

**HALIFAX**

# **Case 21648**

**Coastal Inundation**

**Correction to Land Use By-laws**

**Halifax Peninsula PAC**

May 28, 2018

# Background

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- Staff review of Planning Application (Case 20976):
  - Error identified in Bedford Land Use By-law (LUB)
  - Same error identified in LUB's for: 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:
  - **Section 16K, 2(b) of the Halifax Peninsula LUB** provides exemption clause for residential properties located within the Harbour Designation;
  - Clause was intended to be removed as part of adoption of revised Regional Plan (RP+5) in 2014.

# Background

Regional Plan (2006-2014)

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## Policy E-16

*“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

Halifax Peninsula LUB: 2006-2014

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## 16K COASTAL AREAS (RC-Jun 27/06;E-Aug 26/06)

(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 2.5m elevation above the ordinary high water mark.

(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 to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

# Background

Regional Plan Review (RP+5)

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Staff Report dated 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)

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## 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)

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(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

HRM Initiated request to correct errors to LUB

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Request correction to error regarding Coastal Area requirements as outlined in the following LUB's:

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



# Request

Is this correction necessary?

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Halifax Charter:

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

# Halifax Peninsula PAC

Input Sought from the Committee

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Pursuant to the Committee's Terms of Reference, feedback is sought from the Committee relative to the proposed correction to the Halifax Peninsula LUB.

**HALIFAX**

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## Thank You

**HALIFAX**

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