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Item No. 4
Halifax Regional Council
February 17, 2009

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Paul Dunphy", written over a horizontal line.

Paul Dunphy, Director of Community Development

DATE: February 3, 2009

SUBJECT: Schmidtville: Request for MPS amendment

INFORMATION REPORT

ORIGIN

September 16, 2008 motion of Regional Council (item #12.1) that staff “provide documentation to amend the Municipal Planning Strategy for the Schmidtville area of District 12 to a Residential Comprehensive Development District and instruct staff to include the Friends of Schmidtville group in the public participation program.”

BACKGROUND

Schmidville

Schmidville is one of Halifax's most intact historic neighbourhoods. Bordered by Clyde, Morris, Brenton and Queen Streets, the three-block area has many houses dating back to the early 19th Century and has a distinct historic character and urban form. There are a number of historic, "mirror image" Georgian cottages and town houses and numerous other early buildings. Most are architecturally intact and there have been only a few modern renovations and new developments. Of the roughly 85 historic buildings in the three-block area, only five are registered heritage properties.

In September 2008, "The Friends of Schmidville" (a not-for-profit-society) was formed with the purpose of preserving and enhancing the unique character of the neighbourhood and ensuring a liveable community for all residents. The meeting was attended by about 60 area residents as well as the Councillor for the area, Councillor Sloane.

Existing Protection under the Halifax MPS & LUB

Except for the Clyde Street parking lots, the entire Schmidville area is situated in the South End Plan Area and is subject to a height precinct of 35 feet. This already provides a basic level of protection from out-of-scale new development. The bulk of the area is designated and zoned for medium density residential use, which permits single unit homes, interior conversion into apartments, and small scale residential infill development. This is very much in line with the existing character of the area in terms of land use. There are also three existing mixed commercial /residential uses which are permitted to be re-developed by development agreement but, again, the height of any new development is limited to 35 feet.

The Clyde Street parking lots are located in the Spring Garden Road Commercial Area and are designated and zoned for medium density residential and minor commercial use as-of-right. Policies for the area also enable the parking lots to be re-developed by development agreement provided that any development is of a scale and design that is "compatible with surrounding neighbourhoods".

Schmidville Needs More Protection

At the September 2008 meeting of The Friends of Schmidville, the issue of protecting Schmidville was discussed. The area of concern encompasses the three Old Schmidville blocks, the adjacent blocks along Morris Street and Wright Avenue, and the Clyde Street parking lots, as shown on Map 1. The group, along with Councillor Sloane, is requesting Council to apply a Comprehensive Development District (CDD) designation to Schmidville. It appears that the request was made based on the model of the Brunswick Street CDD, which was established in 1998 to facilitate redevelopment of the former Alexandra School site on the block bounded by Brunswick, Cornwallis and Maitland Streets and Portland Place. In that case, policies for the CDD included design guidelines to ensure compatibility of new development on the vacant site with nearby heritage buildings. The recently completed "Brickyard" development was undertaken within those guidelines.

DISCUSSION

Comprehensive Development District (CDD)

A Comprehensive Development District (CDD) is a planning tool intended for large sites to be developed as a unit, in a coordinated way, by development agreement. It is most often used for large, vacant sites. The advantage of the CDD approach is that it can place very tight control on new development through the development agreement process. However, it cannot regulate demolition of existing buildings. It is also less appropriate in an established neighbourhood such as Schmidville where the bulk of the area is occupied by existing buildings on small lots in separate ownerships. CDD designation is not the most effective regulatory tool in these circumstances.

HRMbyDesign (Downtown Halifax Secondary MPS and LUB)

HRMbyDesign is scheduled for adoption in mid-2009 which will result in a new Downtown Halifax Secondary (DHS) MPS and LUB. In that document, the Spring Garden Road Commercial Area, including the Clyde Street parking lots will be included in the Downtown Plan Area. Under the new scheme, built form requirements and design guidelines will place a height limit of 70 feet (or 90 ft., post bonus) on any new development on the parking lots, and will require such development to transition down in scale and intensity, so as to respect and reinforce the existing character of Schmidville. The Schmidville neighbourhood itself will remain outside the Downtown Plan area (i.e., remain in the existing South End Plan Area) and will remain subject to the 35 ft. height precinct discussed above.

Following adoption of the DHS MPS and LUB, HRMbyDesign will resume work on the larger Regional Centre Urban Design Study. This will involve further public consultation and visioning, possibly on an area-by-area basis, and it is within this context that consideration will be given to the establishment of new development controls for Schmidville. HRMbyDesign will potentially provide Schmidville with new controls quicker than any other HRM initiative. Council could also consider at a later date, under the HRMbyDesign initiative, a Heritage Conservation District for Schmidville.

Heritage Conservation District

A Heritage Conservation District (HCD) would enable the adoption of demolition control, design guidelines for architectural alterations and new buildings, and financial incentives to encourage restoration. The statutory process for establishing a HCD involves background studies, public consultation, and formal adoption of a HCD Plan and By-law. HRM also has a formal process for public participation in the HCD planning process, which involves input from the Heritage Advisory Committee and Stakeholder Steering Committees. The process begins with a formal request from the community to Regional Council.

The HCD approach could potentially provide the community with the level of protection it desires. However, the proposed Plan already identifies Historic Properties and South Barrington Street areas as potential HCDs, and places high priority on their establishment. Due to staff resources and

existing priorities, it is unlikely that a HCD would be established for Schmidtville in the immediate future.

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.

ATTACHMENTS

- Map 1: Area of concern expressed by Schmidtville Residents Association
- Attachment 1: Heritage Conservation District Adoption Process
- Attachment 2: Resolution regarding a Public Participation Program for the Adoption of a Municipal Heritage Conservation Plan and By-law related to the Establishment of a Heritage Conservation District

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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 : Bill Plaskett, Heritage Planner, 490-4663

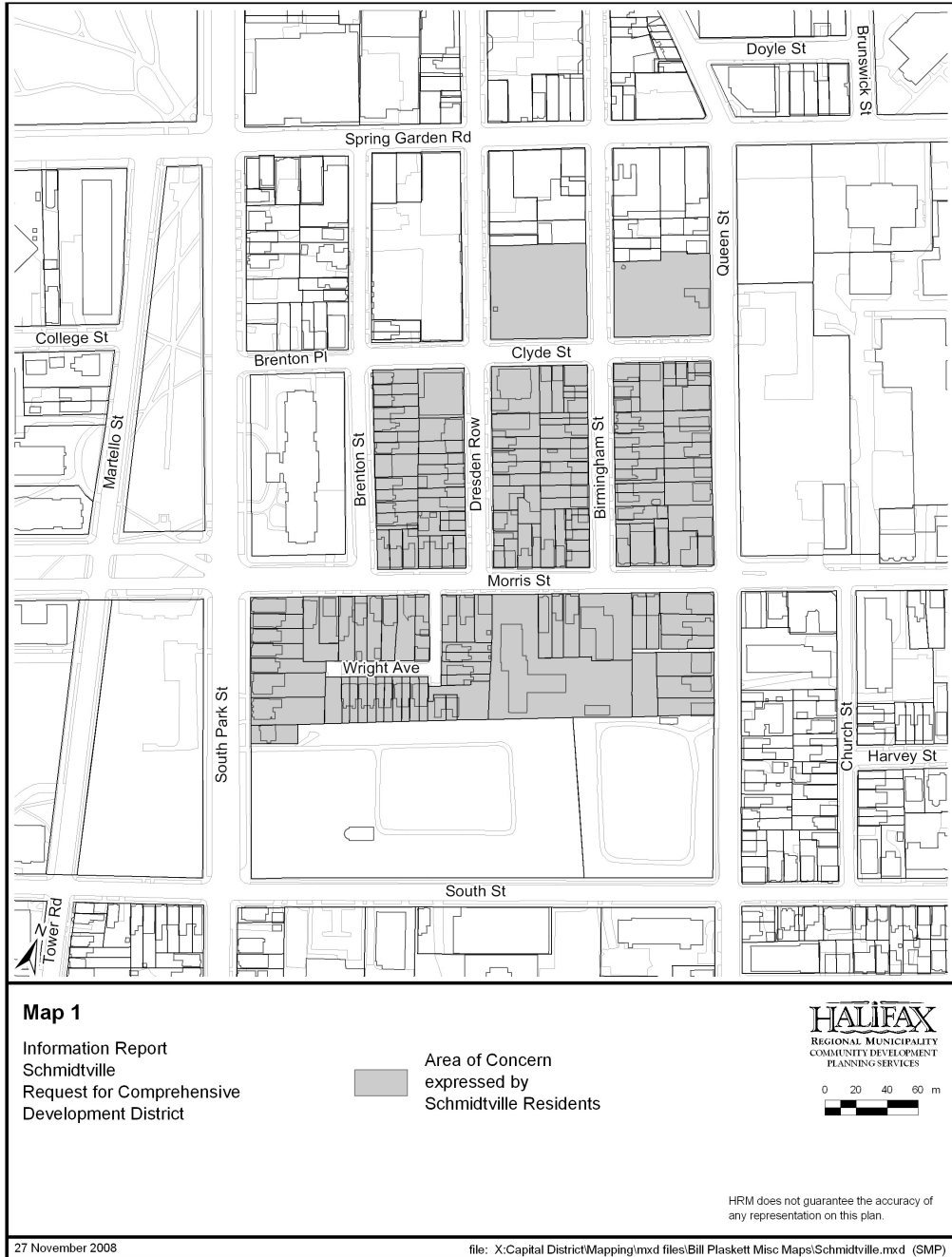


Report Approved by: _____
Austin French, Manager, Planning Services, 490-6717

Schmidville: Request for Comprehensive Development District

MAP 1

Area of Concern expressed by Schmidville Residents Association



**Schmidtville: Request for
Comprehensive Development District**

ATTACHMENT 1

HERITAGE CONSERVATION DISTRICT ADOPTION PROCESS

Statutory procedure for establishing a Heritage Conservation District under the Heritage Property Act:

Council:

1. adopts a public participation program by resolution;
2. undertakes background studies (to rationalize the proposed District), provides public access to studies, and submits studies to Minister. Minister has 60 days to declare studies sufficient or prescribe additional studies;
3. prepares a draft Heritage Conservation Plan and By-law;
4. secures public input on a draft Heritage Conservation Plan and By-law;
5. gives notice of intention to adopt a Heritage Conservation Plan and By-law and hold a public hearing by newspaper advertisements on two successive weeks and by ordinary mail or personal service to all property owners, 21 days prior to date of public hearing;
6. on date of publication of first notice of intention, a 120 day restriction begins on the issuance of development permits and building permits that are or may be in conflict with the proposed Conservation Plan and By-law. If the Plan and By-law do not come into effect within 120 days, such permits may be issued provided that they meet all other applicable by-laws;
7. provides public access to the proposed Conservation Plan and By-law;
8. after holding public hearing, adopts the Conservation Plan and By-law by majority vote and submits it to the Minister for approval, with documentation regarding compliance with the statutory planning process;
9. Minister approves the Conservation Plan and By-law. Council gives notice of approval in newspaper and files document in Registry of Deeds; and
10. Conservation Plan and By-law come into effect when approved by the Minister.

ATTACHMENT 2

RESOLUTION REGARDING:

A Public Participation Program for the Adoption of a Municipal Heritage Conservation Plan and By-law Related to the Establishment of a Heritage Conservation District

Be it resolved that the Council of Halifax Regional Municipality does hereby adopt the following public participation program pursuant to Section 6 (1) (i) of the Heritage Property Act, Statutes of Nova Scotia, 1989, Chapter 199.

1. All requests for a Heritage Conservation District shall be directed to Regional Council for preliminary review. Where Regional Council determines that the request has merit:
 - (a) The request shall be forwarded to municipal staff for preparation of a report and recommendation to the Heritage Advisory Committee.
 - (b) Where the HAC determines that a heritage conservation district should be considered a recommendation shall be made to Regional Council to initiate the planning process for the adoption of a Heritage Conservation Plan and By-law.

2. Where Regional Council determines that it wishes to further consider the adoption of a Heritage Conservation District the case shall be referred to the Heritage Advisory Committee who shall implement the following public participation procedure(s):
 - (a) The Heritage Advisory Committee shall establish a Stakeholder Steering Committee according to the *Terms of Reference: Heritage Conservation District Steering Committee*, outlined in “Attachment 1” of this resolution.
 - (b) The Heritage Advisory Committee in conjunction with municipal staff may implement an opinion survey to gain direct input of property owners within the proposed Heritage Conservation District boundaries into the draft Heritage Conservation Plan and By-law using a proven survey method.
 - (c) The Heritage Advisory Committee in conjunction with municipal staff, shall hold a minimum of two (2) public meetings concerning the proposed Heritage Conservation Plan and By-law at key stages of the planning process to provide information to public stakeholders and seek input into the proposed Heritage Conservation Plan and By-law.
 - (d) The following public meeting notification procedures shall apply:

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- (i) Notice of the public meeting at which the Heritage Conservation District shall be discussed shall be published in a newspaper circulating in the area affected a minimum of fourteen (14) days prior to the meeting. The notice shall indicate the time, date and place of the meeting and the location and hours during which written material concerning the proposed Heritage Conservation Plan and By-law may be inspected by members of the public.
 - (ii) Written notification of the meeting shall be forwarded to all property owners, businesses and tenants within the District a minimum of fourteen (14) days prior to the meeting.
- (e) Minutes of the public meeting(s) and all related written submissions and staff reports shall be forwarded to Regional Council.
- (f) The Heritage Advisory Committee shall forward its recommendation(s) and all related information to Regional Council.
- 3. Council shall give notice of intention to adopt a Heritage Conservation Plan and By-law and hold a public hearing by newspaper advertisements on two successive weeks and by ordinary mail or personal service to all property owners, 21 days prior to date of hearing.
- 4. Nothing in this resolution shall preclude Regional Council from taking other measures as deemed necessary to obtain public opinion regarding the adoption of a Heritage Conservation Plan and By-law.
- 5. Any amendments to a municipal planning strategy and land use by-law required to support or implement a Heritage Conservation Plan and By-law shall be undertaken in accordance with Halifax Regional Council's Resolution Respecting Public Participation.