

# HALIFAX

## PUBLIC HEARING

Case 22019

## Halifax Peninsula Land Use By-law Text Amendments (Residential Conversions)

Halifax and West Community Council  
March 7, 2019

Jamy-Ellen Klenavic, MCIP LPP

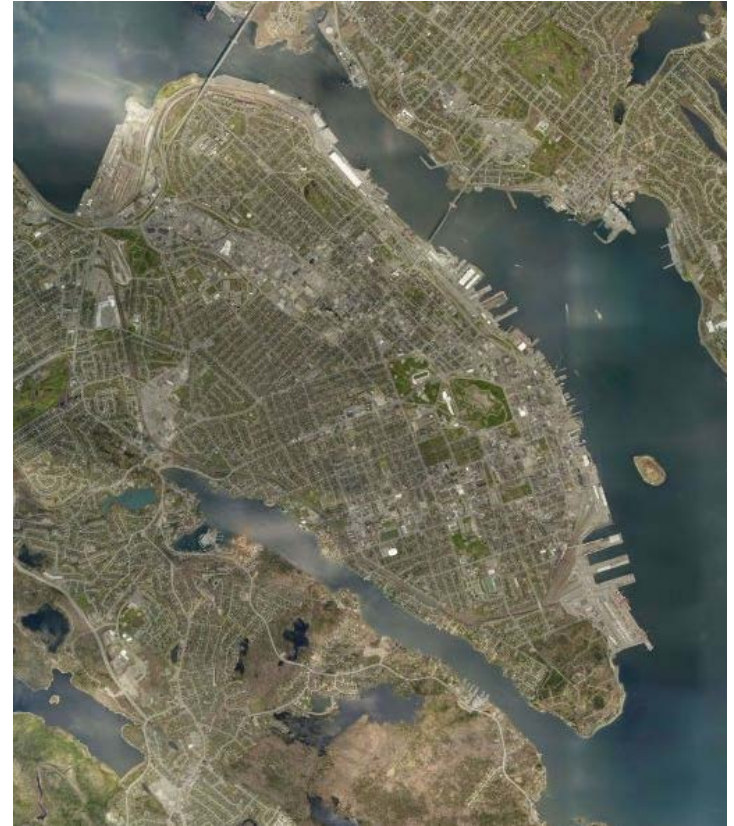
# Applicant Proposal

---

Origin: Motion of Halifax and West Community Council;

Location: South End and Peninsula Centre Detailed Plan Areas in the Halifax Peninsula Land Use By-law area;

Proposal: Text only amendments to Halifax Peninsula LUB;



**HALIFAX**

Halifax Peninsula



Peninsula Centre DPA

HALIFAX

South End DPA

Williams Lake



# Background

What is a residential conversion?

→ The alteration of an existing residential building to increase the number of principal dwelling units.



Picture from Flickr

- Section 34E is placed in the R-1 zone standards and Section 43E is placed in the R-2 zone standards, both in the Halifax Peninsula Land Use By-law;
- Text of section 43E limits application to only properties zoned R-2;
- Section 34E not explicitly restricted to properties zoned R-1;
- Seeking to provide clarity on application of conversion rules in R-1 and R-2 zones;

**HALIFAX**

# Background

---

The R-1 and R-2 zone standards in the Halifax Peninsula Land Use –By-law have different rules about residential conversions.

## R-1 Section (34E):

- Existing dwelling must have been built before October 14, 1982 (date standard);
- **No minimums for lot area, frontage or side yards**
- Maximum 3 units;
- No enlargement of height or volume;
- Parking: 1 for every unit required;
- Minimum unit size;
- No open or recreational space required;

## R-2 Section (43E):

- Applies to new construction and conversions (no date standard);
- **Includes minimums for lot area, frontage and side yards**
- Maximum 4 units;
- Enlargement permitted up to zone standards (max. lot coverage, GFAR, height, yards);
- Landscaped open space or recreational space required;
- Parking: 1 for 1 unit >800 ft<sup>2</sup>, one for two units <800 sf<sup>2</sup>;

# Scope of Review:

## Property X (a real property):

Detailed Plan Area:	Peninsula Centre	
Zone:	R-2	
Lot area:	3,168 square feet (undersize even for a new single unit dwelling in R-2 zone)	
Lot frontage:	32 feet	
Built before October 14, 1982:	Yes	
LUB Requirements (3 units):	Required by Section 34E	Required by Section 43E
Minimum lot area:	None	5,000 square feet
Minimum frontage:	None	45 feet
Minimum unit size:	2 units at least 1,000 square feet	2 units at least 800 square feet
Date standard:	October 14, 1982	None
Total allowable units:	<b>3</b>	<b>1</b>

# Policy Intent

## Halifax Municipal Planning Strategy – Detailed Area Plans

Staff reports supporting original DAPs (1981) provide clues about policy intent:

Context:

- Recognition of existing lot fabric and built form
- Property ultimately zoned R-1:
  - Smaller lots
  - Smaller dwellings
  - More built out
- Adding density by new construction would be challenging
- Property ultimately zoned R-2:
  - Larger lots
  - Larger dwellings
  - Less build-out
- Practical to require larger minimum lot sizes because the lots tended to be larger already
  - Could add density through subdivision and new construction



Photo Credit: Robin Clarke

1981 priorities:

- Increase residential density on the Peninsula
- Respect character of established neighbourhoods
- Avoid creating new non-conforming uses

# Scope of Review

---

The current proposal is to amend Section 34E of the Halifax Peninsula Land Use By-law to clarify that it will only apply to properties zoned R-1.

- Restricting conversions could increase applications for variances to the R-4 zone requirements (lot area, frontage, yards);
  - Consequences for staff time and Council time if appealed;
- HRM Charter s. 254 creates rights for non-conforming structures with a residential purpose – can be enlarged up to the zone standard;
  - R-2 zoned properties already converted under the R-1 section would be legal non-conforming and entitled to enlarge – **a new right**;
  - Under the R-1 section, converted dwellings could not be enlarged even if they could do so while meeting the zone standards;



# Public Engagement and PAC

---

- Level of engagement was consultation achieved by providing information and soliciting feedback through the HRM planning applications website;
- Staff received an email from one resident concerned that some converted dwellings are not well maintained;

**Letters, emails,  
telephone calls  
received:**



**1**

## **Halifax Peninsula PAC - November 26, 2018:**

- Requested additional public consultation on the proposed amendments
- ✓ Recommended that the application be approved

# Staff Recommendation

---

Staff recommend that Halifax and West Community Council:

1. Approve the proposed amendments to the Halifax Peninsula LUB as set out in Attachment A of the staff report dated January 8, 2019;



# Questions / Comments

HALIFAX

# HALIFAX

## Thank You

**HALIFAX**

Jamy-Ellen Klenavic,  
MCIP LPP

*Planner 2*

Planning & Development  
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

[klenavj@halifax.ca](mailto:klenavj@halifax.ca)  
Tel: (902) 490-2665

[www.halifax.ca](http://www.halifax.ca)

# Proposed Amendment – 34E (bold)

---

34E Any residential building which was in existence on 14 October 1982 within the "South End" and "Peninsula Centre Areas", **and which is located within the R-1 Zone**, with the exception of the "North West Arm Sub Area", may be permitted to convert to a maximum of 3 units, provided that:

- (a) there is no increase in height or volume and that the external dimensions of the building have not changed since 14 October 1982;
- (b) where a conversion is to two dwelling units, one of the dwelling units shall be a minimum of 1,000 square feet, and where the conversion is to three dwelling units, two of the dwelling units shall be a minimum of 1,000 square feet (the external dimensions of the building shall not be enlarged after the conversion);
- (c) where the conversion is to two dwelling units, there shall be six or fewer bedrooms within the entire residential building;
- (d) where the conversion is to three dwelling units, there shall be eight or fewer bedrooms within the entire residential building; and
- (e) where a conversion has occurred prior to September 17, 2005, there shall be no further increase in the number of bedrooms beyond that which is specified in (c) or (d); and,
- (f) one separating accessible parking space at least 8 feet wide and 16 feet long per dwelling unit is provided.

# Proposed Amendment – 34U (bold)

---

34U Any residential building which was in existence on 14 October 1982 **and is located within the R-1A Zone** may be permitted to convert to a maximum of 3 units, provided that:

- (a) There is no increase in height or volume and that the external dimensions of the building have not changed since 14 October 1982;
- (b) Where a conversion is to two dwelling units, one of the dwelling units shall be a minimum of 1,000 square feet, and where the conversion is to three dwelling units, two of the dwelling units shall be a minimum of 1,000 square feet (the external dimensions of the building shall not be enlarged after the conversion);
- (c) Where the conversion is to two dwelling units, there shall be six or fewer bedrooms within the entire residential building;
- (d) Where the conversion is to three dwelling units, there shall be eight or fewer bedrooms within the entire residential building; and
- (e) Where a conversion has occurred prior to September 17, 2005, there shall be no further increase in the number of bedrooms beyond that which is specified in (c) or (d); and,
- (f) One separate accessible parking space at least 8 feet wide and 16 feet long per dwelling unit is provided.

# Proposed Amendment – 35 (1) (a) (bold)

---

35(1) The following uses shall be permitted in any R-2 Zone:

- (a) R-1 uses as hereinbefore set out, **except for conversions in accordance with section 34E;**
- (b) (b) semi-detached or duplex dwelling;

...

# HRM Charter

---

## *HRM Charter Section 257:*

- (1) A municipal planning strategy may provide for a relaxation of the restrictions contained in this Part respecting non-conforming structures, nonconforming uses of land and non-conforming uses in a structure and, in particular, may provide for(a) the extension, enlargement, alteration or reconstruction of a non-conforming structure;
- (b) the extension of a non-conforming use of land;
- (c) the extension, enlargement or alteration of structures containing non-conforming uses, with or without permitting the expansion of the non-conforming use into an addition;
- (d) the reconstruction of structures containing non-conforming uses, after destruction;
- (e) the recommencement of a non-conforming use of land or a non-conforming use in a structure after it is discontinued for a continuous period in excess of six months;
- (f) the change in use of a non-conforming use of land or a non-conforming use in a structure, to another non-conforming use.
- (2) The policies adopted in accordance with this Section must be carried out through the land-use by-law and may require a development agreement.



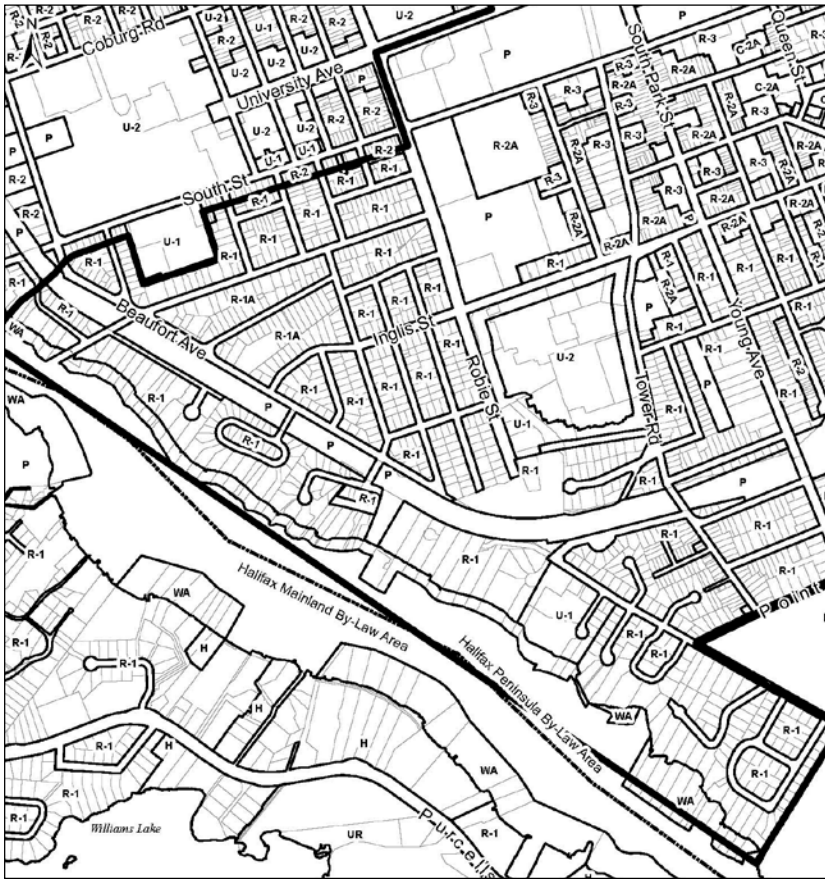
# HRM Charter

---

## *HRM Charter Section 254:*

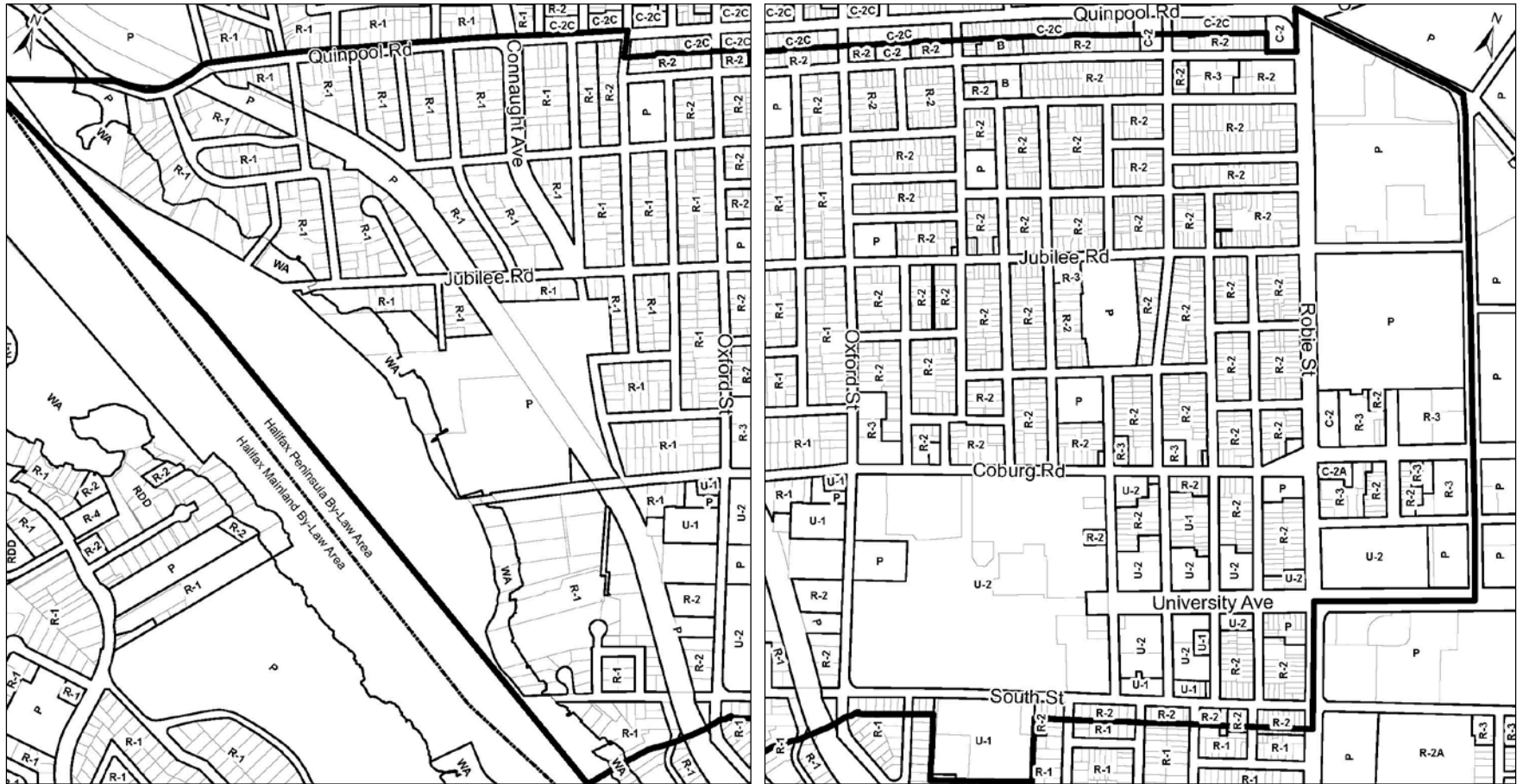
- (1) Where a non-conforming structure is located in a zone that permits the use mad of it and the structure is used primarily for residential purposes, it may be
- (a) rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, it is substantially the same as it was before the destruction or damage and it is occupied by the same use;
  - (b) enlarged, reconstructed, repaired or renovated if (i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the land-use bylaw, and (ii) all other applicable provisions of the land-use by-law except minimum frontage and area are satisfied

# Zoning Context – South End



South End Detailed Plan Area

# Zoning Context – Peninsula Centre



Peninsula Centre Detailed Plan Area

# Planning Policy

## Halifax Municipal Planning Strategy – South End Detailed Area Plan

---

**Objective:** The maintenance of the South End as vital inner-city neighbourhoods with a broad mix of family and non-family housing accommodation.

1.4.1 Areas shown as "Low-Density Residential" on the Future Land Use Map of this Plan shall be regarded as areas for family-type housing accommodation. All new residential developments in these areas shall be detached single-family dwellings.

1.4.1.1 In low-density residential areas conversion of existing housing stock shall be permitted, provided that:

- (i) a maximum number of dwelling units in any building shall be three;
- (ii) family-type dwelling units shall be at least 1,000 square feet in floor area;
- (iii) where the conversion is to two units (that is, adding an additional dwelling unit), one of the units shall be a family-type dwelling unit; and
- (iv) where the conversion is to three units (that is, adding two units), two of the three units shall be family-type dwelling units.

**HALIFAX**

# Planning Policy

## Halifax Municipal Planning Strategy – Peninsula Centre Detailed Area Plan

---

**Objective:** The maintenance of Peninsula Centre as a predominantly low-rise residential neighbourhood with an emphasis on housing accommodation for family households.

1.5.2 For those areas **designated as medium-density residential** on the Future Land Use Map of this Plan, the City shall amend its zoning by-laws to permit interior conversions of or additions to existing buildings to permit up to a maximum of four dwelling units, provided that two family-type dwelling units are provided for each non-family-type dwelling unit, and provided that:

- (a) this provision shall apply only to buildings existing on the date of adoption of this By-law;
- (b) one unit shall be permitted where the lot size is less than 3,300 square feet; two units where the lot size is between 3,300 and 5,000 square feet; three units where the lot size is between 5,000 and 6,000 square feet; and a maximum of four units where the lot size is greater than 6,000 square feet;
- (c) 300 square feet of open space shall be provided per family-type unit and 50 square feet of open space per non-family-type unit;
- (d) for buildings with more than two units, one parking space shall be provided per family-type unit and one parking space shall be provided for every two non-family-type units;
- (e) no parking shall be permitted in front yards; and
- (f) no part of the addition, if any, shall exceed the height of the existing structure.