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MEMORANDUM

TO: Chair and Members of Halifax and West Community Council

FROM: Maggie Holm, Principal Planner

DATE: May 10, 2022

SUBJECT: **Case 20795: Rezoning and Development Agreement for St. Margaret's Bay Road, Beechville**

Background

On April 19, 2022, Halifax and West Community Council considered a staff report relating to this application and passed the following motions:

1. *Give First Reading to consider approval of the proposed amendment to the Timberlea / Lakeside / Beechville Land Use By-law, as set out in Attachment A, to rezone property PID 40143174 on St. Margaret's Bay Road in Beechville, from the R-1 (Single Unit Dwelling) Zone to the CDD (Comprehensive Development District) Zone and schedule a public hearing; and*
2. *Give Notice of Motion to consider the proposed development agreement, as set out in Attachment B, and schedule a public hearing for the development agreement, which shall be held concurrently with that indicated in Recommendation 1.*

On April 22, 2022 amendments to the *Halifax Regional Municipality Charter* were passed which changed some of the legislative requirements found in Part VIII: Planning and Development of the *Charter*. These amendments were brought forward through the work of the Provincial Executive Panel on Housing in the Halifax Regional Municipality and are intended to help streamline the planning approval process to expedite housing supply.

Halifax Regional Charter Amendments

The *Charter* amendments have streamlined the approval process for many planning applications. Specific to this application, the number of times the application would be required to be added to a Council agenda have been reduced from 3 to 2. Prior to the April 22nd amendments, Community Council could approve a rezoning (LUB amendment) immediately following a public hearing. However, a development agreement enabled by the rezoning could only be considered after the appeal period for the rezoning had expired and any appeals had been resolved. Following the amendments to the *Charter*, Community Council can consider both the rezoning (LUB amendment) and the development agreement at the same meeting, and can provide a provisional approval of the development agreement which will become "approved" when the land use by-law amendments take effect. This change in process removes one 'trip' to Council. Additionally, a singular appeal period would then commence for both the LUB amendment and development agreement, where previously two separate appeal periods were required. Lastly, approved development agreements now come into effect upon signing by both the property owner and municipality, where previously filing at the Registry of Deeds was required.

Revised Recommendations

First reading was given for this application on April 19, 2022, in advance of the Charter changes outlined above. These changes allow Community Council the option to provisionally approve the development. If Community Council selects this option, staff provides the following motions:

It is recommended that Halifax and West Community Council:

1. Adopt the amendment to the Timberlea / Lakeside / Beechville Land Use By-law, as set out in Attachment A to the staff report dated February 15, 2022;
2. Provisionally approve the proposed development agreement, as set out in Attachment B of the staff report dated February 15, 2022, and which shall be substantially of the same form as set out in the February 15, 2022 staff report; and
3. Require that the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.