

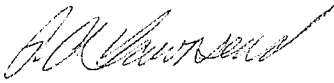


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Halifax, Nova Scotia
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3.1.1

Western Region Community Council
January 23, 2012

TO: Chair and Members of Western Region Community Council

SUBMITTED BY: 
Phillip Townsend, Director, Planning & Infrastructure

DATE: December 6, 2011

SUBJECT: Case 16862: Rezoning 1578 St. Margarets Bay Road, Lakeside

ORIGIN

Staff

RECOMMENDATION

It is recommended that the Western Region Community Council:

1. Give First Reading to the proposed rezoning of 1578 St. Margaret's Bay Road, Lakeside, from the CDD (Comprehensive Development District) Zone to the R-1 (Single Dwelling Unit) Zone, as provided in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of 1578 St. Margaret's Bay Road, Lakeside, from the CDD (Comprehensive Development District) Zone to the R-1 (Single Dwelling Unit) Zone, as provided in Attachment A of this report.

BACKGROUND

It has come to the attention of staff that a residential property at 1578 St. Margarets Bay Road, in Lakeside, is inappropriately zoned. Records show that the property was assigned the CDD (Comprehensive Development District) Zone prior to adopting the Land Use By-Law for Timberlea/Lakeside/Beechville (LUB) in 1992.

The CDD Zone is designed to permit mixed use developments through development agreement on properties of five acres or more. It is apparent that the CDD Zone was incorrectly applied due to the size of the property, which has been occupied by single family dwelling since 1989, and the fact that it does not form part of a larger land holding intended for comprehensive development.

Recently, the property owner was denied municipal permits to establish a home business due to the presence of the CDD Zone. To permit such a use, and apply the appropriate zone to the property, a rezoning to the adjacent R-1 (Single Family Dwelling) Zone is required.

Subject Property	1578 St. Margarets Bay Road (PID# 40050502)
Location	On the south side of St. Margarets Bay Road and within close proximity to the residential subdivision of Governor's Glenn
Boundaries	St. Margarets Bay Road to the north, single family dwellings to the east and west and undeveloped, forested lands to the south known as Brunello Estates (formerly WestGate) (Map 1)
Lot Area	7,500 square feet
Current Use	Single Family Dwelling
Zoning	CDD (Comprehensive Development District) under the Land Use By-Law for Timberlea/Lakeside/Beechville (Map 2)
Designation	Urban Residential under the Municipal Planning Strategy for Timberlea/Lakeside/Beechville (Map 1)
Surrounding Land Uses	Various residential uses that are developed with a mix of single and two unit dwellings (Map 1)
Enabling Policy	Policies UR-1 and UR-2 (Attachment B)

DISCUSSION

Municipal Planning Strategy (MPS) - Policy Intent:

Staff has reviewed the proposed rezoning with regard to relevant policies contained in MPS, which recognize the established communities in the Timberlea/Lakeside/Beechville plan area. The Urban Residential Designation is intended to support the community of Lakeside which consists of predominantly low density residential uses such as single unit dwellings, two unit dwellings and mobile homes.

As the proposed rezoning is consistent with Policies UR-1 and UR-2 of the MPS, staff recommends that the Western Region Community Council approve the proposed rezoning as provided in Attachment A.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The effects of this application are considered minor and a Public Information Meeting (PIM) was deemed not to be required and was waived in consultation with the area Councillor. Community engagement was achieved through mail-out notification to neighbouring properties.

Should Council decide to schedule a public hearing, property owners within the notification area shown on Map 1 will be notified of the hearing by mail. Notices will also be published in the local newspaper and posted on the HRM website.

The proposed rezoning will potentially impact the following stakeholders: local residents, and property owners.

ALTERNATIVES

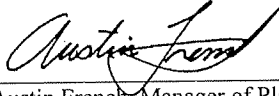
1. Council may choose to approve the proposed amendments contained in Attachment A of this report. This is the recommended alternative.
2. Council may refuse the proposed amendments and, in doing so, must provide reasons based on a conflict with the MPS policies.

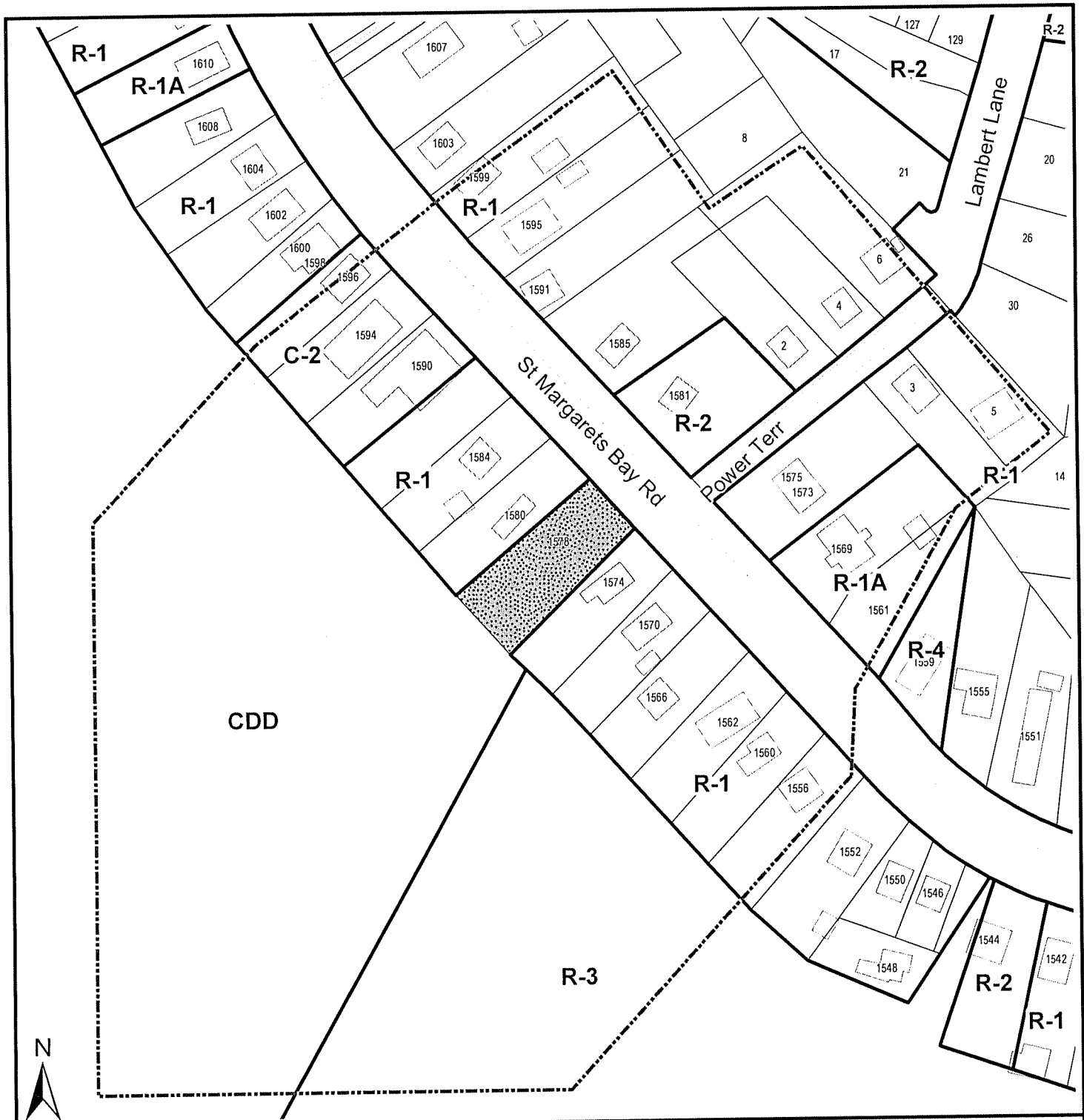
ATTACHMENTS

Map 1	Location, Zoning and Notification Area
Map 2	Generalized Future Land Use
Attachment A	Proposed Amendments
• Schedule A	Area to be Rezoned
Attachment B	Excerpt from Relevant MPS Policies
Attachment C	Excerpt from the LUB for TLB – Regulations

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: Dali H. Salih, Planner I, Planning Services, 490-1948


Report Approved by: 
Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

1578 St. Margarets Bay Road
Lakeside

 Area proposed to be rezoned from CDD (Comprehensive Development District) to R-1 (Single Unit Dwelling)

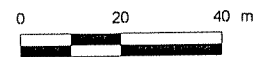
 Area of notification

Timberlea/Lakeside/Beechville Plan Area

Zone

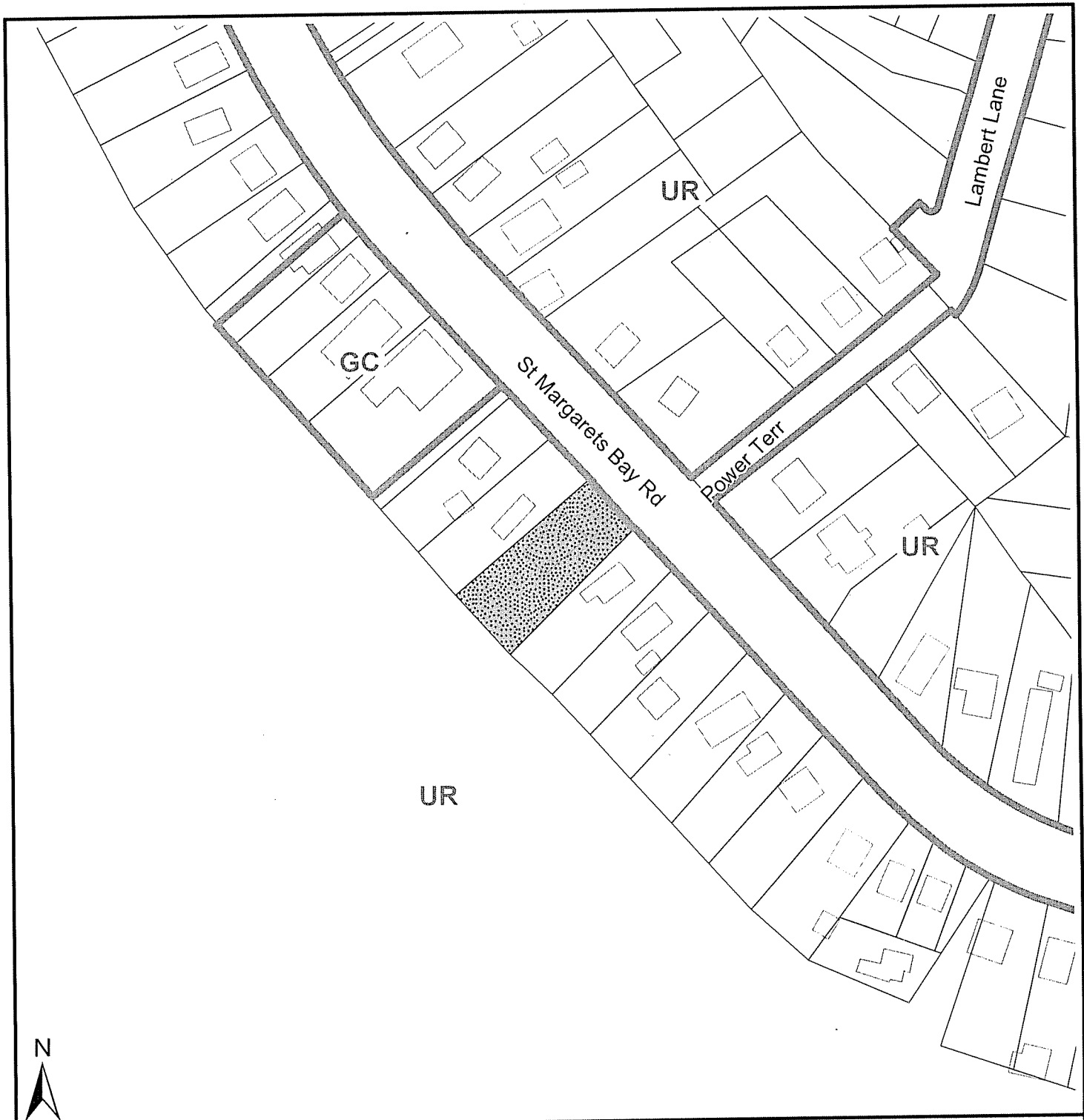
- R-1 Single Unit Dwelling
- R-1A Auxiliary Dwelling Unit
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multi unit Dwelling
- CDD Comprehensive Development District
- C-2 General Business

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PLANNING SERVICES




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 - Generalized Future Land Use

1578 St. Margarets Bay Road
Lakeside

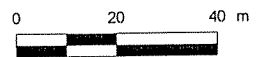
 Area proposed to be rezoned from CDD (Comprehensive Development District) to R-1 (Single Unit Dwelling)

Timbertea/Lakeside/Beechville Plan Area

Designation

UR Urban Residential
GC General Commercial

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COMMUNITY DEVELOPMENT
PLANNING SERVICES



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

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ATTACHMENT A

**Proposed Amendments to the Land Use Bylaw for
Timberlea/Lakeside/Beechville**

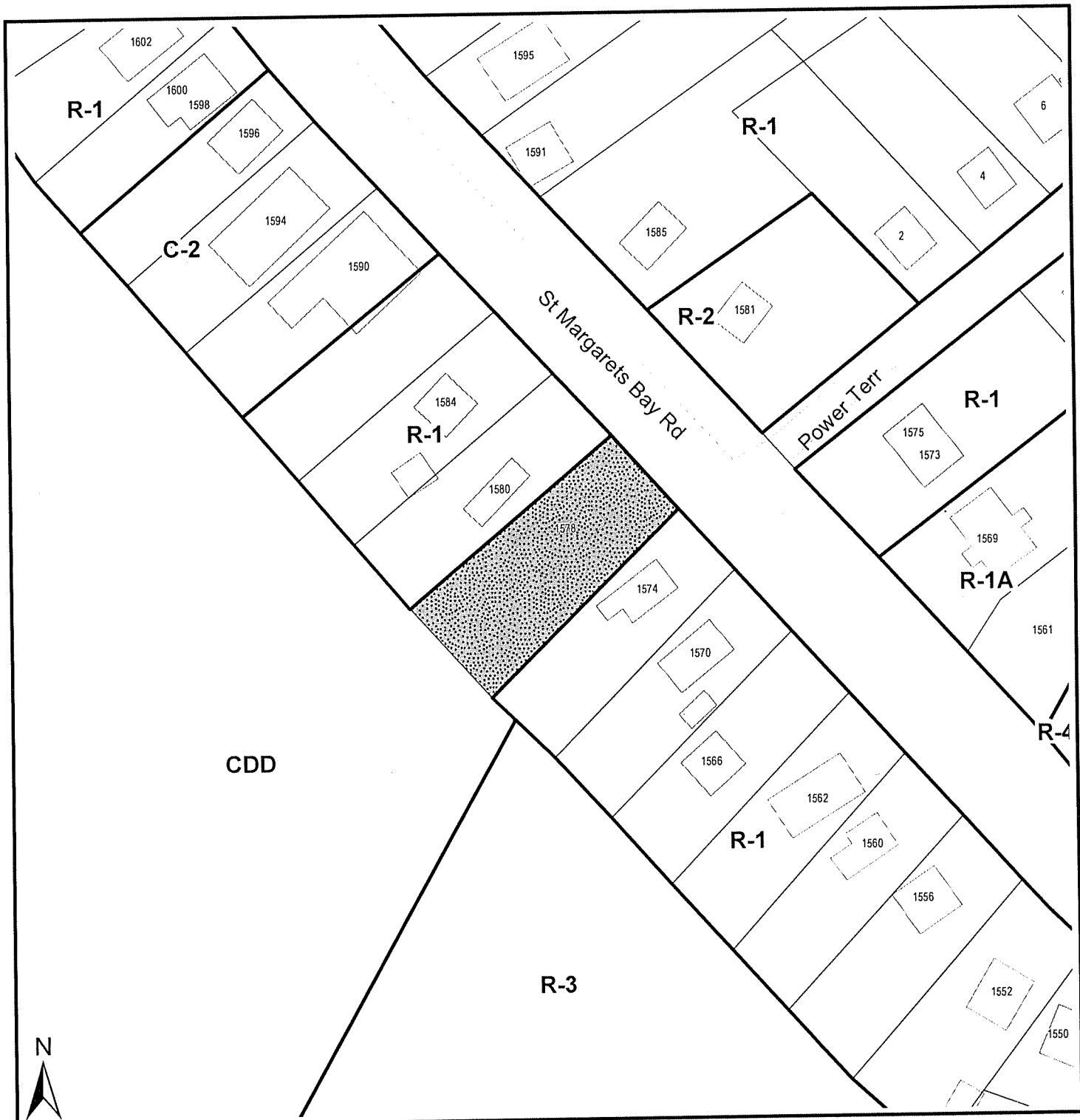
BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/Lakeside/Beechville, as amended, is hereby further amended as follows:

1. Amend the zoning map, Schedule "A" Zoning, by rezoning 1578 St. Margaret's Bay Road, Lakeside, from the CDD (Comprehensive Development District) Zone to the R-1 (Single Dwelling Unit) Zone, as shown on Schedule A attached.

I HEREBY CERTIFY that the amendment to the Land Use Bylaw for Timberlea/Lakeside/Beechville, as set out above, was passed by a majority vote of the Western Region Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, ____


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

Municipal Clerk



Schedule A

1578 St. Margarets Bay Road
Lakeside

 Area to be rezoned from CDD (Comprehensive Development District) to R-1 (Single Unit Dwelling)

Timberlea/Lakeside/Beechville Plan Area

Zone

- R-1 Single Unit Dwelling
- R-1A Auxiliary Dwelling Unit
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multi unit Dwelling
- CDD Comprehensive Development District
- C-2 General Business



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

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ATTACHMENT B

**Excerpt from the Municipal Planning Strategy for
Timberlea/Lakeside/Beechville**

SECTION III: Land Use Intent

Urban Residential Designation

Policy UR-1: In recognition of the established residential community and the need to provide for a variety of residential opportunities, it shall be the intention of Council to establish the Urban Residential Designation, as shown on Map 1 - Generalized Future Land Use. The Designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.

Policy UR-2: Within the Urban Residential Designation, it shall be the intention of Council to establish a single unit dwelling zone which permits single unit dwellings, community facility and open space uses, and provides for business uses and limited day care facilities located in a residence, provided that the scale of the business and its external appearance are compatible with the residential environment. In addition, the zone shall control parking and the number and size of signs, and shall prohibit open storage and outdoor display.

ATTACHMENT C

**Excerpt from the Land Use By-law for
Timberlea/Lakeside/Beechville – Regulations**

PART 6: R-1 (SINGLE UNIT DWELLING) ZONE

R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Residential Uses

Single unit dwellings

Existing mobile home parks

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Community Uses

Open space uses

Institutional uses except day care facilities, medical clinics and fraternal centres and halls.

R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	Central services	6,000 square feet (558 m ²)
	On-site services	20,000 square feet (1858 m ²)
Minimum Frontage	Central services	60 feet (18.3 m)
	On-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Minimum Lot Coverage		35 per cent
Minimum Height of Main Building		35 feet (10.7 m)

OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in any R-1 Zone, the following shall apply:

- a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business or facility.
- b) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (28 m²).
- c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration or glare.
- d) No open storage or outdoor display shall be permitted.
- e) No more than one (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (.2 m²) in area.
- f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m²) of floor area devoted to any business.

OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- b) Except for play equipment, no open storage or outdoor display shall be permitted.
- c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (.2 m²) in area.
- d) One off-street parking space, other than that required for the dwelling, shall be provided.

R-1 ZONE REQUIREMENTS: COMMUNITY USES

In any R-1 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.