



**Town of Amherst
Planning Advisory Committee Meeting**

Agenda

Date: **Monday, May 13, 2019**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Approval of Agenda	
1.2 Approval of Minutes - April 4, 2019	1 - 5
2. Amendments to the Land Use Bylaw - Offsite Signage	
2.1 Staff Report	6 - 17
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3.2 Committee Questions / Comments	
3.3 Owner Questions / Comments	
4. Adjournment	

Town of Amherst Planning Advisory Committee Minutes

Date of Meeting: Thursday, April 4, 2019
Location: Council Chambers, Town Hall

Members Present: Deputy Mayor Sheila Christie
Councillor Terry Rhindress
Councillor Jason Blanch
Citizen Appointee Gordon Goodwin (Vice-Chair)
Citizen Appointee Larry Pardy

Members Absent: Citizen Appointee Ronald Wilson (Chair)

Staff Present: Manager of Planning and Strategic Initiatives,
Andrew Fisher
Municipal Clerk Kimberlee Jones
Administrative Assistant Emily Wainwright

1. Call to Order

Councillor Rhindress called the meeting to order at 4:30 p.m.

1.1. Approval of Agenda

Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Pardy
That the April 4, 2019 agenda be approved.

Motion Carried

1.2. Approval of Minutes

Moved By: Citizen Appointee Goodwin
Seconded By: Councillor Blanch
That the minutes of the March 11, 2019 PAC meeting be approved.

Motion Carried

2. Election of Chair

The Clerk read a letter from Citizen Appointee, Ron Wilson, in his absence, advising the committee that he wishes to be nominated for the position of Chair for the Planning Advisory Committee. Citizen Appointee Goodwin gave approval. Ms. Jones called for other nominations for the position of Chair. Being the sole nominee, Ron Wilson, was elected as Chair. The Clerk then called for nominations for the position of Vice Chair. Being two nominees, Gordon Goodwin and Terry Rhindress, a secrete ballot was conducted and Mr. Goodwin was appointed the position of Vice Chair.

3. Information Item

3.1 Nova Scotia Planning Conference

Mr. Fisher reviewed the information item included as part of the agenda package.

4. Amendments to the Land Use Bylaw – Offsite Signage

4.1. Staff Report

Mr. Fisher reviewed the staff report included as part of the agenda package.

4.2 Committee Questions / Comments

Deputy Mayor Christie stated that in our current bylaw, if that sign was erected on the roof or higher up on that particular building, it would still serve the purpose, which is to direct traffic to the business that is located just on the side street as well as being within all of the regulations that are set here as far as on-lot signage and nonelectronic. I am quite concerned that if this is opened up, we will be in the situation of selling spaces and the landscape of downtown would change tremendously. I would like to do whatever we could to help a businesses person out who is doing great things in our community, but maybe look for a different solution. Mr. Fisher stated that that there are other options that might be more effective than placing a static black and white sign on a white building. I think it might be more effective to have a hanging sign that had an arrow pointing towards that location. It could also include another banner on the hanging sign to advertise the other restaurant in that building. It is unfortunate that the sign has already been made, but we have a process where you apply for a development permit, and once it has been accepted you can then go and spend money on whatever it is you are developing.

Vice Chair Goodwin stated that there have been several instances of this building first then applying later. Maybe it is time we stop allowing this.

Larry Pardy asked if the business that has made this proposal is limited to just signage on their building. There is a sign on the lawn in front of their building, so

are they able to put another sign there for greater visibility. Mr. Fisher replied that there is a walkway that is Town owned land. The Town has given a lease for that walkway and have amended that lease to allow for the ground sign that is there now.

Councillor Blanch noted that what we want to do is limit selling off lot signage. Is there some type of bylaw that actually does that, rather than a bylaw of where you can place signs? I assume they would be buying space to put up their signs. If we could make a bylaw that directly said what we want or what we don't want, that might be the easier way to go. If there is a way protect the character of the downtown and allow them to put up their sign, I would be inclined to go that way or hear what it looks like. If there could be some clarification on the 5-kilometer distance as well, but I assume that means you could have a sign within 5-kilometres. But whatever the case, I would think ensuring that the off-lot signs are very close to the business would go a long way to offering the protection of the downtown character. Mr. Fisher replied that in terms of articulating what we want in a bylaw, for better or for worse, that is what this document is. The rules seem clunky but that is really the articulation in a regulatory way that is supposed to reflect what the community wants in terms of signage, or any other type of development. The 5km off-lot signage rule, may have its origin from the bylaw when it was adopted in 2005-2006. I think it was trying to limit excessive selling space for signs, essentially trying to restrict billboard signage. I think the idea would be signage that advertises businesses within the Town, or that is nearby within 5-kilometers, have a positive impact on the local economy, versus if you don't have a local limit, it opens opportunities up to any international brand. Councillor Blanch then stated that that no longer exists, so someone like Toyota or Coca-Cola could buy signage in Amherst, except in the downtown core district. Mr. Fisher replied that the proponent that wanted to put up an electronic billboard sign at the corner of South Albion and Robert Angus Drive. The sign was erected for a short period of time and then removed. It could have been for any number of reasons, but he presumed that it was a very expensive sign that would need a certain amount of ad revenue to justify its location.

Councillor Rhindress stated that a business on Church Street put a new electronic sign up on a building and put a new canopy at the business across the street. Mr. Fisher stated that there were a number of new canopies, and new windows installed around Town under the Gritty to Pretty program. New signs went up also and one of them was electronic. It met the requirements under 6.14, and so a development permit was issued. Councillor Rhindress then asked if the restaurant owner could place the ground sign be put on the wall over the door. Mr. Fisher replied that all signed erected on a wall is counted as one sign. There is a maximum area calculation is for every linear meter of building wall, you can have 0.6 square meters of signage. You could have five little signs, where we would add up the size of all the signs to make one sign. You can have one ground sign, up to a maximum number of two ground signs to be permitted on the lot, where the total number of signs on the lot shall not exceed three. Right now, I believe he has a sign around his door, he did have a ground sign, and he

had another sign on the wall, so we would count all of those. He could put a sandwich board sign up as that does not require a development permit.

Vice-chair Goodwin stated that there is a number of sign options provided in this bylaw, and asked if the owners looked into all of the opportunities listed here. Mr. Fisher replied that he has had discussions with the owners and explained those potential options to them.

Citizen Appointee Pardy stated that he thinks these types of businesses are great for tourism. They are small and unique and have a lot of character. On the other hand, I think there is enough opportunity in the existing bylaw to accommodate the businesses signage needs. I would suggest that maybe there is something the Town can do help this individual as out-of-towners are trying to find them, but I don't know if he's registered in Google, or if there is an opportunity to create stylish signs for the downtown.

Deputy Mayor Christie added that she sits on the Board of Entrance Committee and all the signage coming into Town is being redone. There is a provision that could possibly go in that direction. It hasn't gotten to Council yet, but that is something that is in the works. I fully understand where these people are coming from, but I do feel there could be a good workable solution for everything we have on the go.

Mr. Fisher stated that after discussions with the business owner, the civic address of the business was changed to better reflect its location on Ratchford rather than Havelock Street. The rules apply for everyone. You also have to consider that businesses that are not in the core area that may be uptown or even outside of Amherst, may want to take advantage of whatever sign opportunities are available.

Deputy Mayor Christie added that there has been a pretty big campaign by the Business Development Officer for businesses to use trip advisor. This particular business was awarded one of the top places to eat by Chatelaine Magazine.

5. Adjournment

Citizen Appointee Pardy motioned to adjourn the meeting at 5:18p.m.

Motion Carried

Kimberlee Jones, Municipal Clerk

Vice Chairman Gordon Goodwin

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: April 4, 2019
Subject: **Off Lot signage in the Core Area**

INTRODUCTION:

At its March meeting, Council considered a request from Birkinshaw's Tea Room for an exemption to the sign regulations that would allow the placement of an off-lot sign. Under section 6.14 (h) of the Land Use Bylaw (LUB) noted below, staff are not able to issue a Development Permit for an off-lot sign in the Core Area, and there is no mechanism to give exemptions under the LUB. As a result, the following motion was passed:

That Council direct the Planning Advisory Committee to review the Land Use Bylaw and propose amendments to permit non-electronic off-site signage in the downtown core, and further that the PAC do this in the most expedient manner possible.

BACKGROUND:

Attached for reference is a map showing the Core Area District as a yellow line within the Downtown Commercial Zone. Also attached is an excerpt of the LUB pertaining to signs.

On June 24, 2013, Council amended the LUB to adopt a suite of amendments that established a Core Area District within the Downtown Commercial Zone. These amendments included building design requirements to protect and enhance the traditional downtown built form and aesthetic. The signage requirements included in these amendments were intended to promote more traditional signage that was not internally lit.

On December 22, 2014, Council amended the LUB to remove the restriction that off-lot signage be restricted to businesses and uses located within 5 km of town limits. The amendment was the result of a request by a property owner that wanted to operate an electronic billboard at the corner of South Albion Street and Robert Angus Drive. The amendment allowed off-lot signage on any non-residential property but counted towards the maximum number of signs permitted.

On April 18, 2018, at the request of a property owner, Council amended the LUB to allow electronic signs in the Core Area that also included a prohibition on off-lot signage within the Core. LUB section 6.14 (h) states:

- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;*

The general intention of the above provision was to limit the ability within the Core Area to sell advertising space to off-lot businesses, which could potentially create an excessive amount of signage. It is important to note that the off-lot prohibition does not apply to areas outside the Core Area. Subsequent to the April 2018 amendment, Staff enforced this regulation by requiring an off-lot sign be moved from a property on the edge of the Core Area to an adjacent property just outside the Core. Over the course of the last year, Staff have advised other individuals and businesses that off-lot signage in the Core Area is not permitted.

PUBLIC PARTICIPATION OPPORTUNITY:

On May 1st, staff held an advertised PPO attended by three members of the public and the Mayor, a Councillor, and two PAC members. The attached meeting summary illustrates the subjective nature of signage with respect to how it should be regulated. The proponent wants an

off-lot sign to help customers find his business. One of the attendees felt directional signage is important, but promoted the concept of sign standardization that fits with the town's built heritage. The third attendee that owns an electronic sign felt that the restriction on off-lot signage should be removed for all sign types, electric or otherwise.

RELEVANT POLICY:

Any amendment to the LUB must be in keeping with the intent of Municipal Planning Strategy (MPS) policies. There are no policies specific to off-site signage, but in relation to this issue the following policies have some relevance. An amendment to the sign regulations would not be contrary to any of these policies.

<i>Downtown Commercial Zone</i>	<p>CP-3 It shall be the intention of Council to include in the Land Use Bylaw a Downtown zone. This zone shall be applied to the downtown commercial core and permit a range of commercial uses appropriate to the unique character of the area. The Downtown Zone shall include an overlay Core Area District where a development permit shall be required for new developments, and exterior renovations that alter the architectural features of a building. Issuance of a development permit shall be contingent on compliance with both the Downtown Zone and Core Area District requirements.</p> <p>It shall further be the intention of Council to include in the Land Use Bylaw provisions to regulate: signage, setbacks, building height, bulk, architectural features, building materials, and parking within the Downtown zone and Core Area District.</p>
<i>Amendment Criteria</i>	<p>A-5 It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:</p> <ul style="list-style-type: none"> (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations. (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of: <ul style="list-style-type: none"> (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) parking, traffic generation, access to and egress from the site; (iv) any other matter of planning concern outlined in this strategy.

DISCUSSION:

With respect to the challenges this particular business may have, these are challenges common to any business looking to drive more customers to their location. Within existing regulations, there are other signage options that might address this challenge. Sandwich Board signs are permitted without needing a permit. Also, a projecting wall sign could be placed on the corner of the subject building that directs customers to the location, as well as, other businesses located within the building. These alternatives could arguably be just as, if not more, effective as an off-lot sign.

The restriction on off-lot signage was recommended by the PAC and adopted by Council in 2018 with the intention to restrict the sale of sign space within the Core Area. Given the low cost of non-electric signage relative to electronic signs, the potential for excessive non-electric off-lots signs is significant regardless of electrification.

OPTIONS:

The Council motion directs the PAC to provide a recommendation on an LUB amendment that would allow non-electric off-lot signage in the Core Area. Below are three possible options provided for consideration; however, it should be noted that there are many ways to vary each option.

Option 1: Recommend that off-lot signage of all types be permitted by removing 6.14 (h):

- h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

Staff note: This option removes the off-site restriction put in place in 2018.

Option 2: Recommend that **non-electric off-site signage in the Downtown Core be permitted** by removing LUB section 6.14 (h) as follows:

- h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

and add the following subsection 6.14 i) ix:

- i (xi) Electronic signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;

Staff note: This option only restricts electronic off-site signs, and would allow the proponent's sign.

Option 3: Recommend that **non-electronic off-site signage in the Downtown Core be permitted, subject to a maximum permitted size** by amending 6.14 (h) as follows:

- h) Non-Electronic signs that display a business, product, or use not located on the property or premises where the sign is located shall not exceed **1.5m² (16 sqft)** in sign area;

*Staff note: This option allows off-lot signs, but **not** the 24 sqft sign put forward by the proponent.*

Option 4: Recommend that Council not amend the Land Use Bylaw to allow non-electric off-site signage in the Downtown Core Area District.

Staff recommend **Option 4**.

Mayor Kogon
Amherst Town Council
Victoria Street
Amherst
Nova Scotia

29/1/19

Dear Mayor Kogon,

I would like to request that an exemption from the bylaw regarding signage in the downtown core be permitted for our business, Birkinshaw's tea room on Ratchford Street in Amherst. We draw business from all over the Maritimes and further afield, and are recognised by the town, the Amherst Chamber of Commerce and other businesses as being one of the 'anchor businesses' in Amherst, and as such bring people to the town and their dollars! We have appeared in Chatelaine magazine and newspapers and magazines across the country from Halifax to Vancouver. We are shortly to be listed with Taste Nova Scotia, and are featured regularly in the Town's promotions.

Being located slightly off the beaten track creates some issues with people finding us. We regularly get comments regarding difficulty finding us from out of towners.

I was going to put up a sign on the law building opposite us which would give us visibility from the traffic lights on LaPlance Street. This in turn would make it easier for people to find us who travel from New Brunswick. Between my having the sign made and being ready to install, the bylaws were changed to forbid off site signage.

I enclose a picture of the sign, which resembles a traditional tin sign as would have appeared on warehouses in the past and would fit esthetically in the area. I see that we are now getting a plethora of digital signs in the downtown which have a bigger impact on the area than my static traditional sign.

I have support from members of the Council including Jason Blanch. The sign is 6' wide by 4' high and would be fixed to the upper side of the law building on Havelock Street with the finger image pointing to us on Ratchford Street.

Thank you for your time and consideration in this matter and if I can do anything or supply further information, please do not hesitate to contact me.

Regards,

Adrian Bligh



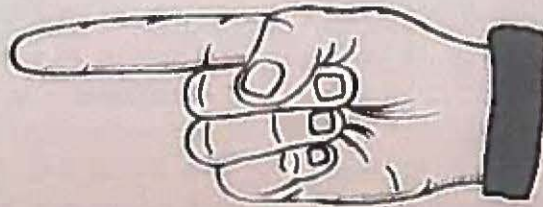
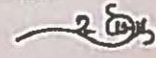
Birkinshaw's tea room

Winner of the small business of the year award 2018

Listed by Chatelaine Magazine as one of the "Top 10 places for afternoon tea in Canada"

BIRKINSHAW'S

TEA ROOM - COFFEE HOUSE - RESTAURANT



Eat In or Take Out

6.0 Signage

6.1 General Provisions

- (a) Where this section is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Highways, the more restrictive regulations shall apply.
- (b) Unless otherwise indicated in this section, no sign shall be erected without first obtaining a development permit from the Development Officer and no such permit shall be issued unless all the provisions of this Bylaw are satisfied.

6.2 Maintenance

- (a) Every sign shall be kept in good repair and working order.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention Bylaws.
- (c) If the business, service or other enterprise for which a sign is erected is no longer in operation the sign shall be removed, by the owner, within 60 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- (d) Subsection (c) shall not apply to a seasonal enterprise that normally closes during part of the year.

6.3 Signs Permitted in all Zones

The following signs are permitted in all zones and no development permit is required for their erection:

- (a) Signs not more than 0.2 m² in sign area, showing the civic number of a building;
- (b) signs of not more than 0.2 m² in sign area, showing the name of a resident or an occupier;
- (c) "No trespassing" signs or other signs regulating the use of a lot, and of not more than 0.2 m² in sign area, unless otherwise directed by a public authority;
- (d) real estate signs not exceeding 0.6 m² in sign area in a residential zone and 1.5 m² in other zones, which advertise the sale, rental or lease of the premises;
- (e) signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are less than 0.5 m² in area;
- (f) signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public institutions or public election lists or other public notices;
- (g) memorial signs or tablets, and signs denoting the history of a site or structure provided that no such sign exceeds 0.5 m² in area;
- (h) the flag, pennant or insignia of any nation, province or state or of any religious, charitable or fraternal organization;

- (i) a sign having an area of not more than 10 m² incidental to construction and within the area of such construction, and erected only during the period of construction;
- (j) a sign painted on a window; and,
- (k) election signs.

6.4 Signs Prohibited in all Zones

Except where permitted under conditions expressly set out in this section, the following signs are prohibited in all zones:

- (a) any sign or sign structure which constitutes a hazard to public safety or health;
- (b) signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or roads;
- (c) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (d) signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (e) signs on utility poles;
- (f) signs on a public lot or a public right-of-way unless erected by a governmental body, or unless specially permitted by Council, and except sandwich boards signs in the Downtown Zone;
- (g) signs painted on, attached to, or supported by a tree, stone, cliff or other natural object;
- (h) portable signs advertising a business not located on the same property as the said sign.

6.5 Number of Signs

- (a) Notwithstanding anything else in this Bylaw, not more than 3 signs may be erected on any one lot at any one time.
- (b) A double-faced sign shall count as a single sign.
- (c) Signs listed in subsection **6.3** "Signs permitted in all Zones" shall not be counted in calculating the total.
- (d) Not more than 2 ground signs shall be permitted on any one lot except in the case of the Highway Commercial Zone where not more than 1 ground sign shall be permitted for each 15 m of frontage of the lot on which they are placed, but in no case shall the total number of signs on the lot exceed 3.
- (e) All facial signs on a building are counted as 1 sign.

- (f) Not more than 1 projecting wall sign shall be permitted for each business premise.
- (g) A sign painted on or displayed within a window shall not be included in the calculation of the total number of signs on a premise.

6.6 Signs in Residential Zones

Unless otherwise specified in this Bylaw, signage in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.2 m² per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line

6.7 Off-site Signage

A development permit may be issued for the use of a sign which displays a business or a use not located on the lot or premises subject to the following requirements:

- (a) An off-site sign counts towards the maximum number of signs permitted on the lot where the sign is located.
- (b) The proposed signage complies with all other applicable requirements of this Bylaw respecting signage.
- (c) The off-site sign is not a portable sign.

6.8 Sponsorship Signage on Town Owned Recreational Lands

Sponsorship signage on Town owned recreational lands shall be exempt from the provisions of this bylaw, and no development permit is required. All approvals for sponsorship signage on Town owned recreational lands shall be subject to relevant Town policies regarding such.

6.9 Sandwich Board Signs

In all zones except residential zones, sandwich board signs are permitted without a development permit provided that:

- (a) such signs do not exceed 0.92 m in length and 0.61 m in width;
- (b) the number of such signs shall not exceed 1 per business premise;
- (c) the sign does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way; and,
- (d) the sign does not occupy more than one third of the width of the available sidewalk.

6.10 Ground Signs

- (a) In the Highway Commercial Zone, a ground sign shall not exceed 25 m² in sign area for each sign face.
- (b) In the Downtown Zone, a ground sign shall not exceed 10 m² in sign area for each sign face.
- (c) No ground sign shall project over any public property or space including an public park, street, right-of-way, sidewalk, parking lot, loading space, or place of assembly.
- (d) All supporting apparatus of a ground sign shall have a minimum 2 m setback from any lot line.

6.11 Projecting Wall Signs

A projecting wall sign shall not:

- (a) exceed 3 m² in sign area;
- (b) project more than 2 m from the wall upon which it is attached;
- (c) project over a corner sight triangle;
- (d) project above the eaves, parapet or roof line of a building;
- (e) be permitted to swing freely on its supports;
- (f) be less than 3 m off the ground at its lowest point;
- (g) notwithstanding clause **6.4 (f)**, a projecting wall sign may extend over a public right-of-way in the Downtown Zone, subject to the following requirements:
 - (i) the sign or any portion of the sign structure shall not project into the right-of-way a distance greater than 2/3 the width of the sidewalk; and
 - (ii) the sign requires a building permit issued in accordance with the Town of Amherst Building Bylaw.

6.12 Facial Wall Signs

Facial wall signs shall:

- (a) not cover more than 0.6 m² per lineal meter of the wall on which the sign is affixed;
- (b) not extend more than 0.3 m beyond the wall to which it is affixed; and
- (c) not extend more than 0.3 m above the top of the wall upon which it is located.

6.13 Roof Signs

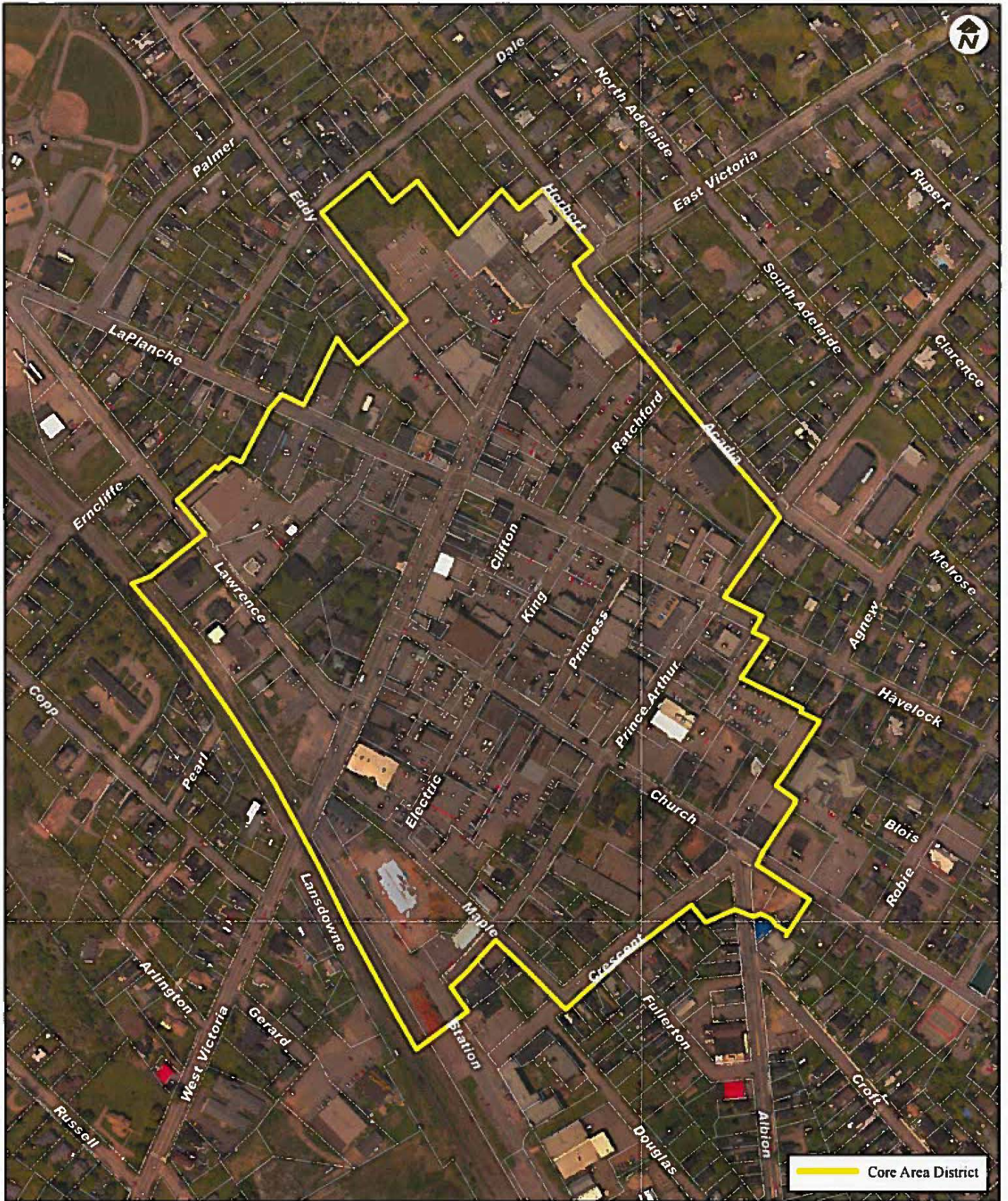
Roof signs shall:

- (a) not cover more than 0.6 m² per lineal metre of roof upon which the sign is affixed;
- (b) not extend more than 0.3 m beyond the roof to which it is affixed; and
- (c) not extend beyond the peak of the roof to which it is affixed.

6.14 Sign Standards in Core Area District

Signage within a Downtown District shall conform to the following, and shall take precedence over any conflicting signage requirement of this Bylaw:

- a) A sign board for commercial signage or awnings is required above the ground floor windows, and must be integrated into the architecture of the building.
- b) Signs on the top storey are permitted provided they are no greater than 0.3 sq m times the number of storeys (i.e. a 6 storey building can have 1.8 sq m sign).
- c) New Back-Lit or internally illuminated signs are not permitted in the Core Area District, except for backlight raised lettering only, where letters are greater than 200 mm high and no deeper than 150 mm, and electronic signs subject to section 6.14 (i).
- d) Projecting signs are permitted and encouraged. Projecting signs can be no larger than 3 sq metres, and have a minimum clearance of 2.7 m above grade.
- e) Spot lights, gooseneck light fixtures and other decorative light fixtures are permitted and encouraged for illuminating signs.
- f) Directory signs no larger than 2.5 sq m in area are permitted.
- g) Other than sandwich board signs, portable, and free-standing reader board signs are not permitted.
- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;
- i) Electronic signs are permitted as part of a freestanding, fascia, or canopy sign subject to the general provisions and the following standards:
 - (i) the message duration shall not be less than 10 seconds;
 - (ii) the message transition shall be instantaneous;
 - (iii) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - (iv) the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
 - (v) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;
 - (vi) the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. (Atlantic time) unless the business is open or in operation during those hours;
 - (vii) the sign shall be turned off in the case of a malfunction; and,
 - (viii) in any case, no electronic sign in the Downtown Zone shall exceed 3 m² (32 sqft) in area.



Town of Amherst

Public Participation Opportunity

Summary

Date of Meeting: Wednesday, May 1, 2019
Location: Boardroom, Town Hall

Public Present: Larry Pardy
Ronald Wilson
Councillor Darrell Jones
Leslie Childs
Mikhial Mansour
Adrian Bligh

Mayor David Kogon

Staff Present: Manager of Planning and Strategic Initiatives,
Andrew Fisher
Municipal Clerk, Kimberlee Jones
Unsightly Premises and Building Administrator,
Marc Buske
Administrative Assistant, Emily Wainwright

Andrew Fisher opened the Public Participation at 4:34p.m.

1. Public Participation Opportunity

Mr. Fisher provided an explanation of the new process of the Public Participation Opportunity.

1.1. Amendments to the Land Use Bylaw – Offsite Signage

1.1.1 Staff Report

Mr. Fisher reviewed his report as distributed in the agenda package.

1.1.2 Public Questions / Comments

Adrian Bligh, 1 Ratchford Street.

I wrote to Council requesting the sign in package you see here to be permitted on the side of the law office on Havelock Street. When my business opened in September 2017, the bylaw had changed a couple months after I bought and designed the sign. We have attracted 68% of guests from outside of Amherst and have been given national recognition. One of the issues we have is that we are on Ratchford Street, and not main street. People get frustrated because they are not quite sure where we are. One issue we fixed was that our address was changed to Ratchford Street from Havelock, so when you look it up online it is easier to find. What I would like to do is put the 3-foot by 6-foot sign I have on the law office on Havelock Street, at top part of building, and they have given us permission to put the sign there. As visitors come up LaPlanche Street they would be able to see the sign pointing toward Ratchford Street. I agree that you don't want advertising everywhere from everyone. Simple signs with permission from the owners are what I would like to see done. Maybe an option of limiting electronic signage might be a way around it. We don't want people coming into Amherst being frustrated because they can't find something. A few businesses already go against this bylaw; Breakfast at Brittney's advertises for Bella's on its side building, but it is several streets away.

Leslie Childs
Lamy St.

I am here for the Heritage Trust. I fully support ways to do business. But I think there is oversight on how this may make our downtown look. If there were guidelines to follow, it would allow future signs to be consistent and respectful, and there should be a process where they would have to submit an application of the sign for approval. I like it when there are signs that tell you where you to go. When I am confused on where to go, I may walk for a few minutes, but then I just get frustrated and go somewhere else. I think it's a good idea and I am in favor of this. This is something that other people, like Victoria Faire, has similar concerns. I think any one in that position should have that option.

Mr. Bligh

There has to be structure to it.

Mrs. Childs

There needs to be enforcement. If there is a sign that should not be there, within hours, if not days, it should be addressed. There are two signs for the Art of Eating Deli, at its currently location and one is on the old one. That in itself is against the current bylaws.

Mikhial Mansour
Church Street

I came here today to firstly thank everyone for all of their hard work, I think the Town is looking better. I am in favour of offsite signage. I think they are scared people are going to put up ugly signs, whereas I would like to put ads on my sign for 30 Church, the women's store across the road. But as the bylaw currently prohibits, I am not allowed. I think that's a good way to promote our businesses and products. I don't plan on selling the advertising spots. But ultimately, I think it promotes the downtown. Signage is the oldest part of advertising; I think signage is a good idea. I would like to see allowing off site signage. Maybe you could regulate it, like one sign per side of a building. One Councillor expressed that someone wanted to put up 10-12 electronic signs, it would be so expensive, and I don't think it is smart. you're better off to rent one sign at a time.

Mrs. Childs

I think we are looking at larger issues going down the road. I would be in favour of having some sort of theme that would fit in with our built heritage. Make the signs look the same, be the same size, I don't know how that would work, but to make the signage to fit in with the existing buildings.

Mr. Mansour

I think that electronic signage could help preserve heritage. A building that isn't doing so well, if you could rent out that sign on the building, they would have more money coming in to fix that building. A lot of buildings you can't use as offices, etc. so this would provide income. When you drive through downtown and see an empty lot and signifies that there isn't much going on here. When you see a LED sign on it, you might think there's stuff going on here, and that the downtown is a good place to do business.

Mr. Bligh

Electronic signage does have a place, but I think with the heritage aspect of it is something that the Town is trying to promote. The heritage is a draw to Amherst. We had people dressed up last year giving heritage tours and offering carriage rides. These things are a way to promote the Town. There needs to be restriction on electric signage, and I don't think a vacant lot is a place for an electronic sign. If it is to be done, I would like to see strict control, like the amount or kind of sign. People have complained about Laplanche Street; signs are a contentious issue. There

is nothing wrong with electronic signage, it doesn't matter, as long as there are guidelines. Let's get people here. Have people come to the Town and spend their money here. You can make sensible decision and enforce it.

As there being no further questions or comments, Mr. Fisher closed the Public Participation Opportunity at 5:07p.m.



May 6, 2019

To: Planning Advisory Committee
From: Marc Buske, Dangerous & Unsightly Premises Administrator
Subject: Recommendation for Demolition

RE: PID # 25031659, 23 SPRING STREET, AMHERST, NS

Issue

The lack of maintenance over the years has left the building in a state of serious disrepair. As articulated in the reports filed by the Building Official, there are various locations of structural failure.

History

- 1- September 15, 2011 a letter was sent to the property owner asking him to remove 5 derelict vehicles from the property.
- 2- October 21, 2011 there was a site visit and the 5 derelict vehicles have not been removed.
- 3- November 28, 2011 the Town hired a contractor to remove the 5 derelict vehicles from the property.
- 4- November 29, 2011 the file was closed.
- 5- July 27, 2018 received a complaint on the state of the property.
- 6- October 2, 2018 sent the complainant a letter acknowledging the complaint.
- 7- October 18, 2018 did a site inspection and took pictures of the outside of the building and property. Posted the property asking the owner to provide a report to the Town of Amherst on a plan to bring the building into a state that would meet the minimum standards for residential occupancies bylaw (P-A). A copy of this notice was sent register mail.
- 8- February 5, 2019 no report was provided to the Town of Amherst with a plan on bring the building into a state that would meet the minimum standards for residential occupancies bylaw (P-4). Posted the property with a notice to enter the property on February 7, 2019 at 9:30am to conduct an inspection of the condition of the building.



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- 9- February 7, 2019 There was a site visit on the property this day. Myself Marc Buske Dangerous and Unsightly premises administrator, Mr. Buell Cumberland building official, Miss Siddal Cumberland Intern building official and Cst Denville Amherst Police Department. We had to force the back door to gain access to the building. Pictures where taken and a report to follow.

Discussion

Mr. Buell's report indicated:

- 1- The roof and attic show signs of deterioration, rot, and exposure to the outside elements.
- 2- The front columns and support show signs of failure, including rot and collapse.
- 3- The sides of the porch roof show signs of collapse, pulling away from the main structure exposing the framework to the elements.
- 4- The front porch also shows signs of inadequate bracing and failure of same to properly support the continuing failures due to age and application.
- 5- The side round buttress shows sign of weakening, rot and structural failure.
- 6- The interior of the building shows signs of exposure to the outside elements, rot, structural failure and fatigue.
- 7- The interior is full of debris and clutter to the point of inhibiting passage safely and has several portable electrical heaters running which constitute a fire hazard.
- 8- Several windows are broken and despite efforts penetration of the structure by human and rodent occupants is apparent.
- 9- Signs of transient activity and signs of rodent occupancy (scat, nesting, etc.)

It is the opinion of this inspector that the building structure, specifically the front porch and side buttress window, is in a state of eventual collapse. The structure poses a serious health and fire risk and in its current state is not habitable. Possible restoration could be made with a considerable investment but until such a time the site should be secured against possible harm to the public. This would include but is not limited to; shutting off access to the interior, sealing openings in the roof and sides, and supporting those components that threaten the structures integrity. This building will further deteriorate to the point of imminent collapse if the process is not halted or reversed and as such threatens the safety of the public.

Recommendation

I am recommending the property at 23 Spring Street be demolished and the foundation be backfilled within 30 days from the date of this committee meeting, with all work to be done by the property owner, including proper disposal of all items within the building. Failure to do so will result in the Town completing the work. All costs incurred by the Town in the demolition and cleanup will be added to the owner's property taxes.



MEMORANDUM

TO: Marc Buske, Dangerous and Unsightly Supervisor, Amherst

FROM: David Buell, CBO II, FPI II, Supervisor, Cumberland County

DATE: February 7, 2019

CC:

RE: Site Inspection - 23 Spring Street, Amherst - PID# 25031659
Pictures attached

At the request of Amherst's Dangerous and Unsightly Official, an inspection was made of the above noted property. The on-site inspection was performed, and the following report filed by David Buell, Provincially certified Building Official and Fire Inspector. The site was visited at 9:30 am on the morning of February 7, 2019. The following was noted and photographed:

- The roof and attic show signs of deterioration, rot, and exposure to the outside elements.
- The front columns and support show signs of failure, including rot and collapse.
- The sides of the porch roof show signs of collapse, pulling away from the main structure exposing the framework to the elements.
- The front porch also shows signs of inadequate bracing and failure of same to properly support the continuing failures due to age and application.
- The side round buttress shows sign of weakening, rot and structural failure.
- The interior of the building shows signs of exposure to the outside elements, rot, structural failure and fatigue.
- The interior is full of debris and clutter to the point of inhibiting passage safely and has several heaters running which constitute a fire hazard.
- Several windows are broken and despite efforts penetration of the structure by human and rodent occupants is apparent.
- Signs of transient activity and signs of rodent occupancy (scat, nesting, etc.)

It is the opinion of this inspector that the building structure, specifically the front porch and side buttress window, is in a state of eventual collapse. The structure poses a serious health and fire risk and in its current state is not habitable. Possible restoration could be made with a considerable investment but until such a time the site should be secured against possible harm to the public. This would include but is not limited to; shutting off access to the interior, sealing openings in the roof and sides, and supporting those components that threaten the structures integrity. This building will further deteriorate to the point of imminent collapse if the process is not halted or reversed and as such threatens the safety of the public.

Regards
David Buell, CBO II, CFI
Permits and Inspection Supervisor
Cumberland County
902 667-3853

