


10.1.7

**HALIFAX**  
REGIONAL MUNICIPALITY  
PO Box 1749  
Halifax, Nova Scotia  
B3J3A5 Canada

Halifax Regional Council  
July 15, 2003

**TO:** Mayor Kelly and Members of Regional Council

**SUBMITTED BY:**   
George McLellan, Chief Administrative Officer

  
Paul Dunphy, Director of Planning & Development Services

**DATE:** July 8, 2003

**SUBJECT:** Case 00594: Halifax MPS and LUB Amendment - Lot T Cedar Street

**ORIGIN**

Staff

**RECOMMENDATION**

**It is recommended that Halifax Regional Council:**

1. Instruct staff to initiate a process to amend the Halifax Municipal Planning Strategy and Land Use By-law with respect to Lot T, Cedar Street (p.i.d. 137273) as set out in Attachment A;
2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

## BACKGROUND

The block bounded by Cedar, Robie, Jubilee and Henry Streets in Halifax is unique:

- The perimeter of the block is developed in a typical manner with homes facing the streets. The interior of the block however is a separate lot and is largely undeveloped (See Maps 1 and 2); and
- This site has been the subject of numerous development proposals dating back to 1955 (See Table 1). Each development proposal, including several as-of-right proposals, have been extremely contentious and have created uncertainty for the neighbours as to how the site will ultimately be developed.

The Plan policies and Bylaw regulations for this area are designed for typical or common property conditions and therefore may not be adequate for regulating development of this unique site. It is therefore appropriate to consider the adoption of unique policies and regulations. It should be noted that the focus of this process will not be to prohibit development. The focus will be to ensure that development is compatible with surrounding homes.

A development permit was issued in 2001 to construct one four unit building on Lot T. This permit has now expired and there are no active applications to develop the property. It should be noted however that while new policies and regulations are being considered for this site the owner has the right to develop the property in a manner which is consistent with all existing policies and regulations. Existing policies and regulations remain in effect until Regional Council advertises its intention to amend them. Council cannot advertise its intention to amend its policies and regulations until after completing its public participation process and the new policies and regulations have been drafted.

## DISCUSSION:

The Municipal Planning Strategy (MPS) is the adopted statements of policy to guide future growth within the area to which the Strategy applies. Amendments to the Municipal Planning Strategy are generally not considered unless it can be shown that circumstances have changed since the MPS was adopted which makes the current designation or policy no longer appropriate or there is a situation which the MPS did not contemplate or address adequately. Given the history of unsuccessful proposals and neighbourhood uncertainty it is clear that the current policies and regulations do not adequately address development of this site in the context of the surrounding neighbourhood.

Section VI of Part II of the Halifax Municipal Planning Strategy applies to the Peninsula Centre area. The thrust of the Residential Environments policies is the maintenance of Peninsula Centre as a predominantly low-rise residential neighbourhood with an emphasis on housing accommodation for family households. Current policies encourage retention and rehabilitation of existing housing stock and infill housing projects which are compatible with the existing neighbourhood (See Appendix B).

Considering amendments to the MPS and Land Use Bylaw for this site is consistent with the goals of the current policies. The draft policies contained in Appendix A are also consistent with the existing policy goals, while clearly indicating that development of this site requires greater sensitivity and public review.

#### Property Information

The property on the interior of Cedar, Robie, Jubilee and Henry Streets is identified as Lot T. It includes a three unit building at 6038 Cedar Street and the remaining vacant land on the interior of the block. The lot is 29,384 square feet in area, with 60 feet of frontage on Cedar Street and a right-of-way to Henry Street (See Maps 1 and 2). The lot previously existed as two separate parcels which were consolidated into one on August 26, 2002. Both of these previous parcels have been under common ownership for several years. The entire block is zoned R-2 (General Residential Zone), Peninsula Center.

#### **BUDGET IMPLICATIONS:**

None.

#### **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:**

Refuse the requested amendment. A request to amend its Municipal Planning Strategy is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as Staff feels that there is merit in proceeding with amendments to the Halifax Municipal Planning Strategy.

#### **ATTACHMENTS:**

Table 1	Outline of previous applications involving Lot 1, Cedar Street
Attachment A	Suggested amendments to the Halifax Municipal Planning Strategy and Land Use By-law
Attachment B	Excerpts from Section VI of the Halifax Municipal Planning Strategy
Map 1	Plan of Lot T Cedar Street
Map 2	Area Plan

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: Gary Porter, Planner II, 490-4403

Table 1

Date	Request	Proposal	Result
1955	rezoning from R-2 to R-3	two storey 14 unit apartment building.	approved
1967	rezoning from R-3 to C-2	a request was made to rezone this and several other properties on Jubilee Road, Henry Street and Cedar Street to permit shopping center	refused
1975	rezoning from R-3 to R-2	petition from residents to ensure that future development is "compatible in scale and density with area which surrounds it"	withdrawn
1978	development agreement	30 unit apartment building (also included 6038 Cedar Street)	refused
1980	development agreement	29 unit apartment building (also included 6038 Cedar Street)	did not proceed as City rezoned land
1980	rezoning from R-2 to R-3 (City initiated)	Changes to zoning pursuant to MPS	approved
1984	development agreement	13 townhouses	did not proceed due to unresolved servicing issues
1992	tentative subdivision approval	eight single family lots	replaced with application for final approval
1992	final subdivision approval	seven single family lots	did not proceed due to unresolved servicing issues
1999	development agreement	to enable subdivision of property into four lots for single family dwellings	withdrawn

## Attachment A

### Suggested amendments to the Halifax Municipal Planning Strategy and Land Use By-law

#### LUB

##### P.I.D. 00137273 Cedar Street

95(2) For the property identified as P.I.D. 00137273 Cedar Street, notwithstanding the uses permitted by the zone, any change in use or addition to the existing building, shall only be permitted by development agreement pursuant to Policy 1.5.5 of Section VI.

#### MPS

1.5.5 Because of the unique configuration of the property designated medium-density on the Future Land Use Map of this Plan and identified as P.I.D. 00137273 Cedar Street and its relationship to abutting properties, no change in use or addition to the existing building, shall be permitted except by development agreement.

1.5.5.1 Any development permitted pursuant to Policy 1.5.5 shall be limited to those uses permitted by the R-2 General Residential Zone and shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:

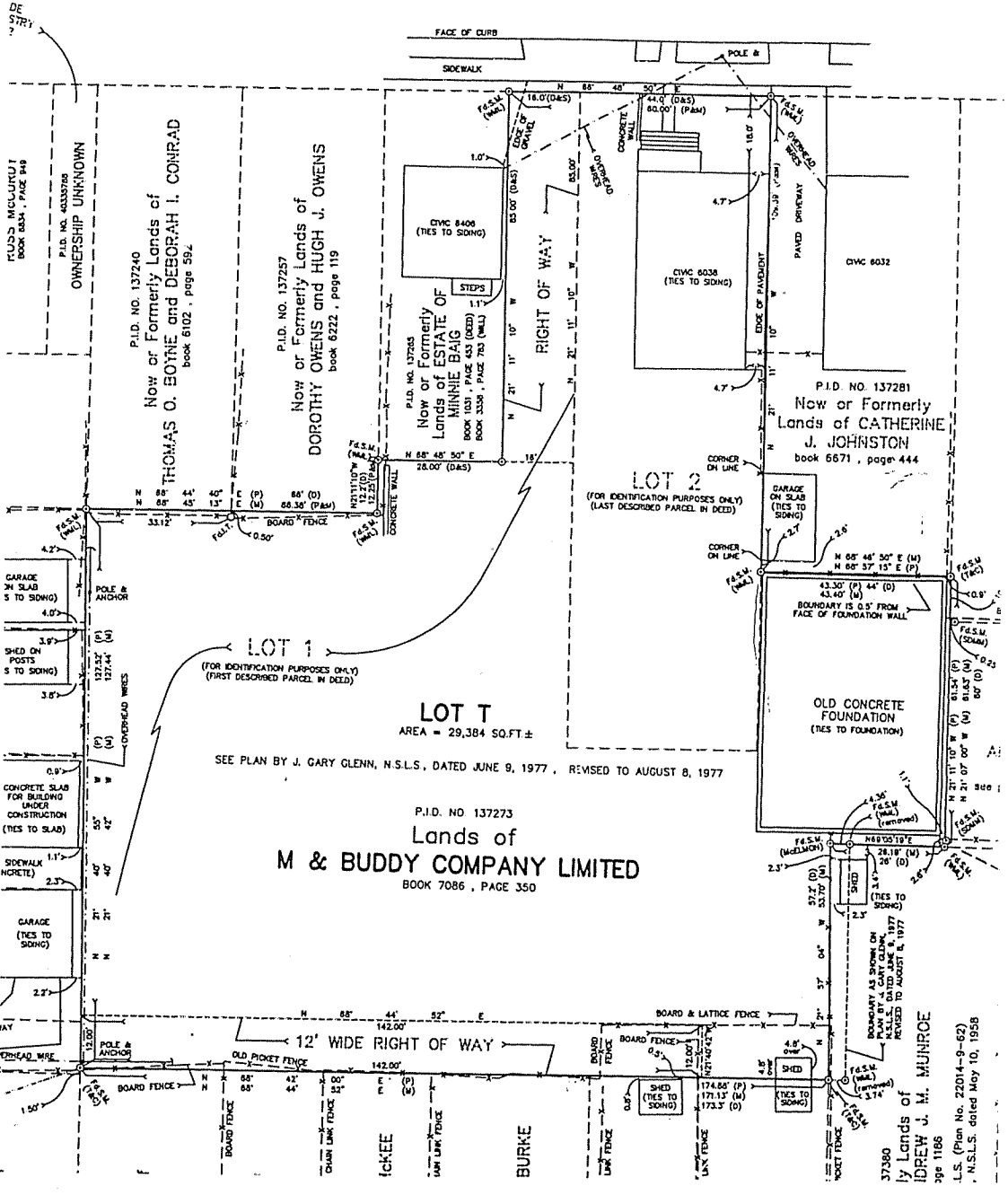
- (a) land use;
- (b) architectural design;
- (b) scale, height and massing of the building;;
- (c) population density;
- (d) lot size, lot frontage, setback, lot coverage and open space;
- (e) adequacy of the servicing capacity
- (f) the location and amount of parking provided;
- (g) accesses to the site and building;
- (h) site landscaping including buffering; and
- (i) building materials

Attachment B

**Excerpts from Section VI of the Halifax Municipal Planning Strategy**

- 1.1.4 For the purposes of this Plan, the concept of compatibility shall be deemed to require that infill housing projects are compatible with and enhance the existing development context of a neighbourhood. The City shall use as a guideline in considering rezonings, zoning amendments or contract agreements the key principle of not significantly changing the character of an area when reviewing infill housing proposals.
- 1.1.5 Without limiting the generality of Policy 1.1.4 above, the City shall, in reviewing proposals for compatibility with the surrounding area, have regard for the relationship of the proposal to the area in terms of the following:
- (a) land use;
  - (b) scale and height;
  - (c) population density;
  - (d) lot size, lot frontage, setback, lot coverage and open space; and
  - (e) service requirements, including parking.
- 1.1.6 Further to Policy 1.1.5 above, existing development standards will be assessed against their capacity to achieve the policies of this Detailed Area Plan with respect to infill housing and with respect to preservation of existing housing. Existing development standards will be amended as necessary to implement the policies of this Plan.

CEDAR STREET ( 60' WIDE )



SEE PLAN BY J. GARY GLENN, N.S.L.S., DATED JUNE 9, 1977, REVISED TO AUGUST 8, 1977

P.I.D. NO. 137273

Lands of  
**M & BUDDY COMPANY LIMITED**  
BOOK 7086, PAGE 350

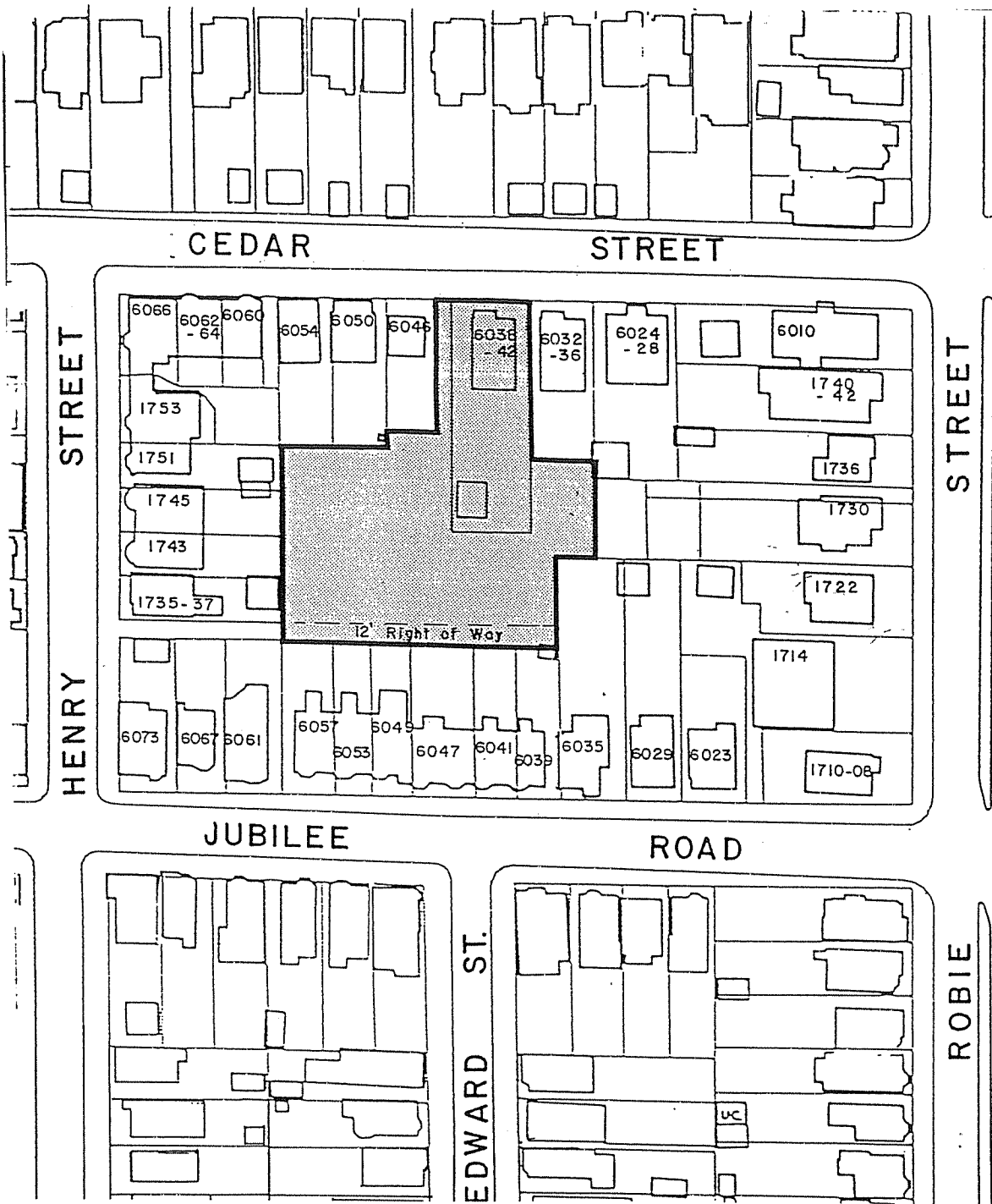
BOUNDARY AS SHOWN BY  
PLAN BY J. GARY GLENN,  
N.S.L.S., DATED JUNE 9, 1977,  
REVISED TO AUGUST 8, 1977  
  
37380  
Lands of  
**IDREW J. M. MUNROE**  
page 1186  
  
L.S. (Plan No. 22014-19-62)  
, N.S.L.S. dated May 10, 1958

Map 1  
Plan of Lot T Cedar Street.



Planning and Development Services





Map 2  
Area Plan



Planning and Development Services

Case 00594