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**Item No. 10.1.1**  
**North West Community Council**  
**January 8, 2018**  
**February 12, 2018**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:**

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Kelly Denty, Acting Director, Planning and Development

**DATE:** December 21, 2017

**SUBJECT:** **Case 18475: Amendment to the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes) to enable Accessory Outdoor Display Courts under the AE-2 (General Airport) Zone**

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**ORIGIN**

Application by Hertz Canada Limited.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes), as set out in Attachment A, to allow accessory outdoor display courts under the AE-2 (General Airport) Zone, and schedule a public hearing; and
2. Adopt the amendment to the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes), as set out in Attachment A.

**BACKGROUND**

Hertz Canada Limited is applying to amend the Land Use By-law (LUB) for Planning Districts 14 & 17 to permit outdoor displays courts accessory to a car rental facility at 696 Barnes Drive, Enfield. Display court is a defined term in the LUB as follows:

*“an area of land where goods are displayed which are, or which are similar to other goods which are, available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.”*

Hertz Canada currently rents cars at the subject site. The requested use of an outdoor display court would permit Hertz to sell a limited number of cars from the subject site. If permitted, the outdoor display court land use would be accessory to the primary use of a Car Rental Facility, which serves the nearby Halifax International Airport.

<b>Subject Site</b>	696 Barnes Drive, Goffs (a portion of PID 00526874)
<b>Location</b>	East of Highway 102 near the corner of Baldwin Drive and Barnes Drive
<b>Regional Plan Designation</b>	Rural Commuter
<b>Community Plan Designation (Map 1)</b>	Airport Industrial - Planning Districts 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	AE-2 (General Airport) - Planning Districts 14 & 17 Land Use By-law (LUB)
<b>Size of Site</b>	A portion of the Halifax Stanfield International Airport lands which is 2,174 acres (879.7 hectares)
<b>Current Land Use(s)</b>	Halifax Stanfield International Airport and general airport services
<b>Surrounding Use(s)</b>	IMP Group Aerospace Division (693 Barnes Drive) to the east; Purolator Courier (667 Barnes Drive) to the northeast, and; Cougar Helicopters Inc. (95 Baldwin Drive) to the southwest.

**Proposal Details**

The applicant proposes to amend the Land Use By-law (LUB) for Planning Districts 14 & 17 to permit outdoor display courts accessory to car rental facilities. Hertz has operated a car rental service facility at 696 Barnes Drive since 1993. Car rentals are permitted as a general airport service under the AE-2 Zone. Hertz Canada leases the site from the Halifax International Airport Authority, which in turn leases the site from the Federal Government. The applicant is seeking the ability to sell excess vehicles from their rental fleet on the subject site. Car sales would be secondary to the primary rental operation. The applicant noted that the estimated annual volume of car sales would not exceed 150 units and, typically, there would be no more than 15 vehicles for sale at any time. The sale of vehicles would be conducted through correspondence and would not include advertisement or signage commonly associated with outdoor display courts.

**Enabling Policy and LUB Context**

The subject property is zoned AE-2 (General Airport) under the LUB for Planning Districts 14 & 17. The intent of the AE-2 Zone is to encourage a concentrated area for a wide range of technologically advanced industries related to aviation, aerospace, research and development and manufacturing. In addition, the land use by-law provides for supporting services to industry and the airport, including education and training centres, information and communication facilities, consulting, storage and other services normally required by park tenants. Car rental service facilities, such as the Hertz Rental Facility subject to this application, are considered a general airport service. There is no specific MPS policy to consider accessory outdoor display courts on the subject property, nor is there specific policy to preclude Council from considering amending the AE-2 Zone to permit such a land use.

Policy P-107 and P-110 establish the AE-2 (General Airport) Zone and the uses permitted. These policies allow for a variety of airport related facilities and services within the AE-2 Zone. Amendments to the LUB may be considered through a review of Implementation Policy P-155 of the MPS for Planning Districts 14 & 17 (Attachment B).

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website and signage posted on the subject site. A public information meeting was not held nor a public notification mailed because the site is surrounded by airport uses and lands maintained by the Halifax International Airport Authority. The application submission included a letter from the Airport Authority in support of the LUB amendment. Furthermore, the proposed use would be subordinate to the existing car rental establishment and would pose minimal to no impact to surrounding businesses and property owners.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

### **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed land use by-law amendments that would allow car sales accessory to a car rental facility under the AE-2 Zone.

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

#### **Intent of Airport Industrial Designation:**

The subject property is located within the Airport Industrial Designation. The intent of the Airport Industrial Designation is to develop an Aerotech Industrial Park for industrial growth and employment opportunities. Within this designation, a wide range of commercial and industrial uses related to aviation, aerospace, research and development and manufacturing are permitted. The designation aims to create a campus atmosphere and to ensure a high degree of compatibility between technology and the natural environment.

#### **Appearance from Highway 102**

Lands within the Aerotech Business Park that abut Highway 102 are recognised as important as they contribute to a highway “showcase”. Since lands zoned AE-2 abut Highway 102, setback provisions for the proposed use are included to ensure that outdoor display courts are not located in any yard facing Highway 102. This requirement will ensure that the Aerotech Park maintains a strong visual appearance as intended under the MPS policy.

#### **Scale of Proposed Use**

The proposed amendments contain specific provisions which limit the scale of outdoor display courts. The proposed amendments require that no more than 10 percent of the area used to store cars for the rental service be used for car sales. This ensures that outdoor display remains secondary to the car rental facility. As noted earlier within the ‘Proposal Details’ section of this report, the applicant has indicated an intent for there to be no more than 15 vehicles for sale at any time, and for sales to be conducted through

correspondence. While no specific provisions within the proposed LUB amendments are included to limit sales in this manner, the limitation to the overall size of the display court is felt to be sufficient and appropriate so as to meet the intent of the Airport Industrial Designation policy.

### **Signage**

Requirements regarding signage are consistent with the general signage provisions of the land use by-law. Outdoor display courts associated with car rental service facilities generally do not have signage. Excess vehicles from the rental fleet are sold to wholesalers or a select client list of established dealers rather than directly to members of the public.

### **Implication on other AE-2 (General Airport) Zoned Properties**

If approved, the proposed amendment would allow for the establishment of accessory outdoor display courts subordinate to car rental service facilities on the subject property. If approved, an amendment to the LUB will allow other car rental facilities, permitted as general airport services within the AE-2 Zone, to have accessory outdoor display courts subject to meeting all applicable requirements of the LUB.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. As proposed, the LUB amendment allows for consideration of outdoor display courts of a limited scale which are accessory to car rental service facilities. The proposed amendments allow for an accessory service which is common to car rental facilities while maintaining the intent of the AE-2 zone and the Airport Industrial designation which seeks to create and maintain a campus atmosphere. Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

### **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2017-2018 operating budget for C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. North West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent

of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

**ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification Area

Attachment A: Proposed LUB Amendment  
Attachment B: Review of Relevant MPS Policies

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Stephanie Salloum, Planner II, 902.490.4223

Original Signed

Report Approved by: 

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Carl Purvis, Program Manager, Current Planning, 902.490.4797






**Map 1 - Generalized Future Land Use**

**HALIFAX**

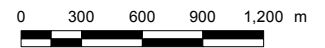
696 Barnes Drive,  
Goffs

**Designation**

-  Subject Property
-  Plan Area Boundary
-  Hertz Car Rental

**Planning Districts  
14 & 17**

- R Residential
- MR Mixed Residential
- AP Airport Industrial
- WS Watershed
- RE Resource



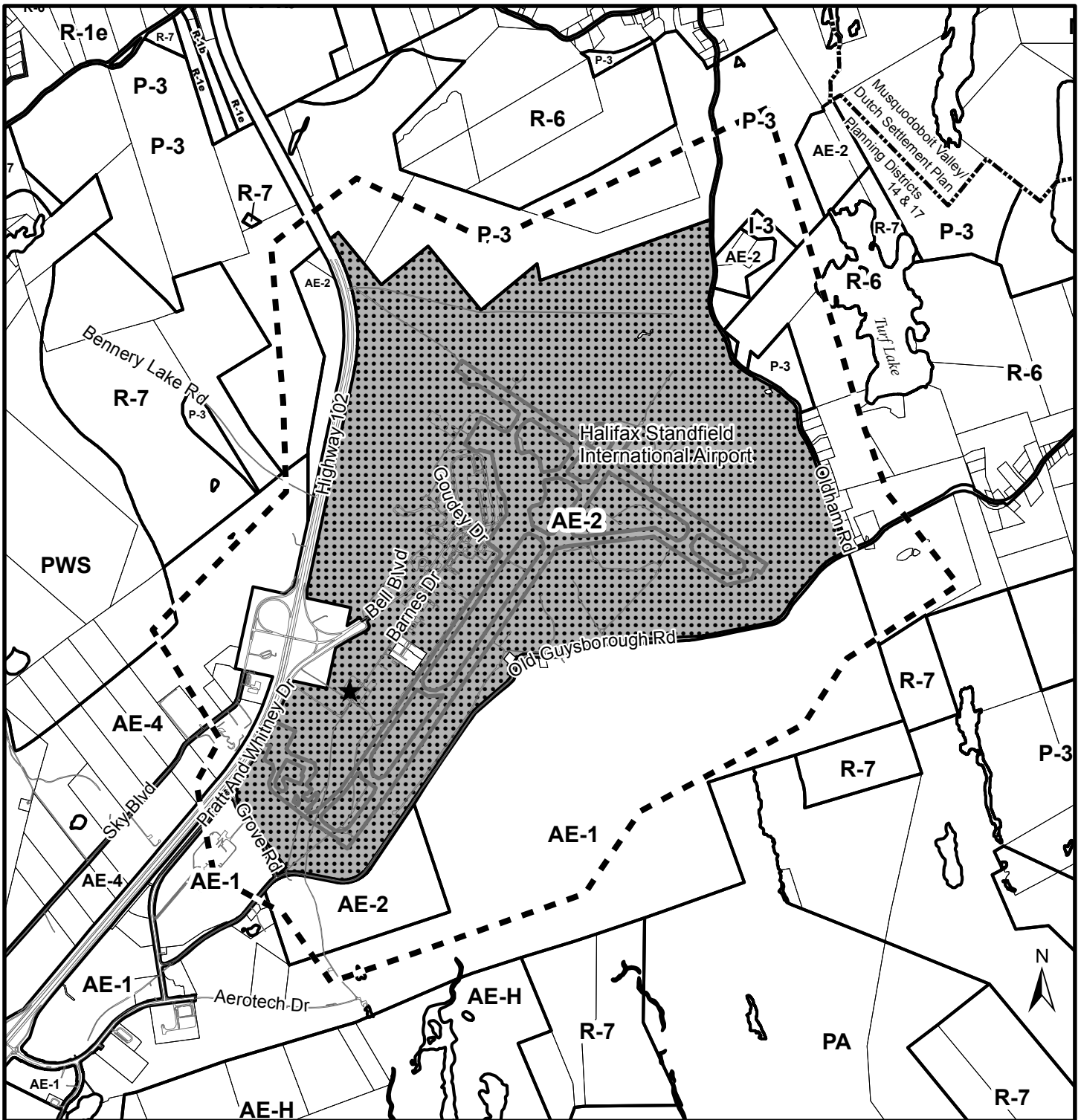
Planning Districts 14 & 17  
(Shubenacadie Lakes) Plan Area

**Musquodoboit Valley/  
Dutch Settlement**

- MU Mixed Use

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

The accuracy of any representation on this plan is not guaranteed.



**Map 2 - Zoning and Notification**

696 Barnes Drive,  
Goffs

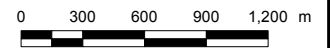
- Subject Property
- Area of Notification
- Plan Area Boundary

Hertz Car Rental

**Planning Districts  
14 & 17 Zones**

- R-1b Suburban Residential
- R-1e Residential Estate
- R-6 Rural Residential
- R-7 Rural Estate
- I-3 Light Industry
- AE-1 Aerotech Core
- AE-2 General Airport
- AE-4 Aerotech Business
- AE-H Holding
- P-3 Park
- PWS Protected Water Supply
- PA Protected Area
- MU Mixed Use

**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Planning Districts 14 & 17  
(Shubenacadie Lakes) Plan Area

**Musquodoboit Valley/  
Dutch Settlement**

**ATTACHMENT A**

**Proposed Amendments to the Land Use By-law for  
Planning Districts 14 & 17 (Shubenacadie Lakes) AE-2 (General Airport) Zone**

**BE IT ENACTED** by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes) is hereby further amended as follows:

1. Section 17.1 of Part 17 shall be amended by adding the text, “**Outdoor display courts in conjunction with car rental services, a general airport service**” to the list of permitted uses, immediately below “All AE-3 permitted uses” and before Section 17.2 AE-2 Zone Requirements.
2. Section 17.6 shall be added immediately after Section 17.5 as shown in bold below:

**17.6 OTHER REQUIREMENTS: OUTDOOR DISPLAY COURT**

**Within any AE-2 Zone, no outdoor display shall:**

- (a) be located within any front or side yard;**
- (b) be located within any yard abutting Highway 102; or**
- (c) occupy more than 10 percent of the area used to store rental cars.**

I HEREBY CERTIFY that the amendments to the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes), as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day      of      , 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day      of      , 2018.

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Municipal Clerk



**ATTACHMENT B**

**REVIEW OF RELEVANT MPS POLICIES**

<b>Policy</b>	<b>Comment</b>
<p><b>P-107</b> <i>Notwithstanding Policy P-106 it shall be the intention of Council to establish a commercial zone within Aerotech Business Park, which shall provide for major commercial, manufacturing, institutional and mixed use developments serving airport and Aerotech users. Provisions shall be established within the land use by-law with respect to vehicle storage areas. In order to permit the identification of commercial sites prior to the completion of the master plan for Aerotech, the by-law shall provide that certain lands within the core zone may be developed for commercial purposes and according to the standards of the commercial zone.</i></p>	<p>The proposed amendments include provisions to limit the scale and location of vehicle storage areas for outdoor display courts.</p>
<p><b>P-108</b> <i>Notwithstanding Policy P-106 and in addition to lands used for major commercial facilities pursuant to Policy P-107, it shall be the intention of Council to recognize the importance of lands within the Aerotech Designation which abut Highway 102. The land use by-law shall specify requirements which contribute to the development of a highway "showcase", including requirements which affect the visual appearance from the highway.</i></p>	<p>There are AE-2 zoned lands that abut Highway 102. The amendments include provisions to maintain the highway "showcase"— permitted outdoor display courts shall not be located within any yards abutting Highway 102.</p>
<p><b>P-110</b> <i>It shall be the intention of Council to recognize the existing and potential range of commercial and industrial uses which are provided by and supportive of the Halifax International Airport, as both a transportation centre and an employment centre as well as a service centre for the community of Goffs, by establishing a general airport zone within the land use by-law which shall permit airport related facilities and services, manufacturing and construction industries, warehousing and commercial uses (P-107). It shall be the intention of Council to establish the general airport zone on federal lands at the airport and on private lands generally contained within the 35th noise exposure projection contour.</i></p>	<p>The subject site is zoned AE-2 (General Airport). The current and authorised use of the property is a car rental facility which supports the Halifax International Airport. Outdoor display courts are proposed in conjunction with car rental facilities with provisions to limit the scale of the use to ensure it remains subordinate to the main use of the property.</p>
<p><b>P-155</b> <i>In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i></p>	
<p><i>(a) that the proposal is in conformity with the intent of this Plan and with the</i></p>	<p>The AE-2 Zone is enabled by Policies P-107 and P-110 which allow consideration of commercial uses that support the Halifax</p>

<i>requirements of all other municipal by-laws and regulations;</i>	International Airport. Policy P-107 requires that the LUB includes provisions for outdoor vehicle storage. Outdoor display courts are proposed accessory to car rental services, which are considered general airport uses under the AE-2 Zone. The proposed amendments include provisions for vehicle storage/outdoor display courts accessory to car rental facilities, consistent with Policy P-107.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i>	The proposed use does not pose any additional cost to the Municipality.
<i>(ii) the adequacy of central or on-site sewerage and water services;</i>	Outdoor display is being considered as an accessory use to a car rental facility, which is already approved and operating at the subject site, to store additional cars for sale. The applicant indicated that the sales will be advertised and sold online so no additional office space or storefront is being proposed. Therefore, no change to the existing on-site system would be required. Applications for the proposed use on other properties zoned AE-2 would be reviewed for adequacy of services at the permit stage.
<i>(iii) the adequacy or proximity of school, recreation or other community facilities;</i>	N/A
<i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i>	No additional roads are proposed or required for the proposed use as it is subordinate to and would not generate significantly more traffic than a car rental facility.
<i>(v) potential for damage to or for destruction of designated historic buildings and sites.</i>	The proposal does not impact any designated historic buildings and sites.
<i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) type of use;</i>	The proposed use does not conflict with surrounding uses as they are mainly airport support uses as well.
<i>(ii) height, bulk and lot coverage of any proposed building;</i>	No new buildings are considered in conjunction with this proposal.
<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	Amendments include provisions to limit the scale of the proposed use to 10 percent of the area used to store rental cars. Since the scale of the proposed use is small in comparison to the main use, and they both involve the temporary storage of cars, the proposed use would not generate significantly more traffic from the site and other properties zoned AE-2.
<i>(iv) open storage;</i>	The scale of the outdoor display court is limited - cars stored for the outdoor display court shall not exceed 10 percent of the area used to store rental cars. This ensures car sales stay subordinate to and compatible with the main use. Provisions for outdoor display courts are

	included in the amendments to ensure the strong visual appearance of the Aerotech Park is maintained from Highway 102.
<i>(v) signs; and</i>	No additional signs are required for the outdoor display court as most of the sales will be done online.
<i>(vi) any other relevant matter of planning concern.</i>	N/A
<i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility or flooding.</i>	Areas zoned AE-2 are identified under the MPS as areas appropriate for airport support services. Car rental facilities support the Halifax International Airport and include areas for car storage. Outdoor display courts also require vehicle storage areas, which is limited in the proposed amendments. Outdoor display courts do not impact geological conditions more than car rental facilities permitted in the zone. Therefore, areas zoned AE-2 are suitable for the proposed use.
<b><i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-64F", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i></b>	N/A