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Item No. 10.1.1
Halifax and West Community Council
September 12, 2017
October 10, 2017

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed

Kelly Denty, Acting Director, Planning and Development

DATE: July 21, 2017

SUBJECT: Case 20231: Rezoning for Lands at 2728 Joseph Howe Drive, Halifax.

ORIGIN

Application by W.M. Fares to rezone lands at 2728 Joseph Howe Drive, Halifax to enable a townhouse development.

LEGISLATIVE AUTHORITY

See Attachment A

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment B, to rezone lands at 2728 Joseph Howe Drive from the R-1 zone to the R-2T zone and schedule a public hearing;
2. Adopt the amendment to the Land Use By-Law for Halifax Mainland, as set out in Attachment B.

BACKGROUND

W.M. Fares, on behalf of Mary Jabbour and Nicole Jabbour, is applying to rezone lands located at 2728 Joseph Howe Drive, Halifax.

Subject Site	A corner lot located at the southwest intersection of Joseph Howe Drive and Craigmore Drive, Halifax
Location	West side of Joseph Howe Drive south of Mumford Road
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Residential Environments (RES) within the Halifax Municipal Planning Strategy
Zoning (Map 2)	R-1 Single Family Dwelling Zone within the Halifax Mainland Land Use By-law
Size of Site	1557.4m ² (16,767.4 square feet)
Street Frontage	Approximately 139 feet of frontage on Craigmore Drive and 118 feet of frontage on Joseph Howe Drive
Current Land Use(s)	Single unit dwelling
Surrounding Use(s)	The surrounding area is comprised of a mix of uses including: <ul style="list-style-type: none">- Office uses across Joseph Howe to the north and east- Multi-unit building and office building across Craigmore Drive to the northwest- Single family dwellings to the south

Proposal Details

The applicant wishes to rezone this property from R-1 to R-2T to enable a townhouse development. The major aspects of the proposal are as follows:

- A single property is proposed to be rezoned to R-2T, Townhouse Zone
- Should Council approve the proposed rezoning application, the development of any dwellings would be considered through the separate as-of-right permitting process

Enabling Policy and LUB Context

The subject property is designated Residential Environments under the Halifax Municipal Planning Strategy. The property is zoned R-1 (Single Family Dwelling Zone) under the Halifax Mainland Land Use By-law which permits single unit dwellings, home occupations, and various institutional and recreational uses.

The Residential Environments designation allows for consideration of a variety of residential unit types provided applicable policy criteria is met. Attachment C contains a copy of the policy from the Halifax MPS as well as a staff assessment as to how this proposal adheres to this policy.

Previous Planning Applications

Several applications have been previously submitted for this property. The first was a request in 2011 to rezone the land to C-1 (Local Business Zone) to allow for the development of an office building (Case 17131). A public information meeting was held in October 2011 however the application was withdrawn in January 2012.

Another application was made in 2012 to rezone the subject site from R-1 to R-2T. This is the same request being considered under the current application. A public information meeting was held on June 20, 2012. Staff recommended in favor of the rezoning based on the proximity of the site to a variety of uses in the surrounding neighbourhood, and that the townhouse use would not have a negative impact on the stability of the neighborhood. In April 2013, Halifax and West Community Council considered and refused this request.

COMMUNITY ENGAGEMENT

As stated previously, this request has been considered under an earlier application and a public information meeting was held on June 20, 2012. The current request is also a request to rezone the subject site to R-2T and as such, public feedback gathered from the previous public information meeting is still relevant. Approximately 17 community members attended the meeting and 12 individuals spoke in opposition to the project. Comments received during the 2012 meeting included the following topics:

- The proposal is not in keeping with the character of the area;
- The proposal sets a precedent for future development in the area;
- Construction will be disruptive;
- An anticipated negative impact of increased density on adjacent lots;
- The rezoning does not meet the policy intent;
- The proposal will erode the residential character of the neighborhood;
- Instead of zoning a single property, a broader area should be considered; and
- Concerns regarding parking and traffic.

The public hearing for the previous application was held on May 13, 2013 at the Halifax and West Community Council meeting. Two petitions were before Council; one in support of the application with 16 signatures, and one against the rezoning with 66 signatures. Four members of the public spoke during the hearing and comments included the following topics:

- Concerns regarding traffic;
- Incompatibility of townhomes with the existing neighborhood;
- The proposal is not in keeping with the character of the area; and
- Sets a precedent for future development in the area

With regard to the current application, the level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and postcards mailed to property owners within the notification area. Approximately 16 emails and 5 phone calls were received from members of the public. Of those who provided comment, five respondents were in support of the project and 16 were in opposition. Those in support of the proposal stated that the proposal is a logical progression of the mixed-use nature of the area and that the property is in such disrepair that redevelopment would be in the best interest of the neighborhood. Respondents who were in opposition to the proposal felt that traffic was a concern in this area and parking would be problematic. A major concern voiced was that the townhouse use would not be in keeping with the character of the neighborhood. Increasing density in this area was also a common concern and respondents felt that this rezoning would set a precedent for future rezoning applications. The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 3 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it reasonably carries out the intent of the MPS. Attachment B contains the proposed rezoning that would allow the subject site to be rezoned from R-1 to R-2T.

LUB Amendment Review

Attachment C provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Compatibility with Existing Neighborhood

The applicable policies within the MPS speak to ensuring new residential uses maintain the integrity, stability, and character of the existing community. Although there are a significant number of single unit dwellings in the area, there are also large scale commercial uses across both Craigmere Drive and Joseph Howe Drive. The Craigmere, a large multi-unit apartment building, is located just north of the subject site across Craigmere Drive. Further multi-unit development would not be appropriate in this area; however, townhomes can be considered a less intense and more compatible use. This scale of development is in keeping with that of the existing neighborhood and will provide a transition from the more intense uses to the surrounding R-1 community.

The policy also encourages a mix of residential uses to increase affordability within residential neighborhoods. Housing affordability is a concern within HRM and the addition of townhouses at this location would provide an opportunity to add a variety of housing types within the urbanized area.

Comparison of R-1 Zone and the R-2T Zone

Under the existing R-1 zone, the subject site could be developed as three single unit dwelling lots. If rezoned to R-2T, the property could be developed as six townhouse units if the provisions of the zone were met. The developer has indicated that the intent is to develop 5 townhouse units only. The following table provides a comparison of the R-1 and R-2T zones. As noted, the proposed townhouse zone would permit residential structures that are similar in building placement and massing barring a few exceptions. The R-2T zone allows for additional lot coverage to account for interior townhouse units. The rear and side yard setbacks are greater for townhomes to mitigate impacts to adjacent properties.

	R-1 Zone	R-2T Zone
Maximum Lot Coverage	35%	40%
Maximum Height	35 feet	35 feet
Maximum Front Yard	20 feet	15 feet
Minimum Rear Yard	8 feet	20 feet
Minimum Side Yard	8 feet	10 feet

The R-2T zone would permit double the density of the R-1 zone however, staff feel that this increase is negligible given the existing uses in the immediate area and would not negatively impact the existing character or stability of the neighborhood.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal reasonably carries out the intent of the MPS. The proposed rezoning to R-2T is in keeping with the character and scale of the neighborhood and contributes to the mix of housing types in this area. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2017/2018 C310 Planning Applications budget and with existing resources.

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning
Map 3: Notification Area

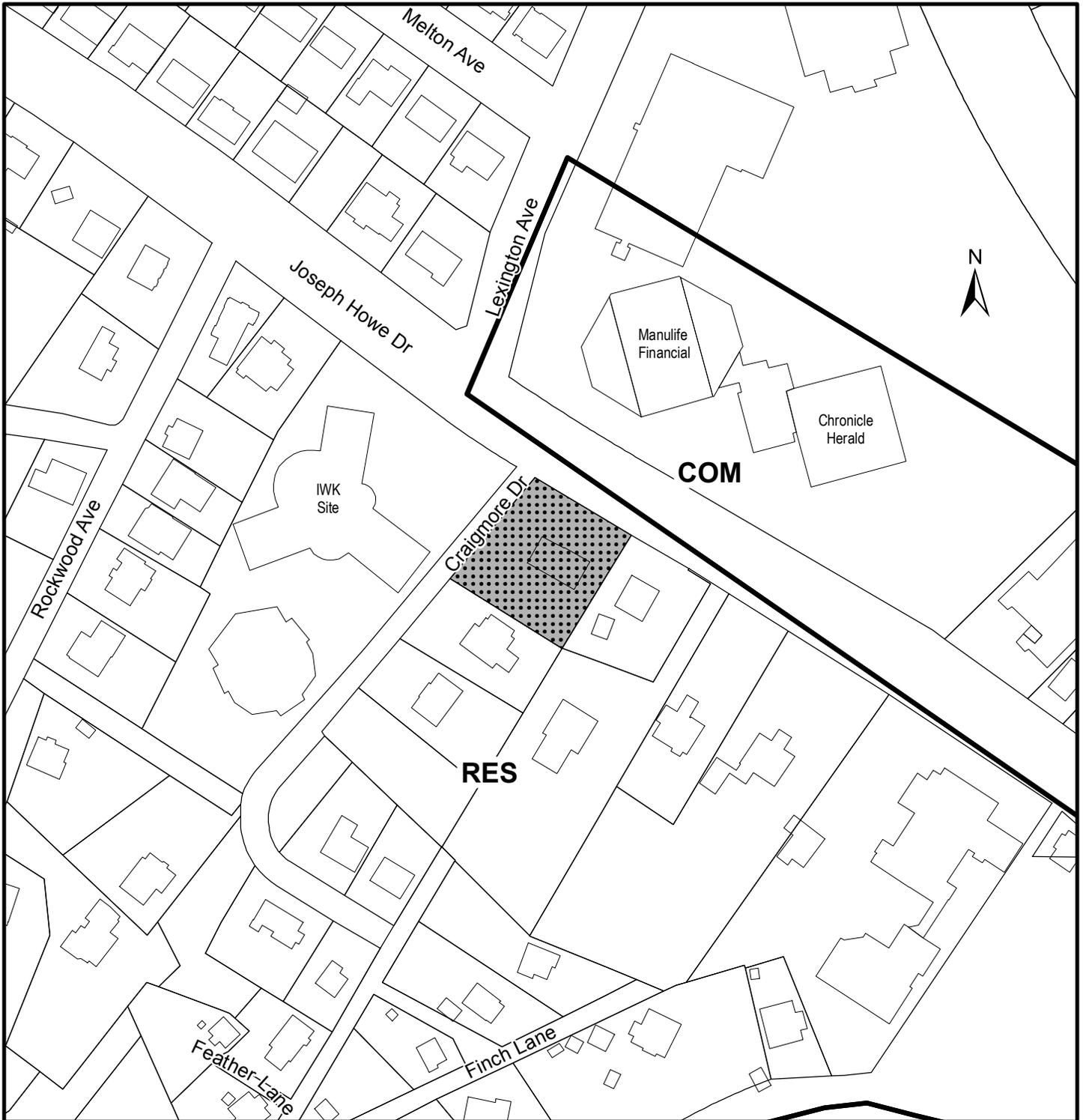
Attachment A: Legislative Authority
Attachment B: Proposed Amendment to the Land Use Bylaw for Halifax Mainland
Attachment C: Review of Relevant Policies from the Halifax MPS and Halifax Mainland LUB

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Melissa Eavis, Planner II, Current Planning, 902.490.3966

Original Signed

Report Approved by: _____
Carl Purvis, Acting Manager, Current Planning, 902.490.4797



Map 1 - Generalized Future Land Use

2728 Joseph Howe Drive
Halifax

HALIFAX

 Subject Properties

Designation

RES Residential Environments
COM Commercial



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Halifax Plan Area



Map 2 - Zoning

2728 Joseph Howe Drive
Halifax

 Subject Property

 Land use by-law area boundary

Halifax Mainland Land Use By-Law Area

Zone - Halifax Mainland

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- C-1 Local Business

Zone - Halifax Peninsula

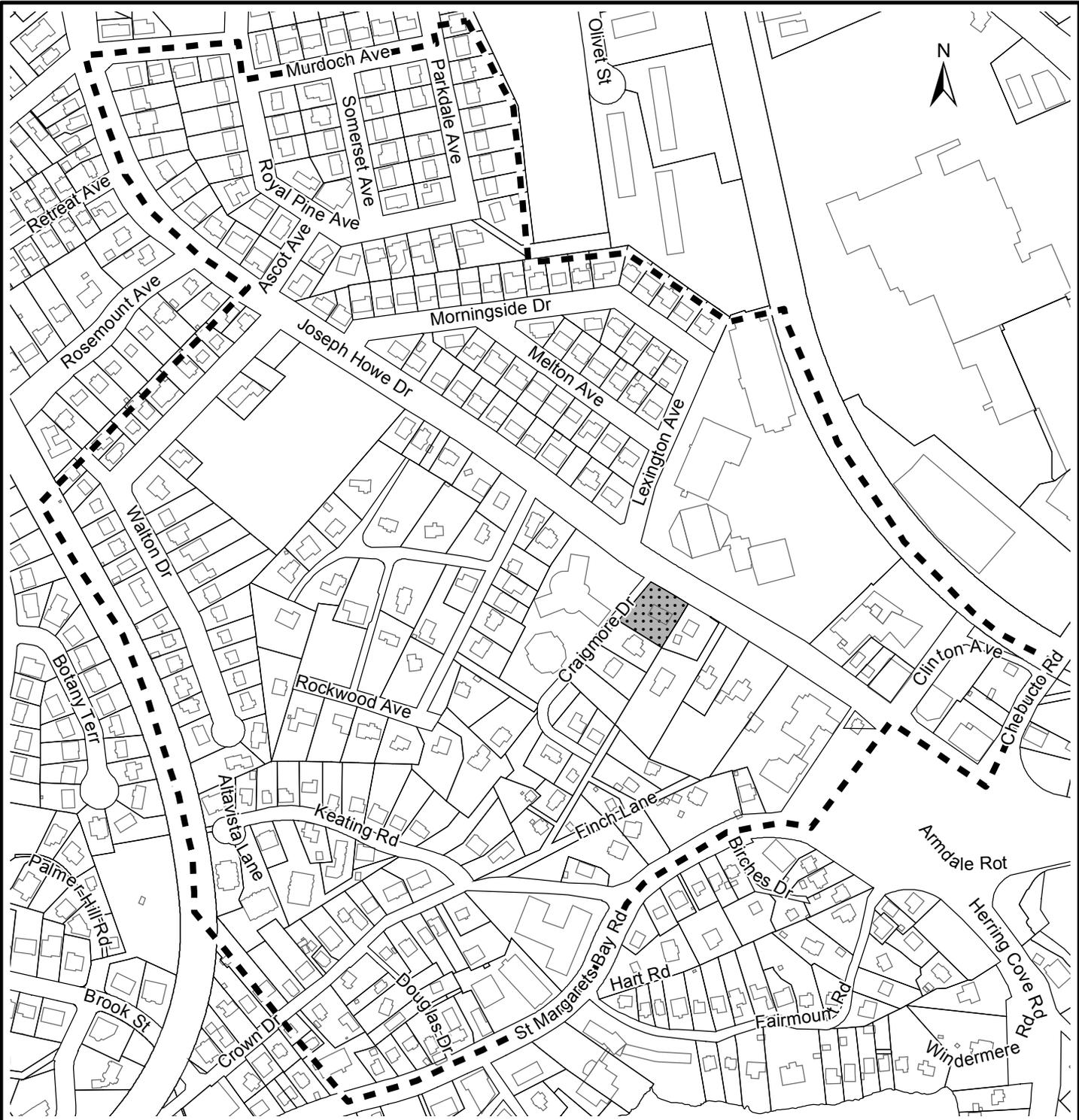
- R-1 Single Family Dwelling
- C-2 General Business

HALIFAX



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

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Map 3 - Notification Area

2728 Joseph Howe Drive
Halifax

-  Subject area
-  Area of notification

Halifax Mainland
Land Use By-Law Area

HALIFAX



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Attachment A – Legislative Authority

Land Use By-law Amendments By Community Council

The *Community Council Administrative Order*, subsection 3 (1) “Subject to subsection (3) of this section, sections 29, 30 and 31 of the *Halifax Regional Municipality Charter* apply to each Community Council.”

Halifax Regional Municipality Charter (“HRM Charter”),

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

HRM Charter, Part VIII, Planning and Development, including:

Requirements for adoption of planning documents

- 220 (1)** The Council shall adopt, by by-law, planning documents.
- (3)** Before planning documents are read for a second time, the Council shall hold a public hearing.

Amendment of land-use by-law

- 225 (1)** An amendment to a land-use by-law that
- (a) is undertaken in accordance with the municipal planning strategy; and
 - (b) is not required to carry out a concurrent amendment to a municipal planning strategy,
 - (c) is not subject to the review of the Director or the approval of the Minister.
- (2)** The procedure for the adoption of an amendment to a land-use by-law referred to in subsection (1) is the same as the procedure for the adoption of planning documents, but a public participation program is at the discretion of the Council and the amendment may be adopted by a majority of votes of the Council members present at the public hearing.
- (3)** Upon the adoption of an amendment to a land-use by-law referred to in subsection (1), the Clerk shall place a notice in a newspaper circulating in the Municipality stating that the amendment has been adopted and setting out the right of appeal.
- (4)** When notice of an amendment to a land-use by-law referred to in subsection (1) is published, the Clerk shall file a certified copy of the amending by-law with the Minister.
- (5)** Within seven days after a decision to refuse to amend a landuse by-law referred to in subsection (1), the Clerk shall notify the applicant in writing, giving reasons for the refusal and setting out the right of appeal.
- (6)** Where the Council has not, within one hundred and twenty days after receipt of a completed application to amend a land-use by-law referred to in subsection (1), commenced the procedure required for amending the land-use bylaw by publishing the required notice of public hearing, the application is deemed to have been refused.
- (7)** Within seven days after an application to amend a land-use by-law, referred to in subsection (1), being deemed to be refused, the Clerk shall notify the applicant in writing that the application is deemed to have been refused and setting out the right to appeal.
- (8)** An amendment to a land-use by-law referred to in subsection (1) is effective when

- (a) the appeal period has elapsed and no appeal has been commenced; or
- (b) all appeals have been abandoned or disposed of or the amendment has been affirmed by the Board.

Content of land-use by-law

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.
- (2)** A land-use by-law must
- (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3)** A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4)** A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;
 - (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.
- (5)** Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;

- (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
 - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the Council, the
 - (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
 - (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
 - (iii) cost of maintaining municipal streets would be prohibitive;
 - (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
 - (p) prohibit development on land that
 - (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
 - (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
 - (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.
- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

Appeals to the Board

- 262 (1) The approval or refusal by the Council to amend a land-use by-law may be appealed to the Board by
- (a) an aggrieved person;
 - (b) the applicant;
 - (c) an adjacent municipality;
 - (d) the Director.

ATTACHMENT B

Proposed Amendment to the Land Use By-law for Halifax Mainland

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby further amended as follows:

1. Amend Map ZM-1, the Zoning Map, by rezoning the property identified as 2728 Joseph Howe Drive, Halifax, from the R-1 (Single Family Dwelling) Zone to the R-2T (Townhouse) Zone, as shown on Schedule A of this Attachment.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax and West Community Council of Halifax Regional Municipality held on the _____ day of _____, 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 201__.

Municipal Clerk



Schedule A

2728 Joseph Howe Drive
Halifax

 Area to be Rezoned from R-1 (Single Family Dwelling) to R-2T (Townhouse)

 Land use by-law area boundary

Halifax Mainland Land Use By-Law Area

Zone - Halifax Mainland

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- C-1 Local Business

Zone - Halifax Peninsula

- R-1 Single Family Dwelling
- C-2 General Business

HALIFAX



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

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Attachment C
Review of Relevant Policies from the Halifax MPS and Halifax Mainland LUB

Policy Criteria	Comment
Section 2: City Wide Objectives and Policies, Part 2: Residential Environments	
2.1 <i>Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</i>	The site is currently serviced and no capacity issues have been identified.
2.1.2 <i>On the Mainland, residential development should be encouraged to create sound neighbourhoods through the application of a planned unit development process and this shall be accomplished by Implementation Policy 3.3. It is the intention of the City to prepare and adopt a planned unit development zone subsequent to the adoption of this Plan.</i>	N/A
2.2 <i>The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i>	There are a variety of uses within the neighborhood including offices and multiple unit dwellings. The addition of townhouses, although not currently present, would not result in an increase in intensity. Policy 3.1 – Repealed Policy 3.2 – N/A
2.3 <i>The City shall investigate alternative means for encouraging well-planned, integrated development.</i>	N/A
2.3.1 <i>The City should restrict ribbon development which does not conform to the policies of this document and should seek ways to remove any such development which may become obsolete.</i>	N/A
2.3.2 <i>Ribbon development along principal streets should be prohibited in order to minimize access points required by local traffic.</i>	Access is proposed from Craigmere Drive, and not on Joseph Howe Drive.
2.4 <i>Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and</i>	The property is located within a predominately residential community with some office uses present across both Craigmere and Joseph Howe Drive. Additionally, there is a large multi-unit residential building located on Craigmere. As such, the character of this community can be considered

<p><i>housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i></p>	<p>mixed but with an emphasis on low density residential. Although further multi-unit development would not be appropriate, townhomes would not jeopardize the stability of the neighborhood nor would it change the overall character.</p> <p>Further, if this property were to be developed in a as of right manner three single family lots would be permitted. Rezoning would not substantially increase the amount of units permitted. The R-2T zone does not permit additional height and the other built form requirements are similar to that of the single family dwelling zone.</p>
<p>2.4.1 <i>Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The R-2T zone has a similar scale to that of the R-1 and no new streets have been proposed.</p> <p>Policy 3.1 – Repealed Policy 3.2 – N/A</p>
<p>2.4.2 <i>In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.</i></p>	<p>The regulations for land uses under the R-2T zone are the same as those permitted in the R-1 zone.</p>
<p>2.4.2.1 <i>Pursuant to 2.4.2 the land use by-law may regulate the number, size, height, illumination and location of signs.</i></p>	<p>N/A</p>
<p>2.7 <i>The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes,</i></p>	<p>As mentioned previously the scale of this development is similar to that of the permitted R-1 use. Lot coverage is slightly greater however greater setbacks are required from adjacent properties.</p> <p>Infill housing of this type, which is similar in scale and intensity to the exiting neighborhood, may help to deter massive redevelopment along Joseph Howe Drive.</p> <p>Policy 3.1 – Repealed Policy 3.2 – N/A</p>

	<i>shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i>	
2.8	<i>The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</i>	The addition of townhomes to this area will increase affordability and add to the mix of residential uses within the area while maintaining consistency with the existing neighborhood.
2.9	<i>The City shall actively seek to influence the policies and programs of other levels of government in order to implement the City's housing policies and priorities, and shall also actively seek taxation preference as one method of encouraging rehabilitation of existing housing stock.</i>	N/A
2.10	<i>For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</i>	Controls for landscaping, parking and driveways are regulated under the R2-T Zone in the Halifax Mainland LUB.
2.11	<i>For all residential uses the parking and storage of vehicles such as trailers, boats and mobile campers, shall be restricted to locations on the lot which create minimal visual impact from the street.</i>	Controls for landscaping, parking and driveways are regulated under the R2-T Zone in the Halifax Mainland LUB.
Implementation Policies		
3.1.1	<i>The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.</i>	This application is consistent with the Halifax Municipal Planning Strategy. See Section II, Policy 2.4 above.
4.	<i>When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.</i>	N/A
4.1	<i>The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</i>	This application is consistent with the Halifax Municipal Planning Strategy.

Relevant Zones from the Halifax Mainland Land Use By-law (LUB)

R-1 ZONE SINGLE FAMILY DWELLING ZONE

- 20(1) The following uses shall be permitted in any R-1 Zone:
- (a) a detached one-family dwelling;
 - (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
 - (ba) a home occupation;
 - (c) a public park or playground;
 - (d) a church and church hall;
 - (e) a golf course;
 - (f) a tennis court;
 - (g) a yacht or boat club;
 - (h) a public recreational centre;
 - (i) **a day care facility for not more than 8 children in conjunction with a dwelling (CCC-Apr 6/09;E-Oct 8/09)**
 - (j) a special care home containing not more than ten persons including resident staff members;
 - (k) uses accessory to any of the foregoing uses.
- 20(2) No person shall in any R-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 20(3) No person shall in any R-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 21 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:
- (a) lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the min. frontage may be reduced to 30 feet
 - (b) lot area minimum 5,000 square feet
 - (ba) Notwithstanding clause (b), the minimum lot area, for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
 - (c) lot coverage maximum 35 percent
 - (ca) height maximum 35 feet
 - (d) floor coverage of living 950 square feet space, minimum
 - (e) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building

ACCESSORY BUILDINGS

- (f) notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building

- (g) notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

BUILDINGS ON CORNER LOTS

- (h) where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.

BOSCOBEL ROAD LOT SIZES

- (i) Notwithstanding the minimum lot area requirements specified in Section 21(b) and 21(ba), the minimum lot area requirement for lots abutting or including the wetland area between Boscobel Road and Purcell's Cove Road as specified on Schedule A, shall be one acre, excepting those lots existing on the date of adoption of this Section, and excepting civic number 290 Purcell's Cove Road.

BOARDERS AND LODGERS - BED AND BREAKFAST

- 22(a) The keeping of not more than three boarders or lodgers in a one family dwelling house shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.
- 22(b) The provision of the bed and breakfast accommodation shall not be permitted simultaneously with the keeping of boarders and lodgers.

SIGNS

- 23 The exterior of any building in an R-1 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
 - (a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;
 - (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding 1 square foot in size;
 - (c) one non-illuminated sign not exceeding 1 square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
 - (d) one bulletin board for a church;
 - (e) a sign not exceeding 2 square feet in size for a **day care facility (RC-Mar 3/09;E-Mar 21/09)**;
 - (f) a non-illuminated sign not to exceed 6 square feet in size for a non-residential building.
 - (g) One sign not exceeding two square feet in size which can be illuminated only by reflected light, for any bed and breakfast establishment.

DAY CARE FACILITIES

- 23A Buildings erected, altered or used for a **day care facility (RC-Mar 3/09;E-Mar 21/09)** shall comply with the following requirements:
 - (a) Except for outdoor play space, any **day care facility (RC-Mar 3/09;E-Mar 21/09)** shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;

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

23B Notwithstanding the provisions of Sections 20(1)(i) and 23A (a-c) a **day care facility (RC-Mar 3/09;E-Mar 21/09)** may be operated as an accessory use to a church, church hall, or public recreation centre. The parking provisions contained in Sections 11(1) and 11 (2) would apply.

23C (Deleted)

SPECIAL CARE HOME

23D Where any building is altered or used as a special care home in an R-1 Zone, such building, in addition to the requirements hereinbefore set out, shall comply with the following requirements:

- (i) 100 square feet of landscaped open space shall be provided for each person occupying such home;
- (ii) recreational indoor space may account for 25% of the landscaped open space;
- (iii) the building is a minimum of 1,000 feet distant from any other building used for or as a special care home;
- (ii) parking requirements as contained in subsections (1) and (2) of Section 11.

Schedule "A" (next page)

Area to which Section 21(i) applies.

R-2T ZONE

TOWNHOUSE ZONE

28AJ(1) The following uses shall be permitted in any R-2T zone:

- (a) R-1 and R-2 uses;
- (b) townhouse building;
- (c) uses accessory to any of the foregoing uses.

28AJ(2) No person shall in any R-2T 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).

28AJ(3) No person shall in any R-2T 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).

SIGNS

28AK No person shall in any R-2T zone erect, place or display any billboard or sign except those permitted in R-1 zones.

REQUIREMENTS

28AL(1) Buildings erected, altered or used for R-1 or R-2 uses in an R-2T zone shall comply with the requirements of the R-1 and R-2 zones respectively.

28AL(2) Buildings erected, altered, or used as a townhouse building shall comply with the following requirements:

- (a) Minimum lot frontage 18 feet per townhouse, plus 20 feet
- (b) Minimum lot area 1,800 sq.ft. per townhouse plus 2,000 sq.ft.
- (c) Maximum height 35 feet
- (d) Maximum lot coverage 40 percent, provided that this regulation shall be applied as if the lot was subdivided into as many lots as townhouses
- (e) Minimum front yard 15 feet
- (f) Mean rear yard 20 feet
- (g) Minimum side yard 10 feet

28AM **SUBDIVISION OF TOWNHOUSE BUILDING**

(a) A townhouse building may be subdivided so that each townhouse is on its own lot, provided that the minimum requirements of Section 28AL(2) are met. Furthermore, no side yard shall be required along the common lot boundary dividing the townhouse building.

(b) Notwithstanding Section 28AL(2)(a) for townhouse buildings existing on the date of adoption of this provision, the townhouse building may be subdivided so that each townhouse is on its own lot, provided that each lot has at least 10 feet of frontage on a street. Furthermore, no side yard shall be required along the common boundary dividing the townhouse building.

ACCESSORY BUILDINGS

- 28AN
- (a) Any accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located.
 - (b) Where an accessory building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.