


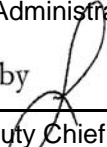


P.O. Box 1749
Halifax, Nova Scotia
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Item No. 14.1
Halifax Regional Council
May 12, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: May 11, 2015

SUBJECT: Request to amend the Regional Municipal Planning Strategy to enable greater flexibility of use within select areas of the Burnside Business Park Expansion Area

ORIGIN

Planning & Development Department

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Halifax Regional Council

1. Initiate the proposed amendments to the Halifax Regional Municipal Planning Strategy (RMPS) to enable greater flexibility of use within the Burnside Business Park Expansion Area through amendments to Map 10 of the RMPS as outlined within Attachment B of this report; and
2. Waive the public participation resolution adopted by Council at the February 18, 1997 meeting and consult with the community on this amendment through newspaper notification of the amendment for a period of two weeks in addition to the provision of further detailed information be made available on the HRM website.

BACKGROUND

In October 2014, Regional Council updates to the Regional Municipal Planning Strategy (RMPS) became effective which concluded the process known as 'RP+5'. Included within these updates were policies stemming from the 2008 Business Parks Functional Plan which reviewed business and industrial parks within Halifax Regional Municipality, their impact on economic development in the region, and recommendations on how they should continue to be developed moving forward. Amongst the multiple recommendations was included a recommendation to allow the private sector to take the lead role in the development of land for retail and office space while encouraging primarily light industrial uses within business parks. This recommendation was implemented in the Regional Plan by the creation of Policy EC-6, as well as the inclusion of Map 10 which described the geographical extent to which this policy would apply. Policy EC-6 states the following:

EC-6 - HRM shall reserve the lands within the Burnside Business Park Expansion Area, as shown on Map 10, for general, light industrial and logistics uses. Office and retail shall be permitted only as accessory uses to general and light industrial uses.

The wording of Policy EC-6 was specifically narrowed to apply only to the Burnside Business Park Expansion Area so as to ensure that no businesses or land owners already occupying lands within the park would be negatively impacted by new regulation which disallows a retail or office use already constructed. If this policy were to have been applied to the entire business park, a large number of retail and office uses would be considered 'Non-Conforming' resulting in a situation where although they would be permitted to continue operating an existing business on the site, no new retail or office businesses would be permitted in the future and the existing non-conforming retail and office uses would be subject to the restrictions on non-conforming uses within the *HRM Charter*.

At the same time in late 2014 when these RMPS amendments were being considered by Regional Council, the Corporate Real Estate Business Unit was involved in ongoing discussions with numerous businesses and land developers who had expressed interest in constructing buildings or opening businesses within newly available lands in the Burnside Industrial Park. At the time when these discussions began, this expansion area of the business park was regulated by the same zoning and policy controls as the rest of the park. Fundamental to this control was the Dartmouth Land Use By-law I-2 zoning. The I-2 zoning is one of the most permissive zones within the by-law, allowing for a full complement of industrial, service, retail, and office uses. The application of policy EC-6 as described above to the Burnside Business Park Expansion Area substantially reduced the flexibility of uses permitted on this land.

This issue was recently discovered when a business was refused a permit due to their proposed use being considered a retail use, and as such not permitted by policy EC-6. There are several other land owners and business operators who shared this same understanding, and are similarly impacted by this policy. Several of these individuals and businesses are now in a situation where they are unable to construct or occupy buildings that they have anticipated moving to within the next 4-6 months.

DISCUSSION

The intent of Policy EC-6 was twofold. First, it was identified as important to retain an adequate supply of industrial lands within HRM to ensure a continued mixed and diversified economy of the region. Industrial uses by their very nature have a tendency to occupy large amounts of space, and can have impacts on adjacent land uses depending on the sights, sounds, and smells emitting from them. Given that these uses cannot easily be located within established communities, it was felt important to protect the use of industrial lands against the intrusion of other retail, office, or service uses which could be located elsewhere. Secondly, it was felt to be important to attempt to incentivize retail and office development towards the downtown 'Regional Centre' areas wherever the opportunity could be provided. The Regional Centre is well serviced with regard to transit, and service sector industries. Greater concentration of office and retail uses within the downtown is beneficial to both businesses as well as the

population at large. The more employment occurring within the Regional Centre, the easier it is to service the employees and businesses with the transportation and connectivity services they need.

The above points notwithstanding, it was not the intent of Policy EC-6 to inhibit future development of business parks in HRM, nor was it the intent to disadvantage certain businesses or land owners through restrictive use policies. Notification of the 2014 amendments to the Regional Plan was appropriately advertised, with the decision making process concluding in a Public Hearing at Regional Council. Information on the intent of the amendments was available throughout the 'RP+5' Regional Plan Update process. Ultimately, it is the responsibility of any land owner or perspective land owner to ensure the desired use of land is permitted by applicable policies and zoning. With this said, staff share in the responsibility of ensuring all stakeholders understood the ramifications of the policy amendments.

Fortunately, given that restrictions pertaining to policy EC-6 are related exclusively to the area shown on Map 10 of the RMPS, changing the boundaries of this map would allow greater flexibility for the use of properties without requiring any additional amendments to the Dartmouth Municipal Planning Strategy or the Dartmouth Land Use By-law. An amendment to the map could address the existing issue with businesses and land owners in the specific geographical area where the problem exists, while still retaining the policy on lands where no commitments or land deals have been made. This would allow all I-2 Industrial zone uses to once again be permitted on the lands proposed to be removed from Map 10.

Regardless of Regional Council's decision on whether or not to initiate the process to amend Map 10 of the RMPS as described within this report, further work will be completed moving forward so as to fully implement the recommendations of the 2008 Business Park Functional Plan. For example, the Functional Plan recommended the adoption of a more nuanced set of zones specifically for business parks which would identify specific locations where retail and service commercial uses would be appropriate, as well as ensuring that uses on the perimeter of these parks would provide for sensitive transitions to adjacent properties. Furthermore, Planning & Development staff will in the future seek to gather additional background information on retail uses, service uses, and their catchment areas, in an effort to better understand what uses are best suited for what context.

Conclusion

Staff recommend that Regional Council initiate the process to amend Map 10 of the Regional Municipal Planning Strategy to the extent identified in Attachment B of this report in order to address the commitments for land uses previously made.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the 2015 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Staff are recommending that the public participation resolution adopted at the February 18, 1997 meeting of Regional Council be waived. This resolution required that Council make a preliminary determination as to whether it wished to consider the amendment and, if so, whether the matter was of local or regional concern. If deemed local, a public meeting would be scheduled and hosted by either the Planning Advisory Committee or staff. Recommendations would then be made through the Community Council to Regional Council. In the event that the amendment is considered of regional significance, a more detailed and specific public participation program would be brought to Council for consideration.

Staff are of the opinion that this matter is not of regional significance as the affected area is relatively small. Due to the time sensitive nature of this amendment, staff recommends that community engagement occur through newspaper notification of the amendment for a period of two weeks in addition to the provision of further detailed information to be made available on the HRM website.

Prior to considering the approval of any RMPS amendments, Regional Council must hold a public hearing. In addition to the published newspaper advertisements, individual property owners within a

notification area surrounding the site of the amendments will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed RMPS amendments, and development agreement, will potentially impact local property owners.

ENVIRONMENTAL IMPLICATIONS

None relevant to this report.

ALTERNATIVES

1. Regional Council may choose to refuse to initiate the consideration of amendments to Map 10 of the Regional Municipal Planning Strategy. A decision of Council not to initiate the potential amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Council could direct that the public participation program be undertaken in accordance with 1997 resolution.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Attachment A	Map 10 of the Regional Municipal Planning Strategy
Attachment B	Proposed Amendments to Map 10 of the Regional Municipal Planning Strategy

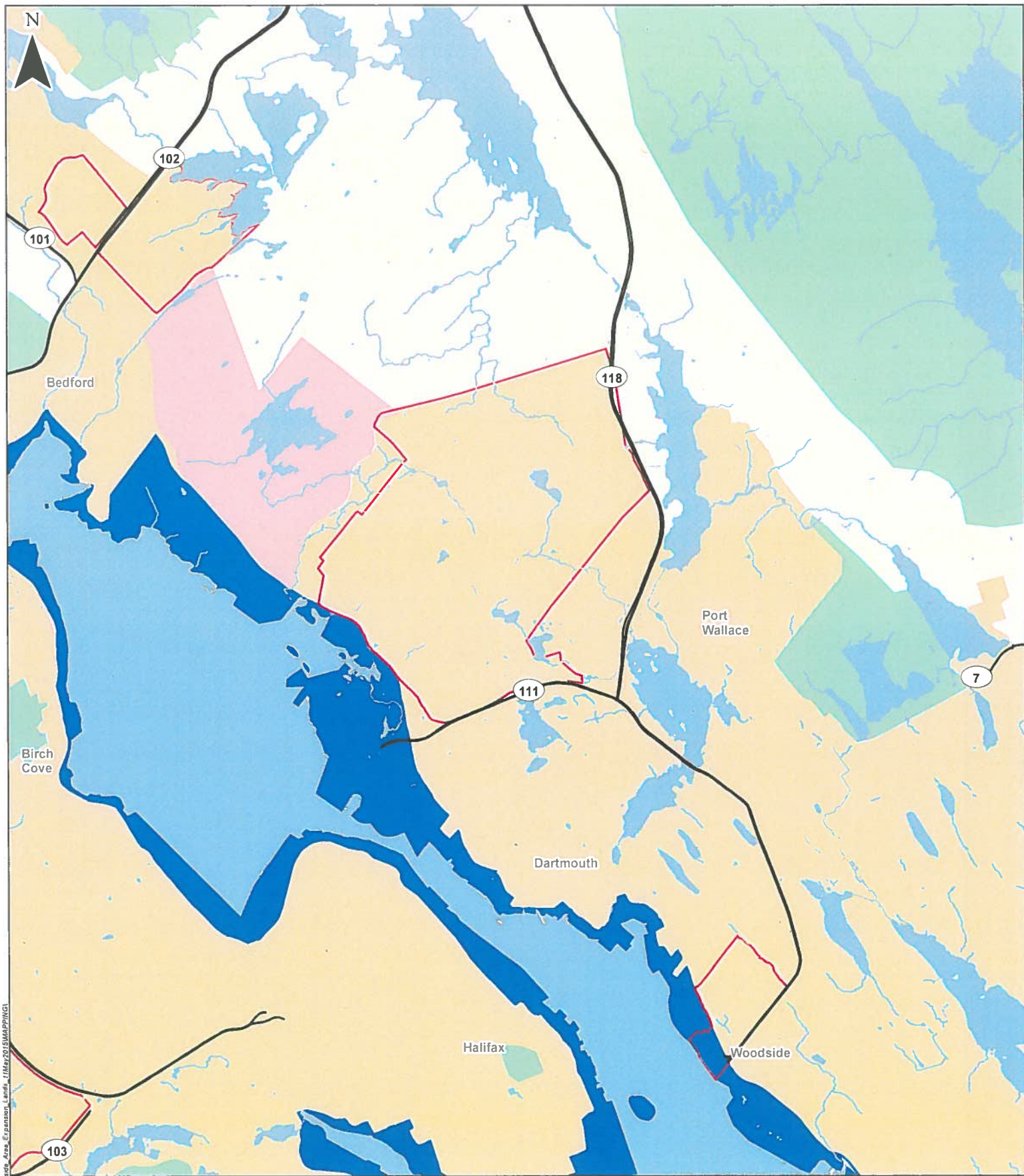
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Carl Purvis, Acting Supervisor of Community Planning, 902.490.4797

Report Approved by:

Bob Bjerke, Chief Planner & Director, Planning & Development 902.490.1627

Original Signed



Work Planning Project by NAME Burnside Area Expansion, Land Use (May 2015 Mapping)

- | | | |
|--|--|--|
| — Road | Business/Industrial Parks | Rural Commuter |
| 111 Highway | <i>Generalized Future Land Use</i> | |
| — Watercourse | Halifax Harbour | Urban Reserve |
| Waterbody | Open Space and Natural Resource | Urban Settlement |

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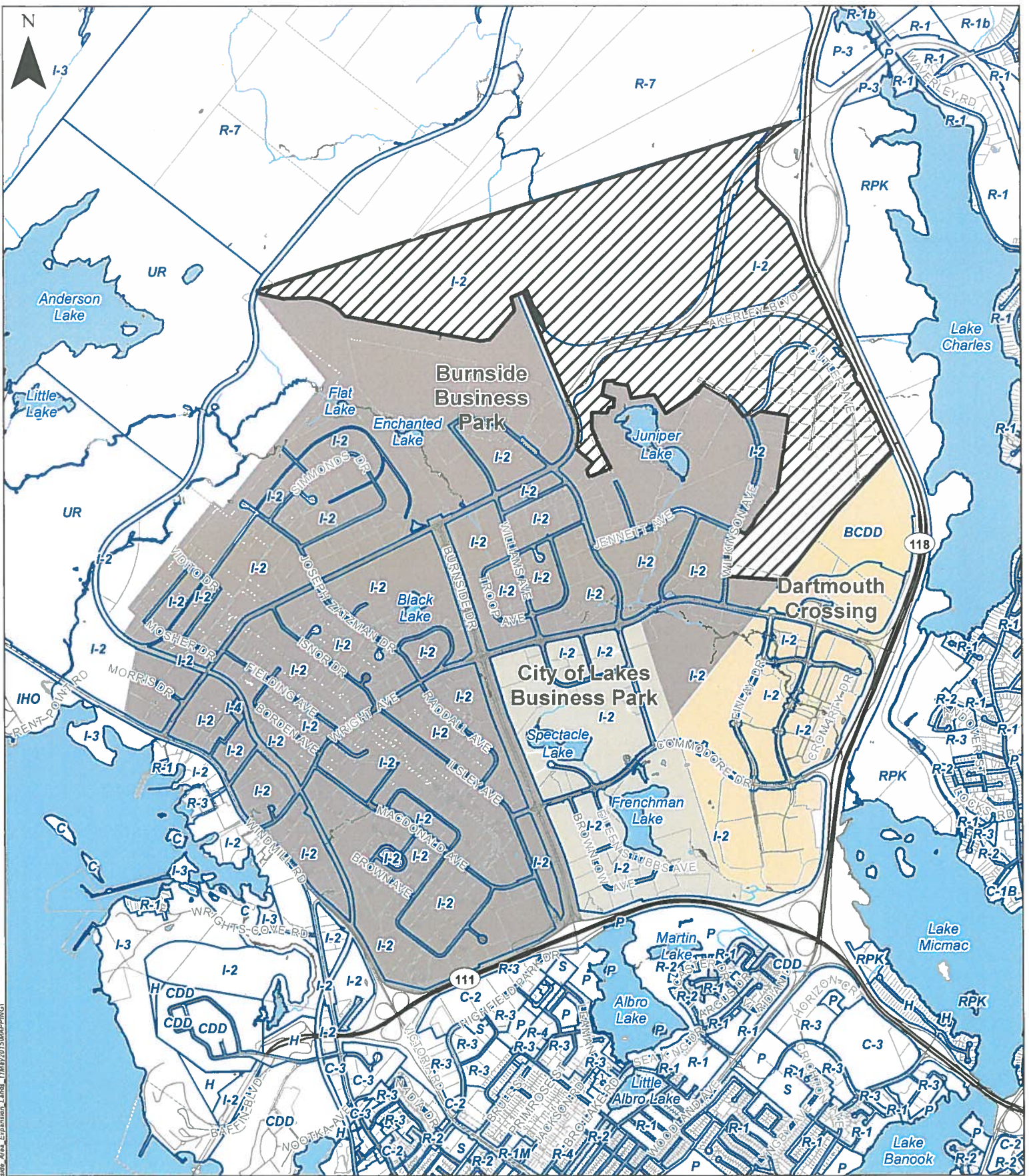
HALIFAX

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**MAP 1
GENERALIZED FUTURE
LAND USE (REGIONAL
PLANNING STRATEGY)**

Date:	May 11, 2015
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- | | | |
|-------------|----------------------------------|---------------------------------------|
| Road | Burnside Business Park | Burnside Business Park Expansion Area |
| Highway | City of Lakes Business Park | Zoning |
| Watercourse | Dartmouth Crossing Business Park | |
| Waterbody | | |
| Parcel | | |

HALIFAX

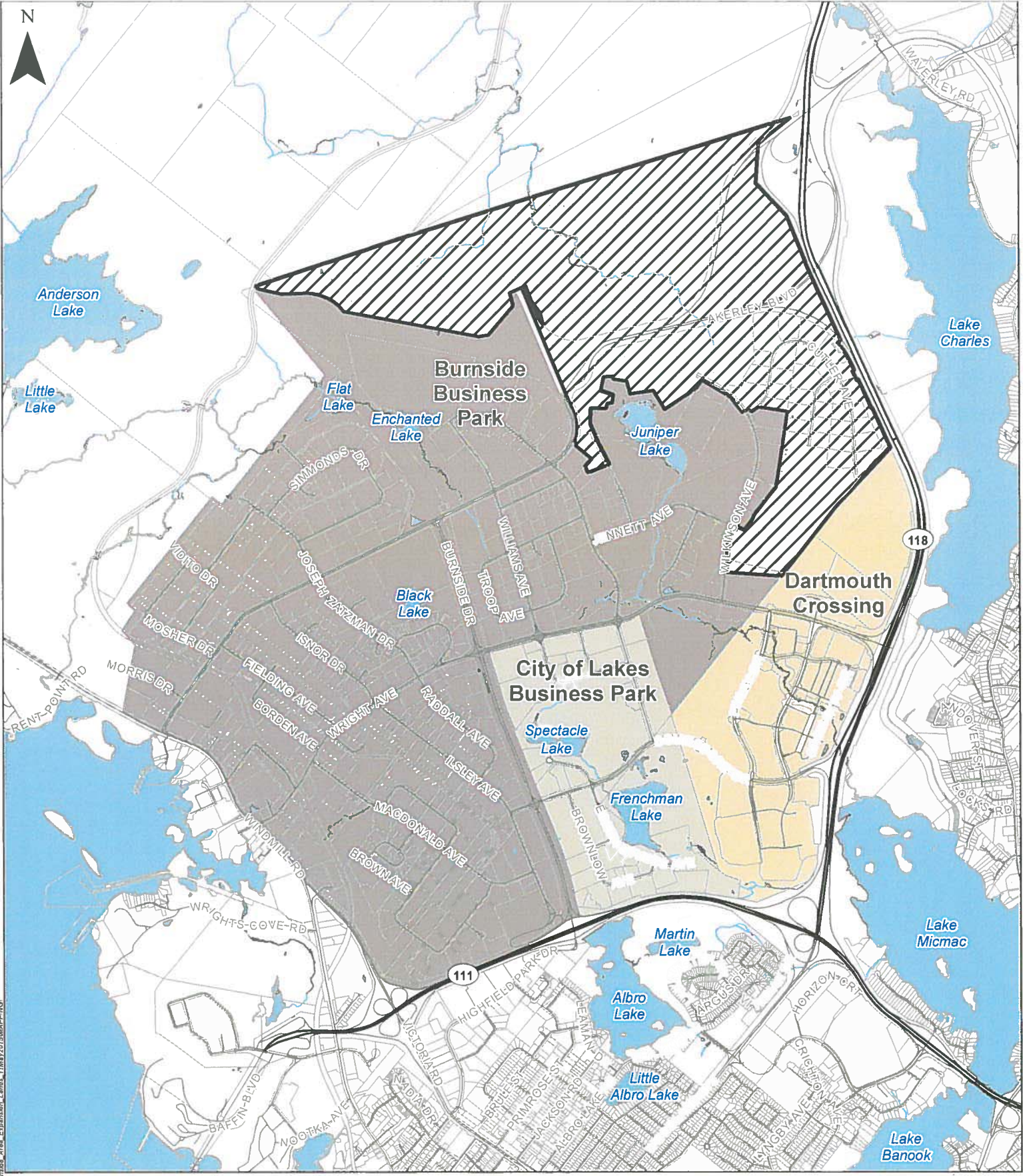
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**MAP 2
ZONING**


Date: May 11, 2015

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-  Road
-  Highway
-  Watercourse
-  Waterbody
-  Parcel

-  Burnside Business Park Expansion Area
-  Burnside Business Park
-  City of Lakes Business Park
-  Dartmouth Crossing Business Park

HALIFAX

Scale 1:30,000



Attachment A

Date: May 11, 2015

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