

**Downtown Halifax  
Land Use By-law &  
Design Manual**



LAND USE By-law  
FOR  
DOWNTOWN HALIFAX

THIS IS TO CERTIFY THAT THIS is a true copy of the Land Use By-law for Downtown Halifax which was approved by Regional Council on \*\*\*\*\* and approved by the Minister of Service Nova Scotia and Municipal Relations on \*\*\*\*\*, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the \*\*\*\*\*.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_, 2009, A.D.

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Municipal Clerk



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Schedule S-1: Design Manual (separate insert)



## Title

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

## Definitions

- 2 In this By-law;
  - (a) *Accessory* means naturally and normally incidental, subordinate, and exclusively devoted to.
  - (b) *Accessory Building* means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.
  - (c) *Accessory Surface Parking Lot* means on-site, surface parking provided in support of the main use of the land.
  - (d) *Adult Entertainment Use* means a massage parlour, sex-aid shop, an adult bookstore, or an adult cabaret.
  - (e) *Adult Cabaret* means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the nude body of another person, or to observe, view or photograph any such activity.
  - (f) *Adult Bookstore* includes any establishment or place for the purpose of retail trade where 20% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is comprised of books, magazines, or other periodicals relating to, or portrayed as relating to, sexual activities.
  - (g) *Housing Affordability* means all types of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit and co-operative housing, as well as rent supplements for people living in private market housing.
  - (h) *Alcohol related establishment* means a permanent use (not subject to a temporary permit) that is licensed to serve alcohol without a meal pursuant to the *Nova Scotia Liquor Control Act*.

- (i) *Alter* means to make any change in the size, shape, structure or materials of a building or any part thereof.
- (j) *Archaeological Resources* means the areas of land shown on Map 10 Archaeological Resources attached to this By-law.
- (k) *Attached Building* means a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.
- (l) *Average grade* means the average finished elevation around the perimeter of the lot.
- (m) *Basement* means a level of a building that has more than one-half of its floor-to-ceiling height below the average grade.
- (n) *Bicycle Parking, Class A* means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.
- (o) *Bicycle Parking, Class B* means bicycle racks, including wall mounted varieties, which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
- (p) *Bicycle Parking, Enhanced* means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers, at the rate of one for every six bicycle spaces, and clothes lockers, at the rate of one for every bicycle space.
- (q) *Billboard* means any freestanding sign and supporting structure, maintained or used for display of advertising matter, or any advertising sign displayed in conjunction with mural artwork occupying an equal or greater surface area on a building, wall or fence.
- (r) *Building* includes any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure used in connection with such buildings.
- (s) *Building height* means the vertical distance between the *average grade* and a horizontal plane extended across the top of the building.

- (t) *Building width* means the width of a building face, being the horizontal width that is enclosed by two lines extending perpendicular from a streetline or two lines that extend perpendicular from a line that is drawn between the points where the side lot lines meet the street where the streetline is a curve.
- (u) *Central Blocks* means the blocks identified on Map 8.
- (v) *Commercial Parking Garage* means a building whose primary use is the provision of parking to the general public for a fee.
- (w) *Commercial Recreation Use* means a building or part of a building in which a recreational activity is performed and for which a membership or instruction fee is charged, and without limiting the generality of the foregoing, shall include weight-lifting or fitness centres, boxing or racquet sport clubs, martial arts schools and dance studios.
- (x) *Commercial Surface Parking Lot* means an area of land used for the provision of parking to the general public for a fee.
- (y) *Commercial use* means the use of a building for the purpose of buying and selling goods and supplying services.
- (z) *Community Facility* means a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall.
- (aa) *Corner lot* means a lot situated at the corner of two streets, unless such streets form an angle of greater than 135 degrees in which case such a lot shall be an interior lot.
- (ab) *Cultural use* means the presentation of art, artistic performances, musical performances, lectures, or other exhibits.
- (ac) *Depth* means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.
- (ad) *Dwelling Unit* means 1 or more rooms used or designed to be used by one or more persons as a place of abode which contains not more than one kitchen and includes but is not limited to living, sleeping and sanitary facilities.
- (ae) *Facia Sign* means a sign which is attached directly to or painted on a building wall, and which does not extend therefrom nor extend above the roof line.

- (af) *Flanking lot* means a lot situated at the intersection of three or more streets.
- (ag) *Flat roof* means a roof that is sloping no greater than 1:12.
- (ah) *Floor area ratio* means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of a lot.
- (ai) *Front Yard* means a yard extending across the full width of a lot between the street line and the nearest wall of any main building or structure on the lot.
- (aj) *Front lot line* means the lot line abutting a street.
- (ak) *Gross Floor Area* means the aggregate of the area of all floors in a building, whether at, above or below grade, measured from the exterior faces of the exterior walls, or from the centre line of the common wall separating two buildings, but does not include area below grade used for private garage, parking, loading, or building support uses.
- (al) *Ground Sign* means a sign supported by one or more uprights, poles or braces, placed in the ground.
- (am) *High-rise Building* means a building or that portion of a building that is greater than 33.5 metres in height.
- (an) *Institutional use* means any educational or religious use, museum, public library, fire or police station, public works, hospital, nursing home, community facility, recreational, cultural or open space use.
- (ao) *Interior lot* means a lot abutting only one street.
- (ap) *Interior lot line* means any lot line that is not coincident with a streetline.
- (aq) *Landscaped Area* means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a building.
- (ar) *Landscaped Open Space* means any outdoor landscaped area or playground for common use by the occupants of a building, but shall not include space for vehicular access, car parking, areas for the maneuvering of vehicles, or areas covered by any building.

- (as) *Lot* means a parcel of land described in a deed or as shown on a registered plan of subdivision.
- (at) *Lot area* means the total area within the boundaries of a lot.
- (au) *Lot coverage* means the percentage of the lot that is covered by buildings, including accessory buildings.
- (av) *Lot line* means a boundary of a lot.
- (aw) *Low-rise Building* means a building or that portion of a building that is less than 18.5 metres in height.
- (ax) *Lot width* means the width of a lot measured in a straight line between the intersecting points of the side lot lines, or side lot line and flanking lot line for flanking lots, and the streetline.
- (ay) *Marine related use* means a use that is dependant upon access to the Harbour and includes, without restricting the generality of the foregoing, marinas, tugboat facilities, and boat building and repair facilities.
- (az) *Massage Parlour* includes any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited by persons in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.
- (ba) *Mid-rise Building* means a building or that portion of a building that is no less than 18.5 metres in height and no more than 33.5 metres in height.
- (bb) *Multiple Unit Dwelling* means a building containing four or more dwelling units.
- (bc) *Nude* means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of a female breast with less than a full opaque covering over any portion thereof below the top of the areola of the breast.
- (bd) *Open Space Use* means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating

rinks, picnic areas, cemeteries, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial camping grounds, golf courses nor a track for the racing of animals or motorized vehicles.

- (be) *Parking lot* means a parking area for three or more motor vehicles.
- (bf) *Personal service use* means a use providing services for the personal needs of individuals and includes uses providing grooming, tailors, depots for collecting dry cleaning and laundry, and other similar uses.
- (bg) *Playground* means an area of outdoor landscaped open space equipped with play equipment such as slides, swings or climbing structures or other recreational equipment.
- (bh) *Projecting Sign* means a sign which projects from and is supported by or which extends beyond a wall of a building.
- (bi) *Ramparts* means the Citadel Ramparts pursuant to Section 26B of the Halifax Peninsula Land Use By-law and as depicted on Map ZM-17 of the Halifax Peninsula Land Use By-law, as amended from time to time.
- (bj) *Rear lot line* means a lot line that is furthest from and opposite a streetline and that solely applies to an *interior lot*.
- (bk) *Rear Yard* means a yard extending across the full width of the lot between the rear wall of a building and the rear lot line and its depth shall be the distance or the mean of the distance between the rear wall of the building and the rear lot line.
- (bl) *Recreation use* means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
- (bm) *Registered heritage building* means a building on a registered heritage property pursuant to the *Heritage Property Act* of Nova Scotia.
- (bn) *Registered heritage property* means a municipal heritage property or a provincial heritage property pursuant to the *Heritage Property Act* of Nova Scotia.
- (bo) *Required front yard* means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

- (bp) *Residential use* means the use of a building or a portion of a building for human habitation.
- (bq) *Retail use* means a building in which articles of merchandise or commerce are sold or rented directly to the public.
- (br) *Setback* means a specified distance between a lot line and the nearest wall of a building.
- (bs) *Sex-Aid Shop* includes any establishment or place for the purpose of retail trade where 10% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is comprised of articles relating to or portrayed as relating to sexual activities.
- (bt) *Side yard* means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building.
- (bu) *Sign* means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, person, activity, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, flag, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800, as amended from time to time.
- (bv) *Sign Area* means the area or portion of an advertising structure, including holes or vacant spaces, upon which the advertising message is displayed, including those portions used for decoration, outlines or borders.
- (bw) *Storey* means that portion of a building between any floor and floor or any floor and ceiling, provided that any portion of a building partly below grade shall not be deemed to be a story unless its ceiling is at least 2 metres above grade.
- (bx) *Street* means any public street, road, highway or travelled way or portion thereof.
- (by) *Streetline* means a lot line that separates a street from a lot.
- (bz) *Streetline grade* means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 38 metres in width or part thereof.

- (ca) *Streetwall* means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.
- (cb) *Streetwall height* means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall.
- (cc) *Streetwall setback* means the distance between the streetwall and the streetline.
- (cd) *Stepback* means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.
- (ce) *Structure* means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls signs, and fences exceeding 2 metres in height.
- (cf) *Through lot* means a lot that abuts two streets, but is not a corner lot.
- (cg) *Transportation use* means uses associated with transportation and includes ferry terminals, bus stations, and train stations.
- (ch) *Use* means the purpose for which a building, structure, or premises or part thereof is used or occupied, or intended to be or designed to be used or occupied. "Used" shall include "arranged to be used", "designed to be used", and "intended to be used".
- (ci) *View Plane* means a View Plane as defined in Part I of the Halifax Peninsula Land Use By-law and as depicted on the View Planes Map of the Halifax Peninsula Land Use By-law, as amended from time to time.
- (cj) *Viewing triangle* means the triangular shaped area which is that part of and within a corner lot measured from the intersection of the projected curb line of two intersecting streets 6 metres along each curb line and within a straight line joining the two points within which visibility from any street or driveway shall be unobstructed above a height of 1 metre.
- (ck) *Yard* means an open area, uncovered by buildings, except for permitted encroachments.

## **Administration**

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

## **Design Review Committee**

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

## **Composition of the Committee**

- (2) The Committee shall consist of not more than 10 members, who shall be appointed by Council in accordance with the following:
- (a) residents of the Municipality who have applied to Council to act as members;
  - (b) with the exception noted in subsection (c), only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, city planning, engineering or a similar field shall be eligible as members of the Committee;
  - (c) where possible, the Committee shall be comprised of 4 architects, 2 landscape architects, 1 city planner or urban designer, 1 engineer, 1 professional at large from the above referenced professions, and 1 resident at large;
  - (d) members of the Committee must hold a professional degree in their respective fields;
  - (e) members of the Committee shall be appointed by Council for a period of two years with the exception of the original appointments by Council where five of the members shall be appointed for a period of one year;
  - (f) a member of the Committee shall be eligible for re-appointment;
  - (g) a member of the Committee who is absent from three consecutive meetings of the Committee without cause shall be deemed to have resigned from the Committee; and
  - (h) should a vacancy occur on the Committee, for any reasons other than the expiration of the term of a member, Council shall, within 30 days of notification of a vacancy, appoint a person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the member in whose place he or she was appointed.

## **Meetings**

- (3) The Committee shall meet once each month, which may be in the evening, or hold additional meetings at the request of the majority of the Committee members.
- (4) A quorum of the Committee is five members.
- (5) Where the Chair and Vice-Chair are absent from a meeting the Committee shall elect an Acting Chair for that meeting.
- (6) The procedure of the Committee shall be governed, where not inconsistent with the *Halifax Regional Municipality Charter* or this By-law, by Administrative Order No. 1 Respecting the Procedures of the Council.
- (7) Meetings of the Committee are open to the public.

## **Chair and Vice-Chair**

- (8) The Committee shall, at its first meeting and annually thereafter, elect from the members, a Chair and a Vice-Chair for the ensuing year.
- (9) The Chair shall represent the Committee at Council or a committee of Council.
- (10) The Chair shall act as spokesperson for the Committee.
- (11) The duties of the Chair, in whole or in part, may be shared with or delegated to the Vice-Chair in order to carry out the role and responsibilities of the Committee.

## **Committee Role**

- (12) The Committee shall review:
  - (a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and
  - (b) wind impact assessments as per Schedule S-2 of this By-law.
- (13) The Committee shall:
  - (a) approve, approve with conditions, or deny an application for substantive site plan approval consistent with the requirements of the Design Manual;
  - (b) seek and consider the advice of the Heritage Advisory Committee on site plan applications on registered heritage properties or abutting registered

heritage properties, and on applications within heritage conservation districts;

- (c) advise the Development Officer on matters pertaining to bonus zoning in relation to substantive site plan approvals; and
- (d) advise Council on potential amendments to regulation and policy to carry out the role and responsibilities of the Committee or to further the intent of this By-law as may be required from time to time.

### **Remuneration of Committee Members**

- (14) Each member of the Committee shall serve without remuneration but may be reimbursed for any necessary expenses incurred while engaged in official duties, provided such expenses are approved by Council in advance.

### **Appeal of Committee Decision**

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

### **Development Permit**

- 5 (1) No person shall undertake a development without first obtaining a development permit.
- (2) No person shall erect, construct, alter, or reconstruct any building or locate or carry on any industry, business, trade, or calling or use any land or building without complying with the provisions of this By-law.
- (3) A development permit shall expire 12 months from the date issued if the development has not commenced.

### **Development Permit: Application**

- (4) An application for a development permit shall be accompanied by a site plan drawn to scale showing the following:
  - (a) the items required to be shown in the application for a Building Permit under the Building By-law;
  - (b) dimensions of the site and the location of all proposed buildings;

- (c) identification, location and gradients of all parking areas including the location and width of driveways, entrances and exits to parking areas, maneuvering areas for vehicles, service areas, visitors parking and loading areas;
  - (d) the location and details of proposed landscaped open space;
  - (e) a wind impact assessment, where required, pursuant to section 8 (18);
  - (f) elevations prepared by a surveyor licensed in the Province of Nova Scotia confirming compliance with View Plane and Ramparts height limitations, where applicable; and
  - (g) any additional information related to the site, buildings, or adjoining properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law.
- (5) Where a proposed development requires a relaxation of the requirements of this By-law, the applicant shall provide a written proposal explaining the rationale for the request based on the applicable criteria contained in the Design Manual.

**Site Plan Approval: Area of Application**

- (6) In addition to the requirements of sub-section (1), unless otherwise specified, all development within the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary, as shown on Map 1, shall be subject to site plan approval by the Development Officer.
- (7) The Development Officer shall approve a permit where the proposed development meets the requirements of this By-law and the Design Review Committee has determined that the development meets the criteria of the Design Manual attached as Schedule S-1 of this By-law.

**Site Plan Approval: Application**

- (8) All applications for site plan approval shall be accompanied by a site plan drawn to an appropriate scale showing the information required in sub-section (1).
- (9) All applications for site plan approval shall be accompanied by detailed architectural plans indicating compliance with the precinct specific design requirements of the Design Manual and;
  - (a) streetwall height and setbacks pursuant to section 3.1 of the Design Manual;

- (b) streetwall material quality and detail pursuant to section 3.2 of the Design Manual;
- (c) building articulation pursuant to section 3.3 of the Design Manual;
- (d) the siting of building utilities, vehicle access and parking, lighting and signage pursuant to section 3.5 of the Design Manual; and
- (e) any other information the Development Officer may require to determine compliance with the Design Manual.

**Site Plan Approval: Exemptions**

- (10) Notwithstanding subsection (4), the following developments shall be exempt from site plan approval:
  - (a) a change in size of windows and doors that do not face streetlines;
  - (b) building repairs;
  - (c) window and door replacement in existing openings; and
  - (d) installation or repair of minor building features.

**Site Plan Approval: Non-Substantive Applications**

- (11) The following developments are non-substantive site plan approval applications:
  - (a) accessory buildings and structures;
  - (b) development that does not materially change the external appearance of a building facing streetlines;
  - (c) new window and door openings or alterations to existing window and door openings abutting streetlines;
  - (d) alteration of external cladding material that does not affect the external appearance of a building facing streetlines;
  - (e) signs;
  - (f) decks, patios, and similar unenclosed features; and
  - (g) steps, stairs and other entryways.

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

### **Site Plan Approval: Substantive Applications**

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

### **Site Plan Approval: Variance of Requirements**

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

### **Site Plan Approval: Notification**

- (15) The area of notification for non-substantive site plan approval shall be 30 metres from the property boundary of the lot subject to approval.
- (16) The area of notification for a substantive site plan approval shall be the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary plus 30 metres.

### **Licenses, Permits, and Compliance With Other By-laws**

- (17) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law of HRM or from obtaining any license, permission, permit, authority, or approval required by any other By-law of HRM or any regulation of the Province of Nova Scotia or the Government of Canada.
- (18) Where the provisions of this By-law conflict with those of any other By-law of HRM or regulation of the Province of Nova Scotia or the Government of Canada, the more restrictive provision shall prevail.
- (19) Where excavation is required for a development on any area identified on Map 10 - Archaeological Resources, a development permit may be issued and the application may be referred to the Nova Scotia Department of Tourism, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

## **Maps and Schedules**

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

Map 1	Zoning and Schedule
Map 2	Precincts
Map 3	Pedestrian-Oriented Commercial Streets
Map 4	Maximum Pre-Bonus Heights
Map 5	Maximum Post Bonus Heights
Map 6	Streetwall Setbacks
Map 7	Streetwall Heights
Map 8	Central Blocks
Map 9	Prominent Visual Terminus Sites
Map 10	Archaeological Resources
Schedule S-1	Design Manual
Schedule S-2	Wind Assessment Performance Standards

## **Interpretation**

### **Application of Requirements**

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

### **Zones, Precincts and Schedules**

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

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

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

### **Interpretation of Zoning Boundaries**

- (4) The boundary of a zone shown on Map 1, and between the Precincts shown on Map 2, shall be determined as follows:
- (a) where a zone or precinct boundary is indicated as following a street, the boundary shall be the streetline of the street unless otherwise indicated;
  - (b) where a zone or precinct boundary is indicated as approximately following lot lines, the boundary shall follow lot lines, unless said lot lines are the subject of a subdivision approval after the date of adoption of this By-law, in which case the zone or precinct boundary shall remain as it is shown on the map;
  - (c) where a zone or precinct boundary follows the shoreline, the boundary shall be the ordinary high water mark;
  - (d) where a part of the Harbour is in-filled beyond the limits of a zone or precinct boundary or a building is constructed over water, said land or buildings shall be deemed to be included within and subject to the requirements of that abutting zone and precinct; and

- (e) Upon the closing of a street or portion of a street to public use, the land comprising such former street or portion of such street shall be zoned as follows:
- (i) where the zones of the abutting lands are the same, the land comprising the former street shall have the same zoning as the abutting lands;
  - (ii) where the zones of the abutting lands are different, the center line of the former street shall be the boundary line and the lands on either side of the boundary line shall have the same zoning as the abutting lands; and
  - (iii) where none of the above apply, the zone boundary shall be scaled from Map 1 and Map 2.

## **Land Use Requirements**

### **Downtown Halifax Zone (DH-1)**

#### **Permitted Land Uses**

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

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

#### **Pedestrian-Oriented Commercial Street Uses**

- (2) Notwithstanding subsection (1), only those uses listed below shall be permitted on the ground floor of a building in the DH-1 Zone immediately abutting the streetline of Pedestrian-Oriented Commercial Streets, as identified on Map 3:
- (a) The following commercial uses:  
Banks and related uses;  
Licenced alcohol establishments;  
Personal service uses;  
Eating establishments; and  
Retail uses;
- (b) Cultural uses; and
- (c) Uses accessory to the foregoing.
- (3) Notwithstanding subsection (2), pedestrian entrances and lobbies associated with any use permitted pursuant to subsection (1) may face and have access onto Pedestrian-Oriented Commercial Streets.

#### **Residential Uses: Dwelling Unit Mix**

- (4) Buildings erected, altered or used as a multiple unit dwelling shall be required to include at least one dwelling unit containing not less than two bedrooms for every three dwelling units and one dwelling unit containing not less than two bedrooms for every three, or part of three, dwelling units in a building containing more than three dwelling units.

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

### **Residential Uses: Precincts 2, 3 and 9 - Landscaped Open Space Requirements**

- (6) Where any residential building is erected, altered, or used primarily for residential purposes in Precinct 2: Barrington Street South; 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.
- (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 5 square metres of landscaped open space shall be provided for each person residing in the building.
- (9) For the purposes of calculating the number of persons residing in a building, the population of each dwelling unit shall equal 2.25 persons.
- (10) A maximum of 60% of the landscaped open space requirement may be transferred to the building rooftop, provided that:
  - (a) the rooftop landscaped open space is contiguous and not less than 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.
- (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.

### **Residential Uses: Storm Surge Protection**

- (12) No portion of a building on a lot within Schedule W, shall be less than a 2.5 metre elevation above the ordinary high water mark.
- (13) Subsection (12) does not apply to parking garages, accessory structures or entrances to residential uses.
- (14) Notwithstanding subsection (12), any existing residential use situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

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

### **Institutional, Cultural & Open Space Zone (ICO)**

#### **Permitted Land Uses:**

- (16) The following uses shall be permitted in the ICO Zone:
- Institutional uses;
  - Cultural uses;
  - Open Space uses;
  - Eating establishments or retail uses accessory to permitted uses; and
  - Uses accessory to the foregoing.
- (17) Where eating establishments or retail uses accessory to permitted uses are permitted they shall have no separate entrance from the exterior of the building.

### **Transportation Reserve (TR)**

- (18) It is the intention of HRM to acquire the lands identified as “Transportation Reserve” on the Zoning and Schedule Map, Map 1, for the purpose of widening, altering or diverting an existing street or pathway, or for the purposes of a new street or pathway.
- (19) When acquired, the Transportation Reserves shall have the status of streets and the requirements of this By-law regarding matters such as setbacks shall apply.
- (20) Pursuant to section 239 of the *Halifax Regional Municipality Charter*, should HRM not acquire a Transportation Reserve, the lands shall revert to the DH-1 Zone and applicable overlay zone as identified on the Zoning and Schedule Map, Map 1.
- (21) Development is prohibited within a Transportation Reserve.

### **Transportation Reserve (TR): Abutting Uses**

- (22) Notwithstanding subsections (1) and (16), only those uses listed below shall be permitted on the ground floor of a building abutting a Transportation Reserve, as identified on Map 1:

Cultural uses;  
Banks and related uses;  
Licenced alcohol establishments;  
Personal service uses;  
Eating establishments;  
Retail uses; and  
Uses accessory to the foregoing.

- (23) Notwithstanding subsection (22), pedestrian entrances and lobbies associated with a hotel may face and have access onto the Transportation Reserve.

## **Built Form Requirements**

### **Lot Requirements**

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

### **Number of Buildings on a Lot**

- (2) Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot or one building on more than one lot.

### **Registered Heritage Properties**

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

### **Registered Heritage Properties: Development on Abutting Property**

- (5) In addition to the requirements of this By-law, development on a lot abutting a Registered Heritage Property shall be subject to the requirements of the Design Manual.

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

- (6) No building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the Maximum Pre-Bonus Heights specified on Map 4.
- (7) Notwithstanding subsection (6), the Maximum Pre-Bonus Heights specified on Map 4, may be exceeded to the Maximum Post-Bonus Height specified on Map 5, pursuant to Section 12.
- (8) The height requirements in subsections (6) and (7) shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment or enclosure of such equipment, skylight, chimney, landscape vegetation, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the

total of all such features, shall occupy in the aggregate less than 30 % of the area of the roof of the building on which they are located.

- (9) The height requirements in subsections (6) and (7) may be exceeded on those properties identified as Prominent Visual Terminus Sites - Map 9, as provided for in the Design Manual.
- (10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.
- (11) The requirements of subsections (8) and (9) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.

### **Rooftop Landscaped Open Space**

- (12) All buildings erected or altered, with a flat roof shall provide landscaped open space on those portions of the flat roof not required for architectural features or mechanical equipment.

### **Land Uses at Grade**

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

### **View Plane Requirements**

- (14) Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone so as to protrude through a View Plane except as permitted pursuant to Section 24 of the Halifax Peninsula Land Use By-law, as amended from time to time.
- (15) Any permit issued by the Development Officer pursuant to plans and data presented by the applicant shall not, at any time, be deemed to be permission to protrude through a View Plane.
- (16) No building shall be constructed so that it is parallel to a view plane, unless such view plane is parallel to a street line.

## **Rampart Requirements**

- (17) Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone so as to be visible above the ramparts as specified by Section 26B of the Halifax Peninsula Land Use By-law, as amended from time to time.

## **Wind Impact**

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

## **Accessory Buildings**

- (19) Accessory buildings shall be permitted in all zones subject to the following requirements:
- (a) a maximum of 5 metres in height and a maximum of 23.5 square metres in floor area;
  - (b) no accessory building or portion thereof shall be permitted between a streetline and a streetwall where such streetwall is setback less than 9.5 metres from a streetline;
  - (c) no accessory building or portion thereof shall be located within a required setback; and
  - (d) an accessory building shall not require any setback from an interior lot line if such building is located entirely within the rear yard of the lot on which such building is located

## **Prohibited External Cladding Materials**

- (20) The following external cladding materials shall be prohibited:
- (a) vinyl;
  - (b) plastic;
  - (c) plywood;
  - (d) concrete block;

- (e) exterior insulation and finish systems where stucco is applied to rigid insulation;
  - (f) metal siding utilizing exposed fasteners;
  - (g) darkly tinted or mirrored glass; and
  - (h) vinyl windows on registered heritage properties or properties located within a heritage conservation district.
- (21) The requirements of subsection (20) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.

## **Streetwalls**

### **Streetwall: Streetline Setbacks**

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

### **Streetwall: Height**

- (2) The maximum streetwall height shall be as specified on Map 7.
- (3) The minimum streetwall height shall be 11 metres high, or the height of the building where the building height is less than 11 metres.
- (4) Where there is more than one streetwall of differing heights the lowest of the streetwalls shall be the permitted streetwall height.

### **Streetwall: Width**

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

### **Streetwall: Stepbacks**

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

### **Streetwalls: Variance through Site Plan Approval**

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

## **Building Setbacks and Stepbacks**

### **Low-Rise Buildings**

- 10
- (1) No setback is required from an interior lot line for a low-rise building or the low-rise portion of a building.
  - (2) With the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated.
  - (3) On lots located outside of Central Blocks, as identified on Map 8, a low-rise building or the low-rise portion of a building may be setback from interior lot lines no more than 20% of the lot width.

### **Mid-Rise Buildings**

- (4) 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.
- (5) The mid-rise portion of a building shall not project beyond the vertical plane of the exterior walls of the low-rise portion of the building.

### **Mid-Rise Buildings: Central Blocks**

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

### **High-Rise Buildings**

- (7) Any portion of a high-rise building above a height of 33.5 metres shall be setback 11.5 metres from interior lot lines.
- (8) Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 17 metres between the high-rise portion of other buildings or the same building on the same lot, where one of the high-rise buildings is used for commercial purposes.

- (9) Any portion of a high-rise building above a height of 33.5 metres shall be a minimum of 23 metres between the high-rise portion of other buildings or the same building on the same lot, where both of the high-rise buildings are used for residential purposes.
- (10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.
- (11) Notwithstanding subsection (10) any portion of a building above a height of 33.5 metres located in the Central Blocks, as identified on Map 8, shall be a maximum width of 38 metres and a maximum depth of 27.5 metres.

### **Permitted Encroachments**

- (12) Eaves, gutters, down spouts, cornices and other similar features shall be permitted encroachments into a required setback, stepback or separation distance to a maximum of 0.6 metres.
- (13) Balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.

### **Building Setbacks and Stepbacks: Variance through Site Plan Approval**

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

## **Precincts: Additional Requirements**

### **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.

### **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) new development shall maintain a minimum of 210 or more parking spaces in total on the two lots; and
  - (b) 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 (a).

### **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.

### **Precinct 5: Barrington Street Heritage Conservation District**

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

## **Post-Bonus Height Provisions**

### **Buildings Higher than the Pre-Bonus Height Requirements**

- 12 (1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer.
- (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit.
- (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law.
- (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the *Building By-law* (HRM By-law B-201) or such other time as may be provided under the public benefit agreement.
- (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites identified on Map 9, unoccupied architectural features, and permitted height encroachments pursuant to subsection (9) of subsection 8.

### **Bonus Exception for Registered Heritage Buildings**

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

### **Public Benefit Categories**

- (7) Subject to meeting all applicable requirements of this By-law, development pursuant to subsection (1) shall be permitted where the developer provides one or a combination of the following public benefits:
- (a) where the development includes a registered heritage property which is to be maintained, the preservation or enhancement of the heritage resource;

- (b) the provision of publicly accessible amenity or open space, where a deficiency in such spaces exists;
  - (c) the provision of residential units at a subsidized cost to contribute to housing affordability in the Downtown Halifax Secondary Municipal Planning Strategy plan area;
  - (d) the provision of 3 and 4 bedroom units with direct access to outdoor amenity space;
  - (e) the provision of rental commercial space made available at a subsidized cost for arts or cultural uses;
  - (f) the provision of public art;
  - (g) the provision of public parking facilities, where a deficiency in such facilities exists;
  - (h) investment in public transit or active transportation infrastructure;
  - (i) the provision of exemplary sustainable building practices.
- (8) The developer shall provide a written proposal which provides a description of the details and extent of the Public Benefit to be provided.

### **Public Benefit Agreement**

- (9) Prior to the issuance of a development permit by the Development Officer, the developer shall enter into an agreement with the Municipality which shall:
- (a) identify the particular parcel of land to be developed, where the public benefit is to be provided off-site of the development;
  - (b) include design drawings, provided by the developer for the required public benefit and where necessary, include detailed construction drawings, site plans, specifications, and cost estimates of the proposed work; and
  - (c) identify the required process and conditions for supervision and acceptance of the proposed public benefit before the work is accepted by the Municipality as the public benefit for the development.

## **Signs**

### **Permit Requirements**

- 13 (1) No person shall erect a sign without first obtaining a development permit.
- (2) Except as provided for in subsection (5), an owner shall have at all times a valid permit for every sign(s) on any premise.

### **Temporary Sign By-law**

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

### **Encroachment License**

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

### **Permitted Signs**

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

- (g) non-illuminated signs which are incidental to construction and are located on the same lot, provided that such sign shall not exceed 2 square metres in area. A sign so erected shall be removed within 14 days after conclusion of the activity.

### **Prohibited Signs**

- (6) Notwithstanding any other Section of this By-law, the following signs shall not be permitted or erected in any zone:
  - (a) signs which create a hazard to public safety;
  - (b) signs located within the viewing triangle of a street or driveway or which obstruct the vision of drivers whether by virtue of their location, appearance or illumination or which obscure or obstruct any traffic control sign or device of any public authority;
  - (c) signs which obstruct access to or from a fire escape, door, window, or other required fire exit;
  - (d) signs which resemble traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;
  - (e) signs which advertise a product which is no longer sold or a business which is no longer in operation;
  - (f) signs that are unrelated to the product, service or business that is upon a lot;
  - (g) signs on public property or public rights-of-way unless erected by a public authority or specifically permitted by the Municipality;
  - (h) signs located on or affixed to the roof of any structure;
  - (i) signs which project above a roof line;
  - (j) signs which project above a streetwall setback;
  - (k) ground signs or billboards;
  - (l) signs affixed to natural objects (trees, stones); and

- (m) signs which use fluorescent colours for either background or individual characters.

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

- (7) Signs on Registered Heritage Properties and Properties in a Heritage Conservation District shall meet the requirements of the Design Manual.
- (8) The following types of signs are prohibited on registered heritage properties and properties in a heritage conservation district:
  - (a) internally-illuminated fascia signs or awning signs;
  - (b) stretch skin plastics for awning or canopy signs; and
  - (c) textile banners, with or without frames.

### **Signs on Buildings**

- (9) No sign that encroaches into a street shall be less than 3.1 metres above the surface of a sidewalk.
- (10) No part of a sign shall be closer than 3.1 metres horizontal from a curb face or the nearest edge of a vehicular passageway or traffic lane.

### **Illuminated Signs**

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

### **Fascia Signs**

- (12) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed.
- (13) The maximum combined size of fascia signs on the wall of a building shall be no greater than 10% of the total area of said wall.

### **Window Signs**

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

### **Canopies and Awning Signs**

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

### **Projecting Signs**

- (16) Projecting signs shall;
  - (a) be separated a minimum distance of 2.5 metres from other projecting signs on the same property;
  - (b) have a minimum setback of 1.2 metres from an interior lot line; and
  - (c) have a maximum area of 1.9 square metres.
- (17) Only one projecting sign is permitted per business premise.

## **Parking**

### **Accessory Surface Parking Lots: General Requirements**

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

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

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

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

- (g) parking or storage of motor vehicles is not permitted in areas used for ingress or egress of motor vehicles to a street or highway, or in areas used for driveways, aisles or maneuvering areas;
  - (h) parking spaces shall not be immediately adjacent to doors or passageways from buildings; and
  - (i) parking areas and driving aisles in a front yard are not permitted. A driveway in the front yard is permitted only to provide access to parking areas located in a side or rear yard.
- (3) The design of accessory surface parking lots shall meet the requirements of the Design Manual.

### **Commercial Surface Parking Lots**

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

### **Commercial Parking Garages: General Requirements**

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

## **Commercial Parking Garage: Design**

- (7) Commercial parking garages shall provide a streetwall as specified on the Streetwall Height Map 7, and in no case shall the streetwall height be less than 11 metres high where the building height is less than the required streetwall height, but greater than 11 metres high. For those buildings less than 11 metres high the streetwall height shall be the full height of the building.
- (8) Rooftop parking and mechanical equipment shall be visually obscured from the street through the use of architectural features.
- (9) At-grade uses abutting a street shall be limited to:
  - (a) on Pedestrian-Oriented Commercial Streets those uses in subsections (2) and (3) of section 7; and
  - (b) on all other streets those uses permitted in the zone applicable to the lot.
- (10) Streetwalls greater than 15 metres in width measured parallel to the streetline shall have the appearance of two or more buildings by altering the appearance of the facade or roof in increments of 6 metres to 12 metres.
- (11) 75 % of the surface area of the face of the ground floor of the building shall be comprised of windows. For the purpose of calculating this requirement those openings in the building wall used for access of vehicles shall be excluded.
- (12) Commercial use storage, delivery bays and garbage receptacles shall be contained within the building.
- (13) Commercial parking garage mechanical equipment, meters and similar utilities shall be located on top of, or within, the building.
- (14) The design of commercial parking garages shall meet the criteria of the Design Manual.

## Bicycle Parking: Required Number of Spaces

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

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

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

### **Bicycle Parking: Class A Requirements**

- (17) Class A bicycle parking spaces shall be subject to the following requirements:
- (a) class A bicycle parking shall be located a maximum of 200 metres from an entrance.
  - (b) parking spaces shall have a minimum door opening of 0.6 metres, be no less than 0.6 metres long and 1.2 metres in height, with an aisle width of not less than 1.5 metres; and
  - (c) bicycle rooms and cages for the storage of multiple bicycles shall contain racks so that individual bicycles are supported.

### **Bicycle Parking: Class B Requirements**

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

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

## **Schedule S-2: Wind Assessment Performance Standards**

### **General**

- (1) A new building that is proposed to be greater than 20 metres in height or an addition to a building that will result in the building being greater than 20 metres in height shall be subject to a quantitative wind impact assessment.
- (2) The wind impact assessment shall address:
  - (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development.
  - (b) The impact of the development and such areas within the influence of such development on the following places:
    - (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and
    - (ii) private amenity spaces such as rooftop gardens.
  - (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking.
  - (d) The methodology and standards used in the assessment.

### **Qualitative Assessment**

- (3) A qualitative assessment shall include an analysis and description of expected wind impacts without the use of quantitative scale model simulation analysis.
- (4) For development that is minor in scope, such as a small addition in building height or a development where wind impact is not expected to be detrimental or may be improved upon in the opinion of the qualified professional, a qualitative wind assessment may be prepared.
- (5) The qualitative assessment shall be in the form of a report and shall be subject to the acceptance of the Development Officer or Design Review Committee.

### **Quantitative Assessment**

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

## **Determination**

- (7) Where the impact of the development upon the places identified in S-2(2)(b) can be mitigated, with consideration of the criteria of the Design Manual regarding overall building design, the development shall be approved by the Development Officer or Design Review Committee.