

HALIFAX

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Item No. 14.1.3
Halifax Regional Council
November 27, 2018

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: October 19, 2018

SUBJECT: **Case 21770: Land use policy and regulations to manage conflict between industrial and non-industrial uses in Woodside Industrial Park, Dartmouth**

ORIGIN

On March 20, 2018, Regional Council passed the following motion:

That Halifax Regional Council request an Initiation Report to give consideration of amendments to the Dartmouth Municipal Planning Strategy and Land Use Bylaw which would reduce conflict between Industrial activities and abutting residential and institutional uses in the Woodside Industrial Park area.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct staff to include policy and land use regulations within the HRM Centre Plan to manage conflict between industrial activities and abutting residential and institutional uses in the Woodside Industrial Park area consistent with the policy direction outlined in the Discussion Section of this report.

BACKGROUND

On March 20, 2018, Regional Council requested a report to consider the initiation of the process to amend the Dartmouth Secondary Municipal Planning Strategy (SMPS) and Land Use By-law (LUB) to include policy and regulation to reduce conflict between industrial activities and residential and institutional uses in the Woodside Industrial Park area. This matter arose because of two planning applications (Cases 19755 and 20235) requesting rezoning to the I-1 (Light Industrial) Zone, which were refused by Harbour East – Marine Drive Community Council (HEMDCC) in April of 2017. At the time of the public hearings for these applications, HEMDCC raised concerns with the potential for conflict between neighbouring residential and institutional uses and the subject properties and requested an information report regarding potentially greater setbacks, additional landscaping, and limits on traffic flows, outdoor storage and parking areas. In response, an information report dated January 19, 2018 outlined the ability to regulate each of these issues under the current SMPS policy and indicated where amendments to policy would be required. It also highlighted that the ongoing Centre Plan process would introduce new policies and regulations for the entirety of the Regional Centre, including the Woodside Industrial Park. HEDMCC recommended that Regional Council request an initiation report so that staff could recommend a proposed approach to this work.

For more background information on the origin of this request, please see the staff report dated January 19, 2018, found at the following link:

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/180201hemdcccinfo2.pdf>.

Regional Plan Context

Under the Regional Municipal Planning Strategy (Regional Plan), the Woodside Industrial Park is within the Urban Settlement designation and the Business/Industrial Park Sub-Designation (Map 1). Policy EC-3 states that the Business/Industrial Park Sub-Designation is applied to “priority areas for an integrated mix of industrial, commercial, service and support uses.”

The Woodside Industrial Park has been identified within the Regional Plan as a priority area for industrial and commercial development. The Regional Plan also identifies the wider Woodside area as a Regional Local Growth Centre, where a mix of residential, commercial, institutional and recreation uses may be appropriate. The Integrated Mobility Plan (IMP) identifies significant land use and transportation opportunities for Woodside based on its access to the ferry system and rail connections.

SMPS and LUB Context

Under the Dartmouth SMPS and LUB, the Woodside Industrial Park is designated Industrial (Map 2), and zoned I-1 (Light Industrial). The boundary of the Industrial designation matches the boundary of the Regional Plan’s Business/Industrial Sub-Designation.

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 direction¹. 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 June 2017 Centre Plan document sets out an urban structure to guide 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.

¹ See: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/170613rc1421.pdf>

Lands in the Woodside Industrial Park fall under the “Intensive Employment” classification on the Urban Structure Map. Intensive Employment Areas are characterized in the Centre Plan as being well positioned to accommodate industrial and commercial activity. Policy directions outlined under Section 3.7.2(a) of the June 2017 Centre Plan document state that industrial uses shall be permitted in these areas. There is also direction for 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.

The Regional Centre Plan adoption process is currently moving through a phased approach. To date, staff have engaged the public and Community Design Advisory Committee (CDAC) on draft Package A, comprising policies and land use by-law regulations for areas where new growth and density will be concentrated (Centres, Corridors, Higher Order Residential areas, and Future Growth Nodes). Package B will include policies and regulations for Established Residential Areas, Parks and Public Spaces, Intensive Employment, Institutional Employment, and Small-Scale Institutional areas. Package B is expected to be brought forward for public engagement following Council’s adoption of Package A. Based on public engagement and further analysis adjustments to the draft Urban Structure may be recommended.

Plan and Land Use By-law Simplification

Most of HRM’s SMPSs and LUBs were developed before amalgamation in 1996, are in a variety of formats, and use different definitions, policies, and processes to regulate land use and development. To more effectively support the Regional Plan, Planning and Development is establishing a refined secondary planning and land use by-law simplification work program that aims to resolve regional and community planning policy issues and improve administration. The Regional Centre Plan forms the first phase of this work, and staff are developing a work plan for suburban and rural areas.

DISCUSSION

Staff recognize that there is a need to update the policy framework for the Woodside Industrial Park area to address compatibility issues between industrial and non-industrial land uses. An entirely new land use policy framework and regulations for the Woodside Industrial Park area will form part of the Regional Centre Plan, including measures to manage conflict between industrial activities and abutting residential and institutional uses. Therefore, staff recommend that these issues be addressed comprehensively through the Centre Plan process rather than through initiation of an independent policy project. This would ensure a consistent approach is taken in developing policy for industrial lands across the Regional Centre, and make the most effective use of limited staff resources. In addition, staff advise that a separate policy project focused on the Woodside Industrial Park would not likely bring forward SMPS and LUB amendments for Regional Council’s consideration ahead of the Centre Plan planning process due to the significant time and resources required for these types of projects. Staff resources are currently aligned to continue working on the Centre Plan project using the policy directions outlined below.

Proposed Policy Direction

Conflict between industrial and non-industrial land uses is a common land use planning issue, and HRM’s current SMPSs and LUBs do not take a consistent approach across the region. It is expected the work undertaken as part of the Centre Plan for the Woodside Industrial Park will help to inform broader policy development on this topic. This work should reinforce the goals of the Plan and By-law Simplification project, which aims to consolidate, simplify and modernize policies, zones and land use regulations to ensure consistency and clarity in development rights and the planning process. Therefore, staff advise that the same approach explored for the Woodside Industrial Park should be consistent with other industrial

areas of the Regional Centre (e.g. areas around Kempt Road, the Windsor Street exchange and Fairview Cove area), as well as help to inform a region-wide approach to this matter.

Staff recommend that policies and regulations aimed at managing conflicts between industrial and non-industrial uses be guided by the following policy directions:

1. Consider the appropriate location and intensity of industrial uses within Halifax region: Industrial lands and uses are an important part of HRM's economy and planning policy should protect these areas. Woodside Industrial Park's location within the Regional Centre makes it an important employment node that is well-connected to transportation infrastructure. Industrial lands are susceptible to increased land costs and can be lost as lands are converted to non-industrial uses. It can be difficult to locate industrial uses, especially in dense urban areas, because they often require large parcels of land and may not be compatible with residential and other uses due to noise, odours and visual impacts. Therefore, planning policy should direct industrial uses of different intensities to appropriate locations in the Municipality. For example, some areas may be appropriate for heavy industrial uses, while other areas may be appropriate for light industrial developments. Proposed changes to designation or use of the Woodside lands must be evaluated within the broader regional industrial and employment context.
2. Develop mitigation measures to manage areas where industrial uses and residential uses interact: As noted above, industrial uses can be difficult to site and may be incompatible with residential and other sensitive uses, especially in dense urban areas. Land use policy and by-law requirements can help to mitigate conflicts, particularly where conflicts between industrial and non-industrial uses can be anticipated. Some examples of these measures include:
 - directing additional residential density away from industrial lands to reduce the potential for new conflicts;
 - requiring large setbacks or separation distances between industrial uses and less intensive uses;
 - requiring appropriate landscaping and buffering;
 - regulating outdoor storage to minimize visual impacts; and
 - requiring standards for the location and design of parking lots.

Conclusion

Staff have reviewed Regional Council's request for an initiation report and advise that compatibility issues between industrial and non-industrial land uses in the Woodside Industrial Park should continue to be considered comprehensively through the Centre Plan process. This approach will ensure that consistent policy is developed for industrial lands across the Regional Centre, and make the most efficient use of staff resources. Therefore, staff recommend that new land use policy and regulations for the Woodside Industrial Park area be created through the Centre Plan process consistent with the policy directions outlined in the Discussion section of this report.

COMMUNITY ENGAGEMENT

The HRM Charter requires that Regional Council approve a public participation program concerning the preparation of new planning documents. The Centre Plan Engagement Strategy was adopted by Regional Council in January of 2015². The Engagement Strategy outlines the methods by which staff will engage with the community during the approvals process. Consultation for industrial areas and established residential areas will take place as part of the engagement process for Package B. In addition to community

² The Centre Plan Engagement Strategy is provided as Attachment C in the report to Regional Council found here: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/170613rc1421.pdf>

and stakeholder meetings, this will include formal consideration of the amended and proposed new planning documents by Regional Council through a public hearing process.

Should Regional Council wish to initiate an SMPS amendment process independent of the Centre Plan process, a public participation process must be established. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed SMPS amendments considered local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion. The proposed level of community engagement for an SMPS amendment process is consultation, achieved through a public meeting early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the Dartmouth SMPS will potentially impact the following stakeholders: nearby residents, property owners and Woodside Industrial Park businesses.

FINANCIAL IMPLICATIONS

The HRM costs associated with the policy approach outlined in this report can be accommodated within the approved 2018-2019 operating budget for C320 Policy and Strategic Initiatives.

RISK CONSIDERATION

SMPS amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board.

The Centre Plan is a complex policy and regulatory undertaking. As is noted in the Centre Plan Adoption Path Report³ to CDAC, work has been initiated on several areas within the Regional Centre, including updates to planning documents in Downtown Halifax, Downtown Dartmouth as well as adoption of Heritage Conservation Districts in Downtown and South End Halifax, in addition to the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law. Resources are currently aligned to work on these projects but changes to priorities, staffing, and other unforeseen circumstances could all present risks for the timely completion of the project.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

1. Regional Council may choose to initiate a process to amend the SMPS and LUB for Dartmouth to consider measures to reduce conflicts between industrial and non-industrial land uses in the Woodside Industrial Park. Staff is also directed to follow the public participation program for SMPS amendments as approved by Regional Council on February 27, 1997.
2. Regional Council may choose to initiate the consideration of amendments to the SMPS and LUB for Dartmouth that would differ from those outlined in this report. This may require a supplementary report from staff.

³ <http://legacycontent.halifax.ca/boardscom/documents/170426CDAC8.1.pdf>

ATTACHMENTS

Map 1: Regional Plan Generalized Future Land Use
Map 2: Dartmouth SMPS Generalized Future Land Use
Map 3: Dartmouth Zoning

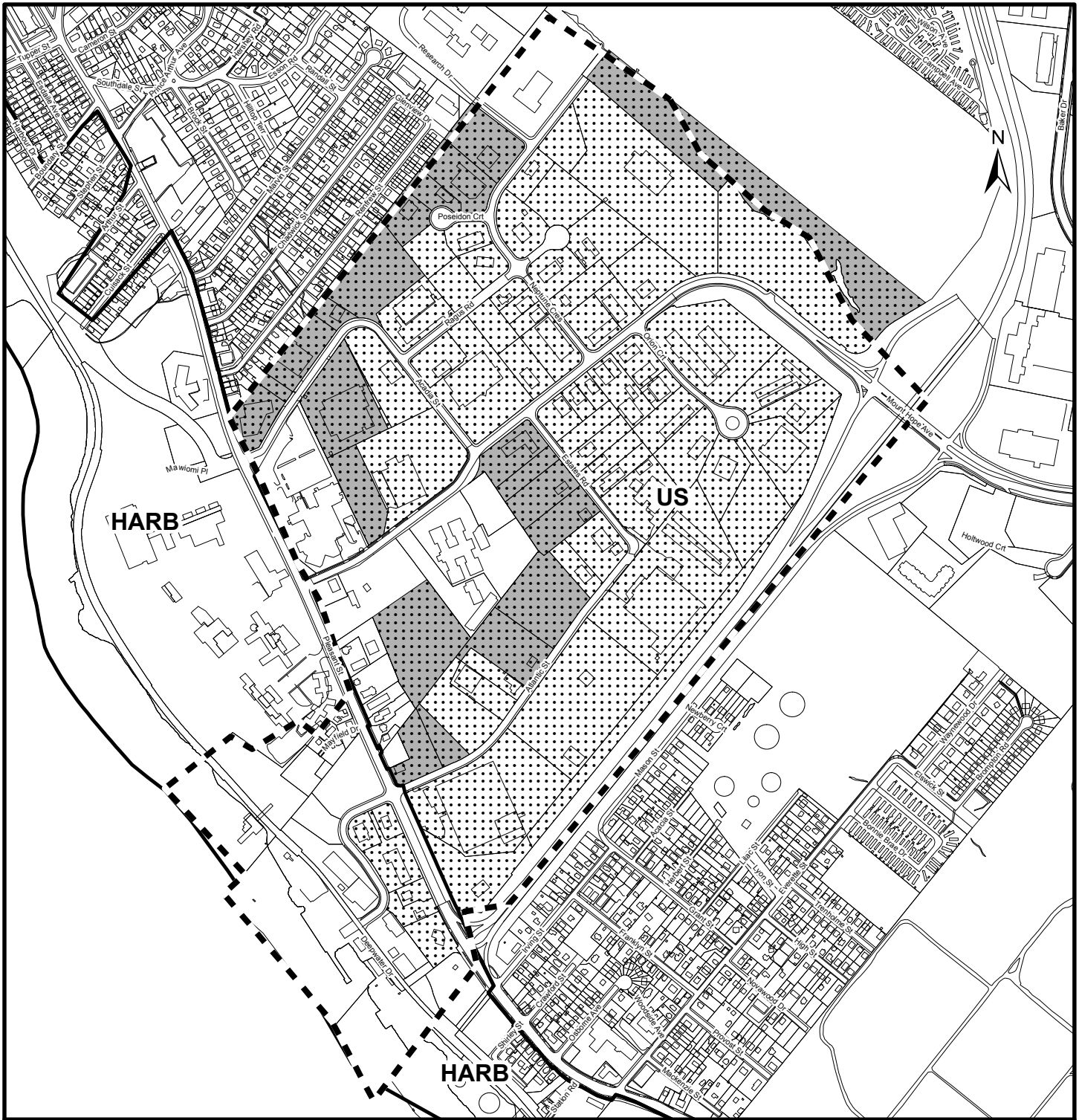
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Leah Perrin, Planner III, Regional Planning, 902.490.4338

Report Approved by: Eric Lucic, Manager of Regional Planning, 902.430.3954




Financial Approval by: Jerry Blackwood, Acting Director of Finance and Asset Management/CFO, 902.490.6308

Report Approved by: Kelly Denty, Director of Planning and Development, 902.490.4800



Map 1 - Regional Generalized Future Land Use

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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
-  Business/Industrial Park Sub Designation

Designation

- US Urban Settlement
- HARB Harbour





This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Regional Plan.

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

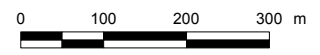


Map 2 - Generalized Future Land Use "Woodside Industrial Park"

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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

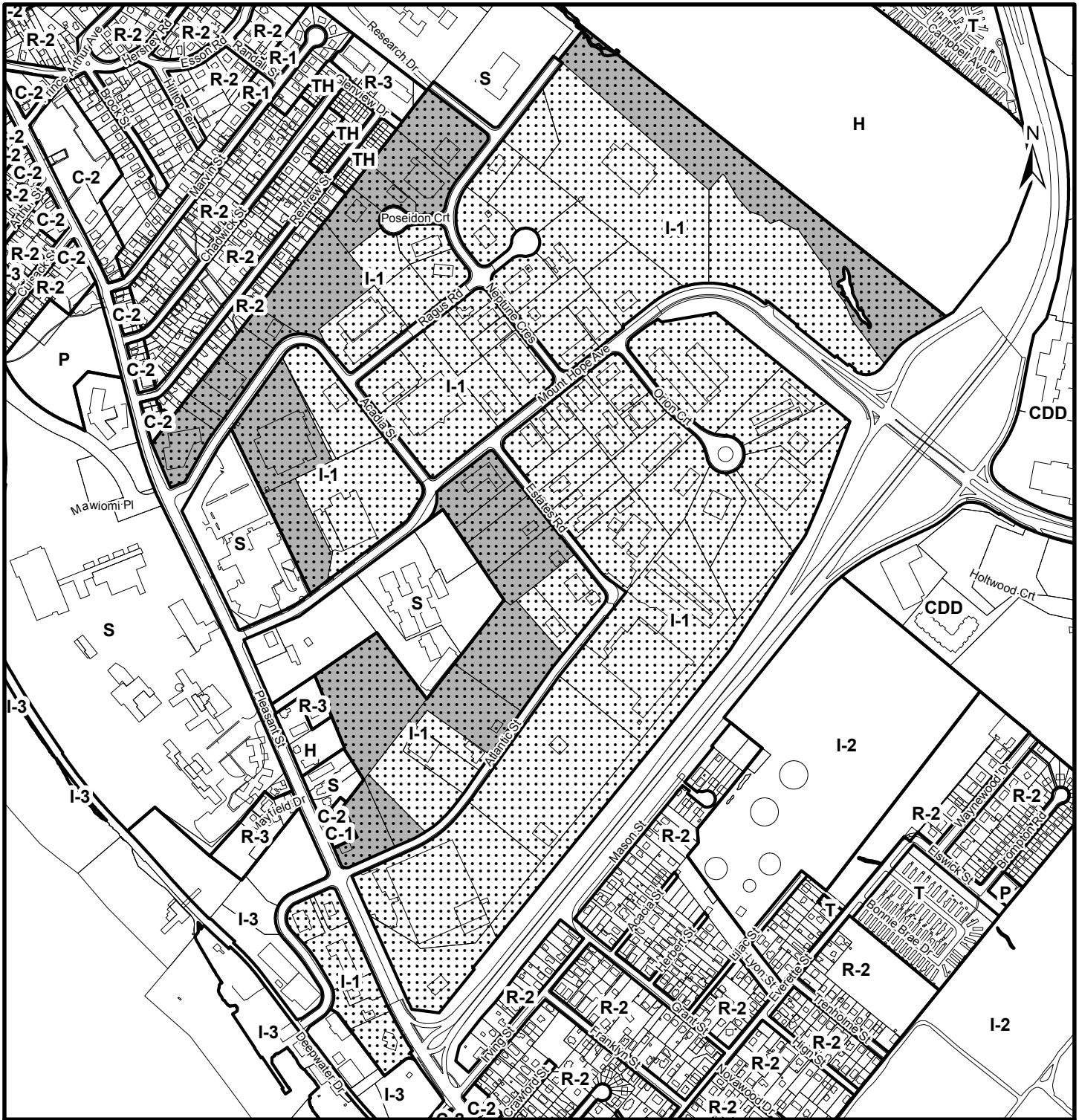
- Designation**
- R Residential
 - C Commercial
 - I Industrial
 - INS Institutional





Dartmouth
Land Use By-Law Area

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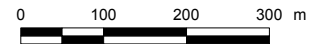


Map 3 - Zoning - Woodside Industrial Park

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

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Dartmouth Land Use By-Law Area