

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

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

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

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

Short Title

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

Interpretation

2. In this Administrative Order,

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

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

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

(d) “non-profit organization” means a

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

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

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

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

(v) registered Canadian charitable organization;

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

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

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

Purpose

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

Roles and Responsibilities

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

Expenditure of Incentive or Bonus Zoning Funds

5. Under a land use by-law other than the *Regional Centre Land Use By-law*, money-in-lieu may be accepted for contributions for the following:

- (a) affordable housing;
- (b) the conservation of a registered heritage building;
- (c) the acquisition or improvement of municipal parks;
- (d) affordable community or cultural indoor space; or
- (e) public art.

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

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

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

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

8A. Subject to section 12, monies that have been collected through incentive or bonusing zoning

outside the Regional Centre shall only be used for projects or properties located outside the Regional Centre but within the Urban Service Boundary.

Affordable Housing

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

Conservation of Registered Heritage Buildings

- 10. Funds expended for the conservation of a registered heritage property shall only be used for:
 - (a) enhancing the regularly budgeted funds used to provide grants to registered heritage buildings under Administrative Order 2014-002-ADM, the *Heritage Incentive Program Administrative Order*;
 - (b) conserving or acquiring Municipally owned registered heritage properties; or
 - (c) Repealed;
 - (d) the conservation of a building within a heritage conservation district that is not located on the development site;
 - (e) the conservation of a registered heritage building that is not located on the development site; or
 - (f) any combination of clauses a, b, d, and e.

Improvements to Municipal Parks

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

Affordable Community or Cultural Space

- 13. Funds expended for affordable community or cultural space shall only be used for:
 - (a) grants to a non-profit organization to construct or rehabilitate facilities used for community and cultural purposes, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, daycare uses, and other social services;
 - (b) the construction or rehabilitation of Municipal facilities used for community and cultural purposes such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, daycare uses, and other social services; or

- (c) any combination of clauses a and b.
14. Requests for grants by non-profit organizations under clause 13(a), must be:
- (a) reviewed for consistency with applicable Municipal policies, plans, and strategies; and
 - (b) include the following information:
 - (i) the amount of financial assistance requested,
 - (ii) the purpose for the requested financial assistance and how it relates to applicable Municipal policies, plans, and strategies,
 - (iii) proof of non-profit status,
 - (iv) articles of incorporation, including its mission statement,
 - (v) complete financial statements, including itemized revenues, expenses, assets and liabilities for the prior three (3) fiscal years, or if the non-profit organization has not been incorporated for the prior three fiscal years, the number of fiscal years the organization has been incorporated,
 - (vi) a five-year operating and capital budget in the form to be provided by the Municipality, and
 - (vii) a statement identifying any other municipal, provincial, or federal government funding, including indirect or in-kind assistance with documentation to support the monetary value of assistance or a clear description of same.

Public Art

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

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

Mayor Mike Savage

Phoebe Rai, Acting Municipal Clerk

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

Phoebe Rai, Acting Municipal Clerk

Notice of Motion:
Approval:

September 1, 2020
September 30, 2020

Amendment #1

Repealed clauses 9(c), and 10(c)
Added clauses 9(d)(e), and 10 (d)(e)(f)
Amended section 11

Notice of Motion:
Approval:

December 14, 2021
January 11, 2022

Amendment #2

Added Section 5
Amended Sections 6 & 12

Notice of Motion:
Approval:

October 17, 2023
November 14, 2023