

HALIFAX

P.O. Box 1749
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Item No.

Harbour East – Marine Drive Community Council
January 11, 2024
North West Community Council
January 15, 2024
Halifax and West Community Council
January 16, 2024

TO: Chair and Members of Halifax and West Community Council
Chair and Members of Harbour East – Marine Drive Community Council
Chair and Members of North West Community Council

SUBMITTED BY:


Jacqueline Hamilton, Executive Director of Planning and Development

DATE: October 23, 2023

SUBJECT: Case 2023-01049: Suburban Planning Area Land Use By-law amendments to Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

ORIGIN

Staff initiated.

LEGISLATIVE AUTHORITY

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

HRM Charter S. 245A (7) Where the Council has agreed to accept money in lieu of a contribution under this Section, the agreed upon amount is a first lien on the land being developed and may be collected in the same manner as taxes.

RECOMMENDATION

Harbour East – Marine Drive Community Council

It is recommended that the Harbour East – Marine Drive Community Council:

1. Give First Reading to consider approval of the proposed amendments to applicable Land Use By-laws as set out in Attachment A, and schedule a public hearing to be held concurrently with North West Community Council and Halifax and West Community Council;

2. Adopt the amendments to the Land Use By-laws within its jurisdiction, as set out in Attachment A.

North West Community Council

It is recommended that the North West Community Council:

1. Give First Reading to consider approval of the proposed amendments to applicable Land Use By-laws as set out in Attachment B, and schedule a public hearing to be held concurrently with Harbour East -Marine Drive Community Council and Halifax and West Community Council;
2. Adopt the amendments to the Land Use By-laws within its jurisdiction, as set out in Attachment B.

Halifax and West Community Council

It is recommended that the Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendments to applicable Land Use By-laws as set out in Attachment C, and schedule a public hearing to be held concurrently with Harbour East – East Maring Drive Community Council and North West Community Council;
2. Adopt the amendments to the Land Use By-laws within its jurisdiction, as set out in Attachment C.

BACKGROUND

Incentive or bonus zoning has been in effect in the Regional Centre since the adoption of the Regional Centre Plan (Centre Plan) in 2019. Property owners applying for plan amendment applications within the Regional Centre are required to provide cash-in-lieu payment to the municipality for a required public benefit prior to the issuing of a development permit, or as specified in the incentive or bonus zoning agreement.

Interim bonus zoning policies and regulations for suburban plan amendment applications (Namely, properties outside of the Regional Centre in the Urban Service Boundary or Future Serviced Communities) were adopted in 2023. Similar to the provisions in the Centre Plan, applicants are required to provide cash-in-lieu payment to the municipality for any required public benefit prior to the issuing of a development permit, or as specified in the incentive or bonus zoning agreement.

Concerns have been raised by applicants that financing the required cash-in-lieu payment amount can be difficult prior to the application for a development permit. Lenders can be hesitant to finance the required amount at this stage of the development process, due to the uncertainty on whether they can recuperate the costs of the loan prior to development approval by the Municipality.

In 2022, the Province of Nova Scotia passed Bill 137 which provided additional enforcement powers to the Municipality for the collection of money-in-lieu. This, along with the new online permitting system, provides an opportunity to update HRM land use by-laws to provide additional flexibility and defer payment to the certificate of occupancy stage.

Regional Centre LUB

There is a separate report addressing this matter in the Regional Centre. Staff have initiated housekeeping package of land use by-law amendments in the Regional Centre Land Use By-Law, staff will recommend that the deadline for payment be moved to the certificate of occupancy stage (Case 2023-00462).

Suburban Area LUBs

While the new interim bonus zoning regulations in the Suburban Areas is at the early stages of implementation, staff have already heard similar concerns being brought forward by applicants. For this reason, municipal staff is recommending an amendment to the interim bonus zoning requirements to defer payment to before the applicant receives their certificate of occupancy, which is the subject of this report.

Regional Plan

Policies S-30 and CH-18 of the Regional Plan provide guidance to Council to adopt incentive or bonus zoning to further housing affordability, social inclusion, and the preservation of heritage buildings. Policies G-16A to G16G enable and set out the guidelines for incentive or bonus zoning for site specific amendments to the Regional Plan or existing secondary municipal planning strategies. The proposed amendment is in line with the above-mentioned policies of the Regional Plan as well as in accordance with Policy G-14A which requires any proposed LUB amendment to be assessed against the objectives, policies and actions of the municipality's priorities plans.

New Charter Provisions

The proposed amendment is in line with Subsection 245A (1) of the *HRM Charter* which states where a municipal planning strategy so provides, a land-use by-law may provide for incentive or bonus zoning agreements. Section 245A does not set out when in the development process the municipality must collect any required money in-lieu or on-site public benefit, but in the current land use by-law bonus zoning payments of money-in-lieu are due at the development permit stage. With the new ability under the HRM Charter to place the cash-in-lieu as the first lien on the property and collect it in the same manner as outstanding taxes, staff recommend that the collection can occur at the certificate of occupancy because any owed money-in-lieu can be collected in the same manner as outstanding taxes.

DISCUSSION

Attachments A, B and C contain the proposed Land Use Bylaw amendments that would allow applicants who are going through a plan amendment process and are required to provide bonus zoning public benefits, to delay the payment to the occupancy certificate stage.

The proposed amendments will enable future applicants to provide the required public benefit contribution at a time that is more in-line with the financing options during the development process. It is the intent of the proposed amendments to better align municipal processes with the development process.

The proposed amendments will result in some delay in collecting the required public benefit payments, but, as outlined within the HRM Charter, if the applicant does not pay the required amount not only can the municipality withhold the occupancy certificate it may place the owed money-in-lieu as a first lien on the property. Should Council amend the regulations to change the final payment date of public benefit contribution, the applicant can still choose to submit the payment earlier.

Proposed LUB Amendments

The proposed LUB amendments, as laid out in Appendix A, B, and C would amend each of the 11 affected LUBs to change the collection date for money-in-lieu from prior to the development permit being issued to prior to the certificate of occupancy being issued.

The proposed amendments will provide for a consistent application across the planning areas, and align Land Use By-laws with the *Halifax Charter* permissions. Therefore, staff recommend that the Community Councils of Halifax and West, Harbour East – Marine Drive, and North West approve the proposed LUB amendments.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the 1997 Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments. The community engagement included information on the municipal website with information regarding the amendment, stakeholders' feedback, and a public hearing by the Community Councils of Halifax and West, Harbour East – Marine Drive, and North West before the corresponding Community Council can consider approval of the proposed LUB

amendment. Should Community Councils decide to proceed with a public hearing on this application, the HRM website will be updated to indicate notice of the public hearing date.

Staff investigated the option of a holding a joint hearing for the proposed amendments, but under Subsections 222(1) and (1A) of the HRM Charter it is only permitted to hold a jointly hosted hearing by multiple community councils if the amendment is related to an intermunicipal planning strategy. This is a land use by-law only amendment and therefore, it does not meet the requirements of the HRM Charter.

FINANCIAL IMPLICATIONS

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, and other programs.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A: Proposed Amendments to the Land Use By-laws for Cole Harbour/Westphal; Dartmouth; Eastern Passage/Cow Bay; and the North Preston, Lake Major, Lake Loon, Cherry Brook, and East Preston (Harbour East – Marine Drive Community Council)

Attachment B: Proposed Amendments to the Land Use By-laws for Beaver Bank, Hammonds Plains, and Upper Sackville; Bedford; Cole Harbour/Westphal; Dartmouth; Halifax Mainland; North Preston, Lake Major, Lake Loon, Cherry Brook, and East Preston; Sackville; Sackville Drive; and Timberlea/Lakeside/Beechville (North West Community Council)

Attachment C: Proposed Amendments to the Land Use By-laws for Beaver Bank, Hammonds Plains, and Upper Sackville; Halifax Mainland; Planning District 5 (Chebucto Peninsula); and Timberlea/Lakeside/Beechville (Halifax and West Community Council)

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: Brendan Lamb, Planner II, 902-476-1699

ATTACHMENT A

PROPOSED AMENDMENTS TO THE LAND USE BY-LAWS FOR COLE HARBOUR/WESTPHAL; DARTMOUTH; EASTERN PASSAGE/COW BAY; AND NORTH PRESTON, LAKE MAJOR, LAKE LOON, CHERRY BROOK, AND EAST PRESTON

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

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

1. Section 1 of Appendix G is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- a) Deleting the colon “:” immediately following the word “issued”;
- b) Deleting the parentheses and letter “(a)” before the word “where”;
- c) Deleting the semicolon and word “; or” following the word “Office”; and
- d) Adding a period “.” Following the word “Office”; and
- e) Deleting clause 5(b)

as shown in bold and strikeout below:

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.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix G is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking out the colon “:” and substituting “prior to the

certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**:
 - (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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

Proposed Amendment to the Land Use By-law for Dartmouth

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

1. Section 1 of Appendix A is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix A is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix E is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikethrough below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix E is amended as shown in **bold** and ~~strikethrough~~ by repealing Clause 10 (a) and 10 (b) and striking out “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

- (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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

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

BE IT ENACTED by the Harbour East – Marine Drive Community 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. Section 1 of Appendix F is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix F is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking out “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

- (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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

ATTACHMENT B

PROPOSED AMENDMENTS TO THE LAND USE BY-LAWS FOR BEDFORD; DARTMOUTH; SACKVILLE; SACKVILLE DRIVE; BEAVER BANK, HAMMONDS PLAINS, AND UPPER SACKVILLE; HALIFAX MAINLAND; NORTH PRESTON, LAKE MAJOR, LAKE LOON, CHERRY BROOK, AND EAST PRESTON; AND TIMBERLEA/LAKESIDE/BEECHVILLE

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

BE IT ENACTED by the North West Community 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. Section 1 of Appendix E is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikethrough below:

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.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix E is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking out “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**:

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

Proposed Amendment to the Land Use By-law for Bedford

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

1. Section 1 of Appendix G is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix G is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the _____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this _____ day of _____, A.D., 20_____.

Municipal Clerk

Proposed Amendment to the Land Use By-law for Dartmouth

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

1. Section 1 of Appendix A is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix A is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix A is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix A is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the _____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this _____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix F is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix F is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

- (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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

Proposed Amendment to the Land Use By-law for Sackville

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

1. Section 1 of Appendix C is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix C is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the _____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this _____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix D is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix D is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the _____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this _____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix E is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix E is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

ATTACHMENT C

PROPOSED AMENDMENTS TO THE LAND USE BY-LAWS FOR BEAVER BANK, HAMMONDS PLAINS, AND UPPER SACKVILLE; HALIFAX MAINLAND; PLANNING DISTRICT 5 (CHEBUCTO PENINSULA); AND TIMBERLEA/LAKESIDE/BEECHVILLE

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

BE IT ENACTED by the Halifax and West Community 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. Section 1 of Appendix E is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:
 - (ea) **CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;**

2. Section 5 is amended by:
 - (a) Deleting the colon “:” immediately following the word “issued”;
 - (b) Deleting the parentheses and letter “(a)” before the word “where”;
 - (c) Deleting the semicolon and word “; or” following the word “Office”;
 - (d) Adding a period “.” Following the word “Office”; and
 - (e) Deleting clause 5(b)as shown in bold and strikeout below:
 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. ~~;~~
 - ~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:
 - 5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.**

4. Subsection 10(a) of Appendix E is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**:

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix A is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix A is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking outing “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

~~(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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix D is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix D is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking out “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

- (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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk

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

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

1. Section 1 of Appendix E is amended by adding a new clause 1(ea) after 1 (e) as shown below in **bold**:

(ea) CERTIFICATE OF OCCUPANCY means an occupancy permit as issued pursuant to B-201, the *Building By-law*, and the *Nova Scotia Building Code Act*;

2. Section 5 is amended by:

- (a) Deleting the colon “:” immediately following the word “issued”;
- (b) Deleting the parentheses and letter “(a)” before the word “where”;
- (c) Deleting the semicolon and word “; or” following the word “Office”;
- (d) Adding a period “.” Following the word “Office”; and
- (e) Deleting clause 5(b)

as shown in bold and strikeout below:

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. ~~;~~

~~(b) — until the full amount of the money in lieu is paid to the Municipality or as specified in the applicable development agreement.~~

3. Section 5A is inserted immediately following section 5 as shown in bold below:

5A. Subject to section 3, no certificate of occupancy shall be issued until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

4. Subsection 10(a) of Appendix E is amended as shown in **bold** and ~~strikeout~~ by repealing Clause 10 (a) and 10 (b) and striking out “:” and substituting “prior to the certificate of occupancy being issued or as specified in the applicable development agreement”:

10. Any required public benefit shall be completed by the applicant **prior to certificate of occupancy being issued or as specified in the applicable development agreement.**

- (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.~~

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., 20_____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20_____.

Municipal Clerk