



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.1.2
Halifax Regional Council
February 21, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: February 10, 2023

SUBJECT: **Case 24063: Interim Incentive or Bonus Zoning Program outside of the Regional Centre**

ORIGIN

On September 14, 2021, the following motion of Regional Council was put and passed (Item 11.4.1):

THAT Halifax Regional Council request a staff report to, adopt, by policy, a Public Participation Program, the purpose of which is to initiate a process to consider amendments to the Regional Municipal Planning Strategy to establish an Interim Density Bonusing Program for land outside of the Regional Centre.

On November 23, 2021, the following motion of Regional Council was put and passed (Item 15.1.6):

THAT Halifax Regional Council direct the Chief Administrative Officer to follow the public participation program, as set out in the discussion section of the staff report dated November 2, 2021, for the consideration of amendments to the Regional Municipal Planning Strategy, and the applicable Land Use By-laws, to establish an Interim Density Bonusing Program for lands outside of the Regional Centre.

LEGISLATIVE AUTHORITY

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

An Act to Amend Chapter 39 of the Acts of 2008, the HRM Charter, Respecting Housing, S.N.S. 2022, c. 13, s. 14, as follows:

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

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

RECOMMENDATION ON PAGE 2

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading and schedule a public hearing to consider the proposed amendments to the Regional Municipal Planning Strategy and Land Use By-laws, as set out in Attachments A and B of this report; and
2. Adopt the proposed amendments to the Regional Municipal Planning Strategy and applicable Land Use By-laws, as set out in Attachments A and B.
3. 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 to all areas of the Municipality; and
 - (b) return to Council for consideration of these amendments upon provincial approval of the amendments set out in Attachments A and B.

EXECUTIVE SUMMARY

Council approved incentive or bonus zoning programs for lands within the Regional Centre through the Downtown Halifax Plan and Centre Plan that tie density to the provision of certain public benefits. As the Municipality is undergoing unprecedented growth and housing challenges, Regional Council has asked staff to create an interim provision to extend this program to lands in other areas of the municipality.

The proposed interim incentive or bonus zoning program supports the [Themes and Directions Report](#) of the 2021/22 Regional Plan Review and balances the need for all housing in areas designated for density with the need to invest in affordable housing and other amenities that are necessary to support growth. The proposed new requirements for public benefits will apply to MPS amendment applications inside the Urban Service Boundary outside of Regional Centre, and Future Serviced Communities.

The proposed program will require that 60% of the proposed public benefits be dedicated to affordable housing, which can be directed to fund new or renovated affordable housing units owned and operated by a non-profit housing provider or charity. Non-profit or charitable housing developments will not be required to provide additional public benefits.

The proposed amendments are implemented through Regional Plan policy direction and Land Use by-law amendments to ensure a consistent approach for individual MPS amendment applications that is modeled on the Centre Plan approach. The interim program can be used to test the approach and refine it through the Community Planning / Plan and By-law Simplification program.

BACKGROUND

Incentive or Bonus Zoning (Density Bonusing) is a tool under the *Halifax Regional Municipality Charter (HRM Charter)* that allows the Municipality to require public benefits that contribute to the public realm and livability of the area in exchange for increased development permissions. Public benefits can be provided on site, such as public art, or, if Council enables it, can be received as money-in-lieu which can then be used for a specific purpose such as funds to support affordable housing or municipal park improvements. These public benefits can be provided in exchange for additional “bonus” development rights or flexibilities to what is permitted as-of-right. The *HRM Charter* defines incentive or bonus zoning as “requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other

action, in the public interest, as specified in the requirements”.

There are currently incentive and bonus zoning programs adopted for lands within the Regional Centre through the Downtown Halifax Plan and Centre Plan. However, there are currently no policies or regulations established to consistently require bonus zoning public benefits for developments within suburban and rural areas of the Municipality.

The proposal of establishing an interim density program was introduced as part of the Themes and Directions Report of the 2021/22 Regional Plan Review. An [issue paper discussing an interim density bonus program](#) was released as part of the community engagement for the Regional Plan Review.

On September 14, 2021, Regional Council requested a staff report to adopt a public participation program for an interim density bonus program for lands outside of the Regional Centre. This would allow the program to be further considered along side the Regional Plan Review and addressed through its own report. A staff report outlining the public participation program was presented to Regional Council on [November 23, 2021](#).

Incentive or Bonus Zoning Programs in HRM

The incentive or bonus zoning tool was first used in the municipality in the 2009 Downtown Halifax Plan Area. As part of the 2009 Plan, developers are given the option to obtain additional building height in exchange for providing one of ten options for public benefit, which primarily focused on public benefit located on-site.

The 2009 density bonus program was evaluated as part of the [2015 Density Bonusing Study](#) to provide recommendations for the Centre Plan. The study provided a number of recommendations, including a flat rate approach to bonus zoning, a flat rate density bonus for the Downtown Halifax area that represents a reasonable percentage of the average “land lift”, and a reduced number of acceptable public benefits to improve the effectiveness of the program. The study also supported higher rates for discretionary application projects, such as site-specific MPS amendments.

Therefore, the Centre Plan bonus zoning framework is significantly different from the original Downtown Halifax framework and includes a different approach to as-of-right projects in mixed-use zones and in Future Growth Nodes in the Regional Centre. Options for public benefit were reduced to 6 main categories focused mainly on money-in-lieu which allows for public benefit to be more broadly shared throughout the community. Additionally, the new program identified affordable housing as a required form of public benefit for most developments pursuant to the provisions in the *HRM Charter*. Since the plan was implemented in 2019 over \$4.5M has accrued in the bonus zoning reserve. A total of \$615,245 was disbursed to non-profit affordable housing projects through the first round of the affordable housing grant program and staff intend to return to Council shortly to discuss projects to be funded under the second round. Please see the Table 1 below, that outlines the features of the municipal incentive or bonus zoning programs.

Table 1 Municipal Bonus Zoning Approaches

Plan Area	Key bonus zoning policy elements
Downtown Halifax Plan Area (Barrington Street Heritage Conservation District)	<ul style="list-style-type: none"> • Pre-bonus and post-bonus heights tied to site plan approval • Over 10 potential public benefits available at the developers’ discretion with the most popular being parking and public art • No ability to collect money-in-lieu under the land use by-law • Bonus Zoning Agreement requires approval from Council via proposal from developer and recommendation from Design Review Committee
Centre Plan – Mixed Use Zones	<ul style="list-style-type: none"> • Applies to the top 20% of development floor area, over 2,000sm, and based on flat rate “bonus rate districts” established through an appraisal study of average land values • Provides for 6 acceptable public benefits but requires a minimum of 60% public benefit to affordable housing except in the case of heritage

	<p>properties or properties within heritage conservation districts</p> <ul style="list-style-type: none"> • Primarily public benefit in the form of money-in-lieu to be managed by the appropriate business unit • Bonus Zoning Agreement approval was delegated by Council to the Development Officer, These Agreements require approval of Development Officer on behalf of the Council based on proposal from developer
<p>Centre Plan – Future Growth Nodes (master-planned communities)</p>	<ul style="list-style-type: none"> • Public benefit is based on 12% of the appraised market value of the site once the development agreement is approved by Council or Community Council • The cost of the appraisal is paid for by the applicant, but the appraiser is hired by the Municipality • Public benefit categories and process to approve Bonus Zoning Agreements are the same as required for Centre Plan – Mixed Use Zones

Beyond the formal incentive or bonus zoning program noted above, there have been a couple examples of site-specific amendments to community planning strategies that have incorporated requirements for affordable housing, including developments at 6015 Quinpool Road (Willow Tree) and 205 Bedford Highway. In these examples the affordability requirements were proposed by the developer. This site-specific approach is generally not recommended by staff.

In the spring of 2022 the Province of Nova Scotia passed Bill 137 amending the *HRM Charter*. The Bill enabled HRM, if there is an incentive or bonus zoning agreement, to require security to defer the payment of the money-in-lieu to a later stage in the development process. The Bill also made the money-in-lieu a lien to be placed on the property if not paid, the same way outstanding taxes are collected. HRM currently has this authority for infrastructure charges. This change could support developers with managing up front costs and allow an opportunity to build affordable units within development projects. The Bill also enabled HRM to require off-site improvements or cash in lieu for those improvement through a development agreement where the improvements are necessary to support the development (for example, requiring existing park upgrades, transportation facilities, undergrounding of power).

In the fall of 2021, the provincial government also introduced changes to the *HRM Charter* to enable municipal inclusionary zoning policies and programs. Staff will be returning to Council shortly with a report outlining the proposed framework for an inclusionary zoning program in HRM and the next steps.

Rationale For an Interim Incentive or Bonus Zoning Program

There is an urgent need to build more housing to support current growth rates in the Municipality, and to support affordable housing incentive programs delivered by the Municipality. While the 2021 Regional Plan Review [Issue Paper on Density Bonusing](#) recognized that a new bonus zoning program is ideally introduced when developing or updating municipal planning strategies, there is strong rationale for developing an interim program in suburban and potentially rural areas, as follows:

- Plan and By-law Simplification in rural and suburban areas is a significant undertaking and will require time to implement;
- given current municipal growth pressures, development in suburban and rural areas relies on frequent amendments to the existing secondary municipal planning strategies, resulting in larger developments compared to what would be enabled under existing policy;
- amendments to existing municipal planning strategies can increase property values but can also place additional demands on public services and amenities in existing communities that may not have been anticipated;
- while new supply of housing can serve certain segments of the population, new housing stock is rarely affordable to low and moderate income households or vulnerable populations without government subsidies;
- bonus zoning provisions work with other policies and do not guarantee approval;
- an interim density bonusing program for amendments to municipal planning strategies can better

support areas of growth by providing access to bonus zoning funding and public benefits until a more comprehensive program can be established while only adding modest costs to new developments.

Regional Plan Context

The Regional Plan targets at least 75% of growth in the Regional Centre and serviced Urban Communities, and the current Regional Plan review identifies opportunities to provide additional density along Bus Rapid Transit (BRT) routes.

One of the key objectives of the Regional Plan is to design communities that provide housing opportunities for a range of social and economic needs. Policies S-30 and CH-18 already refer to the inclusion of incentive or bonus zoning to support housing affordability and heritage protection in the context of developing or amending existing secondary municipal planning strategies.

While Policy S-30 requires updating to reflect abilities under current legislation, as part of the current Regional Plan review, Council further indicated a need to expand bonus zoning policies to other parts of the Municipality in the form of a clear and predictable program to avoid “one-off” agreements.

Priority Plans Context

In accordance with Policy G-14A of the Halifax Regional Plan, the interim bonus program was guided by the objectives, policies and actions of the priority plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax’s Inclusive Economic Strategy 2022-2027. While these priority plans often contain policies which were originally intended to apply at a regional level and inform the development of Municipal Planning Strategy policies, there are still components of each plan that can and should be considered on a site-by-site basis. In this case, the following policies and actions were identified to be most relevant to this application, and as such were used to inform the recommendation within this report:

- designating areas for higher density residential development where there is an existing or proposed high level of transit service such as a proposed Transit Priority Corridor to support the development of walkable, affordable transit-oriented communities (Action 17 Integrated Mobility Plan);
- integrating climate change implications into land use planning policies and process by reducing sprawl and efficiently using transportation systems (Action 23 HalifACT); and
- increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax’s Inclusive Economic Strategy 2022-2027).

COMMUNITY ENGAGEMENT

Community engagement as part of this process included call for comments as part of the Regional Plan review, a project website, and stakeholder meetings. One of the most common concerns identified by residents in the [Themes and Directions What We Heard Report](#) was the need for additional affordable housing options and to address homelessness. Staff also engaged with key stakeholders including the Halifax Housing and Homelessness Partnership, Development Liaison Group and the Halifax Partnership Affordable Housing Working Group.

During the stakeholder meetings, staff shared information regarding the existing approaches for incentive or bonus zoning and the proposed approach for an interim program outside of the Regional Centre. The majority of feedback regarding the proposed approach came from the Halifax Partnership Affordable Housing Working Group. A key discussion point was how this would impact the overall costs of development and the potential impact such a program may have on housing in suburban areas by pushing more development outside of HRM. It was additionally noted that such a program would not entirely level the playing field between developments in the Regional Centre and suburban areas. While it was noted that expanding non-profit grants to suburban areas was seen as a benefit, it was suggested that other tools that would not impact the cost of development be explored.

DISCUSSION

In developing an interim bonus zoning program, staff considered several policy objectives including Regional Plan, Priority Plans, and the objectives of the Affordable Housing Workplan as the interim bonus zoning program needs to function within a larger planning framework and public benefits need to be viewed within a larger planning context. Another consideration was not impacting current development rights, limiting additional costs to developments, supporting non-profit housing developers, and developing a consistent approach for requiring public benefits in MPS amendment applications. The proposed framework therefore focuses on site specific MPS amendment applications where the greatest number of these types of applications occur – in the Urban Service boundary outside of the Regional Centre, and in Future Serviced Communities.

Proposed Framework for Interim Incentive or Bonus Zoning Program

MPS amendment applications can include both small and large sites, address a variety of property types, and policy issues in a large, proposed geography. Given this complexity, the intent of an interim approach is to introduce a framework that meets the following criteria:

- sites where a Regional MPS or Community MPS amendment is required to:
 - enable new multi-unit residential, commercial or mixed-use developments that would not have been previously permitted (e.g. designation change, extension of service boundary); and
 - lift existing density limits or increase permitted density;
- include Future Serviced Communities identified in Regional Plan Policy S-1 (remaining lands include Morris-Russell Lake Secondary Plan, Sandy Lake, and the Highway 102 west corridor adjacent to Blue Mountain - Birch Cove Lakes Park);
- applied to suburban and some rural areas of the municipality which are in the Urban Service Boundary, which include the following community plan areas:
 - Halifax Mainland
 - Dartmouth
 - Bedford
 - Sackville
 - Sackville Drive
 - Cole Harbour
 - Eastern Passage, Cow Bay
 - Beaver Bank, Hammonds Plains, Upper Sackville
 - North Preston, Lake Major, Lake Loon, Cherry Brook, East Preston
 - Planning District 5 (Chebucto)
 - Timberlea/Lakeside/Beechville;
- use similar standardized methodology as applied through Centre Plan for the valuation of public benefit for multi-unit residential or mixed-use sites, including a 2,000 square metre pre-bonus density based on a broad land values assessment study;
- use a site-specific assessment methodology for the valuation of public benefits for Future Serviced Areas and sites that are larger than 10 hectares in size developed by development agreement;
- use the same options for public benefit as provided under the Centre Plan; and
- provide exemption to developments by non-profit or charitable organizations that have a mandate to provide affordable housing where the development includes a minimum of 60% of housing.

Rural Areas

The proposed amendments are contained mostly in the suburban areas of the Municipality within the Service Boundary and Planned Serviced communities for the following reasons:

- there is limited densification in the rural areas due to existing Regional Plan policy and central and water service availability;
- plan amendment applications for multi-unit residential development are very rare in rural areas;
- there are typically no existing density caps in rural areas, so increased densities may be difficult to determine;
- there are significant environmental constraints in rural areas that limit potential densification; and
- plan amendments often address minor housekeeping issues that do not directly result in significant increases in density.

Any additional bonus zoning provisions can be considered during the Rural Plan or Phase 5 of the Regional Plan review to allow for more detailed study. However, should Council approve the proposed amendments presented in Attachments A and B, staff will return with updates to AO2020-007-ADM and AO2020-008-ADM to expand the use of incentive or bonus zoning funds to all areas of the Municipality, including suburban and rural areas.

Regional and Community Municipal Planning Strategy Amendments

Plan amendment applications tend to be fairly complex, and typically include a change in designation and zoning to provide for additional density or a larger building area. In most cases, the designation changes include a change from non-residential to residential or mixed-use designations or site-specific policies. In the Regional Centre, bonus zoning is not applied to institutional and industrial zones. Therefore, the proposed framework will only apply to plan amendment applications that include or result in residential, commercial or mixed-use zones or development agreements.

Between January 2017 and September of 2022, the Municipality considered 78 projects/applications that required changes to Municipal Planning Strategies (plan amendments) as illustrated in Table 1 and Attachment C. There were 73 applications that did not include region-wide amendments and out of these, 30 were in the suburban context, 24 were in the Regional Centre, and 19 were in the rural areas. While applications in the Regional Centre and rural areas saw a decline since 2019, applications in the suburban area remained steady at 4-6 per year. As indicated in Attachment C, the vast majority of the applications (53 out of 78) had a proposed land use being residential or mixed residential/commercial, and the highest number of applications were in District 7.

Table 2: Plan Amendment Cases that received a decision from 2017-present, by subregion

Subregion	2017	2018	2019	2020	2021	2022*	Total
Region-wide		1	1	1	2		5
Regional Centre	2	6	11	1	3	1	24
Suburban	4	7	3	6	4	6	30
Rural		8	7		2	2	19
Total	6	22	22	8	11	9	78

*2022 is January 1 – September 9

Residential and Mixed-Use Developments within the Urban Service Boundary

As described in the table above, the vast majority of Municipal Planning Strategy amendments are within the suburban areas and in the Urban Service Boundary. The proposed policy and LUB amendments will provide a consistent approach to requiring public benefits for developments arising out of a plan amendment application over a certain size. Public benefit calculations will be based on average discounted land values (as discussed below), or a site-specific land value assessment for larger sites.

Proposed Regional Plan Amendments

The proposed Regional Plan amendments are included in Attachment A. They provide policy guidance for any plan amendment applications involving new or higher density multi-unit residential, commercial or mixed-use developments in the Urban Service Boundary. Any future comprehensive planning process could repeal or update those provisions. The proposed policy further provides direction to the applicable land use by-laws outside of the Regional Centre to include interim requirements related to bonus zoning for plan amendment applications that include future serviced communities in suburban areas. The amendments include a minor housekeeping change to Appendix B of the RMPS (list of secondary municipal planning strategies).

LUB Amendments

The proposed LUB amendments consist of adding a new Appendix to each of the 11 affected LUBs and generally including the following provisions similar to what exists in the Regional Centre Land Use By-law:

- definitions for the application of bonus zoning requirements;
- types and location of applications subject to requirements;
- means of tracking future developments subject to the new provisions on a separate Schedule;
- calculation of public benefits for individual and larger sites, including Future Serviced Communities;
- prescribed land value for the individual Land Use By-law based on land valuation study, and a means for updating;
- method for land value assessments for sites larger than 10 hectares and Future Serviced Communities (similar to Future Growth Nodes);
- matters that the Development Officer can consider before approving an incentive or bonus zoning agreement;
- delegation of signing and discharging of bonus zoning agreement to the Development Officer;
- method to be used to annually update local area incentive or bonus zoning rates;
- the means of administering the program;
- the acceptable public benefits and their definitions;
- minimum required contribution to affordable housing;
- an exemption for non-profit or charitable affordable housing developments; and
- housekeeping amendment to the definition of Floor Area in the Regional Centre Land Use By-law which arose as a result of recent amendments.

It is important to note that the proposed amendments are not intended to encourage MPS amendment applications at a time when the Municipality is preparing a workplan to develop a Suburban Plan. However, at a time of unprecedented growth, Council may choose to initiate certain MPS amendments and require public benefits that can support more complete communities. The two main methods of calculating the value of public benefits are summarized in Table 3 below.

Table 3: Proposed Public Benefit Valuation Method for Interim Bonus Zoning

Type of Plan Amendment Development	Valuation Method	Payment Due / Public Benefits Due
Site Specific Multi-Unit Residential or Mixed-use Sites 10 hectares or less	<ul style="list-style-type: none"> average land value stated in the local Land Use By-law 20% of total floor area over 2,000 square metres subject to \$/square metre calculation 	<ul style="list-style-type: none"> On-site public benefits delivered as specified in the Bonus Zoning Agreement, or Money-in-lieu payable when a development permit is issued
Future Serviced Communities and sites 10 hectares or more	<ul style="list-style-type: none"> 12% of assessed value at the time of plan amendment or associated development agreement approval, whichever comes later 	<ul style="list-style-type: none"> Payment due at the development permit stage, or provided for in any development agreement

Valuation of Required Public Benefits

As summarized in Table 1, the calculation for required public benefits is laid out in the Regional Centre Land Use By-law to include site specific developments as well as Future Growth Nodes, which are larger subdivisions. To streamline the administrative framework for the interim bonus zoning program, a broad land valuation study was completed for the proposed area of application. The study provided low, average (most likely) and high average values within each of the current plan areas. The land values per square metre included in Table 4 below for each applicable Land Use By-law Area are based on the average (most likely) values and multiplied by 60%. This provides a discounted value to reduce opportunities for errors. Current land value ranges for Centre Plan Bonus Zoning Districts are also provided for reference.

Table 4 Centre Plan and Suburban / Rural Proposed Bonus Zoning Rates

Plan Area	Value per sm (based on Average or Most Likely Values X 60%)
Halifax Mainland	\$213
Dartmouth	\$162
Bedford	\$195
Sackville	\$135
Sackville Drive	\$162
Cole Harbour	\$150
Eastern Passage, Cow Bay	\$135
Beaver Bank, Hammonds Plains, Upper Sackville	\$156
North Preston, Lake Major, Lake Loon, Cherry Brook, East Preston	\$66
Planning District 5 (Chebucto)	\$48
Timberlea/Lakeside/Beechville	\$48
Centre Plan Bonus Zoning Values (2022)	\$72.99 (Woodside) \$285.34 (South End Halifax)

The proposed amendments provide the following method to calculate the minimum required public benefits for developments that occur as a result of plan amendment applications for multiple unit dwelling sites:

Examples of Public Benefit Calculation

Multiple Unit Dwellings/single site developments:

Halifax Mainland Area: \$213 per square metre of floor area
Case Study: 55 units/ground floor commercial (5,931.8 sq m total floor area)
 $(5931.8-2000) \times 0.2 \times 213 = \$167,494$ or approx. \$3,045 per unit

Dartmouth Area: \$162 per square metre of floor area
Case study: 55 units/ground floor commercial (5,931.8 sq m total floor area)
 $(5931.8-2000) \times 0.2 \times 162 = \$127,390$ or approx. \$2,316 per unit

Acceptable Public Benefits

The acceptable public benefits in Centre Plan were the subject of significant public consultation, study, and analysis related to implementation. While the list in the Regional Centre Land Use By-law is fairly focused, it represents a range of public benefits that includes affordable housing, heritage conservation, improvements to municipal parks, community cultural spaces, and public art.

There is also a minimum 60% required contribution to affordable housing as money-in-lieu with the exception of registered heritage properties or properties within a heritage conservation district. As the options for public benefit are not considered urban in their focus, staff are recommending adopting the same list of public benefits for the interim incentive or bonus zoning program.

Given the challenges related to accepting on-site public benefits, it is proposed that most benefits are accepted as money-in-lieu with the exception of public art and heritage conservation.

It should be noted that the issue of incentivizing energy efficient buildings and infrastructure was often mentioned during this consultation as well as Centre Plan consultation. However, until changes to the Building Code are implemented to require net zero or similar building designs, those public benefits would be very difficult to enforce through a Land Use By-law amendment process. These amendments can be considered once the requested legislative changes are made. Consideration should be given to not diluting the number of benefits available, given the impact on available funding for these public benefits.

Timing of Providing Public Benefits

Similar to the Regional Centre Land Use By-law, it is proposed that:

- any money-in-lieu for multi-unit sites be provided prior to the development permit being issued; and
- on-site public benefits are subject to the bonus zoning agreement.

For developments where the applicant is a non-profit or charitable organization developing housing, the public benefits will not be required. While this would result in some loss of public benefits, staff advise that this approach be taken in support of affordable housing developments by the non-profit sector.

Impact on Current Plan Amendment Applications

Recent plan amendment initiation reports have included the provision that bonus zoning may be required and applicants have been advised that their proposals may be subject to the proposed interim bonus zoning requirements. Regional Council deferred Cases 22816 and 23245: in the Fairview area until inclusionary or bonus zoning provisions were developed. Therefore, the supplementary report for Cases 22816 and 23245 would contain corresponding amendments to include the proposed interim bonus zoning amendments in this report, should Council approve the staff recommendation. Future plan amendments would also be subject to these provisions.

Administration

Similar to the Centre Plan, the proposed amendments require that public benefit payments be provided at the time of the issuance of the development permit, or as specified in the incentive or bonus zoning agreement. All money-in-lieu will be deposited in the Bonus Zoning Reserve. Should Council approve the proposed amendments, staff will return with minor adjustments to the Incentive or Bonus Zoning Public Benefits and the Grants for Affordable Housing administrative orders to expand the area of application. This would consider inclusion of both the suburban and rural areas of the Municipality.

Conclusion

Regional Council approved incentive or bonus zoning programs adopted for lands within the Regional Centre through the Downtown Halifax Plan and Centre Plan that tie density to the provision of certain public benefits, including money-in-lieu. The Municipality is undergoing unprecedented growth, and there are development pressures that will likely result in both site specific, and area-based plan amendments in strategic locations.

The proposed interim incentive or bonus zoning supports the Themes and Direction Report of the 2021/22 Regional Plan Review and balances the need for all housing in areas designated for density with the need to invest in affordable housing and other amenities that are necessary to support growth. The proposed program will require that 60% of the proposed public benefits will be directed to affordable housing, which can be directed to fund new or renovated affordable housing units owned and operated by a not-for-profit housing provider or charity. Not for-profit or charitable housing developments will not be required to pay public benefits. The proposed requirements will apply only to new or already initiated plan amendment applications that have not received Council approval. The proposed amendments are implemented through Regional Plan policy direction and Land Use by-law amendments to ensure for a consistent approach. The interim program can be used to test the approach and refine it through the Community Planning / Plan and By-law Simplification program.

FINANCIAL IMPLICATIONS

There are no immediate budget implications resulting from the report recommendations. General administration of the proposed bonus zoning program can be carried out within existing resources and budget. There is staff currently in place to administer public benefits associated with affordable housing and the overall reserve. The proposed approach is intended to minimize administrative burden on the municipality.

The proposed amendments provide policy direction for the extension of the Incentive or Bonus Zoning Program to all areas of the Municipality beyond Regional Centre, which if approved by Council, will result in additional public benefits to be provided on plan amendment development sites.

Any money-in-lieu collected by the Municipality will be able to be spent on Public Benefits across the Municipality, and not only in the Regional Centre as is the case today. This report recommends that staff return to Council with minor updates to the Administrative Orders that govern how the funds can be spent.

The estimated potential revenues resulting from the bonus zoning program are difficult to project at this time, as they will depend on the inventory of approved developments, Council's direction on active development agreement and plan amendment applications, and the overall market conditions. This program does not presuppose Council decisions on plan amendment applications, nor the decisions of the Housing Task Force in Special Planning Areas, which will be subject to this policy.

The 2015 Density Bonusing Study estimated the average annual value of density bonus amenities could be approximately \$1.1 million per year for the first seven years (until the inventory of approved units is built out). This estimate could double for each year after that, totalling about \$14.3 million over the ten-year projection period. The increased population growth and development activity witnessed in the Regional Centre over the past three years could result in more development needed to reflect demand and thereby

higher revenues for the program. As of January 2023, the Bonus Zoning Reserve had an approximate balance of \$4.3M.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risks considered are rated low. To reach this conclusion, consideration was given to the number of plan amendment applications outside of the Regional Centre, and the established regulations and administrative processes in the Regional Centre which are deemed to be successful. The adoption of the proposed amendments over a broader area may create some initial administrative challenges, but this can be mitigated by preparing and disseminating communication and training materials for staff, industry stakeholders, and the public. Council always has the option to amend planning documents.

A potential risk may be the perception that the new policy would add to the cost of development and housing in particular or that any development could be approved if they provide the bonus zoning fee or public benefits. These risks are mitigated by adopting a fairly narrow interim program applicable to only plan amendments in the urban service boundary and based on a fairly modest fee structure that uses average appraised values.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified. Some of the funds collected can be used for improvements to municipal parks or parkland acquisition.

ALTERNATIVES

Regional Council could choose to:

1. Direct changes to the attached documents (Attachments A and B), and request the changes be brought to Regional Council prior to the consideration of First Reading and setting a public hearing date. If this alternative is chosen, specific direction regarding the requested modifications is needed and a supplementary report may be required.
2. Refuse to adopt the proposed documents (Attachments A and B). A decision of Council to approve or refuse the proposed planning documents is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1: Area of Application for Interim Bonus Zoning Policies

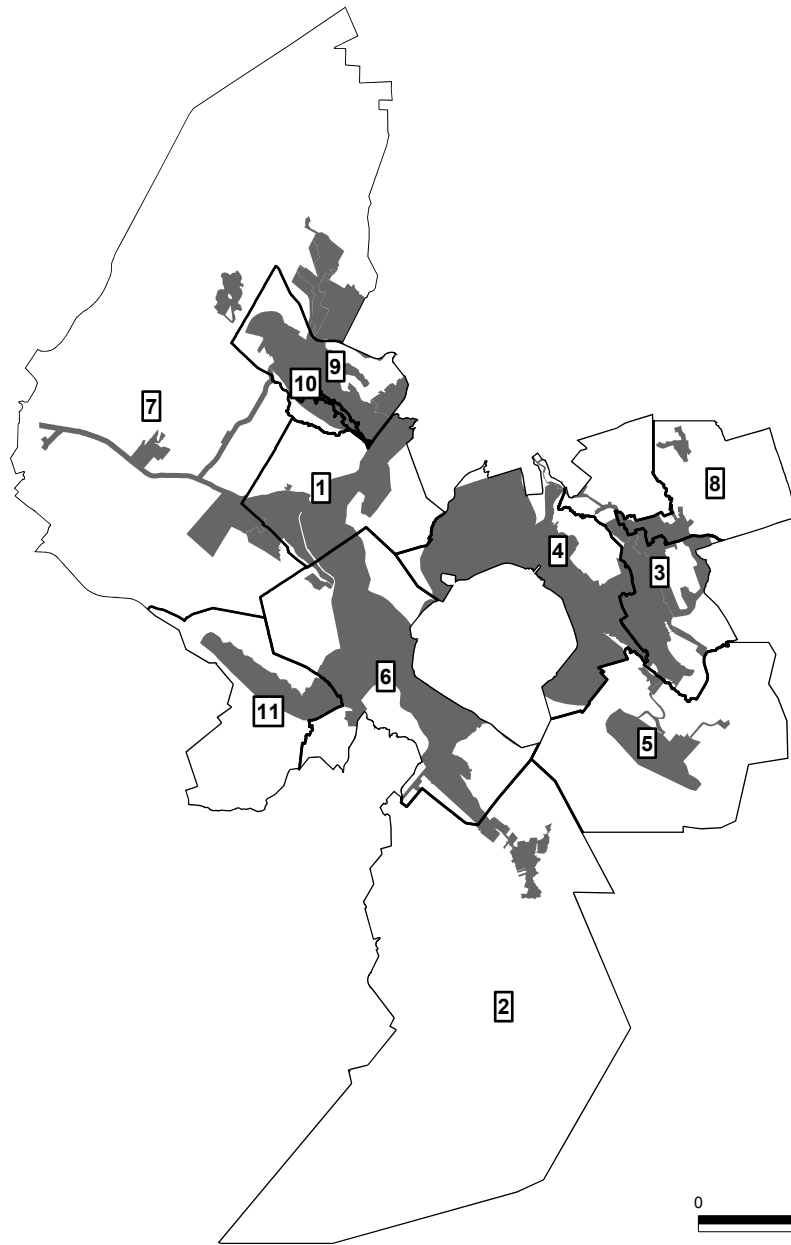
Attachment A: Proposed Amendments to Regional Municipal Planning Strategy

Attachment B: Proposed Amendments to Applicable Land Use By-laws













Attachment C: Summary of Plan Amendment Applications

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: Kasia Tota, Manager of Community Planning, 902.292.3934



Map 1: Proposed Area of Application for Interim Bonus Zoning (LUB Boundaries)

-  1 Bedford
-  2 Planning District 5
-  3 Cole Harbour/Westphal
-  4 Dartmouth
-  5 Eastern Passage/Cow Bay
-  6 Halifax
-  7 Beaver Bank, Hammonds Plains and Upper Sackville
-  8 North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston
-  9 Sackville
-  10 Sackville Drive
-  11 Timberlea/Lakeside/Beechville
-  Service Boundary

HALIFAX

The accuracy of any representation on this map is not guaranteed.

Attachment A: Regional Municipal Planning Strategy Amendments

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. Amend the Table of contents by adding the following words as shown in **bold** and page numbers immediately after the words “9.7 Discretionary Approvals” and before the words “9.8 Effectiveness” as follows:

9.7 DISCRETIONAY APPROVALS

9.7A INTERIM BONUS ZONING

9.8 EFFECTIVENESS

2. Immediately following section “9.8 Effectiveness”, inserting a new section titled “9.9 Interim Bonus Zoning” by inserting text shown in **bold** as follows.

9.7A Interim Bonus Zoning

Incentive or bonus zoning is a planning tool enabled under the *HRM Charter* that allows the Municipality to require a development to provide public benefits in exchange for additional development rights or relaxing certain requirements. The intent of this tool is to supplement other municipal investments so that new density is accompanied by the amenities and public benefits that can contribute to complete and inclusive communities. Mixed-use developments in the Regional Centre are already required to provide bonus zoning public benefits.

To support growth and development in the suburban communities before a comprehensive plan review is completed, incentive or bonus zoning shall be required where applications are approved by Council to amend this Plan or a Secondary Municipal Planning Strategy to enable new or increased density of residential, commercial, or mixed land use in the Urban Service Area outside of the Regional Centre, including future serviced communities identified in Policy S-1. Public benefits will be required in addition to any other requirements.

Public benefits shall include a mandatory contribution to affordable housing, and may include other public benefits as set out in the applicable Land Use By-law. Where the proposed development includes public benefits in the form of affordable housing provided by a not-for-profit or registered Canadian charitable organization, or a government organization, the public benefit requirements may be waived at the development permit stage.

- G-16A Council shall require incentive or bonus zoning public benefits or money-in-lieu of a contribution in those areas identified in the land use by-law when considering site specific amendments to this Plan or to a Secondary Plan after [DATE OF FIRST NOTICE] outside of the Regional Centre in the Urban Service Boundary or Future Serviced Communities to permit:**

- a) new multi-unit residential, commercial, or mixed-use development; or
- b) to permit additional density.

G-16B The applicable Land Use By-laws shall require incentive or bonus zoning agreements or money-in-lieu of a contribution for any developments resulting from a plan amendment process considered after [DATE OF FIRST NOTICE] and shall provide for a method of tracking such developments in the land use by-law. Affordable housing developments developed by a registered Canadian charitable organization, or not-for-profit organization, or where such organizations have a housing agreement with a government organization for the site, shall not be required to provide bonus zoning public benefits.

G-16C The applicable Land Use By-laws shall provide a method for determining the value of incentive or bonus zoning public benefits for any developments resulting from a plan amendment process as outlined in Policy G-16A and may prescribe different rates of public benefits for multi-unit sites developed through a zone and for larger sites developed by a development agreement.

G-16D The applicable Land Use By-laws shall identify:

- a) the sites or areas subject to incentive or bonus zoning requirements, consistent with Policy G-16A, including a method of tracking any future plan amendments;
- b) the matters that the Development Officer may consider before approving an incentive or bonus zoning agreement;
- c) the method to be used to determine the contribution for incentive or bonus zoning;
- d) the density bonus rates and districts based on average market land values in specified areas multiplied by a coefficient of 0.6 for multi-unit sites;
- e) a method to determine the value of public benefits for sites larger than 10 hectares and developed by development agreement;
- f) the method used to annually update local area incentive or bonus zoning rates;
- g) the method to determine, evaluate and accept the value of the public benefits; and
- h) the means of administering an incentive or bonus zoning agreement.

G-16E Subject to Policy G-16A where a development is enabled by a development agreement, the development agreement may provide for a method of when the public benefit value is paid.

G-16F The applicable Land Use By-laws shall set out the public benefits that are eligible for incentive or bonus zoning, including when money-in-lieu of a contribution shall be accepted. The majority of the calculated value of the public benefit shall be dedicated toward affordable housing, except for registered heritage properties and properties located within a Heritage Conservation District. In addition to affordable housing, the public benefit may be in the form of:

- a) conservation of a registered heritage property or a property located within a Heritage Conservation District;
- b) improvements to and acquisition of lands for municipal parks;

- c) **affordable community or cultural indoor space;**
- d) **public art; or**
- e) **other public benefits identified in the land use by-law.**

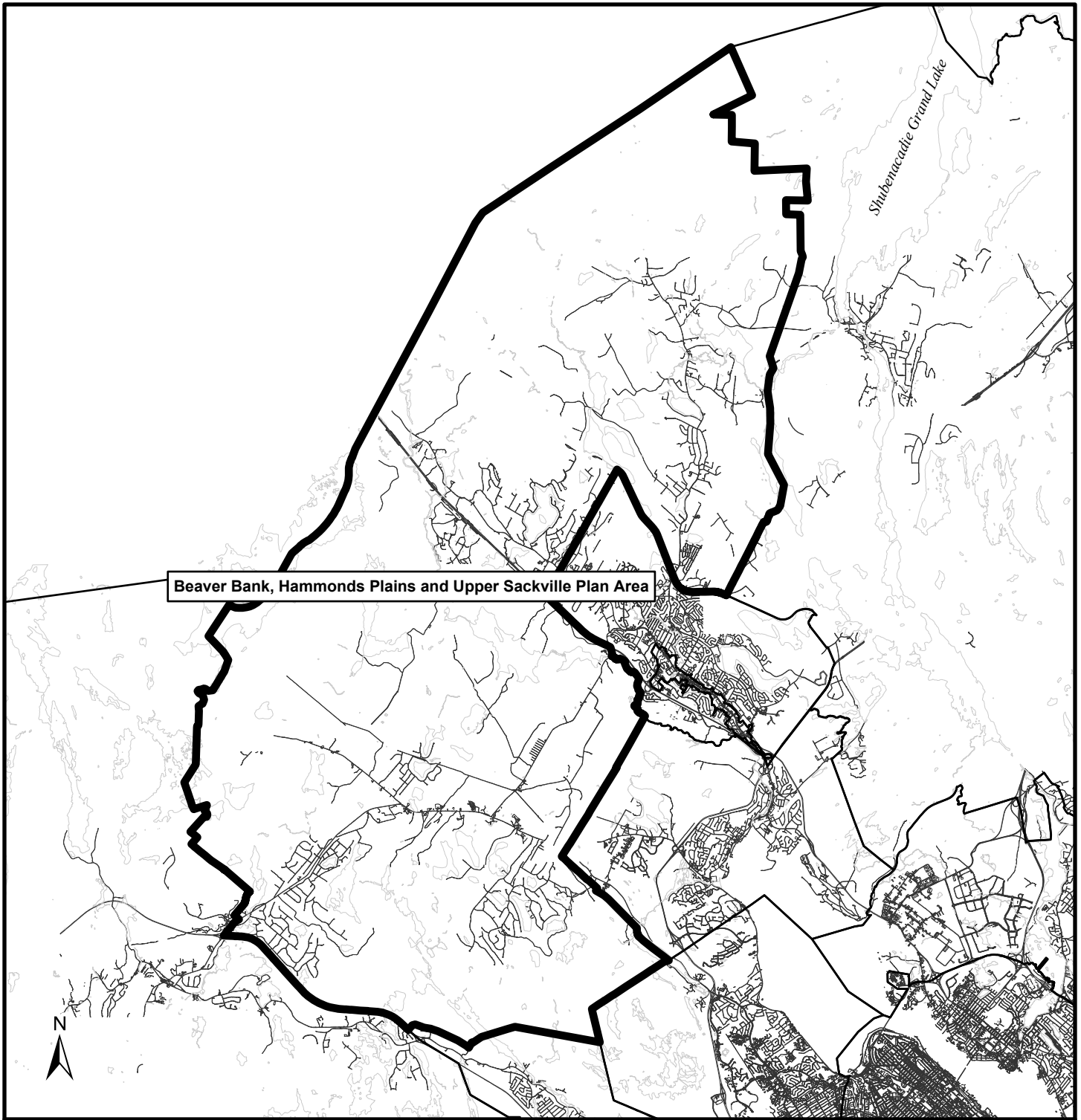
For registered heritage properties and properties located within a Heritage Conservation District, the majority of the public benefit shall be dedicated to the conservation of heritage buildings and part of the remainder of the public benefit shall be dedicated toward affordable housing.

G-16G The Municipality shall establish policies to administer public benefits provided as money-in-lieu of a contribution to ensure that the funds are used for the purposes for which they were collected. This may include grants and programs in the urban, suburban, and rural areas of the Municipality.

3. Amend Appendix B by deleting the text shown in strikethrough and inserting the text shown in bold as follows.

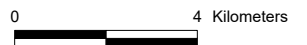
Appendix B: Existing Secondary Planning Strategies


~~Regional Centre Secondary Municipal Planning Strategy (RC-Sep 18/19;E-Nov 30/19)~~
Regional Centre Secondary Municipal Planning Strategy (RC-Oct. 26/21;E-Nov 27/21)
 Dartmouth Municipal Planning Strategy
~~Pinecrest-Highfield Park Secondary Planning Strategy~~
~~Downtown Dartmouth Secondary Planning Strategy~~
 Halifax Municipal Planning Strategy
 Downtown Halifax Secondary Municipal Planning Strategy
 Bedford Highway Secondary Planning Strategy
 Fairview Secondary Planning Strategy
~~Halifax Waterfront Development Area Secondary Planning Strategy~~
 Mainland South Secondary Planning Strategy
~~Peninsula Centre Area Secondary Planning Strategy~~
~~Peninsula North Secondary Planning Strategy~~
~~Quinpool Road Commercial Area Secondary Planning Strategy~~
~~South End Area Secondary Planning Strategy~~
 Wentworth Secondary Planning Strategy
 Western Common Area Secondary Planning Strategy
 Eastern Passage/Cow Bay (EP/CB) Municipal Planning Strategy
 Cole Harbour/Westphal (CH/W) Municipal Planning Strategy
 Sackville Municipal Planning Strategy
 Sackville Drive Secondary Planning Strategy
 Bedford Municipal Planning Strategy
 Timberlea/Lakeside/Beechville (T/L/B) Municipal Planning Strategy



SCHEDULE J: Lands Subject to Interim Bonus Zoning Requirements
Attachment. B-1

HALIFAX



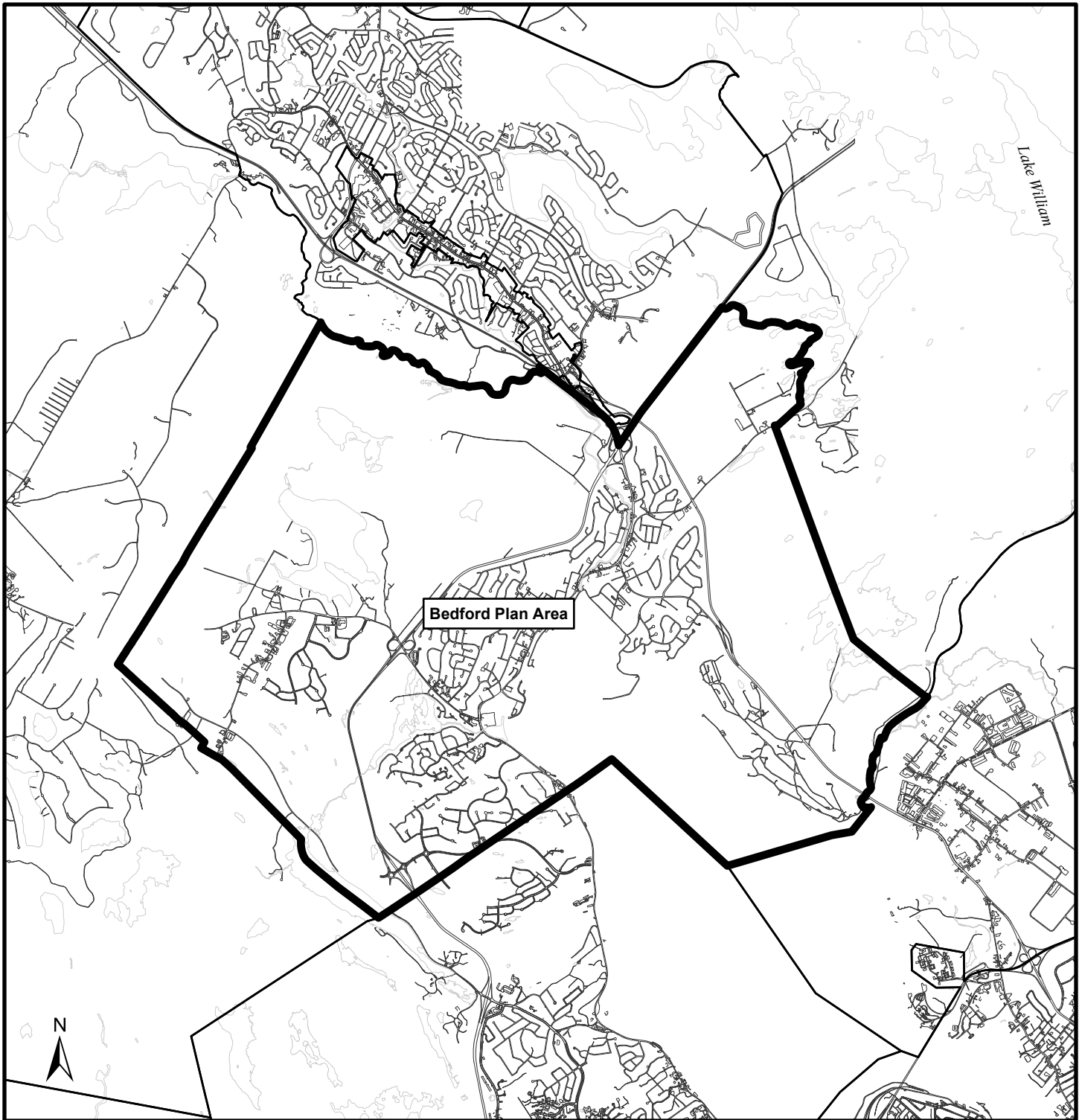
 Subject Lands (see Schedule J Table 1)

Beaver Bank, Hammonds Plains, and Upper Sackville

The accuracy of any representation on this plan is not guaranteed.

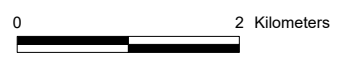
Schedule J, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs




Lake William

Bedford Plan Area



SCHEDULE C: Lands Subject to Interim Bonus Zoning Requirements
Attachment. B-2

HALIFAX

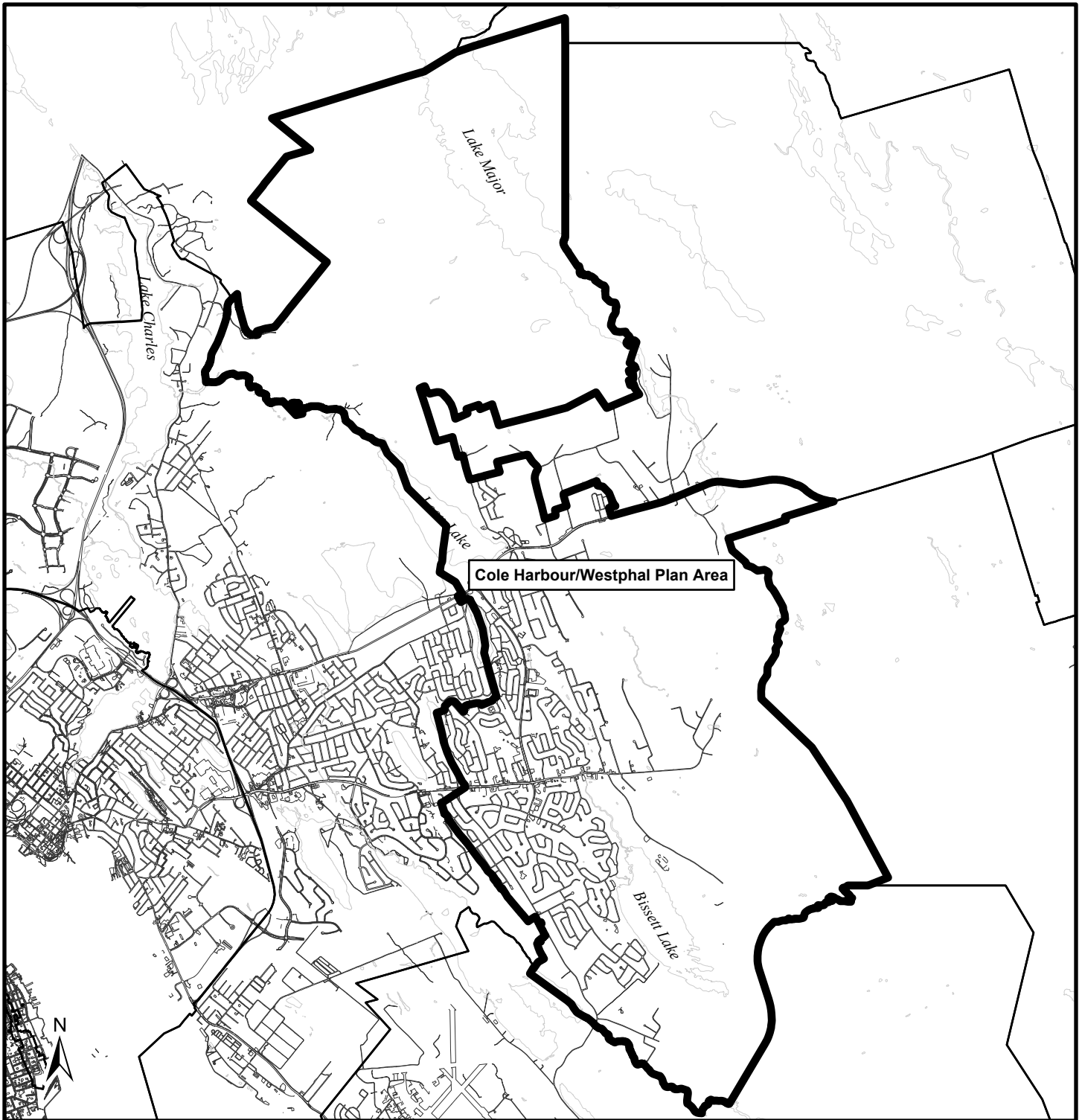
 Subject Lands (see Schedule C Table 1)

Bedford

The accuracy of any representation on this plan is not guaranteed.

Schedule C, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs



SCHEDULE F: Lands Subject to Interim Bonus Zoning Requirements
Attachment. B-3

HALIFAX



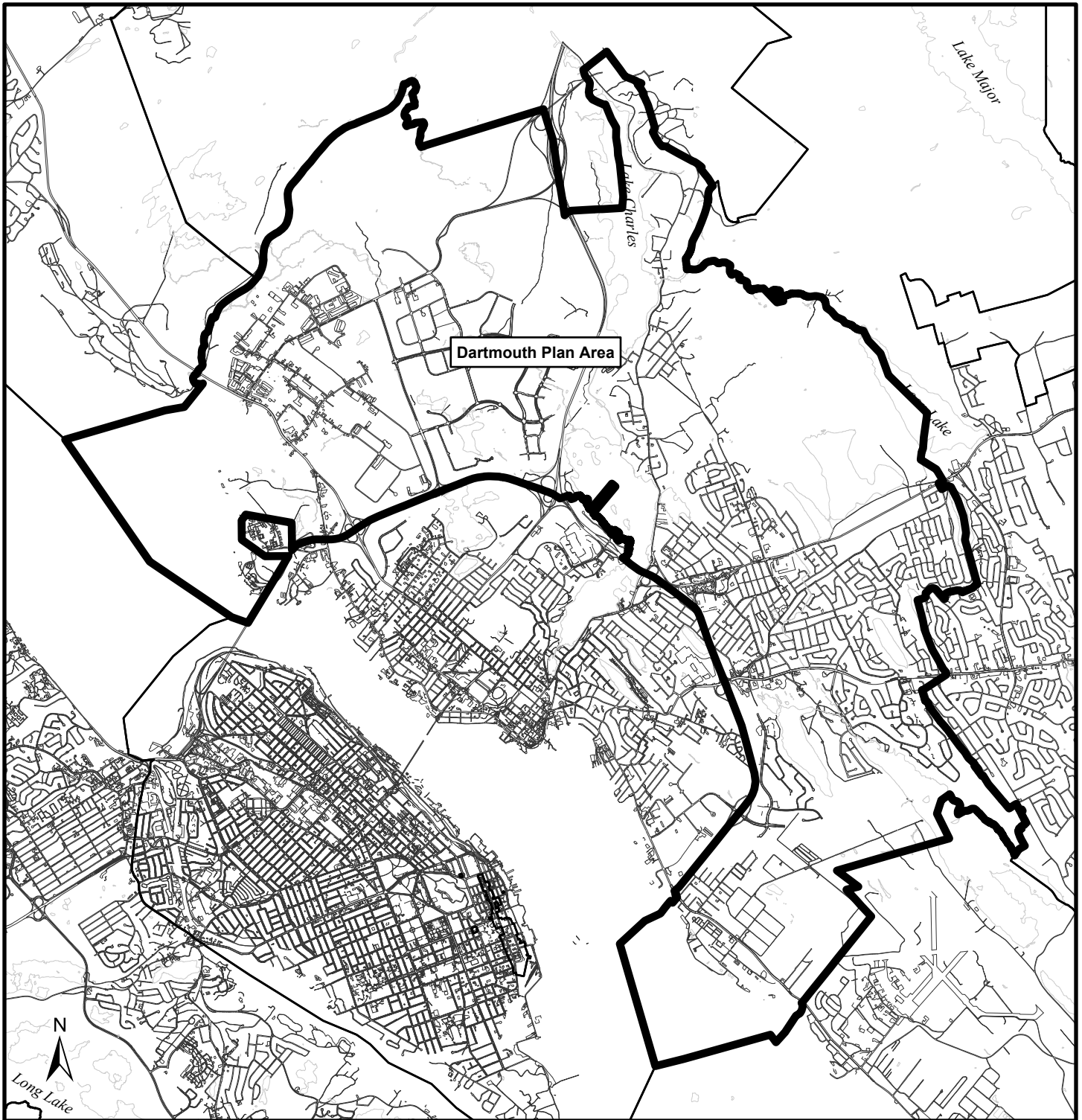
■ Subject Lands (see Schedule F Table 1)

Cole Harbour/Westphal

The accuracy of any representation on this plan is not guaranteed.

Schedule F, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs



SCHEDULE AJ: Lands Subject to Interim Bonus Zoning Requirements

Attachment. B-4

HALIFAX

0 2 Kilometers



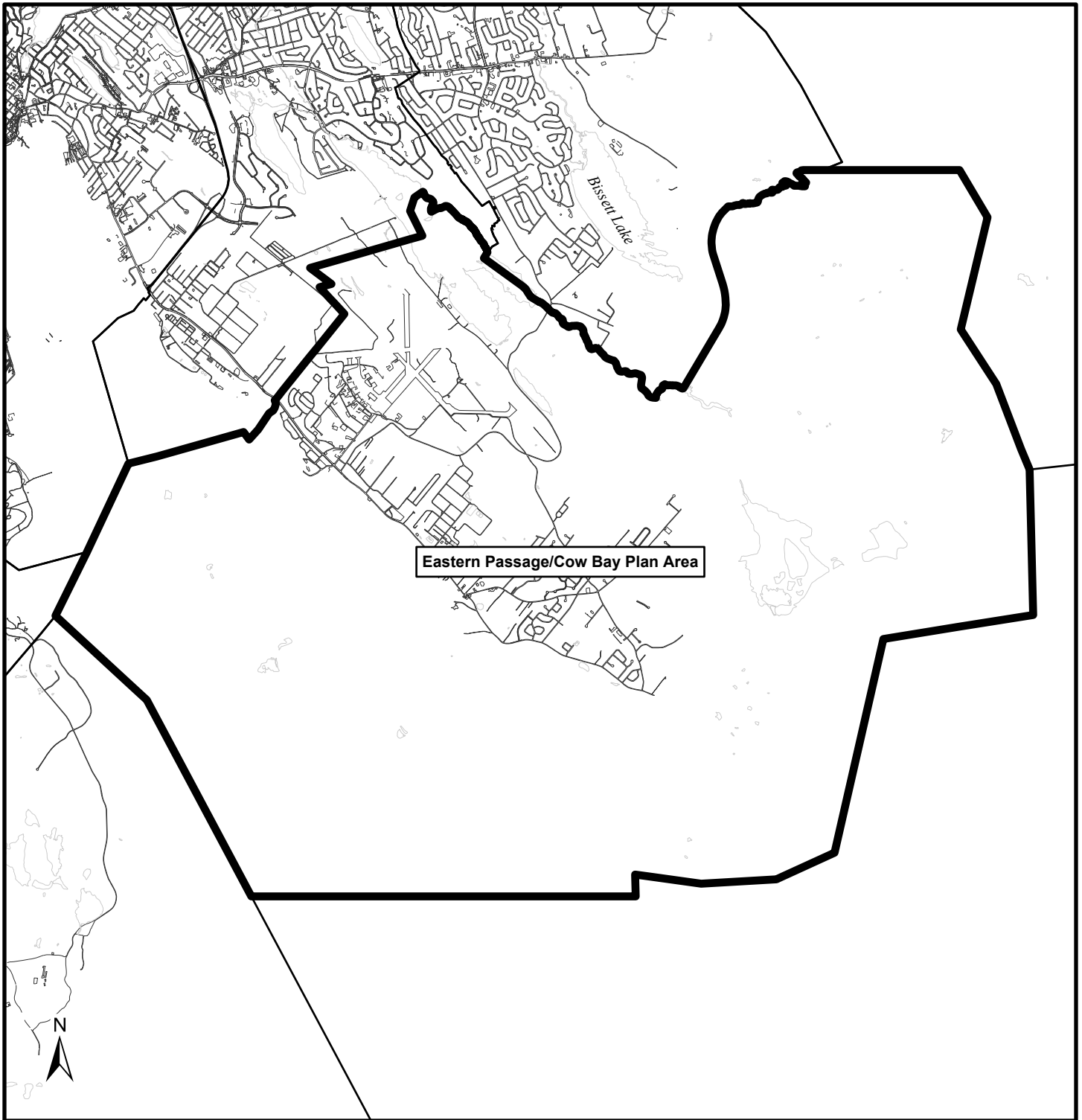
■ Subject Lands (see Schedule AJ Table 1)

Dartmouth

The accuracy of any representation on this plan is not guaranteed.

Schedule AJ, Table 1: Lands Subject to Interim Bonus Zoning Requirements


Ref. #	Case #	PIDs



SCHEDULE D: Lands Subject to Interim Bonus Zoning Requirements

Attachment. B-5

HALIFAX

 Subject Lands (see Schedule D Table 1)

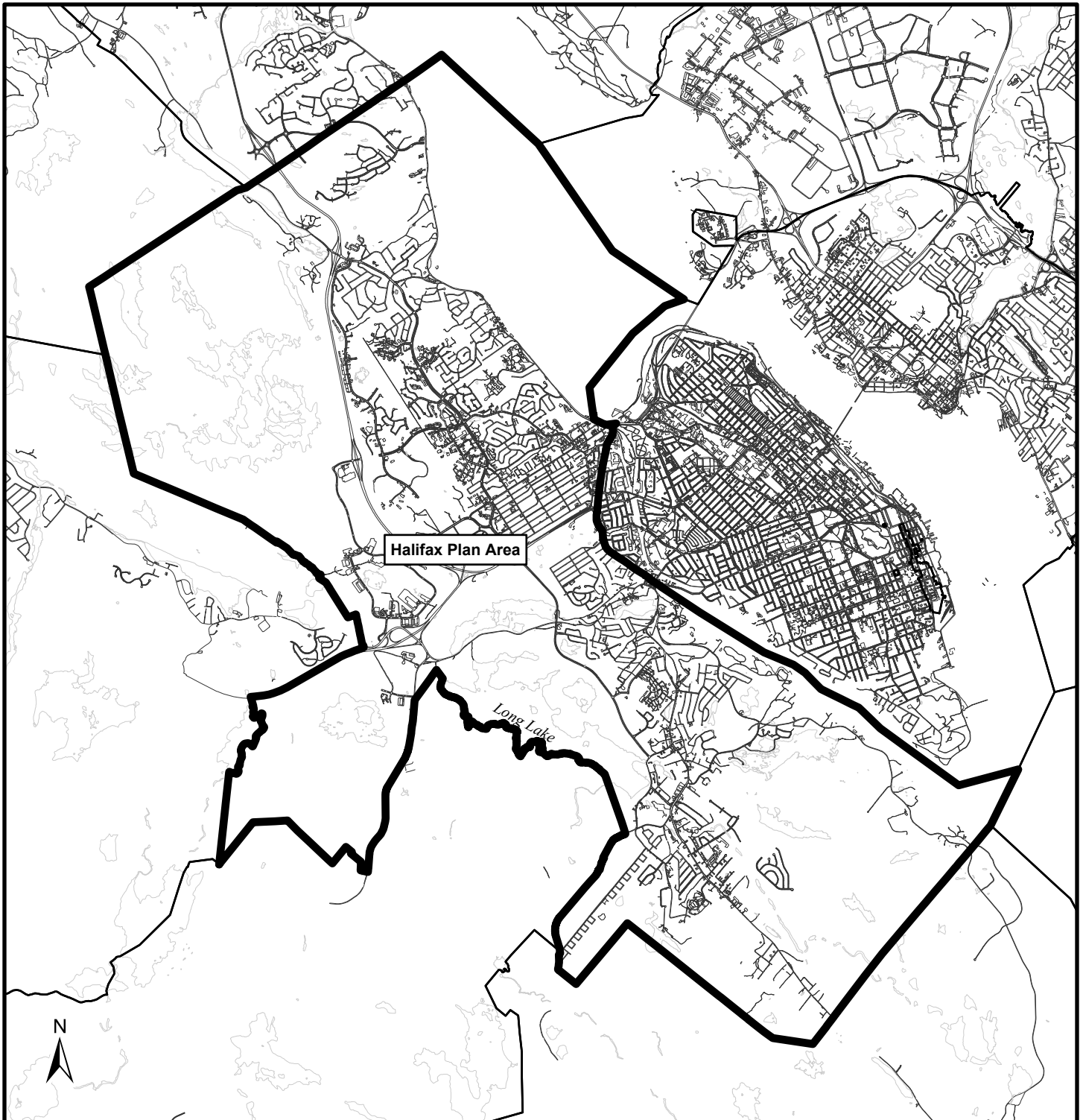
0  2 Kilometers

Eastern Passage/Cow Bay

The accuracy of any representation on this plan is not guaranteed.


Schedule D, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs



SCHEDULE A: Lands Subject to Interim Bonus Zoning Requirements
 Attachment. B-6

HALIFAX

 Subject Lands (see Schedule A Table 1)

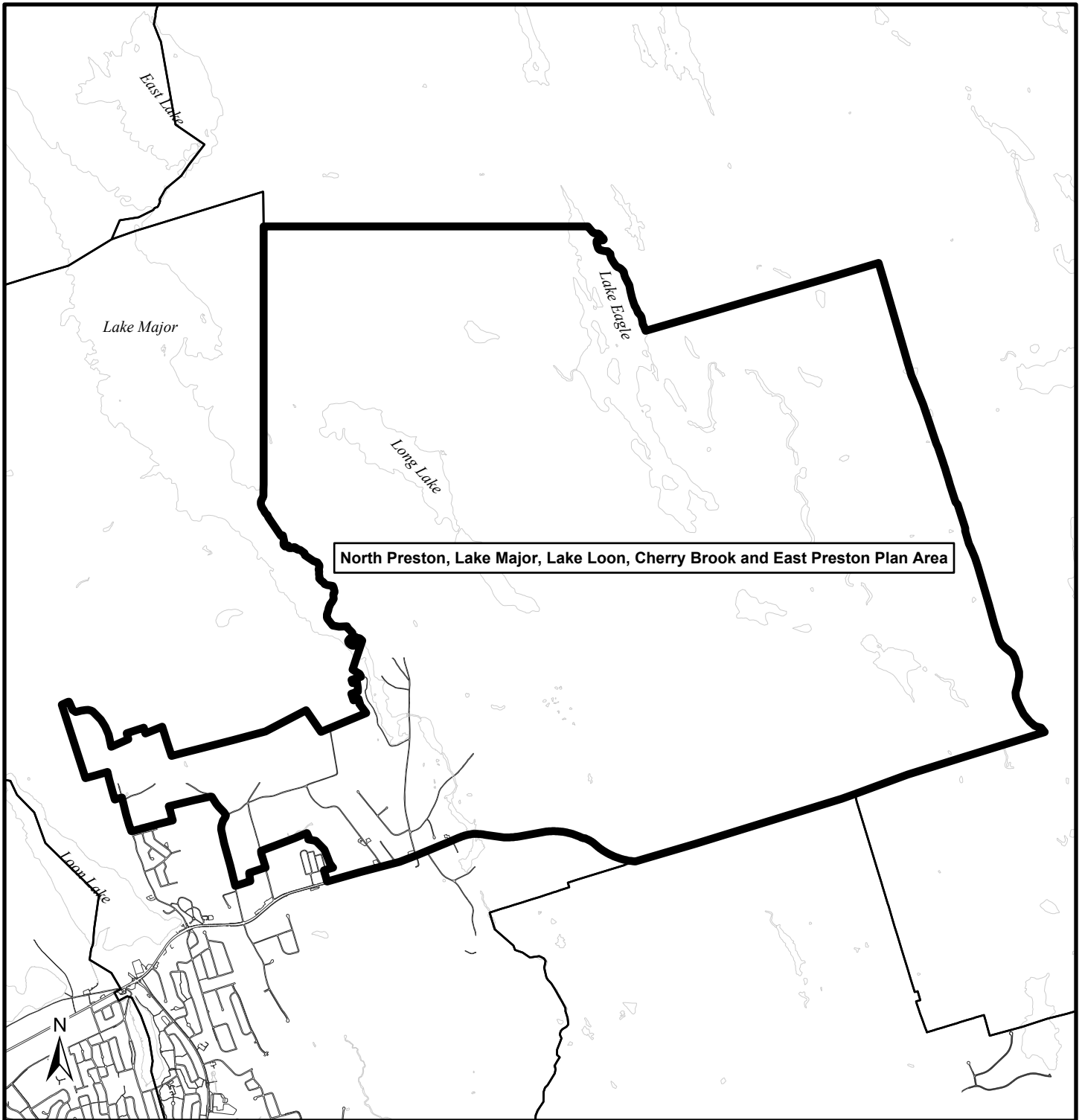


Halifax

The accuracy of any representation on this plan is not guaranteed.

Schedule A, Table 1: Lands Subject to Interim Bonus Zoning Requirements


Ref. #	Case #	PIDs



SCHEDULE D: Lands Subject to Interim Bonus Zoning Requirements

HALIFAX

Attachment. B-7

 Subject Lands (see Schedule D Table 1)

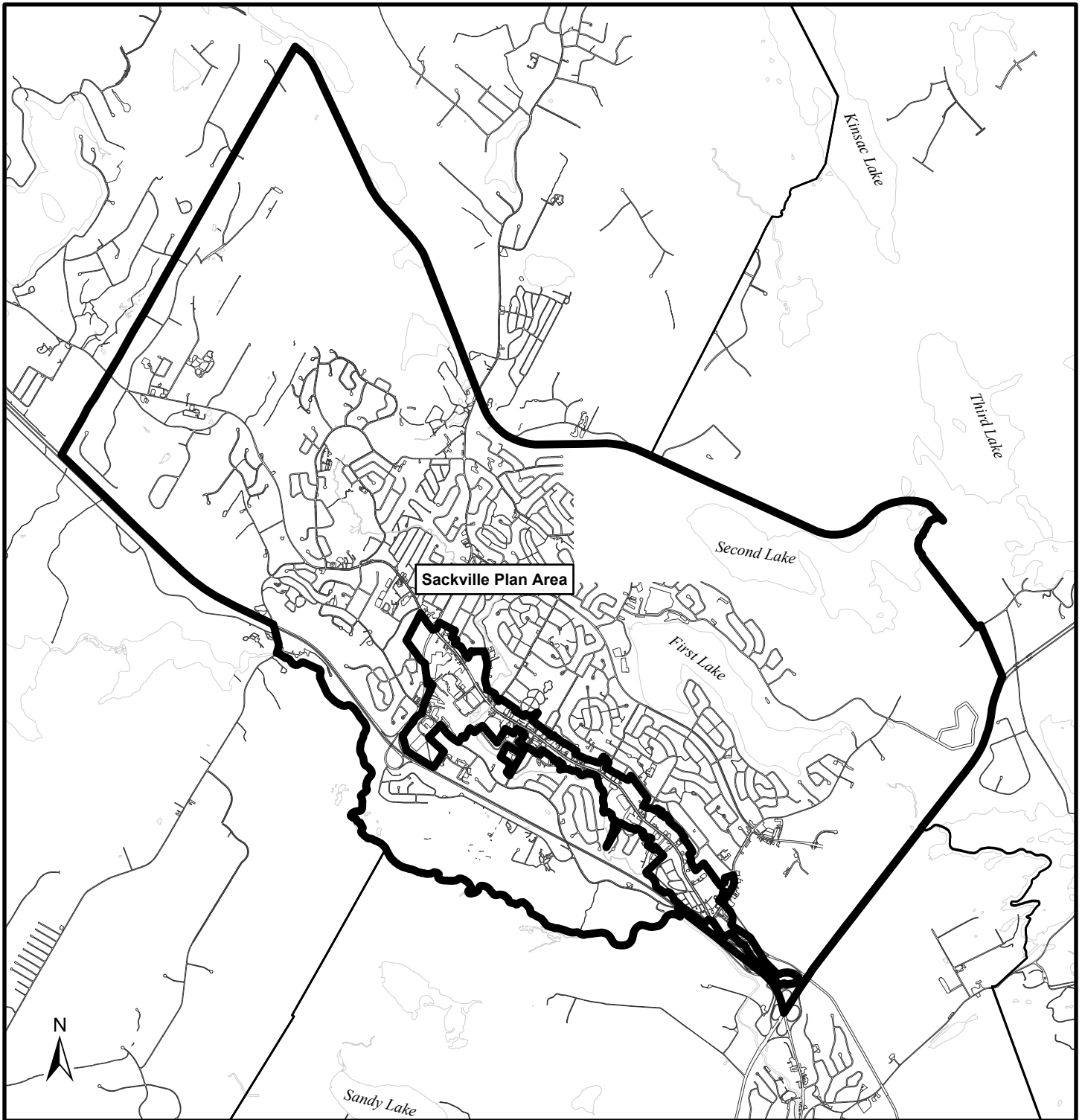


North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston

The accuracy of any representation on this plan is not guaranteed.

Schedule D, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs



SCHEDULE D: Lands Subject to Interim Bonus Zoning Requirements

HALIFAX

Attachment. B-8

■ Subject Lands (see Schedule D Table 1)

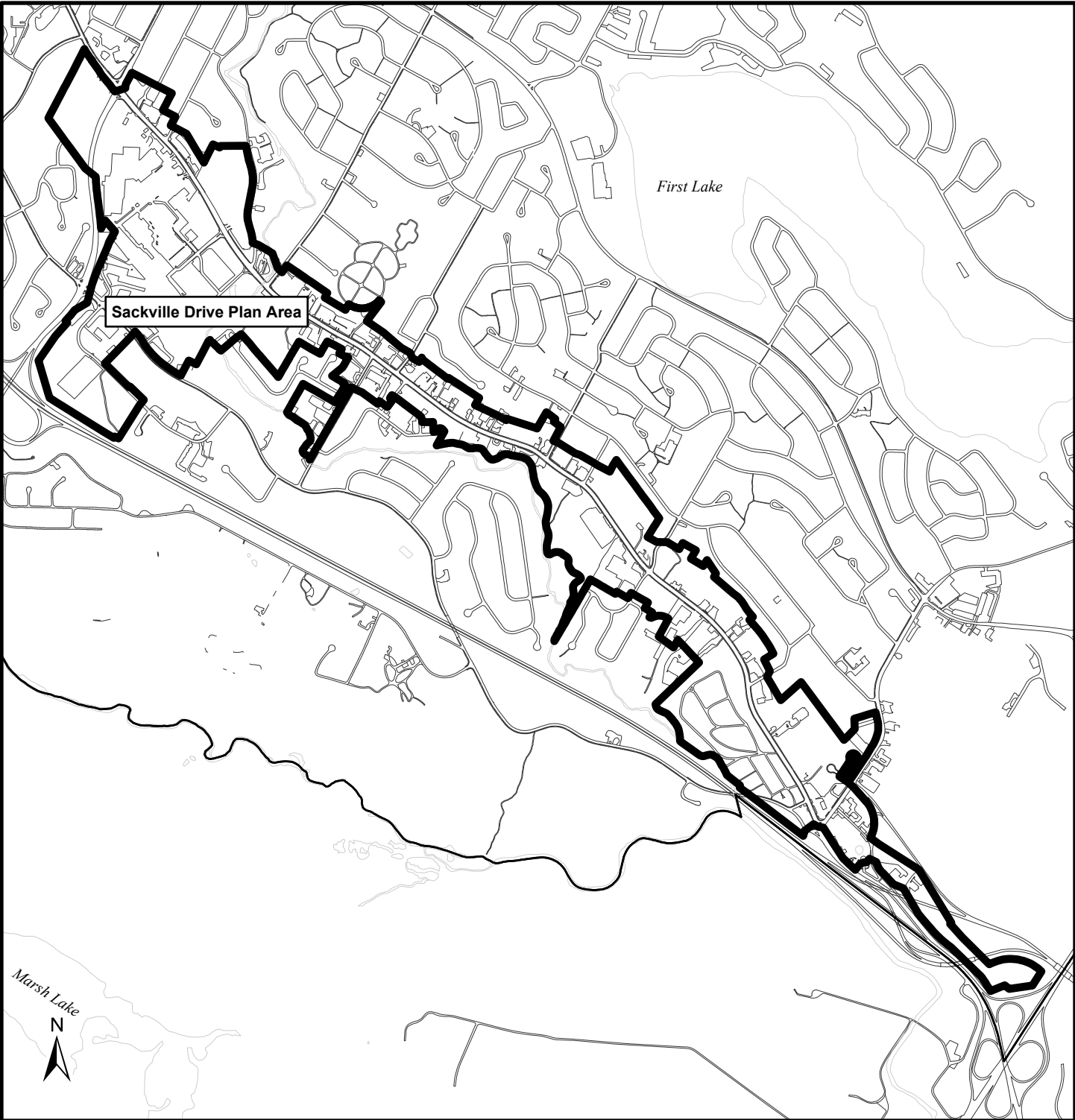


Sackville

The accuracy of any representation on this plan is not guaranteed.

Schedule D, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs



SCHEDULE E: Lands Subject to Interim Bonus Zoning Requirements

HALIFAX

Attachment. B-9

■ Subject Lands (see Schedule E Table 1)

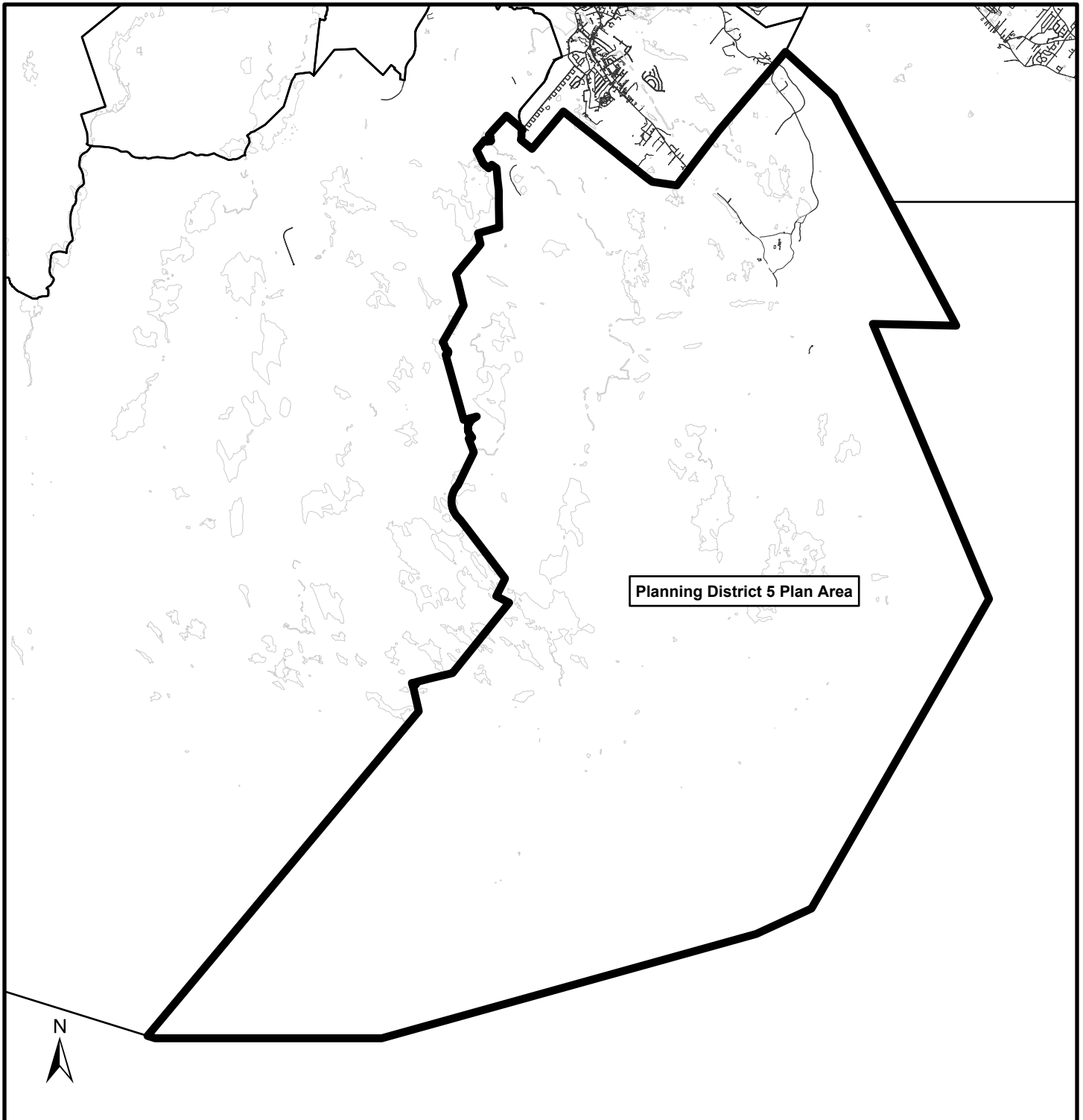


Sackville Drive

The accuracy of any representation on this plan is not guaranteed.


Schedule E, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs



SCHEDULE D: Lands Subject to Interim Bonus Zoning Requirements
 Attachment. B-10

HALIFAX

 Subject Lands (see Schedule D Table 1)

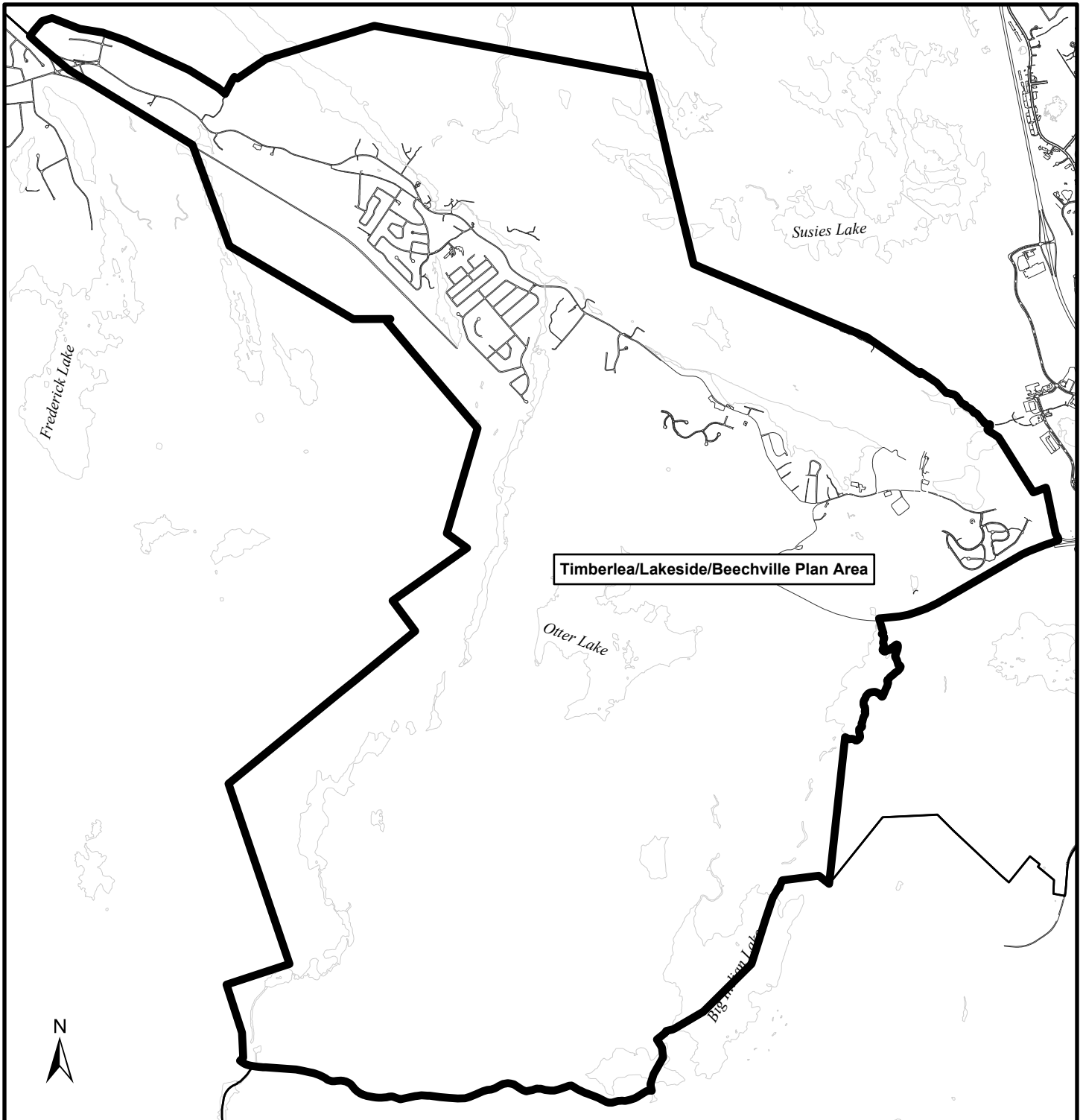


Planning District 5 (Chebucto)

The accuracy of any representation on this plan is not guaranteed.

Schedule D, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs



Timberlea/Lakeside/Beechville Plan Area

SCHEDULE F: Lands Subject to Interim Bonus Zoning Requirements
 Attachment. B-11

HALIFAX

■ Subject Lands (see Schedule F Table 1)



Timberlea/Lakeside/Beechville

The accuracy of any representation on this plan is not guaranteed.

Schedule F, Table 1: Lands Subject to Interim Bonus Zoning Requirements

Ref. #	Case #	PIDs

ATTACHMENT B
PROPOSED AMENDMENTS TO LAND USE BY-LAWS

**Proposed Amendments to the Land Use By-law for Beaver Bank,
Hammonds Plains, and Upper Sackville**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville is hereby amended as follows:

1. Amend the Table of Contents by inserting the words "APPENDIX E: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS" indicated in **bold** immediately after the words "APPENDIX D: C-5 ZONE SITE PLAN APPROVAL SUBMISSION REQUIREMENTS (RC-Feb 9/10;E-Apr 3/10)", and insert the words "SCHEDULE J: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS" immediately after the words "SCHEDULE I: INDIGO SHORES SPECIAL PLANNING AREA (SPECIAL AREA TASK FORCE-APR 21/22;E-MAY 20/22)" as follows:

APPENDIX D: C-5 ZONE SITE PLAN APPROVAL SUBMISSION REQUIREMENTS
(RC-Feb 9/10;E-Apr 3/10)

**APPENDIX E: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE
PLAN AMENDMENT APPLICATIONS**

SCHEDULE I: INDIGO SHORES SPECIAL PLANNING AREA (SPECIAL AREA
TASK FORCE-APR 21/22;E-MAY 20/22)

SCHEDULE J: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS

2. Insert a new Schedule J: Lands Subject to Interim Bonus Zoning Public Benefits after Schedule I attached as Attachment B-1 of this document.
3. Insert the following text indicated in **bold** immediately after "APPENDIX D: C-5 ZONE SITE PLAN APPROVAL SUBMISSION REQUIREMENTS" and before "SCHEDULE F: AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL" as follows:

APPENDIX E: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix E and Schedule J the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:

- (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
- (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;
- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;

- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;
- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;

- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;
- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule J: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule J if the Development Officer is satisfied that:
 - (a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.

4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:
 - (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
 - (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

6. (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
8. (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.

- (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.
9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule J is \$156/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:

- Step 1:** The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by
- (a) using the formula:

$$(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$$
 - (b) where:
 - (i) "A" is the previous year's Halifax All-Items Consumer Price Index, and
 - (ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated

through a formal rate update by a trained valuation professional, whichever is later.

Step 2: The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year.

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
- (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
- (a) additional money-in-lieu for affordable housing;

- (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
- (c) money-in-lieu for the conservation of a registered heritage building; or
- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conservation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;

- (b) branding or promotional projects;
- (c) plaques and supporting infrastructure;
- (d) stock and mass-produced items;
- (e) memorials, where:
 - (i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
 - (ii) the memorial has not been designed and created by a professional artist, or
 - (iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
- (f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

Incentive or Bonus Zoning Agreement

21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:
 - (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
 - (d) the identification of any conditions required by the Municipality before the public benefit is accepted;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
22. An incentive or bonus zoning agreement shall be signed by the owner.
23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:

- (a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;
 - (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Bedford

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

1. Amend the Table of Contents by inserting the words “Appendix G: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications” indicated in **bold** immediately after the words “APPENDIX F: Lands Exempt From Lot Frontage Requirements (RC-Dec 10/19;EFeb 15/20), and insert the words “Schedule C: LANDS Subject to Interim Bonus Zoning Public Benefits” as follows:

APPENDIX F: Lands Exempt From Lot Frontage Requirements (RC-Dec 10/19;EFeb 15/20).....

“APPENDIX G: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS”

SCHEDULE B: Northgate Retail Complex (NWCC-Nov 25/10;E-Dec 11/10)

SCHEDULE C: LANDS SUBJECT TO INTERIM BONUS ZONING PUBLIC BENEFITS

Schedule A: Bedford Zoning Map (NWCC-Oct 17/22;E-Nov 1/22) Separate Map

2. Insert a new Schedule C: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-2 of this document.
3. Insert the following text indicated in **bold** immediately after “APPENDIX F: Lands Exempt From Lot Frontage Requirements (RC-Dec 10/19;E-Feb 15/20)” and before “SCHEDULE B: Northgate Retail Complex (NWCC-Nov 25/10;E-Dec 11/10)” as follows:

APPENDIX F: Lands Exempt From Lot Frontage Requirements (RC-Dec 10/19;E-Feb 15/20)

APPENDIX G: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix G and Schedule C the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance,

rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;

- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S. 1989 c. 435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S. 1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
- (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule C: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule C if the Development Officer is satisfied that:
- a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:

- (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
- (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

- 6.
 - (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
- 7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
- 8.
 - (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.
 - (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule C is \$195/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:
- Step 1:** The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by
- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$
 - (b) where:
 - (i) “A” is the previous year’s Halifax All-Items Consumer Price Index, and
 - (ii) “B” is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.
- Step 2:** The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year.

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;

- (e) **memorials, where:**
 - (i) **the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,**
 - (ii) **the memorial has not been designed and created by a professional artist, or**
 - (iii) **the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or**
- (f) **landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.**

Incentive or Bonus Zoning Agreement

- 21. **An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:**
 - (a) **the identification of the development site;**
 - (b) **design drawings, provided by the applicant, for any required or provided public benefit;**
 - (c) **where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;**
 - (d) **the identification of any conditions required by the Municipality before the public benefit is accepted;**
 - (e) **where required, provisions for the auditing and reporting of public benefits; and**
 - (f) **any other terms or conditions the Development Officer requires.**
- 22. **An incentive or bonus zoning agreement shall be signed by the owner.**
- 23. **Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:**
 - (a) **enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;**

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Cole Harbour/Westphal

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

1. Amend the Table of Contents by inserting the words "APPENDIX G: Interim Bonus Zoning Requirements for APPLICABLE Plan Amendment Applications" indicated in **bold** immediately after the words "APPENDIX F: LANDS OF THE FORMER A.R. HEMMINGS BUILDING SYSTEMS LIMITED INDUSTRIAL SITE" and inserting the words "SCHEDULE F: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS" immediately after the words "SCHEDULE E: SUB AREAS OF MOD (MIXED OPPORTUNITY DISTRICT) ZONE" as follows:

APPENDIX F: LANDS OF THE FORMER A.R. HEMMINGS BUILDING SYSTEMS LIMITED INDUSTRIAL SITE

APPENDIX G: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS...

Schedule A-1: Wind Energy Zoning (RC-Feb 15/22; E-Apr 9/22)

Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)

Schedule C: Wetlands (RC-Jun 25/14;E-Oct 18/14)

Schedule D: Mixed Form Residential Development in the C-4 (Highway Commercial) Zone (RC-Oct 7/14;E-Nov 8/14)

SCHEDULE E: SUB AREAS OF MOD (MIXED OPPORTUNITY DISTRICT) ZONE

SCHEDULE F: LANDS SUBJECT TO BONUS ZONING REQUIREMENTS

2. Insert a new Schedule F: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-3 of this document.
3. Insert the following text indicated in **bold** immediately after "APPENDIX F:LANDS OF THE FORMER A.R. HEMMINGS BUILDING SYSTEMS LIMITED INDUSTRIAL SITE" as follows:

APPENDIX G: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix G and Schedule F the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:

- (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
- (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;
- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;

- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;
- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;

- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;
- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule F: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule F if the Development Officer is satisfied that:
 - b) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.

4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:
 - (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
 - (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

6. (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
8. (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.

- (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.
9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule F is \$150/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:

- Step 1:** The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by
- (a) using the formula:

$$(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$$
 - (b) where:
 - (i) "A" is the previous year's Halifax All-Items Consumer Price Index, and
 - (ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated

through a formal rate update by a trained valuation professional, whichever is later.

Step 2: The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;

- (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
- (c) money-in-lieu for the conservation of a registered heritage building; or
- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conservation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;

- (b) branding or promotional projects;
- (c) plaques and supporting infrastructure;
- (d) stock and mass-produced items;
- (e) memorials, where:
 - (i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
 - (ii) the memorial has not been designed and created by a professional artist, or
 - (iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
- (f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

Incentive or Bonus Zoning Agreement

21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:
 - (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
 - (d) the identification of any conditions required by the Municipality before the public benefit is accepted;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
22. An incentive or bonus zoning agreement shall be signed by the owner.
23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:

- (a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;
 - (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Dartmouth

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

1. Amend the Table of Contents by inserting the words “APPENDIX A: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “SECTION 6: APPEAL PROCEDURE”, and insert the words “SCHEDULE AJ: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS” immediately after the words “SCHEDULE AI: Kuhn Road Area Zoning (RC-Oct 6/15;E-Dec 5/15) “ as follows:

SECTION 6: APPEAL PROCEDURE

APPENDIX A: BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS...

SCHEDULE AI: Kuhn Road Area Zoning (RC-Oct 6/15;E-Dec 5/15)

SCHEDULE AJ: DEVELOPEMNTS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS...

2. Insert a new Schedule AJ: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-4 of this document.
3. Insert the following text indicated in **bold** immediately after “SECTION 6: APPEAL PROCEDURE” as follows:

APPENDIX A: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix A and Schedule AJ the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;

- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
- (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule AJ: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule AJ if the Development Officer is satisfied that:
- (a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:

- (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
- (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

- 6.
 - (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
- 7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
- 8.
 - (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.
 - (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule AJ is \$162/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.

- (2) The bonus zoning rate shall be adjusted using the method specified as follows:

Step 1: The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by

- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$

(b) where:

- (i) “A” is the previous year’s Halifax All-Items Consumer Price Index, and
- (ii) “B” is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.

Step 2: The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;

- (e) **memorials, where:**
 - (i) **the memorial commemorates a single individual not previously approved through the Municipality’s Commemorative Asset Naming Program,**
 - (ii) **the memorial has not been designed and created by a professional artist, or**
 - (iii) **the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or**
- (f) **landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.**

Incentive or Bonus Zoning Agreement

- 21. **An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:**
 - (a) **the identification of the development site;**
 - (b) **design drawings, provided by the applicant, for any required or provided public benefit;**
 - (c) **where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;**
 - (d) **the identification of any conditions required by the Municipality before the public benefit is accepted;**
 - (e) **where required, provisions for the auditing and reporting of public benefits; and**
 - (f) **any other terms or conditions the Development Officer requires.**
- 22. **An incentive or bonus zoning agreement shall be signed by the owner.**
- 23. **Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:**
 - (a) **enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;**

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Eastern Passage/Cow Bay

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Passage/Cow Bay is hereby amended as follows:

1. Amend the Table of Contents by inserting the words “APPENDIX A: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “SECTION 6: APPEAL PROCEDURE”, and insert the words “SCHEDULE AJ: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS” immediately after the words “SCHEDULE AI: Kuhn Road Area Zoning (RC-Oct 6/15;E-Dec 5/15) “ as follows:

APPENDIX D: SILVER SANDS CDD

APPENDIX E: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

SCHEDULE A-1: Heritage Hills

Schedule A-2: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)

Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)

Schedule C: Wetlands (RC-Jun 25/14;E-Oct 18/14)

Schedule D: Developments Subject to Interim Bonus Zoning Requirements

7. Insert a new Schedule D: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-5 of this document.
3. Insert the following text indicated in **bold** immediately after “APPENDIX D: SILVER SANDS CDD” as follows:

APPENDIX E: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix E and Schedule D the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) **subordinate, incidental, and devoted to a main use or structure, and**
 - (ii) **not attached to any main building;**

- (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;
- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;

- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;
- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;

- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;
- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule D: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule D if the Development Officer is satisfied that:
 - (a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.

5. **Subject to section 3, no development permit shall be issued:**
- (a) **where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or**
 - (b) **until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.**

Public Benefit Value

6. (1) **Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.**
- (2) **The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.**
7. **Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:**
- (a) **Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;**
 - (b) **Factor #2 is 0.20; and**
 - (c) **Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.**
8. (1) **For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.**
- (2) **The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.**
- (3) **Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.**
- (4) **The cost of any appraisal shall be paid for by the applicant.**
- (5) **The terms of reference for the appraisal shall be determined solely by the Municipality.**
- (6) **Where the Municipality or applicant disagrees with the appraised value**

determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule D is \$135/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:

Step 1: The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by

- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$

(b) where:

- (i) "A" is the previous year's Halifax All-Items Consumer Price Index, and
- (ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.

Step 2: The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;

- (d) stock and mass-produced items;
- (e) memorials, where:
 - (i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
 - (ii) the memorial has not been designed and created by a professional artist, or
 - (iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
- (f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

Incentive or Bonus Zoning Agreement

- 21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:
 - (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
 - (d) the identification of any conditions required by the Municipality before the public benefit is accepted;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
- 22. An incentive or bonus zoning agreement shall be signed by the owner.
- 23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:
 - (a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Halifax Mainland

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

1. Amend the Table of Contents by inserting the words “APPENDIX A: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “WA (WATER ACCESS) ZONE (RC-Jan 11/11;E-Mar 12/11)”, and insert the words “SCHEDULE A: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS FOR PLAN AMENDMENT APPLICATIONS” immediately after the words “ZM-34:Maximum Height in the Dubrack Multi Unit Zone (RC-Feb 23/21; E-Mar 8/21)” as follows:

WA (WATER ACCESS) ZONE (RC-Jan 11/11;E-Mar 12/11)

APPENDIX A: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

ZM-34: Maximum Height in the Dubrack Multi Unit Zone (RC-Feb 23/21; E-Mar 8/21)

Schedule A: Lands Subject to Interim Bonus Zoning Requirements

8. Insert a new Schedule A: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-6 of this document.
3. Insert the following text indicated in **bold** immediately after the section “WA (WATER ACCESS) ZONE (RC-Jan 11/11;E-Mar 12/11)” as follows:

APPENDIX A: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix A and Schedule A the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance,

rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;

- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
- (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

3. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule A: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule A if the Development Officer is satisfied that:
- (b) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:

- (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
- (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

- 6.
 - (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
- 7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
- 8.
 - (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.
 - (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule A is \$213/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:
- Step 1:** The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by
- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$
 - (b) where:
 - (i) “A” is the previous year’s Halifax All-Items Consumer Price Index, and
 - (ii) “B” is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.
- Step 2:** The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;

- (e) **memorials, where:**
 - (i) **the memorial commemorates a single individual not previously approved through the Municipality’s Commemorative Asset Naming Program,**
 - (ii) **the memorial has not been designed and created by a professional artist, or**
 - (iii) **the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or**
- (f) **landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.**

Incentive or Bonus Zoning Agreement

- 21. **An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:**
 - (a) **the identification of the development site;**
 - (b) **design drawings, provided by the applicant, for any required or provided public benefit;**
 - (c) **where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;**
 - (d) **the identification of any conditions required by the Municipality before the public benefit is accepted;**
 - (e) **where required, provisions for the auditing and reporting of public benefits; and**
 - (f) **any other terms or conditions the Development Officer requires.**
- 22. **An incentive or bonus zoning agreement shall be signed by the owner.**
- 23. **Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:**
 - (a) **enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;**

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook, East Preston

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook, East Preston is hereby amended as follows:

1. Amend the Table of Contents by inserting the words “APPENDIX “F”: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “APPENDIX “E”: SPECIAL PROVISIONS FOR EXISTING INTENSIVE LIVESTOCK OPERATIONS”, and insert the words “SCHEDULE D: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS” immediately after the words “Schedule C: Wetlands Over 2000 Sq Metres (RC-Jun 25/14;E-Oct 18/14)” as follows:

APPENDIX “E”: SPECIAL PROVISIONS FOR EXISTING INTENSIVE LIVESTOCK OPERATIONS

APPENDIX “F”: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications...

Schedule C: Wetlands Over 2000 Sq Metres (RC-Jun 25/14;E-Oct 18/14)

Schedule D: Lands Subject to Interim Bonus Zoning Requirements

2. Insert a new Schedule D: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-7 of this document.
3. Insert the following text indicated in **bold** immediately after the section “APPENDIX “E”: SPECIAL PROVISIONS FOR EXISTING INTENSIVE LIVESTOCK OPERATIONS as follows:

APPENDIX “F”: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix F and Schedule D the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or

registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;

- (h) INCENTIVE OR BONUS ZONING means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;**
- (i) INCENTIVE OR BONUS ZONING AGREEMENT means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;**
- (j) NOT-FOR-PROFIT ORGANIZATION MEANS:**

 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,**
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,**
 - (iii) a non-profit association to which the Co-operative Associations Act applies,**
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or**
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;**
- (k) PARKING STRUCTURE means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;**
- (l) PEDWAY means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;**
- (m) PREMISES means a structure or portions of a structure occupied by a use;**
- (n) PROFESSIONAL ARTIST means an artist who:**

 - (i) has proven, specialized training in an artistic field,**
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and**
 - (iii) has a history of public presentation or publication;**
- (o) PUBLIC ART means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;**

- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;
- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule D: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule D if the Development Officer is satisfied that:
 - (c) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.

5. **Subject to section 3, no development permit shall be issued:**
- (a) **where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or**
 - (b) **until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.**

Public Benefit Value

6. (1) **Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.**
- (2) **The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.**
7. **Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:**
- (a) **Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;**
 - (b) **Factor #2 is 0.20; and**
 - (c) **Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.**
8. (1) **For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.**
- (2) **The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.**
- (3) **Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.**
- (4) **The cost of any appraisal shall be paid for by the applicant.**
- (5) **The terms of reference for the appraisal shall be determined solely by the Municipality.**
- (6) **Where the Municipality or applicant disagrees with the appraised value**

determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule D is \$66/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:

Step 1: The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by

- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$

(b) where:

- (i) "A" is the previous year's Halifax All-Items Consumer Price Index, and
- (ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.

Step 2: The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;

- (d) stock and mass-produced items;
- (e) memorials, where:
 - (i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
 - (ii) the memorial has not been designed and created by a professional artist, or
 - (iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
- (f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

Incentive or Bonus Zoning Agreement

- 21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:
 - (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
 - (d) the identification of any conditions required by the Municipality before the public benefit is accepted;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
- 22. An incentive or bonus zoning agreement shall be signed by the owner.
- 23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:
 - (a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Sackville

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

1. Amend the Table of Contents by inserting the words “APPENDIX “C”: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “APPENDIX “B”: EXISTING SALVAGE YARD”, and insert the words “SCHEDULE F: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS” immediately after the words “Schedule E: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)...” as follows:

APPENDIX “B”: EXISTING SALVAGE YARD

APPENDIX “C”: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Schedule E: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)...

Schedule F: Lands Subject to Interim Bonus Zoning Requirements...

2. Insert a new Schedule F: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-8 of this document.
3. Insert the following text indicated in **bold** immediately after the section “APPENDIX “C”: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” as follows:

APPENDIX “C”: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix C and Schedule D the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;

- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule F: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule F if the Development Officer is satisfied that:
 - (d) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:

- (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
- (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

- 6.
 - (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
- 7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
- 8.
 - (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.
 - (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule F is \$135/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:
- Step 1:** The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by
- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$
 - (b) where:
 - (i) “A” is the previous year’s Halifax All-Items Consumer Price Index, and
 - (ii) “B” is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.
- Step 2:** The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;

- (e) **memorials, where:**
 - (i) **the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,**
 - (ii) **the memorial has not been designed and created by a professional artist, or**
 - (iii) **the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or**
- (f) **landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.**

Incentive or Bonus Zoning Agreement

- 21. **An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:**
 - (a) **the identification of the development site;**
 - (b) **design drawings, provided by the applicant, for any required or provided public benefit;**
 - (c) **where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;**
 - (d) **the identification of any conditions required by the Municipality before the public benefit is accepted;**
 - (e) **where required, provisions for the auditing and reporting of public benefits; and**
 - (f) **any other terms or conditions the Development Officer requires.**
- 22. **An incentive or bonus zoning agreement shall be signed by the owner.**
- 23. **Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:**
 - (a) **enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;**

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Sackville Drive

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

1. Amend the Table of Contents by inserting the words “APPENDIX “D”: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “APPENDIX C: EXISTING USES” , and insert the words “SCHEDULE E: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS” immediately after the words “SCHEDULE D: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)...” as follows:

APPENDIX C: EXISTING USES ...

APPENDIX D: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

SCHEDULE D: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)

Schedule E: Lands Subject to Interim Bonus Zoning Requirements

2. Insert a new Schedule D: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-9 of this document.
3. Insert the following text indicated in **bold** immediately after the section “APPENDIX D: EXISTING USES” as follows:

APPENDIX D: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix D and Schedule E the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;
- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;

- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act (Canada)* and the regulations made pursuant to that Act;
- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and

- (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) REGISTERED HERITAGE PROPERTY means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule E: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule E if the Development Officer is satisfied that:
 - (f) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:
 - (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
 - (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

6.
 - (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
8.
 - (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.
 - (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.
9. The appraised market value for the purposes of the public benefit value is:
 - (a) where there is one appraisal, the monetary value of the land from that appraisal; or

- (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:

- (a) for any money-in-lieu, prior to the development permit being issued; or
- (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule E is \$162/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.

- (2) The bonus zoning rate shall be adjusted using the method specified as follows:

Step 1: The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by

- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$

(b) where:

- (i) “A” is the previous year’s Halifax All-Items Consumer Price Index, and
- (ii) “B” is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.

Step 2: The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.

14. (1) The bonus zoning rate for the calculation of the required public benefit

value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.

- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or
 - (d) the conservation of a building located within a heritage conservation district;
 - (e) money-in-lieu for the acquisition or improvement of municipal parks;
 - (f) money-in-lieu for affordable community or cultural indoor space;
 - (g) money-in-lieu for public art; or

- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

- 17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
 - (a) a registered heritage building that is on the site of the development;
or
 - (b) a building within a heritage conservation district that is on the site of the development.
 - (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

- 19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
 - (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
- 20. The following items shall not qualify as public art under Clause 16(h):
 - (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;
 - (e) memorials, where:
 - (i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,

- (ii) the memorial has not been designed and created by a professional artist, or
- (iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
- (f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

Incentive or Bonus Zoning Agreement

21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:
- (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
 - (d) the identification of any conditions required by the Municipality before the public benefit is accepted;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
22. An incentive or bonus zoning agreement shall be signed by the owner.
23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:
- (a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;
 - (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the

Municipality to any expenditure, the agreement has no force or effect until approved by Council.

- 25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.**

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 Halifax Regional Council 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____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula)

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

1. Amend the Table of Contents by inserting the words “APPENDIX “D”: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “APPENDIX “C”, and insert the words “SCHEDULE G: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS” immediately after the words “Schedule F: Shared Private Driveway Design Standards” as follows:

APPENDIX “C”: EXISTING USES

APPENDIX D: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Schedule F: Shared Private Driveway Design Standards

Schedule G: Lands Subject to Interim Bonus Zoning Requirements

2. Insert a new Schedule D: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-10 of this document.
3. Insert the following text indicated in **bold** immediately after the section “APPENDIX D: EXISTING USES” as follows:

APPENDIX D: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix D and Schedule G the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance,

rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;

- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule G: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule G if the Development Officer is satisfied that:
 - a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:

- (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
- (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

- 6.
 - (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
- 7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
- 8.
 - (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.
 - (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule G is \$48/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:
- Step 1:** The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by
- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$
 - (b) where:
 - (i) “A” is the previous year’s Halifax All-Items Consumer Price Index, and
 - (ii) “B” is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.
- Step 2:** The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made, the value of the public benefit shall be the increase in the bonus zoning rate from the expired permit to the new permit.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;

- (e) **memorials, where:**
 - (i) **the memorial commemorates a single individual not previously approved through the Municipality’s Commemorative Asset Naming Program,**
 - (ii) **the memorial has not been designed and created by a professional artist, or**
 - (iii) **the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or**
- (f) **landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.**

Incentive or Bonus Zoning Agreement

- 21. **An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:**
 - (a) **the identification of the development site;**
 - (b) **design drawings, provided by the applicant, for any required or provided public benefit;**
 - (c) **where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;**
 - (d) **the identification of any conditions required by the Municipality before the public benefit is accepted;**
 - (e) **where required, provisions for the auditing and reporting of public benefits; and**
 - (f) **any other terms or conditions the Development Officer requires.**
- 22. **An incentive or bonus zoning agreement shall be signed by the owner.**
- 23. **Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:**
 - (a) **enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;**

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Land Use By-law for Timberlea/Lakeside/Beechville

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

1. Amend the Table of Contents by inserting the words “APPENDIX “E”: INTERIM BONUS ZONING REQUIREMENTS FOR APPLICABLE PLAN AMENDMENT APPLICATIONS” indicated in **bold** immediately after the words “APPENDIX “D”: AUTOBODY SHOPS”, and insert the words “SCHEDULE F: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS” immediately after the words “Schedule F: Shared Private Driveway Design Standards” as follows:

APPENDIX “D”: AUTOBODY SHOPS

**APPENDIX “E”: Interim Bonus Zoning Requirements for Applicable Plan
Amendment Applications...**

Schedule E: Area of Bay Self-Storage Expansion in the R-1 (Single Unit Dwelling) Zone (RC-Apr 15/14; E-Jun 14/14) 92...

Schedule F: Lands Subject to Interim Bonus Zoning Requirements

2. Insert a new Schedule F: Lands Subject to Interim Bonus Zoning Public Benefits as indicated in Attachment B-11 of this document.
3. Insert the following text indicated in **bold** immediately after the section “APPENDIX D: EXISTING USES” as follows:

APPENDIX “E”: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

Definitions

1. For the purpose of Appendix E and Schedule F the following definitions shall apply:
 - (a) **ACCESSORY STRUCTURE** means a structure that is:
 - (i) subordinate, incidental, and devoted to a main use or structure, and
 - (ii) not attached to any main building;
 - (b) **AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance,

rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

- (c) **APPLICANT** means any person, including an owner, applying for a development permit, or development agreement;
- (d) **APPRAISER** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (e) **BUILDING** means every continuous enclosed area with exterior walls on a lot that:
 - (i) is built, erected, and framed of a combination of materials,
 - (ii) is either portable or fixed,
 - (iii) has a roof,
 - (iv) forms a structure for the shelter of persons, animals, or property, and
 - (v) is located, in whole or in part, above or below grade;
- (f) **FLOOR AREA** means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below a ground floor of a building or parking structure,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,
 - (vi) any space open to a floor below, and
 - (vii) pedways;
- (g) **GREENHOUSE** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (h) **INCENTIVE OR BONUS ZONING** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements;

- (i) **INCENTIVE OR BONUS ZONING AGREEMENT** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;
- (j) **NOT-FOR-PROFIT ORGANIZATION MEANS:**
 - (i) a society incorporated pursuant to the Societies Act, R.S.N.S.1989 c.435, as amended,
 - (ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,
 - (iii) a non-profit association to which the Co-operative Associations Act applies,
 - (iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or
 - (v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;
- (k) **PARKING STRUCTURE** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;
- (l) **PEDWAY** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;
- (m) **PREMISES** means a structure or portions of a structure occupied by a use;
- (n) **PROFESSIONAL ARTIST** means an artist who:
 - (i) has proven, specialized training in an artistic field,
 - (ii) is recognized as a professional by their peers who are working in the same artistic tradition, and
 - (iii) has a history of public presentation or publication;
- (o) **PUBLIC ART** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;
- (p) **REGISTERED CANADIAN CHARITABLE ORGANIZATION** means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

- (q) **REGISTERED HERITAGE BUILDING** means a building on a registered heritage property that:
 - (i) has been registered pursuant to the *Heritage Property Act*, and
 - (ii) contributes to the character-defining elements on the registered heritage property; and
- (r) **REGISTERED HERITAGE PROPERTY** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

Requirement to Provide a Public Benefit for Bonus Zoning

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule F: Lands Subject to Interim Bonus Zoning Requirements.
3. Incentive or bonus zoning shall not be required for developments identified on Schedule F if the Development Officer is satisfied that:
 - a) upon the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year prior to the date the complete application is received by the Municipality;
 - (b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;
 - (c) a minimum of 60% of the development is for housing; and
 - (d) the property that is the subject of the application is solely owned by one or a combination of the following:
 - (i) the applicant,
 - (ii) the Municipality,
 - (iii) the Provincial Government,
 - (iv) the Federal Government, or
 - (v) an agent of the Provincial or Federal Government.
4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
5. Subject to section 3, no development permit shall be issued:

- (a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or
- (b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

Public Benefit Value

- 6.
 - (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.
 - (2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.
- 7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:
 - (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20; and
 - (c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.
- 8.
 - (1) For lands that are greater than 10 hectares that are developed by development agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.
 - (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.
 - (3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.
 - (4) The cost of any appraisal shall be paid for by the applicant.
 - (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
 - (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Deadline to Complete Public Benefit

10. Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued; or
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Bonus Zoning Rate

11. The bonus zoning rate for the area identified on Schedule F is \$48/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

Bonus Zoning Rate Adjustments

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.
- (2) The bonus zoning rate shall be adjusted using the method specified as follows:
- Step 1:** The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by
- (a) using the formula:
 $(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$
 - (b) where:
 - (i) “A” is the previous year’s Halifax All-Items Consumer Price Index, and
 - (ii) “B” is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.
- Step 2:** The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

Step 3: The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.
14. (1) The bonus zoning rate for the calculation of the required public benefit value shall be the bonus zoning rate at the time a complete application for a development permit is received by the Municipality.
- (2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Public Benefit: Money-in-Lieu for Affordable Housing

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
 - (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
 - (e) any combination of Clauses (a) to (d).

Public Benefit Categories

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:
 - (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
 - (c) money-in-lieu for the conservation of a registered heritage building; or

- (d) the conservation of a building located within a heritage conservation district;
- (e) money-in-lieu for the acquisition or improvement of municipal parks;
- (f) money-in-lieu for affordable community or cultural indoor space;
- (g) money-in-lieu for public art; or
- (h) public art on the site of the development.

Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:
- (a) a registered heritage building that is on the site of the development; or
 - (b) a building within a heritage conservation district that is on the site of the development.
- (2) The remaining 10% of the public benefit shall be in the form of money-in-lieu for affordable housing.
18. The applicant shall register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.
20. The following items shall not qualify as public art under Clause 16(h):
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;

- (e) **memorials, where:**
 - (i) **the memorial commemorates a single individual not previously approved through the Municipality’s Commemorative Asset Naming Program,**
 - (ii) **the memorial has not been designed and created by a professional artist, or**
 - (iii) **the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or**
- (f) **landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.**

Incentive or Bonus Zoning Agreement

- 21. **An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:**
 - (a) **the identification of the development site;**
 - (b) **design drawings, provided by the applicant, for any required or provided public benefit;**
 - (c) **where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;**
 - (d) **the identification of any conditions required by the Municipality before the public benefit is accepted;**
 - (g) **where required, provisions for the auditing and reporting of public benefits; and**
 - (f) **any other terms or conditions the Development Officer requires.**
- 22. **An incentive or bonus zoning agreement shall be signed by the owner.**
- 23. **Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:**
 - (a) **enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;**

- (b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and
 - (c) sign the discharge, including a discharge agreement, on behalf of the Municipality.
24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

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 Halifax Regional Council 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_____.

Municipal Clerk

Proposed Amendments to the Regional Centre Land Use By-law

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

1. Amend Clause 499 (90.5)(a) by inserting the following words indicated in **bold**: “and bonus zoning public benefits calculation” immediately after the words “for the purpose of FAR calculation” and before the comma as follows:

(90.5) Floor Area means:

- (a) for the purposes of a FAR calculation **and bonus zoning public benefit value calculation**, the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:

2. Amend Clause 499 (90.5)(b) by inserting the following words indicated in **bold**: “and bonus zoning public benefits calculation” immediately after the words “for the purposes other than FAR calculation” and before the comma as follows:

- (b) for the purposes other than a FAR calculation **and bonus zoning public benefit value calculation**, the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:

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 Halifax Regional Council 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____.

Municipal Clerk

Attachment C – Plan Amendment Applications 2017 – Sept., 2022

Table 1: Plan Amendment Cases that received a decision from 2017-present, by type of application/development

Application/development type	2017	2018	2019	2020	2021	2022*	Total
Comprehensive Development		1	5		2	1	9
HRM Initiated		3	3	2	2	2	12
Individual site	6	16	13	6	5	2	48
Plan Review						1	1
Planned Neighbourhood Development		2	1		2	3	8
Total	6	22	22	8	11	9	78

**2022 is January 1st, to September 9th only*

Tale 2: Plan Amendment Cases that received a decision from 2017-present, by district

District	2017	2018	2019	2020	2021	2022*	Total
No district		1	1	1	2		5
District 1		3	1			1	5
District 2			1		1		2
District 3	1	1					2
District 4		1	1	1	1		4
District 5		1					1
District 6		1		2		1	4
District 7	1	2	5		2	1	11
District 8	1	2	3	1			7
District 9	1	1	3		1		6
District 10		1	1	1	2	1	6
District 11		3	2	1		1	7
District 12	1					1	2
District 13		1	2				3
District 14		1			1	1	3
District 15		1					1
District 16	1	2	1	1	1	1	7
Districts 1, 3, 5, 6			1				1
Districts 10 & 16						1	1
Total	6	22	22	8	11	9	78

**2022 is January 1st, to September 9th only*

Table 3: Plan Amendment Cases that received a decision from 2017-present, by proposed land use

Proposed Land Use	2017	2018	2019	2020	2021	2022*	Total
Residential	1	8	3	3	5	2	22
Commercial	3	2	2			1	8
Industrial		3	1	1			5
Institutional	1		1				2
Mixed Use (Residential/ Commercial)	1	8	11	3	3	5	31
Mixed Use (Residential/ Institutional)			1				1
Mixed Use (Residential/ Commercial/ Institutional)					1		1
Mixed Use (Commercial/ Industrial)						1	1
N/A		1	3	1	2		7
Total	6	22	22	8	11	9	78

**2022 is January 1st, to September 9th only*

Notes: The list of applications was gathered from council records, the Urban Enabled/Rural team tracking sheet, and the most recent active application tracking sheet from the Urban policy group.

If applications had not gone to council and were missing from these tracking sheets, they would not be included.

Not all cases have information on "case open" dates available, the date listed was taken from whatever documentation was available for the application, either:

- the date the case was opened in the Active Application tracking sheet or Planning Case Checklist;
- the date on the application form, application cover letter, or letter of acknowledgement; or
- in the case of council-initiated plan amendments, the initiation date.

Some applications return to council multiple times, the date listed would be the most recent council decision date on the application with that case number.

In many instances, plan amendment applications are complex, include many components, and the scope can change over the course of the application.