

HALIFAX

Case 22005

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

Halifax Peninsula Planning Advisory Committee
January 28, 2019

Dean MacDougall, Planner II

Proposal

Origin: Motion of Halifax and West Community Council

Location: Peninsula West Area 1 Schedule in the Halifax Peninsula Land Use By-law area

Proposal: Text only amendments to Halifax Peninsula LUB to allow, within the Peninsula West Area 1 Schedule, the internal conversion of residential buildings to a maximum of 6 units.



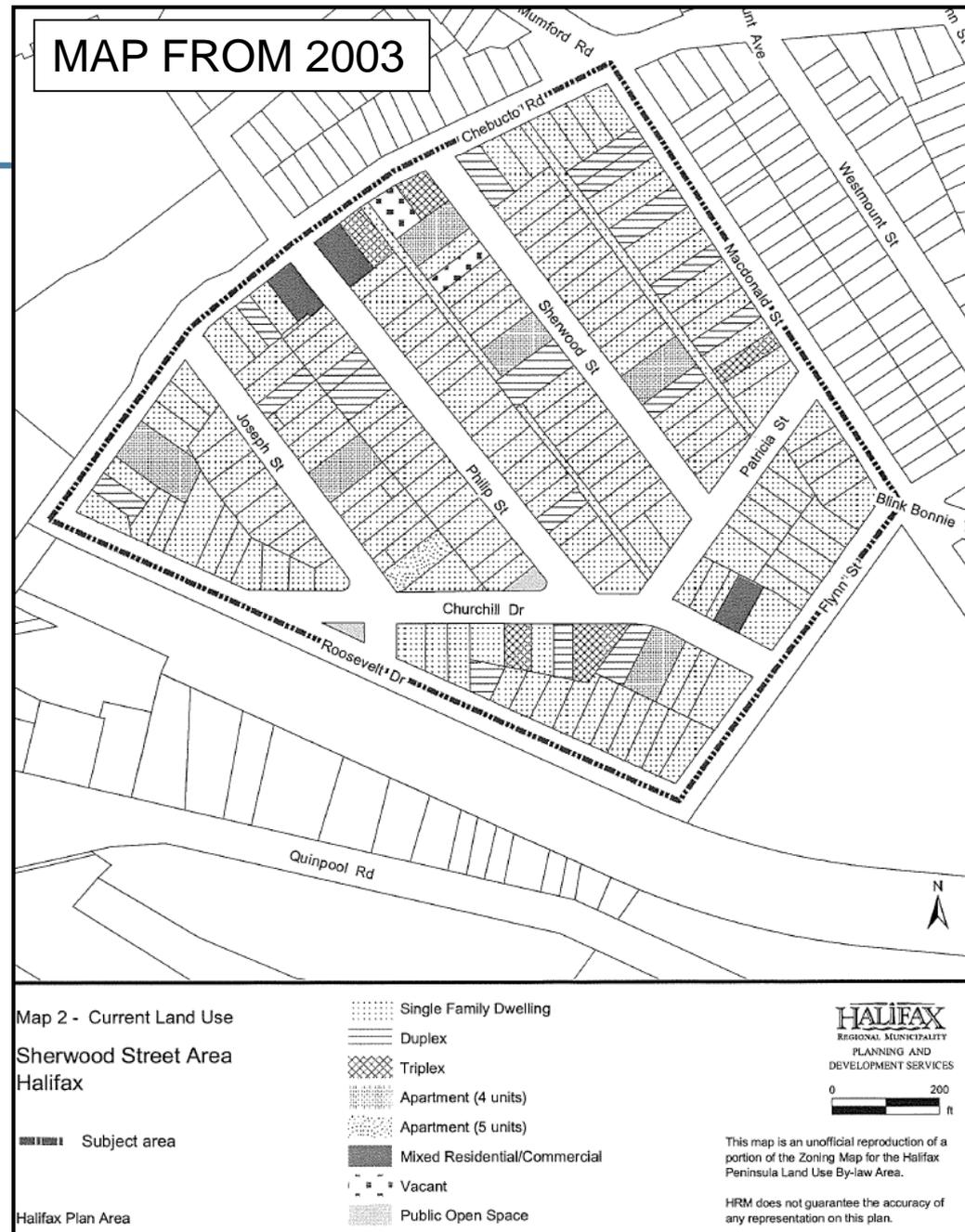
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Background

Before 2003 the area was zoned R-2 and under those regulations 2, 3, and 4 unit residential buildings were permitted.

Several properties were developed as “mini” multi-units before the rezoning to R-1 in 2003.

These properties are now considered “non-conforming” and cannot expand in size or unit count.



Background

What is a residential conversion?

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



- Current residential conversion clauses are largely focused on Secondary Plan Areas of the Peninsula (South End, Peninsula Centre, North End)
- Motion:
 - There are a small number of properties in the area that are currently constructed to house 5 or 6 units but are not allowed under the current zoning.
 - Given the close proximity of Peninsula West Area to transit, employment centres, and other services and amenities, it is logical to add an internal conversion clause for the area.

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Residential Conversion

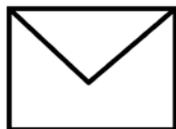
Typical requirements to be eligible for an internal conversion:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Building in existence on or before a specific date. |
| <input checked="" type="checkbox"/> | No increase in height or volume and that the external dimensions of the building have not changed since a specific date. |
| <input checked="" type="checkbox"/> | Minimum lot area (Lot area determines how many units can be achieved) |
| <input checked="" type="checkbox"/> | Minimum unit size/maximum bedroom count |
| <input checked="" type="checkbox"/> | Parking/landscaping requirements |

Public Engagement Feedback

- Level of engagement completed was consultation achieved through a mail out notification, newspaper ad, and a public information meeting (November 21, 2018)
- Feedback from the community generally included the following:
 - Proposal will lead to greater change of the neighbourhood
 - Area is dense enough
 - Increase in transient population
 - Increase in parking and refuse problems
 - Provide more housing options/increase affordability

**Notifications
Mailed**



272

**Meeting
Attendees**



61

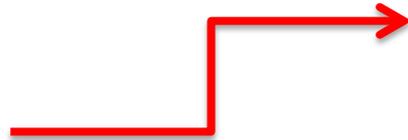
**Letters
Received**



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Planning Application Process

We Are Here



Application Submitted

HRM Internal Circulation & Review

Public Information Meeting

Planning Advisory
Committee Meeting

Revisions & Refinement

Staff Report with Policy
Review & Recommendation

Community Council
Hearing & Decision

14 Day Appeal Period

Scope of Review

MPS Policies speak to fostering the provision of housing for people with different income levels in all neighbourhoods and encouraging infill housing, rehabilitation, and the redevelopment of portions of existing neighbourhoods. But in doing so only at a scale that is compatible with those neighbourhoods.

Scope of Review

The current proposal is to amend the Halifax Peninsula Land Use By-law to permit the internal conversion of existing residential buildings to a maximum of 6 units within the Peninsula West Area 1 Schedule.

The additional units may:

- Impact neighbourhood character
- Cause challenges with parking

However:

- Restricting conversions could slow densification
- They can provide positive benefits:
 - Increase housing affordability/options
 - Increase walkability
 - Decrease cost of providing services per household

Possible Regulations

A residential building in existence on or before **[insert adoption date of sub-section]**, within the "Peninsula West Area 1" Schedule, may be permitted to convert to a maximum of 6 units, provided that:

- a) the lot on which the building is situated contains an area of not less than 6,000 square feet 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 conversion is to three or four dwelling units, one of the new dwelling units shall be a minimum of 1,000 square feet; to five dwelling units, two of the new dwelling units shall be a minimum of 1,000 square feet, and to six dwelling units, three of the new dwelling units shall be a minimum of 1,000 square feet (the external dimensions of the building shall not be enlarged after the conversion);
- d) one separately accessible parking space at least 8 feet wide and 16 feet long is provided for every required new 1,000 square feet dwelling unit, as per subsection (c) above;
- e) any increase in parking area is required to be located in the side or rear yard and screened along lot lines either by:
 - i. an opaque wood fence or masonry wall at least 6 feet tall or;
 - ii. a 10 foot buffer which is to be fully landscaped, 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.

Questions / Comments

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Thank You

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Policy Consideration

Section II – Residential Environments

Policy 2.4 : 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.

Policy 2.7 : 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, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

Policy 2.8 : 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).

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 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

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Existing Regulation – 34E

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.

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

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.

Scope of Review

MPS Policies speak to fostering the provision of housing for people with different income levels in all neighbourhoods and encouraging infill housing, rehabilitation, and the redevelopment of portions of existing neighbourhoods. But in doing so only at a scale that is compatible with those neighbourhoods.

Possible Additional Regulations In Response to Policy

Restrict eligibility to existing multi-units and/or larger lots.

Require that two-bedroom units be part of the conversion

Require limited parking to discourage increase in surface parking

Require screening and landscaping for new parking areas
