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Item No. 6
Halifax Regional Council
August 1, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by Director

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: July 24, 2017

SUBJECT: Case 20226 - Lovett Lake Lands Beechville

INFORMATION REPORT

ORIGIN

May 9, 2017 Regional Council: Motion approved that Case 20226, Secondary Municipal Planning Strategy (SMPS) and Land Use By-Law Amendments for Lovett Lake Lands, Beechville be DEFERRED, pending a supplemental staff report regarding the impacts on the local African Nova Scotian Communities, and Heritage in the Beechville Area to be received by Halifax Regional Council no later than August 1, 2017.

LEGISLATIVE AUTHORITY

Refer to Attachment A

BACKGROUND

This is an update on Council's direction to prepare a supplemental report about Armco Capital's application to amend the Secondary Municipal Planning Strategy (SMPS) for Timberlea/ Lakeside/ Beechville. Armco is proposing a development with stores, offices, and 1292 housing units, on land near Lovett Lake, in Beechville.

DISCUSSION

Planning & Development (P&D) staff and African Nova Scotian Affairs Integration Office (ANSAIO) staff connected on May 15, 2017 to discuss the motion of Council and approach to engaging with the Beechville African Nova Scotian community. ANSAIO and P&D met with a representative member of the community on June 2, 2017 to outline a framework for engagement in response to Council's motion. Planning & Development staff also met with Councillor Zurawski and the applicant on June 5, 2017 to further explain and receive feedback on the engagement framework. It was determined that a series of meetings would be required to consult with the community, to understand their broader concerns, and their concerns relative to the impacts of the proposed development. It was also determined that an independent facilitator trusted by the community would be brought on board to assist with the meetings.

ANSAIO hosted an initial meeting in Beechville on June 27, 2017 to describe the process. ANSAIO and Planning & Development had scheduled a follow-up meeting on July 24, 2017, which has been postponed, and is currently being rescheduled. This meeting is to be led by an independent facilitator, to identify the community concerns. A third meeting may be held in August, depending on the findings of the second meeting.

Concurrent to these sessions, staff has been researching the following topics for inclusion in the supplemental report:

- The history of Beechville and its residents
- The 2005 heritage registration of the Beechville Baptist Church
- The public engagement for a 2014 development agreement on the site

The next steps are for staff to:

- Compile community feedback
- Revise the proposed SMPS amendment process, as required
- Finalize the supplemental report
- Present the findings in a staff report targeting the September 19th Regional Council agenda

FINANCIAL IMPLICATIONS

There are no financial implications associated with the contents of this report.

COMMUNITY ENGAGEMENT

Staff will continue their consultation with the community. Staff is committed to ensuring an open process that allows for community concerns to be communicated to Council and the applicant.

ATTACHMENTS

Attachment A Legislative Authority

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Sean Gillis, Planner II, Planning and Development, 902.490.6357

Original Signed

Report Approved by: _____
Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217

Attachment A – Legislative Authority

Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council

Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:

Planning documents reasonably consistent

- 214 (1)** Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

Planning advisory committee

- 215 (1)** The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.
- (4)** The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

Public participation program

- 219 (1)** The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.
- (2)** The Council may adopt different public participation programs for different types of planning documents.
- (3)** The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.
- 220 (1)** The Council shall adopt, by by-law, planning documents.
- (4)** The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

Purpose of municipal planning strategy

- 228** The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish
- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
 - (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
 - (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
 - (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

- 229 (1)** A municipal planning strategy may include statements of policy with respect to any or all of the following:
- (a) the goals and objectives of the Municipality for its future;
 - (b) the physical, economic and social environment of the Municipality;
 - (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep

- slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;
- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
 - (i) land-use by-law matters,
 - (ii) amendment of the land-use by-law,
 - (iii) the acceptance and use of cash-in-lieu of required parking,
 - (iv) the use of development agreements,
 - (v) the establishment of comprehensive development districts,
 - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
 - (vii) the establishment of transportation reserves,
 - (viii) the use of infrastructure charges,
 - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

No action inconsistent with planning strategy

- 232 (1) The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

Adoption of land-use by-law or amendment

- 234 (1) Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

Content of land-use by-law

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.
- (2)** A land-use by-law must
- (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3)** A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4)** A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;
 - (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.
- (5)** Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;
 - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;

- (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the Council, the
 - (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
 - (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
 - (iii) cost of maintaining municipal streets would be prohibitive;
 - (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
 - (p) prohibit development on land that
 - (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
 - (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
 - (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.
- (6)** Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

No appeal permitted

263 The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.