

To: **Port Hawkesbury Planning Advisory Committee**
Port Hawkesbury Council

From: **Planning Staff (EDPC)**

Date: **June 17th, 2021**

Reference: **Application to amend the Municipal Planning Strategy and Land Use By-law to allow Close Proximity Advertising to Drive Through Establishments within the Town.**

Recommendation:

Planning staff are providing Council with the option to amend the *Municipal Planning Strategy* and *Land Use By-law* to allow for off-site signage within the Town boundaries.

Background:

The Commission received a written submission from Mark Farrow on August 24th seeking an amendment to the planning documents in order to develop a digitally illuminated display board facing onto the abutting property's drive-through. The reason for the amendment is due to the current proposal not meeting the requirements of the By-law. Presently the Part 6B Section 5 of the Land Use By-law states the following with respect to signs that are *prohibited* in all zones: "*I) Signs not related to any business or use located on the lot or premise;*"

During the site visit performed on October 20th, staff noted that the area of the proposed signage was on a narrow portion of grassed land between the laundromat's parking lot and the restaurant's drive-thru very close to the abutting lot. However, it does appear that there is enough space to accommodate the proposal.

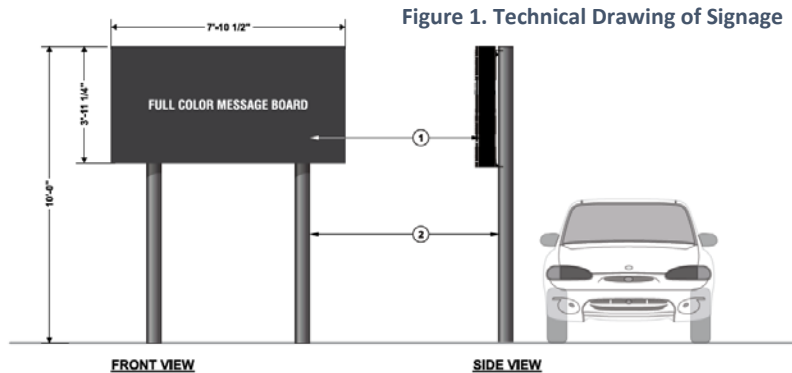
Analysis:

Initially, staff were of the opinion that allowing a development such as this one would have required multiple changes to both the *Municipal Planning Strategy* and the *Land Use By-law*. Following internal discussions and consultation with the Town, staff have determined that the most direct method of allowing a development such as the proposed would be through a "Close Proximity Advertising to Drive Through Establishments" provision added to the *Municipal Planning Strategy* and an addition to the Signage Section of the *Land Use By-law*.

Policy I-1.2 allows for amendments to the *Municipal Planning Strategy* where a policy intent is to be changed. In this case, a policy will need to be added to in order to permit the development as a new type of signage. Because it is a divergent type of signage from the rest of the signage dealt with in the planning documents, a policy concerning specifically "Close Proximity Advertising to Drive Through Establishments" would need to be included under the Sign Regulation Section within General Development Policies of the *Municipal Planning Strategy*. This policy would allow developments similar to the applicant's intended development, as well as setting out the requirements which would be further described in the *Land Use By-law*.

With the inclusion of a policy to permit “Close Proximity Advertising to Drive Through Establishments”, a corresponding addition to the *Land Use By-law* which would describe the criteria to be met for a proposed development. The addition would be a new type of signage included within the C-3, C4, and C-5 zones. Included in the criteria for this type of signage would be the allowance to advertise products, services, and businesses which are not located on the property, notwithstanding Section B. 5 (l) of the *Land Use By-law*. Also, any developments made through this provision would be required to be within a set distance from a drive through establishment, as that is the intended purpose of the signage type.

There is also the matter of our inability to legislate the content of signage and how this may cause issues surrounding competitor advertisements. This problem may be considered to be self regulating, as any cases where there is competition advertisements may be prevented by fencing.



The wider considerations for the amendment must also be considered. Adding a new section to the Signage Section would permit off-site local advertising signage through out the Commercial Highway (C3) Zone, Commercial Main Street (C5) Zone, and Commercial Restricted (C-4) Zone. Staff do see these commercial zones as the most fitting for signage of this type. Ultimately the decision is up to Council if this amendment is the direction the Town wishes to take.

Conclusion:

Both PAC and Council must determine if this application provides valid reasons for amending the current *Land Use By-law*. It is therefore advisable to consider the effects of amendments in the larger scope of permissions within the Town of Port Hawkesbury if the amendment is to occur.

Appendix A: Municipal Planning Strategy Amending Page

**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 by:

- 1) adding the following preamble and policy text immediately following Policy CD-6.1:

Close Proximity Advertising to Drive Through Establishments

Advertising to drive through establishments are considered to be a special circumstance type of signage due to not conforming to the more general signage regulations. These types of signage will be able to advertise products, services, and businesses which are not located on the lot where the signage is located. This type of signage is also intended to be viewed from a drive through establishment only and as such will be required to be located in close proximity to the drive through.

CD-7.2 It shall be a policy of Council that Close Proximity Advertising to Drive Through Establishments be permitted and the criteria of which shall be set out in the *Land Use By-law*.

And

- 2) by renumbering 6.0 to 6.11 to the corresponding 7.0 to 7.12 to correct the numbering of the part.

This is to certify that the by-law, of which this is a true copy, was duly passed at a duly called meeting of Municipal Council of the Town of Port Hawkesbury held on the ____ day of ____, 2021

Given under the hand of the CAO and under the corporate seal of the said Town this ____ day of ____, 2021

Mr. Terry Doyle, CAO

Appendix B: Land Use By-law Amending Page

A BY-LAW TO AMEND THE LAND USE BY-LAW FOR THE TOWN OF PORT HAWKESBURY

Part 6B (9) of the *Land Use By-law* for the Town of Port Hawkesbury is hereby amended by:

1) adding the following text in bold:

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.

...

c) Close Proximity Drive Through Advertising Signs

- i) **Notwithstanding Section 5 (l), 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 m² [50 ft²] in sign area on a single face sign 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 signage must be within a minimum of 6.10 m [20 ft.] and facing an abutting drive through establishment.**

And

3) by renumbering 6B (9) c), d) and e) to clauses d), e) and f) respectively.

This is to certify that the by-law, of which this is a true copy, was duly passed at a duly called meeting of Municipal Council of the Town of Port Hawkesbury held on the ____ day of ____, 2021

Given under the hand of the CAO and under the corporate seal of the said Town this ____ day of ____, 2021

Mr. Terry Doyle, CAO