

HALIFAX

Commercial Uses Within the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

North West Community Council
April 25, 2022

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Motion of North West Community Council

On April 12, 2021, the following motion was passed by North West Community Council:

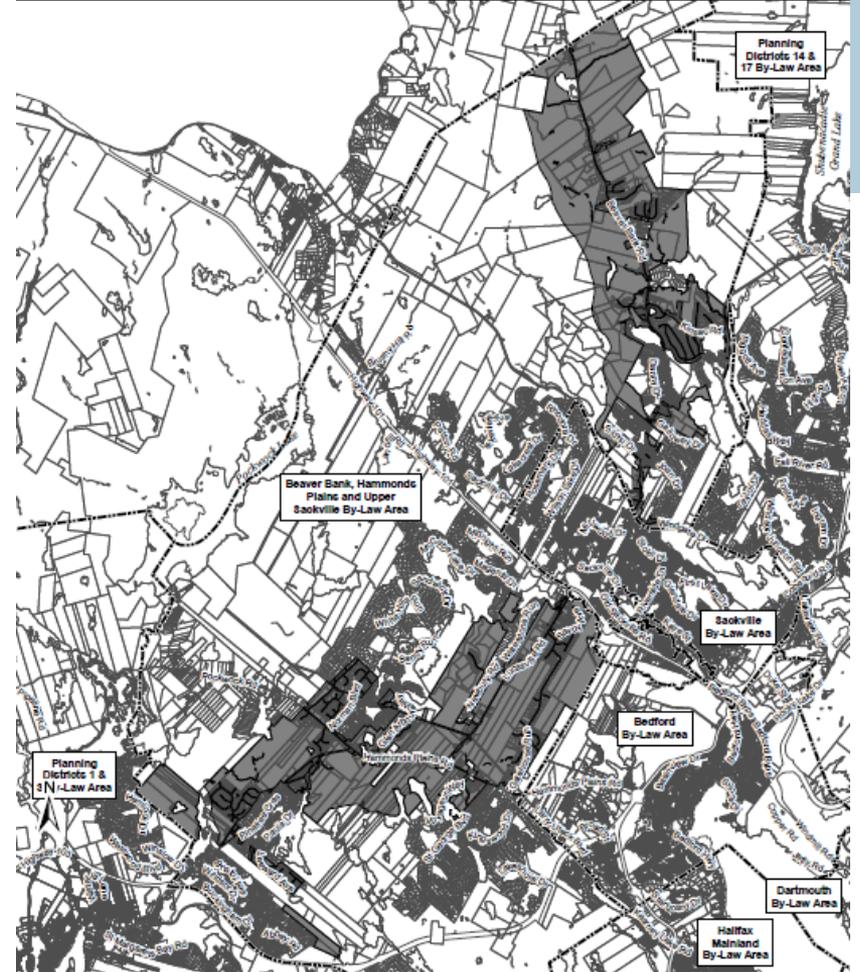
THAT North West Community Council request a staff report to consider amending the Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaw under MU-1 zoning to allow for additional uses for children beyond daycare and education. The report should also consider creation of a new category(ies) within the MU-1 zoning to allow for businesses supporting children's developmental activities

Location Context

MU-1 Zoned Lands

Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaw area

 MU-1 Zoned Lands



Planning Policy Outline

Regional Plan & Subdivision Bylaw

Guide where population growth and the investment of services like transit, piped water and sewer should occur

Community Plan

Outlines where and how different types of development may occur. Particular uses may not be permitted in some areas, other uses may only be allowed by going to Council for approval and getting feedback from the community

Land Use Bylaw (Zoning)

Specifies what can be approved without going to Council and seeking feedback from the public

Existing MPS Policies

- Most lands in the plan were designation 'Mixed Use' allowing a blend of residential, commercial, and institutional uses
- The MPS further classified lands into the more context-specific designations of Mixed Use A, Mixed Use B, and Mixed Use C in addition to applying the Mixed Use 1 (MU-1) and Mixed Use 2 (MU-2) zones
- The Mixed Use Zones were intended to provide a spectrum of allowable uses differentiating in intensity and size – depending on where a given property was located

MPS Policies – Age Specific Uses

- The Land Use Bylaw does not differentiate between uses intended for children and uses intended for adults
- Best practice of Land Use By-laws is to regulate the Use, instead of the User to ensure equity amongst residents
- As a general rule, commercial uses which are greater than 2,000 square feet require either a rezoning or a development agreement
- Most commercial uses which are less than 2,000 square feet only require conformance to the zone and to receive a development permit

How are Recreation or Child Focused Uses Presently Allowed?

- The C-2 Zone of the LUB permits commercial uses up to a maximum of 5,000 square feet where a property has direct access to a collector highway as-of-right
- The MU-1 Zone allows all institutional uses with the exception of fire and police stations, allowing for daycare facilities, community centres, and some recreation uses as-of-right
- ‘Commercial Recreation’ uses, which includes uses such as animal or vehicle racing tracks, rifle ranges, marinas, golf courses, and amusement parks, require a development agreement regardless of the size or scale of the proposal

Key Policy Which Informs the Requirement for Council Processes

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It is not intended that all lands shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the Strategy provides that certain land uses shall be considered only as amendments to the land use by-law or in certain instances by development agreements as provided for by the Municipal Government Act. Such amendments and agreements shall be considered only if they meet the policies found within this Strategy.

Option #1

Increase the Size Threshold of Commercial Use which Requires a Rezoning or Development Agreement

- Alter the existing 2000 sq ft threshold for commercial uses which require a Council approval
- Council could direct staff to make a change to a new specific number, or direct staff engage the community to help determine a new threshold
- This amendment would not require a change to the Municipal Planning Strategy and could be decided upon exclusively by Community Council

Option #2

Change the Size Threshold of Commercial Use Requiring a Rezoning or Development Agreement for a Specified Number of Uses

- Alter the existing 2000 sq ft threshold for a specific list of commercial uses which require a Council approval
- Council may want to retain a higher degree of control over large and impactful commercial recreation uses like golf courses or amusement parks, while providing more as-of-right abilities for local commercial uses
- Council could direct staff to make this change to a specific square footage threshold, for a specific type of use, or direct staff to engage the community to help determine new standards
- This amendment would require a change to the Municipal Planning Strategy and would require initiation and approval by Regional Council

Option #3

Eliminate the Requirement for a Rezoning or Development Agreement to Permit Commercial Uses

- Council could direct staff to remove the limitation on as-of-right commercial uses within the Plan area completely, thereby allowing commercial uses of any size to be considered through the Development Permit process
- Council would no longer be the decider for these applications, and applications could be approved via the 'as-of-right' process by a Development Officer
- This amendment would require a change to the Municipal Planning Strategy and would require initiation and approval by Regional Council

Option #4

Retain the Existing Policies

- Council could choose to take no action and retain the existing policies in their present form.
- Should Council select this option, staff would still seek commercial use policy consistency between plan areas via the Plan and By-law Simplification process

Staff Recommendation

Staff recommend that North West Community Council recommend that Regional Council:

1. Direct the Chief Administrative Officer to initiate a process to consider amendments to the Beaver Bank, Hammonds Plains, and Upper Sackville Municipal Planning Strategy and Land Use By-law to proceed with Option 2 as outlined within the January 31, 2022 staff report to increase the size threshold of commercial use requiring a development agreement; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

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Thank You