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Item No. 13.1.2
Halifax and West Community Council
February 5, 2019

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY: _____
Kelly Denty, Director of Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: January 14, 2019

SUBJECT: **Case 20369: Rezoning for 635, 651, 661, 669, 677, 685, 693 and 701 St. Margaret's Bay Rd., Halifax**

ORIGIN

Application by WM Fares Architects.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Refuse the proposed land use by-law amendment as set out in Attachment A.

BACKGROUND

WM Fares Architects on behalf of Cornerstone Development Ltd. and 3310573 Nova Scotia Ltd. have applied to rezone 8 properties on St. Margaret's Bay Road from the R-2P Zone (General Residential) and RC-1 (Neighborhood Commercial) to the R-3 Zone (General Residential and Low-Rise Apartment).

Subject Site	635, 651, 661, 669, 677, 685, 693, and 701 St. Margaret's Bay Road. (PIDS 00299032, 00299073, 41402041, 41402033, 41402025, 41357724, 41357716, and 41357708)
Location	Lands are located on the northern side of St. Margaret's Bay Road between Coronet Ave and Northwest Arm Drive.
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Medium Density Residential (MDR) under the Mainland South Secondary Planning Strategy
Zoning (Map 2)	R-2P (General Residential) and RC-1 (Neighborhood Commercial) under the Halifax Mainland Land Use By-law
Size of Site	789m ² (Civic 635) and 15,117m ² (Civic 651 – 701)
Street Frontage	Approximately 153 meters (502 feet)
Current Land Use(s)	Each property contains a four-unit apartment building
Surrounding Use(s)	Within a residential neighborhood with primarily single and two-unit dwellings across St. Margaret's Bay Road to the south, east and west of the subject site. To the north, vacant land and Chain Lake Park.

Proposal Details

The applicant proposes to rezone properties along St. Margaret's Bay Road from R-2P and RC-1 to R-3. The major aspects of the proposal are as follows:

- Eight (8) properties on the north side of St. Margaret's Bay Road between civic number 635 and 701 are proposed to be rezoned to R-3 to allow an additional two units within each existing four (4) unit building. Civic addresses 643 and 645 St. Margaret's Bay Road have been excluded from the application as this property has been developed as a semi-detached dwelling.
- Should Council approve the proposed rezoning application, any use permitted in the R-3 Zone would be allowed through a separate by-right permitting process without further public engagement or Council approval.

Enabling Policy and LUB Context

The subject properties are designated Medium Density Residential (MDR) under the Mainland South Secondary Planning Strategy. Of the eight properties, seven are zoned R-2P. Civic address 635 St. Margaret's Bay Road is mostly zoned RC-1 with a small portion zoned R-2P (see Map 2).

The R-2P Zone allows single and two-unit dwellings and apartment buildings up to four dwelling units. The RC-1 zone is a local commercial zone that permits single and two-unit dwellings, apartment buildings with up to four dwelling units as well as commercial uses including grocery store, drug store, laundromat, dry cleaners, tailor, dressmaker, beauty shop or barber shop uses.

Site History

These eight properties were developed through a by-right process under the existing R-2P zoning. Occupancy permits were issued for four-unit buildings on each property between 2013 and 2016. Basement storage space in each building can be internally converted to provide two additional units in each structure. In 2014, a land use compliance case was initiated to address parking within the front yards of the existing structures. This case was resolved in 2015. Additionally, a variance was granted for 635 St.

Margaret's Bay Road to allow a decrease in the required side yard setback from 6' to 4' in the right side yard and 1.6' in the left side yard.

The building under construction at 635 St. Margarets Bay Rd. is permitted to contain 4 units. During a recent routine inspection, the Building Official indicated that there appeared to be an additional unit, for a total of 5 units, occupied on the premises. This potential LUB violation is currently under investigation. Additionally, the property has been fitted for 8 units in total pending the outcome of this planning application.

Comparison of the R-2P and R-3 Zone

Each of the eight properties contains a four (4) unit apartment building developed under the existing R-2P regulations. The range of additional, more intense uses allowed under the proposed R-3 Zone include stacked attached housing or apartment buildings with greater than four units. These uses would be subject to different requirements under the R-3 Zone. These uses and the associated requirements are outlined in the table below along with the existing requirements under the current R-2P zoning.

	R-2P and RC-1* Zone for 3 to 4 Units	R-3 Zone (Stacked Attached Housing)	R-3 Zone (Apartment House – limited to 4 storeys)
Minimum Lot Frontage	60 feet	60 feet	60 feet
Minimum Lot Area	6000 sq. ft.	6000 sq. ft.	6000 sq. ft.
Maximum Lot Coverage	35%	50%	Angle Controls
Maximum Height	35 feet	50 feet	50 feet
Minimum Front Yard	15 feet	None	Angle Controls
Minimum Rear Yard	20 feet	20 feet	Angle Controls
Minimum Side Yard	6 feet	15 feet	Angle Controls
Unit Ratio	1 2BR per 1BR or Bachelor	None	1 2BR per 3 Bachelor 1 2BR per 1BR
Landscaped Open Space	None	175 sq. ft. / unit	150 sq. ft. / bachelor 275 sq. ft. / 1BR 575 sq. ft. / 2BR 950 sq. ft / 3BR 1,352 sq. ft / 4+BR
Density	None	None	75 persons per acre

*The highest residential use permitted in RC-1 is R-2P so this zone has not been included in the table.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, postcards mailed to property owners within the notification area and a public information meeting held on July 4, 2018. The meeting was attended by approximately 13 members of the public. Attachment B contains a copy of the minutes from the meeting. The public comments received include the following topics:

- Pedestrian safety due to the lack of sidewalk on north side of the street and lack of crosswalks in the area
- Compatibility with surrounding neighborhood
- Concerns regarding parking location within the site

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 2 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

Rezoning Context

The applicant has indicated an intent to convert storage space in the basement of each building to allow additional units with no changes to the building exterior. Staff do not question the sincerity of these intentions, however, approval of rezoning cannot be conditional on any particular development proposal. Evaluation of rezoning applications must be in the context of the full development potential in the proposed zone and an assessment of whether that potential meets the intent of the MPS policies. To that end, staff have assessed the potential rezoning based on the by-right potential that would be created by application of the proposed R-3 zone up to and including stacked attached housing or property consolidation and development as an apartment building.

Staff have reviewed the application relative to all relevant policies and advise the proposal is not reasonably consistent with the intent of the MPS. 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.

Intent and Applicability of Existing Policies

The relevant policies in the MPS emphasize neighborhood compatibility when considering rezoning within the Mainland South area (City-wide policies 2.2 and 2.4 and Mainland South SMPS policy 1.3). The existing MDR designation and R-2P Zone were established to create capacity for incremental increases in development intensity that would maintain neighbourhood compatibility while providing a transition between stable low-density neighborhoods and the more intense uses and increased building sizes allowed in the R-3 Zone. The current MPS and LUB contain no policy or zoning requirements that speak to development at an intensity level "between" R-2P and R-3 without creating by-right opportunities for additional intensity and building forms.

The existing R-2P Zone permits up to four units in each building with a maximum building height of 35 feet. This provides a moderate incremental increase in redevelopment capacity in compliance with current MPS and in a scale and building form that is generally in keeping with the surrounding neighborhood.

The R-2P Zone is the appropriate middle-ground between the lower density single and two-unit zones and the higher density apartment building zones that currently exist in the LUB. Council should note a previous application (Case 20100) where staff recommended and Council approved site specific LUB amendments to the R-3 Zone that permit mixed-use development along Herring Cove Road. Under this example, staff acknowledged a deficiency in the bylaw and recommended allowing a mix of uses within the R-3 zone that was supported by the MPS. While the mechanism applied in that case was similar, the current request differs in the following fundamental ways:

- There is no deficiency within the existing by-law. There are 10 residential zones that allow a full range of various residential forms and densities. The absence of a by-right option for the proposed density and form is not seen to be a deficiency in the regulations;
- The R-2P Zone allows development opportunity while also taking into consideration the lower density context in this area; and,
- The R-3 Zone is intended to allow higher density development and the forms permitted in the zone is reflective of this intent. Applying the R-3 Zone under the current policy regime to suit these individual properties is not considered sound planning practice and could have longer term unintended consequences.

R-3 Zone and Neighborhood Compatibility

Alternatively, the proposed R-3 Zone permits more intense uses and increased building sizes (stacked attached housing and apartment buildings) that would not be generally in keeping with the character of the community. Therefore, staff consider rezoning to accommodate those uses to be inconsistent with the applicable MPS policies.

Stacked Attached Housing

If the lots were developed for this housing form, the resulting density could be higher than what is permitted under the existing zoning. Because there is no density regulation for stacked attached housing under the R-3 Zone, each of the existing buildings has the potential to contain a minimum of two additional units without material alterations to the exterior of the structures. The proposed zone also permits additional height by-right which, subject to compliance with parking and open space requirements, could lead to further increases in mass and density without additional consideration by Council or notification to the surrounding community. This density and massing increase is not typical in the area and would be out of scale with the surrounding properties.

Apartment Building

If the lots were to be consolidated and redeveloped, the zone would permit a substantial apartment building on the 50,000-square foot site. Massing would be regulated through angle controls and limited to 50' in height and four storeys. The density would be limited to 75 persons per acre which is similar to densities achieved under the R-2P Zone.

Given the current building stock and noting the pre-requisite for substantial property consolidations, staff acknowledge this development approach is not likely in the short to medium time frame. However, the option would exist under the proposed R-3 zoning and a four-storey apartment building on a 50,000-square foot site is not in keeping with the character of the immediate area.

Non-Conforming Structure - Sideyards

The applicant proposes to create two additional units in each building in accordance with the stacked attached housing regulations in the proposed R-3 Zone. Those regulations require identical minimum 15-foot sideyards for both the existing 4-unit buildings and the proposed 6-unit buildings. The existing buildings provide only 6-foot sideyards except for 635 St. Margaret's Bay Road where sideyards have already been reduced through a previous variance from 6 feet to 4 feet on the right side and 1.6 feet on the left side.

Should Council elect to rezone the property from R-2P to R3, the use of the existing buildings would remain lawful but the structure would not comply with the sideyard requirements in the R-3 Zone. The general practice of zoning within the Halifax Mainland plan area is to increase separation distances between residential uses as the intensity of the use increases. This is done so as to mitigate any privacy issues, in addition to ensuring adequate open space surrounding a building is left for the use and enjoyment of its residents, as well as for functional uses such as vehicle circulation, vehicle parking, bicycle parking, and waste storage facilities. If approved, the newly created 6-unit buildings would not benefit from these additional setbacks.

It should also be noted that the buildings in their existing form have not been comprehensively evaluated by staff against the by-law regulations relating to 6-unit development. While this option was presented to the applicants to ensure the rezoning would result in a situation where by-right permits could be applied for and received without issue, the applicants have indicated they are confident the project could adhere to the existing rules.

If the land were rezoned as proposed, the buildings would become nonconforming residential structures as defined in the *HRM Charter*. The Charter allows renovations to nonconforming structures provided the minimum required yards are not further reduced and all other applicable provisions of the Land Use Bylaw are met. As a result, upon rezoning to R-3, multiple additional units could be added to the existing buildings

through the by-right permit process either by internal conversion or vertical or lateral additions subject to maintenance of the existing sideyards and compliance with all other applicable bylaw requirements such as parking, open space and the maximum 50-foot height limit.

These Charter provisions are intended to acknowledge existing lawful residential buildings and provide protection for property owners from LUB changes that could impact the ability to continue to use and improve those buildings. This situation typically occurs when municipalities update and refresh municipal plans and bylaws on a relatively broad scale. However, these provisions also apply to individual spot-rezoning such as the current proposal.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise it is not reasonably consistent with the intent of the MPS. The R-3 Zone would permit a structure that is not compatible with the existing scale and character of the neighborhood. Therefore, staff recommend that the Halifax and West Community Council refuse the proposed LUB amendment shown in Attachment A. 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*.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2018-2019 operating budget for C310 Urban and Rural Planning Applications.

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.

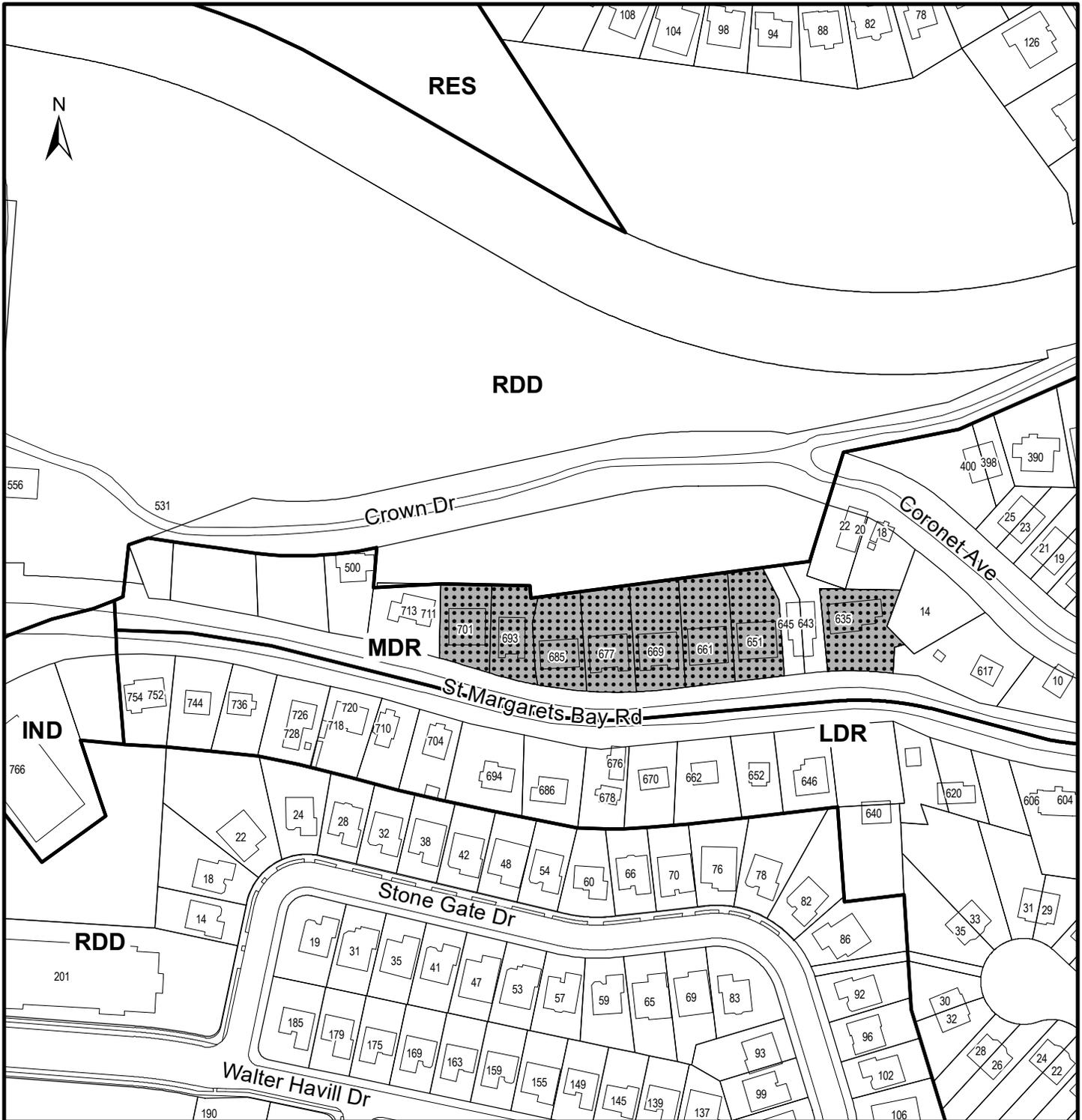
ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to give first reading to and subsequently approve the proposed LUB amendment following a public hearing. A decision of Council to adopt the proposed rezoning 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 approve the proposed LUB amendments, as shown in Attachment A subject to modifications, and such modifications may require an additional hearing and a supplementary report. 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*.

ATTACHMENTS



Map 1 - Generalized Future Land Use

HALIFAX

635,651,661,669,677,685,693,
and 701 St. Margaret's Bay Rd,
Halifax

 Subject Area

Mainland South Secondary Plan

- MDR Medium Density Residential
- LDR Low Density Residential
- RDD Residential Development District
- IND Industrial



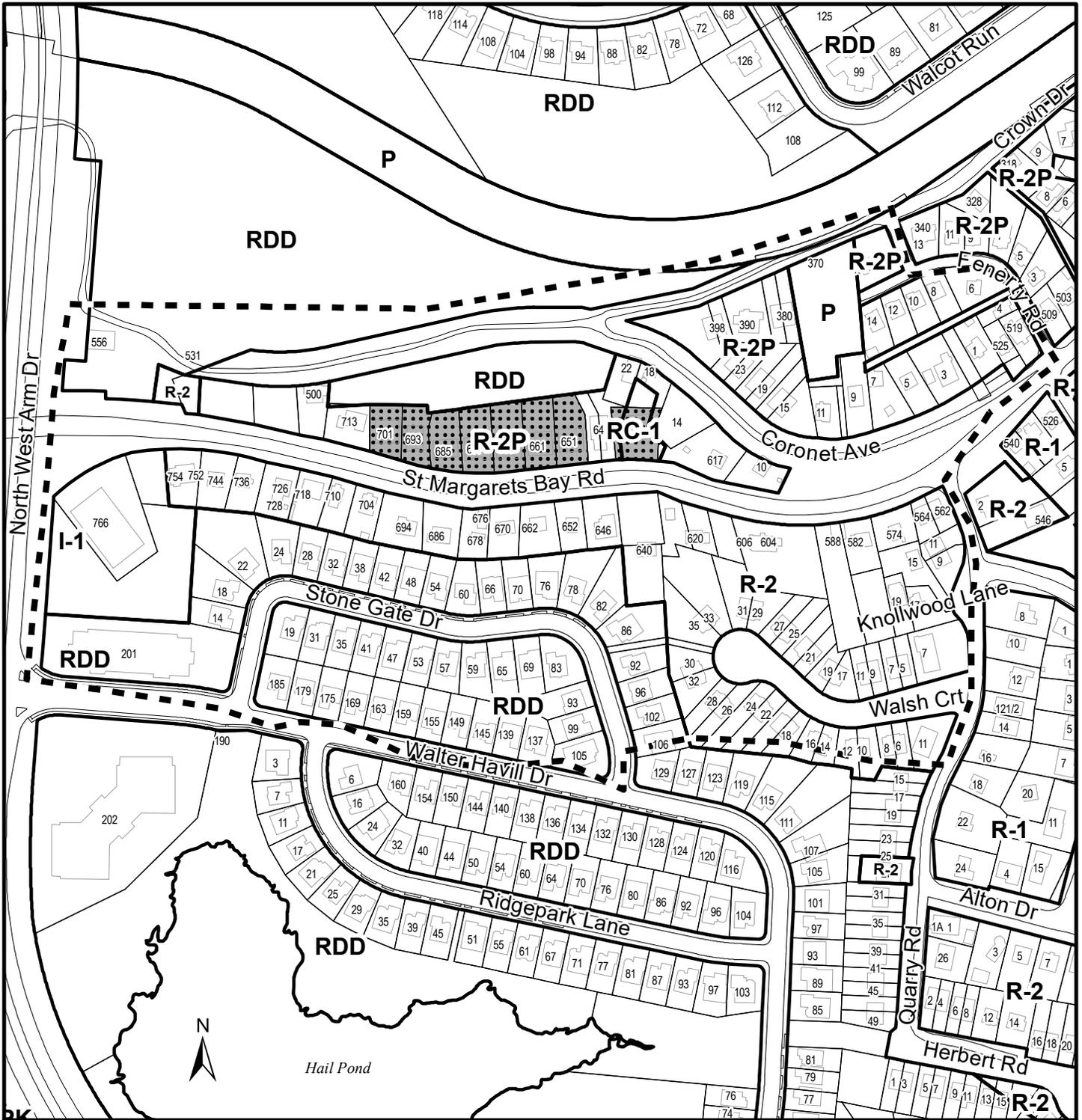
This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Halifax Plan Area

- RES Residential Environments

Halifax Plan Area
Mainland South Secondary Plan Area



Map 2 - Zoning and Notification

635,651,661,669,677,685,693,
and 701 St. Margaret's Bay Rd,
Halifax

-  Subject Area
-  Area of Notification

Zones

- R-2 Two Family Dwelling
- R-2P General Residential
- RC-1 Neighbourhood Commercial
- I-2 Radio Transmitter
- RDD Residential Development District

HALIFAX



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

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

Halifax Mainland
Land Use By-Law Area

ATTACHMENT A

Amendment to the Land Use By-law for the Halifax Mainland, Schedule A

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 properties identified as 635 Margarets Bay Road, 651 Margarets Bay Road, 661 Margarets Bay Road, 669 Margarets Bay Road, 677 Margarets Bay Road, 685 Margarets Bay Road, 693 Margarets Bay Road, and 701 St. Margarets Bay Road, from the R-2P (General Residential) and RC-1 (Neighborhood Commercial) Zones to the R-3 (General Residential and Low-Rise Apartment) Zone, as shown on the attached Schedule A.

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 _____, 20__.

Municipal Clerk

Attachment A: Amendment to the LUB for Halifax Mainland, Schedule A



Schedule A

St. Margarets Bay Rd, Halifax

HALIFAX

 Areas to be rezoned from R-2P and RC-1 to the R-3 (General Residential and Low-Rise Apartment) Zone.

 Areas to be rezoned from RC-1 to the R-2P Zone.

Zones

- R-2 Two Family Dwelling
- R-2P General Residential
- RC-1 Neighbourhood Commercial
- RDD Residential Development District



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

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

Halifax Mainland
Land Use By-Law Area

**ATTACHMENT B
PUBLIC INFORMATION MEETING SUMMARY**

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20369**

The following does not represent a verbatim record of the proceedings of this meeting.

**Wednesday, July 4, 2018
7:00 p.m.
Chocolate Lake Community Centre (Multi-Purpose Room)**

STAFF IN

ATTENDANCE: Melissa Eavis, Planner, HRM Planning and Development
Iain Grant, Planning Technician, HRM Planning and Development
Cara McFarlane, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Councillor Shawn Cleary, District 9
Cesar Saleh, WM Fares Architects
Kourosh Rad, Property Owner

PUBLIC IN

ATTENDANCE: Approximately 13

The meeting commenced at approximately 7:00 p.m.

1. Call to order, purpose of meeting – Melissa Eavis

Ms. Eavis is the Planner and Facilitator for the application and introduced the area Councillor, the applicant and staff members.

Case 20369 - Application by W.M. Fares Group to rezone 635, 651, 661, 669, 677, 685, 693 and 701 St. Margarets Bay Road, Halifax from the R-2P (General Residential) and RC-1 (Neighborhood Commercial) Zones to the R-3 (General Residential and Low-Rise Apartment) Zone.

The purpose of the Public Information Meeting (PIM) is to:

- Identify the proposal site and highlight the proposal;
- Give the applicant an opportunity to present the proposal; and
- Receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Melissa Eavis

Ms. Eavis provided a brief presentation of the proposal for the properties between 635 and 701 St. Margarets Bay Road, Halifax outlining the status of the application, the Applicant's request, the site context of the subject lands, proposed building elevations, the relevant planning policies

ATTACHMENT B PUBLIC INFORMATION MEETING SUMMARY

/ existing zones and the proposed zone.

Presentation of Proposal – Cesar Saleh, Professional Engineer, WM Fares Architects

Mr. Saleh presented the rezoning proposal for properties between 651 and 702 St. Margarets Bay Road to allow for two residential units within each existing building and outlined the site context, site plan / data, building elevations and existing artistic renderings. The property at 693 St. Margarets Bay Road is proposed to be rezoned but will not undergo any changes to the existing building.

Presentation of Proposal – Kourosh Rad, Property Owner of 635 St. Margarets Bay Road

Mr. Rad presented the rezoning proposal for 635 St. Margarets Bay Road outlining the background of the site, site context, current design and site plan / data.

3. Questions and Comments

John Skuggedal, St. Margarets Bay Road is concerned about safety. A sidewalk and crosswalk are needed. **Ms. Eavis** advised that a Traffic Information Study (TIS) was submitted and reviewed by Traffic Services and no issues were identified. **Mr. Rad** – HRM has stated that there are not enough people currently living in the area to warrant a lighted crosswalk. **Mr. Skuggedal** asked about the height limit for the R-3 Zone to which Ms. Eavis said it is determined through angle controls but limited to four storeys. **Mr. Saleh** described the allowable density to what exists on the site. The rezoning would result in less units than what is currently permitted. **Mr. Skuggedal** feels that a four-storey building is not compatible with the neighbourhood and is concerned for what can happen on the site in the future. Why does the proposal not include the whole street? **Ms. Eavis** – The rezoning is based on existing policy and HRM can consider that option but the building is too small on that one lots. **Mr. Skuggedal** – Does the policy require some of the units to be “family-type”? If rezoned, is this still the case? **Ms. Eavis** – The Zone does not require two-bedroom units. **Mr. Skuggedal** – Is spot-rezoning common? **Ms. Eavis** – The policy allows the property owner to make an application; therefore, staff and council can consider it. **Mr. Skuggedal** would like to know when the property was zoned R-2P. Would the current lawsuit regarding land ownership affect the application? **Ms. Eavis** – The planning process would not be affected but a definite answer would require staff to seek legal advice.

Deirdre Floyd, St. Margarets Bay Road – Why didn't the rezoning take place at the time the properties were built? **Mr. Saleh** – The site grading conditions allowed for a large basement currently labelled as storage. They were designed and built under and conformed to the R-2P Zone. The application is to allow that space to now be utilized. **Ms. Floyd** - When applications come before Council, and for issues like installing crosswalks and sidewalks, the different departments do not look at the area as a whole. This is staff's responsibility.

Alan Ruffman, Fergusons Cove Road referred to the applicant's aerial photo and asked about the location of the parking. **Mr. Saleh** confirmed that all the parking is at the back of the properties. **Mr. Ruffman** asked if there is any provisioning for the widening of St. Margarets Bay Road and the current setbacks for houses. Traffic Services is good when it comes to vehicular traffic but not pedestrian traffic. Sidewalks come very hard in this area. **Ms. Eavis** is not aware but will investigate. **Mr. Rad** mentioned that HRM has obtained a portion (24 feet) along the front of 635 St. Margarets Bay Road for a potential future sidewalk.

Sandra Hanson, St. Margarets Bay Road asked for clarification on plans for 635 St. Margarets Bay Road if the rezoning was refused by Council. **Mr. Rad** – If approved, a residential unit will go there and if refused, a commercial use will be considered.

ATTACHMENT B
PUBLIC INFORMATION MEETING SUMMARY

Ms. Floyd asked when the application is expected to be in front of Council. **Ms. Eavis** speculates by the end of this year.

4. Closing Comments – Melissa Eavis

Ms. Eavis thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 7:38 p.m.

Attachment C: Review of Relevant MPS Policies from the Halifax MPS

Section II - City Wide Objectives and Policies

Residential Environments

Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

Policy	Comment
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.
2.2 <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>	The proposed rezoning does not meet this policy as the massing and density permitted under the R-3 zone would compromise the integrity of the existing neighborhood. The extensive area of land being rezoned in combination with the height and form permitted under the R-3 zone would fundamentally change the character of this area of St. Margaret's Bay Road. Policy 3.1 – Repealed Policy 3.2 – N/A
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 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>	The MDR designation and R-2P zone were established in this area to provide an appropriate level of redevelopment opportunity within a predominately stable low-density neighborhood. The R-2P zone permits up to four units in each building with a maximum height of 35'. This zone provides increased density with a scale and form that is in keeping with the character of the surrounding R-1 and R-2 neighborhood. Alternatively, the R-3 zone would permit buildings up to 50' in height and massing is controlled largely through angle controls. Because the subject site (excluding 635 St. Margaret's Bay Rd.) is approximately 50,000 square feet, there is the potential for a large apartment building that is out of scale with the surrounding community. The rezoning does is not consistent with the existing character of the neighborhood. The R-3 zone would allow for greater massing and density then that permitted within the existing zoning.
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</i>	No new streets or commercial uses are proposed with this application. The rezoning would allow for more density that would be out of scale with the existing neighborhood.

<p><i>stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	
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Mainland South Secondary Municipal Planning Strategy (SMPS) Policy

Residential Environments

Objective: The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

Policy	Comment
<p><i>1.3 In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map, detached dwellings, semi-detached dwellings, duplex dwellings, townhouses and apartments containing a maximum of four units two of which must be family-type, shall be permitted and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.</i></p>	<p>The property is currently zoned R-2P.</p>
<p><i>1.3.1 In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map Council may zone to permit apartments provided that their height is limited to a maximum of four storeys and in assessing such rezonings Council shall consider compatibility with the existing neighbourhoods and the adequacy of municipal infrastructure.</i></p>	<p>The rezoning would not be compatible with the existing neighborhood. There are no immediate higher density residential uses and the area is predominately a mix of R-2 and R-2P uses. Although zoned R-2, many of the properties across St. Margaret's Bay Road are single family dwellings. Further, a rezoning encompassing several properties has the potential to significantly change the existing character of the community and would likely require more in-depth study as to its implications.</p>
<p><i>1.3.2 Pursuant to Policy 1.3.1, the Land Use By-law shall be amended to include regulations which limit the height, density and unit size.</i></p>	<p>N/A</p>
<p><i>1.3.3 For the purposes of Policies 1.3 family-type units shall mean those with two or more bedrooms conducive to family-type living.</i></p>	<p>N/A</p>