

ZONING AND PLANNING

Zoning and Planning Policy Considerations:

In order to redevelop the Gray’s Arena parcel for any form of residential uses, a re-zoning will be required. Between the three concept options, varying extents of the Gray’s Arena Property are proposed to be rezoned to Higher Order Residential (HR-1 or HR-2) to allow for a mixture of residential, commercial, and institutional uses. While the HR-1 zone is applied in areas abutting low-density residential areas such as along Leaman Drive, it also restricts uses that provide services, amenities, and employment opportunities such as fitness centres, financial institutions, restaurants, and retail. Community feedback is needed to determine which of these zones would be most appropriate, and if any amendments to the zones should be considered. For the time being, the HR-1 zone is contemplated in these requirements.

Policy IM-6 of the Regional Centre Land Use By-law does not enable a rezoning between the PCF zone to a zone in a different urban structure designation, therefore both a Municipal Planning Strategy amendment to Map 1 of the Regional Centre Secondary Municipal Planning Strategy and a Land Use By-law amendment to Schedule 2 of the Regional Centre Land Use By-law will be required. While some of the site is adjacent to the ER-3 zone, this is mitigated in the concepts with an enhanced side-yard setback from this zone and by a recommended maximum height of 7 storeys - a height which is keeping with other HR-1 zoned properties. To allow for an increase to the maximum height on the re-zoned parcels, an amendment would be required to Map 4 / Schedule 15.

Key zoning considerations for the HR-1 / HR-2 zone are included in the following table. While all applicable requirements have been reviewed, for the sake of brevity only requirements which substantially impact building programming, siting, and massing have been included. The proposals in Concepts 1, 2, 3, and 4 each comply with the HR-1 / HR-2 zone requirements. Where the level of detail required to comply with requirements is not included in the scope of this work (such as building articulation or detailed landscaping), the concepts have been designed to support compliance. Further, the proposed lot configurations in each concept complies with the Regional Subdivision By-law and the Regional Centre Land Use By-law. No public streets have been proposed as part of these concepts - any road within the concept plan should be considered a ‘private driveway’.

Development Strategy:

Should HRM decide to pursue the sale of land as shown in concepts 3 or 4, the following development process is recommended.

1. Register a final plan of subdivision with the Land Registry Office to create new development parcels.
2. Designate the new parcels as surplus land under Administrative Order 50, Respecting the Disposal of Surplus Real Property and be given the categorization of Affordable Housing under section 2.(2)(g).
3. Amend the Municipal Planning Strategy and Regional Centre Land Use By-law to rezone the new parcels from PCF to HR-1 / HR-2 zone.
4. Apply restrictive covenants to the new parcels in favour of the remaining HRM park parcels to guide the siting, design, and location of buildings where the intention is to obligate future development to a higher or more specific standard than the HR-2 zone requires (i.e. larger setbacks, active uses along park, commercial / institutional space at building ground floor). This would in some respects have a similar outcome to a Development Agreement without the need to have a specified purchaser, and giving HRM greater latitude to waive requirements if the need should arise. Note that unlike a Development Agreement, restrictive covenants can not circumvent requirements of the Land Use By-law, they can only be more stringent.
5. Follow Administrative Order 50 to dispose of the properties at below market value to a not-for-profit organization.

HR-1/HR-2 Zone Key Sections Summary

Land Use By-law Section	Requirement
64 - Dwelling Unit Mix	Minimum 20% 2 bedroom Minimum 5% three + bedrooms
67 – Amenity Space	If a building has greater than 40 units: 5 sq. m. per unit is required as amenity space. 50% of this space must be located indoors. 25% must be located outdoors, at grade or on a roof top, and available for shared use by building’s residents.
69 – Ground floor uses	A minimum of 50% of the length of the ground floors facing the street (excluding one parking entrance or portal) shall be occupied by commercial uses, grade-related dwelling units, work-live units, amenity spaces, or residential lobbies.
85 - Minimum Lot Area / Frontage	558 sq m / 12.2 metres
196 - Maximum Building Height	Height is regulated by Schedule 15. Current height is 17m, recommended to amend to 7 storeys (21 m using a conventional 3m height storey).
197 - Minimum Front or Flanking Setbacks	3 metres
198 / 199 - Side and Rear Setbacks	2.5 metres for side yards, 3 metres for rear yards. If abutting ER zones or PCF zone, 6 metre side and rear yard setback.
200 / 201 - Minimum / Maximum Streetwall Heights	Minimum = 2 storeys, maximum = 3 storeys or for building no taller than 5 storeys (6 storeys for wood-frame or mass timber), the height of the building.
202 - Streetwall Stepbacks	Above height of streetwall = 2 metres for Mid-rise, 3 metres for Tall Mid-rise.
204 - Max Lot Coverage	NA
208 - Side and rear stepbacks	Not required for a Mid-rise except when abutting ER, or PCF zone, 6 m stepback above the 2nd, 3rd, or 4th storey. Side not required if setback by a minimum of 8 metres.
209 - Minimum Separation Distances	If multiple portions of a building above grade, then 4 metres below the streetwall and 6m above the streetwall (mid rise) and 12.5 metres for Tall Mid-rise.
210 - Maximum Building Dimensions	64 m depth, 64 m width
433 - Motor Vehicle Parking	Not required for residential uses, varying requirements for commercial / Institutional uses.
439 - Bicycle Parking Requirement	1 space / 2 units (80% Class A, 20% Class B)