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Western Region Community Council  
June 25, 2012

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

**SUBMITTED BY:** Brad Anguish, Director, Community and Recreation Services

**DATE:** June 14, 2012

**SUBJECT:** Case 17755: Zoning Clarification, 16 Mills Drive, Goodwood

**ORIGIN**

Application by Halifax C&D Recycling Limited

**RECOMMENDATION**

It is recommended that Western Region Community Council:

1. Give First Reading to the rezoning of a portion of 16 Mills Drive, Goodwood, from the I-1 (Light Industry) Zone to the CD-2 (C&D Materials Processing Facilities) Zone, as identified in Attachment A of this report, and schedule a public hearing; and
2. Approve the rezoning of a portion of 16 Mills Drive, Goodwood, from the I-1 (Light Industry) Zone to the CD-2 (C&D Materials Processing Facilities) Zone as identified in Attachment A of this report.

## **BACKGROUND**

Since 1995, Halifax C&D Recycling Limited has operated a construction and demolition materials (C&D) processing facility at 16 Mills Drive in Goodwood. The facility utilizes two parcels of land on the southern side of Mills Drive. The western lot is zoned CD-2 (C&D Materials Processing Facilities) under the Land Use By-law for Planning District 4 (LUB), while the eastern lot (subject lands) is zoned I-1 (Light Industry), as highlighted on Map 1. Both lots are designated Residential B by the Municipal Planning Strategy for Planning District 4 (MPS) (Map 2). The purpose of this application is to rezone the eastern lot from the I-1 (Light Industry) Zone to the CD-2 (C&D Materials Processing Facilities) Zone to apply the appropriate zoning to the existing operation by Halifax C&D on Mills Drive.

### **C&D Requirements:**

In September of 2002, as part of the adoption of HRM's Construction and Demolition Waste Management Strategy, Regional Council adopted amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws to recognize the various types of C&D operations (i.e., transfer, processing, and disposal) as unique forms of land use. Previous to the adoption of the amendments, land use regulations generally provided for these uses under regulations which apply to other uses, such as salvage yards and 'industrial' or 'processing' operations. The adopted amendments recognized the unique land use requirements of the C&D industry and, in turn, provided a consistent and comprehensive set of land use regulations through specific planning policy and zoning. These amendments also recognized existing C&D operations by applying applicable zoning to reflect their existing use (i.e., transfer, processing, and disposal) as per Policy SW-10 (Attachment B).

## **DISCUSSION**

Recently, HRM was advised by Halifax C&D that the zoning applied to a portion of their operation (eastern lot – zoned I-1) on Mills Drive is inconsistent with the intent of the MPS policy for existing C&D operations such as this. In 2002, Council recognized all existing C&D operations by applying the applicable CD zone as per Policy SW-10. However, Council only applied the CD-2 Zone to a portion of the processing facility on Mills Drive. Staff has reviewed the files and air photographs used when the C&D amendments were approved in 2002 and has concluded that the eastern lot formed part of the processing facility. Therefore, Council should have placed the entire operation within the CD-2 Zone when the MPS amendments were approved to implement the Construction and Demolition Waste Management Strategy.

### **Conclusion:**

Based on the circumstances outlined in this report, the current zoning of the subject property is inconsistent with the MPS. To ensure the entire operation is consistent with the MPS, staff recommends that all of the lands as used by Halifax C&D in 2002 for their operation be rezoned to CD-2.

### **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved 2012/13 operating budget for C310 Planning & Applications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. In this case, the local councillor waived the need for a public information meeting because the entire operation should have been rezoned to CD-2 in 2002. A public hearing must be held by Community Council before they can consider approval of the rezoning. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners with the notification area shown on Map 1 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

### **ENVIRONMENTAL IMPLICATIONS**

Staff has not identified any environmental issues with the requested rezoning which will ensure the subject property is consistent with the MPS.

### **ALTERNATIVES**

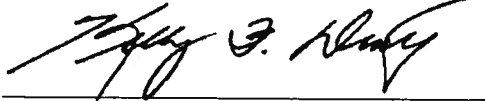
1. Council may choose to approve the rezoning of a portion of 16 Mills Drive from I-1 (Light Industry) Zone to CD-2 (C&D Materials Processing Facilities) Zone. This is the staff recommendation for the reasons described above.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on conflict with the MPS.

### **ATTACHMENTS**

Map 1:	Location and Zoning Map
Map 2:	Planning District 4 Generalized Future Land Use Map
Attachment A:	Proposed Amendment to the Land Use By-law
Attachment B:	Excerpts from the MPS

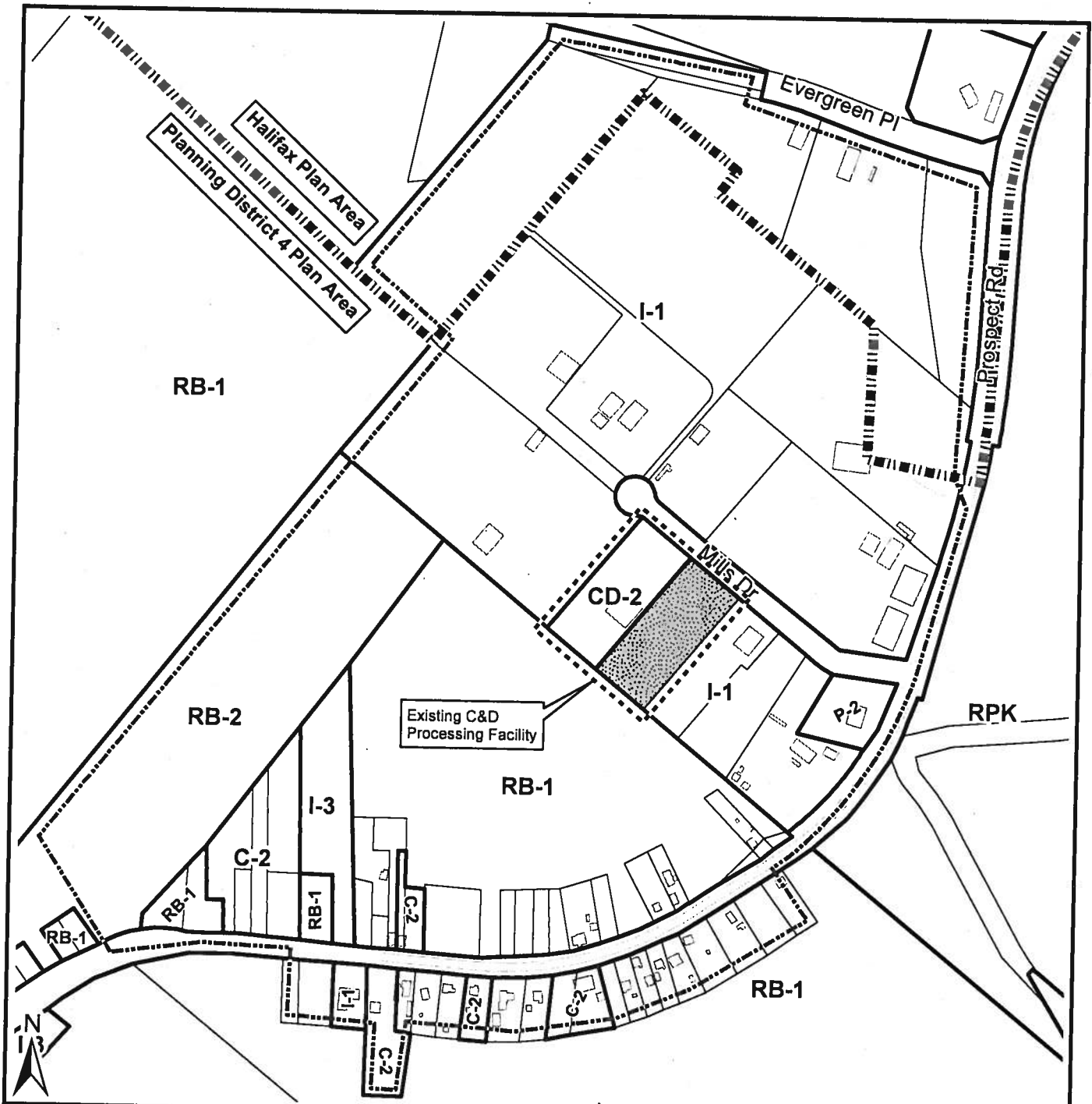
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Miles Agar, Planner 1, Planning Services, 490-4495




Report Approved by: Kelly Denty, Acting Manager, Development Approvals, 490-4800

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**Map 1 - Location and Zoning**

16 Mills Drive  
Goodwood

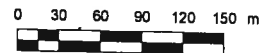
 Area proposed to be rezoned from I-1 (Light Industry) to CD-2 (C&D Materials Processing Facilities)

Planning District 4  
(Prospect) Plan Area

 Area of notification  
 Plan area boundary

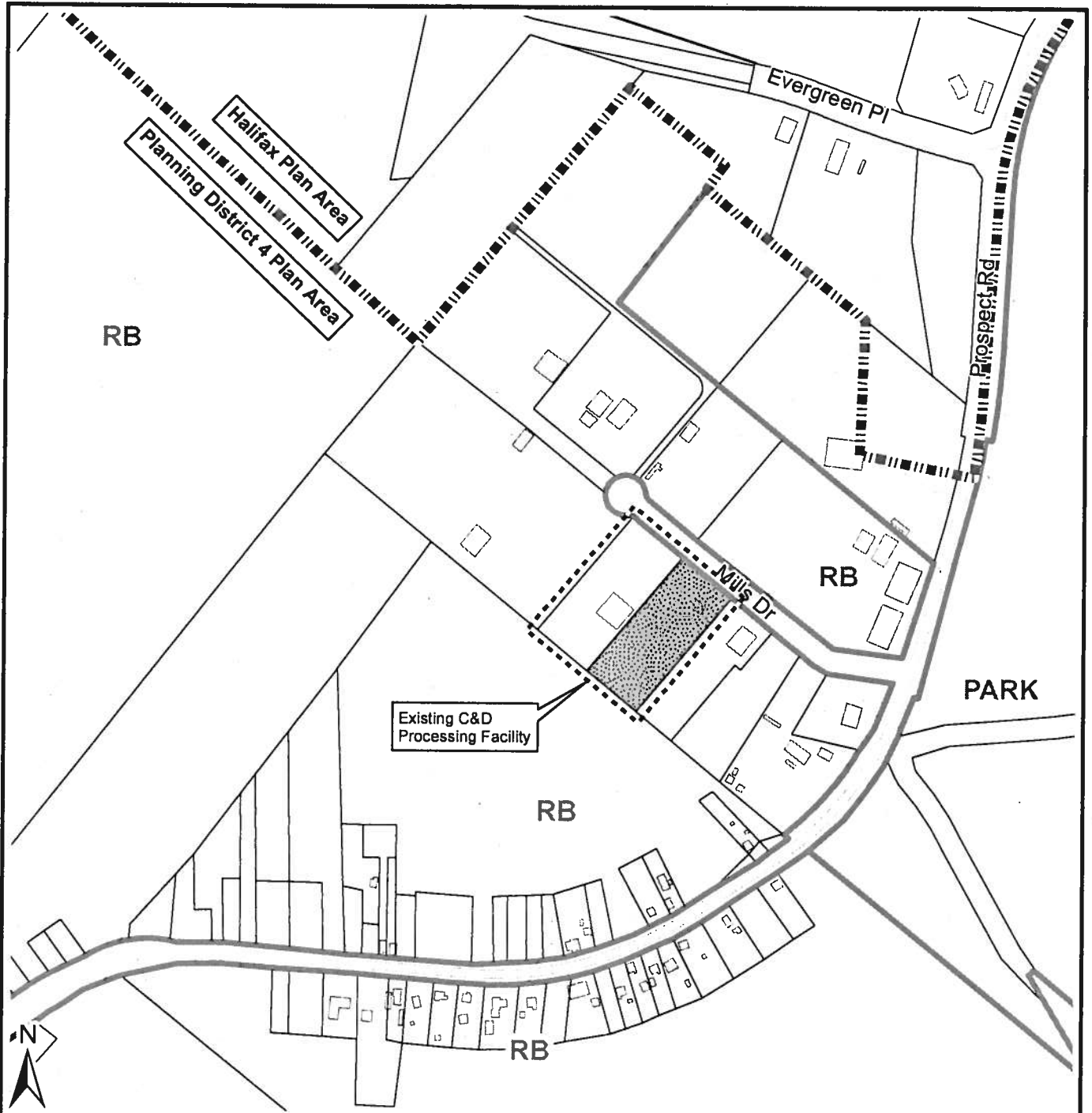
**Zone**

- RB-1 Residential B-1
- RB-2 Residential B-2
- C-2 General Business
- I-1 Light Industry
- I-3 Local Service
- P-2 Community Facility
- RPK Regional Park
- CD-2 C&D Materials Processing Facilities




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.




**Map 2 - Generalized Future Land Use**

16 Mills Drive  
Goodwood

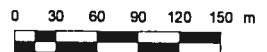
 Area proposed to be rezoned from I-1 (Light Industry) to CD-2 (C&D Materials Processing Facilities)

Planning District 4  
(Prospect) Plan Area

 Plan area boundary

**Designation**

RB Residential B  
Park Park



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated

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**Attachment A**  
**Amendment to the Land Use By-law for Planning District 4 (Prospect)**

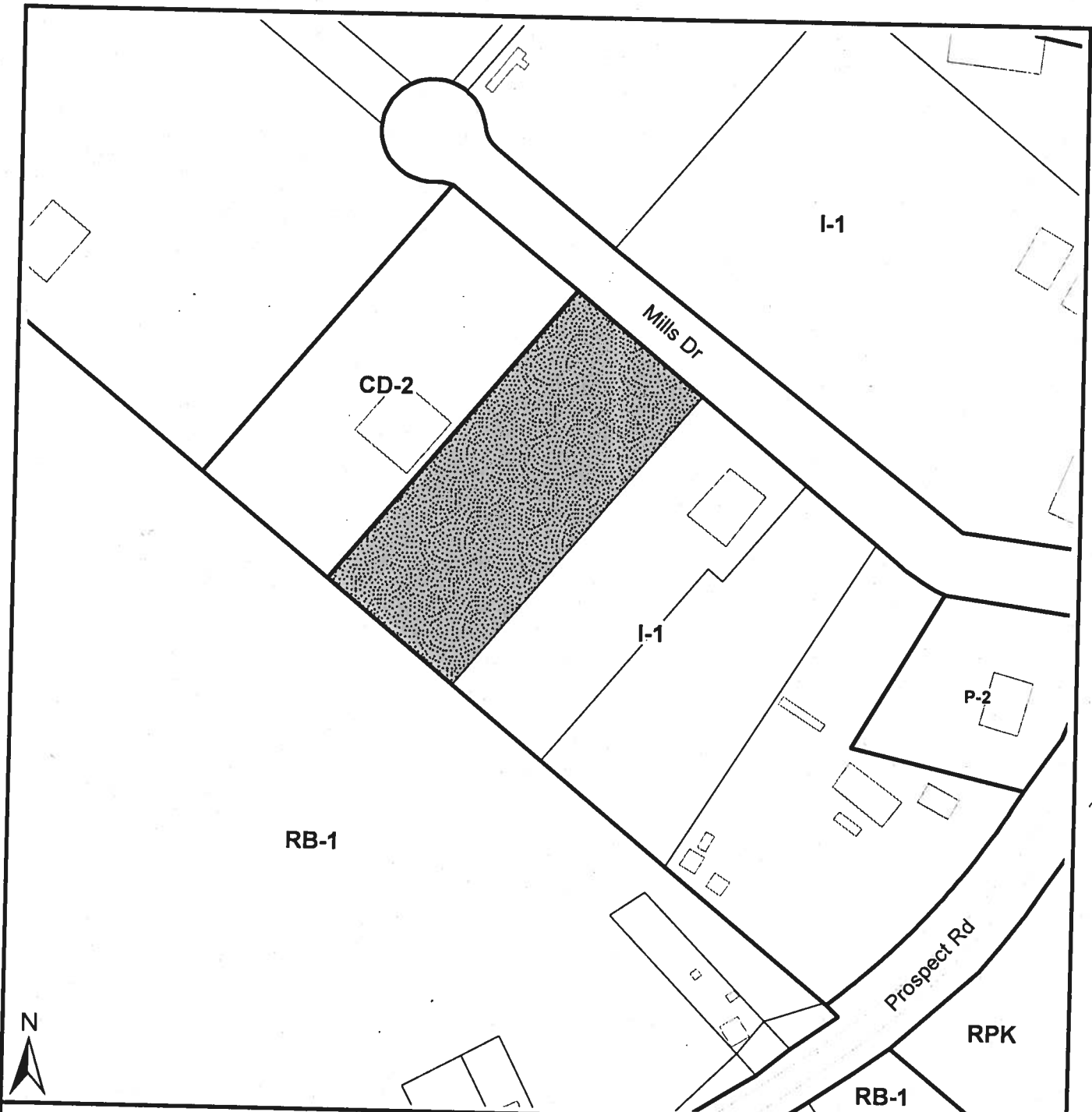
BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Land Use Bylaw for Planning District 4 (Prospect) as enacted by the former Halifax County Municipality on the 12<sup>th</sup> day of December, 1994, and approved with amendments by the Minister of Municipal Affairs on the 3<sup>rd</sup> day of March, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 29<sup>th</sup> day of October, 2011, is hereby further amended as follows:

1. By amending the Zoning Map for Planning District 4 Land Use By-law as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning District 4 (Prospect) as set out above, was passed by a majority vote of the Western Region Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_, 2012.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk



**Schedule A**

16 Mills Drive  
Goodwood

 Area to be rezoned from I-1 (Light Industry) to CD-2 (C&D Materials Processing Facilities)

Planning District 4  
(Prospect) Plan Area

**Zone**

- RB-1 Residential B-1
- I-1 Light Industry
- P-2 Community Facility
- RPK Regional Park
- CD-2 C&D Materials Processing Facilities

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS



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**Attachment B**  
**Excerpts from the Planning District 4 MPS (Prospect)**

**Existing C&D Operations**

There are a number of existing C&D operations (transfer stations and processing operations) throughout HRM. To recognize these existing operations, applicable zoning shall be applied to reflect the use conducted on these properties in conjunction with the adoption of the amendments.

SW-10 It shall be the intention of Council to recognize existing C&D operations by applying the applicable zone to reflect their existing use.