

HALIFAX

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

Item No. 14.1.9
Halifax Regional Council
April 25, 2017

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: March 23, 2017

SUBJECT: **Case 20756: MPS amendments for 246 Waverley Road and 2 and 4 Montebello Drive, Dartmouth**

ORIGIN

Application by Michael Napier Architecture, on behalf of G2J Residential Holdings

LEGISLATIVE AUTHORITY

See Attachment D

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Municipal Planning Strategy for Dartmouth to acknowledge the lands at the southeast corner of Waverley Road and Montebello Drive (Civic 246 Waverley Road and 2 and 4 Montebello Drive) within the Waverley Road Mixed Use sub-designation, to enable consideration of a development agreement for a multiple unit dwelling on these properties; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

Michael Napier Architecture, on behalf of G2J Residential Holdings, is applying to develop a multiple unit dwelling located at the southeast corner of Waverley Road and Montebello Drive, Dartmouth. This proposal cannot be considered under existing planning policy; therefore, the applicant is seeking amendments to the Municipal Planning Strategy for Dartmouth (MPS).

Subject site	246 Waverley Rd.; 2 and 4 Montebello Dr., Dartmouth
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	246 Waverley Rd. and 2 Montebello Dr. are designated WR (Waverley Road) Neighbourhood; 4 Montebello Dr. is designated Residential (outside the Waverley Road designation)
Zoning (Map 2)	R-1 (Single Family Residential) Zone
Size of Site	2,683.6 square metres (28,887 square feet)
Street Frontage	110.68 metres (363.12 feet) on two streets
Current Land Use(s)	Three residential detached dwellings
Surrounding Use(s)	Commercial uses to the north, south, and west including a Tim Horton's, auto repair shop, two commercial plazas with medical and dental clinics, personal services, small restaurants; residential detached dwellings to the east

Proposal Details

The applicant wishes to consolidate three existing residential properties and construct a multiple unit dwelling. The major aspects of the proposed building are as follows:

- 5-storey height
- 56 residential units
- 58 underground parking stalls

MPS and LUB Context

Under the MPS, 246 Waverley Road and 2 Montebello Drive are within the Waverley Road (WR) designation. The WR policies are intended to allow a mix of uses while limiting conflict between different types and intensity of uses, particularly between industrial/commercial and residential.

There are three sub-designations within the WR designation, with each setting out future land use objectives in more detail. These include a Neighbourhood sub-designation, a Low-Density Residential sub-designation and a Mixed Use sub-designation (Map 3). For 246 Waverley Road and 2 Montebello Drive, the WR Neighbourhood sub-designation is applied. The policy envisions areas within the WR Neighbourhood sub-designation will evolve into a neighbourhood commercial node (Map 3).

The third property, 4 Montebello Drive, was not included within the WR designation and is designated Residential under the MPS. Under Policy IP-1(b) and Table 4 of the MPS, a range of building forms and residential densities can be considered in the Residential designation.

All three subject properties are currently zoned R-1 (Single Family Residential) under the Land Use By-law for Dartmouth (LUB). This zone permits single unit dwellings, and a range of institutional and community uses such as places of worship, schools, libraries, public parks and recreational clubs. For those properties within the WR Neighbourhood sub-designation, expanded home occupations are permitted subject to Site Plan Approval.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning policy context and when there is reason to believe that circumstances have changed since the relevant MPS policy was adopted, or last reviewed.

Applicant's Rationale

The applicant has provided the following rationale in support of the proposed amendments:

- The commercial uses envisioned under the existing MPS policy are no longer needed in the neighbourhood given the recent addition of commercial uses on other sites in the area;
- No new multiple unit residential development exists in the neighbourhood to support local residents who wish to downsize in the area;
- The location, size and topography of the site is better suited for a multiple unit residential development than the commercial and/or townhouse form of development that could be considered under the current policy; and
- Nearby local businesses (including medical and dental clinics, pharmacy, restaurants, personal services), local schools, churches, Lake Banook and Shubie Park, as well as access to public transit make the area highly desirable for residential development.

Attachment A contains the applicant's rationale.

Staff Review

Staff have reviewed the applicant's rationale, the existing policy, and changes that have occurred in the area since the policy's adoption. Staff advise there is merit to consider re-designation of the subject properties to the WR Mixed Use sub-designation, which would in turn enable consideration of a multiple unit residential development by development agreement. The following matters were identified through the staff review, and are identified below for discussion.

Existing Policy

As noted in the Background Section of this report, within the WR designation, three sub-designations are applied. In addition to the Neighbourhood sub-designation, a Low-Density Residential sub-designation and a Mixed Use Sub-designation are also applied (Map 3).

The WR Neighbourhood sub-designation policies enable the creation of a small neighbourhood commercial node and permit small-scale commercial and low-density residential uses (single, two unit and townhouse dwellings) in conjunction with commercial uses.

The WR Low-Density Residential sub-designation, which is applied to the east side of Waverley Road (Map 3), envisions these lands will continue to develop as low density residential, with support for auxiliary dwelling units and expanded home occupation uses. Policy also allows for the consideration of neighbourhood commercial uses in this sub-designation.

The WR Mixed Use sub-designation is the only sub-designation which allows for the consideration of multiple unit dwellings. WR Mixed Use sub-designation policy states, *"Multiple unit dwellings were recognized during the Waverley Road study as a land use which could contribute to the desired walkable, mixed use community; however, concern was expressed about the impact such uses may have on the existing neighbourhoods."* To address this concern, the policy allows Community Council to consider multiple unit dwellings only by development agreement on properties with the WR Mixed Use designation.

Changes in the area since policy adoption

The WR designation policy was adopted in 2009. The WR designation policies were adopted in 2009, following a detailed review of the area in light of land use conflicts between industrial and residential uses south of the subject properties near Red Bridge Pond. The study area was expanded northward to include the commercial area along Waverley Road to the north side of the intersection with Montebello Drive (Map 3). At that time, it was envisioned that two of the subject properties, 246 Waverley Road and 2 Montebello Drive, would eventually be used for neighbourhood commercial uses. However, since 2009, a significant amount of new commercial space has been added in other locations within the WR designation area. Commercial buildings have been constructed across the street from the subject properties at 249 Waverley Road (containing a medical clinic, pharmacy, physiotherapy clinic and hair salon) and further south at 219 Waverley Road (containing a restaurant, offices, and a craft brewery).

Although the WR designation area has evolved since 2009 to include additional commercial uses, no multiple unit dwellings have been constructed. As noted, the WR Mixed Use sub-designation is the only sub-designation which allows for the consideration of multiple unit dwellings. As the WR policy recognizes multiple unit residential dwellings may benefit the area, and given additional commercial development may not be needed in the area at this time, the subject properties may be appropriate for multiple unit residential development.

Appropriateness of policy-enabled development options

When considering whether a policy change is necessary to appropriately develop a site, it is relevant to consider alternatives that are permitted through either an as-of-right process or a policy-enabled planning process.

The subject properties are currently developed according to the provisions of the R-1 Zone, which allows one single unit dwelling per lot. A range of institutional and community uses are also permitted in the zone, but no commercial activity and no more than one residential unit is permitted.

Under the WR Neighbourhood designation, currently applied to 246 Waverley Road and 2 Montebello Drive, Community Council may consider applications for rezoning to the C-1A Zone. The C-1A Zone allows single and two unit dwellings in conjunction with a commercial use, townhouses, and a range of local commercial uses such as grocery stores, restaurants, personal services, small-scale offices and retail uses. Townhouse development is limited by the requirements of the TH Zone, and only one driveway access per townhouse building is permitted along Waverley Road or Montebello Drive. The applicant has indicated that the site is not suitable for commercial development or townhouse residential uses due to the site's slope and orientation at the intersection.

Under the Residential designation, currently applied to 4 Montebello Drive, Community Council may consider applications for rezoning to the R-3 or R-4 Zones. These zones allow Community Council to consider multiple unit dwellings by development agreement under Policy IP-5 (Attachment B).

Proposed approach

If Regional Council chooses to initiate the MPS amendment process, staff would consider the appropriateness of applying the WR Mixed Use sub-designation to the subject properties by examining:

- Building design, height, massing, and transition to the surrounding low-density residential uses;
- Density, open space and amenity area requirements;
- Proposed access, impact on traffic and servicing infrastructure; and
- The feedback received through community engagement initiatives.

The WR Mixed Use sub-designation directs Council to consider the policy criteria under Policy IP-5 regarding Apartment Building Development, and to use the density standards of the R-3 Zone as a guide.

If Regional Council chose to re-designate the subject properties to the WR Mixed Use sub-designation, Community Council could then consider a development agreement for a multiple unit dwelling.

Conclusion

Staff have reviewed the proposed MPS amendments and advise that there is merit to considering multiple unit residential development on the subject properties. The existing policy envisions commercial or townhouse development on two of the subject properties; however, significant commercial space has been recently built elsewhere in the area, and the site's conditions may not be ideally suited for commercial or townhouse development. Furthermore, as the policy recognizes that multiple unit dwellings may contribute to the desired walkable, mixed-use character of the area, this site may be an appropriate location for that form of development. Therefore, staff recommend that Regional Council initiate the MPS amendment process to consider acknowledging the subject properties within the WR Mixed Use sub-designation, to enable consideration of a development agreement for a multiple unit dwelling.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting as part of the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the MPS will potentially impact the following stakeholders: residents, businesses and property owners.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2017-18 operating budget for C320 Policy and Strategic Initiatives.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.

2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Municipal Planning Strategy for Dartmouth is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning
Map 3: Map 9u, Dartmouth MPS – Waverley Road Generalized Future Land Use

Attachment A: Applicant's Rationale
Attachment B: Excerpts from the Dartmouth MPS
Attachment C: Excerpts from the Dartmouth LUB
Attachment D: Legislative Authority

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

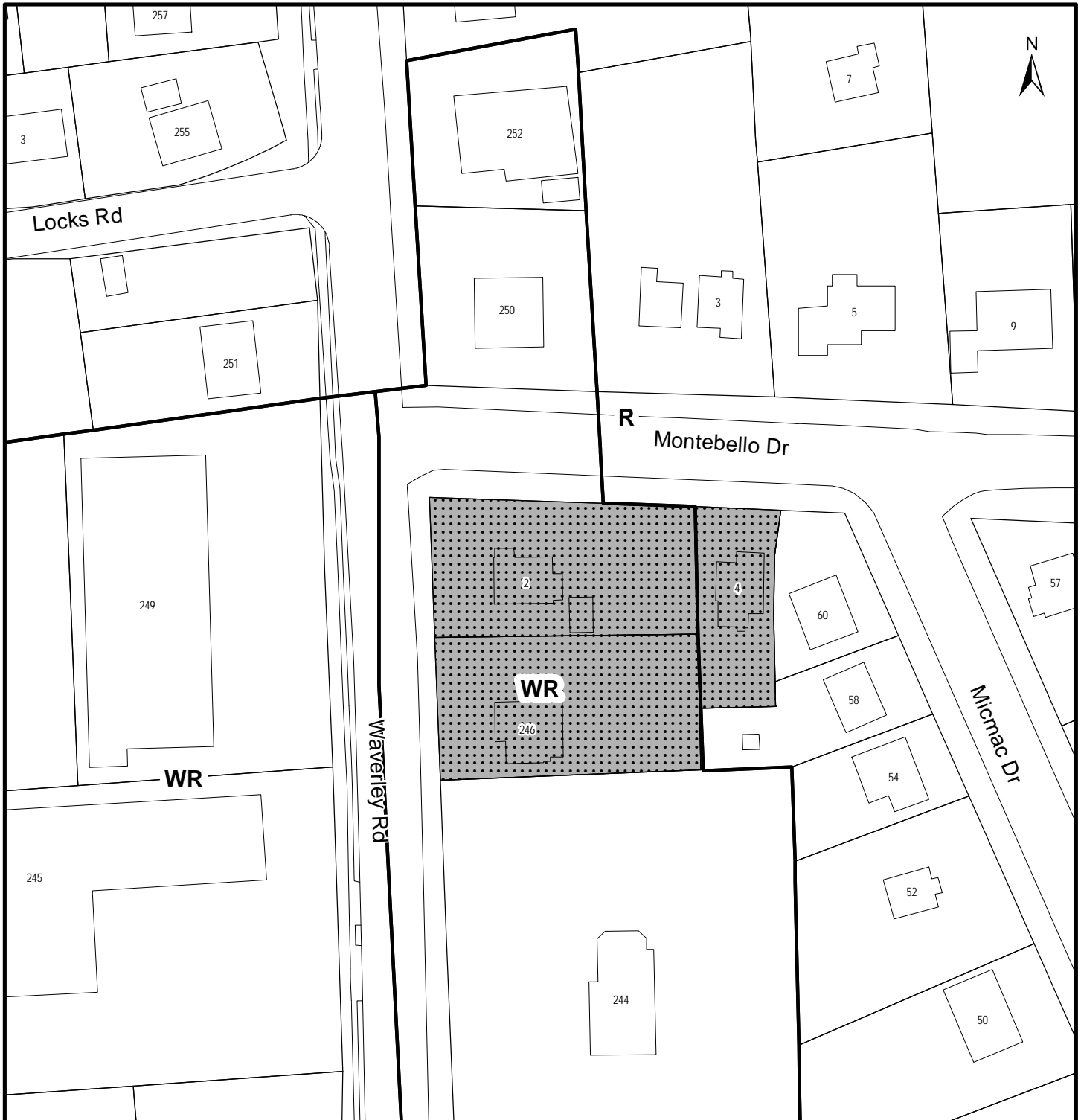
Report Prepared by: Leah Perrin, Planner II, 902.490.4338

Original Signed

Report Approved by: _____
Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217

Original Signed by Director

Report Approved by: _____
Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627



Map 1 - Generalized Future Land Use

246 Waverley Road,
2 & 4 Montebello Drive
Dartmouth

 Subject Property

Designations

R Residential
WR Waverley Road

HALIFAX

Dartmouth
Plan Area


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.



Map 2 - Zoning

246 Waverley Road,
2 & 4 Montebello Drive
Dartmouth

 Subject Property

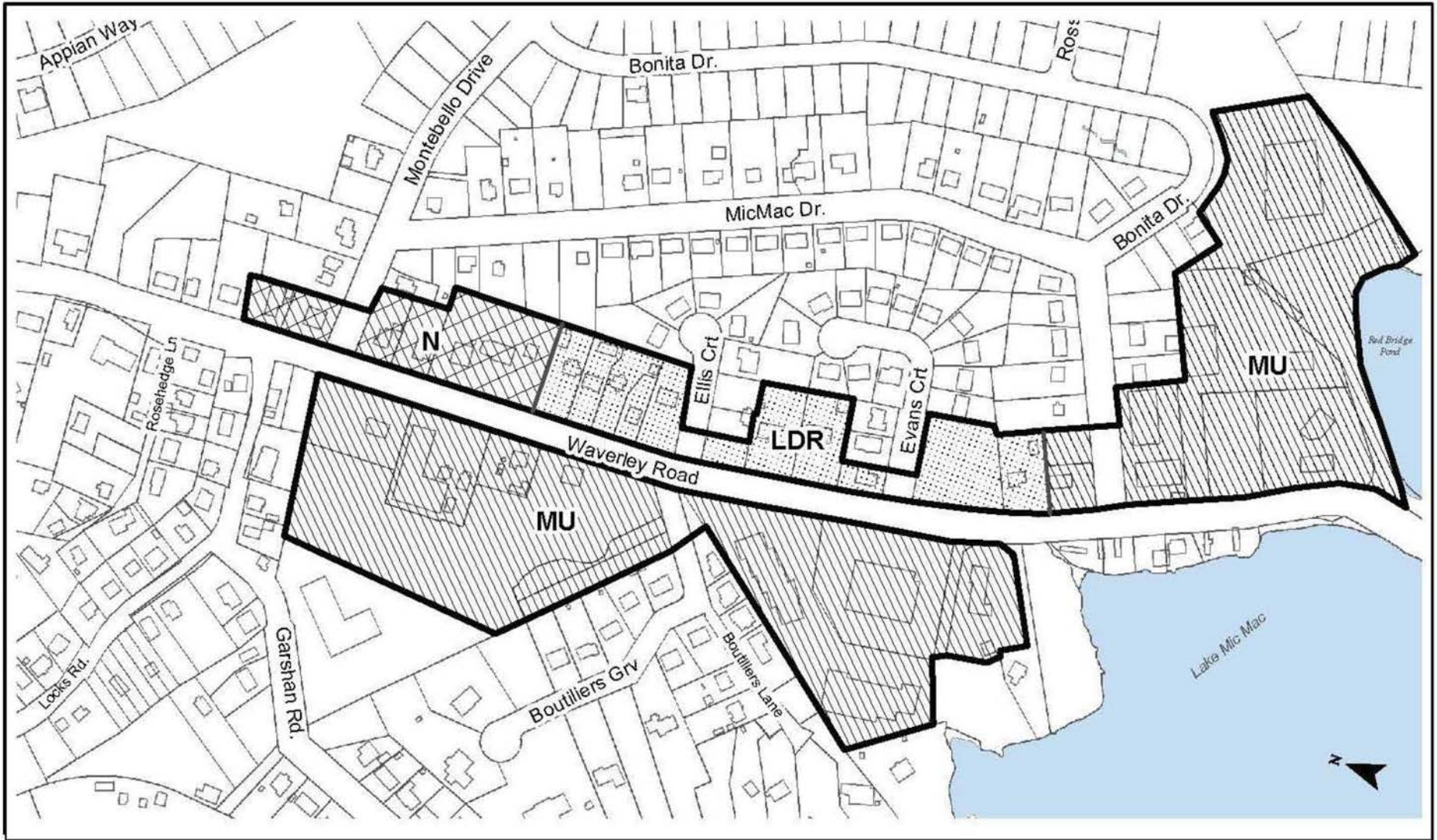
Zone	
R-1	Single Family Residential
R-2	Two Family Residential
C-1A	Neighbourhood Commercial
C-1B	Mixed Use Commercial
P	Park

HALIFAX

Dartmouth Land
Use By-Law Area

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.



Map 9U Waverley Road Generalized Future Land Use

Designation

 **(WR) Waverley Road Designation**

Waverley Road Sub-Designations

-  **LDR** Low Density Residential
-  **N** Neighbourhood
-  **MU** Mixed Use



This map is an unofficial reproduction of a portion of the Dartmouth Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.

Dartmouth Plan Area

Jan. 14, 2009

Case 01053

T:\work\planning\Holly\Official_Maps\case_maps\case_01053\Map9U.PDF (HLU)

Attachment A: Applicant's Rationale



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17 January, 2017

Halifax
Planning Applications
Planning & Development Services
PO Box 1749
Halifax, NS B3J 3A5

**Re: Municipal Planning Strategy Amendment and Development Agreement
Application for multi-unit Residential building, 246 Waverley Road, Dartmouth –
PID's 00249771, 00249781, 00249797 - Revised Letter of Intent (R2).**

The site of the proposed development, at the corner of Waverley Road and Montebello Drive in Dartmouth, is comprised of three lots (PID's 00249771, 00249781, and 00249797). The site is currently located in the Dartmouth Land Use Bylaw area and is zoned R-1, and is surrounded on three sides by commercial uses on Waverley Road.

The property owner and his family live and own businesses in the Montebello and Mic Mac area neighbourhoods and are dedicated to the continued success of the neighborhood.

In 2007, he acquired Montebello Plaza I (245 Waverly Road), and in 2012 developed approximately 11,000 sq. ft. of commercial space in Montebello Plaza II (249 Waverly Road). After several conversations with Councilor Mancini, area residents, and business owners regarding the lack of residential downsizing opportunities, he began acquiring the three lots that make up this multi-unit residential proposal. Since engaging Michael Napier Architecture he has had subsequent discussions with Councilor Mancini regarding the use for this property as it relates to the perceived needs of the community. An approximate timeline of property acquisition is as follows:

- 2007: 245 Waverley (Subway, Deluxe Dry Cleaner, Waverley Dental Clinic, Leo's Pizza, Tanning Salon, Beauty Salon, Restaurant and Cafe)
- 2009: 246 Waverley (single family residence) [Included in proposal]
- 2010: 2 Montebello (single family residence - former family medical clinic) [Included in proposal]
- 2012: 249 Waverley (pharmacy, medical clinic, physiotherapy, haircuts)
- 2014: 4 Montebello (single family residence) [Included in proposal]
- 2016: 237 Waverley (Torque Automotive – former single family residence)
- Future: Looking at acquiring the property behind 245 and 249 Waverley for future commercial uses as the commercial needs of the neighbourhood increase. Lot size, location and topography are well suited to commercial uses.

This development falls in the Waverley Road Neighbourhood sub-designation of the Dartmouth Municipal Planning Strategy (MPS). While the intent of the sub-designation is to "encourage neighbourhood commercial uses and lower density residential uses", the overall intent of the MPS is

"to create a mixed use community that meets the needs of residents, while allowing existing businesses to continue growing in a manner that limits conflicts".

Though the policy originally envisioned this site for commercial use, the area cannot sustain, nor does it require, further commercial development. Since 2009, when the policy was implemented, the area between Montebello Road and the old Mic Mac rotary has seen more than 54,000 sq. ft of commercial development (Mic Mac Place, Grasshoppers, Montebello Plaza II, Torque Auto, etc.). Additionally, there has not been any new multi-unit residential in the vicinity - the last apartment in the area was developed 32 years ago. Considering the presence of existing neighbourhood businesses (including a medical center, pharmacy, restaurants, dentist, hair salon and convenience store) this is a prime location for increased residential density that will encourage a mixed use community and further enhance the symbiotic relationship between residential and commercial uses.

Furthermore, the location, size and topography of the site is better suited for a multi-unit residential development than the commercial and/or townhouse form development suggested in the current policy. The slope is problematic for commercial store frontage, and multiple driveways required for a townhouse development would conflict with the proximity to the Montebello/Waverley intersection and existing driveways.

The nearby presence of walking trails around Lake Banook and Shubie Park, local schools, churches, grocery stores, and restaurants, as well as convenient access to public transit makes this area a highly desirable location to live, and this development will help transition from the adjacent commercial uses to the residential neighbourhood along Montebello Drive.

The proposal for this corner site is a 5 storey multi-unit residential building with 1.5 levels of indoor parking. Architecturally, the design of the proposal endeavors to minimize the impact of a multi-unit residential building on the surrounding neighbourhood context. Along Waverly Road the building has been articulated with 2-storey 'townhouse' volumes that refer to the traditional character of Dartmouth's homes in scale and materiality. The scale of their covered porches and individual landscaped entrances reinforce the pedestrian experience along the sidewalk. This articulation wraps the corner onto Montebello Drive to meet the building's main entrance. It is a welcoming, weather protected lobby entrance that brings activity and life to the existing streetscape. The massing of the building at the street, along with a stepback at the third level, serves to diminish the overall height of the building. Furthermore, the site slopes such that at the rear of the site, where it meets the adjacent residential properties, there are 4 storeys above grade.

To the south of the 'townhouses' on Waverly Road, the proposed driveway access for the underground parking garage is taking advantage of an existing driveway next to a busy commercial site (Tim Hortons). This location minimizes conflict with the adjacent residential neighbourhood (See the Traffic Impact Statement). The parking garage has room for 58 parking stalls over 1.5 levels, yielding a minimum of a 1:1 stall: unit ratio.

The proposed residential building has been designed with a varied unit mix in response to the need for quality one and two bedroom units in this area, as well as a desire for long time residents of the area to downsize while remaining in their neighbourhood. This segment of the rental market is underserved in this area with much of the available units being older and not necessarily up to current rental standards.

The approach taken on this site, to provide increased density while acknowledging the adjacent neighbours, was to maintain compatible scale structures along both of the street frontages and

concentrate the majority of the building towards the center of the site with generous side and rear yard setbacks. Additionally, it is our intent to maintain as many mature trees as possible along the Waverley Road frontage, and as a buffer to the houses along Mic Mac Drive.

Overall, the proposal is a contemporary building that refers to the traditional character of the area in massing and materiality. Attention has been paid in the design to ensure the building meets the street at a human-scale and enhances street level pedestrian activity. The intention is to provide a higher density building with quality units that will increase the local population and benefit the existing commercial, while comfortably fitting within the adjacent neighbourhood.

Regards,

Original Signed

Michael Napier NSAA AANB MRAIC

PROJECT DATA

EXISTING ZONING: R-1

LOT SIZE: +/- 30,465 SF

BUILDING FOOTPRINT:

- PARKADE LEVELS: +/- 16,964 SF
(55.7% LOT COVERAGE)
- UPPER LEVELS: +/- 13,727 SF
(45% LOT COVERAGE)

RESIDENTIAL PROJECT CONSISTING OF 56 RESIDENTIAL UNITS:

- 18 x 1 BEDROOM
- 13 x 1 BEDROOM + DEN
- 21 x 2 BEDROOM
- 3 x 2 BEDROOM + DEN
- 1 x 3 BEDROOM

PARKING:

- TWO LEVEL BELOW GRADE PARKADE:
58 SPACES
- SURFACE PARKING:
0 SPACES

BICYCLE PARKING:

- 23 CLASS A SPACES
- 5 CLASS B SPACES
- TOTAL: 28

LANDSCAPED OPEN SPACE:

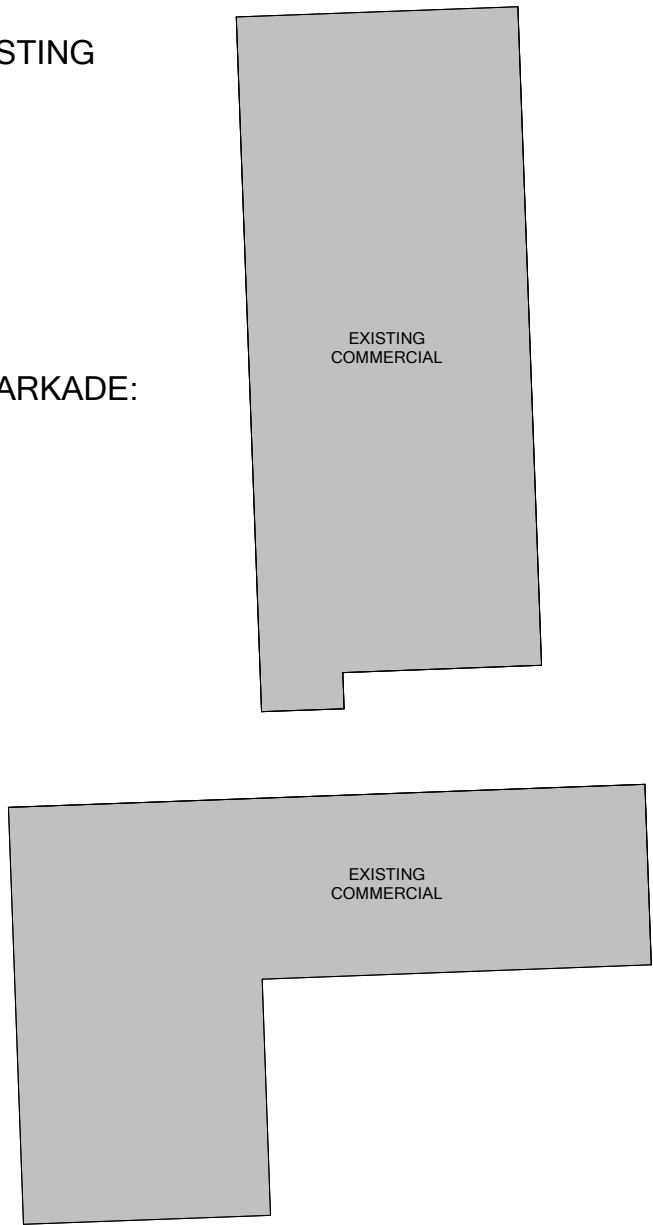
+/- 10,633 SF

INDOOR AMENITY SPACE:

+/- 2,054 SF

OUTDOOR AMENITY SPACE:

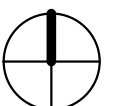
+/- 1,278 SF



WAVERLEY ROAD (66' ROW)

MONTEBELLO DRIVE (66' ROW)

MCMAC DRIVE



Waverley Road Development
246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
2. DO NOT SCALE THIS DRAWING FOR CONSTRUCTION PURPOSES. USE FIGURED DIMENSIONS AS NOTED.
3. ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT AND AGREED UPON BEFORE PROCEEDING.



ISSUED FOR:
DA AND MPS AMMENDMENT APPLICATION

DRAWING:
Data Table and Site Context Plan
SCALE:
1" = 50'-0"

DATE:
17 AUG 2016
DRAWING NO.:

A0



Waverley Road Development
 246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
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ISSUED FOR:
 DA AND MPS
 AMMENDMENT
 APPLICATION

DRAWING:
 Perspective View - Corner
 of Waverley and Montebello
 SCALE:

DATE:
 17 AUG 2016
 DRAWING NO.:
A901



Waverley Road Development
246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
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ISSUED FOR:
DA AND MPS
AMMENDMENT
APPLICATION

DRAWING:
Perspective View - North on
Waverley
SCALE:

DATE:
17 AUG 2016
DRAWING NO.:
A902



Waverley Road Development
 246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
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ISSUED FOR:
**DA AND MPS
 AMMENDMENT
 APPLICATION**

DRAWING:
**Perspective View - Aerial
 Facing Northwest**
 SCALE:
12" = 1'-0"

DATE:
17 AUG 2016
 DRAWING NO.:
A903



Waverley Road Development
246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

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ISSUED FOR:
**DA AND MPS
AMMENDMENT
APPLICATION**

DRAWING:
**Perspective View - South on
Waverley**
SCALE:
12" = 1'-0"

DATE:
17 AUG 2016
DRAWING NO.:
A904



Waverley Road Development
246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

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ISSUED FOR:
**DA AND MPS
AMMENDMENT
APPLICATION**

DRAWING:
**Perspective View -
Montebello Facing West**
SCALE:
12" = 1'-0"

DATE:
17 AUG 2016
DRAWING NO.:
A905

PROPERTY LINE

PROPERTY LINE



Waverley Road Development
246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

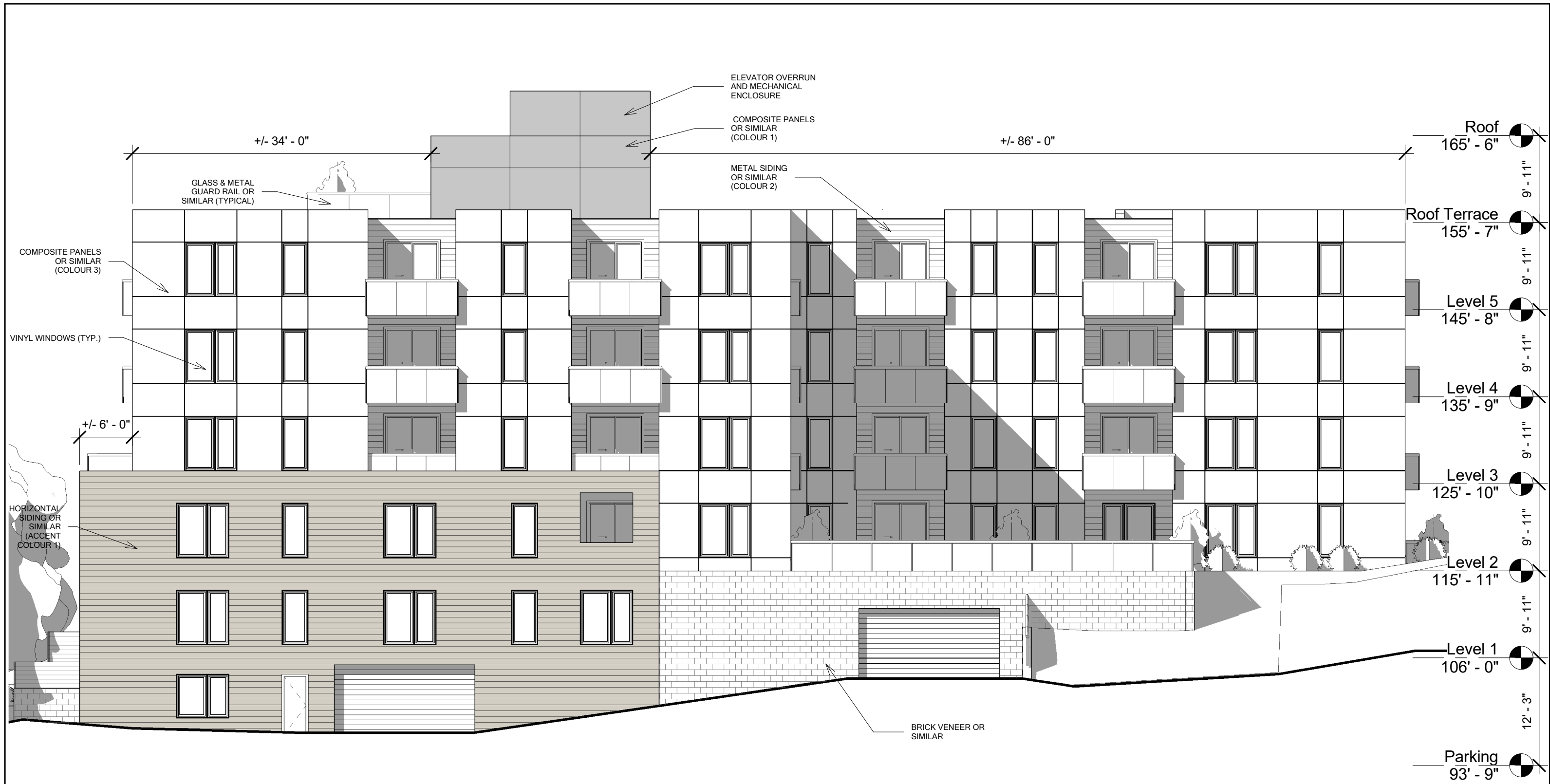
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ISSUED FOR:
DA AND MPS
AMMENDMENT
APPLICATION

DRAWING:
East Elevation
SCALE:
3/32" = 1'-0"

DATE:
17 AUG 2016
DRAWING NO.:
A201



Waverley Road Development
246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

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ISSUED FOR:
DA AND MPS
AMMENDMENT
APPLICATION

DRAWING:
South Elevation
SCALE:
3/32" = 1'-0"

DATE:
17 AUG 2016
DRAWING NO.:
A202



Waverley Road Development
 246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

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ISSUED FOR:
DA AND MPS
AMMENDMENT
APPLICATION

DRAWING:
North Elevation
SCALE:
3/32" = 1'-0"

DATE:
17 AUG 2016
DRAWING NO.:
A203



Waverley Road Development
 246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

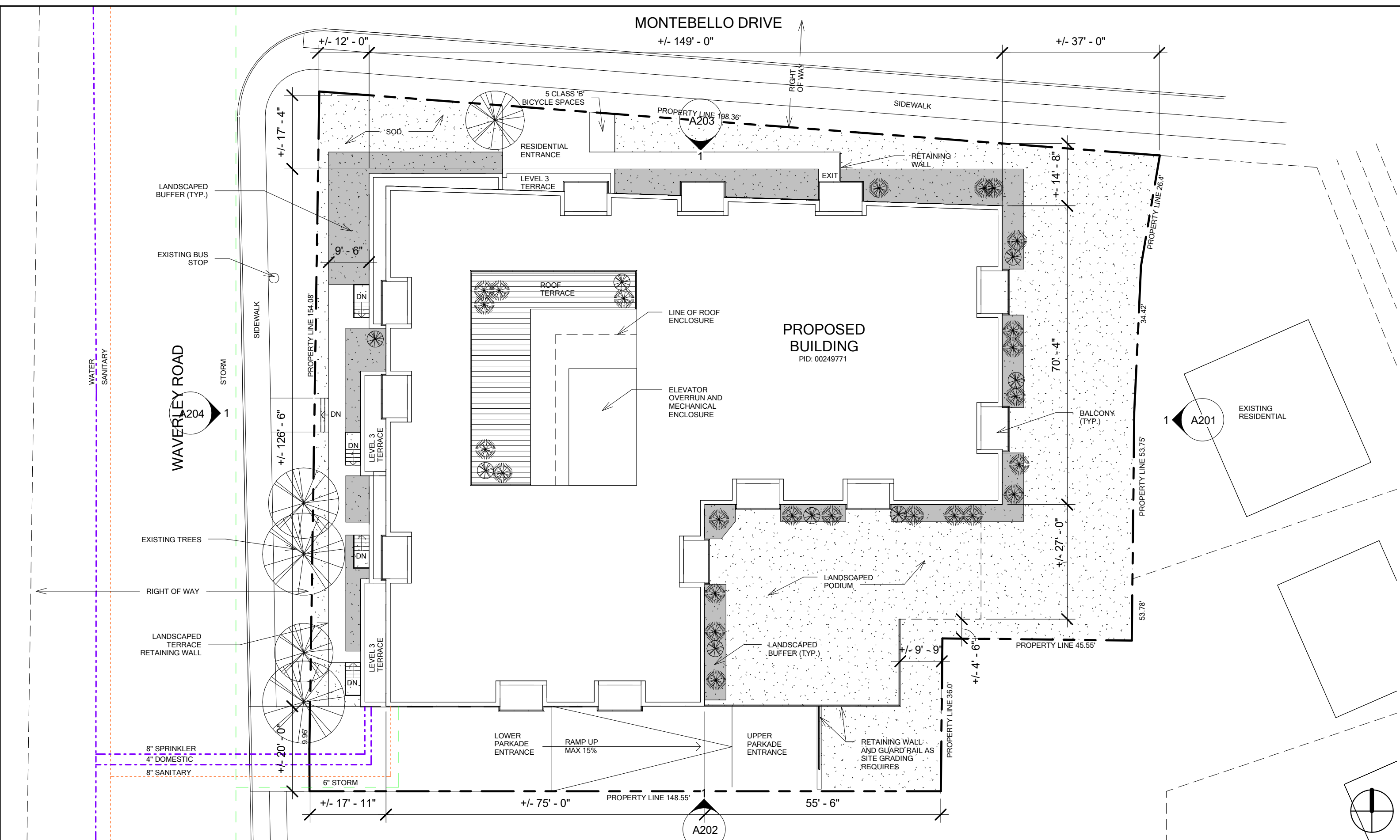
1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
2. DO NOT SCALE THIS DRAWING FOR CONSTRUCTION PURPOSES. USE FIGURED DIMENSIONS AS NOTED.
3. ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT AND AGREED UPON BEFORE PROCEEDING.



ISSUED FOR:
 DA AND MPS
 AMMENDMENT
 APPLICATION

DRAWING:
 West Elevation
 SCALE:
 3/32" = 1'-0"

DATE:
 17 AUG 2016
 DRAWING NO.:
A204



Waverley Road Development
 246 Waverley Road, Dartmouth, NS

REVISIONS	NO.	DESCRIPTION	BY	DATE

1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
2. DO NOT SCALE THIS DRAWING FOR CONSTRUCTION PURPOSES. USE FIGURED DIMENSIONS AS NOTED.
3. ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT AND AGREED UPON BEFORE PROCEEDING.



ISSUED FOR:
 DA AND MPS
 AMMENDMENT
 APPLICATION

DRAWING:
 Site Plan
 SCALE:
 1" = 20'-0"

DATE:
 17 AUG 2016
 DRAWING NO.:
A100

Attachment B:

Excerpts from the Municipal Planning Strategy for Dartmouth

COMMERCIAL

...

(9) Waverley Road Designation

The lands located on Waverley Road from Red Bridge Pond to Montebello Drive have developed such that residential, commercial and industrial uses of varying intensities are mixed in close proximity. In 2008, a planning study was conducted along this stretch of Waverley Road, with the intent to create a mixed use community that meets the needs of residents, while allowing existing businesses to continue growing in a manner that limits conflicts. To meet these goals, a new land use designation will be created: 'Waverley Road'. The Waverley Road designation includes three sub-designations and new zones, to encourage growth that is more community focussed, and to permit certain land uses only by site plan approval or development agreement.

Policy C-32 It shall be the intention of Council to establish the Waverley Road designation, as shown on Map 9u. The vision for the Waverley Road designation is to encourage a mixed use community which has a range of commercial uses, while addressing land use compatibility issues by limiting the types of land uses permitted and by establishing land use controls. Due to the commercial concentration in the designation, within residential areas, expanded home occupations can be considered through site plan approval regulations in the land use by-law. Further, the designation will recognize existing land uses.

Within the Waverley Road designation, specific land use changes or controls are required for three distinct areas due to the types and location of uses. To achieve the intent of the designation, separate sub-designations shall be established for the three distinct areas, which are:

- Residential lands on the east side of Waverley Road;
- Lands around Montebello Drive on the east side of Waverley Road; and
- Lands near Red Bridge Pond, as well as lands on the west side of Waverley Road.

...

WR Neighbourhood Sub-designation

In 2008, the lands around Montebello Drive on the east side of Waverley Road were used for a mix of neighbourhood commercial and residential uses. In the future, the mix of uses in this area may change to a more commercial focus, with the development of small scale commercial uses and dwelling units in conjunction with commercial uses. In residential areas, expanded home occupations will be permitted subject to site plan approval regulations within the land use by-law.

Policy C-36 Within the Waverley Road designation, it shall be the intention of Council to establish the WR Neighbourhood sub-designation, as shown on Map 9u of this Plan. The intent of this sub-designation is to encourage neighbourhood commercial uses and lower density residential uses.

Neighbourhood Commercial (C-1A) Zone

Policy C-37 Within the WR Neighbourhood sub-designation, it shall be the intention of Council to establish a neighbourhood commercial (C-1A) zone which permits existing residential uses, single unit dwellings, two unit dwellings, townhouses, food and grocery stores, restaurants (excluding drive-through restaurants), personal service shops, veterinary clinics without outdoor runs, and small scale offices, retail stores, fitness centres and health clinics. The land use by-law shall limit the heights of buildings and lot coverage, and shall limit the floor area used for certain commercial purposes. No outdoor storage shall be permitted within the zone, and outdoor display shall be restricted to the temporary or seasonal display of plant materials or perishable goods normally associated with retail uses permitted in the zone. In considering amendments to the land use by-law, Council shall have regard for the following:

- (a) adequacy of the exterior design, height, bulk and scale of the development with respect to its compatibility with the existing neighbourhood; and
- (b) the provisions of Policy IP-1(c).

Auxiliary Dwelling Unit (R-1A) Zone

Policy C-38 Within the WR Neighbourhood sub-designation, it shall be the intention of Council to enable the auxiliary dwelling unit (R-1A) zone, and to consider amendments to the land use by-law using the provisions of Policy C-34.

WR Mixed Use Sub-designation

In 2008, the lands near Red Bridge Pond, as well as lands on the west side of Waverley Road, were used for a variety of commercial and industrial uses. Industrial uses are no longer considered appropriate within this area. In recognition of this area's capacity to sustain a higher intensity mix of uses than in the other Waverley Road sub-designations, permitted development includes institutional uses, multiple unit dwellings, existing municipally owned fleet services, and a wide variety of commercial uses. However, certain commercial uses may be prohibited due to their potential impact on residential uses in the area.

Policy C-39 Within the Waverley Road designation, it shall be the intention of Council to establish the WR Mixed Use sub-designation, as shown on Map 9u of this Plan. The intent of this sub-designation is to encourage and support a variety of commercial uses, as well as institutional and residential uses.

Mixed Use Commercial (C-1B) Zone

Policy C-40 Within the WR Mixed Use sub-designation, it shall be the intention of Council to establish a mixed use commercial (C-1B) zone which permits single unit dwellings, two unit dwellings, townhouses, institutional uses, local and neighbourhood commercial uses, and general commercial uses excluding drive-through restaurants, adult entertainment uses, cabarets, amusement arcades, pawn shops, recycling depots and vehicle service uses. However, existing municipally owned fleet services at 196 Waverley Road will be permitted by site plan approval. The land use by-law shall limit the heights of buildings and lot coverage. In considering amendments to the land use by-law, Council shall have regard for the following:

- (a) adequacy of the exterior design, height, bulk and scale of the development with respect to its compatibility with the existing neighbourhood;
- (b) the provisions of Policy IP-1(c).

Development agreements: Multiple unit dwellings / Long term care facilities

Multiple unit dwellings were recognized during the Waverley Road study as a land use which could contribute to the desired walkable, mixed use community; however, concern was expressed about the impact such uses may have on the existing neighbourhoods. Therefore, multiple unit dwellings shall only be permitted by development agreement to ensure compatibility with the existing neighbourhoods.

Also, residents recognized the need for long term care facilities in the community and identified this sub-designation as an appropriate location. Controls on design and reduced impacts on residential neighbours are desired, therefore applications for long term care facilities should only be considered through the development agreement process.

Policy C-41 Within the WR Mixed Use sub-designation, Council shall consider multiple unit dwellings and long term care facilities by development agreement in accordance with the provisions of the *Halifax Regional Municipality Charter*. In considering such an agreement, Council shall have regard for the provisions of Policy IP-5, and should use the land use density standards of the R-3 zone as a guide.

(RC-Sep 8/09;E-Nov 14/09)

...

IMPLEMENTATION

Policy IP-1

...

(b) Generalized Land Use

The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. *(Deleted-RC-Jul 11/00;E-Sep 2/00) In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).*

Tables 4, 4a and 4b identify (RC-Sep 10/13;E-Nov 23/13), in matrix form, the permitted uses under each category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown **in matrix form on Tables 4, 4a and 4b (RC-Sep 10/13;E-Nov 23/13).** The generalized land uses are also shown on: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood,), 9r, 9y and 9z (RC-Sep 10/13;E-Nov 23/13) (As amended by By-law C-475, Sept. 20, 1983, By-law C- 493, Dec. 9, 1983, By-law C-494, Dec. 9, 1983 and By-law C-511, Jul.,1984).

These maps shall be the Generalized Land Use Map for the City of Dartmouth based on the policies contained in this plan.

Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.

An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.

...

(o) Apartment Building Development

Careful consideration should be given to the construction of apartment buildings throughout the City. Recently, concerns have been expressed about the exterior design, density, concentration, site treatment, massing and traffic issues as they relate to apartment development. These issues could be addressed by the Development Agreement process and would also permit public involvement in the evaluation of the proposed development.

Policy IP-5 It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

- (a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;
- (b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;
 - (ii) traffic generation, access to and egress from the site; and
 - (iii) parking;
- (c) adequacy or proximity of schools, recreation areas and other community facilities;
- (d) adequacy of transportation networks in, adjacent to, and leading to the development;

- (e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;
- (f) that mature trees and other natural site features are preserved where possible;
- (g) adequacy of buffering from abutting land uses;
- (h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and
- (i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).

(As amended by By-law C-692, Dec. 4, 1991)

...

Table 4								
Reserve	Urban Core	Institutional	Park & Open Space	Industrial	Commercial	Residential	← General Land Use Classification Land Use ↓	
•	<i>Deleted-RC-Jul 11/00; E-Sep 2/00</i>				•	•	Single	
						•	Duplex	
						•	•	Low Density Multiple
						•	•	Medium Density Multiple
						•	•	High Density Multiple
							•	Mobile Homes
					•	•	•	Neighbourhood Con. Stores
•						•	•	Home Occupations
					•	•		Retail Trade
					•	•		Service Commercial
					•	•		Regional Commercial
					•	•		Local Office
							•	General Office
				•	•	•		Tourist Commercial
					•	•		Warehousing/Distribution
					•			Light Industrial
					•			Harbour Oriented Industrial
					•			General Industrial
•			•	•	•	•	•	Local Parks/Rec. Facilities
•			•	•	•	•	•	District Parks/Rec. Facilities
•			•	•	•	•	•	City Parks/Rec. Facilities
•			•	•	•			Regional Parks & Facilities
•				•	•			Watershed
•			•	•	•	•	•	Environmental Protection Area
•			•	•	•	•	•	Local Institutional
•			•	•	•	•	•	City/Regional Institutional
•			•	•	•	•	•	Utilities

(As amended, By-law C-475, Sept 20/83)

Attachment C:

Excerpts from the Land Use By-law for Dartmouth

PART 1: R-1 (SINGLE FAMILY RESIDENTIAL) ZONE

32(1) The following uses only shall be permitted in an R-1 Zone:

- (a) Single family dwellings;
- (b) **places of worship and associated halls; (HECC-Dec 4/08; E-Dec 27/08)**
- (c) schools, colleges, universities, libraries, art galleries, and museums;
- (d) public parks and playgrounds;
- (e) tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;
- (f) yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;
- (g) uses accessory to any of the foregoing uses;
- (h) **within the Waverley Road designation, expanded home occupations are permitted subject to site plan approval, in accordance with the requirements of Section 23A of the General Provisions. (RC-Sep 8/09;E-Nov 14/09)**

32(2) Buildings used for R-1 uses in an R-1 Zone shall comply with the following requirements:

- (a) Lot area minimum - 5,000 square feet
- (b) Lot coverage maximum - 35 %
- (c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
- (d) **Height Maximum -35 feet on all parcels of land situated within the ALake Banook Canoe Course Area@ as identified on Schedule AW@ (RC-Feb 8/05;E-Apr 23/05) , and within the Main Street Designation as identified on Schedule AF (RC-Sep 10/13;E-Nov 23/13).**

32(3) Notwithstanding anything else in this by-law, the following zone requirements shall apply to lots TH-7, TH-8, TH-9, TH-10 and TH-11 on Chinook Court and lots TH-1, TH-2, TH-13, TH-14 and TH-15 on Tutor Court in the Lancaster Ridge Subdivision only:

- (a) **Zone Requirements:**

Minimum lot area	3000 square feet
Minimum lot frontage	36 feet
Minimum front yard	15 feet
Minimum side yards	5 feet (one side)
For dwelling	10 feet (other side)
Minimum rear yard	10 feet
Maximum lot coverage	35 per cent
- (b) **For detached garages and accessory buildings, the minimum setback from any side or rear property line is two (2) feet.**
- (c) **For decks and verandahs, the minimum setback from any side or rear property line is five (5) feet.**
- (d) **Notwithstanding Section 3(a), minimum sideyards, where a dwelling includes an attached garage the minimum sideyard for both sides of the dwelling shall be five (5) feet.**
- (e) **On all lots where there is no attached garage, the driveway shall extend into the sideyard of the lot a minimum of fifteen (15) feet beyond the front wall of the structure.**
- (f) **Where a lot fronts on the outside of a street curve having a radius of one hundred (100) feet or less, the required lot frontage may be reduced to a minimum of 25 feet. (As amended by By-law C-730, Oct 25/95)**

32(4) Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:

- (1) **Zone Requirements:**
 - Minimum Side Yard** **8 feet**
 - Minimum Rear Yard** **8 feet**
- (2) **The maximum building eave projection into the minimum required side yard shall be 2 feet (HECC-Nov 1/01;E-Nov 25/01)**

32(5) Notwithstanding clause 32(2) (a) of this By-law, institutional uses permitted in the R-1 Zone shall comply with the following standards:

- (a) **The lot area minimum for all institutional uses, excluding public parks and playgrounds - 10,000 square feet**
 - (i) **Section 19 of this by-law does not apply to institutional uses permitted in the R-1 zone.**
- (b) **For any new or expanded institutional use, the following landscaping provisions shall apply:**
 - (i) **Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.**
 - (ii) **Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width. (HECC-Dec 4/08;E-Dec 27/08)**

32(6) For any R-1 zoned lot abutting Green Bank Court, Cove Lane, or Basinview Drive, no new single family dwellings shall be permitted; but existing single family dwellings and accessory uses may be replaced, repaired, and additions made to in accordance with the R-1 Zone and any other general provision of this By-law. (RC-May 26/09;E-Jul 25/09)

PART 4: R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE - MEDIUM DENSITY

34(1) The following uses only shall be permitted in an R-3 Zone:

- (a) R-1, R-2 and TH uses as herein set out,
- (b) apartment buildings,
- (c) uses accessory to any of the foregoing uses.
- (d) **lodging houses (As amended by By-law C-657, Feb 2/89)**
- (e) **A group home for not more than 12 residents, provided that the subject property does not abut a property that is zoned R-1 or R-2. (HECC-Nov 4/10; E-Nov 27/10)**
- (f) **day care facility within the Main Street Designation. (RC-Sep 10/13;E-Nov 23/13)**

34(2) Buildings used for R-1, R-2 and TH uses in an R-3 Zone shall comply with the requirements of an R-1, R-2 or TH Zone respectfully.

34(3) Buildings used for R-3 uses in an R-3 Zone shall comply with the following requirements:

- (a) Lot coverage, maximum - 25%
- (b) Area of site required per dwelling unit:

Type of dwelling unit	Area of site required per dwelling unit
One bedroom and bedsitting room	1,300 sq. ft.
Two or more bedrooms	1,800 sq. ft.

Provided that where the site area is greater than one acre, the area of the site required per dwelling unit shall be:

Type of dwelling unit	Area of site required per dwelling unit
One bedroom and bedsitting room	1,000 sq. ft.
Two or more bedrooms	1,350 sq. ft.

- (c) On all buildings a minimum side and rear yard clearance of 15 feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
- (d) The yard area located between the street line and the minimum setback line shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas.
- (e) **Height Maximum -35 feet on all parcels of land situated within the ALake Banook Canoe Course Area@ as identified on Schedule AW@. (RC-Feb 8/05;E-Apr 23/05)**

34(3A) Notwithstanding subsections 34(3) and 34(4), within the Main Street Designation no development permit shall be issued for an apartment building or a day care facility except in conformity with the following:

Minimum lot area	372 square m [4000 sq. ft.]
Minimum frontage	14 m [46 ft], except for a flag lot, in which case the minimum lot frontage shall be not less than 9.1 m [30 ft] and the building shall be located within the widest portion of such lot
Minimum Front or Flankage Yard	6.1 metres [20 ft]
Minimum Rear Yard	12.2 metres [40 ft] for any portion of the Rear Yard abutting an R-1, R-1A or R-2 Zone

Minimum Side Yard	12.2 metres [40 ft] for any portion of the Side Yard abutting an R-1, R-1A or R-2 Zone
Maximum Lot Coverage	60 %
Maximum Height of Main Building	Refer to Schedule "AF"

(RC-Sep 10/13;Nov 23/13)

34(3B) Within the Main Street Designation an apartment building along the south side of Lakecrest Drive or the west side of Valleyfield Road shall have the appearance of Townhouse Dwellings. (RC-Sep 10/13;Nov 23/13)

34(3C) Within the Main Street Designation, with the exception of driveway access, required yards shall be landscaped. (RC-Sep 10/13;Nov 23/13)

34(4) No uses other than those permitted in R-1 and R-2 shall be permitted unless the lot area is equal to or greater than ten thousand square feet and unless the street frontage is equal to or greater than one hundred feet.

34(5) All developments including three or more dwelling units shall provide, in addition to the site requirements set out in sub-section (3) of this section, amenity areas of not less than one hundred square feet for each bedsitting room or one bedroom dwelling unit; three hundred square feet for each two bedroom dwelling unit; and 500 square feet for each three or more bedroom dwelling units. An amenity area shall be a space set aside for recreational purposes such as communal play areas, recreational room, roof decks, balconies, swimming pools and tennis courts. An amenity area shall have no dimension less than thirty feet.

34(6) Buildings used for lodging house uses shall comply with the requirements of the Lodging House By-law of the City of Dartmouth. (As amended by By-law C-657, Feb 2/89)

34(7) KUHN ROAD DESIGNATION – OTHER REQUIREMENTS

(a) Notwithstanding subsections 34(3) and 34(4), within the Kuhn Road Designation as shown on Schedule AI, no development permit shall be issued for an apartment building or townhouse dwelling in the R-3 (Multiple Family Residential) Zone except by development agreement in accordance with Policy C-66 of the Dartmouth Municipal Planning Strategy.

(b) Notwithstanding subsections 34(3), 34(4) and 34(7)(a), within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI, no development permit shall be issued for an apartment building, townhouse dwelling, new duplex dwelling unit, new semi-detached dwelling unit, new auxiliary apartment, new lodging house or new group home in the R-3 (Multiple Family Residential) Zone except where a piped sanitary sewer connection has been established to the satisfaction of the Municipal Engineer.

(c) Notwithstanding subsections 34(1) and 34(7)(b), the following additional uses shall be permitted within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI:

- (i) Bed and Breakfast uses having no more than three bedrooms;
- (ii) Craftshops;
- (iii) Day spas;
- (iv) Studios;
- (v) Offices;
- (vi) Workshops;
- (vii) Greenhouses;
- (viii) Warehouses, including indoor vehicle storage;
- (ix) Self storage uses;
- (x) Places of worship and associated halls;
- (xi) Public parks except sportsfields or ball diamonds;
- (xii) Conservation related projects; and
- (xiii) Accessory retail on the same lot as any use set forth in this subsection.

(d) Notwithstanding Subsections 34(2), 34(3) and 34(4), in the block bounded by Kuhn Road and

Main Street (“South Block”), being within Schedule AI-1 as shown on Schedule “AI” – Kuhn Road Area Zoning:

- (i) total lot coverage for all buildings shall not exceed 50%;
 - (ii) building height shall not exceed 10.7 m (35 ft) except for apartment buildings or townhouses permitted by development agreement;
 - (iii) all non-residential uses shall be entirely enclosed within buildings;
 - (iv) greenhouses shall not be located less than 45.8 m (150 feet) from any watercourse;
 - (v) greenhouses shall not have a flat roof, and shall be glazed with rigid, noncorrugated material; and
 - (vi) at least 50% of the front yard shall be landscaped;
- (e) Notwithstanding Subsection 27A, in the block bounded by Kuhn Road and Main Street (“South Block”), being within Schedule AI-1 as shown on Schedule “AI” – Kuhn Road Area Zoning, accessory buildings may be greater than 4.5 metres (15 feet) in height or greater than 60.3 square metres (650 square feet) in area, provided that:
- (i) the height of the accessory building does not exceed 10.7 m (35 ft);
 - (ii) the footprint of the accessory building does not exceed 93 square metres (1000 square feet);
 - (iii) the accessory building is located in the rear yard;
 - (iv) the roof of the accessory building is pitched at a slope of at least 8:12; and
 - (v) the accessory building is not a quonset hut.”

NOTE: Effective December 4, 1991, Multiple family residential developments in the City of Dartmouth are permitted only by development agreement, except within the Main Street Designation (RC-Sep 10/13;E-Nov 23/13).

PART 8A: C-1A (NEIGHBOURHOOD COMMERCIAL) ZONE
(RC-Sep 8/09;E-Nov 14/09)

38A(1) The following uses only shall be permitted in a C-1A Zone:

- (a) Existing residential uses,
- (b) R-1, R-1A and R-2 uses, in conjunction with a commercial use,
- (c) TH uses as hereinbefore set out,
- (d) food and grocery stores,
- (e) restaurants, excluding new drive-through restaurants,
- (f) personal service shops,
- (g) veterinary clinics without outdoor runs,
- (h) offices (including offices of professional people providing personal services), not to exceed 5000 square feet,
- (i) retail, not to exceed 5000 square feet,
- (j) fitness centres, not to exceed 5000 square feet,
- (k) health clinics, not to exceed 5000 square feet,
- (l) uses accessory to any of the foregoing uses.

38A(2) Buildings used for R-1, R-1A and R-2 uses in a C-1A Zone shall be permitted only in conjunction with a commercial use, and new accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only.

38A(3) Buildings used for TH uses in a C-1A Zone shall comply with the requirements of the TH Zone, and new accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only.

38A(4) Buildings used for commercial uses in a C-1A Zone shall comply with the following requirements:

- (a) Lot area minimum - 5,000 square feet.
- (b) Height maximum - 45 feet, with two storeys (to a maximum of 30 feet measured from the ground) to be used for commercial uses.
- (c) Lot coverage maximum - 60%.
- (d) New accesses shall be limited to one driveway per building accessing Waverley Road or Montebello Drive only.
- (e) Where the C-1A use abuts a residential use or zone:
 - (i) required parking and loading areas shall be set back from side and rear property boundaries;
 - (ii) a landscaped buffer of a minimum width of five (5) feet shall be provided in these portions of the property; and
 - (iii) an opaque fence or landscaping, to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use or zone.
- (f) No outdoor storage shall be permitted, and outdoor display shall be restricted to the temporary or seasonal display of plant materials or perishable goods normally associated with retail uses permitted in this zone, provided that no such display area is located within any parking area required pursuant to Section 14 of the General Provisions of this by-law.

Attachment D – Legislative Authority

Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council

Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:

Planning documents reasonably consistent

214 (1) Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

Planning advisory committee

215 (1) The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.

(4) The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

Public participation program

219 (1) The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.

(2) The Council may adopt different public participation programs for different types of planning documents.

(3) The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.

220 (1) The Council shall adopt, by by-law, planning documents.

(4) The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

Purpose of municipal planning strategy

228 The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish

- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
- (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
- (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

229 (1) A municipal planning strategy may include statements of policy with respect to any or all of the following:

- (a) the goals and objectives of the Municipality for its future;
- (b) the physical, economic and social environment of the Municipality;
- (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;

- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
 - (i) land-use by-law matters,
 - (ii) amendment of the land-use by-law,
 - (iii) the acceptance and use of cash-in-lieu of required parking,
 - (iv) the use of development agreements,
 - (v) the establishment of comprehensive development districts,
 - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
 - (vii) the establishment of transportation reserves,
 - (viii) the use of infrastructure charges,
 - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

No action inconsistent with planning strategy

- 232 (1)** The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

Adoption of land-use by-law or amendment

- 234 (1)** Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

Content of land-use by-law

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.

- (2) A land-use by-law must
 - (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.

- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.

- (4) A land-use by-law may
 - (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;
 - (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.

- (5) Where a municipal planning strategy so provides, a land-use by-law may
 - (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;
 - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
 - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the

Council, the

- (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
 - (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
 - (iii) cost of maintaining municipal streets would be prohibitive;
- (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
- (p) prohibit development on land that
- (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

No appeal permitted

263 The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.