

Halifax and West Community Council
May 13, 2013

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: _____
Brad Anguish, Director, Community & Recreation Services

DATE: April 24, 2013

SUBJECT: **Case 18017: Application to rezone the northeast corner of Connolly Street and Dudley Street, Halifax**

ORIGIN

Application by Nicholas Fudge Architecture and Design

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading of the proposed rezoning of the vacant lot located at the northeast corner of Connolly Street and Dudley Street, Halifax, from the R-2 (General Residential) Zone to the R-2T (Townhouse) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of the vacant lot located at the northeast corner of Connolly Street and Dudley Street, Halifax, from the R-2 (General Residential) Zone to the R-2T (Townhouse) Zone as provided in Attachment A of this report.

BACKGROUND

The subject property is located at the northeast corner of Dudley Street and Connolly Street in Halifax and is currently vacant (see Map 1). The property owner wishes to develop the property with 3 townhouse units. To enable this proposal, the applicant has requested, on behalf of the property owner, that the subject property be rezoned from the R-2 (General Residential) Zone to the R-2T (Townhouse) Zone under the Land Use By-law for Halifax Peninsula.

The housing stock in the area is made up of various residential uses that include single unit dwellings, two unit dwellings, and multi-unit residential buildings containing 3 or more units.

The property is 8000 square feet in area and abuts a single unit dwelling to the east and a 4 unit dwelling to the north. There are 3 storey multi-unit residential buildings, which provide housing for Canadian Forces Base Halifax - Windsor Park, located on the opposite side of Connolly Street from the subject property (see Map 2).

Designation and Zoning

The property is designated Residential Environments under the Municipal Planning Strategy (MPS) for Halifax (see Map 1). The property is zoned R-2 (General Residential) Zone under the Land Use By-law (LUB) for Halifax Peninsula (Map 2). The R-2 Zone (see Attachment B) permits single unit dwellings, home occupations, two unit dwellings, 3 and 4 unit apartment house, and a variety of institutional and recreation uses. In addition to the uses permitted in the R-2 Zone, the R-2T Zone (see Attachment C) permits townhouse buildings.

Enabling Policy

Section 2 of the City Wide policies in the MPS allows for the consideration of a variety of residential unit types, including single unit dwellings, two unit dwellings, townhouse units or multiple unit buildings within the Residential Environments designation (see Attachment D).

DISCUSSION

The policies within the Residential Environments designation of the MPS enable Council to consider the rezoning of the subject property to permit a variety of residential uses (see Attachment D), including the R-2T Zone. These policies contain criteria to be considered when evaluating the proposed rezoning. In staff's opinion, the proposed rezoning is consistent with applicable policies of the Halifax MPS. Attachment D provides an evaluation of the proposed rezoning to the R-2T Zone in relation to these applicable policies. The following issues are highlighted for more detailed discussion.

Compatibility with Surrounding Neighbourhood

One of the key considerations when reviewing an application to rezone a property from one residential zone to another is whether or not the proposed land use would be compatible with neighbouring properties. As discussed earlier in this report, a variety of residential uses are located in this area, which include an abutting 4 unit dwelling and adjacent 3 storey multi-unit residential buildings (for CFB-Halifax). Applying the R-2T Zone is in keeping with the variety of residential uses in the area, and provides an appropriate transition between more intensive uses and the lower density single unit dwelling uses located east of the subject property.

R-2 Zone vs. R-2T Zone

When discussing the compatibility of the proposed zone, it is important to compare the type of development permitted as-of-right in the R-2 Zone versus what would be permitted under the proposed R-2T Zone. Due to the size of the subject property, the R-2 Zone requirements enable the property to be developed with a 4 unit dwelling. Under the R-2T Zone requirements, the property could be developed with a 3 unit townhouse building.

The following provides a comparison of the building placement and massing requirements for each zone.

	<u>R-2 Zone</u>	<u>R-2T Zone</u>
Maximum Lot Coverage	35%	40%
Maximum Height	35 ft	35 ft
Minimum Front Yard	15 ft	15 ft
Minimum Rear Yard	20 ft	20 ft
Minimum Side Yard	10% of lot width to a maximum of 6 ft	10 ft

Building placement and massing requirements for both zones are relatively similar. The R-2T Zone allows for slightly more lot coverage, mainly to address the coverage for interior units. Setback requirements for the R-2T Zone from adjacent lots are larger than those required by the R-2 Zone, which reduces potential land use conflict with neighbouring uses.

Conclusion

The proposed rezoning enables a scale of development compatible with the existing neighbourhood, and is consistent with the variety of residential land uses found in the area. In staff's opinion, the proposed rezoning satisfies the applicable policies of the Halifax MPS (Attachment D). Therefore, staff recommend that Halifax and West Community Council approve the proposed rezoning as provided in Attachment A.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on October 3, 2012. For the Public Information Meeting, notices were posted on the HRM website, in the local newspaper, and mailed to property owners with the notification area shown on Map 2. Attachment E contains a copy of the minutes from the meeting. Attachment F contains a copy of the written comments submitted by the public.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the rezoning. Should Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the Halifax MPS. No additional items have been identified.

ALTERNATIVES


1. Council may choose to approve the rezoning of the vacant property located at the northeast corner of Connolly Street and Dudley Street, Halifax, from R-2 (General Residential) Zone to R-2T (Townhouse) Zone, as contained in Attachment A of this report. This is the recommended course of action, for reasons outlined in this report. A decision of Council to approve this land use by-law amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Council may choose to refuse to approve the proposed amendment to the LUB and, in doing so, must provide reasons why the LUB amendment does not reasonably carry out the intent of the MPS. This alternative is not recommended, for the reasons outlined in this staff report. A decision of Council to reject this land use by-law amendment, with or without a public hearing, is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

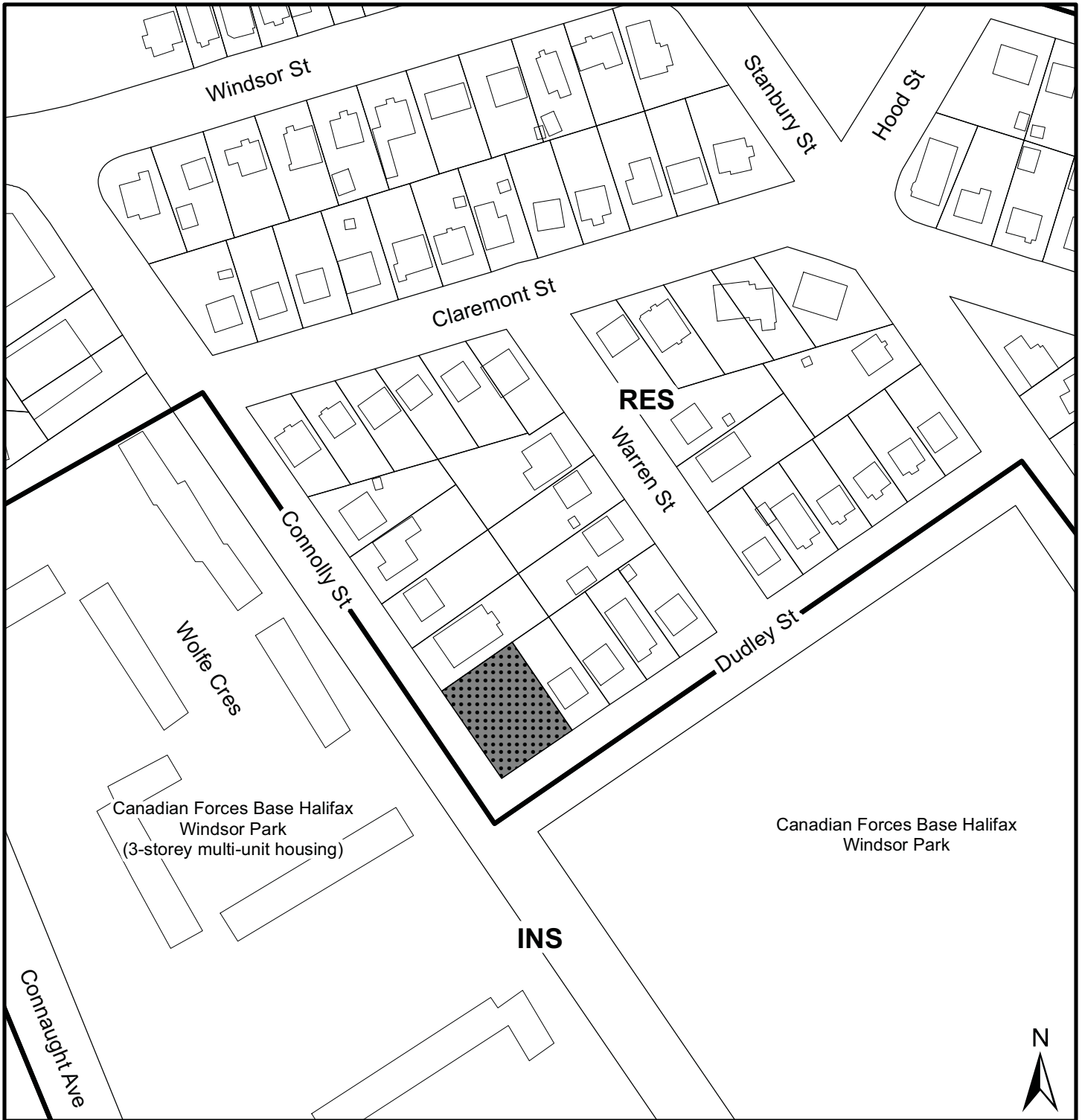
ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed Amendment to the Land Use By-law for Peninsula Halifax
Attachment B	R-2 Zone from the LUB for Halifax Peninsula (including the R-1 Zone)
Attachment C	R-2T Zone from the LUB for Halifax Peninsula
Attachment D	Policy Review – Excerpts from the Halifax MPS
Attachment E	Minutes from the October 3, 2012 Public Information Meeting
Attachment F	Correspondence from the Public

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


Report Prepared by: Miles Agar, LPP, Planner, Development Approvals, 490-4495
Original Signed

Report Approved by: 
Kelly Dent, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

Dudley Street at Connolly Street
Halifax

 Area proposed to be rezoned from R-2 (General Residential) to R-2T (Townhouse)

Designation

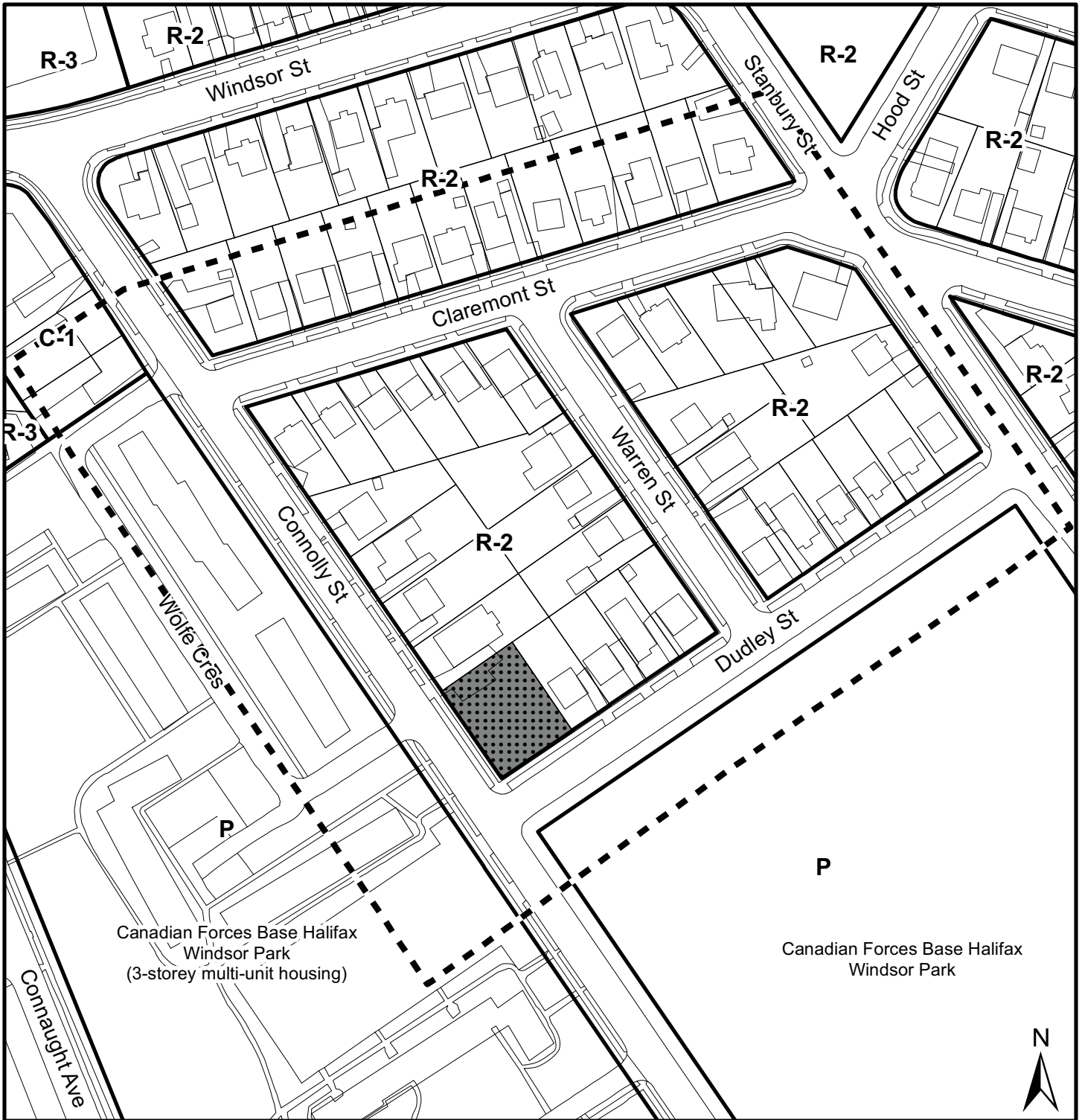
RES Residential Environments
INS Institutional

Halifax Plan Area




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


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



Map 2 - Zoning and Notification

Dudley Street at Connolly Street
Halifax

 Area proposed to be rezoned from R-2 (General Residential) to R-2T (Townhouse)

 Area of notification


Halifax Peninsula
Land Use By-Law Area

Zone

- R-2 General Residential
- R-3 Multiple Dwelling
- C-1 Local Business
- C-2 General Business
- P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 m



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Attachment A
Proposed Amendment to the Land Use By-law for Halifax Peninsula

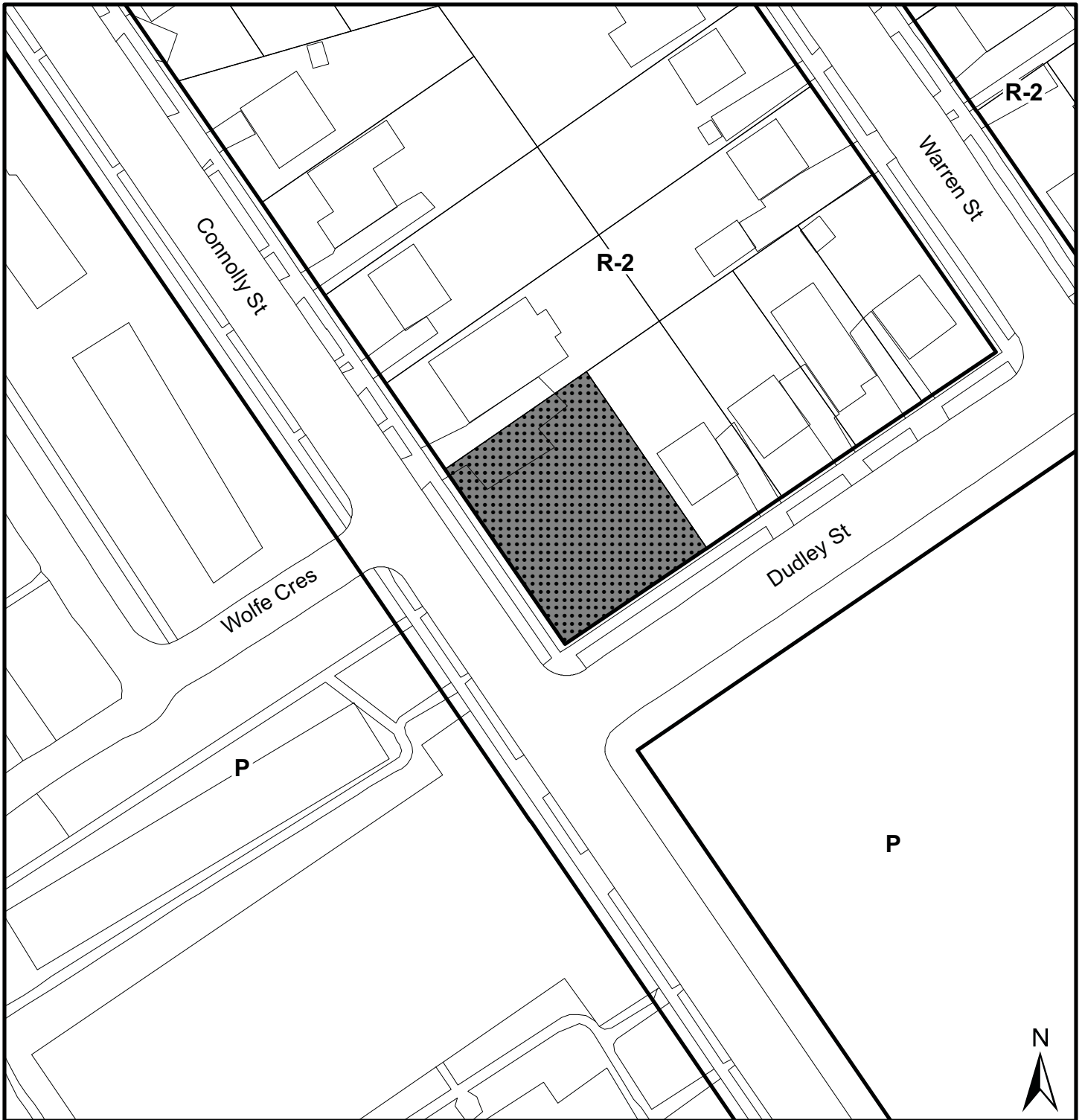
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use Bylaw for Halifax Peninsula as enacted by the former City Council on March 30, 1978, and approved by the Minister of Municipal Affairs on August 11, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 9th day of February, 2013, is hereby further amended as follows:

1. Map ZM-1 (Halifax Zoning Map) is further amended by rezoning the vacant property located at the northeast corner of Connolly Street and Dudley Street, Halifax from R-2 (General Residential) Zone to R-2T (Townhouse) Zone, as shown on Schedule A.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Peninsula as set out above, was passed by a majority vote of the Halifax and West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2013.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2013.

Cathy Mellett
Municipal Clerk



Schedule A

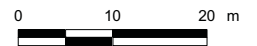
Dudley Street at Connolly Street
Halifax

 Area to be rezoned
from R-2 (General Residential)
to R-2T (Townhouse)

Halifax Peninsula
Land Use By-Law Area

Zone

R-2 General Residential
P Park and Institutional



This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

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

Attachment B:
R-2 Zone from the LUB for Halifax Peninsula
(including the R-1 Zone)

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
 - (g) **The reconstruction of an apartment building containing 12 or fewer dwelling units at the South-East corner of Creighton and Buddy Daye Streets (PID 40877292) (RC-Aug 1/06;E-Aug 12/06)**
- 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-	80	8000	6

unit apartment
building

- 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.

ACCESSORY STRUCTURES *(deleted PCC/CCC-Nov 8/10;E-Nov 27/10)*

40A *(deleted PCC/CCC-Nov 8/10;E-Nov 27/10)*

TWO UNIT CONVERSION

- 41 A building in existence on or before the 11th of May, 1950 may be converted into a duplex dwelling provided that the building, after conversion, complies with the following:
- (a) A duplex dwelling containing not more than a total of six habitable rooms be permitted on a lot containing an area of not less than 3,300 square feet.
 - (b) A duplex dwelling containing not more than a total of eight habitable rooms be permitted on a lot containing an area of not less than 4,000 square feet.
 - (c) There is no increase in height or volume and that the external dimensions of the building have not changed since 25 October 1985.
 - (d) One separately accessible parking space at least 8 feet by 16 feet shall be provided on the lot for each of the two dwelling units.

42 (Deleted)

SEMI-DETACHED DWELLING

- 43
- (a) For each unit of a semi-detached dwelling, there shall be at least 25 feet of lot frontage and 2,500 square feet of lot area. A minimum side yard of 5 feet shall be required for a semi-detached dwelling provided however that 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.
 - (b) Front yards and rear yards for a semi-detached dwelling - the requirements of Sections 29 and 30 shall apply.
 - (c) Lot coverage for a semi-detached dwelling - maximum lot coverage shall be 35 percent.
 - (d) Maximum height for a semi-detached dwelling - maximum height shall be 35 feet.

43A (Deleted)

THREE AND FOUR UNIT BUILDING

43A(1) In addition to other R-2 Zone requirements, there shall be:

- (a) Eight or fewer bedrooms within the whole of a three dwelling unit apartment house; and
- (b) Ten or fewer bedrooms within the whole of a four dwelling unit apartment house.

DAY NURSERY

43B (Deleted)

ADDITIONAL CHILDREN PROVISION

43C (Deleted)

43D (Deleted)

PENINSULA CENTRE AND SOUTH END AREA

43E Notwithstanding the provisions of Sections 37 to 43, buildings erected, altered or used for R-1 or R-2 uses in the R-2 Zone in the "**Peninsula Centre**" and "**South End Areas**" shall comply with the following requisites:

(a)	Minimum Lot Frontage (Feet)	Minimum Lot Area (Sq.Ft.)	Side Yards (Feet)
R-1	30	N/A	4
Duplex	33	3,300	5
Semi-detached dwelling	50	5,000	5
Three Unit Building	45	5,000	6
Four Unit Building	60	6,000	6

- (b) **UNIT MIX:**
 - (i) duplexes or semi-detached dwellings shall contain at least one unit of a minimum of 800 sq.ft.;
 - (ii) 3 or 4 unit apartment buildings shall contain at least two units of a minimum of 800 sq.ft.
- (c) Lot coverage: Maximum lot coverage shall be 35 percent.

- (d) Parking and Open Space: For each unit which is 800 sq.ft. or greater, one parking space at least 8 feet wide and 16 feet long and 300 sq.ft. of open space shall be required, and for dwelling units less than 800 sq.ft., one parking space at least 8 wide and 16 long shall be required for each two dwelling units, and 50 sq.ft. of open space for each unit.
- (e) Maximum Height: The maximum height shall be 35 ft.
- (f) *(deleted PCC/CCC-Nov 8/10;E-Nov 27/10)*
- (g) *(deleted PCC/CCC-Nov 8/10;E- Nov 27/10)*
- (h) Semi-detached building: A lot containing a semi-detached dwelling may be subdivided so that each unit is located on a separate lot provided that the lot for each unit contains a minimum frontage of 25 ft. and a minimum area of 2,500 sq.ft. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

CONVERSIONS ON ROBIE STREET OR COBURG ROAD

43F Notwithstanding any other provision of this by-law, for any building which existed on the date of adoption of this by-law, located in the "**Peninsula Centre Area**", and which is located on a lot which abuts Coburg Road between Oxford Street and Robie Street, or on a lot which abuts Robie Street between Pepperell Street and South Street interior conversions shall be permitted, provided that there is no change in the height or volume of the building and that the minimum size of each dwelling unit shall be 600 square feet.

43G (Deleted)

FRONT YARD SETBACK

43G(1) For any R-1 or R-2 use constructed after 14 October 1982 in the "**Peninsula Centre**", "**South End**", or "**Peninsula North Areas**", the minimum front yard shall be the front yard of the majority of residential buildings fronting on the same side of the same block in which the building is to be constructed. For the purposes of measuring, existing front yard dimensions shall be rounded to the nearest foot.

43G(2) Where there is no majority of buildings with the same front yard on the block, the minimum front yard shall be:

- (g) that of the residential building of the adjacent lot on either side of the proposed development which is closer to the street line; and
- (b) where there is no residential building on either adjacent lot
 - (i) 10 feet in all zones except in the U-1 zone
 - (ii) 0 feet in the U-1 zone

PENINSULA NORTH AREA

43H Notwithstanding Section 37 a building erected, altered, or used as a detached one-family dwelling house, office of a professional person located in the dwelling house used by such professional person as his private residence or home occupation in an R-2 Zone in the "**Peninsula North Area**" shall comply with the following requirements:

- (1) Lot Frontage minimum 30 feet
- (2) Lot Size minimum 3,000 square feet
- (3) Side Yards 4 feet

TWO UNIT CONVERSION - PENINSULA NORTH

43I Notwithstanding Sections 37 to 40 a building, excluding accessory buildings, in existence on the date of adoption of this section in the "**Peninsula North Area**" may be converted to a maximum of two units provided that:

- (i) there is no increase in height or volume of the building,
- (ii) one unit contains two or more bedrooms; and
- (iii) there is one parking space at least 8 feet wide and 16 feet long for each dwelling unit.

FOUR UNIT CONVERSION - PENINSULA NORTH #5

43J Notwithstanding Sections 6(1), 6(2A) and 37 to 40, a building, excluding an accessory building, in existence on 14 July 1979, in "**Peninsula North Area #5**", and located south of Russell Street (**NIP III**), may be converted to a maximum of four units provided that:

- (i) there is no increase in the height or volume of the building;
- (ii) at least one of the units in the converted building contains two or more bedrooms.

FOUR UNIT CONVERSION - PENINSULA NORTH - NIP I

43K Notwithstanding Sections 6(1), 6(2A) and 37 to 40, a building, excluding an accessory building, in existence on 14 July 1979, in the area bounded by North, Gottingen, Cogswell, North Park and Agricola Street, may be converted to a maximum of four units provided that:

- (i) there is no increase in the height or volume of the building; and
- (ii) at least one of the units in the converted building contains two or more bedrooms.

MULTIPLE UNIT CONVERSION - SCHEDULE HA-1

43L Notwithstanding Sections 6(1), 6(2A) and 37 to 40 a building, excluding an

accessory building or a registered heritage building, in existence on the date of adoption of this Section, located in "**Schedule HA-1**", may be converted into an apartment house provided that:

- (i) there is no increase in the height or volume of the building;
- (ii) the following features on the building facing the street(s) are not altered:
 - (a) the number, location, size and shape of the windows, bays and dormers;
 - (b) the size, shape and location of the entrance way including the door; and
 - (c) the size and location of any existing verandas, porches or stairways.
- (iii) at least one unit for every five units, or fraction thereof, in the converted building contains two or more bedrooms.

SFD REQUIREMENTS - PENINSULA NORTH AREA #6

43M Notwithstanding Sections 37 and 39, a building erected, altered or used as a one family dwelling house, in an R-2 zone in "Peninsula North Areas 6 and 8", shall comply with the following requirements:

- (1) Lot Frontage Minimum 20 feet
- (2) Lot Size Minimum 2000 sq.ft.
- (3) Side Yard Minimum 0 feet
- (4) Maximum Lot Coverage 50 percent

43MA Notwithstanding Section 43M (1,2,3) of this by-law, in the case of lots existing on the date of adoption of this Section, in Peninsula North Areas 6 and 8 respectively, the lot size, lot frontage and side yard requirements shall be waived for one family dwelling houses.

APARTMENT BUILDINGS - PENINSULA WEST AREA 1

43MB Within Peninsula West Area 1, a lot which did not exist prior to the date of adoption of this section shall not be used for a three or four unit apartment building.

43N **Notwithstanding any other provision of this By-law, the apartment building that is referred to in Section 35 (g) may be reconstructed to the same or lesser size and the same location upon its lot as that which existed immediately before its demolition on March 3, 2006. (RC-Aug 1/06;E-Aug 12/06)**

Attachment B (continued):
R-2 Zone from the LUB for Halifax Peninsula
(including the R-1 Zone)

R-1 ZONE

SINGLE FAMILY ZONE

- 27(1) The following uses shall be permitted in any R-1 Zone:
- (a) a detached one-family dwelling house;
 - (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
 - (ba) a home occupation;
 - (c) a public park or playground;
 - (d) church or church hall;
 - (e) a **day care facility** for not more than 14 children in conjunction with a dwelling; **(RC-Mar 3/09;E-Mar 21/09)**
 - (f) a special care home containing not more than ten persons including resident staff members;
 - (g) uses accessory to any of the foregoing uses.
- 27(2) No person shall, in any R-1 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).
- 27(3) No person shall, in any R-1 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).

REQUIREMENTS

- 28 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:

Lot frontage minimum	40 ft. except when a lot faces on outer side of a curve in the street, in which case the minimum frontage may be reduced to 25 ft.
Lot area minimum	4,000 sq.ft.
Height maximum	35 ft.
Lot coverage maximum	35 percent

HEIGHT AND LOT COVERAGE - ATLANTIC, BRUSSELS AND MCLEAN STREETS

For those properties zoned R-1 on Atlantic Street (east 5660 Atlantic Street),

Brussels Street and McLean Street, the maximum permitted height shall be the height shown on ZM-17 and such height shall be determined by the definition “Height” instead of the definition “Height South-End and Peninsula Centre” and the maximum lot coverage shall be 30 percent.

LOT COVERAGE - PENINSULA WEST AREA 1

For those properties zoned R-1 within Peninsula West Area 1, the maximum lot coverage shall be 30 percent.

- 29 With the exception of those streets shown on the attached building line plan, a **front yard** shall be provided of not less than 15 feet in depth. In the case of those streets shown on the "Building Line Plan" (see appendix), the front yard requirements shall be as indicated on that plan.
- 30 A rear yard shall be provided of not less than 20 feet in depth.
- 31 A side yard shall be provided on each side of the building of not less than 10 percent of the width of the lot, provided that the maximum width of any side yard need not exceed 6 feet and the provisions of this clause shall apply to both sides of the building.

WESTMOUNT SUBDIVISION AREA

- 31A In the Westmount Subdivision, the front yard shall be identified as that **yard that is** adjacent to the city street, and the rear yard as that **yard that is** adjacent to the walkway.
(PCC/CCC-Nov 8/10;E-Nov 27/10)

CORNER LOT - YARD REQUIREMENT

- 32 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, the width of the side yard on the corner lot along the flanking street shall not be less than 6 feet nor less than half the depth of the front yard on the lot in the rear of such corner lot. This regulation shall not, however, where the provisions of the next preceding clause are complied with, reduce the buildable width of a corner lot to less than 26 feet.
(PCC/CCC-Nov 8/10;E-Nov 27/10)

BOARDERS AND LODGERS - BED AND BREAKFAST

- 33(a) The keeping of not more than three boarders or lodgers in a one family dwelling house shall be permitted but no window display or sign of any kind in respect to the use permitted by this clause shall be allowed.
- 33(b) The provision of the bed and breakfast accommodation shall not be permitted

simultaneously with the keeping of boarders and lodgers.

SIGNS

- 34 Within the said district, it shall be unlawful to utilize any portion of the exterior of the building or other structure for the purpose of advertising or to erect or maintain any billboard or sign except:
- (1) One sign board not exceeding six square feet in area appertaining to the sale or rent of the building or lot.
 - (2) One non-illuminated trespassing, safety, or caution sign not exceeding one square foot in size.
 - (3) One non-illuminated sign not exceeding one square foot in area, indicating the name and occupation, profession or trade of the occupant of the building.
 - (4) A bulletin board for a church or church hall.
 - (5) A sign not exceeding two square feet in size for any **day care facility**.
(RC- Mar 3/09;E-Mar 21/09)
 - (6) One sign not exceeding two square feet in size which can be illuminated only by reflected light, for any bed and breakfast establishment.

DAY CARE FACILITIES

- 34A Building erected, altered or used for a **day care facility** shall comply with the following requirements:
- (a) Except for outdoor play space, any **day care facility** shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;
 - (b) One off street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be eight feet wide by sixteen feet long, and be exclusive of the front yard.
 - (c) The **day care facility** shall be limited to a maximum of one full storey of the dwelling; this storey may be the basement.
 - (d) Only one **day care facility** shall be permitted to be located on any lot.
(RC-Mar 3/09;E-Mar 21/09)
- 34B Notwithstanding the provisions of Sections 27(1)(e) and 34A (a-c) **day care facility** may be operated as an accessory use to a church or church hall. The parking provisions contained in Sections 6(6) and 6(7) would apply. **(RC-Mar 3/09;E-Mar 21/09)**

34C (Deleted)

SPECIAL CARE HOME

- 34D Where any building is altered or used as a special care home in an R-1 Zone, such building, in addition to the requirements hereinbefore set out, shall comply with

the following requirements:

- (i) 100 square feet of landscaped open space shall be provided for each person occupying such home;
- (ii) recreational indoor space may account for 25% of the landscaped open space;
- (iii) the building is a minimum of 1000 feet distance from any other building used for or as a special care home;
- (iv) parking requirements as contained in Subsections (8) and (9) of Section 6.

CONVERSIONS - SOUTH END AND PENINSULA CENTRE

34E Any residential building which was in existence on 14 October 1982 within the "South End" and "Peninsula Centre Areas", with the exception of the "North West Arm Sub Area", may be permitted to convert to a maximum of 3 units, provided that:

- (a) there is no increase in height or volume and that the external dimensions of the building have not changed since 14 October 1982;
- (b) where a conversion is to two dwelling units, one of the dwelling units shall be a minimum of 1,000 square feet, and where the conversion is to three dwelling units, two of the dwelling units shall be a minimum of 1,000 square feet (the external dimensions of the building shall not be enlarged after the conversion);
- (c) where the conversion is to two dwelling units, there shall be six or fewer bedrooms within the entire residential building;
- (d) where the conversion is to three dwelling units, there shall be eight or fewer bedrooms within the entire residential building; and
- (e) where a conversion has occurred prior to September 17, 2005, there shall be no further increase in the number of bedrooms beyond that which is specified in (c) or (d); and,
- (f) one separating accessible parking space at least 8 feet wide and 16 feet long per dwelling unit is provided.

NORTHWEST ARM SUB-AREA

34F(1) In the North West Arm Sub-Area the following additional requirements shall apply to lots which abut the Northwest Arm. R-1 uses shall be required to have a minimum lot area of 743.2 square metres (8,000 square feet) and a minimum distance of 9 metres (30 feet) between **main** buildings. This section shall not apply to lots 6 and 7 of the Thornvale Subdivision as shown on Plan P200/7591 filed in the Municipality's Community Development Department as Case No. 3356. (RC-May 1/07;E-July 21/07) (*PCC/CCC-Nov 8/10;E-Nov 27/10*)

34F(2) (Deleted)

OAKLAND ROAD LOT SIZES

34G Notwithstanding the minimum lot frontage requirement specified in Section 28, the minimum lot frontage requirement for lots fronting on Oakland Road, between Robie Street and Beaufort Avenue shall be 50 feet, excepting those lots in existence on 14 May 1992

PENINSULA NORTH AREA

34H Notwithstanding Section 28 and Section 31, a building erected, altered, or used as a detached one-family dwelling house, office of a professional person or home occupation in an R-1 Zone in the "**Peninsula North Area**" shall comply with the following requirements:

- | | | |
|-----|----------------------|-------------------|
| (1) | Lot Frontage minimum | 30 feet |
| (2) | Lot area minimum | 3,000 square feet |
| (3) | Height maximum | 35 feet |
| (4) | Lot Coverage maximum | 35 percent |
| (5) | Side Yards | 4 feet |

FRONT YARD SETBACKS - PENINSULA NORTH AREA

34I(1) Notwithstanding the provisions of Section 29, for any R-1 use constructed after 03 June 1993 in the "**Peninsula North Area**" the minimum front yard shall be the front yard of the majority of residential buildings fronting on the same side of the same block in which the building is to be constructed. For the purposes of measuring, existing front yard dimensions shall be rounded to the nearest foot;

34I(2) Where there is no majority of buildings with the same front yard on the block, the minimum front yard shall be that of the residential building on the adjacent lot on either side of the proposed development which is closer to the street line; and where there is no residential building on either adjacent lot the minimum front yard shall be 10 feet.

Attachment C:
R-2T Zone from the LUB for Halifax Peninsula

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 *(deleted PCC/CCC-Nov 8/10;E-Nov 27/10)*

43V *(deleted PCC/CCC-Nov 8/10;E-Nov 27/10)*

Attachment D:
Policy Review – Excerpts from the Halifax MPS

Halifax Municipal Planning Strategy – City-Wide Residential Environments Designation	
Policy	Staff Comment
<p>Policy 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.</p>	<p>The proposed R-2T Zone is consistent with the integrity of the surrounding neighbourhood as the subject property is located within an area with various types of housing. The subject property is bounded on the north by a 4 unit dwelling and is large enough to support a 4 unit dwelling under the existing zoning (R-2 Zone). The proposed 3 unit townhouse development offers an appropriate land use transition between the abutting 4 unit dwelling and the single unit dwelling located immediately east. The site is also located opposite 3-storey multi-unit residential buildings on Connolly Street, which provide housing as part of Canadian Forces Base Halifax - Windsor Park.</p>
<p>Policy 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.</p>	<p>The proposed R-2T Zone is consistent with the surrounding residential area, which contains a variety of housing types, including single unit dwellings, two unit dwellings, 3-4 unit dwellings, and 3-storey multi-unit residential buildings. Along with permitting townhouse buildings, the proposed R-2T Zone carries forward all uses permitted by the current R-2 Zone.</p>

<p>Policy 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.</p>	<p>The proposed R-2T Zone does not conflict with the scale, character or stability of the neighbourhood. Along with permitting townhouse buildings, the proposed R-2T Zone carries forward all uses permitted by the current R-2 Zone. Townhouse buildings are subject to development standards which regulate building scale in similar manner to the current R-2 Zone.</p>
<p>Policy 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.</p>	<p>The proposed R-2T Zone regulates the scale of townhouse buildings in similar manner to the current R-2 Zone. Based on the size of the subject property, the proposed R-2T Zone would support a maximum of 3 units within a single townhouse building.</p> <p>As the proposed R-2T Zone allows townhouse buildings and all uses permitted under the current R-2 Zone, the R-2T Zone will provide appropriate residential infill options for this vacant property.</p>
<p>Halifax Municipal Planning Strategy – Implementation Policies</p>	
<p>Policy</p>	<p>Staff Comment</p>
<p>Policy 3.1.1: The City shall review all applications to amend the zoning by-laws 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.</p>	<p>See previous comments.</p>

Attachment E:
Minutes from the October 3, 2012 Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 18017

7:00 p.m.
Wednesday, October 3, 2012
Bayers Road Office, Halifax

IN ATTENDANCE: Miles Agar, Planner, HRM Planning Services
Hilary Campbell, Planning Technician, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services
Applicant, Nicholas Fudge, Nicholas Fudge Architecture
Councillor Dawn Sloane
Councillor Jerry Blumenthal

PUBLIC IN ATTENDANCE: Approximately 2

The meeting commenced at approximately 7:05 p.m.

1. Opening remarks/Introductions/Purpose of meeting – Miles Agar

Miles Agar opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM). He welcomed everyone to the meeting.

He stated that the reason for the meeting was to review an application by Nicholas Fudge Architecture and Design to consider rezoning an 8,000 square foot property at the northeast corner of Connolly Street and Dudley Street in Halifax from R-2 (General Residential) Zone to R-2T (Townhouse) Zone to allow for three townhouse units.

2. Overview of planning process/Presentation of Proposal - Miles Agar

Mr. Agar advised that the purpose of the meeting was to identify the scope and to give background on the application. He noted that no decisions would be made at the meeting. He introduced HRM staff and the applicant. He gave the meeting agenda and ground rules.

He stated that the subject site is located in the north-western part of the Halifax Peninsula. He reviewed the general area. The property is located at the corner and is bounded by a single unit dwelling, to the east, and a four-unit residential building, to the north. The property is now one lot. It was consolidated, from two lots, in 2011. Each of the former two lots was standard, forty feet wide and one hundred feet deep. The lot has one hundred and eighty feet of lot road frontage, based on the corner lot. The land is vacant and is eight thousand square feet, in size. He noted that the current zone is R-2. He provided information on the current and proposed zonings and designations. He stated that the proposal can be entertained by Council because of the planning policy.

He noted that the application was still in the beginning stages. After the public information meeting, there will be a staff review. Staff will provide a report, including recommendation, to Community Council. A public hearing will be held, providing another opportunity for the public to speak. Council will approve or refuse the application. Either way, it will go to the Utility and Review Board, where it may be appealed.

He passed the floor to Nicholas Fudge for presentation of the proposal.

3. Presentation of Proposal - Nicholas Fudge

Nicholas Fudge introduced himself and gave a brief overview of the proposal. He showed the site, noting the scale of the building in relation to the adjacent building. He feels that it is in scale with the existing fabric. He showed the site plan and the view from across the street. He provided different views of the proposal and the existing buildings.

He noted that, as-of right, the owner could build a four-unit apartment building. The owner is downzoning to three units, which are single family dwellings. Under the R-2 Zone, you can build a three to four unit building if you have a lot frontage of eighty feet, with a minimum lot area of eight thousand square feet. There is eight feet of frontage on Dudley Street and one hundred feet of frontage on Connolly Street. He showed some examples of four unit buildings in the area and feels that it is a good proposal as it fits within the neighbourhood.

He noted that each dwelling has individual entrances on Dudley Street. Each has a garage and a driveway. Access to the rear yard is on Connolly Street. He explained the layouts within the dwellings. They are proposing that the second and third levels are to have eastern white shingles, stained black. Some of the privacy screen between the units will be red cedar. On the ground level, they are proposing a smooth face stone block. They are using natural and durable materials. He showed all evaluations and the 3-D rendering.

Mr. Agar opened the floor for questions and comments.

4. Questions/Comments

Councillor Jerry Blumenthal asked how many people in the area were sent notices concerning the meeting.

Mr. Agar stated that there were 40 to 45 residents who received notification by mail and that an advertisement was also placed in the Chronicle Herald.

Councillor Blumenthal asked if he had received any negative feedback on the application.

Mr. Agar stated that he had received one email that was opposed to the application.

5. Closing comments

Mr. Agar thanked everyone for attending and provided his contact information.

6. Adjournment - The meeting adjourned at approximately 7:25 p.m.

Attachment F:
Correspondence from the Public

The following three items of correspondence were provided from the same email address. Each email was sent on September 24, 2012:

I strongly oppose this rezoning situation. Also my mom who lives on this street and her elderly friends who do not have a computer have always opposed this rezoning, since it was first initiated , I believe, back in the '50's. We definitely DO NOT want this area rezoned. Why can't people stop being so greedy and simply build single dwelling houses on the property, as it was first intended and as these residents agreed to when they bought into this area. Their rights are not being recognized. We pay taxes and are continuously ignored to accommodate big developers and their GREED!!!!!!

P

I strongly oppose the rezoning of Dudley street lot to R2T

I and my mom, who lives on this street and her elderly friends who do not have computers strongly oppose the rezoning of Dudley Street as they have always done in the past many years when this has been attempted. PLEASE stop the greed of developers and show some consideration to people who bought into this area in good faith and when they believed this area would be kept as R2 residential.

P