

**ATTACHMENT F:  
AMENDMENTS TO THE LAND USE BY-LAW FOR DOWNTOWN HALIFAX**

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

1. Unless otherwise repealed under section 9 of this amending By-law, amend all schedules and maps of the Land Use By-law for Downtown Halifax to remove those areas located within the Regional Centre Plan Area as shown on Map 1: Urban Structure Designations, under the Secondary Municipal Planning Strategy for the Regional Centre, except for those areas within the boundaries of the Old South Suburb Heritage Conservation District and Barrington Street Heritage Conservation District which shall remain within this By-law.
2. Amend Subsection 6(2) Zone, Precinct, and Schedules, under “Interpretation” by deleting the words and letter “Schedule W Waterfront Development Overlay”, as shown below in ~~strikeout~~:

Zones, Precincts and Schedules

(2) For the purpose of this By-law and the map entitled Map 1, Zoning and Schedule, the following zones and schedules are hereby established:

Downtown Halifax Zone	DH-1
Institutional, Cultural & Open Space Zone	ICO
<del>Schedule W</del>	<del>Waterfront Development Overlay</del>

3. Repeal Subsections 7(11A), 7(11B), 7(11C), 7(11D), and 7(11E), under “Residential Uses: Precincts 3 and 9 – Landscaped Open Space Requirements”, under Section 7 Downtown Halifax Zone (DH-1), under “Land Use Requirements”, as shown below in ~~strikeout~~ by:

~~Residential Uses: Precincts 3 and 9 – Landscaped Open Space Requirements:~~

~~7(11A) Where any building is erected, altered, or used primarily for residential purposes in Precinct 3: Spring Garden Road Area or Precinct 9: North End Gateway, the lot on which such building is located shall contain landscaped open space.~~

~~(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.~~

4. Repeal Subsections 7(15A) and 7(15B) "Publically-Sponsored Convention Centre", under Section 7 Downtown Halifax Zone (DH-1), under "Land Use Requirements", as shown below in ~~strikeout~~ by:

~~Publically-Sponsored Convention Centre~~

~~(15A) Notwithstanding any provision of this By-law except subsections (14) through (18) (RC-Apr 29/14;E-May 10/14) of section 8, a publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space, may be developed on the lands (RC-Apr 29/14;E-May 10/14) bounded by Argyle Street, Prince Street, Market Street and Sackville Street in accordance with the drawings attached as Appendix "B" to this By-law. The development shall include a vehicular and pedestrian passageway extending from Prince Street to Sackville Street as set out in Appendix "B". (RC-Apr 29/14;E-May 10/14) For the purposes of this subsection, "publically-sponsored convention centre" means an establishment funded or otherwise financially supported by any or all levels of government which is used for the holding of conventions, seminars, workshops, trade shows, meetings or similar activities, and which may include dining and lodging facilities for the use of the participants as well as other compatible accessory facilities.~~

~~(15B) In addition to the requirements of subsection (15A), the requirements of subsection (6) of section 5 shall apply. The Development Officer shall refer the application for site plan approval to the Design Review Committee for their approval of the proposal's qualitative elements as set out in section 1.1 b. of the Design Manual.~~

5. Repeal Subsections 7(15C) "Sackville and South Park multi-District Recreation Facility", under Section 7 Downtown Halifax Zone (DH-1), under "Land Use Requirements", as shown below in ~~strikeout~~ by:

~~Sackville and South Park Multi-district Recreation Facility (RC-Jun 25/14;E-Oct 18/14)~~

~~(15C) Notwithstanding Sections 8(6), 8(7), and 11(3), but subject to all other requirements of this By-law, a multi-district recreation facility, in whole or as part of a mixed-use development, shall be permitted on lands at the south-east corner of Sackville Street and South Park Street, as shown on Appendix C, pursuant to the building height requirements specified therein.~~

6. Repeal Subsections 11(1) and 11(2), under Precinct 1: Southern Waterfront, under Section 11 Precincts: Additional Requirements, as shown below in ~~strikeout~~ by:

~~Precinct 1: Southern Waterfront~~

~~11(1) In addition to all other requirements of this By-law, the following shall apply to Schedule W as shown on Map 1:~~

- ~~(a) multiple buildings on a lot shall be permitted provided they are designed in a manner that permits future subdivision;~~
- ~~(b) all buildings shall be setback no less than 8 metres from the ordinary high water mark;~~
- ~~(c) the maximum height of any building shall be 12.5 metres;~~
- ~~(d) building height in clause (c) may increase at a rate of 1 metre for every additional 1 metre of setback from the minimum required setback from the ordinary high water mark;~~
- ~~(e) the width of any building face parallel to the ordinary high water mark shall not exceed 21.5 metres;~~
- ~~(f) any portion of a building above a height of 33.5 metres feet shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres.~~
- ~~(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary~~

high water mark;

- ~~(h) buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10 % of the lot width or 8 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply; and~~
- ~~(i) clauses (b) through (e) apply to any building or portion thereof within 30 metres of the ordinary high water mark.~~

~~(2) The requirements of subsection (1) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.~~

7. Repeal Subsections 11(3) and 11(4), under Precinct 3: Spring Garden Road Area, under Section 11 Precincts: Additional Requirements, as shown below in ~~strikeout~~ by:

~~Precinct 3: Spring Garden Road Area~~

~~(3) On the south side of Spring Garden Road, between Queen Street and South Park Street, and on the east side of South Park Street between Spring Garden Road and Sackville Street, above a height of 17 metres measured at the streetline, buildings shall be setback an additional 0.9 metres from the streetline, for every 0.6 metres in height.~~

~~(4) On the lands commonly known as the Clyde Street Parking Lots, P.I.D. Nos. 00077875 and 00077438:~~

- ~~(a) a minimum setback of 3 metres above the streetwall shall apply to that portion of a building facing Clyde Street that is a maximum of 28 metres in height;~~
- ~~(b) new development shall maintain a minimum of 210 or more parking spaces in total on the two lots; and~~
- ~~(c) every application for a development permit shall be accompanied by a statement containing such information as may be deemed necessary by the Development Officer to ensure compliance with the requirements of subsection (b).~~

8. Repeal Subsections 11(5) and 11(6), under Precinct 4: Lower Central Downtown, under Section 11 Precincts: Additional Requirements, as shown below in ~~strikeout~~ by:

~~Precinct 4: Lower Central Downtown~~

~~(5) In addition to all other requirements of this By-law, the following shall apply to Schedule W as shown on Map 1:~~

- ~~(a) the requirements of subsection (1); and~~
- ~~(b) on lots having less than 27.5 metres of frontage, streetwalls abutting Upper Water Street shall be 100% of the lot width at the streetline.~~

~~(6) The requirements of subsection (5) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.~~

9. Repeal Map 1: Zoning and Schedule W;
10. Repeal Appendix B: Publically Sponsored Convention Centre; and
11. Repeal Appendix C: Building Height Limited Pursuant to Clause 7A.
12. Amend the "TABLE OF CONTENTS" of **Schedule S-1: Design Manual** by:

- (a) deleting the numbers, hyphen, and words “2.2 P1 – Southern Waterfront 2”, under Chapter 2: Downtown Precinct Guidelines;
  - (b) deleting the numbers, hyphen, and words “2.4 P3 – Spring Garden Road Area 3”, under Chapter 2: Downtown Precinct Guidelines;
  - (c) deleting the numbers, hyphen, and words “2.5 P4 – Lower Central Downtown 3”, under Chapter 2: Downtown Precinct Guidelines;
  - (d) deleting the numbers, hyphen, and words “2.7 P6 – Upper Central Downtown 5”, under Chapter 2: Downtown Precinct Guidelines;
  - (e) deleting the numbers, hyphen, and words “2.8 P7 – Historic Properties 5”, under Chapter 2: Downtown Precinct Guidelines;
  - (f) deleting the numbers, hyphen, and words “2.9 P8 – Cogswell Area 6”, under Chapter 2: Downtown Precinct Guidelines;
  - (g) deleting the numbers, hyphen, and words “2.10 P9 – North End Gateway 6”, under Chapter 2: Downtown Precinct Guidelines;
  - (h) deleting the numbers, and words “2.11 Waterfront Overlay 7”, under Chapter 2: Downtown Precinct Guidelines; and
  - (i) deleting the numbers, and words “2.11 Publically-Sponsored Convention Centre 7”, under Chapter 2: Downtown Precinct Guidelines.
13. Amend Chapter 2: Downtown Precinct Guidelines of **Schedule S-1: Design Manual**, as shown in ~~strikeout~~, by:
- (a) repealing Subsection 2.1 Precinct 1: Southern Waterfront, in its entirety;
  - (b) repealing Subsection 2.3 Precinct 3: Spring Garden Road Area, in its entirety;
  - (c) repealing Subsection 2.4 Precinct 4: Lower Central Downtown, in its entirety;
  - (d) repealing Subsection 2.6 Precinct 6: Upper Central Downtown, in its entirety;
  - (e) repealing Subsection 2.7 Precinct 7: Historic Properties, in its entirety;
  - (f) repealing Subsection 2.8 Precinct 8: Cogswell Area, in its entirety;
  - (g) repealing Subsection 2.9 Precinct 9: North End Gateway, in its entirety;
  - (h) repealing Subsection 2.10 Downtown Halifax Waterfront, in its entirety; and
  - (i) repealing Subsection 2.11 Precinct 1: Publically-Sponsored Convention Centre, in its entirety.

**2.1 Precinct 1: Southern Waterfront**

The following general criteria shall apply:

- ~~a. Fill existing gaps created by vacant properties and parking lots with new development.~~
- ~~b. Create a system of open space that includes:
 
  - ~~— extensions of east west streets between Lower Water Street and the Harbour as key components of an open space network;~~
  - ~~— the boardwalk;~~
  - ~~— sidewalks along Lower Water Street, and;~~
  - ~~— plazas and small parks where the extensions of the east west streets intersect the board walk.~~~~
- ~~c. Tall and slender towers provided that their placement and design are consistent with the objectives identified for this precinct and with the design guidelines.~~
- ~~d. Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound proofing requirements for new development to reduce the conflict created by truck traffic travelling along Lower Water Street.~~
- ~~e. Permit surface parking lots only when they are an accessory use and are in compliance with the Land Use By-Law and design guidelines.~~
- ~~f. New waterfront development shall adhere to section 2.10 of the Design Manual~~

**2.3 Precinct 3: Spring Garden Road Area**

The following general criteria shall apply:

- ~~a. Development shall appropriately frame Citadel Hill, the Public Gardens, and Victoria Park~~

- through the provision of consistent, animated streetwalls of superior quality and design.
- a. ~~Ensure that there continues to be adequate sunlight penetration on Spring Garden Road.~~
  - b. ~~Focus pedestrian activities at sidewalk level through the provision of weather protected sidewalks using well-designed canopies and awnings.~~
  - c. ~~Prohibit new surface parking lots of any kind.~~
  - d. ~~Improve the pedestrian environment in the public realm through a program of streetscape improvements as previously endorsed by Council (Capital District Streetscape Guidelines).~~
  - e. ~~Development shall be in keeping with The Spring Garden Road/Queen Street Area Joint Public Lands Plan, including:~~
  - f. ~~ensure that the Clyde Street parking lots are redeveloped with mid-rise development, underground parking, and massing that transitions to Schmidville;~~
    - ~~ensure that the existing parking supply on the two Clyde Street parking lots will be preserved as part of the redevelopment of those lots, and that in addition, the redevelopment provides adequate parking for the new uses being introduced;~~
    - ~~reinforce a development pattern of “monumental” buildings on Spring Garden Road from Queen Street towards Barrington Street;~~
    - ~~a new public open space, 2,000 square metres minimum, shall be established at the terminus of Clyde Street, on the east side of Queen Street;~~
    - ~~Clyde Street and Brenton Place to become important pedestrian-oriented streets;~~
    - ~~allow for a mid-rise development at the corner of Morris and Queen Streets, and;~~
    - ~~to allow tall buildings on the western blocks of the precinct.~~

#### **2.4 Precinct 4: Lower Central Downtown**

The following general criteria shall apply:

- a. ~~Allow for mixed-use high-rise infill development on large opportunity sites.~~
- b. ~~Prohibit new surface parking lots of any kind.~~
- c. ~~Ensure that existing surface parking lots and vacant sites are developed.~~
- d. ~~Vacant sites shall be developed in a way that provides a continuous streetwall and uninterrupted pedestrian experiences.~~
- e. ~~The precinct is to be characterized by animated streetscapes.~~
- f. ~~Focus pedestrian activities at sidewalk level through the provision of weather protected sidewalks using well-designed canopies and awnings.~~
- g. ~~East-west streets shall continue to provide views between the Citadel and the Harbour.~~
- h. ~~Extensions of east-west streets between Lower Water Street and the Harbour are required as key components in open space network.~~
- i. ~~Establish the George Street and Carmichael Street corridor as a major east-west pedestrian connection, given the linkage between the Town Clock, the Grand Parade, and the Harbour.~~
- j. ~~To ensure that the Halifax Harbourwalk is of a width and quality to be an important open space linkage with other precincts.~~
- k. ~~Ensure that Lower Water Street shall be developed with a continuous streetwall and public realm design that emphasizes its meandering qualities and its emergence as an important street.~~
- l. ~~To retain isolated heritage properties and protect them from inappropriate redevelopment.~~
- m. ~~New waterfront development shall adhere to Section 2.10 of the Design Manual.~~

#### **2.6 Precinct 6: Upper Central Downtown**

The following general criteria shall apply:

- a. ~~Encourage low to mid-rise mixed-use development while respecting the historic block pattern.~~
- b. ~~Improve the appearance and street-level functionality of larger buildings such as the Metro Centre with street-oriented infill and landscaped roofs.~~
- c. ~~Encourage the historic downtown grid to be reinstated over the Metro Centre as redevelopment occurs.~~
- d. ~~Development must appropriately frame Citadel Hill through the provision of consistent,~~

- ~~animated streetwalls of superior quality and design.~~
- ~~e. Improve public amenity along Brunswick Street and provide small areas of formal open space on the Citadel side of Brunswick Street as opportunities for views to the Harbour along east-west streets.~~
- ~~f. Require that vacant sites be developed in a way that provides a continuous streetwall and uninterrupted pedestrian experience.~~
- ~~g. Prohibit new surface parking lots of any kind.~~
- ~~h. Pedestrian activity and retail commerce shall be encouraged by the protection of sidewalks from weather through the use of canopies and awnings.~~
- ~~i. East-west streets shall provide views between the Citadel and the Harbour.~~
- ~~j. George Street shall be established as an important east-west street, a grand promenade, given the linkage between the Town Clock, the Grand Parade, and the Harbour.~~
- ~~k. Focus pedestrian activities at sidewalk level through the provision of weather protected sidewalks using well-designed canopies and awnings.~~
- ~~l. The Argyle Street and Blower Street area shall be reinforced as a vibrant area of low to mid-rise buildings, small-scale retail uses, restaurants, bars, potential for permanent sidewalk cafes, hotels, cultural uses, and residential uses.~~
- ~~m. As roofscapes are highly visible from the Citadel in this precinct, they shall be well designed, carrying the architectural language of the building onto the roof. Flat roofs are required to be landscaped, with living "green roofs" given strong preference.~~

## **2.7 Precinct 7: Historic Properties**

The following general criteria shall apply:

- ~~a. Protect and enhance the existing character of the precinct by preserving the existing buildings and their relationship to the street.~~
- ~~b. New development shall respond the historic character of this precinct through complementary or differentiated building materials and design.~~
- ~~c. Continue to promote the area for pedestrian activity by allowing for storefronts to spill-out onto the pedestrian mall and by permitting permanent sidewalk cafes.~~
- ~~d. Provide public access to, and open space on waterfront lands, which shall include continuous public access along the water's edge with the boardwalk system.~~
- ~~e. The Granville Mall shall be preserved and enhanced as a major public open space, and its connections to the waterfront shall be improved.~~
- ~~f. Prohibit new surface parking lots of any kind.~~

## **2.8 Precinct 8: Cogswell Area**

The following general criteria shall apply:

- ~~a. Remove the interchange infrastructure and reestablish streets, blocks, and open spaces that are an extension and reinforcement of the historic downtown grid and that provide connectivity between the north end and downtown.~~
- ~~b. Encourage the historic downtown grid to be reinstated as redevelopment occurs.~~
- ~~c. Allow high rise, mixed use development comprised of relatively large podiums with point towers so as to maintain views of the water.~~
- ~~d. Focus pedestrian activities at sidewalk level through the provision of weather protected sidewalks using well-designed canopies and awnings.~~
- ~~e. Define the area with modern landmark buildings.~~
- ~~f. Redevelop larger existing sites such as Scotia Square and Purdy's Wharf with street-oriented infill.~~
- ~~g. Provide for public access and open space on the waterfront lands which shall include continuous public access at the water's edge and green space at the terminus of each east-west street extension (i.e. Cogswell).~~
- ~~h. Require that development step down to the water's edge and to the existing low-rise neighbourhoods to the north.~~
- ~~i. Enhance important vistas and focal points such as the view of the water.~~
- ~~j. Ensure that there are pedestrian-oriented street level uses, particularly at water's edge and fronting open spaces.~~

- ~~k. Encourage intensification of underdeveloped existing sites such as the Trademart building and the police station.~~
- ~~l. Consider this precinct as being an important location for new transit and parking facilities.~~
- ~~m. Permit surface parking lots only when they are an accessory use and are in compliance with the Land Use By Law and design guidelines.~~
- ~~n. Architectural and open space design shall respond to the significant grade changes in this area. Refer to Section 3.2.5 of the Design Manual for further guidance.~~

### **2.9 Precinct 9: North End Gateway**

The following general criteria shall apply:

- ~~a. Establish a low and mid-rise development pattern that is an extension of the neighbourhood to the north.~~
- ~~b. Open up and preserve the views of the Citadel from the north-south streets and ensure that development frames these views. Given the significant grade changes between Cogswell Street and Rainnie Drive, views may be preserved over the rooftops of new development.~~
- ~~c. Encourage signature architecture befitting this precinct as a gateway to the downtown.~~
- ~~d. Permit surface parking lots only when they are an accessory use and are in compliance with the Land Use By Law and design guidelines.~~

### **2.10 Downtown Halifax Waterfront**

*This section applies to waterfront lands in precincts 1 and 4 that lie between Lower Water Street and the Harbour, in addition to the requirements of precincts 1 and 4 above.*

The downtown Halifax Waterfront presents unique challenges in structuring development regulations. Because the parcels tend to be very large, and because the location of the water's edge is changeable, the creation of building massing rules based on front, side and rear property lines, like those in the rest of downtown, is not feasible. Additionally there is the requirement for the provision of public open space on a continuous boardwalk along, and unimpeded public access to, the waterfront.

These special conditions call for a special set of development rules that demand the highest level of development quality and public amenity while still being agile enough to respond to, and accommodate, a wide range of design solutions. Therefore, for waterfront lands in precincts 1 and 4 located between Lower Water Street and the Harbour, a more flexible, design guideline-driven development review process is required. To that end, HRM will work collaboratively with the landowners along this section of the waterfront to fulfill the objectives of the DHSMPs.

The Waterfront Development Corporation Limited (WDCL), as the primary landowner in this area, has a special and ongoing role to play in the development of the waterfront. WDCL is the provincial Crown Corporation responsible for purchasing, consolidating, redeveloping and revitalizing lands around Halifax Harbour. The WDCL works with private sector developers to facilitate public and private investment in public infrastructure and amenities to further reinforce the waterfront as a vibrant place to live, do business, invest and visit. In recognition of this, HRM and WDCL will seek to negotiate an agreement to ensure that the respective mandates of the two organizations are co-operatively fulfilled through the administration of the DHSMPs.

#### *Waterfront Objectives:*

In addition to the requirements of the underlying precincts (1 and 4), the following objectives shall therefore apply to all properties located between Lower Water Street and the water's edge within these precincts:

- a. Ensure that public access to the waterfront is maintained and improved, and that the waterfront is in use around the clock in all four seasons.
- b. Ensure that a generally complete and consistent streetwall is built along Lower Water Street that permits visual and physical access to the harbour along the eastward extension of the east-west streets to the water's edge, and at intermediate locations as deemed appropriate.
- c. Ensure that views of the harbour and of the sky are preserved by requiring that the upper storeys

of buildings above the streetwall present a slender face to Lower Water Street, and that their long dimension is arranged perpendicular to Lower Water Street.

- d. ~~Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.~~
- e. ~~Ensure that public open spaces are provided where the eastward extension of east-west streets intersects the boardwalk. These open spaces shall be accomplished through the use of waterfront view corridors that extend from Lower Water Street to the water's edge.~~
- f. ~~Ensure that waterfront development incorporates human-scaled building elements. This means a range of building details from small (masonry units, door knobs, window mountings, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).~~
- g. ~~Ensure that adequate consideration of future sea level rise has been incorporated into building design to avoid flooding, where ground floor residential uses are proposed.~~
- h. ~~Ensure that all buildings are setback from the ordinary high water mark or face of Seawall by no less than 8 metres.~~
- i. ~~Ensure building height immediately adjacent to the 8 metre setback shall not be higher than 12.5 metres. Height may increase as distance from the boardwalk or the water's edge increases at a rate of approximately one metre of vertical height for every one metre of horizontal setback from the boardwalk or water's edge.~~
- j. ~~Ensure that every effort is made to provide north-south pedestrian connections through the middle of these large properties.~~
- k. ~~Ensure that long, unbroken runs of building wall at the water's edge or boardwalk's edge are not permitted. The longest run of building face permissible abutting either the water's edge or the boardwalk shall be 21.5 metres. Building walls longer than 21.5 metres must be modulated through the use of such devices as articulation of the building mass, significant setbacks from the water's edge or boardwalk's edge, the interruption of the building wall with public spaces, etc. The general massing approach is to be one of linear "finger" buildings perpendicular to Lower Water Street resulting in a pattern of narrowing and widening of the public realm along the water's or Halifax Harbourwalk's edge.~~
- l. ~~Ensure that high quality, low maintenance site furnishings and lighting styles that conform to the requirements of the HRM Municipal Service Systems Design Guidelines ("HRM Red Book") are used in both private and public developments along the waterfront.~~

## **2.11 Publically-Sponsored Convention Centre**

The conditions within this Design Manual shall apply to a publically-sponsored convention centre together with retail, hotel, residential or office, and underground parking space pursuant to subsection 15A of Section 7 of the Downtown Halifax Land Use By-law, except as follows:

- a. ~~clauses a and l. of Section 2.6, Precinct 6, Upper Central Downtown;~~
- b. ~~3.1.2, Streetwall Setback;~~
- c. ~~3.1.3, Streetwall Height; and~~
- d. ~~clause c. of Section 3.2.1, Design of the Streetwall~~

14. Amend Section 3.6 Site Plan Variances of **Schedule S-1: Design Manual**, under Chapter 3: General Design Guidelines, as shown in ~~strikeout~~, by:

- (a) repealing Subsection 3.6.10 Precinct 1: Built Form Variance in its entirety; and
- (b) repealing Subsection 3.6.11 Precinct 4: Built Form Variance in its entirety.

### **3.6.10 Precinct 1 Built Form Variance**

For lands located in "Schedule W" on Map 1 of the Downtown Halifax Land Use By-law, the built form requirements of Section 11(1) of the LUB and Section 2.10 of Schedule S-1 of the LUB may be varied by Site Plan Approval where the variance will:

- a. ~~fill existing gaps created by vacant properties or parking lots with new development; or~~
- b. ~~enhance the public realm in the area, including the extension of the east-west streets between Lower Water Street and the harbour and their intersection with the Halifax Harbour Walk, the~~



- ~~pedestrian interface of the proposed building and the Halifax Harbour Walk, provide or improve sidewalks along Lower Water Street, or provide for public or private plazas or parks; or~~
- ~~e. frame the open spaces identified above; or~~
- ~~d. provide adequate separation between buildings; or~~
- ~~e. propose tall and slender towers, where permitted, provided that their placement and design are consistent with the objectives identified for this precinct and with the Design Manual; or~~
- ~~f. ensure Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street.~~

**3.6.11 Precinct 4 Built Form Variance**

For lands located in "Schedule W" on Map 1 of the Downtown Halifax Land Use By-law, the built form requirements of Section 11(5) of the LUB and Section 2.10 of Schedule S-1 of the LUB may be varied by Site Plan Approval where the variance will:

- ~~a. Provide for mixed-use high-rise infill development on large opportunity sites; or~~
- ~~b. fill existing gaps created by vacant properties or~~
- ~~c. parking lots with new development; or~~
- ~~d. develop vacant lots in a way that provides a continuous street wall and uninterrupted pedestrian experiences; or~~
- ~~e. provide for animated streetscapes as detailed in the design manual; or~~
- ~~f. focus pedestrian activities at sidewalk level through the provision of sidewalks protected from the weather through such means as well designed canopies and awnings; or~~
- ~~g. maintain or enhance the east-west streets to maintain important views between the Citadel and the harbour; or~~
- ~~h. provide adequate separation between buildings; or~~
- ~~i. ensure Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street; or~~
- ~~j. retain, enhance and protect isolated heritage properties.~~

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

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

\_\_\_\_\_  
Municipal Clerk