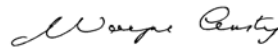


TO: Mayor Kelly and Members of Halifax Regional Council



SUBMITTED BY:

Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: December 22, 2008

SUBJECT: Case 01224: Amendments to Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law, Eastern Passage

ORIGIN

Halifax Water has applied to amend the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow for the planned expansion of the Eastern Passage Wastewater Treatment Plant on lands in Eastern Passage.

RECOMMENDATION

It is recommended that Regional Council:

1. Initiate a process to consider amending the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law to redesignate and rezone the property identified as PID 41269952 in Eastern Passage for the proposed expansion of the Eastern Passage Wastewater Treatment Plant; and
2. Direct staff to follow the public participation process approved by Council in February 1997.

BACKGROUND

Halifax Water has begun the process of expanding the Eastern Passage Wastewater Treatment Plant in Eastern Passage on lands recently acquired from Department of National Defense (DND) (Map 1). The current Plan Amendment (PA) designation and D-1(DND) zone do not permit any uses other than continuation of DND military and support activities at CFB Shearwater. This application is to ensure appropriate zoning is in place on the subject lands in advance of beginning the treatment plant expansion.

Servicing Capacity

A report to Regional Council, July 6, 2004 identified capacity constraints of the existing EPWTP and the need to expand and upgrade the plant to accommodate continued growth within the existing serviced boundary for Eastern Passage and Cole Harbour. The report showed 2 years worth of development that could be accommodated by the existing plant.

The preliminary design phase of the project revealed that more land was needed to accommodate the planned expansion. On February 26, 2008, Regional Council approved the purchase of the necessary lands from DND.

Proposed Amendment

Halifax Water is requesting amendments to the Eastern Passage/Cow Bay MPS and LUB to redesignate the subject lands from Plan Amendment (PA) to Industrial and rezone from D-1 to C-5 (Mixed Use) Zone. The amendments will align the subject property with the current designation and zone on the abutting Halifax Water lands.

Location, Designation and Zoning

- *Location:* the lands (PID 41269952) are situated to the south west of the Eastern Passage Wastewater Treatment Plant and are formerly known as Albacore Place, Shearwater;
- *Designation:* "Plan Amendment" (PA) which supports only DND uses and support activities (Map 1)
- *Zoning:* D-1 (DND) permits only DND uses and activities (Map 2)

Existing Policy

The subject lands are designated PA which covers extensive land holdings and developments within the EP/CB plan area which are controlled by DND, whose actions are beyond municipal jurisdiction. The underlying PA designation was put in place with the intent that Council would pursue an amendment of the Municipal Planning Strategy if the lands within this designation were released from federal jurisdiction. DND has sold the subject lands to Halifax Water.

The proposed Industrial designation reflects locations of existing heavy and service industry in Eastern Passage, and is intended to provide for their expansion and for the development of

complementary industrial and commercial operations without intrusion into existing residential areas. The designation allows for the application of C-5 Zone.

The proposed plant expansion is consistent with the intent of the Regional Municipal Planning Strategy to address capacity deficiencies of wastewater treatment systems within HRM's Urban Service Area. The proposed expansion will enable sufficient municipal services to existing communities and to provide for future development that could be accommodated within the existing Urban Service Area.

DISCUSSION

Amendments to the MPS are not considered routine and while Council has the ability to amend an MPS, it is under no obligation to do so. Furthermore, the decision to amend an MPS or not, cannot be appealed. Requests for an MPS amendment are only considered when:

- a) there has been a change in circumstance since the Plan was adopted or last reviewed;
- b) there is a significantly different situation than what the Plan anticipated; or
- c) an error was made.

Council may consider this request for an MPS amendment by reason (a) above because DND has released the lands and sold them to Halifax Water. Further, the EP/CB MPS states "Council shall amend this strategy if lands located within the Plan Amendment Designation become declared surplus" by DND (Policy IM-4). The proposed Industrial designation and C-5 zoning on the subject lands is consistent with the designation and zoning for the existing treatment plant property and the majority of the lands in the immediate area, including the lands along the harbour.

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

1. Council may choose to initiate the process to redesignate the lands to Industrial and rezone to C-5. This is the recommended course of action.

2. Council may choose not to initiate the process to redesignate the lands to Industrial and rezone to C-5. Council is under no obligation to initiate a process to amend a MPS or adopt requested amendments.

ATTACHMENTS

Map 1: Generalized Future Land Use Map (GFLUM)

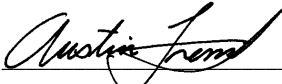
Map 2: Zoning and Notification

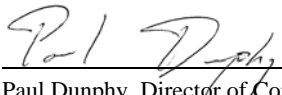
Attachment "A": Relevant Excerpts from the EP/CB Municipal Planning Strategy

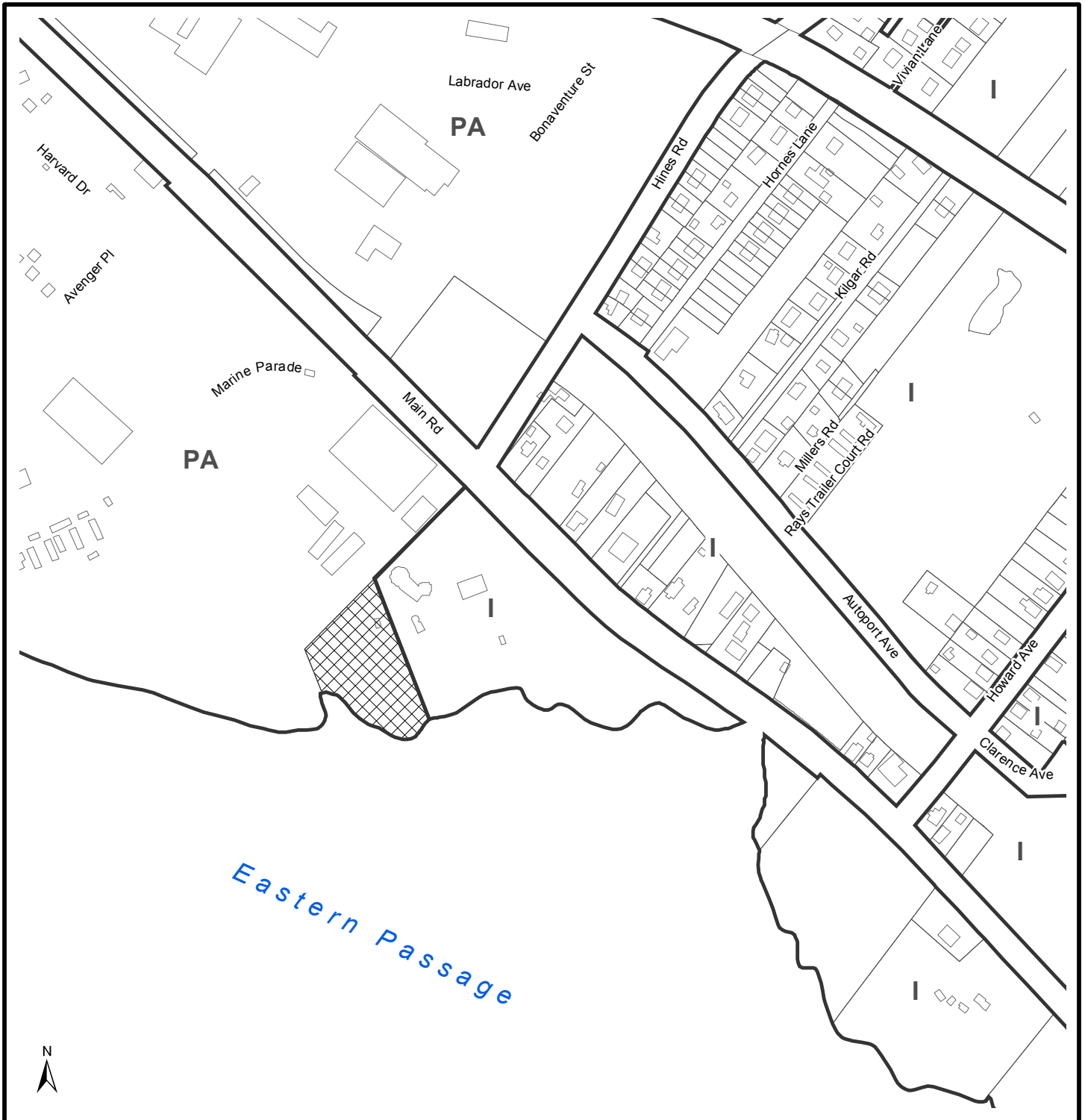
Attachment "B": Relevant Zoning Provisions from the EP/CB Land Use By-law

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: Darrell Joudrey, Planner 490-4181


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

Report Approved by: 
Paul Dunphy, Director of Community Development



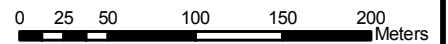
Map 1 - Generalized Future Land Use



 Subject Property

Designation

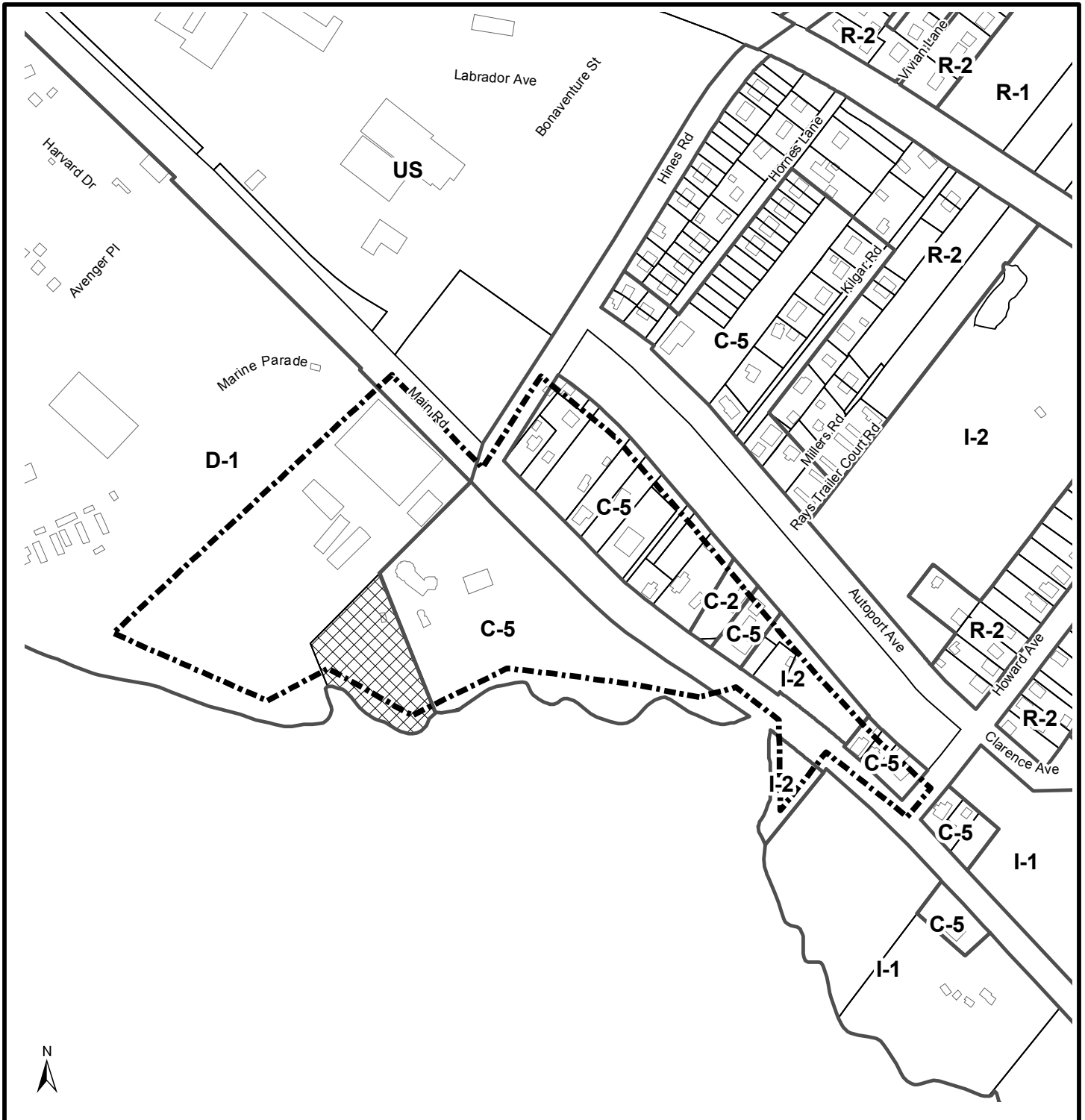
PA Plan Amendment
I Industrial




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Eastern Passage/ Cow Bay Plan Area.


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

Eastern Passage/ Cow Bay Plan Area



Map 2 - Location and Zoning

 Subject Property

 Area of Notification

Eastern Passage/ Cow Bay
Plan Area

Zoning

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- C-2 General Business
- C-5 Mixed Use
- I-1 Light Industrial
- I-2 General Industrial
- D-1 DND
- US Urban Settlement

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 25 50 100 150 200
Meters

This map is an unofficial reproduction of a portion of the Zoning Map for the Eastern Passage/ Cow Bay Plan Area.

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

Attachment "A"

Relevant Excerpts from the Eastern Passage/Cow Bay Municipal Planning Strategy

PLAN AMENDMENT DESIGNATION (page 104)

Given the considerable investment of the Federal Government in Canadian Forces Base Shearwater and supporting facilities at Hartlen Point, it is unlikely that these properties will be declared surplus to the requirements of the Department of National Defense in the near future. However, federal holdings within the Plan Area have become available in the past and it is reasonable to provide for such an occurrence. With a combined acreage of over two thousand acres, these lands have defined the boundaries of Eastern Passage throughout its development, and future alterations in their use could significantly affect the Plan Area.

- PA-1 It shall be the intention of Council to establish the Plan Amendment Designation on lands of the Department of National Defense, as shown on Map 1 - Generalized Future Land Use. In the event that lands within this Designation should be released from federal jurisdiction to provincial jurisdiction, Council shall request that the Province respect the concerns of the Municipality and the residents of the Plan Area and support an amendment of this planning strategy to establish policy related to the future use of the lands in question. Furthermore, in the event that these lands should be released to persons accountable to the policies and regulations of the Municipality, it shall be the intention of Council to immediately pursue an amendment of this planning strategy. In any such amendment, public consultation shall be undertaken as a priority of Council.
- PA-2 Within the Plan Amendment Designation it shall be the intention of Council to establish a DND zone which permits the continuation of Department of National Defense military and support activities at Canadian Forces Base Shearwater.
- PA-3 Within the Plan Amendment Designation, it shall also be the intention of Council to apply a rural estate zone to the Hartlen's Point golf Course pursuant to Policy RR-2. This zone will permit this recreation use and provide direction for the desired form of future development should these lands ever become surplus to the requirements of the Department of National Defense.

INDUSTRIAL DESIGNATION (pages 95 -97)

The Industrial Designation has been applied to those lands which define the major industries at the present time and those which are reasonable areas of expansion. Although the Designation is intended to support industrial development, it is also meant to establish a barrier to future intrusion into the community. For this reason, the extension of general industrial zoning will not be permitted outside of the Designation.

- IND-1 It shall be the intention of Council to establish an Industrial Designation, as shown on Map 1 - Generalized Future Land Use. Lands within the Designation shall constitute the priority area for the development of general industrial facilities and supporting commercial and transportation uses.
- IND-2 Within the Industrial Designation, it shall be the intention of Council to establish a general industry zone which permits the development of heavy industrial and industrial related uses. Controls on separation distances, buffering, parking and signage will be established to address compatibility concerns. The zone will also provide for the exemption of rear or side yard requirements when such yards impede the accessibility of transportation related uses.
- IND-8 Notwithstanding the provisions of Policy IM-6, no industrial zone permitting general industry shall be considered by amendment to the land use by-law except within the Industrial Designation.

IMPLEMENTATION (pages 105-109)

The following policies include the basic requirements for proper implementation based on the policies of the strategy and adoption of regulations under the Subdivision By-law, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

- IM-4 More specifically, Council shall amend this strategy if lands located within the Plan Amendment Designation should become declared surplus to the needs of the Department of National Defense.
- IM-7 Notwithstanding Policy IM-6, and pursuant to Policy IND-8, no zone which permits the development of general industrial uses shall be considered by amendment to the land use by-law except within the Industrial Designation.
- IM-8 The following uses shall only be considered by amendment to the land use by-law:
- (e) within the Industrial Designation:
 - (i) residential, commercial, industrial, community facility uses, according to Policy IND-4; and
 - (ii) commercial entertainment uses according to Policy IND-5.

Attachment "B"

Relevant Zoning Provisions from the Eastern Passage Cow Bay Land Use By-law

PART 25: D-1 (DND) ZONE

25.1 D-1 USES PERMITTED

No development permit shall be issued in any D-1 (DND) Zone except for the following:

DND Uses

Canadian military installations

25.2 D-1 ZONE REQUIREMENTS

In any D-1 Zone, no development permit shall be issued except in conformity with the appropriate provisions of Part 6.

PART 15: C-5 (MIXED USE) ZONE

15.1 C-5 (USES PERMITTED)

No development permit shall be issued in any C-5 (Mixed Use) Zone, except for the following:

Community Uses

Open space uses;
Institutional uses.

15.3 OTHER REQUIREMENTS: COMMERCIAL AND INDUSTRIAL USES

Where uses are permitted as Commercial Uses or Industrial Service Uses in any C-5 Zone, the following shall apply:

- (a) The gross floor area of any commercial building, including any floor area devoted to permitted dwelling units, shall not exceed five thousand (5,000) square feet (464.5 m²).
- (b) The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.
- (c) No open storage or outdoor display shall be permitted within ten (10) feet (3.0 m) of any lot line.

15.4 C-5 ZONE REQUIREMENTS: COMMUNITY USES

In any C-5 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 23.

PART 23: P-2 (COMMUNITY FACILITY) ZONE

23.1 P-2 USES PERMITTED

No development permit shall be issued in any P-2 (Community Facility) Zone except for the following uses:

Institutional Uses

Educational institutions and uses;
Denominational institutions and uses;
Day care facilities;
A single dwelling unit in conjunction with a daycare facility;
Senior citizen housing;
Existing residential care facilities;
Fire and police stations;
Government offices and public works except transportation maintenance yards;
Hospitals and medical clinics;
Public libraries, museums and galleries;
Fraternal centres and halls;
Community centres and halls.

23.2 P-2 ZONE REQUIREMENTS: INSTITUTIONAL USES

In any P-2 Zone, where uses are permitted as Institutional Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	10,000 square feet (929 m ²)
	on-site services	30,000 square feet
		(RC-Feb 19/98;M-Apr 27/98)
Minimum Frontage		125 feet
		(RC-Feb 19/98;M-Apr 27/98)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		1/2 the height of the main building
Maximum Lot Coverage		50 percent

23.5 EXEMPTION: INSTITUTIONAL USES

Notwithstanding Section 23.2, where uses are permitted as Institutional Uses, a building may be exempted from a yard requirement in order to permit it to be joined to a building on an adjacent parcel and in this case, all other yard requirements shall apply.