



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.1

Halifax Regional Council
December 15, 2009
January 19, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: *Gloria McCluskey*

Councillor Gloria McCluskey, Chair
Harbour East Community Council

David Hendsbee
Councillor David Hendsbee, Chair
Marine Drive Valley and Canal Community Council

DATE: December 10, 2009

SUBJECT: **Case 01287 - Amendments to the Regional MPS and the MPS and LUB
for Planning Districts 14 and 17 and Dartmouth**

ORIGIN

The meeting of Harbour East Community Council held on December 3, 2009.

The meeting of Marine Drive Valley and Canal Community Council held on December 10, 2009.

RECOMMENDATION

Harbour East Community Council recommends that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-law for Dartmouth as contained in Attachment A and B of the report dated November 26, 2009 and schedule a public hearing; and
2. Approve the proposed amendments to the Regional Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-law for Dartmouth as contained in Attachments A and B of the report dated November 26, 2009.

Marine Drive Valley and Canal Community Council recommends that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy

as contained in Attachment D, and the Municipal Planning Strategy for Planning Districts 14 and 17 as contained in Attachment C of the report dated November 26, 2009, and schedule a public hearing; and

2. Approve the proposed amendments to the Regional Plan Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy for Planning District 14 and 17 as contained in Attachment C of the report dated November 26, 2009.

DISCUSSION

Harbour East Community Council considered this matter at their December 3, 2009 meeting. Harbour East Community Council is forwarding a recommendation to Regional Council recommending Regional Council give First Reading and schedule a Public Hearing to consider the proposed amendments to the Regional MPS and the MPS and LUB for Dartmouth.

Marine Drive, Valley & Canal Community Council considered this matter at their December 10, 2009 meeting. Marine Drive, Valley & Canal Community Council is forwarding a recommendation to Regional Council recommending Regional Council give First Reading and schedule a Public Hearing to consider the proposed amendments to the Regional MPS and the MPS and LUB for Planning Districts 14 and 17.

BUDGET IMPLICATIONS

As outlined in the attached staff report dated November 26, 2009.

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

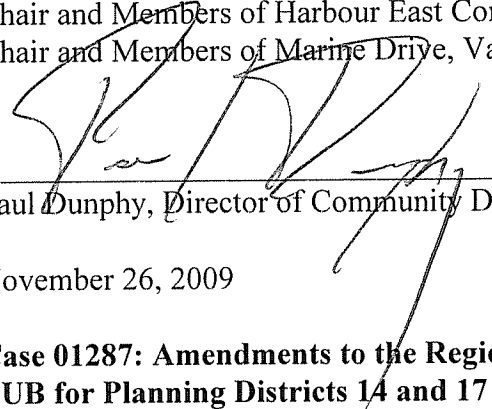
As outlined in the attached staff report dated November 26, 2009.

ATTACHMENTS

Staff report dated November 26, 2009..

Harbour East Community Council - December 3, 2009
Marine Drive, Valley and Canal Community Council - December 10, 2009

TO: Chair and Members of Harbour East Community Council
Chair and Members of Marine Drive, Valley & Canal Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: November 26, 2009

SUBJECT: **Case 01287: Amendments to the Regional MPS and the MPS and LUB for Planning Districts 14 and 17 and Dartmouth**

ORIGIN

On September 8, 2009, Regional Council passed a motion initiating the amendment process.

RECOMMENDATION

It is recommended that Harbour East Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-law for Dartmouth as contained in Attachments A and B of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-law for Dartmouth as contained in Attachments A and B of this report.

It is recommended that Marine Drive, Valley and Canal Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy for Planning Districts 14 and 17 as contained in Attachment C of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy for Planning Districts 14 and 17 as contained in Attachment C of this report.

BACKGROUND

Under the Regional Municipal Planning Strategy, the various business parks were included within a Business/Industrial Park Secondary Designation. This designation is intended to foster continued development and expansion of these parks. Policy EC-12 of the regional plan allows extension of municipal sewer and water services on HRM-owned lands in the business parks, regardless of servicing boundaries within the Regional Subdivision By-law.

The intent of the Regional Plan was to include all HRM-owned lands that were slated for park expansion within the Business/Industrial Park Secondary Designation, including lands for Burnside. However, some 256 acres of these lands were inadvertently excluded. These lands, although bought by the former City of Dartmouth for Burnside expansion, fell within the former Halifax County Municipality. Through the regional plan process, the Business/Industrial Park designation boundaries were aligned with the existing community plan boundaries for Dartmouth instead of following the property boundaries. This was essentially a mapping error. As a result, expansion of the park onto those lands is not permitted. The area in question is shown on Map 1.

Designation and Zoning:

Planning Document	Generalized Future Land Use Designation	Result
Regional MPS	Lands are designated Rural Commuter, not Urban Settlement Subject lands are not included within the Business/Industrial Park sub-designation.	Lands are situated outside the HRM service area boundary area, therefore, services cannot be extended to all of the subject area.
Community MPS and Land Use By-law (LUB)	Subject lands are designated Resource under the Planning Districts 14 & 17 (Shubenacadie Lakes) MPS and zoned R-7. The rest of the business park is situated within the Dartmouth MPS and mainly designated Industrial and zoned I-2	Existing zoning on subject lands does not permit business park uses. No option for rezoning under Planning Districts 14 & 17 (Shubenacadie Lakes) MPS

Burnside Functional Plan:

The HRM Business Parks Development Functional Plan, approved in principle by Regional Council in September 2008, identifies an impending shortage of industrial land supply in the Region and confirms the need to develop the remaining phases of Burnside to meet near-term demand for land in this area. Real Estate and Facility Services is therefore planning for the development of the final phases of Burnside Business Park.

DISCUSSION

Business Parks Functional Plan:

The HRM Business Parks Functional Plan strongly recommends that Burnside be able to expand as quickly as possible to meet the demand for industrial land. The mapping error made during the adoption of the Regional Plan has resulted in HRM being unable to expand Burnside over HRM owned lands. Accordingly, the inclusion of the lands shown on Map 1 within the Regional MPS Business/Industrial Park Sub-Designation would make the lands consistent with the Functional Plan and the Regional Plan.

Servicing Capacity:

The North Dartmouth Trunk Sewer is planned for construction in the short term. This will service all remaining phases of Burnside, as well as for the adjacent Dartmouth Crossing lands to the south and for some residential lands in Port Wallace, on the east side of Lake Charles. There is adequate capacity within the planned trunk system to accommodate 184 acres of the subject lands within the servicing area. However, a portion of the lands, approximately 73 acres, are landlocked by highway ramps around the Highway 118/Highway 107/Akerley Boulevard interchange. The issue of providing access to these lands has not been addressed, and at this time there is no trunk sewer capacity allocated to this location. In addition, the 184 acres for which sewer capacity is available are able to be serviced with municipal water.

Proposed Amendments:

In order to ensure that Burnside can expand over all of HRM’s owned land as previously envisioned, amendments are therefore needed to the Regional Plan, and the MPS and LUB documents for Planning Districts 14 and 17 and Dartmouth. These are map amendments only, no text or policy changes are needed. The following table summarizes the required amendments.

Planning Document	Amendments
Regional MPS	Re-designate lands from Rural Commuter to Urban Settlement Extend the Business / Industrial Park Sub-Designation to the lands
Planning Districts 14 and 17 MPS/LUB	Remove the lands from the plan area
Dartmouth MPS and LUB	Expand plan area boundary over the lands Re-designate the lands to Industrial Rezone the lands to the I-2 General Industrial Zone

Regional Planning Advisory Committee:

Staff presented the application to the Regional Planning Advisory Committee (RPAC) on November 25, 2009 for information purposes and feedback on the mapping error. RPAC raised no concerns or issues with the application and directed staff to move the application forward to Regional Council.

Public Consultation:

A public meeting was held on November 19, 2009. There were no members of the public in attendance. In addition, the issue was presented to the Greater Burnside Business Association on October 15, 2009 where about 90 people were in attendance. There were no concerns with the proposed plan amendments.

Conclusion:

The existing planning boundaries do not allow full expansion of Burnside onto all HRM-owned lands. This is contrary to the intent of the Regional MPS, and is an impediment to the implementation of the Business Parks Functional Plan. Therefore, the amendments as recommended should be approved.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 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

The following alternatives are identified in conjunction with this report for consideration by Regional Council:

1. Regional Council may choose to approve the proposed amendments as contained in Attachments A to D, inclusive, of this report. Staff recommend this alternative for the reasons outlined above.
2. Regional Council may choose to adopt certain amendments but not others as outlined in this report or propose modifications to the proposed amendments in which case a supplemental staff report(s) may be required. This is not recommended.
3. Regional Council may choose not to approve the amendments as contained in Attachments A to D, inclusive, of this report. This is not recommended.

ATTACHMENTS

Attachment A	Proposed Amendments to the Dartmouth MPS
Attachment B	Proposed Amendments to the Dartmouth LUB
Attachment C	Proposed Amendments to the Planning Districts 14 and 17 MPS

Attachment D Proposed Amendments to the Regional MPS

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: Mitch Dickey, Planner, 490-5719



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

Attachment A

**Proposed Amendments to the
Dartmouth Municipal Planning Strategy**

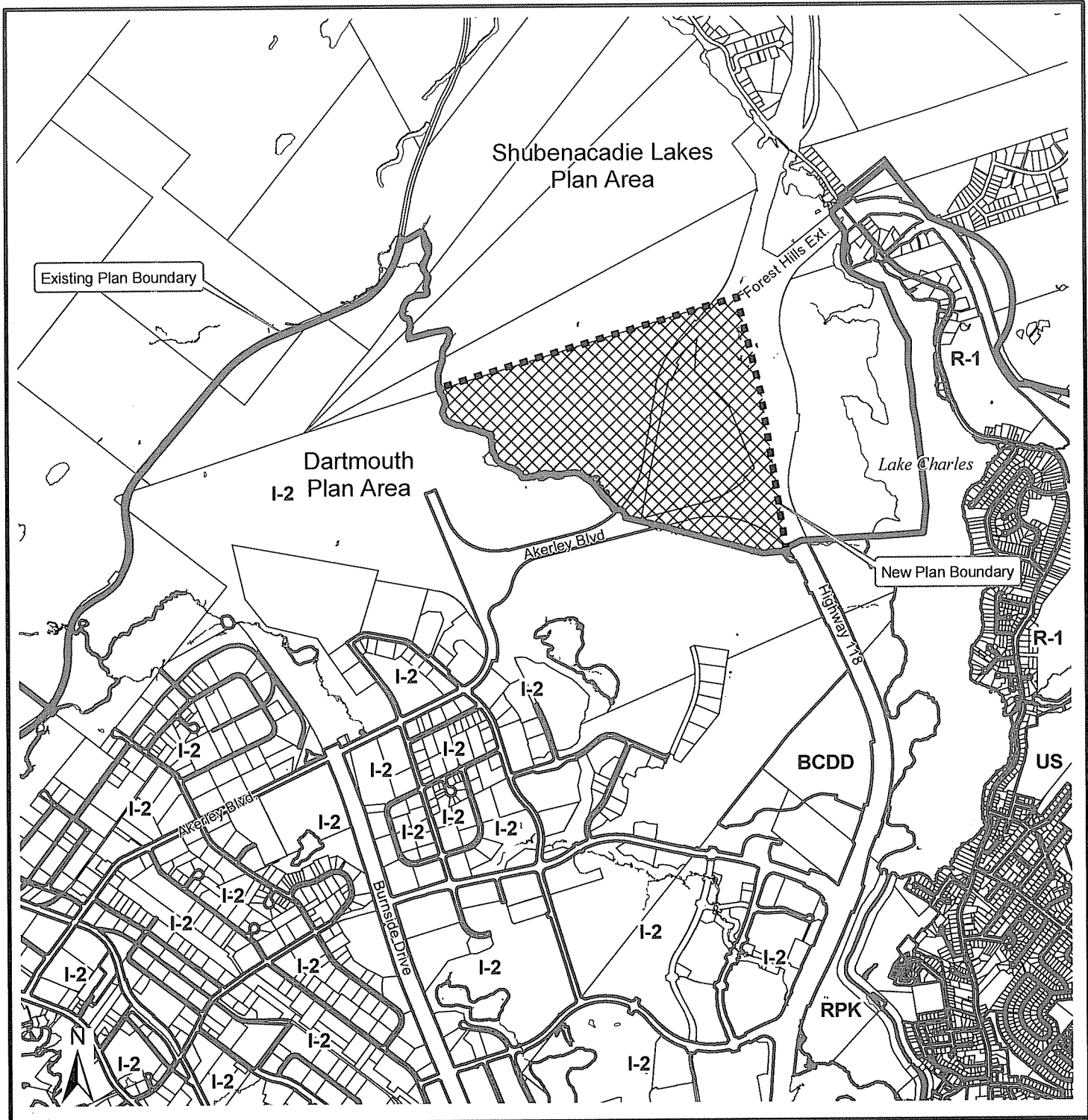
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Dartmouth, which was adopted by the former City of Dartmouth on the 25th day of July 1978 and approved with amendments by the Minister of Municipal Affairs on the 15th day of September, 1978, as amended, is hereby further amended as follows:

1. Adding Map 9X immediately following Map 9W (Future Land Use - 249/251 Windmill Road) as shown on Map 3.

THIS IS TO CERTIFY that the amendments to the Municipal Planning Strategy for Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk

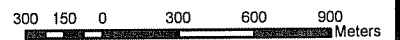


Map 3
Map 9X
Amendments to the Dartmouth
Municipal Planning Strategy &
Land Use Bylaw

Burnside Industrial Business Park



Planning Districts 14 & 17 Plan Area
 Dartmouth Plan Area

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 PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Planning Districts 14 & 17, and the Dartmouth Plan area

HRM does not guarantee the accuracy of any representation on this plan

-  Plan Area Boundary
-  Area to be allocated to the Dartmouth Plan Area, redesignated Industrial and rezoned to I-2.

Attachment B

**Proposed Amendments to the
Dartmouth Land Use By-law**

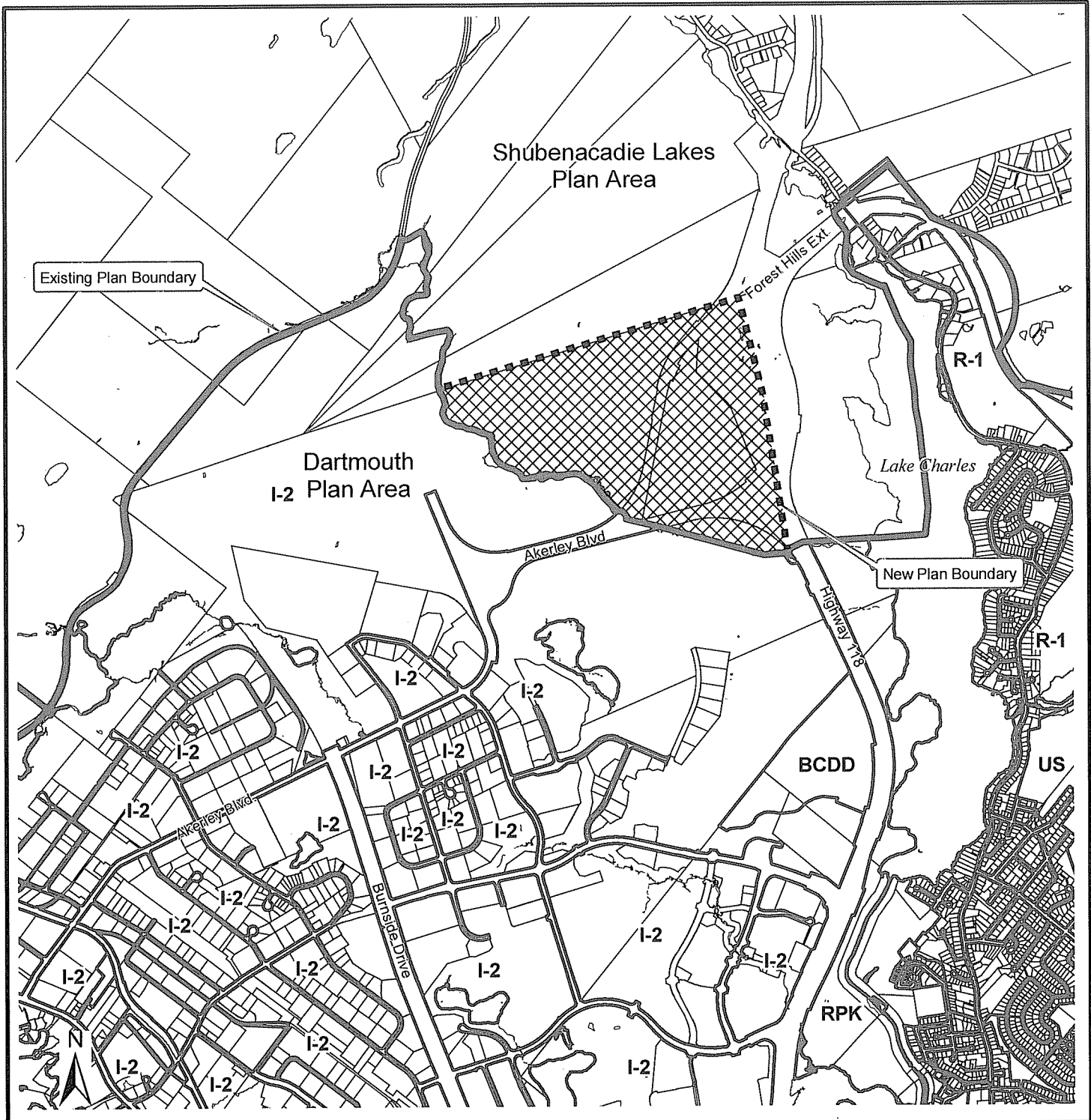
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth, which was adopted by the former City of Dartmouth on the 25th day of July 1978 and approved by the Minister of Municipal Affairs on the 15th day of September, 1978, as amended, is hereby further amended as follows:

1. By zoning the lands as shown on Map 3 to the I-2 General Industrial Zone.

THIS IS TO CERTIFY that the amendments to the Land Use By-law for Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

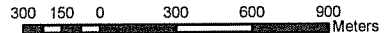
Municipal Clerk



Map 3
Map 9X
Amendments to the Dartmouth
Municipal Planning Strategy &
Land Use Bylaw



Burnside Industrial Business Park

Planning Districts 14 & 17 Plan Area
 Dartmouth Plan Area



This map is an unofficial reproduction of a portion of the Planning Districts 14 & 17, and the Dartmouth Plan area

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-  Plan Area Boundary
-  Area to be allocated to the Dartmouth Plan Area, redesignated Industrial and rezoned to I-2.

Attachment C

**Proposed Amendments to the
Municipal Planning Strategy for Planning Districts 14 and 17**

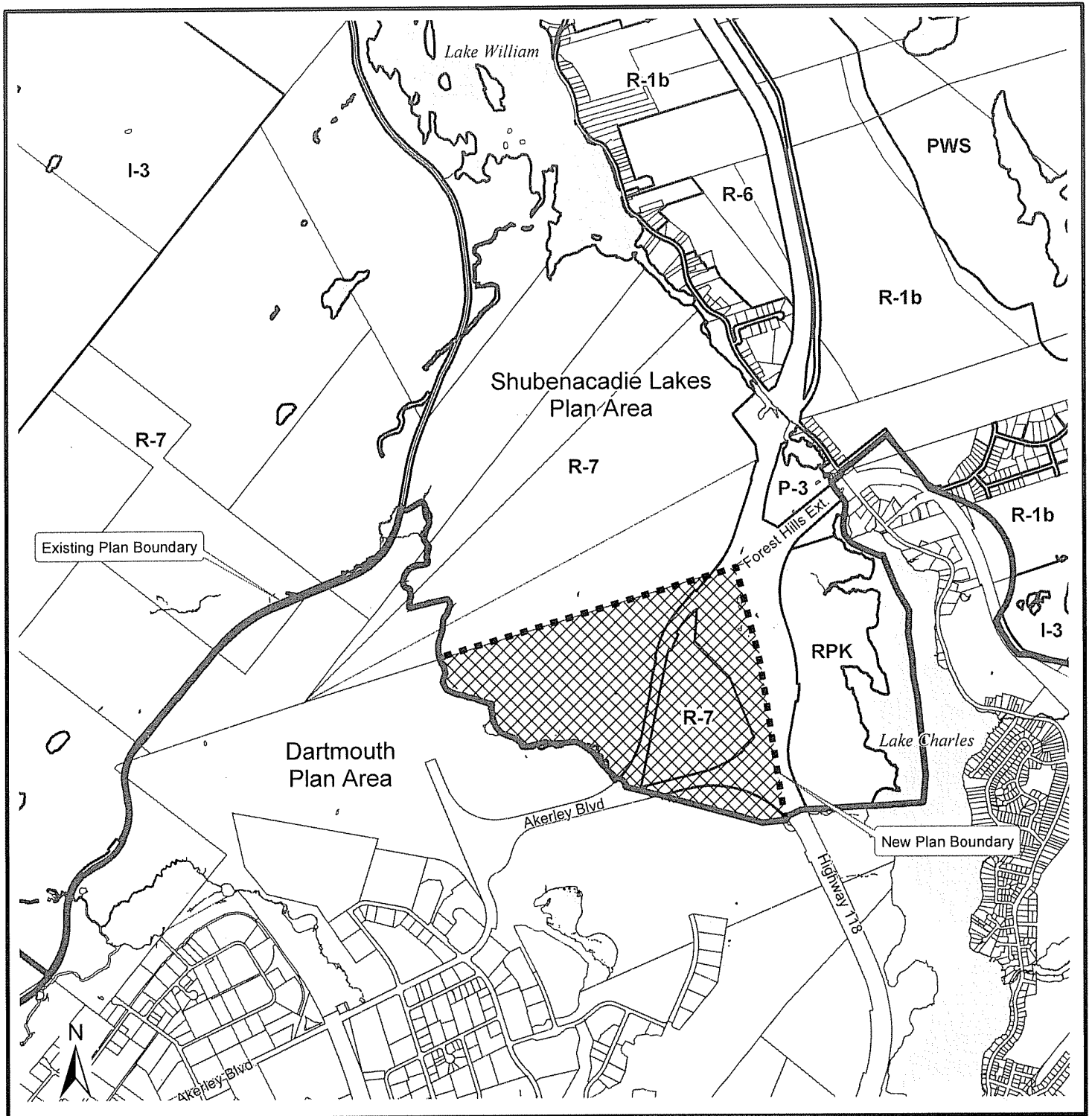
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning Districts 14 and 17 as enacted by the former Council of Halifax Municipality on the 2nd day of May, 1989 and approved by the Minister of Municipal Affairs on the 19th day of July, 1989 as amended, is hereby further amended as follows:

1. By removing the lands highlighted on Map 2 from the jurisdiction of the Municipal Planning Strategy for Planning Districts 14 and 17.

THIS IS TO CERTIFY that the amendments to the Municipal Planning Strategy for Planning Districts 14 and 17, as set out above, were passed by a majority vote of the Halifax Regional Council on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk



Map 2

**Amendments to Planning Districts
14 & 17 Municipal Planning Strategy**

Burnside Industrial Business Park

Planning Districts 14 & 17 Plan Area
Dartmouth Plan Area

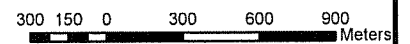


Plan Area Boundary



Area Proposed to be Removed
from Planning Districts 14 & 17
Plan Area.

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Attachment D

**Proposed Amendments to the
Regional Municipal Planning Strategy**

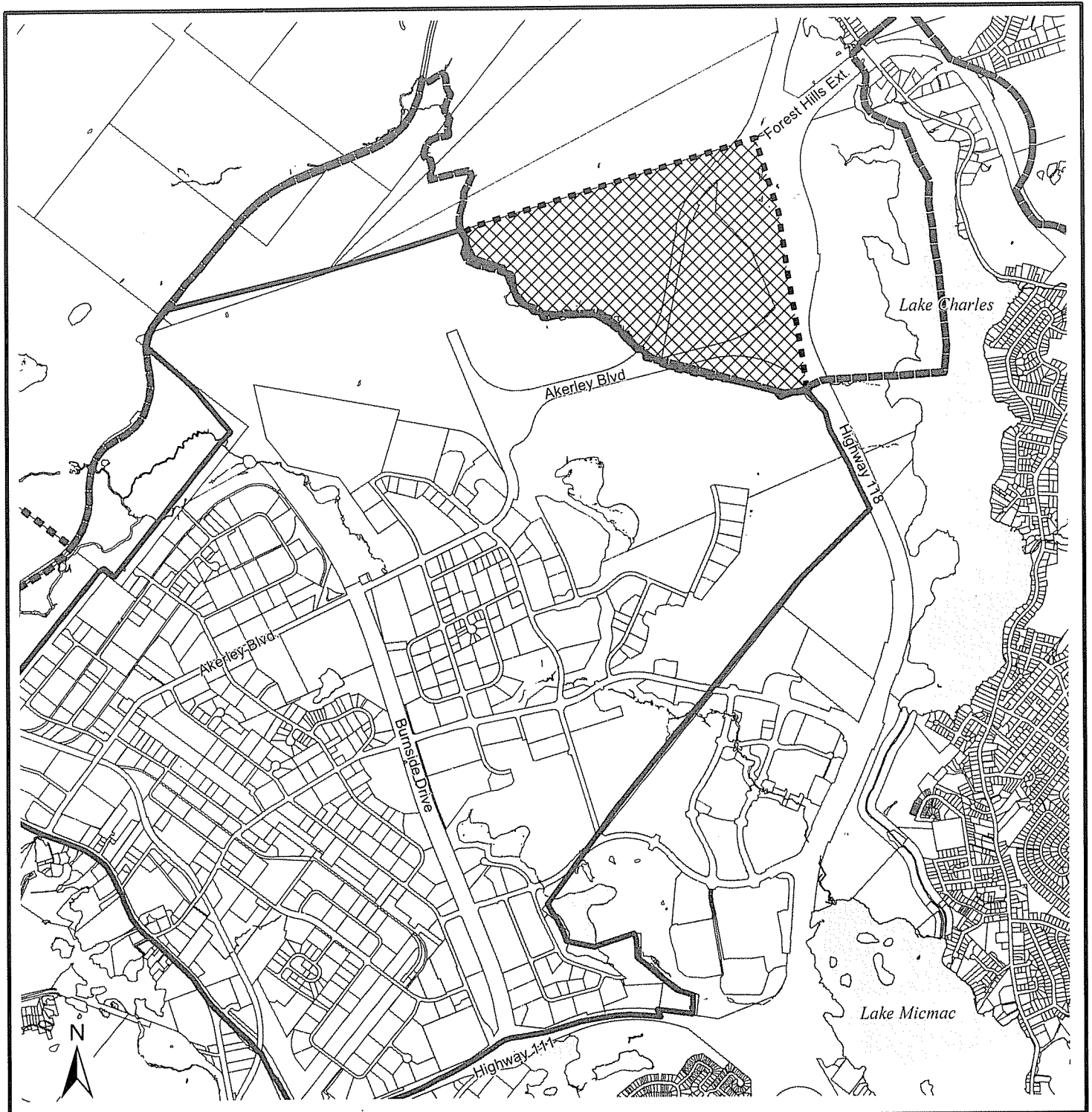
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. By amending Map 2 (Generalized Future Land Use) of the Regional Municipal Planning Strategy as shown on Map 1.

THIS IS TO CERTIFY that the amendments to the Regional Municipal Planning Strategy for Halifax Regional Municipality, as set out above, were passed by a majority vote of the Halifax Regional Council on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk



Map 1

Regional Plan: Proposed Amendments
 Map 2- Generalized Future Land Use Map

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 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

Burnside Industrial Business Park

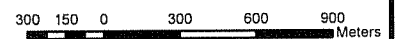


Industrial Park Sub-designation

Planning Districts 14 & 17 Plan Area
 Dartmouth Plan Area



Area proposed to be included in the
 Business/Industrial Park Sub-designation
 and redesignated to Urban Settlement
 (Map 2 of the Regional Plan)



This map is an unofficial reproduction of a portion of the Planning Districts 14 & 17, and the Dartmouth Plan area

HRM does not guarantee the accuracy of any representation on this plan