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**Item No.10.1.1**  
**Regional Centre Community Council**  
**August 25, 2020 First Reading**  
**September 23, 2020 Public Hearing**

**TO:** Chair and Members of Regional Centre Community Council

**SUBMITTED BY:**  - Original Signed -

Kelly Denty, Director of Planning and Development

 - Original Signed -

Jacques Dubé, Chief Administrative Officer

**DATE:** July 23, 2020

**SUBJECT:** **Case 22990: Housekeeping Amendments to the Halifax Citadel Rampart Regulations within the Regional Centre Land Use By-law**

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**ORIGIN**

Staff initiated Regional Centre Land Use By-Law housekeeping amendments

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter)*, SNS 2008, c. 39, Part VIII, Planning and Development

**RECOMMENDATION**

It is recommended that Regional Centre Community Council:

1. Give First Reading to consider approval of the proposed amendments to the Regional Centre Land Use By-law, as set out in Attachment A, to clarify the applicability of the Halifax Citadel rampart regulations and schedule a public hearing.
2. Adopt the amendments to the Regional Centre Land Use By-law, as set out in Attachment A.

## **BACKGROUND**

### **Historical Context**

The Halifax Citadel rampart regulations were originally adopted in 1985 by the former City of Halifax to protect the historical context and views from the Halifax Citadel Parade Square. The objective of the requirements is to preserve the Parade Square as it would have been experienced by soldiers and visitors in the 19<sup>th</sup> Century. The regulations protect uninterrupted 360-degree views towards the top of the Citadel rampart walls and beyond from 12 viewing positions within the Parade Square. No new building located outside the Halifax Citadel is permitted to protrude through a rampart view as seen from the 12 viewing positions.

### **Centre Plan**

On September 18, 2019, Halifax Regional Council adopted the Centre Plan (Package A) together with associated amendments to pre-existing planning documents. The newly adopted Regional Centre Secondary Municipal Planning Strategy (RCSMPS) and Regional Centre Land Use By-law (RCLUB) carried forward the Halifax Citadel rampart regulations with updated wording and a new map schedule.

The new wording and schedule were intended to modernize the rampart regulations without changing the actual rampart requirements. For example, the coordinate system used in the rampart regulations was updated to reflect modern geographic reference systems. The pre-Centre Plan rampart regulations also did not identify the actual locations of the rampart walls in respect to the viewing positions, which required land surveyors to physically visit the Parade Square when evaluating compliance with the regulations. The precise locations of the rampart walls were addressed in the newly adopted regulations. However, the area where the Halifax Citadel rampart regulations previously applied under the Halifax Peninsula Land Use By-law was inadvertently not carried forward in the RCLUB. The rampart regulations were previously limited to only the area contained within the boundaries of Inglis Street, Robie Street, North Street, and the Halifax Harbour (see Map 1), but under the adopted RCLUB, apply to all land contained within Package A of the Centre Plan.

### **Enabling Policy**

Attachment B contains relevant preamble and policy excerpts from the RCSMPS regarding the Halifax Citadel ramparts. Section 4.2.1 and Policy 4.2 speak to the importance of protecting the rampart views, and the intent to carry forward the pre-existing policies and regulations.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. Given the housekeeping nature of the proposed amendments, the level of community engagement on this proposal was limited to providing information and seeking comments through the HRM website. The proposed area of applicability of the Halifax Citadel ramparts has been incorporated into the draft Centre Plan Package B (released for public consultation in February of 2020). To date, staff have not received any feedback on this proposed modification.

A public hearing must be held by Regional Centre Community Council before it can consider approval of the proposed RCLUB amendments. Should Regional Centre Community Council decide to proceed with a public hearing on this application, local residents and property owners will be notified by published newspaper advertisements and through the HRM website. The proposal will potentially impact local residents and property owners.

## **DISCUSSION**

The omission of the geographic limitation within the Package A RCLUB was not intentional, and the change was not highlighted during the extensive public engagement and Council adoption process. The absence of a geographic limitation on the applicability of the Halifax Citadel rampart requirements means that the requirements apply to all lands contained within Package A of Centre Plan (see Map 2), as opposed to just the area shown on Map 1. This change imposed height restrictions to a number of unintended sites, which ultimately impacts their growth potential and thereby HRM's growth targets in the Regional Centre.

To address the unintended expansion of the rampart regulations, staff are proposing to re-introduce a geographic limitation on the Halifax Citadel rampart regulations based on the area contained within the boundaries of Inglis Street, Robie Street, North Street, and the Halifax Harbour (see Map 1). The impact on the views from inside the Parade Square of the Halifax Citadel will continue to be minimal, as buildings located at great distances from the Halifax Citadel will only appear as small protrusions on the horizon within the Parade Square. The area of application has already been incorporated in the draft Centre Plan Package B which was released for public consultation in February of 2020. However, these amendments are being advanced separately as Centre Plan timelines have been slowed by the COVID-19 State of Emergency and maintaining the status quo has the potential impact current development projects.

In addition to re-introducing a geographic limitation on the Halifax Citadel rampart regulations, staff is also proposing minor amendments to bring additional clarity to the interpretation of the rampart regulations regarding the presence of structures, signs, or other objects within the Parade Square of the Halifax Citadel.

Staff advise that these proposed amendments are reasonably consistent with the RCSMPS (see Attachments B and C), since they would continue to *"maintain or recreate a sensitive and complementary setting for the Halifax Citadel National Historic Site by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development."* The proposed amendments are also reasonably consistent with Policies 10.5 and 10.6 regarding the consideration of discretionary approvals. Staff therefore recommends the adoption of the proposed amendments to the RCLUB.

## **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2020/2021 operating budget for C002 HRM Regional Planning.

## **RISK CONSIDERATION**

The proposed amendments are intended to facilitate a smooth transition to the RCSMPS and RCLUB that carry forward the Halifax Citadel rampart regulations contained in previous planning documents. Should the proposed housekeeping amendments not be adopted, there is a risk that the maximum allowable building heights on several properties would be impacted and the amount of density intended for areas targeted for significant growth in the Regional Centre would be reduced.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

## **ALTERNATIVES**

1. Regional Centre Community Council may choose to approve the proposed amendments to the RCLUB, subject to modifications. Such modifications may require a supplementary report or another public hearing. A decision of Council to approve the proposed Land Use By-law amendments is appealable to the Nova Scotia Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Regional Centre Community Council may choose to refer the proposed amendments to Centre Plan Package B. A decision of Council to delay the proposed amendments to Centre Plan Package B may have unintended impacts on developments in Package A lands.
3. Regional Centre Community Council may choose to refuse the proposed amendments to the RCLUB, and in doing so, must provide reasons why they do not reasonably carry out the intent of the Municipal Planning Strategy. A decision of Council to refuse the proposed Land Use By-law amendments is appealable to the Nova Scotia Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1:	Proposed Area of Applicability of the Halifax Citadel Rampart Regulations
Map 2:	Package A Centre Plan Lands
Attachment A:	Proposed Amendments to the Regional Centre Land Use By-law
Attachment B:	Relevant Secondary Municipal Planning Strategy Policies
Attachment C:	Review of RCSMPS Policy 10.6

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

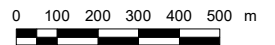
Report Prepared by: Luc Ouellet, Planner III, 902.717.4357


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**Map 1:**  
Proposed Area of Applicability of the Halifax Citadel Ramparts Regulations

**HALIFAX**

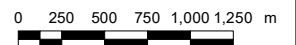


 Proposed Area of Applicability



**Map 2:**  
Centre Plan Package A Lands

**HALIFAX**



 Centre Plan Package A Lands

Regional Centre Package A  
Land Use By-Law Area

The accuracy of any representation on  
this plan is not guaranteed.

## Attachment A: Amendments to the Regional Centre Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Regional Centre Land Use By-law is hereby amended as follows:

1. Amending Subsection (1) of Section 38, as shown below in **bold** and ~~strikeout~~, by:
  - (a) deleting the word “and” following the words, number, colon, and semi-colon “Schedule 27: Shadow Impact Assessment Protocol – Identified Areas;”;
  - (b) deleting the period after the words, number, and colon “Schedule 28: Dundas Street Transportation Reserve”;
  - (c) adding a semi-colon and the word “and” after the words, number, and colon “Schedule 28: Dundas Street Transportation Reserve”; and
  - (d) adding the brackets, letter, words, number, colon, and period “(ac) Schedule 29: Halifax Citadel Ramparts – Area of Applicability.” immediately below the brackets, letter, words, number, colon, and semi-colon “(ab) Schedule 28: Dundas Street Transportation Reserve; and”.
  
- (1) The following schedules form part of this By-law:
  - (a) Schedule 1: Regional Centre Land Use By-law Boundary;
  - (b) Schedule 2: Site Plan Approval Area;
  - (c) Schedule 3: Zone Boundaries;
  - (d) Schedule 4: Special Area Boundaries;
  - (e) Schedule 5: View Terminus Sites;
  - (f) Schedule 6: Pedestrian-Oriented Commercial Streets;
  - (g) Schedule 7: Maximum Building Height Precincts;
  - (h) Schedule 8: Maximum Floor Area Ratio Precincts;
  - (i) Schedule 9: Minimum Front and Flanking Yards;
  - (j) Schedule 10: Maximum Front and Flanking Yards;
  - (k) Schedule 11: Halifax Citadel View Planes;
  - (l) Schedule 12: Halifax Citadel Ramparts;
  - (m) Schedule 13: Dartmouth View Planes;
  - (n) Schedule 14: Church Street Waterfront View Corridor;
  - (o) Schedule 15: North Street Waterfront View Corridor;
  - (p) Schedule 16: Ochterloney Street Waterfront View Corridor;
  - (q) Schedule 17: Queen Street Waterfront View Corridor;
  - (r) Schedule 18: Portland Street Waterfront View Corridor;
  - (s) Schedule 19: Prince Street Waterfront View Corridor;
  - (t) Schedule 20: Kings Wharf Place Waterfront View Corridor;
  - (u) Schedule 21: Canal Street Waterfront View Corridor;
  - (v) Schedule 22: Maitland Street Waterfront View Corridor;
  - (w) Schedule 23: Parker Street Waterfront View Corridor;
  - (x) Schedule 24: Bonus Rate Districts;
  - (y) Schedule 25: Wind Energy Overlay Zone Boundaries;
  - (z) Schedule 26: Transition Lines;
  - (aa) Schedule 27: Shadow Impact Assessment Protocol – Identified Areas; ~~and~~
  - (ab) Schedule 28: Dundas Street Transportation Reserve; ~~and~~
  - (ac) Schedule 29: Halifax Citadel Ramparts – Area of Applicability.**
  
2. Amending Section 167, as shown below in **bold** and ~~strikeout~~, by:
  - (a) adding the words, number, and comma “Within the area shown on Schedule 29,” in Subsection 167(2), immediately before the words “A structure shall not be erected”;

- (b) deleting the upper case letter "A" in Subsection 167(2), located after the words, number, and comma "Within the area shown on Schedule 29," and before the words "structure shall not be erected" and replace it with a lower case letter "a";
  - (c) adding the words "outside of the Parade Square of the Halifax Citadel" in Subsection 167(2), immediately after the words "or located" and before the words "so that it protrudes";
  - (d) deleting the comma and words ", as seen" in Subsection 167(2), located immediately after the words "above any rampart" and before the words and number "from any of the 12 viewing positions"; and
  - (e) adding a new Subsection (3), immediately below Subsection 167(2), and which states the following: "Any structure, sign, or object located within the interior of the Parade Square of the Halifax Citadel are not subject to the determination made under Subsection 167(2)."
- 167 (1) Coordinates describing the position of the ramparts, and the location of 12 viewing positions in the Parade Square of the Halifax Citadel, are shown on Schedule 12.
- (2) **Within the area shown on Schedule 29, Aa** structure shall not be erected, constructed, altered, reconstructed, or located **outside of the Parade Square of the Halifax Citadel** so that it protrudes above any rampart, ~~as seen~~ from any of the 12 viewing positions in the Parade Square of the Halifax Citadel (Diagram 18).
- (3) **Any structure, sign, or object located within the interior of the Parade Square of the Halifax Citadel are not subject to the determination made under Subsection 167(2).**
3. Adding "Schedule 29: Halifax Citadel Ramparts – Area of Applicability", as shown on Attachment A-1.

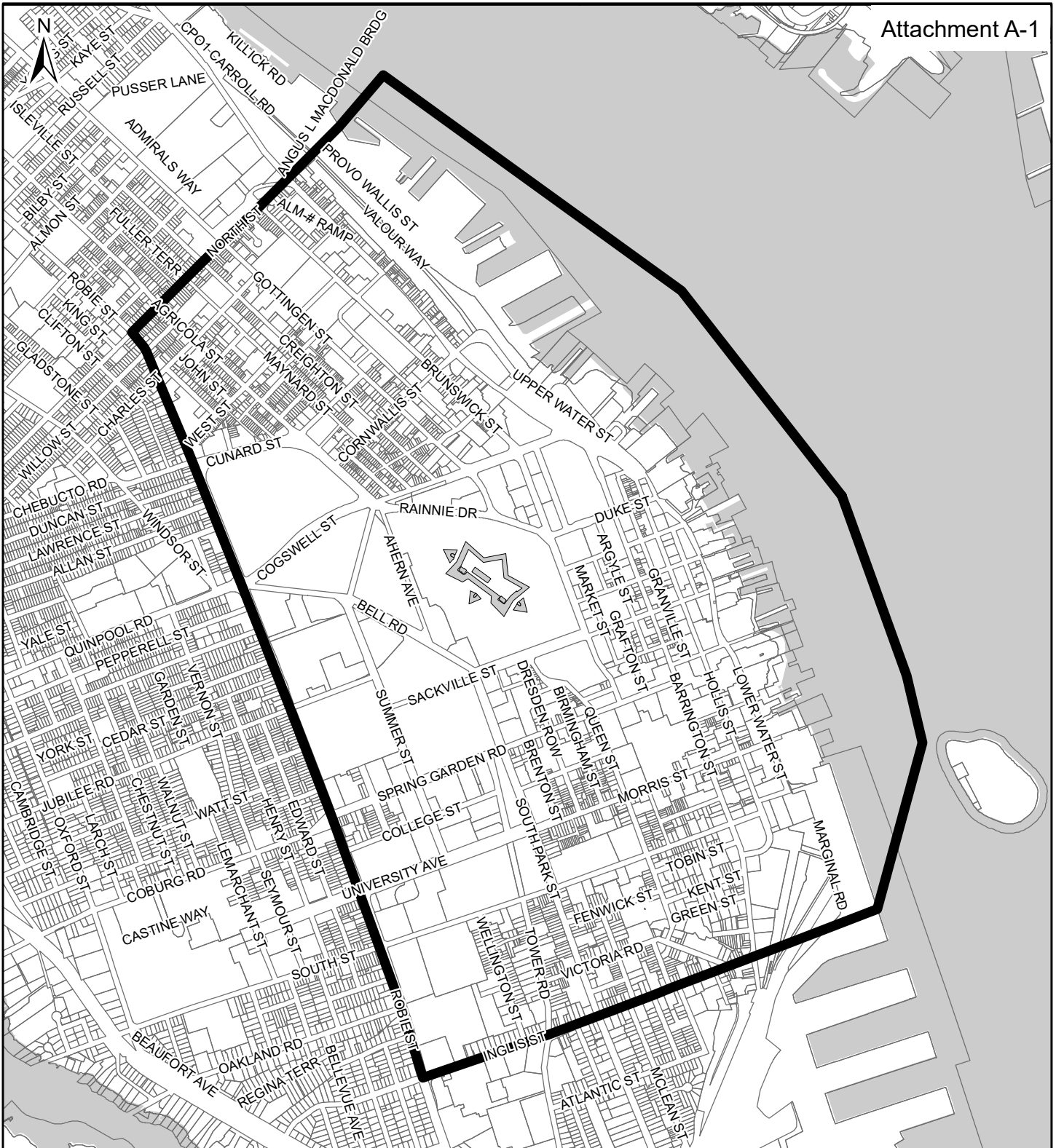
THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of the Halifax Regional Municipality held on the \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

Given under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.


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Municipal Clerk



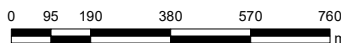


**Schedule 29: Halifax Citadel Ramparts  
– Area of Applicability**

 Area of Applicability

**HALIFAX**  
Regional Centre  
Land Use By-Law

HRM does not guarantee the accuracy of any base map representation on this plan.



Last Updated July 20, 2020

## **Attachment B: Relevant Secondary Municipal Planning Strategy Policies**

### Regional Centre Secondary Municipal Planning Strategy Policies

#### 4.2 PROTECTED PUBLIC VIEWS AND VIEW TERMINUS SITES

##### 4.2.1 HISTORIC VIEW PLANES AND RAMPARTS

A series of view planes, ramparts and public views have been established in previous planning documents to preserve iconic views of Halifax Harbour, and they continue to be highly valued. View planes and ramparts are meant to ensure that residents and visitors to our region can continue to enjoy unobstructed views of the Halifax Harbour from important public vantage points, and maintain or recreate a sensitive and complementary setting for the Halifax Citadel National Historic Site by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development. Some of the view planes originating from the Halifax Citadel were identified to preserve important historic military visual connections, such as views to George's Island. There are five view planes originating on the Dartmouth Common, and ten originating from the Halifax Citadel.

##### Policy 4.2

The Municipality shall, through the Land Use By-law, protect designated views from the Citadel identified as the Halifax Citadel View Planes as shown on Map 7 and the Halifax Citadel Ramparts views as shown on Map 8.

#### 10.4 DISCRETIONARY APPROVALS

##### Policy 10.5

Council may consider amendments to the Land Use By-law that are consistent with or further the objectives and policies of this Plan.

##### Policy 10.6

In considering applications for land use by-law amendments and development agreements, in addition to other policies contained in this Plan, Council shall consider the following:

- a) the proposal is consistent with all applicable objectives and policies set out in the Regional Plan and this Plan;
- b) that the proposal is not premature or inappropriate by reason of:
  - i. the financial capacity of the Municipality to absorb any costs relating to the development,
  - ii. the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems,
  - iii. the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands, and
  - iv. the adequacy of transportation infrastructure for pedestrians, cyclists, public transit and vehicles for travel to and within the development;
- c) the potential for damage to or for destruction of designated heritage buildings and sites; and
- d) that development regulations in the proposed zone or controls in the proposed development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of:
  - i. type of uses(s),

- ii. built form of the proposed building(s),
- iii. traffic generation, safe access to and egress from the site, and parking,
- iv. open storage and signage,
- v. impacts of lighting, noise, fumes and other emissions, and
- vi. that the subject lands are suitable for development in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.

### Attachment C: Review of RCMPs Policy 10.6

Table 1: Review of Regional Centre Secondary Municipal Planning Strategy Policy 10.6

<b>Policy Section</b>	<b>Staff Comment</b>
In considering applications for land use by-law amendments and development agreements, in addition to other policies contained in this Plan, Council shall consider the following:	The land use by-law amendment are initiated by staff. See comments below for individual clauses and subclauses.
a) the proposal is consistent with all applicable objectives and policies set out in the Regional Plan and this Plan;	This is the staff position for the reasons outlined in this report.
b) that the proposal is not premature or inappropriate by reason of:	See comments below for individual subclauses.
i. the financial capacity of the Municipality to absorb any costs relating to the development,	There are no financial implications related with the proposed land use by-law amendments.
ii. the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems,	N/A
iii. the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands, and	N/A
iv. the adequacy of transportation infrastructure for pedestrians, cyclists, public transit and vehicles for travel to and within the development;	N/A
c) the potential for damage to or for destruction of designated heritage buildings and sites; and	The proposed amendments relate to the Halifax Citadel, a designated National Historic Site. The proposed amendments will keep protecting the historical context and views from the Halifax Citadel Parade Square.
d) that development regulations in the proposed zone or controls in the proposed development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of:	See comments below for individual subclauses.
i. type of uses(s),	N/A
ii. built form of the proposed building(s),	N/A
iii. traffic generation, safe access to and egress from the site, and parking,	N/A
iv. open storage and signage,	N/A
v. impacts of lighting, noise, fumes and other emissions, and	N/A
vi. that the subject lands are suitable for development in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.	N/A