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## MEMORANDUM

TO: Community Design Advisory Committee

CC: Kelly Denty, Acting Director Planning & Development

FROM: Carl Purvis, Acting Manager Urban Design, Planning & Development

DATE: February 20, 2018

SUBJECT: **Draft Regional Centre Secondary Municipal Planning Strategy (RCSMPS) and Land Use By-law (RCLUB) - Package A Designations**

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### Origin

Over the past year, the Centre Plan has reached this point in the process of developing draft planning documents via direction from both Regional Council as well as feedback from the Community Planning and Economic Development Standing Committee (CPED) as follows:

- A Regional Council June 13, 2017 motion authorizing the direction contained within the Centre Plan document (“The Purple Document”) as a framework for amending existing planning documents and developing new planning documents
- A Regional Council January 18, 2018 motion requesting consideration for enabling higher order residential development in the area between Fenwick, Queen, Victoria, Inglis, and South Park, South, Harvey, Church and Barrington and where lots in existence prior to January 1, 2018 exceeded 6,000 square feet in area.

### Background

Work on the Centre Plan process has been ongoing since 2015, and the Centre Plan Team is pleased to present the attached Draft Package A Secondary Municipal Planning Strategy (RCSMPS) and Land Use By-law to CDAC. The development of these planning documents based on the Centre Plan direction document released to CDAC in March of 2017. It has also included detailed analysis of all previous studies and background reports, existing policies and regulations, Regional Plan policies, and additional direction received from CDAC, CPED and Regional Council. Modest changes to mapping and designations have also

been made in response to feedback received from property owners and the community at-large where these amendments were found to remain consistent with the principles of the Centre Plan direction document. The project was also informed by the Plan and Land Use By-law Simplification Project. Best practices such as consideration of user-friendliness, online readiness, plain language, map-based regulations, simplification of approval processes, and fewer zones based on land use were incorporated into the project.

On June 13, 2017, Regional Council authorized staff to develop new planning documents, and amend existing planning documents as may be necessary to implement the Centre Plan direction. [The Centre Plan report](#) discussed by Regional Council at that meeting contained additional recommendations from the Community Design Advisory Committee and from the Community Planning and Economic Development Committee, as well as staff proposals for the adoption of the Centre Plan documents. The adoption path approved by Council involved separating the plan into 2 packages. These packages can be described as follows:

- Package A, illustrated in Figure 1 below, for areas of greatest anticipated change (Centres, Corridors, Higher Order Residential and Future Growth Nodes); and
- Package B, for all other areas (Parks and Open Space, Established Residential, Intensive Employment, Intensive Institutional, and Small-Scale Institutional).

As noted in the Centre Plan report, the original intent was to present Package A to CDAC for a recommendation to CPED by fall 2017 and Package B by the winter of 2018. The attached package presents the Draft RCSMPS and RCLUB, including a Draft Design Manual for Package A for the purpose of public consultation. Other amending planning documents inclusive of policies and by-laws for Package B will be presented to CDAC and the public later in 2018.



**Schedule 1: Regional Centre  
Land Use By-law Boundary**

- Regional Centre Boundary
- Package A Boundary

HRM does not guarantee the accuracy  
of any representation on this plan.



Regional Centre  
Land Use By-Law

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Last Updated January ??, 2016

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**Figure 1: Draft Regional Centre and Package A Boundary**

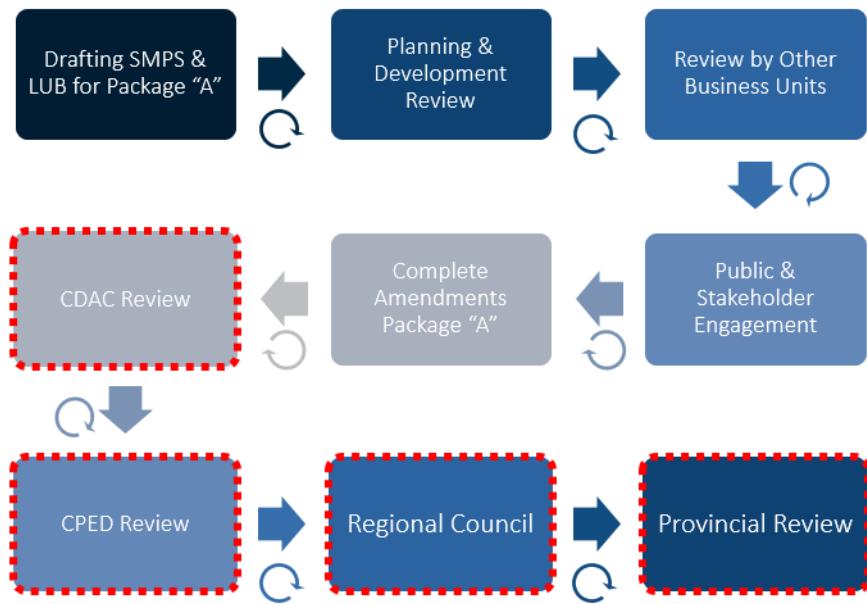
## **Process Path**

The process path in Figure 2 below outlines the steps involved in formally adopting new Regional Centre SMPS and LUB documents for areas within Package A. Other internal HRM business units will have an opportunity to review and provide comment on the documents in parallel with the public consultation taking place between March and May. The Centre Plan team will also be undertaking public and stakeholder engagement as outlined in the “Implementing the Centre Plan” community engagement strategy approved by CDAC on December 14, 2017.

It is important to note that some technical challenges do exist in formally adopting portions, but not all of a new SMPS and LUB. If all steps outlined in the process path below were to be followed in order, Package A policies and regulations would be in effect in Centres, Corridors, Future Growth Nodes, and Higher Order Residential designations of the Regional Centre, leaving older policies of the existing Halifax Peninsula LUB, Dartmouth LUB, Halifax SMPS, and Dartmouth SMPS to regulate land use until Package B could be consulted on, and considered by CDAC, CPED and Regional Council. The potential risk of policies conflicting with one another, and the likelihood of confusion between multiple documents does exist. With that said, holding engagement events as well as an eventual public hearing on the diversity of issues held within an entire plan of this scope is also a difficult task with unique risks associated.

A choice will need to be made following the conclusion of public engagement for Package A in May 2018 as to the next steps undertaken in the Centre Plan adoption process. One option will be to begin public consultation on the contents of Package B shortly following the Package A engagement. In this scenario, the ultimate adoption date of policies and regulations will be pushed later into 2018, however there would be an opportunity for CDAC and Regional Council to consider the documents in their entirety and gain a better understanding of how designations and zones relate to one another. In this first option, the steps outlined in a dotted red line in Figure 2 below would be delayed until public consultation on Package B could be undertaken. The second option will be to proceed on the adoption path for Package A as outlined in the Process Path below. Following the conclusion of engagement on Package A, staff will have a better understanding of the questions, concerns and support that exists for the documents in their current draft form, and will be in a better position to choose an appropriate path moving forward.

# Package “A” SMPS & LUB



**Figure 2: Process Path**

## Draft RCSMPS and LUB Overview

Table 1 below includes a brief synopsis of key concepts, policies, and regulations within the draft documents. Briefly, key changes introduced in the Draft Package A Centre Plan include:

- Regulations to ensure balanced distribution of housing and population density;
- More predictable development rights and simplified development approval processes;
- Design requirements to minimize impact of new development on existing communities;
- Design requirements to place priority on pedestrian experience;
- Affordable housing provisions through diverse housing options and as part of density bonusing;
- Adaptive re-use of heritage properties and identification of future potential heritage conservation districts and cultural landscapes;
- Regulations and policies that will support Regional Centre as an economic and innovation hub;
- Policy support for additional incentives, investments to support growth, and to phase-in commercial tax increases.

**Table 1: Overview of Draft Package A Planning Documents**

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| <b>Regional Centre SMPS</b> | <p>The Regional Centre SMPS is a secondary municipal planning strategy under the Regional Plan. The Plan includes 10 Chapters and has been written to be consistent, with and to implement Regional Plan policies, but not repeat policies contained in the higher-level document. Key changes include:</p> <ul style="list-style-type: none"><li>• as directed by CDAC the Plan is consistent with the Regional Plan's vision for the Regional Centre but the vision has been rewritten and will require consideration of an amendment to the Regional Plan;</li><li>• while Core Concepts are maintained as Core Principles, Theme Areas have been incorporated into chapters;</li><li>• some of the Centre Plan directions have been incorporated into the LUB or the Design Manual as opposed to the SMPS policy document;</li><li>• certain designation name changes have been implemented (e.g. the Industrial Employment Area is now called the Industrial Designation);</li><li>• the Water Access Designation will be included in Package B to regulate development on infilled water lots as is currently the case in Halifax; and</li></ul> |
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|                                      | <ul style="list-style-type: none"> <li>the Plan anticipates the eventual inclusion of the Downtown Dartmouth and Halifax Plans but does not currently speak to them given their parallel Plan update process.</li> </ul>   |
| <b>Regional Centre LUB</b>           | The Draft Regional Centre LUB – Package A is organized into 13 Parts, with each part focused on a key aspect such as Land Use, Lot Requirements, Built Form etc. Each Part contains subsequent Chapters, Clauses and Sub-Clauses. The LUB will eventually contain 38 Schedules and 5 Appendices. Each Schedule represents a Plan-wide regulation, thus reducing the number of maps, which will be adopted as digital maps. A Land Use Matrix lists all zones from higher to lower land use intensity, and lists all permitted uses for each zone. Some of the regulations from current planning documents have been carried forward with respect special area setbacks, and lot sizes etc.   |
| <b>Regional Centre Design Manual</b> | The Draft Design Manual is part of the Land Use By-law and is based on the current Downtown Halifax Design Manual but has been considerably updated with Centre Plan direction document design goals and to reflect the desired character of neighbourhoods throughout the Regional Centre.  |
| <b>Designation Changes</b>           | <p>The following designation changes were made based on more detailed analysis and staff discussion on the process of creating new street connections to support redevelopment of large sites:</p> <ul style="list-style-type: none"> <li>most of the Young/Robie Centre was re-designated as a Future Growth Node due to the importance of creating grid connections through the site which can only occur through a comprehensive development. Site specific neighbourhood design guidelines are included in the Plan, enabling the site to proceed directly to development agreement.</li> <li>the Highfield Park Future Growth Node has been re-designated as a Higher Order Residential Designation with two different zones (HR-2 and HR-1) given the high density of current residential development. Lots larger than 1 hectare will still be required to proceed through a simplified development agreement which may provide opportunities to achieve additional street and pedestrian connections to improve the walkability of this area.</li> </ul> |

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|   | <ul style="list-style-type: none"> <li>Parts of Windmill Road previously designated as Intensive Employment were designated as a Higher Order Residential area as light industrial uses are rare and are seen to not be compatible with existing residential uses and the redevelopment of Shannon Park.</li> <li>Properties addressed in Regional Council Jan. 18, 2018 motion were originally designated largely as Established Residential Areas. They are included on the Urban Structure Map as areas for possible inclusion in the Higher Order Residential Designation but built form regulations have not been developed for this area. Feedback will be received on this possible change through the public engagement process</li> </ul>   |
| <b>Application of Site Plan Approval and Density Bonusing</b> | The Centre Plan direction document envisioned Site Plan Approval (SPA) in only the Downtowns and Centres. Given the Core Principles of Human Scaled Design and Pedestrians First, and the expressed desire of CDAC to simplify approval processes, the draft planning documents extend the SPA to Corridors and Higher Order Residential areas as well. This will reduce the reliance on development agreements through a development permit process that includes the regulation of the external appearance of structures through the SPA process. A number of developments are exempted from SPA, and density bonusing is also available in those areas.   |
| <b>Design Review Process</b>                                  | Given the expansion of Site Plan Approval to Downtown Dartmouth, Centres, Corridors, and Higher Order Residential Areas the draft Plan and LUB include a provision for an Advisory Design Committee that may be established by Council. The Committee would be different from the decision-making Design Review Committee that currently exists and would provide advice to the Development Officer on matters contained in the Design Manual, and fulfil other functions as determined by Council. The expected advantage of this approach is that an advisory role would allow the Committee to manage its increased workload, offer an opportunity to exercise a greater influence over earlier stages of the design process, and shift the approval function to the Development Officer. All site plan approvals would be subject to an appeal to community council. |

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| <b>Gross Floor Area Ratio (GFAR) and Height Framework</b>   | CDAC noted that the concept of GFAR as a built form control is new to the Centre Plan process. Gross Floor Area Ratio (GFAR) is generally defined as the gross floor area of a building divided by the area of the lot on which it is located. When combined with a maximum permitted building height and other built form requirements, such as setbacks and maximum lot coverage, it controls building scale while allowing for flexibility in architectural design. It is particularly well-suited for application to multi-unit residential and mixed-use buildings, and provides clarity and predictability for future development. The draft planning documents apply GFAR as a built form control and density bonusing variable in the Centres, Corridors and Higher Order Residential Areas, and will eventually be applied to higher density zones in Future Growth Nodes. |
| <b>Density Bonusing</b>   | An Incentive or Bonus Zoning agreement will be available for any development that exceeds a Gross Floor Area Ratio of 3.5, up to the maximum gross floor area ratio illustrated on Map 2 of the SMPS. The Land Use By-law includes calculations with regards to the value of public benefits. A GFAR of 3.5 is roughly equivalent to a midrise building of 6 – 8 storeys on typical lots in the Regional Centre. Density bonusing is proposed to be required for projects that exceed this threshold to encourage the development of buildings in the midrise range, while still allowing taller buildings in appropriate locations and contexts.   |
| <b>Approach to Future Growth Nodes</b>  | The draft SMPS and LUB provide a more detailed approach to the redevelopment of Future Growth Nodes. Site specific neighbourhood design guidelines for Shannon Park, Young/Robie and Penhorn lands are included in the SMPS. The intent is to address comprehensive planning through a development agreement, but once key site planning elements are fulfilled, the intent is for the development to proceed through the Land Use By-law.  |
| <b>Citadel Viewplanes, Citadel Ramparts Viewplanes, Dartmouth Commons Viewplanes, and Waterfront View Corridors</b> | The process of updating Downtown Halifax and Downton Dartmouth Land Use by-laws, and the creation of a new Regional Centre Land Use by-law was a key opportunity to: <ol style="list-style-type: none"> <li>(1) Update current coordinates of the Halifax Citadel Ramparts and Viewplanes, as well as the Downtown Dartmouth View Planes to recently adopted modern vertical and horizontal datum systems.</li> </ol>   |

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|                       | <p>(2) Survey the mandatory waterfront view corridors in both Downtown Halifax and Downtown Dartmouth to ensure predictability.</p> <p>The Halifax Citadel View Planes were originally surveyed in the 1970s and the Citadel Ramparts were surveyed in the 1980s. The Citadel Ramparts viewing positions have also been physically modified (elevated) by Parks Canada over the years.</p> <p>The survey data for both the viewplanes and the ramparts were expressed in imperial measurements and needed to be converted to metric values. The elevations for the viewing positions for the view planes were referenced to the Canadian Geodetic Vertical Datum 1928 (CGVD28) and in the ATS77 horizontal datum, both of which were phased out as of January 1, 2018.</p> <p>The adjusted values will not change existing development rights.</p> |
| <b>Administration</b> | <p>The proposed Plan and LUB will help to address administrative “red tape” in key aspects:</p> <ul style="list-style-type: none"> <li>• clear and predictable development rights for the majority of the Regional Centre;</li> <li>• consistent Design Guidelines and Site Plan Approval Process which greatly reduces the need for development agreements, SMSP and LUB amendments;</li> <li>• more permissive and mixed-use zones with a clear land use matrix;</li> <li>• exemptions for development permits and site plan approval; and</li> <li>• reduce the number of planning documents from 4 to 2 when fully adopted.</li> </ul>   |

### **Decisions to be Made**

Notwithstanding the public release of the draft Package A Plan and Land Use By-law, there are still several decisions impacting policy and implementation of the plan in the coming weeks and months in advance of Council consideration and a public hearing. These factors include the following:

#### *Complexity in Downtown Dartmouth SMS borders*

Currently, the Downtown Halifax SMPS update, the Downtown Dartmouth SMPS update, and the Centre Plan projects are moving forward in parallel but separate processes and may be considered by Regional Council individually depending on their timing. The current Downtown Dartmouth SMPS boundary includes Commercial Core areas in which the site plan approval process and the Design Manual are proposed to apply. The plan area also includes properties which are zoned Downtown Neighbourhood but are also proposed to be designated as Established Residential and Higher Order Residential under the Centre Plan. Decisions will need to be made on the timing of the SMPS and LUB adoption to ensure clarity, and ease of administration. As an example, if the Downtown Dartmouth SMPS were to be approved in advance of the Centre Plan, one of two options would need to be selected:

- 1) Adopt new policies and by-laws for Downtown Dartmouth's Commercial Core while leaving the 'Downtown Neighbourhood' zone in the existing by-law in place until such time that it is replaced by the Centre Plan.
- 2) Adopt new policies and by-laws for Downtown Dartmouth's Commercial Core and Downtown Neighbourhood Designation as a separate process from the Centre Plan.

#### *Community Council Governance*

Once the entire Regional Centre SMPS and LUB are presented for adoption, Council may wish to consider the establishment of a Regional Centre Community Council to ensure a consistent administration of the planning documents in the Centre Plan and Downtown Halifax Plan area. This decision is outside of the scope of the Centre Plan project, but may provide advantages moving forward such that one body is responsible for making decisions on appeals of site plans

#### *Planning Advisory Committees and Boundaries*

Currently, the Halifax Peninsula Planning Advisory Committee provides recommendations to Halifax and West Community Council on discretionary planning applications. Given the number of applications predicted to be considered by the Site Plan Approval process, this committee will likely be seeing a reduced number of applications. Should a Regional Centre Community Council be established as per the section above, a Regional Centre Planning Advisory Committee may be beneficial to ensure a consistent administration of discretionary planning applications in the Centre Plan area.

#### *Design Review Committee*

The proposed plan contemplates the scope of the current Design Review Committee (DRC) be expanded so as to enable them to consider applications not only within Downtown Halifax, but also all Site Plan Approval applications throughout the Regional Centre. This will need to be discussed further with the DRC itself and any changes reflected in their terms of reference document.

### *Finalization of Related Plans*

At present, processes are underway to either update or create new plans for Downtown Halifax, Downtown Dartmouth, the Schmidtville Heritage Conservation Area, the Old South Suburb Heritage Conservation Area, in addition to the anticipated redevelopment plan for the Cogswell exchange area. As these plans near completion, decisions will need to be made so as how to appropriately integrate them into the overall Regional Centre SMPS and LUB.

### **Centre Plan Next Steps**

The attached planning documents have been reviewed by Planning & Development and a review by Legal Services has been initiated. Other HRM Business Units will have an opportunity to review and provide comment on the documents in parallel with the public consultation taking place over March, April, and May. In December 2017, CDAC approved a detailed Community Engagement Strategy for Package A. Starting in January staff began to implement the Strategy, including the following:

- Over 25 roadshow presentations have been delivered to all three Community Councils and a wide range of stakeholders such as the Halifax Chamber of Commerce, Nova Scotia Association of Realtors, Property Evaluation Services, BOMA Nova Scotia, NS Municipal Affairs and others.
- A Storefront Location has been secured at 5161 George Street, Halifax and scheduled to be opened on February 26<sup>th</sup>.
- Eight public Open Houses have been scheduled as posted on centreplan.ca inclusive of 2 afternoon sessions.
- Four Industry Workshops, a Community Workshop and Staff Workshops have been scheduled and invitations have been distributed for dates in March and April.
- Social Media Strategy has been developed.
- Website updates include FAQs and upcoming engagement opportunities.
- Presentation materials are being developed to communicate the proposed changes, including an interactive map in ArcGIS Online for the key regulations.
- Hard copies of the planning documents will be available upon request, and at key HRM Customer Service locations and Regional Centre Libraries.

At this stage, the Centre Plan team will continue to implement the previously approved engagement plan taking us through to early May 2018. The timing and adoption of Package A and Package B will depend on the feedback received through the community engagement process, and CDAC. Over the course of March and April, staff will return to CDAC to provide updates on engagement and to address any questions of the Committee that arise following their more comprehensive review of the documents.

## **Attachments**

### **Attachment 1: Draft Regional Centre Secondary Municipal Planning Strategy (Package A)**

RCSMPS Maps provided on USB

- Map 1: Regional Centre SMPS Urban Structure (only Package A areas)
- Map 2: Regional Centre SMPS Maximum Gross Floor Area Ratios (only Package A areas)
- Map 3: Lake Banook Canoe Course Maximum Height Precinct
- Map 4: Future Growth Node Land Use Concept - Shannon Park
- Map 5: Future Growth Node Land Use Concept – Penhorn Lands
- Map 6: Future Growth Node Land Use Concept – Young Street Lands aps

### **Attachment 2: Draft Regional Centre Land Use By-law (Package A)**

RCLUB Schedules (provided on USB)

- Schedule 1: Regional Centre Land Use By-law Boundary
- Schedule 2: Site Plan Approval Area
- Schedule 3: Zone Boundaries
- Schedule 4: Special Area Boundaries
- Schedule 5: Prominent Sites
- Schedule 6: Pedestrian-Oriented Commercial Streets
- Schedule 7: Minimum Lot Area Requirements
- Schedule 8: Minimum Lot Frontage Requirements
- Schedule 9: Maximum Building Heights
- Schedule 10: Maximum Pre-Bonus Building Heights
- Schedule 11: Maximum Gross Floor Area Ratios
- Schedule 12: Minimum Streetline Yards
- Schedule 13: Maximum Streetline Yards
- Schedule 14: Maximum Streetwall Heights
- Schedule 15: Halifax Citadel View Planes
- Schedule 16: Halifax Citadel Ramparts
- Schedule 17: Dartmouth View Planes
- Schedule 36: Parker Street Waterfront View Corridor
- Schedule 37: Bonus Rate Districts
- Schedule 38: Wind Energy Overlay Zone Boundaries

### **Attachment 3: Design Manual**