

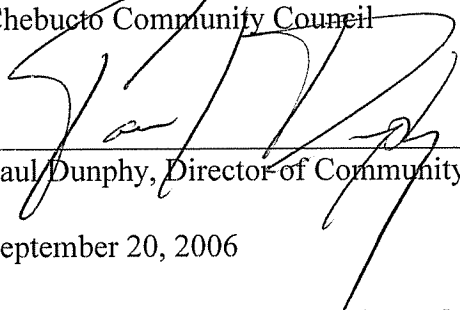
10.1.1



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

**Chebucto Community Council
November 6, 2006**

TO: Chebucto Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: September 20, 2006

SUBJECT: **Case 00960: MPS and LUB Amendment for the Urban Farm Museum at 21 Kidston Road, Halifax (PID 00327452)**

ORIGIN

- June 12, 2006 Motion of Chebucto Community Council that, “staff proceed with the changes necessary to rezone 21 Kidston Road to allow the expansion of the Urban Farm Museum Society.”

RECOMMENDATION

It is recommended that Chebucto Community Council recommend that Regional Council:

1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy (MPS) and Mainland Land Use Bylaw (LUB) to allow expansion of the Urban Farm Museum to 21 Kidston Road (PID # 00327454); and
2. Instruct that the Municipal Planning Strategy amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

BACKGROUND

The Urban Farm Museum Society (UFMS) is a not for profit organization which currently operates in Spryfield on the rear portion of lands at 62 Rockingstone Road which is a Municipally Registered Heritage property. UFMS leases the lands and entered into a Heritage Development Agreement in 2004 which allows the use and identifies the terms of operation.

The current owner of the lands at 21 Kidston Road, which abuts the Captain William Spry Centre and the lands currently being used by UFMS, is willing to donate the property provided a planning process occurs which limits the use of the land to that of the Urban Farm Museum. The land is located within the Mainland South Secondary Planning Area, Zoned R-1 (Single Family) and designated LDR (Low Density Residential) (Refer to Map 1).

DISCUSSION

There are two issues associated with this proposal which will require resolution prior to proceeding with a planning process which identifies the lands for UFMS use.

The first issue relates to the use of the land. The UFMS wishes to allow agricultural produce vendors the ability to sell their produce on the UFMS lands. This is currently not allowed under the existing development agreement as only produce grown on the Urban Farm are allowed for sale. The Park and Institutional Zone (P) would not allow this commercial use or the keeping of animals on occasion which is a practice allowed in the existing development agreement.

Planning staff suggest that two options are possible:

- Amend the MPS and the LUB to create a new Zone which would allow the very specialised uses requested by the UFMS. Creating a zone for a single use is not recommended.
- Amend the MPS and LUB to allow a Development Agreement on the property.

Both approaches would limit the use of the lands to that of an Urban Farm Museum and could describe the types of activities that would be allowed. A Development Agreement would allow more detail concerning the allowed uses. This is likely to be of concern to the area residents. The Development Agreement would be more flexible should future changes be requested and it could be discharged to allow the lands to revert back to their base zone (R-1) should the UFMS cease to function.

Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of the MPS have changed significantly. This request meets this test as the existence of the UFMS and the donation of the lands for expansion of the UFMS were never contemplated in the policy documents.

The second issue relates to the ownership of the lands. The UFMS would need documentation from the current owner to verify the proposed land transaction, authorize the UFMS to be the Applicant for the required planning process and, if necessary, transfer the land prior to UFMS signing a Development Agreement.

Staff recognise that there are some outstanding issues but the goal of allowing expansion of UFMS onto 21 Kidstone Road is feasible through a Plan Amendment and Development Agreement process.

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

1. Council may choose to initiate amendments the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw to allow a Development Agreement. Staff recommends this.
2. Council may choose to initiate amendments the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw to create a new zone. This is not recommended for the reasons outlined above
3. Council may choose not to initiate amendments the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw, thereby only allowing uses that are consistent with the existing Single Family Zone. This is not recommended for the reasons outlined above.

ATTACHMENTS

Map 1 - Location and Zoning

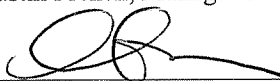
Attachment A - Extracts from the Halifax Municipal Planning Strategy

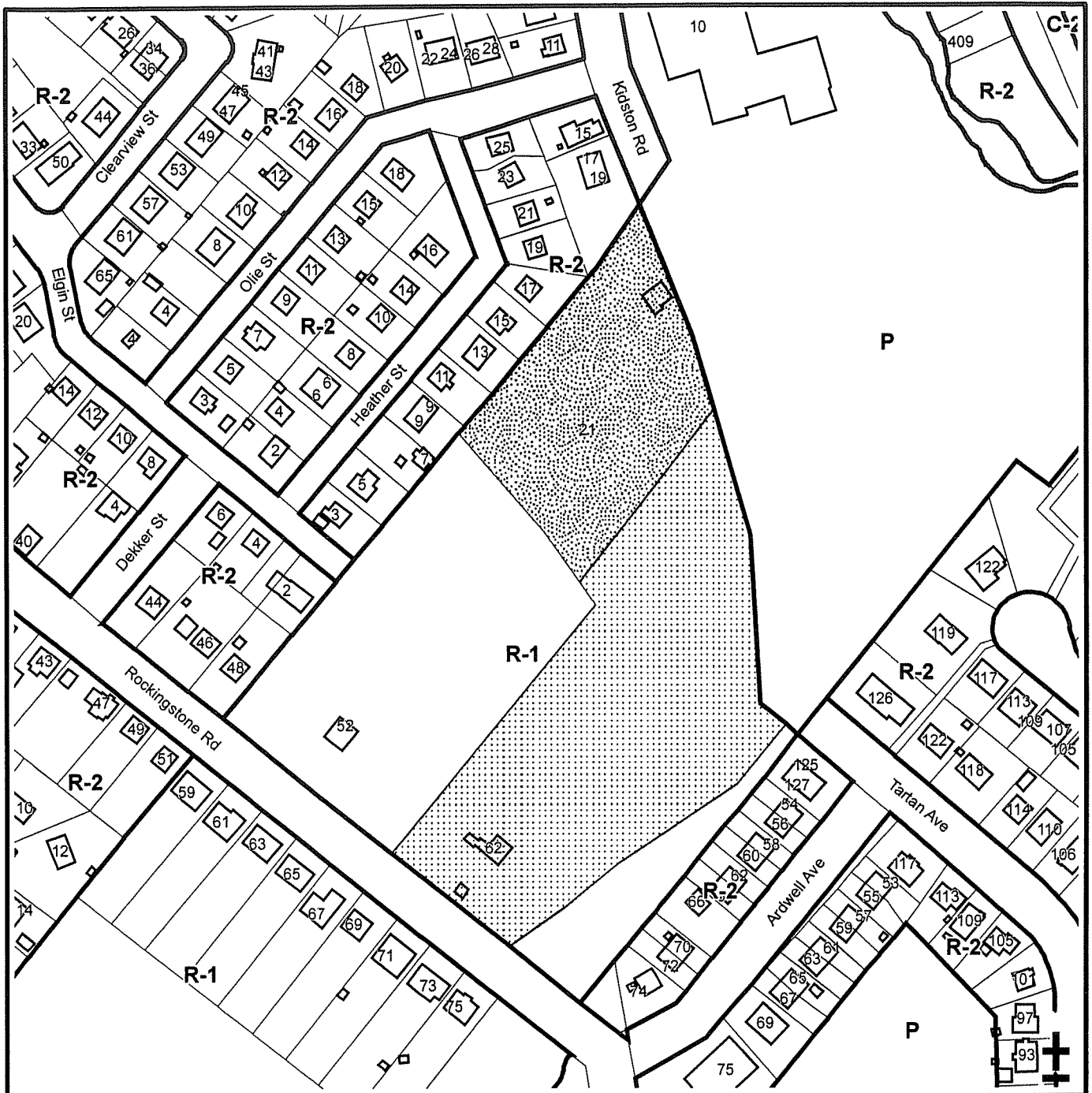
A copy of this report may be obtained online at <http://www.halifax.ca/council/agendas/caagenda.html> by choosing the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Randa Wheaton, Senior Planner, Planning and Development Services, 490-4499

Report Approved by: Austin French, Manager of Planning Services, 490-6717

Report Approved by:




Catherine Sanderson, Sr. Manager, Financial Services, 490-1562



Map 1 - Location and Zoning

21 Kidston Road
Halifax

Halifax Mainland
Land Use By-Law Area

-  Subject property
-  Municipally registered heritage property, under development agreement

- Zone**
- R-1 Single Family Dwelling
 - R-2 Two Family Dwelling
 - P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

0 20 40
m

This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area.

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

ATTACHMENT A

Extracts from the Halifax Municipal Planning Strategy

Section II CITY-WIDE OBJECTIVES AND POLICIES

1. ECONOMIC DEVELOPMENT

- 1.5 The City should provide a policy environment within which development can respond to changing market demands, while clarifying the intentions of the City and ensuring that development conforms to a pattern that is cost-effective for the City.
- 1.6 The City should direct the location of development in a manner consistent with its capital program, and economic, social and environmental objectives.
- 1.7 The City should establish land-use regulations that promote the development of high quality commercial, industrial, and residential areas.

3. COMMERCIAL FACILITIES

- 3.3.1 The overall objectives to be achieved through the development agreement are:
- a. to create a high quality, attractive and efficient mix of commercial and residential development through sound land use planning; and
 - b. to encourage imaginative and innovative planning.

7. COMMUNITY FACILITIES

- 7.2 Future regional and City-wide recreation and community facilities shall be encouraged to locate in appropriate locations throughout the City. The appropriateness of such locations shall be determined on the basis of any one or combination of the following: (a) use and function of the proposed facility; (b) adequacy of transportation; and (c) uniqueness of the site, or its historic significance. The City should not normally prezone areas of land for such uses.
- 7.2.1 The City should continue to identify and to promote regional and City-wide recreation and community facilities which have a particular attraction for the visitors to the City.

Section X MAINLAND SOUTH SECONDARY PLANNING STRATEGY

4. RECREATIONAL

- 4.1 Recreational facilities may comprise indoor or outdoor areas providing opportunities for active and passive recreation.