


**Item No. 10.1.1**  
**Halifax Regional Council**  
**March 29, 2011**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** March 4, 2011

**SUBJECT:** **Case 16773: First Annual Review - Amendments to Downtown Halifax  
Secondary Municipal Planning Strategy and Land Use By-law**

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**ORIGIN**

Staff

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate a process to consider amending the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-law to correct identified errors and omissions, clarify certain policies and land use provisions, and introduce additional flexibility; and
2. Request that staff follow the public participation program approved by Council on February 25, 1997.

## **BACKGROUND**

The Downtown Halifax Secondary Municipal Planning Strategy (SMPS) and the Downtown Halifax Land Use By-law (LUB) were both approved by Regional Council on June 16, 2009, and came into effect on October 24, 2009. These new planning documents replaced decades old documents which were becoming impediments to growth and densification in Downtown Halifax.

While the shelf life of the new documents is anticipated to be approximately 25 years, it is expected that Council will need to make amendments from time to time to ensure their continued relevance. Since October, 2009, staff has been closely monitoring the implementation of the Downtown Halifax SMPS and Downtown Halifax LUB to identify any trends, opportunities, errors, omissions and shortcomings.

## **DISCUSSION**

### **Policy Support for Annual Review**

The impact of planning policies and land use provisions can only be fully assessed following implementation. With more than a year now elapsed since the coming into force of the new Downtown Halifax SMPS and the Downtown Halifax LUB, staff is ready to embark on a process to propose certain amendments to the documents. The potential amendments would correct identified errors and omissions, clarify certain policies and land use provisions, and introduce additional flexibility.

This proposed exercise would be in keeping with the policies of the Downtown Halifax SMPS, as follows:

- Policy 86      HRM shall adopt an amendment process that provides for regular review and evaluation of the policies contained in this Plan and development regulations.*
- Policy 87      Further to Policy 86, it shall be the intention of HRM to conduct an annual review to consider proposed amendments that do not require substantive changes to this Plan or the Land Use By-law.*

### **Potential Amendments under Consideration**

The potential amendments to the Downtown Halifax SMPS include:

1. An amendment recognizing that the undergrounding of overhead utilities is a public benefit that should be considered when assessing site plan approval applications seeking the post bonus height.
2. A new policy clarifying that additions to non-conforming structures are permitted.
3. Amendments to the Spring Garden Road Precinct policies to provide additional flexibility on the location of public parking, which will replace the parking spaces now contained on the Clyde Street parking lots.

4. A correction to 5 of the 14 maps contained in the SMPS relative to the Plan Area boundary near Harvey Street.
5. A new policy to prohibit drive-thru establishments in Downtown Halifax.
6. Any other potential housekeeping amendments that may come to light during the staff review and public consultation processes.

The potential amendments to the Downtown Halifax Land Use By-law include:

1. An amendment to the “Flat Roof” definition to clarify when rooftop landscaping is required.
2. An amendment to the “Multiple Unit Dwelling” definition.
3. General housekeeping amendments to correct referencing errors in the section dealing with the composition of the Design Review Committee.
4. Amendments to clarify the public consultation component related to substantive site plan approval applications.
5. Amendments to the requirement for the provision of landscaped open space (LOS) in Precincts 2 (Barrington St. South), 3 (Spring Garden Rd.) and 9 (North End Gateway).
6. Amendments to introduce a section on “Temporary Construction Uses Permitted”, which would be in keeping with all other land use by-laws in HRM.
7. Amendments to Map 7 - Streetwall Heights to add maximum streetwall heights where they are missing.
8. An amendment to introduce a definition for “Maintenance of a Registered Heritage Property”, in the context of providing a public benefit in exchange for gaining a post-bonus height.
9. An amendment to eliminate the requirement for the Design Review Committee to seek and consider the advice of the Heritage Advisory Committee on site plan applications on registered heritage properties or abutting registered heritage properties, and on applications within heritage conservation districts.
10. Amendments to increase the types of developments that should be exempt from site plan approval including, but not limited to signs.
11. An amendment to introduce a definition for “Blank Wall”.
12. Amendments to create a class of substantive site plan approval applications which would be exempt from the public consultation component.
13. Amendments to the requirement for a minimum floor-to-floor height of 4.5 metres on the ground floor of buildings having access at the streetline or along a Transportation Reserve.
14. Amendments to change the building setback reference system for the Waterfront from Ordinary High Water Mark to a Canadian Geodetic Datum reference.
15. Amendments to the signage provisions of the Land Use by-law and Design Manual to allow for more flexibility.
16. Amendments to clarify the requirement to provide awnings and canopies.
17. Amendments to clarify the general intent of the Design Manual as a guideline.
18. Any other land use by-law amendment necessary to implement a municipal planning strategy amendment.
19. Any potential housekeeping amendments that may come to light during the staff review and public consultation processes.

## **Moving Forward**

Some of the amendments listed above are considered straightforward clarifications and may also have been identified as being time sensitive due to a number of projects currently in the design stage pending resolution of the matter. Because of this, staff will split the overall amendment package into two applications. All of the MPS amendments listed on pages 2 and 3, as well as the LUB amendments listed from 1 to 7 (page 3) will be forwarded to Council under the cover of Case 16466. This split will ensure that the more urgent amendments will not be delayed via a longer staff review process. All other amendments will proceed to Council under the case number associated with this report.

## **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the operating budget for C310 Planning & Applications.

## **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

## **COMMUNITY ENGAGEMENT**

At this point, Regional Council is being asked to initiate a process to consider the amendments being sought by Planning Services. If Council agrees to this, staff will undertake a comprehensive review of the issues associated with the proposed amendments. We will also consult with the public and other stakeholders, through a public information meeting and other means, following which we will submit a report and recommendation to Council. Depending upon the exact nature of the amendments, the Design Review Committee and the Heritage Advisory Committee will also be asked to consider this matter and to make a recommendation to Council. With this information, if Council wishes to consider adopting amendments, it will need to hold a public hearing.

## **ALTERNATIVES**

1. Council may choose to initiate a process to consider amending the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-law to correct identified errors and omissions, clarify certain policies and land use provisions, and introduce additional flexibility. This is the staff recommendation.
2. Council may choose not to initiate amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-law.

**ATTACHMENTS**

Map 1                      Downtown Halifax Plan Area

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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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## Map 1 - Plan Area

Downtown Halifax  
Secondary Municipal  
Planning Strategy

