

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE NOVA SCOTIA COURT OF APPEAL)

BETWEEN:

ANNAPOLIS GROUP INC.

Applicant

AND:

HALIFAX REGIONAL MUNICIPALITY

Respondent

MEMORANDUM OF ARGUMENT OF THE RESPONDENT
HALIFAX REGIONAL MUNICIPALITY
(Pursuant to Rule 27 of the *Rules of the Supreme Court of Canada*)

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PART I – OVERVIEW AND STATEMENT OF FACTS

Overview

1. The elected Council of the Respondent, Halifax Regional Municipality (“HRM”), turned-down the Applicant developer’s request to begin a process that might have led to a change in the zoning of the developer’s lands (the “Lands”); a zoning that had been in place for 10 years at the time. HRM’s refusal to embark on that process is the alleged “taking” of the Applicant’s Lands. The Applicant attempts to construct questions of public importance from this refusal by HRM to embark on a discretionary process that might have led to a change in zoning. However, the questions posed:

- (a) Depend on a misleading and incomplete statement of the relevant facts; no matter how the Applicant’s questions are answered, they could not possibly alter the outcome of the claim;
- (b) Were not raised in the Courts below;
- (c) Assume, without justification, that this Court’s unanimous judgment in *Canadian Pacific Railway v. City of Vancouver* (“CPR”)¹; fundamentally and unintentionally departed from the Court’s previous jurisprudence, which it cited without indicating that any such departure was occurring;
- (d) Purport to resolve “confusion” in the jurisprudence of which there is no evidence; and
- (e) Seek to “harmonize” the common and the civil law in spite of the differences in the applicable legal principles and based on a misleading account of the civil law.

2. This proposed appeal raises no issues of public importance. It is merely a disappointed land speculator’s attempt to make the taxpayers of Halifax be the insurers of its development gamble.

¹ [2006] SCC 227

Statement of Facts

3. The Applicant claims damages from HRM because of alleged *de facto* expropriation. It says its Lands were taken when HRM Council turned down the Applicant's request to initiate a discretionary process which might have led to enhanced development rights through up-zoning.

4. The "material facts" set out in the Applicant's Memorandum of Argument are neither accurate nor complete. The Applicant fails to state two key points: (i) there was no regulatory change by HRM, which means the Applicant's rights remained identical to what they had been for years;² and (ii) the park which the Applicant says HRM "acquired" does not exist. It is a concept expressed in 2006 as part of a future-oriented, strategy document which does not compel HRM to take action.

5. The so-called park is a reference to a conceptual boundary drawn on a map which was attached to HRM's 2006 Regional Municipal Planning Strategy ("2006 RMPS"). Adoption of the 2006 RMPS was a requirement of s. 212 of the Nova Scotia *Municipal Government Act*³ (the "MGA"). Section 213 of the MGA dictates that municipal planning strategies are "statements of policy" regarding a municipality's future management and use of lands within its boundaries.⁴ Consistent with the legislation, the 2006 RMPS set out a non-binding vision for the lands within HRM.⁵

6. The MGA and its 2008 successor, the *Halifax Regional Municipality Charter*,⁶ both state that while HRM cannot act in a manner that is inconsistent with its municipal planning strategy, HRM is not committed to undertake any of the projects suggested in the strategy.⁷

7. Municipal planning strategies do not convey development rights or impose any development limits. Only zoning changes have that effect. There has been no zoning change for the Applicant's Lands.

² To use the Applicant's words: it was, in fact, left with both the "twine and the bundle" it began with.

³ S.N.S. 1998, c. 18.

⁴ MGA, s. 214.

⁵ MGA, ss. 214-217.

⁶ S.N.S. 2008, c. 39.

⁷ MGA, s. 217 and HRM Charter, s. 232.

8. The Applicant acquired the Lands over time, but mostly in the 1950s. The acquisition was entirely speculative and the Applicant hoped to secure enhanced development rights, preferably municipally serviced (water, sewer etc.) development rights, at some point in the future. The plan was to resell the Lands at a profit. As with all such investments by developers, there was no guarantee of a pay-off for the Applicant.

9. The 2006 RMPS designated the Applicant's Lands as "Urban Settlement" and "Urban Reserve".⁸ The necessary, consistent land use by-law⁹ was also adopted by HRM in 2006. The 2006 zoning of the Lands permitted various uses and those uses have not changed.¹⁰ Municipally serviced development is not a permitted use.¹¹

10. The 2006 RMPS stated that "the primary intention of the Urban Settlement Designation is to define those areas where urban forms of development will occur throughout the next 25 years", and it stated that the Urban Reserve designation identified land that could be developed "beyond the 25 year time horizon".¹²

11. The Applicant alleges wrongdoing (but not the alleged "taking") in relation to the 2006 designation and zoning of its Lands as Urban Settlement and Urban Reserve. Paragraphs 3 and 7 of the Applicant's Memorandum of Argument suggest that if HRM had applied a public use designation to the Lands, there would have been an absolute "requirement to acquire lands". The Applicant refers to s. 237 of the *Charter*, but rather than quoting the statute, the Applicant refers to a "Q&A" document prepared for a public meeting. The legislative provision says:

⁸ Affidavit of HRM's Clerk, Kevin Arjoon ("HRM Affidavit") [Tab 1A to the Response], Ex. "B", pp. 212-213 from the Appeal Book page numbering in the upper right corner (used in all references to the Appeal record). The Applicant's Lands are among the lands described as item 6 in the Urban Settlement Designation and item 7 in the Urban Reserve Designation.

⁹ *MGA*, s. 234.

¹⁰ HRM Affidavit, Ex. "G", pp. 626-627 [Tab 1G to the Response].

¹¹ Municipally serviced development requires a long-term commitment of HRM's resources for infrastructure and maintenance of things like roads, sewers, water, transportation, and schools.

¹² HRM Affidavit, Ex. "B", section 3.1 on p. 212 and section 3.2 on p. 213 [Tab 1B to the Response].

- 237 (1) The Council may zone privately owned land for future public use other than transportation reserves if the by-law provides for an alternative zone on the land, consistent with the municipal planning strategy.
- (2) Where privately owned land is zoned for future public use, the Municipality shall, within one year of the effective date of the zoning, acquire the land or the alternative zone comes into effect. [emphasis added]

12. Section 237 has no application to this case. The fact is that HRM Council was not required to zone the Applicant's Lands for public use, it did not zone those Lands for public use, and had Council chosen a public use zoning and not acquired the Lands, the zoning would have reverted. HRM's Urban Settlement and Urban Reserve designations in 2006 are not evidence of any wrongdoing.¹³

13. The "Environment" chapter of the 2006 RMPS set out HRM's vision for fostering the development of natural areas, parks, trails and corridors. It referred to the need to take a "balanced approach toward environmental protection and development" as being "key to an environmentally and economically sustainable future".

14. The 2006 RMPS reflected HRM's intention to create additional Regional Parks at various locations, including in the "Blue-Mountain-Birch Cove Lakes" area where the Lands are located. The 2006 RMPS noted that "further analysis" was necessary to determine "appropriate geographic boundaries" for, *inter alia*, the Blue Mountain-Birch Cove Lakes Park and it also confirmed that, over time, some private lands in that area would need to be acquired for public use, stating:

Lands within the Blue Mountain-Birch Cove Lakes Park are both privately and publically owned and a study has been completed to determine appropriate boundaries for the park. A conceptual geographic area for the park is shown on Map 13. It is the intention that, over time, the necessary private lands within the park be acquired for public use. Methods of acquisition range from provincial and municipal partnerships, as financial resources permit, land trades and conservation easements. Once acquired, public lands within the park will be re-designated as Open Space and Natural Resources and zoned Regional Park. Lands outside the park will be designated and zoned for development as appropriate.¹⁴ [emphasis added]

¹³ The Applicant also misrepresents the meaning of s. 237 in para. 68 of its Memorandum of Argument, by incorrectly suggesting that the provision should have resulted in "compensation" from HRM (not the zoning reversion specified in the enactment).

¹⁴ HRM Affidavit, Ex. "B", s. 2.13, pp. 198-199 [Tab 1B to the Response].

15. Map 13 referred to in the above-quoted paragraph contained the following notation:

This map demonstrates a vision to be implemented over the life of the Regional Plan, through various tools, subject to financial ability and community interest. [emphasis added]¹⁵

16. In October 2014, HRM adopted its 2014 Regional Municipal Planning Strategy (the “2014 RMPS”). The Urban Settlement and Urban Reserve designations and zonings of the Lands were maintained.¹⁶ Also unchanged were the description of the Blue Mountain–Birch Cove Lakes Regional Park, and the stated aspiration to acquire private lands for public use as financial resources permit.¹⁷ The conceptual boundaries for the park shown on Map 13 of the 2006 RMPS were identical in the 2014 RMPS (although the map was renumbered and became Map 11 in the 2014 RMPS)¹⁸. The notation from Map 13, about the park being a “vision” and “subject to financial ability and community interest”, was replicated on Map 11.¹⁹

17. The inclusion of a conceptual Regional Park boundary in the 2006 RMPS and the 2014 RMPS is not the basis for the Applicant’s *de facto* expropriation claim: It is the 2016 denial by HRM’s elected Council of the Applicant’s “request to initiate secondary planning...at this time”²⁰ that is the basis for its claims.

18. A part of the Lands was among six different areas which were designated as ‘Urban Settlement’ in the 2006 RMPS. That designation meant that each was a “potential” area “for new urban growth subject to the completion of secondary planning processes”.²¹ As noted, section 217 of the *MGA* meant that HRM was not committed to developing any of the six areas (nor was it committed to carrying-out any of the other projects envisioned in the 2006 RMPS).

¹⁵ HRM Affidavit, Ex. “B”, Map 13, p. 353 [Tab 1B to the Response].

¹⁶ HRM Affidavit, Ex. “E”, pp. 409-410 [Tab 1E to the Response].

¹⁷ *Supra*, pp. 395-396 [Tab 1E to the Response].

¹⁸ *Supra*, p. 497 [Tab 1E to the Response].

¹⁹ The legislative scheme and the 2006 and 2014 RMPS show that the Applicant exaggerates when it says that the Respondent “undertook” to create a part in para. 1 of its Memorandum of Argument.

²⁰ HRM Affidavit, Ex. “F”, pp. 508-509 [Tab 1F to the Response].

²¹ HRM Affidavit, Ex. “B”, s. 3.1, p. 212 [Tab 1B to the Response].

19. The Applicant baldly states that HRM Council's 2010 decision to first "defer" consideration of the request to initiate secondary planning while other processes were undertaken,²² and then its 2016 decision to "refuse the request to initiate secondary planning for all²³... lands at this time" were "pretext[ual]" and "arbitrary".²⁴

20. Despite the Applicant's theory that the zoning of its Lands belied HRM's intent to create a park, the Applicant did not challenge either decision as being contrary to administrative law principles.

21. The refusal to initiate secondary planning is not a regulatory act. It continued the longstanding *status quo* in relation to the Applicant's permitted, zoned uses of its Lands. As discussed below, that means addressing parts (1) and (2) of the *CPR* test can be considered a theoretical exercise since there is no triggering event for the test. It also means that the Applicant is urging this Court to introduce and perform a motive analysis on maintenance of the *status quo*.

²² HRM Affidavit, Ex. "C" item (iii) and Ex. "F", pp. 358-359 and 508-509 [Tab 1C to the Response].

²³ The Applicant joined with other non-party landowners when it requested the initiation of secondary planning and the refusal applied to all.

²⁴ Applicant's Memorandum of Argument, para. 4 and 12.

PART II – STATEMENT OF THE QUESTIONS IN ISSUE

22. The sole issue is whether the questions posed by the Applicant raise issues of public importance.

PART III – STATEMENT OF ARGUMENT

23. The questions posed by the Applicant do not raise issues of public importance. There is no uncertainty or confusion with either the common law *CPR* test or the well-established (but different) civil law doctrine concerning disguised expropriation. Moreover, the answers to the questions posed will not affect the outcome of the Applicant's claims.

No Uncertainty or Confusion in the Jurisprudence

24. The Applicant purports to identify flaws with the common law *CPR* test,²⁵ allegedly leading to confusion of sufficient magnitude to constitute an issue of public importance. This proposition is entirely new. The Applicant's fundamental premise is that a unanimous Supreme Court of Canada unintentionally changed the law of *de facto* expropriation in the course of articulating the applicable principles, without stating that a change was being made, all while citing in the same paragraph two earlier decisions that the Applicant agrees were correctly decided.

25. The Applicant's arguments are based on an implausibly narrow reading of *CPR*. Further, it points to no cases evidencing the so-called confusion.

Implausible Reading of CPR

26. The Applicant suggests that *de facto* expropriation has been abolished by the *CPR* test and bases its argument on a narrow and incomplete reading of part (1) of that test. The Applicant says that requiring the government to acquire a "beneficial interest" collapses *de jure* and *de facto* expropriation because the "acquisition" of a proprietary interest in the property is the prerequisite for *de jure* expropriation.

27. The Applicant offers no case where the purported collapse is evident.

28. In the Courts below, the parties agreed that the *CPR* test applied to the Applicant's claims. The Applicant does not challenge the outcome of the Court of Appeal's application of the *CPR* test. Instead, the Applicant urges this Court to revisit the common law principles due to the purported flaw in the Court's formulation (and the unsubstantiated "resulting collapse" of the doctrine).

²⁵ Applicant's Memorandum of Argument, para. 18.

29. The Applicant's position wholly ignores the clear wording of the *CPR* test, which allows compensation for both expropriation of beneficial interests in property, and expropriation of beneficial interests flowing from property. The flexibility of the *CPR* test is clear, particularly the balance of part (1) which says that acquisition of something "flowing from" a beneficial interest in property is sufficient. The thing acquired by the government can be the property-owner's advantage or rights alongside its beneficial interest; it can be a beneficial interest in the property itself; or it can be a corresponding advantage to a public body (to use the Applicant's words²⁶). It is difficult to imagine a broader qualifying formulation.

30. Although *de facto* expropriation cases are rare, the jurisprudence clearly and consistently demonstrates (both before and after *CPR*), that *de facto* expropriation occurs in situations where the thing which the government acquired was not title to the property, but was either a beneficial interest in the property, or a beneficial interest which flowed from the property, or both.

31. The *CPR* test is a restatement of longstanding principles. The two requirements of the *CPR* test are entirely consistent with the earlier cases where *de facto* expropriation was found to have occurred. The historic acquisitions are fully and appropriately captured by part (1) of the *CPR* test and that test is sufficiently nuanced to address novel circumstances in the future. There has been no erosion or compromise of the doctrine.

32. The Applicant does not challenge the appropriateness or efficacy of the unanimous Court's articulation of part (2) of the *CPR* test.

33. The earliest of only four Canadian cases where *de facto* expropriation was found to have occurred is *Manitoba Fisheries Limited v. The Queen*.²⁷ That case was cited by this Court in the paragraph of *CPR* which articulates the test²⁸. In *Manitoba Fisheries*, this Court identified both an acquisition by the government (satisfying part (1) of *CPR*) and a deprivation to the property-owner (satisfying part (2)). The government's granting of a monopoly to a crown corporation put the corporate plaintiff out of business,²⁹ by wholly precluding it from selling to its former customer base. The company retained title to its physical assets, but they were found to have been rendered

²⁶ Applicant's Memorandum of Argument, para. 38.

²⁷ [1979] 1 S.C.R. 101 ("*Manitoba Fisheries*").

²⁸ *CPR*, para. 30.

²⁹ *Manitoba Fisheries* at p 105.

“virtually useless” when the Crown corporation was formed.³⁰ The company’s goodwill arising from its supplier relationships and customer base was found to have been acquired by the Crown and “extinguished” for the company.³¹

34. The Applicant attempts to distinguish *Manitoba Fisheries* from *CPR* by saying that the Court “focused...on what the plaintiff lost”. The fact is that the Court identified both an acquisition by the government and a deprivation to the property-owner. Title to property (the assets of the company) did not change hands, but a beneficial interest flowing from those assets was both lost and acquired. The *CPR* test formulation is entirely consistent with *Manitoba Fisheries*.

35. The Applicant relies heavily on the second Canadian case where *de facto* expropriation was found to have occurred: *The Queen v. Tener*³². It too was cited by this Court in the paragraph of *CPR* which set out the test³³. The Applicant says *Tener* reflects a proper analysis of the common law doctrine. The *CPR* test is also entirely consistent with *Tener*.

36. The *Tener* plaintiffs were the registered owners of mineral claims that were originally granted in 1937. The claims specifically included the right to use and possession of the “surface”³⁴ for purposes of extracting the minerals, and a right of way to the area. The surface land was designated as a park in 1939 and between 1965 and 1973, various statutes required permits or authorizations for exploration for or production of minerals in the park. The property-owners requested permits between 1974 and 1977, but none were issued and in 1978, the property-owners were notified that no new exploration or development would be permitted in the park.

37. While the property-owners retained title to the mineral claims, both the majority and minority of this Court held that there had been a *de facto* expropriation. The analyses of the property-owners’ rights differed, but both sets of reasons confirmed that the prerequisites for finding common law *de facto* expropriation were: (i) a taking from the owner; and (ii) an acquisition by the government.

³⁰ *Manitoba Fisheries* at p 118.

³¹ *Manitoba Fisheries* at pp 105 & 107.

³² [1985] 1 S.C.R. 533 (“*Tener*”).

³³ *CPR*, para. 30.

³⁴ *Tener*, p. 553, at ‘e’.

38. The majority held that the denial of permits to access the surface above the minerals amounted to a “taking” from the property-owners of part of the rights granted in 1937.³⁵ The 1937 grant referred to “all minerals...under...and the right to the use and possession of the surface of such mineral claim...for the purpose of winning and getting from and out of such claim the minerals contained therein”³⁶. The majority further held that the Crown recovered part of the rights which were granted in 1937. The value of the Crown’s park asset was also enhanced. The “acquisition” element required for a finding of *de facto* expropriation was satisfied despite the title to the mineral claims remaining with the property-owners. Accordingly, a “beneficial interest” in the mineral grant was acquired. The majority’s reasons are fully consistent with the *CPR* test.

39. The *Tener* minority held that the property-owners had “one integral interest in land in the nature of a *profit a prendre* comprising both the mineral claims and the surface rights necessary for their enjoyment”.³⁷ The right of severance was the reason the property-owners could acquire the minerals but the minerals were not owned by the property-owners in situ.³⁸ The minority found that the right of severance was what was “taken” from the property-owners as a result of the permit denials and that defeated the property-owners’ entire interest,³⁹ making the mineral claims worthless.⁴⁰ The minority held that the Province had removed an encumbrance from the park and that was the “acquisition” necessary to conclude that *de facto* expropriation had occurred.⁴¹

40. The *CPR* articulation of the *de facto* expropriation test is also consistent with the minority decision in *Tener*. The government “acquired” an “unencumbered” park as a result of extinguishing the property-owners’ rights of severance. As with the majority decision, this is the acquisition of a “beneficial interest” and not actual title to the property.

41. *Attorney General of Nova Scotia v. Mariner Real Estate*⁴² is the third of three cases cited by this Court in the paragraph of *CPR* where the test is set out. The Applicant goes to great lengths to criticize the Nova Scotia Court of Appeal when it is clear that this Court relied on the decision

³⁵ *Tener* at p 563.

³⁶ *Ibid.*

³⁷ *Tener* at p 540.

³⁸ *Tener* at p 541.

³⁹ *Tener* at p 550.

⁴⁰ *Tener* at p 551.

⁴¹ *Tener* at p 552.

⁴² 1999 NSCA 98 (CanLII) (“*Mariner*”).

for part (2) of the *CPR* test only,⁴³ and not for part (1) which is the subject-matter of the Applicant's submission.

42. The Applicant also relies on a third common law *de facto* expropriation case (not cited by the *CPR* Court): *Casamiro Resource Corporation v. British Columbia (Attorney General)*.⁴⁴ In it, the property-owners' claims were "founded on" *Tener*,⁴⁵ and the reasoning leading to a finding that there was a *de facto* expropriation of mineral rights closely tracks the *Tener* decision. The *CPR* test is also consistent with its outcome; title was not taken from the property-owners.

43. The Applicant does not rely upon (or mention) the fourth and final case where *de facto* expropriation was found to have occurred. It post-dates *CPR*. In *Lynch v. The City of St. John's*,⁴⁶ the property-owners traced their title to a 1917 Crown grant which specifically included "all...waters...appertaining or reputed to appertain to the land".⁴⁷ The City refused the property-owners' request for a residential development permit and also required that the land be kept in its "natural state" (meaning even the forestry, agricultural and public utility uses permitted by the existing zoning could not occur).⁴⁸

44. The City's actions were aimed at preserving a watershed which was critical to the municipal water supply. The Court confirmed that at law, "[a] landowner is not entitled to the continuous flow of groundwater" and that groundwater "may be appropriated by the owner of the land without incurring liability to the property-owners to whose land the water would have flowed".⁴⁹ By mandating that the property-owners' groundwater must continue to flow for the benefit of the City's supply, the City acquired "the tangible benefit of that continuous flow of groundwater", which was a "beneficial interest in the...property" (part (1) of *CPR*).⁵⁰ The Court further held that the property-owners were deprived of their "beneficial interest" in that groundwater (part (2) of *CPR*).⁵¹ *Lynch* not only cites *CPR*, it is entirely consistent with it. No title

⁴³ *CPR* at para. 34.

⁴⁴ (1991), 80 D.L.R. (4th) 1 (BCCA) ("*Casamiro*").

⁴⁵ *Casamiro* at p 2.

⁴⁶ 2016 NLCA 35 ("*Lynch*")

⁴⁷ *Lynch* at para 59.

⁴⁸ *Lynch* at para 55.

⁴⁹ *Lynch* at para 58.

⁵⁰ *Lynch* at paras 59-60.

⁵¹ *Lynch* at para 59.

was acquired by the government: A beneficial interest was acquired. There was no collapse of the *de facto* expropriation doctrine.

There Is No Confusion

45. The Applicant offers no cases in support of its submission that there is confusion resulting from the *CPR* test.

46. As noted, *Lynch* is the only post-*CPR* case where the Court found that *de facto* expropriation had occurred. It does not support the suggestion that *CPR* has caused confusion. In fact, the Court identified the government's necessary acquisition of a "beneficial interest", separate from title, to satisfy part (1) of the *CPR* test.

47. There have been a few unsuccessful claims of *de facto* expropriation since *CPR*. However, the Applicant also does not use any of those authorities to support its submission about confusion among Canadian common law Courts.

48. For purposes of considering this Application for Leave and whether an issue of public importance is raised, it should be noted that none of the cases where *de facto* expropriation was found to have occurred involved municipal planning or land use zoning. This point also belies the Applicant's suggestion that there is confusion in the law as it applies to this case.

49. The most recent case where a land use planning decision was held not to be *de facto* expropriation is *Gosse v. Town of Conception Bay South*.⁵² In upholding the decision below, the Court of Appeal referred to the *CPR* test, as well as the statement from *Lynch* that "land use regulation has rarely been found to constitute compensable expropriation in Canada, even where that regulation has the effect of decreasing the value of the land".⁵³ The decision in *Mariner* was also relied upon in *Gosse*: It confirmed that "extensive and restrictive land use regulation is the norm" in Canada and "[s]uch regulation has, almost without exception, been found not to constitute compensable expropriation".⁵⁴

50. The Court's reasons in *Gosse* do not support the suggestion that there is confusion or a collapse of the *de facto* expropriation doctrine. White J.A. accepted the lower Court's election not

⁵² 2021 NLCA 23 ("Gosse").

⁵³ *Gosse* at para 32, citing *Lynch* at para 45.

⁵⁴ *Mariner* at para 42.

to determine whether there had been an acquisition by the government necessary to satisfy part (1) of the *CPR* test, as the fact that the property-owners could not satisfy part (2) of the *CPR* test made the part (1) analysis unnecessary.

51. This brings us to the *CPR* case. Contrary to the circumstances of this case, there was a regulatory act by the City of Vancouver: A bylaw designated the lands in question as a public thoroughfare “to provide context for the future”.⁵⁵ *CPR*’s vigorous expression of its view in that case that it was “intolerable” for the City of Vancouver to keep the corridor “intact” without purchasing its land matches the Applicant’s attitude in the face of its unsuccessful land speculation.

52. This Court found that the *CPR* property-owner’s “real complaint” was that it was precluded from using the corridor for economically profitable purposes.⁵⁶

53. The *CPR* test used to analyze the property-owner’s claims is not stated by the Court to be “new” in any way. In fact, the comments below concerning part (1) of the test show that it is based on the circumstances from *Manitoba Fisheries*, an earlier successful *de facto* expropriation case:

First, *CPR* has not succeeded in showing that the City has acquired a beneficial interest related to the land. To satisfy this branch of the test, it is not necessary to establish a forced transfer of property. Acquisition of beneficial interest related to the property suffices. Thus in *Manitoba Fisheries*, the government was required to compensate a land-owner for loss of good will.⁵⁷

54. The quote above also belies the suggestion that the distinction between *de facto* and *de jure* expropriation has collapsed. The difference between the two is clearly identified.

55. The phrase “a beneficial interest related to the property” is broad and flexible. The suggestion that it has completely abolished the doctrine of *de facto* expropriation ignores the express language and obvious meaning of Chief Justice McLachlin’s reasons. The *CPR* statement of the test for *de facto* expropriation was and is true to the jurisprudence and doctrine.

56. *CPR* is an insurmountable obstacle for the Applicant and, as noted, it actually involved a regulatory change. Like the Applicant, *CPR* suggested to the Court that the City had acquired a *de facto* park. Also like this case, the Court did not agree and concluded that the City “gained

⁵⁵ *CPR* at para 6.

⁵⁶ *CPR* at para 28.

⁵⁷ *CPR* at para. 32.

nothing more than some assurance that the land will be used or developed in accordance with its vision, without even precluding the historical or current use of the land”.⁵⁸

57. Justice Wilson rendered this Court’s reasons in *Hartel Holdings Co. v. The Council of the City of Calgary*⁵⁹ about a year before *Tener*. It too deals a fatal blow to the Applicant’s claims. The *Hartel* landowner made an argument similar to the one advanced by the Applicant; namely, that by adopting a plan for a proposed park with boundaries which encompassed the owner’s land, the City was required to acquire that land. The case arose out of a *mandamus* application but also involved denial of a property-owner’s request to amend the zoning by-law.

58. Justice Wilson acknowledged that the property-owner had been deprived of the potential value of its land for residential development through the “freezing” with a view to its subsequent acquisition for a park. However, the Court said that seemed to be “exactly what the statute contemplates”.⁶⁰ The “statute” in question required the creation of municipal planning strategies such as the 2006 RMPS and the 2014 RMPS. The property-owner’s claims for compensation were rejected. This Court also said that absent bad faith, if “the City’s actions...[were]...taken pursuant to a legitimate and valid planning purpose...then the resulting detriment to the appellant is one that must be endured in the public interest”.⁶¹

59. The Applicant says nothing about *Hartel* in its Memorandum of Argument.

60. Here, as in *Hartel*, the zoning of the Lands has not been changed. They retain their 2006 zoning as Urban Settlement and Urban Reserve and the associated rights. HRM’s elected Council’s 2016 turning down of a request to commence a process which might enhance the zoning (and maybe the value) of the Lands changed nothing. Moreover, the HRM Council decision adds “at this time”, which clearly negates any suggestion of permanence. Those events cannot amount to an acquisition.

61. Finally, as the Court views the Applicant’s case through the public importance lens, it is significant to note that several Canadian common law jurisdictions have legislatively excluded recovery for *de facto* expropriation alleged to have occurred as a result of the planning process.

⁵⁸ *CPR*, para 33; see also para. 91-93 of the Court of Appeal’s reasons: 2021 NSCA 3.

⁵⁹ [1984] 1 S.C.R. 337 (“*Hartel*”).

⁶⁰ *Hartel* at p 354.

⁶¹ *Hartel* at p 354.

Thus, the issues that the Applicant seeks to raise are irrelevant in five of the common law provinces. The relevant provisions are:

Province	Statute	Provision(s)
British Columbia	<i>Local Government Act</i> , R.S.B.C. 2015, c. 1	s. 458
	<i>Vancouver Charter</i> , S.B.C. 1953, c. 55	s. 569
Alberta	<i>Municipal Government Act</i> , R.S.A. 2000, c. M-26	s. 708.22
Saskatchewan	<i>Planning and Development Act</i> , S.S. 2007, c. P-13.2	s. 238
Ontario	<i>Planning Act</i> , R.S.O. 1990, p. P-13	s. 70.8(11) s. 70.9(11)
Newfoundland & Labrador	<i>Urban and Rural Planning Act</i> , SNL 2000, c. U-8	s. 5

Motive is Not Relevant

62. An improper purpose provides a basis for judicial review of the exercise of statutory power; it is not relevant to whether an interest in land has been expropriated. The applicant's submissions confuse the legality and the effect of a regulatory act.

63. The applicant's reliance on Quebec civil law is misleading.

64. First, Quebec's *Civil Code*⁶² establishes the right to compensation outside of the Quebec *Expropriation Act*.⁶³ Article 952 of the *Civil Code* states:

952. No owner may be compelled to transfer his ownership except by expropriation according to law for public utility and in return for a just and prior indemnity.

⁶² *Civil Code of Quebec*, CCQ 1991, Title Two, Chapter 1.

⁶³ CQLR, c. E-24.

65. This provision sets out a completely different and separate basis for compensation than what is applicable to common law *de facto* expropriation. There is no principled reason to import one into the other.

66. Second, in Quebec civil law, the “usual remedy” for an alleged disguised expropriation is a direct action in nullity, in which, of course, an improper motive is highly relevant.⁶⁴ That fully explains the single reference “motive” in the introductory paragraph in Chief Justice Wagner’s reasons.

67. Third, in both the leading case,⁶⁵ and in *Dupras v. Ville de Mascouche*,⁶⁶ (cited by the Applicant), compensation was awarded for a disguised expropriation when the expropriating authority both took and received the use of the land. In *Dupras*, the Court stated:

... the City encroached upon the Property on the presumption that it had already formed part of the parc du Grand-Coteau for several years. It maintained trails crossing the Property, upkept them and provided signage. It carried out mapping of the Parc du Grand-Coteau, including the trails crossing the Property and it assigned names to the trails. It encouraged the population to use the Property as a public park and took out insurance to cover activities taking place on the trails including those crossing the Property.⁶⁷

68. *Dupras* also stated the following in relation to the requisite civil law elements for disguised expropriation:

In order to establish a case for disguised expropriation, the restriction must “be tantamount to a suppression of any reasonable use of the lot, a negation of the exercise of the right ownership or yet again, a ‘de facto confiscation’ or an appropriation of the immovable property” (para. 106).⁶⁸

...

Physical dispossession of land due to occupation of it by the municipal authority triggers a *de facto* expropriation and may be qualified as disguised.⁶⁹

69. There is no reason to consider or add motive to the common law *de facto* expropriation principles. The issue is properly engaged and assessed in the context of administrative law challenges and it should remain so limited.

⁶⁴ *Lorraine (Ville) v 2646-8926*, 2018 SCC 35 at paras 37 – 39.

⁶⁵ *Montréal (Ville) v. Benjamin* 2004 CanLII 44591 (QCCA) at para.14, 47-50 and 63-66.

⁶⁶ 2020 QCCS 2538 (“*Dupras*”).

⁶⁷ *Dupras*, para. 111 and 139.

⁶⁸ *Dupras* at para 106.

⁶⁹ *Dupras* at para. 110.

The Issues Could Not Affect the Outcome

70. The issues that the Applicant seeks to raise are irrelevant to the determination of its rights. As the Court of Appeal correctly noted, there was no regulatory act resulting in the applicant losing anything:

There are simply no facts in dispute that relate to the *de facto* expropriation claim. Annapolis has exactly the same rights with respect to its Lands that it had prior to Council's resolution on September 6, 2016. Nothing has changed.⁷⁰

⁷⁰ 2021 NSCA 3, at para. 91

PART IV – SUBMISSIONS REGARDING COSTS

71. HRM respectfully submits that costs should be awarded in its favour from the Applicant.

PART V – ORDER SOUGHT

72. HRM seeks an Order dismissing the application for leave to appeal with costs.

All of which is respectfully submitted this 6th day of May, 2021.



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Agents for the Respondent,
Halifax Regional Municipality

PART VI – TABLE OF AUTHORITIES

CASES	CITED AT PARA.
<i>Attorney General of Nova Scotia v. Mariner Real Estate</i>, 1999 NSCA 98 (CanLII)	41, 49
<i>Montréal (Ville) v. Benjamin</i> 2004 CanLII 44591 (QC CA)	67
<i>Canadian Pacific Railway Co. v. City of Vancouver</i>, [2006] SCC 227	1, 33, 35, 41, 51, 52, 53, 56
<i>Casamiro Resource Corporation v. British Columbia (Attorney General)</i>, (1991), 80 D.L.R. (4th) 1 (BC CA)	42
<i>Dupras v. Ville de Mascouch</i>, 2020 QCCS 2538	67, 68
<i>Gosse v. Town of Conception Bay South</i>, 2021 NLCA 23	49
<i>Hartel Holdings Co. v. The Council of the City of Calgary</i>, [1984] 1 S.C.R. 337	57, 58
<i>Lorraine (Ville) v 2646-8926</i>, 2018 SCC 35	66
<i>Lynch v. The City of St. John's</i>, 2016 NLCA 35	43, 44
<i>Manitoba Fisheries Limited v. The Queen</i>, [1979] 1 S.C.R. 101	33
<i>The Queen v. Tener</i>, [1985] 1 S.C.R. 533	35, 36, 38, 39
STATUTES	
<i>Civil Code of Quebec</i>, CCQ 1991, Title Two, Chapter 1	64
<i>Expropriation Act</i>, CQLR, c. E-24	64
<i>Halifax Regional Municipality Charter</i>, S.N.S. 2008, c. 39	6, 11
<i>Local Government Act</i>, R.S.B.C. 2015, c. 1	61
<i>Municipal Government Act</i>, R.S.A. 2000, c. M-26	61
<i>Municipal Government Act</i>, S.N.S. 1998, c. 18	5, 6, 9
<i>Planning Act</i>, R.S.O. 1990, p. P-13	61
<i>Planning and Development Act</i>, S.S. 2007, c. P-13.2	61
<i>Urban and Rural Planning Act</i>, SNL 2000, c. U-8	61
<i>Vancouver Charter</i>, S.B.C. 1953, c. 55	61

PART VII – STATUTORY PROVISIONS

A. Statutory Provisions Directly at Issue

Municipal Government Act, S.N.S. 1998. c. 18

Interpretation

191 In this Part and Part IX, unless the context otherwise requires

...

- (n) “planning documents” means
 - (i) a municipal planning strategy and a land-use by-law adopted to carry out the municipal planning strategy,
 - (ii) an amendment to a municipal planning strategy and a land-use by-law amendment to carry out the municipal planning strategy amendment, and
 - (iii) a subdivision by-law and an amendment to it

Municipal planning strategy

- 212 (1) A council shall adopt one or more municipal planning strategies in accordance with the requirements of this Section.
- (2) There may be separate municipal planning strategies for different parts of the municipality.
- (3) All land within a municipality must be the subject of a municipal planning strategy.
- (4) A municipal planning strategy must
- (a) be reasonably consistent with every statement of provincial interest; and
 - (b) fulfill the minimum planning requirements.

Purpose of municipal planning strategy

213 The purpose of a municipal planning strategy is to provide statements of policy consistent with the minimum planning requirements to guide the development and management of the municipality and, to further this purpose, to establish

- (a) policies which address problems and opportunities concerning the development of land and the effects of the development;
- (b) policies to provide a framework for the environmental, social and economic development within a municipality;
- (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

- 214 (1) A municipal planning strategy must include statements of policy respecting
- (a) the objectives of the municipality in respect of its physical, economic and social environment;
 - (b) the future use, management and development of lands within the municipality;
 - (c) the implementation and administration of the municipal planning strategy and the periodic review of the municipal planning strategy, its implementing land-use by-law and the extent to which the objectives set out in the municipal planning strategy are achieved;
 - (d) the engagement by the municipality with abutting municipalities when amending the municipal planning strategy or adopting a new municipal planning strategy to replace the existing one; and
 - (e) any other matter prescribed by the regulations.
- (2) In addition to the statements of policy required under subsection (1), a municipal planning strategy may include statements of policy respecting any matter permitted by the regulations.
- (3) A municipal planning strategy must fulfill any additional requirements prescribed by the regulations.
- (4) The Minister may make regulations
- (a) prescribing matters in respect of which the inclusion of statements of policy in a municipal planning strategy is either mandatory or discretionary, which may include matters respecting
 - (i) public health and safety,
 - (ii) the protection of the natural environment,
 - (iii) the protection of resource lands,
 - (iv) the identification, preservation and protection of landscape features,
 - (v) the division of land into zones and the permitted and prohibited uses for each zone,
 - (vi) infrastructure,
 - (vii) transportation services and networks,
 - (viii) the subdivision of land,
 - (ix) matters of a local nature
 - (x) the land-use by-law that implements the municipal planning strategy,
 - (xi) the physical, economic and social environment of the municipality, and

- (xii) procedures, participation program established under Section 204, to be followed when amending or reviewing the municipal planning strategy, including notice;
- (b) prescribing requirements strategy must fulfill, including requirements respecting
 - (i) the development, implementation and review of the municipal planning strategy and the implementing land-use by-law,
 - (ii) the content, development and administration of development agreements, variances, site-plan approval areas and other planning tools, and
 - (iii) studies specified developments or developments in specified areas of the municipality.
- (5) A regulation made under subsection (4) may not
 - (a) require or authorize a municipal planning strategy to include a statement of policy that is inconsistent with any enactment; or
 - (b) require a municipal requirement that is contrary to any enactment.
- (6) The exercise by the Minister of the authority contained in subsection (4) is regulations within the meaning of the Regulations Act.

Secondary planning strategy

- 216 (1) A municipal planning strategy may provide for the preparation and adoption of a secondary planning strategy which applies, as part of the municipal planning strategy, to a specific area or areas of the municipality.
- (2) The purpose of a secondary planning strategy is to address issues with respect to a particular part of the planning area, which may not, in the opinion of the council, be adequately addressed in the municipal planning strategy alone.

No action inconsistent with planning strategy

- 217 (1) A municipality shall not act in a manner that is inconsistent with a municipal planning strategy.
- (2) The adoption of a municipal planning strategy does not commit the council to undertake any of the projects suggested in it.

Adoption of land-use by-law or amendment

- 219 (1) Where a council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that shall enable the policies to be carried out.

(2) A council may amend a land-use by-law in accordance with policies contained in the municipal planning strategy on a motion of council or on application.

(3) A council shall not adopt or amend a land-use by-law except to carry out the intent of a municipal planning strategy.

Future Public Use

222 (1) A council may zone privately owned land for future public use other than transportation reserves if the by-law provides for an alternative zone on the land, consistent with the municipal planning strategy.

(2) Where privately owned land is zoned for future public use the municipality shall, within one year of the effective date of the zoning, acquire the land or the alternative zone comes into effect.

No injurious affection

261 Property is deemed not to be injuriously affected by the adoption, amendment or repeal of a statement of provincial interest, interim planning area and development regulations in connection with it, subdivision regulations, subdivision by-law, municipal planning strategy, land-use by-law or the entering into, amending or discharging of a development agreement.

Halifax Regional Municipality Charter, S.N.S. 2008, c. 39

Interpretation

209 In this Part and Part IX, unless the context otherwise requires

...

(m) “planning documents” means

(i) a municipal planning strategy and a land-use by-law adopted to carry out the municipal planning strategy,

(ii) an amendment to a municipal planning strategy and a land-use by-law amendment to carry out the municipal planning strategy amendment, and

(iii) a subdivision by-law and an amendment to it

Planning advisory committee

215 (1) The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.

(2) The Municipality and one or more other municipalities may, by policy, establish a joint planning advisory committee.

(3) A planning advisory committee or joint planning advisory committee must include members of the public and may include a representative appointed by a village.

- (4) The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.
- (5) The duties assigned, pursuant to this Part, to a planning advisory committee or a joint planning advisory committee may only be carried out by the committee.
- (6) The Council shall appoint members of a planning advisory committee or a joint planning advisory committee by resolution.

Municipal planning strategy

- 227
- (1) The Council shall adopt one or more municipal planning strategies in accordance with the requirements of this Section.
 - (2) There may be separate municipal planning strategies for different parts of the Municipality.
 - (3) All land within the Municipality must be the subject of a municipal planning strategy.
 - (4) A municipal planning strategy must
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- 228 The purpose of a municipal planning strategy is to provide statements of policy consistent with the minimum planning requirements to guide the development and management of the Municipality and, to further this purpose, to establish
- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
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strategy, its implementing land-use by-law and the extent to which the objectives set out in the municipal planning strategy are achieved;

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(ix) matters of a local nature,

(x) the land-use by-law that implements the municipal planning strategy,

(xi) the physical, economic and social environment of the Municipality, and

(xii) procedures, not inconsistent with the public participation program established under Section 219, to be followed when amending or reviewing the municipal planning strategy, including procedures for public consultation and notice;

(b) prescribing requirements that a municipal planning strategy must fulfill, including requirements respecting

- (i) the development, content, administration, implementation and review of the municipal planning strategy and the implementing land-use by-law,
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- 232 (1) The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.
- (2) The adoption of a municipal planning strategy does not commit the Council to undertake any of the projects suggested in it.

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- 234 (1) Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.
- (2) The Council may amend a land-use by-law in accordance with policies contained in the municipal planning strategy on a motion of the Council or on application.
- (3) The Council may not adopt or amend a land-use by-law except to carry out the intent of a municipal planning strategy.

Future public use

- 237 (1) The Council may zone privately owned land for future public use other than transportation reserves if the by-law provides for an alternative zone on the land, consistent with the municipal planning strategy.
- (2) Where privately owned land is zoned for future public use, the Municipality shall, within one year of the effective date of the zoning, acquire the land or the alternative zone comes into effect.

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Future public use

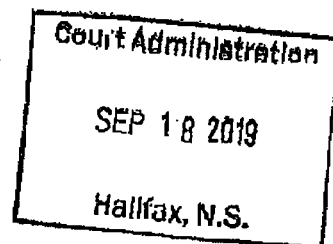
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2017

Hfx. No. 460474



SUPREME COURT OF NOVA SCOTIA

BETWEEN:

ANNAPOLIS GROUP INC.

PLAINTIFF

-and-

HALIFAX REGIONAL MUNICIPALITY

DEFENDANT

Affidavit of Kevin Arjoon

I, Kevin Arjoon, of Halifax Regional Municipality, in the Province of Nova Scotia, make oath and say as follows:

1. I am the Clerk of the Halifax Regional Municipality ("HRM").
2. I have personal knowledge of the matters in this affidavit except where otherwise stated.
3. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

(a) Statutory Role of the Clerk

4. I am responsible for recording in a minute book all the proceedings of Council.
5. I account for the attendance of each Council member at every meeting of Council.
6. I am responsible for keeping the by-laws and policies of the Municipality.

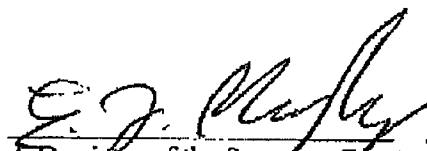
(b) Planning Resolutions

7. On June 27, 2006, Halifax Regional Council passed a resolution adopting the *Regional Municipal Planning Strategy* (the "2006 RMPS") and amending the *Regional Subdivision By-Law* and the Land Use bylaws of HRM. Attached hereto and marked as **Exhibit "A"** is a certified copy of the resolution.
8. Attached hereto and marked as **Exhibit "B"** is a certified copy of the 2006 RMPS.
9. On November 16, 2010, Halifax Regional Council passed a resolution deferring consideration of whether to initiate a Secondary Planning Process for the Highway 102 West Corridor Lands. Attached hereto and marked as **Exhibit "C"** is a certified copy of

the resolution.

10. On June 25, 2014, Halifax Regional Council passed a resolution repealing the 2006 RMPS and adopting the *Regional Municipal Planning Strategy (2014)* (the "2014 RMPS"). Attached hereto and marked as **Exhibit "D"** is a certified copy of the resolution
11. Attached hereto and marked as **Exhibit "E"** is a certified copy of the 2014 RMPS.
12. On September 6, 2016, Halifax Regional Council passed a resolution refusing to initiate secondary planning for the Highway 102 West Corridor lands at that time. Attached hereto and marked as **Exhibit "F"** is a certified copy of the resolution.
13. Attached hereto and marked as **Exhibit "G"** is a certified copy of the *Halifax Mainland Land Use By-Law*.

SWORN TO at Halifax, in the
Province of Nova Scotia
this day of September, 2019.


A Barrister of the Supreme Court

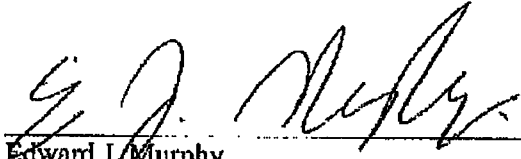
EDWARD J. MURPHY
A Barrister of the Supreme
Court of Nova Scotia


Kevin Arjoon

2017

Hfx No. 460474

This is Exhibit "B" referred to in the Affidavit of
Kevin Arjoon, sworn before me this 18th day of September 2019.



Edward J. Murphy
A Barrister of the Supreme Court of Nova Scotia

EDWARD J. MURPHY
A Barrister of the Supreme
Court of Nova Scotia

REGIONAL MUNICIPAL PLANNING STRATEGY

THIS IS TO CERTIFY that this is a true copy of the Regional Municipal Planning Strategy which was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the 27th day of June, A.D. 2006.

GIVEN UNDER THE HAND of the Municipal Clerk and the corporate seal of the Municipality this 18 day of ~~July~~ September, A.D. ~~2006~~ 2019


~~Mr. Jan Gibson~~ Kevin ARSOUND
Municipal Clerk

ACKNOWLEDGEMENTS

This Regional Municipal Planning Strategy has been prepared according to the provisions of the *Municipal Government Act* and pursuant to Regional Council's adoption of the *Regional Planning Phase II Action Plan* on December 3, 2002 and *Public Consultation Resolution* on September 2, 2003. The Plan covers the entire Halifax Regional Municipality.

Instrumental in guiding the planning and public consultation process was a Regional Planning Committee (RPC) comprised of 5 citizens, 3 Regional Councillors, and the Municipality's Chief Administrative Officer. The Committee held regular meetings which were open to the public and was responsible for public engagement and awareness building initiatives. The RPC is acknowledged for the success of general public input and participation throughout the process.

The RPC have fulfilled its mandate and have delivered a Regional Plan which upholds the Regional Planning Principles, Goals and Objectives. The RPC have advocated community interests and worked to build a plan for our future. The Committee understood the need for a regional plan and supported Regional Council in this endeavour.

Citizen participation in the process to create this Regional Municipal Planning Strategy is to be commended. The important role of volunteers in participating in the planning process and developing this Plan is recognized.

The work of the RPC was supported by a core staff team of land use, policy, parkland and transportation planners. This core team was augmented with expertise in finance, engineering, environmental management, urban design, and project management.

This Plan lays a foundation to help shape and influence healthy growth for the Halifax Regional Municipality. For this Plan to succeed, business and civic leaders must continue to support these efforts, and all concerned citizens should act on the issues discussed in the Plan.

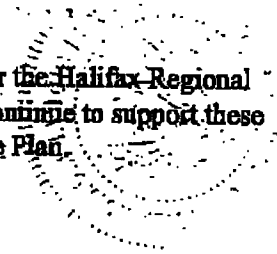


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EXECUTIVE SUMMARY

The Regional Municipality Planning Strategy (this Plan) is a guide for the future development of the Halifax Regional Municipality (HRM). It represents a significant step forward in integrated land use planning and long-term coordination. It is a framework that outlines how future sustainable growth should take place in the HRM, in a way that preserves the environment while at the same time maintaining a strong economy. The overarching goal of this Plan is to achieve a shared vision of the future of HRM, a vision of healthy, vibrant and sustainable communities, without taking away from the character that makes HRM a distinct and attractive place to live.

This Plan was spearheaded by the Regional Planning Committee, appointed by Regional Council in February 2003, and was the subject of extensive public input. By integrating land use and planning activities and directing growth to specific compact centres, this Plan promotes efficiency in transportation and service sectors while maintaining the health of the environment and local communities. The Plan focuses on developing our economic hubs, protecting rural resource lands, and encouraging economic opportunities across HRM. The expenditure of approximately \$250 million over the next 25 years in municipal capital and operating costs will be avoided as a result of the more compact, mixed use development outlined in this Plan.

This Plan provides a sound basis for decision-making over the next 25 years, and will be reviewed regularly to ensure policies are meeting its goals and vision. This Plan will be implemented through four broad types of policy: land use regulations, secondary planning strategies, background studies and functional plans. Amendments to the existing land use by-laws will be adopted for land use regulations, and to establish zones, permitted uses and development standards which reflect the policies of this Plan. Secondary planning strategies collectively include the 18 Municipal Planning Strategies and 15 Secondary Planning Strategies. These strategies will be reviewed through Community Visioning exercises to ensure they reflect current community issues. Background studies are required, in some cases, before detailed secondary planning processes can be completed. Functional Plans are detailed management guidelines for setting budgets for programs, services and facilities consistent with the implementation of this Plan.

This Plan outlines directions and policies in the following sectors to reach the goals of the shared vision for the future of the HRM:

- **Growth, Development and Settlement:** The fundamental goal of this Plan is to work towards balanced growth and to avoid risk to the natural environment, the character of our communities and the quality of life in our region. Therefore, a key aspect of this Plan will be to direct growth to compact mixed-used settlement centres. Five land use designations have been created to guide this growth: Urban Settlement, Urban Reserve, Rural Commuter, Rural Resource, and Agricultural. The centres have been defined and strategically located where services such as transit, wastewater and water can be economically and efficiently provided. One quarter of the predicted growth will occur within the Regional Centre, and

half will be directed towards suburban areas. Policies regarding management of large subdivision development, island development, and the provision of incentives for redevelopment of abandoned and underutilised properties, are additional growth management mechanisms outlined in this Plan.

- **Natural Environment:** In the short-term, this Plan aims to protect the natural environment by establishing development practices that minimize the impact on water, land and air. It also aims to foster the development of an integrated system of natural areas, parks, trails and corridors to maintain ecosystem health and preserve HRM's quality of life. Over the long-term watershed studies and functional plans will be undertaken to support the development of integrated environmental planning practices at the local level under secondary planning strategies. This Plan outlines policies to protect water supplies, wetlands, and riparian buffer zones through designation of park and conservation zones. The Water Quality Monitoring Functional Plan, Open Space Functional Plan, Urban Forest Functional Plan, Hazards to Development Functional Plan and Emissions Reduction Functional Plan will all help achieve long term environmental protection as the impacts of climate change become more evident.
- **Economy and Finance:** This Plan includes policies that support and strengthen the role of the Capital District and Halifax Harbour, as well as business parks, other major employment centres and the rural economy, to ensure economic growth and prosperity to our region. Business and economic growth will be encouraged through an Economic Development Strategy, Capital District Functional Plan, Halifax Harbour Functional Plan and Business Parks Development Functional Plan. Also, urban streetscape design guidelines will provide opportunities for public space, architectural features and structures which enhance the desirability of the Capital District as an economic and cultural centre. A Finance Functional Plan will be created to move towards re-orienting financial and taxation strategies in HRM, including a review of property taxation, specific forms of taxation and broad fiscal policies.
- **Transportation:** Integrated land use and transportation planning is a fundamental component of this Plan. Through such integrated planning, a more effective and efficient transportation system can be developed, and impacts on the environment can be reduced. This Plan includes policies for road improvements, new transit routes and services, and a high speed ferry project, with cost-avoidance of \$75 million over the next 25 years from improved efficiency. A Transportation Master Plan will be prepared which include the following functional plans: Road and Road Network, Public Transit, Active Transportation, Transportation Demand Management and Regional Parking Strategy. All of the transportation aspects of this Plan will be administered by the Strategic Joint Regional Transportation Planning Committee, to ensure coordinated transportation planning across HRM.
- **Community:** Community Visioning and secondary planning processes to be undertaken over the next 25 years will ensure community input on design to ensure the retention of each

centre's individual community character. This will include such detail as centre boundaries, population targets, specific land uses, and densities. In designing HRM's rural and urban community centres, this Plan has outlined design standards for creating livable communities. These include issues such as well situated transit facilities, pedestrian-oriented streetscapes, multi-use trails to enhance connections of amenities and services, bicycle friendly facilities, parking availability, and mixed retail and employment opportunities. This Plan outlines ways that HRM can work towards making affordable housing available to HRM residents at all stages of life.

- **Services:** The settlement pattern adopted in this Plan will reduce infrastructure costs for services including water, wastewater, utilities and solid waste. Coordinated regional planning will also improve the ability to anticipate future infrastructure needs. This Plan includes policies to improve efficiency and sustainability of these services, including policies to ensure water supply and conservation, a Stormwater Management Functional Plan, and a Construction and Demolition Waste Management Strategy. In terms of solid waste, this Plan will be guided by the previously adopted Integrated Waste Management Strategy. A Community Energy Functional Plan will promote energy efficiency and use of cleaner energy in the HRM.
- **Culture and Heritage Resources:** This Plan includes policies for the protection of the cultural and heritage resources that are an integral part of HRM's character and quality of life. Such policies encourage designation of heritage conservation districts, re-use of heritage buildings, restoring registered heritage buildings, preserving landscapes and views, and preserving archaeological resources within HRM. The Cultural Functional Plan will reinforce cultural assets as functional components of HRM's urban and rural environments, and a Heritage Functional Plan provides studies and plans to establish regional operational guidelines to protect and enhance built, cultural and natural heritage. This Plan also outlines mechanisms to work towards strengthening of the *Heritage Property Act* to ensure further protection of our cultural and heritage resources.

Public participation and input will be a key component of implementing this Plan throughout the 25 year time frame. Communication will also be an important activity, to ensure compliance with new regulations. To provide direction in the transition from regional to community planning in implementing this Plan, a Standing Advisory Committee will be created consisting of government, community and resident representatives.

Implementing this Plan over the next 25 years will be a challenging yet rewarding process. It will require the collaboration and support of all sectors of HRM's society to reach a shared vision and protect the quality of life that we know and enjoy. However, by working together, we can achieve the vision outlined in this Plan and bring long term and lasting benefits to all sectors of HRM's community.

CHAPTER 1: INTRODUCTION

1.0 OVERVIEW

This Plan reflects the vision Regional Council and residents have for HRM - to maintain and enhance our quality of life while ensuring a strong economy and a healthy and sustainable environment. It aims to grow a healthy and sustainable region by building upon the vibrancy of the Capital District and Halifax Harbour, richness of its cultural heritage, strength of its varied economy, beauty of its wilderness and ocean areas, desire for social inclusiveness, and character of its communities and built form. Regional Council endorsed the need for this region-wide plan to maintain and enhance our quality of life into the future.

This Plan was spearheaded by the Regional Planning Committee, consisting of a group of citizens and Councillors, and guided by extensive public input. It is a detailed, long-range, region-wide plan that outlines where, when and how future sustainable growth should take place in HRM. It is a framework to ensure that current and future residents continue to enjoy our present quality of life and outlines how we can preserve our environment while at the same time maintaining a strong, vibrant economy.

This is the first Regional Municipal Planning Strategy of the Halifax Regional Municipality, presenting a major step forward in integrated land use planning. Previously, 18 Municipal Planning Strategies and 15 Secondary Planning Strategies guided the communities now found within the amalgamated HRM. Under this Plan, all of these strategies are considered Secondary Planning Strategies, while this Plan provides overarching guidance for the whole region.

Planning on a region-wide integrated basis carries significant benefits to all sectors of our community. By co-ordinating planning activities and directing growth to specific compact centres, this Plan promotes efficiency in municipal service sectors while maintaining the health of the environment and local communities. The integration of transportation and land use planning will avoid future transportation costs, balance road construction with transit provision, and encourage alternatives to private automobile use. Focus can be put on improving and developing economic hubs, such as the Halifax Harbour and the Capital District, which are the economic, cultural and government centres for the Province. Rural resource lands will be protected and employment within communities encouraged, providing economic opportunities across HRM. In terms of financial impact, the expenditure of approximately \$250 million over the next 25 years in municipal capital and operating costs will be avoided as a result of the more compact, mixed use development outlined in this Plan.

Over the longer term, this Plan will guide decisions beyond immediate problems and outline specifically how HRM can change. The Plan will provide a sound basis for decision-making and will guide the private sector toward beneficial and profitable activities affecting the land and people while upholding the public interest. To do this, this Plan will require public collaboration,

cooperation and support to reach its goals. It will also require far-sighted and steadfast leadership to support the principles and goals and to maintain the long-range view. Together, we can work towards planning for a sustainable future.

This introductory chapter provides a look back at HRM's past, and a look ahead at a shared vision for the future. The next eight chapters outline in detail the policies and strategies that will achieve this future vision of the HRM.

1.1 HRM: FROM PAST TO PRESENT

1.1.1 Population Growth

HRM had a relatively stable population growth over the last 25 years. In 1976, the population was less than 280 000, rising to approximately 360 000 in 2001 (see Table 1-1). This growth has not occurred uniformly across HRM, but has instead been focussed mainly in suburban and rural areas within commuting distance of the Regional Centre (Figure 1-1).

Table 1-1: Population Through History

	1976	1981	1986	1991	1996	2001
Population	278 500	288 100	306 400	330 900	342 900	359 090
Dwelling Units	84 900	97 300	107 400	122 100	131 500	150 100
Persons per household	3.28	2.97	2.86	2.71	2.6	2.39

Source: HRM Baseline Report

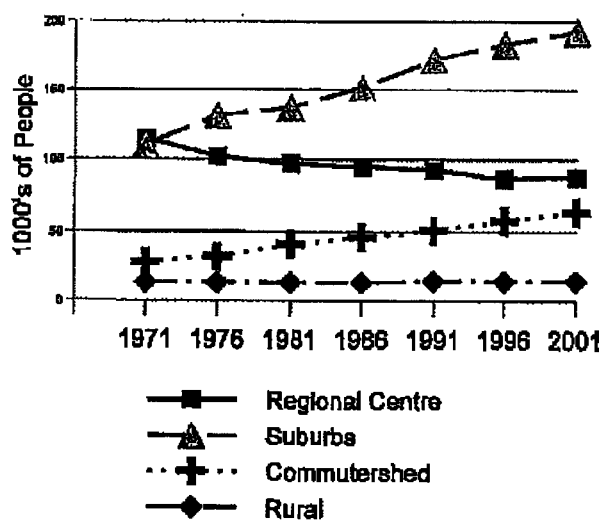


Figure 1-1 HRM Population by Subregion (1971-2001)

Source: Statistics Canada

1.1.2 Development Trends

Population growth in HRM has been affected by: public policy, taxation and finance, geography, land ownership and the market, all providing incentives or disincentives for residency. In the 1950s, HRM was very compact and most people lived in the former cities of Halifax and Dartmouth, what we now call the Regional Centre. By the 1960s, suburban subdivisions developed and rural commutershed subdivisions began to emerge. As rural areas grew, the population of the Regional Centre began to decline and development moved further out from the Regional Centre.

HRM's past population growth trend has resulted in dispersed settlement patterns in some areas, where increasingly larger amounts of land are used by individual households (Figure 1-2). The dispersed settlement pattern in turn has led to higher infrastructure and delivery costs to service these areas. Since 2000, residential development in the Regional Centre has begun to grow again, but suburban communities have continued to develop and spread across HRM.

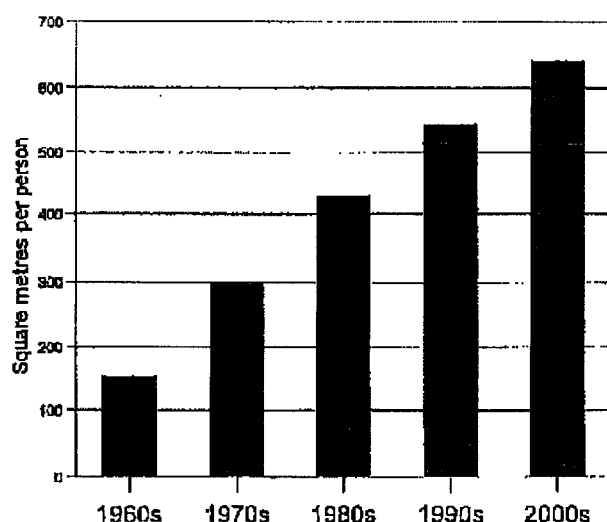


Figure 1-2 Land Subdivided for Residential Development in HRM

Source: HRM Planning and Development research

1.2 HRM: FROM PRESENT TO FUTURE

Future patterns of development for the HRM are influenced by trends in population, the strength of the economy and employment opportunities, and housing availability and need. Projected trends from now until 2026 indicate that employment will expand while the number of available workers will decrease, the age distribution will shift towards a larger proportion of residents over the age of 65, and housing demand will increase, especially in suburban areas. Each of these projected patterns is discussed in more detail below.

1.2.1 Economy and Employment

Within Nova Scotia and the broader Atlantic regional economy, HRM has traditionally shown a strong economic performance, and conditions are set to continue to create relatively more employment than the rest of Atlantic Canada over the next 25 years. However, as is seen in much of North America, labour shortages, due in part to the aging of the population and to the increasing use of technology, will be partially responsible for a gradual slowing in the net pace of job creation from 1.5 to 0.6 % per year by 2025. Employment in HRM is expected to expand by about 40 000 workers to about 230 000 persons by 2025 - representing a growth of 0.8 % per year¹. A natural

¹ Clayton Research Assoc. Ltd. and Cantwell & Co. Consulting, *Employment, Population and Housing Projections Halifax Regional Municipality (Revised)*. May 12, 2004. Halifax

increase in population alone will not be sufficient to produce an adequate supply of labour. As noted in the *Economic Potential of HRM Study*²:

"To meet projected employment opportunities over the next 25 years, immigration will have to rise from the current net annual level of 750 to reach about 3500 per year by 2025. This will require major policy and program development by all levels of government."

A strong local economy helps attract workers. HRM's economy is driven mainly by five key economic sectors which help create many of those new jobs: universities and colleges, defence, hospitals, public administration, and financial, insurance and real estate services. Together, these five sectors will account for one third of the job growth by 2026. The stability of, and prospects for, these sectors, therefore, are important to the overall economy of HRM.

1.2.2 Population

The population of HRM over the next 25 years is projected to rise in the range of 52 000 persons, using a low growth scenario, to 125 000 persons, using a high growth scenario. However the likely rise will be around 84 400 persons, with 24 000 of these coming from natural increase, and the remaining 60 000 from migration. About one third of this migration is expected to come from international sources, while the remaining two thirds is expected from other parts of Canada. This migration is ultimately influenced by local employment opportunities³.

An important feature of this projected population growth is the anticipated shift in age of the population (Figure 1-3). By 2026, there will be more than twice the number of people over the age of 65 than in HRM today, and the number of school aged children is expected to level off. This shift in age distribution will have significant implications on the demand for and type of services provided in HRM.

² Gardner Pinfold Consulting Economists Ltd. et al. 2004. *Economic Potential of HRM and Halifax Harbour*. May 2004, Halifax

³ Clayton Research et al. 2004. *Ibid*

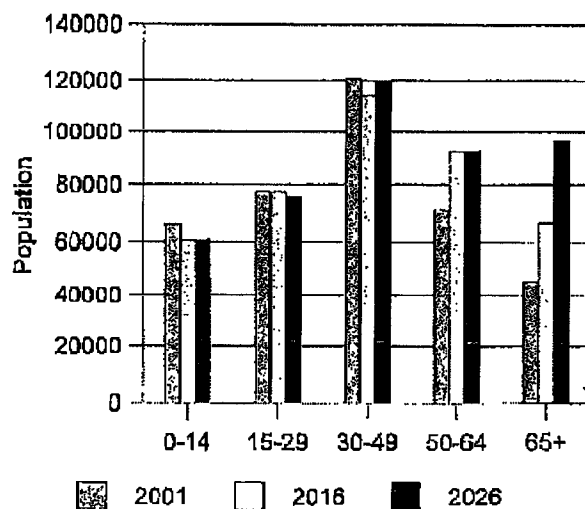


Figure 1-3 Projected HRM Population by Age Group

Source: Clayton Research, 2004

1.2.3 Housing

Potential household growth, and ultimately housing demand, is a function of the projected population by age and the number of people in each age group who are expected to head up a household. Over the period 2001 to 2026, HRM is expecting a total of 57 000 new households to emerge⁴ or 58 750 new dwelling units. The number of new dwelling units is slightly higher due to the anticipated decline in average household size (i.e., number of persons per household). Low-density housing is expected to account for the majority – about 58% – of housing completions. Medium and high-density development should account for about 42%.

Suburban areas of HRM will continue to play an important role in residential development by capturing 52% of all new housing requirements up until 2026. Approximately 26% of the demand for residential development will be in the Regional Centre, and 22% of the housing demand will be found in rural areas, primarily as single-detached housing.

⁴ Based upon the Potential Housing Demand (PHD) model maintained by Canada Mortgage and Housing (CMHC).

Table 1-2: Projected Housing Demand by Type and Sub-Region 2001-2026

Sub-region	Single and Semi	Townhouses	Apartments and Others	Total
Urban	3428	1715	9911	15 054
Suburban	18 851	735	11 013	30 599
Rural	11 996	-	1101	13 098
Total	34 275	2450	22 025	58 750

Source: Clayton Research 2004

1.3 WHY WE NEED A REGIONAL PLAN

All areas in HRM have grown in accordance with the existing 18 Municipal Planning Strategies. However, these strategies were generally developed in isolation of each other and lack an overall co-ordinated approach. Continuing with the present trends of growth and development, referred to as the Base Case, can, and has already, led to several problems. As settlement patterns evolved outside the traditional urban and suburban areas, larger residential lots were needed in more rural areas to accommodate on-site services such as well and on-site sewage disposal systems. At the current rate, projected growth would use approximately 18 000 hectares of land for housing development. The current development patterns and rate of growth, particularly in the rural commutershed areas are not only environmentally unsustainable, but are also financially unsustainable for HRM.

The negative impact of our current growth upon the environment will worsen if the status quo continues. Development affects our wildlife and natural open space corridors, wetlands, and shorelines, forcing wildlife out of natural feeding areas, and closing shellfish harvesting areas. Unchecked growth can lead to a degradation of the natural environment, higher dependence upon the automobile, increased greenhouse gas emissions, and a loss of neighbourhood and community character. A coordinated regional plan can reduce the impact of development on the environment by directing growth to compact centres and reducing the amount of land used in development.

Municipal services are much more expensive to provide when development is dispersed⁵. While there is currently a sufficient supply of piped water to meet our needs for the next several decades, this is not necessarily the case in all areas relying on private well water. Some of these areas are already experiencing water shortages and more problems are likely to develop if we do not take adequate water supply into account in determining where to build new subdivisions. Between 1980 and 2004, HRM spent approximately \$80 million on extending water and wastewater services to resolve problems in previously unserved areas.

⁵ HRM, *Settlement Pattern and Form with Service Cost Analysis*, April 2005, Halifax.

Transportation efficiency and cost-effectiveness are also affected by existing development patterns. With communities growing without a regional plan, reliance upon the automobile has increased, resulting in higher levels of congestion on our roads and unnecessary strain on existing road infrastructure. This Plan will improve on the efficiency of delivery of these municipal services through coordinated and integrated planning.

Economic growth is fundamental to the success of HRM. Poor transportation networks and increased congestion can result in an inefficient economy, higher costs and lost business. As well, declining natural areas and loss of traditional industries makes HRM less attractive to potential business investment and employees.

In terms of financial sustainability and a healthy economy, there are six critical areas where this Plan can improve HRM's long-term financial position:

1. **The Risk of Unplanned Growth** - In the absence of a plan encouraging growth in an efficient manner, growth may occur in a dispersed pattern, producing a demand for services that is expensive and inefficient to provide. HRM may invest in costly infrastructure that is not utilized to the extent designed as growth takes place in other areas.
2. **The Infrastructure Capacity Gap** - HRM's current capacity gap, the difference between the amount of funds required to maintain infrastructure and the funds available under current financial strategies, is about \$30 million per year. This Plan will work towards preventing this capacity gap from growing through proper planning and directed settlement, decreasing the demand for new assets and reducing the costs to operate, maintain and eventually replace those assets.
3. **Fair and Equitable Relationships** - The New Deal for Cities initiative of the Federal Government is beginning to provide needed assistance to municipalities for investment in infrastructure. Other levels of government are more likely to provide assistance when there is consensus on priorities. For example, in order to receive gas tax funds, a municipality must develop a community sustainable plan. This Plan identifies goals and objectives, and establishes a framework for assessing infrastructure needs, providing a clear sense of priorities. This Plan provides the foundation for sustainable growth, and places HRM in a good position to meet the federal requirements. This Plan will work towards building significant opportunities, including ensuring all levels of government share in the costs of delivering common goals.
4. **HRM's Competitiveness** - The long term prospects of any municipality depends on the health, vitality and competitiveness of its commercial sector. HRM's recently completed Economic Strategy recognizes the value of this Plan in increasing HRM's competitiveness. For example, quality of life, a vibrant centre, a competitive business climate form a significant part of the economic strategy. This Plan provides the foundation for these

strategies. A strong business climate and quality of life will encourage existing businesses to grow and attract new businesses, which in turn will provide needed tax revenues to further enhance HRM's competitiveness. Tax revenues need to be efficiently and effectively spent to maximize benefits. Inefficient taxes detract from HRM's competitiveness.

5. **Residential Taxation** - Similar to the business community, residents want tax expenditures to be efficient and fair. They want to know what services will be provided, and they want to know services will be provided fairly and consistently. The Plan provides clear direction on what services will be provided where. The tax structure is also of concern. Under the current system, efficient forms of land use cannot be taxed at preferential rates, discouraging opportunities for smart growth and inadvertently encouraging inefficient growth patterns. This Plan calls for the development of a Revenue Strategy and financial policies that encourage sustainable growth, creating a consistent foundation supporting the goals of the Plan.
6. **Community Expectations** - Community expectations form a major factor for any long-term financial plan to succeed. Community values have been expressed through numerous consultation initiatives, and support for the Plan's goals and objectives is strong. Residents and businesses are expecting protection of the environment and quality of life, a strong economy, and efficient investment of tax revenues. This plan meets the goals and objectives approved by Council.

1.4 WHERE WE WANT TO BE

HRM residents know an enviable quality of life and its distinctive characteristics make HRM an attractive place to live and sets us apart from other areas. Planning development in a way that protects these qualities is fundamental. This Plan creates a framework to shape the future growth of HRM and to preserve the qualities that are important to the citizens of HRM. We cannot prevent growth, nor should we, but can direct it so that HRM can be sustainable, prosperous and attractive for future generations. Below are the foundations upon which we will direct our growth.

1.4.1 HRM's Vision and Principles

The Regional Planning Committee used information gained during the first phase of the project to develop the vision and principles that guided the development of this Plan. These were approved by Council, and are presented below:

Vision

HRM's vision for the future is to maintain and enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment.

Guiding Principle

The Regional Plan will seek to address the needs and views of all sectors of HRM, recognizing the diversity of its citizens, community and geography.

Principles

The Regional Plan:

- provides a framework which leads to predictable, fair, cost-effective decision-making;
- supports development patterns that promote a vigorous regional economy;
- preserves and promotes sustainability of cultural, historical and natural assets;
- supports appropriate roles for the Halifax/Dartmouth central business district and local business districts as a focus for economic, cultural and residential activities;
- manages development to make the most effective use of land, energy, infrastructure, public services and facilities and considers healthy lifestyles;
- ensures opportunities for the protection of open space, wilderness, natural beauty and sensitive environmental areas; and
- develops integrated transportation systems in conjunction with the above principles.

Goals and Objectives

In preparing this Plan, Council adopted, in principle, a set of goals and objectives to guide the creation of policy.⁶ Upon completing this Plan, it will be important to monitor outcomes to determine how effective the policies are in achieving these desired goals. To facilitate this, the original goals were simplified and modified into a new set of goals and associated performance measures as outlined in Appendix A.

1.5 OPPORTUNITIES OF THIS PLAN

The co-ordinated planning strategies of this Plan provide many specific benefits over continuing with our current development pattern. These benefits are all interlinked. Improved settlement patterns reduce environmental degradation. Reduced environmental degradation improves economic opportunities for tourism, resource use, and protects quality of life. A strong economy in turn

⁶ HRM. *Regional Planning Goals and Objectives*. Halifax: January 27, 2004

attracts new community members to the HRM. The potential benefits of this Plan to each of these sectors of society is outlined in more detail below.

Environmental

- protection of natural areas through connected parks and corridors including six new regional parks;
- reduction of greenhouse gas emissions through transportation planning; and
- more land left in natural state because less land is consumed for residential development - 5000 hectares will be required with this Plan, rather than the 18 000 hectares estimated to be required without a regional plan.

Economic

- identification and protection of key marine and industrial sites on Halifax Harbour;
- long-term financial planning;
- clarity to investors and developers;
- encouragement of a strong central economic cluster (Capital District and surrounding areas) and provision of an adequate supply of business/industrial park lands; and
- protection of tourism assets, such as heritage and culture, the Capital District, and outdoor recreation areas.

Transportation

- improved access to employment centres;
- improved use of the existing transportation network through reducing congestion and improving transit use;
- reduced costs and improved services through the integration of the settlement pattern with transportation planning; and
- taking advantage of Halifax Harbour as a natural transportation corridor.

Community

- promotion of walkable, mixed-use communities where people can be more active in their daily lives;
- a foundation for improved urban and community/neighbourhood design by outlining design guidelines;
- need for only one third of the amount of new local streets than if no Regional Plan were adopted (approximately 500 kilometres compared to 1600 kilometres);
- affordable housing for all levels of income/employment, close to major employment centres;
- provision of services more efficiently across the HRM by focussing growth on key areas; and

- growth areas of sufficient size to easily accommodate the projected demand for new housing, while supporting the goals of cost effective and environmentally sustainable growth.

Service

- more people will have greater access to improved services at a reduced cost;
- a much higher percentage of homes on piped services than under the base case;
- transit service expanded 30% over the base case, through a combination of more routes, greater frequency and lower travel times (the Bus Rapid Transit program);
- greater access to public transit - more HRM residents will be within 500 metres of a transit route or stop (compared to less than 69% with the base case); and
- faster average police response times and more people living within five minutes of a fire station.

Financial

- the ability to anticipate what infrastructure is required, where and when based on a known plan;
- the acquisition of strategic parcels of land while they are still available and the scheduling of construction projects in an orderly cycle; and
- by encouraging the right density in proposed developments and reducing the dispersion and distance between communities, the costs of servicing dispersed developments across HRM can be reduced.

1.6 HOW THIS PLAN WAS CREATED

Development of this Plan began in November 2001. The project was spearheaded by the Regional Planning Committee, which consists of a group of citizens and Councillors. Phase 1 of the project consisted of research and information gathering to provide the necessary background for developing the Plan. Over 18 studies were commissioned and carried out during this phase of the project, including a study of land use opportunities for sustainable development, a brownfield analysis, a housing projections study and a rural community form and land use suitability. The second phase consisted of the development of goals, objectives, activities, and the development of the Plan. Public consultation was essential throughout both phases in gaining citizen feedback and input while developing the Plan.

The public consultation process used in developing this Plan ensured all citizens had an opportunity to participate and to provide input, and emphasized information sharing and collaboration. It involved region-wide, large-scale participatory approaches including public information meetings, open houses, focus groups, surveys, workbooks, and smaller more informal initiatives such as one-on-one meetings, local community meetings, fairs and events, and meetings with various community groups. A key goal of the consultation process was to target and engage those who might not

normally participate in a planning process. Regular newsletters, a website, regional planning displays, televised presentations and other communication initiatives provided information to the public at each step of the process.

1.7 MUNICIPAL PLANNING DOCUMENT STRUCTURE

HRM's hierarchy of planning levels will change upon the adoption of this Plan. Prior to the adoption of this Plan, planning decisions were made based on 18 Municipal Planning Strategies (MPSs) and 15 Secondary Plans (Appendix B). With the adoption of this Plan, the 18 MPSs and 15 Secondary Plans all become Secondary Planning Strategies. For greater clarity and communication purposes, the three levels of plans will be called the Regional Municipal Planning Strategy, Community Planning Strategies (previously called Municipal Planning Strategies) and Neighbourhood Planning Strategies (previously called Secondary Plans). Collectively, Community Planning Strategies and Neighbourhood Planning Strategies will be called Secondary Planning Strategies.

This Plan addresses the issue of a large number of plans guiding regional decisions, by providing a regional vision and context. Over time, with extensive public participation, it is anticipated that the number of Secondary Planning Strategies will be reduced, to provide for planning at a more district level and that local centres and communities will maintain their unique character and visions through neighbourhood planning strategies, urban/neighbourhood design and functional plans.

This Plan provides the overall policy framework that guides and directs development throughout HRM. It provides an overall vision for land use and general strategies. The implementation of the Plan is achieved through policy statements. There are four broad types of policy included in this Plan.

(1) Land Use Regulations

Policies in this Plan which will bring about change to land use regulation immediately upon adoption of this Plan are accompanied with appropriate regulation in either the land use by-law or Subdivision Bylaw or by a contract with the Municipality governing land use known as a Development Agreement. These policies are normally recognized by statements such as: "HRM shall, through the applicable land use by-law,..."

(2) Secondary Planning Strategies

Much of the vision and direction established in this Plan will be carried out after detailed land use policies have been developed at the community and neighbourhood level. There will be no immediate change in land use regulation stemming from these policies, except as otherwise provided by this Plan. These policies are normally recognized by their reference

to a Secondary Planning Strategy and are intended to guide secondary planning processes to maintain consistency with the overall direction of this Plan.

(3) **Background Studies**

Certain types of analyses must take place before detailed secondary planning exercises can be completed. These studies, such as watershed analyses and urban design studies for the Capital District are defined in policy.

(4) **Functional Plans**

The purpose of a functional plan is to guide the management of the Municipality as defined in the *Municipal Government Act*. They do not represent land use policy but rather HRM's intent to create detailed management guides for setting budgets for programs, services and facilities consistent with the implementation of this Plan. Functional Plans will also guide HRM in the ongoing management of strategic initiatives, partnerships and demonstration projects useful to seeing the full potential of this Plan realized over time.

1.7.1 Important Terms

There are three frequently used terms found in various policy statements of this Plan— "shall", "should" and "may". The word "shall" denotes a mandatory action, the word "should" denotes a discretionary action and "may" denotes a permissive action.

The term "shall consider" frequently appears in the context of policies respecting secondary planning strategies. This term denotes the mandatory consideration of policy concepts but does not commit HRM Council to the eventual adoption of policy in secondary planning strategies.

1.8 ORGANIZATION OF THIS PLAN

This Plan is organized into the following chapters:

Chapter 1 - Introduction: provides a brief history of HRM's past and present trends in population, development, housing, economic and social sectors. The Introduction sets out HRM's vision for the next 25 years and explains how this Plan will benefit the HRM in working towards these goals.

Chapter 2 - Environment: addresses the protection of land, water, and air. It includes such issues as riparian buffers, forest cover, and the natural network (wildlife corridors and species at risk). This chapter provides the framework for four functional plans to be completed within the first five years of adopting this Plan - Water Quality Monitoring, Open Space, Urban Forest, Potential Hazards to Development and Emissions Reduction Functional Plans.

Chapter 3 - Settlement and Housing: explains and addresses policies related to the five settlement land use designations: 1) Urban Settlement, 2) Rural Commuter, 3) Rural Resource, 4) Agricultural, and 5) Urban Reserve, in addition to the Halifax Harbour and associated centres. This section includes community design guidelines for directing the appearance of the centres, in addition to policies for residential infill, incentives for opportunity sites, and the public realm. Relative to housing, it focuses on how this Plan will encourage a variety of housing types to serve different stages of life, and will work towards affordable housing that is integrated into the overall community. This chapter also provides a framework for the completion of the Opportunity Sites Functional Plan and the Affordable Housing Functional Plan.

Chapter 4 - Transportation: addresses the type of system needed to support the preferred settlement pattern and direct financial investment and planning for major infrastructure construction, as well as co-ordination of the investment. This chapter also describes the Transportation Master Plan and the following Functional Plans: Road and Road Network, Public Transit, Active Transportation, Transportation Demand Management and Regional Parking Strategy.

Chapter 5 - Economy and Finance: identifies a number of important economic drivers - the universities and colleges, defence, hospitals, public administration and financial, insurance and real estate services. This Plan seeks to encourage, support, and maintain these drivers and other important industries, including rural resource and tourism business, to promote a vibrant, sustainable and healthy community for citizens and business. The importance of the Capital District and Halifax Harbour are highlighted as key areas for sustaining and growing the economic success of the region. A framework for implementing the supporting Economic Development Strategy is also included.

Chapter 6 - Culture and Heritage Resources: reflects the contribution of culture and heritage on HRM's economic vitality (e.g. cultural tourism) and on the overall quality of life. Protection of these important resources is achieved through policies on built heritage, protection of view planes and cultural landscapes, promotion of art and culture, the establishment of heritage conservation districts, and the definition of archaeological resources.

Chapter 7 - Water, Wastewater, Utilities and Solid Waste: focuses on how needs such as wastewater disposal and water supply will be addressed and how such utilities as wind turbines, landfills and cell towers will be regulated.

Chapter 8 - Implementation: explains how this Plan will be implemented, specifically how land use policies will be carried out and the links between policies and secondary planning strategies. This section also has a plan for implementing specific activities in the short, medium and long term.

Chapter 9 - Governance: explains who will be responsible for the activities and policies outlined in this Plan, focussing specifically on the collaboration between government, public and private agencies, and citizens of the HRM. Processes for future Community Visioning exercises and Secondary Planning Strategy preparation are also explained.

CHAPTER 2: ENVIRONMENT

2.0 INTRODUCTION

Protection of water, land and air is a significant component of this Plan. The natural environment is one of the defining features of HRM, with its extensive coastline, lakes, rivers and vast forested areas. Citizens have indicated that anticipating the potential effects of climate change and protection of the natural environment are key priorities for preserving quality of life, community identity, and opportunities for outdoor recreation. The natural environment also provides many ecological and economic benefits to the residents of HRM. Maintaining a healthy natural environment thus makes good economic sense.

Encompassing Atlantic Canada's largest urban centre, HRM's natural environment is under constant pressure from the impacts of urban development. Despite these impacts, HRM's natural environment continues to support large mammal populations such as moose and bear, provides groundwater resources to one quarter of HRM's population for drinking water supply, and supports numerous natural features such as lakes, rivers, estuaries, and forest systems that are worth preserving.

Taking a balanced approach toward environmental protection and development is key to an environmentally and economically sustainable future. In the short-term, this Plan aims to protect the natural environment by establishing development practices that are sensitive to water, land and air. It also aims to foster the development of an integrated system of natural areas, parks, trails and corridors to maintain ecosystem health and preserve HRM's quality of life. Over the long-term, watershed studies and functional plans will be undertaken to support the development of integrated environmental planning practices at the local level.

Many of the lands within the natural network are under federal or provincial jurisdiction. Private landowners and non-governmental organizations also have an important stewardship role in protecting the natural network. This Plan promotes the cooperation of other government agencies, private landowners, and non-government organizations to achieve good environmental management and planning that supports a more environmentally sustainable form of development in HRM.

2.1 OPEN SPACE NETWORK

HRM has a vast network of open space. While the conventional concept of open space may imply parks or untouched natural areas, the term "open space" is used here as a land use category to refer to several additional types of land uses with a wide range of functions. Open space is publicly or privately owned, undeveloped land or water, intended to be preserved for agricultural, forest, community form, ecological, historical, public safety, or recreational purposes. It consists of lands for natural resources, agriculture, recreation, environmentally sensitive areas, hazard prone lands, cultural heritage landscapes, natural corridors and trails and preservation areas for potable water and waste/resource management as outlined in Table 2-1.

Table 2-1: Open Space Typology

Land Use Type	Land Use Function - All of the following open spaces include, but are not limited to, the following functions:
Natural Resource	<ul style="list-style-type: none"> - Areas important for the sustainable production of minerals or fibre, such as, forest and mineral lands. - Areas required for ground water recharge. - Bays, estuaries, marshes, rivers and streams important for the management of commercial fisheries and aquaculture. - Areas required for the protection and enhancement of air quality and the reduction of greenhouse gases.
Agriculture	<ul style="list-style-type: none"> - Areas important for the sustainable production of food.
Recreation	<ul style="list-style-type: none"> - Areas of outstanding scenic, historical and cultural value. - Areas suited for passive and active recreation. - Federal, provincial and municipal parks. - Wilderness areas. - Public access to coastal and lake shores, beaches, rivers and streams. - Areas which serve as links between recreation and open space lands, including utility easements, banks of rivers and streams, trails, water trails, and scenic road corridors.
Environmentally Sensitive Areas (ESA)	<ul style="list-style-type: none"> - Areas required for the preservation of plant and animal life. - Habitats for fish and wildlife species. - Areas required for ecological and other scientific purposes. - Rivers, streams, bays, estuaries and coastal beaches, lakeshores, banks of rivers and streams and watershed lands.
Natural Corridors	<ul style="list-style-type: none"> - Naturally vegetated or potentially re-vegetated lands that connect, link or border critical ecological attributes and functions and also provide ecological functions such as habitat, migration routes, hydrological flows, connections or buffering from adjacent impacts. These include such components as woodlands, waterbodies, watercourses, valley lands, riparian zones, and shorelines.
Hazard Lands	<ul style="list-style-type: none"> - Areas requiring special management or regulations, e.g. steep slope areas, floodplains, wetlands, watersheds, geo-hazards.
Preservation	<ul style="list-style-type: none"> - Areas required for the protection of potable water quality and water reservoirs. - Areas required for the protection of past, current and future sanitary landfill operations.
Cultural Heritage Landscapes	<ul style="list-style-type: none"> - Scenic cultural and natural resources, such as, civic squares, town centres, heritage parks, farmlands, woodlands and open water which provide an open space context to the built heritage of a community.
Community Form	<ul style="list-style-type: none"> - Areas which can be used to separate, shape and define compact urban and rural developments.

2.1.1 Natural Networks

Growth and development throughout HRM has been shaped by a natural network of open space, covering the interior of the Municipality which is generally inaccessible by public road. It consists mainly of provincial Crown lands as well as lands owned by private companies for forest production and harvesting.

The open space network consists of regional parks, natural corridors and trail systems that have been developed by government agencies, non-governmental organizations and private land owners. The trail systems have become the backbone of a system of interconnected open space and provide opportunity for activities such as back country hiking, biking, portaging and nature appreciation. The natural corridors interconnect natural areas and provide opportunity for wildlife to migrate between habitat patches and maintain natural ecological functions.

Within HRM, this network of open space serves many functions. It shapes settlement form and provides natural resources that support the economy and preservation of our cultural heritage. It provides opportunity for outdoor recreation and aesthetic enjoyment. It also provides habitat for wildlife and performs important environmental services such as the retention of flood waters, uptake of nutrients, abatement of pollution and moderation of climate. It is, therefore, important to strengthen the connection between natural areas, parks and communities to conserve biodiversity, provide opportunities for outdoor recreation, retain HRM's natural and cultural heritage, support the retention of important environmental systems and preserve HRM's quality of life.

E-1 HRM shall establish an Open Space and Natural Resource Designation, shown on the Generalized Future Land Use Map (Map 2), as the area encompassing a natural network of open space in the interior of HRM. The Open Space and Natural Resource Designation shall apply to government-owned and private resource sector lands and generally include the following:

- (a) federal parks;
- (b) habitat protected by federal and provincial legislation;
- (c) regional parks;
- (d) trail networks;
- (e) provincially designated parks;
- (f) provincial parks reserves;
- (g) provincially designated wilderness areas and nature reserves;
- (h) provincial Crown lands classified C1(resource) and C2 (resource and recreation) under the Integrated Resource Management Plan by the Province⁷;
- (i) private conservation areas;
- (j) all municipal conservation areas;
- (k) wetlands;

⁷ NS Department of Natural Resources (DNR). *Integrated Resource Management - Introduction*. <http://www.gov.ns.ca/natr/irm/introduction.html> Accessed Aug. 15, 2003

- (l) salt marshes;
- (m) beaches;
- (n) commercial forestry, agriculture and fishery lands;
- (o) environmentally sensitive areas;
- (p) natural corridors; and
- (q) cultural landscapes.

- E-2** To preserve the interconnected system of open space and minimize fragmentation within the Open Space and Natural Resource Designation, HRM shall, through the Subdivision By-law, prohibit residential development on new roads.

Due to the inability to create frontage through the construction of new public roads, it is appropriate to create an alternative mechanism by which the limited traditional subdivision of lots for kinship purposes is possible. The Subdivision By-law contains provisions which are designed in part to ease the development constraints of lands with minimal road frontage. Those provisions permit the creation of an additional lot which does not meet the minimum road frontage requirements provided the area of land being divided was in existence prior to August 1, 1987. Many properties have been created since that date so, to be equitable to all landowners within the Open Space and Natural Resource Designation, it is appropriate to adjust this date forward to coincide with the effective date of this Plan.

- E-3** HRM shall, through the Subdivision By-law, provide for the creation of one additional lot from any area of land, within the Open Space and Natural Resources Designation and in existence prior to the date of Council's first notice of its intention to adopt this Plan, which does not meet minimum road frontage requirements.

2.1.2 Parks and Trails

Table 2-2 contains a description of HRM's Park Classification System. The system is made up of Neighbourhood Parks, Community Parks, District Parks, and Regional Parks. The table gives an overview of parks typically provided within HRM. Included in the park classification system, are descriptions of the function and design features of the park type, and the number of households served by park type. With the exception of the Regional Park classification which includes federal and provincial parks, all other park classifications refer to municipally-owned parks. The parks serve the recreation needs of a growing population and the trail system, which is developing throughout HRM, provides critical linkages between communities and these outstanding natural and historical features which serve HRM.

Table 2-2: Parks Classification System

Park Type	Park Function
Neighbourhood Parks	Neighbourhood Parks are primarily designed to provide unorganized play activities for children, quiet seating or rest areas and/or linear linkages between other municipal parks or open spaces. These parks typically provide centrally located recreational services for neighbourhoods of 80 - 120 households.
Community Parks	These parks may be designed for organized youth and recreational adult level sports but may also include facilities for play by children. These areas may also be designed for passive recreation and left in a predominantly natural state. Community Parks are primarily intended to serve the recreation needs of a community comprised of three or four neighbourhoods with a population in the range of 1200 persons.
District Parks	District Parks are primarily intended to serve the recreation needs of several communities with a population in the range of 10 000. District Park facilities may provide a range of recreational uses including, but not limited to, walking and cycling trails, sports fields, picnic areas, supervised beaches, and play facilities for children.
Regional Parks	The primary objective of a Regional Park will be to preserve and protect significant natural or cultural resources. The essential feature of a Regional Park may include, but not be limited to, open space, wilderness, scenic beauty, flora, fauna, recreational, archeological, historic or geological resources. A Regional Park will have sufficient land area to support outdoor recreational opportunities for the enjoyment and education of the public. The size of a Regional Park must be sufficient to ensure that its significant resources can be managed so as to be protected and enjoyed. Regional Parks may be federal, provincial or municipal properties and are intended to serve the educational, cultural and recreation needs of the population of the entire region as well as for visitors to HRM.

2.1.3 Regional Parks

The Regional Parks system consists of public lands administered by federal, provincial and municipal agencies that have been recognized as regional parks based on their open space, wilderness, scenic beauty, flora, fauna, recreational, archeological, historic or geological resources. These parks include areas designated as historic sites by Parks Canada (Halifax Citadel, George's Island, York Redoubt). The system also includes areas designated as Provincial Parks, Non-designated Provincial Parks and Provincial Park Reserves by the NS Department of Natural Resources. Some municipal parks meeting the regional park criteria (Table 2-2) such as Point Pleasant, Western Common, Admiral's Cove have also been included in this system. Further planning for regional parks to take place in conjunction with the Open Space Functional Plan could include more municipally-owned parks that meet the regional park criteria.

The 1975 Halifax Dartmouth Regional Development Plan, repealed in 1998, contained policies and Regional Park designations supporting a Regional Parks and Trail System. The objectives were to preserve seven natural landscapes of outstanding value and to establish interconnected trail system between them. Over the years, the Province and former municipalities acquired lands to create the present Regional Park system. However, the full scope of the plan was not completed. This, coupled with future population growth contemplated at higher densities for urban and suburban areas, requires additional areas to be preserved for future Regional Park development.

HRM intends to create additional Regional Parks at various locations throughout HRM including the Western Common, Blue Mountain - Birch Cove Lakes, Feely Lake, Jacks Lake, Second Lake, and Porters Lake. The existing and additional Regional Parks are identified in Table 2-3.

Further analysis is necessary to determine appropriate geographic boundaries for the Western Common, Porters Lake and Blue Mountain - Birch Cove Lakes parks. Lands within the Western Common and Porters Lake parks are publically owned and the definition of park boundaries will be determined through the Open Space Functional Plan. Once the appropriate boundaries are established, the lands will be zoned Regional Park.

Lands within the Blue Mountain - Birch Cove Lakes Park are both privately and publically owned and a study⁸ has been completed to determine appropriate boundaries for the park. A conceptual geographic area for the park is shown on Map 13. It is the intention that, over time, the necessary private lands within the park be acquired for public use. Methods of acquisition range from provincial and municipal partnerships, as financial resources permit, land trades and conservation easements. Once acquired, public lands within the park will be re-designated as Open Space and Natural Resource and zoned Regional Park. Lands outside the park will be designated and zoned for development as appropriate.

The Jacks Lake lands are under the ownership of HRM except for approximately 20 hectares (exact boundaries to be determined) in the ownership of the Province of Nova Scotia. HRM intends to carry out a study to determine the appropriate geographic boundaries of the Jacks Lake Park. Through the secondary planning process for the Sandy Lake Urban Settlement area, the remainder lands, including the lands owned by the Province, will be examined for re-designation to permit development as appropriate.

⁸ Halifax Regional Municipality (HRM), NS Department of Natural Resources (DNR), NS Department of Transportation and Public Works (TPW). 2006. *Blue Mountain/Birch Cove Lakes Assessment Study*. Prepared for HRM, DNR, and TPW by Environmental Design Management (EDM) Ltd. March 2006.

Table 2-3: Regional Parks

Existing Regional Parks	Responsible Agency
Admirals Cove Park	HRM
Canal Lakes Park	HRM / Shubencadle Canal Commission
Cole Harbour - Lawrence Town Coastal Heritage Park	HRM/DNR
Hemlock Ravine Park	HRM/DNR
Long Lake Provincial Park	DNR
McNab's Island Provincial Park	DNR/Parks Canada
Sandy Lake Park	HRM
Additional Regional Parks	Responsible Agency
Blue Mountain - Birch Cove Lakes Park	DNR/HRM
Faaly Lake	DNR
Jacks Lake Park	HRM
Porters Lake Park	DNR
Second Lake Provincial Park	DNR
Western Common Wilderness Area	HRM

- E-4** Within all designations, HRM shall establish a Regional Park Zone under the land use by-law. This Zone shall generally be applied to all Federal Parks, Provincial Parks, Provincial Park reserves, non-designated Provincial Parks and the new Regional Parks designated under this Plan. Within the Blue Mountain - Birch Cove Lakes Park, the zone shall only be applied to the publicly owned lands. This Zone shall permit recreation uses, park uses and other uses as provided by the existing secondary planning strategies for these areas.

2.1.4 Municipal Parks

There are increasing expectations concerning the quality and quantity of municipally-owned public spaces dedicated to recreation and leisure pursuits. HRM is predicted to experience steady growth in residential development during the life of this Plan. Given the higher densities desired for growth centres within HRM, there will be additional requirements for more open space and parks to serve the recreation and leisure needs of local residents. Therefore, the dedication of land through the subdivision process is to be increased to 10% as enabled under the *Municipal Government Act*.

- E-5** HRM shall, through the Subdivision By-law, establish a requirement for a minimum of 10% park dedication for new subdivisions. Existing residential subdivisions outside of the Interim

Growth Management Area as well as those recognized under Policies S-20, S-22 and S-28 shall be subject to a 5% park dedication requirement.

2.1.5 Natural Areas and Natural Corridors

Natural areas include significant ecological features within the regional landscape. They play a vital role in protecting vegetation, fish and wildlife which are significant to the biodiversity, beauty and character of HRM. Within HRM are five designated wilderness areas and a portion of a sixth designated under the *Special Places Protection Act*. HRM and non-governmental conservation organizations have acquired and permanently protected other environmentally sensitive areas throughout HRM.

Protection of isolated blocks of habitat will not adequately protect wildlife in HRM. The size and continuity of natural corridors contribute to the overall connectivity of natural landscapes, which are in turn critical to reducing losses of native species of flora and fauna caused by development practices. The length and width of wilderness networks is determined by the requirements of desired wildlife species as well as other desired uses within the network. For example, it may not be possible to protect wide corridors and thereby accommodate larger species in all areas within the Urban Settlement Designation. Secondary networks address some of the problems of habitat fragmentation for smaller species within the Urban Settlement Designation.

There are 14 Natural Corridors which are significant to the on-going connectivity and conservation of HRM's natural network as shown on the Parks and Natural Corridors Map (Map 4). Potential linkages are identified on this map. The primary function of these corridors and policies that support them is to conserve wildlife habitat and, in some cases, also conserve riparian, recreational and cultural lands. Over time, it is the intention of HRM to work cooperatively with provincial and federal agencies, non-governmental organizations and land owners to achieve an interconnected system of open space as shown on the Trails and Natural Networks Map (Map 3) and the Parks and Natural Corridors Map (Map 4).

- E-6 Within the Open Space and Natural Resource Designation, HRM shall, through the applicable land use by-law, establish a Protected Area Zone. This Zone shall be applied to wilderness areas which have been designated under the *Wilderness Areas Protection Act*, nature reserves designated under the *Special Places Protection Act*, and conservation-related properties owned by government or private conservation organizations. The Zone shall only permit scientific study and education, trails and similar public, conservation and recreational uses.
- E-7 Further to Policy E-6, HRM shall encourage the Province to evaluate the potential for the designation of the Ship Harbour Long Lake Crown block for protection under the *Wilderness Areas Protection Act*.

2.2 WATER RESOURCES

Water, a limited and precious resource, is one of HRM's highly valued environmental assets. Protection of this resource for potable waters supply, wildlife habitat, recreational enjoyment, and aesthetic value is important to HRM. HRM's strategy is aimed at protecting this resource through land use control and retention of those features that regulate water flow, mitigate flooding, reduce water pollution and protect ecological functions. Restoration and protection of water quality in Halifax Harbour is discussed in detail in Chapter 5.

2.2.1 Potable Water Supply

The protection of the watersheds designated for municipal water supply is a matter of regional importance. The Pockwock Watershed serves the communities of Halifax, Bedford, Sackville, a portion of Fall River, Waverley and Timberlea. The Lake Major Watershed serves the communities of Dartmouth, Eastern Passage, Cole Harbour and Westphal. Communities in Grand Lake, Lake Thomas, a portion of Fall River, Enfield and the adjacent Municipality of East Hants rely on water from the Shubenacadie River Watershed. The Bennery Lake Watershed is a water source for the Halifax International Airport and Aerotech Industrial Park but future expansions could require HRM to draw from Shubenacadie Grand Lake.

The land uses permitted within these watersheds should not threaten water quality. Low-density residential, conservation related uses and resource activities may be undertaken in some of these watersheds without having adverse effects on water quality. Currently, with the exception of the Grand Lake and Lake Thomas watersheds, land use activities are regulated under existing land use by-laws leading to a wide variation in the range of permitted land uses in the conservation zones of each community. HRM will continue to allow for a variety of land uses as currently permitted at the community level as long as these uses do not threaten the municipal water supply. Activities and practices within the provincially designated Pockwock Lake, Lake Major and Bennery Lake watersheds are further restricted by their respective regulations prescribed under the *Environment Act*.

Consideration needs to be given to adopting sustainable measures to manage the supply of potable water for HRM communities that draw water from Lake Thomas and Grand Lake. The future water supply needs of the Halifax International Airport and Aerotech Industrial Park also need to be considered.

- E-8 HRM shall, through the applicable land use by-law, establish a Protected Water Supply Zone. This Zone shall be applied to all publically owned lands within designated public watersheds including, but not limited to, the Pockwock, First and Second Chain Lakes, Lake Major, Bennery Lake watersheds and to lands around Topsail Lake and Lake Lamont and Tomahawk Lake. This Zone shall also be applied to private lands within these watersheds as is necessary to protect the public water supply. The Zone shall permit 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.

2.2.2 Wetlands Protection

Wetlands and other watercourses are vital components of the hydrological cycle and affect the quality and quantity of groundwater. They are natural filters for removing sediment, contaminants and excessive nutrients which are drawn up by the vegetation and settle out naturally before entering groundwater. They absorb peak stormwater flows, reducing the risk of flooding downstream while offsetting groundwater extraction to reduce the risk of wells running dry. Wetlands also provide habitat for fish and wildlife and provide opportunities for education and research. Moreover, wetlands are also unsuitable for development as they pose a hazard for the stability of structures, but they do enhance the overall aesthetics of a community. The protection of wetlands is therefore essential.

The alteration of wetlands falls under provincial jurisdiction. Wetlands less than 2 hectares in area are assessed under the Nova Scotia Wetland Designation Policy and those more than 2 hectares in area require an environmental impact assessment reviewed under the *Environmental Assessment Act*. Through this Plan, it is HRM's intent to prohibit the development of wetlands until such time as they are made suitable for development in accordance with provincial requirements.

- E-9** HRM shall, through the applicable land use by-law, establish a Wetlands Schedule to be used as a reference in determining the presence of wetlands 2000 m² or greater in area. On all applications for development approval, the by-law shall require the proponent to verify the existence and extent of any wetland shown on the schedule. The by-law shall prohibit development within any such wetland.

2.2.3 Riparian Buffers

Retaining riparian buffers around watercourses and along the coastline is important for the protection of water quality, wildlife and the protection of property from natural hazards of flooding. In addition to the functions of flood regulation, riparian buffers reduce the impacts of sedimentation and erosion and nutrient loading on watercourses, regulate the temperature of adjacent watercourses, provide important wildlife habitat and add aesthetic value to HRM.

The *Water Resource Management Study*⁹ recommends the adoption of riparian buffers as established by the Department of Natural Resources. These setbacks are considered adequate for stream bank stability, water temperature regulation and aesthetic value. They also provide minimal protection of wildlife and flood mitigation and partial benefits for sediment removal. They will be used as a general method of riparian buffer protection for the whole of HRM until buffers that meet the specific needs of each watershed can be determined through the watershed studies and implemented through secondary planning processes.

To maximize the protection benefits of riparian buffers, trees, shrubs, ground cover vegetation and soils must be protected. Retaining native vegetation and native soils enhances runoff storage

⁹ Dillon Consulting Ltd. *HRM Water Resource Management Study*. Dec. 2002. Halifax.

capacity, infiltration, and nutrient recycling. The canopy should also be retained over watercourses, soil erosion should be prevented, and activities or land uses which introduce nutrients or contaminants into watercourses need to be excluded. In some cases it may also be determined that HRM should consider the ownership of riparian buffers to protect public interest and public access.

- E-10 HRM shall, through the applicable land use by-law, require the retention of a minimum 20 metre wide riparian buffer along all watercourses throughout HRM to protect the chemical, physical and biological functions of marine and freshwater resources. The by-law shall generally prohibit all development within the riparian buffer but provisions shall be made to permit board walks, walkways and trails of limited width, fences, public road crossings, driveway crossings, wastewater, storm and water infrastructure, marine dependent uses, fisheries uses, boat ramps, wharfs, small-scale accessory buildings or structures and attached decks, conservation uses, parks on public lands and historical sites and monuments within the buffer. In addition, no alteration of land levels or the removal of vegetation in relation to development will be permitted.
- E-11 Policy E-10 shall not apply to lands designated Halifax Harbour on the Generalized Future Land Use Map (Map 2), industrial lands within the port of Shear Harbour and lands within the Waterfront Residential (R-1C) Zone under the Shubenacadie Lakes Secondary Planning Strategy.
- E-12 Further to Policy E-10, where a use or development can be considered by development agreement, HRM shall consider, under the development agreement, the acquisition of riparian buffers as public open space as well as alternative uses within the buffers.
- E-13 Further to Policy E-10, HRM shall, through the applicable land use by-law, relax the riparian buffer requirement for lots in existence on the effective date of this Plan and lots shown on current tentative and final subdivision applications, where otherwise development would be prohibitive. No relaxation to the buffer under the by-law shall be permitted for lots created after the effective date of this Plan.

2.2.4 Floodplains

Land adjacent to rivers and streams which are subject to flooding (floodplains) are unsuitable for development. Development or alteration of a floodplain can restrict the normal water drainage patterns and cause significant damage to property and infrastructure and risk to life. Limiting development on these lands reduces the need for costly flood control infrastructure such as channels, reservoirs and dykes, and protects the public from property damage and loss of life.

To minimize the effects upon natural stormwater flows, HRM will exercise control over the placement and stabilization of fill necessary for the flood proofing of structures permitted within a floodplain designation of a Secondary Planning Strategy. Through the review of subdivision applications, any roadways proposed within a floodplain designation will need to meet HRM's stormwater requirements. The following policies are intended to mitigate the consequences of

flooding along major rivers and stress the environmental importance of rivers in regulating and draining water flows through watersheds.

- E-14 HRM shall restrict development and prohibit the placement of fill or alteration of grades in association with development that restricts the capacity of flow or increases flood levels within the 1 in 100 year and 1 in 20 year floodplains for designated watercourses, under secondary planning strategies and land use by-laws. Boardwalks and walkways, conservation uses, historic sites and monuments and wastewater, stormwater and water infrastructure shall be permitted within floodplains.
- E-15 Notwithstanding Policy E-14, within the 1 in 100 year floodplain, provisions may be made in secondary planning strategies and land use by-laws to permit development which has been adequately flood-proofed.

2.2.5 Coastal Inundation

Sea level has slowly risen along the Atlantic Coast, accelerated by global warming. Expected increases in the frequency and severity of storm events related to climate change is an additional concern. Rising sea levels and storm surges can result in increased damage to coastal communities and have significant impacts on coastal infrastructure, environmental assets, utilities, property and community economic development. The following policy mitigates the potential impact that coastal inundation and storm surge events could have on human safety. It is intended as an interim measure pending the completion of the Potential Hazards to Development Functional Plan.

- E-16 HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 2.5 metre elevation above the ordinary high water mark, except for lands designated Halifax Harbour on the Generalized Future Land Use Map (Map 2) and industrial lands within the port of Sheet Harbour. Provisions shall be made within the by-law to permit residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses within the 2.5 metre elevation.

2.3 WATERSHED PLANNING

The *Water Resources Management Study*¹⁰, which forms the basis of the policies contained in this Chapter, recognizes that watersheds are the fundamental unit for understanding water resources and undertaking watershed planning. Environmental features - water, soils, vegetation, habitat - within a watershed are all interconnected, and land use activities in one part of a watershed can adversely affect the quality and quantity of water in another. We must, therefore, plan communities based on watershed analysis to protect those environmental features and functions that sustain our desired objectives for water quality and quantity in urban, suburban and rural areas.

¹⁰ Dillon Consulting Ltd, Dec. 2002, Ibid

Planning on a watershed basis will be undertaken in greater detail during the review of secondary planning strategies, following the completion of watershed studies. These strategies may also be shaped by new information available from research to be undertaken as part of functional plans identified later in this Chapter. Policies here support the need for secondary planning strategies to reinforce and support the overall direction of this Plan, and provide a guide for the basis of secondary municipal planning strategies.

Although it is not the intention of this Plan to achieve pristine conditions for every watershed, there is a desire to achieve public health standards for body contact recreation and to maintain the existing trophic status of our lakes and waterways to the extent possible. Our lakes, waterways and coastal waters should not be further degraded. We must, therefore, plan on a watershed basis, identify remedial measures to improve waterbodies at risk, and protect those environmental features and functions which sustain our desired objectives for water quality and quantity in urban, suburban and rural areas. Watershed studies will, therefore, be prepared as background information to be considered in the development of future secondary planning strategies.

E-17 Watershed or sub-watershed studies concerning natural watercourses shall be carried out as part of comprehensive secondary planning processes. These studies shall determine the carrying capacity of the watersheds to meet the water quality objectives which shall be adopted following the completion of the studies. The studies, where appropriate, shall be designed to:

- (a) recommend measures to protect and manage quantity and quality of groundwater resources;
- (b) recommend water quality objectives for key receiving watercourses in the study area;
- (c) determine the amount of development and maximum inputs that receiving lakes and rivers can assimilate without exceeding the water quality objectives recommended for the lakes and rivers within the watershed;
- (d) determine the parameters to be attained or retained to achieve marine water quality objectives;
- (e) identify sources of contamination within the watershed;
- (f) identify remedial measures to improve fresh and marine water quality;
- (g) recommend strategies to adapt HRM's stormwater management guidelines to achieve the water quality objectives set out under the watershed study;
- (h) recommend methods to reduce and mitigate loss of permeable surfaces, native plants and native soils, groundwater recharge areas, and other important environmental functions within the watershed¹¹ and create methods to reduce cut and fill and overall grading of development sites;
- (i) identify and recommend measures to protect and manage natural corridors and critical habitats for terrestrial and aquatic species, including species at risk;

¹¹ Gibbon, J. *Addressing Imperviousness In Plans, Site Design and Land Use Regulations, Non-Point Education for Municipal Officials*. 1998. Technical Paper Number 1, University of Connecticut.

- (j) identify appropriate riparian buffers for the watershed;
- (k) identify areas that are suitable and not suitable for development within the watershed;
- (l) recommend potential regulatory controls and management strategies to achieve the desired objectives; and
- (m) recommend a monitoring plan to assess if the specific water quality objectives for the watershed are being met.

2.4 FUNCTIONAL PLANS

Resolution of environmental protection issues addressed in this Chapter requires specific programs or activities on the part of HRM. While some of this activity will be undertaken as part of HRM's ongoing work, many issues will be addressed through functional plans which are described in more detail in the following sections.

2.4.1 Water Quality Monitoring Functional Plan

HRM will strive to meet body contact recreation standards for our lakes, waterways and coastal waters where feasible. It is also the desire of HRM to stem the decline of lakes from the accelerated process of eutrophication, and sedimentation and inputs from other urban runoff by managing development on a watershed basis.

To examine where and how these long-term objectives may be met, an on-going water quality monitoring program is needed for selected lakes. The program is to be designed and undertaken by qualified persons financed in whole or in part by developers proposing large-scale developments which could have a significant impact on lakes through a master planning or development agreement process. Monitoring of water quality will be based on national guidelines established by the Canadian Council for Ministers of the Environment (CCME), including the Canadian Guidance Framework for the management of phosphorous in freshwater systems. Details of the program are to be negotiated under the terms of a development agreement in consultation with the applicable Watershed Advisory Board.

The Water Quality Monitoring Functional Plan should consider:

1. specifying the duration of monitoring for the pre-construction, construction and post-construction phases of development;
2. specifying the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase of development;
3. assessing lake water quality against the water quality objectives established under Policy E-17 to detect changes such as eutrophication, which would be used as a basis for re-evaluating watershed management controls and future development potential within the area;
4. conforming with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council; and
5. establishing an on-going monitoring program for selected lakes and rivers to determine the state of water resources and to detect changes over time.

- E-18** HRM shall prepare a Water Quality Monitoring Functional Plan to establish a comprehensive water quality monitoring program for the Municipality.

2.4.2 Open Space Functional Plan

A comprehensive Open Space Functional Plan is necessary to help determine an economically and environmentally sustainable strategy for the equitable maintenance and distribution of parks and natural open space throughout the Municipality. To guide the development of the Open Space Functional Plan, the Open Space Typology and Park Classification System outlined in Tables 2-1 and 2-2 shall be used.

The Open Space Functional Plan should consider:

1. coordinating and managing a program to research and identify potential natural corridor linkages, community networks and significant natural habitats to guide considerations of future development (see Map 5, Significant Habitats and Endangered Species and Appendix C: Species at Risk in HRM 2004);
 2. coordinating and managing a program to research and identify potential urban corridors for the restoration of natural corridor linkages, community networks and significant natural habitats to guide considerations of future development;
 3. establishing selection criteria and acquisition guidelines for natural open space areas and sustainable natural open space management strategies;
 4. assessing opportunities to further the development and establishment of management plans for the 1975 Regional Park System, the new Regional Parks proposed under this Plan, and other areas identified for their potential as regional parks;
 5. developing a system of interconnected public open spaces throughout HRM to include municipally-owned parks, public access to coastal areas and watercourse shorelines, water route and land-based trails as illustrated on the Trails and Natural Network Map (Map 3), conservation areas, schools, natural corridors and habitats and other public facilities;
 6. establishing a trail network that includes a variety of trails such as linear parks, hiking trails, nature trails and scenic loops;
 7. including a comprehensive planning approach for the retention of coastal and freshwater lake access and incentives for the protection of watercourse buffers;
 8. developing an operational framework to include community partners, federal and provincial departments, non-profit groups and private sector companies and organizations in parks and natural open space planning and management; and
 9. identifying, in cooperation with the Federal and Provincial government, species-at-risk habitats and annually review the Significant Habitats and Endangered Species Map (Map 5) and Appendix C: Species at Risk in HRM, 2004 contained in this Plan.
- E-19** HRM shall prepare an Open Space Functional Plan to determine an economically and environmentally sustainable strategy for the equitable maintenance and distribution of parks and open space throughout the Municipality.

2.4.3 Urban Forest Functional Plan

Under the Urban Forest Functional Plan, HRM will adopt design guidelines and a management strategy for native plant material of heritage importance. The extensive use of native plants in landscape design shall also be encouraged in institutional, commercial and industrial developments through the development review process.

- E-20** HRM shall prepare an Urban Forest Functional Plan to identify design guidelines and a management strategy to maximize the urban forest.

2.4.4 Potential Hazards to Development Functional Plan

There are numerous potential hazards in HRM that may be encountered wherever development of land takes place throughout the Municipality. These hazards may present substantial risk to life and property when not fully addressed. Hazard planning should consider potential threats such as the effects of climate change, coastal inundation and storm surge events, wildland fire, contaminated sites, abandoned mines, pits and quarries, abandoned land fill and disposal sites, dam failure and radon gas.

The Potential Hazards to Development Functional Plan should consider:

1. identifying areas, such as the location of contaminated sites, abandoned mines, pits and quarries, and areas at high risk for radon exposure through cooperation and collaboration with the Province;
2. preparing an Historical Land Use Map to identify sites that may have been contaminated through former land uses;
3. developing guidelines to protect the public from potential hazards, as listed above;
4. developing guidelines to educate the general public about potential hazards to human life and property; and
5. developing management plans for climate change, coastal inundation and storm surge events, wildland/urban interface fires and emergency preparedness for dam failure.

- E-21** HRM shall prepare a Potential Hazards to Development Functional Plan to seek measures to mitigate risks to life and property associated with development.

2.4.5 Emissions Reduction Functional Plan

Although air quality in HRM is better than most cities in Canada, air pollution has environmental and economic effects on the citizens of HRM. Even at low levels it has the potential to harm our health, and damages forests, wildlife, fish, water, agricultural crops and buildings. These air-borne materials come from local and far-off sources. They are largely emitted by human activities related to transportation, industry and energy production.

The preservation of clean air is essential to the quality of life enjoyed by residents of HRM. Government responsibility for regulation of air quality in Nova Scotia is shared between federal and

provincial levels, and government must ensure that there is a coordinated approach among jurisdictions on environmental issues. Since many of the long-term solutions to air pollution in our region now depend on land use and transportation decisions, HRM should assume a more active role in maintaining and restoring HRM's good air quality.

The major contribution HRM can make to improving air quality and reducing greenhouse gas emissions will be to provide environmentally and economically sustainable land use planning. By adopting the settlement and transportation policies contained in this Plan, HRM should work towards improved air quality and reduced emissions by promoting compact development and active transportation, providing more public transit, using renewable energy sources, switching to lower-carbon fossil fuels (e.g. bio-diesel and natural gas), encouraging energy efficient buildings and preserving our urban and rural forests. Examples of current successful HRM projects include the purchase of ultra-low sulfur bio-diesel fuel for Metro Transit buses, the organics composting and methane recapturing programs, the Climadapt partnership for climate adaptation, and pursuing cost effective energy conservation in HRM buildings.

Four major air pollutants which affect air quality in HRM are ground-level ozone, fine particulate matter, greenhouse gas emissions and residential wood combustion.

The Emissions Reduction Functional Plan should consider:

1. developing a program to work towards the reduction of air pollution both within HRM business units and other organizations;
2. creating an inventory of air pollutants and greenhouse gases; their origins, pathways, latent health effects and effective response strategies;
3. encouraging the Province to provide public air quality monitoring data within HRM, especially in those areas strongly affected by large emission sources, or greatly affected by wood smoke;
4. encouraging large emission sources (e.g., NS Power Inc., Dartmouth refinery, assorted commercial and institutional boilers) to reduce emissions through greater energy efficiency, the use of renewable energy or cleaner fuels or other types of mitigation; and
5. encouraging provincial and federal governments to provide consumer rebates for conversions to low emission wood burning appliances.

E-22 HRM shall prepare an Emissions Reduction Functional Plan which shall identify programs and methods to reduce the level of air pollutants and greenhouse gases.

CHAPTER 3: SETTLEMENT AND HOUSING

3.0 INTRODUCTION

Growth must be well managed to avoid a risk to the natural environment, the character of our communities, and the quality of life in HRM. As growth spreads into the countryside, it demands extensive expenditures in new community infrastructure - schools, roads, wastewater and water distribution systems to support the new growth. The stability of surrounding rural areas is also threatened as a result of increased congestion and the loss of forestry and farm land. The livability of both city and countryside is greatly diminished when the lines between urban and rural communities are blurred.

The citizens of HRM have indicated through consultation that a balanced approach to growth across the Municipality is the desired approach. To achieve this, approximately 25% of growth will be targeted to occur on the Halifax Peninsula and in downtown Dartmouth, inside the Circumferential Highway (Regional Centre), approximately 50% will occur in the suburban areas, and the remaining 25% will occur within the rural areas. This is consistent with projected housing demand in HRM¹².

The intention is not to discourage rural housing growth in favour of urban or suburban communities. Rather, the approach is to shape settlement in such a way that transit and other alternatives to commuting will become more viable. This offers not only lifestyle and environmental benefits, but also helps prepare for the possibility of rising oil prices. Similarly, it is important to encourage rural employment growth and ensure the long-term economic viability of remote rural areas to keep jobs close to residents.

Over the next 25 years, HRM will direct much of its investment to a series of centres as illustrated on the Settlement and Transportation Map (Map 1). These centres have been strategically located in HRM where services such as transit, wastewater and water distribution services can be economically provided to support development. The centres have sufficient land to accommodate anticipated growth, though some may grow more than others depending on market preferences. To maintain healthy and vibrant communities, investment will also continue in areas not designated for growth such as in existing neighbourhoods where infill development will respect the character of the area.

The centres fall under a series of general land use designations as shown on the Generalized Future Land Use Map (Map 2). These designations form the legal framework for achieving the growth management strategy of this Plan. The land use designations are:

1. Urban Settlement Designation;
2. Urban Reserve Designation;
3. Rural Commuter Designation;
4. Rural Resource Designation; and

¹² Clayton Research et al. 2004.

5. Agricultural Designation.

Sections 3.1, 3.2 and 3.3 of this Chapter provide descriptions of the various designations and their associated policies under this Plan.

3.1 URBAN SETTLEMENT DESIGNATION

The primary intention of the Urban Settlement Designation is to define those areas where urban forms of development will occur throughout the next 25 years. The designation encompasses both developed and undeveloped lands and includes the following six sites as potential areas for new urban growth subject to the completion of secondary planning processes for each area:

1. Bedford South;
2. Morris-Russell Lake;
3. Bedford West;
4. Port Wallis;
5. Sandy Lake; and
6. Highway 102 west corridor adjacent to Blue Mountain - Birch Cove Lakes Park.

This Plan supports the growth of a series of mixed-use transit-oriented centres in strategic locations throughout the designation. The centre types are: the Regional Centre, Urban District Centres, Suburban District Centres, Urban Local Centres and Suburban Local Centres as shown on the Settlement and Transportation Map (Map 1). These centres include lands suitable for significant residential growth, and are already, or will become, focal points for varying levels of service, amenity and employment for the surrounding communities. The vision for these centres is that they will be well designed, safe and comfortable communities which build on their historical foundations. A high quality public realm featuring public squares and parks, community gardens, public art, and a comfortable and safe environment for pedestrians and cyclists will be components for achieving the design concept for these centres.

S-1 HRM shall establish the Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), as the area where central wastewater and water distribution services are intended to be provided to facilitate an urban form of development over the next 25 years. Any development boundary established under the existing secondary planning strategies shall be replaced by the Urban Settlement Designation. The designation is intended to provide for a diverse, vibrant and liveable urban environment which provides for the development of a series of mixed-use transit-oriented Centres within the general locations as shown on the Settlement and Transportation Map (Map 1). The five types of centres within the designation are the Regional, Urban District, Suburban District, Urban Local and Suburban Local centres.

S-2 When considering amendments to the Urban Settlement Designation Boundary, HRM shall consider:

CHAPTER 3

SETTLEMENT AND HOUSING

- (a) amendments to the boundaries to include additional areas to implement the results of reviews of regional population and housing forecasts;
 - (b) amendments to the boundaries of designations if the targets for growth under this Plan are not being met; and
 - (c) amendments to include adjacent lands if the lands are within a growth centre.
- S-3 Further to the principles of this Plan stated in section 1.4, HRM shall consider requests to allow for the initiation of a secondary planning process to consider development of the six sites for new growth provided that any such proposal serves to:
- (a) protect the fiscal health of HRM and its capacity to meet additional financial commitments; and
 - (b) address any deficiencies in municipal service systems which would be needed to service the proposed area and the estimated cost of upgrades needed to provide a satisfactory service level.

3.2 URBAN RESERVE DESIGNATION

The primary intent of the Urban Reserve Designation is to ensure there is a continuous supply of land that can be serviced with central (municipal wastewater and water distribution) services beyond the 25 year time horizon of this Plan. The Urban Settlement Designation identifies those lands which HRM intends to service within the next 25 years. The Urban Reserve Designation focuses on those lands abutting the Urban Settlement Designation which could be serviced beyond the next 25 years to ensure the Municipality has a long-term supply of serviceable lands. Providing services to these lands may be considered within the 25 year time frame of this Plan subject to Policy IM-18. The following seven areas of land have been designated as Urban Reserve:

1. interior lands bounded by Highway 7, Ross Road, Highway 207 and Broom Road (Cole Harbour/Westphal);
 2. land surrounding Anderson Lake area (Dartmouth/Bedford);
 3. Governor Lake North (Timberlea);
 4. Ragged Lake (Halifax);
 5. Kidston Lake lands (Spryfield/Herring Cove);
 6. Purcell's Cove area back lands; and
 7. private lands in the Blue Mountain - Birch Cove Lakes Regional Park area.
- S-4 HRM shall establish the Urban Reserve Designation for those lands situated outside the Urban Settlement Designation where central services (municipal wastewater and water distribution) may eventually be provided, as shown on the Generalized Future Land Use Map (Map 2). The primary intent of this designation shall be to retain sufficient lands which shall provide an adequate supply of serviceable land beyond the time horizon of this Plan.
- S-5 HRM shall, through the applicable land use by-law, establish an Urban Reserve Zone to control development in the Urban Reserve Designation. This Zone shall permit limited

residential development and open space uses on existing lots serviced with on-site sewage disposal systems and wells.

3.3 RURAL SETTLEMENT DESIGNATIONS

HRM residents have indicated that maintaining the integrity of rural lands and rural communities is a fundamental component of this Plan. HRM's rural lands will not simply be viewed as locations for future urbanization, but recognized for their ecological, economic and social value. Policies for Rural Settlement designations provide a clear future direction for a sustainable form of growth within the rural areas of HRM. The following three land use designations are established for the rural areas:

1. Rural Commuter Designation;
2. Rural Resource Designation; and
3. Agricultural Designation.

The Rural Commuter Designation encompasses rural communities within commuting distance of the Regional Centre which are heavily influenced by suburban style forms of residential development. The Rural Resource Designation encompasses the rural communities along the Eastern Shore which are more reliant on a traditional resource-based economy. The Agricultural Designation encompasses the significant agricultural lands in the Musquodoboit Valley which are a defining cultural feature of the Valley and its people, and a rare asset in HRM.

Over the next 25 years, HRM will support the investment of a series of designated centres within the three rural designations described above, and illustrated on the Settlement and Transportation Map (Map 1). These centres have been strategically located to reflect those communities which provide commercial and institutional services to surrounding areas or are located near major highway interchanges. They are centres which have sufficient land to accommodate additional growth and where future services such as transit can be provided. In certain centres, the future provision or expansion of municipal wastewater and water distribution services, or water services alone, may be considered to support further development. Some centres may grow more than others depending on market preferences.

This Plan has sufficient flexibility to adapt to community and market preferences since the detailed community design for all centres will be implemented through a Community Visioning and secondary planning process.

3.3.1 Rural Commuter Designation

The primary intention of the Rural Commuter Designation is to focus low to medium-density uses within defined centres which are within easy commuting distance to the Regional Centre, to support the delivery of convenience services to the surrounding settlement area, protect the natural resource base and preserve the natural features that foster the traditional rural community character. Residential development within this designation has historically been characterized by large lot

residential developments. Many residents who reside here commute to the urban and suburban centres for employment.

- S-6 HRM shall establish the Rural Commuter Designation, shown on the Generalized Future Land Use Map (Map 2), as the area within commuting distance of the Regional Centre that has been heavily influenced by low-density residential development. The primary intent of this designation shall be to protect the character of rural communities and conserve open space and natural resources by focussing growth within a series of centres, as shown on Settlement and Transportation Map (Map 1), and carefully controlling the amount and form of development between centres. The three types of centres within the designation are the Rural Commuter, Rural Commuter District and Rural Commuter Local centres.

3.3.2 Rural Resource Designation

In many rural communities, the resource sector - farming, fishing, mining and forestry and their supporting services - are an important source of employment and way of life. It is important, therefore, to protect both the supply of raw materials and the ability to take advantage of those materials. Resource related industries must also have room for sustainable expansion without being constrained by the encroachment of residential uses.

The Rural Resource Designation encompasses rural communities along the Eastern Shore which are beyond the commutershed of the Regional Centre and relatively unaffected by suburban style residential development. The primary intention of the Rural Resource Designation is to protect the rural resource base upon which communities depend. The designation is also intended to support the delivery of commercial and community services to the surrounding settlement areas and to protect the natural features and built heritage which define the rural character of the Municipality and are important to the tourism industry.

- S-7 HRM shall establish the Rural Resource Designation, shown on the Generalized Future Land Use Map (Map 2), as the area encompassing rural communities along the Eastern Shore which are beyond the Rural Commuter Designation and relatively unaffected by suburban-style residential development. The primary intent of this designation shall be to protect the natural resource base and the natural features and built heritage which define rural character and support tourism. This shall be accomplished by supporting growth within a series of centres, as shown on the Settlement and Transportation Map (Map 1), and carefully controlling the amount and form of development between centres. The two types of centres within the designation are the Rural Resource District and Rural Resource Local centres.

3.3.3 Agricultural Designation

The Agricultural Designation encompasses part of the Musquodoboit Valley. It contains the only remaining prime farmland within HRM which is largely unaffected by non-agricultural uses. Although the number of farms within the area has declined over the last 50 years, the Musquodoboit Valley is still used for dairy and mixed farming, forestry and mining. A substantial portion of Valley residents are employed in the resource sector, which is a substantive economic base to support other employment sectors. Due to productive agricultural soils and climatic conditions within the Valley, these lands are highly suitable for agricultural production.

Given the proximity of the Musquodoboit Valley to the growing Elmsdale centre and the presence of significant deposits of kaolin clay, the farmlands and resources within the Musquodoboit Valley may be under pressure in the future for significant residential development. Community consultation has indicated that the natural resource base of the area needs to be preserved and protected. For example, if the clay deposits are developed, a large influx of workers needing housing might result. As well, residential development on or near the site of the deposits could limit their extraction.

To help achieve the needed protection, an Agricultural Designation has been established. It is intended to preserve land for farming and other forms of resource production, prevent wide-spread residential uses in resource production areas where such development may conflict with the operations of a farm, forestry or extractive facility, and protect a traditional way of life.

S-8 HRM shall establish the Agricultural Designation, shown on the Generalized Future Land Use Map (Map 2), as the area encompassing a significant portion of the Musquodoboit Valley. The primary intent of this designation shall be to encourage the use of this area for natural resource-based activities and industries such as farming, forestry and mining and to protect these resource uses from the intrusion of incompatible non-resource related residential uses which may conflict with the operation of a farm, forestry operation or extractive facility. The designation shall also support services for the surrounding agricultural communities by establishing a series of centres within which growth will be supported, as shown on the Settlement and Transportation Map (Map 1), and by limiting the amount of residential development which may occur beyond these centres. The two types of centres within the designation are the Agricultural District and Agricultural Local centres.

S-9 Within the Agricultural Designation, HRM shall amend the Mixed Use Zone under the Musquodoboit Valley-Dutch Settlement Land Use By-law to limit permitted uses in this zone to resource uses, small businesses related to resource uses, limited commercial and industrial uses and residential uses. Following completion of the secondary planning process and the establishment of centre boundaries, the extent of the Mixed Use Zone may be adjusted.

3.3.4 Rural Commuter Transit Sites

It is the intention of this Plan to prepare secondary planning strategies to define the centres within the rural commuter designation. There are concerns, however, that critical sites within certain centres may be inappropriately developed before a secondary planning strategy is completed.

Therefore, as an interim land use management tool, controls will be applied to certain lands within some of the rural commuter centres. Land uses may be approved by development agreement provided they are conducive to the creation of a focal point for the centre. This mechanism will remain in place until future secondary planning strategies are completed and adopted by HRM.

S-10 HRM shall, through the applicable land use by-law, establish a Comprehensive Development District (CDD) Zone to apply to certain lands within the following Rural Commuter Centres: Enfield, Fall River, Hubbards, Lake Echo, Musquodoboit Harbour, Porters Lake and Upper Tantallon. This zone is intended to protect these lands as focal points for transit-oriented design development within these centres by requiring development to proceed by development agreement except for the continuation and expansion of existing uses. In considering approval of such development agreements, HRM shall consider the following:

- (a) whether the development is designed as part of a focal point for the distribution of services to the outlying area;
- (b) the types of land uses to be included in the development which may include a mix of medium-density residential uses, ground floor commercial, institutional uses, recreation uses, parking facilities and transit stations or transit stops;
- (c) where necessary, locations for pedestrian sidewalks;
- (d) architectural details marking the entrance to buildings;
- (e) controls on signage;
- (f) controls on heights, massing, scale and type of development;
- (g) details of the exterior architectural design of new buildings which should be complementary to the traditional building style within the surrounding community;
- (h) where necessary, details concerning preferred traditional building materials;
- (i) appropriate locations of parking for park-and-ride facilities and retail outlets; and
- (j) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

3.4 PLANNING FOR CENTRES

It is estimated that physical inactivity in HRM costs the provincial health care system \$16 million a year, and the total economic burden of physical inactivity is estimated at over \$68 million per year¹³. Community planning that provides for safe and walkable communities, sidewalks, biking paths and easy access to transit has the potential to reduce the human and economic burden of physical inactivity and to improve the health of HRM residents. Table 3-1 provides an outline of the types of centres which are to be included in the various designations, their locations, the nature of land uses and the type of transit services that are to be encouraged.

Through secondary planning processes, to commence upon the adoption of this Plan, the various centres will be included in a design process which will more specifically determine such items as

¹³ Walker, S. and Colman, R. *The Cost of Physical Inactivity in the Halifax Regional Municipality*. 2005. GPI Atlantic. Prepared for the Heart and Stroke Foundation of Nova Scotia.

centre boundaries, population targets, specific land uses, densities and methods of implementation. Further policy guidance for this community design process is found in Chapter 9.

Table 3-1: Characteristics of Centres

Urban Settlement Centres			
Centre Type	Centre Name	Land Uses	Transit
Regional	Regional Centre	<ul style="list-style-type: none"> • on opportunity sites, medium to high density residential, commercial, institutional or recreation uses • in established neighbourhoods, low to medium density residential uses 	<ul style="list-style-type: none"> • focal point for higher order transit
Urban District	West End Mall Mc Mac Mall	<ul style="list-style-type: none"> • mix of high density residential, commercial, institutional & recreation uses 	<ul style="list-style-type: none"> • parking structures for park & ride and commercial uses
Suburban District	Spryfield Bedford West Sunnyside Mall Sackville Russell Lake	<ul style="list-style-type: none"> • mix of low, medium and high density residential, commercial, institutional & recreation uses • in established neighbourhoods, low to medium density residential uses 	<ul style="list-style-type: none"> • connecting point for higher order transit to other centres & Regional Centre • surface park & ride or parking structures • street or side yard parking for pedestrian oriented retail
Urban Local	Shannon Park City of Lakes Business Park Penhorn Mall Woodside	<ul style="list-style-type: none"> • mix of medium to high density residential, commercial, institutional & recreation uses • in established neighbourhoods, low to medium density residential uses 	<ul style="list-style-type: none"> • all day transit to connect to other centres & Regional Centre • shared surface parking or parking structures for park & ride and commercial uses
Suburban Local	Herring Cove Lakeside/Beachville Timberlea Village Clayton Park West Birch Cove Bedford South Kearney Lake North Bedford Mill Cove Lower Sackville Middle Sackville Burnside East Tacoma Drive Westphal Cole Harbour Morris Lake Eastern Passage	<ul style="list-style-type: none"> • mix of low to medium density residential & convenience commercial uses • in established neighbourhoods, low to medium density residential uses 	<ul style="list-style-type: none"> • all day transit to connect to other centres & Regional Centre • surface park & ride or parking structures • street or side yard parking for pedestrian-oriented retail

Rural Designations Centres				
Centre Type	Centre Name	Land Uses	Services	Transit
Rural Commuter	Upper Tantallon Fall River Lake Echo Porters Lake	<ul style="list-style-type: none"> • low to medium density residential • open space design subdivisions • mix of commercial, institutional & recreational uses 	<ul style="list-style-type: none"> • consideration of central wastewater & water for Porters Lake • consideration of central water for Fall River and Upper Tantallon 	<ul style="list-style-type: none"> • park & ride, express bus to Regional Centre • shared parking for park & ride and commercial uses
Rural Commuter District	Enfield Musquodoboit Harbour	<ul style="list-style-type: none"> • low to medium density residential • mix of convenience commercial, institutional & recreational uses 	<ul style="list-style-type: none"> • possible central wastewater & water for Musquodoboit Harbour 	<ul style="list-style-type: none"> • park & ride, express bus to other centres & Regional Centre • shared parking for park & ride and commercial uses
Rural Commuter Local	Hatchet Lake Hubbards Hubley Sambro Indian Harbour Waverley Whites Lake Jeddore North Preston East Preston / Cherry Brook / Lake Loon	<ul style="list-style-type: none"> • low to medium density residential • mix of convenience commercial, institutional & recreational uses 	<ul style="list-style-type: none"> • shared or individual on-site sewage disposal systems (except for existing central wastewater & water services in North Preston) • possible central wastewater & water for Hubbards 	<ul style="list-style-type: none"> • peak transit service to other centres & Regional Centre • shared parking for park & ride and commercial uses
Rural Resource District	Sheet Harbour	<ul style="list-style-type: none"> • low to medium density residential • mix of convenience commercial, institutional & recreational uses 	<ul style="list-style-type: none"> • shared or individual on-site sewage disposal systems 	<ul style="list-style-type: none"> • rural bus service to other centres & Regional Centre • shared parking for park & ride and commercial uses
Rural Resource Local	Lake Charlotte Moser River Tangier	<ul style="list-style-type: none"> • low density residential • mix of retail, institutional & recreational uses 	<ul style="list-style-type: none"> • shared or individual on-site sewage disposal systems 	<ul style="list-style-type: none"> • basic bus service or shared taxi to District Centre
Agricultural District	Middle Musquodoboit	<ul style="list-style-type: none"> • low to medium density residential • mix of convenience commercial, institutional & recreational uses 	<ul style="list-style-type: none"> • existing central wastewater & water 	<ul style="list-style-type: none"> • rural bus service to other centres & Regional Centre • shared parking for park & ride and commercial uses
Agricultural Local	Upper Musquodoboit	<ul style="list-style-type: none"> • low density residential • mix of convenience commercial, institutional & recreational uses 	<ul style="list-style-type: none"> • shared or individual on-site sewage disposal systems 	<ul style="list-style-type: none"> • basic bus or shared taxi to District Centre

The Urban Settlement Designation includes both the urban and suburban centres. These centres will be designed through Community Visioning and secondary plan review processes as mixed-used transit-oriented communities, to accommodate a mix of housing types, office, retail and institutional uses in addition to parks, trails, community gardens and safe public open spaces. Growth can occur in many of the existing areas in the HRM by developing vacant land or redeveloping under-used sites where appropriate. Policies in this Plan provide protection to established neighbourhoods from rapid unplanned change, directing most future growth to areas where it can occur without affecting residents.

This Plan envisions that low-density residential uses consisting of single unit dwellings, accessory apartments, two-unit dwellings, and townhouses may be considered in appropriate locations within the established neighbourhoods which are within walking distance of the commercial and transit focus of each centre. It is anticipated that a mix of medium to high density residential and commercial uses will be situated around key focal points within the centre such as transit stations. This density is expected to gradually decrease and the proportion of residential land uses is expected to increase toward the periphery of the centre in the transition area between the centres and the surrounding neighbourhoods. The density of each centre will vary and be considered within its regional context.

The community centre and surrounding neighbourhoods will be serviced with an interconnected system of streets, pathways, sidewalks, and bicycle lanes where appropriate. Buildings within the centre will have varied architectural facades which will frame the street and have direct connection to the public sidewalk and street. The ground floor of buildings within the core of a centre that front on corridors and public facilities will be developed with commercial uses such as shops, restaurants and cafes with large windows that add visual interest for pedestrians and provide shelter in the form of awnings, structured colonnades or street trees. Adequate short-term parking will be provided to service these retail areas, without compromising pedestrian access from the sidewalk.

Maintaining the integrity of rural communities and lands is integral to this Plan, and policies regarding rural areas provide recognition of their ecological, economic and social values. Centres in rural areas will be focussed around areas where a service centre has already begun to develop to serve the outlying area. Sustainable growth is envisioned in a way that will protect the rural resource base and ensure the retention of rural community character.

- S-11 HRM shall, through secondary planning processes, define the centres within each designation. The general characteristics of the centres are provided in Table 3-1. These planning strategies shall also define the specific boundaries of the centres, population targets and will develop detailed design policies related to the layout of the centres, range of permitted uses, development densities and mechanisms for implementation. The centres shall be designed in consideration of the criteria described in Chapter 9 and all other applicable policies of this Plan.
- S-12 HRM shall encourage the Province and the Halifax Regional School Board to locate schools within existing or planned communities, to integrate them with other complementary land

uses, to minimize land consumption for school buildings and parking, and to provide convenient and attractive pedestrian access to all school facilities.

- S-13** Further to Policy S-12, until the secondary planning processes are completed, HRM shall continue to regulate land use in those areas identified as centres and for those areas between centres, according to the policies of the applicable existing secondary planning strategies and land use by-laws, except where otherwise provided by this Plan.

Although it is the intention of this Plan to identify strategically located centres where transit, wastewater and water distribution services can be economically provided to support future growth, there are a number of existing communities where services have to be maintained or improved. HRM will continue to support the provision of services within all non-designated centres to sustain healthy and vibrant communities. Where opportunities arise to undertake greater investment in infrastructure in non-designated centres, HRM will examine the benefits and implications for further development of these areas through an amendment to this Plan.

- S-14** HRM shall consider amending this Plan to include additional communities as designated centres for development where circumstances change or opportunities arise for investment in infrastructure that will accommodate additional growth.

3.5 MANAGEMENT OF RESIDENTIAL DEVELOPMENT WITHIN RURAL DESIGNATIONS

Citizens have indicated that maintaining the character of rural lands and rural communities, as well as preserving and supporting the sustainable economic growth of the natural resource sector, are important objectives of this Plan. The widespread residential development of land throughout the Rural Commuter, Rural Resource, and Agriculture Designations would be inconsistent with the Plan's goals and objectives of creating compact mixed-use communities and protecting rural character, natural environment and natural resources.

Large scale residential development can impact features that define rural character, including large expanses of forest, pastoral landscapes, scenic views and other important cultural features. Such development may take natural resource lands out of production and may conflict with existing resource activities such as farming, forestry and mining. Extensive road development to service these developments may fragment open space, affecting important environmental features and leaving islands of natural habitat that may not be large enough to sustain biodiversity. Further, extensive residential development strains existing community services and adds pressure for the development of costly infrastructure in unplanned areas.

To minimize these impacts, large scale as-of-right residential development will be discouraged in the Rural Commuter, Rural Resource and Agricultural Designations. Provisions will be established to allow small scale infill development on existing roads and to allow limited development on new roads in the Rural Commuter and Rural Resource designations. Further, with the adoption of this Plan, the Residential Growth Management Controls within the Hammonds Plains, Beaver Bank and

Upper Sackville Secondary Planning Strategy and the Interim Growth Management Controls as approved in 2004 will no longer be in effect. Notwithstanding, provisions will be made within the Hammonds Plains, Beaver Bank and Upper Sackville Secondary Planning Strategy to allow for the future development of large scale subdivisions on lands zoned or under application for rezoning to a Comprehensive Development District prior to Council's first notice of its intention to adopt this Plan.

3.5.1 Open Space Design Developments

Large-scale residential development may be considered through a development agreement if it is in some form of Open Space Design. Open Space Design Development is a creative form of development designed to conserve a connected system of open space. It begins with the identification of primary conservation areas to be protected - such as riparian buffers, wetlands, vernal pools, natural corridors, slopes exceeding 30%, rock outcropping, archeological sites, floodplains, and natural resources. It follows with the identification of secondary conservation areas that should be protected or carefully developed. These include mature forests, slopes between 15% and 30%, scenic views, trails, historic sites and buildings. Building sites are then located on the lands where soils are best suited for development and are then connected through a common road system. Lot lines are then drawn to delineate the extent of private or public ownership of the parcel.

In its classic form, Open Space Design Developments are designed to achieve connectivity in open space by retaining conservation areas under single ownership such as in the form of a condominium corporation or HRM. There are concerns, however, that the small lots required to achieve the classic form of Open Space Design may not be feasible in all areas of HRM without experiencing interference between private wells. There is also a desire by some homeowners to service the dwelling units with individual on site sewage disposal systems and the Nova Scotia Department of Environment and Labour will not allow these systems to be located off-site into the commonly owned lands. It may, therefore, be necessary to allow the entire parcel or portions of the development to be subdivided into large, privately-owned lots. HRM will strive to achieve Open Space Design in these areas by establishing maximum building site disturbance areas and minimizing the extent of road development to avoid impact on the primary and secondary conservation areas. This form of Open Space Design Development may be considered only in the Rural Commuter and Rural Resource Designations.

In areas where there are sufficient soil and water conditions to allow the developer to set aside a significant majority of the parcel as common open space, densities will be increased from one unit per hectare to one unit per 0.4 hectares. This form of Open Space Design Development may be considered in all rural designations, including the Agricultural Designation, as it would leave a substantial amount of the conservation land intact under single ownership. This would minimize the impact of development on larger tracts of land required to maintain a viable commercial farm.

To provide an opportunity for more active use of the common open space, consideration of golf courses as an appropriate use within the classic form of Open Space Design Development shall be given during secondary planning processes. Given the prevalent use of pesticides and irrigation

needs of golf courses it may be most appropriate that golf courses only be considered within centres where municipal water distribution systems are to be provided. Analysis at the secondary planning level will benefit from the findings of watershed studies and community visioning.

S-15 HRM shall permit the development of Open Space Design residential communities, as outlined in this Plan, within the Rural Commuter and Rural Resource designations and within the Harbour designation outside of the Urban Service Area, but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-25 and within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area. HRM will consider permitting the maximum density of such developments to one unit per hectare of gross site area. In considering approval of such development agreements, HRM shall consider the following:

- (a) where the development is to be serviced by groundwater and as determined through a hydrogeological assessment conducted by a qualified professional, that there is an adequate supply of ground water to service the development and that the proposed development will not adversely affect groundwater supply in adjacent developments;
- (b) that there is sufficient traffic capacity to service the development;
- (c) the types of land uses to be included in the development which may include a mix of residential, associated public or privately-owned community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses;
- (d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;
- (e) the lot frontages and yards required to minimize the extent of road development, to cluster building sites on the parcel and provide for appropriate fire safety separations;
- (f) that the building sites for the residential units, including all structures, driveways and private lawns, do not exceed approximately 20% of the lot area;
- (g) approximately 80% of the lot is retained as a non-disturbance area (no alteration of grades, except for the placement of a well or on-site sewage disposal system in the non-disturbance area shall be permitted and provision shall be made for the selective cutting of vegetation to maintain the health of the forest);
- (h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;
- (i) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;
- (j) trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and preserved;
- (k) parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;
- (l) that the proposed roads and building sites do not significantly impact upon any primary conservation area, including riparian buffers, wetlands, 1 in 100 year floodplains, rock outcroppings, slopes in excess of 30%, agricultural soils and archaeological sites;

- (m) the proposed road and building sites do not encroach upon or are designed to retain features such as any significant habitat, scenic vistas, historic buildings, pastoral landscapes, military installations, mature forest, stone walls, and other design features that capture elements of rural character;
 - (n) that the roads are designed to appropriate standards as per Policy T-2;
 - (o) views of the open space elements are maximized throughout the development;
 - (p) opportunities to orient development to maximize the capture of solar energy;
 - (q) the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;
 - (r) the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource use and the proposed development to mitigate future community concerns; and
 - (s) consideration be given to any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.
- S-16 Further to Policy S-15, within the Rural Commuter, Rural Resource and Agricultural Designations, HRM shall permit an increase in density for Open Space Design Developments up to 1 unit per 4000 square metres, or greater in centres as may be provided for in secondary planning strategies, where approximately 60% or more of the site is retained in single ownership of an individual, land trust, condominium corporation or the Municipality. Notwithstanding Policy E-5, the parkland dedication shall be relaxed to a minimum of 5% for this type of development. In considering approval of such development agreements, HRM shall consider the following:
- (a) the criteria specified in Policy S-15, with the exception of items (f) and (g); and
 - (b) that the common open space cannot be used for any other purpose than for passive recreation, forestry, agriculture or conservation-related use except for a portion of which may be used as a village common for active recreation or the location of community facilities designed to service the development.
- S-17 Through secondary planning processes, HRM shall undertake detailed analyses, particularly in centres where municipal water distribution systems are to be provided, to identify where golf courses may be considered an acceptable use of the common open space in Open Space Design Developments.

3.5.2 Island Development

The coast of HRM contains approximately 1700 islands, a portion of which are government-owned while others are privately owned. Buildings have been constructed on more than 230 of the privately owned islands. Currently, 22 islands in HRM have been subdivided. HRM intends to protect the natural environment of its islands and to prevent impact on neighbouring coastal communities by limiting the type and scale of development. The islands are considered incapable of supporting intensive development due to limited soil cover and lack of freshwater supply. Intensive development can also generate excessive traffic and parking demands in coastal

communities. Such development can also destroy the delicate natural environment upon which many valued species of wildlife depend. In addition, island residents should expect a reduced level of municipal services. Police, fire, waste removal and other municipal services cannot be provided to island residents as efficiently as those properties served by public roads.

S-18 HRM shall consider residential development on islands within the Rural Commuter and Rural Resource Designations by development agreement. The development agreement shall consider the types of land uses to be included in the development which may only include single unit dwellings, aids to marine navigation and existing uses. In considering approval of such development agreements, HRM shall consider the following:

- (a) where provided, requirements for shore land parking areas for island residents;
- (b) the density of residential units on the site do not exceed 1 unit per 1.5 hectares;
- (c) that the proposed development does not significantly impact on natural features and that sufficient buffering between any natural features and the proposed development is provided;
- (d) the retention or provision of public access points, boat landing areas and waterfront parkland;
- (e) that no public roads are to be constructed on the island;
- (f) that no bridge, causeway or other permanent vehicular access with the mainland shall be constructed; and
- (g) requirements for any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

3.5.3 Other Growth Management Mechanisms

While it is the desire of HRM to encourage the use of Open Space Design Development as the preferred form of development in rural areas, there are a number of existing local roads (both public and private) or proposed local roads under a tentative or final plan of subdivision that should be permitted to develop. HRM is committed to providing municipal services (waste collection, road maintenance, etc.) along those roads and may allow the infill of traditional patterns of development along them. Some limited development provisions will also be made for lands that were under a conceptual application of subdivision review prior to the establishment of the Interim Growth Management controls on January 22, 2004.

S-19 Within the Rural Commuter, Rural Resource, Agricultural, Open Space and Natural Resource designations and the Harbour designation outside of the Urban Service Area, HRM shall, through the Subdivision By-law, permit the subdivision of lots fronting existing local roads, including existing private roads, to the extent that they are currently provided for under existing Secondary Planning Strategies, and those roads shown on completed tentative and final subdivision applications submitted on or before the effective date of this Plan. Within these designations but outside of Water Service Areas, lots fronting on existing non-local roads shall be permitted provided they have wide frontages.

- S-20** In recognition of on-going residential subdivisions within the approval process and the various stages of completion of each subdivision, particularly relative to parkland dedication and street layout commitments, HRM shall, through the Subdivision By-law, establish provisions to restrict future development resulting from concept applications which were approved pursuant to the Interim Growth Management Controls. Subdivision pursuant to any completed concept application on file prior to January 22, 2004, shall be permitted to proceed through to completion on the basis of the approval of a maximum of 25 lots per year where a completed tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to the completed concept plan application has been filed prior to Council's first notice of its intention to adopt this Plan. Where a tentative or final subdivision application, for the initial phase of subdivision construction has not been filed prior to Council's first notice of its intention to adopt this Plan, the subdivision may proceed as per Policies S-15, S-16, S-18 or S-23.
- S-21** To apply growth management provisions evenly and consistently throughout HRM, all existing growth management mechanisms contained in secondary planning strategies shall be replaced with the growth management provisions contained in this Plan. Notwithstanding, the growth management provisions within the Eastern Passage/Cow Bay Secondary Planning Strategy shall continue to apply and provisions shall be made within the Beaver Bank, Hammonds Plains and Upper Sackville Planning Strategy to provide for the development of large scale subdivisions on lands zoned or under application for rezoning to a Comprehensive Development District prior to Council's first notice of its intention to adopt this Plan.

At the time of the adoption of the Interim Growth Management Controls in 2004, provision was made to allow completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to yearly limitations on the number of lots that can be created and the amount of road constructed. Due to technicalities in not meeting the prescribed subdivision application requirements, three specific subdivision projects were not accommodated; Lands of J. E. F. Hallett in Fall River, Lands of Atlantic East Properties Ltd. (Abbecombec Village) in Clam Bay and Lands of Kellswater Holdings Limited in Lake Echo. These developments had proceeded through substantial planning and design processes but had failed to file official applications for subdivision approval with HRM prior to January 22, 2004. It is clear that these developments were not pro-emptive in nature and as such it is reasonable to provide accommodation for their continued development through this Plan subject to the same restrictions as other subdivisions within the Interim Growth Management Area.

- S-22** Notwithstanding Policy S-20, HRM shall provide for the subdivision of Lands of J. E. F. Hallett in Fall River (PID No's. 00506857 and 00506840), Lands of Atlantic East Properties Ltd. (Abbecombec Village) in Clam Bay (PID No. 41054024) and Lands of Kellswater Holdings Limited in Lake Echo (PID No's. 40168478 and 40881484) through to completion on the basis of the approval of a maximum of 25 lots per year. Where a completed tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to a completed concept application has not been filed within one year of Council's first notice

of its intention to adopt this Plan, the subdivision may proceed as per Policies S-15, S-16, S-18 or S-23.

S-23 Notwithstanding Policy S-15, HRM shall, through the Subdivision By-law, establish provisions to allow the creation of a maximum of eight lots on new public streets, per area of land with public street frontage in existence on the effective date of this Plan:

- (a) within the Rural Commuter Designation, where the proposed road intersects with a local road; and
- (b) within the Rural Resource Designation, where the proposed road intersects with a local road or non-local road.

HRM will also consider options for the infill of subdivisions between existing subdivisions, to enhance traffic circulation, provide for the efficient delivery of services and emergency access and where because of the prevailing patterns of abutting development, an open space design form cannot be achieved. Determination of desirable areas for infill and the form of subdivision will be examined through a more detailed analysis in future secondary planning strategies.

S-24 Through secondary planning processes, HRM shall undertake detailed analyses to identify options and areas where infill subdivision and the appropriate form of which should be encouraged to secure efficient road connections between subdivisions to enhance traffic circulation, the delivery of services or emergency accesses. Consideration shall also be given to areas which cannot achieve an open space design form due to the prevailing patterns of abutting development.

An analysis of two-lane commuter highways within HRM has indicated that high traffic volumes on two highways, Beaver Bank Road and Hammonds Plains Road, are nearing a safety threshold. In both cases, new links in the roadway network have been proposed that would reduce traffic loading to a point where safe highway access could be provided. The significant cost of these new roadway links (the Beaver Bank Bypass in the case of Beaver Bank Road and Highway 113 in the case of Hammonds Plains Road) can be delayed if development controls limit the amount of additional traffic that will be added to these two commuter highways.

Through the subdivision process, new development has a role in helping to fund required traffic solutions through capital cost contributions. This approach may be viable and warrants further analysis through comprehensive master planning at the secondary planning level.

Until a substantive change is made in the infrastructure capacity within the Hammonds Plains and Beaver Bank areas, due to the safety concerns stated in section 4.1.1.4, it is appropriate to limit all further residential subdivision activity involving new public roads in these areas. As provided for by the *Municipal Government Act*, existing plans of residential subdivision, at the tentative or final plan of subdivision stage on or before the effective date of this Plan, shall be permitted to proceed through to completion.

Residential development will be encouraged where adequate transportation facilities are made available and transit oriented centres established such as at each end of the Hammonds Plains Road as shown on the Settlement and Transportation Map (Map 1).

- S-25 HRM shall, through the Subdivision By-law, limit development within portions of the Hammonds Plains and Beaver Bank communities to prohibit residential development on new roads.
- S-26 To determine the feasibility of new development funding additional traffic infrastructure in the Hammonds Plains and Beaver Bank communities, HRM shall, through the secondary planning process, consider comprehensive master planning in accordance with the capital cost contribution policy.
- S-27 Notwithstanding Policy S-25, HRM shall, through the Subdivision By-law, provide for infill subdivision within the identified portions of Hammonds Plains and Beaver Bank, where in the opinion of the Traffic Authority, new roads would promote the intent of this Plan by enhancing traffic safety.
- S-28 In recognition of on-going residential subdivisions within the approval process on lands outside of the portions of the Hammonds Plains and Beaverbank communities identified pursuant to Policy S-25 and within the Beaver Bank, Hammonds Plains and Upper Sackville Secondary Planning Strategy, HRM shall, through the Subdivision By-law, restrict future development resulting from concept applications which were filed prior to Council's first notice of its intention to adopt this Plan. Subdivision pursuant to any completed concept plan application on file prior to Council's first notice of its intention to adopt this Plan, shall be permitted to proceed through to completion on the basis of the approval of a maximum of 25 lots per year. Where a completed tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to a completed concept application has not been filed within one year of Council's first notice of its intention to adopt this Plan, the subdivision may proceed as per Policies S-15, S-16, S-18 or S-23.

As stated in section 2.1.1 for the Open Space and Natural Resource Designation, given the similar inability to create frontage through the construction of new public roads within the portions of Hammonds Plains and Beaver Bank identified under Policy S-25, it is also appropriate to create an alternative means by which the limited traditional subdivision of lots for kinship purposes is possible. The Subdivision By-law contains provisions which are designed in part to ease the development constraints of lands with minimal road frontage. Those provisions permit the creation of an additional lot which does not meet the minimum road frontage requirements provided the area of land being divided was in existence prior to August 1, 1987. Many properties have been created since that date so, to be equitable to all landowners within these areas, it is appropriate to adjust this date forward to coincide with the effective date of this Plan.

- S-29 HRM shall, through the Subdivision By-law, provide for the creation of one additional lot from any area of land, within the portions of Hammonds Plains and Beaver Bank identified

under Policy S-25 and in existence prior to the date of Council's first notice of its intention to adopt this Plan, which does not meet minimum road frontage requirements.

Residential development on private roads has provided another form of traditional development for the rural areas. However, due to variations in the levels of road construction and regular maintenance, these conditions often result in unsafe passage for commercial and emergency service vehicles thereby creating dangerous access situations. Road maintenance issues may also affect the ability to provide other services such as waste and organics collection. This limits the opportunity for some residents to actively participate in waste reduction and recycling programs. Given past experiences, no new private roads will be permitted in all areas of HRM but, to retain rural character and better achieve the principles of open space design, HRM will examine options for the creation of a new rural road standard.

S-30 HRM shall, through the Subdivision By-law, prohibit the creation of new private roads within the Municipality. To reduce the impact of road development on rural areas and to provide for the creation of more effective Open Space Design developments, HRM will consider establishing a public rural road standard as outlined in Policy T-2.

Permitting subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create "flag lots" having minimal physical frontage on the abutting street network.

The use of flag lots without restrictions could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community or development. Therefore, the use of flag lots will be limited.

S-31 HRM shall, through the Subdivision By-law, regulate the design of flag lots in new subdivisions such that no more than three flag lots are contiguous to each other. In keeping with provisions made during the adoption of the Interim Growth Management Controls in 2004, accommodation shall also be made to exempt flag lots shown on preliminary, tentative or final subdivision applications on file prior to March 13, 2004 from the new requirements.

3.6 HOUSING DIVERSITY AND AFFORDABILITY

Housing is fundamental to HRM's quality of life, social inclusion, future growth and development. The need for shelter is universal, and housing is a powerful determinant of the quality of one's life, including health, safety, and access to public amenities. This Plan recognizes a continuum of housing affordability and the different but complementary roles that the market and different levels of government can play in ensuring that housing options exist for a range of needs and income levels.

HRM is not responsible for the delivery of social services and subsidized housing, however all local governments in Nova Scotia are responsible for ensuring that their planning processes and regulations provide for a suitable supply of housing in a range of types and locations to meet current and future community needs. The goal of the Provincial Statement of Interest Regarding Housing in the *Municipal Government Act* is "to provide housing opportunities to meet the needs of all Nova Scotians." The statement further requires that,

"Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation."

HRM may not be able to influence all of the factors related to the development of a variety of housing types. The Municipality, however, can support housing affordability and social inclusion by ensuring that municipal policies, regulations and processes encourage efficient development and open up opportunities for diverse, innovative and well-designed housing. The Municipality can also support non-profit housing providers and developers by considering, where feasible, requests for land priced at below market value, offering tax reduction and tax deferral programs and awarding community grants for initiatives that advance the goals of this Plan.

With respect to housing, the role of the provincial government in 2006 is to manage public, co-operative and non-profit housing units, to administer and license programs related to child and foster care and to deliver special needs housing. In HRM, there are approximately 6100 social housing dwelling units (4% of total housing stock) that are home to 15 000 individuals. The provincial government owns approximately 4500 of these units where rent is based on annual household income. They range from single detached dwellings to high-rise apartment buildings.

In addition, there are about 1600 non-profit and co-operative housing units built under federal social housing programs. Residents of these housing projects include seniors, families and single individuals. These housing units are owned by their respective non-profit and co-operative sponsors and each housing project has its own operating agreement with Canada Mortgage and Housing Corporation. The federal government provides subsidies to existing and new social housing projects, and the three levels of government have a history of partnering on local housing initiatives.

The price of housing has experienced significant inflation over several years prior to the adoption of this Plan. It is not possible to accurately predict the level of price change in the future as it depends on many factors, most of which are beyond the control of HRM. However, this Plan supports development of affordable housing across the economic spectrum in a number of ways by:

1. identifying parcels of land for development of new housing in both serviced and unserved areas based on projected market trends - additional reserve areas have been identified which may be considered if growth outpaces projections;

2. encouraging more compact forms of development that can lead to cost avoidance associated with elongated infrastructure and widespread services;
3. creating many location choices for housing development in a broad range of growth centres in urban, suburban and rural areas;
4. creating opportunities for a mix of housing types at a range of price levels within growth centres;
5. reducing dependency on private automobile travel through increasing access to public transit - transit use is encouraged by supporting growth in locations where transit can be most economically provided and also by creating a framework of transit-friendly community design;
6. monitoring housing and demographic trends, and the supply of available lots for housing on an ongoing basis so that adjustments may be made in the event that projected housing demand surpasses available supply;
7. encouraging secondary planning efforts to consider more options for diverse and special needs housing; and
8. encouraging innovation in housing design, developing affordable housing targets and incentives, developing partnerships, and engaging in public education and community facilitation processes at the community level.

3.6.1 Meeting the Needs of a Diverse Population

The Halifax Regional Municipality has a diverse population with respect to age, income, ethnic background, household size, family type and tenure. Housing represents the largest monthly expenditure for most households in HRM and if housing consumes too much of the available income, families or individuals may be forced to reduce their budget for food, clothing, or other necessities. This Plan recognizes the growing need and the importance of housing diversity and affordability to community planning.

- S-32 HRM shall, through the secondary planning process, consider conducting a housing needs analysis which should include the need for affordable housing, special-needs housing, manufactured housing and rental accommodation.

3.6.2 Residential Care Facilities

Nova Scotia has one of the highest rates of disabilities when compared to the rest of Canada. The need to provide housing options to persons with disabilities is an important component of the spectrum when considering housing options in HRM. Support to persons with disabilities who require assistance with the activities of daily living can be provided in private, public and non-profit residential living arrangements and may include the provision of meals, housekeeping, transportation, individualized personal care, life skills and health services. Housing form may vary from a small home to apartment-style settings and may include various levels of care and services.

Currently residential living environments of up to three residents are allowed in all residential neighbourhoods but their operation and economic feasibility would be facilitated by modestly increasing the number of residents that can be supported to reside together.

- S-33 HRM shall, through the secondary planning process, consider permitting licensed residential care facilities of more than three residents operated or funded under the *Homes for Special Care Act* in residential areas. The number of residents permitted should be compatible with the prevailing land use.

3.7 DEVELOPING INCENTIVES FOR INCLUSIVE AND AFFORDABLE HOUSING

3.7.1 Incentive or Bonus Zoning

The *Municipal Government Act* allows municipal governments in Nova Scotia to provide incentive or bonus zoning that relaxes one set of requirements if an applicant exceeds in other requirements or undertakes action in the public interest. Therefore, through a land use bylaw, HRM can grant particular incentives in return for community benefits such as affordable and special needs housing.

Incentive or bonus zoning is a system of exchange based on good planning practice, public transparency and accountability to provide for community benefits such as the provision of affordable housing. This approach would indicate what are the incentives and the associated community benefits as well as how the benefits are provided. Therefore, Council should consider permitting incentive or bonus zoning through secondary planning processes.

Any application for zoning incentives will be evaluated on the basis of applicable policies in this Plan and secondary planning strategies, including strategic objectives, development and design criteria, the integration of community benefits in the overall development, and distinguishing eligible community benefits from what would normally be required as part of good development.

- S-34 HRM shall, through the secondary planning process, consider adopting policies to permit incentive or bonus zoning which provides for the construction of new or the renovation of affordable housing or housing that exceeds the barrier-free requirements of the *Nova Scotia Building Code Regulations*.

3.7.2 Parking Standards for Transit Oriented Housing Development

This Plan significantly increases opportunities for using transit and reducing dependency on costly private automobile travel. Households that live in areas well-served by transit may choose to own fewer vehicles, or none at all. This means that some parking standards may unnecessarily add to the overall cost of development and therefore the cost of housing.

- S-35 To support affordable housing developments, HRM shall, through a secondary planning process, consider reducing parking requirements for such developments located on main transit routes within the Regional Centre.

3.7.3 Secondary Dwelling Units

Secondary dwelling units are an important source of affordable private rental housing within HRM, accounting for approximately 28% of rental units in 2005¹⁴. These units provide affordable rental housing to a variety of residents. Not only do these units increase the supply of diverse housing, they also make home ownership possible for those who can use the income to offset mortgage payments. Secondary units are currently allowed in many areas of HRM by right, by re-zoning, or by development agreement. Secondary units in suitable areas can contribute to the resiliency and balance of local housing markets but they should be located where adequate service capacity exists and a permitting process will ensure compliance with design and building safety standards.

S-36 When undertaking comprehensive reviews of secondary planning strategies, HRM shall consider policies to permit secondary dwelling units, in suitable low-density residential areas within the centres of the Urban and Rural designations. When permitting secondary units in low density residential zones, HRM shall also consider requirements in the applicable land use by-law that include the following:

- (a) appropriate lot sizes where on-site sewage disposal systems are required;
- (b) servicing availability;
- (c) maximum and minimum size of the dwelling;
- (d) design compatibility and exterior appearance of the dwelling; and
- (e) location and availability of parking.

3.7.4 Housing and Neighbourhood Revitalization

Housing is the foundation of any community and diversity of housing can help ensure that as residents move through their life-stages they can stay in their neighbourhoods. Opportunities for safe, affordable and accessible housing are integral to the health of residents but these opportunities do not equally exist in all neighbourhoods. A recent study¹⁵ identified nine high-need census tracts in HRM with respect to housing need and housing quality, over-crowding, low income, and unemployment. This Plan recognizes that solutions to the complex issues facing those neighbourhoods will have to emerge from those communities and be supported by all levels of government and private sector partners.

¹⁴ Bruce, D. *Examining the Subsidiary Rental Stock and Occupants in HRM*. 2004. Working Session on Housing and Neighbourhood Development in HRM Summary Report, Halifax, NS.

¹⁵ Engeland, J. et al. *Evolving Housing Conditions in Canada's Census Metropolitan Area 1991-2001*. CMHC and Statistics Canada. (Ottawa: Minister of Labour, 2005)

S-37 HRM shall, through a secondary planning process, consider the preparation of revitalization strategies, where appropriate, to address such matters as:

- (a) improving local parks, transit, community services and facilities;
- (b) improving the public realm, streets and sidewalks;
- (c) identifying priorities to improve the quality of the existing housing stock or allowing opportunities for a range of new housing;
- (d) identifying opportunities for vacant lots;
- (e) identifying priorities for capital and operational funding needed to support the strategy; and
- (f) identifying potential partnerships and mechanisms for community development, stimulating investment in the neighbourhood and supporting revitalization strategies.

3.7.5 Neighbourhood Stability

For a neighbourhood to be stable, the expansion or redevelopment of existing housing and businesses must be predictable. At the same time, neighbourhoods must be able to meet the needs of their residents as those needs change through different stages of life. A desirable neighbourhood will also attract new households with their own particular needs, which have to be integrated with those of longtime residents.

Without neighbourhood resilience to accommodate the needs of new and existing residents, people who would otherwise be committed to an area might feel forced to relocate if their social or physical conditions change. Conversely, excessive or sudden changes may drive residents elsewhere due to increased tax assessments or loss of neighbourhood character. Neighbourhood stability, therefore, requires a careful balance to avoid either extreme. This balance can be monitored through indicators of neighbourhood change such as permits for new construction, conversions, demolitions, housing stock state of repair and change in the socioeconomic conditions of residents.

This Plan is designed to protect established neighbourhoods from rapid unplanned change by directing most future growth to centres where development can occur without affecting existing residents. Some limited growth can, however, be accommodated within existing neighbourhoods if it is planned with attention to good design that respects the local character. Small amounts of new development in appropriate locations can complement neighbourhoods and act as a catalyst for improvement.

This may involve using vacant lots, dividing parcels to create new lots for houses, or adding additional units to existing dwellings. Infill can also include small scale redevelopment of groups of buildings. In the suburban context infill might involve, but not be limited to, adding an accessory apartment to an existing single unit dwelling, installing a garden suite, or converting a single unit dwelling into a two or three unit dwelling.

There are many opportunities within established neighbourhoods where low to medium-density development can be accommodated without altering the local character. Through Community

Visioning, future secondary planning processes may consider some new single and two unit dwellings, basement apartments, small scale townhouses and low rise multiple unit dwellings in appropriate locations. Within existing neighbourhoods, development would be required to comply with urban design guidelines. Policies and regulations will strive to ensure that infilling is sensitive, gradual and compatible with the existing physical character. Projects will be required to respect and reinforce the general physical patterns in existing neighbourhoods.

- S-38 Until the Community Visioning exercises and secondary planning strategies are prepared and approved, HRM shall permit infill housing in accordance with the applicable policies under existing secondary planning strategies and land use by-laws, except as otherwise specified in this Plan.

3.8 FUNCTIONAL PLANS

3.8.1 Opportunity Sites Functional Plan

Within the Regional Centre, there are a number of vacant or under-used sites. Although they already have development potential under existing secondary planning strategies and land use by-laws, these sites present new opportunities which meet the overall intent of this Plan - to be more appropriately used than their current condition suggests. Some of these sites are located along major transportation corridors, outside established low-density neighbourhoods, and offer an opportunity for the development of a mix of medium to high-density residential and commercial uses. Others are located along the Halifax Harbourfront and are best used for industrial purposes, and for which policies are presented in Chapter 5. Within the Capital District, opportunity sites would be developed to support the role of the Capital District as the economic and cultural centre of HRM. Finally, some opportunity sites are located in established neighbourhoods. Their development will be guided by the Secondary Planning process. A list of selected opportunity sites greater than 2000 square metres in the Regional Centre is included in Appendix D and shown on the Opportunity Sites within Regional Centre Map (Map 6). These sites are either vacant parcels or properties which are not used to their fullest extent. Others not identified here, but with similar conditions, may also be developed with the same considerations.

Depending upon the situation, the range of opportunities for development of sites on main transportation corridors or outside established neighbourhoods, could involve the redevelopment of the entire site or renovation of existing buildings. Generally, the role of the Municipality is to create the appropriate climate for such a transition to take place. In some cases, the Municipality may invest in infrastructure, provide other incentives to encourage redevelopment or renovation, or even undertake the redevelopment itself. It is important that future development taking place on these sites is sensitive to the surrounding neighbourhood and that these sites can be developed without adverse impact on existing infrastructure.

The Opportunity Sites Functional Plan should consider:

1. financial incentives programs for opportunity site redevelopment;

2. a brownfield redevelopment program;
 3. hosting a brownfield redevelopment forum;
 4. creating and maintaining a comprehensive database of opportunity sites; and
 5. creating a framework to prioritize the development of opportunity sites.
- S-39 HRM shall prepare an Opportunity Sites Functional Plan to assist the Community Visioning exercise and the preparation of secondary planning strategies described in Policy S-38 and to facilitate the development or redevelopment of opportunity sites within the Regional Centre and other locations.

3.8.2 Affordable Housing Functional Plan

This Plan recognizes a continuum of affordable housing and the different but complementary roles of the market and different levels of government and the non-profit sector in this regard. While the vast majority of housing in HRM will not require any municipal intervention (apart from a supportive regulatory framework and a fair and efficient development process), in some cases HRM may opt to develop incentive programs and partnership agreements to take advantage of and to complement federal and provincial housing programs¹⁶.

The Affordable Housing Functional Plan should consider:

1. creating a definition of affordable housing for the purpose of regional and local priorities;
2. preparing a housing needs assessment and developing neighbourhood change indicators;
3. establishing implementation mechanisms to ensure a reasonable distribution of adequate, acceptable and affordable housing including financial and non-financial incentives;
4. creating and monitoring affordable housing targets;
5. identifying funding opportunities and partnership possibilities for housing projects;
6. identifying strategies that encourage innovative forms of housing;
7. identifying areas requiring neighbourhood revitalization through community input and support;
8. identifying possible locations for affordable housing demonstration projects;
9. identifying possible incentives for non-profit and for-profit affordable housing developers such as bonus zoning;
10. investigating the potential of HRM real estate assets and business strategies (acquisition, leasing and sale) to support affordable housing retention and development;
11. creating a public education and communication tool kit to address a range of housing issues; and
12. developing accessible and adaptable housing design guidelines.

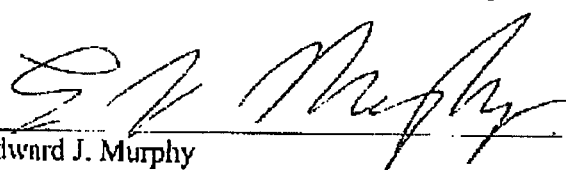
¹⁶ See Tomalty, R. and Cantwell, R. *Municipal Land Use Policy and Housing Affordability in HRM*. 2004. and Tomalty, R. and Jozsa, A. *The Potential for Partnerships in Community Reinvestment and Affordable Housing in HRM*. 2004.

- S-40** HRM shall prepare an Affordable Housing Functional Plan to meet its affordable housing needs in a phased approach using a range of incentives and implementation tools.

2017

Hfx No. 460474

This is Exhibit "C" referred to in the Affidavit of
Kevin Arjoon, sworn before me this 18th day of September 2019.


Edward J. Murphy
A Barrister of the Supreme Court of Nova Scotia

Tab 18

EDWARD J. MURPHY
A Barrister of the Supreme
Court of Nova Scotia



September 18, 2019

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, do hereby certify that the following is a true and correct copy of the Resolutions regarding *Item 12.1- Project 01341 – Cost of Servicing Study and Requests to Initiate Secondary Planning Strategies* that were duly passed by the Halifax Regional Council on November 16, 2010:

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council:

- (i) Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan.**

MOTION PUT AND PASSED.

- (ii) Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator; and further, to bring the details of the proposed negotiating process back to Regional Council prior to entering into negotiations.**

MOTION PUT AND PASSED.

- (iii) Defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor lands.**

MOTION PUT AND PASSED.

- (iv) Undertake a Watershed Study for Port Wallis this year and allow Port Wallis to move to the Secondary Planning Process as soon as the watershed study is completed.**

MOTION PUT AND PASSED.

- (v) Defer any Watershed Study for Sandy Lake for two (2) years and defer the Secondary Planning Strategy.**

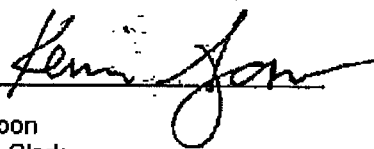
MOTION PUT AND PASSED.

(vi) Explore creative solutions, in regard to funding sources, to have Watershed Studies initiated this fiscal year.

MOTION PUT AND PASSED.

(vii) Approve undertaking a Watershed Study for the Port Wallis study area and advanced project funding in the amount of \$150,000 for Project No. CDV00721-Watershed Environmental Studies in the 2011/12 project budget to undertake this study.

MOTION PUT AND PASSED.



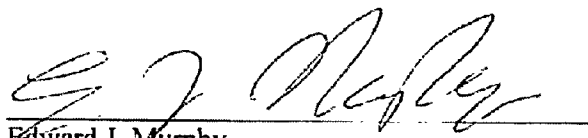
Kevin Arjoon
Municipal Clerk

Office the Municipal Clerk
Tel: 902.490.4210
Fax: 902.490.4208
Email: clerks@halifax.ca

2017

Hfx No. 460474

This is Exhibit "E" referred to in the Affidavit of
Kevin Arjoon, sworn before me this 18th day of September 2019.

A handwritten signature in black ink, appearing to read "E J Murphy", written over a horizontal line.

Edward J. Murphy

A Barrister of the Supreme Court of Nova Scotia

EDWARD J. MURPHY
A Barrister of the Supreme
Court of Nova Scotia



Regional Municipal Planning Strategy

OCTOBER 2014

Regional Municipal Planning Strategy

I HEREBY CERTIFY that this is a true copy of the Regional Municipal Planning Strategy which was duly passed by a majority vote of the whole Regional Council of Halifax Regional Municipality held on the 25th day of June, 2014.

GIVEN UNDER THE HAND of the Municipal Clerk and under the corporate seal of the Municipality this 10 day of September, ~~2014~~ 2019

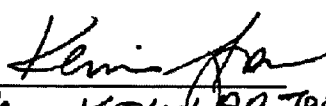

~~Cathy Melton~~ KA
Municipal Clerk

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CHAPTER 1: INTRODUCTION

1.1 THE FIRST FIVE YEAR PLAN REVIEW

The Regional Plan, as adopted in 2006, emphasized a balanced approach to development and established targets for directing housing growth over the life of the Regional Plan (2006-2031). Twenty-five percent of the growth was to be directed to the Regional Centre (Peninsula Halifax and Dartmouth between the Circumferential Highway and Halifax Harbour); fifty percent directed to the urban communities (communities serviced with publicly managed water and wastewater services outside the Regional Centre) and the remaining twenty-five percent to the rural areas.

In preparing the first five year review of the Plan, the Stantec Quantifying Study¹ was commissioned to assess the public, private and social costs and benefits of various growth scenarios from 2011 to 2031. That Study also considered how these scenarios may impact our environment, health and social well-being and benchmarked HRM with other Canadian and US municipalities to assist in this evaluation. Significant conclusions reached by that Study were that:

- Adhering to the Regional Plan growth targets of 25% of new housing starts (growth) in the Regional Centre, 50% in the urban communities and 25% in the rural areas of HRM is estimated to save \$670 million over the current pattern of development.
- Significant additional cost savings could be achieved by increasing growth in the Regional Centre.

The Regional Plan shall target at least 75% of new housing units to be located in the Regional Centre and urban communities with at least 25% of new housing units within the Regional Centre over the life of this Plan.

As a component of this review, an inventory of potentially developable lands within the urban communities, outside the Regional Centre, was undertaken in the fall of 2013. It was estimated that there was sufficient supply for at least 28 to 35 years based on a growth rate in urban communities of 1,200 households per year. The supply will be monitored on an on-going basis².

¹ Stantec, 2013. Quantifying the Costs and Benefits to HRM, Residents and the Environment of Alternate Growth Scenarios.

² According to Statistics Canada census data, the number of households in HRM grew by 10,015 from 2006 to 2011 – an average of 2,003 per year. If this growth rate was assumed to continue in the future and 50% of this growth was assigned to the urban communities (1,003 households per year), the available supply would be estimated to last 33 to 42 years without any consideration given to the potential for redevelopment, infilling or auxiliary dwelling units. Staff applied a more conservative estimate of 1,200 dwelling units per year in the urban communities based on a previous projection undertaken for HRM by Altus in 2009. Stantec (see Table 1) projects a significant increase in growth in dwelling units between 2016 and 2021.

Amendments introduced through this first five year Regional Plan review focus on the following themes and actions:

Sustainable Solutions:

- Introduce standards for low impact "green" development.
- Ensure that new development pays its fair share to protect the tax rate.
- Expand the use of tools that increase housing affordability, heritage protection, support for culture, control of overall resource and energy consumption, and reduction of greenhouse gas emissions.
- Enhance open space planning by introducing the concept of greenbelting to shape communities and build a network of connected natural and public spaces for future generations.

Enhance the Regional Centre:

- Prepare new land use policies, bylaws, and design guidelines that ensure high quality growth at an appropriate density and scale.
- Create incentives for growth through streamlined development approval processes, tax policies, density bonusing, capital investments and other strategies to attract new development to achieve the Regional Plan's urban growth targets.
- Create robust tools that protect neighbourhood character and scale.

Improve Urban and Rural Community Design:

- Introduce new design standards that create more attractive and sustainable ("green") communities and more beautiful, walkable and complete communities.
- Direct new growth to areas where infrastructure and services already exist.

Make Land Use and Transportation Planning Mutually Supportive:

- Direct growth to designated growth areas based on available infrastructure and services (i.e. growth centres and corridors).
- Support and reinforce growth areas by an appropriately designed transit service and active transportation network.
- Improve the experience of transit users, enhance transit service in appropriate areas, and increase ridership, while reducing single-occupant vehicle commuting. Investment in active transportation and car-sharing options will be supported wherever possible to help provide alternatives to vehicle ownership.

1.2 VISION AND PRINCIPLES

Vision

HRM's vision for the future is to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment.

Guiding Principle

This Plan will seek to address the needs and views of all sectors of HRM, recognizing the diversity of its citizens, community and geography.

Principles

This Plan:

- Provides a framework which leads to predictable, fair, cost-effective and timely decision-making;
- Supports development patterns that promote a vigorous regional economy;
- Preserves and promote sustainability of cultural, historical and natural assets;
- Supports the Regional Centre as the focus for economic, cultural and residential activities;
- Manages development to make the most effective use of land, energy, infrastructure, public services and facilities, and foster healthy lifestyles;
- Ensures opportunities for the protection of open space, wilderness, natural beauty and sensitive environmental areas; and
- Develops integrated transportation systems in conjunction with the above principles.

1.3 OBJECTIVES

Environment, Energy and Climate Change

1. Promote an approach to environmental management and economic development that supports a sustainable future through cooperation with other levels of government, government agencies, private landowners, and non-government organizations;

2. Foster a land management and community design approach which integrates preservation of lands of ecological, cultural and environmental significance; lands suited for renewable resource extraction; and lands suited for parks, trails and corridors which provide recreational and educational opportunities;
3. Adopt development practices that sustain air, land, water and groundwater resources and respond to climate change; and
4. Conserve energy and respond to climate change.

Settlement and Housing

1. Direct growth so as to balance property rights and life style opportunities with responsible fiscal and environmental management;
2. Focus new growth in centres where supporting services and infrastructure are already available;
3. Target at least 75% of new housing units to be located in the Regional Centre and urban communities with at least 25% of new housing units within the Regional Centre over the life of this Plan;
4. Design communities that:
 - (a) are attractive, healthy places to live and have access to the goods, services and facilities needed by residents and support complete neighbourhoods as described in 6.2.2 (v) of this Plan;
 - (b) are accessible to all mobility needs and are well connected with other communities;
 - (c) protect neighbourhood stability and support neighbourhood revitalization;
 - (d) preserve significant environmental and cultural features;
 - (e) promote community food security;
 - (f) provide housing opportunities for a range of social and economic needs and promote aging in place;
4. Maintain the integrity of rural communities;
5. Preserve agricultural and resource lands;
6. Provide opportunities to establish a network of interconnected greenbelts and open spaces; and
7. Support housing affordability.

Transportation

1. Implement a sustainable transportation strategy by providing a choice of integrated travel modes emphasizing public transit, active transportation, carpooling and other viable alternatives to the single occupant vehicle;
2. Promote land settlement patterns and urban design approaches that support fiscally and environmentally sustainable transportation modes;
3. Forecast HRM's need for mobility and provide service and infrastructure to meet this demand while influencing choices towards transportation sustainability; and
4. Design complete streets for all ages, abilities, and modes of travel.

Economy and Finance

1. Build a vibrant and attractive Regional Centre that attracts private investment and more residents;
2. Promote a business climate that drives and sustains growth by improving competitiveness and by leveraging our strengths;
3. Create a welcoming community where the world's talent can find great opportunities, engaged employers and resources for career advancement;
4. Create a unique, international brand for HRM;
5. Capitalize on our best opportunities for economic growth;
6. Ensure that there are sufficient lands available along the harbour and in business parks to provide economic opportunities;
7. Support and enhance our land, port and air transportation facilities;
8. Create an economic climate that enhances the viability of working lands and conserves natural lands; and
9. Prepare financial plans and strategies that support and encourage the outcomes of this Plan, including environmental conservation, housing affordability, economic competitiveness, revitalization of the Regional Centre and neighbourhood stability.

Regional Centre

1. Adopt a Regional Centre Plan which achieves the vision statement and guiding principles endorsed by Regional Council;

2. Adopt heritage plans and programs that further preserve and enhance the viability of heritage properties, streetscapes, and districts;
3. Prepare capital and operating expenditure programs that enhance development within the Regional Centre, with emphasis of resources on downtown Halifax and Dartmouth, and take advantage of opportunities to strategically leverage other public and private sector investments; and
4. Create financial and regulatory incentives to stimulate desired growth.

Cultural and Heritage Resources

1. Preserve and enhance the viability of cultural and heritage resources in HRM and develop policies, programs and regulations to protect and enhance them;
2. Promote cultural and heritage considerations in HRM's broader planning and municipal decision making processes;
3. Assist communities in identifying and celebrating cultural and heritage assets;
4. Support cultural and heritage tourism through investment in signature cultural and heritage attractions and events;
5. Broaden heritage protection through the identification and preservation of cultural landscapes; and
6. Increase opportunities for cultural activity and bolster the creative economy.
7. Recognize the importance of arts, including professional arts, to the creative economy and vitality of our region.

Municipal Water Services, Utilities and Solid Waste

1. Coordinate municipal initiatives with the Halifax Regional Water Commission (Halifax Water) to:
 - (a) provide water, wastewater and stormwater services in a cost-effective manner;
 - (b) recoup growth related costs from benefitting property owners; and
 - (c) reduce degradation to the natural environment.
2. Manage growth to make the best use of existing water, wastewater and storm infrastructure and avoid unnecessary or premature expenditures;
3. Support environmentally sustainable practices for developments serviced with on-site water and wastewater services;

4. Reduce above grade electrical and telecommunication lines; and
5. Encourage the development of a comprehensive natural gas distribution system; and
6. Reduce the amount of solid waste generated and operate solid waste facilities in an environmentally responsible and cost-effective manner.

Governance and Implementation

1. Engage citizens in the development of policies, programs and services as the basis for building healthy, strong and inclusive communities;
2. Monitor the effectiveness of policies and programs of this Plan;
3. Undertake periodic reviews of this Plan to assess whether changes are needed; and
4. Ensure that HRM policies and programs are aligned to achieve the vision and objectives of this Plan.

1.4 HRM: FROM PAST TO PRESENT

1.4.1 Settlement in HRM

The earliest evidence of the Mi'kmaq culture in what is now known as HRM can be traced to 10,000 years ago. European settlement can be traced to the Portuguese, Basque, English and French fishermen. The French claimed Nova Scotia as part of Acadia in the 1600s but Halifax was established by the British in 1749 as a strategic military site. Culture is never static, and HRM's culture and heritage continues to change and be re-defined through the contribution and interaction of founding communities and the arrival of more recent immigrants.

While the city famously grew around the Citadel fortress on the Halifax Peninsula, settlement did not stay confined to the Peninsula for long. Much of the commercial and government employment, including the Royal Canadian Navy, was focused in Downtown Halifax, while Downtown Dartmouth became an important manufacturing centre. In the rural areas beyond, most people lived off the land or sea through farming, fishing, or both, and were spread relatively evenly along the shorelines and inland waterways. The railways brought new levels of mobility to areas beyond traditional coach roads or water transportation, allowing more population to be located at greater distances from economic centres.

1.4.2 Regional Growth

Since the 1950s, the trend has been strongly toward dispersion of residential population from the urban core. Although the residential areas of Peninsula Halifax and Downtown Dartmouth remain robust, economic and technological changes, cross-harbour bridges, the provincial freeway system, early regional planning efforts, and provincial land banking for new housing helped drive population away from the economic hub and clustering of employment (the urban core). These trends have been augmented by the variability of our topography, the impact of our irregular coastline and the presence of our deep harbour. Our harsh geology impacts the cost of construction in many areas, resulting in development that may be challenging to connect and service within the larger region³.

Recent benchmarks, however, suggest a fairly encouraging picture of HRM's position with respect to population density when compared to six other Canadian municipalities. Although the region is growing more slowly than its comparators, it is fifth among the seven in terms of density of the Census Metropolitan Areas⁴. Among the benchmark regions, its Central Business District population density is second, following only Quebec City. HRM also ranks second to Regina in terms of the density of combined residents and employees in the CBD but has considerably more residents than Regina, suggesting a better integrated downtown area. Overall, HRM is seen to have a balanced pattern of development between its Regional Centre and other growth centres which is conducive to the use of transit and active modes of transportation⁵.

³ Stantec Study, 2013.

⁴ Stantec, 2013 based on new 2011 data by which the Halifax CMA has a density of 71.0 persons per km²

⁵ Stantec, 2013 p. 2.10 citing Transportation Association of Canada

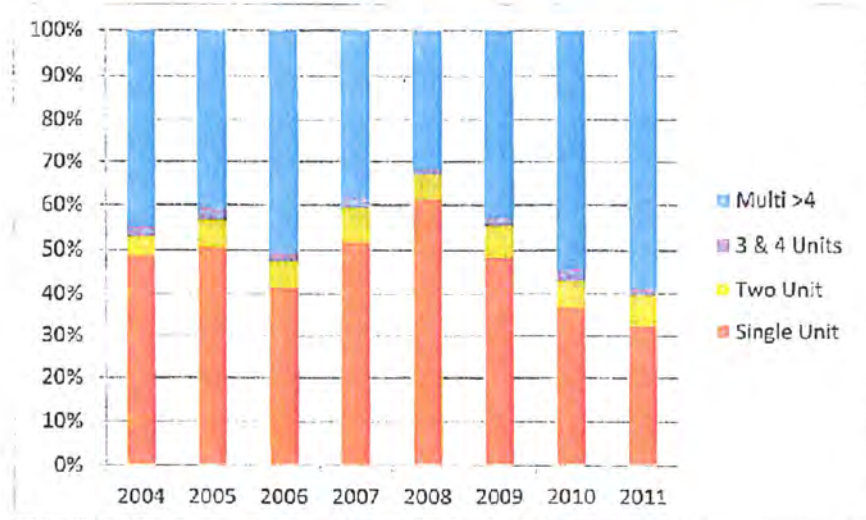
As the largest municipality in the Atlantic Canada, HRM also has a variety of roles to play. It is the capital of Nova Scotia. It is the primary point of international entry to, and exit from Atlantic Canada. It is an important centre of production and an even more important centre for the delivery and management of goods and services. It is also a major cultural centre that people outside of Atlantic Canada look upon as a reflection of the region, and to which people within the region look as a leader.

1.4.3 Development Trends

HRM's past population trend has resulted in a dispersed settlement pattern in many areas, where increasingly larger amounts of land are used by individual households. This in turn has led to higher infrastructure and delivery costs to service these areas. Since 2000, the population in the Regional Centre has stabilized, but the urban communities have continued to attract new residents, and rural commuter subdivisions have spread outwards. Conversely, another trend observed since 2006 is the continued population loss in HRM's more remote rural communities on the Eastern Shore.

One of the key trends in recent decades is the move towards higher density development largely explained by smaller household sizes and more difficult financing options. One-person households are currently the fastest growing category, increasing by 26% in the last decade⁶.

Fig. 1-1: New Dwelling Units in HRM by type (2004-2011) Source: HRM



⁶ Nova Scotia Community Counts, 2012. www.gov.ns.ca/finance/communitycounts

1.5 HRM: A SUSTAINABLE AND PROSPEROUS FUTURE

Future patterns of development in HRM will be influenced by trends in population, the strength of the economy and employment opportunities, public infrastructure, planning regulations, housing choices and affordability of housing. Projected trends from now until 2031 indicate that employment will continue to grow, albeit at lower levels than the 1996-2006 period. Meanwhile the number of available workers will decrease as the age distribution shifts towards a larger proportion of residents over the age of 65, with corresponding demand for higher density housing. Each of these projected patterns is discussed in more detail below.

1.5.1 Economy and Employment

Within Nova Scotia and the broader Atlantic regional economy, HRM has traditionally shown strong economic performance, and the conditions are set to continue to create relatively more employment than the rest of Atlantic Canada over the next 25 years. Actual growth in HRM will be affected by offshore oil and gas activity levels, as well as a continued restructuring in manufacturing, fishing and forestry industries. Some workers displaced from those industries will need time for retraining before they re-enter the workforce⁷. The short term will see a continuation of the slow-growth stability typical of the Halifax area.

In 2012 a major shipbuilding project was announced by the Government of Canada for HRM. The Conference Board of Canada has suggested that the project will generate an average of 8,500 Nova Scotia jobs over its lifetime to the year 2030, with a peak of 11,500 around the year 2021⁸.

1.5.2 Population and Housing

HRM had relatively stable population growth over the last 25 years. In 1976, the population was less than 280,000, rising to approximately 384,778 by 2006 and to over 409,510 by 2011. This growth has not occurred uniformly across HRM, but has instead been focussed mainly in the urban communities and rural areas within commuting distance of the Regional Centre.

The population growth of HRM over the 25-year period between 2011 and 2031 is projected to be approximately 73,115 persons, using a base case scenario⁹. Two thirds of net migration is expected to come from international sources, while the remainder is expected from other parts of Canada¹⁰. HRM's population is indeed growing increasingly diverse, with over 11,000 new immigrants arriving in HRM since 2006, comprising 76% of provincial in-migration¹¹. HRM is also becoming a magnet for foreign students, who numbered 3,000 in 2002 and 6,000 in 2011¹². The Aboriginal and African Nova Scotian communities are also growing at a faster pace than the rest of the population, presenting significant economic and cultural opportunities.

⁷ Altus Group. 2009. Employment, Population and Housing Projections Halifax Regional Municipality: An Update. p. 12

⁸ Conference Board of Canada, cited in Stantec, Quantifying the Costs and Benefits of Alternative Growth Scenarios, (Halifax Regional Municipality, 2013)

⁹ Stantec, 2013, updated from Altus, 2009.

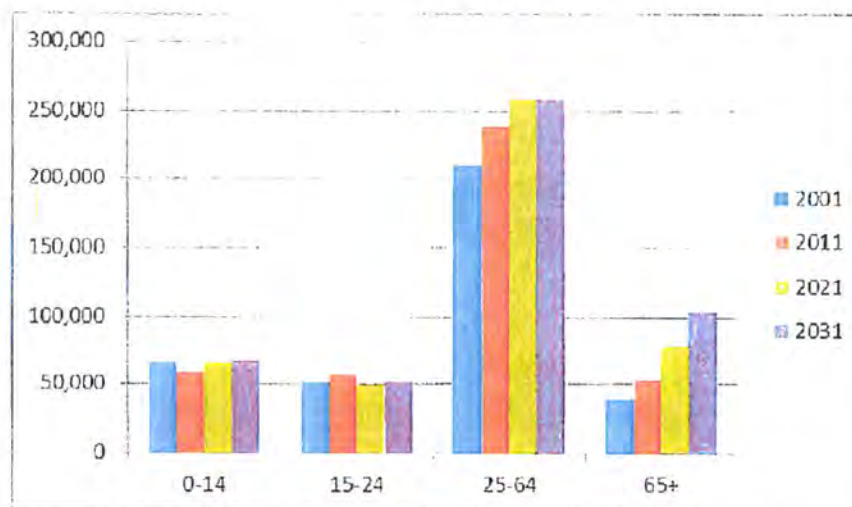
¹⁰ Altus, 2009.

¹¹ CIC Facts and figures 2011 Canada – permanent residents in province or territory and urban area.

With respect to an aging population, by 2031 there will be more than twice the number of people over the age of 65 than in 2001 (163% increase), and the number of school aged children is expected to level off (see Fig. 1-2). This shift in age distribution will have significant implications on the demand for housing and types of services provided in HRM.

Potential household growth, and ultimately housing demand, is a function of the projected population by age and the number of people in each age group who are expected to head up a household. As indicated above, using the base case scenario over the period 2011 to 2031, HRM is now expecting a total of almost 39,160 new dwelling units (see Table 1-1)¹³ and 42,239 new commuters.

Fig. 1-2: HRM Population Growth by Age (2001-2031) Base Case Scenario



<http://www.cic.gc.ca/english/resources/statistics/facts2011/permanent/11.asp>

¹³ CIC Facts and figures 2011 – Immigration overview: Permanent and temporary residents. Temporary residents: Canada – Foreign students present on December 1st by province or territory and urban area.

<http://www.cic.gc.ca/english/resources/statistics/facts2011/temporary/16.asp>

¹³ Altus, Group Economic Consulting, 2009, cited in Stantec, 2013

Table 1-1 Key Growth Scenario Projection Parameters (2011-2031) Source: Stantec, 2013, Altus (2009)

Population, Housing and Labour Force Projections Based on Statistics Canada Estimates, 1996-2031

	1996	2001	2006	2011	2016	2021	2026	2031	Change 2011- 2031
Census Population*	342,975	359,195	372,858	390,328	406,305	425,060	438,125	N/A	
Population Estimates**	351,740	369,245	384,780	409,510	433,605	454,325	470,855	482,625	73,115
- Estimate as % of Census	102.6%	102.8%	103.2%	104.9%	106.7%	106.9%	107.5%	N/A	
- Change		17,505	15,535	24,730	24,095	20,720	16,530	11,770	
- % Change		5.0%	4.2%	6.4%	5.9%	4.8%	3.6%	2.5%	
Estimated Dwelling Units	134,880	148,475	160,105	173,255	183,448	195,754	205,435	212,415	39,160
- Change		13,595	11,630	13,150	10,193	12,307	9,680	6,981	
- % Change		10.1%	7.8%	8.2%	5.9%	6.7%	4.9%	3.4%	22.6%
- Singles & Semis	78,905	88,345	93,505	100,280	107,289	114,596	120,681	125,214	24,934
- Apartments & Other	55,975	60,130	66,600	72,975	76,159	81,158	84,754	87,201	14,226
- % Apartments	41.5%	40.5%	41.6%	42.1%	41.5%	41.5%	41.3%	41.1%	
DU Size	2.61	2.49	2.40	2.36	2.36	2.32	2.29	2.27	-0.09
Population 15 & over**	282,680	302,500	323,755	350,050	371,645	388,140	402,690	415,290	65,240
Estimated Labour Force***	190,240	212,015	224,675	246,085	260,152	272,086	282,286	291,118	45,033
Participation Rate***	67.3%	69.7%	68.9%	70.3%	70.0%	70.1%	70.1%	70.1%	-0.2%
Unemployment**	8.2%	7.1%	5.0%	6.0%	6.0%	6.2%	6.1%	6.2%	0.2%
Employed Labour Force**	174,640	196,960	213,440	231,320	244,540	255,215	265,065	273,070	41,750
- Change**		22,320	16,480	17,880	13,220	10,675	9,850	8,005	
- % Change		12.8%	8.4%	7.1%	5.7%	4.4%	3.9%	3.0%	
Outside Commuters		8,000	9,300	9,500	9,700	9,900	9,990	9,990	490
All Commuters		204,960	222,740	240,820	254,240	265,115	275,055	283,060	42,239

1.6 MUNICIPAL PLANNING STRUCTURE, IMPLEMENTATION AND INTERPRETATION

As of 2013, eighteen Municipal Planning Strategies (MPSs) and thirteen Secondary Planning Strategies had been adopted by HRM (or former municipalities) which serve to guide planning decisions at a community or neighbourhood level. These documents, listed in Appendix B, remain in effect and may be amended or repealed at the discretion of Regional Council.

With the adoption of this Plan, these community or neighbourhood plans and any future ones are deemed secondary planning strategies in accordance with the provisions of the HRM Charter. Over time, HRM will strive to ensure that secondary planning strategies are consistent with this Plan.

1.6.1 Implementation Tools

Implementation of the policies of this Plan and secondary planning strategies is achieved through various means. Five important implementation documents are:

- (1) Land Use By-laws (LUBs) regulate the use of land through zoning and can establish a wide range of development standards such as allowable heights and densities to landscaping requirements. LUBs have significant influence on community design and form. Where an MPS has been adopted, there is a corresponding LUB. All lands in HRM have a governing MPS and LUB.
- (2) The Regional Subdivision By-law establishes regulations for the subdivision of land throughout HRM. Included in this By-law is the Urban Service Area which establishes areas which may be developed with municipal water, wastewater and stormwater services. This By-law also establishes design standards for public streets, sidewalks and municipal parkland dedication.
- (3) Development Agreements, Rezoning and Site Plan Approvals are regulatory tools which may be established by policy provisions under MPS and LUBs in accordance with the provisions of the *HRM Charter* to allow for discretionary approvals by Regional Council or Community Councils. These tools offer flexibility but statutory requirements are imposed on the approval process and appeals.
- (4) Priorities Plans, as identified throughout this Plan, are intended as management plans with more detailed actions to be taken to carry out the policy directives of this Plan. These plans may include regulations, programs, facilities or partnerships and associated budgetary requirements. These Priorities/Functional Plans are not to be considered a legal part of this Plan and were originally referred to as Functional Plans in the original version of this Plan.

- (5) The Heritage Property By-law, adopted pursuant to the Heritage Property Act of Nova Scotia, allows for the identification, preservation and protection of properties deemed of heritage value to HRM. The Act also allows for the establishment of heritage conservation districts and heritage protection by-law to preserve areas or communities of historic or architectural significance.

1.6.2 Interpretations

There are two frequently used terms found in various policy statements of this Plan— "shall" and "may". The word "shall" denotes a mandatory action; the word "may" denotes a permissive action.

The term "shall consider" appears in the context of policies respecting secondary planning strategies, priorities plans. This term denotes the mandatory consideration of these strategies and plans but does not commit HRM to any approval, adoption or implementation of these strategies or plans.

1.7 ORGANIZATION OF THIS PLAN

This Plan is organized into the following chapters:

Chapter 1 - Introduction: establishes the vision, principles, and objectives of this Plan and provides a brief history of HRM's past, present and projected trends in population, development, housing, economic and social sectors.

Chapter 2 – Environment, Energy and Climate Change: addresses the protection of land, water, and air. It includes such issues as riparian buffers, forest cover, and the natural network (wildlife corridors and species at risk). This chapter provides the framework for the implementation of the *Urban Forest Master Plan*, the *Climate Risk Management Strategy for HRM* and the *HRM Corporate Plan to Reduce Greenhouse Gas Emissions* and for the undertaking of the *Greenbelting and Public Open Space Priorities Plan*.

Chapter 3 - Settlement and Housing: establishes seven land use designations and the associated policies for each. This chapter includes community design guidelines for the centres, in addition to policies for residential infill, incentives for opportunity sites, and the public realm. Relative to housing, it focuses on how this Plan will encourage a variety of housing types to serve different stages of life, and will work towards affordable housing that is integrated into the overall community.

Chapter 4 – Transportation and Mobility: outlines the transportation strategies to be pursued through a series of functional/priorities plans.

Chapter 5 - Economy and Finance: identifies policies and a guiding economic strategy to support development of the Regional Centre, business and industrial parks and Halifax Harbour and long term financial planning.

Chapter 6 – The Regional Centre: provides direction for the preparation of the Regional Centre Plan.

Chapter 7 - Cultural and Heritage Resources: broadens the scope of the Regional Plan to include social heritage and cultural development policy alongside the protection of built heritage, cultural landscapes and archaeological resources and establishes new and revised policies that align with best practices in the culture and heritage field and with the urban design and place-making initiatives that have emerged.

Chapter 8 - Municipal Water Services, Utilities and Solid Waste: explains the role HRM will play in municipal water, wastewater and stormwater services since the 2007 transfer agreement with Halifax Water and how the activities of the two organizations are to be coordinated. Municipal policies towards on-site water and wastewater services, solid waste management, natural gas, communications towers and electrical and telecommunication lines are also outlined.

Chapter 9 – Governance and Implementation: outlines how HRM will engage with its citizens, monitor the effectiveness of this Plan and programs and activities that support this Plan, and how this Plan will be implemented and reviewed.

CHAPTER 2: ENVIRONMENT, ENERGY AND CLIMATE CHANGE

2.0 INTRODUCTION

Protection of water, land and air is a significant component of this Plan. The natural environment is one of the defining features of HRM, with its extensive coastline, lakes, rivers and vast forested areas. Citizens have indicated that anticipating the potential effects of climate change and protection of the natural environment are key priorities for preserving quality of life, community identity, and opportunities for outdoor recreation. The natural environment also provides many ecological and economic benefits to the residents of HRM. Environmental stewardship requires the collaboration of all levels of government and the community.

2.1 OBJECTIVES

1. Promote an approach to environmental management and economic development that supports a sustainable future through cooperation with other levels of government, government agencies, residents, and non-governmental organizations;
2. Foster a land management and community design approach which integrates preservation of lands and aquatic systems of ecological, cultural and environmental significance; lands suited for renewable resource extraction; and lands suited for parks, trails and corridors which provide recreational and educational opportunities;
3. Adopt development practices that sustain air, land, water and groundwater resources; and
4. Conserve energy and respond to climate change.

2.2 GREENBELTING: BUILDING AN OPEN SPACE NETWORK

HRM has a vast network of open space. While the conventional concept of open space may imply parks or untouched natural areas, the term “open space” is used here as a land use category to refer to several additional types of land uses with a wide range of functions. Open space is publicly or privately owned, undeveloped land or water, intended to be preserved for agricultural, forest, community form, ecological, historical, public safety, or recreational purposes. It consists of lands for natural resources, agriculture, recreation, environmentally sensitive areas, hazard prone lands, cultural landscapes, natural corridors and trails and preservation areas for potable water and waste/resource management as outlined in Table 2-1.

Table 2-1: Open Space Typology

Open Space Type	Open Space/Land-Use Function	Land-Use Form
Natural Resource	<ul style="list-style-type: none"> • provision of minerals, timber, fibre • provision of fish, shell fish, aqua-plants • protection and enhancement of air quality and reduction of greenhouse gases • provision of water supply for human consumption 	<ul style="list-style-type: none"> • Commercial forest pulp & paper • Commercial mineral and aggregate lands • Commercial fisheries • Watershed Lands and reservoirs
Agriculture	<ul style="list-style-type: none"> • provision of livestock grazing or field crop production 	<ul style="list-style-type: none"> • Private and commercial farm lands
Aquaculture	<ul style="list-style-type: none"> • provision of food • provision of fertilizer 	<ul style="list-style-type: none"> • Commercial aqua farms- land or water
Recreation and Leisure	<ul style="list-style-type: none"> • presentation of historical, and cultural value • provision of public recreation, leisure and social opportunities • provision of public access to unique natural features • provision of human mobility linkages between neighbourhoods and communities • protection of natural systems and habitats for public appreciation and experience 	<ul style="list-style-type: none"> • Federal, Provincial, and Municipal Parks providing active and passive recreation opportunity including: Urban parks and civic spaces, amenity greenspace, nature-oriented areas with scenic, recreation and aesthetic values, formal gardens, commons and schoolyards, community gardens, community plazas, playgrounds and open play areas, outdoor sports facilities, cemeteries, burial grounds and memorials, waterfronts • Lakes, rivers and other waterways for water-based recreation • Beaches • Corridors <ul style="list-style-type: none"> ○ Greenways ○ Bikeways & pathways ○ Riparian buffers Streets
Heritage and Culture	<ul style="list-style-type: none"> • Conservation, management, and display of historical natural habitat (natural influence) • conservation, management, and display of important historical cultural legacies (human) 	<ul style="list-style-type: none"> • Cultural and scenic landscapes • Federal, Provincial, Municipal Parks • Archeological and built heritage sites

Open Space Type	Open Space/Land-Use Function	Land-Use Form
	influenced)	
Hazard & Conservation Lands & Waters	<ul style="list-style-type: none"> • Protection of human settlement from natural environment forces such as flooding, severe erosion, and tidal surging • Protection of natural areas and ecological systems from human impact 	<ul style="list-style-type: none"> • Floodplains • Coastal zones • Steep slopes • Riparian buffers • Forested areas & natural corridors • Waterways & watersheds
Utility Lands	<ul style="list-style-type: none"> • Provision of energy, telecommunication, water and sewer services for human consumption 	<ul style="list-style-type: none"> • Corridors <ul style="list-style-type: none"> ◦ Transmission lines ◦ Natural gas transmission lines ◦ Telecommunication transmission lines • reservoirs • Telecommunication stations
Transportation	<ul style="list-style-type: none"> • Provision of multi-use transportation routes for walking, bicycling and other means of linking various parts of the community or open space system • Provision of mobility options and linear connections 	<ul style="list-style-type: none"> • Corridors <ul style="list-style-type: none"> ◦ Greenways ◦ Bikeways & pathways ◦ Rivers ◦ Streets ◦ Road rights of way • Public Transit Lands <ul style="list-style-type: none"> ◦ Transit stations ◦ Ferry terminals ◦ Bus stops
Community Form	Separation, shaping and definition of urban communities and rural settlements	<ul style="list-style-type: none"> • Scenic and natural buffers • Landscaped and natural areas • Urban Forest

Greenbelting provides a framework for protecting and preserving connectivity between natural areas and open space lands, for enabling their integration into sustainable community design, defining communities, benefiting the Municipality's economy and the physical health of its people. Greenbelting can reflect and support the overall purposes of this Plan.

A *Greenbelting and Public Open Space Priorities Plan* will determine an economically and environmentally sustainable strategy for the maintenance and distribution of parks and open space throughout HRM. It will consider lands of ecological, cultural and environmental significance; lands suited for renewable resource extraction; and lands suited for parks, trails and corridors which provide recreational and educational opportunities. The Plan will complement growth strategies for urban and rural areas through environmental and cultural research, delineation of natural corridors, community design principles, real property planning and community partnerships. It will guide decision making for public lands planning in pursuit of HRM's open space objectives.

In the short term, increased protection of riparian buffers will be introduced. The strategy will also be used as a foundational work for community planning and regional open space planning. The initial phase of work will focus on open space planning for the Regional Centre and the comprehensive planning of the new community of Port Wallace.

2.2.1 Natural Networks

Growth and development throughout HRM has been shaped by a natural network of open space, covering the interior of the Municipality, which is generally inaccessible by public road. It consists mainly of provincial Crown lands as well as lands owned by private companies for forest production and harvesting.

The open space network consists of regional parks, natural corridors and trail systems that have been developed by government agencies, non-governmental organizations and private land owners. The trail systems have become the backbone of a system of interconnected open space and provide opportunity for activities such as back country hiking, biking, portaging and nature appreciation. The natural corridors interconnect natural areas and provide opportunity for wildlife to migrate between habitat patches and maintain natural ecological functions.

Within HRM, this network of open space serves many functions. It shapes settlement form and provides natural resources that support the economy and preserve our culture and heritage. It provides opportunity for outdoor recreation and aesthetic enjoyment. It also provides habitat for wildlife and performs important environmental services such as the retention of flood waters, uptake of nutrients, abatement of pollution and moderation of climate. It is, therefore, important to strengthen the connection between natural areas, parks and communities to conserve biodiversity, provide opportunities for outdoor recreation, retain HRM's natural and cultural heritage, support the retention of important environmental systems and preserve HRM's quality of life.

E-1 HRM shall establish an Open Space and Natural Resource Designation, shown on the Generalized Future Land Use Map (Map 2), as the area encompassing a natural network of open space in the interior of HRM. The Open Space and Natural Resource Designation shall apply to government-owned and private resource sector lands and generally include the following:

- (a) federal parks;
- (b) habitat protected by federal and provincial legislation;

- (c) regional parks;
- (d) trail and greenway networks;
- (e) provincially designated parks;
- (f) provincial parks reserves;
- (g) provincially designated wilderness areas and nature reserves;
- (h) provincial Crown lands classified C1(resource) and C2 (resource and recreation) under the *Integrated Resource Management Plan* by the Province⁷;
- (i) private conservation areas;
- (j) all municipal conservation areas;
- (k) wetlands;
- (l) salt marshes;
- (m) beaches;
- (n) commercial forestry, agriculture and fishery lands;
- (o) environmentally sensitive areas;
- (p) natural corridors; and
- (q) cultural landscapes.

E-2 To preserve the interconnected system of open space and minimize fragmentation within the Open Space and Natural Resource Designation, HRM shall, through the *Subdivision By-law*, prohibit residential development on new roads.

Due to the inability to create frontage through the construction of new public roads, it is appropriate to create an alternative mechanism to enable limited subdivision, which has traditionally been used for kinship purposes. The *Subdivision By-law* contains provisions which are designed in part to ease the development constraints of lands with minimal road frontage. Those provisions permit the creation of an additional lot which does not meet the minimum road frontage requirements, provided the area of land being divided was in existence prior to August 1, 1987. Many properties have been created since that date so, to be equitable to all landowners within the Open Space and Natural Resource Designation, it is appropriate to adjust this date forward to coincide with the effective date of this Plan.

E-3 HRM shall, through the *Subdivision By-law*, provide for the creation of one additional lot from any area of land that is within the Open Space and Natural Resources Designation provided that:

- (a) the area of land was in existence prior to April 29, 2006; and
- (b) the one additional lot does not meet minimum road frontage requirements.

⁷ NS Department of Natural Resources (DNR). *Integrated Resource Management - Introduction*. <http://www.gov.ns.ca/natr/irm/introduction.html> Accessed Aug. 15, 2005

2.2.2 Park Classifications

Table 2-2 contains a description of HRM's Park Classification System which consists of Neighbourhood Parks, Community Parks, District Parks, and Regional Parks which together provide a diversity of recreational opportunities and experiences. The classification system provides descriptions of the function and design features of the park type, and the number of households served by park type. With the exception of the Regional Park, classification which includes federal and provincial parks, all other park classifications refer to municipally-owned parks. The parks serve the recreation needs of a growing population and the trail system, which is developing throughout HRM, provides linkages between communities and these outstanding natural and historical features which shape HRM's identity.

Table 2-2: Parks Classification System

Park Type	Park Function
Neighbourhood Parks	Neighbourhood Parks are primarily designed to provide unorganized play activities for children, quiet seating or rest areas and/or linear linkages between other municipal parks or open spaces. These parks typically provide centrally located recreational services for neighbourhoods of 80 - 120 households.
Community Parks	These parks may be designed for organized youth and recreational adult level sports but may also include facilities for play by children. These areas may also be designed for passive recreation and left in a predominantly natural state. Community Parks are primarily intended to serve the recreation needs of a community comprised of three or four neighbourhoods with a population in the range of 1200 persons.
District Parks	District Parks are primarily intended to serve the recreation needs of several communities with a population in the range of 10 000 persons. District Park facilities may provide a range of recreational uses including, but not limited to, walking and cycling trails, sports fields, picnic areas, supervised beaches, and play facilities for children and areas intended for passive recreation uses that are left in a predominantly natural state.
Regional Parks	The primary objective of a Regional Park is to preserve and protect significant natural or cultural resources. The essential feature of a Regional Park may include, but not be limited to, open space, wilderness, scenic beauty, flora, fauna, and recreational, archaeological, historical, cultural and/or geological resources. A Regional Park will have sufficient land area to support outdoor recreational opportunities for the enjoyment and education of the public. The size of a Regional Park must be sufficient to ensure that its significant resources can be managed so as to be protected and enjoyed. Regional Parks may be federal, provincial or municipal properties and are intended to serve the educational, cultural and recreation needs of the population of the entire region as well as for visitors to HRM.

2.2.3 Regional Parks

The Regional Parks system consists of public lands administered by federal, provincial and municipal agencies that have been recognized as regional parks based on their open space, wilderness, scenic beauty, flora, fauna, recreational, archaeological, historic or geological resources. The system also includes areas designated as Provincial Parks, Non-designated Provincial Parks and Provincial Park Reserves by the NS Department of Natural Resources. Some municipal parks meeting the regional park criteria (Table 2-2) such as Point Pleasant, Western Common, and Admiral's Cove have also been included in this system. Further planning for regional parks in conjunction with the *Greenbelting and Public Open Space Priorities Plan* could include more municipally-owned parks that meet the regional park criteria.

The 1975 *Halifax Dartmouth Regional Development Plan*, repealed in 1998, contained policies and Regional Park designations supporting a Regional Parks and Trail System. The objectives were to preserve natural landscapes of outstanding value and to establish interconnected trail system between them. Over the years, the Province and former municipalities acquired lands to create the present Regional Park system. However, the full scope of the plan was not completed. This, coupled with future population growth contemplated at higher densities for urban communities, requires additional areas to be preserved for future Regional Park development.

HRM intends to create additional Regional Parks at various locations throughout HRM including the Blue Mountain - Birch Cove Lakes, Feely Lake, Jacks Lake, Second Lake, and Porters Lake. These additional Regional Parks and responsible agencies are identified in Table 2-3 and Map 4.

Table 2-3: Regional Parks

Additional Regional Parks	Responsible Agency
Blue Mountain-Birch Cove Lakes Park	DNR/HRM
Feely Lake	DNR
Jacks Lake Park	HRM
Porters Lake Park	DNR
Second Lake Provincial Park	DNR

Further analysis is necessary to determine appropriate geographic boundaries for the Western Common, Porters Lake and Blue Mountain-Birch Cove Lakes parks. Lands within the Western Common and Porters Lake parks are publically owned and the park boundaries will be determined through the *Greenbelting and Public Open Space Priorities Plan*. Once the appropriate boundaries are established, the lands will be zoned Regional Park.

Lands within the Blue Mountain-Birch Cove Lakes Park are both privately and publically owned and a study⁸ has been completed to determine appropriate boundaries for the park. A conceptual geographic area for the park is shown on Map 11. It is the intention that, over time, the necessary private lands within the park be acquired for public use. Methods of acquisition range from provincial and municipal partnerships, as financial resources permit, land trades and conservation easements. Once acquired, public lands within the park will be re-designated as Open Space and Natural Resource and zoned Regional Park. Lands outside the park will be designated and zoned for development as appropriate.

The Jacks Lake lands are under HRM ownership except for approximately 20 hectares (exact boundaries to be determined) in the ownership of the Province of Nova Scotia. HRM intends to carry out a study to determine appropriate boundaries for the Jacks Lake Park. Through the secondary planning process for the Sandy Lake Urban Settlement area, the remainder lands, including the lands owned by the Province, will be examined for re-designation to permit development, as appropriate.

- E-4 Within all designations, HRM shall establish a Regional Park Zone under the land use by-law. This Zone shall generally be applied to all existing Federal Parks, Provincial Parks, Provincial Park reserves, non-designated Provincial Parks and Regional Park lands owned by HRM. This Zone shall permit 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.
- E-5 The *Western Common Master Plan*, endorsed by HRM on June 15, 2010, shall provide guidance for the development and management of the Western Common.

2.2.4 Municipal Parks

There are increasing expectations concerning the quality and quantity of municipally-owned public spaces dedicated to recreation and leisure pursuits. HRM is predicted to experience steady growth in residential development during the life of this Plan. Given the higher densities desired for growth centres within HRM, there will be additional requirements for more open space and parks to serve the recreation and leisure needs of local residents. Therefore, the dedication of land through the subdivision process is to be increased to 10% with limited exceptions.

- E-6 HRM shall, through the *Subdivision By-law*, establish a requirement for a minimum of 10% park dedication for new subdivisions except that the dedication shall be reduced to 5% for:
- (a) existing residential subdivisions outside of the Interim Growth Management Area;
 - (b) Classic Conservation Design Developments as provided for under Section 3.4.1 of this Plan; and

⁸ Halifax Regional Municipality (HRM), N.S. Department of Natural Resources (DNR), NS Department of Transportation and Public Works (TPW). 2006. *Blue Mountain/Birch Cove Lakes Assessment Study*. Prepared for HRM, DNR, and TPW by Environmental Design Management (EDM) Ltd. March 2006.

- (c) the first three lots subdivided from any parcel of land in existence on June 16, 2007.

2.2.5 Natural Areas and Natural Corridors

Natural areas include significant ecological features within the regional landscape. They play a vital role in protecting vegetation, fish and wildlife which are significant to the biodiversity, beauty and character of HRM. Within HRM are five designated wilderness areas and a portion of a sixth is designated under the *Special Places Protection Act*. HRM and non-governmental conservation organizations have acquired and permanently protected other environmentally sensitive areas throughout HRM.

Protection of isolated blocks of habitat will not adequately protect wildlife in HRM. The size and continuity of natural corridors contribute to the overall connectivity of natural landscapes, which are in turn critical to reducing the loss of native species of flora and fauna caused by development practices. The length and width of wilderness networks are determined by the requirements of desired wildlife species as well as other desired uses within the network. For example, it may not be possible to protect wide corridors and thereby accommodate larger species in all areas within the Urban Settlement Designation. Secondary networks address some of the problems of habitat fragmentation for smaller species within the Urban Settlement Designation.

There are 14 Natural Corridors which are significant to the on-going connectivity and conservation of HRM's natural network as shown on the Parks and Natural Corridors Map (Map 4). Potential linkages are identified on this map. The primary function of these corridors and policies that support them is to conserve wildlife habitat and, in some cases, also conserve riparian, recreational and cultural lands. Through development of HRM's *Greenbelting and Public Open Space Priorities Plan*, it is the intention of HRM to work cooperatively with provincial and federal agencies, non-governmental organizations and land owners to achieve an interconnected system of open space as shown on the Trails and Natural Networks Map (Map 3) and the Parks and Natural Corridors Map (Map 4).

- E-7 HRM shall, through the applicable land use by-law, establish a Protected Area Zone. This Zone shall be applied to wilderness areas which have been designated under the *Wilderness Areas Protection Act*, nature reserves designated under the *Special Places Protection Act*, and conservation-related properties owned by government or private conservation organizations. The Zone shall only permit scientific study and education, trails and similar public, conservation and recreational uses.
- E-8 Further to Policy E-7, HRM shall encourage the Province of Nova Scotia to evaluate the potential for the designation of additional lands for protection under the *Wilderness Areas Protection Act*.
- E-9 Where HRM is considering approval of new secondary planning strategies or amendments to existing secondary planning strategies to allow new developments, natural corridors shall first be delineated, consistent with the *Greenbelting and Public Open Space Priorities Plan* approach, to identify areas to be retained for natural areas and natural corridors.

2.2.6 Urban Forests

The *Urban Forest Master Plan* provides a comprehensive urban forest neighbourhood approach to maximizing the urban forest in the Urban Settlement Designation to ensure a sustainable future for our urban forest.

- E-10 The recommendations of the *Urban Forest Master Plan*, adopted in principle by HRM in September 2012, shall be considered in planning, programming and regulatory activities related to managing and enhancing the urban forest cover in HRM.

2.2.7 Greenbelting and Public Open Space Priorities Plan

A comprehensive *Greenbelting and Public Open Space Priorities Plan* is necessary to help determine an economically and environmentally sustainable strategy for the equitable maintenance and distribution of parks and natural open space throughout HRM and to provide guidance for community planning. To guide the development of this Priorities Plan, the Open Space Typology and Park Classification System outlined in Tables 2-1 and 2-2 shall be used.

- E-11 A *Greenbelting and Public Open Space Priorities Plan* may consider:

- (a) coordinating and managing a program to research, identify and designate potential natural areas, systems and distinct landscapes, natural corridors and critical ecosystem linkages, and significant natural habitats to guide future development (see Map 5, Significant Habitats and Endangered Species and Appendix C: Species at Risk in HRM 2013);
- (b) coordinating and managing a program to research and identify potential public open space parks and corridors for the provision of quality open space for recreational and social development, restoration of natural corridor and urban ecosystem function, greenway networks to connect communities and provide mobility options and significant natural habitats to guide considerations of future development;
- (c) establishing selection criteria, investment and management guidelines for public open space lands, infrastructure and sustainable natural open space management strategies;
- (d) examining criteria for classifying and developing HRM parks including comprehensive criteria for designating regional parks;
- (e) assessing opportunities to further the development and establishment of management plans for the 1975 Regional Park System, the new Regional Parks proposed under this Plan, and other areas identified for their potential as regional parks;
- (f) developing an evaluation methodology and criteria for determining land capability and functionality in meeting standards for the delivery of public open space services, open space conservation, community development and growth management;

- (g) developing a system of interconnected public and natural undisturbed open spaces throughout HRM to include HRM parks, coastal areas and watercourse shorelines, water route and land-based greenways as illustrated on the Trails and Natural Network Map (Map 3), multi-functional streets, environmental and cultural conservation areas, schools, natural corridors, habitats as well as other public and community facilities;
 - (h) establishing a green-way network that includes a variety of corridors such as linear parks, hiking trails, nature trails and scenic loops;
 - (i) including a comprehensive planning approach for the retention of coastal and freshwater lake access and incentives for the protection of watercourse buffers;
 - (j) developing an operational framework to include community partners, federal and provincial departments, non-profit groups and private sector companies; and
 - (k) identifying, in cooperation with the Federal and Provincial government, species-at-risk habitats and annually review the Significant Habitats and Endangered Species Map (Map 5) and Appendix C: Species at Risk in HRM, 2013 contained in this Plan.
- E-12 HRM shall prepare a *Greenbelting and Public Open Space Priorities Plan* to protect and preserve connectivity between natural areas and open space lands, to enable their integration into sustainable community design, to help define communities, to benefit the Municipality's economy and the physical health of its people, and to reflect and support the overall purposes of this Plan.

2.3 WATER RESOURCES

Water, a limited and precious resource, is one of HRM's most highly valued environmental assets. Protection of this resource for potable water supply, wildlife habitat, recreational enjoyment, and aesthetic value is crucial for HRM. HRM's strategy aims to protect this resource through land use control and retention of those features that regulate water flow, mitigate flooding, reduce water pollution and protect ecological functions.

2.3.1 Potable Water Supply

Water extraction and treatment facilities have been established on various surface waters and well heads which supply piped potable water to communities throughout the region. The water supplies owned and operated by Halifax Regional Water Commission (Halifax Water) as of 2013 are illustrated on Map 12.

With the exception of the Grand Lake and Lake Thomas watersheds, land use activities are currently regulated under existing land use by-laws leading to a wide variation in the range of permitted land uses within each community. HRM will continue to allow for a variety of land uses provided that these uses do not threaten the municipal water supply and a consistent policy and regulatory approach is achieved throughout each watershed.

Activities and practices within the provincially designated watersheds (Pockwock Lake, Lake Major and Bennery Lake) are subject to regulations prescribed under the *Environment Act*. Watershed Advisory Boards have been established as a liaison between the Province and communities in developing regulations within each watershed.

The remaining water supply watersheds and well head areas are not designated water supplies. Consideration may need to be given to adopting municipal measures to protect these waters supplies and future water supplies.

- E-13 HRM shall, through the applicable land use by-law, establish a Protected Water Supply Zone which shall be applied to all publicly owned lands which serve as a water supply watershed, including emergency water supply watersheds and well head protection areas. This Zone may also be applied to private lands within these watersheds deemed necessary to protect the public water supply. The Zone shall permit 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 shall establish a minimum 30.5 metre riparian buffer around water supply sources.
- E-14 For any lands within a watershed or ground water supply area where a public water supply system has been established or is proposed, Council shall consider amendments to land use by-laws deemed necessary to:
 - (a) protect the water supply;
 - (b) ensure that a consistent regulatory approach within each watershed; or
 - (c) conform with any Statement of Provincial Interest Regarding Drinking Water.

2.3.2 Wetlands Protection

Wetlands and other watercourses are vital components of the hydrological cycle and affect the quality and quantity of groundwater. They are natural filters for removing sediment, contaminants and excessive nutrients which are drawn up by the vegetation and settle out naturally before entering groundwater. They absorb peak stormwater flows, reducing the risk of flooding downstream while offsetting groundwater extraction to reduce the risk of wells running dry. Wetlands also provide habitat for fish and wildlife and provide opportunities for education and research. Moreover, while enhancing the overall aesthetics of a community, wetlands are unsuitable for development as they pose a hazard for the stability of structures. It is essential that wetlands are protected.

The alteration of wetlands falls under provincial jurisdiction. Wetlands less than 2 hectares in area are assessed under the *Nova Scotia Wetland Conservation Policy* and those more than 2 hectares in area require an environmental impact assessment reviewed under the *Environmental Assessment Act*. Through this Plan, it is HRM's intent to prohibit the development of wetlands until such time as they are made suitable for development in accordance with provincial requirements.

- E-15 HRM shall, through the applicable land use by-law, establish a Wetlands Schedule to be used as a reference in determining the presence of wetlands 2000 m² or greater in area. On all applications for development approval, the by-law shall require the proponent to verify the existence and extent of any wetland shown on the schedule. The by-law shall prohibit development within any such wetland except as required to allow for public infrastructure. HRM may consider amending the restrictions made under the land use by-laws from time to time to conform to any guidelines or Statement of Provincial Interest adopted by the Province.

2.3.3 Riparian Buffers

Retaining riparian buffers around watercourses and along the coastline is important for the protection of water quality, wildlife and the protection of property from the natural hazards of flooding. In addition to the functions of flood regulation, riparian buffers reduce the impacts of sedimentation, erosion and nutrient loading on watercourses, regulate the temperature of adjacent watercourses, provide important wildlife habitat and add aesthetic value to HRM.

The *Water Resource Management Study*⁹ recommends the adoption of riparian buffers as established by the Department of Natural Resources. These setbacks are considered adequate for stream bank stability, water temperature regulation and aesthetic value. They also provide minimal protection of wildlife, flood mitigation and partial benefits for sediment removal. They will be used as general riparian buffer protection for the whole of HRM until buffers that meet the specific needs of each watershed can be determined through the watershed studies and implemented through secondary planning processes.

To maximize the protection benefits of riparian buffers, the trees, shrubs, ground cover vegetation and soils must be protected. Retaining native vegetation and native soils enhances runoff storage capacity, infiltration, and nutrient recycling. The canopy should also be retained over watercourses, soil erosion should be prevented, and activities or land uses which introduce nutrients or contaminants into watercourses need to be excluded. In some cases it may also be determined that HRM should consider the ownership of riparian buffers to protect public interest and public access.

⁹ Dillon Consulting Ltd. *HRM Water Resource Management Study*. Dec. 2002. Halifax.

- E-16 HRM shall, through the applicable land use by-law, require the retention of a minimum 20 metre wide riparian buffer along all watercourses throughout HRM to protect the chemical, physical and biological functions of marine and freshwater resources. Through a secondary planning process, the width of the riparian buffer may be increased. Lands designated Halifax Harbour on the Generalized Future Land Use Map (Map 2), industrial lands within the port of Sheet Harbour and lands within the Waterfront Residential (R-1C) Zone under the Shubenacadie Lakes Secondary Planning Strategy shall be exempted from the buffer requirement.

Development within the riparian buffer shall generally be prohibited but provisions may be made to permit water control structures, boardwalks, walkways and trails of limited width, fences, public road crossings, driveway crossings, wastewater, storm and water infrastructure, marine dependent uses, fisheries uses, boat ramps, wharfs, small-scale accessory buildings or structures and attached decks, conservation uses, parks on public lands and historical sites and monuments within the buffer. In addition, no alteration of land levels or the removal of vegetation in relation to development will be permitted.

- E-17 Further to policy E-16, where a development may be considered by development agreement, HRM shall consider the acquisition of riparian buffers as public open space.
- E-18 HRM shall, through the applicable land use by-law, relax the riparian buffer requirement for lots in existence on August 26, 2006, where otherwise development would be prohibitive. No relaxation to the buffer shall be permitted for lots created after August 26, 2006.
- E-19 HRM shall consider a by-law to protect existing trees and to manage the retention and the removal of existing trees within riparian buffer zones.

HRM recognizes that development and water lots that have been infilled may result in undesirable impacts on the marine environment and the aesthetic character of the surrounding environment.

- E-20 HRM may, through secondary planning strategies and land use by-laws, consider measures to regulate development of water lots that have been infilled, including establishing setbacks of buildings and structures from the water.

2.3.4 Floodplains

Land adjacent to rivers and streams which are subject to flooding (floodplains) are unsuitable for development. Development or alteration of a floodplain can restrict normal water drainage patterns and cause significant damage to property and infrastructure and risk to life. Limiting development on these lands reduces the need for costly flood control infrastructure such as channels, reservoirs and dykes, and protects the public from property damage and the loss of life. In the early 1980s, floodplain mapping for the Sackville and Little Sackville Rivers was prepared under the Canada-Nova Scotia Flood Damage Reduction Program and policies and regulations have been adopted under the Sackville planning documents to reduce the risk to property and the need for flood control measures.

To minimize effects upon natural stormwater flows, HRM will exercise control over the placement and stabilization of fill necessary for the flood proofing of structures permitted within a floodplain designation of a Secondary Planning Strategy. Through the review of subdivision applications, any roadways proposed within a floodplain designation will need to meet HRM's stormwater requirements. The following policy is intended to mitigate the consequences of flooding along major rivers and emphasize the environmental importance of rivers in regulating and draining water flows through watersheds.

- E-21 HRM shall restrict development and prohibit the placement of fill or alteration of grades in association with development that restricts the capacity of flow or increases flood levels within the 1 in 100 year and 1 in 20 year floodplains for designated watercourses, under secondary planning strategies and land use by-laws. Water control structures, boardwalks and walkways, conservation uses, historic sites and monuments and wastewater, stormwater and water infrastructure shall be permitted within floodplains. Within the 1 in 20 year floodplain, treatment facilities for wastewater, storm water and water shall be limited to facilities that were in existence on or before June 25, 2014. Within the 1 in 100 year floodplain, HRM may, through secondary planning strategies and land use by-laws, permit development which has been adequately flood-proofed.

2.3.5 Coastal Inundation

Sea level has slowly risen along the Atlantic Coast due to coastal subsidence and accelerated by global warming. An additional concern is the anticipated increases in the frequency and severity of storm events related to climate change. Rising sea levels and storm surges can result in increased damage to coastal communities and have significant impacts on coastal infrastructure, environmental assets, utilities, properties and community economic development. The following measures mitigate the potential impact that coastal inundation and storm surge events could have on human safety. Special provisions for the Downtown Halifax Secondary Plan Area were approved by HRM in 2013.

- E-22 HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28). Provisions shall be made within the by-law to permit residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses within the 3.8 metre elevation. Consideration may be given to amending the by-law requirements where an updated system of measurement has been adopted or studies have been undertaken which recommend that such amendments are deemed prudent to provide a reasonable level of safety or to conform with guidelines or statements of interest adopted by the Province.

2.4 WATERSHED PLANNING

The *Water Resources Management Study*¹⁰, which forms the basis of the policies contained in this Chapter, recognizes that watersheds are the fundamental unit for understanding water resources and undertaking watershed planning. Environmental features such as water, soils, vegetation, and habitat are all interconnected, and land use activities in one part of a watershed can adversely affect the quality and quantity of water in another.

Planning on a watershed basis will therefore be undertaken in greater detail during the creation of secondary planning strategies and upon completion of watershed studies. This Plan will seek to achieve public health standards for body contact recreation and to maintain the existing trophic status of our lakes and waterways to the extent possible.

E-23 HRM shall undertake watershed or sub-watershed studies concerning natural watercourses prior to undertaking secondary planning strategies in areas where new or additional development could adversely affect watercourses within the watershed. The studies, where appropriate, shall be designed to:

- (a) recommend measures to protect and manage quantity and quality of groundwater resources;
- (b) recommend water quality objectives for key receiving watercourses in the study area;
- (c) determine the amount of development and maximum inputs that receiving lakes and rivers can assimilate without exceeding the water quality objectives recommended for the lakes and rivers within the watershed;
- (d) determine the parameters to be attained or retained to achieve marine water quality objectives;
- (e) identify sources of contamination within the watershed;
- (f) identify remedial measures to improve fresh and marine water quality;
- (g) identify any areas around watercourses where increased flow from development could cause flood damage to properties or environmental damage and estimate the maximum increase in flow from the area to be developed that would not cause damage to the areas identified;
- (h) recommend strategies to adapt HRM's stormwater management guidelines to achieve the water quality objectives set out under the watershed study;
- (i) recommend methods to reduce and mitigate loss of permeable surfaces, native plants and native soils, groundwater recharge areas, and other important environmental functions within the watershed¹¹ and create methods to reduce cut and fill and overall grading of development sites;
- (j) identify and recommend measures to protect and manage natural corridors and critical habitats for terrestrial and aquatic species, including species at risk;
- (k) identify appropriate riparian buffers for the watershed;
- (l) identify areas that are suitable and not suitable for development within the watershed;

¹⁰ Dillon Consulting Ltd. Dec. 2002. Ibid

¹¹ Gibbon, J. *Addressing Imperviousness In Plans, Site Design and Land Use Regulations, Non-Point Education for Municipal Officials*, 1998. Technical Paper Number 1, University of Connecticut.

- (m) recommend potential regulatory controls and management strategies to achieve the desired objectives; and
- (n) recommend a monitoring plan to assess if the specific water quality objectives for the watershed are being met.

E-24 HRM may consider preparing a water quality monitoring protocol to provide guidance for water quality monitoring plans accepted by HRM under clause (n) of policy E-23 and any other monitoring programs to be undertaken for HRM by landowners.

2.5 ENERGY, EMISSIONS AND CLIMATE CHANGE

2.5.1 Climate Change

As a permanent feature of Gas Tax Funding, all municipalities in Nova Scotia are required to complete a Municipal Climate Change Action Plan. The Regional Municipal Planning Strategy complies with this requirement.

E-25 The recommendations of the *Climate Risk Management Strategy for Halifax Regional Municipality*, approved in principle by HRM in 2008, shall provide guidance for corporate priority actions to manage the risks associated with climate change.

2.5.2 The Community Energy Plan

A Community Energy Plan (November 2007) was endorsed by HRM in 2007 with the following vision statement adopted:

In partnership with other agencies, HRM intends to achieve the most significant improvement to energy sustainability, security, renewable technology, and environmental emissions among similar sized cities in Canada over the next 10 years.

The Plan established eight main goals:

- Improve the energy efficiency of buildings;
- Increase transportation choice and efficiency;
- Increase industrial energy efficiency;
- Encourage energy efficient land use planning and neighbourhood site planning;
- Increase efficiency of infrastructure;
- Increase energy security and diversify energy supply;
- Educate and engage residents and businesses; and
- Demonstrate local government leadership.

Various actions were recommended to achieve these goals and progress reports have been prepared.

- E-26 The Community Energy Plan (CEP), approved by HRM in 2007 and as updated, shall provide guidance to HRM actions and programs with the goal of embedding considerations of energy security, energy conservation, energy distribution and energy consumption into all aspects of HRM activities. Updates to the CEP will seek proven, integrated and systematic approaches to energy planning in collaboration with community stakeholders with the goal of reducing corporate and community energy consumption with particular emphasis on using renewable energy (geothermal, solar, wind) and district energy.

- E-27 Where deemed advisable to implement or further an action or program of the Community Energy Plan or the Economic Strategy under Section 5.2, HRM shall consider amendments to Secondary Planning Strategies and Land Use By-laws or any other by-laws of the Municipality.

- E-28 The *Halifax Regional Municipality Corporate Plan to Reduce Greenhouse Emissions: 2012 – 2020*, approved by HRM in 2012, shall provide guidance on what actions should be taken to achieve municipal targets for reducing corporate greenhouse gas emissions. Progress reports shall be prepared to measure the progress made in achieving this target.

- E-29 HRM shall co-operate with Nova Scotia Environment and other government agencies in developing policies and programs to protect air quality and reduce greenhouse gas emissions and, where deemed advisable by HRM, shall consider adopting or amending by-laws to achieve these objectives.

2.5.3 Wind Energy

With the passage of *The Electricity Act* (May 2010), Nova Scotia has adopted aggressive renewable energy targets which are likely to be achieved in large part through the use of wind energy. HRM intends to implement measures to help achieve these targets.

Within the applicable Regional Plan policy designations, three new energy overlay zones have been created to reflect how wind energy facilities should be treated differently between the urban and rural areas of HRM. The new energy zones in the urban and rural areas permit a range of wind energy facilities including micro, small, medium and large scale machines which have been classified based on different heights and levels of power generation. These range from large wind farms to smaller machines used as supplemental power sources for businesses and residences.

- E-30 Within all Regional Plan Designations, HRM shall establish three overlay zones including an Urban Wind (UW-1) Zone, a Rural Wind (RW-2) Zone and a Restricted (R) Zone within the Land Use By-law to regulate wind energy facilities. These regulations will be implemented through the community land use by-laws. The Urban Wind (UW-1) Zone and the Rural Wind (RW-2) Zone shall be applied to those areas where various categories of wind energy facilities shall be permitted in urban and rural areas. The Restricted (R) Wind Zone shall be applied to the those areas where wind energy faculties shall be prohibited including Regional Parks, Conservation Areas, Protected Areas and the Western Commons and areas within Urban HRM not suitable for wind energy facilities.
- E-31 HRM shall establish requirements within the applicable Land Use By-laws that include wind energy performance standards and regulations to control height, scale, access, setback and separation distances of such facilities in order to adequately address operational needs, safety concerns and the mitigation of impacts to adjacent properties.

Wind turbines should be permitted in HRM without placing a limit on the number of wind turbines within a particular location, provided that distance separation requirements can be met. However, where a property abuts another or where a number of properties are contiguous and are intended to be used to connect into the same large wind energy facility, the setback requirement from the property boundary may be waived where the adjoining property forms part of the same wind farm.

- E-32 HRM seeks to encourage the development of large scale wind energy facilities in rural areas by permitting the expansion of wind farms in suitable locations. Accordingly, where a large scale wind turbine is proposed to connect to a wind energy facility on an adjacent lot, the setback requirement from the property boundary may be waived where the adjoining property forms part of the same wind farm.

HRM recognizes that municipal regulations duplicating Provincial and/or Federal requirements should be minimized so as not to unduly hinder wind energy development and that the Provincial Environmental Assessment process guidelines may change over time which could necessitate changes to municipal regulations in order to remain both consistent and complimentary. Accordingly, HRM may seek to amend municipal regulations to ensure that future requirements are adequate to regulate wind energy facilities in HRM.

- E-33 HRM shall seek to ensure that Federal and Provincial processes comply with municipal requirements for large scale wind energy facility development. Where Federal and Provincial regulations have been amended, HRM may also amend municipal land use by-law regulations to remain consistent with these changes.
- E-34 HRM shall seek to recognize advances in wind energy technology and wind energy standards and may amend wind turbine municipal land use by-law regulations to reflect these changes.

CHAPTER 3: SETTLEMENT AND HOUSING

3.0 INTRODUCTION

HRM seeks a balanced approach to growth and will direct much of its investment to a series of centres where services such as transit, wastewater and water distribution services can be economically provided.

3.1 OBJECTIVES

1. Direct growth so as to balance property rights and life-style opportunities with responsible fiscal and environmental management;
2. Target at least 75% of new housing units to be located in the Regional Centre and urban communities with at least 25% of new housing units within the Regional Centre over the life of this Plan;
3. Focus new growth in centres where supporting services and infrastructure are already available;
4. Design communities that:
 - (a) are attractive, healthy places to live and have access to the goods, services and facilities needed by residents and support complete neighbourhoods as described in 6.2.2 (v) of this Plan;
 - (b) are accessible to all mobility needs and are well connected with other communities;
 - (c) promote energy efficiency and sustainable design;
 - (d) protect neighbourhood stability and support neighbourhood revitalization;
 - (e) preserve significant environmental and cultural features;
 - (f) promote community food security¹⁴;
 - (g) provide housing opportunities for a range of social and economic needs and promote aging in place;
5. Maintain the character of rural communities;
6. Preserve agricultural and resource lands;
7. Provide opportunities to establish a network of interconnected greenbelts and open spaces; and

¹⁴ Community food security exists when community residents obtain a safe, culturally acceptable, nutritionally adequate diet through a sustainable food system that maximizes community self-reliance and social justice.

8. Support housing affordability.

3.2 LAND USE DESIGNATIONS

There are seven general land use designations which form the framework for achieving the growth management strategy of this Plan. These are illustrated on Map 2: The Generalized Future Land Use Map with the intent and policy direction for each explained in the following sections.

3.2.1 Urban Settlement Designation

The Urban Settlement Designation encompasses those areas where development serviced with municipal water and wastewater systems (serviced development) exists or is proposed under this Plan. The designation includes three designated growth areas where Secondary Planning Strategies have been approved (Morris-Russell Lake, Bedford South and Bedford West) three areas for future serviced communities, subject to HRM approval of secondary planning (Port Wallace, Sandy Lake, and the Highway 102 west corridor adjacent to Blue Mountain - Birch Cove Lakes Park).

The Morris-Russell Lake Secondary Plan area has not been able to develop as expected due to the Shearwater air base being re-acquired by the Canadian Armed Forces. Consideration may be given to amending this Secondary Planning Strategy to allow for additional serviced development at the north end of Morris Lake and Eastern Passage if the connector road from Mount Hope Avenue to Caldwell Road is feasible.

- S-1 The Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), encompasses those areas where HRM approval for serviced development has been granted and to undeveloped lands to be considered for serviced development over the life of this Plan. Amendments to this Boundary may be considered:
 - (a) where reviews of regional population and housing forecasts have been undertaken and the proposed amendments may assist in achieving the growth targets established by this Plan; and
 - (b) the lands are within or adjacent to a growth centre.
- S-2 Where requests are received to initiate secondary planning for any of the areas identified above as potential growth areas, consideration shall be given to:
 - (a) the need for additional lands and the fiscal implications to HRM and Halifax Water and their capacity to meet additional financial commitments; and
 - (b) the implications for achieving the HRM growth targets.

3.2.2 Urban Reserve Designation

The Urban Reserve Designation is intended to ensure that a supply of land is available for serviced development over a longer term horizon. The following seven areas are designated as Urban Reserve:

1. interior lands bounded by Highway 7, Ross Road, Highway 207 and Broom Road (Cole Harbour/Westphal);
 2. land surrounding Anderson Lake area (Dartmouth/Bedford);
 3. Governor Lake North (Timberlea);
 4. Ragged Lake (Halifax);
 5. Kidston Lake lands (Spryfield/Herring Cove);
 6. Purcell's Cove area back lands; and
 7. private lands in the Blue Mountain - Birch Cove Lakes Regional Park area.
- S-3 The Urban Reserve Designation shall be established on the Generalized Future Land Use Map (Map 2) to identify those lands situated outside the Urban Settlement Designation where serviced development may be provided after the life of this Plan.
- S-4 HRM shall, through the applicable land use by-law, establish an Urban Reserve Zone to regulate development of lands within the Urban Reserve Designation. This Zone shall permit open space uses and limit residential development to existing lots and to one lot subdivided from an existing lot under lot frontage exemption provisions of the Subdivision By-law on a property identified by PID No. 00270934.

3.2.3 Rural Settlement Designations

Under this plan, Rural Settlement Designations encompass all lands outside the Urban Settlement and Urban Reserve Designations. The following three land use designations are established:

3.2.3.1 Rural Commuter Designation

- S-5 The Rural Commuter Designation shall be established on the Generalized Future Land Use Map (Map 2) to encompass those areas within commuting distance of the Regional Centre that are heavily influenced by low-density residential development. The intent for this designation is to:
- to protect the character of rural communities and conserve open space and natural resources by focussing growth within a series of centres, as shown on Settlement and Transportation Map (Map 1);
 - support the delivery of convenience services to the surrounding settlement area;
 - control the amount and form of development between centres; and
 - protect the natural resource base and preserve the natural features that foster the traditional rural community character.

3.2.3.2 Rural Resource Designation

- S-6 The Rural Resource Designation shall be established on the Generalized Future Land Use Map (Map 2) to encompass lands and communities along the Eastern Shore. The intent for this designation is to:
- protect the natural resource base and the ability to sustain these resources in the future;
 - protect natural and heritage features which define the rural character and support tourism;
 - establish a series of centres on the Settlement and Transportation Map (Map 1) where growth is to be supported while controlling the amount and form of development between centres; and
 - support the delivery of commercial and community services to the surrounding settlement areas.

3.2.4 Agricultural Designation

The Musquodoboit Valley contains the only remaining prime farmland within HRM which is largely unaffected by non-agricultural uses. Although the number of farms has declined over the last 50 years, dairy and mixed farming, forestry and mining remain important sources of employment.

- S-7 The Agricultural Designation shall be established on the Generalized Future Land Use Map (Map 2) to encompass a significant portion of the Musquodoboit Valley. The intent for this designation is to:
- encourage the use of this area for natural resource-based activities and industries such as farming, forestry and mining and to protect these uses from the intrusion of incompatible non-resource related uses; and
 - support services for the surrounding agricultural communities by establishing a series of centres within which continuing development will be supported, as shown on the Settlement and Transportation Map (Map 1), and by limiting the amount of residential development which may occur beyond these centres.
- S-8 The Mixed Use Zone, established under the Musquodoboit Valley-Dutch Settlement Land Use By-law, shall permit resource uses, small businesses related to resource uses, limited commercial and industrial uses and residential uses. Following completion of the secondary planning process and the establishment of centre boundaries, the extent of the Mixed Use Zone may be adjusted.

3.3 PLANNING AND DESIGN FOR GROWTH CENTRES

Tables 3-1 and 3-2 outline the types of centres intended for the Urban Settlement and Rural Commuter Designations respectively and the associated design characteristics which are to be supported when preparing secondary planning strategies. Table 3-3 lists other Rural Centres which are no longer targeted for growth, but will continue to be recognized for their role in the rural settlement pattern. Directives for preparing a secondary planning strategy for the Regional Centre are found under Chapter 6.

Table 3-1: Future Characteristics of Urban Settlement Growth Centres

Centre Type	Centre Name	Land Uses and Design	Transit, AT and Parking	Open Space	Cultural Heritage
Regional District Growth Centre	West End Mall Mic Mac Mall	<ul style="list-style-type: none"> • Mix of high density residential, commercial, institutional and recreation uses • Adjacent to established residential neighbourhoods, low to medium density residential uses • Existing retail plazas and shopping centres • Encourage infill or redevelopment of large parking lots into traditional blocks with streetwalls and step-backs • pedestrian oriented facades 	<ul style="list-style-type: none"> • Connecting point for transit routes to other centres • Pedestrian oriented terminals with limited park and ride • Frequent local transit • Enhanced pedestrian linkages • Street, shared, rear or structured parking wherever possible • Access to AT routes • Short interconnected blocks for ease of walkability 	<ul style="list-style-type: none"> • Private and public realm streetscaping featuring landscaped pocket parks and tree-lined streets • Interconnected private and public open space linked with greenbelt corridors • Landscaped and treed parking facilities • Improved quality and quantity of parks, trails and AT corridors • Private and public realm urban forest canopy cover to be maintained and improved • Provisions for food security 	<ul style="list-style-type: none"> • Built and natural heritage to be maintained and improved • Heritage features integrated with new development • Public art integrated with new development • Scenic public views preserved • Cultural heritage corridors

Regional Local Growth Centre	Shannon Park City of Lakes Penhorn-Woodlawn Woodside	<ul style="list-style-type: none"> • Mix of medium to high density residential, commercial, institutional and recreation uses • In established residential neighbourhoods, low to medium density residential uses • Pedestrian oriented facades 	<ul style="list-style-type: none"> • Transit service to connect to other centres and Regional Centre • Enhanced pedestrian linkages • Street or shared side or rear yard parking, or parking structures • Access to AT routes • Short interconnected blocks for ease of walkability 	<ul style="list-style-type: none"> • Streetscaping featuring landscaped pocket parks and tree-lined streets • Interconnected private and public open space linked with greenbelt corridors • Improved quality and quantity of parkland • Focus on waterfront parks and trails • Private and public realm urban forest canopy cover to be maintained and improved • Riparian canopy cover to be maintained and improved • Provisions for food security 	<ul style="list-style-type: none"> • Built and natural heritage to be maintained and improved • Heritage features integrated with new development • Public art integrated with new development • Scenic public views preserved • Cultural heritage corridors
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Centre Type	Centre Name	Land Uses and Design	Transit, AT and Parking	Open Space	Cultural Heritage
Urban District Growth Centre	Spryfield Bedford West Sunnyside Mall Sackville Russell Lake Port Wallace Sandy Lake Hwy. 102 West Corridor Bedford South	<ul style="list-style-type: none"> • Mix of low, medium and high density residential, commercial, institutional and recreation uses • In established residential neighbourhoods, low to medium density residential uses • Existing retail plazas and shopping centres • Encourage infill or redevelopment of large parking lots into traditional blocks with streetwalls and step-backs • Pedestrian oriented facades 	<ul style="list-style-type: none"> • Connecting point for transit routes to other centres and Regional Centre • Enhance pedestrian linkages • Street or shared surface parking at the rear whenever possible • Access to AT routes • Short interconnected blocks for ease of walkability 	<ul style="list-style-type: none"> • Streetscaping featuring landscaped pocket parks and tree-lined streets • Interconnected private and public open space linked with greenbelt corridors • Improved quality and quantity of parkland • Focus on waterfront parks and trails • Private and public realm urban forest canopy cover to be maintained and improved • Riparian canopy cover to be maintained and improved • Provisions for food security 	<ul style="list-style-type: none"> • Built and natural heritage to be maintained and improved • Heritage features integrated with new development • Public art integrated with new development • Scenic public views preserved • Cultural heritage corridors

Urban Local Growth Centre	Herring Cove Lakeside/Beechville Timberlea Village Clayton Park West Birch Cove Kearney Lake Bedford Mill Cove Lower Sackville Main Street Middle Sackville Morris Lake North Westphal Cole Harbour Eastam Passage	<ul style="list-style-type: none"> • Mix of low, medium and high density residential, small office, small institutional and convenience commercial uses • In established residential neighbourhoods, low to medium density residential uses • Encourage infill or redevelopment of large parking lots into traditional blocks with streetwalls and step-backs • Pedestrian oriented facades 	<ul style="list-style-type: none"> • Transit to connect to other centres and Regional Centre • Pedestrian oriented transit stops • Enhanced pedestrian linkages • Street, or rear yard parking wherever possible • Access to AT routes • Short interconnected blocks for ease of walkability 	<ul style="list-style-type: none"> • Streetscaping featuring landscaped pocket parks and tree-lined streets • Interconnected private and public open space • Improved quality and quantity of parkland • Focus on waterfront parks and trails • Private and public realm urban forest canopy cover to be maintained and improved • Provisions for food security 	<ul style="list-style-type: none"> • Built and natural heritage to be maintained and improved • Heritage features integrated with new development • Public art integrated with new development • Scenic public views preserved • Cultural heritage corridors
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Table 3-2: Future Characteristics for Growth Centres in the Rural Commuter Designation

Centre Type	Centre Name	Land Uses and Design	Services	Transit, AT and Parking	Culture/Open Space
Rural District Growth Centre	Porters Lake Upper Tantallon River-Lakes/Fall River Musquodoboit Harbour	<ul style="list-style-type: none"> • Low to medium density residential, commercial, institutional and recreation uses • Town scale • Redevelopment of retail plazas in traditional blocks with street-walls encouraged • Pedestrian supportive facades 	<ul style="list-style-type: none"> • Individual on-site services • Consideration of central wastewater collection and water distribution for Porters Lake • Consideration of central water for Fall River • Consideration of central water distribution for the core of Musquodoboit Harbour 	<ul style="list-style-type: none"> • Park and ride with trail linkages, express bus service to Regional Centre • Enhanced pedestrian linkages • Shared surface parking for park and ride and commercial uses, with as much parking as possible to the rear or sides, linked by walkways to facades • Access to active transportation routes • Short block connectivity for pedestrians 	<ul style="list-style-type: none"> • Private and public realm streetscaping featuring landscaped pocket parks and tree-lined streets • Focus on waterfront access, parks and trails and AT corridors • Riparian canopy cover to be maintained and improved • Landscaped and treed parking facilities • Interconnected private and public open space linked by greenbelting to include riparian, wildlife, cultural, recreational corridors • Preserve cultural landscapes and built heritage • Provisions for food security

Centre Type	Centre Name	Land Uses and Design	Services	Transit, AT and Parking	Culture/Open Space
Rural Local Growth Centre	Tantaton Crossroads Enfield Lake Echo Hubbards	<ul style="list-style-type: none"> Mix of low to medium density residential, convenience commercial, institutional and recreational uses Village scale Redevelopment of retail plazas in traditional blocks with street-walls encouraged Pedestrian oriented facades 	<ul style="list-style-type: none"> Individual on-site sewage disposal systems For Hubbards: possible central wastewater collection and water distribution services 	<ul style="list-style-type: none"> In areas with no transit, potential for cost-shared community-based transit in some locations Enhanced pedestrian linkages Shared side or rear parking linked to walkways, bike lanes or trails Access to AT Short block connections for pedestrians 	<ul style="list-style-type: none"> Private and public realm streetscaping featuring landscaped pocket parks and tree-lined streets Focus on waterfront access, parks and trails and AT corridors Riparian canopy cover to be maintained and improved Landscaped and treed parking facilities Interconnected private and public open space linked by greenbelting to include riparian, wildlife, cultural, recreational corridors Preserve cultural landscapes and built heritage Provisions for food security

Table 3-3: Rural Designation Centres not identified for Growth

Centre Type	Centre Name	Land Uses	Services	Transit, AT and Parking	Culture/Open Space
Rural Service Centre	Sheet Harbour Middle Musquodoboit	<ul style="list-style-type: none"> Mix of low to medium density residential, commercial, institutional and recreational uses 	<ul style="list-style-type: none"> Individual on-site sewage disposal systems existing central wastewater collection and water distribution services 	<ul style="list-style-type: none"> Potential for cost-shared, community-based public transportation Shared side or rear parking Access to active transportation routes Short block connectivity 	<ul style="list-style-type: none"> Interconnected private and public open space linked by greenbelting to include riparian, wildlife, cultural, recreational corridors Riparian canopy cover to be maintained and improved Preserve cultural landscapes and built heritage Provisions for food security

Centre Type	Centre Name	Land Uses and Design	Services	Transit, AT and Parking	Culture/Open Space
Rural Local Centre	Hatcher Lake Hubley Indian Harbour Waverley Whites Lake Head of Jeddore North Preston East Preston Cherry Brook Oyster Pond Tangier Moser River Upper Musquodoboit Lucasville	<ul style="list-style-type: none"> Mix of low to medium density residential, convenience commercial, institutional and recreational uses 	<ul style="list-style-type: none"> Individual on-site sewage disposal systems 	<ul style="list-style-type: none"> Potential for cost-shared, community-based public transportation in some locations Shared surface parking Access to active transportation routes Short block connectivity for pedestrians 	<ul style="list-style-type: none"> Interconnected private and public open space linked by greenbelting to include riparian, wildlife, cultural, recreational corridors Riparian canopy cover to be maintained and improved Preserve cultural landscapes and built heritage Provisions for food security

S-9 HRM shall prepare secondary planning strategies for the centres outlined in Tables 3-1 and 3-2 and generally illustrated on Map 1 with consideration given to:

- the objectives presented in section 3.1 and the general characteristics presented in Tables 3-1 and 3-2;
- the specific boundaries, population targets and detailed design policies related to the layout of the centres, range of permitted uses and criteria for conversion of uses, allowable development densities and mechanisms for implementation;
- the recommendations of any plans and studies identified by this Plan that have been accepted or endorsed by Regional Council; and
- any other relevant objectives and policies of this Plan.

S-10 In the event that provision of a centralized water distribution and wastewater collection system is not feasible for the Porters Lake Rural Growth Centre, consideration may be given to expanding the boundary of this growth centre, as presented on Map 13E, under a secondary planning strategy.

S-11 HRM shall, through the applicable land use by-law, establish a Comprehensive Development District (CDD) Zone to apply to certain lands within the following Rural Growth Centres: Hubbards, Lake Echo, Musquodoboit Harbour, Porters Lake and Upper Tantallon. This zone is intended to protect these lands as focal points for development within these centres by requiring development to proceed by development agreement except for the continuation and expansion of existing uses. In considering approval of such development agreements, HRM shall consider the following:

- whether the development is designed as part of a focal point for the distribution of services to the outlying area;

- (b) the types of land uses to be included in the development which may include a mix of medium-density residential uses, ground floor commercial, institutional uses, recreation uses and parking facilities;
 - (c) where necessary, locations for pedestrian sidewalks;
 - (d) architectural details marking the entrance to buildings;
 - (e) controls on signage;
 - (f) controls on heights, massing, scale and type of development;
 - (g) details of the exterior architectural design of new buildings which should be complementary to the traditional building style within the surrounding community;
 - (h) where necessary, details concerning preferred traditional building materials;
 - (i) appropriate locations of parking for park-and-ride facilities and retail outlets; and
 - (j) any applicable matter as set out in policy G-14 of this Plan.
- S-12 HRM shall encourage the Province and the Halifax Regional School Board to take into consideration the objectives of this Plan and secondary planning strategies when deciding where to locate schools and other public facilities to integrate complementary developments.
- S-13 When undertaking reviews of secondary planning strategies for rural areas, HRM shall consider limiting the scale of retail developments allowed for outside of growth centres identified in Tables 3-2 and 3-3

3.4 MANAGEMENT OF RESIDENTIAL DEVELOPMENT WITHIN RURAL DESIGNATIONS

Studies undertaken for HRM have found that:

- the cost of providing road service to lots with extensive road frontage is substantially higher than the cost of providing road service to a more compact form of development with higher densities;
- some lakes are at risk of significant degradation without remediation or the use of low impact development approaches for future development;
- available groundwater supplies have limited capacity to support additional development in some areas;
- provision of central municipal water and wastewater management services to many rural communities may be cost prohibitive.

HRM may consider addressing these findings through enhanced standards for rural developments and, potentially new by-laws, as outlined in Chapter 8.

3.4.1 Conservation Design Developments

A conservation design process seeks to preserve significant environmental and cultural features of the landscape and to develop in a sustainable manner. Areas that support important environmental functions or pose environmental hazards are first identified, followed by lands that are culturally significant or provide environmental functions that should be protected or incorporated as part of the development are identified. Development is then located on the lands where soils are best suited for development incorporating measures to mitigate environmental impacts.

In this Plan, three types of conservation design developments may be considered for approval by development agreement. Lower Density and Higher Density Classic Conservation Design developments require lands to be protected be held as common open space. The Higher Density form requires more open space to be retained than the Lower Density form but allows for a higher density of development to compensate. The Hybrid Conservation Design permits smaller scale developments on large lots where the majority of the natural open space is retained on individual properties

S-14: HRM shall consider Lower Density and Higher Density Classic Conservation Design developments by development agreement, within the River Lakes Secondary Plan Area and the Rural Growth Centres shown on Maps 13A to 13G except for lands within the Lake Echo Sub-watershed, as generally illustrated on Map 13D. Where a proponent submits a survey prepared by a Nova Scotia Land Surveyor demonstrating that a subject area of land is outside the Lake Echo Sub-watershed, the subject area may be considered for development pursuant to this policy.

S-15 HRM shall also consider Lower Density Classic Conservation Design developments by development agreement subject to the following locational criteria:

- (a) on lands where two-thirds or more of the land to be developed is outside the boundaries of the Rivers Lakes Secondary Plan Area or Rural Growth Centre shown on Maps 13A to 13G and which has a minimum of 20 metres of continuous frontage on a publicly owned and maintained road that was in existence as of April 29, 2006 to a maximum of 100 dwelling units; and
- (b) the lands are within the Rural Commuter, Rural Resource, Agricultural designations and within the Harbour Designation outside of the Urban Settlement Area but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-24 and lands within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area.

S-16: HRM shall consider Hybrid Conservation Design developments by development agreement subject to the following locational criteria:

- (a) the lands are within the Rivers Lakes Secondary Plan Area or the Rural Growth Centres presented in Maps 13A to 13G except for lands within the Lake Echo Sub-watershed, as generally illustrated on Map 13D. Where a proponent submits a survey prepared by a Nova Scotia Land Surveyor demonstrating that a subject area is outside the Lake Echo Sub-watershed, the subject area may be considered for development pursuant to this policy; or
 - (b) on lands where two-thirds or more of the land to be developed is outside of the Rivers Lakes Secondary Plan Area or a Rural Growth Centre presented in Maps 13A to 13G and which has a minimum of 20 metres of continuous frontage on a publicly owned and maintained road that was in existence as of April 29, 2006 to a maximum of 30 dwelling units; and
 - (c) the lands are within the Rural Commuter, Rural Resource, Agricultural designations and within the Harbour Designation outside of the Urban Settlement Area but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-24 and lands within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area.
- S-17: For any conservation design development application made pursuant to policies S-14, S-15 or S-16, HRM shall consider the following criteria:
- (a) the proposal satisfies the design standards presented in Table 3-4;
 - (b) in addition to the residential uses identified in Table 3-4, publicly or privately owned community facilities, home-based offices, day cares, and small-scale bed and breakfasts may be considered;
 - (c) except for lands required to be retained for on-site non-disturbance area under the Hybrid Conservation Design development, the open space portion of the development may be used for agriculture, passive recreation, conservation-related uses or the placement of wastewater management facilities, community wells or other community facilities designed to service the development;
 - (d) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards or unduly increasing road maintenance costs to HRM;
 - (e) a private driveway shall only provide access to a public street for up to 20 dwelling units;
 - (f) the proposed roads and building sites are designed to avoid impact upon any primary conservation area;
 - (g) natural drainage systems, wetlands and other natural detention storage areas are retained;
 - (h) where the proposed development is to be serviced by a groundwater supply, a hydrogeological assessment conducted by a qualified professional has determined that there is an adequate supply of groundwater to service the development without adversely affecting groundwater supply in adjacent developments;
 - (i) the development shall not rely on cisterns for potable water supply, except in special circumstances as may be authorized under an approved secondary planning strategy;
 - (j) secondary conservation areas that capture elements of rural character are retained;

- (k) connectivity is maintained with any open space on adjacent parcels and trails and natural networks, as generally shown on Map 3;
- (l) residential dwellings maintain a minimum separation of 800 metres from any permanent extractive facility;
- (m) parkland dedication may be relaxed to a minimum of 5% for the Lower Density and Higher Density Classic Conservation Design developments; and
- (n) any applicable matter as set out in Policy G-14 of this Plan.

Table 3-4 Conservation Design Development Standards

	Lower Density Classic Conservation Design¹⁵	Higher Density Classic Conservation Design¹⁶	Hybrid Conservation Design
Open Space Requirement	Approximately 40% of the net developable area as common open space ¹⁷ .	Approximately 50% of the net developable area as common open space.	Approximately 80% of each lot is retained as a site non-disturbance area.
Primary Conservation Areas	Areas including riparian buffers, wetlands, slopes exceeding 30%, and floodplains, environmentally sensitive areas, archaeological sites and other areas of high ecological value.		
Secondary Conservation Areas	Areas including mature forests, scenic views, trails, historic sites and buildings, and other features of high cultural value.		
Maximum Net Density	1 unit per hectare of net developable area.	(a) One unit per 0.4 hectares of net developable area where the development is serviced with a municipal water supply; or (b) One unit per 0.5 hectares of net developable area where the development is serviced with a groundwater supply; or (c) Where a secondary planning strategy is adopted after August 29, 2006, for a rural growth centre identified in Table 3.2, the allowable density and open space requirements may be varied to that prescribed by the secondary planning strategy.	1 unit per hectare of net developable area
Permitted Residential Uses	Single-unit and two-unit.	Single and two-unit dwellings for conditions (a), (b), or (c) above.	Single-unit and two-unit dwellings.

¹⁵ Both Lower and Higher Density Classic Conservation Design developments may be serviced with a shared water and/or waste water system. The yields of the Lower Density Classic Conservation design are designed to facilitate on-site servicing subject to the verification of sustainable densities through the required studies and approvals from the Nova Scotia Department of Environment for On-site Sewage Disposal.

¹⁶ This form of development may also be serviced by an on-site system if there is sufficient area allocated to each house site to meet the Nova Scotia Regulations for On-site Sewage Disposal and to prevent any interference between wells as determined through the required Hydrogeological Assessment.

¹⁷ Net Developable area means the gross area of a property excluding riparian buffers and wetlands, bare rock, slopes in excess of 30% and floodplains.

	Lower Density Classic Conservation Design¹⁵	Higher Density Classic Conservation Design¹⁶	Hybrid Conservation Design
	dwelling.	Townhouses and low rise multiple unit buildings may be permitted under condition (c)	

3.4.2 Island Development

The coast of HRM contains approximately 1700 islands, a portion of which are government-owned while others are privately owned. HRM intends to protect the natural environment of these islands and to prevent undesired impacts on neighbouring coastal communities by limiting the type and scale of development.

S-18 HRM shall consider all residential development on islands within the Rural Commuter and Rural Resource Designations of this plan by development agreement subject to the following criteria:

- (a) where parking, access or other supporting infrastructure is to be located on privately owned lands not subject to the agreement, the required easements have been obtained from the property owners in favour of the lot to be developed and the supporting infrastructure is permitted by the Land Use By-law on the lands on which it will be located;
- (b) only single unit dwellings, aids to marine navigation and existing uses shall be permitted;
- (c) the density of residential units on the site does not exceed 1 unit per 1.5 hectares;
- (d) the proposed development does not significantly impact on natural features and that sufficient buffering between any natural features and the proposed development is provided;
- (e) the retention or provision of public access points, boat landing areas and waterfront parkland;
- (f) no public roads are constructed on the island and no bridge, causeway or other permanent vehicular access with the mainland shall be constructed; and
- (g) any applicable matter as set out in policy G-14 of this Plan.

3.4.3 Special Provisions and Other Growth Management Mechanisms

Special provisions are made in recognition of certain applications made and approvals granted prior to the adoption of this Plan.

- S-19 Within the Rural Commuter, Rural Resource, Agricultural, Open Space and Natural Resource designations and the Harbour designation outside of the Urban Service Area, HRM shall, through the Regional Subdivision By-law, permit the subdivision of lots fronting existing local roads, including existing private roads, to the extent currently provided for under existing Secondary Planning Strategies, and for those roads shown on completed tentative and final subdivision applications submitted on or before August 26, 2006. Within these designations but outside of Water Service Areas, lots fronting on existing non-local roads shall be permitted with wider frontages.
- S-20 HRM shall, through the Regional Subdivision By-law, establish restrictions on future development resulting from concept applications which were approved pursuant to the Interim Growth Management Controls. Subdivision pursuant to any completed concept application on file prior to January 22, 2004 may be considered for approval subject to the following:
- (a) a maximum of 25 lots per year where a completed tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to the completed concept plan application has been filed prior to April 29, 2006; and
 - (b) where a tentative or final subdivision application, for the initial phase of subdivision construction has not been filed prior to April 29, 2006, subdivision may only be granted in accordance with the provisions of this Plan.
- S-21 HRM shall replace all existing growth management mechanisms contained in secondary planning strategies with the growth management provisions contained in this Plan except that:
- (a) the provisions adopted under the Eastern Passage/Cow Bay Secondary Planning Strategy shall continue to apply; and
 - (b) provision shall be made within the Beaver Bank, Hammonds Plains and Upper Sackville Planning Strategy to allow for the development of large scale subdivisions on lands zoned or under application for rezoning to a Comprehensive Development District prior to April 29, 2006.
- S-22 HRM shall, through the Regional Subdivision B-law, establish special provisions to allow for consideration of approval of Lands of J. E. F. Hallett in Fall River (PID No's. 00506857 and 00506840), Lands of Atlantic East Properties Ltd. (Abbecombac Village) in Clam Bay (PID No. 41054024) and Lands of Kellswater Holdings Limited in Lake Echo (PID No's. 40168478 and 40881484) provided that:
- (a) approval of a maximum of 25 lots per year may be granted; and
 - (b) where a completed tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to a completed concept application has not been filed by April 29, 2007, no subdivision approvals shall be granted under this exemption.

- S-23 HRM shall, through the Regional Subdivision By-law establish provisions to allow the approval of a maximum of eight lots on new public streets, per area of land with public street frontage in existence on August 26, 2006:
- (a) within the Rural Commuter Designation, where the proposed road intersects with a local road; and
 - (b) within the Rural Resource Designation, where the proposed road intersects with a local road or non-local road.

Until transportation infrastructure capacity is increased within the Hammonds Plains and Beaver Bank areas, residential subdivision activity shall be limited.

- S-24 HRM shall, through the Regional Subdivision By-law, establish special provisions to:
- (a) limit development within portions of the Hammonds Plains and Beaver Bank communities;
 - (b) prohibit the creation of new roads to generate residential development except where new roads can be demonstrated to improve traffic safety or achieve better regional network connectivity;
 - (c) permit approval of one additional lot from any area of land in existence prior to April 29, 2006, which does not meet minimum road frontage requirements; and
 - (d) permit residential development on new roads identified as Future Subdivision Connectors on Map 1.
- S-25 HRM shall, through the Subdivision By-law, allow subdivision approvals from concept applications which were filed prior to April 29, 2006 on lands outside of the portions of the Hammonds Plains and Beaverbank communities identified pursuant to Policy S-24 and within the Beaver Bank, Hammonds Plains and Upper Sackville Secondary Planning Strategy subject to the following restrictions:
- (a) a maximum of 25 lots per year shall be permitted; and
 - (b) where a completed tentative or final subdivision application, for the initial phase of subdivision construction has not been filed by April 29, 2007, no subdivision approvals shall be granted under this exemption.
- S-26 HRM shall, through the Subdivision By-law, prohibit approval of new private roads throughout HRM.
- S-27 HRM shall, through the Subdivision By-law, regulate the design of flag lots in new subdivisions such that no more than three flag lots are contiguous to each other except that flag lots shown on preliminary, tentative or final subdivision applications on file prior to March 13, 2004 are exempted from these requirements.

- S-28 Where a secondary planning strategy so provides, the Subdivision By-law may permit the creation of additional lots from an area of land which does not meet the minimum lot frontage requirements, providing the lots have access to a road. These provisions may also include the ability to retain lot frontage exemptions for areas of land which have undergone minor alterations that do not increase development potential.

3.5 COMMUNITY FACILITIES

In 2008, HRM endorsed *the Community Facilities Master Plan* as a strategic approach to enhancing the quality of life of citizens through the provision of sustainable, planned, accessible and appropriate community facilities based on the following principles:

- encourage integrated planning (working collaboratively with Regional Council and municipal departments);
 - work with the needs and expectations of the population and its distribution within the municipality;
 - include program opportunities for community based arts and culture;
 - encourage the usage of buildings other than those that are municipally owned; and
 - maintain and creates a balance between investing in new assets, and existing facilities
- S-29 *The Community Facilities Master Plan* shall provide guidance for needs assessment, planning, management and financing of community facilities in HRM.

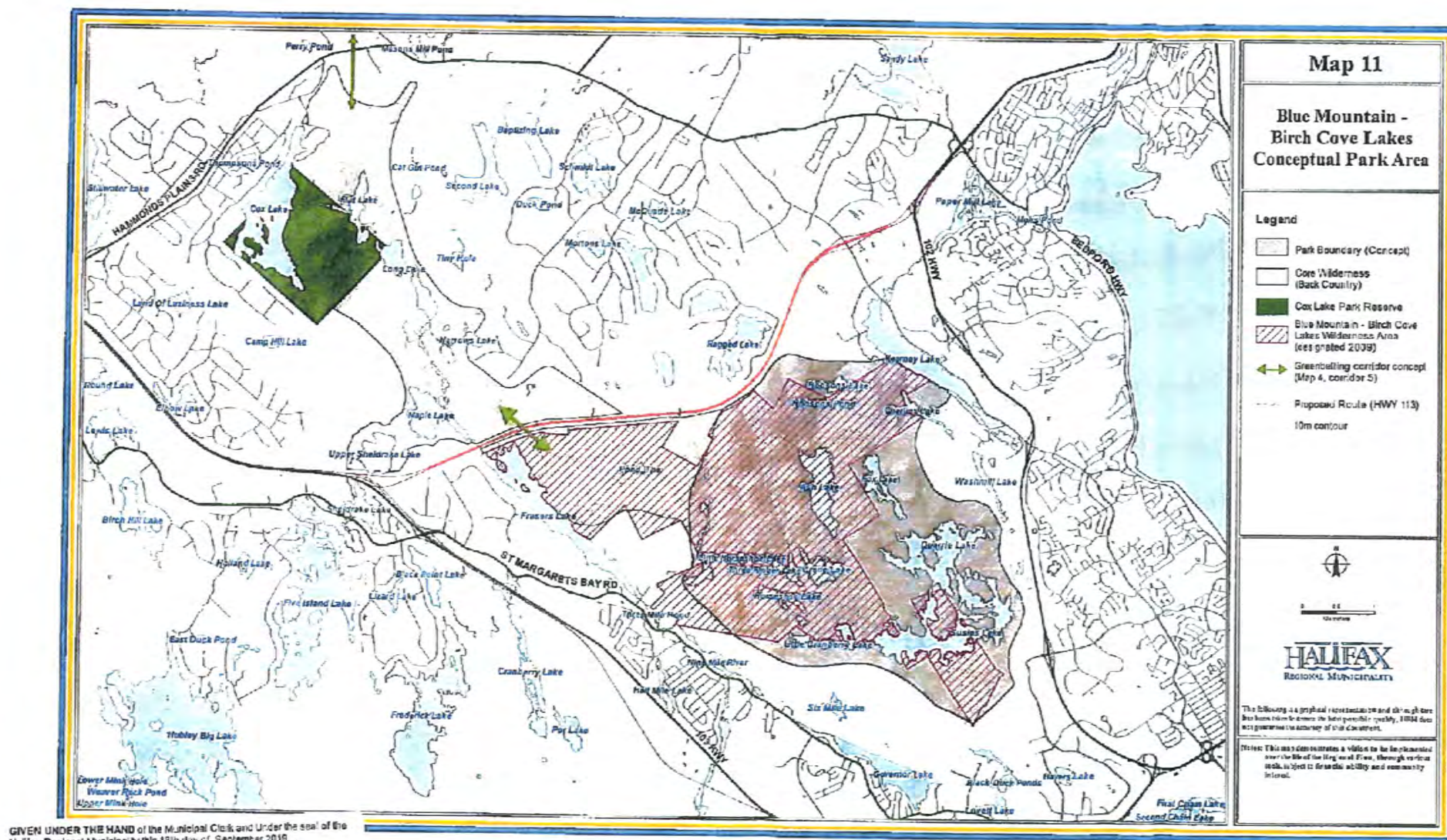
3.6 HOUSING DIVERSITY AND AFFORDABILITY

In Nova Scotia, the Provincial Government is the leader in the provision of social services and subsidized housing and is moving forward with mixed market, mixed tenure developments in HRM and elsewhere.¹⁸ HRM can also play an important role in supporting housing affordability and social inclusion through policies and regulations. Opportunities may also arise through participating in partnerships or programs with housing organizations, the Province or the Government of Canada.

- S-30 When preparing new secondary planning strategies or amendments to existing secondary planning strategies to allow new developments, means of furthering housing affordability and social inclusion shall be considered including:
- a) creating opportunities for a mix of housing types within designated growth centres and encouraging growth in locations where transit is or will be available;
 - b) reducing lot frontage, lot size and parking requirements;
 - c) permitting auxiliary dwelling units or secondary suites within single unit dwellings;
 - d) permitting homes for special care of more than three residents of a scale compatible with the surrounding neighbourhood;

¹⁸ Building Community and Affordability for Nova Scotia Families: A Housing Strategy for Nova Scotia. May 2013.

- e) permitting small scale homes for special care as single unit dwellings and eliminating additional requirements beyond use as a dwelling;
 - f) introducing incentive or bonus zoning in the Regional Centre;
 - g) allowing infill development and housing densification in areas seeking revitalization; and,
 - h) identifying existing affordable housing and development of measures to protect it.
- S-31 Where Provincial strategies or programs are made in support of affordable housing, HRM may consider means to further or complement such strategies or programs through its programs, policies or regulations.
- S-32 HRM may consider partnerships or financial support for housing organizations.
- S-33 HRM shall monitor housing and demographic trends to assist in determining future housing needs.
- S-34 HRM shall investigate other means of supporting affordable housing including reducing or waiving of fees.



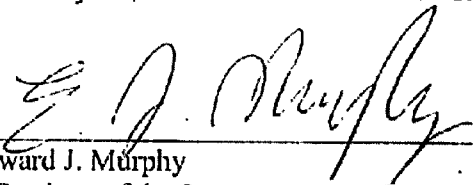
GIVEN UNDER THE HAND of the Municipal Clerk and Under the seal of the
Halifax Regional Municipality by this 18th day of September 2018

Kevin Arjoon
Municipal Clerk

2017

Hfx No. 460474

This is Exhibit "F" referred to in the Affidavit of
Kevin Arjoon, sworn before me this 18th day of September 2019.



Edward J. Murphy
A Barrister of the Supreme Court of Nova Scotia

EDWARD J. MURPHY
A Barrister of the Supreme
Court of Nova Scotia



September 18, 2019

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, do hereby certify that the following is a true and correct copy of the Resolutions regarding *Item 14.1.1 Facilitator's Report Regarding Negotiation of the Proposed Boundaries for the Blue Mountain/Birch Cove Lakes Regional Park in Relation to the Highway 102 West Corridor* that were duly passed by the Halifax Regional Council on September 6, 2016:

MOVED by Councillor Rankin, seconded by Councillor Mosher

THAT Halifax Regional Council receive the Facilitator's Report Regarding Negotiation of the Proposed Boundaries for the Blue Mountain/Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor and take no further action concerning the facilitation process or the report's recommendations.

MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Councillor Mosher

THAT Halifax Regional Council refuse the request to initiate secondary planning for all Hwy 102 West Corridor lands at this time.

MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Councillor Mosher

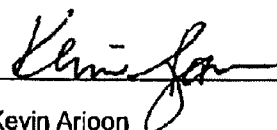
THAT Halifax Regional Council direct staff to explore opportunities and develop a program to acquire land to establish the proposed Blue Mountain – Birch Cove regional park, with a priority of providing public access to the provincially protected wilderness area, that includes, but is not limited to:

- a) Discussions with the Federal and Provincial governments;
- b) Discussions with all private land owners that own property located within the conceptual park boundary in Map 11 of the Regional Plan;
- c) Discussions with land conservation and community groups; and
- d) Reviewing the potential use of land use planning tools and conservation easements.

Staff is further directed to report back to Regional Council within six (6) months and then on an annual basis, staff report to Council on progress achieved in implementing the established Blue Mountain/Birch Cove Regional Park.

MOTION PUT AND PASSED.

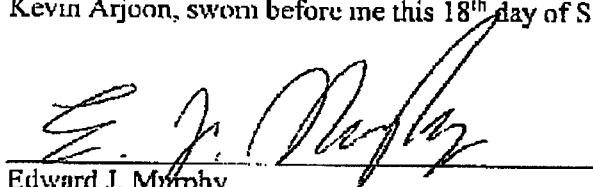
Office the Municipal Clerk
Tel: 902.490.4210
Fax: 902.490.4208
Email: clerks@halifax.ca


Kevin Arjoon
Municipal Clerk

2017

Hfx No. 460474

This is Exhibit "G" referred to in the Affidavit of
Kevin Arjoon, sworn before me this 18th day of September 2019.


Edward J. Murphy
A Barrister of the Supreme Court of Nova Scotia

EDWARD J. MURPHY
A Barrister of the Supreme
Court of Nova Scotia

HALIFAX

LAND USE BY-LAW

**HALIFAX
MAINLAND**

Halifax Regional Municipality

**LAND USE BY-LAW
MAINLAND AREA
(Edition 202)**

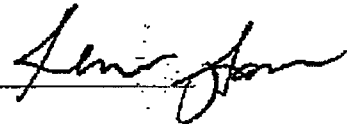
**THIS COPY IS A
REPRINT OF THE
LAND USE BY-LAW
WITH AMENDMENTS TO
JUNE 22, 2019**

**LAND USE BY-LAW
FOR
HALIFAX MAINLAND**

THIS IS TO CERTIFY that this is a true copy of the Land Use By-law for Halifax Mainland which was passed by a majority vote of the former City Council at duly called meetings held on March 30, 1978 and May 11, 1978, and approved by the Minister of Municipal Affairs on August 11, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 22nd day of June, 2019.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this 10 day of September, 2019.

Municipal Clerk



The Halifax Regional Municipality, its Officers, and Employees, accept no responsibility for the accuracy of the information contained in this (By-law, Plan, etc.)

Please note that HRM at its meeting on May 9, 2000, approved a motion to insert the following notation in the Land Use By-laws as follows:

The provisions of the zones described in this by-law do not apply to property owned or occupied by Her Majesty the Queen in the right of the Province of Nova Scotia or Canada in respect of a use of the property made by the Crown. Where privately owned or occupied property is to be used for a federally regulated activity, the federal jurisdiction may, depending on the particular circumstances, override the requirements of this by-law.

City of Halifax
Council

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LAND USE BY-LAW - MAINLAND AREA

ADMINISTRATION

- 1(1) This by-law shall be administered by the Development Officer of the City of Halifax.
- 1(2) No person shall undertake a development without first obtaining a development permit.
- 1(3) Every application for a development permit shall be accompanied by such materials as required by Sections 63 and 64 of this by-law.

APPLICATION

- 1A This by-law shall apply to the zoning area as defined in Section 2.

DEFINITIONS

- 2 In this by-law:

"Accessory Building" means a detached subordinate building not exceeding one storey and 14 feet in height, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;

"Accessory Use" means a use that is normally incidental, subordinate and exclusively devoted to a principal use and located on the same lot therewith;

"Adult Bookstore" includes any establishment or place for the purpose of retail trade where 20% or more of the value of the total stock in trade in any such establishment or place is comprised of books, magazines, or other periodicals relating to or portrayed as relating to sexual activities;

"Adult Cabaret" means any premises or part thereof, whether public, semi-private, or private, wherein is provided the opportunity to feel, handle, touch, paint, be in the presence of, be entertained by the nude body of another person, or to observe, view or photograph any such activity;

"Adult Entertainment Use" means a massage parlour, sex-aid shop, adult bookstore, or adult cabaret;

"Alter" means to make any change in the size, shape, structure or materials of a building or any part thereof;

"Amusement Centre" means a commercially operated facility providing more than three (3) amusement machines.

"Amusement Machine" means any mechanical, electronic or combination of mechanical and electronic machine, device, or game which may be operated or played upon the placing or depositing therein of one or more coins, counters, slugs, balls, token, or any other article or thing or designed or normally intended to be so operated, by the paying, therefore, either in advance of or after use, or in exchange for credits whether acquired on or off the premises, on which the machine is located which does not dispense foods, wares or services, but is used as a game, contest of chance or skill, or for amusement whether or not registering a score including but not limited to electronic or mechanical game machines, electronic video games, skill ball, bowling game machines, horse racing machine, driving games, target games, pinball machines, shuffleboard, and other similar machines or devices under whatever name they may be indicated.

"Apartment" means a room or suite of rooms designed or used as living quarters for one or more persons living independently of each other and doing their own cooking therein;

"Apartment House" means a building other than double duplex dwelling arranged, intended or designed to be occupied by three or more families living independently of each other but does not include a townhouse building in an R-2 P zone;

"Areas of Elevated Archaeological Potential" means the areas of land shown on ZM-22 - Areas of Elevated Archaeological Potential Map attached to this By-law. (RC-Jun 25/14;E-Oct 18/14)

"Basement" means, for the purposes of this by-law, that storey which is partly underground but having not more than half of its clear floor to ceiling height below the average grade of the land outside the building in which such basement is located, such grade being taken at the foundation walls.

"Bed and Breakfast" means a home occupation within a one family dwelling house where not more than three sleeping rooms are rented to the travelling and vacationing public, and where breakfast is served only to those who rent the sleeping rooms.

"Bedford Highway Area" means that area designated as the Bedford Highway Secondary Planning Strategy on zoning map ZM-2.

"Bicycle Parking, Class A" means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages. (RC-Jun 25/14;E-Oct 18/14)

"Bicycle Parking, Class B" means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact. (RC-Jun 25/14;E-Oct 18/14)

"Bicycle Parking, Enhanced" means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space). (RC-Jun 25/14;E-Oct 18/14)

"Billboard" means any freestanding sign and supporting structure, maintained or used for display of advertising matter, or any advertising sign displayed in conjunction with mural artwork occupying an equal or greater surface area on a building, wall or fence.

"Boarding House" means a private dwelling in which three but not more than six rooms are offered for rent and table board is furnished only to roomers and in which no transients are accommodated;

"Building" includes any structure placed on, over or under land and every part of the same and any external chimney, staircase, porch, or other fabric used in connection with a building whether affixed to the realty or not, but does not include a mobile home as defined in this by-law;

"Building Depth" means the distance between the front yard setback required on a lot and the portion of the principal building's rear main wall furthest from the required front yard setback, measured along a line that is perpendicular to the front yard setback line. (RC-Oct 4/16;E-Nov 26/16)

"Building Line" means any line regulating the position of a building in relation to the street and the side and rear lot lines in accordance with the provisions of this by-law;

"Canadian Geodetic Vertical Datum (CGVD28)" means the vertical datum for Canada officially adopted by an Order in Council in 1935. CGVD28 is a tidal datum defined by the mean water level at five tide gauges: Yarmouth and Halifax on the Atlantic Ocean, Pointe-au-Père on the St-Lawrence River, and Vancouver and Prince-Rupert on the Pacific Ocean. In addition, the definition includes an elevation at a benchmark in Rouses Point, NY (next to Lake Champlain) accepted as fixed by the US and Canada in 1925. The datum is propagated in land using geodetic levelling measurements. The vertical datum is accessible through benchmarks anchored to the ground and stable structures. The heights in terms of CGVD28 are in normal-orthometric system. (RC-Jun 25/14;E-Oct 18/14)

"Cannabis Lounge" means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep18/18; E-Nov 3/18)

"Cannabis Production Facility" means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including

- (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
- (ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and
- (b) excluding
 - (i) industrial hemp, and
 - (ii) premises used for personal production permitted by federal legislation.

"Cannabis Retail Sales" means premises used for the retail sale of cannabis, cannabis products or any of its derivatives such as oils or edible products to the general public.

"Commercial Building" means any building from which retail, rental or wholesale trade is carried on;

"Commercial Enterprise" means any enterprise which conducts retail, rental or wholesale trade;

"Commercial Recreation Use" means a building or part of a building in which a recreational activity is performed and for which a membership or instruction fee is charged, and, without limiting the generality of the foregoing, shall include weight-lifting and/or fitness centres, boxing or racquet sport clubs, martial arts schools and dance studios, but shall not, for the purpose of this by-law, include bingo halls or amusement centres.

"Community Facility" means a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall. A community facility may also include, in combination with offices or facilities of a non-profit organization, a store for the sale or provision of donated merchandise. (CC-Sep 11/06; E-Oct 2/06)

"Conservation Use" means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14; E-Oct 18/14)

"Construction and demolition materials" hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

"Construction and demolition materials disposal site" hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by

land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.

"Construction and demolition materials processing facility" hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes.

"Construction and demolition materials transfer station" hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility.

"Corner Lot" means any lot situated at the junction of two or more streets which, at their point of junction, form an angle of not more than 135 degrees adjacent to such corner lot;

"Coverage" means the combined area of the land covered by all the buildings on a lot, including land over which the buildings project, but excluding any area below the eaves of the roof. Portions of a building which are not covered by a roof such as unsheltered steps, verandah or deck are excluded from the combined area.

"Day Care Facility" means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name (and known as a 'child care centre' in the Municipal Planning Strategy), with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, seven (7) or more children not of common parentage, or nine (9) or more children not of common parentage who are all school-aged up to and including twelve (12) years of age; but does not include a place such as a hospital or school, does not include organized religious or recreational activities, and does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (RC-Mar 3/09;E-Mar 21/09)

"Development" includes any erection, construction, addition, replacement or relocation of any building or structure and any change or alteration in the use made of land, buildings, or structures;

"Duplex Dwelling" means the whole of a dwelling that is divided horizontally into two separate dwelling units, each of which has an independent entrance;

"Dwelling" means any building or portion thereof which is designed or used for residential purposes but does not include a mobile home;

"Dwelling Unit" means 2 or more rooms used or designed to be used by one or more persons as a place of abode which contains not more than one kitchen and includes but is not limited to living, sleeping and sanitary facilities.

"Erect" includes excavating ground for a foundation, laying a foundation, constructing, reconstructing, removing, or changing the location or orientation of a building or any part thereof;

"Fairview Area" means the area designated as the Fairview Secondary Planning Strategy on zoning map ZM-2.

"Front" means to abut on a street and a building shall be deemed to abut on the street opposite to its principal entrance or if such entrance is not opposite to a street, then upon the street from which it gains its principal access;

"Front Yard" shall mean a yard extending across the full width of the lot from the street line of the lot to the front wall of the building.

"Gross Commercial Floor Area" means the floor area occupied for the purpose of storing or preparing goods, food, or services for sale and displaying, selling, or dispensing goods, food, or services.

"Gross Lot Area" means the area of a lot plus the area of one-half the width of any street or permanent open space abutting upon such lot or 30 feet, whichever is the lesser;

"Habitable Room" means any room in a dwelling house, multiple dwelling, or dwelling unit with the exception of bathrooms, storage spaces with no windows or kitchens with a floor area of less than 100 square feet. Combined or undivided living spaces with floor areas greater than 400 square feet shall be deemed to be two habitable rooms;

"Health Clinic" means a building or part thereof that provides one or a combination of the following: rehabilitation; counselling; diagnosis and treatment for a variety of health and wellness issues. (RC-Oct 4/16;E-Nov 26/16)

"Height" when applied to a building, means the vertical distance of the highest point of the roof above the mean grade of the surface of all the streets adjoining the building or the mean grade of the natural ground so adjoining if such grade is not below the grade of the surface;

"Home Occupation" means an accessory use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services;

"Hotel" means a building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no permanent provision for cooking and are usually hired to transients as places of abode and is capable of accommodating at least 15 persons;

"Illuminated Sign" means any sign designed to give forth an artificial light or designed to reflect light;

"Institution" means a building used by an organized body or society for promoting a particular object, usually a non-commercial nature;

"Junk Yard" means any land used for the collection, storage, handling, processing, wrecking, dismantling, buying or selling of discarded materials, which shall include, but not be limited to scrap metal, machinery or parts thereof, dilapidated boats, waste paper, bottles, tires, bicycles, and derelict vehicles but shall not include Construction and Demolition Materials;

"Landscaped Open Space" means any landscaped area or playground not covered by any building but shall not include space for vehicular access, car parking, or the manoeuvring of vehicles;

"Landscaping" means that part of a lot located outdoors that is used for the placement of any or a combination of the following elements:

- a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, ornamental plantings, grass and ground cover
- b) hard landscaping consisting of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, and excluding asphalt and any area used for vehicle parking and manoeuvring. (RC-Oct 4/16;E-Nov 26/16)

"Living Space" means that portion of the floor coverage of a building exclusive of a porch or garage or unoccupied basement;

"Lodging House" or **"Rooming House"** means a building in which three or more rooms are rented and in which no table board is furnished;

"Lot" or **"Property"** means a parcel of land whether or not occupied by a building;

"Lot Depth" means the distance between the front and rear lot lines, measured along a line midway between the side lot lines. (RC-Oct 4/16;E-Nov 26/16)

"Lot Line" means any line dividing one lot from another;

"Lounge" means an establishment licensed as a lounge under the authority of the Liquor Control Act. (HWCC-Jul 30/18;E-Aug 25/18)

"Mainland South Area" means the area designated as the Mainland South Secondary Planning Strategy on zoning map ZM-2.

"Massage Parlour" includes any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath, or similar activity is performed, offered, advertised, or solicited by members of the opposite sex in pursuance of a trade, calling business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia;

"Mobile Home" means any portable dwelling having no permanent foundation and supported by wheels, jacks, or similar supports being used as a conveyance upon public streets or highways and duly licensable as such and designed and constructed to permit occupancy for dwelling and sleeping quarters;

"Motel" means a building for transient overnight occupancy containing a series of or several jointed units;

"Motor Vehicle Sales" means any land used for the sale of motor vehicles and does not include servicing, repair or painting of motor vehicles or sale of motor vehicle parts.

"Multiple Dwelling" includes an apartment house, boarding house, and rooming house;

"Nonconforming Use" shall have the same meaning as contained in the Municipal Government Act as may be amended from time to time.

"Northwest Arm Water Access Area" means the area shown on map ZM-24 attached to this By-law. (RC-May 1/07;E-Jul 21/07)

"Nude" means the showing of human male or female genitals, pubic area, or buttocks, with less than full opaque covering, or the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the areola of the breast;

"Occupied" includes "designed to be occupied" and "intended to be occupied";

"Open Space" includes landscaped open space and recreational space;

"Owner" means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or control of any land or building in the event of the absence or disability of the person having the title thereof;

"Permanent Open Space" means:

- (i) publicly-owned land, the use of which as an open space is established in perpetuity by deed of trust or otherwise; or
- (ii) cemeteries; or
- (iii) land permanently covered by water;

"Population Density" means the number of persons occupying a building(s) on a lot per one acre of gross lot area. In determining population density, the number of persons occupying a building(s) on a lot shall be calculated on the basis of one person for each habitable room contained therein;

"Professional Person" means a person who is a member of one or more of the following professions and who is licensed to practice same:

- (a) Medical doctor, physician or surgeon;
- (b) Dentist;
- (c) Barrister or solicitor;
- (d) Architect or engineer;
- (e) Psychologist.
- (f) Chartered Accountant

"Public Service or Utility use" shall mean the use of land or erection of structures thereon for the purpose of providing a service by a government or a public utility.

"Recreational Space" means space specifically designed for recreational purposes in, on or under any part of a building for common use by the occupants of such building and includes private balconies and terraces permanently open on at least one side;

"Recreational Use" means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)

"Recycling depot" means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding construction and demolition materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot;

"Rental" means a business conducted within a principal building with no outside display of goods which provides goods and services for temporary use, payment for which is calculated at fixed intervals and is made by the user to the owner. For the purposes of Section 85(2) (Change in Use) of the Planning Act, Chapter 9, S.N.S. 1983, "rental" shall be considered to be the same as "retail trade".

"Repair" means to make any repair of the value of One Hundred Dollars (\$100) or more;

"Residential Zone" means a zone which permits only residential uses and their accessory uses.

"Salvage yard" means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials;

"Schedule K" means the area designated as Schedule K on zoning map ZM-2.

"Schedule L" means the area designated as Schedule L on zoning map ZM-2.

"Semi-detached dwelling" means the whole of a dwelling house that is divided vertically into two separate dwelling units, each of which has an independent entrance.

"Sewer Service" means a system of pipes that disposes of household sewage other than on the lot;

"Sex-Aid Shop" includes any establishment or place for the purpose of retail trade where 10% or more of the value of the total stock in trade in any such establishment or place is comprised of articles relating to or portrayed as relating to sexual activities;

"Sign" means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "signs" which is affixed to the inside of a window or glass door or regulated under HRM By-law S-800. (RC-Sep 26/06;E-Nov 18/06)

"Single Family Dwelling" means the whole of a dwelling house occupied by not more than one family;

"Shipping Container" means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck."

"Special Care Home" means a building or part of a building in which accommodation, together with nursing, supervisory or personal care is provided or is available for four or more persons with social, health, emotional, mental or physical handicaps or problems, and only such building or part thereof as is licensed by the Homes for Special Care Act, or the Children's Services Act, or operated as a community correctional center under the provisions of the Penitentiary Act of Canada, but does not include a building or part thereof maintained by a person to whom the residents are related by

blood or marriage, a public hospital, maternity hospital, sanatorium, jail, prison, reformatory, hotel or hostel;

"Stacked Attached Housing" means 3 or more dwelling units that are horizontally or vertically attached and which have a principal access to the exterior ground level either directly from the unit or by means of a staircase shared by no more than 6 units.

"Stacked Townhouse" means a building containing three or more dwelling units attached side by side, two units high, where each unit has an independent entrance to the unit from the outside. (RC-Oct 4/16;E-Nov 26/16)

"Street" means any public street, road, highway or travelled way or portion thereof.

"Street Line" means the boundary of the street.

"Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 8 metres in width or part thereof. (RC-Oct 4/16;E-Nov 26/16)

"Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback, which does not include minor recesses for elements such as doorways or intrusions such as bay windows. (RC-Oct 4/16;E-Nov 26/16)

"Streetwall Height" means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall. (RC-Oct 4/16;E-Nov 26/16)

"Structure" means everything that is built or constructed of parts joined together and includes a building and an erection;

"Townhouse" means a dwelling unit in a townhouse building which has two or more independent entrances and a front and rear yard.

"Townhouse Building" means a building which is divided vertically by common walls into three or more townhouses.

"Townhouse Style Residential Development" means an apartment house that is similar in appearance to a townhouse building but which is not capable of being subdivided so that each unit is on its own lot. (RC-Feb 2/10;E-Apr 17/10)

"Use" means the purpose for which a building, structure, premises, or land, or any part thereof, is used, occupied, or intended to be or designed to be used or occupied;

"Used" includes "arranged to be used", "designed to be used", and "intended to be used";

"Used building material retail outlet" means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building;

"Water Control Structure" means any device or infrastructure designed by a qualified professional to control or manage the flow, volume, direction, or quality of stormwater to mitigate downstream impacts. It may include, and is not limited to, stormwater ponds, rain gardens, engineered wetlands, quality control devices, flow splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)

"Watercourse" means a lake, river, stream, ocean or other natural body of water. (RC-Jun 25/14;E-Oct 18/14)

"Water Service" means the provision of domestic water from a source not on the lot;

"Western Shore of the Bedford Basin Water Access Area" means the area identified as the seabed of the Bedford Basin seaward of the Ordinary High Water Mark, as it existed on the effective date of the adoption of this amendment, for a distance of 250 metres from the southern boundary of PID 00279786 to the northern boundary of the Halifax Plan Area. (RC-Jan 11/11;E-Mar 12/11)

"Wetland Areas" means the areas of land shown on ZM-23 - Wetlands Map attached to this By-law. (RC-Jun 25/14;E-Oct 18/14)

"Zoning Area" means the area shown on the zoning maps attached to and forming part of this by-law as R-1, R-2, R-2P, R-2T, R-2AM, R-3, R-4, RC-1, C-1, C-2, C-2A, C-2B, C-6, I-1, I-2, I-3, P, U-2, T, H, US, UR, PWS, RDD, WC, WCDD, BWCDD, WCCDD, CD-1, CD-2, CD-3, ICH, RPK, PA and WA Zones. (RC-Jun 25/14;E-Oct 18/14)

GENERAL PROVISIONS

GENERAL PROHIBITION

- 3 No person shall erect or alter any building or locate or carry on any industry, business, trade or calling or use any land or building within any use zone or cause the same to be done without complying with the provisions of this by-law.
- 3A Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 25/14;E-Oct 18/14)

OTHER PERMITS REQUIRED

- 4 Nothing in this by-law shall operate to relieve any person of the obligation to obtain any license, permission, permit authority, or approval required by this or any other by-law of the municipality.
- 4A (Deleted)
- 4B In the "Bedford Highway Area", notwithstanding any other provisions of this by-law, a development permit may be issued by the Development Officer for a project in respect of which approval was given by Council and where no decision of the Municipal Board has been given reversing such approval, provided that the development is completed within the time limit specified in the Development Agreement or, in the absence of such time limit, before March 14, 1985.

LOT TO ABUT ON A STREET

- 5 Except for any lot approved pursuant to Section 38 of the Subdivision By-law, (RC-Jun 25/14;E-Oct 18/14) every lot or part of a lot shall abut on a street and a building shall be deemed to abut on the street opposite to its principal entrance, or, if such entrance is not opposite to a street, then upon the street from which it gains its principal access.
- 5A Deleted (RC-Jun 27/06;E-Aug 26/06)
- 6 Deleted

ONE BUILDING PER LOT

- 7(1) Every building erected after the coming into effect of this by-law shall be located on a lot as defined in this by-law and in no case shall there be more than one building on one lot or one building on more than one lot except as otherwise provided in this by-law.

- 7(2) Where, prior to the coming into effect of this by-law, more than one building has been erected on one lot, only such buildings so erected that have been used or occupied on each such lot for residential or commercial purposes shall continue to be so used or occupied and no other building on any such lot shall be altered or converted for either residential or commercial purposes.

MULTIPLE BUILDINGS PER LOT PERMITTED

- 7(3) Notwithstanding the provisions of subsections (1) and (2) hereof, more than one residential building, excluding single-family, semi-detached and duplex buildings, may be constructed on a lot in an R-3 or R-4 Zone, provided that:

(a) **FOR R-3 USES**

- (i) Sections 28CA to 28CF inclusive shall apply to each building except that the minimum lot frontage and lot area shall be 60 ft. and 6,000 sq.ft. respectively; and
- (ii) Section 28CF shall be applied as if the occupancy is the combined occupancy of all buildings on the lot.

(b) **FOR R-4 USES**

- (i) Sections 29 to 33 inclusive shall apply to each building except that the minimum lot frontage and lot area shall be 60 ft. and 6,000 sq.ft. respectively; and
- (ii) Section 34 shall be applied as if the occupancy is the combined occupancy of all the buildings on the lot.

(c) **Deleted**

(d) **EXCEPTION FOR INDUSTRIAL/COMMERCIAL BUILDINGS**

Notwithstanding the provisions of Subsections (a) and (b) hereof, more than one industrial/commercial building may be constructed on a lot in an I-3 Zone, provided that the regulations contained in Section 50A(1), (4) and (5) shall apply.

(e) **EXCEPTION FOR WC ZONE**

Notwithstanding the provisions of Subsection (a) and (b) hereof, more than one building may be constructed on a lot in any WC zone provided that the regulations contained in Section 62AA(1) and (4) shall apply.

STORAGE OF LUMBER, ETC.

- 8 No building or land within a residential district shall be used for the storage of lumber, junk, or other goods or for any other commercial or industrial purposes except as otherwise provided in this by-law.

PARKING

- 9(a) The owner of a building shall provide off-street automobile parking space according to the following

- (i) Every building hereafter erected or altered for use as a dwelling shall therein or upon such lands appurtenant hereto provide and maintain accommodation for the parking or storage of motor vehicles for the use by the occupants of such dwelling;

US (URBAN SETTLEMENT) ZONE (RC-Jun 25/14;E-Oct 18/14)

61A(1) The following uses shall be permitted in any US Zone:

Single family dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot
Passive recreation uses
Public parks and playgrounds
Uses accessory to the foregoing uses

61A(2) No person shall in any US Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

61A(3) No person shall in any US Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

61A(4) Buildings erected, altered or used for US uses in a US Zone shall comply with the following requirements:

Minimum Lot Area:	2ha
Minimum Frontage:	110m
Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	15m
Maximum Lot Coverage:	10%
Maximum Height of Main Building:	11m

KEARNEY LAKE - RESIDENTIAL ENVIRONMENTS

61A(5) Notwithstanding sections 61A(1) through 16A(4), within the area of Kearney Lake west of the Bicentennial Highway and designated "Residential Environments", lands shall be developed subject to the permitted uses and requirements of the R-2 Zone (Two-Family Dwelling Zone).

UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

61AA(1) The following uses shall be permitted in any UR Zone:

- (a) Single family dwellings, on existing lots or lots approved pursuant to Section 38 of the Subdivision By-law provided that a private on-site sewage disposal system and well are provided on the lot
- (b) Passive recreation uses
- (c) Uses accessory to the foregoing uses

61AA(2) No person shall in any UR Zone use or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

61AA(3) No person shall in any UR Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

61AA(4) Buildings erected, altered or used for UR uses in a UR Zone shall comply with the following requirements:

Minimum Front or Flankage Yard:	9.1m
Minimum Side Yard:	2.5m
Minimum Rear Yard:	2.5m
Maximum Lot Coverage:	35%
Maximum Height of Main Building:	11m