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Item No. 9
Halifax Regional Council
August 3, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Paul Dunphy, Director of Community Development

DATE: July 12, 2010

SUBJECT: **Petition - MPS / LUB amendments for the area bounded by Oakland Road, Bellevue Avenue, Inglis Street, and Beaufort Avenue (BARTIS)**

INFORMATION REPORT

ORIGIN

June 22, 2010 (Item 10.2.3) - Petition submitted by Councillor Uteck to Regional Council containing 67 signatures in support of the proposed Land Use By-law amendments for the area bounded by Oakland Road, Bellevue Avenue, Inglis Street, and Beaufort Avenue (BARTIS), as described in the letter attached to the petition dated June 18, 2010.

BACKGROUND

The petition submitted to Regional Council recommends five items be amended in the Halifax Peninsula Land Use By-law (LUB) specifically for the BARTIS region (see Map 1). The five items are:

1. Require that a new right-of-way not be built within 30 feet of a property line where that property lines runs along other privately owned residential properties.
2. Increase the minimum lot size from 4000 square feet to 5000 square feet.
3. Increase the minimum lot frontage from 40 feet to 50 feet. On the outside curve of a cul-de-sac, the minimum lot frontage would be increased from 25 feet to 30 feet.
4. Decrease the maximum lot coverage from 35% to 30%.
5. Require that the minimum depth of the front yard of a new residential building be the average of the front yard depths of the majority of residential buildings fronting on the same side of the same block in which the new building is to be constructed.

DISCUSSION

Discussion regarding the lot sizes in Area 1 of the South End Area Plan (Map 1) has arisen several times in the past.

In 1992, specific amendments for Oakland Road's distinctive streetscape were put into the Halifax MPS and Halifax Peninsula LUB. At that time, staff recommended against the plan and by-law amendments as staff felt that the changes would have a minimal impact, that any subdivision which could occur to create forty foot lot frontages could also create fifty foot lot frontages, and that effective implementation would require a combination of different regulations such as larger lot sizes, increased yard sizes, decreased lot coverage and increased distance between buildings as well as the fifty foot frontage requirement. Nevertheless, the amendments were approved, resulting in a minimum lot frontage of 50 feet on Oakland Road, rather than 40 feet.

In 2008, an information report was presented to Peninsula Community Council in response to homeowner questions whether the LUB could be amended for Regina Terrace and Beaufort Avenue to require a minimum frontage of 50 feet, as well as front setbacks to be no less than the majority of those on the same side of the street. In reviewing this proposal, staff outlined the same concerns as with the Oakland Road amendments. The existing as-of-right zone and subdivision requirements could be enough to limit the frontage size of new lots. However, staff did agree to open a case to investigate the possibility.

In 2009, staff reported back to Peninsula Community Council on the results of research and public consultation carried out as Case 01176. Lot sizes and lot frontages were analysed in South End Area 1 (Map 1). Although there were still a few instances where subdivision is possible, it was determined that most lots do not have both sufficient lot area and frontage to allow them to be subdivided. A public information meeting was held on September 25, 2008 at which there was a presentation of the zoning standards, with an emphasis upon the subdivision possibilities based upon lot sizes and lot frontages that are found in South End Area 1. There was no strong indication from the public that the zoning requirements should be changed; therefore, no amendments to the zoning regulations were recommended as part of Case 01176.

At this time, the analysis conducted during Case 01176 is still valid. While infill may be a concern in some areas of South End Area 1, there are very few locations where it is possible. Additionally, further opportunities to consider the appropriate form of infill development and community design standards in this area will be discussed through the HRMbyDesign process for the Regional Centre.

Conclusion

While investigation of the points listed in the petition may reveal some merit in amending the requirements of the R-1 Zone to better fit the BARTIS region, it would be more appropriate to discuss the matter during the upcoming HRMbyDesign process.

The HRMbyDesign process is the community visioning program for the Regional Centre, which will deliver community design standards that promote stability and infill that is in keeping with the character of established neighbourhoods. As this exercise proceeds into the implementation phase, neighbourhood areas will be reviewed in detail with community consultation to determine how this may best be achieved. Staff expect the Urban Design Task Force to advise Council on how to proceed with HRMbyDesign for the Regional Centre later this year.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Amendments to the Halifax Municipal Planning Strategy and Land Use By-law, as proposed in the petition, would involve community engagement consistent with the intent of the HRM Community Engagement Strategy, the Halifax Regional Municipality Charter, and the Public Participation Program approved by Council on February 25, 1997.

The level of community engagement would be consultation, achieved through a public information meeting, as well as a public hearing before Regional Council can consider approval of any amendments. The amendments proposed in the petition would potentially impact local residents and property owners in the BARTIS region.

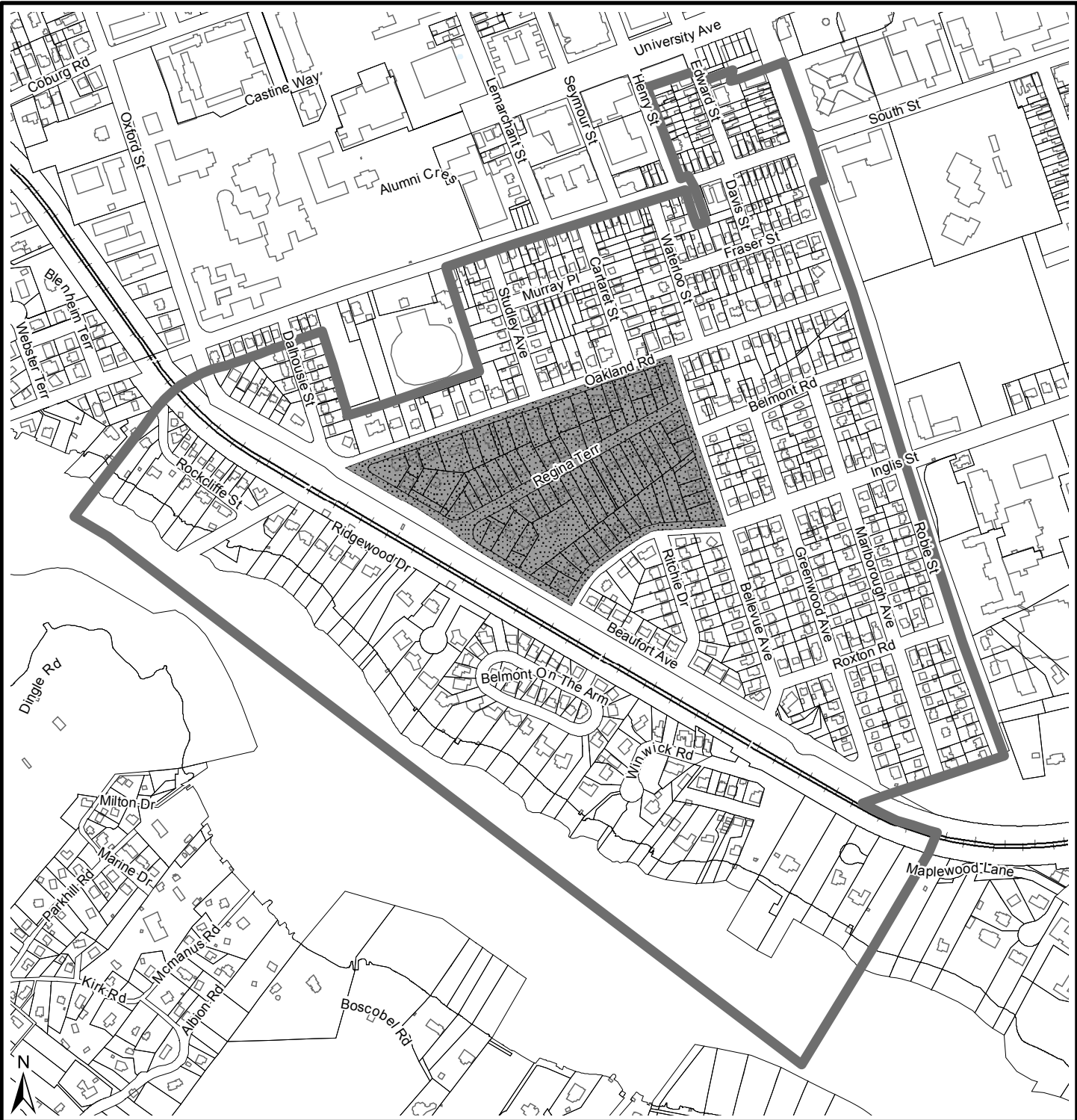
ATTACHMENTS

Map 1 BARTIS Region / Location and Zoning of Area 1 – South End Area Plan

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: _____
Kurt Pyle, Acting Manager of Planning Services, 490-7066

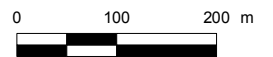


Map 1

South End Detailed Area Plan
Area 1

-  South End Area 1
-  Area bounded by Beaufort Avenue, Oakland Road, Bellevue Avenue and Inglis Street

Halifax Plan Area
South End Detailed Area Plan



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