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Item No. 10.1.1
Halifax and West Community Council
February 22, 2022
December 15, 2021

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: _____
Kelly Denty, Executive Director of Planning and Development

DATE: November 3, 2021

SUBJECT: **Case 23120: Halifax Mainland Land Use By-law Amendments to Change the R-2 Zone Requirements for Semi-Detached Dwellings in Mainland South**

ORIGIN

Application by Armco Capital Inc.

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 reduce the side yard setback and separation distance requirements for semi-detached dwellings in the R-2 Zone in Mainland South and schedule a public hearing; and
2. Adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A.

BACKGROUND

Armco Capital Inc. is applying to reduce the minimum required side yard setback and main building separation distance requirements for semi-detached dwellings in the R-2 (Two Family Dwelling) Zone of the Halifax Mainland Land Use By-law for lands within the Mainland South Secondary Plan Area (Mainland South Area). Specifically, they are requesting to:

- Reduce the minimum required side yard setback from eight (8) feet to four (4) feet; and
- Reduce the minimum required main building separation distance from twelve (12) feet to eight (8) feet.

Clifton Heights

The applicant has stated they are seeking the proposed Land Use By-law (LUB) amendments for a proposed subdivision off Herring Cove Road behind Mansion Avenue called Clifton Heights. While Armco Capital Inc. is requesting the reduced setback and separation distance requirements specifically for their proposed development, the amendments would apply to all R-2 zoned lands within the boundary of the Mainland South Area (see Maps 2A and 2B).

Enabling Policy and LUB Context

Lands zoned R-2 under the LUB are permitted to be developed with a single unit dwelling or a two-unit dwelling. Two-unit dwellings include semi-detached dwellings, which are defined as “the whole of a dwelling house that is divided vertically into two separate dwelling units, each of which has an independent entrance.” The R-2 Zone has provisions specifically for semi-detached dwellings. This style of two-unit dwelling is required to be a minimum of eight feet from side lot lines and a minimum of twelve feet from any other main building.

Implementation Policy 3.1.1 of the Halifax Municipal Planning Strategy (MPS) enables Council to consider Land Use By-law amendments and rezoning requests. Such applications must be reviewed for conformity with the policies of the Halifax MPS, and with regard for Policy 2.4 of Section II (City-Wide Objectives and Policies, Residential Environments). Policy 2.4 speaks to the importance of maintaining neighbourhood stability and ensuring change is compatible with the existing neighbourhood character. Similarly, Policy 1.6 of Section X (Mainland South Secondary Planning Strategy Objectives and Policies) speaks to maintaining zoning regulations that encourage stability and maintenance of the prevalent character and integrity of residential neighbourhoods. See Attachment B for the full list and analysis of all relevant policies.

COMMUNITY ENGAGEMENT

The community engagement process is 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 lands for the proposed Clifton Heights subdivision, 3,573 letters mailed to property owners and residents of R-2 zoned lands or lands abutting R-2 Zoned land, and a narrated presentation on Shape Your City. We received feedback from 167 people. Attachment C contains a copy of a summary of the public feedback. The most vocalized public comments received include the following topics:

- Concerns about increased risk of fire;
- Financial benefit to the developer;
- Negative affect on the quality of life/liveability of the area;
- Negatively affect on the existing character of the established neighbourhood;
- Concerns about the large area affected by the proposed amendments; the scope of the proposal is too significant; and
- Concerns about loss of privacy.

While most of the feedback received was not in support of the proposal, there were several public comments received in support and included the following topics:

- Side yards do not hold a lot of value; and
- Support for the idea of making housing more affordable.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. 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.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Halifax MPS. Attachment A contains the proposed Land Use By-law (LUB) amendments that would allow semi-detached dwellings to be located closer to side lot lines and main buildings on abutting properties. The proposed R-2 Zone amendments will only apply to semi-detached dwelling development on lands within the Mainland South Area.

LUB Amendment Review

Attachment B provides an evaluation of the proposed land use by-law text amendments in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Setback and Separation Distance Requirements

Side yard setbacks are established in the LUB to provide privacy between dwellings and to enable residents to access rear yards and sides of buildings. These amendments would allow dwellings to be built up to four feet closer to both side lot lines and adjacent dwellings than permitted under the current LUB requirements. A four-foot side yard and eight-foot separation distance will allow dwellings to be built closer together but will still provide space for residents to access rear yards and sides of buildings.

The proposed changes do not supersede any Nova Scotia Building Code standards. Any new construction or additions to dwellings require a Construction Permit. During review of the permit application, a Building Official will ensure the exposed building face complies with the Code as it relates to property lines and adjacent buildings. The Code is designed to protect buildings and the people and property inside them from fire and to ensure structural integrity.

Maintenance of Existing Residential Character and Compatibility of Change

The affected area (those lands zoned R-2 in the Mainland South Area) is large and consists of multiple neighbourhoods which differ from one another in their age, topography, natural features, and building typologies. While all of these neighbourhoods exist within the same Secondary Plan Area, changes to the by-law regulations which regulate their development can impact these diverse neighbourhoods in different ways. The LUB requirements play a role in shaping the character of development by placing controls on the siting, massing, and use of development. Semi-detached dwelling development in the R-2 Zone is subject to a number of zone requirements, including side setbacks and separation requirements. A reduction to the minimum side yard setback and building separation distance requirements will allow semi-detached dwellings to be built closer to side lot lines, closer to each other, and to have a wider floor plan (see Table 1 for a comparison of the existing and proposed requirements).

Table 1: Comparison of the current and proposed R-2 Zone requirements for semi-detached dwellings in Mainland South

	Current Requirements	Proposed Requirements
Min. lot area per unit	2,500 square feet	2,500 square feet
Min. lot frontage per unit	25 feet	25 feet

Max. lot coverage	35%	35%
Min. front yard setback	20 feet	20 feet
Min. rear yard setback	8 feet	8 feet
Min. side yard setback	8 feet	4 feet
Min. building separation	12 feet	8 feet
Max. building height	35 feet	35 feet
Min. number of vehicle parking spaces	1 per unit	1 per unit

There are two policies in the Halifax MPS that speak to residential character against which this application has been evaluated. Policy 2.4 of Section II speaks to retaining existing residential character and ensuring change is compatible and Policy 1.6 of Section X refers to maintaining zoning regulations that support and retain the prevalent character.

The proposed amendments are anticipated to have an affect on the character, but the impact will be limited and is not anticipated to change the prevalent character because:

- (1) The changes will only apply to one type of dwelling in the R-2 Zone;
- (2) The changes will only apply to lands in Mainland South;
- (3) The rest of the requirements will remain the same;
- (4) No additional density can be achieved; and
- (5) The side yard can still be used for access to the rear yard and the side of the dwelling, for landscaping, and for storage of infrastructure and utilities.

Scope of Proposal

The proposed amendments will apply to semi-detached dwelling development on R-2 zoned lands in the Mainland South Area. The affected area is large and would apply to a significant number of lots; there are currently approximately 2,426 lots zoned R-2 in the Mainland South Area. Of these, approximately 89.5 percent are already developed (approximately 55 percent are developed as single unit dwellings, 31 percent as two-unit dwellings, and 3.5 percent as other uses) and 10.5 percent are vacant. The vacant lands account for a significant portion of the total land mass and the largest portion of these vacant lands is concentrated on the east side of the secondary plan area along Herring Cove Road.

During the public engagement, the fact this proposal would apply to the entire secondary plan area was raised as a concern by many (fifth most cited concern). In order to limit proposed minimum side yard and separation distance requirements to the proposed Clifton Heights development, the applicant would have to apply to amend the MPS.

The applicant suggested alternative ways to reduce the scope of the application:

- Apply to lots created after the effective date of the land use by-law amendments;
- Apply to lots where the subject lot and abutting lots are created after the effective date of the land use by-law amendments;
- Apply to dwellings constructed after the effective date of the land use by-law amendments (not to additions to existing dwellings); or
- Apply to lands located south of Herring Cove Road.

Limiting the eligibility of the reduced setback and separation distance requirements to new lots or new development is more challenging to administer because it requires confirming the date a lot was created in comparison to the effective date of the amendment. Further, it would benefit new lots and new development only while an existing lot in the same geographic area could only pursue reduced setback and separation through a variance application. Isolating the amendments to only new lots and development could help reduce the impact on existing established neighbourhoods to a degree, but at the same time it would be an unequal distribution of development rights. An MPS amendment would be required to apply the amendments to only lands south of Herring Cove Road. In the end, what is being presented to Council for

decision is proposed text amendments that would apply to any semi-detached dwelling development on R-2 Zoned lands in the Mainland South Area.

The applicant was presented with the choice between an amendment to the MPS which would impact fewer properties, but potentially be a longer process, OR an amendment to the Land Use By-law which would impact more properties, but in a more expedient process. The applicant indicated their preference for a Land Use By-law amendment, thus resulting in the request outlined within this report.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise the proposal is reasonably consistent with the intent of the Halifax MPS. The amendments are anticipated to have a limited impact on residential character. While the amendments affect a large area, the changes would be applied uniformly across the secondary plan area. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2021-2022 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 amendments 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 subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. 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 1A: Generalized Future Land Use – Mainland South Area
Map 1B: Generalized Future Land Use – Mainland South Area

Map 2A: Zoning – Mainland South Area
Map 2B: Zoning – Mainland South Area

Attachment A: Proposed Amendment to the Land Use By-law for Halifax Mainland
Attachment B: Review of Relevant Policies from the Halifax MPS
Attachment C: Summary of Public Feedback

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.

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**Map 1A - Generalized Future Land Use
Mainland South Area**

- R-2 Zoned Parcels Within Mainland South
- Plan Area Boundary
- Mainland South Detailed Plan Area

Halifax Mainland South Area Plan

Planning District 5 Area Plan

Designation - Halifax Mainland South Area Plan

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Development District
- MNC Minor Commercial
- MJC Major Commercial
- INS Institutional
- OS Major Community Open Space

Designation - Planning District 5 Area Plan

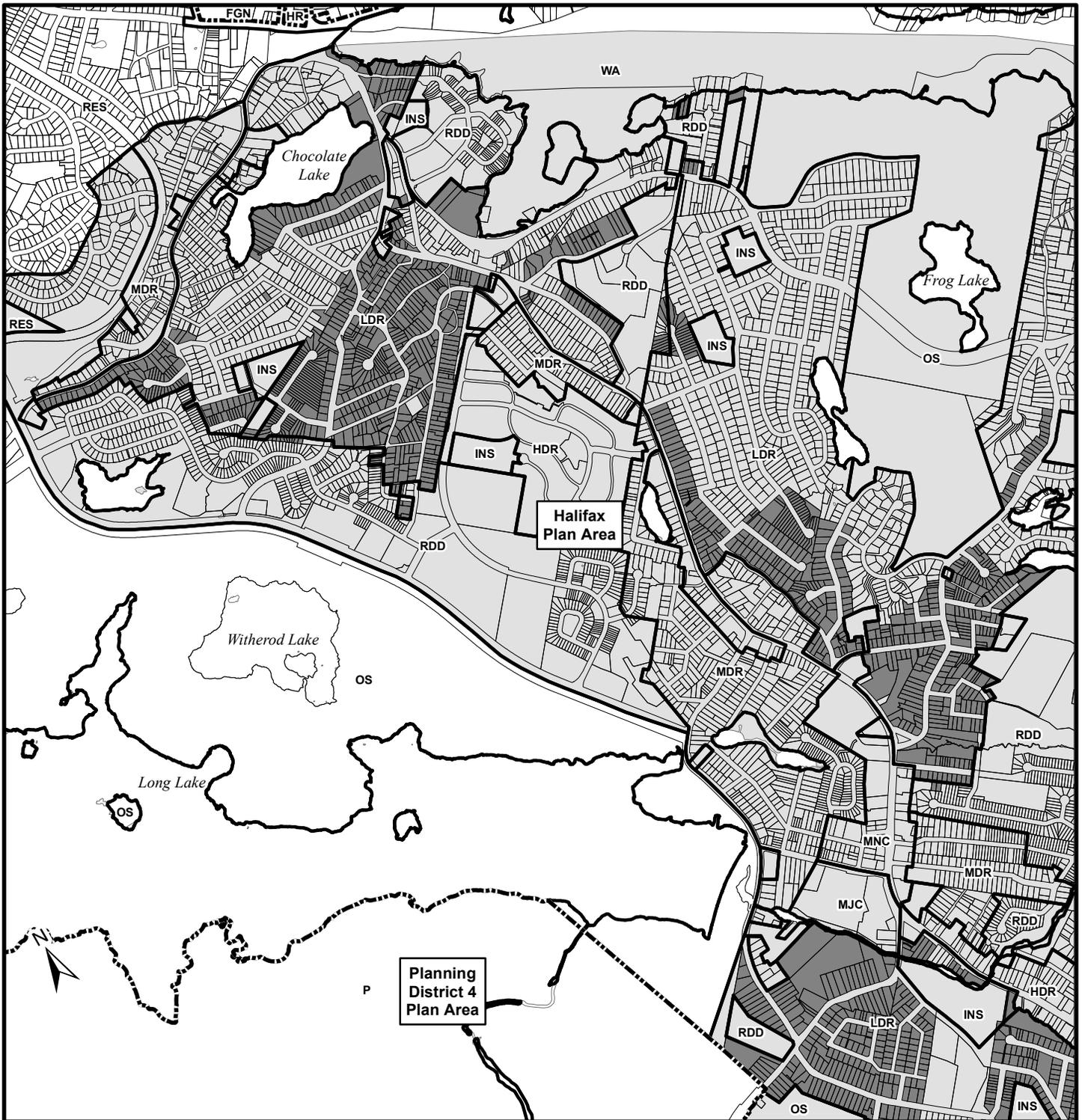
- RES Residential
- IC Industrial Commercial
- RB Rural B
- CNS Conservation
- PRS Preservation
- CDD Comprehensive Development District

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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 1B - Generalized Future Land Use
Mainland South Area**

- R-2 Zoned Parcels Within Mainland South
- Plan Area Boundary
- Mainland South Detailed Plan Area

Halifax Mainland South Area Plan
Planning District 5 By-Law Area

**Designation - Halifax
Mainland South Area Plan**

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Development District
- MNC Minor Commercial
- MJC Major Commercial
- INS Institutional
- OS Major Community Open Space

Designation - Halifax Area Plan

- RES Residential Environments
- OS Major Community Open Spaces

**Designation - Planning
District 4 Area Plan**

- P Park

**Designation - Regional
Centre Package A**

- HR High-Order Residential
- FGN Future Growth Node

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**Map 2A - Zoning
Mainland South Area**

- R-2 Zoned Parcels Within Mainland South
- Plan Area Boundary

Halifax Mainland Land Use By-Law Area
 Planning District 5 By-Law Area

Zone - Halifax Mainland By-Law Area

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- P Park and Institutional
- T Mobile Home Park
- H Holding
- UR Urban Reserve
- RDD Residential Development District
- RPK Regional Park
- PA Protected Area

Zone - Planning District 5 By-Law Area

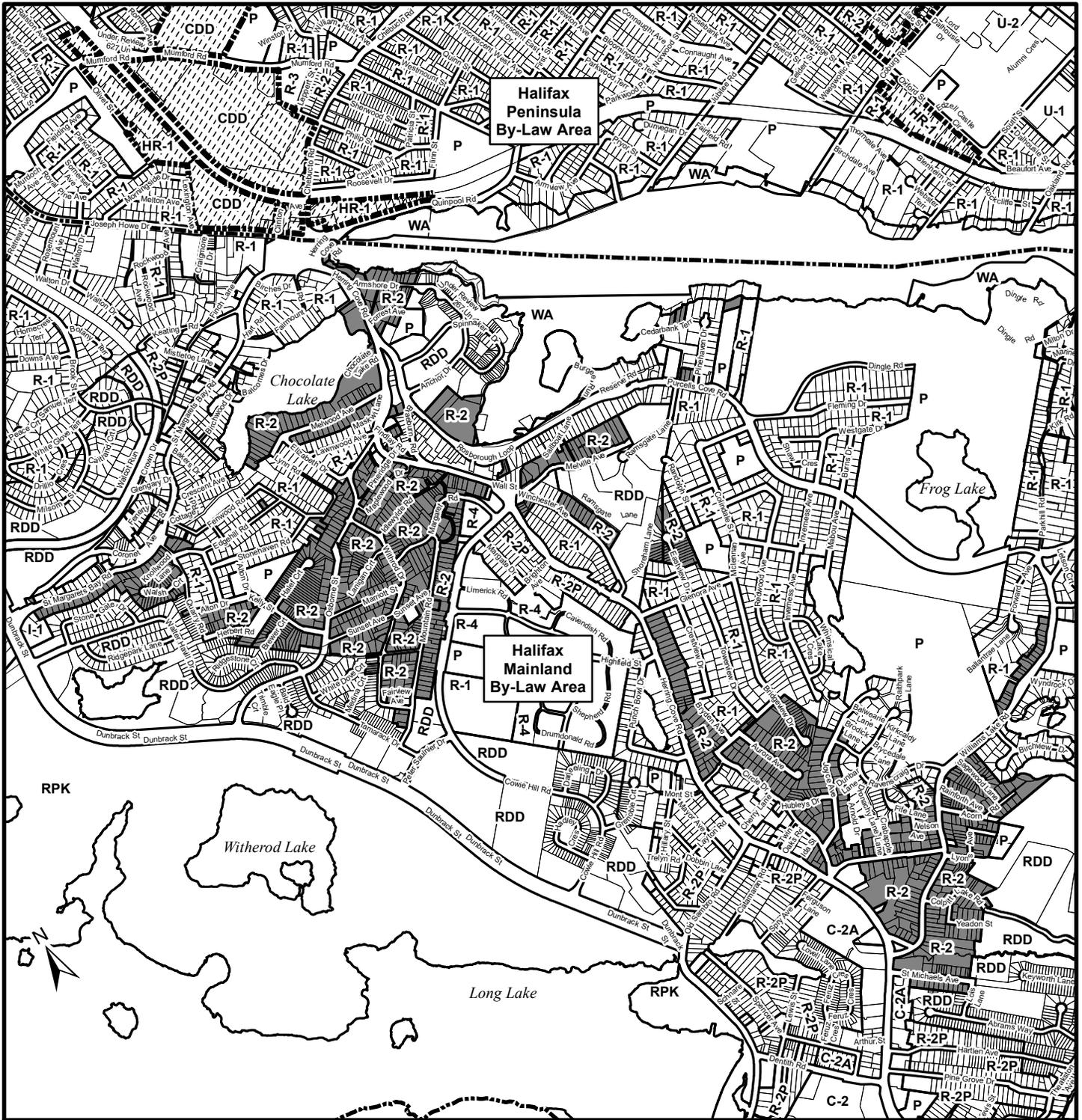
- R-2 Two Unit Dwelling
- R-6 Rural Residential
- HCR Herring Cove Residential
- C-5 Industrial Commercial Mix
- PA Protected Area
- UR Urban Reserve

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**Map 2B - Zoning
Mainland South Area**

-  R-2 Zoned Parcels Within Mainland South
-  By-Law Area Boundary
-  Regional Centre Package A By-Law

Halifax Mainland Land
Use By-Law Area
Planning District 5 By-Law Area

**Zone - Halifax Mainland
By-Law Area**

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- C-2A Minor Commercial
- P Park and Institutional
- T Mobile Home Park
- H Holding
- UR Urban Reserve
- RDD Residential Development District
- RPK Regional Park
- PA Protected Area

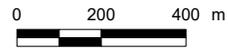
**Zone - Halifax Peninsula
By-Law Area**

- R-1 Single Family Dwelling
- R-2 General Residential
- R-3 Multiple Dwelling
- P Park and Institutional
- U-1 Bakery
- U-2 Low-Density University
- W High-Density University
- Water Access

**Zone - Regional Centre
Package A By-Law Area**

- HR-1 Higher-Order Residential 1
- CDD Comprehensive Development District

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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 Section 26(i) by adding the text shown in **bold** and deleting the text shown in ~~strikeout~~ as follows:

26(i) Notwithstanding the provisions of other requirements:

(1) For each unit of a semi-detached dwelling, the minimum lot frontage shall be 25 feet, the minimum lot area shall be 2,500 square feet, and the maximum lot coverage shall be not greater than 35 percent.

(2) **Subject to (2A),** ~~Every~~ semi-detached dwelling shall be at least 12 feet from any other building and at least 8 ft. from the rear and side lines of the lot on which it is situated and at least 20 ft. from any street line in front of such dwelling.

(2A) Every semi-detached dwelling in the “Mainland South Area” shall be at least 8 feet from any other building and at least 4 feet from side lines of the lot on which it is situated.

(3) Where a semi-detached dwelling is situated on a corner lot, such dwelling and accessory buildings or uses shall be at least 10 feet from the flanking street line abutting such lot.

(4) Notwithstanding subsection (2) **and (2A)** where a lot containing a semi-detached dwelling is to be or has been subdivided so that each unit is on its own lot, there shall be no setback required from the common lot boundary.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on **[DATE]**, 2021.

Iain MacLean
Municipal Clerk

Attachment B
Review of Relevant Policies from the Halifax MPS

SECTION II: CITY-WIDE OBJECTIVES AND POLICIES

Part 2: Residential Environments	
Policy	Staff Comment
<p><i>Policy 2.1</i> <i>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></p>	<p>The proposed amendment to the Land Use By-law is not anticipated to affect the existing or budgeted services.</p>
<p><i>Policy 2.2</i> <i>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></p>	<p>A reduction in the side yard setback and separation distance requirements for semi-detached dwellings in the R-2 zone would not enable a different use than currently permitted nor any use that is more intense.</p> <p>The proposed amendments would not enable additional residential density (i.e., number of units per acre). It is worth noting however a reduction in the side yard setbacks and separation distances between semi-detached dwellings could give the illusion of more dense development because the dwellings could be closer together. However, no additional lot coverage or height can be achieved nor can there be any additional lots created.</p> <p>Policy 3.1 – Repealed Policy 3.2 – Repealed</p>
<p><i>Policy 2.4</i> <i>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</i></p>	<p>The requirements of the land use by-law influence the character of neighbourhoods. Side yard setbacks and separation distances are two of a number of regulations that inform the placement and size of dwellings in the R-2 Zone. Reducing the minimum side yard setback and separation distance requirements could affect the character of neighbourhoods, but the impact would be limited because all other land use by-law controls will remain the same, including lot coverage and front and rear yard setbacks.</p>

<p><i>any change it can control will be compatible with these neighbourhoods.</i></p>	<p>Side yard setbacks and separation distances provide privacy between dwellings and enable residents to access rear yards and sides of buildings. Side yards are often used to locate utilities and infrastructure for dwellings such as water metres, fuel tanks, and heat pumps. They're also used for storage of refuse and for landscaping. While the side yard could be narrower, it will still provide space for storage and access.</p> <p>Additionally, by reducing the minimum required side yard setback and separation distances, dwelling units could be built wider, offering greater flexibility with the floor plan. Maximum lot coverage will remain the same so the footprint of dwellings cannot be any larger as a result of the changes.</p>
<p><i>Policy 2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The scale of the neighbourhood is both the intensity of use (density) and size of buildings. Neither the density nor the size/massing of buildings will be changing. The proposal will not enable larger buildings, additional dwelling units, or any change in use. Therefore, the stability of the neighbourhood will be maintained as the scale of the neighbourhood is not being affected.</p> <p>No new streets have been proposed with this application. Commercial development is not a component of this application.</p> <p>Policy 3.1 – Repealed Policy 3.2 – Repealed</p>
<p><i>Policy 2.7 The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are</i></p>	<p>This proposal is not to redevelop any specific portion of any existing neighbourhood, but rather to amend the existing minimum requirements for side yard and main building separation distance requirements for semi-detached dwellings in the Mainland South Area. This proposal is not seeking to redevelop, dislocate residents, nor remove existing housing stock.</p>

<p><i>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>Policy 3.1 – Repealed Policy 3.2 – Repealed</p>
<p><i>Policy 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>Parking and landscaping requirements are regulated through the land use by-law. The proposed amendments will not change the existing controls for landscaping, parking, and driveways.</p>
<p><i>Policy 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>Parking and storage of vehicles is regulated through the land use by-law. This proposal does not change the existing parking and vehicle storage requirements.</p>

SECTION X: MAINLAND SOUTH SECONDARY PLANNING STRATEGY OBJECTIVES AND POLICIES

Part 1: Residential Environments	
Policy	Staff Comment
<p><i>Policy 1.2.1 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>Policy 2.1 of the City-Wide Objectives has been addressed above and Policy 2.1.2 is for planned unit development, which does not apply to this proposal. The permitted uses will remain the same. The proposed amendment is to reduce the side yard setback and separation distance requirements for semi-detached dwellings.</p>
<p><i>Policy 1.6 The City shall maintain zoning regulations which encourage stability and maintenance of the prevalent character and integrity of residential neighbourhoods.</i></p>	<p>The Mainland South Area is predominately comprised of residential development. The character of the residential neighbourhoods is shaped by a number of factors including the age and type of housing, placement of dwellings on a lot (e.g., setback from the road), location of development, and size of lots and dwellings. The land use by-law prescribes minimum lot sizes, dwelling height, lot coverage of buildings, parking</p>

	<p>requirements, and controls on the placement of buildings on a lot. The proposed amendments will only change two LUB requirements and the changes will be applied uniformly to semi-detached dwelling development in the R-2 zone in the Mainland South Area, therefore the prevalent character and integrity of residential neighbourhoods will be maintained.</p> <p>Side yards serve as a place for residents to store their waste containers, locate their utilities and other infrastructure (e.g., heat pumps, oil tanks, water meters), plant vegetation, and access their rear yard and sides of dwelling. A narrower side yard can still be used for these purposes, which helps maintain the existing character.</p>
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IMPLEMENTATION POLICIES	
Policy	Staff Comment
<p><i>Policy 3.1.1</i> <i>The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.</i></p>	<p>The application is consistent with Policy 2.4 (see City Wide Policy 2.4 above).</p>
<p><i>Policy 4</i> <i>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></p>	<p>See below.</p>
<p><i>Policy 4.1</i> <i>The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</i></p>	<p>The development proposal conforms to the plan, and detailed review by staff has not indicated any conflict with other by-laws or regulations. There is no concern relative to this policy.</p>
<p><i>Policy 4.2</i> <i>The City shall review the proposal to determine that it is not premature or inappropriate by reason of:</i></p>	<p>There is no anticipated cost to the Municipality. Any work associated with the proposal is anticipated to be within the approved municipal budget.</p> <p>Any new development that would be subject to the proposed amendments would be</p>

<p>i) <i>the fiscal capacity of the City to absorb the costs relating to the development; and</i></p> <p>ii) <i>the adequacy of all services provided by the City to serve the development.</i></p>	<p>reviewed at the permit application stage to ensure there are adequate services. The proposed amendment will not enable additional density and is not anticipated to have any direct effect on existing services.</p>
<p>Policy 4.3 <i>More specifically, for those applications for amendments to the zoning bylaw in Mainland South as defined on Map 1, the City shall require an assessment of the proposal by staff with regard to this Plan and the adopted Land Development Distribution Strategy, and that such assessment include the potential impacts of the proposal on: (a) the sewer system (including the budgetary implications); (b) the water system; (c) the transportation system (including transit); (d) existing public schools; (e) existing recreation and community facilities; (f) the provision of police and fire protection services; and any other matter deemed advisable by Council prior to any final approval by City Council.</i></p>	<p>The Land Development and Distribution Strategy is outdated. While a review of the Strategy was not done, the anticipated effects of the proposal on items (a) through (f) was considered.</p> <p>The proposed amendment will not enable additional residential density to be achieved. Therefore, the amendments are not anticipated to have any additional impact on the sewer systems, water systems, transportation systems, public schools, recreation and community facilities, and fire and police services.</p>

Community Engagement Summary

Case 23120: R-2 Zoned Lands, Mainland South

On April 8, 2021 HRM staff formally invited the public to provide feedback on Case 23120. The application webpage on halifax.ca was updated to notify the public to submit feedback to the Planner assigned to the application. The webpage linked to a narrated presentation about the proposal and planning application process on Shape Your City. Letters were mailed to 3,574 addresses of property owners and tenants who own or live on R-2 Zoned lands or who own land or live next to R-2 Zoned lands. The letter provided the recipient an overview of the proposal, asked them to share their thoughts on the application, and directed them to where they could find more information and who to contact with feedback and/or questions. The formal public engagement period was open until May 6, 2021. We heard from 167 households/individuals. A summary of the feedback follows.

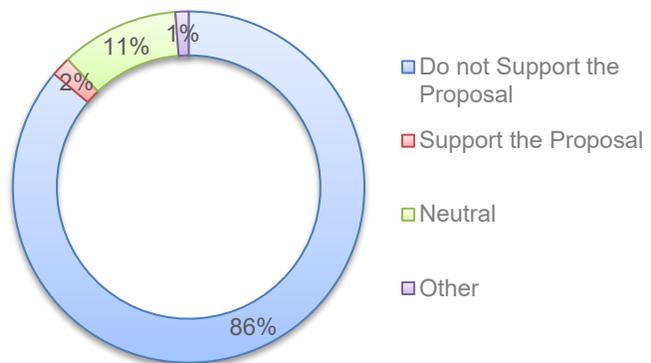
Overview of the Proposal

Armco Capital Inc. is requesting to amend the side yard setback and separation distance requirements for semi-detached dwellings in the R-2 (Two-Family Dwelling) Zone of the Halifax Mainland Land Use By-law for lands within the Mainland South Secondary Plan Area. Semi-detached dwellings in the R-2 Zone currently must be setback at least eight (8) feet from side lot lines and twelve (12) feet from any other building. The applicant has asked to reduce the side yard setback to four (4) feet and the minimum separation distance to eight (8) feet.

What we heard

Of the 167 unique emails and calls we received, 143 people expressed they do not support the proposal, four (4) were in support, and six (6) were neutral. Twelve (12) people had questions but did not share their thoughts on the proposal. Two people who provided opinions were not included in the for or against category because their feedback was not related to the proposal.

Figure 1: Type of Comments



See Figure 1 for a breakdown of the feedback. A summary of what respondents like and do not like about this application follows.

What was liked?

Four respondents expressed their support for Armco’s proposal. Between them there were three reasons why they support the proposal:

- Side yards have a lot of value;
- Support the idea of making housing affordable; and
- This will allow homes to be built more quickly.

In the applicant’s planning rationale, they indicated there is demand for wider units. To respond to this demand under the current regulations, the lots would have to be wider than the minimum requirement. The applicant states building on larger lots impacts the affordability of units. They say if they are able to build wider units on lots that meet the existing minimum lot size requirements, they’ll be able to maintain the affordability of the units.

What are the concerns?

We heard a range of concerns and reasons why residents do not support the proposal. These have been grouped and listed below. They are listed in the order of the most cited reason to least cited reason.

Rank	Concern / Reason Why They Don’t Support the Proposal
1	Fire/safety hazard
2	A way for the developer to make more money
3	Negatively affect quality of life/livability of area
4	Negatively affect the existing character of established neighbourhood/area
5	Too large of an area being affected / scope of ask too significant for this process
5	Loss of privacy
6	Existing regulations allow dwellings to be close enough/too close
7	More vehicles on the road (parked and moving)
8	Create a feeling of over crowdedness
8	Loss of vegetation and greenspace
9	Affects people’s ability to use/enjoy their yard
10	Reduce property values
10	Strain existing infrastructure (e.g., roads, schools, etc.)

10	Increase density
10	Insufficient space to access rear yard (e.g., landscaping equipment, emergency services) and keep physically distanced six feet from neighbours
11	Housing this close together is not aesthetically pleasing
12	Insufficient space to maintain side of house (e.g., put up a ladder)
12	Noise pollution
12	More shaded side yards and reduced air flow into houses
13	Wider houses should be built on wider lots
13	Takes away space for installation and/or maintenance of infrastructure and services for house (e.g., heat pump, garbage containers)
13	Don't want people to be able to build closer to their property
14	Once this change is made, we can't go back / it will set a precedent
14	Negative environmental impact
15	Existing regulations are in place for a reason and serve a purpose
15	Takes away space to put snow
15	Doesn't leave enough room for parking
15	Less space for wildlife to travel
16	Could create issues with stormwater runoff
16	Will not create affordable housing
17	Will affect view from houses
18	Will result in windowless walls to meet Building Code

It is important to note some of the concerns specifically relate to the Clifton Heights development. Clifton Heights is a new subdivision Armco Capital Inc. is proposing to build off Mansion Avenue, Green Acres Road and a portion of the 500 block of Herring Cove Road in Spryfield. The development of Clifton Heights is separate from this application and not subject to a public feedback process. Some respondents are concerned the R-2 Zone amendments will enable additional population density in Mainland South, which is not the case. Armco is not asking for changes to the minimum required lot size. Further, this proposal will not enable larger dwellings or more of a lot to be covered by buildings. Some respondents said they would not be opposed to the proposal if the scope was limited to the Clifton Heights subdivision.

Conclusion

Between April 8, 2021 and May 6, 2021, we invited the public to provide feedback on a proposal to amend the R-2 Zone of the Halifax Mainland Land Use By-law. Eighty-six (86) percent of respondents are against the proposal and two (2) percent support it. The remaining twelve (12) percent did not cite an opinion about the application. The reasons people oppose the application are varied, but most are concerned about the increased risk of fire. Some people who are against the proposal said they could support it if the changes were limited to the Clifton Heights subdivision.