



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No.13.1.2
Halifax and West Community Council
May 11, 2021

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *Original Signed*

Kelly Denty, Executive Director, Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: March 17, 2021

SUBJECT: **Council request for rezoning of PIDs 00271585, 00323139, 00323147 on and near Williams Lake, Halifax**

ORIGIN

On June 17, 2020, Halifax and West Community Council passed the following motion:

That Halifax and West Community Council request a staff report on rezoning all portions of PIDs 00271585, 00323139, 00323147 on and near Williams Lake to Urban Reserve.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider site-specific amendments to the Halifax Secondary Municipal Planning Strategy and Halifax Mainland Land Use By-law for PID 00323139, and portions of PIDs 00271585 and 00323147 zoned Residential Development District (RDD), in order to better protect the environmentally-sensitive features identified on Maps 3a and 3b of the Mainland South SPS; and follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997; and

RECOMMENDATION CONTINUED ON PAGE 2

2. Consider amendments to the Regional Municipal Planning Strategy, the Halifax Secondary Municipal Planning Strategy and Halifax Mainland Land Use By-law for lands currently designated and zoned Urban Reserve in the Purcell's Cove Backlands area (as shown on Map 1 of this report), through the ongoing Regional Plan Review (Case 22257) in order to protect environmentally-significant features in the area, consistent with the policy directions outlined in this report.

BACKGROUND

In late 2019, three privately-owned parcels of land (PIDs 00271585, 00323139, 00323147) located on the south side of Williams Lake were listed for sale (subject lands). Due to the location of the subject lands on Williams Lake, adjacent to the Shaw Wilderness Park on the edge of the Purcell's Cove Backlands, community members expressed concern that the subject lands could be developed without consideration for their environmental value and result in negative impacts to the ecological integrity of the broader area.

To respond to these concerns, on June 17, 2020, Halifax and West Community Council (HWCC) requested a staff report that would consider rezoning the subject lands to Urban Reserve. HWCC intended that this change would limit inappropriate development of the lands. This report provides information on the current land use policy and regulations applied to the subject lands, the changes that have occurred in the area since those policies were adopted and recommends that Regional Council initiate the Plan amendment process to better protect environmentally-sensitive features both on the subject lands and the broader Purcell's Cove Backlands area.

Subject Site Location	PIDs 00271585, 00323139, 00323147
Location (Map 1)	South side of Williams Lake and to the west of Shaw Wilderness Park, Halifax; PID 00271585 includes a water parcel and several small islands in Williams Lake itself
Regional Plan Designation (Map 2)	Western portion of subject lands are designated Urban Settlement; Eastern portion of subject lands are designated Urban Reserve
Community Plan Designation (Map 3)	Residential Development District (RDD) under the Halifax Secondary Municipal Planning Strategy
Zoning (Map 4)	Western portion of subject lands are zoned RDD; Eastern portion of subject lands are zoned UR under the Halifax Mainland Land Use By-law
Size of Site	Total area: Approx. 44.5 hectares (110 acres), excluding the water parcel and islands <ul style="list-style-type: none"> • 00271585: Approx. 29.5 hectares (73 acres), excluding the water parcel and islands • 00323139: Approx. 4 hectares (10 acres) • 00323147: Approx. 11 hectares (27 acres)
Street Frontage	Access to PID 00323139 from Colpitt Lake Road; Access to PID 00323147 from Lyons Avenue and Acorn Road
Current Land Use(s)	Undeveloped, forest covered, includes at least two watercourses and several wetlands
Surrounding Use(s)	To the North: Williams Lake To the East: Shaw Wilderness Park To the South: Privately-owned undeveloped lands; Residential development (Governor's Brook subdivision); HRM-owned parkland To the West: A mix of residential development (Spryfield/ Herring Cove Road area)

Existing Planning Policy and Land Use By-law Context

Under the Regional Municipal Planning Strategy (Regional Plan), the subject lands are designated Urban Settlement and Urban Reserve (see Map 2). The Urban Settlement Designation includes areas where HRM approval for serviced development has been granted and to undeveloped lands to be considered for serviced development over the life of the Regional Plan (2006-2031). The Urban Reserve designation is applied to lands envisioned for serviced development beyond the life of the Regional Plan (after 2031).

The Regional Plan also establishes an Urban Service Area, applied to areas within the Urban Settlement Designation and the Harbour Designation where municipal wastewater collection and water distribution systems may be provided. The western portion of the subject lands are within the Urban Service Area.

Under the Mainland South Secondary Planning Strategy (SPS) and Halifax Secondary Municipal Planning Strategy (SMPS), the subject lands are designated Residential Development District (RDD). The Mainland South SPS was adopted by the former City of Halifax in 1987. Under Policy 1.5, areas designated RDD “shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.” Policy 1.5.1 establishes a Residential Development District Zone that permits low-density residential development and public community facilities as-of-right, and all other development only by development agreement. Under Policy 1.5.2, a Holding Zone was to be applied to lands where municipal services were not yet available.

Under the Halifax Mainland Land Use By-law (LUB), lands within the Urban Service Area are zoned RDD. The RDD Zone permits, as-of-right, R-1 and R-2 uses (i.e. single and two-unit dwellings and a range of institutional and recreation uses¹), and development for these uses must meet the requirements of the R-1 and R-2 zones. The Mainland South SPS policy for the RDD Designation also enables residential development of whole areas through a development agreement. This option permits higher residential densities and some institutional and small-scale commercial uses.

The eastern portion of the subject lands, outside the Urban Service Area, are zoned Urban Reserve. These lands were zoned Holding prior to the 2006 adoption of the Regional Plan, reflecting that municipal services were not yet available in the area. The Urban Reserve Zone, like the Holding Zone before it, was established in the Regional Plan to prevent premature development that would make future serviced development more difficult. As-of-right, the Urban Reserve Zone only permits the development of single unit dwellings on existing lots provided on-site sewage and well systems are provided on the lot.

Recent Planning History of the Purcell’s Cove Backlands

The subject lands are on the western edge of the Purcell’s Cove Backlands. The Backlands area is largely undeveloped and characterized by its glaciated landscape. Since the adoption of the Regional Plan in 2006, there has been community interest in protecting the Backlands as an urban wilderness area. Some key milestones have included:

- ***Purcell’s Cove Servicing Feasibility Study (2011 – 2013):***

In response to a community petition concerned with water supply and quality in the area, on February 8, 2011², Regional Council initiated the Purcell’s Cove Servicing Feasibility Study to determine the feasibility and costs associated with extending central sewer and water services along the Purcell’s Cove Road to and including the community of Purcell’s Cove. After a year of community consultation, a majority of property owners were not supportive of extending central services or potential subdivision

¹ The R-1 zone permits: (a) a detached one-family dwelling; (b) the office of a professional person located in the dwelling house used by such professional person as his private residence; (ba) a home occupation; (c) a public park or playground; (d) a church and church hall; (e) a golf course; (f) a tennis court; (g) a yacht or boat club; (h) a public recreational centre; (i) a day care facility for not more than 8 children in conjunction with a dwelling; (j) a special care home containing not more than ten persons including resident staff members. The R-2 Zone permits, in the Mainland South area, all R-1 Zone uses and two-unit dwellings.

² <http://legacycontent.halifax.ca/council/agendasc/documents/110208ca1014.pdf>

development that could occur. It was determined that the provision of central services would be costly to existing property owners and additional development in the catchment area would exacerbate traffic issues. The study was presented to Regional Council on October 29, 2013³, which tabled it with no further action.

- ***RP+5: Regional Plan Five-Year Review (2014)***
During the Regional Plan (RP+5) review in 2014, a request was made by the property owners to re-designate the lands immediately to the east of the subject lands from Urban Reserve to Rural Commuter to allow development with on-site services. This request was not granted by Regional Council and the Urban Reserve designation was retained. As an alternative, Regional Council directed staff to initiate a public engagement process to examine options and possibilities to bring those lands into public ownership⁴.
- ***Acquisition of Shaw Wilderness Park (2016 - 2020)***
On April 26, 2016⁵, The Shaw Group and Nature Conservancy of Canada (NCC) presented a proposal to Regional Council for HRM to acquire 379 acres of land (PID 00052407) located adjacent to the subject lands for an urban wilderness park. On September 20, 2016⁶, Regional Council directed staff to proceed with negotiations to acquire the lands. In 2017, in return for a conservation easement protecting the lands in perpetuity, NCC agreed to fundraise \$2.5-million towards this acquisition. The Municipality funded the balance of the \$4.1-million total acquisition cost. In early 2020, the Shaw Wilderness Park officially opened.
- ***Adoption of the Halifax Green Network Plan (2018)***
On August 14, 2018⁷, Regional Council adopted the Halifax Green Network Plan (HGPN). Action 66 of the HGPN states: "During the next Regional Plan review amend the Regional Plan to recognize recent land acquisitions (pending) within the Purcell's Cove Backlands as Regional Park and consider open space planning for the remainder of this area."
- ***Regional Plan Review (2020 – ongoing)***
On February 25, 2020⁸, Regional Council initiated the second five-year review of the Regional Plan. This review is anticipated to take two years, with Regional Council approval in 2022.

Environmental Policies

An objective of the Mainland South SPS is to identify and protect environmentally sensitive and ecologically valuable natural features. The SPS includes Environmental Sensitivity Maps (see Maps 4 and 5) which show natural features including:

- Tree cover that is 40 percent and greater in density;
- Exposed bedrock;
- Wetlands and streams; and
- Slopes that are 16 percent and greater.

The SPS policy identifies that urban development could negatively affect the natural environment in these areas and directs that the maps be considered when evaluating zoning changes or development agreements.

The subject lands are within the Williams Lake watershed and include areas with significant tree cover, some exposed bedrock, significant slopes adjacent to Williams Lake, and several watercourses. The

³ <http://legacycontent.halifax.ca/council/agendasc/documents/131029ca1131.PDF>

⁴ <http://legacycontent.halifax.ca/council/agendasc/documents/cw140520.pdf>

⁵ <http://legacycontent.halifax.ca/council/agendasc/documents/160426ca1231pres.pdf>

⁶ <http://legacycontent.halifax.ca/council/agendasc/documents/160920ca1418.pdf>

⁷ <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/180814rc1431.pdf>

⁸ <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/200225rc1511.pdf>

Governor's Brook watercourse runs from west to east along the south end of the subject lands (PID 00323147), feeding into Colpitt Lake. An additional watercourse runs across the subject lands (PID 00271585) from Colpitt Lake northward to Williams Lake. These watercourses and their riparian areas, as well as other smaller streams and wetlands throughout the subject lands, are important for ecological integrity of the area, including the water quality of Williams and Colpitt Lakes, wildlife habitat and species diversity.

Regional Plan Policy E-16 and the Halifax Mainland LUB requires a minimum 20-metre wide riparian buffer to be maintained along all watercourses. No excavation, infilling, tree, stump or other vegetation removal or any alteration of any kind is permitted within the buffer in relation to a development.

The Regional Plan calls for the Municipality to adopt a priorities plan to be used as foundational work for community planning and regional open space planning. In 2018, Regional Council adopted the Halifax Green Network Plan (HGNP), which defines an interconnected open space system for the Municipality, highlights ecosystem functions and benefits, and outlines strategies to manage open space. The HGNP provides land management and community design direction to:

- Maintain ecologically and culturally important land and aquatic systems;
- Promote the sustainable use of natural resources and economically important open spaces; and
- Identify, define and plan land suited for parks and corridors.

Staff are working to implement the actions of the Halifax Green Network Plan and improve environmental protection region-wide through a wide range of ongoing policy work, including:

- Reviewing the Regional Plan and Land Use By-law requirements for watercourse and wetland protection (Action 6);
- Exploring the use of environmental protection zones to better protect environmentally sensitive features (Actions 5, 18);
- Considering greater protections for the urban forest (Action 9);
- Working with Halifax Water to adopt improved stormwater management standards and guidelines for green infrastructure (Actions 11, 12, 13).

In addition, Action 66 of the HGNP states: "During the next Regional Plan review amend the Regional Plan to recognize recent land acquisitions (pending) within the Purcell's Cove Backlands as Regional Park and consider open space planning for the remainder of this area." This action recognizes the recent acquisition of Shaw Wilderness Park and directs the Municipality to consider an appropriate land use designation and zoning for the park and the Purcell's Cove Backlands more generally.

There is significant public interest and support for environmental protection in the area. Academics and community members have documented the environmental conditions of Williams Lake and the surrounding watershed over the past several decades and made these studies available to the public. For example, the Williams Lake Conservation Company (WLCC) is a volunteer non-profit organization founded to promote the health of Williams Lake and its watershed. The organization conducts their own environmental monitoring, including bacterial coliform counts for Williams and Colpitt Lakes, and rainfall and water level monitoring for Williams Lake.⁹ The group has consistently highlighted concern for the water quality and water levels of Williams Lake as a result of increased development activity around the lake in recent years. Key concerns include the impact of winter road salting and the diversion of stormwater into piped infrastructure, away from natural systems. Both WLCC¹⁰ and the Backlands Coalition¹¹, a coalition of non-governmental groups with a mission to ensure no wildlife habitat loss in the Purcell's Cove Backlands, have gathered many reports detailing the environmental conditions of the area, including the subject lands.

⁹ Williams Lake Conservation Company, Watershed Data, <https://williamslakecc.org/reports/>

¹⁰ Williams Lake Conservation Company, Flora & Fauna: Studies and Gallery, <https://williamslakecc.org/flora-fauna-gallery/>

¹¹ The Backlands Coalition, Flora, Fauna and Geology, http://backlandscoalition.ca/?page_id=620

DISCUSSION

The Regional Plan and the Halifax SMPS are strategic policy documents that set out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to municipal planning strategies are significant undertakings and Council is under no obligation to consider such requests. Amendments should only be considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the plan was adopted, or last reviewed.

HWCC's motion directed staff to consider applying the Urban Reserve Zone to the subject lands. The Urban Reserve designation is applied to lands envisioned for future serviced development, and the Urban Reserve Zone is applied to prevent premature on-site service development that would preclude future comprehensive planning. Given that Council's intent in requesting this staff report was to explore ways to protect the lands from development, staff do not recommend expanding the Urban Reserve Zone to the lands currently zoned RDD.

Staff have reviewed the environmental implications, existing policy and recent planning history and advise that there is merit to considering amendments to the planning policy and regulations to better protect the environmental value of the subject lands. The following section outlines the background work completed and recommends an approach to further work.

Environmental Considerations for the RDD Designation and Zone

Public concern about development of the subject lands has focused on their environmental value. Given their location between Williams Lake and the Shaw Wilderness Park, development on the subject lands has the potential to impact the ecological health of the Williams Lake watershed.

For the portion of the subject lands zoned RDD within the Urban Service Area, as-of-right subdivision and development of single and two-unit dwellings can be considered under the existing land use policy and regulations. While the Mainland South SPS clarifies where environmentally sensitive features are located on the subject lands (Maps 4 and 5), the LUB does not include specific provisions to protect these features. These features would be considered during a development agreement process but are not required to be considered if as-of-right development is pursued for R-1 or R-2 uses under the RDD Zone. While some environmental issues are addressed through the as-of-right development process, there are notable issues, as follows:

- *Watercourses and riparian buffers:*
 - The Halifax Mainland LUB requires that development be set back a minimum of 20 metres from the ordinary high watermark of a watercourse as a riparian buffer area, and no vegetation may be removed from this buffer to enable development.
 - The riparian buffer requirements only apply during the development process; the Municipality is unable to prevent trees and vegetation on private property from being cut if a development has not yet been proposed.
 - Other than within riparian buffers, there is no requirement to retain trees or other vegetation on the lands.
- *Wetlands:*
 - The LUB prohibits development within a wetland greater than 2,000 square metres in size (although no such wetlands have been identified on the lands).
 - There is no protection for wetlands under 2,000 square metres.
- *Stormwater management:*
 - For all serviced development, an engineered stormwater system is required under the Regional Subdivision By-law, and the proponent of the subdivision must provide a drainage plan and subdivision grading plan that allows the Development Engineer to assess the proposed system. However, these plans focus on managing the *quantity* of stormwater, and typically do not consider the *quality* of stormwater.
 - Nova Scotia Environment is responsible for managing and protecting surface water and regulates any proposed alterations to watercourses or wetlands.

- *Steep slopes:*
 - Although exposed bedrock and steep slopes are present on the lands, the LUB does not prohibit development in these areas.
 - Land levels may be altered using blasting or cut and fill techniques, provided a subdivision grading plan has been approved by the Development Engineer.

To better protect the environmentally-sensitive features identified on the subject lands, staff recommend that site-specific amendments to the Halifax SMPS and Halifax Mainland LUB for the portion of the subject lands within the RDD Zone. As this could be achieved in a variety of ways, staff will consider whether it is appropriate to:

- a) Amend the as-of-right development rights under the RDD Zone for the subject lands and require any significant development to be undertaken through a development agreement process; **and/or**
- b) Adjust zoning boundaries to further regulate or prohibit development where environmentally-sensitive features are identified, subject to the provisions of the *HRM Charter*¹².

As this work progresses, staff will explore the need for additional planning tools and/or studies, such as land suitability analyses or a lake management plan, that could further inform appropriate land use policy and regulations for the lands.

Review of the Urban Reserve Designation and Zone

As a result of the Purcell's Cove Feasibility Study and with the creation of Shaw Wilderness Park, it was recognized that it may no longer be desirable nor viable for lands in the broader Purcell's Cove Backlands area (Map 1) to be serviced with municipal water and sewer services. Action 66 of the Halifax Green Network Plan calls for the Municipality to "amend the Regional Plan to recognize recent land acquisitions ... within the Purcell's Cove Backlands [i.e. Shaw Wilderness Park] as Regional Park and consider open space planning for the remainder of this area" during the review of the Regional Plan.

Consistent with this direction, staff intend to review the application of the Urban Reserve designation and zone as part of the ongoing Regional Plan Review. For the Shaw Wilderness Park lands, staff will consider appropriate re-designation and rezoning to recognize the park use and ensure consistency with the conservation easement applied to the lands. For the remainder of the lands designated Urban Reserve, including both a portion of the subject lands and private lands to the east of Shaw Wilderness Park, additional study and consultation is required to determine an appropriate designation and zone.

This work will involve:

- Consulting with the public, private property owners, environmental organizations and any other interested parties on a future vision for these lands;
- Considering the ecological value of the lands to determine whether limited development can be accommodated without significant impacts to the ecological function of the lands;
- Considering the range of planning tools that can be used to protect environmental features; and
- Proposing new planning policy and land use by-law regulations as part of the amendment package for the Regional Plan Review.

Conclusion

Staff have reviewed the existing Regional Plan, SMPS policy and LUB regulations, research from community organizations and considered the recent planning history of the Purcell's Cove Backlands. The

¹² Section 235(5)(p) of the *HRM Charter* states: "Where a municipal planning strategy so provides, a land-use by-law may ... (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."

Mainland South SPS identifies that there are environmentally sensitive features on these lands, which would not be considered comprehensively during an as-of-right development process. To address this, staff propose to:

- Consider site-specific amendments to the portion of the subject lands designated and zoned RDD to ensure any serviced development on these lands appropriately considers the environmentally-sensitive features identified on the site;
- Consider re-designating and rezoning the Shaw Wilderness Park to reflect its use as a park;
- Consult with property owners, the public, and other interested stakeholders to better understand the vision for the area of the Purcell's Cove Backlands; and
- Consider an appropriate re-designation and rezoning for remaining lands within the Urban Reserve designation and zone, to acknowledge that serviced development is no longer envisioned in this location and explore opportunities for limited development that would protect the ecological integrity of the lands.

In conclusion, staff recommend that Regional Council initiate the site-specific process to consider amendments to the RDD designation and zone under the Halifax SMPS and Halifax Mainland LUB, and direct staff to consider the Urban Reserve area through the ongoing Regional Plan Review.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate a site-specific SMPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

For the site-specific planning process for the portion of the subject lands within the RDD designation and zone, staff recommend that the February 1997 process should be followed. The proposed level of community engagement is consultation, achieved through a virtual public meeting, as well as a public hearing, before Regional Council can consider approval of any amendments.

For considerations of the Urban Reserve designation and zone, Regional Council approved the revised public participation program for the Regional Plan Review on December 15, 2020.¹³ A detailed schedule of engagement events will be released as the review process moves forward.

Amendments to the Regional Plan and Halifax SMPS will potentially impact local residents and community groups, property owners, environmental and conservation organizations including the Nature Conservancy of Canada, and recreation users.

FINANCIAL IMPLICATIONS

The costs associated with undertaking the work outlined in this report can be accommodated within the 2021/22 operating budget and with existing resources.

RISK CONSIDERATION

¹³ https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/201215rc1118_0.pdf

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

This report has focused on existing environmental land use policies for the subject lands. Future reports will address the implications of any recommended policy changes.

ALTERNATIVES

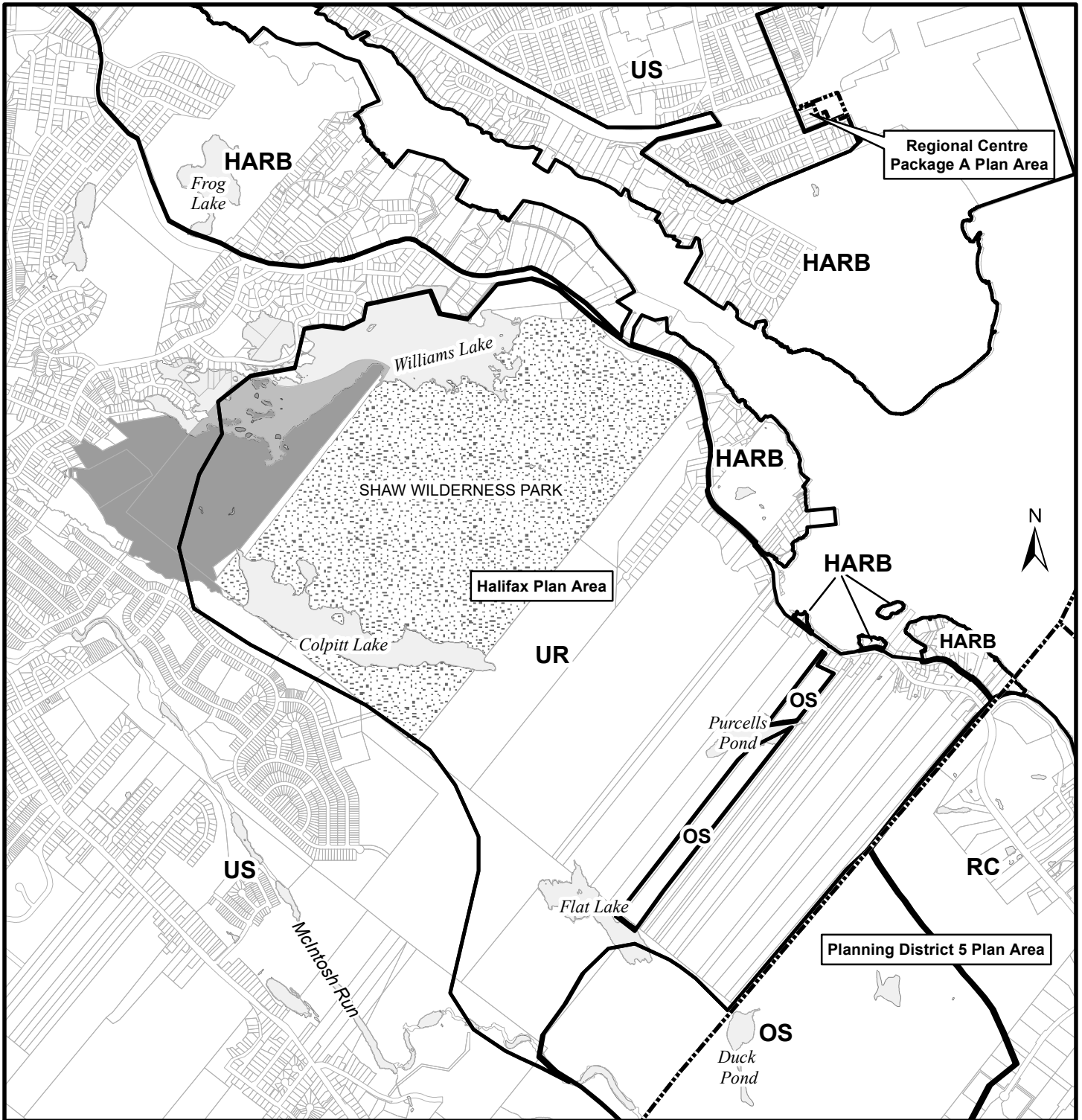
1. Halifax and West Community Council may recommend that Regional Council consider amendments to the Regional Municipal Planning Strategy, the Halifax Secondary Municipal Planning Strategy and Halifax Mainland Land Use By-law for PIDs 00271585, 00323139, 00323147 through the ongoing Regional Plan Review (Case 22257) to protect environmentally-sensitive features in the area, consistent with the policy directions outlined in this report.
2. Halifax and West Community Council may recommend that Regional Council choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
3. Halifax and West Community Council may recommend that Regional Council choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Regional MPS or Halifax SMPS is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Purcell's Cove Urban Reserve Area
Map 2:	Regional Plan Generalized Future Land Use
Map 3:	Halifax SMPS Generalized Future Land Use
Map 4:	Zoning
Map 5:	Mainland South SPS Environmental Sensitivity: Significant Natural Features
Map 6:	Mainland South SPS Environmental Sensitivity: Slopes
Attachment A:	Excerpts from the Regional MPS
Attachment B:	Excerpts from the Halifax SMPS
Attachment C:	Excerpts from the Halifax Mainland LUB
Attachment D:	Relevant Actions from the Halifax Green Network Plan

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: Leah Perrin, Principal Planner, 902.476.3792






Map 1 - Purcell's Cove Backlands - Urban Reserve Area

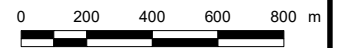
HALIFAX

Purcell's Cove,
Halifax

Designation

-  Subject Area
-  Shaw Wilderness Park
-  Plan Area Boundary

- US Urban Settlement
- UR Urban Reserve
- HARB Harbour
- RC Rural Commuter
- OS Open Space & Natural Resources



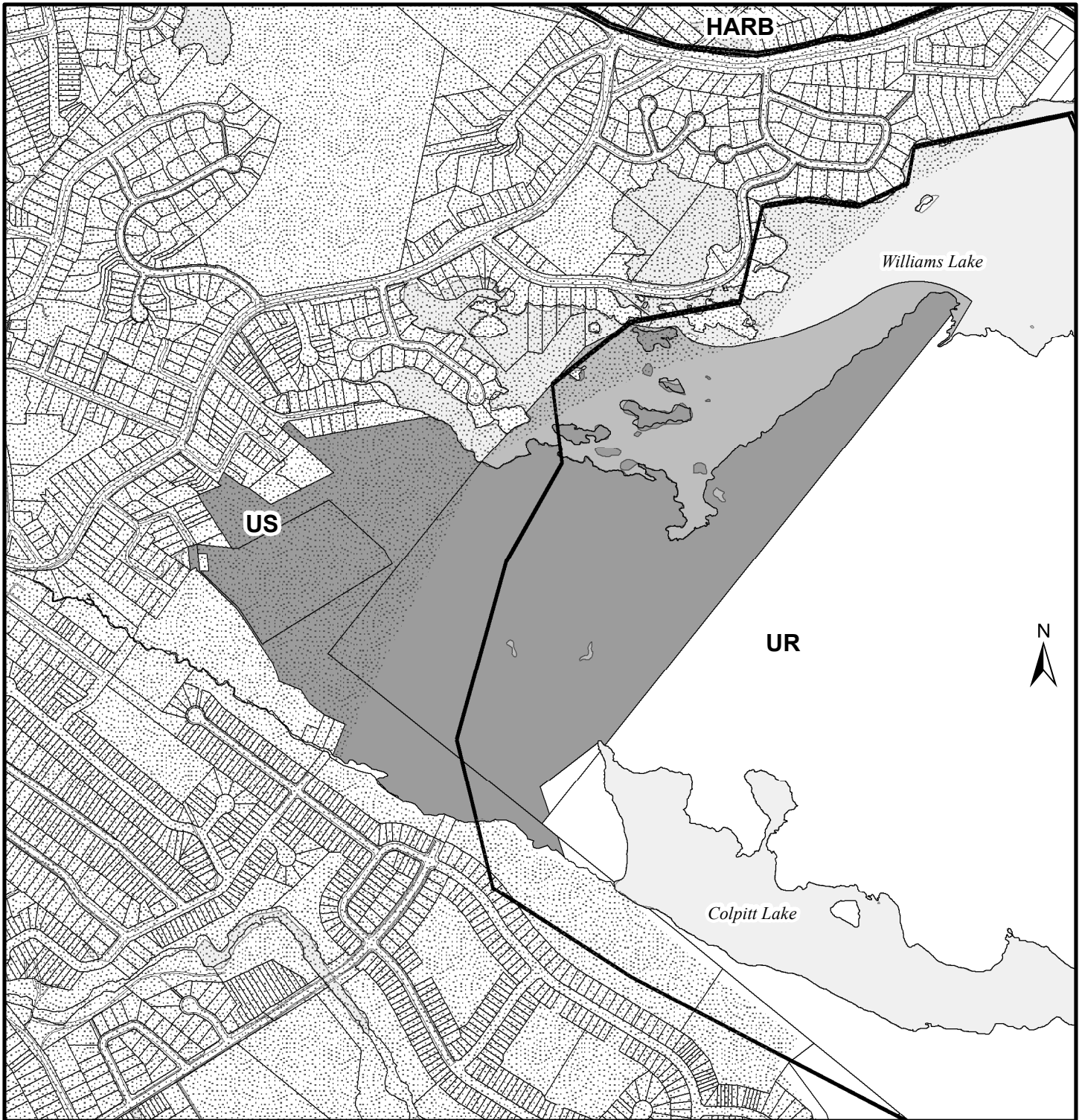
This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Halifax Plan Area

4 December 2020



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Map 2 - Regional Generalized Future Land Use

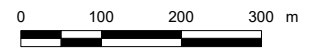
HALIFAX

Purcell's Cove,
Halifax

-  Subject Area
-  Urban Service Area

Designation

- US Urban Settlement
- UR Urban Reserve
- HARB Harbour



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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Halifax Plan Area



Map 3 - Halifax SMPS Generalized Future Land Use

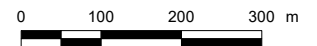
HALIFAX

Purcell's Cove,
Halifax

■ Subject Area

Designation

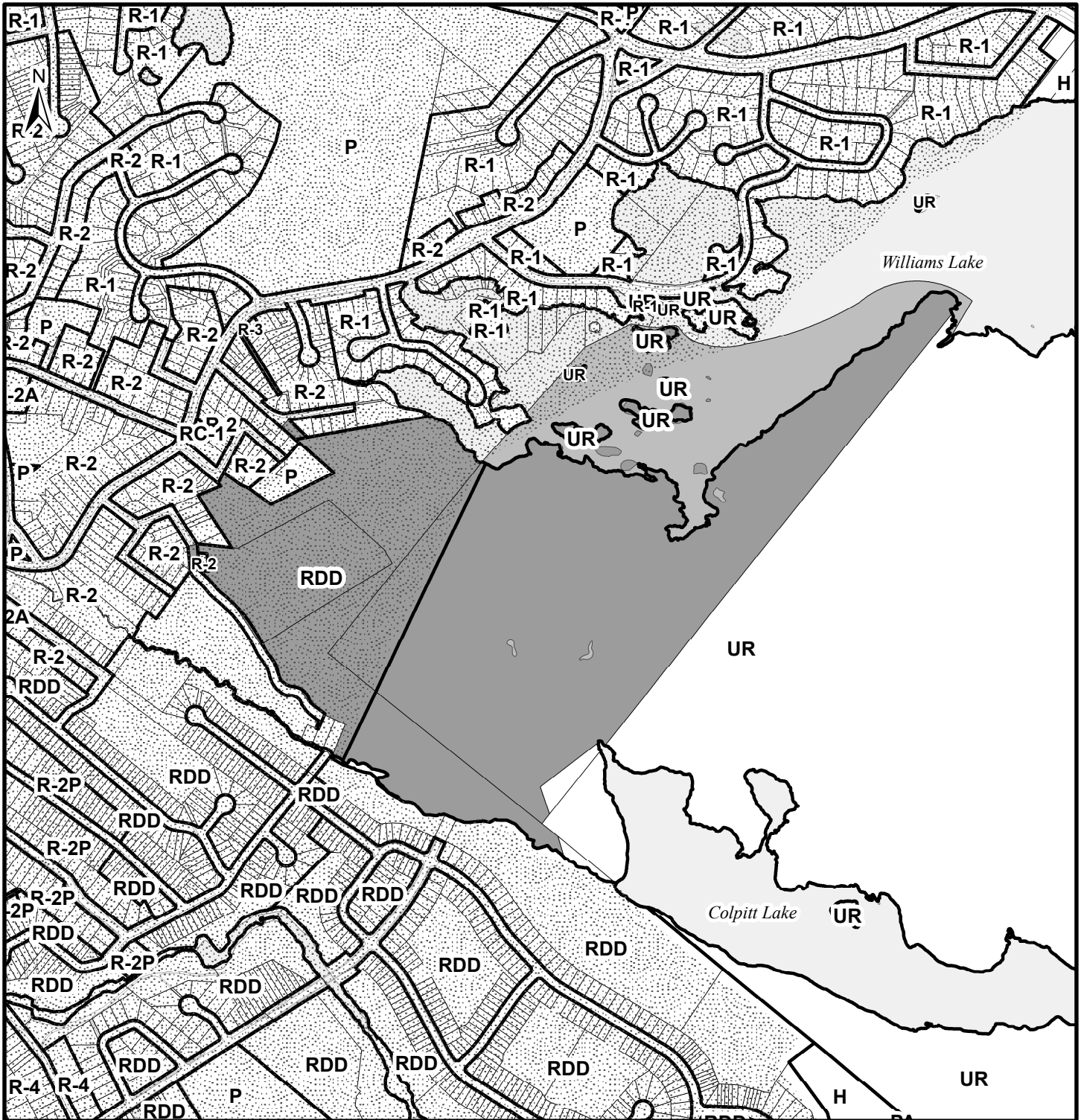
- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Development District
- MNC Minor Commercial
- INS Institutional
- OS Major Community Open Space



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.



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

Halifax Plan Area



Map 4 - Zoning and Location

Purcell's Cove,
Halifax

-  Subject Area
-  Urban Service Area

Halifax Mainland
Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- C-2A Minor Commercial
- P Park and Institutional
- H Holding
- UR Urban Reserve
- RDD Residential Development District

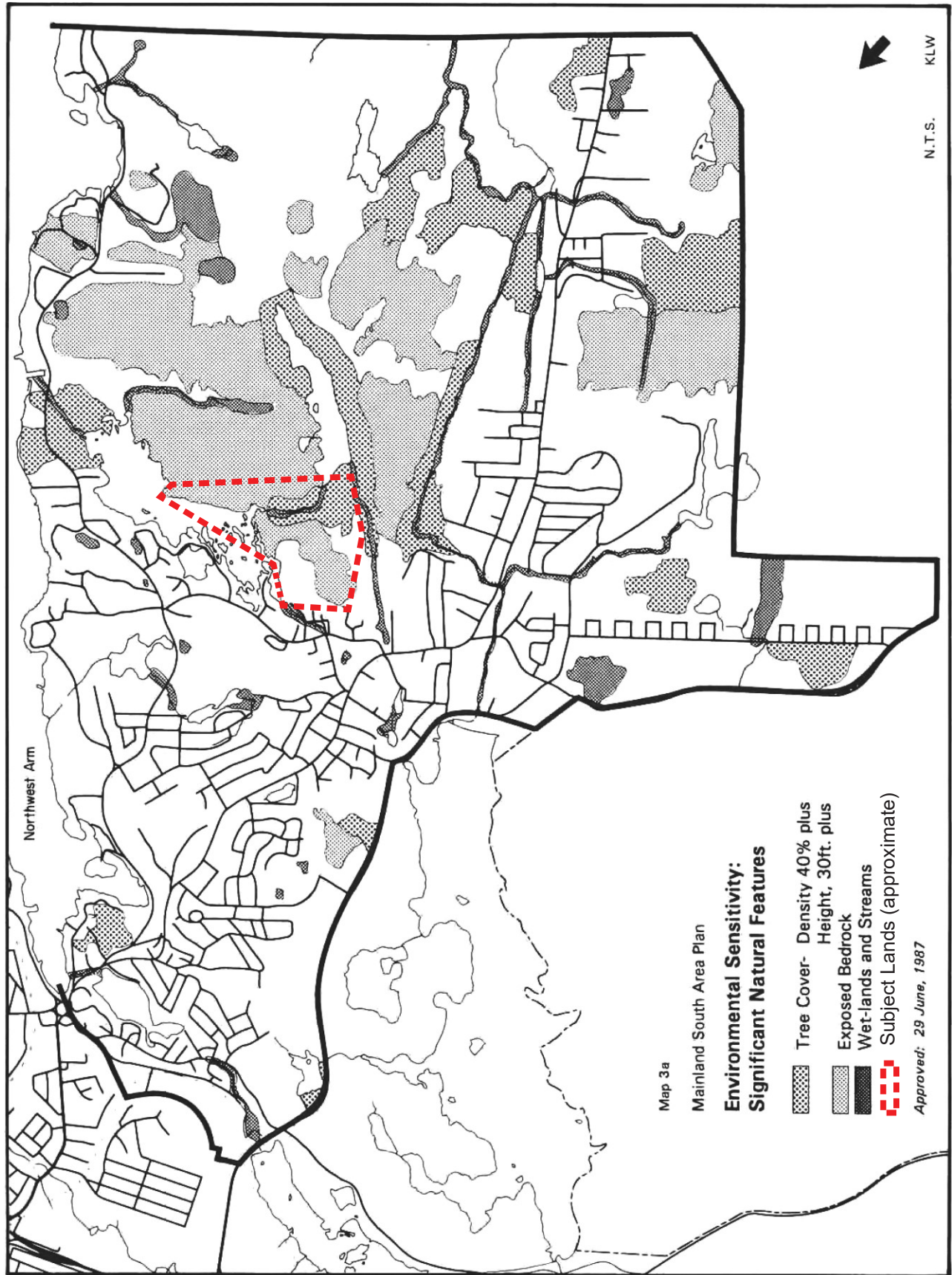
HALIFAX



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

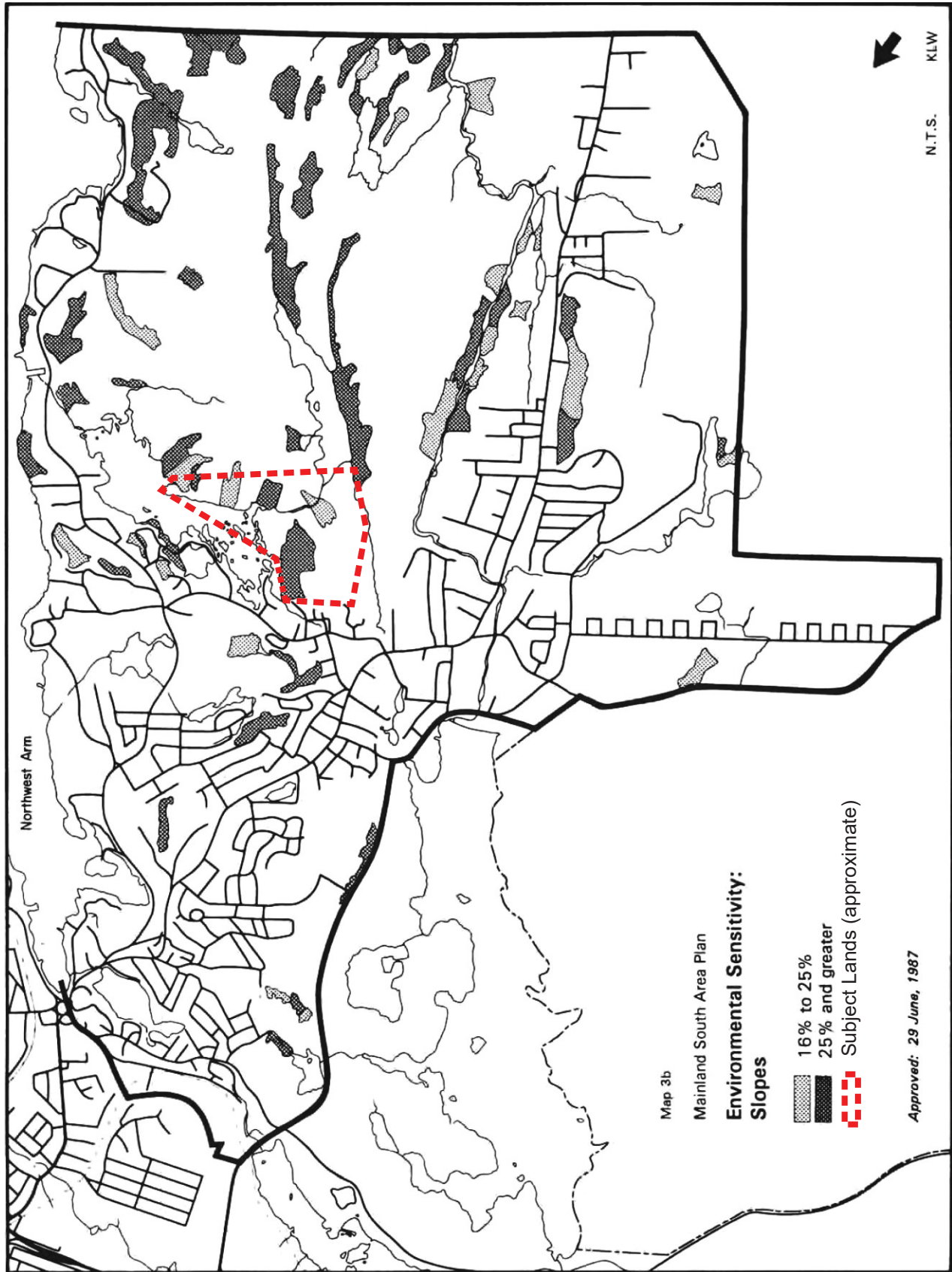
The accuracy of any representation on this plan is not guaranteed.

Map 5 Mainland South SPS: Environmental Sensitivity – Significant Natural Features



Map 6

Mainland South SPS: Environmental Sensitivity - Slopes



Attachment A:
Excerpts from the [Regional Municipal Planning Strategy \(Regional Plan\)](#)

3.2 LAND USE DESIGNATIONS

There are seven general land use designations which form the framework for achieving the growth management strategy of this Plan. These are illustrated on Map 2: The Generalized Future Land Use Map with the intent and policy direction for each explained in the following sections.

3.2.1 Urban Settlement Designation

The Urban Settlement Designation encompasses those areas where development serviced with municipal water and wastewater systems (serviced development) exists or is proposed under this Plan. The designation includes three designated growth areas where Secondary Planning Strategies have been approved (Morris-Russell Lake, Bedford South and Bedford West) three areas for future serviced communities, subject to HRM approval of secondary planning (Port Wallace, Sandy Lake, and the Highway 102 west corridor adjacent to Blue Mountain - Birch Cove Lakes Park).

The Morris-Russell Lake Secondary Plan area has not been able to develop as expected due to the Shearwater air base being re-acquired by the Canadian Armed Forces. Consideration may be given to amending this Secondary Planning Strategy to allow for additional serviced development at the north end of Morris Lake and Eastern Passage if the connector road from Mount Hope Avenue to Caldwell Road is feasible.

S-1 The Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), encompasses those areas where HRM approval for serviced development has been granted and to undeveloped lands to be considered for serviced development over the life of this Plan. Amendments to this Boundary may be considered:

- (a) where reviews of regional population and housing forecasts have been undertaken and the proposed amendments may assist in achieving the growth targets established by this Plan; and
- (b) the lands are within or adjacent to a growth centre.

S-2 Where requests are received to initiate secondary planning for any of the areas identified above as potential growth areas, consideration shall be given to:

- (a) the need for additional lands and the fiscal implications to HRM and Halifax Water and their capacity to meet additional financial commitments; and
- (b) the implications for achieving the HRM growth targets.

3.2.2 Urban Reserve Designation

The Urban Reserve Designation is intended to ensure that a supply of land is available for serviced development over a longer term horizon. The following seven areas are designated as Urban Reserve:

1. interior lands bounded by Highway 7, Ross Road, Highway 207 and Broom Road (Cole Harbour/Westphal);
2. land surrounding Anderson Lake area (Dartmouth/Bedford);
3. Governor Lake North (Timberlea);
4. Ragged Lake (Halifax);
5. Kidston Lake lands (Spryfield/Herring Cove);

6. Purcell's Cove area back lands; and
7. private lands in the Blue Mountain - Birch Cove Lakes Regional Park area.

S-3 The Urban Reserve Designation shall be established on the Generalized Future Land Use Map (Map 2) to identify those lands situated outside the Urban Settlement Designation where serviced development may be provided after the life of this Plan.

S-4 HRM shall, through the applicable land use by-law, establish an Urban Reserve Zone to regulate development of lands within the Urban Reserve Designation. This Zone shall permit open space uses and limit residential development to existing lots and to one lot subdivided from an existing lot under lot frontage exemption provisions of the Subdivision By-law on a property identified by PID No. 00270934.

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8.3 WATER, WASTEWATER AND STORMWATER SERVICES: PLANNING FOR GROWTH IN SERVICED AREAS

This Plan seeks to focus development in areas where infrastructure can be provided in a cost-effective manner with consideration given to both capital and operating costs. HRM also seeks to support a competitive housing market by maintaining a 15 year supply of serviced lands. A primary tool for achieving these objectives will be directing the supply and location of lands to be serviced with wastewater and water services.

SU-2 HRM shall establish an Urban Service Area under the Regional Subdivision By-law to designate those areas within the Urban Settlement Designation and the Harbour Designation where municipal wastewater collection and water distribution systems are to be provided. The Area shall initially include all lands within existing service boundaries established under secondary planning strategies at the time of adoption of this Plan. Lands within the Urban Service Area shall only be developed with municipal wastewater collection and water distribution systems. Any service boundary established under existing secondary planning strategies shall be replaced by the Urban Service Area boundary in the Regional Subdivision By-law.

Attachment B:
Excerpts from the [Halifax Secondary Municipal Planning Strategy](#)

SECTION X: MAINLAND SOUTH SECONDARY PLANNING STRATEGY OBJECTIVES AND POLICIES

1. RESIDENTIAL ENVIRONMENTS

Objective: The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

1.1.1 "Residential Environments" in terms of this secondary strategy means:

- (a) Low-Density Residential;
- (b) Medium-Density Residential;
- (c) High-Density Residential;
- (d) Residential Development District.

1.1.2 Forms of residential development which may be permitted in Mainland South are:

- (a) conversions;
- (b) detached dwellings;
- (c) semi-detached dwellings;
- (d) duplex dwellings;
- (e) townhouses; and
- (f) apartments.

...

1.5 Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.

1.5.1 Pursuant to Policy 1.5, the Land Use By-law shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.

1.5.2 Notwithstanding Policy 1.5.1, Policy 2.1.4 of Section II shall remain in force and the City shall maintain a Holding Zone until such time as municipal services are available.

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SCHEDULE I: GUIDELINES FOR RESIDENTIAL DEVELOPMENT DISTRICT

Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:

Uses Which May be Permitted

1. Residential Uses
2. Community Facilities
3. Institutional Uses
4. Neighbourhood Commercial Uses
5. Commercial Convenience Centres.

Site Development Guidelines

5. Residential

- a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.

- no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.

- the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.

6. Commercial

- neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.

Landscaping and Open Space

7. At least 5 percent of the area of the district development must be useable, landscaped, open space.
8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.
9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.
10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.

Circulation

11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.
12. Where common parking areas are provided, they should be so aligned as to restrict through traffic.

General

13. The minimum required site size for a contract within this area shall be three acres.
14. Municipal infrastructure must be adequate to service any proposed development.

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7. ENVIRONMENT

Objective: Identify and protect environmentally sensitive and ecologically valuable natural features.

- 7.1 Environmental sensitivity shall be considered as of the degree of susceptibility of natural areas to deleterious effects of urban development. Areas of high sensitivity are identified on the Environmental Sensitivity Maps. These maps shall be used as general resource documents in evaluating zone changes and contract development applications.
 - 7.1.1 Pursuant to Policy 7.1 the following features are used to identify such areas:
 - (a) tree cover - 40 percent and greater in density;
 - (b) exposed bedrock;
 - (c) wetlands and streams;
 - (d) slopes - 16 percent and greater.
 - 7.1.2 Lands within 100 feet of the water's edge of any water body shall be considered to be environmentally sensitive and the Land Use By-law shall require a higher standard for new single-family lots adjacent to watercourses.
- 7.2 The Environmental Sensitivity Map may be used in assessing the effects of capital work to be undertaken by the City.
- 7.3 Where development proposals are being considered through rezoning or development agreement, the City shall protect environmentally sensitive areas.
- 7.4 The City shall require setbacks for new development adjacent to lakes, watercourses or waterbodies for the purposes of maintaining and enhancing a high quality lakes and waterways system for development considered pursuant to Policy 1.5.1.
 - 7.4.1 The City shall undertake an analysis of flooding along the McIntosh Run and prepare suitable policy and regulatory controls to protect the watercourse.
 - 7.4.2 Pending the completion of the study outlined in Policy 7.4.1, the City shall amend its Land Use By-law to require a setback for all new development of one hundred feet from the McIntosh Run.
- 7.5 Environmentally sensitive areas in public ownership should be preserved in their natural state and utilized for limited park and recreation uses.
- 7.6 The City shall attempt to minimize using salt on streets in areas where contamination of groundwater and wells is likely or apparent, and to accomplish this shall identify areas subject to potential contamination as a result of salt use.

Attachment C:
Excerpts from the [Halifax Mainland Land Use By-Law](#)

GENERAL PROVISIONS

14QA(1) WATERCOURSE SETBACKS AND BUFFERS

- (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.
- (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
- (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

14QA(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

14QA(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to August 26, 2006, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.

14QA(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

14QA(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

14QA(6) 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 contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

14QA(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour.

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14T ZM-2: WETLANDS

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on ZM-23 attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

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RDD ZONE: RESIDENTIAL DEVELOPMENT DISTRICT ZONE

62A(1) The following uses shall be permitted in any RDD Zone:

- (a) R-1 and R-2 uses as hereinbefore set out;
- (b) Uses accessory to the foregoing.

R-1 AND R-2 USES IN RDD ZONE

62A(2) Buildings erected, altered or used for R-1 and R-2 uses in an RDD zone shall comply with the requirements of the R-1 and R-2 zones respectively.

62A(3) No person shall in any RDD zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection(1).

62A(4) No person shall in any RDD zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

62B(1) Notwithstanding any other provision of this by-law, Council may, by resolution, approve any specific development application pursuant to Policy 1.5.1 of Part II, Section X (Schedule I) of the Municipal Planning Strategy.

62B(2) Application for development agreements in any Residential Development District (RDD) shall include the following information:

- (i) a legal description of the total site proposed for development, to include present and proposed ownership;
- (ii) a development schedule to indicate the stages or phases of development from beginning to completion;
- (iii) total number and type of dwelling units, lot size, proposed lot coverages, approximate gross and net population densities, total amount of open space and usable open space, total amount of commercial and, where applicable, institutional facilities;
- (iv) site plan and supporting maps to describe existing topographic conditions including contours at 5 foot intervals, water courses or bodies, flood plains, wetlands, significant natural features and forest cover including the general location of trees 6 inches in diameter or greater, proposed lot lines, location and size of all existing and proposed buildings and structures including maximum heights, types of dwelling units, density per type, and non-residential structures;

- (v) the location and size of all areas to be dedicated or reserved as common open spaces, public parks, recreation areas, and other public uses; existing and proposed street circulation systems including parking and serviced areas, and major points of ingress and egress to the development; existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system; existing and proposed public utility system, and, where applicable, provide sanitary and water systems on and adjacent to the development site; and general schematic landscape plan indicating the treatment of private and public open spaces, information on areas adjacent to the proposed development to indicate the relationship to these areas, to include land uses, zoning classifications, densities, circulation systems, public facilities and significant natural features and sensitive landscape;
- (vi) any other information which may be required to evaluate the impact of the proposed development.

Attachment D:
Relevant Actions from the [Halifax Green Network Plan](#)

Action #	Description
3	Amend Municipal Planning Strategies to clarify and ensure that environmentally sensitive areas are identified and considered during the review of all discretionary planning applications (i.e. rezoning and development agreement applications).
4	Amend the Regional Plan to emphasize the importance of identifying and protecting environmentally-sensitive areas during master neighbourhood planning exercises (secondary planning).
5	Amend Municipal Planning Strategies and Land Use By-laws to consolidate environmental protection zones, which prohibit most forms of development, and apply these zones to areas with significantly sized vulnerable landforms, such as ravines and bluffs.
6	Amend Municipal Planning Strategies and Land Use By-laws to consolidate, clarify and refine the Municipality's variable approach to watercourse buffers. Specific measures to consider include: <ul style="list-style-type: none"> • Consolidating environmental protection zones and applying these zones to sensitive riparian areas and wetlands, such as coastal marshlands, floodways and large wetland complexes, based on detailed mapping and analysis; • Increasing the minimum required riparian buffer around drinking water supply sources, established under the Protected Water Supply Zone, from 30.5 to 100 m; • Establishing a consistent watercourse buffer requirement for industrial zones and uses, which currently range from 20 to 100 m for some zones and specific uses; • Increasing the standard watercourse buffer requirement from 20 to 30 m for watercourses that are greater than 50 cm wide; • Maintaining a watercourse buffer requirement of 20 metres for watercourses that are intermittent or less than 50 cm wide; • Maintaining special watercourse buffering requirements established for vulnerable areas, such as the special requirements that apply to Cow Bay; • Removing the formula to increase the buffer requirements based on slope for inland watercourses (not marine coast), as the requirement is rarely applicable and adds unnecessary complexity to the permitting process
9	Consider the adoption of a private trees by-law to manage the removal of trees on private property within serviced (urban) areas. Specific direction to consider includes: Focusing on large properties with development potential while minimizing impacts on small properties; Prioritizing the protection of trees and vegetation within the watercourse buffer; Developing an educational campaign to promote tree stewardship on private property
11	Work with Halifax Water and Nova Scotia Environment to establish stormwater management guidelines to improve the quality of stormwater runoff.
12	Work with Halifax Water and Nova Scotia Environment to promote green infrastructure, such as naturalized stormwater retention ponds and bioswales, as the preferred approach to managing stormwater.
13	Work with Halifax Water to develop a green infrastructure specification document to guide and promote the use of low-impact design approaches to manage stormwater on private property for multi-unit residential, commercial and industrial developments.
18	Formally request that the Province amend the Halifax Regional Municipality Charter to enable the Municipality to acquire sensitive environmental lands (e.g. riparian areas, wetlands, steep slopes, etc.) as an environmental reserve through the land development and subdivision process, in addition to existing parkland dedication provisions.
31	Amend the Regional Plan to prioritize the redevelopment of brownfield sites and other underdeveloped urban infill sites ahead of undisturbed greenfield sites.
37	Amend the Regional Plan conservation design development agreement policies to: Further focus development within rural centres; Avoid conflicts with working landscapes; Direct development to the edges of the core areas shown on the Green Network Ecology Map (Map

	5 on page 35); Preserve the essential and important corridors shown on the Green Network Ecology Map (Map 5 on page 35); Take a cautious approach to development within areas of high environmental value (Map 5 on page 35) by ensuring the underlying values are investigated and conserved and any impacts from development are mitigated.
66	During the next Regional Plan review amend the Regional Plan to recognize recent land acquisitions (pending) within the Purcell's Cove Backlands as Regional Park and consider open space planning for the remainder of this area.