

## MEMORANDUM

**TO:** Chair and Members of CDAC  
**FROM:** Ben Sivak, Community Policy Program Manager, Planning & Development  
**DATE:** November 25, 2020  
**SUBJECT:** **Built Form Land Use By-law Provisions – Balconies**

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### **Purpose**

This memo explores built form Land Use By-law (LUB) provisions relating to balconies in response to the Design Review Committee's (DRC) and Community Design Advisory Committee's (CDAC) requests. It provides a comparison between existing provisions in the Downtown Halifax LUB and proposed provisions in the Regional Centre LUB based on the February 2020 published draft. Lastly, this memo updates CDAC on proposed revisions to balcony-related provisions planned for the next version of Package B.

### **Background**

On July 2020, the Design Review Committee (DRC) made a decision on a Substantive Site Plan Approval for 1325 Lower Water Street, Halifax, which is located within the Downtown Halifax Plan Area. As part of the discussion, DRC recommended that Regional Council initiate the process to consider amendments to the Downtown Halifax Land Use By-law, as follows:

*THAT the Design Review Committee recommend that Regional Council initiate the process to consider amendments to the Downtown Halifax Land Use By-law to allow for balconies in excess of 50% of the building face.*

In response, Regional Council referred this matter to the CDAC in September 2020, to be considered as part of the ongoing Centre Plan (Package B) process. CDAC members indicated that they wished to learn more about the DRC request and passed the following motion:

*THAT the Community Design Advisory Committee request a staff briefing on issues related to the request made by the Design Review Committee regarding balconies, including an analysis of the rationale for variance restrictions in the Downtown Halifax Land Use By-Law and other impacts of setbacks and set-backs that should be considered.*

### **The Centre Plan (Package B) and Downtown Halifax – Balconies Provisions**

The Centre Plan (Package B) includes the complete set of proposed planning policies and land use regulations for the entire Regional Centre, which will also consist of updates to policies and regulations for Downtown Halifax plan area. This update will exclude the existing Barrington Street and Old South Suburb Heritage Conservation Districts (HCDs).

In both Centre Plan and Downtown Halifax plan areas, site and building design are shaped largely through built form regulations that control the overall massing and scale of developments, such as building and tower dimensions, and streetwall design. These regulations play a critical role in the overall design of different building envelopes. To provide flexibility in building design, both the existing and proposed LUBs permit encroachments into setbacks, stepbacks, and separation distances to accommodate certain building features, such as eaves, ramps and window bays. These features do not significantly impact the size of the building and may be added well after buildings are constructed.

Balconies are considered one of several types of permitted encroachments provided that their overall aggregate width is no more than a maximum of 50% of the building face. The intent of this limit is to ensure that the combined overall impact of the balconies do not significantly impact the volume, massing, and scale of buildings. Building faces covered with more than 50% balconies will generally make the building appear larger and wider, and undermine the purpose of the setbacks, stepbacks and separation distance requirements, which are intended to:

- reinforce ‘human-scaled’ streetscapes through proportionally articulated streetwall design;
- implement appropriate interior setbacks, streetwall setbacks, stepbacks, and separation distances between buildings to mitigate impacts from wind and shadow at the street level, and maximize sun penetration and sky exposure; and
- balance the relationship between the height, width, and massing of different buildings.

The following table compares the built form provisions for balconies in the existing Downtown Halifax Land Use By-law and the proposed provisions in the Regional Centre Land Use By-law (Package B):

	<b>Downtown Halifax LUB</b> <i>(Existing)</i>	<b>Regional Centre LUB (Package B)</b> <i>(February 2020 Draft)</i>
<b>Built Form Provisions</b>	<b>Section 10(13):</b> 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.	<b>Section 94:</b> If the aggregate width of all balconies per storey shall not exceeds 50% of the horizontal width of a building face.  <b>Section 96(1)(d):</b> Subject to Subsection 96(3) balconies, unenclosed porches, verandas, canopies, and awnings may project into any setback, stepback, or separation distance by up to: (i) 1.5 metres from any exterior wall at the ground floor, or (ii) 2.0 metres from any exterior wall at the second storey or above.
<b>Built-in Flexibility</b>	This provision may be varied by site plan approval where the relaxation is consistent with the Design Manual, specifically Section 3.6 Site Plan Variances in the Design Manual Guidelines. While the LUB identifies encroachments as an item that may be varied, the Design Manual only contains variation criteria related to setbacks, stepbacks, building dimensions, and separation distance requirements. The qualitative criteria enable the Design Review Committee to consider minor or extensive	This provision cannot be varied.

	encroachments to be varied through changes to building envelope requirements.	
<b>Implementation and application</b>	This provision applies to lands within the Downtown Halifax Plan Area. Once the plan area is updated upon the approval of the Regional Centre (Package B), this provision will only apply to the Barrington Street and Old South Suburb HCDs.	This provision is proposed to be applied to all developments within existing designations under Package A, as well as Downtown Halifax and Package B lands, except for the Barrington Street and Old South Suburb HCDs.

### Revisions for Built-in Flexibility

Built form requirements for balconies in the Regional Centre LUB generally align with the existing provisions in the Downtown Halifax Plan with regards to the set maximum coverage limit. While a variation ability through the site plan approval process is not proposed to be available under the Regional Centre LUB, revisions will be made to the next version of Package B to provide a greater amount of built-in flexibility. This will enable developments to exceed the 50% limit, provided that the additional areas of balconies are calculated as part of the overall maximum building dimensions. This approach will maintain the appropriate width, massing, and scale of building envelopes while enabling the aggregate width of balconies to exceed 50% of the building face if setback, stepback and building dimension requirements can be met.

### Recommendation

Staff recommend the following:

- maintaining the current approach in the Regional Centre LUB of limiting the aggregate width of balconies that encroach into building envelope requirements to a maximum limit of 50% of the horizontal building face, which aligns with the existing Downtown Halifax LUB provisions; and
- adjusting the provisions to further align with the existing flexibility in the Downtown Halifax Plan by identifying that if the aggregate width of all balconies per storey exceeds 50% of the horizontal width of a building face, then the balconies are to be included in the calculation of maximum building dimensions.

Staff look forward to receiving CDAC's feedback on the existing and proposed approach to regulating balcony encroachments.