

September 21, 2020

Maggie Holm
Principal Planner
Urban Enabled Applications, Current Planning
Planning & Development
P.O. Box 1749
Halifax NS B3J 3A5

Requested Amendments to the Halifax Mainland Land Use Bylaw to enable reduced side yards in the R-2 Zone

Dear Ms. Holm,

Introduction

This letter supports an intended application by Armco Capital Inc. that will seek amendments to the Halifax Mainland Land Use Bylaw to enable reduced side yards for semi-detached dwellings in the Clifton Heights development off Herring Cove Road in the Mainland South Secondary Plan area. Clifton Heights will be a development of up to 918 housing units, to be built out over the next 5 to 10 years. The entire intended development area is now zoned R-2 (Two Family Dwelling), which enables a mix of units. The project is currently in advanced stages of design, with connections to Herring Cove Road already established and the internal street network laid out. Detailed geometry of the new streets and servicing system design has been prepared, along with a parks and open space network. An application for design approval for Phase 1 with 246 units has already been made. Phases 2 and 3, the subject of this LUB amendment application to enable reduced side yards, will include up to 672 units.

Constraints & Effects of Existing LUB Requirements

The reason for the amendment request relates to the standards of the R-2 zone, which require 8 foot side yards for two unit dwellings. Given that typical R-2 lots are 50 feet wide, and that 25 feet of frontage is needed for each unit, this means that the maximum external width of each unit can not exceed 17 feet. Allowing for the thickness of external and dividing walls, the internal unit width cannot exceed 16 feet which is very narrow and compares poorly to townhouse units where the unit width is normally greater.

In the past, the 8 foot side yard requirement has not been overly restrictive given the narrow width, two-storey designs that were favoured by the market. However, current demand is for wider units, including single level units, which enables more windows on the front and rear and a more favourable

internal layout. In order to meet the demand without a change to the LUB, wider lots of up to 60 feet would have to be created, which would create a development with a density and character consistent with the more suburban areas of the former Halifax County. This has strong negative implications for affordability, as so much of the lot price is tied to the amount of street and piped services needed per unit. Increasing lot sizes would impact unit yield and lower density, and reduce efficiency in terms of utilizing municipal services. A reduction in the side yard requirement to 4 feet for semi-detached dwellings would allow the market to respond to demand while maintaining affordability and ensuring efficient utilization of infrastructure. The R-2 zone in its current form dates to the 1970's, indicating that it is appropriate to reconsider the appropriateness of the required yards.

Requested Amendment

The only amendment being sought is relative to side yards for semi-detached housing as currently established in the R-2 Zone under s. 26 (e) of the LUB. The requested change would reduce the requirement from 8 feet to 4 feet and allow for buildings to be closer than 12 feet apart. Front and rear yards and maximum lot coverage would remain the same, thus simply enabling a redistribution of building footprint. In order to achieve the goal of affordable R-2 development, the LUB can be amended in several different ways.

- Revise the R-2 zone to allow 4' side yards and an 8 foot separation distance. It is recognized that this approach would result in the reduced yard applying to all existing and future lots in Halifax Mainland, and raises questions about potential impacts and the extent of required community engagement.
- Revise the R-2 zone with the reduced side yard and separation to apply only to those lots created after a certain date, so that existing developed areas are not affected.
- Amend the LUB such that the amendment is applicable only to the Clifton Heights development, through use of a site specific clause.
- Create a new modified R-2 zone and apply it to the Clifton Heights development. This would involve both a LUB text amendment and a rezoning, and would allow the zone to be applied to other new developments on a discretionary basis.
- In addition to one of the above options, include a provision that where there are abutting lots which are already developed, the side yard for new development is to remain at 8 feet so that the existing development is not affected by the new standard.

Precedents for Site Specific LUB Provisions

As noted above, the LUB can be amended such that only Clifton Heights is affected, or alternatively the requirement could be applied across Mainland South. There is considerable justification and precedent for adopting provisions that are specific to Clifton Heights. By using a site-specific approach, there are no concerns about potential impacts on other properties with the same zone throughout the bylaw area. This approach has often been used - each of the Halifax Mainland and Peninsula Land Use Bylaws contain numerous site-specific provisions that are not enabled by corresponding site specific MPS policy.

The HRM Charter does not require MPS policy support for most LUB provisions. And in the absence of very specific enabling MPS policy that creates a zone and sets out limiting parameters, the LUB can

contain a wide range of regulations and standards which are subject to revision by a Community Council. In the case of Clifton Heights, the lands are designated Low Density Residential. The relevant MPS policy for this designation (Mainland South 1.2.1) simply recognizes that single unit dwellings and two unit dwellings are to be permitted. There is no specific reference to creating R-1 or R-2 zones, or as to what type of development standards should be adopted in the LUB. The policy relative to two unit dwellings states:

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.

This type of policy framework gives Community Council considerable latitude in considering amendments to the LUB. Within each zone, there is also the latitude to include standards that apply only to specific areas or circumstances. The LUB could even create a range of residential zones, based on the current policy set, for application to the different forms of both single unit and two unit dwellings.

There are precedents for adopting site specific LUB amendments. Staff have previously recommended that Community Council adopt area or site-specific standards as amendments on several occasions, without the need for either an accompanying site specific MPS amendment or for broad community engagement. Four relevant and clear precedents that support Armco's request include:

- Case 22503 – Amendments to provisions for determining Streetline Grade and Height under the Mainland LUB for specific properties on Percy Street and Joseph Howe Drive, to enable taller development.
- Case 20100 – Amendments to Mainland R-3 Zone to revise required yards for lots created after a certain date, and to enable additional commercial uses on certain R-3 zoned properties along Herring Cove Road (s. 28CJ and 28CK). This case granted additional rights to a very few properties.
- Case 19533 – Amendments to Mainland C-2A Zone to apply only within Bedford Highway Secondary Plan area. These amendments to the C-2A (Minor Commercial) Zone adopted greater development rights in the form of increased height allowances for properties in the Bedford Highway Secondary Planning Area (s. 38c(2) to 38C(4);
- Case 01234 – Amendments requiring different lot sizes in the R-1 zone for the Boscobel subdivision off Purcells Cove Road (s 21 (i)). This shows how a single subdivision can be singled out for special standards.

These examples illustrate how Community Council would be able to alter the R-2 standards solely for the Clifton Heights development as requested by Armco. Utilizing this focussed amendment process limits the amount of community engagement that would be required, as very few properties would be impacted as compared to a broad amendment. Attached is an evaluation of how the requested bylaw amendment satisfies the existing relevant MPS policies.

MPS Amendment Option

It is critical to the advancement of the project, and to being able to provide affordable entry-level priced homes, that there be the ability to reduce the side yard requirement for two unit dwellings. The current MPS gives Community Council the ability to approve an LUB amendment, using one of several possible options outlined above, that would achieve the desired effect. In the absence of support for the LUB amendment, however, it would be necessary for Armco to seek a site specific MPS amendment.

The Mainland South Secondary Plan establishes Residential Development Districts (RDD) as a development agreement option for larger developments. Through an RDD development agreement, site specific development standards can be adopted which typically vary from the LUB. In order to use this option however, the Clifton Heights site would have to be redesignated from Low Density Residential to RDD. This is a much more time consuming process and would be highly inefficient both in terms of time and staff resources given the goal is simply to reduce side yards for two unit dwellings and not to introduce higher density forms. The development as currently proposed will comply with all other LUB standards, so the preferable course of action is to proceed with the more straightforward LUB amendment.

Summary

Armco is seeking this single text amendment to enable the Clifton Heights development to respond to current market demands relative to the optimal width of semi-detached units. The requested amendment would also help keep prices for new homes at the most affordable level. The policy structure of the Halifax MPS and Mainland South Secondary Plan enables the adoption of alternate site development standards and provisions that apply to a limited area. A reduction in required side yards for two unit dwellings is consistent both with the goals of the MPS (see attached policy evaluation) and with past practice to allow adoption of site specific LUB standards. This very small change to just one standard of the LUB can be implemented in a focused manner without impacting all other R-2 properties and without the need for a broad community engagement program.

Please do not hesitate to contact me should you have any questions.

Yours truly,

Original Signed

Mitch Dickey MCIP LPP
Principal, Mitch Dickey Urban Planning

Attachment 1
MPS Policy Evaluation Matrix

Halifax Municipal Planning Strategy (MPS) Section II – City Wide Objectives and Policies	
Applicable Policy	Evaluation
Part 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 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.	The Clifton Heights site has already been zoned for R-2 development and no concerns exist relative to the adequacy or cost of services. A revision to the side yard standards of the R-2 zone would have no impact relative to services.
Policy 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.	The lands that would be affected by the LUB amendment are currently vacant and undeveloped, and there is little abutting development. Much of the development that does exist is in the form of two unit dwellings. Therefore the LUB text amendment to revise site standards for R-2 development would permit a development that is compatible with the existing neighbourhood. To address any potential issue about a reduction in required side yards to 4 feet where there is existing abutting development, the LUB amendment can be worded such that the 8 foot requirement is to be met where there are such existing lots. The required yard for single unit and duplex (over/under) dwellings would not change. The amendment would not affect other site standards for semi-detached dwellings such as minimum front and rear yards or maximum lot coverage. IM Policy 3.1 was repealed, and IM Policy 3.2 is not applicable to this site.
Policy 2.3: The City shall investigate alternative means for encouraging well-planned, integrated development.	This policy indicates that a variety of planning approaches may be used depending on applicable circumstances. This would include allowing for variations in yard requirements in different areas or developments.
Policy 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	To protect the character and stability of existing development adjacent to Clifton Heights, it is appropriate to maintain the 8 foot side yard requirement for new homes that abut such existing development. The yard requirement for single unit and duplex dwellings would not change.

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.	
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 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.	The lands are currently vacant and undeveloped. Much existing development in the area is two unit dwellings, and the LUB text amendment would only permit similar development that is compatible with the existing neighbourhood. To avoid any change that may result in impacts on existing development, the 8 foot side yard requirement can be maintained where there is abutting existing development. IM Policy 3.1 was repealed, and IM Policy 3.2 is not applicable to this site.
Policy 2.8: The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).	This policy addresses the important of housing affordability, and the requested reduction in side yards in the R-2 zone would allow Armco to maintain lower per unit cost lots and keep the cost of new housing down.

Section X - Mainland South Secondary Planning Strategy	
Applicable Policy	Evaluation
Part 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 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.	This designation supports the intended mix in Clifton Heights of single and two unit dwellings. This policy supports an R-2 zone in the Mainland LUB but does specify any standards to be included in the zone other than permitted uses. This allows the LUB to contain a variety of development standards which can vary by area or by site as Community Council deems appropriate.