

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.1
Halifax Regional Council
June 19, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: Jane Fraser, Acting Chief Administrative Officer

DATE: May 24th, 2018

SUBJECT: **H00445: Schmidville Heritage Conservation District – Correspondence**

SUPPLEMENTARY REPORT

ORIGIN

At its meeting on May 22nd, 2018, Regional Council passed the following motion:

That Halifax Regional Council defer First Reading of the Municipal Planning Strategy for Halifax, the Land Use By-law for Halifax Peninsula, Schmidville Heritage Conservation District Plan, and the Schmidville Heritage Conservation District By-law (Case H00445) and direct staff to prepare a supplementary report with a recommendation in response to the letter submitted by Norwood Enterprises Ltd. to Halifax and West Community Council at its meeting on May 15th, 2018, requesting changes to the Halifax Peninsula Land Use By-law amendments, prepared in support of the Schmidville Heritage Conservation District Plan, to allow a double duplex dwelling on the vacant portion of their lot at 5560-62 Morris Street, Halifax.

LEGISLATIVE AUTHORITY

Heritage Property Act, including

Section “19A (1): A municipality may establish a heritage conservation district by concurrently adopting a heritage conservation district plan and a heritage conservation district by-law for a part of the municipality and there may be different conservation plans and conservation by-laws for different parts of the municipality.”

Heritage Conservation Districts Regulations

Halifax Regional Municipality Charter, Part VIII

RECOMMENDATION

It is recommended that Halifax Regional Council amend the motion of May 22, 2018 by replacing Attachment D in the staff report dated March 6th 2018 with Attachment D of this report.

BACKGROUND

At their May 22nd meeting, Regional Council voted to defer first reading of Case H00445: Schmidville Heritage Conservation District to enable staff to prepare a supplementary report to consider requested changes to the proposed amendments to the by-law for Halifax Peninsula which are a part of the Heritage Conservation District (HCD) document package dated March 6th 2018.

Michele Gerard of Norwood Enterprises Ltd., submitted a letter to the Halifax Peninsula Planning Advisory Committee at their April 25th, 2018 meeting, and Halifax and West Community Council at its meeting on May 15, 2018 (Attachment B). Ms. Gerard requested a change in the minimum lot area required for Double Duplex Dwellings from 4,600 square feet to 2,300 square feet specifically within the proposed Schmidville Heritage Residential Commercial (SHRC) mixed use zone. They are requesting this change to build a four-unit dwelling on the vacant portion of their lot, currently used for parking, at 5560-62 Morris Street. Under the proposed land use by-law requirements, Ms. Gerard would only be able to build a two-unit dwelling.

In considering Norwood Enterprises' request and the feedback received during committee review, staff identified additional amendments to the land use by-law that clarify and advance the intent of the amendments to the HCD package as described in Attachment D.

DISCUSSION

Through the course of considering the request by Norwood Enterprises Ltd. (Attachment B) and through subsequent internal discussions and committee consideration, staff have identified a number of amendments to the proposed Schmidville documents which are consistent with the HCD Plan and the background study approved by Council.

5560-62 Morris Street

In a letter presented to staff and tabled at the Halifax and West Planning Advisory Committee meeting, the owner of 5560-62 Morris Street (Norwood Enterprises Ltd.) is requesting the ability to construct a double duplex dwelling (four units) at the rear of their existing building. This property poses a unique challenge due to its configuration and the fact that its side yard creates a large void in the streetscape which is currently used for surface parking.

Staff supports this request since the double duplex dwelling will infill a vacant portion of the lot and it will not replace a contributing heritage building. As 5560-62 Morris Street is on a corner lot with its main frontage on Queen Street, staff are also recommending that the lot orientation be clearly identified in the land use by-law to allow for new construction or additions in the portion of the yard fronting on Morris Street. These changes are located within Section 70J (7) of the SHRC Zone as described in Attachment D.

Clarifications

Based on consideration stemming from committee deliberation and internal comments, staff also recommend that the following changes be made for clarification and described in Attachment D of this report:

- Amend the definition for "Schmidville Heritage Building" to include a building which existed on the date of adoption of the plan;
- Amend the definition of "Schmidville Heritage Property" to include any property which contains a "Schmidville Heritage Building";
- Delete subsections 70 I(8) and 70 I(10) which are made redundant by the above amendments;

- Amend Subsection 70 I(12) to add clarity around minimum lot requirements along Wright Avenue for double duplex dwellings and semi-detached dwellings on new lots by requiring a minimum lot area of 4,000 sq. ft. and a minimum lot frontage of 40 feet. Minimum side yards for all permitted uses along Wright Avenue should be amended to be consistent with those in the rest of the District at three feet.
- Amend Subsections 70J(1) and 70J(6) to clarify that SHR uses are permitted on any property in the district and that new commercial uses are permitted only within a Converted Schmidville Dwelling or Converted Schmidville Multiple Dwelling House;
- Amend Subsection 70J(7) to indicate that all SHRC uses within a Schmidville Heritage Property be treated consistently with a Converted Schmidville Dwelling in the SHR Zone.
- Amend frontage requirements for clause 70I(6)(ii) to indicate that 25 feet is required for each half of a semi-detached dwelling;
- Add a requirement for three-foot front yards for new construction throughout the district with the exception of Wright Avenue to provide consistency with existing setbacks;
- Delete clause 70I(6)(v) since Converted Schmidville Multiple Dwelling Houses shall be treated with the same requirements as Converted Schmidville Dwellings;
- Require no side yards on the side of a building where a common wall is shared for Converted Schmidville dwellings;
- Change the title of the section called “Additions other than Additions to Converted Schmidville Multiple Dwelling House” to “Additions to Converted Schmidville Dwelling”;
- Delete “buildings and Schmidville heritage” from Subsection 70I(9) due to redundancy; and
- Delete “Schmidville Heritage Properties in” from Subsection 70J(7) since the requirements apply to all properties.

FINANCIAL IMPLICATIONS

There are no financial implications of the proposed changes in Attachment D.

The HRM costs associated with implementing the Schmidville Heritage Conservation District Plan can be accommodated within annual operating budget for C310 Planning & Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

To reach this conclusion, consideration was given to operational, financial, and/or strategic risks.

COMMUNITY ENGAGEMENT

The community engagement is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Halifax Peninsula Planning Advisory Committee and Heritage Advisory Committee meetings. The

original report identifies the full scope of community engagement for the process to establish the Schmitville Heritage Conservation District. Regional Council shall hold a Public Hearing ahead of any decision to adopt the Schmitville Heritage Conservation District.

ENVIRONMENTAL IMPLICATIONS

No concerns identified.

ALTERNATIVES

Halifax Regional Council may give First Reading to Attachment D that is attached to the March 6, 2018.

ATTACHMENTS

Attachment A: A letter submitted by Michele Gerard, Norwood Enterprises Ltd., to the Halifax and West Community Council for review at its meeting on May 15, 2018.

Attachment D: Changes to the 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: Seamus McGreal, Planner III, 902.490.4663

Report Approved by: Kurt Pyle, Acting Manager, Heritage Property Program, 902.490.6011

Report Approved by: Kelly Denty, Acting Director, Planning and Development, 902.490.4800

ATTACHMENT A

**Letter submitted by Michele Gerard, Norwood Enterprises Ltd., to the Halifax and West
Community Council for review at its meeting on May 15, 2018**

Norwood Enterprises (Atlantic News)
5560 Morris Street (civic 1286 Queen St)
Halifax, Nova Scotia B3J 1C2

April 23, 2018

Re: Case H00445: Schmidville Heritage Conservation District Plan, Bylaw, and Amendments to the Halifax Municipal Planning Strategy and the Land Use Bylaw for Halifax Peninsula

Dear Halifax Peninsula Planning Advisory Committee:

What a pleasure to have the Schmidville Heritage Conservation District move forward in the approvals process. At the start of this planning initiative, Norwood Enterprises was unsure of the process, but through meetings with Staff and community have come to understand the Districts' laudable goal to protect key uses and built-form elements which contribute to Schmidville being such a great place to live and operate a business.

In reviewing the Land Use Bylaw (LUB) we see an opportunity to make a minor amendment to help eventually replace the existing parking lot at the rear of Atlantic News with a residential double duplex infill. This is a unique condition in the plan area; it is the only frontage over 35 feet without a building/streetwall. As the attached page illustrates the existing condition is a parking area for six vehicles. Below the existing condition is a diagrammatic representation of a double duplex (4-unit) infill.

It is our understanding from working with Staff, to achieve this type of infill an amendment to proposed Section 70J(7) will be necessary. In the coming weeks, before community council we will look to staff for them to offer additional amendment (s) that may be required to enable such an infill

Section 70J(7) presently reads:

“Requirements of Sections 70I(6) to 70I(10) of the SHR Zone shall apply to all uses within Schmidville heritage properties in the SHRC Zone, except that the rear yard shall be a minimum of 4 feet.”

It is requested this Section be amended to read:

Requirements of Sections 70I(6) to 70I(10) of the SHR Zone shall apply to all uses within Schmidville heritage properties in the SHRC Zone, except that the rear yard shall be a minimum of 4 feet and the lot area requirement be a minimum of 2,300 square feet.

From our review of the proposed Policy, this amendment to the LUB respects the intent of Policy to:

- maintain and reinforce the areas character;
- permit appropriate new residential forms;
- reinforce the streetwall were one is presently absent: and,

- does not encourage an existing building being demolished.

Thank you for your consideration. I will be present at today's (April 23, 2018) Committee meeting. I would be pleased to respond to any questions if called upon by the Chair. Also, a heartfelt thank you to Seamus McGreal and Aaron Murnaghan for their hard work and quick response to our inquiry.

Kindest Regards.

Original Signed

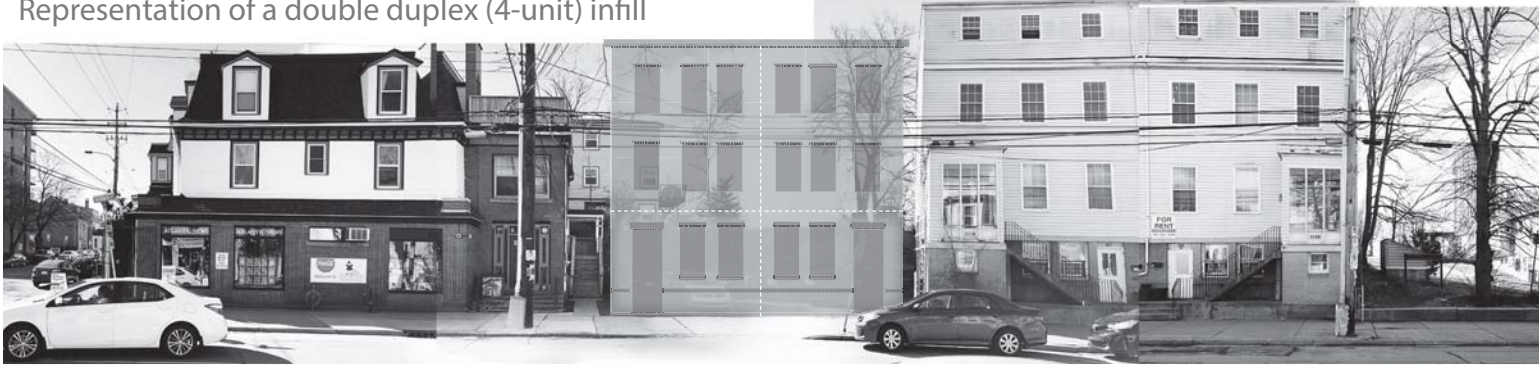
Michele Gerard

Norwood Enterprises Ltd. (Atlantic News)

Present Condition | Civic Address, 1286 Queen Street



Representation of a double duplex (4-unit) infill



Attachment D

**By-law to Amend the Halifax Peninsula Land Use By-law
to Implement the Schmidville Heritage Conservation District Plan**

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

1. Table of Contents is amended by inserting the text as shown in bold after “CD-3 Zone” as follows:

SHR Zone.....[page number]

SHRC Zone.....[page number]

2. Map ZM-2 Schedules and Secondary Plan Areas is amended as shown in the attached Schedule I.
3. The attached Schedule HCD-1, Schmidville Heritage Conservation District, is added after Map ZM-23, Wind Energy Zoning.
4. Section 1, Definitions, is amended by inserting the text as shown in bold after “Bachelor Unit” as follows:

“Bakery”, for the purposes of the SHRC Zone, means a place for baking and selling baked goods.

5. Section 1, Definitions, is amended by inserting the text as shown in bold after “Converted Multiple Dwelling House” as follows:

“Converted Schmidville Dwelling” means a Schmidville heritage building altered to contain four or less dwelling units.

“Converted Schmidville Multiple Dwelling House” means a Schmidville heritage building altered to contain up to ten dwelling units.

6. Section 1, Definitions, is amended by inserting the text as shown in bold after “Double Duplex Dwelling House” as follows

“Drug Store” means a store where medicinal drugs are dispensed and sold.

7. Section 1, Definitions, is amended by inserting the text as shown in bold after “Front Yard” as follows:

“Grocery Store” means the primary use of premises for retail of food, excluding a restaurant.

8. Section 1, Definitions, is amended by inserting the text as shown in bold after “Schedule HA-1” as follows:

“Schedule HCD-1” means the area designated as Schedule HCD-1, Schmidville Heritage Conservation District, on zoning map ZM-2.

“Schmidville Heritage Building” means a Schmidville Heritage Building as identified on

Schedule HCD-1 which existed on [date of adoption].

“Schmidville Heritage Property” means a property containing a Schmidville Heritage Building.

9. Section 1, Definitions, is amended by deleting the text as shown in ~~strikeout~~ as follows:

“Personal Service Use” means, ~~in the RC-4 Zone,~~ a use providing services for the personal needs of individuals and includes uses providing grooming, tailors, depots for collecting dry cleaning and laundry, and other similar uses.

10. The Land Use By-law is amended by inserting the following new zone after the “CD-3 C&D Materials Disposal Sites Zone” as shown in bold as follows:

SHR Zone

Schmidville Heritage Residential Zone

- 70I(1) The following uses shall be permitted in the SHR Zone subject to the requirements:
- (a) Converted Schmidville dwelling;
 - (b) Detached one-unit dwelling house or duplex dwelling;
 - (c) Semi-detached dwelling or double duplex dwelling house;
 - (d) Townhouse building;
 - (e) Converted Schmidville Multiple Dwelling House on properties identified on Schedule ZM-24;
 - (f) the office of a professional person located in the dwelling house used by such professional person as their private residence;
 - (g) a home occupation;
 - (h) a public park or playground;
 - (i) church or church hall;
 - (j) a day care facility for not more than 14 children in conjunction with a dwelling;
 - (k) a special care home containing not more than ten persons including resident staff members; and
 - (l) Uses accessory to any of the foregoing uses.
- 70I(2) No person shall in any SHR 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).
- 70I(3) No person shall in any SHR 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).

PARKING

70l(4) Notwithstanding Section 6, no parking is required for buildings erected, altered or used in the SHR Zone. Bicycle parking shall be provided as required by Sections 6A, 6B, and 6C.

SIGNS

70l(5) Notwithstanding section 16DA, General Sign Provisions, a sign may be erected, placed or displayed provided that it is in accordance with the Schmidville Heritage Conservation District By-law.

REQUIREMENTS FOR SCHMIDTVILLE HERITAGE PROPERTIES

70l(6) Properties identified as Schmidville heritage properties that are altered or used in the SHR Zone shall comply with the following:

		Lot Frontage (Ft.)	Lot Area (Sq. Ft.)
i)	Converted Schmidville dwelling, Converted Schmidville Multiple Dwelling House, detached one family dwelling house, and duplex dwelling	25	2300
ii)	Semi-detached dwelling, and double duplex dwelling	50 25 for each half of a semi- detached dwelling	4600
iii)	Townhouse building	20 ft. per unit	1800 sq ft. per unit
iv)	Maximum lot frontage	The maximum lot frontage on any street shall be 105 feet;	
v)	Maximum height	<p>(a) Notwithstanding Map ZM-17, an addition shall only be permitted to the rear of a Schmidville heritage building and such addition shall not exceed 20 feet in height;</p> <p>(b) Notwithstanding Section 70l(6)(vi)(a) and Map ZM-17, where the permitted height on a property is 25 feet, as identified on Map ZM-17, an addition may match but shall not exceed the height of the Schmidville</p>	

- heritage building as measured between the highest point of its roof and the mean grade of the finished ground adjoining the building;
- (c) Notwithstanding Map ZM-17, a Schmidville heritage building may exceed its existing height by an additional two feet if it is raised at its foundation.
- vi) **Rear yard**
- (a) 30 feet; or
- (b) Where the permitted height on a Schmidville heritage property is 25 feet, as identified on Map ZM-17, the rear yard shall be a minimum of 20 feet;
- vii) **Side yards**
- An addition shall not exceed the building's existing proximity to a side lot line except no side yards are required on the side of a building where a common wall is shared;
- viii) **Additions to Converted Schmidville Dwelling**
- (a) The depth of an entire building shall not exceed 60 feet from its front wall to its rear wall
- (b) The maximum width of an addition shall not exceed two-thirds of the width of the building
- ix) **Additions to Converted Schmidville Multiple Dwelling House**
- Additions to a converted Schmidville multiple dwelling house shall comply with all requirements in Section 70I(6)(ix) with the following exceptions:
- (a) The depth of the entire building shall not exceed 80 feet from its front wall to its rear wall (See Sketch A);
- (b) For the first 10 feet of depth, the addition to the rear of an existing Schmidville Heritage Building shall be no wider than 2/3 of the width of the existing building. For the remainder of

the depth, the addition to rear of the existing Schmidville Heritage Building, shall be no wider than the width of the existing Building. (See Sketch A);

- x) **Accessory Buildings**
 - (a) Notwithstanding Section 4F, an accessory building is permitted in the rear yard only;
 - (b) The footprint of an accessory building shall not exceed 150 square feet;

70I(7) Schmidville heritage properties that exist as of [date of adoption] are not required to meet the lot frontage and lot area requirements in Section 70I(6) but all other requirements of Section 70I(6) shall apply.

REQUIREMENTS FOR PROPERTIES WHICH ARE NOT SCHMIDTVILLE HERITAGE PROPERTIES

70I(8) All properties, which are not Schmidville Heritage Properties, altered in the SHR Zone shall comply with the same requirements as Schmidville heritage properties in Section 70I(6).

70I(9) Notwithstanding section 70I(8) but subject to 70I(10), the following requirements shall apply to all new construction on properties which are not Schmidville heritage properties:

- i) **Building Height** As set out on Map ZM-17
- ii) **Building Depth**
 - (a) The depth of a building shall not exceed 30 feet from its front wall to its rear wall;
 - (b) Where the permitted height on a property is 25 feet, as identified on Map ZM-17, the depth of the building shall not exceed 45 feet from its front wall to its rear wall;
- iii) **Side Yards** Side yards shall be a minimum of 3 feet, except no side yards are required on the side of buildings which share a common wall;
- iv) **Front and Rear Yard** The front yard shall be a minimum of 3 feet and the rear yard shall be a minimum of 30 feet;

70I(10) Notwithstanding 70I(9), where a Schmidville heritage property on a through lot has been subdivided and is located on Wright Avenue, the

following requirements shall apply to the new properties with frontage on Wright Avenue:

- (a) Notwithstanding Map ZM-17, a building shall not exceed a height of 25 feet;
- (b) Lot frontage shall be a minimum of 20 feet for all permitted uses except that a semi-detached dwelling and double duplex dwelling shall have a minimum of 40 feet;
- (c) Notwithstanding Section 70I(9)(iv), a rear yard shall be a minimum of 4 feet and a front yard shall be a minimum of 10 feet.
- (d) Minimum lot area shall be 2,000 square feet for all permitted uses except that a semi-detached dwelling and double duplex dwelling shall have a minimum of 4,000 feet;
- (e) Minimum lot area for a Townhouse building shall be 1,000 square feet per townhouse.

11. Insert the attached Sketch A Section 70C(6)(x), Additions to Converted Schmidville Multiple Dwelling House, after the newly inserted SHR Zone Schmidville Heritage Residential Zone.
12. The Land Use By-law is amended by inserting the following new zone after the “the newly inserted SHR Zone Schmidville Heritage Residential Zone” and after the newly inserted Sketch A as shown in bold as follows:

SHRC Zone

Schmidtville Heritage Residential Commercial Zone

70J(1) SHR uses shall be permitted in any property in the SHRC Zone.

70J(1A) The following uses shall only be permitted within a converted Schmidtville dwelling or a Converted Schmidtville Multiple Dwelling House in the SHRC Zone:

- (a) grocery store or drug store;
- (b) personal service use;
- (c) stores for the purpose of retail trade and rental, excluding:
 - (i) motor vehicle dealers,
 - (ii) motor vehicle repair shops,
 - (iii) adult entertainment uses, and
 - (iv) amusement centres;
- (d) offices;
- (e) restaurant, excluding drive-throughs;
- (f) bakery;
- (g) bed and breakfast;
- (h) community facilities;
- (i) commercial recreation use;
- (j) cultural use;
- (k) hotel;
- (l) inn;
- (m) institution; and
- (n) any use accessory to any of the foregoing uses.

70J(2) No person shall in any SHRC Zone carry out, or cause or permit to be carried out any development for any purpose other than for SHRC uses set out in Section 70J(1).

70J(3) No person shall in any SHRC 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 Section 70J(1).

PARKING

70J(4) Notwithstanding Section 6, no parking is required for buildings erected, altered or used in the SHRC Zone. Bicycle parking shall be provided as required by Sections 6A, 6B, and 6C.

SIGNS

70J(5) Notwithstanding section 16DA, General Sign Provisions, a sign may be erected, placed or displayed provided that it is in accordance with the Schmidtville Heritage Conservation District By-law.

REQUIREMENTS

- 70J(6) A use permitted in accordance with subsection 70J(1A) shall only be permitted in a Schmidville heritage building if such building existed on [date of adoption].
- 70J(7) All SHRC uses within a Schmidville heritage property shall be subject to the same requirements as a Converted Schmidville dwelling. Requirements of Sections 70I(6) to 70I(9) of the SHR Zone shall apply to all uses within the SHRC Zone with the following exceptions:
- (a) the rear yard shall be a minimum of 4 feet;
 - (b) the front of the property and building at 5560-62 Morris Street shall be the frontage facing Queen Street; and
 - (c) a corner lot property may be subdivided to create a new lot and a semi detached dwelling or a double duplex dwelling house is permitted on the new lot, providing the new lot has a minimum lot area of 2,300 square feet.

13. P Zone, Park and Institutional Zone, of the Land Use By-law is amended by inserting the following text as shown in bold after Section 67(3) as follows:

- 67(4) Notwithstanding Section 67(1), redevelopment of P Zone properties within the Historic Park and Institutional Area, as shown on Schedule HCD-1, Schmidville Heritage Conservation District, shall be considered only by development agreement if the construction of any addition to an existing building exceeds a footprint of 1,500 square feet or any new building exceeds a footprint area of 1,500 square feet in accordance with Policy 7.9.8 of the District IX Policies of Section V of the Municipal Planning Strategy and Council shall consider the requirements listed in Policy 7.9.9 of the District IX Policies section V of the Municipal Planning Strategy.**

14. Development Agreement Provisions, South-End Development Agreements, is amended by inserting the following text as shown in bold after clause 94(1)(u), "1017 and 1021 Beaufort Avenue", as follows:

Schmidville Historic Park and Institutional Area

- (v) **Permit the redevelopment of the Historic Park and Institutional Area when a proposed development involves the construction of a building, if the construction of any addition to an existing building exceeds a footprint of 1,500 square feet or any new building exceeds a footprint area of 1,500 square feet in accordance with Policy 7.9.8 of the District IX Policies of Section V of the Municipal Planning Strategy and Council shall consider the requirements listed in Policy 7.9.9 of the District IX Policies section V of the Municipal Planning Strategy..**

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 Council of Halifax
Regional Municipality held on the day of
, A.D. 201__.

Given under the hand of the Municipal Clerk
and under the corporate seal of the said
Municipality
this _____ day of _____, A.D. 201__.

Kevin Arjoon

APPENDICES

- Appendix A: Amendment to ZM-1 Zoning Map
- Appendix B: Amendment to Map ZM-2 Schedules and Secondary Plan Areas
- Appendix C: Amendment to Map ZM-17 Height Precincts
- Appendix D: Insertion of Map ZM-24 Areas where Converted Schmidville Multiple Dwelling House are Permitted
- Appendix E: Insertion of Map HCD-1 Schmidville Heritage Conservation District
- Appendix F: Insertion of Sketch A Section 70C(6)(x) – Additions to Converted Schmidville Multiple Dwelling House