

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
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Item No. 9.1

Halifax Regional Council

June 16, 2015

July 21, 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 19, 2015

SUBJECT: Application 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. Give First Reading and set a public hearing date to consider amendments to Map 10 of the Regional Municipal Planning Strategy to enable greater flexibility of use within the Burnside Business Park Expansion Area as per Attachment B of this report; and
2. Adopt amendments to the Regional Municipal Planning Strategy as provided in Attachment B of this report.

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 (Attachment A) 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 in May 2015 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.

Staff brought forward an initiation report to Regional Council at their May 12, 2015 meeting where Council agreed to initiate the consideration of this amendment with an abbreviated public consultation process given the time sensitive nature of the matter.

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. Give 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.

Further Functional Plan Implementation

Given the time sensitive nature of the issues outlined within this report, it is important that these problems be addressed as soon as possible. With this said, there is more work that is required in order to implement the land use vision for Burnside Industrial Park as outlined within the aforementioned 2008 Business Parks Functional Plan. The Functional Plan recommended the adoption of a more nuanced set of zones 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. These new zones could allow for retail and service uses which are of such a nature that they would not be appropriate within a downtown urban setting, while still protecting the integrity of industrial lands per the intended spirit of Policy EC-6. Such uses that are currently prohibited in whole or in part by the application of policy EC-6 include industrial or construction equipment rental, industrial equipment showrooms, or construction apparel rental / sales. More sophisticated zoning rules could provide more clarity and flexibility within the rules of business parks without contravening the intent behind Policy EC-6 and those like it. 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.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing these planning amendments can be accommodated within the 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process undertaken for this application is consistent with the direction provided by Regional Council at the time of initiation. The level of community engagement was consultation, achieved through notification of the changes advertised in the newspaper and posted on the HRM website.

Prior to considering the approval of any RMPS amendments, Regional Council must hold a public hearing. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area 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 MPS and LUB amendments, and development agreement, will potentially impact local property and business owners as well as the HRM Corporate Real Estate Business Unit

ENVIRONMENTAL IMPLICATIONS

None relevant to this report.

ALTERNATIVES

1. Regional Council may choose to refuse the amendments to Map 10 of the Regional Municipal Planning Strategy. A decision of Council to refuse the potential amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Regional Council may choose to modify the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment A of this report. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing to be held before approval is granted.

ATTACHMENTS

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

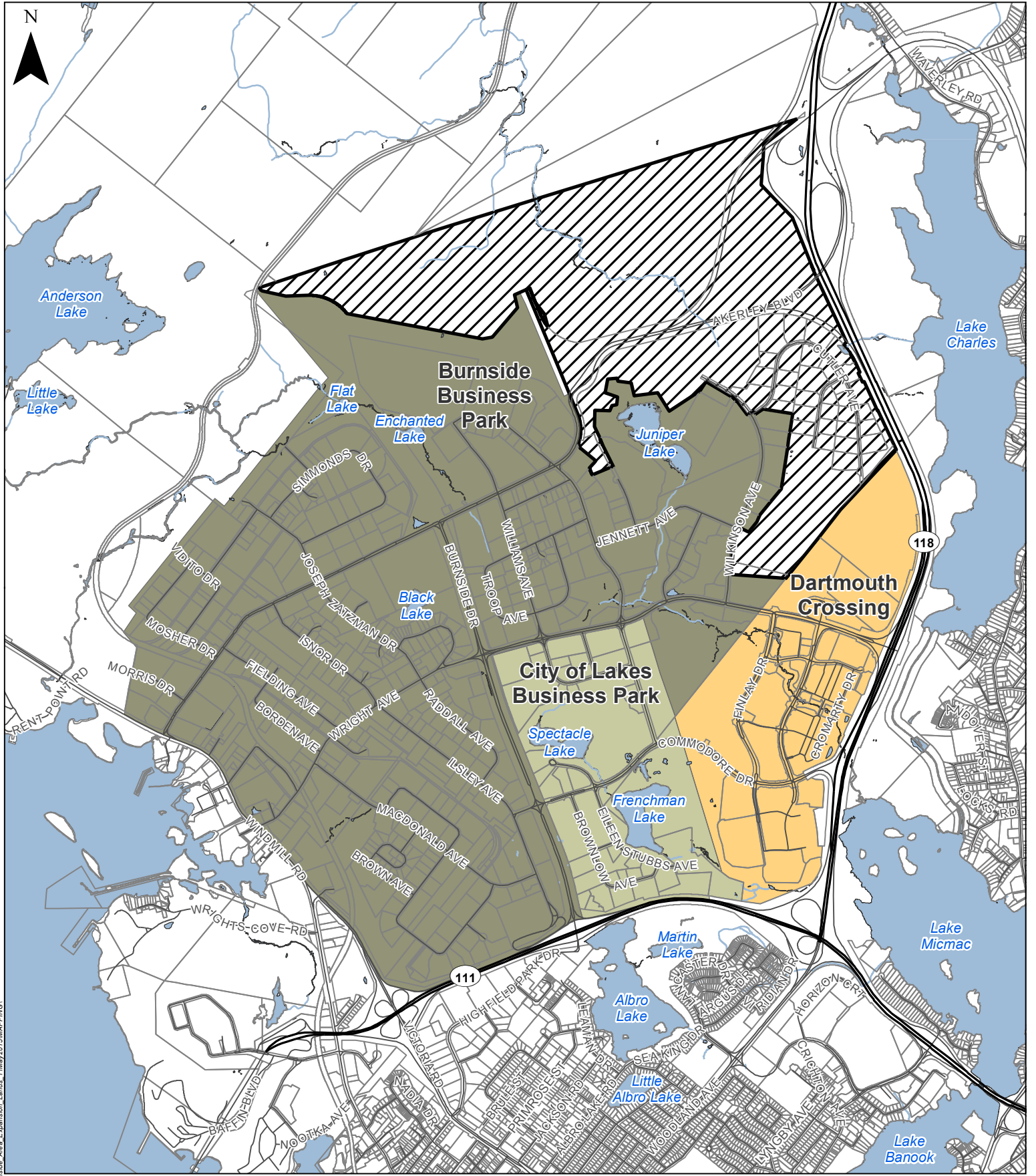
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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

Financial Approval by: _____
Bruce Fisher, Acting Director of Finance & ICT/CFO, 902.490.6308

Original Signed




T:\work\planning\PROJECT\PROJECT BY NAME\Burnside Area Expansion_Lands 11May2015\MAPPING

-  Road
-  Highway
-  Watercourse
-  Waterbody
-  Parcel
-  Burnside Business Park Expansion Area
-  Burnside Business Park
-  City of Lakes Business Park
-  Dartmouth Crossing Business Park

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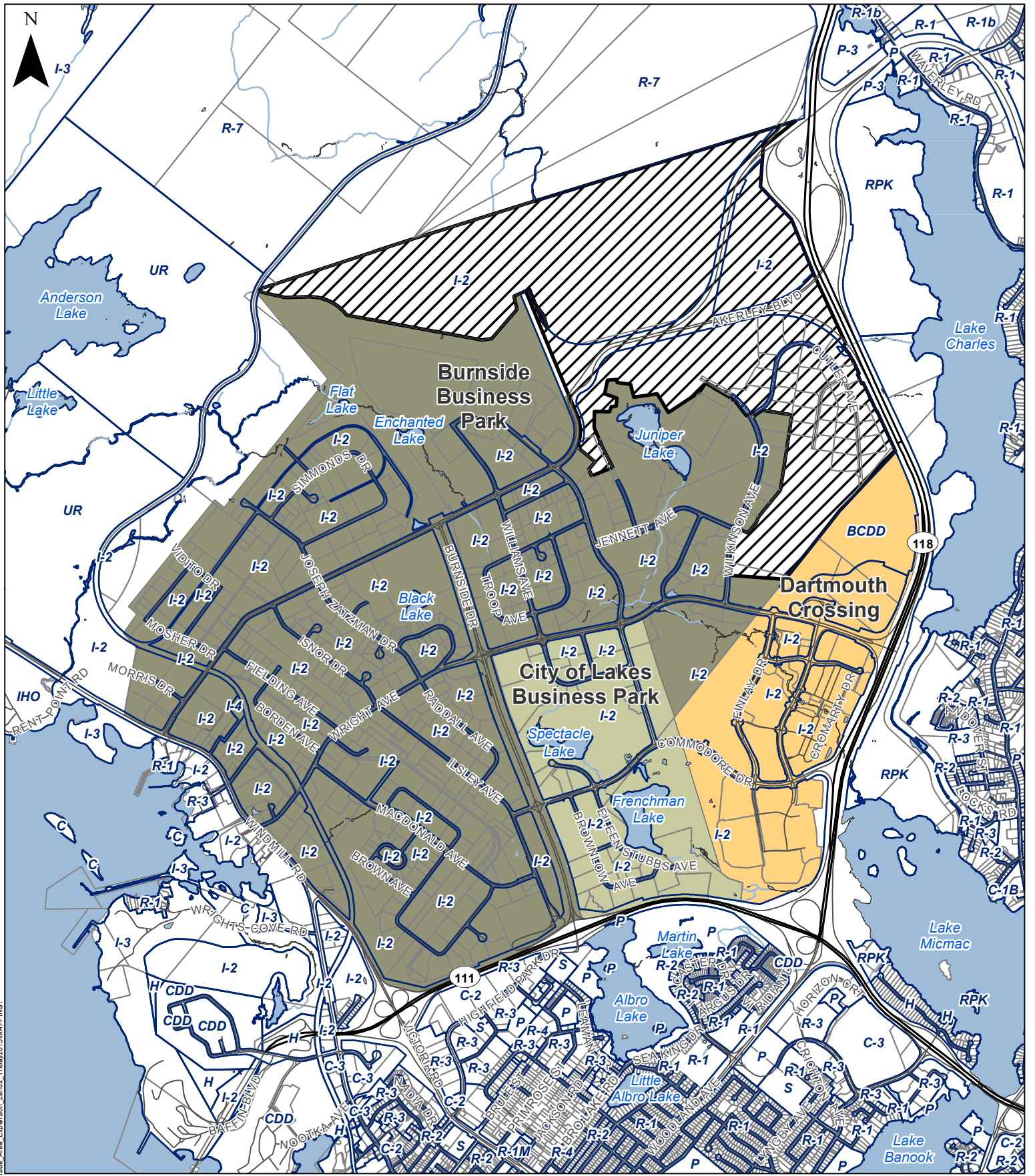
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MAP 1

Date:	June 4, 2015
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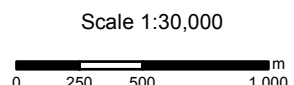
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-  Road
-  Highway
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-  Parcel
-  Burnside Business Park
-  City of Lakes Business Park
-  Dartmouth Crossing Business Park
-  Burnside Business Park Expansion Area
-  Zoning

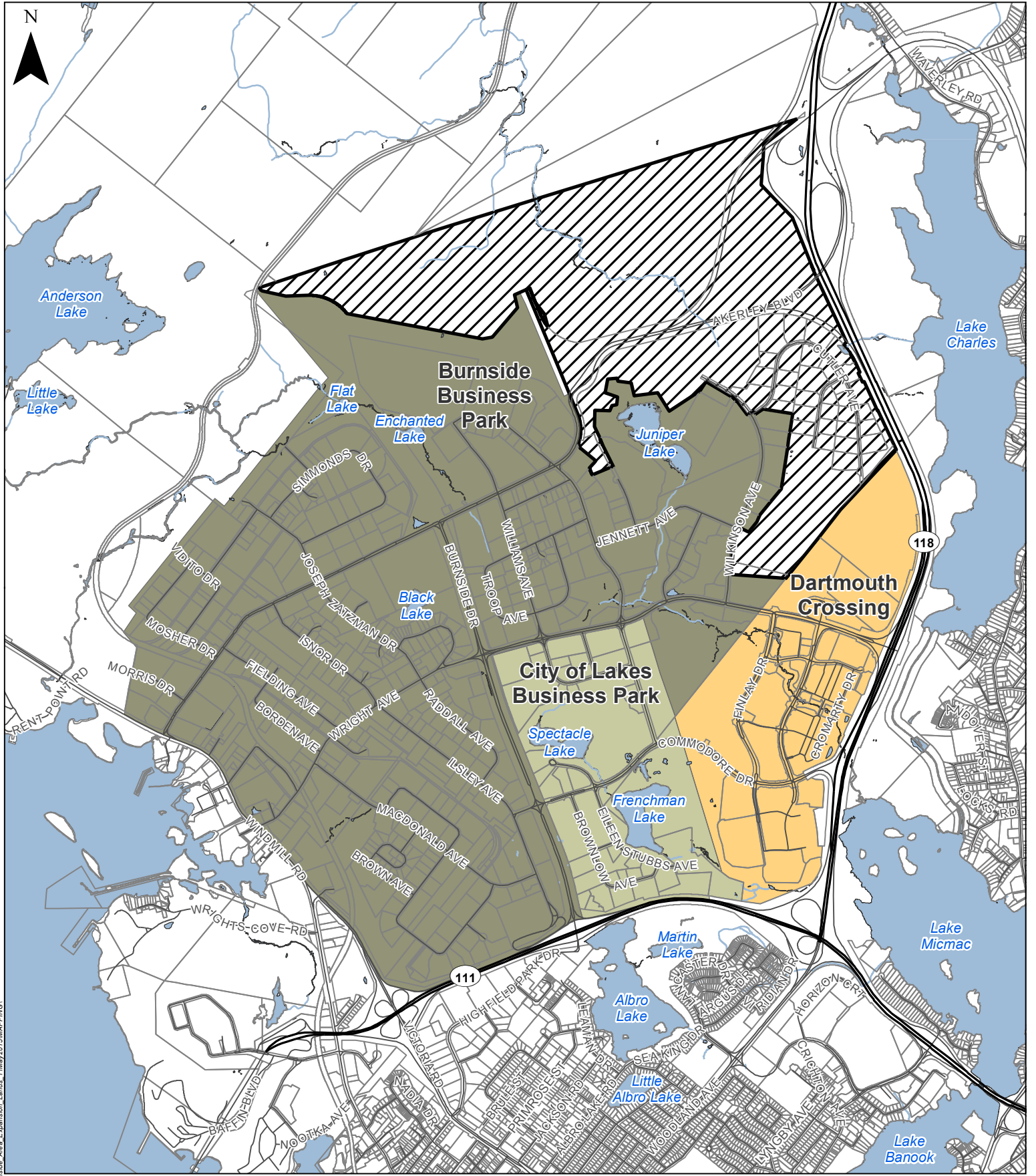
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**MAP 2
ZONING**

Date: May 11, 2015

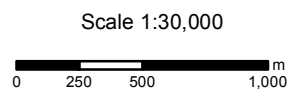
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- | | | | |
|--|-------------|--|---------------------------------------|
| | Road | | Burnside Business Park Expansion Area |
| | Highway | | Burnside Business Park |
| | Watercourse | | City of Lakes Business Park |
| | Waterbody | | Dartmouth Crossing Business Park |
| | Parcel | | |

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ATTACHMENT A

Date: June 5, 2015

HRM does not guarantee the accuracy of the data represented in this figure.

Attachment B
Amendments to the Regional Municipal Planning Strategy Map 10

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. "Map 10" shall be deleted and replace with Map 10 attached as Schedule A.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____ A.D., 2015



Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____ A.D., 2015.

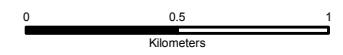
Municipal Clerk

Schedule A

Burnside Area

Legend

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



The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

Notes: This map demonstrates a vision to be implemented over the life of the Regional Plan, through various tools, subject to financial ability and community interest.

