

Re: Item No. 15.1.4



# REGIONAL PLAN REVIEW

**Response to Changes to Provincial Minimum Planning  
Regulations**

**October 1, 2024**

**HALIFAX**





# PURPOSE TODAY

Provide an update on the status of the proposed Regional Plan in response to:

1. New Provincial Minimum Planning Requirements
2. Supreme Court of Canada decision



# REGIONAL PLAN REVIEW PHASING

<b>Phase 1 2020</b>	<b>Phase 2 2021</b>	<b>Phase 3 2022</b>	<b>Phase 4 2023/24</b>	<b>Phase 5 2025 -</b>
<ul style="list-style-type: none"><li>• Initiation</li><li>• Research</li><li>• Early Engagement</li></ul>	<ul style="list-style-type: none"><li>• Themes &amp; Directions Document</li><li>• Public Engagement</li><li>• Committee Engagement</li></ul>	<ul style="list-style-type: none"><li>• <b>Quick Housing Adjustments</b></li><li>• Additional Policy Work</li><li>• Public Engagement</li><li>• Approval Process</li></ul>	<ul style="list-style-type: none"><li>• <b>Draft Regional Plan</b> ✓</li><li>• Public Engagement ✓</li><li>• Approval Process</li></ul>	<ul style="list-style-type: none"><li>• <b>Review of Future Growth Areas</b></li><li>• Public Engagement</li><li>• Approval Process</li></ul>
				

## 1. Minimum Planning Regulations

---

- Announced August 21, 2024.
- Must be implemented no later than December 31, 2024.
- HRM is required to include new provisions (via the Regional Plan) to address new requirements related to housing supply.
- Also requires that by January 31, 2025 we provide for the adoption and implementation of the Suburban Plan.



## Overview - Minimum Planning Regulations

A municipal planning strategy **must do all of the following** to address the issue of housing supply:

- Recognize housing is an urgent priority;
- Give priority to increasing the supply of safe, sustainable and affordable housing;
- Permit residential uses in all zones, **except** for:
  - Industrial,
  - Military,
  - Park,
  - Transportation reserve,
  - Utility uses, and
  - Zones for environmental sensitivities;
- Information sharing to support housing development;
- Permit manufactured housing in all residential zones;



## Overview - Minimum Planning Regulations

- **Relaxing certain development standards** on the following:
  - Maximum building heights that impact density potential based on construction method;
  - Remove on-site parking requirement (residential uses, within urban service area);
  - Permit temporary housing in non-permanent structures for a period of reasonable time;
- For **developments that begin construction before April 1, 2027:**
  - Set the density for Conservation Design developments using gross hectare as opposed to net hectare;
  - Remove the unit mix requirements for residential buildings;
  - Require no more than 20% ground floor commercial space in multi-unit residential buildings.



## Next Steps – Regional Plan

To comply with the new Minimum Planning Requirements, staff will:

- Perform a technical review;
- Identify required adjustments to the draft Regional Plan and supporting documents;
- Conduct public participation program, including:
  - Posting information to the project website.
  - A public comment period of at least 30 days.
  - Online and social media communication.
  - A public hearing with Regional Council
- Bring forward to Council a revised Regional Plan package as quickly as possible.



## Next Steps – Suburban Plan

- July 2023: The Suburban Plan process was initiated by Council.
- May 2024: Housing Accelerator Fund amendments approved by Council.
- Fall 2024: A second round of opportunity sites is currently being considered.
- Early 2025: Separate report to Council with a revised work plan and public participation program for the Suburban Plan.





## 2. Supreme Court Decision

- Staff working to understand the implications of a decision of the Supreme Court of Canada (*Annapolis Group inc. v. Halifax Regional Municipality, 2022*)
- The SCC decision *may* have financial implications on the regulation of privately-owned lands. More due diligence is required.
- Dec. 2024/Jan 2025: A separate report will be brought to Council outlining the risks and potential approaches.
- The *HRM Charter* does not allow HRM to undertake planning without risking potential constructive taking/ de facto expropriation claims.
  - Staff recommend that Council request the Mayor to write to the Province to request amendments to the HRM Charter to include immunity from constructive taking claims.



## Overall Schedule

### Today

- Initiate of changes of planning documents due to Min. Planning Requirements.
- Council approval of HRM Charter amendment request.

### Late 2024/ Early 2025

- Report to Council on outcome of technical legal review (impacts of SCC decision)
- Engagement on Min. Planning Requirements

### Early 2025

- Revised Phase 4 Regional Plan amendment package brought forward for Council consideration/approval.
- Second round of HAF opportunity sites in Suburban and Centre Plan areas brought forward for Council consideration/approval.
- Report to Council on Suburban Work Plan.

### Following adoption of Phase 4 Regional Plan

- Beginning of Phase 5 Regional Plan Review



## Recommendation

It is recommended that Regional Council:

1. Direct the Chief Administrative Officer to:
  - a) Initiate a process to consider amendments to all planning documents, including the Regional Municipal Planning Strategy, all Secondary Municipal Planning Strategies and Land Use By-Laws, and the Regional Subdivision By-Law to ensure compliance with the Minimum Planning Requirements Regulations as amended by the Province of Nova Scotia on August 20, 2024; and
  - b) Follow Administrative Order 2023-002-ADM Respecting Public Participation for Planning Documents, Certain Planning Applications, and Engagement with Abutting Municipalities for the required public participation program, as outlined in the Community Engagement section of this report; and
  - c) Return to Regional Council with a staff report outlining the risks and potential approaches to land use planning in consideration of the Supreme Court of Canada's decision in Annapolis Group Inc. v. Halifax Regional Municipality.
2. Request that the Mayor send a letter to the Province of Nova Scotia requesting amendments to the HRM Charter to include immunity from construction taking/ de facto expropriation claims.



»» **THANK YOU**

**HALIFAX**