

TO: Mayor and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: October 25, 2021

SUBJECT: **Case 23856: Regional Municipal Planning Strategy and Land Use By-law Amendments for Property Along Highway 207, West Chezzetcook**

ORIGIN

On August 31, 2021 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council authorize the Chief Administrative Officer to:

- 1. Enter into the Rapid Housing Initiative Agreement with Canada Mortgage and Housing Corporation (“CMHC”), substantially in accordance with the draft form in Attachment A, to accept \$12,979,021 for the creation of a minimum of 43 affordable housing units by the Affordable Housing Association of Nova Scotia, Souls Harbour and Akoma Holdings Incorporated as further discussed in this report; and*
- 2. Negotiate and execute Contribution Agreements, and any amendments or consents arising from them, with recipients, to distribute CMHC Rapid Housing Initiative funding for approved projects.”*

On October 5 2021 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council:

- 1. Initiate amendments to the applicable secondary municipal planning documents, including the Regional Municipal Planning Strategy and land-use by-laws, to allow the development of a shared housing use and multiple unit residential building that exceeds current density requirements for PID 40302507 along Highway 207 in West Chezzetcook; and*
- 2. Adopt the public participation program as outlined in the Community Engagement section of this report.”*

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council:

1. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and Land Use By-law (LUB) for Planning Districts 8 and 9, as set out in Attachments A and B, to allow the development of a shared housing use and multiple unit residential building that exceeds current density requirements for PID 40302507 along Highway 207 in West Chezzetcook, and schedule a public hearing; and
2. Adopt the proposed amendments to the RMPS and the LUB for Planning Districts 8 and 9, as set out in Attachments A and B.

BACKGROUND

On October 5, 2021, Regional Council initiated a process to consider amendments to the Regional Municipal Planning Strategy (RMPS) and Land Use By-law (LUB) for Planning Districts 8 and 9 to allow the development of a multiple unit residential building that exceeds current density requirements in addition to an existing shared housing use for PID 40302507 along Highway 207 in West Chezzetcook.

Subject Property	PID 40302507, West Chezzetcook
Regional Plan Designation	RC (Rural Commuter)
Community Plan Designation (Map 1)	MU (Mixed Use)
Zoning (Map 2)	RE (Resource) Zone
Size of Site	~1.9 acres (83,956 square feet)
Street Frontage	~75 metres (246 feet) along Highway 207
Current Land Use(s)	Vacant building to be converted into supportive/shared housing
Surrounding Use(s)	The majority of surrounding uses are low density residential uses, however, other land uses surrounding the site include religious and community buildings as well as HRM parkland.

A summary of the existing planning context is included in the [initiation report](#) presented to Council on October 5th.

Proposal Details

The property is currently occupied as a shared housing use in the form of a supportive rooming house targeted towards women. In addition to the shared housing use the applicant proposes to develop a 2 storey multiple unit dwelling containing 12 residential units comprised of a bachelor, one-bedroom and two-bedroom units.

Residents of the multiple unit dwelling will be welcome to participate in programming offered to those in the supportive housing building and will have access to a communal garden area.

This project is one of the three projects approved for funding under the second round of the [Rapid Housing Initiative](#) (RHI) under the Municipal Stream. As part of the criteria of RHI, projects must be complete within 12 months.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the Municipal Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on October 5, 2021. The level of community engagement was a region wide online survey and sharing information on HRM's website.

The online survey was open from October 6 to 20, 2021 and received 246 responses. The majority of respondents were supportive of developing affordable housing. While the majority did support relaxing density requirements for this development there was less support for relaxing other land use provisions such as height and setbacks. A summary of the public consultation is included in Attachment C.

DISCUSSION

The RMPS is a strategic policy document. It sets out the goals and direction for long term growth and development through HRM. The RMPS generally provides broad direction, that shapes community secondary plans and LUBs, but can include site specific policy where a development is of region wide significance. RMPS amendments are significant undertakings and Council is under no obligation to approve these requests. In this case, staff advise that the RMPS, and Planning Districts 8 and 9 LUB should be amended to enable the development of a 12 unit multiple unit dwelling in addition to the existing supportive housing use. The following sections discuss the proposed amendments in further detail.

Proposed Amendment to RMPS and Halifax Peninsula LUB

As the current provisions under the LUB would allow for both a supportive housing use and a multiple unit dwelling, the proposed amendments to the RMPS and Planning District 8 and 9 LUB focus on allowing additional density on PID 40302507. While the existing built form provisions will remain, the proposed amendments will allow the permissible density to be informed by the capacity of an on-site septic system or public wastewater treatment facility.

On-Site Sewage Disposal Approval Process

The installation of an on-site sewage disposal system must be completed in accordance with the Nova Scotia On-site Sewage Disposal Systems Standards through notification or under approval from Nova Scotia Environment. If approval is required a system must be designed by an engineer.

While on-site septic systems are the more common form of on-site sewage disposal in rural areas, there is also the option to consider a sewage treatment plant facility. A sewage treatment plant facility requires operational approvals and has ongoing oversight conditions, such as testing and the need for a certified operator.

Regardless of whether a septic system or treatment plant is the selected method of sewage disposal, no development permit will be issued by the Municipality until the province has provided their approval.

Two Dwellings on a Lot

The existing LUB currently permits 2 dwellings on a lot, only when the lot can receive approval for a preliminary subdivision. While a preliminary review shows that the property is capable of meeting subdivision requirements under the Land Use By-law and Regional Subdivision By-law, as it is not the applicant's intent to subdivide and the two residential dwellings are tied to each other in the services they provide to residents, the proposed LUB amendments would remove the requirement for preliminary subdivision approval when developing two dwellings on PID 40302507. Removing the preliminary subdivision requirements will remove an additional step in the permit review process and expediate the approval process on a whole.

Parking Requirements

The current parking requirements require a minimum of 25 parking spaces for the proposed 12-unit multiple unit dwelling and 7 bedroom shared housing use. 25 parking spaces will require a large portion of the site and the applicant has confirmed that they do not need so many spaces. Staff propose requiring a minimum of 10 parking spaces which will provide the applicant flexibility to provide more spaces in the future if needed.

House Keeping Amendments

While reviewing the land use provisions for the RE zone it was noted that the maximum height is listed as 75 feet and 10.7 metres. The reference to 75 feet is a typo and should state 35 feet. This typo has been corrected through the proposed amendments in Attachment B.

Conclusion

While the proposed amendments are regional in nature, it is important to recognize that the proposed amendments will not introduce new uses or built form requirements to the community but are focused on providing a small increase in density to uses that are already permitted. Further, the proposed development will allow the development of 12 deeply affordable housing units in the West Chezzetcook community and will provide the opportunity to access RHI funding. This not only complies with RMPS Housing and Diversity policies but will further help meet Council's strategic priority to support affordable housing. As such, staff recommend the proposed amendments to the RMPS and Planning District 8 and 9 LUB as contained in Attachments A and B of this report.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2021-2022 operating budget for C320 Regional Planning Program.

RISK CONSIDERATION

There are no material planning related risks associated with the recommendations contained within this report. There is some minor reputational risk based on the perception that any positive recommendation by staff or positive decision by Regional Council could have been influenced by the more advanced timeline of the ongoing RHI approval process. Given the circumstances, that risk is unavoidable. However, staff advise the recommendations attached to this report have been developed solely based on compliance with relevant planning principles and confirm these recommendations would not be changed by the presence or absence of the RHI funding program.

This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. 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

The subject property is located next to the Chezzetcook Inlet. All development must comply with the watercourse and coastal area setback provisions of the LUB for Planning Districts 8 and 9. Further, as a requirement for funding under RHI, projects must exceed energy efficiency requirements of the building code by at least 5%.

ALTERNATIVES

Regional Council may choose to:

1. Modify the proposed amendments to the RMPS and the LUB for Planning Districts 8 and 9, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Such modifications may require a supplementary report. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the RMPS and the Land Use By-law for Planning Districts 8 and 9. A decision of Regional Council to approve or refuse the proposed amendments cannot be appealed to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A: Proposed Regional Municipal Planning Strategy Amendment
Attachment B: Proposed Amendments to the Land Use By-law for Planning Districts 8 and 9
Attachment C: Public Consultation Summary

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: Jillian MacLellan, Principal Planner Social Policy, Regional Planning, Planning and Development 902.717.3167

Attachment A
Regional Municipal Planning Strategy Amendments

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby further amended as follows:

1. Within Section 3.6, Housing Diversity and Affordability, insert Policy S-38 following Policy S-37, as shown in bold as follows.

S-38 HRM shall, through the applicable land use by-law, permit a shared housing use and multi-unit dwelling use at PID 40302507 to support the development of affordable housing through the Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative. Land use by-law requirements shall ensure that the building scale respects the character of the surrounding community.

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 Regional Council of the Halifax Regional Municipality for held on [DATE], 202[#].

Iain MacLean
Municipal Clerk

Attachment C Public Consultation Summary

From October 6 to 20, 2021 the public was encouraged to participate in an online survey regarding what factors are important for residents as staff consider changes to the land use rules for affordable housing developments in the West Chezzetcook community.

The survey was hosted on the HRM Shape Your City website and was advertised through social media such as Twitter and Facebook. During the 2 weeks the survey was live, a total of 246 residents completed the online questionnaire and 512 people visited the webpage.

The survey comprised of 3 primary questions regarding land use and built form and 3 questions seeking demographic information on the survey user.

Question 1: *Staff are considering amendments to land use planning rules to increase the permitted residential density (increase in the number of units) for a property located along Hwy 207 in West Chezzetcook to allow for a development affordable housing targeted to women or women with children who are either homeless or at risk or experiencing homelessness.*

The following provides an overview of the built form provisions for a multiple unit dwelling in the Rural Enterprise Zone.

<i>Minimum front or flankage yard (distance between building and road)</i>	<i>30 ft. (9.1 m)</i>
<i>Minimum rear or side yard (distance between building and neighbouring properties)</i>	<i>½ height of the main building</i>
<i>Maximum lot coverage (the amount of property that can be developed with buildings)</i>	<i>35 per cent</i>
<i>Maximum height of main building</i>	<i>35 ft. (10.7 m)</i>

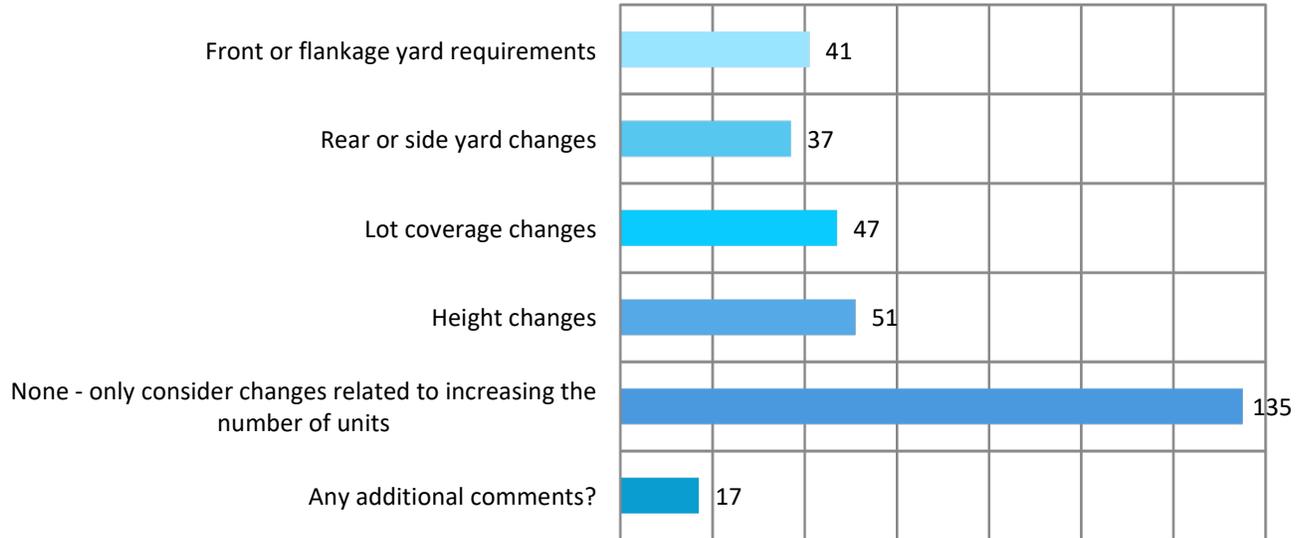
Density for multiple unit dwellings is regulated by lot size where an additional lot area is required for each additional unit over 3-units. The existing site is large enough to accommodate an 8-unit residential building and meet the existing requirements of the land use by-law.

Aside from considering the allowance of additional density (increase in the number of units) to allow for a 12-unit residential building are there any other amendments to the provisions of the Land Use By-law that staff should consider for this development?

- *Front or flankage yard requirements*
- *Rear or side yard changes*
- *Lot coverage changes*
- *Height changes*
- *None – only consider changes related to increasing the number of units*
- *Any additional comments?*

Response:

The majority of respondents supported only changing land use by-law provisions in relation to the number of units. Comments related to this question supported any changes necessary to support affordable housing in the area, including reducing parking requirements while other noted the importance of requiring outdoor amenity space, such as play areas.

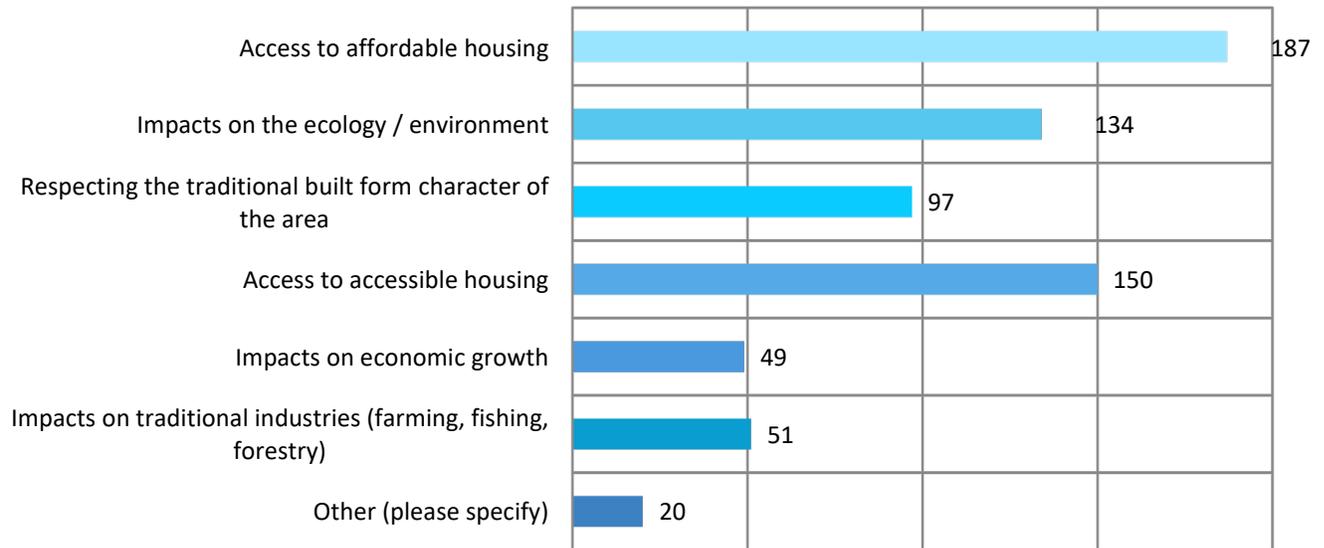


Question 2: *When considering amendments to planning rules in this area what factors do you consider most important (please select all that apply)*

- *Access to affordable housing*
- *Impacts on the ecology / environment*
- *Respecting the traditional built form character of the area*
- *Access to accessible housing*
- *Impacts on economic growth*
- *Impacts on traditional industries (farming, fishing, forestry)*
- *Other*

Response:

The top 3 responses to this question note that access to affordable housing, access to accessible housing and the impacts to the ecology and environment were the most important factors when considering a plan amendment in the West Chezzetcook area. Those who selected “other” noted the importance for transportation. Several respondents noted that the bus service in this area was in the process of being discontinued and that the rural setting may be problematic. Others noted that access to safe and secure housing and energy efficient/sustainable building design were also important considerations.



Question 3: Please share any additional comments you may have on the proposed development.

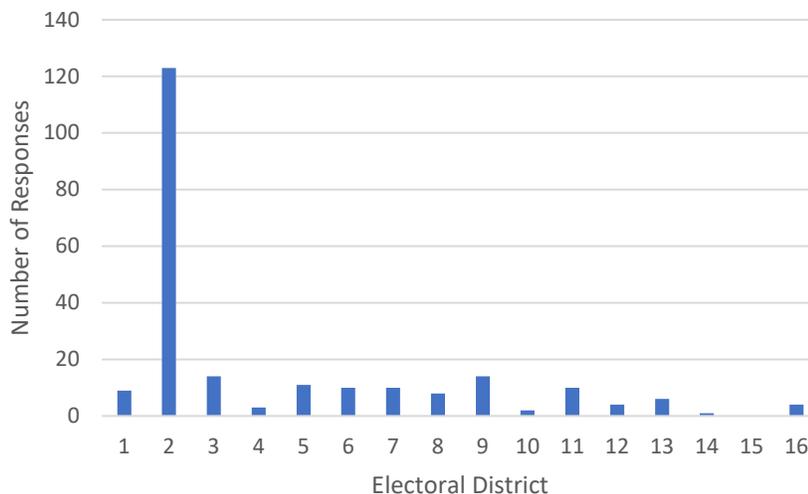
Response:

While survey respondents were generally in favor of the proposed development, some did express concerns if a rural setting was best suited to provide supportive housing. Other comments discuss affordable housing in general and noted that options to access affordable housing should be provided more broadly throughout the municipality.

Question 4: Please provide the first three digits of your postal code

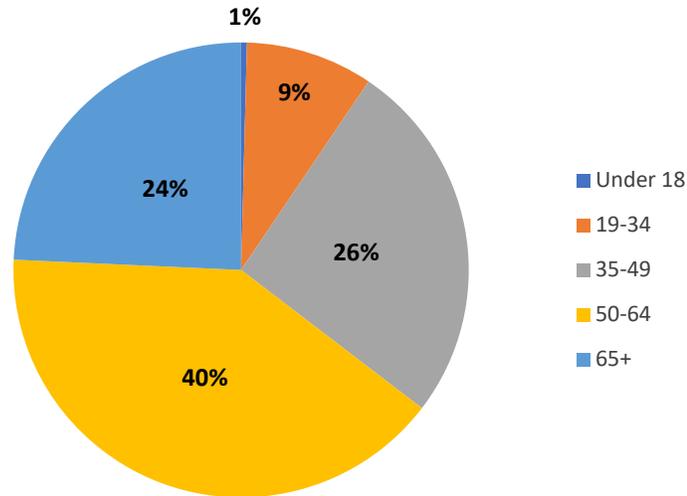
Response:

Residents from across HRM engaged in the questionnaire, with the majority of responses from District 2 (Preston / Chezzetcook / Eastern Shore). There were no responses were identified from District 15 (Lower Sackville). The bar graph below shows the level of response from each district. 15 respondents indicated they reside outside of HRM or provided postal codes that were not identifiable.



Question 5. Which age group do you fall in?

Response:



A wide range of age groups were engaged in the questionnaire. While the majority, approximately 40%, of respondents were between the ages of 50 to 64, there was good representation amongst the other age groups with the exception of under 18, where there was only one respondent.

Question 6. What best describes your housing situation?

Response:

Owners made up the largest group of responses at 80%, while 15% were renters.

