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Item No. 15.1.13

**Halifax Regional Council
July 12, 2022**

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: July 5, 2022

SUBJECT: Case 22257: Regional Plan Review: Phase 3

ORIGIN

On January 7, 2021, Harbour East-Marine Drive Community Council passed the following motion: Item No 10.1.1.

Moved by Councillor Kent, seconded by Councillor Purdy

THAT Harbour East-Marine Drive Community Council request a staff report identifying issues of increasing environmental concern around the Cow Bay Lake area including the setback regulations of Cow Bay Lake and Barrier Pond, a discussion on the existing P-2 (Community Facility) Zone and the range of permitted uses within the Special Area Designation of the Municipal Planning Strategy for Eastern Passage/ Cow Bay.

MOTION PUT AND PASSED

On March 4, 2021, Harbour East-Marine Drive Community Council passed the following motion: Item No 13.1.2

Moved by Councillor Kent, Seconded by Councillor Purdy

THAT Regional Council initiate an amendment to the Eastern Passage/Cow Bay Municipal Planning Strategy and any corresponding amendments to the Land Use By-law to allow exceptions for accessory buildings and other developments such as that which is exempt from watercourse setbacks in portions of the Planning District 5 Land Use By-law, to be located within watercourse setback and buffer areas for the C-2 lots of Shore Road, and Main Road lots from Fishermans Cove area to Shearwater in District 3; and the plan amendment follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

MOTION PUT AND PASSED

RECOMMENDATION ON PAGE 3

On January 25, 2022 Regional Council passed the following motions: Item No 18.3

Moved by Councillor Blackburn, seconded by Councillor Mason

THAT Halifax Regional Council:

- Adopt the amendments in Attachment F of the staff report dated December 7, 2021 and direct the Chief Administrative Officer to follow the revised Public Participation Program for the Regional Plan Review as generally set out in Attachment A of the staff report dated December 7, 2021 and as outlined in the Community Engagement section of the staff report dated December 7, 2021 report; and
- Direct the Chief Administrative Officer to follow the revised work plan schedule as generally outlined in Attachment B – Regional Plan Work Plan of the staff report dated December 7, 2021 and Attachment C – Site-Specific Requests of the staff report dated December 7, 2021.

THAT Halifax Regional Council recommend that the Chief Administrative Officer be directed to continue to assess request C027 (1246 Ketch Harbour Rd) as part of the ongoing Regional Plan Review.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development and Part IX, Subdivision

An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, Respecting Housing, S.N.S. 2022, c. 13, ss. 13-14, as follows:

13 (1) Notwithstanding the *Halifax Regional Municipality Charter*, an applicable municipal planning strategy or any by-law, policy or practice of the Halifax Regional Municipality, where the Halifax Regional Municipality Council is considering adopting or amending a planning document, the Council may not refer the matter to a community council for a recommendation prior to the council's decision on the matter.

(2) Subsection (1) ceases to have effect three years from the date it comes into force.

14 (1) Notwithstanding the *Halifax Regional Municipality Charter*, an applicable municipal planning strategy or any by-law, policy or practice of the Halifax Regional Municipality, where the Halifax Regional Municipality Council is considering any planning decision under Part VIII of the Act or a community council is considering any planning decision it is empowered to make under the policy establishing the community council, the Council or community council may not refer the matter to a planning advisory committee or any other advisory committee of the Council for a recommendation prior to the Council's or the community council's decision on the matter.

(2) Subsection (1) ceases to have effect three years from the date it comes into force.

Regional Municipal Planning Strategy, Chapter 9, Policies G-13 and G-14

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy (Regional Plan), Secondary Municipal Planning Strategies (SMPs), Land Use By-laws (LUBs), and the Regional Subdivision By-law (RSBL) as set out in Attachments A, B, C, and D and schedule a public hearing;
2. Adopt the proposed amendments to the Regional Plan, Secondary Municipal Planning Strategies, Land Use By-laws, and Regional Subdivision By-law as set out in Attachments A, B, C and D; and
3. Direct the Chief Administrative Officer to follow the revised work plan schedule as generally outlined in Attachment E – Regional Plan Work Plan and Attachments F and G – Site-Specific Requests.

EXECUTIVE SUMMARY

The purpose of this report is to:

- Provide an overview of the work completed during Phase 3 of the Regional Plan Review;
- Provide a revised work plan for the remaining phases of the Regional Plan Review;
- Identify new and outstanding site-specific requests for amendments to the Regional Plan and receive direction on how to proceed based on staff's initial analysis; and
- Provide an update to the Municipality's projected population scenarios.

In this report, staff are recommending amendments to the Regional Plan, Secondary Municipal Planning Strategies, Land Use By-Laws and the Regional Subdivision By-law to:

- Support site-specific requests for development;
- Require Council-approved Priority Plans to be considered during plan amendment processes;
- Require Council to consider the relationship to regional wilderness areas during secondary planning processes;
- Remove barriers to developing tiny homes and using converted shipping containers as dwellings;
- Allow the adaptive reuse of municipally-registered heritage properties across the region;
- Support ongoing work on community action plans in historical African Nova Scotian communities;
- Update the Conservation Design Development policy to improve policy implementation; and
- Address various housekeeping items.

BACKGROUND

Regional Council initiated the second review of the Regional Plan on February 25, 2020.¹ The first deliverable, the Themes & Directions Report, was released for public consultation on May 20, 2021². On January 25, 2022, the Committee of the Whole discussed the Regional Plan Review: Themes & Directions What We Heard Report³, and Regional Council endorsed the remaining work plan, generally summarized as follows:

¹ <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/200225rc1511.pdf>

²

<https://www.halifax.ca/sites/default/files/documents/city-hall/standing-committees/210520cpedinfo2red.pdf>

³ <https://www.halifax.ca/city-hall/regional-council/january-25-2022-committee-whole>

- **Phase 3: Quick Adjustments** – consideration of amendments to the Regional Plan that align with Regional Council's goals, as a rapid response to current housing conditions;
- **Phase 4: Draft Regional Plan** – return to Regional Council in December 2022 with the remaining policy framework; and
- **Phase 5: Future Growth Planning** – create a work plan and begin analysis of additional lands to be considered for expansion in anticipation of continued growth to be brought forward for Regional Council's consideration in 2023/2024.

This report to Regional Council marks the end of Phase 3 of the overall work program.

Phase 3 Overview and Update to Regional Plan Review Work Plan

The work undertaken during Phase 3 was generally consistent with the Regional Plan Review Work Plan as outlined in the What We Heard Report. This work involved:

- Updating the population and housing analysis using Statistics Canada's 2021 Census Data Release (see Attachment L);
- Advancing work on site specific requests that align with policy direction;
- Straightforward text amendments that help support priorities plans (i.e., IMP, HGNP, HalifACT); and
- Identifying any quick adjustments that could be undertaken to suburban or rural Plans that would provide greater clarity in decision-making and result in improved conditions for housing development.

As a result of limitations in staff resources and necessary phasing of work, some work expected to begin in Phase 3 has been delayed but is anticipated for Phase 4. This included undertaking an employment study, updating HRM's Regional Transportation Model with new data and modeling preferred growth scenario(s). The employment study, as a key input to the Regional Transportation Model and growth scenario modelling, began in May 2022 and this work is expected to be completed and included as a deliverable in Phase 4.

Table 1 below and Attachment E provide an overview of the remaining work to be completed. The What We Heard Report identified a target of December 2022 to bring Phase 4 to Regional Council. There is significant interest in the overall project from residents, stakeholder groups and Councillors. Therefore, staff have identified that upon the release of the draft Regional Plan document in Phase 4, a comprehensive public review period will be necessary. To accommodate this, staff are targeting March 2023 to release the draft document at Regional Council. This will mark the beginning of the public engagement period which will provide Regional Council and the public with sufficient opportunity to review the full draft document and provide feedback, which can be incorporated into a final version for Regional Council for review and approval.

Table 1: Regional Plan Work Plan – Remaining Phasing

Phase	Name	Description	Target Release Date
Phase 4	Regional Plan Draft	• Complete Analysis as identified in the Work Plan (See Attachment E) • Undertake employment study and update Regional Transportation Model with new data • Model preferred growth scenario(s) • Advance work on additional site-specific requests (see Attachment G, Table 1: Summary – Phase 4; examples include various lands in Middle Sackville, Bayers Lake and Purcell's Cove Urban Reserve)	March 2023
Phase 5	Future Growth	• Advance work on assessing remaining urban reserves • Host Regional workshops and engagement to	2023/24 (dependent upon timing)

Phase	Name	Description	Target Release Date
		identify growth nodes - Identify new areas for expansion and growth - Advance work on additional site-specific requests (see Attachment G, Table 1: Summary – Phase 5; examples include Kidston Lake Urban Reserve, Bedford Highway sites and lands in Schedule J in Beaver Bank & Hammonds Plains)	of Council approval in Phase 4)

Site-Specific Requests for Policy Changes

Since the publication of the What We Heard report, staff have received an additional 9 requests in addition to the 53 requests previously received from property owners or their representatives for amendments to the Regional Plan for specific properties or areas of land. Attachment F outlines the requests that were considered in Phase 3 and outlines the proposed amendments that are included in this report (see the Discussion section for more information). Attachment G includes requests that will be considered in Phases 4 and 5, and provides details including the type of request, relevant existing policy, considerations for the Regional Plan Review, and staff's recommended approach. The location of all requests is mapped in Attachment H. ⁴ The types of requests received are summarized in Table 2 below.

Table 2: Site Specific Requests

Type of Request	Description
Urban Reserve	Requests to initiate comprehensive secondary planning or to amend the existing designation and zoning for lands designated Urban Reserve, which the Regional Plan envisioned for future serviced development after the life of the Regional Plan (after 2031)
Service Area Boundary Adjustments	Requests to amend the Urban Service Area boundary and/or the Water Service Area boundary to enable development of properties with municipally provided water and/or wastewater services
Schedule J – Beaver Bank/Hammonds Plains Growth Control Area	Requests to allow development on lands within the Beaver Bank/Hammonds Plains Growth Control Area (Schedule J), which restricts residential subdivision activity within portions of the Beaver Bank and Hammonds Plains communities until transportation infrastructure capacity is increased
Suburban Plan Amendment	Requests for supportive Regional Plan policy to enable an alternative form of development or increased density for lands currently within the Urban Settlement designation
Rural Plan Amendment	Requests for supportive Regional Plan policy to enable an alternative form of development or increased density for lands currently within the Rural Commuter designation
Industrial Lands	Requests for comprehensive planning for lands within the Regional Plan's Business/ Industrial Sub-designation

Staff reviewed all requests against existing planning policy, including the Regional Plan, applicable secondary municipal plans, and priorities plans (including the Halifax Green Network Plan, Integrated Mobility Plan, and HalifACT). Recommended approaches to the requests were developed based on their consistency with Regional Plan and priority plan objectives, the opportunities and constraints on each site, and the level of additional study and analysis that may be required for staff to develop amendments within the anticipated timeline of the Review.

⁴ An [interactive map](#) is also available on the [project webpage](#).

COMMUNITY ENGAGEMENT

The community engagement process for Phase 3 is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Regional Plan Review Engagement Plan approved by Regional Council on January 25, 2022. The level of community engagement was through email and phone submissions. Details on site specific requests, including proposals and maps, were posted on the Shape Your City Website for public viewing and comment. Public feedback was received via email and phone on various requests. Not all site specific requests received public feedback. The public comments received are summarized in Table 3 below. Additional detail can be found in Attachment F and G, and all comments are available in Attachments I and J.

Table 3: Summary of Public Comments Received During Phase 3 Engagement

Location/ Request	Comment Summary
Purcell's Cove Road (C005 and/or C025)	Comments related to both requests included support for wilderness areas and park acquisition/stewardship, opposition to development, opposition to urban service boundary extension, support for wildlife corridors and HGNP, general environmental concerns including biodiversity and water quality, traffic concerns and the need for better transit and active transportation, climate concerns, community engagement and planning. With respect to C005 specifically, residents stated that servicing issues for this property could be resolved through simpler solutions and there is strong opposition to any expansion. Residents stated that allowing any expansion of the service boundary would lead to further serviced development in the area. Further, expanding the boundary would destroy the adjacent vegetation, which has high community value. In addition to the above-mentioned concerns, residents pointed out the desire to preserve a traditional walking trail over C025 to access William's Lake. There are community, recreational, and ecological values directly related to this property.
Lands near Atholea Drive, Cole Harbour (C009, C047, C077, C326)	General support for servicing but recognizing the need to protect the environment and water quality, concern over potential traffic, and the need for amenities, services and schools in the area
Paper Mill Lake, Bedford (C061-B)	Concerns over traffic, development, water quality and the need to protect wilderness and wildlife corridors, better park programming, public engagement, and transit.
Holding Zone Lands off Herring Cove Road, Spryfield/Kidston Lake area (C070-A, C071, C074, C333)	Opposition to development and the need to protect wilderness areas by supporting more density in established neighbourhoods. Other topics included water quality, the impact of COVID 19, parkland acquisition, traffic, transit, secondary planning, general environmental concerns, wildlife corridors, park programming, climate concerns, affordable housing and engagement
Exhibition Park, Halifax (C086), Goodwood area	There was support and opposition for this request. Concerns included traffic, community planning, growth, active transportation and improving transit and the transit boundary, wilderness areas, affordable housing, engagement, and water quality. Those who were in favour of the application stated that traffic issues could be resolved and this development could potentially provide opportunities to support local businesses and provide economic opportunities.
Lands near Fraser Lake, Timberlea (New Request – C337)	Opposition to development, general environmental, transit, and traffic concerns, the need to protect wilderness areas and water quality, concerns over the expansion of the service boundary. There was interest related to parks (planning, programming, and acquisition), HGNP and

	wildlife corridors, the IMP, and public engagement
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A public hearing must be held by Regional Council before they can consider approval of the proposed amendments. Should Regional Council decide to proceed with a public hearing on this application, the public hearing notice will be posted on the HRM website, the Regional Plan Review project webpage, and sent to the Regional Plan Review mailing list.

Amendments to the Regional Plan, secondary municipal planning strategies and land use by-laws may potentially impact residents, business owners, other HRM Business Units, and stakeholders including other levels of government, community groups, and the development industry.

DISCUSSION

The Regional Plan is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in HRM. Amendments to the Regional Plan and supporting planning documents are significant undertakings and Council is under no obligation to consider such requests. For Phase 3, staff are recommending a series of amendments that are supportive of the overall review of the Regional Plan. The following paragraphs review the rationale and content of the proposed amendments.

Proposed Amendments to Support Priority Plan Implementation

Since the 2014 Regional Plan was adopted, Regional Council has approved a number of priority plans including the Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. Phase 4 of the Regional Plan Review will involve fully updating the applicable chapters and policies of Regional Plan to reflect the content of the Priority Plans. In the interim, it is important for the Regional Plan and SMPS documents to acknowledge that the Priority Plans are approved by Council and actively used by staff to guide ongoing work. Attachment A includes a proposed amendment which requires that the objectives, policies, and actions of the priorities plans approved by Regional Council since 2014 must be considered during planning policy amendment processes.

Proposed Amendments to Support Housing Diversity

As the Municipality continues to experience unprecedented growth combined with low vacancy rates, Regional Council has adopted and supported policies and programs that seek to expand housing options. Recent initiatives include region-wide secondary and backyard suite permissions and projects related to the Rapid Housing Initiative. During Phase 3 of the Regional Plan Review, staff explored amendments that could be easily incorporated into planning documents to further support municipal housing initiatives.

Attachments A, B and C include proposed amendments to the Regional Plan, SMPSs and LUBs to permit a broader range of dwellings types, particularly so-called "tiny homes" and converted shipping containers. While these forms of development can be more affordable than traditional housing forms, the primary goal of these amendments is to increase housing diversity and expand options for encouraging infill or gentle density.

Tiny Homes

The term "tiny home" can mean a range of different building types. The Nova Scotia Building Code Regulations defines a "tiny house" as a dwelling unit which is less than 37 m² in building area. For the purposes of this report, the term "tiny homes" is used generally to describe small, efficiently designed single unit dwellings (SUDs). These small dwellings can be designed with a fixed foundation or can be mobile. Tiny homes have gained increasing popularity by those looking to downsize or lessen their ecological footprint. They also serve as an affordable housing type due to the more economical construction (compared to other SUDs) and as they generally consume less energy. Most tiny homes are mobile dwellings in that they are often constructed off-site and transported to their final location. The introduction of tiny homes can support a diverse supply of housing by offering new home ownership opportunities, sometimes without the traditionally high cost of land and the ability to share ownership or rent a portion of a parcel that may have only allowed one dwelling in the past.

Many of HRM's existing LUBs include minimum dwelling size requirements and prohibit mobile dwellings as single-unit dwellings, which present a barrier to tiny home development. While Council adopted region-wide amendments to allow backyard suites, by-law provisions prohibiting mobile homes continue to serve as a barrier in some by-laws.

To permit tiny homes more widely, the proposed amendments to the Regional Plan and LUBs will eliminate any minimum size requirements for single-unit dwellings, clarify that a single-unit dwelling can be a mobile dwelling, and remove specific regulations for mobile dwellings by incorporating their description into the definition of single-unit dwelling.

Shipping Container Dwellings

Similar to tiny homes, the use of shipping containers as dwellings is increasingly popular and offers another opportunity to diversify housing options in HRM. Current provisions in most LUBs prohibit the use of shipping containers as accessory buildings to residential uses. The Municipality receives many requests for this housing form, and it is growing in popularity as a building material that can offer some advantages for housing affordability and adaptive re-use of the material. Staff also note the ability and growing interest in the use of corrugated steel as a cladding material which is permitted in the existing LUBs. This effectively allows for the dismantling of shipping containers and re-use in buildings. Given the stringent requirements for dwelling units and backyard suites, staff advise that shipping containers used as a dwelling need to be upgraded before being occupied and therefore can contribute to a positive built environment.

Attachments A, B and C include proposed amendments to the Regional Plan, SMPs and LUBs to permit shipping containers as dwelling units and backyard suites. This will require the same regulations applied to a dwelling in the LUBs and the Building Code to be applied to shipping containers. Existing LUB provisions that exempt shipping containers for recreation uses from screening requirements when abutting park or institutional uses is proposed to apply to shipping containers used for residential purposes. Existing prohibitions on shipping containers in front and flanking yards will be maintained.

Residential applications aside, a comprehensive review of provisions regulating shipping containers as office space or accessory buildings is warranted. This work will be considered as part of Phase 4 of the Regional Plan Review.

Proposed Heritage Development Agreement Policy

Heritage development agreement policies exist within the Halifax SMPS and Regional Centre SMPS; they had also existed within the Dartmouth and Downtown Dartmouth Secondary Plan Areas until they were replaced by the Regional Centre SMPS. The purpose of these policies is to encourage the conservation and adaptive re-use of heritage properties by allowing additional development rights that may offset conservation costs. To date, these policies have resulted in significant investment in, and rehabilitation of some significant heritage properties while adding a large number of new residential units and commercial space. They have also encouraged the registration of previously un-protected heritage properties for the purpose of making use of the flexibility that these policies provide.

Over the past several years, there has been a growing desire for policies that encourage the adaptive re-use of heritage properties in rural and suburban areas of the municipality. This is especially true of areas that have large lots that could be developed for residential use. However, the majority of secondary plan areas do not have heritage development agreement policies currently. Without the incentive of additional land-use flexibility, there is little interest in registering properties when the implications of the designation on future development potential is unknown. The result is the continued loss of potential heritage properties and the historical character of rural and suburban communities.

In response to increased interest and the success of existing policies, staff recommend the inclusion of a heritage development agreement policy in the Regional Plan (Attachment A) and associated Land Use By-Law provisions (Attachment C) that will apply to all Plan Areas outside of the Regional Centre. The existing

policies in the Regional Centre SMPS will continue to apply.

Proposed Amendments to Support Community Action Plans

HRM is taking steps to create more inclusive economic growth and have communities more actively involved in the planning and development process. Both the *Road to Economic Prosperity for African Nova Scotian Communities* and *Halifax's Inclusive Economic Strategy 2022-27* have goals to consider and, where possible, incorporate community benefits in the development approval process. This can be achieved through the use of community action plans – a process for residents to identify strengths and opportunities, create a vision for their community's future, and develop an action plan to achieve it. Recent work with the Beechville Community Development Association on the Beechville Community Action Plan has provided an example for how this type of work can be undertaken with historic African Nova Scotian communities as part of the community planning process. Attachment A includes an amendment to the Regional Plan that recognizes and supports this ongoing work.

Proposed Amendments to Conservation Design Development Policy

Since 2006, the Regional Plan has permitted new large-scale rural housing developments only through the Conservation Design Development process. The conservation design approach is a creative form of subdivision designed to conserve environmentally sensitive features and culturally significant areas by clustering development on portions of the site that are more suitable for development. Existing Regional Plan policy allows for conservation design developments in most rural areas, with larger scale and higher density proposals only considered within identified rural growth centres.

In working with the current policies, staff with the Rural Policy & Applications team have identified that minor adjustments to the existing policy and regulations would ensure that the Conservation Design tool can be used more effectively for development. Therefore, the proposed Regional Plan amendments in Attachment A include a revised Conservation Design Development policy set which provides clarification of policy intent and minor adjustments to continue to support growth in HRM's rural growth centres. The proposed amendments:

- Reorganize and reword the policy set to provide clarity on policy intent;
- Allow townhouses in the Classic Form of Conservation Design Development in Rural Growth Centres to provide an additional form of housing that has not traditionally been permitted in rural areas;
- Reduce the requirement for open space within Rural Growth Centres from 50% to 40% open space to remain consistent with what is required outside of Rural Growth Centres;
- Clarify the process for the Lake Echo area for when a lot is not fully within the watershed boundary;
- Remove the requirement for Secondary Conservation to be retained and replace with "Secondary Conservation Areas are considered and incorporated as part of the overall Open Space Requirements where possible";
- Remove bare rock from the net developable area calculation in order to clarify the calculation for the net density allowance, and add bare rock as a secondary conservation feature to be considered;
- Confirm that Conservation Design Developments within Rural Growth Centres do not have to be within a lot(s) which was in existence as of April 29, 2006 with a minimum of 20 metres of continuous frontage on a publicly owned and maintained street/road.

The proposed Phase 3 amendments will provide clarity to potential developers, staff, and Council and improve policy implementation. During Phase 4, staff expect that there may be opportunities to further refine the Conservation Design Development policies, in conjunction with potential revisions to the Rural Growth Centres, to ensure that this planning tool can be used as effectively as possible.

Proposed Housekeeping Amendments

The amendment package includes a number of housekeeping amendments to allow progression of HRM projects, bringing clarity to existing policies and regulations, fixing cross referencing and errors, bringing clarity to submission requirements, and amending servicing maps to reflect the location of existing services.

Housekeeping Amendments to the Regional Plan and LUBs

- **Transit Facilities:** Regional Plan Policy T-6 and provisions in all LUBs allow public transit facilities to be located on land in any zone “with frontage on or abutting minor collector, major collector, arterial roads and expressways”. As part of the proposed Mill Cove Ferry project, staff identified that as currently configured, the parcel of land does not currently have public road frontage. Although this may change as the project progresses, staff have determined that the requirement for public road frontage for public transit facilities is not necessary and holds the risk that a planned public transit facility project could be delayed as a result of the provision. Therefore, staff recommend amending Regional Plan Policy T-6 and the LUBs to remove the requirement for frontage. The requirement that public transit facilities must not be built within a floodplain will remain.
- **Clarification of Infrastructure Charge Process for Master Planned Communities:** To support work on various master planning processes, staff propose an amendment to Policies SU-4 and SU-5 to clarify that an infrastructure charge for water and wastewater services must be considered but is not required to be first approved by the Utility and Review Board (UARB) before amending the Urban Service Area boundary.
- **Incorrect References and Duplicate Policy Number –** Staff identified an incorrect cross-reference in the Regional Plan for several Development Agreement policies (G-14/G-15) and a duplicated Policy number (S-37), both of which will be corrected.

Housekeeping Amendments to the Regional Subdivision By-law

- **Minor Text Amendments:** These amendments are intended to clarify definitions and regulations, require electronic submissions of plans, correct errors, and align with NS Environment regulations.
- **Amendments to Schedule B - Service Requirements Map:** There are several areas of the region where municipal water and/or wastewater services are currently provided, and this is not accurately reflected on the Service Requirements Map of the Regional Subdivision By-law. For example, portions of Burnside Industrial Park and Atlantic Acres Industrial Park have access to municipal water and wastewater services but are not included within the Urban Service Area boundary. In consultation with Halifax Water, HRM staff have identified these areas and amendments to the map are included in Attachment D.

Housekeeping Amendments for Eastern Passage/ Cow Bay Watercourse Setbacks

In response to two motions of Harbour East-Marine Drive Community Council⁵ regarding setback regulations for Cow Bay Lake and Barrier Pond and the ability to place accessory buildings within the watercourse buffer, staff undertook an extensive review and identified errors within the Eastern Passage/Cow Bay Land Use By-law (EP/CB LUB). Staff are recommending amendments to the EP/CB LUB to properly implement the policy intent of the Eastern Passage/Cow Bay Secondary Municipal Planning Strategy (EP/CB SMPS) and the Regional Plan. The amendments proposed are as follows:

- **Setback requirements for Cow Bay Lake:** Policy EP-7 of the EP/CB SMPS calls for a 200 foot (61-metre) building setback and buffer from coastal lands shown on the SMPS's Environmental Constraints map. Cow Bay Lake is identified on this map as coastal lands. Staff have reviewed the EP/CB LUB and identified that the word "Lake" was inadvertently removed from the EP/CB LUB's watercourse setback requirement through the implementation of the 2006 Regional Plan. As a result, the current policy does not carry out the intent of the SMPS. In order to address this inconsistency, Attachment C includes a proposed amendment to add the words "Cow Bay Lake" to clarify that a 61-metre buffer is required.

Staff have reviewed the potential impact of this change on existing properties fronting on Cow Bay Lake. Under the existing LUB, lots created before the adoption of the 2006 Regional Plan are permitted to reduce the buffer to 30 metres if development would otherwise be prohibitive. Lots subdivided after 2006 would have been created under the assumption that only a 30-metre buffer would apply to future development. Staff's review has shown that at least one lot in this situation may be undevelopable if a 61-metre buffer is applied. Therefore, staff are recommending a new Regional Plan policy and LUB provision that would permit lots in existence prior to the adoption of this amendment to reduce the required buffer to 30 metres if they are otherwise undevelopable.

- **Accessory Buildings in the Watercourse Setback:** Regional Plan Policy E-16 directs the establishment of riparian buffers along all watercourses throughout HRM to protect the chemical, physical and biological functions of marine and freshwater resources. However, to support marine dependant uses, such as fishery uses, recreational and tourism uses, and shipbuilding, some forms of accessory structures such as boat houses and docks have generally been permitted to encroach into these buffers. Staff have identified that the exceptions for allowing boat houses and boat docks in the riparian buffer in the EP/CB LUB were inadvertently removed through the 2006 Regional Plan Review. Therefore, staff have proposed amendments to the EP/CB LUB that will clarify that the watercourse setback provisions do not apply to boat houses and boat docks, which may be built to the lot line when the line corresponds to the highwater mark. This exception would not apply to other types of accessory buildings, as those structures were never permitted by previous versions of the EP/CB LUB.
- **C-2 Zoned Lots on Shore Road, Main Road and Fisherman's Cove Area:** Regional Plan Policy E-16 exempts lands designated Halifax Harbour from the riparian buffer requirement. This exemption was not included in the EP/CB LUB. The area near Fisherman's Cove and Quigley's Landing in Eastern Passage is designated Harbour in the Regional Plan and is not identified as a "coastal area" on the EP/CB SMPS Environmental Constraints map. Therefore, staff have proposed amendments to the EP/CB LUB to exempt Harbour-designated lands from this requirement, except for those lands shown as an Environmental Constraint on Map 4 Environmental Constraints of the Eastern Passage/Cow Bay SMPS.

Regional Council and the public are advised that as part of an ongoing effort to improve protection for watercourses, wetlands, and consider coastal risk, staff expect to bring forward additional amendments to the riparian buffer requirements and coastal elevation requirements as part of Phase 4 of the Regional Plan

⁵ Both motions are included in the Origin section of this report. Please note that the portion of the January 7, 2021 motion regarding "a discussion on the existing P-2 (Community Facility) Zone and the range of permitted uses within the Special Area Designation of the Municipal Planning Strategy for Eastern Passage/ Cow Bay" will be brought forward in a separate report to Council.

Review. Furthermore, the Province is developing regulations to implement the *Coastal Protection Act*, which could further impact the Municipality's regulations in the future.

Other Minor Housekeeping Amendments

- **Removal of Salvage Yards, CI and GI Zones, Planning Districts 14 & 17 SMPS:** Staff have identified that as part of Case 22670 (Conrad Quarry Lands), salvage yards were added in error to the CI and GI Zones which is in contradiction to the existing Planning District 14 & 17 SMPS policies.
- **Incorrect Reference – Policy BW-21(k) 27 (Halifax SMPS):** Staff have identified that the amendment for Case 20401 (Bedford West Sub Area 10) included a minor policy reference error which is proposed to be corrected.

Proposed Amendments for Site Specific Requests

Attachment F summarizes the requests that were considered during Phase 3. Of the 12 requests considered during Phase 3:

- 7 requests are recommended at this time;
- 4 requests are recommended to be considered in future phases; and
- 1 request is not recommended.

Table 4 below summarizes the requests that are recommended by this report. The proposed amendments for these requests (included in Attachments A, B, C and D) will support additional housing development that is needed to support HRM's population growth. Two requests will enable future as-of-right development, and six requests will require an additional Council approval process before development can proceed.

Table 4: Phase 3 Site Specific Requests - Proposed Amendments

Request(s)	Details of the Proposed Amendments
Requests that will allow as-of-right development (no further Council approval required)	
First Lake Drive, Lower Sackville (C060)	• Proposed amendment to the Regional Subdivision By-law, to include lands within the Water Service Area boundary • Future subdivision for 7 residential lots will be permitted as-of-right under the existing R-6 Zone, Sackville LUB
Atholea Drive, Cole Harbour (C009, C047, C077, C0326)	• Proposed amendment to the Regional Plan to re-designate these lands to the Urban Settlement designation; and proposed amendment to the Regional Subdivision By-law to include these lands within the Urban Service Area. • Future development of low-density residential units will be permitted as-of-right under the existing R-1 Zone, Cole Harbour/ Westphal LUB.
Requests that will require a future development agreement process (Community Council approval and public engagement required)	
Lake Loon Golf Centre lands, on Main Street and Golf View Drive, Dartmouth (C003)	• Proposed amendments to the Regional Plan, Regional Subdivision By-law, Dartmouth SMPS and Dartmouth LUB to enable future development of this site by development agreement. • The proposed development agreement process will require Council to consider, in addition to all other relevant policies of the Regional Plan and Dartmouth SMPS: - the Lake Lemont Source Water Protection Plan including measures for stormwater management, watercourse and wetland protection, and measures to protect unauthorized access into the Emergency Water Supply Area; - a multi-modal transportation network that supports connections to

	the surrounding community; and - the future Main Street Functional Plan.
Lands on the east side of Morris Lake, Cole Harbour (C070-E)	- Proposed amendments to the Morris-Russell Lake Secondary Planning Strategy within the Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay SMPS documents to remove the restriction on development due to transportation infrastructure and enable future development on the vacant lands on the east side of Morris Lake by development agreement, as originally envisioned in the secondary plan. - The proposed development agreement process will require Council to consider that the proposal includes a multi-modal transportation network within and connecting to surrounding communities, in addition to all other relevant policies of the Regional Plan and the secondary plan.
Birch Hill Mobile Home Park, Eastern Passage (C079)	- Proposed amendments to the Regional Plan to re-designate these lands to the Urban Settlement designation and proposed amendments to the Regional Subdivision By-law to include these lands in the Urban Service Area. - Future expansion of the existing mobile home park may be considered by development agreement, under existing policy in the Eastern Passage/Cow Bay SMPS.
Request that will require a future plan amendment process (Regional Council approval and public engagement required)	
Bedford Commons, Bedford (C001)	- Proposed amendments to the Regional Plan to identify Bedford Commons as an opportunity site where a mixed-use residential/ commercial development will be planned. - Future development will require a further MPS amendment process. - The applicant intends to submit additional information regarding their proposal for this site, which staff may further consider as part of Phase 4 of the Regional Plan Review.
Exhibition Park, Halifax (C086)	- Proposed amendment to the Regional Plan to identify this site as an opportunity site where a mixed-use residential/ commercial development may be planned. - Future development will require a master neighbourhood planning process that will need to be initiated by Regional Council. The proposed policy identifies considerations for future development, including that Council should consider: - opportunities to coordinate infrastructure upgrades with the proposed Ragged Lake Industrial Park expansion; and - the relationship of the lands to the Prospect Road area, Long Lake Provincial Park and the Western Common Wilderness.

As outlined in Table 5 below, three requests considered during Phase 3 are proposed to be considered in future phases, and one is not recommended, as follows:

Table 5: Phase 3 Site Specific Requests - No Amendments Proposed At This Time

Request	Rationale and Recommended Action
Amendments recommended to be considered in future phases of the Regional Plan Review	
Lands on Purcell's Cove Road, Halifax (C025): Request to redesignate and rezone these lands to permit residential subdivision with on-site services	- This request was originally targeted for Phase 4, but was considered in Phase 3 because the applicant amended their request – instead of a request for serviced development, large lots with on-site services is proposed. - Significant public comment was received on this request, and as a result staff have been unable to develop a complete recommendation for this report. Therefore, staff recommend this request be considered as part of Phase 4, together with other lands in the Urban Reserve designation.

Lands with frontage on Old Sackville Road and Lindforest Court, Middle Sackville (C070-B): Request to extend the Urban Service Area boundary to allow for serviced development on these lands	- Halifax Water has identified wastewater infrastructure issues in this area and requested additional analysis. As a result, this request is not able to meet the criteria of Regional Plan Policy SU-6 and therefore not recommended at this time. - Staff will include these lands in the broader study of Middle Sackville already planned for Phase 4.
Holding Zone lands off Herring Cove Road, Spryfield area, Halifax (C070-A, C071, C074 and C333): Request to include these lands within the Urban Service Area boundary to allow future subdivision for residential development	- Staff were unable to complete sufficient analysis in Phase 3 to recommend extending the Urban Service Area boundary at this time. The proposed extension does not meet Regional Plan policy intent. Further work is required to consider the environmental constraints on the site, and to determine new planning policy and regulations which will support the development of a complete community. - Staff recommend that these lands be considered together with the Kidston Lake Urban Reserve area. This work will begin in Phase 5 (Future Growth).
Paper Mill Lake, Bedford (C061-B) Request to change planning policy to enable mixed-use development on the site	Staff were unable to complete sufficient analysis in Phase 3 to recommend amendments to the Bedford SMPS and LUB at this time. Further work is required to consider the transportation constraints on the site, and to determine new planning policy and regulations which will support the development of a complete community.
Amendments not recommended – discontinue consideration	
2137 Purcell's Cove Road, Halifax (C005): Request to include these lands within the Urban Service Area boundary to allow an existing dwelling to be connected to municipal water and wastewater services	- Halifax Water advised that connecting this property would require an extension of the water and wastewater systems within Purcell's Cove Road, and the wastewater system would require a pumping station arrangement. Given the level of infrastructure upgrades required, connecting to municipal services is unlikely to be financially feasible. - There are no plans to extend services in this area; therefore, no amendment to the Urban Service Area is recommended at this time.

Conclusion

This report marks the end of Phase 3 of the overall Regional Plan Review work program. Attachments A, B, C and D include amendments to the Regional Plan, Secondary Municipal Planning Strategies and Land Use By-Laws and the Regional Subdivision By-law to:

- Support site-specific requests for development;
- Require Council-approved Priority Plans to be considered during MPS amendment processes;
- Remove barriers to developing tiny homes and using converted shipping containers as dwellings;
- Allow the adaptive reuse of municipally-registered heritage properties across the region through the consideration of development agreements;
- Support ongoing work on community benefit action plans in historical African Nova Scotian communities;
- Update the Conservation Design Development policy to improve policy implementation; and
- Address various housekeeping items.

Following Regional Council's consideration of this report and the completion of any public hearings, staff will follow the work plan as outlined in Attachment E for Phase 4 of the Regional Plan Review.

FINANCIAL IMPLICATIONS

The costs associated with undertaking the Regional Plan review identified in the work plan for 2022-2023 can be accommodated within the approved 2022-2023 operating budget.

RISK CONSIDERATION

This report involves amendments to the Regional Plan and secondary municipal planning strategies. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

The Regional Plan includes a range of policies that deal both directly and indirectly with the natural environment. The environmental implications of the proposed amendments are outlined in the Discussion section of this report, as well as Attachments F and G regarding site-specific development requests. Proposed amendments are consistent with the objectives of the Regional Plan, the Halifax Green Network Plan and HalifACT.

ALTERNATIVES

Regarding Recommendations #1 and #2 of this report, Regional Council may:

1. Modify the proposed amendments as set out in Attachments A, B, C and D of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments as set out in Attachments A, B, C and D of this report. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

Regarding Recommendation #3 of this report, Regional Council may:

1. Initiate the consideration of a policy review process that would differ from that outlined in Attachments E, F and G of this report. This may require a supplementary report from staff.

ATTACHMENTS

Attachment A: Proposed Amendments to the Regional Municipal Planning Strategy
Attachment B: Proposed Amendments to Secondary Municipal Planning Strategies
Attachment C: Proposed Amendments to Land Use By-laws
Attachment D: Proposed Amendments to the Regional Subdivision By-law
Attachment E: Regional Plan Review Work Plan

Attachment F: Site-Specific Amendment Requests, Phase 3
Attachment G: Site-Specific Amendment Requests, Phases 4 and 5
Attachment H: Map of Site-Specific Requests (All Phases)
Attachment I: Public Correspondence for Phase 3 and New Requests
Attachment J: Public Correspondence Submissions for Phase 3 and New Requests
Attachment K: Site Specific Amendment Requests, New Proposals
Attachment L: Annual Evaluation of Population Scenarios for 2022

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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