

Item No.

**North West Community Council
June 24, 2013**

TO: Chair and Members of North West Community Council

SUBMITTED BY:

Original Signed

Michael Murphy, Chair, St. Margaret's Bay Coastal Planning Advisory Committee

DATE: June 14, 2013

SUBJECT: **Case 18380: Application by HRM to appropriately zone all private lands currently zoned for public park purposes in Planning Districts 1 & 3.**

RECOMMENDATION REPORT

ORIGIN

Staff memo dated May 21, 2013 related to Case 18380, which was reviewed by St. Margaret's Bay Coastal Planning Advisory Committee on May 29, 2013 – Item 7a.

LEGISLATIVE AUTHORITY

St. Margaret's Bay Coastal Planning Advisory Committee, Terms of Reference – 4. (Bullet 2) - "To advise the North West Community Council with respect to planning matters generally within the designated area incorporated into the North West Community Council. The term "planning matter" means any discretionary decisions of Community Council related to the use and development of land."

RECOMMENDATION

The St. Margaret's Bay Coastal Planning Advisory Committee recommends that North West Community Council:

1. Approve the proposed appropriate zoning of all private lands currently zoned for public park purposes in Planning Districts 1 & 3 as set out in the attached staff memorandum dated May 21, 2013.

BACKGROUND

Six privately owned properties, or portions thereof, in Planning Districts 1&3 are zoned for public park purposes. Three of the six properties are located in the community of Queensland, which falls within the St. Margaret's Bay Coastal Planning Advisory Committee's designated area. The zoning of these properties, including the three properties in Queensland, is inconsistent with the Municipal Planning Strategy for Planning Districts 1&3 (MPS) and the Regional Municipal Planning Strategy (Regional Plan). The MPS and the Regional Plan call for these lands to be zoned Mixed Use 1 (MU-1).

DISCUSSION

In its deliberations of May 29, 2013, the St. Margaret's Bay Coastal Planning Advisory Committee noted that the identified properties should be zoned Mixed Use 1 (MU-1) based on the applicable planning policies.

FINANCIAL IMPLICATIONS

None were identified.

COMMUNITY ENGAGEMENT

All meetings of the St. Margaret's Bay Coastal Planning Advisory Committee, including that of May 29, 2013 at which this matter was discussed, are open to the public.

ENVIRONMENTAL IMPLICATIONS

The identified properties will continue to be regulated by the Land Use By-law for Planning Districts 1 & 3 (LUB), which includes development provisions related to watercourse buffers and coastal areas.

ALTERNATIVES

None were identified by the St. Margaret's Bay Coastal Planning Advisory Committee.

ATTACHMENTS

1. Staff memo dated May 21, 2013

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:



PO Box 1749
Halifax, Nova Scotia
B3J 3A5

MEMORANDUM

To: Chair and Members of St. Margarets Bay Coastal Planning Advisory Committee

From: Miles Agar, Planner

Date: May 21, 2013

Subject: **Case 18380: Application by HRM to appropriately zone all private land currently zoned for public park purposes in Planning Districts 1&3**

Background:

6 privately owned properties, or portions thereof, in Planning Districts 1&3 are zoned for public park purposes. 3 of the 6 properties are located in the community of Queensland, which falls within the Committee's designated area. The attached maps show the zoning and land use designations for these 3 properties. Staff have reviewed the relevant policies of the Municipal Planning Strategy for Planning Districts 1&3 (MPS) and the Regional Municipality Planning Strategy (Regional Plan), and determined that the zoning of these properties, including the 3 properties in Queensland, is inconsistent with the MPS and the Regional Plan. The MPS and the Regional Plan call for these lands to be zoned Mixed Use 1 (MU-1). Relevant policies from the MPS and the Regional Plan are attached.

It is also important to note that the Halifax Regional Municipality Charter only allows Council to zone privately owned land for future public use (other than transportation reserves) if the Land Use By-law (LUB) provides an alternative zone. In this case, alternative zones have not been provided. Further, where alternative zoning is provided, a Municipality must acquire the land within 1 year or the alternative zone comes into effect (see Section 237 of the HRM Charter – attached).

Input Sought from the Committee:

The purpose of this application is to correct an oversight by applying the correct zoning to these properties. The process required to apply the correct zoning is a 'planner matter' as outlined in the Committee's Terms of Reference, and as such, feedback is sought from the Committee relative to applying the MU-1 zone to the 3 properties in Queensland. The Committee's recommendations will be included in the staff report to North West Community Council.

Attachments:

- Regional Plan and MPS Generalized Future Land Use Maps;
- Zoning Maps;
- Relevant MPS and Regional Plan Policies; and
- Relevant Section of the HRM Charter

HRM Community and Recreation Services – Planning Applications

Bayers Road Centre PO Box 1749, Halifax, NS B3J 3A5 Website: www.halifax.ca
Phone: (902) 490-4495 Fax: (902) 490-4406 Email: agarm@halifax.ca



Map 1A - Regional Generalized Future Land Use

PIDs 40286767 and 40207128
Queensland



Area proposed to be rezoned
from P-3 (Provincial Park)
to MU-1 (Mixed Use)

Planning District 1 & 3
(St Margaret's Bay) Plan Area

Designation

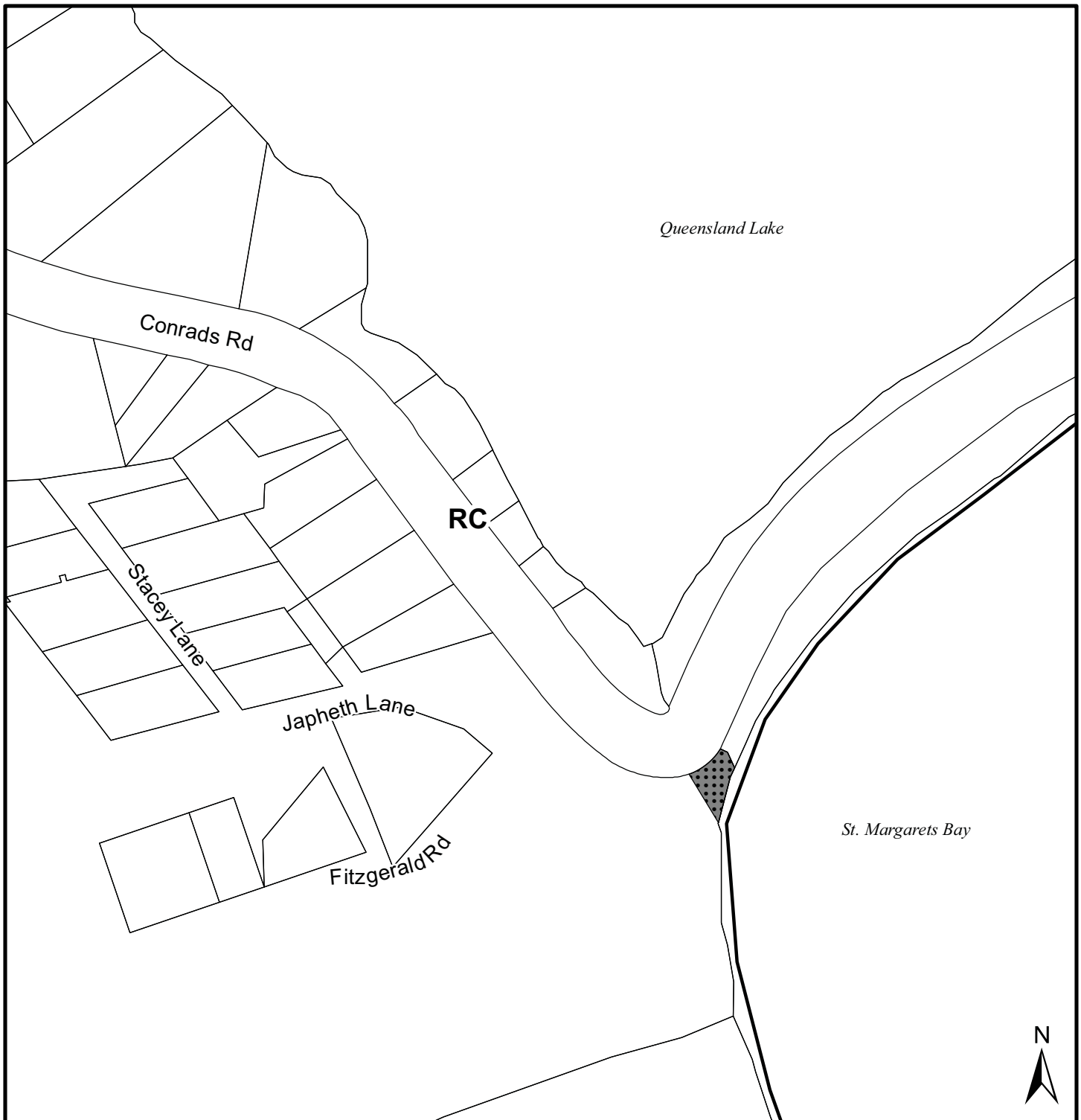
RC Rural Commuter

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 60 80 100 m

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

HRM does not guarantee the accuracy
of any representation on this plan.



Map 1B - Regional Generalized Future Land Use

PID 40023855
Queensland



Area proposed to be rezoned
from RPK (Regional Park)
to MU-1 (Mixed Use)

Planning District 1 & 3
(St Margarets Bay) Plan Area

Designation

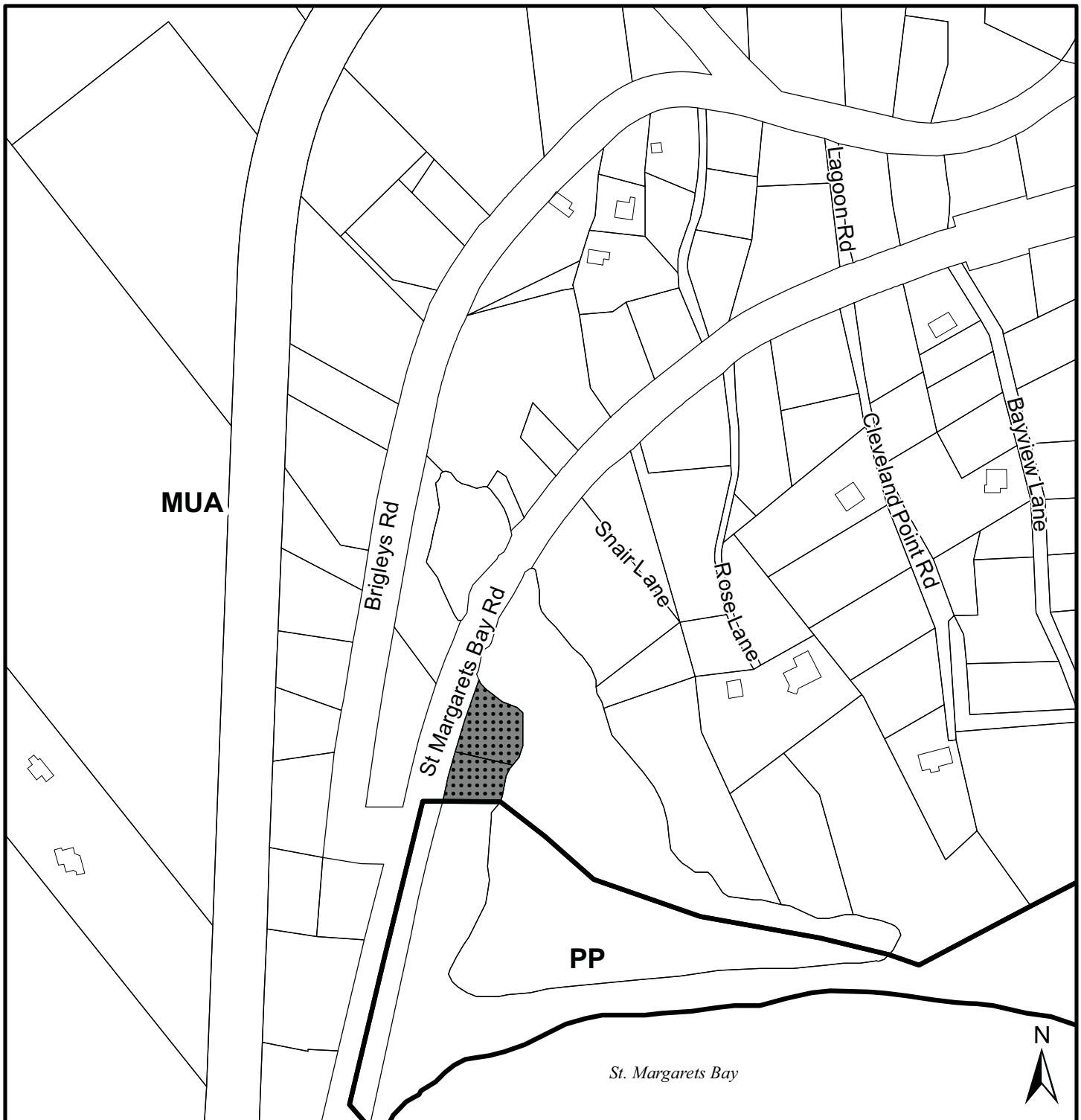
RC Rural Commuter

HALIFAX
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DEVELOPMENT APPROVALS

0 20 40 60 m

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Map 2A - Generalized Future Land Use

PIDs 40286767 and 40207128
Queensland

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Area proposed to be rezoned
from P-3 (Provincial Park)
to MU-1 (Mixed Use)

0 20 40 60 80 100 m

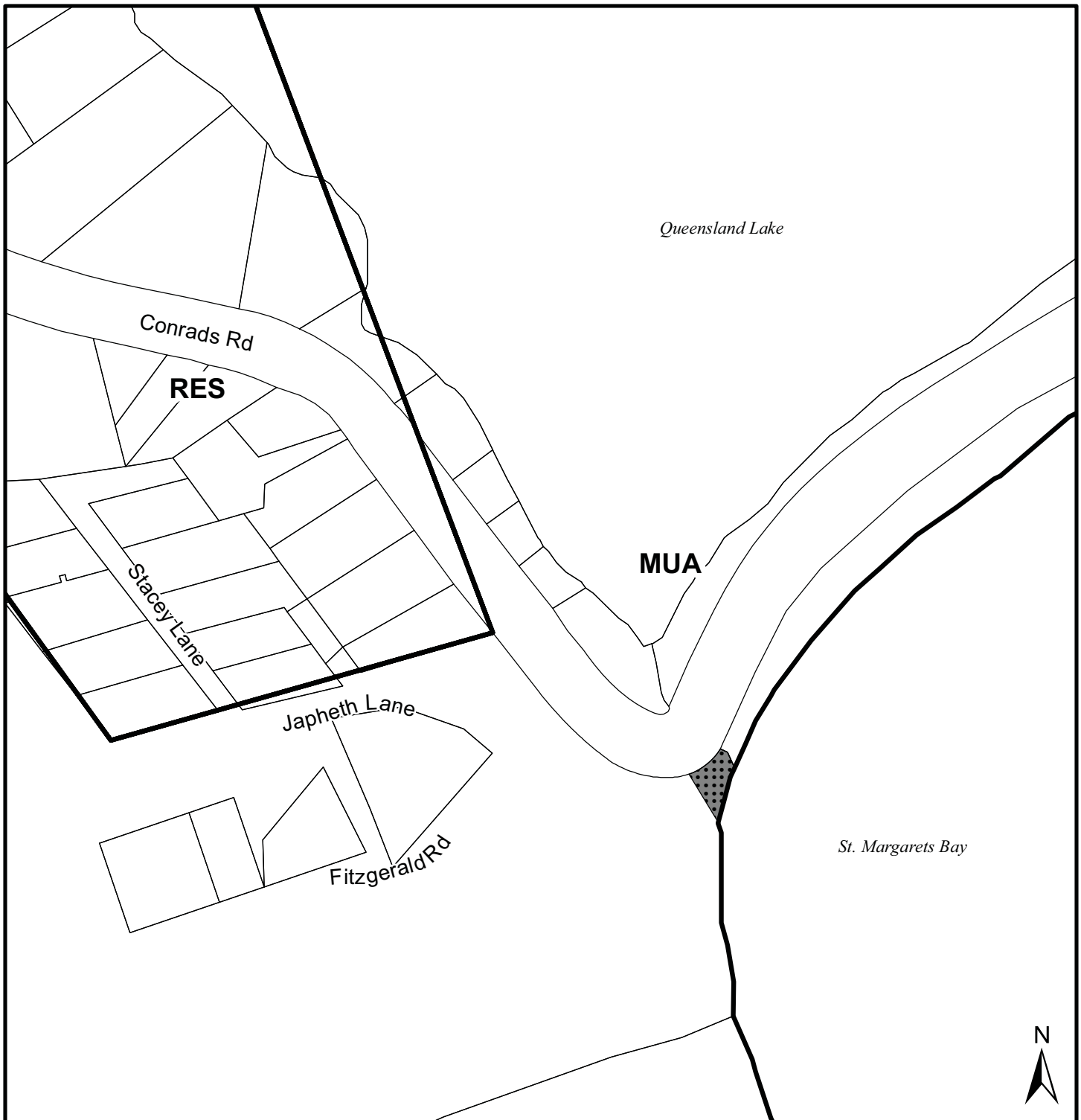
Designation

Planning District 1 & 3
(St Margarets Bay) Plan Area

MUA Mixed Use A
PP Provincial Park

This map is an unofficial reproduction of
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Map 2B - Generalized Future Land Use

PID 40023855
Queensland

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DEVELOPMENT APPROVALS

0 20 40 60 m



Area proposed to be rezoned
from RPK (Regional Park)
to MU-1 (Mixed Use)

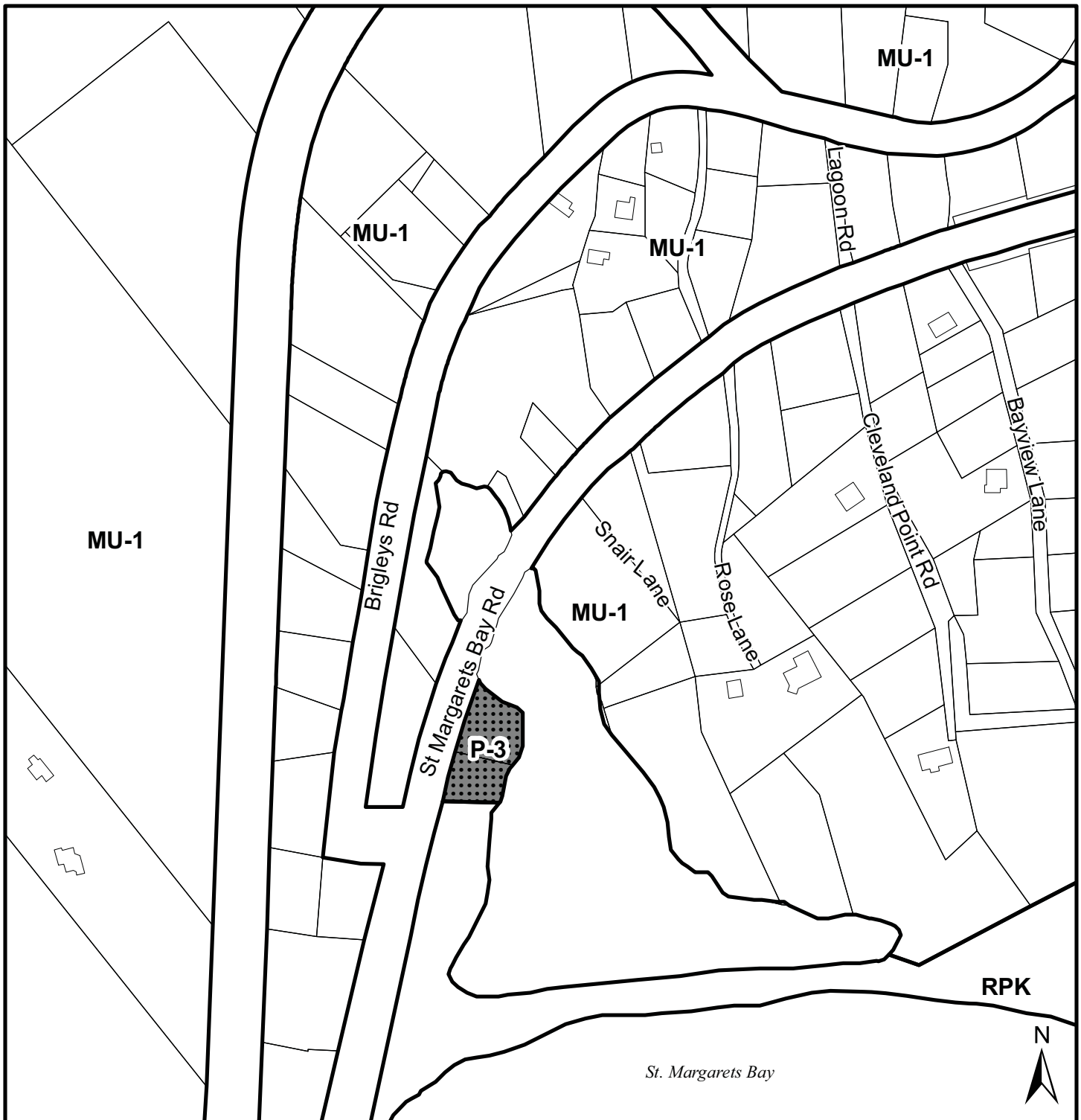
Designation

RES	Residential
MUA	Mixed Use A

Planning District 1 & 3
(St Margarets Bay) Plan Area

This map is an unofficial reproduction of
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Use Map for the plan area indicated.


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Map 3A - Zoning

PIDs 40286767 and 40207128
Queensland




 Area proposed to be rezoned
from P-3 (Provincial Park)
to MU-1 (Mixed Use)

Planning District 1 & 3
(St Margarets Bay) Plan Area

Zone

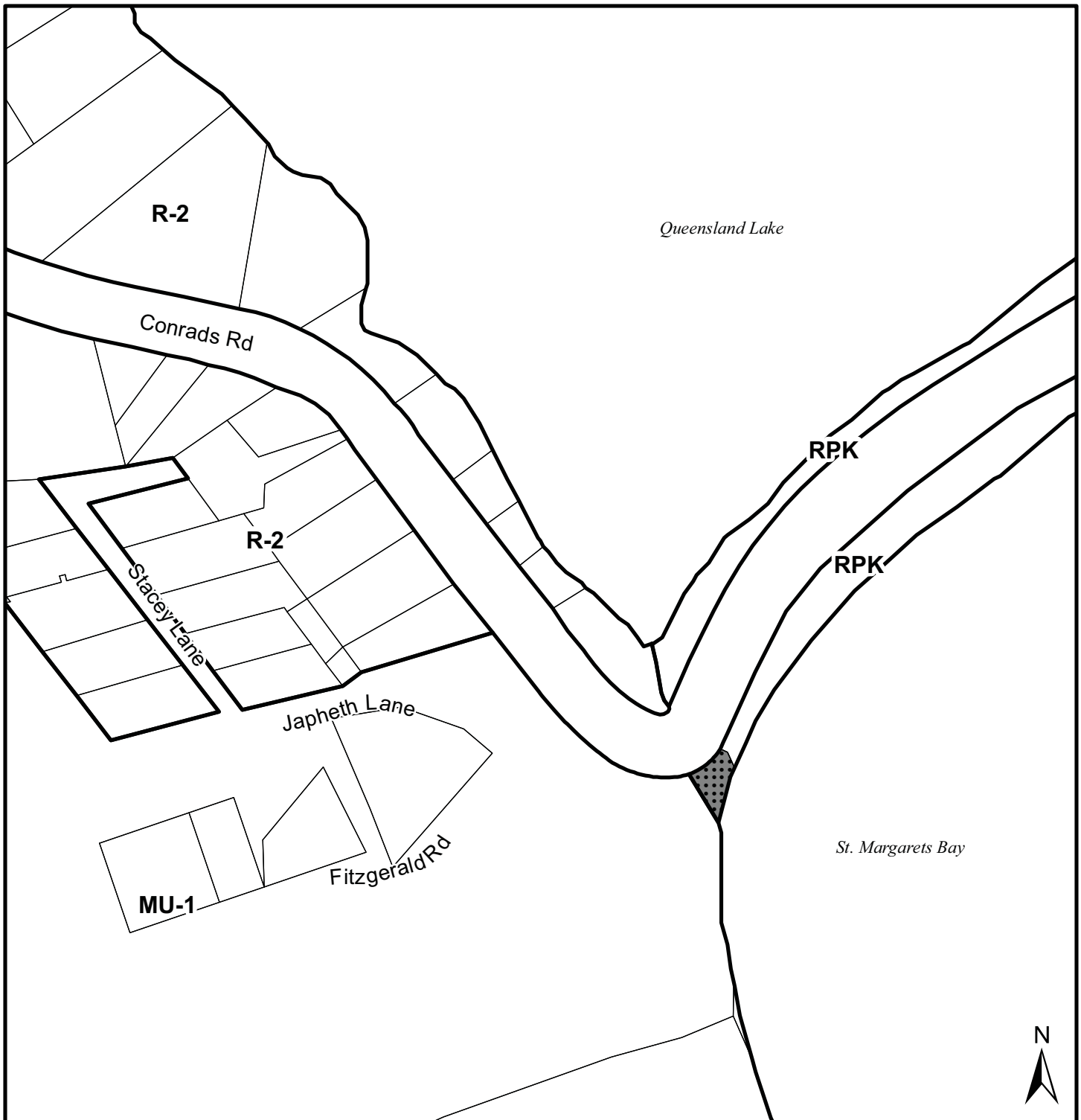
MU-1 Mixed Use
P-3 Provincial Park
RPK Regional Park

0 20 40 60 80 100 m



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

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of any representation on this plan.




Map 3B - Zoning

PID 40023855
Queensland

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DEVELOPMENT APPROVALS



 Area proposed to be rezoned
from RPK (Regional Park)
to MU-1 (Mixed Use)

Zone

R-2 Two Unit Dwelling
MU-1 Mixed Use
RPK Regional Park

Planning District 1 & 3
(St Margarets Bay) Plan Area

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