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THESE ARE DRAFT AMENDMENTS, ARE SUBJECT TO CHANGE, AND HAVE NO LEGAL STANDING

HALIFAX

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LAND USE BY-LAW

DOWNTOWN HALIFAX

THIS COPY IS

A REPRINT OF THE

DOWNTOWN HALIFAX

LAND USE BY-LAW

WITH AMENDMENTS TO

JUNE 13, 2024

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DOWNTOWN HALIFAX
LAND USE BY-LAW

THIS IS TO CERTIFY that this is a true copy of the Downtown Halifax Land Use By-law which was passed by a majority vote of the Council of the Halifax Regional Municipality at a duly called meeting held on the 16th day of June, 2009, and reviewed by Service Nova Scotia and Municipal Relations on the 5th day of August, 2009, and is in effect as of the 24th day of October, 2009, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 13th day of June, 2024.

GIVEN UNDER THE HAND of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 20___.

_____
Municipal Clerk

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Title

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

Definitions

2 In this By-law;

(a) *Accessory* means naturally and normally incidental, subordinate, and exclusively devoted to.

(b) *Accessory Building* means a detached subordinate building, not used for human habitation **except where backyard suites are permitted (RC-Sep 1/20;E-Nov 7/20)**, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

(ba) **ACCESSORY HEN USE means the keeping of hens as an accessory use to a permitted residential use for the purposes of personal or household food supply, and not commercial purposes (RC- Oct 05/21; E-Jan 08/22).**

(c) *Accessory Surface Parking Lot* means on-site, surface parking, **which is not contained within a building and which is (RC-Mar 26/13;E-Apr 13/13)** provided in support of the main use of the land.

(d) *Adult Entertainment Use* **means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours, but excludes the standalone retailing of adult material (RC-Feb 15/22;E-Mar 12/22)**

(e) *Adult Cabaret* means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the nude body of another person, or to observe, view or photograph any such activity.

(f) ***Adult Bookstore*** **(Deleted: RC-Feb 15/22;E-Mar 12/22)**

(fa) ***Adult Theatre*** **means a use where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence and which are either unrated or have been classified as A (Adult) by the Nova Scotia Film Classification Section of the Alcohol and Gaming Division of Service Nova Scotia and Municipal Relations. (RC-Mar 26/13;E-Apr 13/13)**

(g) *Alcohol related establishment* means a permanent use (not subject to a temporary permit) that is licensed to serve alcohol without a meal pursuant to the *Nova Scotia Liquor Control Act*.

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(h) *Alter* means to make any change in the size, shape, structure or materials of a building or any part thereof.

(i) *Archaeological Resources* means the areas of land shown on Map 10 Archaeological Resources attached to this By-law.

(j) *Attached Building* means a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

(k) *Average grade* means the average finished elevation around the perimeter of the **building (RC-Dec 13/11;E-Mar 3/12)**.

k.5) *Backyard Suite* means a self-contained subordinate dwelling unit that is located within an accessory building or structure. (RC-Sep 1/20;E-Nov 7/20)

(l) *Basement* means a level of a building that has more than one-half of its floor-to-ceiling height below the average grade.

(m) *Bicycle Parking, Class A* means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.

(n) *Bicycle Parking, Class B* means bicycle racks, including wall mounted varieties, which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.

(o) *Bicycle Parking, Enhanced* means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers, at the rate of one for every six bicycle spaces, and clothes lockers, at the rate of one for every bicycle space.

(p) *Billboard* means any freestanding sign and supporting structure, maintained or used for display of advertising matter, or any advertising sign displayed in conjunction with mural artwork occupying an equal or greater surface area on a building, wall or fence.

(q) *Building* includes any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure used in connection with such buildings.

(qa) *Building face* means that portion of a building facade which is separated from other portions of the same facade by recesses or offsets a minimum of 0.5m in depth.

(r) *Building height* means the vertical distance between the *average grade* and a horizontal plane extended across the top of the building, except as otherwise specified on Map 4, Maximum Pre-Bonus Heights and Map 5, Maximum Post-Bonus Heights.

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(s) *Building width* means the total horizontal distance between the outermost edges of the building wall or walls facing a street or public open space.

(sa) ***Cannabis lounge*** **means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep 18/18;E-Nov 3/18)**

(sb) ***Cannabis production facility*** **means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,**

(i) including

(A) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and

(B) associated activities permitted by the federal license, such as research and development, storage, and destruction, and

(ii) excluding

(A) industrial hemp, and

(B) premises used for personal production permitted by federal legislation.

(RC-Sep 18/18;E-Nov 3/18)

(sc) Cannabis retail sales means premises used for the retail sale of cannabis, cannabis products or any of its derivatives such as oils or edible products to the general public. (RC-Sep 18/18;E-Nov 3/18)

(t) *Central Blocks* means the blocks identified on Map 8.

(u) *Commercial Parking Garage* means a building whose primary use is the provision of parking to the general public for a fee.

(v) *Commercial Recreation Use* means a building or part of a building in which a recreational activity is performed and for which a membership or instruction fee is charged, and without limiting the generality of the foregoing, shall include weight-lifting or fitness centres, boxing or racquet sport clubs, martial arts schools and dance studios.

(w) *Commercial Surface Parking Lot* means an area of land used for the provision of parking to the general public for a fee.

(x) *Commercial use* means the use of a building for the purpose of buying and selling goods and supplying services.

(y) *Community Facility* means a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall.

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(z) *Corner lot* means a lot situated at the corner of two streets, unless such streets form an angle of greater than 135 degrees in which case such a lot shall be an interior lot.

(aa) *Cultural use* means the presentation of art, **motion pictures (RC-Mar 26/13;E-Apr 13/13),** artistic performances, musical performances, lectures, or other exhibits.

(ab) *Depth* means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.

(aba) *Drive-thru* means a built form established to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. (RC-Dec 13/11;E-Mar 10/12)

(abb) Development means the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures (RC-Oct 26/21;E-Nov27/21).

(ac) *Dwelling Unit* means 1 or more rooms used or designed to be used by one or more persons as a place of abode which contains not more than one kitchen and includes but is not limited to living, sleeping and sanitary facilities.

(ad) *Facia Sign* means a sign which is attached directly to or painted on a building wall, and which does not extend therefrom nor extend above the roof line.

(ae) *Flanking lot* means a lot situated at the intersection of three or more streets.

(af) *Flat roof* means a roof that is sloping no greater than **1:10 (RC-Dec 13/11;E-Mar 3/12)**.

(afa) *Floor Area* means the horizontal area of all floors in all buildings, measured from the interior faces of any exterior or fire walls and including interior staircases, and excluding the following:

(i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios;
(ii) any floor area below the lowest ground floor of a building;
(iii) elevator shafts;
(iv) accessory structures;
(v) rooftop greenhouses;
(vi) any space open to a floor below; and
(vii) any floor maintaining its existing structures within an Old South Suburb heritage building as of [Aug 15/20].

(RC-Jan 14/20; E Aug 15/20)

(ag) ***Floor area ratio* (FAR) means the floor area of all main buildings on a lot divided by the area of the lot. (RC-Jan 14/20; E Aug 15/20)**.

(ah) *Front Yard* means a yard extending across the full width of a lot between the street line and the nearest wall of any main building or structure on the lot.

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(ai) *Front lot line* means the lot line abutting a street.

(aj) *Gross Floor Area* means the aggregate of the area of all floors in a building, whether at, above or below grade, measured from the exterior faces of the exterior walls, or from the centre line of the common wall separating two buildings, but does not include area below grade used for private garage, parking, loading, or building support uses.

(ak) *Ground Sign* means a sign supported by one or more uprights, poles or braces, placed in the ground.

(aka) **HEN means adult female chicken (RC- Oct 05/21;E-Jan 08/22).**

(al) *High-rise Building* means a building or that portion of a building that is greater than 33.5 metres in height.

(am) *Housing Affordability* means all types of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit and co-operative housing, as well as rent supplements for people living in private market housing.

(an) *Institutional use* means any educational or religious use, museum, public library, fire or police station, public works, hospital, nursing home, community facility, recreational, cultural or open space use.

(ao) *Interior lot* means a lot abutting only one street.

(ap) *Interior lot line* means any lot line that is not coincident with a streetline.

(aq) *Landscaped Area* means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a building.

(ar) *Landscaped Open Space* means any outdoor landscaped area or playground for common use by the occupants of a building, but shall not include space for vehicular access, car parking, areas for the maneuvering of vehicles, or areas covered by any building.

(as) *Lot* means a parcel of land described in a deed or as shown on a registered plan of subdivision.

(at) *Lot area* means the total area within the boundaries of a lot.

(au) *Lot coverage* means the percentage of the lot that is covered by buildings, including accessory buildings.

(av) *Lot line* means a boundary of a lot.

(aw) *Low-rise Building* means a building or that portion of a building that is less than 18.5 metres in height.

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(ax) *Lot width* means the width of a lot measured in a straight line between the intersecting points of the side lot lines, or side lot line and flanking lot line for flanking lots, and the streetline.

(ay) *Marine related use* means a use that is dependant upon access to the Harbour and includes, without restricting the generality of the foregoing, marinas, tugboat facilities, and boat building and repair facilities.

(az) *Massage Parlour* includes any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited by persons in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.

(aza) ***Mezzanine Space*** **means a mezzanine as defined under the National Building Code of Canada 2010, or any successor Building Code that is adopted by the Building Code Act, R.S.N.S. 1989, c. 46 or the Nova Scotia Building Code Regulations, N.S. Reg. 322/2009, as amended. (RC-Mar 26/13;E-Apr 13/13)**

(ba) *Mid-rise Building* means a building or that portion of a building that is no less than 18.5 metres in height and no more than 33.5 metres in height.

(baa) ***Movie Theatre*** **means a use where motion pictures are viewed by the public, but excludes an adult theatre. (RC-Mar 26/13;E-Apr 13/13)**

(bca) ***Multi-district Recreation Facility*** **means a building or part of a building that is a minimum of 6500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas. (RC-Jun 25/14;E-Oct 18/14)**

(bcb) ***Old South Suburb Heritage Building*** **means a building identified on Map 11 as an Old South Suburb heritage building which existed on [Aug 15/20] in the Old South Suburb Heritage Conservation District, Precinct 2. (RC-Jan 14/20; E Aug 15/20)**

(bcc) ***Old South Suburb Heritage Property*** **means an entire property which contains an Old South Suburb Heritage Building. (RC-Jan 14/20; E Aug 15/20**

(bcd) ***Old South Suburb Integrated Development*** **means new construction that occurs within an Old South Suburb Heritage Property. (RC-Jan 14/20; E Aug 15/20)**

(bb) *Multiple Unit Dwelling* means a building containing **three (RC-Dec 13/11;E-Mar 3/12)** or more dwelling units.

(bc) *Nude* means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of a female breast with less than a full opaque covering over any portion thereof below the top of the areola of the breast.

(bd) *Open Space Use* means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial camping grounds, golf courses nor a track for the racing of animals or motorized vehicles.

(be) *Parking lot* means a parking area for three or more motor vehicles.

(bf) *Personal service use* means a use providing services for the personal needs of individuals and includes uses providing grooming, tailors, depots for collecting dry cleaning and laundry, and other similar uses.

(bg) *Playground* means an area of outdoor landscaped open space equipped with play equipment such as slides, swings or climbing structures or other recreational equipment.

(bh) *Projecting Sign* means a sign which projects from and is supported by or which extends beyond a wall of a building **or is attached to the underside of the building or canopy (RC-Dec 13/11;E-Mar 3/12)**.

(bi) ***Ramparts* (Repealed: RC–Oct 26/21;E–Nov 27/21)**

(bia) Halifax Citadel Ramparts Sight Lines means the rampart sight lines pursuant to Section 8(14A) and 8(16A), and as depicted on Maps 15A, 15B, and 15C of this By-law. (RC–Oct 26/21;E–Nov 27/21)

(bj) *Rear lot line* means a lot line that is furthest from and opposite a streetline and that solely applies to an *interior lot*.

(bk) *Rear Yard* means a yard extending across the full width of the lot between the rear wall of a building and the rear lot line and its depth shall be the distance or the mean of the distance between the rear wall of the building and the rear lot line.

(bl) *Recreation use* means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.

(bm) *Registered heritage building* means a building on a registered heritage property pursuant to the *Heritage Property Act* of Nova Scotia.

(bn) *Registered heritage property* means a municipal heritage property or a provincial heritage property pursuant to the *Heritage Property Act* of Nova Scotia.

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(bo) *Required front yard* means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

(bp) *Residential use* means the use of a building or a portion of a building for human habitation.

(bq) *Retail use* means **the use of (RC-Mar 26/13;E-Apr 13/13)** a building **or a portion of a building for the sale or rental of (RC-Mar 26/13;E-Apr 13/13)** articles of merchandise or commerce **(RC-Mar 26/13;E-Apr 13/13)** directly to the public.

(bq.5) *Secondary Suite* means a self-contained subordinate dwelling unit that is located within a residential main building. (RC-Sep 1/20;E-Nov 7/20)

(br) *Setback* means a specified distance between a lot line and the nearest wall of a building.

(bs) *Sex-Aid Shop* includes any establishment or place for the purpose of retail trade where 10% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is comprised of articles relating to or portrayed as relating to sexual activities.

(bsa) *Short-term Bedroom Rental* means a short-term rental where individual bedrooms within a dwelling unit are rented to separate parties or groups with or without meals. (RC-Feb 21/23;E-Sep 1/23)

(bsb) *Short-term Rental* means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less. (RC-Feb 21/23;E-Sep 1/23)

(bt) *Side yard* means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building.

(bu) *Sign* means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, person, activity, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, flag, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800, as amended from time to time.

(bv) *Sign Area* means the area or portion of an advertising structure, including holes or vacant spaces, upon which the advertising message is displayed, including those portions used for decoration, outlines or borders.

(bw) *Storey* means that portion of a building between any floor and floor or any floor and ceiling, provided that any portion of a building partly below grade shall not be deemed to be a story unless its ceiling is at least 2 metres above grade.

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(bx) *Street* means any public street, road, highway or travelled way or portion thereof.

(by) *Streetline* means a lot line that separates a street from a lot.

(bz) *Streetline grade* means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 38 metres in width or part thereof.

(ca) *Streetwall* means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

(cb) *Streetwall height* means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall.

(cc) *Streetwall setback* means the distance between the streetwall and the streetline.

(cd) *Stepback* means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.

(ce) *Structure* means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls signs, and fences exceeding 2 metres in height.

(cea) *Surveyor* means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors (RC–Oct 26/21;E–Nov 27/21).

(cf) *Through lot* means a lot that abuts two streets, but is not a corner lot.

(cg) *Transportation use* means uses associated with transportation and includes ferry terminals, bus stations, and train stations.

(ch) *Use* means the purpose for which a building, structure, or premises or part thereof is used or occupied, or intended to be or designed to be used or occupied. "Used" shall include "arranged to be used", "designed to be used", and "intended to be used".

(ci) ***View Plane* (Repealed: RC – Oct 26/21; E – Nov 27/21)**

(cia) View Plane means a view cast in a perspective projection that is tied to a geographic location (RC–Oct 26/21;E–Nov 27/21)

(cj) *Viewing triangle* means the triangular shaped area which is that part of and within a corner lot measured from the intersection of the projected curb line of two intersecting streets 6 metres along each curb line and within a straight line joining the two points within which visibility from any street or driveway shall be unobstructed above a height of 1 metre.

(ck) *Yard* means an open area, uncovered by buildings, except for permitted encroachments.

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Administration

3(1) This By-law shall be administered by the Development Officer.

Design Review Committee

4(1) There is hereby created the Design Review Committee.

Composition of the Committee

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

(a) residents of the Municipality who have applied to Council to act as members;
(b) with the exception noted in clause **(c) (RC-Dec 13/11;E-Mar 3/12)**, only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, city planning, structural engineering or a similar field shall be eligible as members of the Committee;
(c) where possible, the Committee shall be comprised of 4 architects, 2 landscape architects, 1 city planner or urban designer, 1 structural engineer, 1 professional at large from the above referenced professions, and 3 residents at large;
(d) where possible, at least one member with professional expertise in architecture should be an accredited professional in sustainable building design and construction.;
(e) with the exception of the resident at large **members (RC-Dec 13/11;E-Mar 3/12)**, members of the Committee must hold a professional degree in their respective fields;
(f) members of the Committee shall be appointed by Council for a period of two years with the exception of the original appointments by Council where five of the members shall be appointed for a period of one year;
(g) a member of the Committee shall be eligible for re-appointment;
(h) a member of the Committee who is absent from three consecutive meetings of the Committee without cause shall be deemed to have resigned from the Committee; and
(i) should a vacancy occur on the Committee, for any reasons other than the expiration of the term of a member, Council shall, within 30 days of notification of a vacancy, appoint a person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the member in whose place he or she was appointed.

Meetings

(3) The Committee shall meet once each month, which may be in the evening, or hold additional meetings at the request of the majority of the Committee members.

(4) A quorum of the Committee is four (4) members.

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(5) Where the Chair and Vice-Chair are absent from a meeting the Committee shall elect an Acting Chair for that meeting.

(6) The procedure of the Committee shall be governed, where not inconsistent with the *Halifax Regional Municipality Charter* or this By-law, by Administrative Order No. 1 Respecting the Procedures of the Council.

(7) Meetings of the Committee are open to the public.

Chair and Vice-Chair

(8) The Committee shall, at it's first meeting and annually thereafter, elect from the members, a Chair and a Vice-Chair for the ensuing year.

(9) The Chair shall represent the Committee at Council or a committee of Council.

(10) The Chair shall act as spokesperson for the Committee.

(11) The duties of the Chair, in whole or in part, may be shared with or delegated to the Vice-Chair in order to carry out the role and responsibilities of the Committee.

Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and
(b) wind impact assessments as per Schedule S-2 of this By-law.

(13) The Committee shall:

(a) approve, approve with conditions, or deny an application for substantive site plan approval consistent with the requirements of the Design Manual;
(b) seek and consider the advice of the Heritage Advisory Committee on site plan applications on registered heritage properties or abutting registered heritage properties, and on applications within heritage conservation districts;
(c) advise the Development Officer on matters pertaining to bonus zoning in relation to substantive site plan approvals; and
(d) advise Council on potential amendments to regulation and policy to carry out the role and responsibilities of the Committee or to further the intent of this By-law as may be required from time to time.

Remuneration of Committee Members

(14) Each member of the Committee may receive an honorarium at a rate set by Council for each application for which he/she has actively participated in the decision to either approve or refuse. Each member of the Committee may also be reimbursed for any necessary expenses

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incurred while engaged in official duties, provided such expenses are approved by the Chief Administrative Officer in advance.

Appeal of Committee Decision

(15) A decision by the Committee to approve, approve with conditions, or deny a substantive site plan approval may be appealed to Council in accordance with the *Halifax Regional Municipality Charter*.

Development Permit

5(1) No person shall undertake a development without first obtaining a development permit.

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

(3) A development permit shall expire 12 months from the date issued if the development has not commenced.

(3A) A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit. (RC-Feb 21/23;E-Sep 1/23)

(3B) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit. (RC-Feb 21/23;E-Sep 1/23)

(4) **An accessory hen use is exempt from the requirement to obtain a development permit (RC- Oct 05/21;E-Jan 08/22).**

Development Permit: Application

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

(a) the items required to be shown in the application for a Building Permit under the Building By-law;
(b) dimensions of the site and the location of all proposed buildings;
(c) identification, location and gradients of all parking areas including the location and width of driveways, entrances and exits to parking areas, maneuvering areas for vehicles, service areas, visitors parking and loading areas;
(d) the location and details of proposed landscaped open space;
(e) a wind impact assessment, where required, pursuant to section 8 (18);
(f) elevations prepared by a surveyor licensed in the Province of Nova Scotia confirming compliance with View Plane and **Halifax Citadel Ramparts Sight Lines (RC–Oct 26/21;E–Nov 27/21)** height limitations, where applicable; and

(g) any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law.

(5) Where a proposed development requires a relaxation of the requirements of this By-law, the applicant shall provide a written proposal explaining the rationale for the request based on the applicable criteria contained in the Design Manual.

Site Plan Approval: Area of Application

(6) **Unless (RC-Dec 13/11;E-Mar 3/12)** otherwise specified, all development within the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary, as shown on Map 1, shall be subject to site plan approval by the Development Officer.

(7) The Development Officer shall approve a permit where the proposed development meets the requirements of this By-law and the Design Review Committee has determined that the development meets the criteria of the Design Manual attached as Schedule S-1 of this By-law.

(7A) Prior to **submitting a substantive application for site plan approval (RC-Dec 13/11;E-Mar 3/12)**, the applicant shall undertake public consultation concerning the project **using the following three methods, in a format acceptable to the Development Officer (RC-Dec 13/11;E-Mar 3/12)**:

(a) open house;
(b) public kiosk; and
(c) website/online forum.

(7B) Notwithstanding subsection (7A), for the purposes of the development of the publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space pursuant to subsection 15A of Section 7, prior public consultation that has occurred satisfies the public consultation that is required prior to submitting a substantive site plan approval application, where such application is made within six months from April 29, 2014. (RC-Apr 29/14;E-May 10/14)

Site Plan Approval: Application

(8) All applications for site plan approval shall be accompanied by a site plan drawn to an appropriate scale showing the information required in sub-section (1).

(9) All applications for site plan approval shall be accompanied by detailed architectural plans indicating compliance with the precinct specific design requirements of the Design Manual and;

(a) streetwall height and setbacks pursuant to section 3.1 of the Design Manual;
(b) streetwall material quality and detail pursuant to section 3.2 of the Design Manual;
(c) building articulation pursuant to section 3.3 of the Design Manual;

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(d) the siting of building utilities, vehicle access and parking, lighting and signage pursuant to section 3.5 of the Design Manual; and
(e) any other information the Development Officer may require to determine compliance with the Design Manual.

Site Plan Approval: Exemptions

(10) Notwithstanding subsection **(6)** ~~(4)~~ **(RC-Mar 26/13;E-Apr 13/13)**, the following developments shall be exempt from site plan approval:

(a) a change in size of windows and doors that do not face streetlines;
(b) building repairs;
(c) window and door replacement in existing openings; **(RC-Mar 26/13;E-Apr 13/13)**
(d) installation**, replacement (RC-Mar 26/13;E-Apr 13/13)** or repair of minor building features~~.~~**; (RC-Mar 26/13;E-Apr 13/13)**
(e) change of use or tenancy; (RC-Mar 26/13;E-Apr 13/13)
(f) interior renovations; (RC-Mar 26/13;E-Apr 13/13)
(g) commemorative structures on public lands; (RC-Mar 26/13;E-Apr 13/13)
(h) commemorative plaques on public lands; and (RC-Mar 26/13;E-Apr 13/13)
(i) commemorative monuments on public lands. (RC-Mar 26/13;E-Apr 13/13)

Site Plan Approval: Non-Substantive Applications

(11) The following developments are non-substantive site plan approval applications:

(a) accessory buildings and structures **including backyard suites (RC-Sep 1/20;E-Nov 7/20)**;
(b) development that does not materially change the external appearance of a building facing streetlines;
(c) new window and door openings or alterations to existing window and door openings abutting streetlines;
(d) alteration of external cladding material that does not affect the external appearance of a building facing streetlines;
(e) signs;
(f) decks, patios, and similar unenclosed features; and
(g) steps, stairs and other entryways.

(12) A non-substantive site plan application may be approved by the Development Officer.

Site Plan Approval: Substantive Applications

(13) Any application that is not listed in sub-sections (10) or (11) is a substantive site plan approval application and shall be referred to the Design Review Committee.

Site Plan Approval: Variance of Requirements

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(14) Where specified in this By-law, the Design Review Committee may consider applications to relax the requirements of the By-law subject to the criteria of the Design Manual.

Site Plan Approval: Notification

(15) The area of notification for non-substantive site plan approval shall be 30 metres from the property boundary of the lot subject to approval.

(16) The area of notification for a substantive site plan approval shall be the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary plus 30 metres.

Licenses, Permits, and Compliance With Other By-laws

(17) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of HRM or from obtaining any license, permission, permit, authority, or approval required by any other By-law of HRM or any regulation of the Province of Nova Scotia or the Government of Canada.

(18) Where the provisions of this By-law conflict with those of any other By-law of HRM or regulation of the Province of Nova Scotia or the Government of Canada, the more restrictive provision shall prevail.

(19) Where excavation is required for a development on any area identified on Map 10 - Archaeological Resources, a development permit may be issued and the application may be referred to the Nova Scotia Department of Tourism, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

Maps and Schedules

(20) The following maps and schedules form an official part of this By-law:

Map 1	**Zoning (RC-Jul 12/22;E-Aug 22/22)**
Map 2	Precincts
Map 3	Pedestrian-Oriented Commercial Streets
Map 4	Maximum Pre-Bonus Heights
Map 5	Maximum Post Bonus Heights
Map 6	Streetwall Setbacks
Map 7	Streetwall Heights
Map 8	Central Blocks
Map 9	Prominent Visual Terminus Sites
Map 10	Archaeological Resources
Map 11	**Old South Suburb Heritage Resources**
Map 12	**Old South Suburb Heritage Conservation District Pre-Bonus Floor Area Ratio**
Map 13	**Old South Suburb Heritage Conservation District Post-Bonus Floor Area Ratio**

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Schedule S-1	Design Manual
Schedule S-2	Wind Assessment Performance Standards

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Interpretation

Application of Requirements

6(1) Where a development is comprised of more than one use, unless otherwise specified, the requirements within this By-law for each use shall apply.

Zones, Precincts and Schedules

(2) For the purpose of this By-law and the map entitled Map 1, Zoning **(RC-Jul 12/22;E-Aug 22/22)**, the following zones and schedules are hereby established:

Downtown Halifax Zone	DH-1
Institutional, Cultural & Open Space Zone	ICO

Schedule W (Deleted: RC–Oct 26/21;E–Nov 27/21)

(3) In addition to subsection (2) there shall be precincts as shown on Map 2.

Interpretation of Zoning Boundaries

(4) The boundary of a zone shown on Map 1, and between the Precincts shown on Map 2, shall be determined as follows:

(a) where a zone or precinct boundary is indicated as following a street, the boundary shall be the streetline of the street unless otherwise indicated;

(b) where a zone or precinct boundary is indicated as approximately following lot lines, the boundary shall follow lot lines, unless said lot lines are the subject of a subdivision approval after the date of adoption of this By-law, in which case the zone or precinct boundary shall remain as it is shown on the map;

(c) where a zone or precinct boundary follows the shoreline, the boundary shall be the ordinary high water mark;

(d) where a part of the Harbour is in-filled beyond the limits of a zone or precinct boundary or a building is constructed over water, said land or buildings shall be deemed to be included within and subject to the requirements of that abutting zone and precinct; and

(e) Upon the closing of a street or portion of a street to public use, the land comprising such former street or portion of such street shall be zoned as follows:

(i) where the zones of the abutting lands are the same, the land comprising the former street shall have the same zoning as the abutting lands;

(ii) where the zones of the abutting lands are different, the center line of the former street shall be the boundary line and the lands on either side of the boundary line shall have the same zoning as the abutting lands; and

(iii) where none of the above apply, the zone boundary shall be scaled from Map 1 and Map 2.

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Non-Conforming Buildings (RC-Dec 13/11;E-Mar 10/12)

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

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Land Use Requirements

Downtown Halifax Zone (DH-1)

Permitted Land Uses

7(1) The following uses shall be permitted in the DH-1 Zone:

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

(1a) ACCESSORY HEN USE (RC- Oct 05/21;E-Jan 08/22)

An accessory hen use is permitted in conjunction with a residential use in all zones subject to the following provisions:

(a) The maximum number of hens permitted on a lot shall be:
- **i. a maximum of 10 hens on lots less than 4,000 square metres in size;**
- **ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;**
- **iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;**
- **iv a maximum of 25 hens on lots 10,000 square metres or greater in size;**

(b) Hens shall be contained within an accessory building or a fenced area that:
- **i. is located in a rear yard;**
- **ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;**
- **iii. subject to (1.5)(b)(iv), meets the requirements for accessory buildings under this by-law; and**
- **iv. is setback a minimum of 1 metre from any side or rear lot line.**

(c) The following are not permitted:
- **i. On-site slaughtering or euthanizing of hens; and**
- **ii. The sale of eggs, meat or hens**

Pedestrian-Oriented Commercial Street Uses

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

(a) The following commercial uses:

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Banks and related uses;
Licenced alcohol establishments;
Personal service uses;
Eating establishments; **(RC-Mar 26/13;E-Apr 13/13)**
Movie theatres; (RC-Mar 26/13;E-Apr 13/13)
Commercial recreation uses; and (RC-Mar 26/13;E-Apr 13/13)
Retail uses;

(b) Cultural uses; and
(c) Uses accessory to the foregoing.

(3) Notwithstanding subsection (2), pedestrian entrances and lobbies associated with any use permitted pursuant to subsection (1) may face and have access onto Pedestrian-Oriented Commercial Streets.

Residential Uses: Dwelling Unit Mix

(4) **Repealed (RC-Mar 26/13;E-Apr 13/13)**

(4a) One third of the total number of dwelling units, rounded up to the nearest full number, in a building erected, altered or used as a multiple unit dwelling shall be required to include two or more bedrooms. (RC- Mar 26/13;E-Apr 13/13)

(4b) Notwithstanding subsection (4a), requirements for dwelling unit mix shall not apply for a residential multi-unit dwelling use that begins construction before April 1, 2028.

(5) Residential uses shall have direct access to the exterior ground level separate from any non-residential use.

5.5 <u>SECONDARY SUITES AND BACKYARD SUITES</u> (RC-Sep 1/20;E-Nov 7/20)

(a) SECONDARY SUITES
Secondary suites shall be permitted accessory to a single unit dwelling or a townhouse dwelling subject to the following provisions: (RC-May 23/24;E-Jun 13/24)

(i) No more than one total secondary suite shall be permitted on a lot; (RC-May 23/24;E-Jun 13/24)
(ii) The floor area of a secondary suite shall not exceed 80.0 square metres;
(iii) A duplex dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling; and
(vi) A secondary suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone. (RC-May 23/24;E-Jun 13/24)

(b) BACKYARD SUITES
Backyard suites shall be permitted accessory to a single unit dwelling, a two unit dwelling, a multiple unit dwelling containing up to 4 units, (RC-May 23/24;E-Jun 13/24) or a townhouse dwelling subject to the following provisions:

(i) No more than one backyard suite shall be permitted on a lot; (RC-May 23/24;E-Jun 13/24)

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(ii) **A backyard suite is not considered a separate main building or main dwelling;**

(iii) **The backyard suite shall meet the accessory buildings requirements as set out in Section 8(19);**

(iv) **The gross floor area of a backyard suite shall not exceed 93.0 square metres (RC-May 23/24;E-Jun 13/24);**

(v) **A backyard suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone (RC-May 23/24;E-Jun 13/24);**

(vi) **A backyard suite must be located on the same lot as the main dwelling unit; and**

(vii) **A backyard suite shall have unobstructed access that**

(A) **connects the backyard suite to a street;**

(B) **is located on the same lot on which the backyard suite is located; and**

(C) **has a minimum width of 1.1 metres.**

(RC-May 23/24;E-Jun 13/24)

(viii) **A non-conforming accessory building may be converted to a backyard suite if the floor area of the backyard suite does not exceed 93 square metres. (RC-May 23/24;E-Jun 13/24)**

Residential Uses: Precinct 2 - Landscaped Open Space Requirements

(RC-Dec 13/11;E-Mar 3/12) (6-11) Deleted (RC-Jan 14/20; E Aug 15/20)

Residential Uses: Precinct 3 – Landscaped Open Space Requirements

(RC-Dec 13/11;E-Mar 3/12) (RC–Oct 26/21;E–Nov 27/21)

(11A) Where any building is erected, altered, or used primarily for residential purposes in Precinct 3: Spring Garden Road Area, the lot on which such building is located shall contain landscaped open space (RC–Oct 26/21;E–Nov 27/21).

(11B) For the purpose of subsection (11A), *primarily* means more than 50% of the gross floor area is devoted to residential uses, including enclosed space serving residents of the building and areas devoted to personal services, such as laundry and waste disposal and common area.

(11C) A minimum of 5 square metres of landscaped open space shall be provided for each dwelling unit in a building.

(11D) The full amount of the landscaped open space requirement may be transferred to the building rooftop, provided that:

(a) **any rooftop landscaped open space is a minimum of 56 square metres in area;**

(b) **the rooftop landscaped open space is fully accessible for the common use of the occupants of the building; and**

(c) **the rooftop landscaped open space is located on a portion of the roof that is not sloping.**

(11E) The requirements of subsection (11B) may be varied by site plan approval where the relaxation of the requirement is consistent with the Design Manual.

Residential Uses: Storm Surge Protection

(12) No **residential (RC-Mar 26/13;E-Apr 13/13)** portion of a building on a lot within Schedule W, shall be **erected, constructed or reconstructed at an elevation (RC-Mar 26/13;E-Apr 13/13)** less than **3.8 metres of the Canadian Geodetic Vertical Datum (CGVD) 28 standard**. **(RC-Mar 26/13;E-Apr 13/13)**

(13) Subsection (12) does not apply to parking garages, accessory structures or entrances to residential uses.

(14) Notwithstanding subsection (12), any existing residential use situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

(15) Every application for a development permit for a building or structure to be erected pursuant to subsections (12) and (14) shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

Institutional, Cultural & Open Space Zone (ICO)

Permitted Land Uses

(16) The following uses shall be permitted in the ICO Zone:

Institutional uses;
Cultural uses;
Open Space uses;
Eating establishments or retail uses accessory to permitted uses; and
Uses accessory to the foregoing.

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

Waterfront View Corridors

(18) To preserve waterfront view corridors, every structure shall be setback a minimum of 7.62 metres from the mean centre line of the prolongation of George Street, Prince Street, Sackville Street, Salter Street, Bishop Street and Morris Streets from their intersection with Lower Water Street and extending eastward to the ordinary high water mark of Halifax Harbour or the eastern boundary of any water lot, whichever is greater.

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(19) Every application for a development permit for a building or structure to be erected abutting the waterfront view corridors of subsection (18) shall furnish such plans and data as the Development Officer shall require to determine that the proposed building or structure will meet the required setbacks.

(20) Deleted

(21) Deleted

Waterfront View Corridors: Abutting Uses

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

Cultural uses;
Banks and related uses;
Licenced alcohol establishments;
Personal service uses;
Eating establishments;
Retail uses; **(RC-Mar 26/13;E-Apr 13/13)**
Movie theatres; (RC-Mar 26/13;E-Apr 13/13)
Commercial recreation uses; and (RC-Mar 26/13;E-Apr 13/13)
Uses accessory to the foregoing.

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

Temporary Construction Uses Permitted (RC-Dec 13/11;E-Mar 3/12)

(24) Nothing in this By-law shall prevent the use of the land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.

(25) A rock crusher may be used at the site of a demolition of a structure or building, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.

(26) Incidental to a development, a temporary rock crusher may be permitted.

(27) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this subsection may be renewed for a period not to exceed thirty (30) days at a time, if a Development Officer determines that an

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extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary.

(28) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this subsection shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.

(29) Notwithstanding any other provision of this By-law, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site.

(30) A temporary rock crusher may be used as accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.

Cannabis-Related Uses (RC-Sep 18/18;E-Nov 3/18)

(31) Notwithstanding any other provisions of this By-law, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

SHORT-TERM RENTALS (RC-Feb 21/23;E-Sep 1/23)

(32) SHORT-TERM RENTALS

a) Short-term Rentals accessory to a residential use shall be permitted in all zones provided that the dwelling unit is the primary residence of the short-term rental operator.

b) Short-term Bedroom Rentals accessory to a residential use shall be permitted in all zones, subject to the following additional provisions:

i) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental;

ii) Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time;

iii) The operator of the short-term bedroom rental resides on site while any bedrooms are rented;

iv) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m^2) in area; and

v) One off-street parking space in addition to that required for the dwelling shall be provided for each bedroom to be rented.

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Built Form Requirements

Lot Requirements

8(1) Every lot shall have frontage on a street.

Number of Buildings on a Lot

(2) Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot or one building on more than one lot, except that this provision shall not apply to development in Schedule W or **abutting lots that are developed concurrently over a continuous foundation, footing, or underground parking structure. (**RC-Jan 14/20; E Aug 15/20**)**.

Registered Heritage Properties

(3) In addition to the requirements of this By-law and the *Heritage By-law*, development on a Registered Heritage Property shall be subject to the Development in Heritage Contexts section of the Design Manual.

(4) In addition to the requirements of this By-law, development on a non-registered Heritage Property in a Heritage Conservation District shall be subject to sections 4.5 and 4.6 of the Development in Heritage Contexts section of the Design Manual.

Heritage Resources: Development Abutting a Registered Heritage Property or Old South Suburb Heritage Building (RC-Jan 14/20; E Aug 15/20)

(5) In addition to the requirements of this By-law, development on a lot abutting a Registered Heritage Property **or an Old South Suburb heritage property** shall **meet (RC-Jan 14/20; E Aug 15/20)** the requirements of the Design Manual.

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

(6) No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the Maximum Pre-Bonus Heights specified on Map 4.

(7) Notwithstanding subsection (6), the Maximum Pre-Bonus Heights specified on Map 4, may be exceeded to the Maximum Post-Bonus Height specified on Map 5, pursuant to Section 12.

(8) **The height requirements in subsections (6) and (7) of section 8, and subsection (15C) of section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar**

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collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located. (RC-Jun 25/14;E-Oct 18/14)

(9) The height requirements in subsections (6) and (7) may be exceeded on those properties identified as Prominent Visual Terminus Sites - Map 9, as provided for in the Design Manual.

(10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.

(11) The requirements of subsections (8) and (9) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.

Landscaping for Flat Rooftops

(12) All buildings erected or altered, with a flat roof shall provide a fully landscaped area on those portions of the flat roof not required for architectural features or mechanical equipment. These landscaped areas need not be fully accessible except where they are provided pursuant to the requirements of subsections (10) **and (11D) (RC-Mar 26/13;Apr 13/13)** of section 7.

Land Uses at Grade

(13) The ground floor of a building, excluding a parking garage, that has access at the streetline or Transportation Reserve shall have a floor-to-floor height of no less than 4.5 metres.

(13A) Notwithstanding subsection (13), in areas where residential uses are allowed on the ground floor, mezzanine spaces are permitted within the minimum floor-to-floor height for those portions of the ground floor being occupied by residential uses. (RC-Mar 26/13;E-Apr 13/13)

(13B) The requirement of subsection (13) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual. (RC-Mar 26/13;E-Apr 13/13)

General Requirements: View Planes and Halifax Citadel Rampart Sight Lines (RC-Oct 26/21;E-Nov27/21)

(14A) (1) A development shall not protrude into a view plane, or a Halifax l Rampart Sight Line.

(2) An application for a development that could potentially protrude into, abut, or be subject to:

(a) a View Plane, as shown on Map 14; or

(b) a Halifax Citadel Rampart Sight Line, as shown on Map 15A, shall include plans, certified by a surveyor, to demonstrate that the development will not protrude into a required View Plane, or a Halifax Citadel Rampart Sight Line.

View Planes (RC-Oct 26/21;E-Nov27/21)

(15A) (1) The Halifax Citadel view planes are set out and shown on Map 14.

(2) Subject to Subsection 8(15A)(3), a structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a View Plane. Under no circumstance shall the maximum required building height, as shown on Map 15A, be exceeded.

(3) Where a structure that lawfully existed on the coming into force date of this By-law protrudes into a required View Plane, as shown on Map 14, a new structure may be erected, constructed, altered, reconstructed, or located so that it protrudes into the required View Plane if the new structure does not increase the existing protrusion when viewed as follows:

(c) for view planes 1, 3, and 5 from viewing position A;
(d) for view plane 6 from viewing position B;
(e) for view planes 2, 4, 7, 8, and 10 from viewing position C; and
(f) for view plane 9 from viewing position D.

Halifax Citadel Rampart Sight Lines (RC-Oct 26/21;E-Nov27/21)

(16A) (1) Coordinates describing the following are shown on Maps 15A, 15B, and 15C:

(a) the locations and elevations of the Halifax Citadel ramparts;
(b) the locations and elevations of 12 viewing positions in the Parade Square of the Halifax Citadel; and
(c) the location, elevation, and massing of the Cavalier Building.

(2) Subject to Subsection 8(16A)(4), the Halifax Citadel Rampart Sight Lines shall be projected in a 360-degree view above the ramparts from each viewing position.

(3) Subject to Subsection 8(16A)(4), a structure shall not be erected, constructed, altered, reconstructed, or located outside of the Parade Square of the Halifax Citadel so that it protrudes into any rampart sight line, from any of the 12 viewing positions in the Parade Square of the Halifax Citadel.

(4) A new structure that would protrude into a required Halifax Citadel Rampart Sight Line may only be permitted to be erected, constructed, altered, reconstructed, or located outside of the Parade Square of the Halifax Citadel, if:

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(a) there is an existing protrusion by the Cavalier Building into a Halifax Citadel Rampart Sight Line from its respective viewing position;

(b) the entire structure is blocked from view by the Cavalier Building from the viewing position; and

(c) it cannot be seen from any other viewing position.

(5) No structure shall protrude into a required Halifax Citadel Rampart Sight Line, unless permitted under Subsection 8(16A)(4).

(6) When considering whether a structure protrudes into a required Halifax Citadel Rampart Sight Line from the 12 viewing positions, the only structure located inside of the Parade Square of the Halifax Citadel that shall be considered is the Cavalier Building.

Wind Impact

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

Accessory Buildings

(19) Accessory buildings shall be permitted in all zones subject to the following requirements:

(a) a maximum of **7.7 (RC-May 23/24;E-Jun 13/24)** metres in height and a maximum of **93.0 (RC-May 23/24;E-Jun 13/24)** square metres in floor area;

(b) no accessory building or portion thereof shall be permitted between a streetline and a streetwall where such streetwall is setback less than 9.5 metres from a streetline;

(c) no accessory building or portion thereof shall be located within a required setback;

(d) an accessory building shall not require any setback from an interior lot line if such building is located entirely within the rear yard of the lot on which such building is located; and

(e) Notwithstanding anything else in this by-law, an enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum gross floor area requirements for accessory buildings or structures. (RC-May 23/24;E-Jun 13/24)

Prohibited External Cladding Materials

(20) The following external cladding materials shall be prohibited:

(a) vinyl;

(b) plastic;

(c) plywood;

(d) concrete block;

(e) exterior insulation and finish systems where stucco is applied to rigid insulation;

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(f) metal siding utilizing exposed fasteners**, except where a converted shipping container is used for a permitted residential use**;
(g) darkly tinted or mirrored glass; and
(h) vinyl windows on registered heritage properties or properties located within a heritage conservation district.

(21) The requirements of subsection (20) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.

Drive-Thrus (RC-Dec 13/11;E-Mar 10/12)

(22) Drive-thrus shall be prohibited.

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Streetwalls

Streetwall: Streetline Setbacks

9(1) Streetwalls shall have a streetline setback as specified on Map 6.

Streetwall: Height

(2) The maximum streetwall height shall be as specified on Map 7.

(3) The minimum streetwall height shall be 11 metres high, or the height of the building where the building height is less than 11 metres.

(4) Where there is more than one streetwall of differing heights the lowest of the streetwalls shall be the permitted streetwall height.

Streetwall: Width

(5) **Outside of Precinct 2, Old South Suburb Heritage Conservation District, (RC-Jan 14/20; E Aug 15/20)** a streetwall shall extend the full width of a lot abutting the streetline.

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

Streetwall: Stepbacks

(7) **Subject to Section 11(2.3), (RC-Jan 14/20; E Aug 15/20) t**he following minimum stepbacks above the streetwall shall apply to buildings with streetwall setback requirements of 0 to 1.5 metres or 0 to 4.0 metres as identified on Map 6:

(a) a minimum of 3 metres for that portion of a building that is a maximum of 33.5 metres in height; or

(b) a minimum of 4.5 metres for that portion of a building that is greater than 33.5 metres in height.

Streetwalls: Variance through Site Plan Approval

(8) The requirements of subsections (1) through (7) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.

Building Setbacks and Stepbacks

Low-Rise Buildings

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10(1) No setback is required from an interior lot line for a low-rise building or the low-rise portion of a building.

(2) With the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated.

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

Mid-Rise Buildings

(4) **Subject to Section 11(2.4), (RC-Jan 14/20; E Aug 15/20) a**bove a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.

(5) The mid-rise portion of a building shall not project beyond the vertical plane of the exterior walls of the low-rise portion of the building.

Mid-Rise Buildings: Central Blocks

(6) Notwithstanding subsection (4), no setback is required from an interior lot line for the mid-rise portion of any building on Central Blocks as identified on Map 8.

High-Rise Buildings

(7) Any portion of a high-rise building above a height of 33.5 metres shall be setback 11.5 metres from interior lot lines.

(8) Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 17 metres between the high-rise portion of other buildings **on the same lot or the high-rise portion of the same building (RC-Mar 26/13;E-Apr 13/13)** on the same lot,. **(RC-Mar 26/13;E-Apr 13/13)**

(9) **Notwithstanding subsection (8), any (RC-Mar 26/13;E-Apr 13/13)** portion of a high-rise building above a height of 33.5 metres shall be **separated (RC-Mar 26/13;E-Apr 13/13)** a minimum of 23 metres between the high-rise portion of other buildings **on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions (RC-Mar 26/13;E-Apr 13/13)** are used for residential purposes.

(10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

(11) Notwithstanding subsection (10) any portion of a building above a height of 33.5 metres located in the Central Blocks, as identified on Map 8, shall be a maximum width of 38 metres and a maximum depth of 27.5 metres.

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Permitted Encroachments

(12) Eaves, gutters, down spouts, cornices and other similar features shall be permitted encroachments into a required setback, stepback or separation distance to a maximum of 0.6 metres.

(13) Balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.

Building Setbacks and Stepbacks: Variance through Site Plan Approval

(14) The requirements of subsections (1) through (13) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.

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Precincts: Additional Requirements

Precinct 1: Southern Waterfront (Repealed: RC–Oct 26/21;E–Nov 27/21)

Precinct 2: Old South Suburb Heritage Conservation District (RC-Jan 14/20; E Aug 15/20)

(2.1) Within the Old South Suburb Heritage Conservation District (Precinct 2), development shall be subject to the requirements of this By-law, the Heritage Design Guidelines section of the Design Manual.

(2.2) (a) Subject to Subsection 2.2(b), a new construction on an Old South Suburb Heritage Property or on a lot abutting an Old South Suburb Heritage Property shall have minimum front and flanking yards, which are the lesser of the following:

(i) 3.0 metre greater than the greatest setback of the Old South Suburb Heritage Building(s), as measured from its front wall, located either on the same lot or on an abutting lot, and measured from the same street; or

(ii) 6.0 metres from the front or flanking lot line on the same street (Sketch A).

(b) The minimum front or flanking yards for a new construction, specified under Subsection 2.2(a), may be reduced to 1.0 metre greater than the greatest setback from the front or flanking lot line of Old South Suburb Heritage Buildings located on the same lot or on an abutting lot, if the new construction is not proposed to exceed a height of 4.5 metres within 3.0 metres distance, measured parallel to the street, from the side wall of an Old South Suburb Heritage Building and for a depth of 6.0 metres measured from the front or flanking lot line (Sketch B).

(c) New construction on a lot that is neither an Old South Suburb Heritage Property, nor a lot abutting an Old South Suburb Heritage Property, shall have minimum front and flanking yards as specified on Map 6.

(2.3) If, within the Old South Suburb Heritage Conservation District (Precinct 2):

(a) an Old South Suburb Integrated Development is situated within 12 metres of the front property line and within 6 metres of an Old South Suburb Heritage Building, or

(b) a property abuts an Old South Suburb Heritage Property and has a lot frontage of 30 metres or less;

then a minimum streetwall stepback of 12 metres shall apply from the front lot line for that portion of a building above the streetwall facing the same street as the Old South Suburb heritage building on the same or abutting lot.

(2.4) The following setbacks for mid-rise buildings shall apply within the Old South Suburb

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Heritage Conservation District, Precinct 2:

(a) above a streetwall height of 18.5 metres, the mid-rise portion of a building shall have a setback from interior lot lines of no less than 3 metres.

(b) within the property identified as PID #00092924 (Waverley Inn at 1264-66 Barrington Street), no setback shall be required from the south side lot line for the mid-rise portion of any building.

These requirements may be varied by site plan approval where the relaxation of the requirement is consistent with the Design Manual.

(2.5) Subject to subsection 2.6, in the Old South Suburb Heritage Conservation District, Precinct 2 no building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the FAR specified on Map 12.

(2.6) In the Old South Suburb Heritage Conservation District, Precinct 2, the maximum pre-bonus FAR specified on Map 12, may be exceeded to the maximum post bonus FAR specified on Map 13, in accordance with sections 12(6.1) to 12(6.6)

Precinct 3: Spring Garden Road Area (Repealed: RC–Oct 26/21;E–Nov 27/21)

Precinct 4: Lower Central Downtown (Repealed: RC–Oct 26/21;E–Nov 27/21)

Precinct 5: Barrington Street Heritage Conservation District

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

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Post-Bonus Height Provisions

Buildings Higher than the Pre-Bonus Height Requirements

12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than $4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer.

(2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit.

(3) The rate of $4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law.

(4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the *Building By-law* (HRM By-law B-201) or such other time as may be provided under the public benefit agreement.

(5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites identified on Map 9, unoccupied architectural features, and permitted height encroachments pursuant to subsection (9) of subsection 8.

Bonus Exception for Registered Heritage Buildings

(6) Development which proposes the demolition of a Registered Heritage Building is not eligible for bonus height and cannot exceed the Maximum Pre-Bonus Height shown on Map 4.

Post Bonus FAR Provisions for Properties within Precinct 2, Old South Suburb Heritage Conservation District (RC-Jan 14/20; E Aug 15/20)

Post Bonus FAR Provisions for Properties within Precinct 2, Old South Suburb Heritage Conservation District

(6.1) (a) In the Old South Suburb Heritage Conservation District, the public benefit value shall be calculated by multiplying Factor #1 by Factor #2 and then multiplying the product by Factor #3, where:

(i) Factor #1 is the new floor area in square metres that exceeds the maximum pre-bonus FAR value, as shown on Schedule 56;

(ii) Factor #2 is 0.20; and

(iii) Factor #3 is a bonus rate, in dollars per square metre, in the amount of $258.

(b) The amount of the public benefit shall be no less than the amount resulting from the calculation in Subsection 6.1(a).

(c) Notwithstanding subsection 12(7), the public benefit the developer shall provide under Clause 6.1(b) shall be in the form of one or a combination of the following:

(i) conservation of an Old South Suburb Heritage Property or registered municipal heritage property as shown on Map 11; or

(ii) cash-in-lieu, as may be agreed between the Municipality and the applicant.

(RC–Jan 25/22;E-Feb 26/22)

(6.2) Development which proposes the demolition of an Old South Suburb Heritage Building is not eligible for bonus FAR and cannot exceed the Maximum Pre-Bonus FAR shown on Map 12.

(6.3) The applicant shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit.

(6.4) The public benefit shall be completed at the time of the issuance of the development permit or such other time as may be provided under the public benefit agreement.

(6.5) Development of properties:

(a) south of Cornwallis Park that are identified on Map 13 as Landmark Development Area; and

(b) that exceed the pre-bonus FAR identified on Map 12;

shall require a development agreement in accordance with Policy 18B of the Downtown Halifax Secondary Municipal Planning Strategy.

Public Benefit Categories

(7) Subject to meeting all applicable requirements of this By-law, development pursuant to subsection (1) shall be permitted where the developer provides one or a combination of the following public benefits:

(a) where the development includes a registered heritage property which is to be maintained, the preservation or enhancement of the heritage resource;

(b) the provision of publicly accessible amenity or open space, where a deficiency in such spaces exists;

(c) the provision of residential units at a subsidized cost to contribute to housing affordability in the Downtown Halifax Secondary Municipal Planning Strategy plan area;

(d) the provision of 3 and 4 bedroom units with direct access to outdoor amenity space;

(e) the provision of rental commercial space made available at a subsidized cost for arts or cultural uses;

(f) the provision of public art;

(g) the provision of public parking facilities, where a deficiency in such facilities exists;

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(h) investment in public transit or active transportation infrastructure;
(i) the provision of exemplary sustainable building practices.
(j) the undergrounding of overhead electrical and communication distribution systems. (RC-Dec 13/11;E-Mar 10/12)

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

Public Benefit Agreement

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

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

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Signs

Permit Requirements

13(1) No person shall erect a sign without first obtaining a development permit.

(2) Except as provided for in subsection (5), an owner shall have at all times a valid permit for every sign(s) on any premise.

Temporary Sign By-law

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

Encroachment License

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

Permitted Signs

(5) The following signs shall be permitted and do not require a development permit:

(a) name and street number of residential and non-residential buildings;
(b) "No Trespassing" signs and other such signs regulating the use of a property, provided said signs do not exceed 0.2 square metres in area;
(c) non-illuminated real estate sign less than 2 square metres in area pertaining to the sale, rental, or lease of the premises on which the sign is displayed. A sign so erected shall be removed within 14 days after the referenced sale, rental or lease;
(d) signs regulating traffic within the lot or giving direction or identifying the function of part or all of a building, provided that such signs do not exceed 0.5 square metres in area;
(e) signs erected by a governmental body or public authority;
(f) memorial signs or tablets and signs denoting the date or erection of a building as well as signs identifying historic sites; and
(g) non-illuminated signs which are incidental to construction and are located on the same lot, provided that such sign shall not exceed 2 square metres in area. A sign so erected shall be removed within 14 days after conclusion of the activity.

Prohibited Signs

(6) Notwithstanding any other Section of this By-law, the following signs shall not be permitted or erected in any zone:

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(a) signs which create a hazard to public safety;
(b) signs located within the viewing triangle of a street or driveway or which obstruct the vision of drivers whether by virtue of their location, appearance or illumination or which obscure or obstruct any traffic control sign or device of any public authority;
(c) signs which obstruct access to or from a fire escape, door, window, or other required fire exit;
(d) signs which resemble traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;
(e) signs which advertise a product which is no longer sold or a business which is no longer in operation;
(f) signs that are unrelated to the product, service or business that is upon a lot;
(g) signs on public property or public rights-of-way unless erected by a public authority or specifically permitted by the Municipality;
(h) signs located on or affixed to the roof of any structure;
(i) signs which project above a roof line;
(j) signs which project above a streetwall stepback;
(k) ground signs or billboards;
(l) signs affixed to natural objects (trees, stones); and
(m) signs which use fluorescent colours for either background or individual characters.

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

(7) Signs on Registered Heritage Properties and Properties in a Heritage Conservation District shall meet the requirements of the Design Manual.

(8) The following types of signs are prohibited on registered heritage properties and properties in a heritage conservation district:

(a) internally-illuminated fascia signs or **internally-illuminated (RC-Dec 13/11;E-Mar 3/12)** awning signs;
(b) stretch skin plastics for awning or canopy signs; and
(c) textile banners, with or without frames.

Signs on Buildings

(9) No sign that encroaches into a street shall be less than 3.1 metres above the surface of a sidewalk.

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

Illuminated Signs

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

Fascia Signs

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

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

Window Signs

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

Canopies and Awning Signs

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

Projecting Signs

(16) Projecting signs shall;

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

(17) Only one projecting sign is permitted per business premise.

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Parking

Accessory Surface Parking Lots: General Requirements

14(1) Accessory Surface Parking Lots shall be prohibited in the following areas as depicted on Map 2:

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

(2) The following requirements shall apply to accessory surface parking lots:

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

(3) The design of accessory surface parking lots shall meet the requirements of the Design Manual.

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Commercial Surface Parking Lots

(4) Commercial surface parking lots are prohibited in all zones.

Commercial Parking Garages: General Requirements

(5) Commercial parking garages shall be permitted in all precincts.

(6) The following requirements shall apply to commercial parking garages:

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

Commercial Parking Garage: Design

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

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

(9) At-grade uses abutting a street shall be limited to:

(a) on Pedestrian-Oriented Commercial Streets those uses in subsections (2) and (3) of section 7; and
(b) on all other streets those uses permitted in the zone applicable to the lot.

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

(11) 75 % of the surface area of the face of the ground floor of the building shall be comprised of windows. For the purpose of calculating this requirement those openings in the building wall used for access of vehicles shall be excluded.

(12) Commercial use storage, delivery bays and garbage receptacles shall be contained within the building.

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

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(14) The design of commercial parking garages shall meet the criteria of the Design Manual.

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Bicycle Parking: Required Number of Spaces

(15) The minimum and maximum number of required bicycle parking spaces shall be as follows:

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

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

Bicycle Parking: Class A Requirements

(17) Class A bicycle parking spaces shall be subject to the following requirements:

(a) class A bicycle parking shall be located a maximum of 200 metres from an entrance.

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

Bicycle Parking: Class B Requirements

(18) Class B bicycle parking shall be subject to the following requirements:

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

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

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Schedule S-2: Wind Assessment Performance Standards

General

(1) A new building that is proposed to be greater than 20 metres in height or an addition to a building that will result in the building being greater than 20 metres in height shall be subject to **either a qualitative or (RC-Mar 26/13;E-Apr 13/13)** a quantitative wind impact assessment.

(2) The wind impact assessment shall address:

- (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development.
- (b) The impact of the development **on the following areas (RC-Mar 26/13;E-Apr 13/13)**:
  - (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and
  - (ii) private amenity spaces such as rooftop gardens.
- (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking.
- (d) The methodology and standards used in the assessment.

Qualitative Assessment

(3) **Repealed (RC-Mar 26/13;E-Apr 13/13)**

(4) For development that is minor in scope, such as a small addition in building height or a development where wind impact is not expected to be detrimental or may be improved upon in the opinion of the qualified professional, **the wind impact assessment may be limited to a qualitative assessment**. **(RC-Mar 26/13;E-Apr 13/13)**

(4A) A qualitative assessment shall include an analysis and description of expected wind impacts without the use of quantitative scale model simulation analysis. (RC-Mar 26/13;E-Apr 13/13)

(5) The qualitative assessment shall be in the form of a report and shall be subject to the acceptance of the Development Officer or Design Review Committee.

Quantitative Assessment

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

Determination

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(7) Where the impact of the development upon the **areas (RC-Mar 26/13;E-Apr 13/13)** identified in S-2(2)(b) can be mitigated, with consideration of the criteria of the Design Manual regarding overall building design, the development shall be approved by the Development Officer or Design Review Committee.

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Map 1: Zoning (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)

Effective: 13 June 2024

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

Map 2: Downtown Precincts (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)

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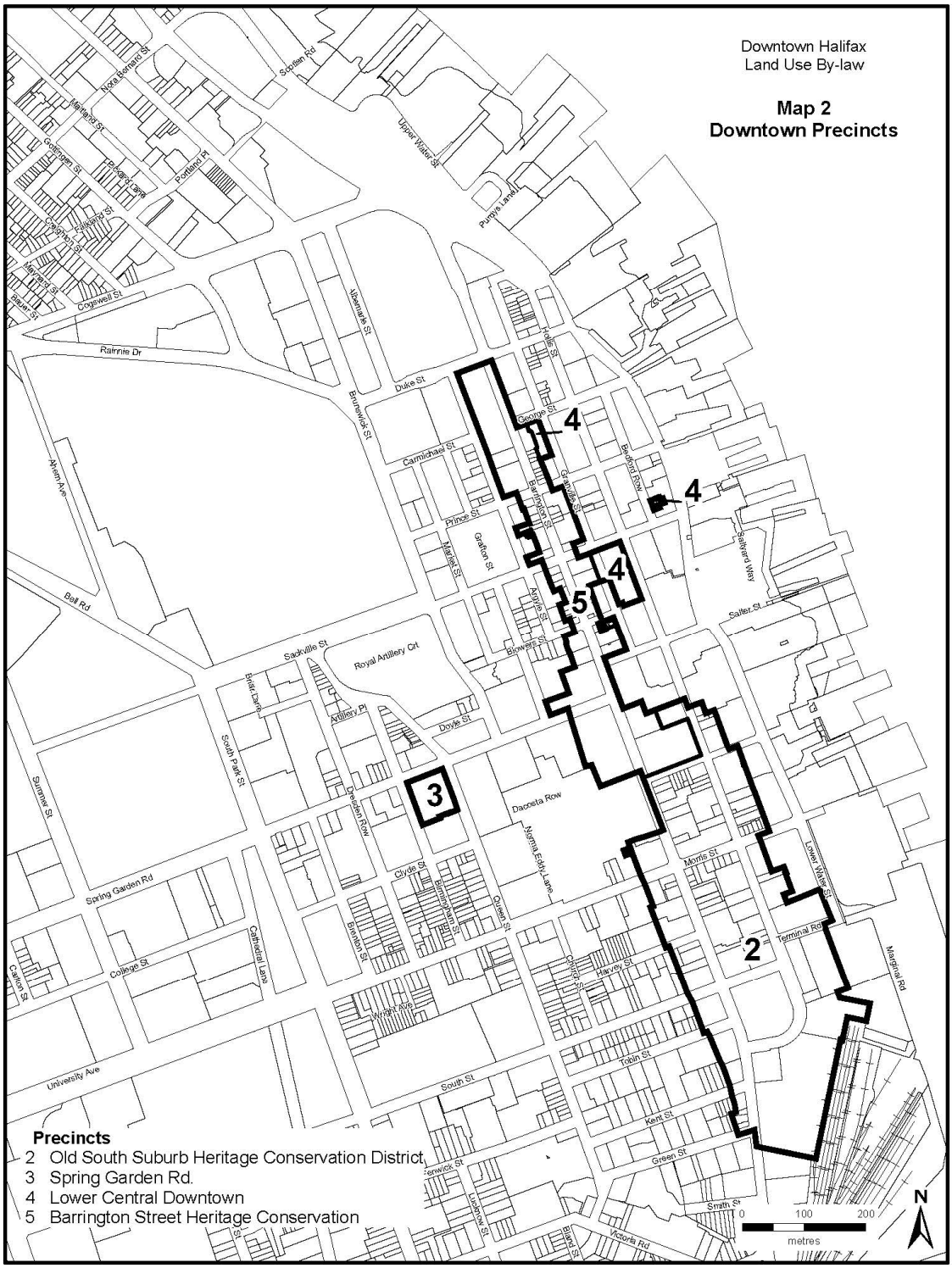
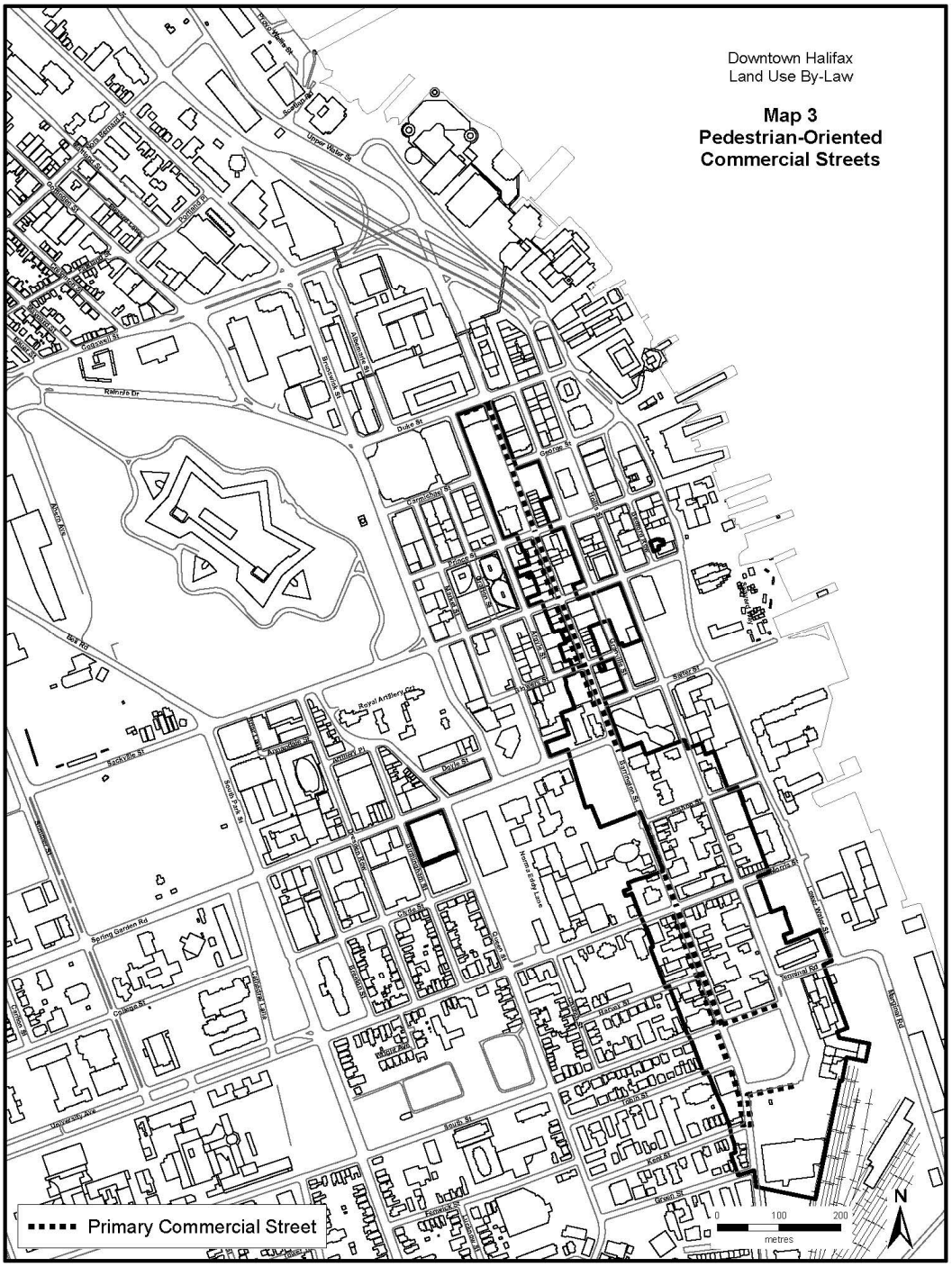


Effective: 13 June 2024

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

Map 3: Pedestrian-Oriented Commercial Streets (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)



Effective: 13 June 2024

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

Map 4: Maximum Pre-Bonus Heights (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)

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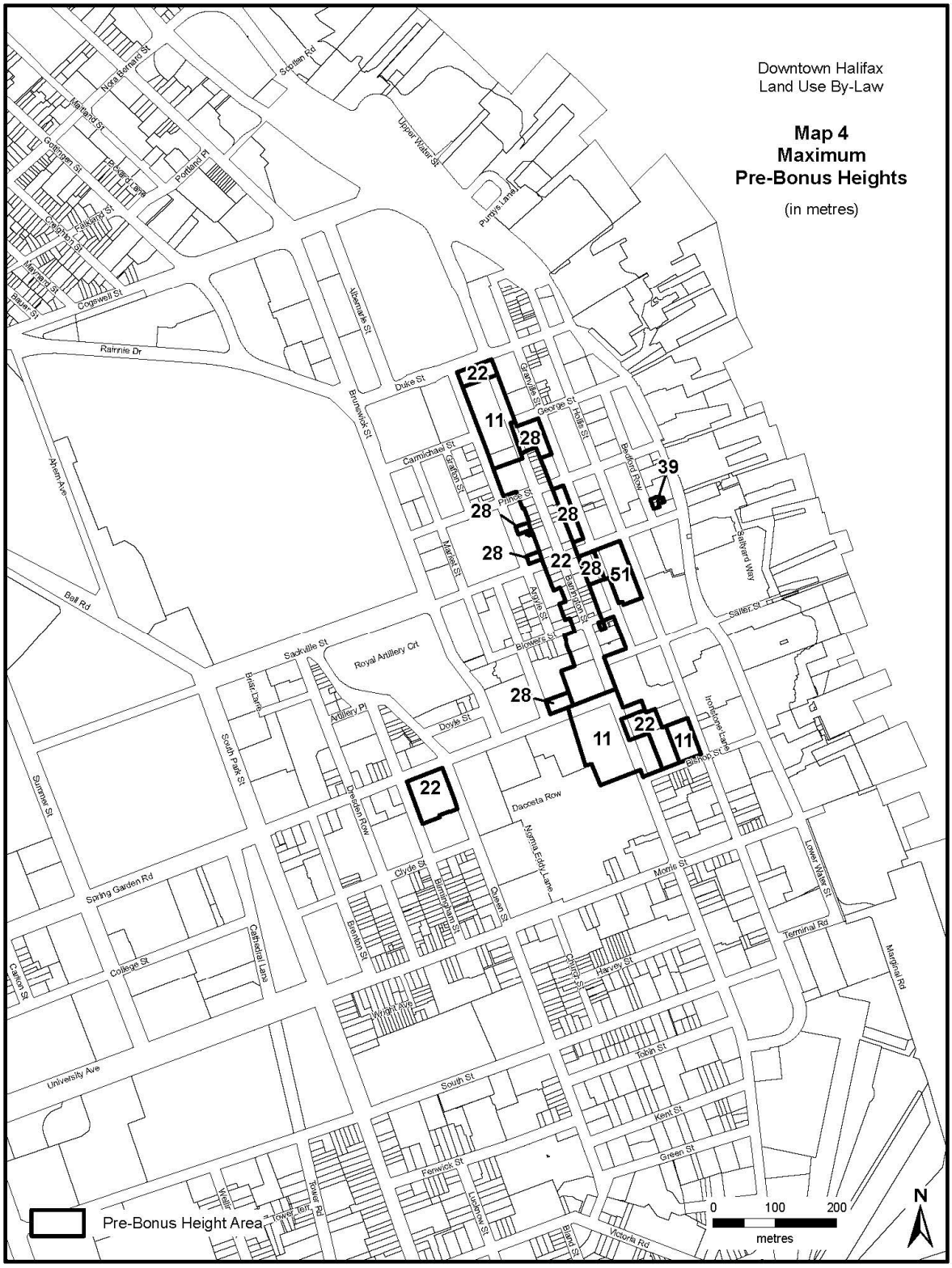
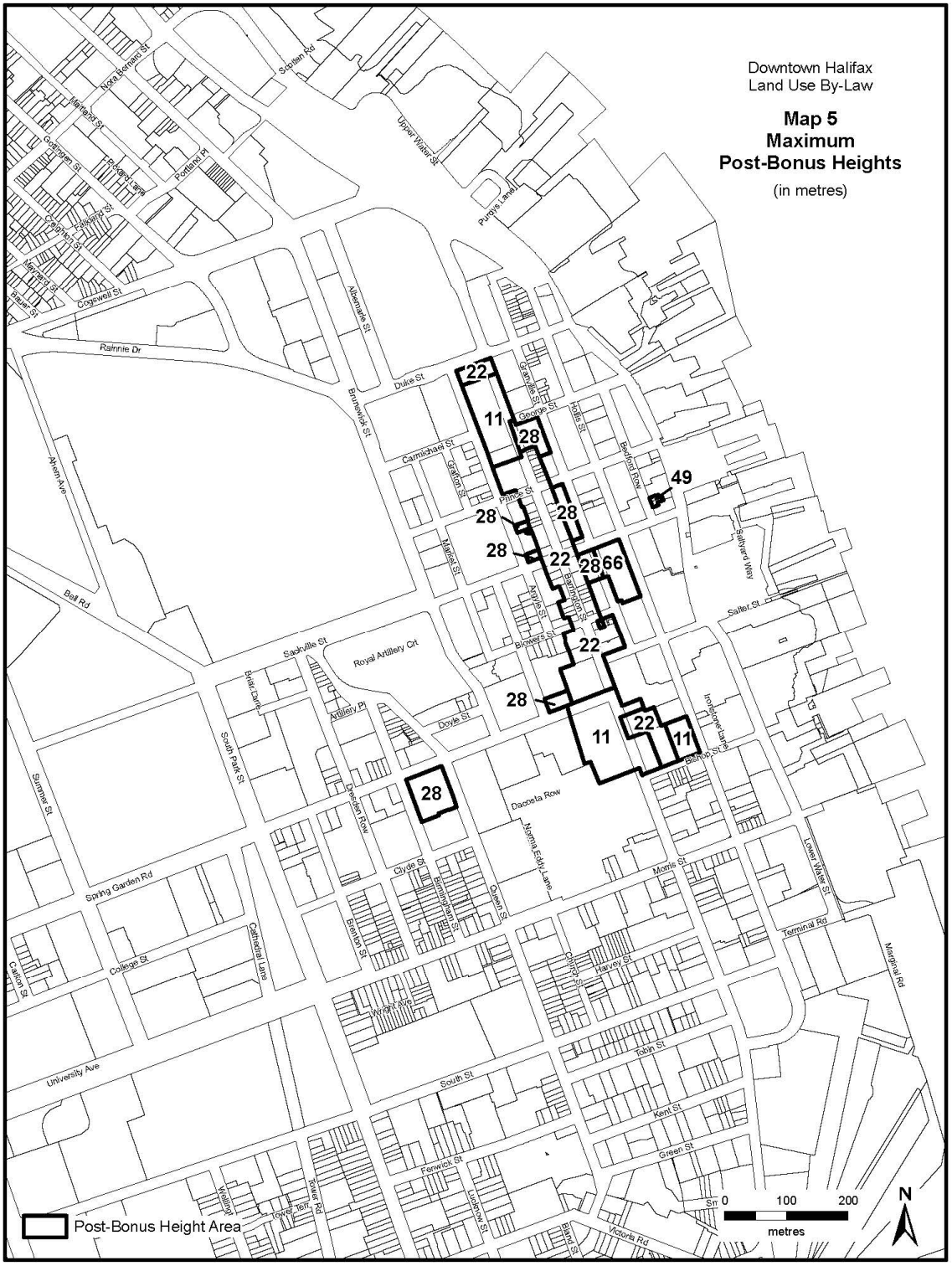


Effective: 13 June 2024

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

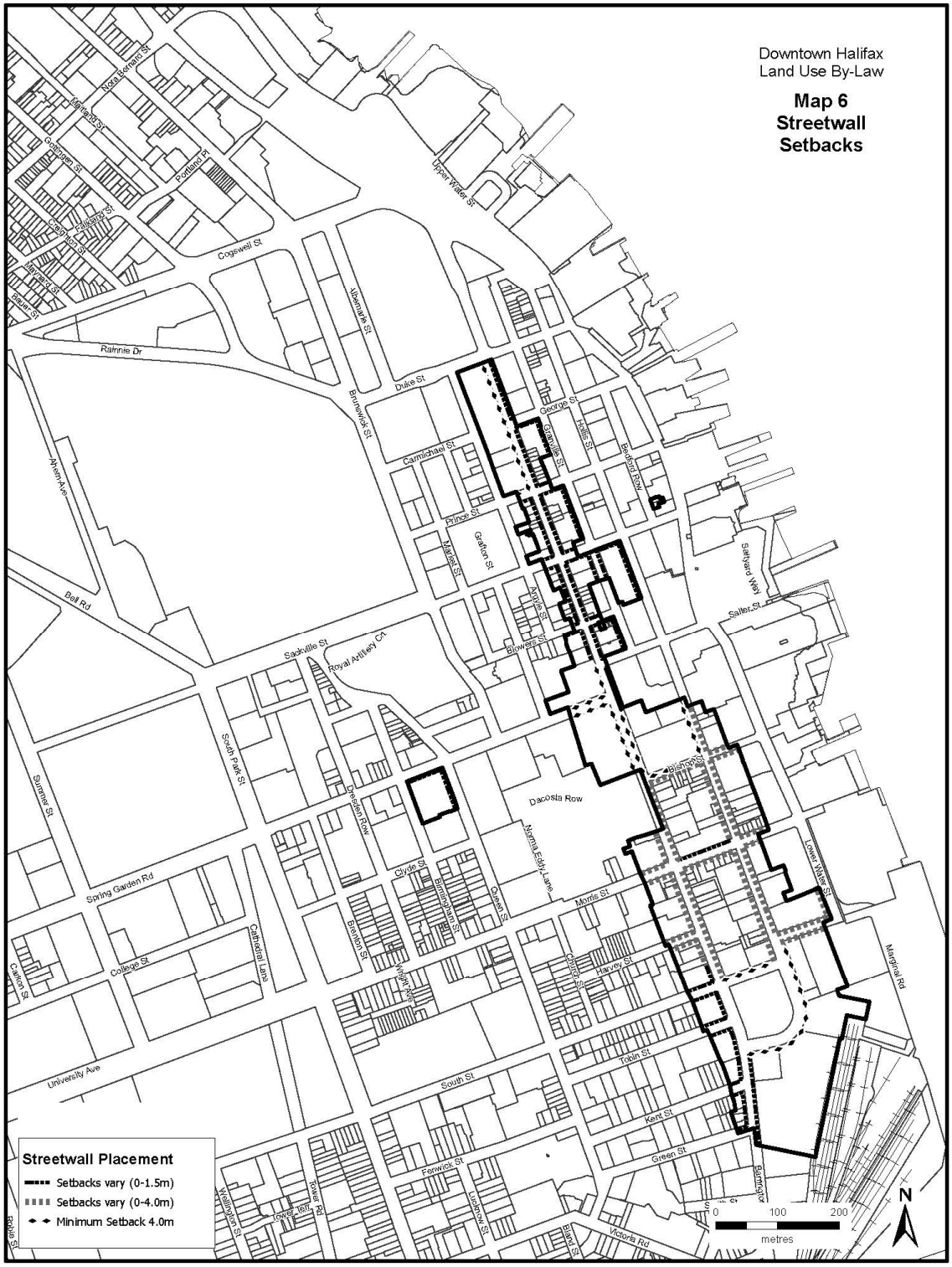
Map 5: Maximum Post-Bonus Heights (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)



Effective: 13 June 2024

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

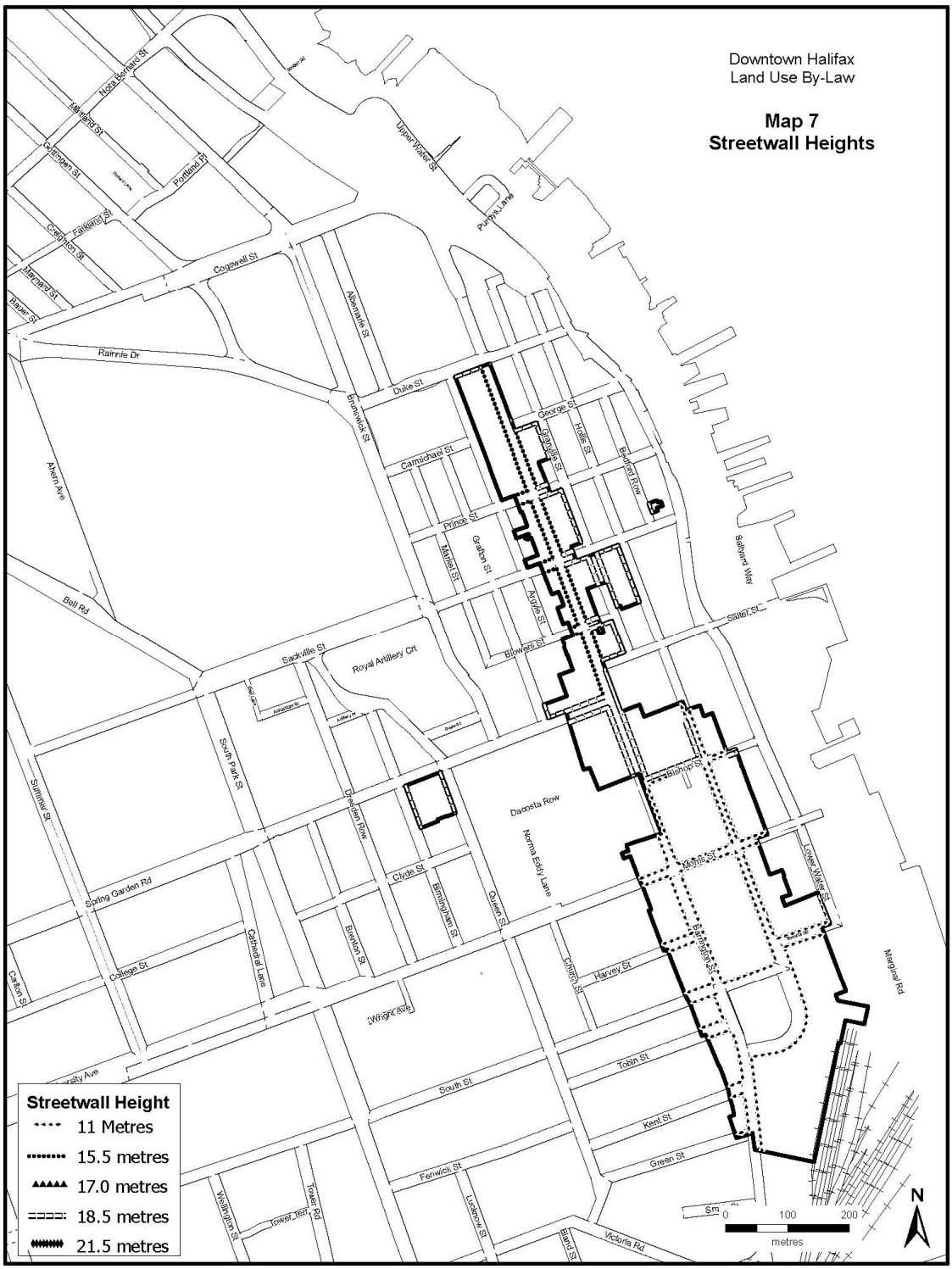
Map 6: Streetwall Setbacks (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)



Effective: 13 June 2024

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

Map 7: Streetwall Heights (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)



Effective: 13 June 2024

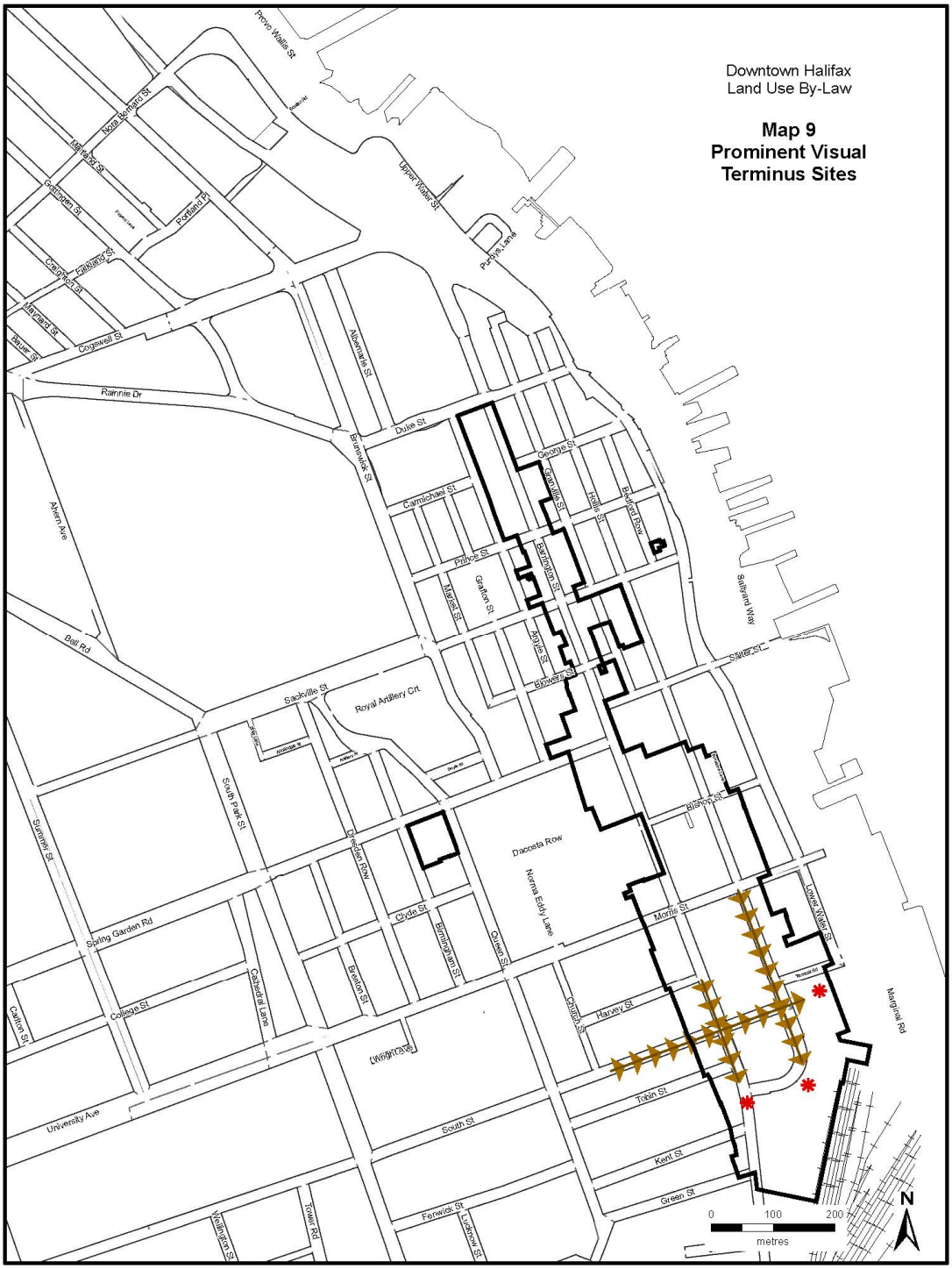
Note: Effective date does not indicate date of data creation.

Map 8: Central Blocks (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)

Effective: 13 June 2024

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

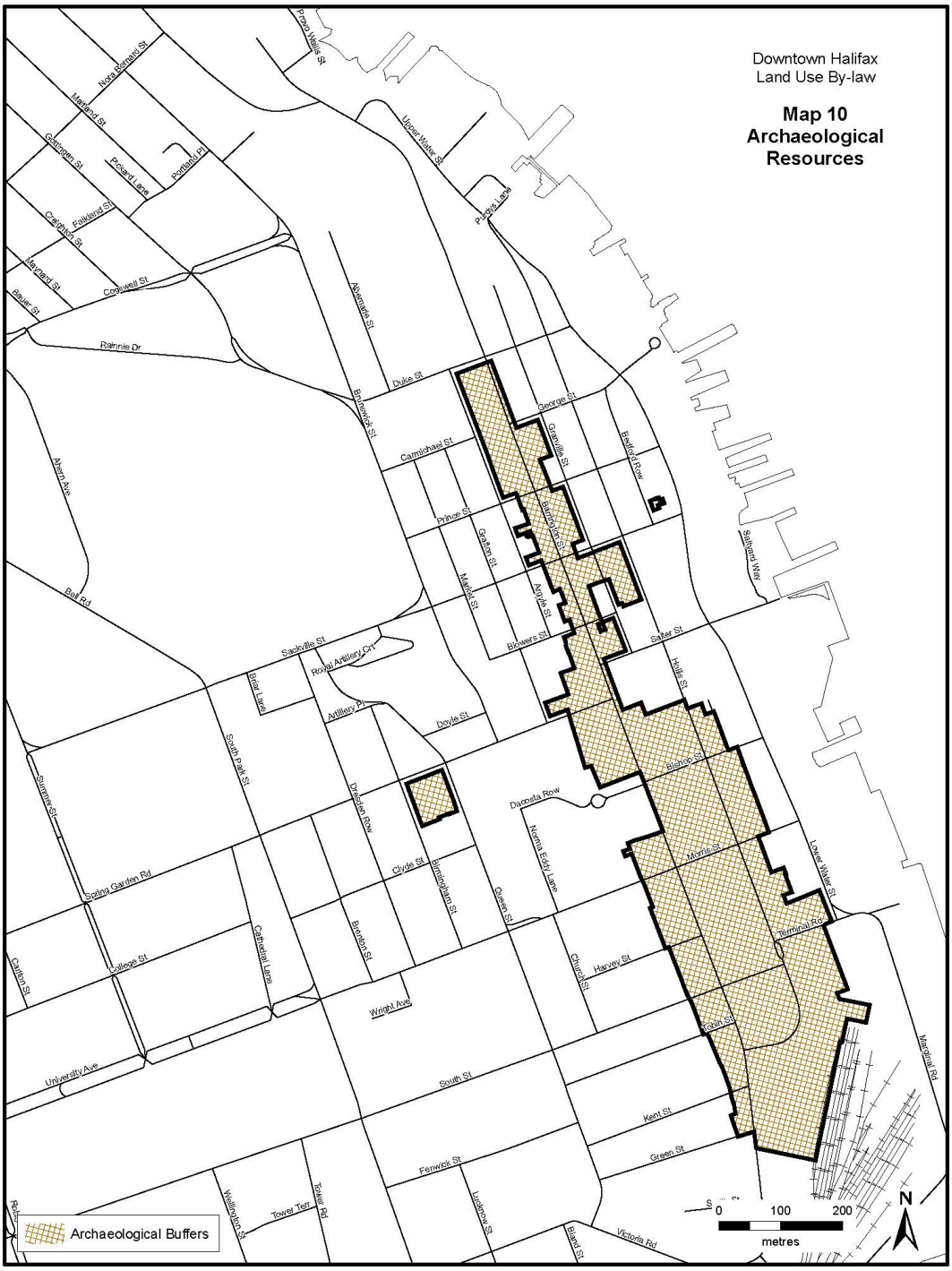
Map 9: Prominent Visual Terminus Sites (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)



Effective: 13 June 2024

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

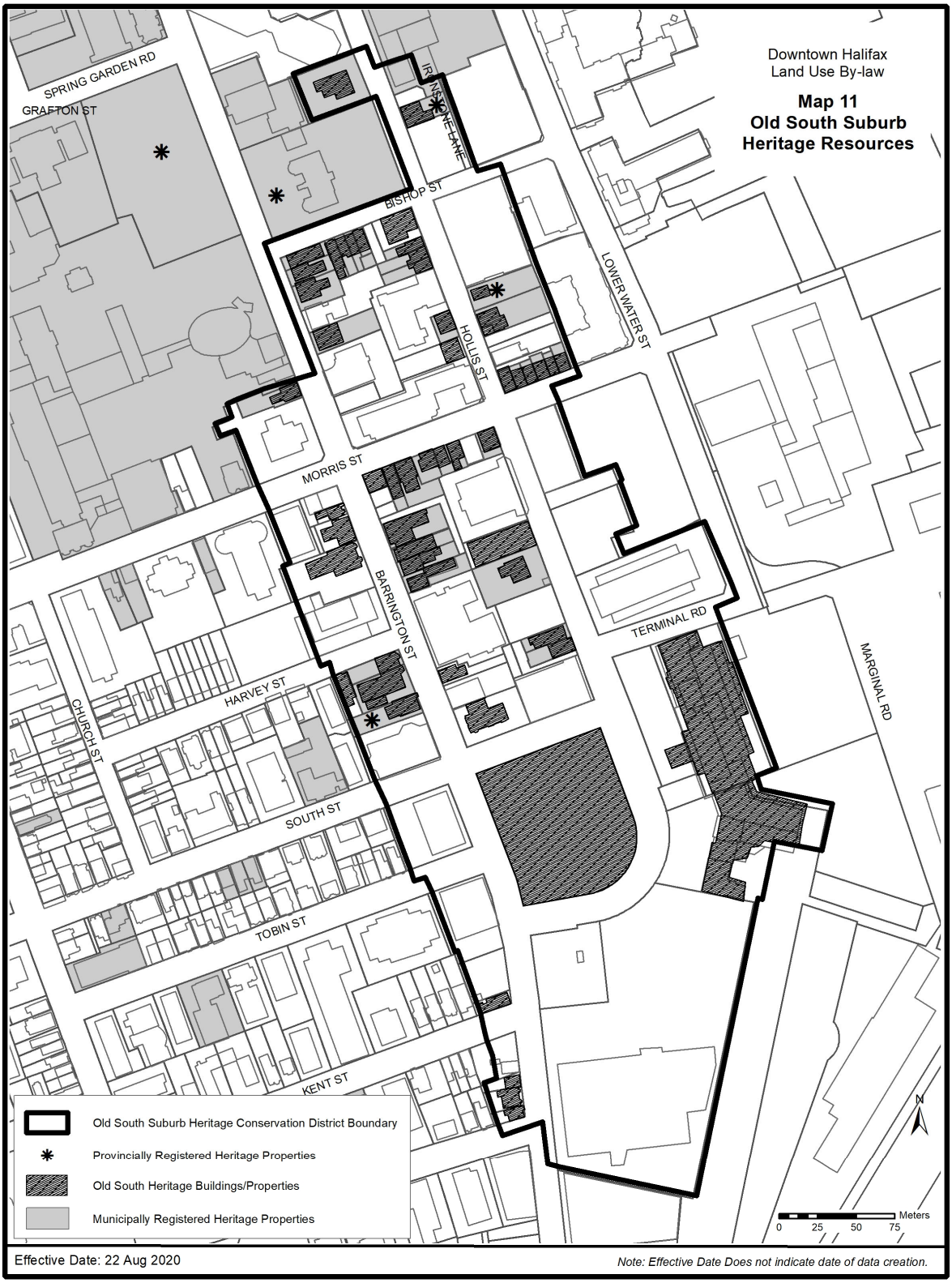
Map 10: Archaeological Resources (RC-Jul 12/22;E-Aug 22/22) (RC-May 23/24;E-Jun 13/24)



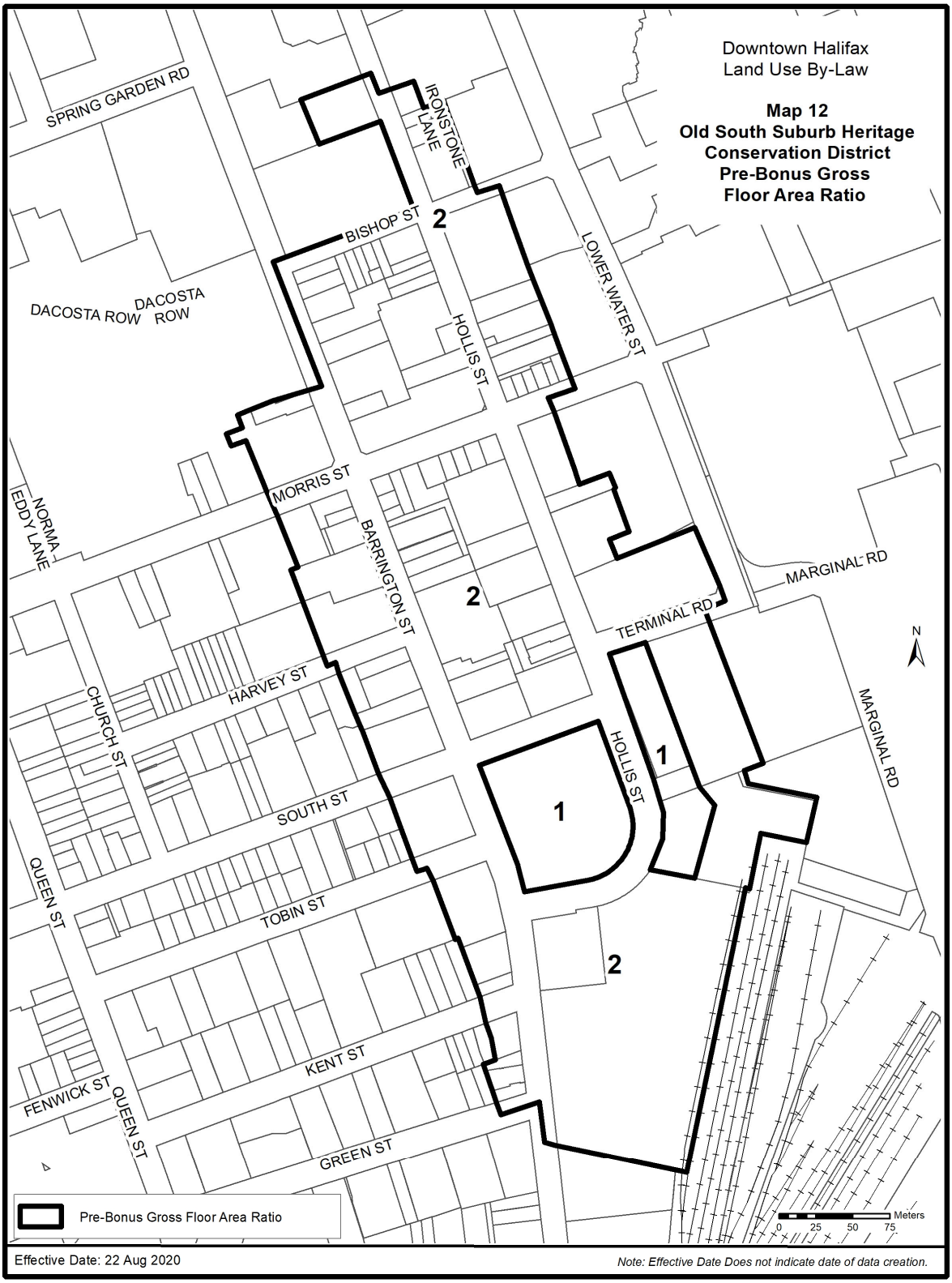
Effective: 13 June 2024

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

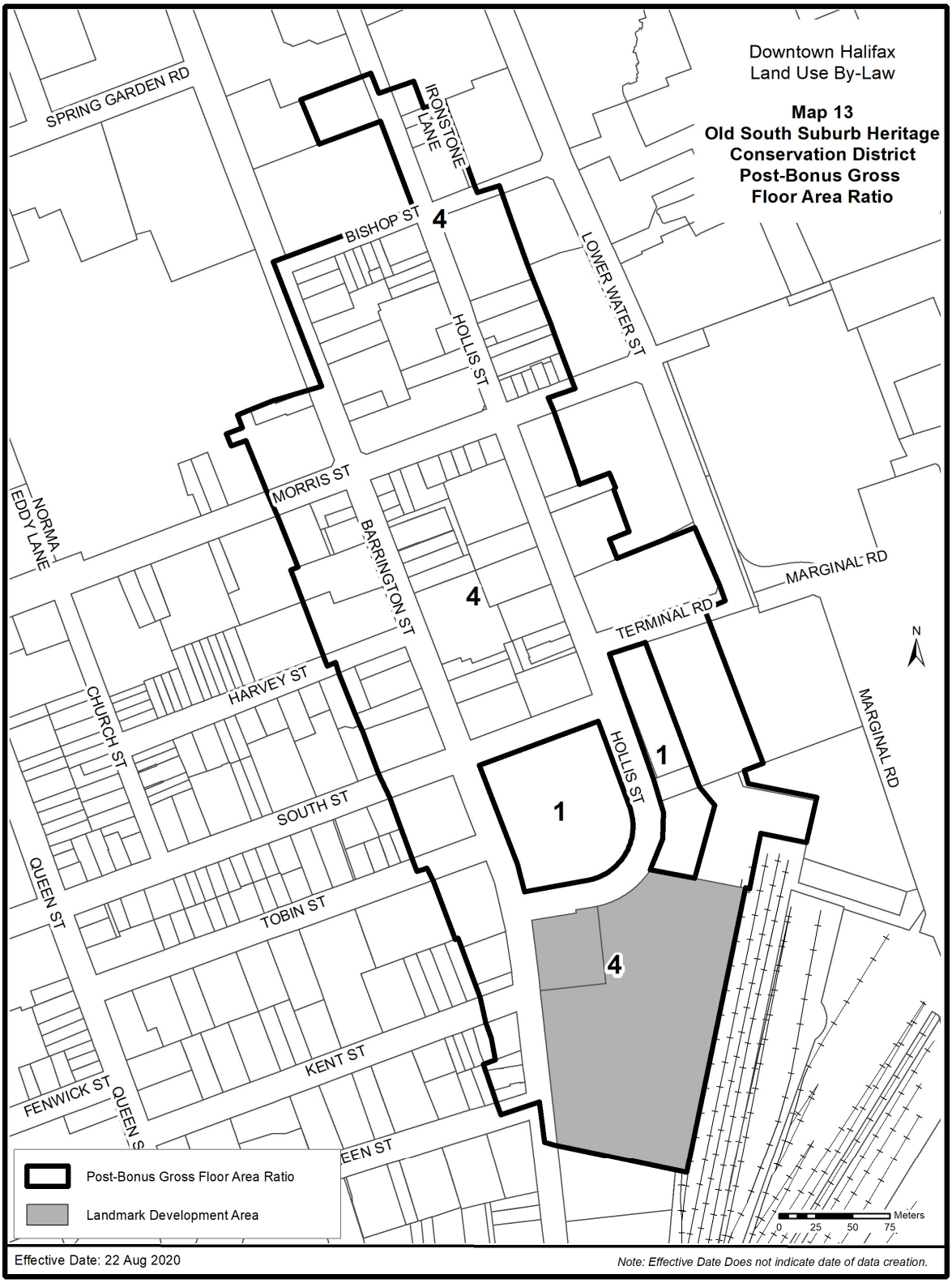
Map 11: Old South Suburb Heritage Resources (RC-Jan 14/20; E Aug 15/20)



Map 12: Old South Suburb Heritage Conservation District Pre-Bonus Floor Area Ratio (RC-Jan 14/20; E Aug 15/20)



Map 13: Old South Suburb Heritage Conservation District Post-Bonus Floor Area Ratio (RC-Jan 14/20; E Aug 15/20)



Map 14: Halifax Citadel View Planes (RC–Oct 26/21;E–Nov 27/21)

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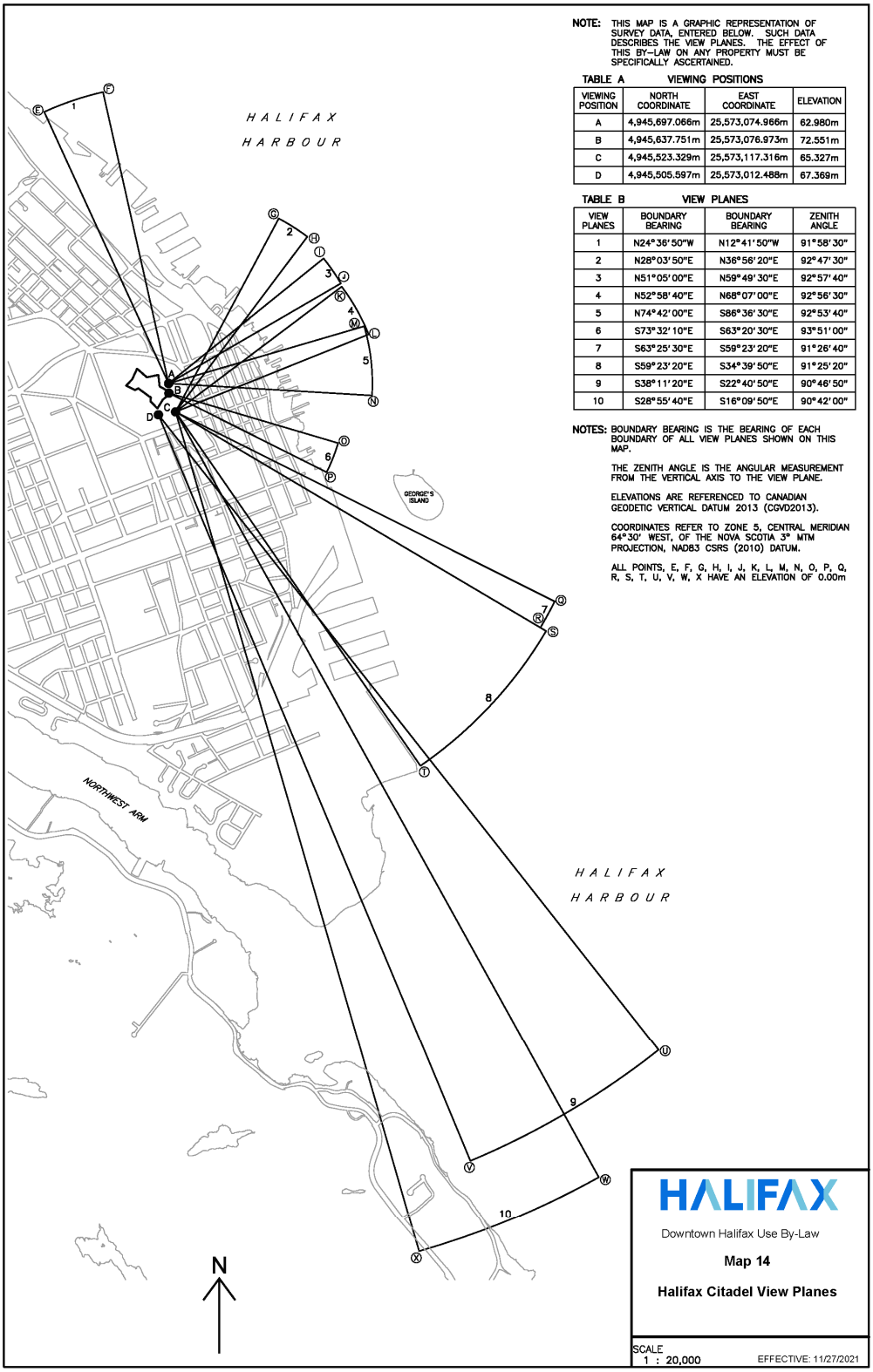

NOTE: THIS MAP IS A GRAPHIC REPRESENTATION OF SURVEY DATA, ENTERED BELOW. SUCH DATA DESCRIBES THE VIEW PLANES. THE EFFECT OF THIS BY-LAW ON ANY PROPERTY MUST BE SPECIFICALLY ASCERTAINED.

TABLE A VIEWING POSITIONS

VIEWING POSITION	NORTH COORDINATE	EAST COORDINATE	ELEVATION
A	4,945,697.066m	25,573,074.966m	62.980m
B	4,945,637.751m	25,573,076.973m	72.551m
C	4,945,523.329m	25,573,117.316m	65.327m
D	4,945,505.597m	25,573,012.488m	67.369m

TABLE B VIEW PLANES

VIEW PLANES	BOUNDARY BEARING	BOUNDARY BEARING	ZENITH ANGLE
1	N24°36'50"W	N12°41'50"W	91°58'30"
2	N28°03'50"E	N36°56'20"E	92°47'30"
3	N51°05'00"E	N59°49'30"E	92°57'40"
4	N52°58'40"E	N68°07'00"E	92°56'30"
5	N74°42'00"E	S86°36'30"E	92°53'40"
6	S73°32'10"E	S63°20'30"E	93°51'00"
7	S63°25'30"E	S59°23'20"E	91°26'40"
8	S59°23'20"E	S34°39'50"E	91°25'20"
9	S38°11'20"E	S22°40'50"E	90°46'50"
10	S28°55'40"E	S16°09'50"E	90°42'00"

NOTES: BOUNDARY BEARING IS THE BEARING OF EACH BOUNDARY OF ALL VIEW PLANES SHOWN ON THIS MAP.

THE ZENITH ANGLE IS THE ANGULAR MEASUREMENT FROM THE VERTICAL AXIS TO THE VIEW PLANE.

ELEVATIONS ARE REFERENCED TO CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013).

COORDINATES REFER TO ZONE 5, CENTRAL MERIDIAN 64°30' WEST, OF THE NOVA SCOTIA 3° MTM PROJECTION, NAD83 CSRS (2010) DATUM.

ALL POINTS, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X HAVE AN ELEVATION OF 0.00m

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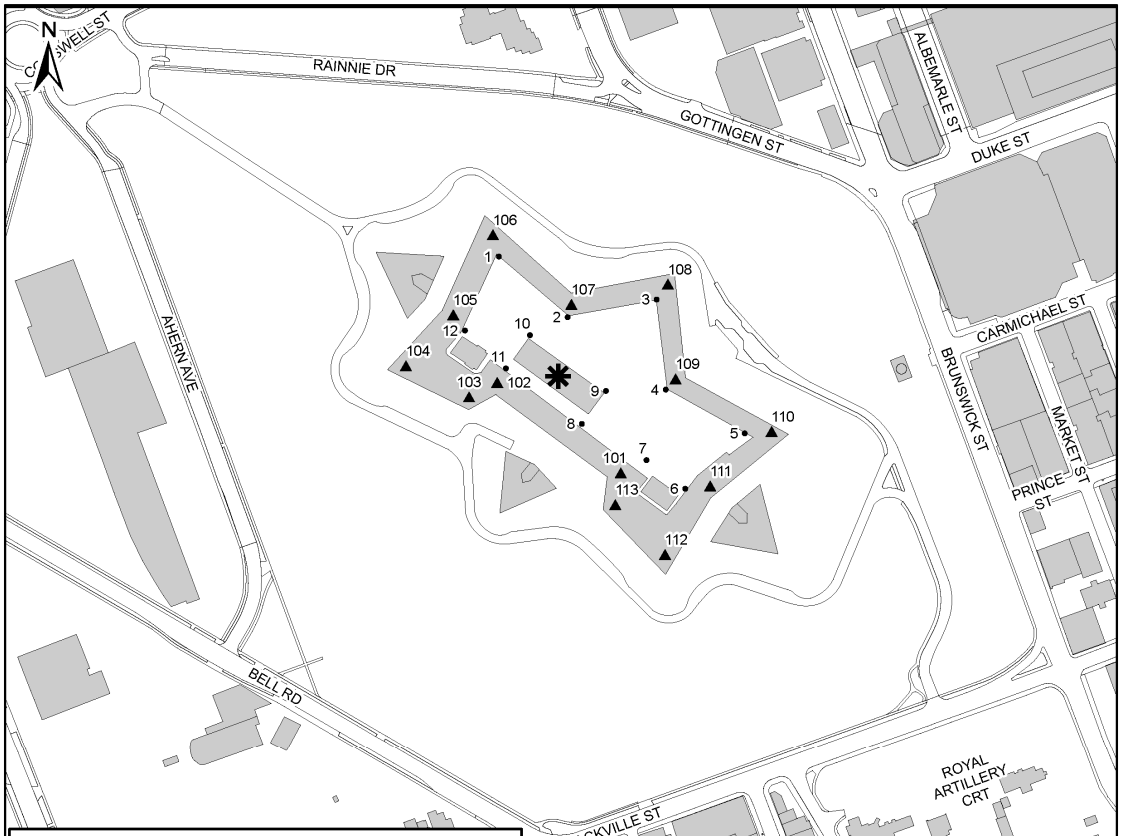
Map 14

Halifax Citadel View Planes

SCALE 1 : 20,000

EFFECTIVE: 11/27/2021

Map 15A: Halifax Citadel Rampart Sight Lines (RC–Oct 26/21;E–Nov 27/21)



Coordinate System: NAD83 CSRS(2010)
Vertical Datum: CGVD2013

Viewing Position	Northing (m)	Easting (m)	Elevation (m)
1	4,945,759.988	25,572,889.862	64.93
2	4,945,718.456	25,572,936.990	66.61
3	4,945,730.541	25,572,997.948	65.17
4	4,945,668.875	25,573,004.221	66.61
5	4,945,638.943	25,573,058.289	66.76
6	4,945,601.023	25,573,017.573	68.13
7	4,945,620.634	25,572,990.994	68.13
8	4,945,645.405	25,572,946.713	68.13
9	4,945,667.987	25,572,963.218	67.52
10	4,945,706.151	25,572,911.180	67.52
11	4,945,683.395	25,572,894.659	67.52
12	4,945,709.355	25,572,866.608	65.54

Rampart Point Elevation	Northing (m)	Easting (m)	Elevation (m)
101	4,945,611.812	25,572,973.310	74.68
102	4,945,673.771	25,572,888.608	74.68
103	4,945,663.866	25,572,869.322	74.84
104	4,945,685.136	25,572,826.055	74.84
105	4,945,720.063	25,572,858.490	74.53
106	4,945,774.867	25,572,885.665	73.71
107	4,945,727.158	25,572,939.454	73.07
108	4,945,741.026	25,573,005.600	71.94
109	4,945,676.167	25,573,010.874	73.31
110	4,945,640.216	25,573,076.670	73.77
111	4,945,602.942	25,573,034.562	74.99
112	4,945,555.993	25,573,003.615	74.99
113	4,945,590.074	25,572,969.538	74.99

Map 15A: Halifax Citadel Rampart Sight Lines

▲ Rampart Point Elevation

• Viewing Position

✱ Cavalier Building, for coordinates see detail on Maps 15B and 15C

HALIFAX
Downtown Halifax Land Use By-Law

HRM does not guarantee the accuracy of any base map representation on this plan.

0 20 40 80 120 160 m

Effective: 27 November 2021

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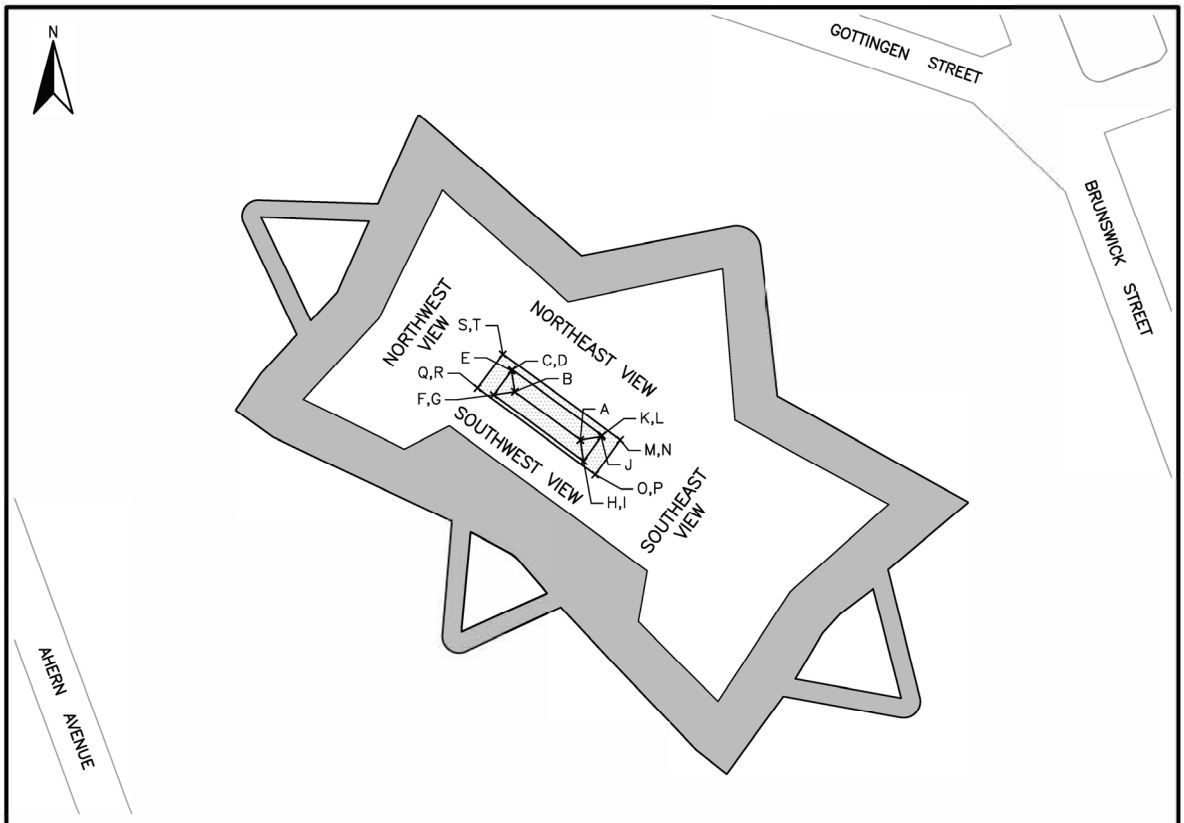
Map 15B: Halifax Citadel Cavalier Building Coordinates 1 (RC–Oct 26/21;E–Nov 27/21)



CAVALIER BUILDING – ROOF POINTS			
POINT NUMBER	NORTHING	EASTING	ELEVATION
A	4945667.777	25572944.681	80.923
B	4945688.378	25572916.618	80.980
C	4945697.826	25572915.530	77.436
D	4945697.826	25572915.530	75.206
E	4945697.357	25572915.206	77.688
F	4945687.045	25572907.626	77.669
G	4945687.045	25572907.626	75.206
H	4945658.846	25572946.049	77.699
I	4945658.846	25572946.049	75.206
J	4945669.182	25572953.608	77.699
K	4945669.646	25572953.941	77.413
L	4945669.646	25572953.941	75.206

CAVALIER BUILDING – MAIN BUILDING POINTS			
POINT NUMBER	NORTHING	EASTING	ELEVATION
M	4945667.783	25572961.739	75.206
N	4945667.783	25572961.739	65.942
O	4945652.973	25572951.028	75.206
P	4945652.973	25572951.028	66.291
Q	4945689.929	25572900.674	75.206
R	4945689.929	25572900.674	66.303
S	4945704.637	25572911.507	75.206
T	4945704.637	25572911.507	65.961

LEGEND

× . . CAVALIER BUILDING COORDINATES

NOTES:

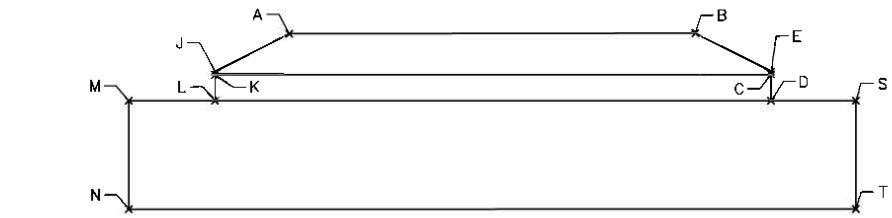
1. COORDINATES REFER TO ZONE 5, CENTRAL MERIDIAN 64°30′ WEST, OF THE NOVA SCOTIA 3° MTM PROJECTION, NAD83(CSRS) 2010.
2. ELEVATIONS REFER TO THE CANADIAN GEODETIC VERTICAL DATUM OF 2013 (CGVD2013).

HALIFAX

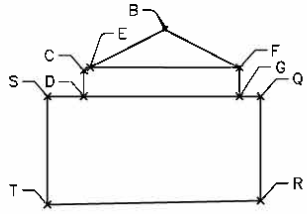
HALIFAX CITADEL
CAVALIER BUILDING COORDINATES 1

EFFECTIVE: 11/27/2021	MAP	APPROVED
SCALE 1 : 2500	15B	FIG. NO.

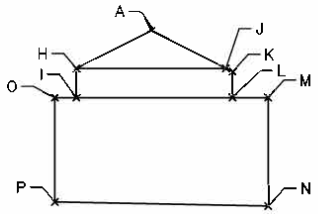
Map 15C: Halifax Citadel Cavalier Building Coordinates 2 (RC–Oct 26/21;E–Nov 27/21)



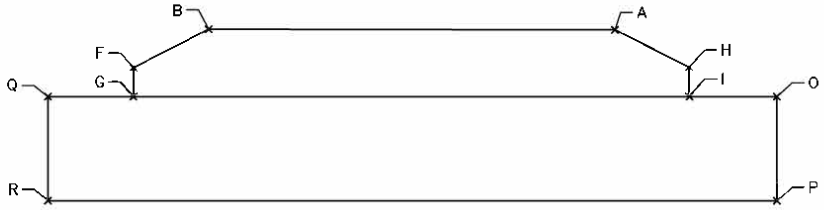
NORTHEAST VIEW SCALE 1:500



NORTHWEST VIEW SCALE 1:500



SOUTHEAST VIEW SCALE 1:500



SOUTHWEST VIEW SCALE 1:500

CAVALIER BUILDING – ROOF POINTS			
POINT NUMBER	NORTHING	EASTING	ELEVATION
A	4945667.777	25572944.681	80.923
B	4945688.378	25572916.618	80.980
C	4945697.826	25572915.530	77.436
D	4945697.826	25572915.530	75.206
E	4945697.357	25572915.206	77.688
F	4945687.045	25572907.626	77.669
G	4945687.045	25572907.626	75.206
H	4945658.846	25572946.049	77.699
I	4945658.846	25572946.049	75.206
J	4945669.182	25572953.608	77.699
K	4945669.646	25572953.941	77.413
L	4945669.646	25572953.941	75.206

CAVALIER BUILDING – MAIN BUILDING POINTS			
POINT NUMBER	NORTHING	EASTING	ELEVATION
M	4945667.783	25572961.739	75.206
N	4945667.783	25572961.739	65.942
O	4945652.973	25572951.028	75.206
P	4945652.973	25572951.028	66.291
Q	4945689.929	25572900.674	75.206
R	4945689.929	25572900.674	66.303
S	4945704.637	25572911.507	75.206
T	4945704.637	25572911.507	65.961

LEGEND

× . . CAVALIER BUILDING CORNERS

NOTES:

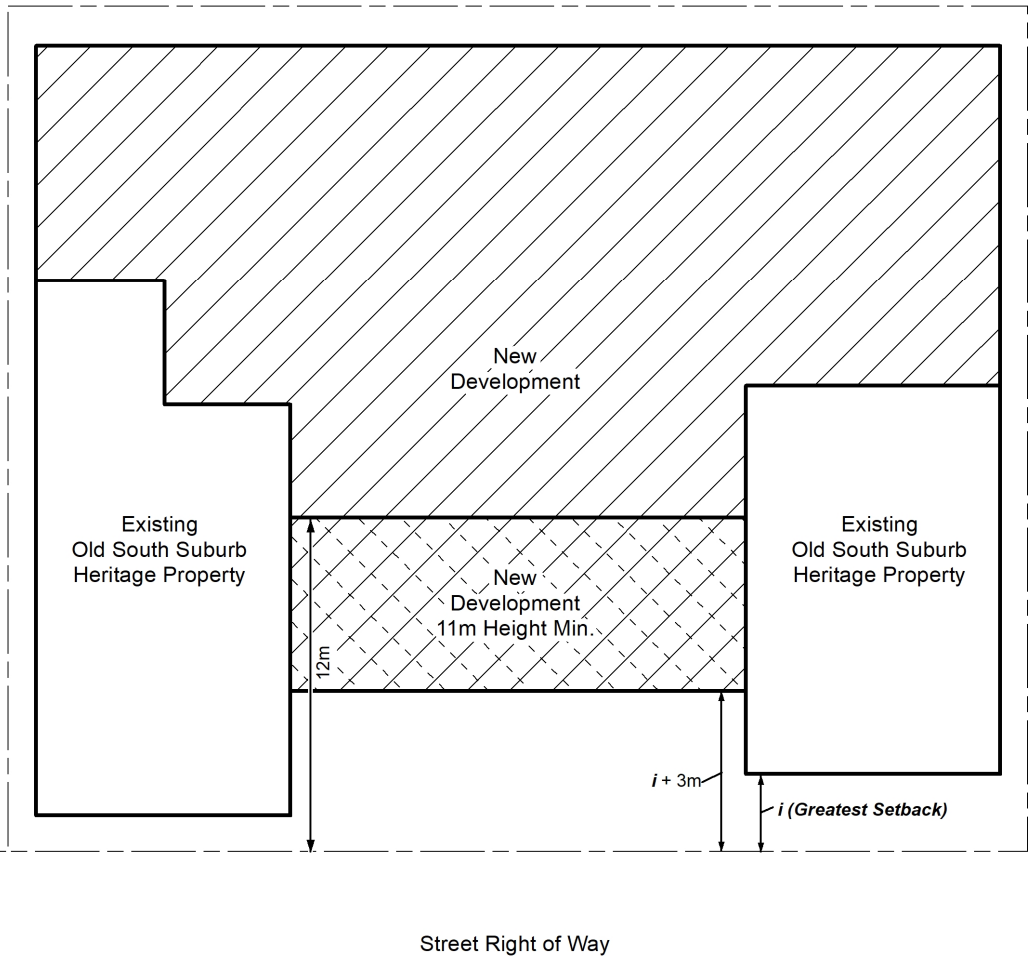
1. COORDINATES REFER TO ZONE 5, CENTRAL MERIDIAN 64°30′ WEST, OF THE NOVA SCOTIA 3° MTM PROJECTION, NAD83(CSRS) 2010.
2. ELEVATIONS REFER TO THE CANADIAN GEODETIC VERTICAL DATUM OF 2013 (CGVD2013).

HALIFAX

HALIFAX CITADEL
CAVALIER BUILDING COORDINATES 2

EFFECTIVE: 11/27/2021	MAP	APPROVED
SCALE AS NOTED	15C	FIG. NO.

Sketch A (RC-Jan 14/20; E Aug 15/20)



Sketch A

Section 11

(2.2) The minimum setback from the front property line shall satisfy one of the following requirements:

(a) three metres greater than the greatest setback of an Old South Suburb Heritage Building located on the same street and on the same or abutting lot or six metres from the front property line, wichever is less.

Effective: 22 Aug 2020

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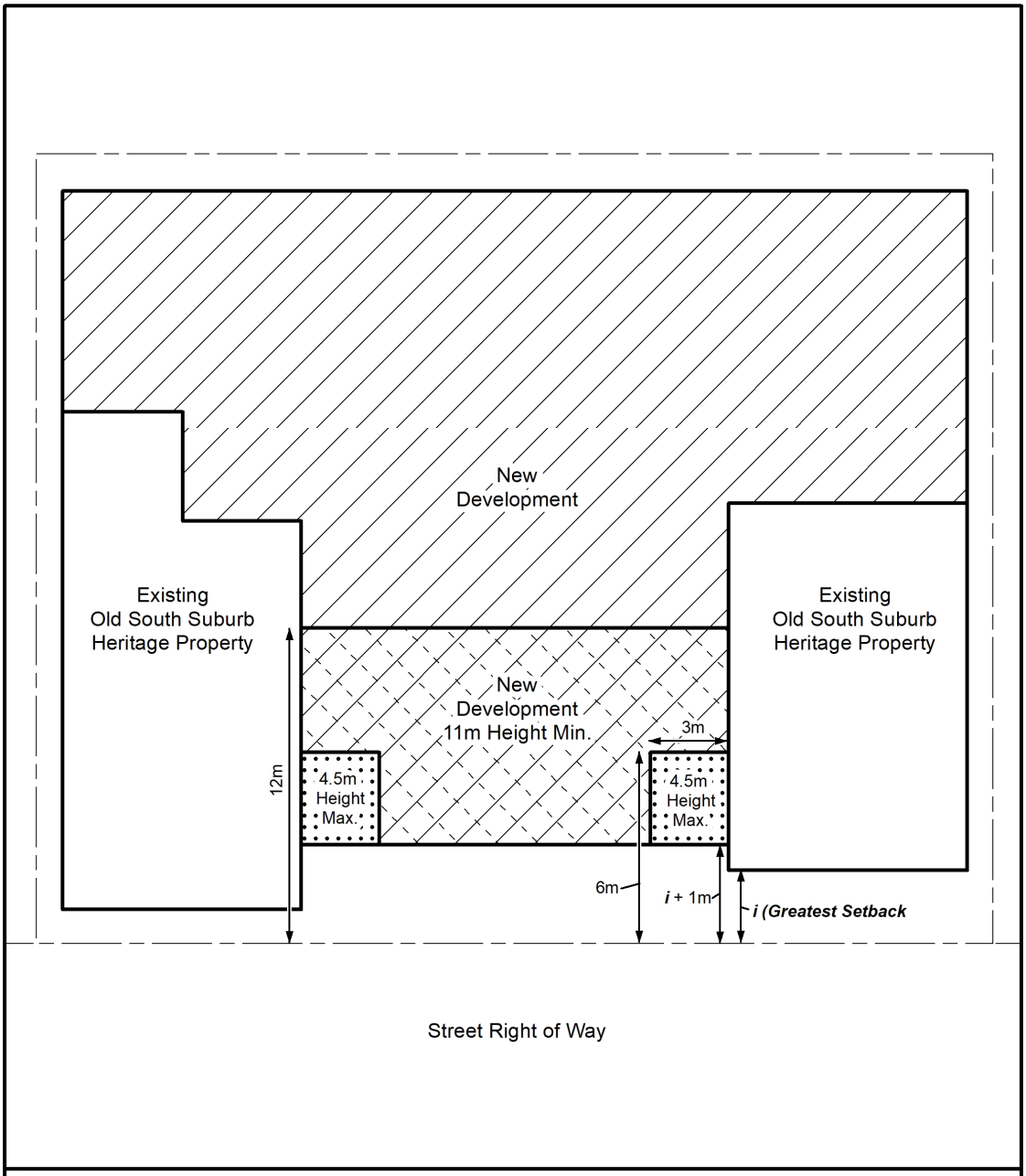
Sketch B (RC-Jan 14/20; E Aug 15/20)



Sketch B

Section 11

(2.2) The minimum setback from the front property line shall satify one of the following requirements:

(b) one metre greater than the greatest setback from the front lot line of an Old South Suburb Heritage Building located on the same street and on the same or abutting lot, where no structure is proposed to exceed 4.5 metres in height, within three metres of the side wall of an Old South Suburb heritage building for six metres from the front property line.

Effective: 22 Aug 2020

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Appendix B: Publically Sponsored Convention Centre (Repealed: RC–Oct 26/21;E–Nov 27/21)

Appendix C: Building Height Limits Pursuant to Clause 7A (Repealed: RC–Oct 26/21;E–Nov 27/21)

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DOWNTOWN HALIFAX
LAND USE BY-LAW AMENDMENTS

Amendment Number	Policies/Maps	Case No.	Council Adoption	Effective Date
1	Amend Section 2(k), (af), (bb), and (bh); Section 4(2)(b), (e); Section 5(6), (7A); Section 7(6), (8), (10); Section 13(8); Schedule S-1 (Design Manual) Subsection 4.6.3, 4.6.4; Map 7 (Streetwall Heights); Delete Section 7(9); Add Section 7(10)(c); Section 7(11), (24), (25), (26), (27), (28), (29), (30).	Case No. 16466 (First annual review)	RC – December 13, 2011	E – March 3, 2012
2	Add Section 2(aba); Section 6(5); Section 8(21); and Section 12(7)(j).	Case No. 16466 (First annual review)	RC – December 13, 2011	E – March 10, 2012
3	Add Section 2(bca); Section 7(15C) – Publically-Sponsored Convention Centre; Section 8(8) – Building Height; Insert Appendix C – Building Height Limits Pursuant to Clause 7A	Case No. 16655	RC – March 20, 2012	E – May 26, 2012
4	Amend Section 2(c), (d), (aa), (bq), Section 5(10), Section 7(2)(a), 7(12), 7(22), Section 8(12), Section 10(8), and 10(9); Add Section 2(fa), (aza), (baa), Section 7(4a), Section 8(13A), and 8(13B); Repealed Section 7(4); Amend Schedule S-1 (Design Manual) – Section 3.6; Amend Schedule S-2 (Wind Assessment Performance Standards) – Section (1), (2), (3), (4), and (7).	Case No. 16773 (Second Annual Review)	RC – March 26, 2013	E – April 13, 2013
5	Amend Map 4 – Maximum Pre-Bonus Heights; Amend Map 5 – Maximum Post-Bonus Heights.	Case No. 17000	RC – May 28, 2013	E – August 17, 2013
6	Add Section 5 (7B); Amend Section 7 (15A); Replace Appendix B; Add to Schedule S-1 (Design Manual) 2.11: Publically-Sponsored Convention Centre – Re: Nova Centre	Case No. 18708	RC – April 29, 2014	E – May 10, 2014
7	**Replace/Readopt** Section 2, 7(15C), Subsection 8; Schedule S-1: Design Manual.	RP+5	RC-June 25, 2014	E-October 18, 2014

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8	**Amend** Map 1 – Presbyterian Church of St. David, 1537 Brunswick St from ICO to DH-1 Zone; Mat 6 – Streetwall Setbacks for 1537 Brunswick St.	Case 19516	RC-April 28, 2015	E-May 16, 2015
9	**Amend** several sections to add Cannabis related uses Nov 3/18	Case 21331	RC - September 18, 2018	E- November 3, 2018
10	**Amend** Section 2(bi) – Ramparts Definition, 2(ci) – View Plane Definition, Section 8(17) – Rampart Requirements	Regional Centre Plan – Package A	RC – September 18, 2019	E – November 30, 2019
11	**Amend** Section 2 (afa), (ag), (bcb), (bcc), (bcd). **Delete** section 7(6) to 7(11) in Residential Uses: Precinct 2 Landscaped Open Space Requirements. **Amend** Built Form Requirements Subsection 8(2), 8(5), 9(5), 9(7), 10(4). **Add** Precinct 2: Old South Suburb Heritage Conservation District. **Add** Post Bonus FAR Provisions. **Amend** Downtown Halifax Design Manual	Case H00446	RC – January 14, 2020	E- August 15, 2020
12	**Amend** Section 2, Definitions – (b) Accessory Building Section 5, Development Permit, Subsection 11(a); **Add** Section 2, Definitions – (k.5) Backyard Suite and (bq.5) Secondary Suite; Section 7, Subsection 5.5 – Secondary and Backyard Suites	Case 21126 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
13	**Amend** all schedules & maps to remove areas located within the Regional Centre Plan Area shown on Map 1, except those areas within the boundaries of the Old South Suburb Heritage CD and Barrington St HCD; Subsection 6(2) Zone, Precinct, and Schedules under Interpretation / **Repeal** Section 7, Subsections 7(11A), (11B), (11C), (11D), (11E) – Residential Uses: Precincts 3 and 9, 7(15A), (15B) Publically-Sponsored Convention Centre, 7(15C) Sackville and South Park multi-District Recreation Facility; Section 11, Subsections 11(1), (2) Precinct 1: Southern Waterfront, 11(3), (4) Precinct 3: Spring Garden Road Area, 11(5), (6) Precinct 4: Lower Central Downtown			
14	**Amended** Sections 2, Section 5 and Section 7 to include information on Accessory HEN Use	Case 22227 – Accessory Hen Use	RC – October 5, 2021	E – January 8, 2022

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15	**Added** Subsection 12 (6.1), clause (c)	Case H00520 – Bonus Zoning Provisions – Heritage Buildings Downtown	RC – January 25, 2022	E – February 26, 2022
16	**Amended** definitions too Adult Entertainment – 2(b); **Deleted** definition – 2(f) Adult Bookstore Use **Adopted** Map 1 Zoning	Case 23938 – Adult Entertainment	RC – February 15, 2022	E – March 12, 2022
17	**Amended** Table of contents text for Map 1: Zoning; Maps 1, 2, 3, 4, 5, 6, 8, 9, 10 to add a portion of PID: 00002626; Section 5(2)(20), 6(2).	Case 24260 – Housekeeping Amendments	RC – July 12, 2022	E – August 22, 2022
18	**Added** Part 2, Definitions, (bsa), (bsb); Part 5, Development Permit, Subsection (3A), (3B); Part 7, DH-1 Zone, Section (32)	Case 24526 – Short Term Renals	RC – February 21, 2023	E – September 1, 2023
19	**Amended** Section 7, clause 5.5(a)(i)(vi), 5.5(b)(i)(iv)(v)(vii); Section 8, subsection 19(a); Maps 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 **Added** Section 7, clause 5.5(b)(viii); Section 8, subsection 19(e)	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E - June 13, 2024

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