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Halifax, Nova Scotia  
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## MEMORANDUM

TO: Chair and Members of District 7 and 8 Planning Advisory Committee

FROM: Leah Perrin, Planner II, Urban Area Planning Policy Applications

DATE: November 21, 2016

**SUBJECT: Case #20854 – HRM-initiated application to consider amendments to the Halifax Peninsula Land Use By-law to protect the character and form of Young Avenue, Halifax.**

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Young Avenue, in Halifax's South End area, is considered a unique and prominent residential streetscape. It is a boulevard characterized by many large estate lots, some of which include houses of notable architectural quality. As a result of recent development activity on the street, which has included the demolition of several notable houses of historic significance, there is concern that the well-established character of Young Avenue will be lost as more longstanding homes are demolished, lots are subdivided, and new dwellings constructed.

In response to these concerns, Regional Council directed staff to present options to protect the character and form of Young Avenue. On October 4, 2016, Regional Council considered a staff report which outlined options to protect this streetscape, including potential changes to the Land Use By-law related to lot size and lot frontage and possible protections through heritage legislation (Attachment A). Staff recommended amendments to the Halifax Peninsula Land Use By-law, enabled through existing policies in the Halifax Municipal Planning Strategy, which would aim to maintain the pattern of existing lots by limiting subdivision opportunities. Regional Council directed that the matter be referred to Halifax and West Community Council so that the proposed land use by-law amendments may be considered.

### Study Area Description

The study area comprises 64 lots which have frontage on Young Avenue (Map 1). The majority of the street is developed with detached dwellings; many of the larger houses have been converted into more than one dwelling unit. The South End Tennis Club, located at 949 Young Avenue, is the only non-residential property in the study area.

### Existing Municipal Planning Policy and Land Use By-law Regulations

Young Avenue is within District 4 of the South End Area Plan (SEAP), within the Halifax Municipal Planning Strategy (MPS). All properties in the study area are designated Low Density Residential (LDR). Under the SEAP, Policy 1.1.1.2 requires the land use by-law to "*further define elements of scale, proportion, setback and use consistent with the policies of this Plan to ensure compatibility with the districts and neighbourhoods.*" Furthermore, Policies 2.2 and 2.4 of the Residential Environments section

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of the MPS indicate a desire to preserve the existing character and development pattern of predominately stable residential neighbourhoods. The existing policy therefore requires the land use by-law to control certain aspects of development in order to protect the character of neighbourhoods and ensure compatibility of new development.

The Halifax Peninsula Land Use By-law (LUB) regulates development on Young Avenue. All properties within the study area are zoned R-1 (Single Family).

### Proposed Changes to the Land Use By-Law

To better implement the policies of the Halifax Municipal Planning Strategy and to ensure the R-1 Zone standards reflect the existing lot pattern on Young Avenue, staff propose amendments to the Halifax Peninsula LUB. The proposed changes would increase the minimum required lot frontage, lot area, lot width and lot depth required for new lots. The following table outlines the existing LUB requirements and the proposed changes:

	Existing requirement	Proposed change
Lot frontage minimum	40 feet	80 feet
Lot area minimum	4,000 square feet	8,000 square feet
Lot width minimum	20 feet	80 feet
Lot depth minimum	20 feet	100 feet
Height maximum	35 feet	No change proposed
Lot coverage maximum	35 percent	No change proposed
Front yard setback	40 foot building line	No change proposed
Rear yard setback	20 feet	No change proposed
Side yard setback	10% lot width, maximum 6 feet	No change proposed
Gross Floor Area maximum	Max. Floor Area Ratio based on lot size	No change proposed

Increasing the minimum size of new lots will limit the subdivision potential of existing lots on the street. Of the 64 existing lots on Young Avenue, no lots have a minimum 160 feet of frontage and 16,000 square feet of area that would be required to subdivide if the proposed amendments outlined above were to be adopted.

Existing developed residential lots that will not meet the proposed minimum requirements will continue to be protected under the non-conforming provisions of the HRM Charter. The proposed changes are not intended to impact the ability of existing houses to be renovated, enlarged or rebuilt.

### Public Meeting

A public meeting to hear community input on the proposed changes was held on November 2, 2016. At the public meeting, staff outlined the proposed changes and the process for amending the LUB. Minutes of this meeting are provided in Attachment B.

In addition to concerns regarding current as-of-right development on particular properties in the study area, members of the public have requested that additional changes to the LUB should be considered. These changes include:

- Increasing the minimum side yard setback from 6 feet to 10 feet;

- Increasing the proposed minimum lot size to 12,000 square feet; and
- Increasing the proposed lot depth to a minimum of 150 feet.

### **Input Sought from the Committee**

Pursuant to the Committee's Terms of Reference, feedback is sought from the Committee relative to the proposed development. The recommendation will be included in the staff report to Halifax and West Community Council. Specific items that the Committee may wish to address include the following:

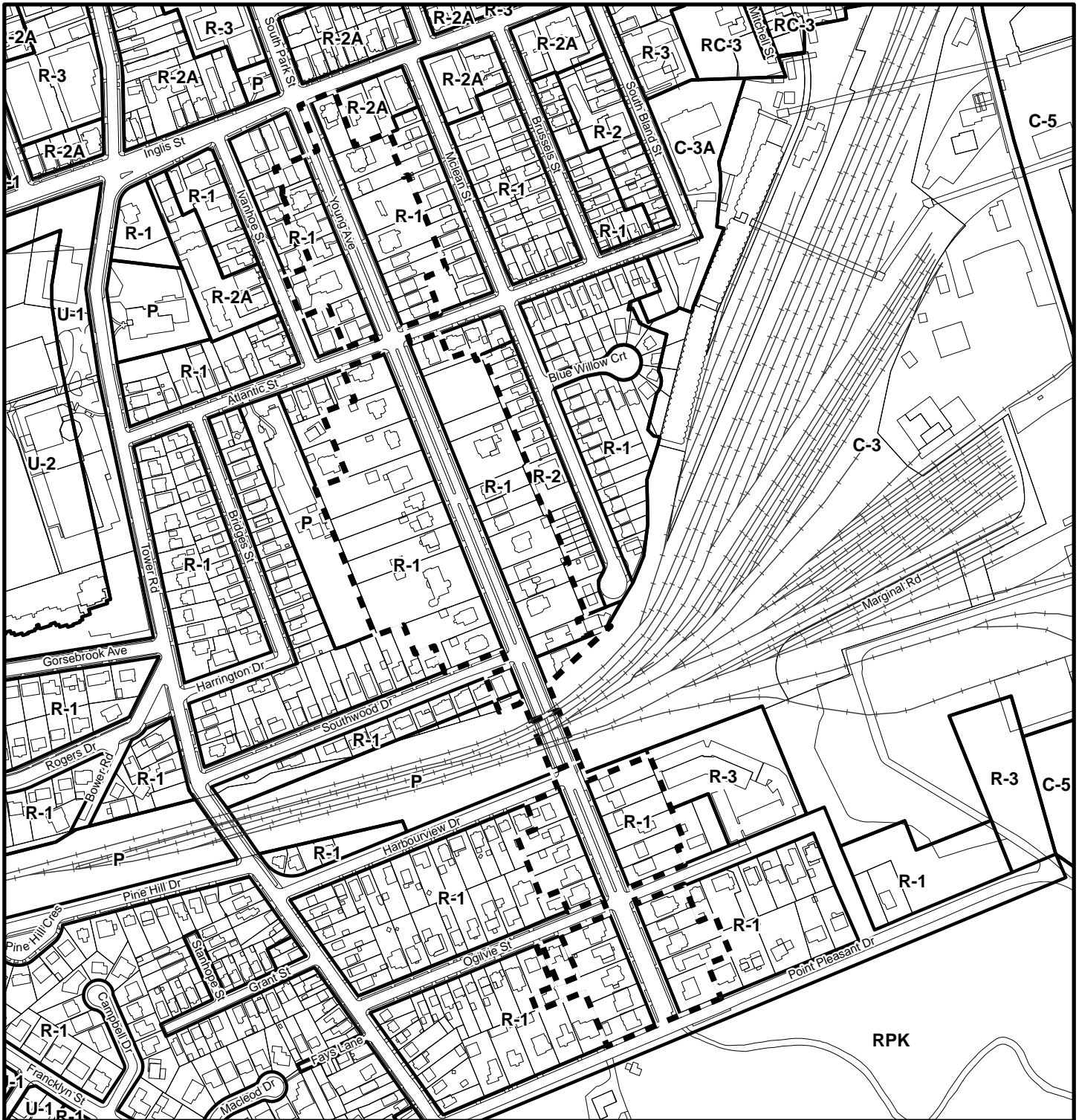
- Proposed changes to the Land Use By-law outlined above; and
- Additional and alternative changes to the Land Use By-law requested by the public.

### **Attachments**

Map 1: Study Area Location & Zoning

Attachment A: October 4, 2016 Regional Council Report

Attachment B: Public Information Meeting Notes - November 2, 2016



### Map 1 - Study Area Location & Zoning

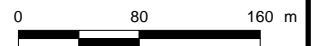
Young Avenue  
Halifax

Study Area Boundary

Halifax Peninsula  
Plan Area

Zone	
R-1	Single Family Dwelling
R-2	General Residential
R-2A	General Residential Conversion
R-3	Multiple Dwelling
RC-3	High Density Res. Minor Comm.
C-3	Industrial
C-3A	Business Service
U-1	Low-Density University
U-2	High Density University
RPK	Regional Park
P	Park and Institutional

**HALIFAX**



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

The accuracy of any representation on this plan is not guaranteed.

P.O. Box 1749  
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**Item No. 14.1.11**  
**Halifax Regional Council**  
**October 4, 2016**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

Original Signed by 

\_\_\_\_\_  
Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** September 26, 2016

**SUBJECT:** Options to protect the character and form of Young Avenue, Halifax

## **ORIGIN**

On May 10, 2016 Regional Council passed the following motion:

MOVED by Councillor Mason, seconded by Councillor Hendsbee

THAT Halifax Regional Council request a staff report recommending best options to establish protections to the heritage and character of historic Young Avenue, including but not limited to:

1. Changes to the Land Use By-law related to lots size, coverage, frontage and dwelling count;
2. Establishing a Heritage Conservation District or Heritage Streetscape.

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter ("HRM Charter")*, 30 (3) "A community council may amend the land-use by-law of the Municipality applicable to the community with respect to any property in the community if the amendment carries out the intent of any municipal planning strategy of the Municipality applicable to the property and, in doing so, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes."

*HRM Charter*, Part VIII, Planning and Development, including section 235:

Halifax Municipal Planning Strategy

The *Heritage Property Act*, R.S. N. S. 1989, c. 199

Administrative Order Number 48, the Community Council Administrative Order.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council refer this matter to the Halifax & West Community Council for consideration.

## **BACKGROUND**

Young Avenue is a prominent residential boulevard in the south end of the Halifax peninsula which commences at Inglis Street, running south and terminating at the prominent entry gates of Point Pleasant Park. The street was constructed in the late 19<sup>th</sup> century, and was envisioned as a grand avenue to connect the Public Gardens to Point Pleasant Park. As a result of provincial legislation governing residential development in the street's early years, the streetscape is characterized by several large estate houses notable for their architectural qualities and size, as well as some smaller scale development from the 1970's and later.

Recent development activity on Young Avenue, including the demolition of several notable dwellings of historic significance, has affected the unique character of the streetscape. There is concern that more of the character will be lost as longstanding homes are demolished, lots are subdivided, and new dwellings constructed. Regional Council has therefore directed staff to investigate options to protect the existing character and built form of the street.

### **Past Regulation**

Since its construction, Young Avenue has been treated as a unique streetscape. *An Act relating to Young Avenue in the City of Halifax* (s 1896, c.28), established in 1896 by the Provincial Legislature, proclaimed it desirable to "*beautify said avenue... provided certain class and style of houses are built*". The *Act* set out provisions to ensure residential development of the street took place in a specific form. In 1907, the *Act* was repealed but its provisions were moved into the 1907 *Halifax City Charter*.

In the 1930s the *Halifax City Charter* included similar provisions to the provincial legislation, but also permitted the conversion of existing residences to a maximum of four residential units. This legislation regulated the minimum cost, design, appearance and setbacks of the buildings, but did not regulate the size of lots. Given the significant cost of the buildings required by both the *Act relating to Young Avenue* and the early versions of the *Halifax City Charter* it is likely that the subdivision of these estates was not contemplated at that time. The provisions did not form part of the 1963 *Halifax City Charter*.

### **Existing Municipal Planning Policy and Land Use By-law Regulations**

Under the existing Halifax Municipal Planning Strategy ("MPS"), Young Avenue is designated Low-Density Residential within the South End Area Plan. Section V, South End Area Plan Objectives and Policies, outlines detailed policy direction, and specifically, policy 1.4.1 designates Young Avenue as family-type housing accommodation in detached single-family dwellings. Presently no policy exists addressing the unique residential development on Young Avenue, however it is notable that in 2011 and 2015 new policy and Land Use By-law standards were adopted which acknowledged another unique residential area in the south end located between Oakland Road, Bellevue Avenue, Inglis Street and Beaufort Avenue.

City-Wide Policies 2.2 and 2.4 of the Residential Environments section of the MPS indicate a desire to preserve the existing character and development pattern of predominately stable residential neighbourhoods. Section V policy 1.1.1.2 enables zoning within the Land Use By-law to "*further define elements of scale, proportion, setback and use consistent with the policies of this Plan to ensure compatibility with the districts and neighbourhoods.*"

The Halifax Peninsula Land Use By-law regulates development on Young Avenue, and all of the properties are zoned R-1 (Single Family Residential Zone) (Attachment B). The minimum lot size and lot frontage is 4,000 square feet and 40 feet, respectively, and the maximum lot coverage is limited to 35 percent. The size of dwellings in the R-1 Zone is also subject to maximum gross floor area requirements,

which limits the FAR (floor area ratio) of dwellings based on lot size. Under the South End Area Plan, single detached dwellings in the area which existed on October 14, 1982, are permitted to be internally converted to a maximum of three residential units. These internal conversions may not increase the height or volume of the building, and there are additional criteria regarding unit size, bedroom count and parking provisions.

On November 27, 2012 Regional Council adopted Administrative Order 48 establishing the Community Councils and delegating them certain authorities. One of the authorities that was delegated by Council was the authority to amend the land-use by-law applicable to the community if the amendment carries out the intent of any municipal planning strategy. The *HRM Charter* provides that, when such a delegation is made the “community council stands in the place and stead of the Council”.

### **Heritage Property Protection**

The *Heritage Property Act* provides municipalities with tools to designate and protect buildings, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value. In this instance there are three options which Council could initiate: (1) individual heritage registrations for specific buildings, (2) a streetscape designation for the street, or (3) the establishment of a heritage conservation district (HCD). All of these tools have been used to protect heritage in HRM.

## **DISCUSSION**

### **Amendments to the Halifax Peninsula Land Use Bylaw**

The current regulations under the Halifax Peninsula Land Use By-law for the Young Avenue area do not reflect the majority of the built form of the street. Initial analysis of the lot fabric (Attachment A) shows that the average lot areas and lot frontages are significantly larger than the minimum lot area and lot frontage required under the R-1 Zone. Under the current Land Use By-law regulations, 19 lots on Young Avenue have the potential for re-subdivision. There is concern for maintaining the traditional form and character of the Young Avenue streetscape as significant change may result from the demolition of existing dwellings and subdivision to enable additional residential construction.

To better implement the policies of the MPS, particularly with regard to preservation of the existing character of neighbourhoods and pattern of development, staff recommends adopting changes to the lot standards for the Young Avenue area. These changes and their intent are summarized as follows:

- Increase the minimum required lot area and lot frontage to 8,000 square feet and 80 feet, to better reflect the character of the street; and
- Add a requirement for lot area being a minimum lot width of 80 feet and a minimum length of 100 feet, which will address the concern that the development of flag lots may create a pattern of development that does not preserve the predominant development pattern of the street.

The size of dwellings is sufficiently addressed by the existing 35 percent maximum lot coverage requirement and the current maximum residential gross floor area requirements; no changes are proposed to these provisions. Proposed amendments to the R-1 Zone would be in keeping with the intent of the MPS, and serve to better protect the character of Young Avenue.

Staff is of the opinion that a municipal planning strategy amendment is not required and, accordingly, if amendments to the land use by-law are going to be considered, the matter should be referred to the Halifax & West Community Council for its consideration.

### **Options for Use of Tools enabled by the Heritage Properties Act**

As outlined in the Background section there are three heritage tools which could help preserve the character of Young Avenue: (1) individual heritage registrations for specific buildings, (2) a streetscape designation for the street, or (3) the establishment of a heritage conservation district.



1. Individual heritage registrations may be warranted for many buildings on Young Avenue; however, the process would take 6-8 months once staff have identified which buildings have the most heritage value. Once a property is designated as a municipal heritage property, owners must request permission to make a substantial alteration or to demolish. If Council denies such a request, section 18 of the *Act* permits the owner to undertake the substantial alteration or demolition three years after the date of the application, but not more than four years after the date of the application. This section of the *Act* limits the long term protection of the building from inappropriate alterations and demolition.
2. Streetscape designations are very similar to individual heritage registrations, except that part of the scoring process to determine if there is adequate heritage value considers the context of the whole street. Therefore, a summary of the heritage value and character defining elements for each property on the street would need to be created before the heritage advisory committee could evaluate each of the buildings. The timeline for the process for adoption of a designation would be similar to that of individual registrations, but with the added work of researching the context of the whole street. With this tool each building within streetscape would be subject to Section 18 of the *Act* which allows owners to proceed with a substantial alteration or demolition 3 years after the date of the applications, but not more than four years after the date.
3. The third option provided under the *Heritage Property Act* would be the creation of a Heritage Conservation District. This process involves the creation of a public participation program, the creation and approval by the Minister of a background study outlining the heritage values of the proposed district and rationale for the boundary, establishment of a stakeholder steering committee, creation of a Conservation Plan and Bylaw for the area, and public hearing before Council could adopt the Plan and Bylaw. The creation and adoption of an HCD could potentially take between one and two years to conclude, however, it currently provides the Municipality with greater options with respect to substantial alteration and demolition control than are provided with individual registrations

While each of these tools could assist in the protection of the character of Young Avenue they would not offer significantly more protection at this time than the described amendments to the Land Use By-law.

A heritage conservation district could provide permanent protection from demolition and inappropriate alterations to the properties on Young Avenue, however the process to create a Conservation District typically takes between one and two years. Additionally, policy in the Downtown Halifax MPS identifies the "Historic Properties" area for consideration as the next Heritage Conservation District once the Old South Suburbs is completed. The creation of a Heritage Conservation District typically includes other tools such as financial and land use incentives, and the creation of specific design guidelines which would apply to the entire district. There is no additional policy prioritizing any other future Heritage Conservation Districts.

### **Conclusion**

The proposed amendments to the R-1 Zone outlined in this report are an extension of the policy in the Halifax Municipal Planning Strategy which aims to protect the character of residential neighbourhoods. The advantage of amending the Land Use Bylaw is that it is a significantly shorter process than the adoption of a heritage conservation district, and would still enable the preservation of the current lot fabric, and thus the unique character of this area. If these amendments are going to be considered, the matter should be referred to the Halifax & West Community Council for consideration.

### **COMMUNITY ENGAGEMENT**

The proposed level of community engagement would be consultation, achieved through a public meeting, as well as a public hearing, before Community Council can consider approval of any amendments.



### **FINANCIAL IMPLICATIONS**

None Identified.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

### **ALTERNATIVES**

1. Council could choose to direct staff to initiate the process to establish a heritage conservation district for Young Avenue, however this is not the recommended action. Given the amount of time that would be needed to establish a heritage conservation district, it is possible that additional properties will be demolished and subdivided.
2. Council could choose not to refer the amendments to the Community Council and not proceed with the first alternative. This is not recommended as additional properties on Young Avenue could be subject to demolition and development without amendments to the lot size and frontage requirements in the R-1 zone to better reflect the unique character of the area.

### **ATTACHMENTS**

Map 1: Study Area Location and Zoning

Attachment A: Analysis of Lot Fabric on Young Avenue

Attachment B: Excerpt from the Halifax Peninsula Land Use By-law

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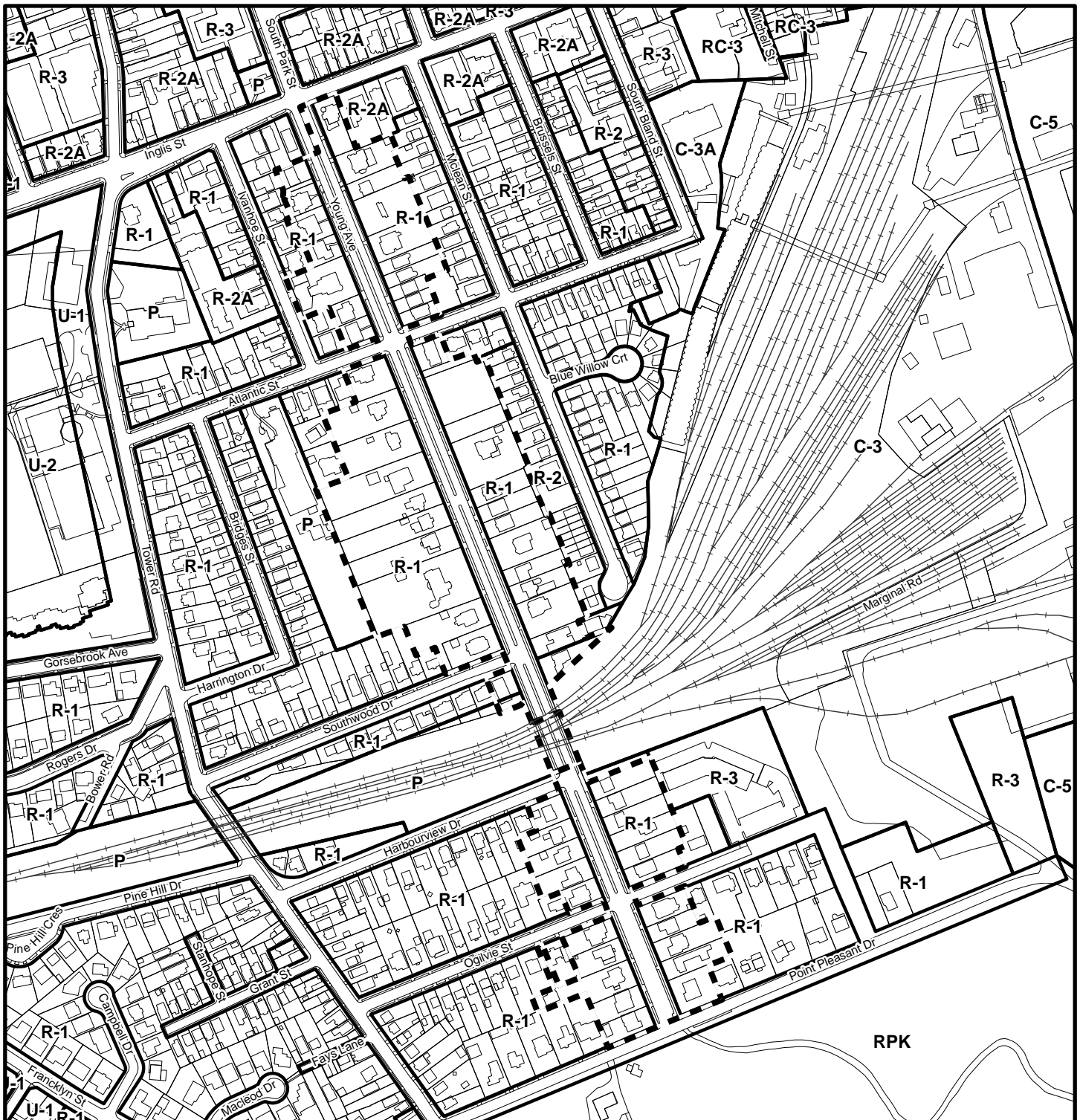
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Report Approved by: \_\_\_\_\_  
Katherine Greene, Policy and Strategic Initiatives Program Manager, 902-225-6217


Report Approved by: \_\_\_\_\_  
Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627

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### Map 1 - Study Area Location & Zoning

Young Avenue  
Halifax

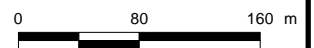
 Study Area Boundary

Downtown Halifax  
Plan Area

#### Zone

- R-1 Single Family Dwelling
- R-2 General Residential
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-3 High Density Res. Minor Comm.
- C-3 Industrial
- C-3A Business Service
- U-1 Low-Density University
- U-2 High Density University
- RPK Regional Park
- P Park and Institutional

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

The accuracy of any representation on this plan is not guaranteed.

**Attachment A: Analysis of Lot Fabric on Young Avenue**

<b>Total number of lots in study area:</b>	<b>64</b>
<b>Number of lots with ≥8000 sq. ft. lot area and 80 ft. lot frontage (could be subdivided under current regulations)</b>	<b>19</b>

<b><u>Lot Area</u></b>	<b>Study Area</b>	<b>Inglis St to Railway cut</b>	<b>Railway cut to Point Pleasant Dr.</b>
		(in Square Feet, rounded)	
<b>Average</b>	13,066	14,379	10,628
<b>Median</b>	10,179	9,836	10,305
<b>Min</b>	4,644	4,644	7,116
<b>Max</b>	51,437	51,437	19,803

<b><u>Lot Frontage</u></b>	<b>Study Area</b>	<b>Inglis St to Railway cut</b>	<b>Railway cut to Point Pleasant Dr.</b>
		(in Feet, rounded)	
<b>Average</b>	75	81	64
<b>Median</b>	66	71	62
<b>Min</b>	40	40	50
<b>Max</b>	170	170	108

**Attachment B: Excerpt from the Halifax Peninsula Land Use By-law**

**R-1 ZONE - SINGLE FAMILY ZONE**

27(1) The following uses shall be permitted in any R-1 Zone:

- (a) a detached one-family dwelling house;
- (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
- (ba) a home occupation;
- (c) a public park or playground;
- (d) church or church hall;
- (e) a **day care facility** for not more than 14 children in conjunction with a dwelling; **(RC-Mar 3/09;E-Mar 21/09)**
- (f) a special care home containing not more than ten persons including resident staff members;
- (g) uses accessory to any of the foregoing uses.

27(2) No person shall, in any R-1 Zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

27(3) No person shall, in any R-1 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

**REQUIREMENTS**

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

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

**HEIGHT AND LOT COVERAGE - ATLANTIC, BRUSSELS AND MCLEAN STREETS**

For those properties zoned R-1 on Atlantic Street (east 5660 Atlantic Street), Brussels Street and McLean Street, the maximum permitted height shall be the height shown on ZM-17 and such height shall be determined by the definition "Height" instead of the definition "Height South- South-End and Peninsula Centre" and the maximum lot coverage shall be 30 percent.

**LOT COVERAGE - PENINSULA WEST AREA 1**

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

29 With the exception of those streets shown on the attached building line plan, a **front yard** shall be provided of not less than 15 feet in depth. In the case of those streets shown on the "Building Line Plan" (see appendix), the front yard requirements shall be as indicated on that plan.

30 A rear yard shall be provided of not less than 20 feet in depth.

31 A side yard shall be provided on each side of the building of not less than 10 percent of the width of the lot, provided that the maximum width of any side yard need not exceed 6 feet and the provisions of this clause shall apply to both sides of the building.

**WESTMOUNT SUBDIVISION AREA**

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

### **CORNER LOT - YARD REQUIREMENT**

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

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

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

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

### **SIGNS**

34 Within the said district, it shall be unlawful to utilize any portion of the exterior of the building or other structure for the purpose of advertising or to erect or maintain any billboard or sign except:

- (1) One sign board not exceeding six square feet in area appertaining to the sale or rent of the building or lot.
- (2) One non-illuminated trespassing, safety, or caution sign not exceeding one square foot in size.
- (3) One non-illuminated sign not exceeding one square foot in area, indicating the name and occupation, profession or trade of the occupant of the building.
- (4) A bulletin board for a church or church hall.
- (5) A sign not exceeding two square feet in size for any **day care facility****(RC-Mar 3/09;E-Mar 21/09)**
- (6) One sign not exceeding two square feet in size which can be illuminated only by reflected light, for any bed and breakfast establishment.

### **DAY CARE FACILITIES**

34A Building erected, altered or used for a **day care facility** shall comply with the following requirements:

- (a) Except for outdoor play space, any **day care facility** shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;
- (b) One off street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be eight feet wide by sixteen feet long, and be exclusive of the front yard.
- (c) The **day care facility** shall be limited to a maximum of one full storey of the dwelling; this storey may be the basement.
- (d) Only one **day care facility** shall be permitted to be located on any lot **(RC-Mar 3/09;E-Mar 21/09)**

34B Notwithstanding the provisions of Sections 27(1)(e) and 34A (a-c) **day care facility** may be operated as an accessory use to a church or church hall. The parking provisions contained in Sections 6(6) and 6(7) would apply. **(RC-Mar 3/09;E-Mar 21/09)**

### **SPECIAL CARE HOME**

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

- (i) 100 square feet of landscaped open space shall be provided for each person occupying such home;
- (ii) recreational indoor space may account for 25% of the landscaped open space;

- (iii) the building is a minimum of 1000 feet distance from any other building used for or as a special care home;
- (iv) parking requirements as contained in Subsections (8) and (9) of Section 6.

#### **CONVERSIONS - SOUTH END AND PENINSULA CENTRE**

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

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

#### **NORTHWEST ARM SUB-AREA**

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

#### **OAKLAND ROAD LOT SIZES**

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

#### **PENINSULA NORTH AREA**

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

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

#### **FRONT YARD SETBACKS - PENINSULA NORTH AREA**

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

34I(2) Where there is no majority of buildings with the same front yard on the block, the minimum front yard shall be that of the residential building on the adjacent lot on either side of the proposed

development which is closer to the street line; and where there is no residential building on either adjacent lot the minimum front yard shall be 10 feet.



*The following does not represent a verbatim record of the proceedings of this meeting.*

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Wednesday, November 2, 2016  
7:00 p.m.  
Citadel High School (Portia White Atrium)

**STAFF IN**

**ATTENDANCE:**

Leah Perrin, Planner II, HRM Planning & Development  
Kelly Denty, Manager – Current Planning, HRM Planning & Development  
Kate Greene, Program Manager – Policy & Strategic Planning, HRM Planning & Development  
Miles Agar, Principal Planner – Urban Plan Amendments, HRM Planning & Development  
Holly Kent, Planning Technician, HRM Planning & Development  
Cara McFarlane, Planning Controller, HRM Planning & Development

**ALSO IN**

**ATTENDANCE:**

Councillor Wayne Mason, District 7

**PUBLIC IN**

**ATTENDANCE:**

Approximately 55

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The meeting commenced at approximately 7:01 p.m.

**1. Call to order, purpose of meeting – Leah Perrin**

Ms. Perrin introduced herself as the Planner and Facilitator for the application; Councillor Mason, District 7; and Kelly Denty, Kate Greene, Miles Agar, Holly Kent and Cara McFarlane, HRM Planning & Development Staff.

**Case 20854 - HRM-initiated application for amendments to the Halifax Peninsula Land Use By-law (LUB) to protect the character and form of Young Avenue, Halifax.**

The purpose of the Public Information Meeting (PIM) is to: a) identify the proposal site; b) look at the proposed LUB amendments; d) explain the process from the Municipal Planning Strategy (MPS) that allows this to be considered; and f) receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application. No decisions are made at this PIM.

**2. Presentation of Proposal – Leah Perrin**

**Ms. Perrin** - Reviewed the planning process;

- Presented the proposal outlining four changes (lot area, lot frontage, lot width and lot depth) to the Halifax Peninsula LUB for the Young Avenue area to maintain its character and large

- estate lots;
- Presented maps and aerial photos of the area; and
- Gave a brief explanation of the existing policy (Policy 1.1.1.2) within the Halifax MPS – South End Area Plan and the R-1 (Single Family) Zone in the Halifax Peninsula LUB.

### **3. Public Comments / Concerns**

**One resident** - What would be the time frame if this application was approved?

- How do the changes affect the existing plan as it is now?

**Ms. Perrin** - Public Hearing may be February 2017 at the earliest

- Any lots that exist/developed today are protected under the HRM Charter.
- Recommendation to Halifax and West Community Council may include grandfathering existing applications.

**Paul Cunningham, Young Avenue** - Full support of proposal to avoid unsightly and clear cut lots

**Cynthia Fox, Bedford** - Have to protect the heritage component of the Young Avenue area, and all of HRM, as it is part of the tourist draw to this area.

- Current applications need to be stalled until this proposal is approved.

**Peter Fillmore, Dublin Street** - Fully supports the proposal.

- Wondered what type of development is permitted on lot 25 and the adjacent lot under this new proposal if approved.

**Ms. Perrin** - Currently an active subdivision application on that property

- If permits not approved before a decision on this proposal, that is where the aforementioned recommendation of grandfathering may come into play.
- May be a policy that would allow it to be done by development agreement.
- Ultimately, the use of the property is not changing.

**Ward Skinner, Victoria Road** - In favour of the proposal

- Concerned that change may be too late and other areas in the South End may be threatened.
- Need to look for ways to protect existing heritage homes and areas

**Ms. Perrin** - The draft copy of the Centre Plan contains a chapter relating to culture and heritage

- Young Avenue identified as a potential cultural landscape

**Angel Moore, Chestnut Street** - Minimum sideyard setback not be less than 10 feet for an 80 foot lot

- Minimum lot size not be less than 12,000 square feet and 150 feet deep
- Would be more consistent with the LUB petition signed by majority of Young Avenue residents along with other citizens and supporters
- Petition to maintain the character of the neighbourhood tabled by Councillor Mason
- Young Avenue legislation - the minimum depth of most lots 180 feet or more
- Would help prevent the erosion of property depth

**Ms. Perrin** - Comments by email and petition received to that effect

**Peggy Cunningham, Young Avenue** - Appreciates work Councillor Mason and Staff have done to date

- Concerned about subdivision plans already filed
- Encouraged Planning Staff to take action to make the community aware of what is happening

in neighbourhood

- Need controls on developers that go against city rules

**Ms. Perrin** - Current application is as-of-right subdivision which does not require public notification

**Paul Cunningham** - Concerned that developer will submit plan with no community or Council input

**Ann Boswick, Point Pleasant Drive** - In favor of this application

- Believes property owners next to a home being demolished would be notified
- Against the development and haven't heard anything back from HRM
- Is there a way to stop any development until proposed application goes through
- Suggest HRM put up some information billboards to make community aware

**Ms. Perrin** - If no provisions are made for grandfathering at the time of LUB amendments, existing subdivision applications may go through

**Jim Bissell, Brussels Street** - In favor of the recommendations

- HRM should be able to issue a moratorium on approving subdivisions (inconsistent with present character) while change is being considered

**Mr. Agar** - Current legislation is the HRM Charter

- HRM does not have interim development controls

**William Breckenridge, Heritage Advisory Committee** – Schmidville is going through a Heritage Conservation District

- Encouraged everyone to write to Council to move forward with Conservation District in Young Avenue area
- Asked if there is a provision for coach housing, lots that face two streets
- Heritage and historical point was under beautification movement in 19<sup>th</sup> century and was to have these open spaces
- Doesn't agree with five foot setbacks

**Ms. Perrin** - Allowed one dwelling per lot

- Could look at in the future

**Ms. Boswick** mentioned that in May 2016, Toronto put through a new process for demolishing in heritage communities.

**Ms. Cunningham** - In April 2016, legal action was submitted to HRM and Planning Staff by Young Avenue group for this LUB amendment

- Six months later, the developer still has the right to subdivide and demolish properties
- Citizens are extremely frustrated with the process
- Hopes planning department and chief planner will take some action
- Consider a moratorium be put on this development

**Alan North, Young Avenue, Director of Young Avenue Heritage District Conservation Society** - This Society filed the formal application in April 2016 with up to 800 supporters

- Application rejected by HRM because of an error made by Planner
- A recent staff report has overruled that
- Everything in the petition was consistent with MPS
- Young Avenue legislation (no longer in place) prescribed no other intrusions closer than 180 feet to Young Avenue
- Maintain 180 foot lot depth; 150 feet would be accepted
- Developers build to maximum lot coverage
- Proposed sideyard is inconsistent with scale and character of the street

- Do not grandfather any subdivision applications as the legal action has already been submitted

**Ms. Fox** - Her neighbourhood is dealing with the same issues

- Need high density in Peninsula but not in these kinds of arrangements
- Stop allowing current rules to go ahead without placing moratoriums
- Encouraged residents to voice opinion

**Ms. Moore** - Concerned about what the developer can do with additional purchased lots

**Ms. Perrin** - Suggested contacting Development Services

- Developer can consolidate but zone would not change

**Ms. Boswick** - Legally, Planning Staff made an error in April 2016, potential changes should date back to the time of residents' submission

- Residents may have to put an injunction against HRM Planning because of the error in order to stop development
- Is a neighbour notified if the home next to them is being demolished
- Do Staff check on properties

**Ms. Denty** - Permit is needed to demolish a Heritage property to make sure certain controls are in place

- Property has to be in safe condition
- HRM does not have the Staff to check properties, it is complaint driven

**Penelope Russell, Summer Street** - Concerned on the comment that development currently permitted is 40 feet frontage with 4,000 square feet and one dwelling

- Implied that lots on McLean Street may come into play before the LUB amendments may be adopted in February 2017
- Developer purchased McLean Street property after legal action was submitted
- Wants to positively acknowledge the progress that has been made and hopes Staff feel same frustration as residents

**Ms. Perrin** - Understands that the subdivision application submitted by developer includes some lots on McLean Street (back onto demolished property)

- McLean Street lots are zoned R-2 and not included under LUB amendments

#### **4. Closing Comments**

**Ms. Perrin** thanked everyone for coming and expressing their comments.

#### **5. Adjournment**

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