

Attachment A (Revised)

ADMINISTRATIVE ORDER 2023-002-ADM RESPECTING PUBLIC PARTICIPATION FOR PLANNING DOCUMENTS, CERTAIN PLANNING APPLICATIONS, AND ENGAGEMENT WITH ABUTTING MUNICIPALITIES

**ADMINISTRATIVE ORDER 2023-002-ADM
RESPECTING PUBLIC PARTICIPATION FOR PLANNING DOCUMENTS,
CERTAIN PLANNING APPLICATIONS,
AND ENGAGEMENT WITH ABUTTING MUNICIPALITIES**

WHEREAS subsection 219(1) of the *Charter* requires Council to adopt, by Policy, a public participation program concerning Planning Documents;

AND WHEREAS under subsection 219(2) of the *Charter*, Council may adopt different public participation programs for different types of Planning Documents;

AND WHEREAS under subsection 219(3) of the *Charter*, the content of a public participation program is at the discretion of Council, providing it identifies the opportunities and establishes the ways and means of seeking the opinions of the public concerning the proposed Planning Documents;

AND WHEREAS Council desires to direct public participation concerning certain planning applications;

AND WHEREAS subsection 219A(1) of the *Charter* requires Council to adopt, by Policy, an engagement program for engaging with abutting municipalities when the Council is adopting or amending a municipal planning strategy;

AND WHEREAS under subsections 219A(2) and (3) of the *Charter*, subject to any regulations respecting the content of an engagement program with an Abutting Municipality, the content of an engagement program is at the discretion of the Council;

THEREFORE, BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of subsection 59(3) and sections 219 and 219A of the *Charter*, as follows:

Short Title

1. This Administrative Order may be cited as the *Public Participation Administrative Order*.

Purposes

2. The purposes of this Administrative Order are to:

(a) identify the opportunities and establish the ways and means of seeking the opinions of the public respecting proposed Planning Documents as required under the *Charter*;

(b) identify the ways and means of seeking the opinions of the public respecting certain Planning Applications; and

(c) establish an engagement program with Abutting Municipalities respecting the adoption or amendment of a Municipal Planning Strategy.

Interpretation

3. In this Administrative Order,

- (a) “Abutting Municipality” means one or more of the following municipalities, the
 - (i) Municipality of the County of Colchester,
 - (ii) Municipality of the County of Pictou,
 - (iii) Municipality of the District of East Hants,

- (iv) Municipality of the District of Chester,
- (v) Municipality of the District of St. Mary's, and
- (v) West Hants Regional Municipality;

(b) "Charter" means the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, as amended;

(c) "Council" means the Council of the Municipality;

(d) "Community Council" means the council of a community established pursuant to the *Charter*;

(e) "Executive Director" means the position determined by the Chief Administrative Officer to be the head of the department of the Municipality responsible for planning, and who is accountable to the Chief Administrative Officer under section 36 of the *Charter*;

(f) "Municipal Planning Strategy" means a municipal planning strategy, intermunicipal planning strategy, or secondary planning strategy;

(g) "Municipality" means the Halifax Regional Municipality;

(h) "Planning Advisory Committee" means a planning advisory committee created by Council or a Community Council under section 215 of the *Charter*;

(i) "Planning Application" means

- (i) a land-use by-law amendment that does not require an amendment to a municipal planning strategy, and,
- (ii) a development agreement under section 240 or 241 of the *Charter* that will be considered by Council, or a Community Council, excluding an amendment to a development agreement;

(j) "Planning Documents" means

- (i) a Municipal Planning Strategy and a land-use by-law adopted to carry out the Municipal Planning Strategy,
- (ii) an amendment to a Municipal Planning Strategy and a land-use by-law amendment to carry out the Municipal Planning Strategy amendment, and
- (iii) a subdivision by-law and an amendment to it;

(k) "Policy" means a resolution of the Council that is required, pursuant to the *Charter*, to be recorded in the by-law records of the Municipality, except where the context otherwise requires, and includes an administrative order;

(l) "Public Meeting" means a virtual or in person meeting, or a combination thereof, organized to seek the opinions of the public;

(m) "Statement of Provincial Interest" means a statement of provincial interest under the *Municipal Government Act*; and

(n) "Urban Service Area" means the area shown as the Urban Service Area on Schedule 'B' Service Requirement Map of the *Regional Subdivision By-law*, as may be amended from time to time.

Application

4. This Administrative Order applies to the adoption of all Planning Documents and Planning Applications.

5. (1) Nothing in this Administrative Order precludes Council from requiring, by Policy:

(a) a public participation program for Planning Documents that is different, or in addition to, the public participation required by this Administrative Order; or

(b) engagement with an Abutting Municipality that is different, or in addition to, the engagement required by this Administrative Order.

(2) Nothing in this Administrative Order precludes the Executive Director, or their designate, to

(a) waive the requirement for public participation for a Planning Application; or

(b) require public participation for a Planning Application that is different, or in addition to, the public participation for Certain Planning Applications set out under this Administrative Order.

(3) The *Procedures for the Development of Administrative Orders* shall not apply if Council, or a Community Council, adopts, by Policy, public participation or engagement that is different or in addition to, the public participation or engagement required under this Administrative Order.

(4) Where Council adopts, by Policy, additional or different public participation the seven (7) day notice requirement under subsection 59(1) of the *Charter* shall apply.

Requirements for Public Participation for Planning Documents and Planning Applications

6. Subject to subsections 5(1) and 5(2), the following public participation shall apply to all Planning Documents and Planning Applications:

(a) information shall be posted on the website of the Municipality respecting

(i) the location where the Planning Document or Planning Application may be viewed, including any available plans, maps, renderings, studies and other materials as appropriate and permitted by copyright and privacy laws,

(ii) the contact phone number and email address for the municipal staff person(s) responsible for the file who will answer questions from members of the public,

(iii) a comment period during which submissions and input from the public can be made, and such period shall be for at least fourteen (14) calendar days in duration, including both the day of posting and the day the comment period ends, and

(iv) information regarding any other means for participation that may be made available during the fourteen (14) day comment period, such as a public meeting or questionnaire; and

(b) where the Planning Document or Planning Application is related to:

(i) a specific property, erecting and maintaining a minimum of one (1) sign along each side of the subject property that fronts on a street and private road, and such sign shall be erected at least 10 calendar days before the public participation commences and remain on the property until Council adopts or refuses the Planning Document or Planning Application, or

(ii) a site involving multiple properties, erecting and maintaining one (1) or more notification signs in a manner determined by the Executive Director, or their designate, is best suited to notifying the public, and such sign or signs shall be erected at least 10 calendar days before the public participation commences and remain on the property until Council adopts or refuses the Planning Document or Planning Application.

Additional Public Participation for Planning Documents

7. (1) The Executive Director, or their designate, shall create a Planning and Development Engagement Guidebook.

(2) The Planning and Development Engagement Guidebook shall be reviewed and updated from time to time by the Executive Director, or their designate, and may be posted on the website of the Municipality.

8. Where a Planning and Development Engagement Guidebook has been created, the Guidebook shall be used to determine if different or additional public participation to support the review of a Planning Document.

9. If Executive Director, or their designate, determines additional or different public participation is appropriate for a Planning Document, a public participation program will be prepared for Council's consideration.

Notice of Public Meeting

10. (1) If a Public Meeting is being held as part of public participation, a notice of the Public Meeting shall be placed on the website of the Municipality for a minimum of seven (7) calendar days prior to the Public Meeting, including the day of the notice and excluding the day of the meeting.

(2) If a Public Meeting is related to a specific property or a site involving multiple properties, a notice will be sent by mail to every assessed owner and residential tenant:

(i) in the Urban Service Area, within 80 meters of the boundary of the land for which the development is proposed, or

(ii) outside the Urban Service Area, within 160 meters of the boundary of the land for which the development is proposed,

or such greater distance as may be determined by the Executive Director or their designate.

(3) The notice referred to in subsections (1) and (2) shall indicate the time, date, and location of the Public Meeting, and the location where the Planning Document or Planning Application may be viewed.

Referrals to Planning Advisory Committee

11. If a Public Meeting is held by a Planning Advisory Committee, the meeting will be held in accordance with Administrative Order 48, the *Community Council Administrative Order*.

Engagement with Abutting Municipalities

12. (1) Where Council is considering adopting or amending a Municipal Planning Strategy, staff shall notify the applicable Abutting Municipality of the adoption or amendment and, if requested, refer the proposal to the appropriate Abutting Municipality.

(2) The notice shall provide a timeline for a response to be received in order to be considered by Council, which may be the same timeline as the period for submissions and input from the public under clause 6(a).

(3) If applicable, the notice shall include topics associated with the Statements of Provincial Interests.

(4) The comments received shall be forwarded to Council in accordance with section 14.

13. The engagement with Abutting Municipality shall be completed before the first notice for a public hearing for considering a proposed adoption of, or amendment to, a Municipal Planning Strategy.

Forwarding Information Arising from Public Comment

14. For a Planning Document, a record of public comment received, any comments from the Abutting Municipality, and any staff reports respecting Public Meetings, shall be kept and provided to Council, in advance of the public hearing.

Transition

15. (1) A public participation program for a Planning Document adopted by Council before the coming into force of this Administration Order shall continue to be held in accordance with that program.

(2) This Administrative Order shall come into force on the same date as that date the Clerk posts the notice on the Municipality's website advising that the amendments to the Regional Municipal Planning Strategy, Secondary Municipal Planning Strategies, and Land Use By-laws, attached to the staff report date April 14, 2023, are in effect.

16. The public participation under section 6 shall not be required for a completed Planning Application that was received by the Municipality prior to or on the date of this Administrative Order coming into force.

Repeal

17. The *Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments* adopted by Council on February 25, 1997, and any amendments thereto, is repealed.

Mayor

Municipal Clerk