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Halifax Regional Council
April 22, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in dark ink, reading "Bruce Hetherington", written over a horizontal line.

Councillor Bruce Hetherington, Chair
Harbour East Community Council

DATE: March 17, 2003

SUBJECT: **Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)**

ORIGIN

Harbour East Community Council - March 6, 2003

RECOMMENDATION

It is recommended that the Municipal Planning Strategy for Dartmouth be amended to apply the Holding zone within the Industrial Designation.

ATTACHMENTS

Staff report dated . November 14, 2002

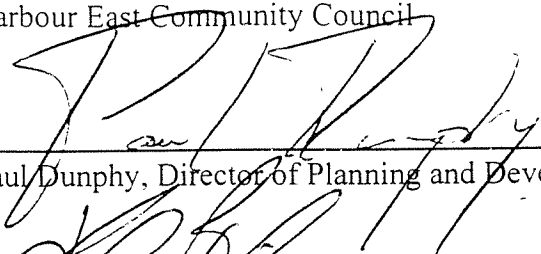
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

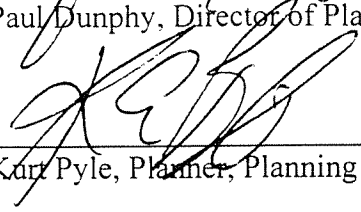
Report Prepared by: Julia Horncastle, Legislative Assistant

Harbour East Community Council
November 28, 2002

TO: Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services


Kurt Pyle, Planner, Planning and Development Services

DATE: November 14, 2002

SUBJECT: **CASE 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)**

ORIGIN:

At Regional Council, (status sheet item 8.11 - October 23, 2001) Councillor Smith requested staff to prepare a report on how residential zoning could be applied to two areas of land in the Wright's Cove area of Dartmouth, currently designated industrial. Regional Council agreed that Harbour East Community Council should first review and discuss the report.

RECOMMENDATION:

It is recommended that the Municipal Planning Strategy for Dartmouth not be amended to apply residential zoning within the Industrial Designation.

BACKGROUND:

In 2001, Regional Council initiated and approved amendments to the Industrial Designation and Zoning (I-2 and I-3 Zones) for Wright's Cove, Dartmouth, in response to a rezoning request by HRM Real Estate Services (Map 1). The properties rezoned fronted on Windmill and Bancroft Roads and were rezoned to permit general industrial and commercial uses in the area.

During the amendment process, residents living in Wright's Cove on Greenbank Court, Cove Lane, and Basinview Drive expressed concern about Industrial zoning which had been applied to their properties. Concerns relate to restrictions on replacing their homes, adding second units, or building on vacant lots (Map 1). Residents requested that residential properties in the area be rezoned to reflect their residential use. Staff did not support the application of residential zoning to the subject areas for several reasons:

- (1) providing for expansion of the residential area would ignore the existing dominant mix of industrial and commercial uses in the area, and could lead to a higher incidence of land use conflicts.
- (2) Wright's Cove area and Burnside have been identified since 1978 for commercial and industrial development, and this should continue as the primary land use policy direction of the area.
- (3) existing homes in the area are not accessible to centralized services, except for municipal water, and encouraging additional housing development may lead to demands for additional municipal services.
- (4) the proximity of the area to the D.N.D. ammunition depot on Magazine Hill makes it generally unsuitable for new housing, as residential uses are the highest risk land use.

To address residents' concerns, staff prepared amendments to the MPS and LUB documents that would provide a higher degree of protection for existing homes in the area from industrial development on adjacent lands. The amendments contained requirements for setback from watercourses, separation and buffering, and broader development options. Attachment 1 contains a summary of the amendments. Regional Council approved the amendments but residents felt that these had not gone far enough to address their issues. Residents desire the R-1 (Single Family Residential) Zone to be applied to their properties.

MPS Policy and Zoning

Under Dartmouth's MPS, certain lands within the Industrial Designation along Halifax Harbour and Bedford Basin are identified as potential harbour-oriented industrial sites. Policy M-6 states that

these areas will be reserved for this use. The entire shoreline of Bedford Basin from the MacKay bridge north to the DND Magazine lands is identified. However, I-2 zoning was applied north of Wright's Cove to Akerley Boulevard, in recognition of existing uses at the time. Areas identified for harbour oriented use include the Navy Island area offshore, the gypsum pier, and substantial DND holdings adjacent to the Wallis Heights residential area. The shoreline areas between the bridge and Wright's Cove are zoned I-3, while the I-2 zone apply to landlocked parcels. An H (Holding) Zone applies to the Wallis Heights' housing development.

The Industrial Designation policies recognize that there are instances where homes exist on lands designated for industrial use and accommodate these existing uses. The designation discourages residential development from being established (Policy M-8). Consequently, no rezoning to any residential zone within the Industrial designation may be entertained by Council. If Council wishes to consider such a rezoning of the subject areas, Dartmouth's MPS (ie. Industrial Designation) must be amended.

Halifax Port Authority

The Port Authority has commissioned a land use plan to address both its current holdings, and future needs. This plan is now in draft form. The authority has an interest in the Navy Island area, just west of Wright's Cove, where it manages the National Gypsum Company jetty, the wharf access road, and the offshore ship base of Wrights Cove Holdings Limited (Secunda Marine).

The Halifax Port Authority was contacted to determine what impact the proposed rezoning may have on their operations. Port Authority has indicated that they do not support residential zoning in this area.

DISCUSSION:

Staff do not recommend that residential zoning be applied within the Wright's Cove area, neither to accommodate existing homes nor on any other lands. The area has been identified since at least 1978 as the principal industrial centre for Dartmouth. Considerable commercial and industrial investment has occurred in the area since that time, in addition to pre-existing uses such as National Gypsum and the wharf facilities. The presence of residential zoning in the Wrights Cove area could restrict industrial development on adjacent or nearby lands. Residential uses are generally incompatible with marine and industrial uses. Further, such a change in zoning would increase the demand for municipal services which would not be cost effective.

Residential Zoning Options

If Council wishes to consider requests for residential zoning in these areas, either the R-1 (Single Family Residential) Zone or H (Holding) Zones could be applied, subject to an MPS amendment. Both zones permit only single unit dwellings, in addition to certain institutional and recreational uses (Attachment 2).

The R-1 Zone has traditionally been applied to serviced subdivisions that have developed over time with single unit dwellings. Both of the subject areas are serviced with water but not with central sanitary services. The application of the R-1 Zone would increase the demand for full municipal services which would be costly, as the nearest sanitary services are on Windmill Road.

The H Zone has been applied to certain lands within Dartmouth which are considered premature for application of a specific land use designation by reason of lack of services, public facilities or other constraints. The Holding Zone maintains a comparatively high degree of development control and permits residential development.

Regardless of the zone chosen, Council would be required to amend the Industrial Designation to permit residential zone in one or both areas. Policy M-8 states that "subdivision for new residential uses, additional dwelling, units, or dwelling on vacant lots shall not be permitted". If Council wishes to apply either zone, it should only be applied to lots having existing dwellings.

If Council wishes to apply residential zoning to the areas, staff recommends the H Zone be applied as it would be consistent with the zoning applied to the surrounding residential developments in Wallace Heights and Shannon Park areas. Further, the H Zone would not hinder existing dwellings from being replaced, repaired, or renovated. The H Zone is applied to a number of subdivisions in Dartmouth, including:

Portland Estates (Phase 1)	Portions of Keystone Estates
Alpine Drive (adjacent Portland Estates)	Inishowen Subdivision (17 lots in Dartmouth)
Lakeshore Estates	

Also, the H Zone more accurately reflects the character and development in this area and the potential for change to non-residential uses.

BUDGET IMPLICATIONS:

If Council applies the residential zoning to the subject area, Council may receive requests for the extension of municipal services (ie. sanitary). Due to the lack infrastructure in the immediate area, extending services would be costly.

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:

1. Community Council may wish to follow the staff recommendation. In this case, no further action is required.
2. Alternatively, Council may choose to initiate the process to amend the Municipal Planning Strategy for Dartmouth to apply residential zoning to existing residential development within the Industrial Designation. In this case, amendments to apply either the R-1 Zone or the H Zone would be prepared and tabled with Regional Council for a public hearing.

ATTACHMENTS:

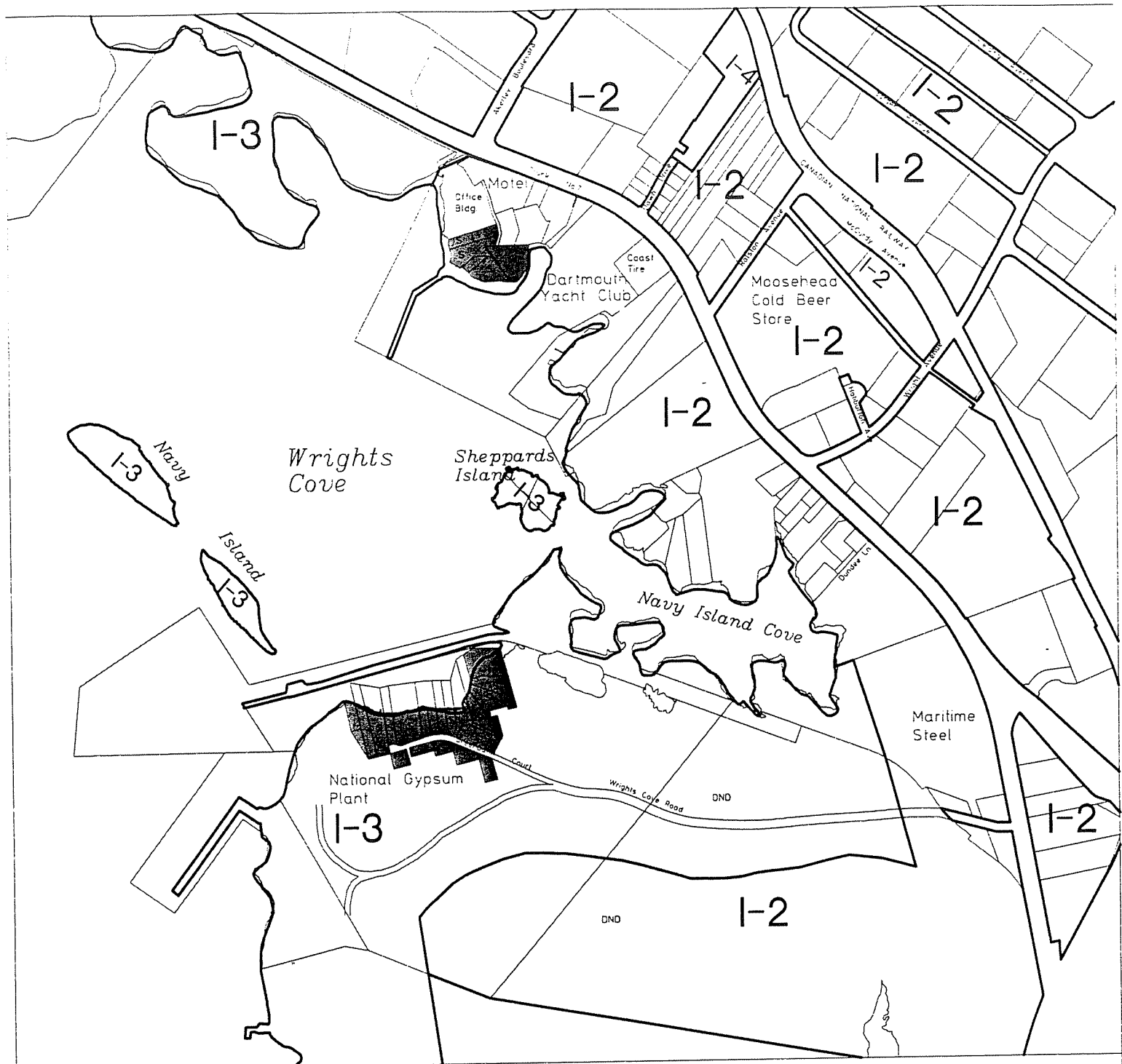
Map 1 Location Map

Attachment 1: Summary of Recent Amendments: Industrial Designation

Attachment 2: Permitted Uses: R-1 and H Zones

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Kurt Pyle, Planner, 490-4428



Map 1
Zoning
Wright's Cove

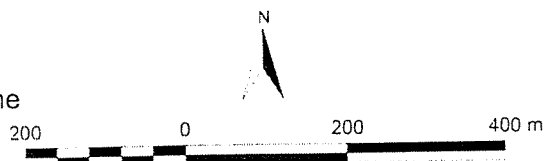


Subject Areas

HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

- I-2 General Industrial Zone
- I-3 Harbour Oriented Industrial Zone

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



Attachment 1
Summary of Recent Amendments to Industrial Designation
(Dartmouth MPS)

- (1) Setback from Watercourses:
 - (a) no building shall be permitted within 50 feet of a watercourse;
 - (b) reduction of the setback via minor variance process; and
 - (c) uses (ie. container pier) that require access to the water are exempt.

- (2) Separation and Buffering Requirements:
 - (a) minimum 30 foot setback;
 - (b) industrial use must be screen from residential and park uses;
 - (c) requirement for landscaping measures for industrial uses; and
 - (d) within 500 feet of a residence or park, certain industrial uses must be conducted within a building.

- (3) Development Options:
 - (a) allows for home occupations;
 - (b) prohibits expansion of dwellings that create additional units;
 - (c) prohibits new lots or dwellings on vacant lots; and
 - (d) replacement of existing dwellings.

Attachment 2
Permitted Uses: R-1 and H Zones

R-1 (Single Family Residential) Zone	H (Holding) Zone
single family dwellings;	all R-1 Zone uses
churches or church halls;	recreational fields and facilities;
schools, colleges, universities, libraries, art galleries, and museums;	golf courses;
public parks and playgrounds;	cemeteries;
tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;	circuses, sports meets or uses of a similar nature on motion of the City Council for limited periods of time;
yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;	conservation related projects;
uses accessory to any of the foregoing uses;	watersheds;
	passive recreational activities;
	facilities for storage, transmission, treatment, distribution or supply of water;
	uses accessory to any of the foregoing uses.