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**Item No. 9.1.3**  
**Audit & Finance Standing Committee**  
**November 18, 2015**

**TO:** Chair and Members of the Audit & Finance Standing Committee

Original Signed

**SUBMITTED BY:**

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Bob Bjerke, Chief Planner and Director, Planning & Development

**DATE:** September 17, 2015

**SUBJECT:** **Expanded Scope of Planning & Development Studies - Land Use By-Law Simplification Phase I**

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**ORIGIN**

Strategic Initiative 1.05 (b) – review and consolidate the regulatory frameworks for its strategies and by-laws – included in the approved 2015-16 Planning and Development Business Plan.

**LEGISLATIVE AUTHORITY**

Halifax Charter, section 120(6) - The Municipality may maintain other reserve funds for such purposes as the Council may determine;

Administrative Order 2014-01 5-ADM: Reserve Funding Strategies

**RECOMMENDATION**

It is recommended that the Audit & Finance Standing Committee recommend that Regional Council:

Approve a new multi-year Planning & Development strategic study, Land Use By-Law Simplification, Phase I – Background Studies, to be funded from the Strategic Studies Reserve, Q330, at a cost of \$120,000, as described in the Financial Implications section of this report.

## **BACKGROUND**

A total of 22 Land Use By-laws and 21 Municipal Planning Strategies currently govern HRM. The majority of these by-laws were adopted prior to the 1996 amalgamation, and as such are in a variety of formats, utilizing different definitions, policies, and processes to regulate land use and development.

HRM's large number of land use by-laws has created administrative issues both in terms of the resources required to keep multiple documents updated and maintained, as well as the confusion created through inconsistent definitions, methods of measurement, and nuances as to how regulation is applied. . Many of the by-laws are also relatively antiquated in their rules specific to built-form or land use, as they are reflective of the era in which they were originally authored – in some cases some 40+ years ago.

While these by-laws and plan documents exist with the intent of implementing the goals of the overarching Regional Plan, there is no requirement that they be consistent with each other. Since amalgamation, updates of these by-laws have been inconsistent and typically completed in association with site specific amendments, leaving each document in a unique state of repair and applicability

According to the Strategic Studies Reserve (Q330) business case, to initiate a new project, a project charter must be submitted to the Business Unit Director for approval, then reviewed by the Director of Finance & ICT for recommendation to the Chief Administrative Officer and Regional Council. Funding from the Strategic Studies Reserve will be allocated for costs incurred in achieving the approved charter deliverables in scope, on a cost recovery basis to the Business Unit's operating budget. This report is a request to initiate a new Planning & Development strategic study, as described below and in the Project Charter (Attachment 1).

## **DISCUSSION**

Staff believe that a simplification of the existing by-law regulatory framework is needed in order to ensure these important documents accurately reflect our existing region-wide governance structure and the goals outlined within the Regional Plan. In speaking with a number of other municipalities that have recently undertaken similar projects, it is clear that the amount of work associated with this project will be substantial given the technical nature of the documents and potential for unintended consequences, if care and attention is not given to each individual change. Resources were previously devoted to the initial work of creating a Regional Land Use By-law in the mid to early 2000's. While this project was ultimately never seen through to Council adoption, some of the work completed with regard to normalizing definitions, and standardizing low density residential zone regulations (i.e.: the R-1 Zone) would serve as a useful foundation for the project.

### **Description of Project**

There are three goals which are central to the success of this project:

1. To reduce the overall number of land use by-laws in existence in an effort to simplify the way land use is regulated in the Halifax region;
2. To reconstitute, consolidate and simplify zones and definitions within the plan areas of Halifax in an effort to create more consistency and clarity in the development rights and processes required in the planning process; and
3. To modernize processes, uses, and other land use by-law regulation in an effort to position Halifax as a leader in the area of planning and development in Canada.

### **Benefits of the Project**

To Residents – A clear, consistent, and legible set of Land-use By-laws and Municipal Planning Strategies would allow residents to have a better understanding of what they can do on their properties and what can develop around them

To Developers – In addition to having their applications processed faster, given the reduced needs for upkeep and maintenance of multiple by-laws, more consistent rules will create a simplified framework to develop within.

- To Staff – In addition to the rules of development being easier to explain to applicants and public, significant efficiencies in terms of the amount of staff resources required for the ongoing upkeep and maintenance of land use by-laws could also be expected.
- To Halifax – A modern set of rules that allows a better understanding of how the city will grow and facilitates development in an increasingly clear and transparent manner.

In summary, the project will lead to clearer rules for property owners, better customer service and an improved business climate. The By-Law Simplification project supports Council's `Business Success` as well as their `Economic Environment` priority. In addition, the project would strengthen the Service Excellence administrative pillar.

### **Proposed Scope of Work**

Future By-Laws could be grouped in a number of different manners ranging from geographic areas, watersheds, Councillor districts, Community Council boundaries, or others. The process of standardizing definitions and zones could be easier when the street layouts, built-form, and communities share more commonalities. It may also be advantageous for the land use by-law framework to reflect the spatial divisions anticipated in updated / simplified secondary planning documents. In short, there are dozens of considerations to be given regarding how best to create new planning regulation which achieves the goals desired by Council and their communities. As such, staff recommend a prudent first course of action would be to seek the assistance of a third party who has previously completed a project of this nature to both provide an assessment of the current state of the by-laws, as well as to assist in plotting a way forward while accounting for any potential risks of pitfalls within the process.

To this point, staff has created a project charter for the by-law simplification process which outlines the high-level steps involved in updating the existing documents through several phases and over the course of a number of years. Between now and the end of the fiscal year, it is proposed that a consultant be used to provide a review of best-practices from other Canadian municipalities that have undertaken a similar project, review the high level scope that has been created by staff while filling in gaps as they are identified, and recommend a layout/format in light of the best practice research completed which would indicate how new documents would be formatted so as to ensure a legible and easily updated document. A second phase of consultancy work would then provide recommendations as to what geographic boundaries to use to separate by-laws, provide a review and assessment of inconsistencies within the existing framework, and aid in developing a strategy for communicating and training people both internal and external to City Hall on these changes.

### **FINANCIAL IMPLICATIONS**

Phase I of the project is expected to cost \$120,000, funded by the Strategic Studies Reserve, Q330. The funds will be transferred to Planning & Development operating cost centre C320.

### **COMMUNITY ENGAGEMENT**

Community engagement is expected to be carried out in the latter part of the project (beyond year-one) as concrete solutions are being developed. In year-one (Phase 1), the ways, means and timing for the engagement will be identified

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications of Land Use By-Law Simplification, Phase I – Background Studies.

### **ALTERNATIVES**

None.

**ATTACHMENTS**

Attachment A –Land Use By-Law Simplification, Phase I – Background Studies Project Charter

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Report Approved by: Original Signed  
Bob Bjerke, Chief Planner and Director, Planning & Development, 902 490 1627

Financial Approval by: Original Signed  
Amanda Whitewood, Director of Finance & ICT/CFO, 902 4906308

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**Attachment A**

**Land Use By-Law Simplification, Phase I – Background Studies Project Charter**

**STRATEGIC STUDIES PROJECT CHARTER**

<b>PROJECT NAME:</b>	Land Use By-Law Simplification, Phase I – Background Studies
<b>PREPARED BY:</b>	Carl Purvis & Andre MacNeil
<b>DATE:</b>	September 17, 2015

Version	Date	Reason for Update / Sponsor’s Signature for Approval
1.	Sep.17,2015	Initiation
2.		

**PROJECT DELIVERABLES:**

*(What does success look like? What questions does the study need to answer to fulfill its mandate? What are the product outcomes? )*

#	Question To Be Answered by Phase 1 of the Study
1.	How has By-law simplification successfully been done in other cities?
2.	How will geo-demographic features of the Halifax region influence our By-law simplification? How should consistencies and inconsistencies (between existing by-laws) be considered to minimize changes in property owner rights, as a result of the By-law simplification?
3.	What resources are required for the By-law work and in what time frame can the work be done. What training, education and communications are required to support staff, the development community and the public during the project?

## PROJECT DESCRIPTION / SCOPE:

*(What value does the study add to the organization? What factors determine in or out of scope?)*

### Scope:

Phase I will determine the strategy and overall Land Use Bylaw project scope and workplan moving forward. In cooperation with Planning and Development staff, a consulting firm will in Phase I:

- a. Review best practices and analyse case studies,
- b. Conduct a S.W.O.T analysis,
- c. Develop a layout/format template
  - with consideration of mapping, interactive and on-line features, Review and analyse current HRM LUB's
  - including the consistencies/inconsistencies between zones,
- d. Analyse geographic boundaries and the implications of demographics, settlement patterns, built form and traditional industries,
- e. Recommend an engagement strategy for the project, and
- f. Recommend a training strategy for internal and external stakeholders.
- g. The information gathered in Phase I and II of the project will allow P&D staff to develop a multi-year work plan to carry-out the required By-Law simplification work moving forward.

### Guiding Principles:

- Develop an updated, easy to use set of land use by-laws for HRM with an aim towards reducing the overall number of existing documents;
- Recognize and retain wherever possible existing development and property rights and the unique characteristics of diverse HRM communities;
- Harmonize and update definitions, provisions and standards using plain language wherever possible;
- Develop an interactive web-based and publicly accessible land use by-law.
- Implement a comprehensive stakeholder engagement program;

<b>REGIONAL COUNCIL DIRECTIVE / PRIORITY OUTCOME:</b> <i>(Which Council Motions or Strategic Initiatives will the Study address?)</i>
<b>Business Success: Focus on removing obstacles to business development.</b>
<b>Economic Environment: Stakeholder engagement and cooperation to support and improve HRMs economic environment.</b>

<b>FINANCIAL IMPLICATIONS:</b> <i>(Project Manager is required to submit quarterly financial projections to the Director of Finance &amp; ICT)</i>	
<b>Total Cost of Study</b>	\$120,000
<b>Expenditures by Fiscal Year</b>	<b>Year 1</b> \$60,000 (2015-16)
	<b>Year 2</b> \$60,000 (2016-17)
	<b>Year 3</b>
	<b>Year 4</b>
<b>SAP Cost Centre(s)</b>	C320
<b>Assumptions</b>	<ul style="list-style-type: none"> <li>• The new By-law framework will be consistent with, and aid in the implementation of, the Regional Plan,</li> <li>• There will be overlap with the Centre Plan process and a need to coordinate. There is a geographic and demographic difference between urban, suburban and rural communities in the Halifax region that should be reflected in the new LUBs,</li> <li>• The document will improve the legibility of the By-laws,</li> <li>• MPS amendments will be a requirement of the overall project,</li> <li>• The project will utilize consultants (especially in the first year),</li> <li>• Staff will require specialized training during the project and afterwards for implementation.</li> </ul>

<b>PROJECT TIMELINE:</b> <i>(Project Manager is required to submit quarterly milestones' status update and impact to Study's End Date to the Director of Finance &amp; ICT)</i>			
<b>Start Date:</b>	October 2015	<b>End Date:</b>	June 2016
<b>Milestones</b> <i>(What action or product needs to occur to reach each milestone? Include any Procurement timelines.)</i>			<b>Completion Date</b>
Hire consulting firm to gather background information and advise on project approach			November 2015

Confirm scope of work and workplan for Phase II of the project and confirm/request necessary resources.	June 2016

**Next Steps:**

*(What actions are expected once the Study is complete? What areas of public service may be impacted? Is there a hand-off to a process owner or implementation plan?)*

The information gathered in Phase I of the project will allow P&D staff to develop a multi-year work plan to carry-out the required By-Law simplification work moving forward.

**PROJECT TEAM / STAKEHOLDERS:**

*(Including external contributors, other Business Units to be operationally impacted by the Study results, and administrative support Business Units)*

<b>Name</b>	Regional Council	<b>Role</b>	Approve the LUB's
<b>Name</b>	Planning Advisory Committees & Community Councils	<b>Role</b>	Advice on preparation of planning docs and planning matters
<b>Name</b>	Legal Services	<b>Role</b>	Document format, legal implications & risk mgmt
<b>Name</b>	Corporate Real Estate	<b>Role</b>	Advise on HRM impacts (as land owner/developer)
<b>Name</b>	Halifax Water	<b>Role</b>	Implications of changes in land uses
<b>Name</b>	Development Industry	<b>Role</b>	Impacts of by-law simplification
<b>Name</b>	Community Associations/Public	<b>Role</b>	Engagement/education

**PROJECT COMMITMENT:**

The Charter documents the formal conversation between the Project Sponsor and Project Team.

The agreement communicates the high-level lifecycle of the project, including the definition of success and resource requirements.

<b>PROJECT MANAGER</b>	Carl Purvis
<b>PROJECT SPONSOR</b> (Business Unit Director)	Bob Bjerke
<b>DIRECTOR OF FINANCE &amp; ICT</b> (approval for Q330 funding)	Amanda Whitewood