

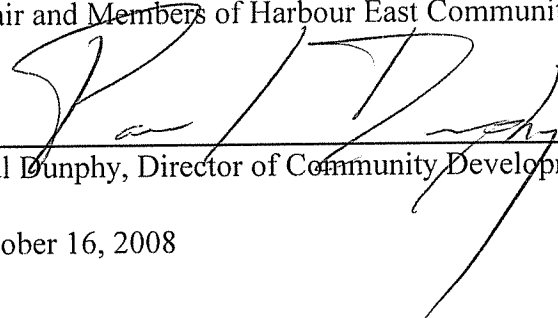


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Harbour East Community Council
November 6, 2008

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: October 16, 2008

SUBJECT: **Case 01094 - Institutional Uses, Dartmouth Land Use By-law Amendment**

ORIGIN

- July 5, 2007– Harbour East Community Council requested a staff report evaluating the regulation of institutional uses in the Dartmouth Land Use By-law.
- October 4, 2007– Information report dated September 25, 2007 reviewed by Harbour East Community Council.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Give First Reading to the proposed amendments regarding institutional uses in the Dartmouth Land Use By-law as shown in Attachment “A” and schedule a public hearing;
2. Approve the proposed amendments to the Dartmouth Land Use By-law as shown in Attachment “A” of this report.

BACKGROUND

Institutional uses are uses that provide benefits to the surrounding community and are, therefore, permitted in all designations under the Dartmouth Municipal Planning Strategy (MPS) and in most zones except the C-3 and industrial zones. However, these uses can also generate conflicts when located within residential designations due to increased noise, visual impacts on neighbours and an inadequate parking supply. Therefore, Council has requested that the Dartmouth Land Use By-law (LUB) be updated to minimize the impact of institutional uses.

The issues associated with institutional uses can be offset with appropriate parking, lot sizes and landscaping requirements. Currently, the Dartmouth LUB does not address parking standards for institutional uses and landscaping is only required as a buffer from residential or community uses. Furthermore, the list of permitted uses does not contain many uses that are permitted in institutional zones in other plan areas (Attachment B).

The following changes are proposed to the Dartmouth LUB in order to address these issues:

- Provision of landscaping in the front yard for all institutional uses;
- Parking standards for schools and places of worship in all zones;
- Updates to the list of permitted uses in the Institutional zone;
- Minimum lot size requirement for institutional uses in the R-1 zone; and
- Housekeeping amendments to update language to properly address all forms of religious institutions and to ensure that the definition of institutional refers to the appropriate zone.

DISCUSSION

The proposed amendments are intended to minimize the impact of institutional uses in three ways:

i) Amend the Institutional (S) Zone:

Permitted Uses: To provide a greater level of consistency across HRM, the permitted use list has been expanded to include institutional uses that are frequently permitted in institutional zones in other plan areas. The updates include the addition of day nurseries and long term care facilities. In addition to this, the amendment includes a definition of health clinics and permits them in institutional zones. This was done to provide clarity about the variety of clinics that provide health related services. No changes are proposed to the list of permitted institutional uses in residential zones.

ii) Amend Requirements for All Institutional Uses Regardless of Zone:

Landscaping: Landscaping requirements need to be improved to further enhance the attractiveness of institutional uses, and when located in a residential neighbourhood, to reduce their impact on neighbours. Currently, the LUB requires a landscaped buffer along the property boundary when adjacent to residential or community uses, but does not address landscaping

along the frontage. To create institutional uses that visually enhance the surrounding community, landscaping will be required along the property's frontage in the form of ground cover and trees or shrubs.

Parking Standards: To address parking concerns the amendments include the addition of parking requirements for places of worship and for schools. Issues have arisen in the past when residential buildings were converted to other uses and did not have adequate space for parking. Parking standards have also been drafted for schools. Ensuring the adequate provision of on site parking for these uses will alleviate on street parking concerns for the surrounding community.

iii) Institutional Uses within Residential Zones:

Lot size: Minimum lot size requirements for major institutional uses in residential zones are also proposed with this amendment. Many of the institutional uses permitted in residential zones are larger scale such as churches, schools, colleges and libraries with the exception of parks and playgrounds. In order to limit the potential for impacts on neighbours and to ensure that the lot size is large enough to accommodate parking, landscaping and buffering requirements, staff are proposing a minimum lot size of 10,000 square feet for institutional uses, excepting parks and playgrounds, in residential zones.

Public Information Meeting

A public information meeting was held on July 2, 2008. There were no members of the public in attendance at the scheduled meeting. Should Council choose to hold a Public Hearing, a notification ad would be placed in the newspaper.

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, 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. Council may choose to approve the proposed amendment as shown in Attachment "A" to the Land Use By-law. This is the recommended course of action for the reasons stated in this report.

2. Council may choose to alter the proposed amendment to the Land Use By-law. This may necessitate further report(s). In the event revisions are requested, an additional public hearing may be required.
3. Council may choose to refuse the proposed amendments to the Land use By-law. Council is required to provide reasons to the applicant justifying this refusal, based on policies of the MPS.

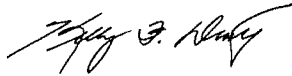
ATTACHMENTS

Attachment A: Amendments to the Land Use By-law for Dartmouth

Attachment B: Excerpts from the Dartmouth Land Use By-law

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 : Jennifer Chapman, Planner 490-3999



Report Approved by: Kelly Denty, Acting Manager, Planning Services 490-6011

**Attachment A:
Amendments to the Land Use By-law for Dartmouth**

BE IT ENACTED by the Harbour East Community Council of the Halifax Regional Municipality that the Dartmouth Land Use By-law, is hereby amended as follows:

1. Replace Subsection (va) of Section 1 of Part 1 with the following:

(va) INSTITUTIONAL USE means any use permitted in the S (Institutional) Zone.

2. Adding a new Subsection after Subsection (sa) of Section 1, Part 1 as follows:

(sb) HEALTH CLINIC means a building or part thereof that provides one or a combination of the following: education; rehabilitation; counselling; diagnosis and treatment for a variety of health and wellness issues.

3. Adding two new Subsections after Subsection 14(m) of Part 2 as follows:

(n) for places of worship 0.2 parking spaces per seat or 10 parking spaces per 100 m² whichever is greater;
(o) for schools:
 - (i) elementary and junior high schools: 1.5 parking spaces per classroom; and**
 - (ii) high schools: 4 parking spaces per classroom.**

4. Replace the phrase “church and church halls” in Clause (b) of Section 32, Subsection (1) of Part 1 with the following:

places of worship and associated halls;

5. Adding a new Subsection after Section 32, Subsection (4) of Part 1 as follows:

32(5) Notwithstanding clause 32(2) (a) of this By-law, institutional uses permitted in the R-1 Zone shall comply with the following standards:
 - (a) The lot area minimum for all institutional uses, excluding public parks and playgrounds - 10,000 square feet**
 - (i) Section 19 of this by-law does not apply to institutional uses permitted in the R-1 zone.**

- (b) For any new or expanded institutional use, the following landscaping provisions shall apply:
 - (i) Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.
 - (ii) Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width.

- 6. Delete the word “church” from Clause (d) of Section 45, Subsection (1) of Part 19.

- 7. Delete Clause (e) of Section 45, Subsection (1) of Part 19 and add the following new clauses:
 - (e) health clinics;
 - (f) long term care facilities;
 - (g) day nurseries;
 - (h) places of worship and associated halls; and
 - (i) uses accessory to any of the foregoing uses.

- 8. Adding a new clause after clause (c) of Section 45, Subsection (2) of Part 19 as follows:
 - (d) For any new or expanded institutional use, the following landscaping provisions shall apply:
 - (i) Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.
 - (ii) Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Dartmouth as set out above, was passed by a majority vote of the Halifax Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2008

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008

Julia Horncastle
Acting Municipal Clerk

Attachment B
Excerpts from the Dartmouth Land Use By-law

- (va) INSTITUTIONAL USE means any use permitted in the P-2 (Community Facility) Zone. (RC-Sep 10/02;E-Nov 9/02)
- (i) a landscaped buffer shall be provided for any new or expanded commercial, industrial or institutional use, including but not limited to: buildings; parking lots; outdoor display; or open storage to be located adjacent to any property zoned or used for residential or community uses. The landscaped buffer shall consist of:
- (i) a grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line and containing a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;
 - (ii) notwithstanding Subsection 15(i) (1), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary. The grassed landscaped area shall contain a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing.
 - (iii) no structures, parking, storage or open display shall be permitted within the landscaped area. (HECC-July10/03;E-Aug 3/03)

PART 1: R-1 (SINGLE FAMILY RESIDENTIAL) ZONE

32(1) The following uses only shall be permitted in an R-1 Zone:

- (a) Single family dwellings;
- (b) churches or church halls;
- (c) schools, colleges, universities, libraries, art galleries, and museums;
- (d) public parks and playgrounds;
- (e) tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;
- (f) yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;
- (g) uses accessory to any of the foregoing uses;

32(2) Buildings used for R-1 uses in an R-1 Zone shall comply with the following requirements:

- (a) Lot area minimum - 5,000 square feet

- (b) Lot coverage maximum - 35 %
 - (c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
 - (d) Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)
- 32(3) Notwithstanding anything else in this by-law, the following zone requirements shall apply to lots TH-7, TH-8, TH-9, TH-10 and TH-11 on Chinook Court and lots TH-1, TH-2, TH-13, TH-14 and TH-15 on Tutor Court in the Lancaster Ridge Subdivision only:
- (a) Zone Requirements:

Minimum lot area	3000 square feet
Minimum lot frontage	36 feet
Minimum front yard	15 feet
Minimum side yards	5 feet (one side)
For dwelling	10 feet (other side)
Minimum rear yard	10 feet
Maximum lot coverage	35 per cent
 - (b) For detached garages and accessory buildings, the minimum setback from any side or rear property line is two (2) feet.
 - (c) For decks and verandahs, the minimum setback from any side or rear property line is five (5) feet.
 - (d) Notwithstanding Section 3(a), minimum sideyards, where a dwelling includes an attached garage the minimum sideyard for both sides of the dwelling shall be five (5) feet.
 - (e) On all lots where there is no attached garage, the driveway shall extend into the sideyard of the lot a minimum of fifteen (15) feet beyond the front wall of the structure.
 - (f) Where a lot fronts on the outside of a street curve having a radius of one hundred (100) feet or less, the required lot frontage may be reduced to a minimum of 25 feet. (As amended by By-law C-730, Oct 25/95)
- 32(4) Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:
- (1) Zone Requirements:

Minimum Side Yard	8 feet
Minimum Rear Yard	8 feet
 - (2) The maximum building eave projection into the minimum required side yard shall be 2 feet (HECC-Nov 1/01;E-Nov 25/01)

PART 19: S (INSTITUTIONAL) ZONE

45(1) The following uses only shall be permitted in an S-Zone:

- (a) P uses as herein set out;
 - (b) sports clubs, either public or private;
 - (c) public or private community purpose buildings;
 - (d) hospitals, schools, colleges, universities, masteries, churches, libraries, museums, art galleries, and other institutions of a similar nature.
 - (e) uses accessory to any of the foregoing uses.
- 45(2) Buildings used for S uses in an S Zone shall comply with the following requirements:
- (a) Lot area, minimum - 5,000 square feet
 - (b) Maximum coverage - 50%
 - (c) Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)