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Item No. 10.1.1
Halifax and West Community Council
April 21, 2015

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner

DATE: March 31, 2015

SUBJECT: **Case 19595: R-2A (General Residential Conversion) Zone Amendments,
Halifax Peninsula Land Use Bylaw**

ORIGIN

- September 23, 2013: Halifax and West Community Council (HWCC) passed a motion requesting a staff report detailing possible amendments to the Halifax Peninsula Land Use By-law (LUB) to implement bedroom limits and/or gross floor area limits in the R-2A (General Residential Conversion) Zone.
- June 4, 2014: Halifax and West Community Council requested the staff report be expanded to include habitable room limits and other housekeeping amendments, including but not limited to height, height precincts, and lot coverage.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to the proposed amendments to the Land Use By-law for Halifax Peninsula to amend the R-2A (General Residential Conversion) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Land Use By-law for Halifax Peninsula, as contained in Attachment A of this report.

BACKGROUND

Halifax and West Community Council requested staff to review the R-2A Zone in the Halifax Peninsula LUB to address issues with bedroom counts in converted multiple dwelling units and other issues occurring in the zone. This came to be identified as an issue when staff issued permits for a development on four separate lots with a collective total of 23 units, but 201 bedrooms (approximately 9 bedrooms per unit). The Halifax Peninsula LUB is currently silent on bedroom counts for converted multiple dwelling units, and at present staff do not have any ability to refuse permits provided the development meets the requirements of the LUB.

Enabling Policy

The Halifax MPS contains policy that allows for infill development within residential neighbourhoods. Policy 1.1.1.1 in the South End Area Plan states that infill development shall include additions in the rear yard and points to the LUB to regulate built form to ensure development that is consistent with the neighbourhood (Attachment B). Policy 1.3.5 of the Peninsula North Secondary Planning Strategy enabled the application of the R-2A zone on select properties (Map 2) to allow for redevelopment of the areas. Many of the properties in this area have been redeveloped to townhouses, as permitted under the zone, and would not be permitted to apply for the converted multiple dwelling unit as only buildings that existed as of 14 October, 1982 are able to apply for this use.

R-2A Zone

The existing R-2A zone (Attachment C) was drafted in 1982 as a means to encourage infill housing, while maintaining the existing streetscape. The method to do this was to allow a converted multiple dwelling unit which allowed an individual to double the size of their existing building footprint with an addition in the rear yard. The intent of this was to create density while maintaining the neighbourhood character, by respecting the existing built form. In actual practice, the zone permits additions in the rear part of the side yards, additions that are taller than the existing buildings and, in certain situations, additions in the front yard and additions that will more than double the size of the dwelling. This has resulted in changes to the neighbourhood character that may not meet the intent of the zone.

DISCUSSION

Proposed Changes

The changes are largely to bring clarification to the R-2A zone (Attachment C), as well as to respond to known issues that currently exist within the zone. Below is a summary of the proposed changes with further discussion of key topics to follow.

- Footprint—clarify to apply to only one building at a time. Right now the definition of a footprint refers to all buildings on a lot; a building footprint should only apply to one building at a time. This change is to correct this definition.
- Fairview clause—move to general provisions. Currently there is a clause in the R-2A zone that indicates that lands that are currently subject to the Peninsula LUB in the Fairview area are actually governed by the Mainland LUB. As this is not a zone standard and is unrelated to the R-2A zone, this should be found in the general provisions.
- Reinforce the requirement for FAR (floor area ratio) to be applied to R-2 uses occurring in the R-2A zone. FAR is currently applied to R-2 uses, but it is unclear if FAR is meant to be applied to

R-2 uses occurring in the R-2A zone. Staff are recommending adding language in the LUB to clarify that FAR should be applied to R-2 uses occurring in the R-2A zone.

- Clarifying the permitted size of the footprint of an addition is up to the same size as the footprint of the existing building.
- Maximum height of an addition is the same as of the main building, matching the roofline and pitch to a maximum height of 35 ft. Remove references to height in other clauses.
- Introduce maximum habitable room count of 5 habitable rooms per unit and 45 per lot
- Allow one existing unit to exceed limit of 5, up to 10 habitable rooms
- Allow one storage room per unit. Anything more is considered a habitable room
- Delete special conditions.

Habitable Rooms

Staff are recommending adopting habitable rooms counts to address the issue of excessively large number of bedrooms per unit. The term habitable room is presently used in the Peninsula LUB in reference to bachelor apartments, converted duplex dwellings, angle controls and in other general provisions. Habitable rooms are defined in the Halifax Peninsula LUB as:

“...any room in a dwelling house, multiple dwelling, or dwelling unit, with the exception of bathrooms, storage spaces with no windows, or kitchens with a floor area of less than one hundred square feet. Combined or undivided living spaces with floor areas greater than four hundred square feet shall be deemed to be two habitable rooms.”

The term habitable room is clearer and easier to interpret and apply than bedroom, as it applies to every room except small kitchens and windowless storage rooms, which makes the zone less vulnerable to misinterpretation and misuse. Staff are also recommending that only one storage room per unit be exempted from the habitable room count to avoid the potential that storage rooms could be used as bedrooms.

The proposed amendments include limiting the number of habitable rooms to 5 per unit with an overall maximum of 45 habitable rooms per lot. The maximum number of units permitted within this zone is 14 units, so the proposed maximum per lot should encourage a mix of unit sizes, allowing for mostly 2 bedroom units. Furthermore, to permit the original home to remain unchanged, staff are recommending language that recognizes the existing dwelling unit be permitted with a maximum of 10 habitable rooms.

Height

Height is currently limited to the height of the existing building to a maximum height of 35 feet. This is then allowed to be increased through special conditions if the building is one storey less than those that surround it. Interpreting height in this case becomes problematic and permitted height then fluctuates based on development. Staff are recommending to permit height up to the height of the existing building and to match the pitch and roofline, to make it easier to interpret, make it less variable and to create a more cohesive streetscape.

Special Conditions

Currently there are three special conditions in the R-2A Zone. The first (discussed above) allows for an addition taller than the existing building if it is a full storey lower than the average number of stories that surround the site.

The second special condition permits a building to have an addition larger than the size of the existing building if the current footprint of the existing building is smaller than those in the immediate neighbourhood. The intent of the zone is to permit hidden density; density that occurs behind the existing building and has reduced impact on the street and the site. Permitting additions that are larger than the existing building has the potential to allow development that unsuitable for the site and may overpower the existing building.

The third condition allows for the addition to occur in the front yard, if the current building setback is greater than half the lot depth. At this time, the R-2A zone does not have design guidelines. There is a risk that development could proceed in a manner that would produce buildings out of scale and inconsistent with the surrounding area. Until design guidelines are introduced, staff do not recommend enabling building additions in the front yard.

District 7&8 PAC

District 7&8 PAC reviewed this request on March 3, 2015. At that time, PAC directed staff to consider limiting the size of the one allowable storage room. The existing definition identifies storage rooms of 100 square feet or greater to be considered as a habitable room. Staff are not recommending proceeding with proposed changes to the permitted size of storage rooms at this time as only one storage room will be permitted outside of the habitable room counts and limiting this size would prevent building developers from providing large sized storage rooms. The current definition and room size is applied outside the R-2A zone—storage rooms occurring within the R-2A zone are not significantly different from storage rooms in other zones in the Peninsula LUB and do not require special consideration of new or revised definitions. At this time it is beyond the scope of this project to consider broad, Peninsula wide changes to definitions in the LUB. Changes to definitions in the Halifax Peninsula Land Use Bylaw could be considered through the Centre Plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. Any costs resulting from individual projects aligned with the MPS or LUB will be brought forward for Council's approval in a future report.

COMMUNITY ENGAGEMENT

A public information meeting was held on November 26, 2014. The public voiced concern about the number of bedrooms, the potential for storage rooms to be converted to bedrooms, issues with R-2 uses occurring in the R-2A zone and concern over how height is interpreted and applied. The proposed changes are directed at responding to these concerns and to reduce any loopholes in the existing zone.

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 (PIM) held on November 26, 2014. Attachment D contains the notes from the meeting. For the PIM, notices were posted on the HRM website and in the newspaper. A public hearing must be held by Community Council before they can consider approval of any amendments to the LUB. Should Community Council decide to proceed with a public hearing on this amendment, the public will be notified with a published newspaper advertisement. The HRM website will also be updated to indicate notice of the public hearing. The proposed land use bylaw amendments will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and businesses.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed amendments to the LUB for Halifax Peninsula subject to modification. This may necessitate further analysis and a supplementary report. A decision of Council to approve this LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.

2. Halifax and West Community Council may choose to refuse the proposed amendments to the LUB for Peninsula Halifax, and in doing so, must provide reasons why doing so would not reasonably carry out the intent of the MPS. A decision of Council to refuse this LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1: Zoning (South End)

Map 2: Zoning (Peninsula North)

Attachment A: Proposed Amendments to the Halifax Peninsula Land Use By-law

Attachment B: Halifax MPS

Attachment C: Excerpts from the Halifax Peninsula Land Use Bylaw

Attachment D: Notes from the Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> [or other appropriate Committee link] then choose the appropriate [Community Council/Board] and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jennifer Chapman, Planner 902.490.3999



Map 1

Zoning

- R2-A Zone
- Through Lots
- Land Use Designation

Land Use

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential Commercial Mix
- C Commercial
- CF Community Facility
- INS Institutional
- U University
- IND Industrial
- LDR Low Density Residential
- OS Open Space



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.



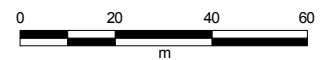
Map 2

Zoning

- R2-A Zone
- Land Use Designation

Land Use

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential Commercial Mix
- INS Institutional
- BCDD Brunswick Comprehensive Development District
- CFB Canadian Forces Base
- IND Industrial
- LDR Low Density Residential
- OS Open Space
- P Park
- MNC Minor Commercial
- MJC Major Commercial



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 A
Proposed Amendments To The
Halifax Peninsula Land Use By-Law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Halifax Peninsula Land Use By-law is hereby further amended as follows:

1. The definition of "Footprint" in Section 1, of the Land Use Bylaw, is amended, as shown below, by:

- a) deleting the word "all" and replacing it with the word "a";
- b) deleting the letter "s" at the end of the first occurrence of the word "building";
- c) adding the letter "s" at the end of the word "project"; and
- d) deleting the letter "s" at the end of the second occurrence of the word "building";

"Footprint" means the area of ~~a all~~ buildings on a lot, including land over which the buildings projects, but excluding any area below the eaves of a roof, and any portion not covered by a roof, such as unsheltered steps, verandas or decks.

2. The Land Use By-law is amended, as shown below in bold, by adding the following section after Section 26D:

FAIRVIEW AREA

26 E On lands identified as R-2AM on the Zoning Map, the provisions of the Halifax Mainland Land Use Bylaw shall apply.

3. The Land Use By-law is amended, as shown below in bold, by adding the following section after Section 43AC:

43 AC(1) Buildings erected, altered or used for R-2 uses in an R-2A zone shall comply with the requirements of Section 26D.

4. Delete and replace subclause vii) of section 43AD, with the following:

- vii) Maximum Footprint of Addition The footprint of **an** addition shall be no greater in size than the **footprint of the** existing **main** building

5. Section 43AD ix) is amended by deleting the words "Height of the existing building" and replacing with the following, as shown below in bold:

- ix) Maximum Height **The maximum height of an addition shall match the roof line and pitch of the existing building, as it existed as of (the date of the bylaw amendments), to a maximum height of 35 feet.**

6. Section 43AD is amended, as shown below in bold, by adding the following subclauses after subclause xii):

- xiii) **Maximum Habitable Room Count** **There shall be a maximum of 5 habitable rooms per dwelling unit**
- xiv) **Maximum Habitable Room Count per lot** **There shall be a maximum of 45 habitable rooms for any R-2A zoned property.**

xv) **Notwithstanding Section 43AD xiii) one unit, in existence as of (date of this bylaw amendment), may contain a maximum of 10 habitable rooms.**

xvi) **Storage Rooms** **Notwithstanding the definition of a habitable room, a maximum of 1 storage room per unit will be exempt from the habitable room count. Any storage rooms in excess of one per unit will be considered a habitable room.**

6. The Land Use By-law, as shown below in strikeout, is amended by deleting the sections 43AE(1) and (2):

~~43AE(1) Notwithstanding the provisions of this by-law, the following R-2A development is permitted except on corner lots:~~

SPECIAL CONDITIONS	DEVELOPMENT PERMITTED
(a) if the existing building is a full storey lower than the average number of storeys of the existing residential buildings containing R-1, R-2 or R-2A uses in the immediate neighbourhood;	the number of storeys may be increased to, but not exceed, the average number of storeys of the existing residential buildings in the immediate neighbourhood provided that the height of the building shall not exceed 35 ft.
(b) if the area of the ground covered by the footprint of an existing building is less than 60 percent of the average area of ground covered by the footprint of existing residential buildings;	the total area of ground covered by the footprint of an existing building may be increased to twice the average area of the ground covered by the footprint of existing residential buildings containing R-1, R-2 or R-2A uses in the immediate neighbourhood, provided that the lot coverage does not exceed 40 percent.
(c) if the existing building setback is greater than half the lot depth;	Additions may be constructed to the front of an existing building as outlined is in Section 43AD(x) of this by law.

~~(2) The "immediate neighbourhood" shall consist of:~~

- ~~(a) if the building is located at mid-block, all existing residential buildings located on the four lots on each side, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the street.~~

~~(b) — if the building is located on a corner lot, all existing residential buildings located on the four lots immediately adjacent, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the abutting streets.~~

7. The Land Use By-law is amended, as show below in ~~strikeout~~, by deleting section 43AF:

~~43AF — It is the responsibility of the applicant to provide all drawings, figures, calculations and any other information deemed necessary to demonstrate that the building in question is anomalous and deserves consideration under this section of the by-law.~~

7. The Land Use By-law, as shown below in ~~strikeout~~, is amended by deleting the title before section 43AG:

~~R-2A CORNER LOTS~~

8. The Land Use By-law, as shown below in ~~strikeout~~, is amended by deleting section 43AG:

~~43AG — If an existing building on a corner lot is greater in height at the front of the building than the rear of the building an addition to the top rear portion of the building may be constructed provided the addition does not exceed the height of the front of the building or a maximum height of 35 ft., whichever is less.~~

9. The Land Use By-law, as shown below in ~~strikeout~~, is amended by deleting the title before section 43AN:

~~FAIRVIEW AREA~~

10. The Land Use By-law is amended by deleting section 43AN, as shown below in ~~strikeout~~:

~~Notwithstanding Sections 43AA to 43AF above, in the "Fairview Area", the provisions of Sections 9(a) and 28 BA to 28BD inclusive of the Mainland Area land use by-law, shall apply where the zone is identified as R-2AM on the Zoning Map.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Community Council of Halifax and West held on the ____ day of _____, A.D., 20____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20____.

Municipal Clerk

**Attachment B:
Halifax Municipal Planning Strategy, Relevant Policies**

Section V: South End Area Plan

1.1.1.1 Forms of infill housing which shall be permitted in the South End include:

- (a) the interior conversion of existing structures;
- (b) additions to existing structures, either through infilling between existing structures or additions to the rear of existing structures;
- (c) building on vacant lots in the forms prescribed by this Section of the Plan; and
- (d) low-rise housing within the densities prescribed by this Section of the Plan.

1.1.1.2 The Zoning By-law shall further define elements of scale, proportion, setback and use consistent with the policies of this Plan to ensure compatibility with the districts and neighbourhoods.

Section XI: Peninsula North Secondary Planning Strategy

1.3.5 Notwithstanding the Medium Density Residential designation and Policy 1.3, certain properties within Area 7 of this Section shall be zoned as general residential conversion and townhouse to maintain the conformity of some existing developments and to allow limited redevelopment potential for other properties.

Attachment C: Excerpts from the Halifax Peninsula Land Use Bylaw

R-2A Zone General Residential Conversion Zone

43AA(1) The following uses shall be permitted in any R-2A Zone:

- (a) R-1, R-2 and R-2T uses;
- (b) converted multiple dwelling house;
- (c) uses accessory to any of the foregoing uses.

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

43AA(3) No person shall in any R-2A 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

43AB No person shall in any R-2A Zone erect, place or display any billboard or sign except those permitted in R-1 Zones.

REQUIREMENTS

43AC Buildings erected, altered, or used for R-1, R-2 and R-2T uses in an R-2A Zone shall comply with the requirements of their respective zones, with the following exceptions:

	Lot Frontage	Lot Area	Side Yard	Lot
	(Ft.)	(Sq. Ft.)	(Ft.)	Coverage %
i) R-1 uses	40	4000	4	40
ii) Duplex	40	4000	4	40
iii) 3-unit and 4-unit apartment building-	40	4000	4	40
iv) Semi-detached dwelling	50	5000	4	40

v) For any R-1, R-2 or R-2T uses constructed after 14 October 1982 in the "**South End Area**", the minimum front yard shall be the front yard of the majority of the 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.

vi) 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 of 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.

R-2A USES

43 AD Buildings altered or used for R-2A uses in the R-2A zone shall comply with the following requirements:

i) Dwelling Units 50% of the dwelling units shall be a minimum of 800 square feet in area

ii) Minimum Lot Frontage 40 feet

iii) Minimum Lot Area 4000 square feet

iv) Minimum Side Yard for Additions 6 feet

v) Minimum Rear Yard 20 feet

vi) Maximum Lot Coverage 40%

vii) Maximum Lot Coverage of Addition The area covered by an addition shall not exceed the area covered by the existing building

viii) Additions and Structural Changes Permitted to the rear of the building and the rear two-thirds of the side of the building (See Sketch 1); and

Prohibited in any front, side or rear yard abutting a street (See Sketch 2).

ix) Maximum Height Height of the existing building to a maximum height of 35 feet;
and

Height shall be determined by the definition "Height" instead of the definition "Height South-End and Peninsula Centre"

x) Minimum front yard Shall be the front yard of the majority of the 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; and.

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 of 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.

- xi) Accessory Buildings *(deleted PCC/CCC-Nov 8/10;E-Nov 27/10)*
- xii) Open Space **In the “South End Area”** for each dwelling unit which is 800 sq. ft. or greater, there shall be a minimum of 300 sq. ft. of open space;

In the “South End Area” for each dwelling unit which is less than 800 sq. ft., there shall be a minimum of 150 sq. ft. of open space and

Required open space shall not include “recreational open space”

R-2A SPECIAL CONDITIONS

43AE(1) Notwithstanding the provisions of this by-law, the following R-2A development is permitted except on corner lots:

SPECIAL CONDITIONS	DEVELOPMENT PERMITTED
(a) if the existing building is a full storey lower than the average number of storeys of the existing residential buildings containing R-1, R-2 or R-2A uses in the immediate neighbourhood;	the number of storeys may be increased to, but not exceed, the average number of storeys of the existing residential buildings in the immediate neighbourhood provided that the height of the building shall not exceed 35 ft.
----- (b) if the area of the ground covered by the footprint of an existing building is less than 60 percent of the average area of ground covered by the footprint of existing residential buildings;	----- the total area of ground covered by the footprint of an existing building may be increased to twice the average area of ground covered by the footprint of existing residential buildings containing R-1, R-2 or R-2A uses in the immediate neighbourhood, provided that the lot coverage does not exceed 40 percent.
----- (c) if the existing building setback is greater than half the lot depth;	----- Additions may be constructed to the front of an existing building as outlined in Section 43AD (x) of this by-law.

(2) The "**immediate neighbourhood**" shall consist of:

(a) if the building is located at mid-block, all existing residential buildings located on the four lots on each side, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the street.

(b) if the building is located on a corner lot, all existing residential buildings located on the four lots immediately adjacent, the lots in the rear which share the same lot line, and the corresponding lots on the opposite side of the abutting streets.

43AF It is the responsibility of the applicant to provide all drawings, figures, calculations and any other information deemed necessary to demonstrate that the building in question is anomalous and deserves consideration under this section of the by-law.

R-2A CORNER LOTS

43AG If an existing building on a corner lot is greater in height at the front of the building than the rear of the building an addition to the top rear portion of the building may be constructed provided the addition does not exceed the height of the front of the building or a maximum height of 35 ft., whichever is less.

PARKING

43AH For R-2A uses and for three and four unit apartment buildings;

i) one parking space shall be required for every two dwelling units, each of which is less than 800 square feet, and one parking space shall be required for each dwelling unit 800 square feet or greater; and

ii) shall not be located within the footprint of an R-2A use unless enclosed on all sides.

INTERNAL CONVERSION

43AI A building which was in existence on September 17, 1987 may be converted to R-1, R-2, or R-2A uses provided:

i) there is no increase in building volume; and

ii) in the case of R-2A uses fifty percent (50%) of the dwelling units contain a minimum of 800 square feet of floor area.

PENINSULA NORTH AREA #7 - SCHEDULE HA-1

43AK A building, excluding an accessory building or a registered heritage building, in existence on March 30, 1995 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.

PENINSULA NORTH AREA #7 - SFD REQUIREMENTS

43AL A building erected, altered or used as a detached one-family dwelling house, in an R-2A zone in "**Peninsula North Area #7**", shall comply with the requirements of the R-1 Zone with the following exceptions:

- (1) Lot Frontage Minimum 30 feet
- (2) Lot area Minimum 3000 square feet
- (3) Side Yards 4 feet
- (4) Lot Coverage 40 percent
- (5) The minimum front yard shall be the front yard of the majority of the 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.
- (6) 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 of 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.

PENINSULA NORTH AREA #6 - SFD REQUIREMENTS

43AM A building erected, altered or used as a detached one-family dwelling house, in an R-2A zone in "**Peninsula North Area #6**", shall comply with the requirements of the R-1 Zone with the following exceptions:

- (1) Lot Frontage Minimum 20 feet
- (2) Lot Area Minimum 2000 sq. ft.
- (3) Side Yard Minimum 0 feet
- (4) Maximum Lot Coverage 50 percent
- (5) The minimum front yard shall be the front yard of the majority of the 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.
- (6) 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 of 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.

FAIRVIEW AREA

43AN Notwithstanding Sections 43AA to 43AF above, in the "Fairview Area", the provisions of Sections 9(a) and 28BA to 28BD inclusive of the Mainland Area land use by-law, shall apply where the zone is identified as R-2AM on the Zoning Map.

"Habitable Room" means any room in a dwelling house, multiple dwelling, or dwelling unit, with the exception of bathrooms, storage spaces with no windows, or kitchens with a floor area of less than one hundred square feet. Combined or undivided living spaces with floor areas greater than four hundred square feet shall be deemed to be two habitable rooms.

Attachment D: Notes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 19595

7:00 p.m.
Wednesday, November 26, 2014
Fort Massey United Church, Halifax

IN ATTENDANCE: Jennifer Chapman, Planner, HRM Planning
Tim Burns, Real Property Planning Technician, HRM Parks and Recreation
Jacob Ritchie, Manage Urban Design, HRM Planning
Councillor Jennifer Watts
Councillor Waye Mason

PUBLIC IN
ATTENDANCE: Approximately 17

The meeting commenced at approximately 7:00 pm.

1. Opening remarks/Introductions/Purpose of meeting—Jennifer Chapman

Jennifer Chapman opened the meeting and thanked the public for coming. She explained that the purpose of the meeting was to review issues that were occurring in the R-2A (General Residential Conversion) Zone and discuss proposed amendments to the zone to address the issues.

2. Overview of planning process/Presentation of Amendments – Jennifer Chapman

She reviewed the history of the request from Halifax and West Community Council. She explained that there were 2 motions of Halifax and West Community Council directing staff to review the R-2A zone, specifically to limit the number of bedrooms, but also to address more minor issues with the zone. This came about when a development permit was issued for buildings that would have over 200 bedrooms on 4 lots. Not the intent of the zone to allow for density increases of that magnitude. She also discussed the history of the zone and where it is applied.

She then explained the regulations in the Halifax Peninsula Land Use Bylaw, specifically reviewing the R-2A Zone, special conditions and defining converted multiple dwelling. She explained what a through lot is and said staff are wondering if they should be allowed to have a converted multiple dwelling in the rear yard. She showed examples of converted multiple dwelling's in the south end.

She then explained the proposed changes which are:

- Limit number of habitable rooms to 45 per lot;
- Maximum habitable room count of 5 per unit. One unit may be exempted from this;
- Delete special conditions
 - Building height is one storey less than the average, the number of stories may be increased, but not higher than 35 ft
 - Footprint is less than 60% of the average in the neighbourhood, can do twice the average of existing neighbourhood

- Existing building setback is greater than half the lot depth, additions may be built in the front yard
- Height limit of 35 ft; and
- Allow converted multiple dwelling house in the rear yard of a house on a through lot.

She explained what a habitable room is and how it is different than bedroom counts. She asked the public the following questions:

- Should HRM control the number of rooms in a unit?
- Should people who back on a street and front on a street (through lots) be allowed to apply for a converted dwelling unit?
- Should additions continue to be allowed in the front yard of a property?
- Should a uniform height limit be applied across the zone?
- Other thoughts? Comments?

3. Questions/Comments

Q- Question, A- Answer, C- Comment

Q. How did you get to 45 habitable rooms per lot?

A. Based on 14 2 bedroom units with a living room and a galley kitchen would be 42 habitable rooms and then allowed a few larger units to encourage family style units.

C. Discussion about the history of the request and why the motion was made.

Q. Additions in back have ruined Wright Ave, people have built extensions covering their back lots and Wright Ave now has backs of buildings on the street.

A. Thank you for the comment,

Q. Your neighbourhood definition is confusing.

A. Agreed

Q. Would this limit non-footprint additions on the front? Decks, etc.

A. No, only additions that add to footprint.

Q. How will you prevent other rooms being used as bedrooms?

A. We are proposing to count all rooms by using habitable rooms instead of bedrooms.

Q. There are issues with special conditions. These additions have changed neighbourhood character, especially those that allow more lot coverage.

A. This is why we are proposing to remove special conditions.

Q. Why, are you ignoring zoning?

A. Variances allow for a minor change to zoning and people are free to apply for variances. They all are considered. Staff may refuse them, but that decision can be appealed at Community Council.

Q. Application of R2, is the problem. Please add GFAR requirements.

A. We will look at it, we believe we are closing significant shortcomings with the R2A changes proposed.

Q. Special conditions are intended to address special circumstances. A lot of work and thought went into those and they shouldn't be deleted.

A. Thank you for your comment.

Q. How will height be calculated? Application of height is an issue. Height should consider storeys. Is a basement a storey?

A. Discussion of various LUB definitions.

Q. Take issue with the fact the review didn't happen, it did in 99.

A. Those only resulted in minor changes.

Q. Habitable rooms, worried about storage rooms, they will put windows in later. Storage rooms will be used as bedrooms and this needs to be considered.

A. Compliance is an issue, but staff will investigate this.

Q. Enforcement is an issue.

A. We hear that.

Q. Will GFA be added as a tool for managing building size?

A. Not envisioned in this iteration, may come in through Centre Plan.

Q. What about upping your room counts to allow for more dining rooms?

A. Not considered.

Q. What about bringing in design guidelines?

A. May be considered as part of the Centre Plan. Beyond scope of this project.

Q. Wellington Street is a mix of built form, some good some bad. How to manage student population and keep building integrity?

A. Intent of amendments to address some of these issues.

Q. Centre Plan needs to go forward and consult meaningfully.

A. Thank you for your comment.

Q. Is the notification area what you described as "the neighbourhood"?

A. Neighbourhood is only used for comparison and is not the same as the notification area for DA and variances; it is in the bylaw. It is different.

Q. Centre Plan sounds like a good thing, but this is regulation that we know and understand. If we fix some issues by using habitable rooms that is best.

A. Thank you for your comment.

C. Don't prevent infill opportunities. Only way to enable home ownership for some. Would like to buy a house on the peninsula someday.

Q. Discussion about bylaw interpretation especially storeys and height.

A. This is a case before the courts and can't be discussed right now.

Q. What happens next?

A. Staff will make revisions, the amendments will be reviewed by staff and a report will go to Halifax and West Community Council for their decision.

5. Closing comments

Jennifer Chapman thanked everyone for coming and provided her contact information. Jacob Ritchie thanked everyone.

6. Adjournment

The meeting adjourned at approximately 8:15 p.m.