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Item No. 12.1
Harbour East Marine Drive Community Council
March 1, 2018
February 1, 2018

TO: Chair and Members of the Harbour East Marine Drive Community Council

SUBMITTED BY: ORIGINAL SIGNED

Kelly Denty, Acting Director, Planning and Development

DATE: January 19, 2018

SUBJECT: **Rezoning Institutional Lands within the Woodside Industrial Park,
Dartmouth**

INFORMATION REPORT

ORIGIN

At the April 6, 2017 meeting of Harbour East – Marine Drive Community Council the following motion was put and passed:

“That Harbour East - Marine Drive Community Council request a staff information report to consider amending the planning regulations for the lands identified in cases 19755 and 20235 in the Woodside Industrial Park from the (S) Institutional zone to (I-1) Light Industrial zone subject to, but not limited to:

- 1. Additional setbacks from neighbouring residential uses and the Dartmouth South Academy;*
- 2. Requirements for trees to screen any industrial development on the lands;*
- 3. Limitations on traffic flow from the lands onto Fenwick Street;*
- 4. Prohibiting outdoor storage; and*
- 5. Requiring all parking areas to be paved.”*

LEGISLATIVE AUTHORITY

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

BACKGROUND

Proposed Rezoning Requests

CBCL Limited on behalf of Clearwater Fine Foods Incorporated applied to rezone the property located at 1 Research Drive, and surrounding lands as shown on Map 1, from S (Institutional) to I-1 (Light Industrial) under Case 19755. The Dartmouth Municipal Planning Strategy (MPS) allows for such a rezoning to be considered, provided the proposal is consistent with MPS policy. At the same time, another request was made by CBCL Limited on behalf of Clearwater Fine Foods Incorporated to rezone the property located at 101 Research Drive from S (Institutional) to I-1 (Light Industrial) under Case 20235 (Map 2).

The lands that were being considered for I-1 zoning, under the two separate requests, are adjacent to each other. The total size of the lands is 86,706 square metres and they are currently used for research and light manufacturing. File research has shown that the current use does not conform with the existing zone and that the institutional zoning was applied at the time of the adoption of the Dartmouth MPS in 1978. At that time, the properties were owned by the Province and used as a laboratory. It's likely that the institutional zoning was applied based on the ownership of the properties at that time.

Staff advised Council that both proposals to re-zone the properties to the I-1 (Light Industrial) Zone were reasonably consistent with the intent of MPS policies (IP-1(b) and IP-1(c)), and recommended that Harbour East Marine Drive Community Council approve the proposed LUB amendments. Staff noted that the proposed rezoning would resolve the current non-conformity of the existing use, and enable full occupancy of the existing building, and the potential for future redevelopment of the site. Staff did not identify concerns regarding the compatibility of the use, or a need for traffic mitigation.

At the public hearings for these two requests on April 6, 2017, Harbour East Marine Drive Community Council (HEMDCC) made a motion requesting a staff information report to consider amending the planning regulations for the lands identified in cases 19755 and 20235 in the Woodside Industrial Park from the (S) Institutional zone to (I-1) Light Industrial zone subject to, but not limited to:

1. Additional setbacks from neighbouring residential uses and the Dartmouth South Academy;
2. Requirements for trees to screen any industrial development on the lands;
3. Limitations on traffic flow from the lands onto Fenwick Street;
4. Prohibiting outdoor storage; and
5. Requiring all parking areas to be paved.

DISCUSSION

Staff advise that there are four possible mechanisms available to address the matters referenced in Council's resolution. These include:

1. amend the existing I-1 Zone to introduce new development standards;
2. draft a new zone with requirements relating to setbacks, use, and landscaping unique to the existing by-law;
3. amend the Dartmouth MPS to include requirements for setbacks, buffering, landscaping, and storage within the policy itself; or
4. take no action at present and continue to apply the standards of the existing suite of Industrial zones in the Dartmouth LUB.

This staff report will explore how these could be used to address each of HEMDCC's concerns.

Legislative and Policy Context

Halifax Regional Municipality Charter

The *HRM Charter* (Section 235) sets out how a land use bylaw may regulate development. The Charter grants authority to the land use bylaw to regulate a variety of matters including, the size of buildings, lot

area, and yard setbacks. The Charter then states that there are additional matters that may be regulated provided there is policy support in the municipal planning strategy.

Dartmouth Municipal Planning Strategy

Policy M-1a in the Dartmouth Municipal Planning Strategy allows for the establishment of Industrial Zones which “...may include various requirements for permitted uses, and standards for site development.” Additionally, policy IP-1(c) states that a land use bylaw may provide provisions for buffering, landscaping, screening to reduce incompatibilities with adjacent land uses. Of the five items that HEMDCC has asked staff to regulate, three can currently be regulated under the existing policy framework (items 1, 2 and 5), one would require an MPS amendment (item 4) and the last item cannot be regulated through a land use by-law (item 3), as shown in the below table.

		Community Council Action Possible Now		Regional Council Action Required	
		Charter Allows LUB to Regulate Without Policy	Requires Policy to Regulate in a LUB with Existing Policy in Place	Requires Policy to Regulate in a LUB with a Need for New Policy	Can't Regulate Through a LUB
Council Request	1. Additional setbacks from neighbouring residential uses and the Dartmouth South Academy;	✓			
	2. Requirements for trees to screen any industrial development on the lands;		✓		
	3. Limitations on traffic flow from the lands onto Fenwick Street;				✓
	4. Prohibiting outdoor storage; and			✓	
	5. Requiring all parking areas to be paved.		✓		

Regulatory Context

Existing LUB Regulations

There are currently requirements within the Dartmouth Land Use By-Law (LUB) that address a portion of Council’s concerns. The language in the Dartmouth LUB speaks to any “new industrial use”, meaning the requirements would apply to any new industrial use seeking permission to operate. In this case, should the applicants come forward and apply for a permit, the use would be considered a “new use”. The following is the list of HEMDCC concerns, with excerpts from the LUB that would apply and address them:

Item 1: Additional Setback Requirements

Setbacks from Dartmouth South Academy. There is no building setback requirement from the property line abutting Dartmouth South Academy under the I-1 Zone, outside of standard building code requirements. However, Section 15(i)(i) under the General Provisions section of the LUB requires a minimum grassed area depth of 20 feet along the entire length of the property line (as it abuts a community use). This requirement cannot be varied, and no part of any building, parking lot, outdoor display, or open storage may be located within it. Section 15(i)(ii) does however, permit a reduction in the 20 foot grassed area depth to 10 feet

where an opaque fence of at least 6 feet in height is provided along the property boundary. The minimum distance a building, parking lot, outdoor display or open storage can be located from the property line abutting the school is 10 feet.

Setbacks from neighboring residential: There are currently setback requirements in the Land Use By-Law for industrial uses that have property lines that abut residential districts. Section 41(3)(c)(ii) of the Dartmouth LUB requires a 30 foot setback requirement where the side or rear boundary of a site abuts a residential district. The landscaped grassed area requirement of Section 15(i) applies as well.

Should HEMDCC decide that the current setbacks should be amended, HEMDCC could pass a motion directing staff to undertake an amendment process. Under current policy, this could not be considered on a site specific basis, but could be applied to all I-1 zoned properties, as shown on Maps 3 and 4. Maps 3 and 4 indicate the extent to which properties would be impacted by amendments to I-1 Zone. These amendments could be dealt with exclusively by Community Council and would not require an MPS amendment.

Item 2: Screening Requirements

There are landscaping requirements that are applied to any new industrial use within the I-1 Zone of the Dartmouth LUB:

41(3)(d)(ii) All yards shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

There are additional landscaping requirements located within the general provisions which also apply to any new industrial use within the General Provisions section of the Dartmouth LUB:

15.(i) a landscaped buffer shall be provided for any new or expanded commercial, Industrial or institutional use, including but not limited to: buildings; parking lots; outdoor display; or open storage to be located adjacent to any property zoned or used for residential or community uses.

The landscaped buffer shall consist of:

A grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line and containing a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;

Notwithstanding Subsection 15(i) (1), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary. The grassed landscaped area shall contain a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing.

No structures, parking, storage or open display shall be permitted within the landscaped area.

As with Item 1, if there are concerns around the adequacy of current regulations, HEMDCC could consider requiring additional screening for I-1 uses through an amendment to the I-1 Zone.

Item 3: Limitations on traffic flow from the lands on Fenwick St.

Industrial parks generate traffic by individuals driving personal vehicles to work, but also by heavy trucks transporting loads to and from various sites. Regular street traffic is regulated by Transportation and Public Works (TPW) through a variety of processes, such as the Shortcutting Policy and the Traffic Calming Policy. Heavy truck traffic is subject to By-Law T-400 which sets out which streets heavy vehicles may use to help reduce their impact on residential areas.

Through an as-of-right permitting process, staff can consider the location of driveways and require that they be designed to mitigate traffic impacts. Staff have confirmed that the site is not applicable to be considered

through the Shortcutting Policy as the land is a specific destination point in the neighbourhood. The Traffic Calming Policy would also not be applicable to this situation as this policy is used to address speeding issues. Research Drive is not an HRM owned street, but it is a private driveway. The only way to ensure traffic does not travel through these lands would be to fully close the access to Research Drive from Fenwick Street. This has other implications for the land owner as it could leave their property without adequate access to the site and may limit the development potential of these lands in the future. Should HEMDCC wish to explore traffic flow in this area, further study is required.

Item 4: Prohibiting outdoor storage

Outdoor storage is not prohibited within the I-1 Zone, however there are requirements for the location/enclosure within the I-1 Zone, as well as within the General Provisions section.

Outdoor storage provision located in I-1 zone:

41(3)(d)(iii) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features, or fences or a combination thereof.

General provisions Section 15:

15(i)(iii) no structures, parking, storage or open display shall be permitted within the landscaped area. Note: See Sections 15(i)(i) and (ii) for explanation of the required "landscaped area".

The current policy does not allow for prohibitions on outdoor storage in industrial zones. Outdoor storage is expected for industrial users and certain activities may be impractical to occur within a building. Industrial users frequently use outdoor storage as much of their activity occurs outside of buildings and may not be appropriate for inside uses. Changes to this regulation would create significant non-conformities. Current regulations do require screening of storage areas with buildings, trees, landscaping or fences. Should Council wish to proceed with amendments for this item, Regional Council would need to initiate a MPS amendment process.

Item 5: Requiring paved parking areas

The parking requirements of the Dartmouth LUB already require parking lots to be hard surfaced. No change is required to this regulation to satisfy HEMDCC's request. However open storage areas are not considered under this requirement and are exempt from paving requirements. Should HEMDCC wish to consider paving requirements for open storage areas, this would required an MPS amendment and would need initiation at Regional Council.

15. Except for developments containing less than three dwelling units the off-street parking shall be provided according to the following minimum standards:

(b)...all parking areas, including driveways and maneuvering areas, shall be hard surfaced.

Options

Amend Existing I-1 Zone

The existing regulations currently have setback, paving and screening requirements. Should HEMDCC determine that these requirements should be amended in some way, staff would prepare amendments and return to HEMDCC for its consideration and approval. Under current policy, amendments could not be considered on a site specific basis, but would be applied to all I-1 zoned properties, as shown on Maps 3 and 4.

Draft a New Industrial Zone

Council could consider a new zone that would address Items 1, 2 and 5, under existing policy. Policy M-1a allows for the establishment of Industrial zones and this policy could be used to draft a new zone for these two sites. Staff could consider land use, buffering and setback requirements through the provisions of this new zone. Should HEMDCC wish to pursue this option, staff would prepare amendments and return to HEMDCC for its consideration and approval.

Policy Amendments

If HEMDCC wishes to incorporate restrictions on outdoor storage in industrial areas, an amendment to the Dartmouth MPS would be required which would entail initiation and a decision at Regional Council. Additionally, if HEMDCC wished to explore site specific amendments to the I-1 Zone, this would also require an amendment to the Dartmouth MPS and would need initiation and a decision of Regional Council.

Centre Plan

On June 13, 2017, Regional Council authorized the direction contained within the draft Centre Plan document as a framework for amending existing planning documents and developing new planning documents as may be necessary to implement the Centre Plan direction. If adopted, the Centre Plan will replace existing planning policy and regulations and guide the development, use, and built form of the Regional Centre.

The draft Centre Plan sets out an urban structure to present a vision for how and where the Regional Centre should grow. The urban structure groups neighbourhoods in the Regional Centre under different classifications. These classifications are based on the characteristics of the overall built form, intended uses, and capacity for future growth within the areas they cover. Each classification has its own pattern of development and intended level of intensity.

The subject property (101 Research Drive) falls under the "Intensive Employment" classification on the Urban Structure Map. Intensive Employment Areas are characterized by the Centre Plan as being well positioned to accommodate industrial and commercial activity. Policy directions outlined under Section 3.7.2(a), state that industrial uses shall be permitted in these areas. Though industrial uses are permitted, there does appear to be direction in the Centre Plan, for the creation of policy surrounding non-residential uses abutting residential uses under Section 2.1.1(b):

Section 2.1.1(b) Ensure non-residential land uses abutting residential areas have minimal off-site impacts such as noise, illumination or waste (e.g. restaurants, drinking establishments, entertainment establishments), and ensure that they demonstrate how potential impacts are mitigated through building design, servicing solutions and site design.

HEMDCC may choose to allow the Centre Plan process recommend how landscaping, storage, and setback issues should be addressed in intensive employment areas. Staff advise that the current draft policies would support industrial activities as-of-right, with policy to ensure minimal off-site impacts to abutting residential areas.

Conclusion

Once HEMDCC considers the information concerning existing regulations contained in this report and, if they are deemed to be inadequate, HEMDCC may direct staff to undertake an amendment process to consider amending the existing I-1 Zone to address these shortcomings.

COMMUNITY ENGAGEMENT

Should Harbour East Marine Drive Community Council move forward with amendments to the Dartmouth Land Use By-law, staff will conduct community engagement that is consistent with HRM's community engagement process.

A public hearing must be held by Harbour East Marine Drive Community Council before they can consider approval of the proposed land use by-law 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 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 residents and property owners.

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.

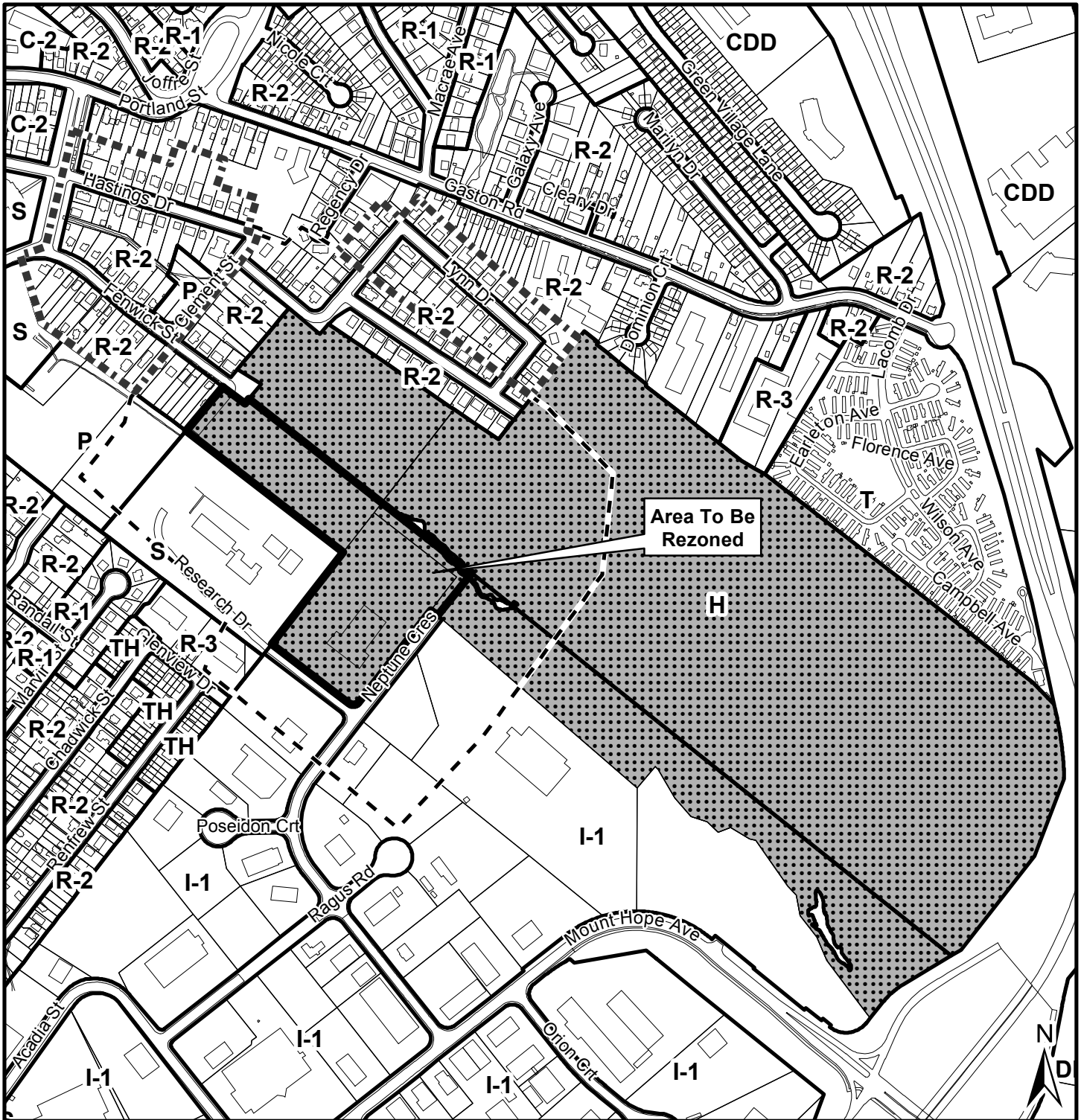
ATTACHMENTS

- Map 1 Zoning for Case 19755
- Map 2 Zoning for Case 20235
- Map 3 I-1 Zoning North Dartmouth
- Map 4 I-1 Zoning Woodside Industrial Park

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jennifer Chapman, Planner III, 902.490.3999





Report Approved by: Carl Purvis, Program Manager, Urban and Rural Planning Applications, 902.490.4797



Map 1- Zoning and Notification for Case 19755

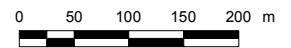
Research Drive and Neptune Crescent,
Dartmouth

Zone

-  Area proposed to be rezoned from S (Institutional) to I-1 (Light Industrial)
-  Subject Properties
-  Area of Notification
-  Area of Notification - Extension

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- TH Town Housing
- T Mobile Home Park
- C-2 General Business
- I-1 Light Industrial
- P Park
- S Institutional
- H Holding
- CDD Comprehensive Development District

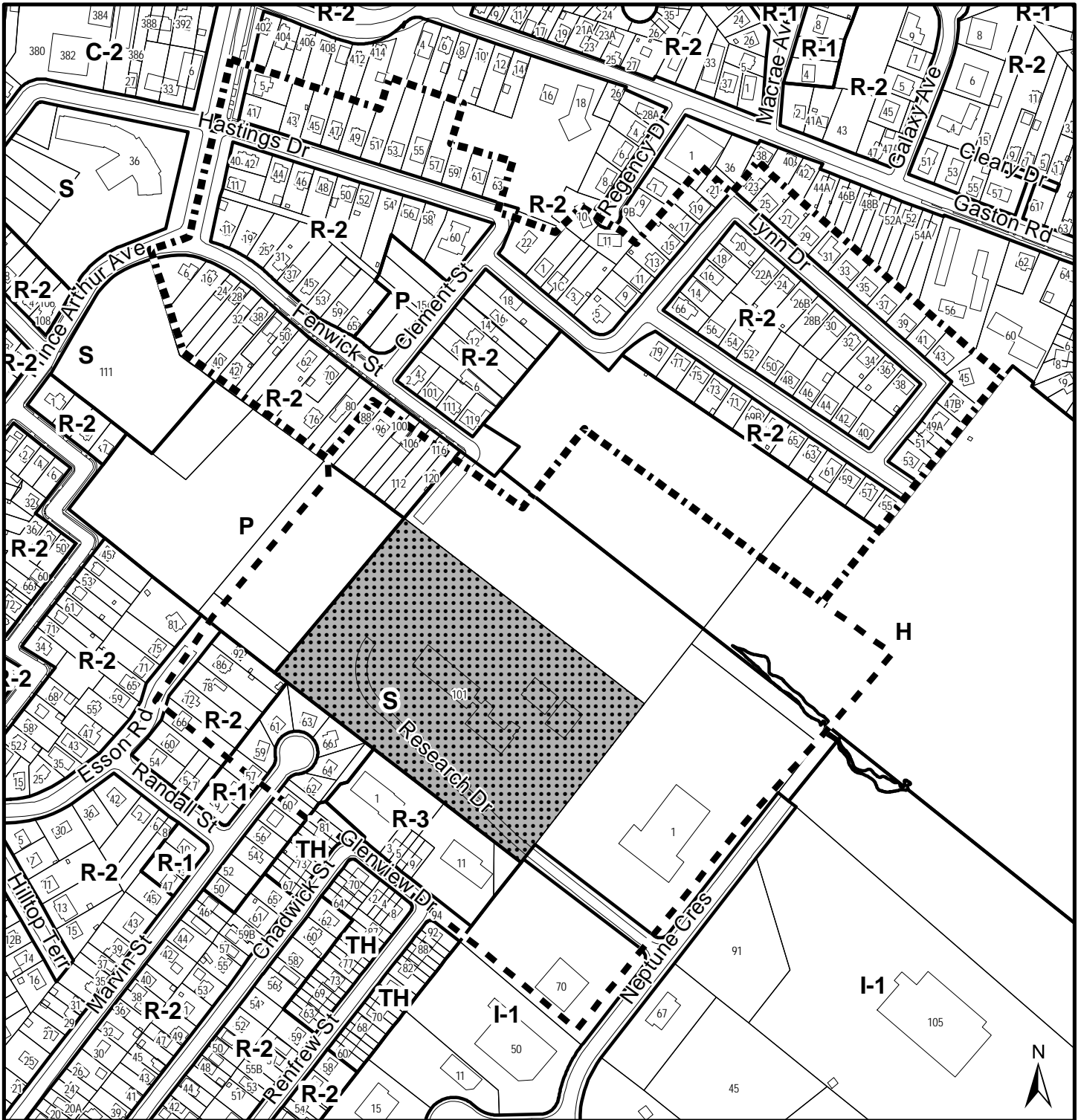
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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Dartmouth Plan Area



Map 2 - Zoning and Notification for Case 20235

101 Research Drive,
Dartmouth

Area proposed to be rezoned
from S (Institutional) to
I-1 (Light Industrial)

Area of Notification

Area of Notification - Extension

Dartmouth
Plan Area

Zone

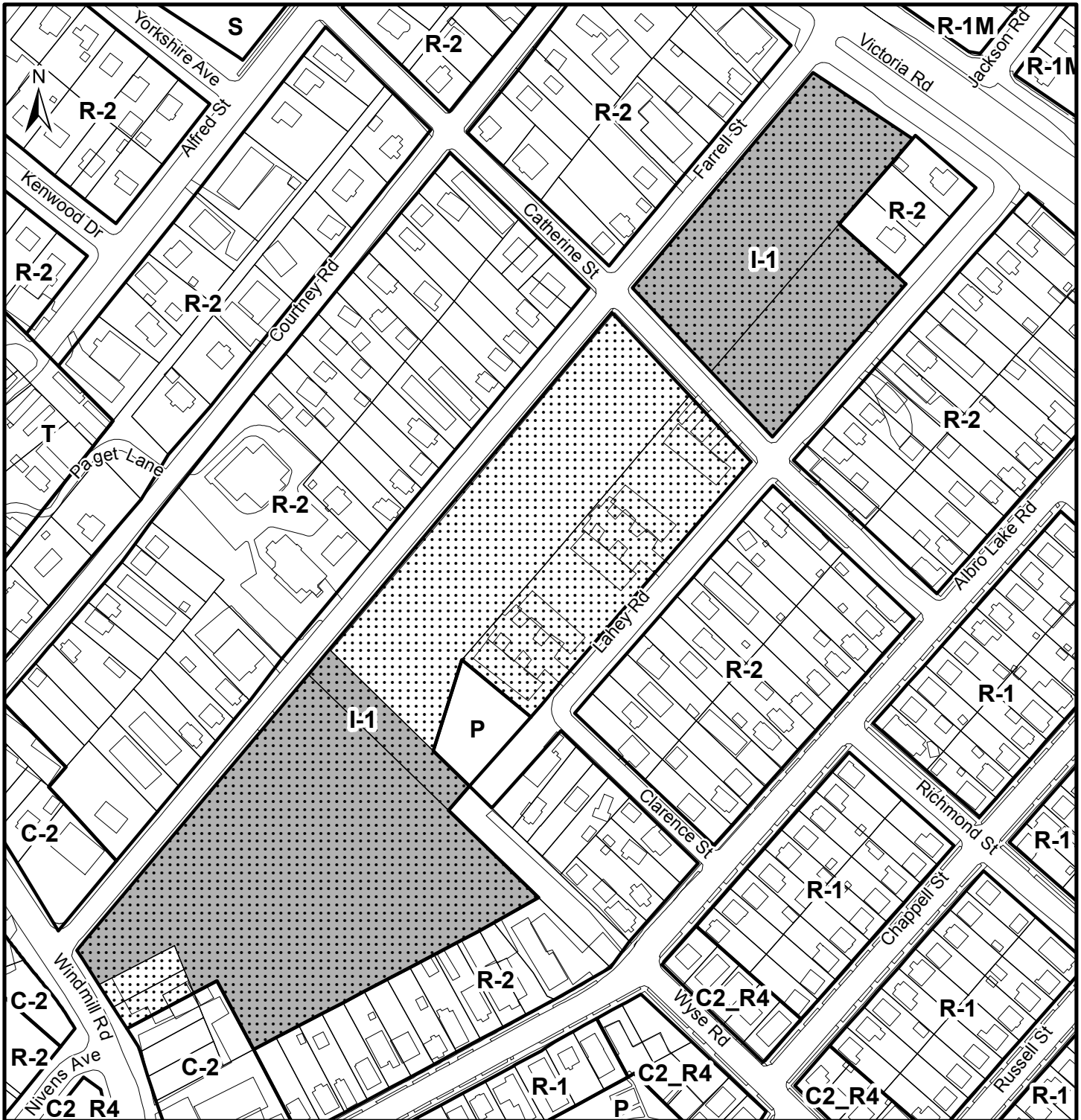
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- TH Town Housing
- C-2 General Business
- I-1 Light Industrial
- P Park
- S Institutional
- H Holding

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

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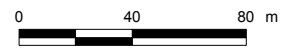


Map 3 - I-1 Zoning North Dartmouth

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-  I-1 Zoned Properties in the Dartmouth Land Use By-law Area
-  I-1 Zoned Areas that abut Residential or Institutional zoned Properties

- Zone**
- R-1 Single Family Residential
 - R-1M Single Family (Modified) Residential
 - R-2 Two Family Residential
 - R-3 Multiple Family Residential (Medium Density)
 - R-4 Multiple Family Residential (High Density)
 - T Mobile Home Park
 - S Institutional
 - P Park
 - C-2 General Business





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Map 4 - I-1 Zoning Woodside Industrial Park



-  I-1 Zoned Properties in the Dartmouth Land Use By-law Area
-  I-1 Zoned Areas that abut Residential or Institutional zoned Properties

- Zone**
- R-2 Single Family Residential
 - R-3 Two Family Residential
 - TH Town Housing
 - T Mobile Home Park
 - H Holding
 - P Park
 - C-1 Local Business
 - C-2 General Business
 - I-1 Light Industrial
 - I-2 General Industrial
 - S Institutional



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Dartmouth Land Use By-Law Area