

**Community Planning and Economic Development Standing Committee**  
**March 20, 2014**

**TO:** Chair and Members of the Community Planning and Economic  
Development Standing Committee

**SUBMITTED BY:** Original Signed  
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Jane Fraser, Director of Planning and Infrastructure

**DATE:** February 25, 2014

**SUBJECT:** Regional Centre Plan Project Next Steps

**ORIGIN**

- October 4, 2011, Regional Council initiation of the Regional Plan 5 Year Review (RP+5) and Centre Plan.
- February 9, 2012, Community Planning & Economic Development Standing Committee approval of the Schedule, Approach, and the Communication and Public Engagement Strategy for Centre Plan Phase 1.

**LEGISLATIVE AUTHORITY**

HRM Charter, Part VIII, Planning & Development

**RECOMMENDATION**

It is recommended that the Community Planning and Economic Development Standing Committee recommend that Regional Council:

1. Advance the development of a Regional Centre community plan by setting aside previous directives of Regional Council, as outlined in the origin section of this report, and initiate amendments to the Dartmouth Municipal Planning Strategy, Dartmouth Land Use By-Law, Downtown Dartmouth Secondary Municipal Planning Strategy, Downtown Dartmouth Land Use By-Law, Halifax Municipal Planning Strategy and Halifax Land Use By-Law to establish:
  - (a) new planning policies and regulations for the established low density areas of the Regional Centre; and
  - (b) improved development agreement policy criteria to address residential multiple dwelling unit development and large scale mixed-use development in the Regional Centre.
2. Direct staff to develop a new terms of reference for Community Design Advisory Committee (CDAC), thereby replacing the terms of reference for this Committee that was adopted by Regional Council on October 4, 2011; and
3. Direct staff to advance the Regional Centre based projects that are outlined in this report.

## **EXECUTIVE SUMMARY**

This report recommends work that is to be undertaken to advance the Regional Centre Plan project. The complete project entails the development of a single municipal planning strategy and land use by-law for the Regional Centre, an area that includes Halifax Peninsula and the area of Dartmouth that is within the Circumferential Highway. The project was initiated in 2011 and was to occur at the same time as the five-year review of the HRM's Regional Plan (the RP+5 project). Both projects were to be overseen by a single committee, the Community Design Advisory Committee (CDAC). Unfortunately, the Regional Centre Plan project suffered from a number of setbacks, as its first phase was predicated upon anticipated legislative amendments that have only recently been proclaimed by the province. At the same time, it seemed prudent for there to be focus on completing the RP+5 project; consequently, the Regional Centre Plan project was placed on hold.

With the RP+5 project drawing to a close, consideration should be given to restarting the Regional Centre Plan project. Further to this, this report recommends that it be advanced by:

1. developing new planning policies and regulations within established low-density established residential areas;
2. developing a set of overall development agreement policies to improve the manner in which individual proposals for residential multiple unit dwellings and large-scale mixed use developments are assessed; and
3. progressing on other Regional Centre-based projects that have been initiated by Council or that are necessary to support the complete Regional Centre Plan project.

It is further recommended that a new terms of reference be developed for CDAC, with broader representation from the Regional Centre. CDAC would be responsible for helping to guide the development new planning policies and regulations within established low-density established residential areas. The development of new development agreement policies, and the other Regional Centre-based projects, would occur through normal processes involving consultation directly with the public and with recommendations by the District 7 and 8 Planning Advisory Committee and the community councils to Regional Council.

## **BACKGROUND**

This report recommends work that is to be undertaken to advance the Regional Centre Plan project.

On October 4, 2011, Regional Council approved a scope and schedule for the Regional Centre Plan project, which was to deliver a new municipal planning strategy and land use by-law for the entire Regional Centre by 2015. At the same time, the scope for the Regional Plan Review (the RP+5 Project) was approved. Both projects were to be overseen by a single committee (CDAC) and undertaken simultaneously.

Shortly after the initiation of the Regional Centre Project, there was an initiative to move ahead with a partial program to expedite work on the Regional Centre Plan by proposing to devise new planning policies and regulations for eleven commercial corridors and opportunity sites within the Regional

Centre (Phase 1).<sup>1</sup> The shift in focus was recommended by staff to address the desire for immediate planning policies to capture growth opportunities. Phase 1 was initiated on February 9, 2012, by the CPED Standing Committee. The work was to be complete by October 2012.

The approach for Phase 1 was to introduce the same site plan approval and density bonusing processes that are currently established in the Downtown Halifax Plan Area. However, as density bonusing and the ability to regulate the external appearance of structures in a site plan process were not enabled by the HRM Charter, outside of the Downtown Halifax Plan Area, the approach was dependent on obtaining a number of necessary Charter amendments from the Nova Scotia Legislature. At the time, it was expected that the Charter amendments would be obtained during the 2012 Spring Session of the Nova Scotia Legislature. However, on May 17, 2012, the Spring Session was adjourned by the Legislature without the requested amendments being introduced. This setback forced HRM Planning & Infrastructure to rethink its strategy for the eleven commercial corridors and opportunity sites.

From late May to early August 2012, various options on moving the Regional Centre Plan project forward were identified and assessed by staff. A staff report dated August 9, 2012, was tabled with CDAC on September 19, 2012, recommending that a development agreement process be used as an interim approach to deal with development approvals within the Regional Centre Plan Phase 1 corridors and opportunity sites. CDAC agreed with the staff position and forwarded its recommendation to CPED. However, this recommendation was never debated by CPED because its October and November meetings were cancelled, and on December 5, 2012, the Provincial Government finally introduced an amendments package to the HRM Charter through Bill No. 160 (An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter).<sup>2</sup> Unfortunately, the Fall Session ended before Bill No. 160 proceeded to Second Reading and the Bill died on the Legislature's Order Paper.

With no clarity on if and when the Nova Scotia Legislature was going to reintroduce a new Bill to amend the HRM Charter, Planning & Infrastructure staff put the Regional Centre Plan Phase 1 project on hold. This also seemed prudent as it had become apparent that it was difficult from both a staff and committee resource perspective to attempt to advance the Regional Centre Plan project and the RP+5 project at the same time.

On May 7, 2013, Bill No. 83 (An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter) received First Reading.<sup>3</sup> Bill No. 83 is a modified version of Bill No. 160. It was later approved by the Legislature on May 9, 2013 and received Royal Assent on May 10, 2013. It allows for site plan approval and density bonuses in the Regional Centre, but with some provisos. Of note, it specifies that any density bonus measure must include an affordable housing component, which will require some consideration about how this might be implemented given HRM's limited legislative mandate with regard to housing. While the amendments to the HRM Charter were approved by the Legislature and received Royal Assent, they were only recently

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<sup>1</sup> Regional Council subsequently initiated a process on February 28, 2012, to amend the Halifax and Dartmouth municipal planning strategies to implement the Regional Centre Plan Phase 1 project.

<sup>2</sup> 4<sup>th</sup> Session, 61<sup>st</sup> General Assembly, 2012

<sup>3</sup> 5<sup>th</sup> Session, 61<sup>st</sup> General Assembly, 2013

proclaimed by the Governor in Council, causing them to take effect. Further work will need to be undertaken to consider how to best implement matters such as a density bonus system across the Regional Centre in consultation with the province.

## **DISCUSSION**

The circumstances outlined above provide an opportunity to consider how to most appropriately proceed with the Regional Centre Plan project. In some ways, the project has been thought about as a narrowly defined exercise of increasing the population of the Regional Centre and focusing on the size and design of buildings. These are important and they are a fundamental theme, but the scope of developing a new community plan is far broader. The Regional Centre is the urban centre of the municipality and it is a complex environment. It includes low density residential areas, commercial and mixed use corridors and areas, office buildings, shopping centres, parks and open spaces, churches, schools, community centres, colleges and universities, health care facilities, industrial areas, rail yards, and harbour-related industrial uses. There are a variety of settlement patterns, important heritage resources, social circumstances, and means of transportation to be considered. Thought also needs to be given to parking requirements, allowances for signs, and a variety of other typical planning provisions.

At this time, the development of the Regional Centre Plan should be advanced through a series of initiatives:

1. addressing the planning within established low-density established residential areas;
2. developing a set of overall development agreement policies to improve the manner in which individual proposals for multiple unit dwellings and mixed use developments are assessed; and
3. progressing on other Regional Centre-based projects that have been initiated by Council or that are necessary to support the Regional Centre Plan project.

### ***Planning for Low Density Established Residential Areas:***

While the overall theme of increasing density in the Regional Centre is important, such growth is largely to occur within area underutilized commercial and mixed-use areas and along major corridors. These areas generally fall within the:

- R-1, R-1M, R-1A, R-2, and TH zones in Dartmouth;
- DN zone in Downtown Dartmouth; and
- R-1, R-1A, R-2, R-2T zones in Halifax.

There are several reasons for recommencing the Regional Centre Plan Project by focusing on the low density residential areas, including the following:

- addressing the low density areas would provide assurances that large scale changes are not envisioned for these areas;
- planning policy and regulations for these areas are the building blocks for the planning that is envisioned for more complex mixed use and commercial areas; and
- planning for these areas can proceed immediately, as no density bonuses or site plan approval provisions are envisioned for them.

***Preliminary Scope of Issues:***

While it is noted that major changes are not envisioned, there are significant planning matters that are to be considered in the low density established residential areas, including:

- the desirability of allowing for secondary apartments in R-1 and other zones;
- allowances for a greater range of home occupations; and
- the possibility of allowing for some forms of urban agriculture and other food security initiatives.

In addition, other matters that need to be addressed or updated to date include:

- the definitions and the ways of determining yards, other setbacks, building heights, and other conditions, which need to be rationalized;
- built-form regulations, with particular regard to yard requirements, need to be changed in order to respect the varied character that is found between certain low density residential areas;
- gross floor area requirements, which may be restricting reasonable additions and new construction;
- basic landscaping and architectural controls, which may need to be expanded upon;
- the provisions for bed and breakfasts, daycares, and homes for special care, to ensure that they are appropriate and reflect current licencing requirements;
- the allowances religious gathering places and schools in low density residential zones, as opposed to institutional zones; and
- the need for parking spaces to be required in all areas.

A community profile is currently being prepared for the overall Regional Centre Plan area. Preliminary work, as it relates to the low density residential areas, would be undertaken, focusing upon changes to matters such as household size and composition that have occurred over the past few decades. This will help to inform discussions about matters such as secondary apartments and home occupations.

As noted earlier, the low density areas that have been identified fall within the bounds of the Halifax, Dartmouth, and Downtown Dartmouth Plan Areas. At this time, new municipal planning strategy policies and land use by-law regulations would become largely identical amendments to these plans. As the Regional Centre Plan project progresses, they would become part of a single harmonized planning document.

***Community Engagement:***

CDAC would be reinstated, in order to provide community guidance to the project but with a changed terms-of-reference. At this point, the committee has broad HRM representation that has been based upon its responsibility respecting the RP+5 project. Therefore, the primary change would be to provide for broader membership from the Regional Centre. In addition to the input from CDAC, direct community participation would occur through workshops, public information meetings, surveys, and the consideration of written submissions.

The issues and planning matters that have been identified above would be the subject of input from the committee and the public before being formalized into a scope for the project, which would subsequently be confirmed by the Community Planning and Economic Development Standing Committee.

***Timing:***

This project will be completed by October 2016. Through discussions with CDAC and the public, if the scope of the project is expanded beyond that which is outlined in this staff report, revised schedules will be presented to Regional Council.

***Updated Development Agreement Policies:***

While the Regional Centre Plan project was on hold, many of the development proposals that were identified as being within the identified commercial corridors that were the subject of the Phase I part of the project, have proceeded as independent planning applications. They have been considered under development agreement allowances that exist within the Dartmouth and Halifax municipal planning strategies, or through amendments to these documents to create new development agreement allowances. Under these types of processes, there have been a significant number of development approvals within the Regional Centre for new multiple-unit residential and mixed-use development.

The existing development agreement policies provide developers, the public, and council with a mixture of evaluation criteria for considering new development proposals. However, in many cases in Halifax, the criteria are often dated and too narrow to provide sufficient guidance to properly consider many proposals. In Dartmouth, where all multiple-unit development is considered by development agreement, the policy criteria need to be updated to reflect current circumstances. Uniformly, the policies need to be updated to allow for a greater focus on built-form.

During the same time that the Regional Centre Plan project is focussed on the planning for the low density established residential areas, staff would review each of the development agreement allowances for residential multiple unit and mixed-use development and devise a harmonized set of policy criteria for both Dartmouth and Halifax. This work would commence immediately and would include regular public engagement through public information meetings. This work would not involve CDAC; it would be considered by Regional Council with recommendations from the District 7 & 8 Planning Advisory Committee and the Community Councils, following reviews of staff reports.

***Regional Centre Based Projects:***

While the planning of the low density established residential areas and the work to update the development agreement policies occurs, staff will also advance several other Regional Centre-based projects. Like the updated development agreement policies project, this work would not involve CDAC; it would be considered by Regional Council with recommendations from the District 7 & 8 Planning Advisory Committee and the Community Councils following reviews of staff reports. The projects are as follows:

**1. Local Piped Service Capacity Issues:**

It makes sense to concentrate development in areas where there is existing municipal infrastructure. However, in some cases, particularly on the Peninsula, local sanitary sewer and combined sanitary and storm water pipes may not be adequately sized to accommodate some of the larger scale development that may be desirable in certain underutilized commercial areas and corridors. As Regional Centre development is not the same as “greenfield development”, typical tools to pay for upgrades, such as capital cost contributions, may not be appropriate. To consider how to most appropriately address this matter, staff will soon be recommending to Regional Council that a study be undertaken.



**2. Opportunity Sites in Downtown Dartmouth:**

With the recent changes to the Dartmouth view planes, there are opportunities to identify sites in downtown Dartmouth that may be appropriate for additional density than that which is currently permitted. This matter will be considered and if appropriate, enabled through amendments to the Downtown Dartmouth Municipal Planning Strategy and Land Use By-Law. This work is already underway with a public information meeting having been held in mid-January.

**3. Dartmouth Cove Plan:**

Two years ago, a master plan study for Dartmouth Cove was commissioned by HRM and the Waterfront Development Corporation Limited. It calls for high density development in Dartmouth Cove with new streets and open space. The plan was endorsed by the Harbour East Community Council. It needs to be assessed with regard to fundamental matters such as the retention of harbour-related industrial lands. If potential development does not result in a negative impact on this, amendments to the Downtown Dartmouth Municipal Planning Strategy and Land Use By-Law would be considered in order to enable the mixed-use development that is envisioned in the master plan. Development of the area may be technically challenging due to the need to coordinate development among various property owners and consider infrastructure improvements, which the plan amendment process would attempt to overcome. The master plan study, and a staff report to more fully outline the project, will shortly be submitted to Regional Council.

**4. Heritage Conservation Districts:**

As Regional Council is aware, staff are proceeding to consider the implementation of two potential heritage conservation districts, Barrington South and Schmidtville in Halifax. These are both significant projects with timelines that have reports coming back to Regional Council in 2014.

**5. Fairview Commercial District Amendments:**

Regional Council recently requested that staff develop new allowances for commercial and residential development in the Fairview commercial district. Although this area is not technically part of the Regional Centre, it is on the immediate edge of the boundary and currently is included in the Peninsula Halifax Land Use By-Law. Based upon Regional Council's initiation of this project, staff will proceed to engage the local community and develop amendments to the Halifax Municipal Planning Strategy and the Mainland and Peninsula land use by-laws.

**6. Five Year Review of the Downtown Halifax Plan:**

The Downtown Halifax Plan was adopted in 2009. The Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) calls for annual housekeeping reviews and a more complete review of the plan every five years. This year, as specified by the DHSMPS, staff intend on undertaking a five year review. This is not envisioned as a wholesale revisit of the plan; rather, there will be a concentration on improving its administration and addressing matters such as the approval of smaller projects so that they are not subject to the full substantive site plan approval process. A full scope for the five year review project will be outlined in a future initiation report to Regional Council.

The above noted projects are expected to be completed over the next 12 months and will utilize a considerable amount of staff resources. Other projects may be suggested during this time and will be assessed with respect to timing and resources.

### **FINANCIAL IMPLICATIONS**

The Regional Centre Plan development can be adequately funded by Project No. CDV00738 – Centre Plans/Design (Visioning).

Long-term financial implications arising from the Regional Centre Plan will be incorporated in the regular Operating and Project Budget cycles. Budgets and potential funding sources for specific projects will be brought forward for approval in future staff reports.

### **COMMUNITY ENGAGEMENT**

The *HRM Charter* requires that Council approve a public participation program when considering municipal planning strategy amendments. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed municipal planning strategy amendments, which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures that are deemed necessary to obtain public opinion. The projects outlined in this report will follow the requirements of the 1997 public participation resolution, which will be enhanced through other participation programs when warranted and as outlined in this report.

The municipal planning strategy amendments for the projects that are outlined in this report, impact the following stakeholders: local residents, property owners, developers, community or neighbourhood organizations, other HRM business units, and other levels of government.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications have identified with this proposal.

### **ALTERNATIVES**

1. Regional Council could proceed with the projects that are outlined in this report, which is the staff recommendation.
2. Regional Council could direct staff to complete the Phase 1 portion of the Region Centre Plan work. This is not recommended at this time as many of the development inquiries that were in the Phase 1 corridor areas already have or are being considered through independent application processes. Furthermore, the legislative amendments to the Charter have only recently been proclaimed and further work will need to be undertaken to consider how to best implement matters such as a density bonus system across the Regional Centre, in consultation with the province.



3. Regional Council could proceed with a different series of Regional Centre projects. Should Regional Council wish to pursue this, it should provide direction to staff and possibly request a further staff report.

**ATTACHMENTS**

Attachment A - Low Density Residential Zones Map

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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