

Attachment A:
Previous Planning Applications Involving the Subject Site

Case 2804

Date of Application: Application received sometime in 1973.

Description: Application for a rezoning of 284-286 Herring Cove Road from R-2 to C-1 to permit a beverage room on the site.

Staff Recommendation: Staff recommended refusal of the application.

Council Decision: Council refused request on March 15, 1973.

Appeal: No appeal was launched.

Case 2898

Date of Application: Application received sometime in 1973.

Description: Application for a rezoning of 284-286 Herring Cove Road from R-2 to R-4 to permit a 41-unit, 4-storey apartment building.

Staff Recommendation: Staff recommended refusal of the application.

Council Decision: Council refused request on August 30, 1973.

Appeal: No appeal was launched.

Case 3455

Date of Application: Application received May 3, 1977.

Description: Application for a rezoning of 286 Herring Cove Road from R-2 (Two-Family Dwelling) Zone to R-4 (Multiple-Dwelling) Zone & lot consolidation to permit a 30- unit, 3-storey apartment building.

Staff Recommendation: Staff recommended refusal of the application.

Council Decision: Council refused request on November 17, 1977

Appeal: No appeal was launched.

Case 3935

Date of Application: Application received October 31, 1980.

Description: Application for a consolidation and contract development for 282-286 Herring Cove Road to permit a 48-unit apartment building. The properties were zoned R-2 at the time.

Staff Recommendation: Staff recommended refusal of application.

Council Decision: n/a

Appeal: n/a

Special Note: On May 7, 1981 the developer cancelled the application.

Case 4731

Date of Application: Application received October 16, 1985.

Description: Application for a contract development at 286-288 Herring Cove Road to permit a 51-unit apartment building.

Staff Recommendation: Staff recommended approval of the application.

Council Decision: Council refused request on December 12, 1985.

Appeal: The developer appealed Council's decision to the Nova Scotia Municipal Board. The Board rejected the appeal and thus upheld Council's decision in April 1986.

Case 5250

Date of Application: Application received January 26, 1987.

Description: Application for a contract development to permit a 40-unit apartment building at 286-288 Herring Cove Road.

Staff Recommendation: Staff recommended approval of the request.

Council Decision: n/a

Appeal: n/a

Special Note: Case cancelled on March 19, 1987 due to the advertisement of the adoption hearing of the Mainland South Secondary Planning Strategy.

Case 6140

Date of Application: Application received June 5, 1990.

Description: Application for Plan amendment (redesignation) and rezoning of 286-290 Herring Cove Road to permit the development of a commercial mall. The requested designation and zone were C (Minor Commercial) and C-2 (General Business) respectively.

Staff Recommendation: Staff recommended refusal of the application.

Council Decision: Council refused request on March 18, 1991.

Appeal: No appeal was launched.

Attachment B:
Excerpts from the MPS

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.

1.2 In areas designated "Low-Density Residential" on the Generalized Future Land Use Map, which are predominantly single-family dwellings in character, residential development consisting of detached (single-family) dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.

1.2.1 In areas designated "Low-Density Residential" on the Generalized Future Land Use Map, which are predominantly two-family dwellings in character, residential development consisting of detached (single-family) dwellings, semi-detached dwellings and duplex dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1 and 2.1.2 of this Plan.

7. ENVIRONMENT

Objective Identify and protect environmentally sensitive and ecologically valuable natural features.

- 7.1 Environmental sensitivity shall be considered as of the degree of susceptibility of natural areas to deleterious effects of urban development. Areas of high sensitivity are identified on the Environmental Sensitivity Maps. These maps shall be used as general resource documents in evaluating zone changes and contract development applications.
- 7.1.1 Pursuant to Policy 7.1 the following features are used to identify such areas:
- (a) tree cover - 40 percent and greater in density;
 - (b) exposed bedrock;
 - (c) wetlands and streams;
 - (d) slopes - 16 percent and greater.
- 7.1.2 Lands within 100 feet of the water's edge of any water body shall be considered to be environmentally sensitive and the Land Use By-law shall require a higher standard for new single-family lots adjacent to watercourses.
- 7.2 The Environmental Sensitivity Map may be used in assessing the effects of capital work to be undertaken by the City.
- 7.3 Where development proposals are being considered through rezoning or development agreement, the City shall protect environmentally sensitive areas.
- 7.4 The City shall require setbacks for new development adjacent to lakes, watercourses or waterbodies for the purposes of maintaining and enhancing a high quality lakes and waterways system for development considered pursuant to Policy 1.5.1.
- 7.4.1 The City shall undertake an analysis of flooding along the McIntosh Run and prepare suitable policy and regulatory controls to protect the watercourse.
- 7.4.2 Pending the completion of the study outlined in Policy 7.4.1, the City shall amend its Land Use By-law to require a setback for all new development of one hundred feet from the McIntosh Run.
- 7.5 Environmentally sensitive areas in public ownership should be preserved in their natural state and utilized for limited park and recreation uses.

7.6

The City shall attempt to minimize using salt on streets in areas where contamination of groundwater and wells is likely or apparent, and to accomplish this shall identify areas subject to potential contamination as a result of salt use.

Attachment C:
Excerpts from the LUB

R-2 ZONE

TWO-FAMILY DWELLING ZONE

- 24(1) The following uses shall be permitted in any R-2 Zone:
- (a) all R-1 Zone uses;
 - (b) a semi-detached dwelling;
 - (c) a duplex dwelling;
 - (d) (Deleted)
 - (e) (Deleted)
 - (f) in the "**Fairview Area**", conversions of existing buildings used for institutional purposes to a maximum of 4 units, provided that the height and floor area of the building are not increased.
 - (g) uses accessory to any of the foregoing uses.
- 24(2) No person shall, in any R-2 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)
- 24(3) No person shall, in any R-2 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)
- 24(4) (Deleted)
- R-1 USES IN R-2 ZONE**
- 25 Buildings erected, altered or used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.
- 25A (Deleted)

REQUIREMENTS

- 26 Buildings erected, altered or used for R-2 uses in an R-2 Zone shall comply with the following requirements:
- (a) Lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the minimum frontage may be reduced to 30 feet
 - (b) Lot area minimum 5,000 square feet
 - (ba) Notwithstanding clause (b), the minimum lot area for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
 - (c) Lot coverage maximum 35 percent
 - (ca) The maximum height shall be 35 feet
 - (d) Floor coverage of 900 square feet living space, minimum
 - (e) Every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building;

ACCESSORY BUILDINGS

- (f) Notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building;
- (g) Notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

BUILDINGS ON CORNER LOTS

- (h) Where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot;

SEMI-DETACHED DWELLINGS

- (i) Notwithstanding the provisions of other requirements:
- (1) For each unit of a semi-detached dwelling, the minimum lot frontage shall be 25 feet, the minimum lot area shall be 2,500 square feet, and the maximum lot coverage shall be not greater than 35 percent.
 - (2) Every semi-detached dwelling shall be at least 12 feet from any other building and at least 8 ft. from the rear and side lines of the lot on which it is situated and at least 20 ft. from any street line in front of such dwelling.
 - (3) Where a semi-detached dwelling is situated on a corner lot, such dwelling and accessory buildings or uses shall be at least 10 feet from the flanking street line abutting such lot.
 - (4) Notwithstanding subsection (2) where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.

DAY NURSERY

- (j) (Deleted)
- (k) (Deleted)

BOARDERS AND LODGERS

- 27 The keeping of not more than three boarders or lodgers in an R-2 Zone shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.

SIGNS

- 28 The exterior of any building in an R-2 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
- (a) one sign board not exceeding 6 square feet in size pertaining to the

sale or rent of the building or lot;

- (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding one square foot in size;
- (c) one non-illuminated sign not exceeding one square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
- (d) one bulletin board for a church.
- (e) A sign not exceeding two square feet in size for a **day care facility**. (RC - Mar 3/09; E - Mar 21/09)

DAY NURSERY - ADDITIONAL CHILDREN PROVISION

28A (Deleted)

28B (Deleted)