

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: September 14, 2021

SUBJECT: **Regional Centre Secondary Municipal Planning Strategy and Land Use By-law – Centre Plan Package B**

SUPPLEMENTARY REPORT

ORIGIN

August 17, 2021, Halifax Regional Council Item 14.2, Ratification from Committee of the Whole August 17, 2021 - Regional Centre Secondary Municipal Planning Strategy and Land Use By-law – Centre Plan Package B.

LEGISLATIVE AUTHORITY

- *Halifax Regional Municipality Charter (HRM Charter)*, Part I, The Municipality, Sections 23, 24, 25, 31, 31A, and 32
- *HRM Charter*, Part III, Powers, Sections 58 and 59
- *HRM Charter*, Part IV, Finance
- *HRM Charter*, Part VIII, Planning & Development
- *HRM Charter*, Part IX, Subdivision
- Regional Municipal Planning Strategy (2014 Regional Plan), Chapter 6A: The Regional Centre.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading and schedule a public hearing to consider the *Regional Centre Secondary Municipal Planning Strategy* and the *Regional Centre Land Use By-law*, By-law U-111, as contained in Attachments A,B, and I of this report.
2. Give First Reading and schedule a public hearing to consider the proposed amendments to the *Dartmouth Municipal Planning Strategy*, the *Dartmouth Land Use By-law*, the *Downtown Halifax Secondary Municipal Planning Strategy*, the *Downtown Halifax Land Use By-law*, and the *Halifax Municipal Planning Strategy*, as contained in Attachments C to G of this report.

RECOMMENDATION CONTINUED ON PAGE 2...

3. Adopt the Regional Centre Secondary Municipal Planning Strategy, and the Regional Centre Land Use By-law as contained in Attachments A and B of this report, including repealing the *Regional Centre Secondary Municipal Planning Strategy* (Package A), the *Regional Centre Land Use By-law* (Package A), the *Secondary Municipal Planning Strategy for Downtown Dartmouth*, the *Land Use By-law for Downtown Dartmouth*, and the *Land Use By-law for Halifax Peninsula*.
4. Adopt the proposed amendments to the *Dartmouth Municipal Planning Strategy*, the *Dartmouth Land Use By-law*, the *Downtown Halifax Secondary Municipal Planning Strategy*, the *Downtown Halifax Land Use By-law*, and the *Halifax Municipal Planning Strategy*, as contained in Attachments C to G of this report.
5. Adopt By-law U-111 as contained in Attachment I of this report.
6. Direct the Chief Administrative Officer to return to Council within 24 months after the effective date of Centre Plan Package B with information on the effectiveness of the expanded voluntary pre-application process as described in the Discussion section of this report.

BACKGROUND

The Regional Centre is the urban core of the region, with a dense population, commercial industries, and major institutions that are key to the social, cultural, and economic development of the Municipality. In coordination with Municipal programs and investments, the proposed Regional Centre Secondary Municipal Planning Strategy (Plan) and Land Use By-law (LUB) will guide the growth and development of the Regional Centre including support for housing, business, institutions, parks, and the environment. The proposed Plan and LUB apply to the Regional Centre Plan Area (Package A and B lands), except for the areas of the Barrington Street and the Old South Suburb Heritage Conservation Districts (HCDs) and five additional properties located within the Downtown Halifax Plan area.

Known as the the Centre Plan, the planning process for the Regional Centre was first identified in the 2006 Regional Plan and initiated in 2011 with additional Council direction received in 2015, 2017, and 2019. The Centre Plan process is being implemented in two phases:

- Package A (approved on September 18, 2019) established planning policies and land use by-law regulations for high growth areas, including Downtown Dartmouth, Centres, Corridors, Higher Order Residential areas, and Future Growth Nodes; and
- Package B (proposed) incorporates Package A lands and establishes planning policies and land use by-law regulations for Parks and Community Facilities, Downtown Halifax, Established Residential areas, Industrial Employment, and Institutional Employment lands. Lands located within the Old South Suburb Heritage Conservation Districts (HCD), the Barrington Street HCD, and five additional properties located within the Downtown Halifax Plan area are not included at this time.

On May 28, 2021, the Municipality published the proposed [Plan and LUB](#) following a detailed public engagement process outlined in the following reports:

- the ["What We Heard Report – Centre Plan Package B"](#) presented to CDAC on March 2, 2021, which summarized the community engagement process, including key themes and detailed feedback; and
- the [May 7, 2021 staff report](#), which outlined the overall Centre Plan process, including key polices, regulations, changes in response to previous Council direction and public feedback.

In June and July of 2021, several Municipal committees reviewed the proposed Plan and LUB and provided a number of recommendations for Council's consideration, as outlined in the following reports:

- [Community Planning and Economic Development Standing Committee Report](#), which includes recommendations from the Community Design Advisory Committee (CDAC) and Heritage Advisory Committee (HAC);

- [Halifax and West Community Council Report](#);
- [Harbour East–Marine Drive Community Council Report](#);
- [Regional Centre Community Council Report](#); and
- [Design Review Committee Report](#).

On August 17, Committee of the Whole considered the staff responses to the above committee and community council recommendations together with additional items identified and recommended by staff as outlined in the following:

- [July 28, 2021 supplementary report](#); and
- [Halifax Regional Council Item 14.2, Ratification from Committee of the Whole August 17, 2021 recommendation](#).

This report carries out the direction provided by Regional Council and provides additional information and advice for Council's consideration.

DISCUSSION

As directed by Regional Council on August 17, 2021, staff have implemented the requested revisions to the proposed Plan and LUB as set out in Attachments A and B, with corresponding amendments to existing planning documents set out in Attachments C to G. A summary of staff response to the Council direction provided on August 17, 2021 is also summarized in Attachment H. The following subsections discuss:

- the requested options for incorporating design review into as-of-right development review processes,
- proposed zoning changes related to the Rapid Housing Initiative (RHI),
- the relationship to the regional wide amendments concerning the keeping of hens; and
- a limited number of minor, staff initiated changes.

Design Review

In considering the Package B planning documents, Council directed staff to provide options for incorporating design review as part of the as-of-right permitting process. In general, staff advise that there are limited options given that the *HRM Charter* does not enable the LUB to require design review before permit applications are submitted. The *Charter* also requires a complete permit application to be processed within 30 days, leaving little opportunity for design advice. However, building on existing planning tools and review processes, staff have identified the following two options for incorporating design review as part of the as-of-right permitting process.

Expand Use of the Site Plan Approval Tool

As set out in the proposed Package B Plan and LUB, the site plan approval tool is used to consider variations to certain LUB requirements. As proposed, this approach will continue to require many large scale projects to proceed through the site plan approval process given that large projects will often need to request a variation to maximum building dimensions to allow more than one tower on a podium. This site plan approval process will require applicants to consult the public before applications are submitted and involve reviews by the Design Advisory Committee (DAC), neighbourhood notification of site plan approval decisions, and a potential appeal process. Revisions to the proposed Plan and LUB could require more development projects to proceed through this site plan approval process and associated DAC review.

While expanding the use of the site plan approval tool would increase opportunities for DAC review, staff do not recommend this approach given that it must be accompanied by all other components of the site plan approval tool, including increased processing times and timeframes for appeals to the RCCC. As outlined in previous staff reports, staff recommend focusing the use of the site plan approval tool on potential variations to certain LUB requirements where regulatory discretion is needed and public and

DAC feedback can meaningfully influence design choices.

Within this framework, should Council wish to require site plan approval for a larger range of development projects, staff advise that Council could direct staff to revise the proposed Plan and LUB to require the site plan approval process for additional types or scales of development. If this option is chosen, staff advise that specific direction is needed concerning the LUB regulations that the scope of the site plan approval tool would address, the criteria that should be considered for the site plan approval, and the items subject to DAC review. This would require a supplementary report and, depending on the Council direction, may require significant revisions to the proposed Plan and LUB.

Incorporate Design Review into Existing Pre-application Processes

To support early reviews of development proposals, the Municipality has established pre-application processes where applicants are encouraged, but not required, to submit early concept drawings and site plans for early feedback concerning compliance with LUB and other Municipal requirements. While the *HRM Charter* does not enable LUBs to establish pre-application requirements, as an administrative practice, staff advise that the pre-application process is frequently used by developers because it provides early feedback on proposed building designs before further investments are made into preparing detailed plans, studies, construction drawings and other items.

While the existing pre-application process focuses on reviewing proposals against the LUB and other requirements, staff advise that this existing process can be expanded to also provide building design advice to applicants. The following outlines how this expanded pre-application process could function together with its potential benefits and limitations.

- *Voluntary Pre-application process:* Building on the pre-application process that is already established for discretionary and site plan approval applications, a similar opportunity can be established for major as-of-right development projects in the Regional Centre. Administrative Order 15, Respecting License, Permit and Processing Fees, establishes a \$500 pre-application processing fee, which is a low barrier for obtaining early advice for major developments, while also sufficient to discourage repeated or insincere inquiries. To establish similar pre-application fees for as-of-right proposals, staff advise that amendments to By-law U-100, the *User Charges By-law*, are needed as set out in Attachment I.

These types of pre-application meetings would not be open to the public. As provided by the *HRM Charter*, only Council meetings and meetings of committees appointed by Council are open to the public. Should Council wish to have a public process for design review, then it would need to direct staff to expand the use of the site plan approval tool, as outlined in the previous section, or increase the use of discretionary approvals. Such a change in direction would be significant and would require a supplementary report and new policy and by-law provisions to be drafted. Staff does not recommend this approach.

- *Professional Design Advice:* Staff advise that there is sufficient staff expertise to provide building design advice through the creation of an ad-hoc committee of qualified staff. As previously outlined, while existing pre-application review processes focuses on providing comments on Municipal requirements, this design advice would offer information and advice concerning design choices enabled within the regulatory requirements that could improve final site and building designs.
- *Monitoring:* Should Council support the pre-application approach, staff recommend directing that the effectiveness of the pre-application processes be monitored such that staff would return to Council with further information and advice on this topic within 24 months. Key items to monitor include the proportion of projects that choose to use the pre-application process, whether the advice on building design has meaningful impacts and feedback from the development community.

With Council's support, staff are prepared to establish the pre-application process as described above upon the coming into effect the Package B Plan and LUB, estimated for late 2021. Staff would also monitor the effectiveness of the pre-application process and return to Council approximately 24 months after the

effective date of the Package B planning documents with further information and advice.

Rapid Housing Initiative

On August 31, 2021, Council authorized the CAO to enter into the Rapid Housing Initiative (RHI) Agreement with Canada Mortgage and Housing Corporation (CMHC) to support the creation of a minimum of 43 affordable housing units by the Affordable Housing Association of Nova Scotia, Souls Harbour and Akoma Holdings Incorporated. As outlined in the [staff report](#), one of the three selected projects require zoning changes through the Centre Plan Package B planning process. Staff also recommend adjusting the zoning for one of the proposals that was not supported by Council to enable it to proceed outside of the RHI framework. These zoning changes are carried out in the proposed Plan and LUB and described below.

101 Yorkshire Ave Ext., Dartmouth

The Affordable Housing Association of Nova Scotia (AHANS) is proposing the redevelopment of an existing hotel located at 101 Yorkshire Avenue Extension, Dartmouth. With the support of RHI funding, AHANS proposes to purchase the property and convert it to a 65-room shared housing use that is targeted to individuals who are homeless and live with two or more mental health, addiction and chronic health issues.

The property is currently zoned C-3 – General Business Zone in the Dartmouth Land Use By-law. Previous drafts of the proposed Package B Plan and LUB zoned this property and surrounding area as Commercial Light Industrial (CLI). Neither the C-3 or CLI zones permit residential uses, including shared housing. As such, staff recommend changing the proposed zoning under Package B to HR-1 (Higher-Order Residential 1) with a maximum permitted height of 14 metres. While the immediate surrounding area is considered commercial-industrial, the area as a whole is located amongst residential uses, including Shannon Park, which is planned to introduce approximately 3,000 units to the area. While staff did originally recommend that the area should be retained for commercial and light industrial uses, the site is considered appropriate for residential uses due to access to transit and several amenities.

8 Burke Street, Dartmouth

While the Municipality cannot recommend funding all of the projects that applied for funding under RHI, the majority of the submissions were considered strong projects and staff continue to support their future development. This includes the proposed development by AHANS to construct an additional 6 units at 8 Burke Street, Dartmouth.

Previous drafts of proposed Package B zoned this property as ER-2 (Established Residential 2). The ER-2 Zone permits up to two residential units, plus a secondary or backyard suite. However, to support the proposed affordable housing development, staff recommend applying the HR-1 Zone with a maximum height of 11 metres. This will allow the proposed expansion and also ensure the proposed zoning reflects the current multi-unit dwelling use. Further, residential uses along Burke Street range from low to medium density and the proposed building would not impact that overall scale of development in the area.

Keeping of Hens

On August 31, 2021, Council gave first reading to proposed amendments to the Regional Plan and applicable LUBs to allow the keeping of hens as an accessory residential use. At this meeting, Council excluded the Regional Centre from the proposed 1 metre property line setback requirement for fenced areas. As the first reading motion also excluded all existing planning documents that apply within the Regional Centre, staff understand Council's direction to mean that the provisions contained in the existing Package A LUB should continue to be carried forward without any changes into the proposed Package B LUB.

For clarity, the following table compares the LUB requirements for the keeping of hens contained in the proposed Plan and LUB (Attachments A and B), with the proposed LUB requirements for suburban and rural areas of the Municipality.

Table 1. Regulations for the keeping of hens in residential settings

LUB Requirements	Proposed Centre Plan Package B	Proposed Requirements for Suburban and Rural Areas
Maximum number of hens permitted on a lot	10 hens	Adjusted according to lot size as follows: <ul style="list-style-type: none"> • maximum of 10 hens permitted on lots less than 4,000 square metres in size; • maximum of 15 hens permitted on lots 4,000 square metres but less than 6,000 square metres in size; • maximum of 20 hens permitted on lots 6,000 square metres but less than 10,000 square metres in size; and • maximum of 25 hens permitted on lots greater than 10,000 square metres in size.
Location on a lot	Rear yard only	Rear yard only
Minimum setback to side and rear property lines for fenced areas	0 (no requirement)	1 metre
Minimum setback to side and rear property lines for accessory structures (coops)	Same requirements as accessory structures	Same requirements as accessory structures as set out in the applicable LUB.
Watercourse Buffering requirements	Applicable to accessory structures and fenced areas	Applicable to accessory structures and fenced areas
On-site Slaughtering/processing	Prohibited	Prohibited
On-site sale of eggs and meat	Permitted	Prohibited

Staff Initiated Changes

Staff have identified several minor revisions to the proposed Plan and LUB and associated amending documents to address items discovered through the final editing process. These revisions include:

- updating the definition of Religious Institution Use to clarify that a columbarium is considered a main use, instead of permitted only as an accessory use to a place of worship or religious gathering;
- removing zoning and related LUB mapping applied to newly created road parcels, including recent changes to the streetline surrounding the former Bloomfield School lands;
- further clarifying the placement of FAR precincts and the proposed Creighton’s Field HCD in response to a previous Package A mapping error by removing PIDs 40447971 and 00158527 from the proposed HCD and increasing the FAR from 1.75 to 3.5; and
- updating the view plane and Citadel Rampart site line requirements contained within the Downtown Halifax LUB for consistency with the proposed Regional Centre LUB, given that the existing Downtown Halifax LUB references the Halifax Peninsula LUB, which is proposed to be repealed.

Conclusion

The proposed Plan and LUB represent a significant milestone in planning for the growth and development of the Regional Centre and the modernization of the Municipality’s planning framework. After extensive study, engagement and committee review, staff are confident that the proposed Plan and LUB establish a long-term vision for the region that is broadly supported by residents and business, with detailed policies and regulations that effectively balance multiple objectives concerning growth, preserving community character, transportation, heritage, environment and economic development. Therefore, staff recommend

that Council approve the proposed Plan and LUB and associated amendments to existing planning documents.

FINANCIAL IMPLICATIONS

There are no immediate financial implications resulting from the recommendations contained in this report. General administration of the proposed Regional Centre Plan and LUB can be carried out within existing resources and budget. Details relating to policy directions are included in the staff report, dated May 7, 2021.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. Further information on risks are discussed in the staff report, dated May 7, 2021.

COMMUNITY ENGAGEMENT

An extensive public engagement program was undertaken in preparing the Regional Centre Plan (Package B). A detailed summary of engagement activities and feedback is included in the staff report, dated May 7, 2021.

ENVIRONMENTAL IMPLICATIONS

Information on potential environmental implications are detailed in the staff report, dated May 7, 2021.

ALTERNATIVES

Regional Council may:

1. Give first reading to the proposed Regional Centre Secondary Municipal Planning Strategy and Land Use By-law, as set out in Attachments A and B of this report, subject to specific revisions to the proposed planning documents. If this alternative is chosen, specific direction regarding the requested changes is required, with the changes noted in the Public Hearing advertisements and incorporated into the documents prior to the public hearing.
2. Direct the Chief Administrative Officer to modify the proposed Regional Centre Secondary Municipal Planning Strategy and Land Use By-law, as set out in Attachments A and B of this report, and bring the revised planning documents back to Regional Council for first reading and to set a public hearing date. If this alternative is chosen, specific direction regarding the requested modifications is needed and a supplementary report may be required.
3. Refuse to adopt the proposed Regional Centre Secondary Municipal Planning Strategy and Land Use By-law, as set out in Attachments A and B of this report. A decision of Council to approve or refuse the proposed planning documents is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A: Proposed Regional Centre Secondary Municipal Planning Strategy

- Attachment B: Proposed Regional Centre Land Use By-law
- Attachment C: Proposed Amendments to the Secondary Municipal Planning Strategy for Dartmouth
- Attachment D: Proposed Amendments to the Land Use By-law for Dartmouth
- Attachment E: Proposed Amendments to the Secondary Municipal Planning Strategy for Downtown Halifax
- Attachment F: Proposed Amendments to the Land Use By-law for Downtown Halifax
- Attachment G: Proposed Amendments to the Municipal Planning Strategy for Halifax
- Attachment H: Summary of Staff Responses to August 17, 2021 Regional Council Direction
- Attachment I: By-law U-111

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: Ben Sivak, Community Policy Program Manager, Regional Planning – 902.292.4563
