

A vertical dashed white line runs down the left side of the dark blue cover page.

REGIONAL PLAN REVIEW ISSUE PAPER

PLANNING TOOLS FOR PROTECTING AND CONSERVING LAND

HALIFAX

May 2021

INTRODUCTION

The Halifax Green Network Plan highlights the importance of protecting natural open spaces to support habitats and ecosystems. The Municipality must use a variety of planning tools to meet its environmental protection goals.

The Halifax Charter is provincial legislation that sets out HRM's powers and authority. The Charter requires the Municipality to adopt a Municipal Planning Strategy that includes policies which “provide a framework for the environmental, social, and economic development of the Municipality” (s. 228b). However, the Charter also states:

235(3) *A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.*

Prohibition of development is limited to specific situations, such as development in hazardous or contaminated lands including flood-prone areas, steep slopes, low-lying or unstable marshy areas, or lands where development is prohibited by the Province.

While HRM cannot totally prohibit development unless prohibition is permitted under the Charter, HRM has some planning tools available to protect the environment.



PLANNING TOOLS

1. Effects of Development

Section 235 (5) of the Charter directs how and when HRM can regulate and, and in some circumstances prohibit, development for environmental reasons through provisions in land use bylaws (LUB) such as:

- in connection with a development, regulate or require the planting or retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
- in relation to development, regulate or prohibit the altering of land levels, the excavation or filling in of land and the removal of topsoil and prescribe methods for controlling erosion and sedimentation during the construction of a development.

2. Protecting Lands Around Drinking Water Sources

In protected watersheds surrounding the municipal water supply, only limited development is permitted, such as facilities used for purifying and distributing water, conservation and open space uses, and single unit dwellings on very large lots (0.75 ha/ 80,000 sq. ft.). There is also a larger buffer (30.5 m/ 100 ft.) around protected water supply sources when compared to other water sources.

3. Prohibiting Development for the Safety of People

The Charter, Statements of Provincial Interest, and the Halifax Regional Municipal Planning Strategy (Regional Plan) prohibit or limit development in areas where the lands would be hazardous to public safety and property (see Regional Plan policies E-15 to E-22). Use of lands is restricted or severely limited in floodplains, areas of coastal inundation, wetlands, and watercourse buffers.

4. Purchasing Lands to Ensure No Development Takes Place

While costly, the most certain way to protect lands is to purchase them so they are no longer under private ownership. All levels of government and private conservation groups can acquire lands to ensure development does not take place, but this usually requires purchasing the property for market value. The Halifax Charter requires the Municipality to purchase lands that the Municipality rezones for public uses, such as parks, utilities, and community facilities, within one year of rezoning.

Private landowners may also choose to use a conservation easement to restrict future use of the land. These are legally binding agreements between a landowner and a conservation organization (such as a land trust) or government, attached to the title to the land. The landowner retains ownership and use

of the property while honouring agreed-upon restrictions.

5. Limiting Sprawl Through Subdivision and Road Development Controls

The Regional Plan currently limits the potential for sprawling development through the prohibition of new roads in large swaths of the Municipality outside the Urban Service Boundary, where there are not piped services. For the most part, new lots cannot be created unless they have ample frontage on existing public roads.

There are some exceptions to this: In the Rural Resource and Rural Commuter designations, 8 lots can be created on a new public road; and the Conservation Design Development process allows larger residential subdivisions to be created by placing homes closer together on portions of land best suited for development and leaving the rest of the lands as undisturbed open space. The intent of these development controls is to limit sprawling development that would fragment the Green Network, protect lands for natural resources, agriculture or conservation, and instead direct growth to rural centres. The Regional Plan designations where these rules apply are: Rural Commuter, Harbour (outside the Urban Service Area), Rural Resource, Agricultural, and Open Space and Natural Resource.

WHAT DO REGIONAL PLAN DESIGNATIONS DO?

While the conventional concept of open space may imply parks or untouched natural areas, the term “open space” is used by the Regional Plan as a land use category to refer to several types of land uses with a wide range of functions. The Open Space and Natural Resource Designation applies to government-owned and private resource sector lands and generally includes: federal parks, habitat protected by federal or provincial legislation, regional parks, trail and greenway networks, provincial parks, provincial wilderness areas and nature reserves, Crown lands, private conservation areas, municipal conservation areas, wetlands, salt marshes, beaches, commercial forestry, agriculture and fishery lands, environmentally sensitive areas, natural corridors, and cultural landscapes.

To preserve the interconnected system of open space and minimize fragmentation within the Open Space and Natural Resource Designation, the Subdivision By-law prohibits residential development on new roads. However, development on lots on existing roads is permitted in the following ways:

Open Space & Natural Resource

- Permits development on lots which front on existing roads.

Rural Resource

- Allows 8 lot subdivision.
- Enables consideration of Lower Density Classic Conservation Design developments up to 100 units based on strict environmental conditions.

Rural Commuter

- Allows 8 lot subdivision.
- Enables consideration of Lower Density Classic Conservation Design developments up to 100 units based on strict environmental conditions.
- Higher density conservation designs or Comprehensive Development Districts enabled in seven Rural Growth Centres.

Agricultural

- Enables consideration of Lower Density Classic Conservation Design developments up to 100 units based on strict environmental conditions.
- Mixed Use Zone under Musquodoboit Valley-Dutch Settlement LUB permits: resource uses, small businesses related to resource uses, limited commercial and industrial uses and residential uses.



WHAT DO LAND USE BY-LAW ZONES DO?

Protected Water Supply Zone

Applied to all publicly owned lands which serve as a water supply watershed, including emergency water supply watersheds and well head protection areas. The Zone permits water distribution and purification facilities, passive parks and trails, conservation related uses, and other uses as provided by the existing secondary planning strategies for these areas. The Zone establishes a minimum 30.5 metre riparian buffer around water supply sources.

Regional Park Zone

Applied to all existing Federal Parks, Provincial Parks, Provincial Park reserves, non-designated Provincial Parks and Regional Park lands owned by HRM. This Zone permits recreation uses, park uses and other uses as provided by the existing secondary planning strategies for these areas. The Zone shall be applied to future lands acquired by HRM, the Province or the Federal Government for a Regional Park, upon delineation of the park boundaries.

Protected Area Zone

Applied to wilderness areas designated under the provincial Wilderness Areas Protection Act, nature reserves designated under the provincial Special Places Protection Act, and conservation-related properties owned by government or private conservation organizations. The Zone only permit scientific study and education, trails and similar public, conservation and recreational uses.

Environmental Conservation Zone

Applied to the wetland areas identified on Map 4 - Environmental Constraints under the Eastern Passage-Cow Bay LUB and is subject to policy EP-2. This Zone prohibits excavation, infilling, or any other alterations, including the removal of trees or other vegetation.

Coastal Conservation Zone

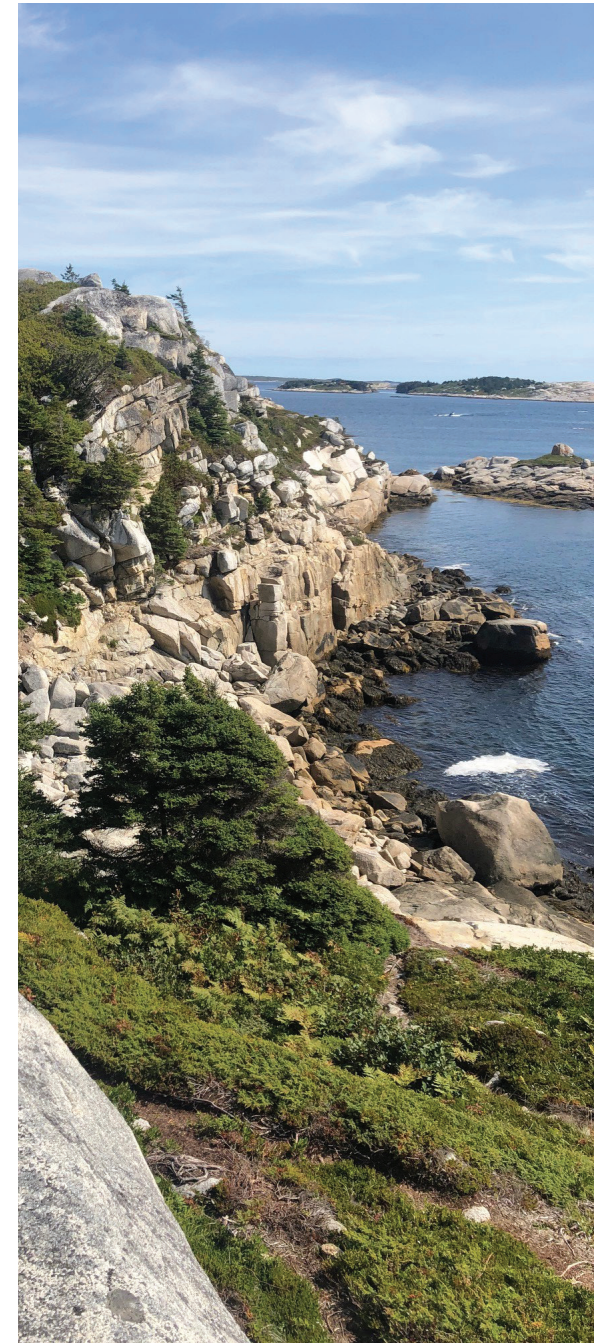
Applied to Crown and public-owned lands, beaches under Beaches Act in the Eastern Shore (East) and Eastern Shore (West) community plan areas. The Zone permits conservation related uses, fishery support uses involving no buildings, historic sites and monuments, parks and open space uses.

Floodplain / Floodway Zones

Applied to lands within the 1:20 year floodplain based on the 1980s floodplain mapping for the Sackville and Little Sackville Rivers, as prepared under the Canada-Nova Scotia Flood Damage Reduction Program. [A 2017 Floodplain Study](#) is now published and the relevant Community Plans and LUBs are currently being reviewed to reflect the updated floodplain mapping.

Provincial Park Zone

Applied to Provincial Parks.



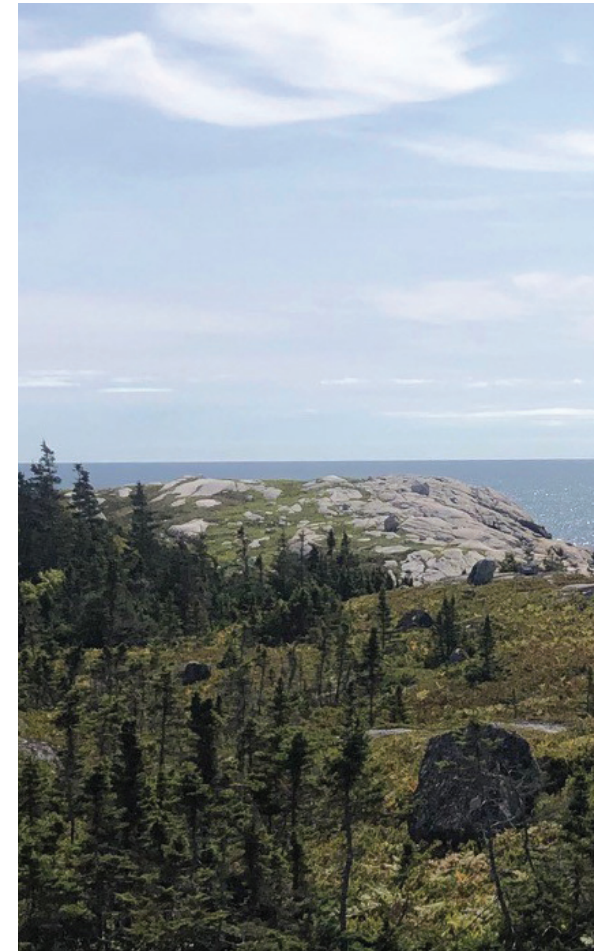
WHAT DO URBAN RESERVE AND HOLDING DESIGNATIONS DO?

Reserve or Holding Designations are applied to areas that have been identified for future serviced development. The Urban Reserve designation was established in the Regional Plan to prevent premature development that would make future serviced development more difficult. Reserve or Holding Zones allow for very limited development until it is determined that the City is prepared to absorb any costs relating to the development or new infrastructure and servicing, and population growth pressures necessitate more development than what can be accommodated in existing serviced areas.

WHAT DOES THE HALIFAX GREEN NETWORK PLAN DO?

The [Halifax Green Network Plan \(HGNP\)](#) was approved on August 14, 2018 by Regional Council. The Plan is meant to be used as a framework for amending the Regional Plan and Secondary Planning Strategies. The HGNP identified several actions to improve environmental protection initiatives region-wide. Work to implement these actions is ongoing as part of the Regional Plan Review and other planning initiatives, including:

- Reviewing the Regional Plan and Land Use By-Law requirements for watercourse and wetland protection (Action 6);
- Exploring the use of environmental protection zones to better protect environmentally sensitive features (Actions 5, 18);
- Considering greater protections for the urban forest (Action 9);
- Working with Halifax Water to adopt improved stormwater management standards and guidelines for green infrastructure (Action 11, 12, 13).



HAVE YOUR SAY!

Find out more about the Regional Plan Review and send us your feedback on the project webpage:

www.shapeyourcityhalifax.ca/regional-plan

Questions? Email us: regionalplan@halifax.ca