

The background features a large, stylized graphic of the letter 'H' formed by overlapping geometric shapes in various shades of blue. The top-right portion of the 'H' is a dark blue triangle containing the word 'HALIFAX' in white, bold, sans-serif capital letters. The bottom-right portion is a medium blue triangle. The bottom-left portion is a light blue triangle. The top-left portion is a white triangle.

**HALIFAX**

**Regional  
Watersheds  
Advisory Board**

September 20, 2017

# Agenda

- Definitions
- Policy Framework (general overview)
- Watershed Planning
- Regulations (in detail)

# Definitions

- **Policy** - A statement of intent
- **Land Use Bylaw (LUB)** – regulates the use of private land, consistent with the policy or planning strategy
- **Riparian** - Referring to any watercourse or body of water (not defined in the LUB)
- **Watercourse** - Any lake, wetland, river, stream, ocean or other body of water (LUB definition)
- **Buffer** - A separation distance intended to reduce the impact between two adjacent uses or a human activity and a natural feature. (not defined in the LUB)
- **Setback** – the distance between a building wall and a property line (may or may not be defined in the LUB)

# Policy Framework

- **Federal Acts** (Canada Water Act, Fisheries Act, Navigable Waters Protection Act)
- **Provincial Acts** (Environment Act, Environmental Goals and Sustainable Prosperity Act, Importation of Hydraulic Fracturing Wastewater Prohibition Act, Water Resources Protection Act)
- **Halifax Charter**
- **Regional Municipal Planning Strategy**
- **Municipal Planning Strategy**
- **Land Use Bylaw**

# Policy (Watershed Planning)

- Regional Plan – identifies that  
“watersheds are the fundamental unit for understanding water resources and undertaking watershed planning”
- Regional Plan Policies for Watershed Planning
  - Watershed studies be completed prior to undertaking planning strategies where development may negatively impact watercourses
  - Preparation of a water quality monitoring protocol to provide guidance for water quality monitoring plans
- Watershed Studies Program
  - 10 studies completed to date
  - Each study recommended water quality monitoring objectives and associated monitoring programs
  - Used as background for community planning to inform secondary planning
  - To have legal impact on development agreements, recommendations from the studies would need to be adopted into Land Use policies
- Watershed Management and Water Quality Monitoring Review
  - initiated by staff for the 2017/18 Business Plan
  - Review contains several objectives with respect to watershed management, including clarifying the Municipality’s role in watershed management
  - Supports future Regional Plan and Centre Plan policy updates

# Regulations (Land Use Bylaw)

- 21 Municipal Plans; 22 Land Use Bylaws in HRM
- Amended in 2006 to reflect riparian buffer requirements, coastal elevation requirements, and wetland requirements
- Generally –
  - Minimum 20 metre buffer
  - Maximum 60 metre buffer

# Regulations Continued

- How the buffer works:
  - Within 20 metres of watercourses, if the slope is 20% or less, the minimum buffer is 20 metres
  - Within the 20 metres of the watercourse, if the slope is 20% or greater, the minimum buffer is increased
    - For each additional 2% of slope, the buffer is increased by 1 metre to a maximum of 60 metres.
    - For example, if the slope is 24%, the buffer would be 22 metres.

# Regulations Continued - Exceptions

- Within the Buffer, activity is limited to:
  - One accessory structure or one attached deck not exceeding 20 m<sup>2</sup> (or combo of accessory structures and attached decks not exceeding a footprint of 20 m<sup>2</sup>)
  - Fences
  - Boardwalks and trails not exceeding 3 m in width
  - Wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses
  - Parks on public lands, historic sites and monuments
  - Public road crossings
  - Driveway crossings
  - Wastewater, storm and water infrastructure
  - Water control structures

# Regulations Continued - Exceptions

- Where there is an existing building
  - an accessory structure is permitted the same distance to the water as the existing building
- Where there is an existing lot (created prior to August 26, 2006)
  - If a main building cannot meet the buffers, the buffer distance shall be reduced to provide the greatest possible separation from a watercourse
- Individual Land Use Bylaws may also have requirements for specific areas
- Removal of windblown, diseased or dead trees deemed to be hazardous or unsafe is permitted
- Selective removal of vegetation for health of the buffer may be authorized by the Development Officer where a management plan has been submitted by a qualified arborist, landscape architect, forester or forestry technician

# Regulations – Coastal Areas

- Coastal Elevation – a vertical “setback”
  - Permits shall not be issued to dwellings abutting the coast of the Atlantic Ocean within a 3.8 metre elevation above the Canadian Geodetic Vertical Datum (CGVD 28)
- Exceptions – residential accessory buildings, marine dependant uses, open space uses, parking lots, and temporary uses are permitted within the 3.8 metres
- Existing Dwellings

# Regulations - Wetlands

- Wetlands Schedule (wetlands 2000m<sup>2</sup> or greater)
- No development within the wetland

# In the past...

- Prior to 2006, the Land Use Bylaws had watercourse “setbacks” rather than “buffers”

**Setback** The distance between a building wall and a property line

**Buffer** A separation distance intended to reduce the impact between two adjacent uses or a human activity and a natural feature.

- The distinction between “setbacks” and “buffers” is important

Under the Halifax Charter, “setbacks” can be varied, but “buffers” cannot

Under current regulation, variances **cannot** be considered for buffers

# Questions?