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Harbour East Community Council  
July 6, 2006

**TO:** Harbour East Planning Advisory Committee

**SUBMITTED BY:** Sharon Bond for  
Paul Dunphy, Director of Planning & Development Services

**DATE:** June 6, 2006

**SUBJECT:** Case # 00865: Flag Lots - Cole Harbour/Westphal Area

**ORIGIN**

Request by Councillor McInroy to undertake text amendments to the Cole Harbour/Westphal Land Use By-law respecting the creation of flag lots.

**RECOMMENDATIONS**

It is recommended that Harbour East Community Council:

- . **Give First Reading to consider proposed amendments to the Land Use By-law for Cole Harbour/Westphal and schedule a public hearing, and;**
- . **Approve the proposed amendments to the Land Use By-law for Cole Harbour/Westphal provided in Attachment A of this report.**

## **BACKGROUND**

Councillor McInroy's request is in response to a recent approval of an application for subdivision on Odell Drive, Cole Harbour, to subdivide an existing property containing a dwelling to create a second, "flag shaped" lot (Map 1). As shown on Map 1, the awkward shape of the lot necessitates the construction of the dwelling on the lot's rear portion and behind the existing dwelling, in distinct contrast to the pattern of development of the rest of the community. The result is a significant change to the character and appearance of the existing subdivision, and has been identified as being undesirable by area residents.

To achieve this subdivision:

- The lot frontage requirements were reduced to 50 feet from the minimum (60 feet) required under the R-1A Zone. This can be achieved under Part 4, Section 4.7 of the Cole Harbour/Wesphal Land Use By-law (LUB).
- Section 4.5C of the Subdivision By-law for the former Halifax County permits lots to be subdivided to create flag lots<sup>1</sup>, in accordance with the following:
  - A maximum of three Flag Lots may be created from an Area of Land that existed prior to March 13, 2004. The lot(s) shall be designed to meet the following requirements:
    - the lots must be capable of being serviced efficiently, based on sound engineering principles as approved by the Engineer and shall include easements for the common driveway route (if any) and for the applicable utilities;
    - the lots must have a minimum width and depth of 20 feet (6.1 m) and a minimum angle of intersection with the Street Line of 30 degrees; and
    - the area of the "flag" portion of the lot shall meet the Lot Area requirements of the applicable Land Use By-law.

The ability to create flag lots as defined below, is general to the Cole Harbour/Westphal Plan Area subject to meeting the above referenced provisions of the Subdivision By-law. However, properties in the area of Odell Drive, consist primarily of large oversized, (wide and deep) lots, many of which were approved prior to the extension of central services. These properties are generally grouped within the R-1a Zone, a zone with minimum lot frontage and lot area requirements of 60 feet and

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<sup>1</sup> Flag Lots means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the "pole" portion of the lot contains the required lot frontage and lot access route (Map 1).

6,000 square feet respectively. As a result, many R-1a zoned lots have more than twice the required frontage and lot area, creating opportunities for flag lot subdivision despite the presence of an existing dwelling that would in most cases limit the potential to create a second standard rectangular 60' wide by 100' deep lot.

It should be noted that the proposed Regional Subdivision By-law has the same definition for flag lots, however, Section 4.5 C has been reworded and is attached as Attachment D.

## **DISCUSSION**

Flag lot subdivision employed under controlled conditions is a useful tool to provide for infill development. It is therefore not staff's intention to prohibit the ability to create flag lots in an entire Plan Area, pending comprehensive review of the topic as part of future community visioning exercises or plan area review.

Section 4.1 and 4.2 of the Subdivision By-law states that a land use by-law may supercede the Subdivision By-law where the requirements of the latter are more stringent. The draft Regional Subdivision By-law maintains this approach. To prevent the creation of more flag lots in the general area where they have been identified as undesirable may be accomplished by including a definition for 'flag lot' in the Land Use By-law, and then expressly prohibiting them in the R-1a zone, as per Attachment A.

### *Public Information Meeting*

In consultation with the area councillor, the Public Information Meeting was waived. Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 2 will be sent written notification.

## **BUDGET IMPLICATIONS:**

None.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

## **ALTERNATIVES**

1. Community Council could choose to approve the land use by-law amendments. This is the staff recommendation.
2. Community Council could choose to approve the land use by-law amendment with further amendments. This is not recommended.

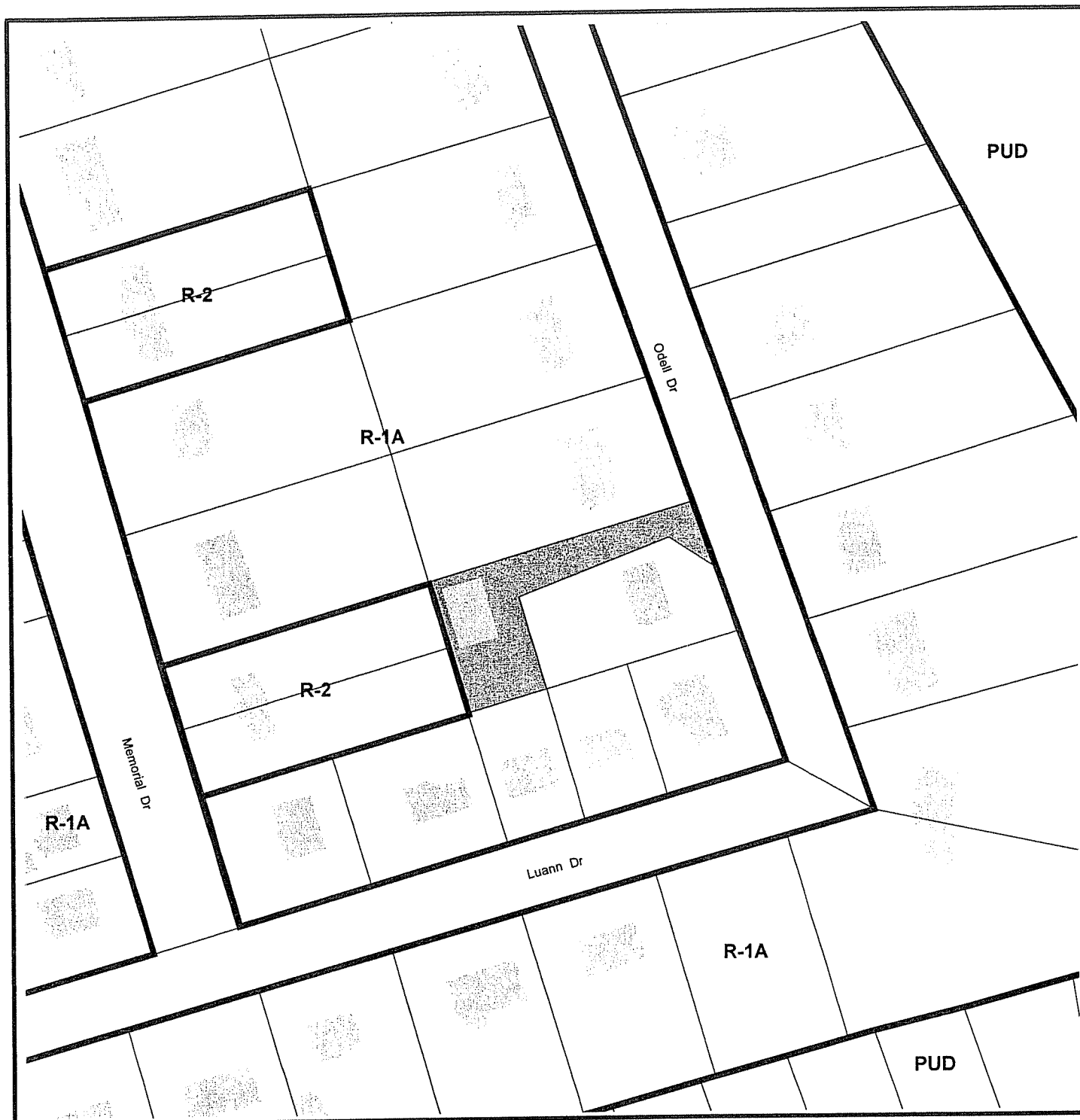
3. Community Council could choose not to approve the land use by-law amendments. This is not recommended.

**ATTACHMENTS**

Map 1:	Odell Drive
Map 2:	Affected Area and Notification Map
Attachment A:	Proposed Amendments to the Cole Harbour Westphal Land Use By-law
Attachment B:	Applicable Provisions of the Subdivision By-law
Attachment C:	Applicable Provisions of the Cole Harbour/Westphal Land Use By-law
Attachment D:	Applicable Provisions of the Regional Subdivision By-law

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: John MacPherson, Planner, 490-5719



Map 1

O'Dell Drive

Cole Harbour/Westphal Land Use By-Law Area



Subject Property

#### Zone

- R-1A Single Unit Dwelling
- R-2 Two Unit Dwelling
- PUD N.S. Dept. of Housing Planned Unit Development



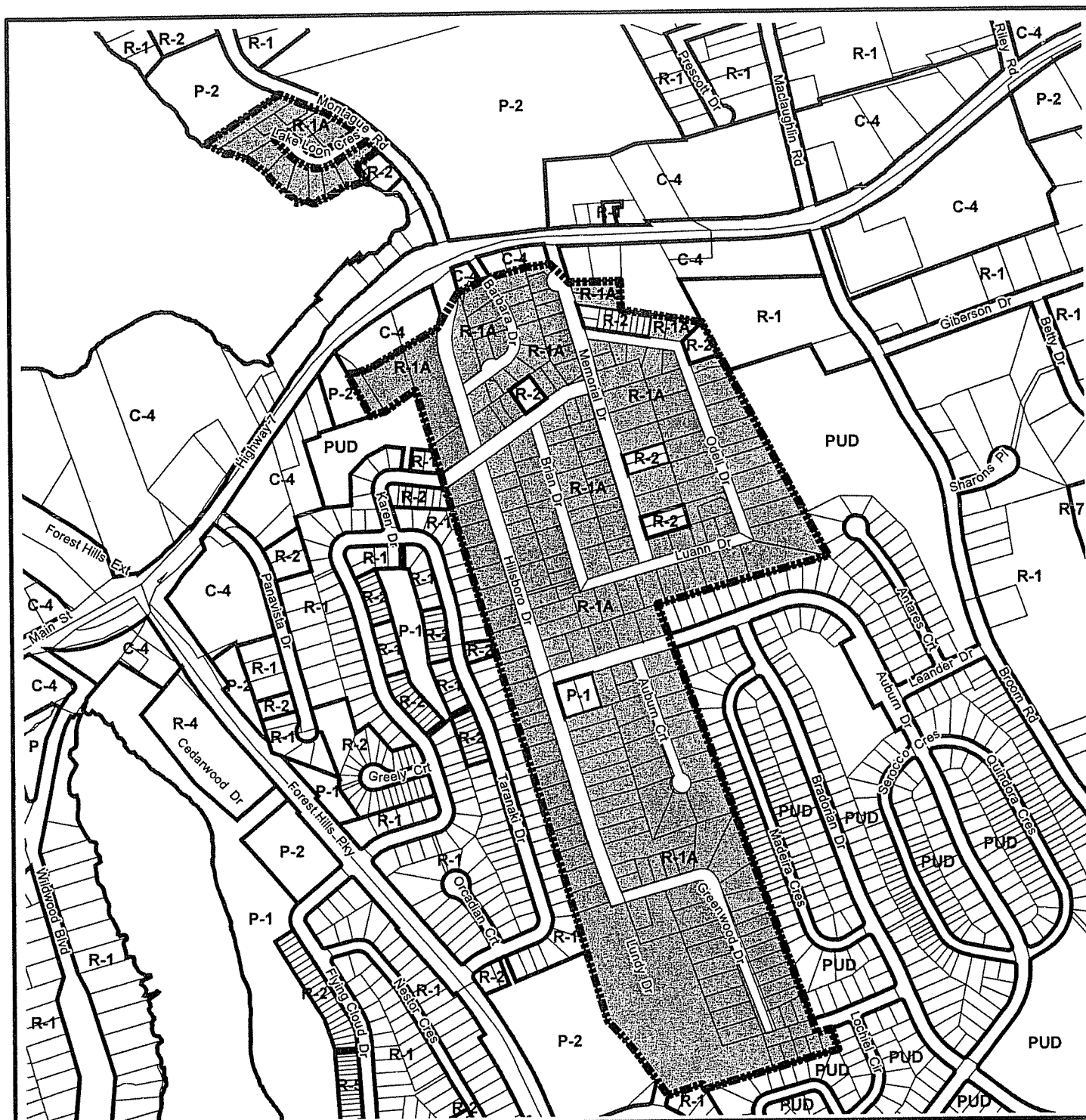
**HALIFAX**  
REGIONAL MUNICIPALITY

PLANNING AND  
DEVELOPMENT SERVICES

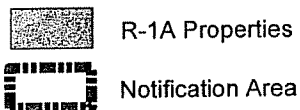
20 10 0 20 40 60 80 Feet

This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour/Westphal Land Use By-Law area.

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



Map 2  
Zoning & Location



R-1A Properties

Notification Area

Cole Harbour/Westphal  
Land Use By-Law Area

**Zone**

- R-1 Single Unit Dwelling Zone
- R-1A Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-5 Rowhouse Dwelling Zone
- PUD N. S. Dept. of Housing Planned Unit Development
- P-1 Open Space
- P-2 Community Facility
- C-4 Highway Commercial



**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING AND  
DEVELOPMENT SERVICES

200 100 0 200 400 600 800 Feet

This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour/Westphal Land Use By-Law area.

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

**Attachment A: Proposed Amendments to the Cole Harbour Westphal Land Use By-law**

The Land Use By-law for Cole Harbour/Westphal is hereby amended by:

*1. Adding the following definition to Part 2:*

FLAG LOT means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the “pole” portion of the lot contains the required lot frontage and lot access route.

*2. Adding to the end of Part 6.2, the following:*

The creation of flag lots is prohibited in the R-1a zone.

**Attachment B:        Applicable Provisions of the Subdivision By-Law**

4.5C    A maximum of three Flag Lots may be created from an Area of Land that existed prior to March 13, 2004. The lot(s) shall be designed to meet the following requirements:

- (a)    to be capable of being serviced efficiently, based on sound engineering principles as approved by the Engineer and shall include easements for the common driveway route (if any) and for the applicable utilities;
- (b)    to have a minimum width and depth of 20 feet (6.1 m) and a minimum angle of intersection with the Street Line of 30 degrees; and
- (c)    the area of the "flag" portion of the lot shall meet the Lot Area requirements of the applicable Land Use By-law.



**Attachment C: Applicable Provisions of the Cole Harbour/Westphal Land Use By-law**

**4.7 REDUCED FRONTAGE OR AREA**

- (a) Any lot created pursuant to Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) **Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than one hundred and twenty (120) feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is fifty (50) feet and the minimum lot area requirement is five thousand (5,000) square feet (454.5 m<sup>2</sup>).**
- (c) Any lot created according to the provisions of subsection (b) may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to Part 14 of the Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for business uses in conjunction with a permitted dwelling. (C-Dec13/93, M-Dec22/93)

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

**6.1 R-1a USES PERMITTED**

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

**Residential Uses**

Single unit dwellings

Community Uses

Open space uses

6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1a 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 (557.4 m <sup>2</sup> )
	on-site services	20,000 square feet (1858.1 m <sup>2</sup> )
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)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)
Minimum Width of Main Building		20 feet (6.1 m)

6.3 R-1a ZONE REQUIREMENTS: COMMUNITY USES

In any R-1a Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 20.

**Attachment D:        Applicable Provisions of the Regional Subdivision By-law**

- 34**     The Development Officer may approve a plan of subdivision creating no more than 3 flag lots which are contiguous to each other. Flag lots shall be designed to meet the following requirements:
- (a)     to be capable of being serviced efficiently, based on sound engineering principles as approved by the Engineer and shall include easements for the common driveway route (if any) and for the applicable utilities;
  - (b)     to have a minimum width and depth of 6.1m and a minimum angle of intersection with the street line of 30 degrees; and
  - (c)     so that the area of the “flag” portion of the lot shall meet the lot area requirements of the applicable land use by-law.