

Item No. 11.1.1
Halifax Regional Council
November 19, 2013

TO: Mayor Savage 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: October 25, 2013

SUBJECT: **Case 18599: Amendments to the Eastern Passage/Cow Bay MPS and LUB to enable apartment buildings in the C-2 zone in excess of 12 units**

ORIGIN

Application by GarMar Investments Ltd.

LEGISLATIVE AUTHORITY

HRM Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to permit residential apartment buildings in excess of 12 units in the General Business (C-2) Zone by development agreement in Eastern Passage; and,
2. Request that staff follow the public participation program as approved by Council in February 1997.

BACKGROUND

An application has been received by Gary Edwards of GarMar Investments Limited to amend the Eastern Passage/Cow Bay MPS and LUB to enable apartment building development in excess of 12 units by development agreement in the C-2 (General Business) Zone. Currently, the MPS and LUB limits apartment building development to a maximum of 12 units, but there is no limit to the number of 12 unit apartment buildings permitted on a given lot. This proposal seeks the addition of a planning mechanism whereby apartment buildings larger than 12 units could be considered, so as to reduce the number of overall buildings, while creating a more efficient and modern building form, with no net increase in the number of permitted dwelling units.

In addition, GarMar Investments is requesting approval of a Development Agreement for two residential apartment buildings (exceeding 12 units) and a commercial self-storage building. This development is proposed at 1490 Main Road in Eastern Passage (Maps 3 and 4).

Location, Designation, Zoning and Surrounding Land Use

In areas:

- Designated Community Commercial under the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) (Map 1);
- Zoned C-2 (General Business) under the Eastern Passage/Cow Bay Land Use By-law (LUB) (Map 2);
- Proposal excludes Fisherman's Wharf and Government Wharf Road; and
- Designated Urban Settlement (US) in the Regional Plan (RP) (Attachment A).

Proposed Apartment Building(s) and Self-Storage Development

- Located at 1490 Main Road in Eastern Passage (Maps 3 and 4);
- Total area of the property is approximately 4.8 acres (1.94 hectares);
- Lands are proposed to contain two - 60 unit apartment buildings and a self-storage facility;
- The lands currently contain a small one level single detached dwelling; and
- The remainder of the property is vacant.

Existing Policy

Under the Eastern Passage /Cow Bay MPS and LUB, apartment buildings in the C-2 Zone may be developed as of right to a maximum of 12 units and only for lots that have direct access to Main Road, Shore Road or Cow Bay Road (Attachment A). Under the Regional Plan, Eastern Passage is identified as a Suburban Local Growth Centre. The land use characteristics of a Suburban Local Centre are low to medium residential density supported by convenience commercial use.

DISCUSSION

Generally, the process of changing the MPS is not supported by HRM staff unless circumstances warrant such a change to policy. Typically, these types of amendments require substantial

justification to be considered. In this case the applicant has included the following rationale for their proposal. Staff agrees that:

- *the growing demand for apartment building development in Eastern Passage cannot readily be met through existing MPS Policies;*
- *MPS policies which are more than 20 years old (1992) and do not appropriately recognize present day economies of scale or massing trends in apartment building development; and*
- *the growing demand to accommodate seniors in apartment buildings in Eastern Passage cannot readily be met through existing MPS Policies.*

The Eastern Passage/Cow Bay MPS enables the consideration of apartment buildings to a maximum of 12 units as of right in the C-2 zone and only for lots that have direct access to Main Road, Shore Road or Cow Bay Road (Attachment A). As a result, large parcels can be developed with a number of 12 unit apartment buildings on the same lot instead of one or two larger structures. Given that the maximum allowable building footprint permitted is 7500 square feet, and the maximum allowable building height is 35 feet, a one acre lot could conceivably contain five - 12 unit walk-up apartment buildings (subject to meeting other LUB requirements). In these larger lot scenarios, a number of buildings could be clustered in close physical proximity. However, such development with 35 foot height limits and a maximum of 12 units is less efficient and more expensive than containing all of the units in 1 or 2 buildings with larger footprints and greater heights. Further, with an aging population, twelve-unit walk-up apartment buildings are unlikely to contain elevators and ease of access can be problematic for seniors.

Building Form

The request to amend the Eastern Passage/Cow Bay MPS is related to the alteration of apartment building form in the C-2 zone. The proposal does not seek to enhance dwelling unit density rights as there are known sanitary capacity limitations in Eastern Passage. As such, one of the parameters of the Planning process should be no allocated increase in the sewage capacity beyond existing allocated levels. Further, there is no request to change any commercial land use application in the Eastern Passage.

Any future changes to dwelling unit density limits, as well as additional changes to commercial land uses, should be reserved for a more comprehensive Planning process when additional sewage capacity becomes available in the Eastern Passage Sewage Treatment Plant.

Further, the outcome of the planning process should be sensitive to the values reflected in the Eastern Passage MPS. These stated values include the retention of community character and a need to observe the traditional architecture for the area (Attachment A). Accordingly, in evaluating the entirety of the C-2 zone to consider a change in apartment building form, the planning process would require parameters to achieve this aim as follows:

1. limiting the overall number of units to the density permitted as of right;
2. new minimum lot sizes to localize buildings larger than 12 units to larger lots;
3. changing permitted building heights;
4. adding massing provisions;

5. potential shore line controls;
6. architectural requirements; and
7. attention to existing lotting patterns to retain community character.

Should Council agree to initiate this application, in addition to consultation with residents and property owners, it is recognized that due diligence should be undertaken to consider community compatibility. Therefore, new policies can also address issues such as a mix of unit type, design at ground level, parking locations, open space and the relationship to and mitigation of impacts to adjacent properties. A review of these matters, amongst others, would occur as part of the plan amendment and application review process.

Eastern Passage Suburban Growth Centre

The RP contemplates future redevelopment of this area as the Eastern Passage Suburban Growth Centre (Attachment A). The land use characteristics of a Suburban Growth Centre are not necessarily supported by existing plan policies as the Eastern Passage/Cow Bay MPS was adopted some 21 years ago. Accordingly, staff agrees that the MPS is not responding to the growth trends in the same fashion the RP does today. Therefore, residential apartment building development in the area may be reasonable in a form that reflects low to medium residential densities and may warrant such consideration, as circumstances have changed over time.

Development Agreement Application - 1490 Main Road

As stated, subject to the approved amendments to MPS policy, a concurrent application was also received to enter into a development agreement to permit two - 60 unit (approximate) apartment buildings and a self-storage facility at 1490 Main Road. If the planning process to revise existing policy is successful, Council could then consider a concurrent development agreement proposal at this property on the basis of the parameters outlined above (Maps 3 and 4).

Fisherman's Wharf

Although lands in Fisherman's Wharf are zoned C-2 staff acknowledge its unique status as a tourism destination in Eastern Passage. Therefore, staff would recommend that Fisherman's Wharf and all properties on Government Wharf Road be excluded from the planning process.

Conclusion

Staff is of the opinion that the proposal to consider a change to the MPS to support a change in apartment building form in the C-2 zone is appropriate at this time. Should Regional Council authorize staff to initiate a process designed to consider MPS and LUB amendments and a concurrent site specific development agreement proposal within the areas identified on Maps 1, 2 and 3, an opportunity will be provided to investigate and discuss building massing, height and form with the public. Therefore, staff recommends that Regional Council initiate the request to consider amending the Eastern Passage/Cow Bay MPS and LUB to enable apartment building as discussed above.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Amendments to the Eastern Passage/ Cow Bay 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

The proposal meets all relevant environmental policies contained in the MPS.

ALTERNATIVES

1. Council may choose to initiate a process to amend the Eastern Passage/Cow Bay MPS and LUB to enable a change in form for residential apartment building development on the lands shown on Maps 1 and 2 and to amend the Eastern Passage/ Cow Bay to enable a site-specific development agreement for the lands shown on Map 3. A decision of Council to initiate the potential amendments is not appealable to the N.S. Utility & Review Board. This is the recommendation of staff.
2. Council may choose to initiate policy amendments that would differ from those outlined here. This alternative is not recommended, as staff believes there is merit in considering the MPS amendment as presented in this report.
3. Council may choose not to initiate the MPS amendment process. A decision of Council to not initiate the potential amendments is not appealable to the N.S. Utility & Review Board. This alternative is not recommended, as staff believes there is merit in considering the MPS amendment as presented in this report.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning

Map 3	Subject Property Proposed for Development Agreement
Map 4	Concept Site Plan
Attachment A	Excerpts from the Regional Plan and Eastern Passage/Cow Bay MPS
Attachment B	Excerpts from the Eastern Passage/Cow Bay LUB

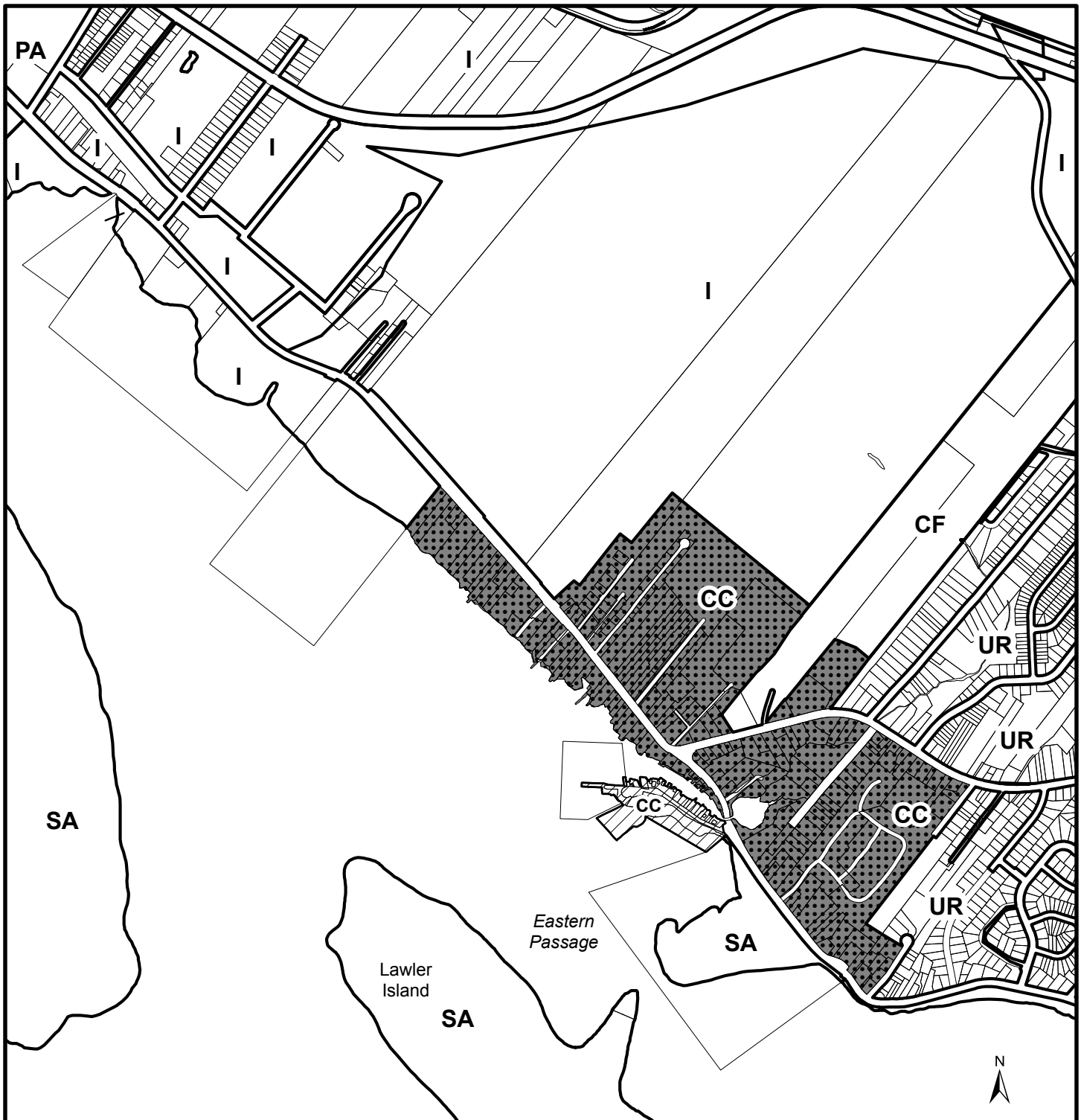
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Shayne Vipond, Senior Planner, 490-4335

Report Approved by: Kelly Denty, Manager of Development Approvals, 490-4800

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


Report Approved by: Brad Anguish, Director of Community & Recreation Services, 490-4933



Map 1 - Generalized Future Land Use

1490 Main Road,
Eastern Passage

 Areas Designated CC

 Area to be Excluded

Eastern Passage/Cow Bay
Plan Area

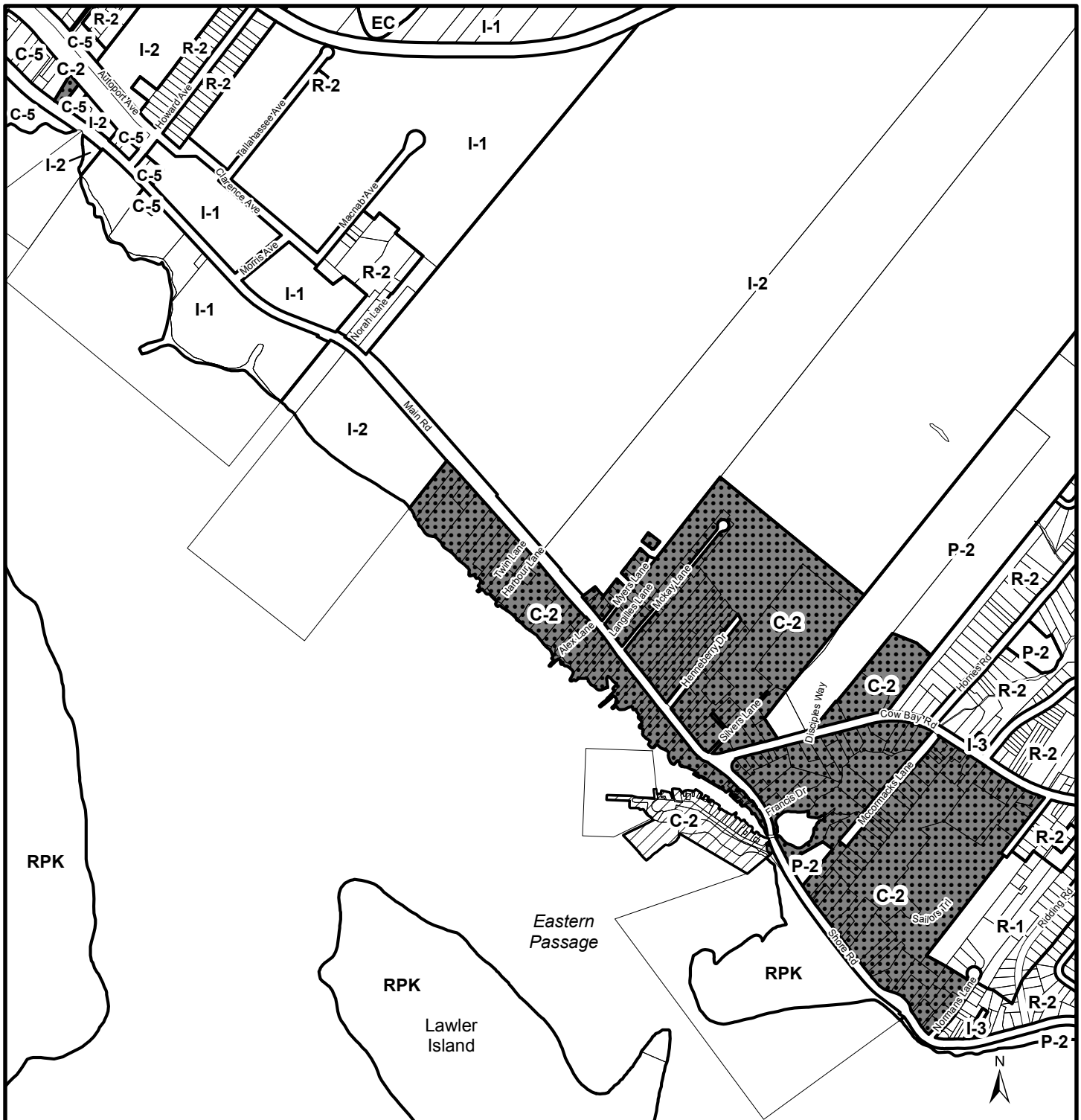
Designation

UR	Urban Residential
CC	Community Commercial
I	Industrial Mix
SA	Special Area

0 115 230 460
Meters


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 - Zoning and Location

1490 Main Road,
Eastern Passage

 Areas Subject to Policy Change

 Area to be Excluded

Eastern Passage/Cow Bay
Plan Area

Zone

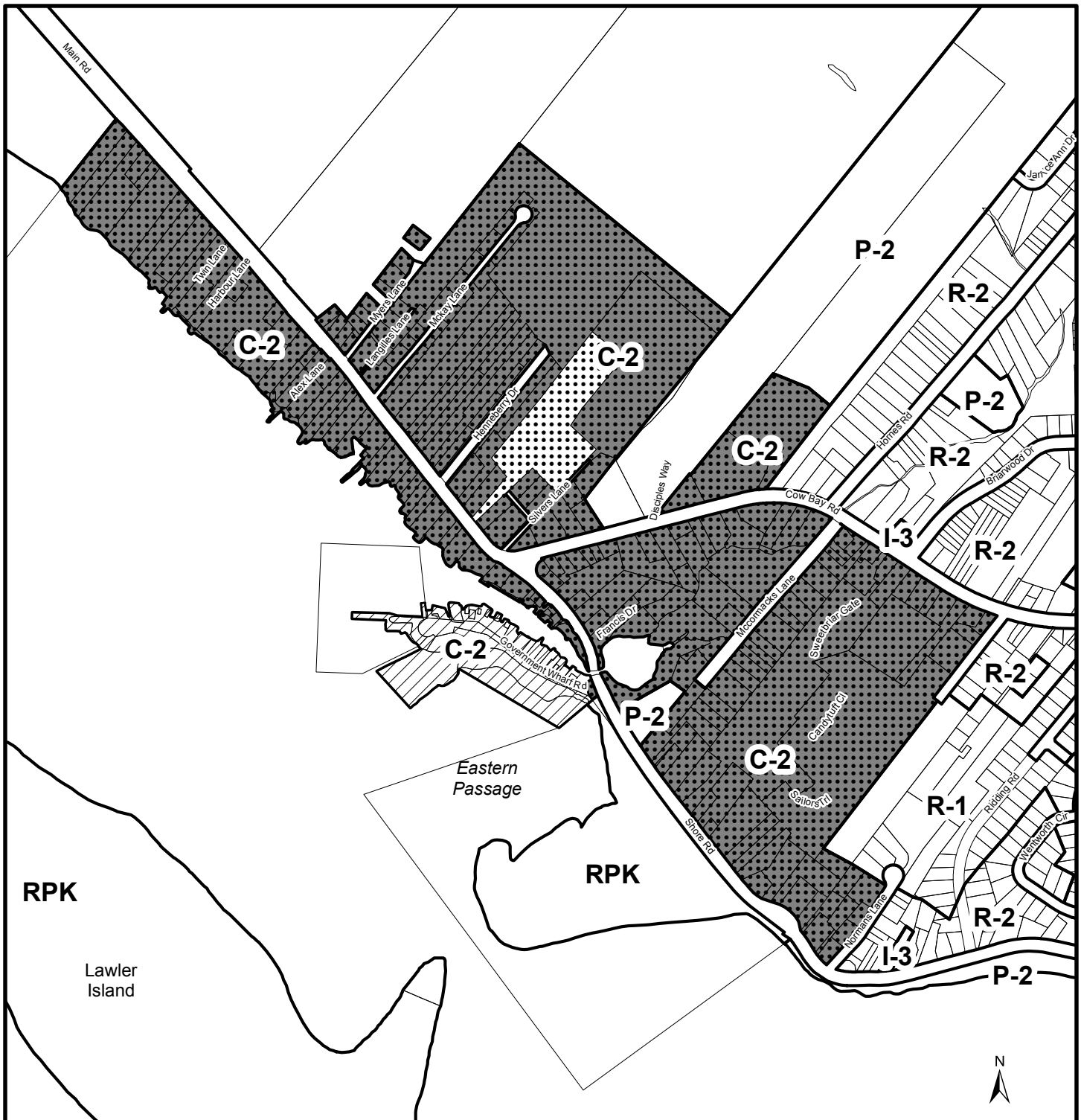
R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
C-2	General Business
C-5	Mixed Use
I-1	Light Industry
I-2	General Industry
I-3	Local Service
P-2	Community Facility
RPK	Regional Park
EC	Environmental Conservation

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 100 200 400
Meters




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

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



Map 3 - Subject Property Proposed for Development Agreement

1490 Main Road,
Eastern Passage

-  Areas Subject to Policy Change
-  Area to be Excluded
-  Area Subject to DA

Eastern Passage/Cow Bay
Plan Area

Zone

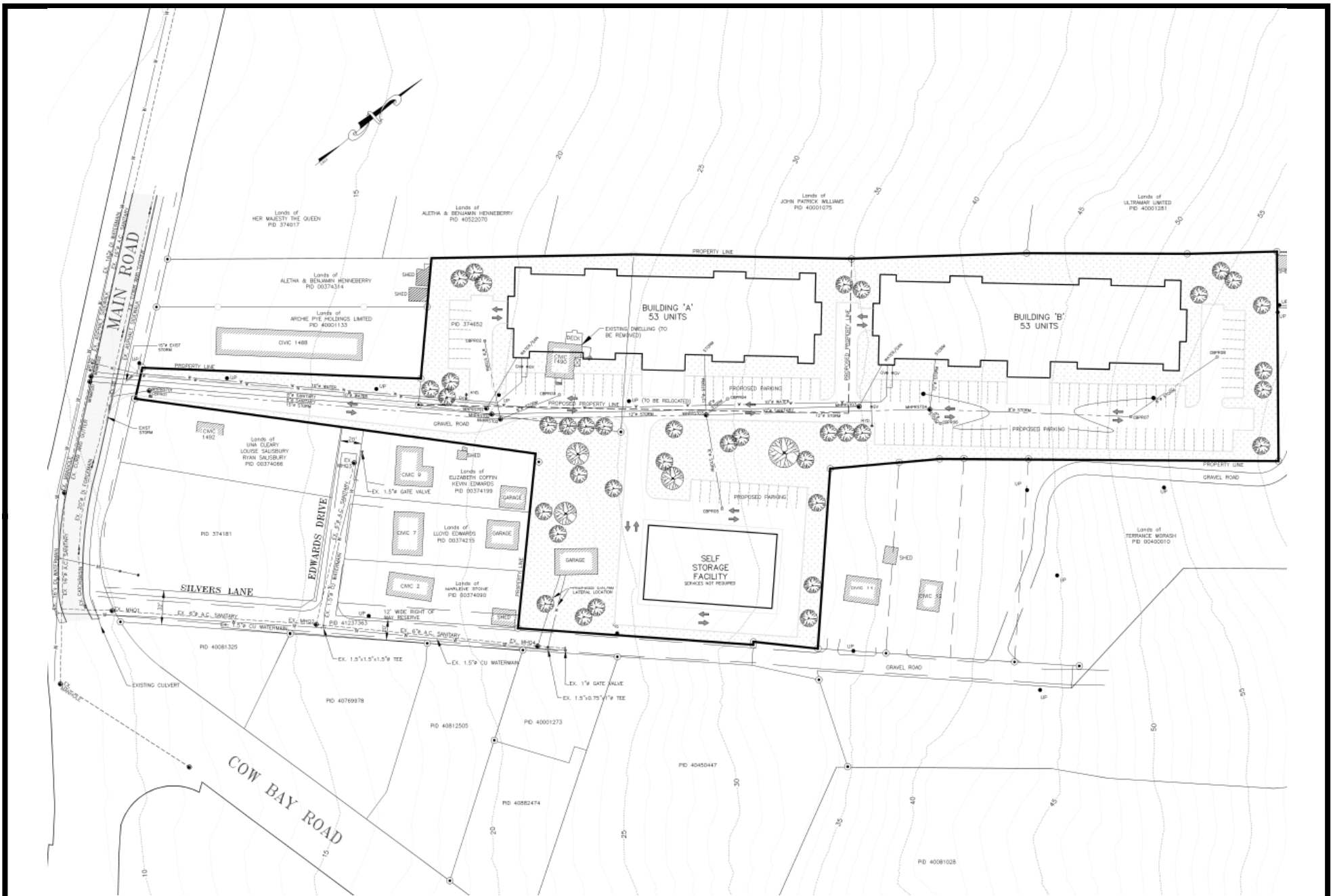
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- C-2 General Business
- I-3 Local Service
- P-2 Community Facility
- RPK Regional Park

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 70 140 280
Meters

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

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



**Map 4 Proposed Concept Site Plan
for 1490 Main Road**

HRM does not guarantee the accuracy of any base information.

Attachment A
Excerpts from the Regional Municipal Planning Strategy and Eastern
Passage/ Cow Bay MPS

REGIONAL MUNICIPAL PLANNING STRATEGY

CHAPTER 3: SETTLEMENT AND HOUSING

3.1 URBAN SETTLEMENT DESIGNATION

This Plan supports the growth of a series of mixed-use transit-oriented centres in strategic locations throughout the designation. The centre types are: the Regional Centre, Urban District Centres, Suburban District Centres, Urban Local Centres and Suburban Local Centres as shown on the Settlement and Transportation Map (Map 1). These centres include lands suitable for significant residential growth, and are already, or will become, focal points for varying levels of service, amenity and employment for the surrounding communities. The vision for these centres is that they will be well designed, safe and comfortable communities which build on their historical foundations. A high quality public realm featuring public squares and parks, community gardens, public art, and a comfortable and safe environment for pedestrians and cyclists will be components for achieving the design concept for these centres.

S-1 HRM shall establish the Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), as the area where central wastewater and water distribution services are intended to be provided to facilitate an urban form of development over the next 25 years. Any development boundary established under the existing secondary planning strategies shall be replaced by the Urban Settlement Designation. The designation is intended to provide for a diverse, vibrant and liveable urban environment which provides for the development of a series of mixed-use transit-oriented Centres within the general locations as shown on the Settlement and Transportation Map (Map 1). The five types of centres within the designation are the Regional, Urban District, Suburban District, Urban Local and Suburban Local centres.

The Urban Settlement Designation includes both the urban and suburban centres. These centres will be designed through Community Visioning and secondary plan review processes as mixed-used transit-oriented communities, to accommodate a mix of housing types, office, retail and institutional uses in addition to parks, trails, community gardens and safe public open spaces. Growth can occur in many of the existing areas in the HRM by developing vacant land or redeveloping under-used sites where appropriate. Policies in this Plan provide protection to established neighbourhoods from rapid unplanned change, directing most future growth to areas where it can occur without affecting residents.

This Plan envisions that low-density residential uses consisting of single unit dwellings, accessory apartments, two-unit dwellings, and townhouses may be considered in appropriate locations within the established neighbourhoods which are within walking distance of the commercial and transit focus of each centre. It is anticipated that a mix of medium to high

density residential and commercial uses will be situated around key focal points within the centre such as transit stations. This density is expected to gradually decrease and the proportion of residential land uses is expected to increase toward the periphery of the centre in the transition area between the centres and the surrounding neighbourhoods. The density of each centre will vary and be considered within its regional context.

The community centre and surrounding neighbourhoods will be serviced with an interconnected system of streets, pathways, sidewalks, and bicycle lanes where appropriate. Buildings within the centre will have varied architectural facades which will frame the street and have direct connection to the public sidewalk and street. The ground floor of buildings within the core of a centre that front on corridors and public facilities will be developed with commercial uses such as shops, restaurants and cafes with large windows that add visual interest for pedestrians and provide shelter in the form of awnings, structured colonnades or street trees. Adequate short-term parking will be provided to service these retail areas, without compromising pedestrian access from the sidewalk.

Maintaining the integrity of rural communities and lands is integral to this Plan, and policies regarding rural areas provide recognition of their ecological, economic and social values. Centres in rural areas will be focussed around areas where a service centre has already begun to develop to serve the outlying area. Sustainable growth is envisioned in a way that will protect the rural resource base and ensure the retention of rural community character.

S-11 HRM shall, through secondary planning processes, define the centres within each designation. The general characteristics of the centres are provided in Table 3-1. These planning strategies shall also define the specific boundaries of the centres, population targets and will develop detailed design policies related to the layout of the centres, range of permitted uses, development densities and mechanisms for implementation. The centres shall be designed in consideration of the criteria described in Chapter 9 and all other applicable policies of this Plan.

S-13 Further to Policy S-12, until the secondary planning processes are completed, HRM shall continue to regulate land use in those areas identified as centres and for those areas between centres, according to the policies of the applicable existing secondary planning strategies and land use by-laws, except where otherwise provided by this Plan.

Table 3-1: Characteristics of Centres

Urban Settlement Centres			
Centre Type	Centre Name	Land Uses	Transit
Suburban Local	Eastern Passage	<ul style="list-style-type: none"> • mix of low to medium density residential & convenience commercial uses • in established neighbourhoods, low to medium density residential uses 	<ul style="list-style-type: none"> • all day transit to connect to other centres & Regional Centre • surface park & ride or parking structures • street or side yard parking for pedestrian-oriented retail

EASTERN PASSAGE/ COW BAY MUNICIPAL PLANNING STRATGEY

COMMUNITY COMMERCIAL DESIGNATION

COMMERCIAL DESIGNATION

As with residential development, the Plan Area's two communities require different perspectives relative to future commercial use. In Cow Bay, there is the desire to maintain its current residential character, and to limit commercial development to resource related operations and small scale, home-based businesses. General commercial development is therefore limited to the C-2 (General Business) Zone in Eastern Passage.

In Eastern Passage, there is the desire to maintain the traditional character that exists in the community's commercial centre, commonly known as Quigley's Corner. This commercial centre is reminiscent of many small coastal villages, developing from its strong ties with the fishing industry, then expanding along the waterfront to offer basic banking, postal, medical, gas, and grocery services. The scale and scope of the commercial core was small and compact, responding to the pedestrian-oriented nature of the village. Since then, the commercial designation has been applied to approximately 122 acres, and a mix of commercial, residential and community uses has emerged. Although the extent of the commercially designated land is large, there is the desire to maintain small scale commercial development, as well as the traditional architecture for the area.

In addition, there are new pressures being placed on the commercial area. Recently, there has been an increase in the population base in Eastern Passage and Cow Bay. As a result, there are desires to broaden both commercial uses and store size permitted within the C-2 Zone. This will encourage a scale of development desired by the community, and will restrict larger scale commercial activities from the C-2 Zone. Streetscape elements such as setbacks, scale of buildings, parking, signage, landscaping and architectural features are required to complement the traditional character of this community. To accommodate the larger scale commercial developments to service Eastern Passage/Cow Bay, the community has suggested that such activities be located on either the Ultramar or Shearwater lands should they become available.

The fishing industry still holds a strong presence in Eastern Passage, a factor that recently attracted a tourism development called Fisherman's Cove. Located on the waterfront, Fisherman's Cove replicates the flavour and character of a working fishing village, and has spurred the local tourist industry. Although the existing designation of Special Area has been granted, the types of uses permitted within the applied MR-2 (Fishing Industry) Zone should be considered for all waterfront lands within the commercial zone. As such, the community commercial designation and the C-2 (General Business) Zone should be applied to this portion of the special area designation. The permitted uses for the C-2 (General Business) Zone should be expanded to include both new tourist related activities and marine related uses.

COM-1 It shall be the intention of Council to establish a Community Commercial

Designation, as shown on Map 1 - Generalized Future Land Uses and to encourage that lands within the designation be developed in a manner appropriate to the growth of a local business and service focus for the Plan Area.

COM-2 It shall be the intention of Council to establish a C-2 (General Business) Zone within the Land Use By-Law and apply it to the Community Commercial Designation. The C-2 (General Business) Zone shall permit general commercial uses, as well as residential and community uses. The permitted uses shall reflect the traditional waterfront uses and promote tourist related activities. Development shall be subject to specific size, scale, building placement, building design and construction, landscaping, signage and parking controls, and all commercial uses and multiple residential unit dwellings must have direct access to either Main, Cow Bay or Shore Roads.

COM-2.1 Notwithstanding Policy COM-2 it shall be the intension of Council to restrict residential uses and commercial uses that are considered incompatible with the operation and promotion of tourist and marine related activities in Fisherman's Cove. (RC-Sep 12/06;E-Jan 8/07)

Attachment B
Excerpts from Eastern Passage/ Cow Bay LUB

PART 14: C-2 (GENERAL BUSINESS) ZONE

14.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Commercial Uses

Retail Stores

Art galleries, studios and workshops

Food, grocery and variety stores

Service and personal service shops

Offices

Commercial schools

Banks and other financial institutions

Restaurants, drive-ins, take-out restaurants, outdoor cafe and tea rooms

Entertainment uses to a maximum of 1600 square feet of floor area devoted to public use

Theatres and cinemas

Funeral parlours

Veterinary hospitals and kennels

Taxi and bus depots

Parking lots

Service stations

Re-cycling depots

Motels, inns, bed & breakfast establishments, and tourist cottage developments

Day care facilities

Display courts

Shopping Plazas and Malls

Bicycle rental outlets

Fish markets

Tourist information centres

Mini-storage warehouse

Dwelling units located in the same building as commercial shall not to exceed 50% of the gross floor area and not to be located fronting on a street on the first floor

Boat charter service

Boat or yacht club

Marina

Small Scale Fishing Operations

Residential Uses

Single unit dwellings

Two unit dwellings

Townhouse dwellings

Multiple unit dwellings up to a maximum of twelve (12) units including apartments
Boarding and rooming houses
Home business uses in conjunction with permitted dwellings

Community Uses

Institutional uses
Open space uses

14.2 LOT AND YARD REQUIREMENTS: COMMERCIAL AND INSTITUTIONAL USES, MULTIPLE UNIT DWELLINGS, AND BOARDING AND ROOMING HOUSES

Minimum Lot Area:	4000 square feet
Minimum Lot Frontage:	50 feet
<i>Minimum Front / Flankage Yard:</i>	4 feet except for 25 foot daylighting triangle on corner lots.
Minimum Rear Yard:	40 feet
Minimum Side Yard:	4 feet on one side, 20 feet on the other
Maximum Lot Coverage:	50 percent
Maximum Building Height:	35 feet

(HECC-May 11/09; E-May 30/09)

14.3 BUILDING SIZE REQUIREMENTS

For any new, renovated or expanded commercial or institutional buildings in the C-2 Zone, the following shall apply:

Maximum Building Footprint:	7500 square feet
Maximum Gross Floor Area:	15,000 square feet

14.4 OTHER REQUIREMENTS: COMMERCIAL USES

For any commercial uses permitted in the C-2 Zone, the following shall apply:

- (a) Any area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.
- (b) No open storage or outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.

14.4B OTHER REQUIREMENTS: RECYCLING DEPOTS

In any C-2 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted.

14.5 LOT AND YARD REQUIREMENTS: SINGLE UNIT DWELLINGS
(HECC-May 11/09; E-May 30/09)

Minimum Lot Area:	4000 square feet
Minimum Lot Frontage:	40 feet
Minimum Front / Flankage Yard:	4 feet except for 25 foot daylighting triangle on corner lots for lots fronting onto Main Road, Cow Bay Road or Shore Road; 15 feet except for 25 foot daylighting triangle on corner lots for all other street.
Minimum Rear Yard:	15 feet
Minimum Side Yard:	4 feet on one side, 10 feet on the other
Maximum Lot Coverage:	35 percent
Maximum Building Height:	30 feet

14.6 OTHER REQUIREMENTS: SINGLE UNIT DWELLINGS
(HECC-May 11/09; E-May 30/09)

For any single unit dwellings permitted in the C-2 Zone, the following shall apply:

- (a) Pursuant to the minimum side yard requirements of Section 14.5, where a dwelling includes an attached garage, both minimum side yards may be four (4) feet.
- (b) On all lots where there is no attached garage, the driveway shall extend into the side yard of the lot a minimum of 36 feet from the front lot line.
- (c) There shall be only one driveway per lot, the maximum width of which shall not exceed 10 feet, and no other portion of the front yard shall be used for vehicular parking.
- (d) Home business uses are subject to the provisions of Section 6.3.

14.7 LOT AND YARD REQUIREMENTS: TWO UNIT DWELLINGS
(HECC-May 11/09; E-May 30/09)

Minimum Lot Area:	6000 square feet
Minimum Lot Frontage:	60 feet
Minimum Front / Flankage Yard:	4 feet except for 25 foot daylighting triangle on corner lots for lots fronting onto Main Road, Cow Bay Road or Shore Road, 15 feet except for 25 foot daylighting triangle on corner lots for all other streets.
Minimum Rear Yard:	15 feet
Minimum Side Yard:	10 feet (3.0 metres) or 0 feet (0 metres) from the side being common with another dwelling unit
Maximum Lot Coverage:	35 percent
Maximum Building Height:	30 feet

14.8 OTHER REQUIREMENTS: TWO UNIT DWELLINGS

For any two unit dwellings permitted in the C-2 Zone, the following shall apply:

- (a) Pursuant to the minimum side yard requirements of Section 14.7, where a dwelling unit includes an attached garage, the minimum side yards adjacent to the attached garage may be four (4) feet.
- (b) On all lots where there is no attached garage, the driveway shall extend into the side yard of the lot a minimum of 36 feet from the front lot line.
- (c) There shall be only one driveway per dwelling unit, the maximum width of which shall not exceed 10 feet, and no other portion of the front yard shall be used for vehicular parking.
- (d) No portion of any two unit dwelling, where each unit is held under separate title, shall be used for any commercial uses, excepting for home business uses.
- (e) Home business uses are subject to the provisions of Section 8.4.

14.9 OTHER REQUIREMENTS: TOWNHOUSE DWELLINGS

Notwithstanding the provisions of Sections 10.2 and 10.3, where any new, renovated or expanded townhouse dwellings in the C-2 Zone, the following apply:

- (a) No portion of any townhouse dwelling shall be used for any commercial use.

14.10 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS

Where any bed and breakfast establishments are permitted in any C-2 Zone, the following shall apply:

- (a) Not more than four (4) rooms may be let;
- (b) No window displays and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m²) in area; and
- (c) One (1) off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

14.11 OTHER REQUIREMENTS: COMMUNITY USES

Where any Community Uses are permitted in any C-2 Zone, no development permit shall be issued except in conformity with the provisions of Part 23.

14.12 PARKING LOTS AND DRIVEWAY ACCESS REQUIREMENTS FOR COMMERCIAL USES AND MULTIPLE RESIDENTIAL UNIT DWELLINGS

Where parking for more than four (4) vehicles is required, the following shall apply:

- (a) Parking shall not be permitted in any required front yard.
- (b) No more than one driveway access per lot shall be permitted for every fifty feet of lot frontage, except that corner lots may have one access per street, and service stations may have only two accesses.
- (c) Parking spaces and driving aisles may be located no closer than 4 feet from any wall of a building. Raised sidewalks or landscaping shall be provided in this area.
- (d) Access shall be directly from Main Road, Shore Road or Cow Bay Road.

14.13 BUILDING DESIGN/CONSTRUCTION REQUIREMENTS

For any new or expanded commercial or institutional use, and multiple unit dwellings and boarding and rooming houses in the C-2 Zone, the following shall apply:

Exterior Wall/

Cladding materials:

Brick, architectural block, wood shingles/shakes, wood and vinyl siding. Where wood shingles/shakes, wood or vinyl siding is used, a 6" wide corner board shall be provided.

Windows:

Total window area on a building face adjacent to a street shall not exceed 60% of the area of the building face. The height of individual windows shall exceed the width by a ratio of 2:1. Windows shall be accentuated by design details (i.e. arches, hoods, minimum 4" wide mouldings, decorative lintels, pediments, sills). Sunrooms and solariums shall be exempt from these requirements.

Roof Slope:

Minimum pitch of 4:12

14.14 LANDSCAPING REQUIREMENTS

For any new or expanded commercial or institutional building, and for multiple unit dwellings, boarding and rooming houses in the C-2 Zone, the following shall apply:

Front Yard:

Any front yard is to be fully landscaped, as are corner vision triangles, except where driveway or pedestrian access points are required.

Side/Rear Yards:

A strip of landscaping at least four (4) feet in width shall be provided along the entire length of all side and rear yards, except where a driveway or pedestrian access points are required.

Landscaping Content:

Landscaping shall consist of grass 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 and depth. All landscaping shall be maintained and deceased plants shall be replaced to maintain these standards.

14.15 SCREENING

For any new or expanded commercial or institutional building, and for multiple unit dwellings, boarding and rooming houses in the C-2 Zone which is adjacent to property that is zoned or used for residential or community uses, a visual screen shall be provided in accordance with the following:

- i) Materials - shall contain either a vegetation screen, an opaque fence, or a combination of both natural and man-made materials which will form an effective year-round screen.
- ii) Height - screening shall be at least five (5) feet in height. Plant materials, when planted, may be not less than three and one-half (3 ½) feet in height if of a species or variety which shall attain the required height and width within three (3) years of planting. Height shall be measured from the finished grade.
- iii) Width - screening shall be in a strip of landscaped open space a minimum of four (4) feet in depth running the entire length of the adjacent property line.
- iv) Maintenance - all required plant materials shall be properly maintained and kept free of litter. All required fences shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

14.16 OTHER REQUIREMENTS: SERVICE STATION CANOPIES

Where new or renovated canopies are to be provided over pump islands, the following shall apply:

- (a) Canopies shall have a gable roof with a minimum 4:12 pitch.
- (b) No signage or lettering shall be permitted on or under the canopy other than that required for vehicle clearance or traffic directional flows.

14.17 *Deleted (HECC-May 11/09; E-May 30/09)*

SPECIAL REQUIREMENT FOR FISHERMAN'S COVE

14.18 Notwithstanding any other provision in this By-law, on the lands identified as Fisherman's Cove, the following uses shall not be permitted.

Residential uses - except the existing residential use located at civic # 27 (PID 40812190) Government Wharf Road.

Recycling depots,

Taxi and bus depots

Mini-storage warehouses

(RC-Sep 12/06;E-Jan 8/07)