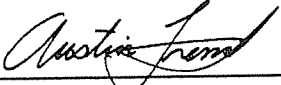




PO Box 1749
Halifax, Nova Scotia
B3J3A5 Canada

Chebucto Community Council - December 7, 2009
Western Region Community Council - November 23, 2009

TO: Chair and Members of Western Region Community Council
Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Austin French, Acting Director of Community Development

DATE: November 5, 2009

SUBJECT: **Case 01332: Amendments to the Regional Subdivision By-law and the MPSs and LUBs for Timberlea/Lakeside/Beechville and Halifax**

ORIGIN

Staff initiated following the adoption of the HRM Business Parks Functional Plan.

RECOMMENDATION

It is recommended that Chebucto Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Subdivision By-law, the Halifax Municipal Planning Strategy, and the Halifax Mainland Land Use By-law as provided in Attachments A, B and C of this report, and schedule a Public Hearing.
2. Approve the proposed amendments to the Regional Subdivision By-law, the Halifax Municipal Planning Strategy, and the Halifax Mainland Land Use By-law as provided in Attachments A, B and C of this report.

It is recommended that Western Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Subdivision By-law, and the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law as provided in Attachments A, D and E of this report, and schedule a Public Hearing.
2. Approve the proposed amendments to the Regional Subdivision By-law, and the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law as provided in Attachments A, D and E of this report.

EXECUTIVE SUMMARY

Over the past decade, steady growth has taken place in the Bayers Lake Business Park. It is apparent that the planning, service and zoning boundaries of the former City of Halifax and the County of Halifax no longer reflect the community boundaries, the pattern of development, natural features of the area or the wishes of the community. HRM commissioned a Business Parks Functional Plan which confirmed this need for adjustment.

This proposal is to change the servicing and planning boundaries between Halifax and Timberlea/Lakeside/Beechville (T/L/B) as contemplated in the Regional Plan and to implement certain recommendations of the HRM Business Parks Functional Plan to:

- adjust the Urban Service Area boundary to add about 137 acres;
- adjust the plan area boundary between the Halifax MPS and T/L/B MPS;
- rezone the lands to be added to the Halifax MPS to the I-3 (General Industrial) Zone;
- include the rezoned I-3 lands within the Industrial Designation of the Halifax MPS; and
- add text to the Regional Subdivision By-law to exempt HRM-operated business and industrial parks within the Regional Business/ Industrial Park Sub-designation from requiring an amendment to the Subdivision By-law to extend the Urban Service Area boundary.

BACKGROUND

The Regional Plan established the Business/Industrial Park Sub-Designation to identify lands which have the potential for growth of industrial and business uses. Sites in this designation include all existing business/industrial parks and their proposed expansion areas. The lands to be added to Bayers Lake Business Park are inside this sub-designation.

The HRM Business Parks Functional Plan is comprised of two parts and is intended to provide strategic direction for the development and expansion of HRM's business parks. Part I of the Functional Plan, which includes general recommendations regarding the Bayers Lake Business Park was approved in principle in September, 2008. On June 2, 2009, Regional Council approved in principle Part II of the Functional Plan for Bayers Lake and Ragged Lake Business Parks. Among other recommendations, the Functional Plan identified the need to change the existing service boundary, to move lands out of the T/L/B plan area and into the Halifax plan area and to designate/rezone the lands to align with the designation/zoning for industrial use now applied to the Bayers Lake Business Park.

DISCUSSION

Location and Designation: The subject lands are unserviced and have a total area of 137 acres. There are 37 acres currently within the Halifax plan area but outside the Urban Service Area boundary. The remainder of the lands are located entirely within the T/L/B plan area, but outside the service boundary. The lands are designated Urban Settlement under the Regional MPS, designated Industrial and zoned I-1 (Light Industry) under the T/L/B MPS and LUB and designated

Industrial and zoned I-3 (General Industrial) under the Halifax MPS and Mainland LUB(see Map 1).

Functional Plan: Part II of the Functional Plan includes specific direction that the subject lands currently within the T/L/B plan area but within the Regional MPS Business/Industrial Park Sub-Designation be added to the Halifax Mainland MPS and be included within the Bayers Lake Business Park boundary. In order to be consistent with other properties within the Business Park the lands are to be rezoned I-3 (General Industrial) and designated Industrial.

Urban Service Area Boundary: The proposed amendment to the Regional Subdivision By-law Service Requirement Map would add 137 acres to the Urban Service Area boundary as identified in Attachment A. Regional Plan policy EC-12 (refer to Attachment F) which gives direction to extend the industrial zoning also allows HRM within their business parks to extend services upon determination by HRM Council that financial resources are available. HRM Business Parks intends to market the lands for development and the cost of providing new streets and services into the lands will be borne by the future developer.

Given the direction provided by the Regional MPS to allow HRM-operated parks to extend sewer and water services when financial resources are available, a text amendment to the Regional Subdivision By-law to relieve the requirement for an amendment to the Service Requirement Map in such future situations is also being included (Refer to Attachment A).

Traffic and Circulation: The lands to be designated for industrial use and placed within the Halifax plan area will be accessed via extensions to the local road network within the business park. The Functional Plan identified traffic congestion at Lacewood Drive in the northern end of the Park as a major concern. To alleviate some of the traffic congestion at that location, the extension of Washmill Lake Court under Highway 102 has been identified as a key priority. Through the subdivision approval process, all future subdividers within the Park will have to contribute to the cost of traffic improvements as enabled under the requirements of the *Halifax Charter*.

Public Consultation: The proposed amendments were contemplated when these lands were included within the Regional MPS Business/Industrial Park Sub-Designation and Regional Plan Policy was created to accommodate them (refer to Attachment F). Recent public consultation relative to the future of the business park occurred during the preparation of the Functional Plan. As a result, no additional public consultation at this time is necessary.

Should Regional Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

Conclusion: The request before Council represents a change in map boundaries only and requires only a minor text amendment to the Subdivision By-law with no change to policy within the Regional Plan or Secondary Plans. The changes proposed for the Bayers Lake Business Park were contemplated within the Regional Plan and supported further by the HRM Business Parks Functional

Plan. The proposed boundary changes represent a comprehensive planning approach to regulate the development of an area that has been previously identified to be changed. Staff recommend that the proposed amendments, as follows, be approved.

1. Amendment to Schedule B (Service Requirement Map) of the Regional Subdivision By-law to include lands in the urban service area boundary shown on Attachment A & Schedule A;
2. Add text to the Regional Subdivision By-law relative to future HRM business and industrial park expansions as identified on Attachment A;
3. Amendments to re-align the plan area boundaries for the MPS for Halifax as shown on Attachment B & Schedule B, for the LUB for Halifax Mainland as shown on Attachment C & Schedule B, for the MPS for T/L/B as shown on Attachment D & Schedule C and for the LUB for T/L/B as shown on Attachment E & Schedule C;
4. Rezone the lands added to the Halifax MPS to the I-3 (General Industrial) Zone under the Halifax Mainland Land Use By-law as shown on Attachment C & Schedule B;
5. Designate the lands rezoned I-3 to Industrial within the Halifax MPS as shown on Attachment B & Schedule B.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310. Budget availability has been confirmed by Financial Services.

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 for consideration by Regional Council:

1. Council may choose to approve amendments in Attachments A, B, C, D and E of this report.
2. Council may choose not to approve amendments in Attachments A, B, C, D and E of this report.
3. Council may choose to adopt certain amendments but not others outlined in this report or propose modifications to the proposed amendments in which case a supplemental staff report(s) may be required.
4. Council may choose not to adopt any of the proposed amendments.

ATTACHMENTS

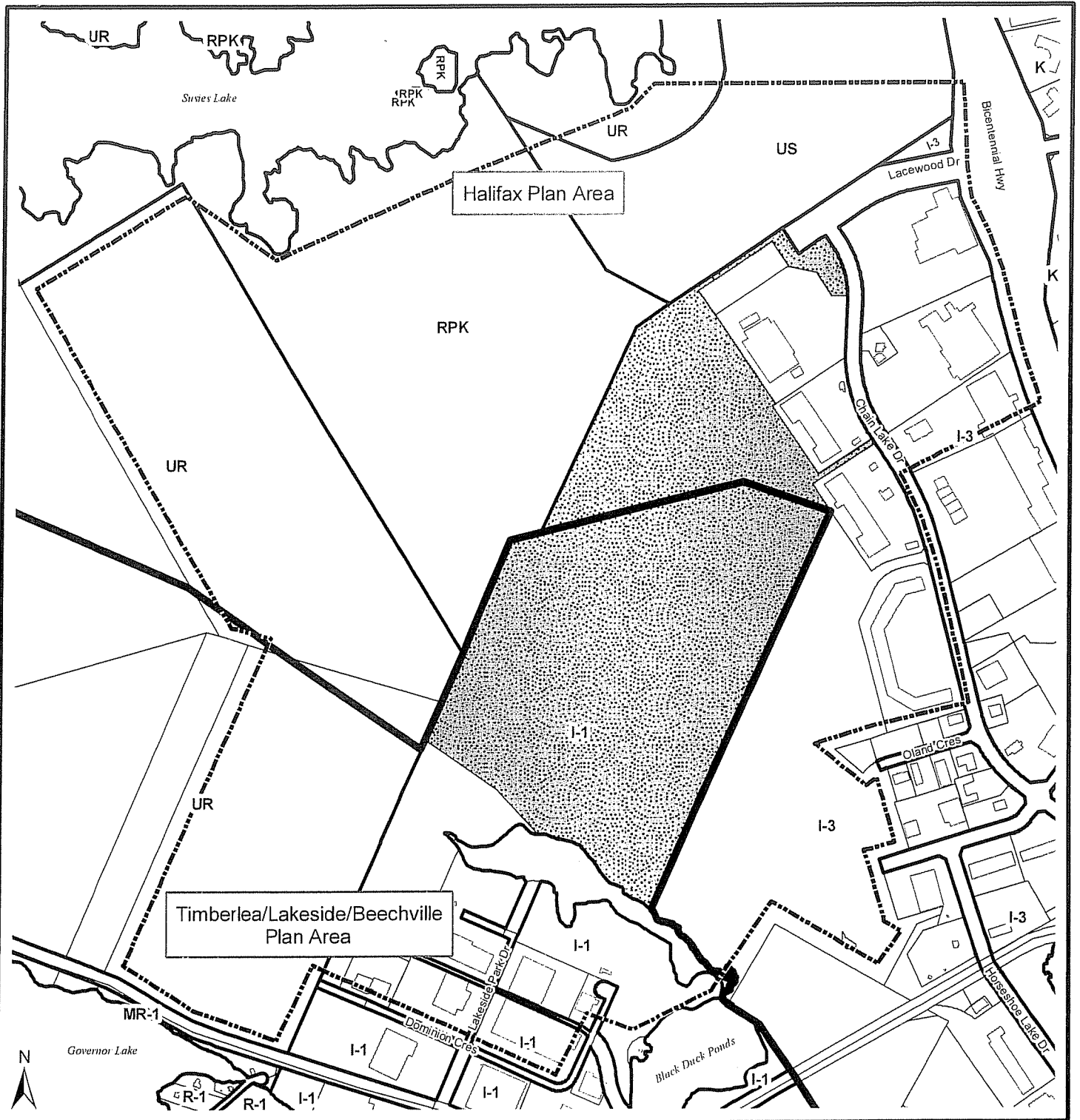
- Map 1 Location and Context
- Map 2 Regional Plan Generalized Future Land Use
- Attachment A Proposed Amendments to the Regional Subdivision By-law
- Attachment B Proposed Amendments to the Halifax MPS
- Attachment C Proposed Amendments to the Halifax Mainland LUB
- Attachment D Proposed Amendments to the T/L/B MPS
- Attachment E Proposed Amendments to the T/L/B LUB
- Attachment F Relevant Sections from the Regional Plan

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.htm> 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: Randa Wheaton, Senior Planner, 490-4499






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



Map 1 - Location and Context

Bayers Lake Business Park area
Halifax

-  Subject property
-  Area of notification
-  Current plan area boundary

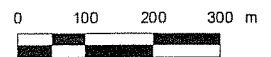
Halifax Plan Area/Mainland Land Use By-Law Area
Timberlea/Lakeside/Beechville Plan Area

Zone - Halifax Mainland

- I-3 General Industrial
- K Schedule K
- RPK Regional Park
- US Urban Settlement
- UR Urban Reserve

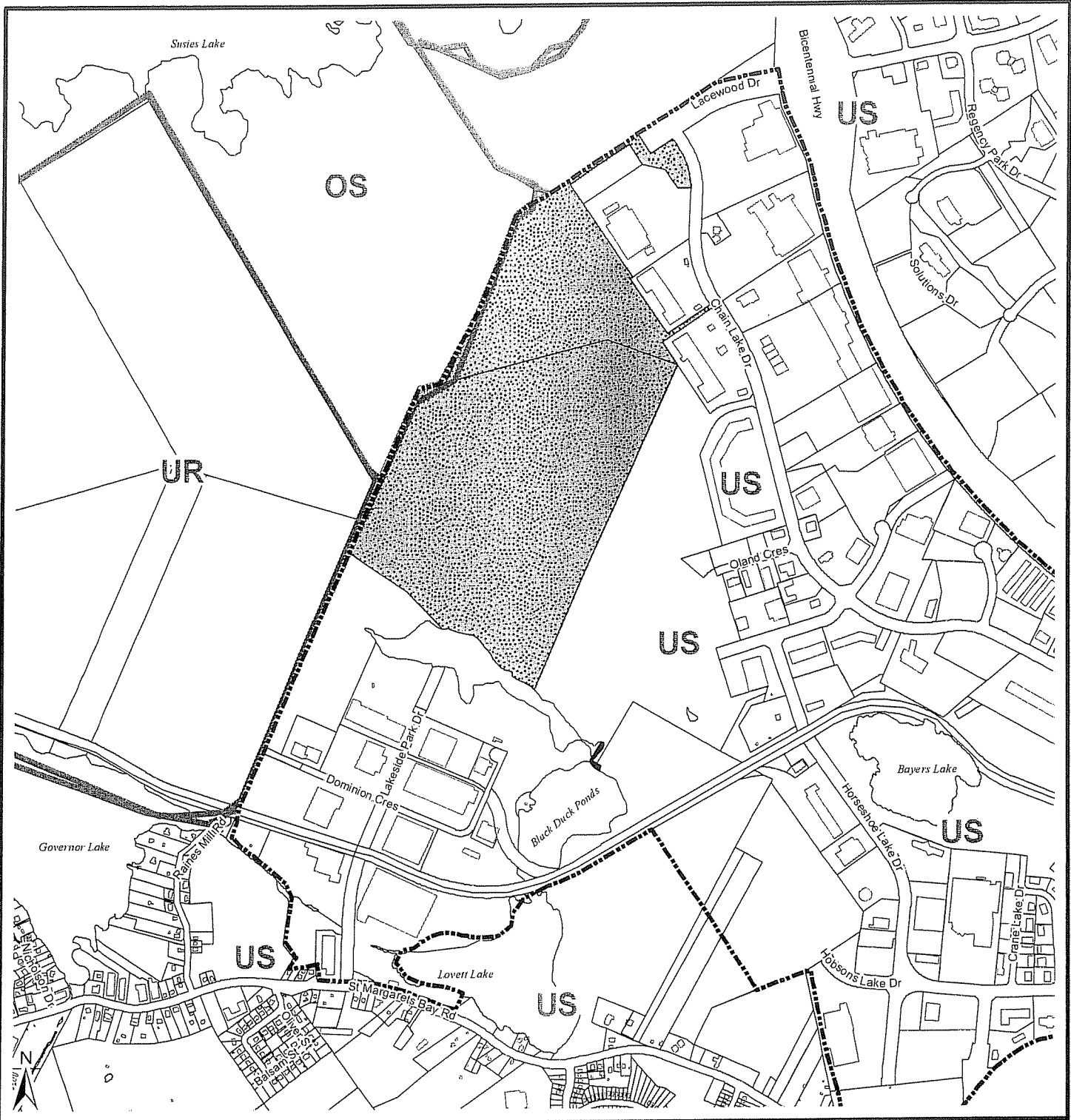
Zone - Timberlea/Lakeside/Beechville

- R-1 Single Unit Dwelling
- I-1 Light Industry
- MR-1 Mixed Resource
- UR Urban Reserve




This map is an unofficial reproduction of a portion of the Zoning Map for the plan areas indicated.

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




**Map 2 - Regional Plan
Generalized Future Land Use**

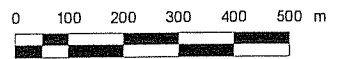
Bayers Lake Business Park area
Halifax

 Subject property

Designation

- OS Open Space
- US Urban Settlement
- UR Urban Reserve

 Industrial Park Sub-Designation



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Regional Municipal Planning Strategy

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

ATTACHMENT A

Proposed Amendments to the Regional Subdivision

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Regional Subdivision By-law, is hereby amended as follows:

1. By adding the following new section immediately following Section 15:

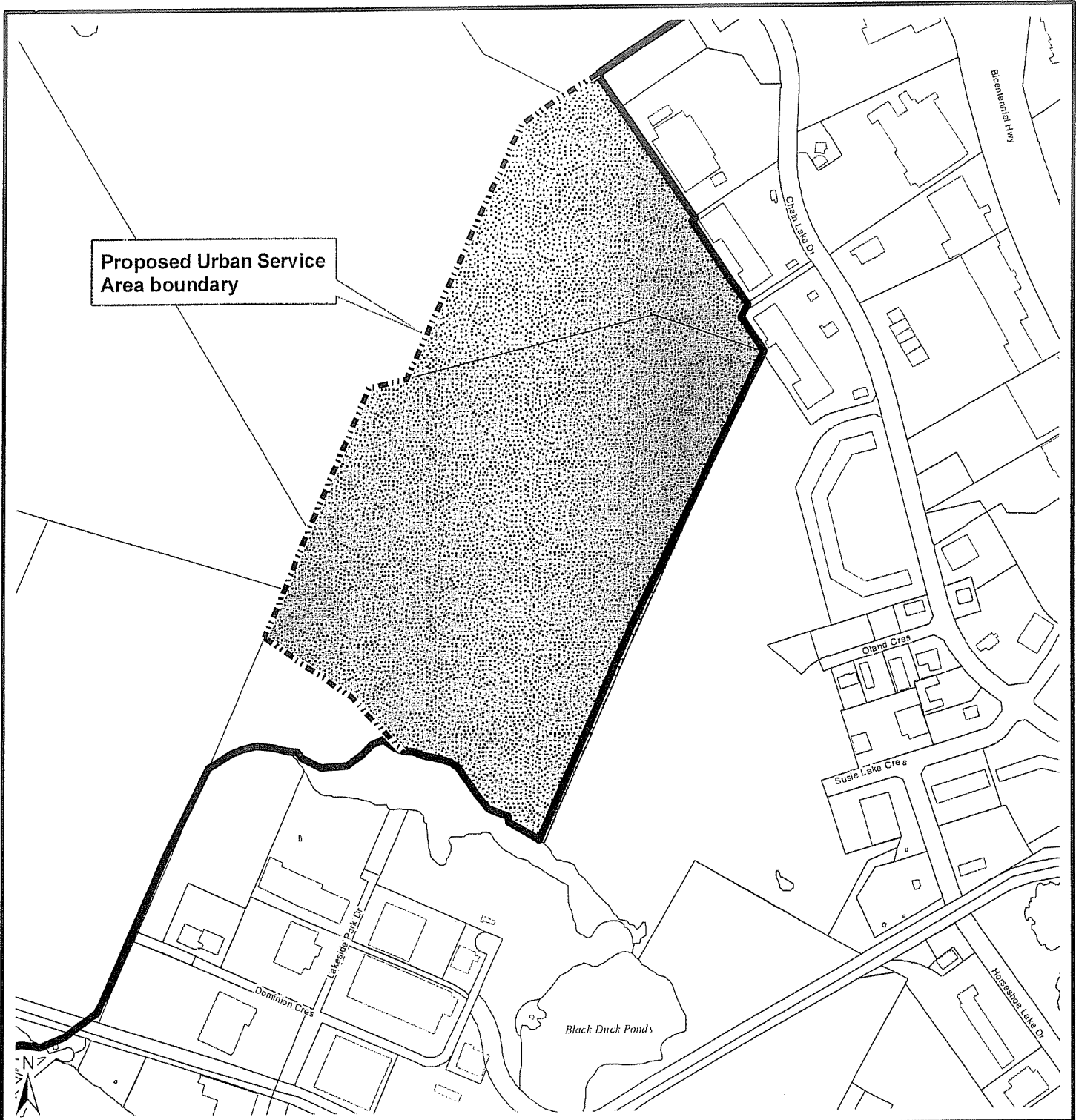
15A Notwithstanding Schedule "B", for Business and Industrial Parks operated by the Municipality within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Urban Settlement and Business/Industrial Park, the subdivider may provide the primary and secondary services in compliance with Urban Service Area requirements.

2. **Service Requirement Map - Schedule "B" of the Regional Subdivision By-law be amended as shown in the attached Schedule A.**

I HEREBY CERTIFY that the amendment to the Regional Subdivision By-law, as set out above, was passed by a majority vote of the Council of the Halifax Regional Municipality at a meeting held 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.

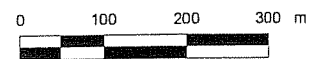
Municipal Clerk





SCHEDULE A

**Regional Subdivision By-Law: Proposed Amendments
Schedule B - Service Requirement Map**

Bayers Lake Business Park
Halifax



-  Area proposed to be included in the Urban Service Area under Schedule B of the Regional Subdivision By-Law (Service Requirement Map)
-  Current service boundary

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

ATTACHMENT B

Proposed Amendments to the Halifax Municipal Planning Strategy

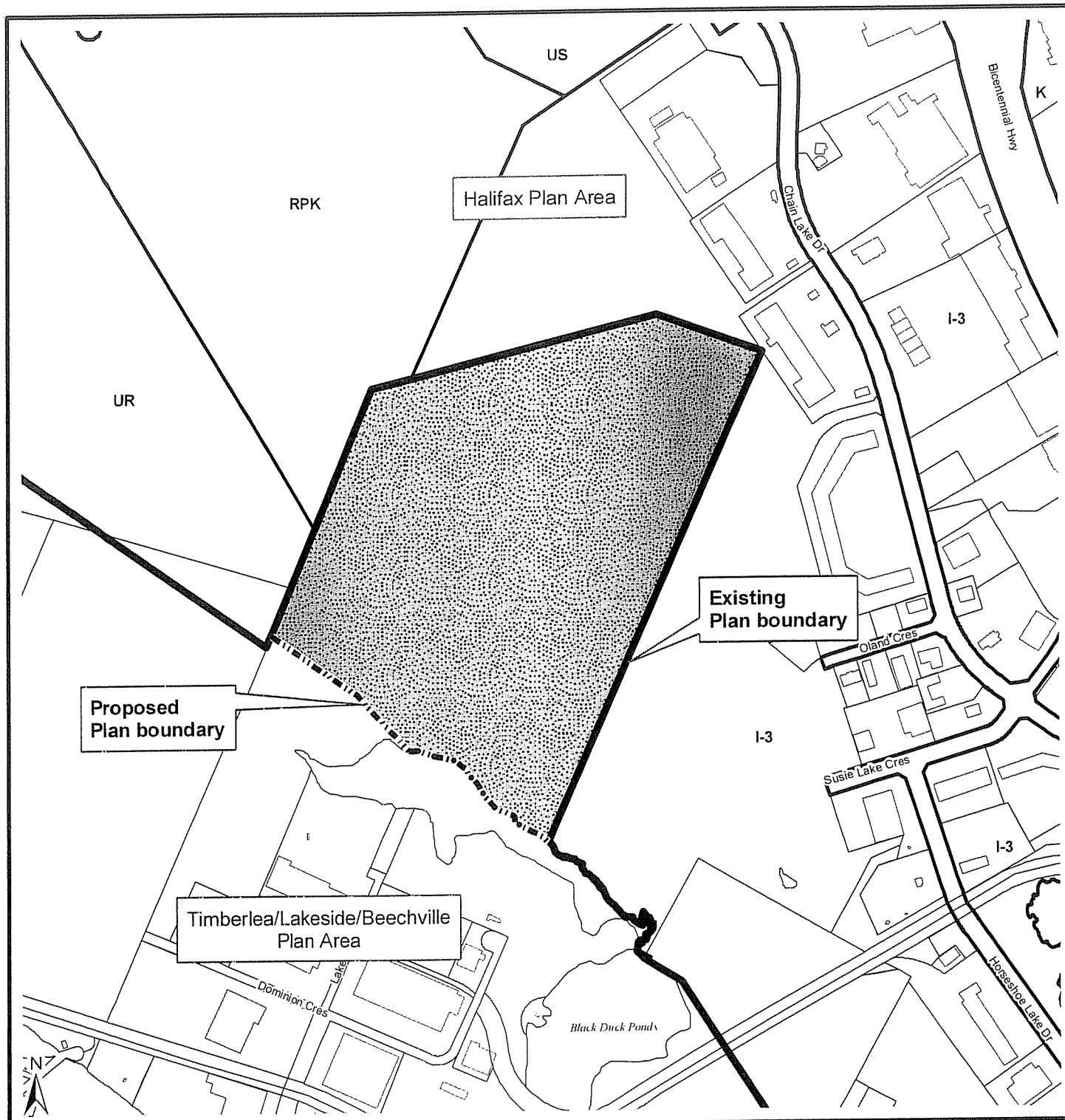
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Halifax Municipal Planning Strategy as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. **The Halifax Municipal Planning Strategy Plan Area Boundary be amended as shown in the attached Schedule B.**
2. **Generalized Future Land use - Map 9 be amended as shown in the attached Schedule B.**

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, was passed by a majority vote of the Council of the Halifax Regional Municipality at a meeting held 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



SCHEDULE B

**Halifax Municipal Planning Strategy and
Halifax Mainland Land Use By-Law
Proposed Amendments**

Bayers Lake Business Park
Halifax



Area proposed to be allocated to
Halifax Plan Area, designated Industrial,
and rezoned to I-3 (General Industrial)



This map is an unofficial reproduction of a
portion of the Zoning Map for the plan area
indicated

Halifax Plan Area
Halifax Mainland Land Use By-Law Area

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

ATTACHMENT C

Proposed Amendments to the Land Use for Halifax Mainland

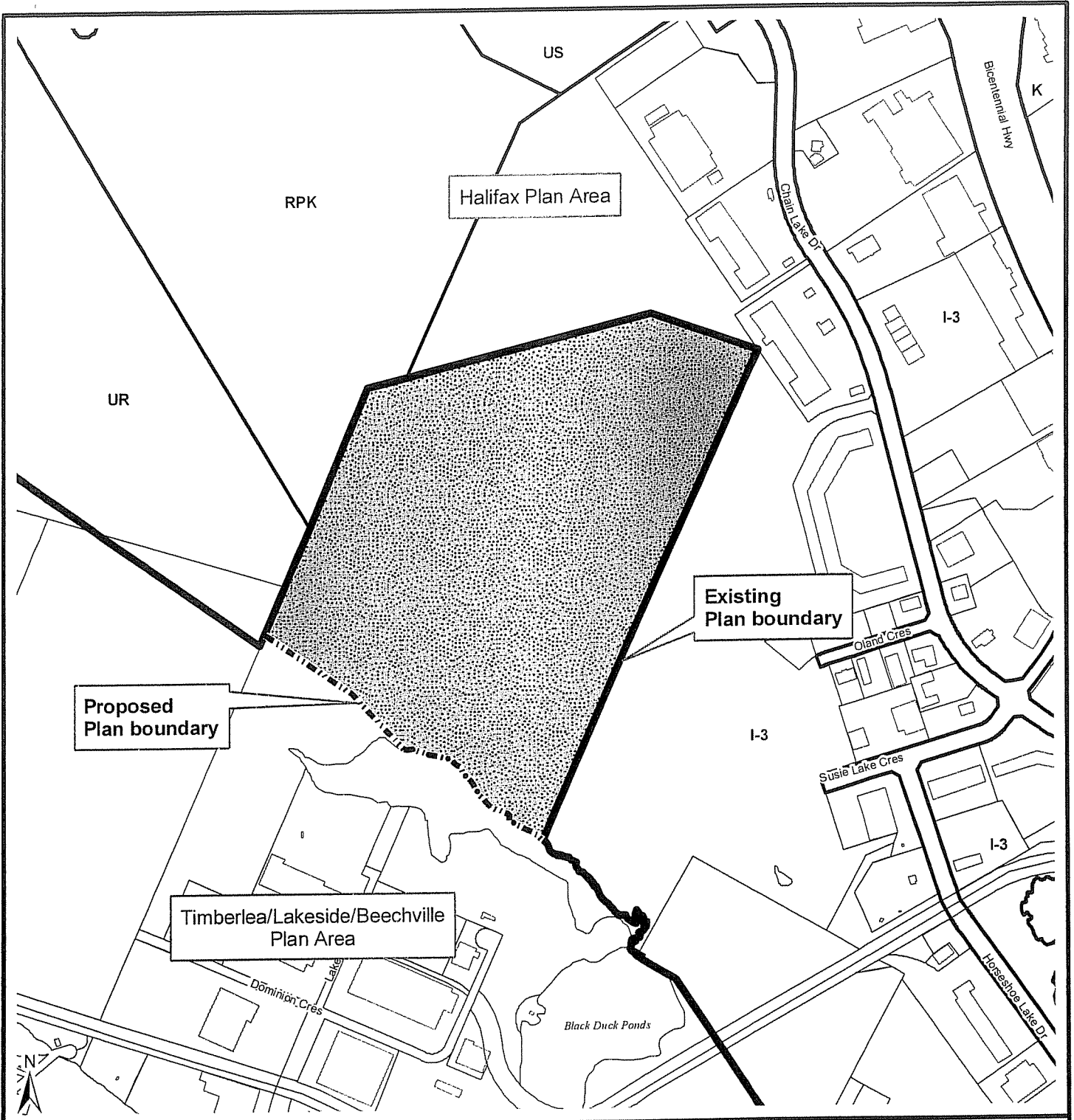
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. **Map ZM-1 of the Halifax Mainland Land Use By-law be amended as shown in the attached Schedule B.**

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Mainland, as set out above, was passed by a majority vote of the Council of the Halifax Regional Municipality at a meeting held 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



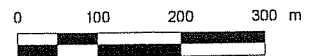
SCHEDULE B

**Halifax Municipal Planning Strategy and
Halifax Mainland Land Use By-Law
Proposed Amendments**

Bayers Lake Business Park
Halifax



Area proposed to be allocated to
Halifax Plan Area, designated Industrial,
and rezoned to I-3 (General Industrial)



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

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

Halifax Plan Area
Halifax Mainland Land Use By-Law Area

ATTACHMENT D

Proposed Amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy

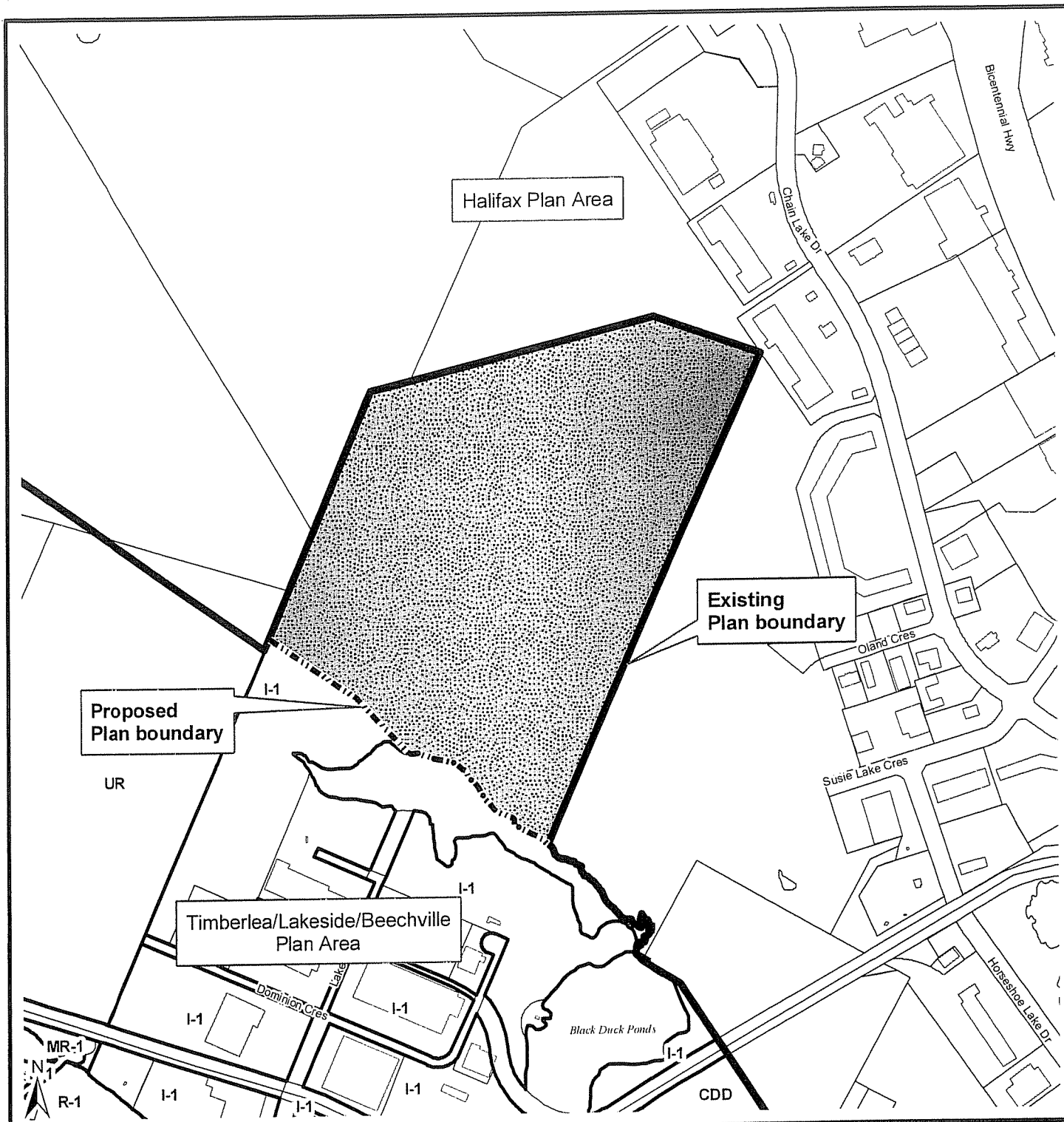
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Halifax Municipal Planning Strategy as enacted by the Council of Halifax County Municipality on the 10th day of August, 1992 and approved by the Minister of Municipal Affairs on the 20th day of November, 1992 as amended, is hereby amended as follows:

1. **The Timberlea/Lakeside/Beechville Municipal Planning Strategy Plan Area Boundary be amended on the Regional Context Map as shown in the attached Schedule C.**
2. **Map 1a (Generalized Future Land Use) be amended as shown in the attached Schedule C.**

I HEREBY CERTIFY that the amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy, as set out above, was passed by a majority vote of the Council of the Halifax Regional Municipality at a meeting held 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



SCHEDULE C

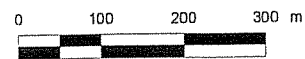
**Timberlea/Lakeside/Beechville
Municipal Planning Strategy and Land Use By-Law
Proposed Amendments**

Bayers Lake Business Park
Halifax



Area proposed to be allocated to
Halifax Plan Area

Timberlea/Lakeside/Beechville Plan Area



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

ATTACHMENT E

Proposed Amendments to the Land Use for Timberlea/Lakeside/Beechville

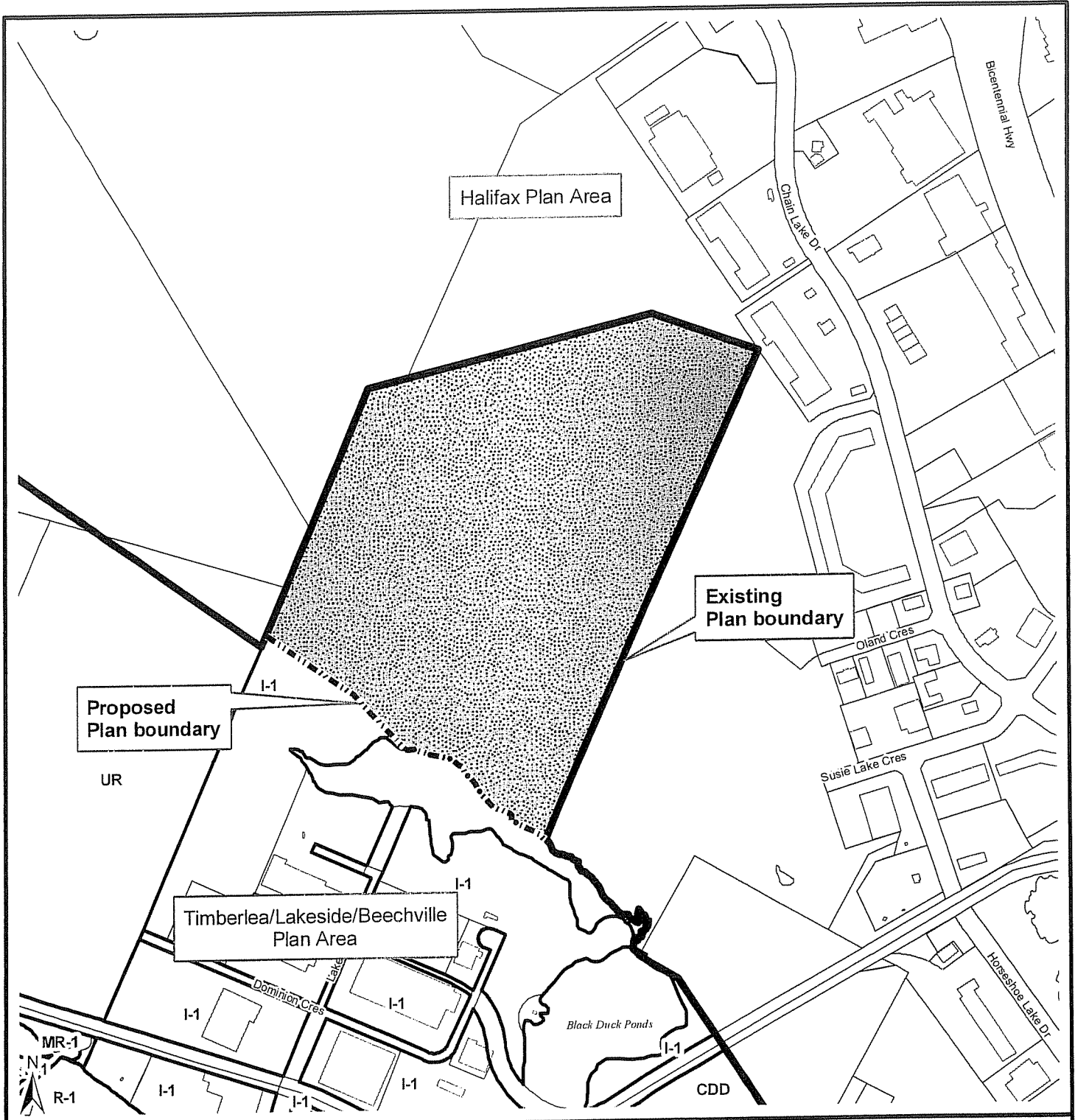
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/Lakeside/Beechville as enacted by Council of Halifax County Municipality on the 10th day of August, 1992 and approved by the Minister of Municipal Affairs on the 20th day of November, 1992 as amended, is hereby amended as follows:

1. **Schedule A (Timberlea/Lakeside/Beechville Zoning Map) of the Timberlea/Lakeside/Beechville Land Use By-law be amended as shown in the attached Schedule C.**

I HEREBY CERTIFY that the amendment to the Land Use By-law for Timberlea/Lakeside/Beechville, as set out above, was passed by a majority vote of the Council of the Halifax Regional Municipality at a meeting held 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




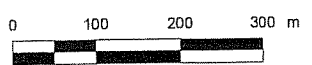
SCHEDULE C

**Timberlea/Lakeside/Beechville
Municipal Planning Strategy and Land Use By-Law
Proposed Amendments**



Bayers Lake Business Park
Halifax

 Area proposed to be allocated to Halifax Plan Area



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Timberlea/Lakeside/Beechville Plan Area

ATTACHMENT F

Relevant Sections from the Regional Plan

5.3 BUSINESS AND INDUSTRIAL PARKS

There are other major employment centres in HRM in addition to the Capital District and Halifax Harbour. These include the 12 business parks (municipally, provincially and privately operated) located throughout HRM, plus the Halifax International Airport. Together, they employ tens of thousands of people and are a major component of HRM's economic base. It is critical that HRM's business parks are provided with the necessary infrastructure and services to sustain their success and that there is a timely supply of sufficient serviced land and development opportunities to accommodate future expansion.

5.3.1 Business/Industrial Park Sub-Designation

HRM operates 6 of the 13 business parks - the Aerotech Business Park, Burnside Business Park, City of Lakes Business Park, Bayer's Lake Business Park, Lakeside Business Park and Ragged Lake Business Park. The Provincial Government manages seven parks: Atlantic Acres, Bedford, Sackville, Woodside, Eastern Shore, Sheet Harbour and Musquodoboit Harbour. The privately operated Halifax International Airport, in conjunction with Aerotech Business Park, is also a major employment centre. The continued development of business parks within HRM is vital to the economic future of the region and it is necessary to ensure that an adequate supply of land is available to accommodate future growth. It is also important that municipal wastewater and water distribution services, where financially feasible, be made available to accommodate economic expansion.

EC-11 HRM shall establish a Business/Industrial Park Sub-Designation to identify lands which have the potential for growth of industrial and business uses and associated support uses, as shown on the Generalized Future Land Use Map (Map 2). Sites in this designation include all existing business/industrial parks, including Halifax International Airport, and their proposed expansion areas. The sub-designation is intended to provide priority areas for an integrated mix of industrial, commercial, service and support uses.

EC-12 Notwithstanding Policies SU-2 and SU-5, for HRM-operated parks within both the Business/Industrial Park Sub-Designation and the Urban Settlement Designation, municipal wastewater and water distribution services may be extended upon determination by HRM Council that financial resources are available. This also applies to lands within the Aerotech Business Park. The industrial zoning applied under the applicable secondary planning strategy to those lands which are owned by HRM shall be extended to coincide with the boundaries of the Business/Industrial Park Sub-Designation.

7.2 URBAN SERVICE AREAS

This Plan seeks to focus development in areas where water distribution and wastewater systems can be provided in a cost-effective manner with consideration given to both capital and operating costs. HRM also seeks to support a competitive housing market by maintaining a 15 year supply of serviced lands.

SU-2 HRM shall establish an Urban Service Area under the Subdivision By-law to designate those areas within the Urban Settlement Designation and the Harbour Designation, or as otherwise determined under Policy IM-18, where municipal wastewater and water distribution systems are to be provided. The Area shall initially include all lands within existing service boundaries established under secondary planning strategies at the time of adoption of this Plan. Lands within the Urban Service Area shall only be developed with municipal wastewater and water distribution systems. Any service boundary established under existing secondary planning strategies shall be replaced by the Urban Service Area boundary.

SU-5 Further to Policy IM-9, within the Urban Settlement designation, HRM shall consider requests to amend the Urban Service Area. When considering any expansion of the Urban Service Area, HRM shall have regard to the following:

- (a) that a Community Visioning exercise has been undertaken in accordance with Policy G-11 and a Secondary Planning Strategy for the lands to be included within the Urban Service Area has been adopted by HRM except that this requirement may be waived where, in the opinion of HRM, the proposed extension represents a minor adjustment to the Area;
- (b) the financial ability of HRM to absorb any costs relating to the extension;
- (c) that the lands are within a reasonable distance of existing infrastructure and sufficient capacity exists within the system;
- (d) the impacts on natural heritage and availability of existing or committed infrastructure, impacts on density targets, and agricultural capability ;
- (e) compliance with buffer and distance separation policies and regulations for natural resource activities within the Urban Settlement Designation;
- (f) impacts on the natural environment and cultural features;
- (g) existing or potential drainage or pollution problems;
- (h) the interconnection of urban areas;
- (i) watershed or sub-watershed studies are completed as per Policy E-17;
- (j) that the lands are adjacent to an existing subdivision serviced with municipal wastewater and water distribution systems;
- (k) that an infrastructure charge area is established, if appropriate; and
- (l) the sufficiency of community services in the area and the ability to expand community services to meet future needs.