



BILL NO. 83

Government Bill

*5th Session, 61st General Assembly
Nova Scotia
62 Elizabeth II, 2013*

An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter

CHAPTER 18
ACTS OF 2013

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 10, 2013**

The Honourable John M^{ac}Donell
Minister of Service Nova Scotia and Municipal Relations

*Halifax, Nova Scotia
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**An Act to Amend Chapter 39
of the Acts of 2008,
the Halifax Regional Municipality Charter**

Be it enacted by the Governor and Assembly as follows:

1 Subsection 31A(1) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, as enacted by Chapter 41 of the Acts of 2008, is amended by adding “and the Centre Plan Area” immediately after “Area” in the second line.

2 Section 209 of Chapter 39, as amended by Chapter 41 of the Acts of 2008, is further amended by

(a) relettering clause (a) as clause (aa) and adding immediately before that clause the following clause:

(a) “affordable housing” means housing in the Centre Plan Area that meets the needs of a variety of households in the low to moderate income range;

and

(b) adding immediately after clause (aa) the following clause:

(ab) “Centre Plan Area” means the area delineated in the map in Schedule C to this Act, excluding the HRM by Design Downtown Plan Area;

3 (1) Clause 235(5)(k) of Chapter 39, as amended by Chapter 41 of the Acts of 2008 and Chapter 16 of the Acts of 2009, is further amended by adding “and the Centre Plan Area, including requirements for incentive or bonus zoning” immediately after “Area”.

(2) Section 235, as amended by Chapter 41 of the Acts of 2008, Chapter 16 of the Acts of 2009 and Chapter 16 of the Acts of 2010, is further amended by adding immediately after subsection (5) the following subsection:

(6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

4 (1) Subsection 245A(1) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding “and the Centre Plan Area” immediately after “Area” in the third line.

(2) Section 245A of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding immediately after subsection (3) the following subsections:

(4) Where the land-use by-law provides for incentive or bonus zoning agreements within the Centre Plan Area, the land-use by-law must require the

inclusion of affordable housing in a development, in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

(5) Notwithstanding subsection (4), the land-use by-law may provide that the Council may accept money in lieu of a contribution under this Section.

(6) The Municipality shall use any money accepted in lieu of a contribution under this Section for the purpose for which the money was accepted.

5 (1) Clause 246(1)(h) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding “and the Centre Plan Area” immediately after “Area” in the second line.

(2) Clause 246(3)(l) of Chapter 39, as amended by Chapter 41 of the Acts of 2008 and Chapter 16 of the Acts of 2009, is further amended by adding “and the Centre Plan Area” immediately after “Area”.

6 (1) Subsection 246A(1) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by

(a) striking out “a design review committee” in the first and second lines and substituting “one or more design review committees”; and

(b) adding “and the Centre Plan Area” immediately after “Area” in the second line.

(2) Section 246A of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding immediately after subsection (6) the following subsection:

(6A) The results of all public consultation with respect to the Centre Plan Area pursuant to clause 246(1)(h) or regulations made pursuant to clause 277A(1)(b) must be submitted to the design review committee.

7 Subsection 247(7) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding “and the Centre Plan Area” immediately after “Area” in the second line.

8 Clause 250(2)(d) of Chapter 39, as amended by Chapter 41 of the Acts of 2008 and Chapter 16 of the Acts of 2009, is further amended by adding “and the Centre Plan Area” immediately after “Area”.

9 Chapter 39 is further amended by adding immediately after Section 277 the following Section:

277A (1) The Minister may make regulations

(a) respecting the nature and extent of affordable housing to be required by subsections 235(6) and 245A(4) and the enforcement of the affordable housing requirements;

(b) with respect to the Centre Plan Area, prescribing additional requirements for public consultation that must take place prior to an application for site-plan approval being submitted to the Municipality.

(2) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

10 Chapter 39 is further amended by adding immediately after Schedule B the following Schedule:

