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Item No. 9.1.2

Design Review Committee
December 1, 2021

Heritage Advisory Committee
November 10, 2021

Halifax Regional Council
December 14, 2021

TO: Chair and Members of the: Heritage Advisory Committee and Design Review Committee

SUBMITTED BY: **Original Signed -**

Kelly Denty, Executive Director, Planning and Development

Original Signed -

Jacques Dubé, Chief Administrative Officer

DATE: October 28, 2021

SUBJECT: **Case H00520: Amendment to the Bonus Zoning Provisions for Heritage Buildings within the Downtown Halifax Land Use By-law**

ORIGIN

A staff-initiated application to address a discrepancy within the Downtown Halifax Land Use By-law.

LEGISLATIVE AUTHORITY

*Halifax Regional Municipality Charter, Part VIII Halifax Regional Municipality Charter;
By-law H-200, Heritage Property By-law
Downtown Halifax Land Use By-law*

RECOMMENDATIONS

It is recommended that the Heritage Advisory Committee and the Design Review Committee recommend that Halifax Regional Council:

1. Give First Reading to consider an amendment to the Land Use By-law for Downtown Halifax as contained in Attachment A and schedule a public hearing; and
2. Adopt the amendment to the Land Use By-law for Downtown Halifax, as set out in Attachment A.

BACKGROUND

In 2020, Regional Council adopted the Old South Suburb Heritage Conservation District (HCD) Plan and By-law. Prior to Council's adoption, several items arose when the documents were submitted for review to the Heritage Advisory Committee, Design Review Committee, and Community Planning and Economic Development Standing Committee in the fall of 2019. These matters were addressed by staff in a supplementary report (Case H00446¹), dated December 3, 2019. This report included three recommendations which were presented to Regional Council and approved as part of the adoption of the Old South Suburb HCD Plan and By-law.

One of the approved recommendations sought to align and format the Downtown Halifax Land Use By-law (LUB) with the, then draft Regional Centre LUB (Centre Plan) to facilitate the future transition of the Downtown Halifax Plan Area within these documents. This change resulted in an unintentional omission of text in the original amendments proposed for the Downtown Halifax LUB that is essential to implementing Policy 18A of the Downtown Halifax Secondary Municipal Planning Strategy (SMPS) as follows:

Policy 18A Within the Old South Suburb Heritage Conservation District (Precinct 2), HRM may consider a FAR bonus in exchange for the provision of a public benefit, in accordance with the bonus zoning provisions of the Halifax Regional Municipality Charter. HRM shall establish provisions in the Land Use By-law to guide negotiations of appropriate public benefits, which shall be limited to:

- a) conservation of an Old South Suburb heritage property or registered municipal heritage property as shown on Map 7.5; and*
- b) cash-in-lieu*

Note: This approach to rehabilitation is also contained within the Old South Suburb HCD Plan.

The reasons for limiting the application and contribution categories for bonus zoning is that rehabilitating heritage properties is typically much more costly than new construction and HRM recognizes that the public benefit that these buildings provide to the Municipality. By offering financial incentive programs aimed at revitalizing newly designated heritage districts including the Old South Suburb, the Municipality provides support to these heritage properties. By allowing heritage property owners to direct bonus zoning contributions towards their own properties, and by requiring contributions from non-heritage developments to bolster conservation programs, HRM can expedite the revitalization of heritage districts such as the Old South Suburb, and increase the effectiveness of existing grant programs.

Due to an administrative error, the Downtown Halifax LUB does not accurately implement Policy 18A as it does not limit public benefits within the Old South Suburb HCD to only conservation of Old South Suburb heritage properties or registered municipal heritage properties or cash-in-lieu.

DISCUSSION

The intent of Policy 18A is to limit public benefit agreements within the Old South Suburb HCD (Precinct 2 in Downtown Halifax) to the conservation of an Old South Suburb heritage property, registered heritage property, or cash-in-lieu of conservation. This would ensure that new development within the heritage district will finance rehabilitation of the district, and would provide heritage property owners with the opportunity to utilize their bonus zoning contribution on their own properties. This was to be implemented through the Downtown Halifax LUB.

¹ <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/200114rc123i.pdf>

To address this error, the Downtown Halifax LUB needs to be amended to limit the public benefit categories for bonus zoning within Precinct 2, of the Old South Suburb HCD to the conservation of an Old South Suburb heritage property or registered municipal heritage property; and cash-in-lieu.

In conclusion, staff recommend that the proposed amendments, as shown in Attachment A, be adopted to bring the public benefit categories that apply to new development within the Old South Suburb HCD to be consistent with the policy direction of the Downtown Halifax SMPS and the Old South Suburb HCD Plan.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing Case H00520 can be accommodated within the approved 2021/22 operating budget for Cost Centre C340, Heritage and Planning Information Services.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

The community engagement process for this project is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory and Design Review Committee meetings.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

The HAC and DRC may recommend that Halifax Regional Council initiate a process to amend the Downtown Halifax SMPS and LUB in a different manner.

ATTACHMENTS

Attachment A: Proposed Amendment to the Downtown Halifax Land Use By-law

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

Report Prepared by Seamus McGreal, Planner III, 902-717-1568

Attachment A

Proposed Amendment to the Downtown Halifax Land Use By-law

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Downtown Halifax is hereby amended as follows:

1. Adding clause (c) to subsection 12 (6.1) immediately after clause 12(6.1)(b) and before subsection 12(6.2) under the Section titled Post-Bonus Height Provisions as shown in **bold**:

(c) Notwithstanding subsection 12(7), the public benefit the developer shall provide under Clause 6.1(b) shall be in the form of one or a combination of the following:

- (i) conservation of an Old South Suburb Heritage Property or registered municipal heritage property as shown on Map 11; or**
- (ii) cash-in-lieu,**

as may be agreed between the Municipality and the applicant.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the day of,

A.D. 20_____.

Given under the hand of the Municipal Clerk
and

under the corporate seal of the said
Municipality

this _____ day of _____, A.D. 20_____.

Iain MacLean