

**Why doesn't this proposal contain any affordable housing?**

HRM currently does not have a program that would allow us to require affordable units from new developments in this area of Halifax.

The main tool HRM has to require affordability in new developments is through the incentive or bonus zoning (density bonus) program. This program requires new developments larger than a predetermined size to provide some type of public benefit that will contribute to the livability of the area. The incentive or bonus zoning program is applied to the area known as the "Regional Centre", which consists of lands located on the Halifax Peninsula and lands inside of the Circumferential Highway in Dartmouth.

While incentive or bonus zoning is the primary tool available to HRM to require affordability, we are working with the provincial government to expand legislation to allow for new tools to require affordable units within new developments elsewhere in HRM and expanding programs to support and encourage affordable housing throughout the non-profit and private housing sector.

**I am worried about the amount of space available in schools given the amount of recent development happening in my community. Is this something HRM considers?**

HRM send planning applications with a significant amount of residential development to the Halifax Regional Centre for Education (HRCE) for their comment. Additionally, references to school capacities can sometimes be found in Municipal Planning Strategy policies. HRCE provides responses noting that the Education Act mandates that every person over the age of five years and under the age of 21 years has the right to attend a public school serving the school region in which that person resides. While there may be operational challenges in some cases, the HRCE will work to ensure all students are provided with access.

**The view I have from my home will be blocked by this new development. Is that allowed? What about shadows?**

As a general rule, planning policies do not protect or guarantee private views nor the shadowing of private spaces like backyards, balconies, or solar panels. Some policies do however exist around the protection of public views from key locations such as the Halifax Citadel and the Dartmouth Common. Similarly, there are a number of parks within newer planning documents that limit the amount of shadow a new building can cast on key public parks such as the Halifax Common.

**Can this housing/ development be for seniors only?**

As a general rule, zoning tends to regulate the "Use" but not the "User". As such, HRM policies don't speak to who will live in units. With this said, planning tools can require certain building designs, or amenities on a given site that would make it more suitable to cater specifically to seniors. This may include barrier free units, low/no maintenance landscaping, or medical care available on-site, etc.

**What is a traffic study, who prepares them, and how does HRM review them?**

Traffic studies are written at the expense of the applicant by professional engineers. These studies are submitted at the start of the planning application process and give HRM engineers a sense of how a project might impact the surrounding streets both from a safety and capacity perspective. Once submitted, studies are reviewed by HRM engineers to ensure they meet HRM policies, and that the findings in the report are supported by the evidence provided. Any needed changes to the study are outlined for the applicant, and this work continues until both sides are in agreement. The traffic study is then used to decide on any upgrades or changes to the surrounding streets that may be required to make sure the impact is minimized.

**I'm concerned that this project doesn't have enough parking. How do you decide on how much parking is required?**

The amount of parking in a given project is often determined on a case-by-case basis depending on a wide variety of factors. In some areas of HRM, specific parking ratios exist based on the use(s) of the land proposed. These rules work in a way that requires a certain number of parking stalls per 100 square metres of building OR a certain number of parking stalls per residential unit. In urban areas with good access to trails, bike lanes, and frequent transit services, there is sometimes no car parking required. While the Municipality does not require a minimum number of parking stalls, applicants will still often provide some parking with their projects where they feel the users of the building(s) would desire it.

**Will this project contain condos or rental units?**

As a general rule, zoning tends to regulate the "Use" but not the "User". As such, HRM policies don't speak to who will own the units, but instead focuses on how many units there will be, where on a site they are located, what they look like, and how they are accessed. Decisions on whether a residential building will be condos or rentals is the decision of the applicant. These applicants typically have this information during the planning process, but the planning processes will not make any one type of ownership structure a requirement of their approval.

**I would like to see a coffee shop / restaurant / book store / other specific type of business in this new development. Can HRM Require this?**

Usually, planning policies allow a variety of uses on a given property but less often do they require one specific use in a specific location. In part because no one wins if a property or retail unit is left empty, planning regulations try to enable as wide a variety of uses as is appropriate in a given location to allow the building or property to change over time as community need and market demand evolves. Further, uses defined in land use by-laws are often fairly broad. As an example, in many areas of HRM, a local bookstore, a national chain clothing retailer, and convenience store would all be classified as "commercial retail".

**How are construction activities monitored and regulated in the Municipality?**

Construction activities in the Municipality are administered through several bylaws, which regulate various aspects of the construction process:

- (i) [Blasting By-law B-600](#): Outlines minimum standards permitted when blasting within the Municipality. All blasting activities require a Blasting Permit from HRM.
- (ii) [Grade Alteration and Stormwater Management Associated With Land Development: G-200](#): Applies to the grade alteration and Stormwater Management of the land.
- (iii) [Construction Management Administrative Order 2018-05-ADM](#): Outlines best management practices for development of sites in proximity to public streets.
- (iv) [Noise By-Law N-200](#): States that construction noise activity is permitted between the hours of 7:00am - 9:30 pm on week days, 8:00am-7:00pm on Saturdays, and 9:00 am-7:00 pm on Sundays, Statutory Holidays, Civic Holidays and Remembrance Day.
- (v) [Truck Routes By-Law T-400](#): Controls the routes trucks must use and how trucks access a given site. This by-law applies to trucks used for hauling construction material and commercially uses as well (i.e. moving vans, deliveries, etc.).

## **Who pays to fix sidewalks, roads, or trees that may be impacted during construction? Who pays for infrastructure improvements for things like pipes or street upgrades?**

The developer is fully responsible to reinstate any public property that is removed or damaged during the construction process. This includes public sidewalks, curbs, streets, street trees, parklands, or other impacted infrastructure. The applicant is also expected to pay their portion of infrastructure upgrades that may be required because of their development proposal. Acknowledging that other land owners may benefit from these upgrades, the contribution required for any given application is decided on a case by case basis depending on the specifics of a property.

## **What is the Regional Plan?**

The Regional Plan is a Council approved policy that outlines the where, when and how of how future growth and development will occur in HRM. The plan directs growth and development at a regional level identifying important standards including a Service Boundary (where water and sewer services will be provide), and Growth Centres (where HRM will create policies to focus more growth, development, and corresponding municipal amenities). All other planning documents should be consistent with the Regional Plan.

## **What is a Municipal Planning Strategy?**

Municipal Planning Strategies are Council approved policies that provide a local community vision to an area in terms of how it should grow and develop. A total of 21 Municipal Planning Strategies exist in HRM, each covering a specific community or communities. These plans apply 'Land Use Designations' onto lands. These designations describe the types of uses and building forms that are allowed in the community, and under what conditions. The document also Identifies planning tools and creates zones which are then laid out in further detail within a corresponding Land Use By-law.

**What is zoning / a land use by-law?**

A Land Use By-law provides a detailed blueprint for future development that reflects the vision of both the applicable Municipal Planning Strategy as well as the Regional Plan. A Land Use By-law typically contains a list of zones which are then applied to all properties within the communities the by-law applies to. Zones outline the list of uses that are allowed on these properties, in addition to providing specific rules around the size, shape, and location that buildings can be constructed on a property. A total of 21 Municipal Planning Strategies exist in HRM, each covering a specific geographic area.

**What is a development agreement?**

A development agreement is a contract between the landowner and the municipality which says how a piece of land can be used and may include details around land use, building design, the layout of streets and roads and the density of various land uses. This contract is registered on title and, if the land is sold, all future owners will be responsible for the content of the agreement. Development agreements can be approved by Community Council as long as the proposal meets the rules held within local planning policy documents.

**Why can the developer ask to change an approved development agreement?**

Changes (or amendments as they are often called) to existing development agreements are fairly common and are often permitted within the development agreement itself. Two categories of changes to an agreement are possible: “Non-Substantive” changes are specifically called out in the original agreement and need to meet the intent of both the policies of the Municipal Planning Strategy as well as the content of the agreement itself. Non-substantive changes still require Council approval, but do not need a public hearing before being approved. “Substantive” changes are changes not contemplated by the original agreement, and therefore seen as more significant. These changes still need to meet the intent of the Municipal Planning Strategies and require a Public Hearing to be held before Council makes their decision on the changes.

**What happens at a Public Hearing?**

Public hearings all generally follow the same process. To begin, Council will ask planning staff for a presentation on their staff report. The planner will present the application, providing an summary of what is being proposed, the planning policies that apply, the public engagement that was completed, and the feedback received from the community or any HRM Committees that may have completed a review. The planner will end their presentation with their recommendation on whether or not Council should approve or refuse the proposal. Council will then ask the applicant for the project to speak where they are given a chance to present their own perspective on their proposal, the planning policies that may apply, and how their project may have changed over the course of the planning process. Council will then ask if any members of the public wish to speak to Council on the matter. Any member of the public who wants to speak has 5 minutes to speak directly to the decision makers in advance of their debate and decision. Once all members of the public have been heard from, the public hearing will be closed, and Council will begin to debate and deliberate. Council also has an opportunity to ask staff any questions of clarification that may have been brought up during the course of the hearing. Following debate, Council will vote on a motion that would either approve or refuse the application.

### **What's the role of the planner in the planning application process?**

The central role of HRM's planning staff in the planning application process is to compare an application against any Council approved policy and regulation that may apply and make a recommendation to Council for their final decision. As part of this process, HRM staff circulate applications to subject matter experts both within its organization (ie: Parks and Recreation, Development Engineering, Traffic Services, etc.) as well as external to its organization (ie: Halifax Water, Nova Scotia Power, Halifax Regional Centre for Education, etc.). Planning staff also reach out to members of the community that may be impacted by the proposal to seek their community expertise and opinions as to how the proposal would fit in. All of this information is taken into account when a recommendation to Council is made. Planning staff are available to answer questions and address concerns about both the technical details of a project, as well as the planning process itself.

### **What's the role of the Councillor in the planning application process?**

Council's role in the planning process is to hear from and understand the opinions of the community, consider the policies and regulations that may apply to an application, and make the final decision of approval, approval with conditions, or refusal in the public forum of a Council meeting. While Council has significant latitude in writing the policies and regulations that they feel will guide the growth and development of HRM communities, Council too must follow these policies in making their decisions, ensuring that decisions of planning applications reasonably carry out the intent of the Municipal Planning Strategy.