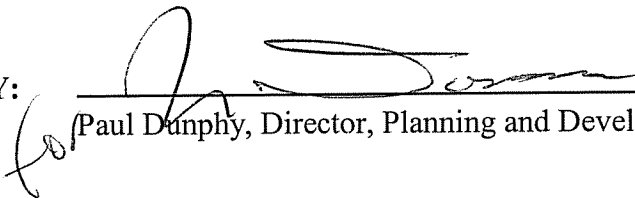




Chebucto Community Council
September 12, 2005

TO: The Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Paul Dunphy, Director, Planning and Development Services

DATE: July 28, 2005

SUBJECT: **Process to Designate HRM Lands around Keyworth Lane, Halifax, as Parkland or Conservation**

ORIGIN

1. February 7, 2005 motion by Chebucto Community Council (CCC) requesting a staff report outlining the process to designate HRM owned lands around Keyworth Lane, Danforth Road and Governor's Brook as Parkland or Conservation or a designation that would prevent any new development.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Take no action at this time as these lands have adequate protection from development. The future zoning of these lands would be reviewed as part of a community plan review.

BACKGROUND

This report is in response to Community Council's February 7, 2005 request in respect to zoning of parkland in the areas of Keyworth Lane and Governor's Brook. Map 1 shows the location and present zoning of the HRM lands in these areas.

Some of these parkland parcels were conveyed to HRM as part of a development agreement process. All of these lands are designated Residential Development District (RDD) under the Mainland South Planning Strategy and zoned RDD (Residential Development District) Zone. The RDD zone permits R-1 and R-2 uses "as of right" and enables the consideration of a development agreement. The manner in which several of the parcels came to be acquired by HRM is summarized below.

Keyworth Lane Area: At its meeting of April 2, 2001 Chebucto Community Council approved a development agreement (Case 00303) which permitted 52 small-lot single detached dwellings at Keyworth Lane and Theakston Avenue. The development agreement also provided for 36,359 square feet of parkland to be added to the existing sports field and 95,085 square feet of conservation land. These lands were then conveyed to HRM as part of the subdivision process in accordance with the approved development agreement.

Hartland Field Area: A development agreement (Case 7131) was approved by Halifax City Council on April 27, 1995 which required an addition of 1.5 acres to be added to Hartlen Field and 0.9 acres of parkland along the McIntosh Run at the rear of the properties on Theakston Avenue near Abrams Way. These lands were then conveyed to HRM as part of the subdivision process in accordance with the approved development agreement. The original portion of the field was once owned by the Spryfield Service Commission.

DISCUSSION

These lands were set out as "Parkland" and "Conservation Land" in the appropriate registered development agreements. Later these lands were accepted by the Municipality for parkland and conservation lands as part of the subdivision process. Under Section 273 (12) (b) of the Municipal Government Act (MGA), these lands must be used for the purposes for which they were conveyed. Regional Council, under Section 273 (13), may sell parkland if it is no longer required or needed for parks, playgrounds, for example. However, the MGA requires that before that happens a notice must be published in a newspaper at least 14 days before the Council meeting at which the decision is to be made.

Chebucto Community Council is concerned that additional protection is required to "prevent any new developments." These lands are intended to be used as "parkland" and "conservation land" as outlined in the registered development agreement and as shown on the subdivision plans. The lands are under the control of the Municipality and could not be used for any other purpose unless the development agreement was amended. This would require a planning process including a Public Information Meeting and Public Hearing. In addition, Regional Council would have to agree that these lands are no longer required for parkland or conservation purposes after notification in the newspaper and a public review.

The primary value of designating and zoning of HRM owned property to a P Zone or a conservation zone is largely symbolic, as an expression of long term intent. Staff agrees that this may provide comfort to area residents and assist in clearly delineating parkland and conservation lands. However, it does not really provide much in additional safeguards. A rezoning process would use resources in terms of staff, community, and Council time, as well as funds for notification of the public hearing. This is not necessary and is carried out at the expense of other planning applications.

HRM frequently accepts parkland through the subdivision process and it is not necessary to carry out a rezoning process after the dedication of each parcel. Other subdivisions within the Chebucto Community Council area are in a similar situation. Parkland was acquired through the subdivision /development agreement process in Regatta Point, Stoneridge, and Royale Hemlocks, for example. Community plan reviews are expected to be undertaken following the adoption of a Regional Plan. The protection of these lands provided under the development agreements and the MGA is sufficient in protecting their parkland status at this time.

BUDGET IMPLICATIONS

There are no budget implications if the staff recommendation is accepted. If Council chooses to proceed with the rezoning, approximately \$1500 in advertising fees and mail notification to affected property owners should be anticipated to be borne by the Municipality.

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.

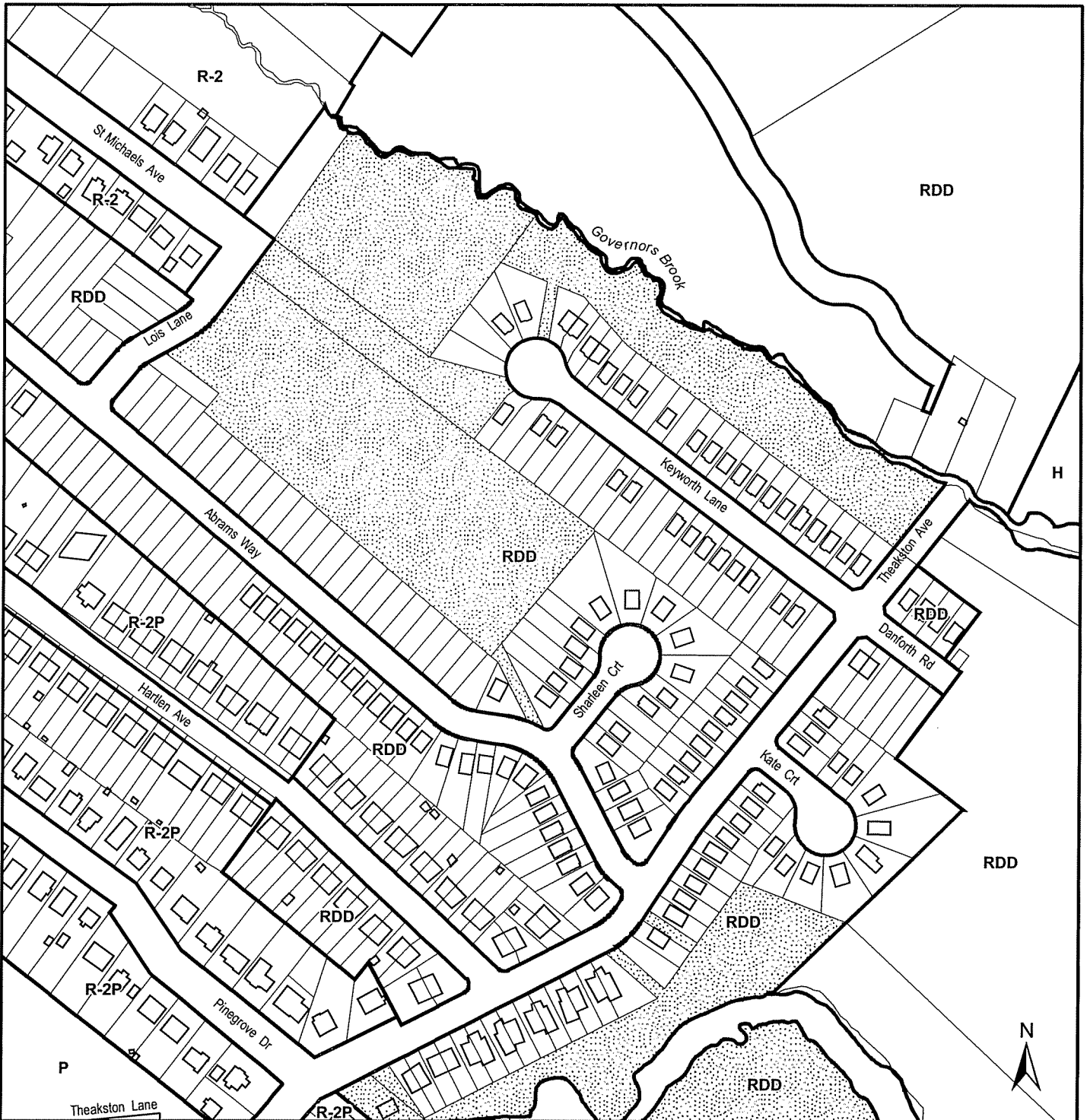
ALTERNATIVES

1. Do not proceed with a rezoning or redesignation process. This is the recommended course of action.
2. Direct staff to undertake a plan amendment and rezoning process for the municipally owned lands outlined in Map 1. This is not recommended for the reasons outlined in the report.

ATTACHMENTS

Map 1: HRM Lands and Existing Zoning
Attachment "A" Extracts from the Halifax MPS and Mainland Area LUB

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: Angus E. Schaffenburg, Planner II, 490-4495



Zoning

Keyworth Lane
Halifax

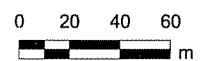
Halifax Mainland
Land Use By-Law Area

 Municipally owned property

Zone

- R-2 Two Family Dwelling
- R-2P General Residential
- RDD Residential Development District
- H Holding
- P Park and Institutional

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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"

MAINLAND SOUTH SECONDARY PLANNING STRATEGY

OBJECTIVES AND POLICIES

1. RESIDENTIAL ENVIRONMENTS

Objective The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

1.1.1 "Residential Environments" in terms of this secondary strategy means:

- (a) Low-Density Residential;
- (b) Medium-Density Residential;
- (c) High-Density Residential;
- (d) Residential Development District.

1.1.2 Forms of residential development which may be permitted in Mainland South are:

- (a) conversions;
- (b) detached dwellings;
- (c) semi-detached dwellings;
- (d) duplex dwellings;
- (e) townhouses; and
- (f) apartments.

1.5 Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.

4. RECREATIONAL

Objective The provision of recreation facilities in Mainland South at the same level as obtained throughout the City.

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

4.2 The City shall encourage passive recreational uses adjoining the McIntosh Run shoreline including public walkways and bicycle trails along the flood plain area and related environmentally sensitive areas reserved for public use. Such uses should be integrated with adjacent recreational and institutional uses, where considered appropriate.

- 4.3 The City shall seek to secure passive recreational areas along the McIntosh Run by such means as acquisition through open space dedication as part of the subdivision process or through purchase.
- 4.4 The City shall continue to seek public access to the Northwest Arm from and including the Edmonds Grounds to the City limits at Purcell's Cove. Such access may include pedestrian or limited vehicular access, and consist of existing and future parks, streets and other public land and rights-of-way. Continuous access along the Arm shall be a priority. However, exceptions to this may be considered based upon detailed consideration of site conditions and the acceptability of alternative means of maintaining a continuous open space system in accordance with Policy 4.6.
- 4.5 Pursuant to Policy 4.4, the City shall continue to seek control of portions of the pathway fronting on the Northwest Arm through acquisition or dedication of land as part of the land subdivision process.
- 4.6 The City shall develop a strategy for and seek to establish a continuous passive or active recreational open space system in the Mainland South area; such a system would include public parks, walkways, nature trails and water-oriented activities. The principal components of such a system shall be located adjacent to or in association with the Northwest Arm and shoreline, Williams Lake, Colbart Lake, Long Lake, Kidston Lake, and McIntosh Run.
- 4.7 The City should negotiate the acquisition of Provincially-owned land west of Purcell's Cove Road adjacent to Fleming Park for recreation purposes.

P ZONE

PARK AND INSTITUTIONAL ZONE

- 51(1) The following uses shall be permitted in any P Zone:
- (a) a public park;
 - (b) a recreation field, sports club, and community facilities;
 - (c) a cemetery;
 - (d) a hospital, public school, university, monastery, church, library, court of law, or other institution of a similar type, either public or private;

- (e) an institution used for the advancement of public school education services;
 - (f) uses accessory to any of the uses in (a), (b), (c), (d) and (e);
 - (g) child care centre.
- 51(2) No person shall in any P Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 51(3) No person shall in any P Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).