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Item No. 10.1.3
Halifax and West Community Council
First Reading October 9, 2018
November 14, 2018

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: September 4, 2018

SUBJECT: **Case 21472: Halifax Mainland Land Use By-law Amendment (Rezoning) for
PID 00299768, Halifax, Mainland.**

ORIGIN

Application by Troy Johnston to amend the Halifax Mainland Land Use By-law.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A, to rezone the lands at PID 00299768 from the R-1 (Single Family Dwelling) Zone to the R-2 (Two Family Dwelling) Zone, and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of this report.

BACKGROUND

Troy Johnston is applying to rezone PID 00299768 (also known as Lot X), Halifax, from R-1 (Single Family Dwelling Zone) to R-2 (Two-Family Dwelling Zone). The subject site has never been developed.

Subject Site	PID 00299768, Lot X
Location	Halifax Mainland between Edgehill and Fenwood Roads
Regional Plan Designation	Urban Settlement (US) and Residential Environments (RES)
Community Plan Designation (Map 1)	Low Density Residential (LDR) under the Halifax Municipal Planning Strategy, and Mainland South Secondary Planning Strategy
Zoning (Map 2)	R-1 (Single Family Dwelling)
Size of Site	1,207.74 sq. metres (13,000 sq. feet)
Street Frontage	5.14 metres (16.86 feet) on Fenwood Road 59.38 metres (195 feet) on Edgehill Road
Current Land Use(s)	Undeveloped
Surrounding Use(s)	The surrounding area demonstrates mixed residential use: <ul style="list-style-type: none">○ R-1 and R-2 uses along Quarry Road on abutting or adjacent properties○ R-1 uses along Fenwood Road○ R-2 uses on Quarry Road and Knollwood Lane, within 10 metres of subject site

Proposal Details

The applicant proposes to rezone the subject property from its existing R-1 Single Family Dwelling Zone to the R-2 Two-Family Dwelling Zone to maximize its development potential by intensifying land use based on the property being of substantial size.

Enabling Policy and LUB Context

The subject site is designated Low Density Residential (LDR) in the Halifax Municipal Planning Strategy and is zoned R-1 (Single Family Dwelling). The application is to intensify the potential land use through rezoning to the R-2 (Two-Family Dwelling Zone). Council may consider this proposal as both the R-1 and R-2 zones fall under the LDR Generalized Future Land Use Map designation within the Mainland South Secondary Planning Strategy Policies 1.1.1 and 1.1.2. The existing neighbourhood fabric and character appears balanced between R-1 and R-2 properties per policies 1.2 and 1.2.1 of the same Section.

Citywide policies under S.2 Residential Environments support development and future growth provided there are existing services and neighbourhood integrity, scale, and stability is preserved. Policy 2.10 emphasizes the importance of landscaping, parking, and driveway controls, all of which come into play in this application as the property has yet to be developed. Any development of the site would be subject to the full extent of site preparation and grading requirements (By-Law L-400 Respecting Lot Grading) and street access (By-law S-300 Respecting Streets) regulations at the time of permitting.

COMMUNITY ENGAGEMENT

The community engagement process was consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to

property owners within the notification area. Four residents responded to staff and public comments received include the following topics:

- Concern regarding ground water management given a recent water main break on Edgehill Road in late 2017 which caused local flooding;
- The steep topography of the site complicates community expectations of any development, both for R-1 as-of-right and R-2 with regards to engineering needed for retaining walls and driveways, as well as overland water flow related to lot grading and vegetation loss.

A public hearing must be held by Halifax and West Community Council before approval of the rezoning can be considered. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact neighbourhood residents and property owners.

DISCUSSION

Staff reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A describes the proposed rezoning as a map change that would allow application of the R-2 Zone.

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Neighbourhood Context

Rezoning from R-1 to R-2 will modestly increase density with minimal impact on neighbourhood character. Zoning in the area varies from R-1 to R-2 which are both low density zones and the requested intensification is generally consistent with existing conditions. Other properties in the immediate vicinity containing two-unit dwellings ranging in lot size from 4,075 to 9,504 square feet each, providing a direct comparison which supports the planning rationale to intensify. The subject site, at 13,000 square feet, is large relative to other lots in the area and can support the proposed two-unit intensity.

Site Conditions

The subject site is a heavily sloped, serviceable, through lot with no civic address and it has never been developed. The small frontage on Fenwood Road with a curb cut appears to have been established through the original subdivision scheme with the intent of facilitating less steep driveway access to the lot rather than through the main heavily sloped frontage on Edgehill Road. Technical reviews completed by Development Engineering, Civic Addressing, and Halifax Water do not identify any significant concerns with the rezoning application and have provided matters for consideration in any future development application.

Landscaping, Parking and Driveways

The subject site has adequate frontage to meet yard size controls as specified in the LUB. Adequate space exists for on site parking for R-2 uses given the generous size of the lot. Should a development permit be applied for, driveway access via Fenwood Road will need to take into consideration trees, sight lines, and lot grading as noted by the Development Engineer. Driveway access off Edgehill Road (and any walkway) will confront the steep grade and may present substantial engineering obstacles, also noted by the Development Engineer.

Drainage and Flooding

Shortly after the application was received in November 2017, but prior to public engagement, the water main on Edgehill Road fronting the property broke resulting in water crossing the subject site in volumes

sufficient to flood downstream homes on Fenwood Road. Consultation with neighbours suggested a history of water issues in the immediate area however, staff found no record of prior complaints submitted to the HRM. Should a development permit be requested under any zone, the steep grade of the subject site will require considerable attention with respect to drainage patterns resulting from lot grading.

Subdivision

The subject lot is 13,000 square feet based on the Nova Scotia Land Registry records. The minimum lot size under either R-1 or R-2 zoning is 5,000 square feet. There is adequate frontage along Edgehill Road (195 feet) for two lots under the minimum requirement is 50 feet per lot. Theoretical capacity for subdivision exists under the current R-1 Zone and would remain unchanged under the proposed R-2 Zone. Subdivision could lead to a maximum of two lots, each containing up to two units (duplex or semi-detached). Subdivision is not part of this application but that option has been considered as potential form of development by the applicant.

Notwithstanding the development capacity inherent in the proposed zone, the property is subject to very challenging topographical conditions which limit practical development options. The Development Engineer notes the addition of services from Edgehill Road such as additional driveway access will require significant engineering due to the extreme slope. Similarly, a sizable portion of the lot regresses into an acute angle further complicating site planning. Locating and servicing buildings on smaller lots after further subdivision while remaining respectful of setback minimums, lot coverage maximums and driveway grading is highly challenging given the steepness of the terrain.

Council should note that, if the proposed rezoning were approved, any development approach permitted in the R-2 Zone, including further subdivision, could be considered through the as-of-right process without further public engagement or Council approval.

Conclusion

Staff reviewed all relevant policy criteria and advise the proposal is reasonably consistent with the MPS. Modest intensification allows for flexible housing options and increased supply. The R-2 Zone is common in the area and is particularly relevant for a lot of this size even considering the challenging topography. There is neither a preponderance of R-1 or R-2 lots in the neighbourhood, an equation not altered substantially by having this large lot rezoned to R-2. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2018-2019 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed LUB amendment. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

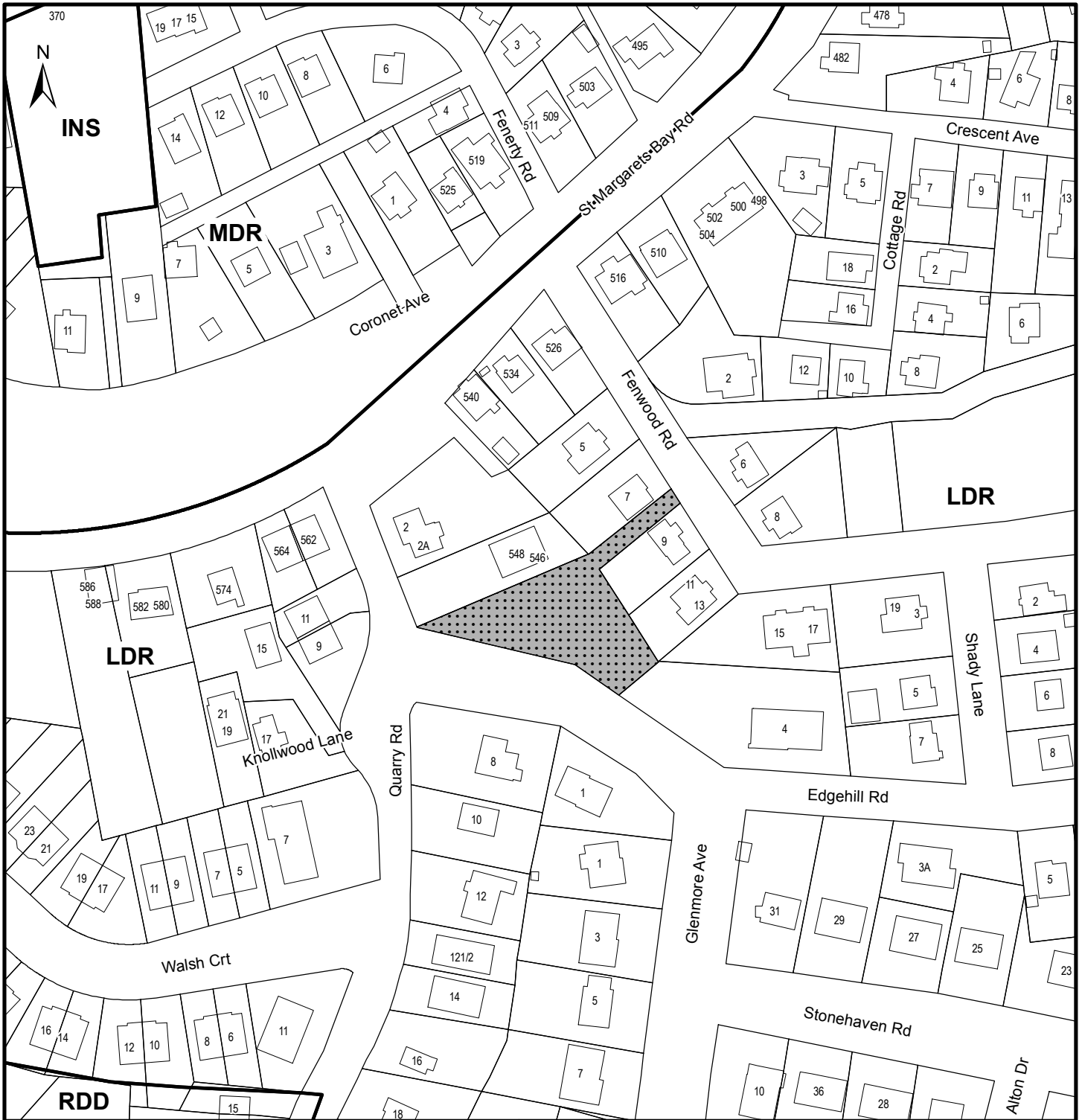
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Relevant MPS Policies and Land Use By-law Sections

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: Scott Low, Planner II, Current Planning, Urban Applications Team, 902.490.6373

-Original Signed-


Report Approved by: _____
Steve Higgins, Manager, Current Planning, 902.490.4382



Map 1 - Generalized Future Land Use

Edgehill Road
Halifax



 Subject Property

Designation

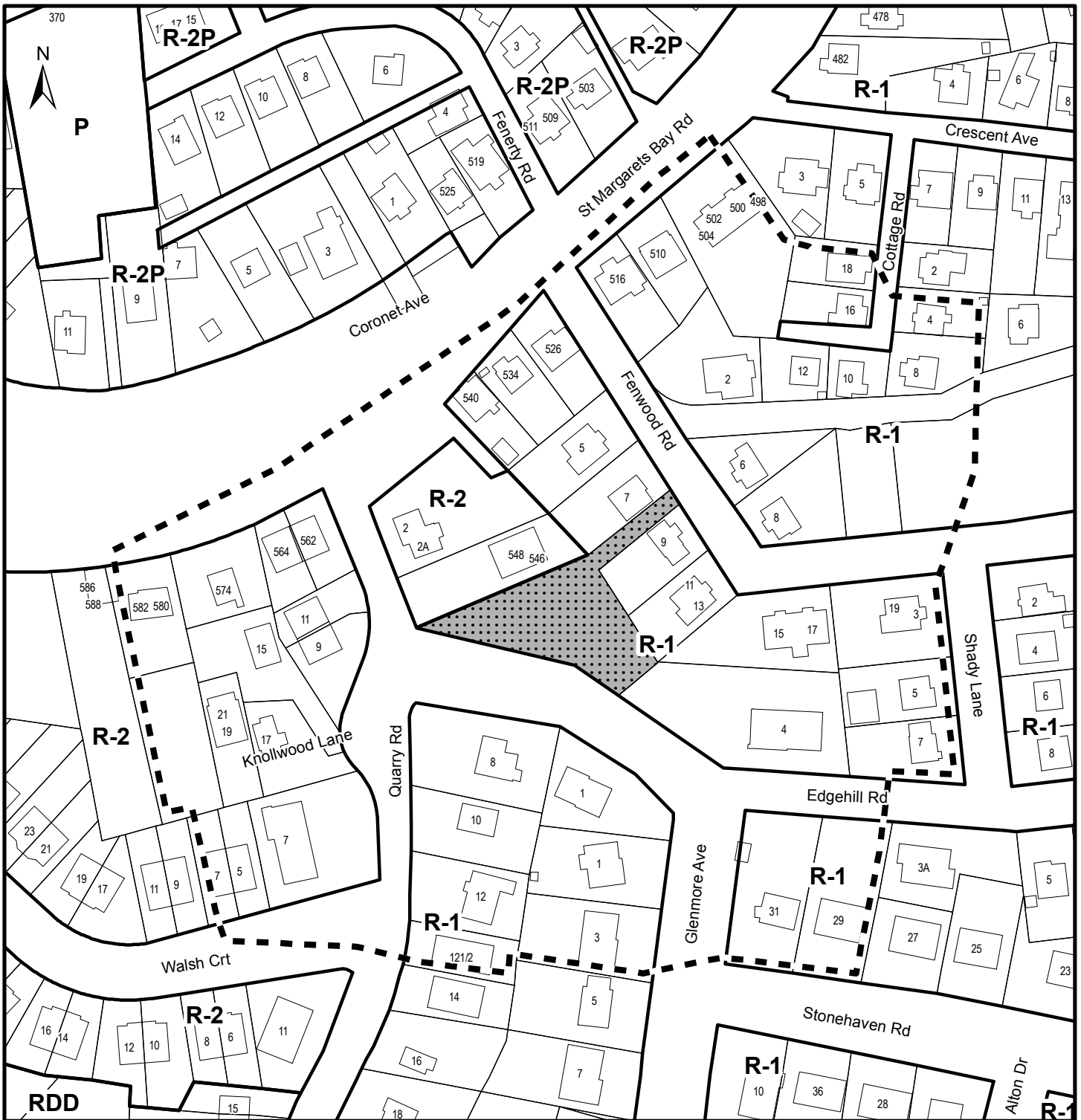
- LDR Low Density Residential
- MDR Medium Density Residential
- RDD Residential Development District
- INS Institutional



Halifax Plan Area
Mainland South Secondary Plan 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 2 - Zoning and Notification

Edgehill Road
Halifax

HALIFAX

-  Subject Property
-  Area of Notification

- Zone**
- R-1 Single Family Dwelling
 - R-2 Two Family Dwelling
 - R-2P General Residential
 - RDD Residential Development District
 - P Park and Institutional



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Halifax Mainland
Land Use By-Law Area

ATTACHMENT A

Proposed Amendment to the Land Use By-law for Halifax Mainland

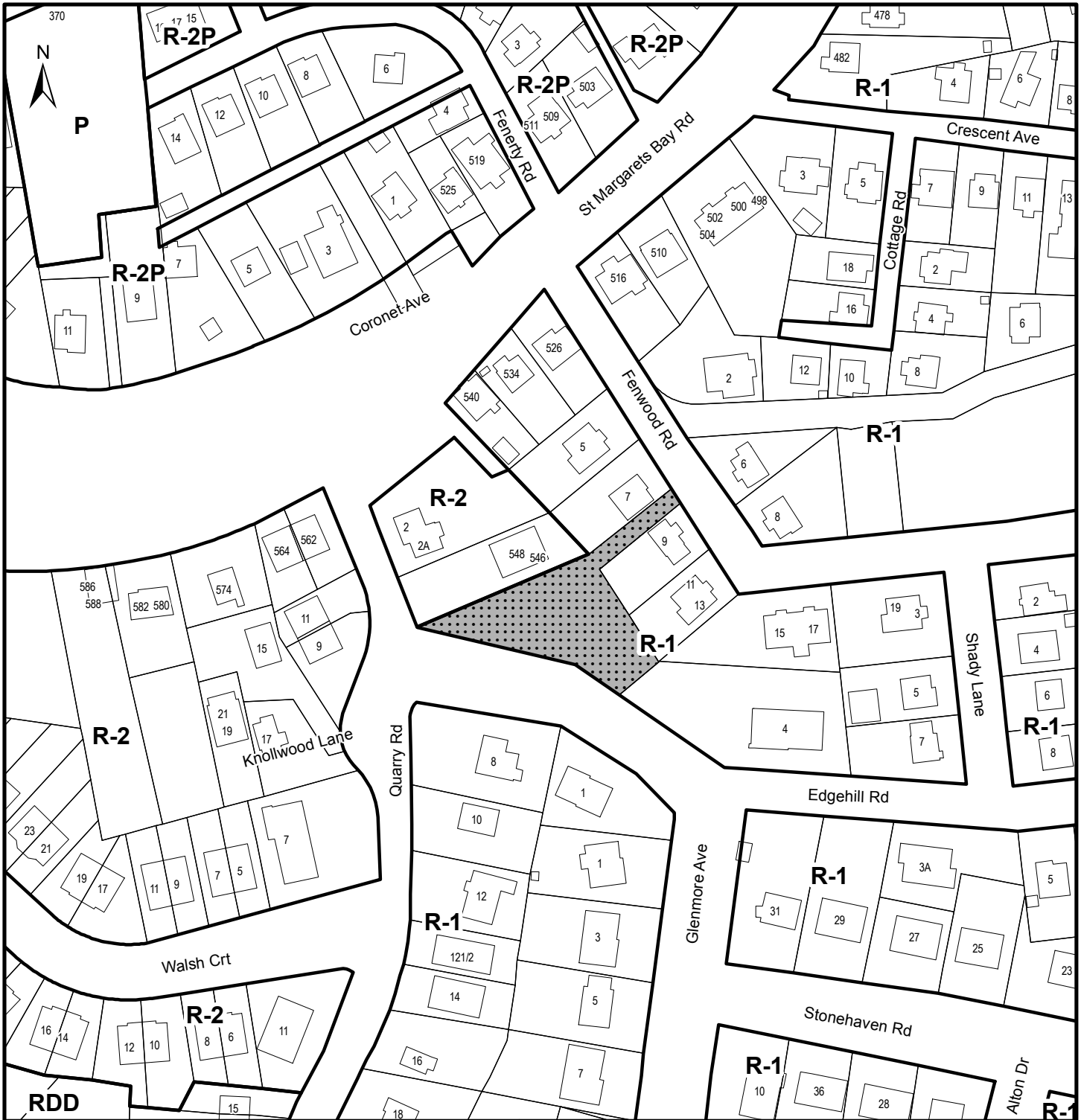
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby further amended as follows:

1. Amend Map ZM-1, the Zoning Map, by rezoning the property identified as PID 00299768, Halifax, from the R-1 (Single Family Dwelling) Zone to the R-2 (Two-Family Dwelling) Zone, as shown on the attached Schedule A.

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 Halifax and West Community Council of Halifax Regional Municipality held on the _____ day of _____, 20__.


GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 20__.

Municipal Clerk



Schedule A

Edgehill Road
Halifax

 Area Proposed to be Redesignated from Residential Environments to Commercial

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- RDD Residential Development District
- P Park and Institutional

HALIFAX



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Halifax Mainland
Land Use By-Law Area

Attachment B 21472
Relevant MPS Policies and Land Use By-law Sections

Halifax Municipal Planning Strategy

Section II – City-Wide Objectives and Policies

2. Residential Environments

Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

Policy	Comment
<i>2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</i>	The subject site is in the Mainland area and is in a neighbourhood already developed and fully serviced. The adequacy requirement is met.
<i>2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i>	While rezoning per se is not new development, the intensity of the proposed rezoning is in line with the existing neighbourhood development pattern with similarly zoned parcels already developed and occupied for decades. Implementation Policy 3.1 was repealed 1990; 3.2 does not apply.
<i>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.</i>	The neighbourhood is established and stable. A rezoning to R-2 will increase housing availability and choice, and perhaps tenure options. New development, should that occur after a rezoning, would add to the variety of housing typologies and “mix” the overall age of the development pattern in a complementary manner.
<i>2.5.1 The City views the neighbourhood as the foundation for detailed area planning. In the process of detailed area planning, residents shall be encouraged to determine what they consider to be their neighbourhoods, and to work with City Council and staff in arriving at an acceptable definition of their neighbourhood and a neighbourhood plan.</i>	Current residents of the neighbourhood were sent a notification of intent to rezone as part of the application process, and the applicant posted signage indicating a change to land use intensity.

<p><i>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.</i></p>	<p>No dislocation is anticipated by this rezoning proposal given the site currently sits vacant. Increased housing and tenure choice are on offer through the process. This type of development, on a topographically challenging parcel, is modest infill and not a large development with appropriate scale to the existing environs. The addition of another unit to the property is like adjacent property land use and intensity, so the change would be manageable and acceptable in context.</p> <p>Implementation Policy 3.1 was repealed 1990; 3.2 does not apply.</p>
<p><i>2.10 For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</i></p>	<p>There is considerable frontage on Edgehill for yardage requirements and driveway/parking is facilitated by the access through Fenwood. The Development Engineer made comments applicable to the Development process and not rezoning. A service pole may need to be relocated for driveway construction on Fenwood Road.</p>
<p><i>2.11 For all residential uses the parking and storage of vehicles such as trailers, boats and mobile campers, shall be restricted to locations on the lot which create minimal visual impact from the street.</i></p>	<p>All parking requirements under the Land Use By-law applicable to the R-2 zone will be followed.</p>

Section II – City-Wide Objectives and Policies

8. Environment

Objective: The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.

Policy	Comment
<p><i>8.9 The City shall maintain the planting and protection of shade trees within its control, and should develop a tree planting program which will improve the quality of the urban environment.</i></p>	<p>Development will assess the impact on trees during the permitting stage related to driveway access. This has no impact on the rezoning per se.</p>

Section IV – Mainland South Secondary Planning Strategy

1. Residential Environments

Objective: The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

Policy	Comment
<p>1.1.1 <i>“Residential Environments” in terms of this secondary strategy means:</i></p> <ul style="list-style-type: none"> (a) <i>Low-Density Residential;</i> (b) <i>Medium-Density Residential;</i> (c) <i>High-Density Residential;</i> (d) <i>Residential Development District.</i> 	<p>The rezoning proposal from R-1 to R-2 would meet requirement (a) for Low-Density Residential use. R-2 increases the intensity of that parcel, but in line with neighbouring parcels, all still low-density.</p>
<p>1.1.2 <i>Forms of residential development which may be permitted in Mainland South are:</i></p> <ul style="list-style-type: none"> (a) <i>conversions;</i> (b) <i>detached dwellings;</i> (c) <i>semi-detached dwellings;</i> (d) <i>duplex dwellings;</i> (e) <i>townhouses; and</i> (f) <i>apartments.</i> 	<p>The subject site is within the LDR designation. R-2 rezoning will not alter nor violate that designation. R-2 rezoning would allow (b), (c), and (d).</p>
<p>1.2.0 <i>In areas designated “Low-Density Residential” on the Generalized Future Land Use Map, which are predominantly single-family dwellings in character, residential development consisting of detached (single-family) dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.</i></p>	<p>Using the standard 250-foot mail out radius, it is not conclusive that there is a “predominance” of single family versus semi- or duplex dwellings. Three of the adjacent or abutting properties are singles, and three are two-unit dwellings. Within the larger neighbourhood, larger lot sizes (or those that have been subdivided) generally support two-unit dwellings.</p> <p>2.1.1 and 2.1.2 do not apply.</p>
<p>1.2.1 <i>In areas designated “Low-Density Residential” on the Generalized Future Land Use Map, which are predominantly two-family dwellings in character, residential development consisting of detached (single-family) dwellings, semi-detached dwellings and duplex dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1 and 2.1.2 of this Plan.</i></p>	<p>See above.</p>

Implementation Policies

General Amendments to the Zoning By-Law

Policy	Comment
<i>4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.</i>	As follows.
<i>4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</i>	The application conforms to the Halifax Municipal Planning Strategy. A development application will lead to further review of by-law and regulatory compatibility.
<i>4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of: i) the fiscal capacity of the City to absorb the costs relating to the development; and ii) the adequacy of all services provided by the City to serve the development.</i>	There is no cost to HRM. Adequate services exist to for this subject site based on technical comments from the staff review.

Land Use By-Law: Halifax Mainland

General Provisions

Policy	Comment
<i>One Building Per Lot</i> <i>7(1) Every building erected after the coming into effect of this by-law shall be located on a lot as defined in this by-law and in no case shall there be more than one building on one lot or one building on more than one lot except as otherwise provided in this by-law.</i>	There are currently no buildings on the subject site.

Land Use By-Law: Halifax Mainland

R-2 Zone Two-Family Dwelling Zone

Policy	Comment
<i>24(1) The following uses shall be permitted in any R-2 Zone: (a) all R-1 Zone uses; (b) a semi-detached dwelling; (c) a duplex dwelling;</i>	These housing typologies are the anticipated form resulting from a rezoning, though a development permit is not part of the rezoning process nor this application.