

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.3 (i)
Halifax Regional Council
December 10, 2019
January 14, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Kelly Denty, Director, Planning and Development
Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: December 3, 2019

SUBJECT: **H00446: Old South Suburb Heritage Conservation District -
Correspondence**

SUPPLEMENTARY REPORT

ORIGIN

On March 24, 2015, Halifax Regional Council passed the following motion:

Accept the background studies contained in Attachment A to initiate the process to establish a Heritage Conservation District in Barrington South (Old South Suburb).

LEGISLATIVE AUTHORITY

Heritage Property Act, including

Section "19A (1): A municipality may establish a heritage conservation district by concurrently adopting a heritage conservation district plan and a heritage conservation district by-law for a part of the municipality and there may be different conservation plans and conservation by-laws for different parts of the municipality."

Heritage Conservation Districts Regulations

Halifax Regional Municipality Charter, Part VIII

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the Old South Suburb Heritage Conservation District Plan and the Old South Suburb Heritage Conservation District By-law as contained in Attachments A and B, of the staff report dated September 25, 2019, with the following amendments:
 - a. Delete terms "Foreign Protestant" on page 5 of the Old South Suburb Heritage Conservation District Plan and replace with the terms "primarily German-speaking" and "German-speaking", as set out in Attachment A of the supplementary staff report dated December 3, 2019;

Recommendation continued on next page

- b. Delete Map 1, Heritage Resources, of the Old South Suburb Heritage Conservation District Plan and replace with Map 1, Heritage Resources, contained in Attachment B of the supplementary staff report dated December 3, 2019;
- c. Delete heritage property inventory sheets for 1144 Barrington Street, 1146-48 Barrington Street and 1150 Barrington Street in the Old South Suburb Heritage Conservation District Plan and replace with heritage property inventory sheets for 1144 Barrington Street, 1146-48 Barrington Street and 1150 Barrington Street, contained in Attachment C of the supplementary staff report dated December 3, 2019; and
- d. Delete Schedule A, Heritage Resources, of the Old South Suburb Heritage Conservation District By-law and replace with Schedule A, Heritage Resources, contained in Attachment D of the supplementary staff report dated December 3, 2019

and schedule a public hearing;

2. Give First Reading to consider the amendments to the Downtown Halifax Municipal Planning Strategy and the amendments to the Downtown Halifax Land Use By-law as contained in Attachments C and D of the staff report dated September 25, 2019, with the following amendments:
 - a. Delete Schedule E, Map 7.5, Old South Suburb Heritage Resources, contained in Attachment C of the staff report dated September 25, 2019 and replace with Schedule E, Map 7.5, Old South Suburb Heritage Resources, contained in Attachment E of the supplementary staff report dated December 3, 2019; and
 - b. Delete Attachment D, amendments to the Downtown Halifax Land Use By-law, contained in the staff report dated September 25, 2019 and replace with Attachment D, amendments to the Downtown Halifax Land Use By-law, contained in Attachment F of the supplementary staff report dated December 3, 2019;

and schedule a public hearing; and

3. Adopt the Old South Suburb Heritage Conservation District Plan, the Old South Suburb Heritage Conservation District By-law and amendments to the Downtown Halifax Secondary Municipal Planning Strategy for Halifax and amendments to the Downtown Halifax Land Use By-law, as set out in Attachments A, B, C, and D of the staff report dated September 25, 2019, with the amendments set out in supplementary staff report dated December 3, 2019.

BACKGROUND

Several issues have arisen since the Old South Suburb Heritage Conservation District (HCD) documents were submitted for review to the Heritage Advisory Committee, Design Review Committee, and Community Planning and Economic Development Standing Committee. These issues have been reviewed by Staff and are being presented to Regional Council for consideration as part of the adoption of the Old South Suburb HCD plan and by-law.

The following items are discussed in this supplementary report:

1. In November 2019, the buildings at 1144, 1146-48, and 1150 Barrington Street were demolished, but are still shown in the HCD documents as heritage resources;
2. The Heritage Advisory Committee passed a motion to explain the term “foreign Protestant” used in the historical context section of the Heritage Conservation District Plan;
3. To facilitate the future transition to the Centre Plan documents and to ensure consistency, two proposed land use by-law provisions require adjustment; and
4. The Design Review Committee passed a motion in support of greater density for development on the property known as the Black-Binney House at 1472 Hollis Street.

DISCUSSION

1. Demolition of Three Buildings at 1144, 1146-48, & 1150 Barrington Street

In November 2019, three heritage resources were demolished. To recognize this action, the maps, schedules, and inventory sheets in the HCD Plan and By-law and in the amendments to the Downtown Halifax Secondary municipal planning strategy and land use by-law require amendments to no longer identify these properties as heritage resources. The proposed changes are contained Attachments B, C, D and E of this report.

2. Heritage Advisory Committee (HAC) Motion Seeking Explanation for “Foreign Protestant” Terminology

The HAC motion seeks an explanation on the use of the term “foreign Protestant” in the historic context section of the Heritage Conservation District Plan. The term is used regularly in historical literature, but is not central to the heritage values statement of the Heritage Conservation District, so its removal will not impact the plan. The phrase in question will be replaced with the equally accurate term “German-speaking”.

3. Aligning Land Use By-law Amendments with Centre Plan

Changes to the Downtown Halifax Land-Use By-law amendments are proposed to facilitate the future transition to the Centre Plan documents and to ensure consistency in the intent, language, and format of the policy and regulatory provisions, Attachment F of this report contains proposed changes to mitigate inconsistencies, including:

- Revised language and format for street-line setbacks for infill and integrated development; and
- An updated formula for calculating post-bonus floor area ratio (FAR) consistent with Centre Plan which utilizes a lower rate than what was previously proposed.

Attachment F of this report includes the necessary changes to the amendments to the Downtown Halifax Land Use By-law to correct the above noted inconsistencies.

4. Design Review Committee Motion for Increased Development Potential at 1472 Hollis Street

The Design Review Committee recommends an increase to the post-bonus FAR permitted on the Black-Binney (1472 Hollis Street) property from 4 to 5 FAR in response to a request made by the property owner. This change would be inconsistent with the intent of the planning framework proposed for the heritage district, which calls for new construction that is subordinate to heritage buildings. A FAR of 4 on this site is considered appropriate given the heritage context, and that the property owner could potentially achieve a building height of 9-10 storeys (3-4 storeys more than is currently attainable under the existing zoning) under the proposed HCD policies.

High-rise development of the scale proposed by the property owner on a National Historic Site and adjacent to several federally, provincially and municipally designated heritage properties is not consistent with the conservation standards that HRM has adopted. Staff advise that such an amendment would necessitate a substantive change to the policy and regulations contained in the HCD plan and By-law, resulting in a postponement of the HCD adoption and the need for a supplementary report.

FINANCIAL IMPLICATIONS

All HRM costs associated with implementing the Heritage Conservation District Plan can be accommodated within annual operating budget for C340 Planning & Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

To reach this conclusion, consideration was given to operational, financial, and/or strategic risks.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement included information sharing achieved through public access to the required Heritage Advisory Committee, Design Review Committee and Community Planning and Economic Development Standing Committee meetings.

ENVIRONMENTAL IMPLICATIONS

No concerns identified.

ALTERNATIVES

1. Halifax Regional Council may choose to adopt the Old South Suburb Heritage Conservation District Plan and the Old South Suburb Heritage Conservation District By-law as contained in Attachments A and B, of the staff report dated September 25, 2019 and the amendments to the Downtown Halifax Municipal Planning Strategy and the amendments to the Downtown Halifax Land Use By-law as contained in Attachments C and D of the staff report dated September 25, 2019, with amendments other than those amendments recommended in the staff reported dated December 3, 2019.
2. Halifax Regional Council may adopt the Old South Suburb Heritage Conservation District Plan and the Old South Suburb Heritage Conservation District By-law as contained in Attachments A and B, of the staff report dated September 25, 2019 and the amendments to the Downtown Halifax Municipal Planning Strategy and the amendments to the Downtown Halifax Land Use By-law as contained in Attachments C and D of the staff report dated September 25, 2019, without the amendments set out in the supplementary staff reported dated December 3, 2019.

ATTACHMENTS

Attachment A: Old South Suburb Heritage Conservation District Plan, page 5

Attachment B: Map 1, Heritage Resources

Attachment C: Heritage property inventory sheets for 1144 Barrington Street, 1146-48 Barrington Street and 1150 Barrington Street

Attachment D: Schedule A, Heritage Resources

Attachment E: Schedule E, Map 7.5, Old South Suburb Heritage Resources

Attachment F: Attachment D, Amendments to the Downtown Halifax Land Use By-law

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Seamus McGreal, Planner III, 902-490-4663

Report Approved by: Original Signed
Eric Lucic, Manager of Regional Planning, 902-430-3954

Attachment A
Old South Suburb Heritage Conservation
District Plan, page 5

1. Replace references to "foreign Protestant" in the following Historical Context section of the Old South Suburb Heritage Conservation District Plan as highlighted.

1. Introduction

1.1 Historical Context

Concerns in Massachusetts about the possibility of a French invasion of Acadia, in the middle of the 18th century, persuaded the British Government to create a fortified town in the colony of Nova Scotia. In 1749, the town of Halifax was established between Citadel Hill and the harbour. Charles Morris laid out a plan for the town, confined within a palisade fence. He surveyed the land that was to become the north and south suburbs. Settlers, primarily Irish fishermen, settled to the south of the original town's palisade gates while **primarily German-speaking** farmers settled to the north of the palisade gates. Many of these original Irish settlers re-established, in coastal villages, around the Chebucto Peninsula and some of the **German-speaking** settlers moved to Lunenburg where they acquired new skills as fishermen.

During the late 18th century and first half of the 19th century, early settlers, including Empire Loyalists, after the American Revolution, constructed Georgian style wood and stone dwellings to the south of the fortified town where lots were much larger in what is now known as the Old South Suburb. Some of these early dwellings are still standing today. After fluctuating economic fortunes in Halifax, the first half of the 19th century witnessed a period of economic expansion and immigration, related to the Golden Age of Sail and the associated shipping industry concentrated along the waterfront and dockyard. There was a great demand for labour intensive jobs including the loading of cargo, warehousing and delivery of goods. Immigration, especially from Ireland, compelled residential growth beyond the confines of the original town.

The Old South Suburb developed between Pleasant Street¹ (now part of Barrington Street south of Spring Garden Road) and the harbour, outside of the fortified palisade fences of the original town where a cemetery and other religious and government institutions were established. Much of the Old South Suburb and part of the original town were known locally as Irishtown, especially between 1860 and 1890, due to the significant Irish presence and influence in the area. Suburbs also developed to the north of both the town and Citadel Hill. A suburb known as Schmidville was planned and developed on farmland to the south of Citadel Hill.

In the late 19th century, steamboats had begun to take trade away from sail and associated industries. Consequently, by 1890 downtown Halifax and the Old South Suburb had lost much of its general residential population. Many residential buildings of brick and stone masonry were put to commercial uses while many of the wooden-framed buildings were demolished. For several decades, economic development was slow in the area until the Canadian National Railways invested in the construction of the Canadian National Railway (Via Rail in 2019) Station between 1928 and 1930 on a former industrial site². Around this same time, CNR

¹ Pleasant Street once extended south from the original town to Point Pleasant Park. It was used by residents for recreational walks until the railway was introduced in the 20th century blocking passage to the park.





² Hollis Street was later extended to connect with Barrington Street south of Cornwallis Park to facilitate streetcar access to the Canadian National Railway (Via Rail) Station.

Attachment B
Map 1, Heritage Resources

1. Replace Map 1 with the revised Map 1 in this Attachment

**Old South Suburb
Heritage
Conservation District
Plan
Map 1
Heritage Resources**



-  Old South Suburb Heritage Conservation District Boundary
-  Provincially Registered Heritage Properties
-  Contributing Heritage Resource
-  Municipally Registered Heritage Properties

0 25 50 75 Meters

Effective Date:

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

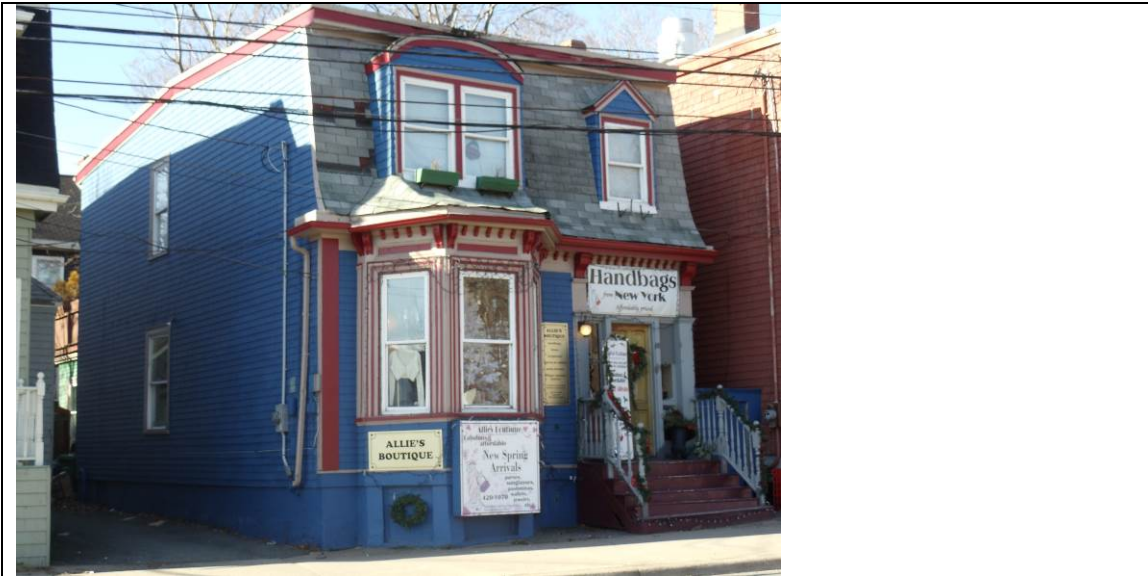
T:\work\planning\SER_Group\SER_Plans\Projects\SER17016\Maps_Plans\Revised as of Dec 3 2019

Attachment C
Heritage property inventory sheets for
1144 Barrington Street, 1146-48
Barrington Street and 1150 Barrington
Street

1. Replace inventory sheets in Appendix A of the Old South Suburb Heritage Conservation District Plan with revised inventory sheets for 1144, 1146-48, and 1150 Barrington Street in this Attachment.

Photograph (front elevation)

Building Demolished on November 25, 2019



Building No.	#34	Researcher:	A. M. Withrow
Civic Address	1144 Barrington Street	Date:	February 2011
Building Name			
Construction Date	1893		

Architectural Comments:

This structure was designed in a "Second Empire Style" townhouse. It is one and a half storey wooden shingled structure with a mansard roof. Two different styled dormers are located in the roof providing natural sunlight to access the upper storey. A three sided bay window is placed on the first storey with small single brackets as well as larger brackets located on the façade of the building as decoration.

Historical Comments:

This structure has had only a few owners and was built around the same time period as the other three properties that were owned by John Naylor located between Kent and Tobin Streets. During the late 1960s it became a rooming house and by the 1990s it was a commercial property.

Contextual Building Comments:

This structure along with the other three properties located next door all fit well within the district where they are located. Today it is a commercial property and the front entrance has been changed with the transom window no longer visible. The numerous signs do not add anything to the façade of the building except to allow people to know what is being offered in this structure.

Contextual District Comments:

Other than the numerous signage placed on the façade of the building, the structure does fit well within the area where it is located. The architectural style is very common for this area.

Original Owner(s):	John and Elizabeth Holland
Occupation:	An Awning Manufacturer (produces blinds)

Present Owner(s):	Aline Fineberg
Address:	1144 Barrington Street Halifax, NS B3H 2R3

Year Built:	1893
Factual/Estimate?	Factual
Sources:	Registry of Deeds in Dartmouth, NS; McAlpine City Directories

Builder:	Unknown; Build for the Holland Family
Present Use:	Boutique and Apartment

History of Building:

OWNER	FROM:	TO:	OCCUPATION	BOOK • PAGE
Aline Fineberg	2006-2014			#86259653
Jonathan Levin (et al)	1995-2006			5775-619
Cleveland Dev. Ltd. Inc.	1985-1995			4048-957
Barbara D. Lohnes	1970-1985			2386-1004
Landways Dev. Ltd.	1967-1970			2159-1019
Nesco Ent. Ltd.	1965-1967			2059-439
Town & Country Ltd.	?-1965			?
Else Akerlund	1928-?		W/o H. Akerlund	612-1033
Harry D. Holland	1926-1928		V.P. Farquhar Bros.	596-548
Elizabeth Holland	1893-1926		W/o John Holland	291-315

Comments on Historical Associations:

Herman Akerlund was an US Immigration inspector but the property was purchased and registered in his wife's name, Else Akerlund. This was quite common during the 1880s and later to register properties in their wife's name. John Holland's business was making blinds. His wife, Elizabeth Holland paid \$500.00 for the property known as Lot #3 on John Naylor's surveyed plans for his properties located between Kent and Tobin Streets. It was not possible to discover how the Town and Country Ltd. Received the property. They sold and purchased numerous properties throughout Halifax and surrounding areas.

Photograph (front elevation)

Building Demolished on November 25, 2019



Building No.	#35
Civic Address	1146-48 Barrington Street
Building Name	Formerly #134 Pleasant Street; & 206-206 ½ Barrington Street
Construction Date	Bet. 1895-96

Researcher:	A. M. Withrow
Date:	February 2011

Architectural Comments:

This structure was Architecturally designed in a “Second Empire Style” townhouse. It is a one and half storey wooden shingled/brick structure; with a stone foundation and a mansard roof. A small single and double paired window dormer is located in the roof. Around 1945 the structure was being used for business purposes as well as a residence. The two entrances have been altered along a brick façade bring added to the building.

Historical Comments:

The building was originally purchased by James Payzant from John Nawlor in 1892, but James Payzant sold the lot to William Morrisey for \$600.00; which indicates that a building could not have been constructed at this time and in the City directories it shows that the structure was here by 1895-96. By the mid-1940s the building is listed as a commercial property with an apartment located in the upper storey.

Contextual Building Comments:

Originally this bulding was similar in design as the other structures located nearby but once it was changed to commercial property the façade was altered somewhat with the addition of the brick façade. However the original design is still visible as the mansard roof has not been altered.

Contextual District Comments:

This small structure is similar in style to the other buildings in the area and even though it is now commercial property it still fits well within the district.

Present Owner(s):	Joanne Karmas	Original Owner(s):	William S. Morrisey
Address:	6 Lanshaw Close	Occupation:	Telegraph Operator
	Halifax, NS B3S 1E7		

Year Built:	Bet. 1895-1896
Factual/Estimate?	Factual
Sources:	Registry of Deeds in Dartmouth, NS; McAlpine City Directories

Builder:	Unknown
Present Use:	Pizza Restaurant and apartment

History of Building:

OWNER	FROM:	TO:	OCCUPATION	BOOK • PAGE
Joanne Karmas	1983-2014			3728-569
George Tsoulouchas	1973-1983		Merchant	2650-686
Steve Tzagarakis (et ux)	1942-1973		Retired	841-174
James S. Wilson (et al)	1942-1942		Clerk	?
Jennie S. Wilson	1934-1943		Widow	718-676
Maxine Wilson (et al)	1913-1934		Ch/of Wilson	?
Alex Wilson	1909-1913		Merchant	414-390
James Wilson	1905-1909		Clerk	370-769
WM. J. Morrisey	1895-1905		Telegraph Operator	303-288
James A. Payzant	1892-1895		Physician	290-680

Comments on Historical Associations:

William Morrisey purchased the property known as Lot #4 on John Naylor's survey plan of his five properties for \$600.00 which shows us that he must have been the one to have this structure built. The Wilson family notes: Alex Wilson purchased the property and died in 1913, only four years after buying the house; His will states that his son, Daniel Wilson, could live in the house until his death (D. 1926) then the property goes to his other children, Maxine, James and Margaret. These three children deeded the property back to their mother, Jennie Wilson, until her death in 1942. She died intestate and the remaining surviving children, James Wilson and Maxine Nichols, sold the property to Steve Tzagarakis in 1942.

Photograph (front elevation)

Building Demolished on November 25, 2019



Building No.	#36
Civic Address	1150 Barrington Street
Building Name	Formerly #136 Pleasant Street and Barrington Street
Construction Date	1893

Researcher:	A.M Withrow
Date:	February 2011

Architectural Comments:

This structure was built Architecturally as a “Second Empire Style” townhouse. It is a one and half storey wooden structure with a truncated styled roof and a stone foundation. A two storey three sided bay window extends from the ground level to the roof. The Entrance has sidelights and a transom window; with small brackets situated under the cornice located over the door. Larger single brackets are placed under the eaves of the roof and above the bay window.

Historical Comments:

John Naylor owned this lot of land, along with a number of properties throughout Halifax City and was a well-known real estate dealer and social activist. He sold this property to the Southall family who were responsible for the structure to be built and members of this family resided for over 60 years.

Contextual Building Comments:

This building is similar in design as the other four structures located nearby on the same block of land once owned by John Naylor. Only a few alterations have been made to this structure. A cast iron railing was added to the property giving it a more decorative look and cement steps have been added and may have originally been placed in the opposite direction, parallel to the street.

Contextual District Comments:

This structure fits well with the other homes located in the area. The style is quite popular in this district and it has retained its originality for over one hundred years.

Present Owner(s):	Visilios Migas	Original Owner(s):	Frederick Southall
Address:	1150 Barrington Street	Occupation:	Postal Clerk
	Halifax, NS B3H 2R3		

Year Built:	1893
Factual/Estimate?	Factual
Sources:	Registry of Deeds in Dartmouth, NS; McAlpint City Directories

Builder:	Unknown
Present Use:	Private Residence

History of Building:

OWNER	FROM:	TO:	OCCUPATION	BOOK • PAGE
<i>Christos Magas</i>	2014-Pres			#104584488
Vasilios Magas (et ux)	1976-2014			3001-302
Gail Cooper	1975-1976			2902-762
Ken Lee	1974-1975			2820-911
Margaret Lee	1964-1974			1987-429
She Quon Lee	1955-1964			1352-306
Andrew Cuprik	1953-1955			1228-83
Loan Realty Ltd.	1953-1953			1228-72
Heirs/Annie Southall	1953-1953			642-52 (Will)
Annie Southall	1928-1953			642-52 (Will)
Frederick Southall	1893-1928		Postal Clerk	323-426

Comments on Historical Associations:





Fred Southall lived here until his death in 1928. Then his wife, Annie, continued to live in this house until her death in 1953. This property is listed as Lot#5 on the survey plan for John Naylor, a real estate dealer. He sold it to the Southall Family in 1893 but the deed was not registered until 1899.

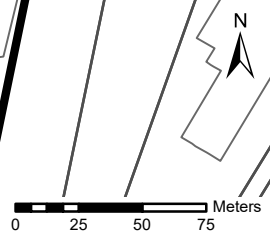
Attachment D
Schedule A, Heritage Resources

1. Replace Schedule A with the revised Schedule A in this Attachment.

**Old South Suburb
Heritage
Conservation District
By-Law
Schedule A
Heritage Resources**



-  Old South Suburb Heritage Conservation District Boundary
-  Provincially Registered Heritage Properties
-  Contributing Heritage Resource
-  Municipally Registered Heritage Properties



Effective Date:

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

T:\work\planning\SER_Group\SER_Plans\Projects\SER17016\Maps_Plans\Revised as of Dec 3 2019

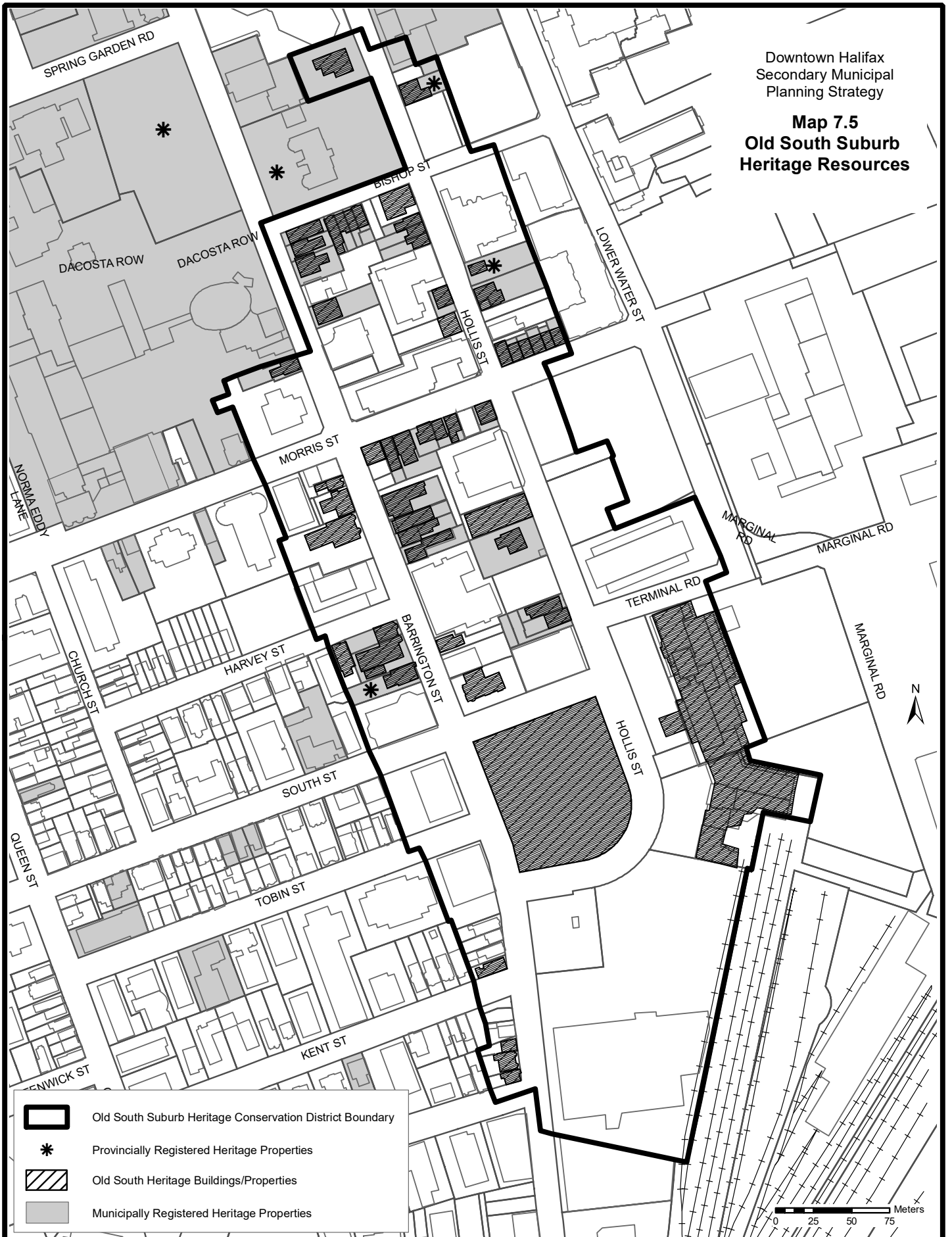
Attachment E
Schedule E, Map 7.5, Old South
Suburb Heritage Resources

1. Replace Schedule E with the revised Schedule E in this Attachment.

Schedule E

Downtown Halifax
Secondary Municipal
Planning Strategy

Map 7.5 Old South Suburb Heritage Resources



Effective Date:

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

Attachment F
Attachment D, Amendments to the
Downtown Halifax Land Use By-law

1. Replace the amendments to the Downtown Halifax Land Use Bylaw with the revised amendments to the Downtown Halifax Land Use Bylaw in this Attachment.

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 strikethrough:

- (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 strikethrough 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 strikethrough 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 strikethrough 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**

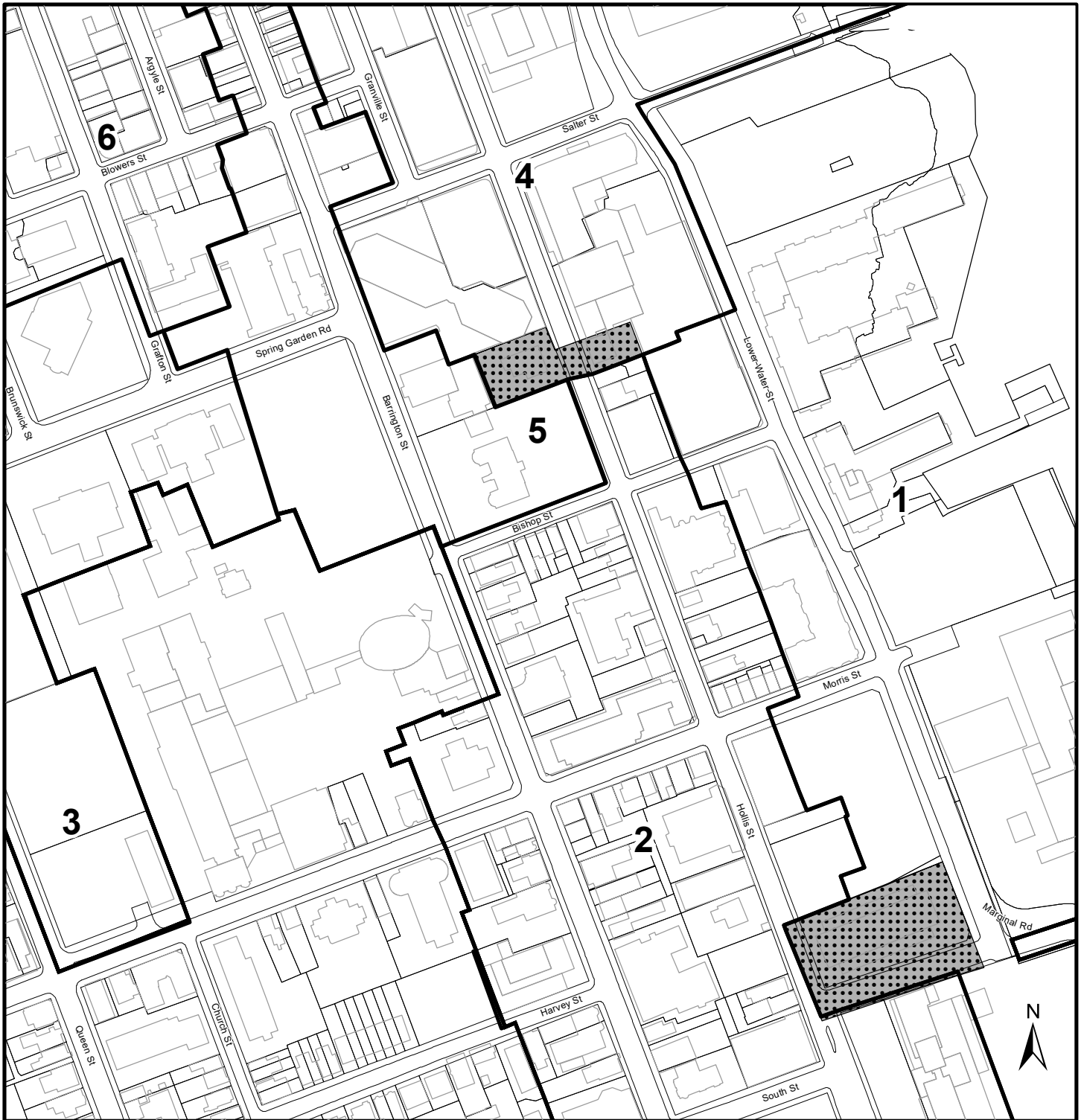
The intent of these guidelines is to conserve the character of historic buildings while allowing for reasonable change to improve their functional and economic viability and enable their rehabilitation and revitalization. These guidelines shall apply to all registered heritage buildings. These guidelines 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



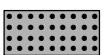
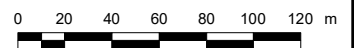
Schedule A - Amendments to Downtown Precincts



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



Halifax Harbour



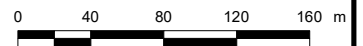
Schedule B - Amendments to Pre-Bonus Heights

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



Halifax Harbour

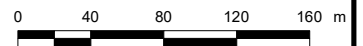
Schedule C - Amendments to Post-Bonus Heights

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

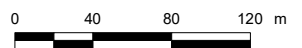



Schedule D - Amendments to Streetwall Heights

Downtown Halifax



◆◆◆◆◆ 11 Metres



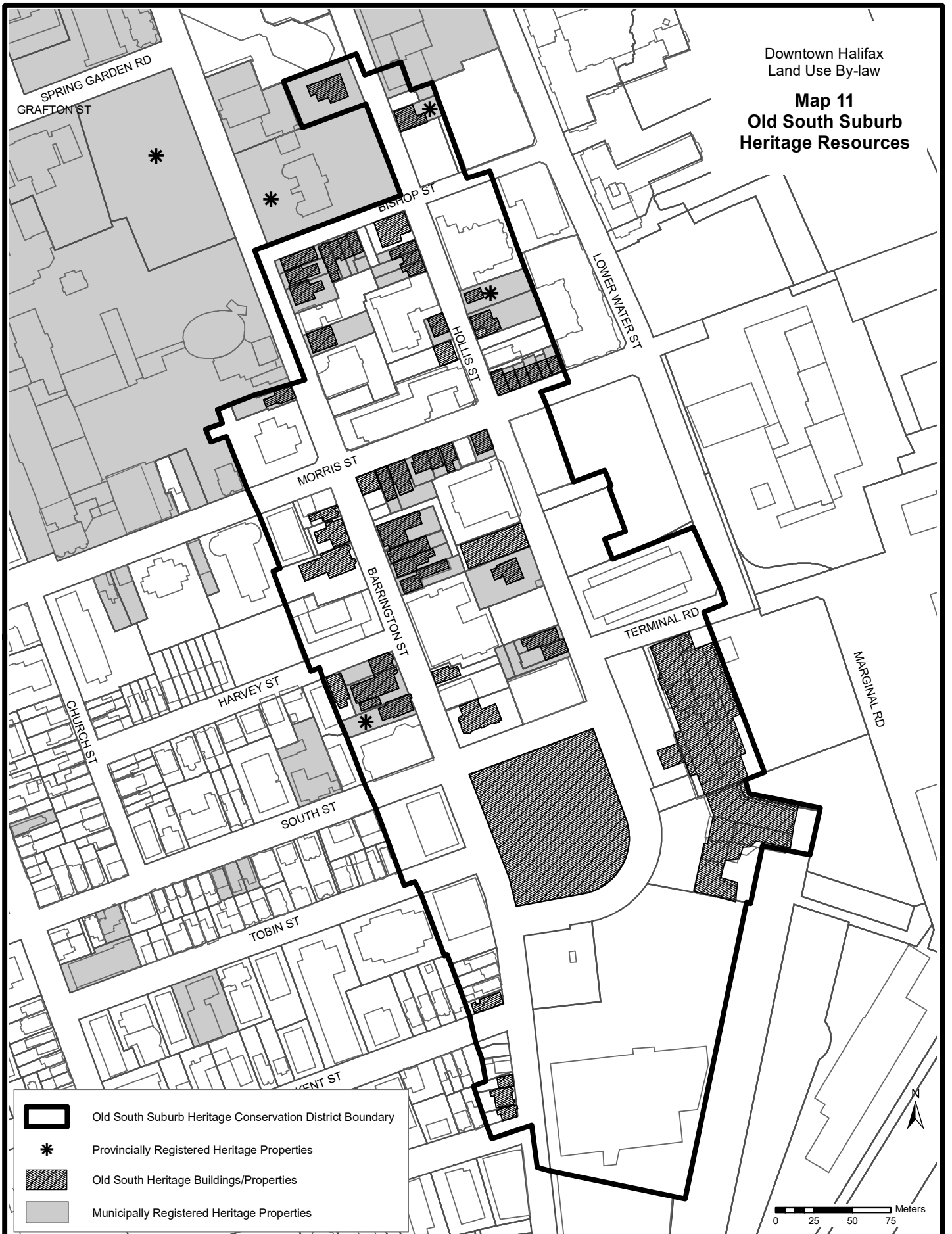
 Proposed Old South Suburb
Heritage Conservation District

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

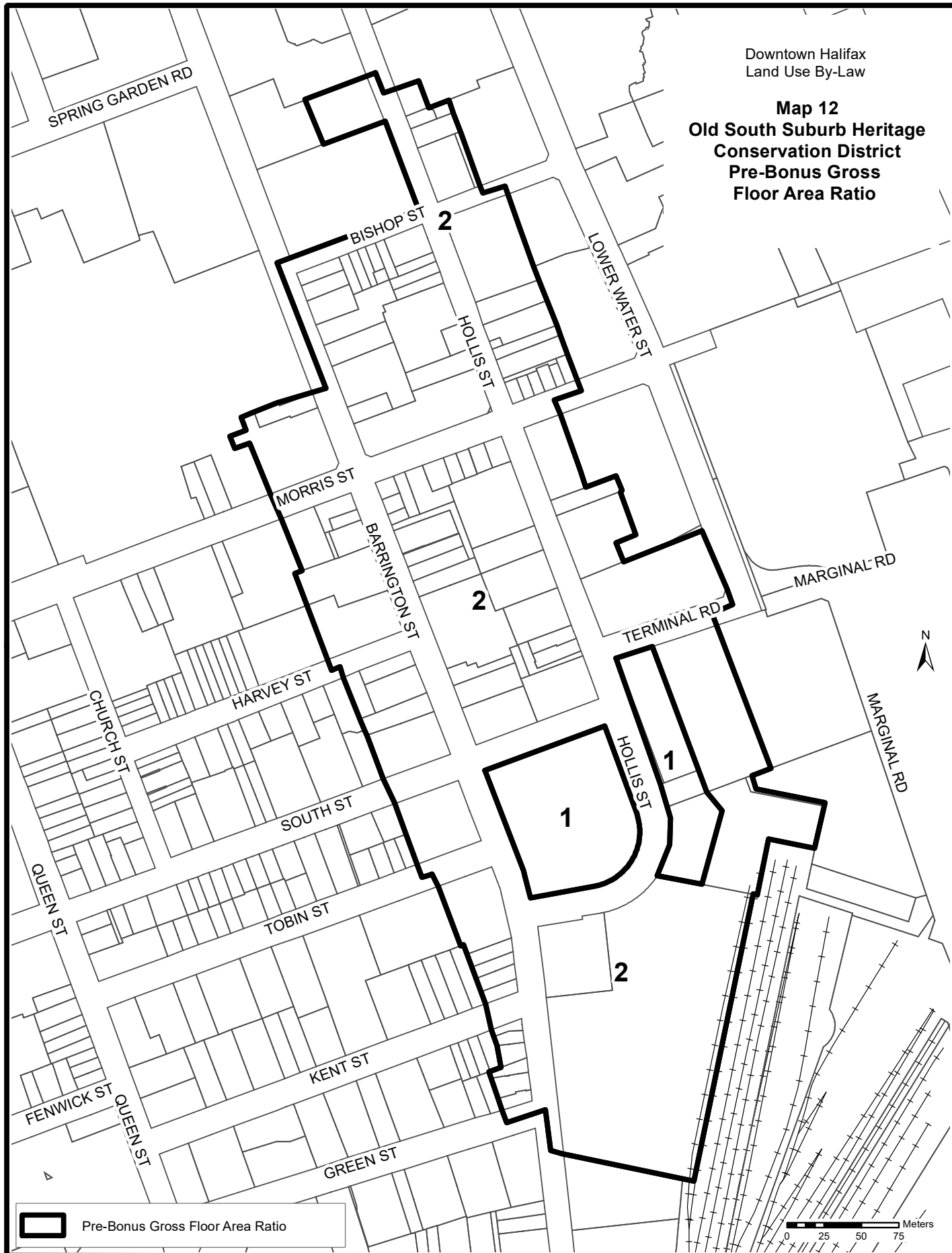


Effective Date:

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

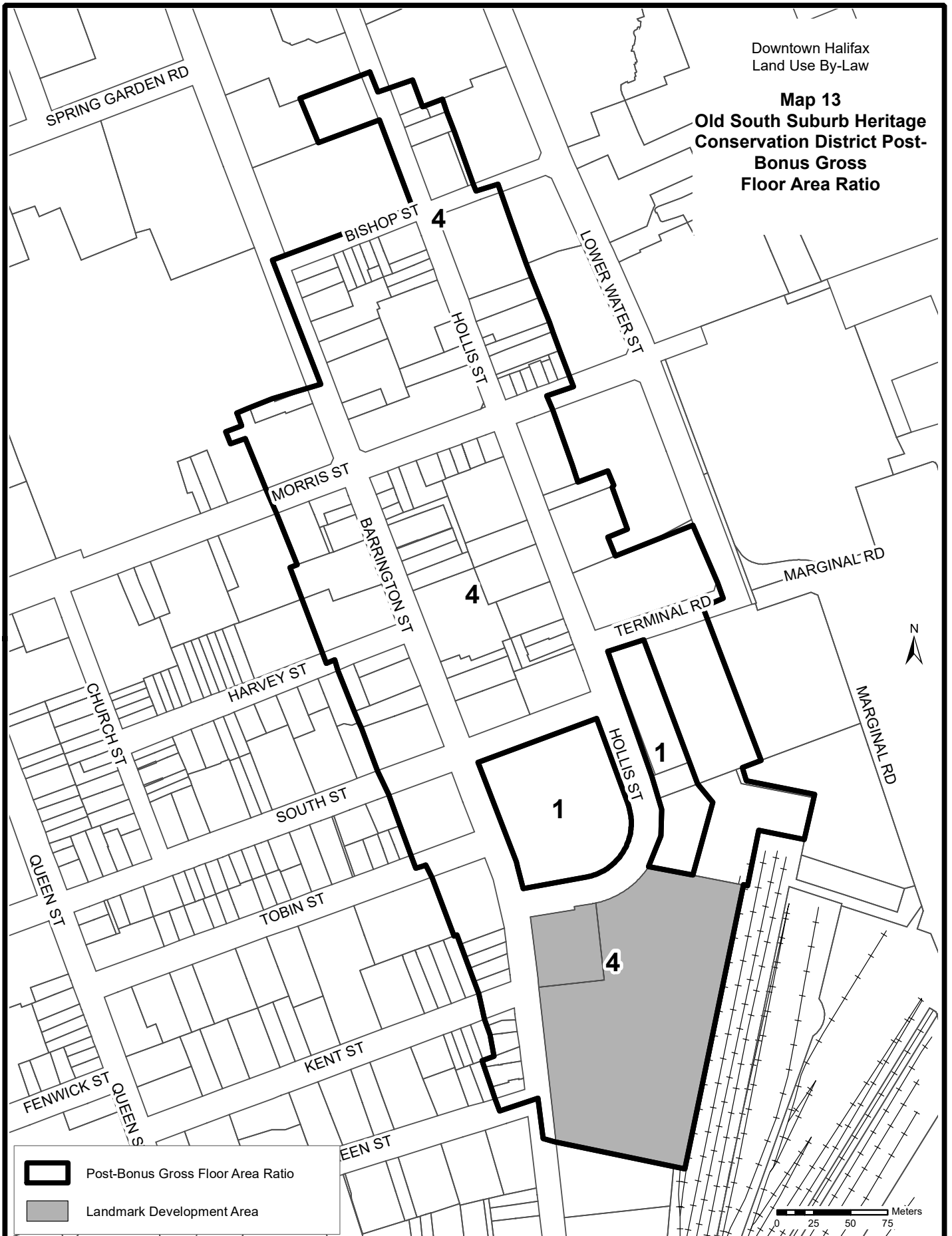




Effective Date:

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

Downtown Halifax
Land Use By-Law

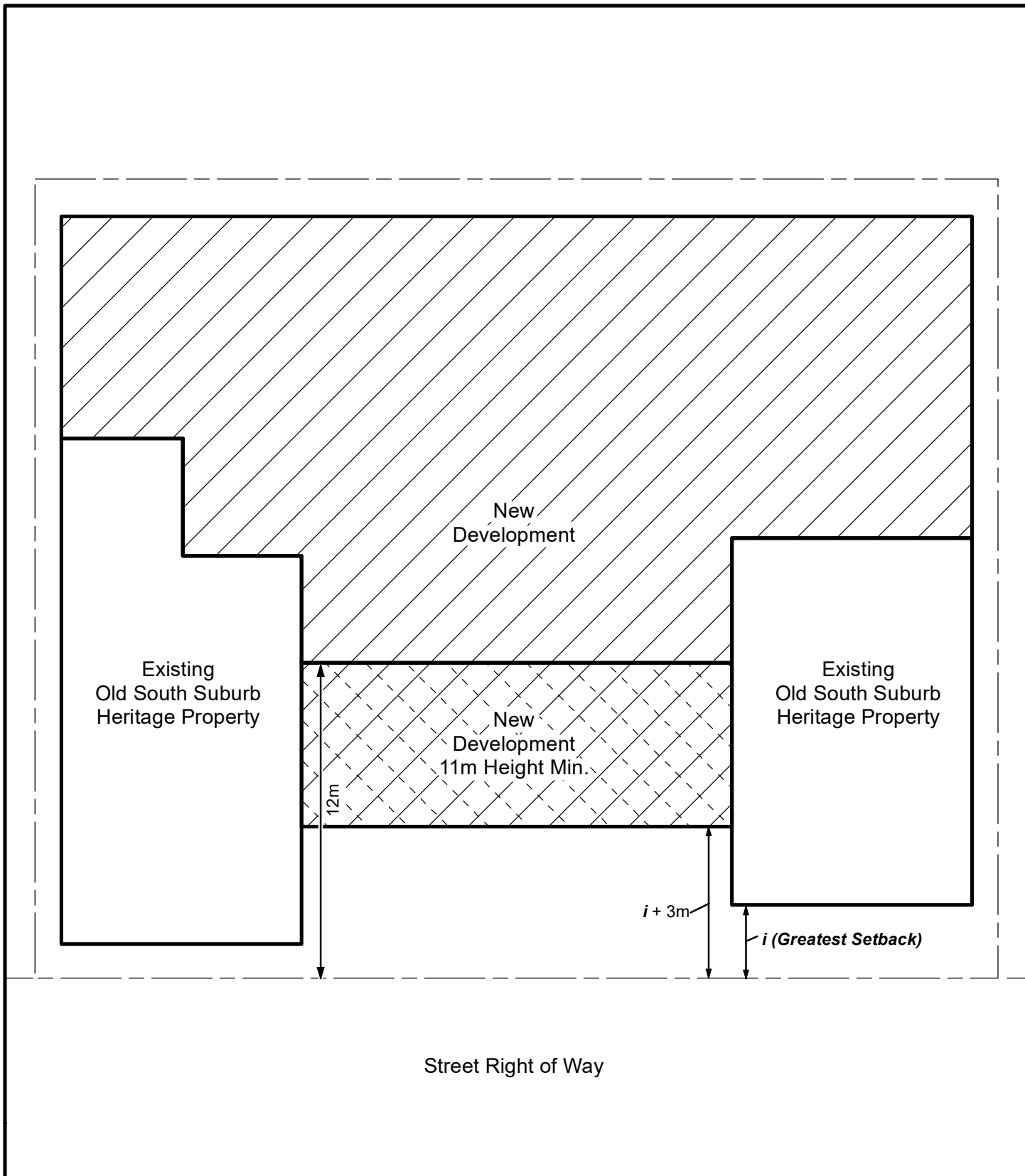
Map 13
Old South Suburb Heritage
Conservation District Post-
Bonus Gross
Floor Area Ratio



-  Post-Bonus Gross Floor Area Ratio
-  Landmark Development Area

Effective Date:

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

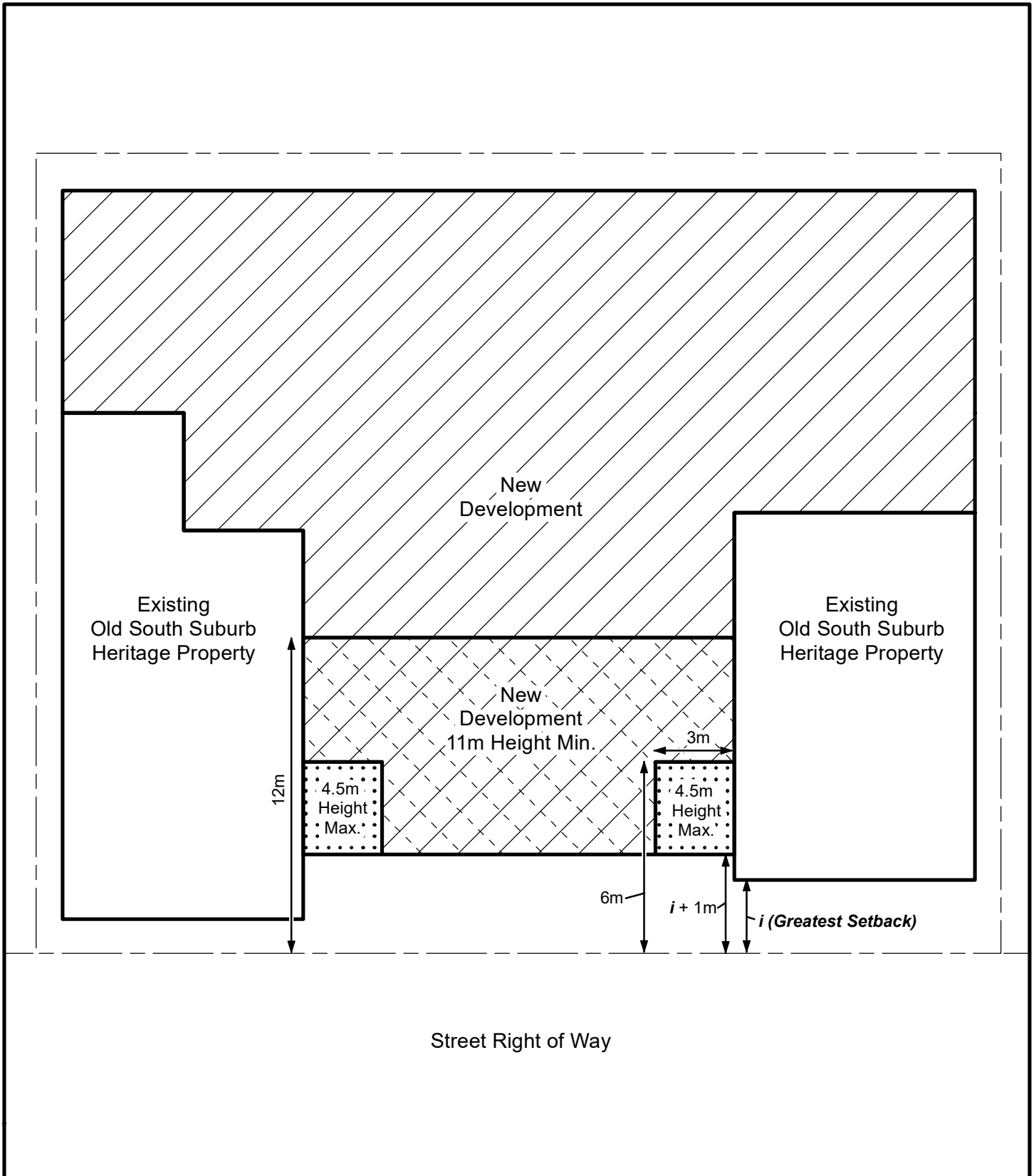


Sketch A

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.