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Item No. 8.1
Halifax and West Community Council
June 11, 2019

TO: Chair and Members of the Halifax and West Community Council

-Original Signed-

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

DATE: May 13, 2019

SUBJECT: **Case 22005 – Internal Residential Conversions in the Peninsula West Area
1 Schedule of the Land Use By-Law for Halifax Peninsula**

SUPPLEMENTARY REPORT

ORIGIN

- On May 15, 2018, the following motion was PUT and PASSED by Halifax and West Community Council:

THAT Halifax and West Community Council direct staff to prepare a recommendation report regarding the Land Use By-law for Halifax Peninsula for lands within the Peninsula West Area 1 schedule to enable the internal conversion of existing residential buildings to a maximum of six units.

- On May 7, 2019, Halifax and West Community Council choose to defer the public hearing and request a supplementary staff report incorporating requested changes to the proposed Land Use By-law amendment.

LEGISLATIVE AUTHORITY

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

BACKGROUND / DISCUSSION

On May 7, 2019, Halifax and West Community Council deferred a public hearing to consider proposed amendments to the Halifax Peninsula Land Use By-law (LUB) and requested a supplementary staff report incorporating additional changes to the proposed LUB amendments.

The requested changes would:

- reduce the minimum unit size requirement from 1000 square feet to 690 square feet on a sliding scale based on the total number of units in the proposed conversion;
- add a minimum requirement for two-bedroom units on a sliding scale based on the total number of units in the proposed conversion; and,
- revise the minimum parking requirement to reflect one space for each new two-bedroom unit.

A proposed LUB amendment incorporating the requested changes can be found in Attachment A of this report.

For more information on the original proposed by-law amendments, please see the original staff report at the following link.

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/190409hwcc1311.pdf>

Alternative motion for Council's consideration:

Should Council wish to proceed with these revised by-law amendments, the following motion is required:

1. Give First Reading to consider approval of the proposed amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the May 13, 2019 staff report, to allow for the internal conversion of existing residential dwellings to a maximum of 6 units in Peninsula West Area 1, and schedule a public hearing; and
2. Adopt the amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the May 13, 2019 staff report.

Staff advise the revisions requested by Halifax and West Community Council are well aligned with the intent of the original request to enable the internal conversion of existing residential buildings in this area. The proposed amendments are also reasonably consistent with the intent of the Halifax MPS.

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, letters mailed to property owners within the notification area, and a public information meeting held on November 21, 2018.

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 revised LUB amendment, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 1 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the second public hearing.

FINANCIAL IMPLICATIONS

There are no material financial implications for the municipality associated with the content of this staff report. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this development agreement. The administration of the development agreement can be carried out within the approved 2019-2020 budget with existing resources.

RISK CONSIDERATION

Council's consideration of this amendment should include an acknowledgement that Centre Plan 'Package B' is anticipated to be presented to Council following the 2019 conclusion of the ongoing 'Package A' work. Among other things, Package B is expected to provide new policy and regulation pertaining to the distribution of density within existing lower density residential communities in the entire Regional Centre. These policies and regulations have yet to be developed and community engagement has not yet commenced. While the content of Package B cannot be presupposed at this time, it may include new internal conversion regulations or other similar policies that could differ from the regulations contained within this report. Under these circumstances, this amendment, if adopted, should be considered an interim

measure until such time that the full Centre Plan is adopted.

Beyond those outlined above, 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.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ATTACHMENTS

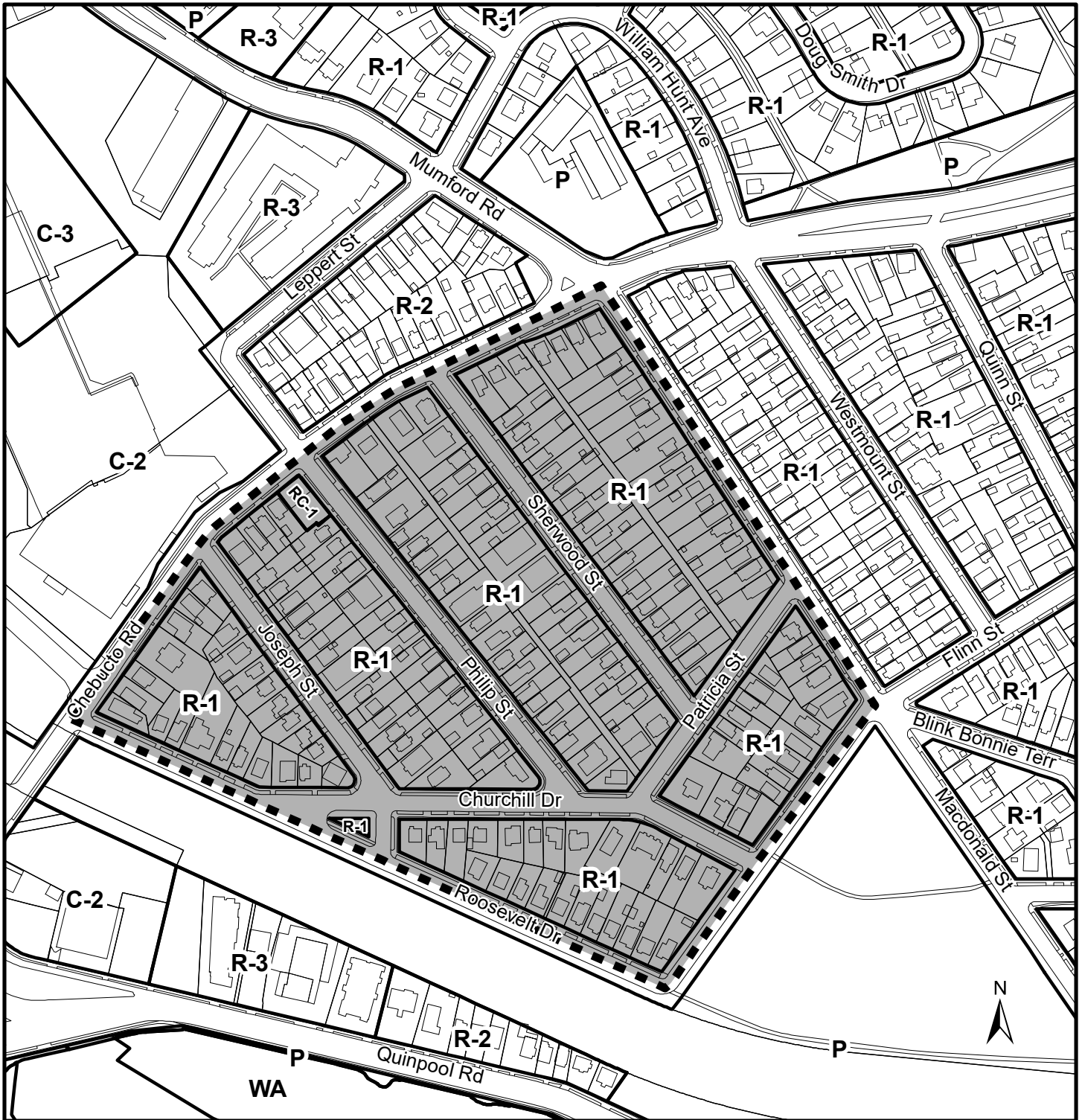
Map 1: Zoning and Notification Area

Attachment A: Amendments to the Land Use By-law for Halifax Peninsula

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: Dean MacDougall, Planner II, Current Planning, 902.490.4193


Report Approved by: ***-Original Signed-***
Steve Higgins, Manager, Current Planning, 902.490.4382



Map 1 - Zoning and Notification
 Chebucto Rd, MacDonald St, Flinn St, and Roosevelt Dr,
 Halifax

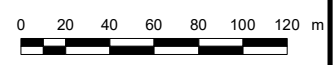
HALIFAX

 Subject Area
 (Peninsula West Area 1 Schedule)

 Area of Notification

Halifax Peninsula
 Land Use By-Law Area

Zone	
R-1	Single Family Dwelling
R-3	Multiple Dwelling
C-2	General Business
C-3	Industrial
P	Park and Institutional
WA	Water Access



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.

Attachment A: Amendments to the Land Use By-law for Halifax Peninsula

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

1. Adding the following section after Section 34E and before Section 34F(1):

CONVERSIONS PENINSULA WEST AREA 1

34E(1) A residential building in existence on or before [insert adoption date of sub-section], within the area shown as Peninsula West Area 1 on Schedule ZM-2, may be permitted to convert to a maximum of 6 units, provided that:

(a) the lot on which the building is situated is no less than 6,000 square feet in area, and is in existence on or before [insert adoption date of sub-section];

(b) there is no increase in height or volume and that the external dimensions of the building have not changed since [insert adoption date of sub-section];

(c) where a residential building is converted to:

- i. three or four dwelling units, no less than two of the total dwelling units in the residential building shall each contain a minimum of two bedrooms and shall each occupy a minimum 690 square feet in area;
- ii. five dwelling units, no less than three of the total dwelling units in the residential building shall each contain a minimum of two bedrooms and shall each occupy a minimum 690 square feet in area; or
- iii. six dwelling units, no less than four of the total dwelling units in the residential building shall each contain a minimum of two bedrooms and shall each occupy a minimum 690 square feet in area;

(d) one separately accessible parking space at least 8 feet wide and 16 feet long is provided for each new two bedroom dwelling unit, as required per subsection (c) above; and

(e) any increase in parking area shall be located in the side or rear yard and screened from abutting properties, by either:

- i. an opaque wood fence or masonry wall at least 6 feet tall; or
- ii. a 10 foot view obstructing landscaped buffer, except where driveway or pedestrian access points are required. Landscaping shall consist of ground cover and a minimum of one shrub for each 40 square feet of required landscaped area and one tree for every 80 square feet of required landscaped area.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 2019.

Kevin Arjoon
Municipal Clerk