

Regional Centre Community Council
December 14, 2022
November 23, 2022

TO: Chair and Members of Regional Centre Community Council

SUBMITTED BY:  (Original Signed)

Kelly Denty, Executive Director, Planning & Development

DATE: October 12, 2022

SUBJECT: Case 24540 Robie Street Transportation Reserve Minimum Setbacks and
Regional Centre Land Use By-law Housekeeping Amendment

ORIGIN

Staff initiated review of the Robie Street Transportation Reserve and Heritage Design Requirements of the Regional Centre Land Use By-law

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Centre Community Council:

1. Give First Reading to the proposed amendments to the Regional Centre Land Use By-law to establish a front and flanking setback of 0.5 metre on Schedule 18 for properties abutting the Robie Street Transportation Reserve, as set out in Attachment A and schedule a public hearing; and
2. Adopt the proposed amendments to the Regional Centre Land Use By-law to establish a front and flanking setback of 0.5 metre on Schedule 18 for properties abutting the Robie Street Transportation Reserve, as set out in Attachment A.

BACKGROUND

A transportation reserve is a planning tool established in the *HRM Charter*, which enables the Municipality to designate lands intended for future municipal strategic transportation projects such as road widening or bus lanes. When a transportation reserve is applied through a municipal planning strategy and land use by-law, it prohibits development and provides the Municipality with up to five years to purchase the property from the time the transportation reserve is in effect. After five years, the lands revert to the underlying zone. Property owners affected by the reserve can also request that the Municipality purchase the designated lands within a year; if the Municipality does not purchase the lands within one year of the date of this request the reserve expires and the lands revert to the underlying zone.

Through the Regional Centre Plan planning process, a transportation reserve was applied to certain properties on Robie Street between Young Street and Compton Avenue, along with a minimum required setback from the reserve of 0.5 metre. This transportation reserve supports the strategic acquisition of lands by the municipality for future bus lanes identified in the [Rapid Transit Strategy](#). Acquiring the lands designated by the transportation reserve is critical to completing the Robie/Young Transit Priority Corridor and the overall rapid transit network.

DISCUSSION

The Robie Street Transportation Reserve established a minimum required setback of 0.5 metre from the boundary of the reserve, as shown on [Schedule 6](#). This setback acts as a front and flanking yard setback for new development on a lot abutting the transportation reserve while the reserve is in effect and overrides minimum setbacks established on [Schedule 18](#).

Staff evaluated the effects on development abutting the transportation reserve based on the required front and flanking setback that would be 0.5 metres before and after the acquisition of the lands in the transportation reserve, and until the Land Use By-law formally removes the Transportation Reserve and adjusts minimum setbacks. However, further staff review determined that the setback from the reserve expires when the lands are acquired by the Municipality as the remaining lot no longer abuts the transportation reserve as they now abut the widened street. Therefore, any new development on lands remaining after transportation reserve lands area purchased will need to meet the required front or flanking setback from the street as shown on [Schedule 18 rather than the transportation reserve under Schedule 6](#). The setbacks along Robie Street on Schedule 18 for the affected section of Robie Street range from 1.5 to 3 metres, an increase of 1 to 2.5 metres above the setback as established with the transportation reserve.

Left unchanged, the setbacks on Schedule 18 will pose significant challenges for development. The setbacks and stepbacks required under the Regional Centre Land Use By-law compress the buildable area of development, on upper floors of mid-rise buildings in particular where stepbacks are required. This contributes to the core concepts of the Regional Centre Plan, such as human scale design and pedestrians first. In this instance, keeping the setbacks between 1.5 and 3 metres creates additional burden on properties, which are in many cases not very deep and are affected by the transportation reserve.

The proposed amendments contained within Attachment A revise the front and flanking setback for properties abutting the Robie Street Transportation Reserve to 0.5 metre on Schedule 18 to create consistency for the application of setbacks under the transportation reserve and after the reserve expires.

Other Housekeeping Items

During a routine review of the Regional Centre Land Use By-law, staff discovered a drafting error contained within the Heritage Design Requirements, which incorrectly references a section of the by-law. The attached amendments correct this reference and will point to the intended section of the by-law.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with the recommendations contained within this report. However, the reduced setbacks will positively impact the development potential of subject properties and may reduce the cost of municipal acquisition of land for transportation reserves.

RISK CONSIDERATION

No risk considerations were identified. Designs for bus rapid transit infrastructure assumed 0.5 m setbacks.

COMMUNITY ENGAGEMENT

The changes contained within this report are minor housekeeping amendments to implement the intent of the Regional Centre Municipal Planning Strategy and Land Use By-law. Extensive community engagement was undertaken during the Regional Centre Package A and Package B planning processes. Public input was also solicited through the case website but no comments were received. Should Regional Centre Community Council support the proposed amendments, a public hearing will be held.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Regional Centre Community Council may choose to:

1. Approve the proposed amendments to the Regional Centre Land Use By-law with modifications, which may require a supplementary report. A decision of Council to approve amendments to a land use by-law is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Regional Centre Land Use By-law, and in doing so, must provide reasons why they do not reasonably carry out the intent of the MPS. A decision of Council to refuse land use by-law amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A: Amendments to the Regional Centre Land Use By-law

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: Ross Grant, Planner II, Community Policy Program, 902.717.5524

Attachment A
Regional Centre Land Use By-law Amendments

BE IT ENACTED by the Regional Centre Community Council of the Halifax Regional Municipality that the *Regional Centre Land Use By-law* is hereby amended as follows:

1. Amend “Schedule 18: Minimum Front and Flanking Setbacks” by replacing the minimum front and flanking setback to 0.5 metre for any lot abutting the transportation reserve as shown on “Schedule 6: Robie Street Transportation Reserve”.
2. Amend “PART V: BUILT FORM AND SITING REQUIREMENTS” by amending Section 102 General Requirement: Development Abutting a Transportation Reserve, as shown in **bold** and ~~strikeout~~ by deleting the text shown in ~~strikeout~~ and inserting the text shown below in **bold**:

102 New development on a lot abutting a transportation reserve, including any portions of any main building located underground, shall:

- (a) have a required setback from the transportation reserve boundary as shown on Schedules 4, 5, and 6-; **or**
- (b) **where the Municipality acquires, in whole or in part, the lands that are the subject of the transportation reserve, then the lots that abut that acquired land shall have the minimum required front or flanking setback as specified on Schedule 18.**

3. Amend “Part VIII: HERITAGE DESIGN REQUIREMENTS” by amending subsection 380(2), as shown in **bold** and ~~strikeout~~ by deleting the text shown in ~~strikeout~~ and inserting the text shown below in **bold**:

380 (2) In the event that the requirements under ~~Chapter~~ **Part VII** conflict with the requirements of this Chapter, the requirements of this Chapter take precedence.

4. Amend “Part VIII: HERITAGE DESIGN REQUIREMENTS” by amending subsection 383(2), as shown in **bold** and ~~strikeout~~ by deleting the text shown in ~~strikeout~~ and inserting the text shown below in **bold**:

383 (2) In the event that the requirements under ~~Chapter~~ **Part VII** conflict with the requirements of this Chapter, the requirements of this Chapter take precedence.

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 Regional Centre Community Council held on the ____ day of _____, A.D., 20____.

GIVEN under the hand of the Municipal Clerk and under
the Corporate Seal of the said Municipality this _____ day
of _____, A.D., 20_____.

Clerk Municipal