

**By-law to Amend the Downtown Halifax Land Use By-law to Implement the Old South Suburb
Heritage Conservation District Plan**

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

1. Table of Contents is amended by inserting the text as shown in bold as follows:

Precincts: Additional Requirements.....	
Precinct 1: Southern Waterfront.....	
Precinct 2: Old South Suburb Heritage Conservation District.....	
Precinct 3: Spring Garden Road Area	
Precinct 4: Lower Central Downtown.....	
Precinct 5: Barrington Street Heritage Conservation District	
Post-Bonus Height Provisions.....	
Buildings Higher than the Pre-Bonus Height Requirements.....	
Bonus Exception for Registered Heritage Buildings.....	
Post Bonus FAR for Properties within Precinct 2, Old South Suburb Heritage Conservation District.....	
Public Benefit Categories.....	
Public Benefit Agreement	

2. List of Maps is amended by inserting after Map 10 the text as shown in bold as follows:

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

3. Map 2: Downtown Precincts, is amended by amending the boundaries of Precincts 1, 2, and 4 as shown in Schedule A and renaming Precinct 2 from, “Barrington Street South” to “Old South Suburb Heritage Conservation District”.
4. Map 4, Maximum Pre-Bonus Heights, is amended by exempting the area within the boundaries of Precinct 1, 2, and 4 from Maximum Pre-Bonus Heights as shown in Schedule B.
5. Map 5, Maximum Post-Bonus Heights, is amended by exempting the area within the boundaries of Precinct 1, 2, and 4 from Maximum Post-Bonus Heights as shown in Schedule C.
6. Map 7: Streetwall Heights, is amended by amending the streetwall heights within Precinct 2 as shown in Schedule D.
7. Insert the following maps and sketches after Map 10, Archaeological Resources:

Map 11, Old South Suburb Heritage Resources, as shown in the attached Schedule E

Map 12, Old South Suburb Heritage Conservation District Pre-Bonus Floor Area Ratio, as shown in the attached Schedule F.

Map 13: Old South Suburb Heritage Conservation District Post-Bonus Floor Area Ratio, as shown in the attached Schedule G

Sketch A as shown in the attached Schedule H

Sketch B as shown in the attached Schedule I

8. Definitions, Section 2, is amended by inserting the text as shown in bold as follows immediately following subsection (af) and before subsection (ag):

(afa) **Floor Area means the horizontal area of all floors in a building, 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 [date of adoption].**

9. Definitions, Section 2, subsection (ag) is amended by deleting the text as shown in strikeout:

(ag) **Floor area ratio (FAR) means ~~the gross area of all floors in a building, measured from the outside of external walls, divided by the area of a lot~~ the floor area of all main buildings on a lot divided by the area of the lot.**

10. Definitions, Section 2, is amended by inserting the text as shown in bold as follows immediately following subsection b(c):

(bcb) **Old South Suburb Heritage Building means a building identified on Map 11 as an Old South Suburb heritage building which existed on [date of adoption] in the Old South Suburb Heritage Conservation District, Precinct 2.**

(bcc) **Old South Suburb Heritage Property means a property which contains an Old South Suburb Heritage Building.**

(bcd) **Old South Suburb Integrated Development means new construction that occurs within an Old South Suburb Heritage Property.**

11. Land Use Requirements, Downtown Halifax Zone (DH-1), Residential Uses: Precinct 2 - Landscaped Open Space Requirements, Section 7(6) to 7(11), is amended by deleting the text as shown in strikeout as follows:

~~Residential Uses: Precinct 2 – Landscaped Open Space Requirements
(RC-Dec 13/11;E-Mar 3/12)~~

~~(6) Where any building is erected, altered, or used primarily for residential purposes in Precinct 2: Barrington Street South, the lot on which such building is located shall contain landscaped open space. (RC-Dec 13/11;E-Mar 3/12)~~

~~(7) For the purpose of subsection (6), primarily means more than 50% of the gross floor area is devoted to residential uses, including enclosed space serving residents of the building and areas devoted to personal services, such as laundry and waste disposal and common area.~~

~~(8) A minimum of 11.25 (RC-Dec 13/11;E-Mar 3/12) square metres of landscaped open space shall be provided for each dwelling unit in a building (RC-Dec 13/11;E-Mar 3/12).~~

~~(9) Deleted (RC-Dec 13/11;E-Mar 3/12)~~

~~(10) A maximum of 60% of the landscaped open space requirement may be transferred to the building rooftop, provided that:~~

~~(a) any rooftop landscaped open space is a minimum of (RC-Dec 13/11;E-Mar 3/12) 56 square metres in area; and~~

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

~~(c) the rooftop landscaped open space is located on a portion of the roof that is not sloping. (RC-Dec 13/11;E-Mar 3/12)~~

~~(11) The requirements of subsections (7) and (10) may be varied by site plan approval where the relaxation of the requirement is consistent with the Design Manual.~~

12. Built Form Requirements, Subsection 8(2), is amended by inserting the text as shown in bold as follows:

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.**

13. Built Form Requirements, Subsection 8(5), is amended by deleting the text as shown in strikeout and inserting the text as shown in bold as follows:

~~Registered Heritage Properties: Development on Abutting Property~~

Heritage Resources: Development Abutting a Registered Heritage Property or Old South Suburb Heritage Building

- (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 ~~be subject to~~ **meet** the requirements of the Design Manual.

14. Streetwalls, Subsection 9(5), is amended by inserting the text as shown in bold as follows:

Streetwall: Width

- (5) **Outside of Precinct 2, Old South Suburb Heritage Conservation District**, a streetwall shall extend the full width of a lot abutting the streetline.

15. Streetwalls, Subsection 9(7), is amended by inserting the text as shown in bold as follows:

Streetwall: Stepbacks

- (7) **Subject to Subsection 11(2.3)**, the following minimum stepbacks above the streetwall shall apply to buildings with streetwall setback requirements of 0 to 1.5 metres or 0 to 4.0 metres as identified on Map 6:
- (a) a minimum of 3 metres for that portion of a building that is a maximum of 33.5 metres in height; and
 - (b) a minimum of 4.5 metres for that portion of a building that is greater than 33.5 metres in height.

16. Building Setbacks and Stepbacks, Subsection 10(4), is amended by inserting the text as shown in bold as follows:

Mid-Rise Buildings

- (4) **Subject to Subsection 11(2.4)**, above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.

17. Precincts: Additional Requirements, Section 11, is amended by inserting the text as shown in bold, after Precinct 1: Southern Waterfront, as follows:

Precinct 2: Old South Suburb Heritage Conservation District

- (2.1) **Within the Old South Suburb Heritage Conservation District (Precinct 2), development shall be subject to the requirements of this Bylaw and 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 setback 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 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)

18. Post-Bonus Height Provisions, Section 12, is amended by inserting the text as shown in bold as follows immediately after Subsection 12(6) and before Subsection 12(7):

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).
- (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.

19. Schedule S-1, Downtown Halifax Design Manual, Table of Contents is amended by deleting the text as shown in strikeout and inserting the text as shown in bold as follows:

~~2.2 P2 – Barrington Street South~~ **Old South Suburb Heritage Conservation District**

20. Schedule S-1, Downtown Halifax Design Manual, Section 2, Downtown Precincts Guidelines, is amended by deleting the text as shown in strikeout and inserting the text as shown in bold as follows:

2.2 Precinct 2: ~~Barrington Street South~~

The following general criteria shall apply:

- ~~a) Retain, and to respect in future development, the small to mid-size types of buildings, or the effect achieved by buildings of that size range, and their relationship to the street, that currently exists along Barrington Street.~~
- ~~b) Ensure that buildings create an animated streetscape through active ground floor uses and pedestrian scaled design features.~~
- ~~c) Ensure that infill development along Hollis Street should be of a similar scale and type as that found on Barrington Street.~~
- ~~d) Permit surface parking lots only when they are an accessory use and are in compliance with the Land Use By Law and Design Manual.~~
- ~~e) Improve the pedestrian environment in the public realm.~~
- ~~f) Focus pedestrian activities at sidewalk level through the provision of weather protected sidewalks using well designed canopies and awnings.~~

Old South Suburb Heritage Conservation District

These design guidelines shall support the heritage conservation goals of the Old South Suburb Heritage Conservation District (HCD) Plan. The purpose of the HCD Plan is to encourage the preservation, rehabilitation, and restoration of the Old South Suburb's historic buildings, streetscapes, and public spaces. The Plan seeks to promote the District as a unique destination by securing existing heritage resources and by encouraging appropriate development, especially in the large empty spaces of the District. The following three heritage conservation goals are mutually supportive:

- (a) To promote the District as a heritage and cultural destination for residents and visitors capitalizing on a unique community identity;**
- (b) To secure and encourage public and private investments in heritage resources protecting and conserving the traditional character of the District; and**
- (c) To encourage cohesive development that supports a setting consistent with the traditional character of the District.**

21. Schedule S-1, Design Manual, Section 4.1, New Development in Heritage Contexts, is amended by inserting the text immediately following Section 4.1.7 as shown in bold as follows:

4.1.8 New Buildings in the Old South Suburb Heritage Conservation District (Precinct 2)

To enhance the heritage context throughout the entirety of the Old South Suburb Heritage Conservation District, within Precinct 2, Section 4.1, the guidelines for new development in heritage contexts, shall apply to all new development.

Within Precinct 2, Old South Suburb Heritage Conservation District, Section 4.4, the guidelines for integrated development, shall apply to all Old South Suburb Heritage Properties.

Within Precinct 2, Old South Suburb Heritage Conservation District, with the exception

of Section 4.3.4, Height Transition, Section 4.3, the guidelines for abutting development, shall apply to each property. Where a property does not directly abut an Old South Suburb Heritage Property, the guidelines for abutting development shall apply to the property relative to its nearest adjacent Old South Suburb heritage property with frontage on the same street.

22. Schedule S-1, Design Manual, Section 4.5, Guidelines for Facade Alteration on Registered Heritage Buildings and Buildings in Heritage Conservation Districts, is amended by inserting the text as shown in bold and deleting the text as shown in strikeout as follows:

4.5 Guidelines for Facade Alteration on Registered Heritage Buildings and Buildings in **Heritage Conservation Districts** ~~the Barrington Street Heritage Conservation District~~

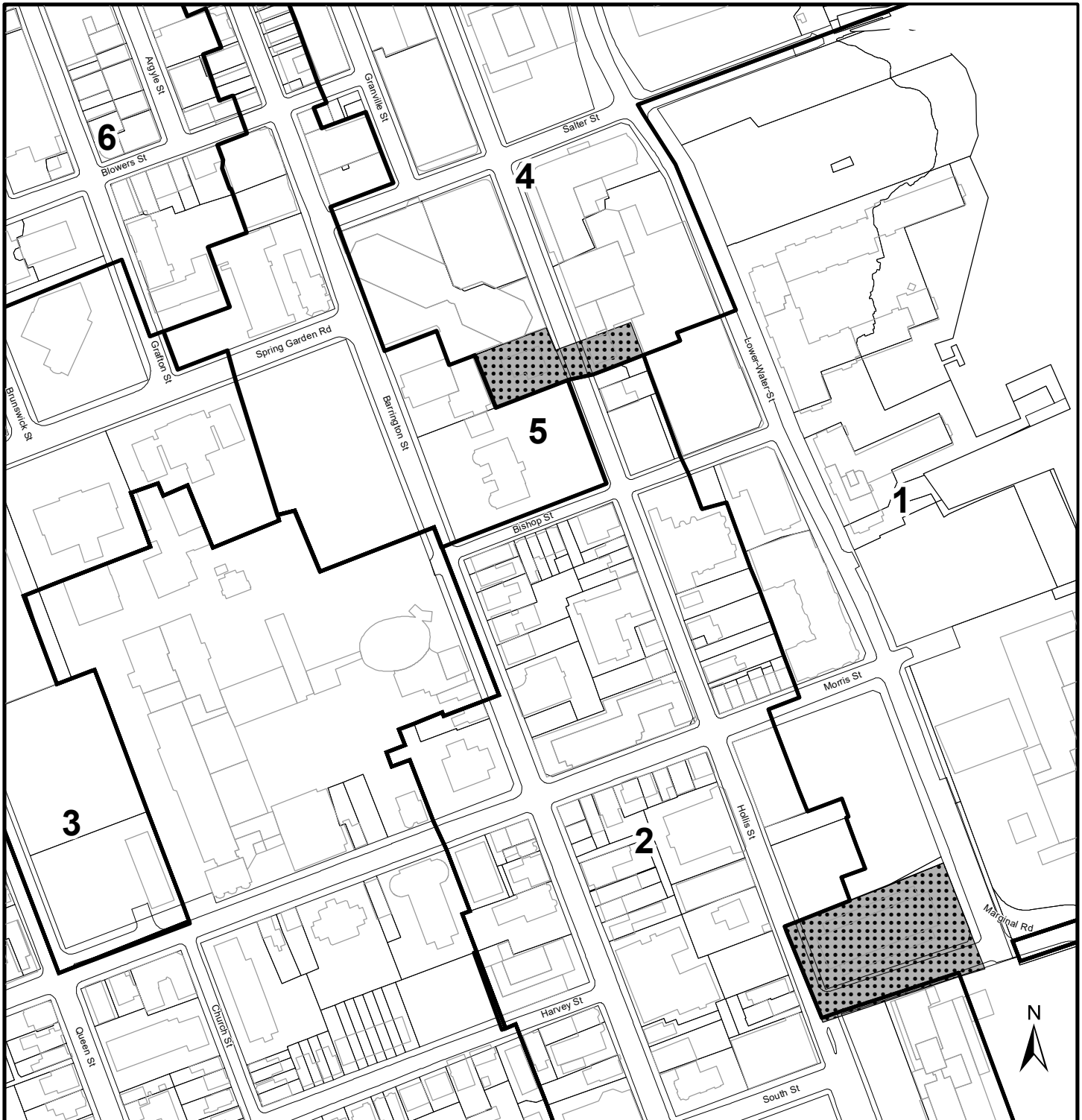
The intent of these guidelines is to conserve the character of historic buildings while allowing for reasonable change to improve their functional and economic viability and enable their rehabilitation and revitalization. These guidelines shall apply to all registered heritage buildings. These guidelines shall also apply to ~~registered heritage buildings, and~~ all buildings in the ~~heritage conservation districts~~ **Barrington Street Heritage Conservation District**.

Guidelines relating to storefronts (4.5.1, 4.5.2, and 4.5.3) do not apply to Old South Suburb Heritage Buildings, including all registered heritage properties within Precinct 2, the Old South Suburb Heritage Conservation District.

THIS IS TO CERTIFY that the by-law of which
this is a true copy was duly passed at a duly
called meeting of the Council of Halifax
Regional
Municipality held on the day of
,
A.D. 20____.

Given under the hand of the Municipal Clerk
and
under the corporate seal of the said
Municipality
this _____ day of _____, A.D. 20____.

Kevin Arjoon



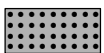
Schedule A - Amendments to Downtown Precincts

HALIFAX

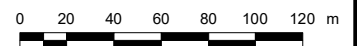
Downtown Halifax



Existing Precincts



Areas to be Removed from Precinct 1 (Southern Waterfront) and Precinct 4 (Lower Central Downtown) and added to Precinct 2 (Old South Suburb Heritage Conservation District)



The accuracy of any representation on this plan is not guaranteed.

Downtown Halifax Secondary Municipal Planning Strategy/ Downtown Halifax Land Use By-Law



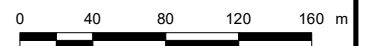
Schedule B - Amendments to Pre-Bonus Heights

Downtown Halifax

HALIFAX



Area to be removed from the Pre-Bonus Heights shown on Map 4 of the Downtown Halifax SMPS and on Map 4 of the Downtown Halifax LUB.



The accuracy of any representation on this plan is not guaranteed.

Downtown Halifax Secondary Municipal Planning Strategy/Downtown Halifax Land Use By-Law



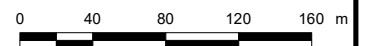
Schedule C - Amendments to Post-Bonus Heights

Downtown Halifax

HALIFAX

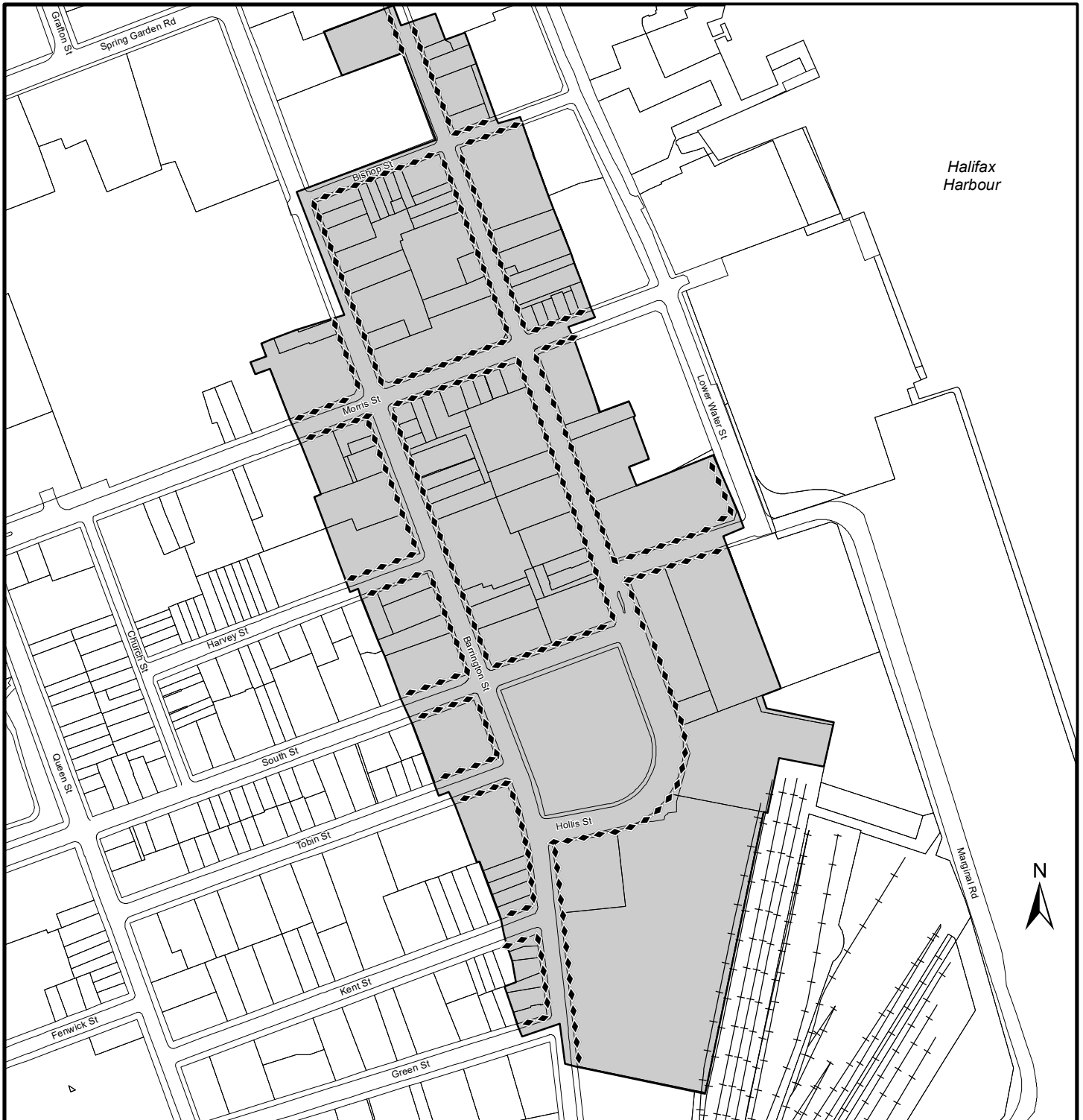


Area to be removed from the Post-Bonus Heights shown on Map 5 of the Downtown Halifax SMPS and on Map 5 of the Downtown Halifax LUB.



The accuracy of any representation on this plan is not guaranteed.

Downtown Halifax Secondary Municipal Planning Strategy/Downtown Halifax Land Use By-Law



Schedule D - Amendments to Streetwall Heights

Downtown Halifax

HALIFAX

◆◆◆◆◆ 11 Metres

■ Proposed Old South Suburb
Heritage Conservation District

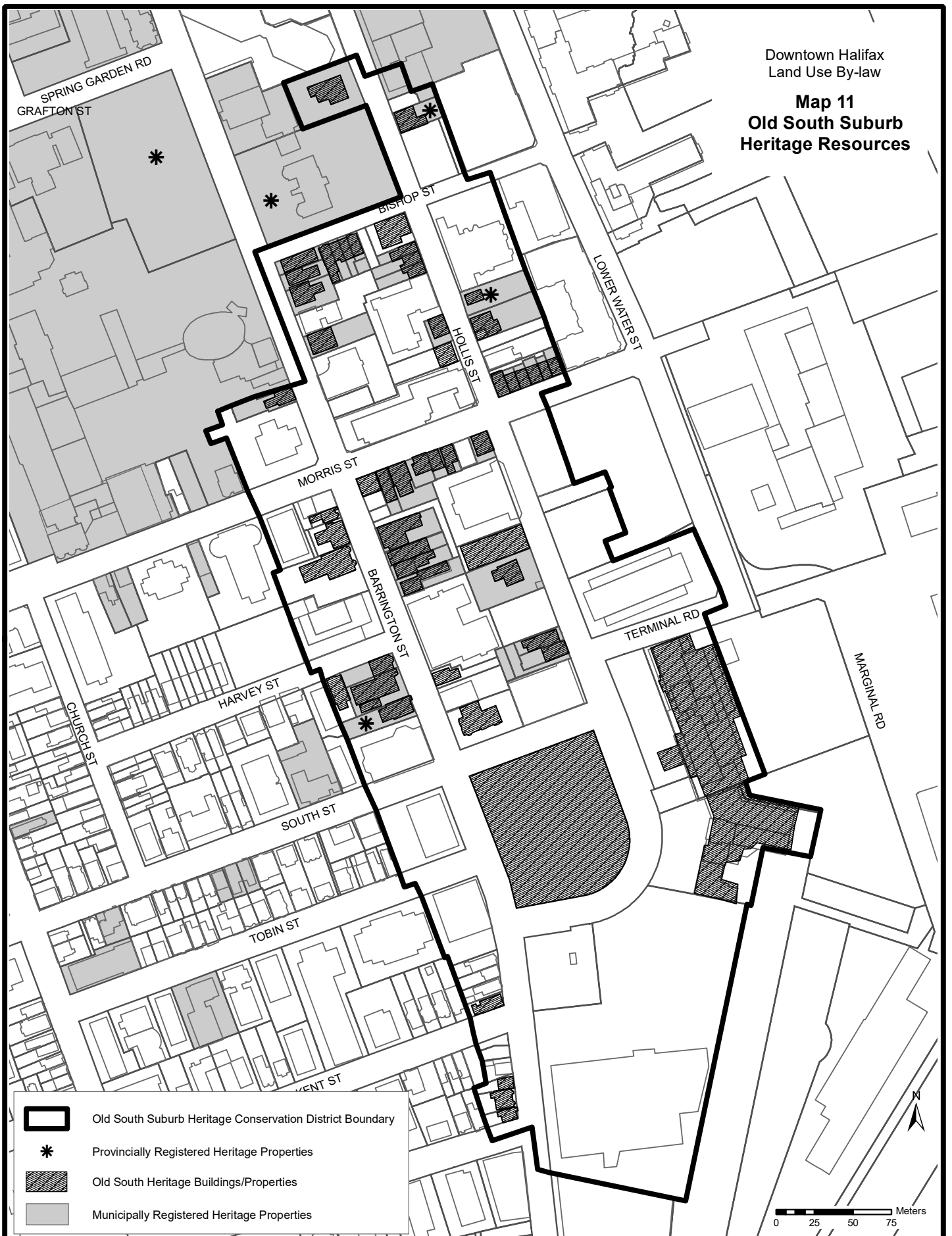
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The accuracy of any representation on
this plan is not guaranteed.

Schedule E

Downtown Halifax
Land Use By-law

Map 11 Old South Suburb Heritage Resources



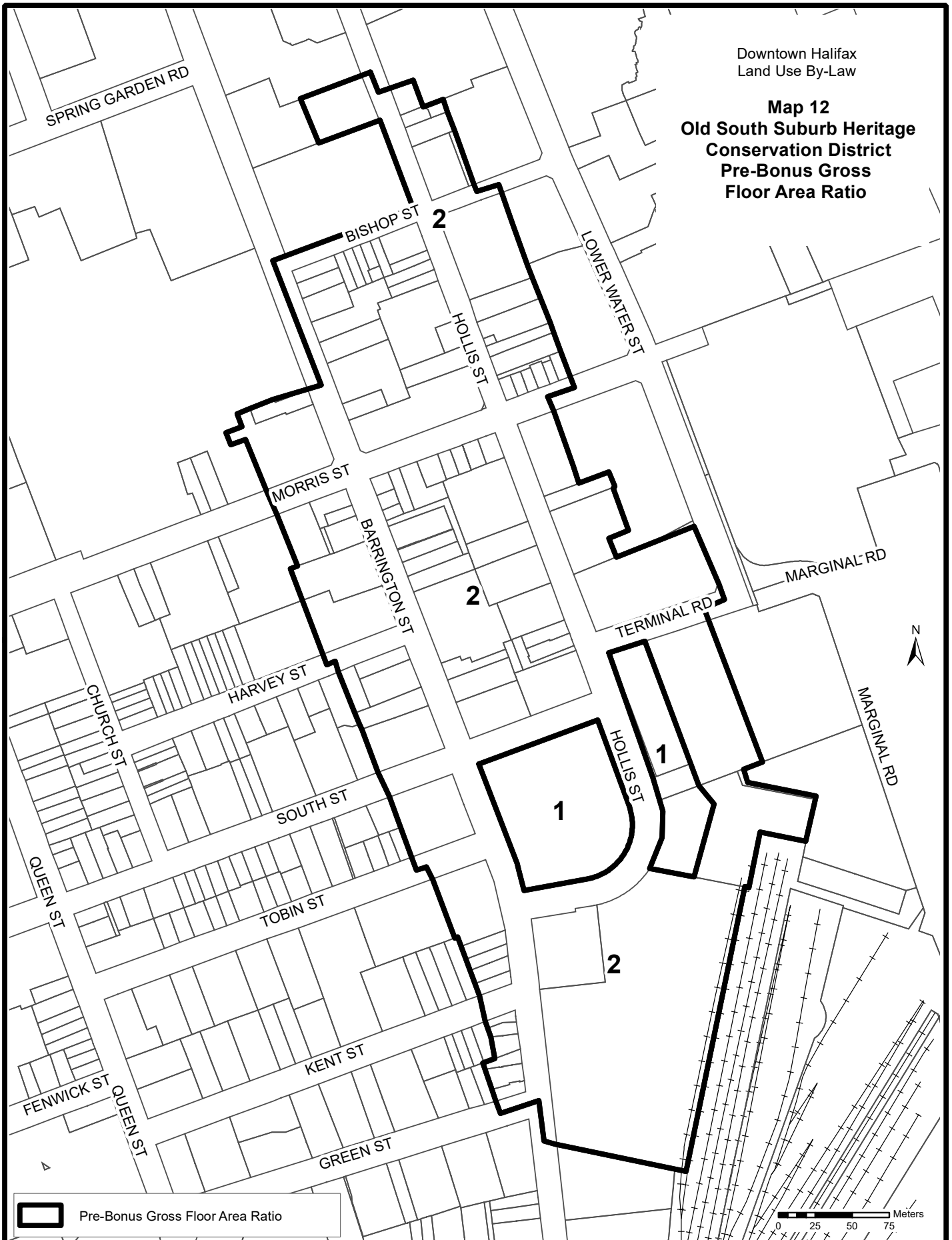
- Old South Suburb Heritage Conservation District Boundary
- Provincially Registered Heritage Properties
- Old South Heritage Buildings/Properties
- Municipally Registered Heritage Properties

Effective Date:

Note: Effective Date Does not indicate date of data creation.

Downtown Halifax
Land Use By-Law

Map 12
Old South Suburb Heritage
Conservation District
Pre-Bonus Gross
Floor Area Ratio



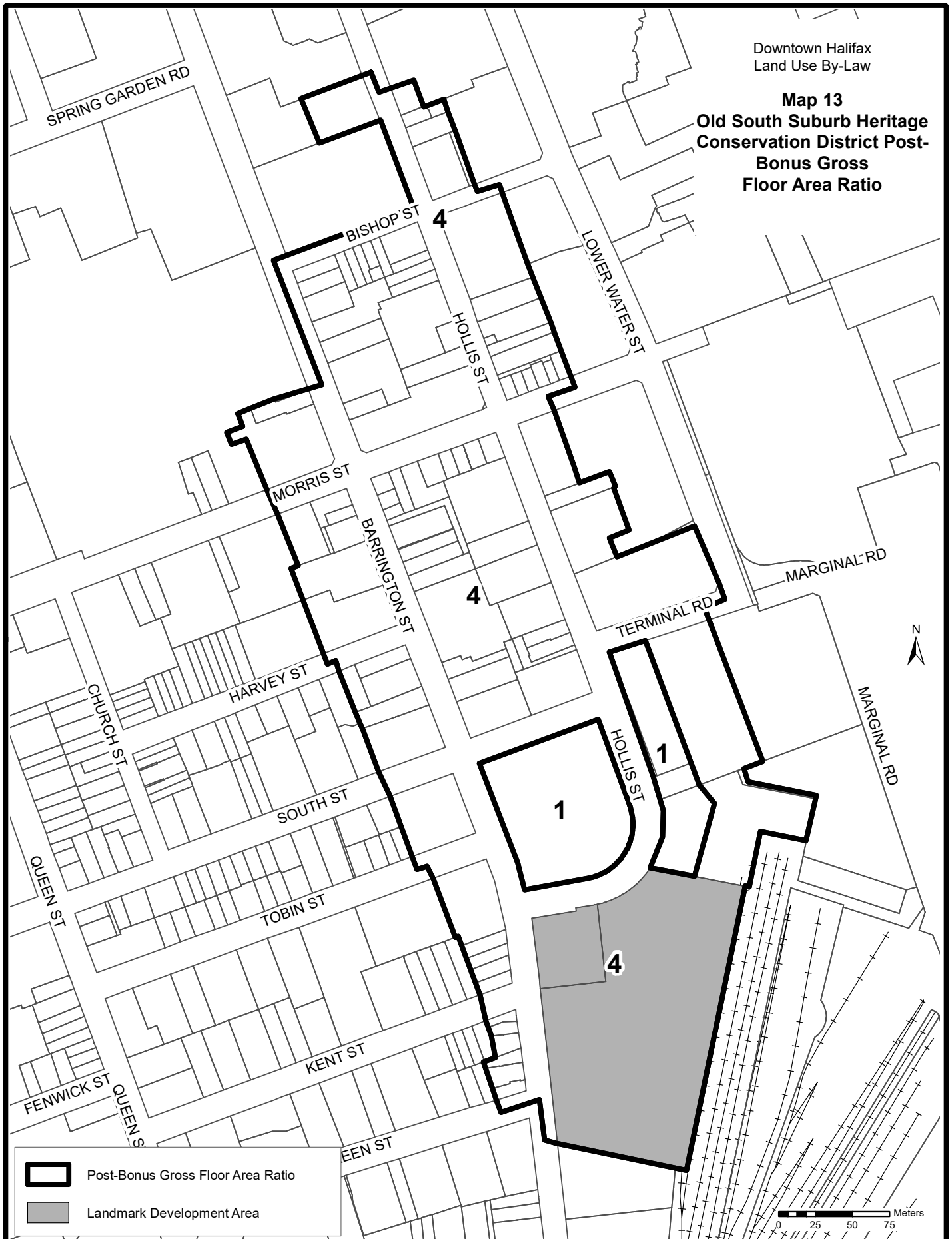
 Pre-Bonus Gross Floor Area Ratio

Effective Date:

Note: Effective Date Does not indicate date of data creation.

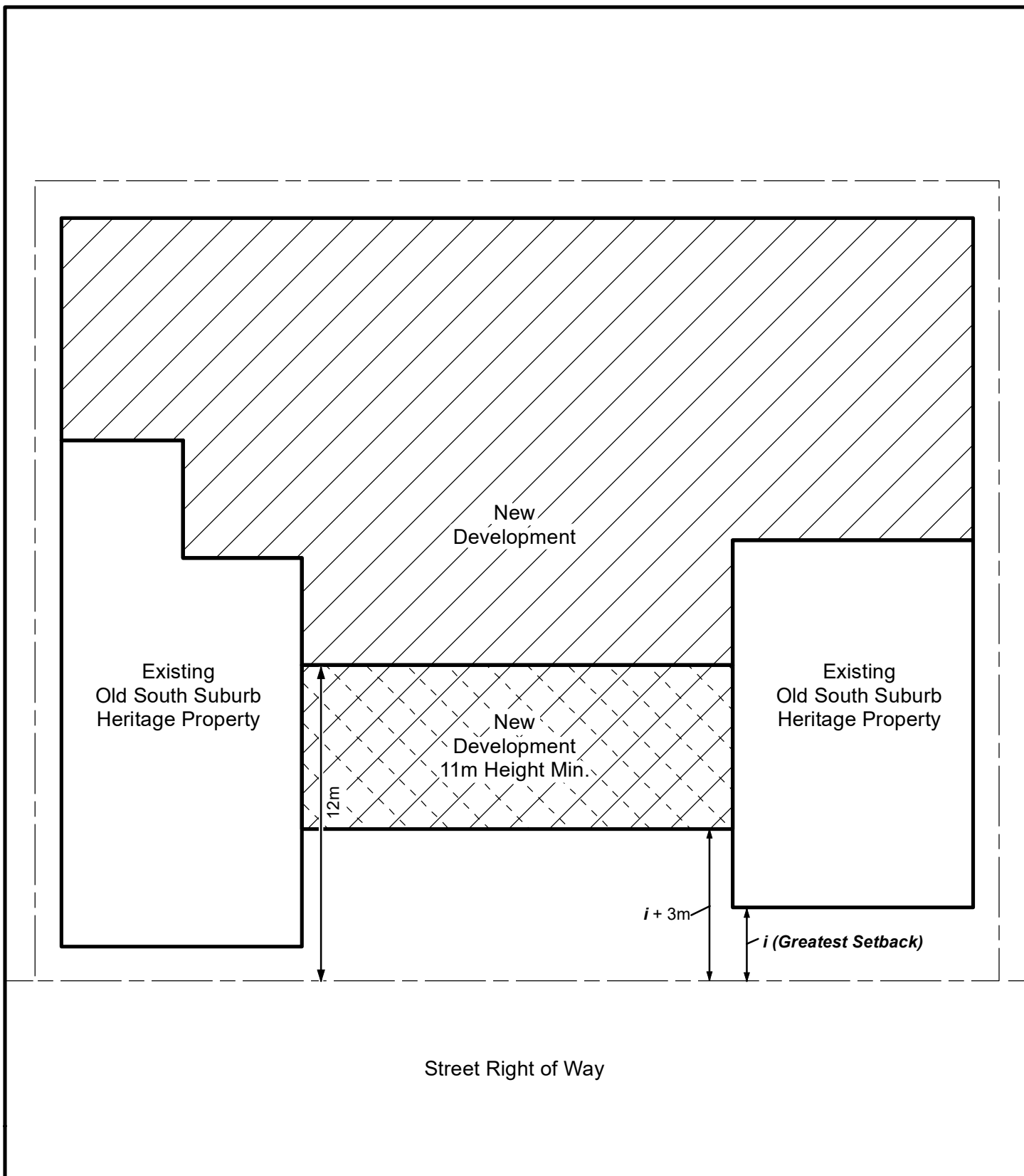
Downtown Halifax
Land Use By-Law

Map 13
Old South Suburb Heritage
Conservation District Post-
Bonus Gross
Floor Area Ratio



Effective Date:

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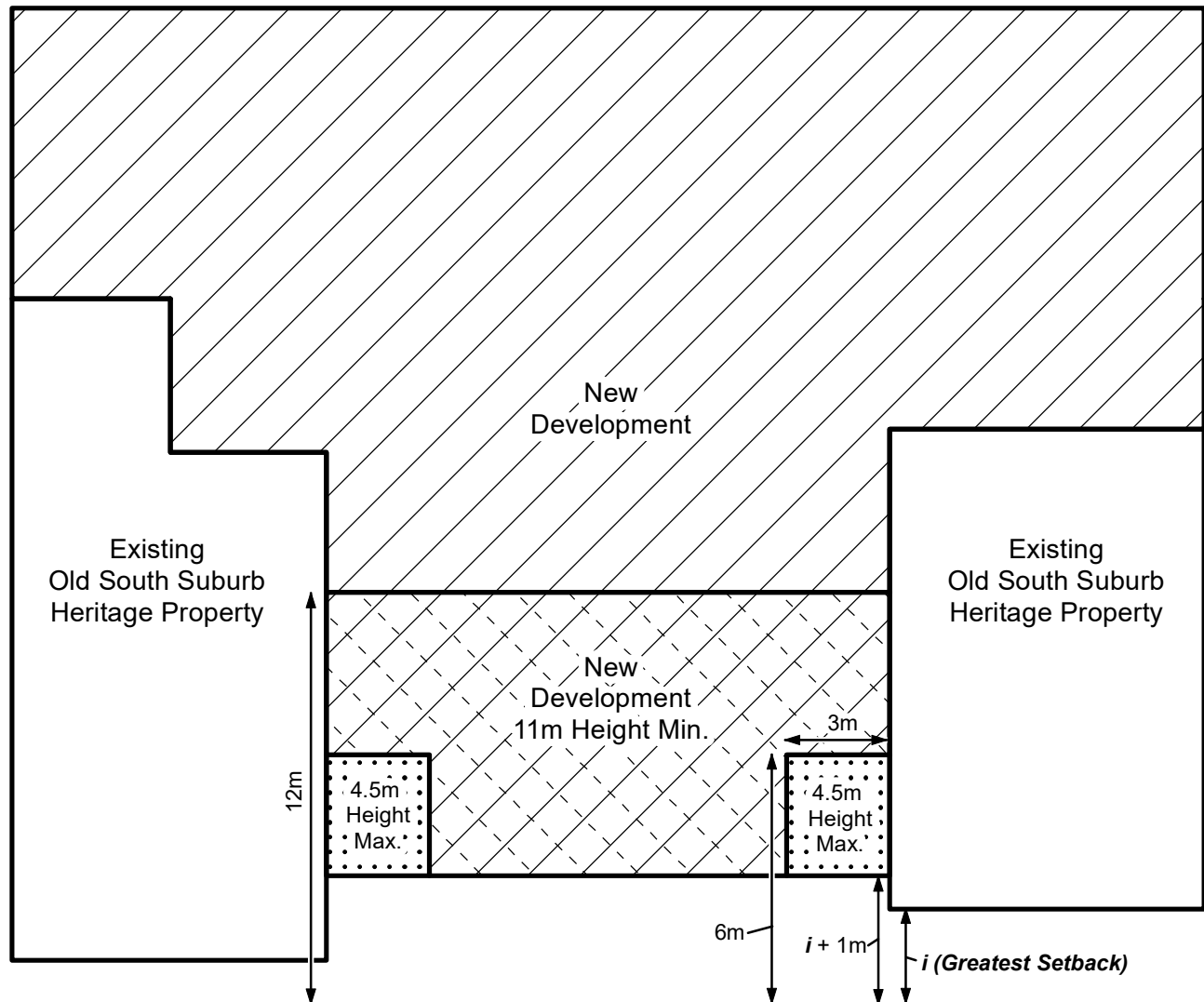


Sketch A

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, whichever is less.

**Sketch B****Section 11**

(2.2) The minimum setback from the front property line shall satisfy 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.