

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: November 16, 2021

SUBJECT: **Amendments to AO48 Respecting the Creation of Community Councils, AO2019-011-GOV, the Design Advisory Committee, AO2020-007-ADM Respecting the Incentive or Bonus Zoning Public Benefits, and AO2020-008-ADM Respecting the Grants for Affordable Housing**

ORIGIN

- August 17, 2021, Halifax Regional Council Item No. 14.2 motions: items 3, 4 and 5, as follows:
 3. Direct the Chief Administrative Officer to:
 - (a) draft amendments to Administrative Order Number 48, the Community Council Administrative Order, to grant the Regional Centre Community Council the powers to hear site plan and variance appeals and to amend the Regional Centre Land Use By-law within the Regional Centre Plan boundary except for Lakeshore Park Terrace and Wallace Heights, which fall outside the Centre Plan Area as defined by the HRM Charter, and that these areas be excluded from the jurisdiction of Halifax and West Community Council, and Harbour East and Marine Drive Community Council with respect to these powers; and
 - (b) return to Council for consideration of these amendments after provincial approval of the Regional Centre Plan Secondary Municipal Planning Strategy and Land Use By-law
 4. Direct the Chief Administrative Officer to:
 - (a) draft amendments to Administrative Order 2019-011-GOV, the Design Advisory Committee, to update the applicable area and references to the Land Use By-law concerning the types of site plan approval applications reviewed by the committee; and
 - (b) return to Council for consideration of these amendments after provincial approval of the Regional Centre Plan Secondary Municipal Planning Strategy and Land Use By-law.
 5. Direct the Chief Administrative Officer to:
 - (a) draft amendments to Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits Administrative Order, and Administrative Order 2020-008-ADM, Grants for Affordable Housing Administrative Order, to update the permitted use of money-in-lieu funds as outlined in the discussion section of this report; and

- (b) return to Council for consideration of these amendments upon provincial approval of the Regional Centre Plan Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law.

LEGISLATIVE AUTHORITY

The legislative authority is set out in Attachment I.

RECOMMENDATIONS

It is recommended that Halifax Regional Council adopt the amendments to:

1. Administrative Order 48, the *Community Council Administrative Order*, as set out in Attachment B;
2. Administrative Order 2019-011-GOV, the *Design Advisory Committee Administrative Order*, as set out in Attachment D;
3. Administrative Order 2020-007-ADM, the *Incentive or Bonus Zoning Public Benefits Administrative Order*, as set out in Attachment F; and
4. Administrative Order 2020-008-ADM, *Grants for Affordable Housing Administrative Order*, as set out in Attachment H.

BACKGROUND

On October 26th, 2021, Regional Council approved the Regional Centre Secondary Municipal Planning Strategy (Plan) and the Regional Centre Land Use By-law (LUB), the documents which regulate land use and development for nearly all lands located within the Regional Centre. The documents are the result of a planning process that included extensive analysis, public engagement, and committee and Council reviews.

As part of the adoption process of the Regional Centre Plan (Package B), Council directed the Chief Administrative Officer (CAO) to amend:

- Administrative Order 48, Respecting the Creation of Community Councils, to update the geographic jurisdiction of the Regional Centre Community Council;
- Administrative Order 2019-011-GOV, the Design Advisory Committee, to update the applicable area and references to the Land Use By-law concerning the types of site plan approval applications reviewed by the committee; and
- Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits, and Administrative Order 2020-008-ADM, the Grants for Affordable Housing, to update the permitted use of money-in-lieu funds arising from incentive or bonus zoning.

This staff report presents the required amendments to the above Administrative Orders.

DISCUSSION

The following sections outline the proposed amendments to applicable Administrative Orders needed to implement the recently approved Plan and LUB for the Regional Centre.

Regional Centre Community Council – AO48

The Regional Centre Community Council (RCCC) was established in 2019 to be the legislative body to review, address and render decisions on matters relating to appeals of site plan approval applications, variances, and general land use by-law amendments over lands within the Regional Centre Plan (Package A) area. Governance and implementation of the Regional Centre Plan, for the entire Regional Centre area, requires specific changes to Administrative Order No. 48, *Respecting the Creation of Community Council Administrative Order*, to extend the limited jurisdiction of the RCCC to the entire Regional Centre plan area and amend the jurisdiction authority of existing Halifax and West Community Council (HWCC) and Harbour East-Marine Drive Community Council (HEMDCC) to reflect this change, as contained in Attachment A and B of this report.

Based on Regional Council's earlier direction, the HWCC and HEMDCC will continue to have jurisdiction over development agreement applications within the entire Regional Centre Plan area. Community Councils will provide recommendations to Regional Council on any site-specific plan amendments requests within their jurisdiction and Regional Council will continue to make decisions relating to those requests. Regional Council will continue to hear site plan appeals in the remaining Downtown Halifax Plan area, which include existing Barrington and Old South Suburb Heritage Conservation Districts, and 5 identified sites.

Design Advisory Committee – AO2019-011-GOV

The site plan approval provisions of the *Halifax Regional Municipality Charter* enable the establishment of a design advisory committee to ensure that the design of proposed development applications meets the intent of the site plan approval criteria. As part of the approval process of Centre Plan Package A, the Design Advisory Committee (DAC) was established in 2019 through the adoption of Administrative Order 2019-011-GOV, *the Design Advisory Committee*. Under this existing Administrative Order, the Committee is responsible for providing feedback to applicants and advising the Development Officer on Level II and Level III site plan approval proposals in Package A lands and perform other duties as set by Council.

In response to challenges experienced with implementing the site plan approval process (Package A), the Package B planning documents refined the use of the site plan approval tool to focus on requests for variations to identified LUB requirements. The public notification and engagement requirements for site plan approval are also simplified. While the area subject to DAC advice will be expanded to include the entire Regional Centre Plan area (except for those areas remaining within HRM by Design), the scope of DAC's role will be limited to site plan approval variation requests.

This change requires amendments to the DAC Terms of Reference (Administrative Order 2019- 011-GOV) to reflect the revised approach to the use of the site plan approval tool applicable to both Package A and B areas, as contained in Attachments C and D of this report. In addition, staff advise that Council may wish to revisit the role and composition of DAC in the future, given that fewer site plan variation applications are expected.

Incentive or Bonus Zoning Benefits & Grants for Affordable Housing

On September 18, 2019, Regional Council approved Centre Plan (Package A) planning documents, which included enabling policies and regulations for incentive or bonus zoning, as well as provisions for the use and acceptance of money-in-lieu. In order to carry out these policies, Council adopted Administrative Order 2020-007-ADM-ADM, *Respecting Incentive or Bonus Zoning Public Benefits*, and Administrative Order 2020-008-ADM, *Respecting Grants for Affordable Housing*, following Regional Council's approval of

Package A to hold and guide the use of the collected money-in-lieu funds, as detailed in the [August 25th, 2020 staff report](#).

Consistent with Centre Plan Package A, the Package B planning documents approved by Council enable the following public benefits to be accepted:

- affordable housing;
- heritage conservation;
- public art;
- improvements to municipal parks;
- affordable community cultural indoor spaces; and
- such other public benefits that may be set out in the Land Use By-law.

In developing policies to guide the use of money-in-lieu funds, staff have identified several updates to LUB provisions to provide greater flexibility for the use of collected funds. These updates, which have been incorporated into the Centre Plan (Package B) planning documents, require amendments to Administrative Order 2020-007-ADM-ADM, *Respecting Incentive or Bonus Zoning Public Benefits* and Administrative Order 2020-008-ADM, *Respecting Grants for Affordable Housing*, as contained in Attachments E through H, and summarized below:

- Affordable Housing: enabling money-in-lieu for affordable housing to be used to support building condition assessments and the acquisition of buildings, units or property;
- Heritage Conservation: enabling the conservation of a building within a heritage conservation district off the development site, and money-in-lieu for heritage conservation to be used for the conservation of a building within a heritage conservation district, instead of only registered heritage properties; and
- Parkland: enabling money-in-lieu for parks to be used for the acquisition of municipal parks, instead of only for parkland improvements.

FINANCIAL IMPLICATIONS

There are no immediate financial implications resulting from the recommendations contained in this report. Details relating to policy directions are included in the Community Design Advisory Committee (CDAC) report (Item 9.1, May 7, 2021).

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. Further information on risks are discussed in the Community Design Advisory Committee (CDAC) report (Item 9.1, May 7, 2021).

COMMUNITY ENGAGEMENT

An extensive public engagement program was undertaken in preparing the Regional Centre Plan (Package B). A detailed summary of engagement activities and feedback is included in the Community Design Advisory Committee (CDAC) report (Item 9.1, May 7, 2021).

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Halifax Regional Council may choose to:

Administrative Order Number 48, the Creation of Community Council

1. Approve with modifications the proposed changes to the Administrative Order Number 48, the Creation of Community Council, as contained in Attachments A & B of this report. This may require a subsequent report for Council's consideration depending on the extent of changes Council directs.
2. Refuse the proposed amendments to the Administrative Order Number 48, the Creation of Community Council. This approach is not recommended as the existing Administrative Order does not reflect the Package B Plan area.

Administrative Order 2019-011-GOV, the Design Advisory Committee

3. Approve with modifications the proposed changes to the Administrative Order 2019-011-GOV, the Design Advisory Committee, as contained in Attachments C & D of this report. This may require a subsequent report for Council's consideration depending on the extent of changes Council directs.
4. Refuse the proposed amendments to the Administrative Order 2019-011-GOV, the Design Advisory Committee. This approach is not recommended as the existing Administrative Order does not reflect the Package B Plan area or revised use of the site plan approval tool.

Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits

5. Approve with modifications the proposed changes to the Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits, as contained in Attachments E & F of this report. This may require a subsequent report for Council's consideration depending on the extent of changes Council directs.
6. Refuse the proposed amendments to the Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits. This approach is not recommended as this would continue to unnecessarily constrain the use of collected money-in-lieu funds.

Administrative Order 2020-008-ADM, Grants for Affordable Housing

7. Approve with modifications the proposed changes to the Administrative Order 2020-008-ADM, Grants for Affordable Housing, as contained in Attachments G&H of this report. This may require a subsequent report for Council's consideration depending on the extent of changes Council directs.
8. Refuse the proposed amendments to the Administrative Order 2020-008-ADM, Grants for Affordable Housing. This approach is not recommended as this would continue to unnecessarily constrain the use of collected money-in-lieu funds for affordable housing grants.

ATTACHMENTS

Attachment A: Showing Proposed Changes to Administrative Order Number 48, the Creation of Community Council

Attachment B: Amending Administrative Order Number 48, the Creation of Community Council

- Attachment C: Showing Proposed Changes to Administrative Order 2019-011-GOV, the Design Advisory Committee
- Attachment D: Amending Administrative Order 2019-011-GOV, the Design Advisory Committee
- Attachment E: Showing Proposed Changes to Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits
- Attachment F: Amending Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits
- Attachment G: Showing Proposed Changes to Administrative Order 2020-008-ADM, Grants for Affordable Housing
- Attachment H: Amending Administrative Order 2020-008-ADM, Grants for Affordable Housing
- Attachment I: Legislative Authority

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: Dali Salih, Planner III, Community Policy Program, 902.220.9631

ATTACHMENT A

(Showing Proposed Changes to
Administrative Order Number 48)

HALIFAX REGIONAL MUNICIPALITY ADMINISTRATIVE ORDER NUMBER 48 RESPECTING THE CREATION OF COMMUNITY COUNCILS

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number 48, the *Community Council Administrative Order*.

Interpretation

1A. In this Administrative Order,

(a) "Charter" means *Halifax Regional Municipality Charter, 2008, SNS, c. 39*, as amended.

Community Councils

2. There is hereby established the following Community Councils:

(a) the North West Community Council for the area of the Halifax Regional Municipality that on the 6th day of November 2012 is included in:

- i) polling district 1, Waverley - Fall River - Musquodoboit Valley;
- ii) polling district 13, Hammonds Plains - St. Margarets;
- iii) polling district 14, Middle/Upper Sackville - Beaver Bank - Lucasville;
- iv) polling district 15, Lower Sackville; and
- v) polling district 16, Bedford – Wentworth;

(b) the Harbour East-Marine Drive Community Council for the area of the Halifax Regional Municipality that on the 6th day of November 2012 is included in:

- i) polling district 2, Preston - Chezzetcook - Eastern Shore;
- ii) polling district 3, Dartmouth South - Eastern Passage;
- iii) polling district 4, Cole Harbour – Westphal;
- iv) polling district 5, Dartmouth Centre; and
- v) polling district 6, Harbourview - Burnside - Dartmouth East;

(c) the Halifax and West Community Council for the area of the Halifax Regional Municipality that on the 6th day of November 2012 is included in:

- i) polling district 7, Halifax South Downtown;
- ii) polling district 8, Halifax Peninsula North;
- iii) polling district 9, Halifax West Armdale;
- iv) polling district 10, Halifax – Bedford Basin West;
- v) polling district 11, Spryfield – Sambro Loop - Prospect Road; and
- vi) polling district 12, Timberlea - Beechville - Clayton Park – Wedgewood

with the exception of the **shaded Downtown Halifax** area of the Halifax Regional Municipality as shown on Schedule ~~4~~ **A1**; and

(d) the Regional Centre Community Council for the area of the Halifax Regional Municipality that on the 6th day of November 2012 is included in:

- i) polling district 5, Dartmouth Centre, for those shaded areas of the district shown as the Regional Centre Community Council Area on Schedule ~~4~~ **4A**;
- ii) polling district 6, Harborview - Burnside - Dartmouth East, for those shaded areas of the district shown as the Regional Centre Community Council Area on Schedule ~~4~~ **4A**;
- iii) polling district 7, Halifax South Downtown, for those shaded areas of the district shown as the Regional Centre Community Council Area on Schedule ~~4~~ **4A**;
- iv) polling district 8, Halifax Peninsula North, for those shaded areas of the district shown as the Regional Centre Community Council Area on Schedule ~~4~~ **4A**; and
- v) polling district 9, Halifax West Armdale, for those shaded areas of the district shown as the Regional Centre Community Council Area on Schedule ~~4~~ **4A**.

Powers

3. (1) ~~Subject to subsection (3) of this section, sections 29, 30 and 31 of the *Charter* apply to the North West Community Council.~~ **Repeal**

Development Agreements – Halifax and West, and Harbour-East Marine Drive Community Councils

(1A) ~~Section 31 of the *Charter* applies to the Harbour East Marine Drive Community Council and the Halifax and West Community Council.~~ **Repeal**

PACs – Halifax and West, and Harbour-East Marine Drive, Regional Centre Community Councils

(1B) ~~Subject to subsection (3) of this section, subsection 30(2) of the *Charter* applies to the Harbour East Marine Drive Community Council, the Halifax and West Community Council, and the Regional Centre Community Council.~~ **Repeal**

Land Use By-law Amendments – Halifax and West, Harbour-East Marine Drive Community Councils,

(1C) ~~Subsection 30(3) of the *Charter* applies to the Harbour East Marine Drive Community Council and, the Halifax and West Community Council, except for those shaded areas as shown as the Regional Centre Community Council Area on Schedule ~~4~~ **Repeal**~~

Land Use By-law Amendments Regional Centre Community Council

(1D) ~~Subsection 30(3) of the *Charter* applies to the Regional Centre Community Council for those shaded areas shown as the Regional Centre Community Council Area on Schedule ~~4~~ **Repeal**~~

Site Plan and Variance Appeals – Halifax and West, Harbour-East Marine Drive Community Councils

(1E) ~~Subsection 30(4) of the *Charter* applies to the Harbour East Marine Drive Community Council and the Halifax and West Community Council for areas, except for those shaded areas shown as the Regional Centre Community Council Area on Schedule ~~4~~ **Repeal**~~

Site Plan and Variance Appeals – Regional Centre Community Council

(1F) ~~Subsection 30(4) of the *Charter* applies to the Regional Centre Community Council for those shaded areas shown as the Regional Centre Community Council Area on Schedule ~~4~~ **Repeal**~~

Area Rates – Halifax and West, Harbour-East Marine Drive Community Councils

(1G) ~~Section 29 applies to the Harbour East-Marine Drive Community Council, and the Halifax and West Community Council~~ **Repeal**

(2) Repealed.

(3) A Community Council shall create no more than two planning advisory committees.

(4) If a Community Council creates a planning advisory committee, the terms of reference for the planning advisory committee shall be as set out in Schedule 3 of this Administrative Order.

(5) Nothing in this section prevents a Community Council from:

(a) limiting or adding to the duties of a planning advisory committee from those duties prescribed by section 4 of Schedule 3 of this Administrative Order; or

(b) specifying the number of community citizens that must be appointed to a planning advisory committee from a specified District or portion of a District.

North West Community Council

3A. (1) The North West Community Council may:

(a) in accordance with subsection 31(2) of the Charter, approve a development agreement, or an amendment to a development agreement, applicable to their community;

(b) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community; and

(c) in accordance with subsection 30(4) of the Charter, hear an appeal from the:

(i) approval or refusal to approve a site-plan, and

(ii) the granting or refusal of a variance.

(2) Section 29 of the Charter respecting area rates applies to the North West Community Council.

(3) In accordance with subsection 30(2) of the Charter, the North West Community Council may appoint no more than two planning advisory committees.

Harbour East-Marine Drive Community Council

3B. (1) The Harbour East-Marine Drive Community Council may:

(a) in accordance with subsections 31(2) of the Charter, approve a development agreement, or an amendment to a development agreement, applicable to their community, including for those shaded areas of districts 5 and 6 shown on Schedule 4A as being within the Regional Centre Community Council Area; and

(b) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community, except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(2) In accordance with subsection 30(4) of the Charter, the Harbour East-Marine Drive Community Council may hear an appeal from the:

(a) approval or refusal to approve a site-plan; and

(b) the granting or refusal of a variance,

except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(3) Section 29 of the Charter respecting area rates applies to the Harbour East-Marine Drive Community Council.

(4) In accordance with subsection 30(2) of the Charter, the Harbour East-Marine Drive Community Council may appoint no more than two planning advisory committees.

Halifax and West Community Council

3C. (1) The Halifax and West Community Council may

(a) in accordance with subsections 31(2) of the Charter, approve a development agreement, or an amendment to a development agreement, applicable to their community, including those shaded areas located within districts 7, 8, and 9 shown on Schedule 4A as being within the Regional Centre Community Council Area, but excluding those shaded areas of district 7 shown on Schedule A1; and

(b) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community, except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(2) In accordance with subsection 30(4) of the Charter, the Halifax and West Community Council may hear an appeal from the

(a) approval or refusal to approve a site-plan, and

(b) the granting or refusal of a variance,

except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(3) Section 29 of the Charter respecting area rates applies to the Halifax and West Community Council.

(4) In accordance with subsection 30(2) of the Charter, the Halifax and West Community Council may appoint no more than two planning advisory committees.

Regional Centre Community Council

3D. (1) The Regional Centre Community Council may

(a) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community; and

(b) hear an appeal from the:

(i) approval or refusal to approve a site-plan, and

(ii) the granting or refusal of a variance.

(2) For greater certainty, the Regional Centre Community Council may not approve a development agreement, or an amendment to a development agreement, applicable to their community.

(3) In accordance with subsection 30(2) of the Charter, the Regional Centre Community Council may appoint no more than two planning advisory committees.

Financial Consequences

4. A Community Council shall not pass any resolution or make any decision which could potentially result in financial consequences for the Municipality which are contrary to those which would result from a previous decision of the Regional Council, unless and until the financial consequences are presented to the Regional Council and approved by it.

Policies and Procedures

5. Repealed.

Effective Date

6. This Administrative Order comes into force December 3, 2012.

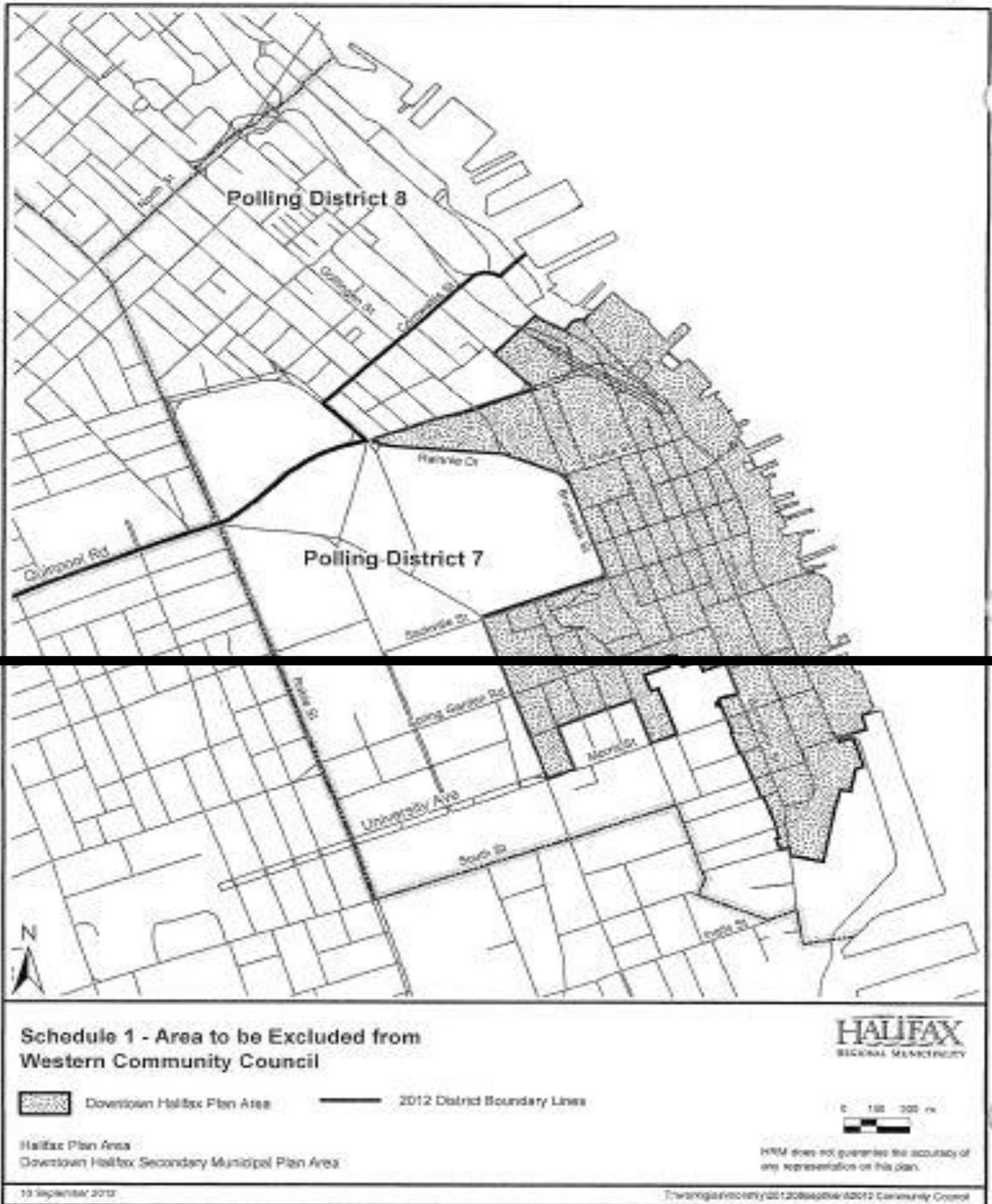
Done and passed in Council this 27th day of November, A.D. 2012.

MAYOR

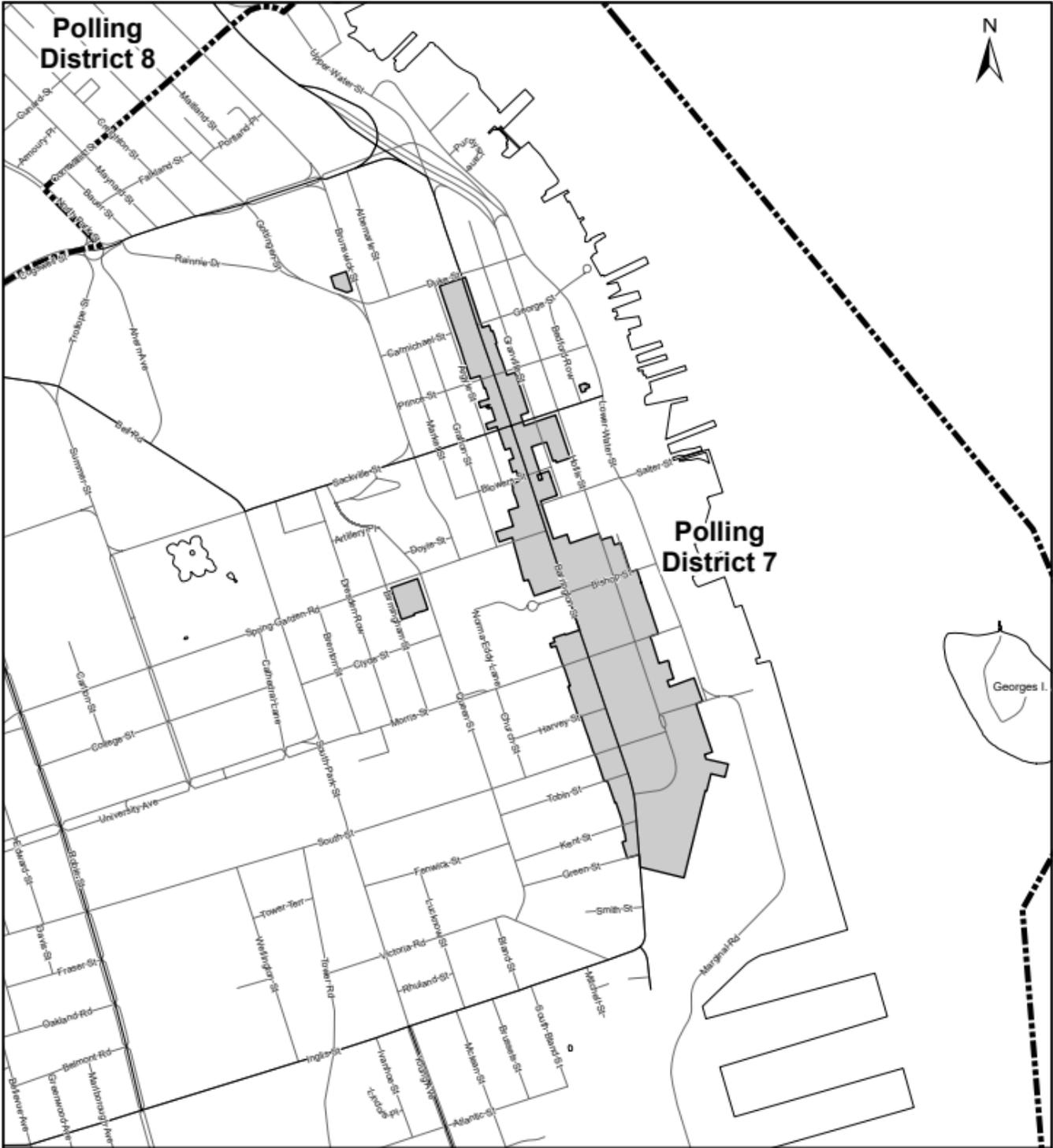
MUNICIPAL CLERK

I, Cathy Mellett, Municipal Clerk of Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on November 27, 2012.

Cathy Mellett, Municipal Clerk



Repeal



Schedule A1: Downtown Halifax Plan Area to be Excluded from the Halifax and West Community Council

- Downtown Halifax Plan Area
- Polling Districts

HALIFAX



HRM does not guarantee the accuracy of any base map representation on this plan

Date Saved: 11/16/2021

SCHEDULE 2

Repealed.

**SCHEDULE 3
TERMS OF REFERENCE
PLANNING ADVISORY COMMITTEE**

Serving Polling Districts _____, _____ and ____ (and the portion of Districts _____ and _____ (map attached)) incorporated into the _____ Community Council.

1. Membership

- Up to 2 Community Council Members
- Up to 8 community citizens

2. Appointment

- Term of Appointment
 - Councillor: 1 year
 - Residents: 2 years
- Appointments shall be made by the Community Council.
- The Committee shall annually elect from its non-council members a Chair and Vice-Chair.

3. Re-appointment of Members

- Citizen members may be appointed for a maximum of two (2) consecutive terms.
- Citizen members may be appointed for more than two (2) consecutive terms when there are no other interested and qualified candidates.

4. Legislated Duties

- To advise the Community Council with respect to the preparation or amendment of planning documents within or affecting (all or portions of) Polling Districts _____, _____ and _____ incorporated into the Community Council. The term “planning documents” shall be as defined in clause m of section 209 of the *Halifax Regional Municipality Charter*.
- To advise the Community Council with respect to planning matters generally within or affecting (all or portions of) Polling Districts _____, _____, and _____ incorporated into the Community Council. The term “planning matters” means any discretionary decision of Community Council related to the use and development of land.
- Hold public meetings associated with municipal planning strategy amendments as deemed necessary.

5. Additional Duties

- As may be directed by Community Council.

6. Meetings

- The Planning Advisory Committee shall meet at least once per month or as required to conduct business of the Committee. Additional meetings may be scheduled at the discretion of the Chair in consultation with staff.
- The quorum for regular meetings shall be in accordance with Section 74 of Administrative Order One, the Procedure of Council Administrative Order, Quorum of Committee.

- Any member of the Committee who fails to attend three (3) consecutive meetings, without having been excused by the Committee shall vacate the member's seat in accordance with subsection 3 of section 68 of Administrative Order One, the Procedure of Council Administrative Order, and subsection 1 of section 22 of the *Halifax Regional Municipality Charter*.
- All Planning Advisory Committee meetings shall be open to the public, or as allowed under Part VII Section 218 (1) of the *Halifax Regional Municipality Charter*.

7. Procedure

Meeting procedures shall be governed by the HRM Administrative Order One, the Procedure of Council Administrative Order, as it relates to Committee Procedures.

8. Remuneration

Remuneration shall be paid related to travel for attendance at meetings at rates established by Halifax Regional Municipality.

9. Resignation

A member may resign from the Committee at any time in accordance with Section 68 of Administrative Order One, the Procedure of Council Administrative Order, Vacating of Position on Committee.

Repeal



**Schedule 4
Regional Centre Community Council Area**

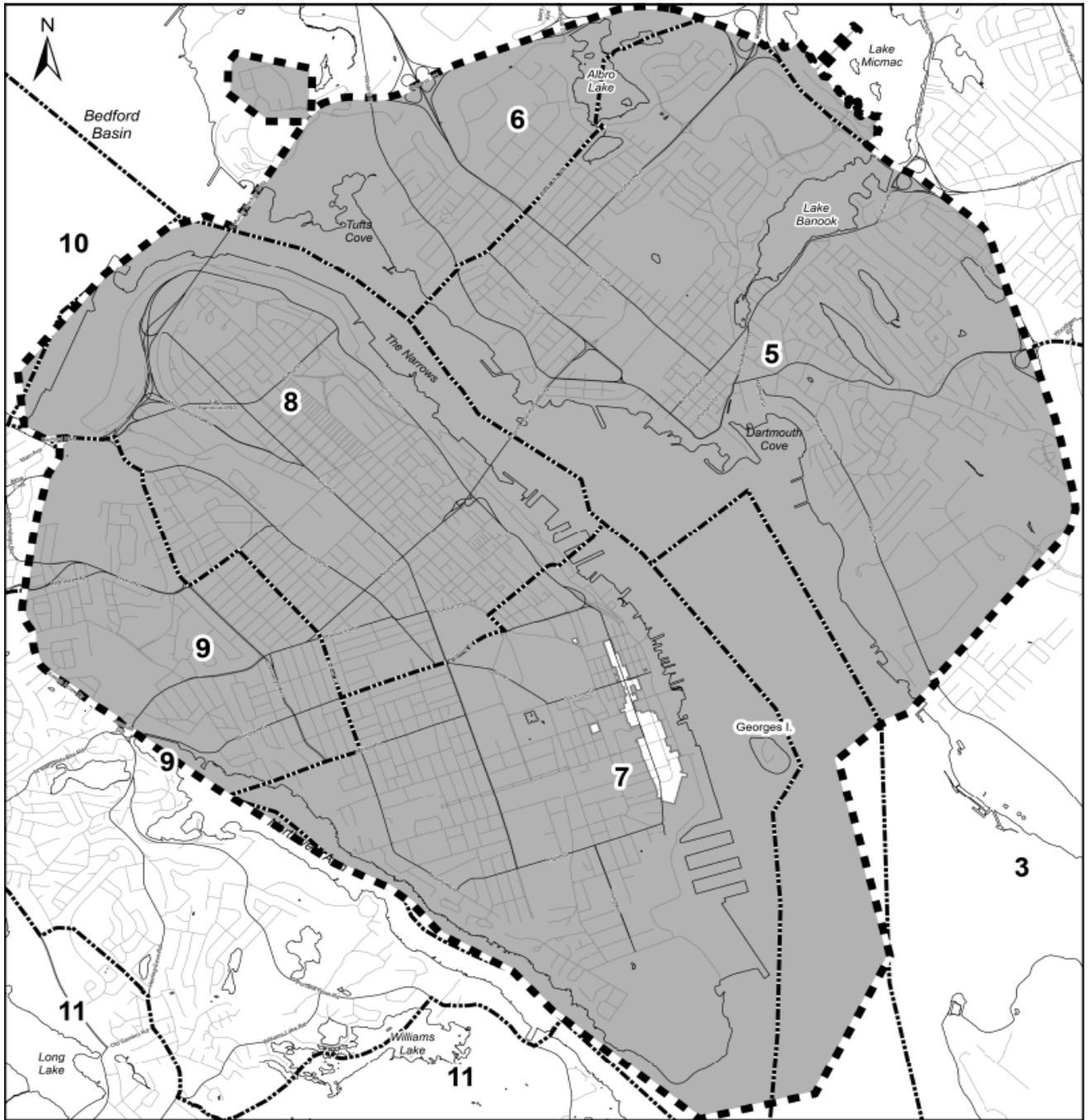
-  Regional Centre Community Council Area
-  Regional Centre Plan Area
-  Polling Districts

HALIFAX



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Last Updated October 8, 2019



**Schedule 4A
Regional Centre Community Council Area**

-  Regional Centre Community Council Area
-  Regional Centre Plan Area
-  Polling Districts

HALIFAX



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Effective:

Notice of Motion: November 13, 2012
Approval: November 27, 2012
Effective Date: December 3, 2012

Amendment # 1
Name Change
Notice of Motion: December 11, 2012
Approval: January 15, 2013

Amendment # 2
Planning Advisory Committees
Notice of Motion: February 12, 2013
Approval: February 19, 2013

Amendment # 3
Name Change for Districts 7, 8 & 9
Notice of Motion: May 13, 2014
Approval: May 20, 2014

Amendment # 4
Repeal Schedule 2
Notice of Motion: June 2, 2015
Approval: November 10, 2015

Amendment # 5
Renaming District 12
Notice of Motion: April 26, 2016
Approval: May 10, 2016

Amendment # 6
Amendments to section 3 to create Regional Centre Community Council
Adding subsections 3(1A), (1B), (1C), (1D), (1E), (1F), (1G)
Notice of Motion: November 12, 2019
Approval: December 3, 2019

ATTACHMENT B

(Amending Administrative Order Number 48)

HALIFAX REGIONAL MUNICIPALITY ADMINISTRATIVE ORDER NUMBER 48 RESPECTING THE CREATION OF COMMUNITY COUNCILS

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality that Administrative Order Number 48, the Creation of Community Council Administrative Order, is amended as follows:

1. Clause 2(c) is amended by:

(a) deleting the word “shaded” after the words “the exception of the” and before the words “area of the Halifax Regional Municipality”;

(b) adding the words “Downtown Halifax” after the words and before the words “area of the Halifax Regional Municipality; and

(c) deleting the number “1” after the word “Schedule” and replacing it with the number and letter “1A”.

2. Subclauses 2d(i),(ii),(iii),(iv), and (v) are amended by deleting number “4” after the word “Schedule”, and replacing it with the number and letter “4A”.

3. Subsections 3(1),(1A),(1B),(1C),(1D),(1E),(1F), and 1(G) are repealed.

4. Sections 3A, 3B, 3C, and 3D are added after section 3 and before section 4, as follows:

North West Community Council

3A. (1) The North West Community Council may:

(a) in accordance with subsection 31(2) of the Charter, approve a development agreement, or an amendment to a development agreement, applicable to their community;

(b) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community; and

(c) in accordance with subsection 30(4) of the Charter, hear an appeal from the:

(i) approval or refusal to approve a site-plan, and

(ii) the granting or refusal of a variance.

(2) Section 29 of the Charter respecting area rates applies to the North West Community Council.

(3) In accordance with subsection 30(2) of the Charter, the North West Community Council may appoint no more than two planning advisory committees.

Harbour East-Marine Drive Community Council

3B. (1) The Harbour East-Marine Drive Community Council may:

(a) in accordance with subsections 31(2) of the Charter, approve a development agreement, or an amendment to a development agreement, applicable to their community, including for those shaded areas of districts 5 and 6 shown on Schedule 4A as being within the Regional Centre Community Council Area; and

(b) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community, except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(2) In accordance with subsection 30(4) of the Charter, the Harbour East-Marine Drive Community Council may hear an appeal from the:

(a) approval or refusal to approve a site-plan; and

(b) the granting or refusal of a variance,

except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(3) Section 29 of the Charter respecting area rates applies to the Harbour East-Marine Drive Community Council.

(4) In accordance with subsection 30(2) of the Charter, the Harbour East-Marine Drive Community Council may appoint no more than two planning advisory committees.

Halifax and West Community Council

3C. (1) The Halifax and West Community Council may

(a) in accordance with subsections 31(2) of the Charter, approve a development agreement, or an amendment to a development agreement, applicable to their community, including those shaded areas located within districts 7, 8, and 9 shown on Schedule 4A as being within the Regional Centre Community Council Area, but excluding those shaded areas of district 7 shown on Schedule A1; and

(b) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community, except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(2) In accordance with subsection 30(4) of the Charter, the Halifax and West Community Council may hear an appeal from the

(a) approval or refusal to approve a site-plan, and

(b) the granting or refusal of a variance,

except for those shaded areas within the Regional Centre Community Council Area shown on Schedule 4A.

(3) Section 29 of the Charter respecting area rates applies to the Halifax and West Community Council.

(4) In accordance with subsection 30(2) of the Charter, the Halifax and West Community Council may appoint no more than two planning advisory committees.

Regional Centre Community Council

3D. (1) The Regional Centre Community Council may

(a) in accordance with subsection 30(3) of the Charter, amend a land use by-law applicable to their community; and

(b) hear an appeal from the:

(i) approval or refusal to approve a site-plan, and

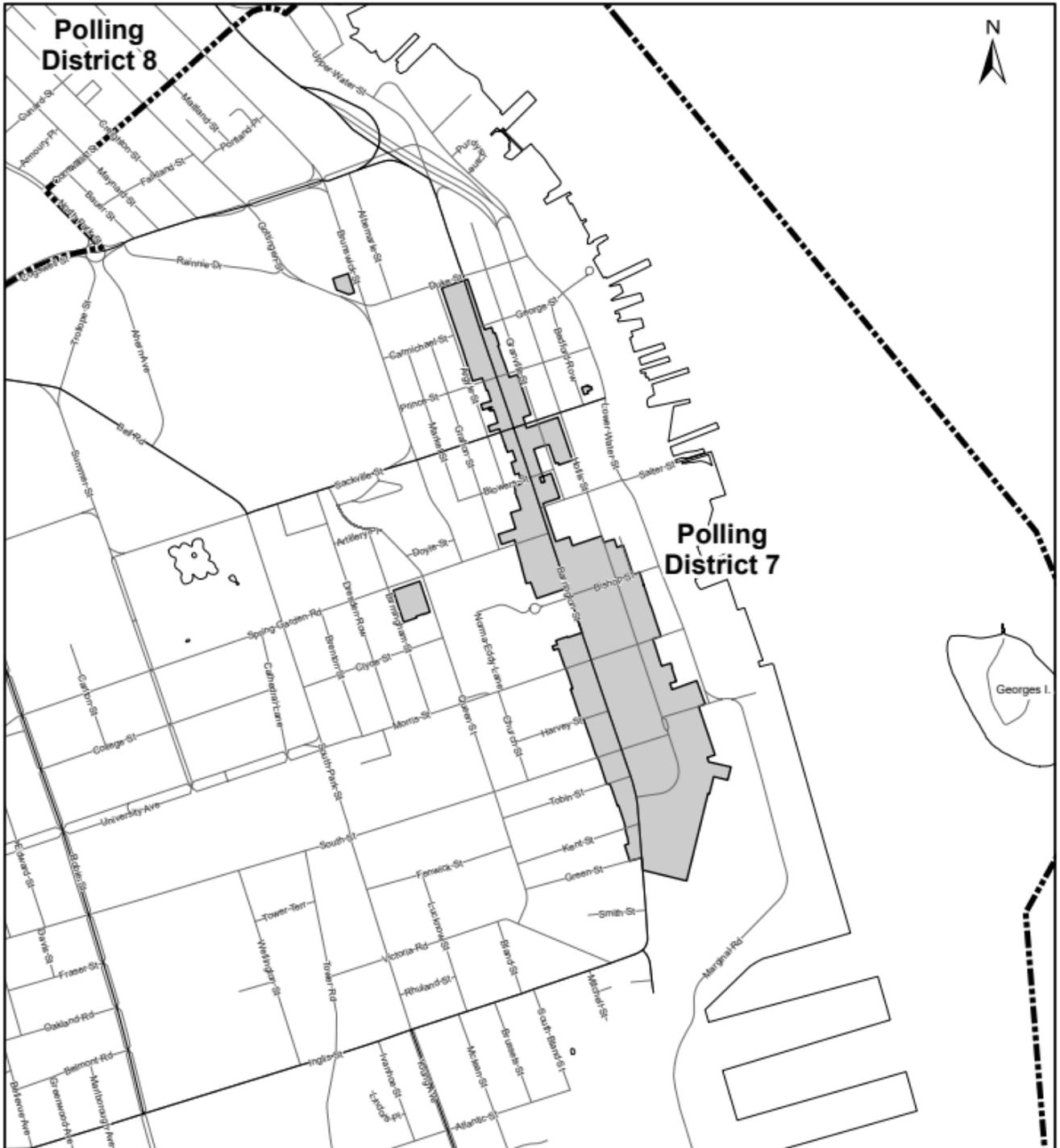
(ii) the granting or refusal of a variance.

(2) For greater certainty, the Regional Centre Community Council may not approve a development agreement, or an amendment to a development agreement, applicable to their community.

(3) In accordance with subsection 30(2) of the Charter, the Regional Centre Community Council may appoint no more than two planning advisory committees.

5. Schedule 1 Area to be Excluded from Western Community Council is repealed, and replaced with Schedule A1: Downtown Halifax Area to be Excluded from the Halifax and West Community Council.

6. Schedule 4 Regional Centre Community Council Area is repealed, and replaced with Schedule 4A Regional Centre Community Council Area.



Schedule A1: Downtown Halifax Plan Area to be Excluded from the Halifax and West Community Council

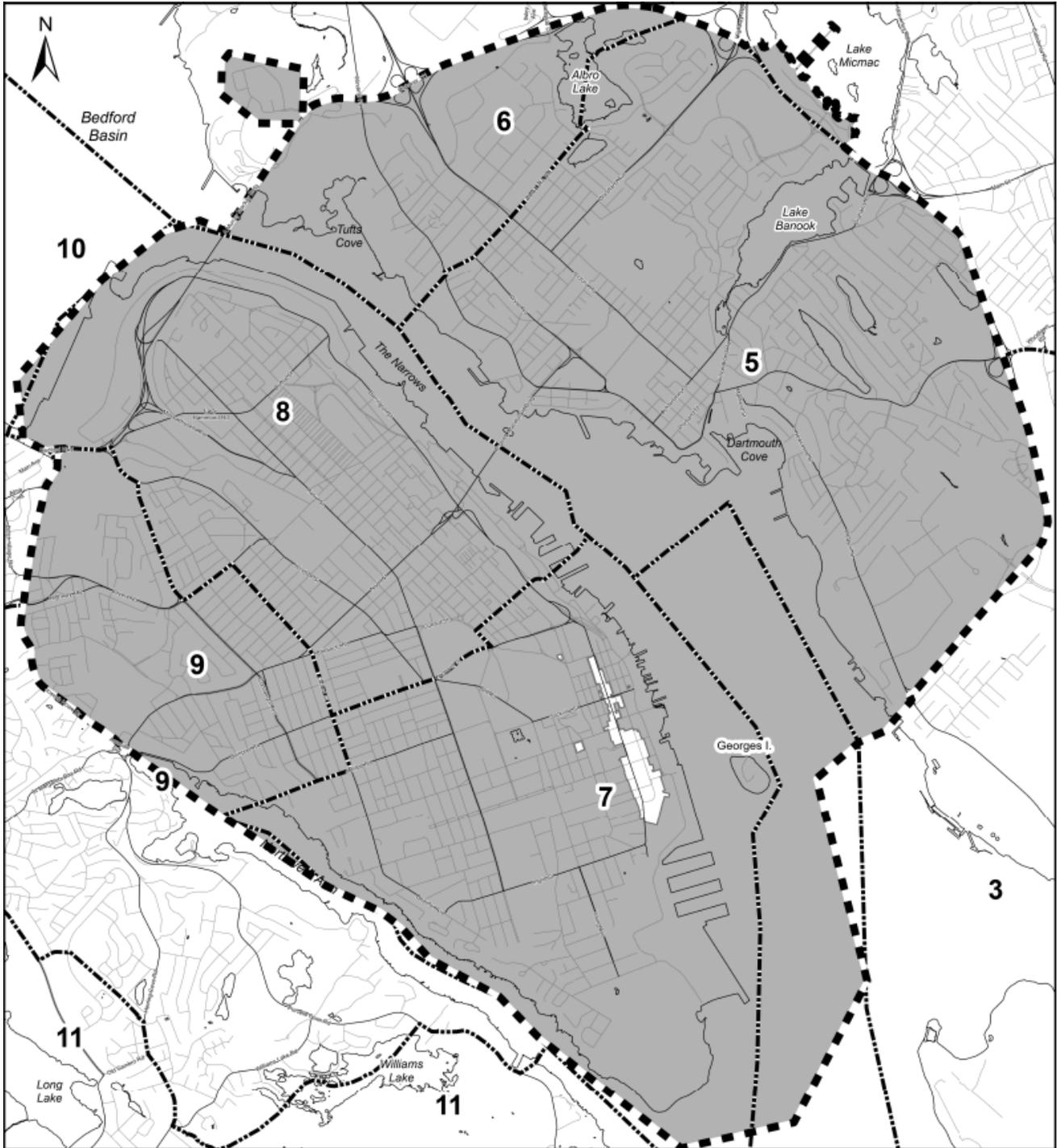
-  Downtown Halifax Plan Area
-  Polling Districts

HALIFAX



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Date Saved: 11/16/2021



**Schedule 4A
Regional Centre Community Council Area**

-  Regional Centre Community Council Area
-  Regional Centre Plan Area
-  Polling Districts

HALIFAX



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Effective:

Done and passed in Council this

day of

20

Mayor

Municipal Clerk

ATTACHMENT C

(Showing Proposed Changes to
Administrative Number 2019-011-GOV)

ADMINISTRATIVE ORDER 2019-011-GOV DESIGN ADVISORY COMMITTEE

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality, under the authority of section 21 of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be cited as the *Design Advisory Committee Administrative Order*.

Interpretation

2. In this Administrative Order,

(a) “Application area” means the ~~shaded portions of the Centre Plan Area identified as Package A Site Plan Approval Areas on Schedule 1~~ Regional Centre Plan Area as shown on Map 1: Urban Structure Designations under the Secondary Municipal Planning Strategy for the Regional Centre, except for the following areas:

(i) Old South Suburb Heritage Conservation District,

(ii) Barrington Street Heritage Conservation District,

(iii) 1872-1874 Brunswick Street, Halifax,

(iv) 1591 Granville Street and 1568 Hollis Street, Halifax,

(v) 1649 Bedford Row, Halifax; and

(vi) these eleven parcels: PID# 00077412, 41210386, 00077461,

00034397, 00077404, 00077420, 00077446, and 00077453; 00076141, 40420143, and 00076109;

(b) ~~“Centre Plan Area” means the area delineated in the map in Schedule C to the Halifax Regional Municipality Charter~~ **Repeal**;

(c) “Committee” means the Design Advisory Committee;

(d) “Council” means the Council of the Municipality;

(e) “Community Council” means the Regional Centre Community Council;

(f) “diverse communities” means individuals with shared characteristics such as Indigenous, African Nova Scotian, racial, ethnic, linguistic, cultural, social, socio-economic, religious, and persons with disabilities;

(g) ~~“HRM by Design Downtown Plan Area” means the area delineated in the map in Schedule B to the Halifax Regional Municipality Charter;~~ **Repeal**; and

(h) “Municipality” means the Halifax Regional Municipality.

Application

3. (1) This Administrative Order applies to ~~the shaded portions of the Centre Plan Area identified as Package A Properties on Schedule 1~~ in the Application area.

(2) ~~This Administrative Order does not apply to those area within the Centre Plan Area that are not identified as Package A Properties and does not apply to the HRM by Design Downtown Plan Area~~ **Repeal.**

Creation of Design Advisory Committee

4. The Design Advisory Committee is hereby created.

Duties of the Committee

5. (1) The Committee shall advise the Development Officer on matters relating to projects within the Application Area detailed as follows:

(a) review the site plan approval application, background, and relevant information and materials provided by staff;

(b) provide recommendations to the Development Officer respecting items listed in Section 15 of the Regional Centre Land Use By-law for ~~Level II and Level III~~ site plan approval applications, and to perform other duties set by Council;

(c) meet with staff at a frequency that is sufficient to meet the timeline that has been established for completion of the projects; and

(d) be subject to the government of Nova Scotia's Freedom of Information and the Municipal Conflict of Interest Act.

Composition of Committee

6. The nominating body for membership on the Committee shall be the Community Council.

7. Notwithstanding the *Public Appointment Policy*, a member of the Committee may also serve as a member of the Design Review Committee.

8. (1) The Committee shall be appointed by Council.

(2) The Committee shall be comprised of up to twelve (12) members who reside within the Municipality as follows:

- (a) two (2) architects;
- (b) two (2) landscape architects;
- (c) two (2) community planners or urban designers;
- (d) two (2) engineers; and
- (e) four (4) members-at-large with experience in design, environmental, social, cultural, institutional sectors or similar.

(3) When making appointments, Council shall consider if the members are from diverse communities.

9. (1) To be eligible as members of the Committee under clauses 8(2)(a),(b),(c), and (d), members shall:

- (a) have professional expertise in at least one the following:
 - (i) architecture,
 - (ii) landscape architecture,
 - (iii) community planning,
 - (iv) urban design,
 - (v) civil engineering,
 - (vi) mechanical engineering, or

- (vii) other engineering disciplines related to building systems; and
- (b) commit to the term period specified in Section 11, including some evening meetings.

(2) Members of the Committee shall hold a professional degree or accreditation in their respective field, as follows:

(a) members of the Committee who represent the field of architecture shall be Licensed Architects in good standing with the Nova Scotia Association of Architects (NSAA);

(b) members of the Committee who represent the field of landscape architecture shall be Members in good standing with the Atlantic Provinces Association of Landscape Architects (APALA);

(c) members of the Committee who represent the field of community planning shall be Licensed Professional Planners in good standing with the Licensed Professional Planners Association of Nova Scotia (LPPANS);

(d) members of the Committee who represent the field of urban design shall hold a degree in:

- (i) urban design; or
- (ii) a degree in architecture, landscape architecture, community planning, or urban design; or
- (iii) a demonstrated career emphasis on urban design; and

shall be a Licensed Architect in good standing with the NSAA, a Member in good standing with the APALA, or a Licensed Professional Planner in good standing with the LPPANS; and

(e) members of the Committee who represent the field of engineering shall be a Full Member (P. Eng) with Engineers Nova Scotia in at least one of the following sub-disciplines:

- (i) architectural or building engineering,
- (ii) structural engineering,
- (iii) construction engineering,
- (iv) wind engineering,
- (v) municipal engineering, or
- (vi) geotechnical engineering;

10. Members of the Committee shall be appointed by Council for a period of two (2) years and shall be eligible for re-appointment, in accordance with the *Public Appointment Policy*.

11. Unless subsection 22(1A) of the *Halifax Regional Municipality Charter* respecting parental accommodation applies, member of the Committee who, without leave of the Committee, is absent from three consecutive regular meetings of the Committee ceases to be a member of the Committee.

12. If a vacancy occurs on the Committee, for any reasons other than the expiration of the term of a member, Council may appoint a person to fill the vacancy, and that person shall hold office for the remainder of the term of the vacated position.

Chair and Vice-Chair

13. The Committee shall, at its first meeting and annually thereafter, elect from the members, a Chair and a Vice-Chair for the ensuing year.

14. The Chair will act on behalf of the Committee as spokesperson to Council as required.
15. The duties of the Chair, in whole or in part, may be shared with or delegated to the Vice-Chair to carry out the role and responsibilities of the Committee.
16. The Vice Chair shall act as the Chair in the absence of the Chair.
17. The Chair will keep the group focused on the agreed-upon task, suggest alternative methods and procedures, and encourage participation by all members of the committee.
18. The Chair will work with staff in preparing agendas and meeting summaries, and guide in drafting products and summaries of the committee.

Meetings

19. (1) The Committee shall schedule at least one meeting per month or at a frequency that is necessary to conduct the business of the Committee.

(2) A regular meeting schedule will be determined at the first meeting of the Committee and by the end of each calendar year for the following year.
20. At the request of the Chair, or the majority of members of the Committee, additional meetings may be scheduled.
21. The Chair may cancel a scheduled meeting.
22. The procedure of the Committee shall be governed, where not inconsistent with the *Halifax Regional Municipality Charter* or this Administrative Order, by *the Procedures of the Council Administrative Order*.
23. Meetings of the Committee shall be open to the public, unless otherwise permitted pursuant to the *Halifax Regional Municipality Charter*.

Quorum

24. The quorum of the Committee shall be five (5) members.

Remuneration of Committee Members

25. In accordance with subsection 21(6) of the *Halifax Regional Municipality Charter*, a Member of the Committee who is not a member of Council may receive an honorarium at a rate set by Council.
26. Each member of the Committee may also be reimbursed for any necessary expenses incurred while engaged in official duties, provided such expenses are approved by the Chief Administrative Officer, or delegate, in advance.

Done and passed this 3rd day of December, 2019.

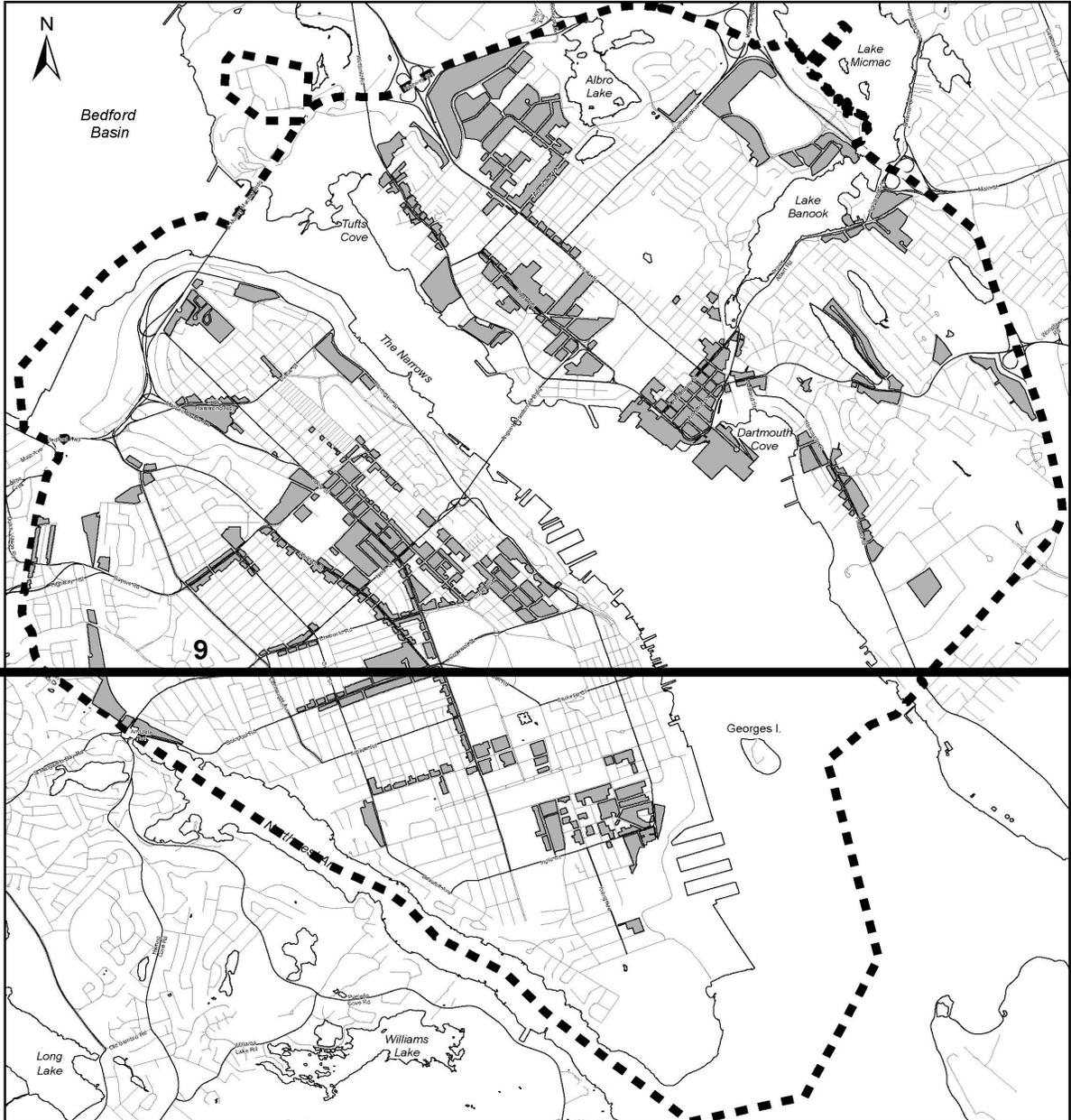
Mayor

Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of the Halifax Regional Council held on December 3, 2019.

Kevin Arjoon, Municipal Clerk

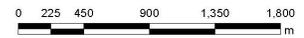
Repeal



**Schedule 1
Design Advisory Committee**

-  Package A Site Plan Approval Areas
-  Regional Centre Plan Area

HALIFAX



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Last Updated October 21, 2019

ATTACHMENT D

(Amending Administrative Order Number 2019-011-GOV)

**ADMINISTRATIVE ORDER 2019-011-GOV
DESIGN ADVISORY COMMITTEE**

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality that Administrative Order Number 2019-011-GOV, the *Design Advisory Committee Administrative Order*, is amended as follows:

1. Adding page numbering to the Administrative Order.

2. Clause 2(a) is amended by:

(a) deleting the words and number “shaded portions of the Centre Plan Area identified as Package A Site Plan Approval Areas on Schedule 1” after the words “means the” and before the semi-colon at the end of the clause; and

(b) adding the following words and subclauses after the words “means the” and before the semi-colon at the end of the Clause: “Regional Centre Plan Area as shown on Map 1: Urban Structure Designations under the Secondary Municipal Planning Strategy for the Regional Centre, except for the following areas:

- (i) Old South Suburb Heritage Conservation District,
- (ii) Barrington Street Heritage Conservation District,
- (iii) 1872-1874 Brunswick Street, Halifax,
- (iv) 1591 Granville Street and 1568 Hollis Street, Halifax,
- (v) 1649 Bedford Row, Halifax; and
- (vi) these eleven parcels: PID# 00077412, 41210386, 00077461, 00034397, 00077404, 00077420, 00077446, and 00077453; 00076141, 40420143, and 00076109”.

3. Clauses 2(b) and 2(g) are repealed.

4. Subsection 3(1) is amended by:

(a) deleting the words and number “the shaded portions of the Centre Plan Area identified as Package A Site Plan Approval Areas on Schedule 1” after the word “to” and before the period at the end of the subsection; and

(b) adding the words “in the Application area” after the word “to” and before the period at the end of the subsection.

5. Subsection 3(2) is repealed.

6. Clause 5(1)(c) is amended by deleting the words and numbers “Level II and Level III” after the word “for” and before the word “site”.

7. Schedule 1 is repealed.

Done and passed this ____ day of _____, 20__.

Mayor

Municipal Clerk

ATTACHMENT E

Showing Proposed Changes to
Administrative Order 2020-007-ADM

ADMINISTRATIVE ORDER NUMBER 2020-007-ADM RESPECTING INCENTIVE OR BONUS ZONING PUBLIC BENEFITS

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the Halifax Regional Municipality Charter, as follows:

WHEREAS some of the land use by-laws of the Municipality have implemented incentive or bonus zoning and either allow or require money-in-lieu to be accepted in lieu of a contribution;

AND WHEREAS under subsection 245A(6) of the Halifax Regional Municipality Charter, the Municipality shall use any money accepted in-lieu of an incentive or bonus zoning contribution for the purpose for which the money was accepted;

Short Title

1. This Administrative Order may be known as the “Incentive or Bonus Zoning Public Benefits Administrative Order”.

Interpretation

2. In this Administrative Order,

(a) “Bonus Zoning Reserve” means the reserve established to hold the incentive or bonus zoning payments of money-in-lieu of a contribution under the applicable land use bylaws;

(b) “Council” means the Council of the Municipality;

(c) “Municipality” means the Halifax Regional Municipality;

(d) “non-profit organization” means a

(i) society incorporated pursuant to the Societies Act, R.S.N.S 1989 c.435, as amended,

(ii) non-profit association incorporated pursuant to the Co-Operative Associations Act, R.S.N.S c.98, as amended,

(iii) not-for-profit incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C 2009, c.23,

(iv) non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature; or

(v) registered Canadian charitable organization;

(e) “registered Canadian charitable organization” means a charitable organization registered pursuant to the Income Tax Act (Canada) and the regulations made pursuant to that Act; and

(f) “Regional Centre” means the Regional Centre Area shown on the most recent version of Regional Centre Secondary Municipal Planning Strategy; and

(g) “regional park” means large Municipal owned parks that meet the regional park classification or are identified as regional parks under the Regional Municipal Planning Strategy.

Purpose

3. The purpose of this Administrative Order is to guide the expenditure of funds held in the Bonus Zoning Reserve.

Roles and Responsibilities

4. Council shall consider impacts to the Bonus Zoning Reserve in accordance with the Financial Reserves Administrative Order and may approve withdrawals to the Bonus Zoning Reserve through the annual budget process or Council motion.

Expenditure of Incentive or Bonus Zoning Funds

6. Under the Regional Centre Land Use By-law, money-in-lieu may be accepted for contributions that include the following:

- (a) affordable housing;
- (b) the conservation of a registered heritage building that is not located on the site of the development;
- (c) the improvement of municipal parks;
- (d) affordable community or cultural indoor space; and
- (e) public art.

7. Under subsection 245A (6) of the Halifax Regional Municipality Charter, the Municipality shall use any money accepted in-lieu of an incentive or bonus zoning contribution for the purpose for which the money was accepted.

8. Subject to section 12, monies that have been collected through incentive or bonusing zoning program shall only be used for projects or properties located within the Regional Centre.

Affordable Housing

9. Funds expended for the rehabilitation or construction of affordable housing shall only be used for:

- (a) supporting affordable housing under the Grants for Affordable Housing Administrative Order;
- (b) a contribution agreement between the Municipality and the Government of Canada, Government of Nova Scotia, or a non-profit group to support the rehabilitation or construction of affordable housing; ~~or~~
- (c) ~~any combination of clauses a and b~~, **Repeal**;
- (d) **supporting building condition assessments and the acquisition of buildings, dwelling units, or property; or**
- (e) **any combination of clauses a, b, and d.**

Conservation of Registered Heritage Buildings

10. Funds expended for the conservation of a registered heritage property shall only be used for:

- (a) enhancing the regularly budgeted funds used to provide grants to registered heritage buildings under Administrative Order 2014-002-ADM, the Heritage Incentive Program Administrative Order;
- (b) conserving or acquiring Municipally owned registered heritage properties; ~~or~~

- (c) ~~any combination of clauses a and b~~ Repeal;
- (d) the conservation of a building within a heritage conservation district that is not located on the development site;
- (e) the conservation of a registered heritage building that is not located on the development site; or
- (f) any combination of clauses a, b, d, and e.

Improvements to Municipal Parks

- 11. Funds expended for parks shall only be used for improving parkland owned by the Municipality or the acquisition of municipal parks.
- 12. Funds may be expended for improving regional parks located outside of the Regional Centre.

Affordable Community or Cultural Space

- 13. Funds expended for affordable community or cultural space shall only be used for:
 - (a) grants to a non-profit organization to construct or rehabilitate facilities used for community and cultural purposes, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, daycare uses, and other social services;
 - (b) the construction or rehabilitation of Municipal facilities used for community and cultural purposes such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, daycare uses, and other social services; or
 - (c) any combination of clauses a and b.
- 14. Requests for grants by non-profit organizations under clause 13(a), must be:
 - (a) reviewed for consistency with applicable Municipal policies, plans, and strategies; and
 - (b) include the following information:
 - (i) the amount of financial assistance requested,
 - (ii) the purpose for the requested financial assistance and how it relates to applicable Municipal policies, plans, and strategies,
 - (iii) proof of non-profit status,
 - (iv) articles of incorporation, including its mission statement,
 - (v) complete financial statements, including itemized revenues, expenses, assets and liabilities for the prior three (3) fiscal years, or if the non-profit organization has not been incorporated for the prior three fiscal years, the number of fiscal years the organization has been incorporated,
 - (vi) a five-year operating and capital budget in the form to be provided by the Municipality, and

(vii) a statement identifying any other municipal, provincial, or federal government funding, including indirect or in-kind assistance with documentation to support the monetary value of assistance or a clear description of same.

Public Art

15. Funds expended for public art shall be used for the purchase and maintenance of public art in accordance with the *Public Art Policy*.

Done and passed this 30th day of September, 2020.

Mayor Mike Savage

Phoebe Rai, Acting Municipal Clerk

I, Phoebe Rai, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on September 30, 2020.

Phoebe Rai, Acting Municipal Clerk

ATTACHMENT F

Amending Administrative Order 2020-007-ADM

**ADMINISTRATIVE ORDER NUMBER 2020-007-ADM
RESPECTING INCENTIVE OR BONUS ZONING PUBLIC BENEFITS**

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality that Administrative Order Number 2020-007-ADM, the *Incentive of Bonus Zoning Public Benefits Administrative Order*, is amended as follows:

1. Clause 9(b) is amended by striking out the word “or” at the end of the Clause.
2. Clause 9(c) is repealed.
3. Clauses 9(d) and (e) are added after the newly repealed Clause 9(c) and before section 10, as follows:
 - (d) supporting building condition assessments and the acquisition of buildings, dwelling units, or property; or
 - (e) any combination of clauses a, b, and d.
4. Clause 10(c) is repealed.
5. Clauses 10(d),(e), and (f) are added after the newly repealed Clause 10(c) and before Section 11, as follows:
 - (d) the conservation of a building within a heritage conservation district that is not located on the development site;
 - (e) the conservation of a registered heritage building that is not located on the development site; or
 - (f) any combination of clauses a, b, d, and e.
6. Section 11 is amended by adding the words “or the acquisition of municipal parks” after the words “the Municipality” and before the period at the end of the section.

Done and passed this ___ day of _____, 20__.

Mayor

Municipal Clerk

**ADMINISTRATIVE ORDER NUMBER 2020-008-ADM
RESPECTING GRANTS FOR AFFORDABLE HOUSING**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

WHEREAS the *Incentive or Bonus Zoning Public Benefits Administrative Order* allows money-in-lieu accepted for affordable housing to be spent under this Administrative Order;

Short Title

1. This Administrative Order may be known as the “*Grants for Affordable Housing Administrative Order*.”

Interpretation

2. In this Administrative Order,

(a) “affordable housing” means housing that meets the needs of a variety of households in the low to moderate income range;

(b) “Bonus Zoning Reserve” means the reserve established to hold the incentive or bonus zoning payments of money-in-lieu of a contribution under the applicable land use by-laws;

(c) “contribution agreement” means an agreement signed between the Municipality and the non-profit organization under this Administrative Order;

(d) “CAO” means the Chief Administrative Officer of the Municipality;

(e) “Council” means the Council of the Municipality;

(f) “deep affordability” means dwelling units rented at a minimum of 40% below the average market rents for a dwelling unit of the same type and within the most specific geographic zone available through the Canadian Mortgage and Housing Corporation or Statistics Canada;

(g) “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;

(h) “Municipality” means the Halifax Regional Municipality;

(i) “non-profit organization” means a

(i) society incorporated pursuant to the *Societies Act*, R.S.N.S 1989 c.435, as amended,

(ii) non-profit association incorporated pursuant to the *Co-Operative Associations Act*, R.S.N.S c.98, as amended,

(iii) not-for-profit incorporated pursuant to *the Canada Not-for-profit Corporations Act*, S.C 2009, c.23,

(iv) non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature, or

(v) registered Canadian charitable organization;

(j) “registered Canadian charitable organization” means a charitable organization registered pursuant to the Income Tax Act (Canada) and the regulations made pursuant to that Act; and

(j) “Regional Centre Area” means the Regional Centre Area shown on the most recent version of Regional Centre Secondary Municipal Planning Strategy.

Purpose

3. The purpose of this Administrative Order is to provide grants to eligible organizations for the construction or rehabilitation of affordable housing dwelling units, building condition assessments, or the acquisition of buildings, dwelling units, or property.

Roles and Responsibilities

4. The CAO, or delegate, shall expend the funds contained in the Bonus Zoning Reserve for affordable housing in accordance with the policies contained in this Administrative Order.

Eligibility for Consideration for Affordable Housing Grant

5. To be eligible for consideration for a grant for affordable housing under this Administrative Order, an applicant must:

- (a) be a non-profit organization that has been incorporated for at least one years; and
- (b) be applying for a grant to
 - (i) rehabilitate existing dwelling units for the purpose of affordable housing, or
 - (ii) construct new affordable housing dwelling units;
 - (iii) support building assessments, or
 - (iv) acquire buildings, housing units, or properties for affordable housing.

Eligible Costs

6. The following rehabilitation costs for dwelling units are eligible for a grant under this Administrative Order:

- (a) construction costs; and
- (b) design costs.

7. The following costs for new affordable housing dwelling units are eligible for a grant under this Administrative Order:

- (a) construction costs; and
- (b) design costs.

8. Construction costs for partnerships between a non-profit organization and a person may only be considered for a grant under this Administrative Order if there is an agreement between the non-profit and the person under which:

(a) the person agrees to transfer ownership of the affordable housing dwelling units that are the subject of the grant to the non-profit organization prior to occupancy; or

- (b) the affordable housing dwelling units are owned by the non-profit organization.

Ineligible Costs

9. The following work and materials are ineligible for a grant under this Administrative Order:

- (a) private sector construction of affordable housing dwelling units, unless clause 8(a) applies;
- (b) rehabilitation of affordable housing dwelling units that are not owned by a non-profit organization; and
- (c) operating expenses of the non-profit organization, including wages of employees of the non-profit organization, debt payment, or losses from a previous fiscal year.

General Requirements

- 10. This Administrative Order operates on the Municipality's fiscal year.
- 11. There is one intake period per fiscal year.
- 12. Subject to section 13, applications under this Administrative Order will only be accepted between September 1st and December 1st in a given calendar year for the following fiscal year.
- 13. Where December 1st falls on a weekend or holiday, the intake period shall be extended until the end of the next business day.
- 14. All applications must be received by the Municipality by mail, in person, or by e-mail.
- 15. The address for submission of applications will be posted on www.halifax.ca prior to the intake period.
- 16. Subject to the amount in the Bonus Zoning Reserve and budget, there is no maximum annual amount of financial assistance per property.
- 17. The minimum annual amount of financial assistance per property is \$500.00.

Required Information For All Applications

- 18. All the items required under sections 19, 20, and 21 must be received by the Municipality by the application deadline under section 12.
- 19. All applications under this Administrative Order must include the following items:
 - (a) proof, satisfactory to the CAO or designate, that the applicant is:
 - (i) a non-profit organization, and
 - (ii) has been a non-profit organization for more than 1 year;
 - (b) the amount of financial assistance requested;
 - (c) confirmation of ownership of the land containing the affordable housing dwelling units;
 - (d) in the case of a partnership under section 8, copies of all existing agreements between the non-profit organization and the person regarding ownership transfer to the non-profit organization of the affordable housing dwelling units;
 - (e) a summary describing the project, including:

- (i) the total number of affordable housing dwelling units, and the approximate size and number of bedrooms,
 - (ii) who the affordable housing dwelling units are intended to serve, such as the targeted clients income levels, household composition, immigration status, or related health issues;
 - (iii) the address and location of the proposed development,
 - (iv) the ownership structure of the affordable housing dwelling units and the development, and
 - (v) how the project will achieve long term stability;
- (f) a summary describing the non-profit organization, including who it serves and any examples of similar projects the organization lead or had participated in;
- (g) all sources of funding, whether confirmed or unconfirmed, that will be used to purchase the property,
- (h) if funding is being provided by
- (i) the Province of Nova Scotia, including Housing Nova Scotia, or
 - (ii) the Government of Canada, including Canada Mortgage and Housing Corporation (CMHC),
- then a letter from them confirming approval or eligibility for such funding;
- (i) a valid email address for communication by the Municipality; and
 - (j) any other information that may be required by the CAO, or delegate.

Additional Content for Affordable Housing Rehabilitation Applications

20. In addition to section 19, applications for affordable housing dwelling unit rehabilitation costs must contain an overview of the rehabilitation project, including:

- (a) a description of the work to be completed, such as the extent of required repairs, and a description of the importance of that work in maintaining the availability of the affordable housing dwelling unit to people in the low to moderate range income range;
- (b) a description of how the project will improve the energy efficiency of the building; and
- (c) estimates from two professional contractors for the proposed repairs or renewal work.

Additional Content for New Affordable Housing Construction Applications

21. In addition to section 19, for the construction of new affordable housing dwelling units, applications must contain an overview of the proposed affordable housing development, including:

- (a) confirmation that the development can be carried out under current land use regulations;
- (b) a description of how the project will meet or exceed the energy efficiency requirements of the *National Building Code*; and
- (c) a project proforma that
 - (i) identifies hard and soft costs associated with the development,

- (ii) identifies all fees payable to the Municipality,
- (iii) identifies all sources of financing, both confirmed and unconfirmed;
- (iv) estimates the operational costs and rental income, and
- (v) the names and experience of the project management team for the project.

Discretionary Information for All Applications

22. Unless the information is required by the CAO, or delegate, under clause 19(j), the following information is recommended to help with project evaluation and prioritization:

- (a) detailed building plans;
- (b) supporting information from a qualified professional that the proposed development exceeds accessibility and environmental requirements outlined in *the National Building Code*;
- (c) supporting information outlining how the non-profit organization currently provides housing for those in need of deep affordability;
- (d) copies of all existing agreements with the Department of Municipal Affairs, Housing Nova Scotia, and Canada Mortgage and Housing Corporation for the purposes of providing affordable housing;
- (e) copies of an order to comply with Municipal minimum standards; and
- (f) any further supplemental material that, in the opinion of the applicant, demonstrates how the project meets affordable housing.

Project Evaluation and Prioritization for Affordable Housing Incentives Grant

23. Submissions will be evaluated by HRM staff, who may seek input from members of the Housing and Homelessness Partnership.

24. Monies that have been collected through incentive or bonusing zoning program for affordable housing shall only be used for projects within the Regional Centre.

25. The following criteria will be used to prioritize applications:

- (a) projects that have applied and are eligible for funding by
 - (i) the Province of Nova Scotia, including Housing Nova Scotia, or
 - (ii) the Government of Canada, including Canada Mortgage and Housing Corporation (CMHC), for the purposes of developing or restoring affordable housing units;
- (b) projects that are required to provide a public benefit for incentive or bonus zoning pursuant to incentive and bonus zoning provisions of the Centre Plan, Downtown Halifax Plan or a development agreement;
- (c) projects by those non-profit organizations who currently serve those in need of deep affordability;
- (d) projects that exceed accessibility requirements of the *National Building Code*;

(e) projects that include energy efficient design and components that substantially exceed the requirements of the *National Building Code*;

(f) projects that have received an order from the Municipality to comply with By-law M-200, the *Standards For Residential Occupancies By-law*;

(g) projects that demonstrate financial self-sustainability;

(h) projects by applicants that demonstrate resources and capacity to support additional housing units;

(i) projects by applicants with experience in successfully managing existing affordable housing dwelling units; and

(j) balancing the allocation of money collected through the density and incentive bonus program to different areas of the Regional Centre.

Application Review Process

26. Applications will be screened by staff of the Municipality for basic eligibility as they are received.

27. Applicants will be notified if their applications are ineligible.

28. (1) Eligible applications will be evaluated and prioritized by staff of the Municipality.

(2) A report and recommendations will be prepared by staff for consideration by the CAO or delegate.

29. Council hereby delegates to the CAO the authority to:

(a) approve grants under this Administrative Order;

(b) determine the amount of such grants; and

(c) approve and execute contribution agreements under section 35 on behalf of the Municipality, including amendments to such agreements.

30. The CAO may further delegate any or all of the authorities granted by Council to one or more employees of the Municipality.

31. Final approval of all applications for a grant, and the amount thereof, is a decision of the CAO or delegate in their sole discretion.

32. Notification of the decision of the CAO will be e-mailed to applicants after it is made.

33. Due to limited funds, not all eligible applications may receive funding.

34. Staff of the Municipality will provide an information report annually to the Council on the grants approved by the CAO, or their delegate.

Conditions of Approval and Payments of Grants

35. A successful applicant must sign a contribution agreement with the Municipality prior to any funds being issued.

36. Financial assistance provided through this Administrative Order will be detailed in the Contribution Agreement.

37. The Applicant must agree in the Contribution Agreements to the following items:
- (a) the amount to be received under this Administrative Order;
 - (b) the work to be completed and the timeframe by which it must be completed;
 - (c) the process for reporting to the Municipality;
 - (d) money received under this Administrative Order must be used for the purposes outlined in the recipients funding application;
 - (e) repayment or recourse if:
 - (i) the project is not completed,
 - (ii) the scope of the project is changed, or
 - (iii) any portion of the money received from the Municipality is used for any purpose other than the approved project;
 - (f) to complete a final report describing the impact of the funding received from the Municipality within the timeframe indicated in the Contribution Agreement; and
 - (g) to notify the Municipality if;
 - (i) there is a change in scope of the project from that description in the application,
 - (ii) the project does not proceed, or
 - (iii) the project is not completed.
 - (h) any other matter needed to ensure that the money received from the Municipality is used to support the proposed project.

Done and passed this 30th day of September, 2020.

Mayor Mike Savage

Phoebe Rai, Acting Municipal Clerk

I, Phoebe Rai, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on September 30, 2020.

Phoebe Rai, Acting Municipal Clerk

ATTACHMENT H:

Amending Administrative Order 2020-008-ADM

**ADMINISTRATIVE ORDER NUMBER 2020-008-ADM
RESPECTING GRANTS FOR AFFORDABLE HOUSING**

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality that Administrative Order Number 2020-008-ADM, the *Grants for Affordable Housing Administrative Order*, is amended as follows:

1. Section 3 is amended by adding the comma and words “, building condition assessments, or the acquisition of buildings, dwelling units, or property” after the words “dwelling units” and before the period at the end of the section.
2. Clause 5(b) is amended by:
 - (a) deleting the word “or” after the words and comma “affordable housing units,” in Subclause (i);
 - (b) deleting the period after the words “dwelling units”, and replacing it with a comma in Subclause (ii); and
 - (c) adding Subclauses (iii) and (iv) after Subclause (ii) and before section 6, as follows:
 - (iii) support building assessments, or
 - (iv) acquire buildings, housing units, or properties for affordable housing.

Done and passed this ____ day of _____, 20__.

Mayor

Municipal Clerk

ATTACHMENT I

LEGISLATIVE AUTHORITY EXCERPTS FROM THE *HALIFAX REGIONAL MUNICIPALITY CHARTER*

Halifax Regional Municipality Charter

- 21 (1) The Council may establish standing, special and advisory committees.
- 23 The Council may establish, by policy, citizen advisory committees which shall advise the Council, as directed by the Council.
- 24 (1) The Council may, by policy, establish a community council for an area.
- (2) A policy establishing a community council must define the boundaries of the community and the community must include the whole, or part of, at least three polling districts.
- 29 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2) A community council may determine expenditures, to be financed by area rate, that should be made in, or for the benefit of, the community.
- 30 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2) A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.
- (3) A community council may amend the land-use by-law of the Municipality applicable to the community with respect to any property in the community if the amendment carries out the intent of any municipal planning strategy of the Municipality applicable to the property and, in doing so, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.
- (4) A community council stands in the place and stead of the Council with respect to variances and site-plan approvals and Part VIII applies with all necessary changes.
- 31 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2) Where a municipal planning strategy of the Municipality provides for development by agreement, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.
- (3) A development agreement, or amendment to a development agreement, entered into by a community council must be signed by the Mayor and the Clerk on behalf of the Municipality.
- 32 (1) The Council may establish, by policy, a community committee for an area.
- 59 (3) In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality.
- 245A (5) Notwithstanding subsection (4), the land-use by-law may provide that the Council may accept money in lieu of a contribution under this Section.
- (6) The Municipality shall use any money accepted in lieu of a contribution under this Section for the purpose for which the money was accepted.