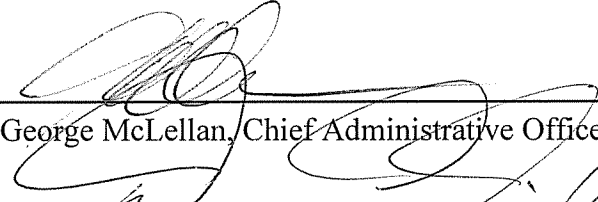
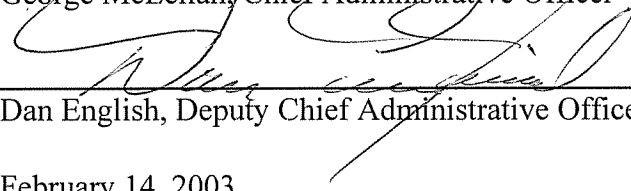


Halifax Regional Council
March 4, 2003

TO: Mayor Peter Kelly and Members of Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: February 14, 2003

SUBJECT: **Case 00540: MPS and LUB Amendment - Corner of Chester Avenue and Connolly Street, Halifax**

ORIGIN

Request by Canada Lands Company to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to permit a townhouse development at the corner of Chester Avenue and Connolly Street, Halifax.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Approve the request to initiate the process to amend the Halifax Municipal Planning Strategy and Land Use By-law for the property situated at the corner of Chester Avenue and Connolly Street, Halifax, as generally shown on Map 1 to allow for lower density residences such as townhouses.
2. Request staff to follow the public participation program as approved by Council in February, 1997.

BACKGROUND

Location, Designation and Zoning: The 0.5 acre property, approximately 214 feet by 100 feet, is located at the corner of Chester Avenue and Connolly Street. This site is within an institutional designation on the Generalized Future Land Use Map and is zoned P (Park and Institutional) Zone. The intent of these policies is to encourage institutional development. The area was rezoned (Case 4878) from Armed Forces Zone in 1985. The Armed Forces Zone contained no land use controls.

Synopsis of Proposed Development: The applicant wishes to build ten townhouses. A school will be built by Halifax Independent Elementary School on the parcel immediately to the north of this site. The school is permitted under the present zoning.

History of the Property: The lands for the townhouse development comprise a portion of the lands conveyed to the Federal Government (Department of National Defence) in 1955 in exchange for land at Windsor Park for the St. Catherine School site. In November 2002 Canada Lands Limited, a federal Crown Corporation, issued a proposal call for the purchase of these lands. These lands had been declared surplus by the Department of National Defence.

DISCUSSION

Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of a MPS have changed significantly. This request meets this test as these lands have become surplus to the needs of the Federal Government. The surrounding area is zoned for two unit dwellings and there is a proposed school on the adjacent property. The townhouses will be generally consistent with the scale of development in the surrounding neighbourhood. Sanitary sewer and domestic water services are available.

Staff suggests that the most appropriate action may be to redesignate the property to "Residential Environments" on the Generalized Future Land Use Map and to rezone the property to a related zone such as R-2 (General Residential) Zone or a R2T (Townhouse) Zone. A policy may also be placed in the Plan to enable the rezoning.

BUDGET IMPLICATIONS

There are no budget implications.

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. Proceed with the requested amendment. This is recommended for reasons described above.
2. Refuse the requested amendment. This is not recommended for the reasons outlined above.

ATTACHMENTS

Map 1: Generalized Future Land Use

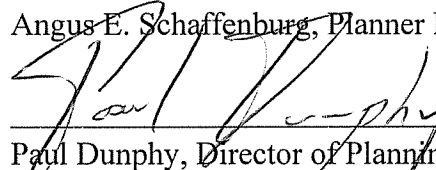
Map 2: Zoning

Attachment A: Extracts from the Municipal Planning Strategy and the Peninsula Land Use Bylaw

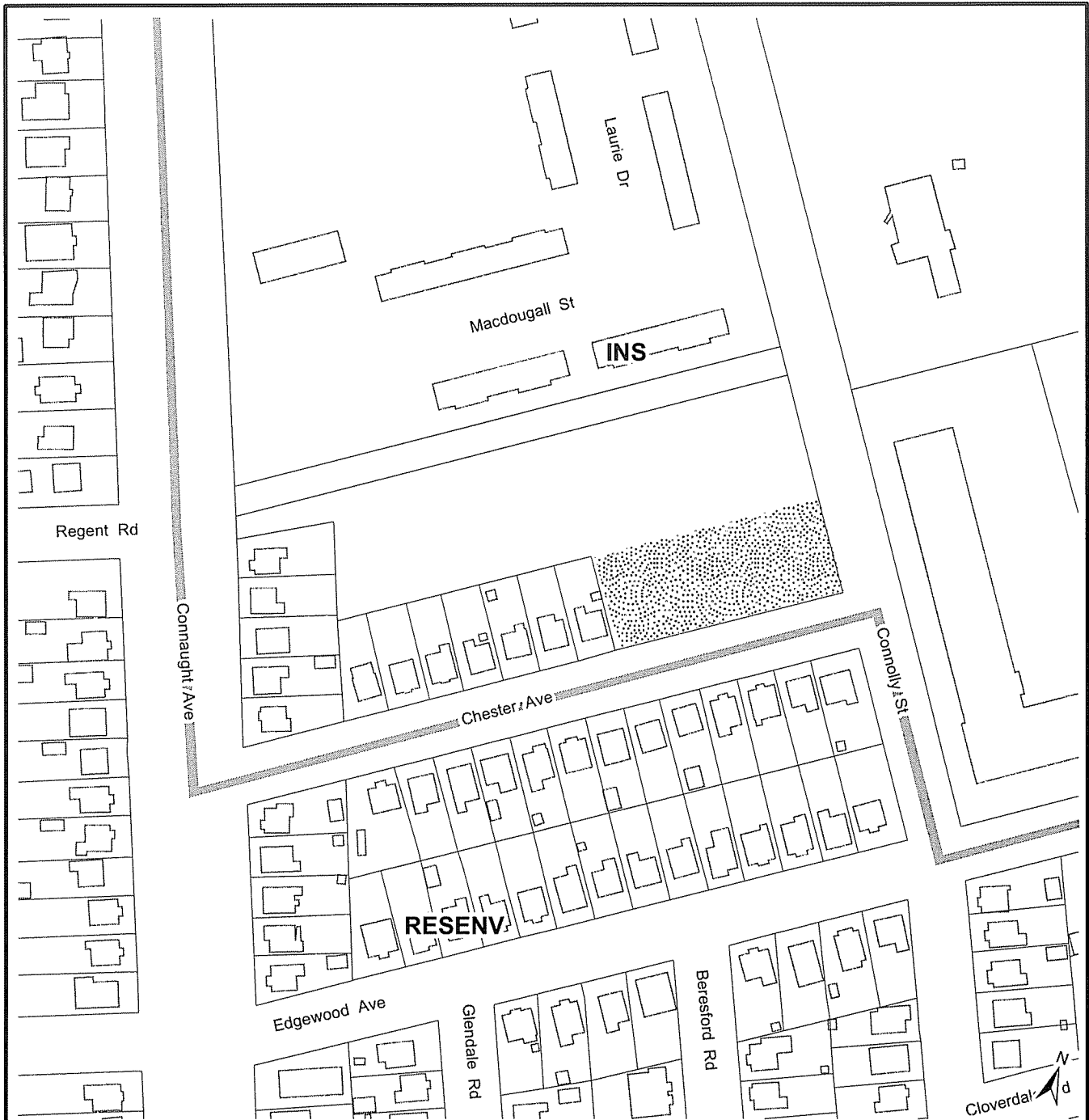
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Angus E. Schaffenburg, Planner II, 490-4495


Report Approved by:



Paul Dunphy, Director of Planning and Development, 490-4933



Map 1 - Generalized Future Land Use

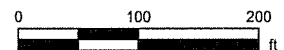
 Subject site

**Chester Avenue
Halifax**

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

Designation

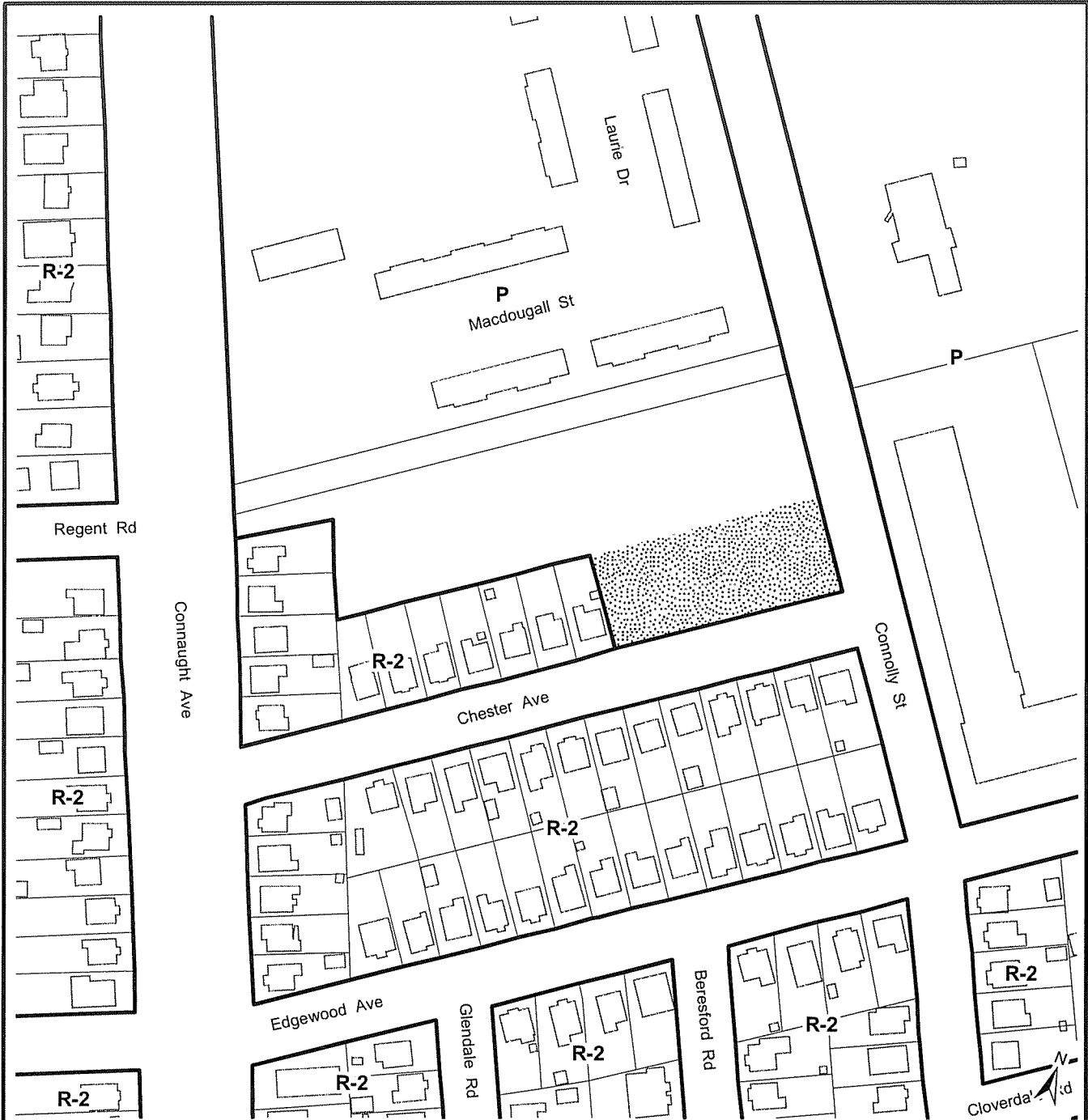
RESENV Residential Environments
INS Institutional




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area.

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

Halifax Plan Area



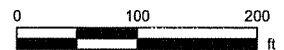
Map 2 - Zoning
 Chester Avenue
 Halifax

 Subject site

Zone

R-2 General Residential
 P Park and Institutional

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND
 DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-law Area.

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

Halifax Plan Area

Attachment A

Extracts from the Municipal Planning Strategy and the Peninsula Land Use Bylaw

1. ECONOMIC DEVELOPMENT

Objective The development of the City as a major business, cultural, government, and institutional centre of Atlantic Canada, while enhancing its image as a place to live and work.

1.2.2 In considering new development regulations and changes to existing regulations, and development applications, the City shall give consideration of any additional tax revenues or municipal costs that may be generated therefrom.

2. RESIDENTIAL ENVIRONMENTS

Objective The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.

2.1.1 On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.

2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.

- 2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- 2.6 The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- 2.7 The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- 2.8 The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).
- 2.9 The City shall actively seek to influence the policies and programs of other levels of government in order to implement the City's housing policies and priorities, and shall also actively seek taxation preference as one method of encouraging rehabilitation of existing housing stock.

5. INSTITUTIONS

Objective The enhancement of employment opportunities by encouraging existing and potential institutional uses in appropriate locations.

- 5.1 Unless clearly inappropriate for the good development of the City, existing regional and City-wide institutional facilities shall be encouraged to remain in

their present locations and efforts shall be made to protect, maintain and upgrade them.

- 5.2 The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. The City shall develop standards and boundaries which will protect neighbouring areas, especially residential areas, from encroachment and nuisance effects.
- 5.3 The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. Pursuant to Policy 5.2, where such areas fall within the bounds of a designated area for detailed planning, the City shall resolve the exact nature of the desired land use pattern through the detailed area planning process.

15. GENERALIZED FUTURE LAND USE MAP

- 15.1 Map 9 shall be considered as the expression of intent of the City of Halifax for a future land use pattern based on the policies outlined heretofore.
- 15.2 The areas of future land use shown on Map 9 shall be determined primarily by the objectives and policies which correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.

IMPLEMENTATION POLICIES

ZONING

3. Pursuant to the authority of Section 33 of the Planning Act, the City shall adopt the Zoning Bylaw, Mainland Area and the Zoning Bylaw, Peninsula Area, both of the City of Halifax substantially as they presently exist to further the objectives and policies of this Plan, except those bylaws shall first be revised according to the directions established by the detailed policies below.
- 3.1 Repealed 6 June 1990
- 3.1.1 The City shall review all applications to amend the zoning bylaws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.

- 3.2 For those areas identified in Section II, Policy 2.5.2 of this Plan, the City shall, pursuant to the authority of Section 33(2)(b) of the Planning Act, establish such development control regulations as are necessary to implement the policies of this Plan.

R-2 ZONE

GENERAL RESIDENTIAL ZONE

- 35(1) The following uses shall be permitted in any R-2 Zone:
- (a) R-1 uses as hereinbefore set out;
 - (b) semi-detached or duplex dwelling;
 - (c) buildings containing not more than four apartments;
 - (d) (Deleted)
 - (e) (Deleted)
 - (f) uses accessory to any of the foregoing uses.
- 35(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).
- 35(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).

SIGNS

- 36 No person shall, in any R-2 Zone, erect, place or display any billboard or sign except those permitted in R-1 Zones.

REQUIREMENTS

37 Buildings erected, altered, or used for R-1 and R-2 uses in an R-2 Zone shall comply with the following requisites:

	<u>Lot Frontage</u> Ft.	<u>Lot Area</u> Sq.Ft.	<u>Side Yard</u> Ft.
R 1 Uses	40	4000	4
duplex	50	5000	5
3-unit and 4-unit apartment building	80	8000	6

38 Front and Rear Yards - The requirements of Sections 29 and 30 inclusive above shall apply.

39 Lot coverage - Maximum lot coverage shall be 35 percent.

40 Maximum height - Maximum height shall be 35 feet.

R-2T ZONE

TOWNHOUSE ZONE

43R(1) The following uses shall be permitted in any R-2T zone:

- (a) R-1 and R-2 uses;
- (b) townhouse building;
- (c) uses accessory to any of the foregoing uses.

43R(2) No person shall in any R-2T 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).

43R(3) No person shall in any R-2T 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).

SIGNS

43S No person shall in any R-2T zone erect, place or display any billboard or sign except those permitted in R-1 zones.

REQUIREMENTS

43T(1) Buildings erected, altered or used for R-1 or R-2 uses in an R-2T zone shall comply with the requirements of the R-1 and R-2 zones respectively.

43T(2) Buildings erected, altered, or used as a townhouse building shall comply with the following requirements:

- (a) Minimum lot frontage 18 feet per townhouse, plus 20 feet
- (b) Minimum lot area 1,800 sq.ft. per townhouse plus 2,000 sq.ft.
- (c) Maximum lot coverage 40 percent, provided that this regulation shall be applied as if the lot was subdivided into as many lots as townhouses
- (d) Minimum side yard 10 feet
- (e) Minimum front yard 15 feet
- (f) Mean rear yard 20 feet
- (g) Maximum height 35 feet

43U SUBDIVISION OF TOWNHOUSE BUILDING

- (a) A townhouse building may be subdivided so that each townhouse is on its own lot, provided that the minimum requirements of Section 43T(2) are met. Furthermore, no side yard shall be

required along the common lot boundary dividing the townhouse building.

- (b) Notwithstanding Section 43T(2)(a), for townhouse buildings existing on the date of adoption of this provision, the townhouse building may be subdivided so that each townhouse is on its own lot, provided that each lot has at least 10 feet of frontage on a street. Furthermore, no side yard shall be required along the common boundary dividing the townhouse building.

ACCESSORY BUILDINGS

- 43V An accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located. In the case of a corner lot at the rear of which (whether a lane intersects or not) is a lot fronting on a street which flanks such corner lot, no accessory building on such corner lot shall project beyond the front yard of the lot in the rear, otherwise the accessory building shall be a minimum of 10 feet from the street line.

P ZONE

PARK AND INSTITUTIONAL ZONE

- 67(1) The following uses shall be permitted in any P Zone:
- (a) public park;
 - (b) recreation field, sports club, and community facilities;
 - (c) a cemetery;
 - (d) a hospital, school, college, university, monastery, church, library, museum, court of law, or other institution of a similar type, either public or private;
 - (da) child care centre;
 - (e) uses accessory to any of the above uses.