











**Halifax Regional Council**

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law, as contained in Attachments A and B of this report.
2. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy, the Regional Subdivision By-law, the Dartmouth Municipal Planning Strategy, the Dartmouth Land Use By-law, the Downtown Dartmouth Municipal Planning Strategy, the Downtown Dartmouth Land Use By-law, the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-law, and the Downtown Halifax Land Use By-law as contained in Attachments C to K of this report.
3. Schedule a public hearing to consider the proposed planning documents, as contained in Attachments A and B, as well as the proposed amendments to existing planning documents, as contained in Attachments C to K of this report.
4. Adopt the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law as contained in Attachments A and B of this report.
5. Adopt the proposed amendments to the Regional Municipal Planning Strategy, the Regional Subdivision By-law, the Dartmouth Municipal Planning Strategy, the Dartmouth Land Use By-law, the Downtown Dartmouth Secondary Municipal Planning Strategy, the Downtown Dartmouth Land Use By-law, the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-law, and the Downtown Halifax Land Use By-law as contained in Attachments C to K of this report.
6. Direct the CAO to develop and return to Council with proposed amendments to Administrative Order Number 48 to remove the lands within Package A from the jurisdictional authority of the Halifax Peninsula Planning Advisory Committee, the Harbour East – Marine Drive Community Council, and the Halifax and West Community Council, and provide Regional Council full jurisdictional control over those lands following the adoption of the Regional Centre Plan Secondary Municipal Planning Strategy and Land Use By-law;
7. Direct the CAO to develop a new Administrative Order establishing a Design Advisory Committee for the Regional Centre Package A lands, and return to the Council for consideration;
8. Rescind the Regional Council December 13, 2016 motion, Item 9.2.2, Parts 1 and 2, with respect to developing an incentive or bonus zoning program for affordable housing benefits and negotiating with Housing Nova Scotia a Memorandum of Understanding, as outlined in staff report dated September 6, 2016;
9. Direct the CAO to develop a business case for a Regional Centre Incentive or Bonus Zoning Reserve, and an Administrative Order to direct future spending from the reserve within the Regional Centre and return to Council for consideration; and
10. Direct the CAO to prepare amendments to the various committee Terms of Reference as appropriate, to establish the Community Design Advisory Committee, the Community Planning and Economic Development Standing Committee, the Heritage Advisory Committee, the Halifax and West Community Council, and the Harbour East – Marine Drive Community Council as the only advisory bodies to the planning process for the Regional Centre Plan Package B area, and return to the Council or the necessary body for consideration.

## **EXECUTIVE SUMMARY**

This report is a summary of the planning process and the contents of the proposed Regional Centre Secondary Municipal Planning Strategy (the Plan), the Land Use By-law, and amendments to existing planning documents necessary to implement the Plan.

The *HRM Charter* provides Council with the power to establish policy with respect to a broad range of land use activities including future development, land use, public lands, transportation, municipal services, coordination of public programs, and any other matters related to the physical, social, or economic development of the Municipality. Community planning seeks to facilitate change, regulate land development, ensure an efficient and strategic use of land, safeguard natural resources, reduce land-use conflicts, integrate mobility with land uses, and support social, economic, and environmental goals.

The current Municipal planning framework includes 22 community plans, and 23 land use by-laws. Four of these community level plans and four of the land use by-laws currently govern the Regional Centre. The Regional Centre is the most urban and densely populated part of the Municipality, and includes concentrated commercial districts within a walking distance of established neighbourhoods. The Regional Municipal Planning Strategy (Regional Plan) identifies the Regional Centre as a desirable location for future growth at an appropriate density and scale.

The Regional Plan targets at least 25% of regional growth in the Regional Centre, provides a vision and eight guiding principles for the preparation of a new Plan for the area, and establishes four objectives to enhance the Regional Centre:

1. Adopt a Regional Centre Plan, which achieves the vision statement and guiding principles endorsed by Regional Council;
2. Adopt heritage plans and programs that further preserve and enhance the viability of heritage properties, streetscapes, and districts;
3. Prepare capital and operating expenditure programs that enhance development within the Regional Centre, with emphasis of resources on downtown Halifax and Dartmouth, and take advantage of opportunities to strategically leverage other public and private sector investments; and
4. Create financial and regulatory incentives to stimulate desired growth.

The Regional Centre is the political, cultural and economic heart of the Halifax Regional Municipality (Municipality), and Nova Scotia's capital city. The Plan includes areas designated for mixed-use growth (Package A), as illustrated in Attachment A – Map 1 and in Attachment R of this report. It is intended that when fully implemented this Plan will be amended to include all those areas of the Municipality defined as the "Centre Plan Area", and the "HRM By Design Downtown Plan Area" (Downtown Halifax) in the *Halifax Regional Municipality Charter (HRM Charter)*. It will also include Lakeshore Park Terrace and Wallace Heights, which fall outside the "Centre Plan Area" but can only be accessed through the Regional Centre.

This Plan is the result of a planning process that included extensive analysis of the Regional Centre's physical, social and economic structure, and public engagement. The process included several distinct phases of public engagement focused on the vision and core concepts, alternatives for growth, proposed Urban Structure, and feedback on proposed planning policies and land use regulations. This included numerous presentations, open houses, pop-ups, community and stakeholder workshops, neighbourhood walking tours, a storefront location, industry consultations, and updates to Community Councils and Standing Committees of Council. The process was also guided by the Community Design Advisory Committee (CDAC) composed of community volunteers, and Councillors.

The Plan incorporates best practices in community planning, urban design, heritage preservation, community and transportation planning, and sustainability. The Regional Centre Land Use By-law (Land Use By-law) is organized to enable regulations focused on local context and built form, have the user in mind, and are online-ready. The proposed planning documents include:

- a new **Regional Centre Secondary Municipal Planning Strategy (Plan)** for growth areas within the Regional Centre (Downtown (Dartmouth), Centres, Corridors, Higher Order Residential Areas and Future Growth Nodes) will partially replace the existing community level plans;
- a new **Regional Centre Land Use By-law** which will partially replace the existing land use by-laws;
- a **site plan approval process for the regulation of site, building and heritage conservation design** based on design requirements for developments, and which is to largely replace the development agreement process;
- a **Design Advisory Committee** is proposed as part of the new site plan approval process to provide design advice to applicants, and to advise the Development Officer on site plan approvals;
- **development agreement criteria** for Future Growth Nodes, registered heritage properties, and non-conforming uses;
- **significant public views** are identified and recognized in the Plan through the protection of key Public Views, Viewplanes and Ramparts from the Halifax Citadel, Viewplanes from Dartmouth Common, and View Corridors;
- **nine new Heritage Conservation Districts are proposed** in addition to those already in place or proposed in the Downtown Halifax Secondary Plan area;
- **protection and additional flexibility for registered heritage properties**, which are zoned to encourage their preservation but are provided with a development agreement option;
- **incentive or bonus zoning** policy and regulatory framework is proposed that ties additional density to a set number of public benefits; and
- **amendments to current planning documents** to implement the Plan, including minor amendments to the Regional Plan and the Subdivision By-law.

The Regional Centre Secondary Municipal Planning Strategy (Package A) and Land Use By-law (Package A) contain policies and regulations that seek to reflect the aspirations of the community. They also seek to balance multiple aspects of the public interest, such as strategic growth, predictability, and economic development with diverse housing choices and urban design that inspires, reflects the local context and prioritizes pedestrians. This Plan places a high priority on the quality and accessibility of open spaces, as well as the protection and celebration of cultural and heritage resources. The Plan also seeks to integrate land use with mobility, housing affordability, and environmental protection. Inclusion, resilience and innovation are themes that are reflected in policies related to permitted uses, mixed-use zoning, the diversity of housing and built forms, accessibility considerations, urban agriculture, environment and engagement processes.

## **BACKGROUND**

### **Regional Centre Context**

The Regional Centre is an area of 33 square kilometres, which is defined within the Regional Plan. It encompasses the Halifax Peninsula and Dartmouth within the Circumferential Highway, including Downtown Halifax and Downtown Dartmouth. The Regional Centre is the urban core of the region, with a dense population, commercial industries, and major institutions that are driving the social, cultural and economic development of the Municipality. Although it accounts for only 0.6% of the Municipality's land area, it has a population of 96,619 (24.2% of the total, Statistics Canada 2016 Census). Recognizing the importance of the Regional Centre, the Municipality has adopted a vision and guiding principles for this area to form the basis of land use planning and strategic investments.

The 2006 Regional Plan first recognized the Regional Centre as an important growth centre for the region, and called for an urban design study to help shape new development. That process, called HRMbyDesign, led to the 2009 adoption of the Downtown Halifax Secondary Municipal Planning Strategy (Downtown Halifax Plan) and Downtown Halifax Land Use By-law. During that process, Regional Council also endorsed a vision and guiding principles for the development of new planning documents, including for the Regional Centre. Centre Plan Phase 1 (also referred to as the Corridors Project) was initiated in 2011 but was not completed. The project was re-initiated in January of 2015 with a revised and updated Community Engagement Strategy. The Centre Plan process sought to be aligned with the separate Plan update



processes for Downtown Halifax and Downtown Dartmouth Plan Areas. Given the complexity of the project, in June 2017, Council approved a framework for the Plan, and a direction of adopting the Plan in two phases:

- **Package A** to establish planning policies and land use by-law regulations for areas of mixed-use development (Centres, Corridors, Higher Order Residential Areas, and Future Growth Nodes); and
- **Package B** to establish planning policies and land use by-law regulations for areas identified as Established Residential Areas, Industrial and Institutional Employment Lands, and Parks and Open Spaces.

The planning documents presented for adoption include all Package A lands, as well as the commercial core of Downtown Dartmouth. The Plan benefits from extensive public consultation on the Downtown Dartmouth Plan updates, which have taken place since 2015 and continued as part of Package A public consultations.

### Relationship to Other Plans

The Regional Plan is the over arching planning document guiding the growth and development of the entire Municipality. Land use and development in the Regional Centre is currently regulated through the 2014 Regional Plan, Regional Subdivision By-law, four secondary plans, and four Land Use By-laws. They include:

- Dartmouth Municipal Planning Strategy (1978);
- Dartmouth Land Use By-law (1978);
- Downtown Dartmouth Secondary Planning Strategy (2000);
- Downtown Dartmouth Land Use By-law (2000);
- Downtown Halifax Secondary Municipal Planning Strategy (2009);
- Downtown Halifax Land Use By-law (2009);
- Halifax Municipal Planning Strategy (1978);
- Halifax Peninsula Land Use By-law (1978);
- Regional Municipal Planning Strategy (2014); and
- Regional Subdivision By-law (2014).

Between 2014 and 2019, there were 127 planning applications initiated within the Regional Centre due to the age of the planning documents and changing community context. The Regional Centre project is part of a larger initiative identified as the Plan and By-law Simplification Project, which aims to consolidate, simplify, and modernize planning documents in the Municipality<sup>1</sup>.

The Plan and Land Use By-law are detailed planning documents that further the goals and objectives of the Regional Plan for the Regional Centre Package A lands at the community and neighbourhood scale. The proposed Plan is also aligned with Municipal Priority Plans such as the Economic Growth Plan and the Integrated Mobility Plan.

### Strategic Growth and Background Studies

The “*Quantifying the Costs and Benefits to HRM, Residents and the Environment of Alternative Growth Scenarios*” study (Stantec, 2013) examined the costs and benefits of concentrating new growth in serviced areas. While the Regional Plan sets a target for at least 25% of regional growth in the Regional Centre, the Stantec Study demonstrated that significant social, economic and environmental benefits can be accrued by accommodating up to 40% of regional growth in the area.

The number of building permits in the Regional Centre can fluctuate due to the scale of the projects, yet the share of net new housing units in the Regional Centre is increasing. Given that the Municipality’s annual population growth has also been stronger than usual over the past three years (1.9%, 1.6%, and 2.2% between 2016 and 2018 respectively), housing demand in the Regional Centre is expected to be strong.

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<sup>1</sup> Staff Nov. 20, 2015 HRM Staff Report. [Expanded Scope of Planning & Development Studies - Land Use By-Law Simplification Phase.](#)

Table 1 Net New Units in the Regional Centre (2015-2018)

Year	Net New Units (units less demolitions)	% of HRM
2015	1,219	43.2%
2016	558	23.4%
2017	1,204	40.7%
2018	614	20.5%

Growth allocations proposed in this Plan are informed by public engagement, which indicated a preference of distributing growth across the plan area, and background studies summarized in Attachment M.

## **COMMUNITY ENGAGEMENT**

The Plan presented for Council's consideration is the result of a planning process that included extensive analysis of the Regional Centre's physical, social and economic structure, and public engagement. The 2015 Centre Plan Community Engagement Strategy (Strategy) approved by Regional Council had the following four goals:

- be consistent and draw on the strength of the HRM Community Engagement Strategy;
- respect the work done by staff and the public in earlier engagement;
- build trust that will enable staff and the public to engage in effective city building; and
- provide a clear framework for actions and allow for all [Council] bodies to observe measured success.

The Strategy identified key steps for community engagement, key stakeholders, relationship to other engagement work conducted by the Municipality, and a broad range of engagement opportunities. The project included four distinct phases of engagement:

**Step 1:** Engage and Define (Purpose, Vision, Core Concepts, and Alternatives for Growth)

**Step 2:** Learn Together (Urban Structure and Framework Document)

**Step 3:** Check-in and Feedback (Draft Package A Plan & Land Use By-law)

**Step 4:** Adoption Path Processes (Final proposed Plan and Land Use By-law)

The level of engagement was measured and reported on as each phase was completed. The process was also guided by the Community Design Advisory Committee (CDAC) comprised of community volunteers, and Councillors. CDAC played a key role in defining the community engagement process, reviewing public and stakeholder feedback, and providing strategic policy advice to staff. Attachment N provides a summary of key engagement events, levels of participation, and "What We Heard" reports produced. Staff also provided updates to Community Councils and Standing Committees of Council at key steps of the process. In addition to many individual meetings, Table 2 provides a summary of other activities:

Table 2 Summary of Community Engagement Events (2015-2018)

Type of Event	Number of Events Held	Type of Event	Number of Events Held
Public Open Houses	14	Stakeholder Workshops	10+
Community Workshops	8	Road Show Presentations	50+
Pop-up Meetings	15	Storefront	10 weeks and 400 visits
Walking Tours	20	Correspondence	500+
Survey Participation	141	Survey Submission	326
Shape Your City Halifax Website	Approx.26,500 unique visitors and 24, 300 Downloads. Refer to Attachment N.		

The feedback received, including general and site-specific requests, has shaped all aspects of the Plan and Land Use By-law from the Vision and Core Concepts, to the Urban Structure and built form policies and regulations.

## **DISCUSSION**

The goal of the Plan is to support the community's vision for the Regional Centre, while providing for the right balance between protecting environmental, cultural and heritage resources, housing affordability and mobility choices, and fostering a positive and predictable development climate. This section of the report summarizes the key policy and regulation considerations citing key sections and the Plan or Land Use By-law (Attachments A and B).

### **Regional Centre Plan Purpose (Part 1)**

Part 1 of the Plan describes the context, process and purpose of the Plan, which is a detailed policy document intended to guide decision-making for development and investment within the Regional Centre. It provides a vision for land use, built form, design, heritage preservation, and public investment in public realm improvements such as streets and parks. The Plan also sets out strategies and actions to be taken by the Municipality, its citizens and partners to achieve that vision. The Plan is also a strategic document that responds to opportunities and challenges in an evolving social, political and economic environment. Its policies should be monitored to evaluate their effectiveness in achieving the objectives of this Plan.

### **Vision and Core Concepts (Part 2)**

Part 2 of the Plan provides the Vision for the Regional Centre as follows:

***The Regional Centre is the civic, cultural, and economic heart of the Halifax Regional Municipality. It is a prosperous and resilient community that supports the needs, health, and well-being of a diverse and growing population. New growth is located strategically to support the creation of complete communities, human scale design, and pedestrian comfort. The Regional Centre is the core of the best mid-sized municipality in Canada. It welcomes all who want to live, work, play and learn here.***

In support of the vision, this Plan also identifies four Core Concepts established through the public consultation process:

1. *Complete Communities:* Complete communities support people of all ages, abilities, incomes, and backgrounds to live, work, shop, learn, and play near one another;
2. *Human Scale Design:* Human scale design is focused on building and streetscape design that makes people feel more at ease and allows them to relate to their surroundings;
3. *Pedestrians First:* Pedestrians First policies prioritize the needs and comfort of pedestrians in all seasons and makes walking a more convenient and viable transportation choice; and
4. *Strategic Growth:* Strategic Growth policies seek to accommodate at least 40% of the Municipality's growth within the Regional Centre by distributing growth in context-specific forms where services exist, providing for streamlined and predictable development review processes, and providing for transitions between different areas of the Regional Centre.

### **Urban Structure (Part 3)**

Part 3 of the Plan sets out policies for land use designations, zones within those designations, permitted and prohibited uses, and any context specific direction for future land use and built form. Local context can be established in the form of area descriptions, precincts, and special areas. Urban Structure is defined on Map 1 of the Plan (Attachment A), and in Attachment R of this report. Attachment O provides a more detailed summary of the proposed policies.

1. *Downtown:* This designation is applied to Downtown Dartmouth, which is part of the cultural, commercial and civic heart of the Municipality. These lands are major growth areas consisting of opportunity sites, where the intensive mix of uses and larger scale developments are supported and encouraged. The designation also focuses on respecting the local heritage context and

transitions to surrounding low-rise neighbourhoods. It includes provisions for the Downtown (D) Zone, and provides guiding policies for four precincts, and two special areas.

2. *Centre*: This designation is applied to concentrated nodes of commercial and mixed-use developments along one or more transportation links, but that do not directly abut surrounding low-rise neighbourhoods. These lands may include under-utilized lands and will be major growth areas where a range of buildings, including high-rise buildings, will be accommodated. The designation will include two zones (CEN-2 and CEN-1). Specific lands around the following commercial streets are included in the six Centres: Gottingen Street, Highfield Park Drive, Quinpool Road, Robie Street/Young Street, and Spring Garden Road.
3. *Corridor*: This designation is applied to lands that front on streets that have access to transit, that link major commercial or community nodes (e.g. Centres, parks etc.), and have either established or emerging local commercial uses. They typically abut low-rise neighbourhoods in the rear yards, and are typically one lot deep. These lands are intended to develop as mixed-use areas that provide housing, goods and services to surrounding neighbourhoods in the form of low-rise, mid-rise, and in limited locations, tall mid-rise buildings. Land use and built form regulations support transition to low-rise residential areas. The designation will include one zone (COR). Examples of Corridors include parts of Robie Street, Windsor Street, Oxford Street, Agricola Street, and Windmill Road.
4. *Higher Order Residential*: This designation is applied to lands where low-rise, mid-rise, tall mid-rise, and in limited locations, high-rise multi-unit residential dwellings with limited commercial opportunities are supported. The designation applies to existing multi-unit residential neighbourhoods, as well as larger sites at the periphery of Centres and Corridors, and may include underutilized lands. While lands within this designation offer opportunities to accommodate growth, the allowable scale of new development must consider the surrounding residential context. The designation will include two zones (HR-2 and HR-1). Examples of Higher Order Residential Areas include neighbourhoods along Wellington Street, Brunswick Street, Highfield Park Drive, and Mic Mac Boulevard.
5. *Future Growth Node*: This designation is applied to larger commercial, industrial, vacant or otherwise underutilized lands. The intent of this designation is to accommodate significant mixed-use growth in the future. While neighbourhood planning has been completed for some of the Future Growth Nodes and has been incorporated in this Plan, others will require detailed planning to develop policy for developing complete communities. The designation will include the Comprehensive Development District Zone (CDD). Examples of Future Growth Nodes include Shannon Park, Penhorn, Dartmouth Cove, and Young Street lands.

#### **Built Form and Urban Design (Part 4)**

Part 4 of the Plan focuses on quality urban design that considers the local context, and putting people first when making design decisions. It also encourages a compact and human scale design that promotes a wide range of mobility choices, enables better use of municipal infrastructure, and maintains the viability of neighborhood businesses. This Part is organized around the design process, starting with the context of the Regional Centre, and ending with the detailed design of structures on the site. It includes the following sections, some of which are summarized below:

- Urban Design Goals;
- Protected Public Views and View Terminus Sites;
- Protection from Wind and Shadow;
- Pedestrian-Oriented Commercial Streets;
- Accessibility in Site Design;
- Site and Landscape Design;
- Building Design;
- Parking and Driveways, and
- Signs.

1. *Urban Design Goals:* The urban design goals of Contextual Design, Civic Design, and Human Scale Design are included in the Plan to guide policies and regulations related to site and building design.
2. *Historic View Planes, Ramparts and View Corridors:* A series of view planes, ramparts and public views have been established in previous planning documents to preserve iconic views of Halifax Harbour, and these same views continue to be highly valued. There are five view planes originating on the Dartmouth Common, as well as ten view planes and thirteen ramparts originating from the Halifax Citadel. The view planes and ramparts have been updated to the new horizontal and vertical measuring systems, and vertical shifts to the by-law elevations have been applied (see Attachment M – SSDM, 2018 for more detail). There are also ten view corridors of the Halifax Harbour that have been surveyed, and cannot be obstructed by new developments.
3. *Protection from Wind and Shadow:* Minimizing the impact of wind and shadow improves the enjoyment, usability, and even safety of open spaces in urban environments. The form of buildings has a direct impact on the speed of wind, and the length and duration of shadow that those buildings will generate and cast. Built form regulations detailed in Part 4 mandate low-rise streetwalls, streetwall setbacks and stepbacks, and maximum tower dimensions to mitigate wind and shadow impacts. The Land Use By-law also includes a new *Shadow Impact Assessment Protocol and Performance Standards*, and a new *Pedestrian Wind Impact Assessment Protocol and Performance Standards*.
4. *Pedestrian-Oriented Commercial Streets:* Pedestrian-oriented commercial streets are characterized by a concentration of ground level retail. This can be supported by locating buildings close to the sidewalk, designing with narrow shop fronts, and extensive clear glazing at sidewalk level. While some streets already act as “main streets”, others can evolve into specialized commercial or entertainment areas. Land use and built form policies and regulations support the following Pedestrian Oriented Commercial Streets: Alderney Drive, Gottingen Street, Portland Street, Quinpool Road, Robie Street, and Spring Garden Road. Additional streets may be established in the future.
5. *Site and Landscaping Design:* Regulations and design requirements related to site context include site accessibility, open space planning, pedestrian connections, utilities, the location of parking and driveways, and lighting. This Plan supports the design of buildings, private open spaces and streetscapes to support accessibility for people of all ages and abilities. Supportive measures in the Land Use By-law include the following:
  - permitting accessibility ramps in required building setbacks;
  - establishing site plan approval requirements for barrier free at grade private open space, and parking areas where provided;
  - establishing site plan approval requirements for lighting for common entrances, walkways, publicly accessible open spaces and parking lots, and;
  - establishing site plan approval design requirements for barrier free pedestrian walkways for direct connections to buildings from the street, and through accessory surface parking lots.
6. *Building Design:* Built form refers to the scale, shape, appearance, pattern, and configuration of buildings and structures that frame streets and open spaces. Built form is essential to the Urban Structure as it provides for transition from the most to least intense land use, and complements the surrounding context. Built form is shaped by quantitative regulations under the Land Use By-law, which determine the overall massing and scale of buildings. It also includes qualitative elements associated with the external appearance of buildings. To achieve the Pedestrian First and Human Scale Core Concepts, Part 4 places an emphasis on the scale of buildings, and the design of streetwalls. Some of the key aspects include:
  - the Plan identifies the most intense built form and land uses for the Downtown and Centres, followed by Higher Order Residential Areas and Corridors.

- transition requirements to low-rise residential areas include minimum rear yard setbacks, setbacks, screening, buffers, and fencing.
7. *Maximum Floor Area Ratio (FAR) and Maximum Height:* A key component of land use planning and urban design is to provide certainty and predictability with respect to the density and scale of development in relation to the surrounding context. This also includes transitions in the scale of buildings, and the consideration of availability of services to support new developments. Rather than regulating densities through units or people per acre, the overall scale of development is proposed to be regulated using maximum Floor Area Ratio, or maximum Height.
- *Downtown and Centres:* Floor Area Ratio (FAR) is generally defined in the Plan as the allowable floor area of a building divided by the area of the lot on which it is located. When combined with other built form requirements, such as streetwall heights, setbacks, setbacks and maximum building dimensions, a maximum FAR establishes an allowable building scale that is clear and predictable while allowing for flexibility in how a building floor area is distributed over a lot. FAR precincts are applied in the Downtown and Centre zones where the context (separation from low-rise residential areas) affords greater opportunity to vary the height and shape of buildings. While FAR regulations are intended to provide design flexibility, an overall height limit of 90 metres is proposed, subject to maximum FAR, to encourage context sensitive design and the infilling of large lots. The maximum FAR precincts are mapped to provide variation based on local context, not zones.
  - *Corridors and Higher Order Residential Areas:* Outside the Downtown and Centre zones, building scale will be regulated through allowable maximum building height in conjunction with other built form standards to provide adjacent residents with a greater predictability of the built form. The maximum height precincts are mapped to provide variation based on local context, not zones.
8. *Building Envelope:* The building envelope defines the limits of where a building can be located relative to the lot boundary, the surrounding built environment and the public realm, and the maximum dimensions of buildings. Pedestrian activity is supported when buildings are close enough to the public realm to allow for immediate enjoyment of building features, identification of main entrances, weather protection, and shorter routes to main entrances. Minimum and maximum setbacks are mapped to provide a variation based on local context. Maximums building and tower dimensions support human scale design.
9. *Streetwall Scale and Design:* The streetwall is the most prominent and visible portion of a building, and is created by the continuity of adjacent buildings facing a street. The key components that support and impact the pedestrian realm are overall streetwall height, ground floor height, articulation, materials and human scale elements such as entrances, and awnings. A key feature of the Plan is to generally require a minimum streetwall height of 8 metres, and to limit streetwall height to maximum of 11 metres, creating streetwalls of between two and three storeys in height.

### **Culture and Heritage (Part 5)**

The Regional Plan establishes seven objectives for culture and heritage and various policies that apply throughout the Municipality, and adopts the *Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> edition*. Under this framework, Part 5 of the Plan supports the overall identification, protection and celebration of heritage and cultural resources under the *Nova Scotia Heritage Property Act*, and provides policy guidance for developments in heritage contexts.

This includes low-rise built form over registered heritage properties and nine proposed Heritage Conservation Districts, provisions for development agreements on properties that contain registered heritage properties, provisions for incentive or bonus zoning for heritage conservation, heritage conservation site plan approval design requirements for registered heritage and abutting properties, the recognition of identified cultural landscapes in the Plan, and the required consideration of cultural and heritage resources in the planning for Future Growth Nodes.

**Housing (Part 6)**

Part 6 of the Plan sets out overall land use policies for increasing the variety and accessibility of housing choices throughout the Regional Centre, by permitting a broad range of housing and built forms in all residential zones including secondary suites and backyard suites for low-density buildings, and shared housing. The Plan also requires a mix of unit types in high density dwellings, but does not impose a minimum unit size. As required by the *HRM Charter*, an affordable housing component is required in all incentive or bonus zoning, and the majority (60%) of public benefits is proposed to be directed to affordable housing as money-in-lieu contributions, which can be leveraged through other funding sources. The proposed policy directions and regulations, including ongoing support for any future incentives and partnerships related to housing, directly align with the Municipal Affordable Housing Workplan<sup>2</sup>, and are informed by the 2015 Halifax Housing Needs Assessment (see Summary of Research - Attachment M). The Plan also proposes additional community planning engagement in the Dartmouth North and Peninsula North neighbourhoods.

**Economic Development (Part 7)**

The Regional Centre is the principal economic centre of Atlantic Canada and home to numerous sectors and industries including financial, logistics, education, health care, tourism, military, and government. Part 7 of the Plan supports economic development by permitting a concentration and a wide range of office, commercial and institutional uses in the Downtown, Centres, and Corridors, and enabling mixed-use zones. The Plan also permits home offices, home occupations, work-live units, and existing industrial uses in the Waterfront Special Area. It also establishes Pedestrian-Oriented Commercial Streets that can support specialized shopping and entertainment districts. Policies also support the maintenance and expansion of key institutions, supporting enclaves of innovation, removing land use barriers to entrepreneurial activities, supporting housing affordability, preserving heritage resources, and other actions that are aligned with the Halifax's Economic Growth Plan 2016-2021<sup>3</sup>.

**Mobility (Part 8)**

The Regional Centre offers opportunities to live within walking or bicycling distance to work, shops and transit, and it is also the most popular destination for commuters in the Municipality. The integration between transportation and land development has been a key regional priority since the 2006 Regional Plan, and several functional plans were approved by Council to support these principles<sup>4</sup>, including the Integrated Mobility Plan. Since most people are pedestrian at some point, placing pedestrians first improves the urban environment for everyone.

Part 8 of the Plan sets out overall land use policies that prioritize pedestrian and cyclist safety and comfort, and public transit. The movement of goods and development near railways is addressed, and Transportation Reserve zoning is established for the Dundas Street extension project. This Plan also supports the design of buildings, private open spaces and streetscapes to support accessibility for people of all ages and abilities, as outlined in Built Form and Urban Design (Part 4) section of this report. Requirements for human scale streetscapes, building setbacks, open spaces, and pedestrian connections will make walking a more attractive option. The Plan supports these objectives by locating growth near current or planned transportation nodes and corridors, and requiring minimum setbacks for developments close to railway operations. Transit and active transportation are prioritized in the planning of Future Growth Nodes.

**Environment (Part 9)**

Part 9 of the Plan sets out policies and regulations to implement Regional Plan environment policies, such as coastal and watercourse setbacks, stormwater management, storm surge protection for residential developments, urban lake water quality, and policies supportive of urban agriculture, parks and open space planning consistent with the Halifax Green Network Plan<sup>5</sup>.

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<sup>2</sup> July 20, 2018 [Staff Report](#). Affordable Housing Workplan.

<sup>3</sup> Halifax Partnership. [Economic Growth Plan 2016-2021](#); Aug. 13, 2017 [Staff Report](#).

<sup>4</sup> The Active Transportation Plan (2006); the Regional Parking Strategy Functional Plan (2008); the Transit Moving Forward Together Plan (2017); and the Transportation Demand Functional Plan (2010).

<sup>5</sup> Halifax Green Network Plan

While staff made every effort to address CDAC's recommendations, it is recommended that CDAC motion made on November 28, 2018 related to the following two matters be considered as part of Package B:

- limiting Harbour infill uses to industrial and open space uses only by adopting a water access designation and zoning; and
- considering the most likely sea level rise scenarios over a period of 50 years for residential and commercial uses when drafting Centre Plan documents.

As Package B is intended to address parks and industrial lands abutting the Halifax Harbour, and lands abutting watercourses, both of which contain water lots, these issues are best to be addressed in Package B. Staff are currently working on a *Municipal Community Energy & Climate Action Plan* and updated LiDAR survey data which can further inform environmental policies for the complete Regional Centre Plan.

### **Implementation (Part 10)**

The Plan will be implemented through the adoption of the Regional Centre Land Use By-law, the Regional Subdivision By-law, other by-laws of Council, and through Council's annual capital and operating budgets. Part 10 of the Plan sets out an approach to implementing the Plan through community engagement, future reviews and amendments to this Plan and the Land Use By-law, development approval processes, policies to guide future local planning and development agreements, incentive or bonus zoning, variations to the Land Use By-law, investments to support this Plan, and transition to this Plan. Key sections are highlighted below.

1. *Evaluation and Reviews:* This Plan and the Land Use By-law may be reviewed periodically, and Council can consider comprehensive review every ten years from the date of adoption, or from the date the most recent ten-year review has come into effect. The review may include those items directed by Council, as well as strategic opportunities identified in the Plan. Appendix 1 includes Plan Performance Indicators.
2. *Site Plan Approval:* Site Plan Approval is a development tool enabled under the *HRM Charter* which can regulate site and building design, including the location of structures on a lot, the external appearance of structures as well as matters such as pedestrian access, outdoor lighting, location of facilities for the storage of solid waste. The purpose of Site Plan Approval is to ensure that development achieves the Urban Design goals of this Plan. Under this Plan, site plan approval for development will occur in two parts:
  - (a) the quantitative (measurable) elements of an application are subject to approval based on general land use and built form requirements of Land Use By-law such as maximum height or maximum FAR, minimum or maximum streetwall height, minimum yards, setbacks etc.
  - (b) the qualitative elements of an application are subject to review in accordance with those requirements that are set out in Part VI of the Land Use By-law - Site Plan Approval Design Requirements and Variation Criteria; they include matters such as streetwall articulation, weather protection (e.g. awnings or canopies), and design of open spaces.
3. *Design Advisory Committee (DAC):* To support the Site Plan Approval Process, the Plan provides an option for Council to establish an advisory committee to provide recommendations to the Development Officer respecting site plan approval applications in the Regional Centre, and to perform other duties as set by Council.

Using the experience in Downtown Halifax, the anticipated volume of applications, and to support a consistent interpretation of the design requirements, staff structured the Plan and Land Use By-law to enable the Development Officer rather than a committee to make decisions on site plan approval applications. Based on research in other cities, design advisory committees or panels are common in most North American cities, but they typically have advisory as opposed to decision making authority, and are most effective when they can provide early design advice. Staff recommend that the DAC be established through a new Administrative Order, with the same membership as the current Downtown Halifax Design Review Committee.



4. *Incentive or Bonus Zoning:* Incentive or bonus zoning is a planning tool under the HRM Charter, which allows the Municipality to require developments to provide public benefits in exchange for greater development rights. The intent of this tool is to enhance, and not replace, other municipal investments so that the density enabled under the Plan is accompanied by the amenities and public benefits that support complete and inclusive communities.

The proposed framework is based on the 2015 Density Bonusing Study, experience with the Downtown Halifax program, extensive public and stakeholder consultation, and CDAC recommendations. The proposed framework seeks to balance strategic growth targets, predictability, incentivizing development, and supporting tangible public benefits. The proposed framework was designed to distribute the program across Package A lands and most developments, while also considering the overall costs and benefits of the program. Approximate potential floor area densities and estimated public benefit values are provided in Attachment P based on varied project sizes.

The proposed acceptable public benefits for the Regional Centre Plan Area include:

- affordable housing;
- heritage conservation;
- public art;
- improvements to municipal parks;
- community cultural spaces; and
- other public benefits that may be set out in the Land Use By-law.

The Land Use By-law permits the acceptance of money in lieu of the public benefit as enabled by the Charter, and in the case of certain public benefits only accepts money-in-lieu contribution for a public benefit. Some of the key components of the proposed program include the following:

- incentive or bonus zoning must be included in heritage development agreements;
- at least 60% of the public benefit must include money-in-lieu for affordable housing, and the remainder can be suggested by the developer;
- only money-in-lieu can be accepted for affordable housing, improvements to municipal parks, and affordable community cultural spaces;
- money-in-lieu can also be accepted for public art, and heritage conservation;
- Council can add additional public benefits by amending the Land Use By-law;
- density bonusing rates are based on 60% of average land values in seven Regional Centre density bonus districts; the average land values were confirmed by Turner & Drake Partners Ltd. (2018);
- bonus rates do not apply to the first 2,000 square metres of any development, but are calculated on 20% of the remaining total new floor area; and
- developments cannot exceed the maximums FAR or maximum height.

Based on Council's direction on the proposed framework, staff recommend that a new reserve be established, and that an Administrative Order be developed to govern the management and expenditure of any money-in-lieu funds for the purpose for which they were collected.

5. *Affordable Housing Public Benefit Component:* While the proposed framework proposes that the majority (60%) of the program's value be directed to affordable housing, it is only one component of addressing housing affordability issues, and supporting Council's affordable housing targets. The Municipality continues to be an active member of the Housing and Homelessness Partnership, and in July of 2018 Council approved the Affordable Housing Workplan<sup>6</sup>.

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<sup>6</sup> July 20, 2018 [Staff report](#). Affordable Housing Workplan.

The approach to affordable housing public benefit component was however revised based on public and stakeholder consultation on Package A. It also differs from the following Dec. 6, 2016 Regional Council motion report directing staff to<sup>7</sup>:

1. *Develop an incentive or bonus zoning program for affordable housing benefits, including an Administrative Order and any required financial tools, in accordance with the program goals, assumptions, principles and directions outlined in the staff report dated September 6, 2016;*
2. *Negotiate with Housing Nova Scotia a Memorandum of Understanding assisting with the monitoring of affordable housing units provided by way of incentive or bonus zoning agreements.*
3. *Work with the Province of Nova Scotia to permit density bonusing and inclusionary zoning for private rental affordable housing in areas in HRM not covered by the Centre Plan.*

The Municipality requested Charter amendments from the Province based on Part 3 of the Council motion. While the power to use density bonusing in all areas of the Municipality has been granted, inclusionary zoning continues to be on the list of requested amendments.

This report recommends that Council rescind Parts 1 and 2 of the motion based on the following:

10. Part 1 of the motion was based on staff recommendation to focus up to 75% of public benefits on affordable housing in the form of less than market rate units for a limited period of time. However, based on feedback from the public, stakeholders, staff, and CDAC (July 25, 2018 motion), staff revised the planning documents to only accept money-in-lieu for affordable housing. Affordable housing has been a strong focus of all consultations on bonus zoning, yet concerns were expressed with respect to: the limited proposed affordability periods (15-20 years), the limited number of anticipated affordable units within individual developments, the administrative burden for the property owners and the Municipality, the ability of the Municipality to enforce long-term affordability or income requirements, and the ability of the program to address the needs of low-income and vulnerable populations. Stakeholders also suggested that a greater portion of the program share should be directed to other public benefits.
11. Part 2 of the motion directed staff to negotiate a Memorandum of Understanding with Housing Nova Scotia to help administer the program. Staff negotiated in good faith with Housing Nova Scotia staff, who were very supportive of a possible collaboration. However, given the link of the program to development approval processes it was agreed that many of anticipated administrative and enforcement challenges could not be resolved at this time, and that a money-in-lieu option can achieve a greater social benefit than units within private developments. The bonus zoning funds can, for example, be used to leverage federal and provincial funding sources.

Staff propose to return with a proposal as to how the grants program can be implemented. A major benefit of the revised approach is that any funds generated can be directed to Council's priorities, and can also leverage other sources of funding.

6. *Non-conforming Structures and Uses:* Many buildings in the Regional Centre were constructed in accordance with former land use by-law provisions that may not conform to the new Land Use By-law. A substantial built environment exists in Package A lands, therefore special provisions are made to allow for the relaxation of the restrictions for the extension, enlargement, and alteration of non-conforming structures. To support any affected non-conforming uses, the Plan provides for the ability to relax the restrictions on non-conforming uses in a structure through a development agreement process.
7. *Investments for Growth:* One of the main focuses of the Municipality is to maintain its assets in a state of good repair, and aligning future investments with identified growth targets of the Regional Plan and key social environmental and economic objectives. As such, the Municipality has invested significant capital resources in upgrading recreation facilities, transit facilities, trails, streetscapes, active

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<sup>7</sup> Sept. 6, 2016 [Staff report](#). Implementation of Density Bonusing for Private Rental Affordable Housing in the Regional Centre.

transportation routes, municipally-owned registered heritage properties, and other Regional Centre infrastructure<sup>8</sup>. The Regional Centre Plan emphasizes the importance of the public realm in creating an environment that attracts and supports growth. Policies of this Plan state that Council may consider a range of programs and initiatives to support anticipated growth; some of these include:

- conducting needs assessments for parks, recreation, and cultural facilities to determine changing needs of the Regional Centre's population, and anticipated growth pressures;
- preparing a street and streetscaping program to establish project priorities based on current and desired growth and pedestrian activity, where the priority should be placed on improvements identified by Regional Plan Priority Plans, improvements to Pedestrian-Oriented Commercial Streets, and Corridors;
- supporting ongoing improvements to transit in the Regional Centre;
- preparing master plans for municipal parks and facilities to guide decisions for improvements to existing, new or expanded facilities;
- identifying, protecting and celebrating cultural and heritage resources in partnership with diverse groups, communities, and other governments;
- establishing heritage incentive programs in conjunction with new proposed Heritage Conservation Districts;
- supporting the economic and social development of neighbourhoods through local urban design plans, urban design awards, capital investments, placemaking programs, pilot projects;
- continuing to support affordable housing initiatives and affordable housing targets; and
- supporting studies needed to determine the adequacy of public water, wastewater or stormwater systems needed to accommodate growth.

8. *Commercial Development Districts and Taxation:* Land development projects resulting in new growth may impact commercial assessments and levels of taxation. The Plan includes provisions that enable Council to consider establishing one or more commercial development districts within the Regional Centre Plan Area, within districts serviced by municipal wastewater and water systems. A Commercial Development District is a tool under the *HRM Charter* that enables the Municipality to phase in or average commercial taxes from assessment increases within each district. This can provide commercial businesses with greater predictability on their taxes, leading to a more stable and competitive investment environment.
9. *Transition to the Regional Centre Plan:* During the preparation of the Regional Centre Plan, land development has continued to occur within the Regional Centre area in accordance with existing planning policies and land use by-law requirements. At the time of writing, 14 development agreement applications are progressing in various stages of review and approval within the Regional Centre. The development agreement applications were designed within the parameters of existing policies, and submitted in advance of the Regional Centre Plan being given first reading by Council. There is merit in considering them under the previous policies after the effective date of this Plan. Future amendments to approved development agreements should also be considered under previous policies, but time limits on starts and completions are proposed under the Plan.

There are also 23 active plan amendment applications initiated by Council in the Regional Centre. The majority were directed by Council to generally comply with the 2017 Centre Plan document. Staff will seek Council direction on any plan amendment applications that have not proceeded to public hearing prior to Council's first notice of its intention to adopt this Plan.

Part 10 of the Plan identifies specific time frames for the approval, construction, completion and amendments for active development agreement projects made on or before Council's first notice of its intention to adopt this Plan. In recognition of the unique scale and complexity of the King's Wharf development, longer timeframes are recommended for considering development agreement applications, amendments and completions on that site. The proposed transition timeframes are as follows:

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<sup>8</sup> See Nov. 19, 2018 Staff report. [Proposed 2019-20 Multi-Year Capital Program Budget](#); and Sept. 21, 2017 Staff Report. [Long-term Strategic Capital Projects Update](#)

Table 3 Summary of proposed Transition Policies

Complete Applications	Details of Application	Planning Policy Considerations	
<b>Submission</b>	Application is made to the Municipality on or before Council's first notice of intention to adopt the Plan	Planning policies in effect at the time the complete application was received	Policy 10.26
	Application is withdrawn, significantly altered, or refused by Council, and a new application is made	Regional Centre Plan policies and Land Use By-law Regulations	Policy 10.26
	Application has not proceeded to First Reading within 24 months of the adoption of the Plan	Application is subject to all applicable requirements of the Regional Centre Plan and the Land Use By-law	Policy 10.26
	Development agreements or amendments to development agreements for King's Wharf that have been received by the Municipality on or before September 5, 2029	Applications may be considered by Council in accordance with the policies in effect at the time Council provides notice of intention to adopt the Regional Centre Plan.	Policy 3.9
<b>Commencement</b>	Application is approved pursuant to Policy 10.26	Project to commence within 3 years	Policy 10.27
<b>Completion</b>	Application is approved pursuant to Policy 10.26	Project to be completed within 6 years	Policy 10.27
		Kings Wharf Project to be completed within 20 years from the date the agreement is filed	Policy 10.27
	Applications for amendments to existing development agreements to extend the project commencement and completion dates	The application is to include project commencement dates not exceeding one year and project completion dates not exceeding two years.	Policy 10.29
<b>Potential Amendments</b>	Application is for amendments to existing development agreements	Application is to be subject to policies in effect at the time the development agreement was approved	Policy 10.28
	Applications is for amendments to existing development agreements to extend commencement and completion dates	Application/project is to commence within one year, and be completed within 2 years	Policy 10.29
<b>Active Plan Amendments</b>	Applications is for amendments to existing planning documents	Separate staff report will seek Council direction on any applications that did not proceed to Public Hearing prior to Council's first notice of intention to adopt the Regional Centre Plan.	

### Regional Centre Land Use By-law

The Regional Centre Land Use By-law is the principal tool for implementing the land development policies of the Regional Centre Plan, and it applies to all properties in the Regional Centre of the Municipality, as identified on Schedule 1 for Package A lands. It is the rulebook that establishes regulations for permitted uses and structures, including establishment of:

- administrative provisions;
- requirements for development permit and site plan approval applications;
- zones and permitted uses;
- lot and built form requirements;
- site plan approval design requirements;
- view planes, ramparts, and view corridor requirements;
- landscaping, parking, and signs requirements;
- incentive or bonus zoning provisions;
- developments subject to development agreements;
- definitions and performance standards.

As part of the Land Use By-law Simplification project mandate, staff structured the document with the end user in mind, which includes members of the public, property owners, property developers, Council, and staff. This includes the use of tables, figures (illustrations), schedules (maps), and a numbering system that will allow each part of the planning documents to be unambiguously identified and ordered, regardless of its position in the document hierarchy. Another goal of the newly proposed system is to allow an easier way to amend the documents in the future, by eliminating the need ever to reuse a part number. The Land Use By-law includes a five-level hierarchy, consisting of Parts, Sections, Subsections, Clauses, and Sub-clauses.

The *Evidence Act of Nova Scotia* permits the introduction of by-laws into evidence in electronic form. This project is the second time where Council is being presented with the option to adopt Maps and Schedules within the new planning documents in this format.

#### **Amendments to Existing Planning Documents**

The implementation of the Regional Centre Plan for Package A requires amendments to multiple planning documents, including the Regional Plan, the Regional Subdivision By-law, the Dartmouth Plan, the Dartmouth Land Use By-law, the Downtown Dartmouth Plan, the Downtown Dartmouth Land Use By-law, the Downtown Halifax Land Use By-law, the Halifax Plan, and the Halifax Peninsula Land Use By-law. The detailed proposed amendments are included in Attachments C to K, and are introduced for the following reasons:

- amendments to the Regional Plan update the vision for the Regional Centre, include the Core Concepts as developed through the Centre Plan planning process, and introduce minor housekeeping amendments such as the phased adoption of the new Regional Centre Plan (Attachment C);
- amendments to the Regional Subdivision By-law clarify that the requirement for minimum lot sizes quoted in the By-law for lands in the Dartmouth Municipal Plan area do not apply within the lands regulated by the Regional Centre Plan and Land Use By-law Package A lands (Attachment D); and
- amendments to the Dartmouth Plan, the Dartmouth Land Use By-law, the Downtown Dartmouth Plan, the Downtown Dartmouth Land Use By-law, the Downtown Halifax Land Use By-law, the Halifax Plan, and the Halifax Peninsula Land Use By-law will remove the Regional Centre Package A lands from those documents to eliminate any potential conflicts and inconsistencies, and update any maps and schedules that affect and apply to the plan areas (Attachment E – K, inclusive)

### Governance Under the Centre Plan

Since the creation of Halifax Regional Municipality in 1996, Regional Council has enabled the creation of Community Councils. The number and the area in which they cover has changed over time and currently, the Municipality is governed at the local level by three Community Councils:

- Harbour East- Marine Drive Community Council (HEMDCC);
- North West Community Council (NWCC); and
- Halifax and West Community Council (HWCC).

Regional Council has delegated the authority to Community Councils to:

- hear variance appeals and site-plan appeals;
- approve development by agreement if the applicable municipal planning strategy provides for it (except for Downtown Halifax); and
- amend a land use by-law if the amendment carries out the intent of the municipal planning strategy.

With regards to these three powers, Community Councils stand in the place and instead of Regional Council. To ensure clarity over which Council body will have jurisdictional authority over the lands under Package A, four jurisdictional scenarios were developed. They are as follows

**Scenario 1:** Create a new Community Council to review, address, and deal with matters relating to lands within Package A of the Regional Centre Plan;

**Scenario 2:** Create a new Community Council to review, address, and deal with matters relating to lands within the entire Regional Centre Plan Area, except for Downtown Halifax Plan area;

**Scenario 3:** Continue to utilize existing Community Councils with jurisdictional authority over lands within the Regional Centre Plan Area, which are HEMDCC and HWCC; or

**Scenario 4:** Remove the lands within Package 'A' from the jurisdictional authority of HEMDCC and HWCC, and provide Regional Council full jurisdictional control over those lands until the Regional Centre Plan planning documents, inclusive of the Plan and Land Use By-law, are adopted.

The evaluation criteria developed to determine possible scenarios for Council to consider includes the following, and is detailed in Attachment Q:

- 1) Maximizing administrative support and resources;
- 2) Enabling consistency with regards to decision making;
- 3) Providing alternative and optional meeting locations for Council;
- 4) Allowing for a balanced number of Councillors per Community Council to ensure debate, regular quorums, and representation;
- 5) Balancing the amount of additional workload for Councillors; and
- 6) Reducing potential conflicts and overlaps due resulting from the existing boundaries of Electoral Areas and plan areas.

Staff advise that the best course of action is to adopt Scenario No. 4 as an interim measure until the full adoption of the Regional Centre Plan, inclusive of Package A and B. Scenario No. 4, which advises to provide Regional Council with jurisdictional control over the Regional Centre Package A lands, will ensure consistent decision-making and reduce potential conflicts and overlaps. In addition, with most of land development within Package A enabled through as-of-right processes and site plan approval process, there will be a minor increase in the number of applications requiring a planning review.

Following the full adoption of the Regional Centre Plan within an anticipated timeline of 2020/2021, Scenario No. 2 is recommended. This scenario involves the creation of a new Community Council to deal with land use within the entire Regional Centre Plan Area, except for the Downtown Halifax Plan area. It will ensure

that decisions on discretionary applications are made at the local level, and are reviewed and addressed consistently across the Plan Area.

To implement the proposed scenarios, except for Scenario No. 3, Regional Council is required to make changes to the jurisdictional authority of HEMDCC and HWCC by amending Administrative Order No. 48 (Respecting the Creation of Community Council). The anticipated amendments would either create a new Community Council, or limit the jurisdiction of existing Community Councils.

### **Planning Advisory Committees**

Community Councils, once established, are vested with certain powers by the *HRM Charter*, including establishing Planning Advisory Committees (PAC). Past Administrative Orders have specifically delegated such authority to the Community Councils, which resulted in establishing:

- Halifax Peninsula Planning Advisory Committee, which reports to HWCC;
- North West Planning Advisory Committee, which reports to NWCC; and
- St. Margaret's Bay Coastal Planning Advisory Committee, which reports to NWCC.

It is important for Council to note that the full adoption of the Regional Centre Plan project, inclusive of Package 'A' and 'B', will result in a limited number of discretionary approvals enabled. Staff advises that the creation of a PAC specifically for planning matters relating to Package 'A' lands may not be necessary.

Further, staff recommends that Regional Council exclude lands falling within Package 'A' from the Halifax Peninsula PAC as its jurisdiction does not apply to all areas impacted by Package 'A'. As such, amendments are required to Administrative Order Number 48 to exclude the areas of Package 'A' from the jurisdiction of HWCC, which in turn excludes the lands from the Halifax Peninsula PAC.

### **Regional Centre Plan - Package B**

Once Regional Council renders a decision on the Plan for Package A lands, staff expect to continue to engage the community and present for Council's consideration planning documents for Package B lands. This is necessary to implement the direction of the Regional Plan and the Vision and Core Concepts of the Plan, and to achieve the goals and objectives of the Plan and Land Use By-law Simplification Project.

The preparation of planning policies and by-law regulations relating to lands within Package B will include completing a detailed phase of community engagement with multiple sessions and workshops, and finalizing of policies and provisions relating to:

- Established Residential areas;
- Employment Institutional lands;
- Employment Industrial lands;
- Water Access Lands (water lots); and
- Parks and Open Space lands.

Downtown Halifax may also be incorporated in the Plan. CDAC will continue to provide strategic guidance to the project, however there may be an opportunity to revisit the composition and Terms of Reference (TOR) of CDAC to ensure that stakeholder interests related to Package B lands are represented on the committee.

Staff also advise that Regional Council consider streamlining the planning approval process for Package B and the full adoption of the Regional Centre planning documents. This can be achieved by amending the various committee TORs to identify CDAC, Heritage Advisory Committee, CPED, and the Halifax and West Community Council, and the Harbour East – Marine Drive Community Council as the only review bodies for the Package B Regional Centre Plan process.

## Conclusion

Land use planning seeks to regulate land development, ensure an efficient and strategic use of land, safeguard natural resources, reduce land-use conflicts, integrate mobility with land uses, and support other social, economic, and environmental goals.

This Plan provides a clear direction for future growth that creates complete communities and neighbourhoods, and a clear and streamlined framework for evaluating development proposals. This Plan seeks to balance strategic growth with urban design, pedestrian safety and comfort, culture and heritage, housing, economic development, mobility, and environment.

The Plan and Land Use By-law introduce higher standards for developments that will meet, and perhaps exceed, the community's expectations for a complete and inclusive community that places the needs of pedestrians and residents of all ages and abilities, first. The full implementation of the Plan will require the completion of Package B, as well as ongoing commitment by the Municipality to any potential additional growth incentives, heritage programs, support for affordable housing, recreation, transit, streetscaping and other initiatives that support residents and businesses in the Regional Centre.

## FINANCIAL IMPLICATIONS

There are no immediate budget implications resulting from the report recommendations. General administration of the proposed Regional Centre Secondary Municipal Planning Strategy and Land Use By-law can be carried out within existing resources and budget. The streamlined development application processes are expected to result in internal efficiencies once transition the new Plan is completed. Policy directions that can enhance the implementation of the Plan, and may result in additional costs or revenues are outlined below:

- The sustained achievement of 40% of regional growth within the Regional Centre as supported by this Plan is expected to result in certain servicing cost savings for the Municipality (Stantec, 2013).
- The Plan provides policy direction for the establishment of Incentive or Bonus Zoning Program, which if approved by Council, will result in public benefits to be provided on development sites. Any money-in-lieu collected by the Municipality will be required to be spent on Public Benefits in the Regional Centre. This report recommends that staff report back to Council with a detailed proposal for how the funds can be administered in an open and transparent manner.
- The estimated potential revenues resulting from the bonus zoning program are difficult to project at this time, as they will depend on the inventory of approved developments, Council's direction on active development agreement and plan amendment applications, and the overall market conditions. The 2015 Density Bonusing Study however estimated the average annual value of density bonus amenities could be approximately \$1.1 million per year for the first seven years (until the inventory of approved units is built out), and could double for each year after that, totalling about \$14.3 million over the ten-year projection period. The increased population growth, and development activity in the Regional Centre over the past three years could result in higher value of the program.
- The completion of proposed programs and projects to support anticipated growth, and the nine proposed Heritage Conservation Districts (HCDs) within an accelerated timeframe would require either a re-allocation of staff resources, or new staff resources. Options and recommendations for any financial incentives, streetscape and signage associated with any new HCDs will be brought forward to Halifax Regional Council as separate reports for consideration. It is estimated that there are 2,500 properties within the proposed HCDs. A separate staff report will outline a proposed process for the establishment of HCDs.



- Investments for growth may result in increased operating and capital budget pressures. Staff will present the implications of these investments in separate staff reports.
- The Plan also enables a tool under the *HRM Charter* which allows Council to consider the establishment of one or more Commercial Taxation Development Districts within the Package A Plan area. This would allow Council to phase-in or average commercial taxes from assessment increases within each district. Options and recommendations for this tool will also be brought forward to Halifax Regional Council as a separate report for consideration.

Section 232(2) of the *HRM Charter* states that the adoption of a municipal planning strategy does not commit the Council to undertake any of the projects suggested in it. Also, such amendments and adoption processes are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low. To reach this conclusion, consideration was given to the current number, age and lack of consistency between the existing planning documents which this Plan will partially replace, the number of planning applications in the Regional Centre, and the high degree of public and stakeholder consultation, as well as internal review undertaken to develop the proposed planning documents. Many of the proposed policies and regulations are based on the successful Downtown Halifax Plan and site plan approval process, and they also carry forward relevant policies from other planning documents. While the adoption of a Plan for only Package A may create some administrative challenges, this can be mitigated by preparing and disseminating communication and training materials for staff, industry stakeholders, and the public. Council always has the option to amend planning documents.

### **ENVIRONMENTAL IMPLICATIONS**

This Plan includes policies related to interconnected green spaces, minimizing environmental impacts of developments such as tree cover and stormwater run-off. In addition to implementing policies of the Regional Plan and related Priority Plans, the proposed Land Use By-law implement policies of the Regional Plan and Regional Centre Plan related to strategic growth, efficient use of land, food and energy security, parks and open spaces, low-impact development practices, watercourse setbacks and storm surge protection. The intent is to use existing infrastructure, and invest to make walking, cycling and transit appealing alternatives for commuting through promoting a compact, and intensified downtown that aims to foster a healthy pedestrian environment. Package B will further consider environmental implications for parks and open spaces, climate change adaptation, and additional lands around the Harbour and other watercourses.

### **ALTERNATIVES**

#### **Community Design Advisory Committee**

The Community Design Advisory Committee may choose to:

1. Forward this report to the Community Planning and Economic Development Standing Committee with any suggested changes to the attached documents (Attachments A to K) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A to K), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A to K).

**Heritage Advisory Committee**

The Heritage Advisory Committee may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachments A and B) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A and B), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A and B).

**Halifax Peninsula Planning Advisory Committee**

The Halifax Peninsula Planning Advisory Committee may choose to:

1. Forward this report to Halifax and West Community Council with any suggested changes to the attached documents (Attachments A and B, and I to J-2) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A and B and I to J-2), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A and B, and I to J-2)

**Design Review Committee**

The Design Review Committee may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachment K) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachment K), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachment K).

**Accessibility Advisory Committee**

The Accessibility Advisory Committee may choose to:

1. Forward this report to the Executive Standing Committee with any suggested changes to the attached documents (Attachments A and B) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A and B), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A and B).

**Executive Standing Committee**

The Executive Standing Committee may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachments A and B) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A and B), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A and B).

**Regional Watersheds Advisory Board**

The Regional Watersheds Advisory Board may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachments A to D) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A to D), subject to the recommended changes; or

3. Recommend against the adoption of the proposed documents (Attachments A to D).

#### **Environment and Sustainability Standing Committee**

The Environment and Sustainability Standing Committee may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachments A to D) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A and B), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A to D).

#### **Community Planning and Economic Development Standing Committee**

The Community Planning and Economic Development Standing Committee may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachments A to K) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A to K), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A to K).

#### **Halifax and West Community Council**

The Halifax and West Community Council may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachments A and B, and I to J-2) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A and B, and I to J-2), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A and B, and I to J-2).

#### **Harbour East – Marine Drive Community Council**

The Harbour East – Marine Drive Community Council may choose to:

1. Forward this report to Regional Council with any suggested changes to the attached documents (Attachments A and B, and D to H-4) and request changes be made before Regional Council considers First Reading;
2. Recommend the adoption of the proposed documents (Attachments A and B, and D to H-4), subject to the recommended changes; or
3. Recommend against the adoption of the proposed documents (Attachments A and B, and D to H-4).

#### **Halifax Regional Council**

The Halifax Regional Council may choose to:

1. Require changes to the attached documents (Attachments A to K), and request the changes be made prior to the consideration of First Reading;
2. Adopt the proposed documents (Attachments A to K), subject to the requested changes; or
3. Refuse to adopt the proposed documents (Attachments A to K).
4. Refuse to direct the CAO to develop and return to Council for consideration with proposed amendments to Administrative Order Number 48 to remove the lands within Package A from the jurisdictional authority of the Halifax Peninsula Planning Advisory Committee, the Harbour East – Marine Drive Community Council, and the Halifax and West Community Council, and provide Regional Council full jurisdictional control over those lands following the adoption of the Regional Centre Plan

- Secondary Municipal Planning Strategy and Land Use By-law, and instead utilize the existing Community Council structure for Regional Centre Package A lands;
5. Refuse to direct the CAO to develop and return to Council for consideration with proposed amendments to Administrative Order Number 48 to remove the lands within Package A from the jurisdictional authority of the Halifax Peninsula Planning Advisory Committee, the Harbour East – Marine Drive Community Council, and the Halifax and West Community Council and provide Regional Council full jurisdictional control over those lands following the adoption of the Regional Centre Plan Secondary Municipal Planning Strategy and Land Use By-law, and instead establish a new Community Council for Regional Centre Package A lands;
  6. Refuse to direct the CAO to develop and return to Council for consideration a new Administrative Order establishing a Design Advisory Committee for the Regional Centre Package A lands;
  7. Refuse to rescind the Regional Council December 13, 2016 motion, Item 9.2.2, Parts 1 and 2, with respect to developing an incentive or bonus zoning program for affordable housing benefits and negotiating with Housing Nova Scotia a Memorandum of Understanding, as outlined in staff report dated September 6, 2016;
  8. Refuse to direct the CAO to develop and return to Council for consideration a business case for a Regional Centre Incentive or Bonus Zoning Reserve, and an Administrative Order to direct future spending from the reserve within the Regional Centre and return to Council for consideration; and
  9. Refuse to direct the CAO to prepare and return to Council for consideration amendments to the various committee Terms of Reference as appropriate, to establish the Community Design Advisory Committee, the Community Planning and Economic Development Standing Committee, the Heritage Advisory Committee, the Halifax and West Community Council, and the Harbour East – Marine Drive Community Council as the only advisory bodies to the planning process for the Regional Centre Plan Package B area, and return to the Council or the necessary body for consideration.

## **ATTACHMENTS**

Attachment A:	Proposed Regional Centre Secondary Municipal Planning Strategy (Package A)
Attachment B:	Proposed Regional Centre Land Use By-law (Package A)
Attachment C:	Proposed Amendments to the Regional Municipal Planning Strategy
Attachment D:	Proposed Amendments to the Regional Subdivision By-law
Attachment E:	Proposed Amendments to the Dartmouth Municipal Planning Strategy
Attachment F:	Proposed Amendments to the Dartmouth Land Use By-law
Attachment G:	Proposed Amendments to the Downtown Dartmouth Municipal Planning Strategy
Attachment H:	Proposed Amendments to the Downtown Dartmouth Land Use By-law
Attachment H-1	Schedule C1A – Dartmouth View Planes
Attachment H-2	Schedule C3A - Best Street Waterfront View Corridor
Attachment H-3	Schedule C3B - Mott Street Waterfront View Corridor
Attachment H-4	Schedule C3C - Old Ferry Road Waterfront View Corridor
Attachment I:	Proposed Amendments to the Halifax Municipal Planning Strategy
Attachment J:	Proposed Amendments to the Halifax Peninsula Land Use By-law
Attachment J-1	Map ZM-25 - Halifax Citadel View Planes
Attachment J-2	Map ZM-26 - Citadel Ramparts
Attachment K:	Proposed Amendments to the Downtown Halifax Land Use By-law
Attachment L:	Regional Plan Objectives
Attachment M:	Summary of Research – Selected Research Reports Informing the Centre Plan
Attachment N:	Centre Plan Community Engagement Timeline and Summaries
Attachment O:	Summary of Centre Plan Designations
Attachment P:	Density Bonusing Examples
Attachment Q:	Jurisdictional Authority of Community Council Scenarios for Package A Lands within the Regional Centre Plan Area
Attachment R:	Regional Centre Plan Area (Package A) Map

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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