



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

### **Item No. 8.1.3**

**Halifax and West Community Council**

**April 8, 2014**

**May 6, 2014**

**TO:** Chair and Members of Halifax and West Community Council

Original Signed

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

**DATE:** March 20, 2014

**SUBJECT:** Case 18655: Rezoning - 552 Washmill Lake Drive, Halifax

#### **ORIGIN**

Application by James Gordon Smith

#### **LEGISLATIVE AUTHORITY**

*HRM Charter*; Part VIII, Planning & Development.

#### **RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading of the proposed rezoning of 552 Washmill Lake Drive, Halifax, from Schedule K to the R-2P (General Residential) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of 552 Washmill Lake Drive, Halifax, from Schedule K to the R-2P (General Residential) Zone, as provided in Attachment A of this report.

## **BACKGROUND**

The subject property, 552 Washmill Lake Drive, Halifax (Hilltop Auto Repair), is located on Washmill Lake Drive in Halifax (see Map 1), within a predominantly multi-residential neighbourhood, and is occupied by a single unit dwelling and accessory building used by Hilltop Auto Repair. The applicant wishes to rezone the property to reflect the existing land uses on the property and to seek authorization of an existing accessory building (Maps 1, 2, 3 and Attachment A). As this proposal cannot be enabled under the current zoning of the property, which is Schedule “K”, the applicant has submitted an application to rezone the subject property to the R-1 (Single Family Dwelling) Zone under the Land Use By-law for Halifax Mainland (LUB). While the original request was to rezone the property to R-1, for the reasons stated in the Discussion section of this report and with the applicant’s concurrence, the application was changed to request the application of the R-2P (General Residential) Zone instead.

This application was submitted in response to an ongoing land use by-law compliance case. The northernmost garage on the subject property (Map 3) was constructed in 2009 without obtaining development and building permits. The applicant received a Notice to Comply on December 7, 2009. The applicant was given until November 24, 2010, to bring the land into compliance. The applicant did not do so and was charged on November 24, 2010. On February 8, 2011, the applicant plead guilty, was fined one dollar, and was ordered by the Court to either obtain permits or remove the building by August 8, 2011. Further, the applicant agreed not to use the building until the matter was resolved. By August 8, 2011, the applicant did not obtain permits or remove the building, and continued to use the building.

During September/October of 2011, the applicant made contact with HRM Planning and Development in an attempt to obtain permits. On December 20, 2011, the applicant asked the Court to extend his compliance deadline to July 1, 2012. By July 1, 2012, the applicant had not filed an application. On November 19, 2012, an application had still not been filed and new charges were laid. By January 8, 2013, no application had been filed, the applicant plead guilty, stated that he had no intention of filing an application, and that he wanted time to remove the building. The Sentencing was adjourned to June 25, 2013. On June 21, 2013, however, the applicant filed an application to re-zone the land. Since that date the applicant has twice asked the Court to adjourn the Sentencing. It is currently scheduled for June 10, 2014. The February 8, 2011 Court Order is still in force for the property.

### **Location, Designation, Zoning and Surrounding Area**

The subject property:

- is located at 552 Washmill Lake Drive, within the Mainland North area of Halifax opposite Mount Royal subdivision. The property does not front on the street but on a right-of-way which provides driveway access to Washmill Lake Drive (Maps 1, 2 & 3);
- comprises 2,117 square meters (22,786 square feet) in area and contains a single unit dwelling, a non-conforming auto repair garage, accessory buildings and the northernmost accessory garage which was constructed without permits;
- is serviced with on-site services (well and sewage disposal system);

- resulted from a lot consolidation of two former lots, which was approved by the Municipality on July 2, 2013 (Map 3);
- is designated ‘Residential Environments’ under the Halifax Municipal Planning Strategy (MPS) (Map 1);
- is zoned Schedule ‘K’ under the Mainland Land Use By-law;
- is governed by Stage I and Stage II development agreement process (Map 2 and Attachment C); and
- is surrounded by multiple-unit residential uses, institutional and open space uses and a CBC transmission tower to the west (Maps 1 and 2).

### **Enabling Policy**

The Halifax MPS contains criteria that allow the consideration of residential development through the rezoning process. Community Council may consider rezoning the subject property to the R-2P Zone according to Policies 2.1, 2.2, 2.3, 2.4, 2.7, 2.10, 2.11, 3.1.1, 4.1, and 4.2 as contained in the Halifax MPS and listed in Attachment B.

### **Proposal**

The proposal, as noted above, is to rezone the subject property from the Schedule “K” Zone to the R-2P (General Residential) Zone (Attachment C) due to a land use compliance case. No changes to the existing buildings or land uses are proposed at this time. The proposed rezoning would allow for the potential for the issuance of municipal permits for the subject garage, which is proposed to be accessory to the dwelling and not to be used for the non-conforming auto repair business.

The current Schedule “K” zoning does not allow for the issuance of permits for any development until such time as Council approves a two-stage development agreement for a comprehensive “planned unit” development. This method of development regulation is not appropriate for this type of application. Accordingly, a rezoning request is being sought by the applicant.

### **DISCUSSION**

Policies within the Residential Environments Designation of the Halifax MPS enable Community Council to consider rezoning the subject property to permit a variety of residential uses, including the R-2P Zone. Staff have reviewed the proposed rezoning request and determined that it is consistent with applicable policies of the Halifax MPS. Attachment B provides an evaluation of the proposed rezoning to the R-2P Zone in relation to the applicable MPS policies. The following issues are being highlighted for more detailed discussion:

#### **Compatibility with Surrounding Neighbourhood**

One of the key considerations when reviewing an application for the rezoning of a property from one residential zone to another is the compatibility of the proposed land use with the existing neighbourhood. Policies within the Residential Environments Designation in the MPS are intended to maintain the integrity, stability and character of residential areas by preserving the scale of existing neighbourhoods. Policies also encourage establishing regulations that control

the intensity of land uses in order for new proposals to be compatible with existing land uses (Attachment B).

The existing dwelling and auto repair business are longstanding uses of the property which pre-date the MPS. There are no residential uses immediately abutting the subject property. Staff advise that the proposed rezoning is compatible with the surrounding areas and is not anticipated to negatively impact this area.

### **Schedule “K” Zone Requirements**

Schedule K was originally applied to large tracts of primarily undeveloped land in Mainland North area in order for future development to be planned and designed in a comprehensive manner. The intent was that some smaller land parcels would be consolidated with these larger tracts at the time of development. To date, most of these lands have been developed through a two-stage development agreement process.

As the subject lot is quite small and is currently developed, it is reasonable to rezone it to reflect the existing land uses and to enable the as-of-right permitting process for the subject accessory building. It is not appropriate for a “planned-unit development” (comprehensive) approach.

### **R-2P Zone Requirements**

The original application was for rezoning to the R-1 Zone. During the course of the land use by-law compliance case, the applicant consulted with staff to determine the existence of a planning-related solution, as a construction permit was not able to be issued for the northernmost garage. Following receipt of the application requesting the R-1 Zone, staff suggested to the applicant that it would be more appropriate to apply the R-2P (General Residential) Zone. This is due to the fact that the R-2P Zone permits single family dwellings as well as buildings containing up to four apartments, which is a land use which is more representative of the surrounding area. Additionally, this would also provide for consistency with another rezoning application on the same right-of-way (Case #18474) which is also requesting application of the R-2P Zone.

The R-2P Zone allows for single unit dwellings, two unit dwellings, three and four-unit apartments, as well as home occupations and a variety of institutional and recreation uses, provided the lot frontage, area, and setback requirements are met. The applicant is requesting the R-2P Zone to recognize the current uses on the subject property. If the rezoning is approved, the applicant can apply for a permit to legalize the accessory building that was built without a permit.

The proposal meets all of the above noted requirements of the R-2P Zone. Community Council should note that this proposal is a request for rezoning, not a development agreement; therefore, should Community Council approve the proposed rezoning, the property owner would be permitted to develop the subject property for any use allowed under the R-2P Zone provided that the zone provisions are satisfied. If the applicant decided to change the uses on the subject property to an alternative use permitted under the requested R-2P Zone, an additional Planning Process (development agreement) would be required due to the lack of road frontage and the requirement for central services.

### **Conclusion**

In staff's opinion, the proposed rezoning of the subject property to the R-2P Zone is consistent with the objectives and policies of the Halifax MPS. Therefore, staff recommends that Halifax and West Community Council approve the proposed rezoning, as presented in Attachment A.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the proposed 2014/15 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 information sharing, achieved through two separate Public Notification Letters which were mailed to adjacent property owners within the notification area as shown on Map 2 (one for the original R-1 proposal and an updated notice regarding the R-2P proposal). These Public Notification Letters sought comments and feedback from property owners in lieu of holding a Public Information Meeting. No comments from the public were received. Information relative to the proposal was also placed on the HRM website.

A Public Hearing has to be held by Halifax and West Community Council before they can consider approval of the proposed rezoning. Should Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area, as shown on Map 2, will be notified of the 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, property owners, and community or neighbourhood organizations.

### **ENVIRONMENTAL IMPLICATIONS**

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

### **ALTERNATIVES**

1. Community Council may choose to approve the rezoning of the subject property to the R-1 (Single Family Dwelling) zone. This will require an additional public hearing.
2. Community Council may choose to refuse the proposed rezoning and, in doing so, must provide reasons why rezoning does not reasonably carry out the intent of the MPS. This alternative is not recommended. 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
Map 3	Survey Plan Extract
Attachment A	Proposed Amendments to the Halifax Mainland Land Use By-law
Attachment B	Review of Relevant Policies of the Halifax MPS
Attachment C	Excerpts from the Halifax Mainland Land Use By-law

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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.

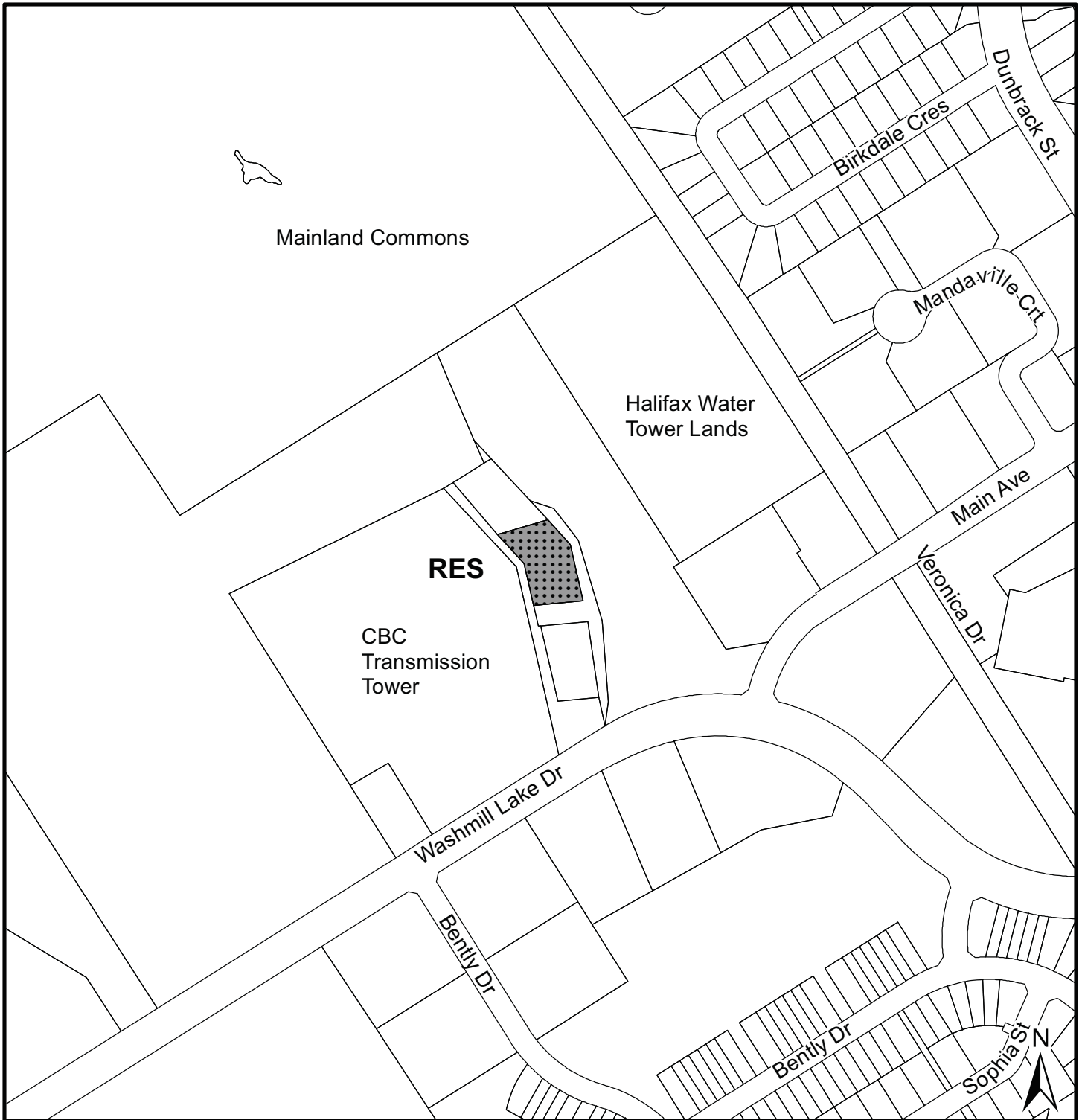
Report Prepared by: Paul Sampson, LPP, Planner, Development Approvals, 490-6259

Original Signed 

Report Approved by:


 Kelly Denty, Manager of Development Approvals, 490-4800 

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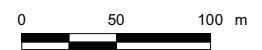


**Map 1 - Generalized Future Land Use**

552 Washmill Lake Drive  
Halifax

 Area proposed to be removed from Schedule K and zoned R-2P (General Residential)

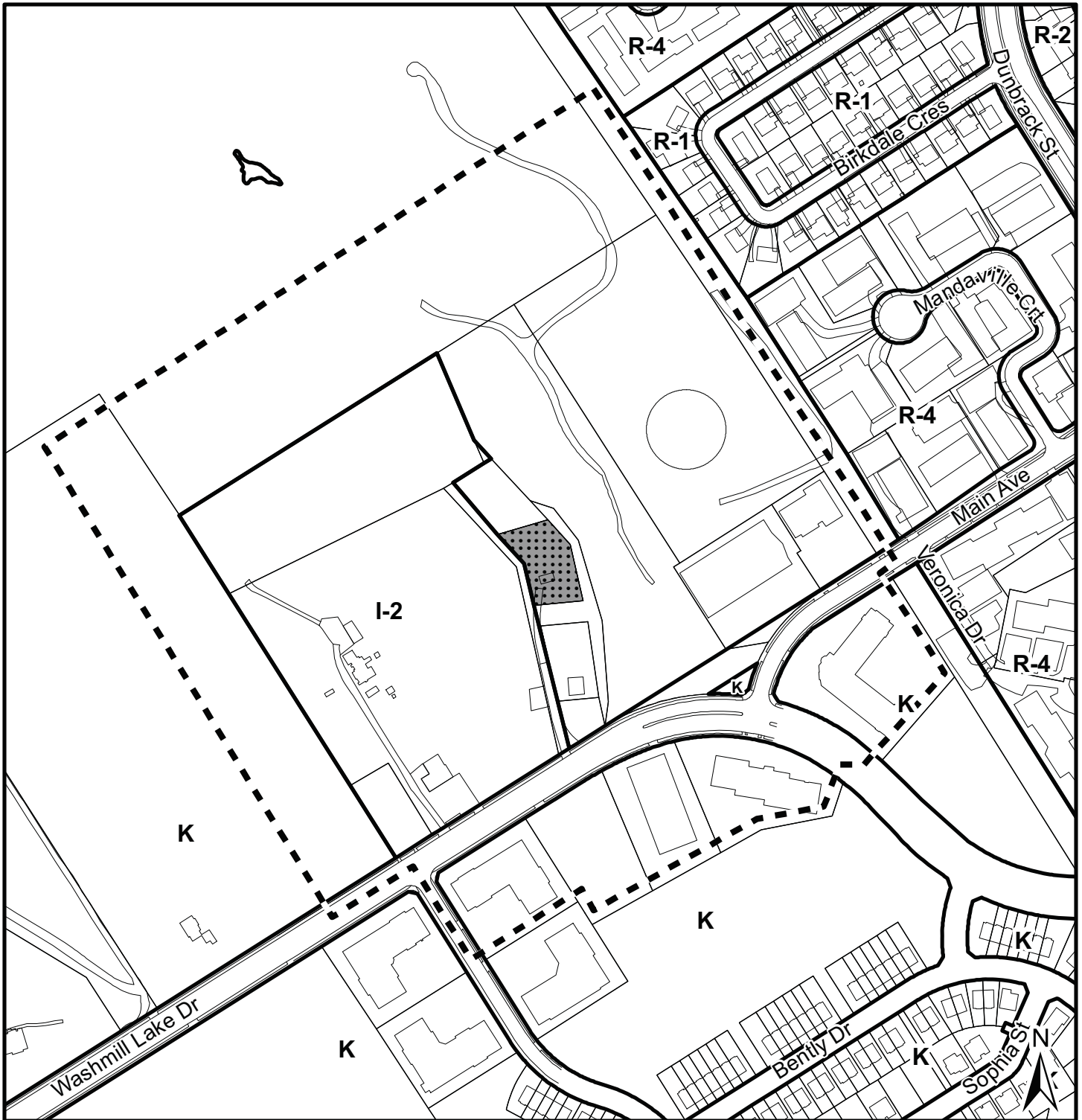
**Designation**  
RES Residential Environments



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.


Halifax Plan Area



## Map 2 - Zoning and Notification

552 Washmill Lake Drive  
Halifax

 Area proposed to be removed from Schedule K and zoned R-2P (General Residential)

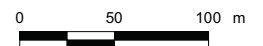
 Area of notification

Halifax Mainland  
Land Use By-Law Area

### Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- I-2 Radio Transmitter
- K Schedule K

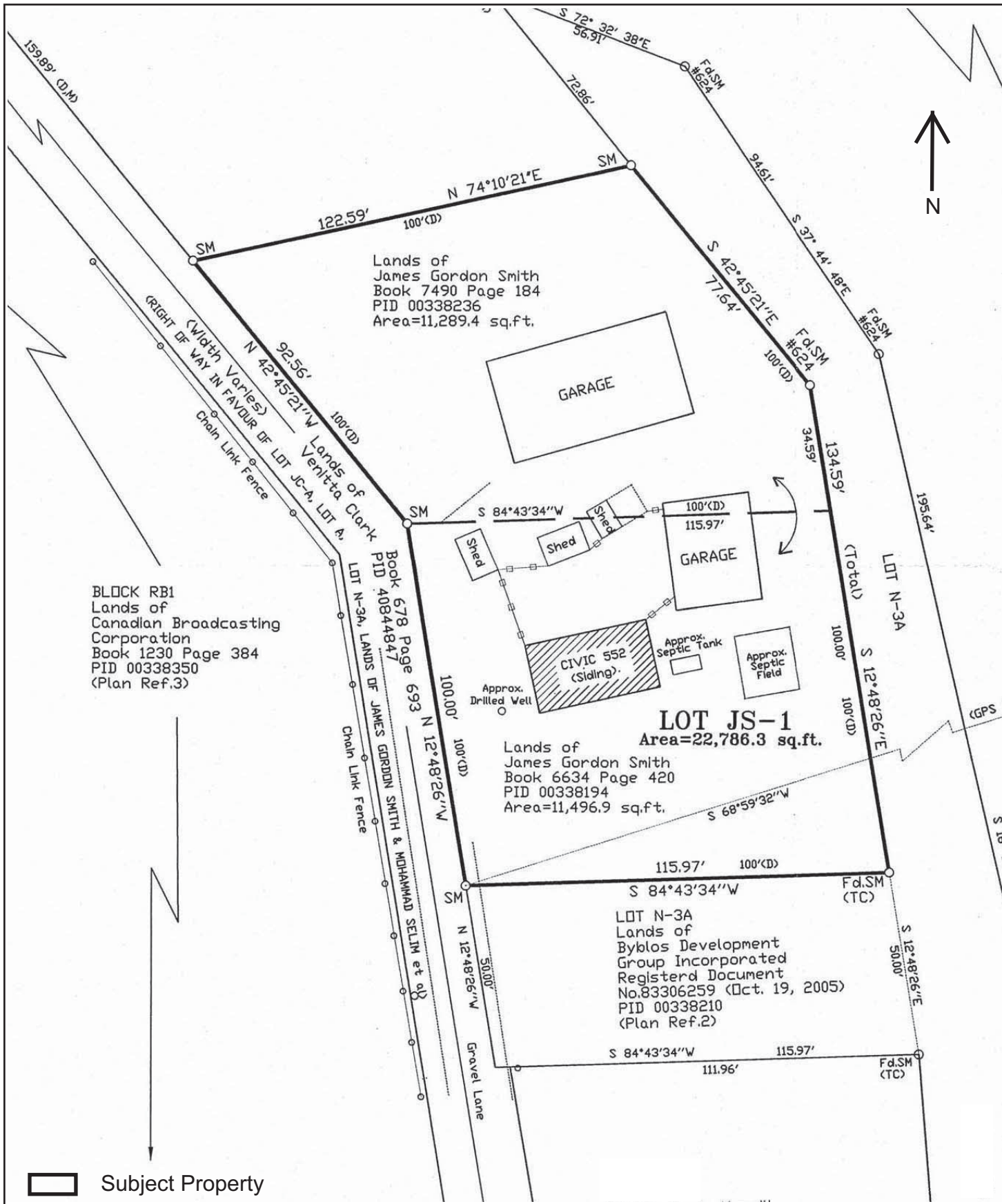
**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS



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.





Subject Property

Source: Plan of Survey of Lot JS-1, Being a Consolidation of Lands of James Gordon Smith, dated May 23, 2013, by Allan C. MacCullough, Nova Scotia Land Surveyor

**ATTACHMENT A:**  
**Proposed Amendments to the Halifax Mainland Land Use By-law**

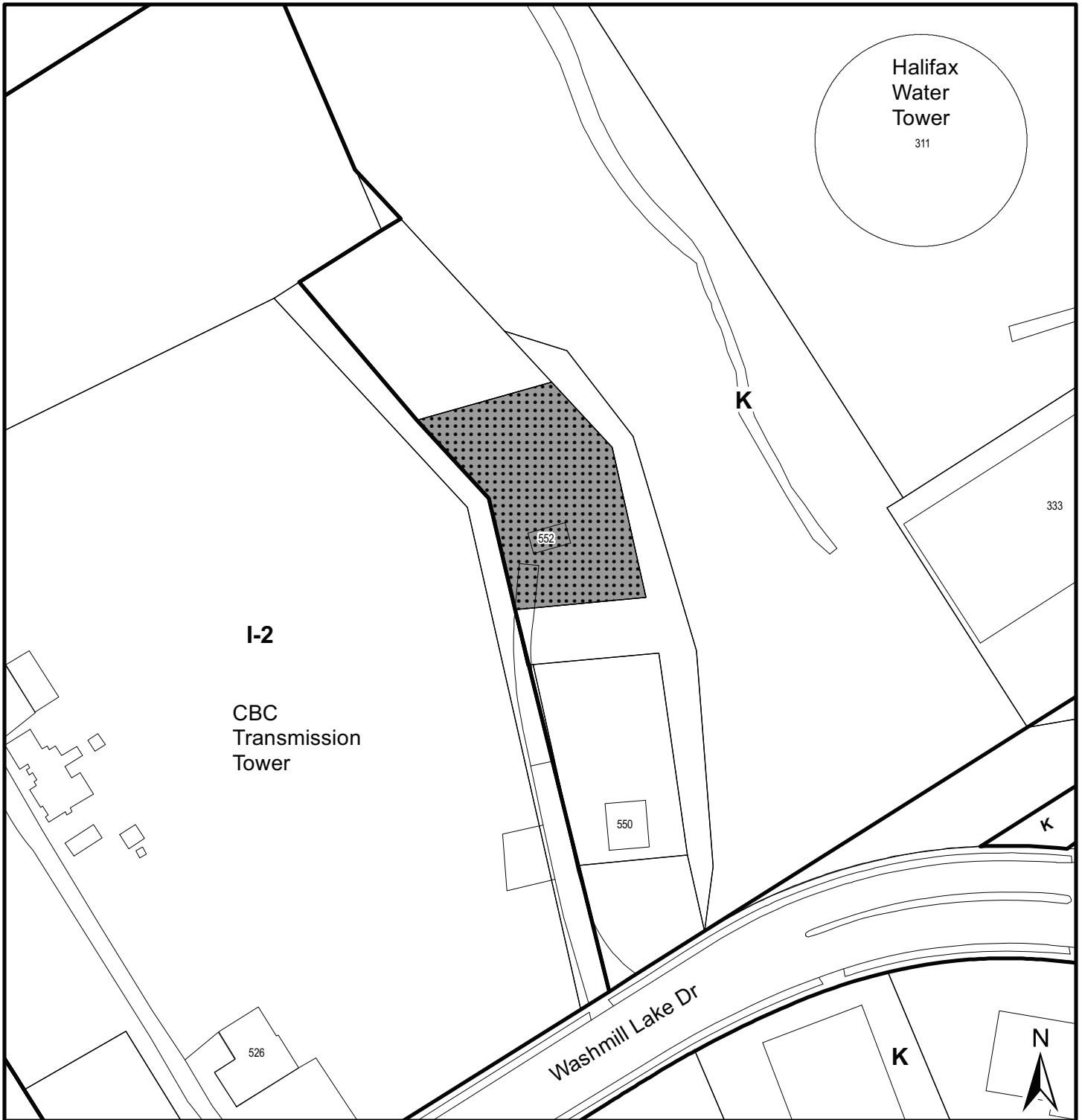
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland as adopted by Regional Council on the 30<sup>th</sup> day of March, 1978, and 11<sup>th</sup> of May, 1978, and approved by the Minister of Municipal Affairs on the 11<sup>th</sup> day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

1. Amend zoning map, **ZM-1**, by removing Schedule K from, and applying the R-2P (General Residential) Zone to, 552 Washmill Lake Drive, Halifax (PID #00338194), as shown on **Schedule A** attached hereto.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Mainland, as set out above, were duly passed by a majority vote of the Halifax and West Community Council at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2014.


GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Municipal Clerk



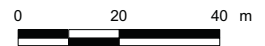
**Schedule A**

552 Washmill Lake Drive  
Halifax

 Area to be removed from Schedule K and zoned R-2P (General Residential)

**Zone**

I-2 Radio Transmitter  
K Schedule K



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:**  
**Review of Relevant Policies of the Halifax Municipal Planning Strategy**

Policy Criteria	Staff Comment
<p><b>2. RESIDENTIAL ENVIRONMENTS</b>  <b>Objective:</b> The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.</p>	
<p><b>2.1</b> 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.</p>	<p>The subject property is currently developed with a single family dwelling and a non-conforming auto repair business. It is serviced with on-site services (well and sewage disposal system). The proposal meets this policy.</p>
<p><b>2.1.1</b> On the Mainland, residential development should be encouraged to create sound neighbourhoods through the application of a planned unit development process and this shall be accomplished by Implementation Policy 3.3. It is the intention of the City to prepare and adopt a planned unit development zone subsequent to the adoption of this Plan.</p>	<p>Schedule K was applied to large, primarily undeveloped tracts of land in the northern Mainland area. Most of these lands have been developed through a two-stage development agreement process. However, some smaller parcels, both vacant and previously developed, fall within Schedule K but are not suitable for a planned unit development approach. As the property is relatively small and currently developed, it is reasonable to rezone it to reflect the existing land uses and to enable the permitting process for the subject accessory building.</p>
<p><b>2.2</b> 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 subject property is located in a predominantly residential neighbourhood comprised of low, medium and high-density residential uses and some minor commercial uses. The existing land uses are proposed to remain in place. The proposal is <u>consistent</u> with these policies and the intent of the Residential Environments Designation as the proposed development maintains the present neighbourhood development pattern or characteristics of the neighbourhood. The proposal meets this policy.</p> <p>Policy 3.1 was repealed in June 1990; however, Policy 3.1.1 (see below) requires proposed developments to conform with the policies of the plan with particular regard to Policy 2.4 of Section II (see below).</p>

<b>Policy Criteria</b>	<b>Staff Comment</b>
	Policy 3.2 discusses the creation of secondary plans in certain areas of the Halifax Planning Area. The subject property is not included within a secondary plan.
<b>2.3</b> The City shall investigate alternative means for encouraging well-planned, integrated development.	N/A
<b>2.3.1</b> The City should restrict ribbon development which does not conform to the policies of this document and should seek ways to remove any such development which may become obsolete.	N/A
<b>2.4</b> 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.	The proposed rezoning will not result in any land use changes. The existing non-conforming auto repair business is not permitted to expand in scope. The proposal meets this policy.
<b>2.4.1</b> 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.	As indicated above, the existing non-conforming auto repair business is not permitted to expand in scope. The scale of the neighbourhood and street network will not be affected. The proposal meets this policy.

<b>Policy Criteria</b>	<b>Staff Comment</b>
<p><b>2.4.2</b> In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.</p>	<p>All low-density residential zones permit these uses. The proposed rezoning will provide this property with the same land use requirements as other properties. The proposal meets this policy.</p>
<p><b>2.4.2.1</b> Pursuant to 2.4.2 the land use by-law may regulate the number, size, height, illumination and location of signs.</p>	<p>N/A</p>
<p><b>2.7</b> 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>N/A</p>
<p><b>2.10</b> For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</p>	<p>Provisions have already been established in the LUB to regulate these matters.</p>
<p><b>2.11</b> For all residential uses the parking and storage of vehicles such as trailers, boats and mobile campers, shall be restricted to locations on the lot which create minimal visual impact from the street.</p>	<p>Provisions have already been established in the LUB to regulate these matters.</p>

<b>IMPLEMENTATION POLICIES</b>	
<b>AMENDMENTS TO THE ZONING BY-LAW</b>	
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.	Staff are of the opinion that the proposed rezoning is consistent with the applicable policies of the MPS for Halifax.
4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.	If the proposed rezoning is approved the property owner must demonstrate that they are able to comply with all city by-laws and regulations.
4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of: i) the fiscal capacity of the City to absorb the costs relating to the development; and ii) the adequacy of all services provided by the City to serve the development.	(i) Development already existing; (ii) N/A

**ATTACHMENT C:**  
**Excerpts from the Halifax Mainland Land Use By-law**

**R-2P ZONE**

**GENERAL RESIDENTIAL ZONE**

28AA(1) The following uses shall be permitted in any R-2P Zone:

- (a) all R-1 and R-2 uses;
- (b) buildings containing not more than 4 apartments;  
(Also note Section 28AE)
- (c) uses accessory to any of the foregoing uses.

28AA(2) No person shall, in any R-2P 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)

28AA(3) No persons shall, in any R-2P 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**

28AB(1) Buildings erected, altered or used for R-1, R-2 and R-2P in an R-2P Zone shall comply with the following requirements:

	Minimum Lot Frontage (ft.)	Minimum Lot Area (sq. ft.)	Minimum Side Yard (ft.)
R-1 Use	40	4000	4
Duplex Semi-detached Dwelling	50	5000	5
3 and 4 Unit Apt Building	60	6000	6



28AB(2) Front yard shall be 15 feet minimum;  
Rear yard shall be 20 feet minimum.

28AB(3) Lot coverage shall be 35% maximum.

28AB(4) Height shall be 35 feet maximum.

#### **SEMI-DETACHED DWELLING**

28AB(5) 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.

#### **INTERNAL CONVERSION TO DUPLEX**

28AC 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 up to and including five habitable rooms shall require a lot containing an area of not less than 3,300 sq.ft.
- (b) a duplex dwelling containing six to eight habitable rooms shall require a lot containing an area of not less than 4,000 sq.ft.
- (c) Lot coverage - maximum lot coverage shall be 35 percent.

28AD Notwithstanding the provisions of Section 28AB, the requirements of Sections 26(f) to (h), (i)(2) and (3), 27 and 28 to 28B inclusive above shall apply.

#### **MAINLAND SOUTH - FOUR UNITS**

28AE Notwithstanding Section 28AA(1)(b) of this by-law, apartments containing a maximum of four units may be permitted in the "**Mainland South Area**" provided that, of the total number of dwelling units in the building, there is a minimum of one two-bedroom unit for each bachelor or one-bedroom unit.

## R-1 (SINGLE FAMILY DWELLING) ZONE

20(1) The following uses shall be permitted in any R-1 Zone:

- (a) a detached one-family dwelling;
- (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) a church and church hall;
- (e) a golf course;
- (f) a tennis court;
- (g) a yacht or boat club;
- (h) a public recreational centre;
- (i) **a day care facility for not more than 8 children in conjunction with a dwelling (CCC-Apr 6/09;E-Oct 8/09)**
- (j) a special care home containing not more than ten persons including resident staff members;
- (k) uses accessory to any of the foregoing uses.

20(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).

20(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

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

- (a) lot frontage minimum                      50 feet except when a lot faces on the outer side of a curve in the street, in which case the min. frontage may be reduced to 30 feet
- (b) lot area minimum                            5,000 square feet
- (ba) Notwithstanding clause (b), the minimum lot area, for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
- (c) lot coverage maximum                      35 percent
- (ca) height maximum                            35 feet
- (d) floor coverage of living                      950 square feet space, minimum
- (e) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building

### **ACCESSORY BUILDINGS**

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

### **BUILDINGS ON CORNER LOTS**

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

### **BOSCOBEL ROAD LOT SIZES**

- (i) Notwithstanding the minimum lot area requirements specified in Section 21(b) and 21(ba), the minimum lot area requirement for lots abutting or including the wetland area between Boscobel Road and Purcell's Cove Road as specified on Schedule A, shall be one acre, excepting those lots existing on the date of adoption of this Section, and excepting civic number 290 Purcell's Cove Road.

### **BOARDERS AND LODGERS - BED AND BREAKFAST**

- 22(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 section shall be allowed.
- 22(b) The provision of the bed and breakfast accommodation shall not be permitted simultaneously with the keeping of boarders and lodgers.

### **SIGNS**

- 23 The exterior of any building in an R-1 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
  - (a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;
  - (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding 1 square foot in size;
  - (c) one non-illuminated sign not exceeding 1 square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;

- (d) one bulletin board for a church;
- (e) a sign not exceeding 2 square feet in size for a **day care facility (RC-Mar 3/09;E-Mar 21/09)**;
- (f) a non-illuminated sign not to exceed 6 square feet in size for a non-residential building.
- (g) 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**

23A Buildings 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)**

23B Notwithstanding the provisions of Sections 20(1)(i) and 23A (a-c) a **day care facility** may be operated as an accessory use to a church, church hall, or public recreation centre. The parking provisions contained in Sections 11(1) and 11 (2) would apply.**(RC-Mar 3/09;E-Mar 21/09)**

23C (Deleted)

### **SPECIAL CARE HOME**

23D 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 1,000 feet distant from any other building used for or as a special care home;
- (iv) parking requirements as contained in subsections (1)and (2) of Section 11.

## **SCHEDULE "K"**

- 68(1) Any area of land shown as Schedule "K" shall be a Comprehensive Development District.
- 68(2) No development permit shall be issued for a development in a Schedule "K" unless the proposed development has been approved by a resolution of Council.
- 68(3)(a) The purpose for which land within a Schedule "K" area is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types; shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and community facilities for the use of residents in the immediate area; and shall include provision for automobile, transit, and pedestrian circulation; and an emphasis on conservation of natural environment features including lakes and waterways, mature trees, and natural topographic features. In addition to the above, Council may consider provision for commercial uses in accordance with the policies of the Municipal Planning Strategy.
- 68(3)(b) Notwithstanding clause (a), pursuant to Section II, Policy 3.3 of the Municipal Development Plan, the lands designated commercial on the east of Bicentennial Drive at the Bayers Lake Interchange shall be developed primarily as a mixed commercial/residential area.
- 68(4) For greater certainty, but without limiting the general powers of Subsection 68(3) above, the following uses may be permitted;
- (a) detached one family dwellings;
  - (b) semi-detached dwellings;
  - (c) duplex dwellings;
  - (d) apartment houses
  - (e) attached houses;
  - (f) public park or playground;
  - (g) commercial uses;
  - (h) local commercial uses intended for the use of residents of the immediate area;
  - (i) a community centre;
  - (j) golf course;
  - (k) notwithstanding Section (h) above, regional scale retail uses, including large-format outlets, shall only be permitted on those lands situated at the south-east quadrant of the Lacewood Drive/Bicentennial Drive interchange.
  - (l) uses accessory to any of the foregoing uses
- 68(5) An application for a development permit in any Schedule "K" area shall be submitted in two stages, the first stage of which shall be a tentative plan that shall include the following information for the entire area of land owned by the applicant which is designated as Schedule "K":

- (a) A plan to a scale of 1" = 100', or 1" = 40', showing the following information:
  - (i) The location of the various uses and their areas;
  - (ii) Delineation of the various residential areas indicating for each such area its size and location, number of dwelling units (including number of bedrooms for each unit), types of dwelling units (i.e., townhouse, apartments, single family dwellings), parking layout and population density;
  - (iii) The location, size, shape, and surface treatment of public and private open spaces;
  - (iv) The proposed interior roadway system and connection to existing roadways including location of bus bays;
  - (v) Topography of the area showing contour intervals of not more than five feet of elevation, as well as an indication of soil coverage of the site;
  - (vi) All existing and proposed rights-of-way and easements, either public or private, within the area;
  - (vii) Description, size and location of the proposed community cultural facilities, community centres, etc.;
  - (viii) Description, size and location of proposed local commercial uses intended for the use of residents of the immediate area;
  - (ix) The uses and ownership of land abutting the area in question;
  - (x) A key plan with a scale between 1" = 200' and 1" = 1,320' showing the location of the site in relation to the surrounding communities;
  - (xi) General indication of how the phasing and scheduling is to proceed, if phasing is intended for the project.
- (b) A plan to a scale of 1" = 100' and 1" = 40' showing an outline of the existing and proposed:
  - (i) roadways, walkways, rights-of-way and easements;
  - (ii) sanitary sewer system;
  - (iii) storm sewer system;
  - (iv) water system;
  - (v) surface drainage and means of disposal of the water;
  - (vi) street and walkway lighting;
  - (vii) telecommunication system;
  - (viii) electrical distribution system.
- (c) A plan showing the overall drainage areas contributing to the flows of the area in question.

68(6) After holding a public hearing and considering the plan proposal submitted under Subsection 68(5), Council shall determine whether the applicant may proceed to final approval and on what conditions, if any, Council may refuse the proposal where, in the opinion of Council, the proposal is inconsistent with the purposes of Schedule "K" or Section 5 of this by-law.

68(7) In the event that Council does not refuse the application, the applicant shall provide:

- (a) such information as required by Sections 63 and 64 of the by-law for that portion of the proposal for which the applicant is applying for a development permit;
- (b) such additional information (final servicing plans, survey plan, etc.) as may be required by the Development Officer;
- (c) the terms of the proposed agreement pursuant to Subsection (8).

68(8) Approval by Council under Section 68(6) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct.

68(9) Council shall consider the application for final approval and shall either approve the development or notify the applicant of the objectionable features of the final plan.

69(1) (Deleted)

69(2) (Deleted)