

Item No. 11.1.2
Halifax Regional Council
February 11, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: December 27, 2013

SUBJECT: **Case 19507: Amendments to the Regional Subdivision By-law**

ORIGIN

Staff

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter – Part IX “Subdivision”

RECOMMENDATION

It is recommended that Halifax Regional Council:

- 1) Authorize staff to initiate a process to consider amendments to the existing Regional Subdivision By-law, or as amended, and any associated planning documents, policies, and regulations of HRM to review and provide clarification on those items identified in this report; and
- 2) Request that staff follow the public participation program as contained in Attachment A of this report.

BACKGROUND

In 2006, Regional Council adopted a Regional Subdivision By-law (By-law) to replace the four by-laws regulating subdivision in the four former municipal units (Dartmouth, Halifax, Bedford and County of Halifax) which was finalized concurrent with the completion of the Regional Plan. The By-law is a general harmonization of all former regulations and serves to standardize the subdivision process across HRM. Since 2006, Regional Council has approved amendments to the By-law that focused mainly on parkland dedication for small scale subdivisions, the implementation of Infrastructure Charges, and changes to the Service Requirement Map (for the provision of water and central services). Staff and the development industry are now recommending that further amendments be made to the By-law which would serve to clarify and improve the subdivision approval process. This report identifies the aspects of the By-law which have been identified for review.

Development Industry Topics:

To receive initial input from the Development Industry, staff has met with the Development Liaison Group (DLG). This group has been active in HRM for many years and has a mandate to develop and maintain business processes, business practices and legislation which facilitates the design and construction of safe, affordable development throughout HRM and focuses on the impact to our “common clients”, the owners and users of buildings. In discussions with the DLG, a number of topics have been identified for review as follows:

- 1) LED Streetlights: Review HRM standards, fees, and processes for LED streetlights and consider best practices of other municipalities;
- 2) Audit Inspections: Presently, HRM collects and audit inspection fee equal to 2% of the estimated costs of subdivision construction. Staff wishes to review the amount of the fee to determine it is appropriate or excessive for all situations;
- 3) Parkland Dedication: Review parkland dedication requirements required for all types of development and contexts and the need for clarification between Parkland vs. Conservation Land;
- 4) Utility Companies: Review the role of utility companies, including Heritage Gas, in the subdivision approval process;
- 5) Street trees and landscaping requirements: Due to damages that occur during home construction, review best practices and consider the appropriate timing and installation of trees and landscaping in new subdivisions; and
- 6) Warranty Security: Consider extending warranty security for new HRM infrastructure due to performance and damage that occurs after the current one year period.

HRM Topics:

In addition to the topics raised by the DLG, HRM staff has also reviewed the By-law and identified general housekeeping amendments to provide clarification, ensure accurate references, and to correct oversights that arisen since its adoption in 2006. In addition to these amendments, staff has also identified the need to review existing subdivision fees. A review of development-related fees is presently being undertaken by the Greater Halifax Partnership on behalf of HRM

and suggestions for changes to fees, based on charges in other jurisdictions, best practices and fees for service, will inform that aspect of the amendments.

DISCUSSION

The Regional Plan identifies and supports the need for monitoring and review of the Plan and development regulations associated with it, such as the Regional Subdivision By-law. At present, Council and staff are nearing the end of the review process for the Regional Plan, known as RP+5, which will include a re-adoption of the Regional Subdivision By-law but without a material review of the document's content. Initially, staff sought to review the Regional Subdivision By-law in conjunction with the RP+5 process, however, adequate staff resources did not exist to support such an exercise.

Review Scope

Staff has met with the DLG and conducted its own internal review, which identified the key topics for improving the processing of subdivision applications as listed in this report. Therefore, staff recommends that Council initiate a topic-based review of the Regional Subdivision By-law based upon the topics identified in this report. A topic-based review would focus discussion by the development industry, the public, and staff to the key issues. Staff suggest that such a review would allow for an efficient exercise and minimize the amount of time required to complete the process.

The purpose of these amendments is to make improvements to certain aspects of the subdivision approval process throughout HRM. The Regional Subdivision By-law is the regulatory tool for processing subdivision applications but does not achieve this service in isolation as it is supported by various municipal policies (Regional Plan), by-laws (Fees By-law), and procedures. Therefore, Council may be required to amend other municipal documents to address or implement proposed changes to the Regional Subdivision By-law.

Public Participation Program

The standard HRM public participation program requires staff to consult with the public a minimum of one time for proposed policy and regulatory amendments and discretionary approvals which are site specific to a property or area. However, the proposed topic for amendments to the Regional Subdivision By-law would impact all subdivision activity throughout HRM and therefore, the standard public participation program of 1997 is not appropriate. To ensure the public participation program is reflective of the scope of the proposed amendments and consistent with the intent of HRM's Community Engagement Strategy, staff recommends that Council adopt a public participation program specific to this initiative as follows:

- a minimum of one public consultation session within each of the three administrative regions of HRM (eastern, western, and central);
- the use of HRM's website to provide information to the public and industry on the topics;
- the use of an on-line survey; and
- consultation with the DLG.

Attachment A defines the proposed public participation program for this initiative.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Staff will consult with the public and industry stakeholders in accordance with the proposed public participation program in Attachment A. The result of this consultation process and staff's review will be a staff report and recommendation to Council. Due to the nature and scope of the amendments, the Community and Economic Development Standing Committee will also be asked to consider this matter and to make a recommendation to Council. If Council wishes to consider adopting amendments to the Regional Subdivision By-law and other documents, it will need to hold a public hearing.

ENVIRONMENTAL CONSIDERATIONS

No implications have been identified.

ALTERNATIVES

1. Council may choose to initiate the process to amend the Regional Subdivision By-law in accordance with the public participation program contained in Attachment A. This is the staff recommendation.
2. Council may choose not to initiate the process to amend the Regional Subdivision By-law in accordance with the public participation program contained in Attachment A. In staff's opinion, this alternative would not serve to clarify or improve the subdivision approval process.

ATTACHMENTS

Attachment A: Public Participation Program for Regional Subdivision By-law Amendments

**Case 19507: Regional Subdivision
By-law Amendments
Council Report**

February 11, 2014

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Attachment A
Public Participation Program for Amendments to Regional Subdivision By-law

Purpose:

To obtain input from the development industry and the public at large on topic-based amendments to the Regional Subdivision By-law in order to clarify and improve the subdivision approval process.

Jurisdiction:

The proposed amendments to the Regional Subdivision By-law will impact subdivision activity region-wide and will require a public hearing prior to Regional Council considering the approval of any amendments. All amendments to the Regional Subdivision By-law are within the sole jurisdiction of Regional Council. To ensure the amendments are handled consistently throughout HRM, feedback and discussion by councillors will be done through Regional Council, and not Community Councils.

Process:

A region-wide program for public consultation is required to ensure the proposed topics for amendment under the Regional Subdivision By-law are presented, discussed and adopted as a comprehensive package. Steps in the process are as follows:

- Consult the general public and industry stakeholders through a minimum of three public information sessions to be held in each of the three administrative regions (Western, Central and Eastern). Staff would present the proposed topics for amendments to receive feedback and chair the meetings. Members of Community Council and Planning Advisory Committees will be notified of the meetings in their applicable area.
- Use of the HRM website to provide information to the public and development industry and receive feedback through the use of an on-line survey.
- Meetings with the Development Liaison Group to discuss the proposed topics for amendments to the Regional Subdivision By-law and the results of the public participation process.
- Conduct further review of the topics with internal and external agencies (e.g. Department of Service Nova Scotia & Municipal Relations).
- Prepare wording of proposed amendments to the Regional Subdivision By-law and other documents, where needed.
- Prepare a staff report outlining the results of the public participation process and staff's recommendation, including all required amendments, for implementing changes to the Regional Subdivision By-law.
- Present staff report to Community Planning and Economic Development Standing Committee prior to going to Regional Council.