

HALIFAX

LAND USE BY-LAW
DOWNTOWN HALIFAX

**DOWNTOWN HALIFAX
LAND USE BY-LAW**

THIS IS TO CERTIFY that this is a true copy of the Downtown Halifax Land Use By-law which was passed by a majority vote of the Council of the Halifax Regional Municipality at a duly called meeting held on the ____ day of _____, 201__, and reviewed by **Municipal Affairs** on the ____ day of _____, 201__, and is in effect as of the ____ day of _____, 201__.

GIVEN UNDER THE HAND of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 201__.

Municipal Clerk

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PART 1: TITLE

1.1 This By-law shall be cited as the Downtown Halifax Land Use By-law.

PART 2: DEFINITIONS

2.1 In this By-law,

- (a) *accessory* means naturally and normally incidental, subordinate, and exclusively devoted to;
- (b) *accessory building* means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;
- (c) *accessory surface parking lot* means on-site, surface parking, which is not contained within a building and which is provided in support of the main use of the land;
- (d) *adult entertainment use* means a massage parlour, sex-aid shop, an adult bookstore, an adult cabaret, ~~or~~ an adult theatre, **or a combination thereof**;
- (e) *adult cabaret* means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the nude body of another person, or to observe, view or photograph any such activity;
- (f) *adult bookstore* ~~includes~~ **means** any establishment or place for the purpose of retail trade where 20% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is comprised of books, magazines, or other periodicals relating to, or portrayed as relating to, sexual activities;
- (g) *adult theatre* means a use where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence and which are either unrated or have been classified as A (Adult) by the Nova Scotia Film Classification Section of the Alcohol ~~and~~, Gaming, **Fuel and Tobacco** Division of Service Nova Scotia ~~and Municipal Relations~~;
- ~~(*) *Alcohol related establishment* means a permanent use (not subject to a temporary permit) that is licensed to serve alcohol without a meal pursuant to the Nova Scotia Liquor Control Act.~~
- (h) *alter* means to make any change in the size, shape, structure or materials of a building or any part thereof;
- ~~(*) *archaeological resources* means the areas of land shown on Map 10 Archaeological Resources attached to this By-law;~~

- ~~(*) Attached Building means a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.~~
- (i) *automated vehicle parking system* means a mechanical parking system designed to transport motor vehicles to and from parking spaces, either automatically or semi-automatically, in order to minimize the area or volume required for parking motor vehicles;
- (j) *average grade* means the average finished elevation around the perimeter of the building;
- ~~(*) Basement means a level of a building that has more than one-half of its floor-to-ceiling height below the average grade.~~
- (k) *bicycle parking, Class A* means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages;
- (l) *bicycle parking, Class B* means bicycle racks, including wall mounted varieties, which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact;
- ~~(*) Bicycle Parking, Enhanced means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers, at the rate of one for every six bicycle spaces, and clothes lockers, at the rate of one for every bicycle space.~~
- (m) *billboard* means any freestanding sign and supporting structure, maintained or used for display of advertising matter, or any advertising sign displayed in conjunction with mural artwork occupying an equal or greater surface area on a building, wall or fence;
- (n) *building includes means* any structure placed on, over, or under the land and every part of the same and *includes* any external chimney, staircase, porch, or other structure used in connection with such buildings;
- (o) *building face* means that portion of a building facade which is separated from other portions of the same facade by recesses or offsets a minimum of 0.5m in depth;
- ~~(*) building height means the vertical distance between the average grade and a horizontal plane extended across the top of the building, except as otherwise specified on Map 4, Maximum Pre-Bonus Heights and Map 5, Maximum Post-Bonus Heights;~~
- (p) *building width* means the total horizontal distance between the outermost edges of the building wall or walls facing a street or public open space;
- (q) *Canadian Geodetic Vertical Datum (CGVD2013)* means the vertical datum for Canada officially released by Natural Resources Canada (NRCan) in November 2013, or such later edition that may be released or adopted, which is a gravimetric datum defined by

the equipotential surface $W_0 = 62,636,856.0 \text{ m}^2\text{s}^{-2}$, representing by convention the coastal mean sea level for North America. Heights in terms of CGVD2013 are orthometric (H);

- (r) *central blocks* means the blocks identified on Map 8;
- (s) *commercial parking garage* means a building whose primary use is the provision of parking to the general public for a fee;
- (t) *commercial recreation use* means a building or part of a building in which a recreational activity is performed and for which a membership or instruction fee is charged, and without limiting the generality of the foregoing, shall include weight-lifting or fitness centres, boxing or racquet sport clubs, martial arts schools and dance studios;
- (u) *commercial surface parking lot* means an area of land used for the provision of parking to the general public for a fee;
- (v) *commercial use* means the use of a building for office, for the purpose of buying and selling goods, and for supplying services, or a combination thereof;
- (w) *community facility* means a building or site owned or operated by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall;
- (x) *corner lot* means a lot situated at the corner of two streets, unless such streets form an angle of greater than 135 degrees in which case such a lot shall be an interior lot;
- (y) *cultural use* means the presentation of art, motion pictures, artistic performances, musical performances, lectures, or other cultural exhibits, or a combination thereof;
- (z) *depth* means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line;
- (aa) *drive-thru* means a built form established to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle;
- ~~(*) *dwelling unit* means 1 or more rooms used or designed to be used by one or more persons as a place of abode which contains not more than one kitchen and includes but is not limited to living, sleeping and sanitary facilities;~~
- (ab) *dwelling unit* means living quarters that:
 - (i) are accessible from a private entrance, either outside the building or in a common area within the building;
 - (ii) are occupied or, if unoccupied, are reasonably fit for occupancy;
 - (iii) contain kitchen facilities within the unit; and
 - (iv) have toilet facilities that are not shared with the occupants of other dwelling units;

- (ac) *fascia sign* means a sign which is attached directly to or painted on a building wall, and which does not extend therefrom nor extend above the roof line;
- ~~(*) *flanking lot* means a lot situated at the intersection of three or more streets;~~
- (ad) *flat roof* means a roof that is sloping no greater than a ratio of 1:10 rise to run;
- ~~(*) *Floor area ratio* means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of a lot.~~
- ~~(*) *front yard* means a yard extending across the full width of a lot between the street line and the nearest wall of any main building or structure on the lot;~~
- (ae) *front lot line* means the lot line abutting a street;
- (af) *gross floor area* means the aggregate of the area of all floors in a building, whether at, above or below grade, measured from the exterior faces of the exterior walls, or from the centre line of the common wall separating two buildings, but does not include area below grade used for private garage, parking, loading, or building support uses;
- (ag) *ground sign* means a sign supported by one or more uprights, poles or braces, placed in the ground;
- (ah) *harbourwalk* means the existing or future additions to the continuous boardwalk and walkway located in Schedule W, which is adjacent to the Halifax Harbour, which provides unencumbered access for the public and is located on either publically owned or privately owned land;
- (ai) *height* means the vertical distance between the average grade, unless otherwise stated, and a specified point in the air;
- (aj) *high-rise building* means a building or that portion of a building that is greater than 33.5 metres in height;
- ~~(*) *Housing Affordability* means all types of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit and co-operative housing, as well as rent supplements for people living in private market housing.~~
- (ak) *institutional use* means any educational or religious use, day care facility, museum, public library, fire or police station, public works, hospital, nursing home, community facility, recreational, cultural or open space use;
- (al) *interior lot* means a lot abutting only one street;
- (am) *interior lot line* means any lot line that is not coincident with a streetline;
- (an) *kitchen* means a room or part of a room used for cooking food and food preparation;

- (ao) *landscape architect* means a professional full member in good standing with the Atlantic Provinces Association of Landscape Architects;
- (ap) *landscaped area* means any combination of **three or more elements including** trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual **amenity appearance** of a property or to provide an amenity **area for common use by the occupants of a building**;
- ~~(*) *Landscaped Open Space* means any outdoor landscaped area or playground for common use by the occupants of a building, but shall not include space for vehicular access, car parking, areas for the maneuvering of vehicles, or areas covered by any building.~~
- (aq) *licensed alcohol establishment* means a permanent use (not subject to a temporary liquor license) that is licensed to serve alcohol without a meal pursuant to the *Nova Scotia Liquor Control Act*;
- (ar) *lot* means a parcel of land described in a deed or as shown on a registered plan of subdivision;
- ~~(*) *Lot area* means the total area within the boundaries of a lot.~~
- (as) *lot coverage* means the percentage of the lot that is covered by buildings, including accessory buildings;
- (at) *lot line* means a boundary of a lot;
- (au) *lot width* means the width of a lot measured in a straight line between the intersecting points of the side lot lines, or side lot line and flanking lot line for **flanking** lots **situated at the intersection of three or more streets**, and the streetline;
- (av) *low-rise building* means a building or that portion of a building that is less than 18.5 metres in height;
- (aw) *marine-related use* means a use that is dependant upon access to the Harbour and includes, without restricting the generality of the foregoing, marinas, tugboat facilities, and boat building and repair facilities;
- (ax) *massage parlour* **includes means** any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited by persons in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia;

- (ay) *mezzanine space* means a mezzanine as defined under the National Building Code of Canada 2010, or any successor Building Code that is adopted by the Building Code Act, R.S.N.S. 1989, c. 46 or the Nova Scotia Building Code Regulations, N.S. Reg. ~~322/2009~~ **176/2014**, as amended;
- (az) *mid-rise building* means a building or that portion of a building that is no less than 18.5 metres in height and no more than 33.5 metres in height;
- (ba) *movie theatre* means a use where motion pictures are viewed by the public, but excludes an adult theatre;
- (bb) *multi-district recreation facility* means a building or part of a building that is a minimum of 6500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas;
- (bc) *multiple unit dwelling* means a building containing three or more dwelling units;
- (bd) *nude* means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of a female breast with less than a full opaque covering over any portion thereof below the top of the areola of the breast;
- (be) *open space use* means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial camping grounds, golf courses nor a track for the racing of animals or motorized vehicles;
- (bf) *parking lot* means a parking area for three or more motor vehicles;
- (bg) *personal service use* means a use providing services for the personal needs of individuals and includes uses providing grooming, tailors, depots for collecting dry cleaning and laundry, and other similar uses;
- (bh) *playground* means an area of outdoor landscaped open space equipped with play equipment such as slides, swings or climbing structures or other recreational equipment;
- (bi) *projecting sign* means a sign which projects from and is supported by or which extends beyond a wall of a building or is attached to the underside of the building or canopy;
- (bj) ***project site* means the site for which site plan approval has been granted or a development permit has been issued;**
- (bk) *ramparts* means the Citadel Ramparts pursuant to Section 26B of the Halifax Peninsula Land Use By-law and as depicted on Map ZM-17 of the Halifax Peninsula Land Use By-law, as amended from time to time;

- (bl) *rear lot line* means a lot line that is furthest from and opposite a streetline and that solely applies to an interior lot;
- ~~(*) *rear yard* means a yard extending across the full width of the lot between the rear wall of a building and the rear lot line and its depth shall be the distance or the mean of the distance between the rear wall of the building and the rear lot line;~~
- (bm) *recreation use* means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses;
- (bn) *reflective rooftop treatment* means a rooftop treatment that is characterized by a solar reflectance value exceeding 0.65;
- (bo) *registered heritage building* means a building on a registered heritage property pursuant to the *Heritage Property Act* of Nova Scotia;
- (bp) *registered heritage property* means a municipal heritage property or a provincial heritage property pursuant to the *Heritage Property Act* of Nova Scotia;
- ~~(*) *Required front yard* means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.~~
- (bq) *residential use* means the use of a building or a portion of a building for human habitation;
- (br) *retail use* means the use of a building or a portion of a building for the sale or rental of articles of merchandise or commerce directly to the public;
- (bs) *rooftop greenhouse* means a permanent structure located on a roof and constructed primarily of transparent materials, which is devoted to the protection and cultivation of food producing plants (vegetables, fruits, herbs and sprouts) or ornamental plants (flowers);
- (bt) *setback* means a specified horizontal distance between a lot line and the nearest wall of a building. The specified distance may be at ground level or at a specified elevation above the ground;
- (bu) *sex-aid shop* ~~includes~~ means any establishment or place for the purpose of retail trade where 10% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is comprised of articles relating to or portrayed as relating to sexual activities;
- ~~(*) *side yard* means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building;~~

- (bv) *sign* means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, person, activity, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, flag, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800, as amended from time to time;
- (bw) *sign area* means the area or portion of an advertising structure, including holes or vacant spaces, upon which the advertising message is displayed, including those portions used for decoration, outlines or borders;
- (bx) *solar reflectance* means the ability of a material to reflect solar energy from its surface back into the atmosphere;
- (by) *solar reflectance value* means a number from 0 to 1.0, where a value of 0 indicates that the material absorbs all solar energy and a value of 1.0 indicates total reflectance;
- (bz) *storey* means that portion of a building between any floor and floor or any floor and ceiling, provided that any portion of a building partly below grade shall not be deemed to be a *storey* unless its ceiling is at least 2 metres above grade;
- (ca) *street* means any public street, road, highway or travelled way or portion thereof;
- (cb) *streetline* means a lot line that separates a street from a lot;
- (cc) *streetline grade* means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 38 metres in width or part thereof;
- (cd) *streetwall* means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows;
- (ce) *streetwall height* means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall;
- (cf) *streetwall setback* means the distance between the streetwall and the streetline;
- (cg) *stepback* means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified;
- (ch) *structure* means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls signs, and fences exceeding 2 metres in height;

- (ci) *temporary construction use* means a limited duration use to facilitate the construction of a future permanent land use or building permitted under this By-law;
- (cj) *temporary model suite* means a dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular on-site residential development approved by the Municipality. Temporary model suites may incorporate sales or rental offices for dwelling units within the development;
- (ck) *temporary use* means a use which is associated with a holiday or special event, or which is accessory to a permitted use and transitional in nature. A temporary use is limited in duration to no more than ninety (90) cumulative days, within any one calendar year, and does not involve the construction or alteration of any permanent structure;
- ~~(*) *Through lot* means a lot that abuts two streets, but is not a corner lot.~~
- (cl) *transportation use* means uses associated with transportation and includes ferry terminals, bus stations, and train stations;
- (cm) *urban agriculture use* means the use of a building or land for:
- (i) the breeding, planting, cultivation or harvesting of food producing plants (vegetables, fruits, herbs and sprouts) or ornamental plants and flowers for commercial or community purposes;
 - (ii) the keeping of bees in accordance with the *Bee Industry Act*;
 - (iii) the commercial treating, storing, processing or packaging of agricultural products primarily produced on the premises, provided that these uses are clearly incidental to the agricultural activity occurring on-site; or
 - (iv) the retailing or commercial wholesale of agricultural products produced on-site;
- (cn) *use* means the purpose for which a building, structure, or premises or part thereof is used or occupied, or intended to be or designed to be used or occupied. "Used" shall include "arranged to be used", "designed to be used", and "intended to be used";
- (co) *view plane* means a View Plane as defined in Part I of the Halifax Peninsula Land Use By-law and as depicted on the View Planes Map of the Halifax Peninsula Land Use By-law, as amended from time to time;
- (cp) *viewing triangle* means the triangular shaped area which is that part of and within a corner lot measured from the intersection of the projected curb line of two intersecting streets 6 metres along each curb line and within a straight line joining the two points within which visibility from any street or driveway shall be unobstructed above a height of 1 metre;
- ~~(*) *yard* means an open area, uncovered by buildings, except for permitted encroachments.~~

PART 3: DEVELOPMENT PERMIT

Administration by Development Officer

3.1 This By-law shall be administered by the Development Officer.

Requirement of Development Permit

3.2 No person shall undertake a development without first obtaining a development permit.

Compliance with By-law

3.3 No person shall erect, construct, alter, or reconstruct any building or locate or carry on any industry, business, trade, or calling or use any land or building without complying with the provisions of this By-law.

Development Permit: Application

3.4 An application for a development permit shall be accompanied by a site plan drawn to scale showing the following:

- (a) the items required to be shown in the application for a Building Permit under the Building By-law;
- (b) dimensions of the site and the location of all proposed buildings;
- (c) identification, location and gradients of all parking areas including the location and width of driveways, entrances and exits to parking areas, maneuvering areas for vehicles, service areas, visitors parking and loading areas;
- (d) the location and details of proposed landscaped ~~open-space areas~~;
- (e) a wind impact assessment, where required, pursuant to section 16.27;
- (f) elevations ~~prepared~~ **certified** by a surveyor licensed in the Province of Nova Scotia confirming compliance with View Plane and Ramparts height limitations, where applicable; and
- (g) any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law.

3.5 **Any plans showing landscaping details shall be certified by a landscape architect.**

Approval of Development Permit

3.6 The Development Officer shall approve a permit where the proposed development meets the requirements of this By-law and ~~the Design Review Committee has ——— determined that the development meets the criteria of the Design Manual attached as Schedule S-1 of this By-law.~~ one of the following conditions:

- (a) **in the case of a level I substantive application for site plan approval, the Development Officer has determined that the development meets the criteria of the Design Manual attached as Schedule S-1 of this By-law; or**

- (b) in the case of a level II substantive application for site plan approval, or a level 1 substantive application that has been referred to the Design Review Committee by the Development Officer pursuant to section 4.7, the Design Review Committee has determined that the development meets the criteria of the Design Manual attached as Schedule S-1 of this By-law.

Expiry of Development Permit

- 3.7 A development permit shall expire 12 months from the date issued if the development has not commenced.

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PART 4: SITE PLAN APPROVAL

Site Plan Approval: Area of Application

- 4.1 Unless otherwise specified, all development within the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary, as shown on Map 1, shall be subject to site plan approval by the Development Officer.

Site Plan Approval: Application

- 4.2 All applications for site plan approval shall be accompanied by a site plan drawn to an appropriate scale showing the information required in sections 3.4 and 3.5.
- 4.3 All applications for site plan approval shall be accompanied by detailed architectural plans indicating compliance with the precinct specific design requirements of the Design Manual and:
- (a) streetwall height and setbacks pursuant to section 3.1 of the Design Manual;
 - (b) streetwall material quality and detail pursuant to section 3.2 of the Design Manual;
 - (c) building articulation pursuant to section 3.3 of the Design Manual;
 - (d) the siting of building utilities, vehicle access and parking, lighting and signage pursuant to section 3.5 of the Design Manual; and
 - (e) any other information the Development Officer may require to determine compliance with the Design Manual.

Site Plan Approval: Exemptions

- 4.4 Notwithstanding section 4.1, the following developments shall be exempt from site plan approval:
- (a) a change in size of windows and doors that do not face streetlines;
 - (b) building repairs;
 - (c) window and door replacement in existing openings;
 - (d) installation, replacement or repair of minor building features;
 - (e) change of use or tenancy;
 - (f) interior renovations;
 - (g) commemorative structures on public lands;
 - (h) commemorative plaques on public lands; and
 - (i) commemorative monuments on public lands;
 - (j) structures of a maximum of five (5) metres in height and a maximum of forty (40) square metres in gross floor area, including kiosks, stands, booths and converted shipping containers, located within Schedule W;
 - (k) temporary uses;
 - (l) temporary model suites;
 - (m) temporary construction uses;
 - (n) accessory buildings and structures;
 - (o) development that does not materially change the external appearance of a building facing streetlines;

- (p) repainting, including a change in paint colour(s);
- (q) signs;
- (r) decks, patios, and similar unenclosed features;
- (s) steps, stairs and other entryways;
- (t) beekeeping equipment on rooftops; or
- (u) urban agriculture uses, which do not involve the construction of structures in excess of planter boxes.

~~Site Plan Approval: Non-Substantive Applications~~

~~* The following developments are non-substantive site plan approval applications:~~

- ~~(a) accessory buildings and structures;~~
- ~~(b) development that does not materially change the external appearance of a building facing streetlines;~~
- ~~(c) new window and door openings or alterations to existing window and door openings abutting streetlines;~~
- ~~(d) alteration of external cladding material that does not affect the external appearance of a building facing streetlines;~~
- ~~(e) signs;~~
- ~~(f) decks, patios, and similar unenclosed features; and~~
- ~~(g) steps, stairs and other entryways.~~

~~* A non-substantive site plan application may be approved by the Development Officer.~~

Site Plan Approval: Level I Substantive Applications

4.5 The following developments are level I substantive site plan approval applications:

- (a) new window and door openings or alterations to existing window and door openings abutting streetlines;
- (b) development that materially changes the external appearance of a building facing streetlines;
- (c) additions to existing buildings if the additions have a gross floor area of less than or equal to 2000 square metres;
- (d) new buildings that have a height of less than or equal to 22 metres and a gross floor area of less than or equal to 2000 square metres; or
- (e) amendments to already approved level II substantive applications for site plan approval, as long as the amendments could have been considered under clauses (a) to (d) of this section.

4.6 A level I substantive site plan application may be approved by the Development Officer.

4.7 For any particular development that would fall under a category listed under section 4.5, the Development Officer may refer the application to the Design Review Committee and, when so referred, the Design Review Committee stands in the place of the Development Officer.

- 4.8 The Development Officer shall notify the Design Review Committee of any approval issued under clause (e) of section 4.5 within sixty (60) days of the approval being issued.

~~Site Plan Approval: Substantive Applications~~ Site Plan Approval: Level II Substantive Applications

- 4.9 Any ~~application~~ developments that ~~is~~ are not listed under sections 4.4 or 4.5 shall be considered as a **level II** substantive site plan approval applications and shall be referred to the Design Review Committee.
- 4.10 Further to section 4.9, any development that proposes the construction of a new elevated pedestrian walkway shall be considered as a level II substantive site plan approval application and shall be referred to the Design Review Committee.

PART 5: DESIGN REVIEW COMMITTEE

Creation of Committee

5.1 There is hereby created the Design Review Committee.

Composition of the Committee

5.2 The Committee shall consist of not more than 12 members, who shall be appointed by Council in accordance with the following:

- (a) residents of the Municipality who have applied to Council to act as members;
- (b) ~~with the exception noted in clause (e),~~ only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, ~~city~~ planning, ~~structural~~ civil engineering, ~~mechanical engineering, electrical engineering, or other engineering disciplines related to building systems or a~~ similar field shall be eligible as members of the Committee;
- (c) where possible, the Committee shall be comprised of 4 architects, 2 landscape architects, ~~1-2 city~~ planners ~~or, 1 urban designer, 1 structural engineer, 2 engineers, and 1 professional at large from the above referenced professions, and 3 residents at large;~~
- (d) where possible, at least one member ~~with professional expertise in architecture~~ should be an accredited professional in sustainable building design and construction;
- ~~(*) with the exception of the resident at large members, members of the Committee must hold a professional degree in their respective fields;~~
- (e) where possible, at least one member should be a professional member of the Canadian Association of Heritage Professionals;
- (f) members of the Committee that represent the field of architecture must be licensed architects in good standing or retired architects with the Nova Scotia Association of Architects (NSAA);
- (g) members of the Committee that represent the field of landscape architecture must be members in good standing with the Atlantic Provinces Association of Landscape Architects (APALA);
- (h) members of the Committee that represent the field of planning must be licensed professional planners in good standing with the Licensed Professional Planners Association of Nova Scotia (LPPANS);
- (i) members of the Committee that represent the field of urban design must hold a degree in urban design, or a professional degree in architecture, landscape architecture, or planning, together with a specialization in urban design, or a demonstrated career emphasis on urban design, and must be licensed architects in good standing with the NSAA, members in good standing with the APALA, or licensed professional planners in good standing with the LPPANS;
- (j) members of the Committee that represent the field of engineering must be full members (P. Eng) with Engineers Nova Scotia in either the civil, mechanical, or electrical engineering disciplines, and preferably have work experience in one of the following sub-disciplines:
 - (i) architectural or building engineering;

- (ii) structural engineering;
- (iii) construction engineering;
- (iv) wind engineering;
- (v) municipal or urban engineering; or
- (vi) geotechnical engineering;
- (k) members of the Committee shall be appointed by Council for a period of two years ~~with the exception of the original appointments by Council where five of the members shall be appointed for a period of one year;~~
- (l) a member of the Committee shall be eligible for re-appointment;
- (m) a member of the Committee who is absent from three consecutive meetings of the Committee without cause shall be deemed to have resigned from the Committee; and
- (n) should a vacancy occur on the Committee, for any reasons other than the expiration of the term of a member, Council shall, within ~~thirty~~ (30) days of notification of a vacancy, appoint a person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the member in whose place he or she was appointed.

Meetings

- 5.3 The Committee shall meet once each month, which may be in the evening, or hold additional meetings at the request of the majority of the Committee members.
- 5.4 A quorum of the Committee ~~is shall be~~ four (4) members.
- 5.5 Where the Chair and Vice-Chair are absent from a meeting, the Committee shall elect an Acting Chair for that meeting.
- 5.6 The procedure of the Committee shall be governed, where not inconsistent with the *Halifax Regional Municipality Charter* or this By-law, by Administrative Order No. 1 Respecting the Procedures of the Council.
- 5.7 Meetings of the Committee ~~are shall be~~ open to the public.

Chair and Vice-Chair

- 5.8 The Committee shall, at ~~it's~~ its first meeting and annually thereafter, elect from the members, a Chair and a Vice-Chair for the ensuing year.
- 5.9 The Chair shall represent the Committee at Council or a committee of Council.
- 5.10 The Chair shall act as spokesperson for the Committee.
- 5.11 The duties of the Chair, in whole or in part, may be shared with or delegated to the Vice-Chair in order to carry out the role and responsibilities of the Committee.

Committee Role

5.12 The Committee shall review:

- (a) level II substantive site plan approval applications, level 1 substantive site plan approval applications that have been referred pursuant to section 4.7, and modifications to the requirements of the By-law as per sections 4.9 and 6.2 of this By-law; and
- (b) wind impact assessments as per Schedule S-2 of this By-law for applications for level II substantive site plan approval.

5.13 The Committee shall:

- (a) approve, approve with conditions, or deny an application for level II substantive site plan approval consistent with the requirements of the Design Manual;
- (b) approve, approve with conditions, or deny an application for level 1 substantive site plan approval which has been referred to the Committee by the Development Officer pursuant to section 4.7 consistent with the requirements of the Design Manual;
- (c) approve or deny requests to modify the requirements of this By-law which are associated with level II substantive site plan approval applications, pursuant to section 6.2 of this By-law;
- ~~(*) seek and consider the advice of the Heritage Advisory Committee on site plan applications on registered heritage properties or abutting registered heritage properties, and on applications within heritage conservation districts;~~
- (d) advise the Development Officer on matters pertaining to bonus zoning in relation to level II substantive site plan approvals applications; and
- (e) advise Council on potential amendments to regulation and policy to carry out the role and responsibilities of the Committee or to further the intent of this By-law as may be required from time to time.

Remuneration of Committee Members

5.14 Each member of the Committee may receive an honorarium at a rate set by Council for each application for which he/she has actively participated in the decision to either approve or refuse. Each member of the Committee may also be reimbursed for any necessary expenses incurred while engaged in official duties, provided such expenses are approved by the Chief Administrative Officer in advance.

PART 6: MODIFICATION OF REQUIREMENTS OF LAND USE BY-LAW

Modification by Development Officer

- 6.1 Where specified in this By-law, the Development Officer may consider applications to modify the requirements of the By-law in association with level I site plan approval applications, subject to the criteria of the Design Manual.

Modification by Design Review Committee

- 6.2 Where specified in this By-law, the Design Review Committee may consider applications to ~~relax~~ modify the requirements of the By-law in association with level II site plan approval applications, as well as level I site plan approval applications referred to the Committee under section 4.7, subject to the criteria of the Design Manual.

Written Proposal Explaining Rationale

- 6.3 Where ~~a proposed development requires~~ a relaxation modification of the requirements of this By-law is being sought for a particular development proposal, the applicant shall provide a written proposal explaining the rationale for the request based on the applicable criteria contained in the Design Manual.

PART 7: PUBLIC INFORMATION AND CONSULTATION

Methods of Information and Consultation

7.1 Prior to submitting a **level II** substantive application for site plan approval, the applicant shall undertake public **information and** consultation concerning the project using the following ~~three~~ **four** methods, in a format acceptable to the Development Officer:

- (a) open house, which shall be advertised pursuant to section 7.3 and which shall comply with sections 7.4 and 7.5;
- (b) public display panels which shall comply with section 7.6; ~~kiosk; and~~
- (c) ~~website/online forum,~~ which shall comply with section 7.7; and
- (d) weather-proof sign at the project site, which shall comply with section 7.8.

* ~~Notwithstanding subsection (7A), for the purposes of the development of the publically sponsored convention centre together with retail, hotel, residential or office, and underground parking space pursuant to subsection 15A of Section 7, prior public consultation that has occurred satisfies the public consultation that is required prior to submitting a substantive site plan approval application, where such application is made within six months from April 29, 2014.~~

Requirement of Information and Consultation Process

7.2 As part of the public information and consultation process, the developer shall identify that a development meets the requirements of this By-law and identify any modification to the By-law requirements that are being sought, with such requirements having been confirmed by the Development Officer.

Open House Component: Newspaper Advertisement

7.3 The newspaper advertisement, for the open house component specified under clause (a) of section 7.1, shall:

- (a) be advertised in a newspaper circulating in the entire Municipality and shall:
 - (i) be advertised at least ten (10) clear calendar days prior to the meeting date;
 - (ii) be located in or adjacent to the Municipal Notices section of the newspaper;
 - (iii) specify the website internet address; and
 - (iv) provide the date, time and location of the open house.
- (b) be approved for content by the Development Officer prior to being submitted to the newspaper; and
- (c) be paid for by the applicant.

Open House Component: Days and Times

7.4 The open house component, specified under clause (a) of section 7.1, shall:

- (a) include a two-hour evening session beginning at 7 pm. At the applicant's discretion, an additional afternoon session may also be held any time between the hours of 12 pm and 6 pm; and
- (b) be scheduled for a Monday, Wednesday or Thursday, except on statutory holidays.

Open House Component: Facility Requirements

7.5 The facility used to host the open house component, specified under clause (a) of section 7.1, shall be:

- (a) located within the boundary of the Downtown Halifax Land Use By-law;
- (b) barrier-free; and
- (c) suitable for public assembly.

Public Display Panel Component

7.6 The public display panel component, specified under clause (b) of section 7.1, shall:

- (a) be made up of three identical panels, including:
 - (i) information describing the proposed project, including a description of any proposed modifications to the requirements of the Land Use By-law (if any);
 - (ii) a comment box; and
 - (iii) the website internet address.
- (b) be approved for content by the Development Officer prior to their display;
- (c) be displayed at three public locations, as specified by the Development Officer, and for which the Municipality will provide a suitable display area; and
- (d) be operational for a minimum of ten (10) clear calendar days prior to the open house and ten (10) clear calendar days following the open house.

Website Component

7.7 The website component, specified under clause (c) of section 7.1, shall:

- (a) be operational twenty-four (24) hours per day, seven (7) days a week, for a minimum of ten (10) clear calendar days prior to the open house, and ten (10) clear calendar days following the open house;
- (b) contain information describing the proposed project with proposed modifications to the requirements of the Land Use By-law (if any);
- (c) be approved for content by the Development Officer prior to the website being activated.

Weather-Proof Sign Component

7.8 A weather-proof sign, specified under clause (d) of section 7.1, shall:

- (a) be displayed on each street frontage;
- (b) provide a brief description of the project proposal and the website internet address;

- (c) contain contact information of the applicant or his or her representative, including a telephone number and an e-mail address;
- (d) be approved for content by the Development Officer prior to their display; and
- (e) be displayed a minimum of ten (10) clear calendar days prior to the open house, and ten (10) clear calendar days following the open house.

Approval Methods Not Requiring Public Information and Consultation

7.9 The following applications shall not be subject to a public information and consultation requirement:

- (a) level I substantive applications for site plan approval; and
- (b) any application referred to the Design Review Committee under section 4.7.

PART 8: APPEAL MECHANISM AND NOTIFICATION

Site Plan Approval: Appeal of Decision

- 8.1 A decision by the Development Officer to approve, approve with conditions, or deny a level I substantive site plan approval may be appealed to Council in accordance with the *Halifax Regional Municipality Charter*.
- 8.2 A decision by the Committee to approve, approve with conditions, or deny a level I substantive site plan approval, which has been referred to the Committee by the Development Officer pursuant to section 4.7, may be appealed to Council in accordance with the *Halifax Regional Municipality Charter*.
- 8.3 A decision by the Committee to approve, approve with conditions, or deny a **level II** substantive site plan approval may be appealed to Council in accordance with the *Halifax Regional Municipality Charter*.

Site Plan Approval: Notification

- ~~*~~ ~~The area of notification for non-substantive site plan approval shall be 30 metres from the property boundary of the lot subject to approval.~~
- ~~*~~ ~~The area of notification for a substantive site plan approval shall be the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary plus 30 metres.~~
- 8.4 Where a level I substantive site plan approval has been granted, the Development Officer shall give notice in writing of the site plan approval granted to every assessed owner whose property is within thirty (30) metres of the applicant's property.
- 8.5 Where a level II substantive site plan approval has been granted, the Development Officer shall give notice in writing of the site plan approval granted to every assessed owner whose property is within one hundred (100) metres of the applicant's property.

PART 9: LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BY-LAWS

- 9.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of HRM or from obtaining any license, permission, permit, authority, or approval required by any other By-law of HRM or any regulation of the Province of Nova Scotia or the Government of Canada.
- 9.2 Where the provisions of this By-law conflict with those of any other By-law of HRM or regulation of the Province of Nova Scotia or the Government of Canada, the more restrictive provision shall prevail.
- 9.3 The lands under the jurisdiction of this By-law fall within the High Potential Zone for Archaeological Sites identified by the Province. Where excavation is required for a development ~~on any area identified on Map 10 – Archaeological Resources~~, a development permit may be issued and the application may be referred to the Nova Scotia Department of ~~Tourism, Culture and Heritage~~ Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

PART 10: MAPS, SCHEDULES AND APPENDICES

10.1 The following ~~maps and schedules~~ maps, schedules and appendices form an official part of this By-law:

Map 1	Zoning and Schedule W
Map 2	Downtown Precincts
Map 3	Pedestrian-Oriented Commercial Streets
Map 4	Maximum Pre-Bonus Heights
Map 5	Maximum Post-Bonus Heights
Map 6	Streetwall Setbacks
Map 7	Streetwall Heights
Map 8	Central Blocks
Map 9	Prominent Visual Terminus Sites
Map 10	Archaeological Resources
Map 10	Horizontal Distance of Permitted Encroachments
Schedule S-1	Design Manual
Schedule S-2	Wind Assessment Performance Standards
Appendix B Appendix A	Publicly-Sponsored Convention Centre
Appendix C Appendix B	Building Height Limits Pursuant to section 14.3

PART 11: INTERPRETATION

Application of Requirements

- 11.1 Where a development is comprised of more than one use, unless otherwise specified, the requirements within this By-law for each use shall apply.

Zones, Precincts and Schedules

- 11.2 For the purpose of this By-law and the map entitled Map 1, Zoning and Schedule **W**, the following zones and schedules are hereby established:

Downtown Halifax Zone	DH-1
Institutional, Cultural & Open Space Zone	ICO
Schedule W	Waterfront Development Overlay

- 11.3 In addition to section 11.2, there shall be precincts as shown on Map 2.

Interpretation of Zoning Boundaries

- 11.4 The boundary of a zone shown on Map 1, and between the Precincts shown on Map 2, shall be determined as follows:
- (a) where a zone or precinct boundary is indicated as following a street, the boundary shall be the streetline of the street unless otherwise indicated;
 - (b) where a zone or precinct boundary is indicated as approximately following lot lines, the boundary shall follow lot lines, unless said lot lines are the subject of a subdivision approval after the date of adoption of this By-law, in which case the zone or precinct boundary shall remain as it is shown on the map;
 - (c) where a zone or precinct boundary follows the shoreline, the boundary shall be the ordinary high water mark;
 - (d) where a part of the Harbour is in-filled beyond the limits of a zone or precinct boundary or a building is constructed over water, said land or buildings shall be deemed to be included within and subject to the requirements of that abutting zone and precinct; and
 - (e) Upon the closing of a street or portion of a street to public use, the land comprising such former street or portion of such street shall be zoned as follows:
 - (i) where the zones of the abutting lands are the same, the land comprising the former street shall have the same zoning as the abutting lands;
 - (ii) where the zones of the abutting lands are different, the center line of the former street shall be the boundary line and the lands on either side of the boundary line shall have the same zoning as the abutting lands; and
 - (iii) where none of the above apply, the zone boundary shall be scaled from Map 1 and Map 2.

Non-Conforming Buildings

- 11.5 Where an existing building is deemed to be non-conforming under this By-law, it shall be allowed to be extended, enlarged, or altered as long as the extension, enlargement or alteration complies with this By-law, or a ~~variance~~ **modification** is granted by the **Development Officer or the** Design Review Committee.

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PART 12: DOWNTOWN HALIFAX ZONE (DH-1)

Permitted Land Uses

12.1 The following uses shall be permitted in the DH-1 Zone:

Commercial uses, excluding adult entertainment uses;
Cultural uses;
Institutional uses;
Marine-related uses;
Open space uses;
Residential uses;
Urban agriculture uses;
Transportation uses; and
Uses accessory to the foregoing.

Pedestrian-Oriented Commercial Street Uses

12.2 Notwithstanding section 12.1, only those uses listed below shall be permitted on the ground floor of a building in the DH-1 Zone immediately abutting the streetline of Pedestrian-Oriented Commercial Streets, as identified on Map 3:

- (a) The following commercial uses:
 - Banks and related uses;
 - ~~Licensed~~ **Licensed** alcohol establishments;
 - Personal service uses;
 - Eating establishments;
 - Movie theatres;
 - Commercial recreation uses; and
 - Retail uses;
- (b) Cultural uses; and
- (c) Uses accessory to the foregoing.

12.3 Notwithstanding section 12.2, pedestrian entrances and lobbies associated with any use permitted pursuant to section 12.1 may face and have access onto Pedestrian-Oriented Commercial Streets.

PART 13: INSTITUTIONAL, CULTURAL & OPEN SPACE ZONE (ICO)

Permitted Land Uses

13.1 The following uses shall be permitted in the ICO Zone:

Institutional uses;

Cultural uses;

Open space uses;

Urban agriculture uses;

Eating establishments or retail uses accessory to permitted uses; and

Uses accessory to the foregoing.

13.2 Where eating establishments or retail uses accessory to permitted uses are permitted they shall have no separate entrance from the exterior of the building.

PART 14: SPECIAL USES

~~Publically~~Publicly-Sponsored Convention Centre

- 14.1 Notwithstanding any provision of this By-law except sections 16.23 through 16.27, a ~~publically~~ publicly-sponsored convention centre together with retail, hotel, residential or office, and underground parking space, may be developed on the lands bounded by Argyle Street, Prince Street, Market Street and Sackville Street in accordance with the drawings attached as ~~Appendix "B"~~ Appendix A to this By-law. The development shall include a vehicular and pedestrian passageway extending from Prince Street to Sackville Street as set out in ~~Appendix—"B"~~ Appendix A. For the purposes of this section, "~~publically~~publicly-sponsored convention centre" means an establishment funded or otherwise financially supported by any or all levels of government which is used for the holding of conventions, seminars, workshops, trade shows, meetings or similar activities, and which may include dining and lodging facilities for the use of the participants as well as other compatible accessory facilities.
- 14.2 In addition to the requirements of section 14.1, the requirements of section 4.1 shall apply. The Development Officer shall refer the application for site plan approval to the Design Review Committee for their approval of the proposal's qualitative elements as set out in section 1.1 b. of the Design Manual.

Sackville and South Park Multi-District Recreation Facility

- 14.3 Notwithstanding sections 16.7, 16.8 and 20.4, but subject to all other requirements of this By-law, a multi-district recreation facility, in whole or as part of a mixed-use development, shall be permitted on lands at the south-east corner of Sackville Street and South Park Street, as shown on ~~Appendix C~~ Appendix B, pursuant to the building height requirements specified therein.

PART 15: GENERAL LAND USE REQUIREMENTS

Residential Uses: Dwelling Unit Mix

- 15.1 One third of the total number of dwelling units, rounded up to the nearest full number, in a building erected, altered or used as a multiple unit dwelling within the DH-1 Zone shall be required to include two or more bedrooms.

Direct Access for Residential Uses

- 15.2 Residential uses shall have direct access to the exterior ground level separate from any non-residential ~~use~~ occupancy.

Residential Uses: Precinct 2 – Landscaped Open Space Requirements

- ~~* Where any building is erected, altered, or used primarily for residential purposes in Precinct 2: Barrington Street South, the lot on which such building is located shall contain landscaped open space.~~
- ~~* For the purpose of subsection (6), *primarily* means more than 50% of the gross floor area is devoted to residential uses, including enclosed space serving residents of the building and areas devoted to personal services, such as laundry and waste disposal and common area.~~
- ~~* A minimum of 11.25 square metres of landscaped open space shall be provided for each dwelling unit in a building.~~
- ~~* A maximum of 60% of the landscaped open space requirement may be transferred to the building rooftop, provided that:
 - ~~(a) any rooftop landscaped open space is a minimum of 56 square metres in area; and~~
 - ~~(b) the rooftop landscaped open space is fully accessible for the common use of the occupants of the building; and,~~
 - ~~(c) the rooftop landscaped open space is located on a portion of the roof that is not sloping.~~~~
- ~~* The requirements of subsections (7) and (10) may be varied by site plan approval where the relaxation of the requirement is consistent with the Design Manual.~~

Residential Uses: Precincts 3 and 9 – Landscaped Open Space Requirements

- ~~* Where any building is erected, altered, or used primarily for residential purposes in Precinct 3: Spring Garden Road Area or Precinct 9: North End Gateway, the lot on which such building is located shall contain landscaped open space.~~
- ~~* For the purpose of subsection (11A), *primarily* means more than 50% of the gross floor area is devoted to residential uses, including enclosed space serving residents of the building and areas devoted to personal services, such as laundry and waste disposal and common area.~~

- ~~* A minimum of 5 square metres of landscaped open space shall be provided for each dwelling unit in a building.~~
- ~~* The full amount of the landscaped open space requirement may be transferred to the building rooftop, provided that:~~
- ~~(a) any rooftop landscaped open space is a minimum of 56 square metres in area;~~
 - ~~(b) the rooftop landscaped open space is fully accessible for the common use of the occupants of the building; and~~
 - ~~(c) the rooftop landscaped open space is located on a portion of the roof that is not sloping.~~
- ~~* The requirements of subsection (11B) may be varied by site plan approval where the relaxation of the requirement is consistent with the Design Manual.~~

Temporary Construction Uses Permitted

- 15.3 Nothing in this By-law shall prevent the use of the land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- 15.4 A rock crusher may be used at the site of a demolition of a structure or building, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- 15.5 Incidental to a development, a temporary rock crusher may be permitted.
- 15.6 A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this subsection may be renewed for a period not to exceed thirty (30) days at a time, if a Development Officer determines that an extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary.
- 15.7 A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this subsection shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.

- 15.8 Notwithstanding any other provision of this By-law, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site.
- 15.9 A temporary rock crusher may be used as accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.

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PART 16: GENERAL BUILT FORM REQUIREMENTS

Lot Requirements

- 16.1 Every lot shall have frontage on a street.
- 16.2 No building, except those permitted under clause (j) of section 4.4, shall be erected on a lot that does not have frontage on a public street.

Number of Buildings on a Lot

- 16.3 Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot or one building on more than one lot, except that this provision shall not apply to development in Schedule W, in the ICO Zone, or on lots containing registered heritage properties.

Registered Heritage Properties

- 16.4 In addition to the requirements of this By-law and the *Heritage By-law*, development on a registered heritage property shall be subject to the Development in Heritage Contexts section of the Design Manual.
- 16.5 In addition to the requirements of this By-law, development on a non-registered heritage property in a heritage conservation district shall be subject to sections 4.5 and 4.6 of the Development in Heritage Contexts section of the Design Manual.

Registered Heritage Properties: Development on Abutting Property

- 16.6 In addition to the requirements of this By-law, development on a lot abutting a registered heritage property shall be subject to the requirements of section 4.3 of the Design Manual.

Building Height: Maximum Pre-Bonus Heights and Maximum Post-Bonus Heights

- 16.7 No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the Maximum Pre-Bonus Heights specified on Map 4.
- 16.8 Notwithstanding section 16.7, the Maximum Pre-Bonus Heights specified on Map 4, may be exceeded to the Maximum Post-Bonus Height specified on Map 5, pursuant to Part 21.

Height Exceptions

- 16.9 The height requirements in sections 14.3, 16.7 and 16.8 shall not apply to a church spire, lightning rod, elevator enclosure, ~~an elevator enclosure above a structure required for elevator access to rooftop amenity space~~ staircase, staircase enclosure, flag pole, antenna, communications towers that are required to support uses and activities within the building, heating, ventilation, and air conditioning equipment or enclosure of such equipment, cooling towers, high-plume laboratory exhaust fans, skylights, chimneys, landscape vegetation, clock tower, solar thermal collectors, photovoltaic panels, roof top cupola,

parapet, cornices, eaves, penthouses, rooftop greenhouses, clear glass guard and railing systems or other similar features, ~~provided that the total of all such features, shall occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located.~~

- 16.10 With the exception of landscape vegetation, skylights, solar thermal collectors, photovoltaic panels, or rooftop greenhouses, all other features referenced under section 16.9 shall not occupy more than 30%, in the aggregate, of the area of the roof of the building on which they are located.
- 16.11 With the exception of church spires, lightning rods, flag poles, antennas, communications towers that are required to support uses and activities within the building, clock towers, chimneys, cooling towers, high-plume laboratory exhaust fans, and rooftop greenhouses, all features referenced under section 16.9 shall not be allowed to exceed a height of 4.5 metres.
- 16.12 Rooftop greenhouse, referenced under section 16.9, shall not be allowed to exceed a height of 8 metres.
- 16.13 The height requirements in 16.7 and 16.8 may be exceeded on those properties identified as Prominent Visual Terminus Sites - Map 9, as provided for in the Design Manual.
- 16.14 Features referenced in section 16.9 shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for **landscape vegetation, clear glass guard and railing systems**, clock towers, parapets, cornices and similar architectural features.
- 16.15 The requirements of sections ~~16.10~~, 16.13 and 16.14 may be ~~varied~~ **modified** by site plan approval where the ~~relaxation~~ **modification** is consistent with the criteria of the Design Manual.

Landscaping for Flat Rooftops

~~* All buildings erected or altered, with a flat roof shall provide a fully landscaped area on those portions of the flat roof not required for architectural features or mechanical equipment. These landscaped areas need not be fully accessible except where they are provided pursuant to the requirements of subsections (10) and (11D) of section 7.~~

- 16.16 (1) All buildings erected with a flat roof shall provide a fully landscaped area on any portions of the flat roof that:
- (a) exceed a surface area of 40 square metres and a minimum linear dimension of 3 metres; and
 - (b) are not required for architectural features, rooftop greenhouses or mechanical equipment.
- (2) Any landscaped areas provided under subsection 1 of this section, need not be fully accessible.

- 16.17 (1) If a flat roof will be constructed or an existing flat roof will be altered as part of an alteration to any building, the flat roof shall provide a fully landscaped area on any portions of the flat roof that:
- (a) exceed a surface area of 40 square metres and a minimum linear dimension of 3 metres; and
 - (b) are not required for architectural features, rooftop greenhouses or mechanical equipment.
- (2) Any landscaped areas provided under subsection 1 of this section, need not be fully accessible.
- 16.18 Where section 16.16 or 16.17 apply, and a flat roof is located at a building height equal to or exceeding fifty (50) metres, the rooftop treatment shall consist of:
- (a) landscaped areas;
 - (b) a reflective rooftop treatment, or
 - (c) a combination of landscaped areas and reflective rooftop treatment.
- 16.19 Where a flat rooftop area is generally designed to be inaccessible to the occupants of the building, the majority of its surface area shall be comprised of vegetation.
- 16.20 Where a flat rooftop area is to be used as an amenity area for the common use of the occupants of the building or for individual occupants, it shall be designed as per the definition of landscaped area.

~~Land Uses at Grade~~ Minimum First Storey Height from Grade

- 16.21 The ground floor of a building, excluding a parking garage, ~~that~~ which has access at the streetline or ~~Transportation Reserve~~ onto a waterfront view corridor shall have a floor-to-floor height of no less than 4.5 metres ~~measured~~:
- (a) for a building having access at the streetline, from the streetline grade; and
 - (b) for a building having access onto a waterfront view corridor, from the average grade of the building along the outside edge of the waterfront view corridor. Separate average grades along the waterfront view corridor shall be determined for each building segment that is greater than 38 metres in width or part thereof.
- 16.22 Notwithstanding section 16.21, in areas where residential uses are allowed on the ground floor, mezzanine spaces are permitted within the minimum floor-to-floor height for those portions of the ground floor being occupied by residential uses.
- 16.23 The requirement of section 16.21 may be ~~varied~~ modified by site plan approval where the ~~relaxation~~ modification is consistent with the criteria of the Design Manual.

Minimum Height of Storey above First Storey from Grade

16.24 The minimum height of any storey above the first storey from grade shall have a floor-to-floor height of no less than 3 metres.

View Plane Requirements

16.25 Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone so as to protrude through a view plane except as permitted pursuant to section 24 of the Halifax Peninsula Land Use By-law, as amended from time to time.

16.26 Any permit issued by the Development Officer pursuant to plans and data presented by the applicant shall not, at any time, be deemed to be permission to protrude through a view lane.

16.27 No building shall be constructed so that it is parallel to a view plane, unless such view plane is parallel to a street line.

Rampart Requirements

16.28 Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone so as to be visible above the ramparts as specified by section 26B of the Halifax Peninsula Land Use By-law, as amended from time to time.

Wind Impact

16.29 Any building or building addition resulting in a height exceeding ~~20~~ 22 metres shall only be permitted following consideration of its wind impact pursuant to the performance standards in Schedule S-2.

Accessory Buildings

16.30 Accessory buildings shall be permitted in all zones subject to the following requirements:

- (a) accessory buildings shall be a maximum of 5 metres in height and a maximum of 23.5 square metres in floor area;
- ~~(*) no accessory building or portion thereof shall be permitted between a streetline and a streetwall where such streetwall is setback less than 9.5 metres from a streetline;~~
- (b) notwithstanding any other requirement of this by-law, accessory buildings shall be setback a minimum of 9.5 metres from streetlines; and
- ~~(*) no accessory building or portion thereof shall be located within a required setback; and~~
- (c) required setbacks from interior lot lines and the centre line of waterfront view corridors within this by-law shall apply to accessory buildings.
- ~~(*) an accessory building shall not require any setback from an interior lot line if such building is located entirely within the rear yard of the lot on which such building is located~~

Prohibited External Cladding Materials

16.31 The following external cladding materials shall be prohibited:

- (a) vinyl;
- (b) plastic;
- (c) plywood;
- (d) concrete block;
- (e) exterior insulation and finish systems where stucco is applied to rigid insulation;
- (*) ~~metal siding utilizing exposed fasteners;~~
- (f) darkly tinted or mirrored glass; and
- (g) vinyl windows on registered heritage properties or properties located within a heritage conservation district.

16.32 The requirements of section 16.31 may be ~~varied~~ **modified** by site plan approval where the ~~relaxation~~ **modification** is consistent with the criteria of the Design Manual.

Drive-Thrus

16.33 Drive-thrus shall be prohibited.

Beekeeping Equipment

16.34 Beekeeping equipment shall only be allowed on rooftops.

16.35 No development permit shall be required to place beekeeping equipment on a rooftop.

Encroaching Canopies

- 16.36 (1) In addition to the requirements of subsections (2), (3) and (4) of this section, a canopy shall comply with HRM By-law E-200, the *Encroachment By-law*.
- (2) No canopy or part of a canopy that encroaches into a street shall be located:
- (a) less than 3.1 metres above the surface of a sidewalk; and
 - (b) closer in horizontal distance from a face curb or the nearest edge of a vehicular travelled way than what is identified on Map 10.
- (3) The requirements of clause (b) of subsection (2) of this section may be modified by site plan approval where the modification is consistent with the criteria of the Design Manual.
- (4) Notwithstanding subsections (2) and (3) of this section, consideration shall be given to the location of existing public infrastructure in the sidewalk area to ensure that the canopy will not obstruct or cause either a safety or maintenance concern.

Streetwalls

PART 17: STREETWALLS

Streetwall: Streetline Setbacks

17.1 Streetwalls shall have a streetline setback as specified on Map 6.

Streetwall: Height

17.2 The maximum streetwall height shall be as specified on Map 7.

17.3 Notwithstanding section 17.2, the maximum streetwall height may be exceeded by a clear glass guard and railing system to allow for the safe use of podiums and rooftops by the occupants of the building.

17.4 The minimum streetwall height shall be 11 metres high, ~~or the height of the building where the building height is less than 11 metres.~~

~~* Where there is more than one streetwall of differing heights the lowest of the streetwalls shall be the permitted streetwall height.~~

Streetwall: Width

17.5 A streetwall shall extend the full width of a lot abutting the streetline.

17.6 On lots other than on Central Blocks, the streetwall width may be reduced to no less than 80 % of the width of a lot abutting a streetline, provided the streetwall is contiguous.

Streetwall: Stepbacks

17.7 The following minimum stepbacks above the streetwall shall apply to buildings with streetwall setback requirements of 0 to 1.5 metres or 0 to 4.0 metres as identified on Map 6:

- (a) a minimum of 3 metres for that portion of a building that is ~~a maximum of equal to or less than~~ 33.5 metres in height; or
- (b) a minimum of 4.5 metres for that portion of a building that is greater than 33.5 metres in height.

~~Streetwalls: Variance through Site Plan Approval~~ Streetwalls: Modification through Site Plan Approval

17.8 The requirements of sections 17.1, 17.2, 17.4, 17.5, 17.6 and 17.7 may be ~~varied~~ modified by site plan approval where the ~~relaxation~~ modification is consistent with the criteria of the Design Manual.

PART 18: BUILDING SETBACKS AND STEPBACKS

Low-Rise Buildings

- 18.1 No setback is required from an interior lot line for a low-rise building or the low-rise portion of a building.
- 18.2 With the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated.

~~* On lots located outside of Central Blocks, as identified on Map 8, a low-rise building or the low-rise portion of a building may be setback from interior lot lines no more than 20% of the lot width.~~

Mid-Rise Buildings

- 18.3 Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than ~~10% of the lot width or~~ 5.5 metres, ~~whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.~~

~~* The mid-rise portion of a building shall not project beyond the vertical plane of the exterior walls of the low-rise portion of the building.~~

Mid-Rise Buildings: Central Blocks

- 18.4 Notwithstanding section 18.3, no setback is required from an interior lot line for the mid-rise portion of any building on Central Blocks as identified on Map 8.

High-Rise Buildings

- 18.5 Any portion of a high-rise building above a height of 33.5 metres shall be setback 11.5 metres from interior lot lines.
- 18.6 Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 17 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot.
- 18.7 Notwithstanding section 18.6, any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions are used for residential purposes.
- 18.8 Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

- 18.9 Notwithstanding section 18.8 any portion of a building above a height of 33.5 metres located in the Central Blocks, as identified on Map 8, shall be a maximum width of 38 metres and a maximum depth of 27.5 metres.

Permitted Encroachments

- 18.10 Eaves, gutters, down spouts, cornices and other similar features shall be permitted encroachments into a required setback, stepback or separation distance to a maximum of 0.6 metres.
- 18.11 Balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.
- 18.12 Clear glass guard and railing systems, to allow for the safe use of podiums and rooftops by the occupants of buildings, shall be permitted encroachments into a required setback, stepback or separation distance.

~~Building Setbacks and Stepbacks: Variance through Site Plan Approval~~ Building Setbacks and Stepbacks: Modification through Site Plan Approval

- 18.13 The requirements of sections ~~18.1 through 18.13~~ 18.3, 18.5, 18.6, 18.7, 18.8, 18.9, 18.10 and 18.11 may be ~~varied~~ modified by site plan approval where the ~~relaxation~~ modification is consistent with the criteria of the Design Manual.

PART 19: SCHEDULE W SPECIFIC REQUIREMENTS

Residential Uses: Storm Surge Protection

- 19.1 No residential portion of a building on a lot within Schedule W, shall be erected, constructed or reconstructed at an elevation less than ~~3.8~~ XX metres of the Canadian Geodetic Vertical Datum (CGVD) ~~28~~ 2013 standard.
- 19.2 Section 19.1 does not apply to parking garages, accessory structures or entrances to residential uses.
- 19.3 Notwithstanding section 19.1, any existing residential use situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.
- 19.4 Every application for a development permit for a building or structure to be erected pursuant to sections 19.1 and 19.3 shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of sections 19.1 through 19.3.

Waterfront View Corridors

- 19.5 To preserve waterfront view corridors, every structure shall be setback a minimum of 7.62 metres from the mean centre line of the prolongation of ~~each of the six waterfront view corridors, as shown on Map XX George Street, Prince Street, Sackville Street, Salter Street, Bishop Street and Morris Streets~~ from their intersection with Lower Water Street and extending eastward to the ordinary high water mark of Halifax Harbour or the eastern boundary of any water lot, whichever is greater.
- 19.6 ~~Notwithstanding section 19.5, portions of buildings that are below the elevation of the intersection of the centreline of the waterfront view corridor and Lower Water Street may be constructed within the waterfront view corridor.~~
- 19.7 ~~Above a height of 18.5 metres, the mid-rise portion of a building shall be setback no less than 10.62 metres from the mean centre line of the prolongation of each of the six waterfront view corridors, as shown on Map XX from their intersection with Lower Water Street and extending eastward to the ordinary high water mark of Halifax Harbour or the eastern boundary of any water lot, whichever is greater.~~
- 19.8 ~~Any portion of a high-rise building above a height of 33.5 metres shall be setback no less than 12.12 metres from the mean centre line of the prolongation of each of the six waterfront view corridors, as shown on Map XX from their intersection with Lower Water Street and extending eastward to the ordinary high water mark of Halifax Harbour or the eastern boundary of any water lot, whichever is greater.~~
- 19.9 ~~The requirements of sections 19.7 and 19.8 may be modified by site plan approval where the modification is consistent with the criteria of the Design Manual.~~

19.10 Every application for a development permit for a building or structure to be erected abutting the waterfront view corridors of section 19.5 shall furnish such plans and data as the Development Officer shall require to determine that the proposed building or structure will meet the required setbacks.

19.11 A building shall not be considered to have access onto a waterfront view corridor if it is located at a distance of more than 10 metres from the outside edge of a waterfront view corridor.

Waterfront View Corridors: Abutting Uses

~~* Notwithstanding subsections (1) and (16), only those uses listed below shall be permitted on the ground floor of a building abutting a waterfront view corridor, as identified in subsection (18):~~

~~Cultural uses;
Banks and related uses;
Licenced alcohol establishments;
Personal service uses;
Eating establishments;
Retail uses;
Movie theatres;
Commercial recreation uses; and
Uses accessory to the foregoing.~~

~~* Notwithstanding subsection (22), pedestrian entrances and lobbies associated with a hotel may face and have access onto the waterfront view corridor, as identified in subsection (18):~~

19.12 Notwithstanding section 12.1, the only residential uses permitted on the ground floor of a building abutting a waterfront view corridor, as identified in section 19.5, shall be pedestrian entrances and lobbies associated with a residential use.

Kiosks, Stands, Booths and Converted Shipping Containers

19.13 Kiosks, stands, booths and converted shipping containers, referenced under clause (j) of section 4.4 shall be permitted throughout Schedule W, subject to the following requirements:

- (a) they shall be limited in each instance to a maximum height of five (5) metres and a maximum gross floor area of forty (40) square metres;
- (b) notwithstanding any other requirement of this by-law, a minimum setback of 9.5 metres from streetlines shall be respected; and
- (c) required setbacks from interior lot lines and the centre line of waterfront view corridors within this by-law shall apply.

PART 20: PRECINCT SPECIFIC REQUIREMENTS

Precinct 1: Southern Waterfront

~~* In addition to all other requirements of this By-law, the following shall apply to Schedule W as shown on Map 1:~~

- ~~(a) multiple buildings on a lot shall be permitted provided they are designed in a manner that permits future subdivision;~~
- ~~(b) all buildings shall be setback no less than 8 metres from the ordinary high water mark;~~
- ~~(c) the maximum height of any building shall be 12.5 metres;~~
- ~~(d) building height in clause (c) may increase at a rate of 1 metre for every additional 1 metre of setback from the minimum required setback from the ordinary high water mark;~~
- ~~(e) the width of any building face parallel to the ordinary high water mark shall not exceed 21.5 metres;~~
- ~~(f) any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres.~~
- ~~(g) the width of any low rise or mid rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;~~
- ~~(h) buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10 % of the lot width or 8 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply; and~~
- ~~(i) clauses (b) through (e) apply to any building or portion thereof within 30 metres of the ordinary high water mark.~~

20.1 In addition to all other requirements of this By-law, all buildings located within Schedule W, as shown on Map 1, shall be setback no less than 8 metres from the waterside edge of the Harbourwalk, or the ordinary high water mark in the absence of a Harbourwalk.

20.2 Notwithstanding other requirements of this By-law, the following shall apply to Schedule W as shown on Map 1:

- (a) multiple buildings on a lot shall be permitted ~~provided they are designed in a manner that permits future subdivision;~~
- (b) the maximum height of a building shall be 12.5 metres;
- (c) building height in clause (b) may increase with distance away from the minimum required setback from the waterside edge of the Harbourwalk, or the ordinary high water mark in the absence of a Harbourwalk, at a rate of 1 metre for every additional 1 metre of setback, up to a maximum additional distance of 10 metres, after which distance, the full height permitted on Maps 4 and 5 ~~in the zone~~ for the building may be used, providing all other requirements of the By-law are met;

- (d) the maximum width of the eastern face of any building where it meets the Harbourwalk, or the ordinary high water mark in the absence of a Harbourwalk, shall not exceed 27.5 metres;
- (e) building width in clause (d) may increase with distance away from the minimum required setback from the waterside edge of the Harbourwalk, or the ordinary high water mark in the absence of a Harbourwalk, at a rate of 1 metre for every additional 1 metre setback, up to a maximum additional distance of 22 metres, after which distance, the full width permitted on Maps 4 and 5 for the building may be used, providing all other requirements of this By-law are met;
- (f) any portion of a building above a height of 33.5 metres shall be a maximum width of 27.5 metres parallel to Lower Water Street and a maximum depth of 38 metres perpendicular to Lower Water Street;
- (g) buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10 % of the lot width or 8 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply; and
- (h) where an interior lot line corresponds to a waterfront view corridor, no additional setback from the interior lot line is required above and beyond what is needed to satisfy the minimum required setback from the mean centre line of the waterfront view corridor.

20.3 The requirements of sections 20.1 and 20.2 may be ~~varied~~ modified by site plan approval where the ~~relaxation~~ modification is consistent with the criteria of the Design Manual.

Precinct 3: Spring Garden Road Area

- 20.4 On the south side of Spring Garden Road, between Queen Street and South Park Street, and on the east side of South Park Street between Spring Garden Road and Sackville Street, above a height of 17 metres measured at the streetline, buildings shall be setback an additional 0.9 metres from the streetline, for every 0.6 metres in height.
- 20.5 On the lands commonly known as the Clyde Street Parking Lots, P.I.D. Nos. 00077875 and 00077438:
- (a) a minimum stepback of 3 metres above the streetwall ~~shall be required~~ **along the Clyde Street frontage** ~~apply to that portion of a building facing Clyde Street that is a maximum of 28 metres in height;~~
 - (b) new development shall maintain a minimum of 210 or more **public** parking spaces in total on the two lots; and
 - (c) every application for a development permit shall be accompanied by a statement containing such information as may be deemed necessary by the Development Officer to ensure compliance with the requirements of clause (b).

Precinct 4: Lower Central Downtown

- 20.6 In addition to all other requirements of this By-law, the following shall apply to Schedule W as shown on Map 1:
- (a) the requirements of sections 20.1 and 20.2; and

- (b) on lots having less than 27.5 metres of frontage, streetwalls abutting Upper Water Street shall be 100% of the lot width at the streetline.
- 20.7 The requirements of section 20.6 may be ~~varied~~ **modified** by site plan approval where the ~~relaxation~~ **modification** is consistent with the criteria of the Design Manual.

Precinct 5: Barrington Street Heritage Conservation District

- 20.8 Within the Barrington Street Heritage Conservation District Precinct, development shall be subject to the requirements of this By-law, the Development in Heritage Contexts section of the Design Manual, and HRM By-law H-500, A By-law Respecting the Establishment of a Heritage Conservation District on Barrington Street. Where this By-law is in conflict with By-law H-500, the requirements of By-law H-500 shall prevail.

PART 21: POST-BONUS HEIGHT PROVISIONS

Buildings Higher than the Pre-Bonus Height Requirements

- 21.1 A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer.
- 21.2 The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit.
- 21.3 The rate of \$4.00 per 0.1 square metre in section 21.1 shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law.
- 21.4 The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the *Building By-law* (HRM By-law B-201) or such other time as may be provided under the ~~public benefit agreement~~ incentive or bonus zoning agreement.
- 21.5 The provisions of section 21.1 do not apply to additional height provided for the Prominent Visual Terminus Sites identified on Map 9, unoccupied architectural features, and permitted height encroachments pursuant to section 16.9.

Bonus Exception for Registered Heritage Buildings

- 21.6 Development which proposes the demolition of a registered heritage building is not eligible for bonus height and cannot exceed the Maximum Pre-Bonus Height shown on Map 4.
- 21.7 For the purpose of section 21.6 only, “demolition of a Registered Heritage Property” means the removal of over 50% of the exterior fabric of the building, including exterior walls, roof, dormers, chimneys and other character defining elements.

Public Benefit Categories

- 21.8 Subject to meeting all applicable requirements of this By-law, development pursuant to section 21.1 shall be permitted where the developer provides one or a combination of the following public benefits:
- (a) where the development includes a registered heritage property which is to be maintained, the preservation or enhancement of the heritage resource;
 - (b) the provision of publicly accessible amenity or open space, where a deficiency in such spaces exists;
 - (c) the provision of residential units at a subsidized cost to contribute to housing affordability in the Downtown Halifax Secondary Municipal Planning Strategy plan area;

- (d) the provision of 3 and 4 bedroom units with direct access to outdoor amenity space;
- (e) the provision of ~~rental leasehold~~ commercial space made available at a subsidized cost for arts or cultural uses;
- (f) the provision of public art;
- (g) the provision of public parking facilities, where a deficiency in such facilities exists;
- (h) investment in public transit or active transportation infrastructure;
- ~~(*) the provision of exemplary sustainable building practices;~~
- (i) the undergrounding of overhead electrical and communication distribution systems;
- and
- (j) the provision and installation of street trees as per the Urban Forest Master Plan.

21.9 The developer shall provide a written proposal which provides a description of the details and extent of the Public Benefit to be provided.

Public Benefit Agreement Incentive or Bonus Zoning Agreement

21.10 Prior to the issuance of a development permit by the Development Officer, the developer shall enter into an agreement with the Municipality which shall:

- (a) identify the particular parcel of land to be developed, where the public benefit is to be provided off-site of the development;
- (b) include design drawings, provided by the developer for the required public benefit and where necessary, include detailed construction drawings, site plans, specifications, and cost estimates of the proposed work; and
- (c) identify the required process and conditions for supervision and acceptance of the proposed public benefit before the work is accepted by the Municipality as the public benefit for the development.

21.11 Pursuant to section 31A of the *Halifax Regional Municipality Charter*, the Development Officer shall stand in the place and stead of Council with respect to entering into an incentive or bonus zoning agreement or an amendment to an incentive or bonus zoning agreement.

21.12 Where an incentive or bonus zoning agreement entered into by a Development Officer purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by Council.

21.13 An incentive or bonus zoning agreement, or amendment to an incentive or bonus zoning agreement, entered into by Development Officer must be signed by the Mayor and the Clerk on behalf of the Municipality.

PART 22: SIGNS

Permit Requirements

- 22.1 No person shall erect a sign without first obtaining a development permit.
- 22.2 Except as provided for in section 22.5, an owner shall have at all times a valid permit for every sign(s) on any premise.

Temporary Sign By-law

- 22.3 This By-law shall not apply to any sign regulated under HRM By-law S-800, A By-law Respecting Requirements for the Licensing of Temporary Signs.

Encroachment ~~Licence~~ Licence

- 22.4 In addition to the provisions of this part, if a sign or advertising structure is intended to project or extend over any portion of any street, no permit for such sign or advertising structure shall be granted until the applicant obtains approval under **HRM By-law E-200**, the *Encroachment By-law*, permitting such applicant to maintain such sign or advertising structure so projecting or extending over a portion of a street.

Permitted Signs

- 22.5 The following signs shall be permitted and do not require a development permit:
- (a) name and street number of residential and non-residential buildings;
 - (b) “No Trespassing” signs and other such signs regulating the use of a property, provided said signs do not exceed 0.2 square metres in area;
 - (c) non-illuminated real estate sign less than 2 square metres in area pertaining to the sale, rental, or lease of the premises on which the sign is displayed. A sign so erected shall be removed within 14 days after the referenced sale, rental or lease;
 - (d) signs regulating traffic within the lot or giving direction or identifying the function of part or all of a building, provided that such signs do not exceed 0.5 square metres in area;
 - (e) signs erected by a governmental body or public authority;
 - (f) memorial signs or tablets and signs denoting the date of erection of a building as well as signs identifying historic sites;
 - (g) non-illuminated signs which are incidental to construction and are located on the same lot, provided that such sign shall not exceed **2.5** square metres in area. A sign so erected shall be removed within 14 days after conclusion of the **construction** activity; and
 - (h) **one menu-box will be permitted per restaurant. The menu-box shall be located immediately adjacent to the entrance, shall not exceed 0.4 square metres (as measured from the outside of the box), shall not project further than 0.1 metre from the wall upon which it is affixed, and shall not have any logo or restaurant name located on the exterior of the box. The menu-box may be internally illuminated.**

Prohibited Signs

22.6 Notwithstanding any other section of this By-law, the following signs shall not be permitted or erected in any zone:

- (a) signs which create a hazard to public safety;
- (b) signs located within the viewing triangle of a street or driveway or which obstruct the vision of drivers whether by virtue of their location, appearance or illumination or which obscure or obstruct any traffic control sign or device of any public authority;
- (c) signs which obstruct access to or from a fire escape, door, window, or other required fire exit;
- (d) signs which resemble traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;
- (e) signs which advertise a product which is no longer sold or a business which is no longer in operation;
- (f) signs that are unrelated to the product, service or business that is upon a lot;
- (g) signs on public property or public rights-of-way unless erected by a public authority or specifically permitted by the Municipality;
- (h) signs located on or affixed to the roof of any structure;
- (i) signs which project above a roof line;
- (j) signs which project above a streetwall setback;
- (k) ~~ground signs or~~ billboards;
- (l) signs affixed to natural objects (trees, stones); ~~and~~
- (m) signs which use fluorescent colours for either background or individual characters, ~~excepting traditional neon tubing;~~
- (n) ~~internally-illuminated fascia signs, excepting traditional neon tubing;~~
- (o) ~~internally-illuminated awning signs;~~
- (p) ~~stretch skin plastics for awning or canopy signs; or~~
- (q) ~~textile banners, with or without frames.~~

Signs on Registered Heritage Properties and Properties in a Heritage Conservation District

22.7 Signs on registered heritage properties and properties in a heritage conservation district shall meet the requirements of the Design Manual.

~~* The following types of signs are prohibited on registered heritage properties and properties in a heritage conservation district:~~

- ~~(a) internally illuminated fascia signs or internally illuminated awning signs;~~
- ~~(b) stretch skin plastics for awning or canopy signs; and~~
- ~~(c) textile banners, with or without frames.~~

Encroaching Signs on Buildings

~~* No sign that encroaches into a street shall be less than 3.1 metres above the surface of a sidewalk.~~

~~* No part of a sign shall be closer than 3.1 metres horizontal from a curb face or the nearest edge of a vehicular passageway or traffic lane.~~

22.8 (1) No part of a sign that encroaches into a street shall be located:

- (a) less than 3.1 metres above the surface of a sidewalk; and
- (b) closer in horizontal distance from a face curb or the nearest edge of a vehicular travelled way than what is identified on Map 10.

(2) Notwithstanding subsection (1) of this section, consideration shall be given to the location of existing public infrastructure in the sidewalk area to ensure that the sign will not obstruct or cause either a safety or maintenance concern.

Illuminated Signs

22.9 Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises.

Fascia Signs

22.10 Fascia signs shall not extend beyond the extremities of a wall on which they are affixed.

22.11 The maximum combined size of fascia signs on the wall of a building shall be no greater than 10% of the total area of said wall.

Window Signs

22.12 The aggregate area of all window signs shall not exceed 25% of the window, or glass area of a door, to which they are affixed.

Canopies and Awning Signs

22.13 Signs on awnings shall not cover more than 25% of the area of the awning and the length of the text shall not exceed 80% of the length of the front valance.

Projecting Signs

22.14 Projecting signs shall;

- (a) be separated a minimum distance of 2.5 metres from other projecting signs on the same property;
- (b) have a minimum setback of 1.2 metres from an interior lot line; and
- (c) have a maximum area of 1.9 square metres.

22.15 Only one projecting sign is permitted per business premise.

- 22.16 For the purposes of this part, “*secondary business frontage*” means frontage other than the frontage on which the main or only entrance to the business premise is located.
- 22.17 Notwithstanding section 22.15, where a business premise has frontage on more than one street, such as in a corner building, it may have one additional projecting sign per secondary business frontage. The additional sign shall be located on the secondary business frontage and on the same floor level as the business.

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PART 23: PARKING

Accessory Surface Parking Lots: General Requirements

23.1 Accessory surface parking lots shall be prohibited in the following areas as depicted on Map 2:

Precinct 3: Spring Garden Road Area;
Precinct 4: Lower Central Downtown;
Precinct 5: Barrington Street Heritage Conservation District;
Precinct 6: Upper Central Downtown; and
Precinct 7: Historic Properties.

23.2 The following requirements shall apply to accessory surface parking lots:

- (a) accessory surface parking lots shall not have a parking surface area greater than the equivalent of 20 parking stalls plus area for ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or for maneuvering;
- (b) accessory surface parking lots shall be located in the ~~rear or side yard~~ areas of a lot that are not between a streetline and a building and at no time shall they be closer to the streetline than 50% of the lot depth;
- (c) all accessory surface parking lots and access to accessory surface parking lots shall be hard surfaced with asphalt, concrete or pavers, and delineated by concrete curbing. All parking spaces and driving aisles shall be delineated with painted lines;
- (d) all accessory surface parking lots visible from the street shall have a landscaped vegetated strip of at least 1.5 metres in depth adjacent to any street, exclusive of driveway accesses, and a further strip of at least 1 metre in depth along other lot lines. Landscaping may consist of grassed areas or planters, with one shrub planted for every 2 metres of length along side and rear lot lines, and one tree, staked, with a minimum base caliper of 50mm for every 4.5 metres abutting a street line;
- (e) individual parking spaces shall be 2.7 metres by 6.1 metres except in the case of curb parking parallel to an internal driveway, in which case the length of the parking stall shall be increased to 6.7 metres;
- (f) there shall be a minimum aisle width between parking stalls of 7.3 metres for two-way traffic or 4.3 metres for one-way traffic;
- (g) parking or storage of motor vehicles is not permitted in areas used for ingress or egress of motor vehicles to a street or highway, or in areas used for driveways, aisles or maneuvering areas;
- (h) parking spaces shall not be immediately adjacent to doors or passageways from buildings; and
- (i) parking areas and driving aisles ~~in a front yard between a streetline and a building~~ are not permitted. A driveway in ~~such areas shall be the front yard~~ is permitted ~~only to provide access to parking areas located in a side or rear yard where they provide access to parking areas in other areas of the lot.~~

23.3 The design of accessory surface parking lots shall meet the requirements of the Design Manual.

Commercial Surface Parking Lots

23.4 Commercial surface parking lots are prohibited in all zones.

Commercial Parking Garages: General Requirements

23.5 Commercial parking garages shall be permitted in all precincts.

23.6 The following requirements shall apply to commercial parking garages:

- (a) individual parking spaces shall be 2.7 metres by 6.1 metres except in the case of curb parking parallel to an internal driveway, in which case the length of the parking stall shall be increased to 6.7 metres;
- (b) parking or storage of motor vehicles is not permitted in areas used for ingress or egress of motor vehicles to a street or highway, or in areas used for driveways, aisles or maneuvering areas; and
- (c) parking stalls shall not be adjacent to doors or passageways from buildings.

23.7 The requirements of clause (a) of section 23.6 shall not apply where an automated vehicle parking system is being used.

Commercial Parking Garages: Design

23.8 Commercial parking garages shall provide a streetwall as specified on the Streetwall Height Map 7, and in no case shall the streetwall height be less than 11 metres high where the building height is less than the required streetwall height, but greater than 11 metres high. For those buildings less than 11 metres high the streetwall height shall be the full height of the building.

23.9 Rooftop parking and mechanical equipment shall be visually obscured from the street through the use of architectural features.

23.10 At-grade uses abutting a street shall be limited to:

- (a) on Pedestrian-Oriented Commercial Streets those uses in sections 12.2 and 12.3; and
- (b) on all other streets those uses permitted in the zone applicable to the lot.

23.11 Streetwalls greater than 15 metres in width measured parallel to the streetline shall have the appearance of two or more buildings by altering the appearance of the facade or roof in increments of 6 metres to 12 metres.

23.12 75 % of the surface area of the face of the ground floor of the building, along any street, shall be comprised of windows. For the purpose of calculating this requirement those openings in the building wall used for access of vehicles shall be excluded.

23.13 Commercial use storage, delivery bays and garbage waste management receptacles shall be contained within the building.

23.14 Commercial parking garage mechanical equipment, meters and similar utilities shall be located on top of, or within, the building.

23.15 The design of commercial parking garages shall meet the criteria of the Design Manual.

Bicycle Parking: Required Number of Spaces

23.16 The minimum and maximum number of required bicycle parking spaces shall be as follows:

	Parking Requirement
Multiple Unit Dwelling (four or more dwelling units)	0.5 spaces per dwelling unit 80% Class A, 20% Class B
Hotels, Inns	1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	1 space per 300 sq. m. GFA 20% Class A, 80% Class B Minimum 2 Class B spaces
General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	1 space per 500 sq. m. GFA 50% Class A, 50% Class B Minimum 2 Class B spaces
Auditoriums, Theatres, Stadiums, Halls	1 space for every 20 seats 20% Class A, 80% Class B Minimum 2 Class B spaces Maximum requirement of 50 spaces
Schools, Colleges, Universities	1 space for every 250 sq. m. GFA 20% Class A, 80% Class B
Recreation Facilities, Community Centres, Libraries	1 space per 200 sq. m. GFA 20% Class A, 80% Class B Minimum 2 Class B spaces
Commercial Parking Garages	5% of motor vehicle parking provided Minimum 2 Class B spaces Maximum of 50 spaces
Any Uses Not Specified Above	1 space per 500 sq. m. GFA 50% Class A, 50% Class B

23.17 Bicycle parking shall not be required for the following land uses: single, two and three unit dwellings, townhouses, self storage facilities, car washes, cemeteries, and funeral homes.

Bicycle Parking: Class A Requirements

23.18 Class A bicycle parking spaces shall be subject to the following requirements:

- (a) Class A bicycle parking shall be located a maximum of 200 metres from an entrance;
- (b) parking spaces shall have a minimum door opening of 0.6 metres, be no less than 0.6 metres long and 1.2 metres in height, with an aisle width of not less than 1.5 metres; and
- (c) bicycle rooms and cages for the storage of multiple bicycles shall contain racks so that individual bicycles are supported.

Bicycle Parking: Class B Requirements

23.19 Class B bicycle parking shall be subject to the following requirements:

- (a) covered parking spaces, in which bicycles are protected from precipitation, shall be located a maximum of 30 metres from an entrance;
- (b) uncovered parking shall be located a maximum of 15 metres from an entrance;
- (c) parking spaces shall be located at ground level and visible to passers-by or building security personnel;
- (d) where parking spaces are not visible to passers-by, directional signage shall be provided;
- (e) all bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.
- (f) parking spaces shall have a minimum overhead clearance of 2 metres;
- (g) access to and exit from parking spaces shall be provided with an aisle of not less than 1.2 metres in width, to be provided and maintained beside or between each row of bicycle parking;
- (h) parking spaces shall be located a minimum of 0.6 metres from any wall or other obstruction; and
- (i) parking spaces shall be a minimum of 0.6 metres wide and 2 metres long.

23.20 In cases of 100% lot coverage, or where it is otherwise impractical to provide on-site parking, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of ~~the Streets By-law (S-300)~~HRM By-law S-300, the *Streets By-law*, provided it is a maximum of 100 metres from the location such parking is to serve.

PART 24: LANDSCAPING REQUIREMENTS

Requirement Prior to Issuance of First Occupancy Permit

- 24.1 Prior to the issuance of the first occupancy permit, the developer shall submit to the Development Officer a letter prepared by a landscape architect certifying that all landscaping has been completed according to the terms of the site plan approval.

Security Deposit

- 24.2 Notwithstanding section 24.1, occupancy permits may be issued provided the developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The security deposit shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank.
- 24.3 Should the developer not complete the landscaping within twelve (12) months of issuance of the first occupancy permit, the Municipality may use the security deposit to complete the landscaping as set out under the terms of the site plan approval. The developer shall be responsible for all costs in this regard exceeding the deposit.
- 24.4 Upon completion of the landscaping work and its certification by a landscape architect, any unused portion of the security deposit, submitted to the Municipality under section 24.2, shall be returned to the developer.

Schedule S-2: Wind Assessment Performance Standards

General

- (1) A new building that is proposed to be greater than ~~20~~ 22 metres in height or an addition to a building that will result in the building being greater than ~~20~~ 22 metres in height shall be subject to either a qualitative or a quantitative wind impact assessment.
- (2) The wind impact assessment shall address:
 - (a) existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development;
 - (b) the impact of the development on the following areas:
 - (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and
 - (ii) private amenity spaces such as rooftop gardens;
 - (c) the expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking;
 - (d) ~~safety failures, where excessive wind gust speeds can adversely affect a pedestrian's balance and footing; and~~
 - (e) the methodology and standards used in the assessment.
- (3) ~~Any issues or impact identified by the wind impact assessment shall be mitigated through the design of the building and the site.~~

Qualitative Assessment

- (4) For development that is minor in scope, such as a small addition in building height or a development where wind impact is not expected to be detrimental or may be improved upon in the opinion of the qualified professional, the wind impact assessment may be limited to a qualitative assessment.
- (5) A qualitative assessment shall include an analysis and description of expected wind impacts without the use of quantitative scale model simulation analysis.
- (6) The qualitative assessment shall be in the form of a report and shall be subject to the acceptance of the Development Officer or Design Review Committee.

Quantitative Assessment

- (7) Where a quantitative wind assessment is required, such analysis shall be based upon scale model simulation analysis.

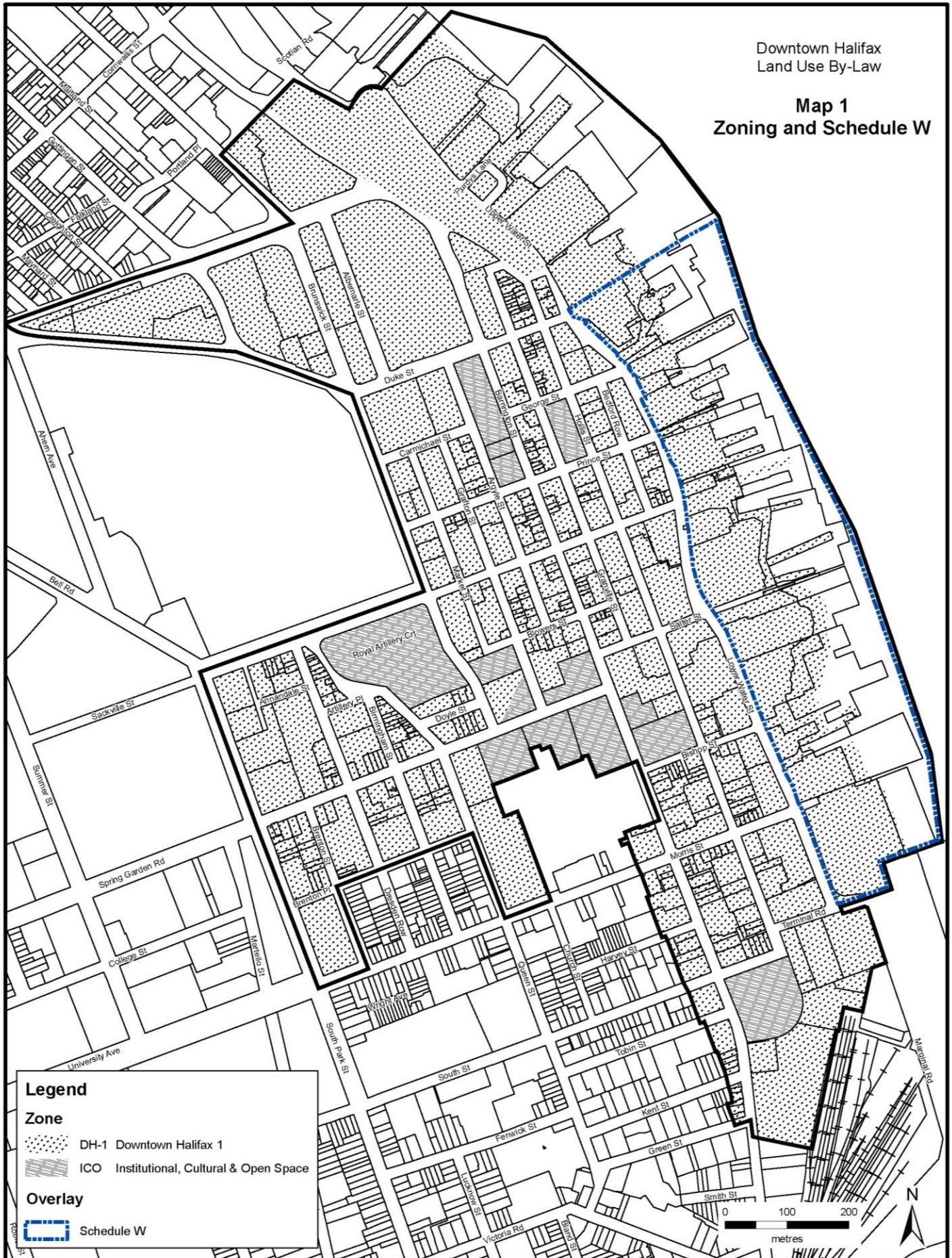
Determination

- (8) Where the impact of the development upon the areas identified in S-2(2)(b) can be mitigated, with consideration of the criteria of the Design Manual regarding overall building design, the development shall be approved by the Development Officer or Design Review Committee.

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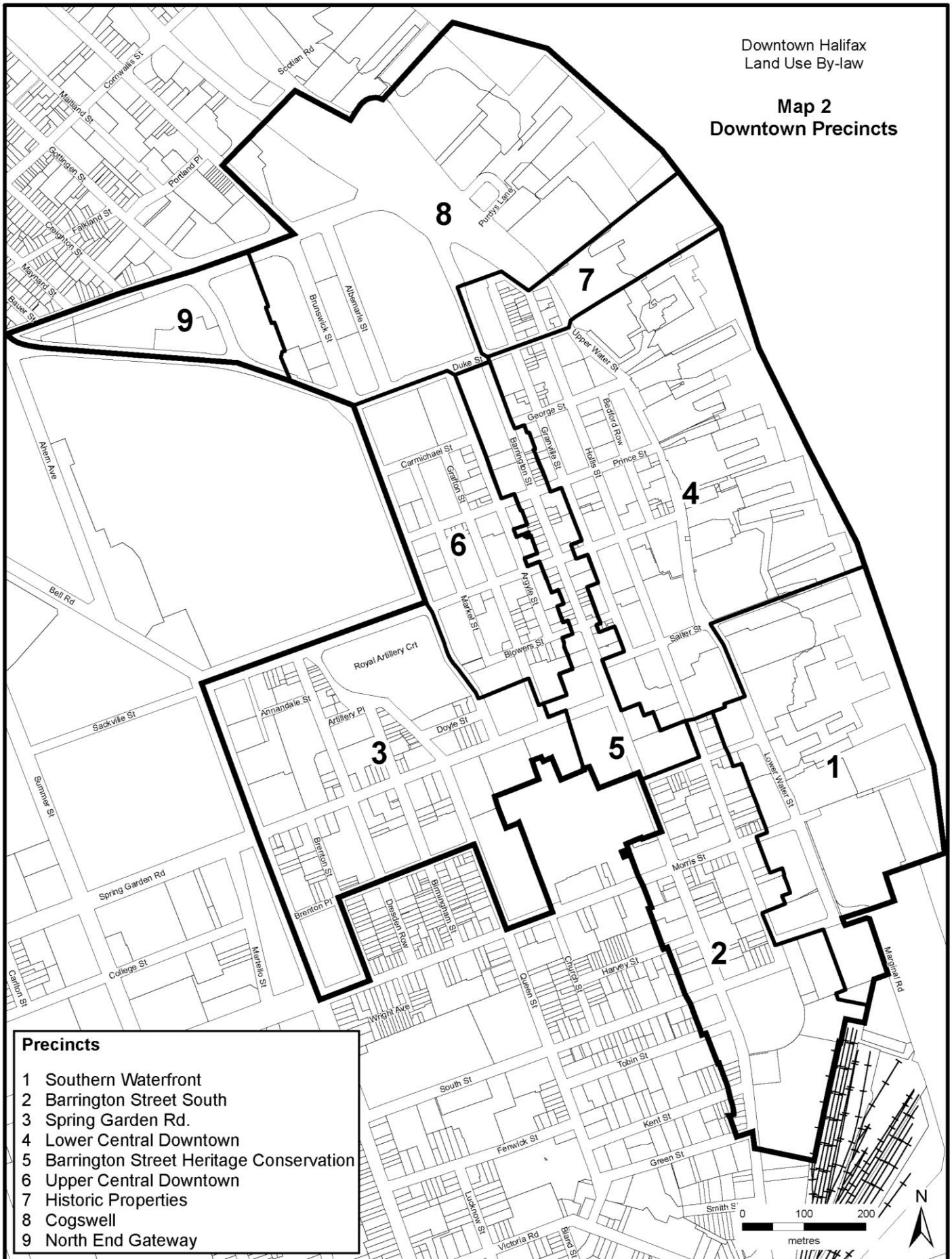
Map 1
Zoning and Schedule W



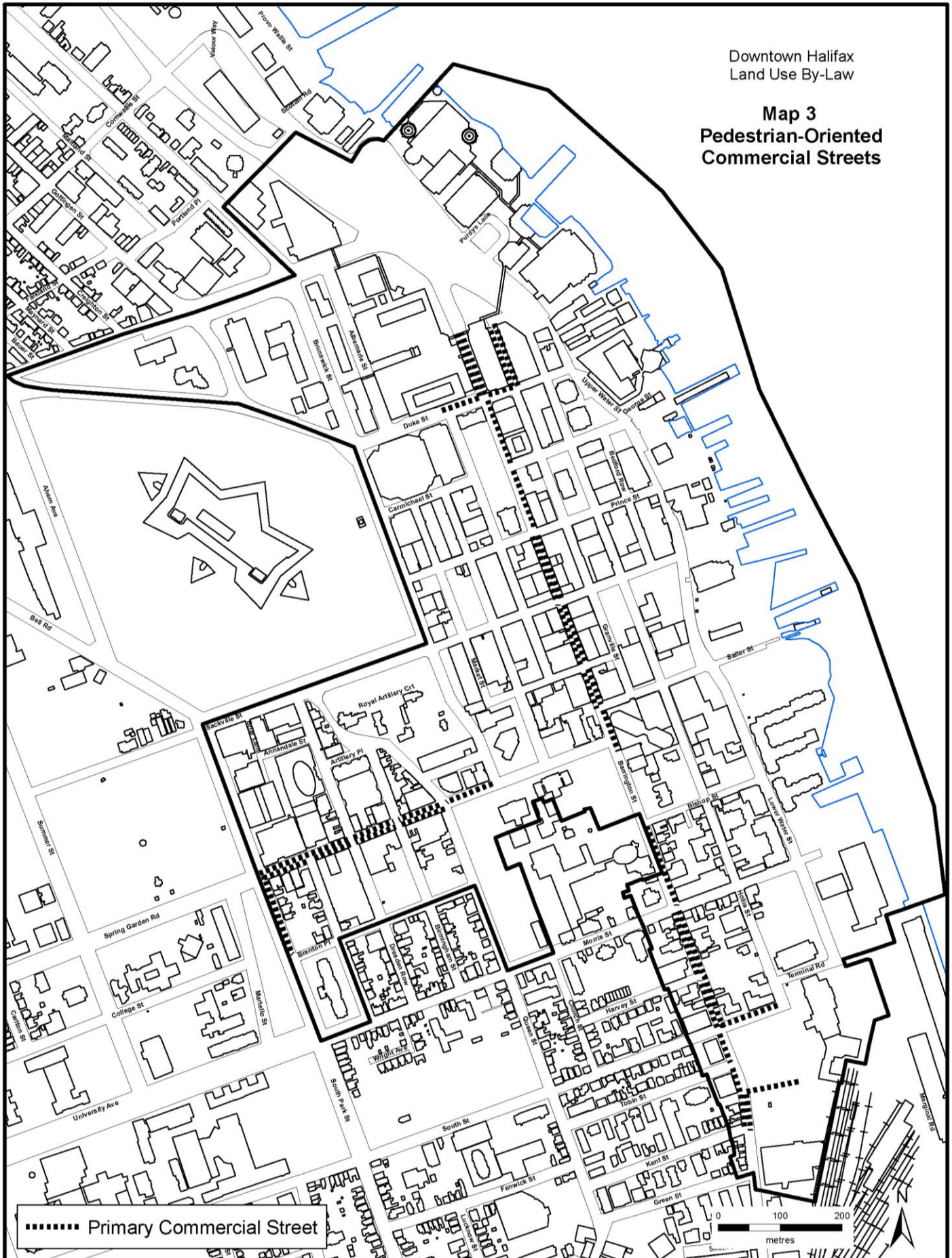
Effective: 24 October 2009

Note: Effective date does not indicate date of data creation.

**Map 2
Downtown Precincts**



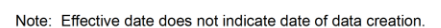
**Map 3
Pedestrian-Oriented
Commercial Streets**



Effective: 24 October 2009

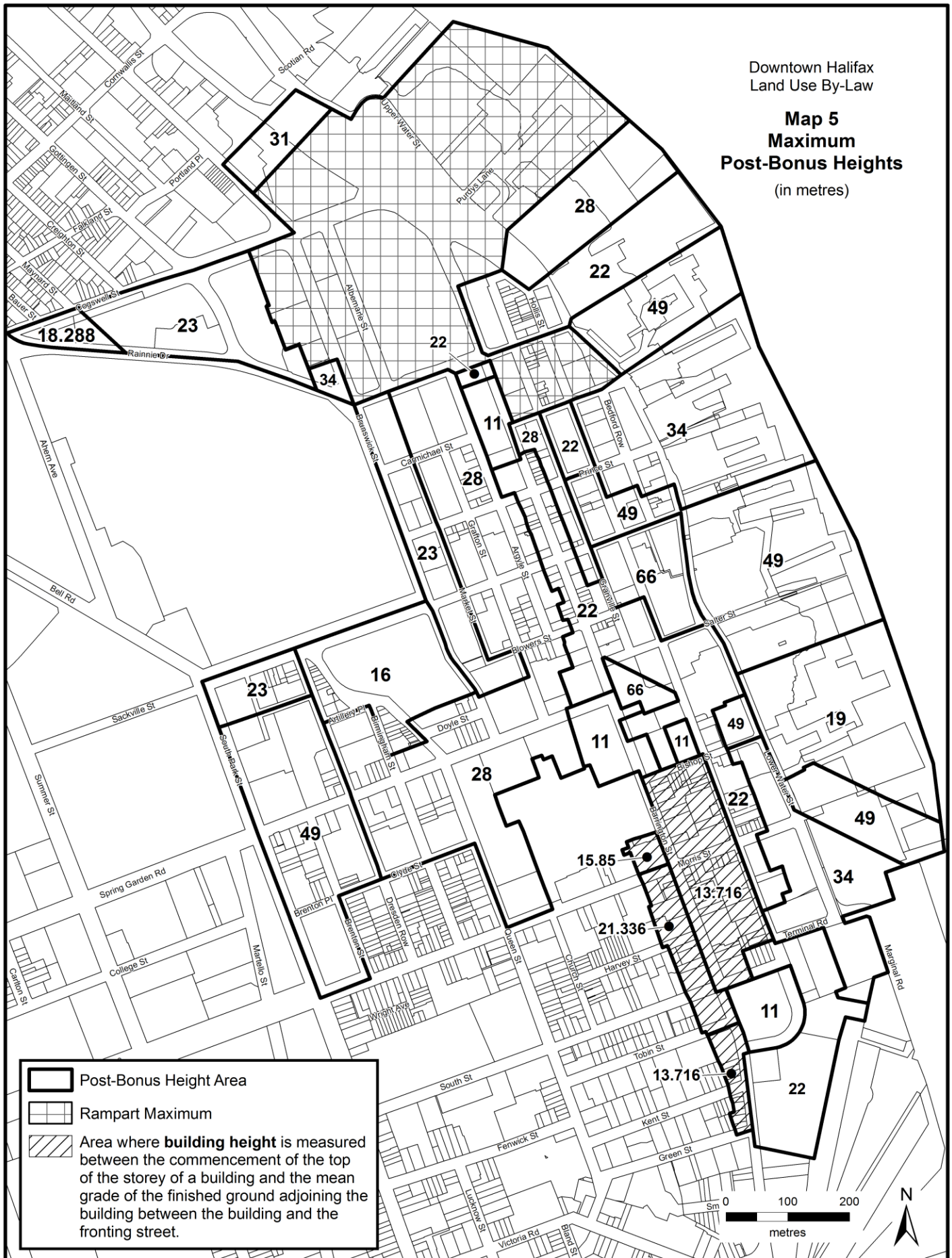
Note: Effective date does not indicate date of data creation.

Map 4
Maximum
Pre-Bonus Heights
(in metres)



Downtown Halifax
Land Use By-Law

Map 5
Maximum
Post-Bonus Heights
(in metres)



Effective: 17 August 2013

Note: Effective date does not indicate date of data creation.

**Map 6
Streetwall
Setbacks**



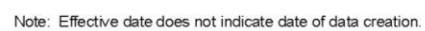
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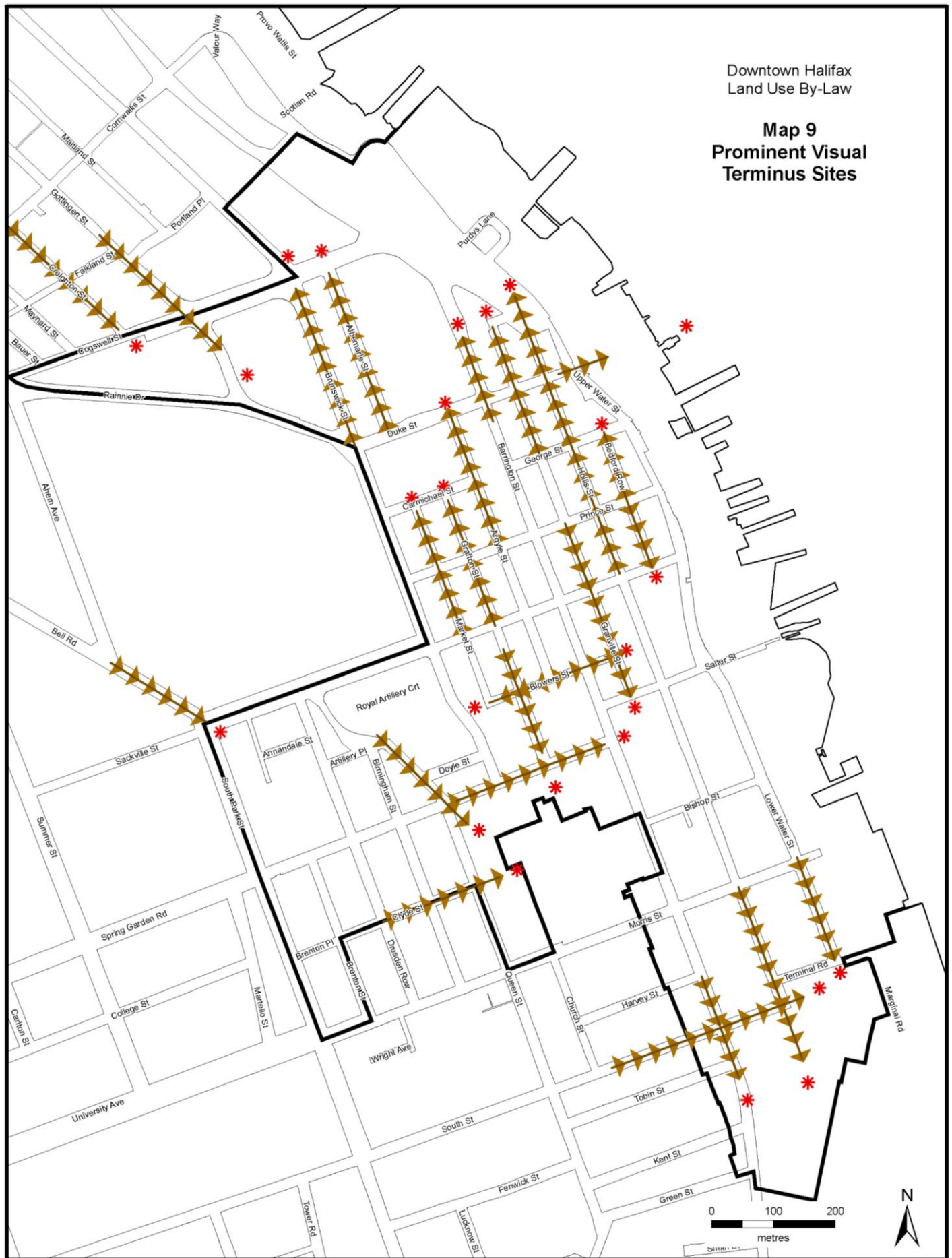
Note: Effective date does not indicate date of data creation.



Effective: 3 March 2012

Note: Effective date does not indicate date of data creation.

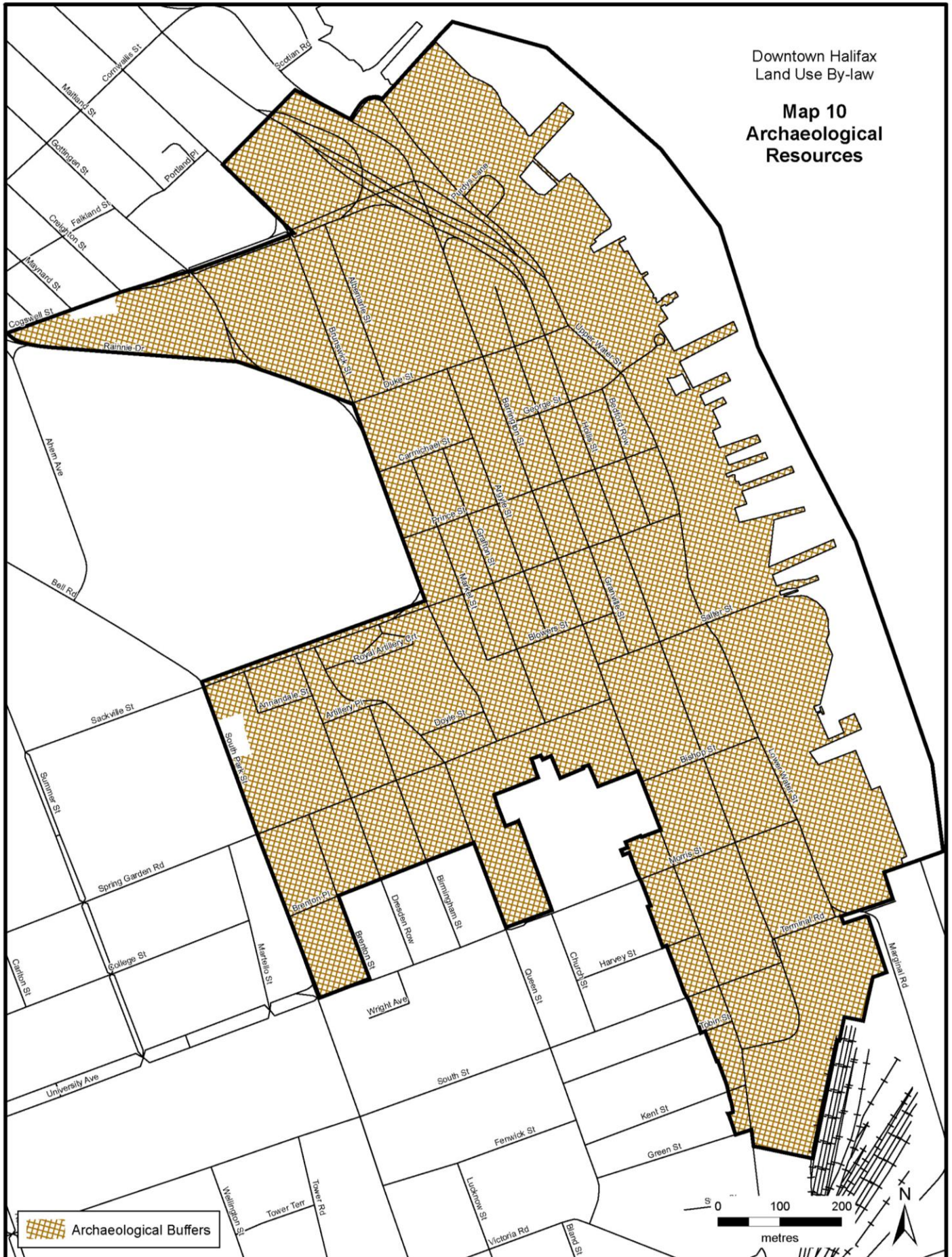




Effective: 24 October 2009

Note: Effective date does not indicate date of data creation.

**Map 10
Archaeological
Resources**

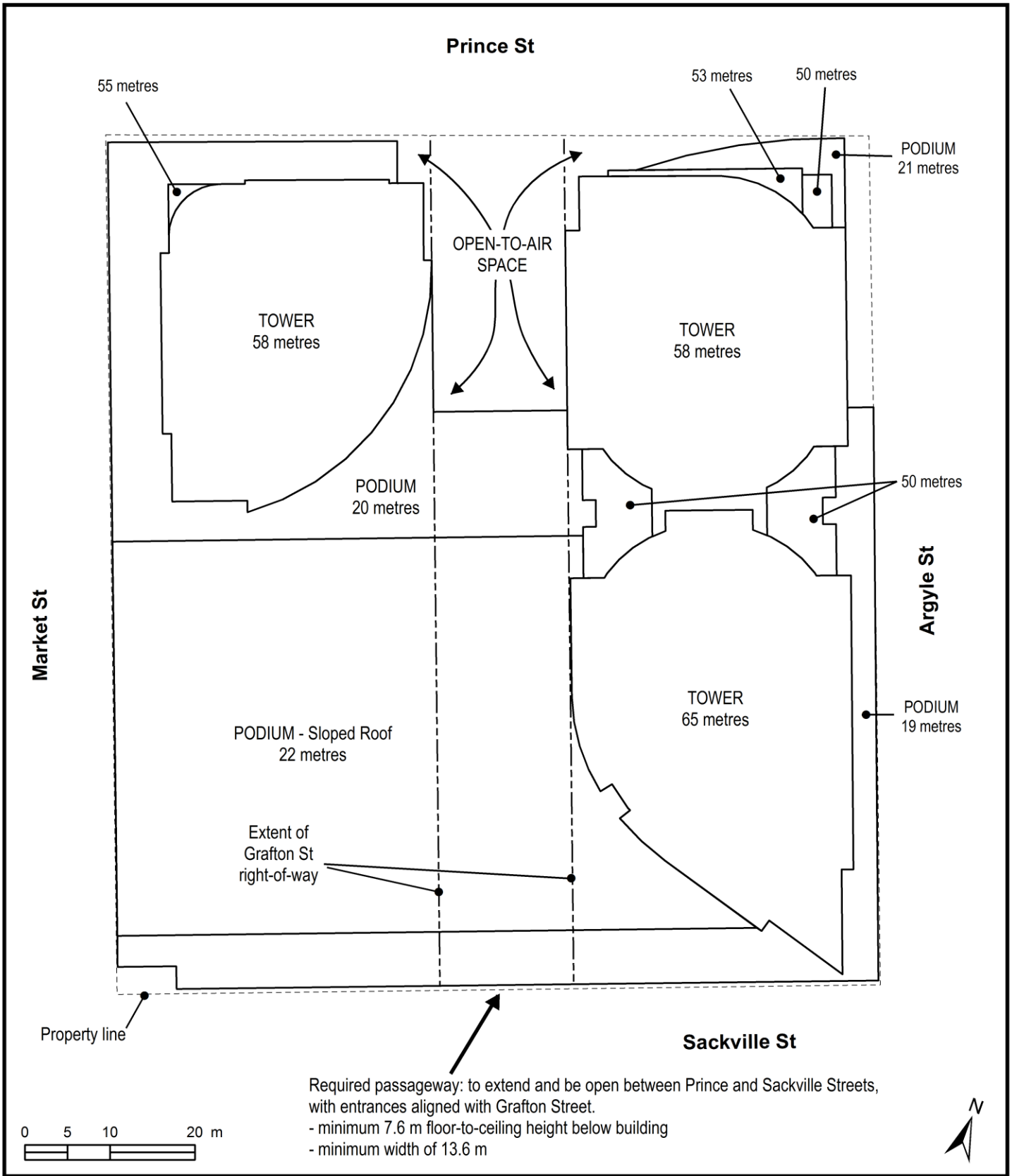


Effective: 24 October 2009

Note: Effective date does not indicate date of data creation.

Appendix B

Publically Sponsored Convention Centre



Effective: 10 May 2014

Notes:
Heights shown are maximum permitted heights from average grade.
Depicted setbacks and stepbacks are the required minimum setbacks and stepbacks.

Appendix C – Building Height Limits Pursuant to Clause 7A (RC-Jun 25/14;E-Oct 18/14)

