

HALIFAX

Case 21648

Coastal Inundation

Correction to Land Use By-laws

Halifax and West Community Council
Harbour East - Marine Drive Community Council
North West Community Council

October 23, 2018

Background

- Staff review of Planning Application (Case 20976):
 - Error identified in Bedford Land Use By-law (LUB)
 - Same error identified in LUB's for: Bedford; Dartmouth; Downtown Dartmouth; Eastern Passage/Cow Bay; Halifax Mainland; Halifax Peninsula and Planning District 5 (Chebucto Peninsula).
- Error pertains to Coastal Inundation/Coastal Area requirements:
 - Existing clause provides exemption for development of residential properties located within the Harbour Designation;
 - Clause to be removed as part of adoption of revised Regional Plan (RP+5) in 2014.

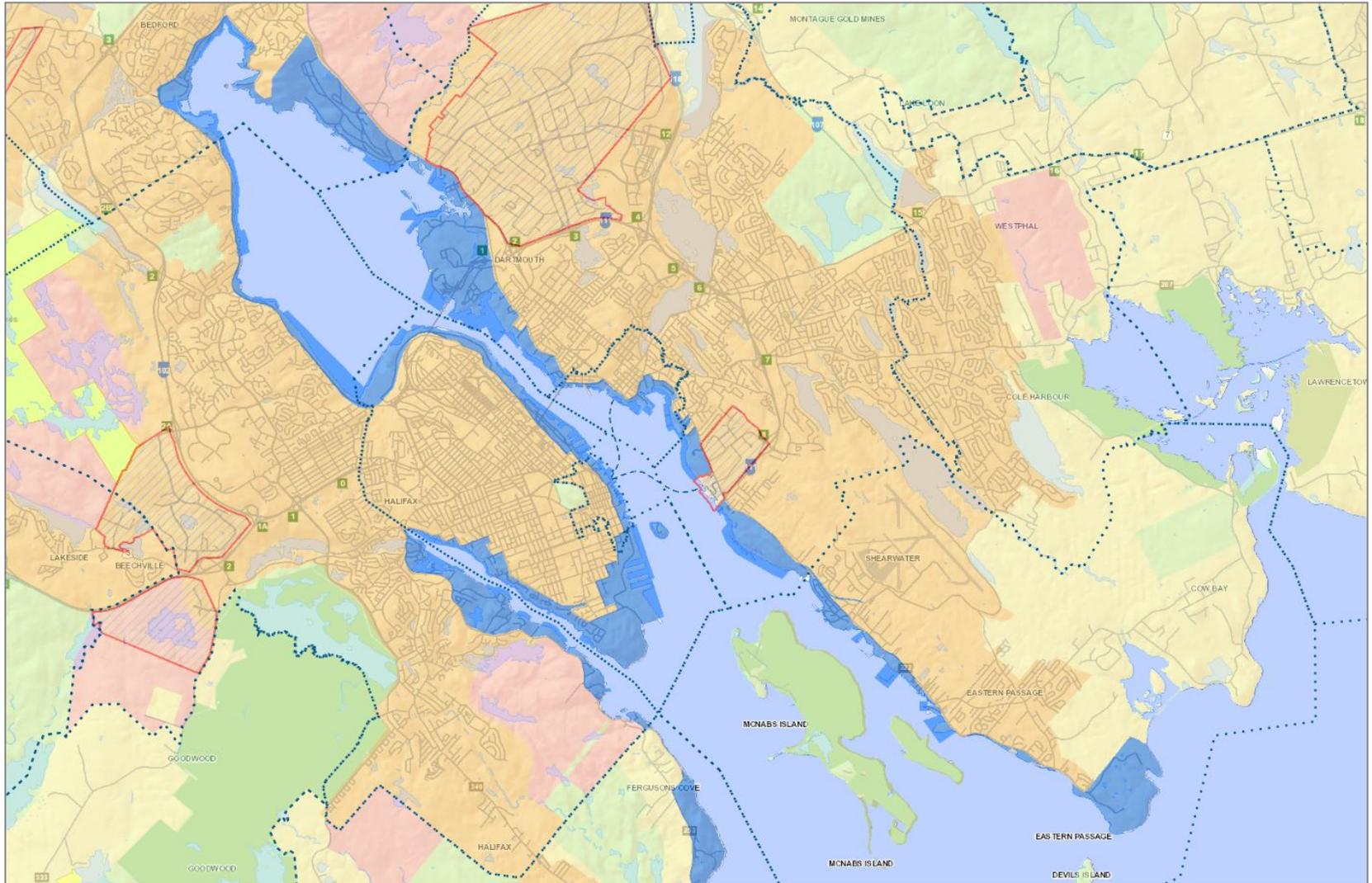
Background

Regional Plan (2006-2014)

Policy E-16

“HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 2.5 metre elevation above the ordinary high water mark, **except for lands designated Halifax Harbour on the Generalized Future Land Use Map** and industrial lands within the port of Sheet Harbour.”

Background



Background

Staff Report (January 14, 2014):

“The current Regional Plan prohibits residential development, apart from those located within the Harbour Designation, from being established along the coast at an elevation of less than 2.5 metres above the ordinary high water mark (OHWM). The revised Regional Plan is proposing to replace the existing system of elevation above the OHWM with a more precise Canadian Geodetic Vertical Datum (CGVD) standard. A CGVD 28 value of 3.8 metres is being proposed. The 3.8 metres CGVD 28 value is nominally higher than the 2.5 metres above OHWM, and it better reflects potential impacts of future sea level rise and storm surge events. The revised Regional Plan expands this control on elevation to residential uses located within the Harbour Designation.”

Background

Regional Plan (2014 – Present)

Policy E-22

HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28). Provisions shall be made within the by-law to permit residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses within the 3.8 metre elevation. Consideration may be given to amending the by-law requirements where an updated system of measurement has been adopted or studies have been undertaken which recommend that such amendments are deemed prudent to provide a reasonable level of safety or to conform with guidelines or statements of interest adopted by the Province.

Background

Halifax Peninsula LUB: (2014 - Present)

(1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

(2) Subsection (1) does not apply to:

(a) any residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses permitted, permitted accessory building; and

~~(b) lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.~~

(3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

(4) Every application for a development permit for a building or structure

Request

Request correction to error in the following LUB's:

- *Bedford;*
- *Dartmouth;*
- *Downtown Dartmouth;*
- *Eastern Passage/Cow Bay;*
- *Halifax Mainland;*
- *Halifax Peninsula; and*
- *Planning District 5 (Chebucto Peninsula)*

Recommendation

It is recommended that Halifax and West Community Council; Harbour East-Marine Drive Community Council, and North West Community Council:

Approve the proposed Land Use By-law amendments as set out in Attachment A of this report, to the extent of each Community Council's jurisdiction.