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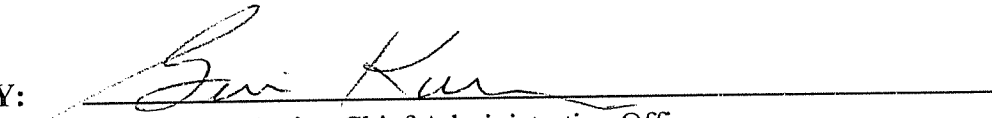
Halifax Regional Council

May 29, 2007

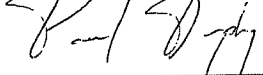
June 12, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Geri Kaiser, Acting Chief Administrative Officer

Paul Dunphy, Director of Community Development



Paul Dunphy, Director of Community Development

DATE: April 4, 2007

SUBJECT: Case #01006: Dartmouth MPS Amendment - Heritage Properties

ORIGIN

Staff

RECOMMENDATION

1. It is recommended that Regional Council initiate an amendment to the Dartmouth Municipal Planning Strategy to permit uses not otherwise permitted in the zone or designation, by development agreement, for Municipally Registered Heritage Properties.
2. Direct staff to follow the public participation program approved by Council in February 1997.

BACKGROUND

In 2006 staff received an inquiry from the owners of a Municipally Registered Heritage Property in Dartmouth about the possibility of converting 5 Camden Street into a ten room inn. The building is a large, old mansion, presently used as a small apartment building with non-conforming status. Staff advised the owners of this building, that while such a conversion could be considered by development agreement a few blocks away in the Downtown Dartmouth Secondary Plan Area, or in Halifax, it was *not* possible in Dartmouth. The Dartmouth Municipal Planning Strategy (MPS), unlike the Halifax MPS, contains no special provisions for Municipally Registered Heritage Properties, and because the property is residentially designated on the Generalized Future Land Use Map (GFLUM), non-residential uses are severely restricted.

While staff could have advised the owners of the property to apply for a site specific MPS amendment, this was not considered the best way of dealing with the situation. The absence of any mention of heritage, and the lack of incentives existing in other, comparable plan areas was identified as a potential issue with the Dartmouth MPS as a whole. Staff reasoned that it would not make sense to approach an area-wide issue on a site specific basis. Nor did it seem fair to ask the owner of the property in question to apply for an area-wide MPS amendment, when their concern was primarily their own property. Staff advised the owner of the property that staff would bring forward a request to Council to initiate an MPS amendment on an area-wide basis, and if Council initiated the process, the owner could then make application for a development agreement for their own property, and the two processes could run almost concurrently.

DISCUSSION

Amendments to the MPS are not considered routine and while Council has the ability to amend an MPS, it is under no obligation to do so. Furthermore, the decision to amend an MPS or not, cannot be appealed. Requests for an MPS amendment are only considered when:

- a) there has been a change in circumstance since the Plan was adopted or last reviewed;
- b) there is a significantly different situation than what the Plan anticipated; or
- c) an error was made.

Other Municipal Planning Strategies (e.g. Downtown Dartmouth, Halifax) recognize the importance of Municipal Heritage Properties and create incentives for their retention and restoration by allowing the consideration of expanded property rights by development agreement (Attachment A). In these plan areas, owners of Municipally Registered Heritage Properties may apply for development agreements to permit uses that would otherwise not be permitted, subject to criteria that ensure continuation of the significant heritage attributes of the structure, and often include a waiver of rights to demolish.

The Dartmouth Municipal Planning Strategy contains no such incentives and makes no mention of Heritage Resources, which appears to be a considerable oversight. While most of the area's heritage

resources are located in Downtown Dartmouth, an area with its own Secondary Planning Strategy, some heritage buildings do remain in the Dartmouth Plan Area, and a process to consider how these resources can be protected and enhanced, has merit. Furthermore, there is logic to harmonizing the approach to regional issues, such as heritage, across the various plan areas.

A preliminary review of properties that may be affected by this amendment revealed 12 heritage properties in the Dartmouth Plan Area which are currently registered, and another dozen or so that were identified by a 1980s inventory as having high potential for heritage registration. There may be other properties that have potential for registration that have not been inventoried yet. Because registration of heritage properties is an entirely voluntary practice, an MPS amendment of this nature could serve as an incentive for registration of potential heritage properties.

Initiating such an MPS amendment would also serve to further the intent of the Regional Municipal Planning Strategy (RMPS), which states that “Heritage structures require recognition, special status and regulations to protect, maintain and restore or rehabilitate them for continued use”, and contains a number of policies that Community Councils must have regard for when considering development agreements for Registered Heritage Properties (Attachment B). While the RMPS contains policy for Council to consider when entertaining development agreements for heritage properties, it does not go so far as to enable the development agreement process in all plan areas across the Municipality. The intention of the RMPS is for this matter to be dealt with at a community level. Should Regional Council initiate this amendment to the Dartmouth MPS, staff will review the implications of enabling development agreements for Heritage Properties in Dartmouth, and make a recommendation to Council.

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 initiate the MPS amendment. This is the recommended option.
2. Council may refuse to initiate the MPS amendment. This option is not recommended.

ATTACHMENTS

- Attachment A: Policies of the Downtown Dartmouth Secondary Planning Strategy and
Policies of the Halifax Municipal Planning Strategy
- Attachment B: Policies of the Regional Municipal Planning Strategy

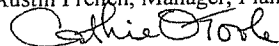
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by:



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Financial Approval by:

Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Attachment A
Policies of the Downtown Dartmouth Secondary Planning Strategy and Policies of the Halifax Municipal Planning Strategy

Downtown Dartmouth:

Policy H-10

Council should encourage the reuse, restoration and retention of registered heritage properties within the downtown. One means through which this will be encouraged is by allowing for an increase in development rights for registered heritage properties, where it can be demonstrated that the current use is an impediment to its reuse. Internal conversions of registered heritage properties to accommodate uses not otherwise permitted may be considered through the development agreement process. In considering any requests, the following criteria shall be addressed:

- a) the present use is an impediment to the building's retention;
- b) that the building is suitable for conversion, in terms of building size, the size of proposed individual residential units, and/or the nature of the proposed use;
- c) that adequate measures are proposed to ensure the continued protection of the building as a registered heritage property, and that renovations and additions to the building are consistent with the intent of HRM's "Heritage Building Conservation Standards" as updated from time to time;
- d) that no additions of greater than ten percent (10%) of the footprint area of the building are proposed; and that all additions including wheelchair ramps, fire escapes and emergency exits are designed to be as compatible as possible with the exterior of the building;
- e) that adequate measures are proposed to minimize impacts on abutting properties and the streetscape as a whole as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be generated as part of a development;
- f) that the placement and design of parking areas, lighting and signs, and landscaping is in keeping with the heritage character of the building;
- g) where applicable, the proposal should include an assessment and strategy to protect significant on-site archeological resources which may be impacted by the proposed development.

Halifax:

- 6.8 In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone subject to the following considerations:
- (i) that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;
 - (ii) that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;

- (iii) that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;
- (iv) that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.

Attachment B - Policies of the Regional Municipal Planning Strategy

6.1 BUILT HERITAGE

Built heritage includes structures which contribute to an understanding of heritage and may reveal architectural, cultural, or social-political patterns of local history. Our built heritage is an integral part of the landscape. Heritage structures require recognition, special status and regulations to protect, maintain and restore or rehabilitate them for continued use. HRM will encourage this protection by adopting an expanded region-wide model for heritage protection, by strengthening heritage protection provisions at the community level, and by using a streetscape and district approach to heritage protection rather than looking only at individual buildings.

CH-1 When considering a development agreement application in connection with any municipally registered heritage property, a lot on which a municipally registered heritage building is situated, or a building, part of a building or building site within a heritage conservation district, HRM shall, in addition to the criteria established under the appropriate policies guiding the development agreement under the applicable secondary planning strategy, also give consideration to the following:

- (a) that any municipally registered heritage property covered by the agreement is not altered to diminish its heritage value;
- (b) that the development maintains the integrity of any municipally registered heritage property, streetscape or heritage conservation district of which it is part;
- (c) that significant architectural or landscaping features are not removed or significantly altered;
- (d) that the development observes, promotes and complements the street-level human-scaled building elements established by adjacent structures and streetscapes;
- (e) that the proposal meets the heritage considerations of the appropriate Secondary Planning Strategy as well as any applicable urban design guidelines;
- (f) that redevelopment of a municipally registered heritage property, or any additions thereto shall respect and be subordinate to any municipally registered heritage property on the site by:
 - (i) conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;
 - (ii) maintaining the essential form and integrity of the heritage property such that they would not be impaired if the new work was to be removed in the future;
 - (iii) placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property; and
 - (iv) where a rooftop addition is proposed, setting it back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm; and
- (g) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.