. The Port Hawkesbury Land Use By-law was amended in 2014 to allow for medical research and production facilities and cannabis production and processing facilities (2019). The property owner obtained a building and development permit to renovate, but the facility did not end up operating there. The building itself has approximately 75,000 sq. ft. of floor area, with much of this space being vacant for several years.

Analysis:

The Planning Strategy acknowledges the historic trend of call centers and establishes the Commercial Restricted (C-4) zone. This zone allows for call centers, but also a small range of other

uses. The zone generally excludes uses which would require outdoor storage and display, have significant signage, or those which are industrial in nature.

Building supply stores, restaurants, clinics, and warehouses can all be compatible uses in the C-4 Zone subject to provisions aimed at mitigating impacts to any surrounding residential or open space areas. Clinics and restaurants have negligible land use impacts when compared to uses that are already permitted. Building supply stores typically include substantial outdoor storage areas, may use outdoor display, and make use of larger-scale signage.

Outdoor Storage and Display

To improve visual compatibility, outdoor storage areas should be required to be setback and screened from view. Outdoor storage and display are currently permitted in the Commercial Highway (C3) and Commercial Main Street (C5) zones only. Storage is prohibited in the required front yard and display must be 3.05 m (10 feet) back from the front lot line. The Commercial Restricted C-4 zone has a significant minimum front yard (12.2 m or 40 feet). Therefore, staff are instead recommending that outdoor storage areas be set back a minimum of 25 feet from the front lot line. Staff are also recommending that opaque fencing be required at a height adequate to visually screen any storage area from view from any public street or abutting residential use.

Signage

The Municipal Planning Strategy states that signage should be regulated “...in order to prevent the proliferation of garish and oversized signs and billboards.” The applicant wishes to increase the maximum sign area for ground signs in the C-4 zone to improve visibility from the intersection of Reeves Street and Highway 4/Industrial Park Road and with Queen Street Extension. They are also seeking the opportunity to locate a second ground sign on the property for other tenants. Currently this zone is subject to the same rules for signage as the Commercial Highway and Commercial Main Street zones. However, these provisions were based on existing signage in these areas; one ground sign is permitted with a maximum sign area is 6.5 m² (70 ft²). The applicant has provided a drawing for their standard signage which has an area of 18.4 m² (198.42 ft²).

The by-law does contain general commercial provisions that restrict the size, location, height, and illumination of signage when located in a yard abutting a residential zone. However, in the case of the call center property, while there is residential zoning across Queen Street Extension, this would not meet



Figure 3 Pylon sign drawing submitted by the applicant.

the test of ‘abutting’ as defined in the by-law.

Given the limited application of the Commercial Restricted zone, granting these allowances would not result in “visual clutter.”

Architectural Requirement for Accessory Buildings

The applicant wishes to use a prefabricated dome structure for accessory storage on the property, similar to the example shown in Figure 4. Under the LUB, all accessory buildings must “be consistent in architectural style with the main building on the lot.” This provision was added in 2017, specifically to ensure that residential



Figure 4 Accessory structure example.

accessory buildings meet a minimum aesthetic standard. Structures such as these would require permits and must meet the building code. The decision to allow or prohibit them is a matter of what is visually acceptable to the community. The proposed amendments relax the architectural requirement for accessory buildings in the Commercial Restricted, Commercial Highway, Mixed Use, and industrial zones only.

Alignment with Statements of Provincial Interest

To enable these changes to the LUB, minor changes must be made to the MPS as outlined in Appendix A. As legislated by the *Municipal Government Act*, these amendments to the MPS are reasonably consistent with the Statements of Provincial Interest (SPIs). The SPIs relate to drinking water, flood risk areas, agricultural lands, efficient use of infrastructure, and housing.

Conclusion:

The proposed amendments are intended to support the adaptive re-use of the former call center. Given the significant floor area of the building, it is logical to allow uses that would require a large floor area. These amendments would assist this predominantly vacant site to become active again, adding value for the nearby community, Town residents, and in the wider area. Overall, the requested amendments are reasonable, provided that there are provisions in place to minimize potential impacts on the Cairdeil Estates mobile home park (and other residential areas should the zone be applied elsewhere in the future).

Therefore, Staff recommend that Council approve the proposed amendments to the *Town of Port Hawkesbury Municipal Planning Strategy and Land Use By-law* as outlined in Appendix A.

Appendix A: Amending Pages

A By-law to Amend the *Municipal Planning Strategy for the Town of Port Hawkesbury*

The *Municipal Planning Strategy for the Town of Port Hawkesbury* is hereby amended as follows:

1. In Part 3.2 Commercial Development, Policy L-2.4.0 by adding the following text in bold:

L-2.4.0 Within the Commercial designation, it shall be the intention of Council to establish a Commercial Restricted (C4) Zone in the Land Use By-Law which permits such uses as telephone customer service call centres; business and professional offices; banks and financial institutions; food and grocery stores; hotels and motels; Medical Research and Production Facilities; places of entertainment, recreation, and assembly; retail sales within wholly enclosed buildings; **retail lumber and home improvement supplies establishments; warehouses; restaurants; clinics;** and shopping centres.

2. In Part 3.2 Commercial Development, General Commercial Provisions by adding the following text in bold:

General Commercial Provisions

The opinion of Council is that commercial waste bins, although necessary, are both unsightly and one of the causes of litter in Town. When the bins are left open, there is increased potential for waste and odour to be carried to adjacent properties. Council intends to adopt regulations requiring commercial operators to erect fences around these bins thereby screening them from public roads and walkways.

Outdoor storage and outdoor display will be permitted only in the commercial highway, **commercial restricted**, and commercial main street zones providing they conform to controls regulating the location on the lot and the area devoted to the activity. In addition, buffering between commercial uses and other uses will be required to ensure conflicts are minimized.

L-2.5.0 It shall be the intention of Council to require the screening of waste bins in the Downtown and Commercial designations.

Council's intention is to mitigate the potential for land use conflicts between commercial and residential uses by adopting buffering requirements in the Land Use By-law to protect land owners whose property abuts a commercial use.

L-2.5.1 It shall be the policy of Council to require buffering between uses in the Downtown and Commercial designations or the Commercial Neighbourhood (C1) zone which abut a residential use such that any land use conflicts may be minimized.

L-2.5.2 It shall be the intention of Council to regulate outdoor storage and outdoor display in the Commercial Highway (C3), **Commercial Restricted (C4)**, and Commercial Main (C5) Street Zones and to prohibit the same in the other commercial zones.

Appendix A: Amending Pages

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Town of Port Hawkesbury on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Town this ____ day of _____, 2024.

Terry Doyle
CAO

Appendix A: Amending Pages

A By-law to Amend the *Land Use By-law* for the Town of Port Hawkesbury

The Town of Port Hawkesbury *Land Use By-law* is hereby amended as follows:

1. In Part 6 A, General Provisions, Accessory Buildings, inserting the following text in bold:

Accessory Buildings

1. a) Accessory uses, buildings and structures shall be permitted in any zone within the Town of Port Hawkesbury. Such uses, buildings or structures shall:
 - i) not be used for human habitation;
 - ii) within a residential zone, not be located within the front yard of the lot;
 - iii) within a non-residential zone, not be built closer to a street on which the main building fronts than the main building is to that street;
 - iv) on a corner lot, the building shall be located in the rear yard or in the side yard which is not adjacent to the flanking street;
 - v) not be built closer than 2.50 m [8.2 ft.] to a lot line in a Residential Rural (R5) Zone and 1.25 m [4.1 ft.] in any other zone except that:
 - a) common semi-detached garages may be centered on the mutual side lot line;
 - b) accessory buildings with no windows or perforations on the side of the building which faces the said lot line may be located a minimum of 0.60 m [2.0 ft.] from the said lot line in any residential zone, except in a Residential Rural (R5) Zone; and
 - c) boat houses and boat docks may be built to the lot line when the line corresponds to the water's edge or is in the water;
 - vi) not exceed 4.60 m [15.1 ft.] in height, except for accessory buildings not associated with a residential use in a Residential Rural (R5) Zone or accessory buildings in an Industrial (M1, M2, M3) Zone;
 - viii) not exceed 70.0 m² [753 ft.²] in total floor area, or 10% of the total lot area, except in a Residential Rural (R5) or Industrial (M1, M2, or M3) Zone; and
 - ix) not be built within 1.80 m [5.9 ft.] of the main building, and
 - x) be consistent in architectural style with the main building on the lot, **except in a Commercial Highway (C3), Commercial Restricted (C4), Mixed Use (M1), or Industrial Extractive (M3) Zone.**
- b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempt from any requirements under Subsection 1 of this Part.

2. In Part 6B, Signs, inserting the following text in bold and removing the text in strikethrough:

Commercial Highway (C3) Zone **and** Commercial Main Street (C5) Zone ~~and Commercial Restricted (C4) Zone~~

Appendix A: Amending Pages

9. a) Signs shall be limited to one (1) ground, one (1) close proximity drive through advertising sign and one (1) roof sign per lot. In addition, one (1) projecting wall sign shall be permitted for each business premise and facial wall signs shall be limited subject to Section 8(c) and any such sign shall advertise only an activity that is legal on the property.
- b) Ground Signs
- i) One ground sign not exceeding 6.5 m^2 [70 ft^2] in sign area on a single face sign or 13.0 m^2 [140 ft^2] of sign area for both faces combined shall be permitted. Signs for more than one business occupying a single property shall be consolidated in a multiple occupancy ground sign.
- ii) Ground signs shall not exceed a height of 11.0 m [36.0 ft.] from the grade level to the highest part of the sign.
- a) Close Proximity Drive Through Advertising Signs
- i) Notwithstanding Section 5 (I), signage may advertise businesses or uses which are not located on the lot or premise.
- ii) One close proximity drive through advertising sign not exceeding 4.65 m^2 (50 ft^2) in sign area on a single face shall be permitted.
- iii) Close proximity drive through advertising signs shall not exceed a height of 3.05 m (10.0 ft.) from the grade level to the highest part of the sign.
- iv) Close proximity drive through advertising signs must be within a minimum of 6.10 m (20ft.) and facing an abutting drive through establishment.
- d) Roof Signs
- No roof sign shall exceed more than 9.5 m^2 [102 ft^2] in sign area, exceed 0.60 m [2.0 ft.] in height or extend beyond the lateral extremities of the roof upon which it is attached.
- e) Projecting Wall Signs
- No projecting wall sign shall exceed 1.9 m^2 [20.5 ft^2] in sign area or project more than 1.80 m [5.9 ft.] from the wall upon which it is attached or be permitted to swing freely on its supports.
- f) Facial Wall Signs
- i) The total facial wall sign area shall cover no more than ten (10) per cent of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
- ii) In the case of multiple occupancy buildings, the number of facial wall signs shall be determined based on a formula of one (1) sign per business premise plus two (2) additional signs.
- iii) In the case of business and professional offices, the number of facial wall signs shall be limited to three (3).

Commercial Restricted (C-4) Zone

9. a) **Signs shall be limited to two (2) ground signs, one (1) close proximity drive through advertising sign and one (1) roof sign per lot. In addition, one (1) projecting wall sign shall be permitted for each business premise and facial wall signs shall be limited subject to Section 8(c) and any such sign shall advertise only an activity that is legal on the property.**
- b) **Ground Signs**
- i) **Two ground signs not exceeding 18.5 m^2 [199.1 ft^2] in sign area on a single face sign or 37 m^2 [398.2 ft^2] of sign area for both faces combined shall be permitted.**

Appendix A: Amending Pages

- ii) Ground signs shall not exceed a height of 11.0 m [36.0 ft.] from the grade level to the highest part of the sign.
- b) Close Proximity Drive Through Advertising Signs
 - v) Notwithstanding Section 5 (I), signage may advertise businesses or uses which are not located on the lot or premise.
 - vi) One close proximity drive through advertising sign not exceeding 4.65 m² (50 ft²) in sign area on a single face shall be permitted.
 - vii) Close proximity drive through advertising signs shall not exceed a height of 3.05 m (10.0 ft.) from the grade level to the highest part of the sign.
 - viii) Close proximity drive through advertising signs must be within a minimum of 6.10 m (20ft.) and facing an abutting drive through establishment.
- d) Roof Signs

No roof sign shall exceed more than 9.5 m² [102 ft²] in sign area, exceed 0.60 m [2.0 ft.] in height or extend beyond the lateral extremities of the roof upon which it is attached.
- e) Projecting Wall Signs

No projecting wall sign shall exceed 1.9 m² [20.5 ft²] in sign area or project more than 1.80 m [5.9 ft.] from the wall upon which it is attached or be permitted to swing freely on its supports.
- f) Facial Wall Signs
 - i) The total facial wall sign area shall cover no more than ten (10) per cent of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
 - ii) In the case of multiple occupancy buildings, the number of facial wall signs shall be determined based on a formula of one (1) sign per business premise plus two (2) additional signs.
 - iii) In the case of business and professional offices, the number of facial wall signs shall be limited to three (3).

3. In Part 13 Restrictions on Open Storage, Outdoor Display and Garbage Bins, inserting the following text in bold:

Restrictions on Open Storage, Outdoor Display and Garbage Bins

- a) Outdoor display or outdoor storage shall be permitted only within a Commercial Highway (C3) Zone, **Commercial Restricted (C4) Zone**, or Commercial Main Street (C5) Zone.
- b) Where a lot is to be used primarily for outdoor display or outdoor storage within a Commercial Highway (C3) Zone or Commercial Main Street (C5) Zone, the following restrictions shall apply:
 - i. outdoor storage shall not be permitted within any required front yard of a lot;
 - ii. **Notwithstanding Part 13 Section 2.b(i), in the Commercial Restricted (C-4) zone, outdoor storage shall be permitted in the required front yard of the lot provided that the outdoor storage is setback a minimum 7.6 m [25 ft.] from the front lot line;**
 - iii. **In the Commercial Restricted (C-4) zone, outdoor storage shall be screened from any public street and any abutting residential zone by an opaque fence at a height adequate to visually screen the outdoor storage.**
 - iv. outdoor display shall not be permitted within 3.05 m [10.0 ft.] of the lot line; and
 - v. the area devoted to outdoor display or outdoor storage shall not exceed fifty (50) percent of the total lot area.
- 3. All garbage bins associated with a commercial use shall be screened by an opaque fence at a height adequate to visually screen the bin.

Appendix A: Amending Pages

1. In Part 17 Commercial Restricted (C-4) Zone, Section 1, inserting the following text in bold:

1. No development permit shall be issued in a Commercial Restricted (C-4) Zone except for the following uses:

- Telephone customer service call centers
- Business and professional offices
- Banks and financial institutions
- Cannabis production and processing facilities
- **Clinics**
- Food and grocery stores
- Hotels and motels
- Medical research and production facilities
- Places of entertainment, recreation and assembly
- **Restaurants**
- **Retail stores**
- **Building supply and equipment depots, but excluding the bulk storage of sand or gravel for resale**
- Shopping Centres
- **Warehouses**

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Town of Port Hawkesbury on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Town this ____ day of _____, 2024.

Terry Doyle
CAO