

**REVISED**



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**Item No. 9.1 (v)**

Urban Design Task Force - February 18, 2009  
Regional Plan Advisory Committee - February 18, 2009  
Heritage Advisory Committee - February 25, 2009

**TO:** Chairs and Members of the Urban Design Task Force, Regional Plan Advisory Committee, and Heritage Advisory Committee

**Halifax Regional Council - April 7, 2009**

**May 5, 2009**

**SUBMITTED BY:**

Handwritten signature of Dan English in black ink.

Dan English, Chief Administrative Officer

Handwritten signature of Wayne Anstey in black ink.

Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** February 4, 2009

**SUBJECT:** Regional Centre Urban Design Study - Downtown Halifax Urban Design Plan

**ORIGIN**

- Council approved cost sharing for the Regional Centre Urban Design Study between HRM, the Province of Nova Scotia, and ACOA - November 8, 2005
- Council awarded RFP # 05-073 (Regional Centre Urban Design Study) - March 7, 2006
- Council appointed the membership of the Urban Design Task Force - June 27, 2006
- Council approved in principle, "Regional Centre Urban Design Vision and Principles" - February 27, 2007
- Council approved in principle, "The Urban Design Framework" and "The Reurbanization Strategy" - July 31, 2007
- Council accepted Information Report: "Status Update - HRM By Design Urban Design Study." - November 27, 2007
- Council approved in principle: 1) The findings of Public Forum 3, "The Downtown Vision", 2) The request for changes to the Municipal Government Act to "enable a new planning process for downtown development", and 3) The "initiation of planning and design work in support of the redevelopment of the Cogswell Interchange." - February 26, 2008
- Council accepted Information Report: "HRMbyDesign: Revised Schedule and Public Participation Program." - July 8, 2008
- The HRM Charter and the HRMbyDesign Act received Royal Assent on November 25, 2008 and were proclaimed on January 13, 2009.

**RECOMMENDATIONS**

**It is recommended that the Urban Design Task Force and the Heritage Advisory Committee both recommend that Regional Council:**

1. Give First Reading to the proposed Downtown Halifax Secondary Municipal Planning Strategy, the proposed Downtown Halifax Land Use By-law, the proposed Barrington Street Heritage Conservation District Revitalization Plan & By-law, the proposed amendments to the Regional Municipal Planning Strategy, the proposed amendments to the Halifax Municipal Planning Strategy, the proposed amendments to the Halifax Peninsula Land Use By-law, the proposed amendments to the Heritage Property By-law, the proposed amendments to the Building By-law, and the proposed amendments to the Encroachment By-law as provided in Attachments "A" and "B" of this report, and schedule a Public Hearing.

**RECOMMENDATIONS CONTINUED ON PAGE 2**

2. Approve the proposed Downtown Halifax Secondary Municipal Planning Strategy, the proposed Downtown Halifax Land Use By-law, the proposed Barrington Street Heritage Conservation District Revitalization Plan & By-law and, the proposed amendments to the Regional Municipal Planning Strategy, the proposed amendments to the Halifax Municipal Planning Strategy, the proposed amendments to the Halifax Peninsula Land Use By-law, the proposed amendments to the Heritage Property By-law, the proposed amendments to the Building By-law, and the proposed amendments to the Encroachment By-law as provided in Attachments "A" and "B" of this report.
3. Approve the Priorities After Adoption as outlined in Attachment "C" of this report.
4. Approve the Barrington Street Heritage Conservation District Financial Incentives Program Terms and Conditions for Capital Grants, Tax Incentives, and Permit Fee Waivers as outlined in Attachment "D" of this report pending council budget approval including identification of a funding source for the program.

**It is recommended that the Regional Plan Advisory Committee recommend that Regional Council:**

1. Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy as provided in Attachment "B-1" of this report, and schedule a Public Hearing.
  2. Approve the proposed amendments to the Regional Municipal Planning Strategy as provided in Attachment "B-1" of this report.
  3. Amend the Terms of Reference of the Regional Plan Advisory Committee to include two representatives from the Urban Design Task Force during the first five years of the implementation of the Downtown Halifax Secondary Municipal Planning Strategy.
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## EXECUTIVE SUMMARY

The Regional Centre Urban Design Study launched in 2006, now known as “HRMbyDesign,” is a directive of Regional Council as an outcome of the Regional Plan. The project study area is the Regional Centre, an area comprising the Halifax Peninsula and Dartmouth inside the Circumferential Highway. The objectives of HRMbyDesign include:

- articulating a broadly shared 25-year vision for the Regional Centre;
- allowing significant population growth on vacant and underutilized sites;
- directing this growth to areas that can both accommodate it and benefit from it;
- ensuring complete, walkable and sustainable neighbourhoods;
- making specific capital improvement recommendations; and
- bringing about the necessary policy amendments at the municipal and provincial levels to enable these changes.

In 2007, Regional Council requested that HRMbyDesign create a detailed urban design plan for downtown Halifax. This was in recognition of the regional significance of the area as described in the Regional Plan, and the unique challenges and opportunities it presents with respect to future development. HRMbyDesign has responded to this directive with the *Downtown Halifax Urban Design Plan* that will:

- create a positive development climate in the Municipality's urbanized core;
- streamline the development approval process;
- improve the quality of architecture and public space design;
- establish a positive relationship between heritage and modernity in architecture;
- protect views from the Citadel to the Harbour by upholding regulations in the Peninsula Land Use By-law that protect the Citadel View Planes and Rampart views;
- improve the walkability and sustainability of downtown; and
- foster a major increase in population density in the city core.

To achieve these goals a number of regulatory changes are proposed:

- a new Downtown Halifax Secondary Municipal Planning Strategy will replace the existing Halifax Municipal Planning Strategy within the downtown plan area;
- a new Downtown Halifax Land Use By-law will replace the Peninsula Land Use By-law within the downtown plan area;
- the Barrington Street Heritage Conservation District Revitalization Plan and By-law will apply to Barrington Street; and
- a number of amendments are required to the Regional Plan, and other plans and by-laws to fully implement the Plan.

One of the most significant changes contained in the *Downtown Halifax Urban Design Plan* is to replace development agreements and as-of-right development approval processes currently in use in downtown Halifax with site plan approval. This new, more streamlined process will deliver higher quality buildings and open spaces within a shorter approval time line. This will increase the livability and economic competitiveness of downtown Halifax, both of which have been expressed by residents and project stakeholders as key project outcomes. Under the proposed site plan approval process, Regional Council will delegate development decision-making authority to a combination of a

Development Officer (for quantitative built form matters) and a citizen-based Design Review Committee primarily comprised of design professionals (for qualitative design matters).

The most important aspect of this Plan is that it reflects a balance between protection of our rich heritage resources while fostering a positive and predictable development climate, both of which will result in exciting, respectful, and well-designed buildings and public spaces in downtown Halifax. This balance is the result of the synthesis of significant public consultation and leading edge urban design practices into the widely shared vision we now have for downtown over the next 25 years.

While the significant program of public realm improvements will result from a collaboration with the private sector through partnerships and the bonus zoning program, to fully bring the ideals of this Plan to fruition, HRM must provide leadership in undertaking its capital investment and funding programs to be considered in the Downtown Halifax Capital Investment Functional Plan.

The *Downtown Halifax Urban Design Plan* contains a variety of implementation policies that reflect the aspirations of the community for its downtown. This report is a summary of the plan contents, which includes policies regarding: the downtown Halifax vision, guiding principles and ten big moves; design of the private and public realms; housing affordability; sustainability; heritage protection; economic development; transportation and parking; and, implementation. In addition, Attachment "C" outlines a concise list of priority action items recommended by the Urban Design Task Force to be considered for adoption by Regional Council concurrently with the approval of the *Downtown Halifax Urban Design Plan*.

## **BACKGROUND**

The Regional Centre Urban Design Study, now known as "HRMbyDesign," is a directive of Halifax Regional Council as an outcome of HRM's Regional Plan. This project, which has been underway since July 2006, articulates a design strategy to foster quality development and vibrant public spaces through the creation of new policies and tools such as: design guidelines, improved development approval processes, and incentives for high quality development within the downtown and surrounding Regional Centre. Importantly, the project will provide Council with a clarified policy framework within which solid and expedient development decisions can be made.

The project has been championed by the seventeen-member citizen volunteer Urban Design Task Force (UDTF), which includes three representatives from Regional Council. The project is also guided by a Project Steering Committee consisting of professional staff from key HRM departments, and includes representation from our funding partners at the provincial and federal levels of government.

In acknowledgment of the regional significance of downtown Halifax as described in the Regional Plan, the focus of the project over the past year and a half has been the preparation and adoption of the Downtown Halifax Urban Design Plan. This work has included drafting a new Downtown Halifax Secondary Municipal Planning Strategy, a new Downtown Halifax Land Use By-law and Design Manual, the Barrington Street Heritage Conservation District Revitalization Plan and By-law, and a package of amendments to existing plans and by-laws as a result of the changes proposed by

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HRMbyDesign. This work is the result of significant public consultation, including the following public outreach and participation initiatives:

- 40 meetings and workshops of the Urban Design Task Force attended by members of the public;
- 5 interim Council reports and presentations;
- 4 major forums;
- 6 open houses;
- 42 presentations to various stakeholder groups;
- 40 one-on-one stakeholder meetings;
- 11 workshops and media briefings; and
- 2 major public reviews of the draft plan:
  - Draft 1: April 2008, generating 160 individual written comments, letters and recommendations, resulting in 112 issues analyzed by the UDTF and project staff for inclusion in the Plan.
  - Draft 2: September/October 2008, generating 70 individual written comments, letters and recommendations resulting in 68 issues analyzed by the UDTF and project staff for inclusion in the final plan.

The UDTF has fulfilled its mandate from Council with respect to providing a detailed urban design plan for downtown Halifax. The UDTF recommends Regional Council give First Reading and set Tuesday, May 5, 2009, as the commencement of the public hearing process. Once Council sets the date for the public hearing, the plan cannot be changed until Council closes the public hearing. At that time, Council can accept the plan, direct changes to the plan, or reject the plan. If changes are of a substantial nature, such that they alter the intent (meaning) of land use policy, a second public hearing must be scheduled.

## DISCUSSION

The most important aspect of this Plan is that it reflects the right balance between protection of our rich heritage resources while fostering a positive and predictable development climate, both of which will result in exciting, respectful, and well-designed buildings and public spaces in downtown Halifax. This balance is the result of the synthesis of significant public consultation with leading edge urban design practice into the widely shared vision we now have for downtown over the next 25 years. This balance will remove the need for site-by-site debates on development applications, the focus of which is nearly always on building height or relationship to surrounding historic sites or landmarks. This balance will shift the public focus to monitoring the new, more streamlined and transparent development approvals process to ensure that the policies contained in the new plan are being implemented as intended by the residents that helped to create them.

### 1. Vision & Principles

A robust program of public consultation led by the Urban Design Task Force resulted in a new, broadly supported vision for downtown Halifax. This is the first time the vision has been updated since the adoption of the Halifax Municipal Planning Strategy in 1978. This is significant as HRMbyDesign's vision now reflects the aspirations of several generations of Haligonians whose voice was not present in the old MPS. The vision is as follows.

### Downtown Halifax Vision

In the next 25 years downtown Halifax will become a thriving urban environment with a strengthened historic heart. Many more people will live in downtown Halifax's mixed use neighbourhoods, enjoying splendid public spaces and human scale streetscapes. A mix of housing types will increase living and working opportunities for all people and will appropriately transition in scale and design to surrounding neighbourhoods and cultural destinations. The streetscape experience will be improved through redevelopment which incorporates active street level shops and activities. Infill development on existing vacant and under utilized sites and redesigned streetscapes will encourage a culture of walking.

Pedestrian and visual connections will unify the downtown through beautifully designed Citadel to Harbour streets (Duke, George, Prince and Sackville Streets), thereby linking the Harbour with Citadel Hill. Downtown Halifax will define its character by distinct precincts that celebrate and reinforce the downtown as a civic, cultural, and an economic destination. High-quality public plazas, forecourts, courtyards and promenades will complement and visually connect every precinct, adding valuable public amenities and performance spaces throughout the downtown. The Halifax Harbourwalk will celebrate the waterfront as the best attraction of downtown Halifax. Furthermore, beautifully designed esplanade plazas along the perimeter of Citadel Hill will properly celebrate the hill's significance and importance.

Barrington Street will be defined as the historic heart of the downtown through its immediate designation as a heritage conservation district. Halifax's history will further be preserved through the establishment of two additional heritage districts in the area surrounding Barrington Street south, and the Historic Properties/Granville Mall area.

The Cornwallis Park area will become the southern gateway into the downtown, with a revitalized park to include public art. Once infill development on vacant sites in the central downtown is underway in the short to mid term, the Cogswell Interchange will be transformed in the mid to long term into a new mixed-use precinct functioning as the northern gateway into the downtown, and will feature a restored surface street grid. Visitors arriving at the transit terminals will immediately feel welcomed and connected to downtown Halifax as a result of the enhancement of these gateways. Much greater emphasis will be placed on walking, cycling and transit in the downtown.

### Guiding Principles

There are six overarching principles that represent the major themes carried forward in the Downtown Plan. They include:

- a. **A Sustainable Downtown:** The promotion of a compact, intensified and walkable downtown is a central ingredient in HRM's regional sustainability objectives and a major focus of this Plan. This Plan features strategies to promote sustainable settlement patterns, building design and environmentally sustainable development practices.
- b. **A Living Downtown:** Create a "living" downtown through distinct neighbourhoods while supporting the creation of new residential opportunities including desirable high-density neighbourhoods with a variety of housing choices that are supported by high quality community, streetscape and open space amenities.

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- c. **A Distinct Downtown:** Maintain a distinctive downtown by preserving and reinforcing the elements that impart a sense of history, culture and a unique natural setting.
  - d. **A Beautiful Downtown:** Restore the pursuit of longevity, civic pride, visual appeal, and inspiring qualities to the design, improvement and construction of streets, open spaces and buildings.
  - e. **A Connected Downtown:** Strengthen the visual and physical connections between historical and natural assets, and civic and open space destinations in the downtown. In addition, create similar connections to surrounding districts and neighbourhoods outside the downtown, in particular along major transit nodes and corridors.
  - f. **A Vibrant Downtown:** Create a vibrant downtown by developing policies and procedures that encourage an urban environment with a broad mix of land uses, the required infrastructure and the necessary critical mass to support a creative and exciting economic, cultural and social community.

## 2. Economic Development

One of the main goals of the Downtown Halifax Urban Design Plan is to promote growth and investment in downtown Halifax by creating clarity and predictability in the development approval process. In order to achieve this goal, the Plan proposes two major changes to the current policy and regulatory context. First, the Plan clearly lays out the building development forms (height and massing) that will be expected in the downtown core. Second, it shifts away from development agreements toward a more streamlined approach of site plan approval that will yield development decisions in a six-week time frame. By reducing financial risk and streamlining the development approvals process, it is expected that the Plan will in turn encourage the development community to increase its level of investment within downtown Halifax.

The Plan also encourages livability and critical mass in the downtown core, two factors that are instrumental in achieving prosperity. With prosperity comes the opportunity for additional cultural undertakings such as art, theatre, music, and heritage preservation. And with an increase in cultural activities, more prosperity can be achieved as the downtown becomes an even more attractive place to live, work, and visit. The impact of this increase in prosperity will be felt further afield than the boundaries of the downtown, as it will become a key ingredient in making our region a world-class urban centre.

In all, the Plan provides for short, medium and long-term development growth targets. Within the next 15 years, the Plan provides capacity for at least 16,000 residents and 15,000 jobs, and up to three million square feet of office development within downtown Halifax. Full realization of the build out of the Plan could yield upwards of 15 million square feet of development over the next 25 years. In support of these growth targets, HRM retained a consultant to estimate future development demand, to determine the capacity for new development under this Plan's built-form framework,



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and to compare the two. The result of this third-party analysis is that the Plan allows sufficient, but not overly excessive capacity for future growth.

### 3. Design of the Private Realm

The Plan's *Urban Design Vision and Principles* establish private realm design objectives for downtown Halifax to ensure that new development is of excellent architectural quality, maintains appropriate relationships with streets and open spaces, that there are appropriate relationships between buildings, and that there are appropriate transitions between areas of differing scale and intensity of use. Although the Plan considers land uses, its central focus is on the character, shape, scale and design of buildings; it is therefore said to be a form-based approach to development regulation, consistent with the direction of the Regional Municipal Planning Strategy. It is important to note that this approach demands high quality architecture based on fundamental principles of design. The built form framework permits and encourages broad creative freedom and does not attempt to regulate taste. Private realm design is therefore regulated under the following headings:

#### 3.1 Land Use

In support of the diverse urban character of downtown Halifax, a broad range of residential, commercial, and cultural uses are permitted and encouraged within individual buildings and throughout the downtown with few restrictions. The importance of downtown Halifax as an employment centre will continue to be recognized and supported. The Plan encourages varied forms of development in low, mid, and high-rise buildings to accommodate the future employment growth needs for downtown. The Plan also supports more people living in downtown Halifax and establishes population targets to support this growth. Residential growth will be encouraged by removing existing density limitations and encouraging a broad mix of unit types, housing affordability, and amenities to support downtown living (see "Map 1: Zoning" in the Downtown Halifax Land Use By-law).

#### 3.2 Precincts

The Plan establishes nine downtown precincts each with distinct built-form characteristics and functional identities. Each precinct is governed by vision statements and implementing provisions in the Land Use By-law and Design Manual that address the following: precinct character and identity, building height, building massing and upper storey stepbacks, heritage protection considerations, detailed urban design guidelines, open space recommendations, and other guidelines and requirements. This precinct-based approach retains and reinforces existing precinct identities, demands vibrancy and excellence of design in the public realm, and brings clarity and predictability to the downtown Halifax development process. It promotes new development at a variety of scales, styles and uses, and it ensures that new development is appropriate to its location based on existing and desired precinct character. It also encourages the development of unsightly vacant lots and surface parking lots (see "Map 2: Downtown Precincts" in the Downtown Halifax Land Use By-law).

### 3.3 Building Design

The Plan recognizes the complexity of downtown Halifax with respect to property ownership, property size and configurations, block and street patterns, land uses, as well as existing building types, densities and heights. Therefore, the approach for shaping new development focuses on defining a set of clear and predictable principles to ensure contextually appropriate building height, massing and character. This approach regulates two factors present in all development. The first are the hard and fast quantitative built form factors of building height and massing, and these are regulated through the new Downtown Halifax Land Use By-law to be administered by a Development Officer. The second are the qualitative factors of building design, materials and public realm contribution, which are regulated through the Design Manual to be administered by the new Design Review Committee.

It is the second factor, design, which is the driving force behind this new approach to planning and development approvals in downtown Halifax. While the height of a building can have an impact on the surrounding environment and pedestrian realm, the design of the building is even more important. Good building design can help mitigate negative impacts of taller buildings on the pedestrian realm related to wind and shadow. However, a poorly designed short building can be just as harmful and unwanted in the public realm as a poorly designed tall building. A survey conducted in April 2008 by Bristol Omnifacts Research revealed that 71% of those surveyed believed that the design of a building is more important than its height, and 94% of those surveyed agreed that the building design should be considered in the approval process. These sentiments are shared by a majority of HRMbyDesign's stakeholders.

#### 3.3.1 Building Design Principles

- Clarifying urban design intentions and establishing predictability of outcomes in the form, scale and intensity of new development;
- Being flexible in allowing a variety of development responses that may be shaped by land uses, market forces, and the complex and organic nature of existing building, property and block patterns in downtown Halifax;
- Securing meaningful public benefits from the private sector as enabled under the *Halifax Regional Municipality Charter* (HRM Charter);
- Enhancing the pedestrian environment by ensuring appropriate interfaces between buildings and sidewalks;
- Maximizing sun and sky exposure by introducing appropriate controls for building massing and spacing between buildings;
- Reinforcing distinct precinct character by guiding new development to reinforce and enhance those defining qualities;
- Ensuring feasible and viable forms of development by providing a framework in which a variety of uses and functions can be accommodated with consideration for necessary functions such as servicing and parking, and access to light and privacy; and
- Providing design guidelines for building articulation, material quality, sustainable design, heritage sensitivity, and for reinforcing the visual prominence of special sites.

### 3.3.2 Building Height

Under current policy there is very little explicit guidance for determining the maximum height of buildings in downtown Halifax. Indeed, making such a determination can sometimes involve interpreting up to seventy individual and sometimes conflicting policies. As a result of this lack of clarity development approvals have become lengthy processes vulnerable to appeal and counter-appeal. The Downtown Plan ends this ambiguity. To ensure clarity and predictability of building heights in downtown Halifax, the Plan establishes a rational and balanced maximum height framework that results from the synthesis of urban design considerations tailored to downtown Halifax. These considerations include:

- Protection of the pedestrian street level experience with a height-to-width ratio of approximately 1:1 which promotes pedestrian scaled development and skyviews and sunlight penetration to the street;
- Reinforcing the existing and desired character of the nine downtown precincts;
- The introduction of Heritage Conservation Districts;
- Respecting the modestly scaled historic block and street pattern;
- A transition in heights to the Citadel, heritage areas, low-rise neighbourhoods and the waterfront;
- Reinforcing a distributed and varied height pattern by directing taller buildings to areas where they already exist;
- Upholding the Citadel View Planes, Ramparts By-law, and Band A requirements from the existing Peninsula Land Use Bylaw; and
- Promoting a positive pedestrian experience.

Maximum building heights are shown on “Map 5: Maximum Post-Bonus Heights” in the Downtown Halifax Land Use By-law. Except for minor relaxation for architectural features, the maximum heights can only be modified through an amendment to the Downtown Halifax Secondary Municipal Planning Strategy.

### 3.3.3 Building Massing

The building envelopes establish the massing of new developments in the downtown through the control of a number of variables such as building setbacks, upper storey stepbacks, building separation distances, and maximum high-rise tower widths. The envelopes organize all possible building heights into the following three categories:

- Low-Rise (buildings up to 18.5m [0-60 ft.] in height)
- Mid-Rise (buildings between 18.5 and 33.5m [60 - 110 ft.] in height)
- High-Rise (buildings taller than 33.5m [110 + ft.] in height)

The Plan applies different urban design standards to each of the three types of building envelopes and heights. Different standards are necessary because buildings can have different effects as they get taller, and can have compounding impacts on the public realm that need to be mitigated with corresponding controls on massing, tower width, and separation distances. The envelopes embody a complex and layered set of urban design considerations that:

- Reinforce ‘human-scaled’ streetscapes through proportional streetwall heights wherein there is generally a 1:1 relationship between the width of the street and the height of a building’s base;
- Define appropriate standards for bulk, upper storey stepbacks, and separation distances of

- buildings to ensure adequate street-level conditions with respect to minimizing wind and maximizing sun penetration and sky exposure; and
- Balance height and massing relationships to prevent a canyon effect on streets where taller buildings are appropriate.

### 3.3.4 Streetwall Character

In an urban environment the streetwall is the wall of a building or buildings, rising from the sidewalk that defines the edge of the public realm. The Plan provides guidance for how buildings should interface with the sidewalk, and the quality of the enclosure buildings provide to the street. The placement, height and design quality of the building's streetwall determines the nature and character of the streetscape and reinforces desired pedestrian or broader public realm objectives. The Plan provides direction on both streetwall setback and on streetwall height (see "Map 6: Streetwall Setbacks" and "Map 7: Streetwall Heights" in the Downtown Halifax Land Use By-law).

## 3.4 Bonus Zoning

The maximum building heights shown on "Map 5: Maximum Post-Bonus Heights" in the Downtown Halifax Land Use By-law, can only be attained by an applicant when specific public benefits have been provided. When no public benefit has been provided, the applicant is restricted to the heights shown on "Map 4: Maximum Pre-Bonus Heights," which are approximately 30% lower. This approach is sometimes referred to as "density bonusing," and is enabled under the HRM Charter as "bonus zoning." This program will create important public and private sector partnerships that are required to fully implement and achieve the widely-shared vision for downtown Halifax that citizens and stakeholders have articulated throughout HRMbyDesign's public consultation process. HRM may consider the following public benefits when assessing development applications seeking a height bonus:

- The preservation or enhancement of a heritage building;
- The provision of publicly accessible amenity space;
- The provision of residential units at a subsidized cost to provide affordable housing;
- The provision of three and four bedroom dwelling units with direct access to outdoor amenity space;
- The provision of rental commercial space made available at a subsidized cost for arts and cultural uses or child care centres;
- The provision of public art;
- The provision of public parking facilities;
- Investment in public transit or active transportation infrastructure; or
- The provision of exemplary sustainable building practices.

## 3.5 Opportunities for Housing Diversity & Affordability

The Plan sets a goal of increasing residential density in downtown Halifax with individuals and families at all stages of their lives, and from across the demographic and economic spectrum. This means providing housing opportunities for singles, couples, young families, mature families, all with a mix of income levels. The Plan therefore provides policies to address two key aspects of downtown housing related to housing type and affordability.

**Housing type:** Because the downtown housing stock is currently dominated by studio and one-bedroom apartment units, the Plan specifies that for every three, one-bedroom or studio units built, there must be at least one unit with a minimum of two bedrooms built. Furthermore, provisions are set out in the bonus zoning section of this Plan that encourages developers to provide three or more bedroom dwelling units that incorporate amenities such as immediately accessible outdoor spaces and daycare facilities.

**Housing Affordability:** HRM's ability to provide housing affordability is currently limited by the *HRM Charter* and by the fact that the provision of affordable housing is within the mandate of the Province. Nonetheless, within existing municipal authority this Plan makes concrete changes that will make housing more affordable:

- it removes restrictions on minimum unit size, thereby reducing unit price;
- it removes restrictions on maximum residential density, thereby reducing unit price;
- it removes the requirement for parking to be provided in residential projects, thereby reducing unit price;
- it encourages housing affordability through bonus zoning;
- it establishes policy directing HRM to negotiate an agreement with government land owners in the downtown for the provision of a full spectrum of housing affordability options through the development of those publicly owned lands; and
- it reaffirms the importance of the Housing Affordability Functional Plan mandated in the Regional Plan (currently underway) to identify other effective strategies for increasing housing affordability throughout the Municipality.

### 3.6 Sustainability

Sustainability is a fundamental underpinning of the Plan and is woven throughout each of its components. The Plan facilitates greater development densities in the downtown, provides leadership in the sustainable design of public buildings and spaces, and it encourages investment in public transportation. The Plan also uses its bonus zoning provisions to encourage green design and construction in private sector projects, since the *Halifax Regional Municipality Charter* and the *Nova Scotia Building Code* currently do not enable HRM to require sustainable design (such as LEED) for private sector projects. The provincial Department of Energy is currently reviewing its policies and legislation in this area. It is HRM's intent to undertake a Sustainability Functional Plan that will coordinate with the Province in this work to strengthen existing municipal and provincial regulation in the areas of energy conservation and sustainable building and site design. The Plan also directs HRM to negotiate an agreement with provincial and federal levels of government including the Waterfront Development Corporation Limited, to establish LEED (or similar) standards for the development of public lands throughout downtown Halifax.

## 4. Design of the Public Realm

Among the most prominent, visible and character-defining elements of the urban environment are those that are in public ownership. These include all public uses, public open spaces, streets, and streetscapes; in other words, the *public realm*. The design of the public realm therefore makes the greatest impact on the image and impression that the downtown presents to visitors, residents and

workers. And the responsibility for the design of the public realm falls to the landowner - namely, the Municipality.

Consistent with the vision for downtown Halifax, this section of the Plan ensures that the quality and character of the public realm, and how it is experienced, will greatly enhance downtown's livability, economic vitality, aesthetic quality and pedestrian environment. By articulating the objectives for the public realm that are necessary to bring the long-term vision to fruition, the public realm chapter of the Plan serves as the primary guide for decision making with respect to necessary capital improvement strategies. Guidance for public realm design is provided for:

- Streetscapes
- Open Spaces and Connections
- Gateways
- Public Art
- Pedestrian Amenity and Comfort
- Street Festivals
- Sustainable Public Spaces
- Views and Visual Character

(Views from the Citadel to the Harbour are a cherished part of HRM's heritage. They have defined and shaped the urban form and skyline of downtown Halifax. In recognition of their value, the Land Use By-law will continue to maintain the protection of the Citadel View Planes and Rampart views.)

The Plan's approach to issues of wind and shadow impact in the public realm will differ from the approach under current policy. Current policy states that every effort should be made to ensure that development does not create adverse wind and shadow effects, but does not provide specifics on what should be considered an adverse impact, what kind of studies should be submitted by developers to assess a particular project's wind and shadow impacts, which areas around the development should be the focus of these studies, or in what context do these studies become necessary. The proposed built form framework will substantially eliminate concerns over wind and shadow by controlling building form and the spacing between buildings. The introduction of the requirement for a low-rise building base (40'-70'), above which upper storeys must step back from the sidewalk, combined with maximum building widths and minimum separation distances, will reduce the impact of wind and help increase sunlight penetration at street level. Beyond the fundamental improvements to building form, the proposed Land Use By-law also requires that a Wind Impact Assessment be undertaken for any building taller than 20 m, and provides specific criteria to be considered.

While the significant program of public realm improvements will result from a collaboration with the private sector through partnerships and the bonus zoning program, to fully bring the ideals of this Plan to fruition, HRM must provide leadership in undertaking its capital investment and funding programs that exemplify a high quality and attractive public realm, support heritage restoration and renovation, and reinforce active transportation and a transit-oriented transportation system. To demonstrate HRM's commitment to making these investments a reality, a multi-year capital investment strategy that prioritizes this work will be prepared through the Downtown Halifax Capital Investment Functional Plan that is proposed in this Plan.

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A Transportation & Streetscape Design Functional Plan for downtown Halifax will also be required to prioritize and implement the public realm objectives and streetscape improvements identified in the DHSMPS. Amendments to the Municipal Service Systems Design Guidelines, also known as the "HRM Red Book" may be identified through the development of this functional plan. The Plan also calls for a Downtown Halifax Open Space Functional Plan.

## 5. Heritage

### 5.1 Overall Heritage Conservation

Protection of heritage assets is a key component of the urban design vision and principles that underpin this Plan. The heritage conservation strategy has several components:

- Establishing Heritage Conservation Districts (HCDs) with strong demolition controls, design guidelines, and financial incentives to encourage conservation and enhancement of district assets and character.
- Conserving registered heritage resources outside heritage districts by means of improved heritage incentives, and by means of built form guidelines for new development next to, or integrated with a heritage resource.
- Updating the inventory of potential heritage resources in the downtown and encouraging new individual heritage property registrations.
- Implementing a bonus zoning program, and a grant and tax incentive program in HCDs to leverage actions in support of heritage conservation.
- Enhancing heritage districts by means of complementary public realm improvements.

Heritage district designation will begin with the Barrington Street HCD, which will be adopted concurrently with this Plan. Other potential HCDs at the Historic Properties and Granville Mall area, and Barrington Street South area may be established following further consultations with property owners and stakeholders. Of the 126 registered heritage properties that currently exist within the Downtown Halifax Plan area, this Plan proposes to place 88 of them (70%) within Heritage Conservation districts, giving them the full benefit of financial incentives and demolition controls. This is a substantial improvement in heritage protection and support over what is currently possible.

For the 38 heritage properties outside heritage districts, strengthened demolition control and improved funding for heritage incentives will be sought in consultation with the Province of Nova Scotia in accordance with the *Heritage Strategy for Nova Scotia* (2008-13). This Strategy identifies three focus areas the Province will undertake with respect to heritage over the next five years to ensure our heritage is preserved, protected, promoted and presented for present and future generations. However, it is important to note that in order for stronger demolition controls and improved financial incentives programs to be implemented in HRM and other provincial municipalities, amendments will be required to the *Heritage Property Act*. In the interim, these 38 properties will be protected under this Plan by new, heritage-sensitive design guidelines as set out in the Design Manual.

## 5.2 Barrington Street Heritage Conservation District

The establishment of the Barrington Street HCD as an integral part of the new Downtown Plan concludes a process of public consultation that began in 1998 when the first of several background studies was commissioned. The Barrington Plan has been developed in close consultation with the Downtown Halifax Business Commission (DHBC), property and business owners, and other stakeholders. Key components of the Barrington Plan include:

- A 5-year, \$3 million program of grants, property tax credits, and permit fee waivers that is expected to trigger significant private investment in the district. Grants would be limited to exterior restoration work, while tax credits would apply also to interior common area improvements that contribute to the ongoing viability of the building. The financial incentives will apply to eligible work undertaken after April 1, 2009. The program will become operational upon adoption of the Urban Design Plan and Heritage Conservation District. Budget implications are outlined later in this report.
- Implementation of detailed design studies for streetscape improvements including sidewalk amenity areas, improved transit stops, new street furnishings, and rationalization of commercial loading and on-street parking spaces.
- Marketing and retail recruitment initiatives led by the Downtown Halifax Business Commission (DHBC).

## 6. Transportation & Parking

Transportation and traffic movements within downtown Halifax require the integration of sustainable transportation practices and land use. Sustainable transportation options and a strong vision are required to create a city where the built form encourages pedestrian activity and develops an efficient system of moving people around, and in and out of the downtown. The Plan proposes changes and improvements to the streets within the downtown core in order to achieve two objectives: 1) to develop a network that defines streets with higher traffic volumes, those that will be more focussed on transit, and still others that will be more pedestrian-oriented; and, 2) to design streets in accordance with the Streetscape Typologies outlined in "Appendix A" of the DHSMPs.

Active transportation is another focus for transportation into and throughout the downtown. The culture of walking is already prevalent throughout the downtown, however, walking is not the only mode of active transportation that is used within the core of the region. Other modes such as cycling need to be considered and the infrastructure to support these modes are required to ensure that choice is available. The Active Transportation Plan adopted by Council in 2006 will inform this process.

Access to downtown should also be significantly enhanced through increased investment in public transportation, which will provide a real alternative to automobile dependence. Development in turn should be provided at appropriate densities to support continued transit use. Public transportation must progress into a whole new level of public acceptability by making its use vastly more convenient and treating users as customers with much improved levels of service. New services such as a downtown shuttle and fast ferry will provide more public transportation options to commuters and decrease the desire and need to use private vehicles for commuting.



Key to encouraging the use of alternative modes of transportation, including active modes and public transit, is providing disincentives to drive. The cost is often cited as a motivator to switch from driving to work to other modes, as is the lack of available or convenient parking. A Regional Parking Strategy is underway that will provide guidance on appropriate parking ratios. Until that strategy is completed and implemented through amendments to this Plan, provisions will be established in the Land Use By-law to exempt downtown developments from the requirement to provide on-site parking in order to encourage alternative modes of transportation.

An overall transportation plan is required to implement this Plan's transportation objectives for the downtown core of Halifax. The transportation plan will be addressed in the combined Transportation & Streetscape Design Functional Plan to ensure that both of these issues are studied in consideration and in cooperation with one another. The transportation aspect of the functional plan will promote enhanced transit service for downtown Halifax and address the following matters:

- Designation of corridors for transit;
- The Street Network Plan;
- Provisions for funding mechanisms to support alternate modes of transportation; and
- Measures to mitigate the impacts of truck traffic on downtown streets.

## 7. Implementation

### 7.1 Provincial Legislative Amendments

Between 2007 and 2008, Regional Council requested a number of legislative changes to various provincial enactments to enable HRMbyDesign. In the fall 2008, the provincial government introduced and passed Bill 179 - the *Halifax Regional Municipality Charter (HRM Charter)* and Bill 181 - *HRM By Design Act*; both Bills received Royal Assent on November 25, 2008 and were proclaimed on January 13, 2009. The *HRM By Design Act* will be combined with the *HRM Charter*, forming the overarching regulation for this Plan's new regulatory process.

The *HRM Charter* contained the following provisions that are essential in implementing HRMbyDesign's recommended development approval process:

- Regional Council has the power to provide greater notice of variances beyond the legislated 30 metres; and
- a new power was added to award a site plan approval or a variance for the external appearance of a structure. These two additions necessary for the implementation of HRM by Design.

In order to enhance the recommended development approvals process for downtown Halifax (Site Plan Approval) the following amendments were made to the *HRM Charter* through the *HRM By Design Act*:

- the ability to consider the external appearance of structures (i.e. the design of buildings and building additions);
- the ability of Council to appoint a Design Review Committee to make decisions on substantial development applications;
- the ability to set guidelines for entering into bonus zoning agreements;
- only in the Downtown Halifax Plan area can site plan approval consider the external

- appearance of structures, and only in the Downtown Halifax Plan area can bonus zoning be used;
- a mandatory public consultation must be held prior to the submission of a site plan approval application;
  - decisions on site plan approval applications must be made within 60 days of the receipt of a complete application; and
  - if Council chooses to adopt HRMbyDesign's Downtown Halifax Urban Design Plan, there is a requirement for it to be reviewed within 10 years.

HRM also requested amendments to the *Heritage Property Act* through Bill 182, which was not passed. The Bill proposed to amend the *Heritage Property Act* to increase, from one year to two years, the waiting period before the owner of a municipal heritage property could substantially alter the exterior appearance of or demolish the property without the approval of the Municipality.

The reason given by the Province for not bringing a vote on Bill 182 was the provincial department of Tourism, Heritage and Culture is commencing work on their new Heritage Strategy for Nova Scotia, which will include expanded demolition controls among a suite of other heritage protection improvements. It was seen as precipitous to proceed in a piecemeal fashion at this time, without the benefit of the findings of the larger Heritage Strategy.

In lieu of this Bill being approved, HRM will work with the province on the Heritage Strategy for Nova Scotia, to seek stronger demolition control for heritage properties outside of heritage conservation districts, and to increase funding for heritage preservation incentive programs, as noted in S. 5.1 of this report.

## 7.2 Land Use By-law

The DHSMPS is a comprehensive collection of policies that provides a new framework to guide decision-making for development and investment. These policies will be implemented through a variety of means, chief of which is the adoption of a new Downtown Halifax Land Use By-law. The Land Use By-law sets out zones, permitted uses, development standards, building height and massing requirements, and detailed design guidelines. The By-law is comprised of the following key components that work together to regulate and guide new development in downtown Halifax:

- Height Framework & Built Form Requirements
- Design Manual
- Bonus Zoning

## 7.3 Site Plan Approval & Design Review Committee

Most notable among the Land Use By-law's regulatory structure is the application of site plan approval in replacement of development agreements and as-of-right development permit approvals in downtown Halifax. Development agreements are currently used in the Central Business District, the Halifax Waterfront Development Area, and the Spring Garden Road Commercial Area for developments exceeding a certain prescribed height (either 25 or 40 feet depending on the location). While HRM has been able to negotiate design through the development agreement process, this is not the case for approvals occurring through the as-of-right development

permit process. With the adoption of the Design Manual as part of the new By-law, HRM will be able to require higher quality design of buildings and public spaces in the downtown plan area.

Site plan approval will address both the quantitative (building height and massing) and qualitative aspects (design) of the development with the quantitative built form framework being administered by the Development Officer, and the qualitative design aspects of the application subject to review by the Design Review Committee (DRC). For non-substantive or minor applications, such as new windows, paint or signage, the entire review will be conducted and approved or not approved by the Development Officer. If the development application is of a more significant nature, including all additions and new buildings, the application is considered substantive and will be reviewed by both the DRC and the Development Officer.

The establishment of a Design Review Committee to oversee the administration of the Design Manual is a significant component of the new governance model being instituted by this Plan. As enabled under the new HRM Charter, the Committee will be established under the Land Use By-law, with the mandate of ensuring quality design in all new developments within the downtown. Membership of the committee will consist of residents of the Municipality who have applied to Council to act as members, and will include up to ten applicants at any one time with professional and personal expertise in the fields of architecture, landscape architecture, urban design, city planning, engineering or a similar field. The Committee will meet once each month in the evening, or hold additional meetings at the request of the majority of the Committee members. These meetings are open to the public. The Design Review Committee is given limited power to grant variances to the quantitative criteria of the Land Use By-law. The parameters within which variances may be granted are clearly spelled out in the Design Manual.

A typical application for substantive development will proceed as follows under the new process:

- Pre-application review with planning staff.
- Public consultation to be held by developer.
- Complete application is submitted to HRM, and the sixty-day decision time frame begins.
- Application reviewed for conformance with Land Use By-law and Design Manual provisions, including land use, height and built form framework, and design.
- If the application is deemed to be in conformance, the application is forwarded to the Design Review Committee for its review. (Note: if the application involves a heritage property, the Heritage Advisory Committee will also review the application and provide a recommendation to the Design Review Committee.)
- The Design Review Committee makes a decision to approve, not approve or approve with conditions.
- If the project is approved, notification is provided to the downtown plan area plus 30 metres through a newspaper ad.
- If the project is not approved, notification is provided to the developer only.
- If the developer chooses to appeal a refusal by the Design Review Committee, notification is provided within the downtown plan area plus 30 metres by newspaper ad.
- All appeals, by the applicant in the case of refusal, or by the public in the case of an approval, are forwarded to Regional Council for a final decision on the project design.
- The possibility exists of a further appeal to the courts but such appeals should be rare and focused on procedural issues, not policy or design issues.

This new process will result in more expedient development approvals in the downtown, with (a) decisions made within 60 days of receipt of a complete application, (b) the removal of the Nova Scotia Utility and Review Board as the appeal body, and (c) the major focus of individual applications shifts to the design and placement of the building rather than the height, as has been the case in the past.

#### 7.4 Monitoring & Review

Key to effective implementation is a program of monitoring and adjustment to ensure that the desired outcomes of the Plan are realized. In the process of implementing the Plan, there may be a need for amendments to address emerging land use and regulatory issues. This Plan will be reviewed periodically to determine the degree of success in achieving its intent and address any changes in underlying assumptions or economic conditions. This program will be conducted through regular and five-year reviews as well as through a mandatory ten-year review as outlined in the *Halifax Regional Municipality Charter*.

Council has appointed the Regional Plan Advisory Committee (RPAC) to advise them on specific matters as they pertain to the implementation of the Regional Municipal Planning Strategy for HRM, of which this Plan is a part. The RPAC convenes on a regular basis with staff to review the progress and effectiveness in achieving the Regional Municipal Planning Strategy's recommendations, and the recommendations of its subsidiary plans. As such the RPAC will be the citizen-based group responsible for advising Council on the implementation and subsequent amendments to this Plan, as well as plan performance and evaluation. It is recommended that the RPAC terms of reference be amended to add representation from the Urban Design Task Force (UDTF) during the critical first five years of this Plan's implementation, to ensure that expertise developing during the drafting of this Plan is carried forward into implementation.

##### 7.4.1 Plan Amendments

Council has always had the discretionary option to consider a plan amendment at any time of their choosing, regardless of schedules for plan reviews. This Plan is unique in that it provides guidance to Council about the types of development projects that may merit special consideration for plan amendments, rather than entertaining every application by a developer simply because their project does not meet current policies or regulations. Frequent consideration of plan amendments would result in undermining the clarity, predictability and timeliness that the new framework will provide. This Plan recommends that plan amendments for increased height or building mass only be considered for those projects with highly significant social, cultural or economic benefits for the downtown and HRM at large.

#### 7.5 Functional Plans

Functional plans assist in guiding the management of the Municipality and future capital improvements. Capital facilities and spending on improvements and new facilities are closely linked to the availability of funds. Functional plans specific to the downtown Halifax area will help to identify costs of needed facilities and services. This Plan provides the framework for the establishment of the following five new functional plans for downtown Halifax:

- (a) the Sustainability Functional Plan;
- (b) the Cogswell Interchange Functional Plan;
- (c) the Transportation & Streetscape Design Functional Plan;
- (d) the Downtown Halifax Open Space Functional Plan; and
- (e) the Downtown Halifax Capital Investment Functional Plan.

## 7.6 Next Steps (Regional Centre wide)

Once the Downtown Halifax Urban Design Plan is approved by Regional Council, HRMbyDesign staff and the Urban Design Task Force will be able to refocus their attention on the whole Regional Centre (Halifax Peninsula and Dartmouth inside the Circumferential Hwy). The first year of the project (2006/07) entailed significant public consultation including three public forums, which yielded the following Council-approved, in principle, Regional Centre-wide findings:

- Regional Centre Urban Design Vision and Principles;
- Regional Centre Urban Design Framework; and
- Regional Centre Reurbanization Strategy.

Taken together these three project components embody a shared vision for the Regional Centre for the next twenty-five years, and provide the basis for new detailed reurbanization plans and policies for Halifax and Dartmouth to be delivered following approval of the urban design plan for downtown Halifax. In order to implement the Regional Centre vision, principles, and reurbanization strategy, the following work will be undertaken by the Urban Design Task Force:

- the establishment of standards for the provision of complete neighbourhoods as well as guidelines for appropriate infill. These standards and guidelines will guide future neighbourhood plans; and
- criteria will be developed for Council to use in prioritizing the order in which neighbourhoods will undergo detailed, community-led plans.

## BUDGET IMPLICATIONS

### **Public Realm Capital Investment Priorities**

The Downtown Halifax Urban Design Plan is a long term, 25-year plan that calls for both public and private investment. It is a blueprint for strategic capital investment spending on streetscapes, public open spaces, the waterfront, and our natural and built heritage resources. It will be implemented as part of HRM's budget approval process and through collaboration with private partners and other levels of government with funding yet to be identified as Council is in the process of discussing the fiscal framework and proposed budget for 2009/10. Future fiscal year implementation expenses will be the subject of future budget debates.

Some key priorities to be considered by Council over the next five years that will benefit the downtown plan area include:

- investment in the revitalization of heritage buildings on Barrington Street through the Barrington Street Heritage Conservation District Financial Incentives Program, as outlined below;
- streetscape improvements along Barrington Street, Spring Garden Road and Quinpool Road;

- improvements to regional and downtown public transit services including the proposed Downtown Shuttle, Rural Transit Express and Fast Ferry from Bedford;
- the Cogswell Master Planning Study; and
- other public realm capital projects contained in the Plan as Council may direct.

### **Barrington Street Heritage Conservation District Financial Incentives**

#### ***Grant program***

A grant program budget in the amount of \$200,000 will be included in the 2009/10 municipal budget for consideration by Council under the normal budget approval process. This level of funding was approved in principle by Council on 25 March, 2008. Sources of funds for 2009 will be as follows:

- \$50,000 allocation from account C310-8004 (the existing Heritage Incentives Program);
- \$50,000 allocation from account Q312 (Cultural Development Reserve); and
- \$100,000 from a proposed budget increase with funding yet to be identified as Council is in the process of discussing the fiscal framework and proposed budget for 2009/10.

Allocation of \$50,000 from C310-8004 is justified because the existing Heritage Incentives Program already makes funds available to registered properties on Barrington Street, and it makes sense to allocate a portion of the existing \$150,000 heritage incentives budget specifically to the new Barrington Street HCD Program.

Allocation of \$50,000 from Q312 is justified because the Cultural Development Reserve is now designed to support all culture and heritage programs in the Municipality. From a strategic point of view, the allocation of funds to the Barrington Incentives program will visibly encourage the community to care for its heritage assets and, in so doing, will lessen the onus on HRM to retain examples of the same types of heritage buildings. This in turn will create options for HRM to dispose of some of its buildings and thereby reduce overall capital and operating costs.

Budgets and sources of grant funding for Years 2-5 (fiscal 2010-2013) will be recommended based on anticipated levels of restoration activity extrapolated from activity and program take-up in 2009.

#### ***Permit Fee Waiver***

The cost of permit fee waivers will depend on the level of renovation activity. At maximum, it is expected to be no more than about \$15,000 per year. This is a fraction of 1% of HRM's total revenue from permit fees and will be absorbed through C430-4903.

#### ***Tax Credit Program***

The tax credit component will become operational in fiscal 2009-2010 and will require a funding source in fiscal 2010/11's budget process. Based on consultants' review, the cost of this component is estimated at \$400,000/year for the five-year program or approximately \$2,000,000 in total although this amount may vary greatly given there is no maximum upper limit set for the tax credit program. Tax credits for work completed in any given fiscal year will be credited against a firm's subsequent year's tax bill. Any tax credits in excess of the individual annual tax bill would be eligible for carry forward to subsequent tax billing years.

Thus, while the program will be closed after five years, there may be remaining carry forwards at that time. Funding will be identified by council as part of the 2009/10 and 2010/11 budget debates and may include tax rate increases or revenue lift from anticipated assessment value increases on the affected properties. It is cautioned that assessment value lift is subject to the control of the Property Valuation Services Corporation.

### FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy unless Council implements recommendation 4 (Barrington Street Heritage Conservation District Financial Incentive Program) through the budget process without identifying a funding source.

### ALTERNATIVES

The following alternatives are identified in conjunction with this report for consideration by Regional Council:

1. Regional Council may choose to approve the plan documents, amendments, priorities after adoption, and the Barrington Street Heritage Conservation District financial incentives program terms and conditions, provided in Attachments "A", "B", "C", and "D" of this report. Staff recommends this alternative for the reasons outlined above.
2. Regional Council may choose not to approve the plan documents, amendments, priorities after adoption, and the Barrington Street Heritage Conservation District financial incentives program terms and conditions, provided in Attachments "A", "B", "C", and "D" of this report. This is not the recommended alternative.
3. Regional Council may choose to adopt only a portion of the plan documents, amendments, priorities after adoption, and the Barrington Street Heritage Conservation District financial incentives program terms and conditions, provided in Attachments "A", "B", "C", and "D" of this report, or alternatively request that additional amendments not identified in this report be made in which case an additional staff report(s) may be required.
4. Council may choose to fund a portion of the estimated tax credit program in the 2009/10 budget.

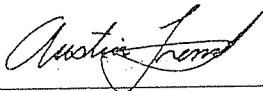
### ATTACHMENTS

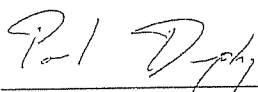
- A Plan Documents:
- A-1 Downtown Halifax Secondary Municipal Planning Strategy
  - A-2 Downtown Halifax Land Use By-law & Design Manual
  - A-3 Barrington Street Heritage Conservation District Revitalization Plan & By-law

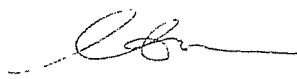
- B Amendments:
  - B-1 - Regional Municipal Planning Strategy Amendments
  - B-2 - Halifax Municipal Planning Strategy Amendments
  - B-3 - Halifax Peninsula Land Use By-law Amendments
  - B-4 - By-law H-200 - Heritage By-law Amendments
  - B-5 - By-law B-201 - Building By-law Amendments
  - B-6 - By-law E-200 - Encroachment By-law Amendments
- C Priorities After Adoption
- D Barrington Street Heritage Conservation District Financial Incentives Program Terms and Conditions for Capital Grants, Tax Incentives, and Permit Fee Waivers

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

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Report Approved by:   
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**ATTACHMENT "B-1"**  
**Amendments to the Regional Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. By deleting subsection 5.1.2, Spring Garden Road Commercial Area Plan, from Chapter 5.
2. By adding the following new section, immediately following policy EC-5 in Chapter 5:

"5.1.4.1 Downtown Halifax

With the adoption of the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law in 2009, a new framework to guide decision-making for development and investment in downtown Halifax is realized. The documents serve to provide a fresh vision for land use, built form, design, heritage preservation and public investment.

Key to the plan is the introduction of predictability by adopting set limits for building height and form. This, combined with a Design Manual administered by a Design Review Committee, the adoption of the site plan approval process to regulate new development and the introduction of a bonus zoning program to provide public benefits truly establishes a strong environment to foster the success of downtown Halifax. Public investment in accordance with the secondary plan will be achieved through Council's annual capital and operating budgets.

EC-5A HRM shall, through the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law, adopt and implement policies and requirements that foster positive development, promote high quality design, support our heritage resources and provide a basis for complementary public investment."

3. By inserting the following after the words "Halifax Peninsula Land Use By-law" and before the words "and the Downtown Dartmouth Secondary Planning Strategy" in policy CH-5 in Chapter 5.

", the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-law "

4. By adding the following new policy, immediately following policy CH-2 in Chapter 6:

"Further to Policy EC-5A, Policy CH-2 shall not apply within the Downtown Halifax Plan Area."

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

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Julia Horncastle  
Acting Municipal Clerk

**ATTACHMENT "B-2"**  
**Amendments to the Halifax Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. By deleting "Section III Central Business District - Objectives and Policies", in its entirety, from the "TABLE OF CONTENTS".
2. By deleting "Section IV Halifax Waterfront Development Area - Objectives and Policies", in its entirety, from the "TABLE OF CONTENTS".
3. By deleting "Section IX Spring Garden Road Commercial Area Plan - Objectives and Policies", in its entirety, from the "TABLE OF CONTENTS".
4. By deleting "Part II - Section III", in its entirety, from the "LIST OF MAPS".
5. By deleting "Part II - Section IV", in its entirety, from the "LIST OF MAPS".
6. By deleting "Part II - Section IX", in its entirety, from the "LIST OF MAPS".
7. By deleting "Schedule III.1" from the "LIST OF SCHEDULES".
8. By replacing the "INTRODUCTION" with the following:

**"INTRODUCTION**

Part II constitutes the Municipal Planning Strategy for a portion of the area formerly known as the City of Halifax. It sets forth statements of policy with respect to present and future land use, transportation facilities, service facilities (schools, parks, open spaces), budgeting and citizen participation. The geographic implications of these policies are shown in map form. The framework for the control of land use is addressed through statements of policy dealing with land use regulations and a statement of policy (in map and text form) dealing with generalized future land use.

In accordance with the planning process described in Part I of this document, there are ten detailed policy sections in this part which set out statements of policy for the South End Area (Section V), the Peninsula Centre Area (Section VI), the Fairview Area (Section VII), the Bedford Highway Area (Section VIII), the Mainland South Area (Section X), the Peninsula North Area (Section XI), the Quinpool Road Commercial Area (Section XII), the Western Common Area (Section XIII), the Wentworth Area (Section XIV) and the Bedford West Area (Section XV) respectively. These area plans are enabled by city-wide policies in Part II, Section II and define the detailed policy directions which the Halifax Regional Municipality will employ in decision-making for these specific areas.

Under the provisions of the Halifax Regional Municipality Charter, a municipality cannot regulate directly from a Municipal Planning Strategy; rather, it must regulate from a Zoning By-law adopted by the municipality to carry out the intent of the Plan. It should, therefore, be noted that there is an essential distinction in the policies of the Plan as they relate to this point, such distinction being defined by the use of the words "should" or "shall" in the policies. Where "shall" is used in a policy relating to a land use matter, it points to implementation of that policy through zoning regulations. Similarly, where "should" is used, the policy, for the purposes of land use control, will apply to any decision on a development application, rezoning, or zoning amendment made by Council."

9. By deleting "7. Area bounded by Cogswell Street, Rainnie Drive and Centennial Pool site" from Schedule II.1 of Section II, Part II.
10. By deleting Policy 3.2 from Section II, Part II.
11. By deleting Policy 3.2.1 from Section II, Part II.
12. By deleting Policy 3.2.2 from Section II, Part II.
13. By deleting Policy 3.2.3 from Section II, Part II.
14. By replacing Policy 3.8 of Section II, Part II, with the following:

"3.8 The HRM should adopt regulations to control the location of amusement centres through restricting the use to major commercial areas, shopping centres, and this shall be accomplished by Implementation Policies 3.13, 3.13.1 and 3.13.2."
15. By replacing Policy 4.1 of Section II, Part II, with the following:

"4.1 On the Peninsula, along the harbour's edge, only those industries which are harbour-related should be encouraged and allowed to grow. Areas for such development to occur shall be designated on the basis of existing uses, possible alternative uses and compatibility with residential areas, major community facilities, and the transportation network as shown on Map 9."
16. By deleting Policy 6.3.1 from Section II, Part II.
17. By deleting Policy 7.4.1 from Section II, Part II.
18. By deleting "Section III Central Business District - Objectives and Policies", in its entirety, from Part II.
19. By deleting "Schedule III.1", in its entirety, from Part II.

20. By deleting “Section IV Halifax Waterfront Development Area - Objectives and Policies”, in its entirety, from Part II.
21. By replacing “AREA DEFINITION” under Section V, Part II, with the following:
- “AREA DEFINITION
- For the purpose of this Municipal Planning Strategy, the South End Area shall be as set out in Map 1 of this Section V.”
22. By replacing Policy 2.1 of Section V, Part II, with the following:
- “2.1 In the South End it is the HRM’s intent to allow for neighbourhood shopping facilities and minor commercial facilities. Commercial uses shall not be encouraged other than in accordance with Part II, Section II of the Municipal Planning Strategy.”
23. By replacing Policy 3.1.1 of Section V, Part II, with the following:
- “3.1.1 For the purposes of this Plan, industrial development which is harbour related shall be encouraged pursuant to Part II, Section II of the Municipal Planning Strategy.”
24. By deleting Policy 4.5.4 from Section V, Part II.
25. By replacing Policy 7.5.3 of Section V, Part II, with the following:
- “7.5.3 The Land Use By-law shall require that the maximum height of any development on the north side of Morris Street between Barrington and Queen Streets or the west side of Barrington Street between Morris Street and Spring Garden Road shall be 52 feet. In the remainder of the Sexton Campus of Dalhousie University (formerly the Technical University of Nova Scotia campus), the Land Use By-law shall require that the maximum height of any development shall be 70 feet.”
26. By deleting Policy 7.5.4 from Section V, Part II.
27. By deleting Policy 7.5.4.1 from Section V, Part II.
28. By deleting Policy 7.7 (District VII), in its entirety (Policies 7.7 to 7.7.5, inclusive), from Section V, Part II.
29. By deleting Policy 7.8.5 from Section V, Part II.
30. By deleting “Section IX Spring Garden Road Commercial Area Plan - Objectives and Policies”, in its entirety, from Part II.
31. By replacing Policy 1.1.4 of Section XI, Part II by the following:

- “1.1.4 In the area bounded by North, Robie, Cogswell and Barrington Streets, with exception of the portion falling outside of Peninsula North Area, housing options for all income levels will be encouraged; developments that address the needs of surrounding community and help promote neighbourhood stability shall also be encouraged.”
32. By deleting Policy 3.5 of the Implementation Policies.
33. By deleting Policy 3.5.1 of the Implementation Policies.
34. By deleting Policy 3.5.2 of the Implementation Policies.
35. By deleting Policy 3.5.3 of the Implementation Policies.
36. By deleting Policy 3.5.4 of the Implementation Policies.
37. By deleting Policy 3.5.5 of the Implementation Policies.
38. By deleting Policy 3.5.6 of the Implementation Policies.
39. By replacing Policy 3.12 of the Implementation Policies with the following:
- “3.12 For areas designated as “industrial” or “commercial” excluding areas designated for detailed planning pursuant to Section II, Policy 2.5.2, and for which intensive development may have significant environmental or land use impacts, HRM may amend its Zoning By-law to provide for developments under Section 249 of the Halifax Regional Municipality Charter.”
40. By replacing Policy 3.13 of the Implementation Policies with the following:
- “3.13 The HRM may, pursuant to the authority of Sections 249 and 251 of the Halifax Regional Municipality Charter permit amusement centres as defined in the Zoning By-law in shopping centres as established in Council’s judgement by Part II, Section II, Policy 3.1.4 and in major commercial areas determined by Council in their judgement or through detailed plans for individual areas, pursuant to Policy 3.1.3 of Part II, Section II.”
41. By deleting Policy 3.18 of the Implementation Policies.
42. By deleting Policy 3.18.1 of the Implementation Policies.
43. By amending Map 9 of Section II, Part II, to remove the area covered under the Downtown Halifax Secondary Municipal Planning Strategy.
44. By deleting Map 10 from Section III, Part II.

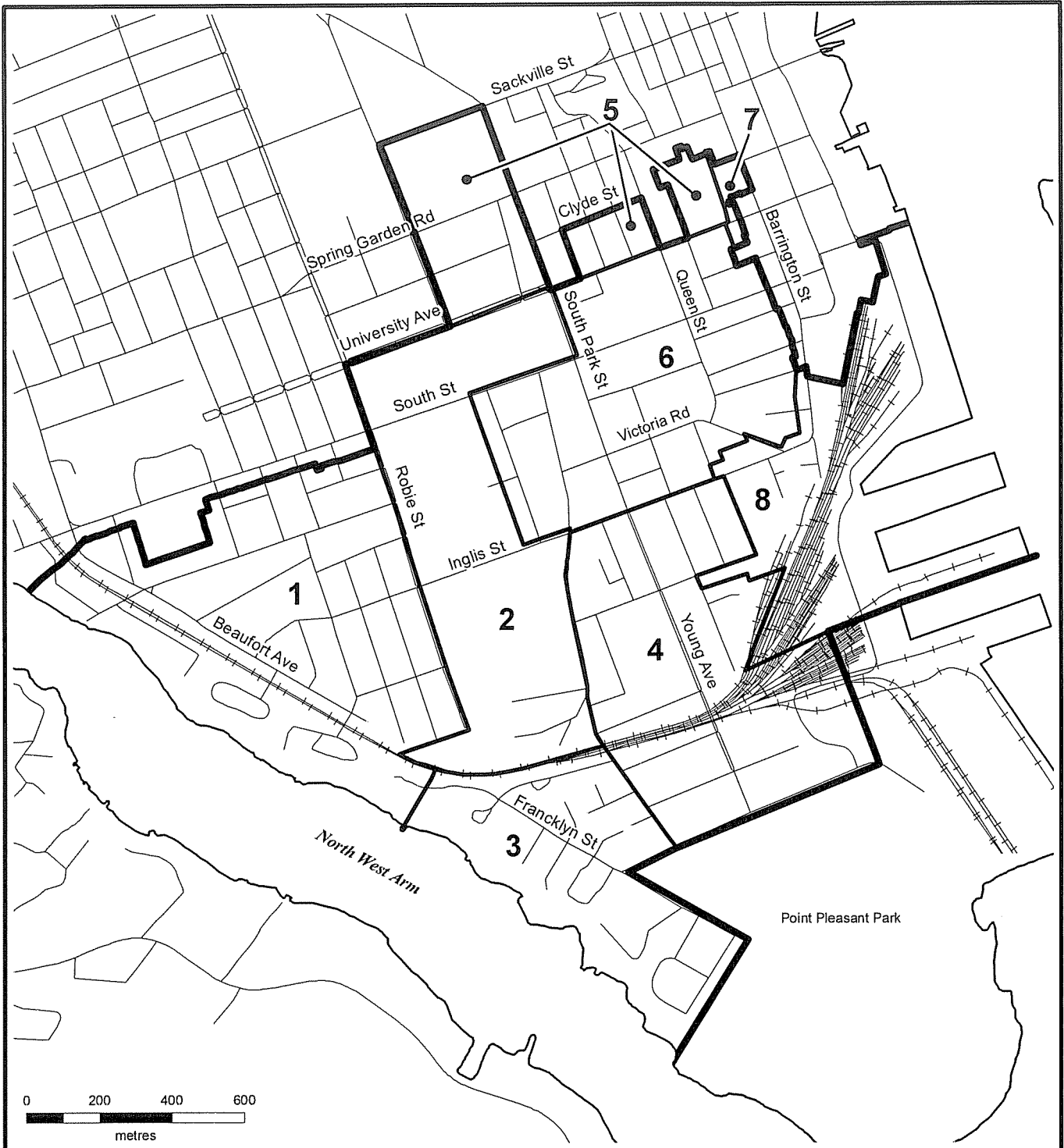
45. By deleting Map 11 from Section III, Part II.
46. By deleting Map 12 from Section III, Part II.
47. By deleting Map 12A from Section III, Part II.
48. By deleting Map 13 from Section IV, Part II.
49. By deleting Map 14 from Section IV, Part II.
50. By amending Map 1 of Section V, Part II, as illustrated in Appendix "A".
51. By amending Map 2-5 of Section V, Part II, as illustrated in Appendix "B".
52. By amending Map 2-6 of Section V, Part II, as illustrated in Appendix "C".
53. By amending Map 2-7 of Section V, Part II, as illustrated in Appendix "D".
54. By amending Map 2-8 of Section V, Part II, as illustrated in Appendix "E".
55. By amending Map 9A of Section V, Part II, as illustrated in Appendix "F", with changes to include the following redesignations:
  - (a) Redesignation of the portions of the parcel identified by LRIS PID # 40848822 (Dalhousie University's Sexton Campus; formerly Technical University of Nova Scotia Campus), which are currently designated as INS (Institutional), OS (Open Space), and RC (Residential-Commercial Mix) to U (University);
  - (b) Redesignation of a portion of the parcel identified by LRIS PID # 40773533, which is currently designated RC (Residential-Commercial Mix) to IND (Industrial); and,
  - (c) Redesignation of a portion of the parcel identified by LRIS PID # 00103622, which is currently designated RC (Residential-Commercial Mix) to HDR (High Density Residential).
56. By deleting Map 1 from Section IX, Part II.
57. By deleting Map 2 from Section IX, Part II.
58. By deleting Map 9E from Section IX, Part II.
59. By amending Map 1 of Section XI, Part II, as illustrated in Appendix "G".
60. By amending Map 3 of Section XI, Part II, as illustrated in Appendix "H".
61. By amending Map 9Gg of Section XI, Part II, as illustrated in Appendix "I".

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk



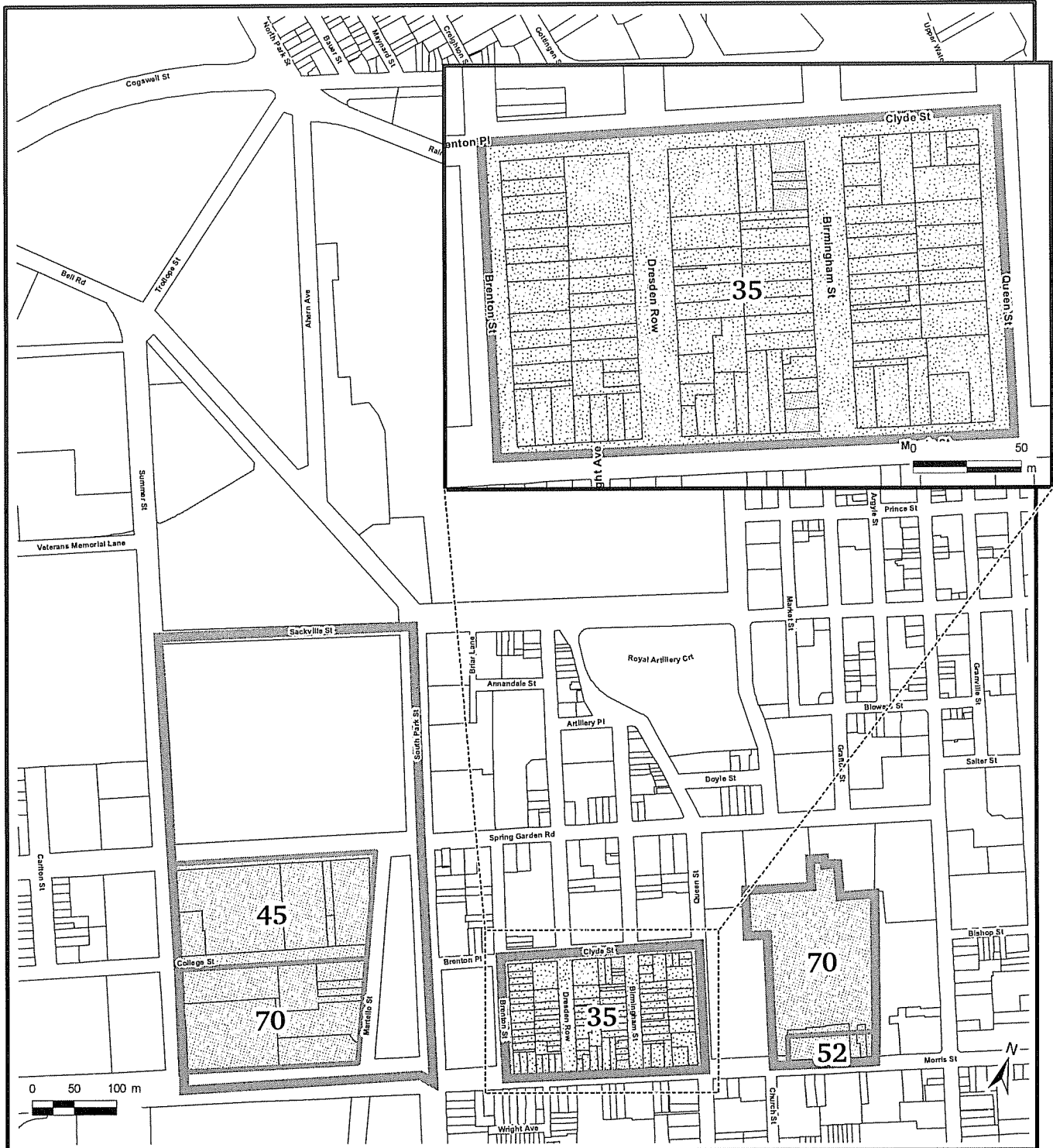


South End Area Plan

Map 1


Planning Districts





Height Precincts  
District 5

**00** Maximum permitted height in feet

 Height precinct boundary



Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building

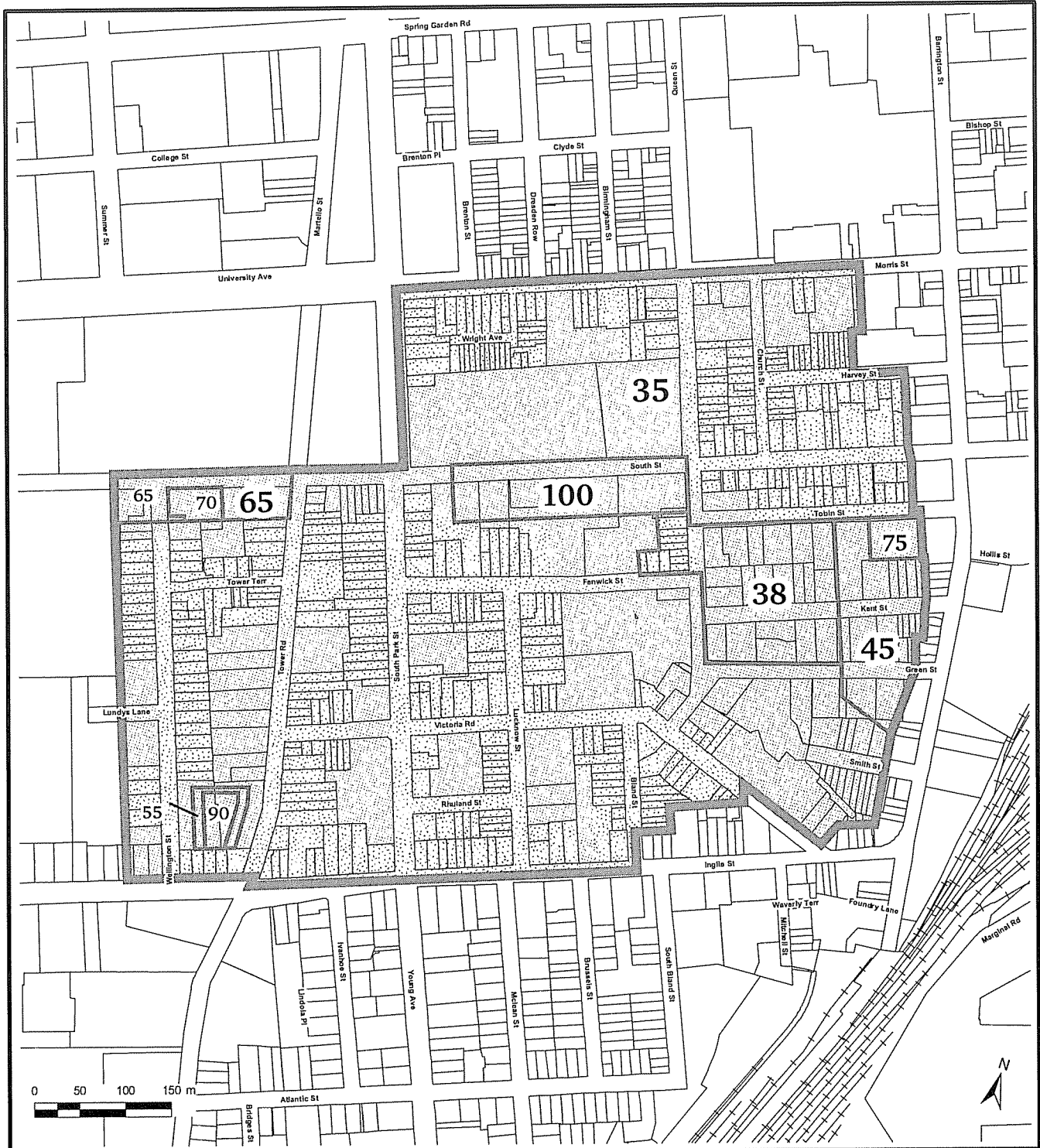


Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street



Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street

**HALIFAX**  
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PLANNING SERVICES



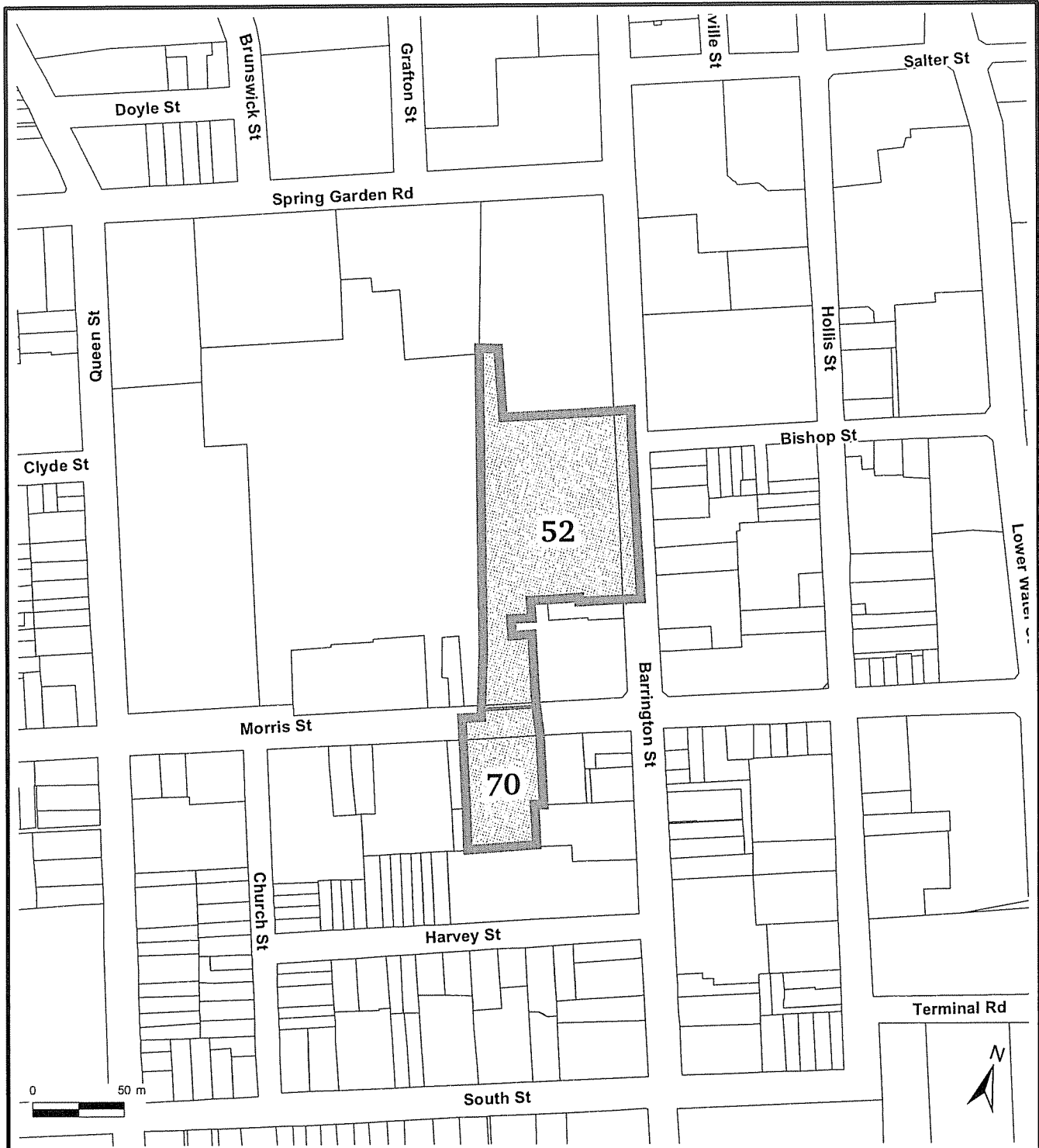
Height Precincts  
District 6

**00** Maximum permitted height in feet

Height precinct boundary


- Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building
- Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street
- Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street





Height Precincts  
District 7

**00** Maximum permitted height in feet

 Height precinct boundary



Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building

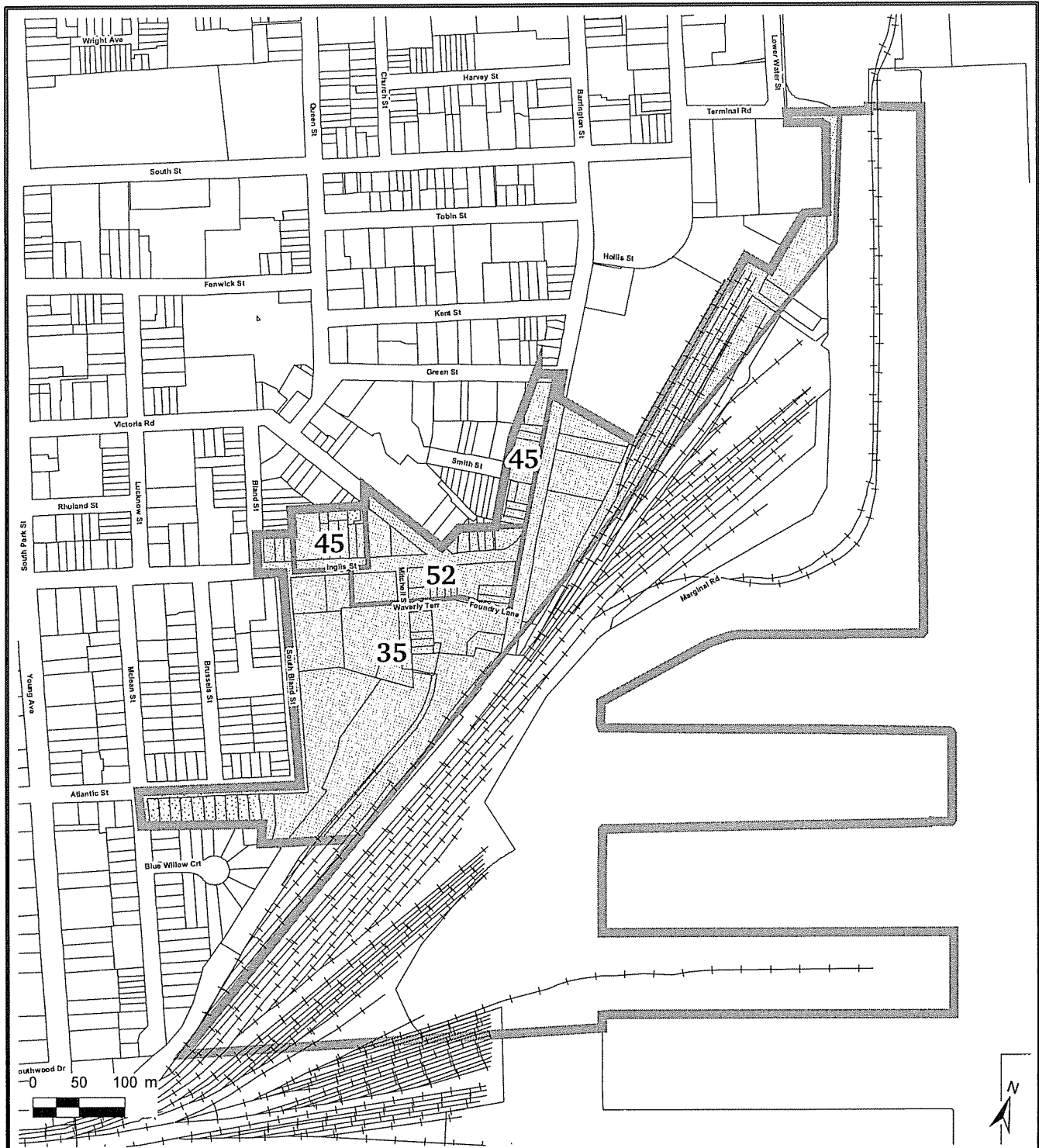


Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street



Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street





Height Precincts  
District 8

00 Maximum permitted height in feet

▭ Height precinct boundary



Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building

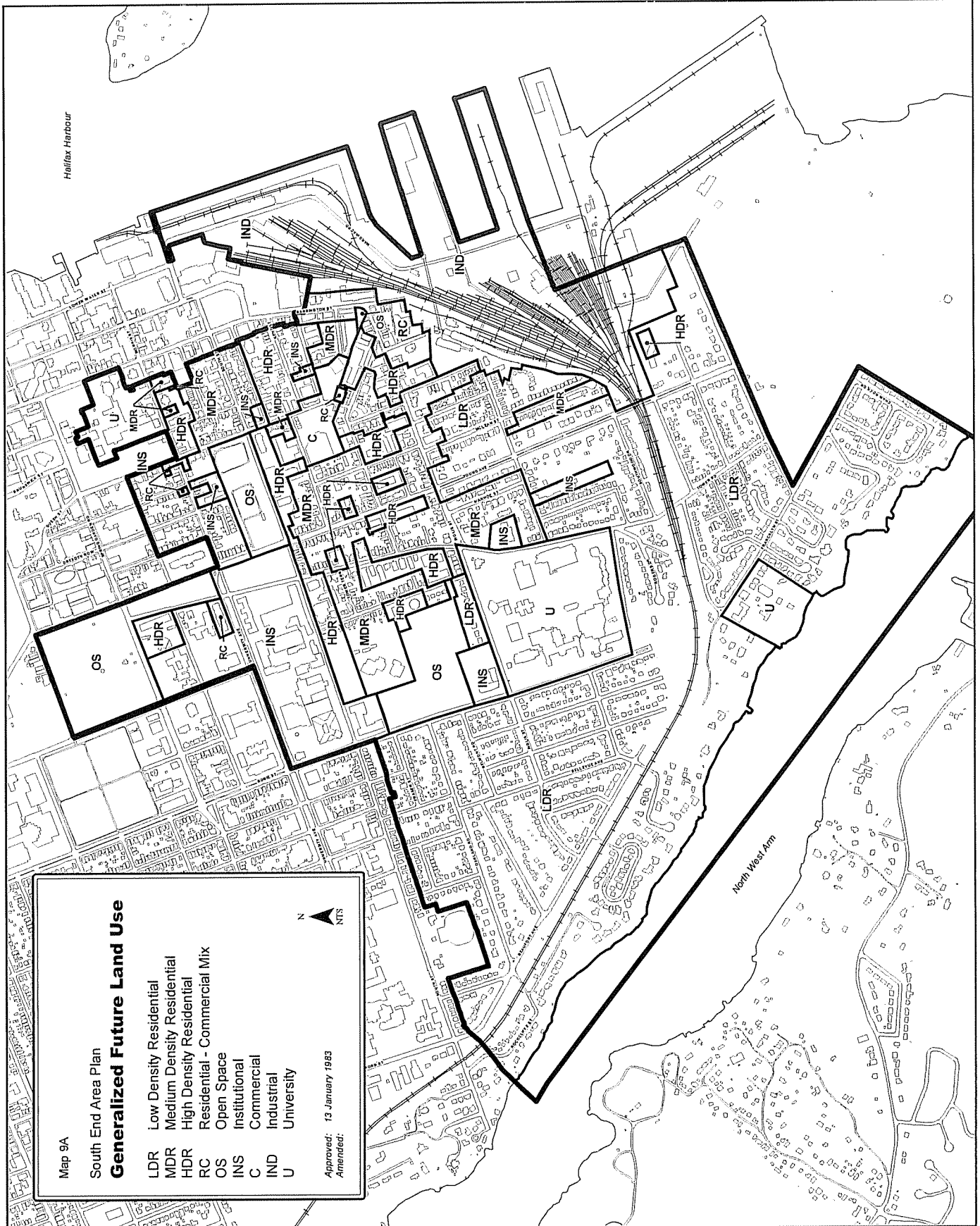


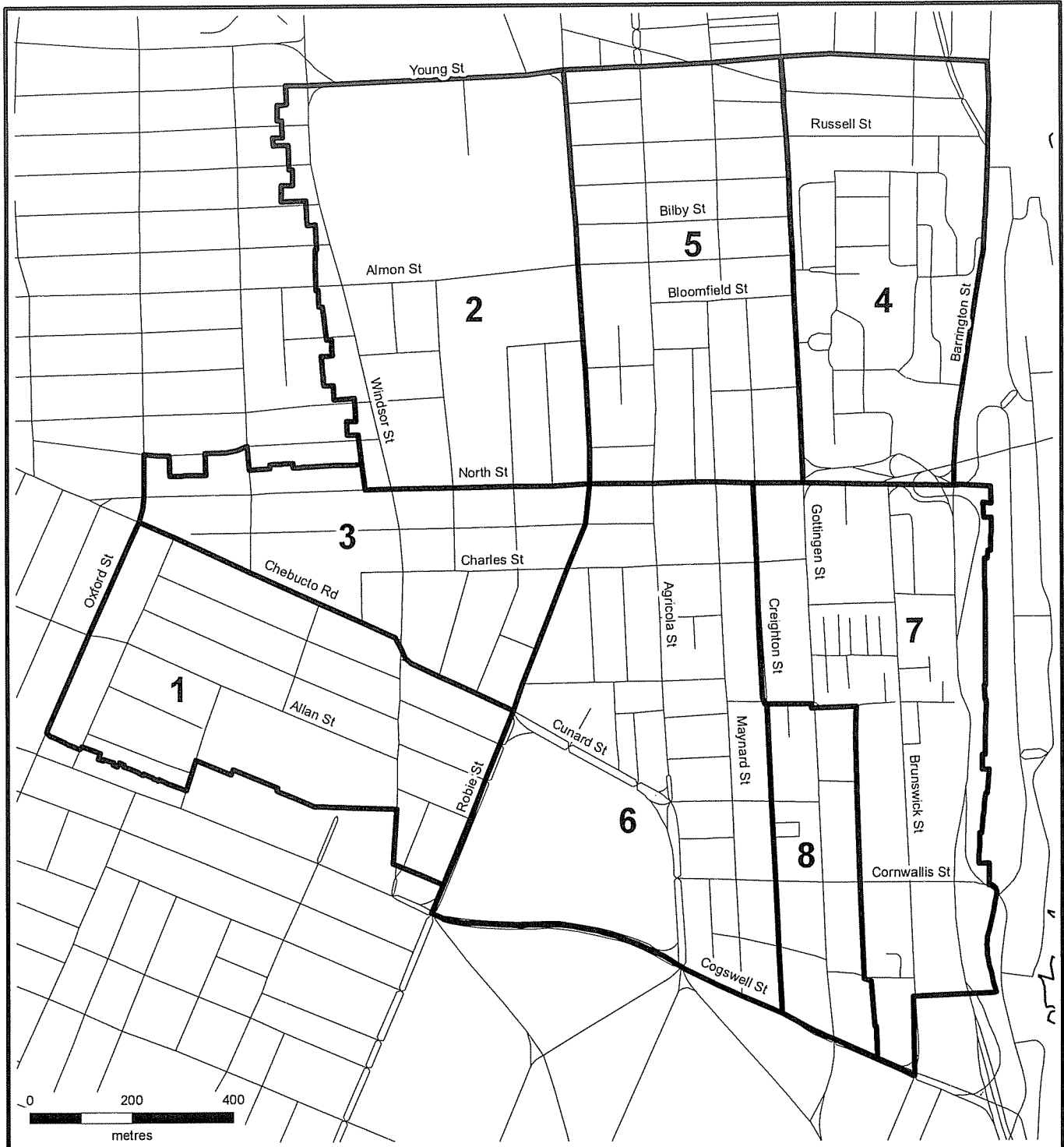
Area where maximum permitted height is measured between the highest point of the building, exclusive of any non habitable roof and the mean grade of the finished ground adjoining the building between the building and the fronting street



Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street

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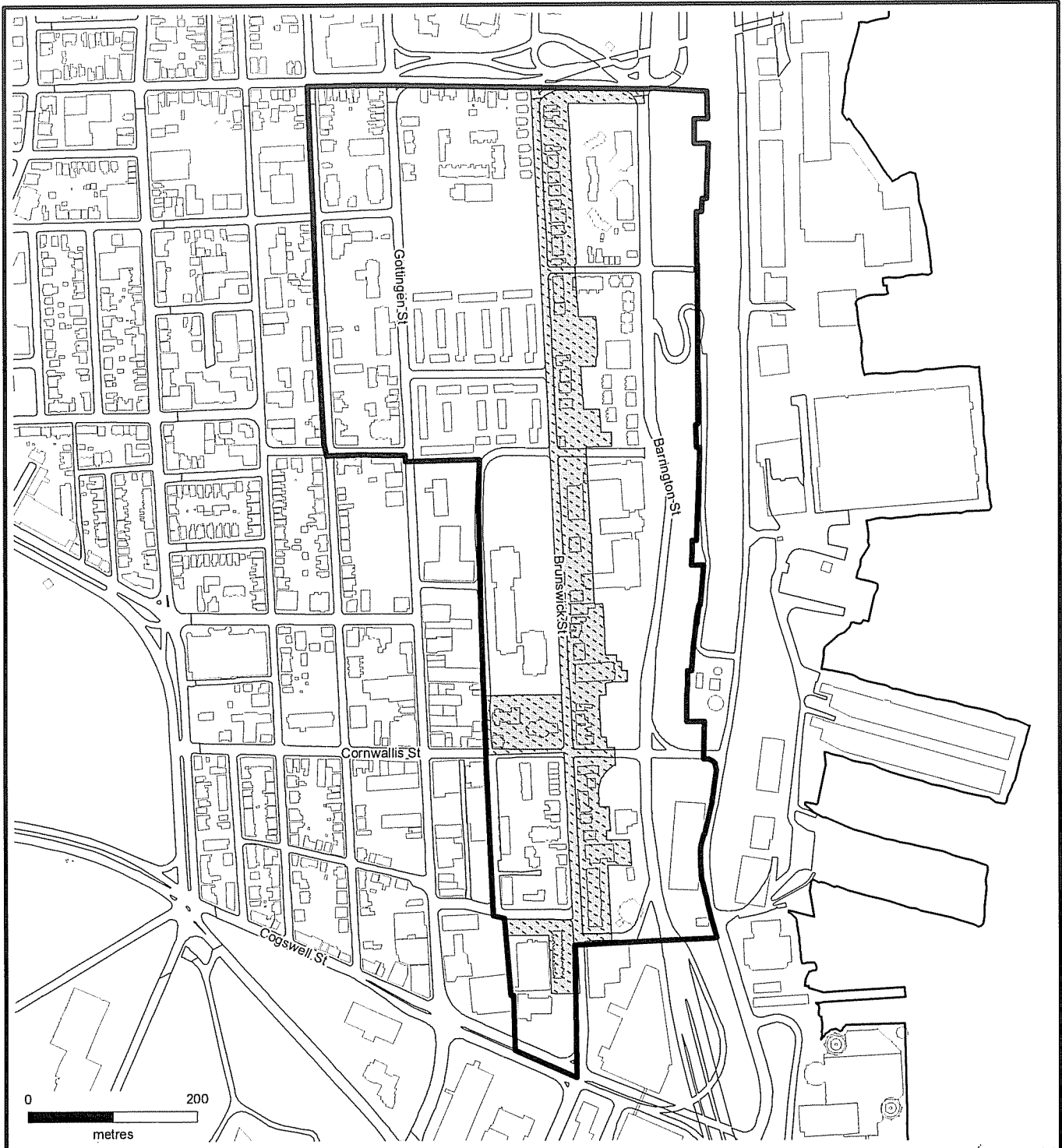
Peninsula North Planning Area

Map 1

Planning Area Boundary

**HALIFAX**  
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COMMUNITY DEVELOPMENT  
PLANNING SERVICES





Peninsula North Planning Area - Area 7

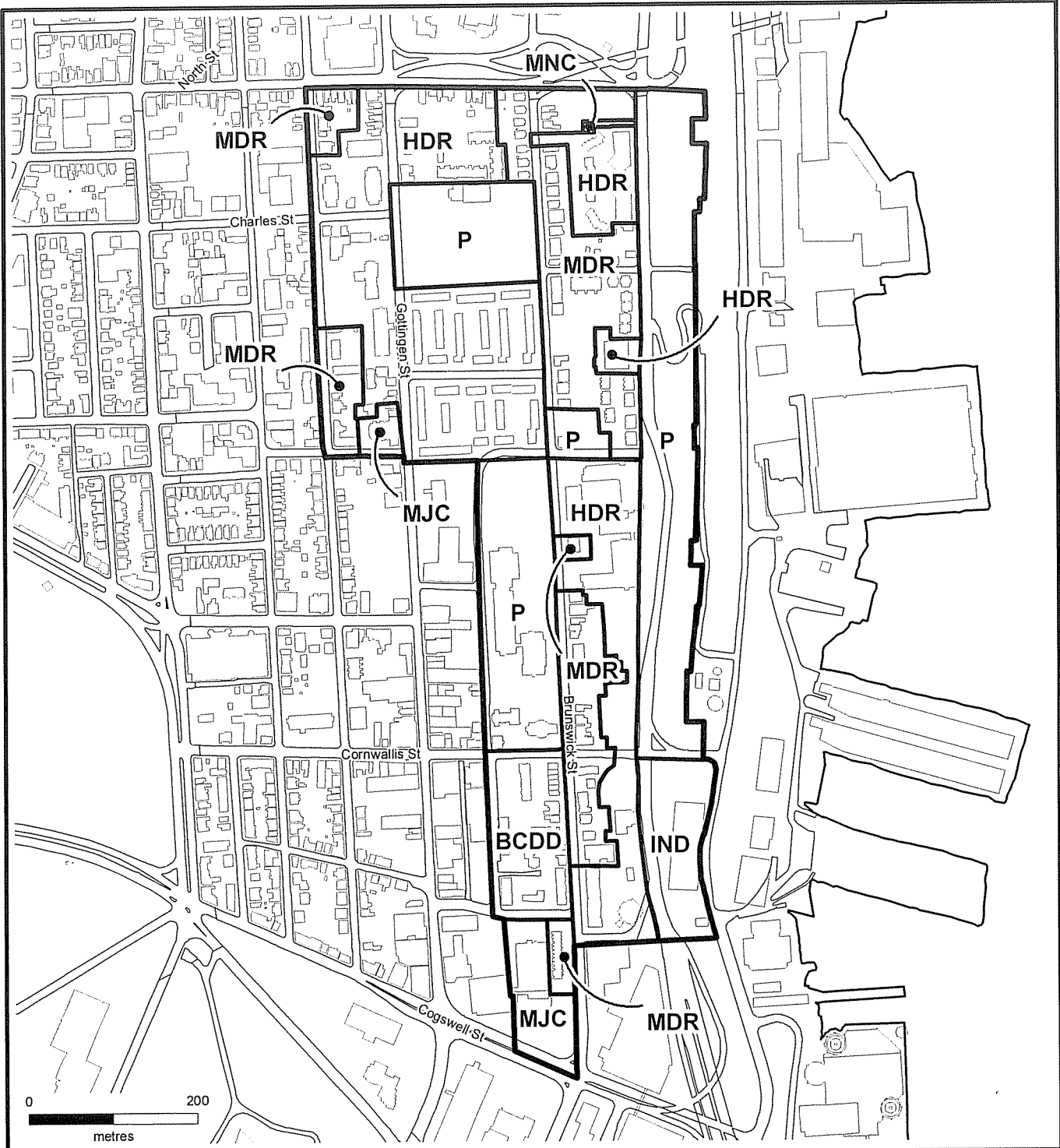
Map 3

Brunswick Street  
Heritage Area

 Heritage Area







Peninsula North Planning Area - Area 7

Map 9G  
Generalized Future Land Use



MDR	Medium Density Residential	IND	Industrial
HDR	High Density Residential	P	Park and Institutional
MJC	Major Commercial	BCDD	Brunswick Comprehensive Development District
MNC	Minor Commercial		



**ATTACHMENT "B-3"**  
**Amendments to the Halifax Peninsula Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. By deleting the "C-2D Zone" from the "TABLE OF CONTENTS".
2. By deleting the "HZ Zone" from the "TABLE OF CONTENTS".
3. By deleting the definition for "Central Business District" from Section 1.
4. By deleting the definition for "Schedule F" from Section 1.
5. By deleting the definition for "Schedule G" from Section 1.
6. By deleting the definition for "Schedule J" from Section 1.
7. By deleting the definition for "Spring Garden Road Area" from Section 1.
8. By replacing Section 2(1) with the following:  

"2(1) This by-law shall be administered by the Development Officer of the Halifax Regional Municipality."
9. By deleting Section 12 in its entirety (Fees).
10. By deleting Section 16D(2)(g).
11. By replacing Section 16D(2)(h) with the following:  

"16D(2)(h) not be located in the Gottingen Street Commercial Area;"
12. By deleting "General Business Zone - Spring Garden Road" from Section 17.
13. By deleting "Hotel Zone" from Section 17.
14. By deleting the abbreviation "C-2D" from Section 18.
15. By deleting the abbreviation "HZ" from Section 18.
16. By deleting Section 26A (Band "A").
17. By deleting Section 48BA(1)(d).

18. By deleting Section 48BA(1)(e).
19. By deleting Section 48BD (Lounges - Spring Garden Road Area).
20. By replacing Section 48CA(1A) with the following:

“48CA(1A) In the portion of the Area 8 of the “Peninsula North Area” on Gottingen Street, a lounge with a seating area not exceeding 600 square feet shall be permitted in association with a restaurant, provided that such seating area shall be less than the seating area of the restaurant.”
21. By deleting Section 58B(1) (Central Business District).
22. By deleting Section 58B(2) (Central Business District).
23. By deleting the “C-2D Zone” (General Business Zone - Spring Garden Road Area) in its entirety [59M(1) to 59Q, inclusive].
24. By deleting the “HZ Zone” (Hotel Zone) in its entirety [70CA(1) to 70CA(4), inclusive].
25. By deleting Section 74 (Conflict with City Charter).
26. By deleting Section 84 (Schedule “F”).
27. By deleting Section 85 (Schedule “G”).
28. By deleting Sections 86 to 87(4), inclusive (Schedule “J”).
29. By deleting Section 94(1)(h) (Technical University of Nova Scotia).
30. By deleting Section 94(1)(p) (1252/54/56 Hollis Street).
31. By deleting Sections 97, 97A, and 97B (Spring Garden Road - Development Agreements).
32. By deleting Section 100(1) (Halifax Waterfront - Development Agreements).
33. By amending Map ZM-1 - Zoning to remove the area covered under the Downtown Halifax Secondary Municipal Planning Strategy, as well as eliminate the C-2D (General Business Zone - Spring Garden Road Area) and HZ (Hotel Zone) zones from the legend.
34. By amending Map ZM-1 - Zoning to apply the U-2 (High-Density University) Zone throughout the parcel identified by LRIS PID # 40848822 (Dalhousie University’s Sexton Campus; formerly the Technical University of Nova Scotia Campus).

35. By amending Map ZM-2 - Schedules and Planning Areas to remove the area covered under the Downtown Halifax Secondary Municipal Planning Strategy, as well as remove Schedules F, G, and J.
36. By amending Map ZM-17 - Height Precinct Map to remove the area covered under the Downtown Halifax Secondary Municipal Planning Strategy.
37. Amending Map ZM-20 - Areas of Elevated Archaeological Potential Map to remove the area covered under the Downtown Halifax Secondary Municipal Planning Strategy.
38. By amending Building Line Plan TT18-20486 to remove the area covered under the Downtown Halifax Secondary Municipal Planning Strategy.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

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Julia Horncastle

Acting Municipal Clerk

**ATTACHMENT "B-4"**  
**Amendments to the Heritage By-law (By-law H-200)**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Heritage By-law (H-200) is hereby amended as follows:

1. By adding the following definition after the definition "Council":

"Heritage Impact Statement' means a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration, and which can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration, and in which mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended."

2. By adding the following subsections after section 11(2):

"(3) Where an application is for a rooftop addition or other addition to a registered heritage property located in the Downtown Halifax Plan Area and where the addition has a gross floor area greater than 50% of the gross ground floor area of the existing building, the Building Inspector or other person designated by the Halifax Regional Municipality to administer this By-law may require a Heritage Impact Statement.

(4) The content of a Heritage Impact Statement shall be as described in Schedule 'A'."

3. By adding the following section after section 11:

**"Conservation Standards**

12 Applications for alteration of a registered heritage property shall be evaluated in accordance with the Heritage Building Conservation Standards as set forth in Schedule 'B'."

4. By re-numbering section 12 to become section 13.
5. By adding the following Schedules after FORMS A, B, C and D

### Schedule "A" Content of Heritage Impact Statements

A heritage impact statement is a study to determine if any heritage resource will be impacted by a specific proposed development or site alteration. It can also demonstrate how the heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative or avoidance measures, or alternative development or site alteration approaches may be recommended. A heritage impact statement contains, but is not limited to the following information:

- (a) Identification of Heritage Value and Character Defining Elements based on information available in the HRM Registry of Heritage Properties or Inventory of Potential Heritage Properties, supplemented by additional research, site analysis, or evaluation as necessary.
- (b) Description of the Proposed Development or Site Alteration. This description details the rationale and purpose for the development or site alteration, the proposed works and graphical layout, and how the development or site alteration fits with the objectives of the municipality as expressed in planning documents.
- (c) Measurement of Development or Site Alteration Impact. Any impact (direct or indirect, physical or aesthetic) of the proposed development or site alteration must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.
- (d) Consideration of Alternatives, Mitigation and Conservation Methods. Where an impact on a heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative development or site alteration approaches must be recommended.
- (e) Implementation and Monitoring. This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the heritage resource as the development or site alteration progresses.
- (f) Summary Statement and Conservation Recommendations:
  - The heritage value and character defining elements of the heritage resource.
  - The identification of any impact that the proposed development will have on the heritage resource.
  - An explanation of what conservation or mitigative measures, or alternative development or site alteration approaches are recommended to minimize or avoid any impact on the heritage resource.
  - If applicable, clarification of why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate.

**Schedule "B"**  
**Heritage Building Conservation Standards**

These Conservation Standards are based on Conservation Standards used by the United States Secretary of the Interior (36CFR67)(1991) and are in keeping with most conservation principles, including the Venice Charter (1964).

The historic character of a heritage resource is based on the assumptions that (a) the historic materials and features and their unique craftsmanship are of primary importance and that (b) in consequence, they are to be retained, and restored to the greatest extent possible, not removed and replaced with materials and features which appear to be historic, but which are in fact new.

- (1) The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment. (See Note 1)
- (2) The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding hypothetical features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used.
- (8) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

- (9) New additions, exterior alterations, or related new construction shall not destroy materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. (See Note 2)
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Note 1: This standard is not intended to regulate the use of property. Land use regulation is implemented through the Land Use By-law under authority of the Municipal Government Act.

Note 2: Within the Downtown Halifax Secondary Planning Area and the Barrington Street Historic District, section 4 of the Design Manual of the Downtown Halifax Land Use By-law shall be considered in evaluating matters relating to compatibility of massing, size, scale and architectural features.

6. Add the following after the words Effective Date: August 17, 1996:

**Amendment #1**

1. Adding definition of "Heritage Impact Statement"
2. Adding subsections 11(3) and 11(4)
3. Adding new section 12.
4. Re-numbering section 12 to section 13
5. Adding Schedules "A" and "B"

Notice of Motion:	Date	2009
First Reading:	Date	2009
Second Reading:	Date	2009
Third Reading:	Date	2009
Approval of Minister of Tourism, Culture & Heritage:	Date	2009
Effective Date:	Date	2009



**ATTACHMENT "B-5"**  
**Amendments to By-law B-201 Respecting the Building Code**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Building By-law is hereby amended as follows:

1. By adding the following new section immediately following subsection (6) of section 4:
  - (7) Notwithstanding subsection (2), within the Barrington Street Heritage Conservation District pursuant to By-law No. H-500, applications for additions, renovations, repairs and attached signs are exempt from the payment of building permit fees.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk

ATTACHMENT "B-6"  
Amendments to the Encroachment By-law (By-law E-200)

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Encroachment By-law (By-law E-200) is hereby amended as follows:

1. In section 2 Definitions, section 2(I) "structure", adding the words "sign attached to a building," immediately following the words "retaining wall,".
2. In section 4 Approval Required, section 4(ii) awnings, adding the words "and signs attached to a building" immediately following the word "awnings".

THIS IS TO CERTIFY that the by-law of which this a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_\_ Day of \_\_\_\_\_, A.D., 2009

\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk

## ATTACHMENT "C" Priorities After Adoption

The Downtown Halifax Urban Design Plan is the result of an extensive amount of time and effort on the part of many volunteers, citizens, stakeholders and HRM staff. While this Plan comprehensively addresses a variety of urban design and planning issues, a significant amount of work remains in order to fully realize the shared vision we have for downtown Halifax over the next 25 years. To this end, the DHSMPS and the Regional Municipal Planning Strategy both mandate important functional plans to be completed following Council adoption. Through five functional plans the DHSMPS calls for continued work with external agencies and other levels of government to further strengthen the Plan's policies and regulations. This should include putting a higher priority on work already being done through the Regional Plan functional plans as they relate to downtown Halifax. As immediate next steps following the adoption of the Plan, it is recommended that Council focus on the following priorities:

1. Enhance Access to Downtown Halifax via Public Transportation: Council has already acknowledged the need for improved public transit services both into and throughout the downtown core through the work of the Regional Plan. Since 2006, a Transportation Master Plan has been guiding several functional plans related to regional transportation, including: the Active Transportation Plan, the Regional Parking Strategy, the Road and Road Network Plan, the Transportation Demand Management Plan, and the Regional Public Transit Plan. Recently as part of the Public Transit Plan, a 5-year strategy was approved by Council to enhance public transportation options and service levels throughout the Municipality, including enhanced access to, and connections throughout, the downtown core through the proposed Downtown Shuttle and the Fast Ferry. The Transportation & Streetscape Design Functional Plan proposed in the DHSMPS will be an important link to the Regional Public Transit Plan by providing a detailed analysis and recommendations for the most efficient transportation network and services for the downtown core.
2. Prioritize the Regional Heritage Functional Plan: The heritage protection undertaken as part of this Plan will occur within the context of the Regional Heritage Functional Plan mandated by the Regional Municipal Planning Strategy. HRM, through the Community Relations and Cultural Affairs division, has initiated work on this functional plan including: updating the registry of municipally owned heritage properties; creating a heritage building rationalization project that examines municipal heritage facilities and related preservation costs; a heritage architecture enhancement program that provides funding for capital costs related to preservation; and, within the near future a social heritage plan will be launched to research and provide recommendations on HRM's approach to museum programs.

It is recommended that work on the Regional Heritage Functional Plan be given priority, as it will develop policies, strategies, and programs to protect and enhance built, cultural and natural heritage by encouraging conservation, preservation, and sustainable use. Specifically, financial incentives and stronger demolition control mechanisms for heritage properties outside of heritage conservation districts will be examined to complement heritage protection measures already outlined in this Plan.

3. Increase Housing Affordability: This Plan sets a goal of increasing residential density in downtown Halifax with individuals and families at all ages and stages of their lives, and from across the demographic and economic spectrum with a variety of housing needs. This Plan provides policies related to two key aspects of downtown housing related to housing type and housing affordability. Four important changes from existing policy in the proposed Land Use By-law that will improve housing affordability are:

- (a) No minimum unit size.
- (b) No maximum residential density per acre.
- (c) No disincentive to larger units through extra landscaped open space requirements.
- (d) No requirement for developers to provide a minimum amount of parking at any multi-unit apartment or condo building in downtown Halifax.

The Regional Plan called for the creation of a Housing Affordability Functional Plan to identify effective strategies to address this regional issue. It recognized the need for a range of affordable housing and the roles of the market and different levels of government and the non-profit sector in this regard. The Housing Affordability Functional Plan will include:

- (a) A definition of affordable housing for the purpose of regional and local priorities;
- (b) A housing needs assessment and the development of neighbourhood change indicators;
- (c) Implementation mechanisms to ensure a reasonable distribution of adequate, acceptable and affordable housing including financial and non-financial incentives;
- (d) Creating and monitoring affordable housing targets;
- (e) Funding opportunities and partnership possibilities for housing projects;
- (f) Strategies that encourage innovative forms of housing;
- (g) Identifying neighbourhoods requiring revitalization through community input and support;
- (h) Identifying possible locations for affordable housing demonstration projects;
- (I) Identifying possible incentives for non-profit and for-profit affordable housing developers such as bonus zoning;
- (j) Investigating the potential of HRM real estate assets and business strategies (acquisition, leasing and sale) to support affordable housing retention and development;
- (k) A public education and communication tool kit to address a range of housing issues;
- (l) Accessible and adaptable housing design guidelines.

Regional and Community Planning staff are currently working with stakeholders in the housing sector and consulting with the public to develop and complete this Functional Plan. It is recommended that this Plan be given priority as it will provide an enhanced approach to providing housing affordability options in downtown Halifax.

4. Establish the Downtown Halifax Heritage Conservation Districts: The DHSMPS identifies three heritage conservation districts (HCD) to be established within the plan area. The Barrington Street Heritage Conservation District will be adopted as part of this Plan, following several years of detailed study and public consultation. The Barrington HCD features a financial

incentives program including tax credits, grants and permit fee waivers, comprised of 3 million over the next five years, which is expected to generate up to 15 million of private investment in the area. The Barrington HCD will also provide stronger demolition controls than those available for heritage buildings outside of HCD's.

Two other areas are identified for future HCDs, including the Historic Properties and Granville Mall area, and the Barrington Street South area. These HCDs should be established as the first priority action item to be undertaken after the adoption of this Plan. This recommendation stems from the recognition that stronger heritage protection is required, which can only be achieved through further detailed study of other potential heritage conservation districts in downtown Halifax, and co-operative work with the Province on the Heritage Strategy for Nova Scotia.

5. Create Mandatory Sustainable Building Design Regulation: This Plan supports principles of sustainable building design as part of the program for downtown Halifax development by encouraging the use of sustainable design practices. At this time, mandatory requirements for energy conservation and sustainable design standards such as Leadership in Energy and Environmental Design (LEED) are not enabled under the provincial Building Code regulations, which regulate construction practices throughout the province. The Province, under the leadership of the N.S. Department of Energy, is currently reviewing its policies and legislation in this area. As outlined in the DHSMPs, it is HRM's intent to undertake a Sustainability Functional Plan that will coordinate this work with the Province to strengthen existing municipal and provincial regulation in the areas of energy conservation and sustainable building and site design. HRM is already working with the Province through its Sustainable Environment Management Office (SEMO) to advocate for stronger regulation in the areas of energy conservation and sustainable building design. In the interim, HRM and other levels of government can lead the way in achieving sustainable and energy efficient design in tendering of development projects for publicly owned lands.
  
6. Establish Effective Plan Monitoring: The Downtown Halifax Plan sets a clear direction for development and investment in the area over the next 25 years. The Plan will be reviewed periodically to determine the degree of success in achieving its intent and to address any changes in underlying assumptions or economic conditions. Central to the effective implementation of the many aspects of this Plan is the establishment of an effective monitoring program. Council has appointed the Regional Plan Advisory Committee (RPAC) to advise them on specific matters as they pertain to the implementation of the Regional Municipal Planning Strategy for HRM, of which the DHSMPs is a part. As such the RPAC will be the citizen-based group responsible for advising Council on the implementation and subsequent amendments to this Plan. It is recommended that the RPAC terms of reference be amended to add representation from the Urban Design Task Force (UDTF) during the critical first five years of this Plan's implementation, to ensure that expertise developing during the drafting of this Plan is carried forward into implementation. The RPAC will make recommendations to Council on required amendments on a one, five, and ten-year schedule.

**ATTACHMENT "D"**  
**Barrington Street Heritage Conservation District**  
**Financial Incentives Program**  
**Terms and Conditions for Capital Grants, Tax Incentives, and Permit Fee Waivers**

**GENERAL CONDITIONS**

**Program Aim**

The Barrington Street Heritage Incentives Program (the Program) is administered by the Heritage Property Program (Community Development Department) to encourage restoration and renovation of buildings in the Barrington Street Heritage Conservation District. Within the limits of the annual approved budget, the Program provides:

- matching grants (up to \$100,000) for exterior restoration work up to \$200,000 in value;
- tax credits for exterior restoration work (over \$200,000 in value);
- tax credits for interior restoration or renovation work that contributes to the ongoing functional viability of the building; and
- waiver of application fees for building permits and sign permits.

**Operational Criteria**

- The Program will operate for five years from the time of the adoption of the Barrington Street Heritage Conservation District Plan and By-law.
- The Program operates on a fiscal year basis from April 1<sup>st</sup> to a March 31<sup>st</sup>.

**Application Requirements**

- Applications will be accepted between January 1<sup>st</sup> and March 1<sup>st</sup> and may be submitted to:  
HRM Heritage Property Program  
P.O. Box 1749, Halifax, NS B3A 3J5  
*or by hand delivery to:*  
HRM Heritage Property Program  
Community Development Department, Heritage & Design  
2<sup>nd</sup> Floor, Alderney Gate, 40 Alderney Drive, Dartmouth  
Telephone: 490-4419 or 490-4663
- Email or faxed applications will not be accepted.
- Late or incomplete applications will not be reviewed.

**Applications must include:**

- A completed application form.
- Recent photographs of the building with close-ups of the areas of work for which the grant or tax credit is applied for.
- Professionally prepared design documents including technical specifications for all projects.
- Professionally prepared cost estimates for the proposed work.
- An itemized breakdown of costs distinguishing between eligible and ineligible work and materials, in accordance with the eligibility criteria listed below.

### Eligibility of Property

- Property must be located in the Barrington Street Heritage Conservation District.
- Property owner must be in good standing with HRM and shall not have unpaid taxes or any other legal claim outstanding.

### Eligibility of Applicant

- Property owner must be in good standing with HRM and shall not have any unpaid taxes or any other legal claim outstanding;
- An applicant may apply for incentives for multiple properties if the properties meet the eligibility requirements.

## GRANTS

Grants may be made for exterior work on the following building components:

- Storefronts and street level facades.
- Upper facades.
- Exterior walls (front, side, and rear, excluding party walls).  
(Note: repairs to party wall are eligible for tax credits, see below).
- Roofs, including chimneys.
- Foundations.
- Signs.
- Awnings.

### Eligible Work & Materials

- Projects which restore exterior architectural elements significant to the heritage character of the building, including any of the following:
  - **Preservation** of existing exterior architectural elements. This includes repair (including structural repair) of deteriorated walls (front, side, or rear), cladding, masonry, windows and doors, lintels and sills, storefronts, roofs, roofing, chimneys, foundation, cornices, mouldings, parapets, architectural trim, and other significant features.
  - **Replacement** of exterior architectural features which exist but which are beyond preservation or repair. This includes replacement in kind of deteriorated walls (front, side, or rear), cladding, masonry, windows and doors\*, lintels and sills, storefronts, roofs, roofing, chimneys, foundation, cornices, mouldings, parapets, architectural trim, and other significant features, using accurate reconstruction and materials, sizes, and configurations that match the original.
  - **Restoration** of significant architectural features which have been lost but for which the appearance can be clearly determined from physical evidence or documentary sources such as historic drawings or photographs.
  - Projects must use traditional materials (wood, stone, brick, etc.) and traditional design.
- Painting.
- Signs.
- Awnings.

\* Note: In order to qualify for grants, replacement windows and doors at street level must be of traditional materials (typically wooden windows and doors); however, on upper storeys, aluminum clad windows are acceptable).

#### **Ineligible Work & Materials**

- Modern materials such as vinyl windows, steel doors, vinyl siding, or EFIS cladding.
- Short-term, routine maintenance, including minor repairs to non-original siding or roofing.
- Poor or defective work.
- Work carried out prior to submission of the application (except by special arrangement).
- Owner Labour.

#### **Project Evaluation**

Projects will be evaluated under the *HRM Heritage Building Conservation Standards* and the *Heritage Design Guidelines of the Downtown Halifax Land Use Bylaw Design Manual*.

#### **Priority Criteria**

- Preference given to preservation and restoration of historic structural and weatherproofing elements than to cosmetic improvements, e.g., restoration of masonry, cladding, windows, doors, or roof has greater priority than painting.
- Preference given to restoration of publicly visible features, e.g., an application for restoration of a front facade would have higher priority than a facade facing an interior light well or rear yard.
- Preference given to registered heritage buildings.
- Preference given to buildings in poor condition and at greatest risk of deterioration or loss.

#### **Application Review Process**

- Applications will be screened for basic eligibility as they are received.
- Eligible applications will be reviewed and evaluated by Heritage staff in consultation with the Heritage Advisory Committee in March.
- Notification of approval or rejection will be mailed to applicants in April.
- Approval of grants will be conditional on approval of program budget and available funds.
- Due to limited funds, not all eligible applications may receive approval.

#### **Maximum & Minimum Grants & Multiple Applications**

- Grants are awarded on a 50% cost-sharing, matching grant basis.
- The maximum overall grant: \$100,000 per property.
- Maximum grant per storefront: \$15,000 (buildings with more than one storefront may receive more than one grant).
- Maximum grant for storefront signs: \$3000 per storefront.
- Maximum grant for awnings: \$1000 per storefront
- Minimum grant: \$1000.
- Grants over \$10,000 will require approval by Regional Council.
- Grants under \$10,000 will require approval by Heritage Advisory Committee (in accordance with the existing Heritage Incentives Program, which continues to apply to registered heritage properties outside the heritage conservation district).



- The number of grants per property is limited to one per year and two in the five-year time frame of the Program.

#### **Conditions of Approval & Payment of Grant**

- Projects must be completed within the fiscal year for which they are approved except by special agreement.
- Grant payment is conditional on satisfactory completion of approved work, photographic documentation of completed work, site review by HRM staff, and submission of receipts and paid invoices.
- Deadline for submission of receipts and paid invoices is March 15<sup>th</sup>. This is necessary to enable grant payments to be processed by end of fiscal year.
- Grant funding for projects not completed by the end of the fiscal year will be forfeited except by specific agreement, on a case by case basis.
- Grants are tied to specific approved work. Additional work not approved will not be funded.
- The applicant shall notify HRM of any changes to the approved work prior to it being undertaken and shall not proceed with the work without supplementary approval by staff. Work that deviates from the approved work without a supplementary approval may not be eligible for funding and, at the discretion of HRM, such funding may be withheld and re-allocated to another property in the heritage conservation district as an agreement with HRM to maintain the building and not apply for demolition for twenty years. The agreement runs with the land and shall be filed at the Land Registration Office/Registry of Deeds.
- Grants over \$10,000 are conditional on owner entering an agreement with HRM to maintain the building and not apply for demolition for twenty years. The agreement runs with the land and shall be filed at the Land Registration Office/Registry of Deeds. (See draft agreement in Attachment A).

#### **Appeals**

- Refusal of a grant application or withholding of an approved grant payment may be appealed by the applicant within fourteen days of written notification of the decision.
- Appeals will only be considered on the basis of new information, or an error in fact or procedure during the review process.
- Appeals shall be in writing, addressed to the Heritage Property Program and shall give reasons for the appeal.

#### **TAX CREDITS**

Where an application includes both exterior restoration and interior rehabilitation, tax credits may be approved for the following types of work :

##### **Exterior Work Eligible for Tax Credit**

- Exterior restoration work on an existing building which meets the eligibility requirements for grants (see above) but which exceeds \$200,000 in value.

- Exterior elements on new rooftop additions including cladding and trim, windows, doors, and roofing but excluding structural components. This may include contemporary design and materials approved under applicable Design Guidelines.

#### **Interior Work Eligible for Tax Credit**

- Renovations needed to meet building code and fire safety requirements.
- Renovation of common interior circulation areas including lobbies, hallways, staircases, washrooms, elevators and lift devices.
- Structural repairs, including repairs to party walls and structural improvements to the existing building required for support of approved rooftop additions.
- Renovation of central building systems in the existing building including plumbing, heating, ventilation, and air conditioning (HVAC), electrical or telecommunication systems and associated service rooms, and sprinkler systems.
- Energy efficiency improvements including renovations to building envelope.
- Restoration of historic interior features or finishes located in common, publicly accessible circulation areas.
- Restoration of historic interior features or finishes located in spaces outside common areas (e.g. leased spaces) in special cases.

#### **Ineligible Work**

- Fixtures, finishes and demising walls in spaces outside common areas, e.g. improvements to leased spaces, condominium units, or storage areas.
- Distribution of central building systems outside common areas, beyond open area requirements.
- Any interior work within rooftop additions, including structural, plumbing, HVAC, electrical or telecommunication systems.
- Interior work on projects without adequate exterior restoration.

#### **Calculation and Payout of Tax Credits**

- Tax credits will be calculated on the basis of 15% of the value of eligible work.
- All Tax Credits will require approval by Regional Council.
- For minor projects, tax credits will be applied against taxes due in the fiscal year following completion of eligible work.
- For multi-year projects, tax credits will be calculated (and applied against taxes due) based on the amount of eligible work completed in the prior year.
- When requested, tax credits will be paid out to the property owner in the form of a grant equivalent following payment in full of all applicable taxes
- All tax credits are conditional on owner entering an agreement with HRM to maintain the building and not apply for demolition for twenty years. The agreement runs with the land and shall be filed at the Land Registration Office/Registry of Deeds. (See draft agreement in Attachment D-2).

#### **Maximum and Minimum Tax Credits**

- There is no specific maximum tax credit, however, the annual payout cannot exceed the municipal portion of taxes (the general rate) due in that year.

- When required, i.e., for large projects, the balance of tax credits earned is carried forward until the total tax credits applied to taxes equal the total tax credits earned.
- Minimum tax credit: \$1000, i.e., eligible work of \$6700 or greater.

#### **PERMIT FEE WAIVERS**

- Fees for any building permit or sign permit application submitted within five years of the adoption of this Plan, shall be waived for any property within the Barrington Street Heritage Conservation District.
- This waiver shall not apply to other construction related fees such as plumbing fees, encroachment fees, sidewalk café rental fees, SANS deposits, future settlement fees, and sewer redevelopment charges, and shall not apply to application fees for demolition or deregistration of a building in the Barrington Street Heritage Conservation District.

#### **OUTCOME MEASURES**

The success and effectiveness of the grant and tax incentive program will be measured in relation to the following outcomes.

- Number of storefront restorations.
- Number of sign improvements.
- Number of new awning installations.
- Number of facade restorations.
- Number of interior improvements.
- Number of applications in relation to program participation estimate of 19 property owners.
- Value of applications in relation to program budget estimate of \$14 million.
- Value of investment leveraged from private sector.
- Increase in occupancy and total rental revenues.
- Increase in assessment and tax revenues.
- Improvement in overall streetscape cohesiveness.
- Public perception/media coverage of improvements.

#### **SPECIAL CASE:**

##### **NEW CONSTRUCTION - FORMER NFB FACADE (1572 Barrington Street)**

Special consideration may be given a customized grant and tax incentive package to assist in the cost of constructing a new building behind the former NFB facade, by amendment or re-negotiation of the Heritage Agreement dated 16 July, 1997.

ATTACHMENT "D-2"  
DRAFT HERITAGE INCENTIVES AGREEMENT / DEMOLITION WAIVER

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2007

BETWEEN:

*Enter name of property owner*  
(hereinafter called the "Owner").

OF THE FIRST PART

-and-

HALIFAX REGIONAL MUNICIPALITY.  
a municipal body corporate,  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Owner owns certain lands in the Halifax Regional Municipality located at \_\_\_\_\_ (*enter address*) (hereinafter called the \_\_\_\_\_ (*enter name of property*)), more fully and particularly described in Schedule "A" hereto annexed;

AND WHEREAS the \_\_\_\_\_ (*enter name of property*) is registered in the Halifax Regional Municipality Registry of Heritage Property pursuant to the Nova Scotia Heritage Property Act, R.S., c. 199, s. 1. and Halifax Regional Municipality Bylaw H-200 (the Heritage Property Bylaw);

AND WHEREAS Section 17 of the Heritage Property Act states that municipal heritage property shall not be substantially altered in exterior appearance or demolished without the approval of the Municipality;

AND WHEREAS Section 18 of the Heritage Property Act states that notwithstanding Section 17, where the owner of municipal heritage property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application;

AND WHEREAS Section 20 of the Heritage Property Act authorizes a Municipal Council to enter into agreements with the owners of municipal heritage properties or properties located in a heritage conservation district respecting their use, preservation and protection;

AND WHEREAS Section 22 of the Heritage Property Act authorizes a Municipal Council to grant financial assistance to owners of municipal heritage properties or properties located in a heritage conservation on whatever terms and conditions they see fit;

AND WHEREAS the Municipality operates a Heritage Incentives Program which grants assistance in the form of grants or tax credits to owners of property in the Barrington Street Heritage Conservation District to encourage the conservation of said property;

AND WHEREAS the Owner has applied for a grant and/or tax credit under the Heritage Incentives Program for

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*(insert description of work to be carried out under grant);*

AND WHEREAS the Municipality has approved said grant and/or tax credit under Application # \_\_\_\_\_ subject to the satisfactory completion of said work and subject to execution of this Agreement;

AND WHEREAS the Owner has completed said work to the satisfaction of the Municipality.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada now paid by the Municipality to the Owner (the receipt of which is hereby acknowledged), and for other valuable consideration, the Owner and the Halifax Regional Municipality agree to the following terms and conditions:

1. The Owner covenants and agrees that it shall not demolish the \_\_\_\_\_ (enter name of property) located on the property described in Schedule "A" attached hereto or alter its exterior appearance in any manner without the written consent of the Halifax Regional Municipality. The Owner further expressly waives its rights under Section 18 of the said Heritage Property Act to make any alteration or carry out demolition as provided therein, said waiver to be in effect for twenty (20) years from the date of this Agreement having been recorded at the Registry of Deeds ("Termination Date").
2. The parties hereto agree that this Agreement shall be recorded at the County of Halifax Land Registration Office by the Owner; that any and all costs associated with the recording of this Agreement at the Land Registration Office shall be borne by the Owner; that the Owner shall provide the Municipality with recording particulars in writing within ten (10) days of recording this Agreement; and that this Agreement shall remain in full force and effect until the Termination Date.
3. It is expressly understood that this agreement runs with the property and the rights and obligations of the Owner as set out herein shall pass with the property to subsequent owners.

4. The Municipality agrees to pay the sum of \$ \_\_\_\_\_ to the Owner as full payment of Heritage Incentives Grant # \_\_\_\_\_ upon receipt of confirmation of the recording of this Agreement in the Registry of Deeds.
5. Time shall be of the essence in this Agreement.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of

\_\_\_\_\_  
Witness

)  
) OWNER (enter corporate name)  
)  
) Per \_\_\_\_\_  
)  
)  
) Per \_\_\_\_\_  
)  
)  
) Per \_\_\_\_\_  
)

SEALED, DELIVERED AND ATTESTED  
to by the proper signing officers  
of Halifax Regional Municipality  
duly authorized in that behalf in  
the presence of

\_\_\_\_\_  
Witness

) HALIFAX REGIONAL MUNICIPALITY  
)  
) Per \_\_\_\_\_  
) Mayor  
)  
)  
) Per \_\_\_\_\_  
) Municipal Clerk

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this      day of                      , 2007, before me, the subscriber, personally came and appeared a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, hereby made oath and said that the Halifax Regional Municipality, by its authorized representatives, did duly execute same in his/her presence.

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A Barrister of the Supreme  
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this      day of                      , 2007, before me, the subscriber, personally came and appeared a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, hereby made oath and said that one of the parties hereto, caused this Indenture to be executed and its corporate seal affixed by its duly authorized officer(s) and I have signed as a witness to such execution.

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A Barrister of the Supreme  
Court of Nova Scotia