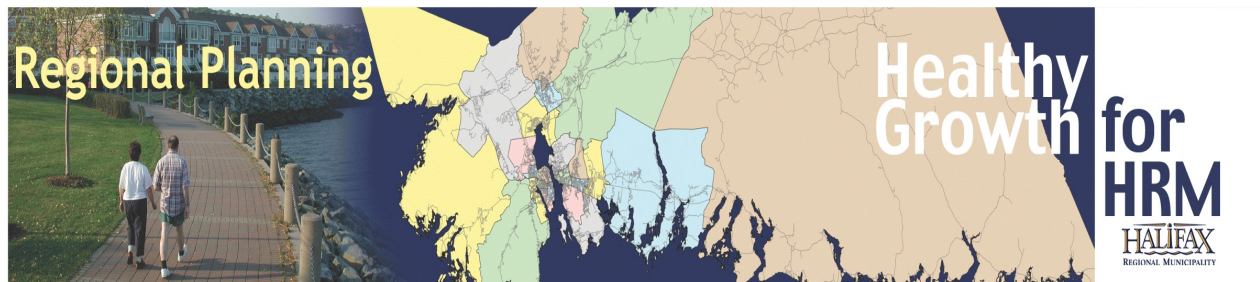


# **A Guide to Open Space Design Development in Halifax Regional Municipality**



**May 2007**



## Introduction

Pursuant to Section 3.5 of the Regional Municipal Planning Strategy (RMPS), subdivision of land may proceed as an open space design development within the Agricultural, Rural Resource and, non-growth management areas of the Rural Commuter designation, through the process of a development agreement (Appendix 1 - Designations).

This Guide provides an introduction to the concepts, application process, information and studies required to carry out two forms of open space design development pursuant to policies S-15 and S-16 of the RMPS.

## What is Open Space Design Development?

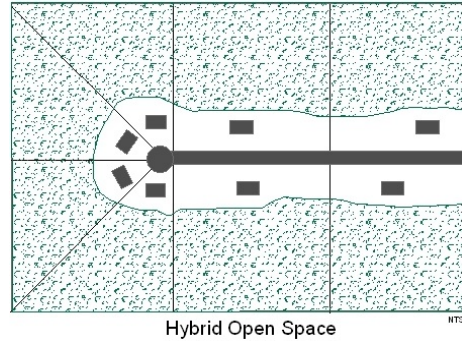
Open Space Design Development is a creative form of subdivision designed to conserve open space. The basic principle of the design is to locate homes on the portion of the site where the soils are best suited for development while retaining the remainder of the site as open space.



Randall Arendt

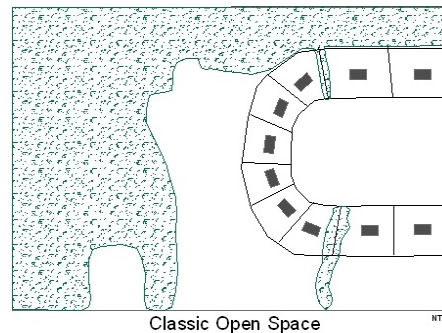
## Hybrid Open Space Design Development

Policy S-15, of the RMPS, allows the development of a hybrid form of open space design within the Rural Commuter and Rural Resource designations. A hybrid open space design development preserves open space by restricting the area for lawns, pavement and buildings to a maximum of 20% of the lot. All of the open space within these subdivisions, except parkland, is located on large individually owned lots. The maximum density of this form of development is 1 unit per hectare.



## Classic Open Space Design Development

Policy S-16, of the RMPS, allows the classic form of open space design development within the Rural Commuter, Rural Resource and Agricultural designations. A classic open space design development preserves culturally and environmentally sensitive areas by clustering smaller lots on a maximum of 40% of the site and preserving 60% of the overall development as common open space. The maximum density of this form of development is 1 unit per 4000 square metres.



## What is the process?

All open space design development agreement applications shall follow a two stage process. Stage 1 is a preliminary site design process intended to determine open space areas to be preserved and potential areas for development. Stage 2 involves the delineation of roads, lots, parks and other physical design features of the development. The Stage 2 Plan requires approval of the applicable community council in the form of a development agreement. If approved, the Stage 2 Plan forms the conceptual plan for future final subdivision applications under the *Regional Subdivision By-law*.

## Stage 1: Preliminary Site Design

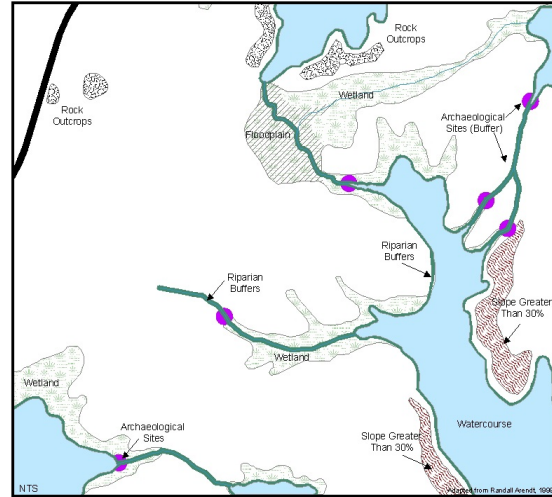
The Stage 1: Preliminary Design Process takes place in three steps as illustrated to the right. Applicants are required to submit **15 copies** of the **Step 3: Potential Development Areas Map**, showing the primary and secondary conservation areas, to be avoided. The map must also show the primary and secondary conservation features on adjacent lands for a distance of 300 metres on parcels of 40 ha or less and 600 metres on parcels greater than 40 ha. The applicant must also submit **1 reduced copy** of this Potential Development Areas Map, no larger than 11" x 17" in size.

Primary and Secondary conservation areas to be included, are outlined below:

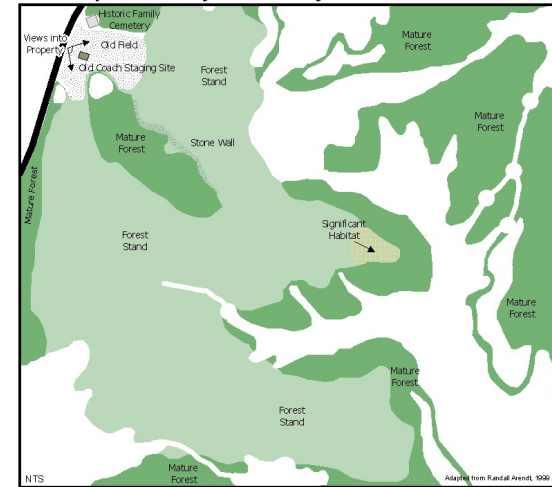
### Primary Conservation Features

- ☐ Minimum **riparian buffers and watercourse setbacks** as per the requirements of the applicable land use by-law
- ☐ All **wetlands** including those identified in the schedule of the applicable land use by-law
- ☐ The **approximate 1:100 year flood plains**
- ☐ **Rock outcroppings** that should be avoided
- ☐ **Class 1 - 3 Agricultural Soils** as identified in the Canada Land Inventory mapping <http://geogratis.cgdi.gc.ca/cgi-bin/geogratis/cli/agriculture.pl>
- ☐ In areas of Class 1-3 Agricultural Soils, describe and show the location of **any agricultural activities** on the property and in the specified context area
- ☐ **Potential Archaeological Sites** as shown on Map 11 - Areas of Elevated Archaeological Potential - of the RMPS
- ☐ Any **groundwater recharge** areas
- ☐ **Significant Habitat and Endangered Species** as shown on Map 5 of the RMPS

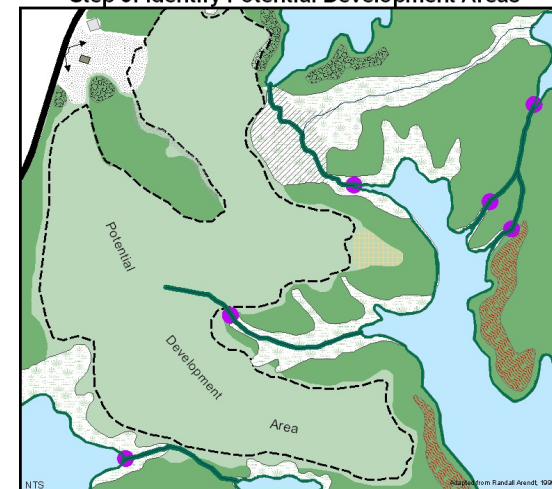
### Step 1: Identify Primary Conservation Areas



### Step 2: Identify Secondary Conservation Areas



### Step 3: Identify Potential Development Areas



Adapted from Arendt, Randall. 1999. Growing Greener: Putting Conservation into Local Ordinances. Natural Lands Trust <http://www.greenerprospects.com/products.html> (accessed September 13, 2006)

## Secondary Conservation Features

- ☐ **Scenic Views** from within and onto the site from the surrounding area illustrated through maps and photographs
- ☐ Any municipally or provincially registered **heritage properties**
- ☐ **Historic** buildings, stone walls, pastoral landscapes, oldfields, meadows & other important features
- ☐ **Mature forests** & other vegetation & comments on their health & condition
- ☐ **Trails and natural networks** shown on Map 3 - Trails and Natural Network - of the RMPS
- ☐ **Parks and natural corridors** shown on Map 4 - Parks and Natural Corridors - of the RMPS
- ☐ **Current & past land use**, all buildings & structures, waste disposal sites, geo hazards such as sulphide bearing slates or areas subject to geological subsidence.

## Stage 1: Required Studies

In addition to the Potential Development Areas Map, the applicant must submit 3 copies of each of the following:

- ☐ **Letter of intent** outlining the rationale for the potential development area, total ha of the site, total ha of potential development area, and proposed mix of land uses (See policy S-15 of the RMPS for permitted range of uses);
- ☐ **Traffic Impact Statement** prepared in accordance with HRM's Guidelines for the Preparation of Transportation Impact Studies;
- ☐ **Level 1 Groundwater Assessment Report** prepared in accordance with HRM's Guidelines for Groundwater Assessment and Reporting; and

- ☐ **Preliminary proposed sewage treatment system** and identification of soils and other conditions capable of supporting the proposed system.

## Stage 1: Recommended Study

To address wildfire safety concerns in the subdivision design, applicants are encouraged to review the Canadian Forest Service Fire Smart: Protecting Your Community from Wildfire at:

[www.partnersinprotection.ab.ca/downloads/](http://www.partnersinprotection.ab.ca/downloads/).

## Review Process

Within 6-8 weeks following the filing of the completed Stage 1 information, the Planner shall:

1. circulate the proposal to all affected agencies and convene a meeting with the applicant and affected agencies to provide comment;
2. schedule a visit to the site with the applicant;
3. convene a public information meeting/workshop to receive public feedback on the potential development envelope (Policies S-15 and 16 deal with conservation site design features and any traffic and water related impacts; they do not authorize HRM to establish architectural controls on the proposed development);and
4. schedule and potentially meet with the applicable watershed advisory board to receive comments (dependant on WAB meeting schedule).

## Stage 1 Sign-off

Modifications may be required to the potential development area pending inter-agency review, public and watershed advisory board input. The Planner will notify the applicant when the potential development area proposal meets the policy requirements and regulations. The applicant may then prepare a Stage 2: Conceptual Site Design Plan.



## Stage 2: Conceptual Design

The Stage 2: Conceptual Design Process also takes place in three steps as illustrated to the right. Applicants are required to submit **15 copies** of the **Step 3: Conceptual Plan**, plus one reduced copy no larger than 11" x 17". The Step 3: Conceptual Plan must include the same information required in the *Regional Subdivision By-law* for concept plans (Appendix 2) including the following:

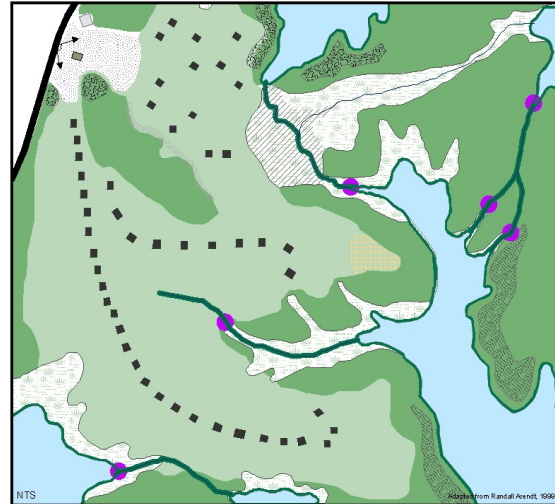
- ☐ Location and type of proposed land uses
- ☐ Total ha of the site, total ha of development area, and number of dwelling units;
- ☐ Proposed frontage, and front, side, and rear yard setbacks for each lot/unit;
- ☐ In a hybrid open space design development show development envelopes (disturbance areas not exceeding 20% of the lot) for each lot/unit, including areas for grading, lawns, pavement, buildings and septic systems;
- ☐ In a classic open space design, show location of communal or individual septic system areas;
- ☐ Total ha and location of areas to be retained as open space (conservation areas, parks, trails, etc.) and include a breakdown of total ha to be dedicated for public use and the total ha to be retained in non municipal ownership; and
- ☐ Trails and natural networks.

## Stage 2: Required Studies & Information

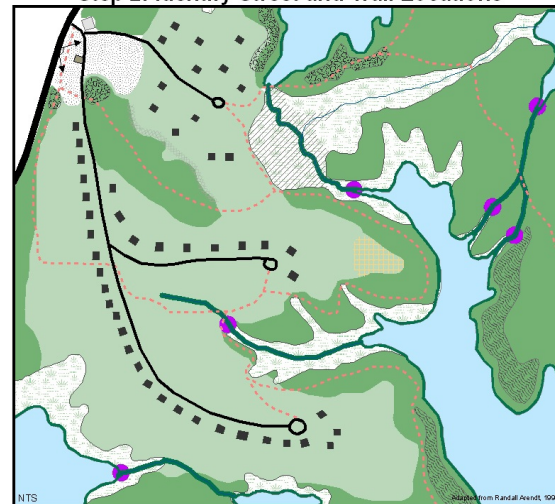
The applicant shall also submit 3 copies of each of the following studies and plans, if required by HRM:

- ☐ **Level 2 Groundwater Assessment Report** prepared in accordance with HRM's *Guidelines for Groundwater Assessment*;
- ☐ **Traffic Impact Study** in accordance with HRM's *Guidelines for the Preparation of Transportation Impact Studies*;
- ☐ **Proposed sewage treatment system** prepared with a sufficient level of information for NSDEL to conclude that it is feasible to service the development;

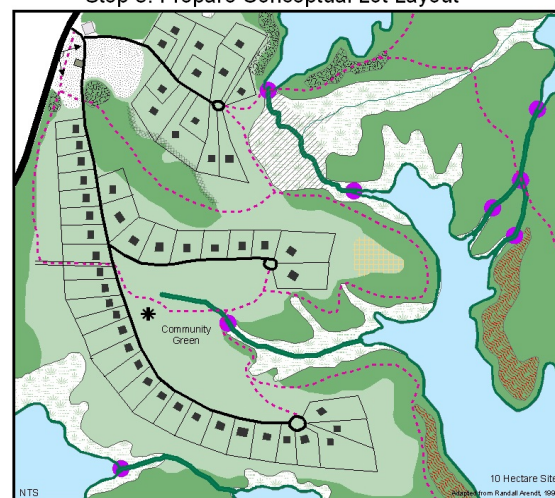
Step 1: Identify House Site Locations



Step 2: Identify Street and Trail Locations



Step 3: Prepare Conceptual Lot Layout



Adapted from Arendt, Randall. 1999. Growing Greener: Putting Conservation into Local Ordinances. Natural Lands Trust <http://www.greenerprospects.com/products.html> (accessed September 13, 2006)

## Stage 2: Required Studies Continued

- ☐ **Archaeological Assessment** if required by the NS Museum;
- ☐ **Stormwater Management Plan**;
- ☐ **Maintenance Plan** for long-term care of wells and septic systems for any communal system not managed by a Condominium Corporation pursuant to the *Condominium Act*; and
- ☐ **Open Space Management Plan** for the long-term restoration and management of open space areas.

## Stage 2: Recommended Study

To address wildfire safety concerns when siting and designing houses, applicants are encouraged to review the Nova Scotia, Department of Natural Resources. *"How to Protect Your Home and Property from Wildfire"*.

## Review Process

Within 6 to 8 weeks following the filing of the completed Stage 2 information, the Planner shall:

1. circulate the proposal to all affected agencies and convene a meeting with the applicant and affected agencies to provide comment: and
2. schedule and potentially meet with the applicable watershed advisory board to receive comments (dependant on WAB meeting schedule).

## Stage 2 Sign-off

Modifications may be required to the Conceptual Plan pending inter-agency review. The Planner will notify the applicant when the Conceptual Plan meets the requirements of the policy and all applicable regulations. Following Stage 2 Sign-off, the Planner will prepare a report and development agreement.

## Statutory Approval

The development agreement is brought forward to the respective Community Council pursuant to the requirements of the *Municipal Government Act*. In accordance with the Act, a public hearing must be held to receive public feedback on the proposed development. The decision of Community Council is also subject to a period for appeal before the Utility and Review Board.

The agreement only takes effect after the appeal period has lapsed or any appeals have resulted in an approved agreement. Following the conclusion of the statutory process and the signing of the agreement, applications may be made for final subdivision approval pursuant to the agreement and the *Regional Subdivision By-law*.

## Where do I apply?

Please contact one of HRM's Planning Services Offices before preparing plans for submission:

### Dartmouth Planning Services Office

Alderney Gate  
40 Alderney Drive, 2<sup>nd</sup> Floor  
Dartmouth, NS, B2Y 4P8  
902-490-4472

### Halifax Planning Services Office

West End Mall  
6960 Mumford Road  
Halifax, NS, B3L 4P1  
902-490-4393

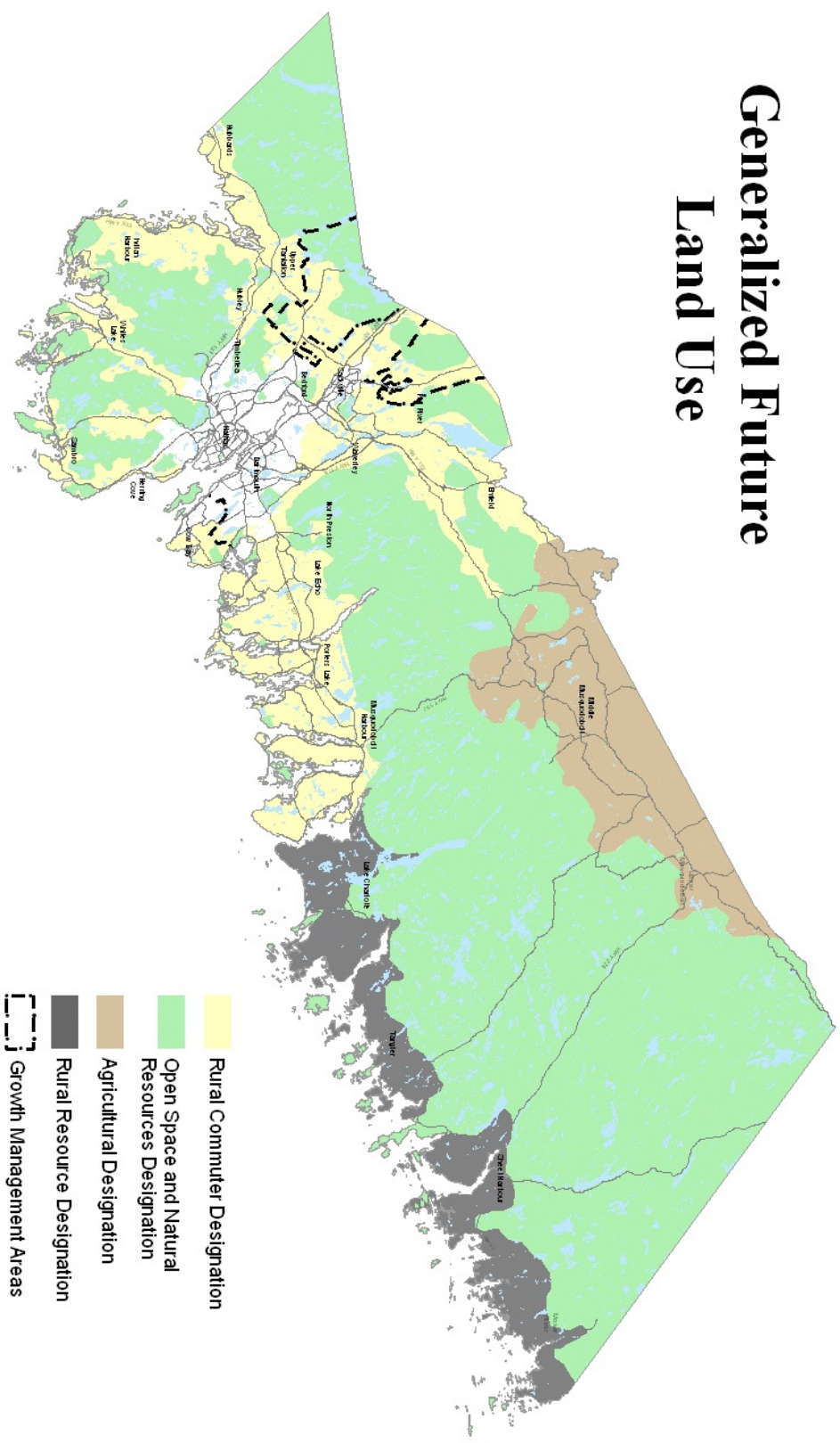
### Sackville Planning Services Office

Acadia Centre  
636 Sackville Drive  
Lower Sackville, NS, B4C 2S3  
902-869-4360

## Additional Resources

Randall Arendt's publications:  
[www.greenerprospects.com/products.html](http://www.greenerprospects.com/products.html)

# Generalized Future Land Use





## **Appendix 2 - Excerpt from *Regional Subdivision By-law* - Requirements for Concept Plans**

The concept plan shall be at a scale sufficient for clarity of all particulars of the plan. The concept plan shall be prepared by a Nova Scotia Land Surveyor or Professional Engineer and be based on the best available mapping or aerial photos. The plan shall illustrate:

- (a) the name of the proposed subdivision and of the owner of the area of land if different from the subdivision name, including the book and page number of the deed for the area of land as recorded in the name of the owner in the Registry of Deeds or Land Registration Office;
- (b) the name of each abutting subdivision or the names of the owners of all abutting land;
- (c) a key plan drawn to a scale not smaller than 1:50 000 located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the scale to which the key plan is drawn and the community within or closest to which the proposed subdivision is located;
- (d) the North point;
- (e) the scale to which the plan is drawn;
- (f) the internal street system of the development with connections to abutting public streets or highways and private roads, and anticipated major pedestrian traffic patterns;
- (g) the location of all watercourses and wetlands within and adjacent to the area of land, any prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewer systems, storm sewer systems, water distribution systems, or public streets or highways and private roads;
- (h) the proposed street names in accordance with the *Civic Addressing By-law*;
- (i) the words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and the Department of Environment and Labour's lot size requirements, if applicable;
- (j) a clear space for stamping, measuring at least 10 cm wide by 25 cm high and located in the lower left-hand corner of the plan;
- (k) the proposed subdivision phasing sequence;
- (l) the proposed location of the park dedication in the form of land, including the delineation of any 1 in 10 year flood plain within the site;
- (m) existing on-site development, and existing and proposed community and commercial uses;
- (n) all existing registered easements and rights-of-way;
- (o) contours at a 5m interval minimum;
- (p) the location of any municipal service boundary on the site; and
- (q) any other information required by the Development Officer to determine if the concept plan conforms to this by-law.

*Please note the above section is reproduced for convenient reference. Please refer to the Halifax Regional Municipality, Regional Subdivision By-law for complete and official reference.*

[illegible]

This brochure has been prepared to provide basic information about the process for preparing an open space design development. Any difference between the contents of this document and applicable by-laws, regulations, codes and procedures shall be resolved by reference to the official documents.