

Attachment A

Regional Centre Secondary Municipal Planning Strategy Amendments

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

1. The “TABLE OF CONTENTS” is amended by inserting the text as shown below in **bold** following “9.12.3 Spring Garden Road – Robie Street (SGRRS) Special Area” and before “Appendix 1: Key Performance Indicators”:

9.12.4 Mitchell Street – South Bland Street (MSSB) Special Area

2. The “LIST OF MAPS” is amended by inserting the text as shown below in **bold** following “Map 25: Future Growth Node Land Use Concepts – Southdale Lands (TF-Oct 18/22;E-Nov 9/22)” and before “LIST OF TABLES”.

Map 26: Halifax Grain Elevator Risk-Based Land Use Precincts

3. Section “6.3 HALIFAX GRAIN ELEVATOR” is amended by deleting the text as shown below in ~~strikeout~~ and inserting the text as shown below in **bold**:

The Halifax Grain Elevator is located in the south end area of the Halifax Peninsula on lands owned by the Halifax Port Authority. Initially constructed in 1924, the Grain Elevator is the only grain elevator on the eastern Seaboard **with both rail and sea connections** and is considered an essential economic infrastructure. During the early period of grain elevator operations, the surrounding south end area largely consisted of industrial and commercial uses that supported port operations. As the former City of Halifax grew, the area gradually transformed into a desirable mixed-use residential neighbourhood located close to Downtown Halifax, the Halifax waterfront, Point Pleasant Park, and other amenities. ~~With an interest in residential development expected to continue, further studies are needed to understand and manage potential public safety risks associated with the Grain Elevator and its proximity to residential uses. Therefore, as a precautionary measure, further residential development in the area will only be considered by development agreement that considers the results of future risk assessment studies.~~ **Grain elevators pose inherent safety risks associated with their operation, due to the presence of dust which, under certain conditions, can be flammable and explosive. In 2022, the Municipality, in partnership with the Halifax Port Authority, commissioned the *Halifax Grain Elevator Land Use Risk Assessment Study* to better understand these risks. The Risk Assessment provides recommendations on appropriate land uses around the Halifax Grain Elevator, separation distances between the facility and different classes of land uses, and changes to built form and building design requirements.**

4. Policy ED-5 is repealed.
5. Policy ED-6 is repealed.

6. Section 6.3 is amended to add the following after “6.3 HALIFAX GRAIN ELEVATOR” and before “PART 7: MOBILITY” as shown below in **bold**:

Policy ED-6.1

The Halifax Grain Elevator Risk-Based Land Use Precincts, as shown on Map 26, are established to control acceptable land uses in proximity to the Halifax Grain Elevator. Council shall coordinate the location of Urban Structure designations, as shown on Map 1, with the Halifax Grain Elevator Risk-Based Land Use Precincts as follows:

- a) Precinct 1 (P1): Industrial Employment Designation (IDE);
- b) Precinct 2 (P2): Established Residential Designation (ER) or Industrial Employment Designation (IDE);
- c) Precinct 3 (P3): Established Residential Designation (ER), Higher-Order Residential Designation (HR) or Industrial Employment Designation (IDE).

Policy ED-7

The Land Use By-law shall establish three (3) Special Areas corresponding with the Halifax Grain Elevator Risk-Based Land Use Precincts as shown in the following table:

Halifax Grain Elevator Risk-Based Land Use Precincts	Corresponding Halifax Grain Elevator Special Areas	Permitted Land Uses
Precinct 1 (P1)	Halifax Grain Elevator Special Area 1 (HGE 1)	- Existing Grain Elevators
Precinct 2 (P2)	Halifax Grain Elevator Special Area 2 (HGE 2)	- Residential uses up to 1 unit per net 100 square metres of lot area and a maximum of 10 units per building and excluding shared housing with special care - Industrial and commercial uses as permitted in the CLI Zone of the land use by-law excluding daycare and accommodations
Precinct 3 (P3)	Halifax Grain Elevator Special Area 3 (HGE 3)	-Any use permitted in Precinct 2 -High Density Residential, excluding shared housing with special care -Any commercial use permitted under the HR-1 and HR-2 Zone of the land use by-law

The Land Use By-law shall apply zones consistent with the Urban Structure Designations, as shown on Map 1, and the Halifax Grain Elevator Risk-Based Land Use Precincts, as shown on Map 26.

Policy ED-8

The Land Use By-law shall limit the maximum density of residential units with the Halifax Grain Elevator Special Area 2 (HGE 2) to:

- (i) A maximum of 1 residential unit per net 100 square metres of lot area; and
- (ii) A maximum of 10 residential units per building.

Policy ED-9

The Land Use By-law shall establish design requirements for developments located within the Halifax Grain Elevator Special Area 2 (HGE 2) and Halifax Grain Elevator Special Area 3 (HGE 3) to support safe building design by:

- Limiting windows, doors and other building openings on exterior walls facing the Halifax Grain Elevator to a maximum of 15% of each exterior building wall surface area;
- Requiring primary pedestrian entrances to orient away from the Halifax Grain Elevator;
- Prohibiting projections and awnings on building walls facing the Halifax Grain Elevator; and
- Prohibiting inward facing angles or curves from facing the Halifax Grain Elevator.

7. Policy IM-18 is amended by deleting the text as shown below in ~~strikeout~~ and inserting the text as shown below in **bold**:

Policy IM-18

Subject to Policy IM-20.1, ~~the~~ Land Use By-law shall relax the restrictions in the HRM Charter relating to:

- a) non-conforming structures in all zones, and allow them to be extended, enlarged, or altered, if the extension, enlargement, or alteration does not further worsen any non-conformity with the By-law;
- b) the extension, enlargement or alteration of structures containing a non-conforming low density dwelling use in that structure, and permitting the expansion of the non-conforming low-density dwelling use into the addition of that structure; and
- c) non-conforming residential uses in a structure located in an Established Residential zone, and allow structures containing them to be rebuilt, replaced or repaired if destroyed or damaged by fire or otherwise up to 100 percent of the market value of the building.

8. Policy IM-19 is amended by inserting the text as shown below in **bold**:

Policy IM-19

Subject to Policy IM-20.1, Council may, by development agreement, allow non-residential non-conforming uses located on a lot that existing on the coming into force of this Plan to: a) expand the structure containing the non-conforming use; or b) change to another less intensive non-conforming use.

9. Policy IM-20 is amended by inserting the text as shown below in **bold**:

Policy IM-20

Subject to Policy IM-20.1, Council may, by development agreement, allow a use of land that is not otherwise permitted in the zone provided the proposed use of land enables the relocation of the same non-conforming use that is located on an adjacent lot, or a portion of a lot, that is needed by the Municipality, Halifax Dartmouth Bridge Commission, or the Province for public purposes.

10. Section 9.8 is amended to add the following after Policy IM-20 and before Policy IM-21 as shown below in **bold**:

Policy IM-20.1

Policies IM-18, IM-19 and IM-20 shall not apply to the Halifax Grain Elevator Special Area 1 (HGE 1), Halifax Grain Elevator Special Area 2 (HGE 2), and Halifax Grain Elevator Special Area 3 (HGE 3), as identified in the Land Use By-law.

11. Section 9.12 is amended to add the following after Policy IM-46 and before APPENDIX 1: KEY PERFORMANCE INDICATORS as shown below in **bold**:

9.12.4 Mitchell Street – South Bland Street (MSSB) Special Area

This plan establishes the Mitchell Street – South Bland Street (MSSB) Special Area, as identified in the Land Use By-law, to guide development on Mitchell Street and South Bland Street, Halifax. Lands within this Special Area are currently or were previously designated Higher-Order Residential and the Halifax Grain Elevator Risk-Based Land Use Precincts has changed permitted land uses and built form requirements on these lands. Given the potential impact of these changes on the strategic growth core concept of this plan, the MSSB Special Area policies are intended to allow flexible adjustments to specified built form requirements that may be needed to allow mixed-use development while still respecting the Halifax Grain Elevator policies. Development in the MSSB Special Area may proceed either through the as-of-right process under the Land Use By-law or through site-specific development agreement.

Policy IM-47

Development in the Mitchell Street – South Bland Street (MSSB) Special Area, as identified in the Land Use By-law, shall proceed either through as-of-right permissions

under the Land Use By-law, or through development agreement as detailed in Policy IM-48.

Policy IM-48

Council may consider development in the Mitchell Street – South Bland Street (MSSB) Special Area, as identified in the Land Use By-law, by development agreement to support flexible land use and built form requirements subject to the following criteria:

- (a) the permitted uses under Policy ED-7 and Policy ED-8, and design requirements under Policy ED-9 shall apply to any new development or portion of a new development within the applicable Halifax Grain Elevator Precinct;**
- (b) land uses permitted in the Halifax Grain Elevator Precinct 2 (P2) may extend throughout a development except on any lands located within the Halifax Grain Elevator Precinct 1 (P1);**
- (c) the built form requirements of the applicable zone in the Land Use By-law apply, with the exception of the following:**
 - (i) the maximum permitted height is 15 storeys, subject to the Halifax Citadel View Planes;**
 - (ii) The following requirements may be changed to enable development, while still supporting the Core Concepts of this plan:**
 - i. The minimum required side setback and rear setback for any portion of a high-rise building above the streetwall height;**
 - ii. The minimum required side setback and rear setback for any portion of a high-rise building above the streetwall height; and**
 - iii. The minimum required streetwall setback for tall mid-rise and high-rise buildings;**
 - (iii) the side or rear setback for any portion of a building may be reduced to 0.0 metre for any yard abutting a lot held in common ownership with the lot containing the proposed building;**
 - (iv) the maximum building dimension requirements for the tower portion of any high-rise building may be relaxed provided they do not exceed the following :**
 - i. a building depth of 40.0 metres;**
 - ii. a building width of 35.0 metres; and**
 - iii. an average floor area of 1,100 square metres per storey**
- (d) the general development agreement criteria set out in policy IM-9 of this plan.**

12. Map 1 “Urban Structure Designations” is amended as shown on Attachment A Map 1.
13. Map 4 “Maximum Building Height Precincts” is amended as shown on Attachment A Map 4.
14. Insert “Map 27: Halifax Grain Elevator Risk-Based Land Use Precincts” as shown in Attachment A: Map 27.

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., 20____. GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., 20____.

Municipal Clerk