

HALIFAX

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Item No. 15.1.3
Halifax Regional Council
August 13, 2019

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: August 6, 2019

SUBJECT: Municipal Design Guidelines (Red Book) Update – Project Initiation

ORIGIN

On December 5, 2017 Halifax Regional Council ratified the following from Committee of the Whole (Integrated Mobility Plan):

[...] 5. That phased updates to the Municipal Design Guidelines (Red Book) be completed in 24 months beginning at the start of the 2018/2019 fiscal year and that staff report quarterly on progress to the Transportation Standing Committee.

LEGISLATIVE AUTHORITY

Refer to Attachment B.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct the Chief Administrative Officer to initiate a process to consider amendments to the Regional Subdivision By-law, and approve the public participation program provided in Attachment A of this report; and,
2. Draft amendments to the *Regional Subdivision By-law* to replace the Municipal Design Guidelines as described in this report, and to return directly to Regional Council for consideration of the resulting amendments.

BACKGROUND

The Municipal Design Guidelines (commonly referred to as the “Red Book”) were developed to provide uniform standards for the construction of infrastructure within the Halifax Regional Municipality. After amalgamation in 1996, four sets of municipal standards were combined to produce the first edition of the Guidelines in 2000. The Guidelines are currently referenced in the *Regional Subdivision By-law* (the By-law) and were last updated in 2013. On December 5, 2017, Regional Council unanimously approved The Integrated Mobility Plan (IMP), and as part of this, directed staff to update the Guidelines to incorporate best practices for all transportation design elements.

Including the Municipal Design Guidelines (the Guidelines) in the By-law reflects the fact that the guidelines in their current form were intended to apply to greenfield development. There are limited provisions for the Regional Centre, and the document is cumbersome and difficult to administer in a mature urban environment.

The objective of replacing the Guidelines is to create a set of uniform standards that can be easily applied to all municipal infrastructure, whether associated with development or capital projects, in greenfield subdivisions, or construction in mature urban areas.

This report deals with initiating amendments to the By-law that are needed to adopt such a standard.

DISCUSSION

This project will assess the current structure of the Guidelines and determine if changes to format and content are required and will include the development of a predictable and collaborative process for an annual review. Such a process will allow for more consistent design approaches by both Municipal staff and external stakeholders. The updated document will also incorporate a process for considering design exceptions. A design exception is a case where one or more of the design elements falls outside the stated parameters of the Guidelines. A design exception is an extraordinary situation that needs to be tailored to its context through sound professional judgement. A design exception process should be thorough, repeatable, and well documented.

There are two aspects to this project:

- Amending the *Regional Subdivision By-law* to adopt new Guidelines to update them to current best practices; and,
- Establishing a process for regular updates to the Guidelines.

Amending the Regional Subdivision By-Law

The *HRM Charter* enables Council to adopt requirements for the construction of streets as part of the *Regional Subdivision By-Law*. These requirements are the Guidelines, which are referenced in the By-law as “the Municipal Engineering Regulations, 2013”. The By-law falls within the definition of a “planning document” as set out in the HRM Charter, and to amend a planning document, the HRM Charter requires Council to adopt and carry out a public participation program, complete first reading, and a public hearing before second reading and decision. In this case the amendment can be considered “housekeeping” in nature, and a draft public participation program for this process is included as Attachment A.

Should Council agree to initiate this project, it is anticipated that updates to the Guidelines, and housekeeping amendments to the By-law will be presented to Council in Q1, 2020.

Updating the Guidelines to current best practices

Since the last formal update of the Guidelines, staff have continued to review and identify sections of the Guidelines that require updates. A project charter has been developed to oversee changes to the format of

the document, however the proposed revised Guidelines will include “quick hits” that are ready now to be incorporated into the document. These sections include the following:

- stormwater management guidelines;
- complete streets guidelines;
- urban forestry updates; and,
- already-completed details for roundabout elements, traffic calming measures, multi-use paths, pedestrian ramps, tactile walking surface indicators, protected bike lanes, and new traffic signal bases.

This work will be under the direction of a steering committee; a professional team that will be responsible for reviewing existing guidelines and industry best practices (including National Association of City Transportation Officials (NACTO), the Transportation Association of Canada (TAC), International Crime Prevention Through Environmental Design Association (CPTED), etc.). The committee will make recommendations based on their shared expertise and in alignment with the most recent adopted versions of the Municipality’s various documents such as the Regional Municipal Planning Strategy (Regional Plan), Integrated Mobility Plan (IMP), Active Transportation Priorities Plan, Moving Forward Together Plan, Urban Forestry Master Plan, draft Centre Plan, and anticipated HalifACT plan, etc.

Stakeholder consultation will include internal stakeholders, primarily the steering committee and appropriate staff, and will occur regularly throughout the project. External stakeholders will also be engaged, such as Halifax Water, Nova Scotia Transportation & Infrastructure Renewal (NSTIR), the development industry, and others.

Establishing a process for regular updates and design exceptions

The *HRM Charter* allows Council to amend the engineering specifications by administrative order (AO) rather than amending the By-law. Once the new Guidelines are adopted by Council, future updates to the engineering specifications can be made to the Guidelines through AO. This process would allow for regular updates to the Guidelines to take place through a well-established, open, and transparent process by Regional Council.

Following the aforementioned process will result in the initial updates and include a process that will be developed to update the remaining chapters, re-format, and allow for annual updates. This will include a process for design exceptions.

The Guidelines are technical in nature and intended to be a living document, able to adapt as best practices change, and as established projects in HRM can be monitored for success.

Currently, developers can apply for design exceptions in both urban and greenfield developments. This project will bring greater clarity to the design exception request process. Developers will be encouraged to continue to submit design exception requests throughout the update process. This will allow staff to monitor the success of the new guidelines as they are being developed.

Replacing the Guidelines will assist in the Municipality’s efforts for Regulatory Modernization and Advancing Performance Excellence. Updates to the Guidelines and establishing a process for design exceptions will streamline the approval process, and aid in red tape reduction.

It is also important to note that guidelines developed pursuant to the Integrated Mobility Plan such as Complete Streets Guidelines, and multi-modal level of service guidelines are actively being applied to municipal projects.

Next Steps

If Council approves the recommendations included in the Report, Staff will present the amendments to the Municipal Design Guidelines and the results of the public participation program, and a recommendation for

Regional Council to move First Reading.

FINANCIAL IMPLICATIONS

The HRM costs associated with the recommendations can be accommodated within the approved 2019/2020 operating budget for Planning and Development and Transportation and Public Works.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate low.

COMMUNITY ENGAGEMENT

Should Council choose to proceed with the project, a public participation program will be required for the next stage of the project. Staff will consult with the public and industry stakeholders in accordance with the proposed public participation program in Attachment A.

The result of this consultation process and staff's review will be a staff report and recommendation to Council. If Council wishes to consider adopting amendments to the Regional Subdivision By-law and other documents, it will need to hold a public hearing.

ENVIRONMENTAL IMPLICATIONS

Updating the Guidelines to include stormwater quality standards will improve the standards and by extension, the quality of receiving water bodies and the means to mitigate localized flooding.

Updating the Guidelines to include changes to Urban Forestry standards will enable the provision of a multitude of environmental benefits including decreased air pollution, enhanced green space, improved quality of stormwater runoff, etc.

Updating the Guidelines to include the IMP foundational policies such as Complete Streets and others, will encourage active transportation and travel using transit, thereby reducing emissions from single occupant vehicles.

ALTERNATIVES

1. Regional Council may choose to not adopt the recommendations described in this report. This would result in delays to updating the Municipal Design Guidelines, delays to industry and development approval timelines that arise from lack of clarity of infrastructure standards and would be contradictory to the December 2017 Council motion.
2. Regional Council could choose to recommend other specific topics to be included in the review. This is not recommended because it would require additional research and be less responsive to users of the Guidelines (e.g. developers and contractors).

ATTACHMENTS

Attachment A Public Participation Program
Attachment B 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.

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Attachment A
Public Participation Program for Amendments to Regional Subdivision By-law and for Municipal Design Guidelines (Red Book) Update

Purpose:

The purpose of the Public Participation Plan (PPP) is two-fold and will therefore be conducted in two stages. The purposes are:

- To obtain input from the development industry and the public at large on amendments to the Regional Subdivision By-law to replace the Municipal Design Guidelines (Guidelines), commonly referred to as the Red Book; and,
- To seek input and gain feedback from stakeholders on the proposed updates to the Guidelines.

Jurisdiction:

Halifax Regional Municipality Charter, (HRM Charter), Part IX “Subdivision”, clauses 219, 226(1)(a), and 281(3)(f), as follows:

- 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. 2008, c. 39, s. 219.
- 226 (1) The Council may, by policy, adopt amendments to
(a) the engineering specifications in a subdivision by-law;
- 281 (3) A subdivision by-law may include
(f) requirements for the design and construction of streets, private roads, wastewater facilities, stormwater systems, water systems and other services;

The proposed amendment to the Regional Subdivision By-law will require a public hearing prior to Regional Council considering the approval. All amendments to the Regional Subdivision By-law are within the sole jurisdiction of Regional Council, and to the extent that the amendments are housekeeping in nature they do not need to be reviewed by a standing committee or other committee of Council.

Consultation Program:

A program for public consultation is required to ensure the proposed topics for amendment under the *Regional Subdivision By-law* are presented, discussed and adopted as a comprehensive package. The proposed consultation is as follows:

- Use of the HRM website to provide information to the public and development industry and receive feedback using an on-line survey.
- Meetings with the Development Liaison Group, to discuss the proposed amendments to the Regional Subdivision By-law.
- Meetings with external stakeholders on Guideline updates, including community groups such as Halifax Cycling Coalition, CNIB, Walk and Roll, More Than Buses, etc.
- Meeting with the Development Liaison Group to discuss any potential impact to industry of the proposed updates to the Municipal Design Guidelines.
- Conduct further review of the topics with internal and external agencies (e.g. Nova Scotia Department of Transportation and Infrastructure Renewal, Nova Scotia Road Builders Association, Halifax Water, etc.)

Reporting Results:

Following the consultation process, staff will prepare wording of proposed amendments to the Regional Subdivision By-law. A staff report will then be prepared, outlining the results of the public participation process and staff's recommendation, including a new Design Guidelines document.

Attachment B

LEGISLATIVE AUTHORITY

Provincial Subdivision Regulations, Part B “Public Streets”, subsection 13 (1), as follows:

13 (1) All proposed municipal public streets shall be approved by the engineer.

And,

Halifax Regional Municipality Charter, (HRM Charter), Part IX “Subdivision”, clauses 226(1)(a), and 281(3)(f), as follows:

226 (1) The Council may, by policy, adopt amendments to
(a) the engineering specifications in a subdivision by-law;

281 (3) A subdivision by-law may include
(f) requirements for the design and construction of streets, private roads, wastewater facilities, stormwater systems, water systems and other services;

And,

Halifax Regional Municipality Charter, (HRM Charter), Part XII “Streets and Highways”, clause 322(1), as follows:

Street related powers

322 (1) The Council may design, lay out, open, expand, construct, maintain, improve, alter, repair, light, water, clean, and clear streets in the Municipality.

And,

Halifax Regional Municipality By-law Number S – 300, By-law Respecting Streets, Part IV – Streets & Services Permit, clause 23, as follows:

23. (1) No person shall:

(a) make any excavation in a street;

(b) install or repair any facility on a street

(c) make use of the street, or any portion thereof, for any activity other than as a right of way or a use already regulated under this or any other by-law of the Halifax Regional Municipality,

without first obtaining a Street and Services Permit from the Engineer.