

DEVELOPMENT APPROVALS & DESIGN REVIEW

Overview

The current development approvals process in downtown Halifax can be slow moving, and a lack of clarity in key policies leaves it vulnerable to appeal. Development Agreements typically take a year or more to negotiate and must go through a public hearing process prior to a decision by Regional Council. Council decisions are appealable to the Utility and Review Board, and it can take a year or more for the Board to reach a decision.

Over the thirty year history of the existing MPS, appeals have typically been launched over building height, compatibility of new development with existing heritage resources, and view protection. The resulting climate of uncertainty has had a negative impact on downtown Halifax's economic competitiveness. Further, the time and money expended on lengthy negotiations and appeals is much better directed to high quality design and construction.

New Approvals Process for Downtown Halifax

As one of the key objectives of HRMbyDesign, the new Secondary Municipal Planning Strategy and Land Use By-law contain a more streamlined development approvals process using site plan approval and design review.

The new process will create clarity and predictability in the development approvals process by establishing a clear framework for maximum building heights in the downtown and by providing highly detailed design guidelines in the Design Manual.

Site Plan Approval

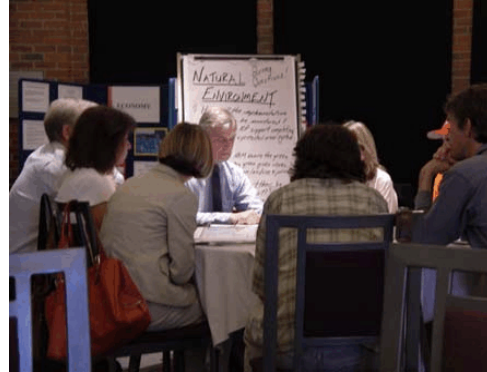
Currently, under the *Municipal Government Act* (MGA), site plan approvals may be issued by the Development Officer for matters relating to building location and site design, subject to notification of property owners within a predetermined boundary. HRM has requested MGA amendments that will expand the provisions of site plan approval to include the authority to regulate the external design of structures and to have applications reviewed, and decided on, by a Design Review Committee.

The Land Use By-law will include clear regulations respecting height and massing (built form) of structures, which will enable the Development Officer to determine compliance more quickly without referral to a complex development agreement process. The Design Manual will include detailed design criteria which will enable the Design Review Committee to evaluate applications objectively and consistently.



The Site Plan Approval process will involve the following steps:

- a. Pre-application review.
- b. Submission of complete application.
- c. Development Officer review under built form and bonus zoning framework (within 10 days from receipt of complete application).
- d. Referral to the Heritage Advisory Committee (HAC) where the application relates to a registered heritage property, or property in a heritage conservation district. The HAC will review applications under established Heritage Building Conservation Standards but may also refer to the Design Manual for clarification where Conservation Standards overlap with design issues. HAC recommendations will be referred to the Design Review Committee.
- e. Referral to Design Review Committee for review and decision in accordance with the Design Manual (within 30 days of receipt of complete application).
- f. Issuance or refusal of Development Permit and Bonus Zoning Agreement (where applicable) based on Design Review Committee recommendations.
- g. Notification of neighbouring property owners (within 7 days of DRC decision). Currently, the MGA limits this notification to property owners within 30 metres, however HRM has requested amendments enabling this to be extended to a greater distance, subject to policy.



Design Review Committee

The Design Review Committee will act as the review and approval body, appointed by Council, for the qualitative elements of an application (quality of design, conformity with design guidelines). The Committee will be comprised of design professionals representing various aspects of the profession, including architects, landscape architects, planners and engineers, and citizens at large. This will enable the committee to arrive at well reasoned decisions based on the guidance of the Design Manual.

Appeals Process

Site Plan Approvals will be appealable to Regional Council by property owners within the designated notification area no later than 14 days of receiving notice. Council decisions must be made within 60 days of the appeal being filed and it will be final. This is a significant difference from the existing approval process, where Council decisions can be appealed to the NSURB.

Refusals of Site Plan Approval will be appealable to Regional Council by the applicant within 7 days of receiving notice. Council decisions must be made within 60 days of the filing of the appeal. Should Council uphold the refusal, the applicant may appeal to the NSURB.

For more information:

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