

**Item No. 11.1.4**  
**Halifax Regional Council**  
**September 11, 2012**

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

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** August 13, 2012

**SUBJECT:** Case 17759: MPS and LUB Amendments and Development  
Agreement on Dutch Village Road, Halifax

---

**ORIGIN**

Application by Geoff Keddy Architects

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider site-specific amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to permit a minor increase in height for a multi-unit residential development at 3559, 3561, 3567, and 3573 Dutch Village Road, and 7179 and 7187 Andrew Street, Halifax; and
2. Request that staff follow the public participation program as approved by Halifax Regional Council on February 25, 1997.

## **BACKGROUND**

An application has been submitted by Geoff Keddy Architects, on behalf of Dimo Georgakakos, to amend the Halifax Municipal Planning Strategy (MPS) and Land Use By-law for Halifax Peninsula (LUB) to permit a 6-storey, multi-unit residential development on five properties located on the corner of Dutch Village Road and Andrew Street, Halifax (Maps 1 and 2). The proposal cannot be accommodated through the as-of-right development process which limits the size, density and massing of any proposed multi-unit development at the subject property to a maximum of four storeys. Also, MPS policies do not enable such a use through the development agreement process. As a result, the applicant has requested amendments to the Halifax MPS to establish site-specific policies to enable the consideration of the proposal by development agreement.

### **Location, Designation, Zoning and Surrounding Land Use**

<b>Subject Properties</b> (Map 2)	- 3559-61 Dutch Village Road (PID No. 00181024) - 3567 Dutch Village Road (PID No. 00181032) - 3573 Dutch Village Road (PID No. 40850372) - 7179 Andrew Street (PID No. 00181008) - 7187 Andrew Street (PID No. 00181016)
<b>Location</b>	On the south western corner of Dutch Village Road and Andrew Street (Map 2).
<b>Lot Area(s)</b> (of all five properties)	A total of 23,548 square feet.
<b>Current Use(s)</b>	All properties were utilized for commercial and residential uses; however, the buildings currently occupying the subject properties are vacant.
<b>Designation</b>	Minor Commercial under the Halifax Municipal Planning Strategy (MPS) and the Fairview Area Secondary Planning Strategy (FASPS) (Map 1).
<b>Zoning</b>	C-2A (Minor Commercial) Zone under the Halifax Peninsula Land Use By-law (LUB) (Map 2).
<b>Surrounding Land Uses</b>	<ul style="list-style-type: none"><li>• Commercial and institutional uses are located to the north, west and south of the subject properties, which include retail plazas, a number of small businesses and restaurants, a gas station, daycare facilities and churches.</li><li>• Residential uses are concentrated on the east side of the subject properties, which include a mixture of low-rise and high-rise multiple unit residential buildings.</li></ul>
<b>Plan Area Boundaries</b>	The properties fall within an area governed by the Halifax Peninsula LUB. The boundary line between the Halifax Peninsula and the Mainland LUB is immediately west of the site and follows the centreline of Dutch Village Road (Map 2).

**Proposal**

The applicant wishes to demolish the existing buildings on the subject properties, which are currently vacant and in various states of disrepair, in order to construct a new 6-storey (5 levels plus a penthouse), 61-unit residential development. The building is proposed to face Dutch Village Road and Andrew Street, and the access driveway will be off Andrew Street leading to two levels of underground parking. The proposal will require consolidating the subject properties into one parcel.

**Recent Changes to Planning Policies:**

- In August 2010, Regional Council approved site-specific amendments to the Halifax MPS and Halifax LUB to enable the construction of 104 residential units and 52,500 square feet of commercial (office and retail) space on the former Saint Lawrence Church site at 3473 Dutch Village Road, Halifax (Map 3).
- In November 2011, Regional Council established site-specific policies to enable the redevelopment of the former Halifax West High School site at 3620 Dutch Village Road, Halifax, with a mix of commercial, residential and institutional uses as well as a community/neighbourhood park (Map 4).

Attachment A of this report contains a copy of the approved amendments for both proposals.

**MPS Policy:**

The subject properties are governed by the Halifax MPS and more specifically by the Fairview Area Secondary Planning Strategy (FASPS). The FASPS recognizes the Dutch Village Road area as a commercial corridor and designates the subject properties Minor Commercial (MC). The Plan expresses the intent to encourage the continued development of the Fairview area as minor commercial centre that is compatible with the surrounding neighbourhood. The designation specifies that minor commercial uses should front on Dutch Village Road and Alma Crescent.

Moreover, the MPS protects residential areas located within the Minor Commercial Designation from the impacts of adjacent commercial uses as it requires those residential properties to be zoned to reflect their present use in order to promote neighbourhood stability. Policy 2.2.3 establishes provisions in the Land Use By-law that limit the location of pedestrian and vehicular access to commercial uses and parking areas, and requires adequate on-site parking and buffering of visual and noise intrusions. Through the application of the C-2A Zone, the intent of the designation is implemented.

**Existing Land Use Provisions:**

Under the Halifax Peninsula LUB, residential and certain commercial uses are permitted as-of-right under the C-2A Zone (Attachment C). The list of uses permitted under the zone is as follows:

- Residential uses permitted under the R-1 (Single Family Dwelling), R-2 (General Residential), and R-2T (Townhouse) zones; and

- Commercial uses such as retail stores, jewellery repair shops, dry cleaners, offices, Banks and others.

It should be noted that the C-2A Zone includes provisions specific to the Fairview Area, which also reference zones within the Halifax Mainland LUB. Those zones are:

- R-2AM (General Residential Conversion) Zone, which permits an apartment house with a maximum of 14 units; and
- R-3 (General Residential and Low-Rise Apartment) Zone, which permits an apartment house of four storeys or less.

The zone provisions state that all buildings erected, altered or used for R-2AM and/or R-3 uses (in Mainland Area) are subject to the requirements of their respective zones (Attachment C).

## **DISCUSSION**

### **Rationale:**

A detailed rationale has been submitted by the applicant in support of the proposal, which describes the impacts of the residential development on the Dutch Village Road area. This rationale states that the proposed development will:

- provide improvements to the neighbourhood and the street's vitality and character;
- ensure that the quality of future land uses would strengthen and enhance the fabric of the community;
- enable investment in the economic fabric of the adjacent commercial uses; and
- provide future residents with a opportunity to live and work in this area and utilize available services and amenities.

### **Proposed Policy Amendments:**

Over the last 5 years, the Dutch Village Road area has been in a state of transition, where properties have been or are in the process of being redeveloped as a mixture of residential and commercial uses. The redevelopment of the subject properties is being spurred on by this transition and the existing residential development already within the Minor Commercial Designation.

The subject properties are bounded by Deal Street, Dutch Village Road, Andrew Street and Percy Street, as shown on Map 2. Lands to the north consist of a mixture of low density residential uses such as single family and duplex dwellings, and then transition to low-rise and mid-rise multiple unit residential buildings towards Dutch Village Road. Therefore, the proposed project would be consistent with the current development form where larger buildings are located near or on Dutch Village Road. Also, the proposed residential project would be consistent with those uses across Dutch Village Road from the subject properties which comprise minor commercial businesses in conjunction with residential uses (Map 2).

An increase in the height of a building on the subject properties beyond four storeys should only be considered if the resulting building provides a benefit to the community. In order to ensure the

proposed project enhances the neighbourhood's character, a planning process should be undertaken to consult with the community and identify aspects of the proposal that may require improvements. MPS policy would then need to be amended in order to enable a development agreement process that would allow Council to address a variety of matters on a site-specific basis, such as height, land use compatibility, scale and massing, architectural design, safe vehicular and pedestrian access, parking, amenities, landscaping, lighting, signage, separation of uses, relationship to adjacent uses and mitigation of impacts. Due to the unique context of the subject properties and the intent of the Minor Commercial Designation, it is reasonable to consider site-specific planning policy amendments that permit increasing the height and the allowable density to enable the construction of a larger multi-unit residential building. Moreover, proceeding with a planning process will provide the public an opportunity to comment on the project.

Council should note that reviews and amendments to the Planning Strategies should only be considered where circumstances related to existing policies have changed significantly. While Regional Council has the ability to amend or create new planning policies, it is under no obligation to do so.

**Conclusion:**

Recent planning policy and land use changes in the area surrounding the subject properties have shifted the traditional composition of the Dutch Village Road area. The proposed amendments have been evaluated in relation to applicable MPS policies and the proposal meets the overall intent envisioned by the MPS and the Minor Commercial Designation. However, the MPS does not consist of policies that would enable the proposal by development agreement.

Should Regional Council authorize staff to initiate a process designed to consider MPS and LUB amendments within the area identified on Map 2, an opportunity will be provided to investigate and discuss potential development options related to growth and future land uses with the public. Therefore, staff recommends that Regional Council initiate the request to consider amending HRM's planning documents to enable a mixed use development on the subject properties and the study area.

**BUDGET IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310 Planning & Applications.

**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**

Amendments to the Halifax MPS and LUB involve community engagement and the engagement process will be consistent with the intent of the HRM Community Engagement Strategy, the *Halifax Regional Municipality Charter*, and the Public Participation Program approved by Council on February 25, 1997.

The proposed level of community engagement is consultation, achieved through a public meeting and/or public workshop early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the municipal plan and land use by-law will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units, and other levels of government.

## **ENVIRONMENTAL IMPLICATIONS**

No implications have been identified.

## **ALTERNATIVES**

1. Regional Council may choose to initiate a process to consider site-specific amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to permit a minor increase in height for a proposed multi-unit residential development at 3559, 3561, 3567, 3573 Dutch Village Road, and 7179, 7187 Andrew Street, Halifax. This is the recommended approach.
2. Regional Council may choose to initiate a process to explore redevelopment possibilities and consider general amendments to the MPS and LUB to enable mixed use developments in the Dutch Village corridor.
3. Regional Council may choose to pursue MPS and LUB amendments that would differ from those outlined in this report.
4. Regional Council may choose not to initiate the application, the result of which would be the retention of the current policies and regulations. Refusing to initiate the application is not recommended as the proposal warrants further detailed review and public consultation.

## **ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Location and Zoning
Map 3	Approved Policy Amendments (2010) – Former Saint Lawrence Church Site (Case 01302)

**Case 17759: MPS & LUB Amendments  
and DA on Dutch Village Rd.**

**Council Report**

**- 7 -**

**September 11, 2012**

---

Map 4	Approved Policy Amendments (2011) – Former Halifax West Site (Case 01254)
Attachment A	Approved Policy Amendments (2010-2011) – Halifax MPS
Attachment B	Excerpts from the Halifax Municipal Planning Strategy
Attachment C	Excerpts from the Halifax Peninsula Land Use By-law

---

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate 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, Development Approvals, 490-1948

Report Approved by: \_\_\_\_\_  
Sean Audas, Acting Manager, Development Approvals, 490-4402


Report Approved by: \_\_\_\_\_  
Jim Donovan, Acting Director, Community & Recreation Services, 490-6224

---



## Map 1 - Generalized Future Land Use

3559-73 Dutch Village Road  
and 7187-89 Andrew Street  
Halifax


 Subject area

Halifax Plan Area  
Fairview Detailed Plan Area

### Designation

LDR Low Density Residential  
MDR Medium Density Residential  
MC Minor Commercial  
C Commercial  
CF Community Facilities

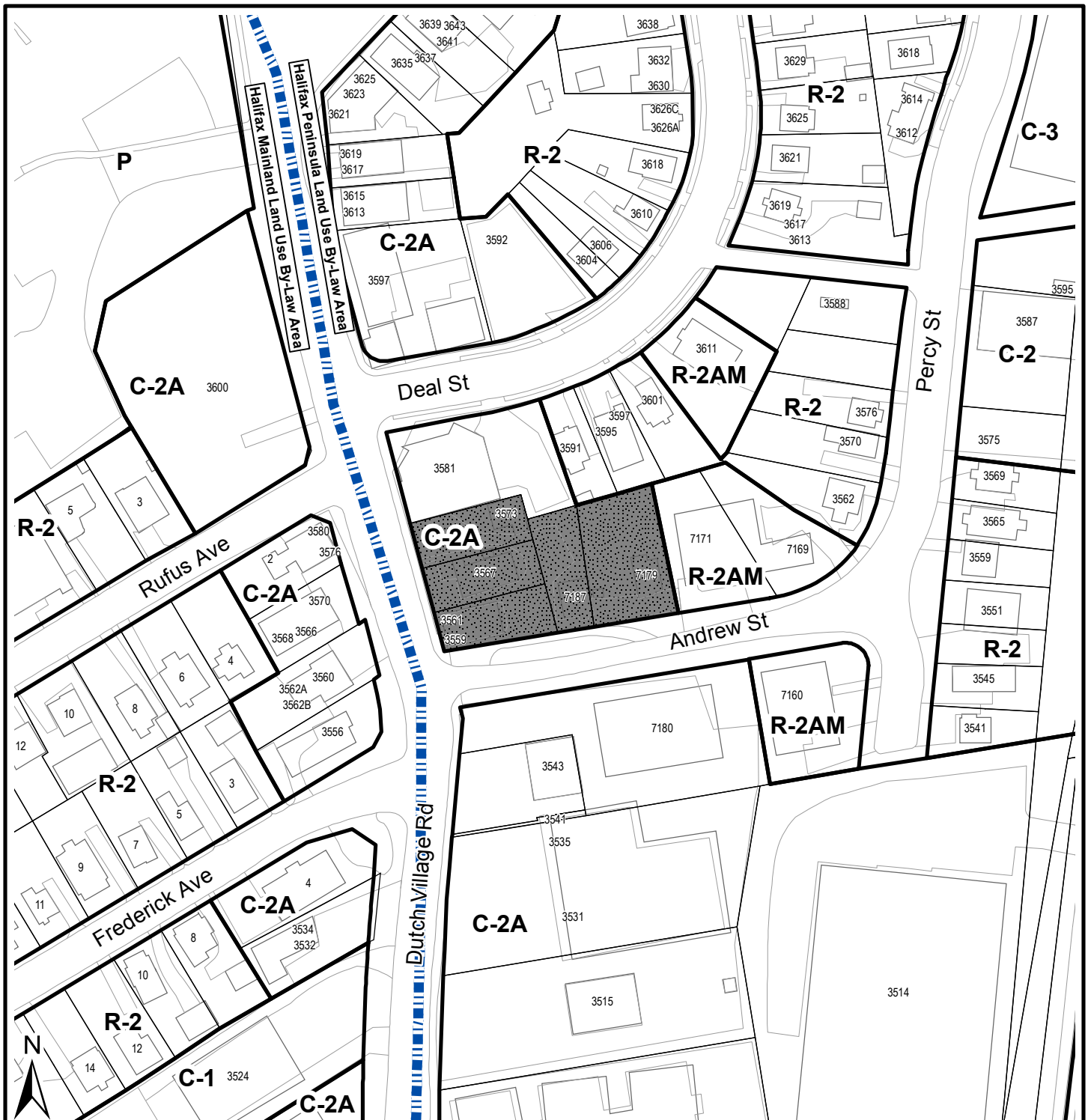
**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS  
PLANNING SERVICES

0 20 40 m  


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.






## Map 2 - Location and Zoning

3559-73 Dutch Village Road  
and 7187-89 Andrew Street  
Halifax

 Subject area

 By-law area boundary

Halifax Peninsula  
Land Use By-Law Area


### Zone - Halifax Peninsula

R-2 General Residential  
R-2AM General Residential Conversion  
C-2 General Business  
C-2A Minor Commercial  
C-3 Industrial

### Zone - Halifax Mainland

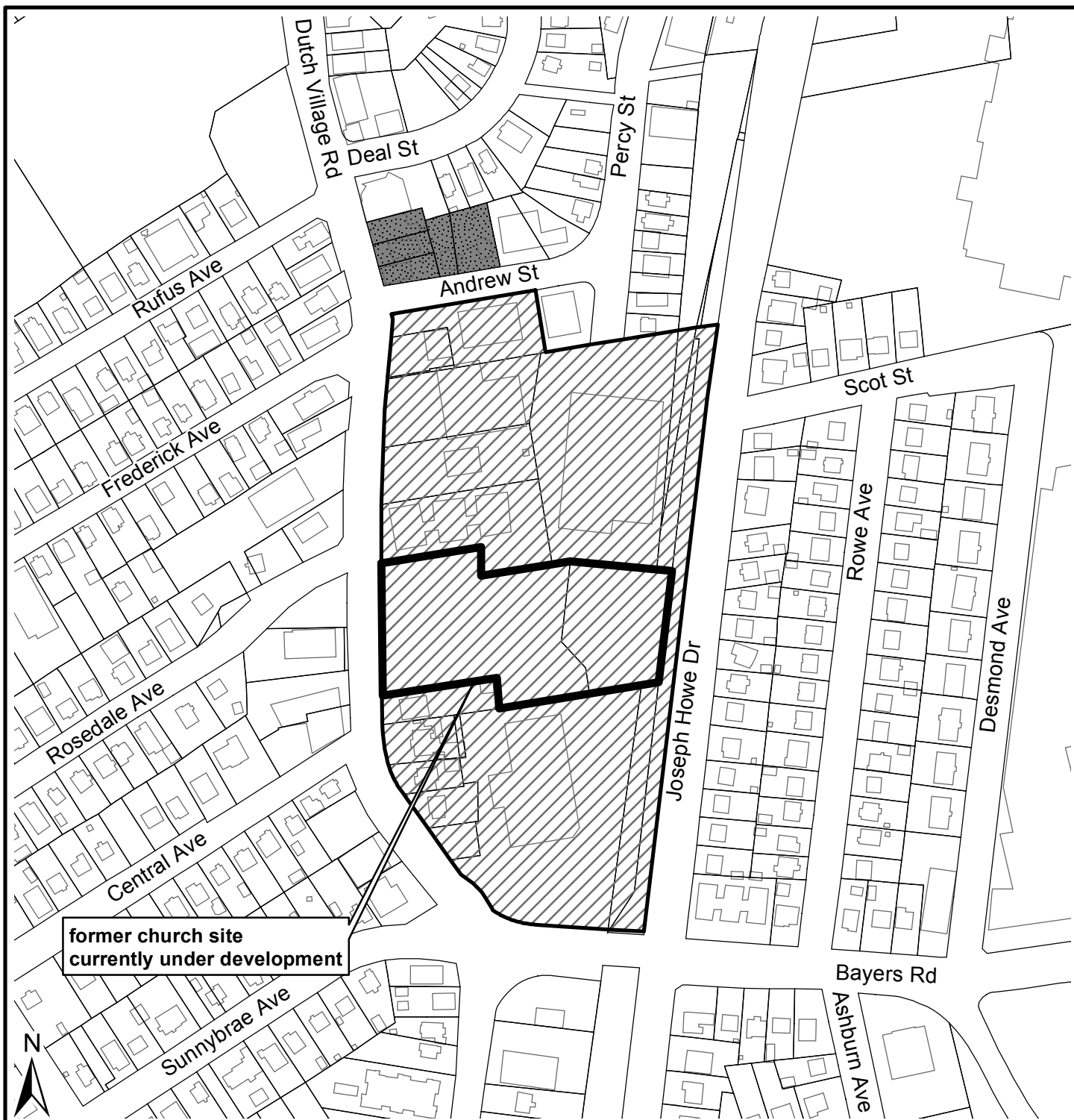
R-2 Two Family Dwelling  
C-1 Local Business  
C-2A Minor Commercial  
P Park and Institutional

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS  
PLANNING SERVICES

0 20 40 m  


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

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



### Map 3 – Approved Policy Amendments (2010) Former Saint Lawrence Church Site (Case 01302)

3559-73 Dutch Village Road  
and 7187-89 Andrew Street  
Halifax

Halifax Peninsula  
Land Use By-Law Area



Subject properties



Area where mixed residential/commercial  
uses may be permitted by development  
agreement (Case 01302)

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS  
PLANNING SERVICES

0 20 40 60 80 m

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



## Map 4 – Approved Policy Amendments (2011) Former Halifax West Site (Case 01254)

3559-73 Dutch Village Road  
and 7187-89 Andrew Street  
Halifax

Halifax Peninsula  
Land Use By-Law Area



Subject properties



Area where mixed residential/commercial  
uses may be permitted by development  
agreement (Case 01254)

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS  
PLANNING SERVICES

0 20 40 60 m

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

**ATTACHMENT A**  
**Approved Policy Amendments (2010-2011)**  
**- Halifax MPS**

Case 01302 -- Former Saint Lawrence Church Site (2010)

- Policy 2.5      Notwithstanding the preceding policies within the Commercial Facilities Section, for properties bounded by Joseph Howe Drive, Dutch Village Road and Andrew Street, zoned C-2A (Minor Commercial Zone) and designated Minor Commercial on the Generalized Future Land Use Map (Map 9c) of this Plan, the Municipality may permit the development of a mix of residential and commercial uses by Development Agreement.
- Policy 2.5.1    Any development permitted pursuant to Policy 2.5 shall be achieved by attention to a variety of factors for which conditions may be set out in the Development Agreement, such as but not limited to:
- (a) the appropriate scale and massing of the building(s) for the lot area and configuration;
  - (b) the height of the building(s) which shall not exceed the low to mid-rise range;
  - (c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained architectural detailing;
  - (d) the creation of high quality design detail at street level through attention to such matters as site landscaping, minimal surface parking on the street frontage, conspicuous building entrances, appropriate lighting and co-ordinated signage;
  - (e) the relationship of new development to the street, adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;
  - (f) provision and improvement of safe vehicular and pedestrian access and egress;
  - (g) the adequacy and appropriate location of vehicular and bicycle parking facilities;
  - (h) the provision of useable on-site open space and recreational amenities of a size and type adequate for the resident population;
  - (i) appropriate separation of residential and commercial uses;

- (j) connectivity and interaction with the Regional Trail where abutting; and
- (k) the adequacy of the servicing capacity of the site.  
(RC- Aug 26/10;E-Sep 25/10)

Case 01254 – Former Halifax West Site (2011)

Policy 1.9 Notwithstanding the Community Facilities objective and policies of Section II, for the property known as the former Halifax West High school on Dutch Village Road (PID #00188490), the Municipality may permit a mixed-use development of the site by development agreement. (RC-Nov 15/11;E-Jan 14/12)

- Policy 1.9.1 Any development permitted pursuant to Policy 1.9 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:
- (a) the subdivision and retention of a minimum of 1.6 acres of land by the Municipality at the western end of the site for public open space purposes along with related park development and infrastructure improvements to be carried out by the land developer;
  - (b) the massing, location and height of building(s), which shall not exceed the low to mid-rise range, and in no case shall any building height exceed 8 storeys above underground parking level(s);
  - (c) the architectural design of the building, including building materials, signs and lighting;
  - (d) the provision of adequate site landscaping and useable open space for building residents;
  - (e) the provision of safe vehicular and pedestrian access and egress, including provision for the continued vehicular access to the existing driveway of Civic #31 Alma Crescent and pedestrian access through the site to Dutch Village Road;
  - (f) the adequacy of vehicular, bicycle parking and solid waste facilities; and
  - (g) the adequacy of the servicing capacity of the site. (RC-Nov 15/11;E-Jan14/12)

**ATTACHMENT B**  
**Excerpts from the Halifax Municipal Planning Strategy**

- Policy 2.1      Within areas designated "Residential" on the Generalized Future Land Use Map (Map 9c) the City shall permit individual neighbourhood convenience stores.
- Policy 2.1.1    Pursuant to Policy 2.1, the Land Use By-law shall provide a "Neighbourhood Commercial" zone to allow small convenience grocery and drug stores to cater to walk-in trade in residential areas;
- Policy 2.1.2    Existing convenience stores in residential areas shall be zoned "Neighbourhood Commercial."
- Policy 2.2      The Dutch Village Road Commercial area is recognized as a "Minor Commercial centre" within the meaning of Part II, Section II, Policy 3.1.2 of the Municipal Planning Strategy. The City shall encourage its development within the limits set out in this Plan.
- Policy 2.2.1    Minor commercial uses should front on Dutch Village Road, Alma Crescent or Titus Street and should be concentrated between Bayers Road and Evans Avenue, and shall be permitted only in areas designated "Minor Commercial" on the Future Land Use Map (Map 9c) of this Plan. The area designated "Minor Commercial" along Dutch Village Road and Titus Street is intended to provide limited expansion capability of the minor commercial uses.
- Policy 2.2.2    Residential properties within the "Minor Commercial" designation, and not fronting on Dutch Village Road, Alma Crescent or Titus Street, shall be zoned to reflect their present use. The City may consider applications for rezoning of such properties to commercial use provided that the land to be rezoned is adjacent to a property zoned commercial.
- Policy 2.2.3    Further to Policies 2.2.1 and 2.2.2, the Land Use By-law shall include provisions in the Minor Commercial Zone to protect the adjacent residential area from the impact of commercial uses by limiting the location of pedestrian and vehicular access to stores and parking areas, and by requiring adequate on-site parking and buffering of visual and noise intrusions.

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

**C-2A (Minor Commercial) Zone**

- 59A(1) The following uses shall be permitted in any C-2A Zone:
- (a) all R-1, R-2, R-2T and C-1 uses;
  - (b) stores for the purpose of retail trade and rental excluding:
    - (i) motor vehicle dealers;
    - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
    - (iii) adult entertainment uses
  - (c) radio, television and electrical appliance repair shops;
  - (d) watch and jewellery repair shops;
  - (e) a store for the purpose of personal service including shoe repair shops, barber and beauty shops, dry cleaners, funeral services, and excepting massage parlours and adult entertainment uses and amusement centres;
  - (f) bowling alley;
  - (g) a motion picture theatre;
  - (h) a service station;
  - (i) offices;
  - (j) a bank and other financial institutions;
  - (k) a restaurant;
  - (l) community facilities;
  - (la) billboards not to exceed twenty-eight square meters (28m<sup>2</sup>) in area and not to extend more than eight meters (8m) above the mean grade on which it is situated provided that no billboard shall be erected in the **Peninsula North Area**;
  - (lb) commercial recreation uses;
  - (lc) day care facility; (RC-Mar 3/09;E-Mar 21/09)
  - (m) any use accessory to any of the foregoing uses.
- 59A(2) No person shall in any C-2A 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).
- 59A(3) No person shall in any C-2A 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).

**R-1, R-2T AND R-2 USES IN C-2A ZONE**

- 59B Buildings erected, altered or used for R-1, R-2 and R-2T uses in a C-2A Zone shall comply with the requirements of their respective zones.

## HEIGHT

59C The height of any building in a C-2A Zone shall not exceed 35 feet.

## SIGNS

- 59D(1) (a) Any persons carrying on a business may place upon and parallel to the front of the building a non-illuminated signboard not exceeding 3 feet in height and limited to the space immediately above the ground floor store windows extending the length of such front and appertaining solely to the ownership of the business conducted therein. For each foot that the building face upon which the said signboard is placed is setback from the street line, .05 feet may be added to the height of such signboard to a maximum of eight feet. In no case shall a sign permitted by this section exceed 300 square feet in area.
- (b) Any persons carrying on a business may place upon the building, a non-illuminated signboard not exceeding three feet in height and 300 square feet in area or two non-illuminated signboards, each of which does not exceed three feet in height and a total of 300 square feet in area and appertaining solely to the ownership of the business conducted therein.
- 59D(2) Illuminated signs may be erected provided they do not constitute a nuisance or hazard to the public.
- 59D(3) A single signboard (illuminated or otherwise) may be placed upon and perpendicular to the front of a building for the purpose of identifying the proprietor or nature of the business permitted therein. Such signboards shall be located immediately above the ground floor windows and shall not exceed 12 square feet (1.12 square meters) in area on a single surface. A maximum of two such signboards shall be permitted for any building regardless of the number of uses contained therein.
- 59D(4) In the **Peninsula North Area**, a single freestanding sign (illuminated or otherwise) of up to twenty-eight square metres - 28m<sup>2</sup> (300 ft<sup>2</sup>) in area and up to eight metres - 8m (26ft) above mean grade, may be placed upon a lot for the purpose of identifying the proprietor or nature of the business or businesses located on the lot.

## FAIRVIEW AREA

- 59E(1) In the "**Fairview Area**", R-2AM and R-3 (Mainland Area) uses shall be permitted in any C-2A Zone.
- 59E(2) In the "**Fairview Area**", buildings erected, altered or used for R-2AM and R-3 (Mainland Area) uses in a C-2A Zone shall comply with the requirements of the



R-2AM Zone as detailed in Section 43AG, and the R-3 (Mainland Area) Zone respectively.

59F In the "**Fairview Area**", the following additional requirements shall apply in the Minor Commercial Zone:

ACCESS (Fairview Area)

59F(1) Stores shall front on Dutch Village Road, Titus Street or Alma Crescent only. There shall be no commercial display of goods for sale on the side or rear of any buildings.

59F(2) Vehicular access to commercial uses and parking areas shall be from Dutch Village Road, Titus Street or Alma Crescent. Access from side streets is also permitted, provided that the minimum distance from an abutting residential zone to the point of access shall be 5 feet.

SETBACKS FROM RESIDENTIAL ZONES (Fairview Area)

59F(3) Any building used for C-1 or C-2A purposes in a C-2A Zone shall be set back a minimum of 20 feet from a rear lot line and 12 feet from a side lot line where such lot line abuts a residential zone.

DRIVEWAYS (Fairview Area)

59F(4) Driveways and parking areas for C-1 or C-2A uses in a C-2A Zone shall be set back a minimum distance of 5 ft. from a rear lot line adjacent to a residential zone and a side lot line adjacent to a residential zone and be screened by a fence having a minimum height of 5 ft. The 5 ft. setback area is to be landscaped and where a transparent fence is to be used, the landscaped setback area must provide solid visual screening on a year-round basis to a minimum height of 5 ft. at maturity.

PENINSULA NORTH AREA

59FA Notwithstanding Section 59B, for the area identified as "**Peninsula North Area**" residential uses shall be permitted in buildings containing non-residential uses in a C-2A Zone, provided the following requirements are complied with:

- (1) residential uses are located above the first floor:
- (2) there is a maximum of 4 dwelling units:
- (3) separate access to the exterior of the building at ground level is provided for residential uses: and
- (4) parking is provided as follows:
  - (a) one space for every unit of two or more bedrooms: and
  - (b) one space for every four or less bachelor or one bedroom units.

- (5) where a lot has been created subsequent to the adoption of this section, and where such lot does not contain a commercial building, the lot size requirements shall comply with the requirements for residential uses.

#### MOTOR VEHICLE REPAIR SHOPS

- 59FB Notwithstanding Section 59A(1)(b)(ii), motor vehicle repair shops, excluding those which service or repair motor vehicles in excess of 6000 pounds or auto body shops or auto paint shops, may be permitted provided that:
- (a) They are located on a site which has a valid occupancy permit for a service station or the most recent valid occupancy permit is for a service station.
  - (b) An opaque fence having a minimum height of five feet is constructed abutting any residential zone.
  - (c) Lighting facilities, if provided, are directed away from any abutting residential zone.
  - (d) Any commercial refuse contained is enclosed in a structure which screens it from the street and abutting residential zones.
  - (e) There is no outdoor storage of inoperative motor vehicles, boxes, crates or any other materials.
  - (f) There is landscaped open space; raised or otherwise protected, having a minimum width of six feet along that part of the street line not required for the curb cut or pedestrian entrance.

#### SETBACKS FROM RESIDENTIAL ZONES: PENINSULA NORTH AREA

- 59FC(1) Any building used for C-1 or C-2A purposes in a C-2A zone, or any addition to an existing building used for C-1 or C-2A purposes in the C-2A zone, including additions of height; shall be set back a minimum of 20 feet from a rear lot line and 4 feet from a side lot line where such lot line abuts a residential zone.
- 59FC(2) Parking areas for C-1 or C-2A uses in a C-2A zone, if provided in the rear or side yard of the portion of the lot abutting a residential zone, shall be screened from the residential zone by either an opaque fence having a minimum height of 5 feet or landscaping which provides solid visual screening on a year-round basis to a minimum height of 5 feet at maturity.