

REGIONAL CENTRE LAND USE BY-LAW

The following version of the Draft Regional Centre Land Use By-law – Package B (inclusive of Package A), has been prepared for Regional Council and Committee review purposes only and is subject to change.

HALIFAX

PROPOSED REGIONAL CENTRE LAND USE BY-LAW

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THIS IS TO CERTIFY that this is a true copy of the Regional Centre Land Use By-Law which was passed by a majority vote of the Council of the Halifax Regional Municipality at a duly called meeting held on the __ day of _____202__, and reviewed by Municipal Affairs and Housing on the __ day of ____, and is in effect as of the __ day of ____202__.

GIVEN UNDER THE HAND of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 202__.

Municipal Clerk

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PART I: ADMINISTRATION

Part I, Chapter 1: General Administration

Introduction

- 1 This By-law enables:
 - (a) as-of-right development;
 - (b) enables certain requirements to be varied by site plan approval; and
 - (c) allows certain developments by development agreement.

Title

- 2 This By-law is cited as the *Regional Centre Land Use By-law*.

Lands Governed by this By-law

- 3 This By-law applies to the lands shown on Schedule 1.

Repeal of Former By-laws

- 4 This By-law repeals the following:
 - (a) the *Land Use By-law for Downtown Dartmouth*, adopted by Council on July 11, 2000, and all amendments thereto;
 - (b) the *Land Use By-law for Halifax Peninsula*, adopted by the former Council for the City of Halifax on March 30, 1978, and all amendments thereto; and
 - (c) the *Regional Centre Land Use By-law*, adopted by Council on September 18, 2019, and all amendments thereto.

Compliance with this By-law

- 5
 - (1) The provisions of this By-law shall apply to all properties and all developments located within the boundaries of this By-law, as shown on Schedule 1.
 - (2) A person shall comply with this By-law, even if a development is exempt from the requirement for a development permit.
 - (3) Any person who violates a provision of this By-law shall be subject to prosecution as provided for by Section 369 of the Charter.

- (4) All developments shall be developed in accordance with the development permit.
- (5) In this By-law, any use not permitted in a particular zone is prohibited.

Requirement for a Development Permit

- 6 Subject to Section 9, no person shall undertake any development without first obtaining a development permit.

Compliance with Other Legislation and By-laws

- 7 (1) This By-law does not exempt any person from any other enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada.
- (2) No development permit shall be issued for any development prohibited by an enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada.

Administration by the Development Officer

- 8 This By-law shall be administered by the Development Officer.

Part I, Chapter 2: Development Permit

Development Permit Exemptions

- 9 (1) Subject to Subsections 9(2) and 9(3), the following developments are exempt from the requirement to obtain a development permit:
- (a) accessory structures that are 20.0 square metres of floor area or less, unless used as a backyard suite use;
 - (b) kiosks that are 20.0 square metres of floor area or less and shipping containers within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B;
 - (c) excluding foundations, piles, and footings, uncovered structures less than 0.6 metres high, such as decks, patios, and planters;
 - (d) home office uses;
 - (e) temporary uses;
 - (f) fences;
 - (g) the construction, replacement, or repair of infrastructure by utilities or municipal, provincial, or federal governments;
 - (h) public transit shelters;
 - (i) any sign exempted under Section 468;
 - (j) monument uses on municipally, provincially, or federally owned land;
 - (k) excluding main buildings on registered heritage properties, the painting of buildings;
 - (l) the replacement of windows and doors within existing openings;
 - (m) urban farm uses;
 - (n) the keeping of egg-laying chickens as an accessory use; and
 - (o) the keeping of bees as an accessory use.
- (2) On a registered heritage property or on a lot within a heritage conservation district, the following structures are not exempt from a development permit:
- (a) uncovered structures less than 0.6 metres high, such as decks, patios, and planters; or
 - (b) fences.
- (3) Even where a development permit is not required, a development shall meet all applicable requirements contained in this By-law.

Development Permit Applications

- 10 A development permit application shall include documents and plans, drawn to scale, that include the following, where applicable:
- (a) floor plans with dimensions shown and the intended use of all rooms labelled;
 - (b) elevation drawings with:
 - (i) height measurements and dimensions shown for all sides of proposed structures,
 - (ii) external cladding material type and detail labelled, and
 - (iii) any architectural details where required;
 - (c) roof plans;
 - (d) a site plan showing:
 - (i) lot dimensions and lot lines,
 - (ii) the location of all existing and proposed structures and uses,
 - (iii) setbacks,
 - (iv) the location and dimensions of all parking lots, parking spaces, driveways, driving aisles, off-street loading spaces, and parking lot entrances and exits,
 - (v) the location and dimensions of all pedestrian pathways and walkways,
 - (vi) the location of hard landscaping or soft landscaping, and
 - (vii) the location of solid waste management areas;
 - (e) the location of bicycle parking areas;
 - (f) the location of building utilities;
 - (g) the location of all exterior lighting;
 - (h) for a building or an addition to a building that results in a building greater than 20.0 metres in height:
 - (i) a pedestrian wind impact assessment report that meets the protocol and performance standards contained in Appendix 1, and is prepared by a professional engineer, and
 - (ii) if the pedestrian wind impact assessment report recommends on-site wind mitigation measures, then the measures that are recommended must be implemented in the design and construction of the building;

- (i) excluding buildings 11.0 metres in height or less, or any development in any ER-3, ER-2, ER-1, CH, PCF, or RPK zone, a shadow study and shadow diagrams that meet the requirements of Appendix 2, for:
 - (i) any new building or addition to a building located within 100 metres of any identified area on Schedule 51, or
 - (ii) any new building or addition to a building that results in a building height greater than 26.0 metres, which is located further than 100 metres of an identified area on Schedule 51;
- (j) to ensure compliance with the view plane, Halifax Citadel rampart sight line, or waterfront view corridor requirements of Part X, site plans or elevation drawings that are certified by a surveyor;
- (k) the location of all wetlands within or adjacent to the lot where a development is being proposed;
- (l) in the presence of a watercourse, or a wetland that is contiguous to a watercourse, within or adjacent to the lot where a development is being proposed, a site plan which shows the following:
 - (i) the location of any watercourse,
 - (ii) the location of any wetland that is contiguous to a watercourse,
 - (iii) the required watercourse buffer,
 - (iv) existing vegetation limits, and
 - (v) land contours with lot grading information, certified by a surveyor or professional engineer;
- (m) excluding any developments located within the ER-3, ER-2, ER-1, or CH zone, a landscape plan that meets the requirements of Section 440, for:
 - (i) a new building equal to or greater than 2,000 square metres, or
 - (ii) an addition equal to or greater than 1,000 square metres; and
- (n) any other information that the Development Officer requires to determine if the development complies with this By-law.

Approval

- 11 The Development Officer shall issue a development permit where the development meets:

- (a) the requirements of this By-law;
- (b) the terms of an approved site plan; or
- (c) the terms of a development agreement.

Expiry

12 A development permit shall expire 24 months from the date it is issued.

Revocation

13 The Development Officer may revoke a development permit if:

- (a) the development is not in accordance with:
 - (i) this By-law,
 - (ii) the plans associated with the approved development permit,
 - (iii) an approved site plan, or
 - (iv) an approved development agreement;
- (b) the permit was issued based on incorrect information provided by the applicant when applying for a development permit; or
- (c) the permit was issued in error.

Fees

14 The fees for applications under this By-law shall be set out by Administrative Order.

Part I, Chapter 3: Site Plan Approval

Matters Subject to Site Plan Approval

- 15 Within the DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone, any development requesting a variation listed under Section 20, shall be subject to site plan approval.

Site Plan Approval Applications

- 16 (1) Any application for a site plan approval under Section 15 shall include documents and plans, drawn to scale, that show the information required in Section 10.
- (2) Subject to Subsection 16(3), any application requesting a variation through site plan approval, in accordance with Section 20, shall include:
- (a) drawings, including elevations and architectural renderings, that show the relative scale of the development to any buildings on lots abutting the development site;
 - (b) a written statement explaining the nature and extent of the requested variation, as well as a rationale for the request based on the variation criteria contained in Part IX, to the satisfaction of the Development Officer; and
 - (c) illustrations showing the location and type of variation being requested.
- (3) For any required elevation drawing or architectural rendering, buildings on abutting lots shall be represented for a distance of at least 15.0 metres from any side or rear lot line, in order to satisfy the requirements of Subsection 16(2).
- (4) If required by the Development Officer, an application for site plan approval under Section 15 shall include the following:
- (a) one architectural rendering for each streetline, drawn from pedestrian eye-level, showing the streetwall and any public sidewalks, excluding features in the public right-of-way such as street trees, utility poles, and street furniture; and
 - (b) one architectural rendering for each streetline, showing the development at night, which illustrates compliance with the design requirement of Section 383.

- (5) An application for site plan approval under Section 15 shall include:
 - (a) confirmation that the public information and consultation requirements of Sections 17 to 19 have been met;
 - (b) a written summary of all public feedback; and
 - (c) the applicant's response to the feedback received from the public.

Methods of Public Information and Consultation

- 17 (1) Public information and consultation is required before applying for an application for site plan approval under Section 15, and shall include:
 - (a) a website, which meets the requirements of Section 18; and
 - (b) a weather-proof sign on the development site, which meets the requirements of Section 19.
- (2) The applicant shall create a complete record including feedback received from the website and from any correspondence, and shall submit it with the application for site plan approval.

Public Information and Consultation: Website

- 18 The website specified in Clause 17(1)(a) shall:
 - (a) contain:
 - (i) information about the proposed project, including the location of the development and a description of any proposed variation to the requirements of this By-law,
 - (ii) plans and renderings, and
 - (iii) contact information for a representative of the applicant, including a telephone number and email address;
 - (b) contain an online feedback forum or an e-mail address clearly displayed on the webpage that allows for the submission of questions and comments from the public on the proposal; and
 - (c) be operational 24 hours a day, 7 days a week, for 14 calendar days before an application is submitted to the Municipality and until the end of the appeal period.

Public Information and Consultation: Weather-Proof Sign

19 The weather-proof sign specified in Clause 17(1)(b) shall:

- (a) be displayed on each street frontage of the development site;
- (b) contain:
 - (i) a brief description of the project,
 - (ii) an architectural rendering of the project,
 - (iii) the internet address of the website specified in Clause 17(1)(a),
 - (iv) contact information for a representative of the applicant, including a telephone number and email address, and
 - (v) lettering in Arial font, bolded, and at a minimum font size of 90pt; and
- (c) be displayed for 14 calendar days before an application is submitted to the Municipality and until the end of the appeal period.

Variation of By-law Requirements by Site Plan Approval

20 The following items may be considered for a variation of the requirements of this By-law through site plan approval, if the requested variation meets the variation criteria contained in Part IX:

- (a) roof edge setbacks of height-exempted rooftop features;
- (b) streetwall articulation;
- (c) grade-oriented premises;
- (d) maximum building dimensions in the CEN-2, COR, or HR-2 zone;
- (e) unique building functionality;
- (f) unique building design;
- (g) cornice line height for new main buildings or additions to main buildings on a property abutting a registered heritage property or abutting a heritage conservation district; or
- (h) applicability of general design requirements for a new construction on a registered heritage property outside of a heritage conservation district.

Notification of Approval

21 Where any site plan approval is granted, the Development Officer shall notify, in writing, every assessed property owner within 30 metres of the subject property.

Appeal of Decision

- 22 (1) Subject to Subsection 22(2), a decision by the Development Officer to approve or refuse a site plan approval application may be appealed to Council in accordance with the Charter, as amended from time to time.
- (2) Only the matters subject to site plan approval under Section 15 are appealable to Council.

Advisory Committee

- 23 An advisory committee may be established by Council to provide recommendations to the Development Officer respecting applications for site plan approval under Section 15, and to perform other duties set by Council.

Part I, Chapter 4: Non-Conforming Structures and Uses

Non-Conforming Structures

- 24 (1) In any zone, the restrictions in the Charter respecting non-conforming structures that are not primarily used for residential purposes are relaxed by allowing them to be extended, enlarged, or altered if the extension, enlargement, or alteration does not further increase a non-conformity with a requirement of this By-law.
- (2) In any zone, on a lot that contains a structure that is primarily used for residential purposes, the restrictions in the Charter respecting non-conforming structures are relaxed by allowing them to be extended, enlarged, altered, or reconstructed if the extension, enlargement, alteration, or reconstruction does not further increase a non-conformity with a requirement of this By-law.

Non-Conforming Uses

- 25 (1) This Section relaxes certain restrictions regarding non-conforming uses in accordance with Section 257 of the Charter.
- (2) The change of a non-residential non-conforming use to a less intensive non-conforming use of land or non-conforming use in a structure may be considered by development agreement, in accordance with Section 496.
- (3) Where a non-conforming use in a structure exists, the volume of the structure containing that non-conforming use may be extended, enlarged, or altered, providing:
- (a) the structure is located in an ER-3, ER-2, or ER-1 zone;
 - (b) the extension, enlargement, or alteration to the volume of the structure is used as a non-conforming low-density dwelling use; and
 - (c) all other applicable requirements of this By-law are met.
- (4) Where a non-conforming use in a structure exists and that is a low-density dwelling use, the structure may be rebuilt, replaced, or repaired if destroyed or damaged by fire or otherwise, providing:
- (a) the structure is located in an ER-3, ER-2, or ER-1 zone;
 - (b) the non-conforming use is a low-density dwelling use and that use will occupy the rebuilt, replaced, or repaired structure; and

- (c) all other applicable requirements of this By-law are met.
- (5) Where a non-conforming use in a structure exists that is a multi-unit dwelling use, the structure may be rebuilt, replaced, or repaired if destroyed or damaged by fire or otherwise, providing:
- (a) the structure is located in an ER-3, ER-2, or ER-1 zone;
 - (b) the rebuilt, replaced, or repaired structure is substantially the same as it was before the destruction or damage; and
 - (c) the non-conforming use is a multi-unit dwelling use and that use will occupy the rebuilt, replaced, or repaired structure.
- (6) In accordance with Section 497, where a non-residential non-conforming use in a structure exists, Council may, by development agreement, allow the volume of the structure containing that non-conforming use to be extended, enlarged, or altered.
- (7) The non-conforming use in a structure is permitted to expand into an extension, enlargement, or alteration that complies with Subsection 25(6) and Section 497.

Part I, Chapter 5: Variances

Variances

26 A variance may be considered under Subsection 250(1) of the Charter.

Part I, Chapter 6: Interpretation of this By-law

Diagrams

- 27 All diagrams in this By-law are:
- (a) for explanatory purposes only;
 - (b) do not form a part of this By-law; and
 - (c) are not to scale.

Defined Terms

- 28 All terms not defined in Part XVII of this By-law, in the Charter, or by the Nova Scotia *Interpretation Act* shall have their ordinary and grammatical meaning.

More Restrictive Requirement Applies

- 29 Where two or more requirements of this By-law conflict, the more restrictive requirement applies.

Part I, Chapter 7: Schedules and Appendices

List of Schedules and Appendices

- 30 (1) The following schedules form part of this By-law:
- (a) Schedule 1: Regional Centre Land Use By-law Boundary;
 - (b) Schedule 2: Zone Boundaries;
 - (c) Schedule 3A: Downtown Dartmouth Special Areas;
 - (d) Schedule 3B: Downtown Halifax Special Areas;
 - (e) Schedule 3C: Established Residential Special Areas and Sub-Areas;
 - (f) Schedule 3D: University and College Special Areas;
 - (g) Schedule 3E: Watercourse Special Areas;
 - (h) Schedule 3F: Other Special Areas;
 - (i) Schedule 4: Dundas Street Extension Transportation Reserve;
 - (j) Schedule 5: Proctor Street Transportation Reserve;
 - (k) Schedule 6: Robie Street Transportation Reserve;
 - (l) Schedule 7: Pedestrian-Oriented Commercial Streets;
 - (m) Schedule 8: Publicly Sponsored Convention Centre;
 - (n) Schedule 9: Landmark Buildings;
 - (o) Schedule 10: Lands Designated Halifax Harbour;
 - (p) Schedule 11: Wetlands;
 - (q) Schedule 12: Reference Line – Northwest Arm;
 - (r) Schedule 13: Reference Line – Lake Banook;
 - (s) Schedule 14: Reference Line – Lake Micmac;
 - (t) Schedule 15: Maximum Building Height Precincts;
 - (u) Schedule 16: Average Finished Grade for Building Height Calculation –
Scotia Square Complex (SSC) Special Area;
 - (v) Schedule 17: Maximum Floor Area Ratio Precincts;
 - (w) Schedule 18: Minimum Front and Flanking Setbacks;
 - (x) Schedule 19: Maximum Front and Flanking Setbacks;
 - (y) Schedule 20: Maximum Streetwall Heights – DH Zone;
 - (z) Schedule 21: Harbour Orientation Lines;
 - (aa) Schedule 22: Heritage Conservation Districts;
 - (ab) Schedule 23: Schmidville Heritage Buildings;
 - (ac) Schedule 24: Permitted Rear Additions to Schmidville Heritage Buildings;
 - (ad) Schedule 25: View Terminus Sites;
 - (ae) Schedule 26: Halifax Citadel View Planes;
 - (af) Schedule 27: Halifax Citadel Rampart Sight Lines;

- (ag) Schedule 28: Dartmouth View Planes;
- (ah) Schedule 29: Morris Street Waterfront View Corridor;
- (ai) Schedule 30: Bishop Street Waterfront View Corridor;
- (aj) Schedule 31: Salter Street Waterfront View Corridor;
- (ak) Schedule 32: Sackville Street Waterfront View Corridor;
- (al) Schedule 33: Prince Street Waterfront View Corridor;
- (am) Schedule 34: George Street Waterfront View Corridor;
- (an) Schedule 35: Best Street Waterfront View Corridor;
- (ao) Schedule 36: Mott Street Waterfront View Corridor;
- (ap) Schedule 37: Church Street Waterfront View Corridor;
- (aq) Schedule 38: North Street Waterfront View Corridor;
- (ar) Schedule 39: Ochterloney Street Waterfront View Corridor;
- (as) Schedule 40: Queen Street Waterfront View Corridor;
- (at) Schedule 41: Portland Street Waterfront View Corridor;
- (au) Schedule 42: Prince Street Waterfront View Corridor;
- (av) Schedule 43: Kings Wharf Place Waterfront View Corridor;
- (aw) Schedule 44: Canal Street Waterfront View Corridor;
- (ax) Schedule 45: Maitland Street Waterfront View Corridor;
- (ay) Schedule 46: Old Ferry Road Waterfront View Corridor;
- (az) Schedule 47: Parker Street Waterfront View Corridor;
- (ba) Schedule 48: Wind Energy Overlay Zone Boundaries;
- (bb) Schedule 49: Accessory Parking Prohibition – DH Zone;
- (bc) Schedule 50: Incentive or Bonus Zoning Rate Districts; and
- (bd) Schedule 51: Shadow Impact Assessment Protocol – Identified Areas.

(2) The following appendices form part of this By-law:

- (a) Appendix 1: Pedestrian Wind Impact Assessment Protocol and Performance Standards;
- (b) Appendix 2: Shadow Impact Assessment Protocol and Performance Standards;
- (c) Appendix 3: Incentive or Bonus Zoning Rate Adjustment Methodology; and
- (d) Appendix 4: Invasive or Highly Toxic Plant Species.

PART II: ZONES

Part II, Chapter 1: Establishment of Zones, Special Areas, Sub-Areas, and Heritage Conservation Districts

List of Zones, Special Areas, Sub-Areas, and Heritage Conservation Districts

31 (1) This By-law establishes the following zones, as shown on Schedule 2:

- (a) Downtown Dartmouth (DD);
- (b) Downtown Halifax (DH);
- (c) Centre 2 (CEN-2);
- (d) Centre 1 (CEN-1);
- (e) Corridor (COR);
- (f) Higher-Order Residential 2 (HR-2);
- (g) Higher-Order Residential 1 (HR-1);
- (h) Established Residential 3 (ER-3);
- (i) Established Residential 2 (ER-2);
- (j) Established Residential 1 (ER-1);
- (k) Cluster Housing (CH);
- (l) Commercial Light Industrial (CLI);
- (m) Light Industrial (LI);
- (n) Harbour-Related Industrial (HRI);
- (o) Institutional (INS);
- (p) University and College 2 (UC-2);
- (q) University and College 1 (UC-1);
- (r) Department of National Defense (DND);
- (s) Hospital (H);
- (t) Park and Community Facility (PCF);
- (u) Regional Park (RPK);
- (v) Water Access (WA);
- (w) Comprehensive Development District 2 (CDD-2);
- (x) Comprehensive Development District 1 (CDD-1); and
- (y) Heritage Conservation District – Schmitdville (HCD-SV).

(2) This By-law establishes the following special areas:

Downtown Dartmouth Special Areas (Schedule 3A)

- (a) Dartmouth Waterfront (DW);
- (b) King's Wharf (KW);
- (c) Portland Street (PS);

Downtown Halifax Special Areas (Schedule 3B)

- (d) Downtown Halifax Central Blocks (DHCB);
- (e) Halifax Waterfront (HW);
- (f) Lower Central Downtown Halifax (LCDH);
- (g) Nova Centre (NC);
- (h) Scotia Square Complex (SSC);
- (i) South Park Street (SPS);
- (j) Spring Garden Road (SGR);

Established Residential Special Areas (Schedule 3C)

- (k) Armview (AV);
- (l) Dartmouth North 1 (DN-1);
- (m) Dartmouth North 2 (DN-2);
- (n) Grant Street (GS);
- (o) Historic Dartmouth Neighbourhoods (HDN);
- (p) North End Halifax 1 (NEH-1);
- (q) North End Halifax 2 (NEH-2);
- (r) Oakland Road (OR);
- (s) West End Halifax (WEH);
- (t) Westmount Subdivision (WS);
- (u) Young Avenue (YA);

University and College Special Areas (Schedule 3D)

- (v) Dalhousie Sexton Campus (DSC);
- (w) UC Lot Coverage 1 (UCLC-1);
- (x) UC Lot Coverage 2 (UCLC-2);
- (y) UC Lot Coverage 3 (UCLC-3);
- (z) UC Lot Coverage 4 (UCLC-4);
- (aa) UC Lot Coverage 5 (UCLC-5);
- (ab) UC Lot Coverage 6 (UCLC-6);
- (ac) UC Lot Coverage 7 (UCLC-7);
- (ad) UC Lot Coverage 8 (UCLC-8);
- (ae) UC Lot Coverage 9 (UCLC-9);

Watercourse Special Areas (Schedule 3E)

- (af) Boat Clubs (BC);
- (ag) Lake Banook (LB);
- (ah) Lake Micmac (LM);
- (ai) Northwest Arm (NWA);

Other Special Areas (Schedule 3F)

- (aj) Agricola Street (AS);
- (ak) Cogswell Lands (CL);
- (al) Halifax Citadel Ramparts (HCR);
- (am) Halifax Grain Elevators (HGE);
- (an) Mixed Industrial Commercial (MIC);
- (ao) Morris Queen (MQ);
- (ap) Robie Street (RS);
- (aq) Saint Patrick's Alexandra Site (SPAS);
- (ar) Schmidville Historic Park and Institutional (SHPI);
- (as) Spring Garden Road – Robie Street (SGRRS); and
- (at) Wright Avenue (WA).

(3) This By-law establishes the following sub-areas:

- (a) Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C.

(4) The following heritage conservation districts fall within the boundaries of this By-law:

- (a) Schmidville Heritage Conservation District (SHCD), as shown on Schedule 22.

Interpretation of Zone, Special Area, Sub-Area, Heritage Conservation District, and Precinct Boundaries

32 The location of a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary shown on a schedule of this By-law is determined as follows:

- (a) Where a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary is indicated as following a street, the boundary shall be the streetline of the street;
- (b) Subject to Subsections 106(3) and 155(3), where a zone, special area, sub-area, height precinct, or FAR precinct boundary is indicated as following a street, the boundary shall follow any change made by the Municipality to the streetline;
- (c) Where any portion of a street is closed to public use, the former street lands shall be assigned a zone, special area, sub-area, height precinct, or FAR precinct as follows:
 - (i) subject to Subclause 32(c)(iii), where the abutting lands are part of a single zone, special area, sub-area, height precinct, or FAR precinct, the former street lands are assigned the same zone, special area, height precinct, or FAR precinct as the abutting lands,
 - (ii) subject to Subclause 32(c)(iii), where the abutting lands are part of more than one zone, special area, sub-area, height precinct, or FAR precinct, the centreline of the former street becomes a boundary, and the lands on each side of the boundary are assigned the same zone, special area, height precinct, or FAR precinct as the abutting lands, or
 - (iii) within the Cogswell Lands (CL) Special Area, as shown on Schedule 3F, the lands shall be assigned the DH zone and a maximum building height precinct equal to the extent of the Halifax Citadel Rampart sight lines;
- (d) Where a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary is shown following lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision after the coming into force date of this By-law, the boundary shall remain unchanged and as shown on the schedule;
- (e) Where a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary is shown not following lot lines, the boundary is as shown on the schedule, and if the lot lines are modified by subdivision after the coming into force date of this By-law, the boundary shall remain unchanged and as shown on the schedule;
- (f) Subject to Clause 32(g), where a zone, special area, sub-area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary shall follow the new ordinary high water mark;
- (g) In any WA zone, where a zone, special area, sub-area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary shall remain unchanged and as shown on the schedule;

- (h) Subject to Clause 32(i), where a portion of a watercourse is filled in beyond the boundary of a zone, special area, sub-area, height precinct, or FAR precinct, or where a building is constructed over water beyond the limits of such a boundary, the infilled land or any portion of a building constructed over water shall be included in the same zone, special area, sub-area, height precinct, or FAR precinct as the on-shore portion of the same lot;
- (i) In any WA zone, where a portion of a watercourse is filled in beyond the limits of a zone, special area, sub-area, height precinct, or FAR precinct boundary, or where a building is constructed over water beyond the limits of such a boundary, the boundary shall remain unchanged and as shown on the schedule;
- (j) Where Clauses 32(a) to 32(i) do not apply, the boundary is as shown on the appropriate schedule referenced within this By-law; and
- (k) Where a transportation reserve is applied to an area of land, Section 239 of the Charter applies.

Part II, Chapter 2: Zones and Permitted Uses

Interpretation of Permitted Uses

- 33 Subject to Sections 34, 38, 39, and 40, and except for the CDD-2 and CDD-1 zones, and transportation reserves, which are addressed in Sections 35, 36, and 37, the use of land is regulated as follows:
- (a) The first column of Tables 1A, 1B, 1C, and 1D list each use;
 - (b) The remaining columns of Tables 1A, 1B, 1C, and 1D correspond to each zone;
 - (c) Header cells shaded black with white text within Tables 1A, 1B, 1C, and 1D (e.g., “**RESIDENTIAL**”, “**COMMERCIAL**”) are for organizational purposes only;
 - (d) Each use listed in Tables 1A, 1B, 1C, and 1D is defined in Part XVII;
 - (e) A black dot (●) within Tables 1A, 1B, 1C, and 1D indicates that the use in that row is permitted in the zone of that column, and subject to all other applicable provisions of this By-law;
 - (f) A black dot containing a number (e.g., ①) within Tables 1A, 1B, 1C, and 1D indicates that the use in that row is permitted in the zone of that column, subject to additional conditions in a corresponding footnote below Tables 1A, 1B, 1C, and 1D, and subject to all other applicable provisions of this By-law;
 - (g) The absence of a black dot (●), with or without a number (e.g., ①), indicates that the use in that row is prohibited in the zone of that column; and
 - (h) Where a use is defined in Part XVII, the definition may be deemed to include any similar use, except where expressly excluded.

Additional Provisions Elsewhere in this By-law

- 34 No development permit shall be issued for a use permitted in Tables 1A, 1B, 1C, and 1D, unless the use meets all applicable requirements of this By-law.

Uses in the CDD-2 Zone

- 35 Subject to Section 499, the only developments that are permitted in the CDD-2 zone, without a development agreement, shall be:
- (a) commercial uses permitted in the CEN-2 zone; and
 - (b) a new building or an addition to an existing building, subject to the following requirements:

- (i) one new building of no more than 1,000 square metres in floor area and a maximum height, as shown on Schedule 15, on a lot that is existing and vacant on the coming into force date of this By-law, or
- (ii) one addition of up to 1,000 square metres in floor area and to a maximum height, as shown on Schedule 15, to a building that is existing on the coming into force date of this By-law.

Uses in the CDD-1 Zone

- 36 (1) Subject to Section 500, the only uses that are permitted in the CDD-1 zone, without a development agreement, shall be:
- (a) existing uses; and
 - (b) uses permitted in the ER-1 zone.
- (2) Subject to Section 500, the only new buildings or additions that are permitted in the CDD-1 zone, without a development agreement, shall be:
- (a) one addition to an existing building of up to:
 - (i) 1,000 square metres in floor area, and
 - (ii) a maximum height as shown on Schedule 15; or
 - (b) one new building that contains a use permitted in the ER-1 zone and which meets the built form requirements of the ER-1 zone.

Uses in the TR Zone

- 37 All development is prohibited in a transportation reserve, as shown on Schedules 4, 5, and 6.

Obnoxious Uses Prohibited

- 38 No owner or occupier of a lot shall undertake or conduct any obnoxious use.

Pedestrian-Oriented Commercial Streets

- 39 (1) In a DD or DH zone, along any pedestrian-oriented commercial street, as shown on Schedule 7, only the following uses may be located within the ground floor of a building abutting the streetline:
- (a) retail use;
 - (b) restaurant use;

- (c) drinking establishment use;
- (d) financial institution use;
- (e) medical clinic use;
- (f) personal service use;
- (g) minor spectator venue use;
- (h) fitness centre use;
- (i) grocery store use;
- (j) local commercial use;
- (k) hotel use;
- (l) micro-brewery use;
- (m) micro-distillery use;
- (n) cultural use;
- (o) university or college use; and
- (p) pedestrian entrances and lobbies for any other use permitted in the zone.

(2) In any CEN-2, CEN-1, or COR zone, along any pedestrian-oriented commercial street, as shown on Schedule 7, only the following uses may be located within the ground floor of a building abutting the streetline:

- (a) all uses permitted in Subsection 39(1); and
- (b) office uses.

Special Uses

40 A publicly sponsored convention centre together with retail, hotel, residential, or office uses, and underground parking, is permitted within the Nova Centre (NC) Special Area, as shown on Schedule 3B. In accordance with Schedule 8 of this By-law, the development shall include a vehicular and pedestrian passageway extending from Prince Street to Sackville Street.

Table 1A: Permitted uses by zone (DD, DH, CEN-2, CEN-1, COR, HR-2, and HR-1)

RESIDENTIAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Single-unit dwelling use	●	●	●	●	●		15
Semi-detached dwelling use	●	●	●	●	●		15
Townhouse dwelling use	●	●	●	●	●	15	15
Two-unit dwelling use	●	●	●	●	●		15
Three-unit dwelling use	●	●	●	●	●	15	15
Multi-unit dwelling use	●	●	●	●	●	15	15
Secondary suite use	●	●	●	●	●	15	15
Backyard suite use	●	●	●	●	●	15	15
Small shared housing use	●	●	●	●	●	15	15
Large shared housing use	●	●	●	●	●	15	15
Mobile home use							
Bed and breakfast use	●	●	●	●	●	15	15
Home occupation use	●	●	●	●	●	15	15
Home office use	●	●	●	●	●	15	15
Work-live unit use	●	●	●	●	●	15	15
Grade-related dwelling unit use	●	●	●	●	●	15	15
Model suite use	●	●	●	●	●	15	15
Cluster housing use							
COMMERCIAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Broadcast and production studio use	●	●	●	1	●		
Cannabis lounge use	●	●	●				
Cannabis retail sales use	●	●	●				
Casino use		●					
Catering use	●	●	●	●	●	3	3
Commercial recreation use							
Cruise ship terminal use	●	●					
Daycare use	●	●	●	●	●	3	3
Dealership use							
Drinking establishment use	●	●	●				
Financial institution use	●	●	●		●	3	
Fitness centre use	●	●	●	1	●	3	
Garden centre use	●	●	●	●	●		
Grocery store use	●	●	●		●	3	
Hotel use	●	●	●		●		
Kennel use							
Local commercial use	●	●	●	●	●	3	2 3
Local drinking establishment use	●	●	●		●	3	
Makerspace use	●	●	●	●	●	3	3
Micro-brewery use	●	●	●		●	3	
Micro-distillery use	●	●	●		●	3	
Office use	●	●	●	1	●	3	
Pawn shop use			●		●		
Personal service use	●	●	●	●	●	3	3
Pet daycare use	●	●	●	●	●	3	3
Quick charging station use	●	●	●		●		
Restaurant use	●	●	●	●	●	3	2 3
Retail use	●	●	●	1	●	3	
Self-storage facility use			●		●	3	
Service station use			●				
Service use	●	●					
Studio use	●	●	●	●	●	3	3
Veterinary facility use	●	●	●		●	2 3	2 3
Any other commercial use (if not prohibited above)	●	●	●				
URBAN AGRICULTURE	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Educational farm use							

Farmers' market use	●	●	●	●	●	●	●
Urban farm use	●	●	●	●	●	●	●
INSTITUTIONAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Convention centre use	●	●	●				
Cultural use	●	●	●	●	●	●	●
Emergency services use	●	●	●	●	●	●	●
Shelter use	●	●	●	●	●	●	●
Hospital use							
Library use	●	●	●	●	●	●	●
Minor spectator venue use	●	●	●		●	●	
Major spectator venue use	●	●					
Medical clinic use	●	●	●	●	●	●	2
Public building use	●	●	●	●	●		
Religious institution use	●	●	●	●	●	●	●
School use	●	●	●	●	●	●	●
University or college use	●	●	●		●	●	
INDUSTRIAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Auto repair use							
Cannabis production facility use							
Car Wash use							
Crematorium use							
Data storage centre use	●	●					
Industrial training facility use							
Light manufacturing use							
Marine-related use	1B	1B					
Marine-related use existing on the coming into force date of this By-law	●	●					
Recycling depot use			●		●		
Research and development facility use	●	●	●				
Storage yard use							
Warehousing use							
Wholesale food production use	●	●	●		●		
Wholesale use							
PARK AND COMMUNITY FACILITIES	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Boating club use	●	●					
Cemetery use							
Club recreation use	●	●	●	●	●	●	●
Community recreation use	●	●	●	●	●	●	●
Conservation use	●	●	●	●	●	●	●
Park use	●	●	●	●	●	●	●
WATER ACCESS	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Water access structure use	●	●	●	●	●	●	●
MILITARY	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Military use							
OTHER	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Accessory structure or use	●	●	●	●	●	●	●
Historic site or monument use	●	●	●	●	●	●	●
Parking structure use	●	●	●	●	●	●	●
Temporary construction use	●	●	●	●	●	●	●
Transportation facility use	●	●	●	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use				●			
Utility use	●	●	●	●	●	●	●
PROHIBITED IN ALL ZONES	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Adult entertainment use							
C&D transfer, processing, and disposal use							
Heavy industrial use							
Obnoxious use							
Salvage use							

- ① Use is permitted to occupy up to 200 square metres of floor area per lot.
- ② Use is permitted on a corner lot only.
- ③ Use is permitted within a mixed-use building that has at least 75% of its floor area occupied by residential uses.
- ⑬ Use is permitted within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B.
- ⑮ Within the Halifax Grain Elevator (HGE) Special Area, shown on Schedule 3F, new or expanded residential uses shall only be permitted by development agreement, in accordance with Section 506.

Table 1B: Permitted uses by zone (ER-3, ER-2, ER-1, and CH)

RESIDENTIAL	ER-3	ER-2	ER-1	CH
Single-unit dwelling use	●	15	15	●
Semi-detached dwelling use	●	15		
Townhouse dwelling use	●			
Two-unit dwelling use	●	15	6 14 15	
Three-unit dwelling use	●		6 14 15	
Multi-unit dwelling use			14 15	
Secondary suite use	●	15	15	
Backyard suite use	●	15	15	
Small shared housing use	●	15	15	●
Large shared housing use				
Mobile home use				●
Bed and breakfast use	●	15	15	
Home occupation use	●	15	15	●
Home office use	●	15	15	●
Work-live unit use				
Grade-related dwelling unit use				
Model suite use				
Cluster housing use				●
COMMERCIAL	ER-3	ER-2	ER-1	CH
Broadcast and production studio use				
Cannabis lounge use				
Cannabis retail sales use				
Casino use				
Catering use				
Commercial recreation use				
Cruise ship terminal use				
Daycare use	10	10	10	10
Dealership use				
Drinking establishment use				
Financial institution use				
Fitness centre use				
Garden centre use				
Grocery store use				
Hotel use				
Kennel use				
Local commercial use				
Local drinking establishment use				
Makerspace use				
Micro-brewery use				
Micro-distillery use				
Office use				
Pawn shop use				
Personal service use				
Pet daycare use				
Quick charging station use				
Restaurant use				
Retail use				
Self-storage facility use				
Service station use				
Service use				
Studio use				
Veterinary facility use				
Any other commercial use (if not prohibited above)				
URBAN AGRICULTURE	ER-3	ER-2	ER-1	CH
Educational farm use				

Farmers' market use				
Urban farm use	●	●	●	●
INSTITUTIONAL	ER-3	ER-2	ER-1	CH
Convention centre use				
Cultural use				
Emergency services use				
Shelter use				
Hospital use				
Library use				
Minor spectator venue use				
Major spectator venue use				
Medical clinic use				
Public building use				
Religious institution use				
School use				
University or college use				
INDUSTRIAL	ER-3	ER-2	ER-1	CH
Auto repair use				
Cannabis production facility use				
Car Wash use				
Crematorium use				
Data storage centre use				
Industrial training facility use				
Light manufacturing use				
Marine-related use				
Marine-related use existing on the coming into force date of this By-law				
Recycling depot use				
Research and development facility use				
Storage yard use				
Warehousing use				
Wholesale food production use				
Wholesale use				
PARK AND COMMUNITY FACILITIES	ER-3	ER-2	ER-1	CH
Boating club use				
Cemetery use				
Club recreation use				
Community recreation use	●	●	●	●
Conservation use	●	●	●	●
Park use	●	●	●	●
WATER ACCESS	ER-3	ER-2	ER-1	CH
Water access structure use	●	●	●	●
MILITARY	ER-3	ER-2	ER-1	CH
Military use				
OTHER	ER-3	ER-2	ER-1	CH
Accessory structure or use	●	●	●	●
Historic site or monument use	●	●	●	●
Parking structure use				
Temporary construction use	●	●	●	●
Transportation facility use	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use				
Utility use	●	●	●	●
PROHIBITED IN ALL ZONES	ER-3	ER-2	ER-1	CH
Adult entertainment use				
C&D transfer, processing, and disposal use				
Heavy industrial use				
Obnoxious use				
Salvage use				

- ⑥ Excluding heritage conservation districts, an existing building in the Young Avenue (YA) Special Area, as shown on Schedule 3C, may undergo an internal conversion for up to a three-unit dwelling use in compliance with the requirements of Section 61.
- ⑩ Use is permitted in accordance with the requirements of Section 54.
- ⑭ A two-unit dwelling use, three-unit dwelling use, or multi-unit dwelling use up to 4 units is permitted in the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C.
- ⑮ Within the Halifax Grain Elevator (HGE) Special Area, shown on Schedule 3F, new or expanded residential uses shall only be permitted by development agreement, in accordance with Section 506.

Table 1C: Permitted uses by zone (CLI, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, RPK, and WA)

RESIDENTIAL	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA
Single-unit dwelling use											
Semi-detached dwelling use											
Townhouse dwelling use											
Two-unit dwelling use											
Three-unit dwelling use											
Multi-unit dwelling use				8							
Secondary suite use											
Backyard suite use											
Small shared housing use				●				●			
Large shared housing use				●				●			
Mobile home use											
Bed and breakfast use											
Home occupation use											
Home office use											
Work-live unit use											
Grade-related dwelling unit use				8							
Model suite use	●										
Cluster housing use											
COMMERCIAL	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA
Broadcast and production studio use	●	●	7	8	●	●	●				
Cannabis lounge use	●										
Cannabis retail sales use	●										
Casino use											
Catering use	●	●	7	12							
Commercial recreation use	●	●									
Cruise ship terminal use			●						●		
Daycare use	●	●	7	●	●	●	●	●	●	●	
Dealership use	●	●									
Drinking establishment use	●		7			●	●				
Financial institution use	●			8			●				
Fitness centre use	●	●		8	●	●	●	●			
Garden centre use	●	●	7								
Grocery store use	●				11	11					
Hotel use	●		7	8							
Kennel use	●	●									
Local commercial use	●	●	7	8	●	●	●	●			
Local drinking establishment use	●		7			●	●				
Makerspace use	●	●	7	●	●	●					
Micro-brewery use	●	●	7								
Micro-distillery use	●	●	7								
Office use	●		7	8			●				
Pawn shop use	●	●									
Personal service use	●	●	7	●	●	●	●	●			
Pet daycare use	●	●									
Quick charging station use	●	●					●				
Restaurant use	●	●	7	8	●	●	●	●			
Retail use	5		7	8	●	●	●	●			
Self-storage facility use	●	●					●				
Service station use	●	●									
Service use	●	●									
Studio use	●			●							
Veterinary facility use	●	●									
Any other commercial use (if not prohibited above)	●										
URBAN AGRICULTURE	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA
Educational farm use				●					●	●	

Farmers' market use	●	●	7	●	●	●	●	●	●	●	●	
Urban farm use	●	●	●	●	●	●	●	●	●	●	●	
INSTITUTIONAL	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA	
Convention centre use			7									
Cultural use	●		7	●	●	●	●		●	●		
Emergency services use	●	●	●	●	●	●	●	●				
Shelter use				●								
Hospital use							●	●				
Library use				●	●	●	●		●			
Minor spectator venue use		●	●	●	●	●	●		●			
Major spectator venue use		●	●	●		●			●			
Medical clinic use	●	●		●	●	●	●	●				
Public building use	●		7	●					●	●		
Religious institution use	●			●	●	●	●	●				
School use	●			●					●			
University or college use	●		7	●	●	●						
INDUSTRIAL	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA	
Auto repair use	4	4										
Cannabis production facility use		●										
Car Wash use	●	●										
Crematorium use		●										
Data storage centre use	●	●	●		●	●	●					
Industrial training facility use	●	●	●									
Light manufacturing use	4	●										
Marine-related use			●				●					
Marine-related use existing on the coming into force date of this By-law			●				●					
Recycling depot use	●	●										
Research and development facility use	●	●	●	●	●	●	●	●				
Storage yard use		●	●									
Warehousing use	●	●	●									
Wholesale food production use	●	●										
Wholesale use	●	●										
PARK AND COMMUNITY FACILITIES	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA	
Boating club use				●			●		●	●	●	
Cemetery use									●	●		
Club recreation use	●			●			●		●	●		
Community recreation use	●	●		●	●	●	●	●	●	●		
Conservation use	●	●	●	●	●	●	●	●	●	●	●	
Park use	●	●	●	●	●	●	●	●	●	●	●	
WATER ACCESS	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA	
Water access structure use	●	●	●	●	●	●	●	●	●	●	●	
MILITARY	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA	
Military use							●					
OTHER	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA	
Accessory structure or use	●	●	●	●	●	●	●	●	●	●	●	
Historic site or monument use	●	●	●	●	●	●	●	●	●	●	●	
Parking structure use	●	●	●	●	●	●	●	●	●			
Temporary construction use	●	●	●	●	●	●	●	●	●	●	●	
Transportation facility use	●	●	●	●	●	●	●	●	●		●	
Underground parking, access, and servicing for a CEN-2 use												
Utility use	●	●	●	●	●	●	●	●	●	●	●	
PROHIBITED IN ALL ZONES	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA	
Adult entertainment use												
C&D transfer, processing, and disposal use												
Heavy industrial use												
Obnoxious use												
Salvage use												

- ④ Use is permitted if entirely contained within a building, excluding parking and loading facilities.
- ⑤ Retail use shall not exceed a maximum gross floor area of 300.0 square metres per premises. This requirement shall not apply to a building supply establishment or a retail use accessory to a permitted industrial use.
- ⑦ Use is permitted within the Mixed Industrial Commercial (MIC) Special Area, as shown on Schedule 3F.
- ⑧ Use is permitted on lands identified as a landmark building site on Schedule 9, as per the requirements of Section 44.
- ⑪ Use is permitted on the ground floor of a university or college building, and the floor area of the use cannot exceed 25% of the total floor area of the building.
- ⑫ Use is permitted in conjunction with another permitted main use.
- ⑮ Within the Halifax Grain Elevator (HGE) Special Area, shown on Schedule 3F, new or expanded residential uses shall only be permitted by development agreement, in accordance with Section 506.

Table 1D: Permitted uses by zone (HCD-SV)

RESIDENTIAL	HCD-SV
Single-unit dwelling use	●
Semi-detached dwelling use	20
Townhouse dwelling use	20
Two-unit dwelling use	16
Three-unit dwelling use	16
Multi-unit dwelling use	9 17 18
Secondary suite use	●
Backyard suite use	●
Small shared housing use	●
Large shared housing use	
Mobile home use	
Bed and breakfast use	●
Home occupation use	●
Home office use	●
Work-live unit use	
Grade-related dwelling unit use	
Model suite use	
Cluster housing use	
COMMERCIAL	HCD-SV
Broadcast and production studio use	
Cannabis lounge use	
Cannabis retail sales use	
Casino use	
Catering use	
Commercial recreation use	
Cruise ship terminal use	
Daycare use	
Dealership use	
Drinking establishment use	
Financial institution use	
Fitness centre use	
Garden centre use	
Grocery store use	
Hotel use	
Kennel use	
Local commercial use	19
Local drinking establishment use	
Makerspace use	
Micro-brewery use	
Micro-distillery use	
Office use	
Pawn shop use	
Personal service use	
Pet daycare use	10
Quick charging station use	
Restaurant use	19
Retail use	
Self-storage facility use	
Service station use	
Service use	
Studio use	
Veterinary facility use	
Any other commercial use (if not prohibited above)	
URBAN AGRICULTURE	HCD-SV
Educational farm use	

Farmers' market use	
Urban farm use	●
INSTITUTIONAL	HCD-SV
Convention centre use	
Cultural use	
Emergency services use	
Shelter use	
Hospital use	
Library use	
Minor spectator venue use	
Major spectator venue use	
Medical clinic use	
Public building use	
Religious institution use	
School use	
University or college use	
INDUSTRIAL	HCD-SV
Auto repair use	
Cannabis production facility use	
Car Wash use	
Crematorium use	
Data storage centre use	
Industrial training facility use	
Light manufacturing use	
Marine-related use	
Marine-related use existing on the coming into force date of this By-law	
Recycling depot use	
Research and development facility use	
Storage yard use	
Warehousing use	
Wholesale food production use	
Wholesale use	
PARK AND COMMUNITY FACILITIES	HCD-SV
Boating club use	
Cemetery use	
Club recreation use	
Community recreation use	●
Conservation use	●
Park use	●
WATER ACCESS	HCD-SV
Water access structure use	
MILITARY	HCD-SV
Military use	
OTHER	HCD-SV
Accessory structure or use	●
Historic site or monument use	●
Parking structure use	
Temporary construction use	●
Transportation facility use	
Underground parking, access, and servicing for a CEN-2 use	
Utility use	
PROHIBITED IN ALL ZONES	HCD-SV
Adult entertainment use	
C&D transfer, processing, and disposal use	
Heavy industrial use	
Obnoxious use	
Salvage use	

- 9 In the Morris Queen (MQ) Special Area, as shown on Schedule 3F, a multi-unit dwelling use is permitted up to 4 units.
- 10 Use is permitted in accordance with the requirements of Section 54.
- 16 Use is permitted within a Schmidville Heritage Building that existed on July 17, 2018 and is identified on Schedule 23.
- 17 Multi-unit dwelling use up to 4 units is permitted within a Schmidville Heritage Building that existed on July 17, 2018 and is identified on Schedule 23.
- 18 Multi-unit dwelling use containing 5 to 10 units is permitted within a Schmidville Heritage Building that existed on July 17, 2018 and is located on a lot identified on Schedule 23 as allowing 5 to 10 units.
- 19 Use is permitted within a Schmidville Heritage Building that existed on July 17, 2018 and is located on a lot identified on Schedule 23 as allowing restaurant uses and local commercial uses in addition to all other uses permitted in the ER-2 Zone.
- 20 Use is permitted in the Wright Avenue (WA) Special Area, as shown on Schedule 3F.

PART III: LAND USE

Part III, Chapter 1: General Land Use Requirements

Access Uses Prohibited

- 41 It is prohibited for a development to access a use in one zone from a different zone, unless the use being accessed is permitted in both zones.

Exterior Lighting

- 42 (1) Exterior lighting shall not be directed towards abutting lots or streets.
- (2) Excluding lighting used to accentuate architectural or landscaping features, and decorative or festival lighting, all exterior lighting shall be equipped with full cut-off light fixtures.

Recreational Vehicles

- 43 Excluding when used as a temporary construction use, a recreational vehicle shall not be used as a dwelling unit or a backyard suite use.

Landmark Buildings

- 44 (1) Subject to Subsections 44(2) and 44(3), landmark buildings, as shown on Schedule 9, may be internally converted to any use listed in the INS zone with a black dot containing the number 8 (8), as shown in Table 1C, subject to the following requirements:
- (a) the building existed on the coming into force date of this By-law;
 - (b) an expansion of the floor area of the building shall not exceed 10%;
 - (c) subject to Section 100, the height of the existing building shall be maintained; and
 - (d) commercial uses shall not exceed 25% of the building's floor area.
- (2) No minimum number of motor vehicle parking spaces shall be required for any landmark building converted to a use permitted in Subsection 44(1).
- (3) The amenity space requirements contained in Section 65 shall apply to any conversion resulting in a high-density dwelling use.

Cannabis-Related Uses

- 45 (1) Cannabis retail sales uses and cannabis lounge uses are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).
- (2) Where a lot containing a cannabis production facility use abuts any lot containing a residential use, daycare use, community recreation use, school use, or religious institution use, the cannabis production facility use, including any building or storage yard, shall be set back at least 70.0 metres from the abutting lot line.

Temporary Construction Uses Permitted

- 46 A development permit is required for a temporary construction use.

Temporary Rock Crushers

- 47 (1) Subject to Subsection 47(2), a development permit is required for a temporary rock crusher and shall be valid for the time specified on such permit and which shall not exceed 60 calendar days from the time the permit is issued. The development permit for a temporary rock crusher may be renewed for a period of not longer than 30 calendar days at a time, if the Development Officer determines that an extension is warranted.
- (2) A development permit for the use of a temporary rock crusher accessory to the construction of primary or secondary services, pursuant to the HRM *Regional Subdivision By-Law*, shall be valid for any period not exceeding the construction time schedule specified in the subdivision agreement.
- (3) A temporary rock crusher shall only be used at:
- (a) the site of demolition of a structure;
 - (b) the site of construction of primary or secondary services, pursuant to the HRM *Regional Subdivision By-Law*; or
 - (c) the site of a development permitted by this By-law.
- (4) A temporary rock crusher shall not be located within 3.0 metres of any lot line.
- (5) A temporary rock crusher shall not be located within 10.0 metres of any building used for a residential use or an institutional use, except for public infrastructure.

- (6) Subject to Subsection 49(7), a temporary rock crusher shall not be used to process material for export to another site, or to process material imported to the site.
- (7) A temporary rock crusher may be used to process demolished material for export to a disposal site, if the requirements of HRM By-law L-200, the *C&D Materials Recycling and Disposal License By-law*, as amended from time to time, are met.

Uses Near Railways

- 48
- (1) Subject to Subsection 48(2), there shall be a required separation distance of at least 15.0 metres between the centreline of any railway track and:
 - (a) any new high-density dwelling use; or
 - (b) excluding indoor parking areas and storage areas, any new main building located in a CDD-2 or CDD-1 zone.
 - (2) If the separation distance required in Subsection 48(1) cannot be provided, a report prepared and stamped by a professional engineer shall be submitted to the Development Officer, identifying measures that will be used to mitigate the crash risk, noise, and vibration of trains, before a development permit may be issued.
 - (3) A development permit issued in accordance with Subsection 48(2) shall require the development to include the mitigation measures identified in the report submitted under Subsection 48(2).
 - (4) The mitigation measures, identified in the report submitted under Subsection 48(2), shall be completed and certified by a professional engineer prior to the issuance of the first occupancy permit.

Solid Waste Management Areas

- 49
- (1) For any building in a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, or UC-1 zone that is greater than 11.0 metres in height, all solid waste management areas shall be located inside the building.
 - (2) Excluding low-density dwelling uses, any outdoor solid waste management areas shall be located in a side or rear yard, and shall not be located within 3.5 metres of any lot line abutting a residential use (Diagram 23).

- (3) Screening requirements for outdoor solid waste management areas are contained in Section 434.

Part III, Chapter 2: Residential Use Requirements

Combination of Uses in Established Residential Zones

- 50 Where permitted in Table 1B, only one of the following uses shall be permitted, at any time, on any lot in an ER-3, ER-2, ER-1, or CH zone:
- (a) home occupation use;
 - (b) bed and breakfast use;
 - (c) small shared housing use; or
 - (d) daycare use.

Home Occupation Uses

- 51 (1) Excluding a home occupation use contained within a grade-related dwelling unit use, a home occupation use shall:
- (a) be limited to one per lot; and
 - (b) not be permitted within a multi-unit dwelling use.
- (2) The following uses are permitted as a home occupation use:
- (a) broadcast and production studio use;
 - (b) catering use;
 - (c) makerspace use;
 - (d) grooming and haircutting salons;
 - (e) medical clinic use;
 - (f) office use;
 - (g) pet daycare use, limited to a maximum of 5 animals;
 - (h) pet grooming;
 - (i) studio use;
 - (j) tailoring and shoe repair;
 - (k) tattooing; or
 - (l) tutoring.
- (3) The retailing of products that are accessory to a permitted home occupation use, listed in Subsection 51(2), are permitted.
- (4) The principal operator of a home occupation use shall reside on the property where the use is located.

- (5) The number of permitted non-resident employees for a home occupation use is limited to one.
- (6) Any home occupation use shall be wholly contained within a dwelling unit or an accessory structure, and, except for permitted signage, the home occupation use shall not be apparent from the outside of the dwelling unit or the accessory structure.
- (7) The maximum floor area for a home occupation use is 35% of the dwelling unit's floor area, up to a maximum of 50.0 square metres.
- (8) Signage requirements for a home occupation use are:
 - (a) in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD-1 zone, contained in Section 476; or
 - (b) in any ER-3, ER-2, ER-1, or CH zone, contained in Section 479.
- (9) Motor vehicle parking requirements for a home occupation use shall comply with Section 443.

Home Office Uses

- 52
- (1) Home office uses are permitted in all dwelling units.
 - (2) The principal operator of a home office use shall reside on the property where the use is located.
 - (3) All employees of a home office use shall reside on the property.
 - (4) Any home office use shall be wholly contained within a dwelling unit or an accessory structure, and shall not be apparent from the outside of the dwelling unit or accessory structure.
 - (5) No signage is permitted for a home office use.

Bed and Breakfast Uses

- 53
- (1) A bed and breakfast use is permitted in conjunction with a single-unit dwelling use, a semi-detached dwelling use, or a townhouse dwelling use.
 - (2) The following requirements shall apply to a bed and breakfast use:
 - (a) A maximum of three guestrooms may be rented;

- (b) The principal operator of a bed and breakfast use shall reside in the dwelling unit where the bed and breakfast use is located;
- (c) Signage requirements for a bed and breakfast use are:
 - (i) in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD-1 zone, contained in Section 476, or
 - (ii) in any ER-3, ER-2, or ER-1 zone, contained in Section 478; and
- (d) Motor vehicle parking requirements for a bed and breakfast use shall comply with Section 443.

Daycare Uses in the ER-3, ER-2, ER-1, or CH Zone

- 54 Within an ER-3, ER-2, ER-1, or CH zone, a daycare use shall meet the following requirements:
- (a) A maximum of one daycare use is permitted on any lot containing a low-density dwelling use or a cluster housing use;
 - (b) The principal operator of a daycare use shall reside in the dwelling unit where the daycare use is located, and may employ additional staff;
 - (c) Excluding staff and the principal operator, a maximum of 14 people may attend a daycare use at any time;
 - (d) Any outdoor recreational spaces or play areas, accessory to a daycare use, shall meet the screening requirements of Subsection 433;
 - (e) Signage for a daycare use shall comply with Section 479; and
 - (f) Motor vehicle parking for a daycare use shall comply with Section 443.

Secondary Suite Uses

- 55 (1) Where a secondary suite use permitted in Tables 1A, 1B, 1C, or 1D, and subject to Subsection 55(2), a lot may contain a secondary suite use in conjunction with:
- (a) a single-unit dwelling use;
 - (b) a two-unit dwelling use;
 - (c) a semi-detached dwelling use;
 - (d) a three-unit dwelling use; or
 - (e) a townhouse dwelling use.
- (2) A lot shall not contain both a secondary suite use and a backyard suite use.

- (3) A secondary suite use shall not exceed a floor area of 80.0 square metres.
- (4) A secondary suite use shall not be counted towards the dwelling unit total.

Backyard Suite Uses

- 56 (1) Where a backyard suite use is permitted in Tables 1A, 1B, 1C, or 1D, and subject to Subsection 56(2), a lot may contain a backyard suite use, within the rear yard only, in conjunction with:
- (a) a single-unit dwelling use;
 - (b) a two-unit dwelling use;
 - (c) a semi-detached dwelling use;
 - (d) a three-unit dwelling use; or
 - (e) a townhouse dwelling use.
- (2) A lot shall not contain both a secondary suite use and a backyard suite use.
- (3) A backyard suite use shall meet the accessory structure built form and siting requirements of Sections 339 to 345.
- (4) A backyard suite use shall have unobstructed access to a street on the same lot on which the backyard suite is located.
- (5) A backyard suite use shall not be counted towards the dwelling unit total.

Maximum Number of Bedrooms for Low-Density Dwelling Uses in the ER-3, ER-2, or ER-1 Zone

- 57 (1) On any lot zoned ER-3, ER-2, or ER-1, the following are the maximum number of bedrooms permitted by land use:
- (a) single-unit dwelling use: 6 bedrooms per lot;
 - (b) semi-detached dwelling use: 4 bedrooms per unit;
 - (c) townhouse dwelling use: 4 bedrooms per unit;
 - (d) two-unit dwelling use: 4 bedrooms per unit; and
 - (e) three-unit dwelling use: 10 bedrooms per lot.
- (2) All bedrooms in a secondary suite use shall be counted toward the maximum number of bedrooms permitted in Subsection 57(1).
- (3) All bedrooms in a backyard suite use shall not be counted towards the maximum number of bedrooms permitted in Subsection 57(1).

Maximum Number of Bedrooms for Small Shared Housing Uses in the ER-3, ER-2, or ER-1 Zone

- 58 (1) Subject to Subsections 58(2) and 58(3), on any lot zoned ER-3, a small shared housing use shall be limited to a maximum of 10 bedrooms.
- (2) On any lot zoned ER-3, a small shared housing use within a semi-detached dwelling shall be limited to a maximum of 4 bedrooms per unit.
- (3) On any lot zoned ER-3, a small shared housing use within a townhouse dwelling shall be limited to a maximum of 4 bedrooms per unit.
- (4) Subject to Subsection 58(5), on any lot zoned ER-2, a small shared housing use shall be limited to a maximum of 8 bedrooms.
- (5) On any lot zoned ER-2, a small shared housing use within a semi-detached dwelling shall be limited to a maximum of 4 bedrooms per unit.
- (6) On any lot zoned ER-1, a small shared housing use shall be limited to a maximum of 6 bedrooms.
- (7) All bedrooms in a secondary suite use shall be counted toward the bedroom limits in Subsections 58(1) to 58(6).

Maximum Number of Bedrooms for a 4-Unit Multi-Unit Dwelling Use within the Young Avenue Sub-Area A (YA-A)

- 59 Within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, a multi-unit dwelling use having 4 units shall have a maximum of 12 bedrooms per lot.

Maximum Number of Bedrooms in a CH Zone

- 60 In a CH zone, the number of bedrooms shall not exceed 4 per cluster housing dwelling unit.

Internal Conversion for up to Three Units within the Young Avenue (YA) Special Area

- 61 A main building within the Young Avenue (YA) Special Area, as shown on Schedule 3C, may be internally converted to a two-unit dwelling use or a three-unit dwelling use, if:
- (a) the building existed on the coming into force date of this By-law;
- (b) there is no increase in the height or volume of the building;

- (c) each dwelling unit shall be required to be at least 80.0 square metres in floor area; and
- (d) excluding the replacement of an existing exterior staircase, no new exterior staircase shall be erected in a front yard.

Dwelling Unit Mix – New Buildings

- 62 (1) A new building that contains at least 40 dwelling units shall provide a dwelling unit mix as follows:
- (a) in a DD, DH, CEN-2, CEN-1, or COR zone, at least 25% of all dwelling units shall be required to contain at least two bedrooms; or
 - (b) in any HR-2 or HR-1 zone:
 - (i) at least 20% of all dwelling units shall be required to contain at least two bedrooms, and
 - (ii) at least 5% of all dwelling units shall be required to contain at least three bedrooms.
- (2) The number of required dwelling units:
- (a) in Subsection 62(1), shall be rounded up to the nearest whole number; and
 - (b) in Subclause 62(1)(b)(ii), shall not be counted towards the requirement of Subclause 62(1)(b)(i).

Dwelling Unit Mix – Additions

- 63 (1) An addition that contains 40 dwelling units or more, on a building that existed on the coming into force date of this By-law, shall provide a dwelling unit mix of:
- (a) in a DD, DH, CEN-2, CEN-1, or COR zone, at least 25% of all dwelling units within the addition shall be required to contain at least two bedrooms; or
 - (b) in any HR-2 or HR-1 zone:
 - (i) at least 20% of all dwelling units within the addition shall be required to contain at least two bedrooms, and
 - (ii) at least 5% of all dwelling units within the addition shall be required to contain at least three bedrooms.
- (2) The number of required dwelling units:

- (a) in Subsection 63(1), shall be rounded up to the nearest whole number;
and
 - (b) in Subclause 63(1)(b)(ii), shall not be counted towards the requirement of Subclause 63(1)(b)(i).
- (3) For an existing building that is the subject of an addition that results in less than 40 dwelling units, no required dwelling unit mix applies.
- (4) For an existing building that is the subject of an addition that results in 40 dwelling units or more for the entire building, then the dwelling unit mix after the addition shall not increase the non-conformity with the unit mix.

Dwelling Unit Mix – Internal Conversions

- 64 (1) A change of use in an existing building that results in 40 dwelling units or more, shall provide a required dwelling unit mix of:
- (a) in a DD, DH, CEN-2, CEN-1, or COR zone, at least 25% of all dwelling units, rounded up to the nearest whole number, shall be required to contain at least two bedrooms; or
 - (b) in any HR-2 or HR-1 zone:
 - (i) at least 20% of all dwelling units shall be required to contain at least two bedrooms, and
 - (ii) at least 5% of all dwelling units shall be required to contain at least three bedrooms.
- (1.5) The number of required dwelling units:
- (a) in Subsection 64(1), shall be rounded up to the nearest whole number;
and
 - (b) in Subclause 64(1)(b)(ii), shall not be counted towards the requirement of Subclause 64(1)(b)(i).
- (2) An existing use that meets the definition of large shared housing use that existed on the coming into force date of this By-law may be converted to a multi-unit dwelling use, without having to meet the requirements of Subsection 64(1) and Section 65, if the number of existing bedrooms and the volume of the building are not increased.

- (3) Excluding grade-oriented premises on a pedestrian-oriented commercial street, as shown on Schedule 7, internal space in a building that contains a high-density dwelling use may be permitted to be converted to additional dwelling units, without having to meet the requirements of Subsection 64(1) and Section 65, if:
 - (a) the building and the high-density dwelling use existed on the coming into force date of this By-law;
 - (b) the space being converted was not previously used as a dwelling unit or amenity space; and
 - (c) there is no increase in the height or floor area of the building.

Amenity Space – High-Density Dwelling Use

- 65
- (1) Any new building containing a high-density dwelling use shall be required to provide amenity space, at a rate of 5.0 square metres per dwelling unit, for use by the building's residents. At least 50% of all required amenity space shall be provided within the building.
 - (2) An addition to a building containing a high-density dwelling use shall be required to provide amenity space, for the addition only, at a rate of 5.0 square metres per dwelling unit, for use by the building's residents. At least 50% of all required amenity space shall be provided within the building.
 - (3) Except for outdoor amenity space associated with an individual dwelling unit within high density dwelling use, such as balconies, all amenity space required by Subsections 65(1) and 65(2) shall:
 - (a) be provided in increments of at least 30.0 contiguous square metres;
 - (b) have no linear dimension less than 3.0 metres; and
 - (c) be available for shared use by the building residents.
 - (4) For any high-density dwelling use within an HR-2 or HR-1 zone, a minimum of 25% of the required amenity space shall be:
 - (a) provided outdoors;
 - (b) located at-grade or on a roof top; and
 - (c) available for shared use by the building's residents.

Amenity Space – Cluster Housing Use

- 66
- (1) A cluster housing use shall be required to provide amenity space at a rate of 5.0

square metres per dwelling unit, but in no case shall it be less than 20.0 square metres.

- (2) All amenity space required in Subsection 66(1) shall:
- (a) subject to Clause 66(2)(b), be provided in increments of at least 20.0 contiguous square metres;
 - (b) where more than one increment of 20.0 square metres is required, one contiguous area of less than 20.0 square metres is permitted;
 - (c) have no linear dimension less than 3.0 metres; and
 - (d) be available for shared use by the residents of cluster housing use.

Ground Floor Uses for Buildings Containing A Multi-Unit Dwelling Use on Non Pedestrian-Oriented Commercial Streets

67 In any DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, where a building contains a multi-unit dwelling use on a lot that does not abut a pedestrian-oriented commercial street, as identified on Schedule 7, and the lot has a minimum frontage of 8.0 metres on at least one street, a minimum of 50% of the total length of all ground floors facing a streetline shall be occupied by either one or a combination of the following:

- (a) commercial use;
- (b) grade-related dwelling unit; or
- (c) work-live unit.

Work-Live Units

68 (1) Subject to Subsection 68(3), Only the following commercial or institutional uses are permitted in a work-live unit:

- (a) broadcast and production studio use;
- (b) catering use;
- (c) makerspace use;
- (d) medical clinic use;
- (e) office use;
- (f) personal service use;
- (g) pet daycare use; or
- (h) studio use.

(2) The retailing of products that are accessory to a permitted commercial use or

institutional use in a work-live unit, listed in Subsection 68(1), are permitted.

- (3) A maximum of 50% of the total floor area of a work-live unit may be used for one of the uses listed in Subsection 68(1), up to a maximum of 140.0 square metres.
- (4) The uses listed in Subsection 68(1) shall be located on the ground floor.
- (5) The principal operator of a business within a work-live unit shall reside in the unit and may have up to three non-resident employees.
- (6) Signage for a work-live unit shall meet the requirements of Section 476.
- (7) Motor vehicle parking for a work-live unit shall comply with the requirements of Section 443.

Part III, Chapter 3: Urban Agriculture Use Requirements

General Urban Agriculture Use Requirements

- 69
- (1) The processing of urban agricultural products is permitted as an accessory use to any urban agriculture use listed in Tables 1A, 1B, 1C, and 1D.
 - (2) The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use to an educational farm use or an urban farm use.
 - (3) Except for educational farm uses, the keeping of horses, swine, roosters, and ruminants are prohibited.
 - (4) A greenhouse, including a rooftop greenhouse, may be used to contain all or part of an urban farm use.
 - (5) Signage requirements for an urban agriculture use are:
 - (a) in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, and RPK zone, contained in Sections 472 to 475; or
 - (b) in any ER-3, ER-2, ER-1, or CH zone, contained in Sections 479 and 480.
 - (6) Excluding beehives, an accessory structure associated with an urban agriculture use shall meet the accessory structure built form and siting requirements of Sections 339 to 345.

Keeping of Bees as an Accessory Use

- 70
- (1) In every zone, the keeping of bees as an accessory use is permitted, to a maximum of:
 - (a) two beehives on lots of less than 2,000 square metres; or
 - (b) four beehives on lots of 2,000 square metres or larger.
 - (2) Beehives shall be required to be located no less than 3.0 metres from any lot line (Diagram 1), unless they are located on a rooftop.

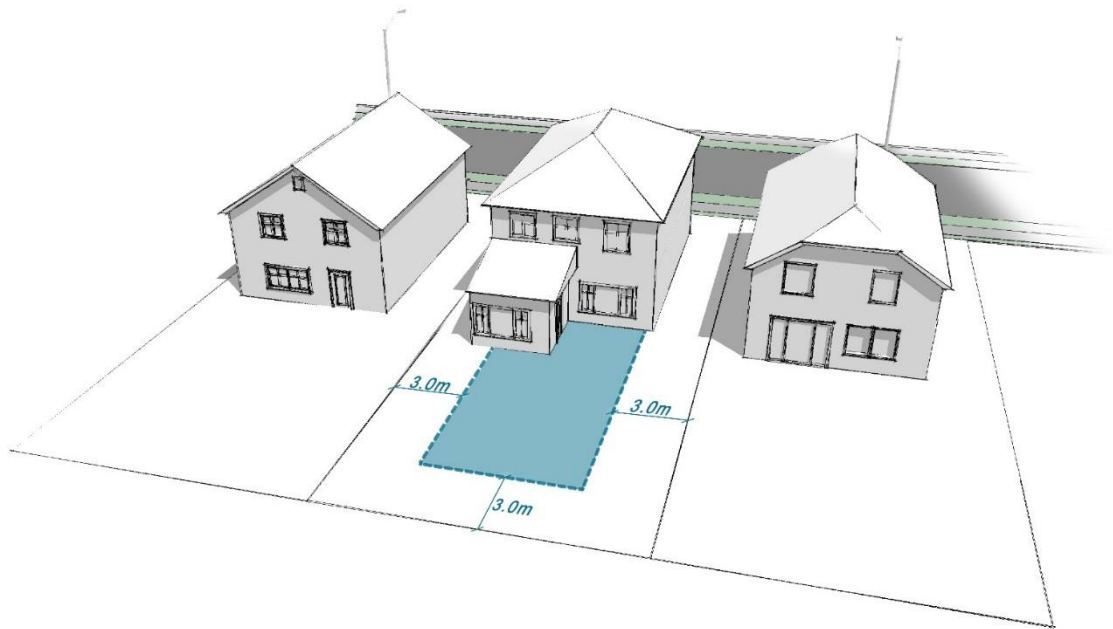


Diagram 1: Shaded area denotes where beehives are permitted at grade, per Subsection 70(2)

Keeping of Egg-Laying Chickens as an Accessory Use

- 71 (1) In every zone, the keeping of egg-laying chickens is permitted as an accessory use.
- (2) Excluding an educational farm use, the number of egg-laying chickens shall not exceed ten per lot.
- (3) All egg-laying chickens shall be required to be kept within a fenced area or structure that:
- (a) is within a rear yard; and
 - (b) meets the accessory structure size requirements of Sections 343 to 345.

Part III, Chapter 4: Environmental Requirements

Coastal Areas

- 72 (1) Subject to Subsections 72(2), 72(3), 72(4), and 72(6), where a lot abuts the coast of the Atlantic Ocean, including its inlets, bays, and harbours, a development permit shall not be issued for any portion of a main building or a backyard suite use, including their basements, that are proposed to be erected, constructed, altered, reconstructed, or located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard (Diagram 2) for any:
- (a) residential use listed in Tables 1A, 1B, 1C, and 1D;
 - (b) commercial use listed in Tables 1A, 1B, 1C, and 1D; or
 - (c) institutional use listed in Tables 1A, 1B, 1C, and 1D.

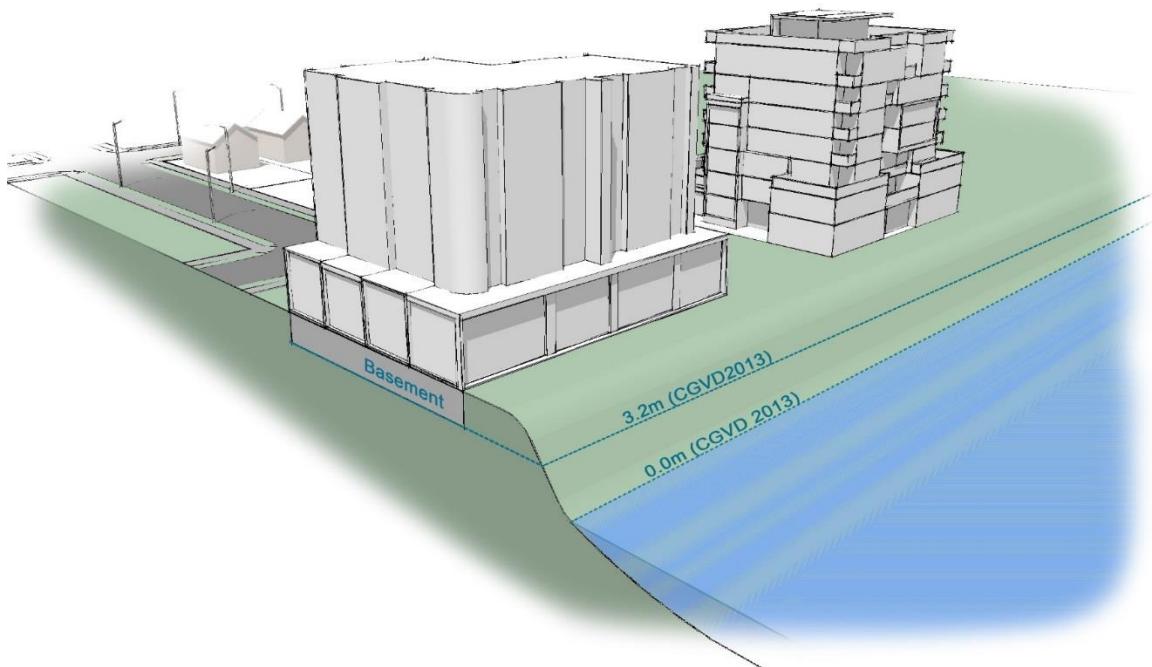


Diagram 2: Coastal area elevation requirements, per Subsection 72(1)

- (2) Any main building located in an HRI or DND zone shall be exempt from the requirements of Subsection 72(1).
- (3) A development permit may be issued for a parking lot, parking structure use, underground parking space, amenity space, or a storage space permitted in this By-law that is:

- (a) accessory to a main building; and
 - (b) proposed to be erected, constructed, altered, reconstructed, or located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard.
- (4) Within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, a development permit may be issued for any commercial or institutional use listed in Tables 1A, 1B, 1C, or 1D, which is located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard (Diagram 2), provided a report by a professional engineer is submitted to the Development Officer identifying measures that will be used to mitigate risks of flood damage and public safety, including confirmation that the proposed development does not increase the risk or hazard for surrounding buildings, adjacent uses, or adjacent coastlines.
- (5) Prior to issuance of the first occupancy permit, a report from a professional engineer shall be submitted certifying that all mitigation measures identified in the report submitted under Subsection 72(4) are completed.
- (6) Any portion of a main building or a backyard suite use, including below grade portions, located lower than the elevation required in Subsection 72(1) that existed on the coming into force date of this By-law, may be expanded if such expansion does not increase the footprint of any portion of the building located lower than the elevation required in Subsection 72(1) by more than 25%, or further reduce the existing elevation of the main building or the backyard suite use.
- (7) Before issuing a development permit, the Development Officer may require a site plan certified by a surveyor or professional engineer that is drawn to scale and shows land contours and lot grading information, to determine if a main building or a backyard suite use that is being proposed to be erected, constructed, altered, reconstructed, or located on a lot that abuts the coast of the Atlantic Ocean meets the requirements of this Section.

Watercourse Buffers

- 73 (1) This Section does not apply to any lands designated “Halifax Harbour”, as shown on Schedule 10.

- (2) A development permit shall not be issued for any development within 20 metres of the ordinary high water mark of any watercourse (Diagram 3).

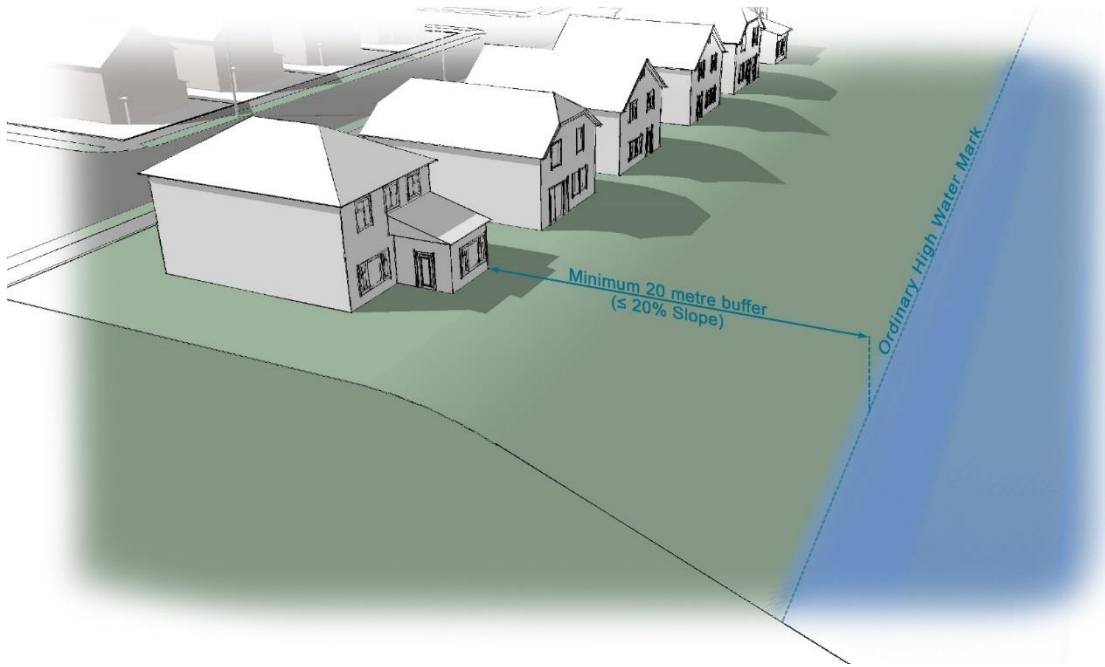


Diagram 3: Minimum required watercourse buffer, per Subsection 73(2)

- (3) Where the average slope of land within the minimum required 20-metre watercourse buffer exceeds 20%, the buffer width shall be increased by 1.0 metre for each additional 2% of slope above 20%, to a maximum of 60 metres.
- (4) Where a wetland and a watercourse are contiguous, the watercourse buffer shall be applied from the outermost boundary of the wetland and watercourse.
- (5) Subject to Subsections 73(6) and 73(9), within the watercourse buffer required in Subsections 73(2), 73(3), and 73(4), no excavation, infilling, or the removal of any tree, stump, or other vegetation, nor any other change, is permitted.
- (6) Within the watercourse buffer required in Subsections 73(2), 73(3), and 73(4), vegetation may be removed to permit the following activities:
- (a) subject to Subsection 73(7), one accessory structure, including a boathouse, and one attached uncovered deck, occupying a maximum of 20.0 square metres, combined;
 - (b) boardwalks, walkways, trails, and driveways not exceeding 3.0 metres in width;
 - (c) fences;
 - (d) water access structure uses, boat ramps, marine-related uses, parks on public land, and historic site or monument uses;

- (e) streets; or
 - (f) water, wastewater, and stormwater infrastructure.
- (7) Where a main building existed on the coming into force date of this By-law and is located within a required watercourse buffer, accessory structures permitted in Clause 73(6)(a) shall not be located any closer to the watercourse than the main building that existed on the coming into force date of this By-law.
- (8) Where the configuration of a lot is such that no main building can be located on the lot, the watercourse buffer distance required in Subsections 73(2), 73(3), and 73(4) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if the other setback distance requirements are met, for lots that:
- (a) existed before August 26, 2006; or
 - (b) were approved as a result of a tentative or final subdivision application on file before August 26, 2006.
- (9) Within a required watercourse buffer, the Development Officer may authorize the removal of windblown, diseased, or dead trees that are deemed to be hazardous or unsafe to persons or property, or the selective removal of vegetation to maintain the overall health of the buffer, if a management plan is submitted by a qualified professional.

Northwest Arm (NWA) Special Area

- 74 (1) Within the Northwest Arm (NWA) Special Area, as shown on Schedule 3E, the reference line of the Northwest Arm is as shown on Schedule 12.
- (2) Subject to Subsections 74(3) and 74(4), a structure shall not be located within 9.0 metres of the reference line of the Northwest Arm, as shown on Schedule 12, except:
- (a) public infrastructure;
 - (b) utility uses;
 - (c) boathouses;
 - (d) publicly owned or operated ferry terminals;
 - (e) parks on public land;
 - (f) water access structures;
 - (g) gazebos; and
 - (h) municipal, provincial, and national historic sites and monuments.

- (3) Subject to Subsection 74(4), a lot is limited to a maximum of one boathouse and one gazebo located within 9.0 metres of the reference line of the Northwest Arm, as shown on Schedule 12, with each boathouse or gazebo not to exceed:
 - (a) a footprint of 48 square metres;
 - (b) a width of 6.0 metres on the side that is most parallel to the reference line;
 - (c) a length of 8.0 metres; and
 - (d) a height of 4.2 metres.
- (4) The requirements of Subsections 74(2) and 74(3) do not apply within the Boat Clubs (BC) Special Area, as shown on Schedule 3E.
- (5) Any portion of a water lot that has been infilled beyond the reference line of the Northwest Arm, as shown on Schedule 12, shall not be included in the:
 - (a) calculation of the minimum lot area requirements of Part IV;
 - (b) calculation of lot coverage; and
 - (c) measurement of a side or rear setback.
- (6) The requirements of this Section continue to apply regardless of whether a water lot is consolidated with an abutting land lot.

Lake Banook (LB) Special Area and Lake Micmac (LM) Special Area

- 75
- (1) Within the Lake Banook (LB) Special Area, as shown on Schedule 3E, the reference line is as shown on Schedule 13.
 - (2) Within the Lake Micmac (LM) Special Area, as shown on Schedule 3E, the reference line is as shown on Schedule 14.
 - (3) Subject to Subsection 73(6), a structure shall not be located within 20.0 metres of the reference line of either:
 - (a) Lake Banook, as shown on Schedule 13; or
 - (b) Lake Micmac, as shown on Schedule 14.
 - (4) Within the Lake Banook (LB) Special Area, as shown on Schedule 3E, the requirements of Section 73 and Subsection 75(3) do not apply within the Boat Clubs (BC) Special Area, as shown on Schedule 3E.
 - (5) Any portion of a water lot that has been infilled beyond the reference line of the

Lake Banook (LB) Special Area, as shown on Schedule 13, or the Lake Micmac (LM) Special Area, as shown on Schedule 14, shall not be included in the:

- (a) calculation of the minimum lot area requirements of Part IV;
 - (b) calculation of lot coverage; or
 - (c) measurement of a side or rear setback.
- (6) The requirements of this Section continue to apply if a water lot is consolidated with an abutting lot.

Wetlands

- 76 All development is prohibited within any wetland, as shown on Schedule 11, unless an approval that permits the alteration or infilling of a wetland has been received from the Province of Nova Scotia.

Part III, Chapter 5: Heritage Requirements

Registered Heritage Properties, Properties Abutting a Registered Heritage Property, or Properties Abutting a Heritage Conservation District

- 77 Development on a registered heritage property, a property abutting a registered heritage property, or a property abutting a heritage conservation district shall meet the design requirements contained in Part VIII.

Construction, Addition, Renovation, or Conservation of Registered Heritage Buildings

- 78 Any new construction, addition, or renovation to a registered heritage property, or any conservation of a registered heritage building, shall conform to the design requirements contained in Part VIII.

Properties within a Heritage Conservation District

- 79 (1) A development within a heritage conservation district is further regulated under the respective heritage conservation district by-law, and those regulations apply in addition to the requirements of this Chapter.
- (2) A development complying with this Chapter may be prohibited or further restricted under the heritage conservation district by-law.

Part III, Chapter 6: Buildings in the WA Zone

Buildings in the WA Zone

- 80 In the WA zone, a building shall not be erected, constructed, altered, reconstructed, or located on a wharf, a dock, a quay, pillars, piles, or any other structural support except for:
- (a) public infrastructure;
 - (b) utility uses;
 - (c) publicly owned or operated ferry terminals; and
 - (d) buildings associated with a boating club use.

PART IV: LOT REQUIREMENTS

Part IV, Chapter 1: Lot Requirements

Regional Subdivision By-law

81 In addition to the requirements of this Part, the subdivision of land is regulated by the HRM *Regional Subdivision By-Law*, as amended from time to time.

Undersized Lots

- 82 (1) A lot with less than the minimum required lot area, lot frontage, or lot dimensions, as required in Sections 83 and 84, may be developed if it existed on the coming into force date of this By-law, and it:
- (a) abuts and has direct access to a street; or
 - (b) is accessible through a registered easement at least 3.0 metres wide.
- (2) A lot with less than the minimum required lot area, lot frontage, or lot dimensions, as required in Sections 83 and 84, created as a result of an acquisition of a portion of the land by the Province of Nova Scotia or the Municipality for a provincial or municipal purpose, may be developed as per the requirements of the applicable zone.
- (3) The Development Officer may issue a development permit for a lot approved pursuant to Section 41 of the HRM *Regional Subdivision By-law*, where an undersized lot has had its boundaries altered.

Minimum Lot Area

83 (1) Subject to Subsections 83(2) and 83(3), the minimum lot area requirements are as set out in Table 2.

Table 2: Minimum lot area requirements

Zone / Use	Minimum lot area
DD, DH	232.0 square metres
ER-3, ER-2, ER-1	325.0 square metres
HR-2, HR-1	558.0 square metres
Semi-detached dwelling use in any zone	230.0 square metres
Townhouse dwelling uses in any zone - interior units	130.0 square metres
Townhouse dwelling uses in any zone - end units	245.0 square metres
PCF and RPK	232.0 square metres

Any other zone	371.0 square metres
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- (2) The minimum lot area requirements for any property located in an Established Residential special area, as shown on Schedule 3C and identified in Table 3, are as set out in Table 3.

Table 3: Minimum lot area requirements for Established Residential Special Areas

Special Area	Minimum lot area
Young Avenue (YA)	743.0 square metres
Grant Street (GS)	275.0 square metres
Armview (AV)	743.0 square metres
North End Halifax 2 (NEH-2)	185.0 square metres
Historic Dartmouth Neighbourhoods (HDN)	278.0 square metres
Oakland Road (OR)	464.0 square metres

- (3) The minimum lot area requirements for lots within the Schmidville Heritage Conservation District, as shown on Schedule 22, are as set out in Table 4.

Table 4: Minimum lot area requirements for Schmidville Heritage Conservation District

Area	Use	Minimum lot area
Lots located within the Wright Avenue (WA) Special Area	Townhouse dwelling unit	92.0 square metres
	All other uses	167.0 square metres
Lots located within the Morris Queen (MQ) Special Area	All uses	213.0 square metres
All other lots within the Schmidville Heritage Conservation District	Townhouse dwelling unit	167.0 square metres
	All other uses	213.0 square metres

Minimum Lot Frontages and Dimensions

- 84 (1) Subject to Subsections 84(2), 84(3), 84(4), and 84(6), the minimum lot frontage requirements are as set out in Table 5.

Table 5: Minimum lot frontage requirements

Zone	Minimum lot frontage
DD, DH	6.1 metres
ER-3, ER-2, ER-1	10.7 metres
CH	6.1 metres
Semi-detached dwelling use in any zone	7.5 meters
Townhouse dwelling uses in any zone — interior units	6.1 metres

Townhouse dwelling uses in any zone — end units	9.1 metres
PCF and RPK	30.0 metres
Any other zone	12.2 metres

- (2) Within the CH Zone, a lot shall not have a dimension less than 6.1 metres.
- (3) The minimum lot frontage requirements for any property located in an Established Residential special area, as shown on Schedule 3C and identified in Table 6, are as set out in Table 6.

Table 6: Minimum lot frontage requirements for Established Residential Special Areas

Special Area	Minimum lot frontage
Young Avenue (YA)	24.4 metres
North End Halifax 2 (NEH-2)	6.1 metres
Dartmouth North 1 (DN-1)	9.2 metres
Dartmouth North 2 (DN-2)	9.2 metres
Historic Dartmouth Neighbourhoods (HDN)	9.2 metres
Oakland Road (OR)	15.2 metres

- (4) When a lot faces the outside of a curve on a street, the minimum frontage requirements of Subsections 84(1), 84(2), and 84(3) may be reduced:
 - (a) excluding interior townhouse units, by 30%; or
 - (b) for interior townhouse units, by 30%, if the lot has a minimum width of 6.1 metres between side lot lines at a location of:
 - (i) subject to Subclause 84(4)(b)(ii), in a DD, DH, CEN-2, CEN-1, or COR zone, if applicable, the maximum front setback requirement from the streetline,
 - (ii) in a DD, DH, CEN-2, CEN-1, or COR zone, if no maximum front setback applies, the minimum required setback; or
 - (iii) in an HR-2, HR-1, or ER-3 zone the lesser of either 6.1 metres from the streetline or at the location of the front wall of the main building.
- (5) Within the Young Avenue (YA) Special Area, a lot shall have the following minimum required dimensions:

- (a) a width of 24.4 metres; and
 - (b) a depth of 30.48 metres.
- (6) The minimum and maximum lot frontage requirements within the Schmidville Heritage Conservation District, as shown on Schedule 22, are as set out in Table 7.

Table 7: Lot frontage requirements for the Schmidville Heritage Conservation District

Area	Use	Minimum lot frontage	Maximum lot frontage per streetline
All lots within the Schmidville Heritage Conservation District	Townhouse dwelling units	6.096 metres	32.0 metres
Lots located within the Wright Avenue (WA) Special Area	All uses, excluding townhouse dwelling units	6.096 metres	32.0 metres
Lots located within the Morris Queen (MQ) Special Area	All uses, excluding townhouse dwelling units	7.62 metres	32.0 metres
All other lots within the Schmidville Heritage Conservation District	All uses, excluding townhouse dwelling units	7.62 metres	32.0 metres

Special Lot Area, Frontage, and Depth Requirements within the Young Avenue Sub-Area A (YA-A)

- 85 A two-unit dwelling use, a three-unit dwelling use, or a multi-unit dwelling use up to 4 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, shall have the following minimum lot requirements:
- (a) lot area of 671.0 square metres;
 - (b) lot frontage of 22.0 metres; and
 - (c) lot depth of 30.0 metres.

PART V: BUILT FORM

Part V, Chapter 1: General Built Form Requirements

General Requirement: Applicability to Heritage Conservation Districts

86 All regulations contained within this Part do not apply to buildings within heritage conservation districts, unless otherwise stated in Part VI.

General Requirement: Number of Main Buildings on a Lot

- 87
- (1) Every main building shall be located on a lot.
 - (2) A main building shall not be located on more than one lot.
 - (3) A maximum of one main building is permitted on a lot, except:
 - (a) subject to Clause 87(3)(b), within the CLI zone, the Dartmouth Waterfront (DW) Special Area as shown on Schedule 3A, or the Halifax Waterfront (HW) Special Area as shown on Schedule 3B, more than one main building is permitted on a lot if:
 - (i) each main building is shown on a preliminary plan of subdivision that it is capable of meeting the minimum lot requirements of the zone, and
 - (ii) a preliminary plan of subdivision meets the requirements of the *Regional Subdivision By-law*;
 - (b) within the Dartmouth Waterfront (DW) Special Area as shown on Schedule 3A, or the Halifax Waterfront (HW) Special Area as shown on Schedule 3B, more than one main building is permitted on a lot providing the buildings are shipping containers or kiosks;
 - (c) in any CH, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, or RPK zone; or
 - (d) on a registered heritage property not located in a heritage conservation district.

General Requirement: Building Typologies

- 88 In Part V, a main building's typology is determined by its height, and the height of each building typology is included in the definitions in Part XVII for:
- (a) a low-rise building;
 - (b) a mid-rise building;

- (c) a tall mid-rise building; and
- (d) a high-rise building.

General Requirement: Prohibited External Cladding Materials

- 89 (1) Subject to Subsection 89(2), the following external cladding materials are prohibited in:
- (a) any DD, DH, or CEN-2 zone:
 - (i) vinyl siding,
 - (ii) plastic,
 - (iii) plywood,
 - (iv) unfinished concrete,
 - (v) exterior insulation and finish systems where stucco is applied to rigid insulation, and
 - (vi) darkly tinted or mirrored glass, except for spandrel glass panels;
or
 - (b) any CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, or UC-1 zone:
 - (i) plastic,
 - (ii) plywood,
 - (iii) unfinished concrete, and
 - (iv) darkly tinted or mirrored glass, except for spandrel glass panels.
- (2) Prohibited external cladding materials that are present on a structure on the coming into force date of this By-law may be replaced with the same or similar materials.

General Requirement: Cantilevers Over a Registered Heritage Building

- 90 A new building or an addition to an existing building shall not cantilever over a registered heritage building located on the same lot, excluding registered heritage buildings within a heritage conservation district.

General Requirement: Setback of Entrances

- 91 (1) Excluding registered heritage properties, any pedestrian entrance to any main

building facing a streetline shall be required to be set back at least 1.5 metres from the streetline.

- (2) Any motor vehicle entrance to any main building facing a streetline shall be required to be set back at least 4.5 metres from the streetline.

General Requirement: Permitted Encroachments into Setbacks, Stepbacks, or Separation Distances

- 92 (1) Any setback or stepback for any main building, or any separation distance between main buildings or between any main building and accessory structures required in this Part shall be required to be open and unobstructed, except:
- (a) patios that are less than 0.6 metres high and access ramps are permitted in any required setback, stepback, or separation distance;
 - (b) walkways, lifting devices, uncovered steps, and staircases are permitted in any required setback, stepback, or separation distance;
 - (c) sills, eaves, gutters, downspouts, cornices, chimneys, fireplace and stove bump outs, and other similar features may project into any required setback, stepback, or separation distance by up to 0.6 metres; and
 - (d) window bays and solar collectors may project into any required setback, stepback, or separation distance by up to 1.0 metre.
- (2) Subject to Subsection 92(3) and Section 93, balconies may project into any required setback, stepback, or separation distance by up to:
- (a) 1.5 metres from any exterior wall at the ground floor; or
 - (b) 2.0 metres from any exterior wall at the second storey or above.
- (3) Subject to Subsection 92(4), in a CEN-2, CEN-1, COR, HR-2, HR-1, CLI, LI, or HRI zone that abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, a balcony, railing system, unenclosed porch, canopy, or awning shall not project into any required setback or stepback that faces the lot line of that abutting zone.
- (4) Balconies facing a lot line that abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone may project into any required stepback, providing the portion of any main building that is above grade is setback by:
- (a) 8.5 metres for mid-rise buildings;
 - (b) 12.5 metres for tall mid-rise buildings; and

- (c) 12.5 metres for high-rise buildings.
- (5) In any ER-3, ER-2, ER-1, or CH zone, one enclosed porch with a maximum floor area of 4.0 square metres and one storey in height is permitted in any required front or flanking setback, if it is no closer than 0.5 metres to a streetline.

General Requirement: Aggregate Width of Balconies

- 93 If the aggregate width of all balconies per storey, above the height of the streetwall, exceeds 50% of the horizontal width of a building face, then the balconies shall:
- (a) not be allowed to encroach into any required setback, stepback, or separation distance; and
 - (b) be included in the calculation of maximum tower dimensions, including width and depth.

General Requirement: Encroachments into Streets

- 94 Encroachments into streets shall meet the requirements of the applicable HRM By-law.

General Requirement: Drive-Throughs

- 95 Drive-throughs are permitted in the CLI and LI zones only.

General Requirement: Pedways

- 96
- (1) Pedways that connect main buildings over a street are prohibited.
 - (2) Pedways that do not connect main buildings over a street are permitted in any DD, DH, CEN-2, CLI, LI, HRI, INS, UC-2, UC-1, DND, or H zone.
 - (3) Permitted pedways are exempt from the following built form requirements:
 - (a) maximum floor area ratio (FAR); and
 - (b) maximum lot coverage.

General Requirement: Self-Storage Facility Uses

- 97
- (1) For a self-storage facility use in any CEN-2, COR, or HR-2 zone, individual storage units shall not be directly accessible from outside the main building.

- (2) In any CLI or LI zone, a driving aisle of at least 6.0 metres in width shall be required between separate buildings that make up a self-storage facility use.

General Requirement: Transportation Facility Use

98 The only built form requirements of Part V, Chapters 2 to 19 that apply to a transportation facility use are:

- (a) maximum building height, as shown on Schedule 15;
- (b) maximum floor area ratio (FAR), as shown on Schedule 17; and
- (c) minimum front and flanking setbacks, as shown on Schedule 18.

General Requirement: Development Abutting a Transportation Reserve

99 New development on a lot abutting a transportation reserve, including any portions of any main building located underground, shall have a required setback from the transportation reserve boundary as shown on Schedules 4, 5, and 6.

General Requirement: Building Rooftop Features

- 100
- (1) Excluding any low-density dwelling uses and cluster housing uses, which are addressed in Subsection 100(6), Table 8 regulates the height, coverage, and setback of building features located on the rooftops of any main building.
 - (2) Features listed in Table 8 may exceed a height above the required maximum height, as shown on Schedule 15, by up to the amount specified in Column 1, provided the requirements of Part X are satisfied.
 - (3) Excluding any main building within an LI, HRI, UC-2, UC-1, DND, H, or PCF zone, all features identified with a black dot (●) in Column 2 of Table 8 shall not, in total, occupy more than 30% of the main building rooftop area on which they are located.
 - (4) Features with a minimum roof edge setback specified in Column 3 of Table 8 shall be located no closer than indicated.
 - (5) The following maximum height, maximum coverage, and minimum setback of features on main building rooftops shall apply for all uses except for low-density dwelling uses and cluster housing uses:

Table 8: Main building rooftop features

Feature	Column 1: Maximum height above roof	Column 2: 30% coverage restriction	Column 3: Minimum setback from roof edge
Antenna	Unlimited		3.0 metres
Chimney	Unlimited		
Clear glass guard and railing system	2.0 metres		
Clock tower or bell tower	Unlimited	●	
Communication tower required to support uses and activities in the building	Unlimited	●	3.0 metres
Cooling tower	Unlimited	●	3.0 metres
Elevator enclosure	5.5 metres	●	3.0 metres
Flag pole	Unlimited		
Heating, ventilation, and air conditioning equipment and enclosure	5.5 metres	●	3.0 metres
Helipad on a hospital rooftop	4.5 metres		
High-plume laboratory exhaust fan	Unlimited	●	3.0 metres
Hard landscaping or soft landscaping	4.5 metres		
Lightning rod	Unlimited		
Mechanical penthouse	4.5 metres	●	3.0 metres
Parapet	2.0 metres		
Rooftop cupola	4.5 metres	●	
Rooftop greenhouse	6.0 metres		3.0 metres
Skylight	1.5 metres		
Solar collector	4.5 metres		
Spire, steeple, minaret, and similar features	Unlimited	●	
Staircase or staircase enclosure	4.5 metres	●	3.0 metres
Windscreen	4.5 metres		

(6) For any low-density dwelling use or cluster housing use, the following features may exceed the maximum required height, as shown on Schedule 15, by up to 3.0 metres:

- (a) chimneys and stovepipes;
- (b) antennas;
- (c) flag poles;

- (d) solar collectors;
 - (e) clear glass guard and railing systems;
 - (f) lightning rods;
 - (g) a staircase;
 - (h) a staircase enclosure that does not exceed 6.0 square metres in area;
 - (i) a rooftop greenhouse; and
 - (j) vents.
- (7) Within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, a residential penthouse may exceed the maximum required height, as shown on Schedule 15, by up to 3.0 metres, provided the residential penthouse:
- (a) has a required stepback of at least 5.0 metres from an exterior wall that faces a streetline; and
 - (b) has a required stepback of at least 2.0 metres from an exterior wall that faces a side lot line.

General Requirement: Height Exemption for Sloped Roofs

101 Within any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, INS, UC-2, or UC-1 zone, the uninhabitable portion of any main building within a sloped roof may exceed the maximum required height, as shown on Schedule 15, by up to 4.5 metres.

General Requirement: Streetwall Height Determination

- 102 (1) Any main building with a streetwall width of 8.0 metres or less shall have its streetwall height determined at the centre point of the streetwall width.
- (2) Any main building with a streetwall width exceeding 8.0 metres shall have its streetwall divided into 8.0 metres portions, except for one portion which may be less than 8.0 metres, and separate streetwall heights shall be determined by measuring the height at the centre point of each portion (Diagram 4).

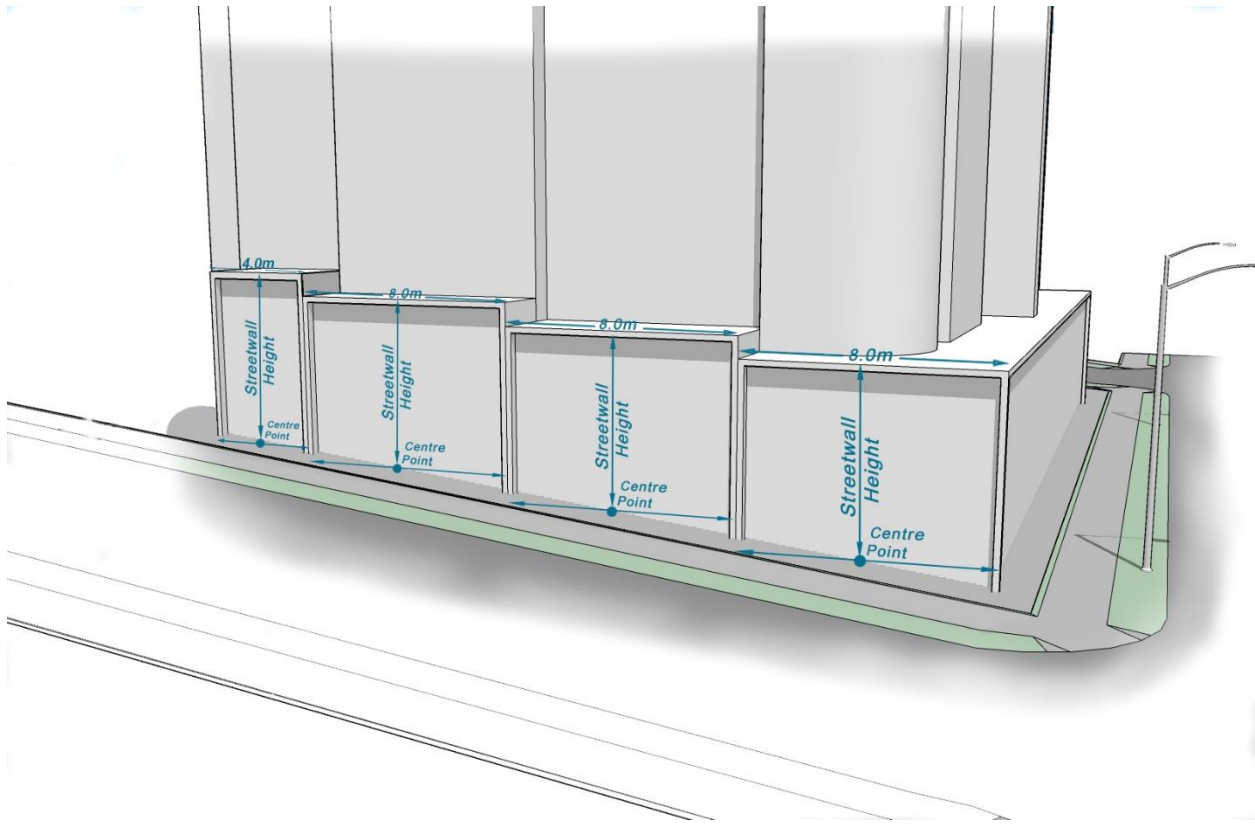


Diagram 4: Method for determining streetwall height along a streetline, per Section 102

General Requirement: Streetwall Break Determination

- 103 (1) Subject to Subsection 103(2), on a corner lot where two intersecting streetwalls do not make a 90-degree angle, the break between both streetwalls shall be the mid-point of the curve or angle connecting both streetwalls so that each can meet the applicable streetwall requirement.
- (2) In order to determine the mid-point of the curve or angle, as stated in Subsection 103(1), the break between front and flanking streetwalls shall be the mid-point, as determined for the following scenarios:
- (a) where a front lot line and a flanking lot line meet at a 90-degree angle, the line cast from the point of intersection of the front and flanking lot lines towards the building at equal angles (Diagram 5); or
 - (b) where a front lot line and a flanking lot line do not meet at a 90-degree angle, the line cast from the point of intersection of the projected front and flanking lot lines towards the building at equal angles (Diagram 6).

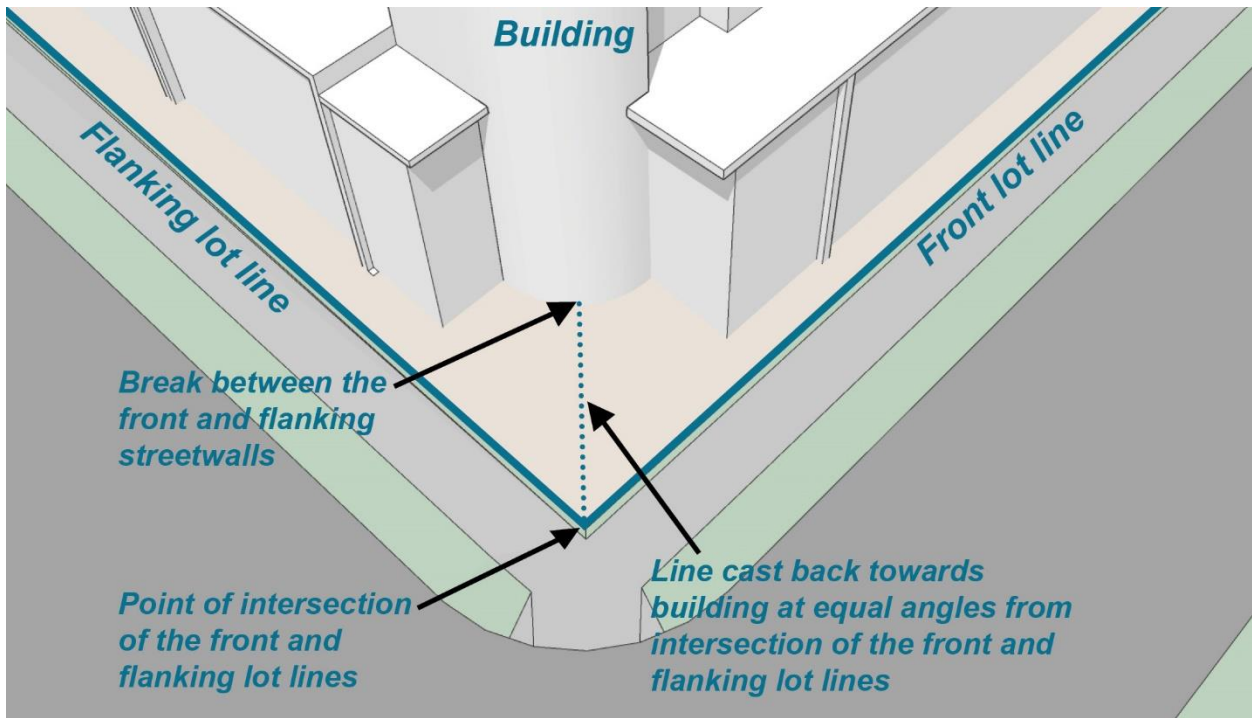


Diagram 5: Streetwall break determination where front and flanking lot lines create a 90-degree angle, per Subsection 103(2)

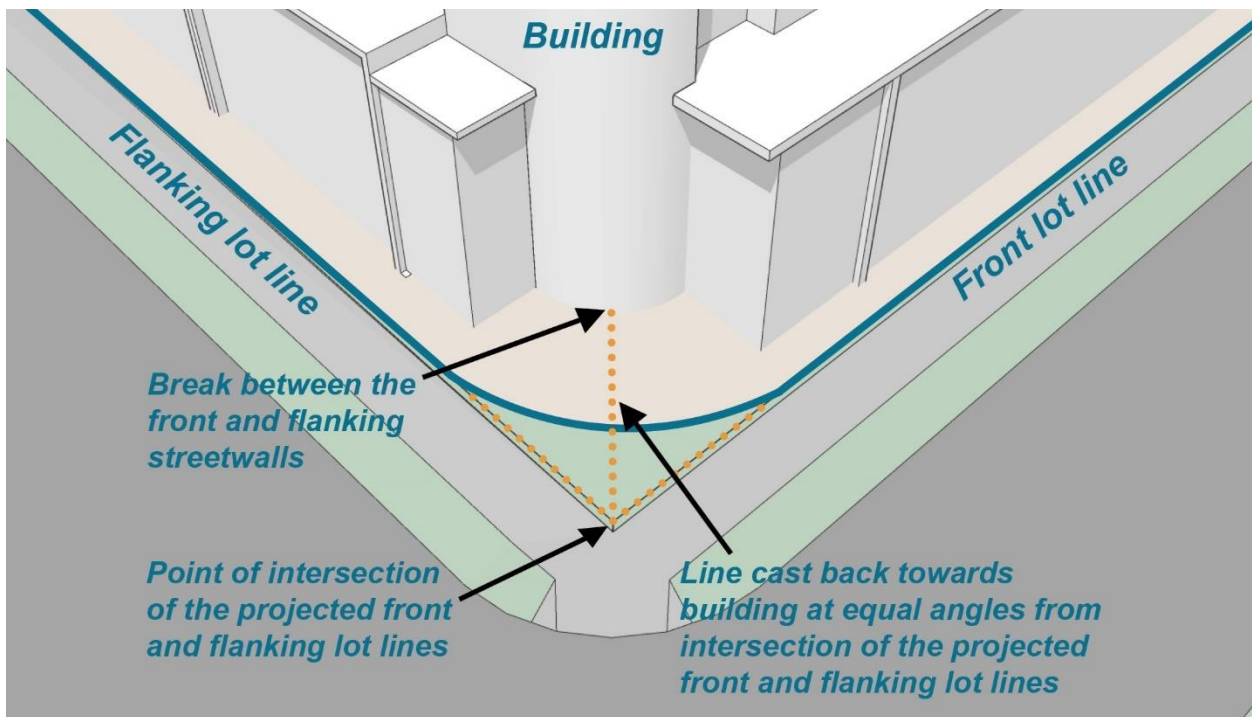


Diagram 6: Streetwall break determination where front and flanking lot lines do not create a 90-degree angle, per Subsection 103(2)

Part V, Chapter 2: Built Form Requirements within the DD Zone

Applicability

104 With the exception of buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within the DD zone shall meet the built form requirements of this Chapter.

Maximum Building Height

105 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Maximum Floor Area Ratio (FAR)

- 106 (1) Subject to Subsection 106(3), any main building's floor area shall not exceed the maximum required FAR value as specified on Schedule 17.
- (2) Where there are multiple FAR precincts on a lot, only the area of the lot that is covered by a FAR precinct shall be used to complete the calculation within that FAR precinct.
- (3) Where a portion of a lot has been acquired by the Province of Nova Scotia, the Halifax Dartmouth Bridge Commission, or the Halifax Regional Municipality for the purpose of street widening after the coming into force date of this By-law, and a FAR value is shown on Schedule 17 for the subject property, any reduction in the lot area shall not affect the amount of floor area that would have been achievable on the coming into force date of this By-law.
- (4) If no maximum required FAR value is specified on Schedule 17, no maximum FAR value applies.

Minimum Front or Flanking Setbacks

107 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

108 *Deleted*

Maximum Front or Flanking Setbacks

- 109 (1) Subject to Subsections 109(2) and 109(3), and Section 110, any main building along a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum required front or flanking setback:
- (a) subject to Clause 109(1)(b), as specified on Schedule 19, excluding:
 - (i) a lot that existed on the coming into force date of this By-law that has a frontage less than 4.0 metres along the streetline that requires the maximum setback, or
 - (ii) a community recreation use;
 - (b) where a transportation or utility easement abuts the streetline, the greater of:
 - (i) the applicable distance as specified on Schedule 19, or
 - (ii) the edge of the easement that is located farthest from the streetline; or
 - (c) if no maximum required front or flanking setback is specified on Schedule 19, no maximum required front or flanking setback applies.
- (2) On a registered heritage property, no maximum required front or flanking setback requirement applies.
- (3) The maximum required front or flanking setback requirement of Subsection 109(1) may be exceeded if an at-grade open space, such as a plaza, is located between a front or flanking lot line and a main building.

Maximum Front or Flanking Setback Exemption

- 110 (1) Subject to Subsection 110(2), up to 30% of the width of the streetwall may exceed the maximum front or flanking setback requirement of Section 109.
- (2) Where a development makes use of both Subsections 110(1) and 116(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Side Setback Requirements

- 111 (1) Subject to Subsections 111(2) and 111(3), and Section 437, the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or
 - (b) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) For a high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any side lot line of at least:
- (a) 6.0 metres, if the abutting property is within a DD, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 12.5 metres elsewhere.
- (4) There is no maximum required side setback.

Rear Setback Requirements

- 112 (1) Subject to Subsections 112(2), 112(3), and 112(5), and Section 437, the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts a COR, HR-2, HR-1, CLI, LI, HRI, INS, UC-2, UC-1, DND, H, CDD-2, or CDD-1 zone, 3.0 metres from the rear lot line abutting such zone;
 - (b) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or
 - (c) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
- (3) Subject to Subsection 112(4), for a tall mid-rise building, any portion of the main building exceeding a height of 20.0 metres shall have a setback of at least 4.5 metres from a rear lot line.

- (4) The requirement of Subsection 112(3) shall be reduced to zero where abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure.
- (5) For a high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any rear lot line of at least:
 - (a) 6.0 metres, if the abutting property is within a DD, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 12.5 metres elsewhere.

Maximum Streetwall Heights

- 113 (1) Subject to Subsections 113(2) and 113(3), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;
 - (b) for any main building taller than 11.0 metres high but no taller than 14.0 metres high, the building height; or
 - (c) 11.0 metres elsewhere.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 113(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 114 (1) Subject to Subsections 114(2) and 114(3), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or

- (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.

- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).

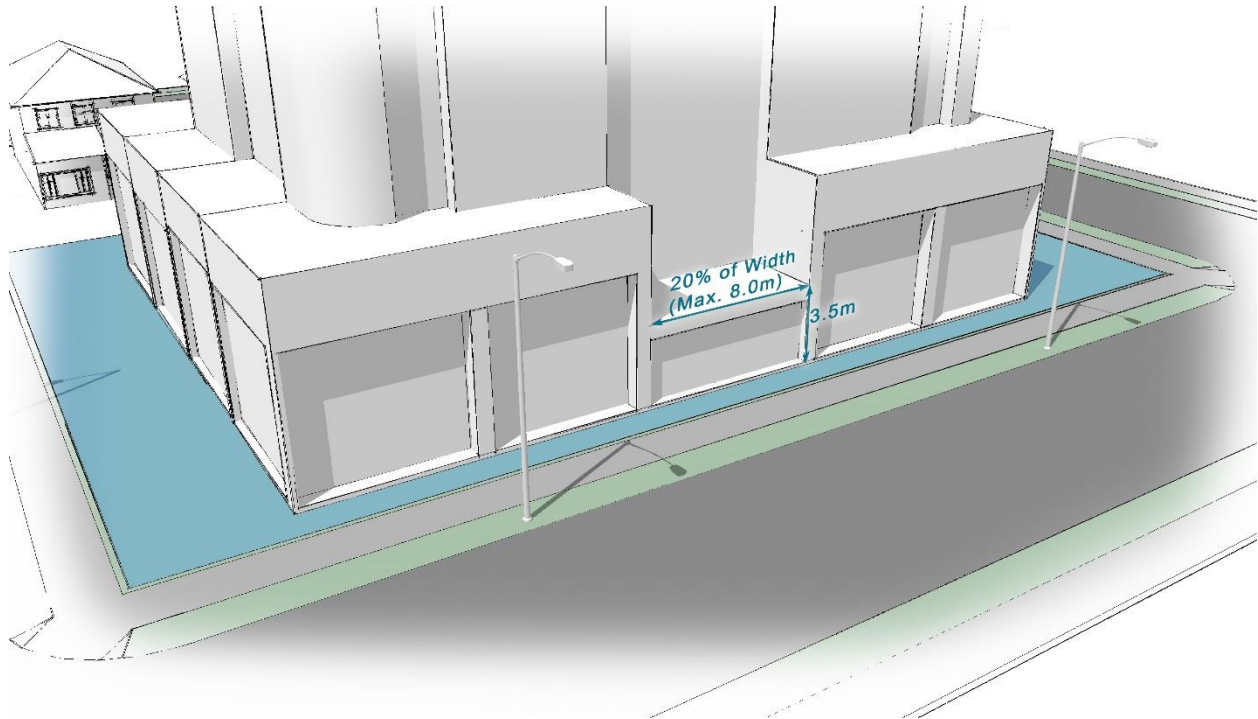


Diagram 7: Streetwall height reduction, per Subsections 114(2), 134(2), 163(2), 183(2), 201(2), 219(2), 264(2), 280(2), and 297(2)

- (3) The minimum streetwall height required in Subsection 114(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.

Streetwall Stepbacks

- 115 (1) Subject to Subsection 115(2), any main building shall have a required streetwall stepback of at least:
 - (a) 2.5 metres for mid-rise buildings;
 - (b) 3.0 metres for tall mid-rise buildings;

- (c) 6.0 metres for high-rise buildings in the Portland Street (PS) Special Area, as shown on Schedule 3A; or
 - (d) 4.5 metres for high-rise buildings elsewhere.
- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
 - (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 116
- (1) Subject to Subsections 116(2) and 116(3), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
 - (2) Cantilevered and recessed portions described in Subsection 116(1) shall include portals, but exclude balconies and recessed pedestrian entrances.
 - (3) Where a development makes use of both Subsection 116(1) and Subsection 110(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Maximum Lot Coverage

- 117 No maximum required lot coverage applies.

Ground Floor Requirements

- 118
- (1) Subject to Subsection 118(2), a ground floor shall be established along any streetline or transportation reserve.
 - (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
 - (3) A ground floor shall have a required minimum depth of 3.0 metres as measured from any exterior wall of any main building that is facing a streetline.
 - (4) Subject to Subsection 118(6), each ground floor required shall, for at least 70% of each streetline:
 - (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and

- (b) subject to Subsection 118(5), commence no higher than 0.6 metres above the streetline grade.
- (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 118(4)(b), Clause 118(4)(b) shall not apply.
- (6) The ground floor of a grade-related dwelling unit use shall:
 - (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and
 - (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 118(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the required ground floor height shall be at least 3.5 metres.
- (8) The ground floor height required in Subsection 118(7) may be reduced where one of the following conditions applies:
 - (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or
 - (b) for a proposed main building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building.

Grade-Oriented Premises

- 119 (1) Subject to Subsection 119(2) and excluding a change of use in any existing main building, a low-density dwelling use, a religious institution use, an emergency services use, or a cultural use, grade-oriented premises shall:
- (a) be required along any streetline;
 - (b) be required for the full width of the streetwall;
 - (c) not exceed a maximum required width of 24.0 metres for each premises facing a streetline; and
 - (d) contain an independent pedestrian entrance for each premises facing a streetline.
- (2) For any addition to any main building, the requirement of Subsection 119(1) shall only apply to the length of the streetwall addition.

- (3) Grade-oriented premises shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.

Grade-Related Dwelling Units

120 Every grade-related dwelling unit shall have at least one exterior pedestrian entrance.

Side and Rear Stepbacks

- 121 (1) Subject to Subsection 121(2), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:
- (a) 0.0 metres for low-rise buildings;
 - (b) 2.5 metres for mid-rise buildings;
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 6.0 metres for high-rise buildings.
- (2) The rear stepback under Subsection 121(1) is not required if an entire main building has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings;
 - (b) 12.0 metres for tall mid-rise buildings; or
 - (c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

- 122 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.
- (3) Tower portions of the same main building or tower portions of two or more main buildings on the same lot shall be required to be separated by a distance of 25.0 metres.

Maximum Building Dimensions

- 123 (1) The tower portion of any high-rise building shall not exceed the following maximum building dimension requirements of:

- (a) a building depth of 35.0 metres;
 - (b) a building width of 35.0 metres; and
 - (c) a floor area of 750 square metres per storey.
- (2) For the purpose of measuring building dimensions in Subsection 123(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Additional Built Form Requirements within the Dartmouth Waterfront (DW) Special Area

124 Part V, Chapter 4, contains additional built form requirements for the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A.

Accessory Structures

125 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 3: Built Form Requirements within the DH Zone

Applicability

126 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within the DH zone shall meet the built form requirements of this Chapter.

Maximum Building Height

127 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 128 (1) Subject to Subsection 128(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) Within the Spring Garden Road (SGR) or South Park Street (SPS) Special Areas, as shown on Schedule 3B, any portion of any main building above a height of 17.0 metres, measured at the streetlines where the lot abuts Spring Garden Road or South Park Street, shall be required to be set back an additional 0.9 metres from the streetline for each additional 0.6 metres in building height.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

129 *Deleted.*

Maximum Front or Flanking Setbacks

- 130 (1) Subject to Subsections 130(2) and 130(3), any main building along a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum required front or flanking setback:
- (a) subject to Clause 130(1)(b), as specified on Schedule 19, excluding:
 - (i) a lot that existed on the coming into force date of this By-law that has a frontage less than 4.0 metres along the streetline that requires the maximum setback, or
 - (ii) a community recreation use;
 - (b) where a transportation or utility easement abuts the streetline, the greater of:

- (i) the applicable distance as specified on Schedule 19, or
 - (ii) the edge of the easement that is located farthest from the streetline; or
- (c) if no maximum required front or flanking setback is specified on Schedule 19, no maximum required front or flanking setback applies.
- (2) On a registered heritage property, no maximum front or flanking setback requirement applies.
- (3) The maximum front or flanking setback requirement of Subsection 130(1) may be exceeded if an at-grade open space, such as a plaza, is located between a front or flanking lot line and any main building.

Side Setback Requirements

- 131 (1) Subject to Subsection 131(2) and Section 437, the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 4.5 metres from the side lot line abutting such zone; or
 - (b) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) Any main building on a lot that abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone shall be required to be setback above of the streetwall height at least 6.0 metres from any side lot line.
- (4) Any portion of any main building above the streetwall height, but less than 33.5 metres in height, shall be required to be setback from side lot lines of at least 5.5 metres. This requirement may be reduced to 0.0 metres where:
- (a) abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure; or
 - (b) any main building is located within the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B.
- (5) Any portion of any main building above 33.5 metres in height shall have a minimum required setback from any side lot line of at least:

- (a) 6.0 metres, if the abutting property is within a DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 11.5 metres elsewhere.
- (6) The maximum required side setback for any main building shall be:
- (a) on lots located within Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B, 0.0 metres; or
 - (b) on lots located outside of the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B, 20% or less of the lot width.

Rear Setback Requirements

- 132 (1) Subject to Subsection 132(2) and Section 437, the minimum required rear setback for any main building shall be 0.0 metres.
- (2) Subject to Subsection 132(3), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, any main building shall be required to be set back at least 4.5 metres from the lot line abutting such zone.
- (3) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
- (4) A lot that abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone shall provide a required setback above the streetwall height of at least 6.0 metres from any rear lot line.
- (5) Any portion of any main building above the streetwall height, but less than 33.5 metres high, shall have a required setback from a rear lot line of at least 5.5 metres. This requirement may be reduced to 0.0 metres where:
- (a) abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure; or
 - (b) any main building is located within the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B.
- (6) Any portion of any main building above 33.5 metres high shall have a minimum required setback from any rear lot line of at least:
- (a) 6.0 metres, if the abutting property is within a DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 11.5 metres elsewhere.

Maximum Streetwall Heights

- 133 (1) Subject to Subsections 133(2), 133(3), and 133(4), the maximum required streetwall heights for main buildings are specified on Schedule 20.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 133(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) On a registered heritage property, the maximum required streetwall height shall be the existing streetwall height of the registered heritage building on the coming into force date of this By-law.
- (4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 134 (1) Subject to Subsections 134(2) and 134(3), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or
 - (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.
- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 4.5 metres (Diagram 7).
- (3) The minimum streetwall height required in Subsection 134(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.

Streetwall Stepbacks

- 135 (1) Subject to Subsection 135(2), any main building shall have a required streetwall stepback of at least:
- (a) 3.0 metres, for any portion of the main building less than 33.5 metres in height; and
 - (b) 4.5 metres, for any portion of the main building greater than 33.5 metres in height.
- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Streetwall Width for the DH Zone

- 136 (1) Subject to Subsections 136(2), a streetwall within the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B, shall extend the full width of any streetline.
- (2) Subject to Subsection 136(3), for lots located outside of the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B, the streetwall width may not be reduced to less than 80% of the lot width abutting a streetline.
- (3) Excluding any portion of a lot within a waterfront view corridor, streetwalls along Lower Water Street or Upper Water Street shall extend the full lot width at the streetline for any lot that:
- (a) is located within both the Lower Central Downtown Halifax (LCDH) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B; and
 - (b) has less than 27.5 metres of frontage.
- (4) The streetwall width requirements of Subsections 136(1) or 136(3) may be reduced to a maximum of 30%, if an at-grade open space is provided, such as a plaza or a mid-block pedestrian connection.

Recessed Portions and Cantilevers within Streetwalls

- 137 (1) Subject to Subsection 137(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
- (2) Cantilevered and recessed portions described in Subsection 137(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

138 No maximum required lot coverage applies.

Ground Floor Requirements

- 139 (1) Subject to Subsection 139(2), a ground floor shall be established along any streetline or transportation reserve.
- (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
- (3) A ground floor shall have a required minimum depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
- (4) Subject to Subsection 139(6), each ground floor required shall, for at least 70% of each streetline:
- (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and
 - (b) subject to Subsection 139(5), commence no higher than 0.6 metres above the streetline grade.
- (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 139(4)(b), Clause 139(4)(b) shall not apply.
- (6) The ground floor of a grade-related dwelling unit use shall:
- (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and
 - (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 139(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the ground floor height shall be required to be at least 4.5 metres.
- (8) The ground floor height required in Subsection 139(7) may be reduced where one of the following conditions applies:
- (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building;
 - (b) for a proposed building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are

- such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building; or
- (c) on a site located outside of the Central Blocks, as shown on Schedule 3B, and that is not along a pedestrian-oriented commercial street, as shown on Schedule 7, the ground floor height requirement may be reduced to 3.5 metres if the ground floor is to be fully occupied by residential uses.
- (9) Mezzanine spaces are permitted to commence within the minimum ground floor height required in Subsection 139(7), for those portions of a ground floor that are occupied by residential uses.

Grade-Oriented Premises

- 140 (1) Subject to Subsection 140(2) and excluding a change of use in any existing main building, a low-density dwelling use, a religious institution use, an emergency services use, or a cultural use, grade-oriented premises shall:
- (a) be required along any streetline;
 - (b) be required for the full width of the streetwall;
 - (c) not exceed a maximum required width of 24.0 metres for each premises facing a streetline; and
 - (d) contain an independent pedestrian entrance for each premises facing a streetline.
- (2) For any addition to any main building, the requirement of Subsection 140(1) shall only apply to the length of the streetwall addition.
- (3) Grade-oriented premises shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.

Grade-Related Dwelling Units

- 141 Every grade-related dwelling unit shall have at least one exterior pedestrian entrance.

Minimum Separation Distances

- 142 Any portion of any main building above 33.5 metres in height shall be separated by a minimum of 23.0 metres from any portions of the same or other main buildings on the same lot that are above 33.5 metres high.

Maximum Building Dimensions

- 143 (1) Subject to Section 151, any portion of any main building above 33.5 metres high shall not exceed the following maximum building dimension requirements of:

- (a) within the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B:
 - (i) a building depth of 27.5 metres, and
 - (ii) a building width of 38.0 metres; or
 - (b) outside the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B:
 - (i) a building depth of 38.0 metres, and
 - (ii) a building width of 38.0 metres.
- (2) For the purpose of measuring building dimensions in Subsection 143(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Additional Built Form Requirements within the Halifax Waterfront (HW) Special Area

144 Part V, Chapter 4, contains additional built form requirements for the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B.

Accessory Structures

145 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 4: Additional Built Form Requirements within the Waterfront Special Areas

Applicability of Additional Built Form Requirements within the Waterfront Special Areas of the DD and DH Zones

146 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building in the Dartmouth Waterfront (DW) Special Area or the Halifax Waterfront (HW) Special Area, as shown on Schedules 3A and 3B respectively, shall meet, in addition to the requirements of Part V, Chapters 2 and 3, the additional applicable requirements of this Chapter.

Harbour Edge Setbacks in the Dartmouth Waterfront (DW) Special Area

- 147 Excluding marine-related uses, all main buildings located within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, shall have:
- (a) a required distance of at least 8.0 metres between all exterior walls and the harbour edge, for walls that are facing the Harbour Orientation Line 2, as shown on Schedule 21 (Diagram 8); and
 - (b) a required distance of at least 3.0 metres between all other exterior walls and the harbour edge, for walls that do not face the Harbour Orientation Line 2 (Diagram 8).

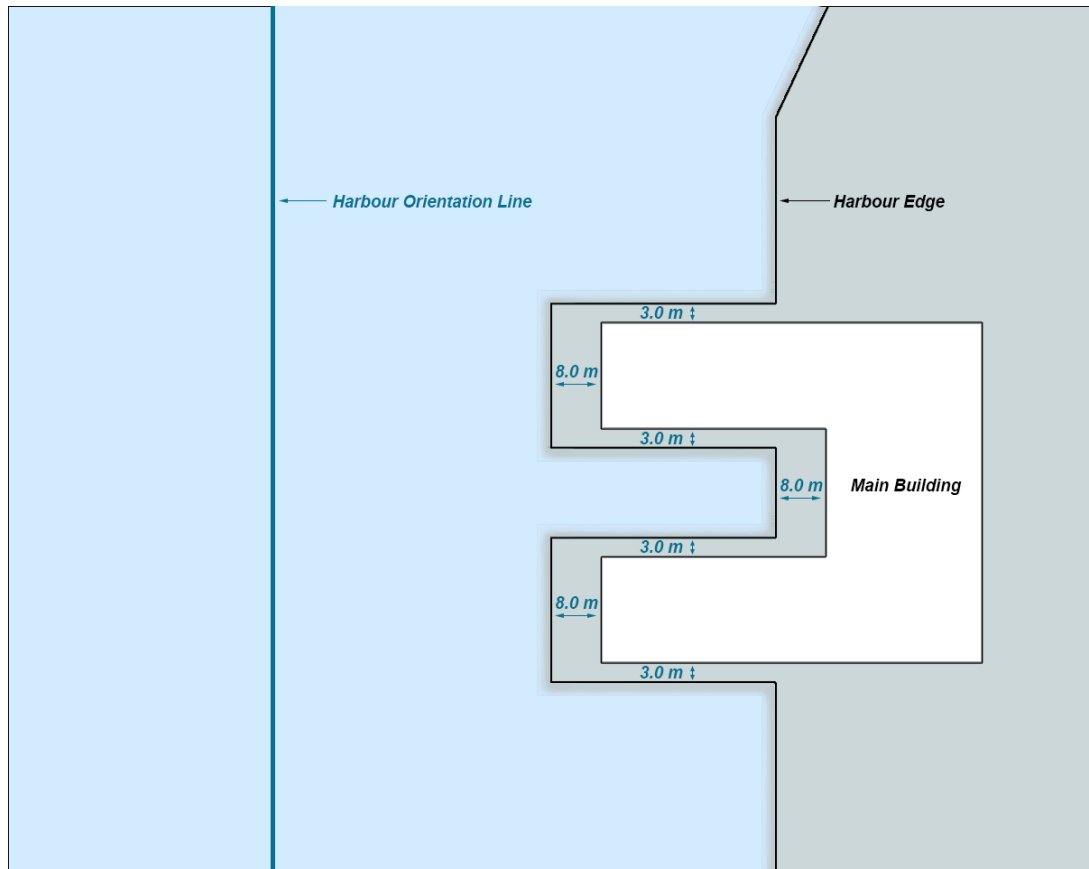


Diagram 8: Harbour edge setback requirements, per Sections 147 and 148

Harbour Edge Setbacks in the Halifax Waterfront (HW) Special Area

- 148 Excluding marine-related uses, all main buildings located within the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, shall have:
- (a) a required distance of at least 8.0 metres between all exterior walls and the harbour edge, for walls that are facing the Harbour Orientation Line 1, as shown on Schedule 21 (Diagram 8); and
 - (b) a required distance of at least 3.0 metres between all other exterior walls and the harbour edge, for walls that do not face the Harbour Orientation Line 1 (Diagram 8).

Other Setbacks in the Halifax Waterfront (HW) Special Area

- 149 (1) Subject to Subsection 149(2), within the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, any main building on any lot with a streetline greater than 27.5 metres, abutting Lower Water Street or Upper Water Street, shall have a minimum required side setback of at least 8.0 metres or 10% of the lot width, whichever is less.

- (2) The required side setback under Subsection 149(1) may be reduced to a minimum of 0.0 metres where:
 - (a) abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure; or
 - (b) a lot has:
 - (i) a side or rear lot line that coincides with the edge of a waterfront view corridor, or
 - (ii) a side or rear lot line lies within any portion of a waterfront view corridor.

Harbour Edge Built Form Requirements within the Waterfront Special Areas

150 Any portion of any main building located within the Dartmouth Waterfront (DW) Special Area or the Halifax Waterfront (HW) Special Area, as shown on Schedules 3A and 3B, shall meet the following requirements:

- (a) at a distance of 8.0 metres from the harbour edge, any main building shall not exceed 12.5 metres in height;
- (b) at a distance greater than 8.0 metres but less than 18.0 metres from the harbour edge, any main building may exceed the 12.5 metres height limit by an additional 1.0 metre of height for every additional 1.0 metre of distance from the harbour edge; and
- (c) at a distance greater than 18.0 metres from the harbour edge, any main building shall not exceed the maximum building height specified on Schedule 15.

Maximum Building Dimensions in the Halifax Waterfront (HW) Special Area

151 (1) In the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, the maximum width of an exterior wall for any main building that is facing the Harbour Orientation Line 1, as shown on Schedule 21, shall meet the following requirements:

- (a) at a distance of 8.0 metres from the harbour edge, any main building shall not exceed 27.5 metres in width;
- (b) at a distance greater than 8.0 metres but less than 30.0 metres from the harbour edge, any main building may exceed the 27.5 meters in width by an additional 1.0 metre for every additional 1.0 metre of distance from the harbour edge; and
- (c) at a distance greater than 30.0 metres from the harbour edge, any main building is permitted to use the maximum building width that is permitted under this By-law.

- (2) Any portion of any main building above 33.5 metres in height shall have a maximum required width of 27.5 metres along the sides of the building that are facing Lower Water Street or Upper Water Street, and a maximum required depth of 38.0 metres along the sides of the building that are more perpendicular to Lower Water Street or Upper Water Street (Diagram 9).

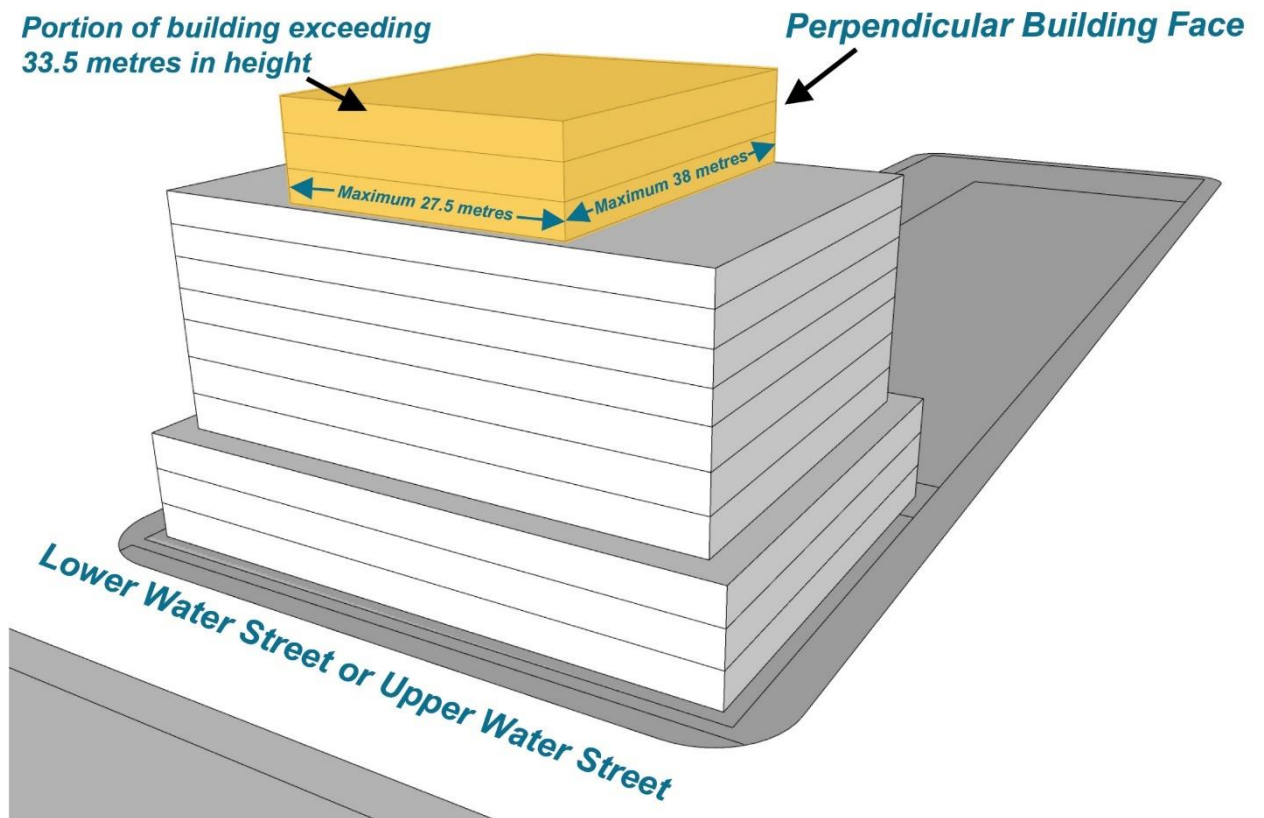


Diagram 9: Maximum building dimensions in the Halifax Waterfront (HW) Special Area, above height of 33.5 metres, per Subsection 151(2)

Minimum Separation Distances

- 152 Where more than one main building is permitted on a lot under Subsection 87(3), in the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedules 3A and 3B respectively, a minimum required separation distance of 6.0 metres shall be provided between main buildings at-grade.

Part V, Chapter 5: Built Form Requirements within the CEN-2 and CEN-1 Zones

Applicability

153 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a CEN-2 or CEN-1 zone shall meet the built form requirements of this Chapter.

Maximum Building Height

154 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Maximum Floor Area Ratio (FAR)

- 155 (1) Subject to Subsections 155(3) and 155(4), any main building's floor area shall not exceed the maximum FAR value as specified on Schedule 17.
- (2) Where there are multiple FAR precincts on a lot, only the area of the lot that is covered by a FAR precinct shall be used to complete the calculation within that FAR precinct.
- (3) Where a portion of a lot has been acquired by the Province of Nova Scotia, the Halifax Dartmouth Bridge Commission, or the Halifax Regional Municipality for the purpose of street widening after the coming into force date of this By-law, and a FAR value is shown on Schedule 17 for the subject property, any reduction in the lot area shall not affect the amount of floor area that would have been achievable on the coming into force date of this By-law.
- (4) If no maximum required FAR value is specified on Schedule 17, no maximum required FAR value applies.

Minimum Front or Flanking Setbacks

156 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

157 *Deleted*

Maximum Front or Flanking Setbacks

- 158 (1) Subject to Subsections 158(2) and 158(3), and Section 159, any main building located on a lot that abuts a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum required front or flanking setback:
- (a) subject to Clause 158(1)(b), as is specified on Schedule 19, excluding:
 - (i) a lot that existed on the coming into force date of this By-law that has a frontage less than 4.0 metres along the streetline that requires the maximum setback, or
 - (ii) a community recreation use;
 - (b) where a transportation or utility easement abuts the streetline, the greater of:
 - (i) the applicable distance as specified on Schedule 19, or
 - (ii) the edge of the easement that is located farthest from the streetline; or
 - (c) if no maximum required front or flanking setback is specified on Schedule 19, no maximum required front or flanking setback applies.
- (2) On a registered heritage property, no maximum front or flanking setback requirement applies.
- (3) The maximum front or flanking setback requirement of Subsection 158(1) may be exceeded if an at-grade open space, such as a plaza, is located between a front or flanking lot line and any main building.

Maximum Front or Flanking Setback Exemption

- 159 (1) Subject to Subsection 159(2), up to 30% of the width of the streetwall may exceed the maximum front or flanking setback requirement of Section 158.
- (2) Where a development makes use of both Subsection 159(1) and Subsection 165(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Side Setback Requirements

- 160 (1) Subject to Subsections 160(2) and 160(3), and Section 437, the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or

- (b) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) For a high-rise building, any portion of any main building above the streetwall height shall have a minimum required setback from any side lot line of at least:
 - (a) 6.0 metres, if the abutting property is within a DD, DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 12.5 metres elsewhere.
- (4) There is no maximum required side setback.

Rear Setback Requirements

- 161 (1) Subject to Subsections 161(2), 161(3), and 161(5), and Section 437, the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone;
 - (b) where a lot line abuts a COR, HR-2, HR-1, CLI, LI, HRI, INS, UC-2, UC-1, DND, H, CDD-2, or CDD-1 zone, 3.0 metres from the rear lot line abutting such zone; or
 - (c) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
 - (3) Subject to Subsection 161(4), for a tall mid-rise building, any portion of any main building exceeding a height of 20.0 metres shall have a required setback of at least 4.5 metres from a rear lot line.
 - (4) The requirement of Subsection 161(3) shall be reduced to zero where abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure.
 - (5) For a high-rise building, any portion of any main building above the streetwall height shall have a minimum required setback from any rear lot line of at least:

- (a) 6.0 metres, if the abutting property is within a DD, DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
- (b) 12.5 metres elsewhere.

Maximum Streetwall Heights

- 162 (1) Subject to Subsections 162(2) and 162(3), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;
 - (b) for any main building taller than 11.0 metres high but no taller than 14.0 metres high, the building height; or
 - (c) 11.0 metres elsewhere.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 162(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 163 (1) Subject to Subsections 163(2) and 163(3), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or
 - (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.

- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).
- (3) The minimum streetwall height required in Subsection 163(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.

Streetwall Stepbacks

- 164 (1) Subject to Subsection 164(2), any main building shall have a required streetwall stepback of at least:
- (a) 2.5 metres for mid-rise buildings;
 - (b) 3.0 metres for tall mid-rise buildings; or
 - (c) 4.5 metres for high-rise buildings.
- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 165 (1) Subject to Subsections 165(2) and 165(3), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
- (2) Cantilevered and recessed portions described in Subsection 165(1) shall include portals, but exclude balconies and recessed pedestrian entrances.
- (3) Where a development makes use of both Subsections 165(1) and 159(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Maximum Lot Coverage

- 166 No maximum required lot coverage applies.

Ground Floor Requirements

- 167 (1) Subject to Subsection 167(2), a ground floor shall be established along any streetline or transportation reserve.
- (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width

of the streetwall, the requirements for a ground floor do not apply.

- (3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
- (4) Subject to Subsection 167(6), each ground floor required shall, for at least 70% of each streetline:
 - (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and
 - (b) subject to Subsection 167(5), commence no higher than 0.6 metres above the streetline grade.
- (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 167(4)(b), Clause 167(4)(b) shall not apply.
- (6) The ground floor of a grade-related dwelling unit use shall:
 - (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and
 - (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 167(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the required ground floor height shall be at least 3.5 metres.
- (8) The ground floor height required in Subsection 167(7) may be reduced where one of the following conditions applies:
 - (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or
 - (b) for a proposed building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building.

Grade-Oriented Premises

- 168 (1) Subject to Subsection 168(2) and excluding a change of use in any main building, a low-density dwelling use, a religious institution use, an emergency services use, or a cultural use, grade-oriented premises shall:
- (a) be required along any streetline;
 - (b) be required for the full width of the streetwall;

- (c) not exceed a maximum required width of 24.0 metres for each premises facing a streetline; and
 - (d) contain an independent pedestrian entrance for each premises facing a streetline.
- (2) For any addition to any main building, the requirement of Subsection 168(1) shall only apply to the length of the streetwall addition.
- (3) Grade-oriented premises shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.

Grade-Related Dwelling Units

169 Every grade-related dwelling unit shall have at least one required exterior pedestrian entrance.

Side and Rear Stepbacks

- 170 (1) Subject to Subsection 170(2), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:
- (a) 0.0 metres for low-rise buildings;
 - (b) 2.5 metres for mid-rise buildings;
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 6.0 metres for high-rise buildings.
- (2) The rear stepback under Subsection 170(1) is not required if an entire main building has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings;
 - (b) 12.0 metres for tall mid-rise buildings; or
 - (c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

- 171 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.

- (3) Tower portions of the same main building or tower portions of two or more main buildings on the same lot shall be separated by a required distance of 25.0 metres.

Maximum Building Dimensions

- 172 (1) Excluding any structure below 0.6 metres above the average finished grade or any public building use, any main building shall not exceed a building width of 64.0 metres and a building depth of 64.0 metres.
- (2) The tower portion of any high-rise building shall not exceed the following maximum building dimension requirements of:
- (a) a building depth of 35.0 metres;
 - (b) a building width of 35.0 metres; and
 - (c) a floor area of 750 square metres per storey.
- (3) For the purpose of measuring building dimensions in Subsections 172(1) and 172(2), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

- 173 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 6: Built Form Requirements within the COR Zone

Applicability

174 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a COR zone shall meet the built form requirements of this Chapter.

Maximum Building Height

175 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

176 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

177 *Deleted*

Maximum Front or Flanking Setbacks

- 178 (1) Subject to Subsections 178(2) and 178(3), and Section 179, any main building located on a lot that abuts a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum required front or flanking setback:
- (a) subject to Clause 178(1)(b), as specified on Schedule 19, excluding:
 - (i) a lot that existed on the coming into force date of this By-law that has a frontage less than 4.0 metres along the streetline that requires the maximum setback, or
 - (ii) a community recreation use;
 - (b) where a transportation or utility easement abuts the streetline, the greater of:
 - (i) the applicable distance as specified on Schedule 19, or
 - (ii) the edge of the easement that is located farthest from the streetline; or
 - (c) if no maximum required front or flanking setback is specified on Schedule 19, no maximum front or flanking setback applies.

- (2) On a registered heritage property, no maximum front or flanking setback requirement applies.
- (3) The maximum front or flanking setback requirement of Subsection 178(1) may be exceeded if an at-grade open space, such as a plaza, is located between a front or flanking lot line and any main building.

Maximum Front or Flanking Setback Exemption

- 179 (1) Subject to Subsection 179(2), up to 30% of the width of the streetwall may exceed the maximum front or flanking setback requirement of Section 178.
- (2) Where a development makes use of both Subsections 179(1) and 185(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Side Setback Requirements

- 180 (1) Subject to Subsection 180(2) and Section 437, the minimum required side setback for any main building shall be:
 - (a) subject to Clauses 180(1)(b) and 180(1)(c), where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone;
 - (b) for a townhouse dwelling use:
 - (i) 0.0 metres along a common wall between each unit, or
 - (ii) 3.0 metres elsewhere;
 - (c) for a semi-detached dwelling use:
 - (i) 0.0 metres along a common wall between each unit, or
 - (ii) 3.0 metres elsewhere; or
 - (d) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) There is no required maximum side setback.

Rear Setback Requirements

- 181 (1) Subject to Subsections 181(2) and 181(3), the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
- (3) For a tall mid-rise building, any portion of any main building exceeding a height of 20.0 metres shall have a required setback of at least 4.5 metres from a rear lot line.

Maximum Streetwall Heights

- 182 (1) Subject to Subsections 182(2) and 182(3), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;
 - (b) for any main building in the Agricola Street (AS) Special Area, as shown on Schedule 3F, 8.0 metres;
 - (c) for any main building taller than 11.0 metres high but no taller than 14.0 metres high, the building height; or
 - (d) 11.0 metres elsewhere.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 182(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 183 (1) Subject to Subsections 183(2) and 183(3), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or
 - (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.
- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).
- (3) The minimum required streetwall height in Subsection 183(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.

Streetwall Stepbacks

- 184 (1) Subject to Subsection 184(2), any main building shall have a required streetwall stepback of at least:
- (a) 2.5 metres for mid-rise buildings; or
 - (b) 3.0 metres for tall mid-rise buildings.
- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 185 (1) Subject to Subsections 185(2) and 185(3), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
- (2) Cantilevered and recessed portions described in Subsection 185(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

- (3) Where a development makes use of both Subsections 185(1) and 179(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Maximum Lot Coverage

186 No maximum required lot coverage applies.

Ground Floor Requirements

- 187
- (1) Subject to Subsection 187(2), a ground floor shall be established along any streetline or transportation reserve.
 - (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
 - (3) A ground floor shall have a required minimum depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
 - (4) Subject to Subsection 187(6), each ground floor required shall, for at least 70% of each streetline:
 - (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and
 - (b) subject to Subsection 187(5), commence no higher than 0.6 metres above the streetline grade.
 - (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 187(4)(b), Clause 187(4)(b) shall not apply.
 - (6) The ground floor of a grade-related dwelling unit use shall:
 - (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and
 - (b) commence no higher than 1.5 metres above the streetline grade.
 - (7) Subject to Subsection 187(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the required ground floor height shall be at least 3.5 metres.
 - (8) The ground floor height required in Subsection 187(7) may be reduced where one of the following conditions applies:
 - (a) the ground floor height of an addition is equal to or greater than the

- ground floor height of the existing main building; or
- (b) for a proposed building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building.

Grade-Oriented Premises

- 188 (1) Subject to Subsection 188(2) and excluding a change of use in an existing main building, a low-density dwelling use, a religious institution use, an emergency services use, or a cultural use, grade-oriented premises shall:
- (a) be required along any streetline;
 - (b) be required for the full width of the streetwall;
 - (c) not exceed a maximum required width of 24.0 metres for each premises facing a streetline; and
 - (d) contain an independent pedestrian entrance for each premises facing a streetline.
- (2) For any addition to any main building, the requirement of Subsection 188(1) shall only apply to the length of the streetwall addition.
- (3) Grade-oriented premises shall have a minimum depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.

Grade-Related Dwelling Units

- 189 Every grade-related dwelling unit shall be required to have at least one exterior pedestrian entrance.

Side and Rear Stepbacks

- 190 (1) Subject to Subsection 190(2), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:
- (a) 0.0 metres for low-rise buildings;
 - (b) 2.5 metres for mid-rise buildings;
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 6.0 metres for high-rise buildings.

- (2) The rear setback under Subsection 190(1) is not required if an entire main building has a minimum rear setback of:
 - (a) 8.5 metres for mid-rise buildings;
 - (b) 12.0 metres for tall mid-rise buildings; or
 - (c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

- 191 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.

Maximum Building Dimensions

- 192 (1) Excluding any structure below 0.6 metres above the average finished grade or any public building use, any main building shall not exceed a building width of 64.0 metres and a building depth of 64.0 metres.
- (2) For the purpose of measuring building dimensions in Subsection 192(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

- 193 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 7: Built Form Requirements within the HR-2 and HR-1 Zones

Applicability

194 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within an HR-2 or HR-1 zone shall meet the built form requirements of this Chapter.

Maximum Building Height

195 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

196 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

197 *Deleted*

Side Setback Requirements

- 198 (1) Subject to Subsections 198(2) and 198(3), the minimum required side setback for any main building shall be:
- (a) subject to Clauses 198(1)(b) and 198(1)(c), where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone:
 - (i) 3.0 metres from the side lot line abutting such zone for any low-rise building, or
 - (ii) 6.0 metres from the side lot line abutting such zone for any mid-rise, tall mid-rise, or high-rise building;
 - (b) for a townhouse dwelling use:
 - (i) 0.0 metres along a common wall between each unit, or
 - (ii) 3.0 metres elsewhere;
 - (c) for a semi-detached dwelling use:

- (i) 0.0 metres along a common wall between each unit, or
 - (ii) 3.0 metres elsewhere; or
- (d) 2.5 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a required setback of at least 12.5 metres from any side lot line.
- (4) There is no maximum required side setback.

Rear Setback Requirements

- 199 (1) Subject to Subsections 199(2), 199(3), and 199(4), the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
 - (3) For any tall mid-rise building, any portion of the building exceeding a height of 20.0 metres shall have a required setback of at least 4.5 metres from a rear lot line.
 - (4) For any high-rise building, any portion of the building above the streetwall height shall have a required setback of at least 12.5 metres from any rear lot line.

Maximum Streetwall Heights

- 200 (1) Subject to Subsections 200(2) and 200(3), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;
 - (b) for any main building taller than 11.0 metres high but no taller than 14.0 metres high, the building height; or
 - (c) 11.0 metres elsewhere.

- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 200(1), may be exceeded by:
 - (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 201 (1) Subject to Subsections 201(2) and 201(3), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or
 - (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.
- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).
- (3) The minimum streetwall height required in Subsection 201(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.

Streetwall Stepbacks

- 202 (1) Subject to Subsection 202(2), any main building shall have a required streetwall stepback of at least:
- (a) 2.5 metres for mid-rise buildings;
 - (b) 3.0 metres for tall mid-rise buildings; or
 - (c) 4.5 metres for high-rise buildings.

- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 203
- (1) Subject to Subsection 203(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
 - (2) Cantilevered and recessed portions described in Subsection 203(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

- 204 No maximum required lot coverage applies.

Ground Floor Requirements

- 205
- (1) Subject to Subsection 205(2), a ground floor shall be established along any streetline or transportation reserve.
 - (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
 - (3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
 - (4) Subject to Subsection 205(6), each ground floor required shall, for at least 70% of each streetline:
 - (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and
 - (b) subject to Subsection 205(5), commence no higher than 0.6 metres above the streetline grade.
 - (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 205(4)(b), Clause 205(4)(b) shall not apply.
 - (6) The ground floor of a grade-related dwelling unit use shall:
 - (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and

- (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 205(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the required ground floor height shall be at least 3.5 metres.
- (8) The ground floor height required in Subsection 205(7) may be reduced where one of the following conditions applies:
 - (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or
 - (b) for a proposed building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building.

Grade-Oriented Premises

- 206 (1) Subject to Subsection 206(2) and excluding a change of use in any existing main building, a low-density dwelling use, a religious institution use, an emergency services use, or a cultural use, grade-oriented premises shall:
- (a) be required along any streetline;
 - (b) be required for the full width of the streetwall;
 - (c) not exceed a maximum required width of 24.0 metres for each premises facing a streetline; and
 - (d) contain an independent pedestrian entrance for each premises facing a streetline.
- (2) For any addition to any main building, the requirement of Subsection 206(1) shall only apply to the length of the streetwall addition.
- (3) Grade-oriented premises shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.

Grade-Related Dwelling Units

- 207 Every grade-related dwelling unit shall have at least one required exterior pedestrian entrance.

Side and Rear Stepbacks

- 208 (1) Subject to Subsection 208(2), for a tall mid-rise building, any portion of any main building above the height of the streetwall shall have a minimum required:

- (a) side setback of 2.5 metres; and
 - (b) rear setback of 4.5 metres.
- (2) Subject to Subsection 208(3), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear setback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:
- (a) 0.0 metres for low-rise buildings;
 - (b) 2.5 metres for mid-rise buildings;
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 6.0 metres for high-rise buildings.
- (3) The rear setbacks under Subsections 208(1) and 208(2) are not required if an entire main building has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings;
 - (b) 12.0 metres for tall mid-rise buildings; or
 - (c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

- 209 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.
- (3) Tower portions of the same main building or tower portions of two or more main buildings on the same lot shall be separated by a required distance of 25.0 metres.

Maximum Building Dimensions

- 210 (1) Excluding any structure below 0.6 metres above the average finished grade, any main building shall not exceed the following maximum building dimension requirements of:
- (a) a building width of 64.0 metres and a building depth of 64.0 metres; or
 - (b) on a through lot, a building width of 64.0 metres and a building depth of 40.0 metres.

- (2) The tower portion of any high-rise building shall not exceed the following maximum building dimension requirements of:
 - (a) a building depth of 35.0 metres;
 - (b) a building width of 35.0 metres; and
 - (c) a floor area of 750 square metres per storey.

- (3) For the purpose of measuring building dimensions in Subsections 210(1) and 210(2), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

211 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 8: Built Form Requirements within the CLI Zone

Applicability

212 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a CLI zone shall meet the built form requirements of this Chapter.

Maximum Building Height

213 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 214 (1) Subject to Subsection 214(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) The minimum required front or flanking setback shall be 7.5 metres if located across a street from any HR-2, HR-1, ER-3, ER-2, ER-1, or CH zone.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

215 *Deleted*

Side Setback Requirements

- 216 (1) Subject to Subsection 216(2) and Section 437, the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or
 - (b) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) There is no maximum required side setback.

Rear Setback Requirements

217 (1) Subject to Subsection 217(2), the minimum required rear setback for any main building shall be:

- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.

Maximum Streetwall Heights

- 218 (1) Subject to Subsections 218(2) and 218(3), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;
 - (b) for any main building taller than 11.0 metres high but no taller than 14.0 metres high, the building height; or
 - (c) 11.0 metres elsewhere.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 218(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 219 (1) Subject to Subsections 219(2) and 219(3), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or
 - (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.

- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).
- (3) The minimum required streetwall height required in Subsection 219(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.

Streetwall Stepbacks

- 220
- (1) Subject to Subsection 220(2), any main building shall have a required streetwall stepback of at least 2.5 metres for a mid-rise building.
 - (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
 - (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 221
- (1) Subject to Subsection 221(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
 - (2) Cantilevered and recessed portions described in Subsection 221(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

- 222 No maximum required lot coverage applies.

Ground Floor Requirements

- 223
- (1) Subject to Subsection 223(2), a ground floor shall be established along any streetline or transportation reserve.
 - (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
 - (3) A ground floor shall have a required minimum depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.

- (4) Subject to Subsection 223(6), each ground floor required shall, for at least 70% of each streetline:
 - (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and
 - (b) subject to Subsection 223(5), commence no higher than 0.6 metres above the streetline grade.
- (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 223(4)(b), Clause 223(4)(b) shall not apply.
- (6) The ground floor of a grade-related dwelling unit use shall:
 - (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and
 - (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 223(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the ground floor height shall be at least 3.5 metres.
- (8) The ground floor height required in Subsection 223(7) may be reduced where one of the following conditions applies:
 - (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or
 - (b) for a proposed building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building.

Side and Rear Stepbacks

- 224 (1) Subject to Subsection 224(2), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:
- (a) 0.0 metres for low-rise buildings; or
 - (b) 2.5 metres for mid-rise buildings.
- (2) The rear stepback under Subsection 224(1) is not required if an entire main building has a minimum rear setback of 8.5 metres for mid-rise buildings.

Minimum Separation Distances

- 225 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.

Accessory Structures

- 226 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 9: Built Form Requirements within the ER-3, ER-2, and ER-1 Zones

Applicability

227 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within an ER-3, ER-2, or ER-1 zone shall meet the built form requirements of this Chapter.

Maximum Building Height

228 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 229 (1) Subject to Subsection 229(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) If a minimum required front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 3.0 metres.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

230 *Deleted*

Side Setback Requirements

- 231 (1) Subject to Subsection 231(2) and Section 236, the minimum required side setback for any main building shall be:
- (a) in an ER-3 zone, a townhouse dwelling use shall have a minimum required side setback of:
- (i) 0.0 metres along a common wall between each unit, or
- (ii) 3.0 metres elsewhere;
- (b) in an ER-3 or ER-2 zone, a semi-detached dwelling use shall have a minimum required side setback of:
- (i) 0.0 metres along a common wall between each unit, or
- (ii) 1.25 metres elsewhere; or

- (c) 1.25 metres elsewhere.
- (2) The minimum side setback requirements for Established Residential Special Areas, as shown on Schedule 3C, are as specified in Table 9 as follows:

Table 9: Minimum required side setbacks for Established Residential Special Areas

Established Residential Special Area	Minimum Required Side Setback
Grant Street (GS)	1.5 metres
Young Avenue (YA)	10% of the lot width, to a maximum of 3.0 metres
Oakland Road (OR)	10% of the lot width, to a maximum of 2.0 metres
Armview (AV)	4.5 metres
North End Halifax 1 (NEH-1)	1.5 metres on one side, 0.0 metres on the other
North End Halifax 2 (NEH-2)	0.0 metres
Dartmouth North 1 (DN-1)	2.0 metres
Dartmouth North 2 (DN-2)	2.5 metres
Historic Dartmouth Neighbourhoods (HDN)	2.0 metres on one side, 0.0 metres on the other

- (3) There is no maximum required side setback.

Rear Setback Requirements

232 The minimum required rear setback shall be 6.0 metres.

Maximum Lot Coverage

- 233 (1) Subject to Subsections 233(2) and 233(3), and Section 236, the maximum required lot coverage shall be:
 - (a) for lots 325.0 square metres or less, 50%; or
 - (b) for lots greater than 325.0 square metres, 40%.
- (2) Subject to Subsection 233(3), the maximum required lot coverage for Established Residential Special Areas, as shown on Schedule 3C, are listed in Table 10 as follows:

Table 10: Maximum required lot coverage for Established Residential Special Areas

Established Residential Special Area	Maximum Required Lot Coverage (%)
Grant Street (GS)	35%
Young Avenue (YA)	35%

North End Halifax 2 (NEH-2)	50%
West End Halifax (WEH)	35%
Dartmouth North 1 (DN-1)	35%
Dartmouth North 2 (DN-2)	35%

- (3) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Attached Garages

- 234 (1) Garage doors facing the front or flanking lot line, for any garage which is attached to a low-density dwelling use, shall not project any closer to the streetline than the longest wall of any main dwelling that faces the same streetline as the garage door.
- (2) Garage doors facing the front or flanking lot line, for any garage which is attached to a low-density dwelling use, shall not exceed a maximum required width of 50% of the wall of any main dwelling on which they are located, to a maximum of 6.0 metres in total.

Number of Townhouses in the ER-3 Zone

- 235 The maximum number of townhouse dwellings permitted in a townhouse block that is located in the ER-3 zone is eight.

Additional Built Form Requirements within the Young Avenue Sub-Area A (YA-A)

- 236 For a two-unit dwelling use, a three-unit dwelling use, or a multi-unit dwelling use up to 4 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, the following additional built form requirements shall apply:
- (a) a maximum lot coverage of 50%;
- (b) a minimum side setback of 10% of the lot width, up to a maximum of 3.0 metres; and
- (c) at least 70% of the area of the roof must have a minimum pitch of 2/12 rise to run.

Accessory Structures

- 237 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 10: Built Form Requirements within the CH Zone

Applicability

- 238 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a CH zone shall meet:
- (a) for a mobile home use, the requirements of *By-law M-200 (City of Dartmouth) Respecting Mobile Homes and Mobile Home Parks*; or
 - (b) for all other uses, the built form requirements of this Chapter.

Number of Dwelling Units

- 239 The number of cluster housing dwelling units shall not exceed:
- (a) 4 per cluster housing block; and
 - (b) 24 per lot.

Maximum Building Height

- 240 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 241 (1) Subject to Subsection 241(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) If a minimum required front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 3.0 metres.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

- 242 *Deleted*

Additional Siting Requirements

- 243 On a lot with continuous frontage that is greater than 10.0 metres, any main building shall be required to be located:
- (a) within 6.0 metres of the front or flanking lot line, if there is not an existing main building already within 6.0 metres of the front or flanking lot line, or

- (b) where a transportation or utility easement abuts the streetline and has a depth greater than 6.0 metres, the edge of the easement that is located farthest from the streetline.

Side Setback Requirements

- 244 (1) The minimum required side setback for any main building shall be 1.25 metres.
- (2) There is no maximum required side setback.

Rear Setback Requirements

- 245 The minimum required rear setback for any main building shall be 6.0 metres.

Maximum Lot Coverage

- 246 (1) Subject to Subsection 246(2), the maximum required lot coverage is 40%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Minimum Separation Distances

- 247 Where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 2.0 metres shall be provided between main buildings.

Accessory Structures

- 248 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 11: Built Form Requirements within the LI and HRI Zones

Applicability

249 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a LI or HRI zone shall meet the built form requirements of this Chapter.

Maximum Building Height

250 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 251 (1) Subject to Subsections 251(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) The minimum required front or flanking setback shall be 7.5 metres if located across a street from any HR-2, HR-1, ER-3, ER-2, ER-1, or CH zone.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

252 *Deleted*

Side Setback Requirements

- 253 (1) Subject to Subsection 253(2) and Section 437, the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone; or
 - (b) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) There is no maximum required side setback.

Rear Setback Requirements

- 254 (1) Subject to Subsection 254(2), the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.

Maximum Lot Coverage

- 255 (1) Subject to Subsection 255(2), the maximum required lot coverage shall be 80%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Accessory Structures

- 256 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 12: Built Form Requirements within the INS Zone

Applicability

257 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within an INS zone shall meet the built form requirements of this Chapter.

Maximum Building Height

258 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

259 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

260 *Deleted*

Side Setback Requirements

- 261 (1) Subject to Subsections 261(2) and 261(3), the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or
 - (b) 2.5 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a required setback of at least 12.5 metres from any side lot line.
- (4) There is no maximum required side setback.

Rear Setback Requirements

262 (1) Subject to Subsections 262(2) and 262(3), the minimum required rear setback for

any main building shall be:

- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a required setback of at least 12.5 metres from any rear lot line.

Maximum Streetwall Heights

- 263 (1) Subject to Subsections 263(2), 263(3), and 263(4), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the existing streetwall height of the registered heritage building on the coming into force date of this By-law; or
 - (b) no taller than 14.0 metres high elsewhere.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 263(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) Excluding a tall mid-rise building and a high-rise building, no maximum required streetwall height applies if any main building is setback at least 40.0 metres from a front or flanking lot line.
- (4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 264 (1) Subject to Subsections 264(2), 264(3), and 264(4), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7,

- 8.0 metres; or
- (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.
- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).
- (3) The minimum streetwall height required in Subsection 264(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.
- (4) Excluding a tall mid-rise building and a high-rise building, no minimum required streetwall height applies if any main building is setback at least 40.0 metres from a front or flanking lot line.

Streetwall Stepbacks

- 265 (1) Subject to Subsection 265(2), any main building shall have a required streetwall stepback of at least:
- (a) 2.5 metres for mid-rise buildings;
 - (b) 3.0 metres for tall mid-rise buildings; or
 - (c) 4.5 metres for high-rise buildings.
- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 266 (1) Subject to Subsection 266(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
- (2) Cantilevered and recessed portions described in Subsection 266(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

- 267 (1) Subject to Subsection 267(2), the maximum required lot coverage shall be 60%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Ground Floor Requirements

- 268 (1) Subject to Subsection 268(2), a ground floor shall be established along any streetline or transportation reserve.
- (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
- (3) A ground floor shall have a required minimum depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
- (4) Subject to Subsection 268(6), each ground floor required shall, for at least 70% of each streetline:
- (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and
 - (b) subject to Subsection 268(5), commence no higher than 0.6 metres above the streetline grade.
- (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 268(4)(b), Clause 268(4)(b) shall not apply.
- (6) The ground floor of a grade-related dwelling unit use shall:
- (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and
 - (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 268(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the required ground floor height shall be at least 3.5 metres.
- (8) The ground floor height required in Subsection 268(7) may be reduced where one of the following conditions applies:
- (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing building; or

- (b) for a proposed building on a registered heritage property, the ground floor heights of abutting buildings along the same streetline are such that the required ground floor height of the proposed building would be inconsistent with the abutting main building.

Side and Rear Stepbacks

- 269 (1) Subject to Subsection 269(2), for any tall mid-rise building, any portion of the building above the height of the streetwall shall have a minimum required:
- (a) side stepback of 2.5 metres; and
 - (b) rear stepback of 4.5 metres.
- (2) Subject to Subsection 269(3), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:
- (a) 0.0 metres for low-rise buildings;
 - (b) 2.5 metres for mid-rise buildings;
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 6.0 metres for high-rise buildings.
- (3) The rear stepbacks under Subsections 269(1) and 269(2) are not required if an entire main building has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings;
 - (b) 12.0 metres for tall mid-rise buildings; or
 - (c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

- 270 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.
- (3) Tower portions of the same main building or tower portions of two or more main buildings on the same lot shall be separated by a required distance of 25.0 metres.

Maximum Building Dimensions

- 271 (1) The tower portion of any high-rise building shall not exceed the following maximum building dimension requirements of:
- (a) a building depth of 35.0 metres;
 - (b) a building width of 35.0 metres; and
 - (c) a floor area of 750 square metres per storey.
- (2) For the purpose of measuring building dimensions in Subsection 271(1), buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

- 272 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 13: Built Form Requirements within the UC-2 Zone

Applicability

273 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building within the UC-2 zone shall meet the built form requirements of this Chapter.

Maximum Building Height

274 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

275 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

276 *Deleted*

Side Setback Requirements

- 277 (1) Subject to Subsections 277(2) and 277(3), and Section 437, the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or
 - (b) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a minimum required setback from any side lot line of at least:
- (a) 6.0 metres, if the abutting property is within a DD, DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 12.5 metres elsewhere.

- (4) There is no maximum required side setback.

Rear Setback Requirements

- 278 (1) Subject to Subsections 278(2) and 278(3), and Section 437, the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone;
 - (b) where a lot line abuts a COR, HR-2, HR-1, CLI, LI, HRI, INS, DND, H, CDD-2, or CDD-1 zone, 3.0 metres from the rear lot line abutting such zone; or
 - (c) 0.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a minimum required setback from any rear lot line of at least:
- (a) 6.0 metres, if the abutting property is within a DD, DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 12.5 metres elsewhere.

Maximum Streetwall Heights

- 279 (1) Subject to Subsections 279(2), 279(3), and 279(4), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the existing streetwall height of the registered heritage building on the coming into force date of this By-law;
 - (b) in the Dalhousie Sexton Campus (DSC) Special Area, as shown on Schedule 3D, 18.5 metres; or
 - (c) no taller than 14.0 metres elsewhere.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 279(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or

- (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.
- (3) Excluding any high-rise building, no maximum required streetwall height applies if any main building is setback at least 40.0 metres from a front or flanking lot line.
- (4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 280 (1) Subject to Subsections 280(2), 280(3), and 280(4), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or
 - (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.
- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).
- (3) The minimum streetwall height required in Subsection 280(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.
- (4) Excluding a tall mid-rise building and a high-rise building, no minimum required streetwall height applies if any main building is setback at least 40.0 metres from a front or flanking lot line.

Streetwall Stepbacks

- 281 (1) Subject to Subsection 281(2), any main building shall have a required streetwall stepback of at least:
- (a) 2.5 metres for mid-rise buildings;
 - (b) 3.0 metres for tall mid-rise buildings; or
 - (c) 4.5 metres for high-rise buildings.

- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 282
- (1) Subject to Subsection 282(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
 - (2) Cantilevered and recessed portions described in Subsection 282(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

- 283 No maximum required lot coverage applies.

Ground Floor Requirements

- 284
- (1) Subject to Subsection 284(2), a ground floor shall be established along any streetline or transportation reserve.
 - (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
 - (3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
 - (4) Subject to Subsection 284(6), each ground floor required shall, for at least 70% of each streetline:
 - (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and
 - (b) subject to Subsection 284(5), commence no higher than 0.6 metres above the streetline grade.
 - (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 284(4)(b), Clause 284(4)(b) shall not apply.
 - (6) The ground floor of a grade-related dwelling unit use shall:
 - (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and

- (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 284(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the required ground floor height shall be at least 3.5 metres.
- (8) The ground floor height required in Subsection 284(7) may be reduced where one of the following conditions applies:
 - (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or
 - (b) for a proposed main building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building.

Grade-Related Dwelling Units

285 Every grade-related dwelling unit shall have at least one required exterior pedestrian entrance.

Side and Rear Stepbacks

- 286 (1) Subject to Subsection 286(2), for any tall mid-rise building, any portion of the building above the height of the streetwall shall have a minimum required:
- (a) side stepback of 2.5 metres; and
 - (b) rear stepback of 4.5 metres.
- (2) Subject to Subsection 286(3), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:
- (a) 0.0 metres for a low-rise buildings;
 - (b) 2.5 metres for mid-rise buildings; or
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 6.0 metres for high-rise buildings.
- (3) The rear stepbacks under Subsections 286(1) and 286(2) are not required if an entire main building has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings;
 - (b) 12.0 metres for tall mid-rise buildings; or

- (c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

- 287 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 0.0 metres shall be provided between main buildings.
- (2) Tower portions of the same main building or tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres.

Maximum Building Dimensions

- 288 (1) The tower portion of any high-rise building shall not exceed the following maximum building dimension requirements of:
 - (a) a building depth of 38.0 metres; and
 - (b) a building width of 38.0 metres.
- (2) For the purpose of measuring building dimensions in Subsection 288(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

- 289 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 14: Built Form Requirements within the UC-1 Zone

Applicability

290 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within the UC-1 zone shall meet the built form requirements of this Chapter.

Maximum Building Height

291 Subject to Sections 100 and 101, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

292 Any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

293 *Deleted*

Side Setback Requirements

- 294 (1) Subject to Subsections 294(2) and 294(3), the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or
 - (b) 2.5 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a minimum required setback from any side lot line of at least:
- (a) 6.0 metres, if the abutting property is within a DD, DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 12.5 metres elsewhere.

- (4) There is no maximum required side setback.

Rear Setback Requirements

- 295 (1) Subject to Subsections 295(2) and 295(3), the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a minimum required setback from any rear lot line of at least:
- (a) 6.0 metres, if the abutting property is within a DD, DH, CEN-2, CEN-1, UC-2, or UC-1 zone and has a view plane restriction that would not permit the development of a high-rise building; or
 - (b) 12.5 metres elsewhere.

Maximum Streetwall Heights

- 296 (1) Subject to Subsections 296(2), 296(3), and 296(4), any main building's maximum required streetwall height shall be:
- (a) on a registered heritage property, the existing streetwall height of the registered heritage building on the coming into force date of this By-law; or
 - (b) no taller than 14.0 metres high elsewhere.
- (2) On a site having sloping conditions, the maximum streetwall height required in Subsection 296(1), may be exceeded by:
- (a) 10%, where any main building is located on a streetline that has a slope that is between 4% up to and including 8% across the entire width of the streetwall; or
 - (b) 20%, where any main building is located on a streetline that has a slope that exceeds 8% across the entire width of the streetwall.

- (3) Excluding any high-rise building, no maximum required streetwall height applies if any main building is setback at least 40.0 metres from a front or flanking lot line.
- (4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

- 297 (1) Subject to Subsections 297(2), 297(3), and 297(4), any main building's minimum required streetwall height shall be:
- (a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or
 - (b) along all other streets:
 - (i) for any main building less than 8.0 metres high, the building height, or
 - (ii) 8.0 metres elsewhere.
- (2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7).
- (3) The minimum streetwall height required in Subsection 297(1) may be reduced to 3.5 metres along a streetline, if the slope exceeds 4% across the entire width of the streetwall.
- (4) Excluding any tall mid-rise building or a high-rise building, no minimum required streetwall height applies if the building is setback at least 40.0 metres from a front or flanking lot line.

Streetwall Stepbacks

- 298 (1) Subject to Subsection 298(2), any main building shall have a required streetwall stepback of at least:
- (a) 2.5 metres for mid-rise buildings;
 - (b) 3.0 metres for tall mid-rise buildings; or
 - (c) 4.5 metres for high-rise buildings.
- (2) No streetwall stepback is required for up to 20% of the length of any main building facing each streetline.
- (3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

- 299 (1) Subject to Subsection 299(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.
- (2) Cantilevered and recessed portions described in Subsection 299(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

- 300 (1) Subject to Subsection 300(2), the maximum required lot coverage shall be 60% for the entire grouping of properties that make up each of the following special areas, as shown on Schedule 3D:
- (a) UC Lot Coverage 1 (UCLC-1);
 - (b) UC Lot Coverage 2 (UCLC-2);
 - (c) UC Lot Coverage 3 (UCLC-3);
 - (d) UC Lot Coverage 4 (UCLC-4);
 - (e) UC Lot Coverage 5 (UCLC-5);
 - (f) UC Lot Coverage 6 (UCLC-6);
 - (g) UC Lot Coverage 7 (UCLC-7);
 - (h) UC Lot Coverage 8 (UCLC-8); and
 - (i) UC Lot Coverage 9 (UCLC-9).
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Ground Floor Requirements

- 301 (1) Subject to Subsection 301(2), a required ground floor shall be established along any streetline or transportation reserve.
- (2) On a corner lot, for any streetwall along a streetline or transportation reserve that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.
- (3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline.
- (4) Subject to Subsection 301(6), each ground floor required shall, for at least 70% of each streetline:
- (a) subject to Section 72, commence no lower than 0.6 metres below the streetline grade; and

- (b) subject to Subsection 301(5), commence no higher than 0.6 metres above the streetline grade.
- (5) In the event of a conflict between the coastal elevation requirements of Section 72 and Clause 301(4)(b), Clause 301(4)(b) shall not apply.
- (6) The required ground floor of a grade-related dwelling unit use shall:
 - (a) subject to Section 72, commence no lower than 1.5 metres below the streetline grade; and
 - (b) commence no higher than 1.5 metres above the streetline grade.
- (7) Subject to Subsection 301(8) and excluding a low-density dwelling use or a grade-related dwelling unit use, the required ground floor height shall be at least 3.5 metres.
- (8) The ground floor height required in Subsection 301(7) may be reduced where one of the following conditions applies:
 - (a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or
 - (b) for a proposed main building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the required ground floor height of the proposed main building would be inconsistent with the abutting main building.

Grade-Related Dwelling Units

- 302 Every grade-related dwelling unit shall have at least one required exterior pedestrian entrance.

Side and Rear Stepbacks

- 303 (1) Subject to Subsection 303(2), for any tall mid-rise building, any portion of the building above the height of the streetwall shall have a minimum required:
- (a) side stepback of 2.5 metres; and
 - (b) rear stepback of 4.5 metres.
- (2) Subject to Subsection 303(3), where a lot abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building, of at least:

- (a) 0.0 metres for low-rise buildings;
 - (b) 2.5 metres for mid-rise buildings;
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 6.0 metres for high-rise buildings.
- (3) The rear setbacks under Subsections 303(1) and 303(2) are not required if an entire main building has a minimum rear setback of:
- (a) 8.5 metres for mid-rise buildings; or
 - (b) 12.0 metres for tall mid-rise buildings; or
 - (c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

- 304 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.
- (3) Tower portions of the same main building or tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres.

Maximum Building Dimensions

- 305 (1) The tower portion of any high-rise building shall not exceed the following maximum building dimension requirements of:
- (a) a building depth of 35.0 metres;
 - (b) a building width of 35.0 metres; and
 - (c) a floor area of 750 square metres per storey.
- (2) For the purpose of measuring building dimensions in Subsection 305(1), buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

- 306 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 15: Built Form Requirements within the DND and H Zones

Applicability

307 Any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a DND or H zone shall meet the built form requirements of this Chapter.

Maximum Building Height

308 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 309 (1) Subject to Subsection 309(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) If a minimum front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 3.0 metres.

Underground Parking Exemption from Minimum Front or Flanking Setbacks

310 *Deleted*

Side Setback Requirements

- 311 (1) Subject to Subsections 311(2) and 311(3), the minimum required side setback for any main building shall be:
- (a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a required setback of at least 12.5 metres from any side lot line.
- (4) There is no maximum required side setback.

Rear Setback Requirements

- 312 (1) Subject to Subsections 312(2) and 312(3), the minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.
- (3) For any high-rise building, any portion of the building above the streetwall height shall have a required setback of at least 12.5 metres from any rear lot line.

Maximum Lot Coverage

- 313 (1) Subject to Subsection 313(2), the maximum required lot coverage shall be 80%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Accessory Structures

- 314 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 16: Built Form Requirements within the PCF and RPK Zones

Applicability

315 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a PCF or RPK zone shall meet the built form requirements of this Chapter.

Maximum Building Height

316 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 317 (1) Subject to Subsection 317(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) If a minimum required front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 3.0 metres.

Underground Parking Exemptions from Minimum Front or Flanking Setbacks

318 *Deleted*

Side Setback Requirements

- 319 (1) Subject to Subsection 319(2), the minimum required side setback for any main building shall be 2.5 metres.
- (2) Underground parking areas are exempt from side setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the side yard.
- (3) There is no maximum required side setback.

Rear Setback Requirements

320 (1) Subject to Subsection 320(2), the minimum required rear setback for any main building shall be 2.5 metres.

- (2) Underground parking areas are exempt from rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade, as measured along the wall abutting the rear yard.

Maximum Lot Coverage

- 321 (1) Subject to Subsection 321(2), the maximum required lot coverage shall be 40%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Minimum Separation Distances

- 322 (1) Where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.

Accessory Structures

- 323 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 17: Built Form Requirements within the WA Zone

Applicability

324 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or any addition to a main building, within a WA zone shall meet the built form requirements of this Chapter.

Maximum Building Height

325 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Side Setback Requirements

326 (1) The minimum required side setback shall be 2.5 metres.

(2) There is no maximum required side setback

Rear Setback Requirements

327 There is no minimum required rear setback

Maximum Lot Coverage

328 No maximum required lot coverage applies.

Part V, Chapter 18: Built Form Requirements within the CDD-2 and CDD-1 Zones

Applicability

329 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a CDD-2 or CDD-1 zone shall meet the built form requirements of this Chapter.

Maximum Building Height

330 Subject to Section 100 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

- 331 (1) Subject to Subsections 331(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.
- (2) If a minimum required front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 3.0 metres.

Underground Parking Exemptions from Minimum Front or Flanking Setbacks

332 *Deleted*

Side Setback Requirements

- 333 (1) The minimum required side setback for any main building shall be:
- (a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone; or
 - (b) 3.0 metres elsewhere.
- (2) There is no maximum required side setback.

Rear Setback Requirements

- 334 The minimum required rear setback for any main building shall be:
- (a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone; or

- (b) 3.0 metres elsewhere.

Maximum Lot Coverage

- 335 (1) Subject to Subsection 335(2), the maximum required lot coverage shall be 50%.
- (2) One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Minimum Separation Distances

- 336 (1) Where more than one main building is permitted on a lot in Subsection 87(3), a minimum required separation distance of 6.0 metres shall be provided between main buildings.
- (2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 6.0 metres shall be provided between the above grade portions.

Accessory Structures

- 337 Accessory structures shall meet the requirements of Part V, Chapter 19.

Part V, Chapter 19: Accessory Structures, Backyard Suite Uses, and Shipping Containers

Applicability of Accessory Structure, Backyard Suite Use, and Shipping Container Requirements

338 With the exception of buildings within a heritage conservation district, any accessory structure, backyard suite use, or shipping container erected, constructed, reconstructed, altered, or located, or an addition to any accessory structure, backyard suite use, or shipping container, shall meet the built form requirements of this Chapter.

Accessory Structure Location

339 Any accessory structure shall be:

- (a) required to be located in the same zone as the main building or use that it is intended to serve, or in an abutting zone in which the main building or use is permitted;
- (b) required to be located on the same lot as the main building or use that it is intended to serve, or on a lot that abuts or is directly across a street from the lot that contains the main building or use; and
- (c) in the case that the accessory structure is not located on the same lot as the main building or use that it is intended to serve, both lots are required to be under common ownership.

Accessory Structure Front or Flanking Setbacks

- 340
- (1) Subject to Subsections 340(2) and 340(3), accessory structures shall meet the minimum front or flanking setback requirements, as shown on Schedule 18, for any main building in the same zone.
 - (2) Accessory structures in an ER-3, ER-2, ER-1, or CH zone shall:
 - (a) excluding the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, not be located closer to any streetline than any main building; or
 - (b) in the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, be located a minimum of 1.5 metres to a maximum of 18.5 metres from any streetline.
 - (3) In the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3A and Schedule 3B respectively, accessory structures, shipping containers, and kiosks shall be required to be located at least 9.5 metres from any streetline.

Accessory Structure Side or Rear Setbacks

- 341 (1) Subject to Subsections 341(2) and 341(3), accessory structures shall be required to be located a minimum of 1.25 metres from any side or rear lot line.
- (2) In the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, an accessory structure shall be required to be located a minimum of 0.6 metres from any side lot line.
- (3) In any CLI, LI, or HRI zone, an accessory structure located in a side or rear yard that abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, PCF, or RPK zone shall meet the setback requirements applicable to the main building or use.

Accessory Structure Separation Distances

- 342 An accessory structure shall be separated from any other main building or accessory structure on the same lot by at least 1.25 metres.

Accessory Structure Height

- 343 An accessory structure's height shall not exceed:
- (a) in the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, 3.0 metres if located within a front yard; or
- (b) 5.5 metres elsewhere.

Accessory Structure Lot Coverage Exemption

- 344 One accessory structure per lot, which has a footprint that is no greater than 20.0 square metres, shall be exempted from the lot coverage calculation.

Accessory Structure Footprint and Area

- 345 (1) Subject to Subsection 345(2), an accessory structure shall have no restriction on the maximum size of its footprint, except:
- (a) subject to Clause 345(1)(b), in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, ER-3, ER-2, ER-1, or CH zone: 60.0 square metres; or
- (b) in the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, 6.0 square metres within a front yard.
- (2) An accessory structure existing on the coming into force date of this By-law shall be permitted to change its use into a backyard suite use regardless of its height, footprint, side setback, rear setback, or lot coverage, as long as all other applicable built form requirements contained within this Chapter are met.

- (3) In any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, ER-3, ER-2, ER-1, or CH zone, an accessory structure shall not have a floor area greater than 90.0 square metres.

Quonset Huts

346 Except in an LI, HRI, or DND zone, quonset huts are prohibited.

Shipping Containers

- 347
- (1) Subject to Subsection 347(2), a shipping container shall not be located in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, ER-3, ER-2, ER-1, CH, INS, WA, CDD-2, or CDD-1 zone.
 - (2) Shipping containers are permitted within:
 - (a) the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, of the DD zone; and
 - (b) the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, of the DH zone.
 - (3) Subject to Subsection 347(4), a shipping container shall not be used to contain an office use, dwelling unit, or a backyard suite use.
 - (4) Within the DD zone of the Dartmouth Waterfront (DW) Special Area and the DH zone of the Halifax Waterfront (HW) Special Area, as shown on Schedules 3A and 3B respectively, a shipping container may only be used to contain an office use, retail use, restaurant use, drinking establishment use, or urban farm use.
 - (5) In the DD zone of the Dartmouth Waterfront (DW) Special Area and the DH zone of the Halifax Waterfront (HW) Special Area, as shown on Schedules 3A and 3B respectively, shipping containers shall be located at least 9.5 metres from any front or flanking lot line.
 - (6) In a CLI, LI, HRI, PCF, or RPK zone, a shipping container shall have a minimum required front or flanking setback as specified on Schedule 18.
 - (7) In a UC-2, UC-1, DND, or H zone, a shipping container shall not be located within a front or flanking yard.

**PART VI:
BUILT FORM REQUIREMENTS
FOR HERITAGE
CONSERVATION DISTRICTS**

Part VI, Chapter 1: General Built Form Requirements for Heritage Conservation Districts

Construction, Additions, Renovations, or Conservation within Heritage Conservation Districts

- 348 (1) Within a heritage conservation district, any new construction, addition, or renovation on a property, and any conservation of a building, shall meet the applicable built form requirements of this Chapter.
- (2) Nothing in this By-law restricts or otherwise limits the requirement to comply with a heritage conservation district by-law, *By-law H-200 Heritage Property By-law*, and the *Heritage Property Act*.

Pedways

349 Pedways are prohibited in heritage conservation districts.

Drive-Throughs

350 Drive-throughs are prohibited in heritage conservation districts.

Permitted Encroachments into Setbacks, Stepbacks, and Separation Distances

- 351 Any setback, stepback, or separation distance required in this Part for any main building shall be open and unobstructed except for the following:
- (a) patios that are less than 0.6 metres high and access ramps are permitted in any required setback, stepback, or separation distance;
 - (b) walkways, lifting devices, uncovered steps, and staircases are permitted in any required setback, stepback, or separation distance;
 - (c) sills, eaves, gutters, downspouts, cornices, chimneys, fireplace and stove bump outs, and other similar features may project into any required setback, stepback, or separation distance by up to 0.6 metres; and
 - (d) window bays and solar collectors may project into any required setback, stepback, or separation distance by up to 1.0 metre.

Encroachments into Streets

352 Encroachments into streets shall meet the requirements of the applicable HRM By-law.

Part VI, Chapter 2: Built Form Requirements for the Schmidville Heritage Conservation District (SHCD) / HCD-SV Zone

Development within the Schmidville Heritage Conservation District (SHCD) / HCD-SV Zone

- 353 (1) Within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 22, development is regulated by the HCD-SV zone.
- (2) Within the HCD-SV zone, development shall be subject to the requirements of this Chapter.
- (3) A development within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 22, is further regulated under the *H-700 Schmidville Heritage Conservation District By-law*, and those regulations apply in addition to the requirements of this Chapter.
- (4) A development complying with this Chapter may be prohibited or further restricted under other legislation, including *H-700 Schmidville Heritage Conservation District By-law*.

Number of Main Buildings on a Lot

- 354 Any development shall comply with the following requirements:
- (a) Every main building shall be located on a lot;
- (b) A main building shall not be located on more than one lot; and
- (c) A maximum of one main building is permitted on a lot.

Maximum Building Height

- 355 (1) Subject to Subsections 355(2) and 355(3), and Section 356, any main building shall not exceed the maximum required building height specified on Schedule 15.
- (2) Subject to Subsection 355(3), a rear addition to a Schmidville Heritage Building, as identified on Schedule 23, shall not exceed:
- (a) a height of 6.1 metres for any main building that is located in an 11-metre height precinct, as shown on Schedule 15; or

- (b) the height of the existing main building, if that building is located in an 8-metre height precinct, as shown on Schedule 15.
- (3) A Schmidville Heritage Building, as identified on Schedule 23, may exceed the maximum building height specified in Subsections 355(1) and 355(2) by up to 0.7 metres, if it is raised at its foundation.

Height Exemptions for Building Rooftop Features

- 356 (1) The following building rooftop features may protrude by up to 3.0 metres above the main building rooftop on which they are located:
- (a) chimneys and stovepipes;
 - (b) antennas;
 - (c) flag poles;
 - (d) lightning rods;
 - (e) solar collectors; and
 - (f) vents.
- (2) Features listed in Subsection 356(1) may exceed a height above the maximum required height contained in Section 355, as long as the feature is no higher than 3.0 metres above the roof.

Minimum Front or Flanking Setbacks

- 357 Any main building shall have a minimum required front or flanking setback as specified on Schedule 18.

Side Setback Requirements

- 358 (1) Subject to Subsections 358(2) and 358(3), the minimum required side setback for any main building shall be 1.0 metre.
- (2) The minimum side setback required under Subsection 358(1) shall be reduced to 0.0 metres where a common wall is shared.
- (3) No development is permitted within any existing side yard of a Schmidville Heritage Building, as shown on Schedule 23.

Rear Setback Requirements

- 359 (1) Subject to Subsections 359(2), 359(3), 359(4), and 359(5), the minimum required rear setback for any main building shall be 9.1 metres.
- (2) For any Schmidville Heritage Building, as shown on Schedule 23, that is located within an 8.0-metre height precinct, as shown on Schedule 15, the minimum required rear setback shall be 6.1 metres.
- (3) For any new lot created after November 3, 2018 and that is located within the Wright Avenue (WA) Special Area, as shown on Schedule 3F, the minimum required rear setback for any main building shall be 1.22 metres.
- (4) Within a Schmidville Heritage Building, as shown on Schedule 23, which contains a restaurant use or a local commercial use, the minimum required rear setback shall be 1.22 metres.
- (5) Within the Morris Queen (MQ) Special Area, as shown on Schedule 3F, the minimum required rear setback for any main building shall be 1.22 metres.

Maximum Building Dimensions for Schmidville Heritage Buildings

- 360 (1) Subject to Subsection 363(2), a rear addition to a Schmidville Heritage Building, as shown on Schedule 23, shall not result in:
- (a) a main building that exceeds a building depth of 18.3 metres; and
 - (b) the addition exceeding a maximum width of 67% of the width of the existing main building.
- (2) A rear addition to a Schmidville Heritage Building, as shown on Schedule 23, to allow 5 to 10 dwelling units, a restaurant use, or a local commercial use, shall not result in:
- (a) the entire main building exceeding a building depth of 24.4 metres; and
 - (b) the rear addition exceeding a maximum width of:
 - (i) 67% of the width of the existing main building for the first 3.0 metres in depth from a rear wall that existed on November 3, 2018, and
 - (ii) 100% of the width of the existing main building for any portion of

an addition that is located beyond 3.0 metres in depth from a rear wall that existed on November 3, 2018, as shown on Schedule 24.

Maximum Building Dimensions for Buildings that are Not Schmidville Heritage Buildings

- 361 (1) Subject to Subsection 361(2), any main building that is not identified as a Schmidville Heritage Building, as shown on Schedule 23, shall have a maximum required building depth of 9.1 metres.
- (2) On a lot that does not contain a Schmidville Heritage Building, as shown on Schedule 23, and has a maximum building height precinct of 8.0 metres, as shown on Schedule 15, the building depth shall not exceed 13.8 metres.

Accessory Structure

362 Accessory structures shall:

- (a) be limited to one per lot;
- (b) be permitted in a rear yard only;
- (c) be required to be set back from any side lot line:
 - (i) for an accessory structure on the same lot containing a Schmidville Heritage Building, as shown on Schedule 23, equal to or greater than the distance of any main building, or
 - (ii) for an accessory structure on the same lot containing a building that is not a Schmidville Heritage Building, 1.25 metres;
- (d) not have a minimum required rear setback;
- (e) be required to be separated from any other structure on the same lot by at least 1.25 metres;
- (f) not exceed a footprint of 14.0 square metres; and
- (g) not exceed a height of 4.3 metres.

**PART VII:
GENERAL DESIGN
REQUIREMENTS**

Part VII, Chapter 1: General Design Requirements

Development Subject to Design Requirements

363 With the exception of the developments listed under Section 364 and subject to Sections 365 and 366, any developments in the DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, ER-3, ER-1, CH, CLI, INS, UC-2, UC-1, PCF, and RPK zones shall meet all the applicable design requirements contained within this Part.

Development Exempted from Design Requirements

- 364 The following developments are exempted from all design requirements contained within this Part:
- (a) any development exempted from requiring a development permit in Section 9;
 - (b) low-density dwelling uses, excluding:
 - (i) a townhouse dwelling use in any zone,
 - (ii) a two-unit dwelling use within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, or
 - (iii) a three-unit dwelling use within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C;
 - (c) backyard suite uses;
 - (d) alterations and replacements in existing window and door openings;
 - (e) new window and door openings on any portion of a building, except within the streetwall;
 - (f) a building addition with a floor area of 500 square metres or less, which does not alter a streetwall;
 - (g) a building addition that alters a streetwall, where the addition does not exceed 8.0 metres along the width of the streetwall;
 - (h) changes to external cladding materials for up to 20% of any wall that is not a streetwall;
 - (i) changes to external cladding materials for up to 10% of any streetwall;
 - (j) interior renovations;
 - (k) the installation and replacement of minor building features;
 - (l) a change of use or tenancy in a building that does not change the external appearance of the building, beyond what is already exempted within this Section;
 - (m) temporary construction uses;

- (n) accessory structures;
- (o) in the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedules 3A and 3B respectively:
 - (i) shipping containers that are no greater than 3.0 metres high, or
 - (ii) kiosks that are a maximum of 3.0 metres high and have a maximum floor area of 32.0 square metres;
- (p) steps, stairs, ramps, and other building entrances or entrance features;
- (q) signs; and
- (r) transportation facility uses.

Applicability of the Design Requirements for Additions

365 For any addition to a building that requires the applicability of the design requirements, the design requirements shall only apply to the addition.

Applicable Design Requirements by Zone

- 366 (1) The applicable design requirements by zone are set out in:
- (a) Table 11 for new main buildings; or
 - (b) Table 12 for additions to existing main buildings.
- (2) The interpretation of Table 11 and Table 12 shall be as follows:
- (a) The first column of Table 11 and Table 12 lists each design requirement;
 - (b) The remaining columns of Table 11 and Table 12 correspond to zones;
 - (c) A black dot (●) indicates that the design requirement in that row is applicable to the particular zones of that column;
 - (d) A black dot containing a number (e.g., ①) within Table 11 and Table 12 indicates that the design requirement in that row is applicable to the zones of that column, subject to additional conditions in a corresponding footnote below Table 11 and Table 12 and subject to all other applicable provisions of this By-law; and
 - (e) The absence of a black dot (●), with or without a number (e.g., ①), indicates that the design requirement of that row is not applicable to the zones of that column.

Table 11: Applicable design requirements by zone for new buildings

Design Requirements	DD DH CEN-2 CEN-1 COR HR-2 HR-1 Zones	CLI Zone	ER-3 Zone	ER-1 Zone	CH Zone	INS Zone	UC-2 UC-1 Zones	PCF RPK Zones
Outdoor Amenity Space (Section 367)	●				●			
Walkways for Cluster Housing Uses (Section 368)					●			
Privacy for Grade-Related Dwelling Units (Section 369)	●							
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 64.0 Metres or Less in Width (Section 370)	●	●				●	2	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 64.0 Metres in Width (Section 371)	●	●				●	●	
Corner Treatment (Section 372)	●	●				●	2	●
Side Wall Articulation (Section 373)	●	1				1	1 2	
Pedestrian Entrances Along	●	●				●	2	●

Design Requirements	DD DH CEN-2 CEN-1 COR HR-2 HR-1 Zones	CLI Zone	ER-3 Zone	ER-1 Zone	CH Zone	INS Zone	UC-2 UC-1 Zones	PCF RPK Zones
Streetwalls (Section 374)								
Number of Pedestrian Entrances for Grade-Oriented Premises Along Streetwalls in a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone (Section 375)	●							
Number of Pedestrian Entrances Along Streetwalls in an INS, UC-2, UC-1, PCF, or RPK Zone (Section 376)						①	① ②	①
Ground Floor Transparency (Section 377)	①	①				①	① ②	①
Weather Protection for Entrances (Section 378)	●	●				●	②	●
Exposed Foundations and Underground Parking Structures (Section 379)	●	●			●	●	●	●
Rooftop Mechanical Features (Section 380)	●							
Townhouse Façade	●		●					

Design Requirements	DD DH CEN-2 CEN-1 COR HR-2 HR-1 Zones	CLI Zone	ER-3 Zone	ER-1 Zone	CH Zone	INS Zone	UC-2 UC-1 Zones	PCF RPK Zones
Articulation (Section 381)								
Parking Internal to a Building or Within a Parking Structure (Section 382)	●	●				●	●	●
General Lighting (Section 383)	●	●			●	●	●	●
Emphasis of View Terminus Sites (Section 384)	●	●				●	●	●
Parking Spaces, Accessory Parking Lots, Off-Street Loading Spaces, and Utilities on View Terminus Sites (Section 385)	●	●				●	●	●
Prohibited Awning or Canopy Materials (Section 386)	●	●				●	●	●
Distinct Architectural Design (Section 388)				3				
Pedestrian Entrance Along Young Avenue (Section 389)				3				
Entrance for Underground Parking (Section 390)				3				

- ❶ Design requirement applies, excluding structures that are primarily occupied by one or more of the following:
 - (a) an arena;
 - (b) a boating club use;
 - (c) a chemical storage facility;
 - (d) an emergency services use;
 - (e) a shelter use;
 - (f) a gymnasium;
 - (g) a major spectator venue use;
 - (h) a minor spectator venue use; or
 - (i) a religious institution use.

- ❷ Design requirement applies, excluding a thermal or an electric energy generating plant that is accessory to a university or college use.

- ❸ Design requirement applies within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C.

Table 12: Design requirements by zone for additions to existing buildings

Design Requirements	DD DH CEN-2 CEN-1 COR HR-2 HR-1 Zones	CLI Zone	ER-3 Zone	ER-1 Zone	CH Zone	INS Zone	UC-2 UC-1 Zones	PCF RPK Zones
Outdoor Amenity Space (Section 367)	●				●			
Walkways for Cluster Housing Uses (Section 368)					●			
Privacy for Grade-Related Dwelling Units (Section 369)	●							
Articulation for Streetwalls or Exterior Walls that Abut a Front								

Design Requirements	DD DH CEN-2 CEN-1 COR HR-2 HR-1 Zones	CLI Zone	ER-3 Zone	ER-1 Zone	CH Zone	INS Zone	UC-2 UC-1 Zones	PCF RPK Zones
or Flanking Yard and that are 64.0 Metres or Less in Width (Section 370)								
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 64.0 Metres in Width (Section 371)	4	4				4	4	
Corner Treatment (Section 372)								
Side Wall Articulation (Section 373)	4	1 4				1 4	1 2 4	
Pedestrian Entrances Along Streetwalls (Section 374)	4	4				4	2 4	4
Number of Pedestrian Entrances for Grade-Oriented Premises Along Streetwalls in a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone (Section 375)	4							
Number of Pedestrian Entrances Along Streetwalls in an						1 4	1 2 4	1 4

Design Requirements	DD DH CEN-2 CEN-1 COR HR-2 HR-1 Zones	CLI Zone	ER-3 Zone	ER-1 Zone	CH Zone	INS Zone	UC-2 UC-1 Zones	PCF RPK Zones
INS, UC-2, UC-1, PCF, or RPK Zone (Section 376)								
Ground Floor Transparency (Section 377)	① ④	① ④				① ④	① ② ④	① ④
Weather Protection for Entrances (Section 378)	④	④				④	② ④	④
Exposed Foundations and Underground Parking Structures (Section 379)	●	●			●	●	●	●
Rooftop Mechanical Features (Section 380)	●							
Townhouse Façade Articulation (Section 381)	④		④					
Parking Internal to a Building or Within a Parking Structure (Section 382)	●	●				●	●	●
General Lighting (Section 383)	●	●			●	●	●	●
Emphasis of View Terminus Sites (Section 384)								
Parking Spaces, Accessory Parking Lots, Off-Street	●	●				●	●	●

Design Requirements	DD DH CEN-2 CEN-1 COR HR-2 HR-1 Zones	CLI Zone	ER-3 Zone	ER-1 Zone	CH Zone	INS Zone	UC-2 UC-1 Zones	PCF RPK Zones
Loading Spaces, and Utilities on View Terminus Sites (Section 385)								
Prohibited Awning or Canopy Materials (Section 386)	●	●				●	●	●
Distinct Architectural Design (Section 388)								
Pedestrian Entrance Along Young Avenue (Section 389)								
Entrance for Underground Parking (Section 390)								

❶ Design requirement applies, excluding structures that are primarily occupied by one or more of the following:

- (a) an arena;
- (b) a boating club use;
- (c) a chemical storage facility;
- (d) an emergency services use;
- (e) a shelter use;
- (f) a gymnasium;
- (g) a major spectator venue use;
- (h) a minor spectator venue use; or
- (i) a religious institution use.

- ② Design requirement applies, excluding a thermal or an electric energy generating plant that is accessory to a university or college use.

- ④ Design requirement applies, excluding registered heritage buildings.

Part VII, Chapter 2: Site Design Requirements

Design Requirement: Outdoor Amenity Space

- 367 (1) This Section applies where outdoor amenity space is:
- (a) provided either at-grade or on a rooftop;
 - (b) required by Sections 65 and 66; and
 - (c) equal to or greater than 30.0 square metres in size.
- (2) Outdoor amenity shall:
- (a) include all of the following elements:
 - (i) unobstructed access,
 - (ii) permanent seating, and
 - (iii) general lighting, as per the requirements of Section 383; and
 - (b) offer weather protection to its users, by providing at least one of the following methods (Diagram 10):
 - (i) within the outdoor amenity space, a new deciduous tree that is not a shrub or the retention of an existing deciduous tree that is not a shrub with a minimum base caliper of 100 millimetres,
 - (ii) within the outdoor amenity space, structures such as gazebos, pergolas, or covered site furnishings,
 - (iii) canopies or awnings on facades that abut the outdoor amenity space,
 - (iv) a recessed entrance or facade that abuts the outdoor amenity space, or
 - (v) a cantilever over an entrance of a main building that abuts the outdoor amenity space.
- (3) Subject to Subsection 367(4), in addition to the requirements of Subsection 367(2), outdoor amenity space shall provide at least one of the following materials for groundcover:
- (a) vegetation;
 - (b) brick pavers;

- (c) stone pavers;
 - (d) concrete pavers; or
 - (e) wood, excluding composites.
- (4) Subsection 367(3) shall not apply to swimming pools, sports courts, or Playgrounds.

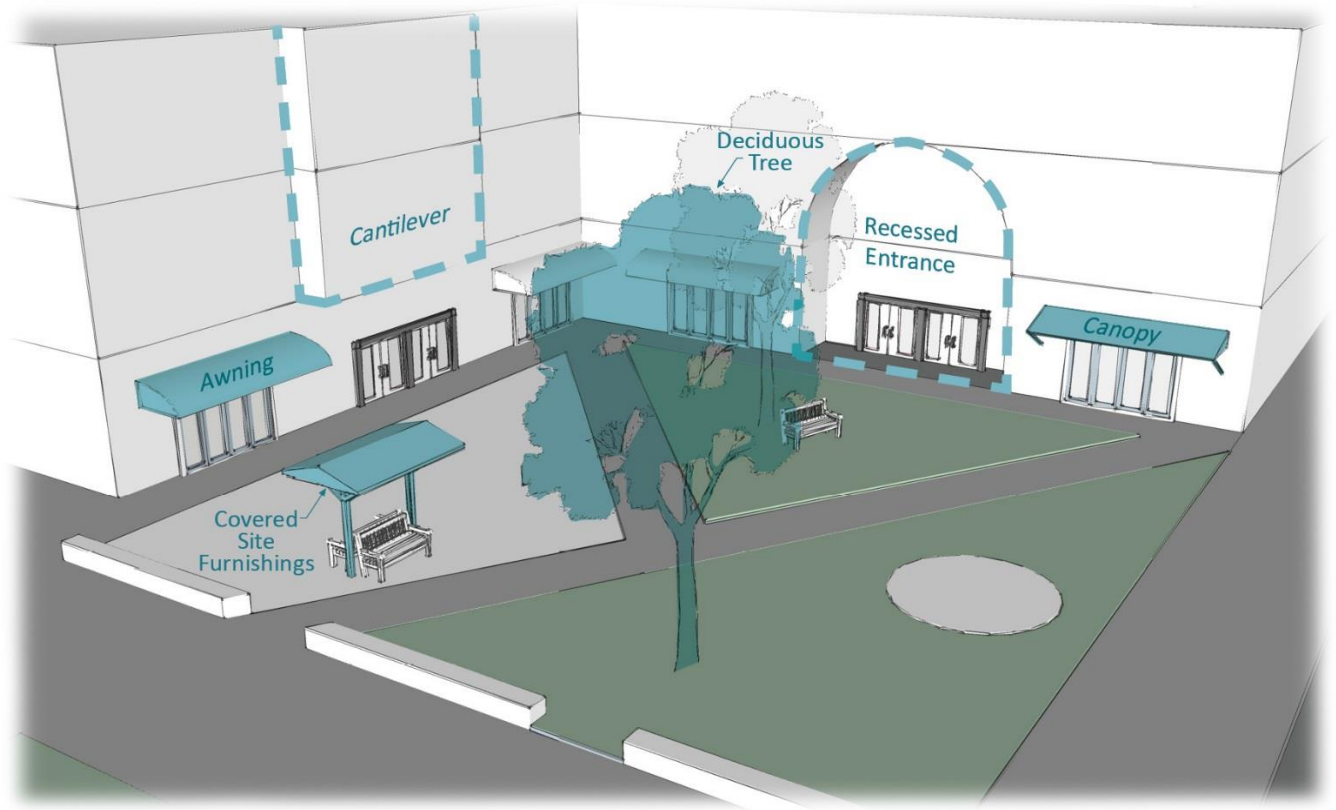


Diagram 10: Weather protection for outdoor amenity space, per Clause 367(2)(b)

Design Requirement: Walkways for Cluster Housing Uses

368 Cluster housing dwelling units shall be connected to any streetline, any applicable amenity space, and any accessory parking lot by walkways.

Design Requirement: Privacy for Grade-Related Dwelling Units

369 Where grade-related dwelling units are provided, the space located between each grade-related dwelling unit and the streetline shall include one of the following methods for privacy (Diagram11):

- (a) the planting of a deciduous tree, that is not a shrub, with a minimum base caliper of 50 millimetres;

- (b) the planting of a minimum of two shrubs, each at least 1.0 metre in height;
- (c) the installation of a planter ranging in height from 0.25 to 1.0 metres; or
- (d) the installation of a masonry wall ranging in height from 0.25 to 1.0 metres.



Diagram 11: Required methods for providing privacy to grade-related dwelling units, per Section 369

Part VII, Chapter 3: Building Design Requirements

Design Requirement: Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are 64.0 Metres or Less in Width

- 370 (1) This Section applies to an exterior wall that is 64.0 metres or less in width and is either:
- (a) a streetwall; or
 - (b) an exterior wall that abuts a front or flanking yard.
- (2) This Section shall not apply to any new main building or additions to any existing main building in an INS, UC-2, or UC-1 zone and that are set back at least 40.0 metres from a streetline.
- (3) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width no greater than 64.0 metres, shall be divided into distinct sections between 0.3 metres and 8.0 metres in width, extending from the ground to the top of the streetwall.
- (4) Each distinct section required under Subsection 370(3) shall be differentiated from other distinct sections by using at least two of the following methods (Diagram 12):
- (a) different colours;
 - (b) different materials;
 - (c) different textures;
 - (d) living walls;
 - (e) projections; or
 - (f) recesses.
- (5) Projections or recesses used under Subsection 370(4) shall be at least 0.15 metres deep.

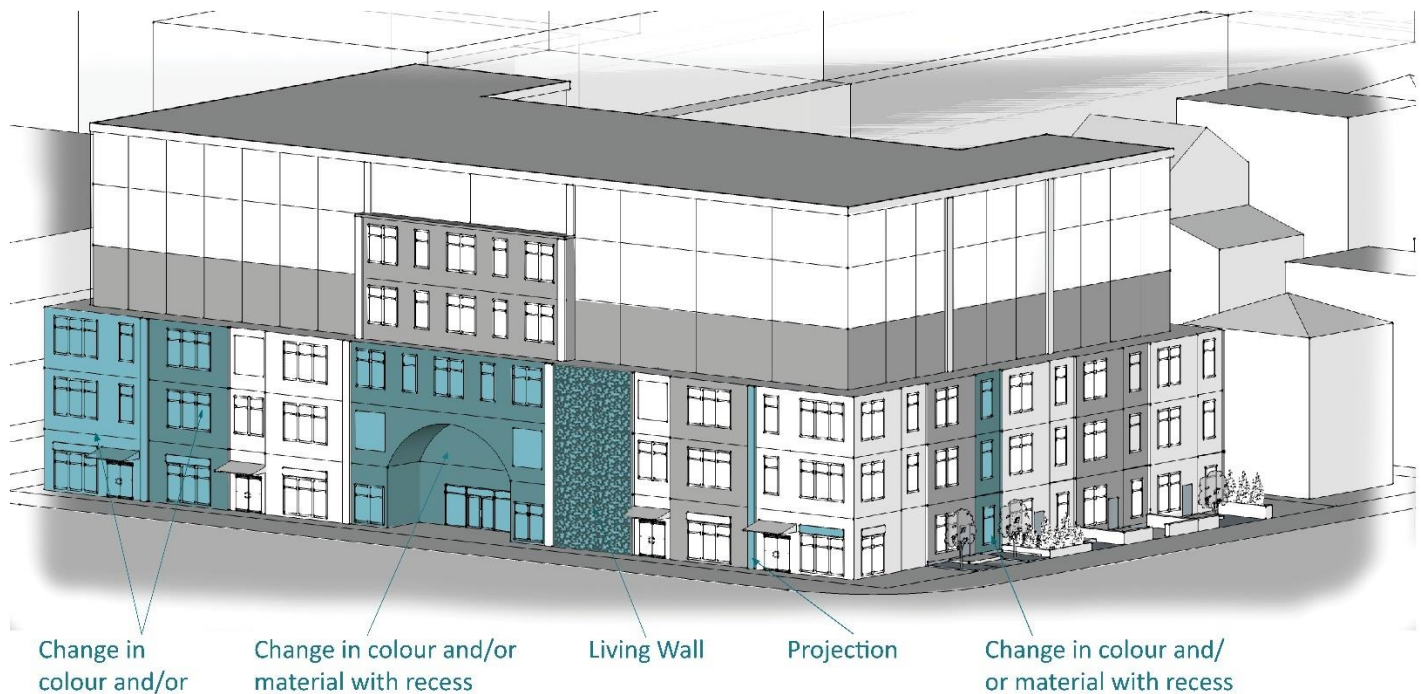


Diagram 12: Methods for articulation for streetwalls or exterior walls that abut a front or flanking yard, per Section 370

Design Requirement: Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 64.0 Metres in Width

- 371 (1) This Section applies to an exterior wall that is greater than 64.0 metres in width and is either:
- (a) a streetwall; or
 - (b) an exterior wall that abuts a front or flanking yard.
- (2) This Section shall not apply to any new main building or additions to any existing main building in an INS, UC-2, or UC-1 zone and that are set back at least 40.0 metres from a streetline.
- (3) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width greater than 64.0 metres, shall be divided into distinct sections between 0.3 metres and 8.0 metres in width, extending from the ground to the top of the streetwall.
- (4) Each distinct section required under Subsection 371(3) shall be differentiated from other distinct sections by (Diagram 12):

- (a) providing projections or recesses that are at least 0.6 metres deep; and
 - (b) using at least two of the following methods:
 - (i) different colours,
 - (ii) different materials,
 - (iii) different textures, or
 - (iv) living walls.
- (5) Streetwalls or exterior walls that abuts a front or flanking yard under this Section shall incorporate at least one recess in the wall, that extends vertically from the ground to the top of the wall, which has a minimum required dimension of 5.0 metres in width and 3.0 metres in depth.

Design Requirement: Corner Treatment

372 Any main building at the corner of two streets shall be detailed in a manner that provides visual prominence to that corner of the building by:

- (a) providing a consistent architectural treatment to both streetwalls; and
- (b) using at least one of the following methods:
 - (i) a change in the building massing at the corner,
 - (ii) the use of a distinctive architectural treatment at the corner, such as a spire, a turret, a belvedere, a portico, an arcade, or an archway,
 - (iii) the provision of a corner pedestrian entrance,
 - (iv) public art, or
 - (v) an eroded building corner (Diagram 13).



Diagram 13: Eroded building corner, per Subclause 372(b)(v)

Design Requirement: Side Wall Articulation

- 373 (1) Subject to Subsection 373(2), where a main building has a side setback that is at least 2.0 metres, the wall facing the side lot line shall continue the streetwall articulation for a depth of at least double the side setback distance, using the same options chosen under Section 370 (Diagram 14).
- (2) This Section shall not apply to any new main building or additions to any existing main building in an INS, UC-2, or UC-1 zone that are set back greater than 40.0 metres from a streetline.

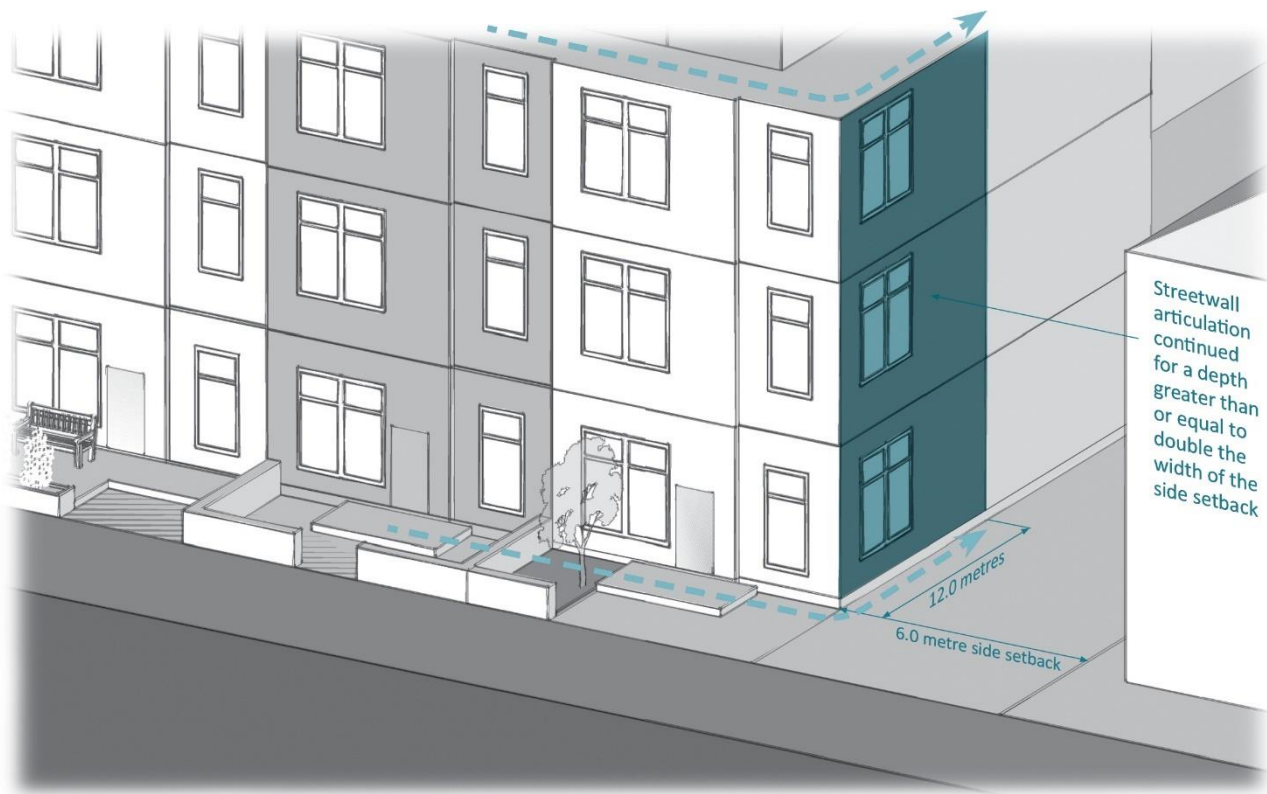


Diagram 14: Methods for side wall articulation, per Section 373

Design Requirement: Pedestrian Entrances Along Streetwalls

- 374 (1) Subject to Subsections 374(2) and 374(3), pedestrian entrances in the streetwall shall be distinguished from the streetwall by using at least two of the following methods:
- (a) different colours;
 - (b) different materials;
 - (c) projections;
 - (d) recesses;
 - (e) a change in height; or
 - (f) a change in the roofline.
- (2) Projections or recesses used under Subsection 374(1) shall be a minimum depth of 0.15 metres.
- (3) Canopies or awnings shall not be used to meet the requirements of Subsection 374(1).

Design Requirement: Number of Pedestrian Entrances for Grade-Oriented Premises Along Streetwalls in a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone

375 In any DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, a minimum of one pedestrian entrance is required per grade-oriented premises within the streetwall.

Design Requirement: Number of Pedestrian Entrances Along Streetwalls in an INS, UC-2, UC-1, PCF, or RPK Zone

376 (1) Subject to Subsection 376(2), in any INS, UC-2, UC-1, PCF, or RPK zone, a minimum of one required pedestrian entrance shall be provided per streetwall.

(2) For a streetwall that exceeds 64.0 metres in width, the minimum number of required pedestrian entrances shall be two.

Design Requirement: Ground Floor Transparency

377 Within a streetwall, the building's ground floor façade shall consist of clear glass glazing as follows:

- (a) along a pedestrian-oriented commercial street, as shown on Schedule 7, a minimum requirement of 60%; or
- (b) along all other streets:
 - (i) for commercial uses, a minimum requirement of 50%, or
 - (ii) for all other uses, a minimum requirement of 25%.

Design Requirement: Weather Protection for Entrances

378 (1) Subject to Subsection 378(2), where entrances for multi-unit dwelling uses, any commercial uses listed under the "**COMMERCIAL**" heading, or any institutional uses listed under the "**INSTITUTIONAL**" heading in Tables 1A, 1B, or 1C are provided in the streetwall, weather protection for pedestrians shall be required above the entrances and shall consist of at least one of the following methods (Diagram 15):

- (a) canopies;
- (b) awnings;
- (c) recessed entrances; or
- (d) cantilevers.

- (2) Subsection 378(1) shall not apply to the entrances of grade-related dwelling units.

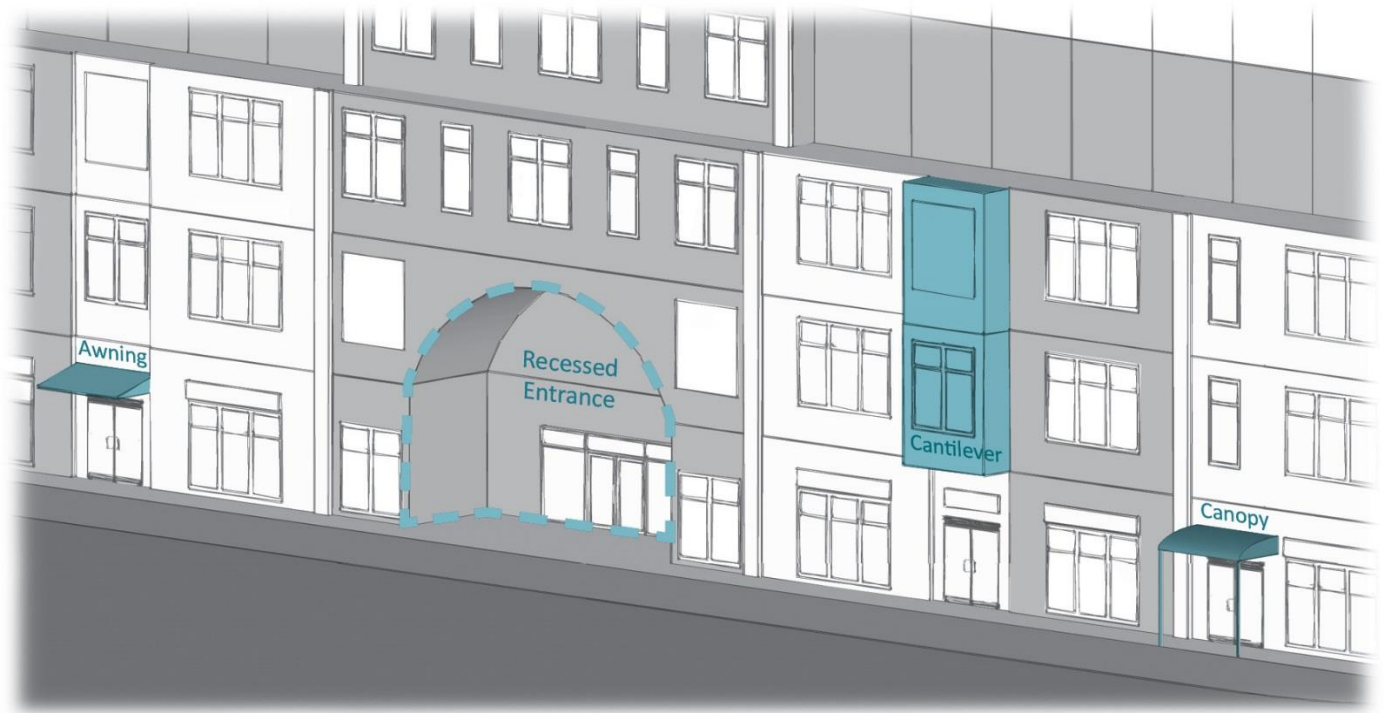


Diagram 15: Methods of weather protection for entrances, per Section 378

Design Requirement: Exposed Foundations and Underground Parking Structures

379 Exterior foundation walls and underground parking structures protruding more than 0.6 metres above grade shall be required to be clad in the same material as those used on the wall that connects to the exterior foundation wall or underground parking structure.

Design Requirement: Rooftop Mechanical Features

380 Rooftop mechanical features shall be required to be visually integrated into the overall design of the building top and screened.

Design Requirement: Townhouse Façade Articulation

381 (1) Subject to Subsection 381(2), where a townhouse block contains 4 or more

townhouse dwelling units, that portion of the façade that faces a street shall be differentiated from the abutting unit by using at least one of the following methods:

- (a) different colours;
- (b) different materials;
- (c) different textures;
- (d) projections; or
- (e) recesses.

(2) Projections or recesses used under Subsection 381(1) shall be required to:

- (a) be at least 0.3 metres in depth; and
- (b) extend from the ground to the top of the façade facing the streetline.

Part VII, Chapter 4: Parking, Access, and Utility Design Requirements

Design Requirement: Parking Internal to a Building or Within a Parking Structure

382 Where parking is internal to a building, including a parking structure, motor vehicle parking areas shall be required to be screened from view.

Part VII, Chapter 5: Other Design Requirements

Design Requirement: General Lighting

383 The following features shall be required to be illuminated:

- (a) common building entrances;
- (b) walkways as per Subsection 455(3);
- (c) outdoor amenity space as per Section 367; and
- (d) accessory parking lots.

Design Requirement: Emphasis of View Terminus Sites

384 View terminus sites, as shown on Schedule 25, shall be emphasized and visible from a view line, using at least one of the following approaches:

- (a) subject to Subsections 115(2), 135(2), 164(2), 184(2), 202(2), 220(2), 265(2), 281(2), and 298(2), extending the height of a portion of the streetwall (Diagram 16);
- (b) locating a clock tower, bell tower, rooftop cupola, spire, steeple, turret, belvedere, or minaret on the top of the building (Diagram 16);
- (c) locating a portico, arcade, or archway on the building; or
- (d) locating public art or a cultural artifact on a portion of the streetwall, or in an at-grade open space (Diagram 17).

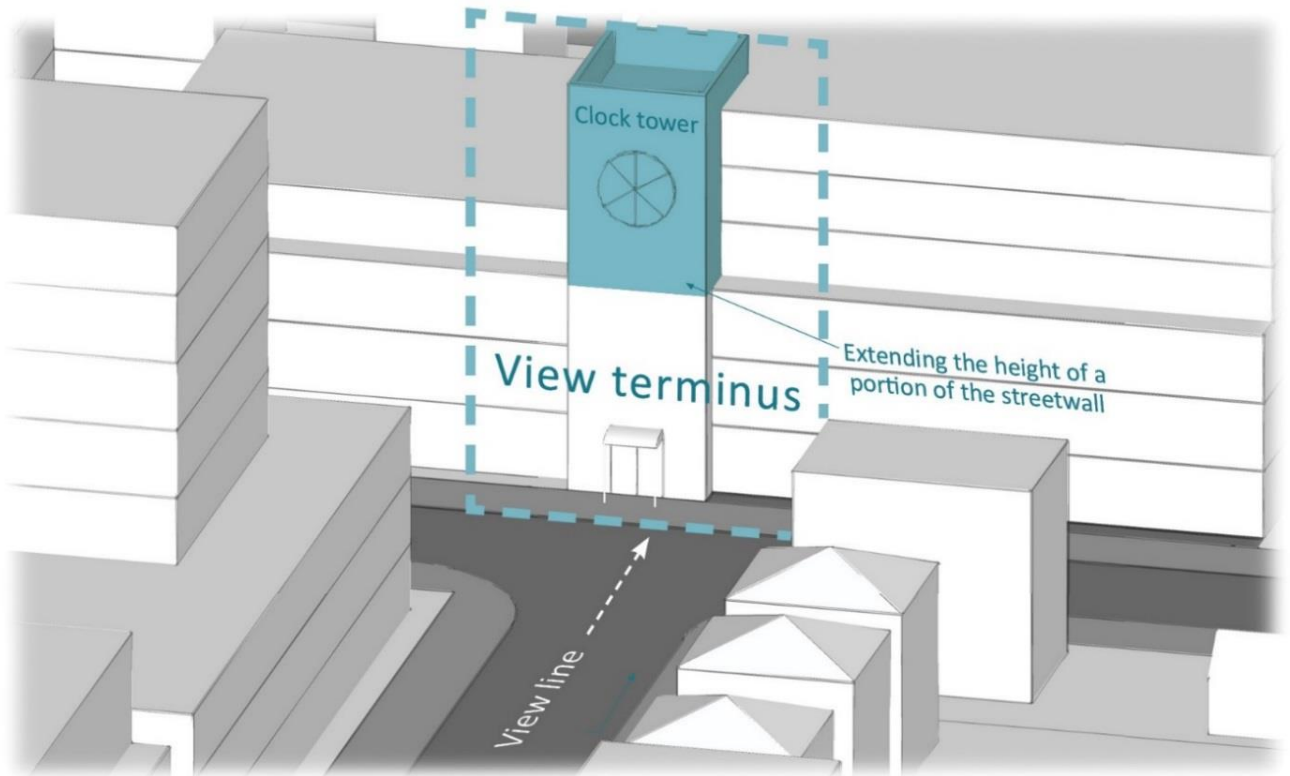


Diagram 16: Methods for emphasizing a view terminus site, per Clauses 384(a) and (b)

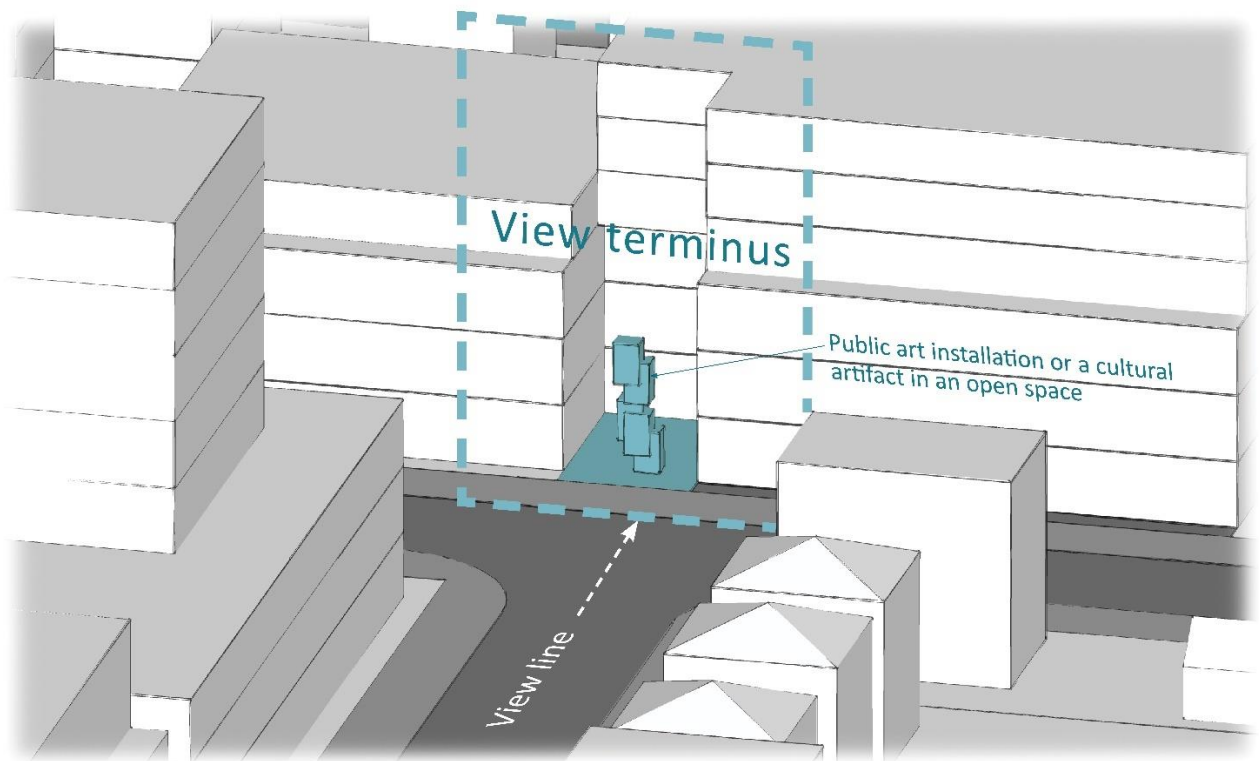


Diagram 17: Methods for emphasizing a view terminus site, per Clause 384(d)

Design Requirement: Parking Spaces, Accessory Parking Lots, Off-Street Loading Spaces, and Utilities on View Terminus Sites

385 Parking spaces, accessory parking lots, off-street loading spaces, or utilities shall not be visible within a view terminus, as shown on Schedule 25.

Design Requirement: Prohibited Awning or Canopy Materials

386 Stretched skin plastics shall be a prohibited material in awnings or canopies.

Part VII, Chapter 6: Design Requirements for the Young Avenue Sub-Area A (YA-A)

Design Requirements Applicable to the Young Avenue Sub-Area A (YA-A)

387 A two-unit dwelling use, a three-unit dwelling use, or a multi-unit dwelling use up to 4 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, such dwellings shall meet the applicable design requirements of this Chapter.

Design Requirement: Distinct Architectural Design

388 Any new main building shall have an architectural design that incorporates distinct articulation, materials, and façade designs to clearly differentiate it from any other dwelling that has frontage on Young Avenue and is located within 100 metres from the subject property.

Design Requirement: Pedestrian Entrance Along Young Avenue

- 389 (1) Any new main building shall be required to have:
- (a) at least one pedestrian entrance that faces Young Avenue; and
 - (b) no more than one pedestrian entrance that faces Young Avenue.
- (2) The pedestrian entrance that faces Young Avenue shall be required to have an unenclosed porch or a canopy.

Design Requirement: Entrance for Underground Parking

- 390 If an underground parking area is provided, it shall:
- (a) have a garage door; and
 - (b) the garage door shall be located facing the rear yard.

PART VIII: HERITAGE DESIGN REQUIREMENTS

Part VIII, Chapter 1: Design Requirements for Properties Abutting a Registered Heritage Property or Properties Abutting a Heritage Conservation District

Applicability of Design Requirements for Properties Abutting a Registered Heritage Property or Properties Abutting a Heritage Conservation District

- 391 (1) In addition to the design requirements in Part VII, the requirements of this Chapter apply for new construction or additions on properties:
- (a) abutting a registered heritage property or abutting a heritage conservation district along the same streetline; and
 - (b) located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone.
- (2) In the event that the requirements under Chapter VII conflict with the requirements of this Chapter, the requirements of this Chapter apply.

Design Requirement: Maintenance of Same or Similar Cornice Line Height

- 392 (1) Subject to Subsection 392(2), the streetwall height for any new main building or any addition to an existing main building shall be required to be located at a height that is within 2.0 metres of the cornice line height established by abutting registered heritage buildings or abutting main buildings within a heritage conservation district, except where the maximum required streetwall height permitted in Part V is lower than the cornice line of the abutting main buildings, then the maximum streetwall height required under Part V shall not be exceeded (Diagram 18).
- (2) If the new construction or addition abuts:
- (a) two registered heritage properties that are located on either side of the subject property along the same streetline; or
 - (b) a registered heritage property and a heritage conservation district that are located on either side of the subject property along the same streetline;

then either of the two cornice lines may be used to meet the requirements of Subsection 392(1).

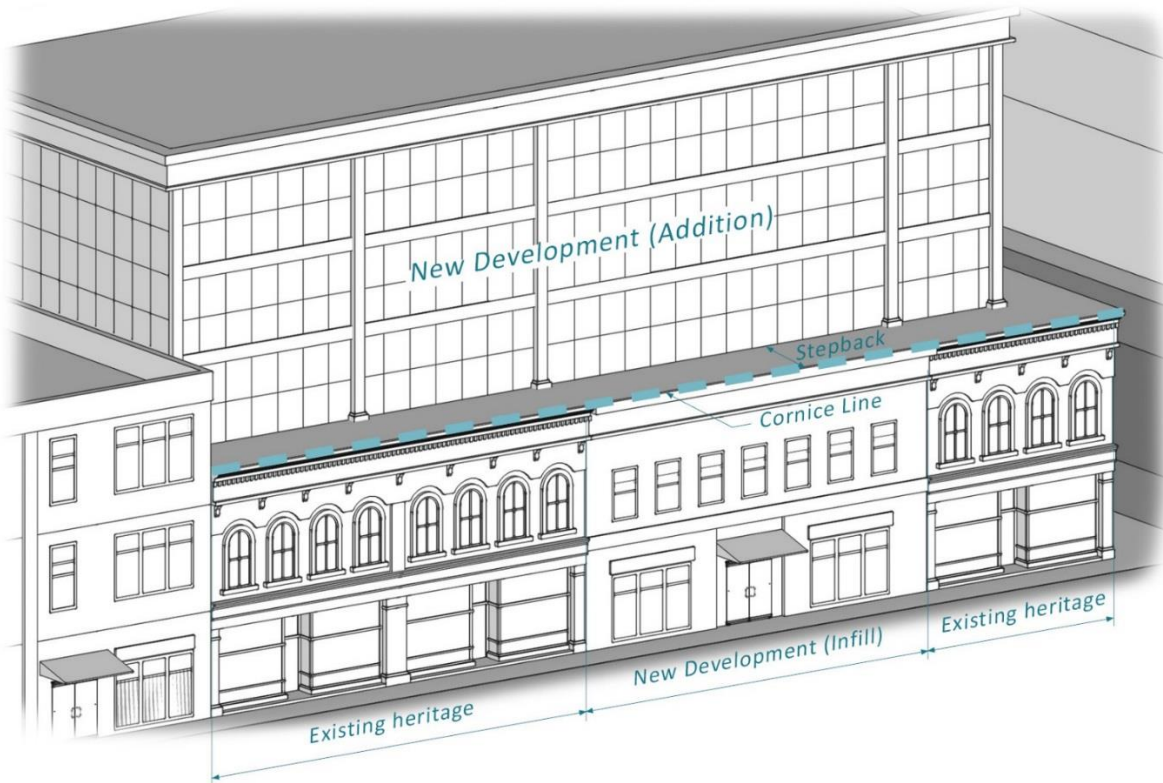


Diagram 18: Maintenance of same or similar cornice line height for development on properties abutting a registered heritage property or on properties abutting a heritage conservation district, per Section 392

Design Requirement: Side Wall Setback or Stepback for Taller Portions of New Buildings or Additions to Buildings

- 393 (1) Where any main building is located less than 3.0 metres from a side lot line abutting a registered heritage property or a property within a heritage conservation district, a minimum required stepback of 1.5 metres, above the height of the streetwall, shall be provided from the side wall directly opposite the registered heritage property or a property within a heritage conservation district and shall be required for a minimum depth of 12.0 metres from a streetline (Diagram 19).
- (2) Where any main building is located 3.0 metres or more from a side lot line abutting a registered heritage property or a property within a heritage conservation district, no stepback requirement applies (Diagram 20).

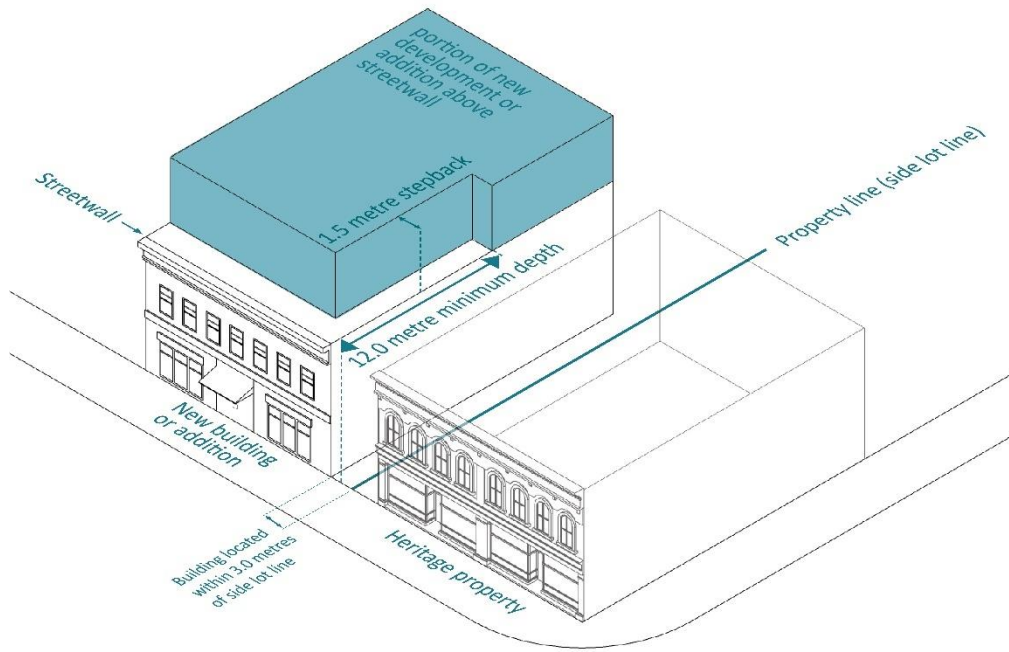


Diagram 19: Minimum 1.5 metre sidewall stepback for any new main building or any addition to an existing main building from the abutting registered heritage property or the abutting heritage conservation district, per Subsection 393(1)

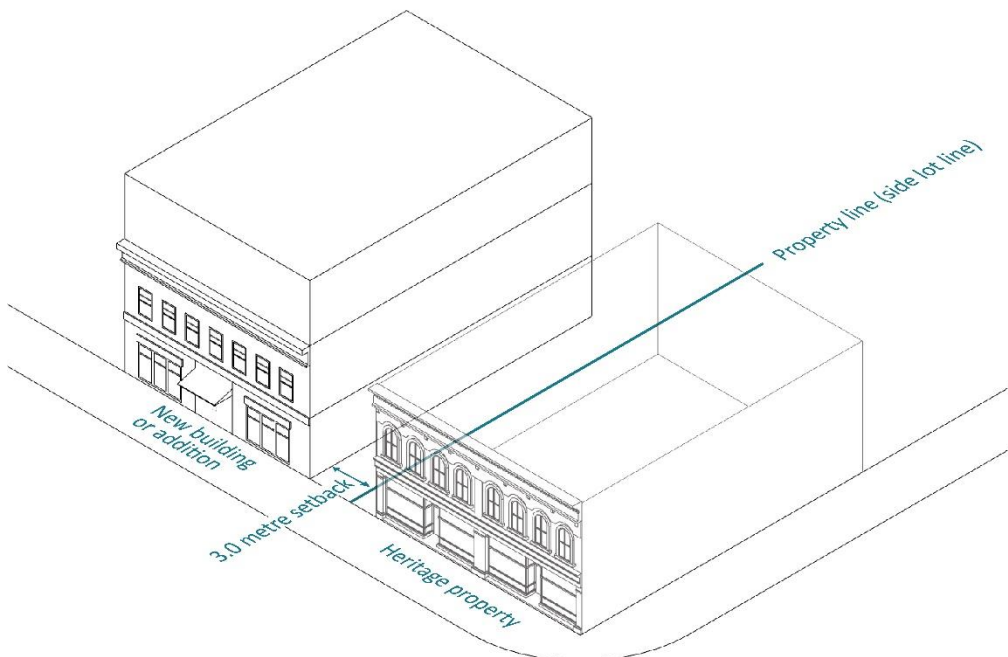


Diagram 20: Minimum required side setback of 3.0 metres for any new main building or an addition to any existing main building from the abutting registered heritage property or the abutting heritage conservation district, per Subsection 393(2)

Part VIII, Chapter 2: Design Requirements for New Construction or Additions on Registered Heritage Properties

Applicability of Design Requirements for New Construction or Additions on Registered Heritage Properties

- 394 (1) In addition to the design requirements in Part VII, the requirements of this Chapter apply for new construction or additions:
- (a) on registered heritage properties that are not located within a heritage conservation district; and
 - (b) located within any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone.
- (2) In the event that the requirements under Chapter VII conflict with the requirements of this Chapter, the requirements of this Chapter apply.

Design Requirement: Maintenance of Same or Similar Cornice Line Height

- 395 The streetwall height for any new main building or any addition to an existing main building shall be required to be within 2.0 metres of the cornice line height established by the registered heritage building along the same streetline.

Design Requirement: Stepbacks for Rooftop Additions

- 396 For any addition that occurs on a rooftop of a registered heritage building, any portion of the addition shall be required to be stepped back a minimum of 3.0 metres from the streetwall of the registered heritage building.

Design Requirement: Painting of Brick or Masonry

- 397 The painting of exterior brick or masonry walls is prohibited, except where:
- (a) it is for commercial signage permitted by this By-law; or
 - (b) it is required to reinstate or maintain character-defining elements.

Design Requirement: Prohibited Cladding Materials

- 398 The following external cladding materials are prohibited on the exterior walls of any main building on a registered heritage property:

- (a) vinyl siding;
- (b) plastic;
- (c) exterior insulation and finish systems where stucco is applied to rigid insulation;
- (d) standing seam or corrugated metal siding; or
- (e) cinder block.

Design Requirement: Awnings and Canopies

399 If proposed on a registered heritage building, awnings and canopies shall:

- (a) not contain vinyl or high-gloss fabrics; and
- (b) not be internally-illuminated.

PART IX: VARIATION CRITERIA

Part IX, Chapter 1: General Variation Criteria

Area of Applicability

400 The variations contained within this Part only apply to the Centre Plan Area and the HRMbyDesign Area that are shown on Schedules B and C of the Charter, except for those portions located within the Old South Suburb Heritage Conservation District, and the Barrington Street Heritage Conservation District.

Variation: Roof Edge Setbacks of Height-Exempted Rooftop Features

- 401 (1) The minimum required roof edge setback for height-exempted rooftop features, contained in Section 100, may be varied by site plan approval to reduce the required setback.
- (2) When considering a site plan approval under Subsection 401(1), the following criteria shall be met:
- (a) the lot that is subject of the proposed site plan is located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, RPK, CDD-2, or CDD-1 zone, excluding any low-density dwelling uses and cluster housing uses;
 - (b) the variation is to a roof edge that faces a side or rear lot line; and
 - (c) the rooftop feature is designed or buffered in such a way to minimize its potential visual impact.

Variation: Streetwall Articulation

- 402 (1) The requirements of Sections 370 or 371 may be varied by site plan approval to enable an alternative method of streetwall articulation.
- (2) When considering a site plan approval under Subsection 402(1), the following criteria shall be met:
- (a) an alternative method of streetwall articulation effectively contributes to the visual interest and appeal of the streetwall by providing public art and at least one of the following:
 - (i) wider and more dramatic changes to projections or recesses than required under Sections 370 or 371, or

- (ii) sculpted walls.

Variation: Grade-Oriented Premises

- 403 (1) The requirements of Clauses 119(1)(c), 140(1)(c), 168(1)(c), 188(1)(c), or 206(1)(c) may be varied by site plan approval for a grade-oriented premises to exceed a width of 24.0 metres.
- (2) When considering a site plan approval under Subsection 403(1), the following criteria shall be met:
- (a) the proposal is within a DD, DH, CEN-2, CEN-1, or COR zone;
 - (b) a minimum of two pedestrian entrances, at least 12.0 metres apart, shall be provided;
 - (c) a minimum of three methods under Subsection 374(1) are provided for each pedestrian entrance; and
 - (d) an alternative method is used within the streetwall to give the appearance that multiple storefronts are present, such as enhanced articulation and display windows.

Variation: Maximum Building Dimensions in the CEN-2, COR, or HR-2 Zone

- 404 (1) The requirements of Subsections 172(1), 192(1), or 210(1) may be varied by site plan approval to exceed a building width or building depth of 64.0 metres.
- (2) When considering a site plan approval under Subsection 404(1), the following criteria shall be met:
- (a) the lot that is the subject of the proposed site plan is located within a CEN-2, COR, or HR-2 zone; and
 - (b) the massing of the building is broken up by changes in building form and design to make the building look like it consists of two or more distinct buildings, by:
 - (i) providing an at-grade open space along the streetline, and
 - (ii) separating any portions of mid-rise buildings located above the streetwall by a minimum requirement of 10.0 metres.

Variation: Unique Building Functionality

- 405 (1) The following requirements may be varied by site plan approval to support the unique functional needs of the land uses listed under Clause 405(2)(b):
- (a) maximum front or flanking setbacks (Sections 109, 130, 158, or 178);
 - (b) maximum side setbacks (Subsection 131(6));
 - (c) maximum streetwall height (Sections 113, 133, 162, 182, 200, 218, 263, 279, or 296);
 - (d) minimum streetwall height (Sections 114, 134, 163, 183, 201, 219, 264, 280, or 297);
 - (e) streetwall stepbacks (Sections 115, 135, 164, 184, 202, 220, 265, 281, or 298);
 - (f) recessed portions and cantilevers within streetwalls (Sections 116, 137, 165, 185, 203, 221, 266, 282, or 299);
 - (g) streetwall articulation for buildings with a streetwall width 64.0 metres or less (Section 370);
 - (h) streetwall articulation for buildings with a streetwall width greater than 64.0 metres (Section 371);
 - (i) grade-oriented premises (Sections 119, 140, 168, 188, or 206);
 - (j) number of pedestrian entrances along streetwalls in an INS, UC-2, UC-1, PCF, or RPK zone (Section 376);
 - (k) side and rear stepbacks (Sections 121, 170, 190, 208, 224, 269, 286, or 303); or
 - (l) maximum building dimensions, excluding tower portions (Subsections 172(1), 192(1), or 210(1)).
- (2) When considering a site plan approval under Subsection 405(1), the following criteria shall be met:
- (a) the lot that is the subject of the proposed site plan is located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone;
 - (b) a minimum of 80% of the floor area of the building contains one or more of the following uses:
 - (i) community recreation use,
 - (ii) convention centre use,
 - (iii) cruise ship terminal use,
 - (iv) cultural use,
 - (v) library use,

- (vi) major spectator venue use,
 - (vii) minor spectator venue use,
 - (viii) public building use,
 - (ix) religious institution use,
 - (x) school use, or
 - (xi) university or college use;
- (c) the applicant demonstrates that each variation requested under Subsection 405(1) is needed to address conflicts with the intended use of the building; and
- (d) there are no blank walls facing a street or a park use.

Variation: Unique Building Design

- 406 (1) The following requirements may be varied by site plan approval to support unique and innovative building designs for the land uses listed under Clause 406(2)(b):
- (a) maximum front or flanking setbacks (Sections 109, 130, 158, or 178);
 - (b) maximum side setbacks (Subsection 131(6));
 - (c) maximum streetwall height (Sections 113, 133, 162, 182, 200, 218, 263, 279, or 296);
 - (d) minimum streetwall height (Sections 114, 134, 163, 183, 201, 219, 264, 280, or 297);
 - (e) streetwall stepbacks (Sections 115, 135, 164, 184, 202, 220, 265, 281, or 298);
 - (f) recessed portions and cantilevers within streetwalls (Sections 116, 137, 165, 185, 203, 221, 266, 282, or 299);
 - (g) streetwall articulation for buildings with a streetwall width 64.0 metres or less (Section 370);
 - (h) streetwall articulation for buildings with a streetwall width greater than 64.0 metres (Section 371);
 - (i) grade-oriented premises (Sections 119, 140, 168, 188, or 206);
 - (j) number of pedestrian entrances along streetwalls in an INS, UC-2, UC-1, PCF, or RPK zone (Section 376);
 - (k) side and rear stepbacks (Sections 121, 170, 190, 208, 224, 269, 286, or 303); or
 - (l) maximum building dimensions, excluding tower portions (Subsections 172(1), 192(1), or 210(1)).

- (2) When considering a site plan approval under Subsection 406(1), the following criteria shall be met:
- (a) the lot that is the subject of the proposed site plan is located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone;
 - (b) a minimum of 80% of the floor area of the building contains one or more of the following uses:
 - (i) community recreation use,
 - (ii) convention centre use,
 - (iii) cruise ship terminal use,
 - (iv) cultural use,
 - (v) library use,
 - (vi) major spectator venue use,
 - (vii) minor spectator venue use,
 - (viii) public building use,
 - (ix) religious institution use,
 - (x) school use, or
 - (xi) university or college use;
 - (c) the applicant demonstrates that each variation requested under Subsection 406(1) is needed to support a unique and innovative building design that emphasizes the site through the submission of information and architectural drawings that compare the building's design:
 - (i) under applicable requirements of this By-law without a variation, and
 - (ii) with the requested variation;
 - (d) there are no blank walls facing a street or a park use; and
 - (e) an at-grade open space shall be provided along the streetline that is accessible to pedestrians and is a minimum of 5.0% of the total lot size.

Variation: Cornice Line Height for New Main Buildings or Additions to Main Buildings on a Property Abutting a Registered Heritage Property or Abutting a Heritage Conservation District

- 407 (1) The requirements of Section 392, may be varied by site plan approval to allow a cornice line of a new main building or an addition to a main building that:
- (a) commences higher than 2.0 metres above the cornice line of the building on the abutting registered heritage property or a building on the abutting heritage conservation district; or
 - (b) commences lower than 2.0 metres below the cornice line of the building

on the abutting registered heritage property or a building on the abutting heritage conservation district.

- (2) When considering a site plan approval under Subsection 407(1), the following criteria shall be met:
 - (a) the design of the building incorporates articulation established by vertical and horizontal architectural elements of the abutting registered heritage building or building within a heritage conservation district (e.g., windows, columns, pilasters, cornice, architectural frieze, storefront, datum lines, etc.); and
 - (b) the design of the building incorporates the proportions and vertical spacing of the windows of the abutting registered heritage building or building within a heritage conservation district.

Variation: Applicability of Design Requirements for Construction on a Registered Heritage Property Outside of a Heritage Conservation District

- 408 (1) The requirements of Part VII, Chapters 3 and 5, and Part VIII, Chapter 2, may be varied by site plan approval to address conflicts between building design requirements for new construction on a registered heritage property and applicable requirements under the *Heritage Property Act*.
- (2) When considering a site plan approval under Subsection 408(1), the following criteria shall be met:
 - (a) the lot that is the subject of the proposed site plan is a registered heritage property located outside of a heritage conservation district; and
 - (b) the requirement that is the subject of the site plan approval application conflicts with a requirement under the *Heritage Property Act*.

**PART X:
VIEW PLANES, HALIFAX
CITADEL RAMPART SIGHT
LINES, AND WATERFRONT
VIEW CORRIDORS**

Part X, Chapter 1: General Requirements for View Planes, Halifax Citadel Rampart Sight Lines, and Waterfront View Corridors

General Requirements: View Planes, Halifax Citadel Rampart Sight Lines, and Waterfront View Corridors

- 409 (1) A development shall not protrude into a view plane, Halifax Citadel rampart sight line, or waterfront view corridor.
- (2) An application for a development that could potentially protrude into, abut, or be subject to:
- (a) a view plane, as shown on Schedules 26 and 28;
 - (b) a Halifax Citadel rampart sight line, as shown on Schedule 27; or
 - (c) a waterfront view corridor, as shown on Schedules 29 to 47;

shall include plans, certified by a surveyor, to demonstrate that the development will not protrude into a required view plane, a Halifax Citadel rampart sight line, or a waterfront view corridor.

Part X, Chapter 2: View Planes and Halifax Citadel Rampart Sight Lines

View Planes

- 410 (1) The Halifax Citadel and Dartmouth view planes are as set out and shown on Schedule 26 and Schedule 28 respectively.
- (2) Subject to Subsection 410(3), a structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a view plane. Under no circumstance shall the maximum required building height, as shown on Schedule 15, be exceeded.
- (3) Where a structure that lawfully existed on the coming into force date of this By-law protrudes into a required view plane shown on Schedule 26, a new structure may be erected, constructed, altered, reconstructed, or located so that it protrudes into the required view plane if the new structure does not increase the existing protrusion when viewed as follows:
- (a) for view planes 1, 3, and 5 from viewing position A;
 - (b) for view plane 6 from viewing position B;
 - (c) for view planes 2, 4, 7, 8, and 10 from viewing position C; and
 - (d) for view plane 9 from viewing position D.

Halifax Citadel Rampart Sight Lines

- 411 (1) Coordinates describing the following are shown on Schedule 27:
- (a) the locations and elevations of the Halifax Citadel ramparts;
 - (b) the locations and elevations of 12 viewing positions in the Parade Square of the Halifax Citadel; and
 - (c) the location, elevation, and massing of the Cavalier Building.
- (2) Subject to Subsection 411(4), the Halifax Citadel rampart sight lines shall be projected in a 360-degree view above the ramparts from each viewing position.
- (3) Subject to Subsection 411(4), within the Halifax Citadel Ramparts (HCR) Special Area, as shown on Schedule 3F, a structure shall not be erected, constructed, altered, reconstructed, or located outside of the Parade Square of the Halifax Citadel so that it protrudes into any rampart sight line, from any of the 12 viewing positions in the Parade Square of the Halifax Citadel (Diagram 21).

- (4) A structure that protrudes into a required Halifax Citadel rampart sight line may only be permitted to be erected, constructed, altered, or reconstructed, if:
- (a) the structure is located outside of the Parade Square of the Halifax Citadel;
 - (b) there is an existing protrusion into a Halifax Citadel rampart sight line from its respective viewing position by the Cavalier Building;
 - (c) the entire structure is blocked from view by one of the buildings listed in Clause 411(4)(b) from the viewing position; and
 - (d) it cannot be seen from any other viewing position.
- (5) No structure shall protrude into a required Halifax Citadel rampart sight line, unless permitted under Subsection 411(4).
- (6) When considering whether a structure protrudes into a required Halifax Citadel rampart sight line from the 12 viewing positions, the only structure located inside of the Parade Square of the Halifax Citadel that is considered will be the Cavalier Building.

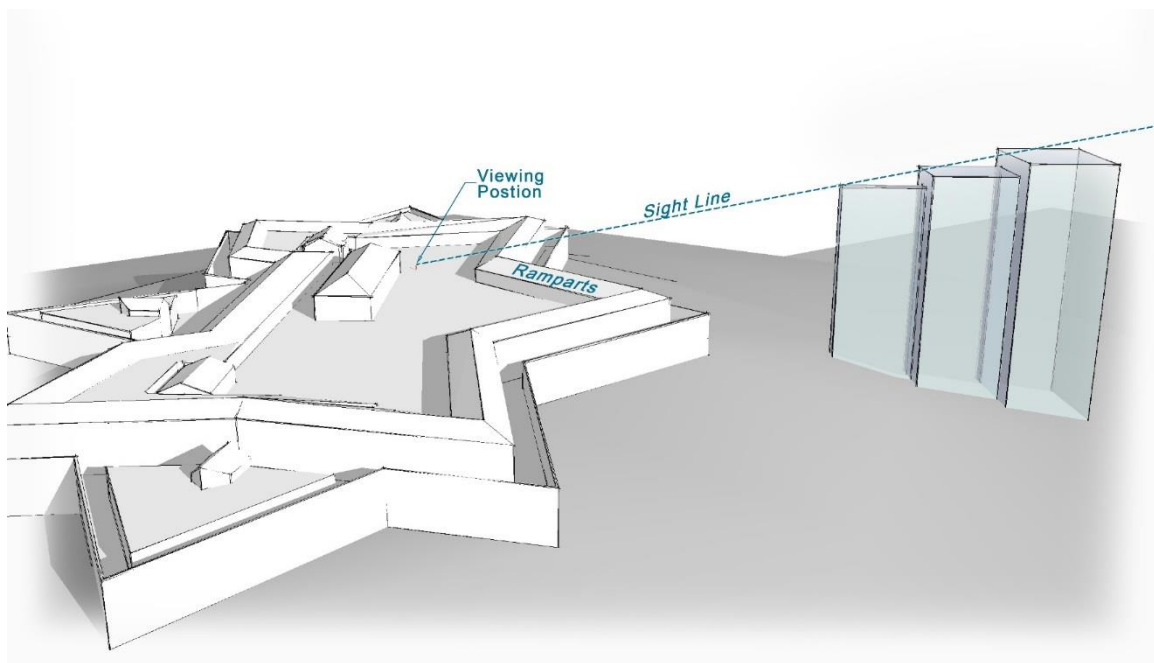


Diagram 21: Halifax Citadel rampart sight line requirements, per Subsection 411(3)

Part X, Chapter 3: Waterfront View Corridors

Halifax and Dartmouth Waterfront View Corridors

- 412 (1) The Halifax and Dartmouth waterfront view corridors are as set out and shown on the following schedules:
- (a) Schedule 29: Morris Street Waterfront View Corridor;
 - (b) Schedule 30: Bishop Street Waterfront View Corridor;
 - (c) Schedule 31: Salter Street Waterfront View Corridor;
 - (d) Schedule 32: Sackville Street Waterfront View Corridor;
 - (e) Schedule 33: Prince Street Waterfront View Corridor;
 - (f) Schedule 34: George Street Waterfront View Corridor;
 - (g) Schedule 35: Best Street Waterfront View Corridor;
 - (h) Schedule 36: Mott Street Waterfront View Corridor;
 - (i) Schedule 37: Church Street Waterfront View Corridor;
 - (j) Schedule 38: North Street Waterfront View Corridor;
 - (k) Schedule 39: Ochterloney Street Waterfront View Corridor;
 - (l) Schedule 40: Queen Street Waterfront View Corridor;
 - (m) Schedule 41: Portland Street Waterfront View Corridor;
 - (n) Schedule 42: Prince Street Waterfront View Corridor;
 - (o) Schedule 43: Kings Wharf Place Waterfront View Corridor;
 - (p) Schedule 44: Canal Street Waterfront View Corridor;
 - (q) Schedule 45: Maitland Street Waterfront View Corridor;
 - (r) Schedule 46: Old Ferry Road Waterfront View Corridor; and
 - (s) Schedule 47: Parker Street Waterfront View Corridor.
- (2) A structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a required waterfront view corridor, except:
- (a) within the DH zone, any portion of a structure at or below the streetline grade where a waterfront view corridor intersects with Lower Water Street;
 - (b) uncovered structures less than 0.6 metres high, such as decks, patios, and planters;
 - (c) structures containing temporary uses;
 - (d) structures containing temporary construction uses;
 - (e) within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, accessory structures and kiosks that are no greater than:

- (i) 20.0 square metres in floor area, or
 - (ii) 3.0 metres in height;
- (f) within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, shipping containers that are no greater than 3.0 metres in height;
- (g) public art;
 - (h) fountains and other landscaping features;
 - (i) monuments;
 - (j) commemorative signs; and
 - (k) signs regulating traffic on a lot, including directional signage.
- (3) Driving aisles for motor vehicles are permitted within any waterfront view corridor.

Waterfront View Corridors in the DH Zone

- 413 (1) Subject to Subsections 413(2) and 413(3), where any main building in the DH zone abuts any waterfront view corridor established in Section 412, there shall be no dwelling units permitted on an abutting ground floor.
- (2) Residential pedestrian entrances and lobbies are permitted on a ground floor.
- (3) Any main building is considered to abut a waterfront view corridor if it is located within 10.0 metres of the edge of a waterfront view corridor.

PART XI: WIND ENERGY FACILITIES

Part XI, Chapter 1: Wind Energy Facility Requirements

General Wind Energy Facility Requirements

- 414 (1) Wind energy facilities are not permitted in any RPK zone.
- (2) Wind energy facilities shall meet the watercourse buffer requirements of Section 73.

Wind Energy Facilities

- 415 (1) Subject to Subsection 415(2), a wind energy facility shall be a standalone design, on its own foundation.
- (2) A micro wind energy facility shall:
- (a) be a standalone design, on its own foundation; or
 - (b) if it is roof mounted, supported by guy wires.
- (3) The height of a wind energy facility shall meet the following requirements:
- (a) for a micro wind energy facility, 23.0 metres in height or less;
 - (b) for a small wind energy facility, greater than 23.0 metres in height but shall not exceed 35.0 metres in height;
 - (c) for a medium wind energy facility, greater than 35.0 metres in height but shall not exceed 60.0 metres in height; or
 - (d) for a large wind energy facility, greater than 60 metres in height.

Wind Energy Overlay Zones

- 416 For the purposes of this Part, this By-law establishes the following wind energy overlay zones, with boundaries as shown on Schedule 48:
- (a) Urban Wind (UW-1) Zone; and
 - (b) Restricted (R) Zone.

Urban Wind (UW-1) Zone

- 417 (1) All wind energy facilities, except large wind energy facilities, are permitted in the UW-1 zone.

- (2) All wind turbines in the UW-1 zone shall be required to be separated from each other by a minimum distance equal to the tallest wind turbine tower height.
- (3) All wind turbines in the UW-1 zone shall have a minimum setback from any adjacent lot line of 1.0 times the wind turbine tower height.
- (4) Micro wind energy facilities in the UW-1 zone shall be required to be separated from any dwelling on an adjacent lot by at least 3.0 times the wind turbine tower height.
- (5) Micro wind energy facilities are permitted on buildings.
- (6) Small wind energy facilities in the UW-1 zone shall be required to be separated from any dwelling on an adjacent lot by at least 180 metres.
- (7) Medium wind energy facilities in the UW-1 zone shall be required to be separated from any dwelling on an adjacent lot by at least 250 metres.

Restricted (R) Zone

418 Wind energy facilities are not permitted in the R zone, as shown on Schedule 48.

Setback Exemptions

419 A wind energy facility's required setback from any lot line is reduced to 0.0 metres where the abutting lot is part of the same wind energy facility.

Installation and Design

420 The wind energy facility shall:

- (a) be the colour of white, off-white, or gray;
- (b) not be illuminated, except to the extent required by the *Aeronautics Act* or by any other applicable authority that regulates air safety; and
- (c) not display advertising, including flags, streamers, or decorative items, except to identify the wind turbine manufacturer, facility owner, and operator.

Part XI, Chapter 2: Wind Energy Facility Permits

Permit Application Requirements

- 421 A wind energy facility development permit application shall include the following:
- (a) the applicable requirements for a development permit application that are listed under Section 10;
 - (b) copies of drawings, specifications, and calculations certified by a professional engineer, that the proposed wind turbine base, foundation, or guy-wired anchors are sufficient to maintain the structural stability of a wind turbine tower;
 - (c) an overview of the project and the total rated capacity of the proposed wind energy facility;
 - (d) the proposed number, representative types, and height or range of heights of wind turbine towers to be constructed, including their generating capacity, dimensions, manufacturers, and a description of accessory facilities;
 - (e) identification and location of the lots on which the proposed wind energy facility will be located;
 - (f) a survey prepared by a surveyor or a surveyor's certificate showing the planned location of all wind turbine towers, lot lines, required setbacks and separation distances, existing and proposed structures, access roads, turn-around locations, substations, electrical cabling from the wind energy facility to substations, ancillary equipment, and transmission and distribution lines; and
 - (g) proof that all applicable approvals have been obtained from all applicable government departments and agencies.

Notification Requirements

- 422 (1) At least 60 calendar days before submitting a development permit application, an applicant shall notify all assessed property owners within a corresponding distance from the lot on which the wind energy facility is proposed, as specified in Table 13.

Table 13: Wind energy facility notification requirements

Wind energy facility size	Notify all assessed property owners within
Micro	140 metres
Small	360 metres
Medium	500 metres

- (2) The notice required in Subsection 422(1) shall include the following information:
 - (a) a site plan that includes lot lines and the location of the proposed wind energy facility;
 - (b) a description of the type of wind energy facility being proposed; and
 - (c) the applicant's contact information, including postal and email addresses.
- (3) A wind energy facility development permit application shall include confirmation that the requirements of Subsections 422(1) and 422(2) have been met.

PART XII: LANDSCAPING

Part XII, Chapter 1: General Landscaping Requirements

Exemptions for a Change of Use and Minor Additions

423 Additional hard landscaping or soft landscaping shall not be required for:

- (a) a change of use in a structure; or
- (b) an addition to any main building less than 200.0 square metres.

Existing Soft Landscaping

424 (1) Existing trees and shrubs may be counted toward the requirements of this Part if they are:

- (a) adequately protected from damage during development;
- (b) meet the minimum size or caliper requirements specified within the applicable section(s) of this Part; and
- (c) present and in good health, as certified by a landscape architect or arborist prior to the issuance of the first occupancy permit.

(2) Any existing tree or shrub in a required landscaped buffer may be counted as one tree or shrub toward the requirements of Sections 437 to 439.

Requirement to Maintain Soft Landscaping

425 All soft landscaping required under this By-law shall be maintained.

Soft Landscaping Species

426 (1) Where soft landscaping is required, a minimum number of unique plant species shall be provided, as follows:

- (a) if this Part requires the planting of at least 10 trees or shrubs, but less than 20 trees or shrubs, at least three different tree or shrub species are required; or
- (b) if this Part requires the planting of 20 or more trees or shrubs, at least four different tree or shrub species are required.

(2) Invasive or highly toxic plant species, as listed in Appendix 4, are prohibited as soft landscaping material.

Soft Landscaping for Accessory Parking Lots or Off-Street Loading Spaces

- 427 (1) Where permitted in Part XIII, an accessory parking lot or off-street loading space that is located in a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CH, INS, UC-2, UC-1, PCF, or RPK zone, but is not located within an interior courtyard, shall meet the following soft landscaping requirements along lot lines that run adjacent to the accessory parking lot or off-street loading space:
- (a) a 2.5-metre-wide strip of soft landscaping; and
 - (b) at least:
 - (i) one shrub at least 1.0 metre high for every 2.0 linear metres, or
 - (ii) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres.
- (2) Excluding accessory parking lots for a community recreation use or a school use, accessory parking lots shall contain soft landscaping, as per the following requirements:
- (a) for every 10 parking spaces in a row, a raised landscaped area shall be provided at each end of the row (Diagram 22);
 - (b) each raised landscaped area shall be delineated with curbs and shall contain at least two trees (Diagram 22) that are not shrubs with a minimum base caliper of 50 millimetres; and
 - (c) each raised landscaped area's ground area shall include soft landscaping.



Diagram 22: Raised landscaped areas within accessory parking lots, per Subsection 427(2)

Soft Landscaping on Flat Roofs

- 428 (1) Subject to Subsections 428(2), 428(3), 428(4), and 449(3), soft landscaping shall be required on any main building with a flat roof or a flat-roofed addition within a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, on at least 40% of the combined portions of the roof that are flat.
- (2) The soft landscaping on flat roofs, as required under Subsection 428(1), shall only apply to the areas of the roof that meet the following minimum requirements:
- (a) 10.0 contiguous square metres; and
 - (b) one linear dimension exceeding 2.0 metres.
- (3) The soft landscaping required under Subsection 428(1) shall not apply to a flat-roofed addition of less than 50.0 square metres in area.
- (4) Portions of a flat roof used or covered by mechanical equipment, solar collection equipment, stormwater infrastructure, rooftop greenhouses, and helipads on a

hospital rooftop shall not be counted towards the required amount of soft landscaping under Subsection 428(1).

- (5) Soft landscaping on rooftops does not need to be accessible to a building's occupants, unless it is being provided to meet the requirements of Section 65.
- (6) The rooftop soft landscaping required under this Section shall be certified by a professional engineer to ensure that the structure is capable of supporting the load.

Landscaping Treatment of the Roof Slab of Underground Parking Structures

- 429
- (1) In any zone, the roof slab of an underground parking structure, which protrudes above grade, shall be treated with soft landscaping or hard landscaping on any part of the above grade portion that is not occupied by habitable space.
 - (2) The roof slab landscaping treatment required under this Section shall be certified by a professional engineer to ensure that the structure is capable of supporting the load.

Part XII, Chapter 2: Zone Specific Hard Landscaping or Soft Landscaping Requirements

Specific Hard Landscaping or Soft Landscaping Requirements in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, INS, UC-2, or UC-1 zone

- 430 (1) In any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, INS, UC-2, or UC-1 zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, or accessory structures shall be landscaped.
- (2) In any DD, DH, CEN-2, CEN-1, or COR, front or flanking yards along any pedestrian-oriented commercial street, as shown on Schedule 7, shall contain hard landscaping for 100% of the front or flanking yard, by using at least one of the following materials:
- (a) concrete;
 - (b) decorative concrete;
 - (c) bricks; or
 - (d) pavers.
- (3) In addition to the materials that are required in Subsection 430(2), the following additional hard landscaping materials may also be permitted within front or flanking yards along any pedestrian-oriented commercial street, as shown on Schedule 7:
- (a) planters;
 - (b) trees in planters; or
 - (c) trees in soil cells.
- (4) Excluding any hard landscaping required in Subsection 430(2), at least 50% of the remaining required landscaping on a lot shall be soft landscaping. Outdoor amenity space at-grade, excluding balconies, containing soft landscaping may be counted toward this requirement.
- (5) In any DD, DH, CEN-2, CEN-1, or COR zone, fences are prohibited within the required front or flanking setbacks, excluding:
- (a) low-density dwelling uses;
 - (b) accessory parking lots;
 - (c) grade-related dwelling units; and

- (d) registered heritage properties.

Specific Hard Landscaping or Soft Landscaping Requirements in any ER-3, ER-2, ER-1, or CH zone

- 431 (1) In any ER-3, ER-2, ER-1, or CH zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, or accessory structures shall be hard landscaped or soft landscaped.
- (2) In any ER-3, ER-2, ER-1, or CH zone, at least one new tree that is not a shrub, with a minimum base caliper of 50 millimetres, shall be required for any new main building.
- (3) An existing tree that is not a shrub, which meets the minimum base caliper of 50 millimetres, can be counted towards the new tree required in Subsection 431(2).

Specific Soft Landscaping Requirements in any CLI, LI, or HRI zone

- 432 In any CLI, LI, or HRI zone, except where a driveway or walkway access is provided, a 3.0-metre wide strip of soft landscaping shall be required along any front or flanking lot line and shall contain at least:
- (a) one shrub at least 1.0-metre high for every 2.0 linear metres of length; and
 - (b) one tree that is not a shrub, with a minimum base caliper of 50 millimetres, for every 15.0 linear metres of length.

Part XII, Chapter 3: Screening Requirements

Screening for Daycares

433 In any ER-3, ER-2, ER-1, or CH zone, outdoor recreational spaces or play areas associated with a daycare use shall be required to be screened from any residential use on an abutting lot with at least one of the following:

- (a) a continuous coniferous hedge at least 1.8 metres high;
- (b) an opaque fence at least 1.8 metres high; or
- (c) a masonry wall at least 1.8 metres high.

Screening for Solid Waste Management Areas

434 Except where associated with a low-density dwelling use, any outdoor solid waste management area shall be fully enclosed by an opaque fence or masonry wall at least 1.8 metres high, except for an opening or gate required for access (Diagram 23).

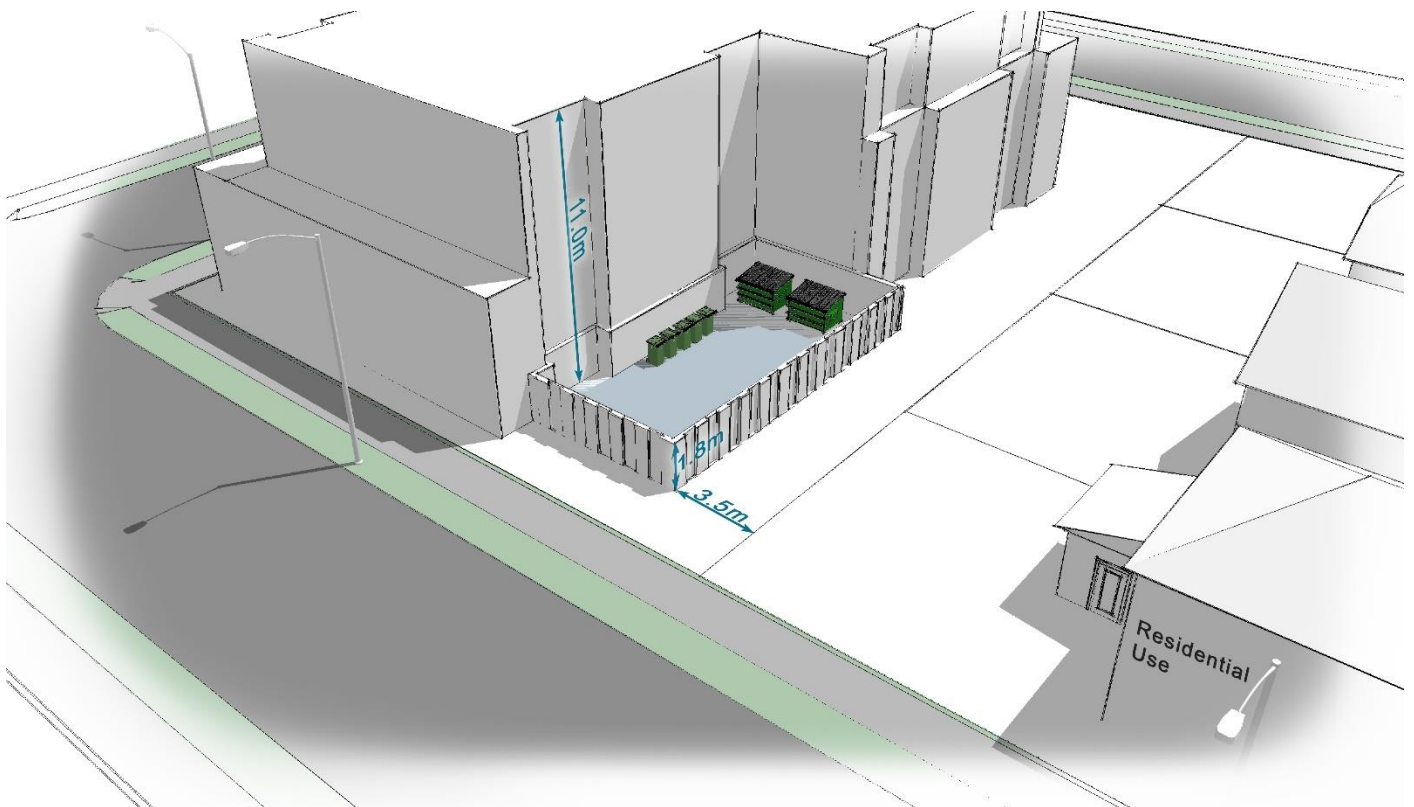


Diagram 23: Screening requirements for solid waste management areas, per Section 49 and 434

Screening for Accessory Parking Lots or Off-Street Loading Spaces

- 435 (1) Subject to Subsection 435(2), in addition to the soft landscaping requirements for accessory parking lots or off-street loading spaces contained within Section 427, along the edge of any accessory parking lot or off-street loading space that are located within a yard that abuts any HR-2, HR-1, ER-3, ER-2, ER-1, CH, PCF, or RPK zone, at least one of the following shall be required:
- (a) a continuous coniferous hedge at least 1.8 metres high;
 - (b) an opaque fence at least 1.8 metres high; or
 - (c) a masonry wall at least 1.8 metres high.
- (2) The screening requirement under Subsection 435(1), does not apply if the lot line is required to have an L2 landscaped buffer under Section 437.

Part XII, Chapter 4: Landscaped Buffers

Development Exempted from Landscaped Buffers

- 436 The requirements of Sections 437, 438, and 439 shall not apply to:
- (a) any development exempted from requiring a development permit in Section 9;
 - (b) a change of use or tenancy in a structure;
 - (c) accessory structures located in a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, or UC-1 zone;
 - (d) an addition to any main building less than 200.0 square metres in floor area;
 - (e) low-density dwelling uses;
 - (f) interior renovations;
 - (g) exterior renovations that do not alter the footprint or volume of a building; or
 - (h) temporary construction uses.

General Landscaped Buffer Requirements

- 437 (1) A landscaped buffer, where required in Table 14, shall be provided where a development abuts a different zone. The required landscaped buffer shall be either “L1” or “L2”, as shown in Table 14.
- (2) Any required landscaped buffer shall be provided along each lot line that separates the development from the different zone.
- (3) Any required landscaped buffer shall have a width of at least 2.5 metres.

Table 14: Landscaped buffer requirement

		Zone abutting the development						
		DD DH	CEN-2, CEN-1	COR	HR-2, HR-1	ER-3, ER-2, ER-1, CH	INS, UC-2, UC-1, H	PCF, RPK
Zone where the development is located	DD			L1	L1	L2		L1
	DH			L1	L1	L2		L1
	CEN-2			L1	L1	L2		L1
	CEN-1			L1	L1	L2		L1
	COR					L2		L1
	HR-2					L1		
	HR-1					L1		
	CLI	L2	L2	L2	L2	L2	L2	L2
	LI	L2	L2	L2	L2	L2	L2	L2
	HRI	L2	L2	L2	L2	L2	L2	L2
	INS				L1	L2		L1
	UC-2				L1	L2		L1
UC-1				L1	L2		L1	

- (4) No structures or parking areas are permitted within any required landscaped buffer, except for:
- (a) masonry walls or opaque fences required in Sections 435 or 439; or
 - (b) subject to Subsection 437(5), underground parking areas that do not protrude more than 0.6 metres above the average finished grade within any side or rear yard.
- (5) If an underground parking area extends into the required landscaped buffer, as permitted in Clause 437(4)(b), then the applicable landscape buffer treatment shall apply to the surface of the underground parking structure.

L1 General Landscaped Buffer

- 438 (1) Any required L1 landscaped buffer shall contain at least:
- (a) one shrub at least 1.0 metre high for every 2.0 linear metres of buffer; or
 - (b) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres of buffer.
- (2) Trees or shrubs required in Clauses 438(1)(a) and 438(1)(b) may be grouped.
- (3) The remainder of a required L1 landscaped buffer shall contain soft landscaping.

L2 Screen Landscaped Buffer

- 439 (1) Any required L2 landscaped buffer shall contain:
- (a) subject to Subsection 439(2), a continuous coniferous hedge at least 1.0 metre high; and
 - (b) at least one tree with a minimum base caliper of 50 millimetres for every 4.5 linear metres of buffer.
- (2) Where an L2 landscaped buffer abuts an ER-3, ER-2, ER-1, CH, PCF, or RPK zone, an opaque fence, masonry wall, or coniferous hedge at least 1.8 metres high shall be required along the lot line abutting the ER-3, ER-2, ER-1, CH, PCF, or RPK zone.
- (3) Trees in a required L2 landscaped buffer may be grouped.
- (4) The remainder of a required L2 landscaped buffer shall contain soft landscaping.

Part XII, Chapter 5: Landscape Plan Requirements

Requirement to Submit a Landscape Plan

- 440 (1) When required under Section 10, a development permit application shall include a landscape plan stamped and signed by a landscape architect, certifying that the plan meets the minimum requirements of this By-law.
- (2) The landscape plan shall depict the design of all hard landscaping or soft landscaping in the development, and shall contain:
- (a) the current and proposed site topography, including the location of any significant gradients;
 - (b) the footprints of all existing and proposed buildings, including underground parking structures;
 - (c) planting areas and details for all new vegetation and groundcover, including location, quantity, size, and both the common and botanical names that identifies the species and variety;
 - (d) the location and identification of existing vegetation that will be used to meet the requirements of Section 424;
 - (e) soft landscaping on any flat roofs, as required by Section 428;
 - (f) protection measures, such as hoardings, for any existing soft landscaping that is to be maintained;
 - (g) construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
 - (h) manufacturers' specifications, such as model and colour, for all seating, light standards and fixtures, waste receptacles, bicycle parking, tree grates or guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management area enclosures, railings, and fencing; and
 - (i) boundaries and access points for all publicly accessible spaces.
- (3) All soft landscaping specified on a landscape plan shall comply with the latest edition of the *Canadian Landscape Standard*.

**PART XIII:
PARKING AND
OFF-STREET LOADING**

Part XIII, Chapter 1: Motor Vehicle Parking

General Motor Vehicle Parking Requirements

- 441 (1) All accessory parking lots and parking spaces shall be located on the same lot as the main use.
- (2) A change of use in an existing structure shall not require any additional parking beyond what is already provided.
- (3) Subsections 441(4) and 441(5) do not apply to parking spaces or accessory parking lots associated with any:
- (a) low-density dwelling use;
 - (b) cluster housing use;
 - (c) secondary suite use;
 - (d) backyard suite use;
 - (e) small shared housing use;
 - (f) mobile home use;
 - (g) bed and breakfast use; or
 - (h) home occupation use.
- (4) All accessory parking lots shall be required to be:
- (a) surfaced with a hard material such as asphalt, concrete, or permeable pavers; and
 - (b) delineated by concrete curbs, with all motor vehicle parking spaces and driving aisles clearly delineated.
- (5) The parking or storage of motor vehicles is prohibited in any driveway or driving aisle associated with an accessory parking lot.

Parking Space and Driving Aisle Dimensions

- 442 (1) Subject to Section 450, for any accessory parking lot, parking structure, or parking internal to a building:
- (a) subject to Clause 442(1)(b), any required motor vehicle parking space shall be at least 2.4 metres in width and 5.5 metres in length (Diagram 24); and
 - (b) in the case of parking parallel to an internal driveway, any required motor vehicle parking space shall be at least 6.1 metres in length (Diagram 24).

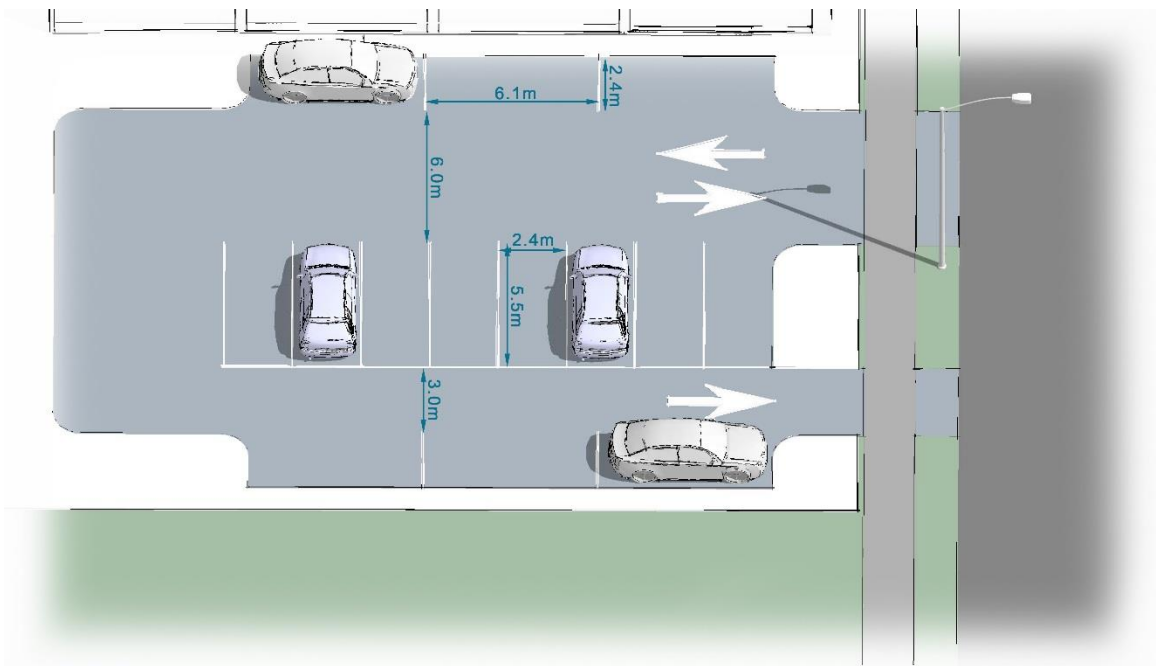


Diagram 24: Motor vehicle parking space and driving aisle dimensions, per Section 442

- (2) Subject to Section 450, driving aisles between rows of motor vehicle parking spaces in an accessory parking lot, in a parking structure, or for parking internal to a building shall be required to be 6.0 metres in width for two-way traffic, and 3.0 metres in width for one-way traffic.

Minimum or Maximum Number of Motor Vehicle Parking Spaces

- 443
- (1) Subject to Subsection 443(5), Table 15 sets out the minimum number of motor vehicle parking spaces required or the maximum number of motor vehicle spaces permitted for each listed use. Where a use is not listed in Table 15, no minimum or maximum parking requirement applies.
 - (2) If there is more than one use requiring motor vehicle parking, as listed in Table 15, then the amount of motor vehicle parking required on-site shall be the cumulative total of what is required for each use.
 - (3) Where bicycle parking spaces are required in Section 459, two additional bicycle parking spaces of any type may be provided in substitution for one required motor vehicle parking space, up to a maximum of 25% of required motor vehicle parking spaces.
 - (4) In addition to the substitution permitted in Subsection 443(3), one enhanced bicycle parking space may be substituted for a maximum of one required motor vehicle parking space.

- (5) No motor vehicle parking spaces are required for any use on a registered heritage property or in a building located in a heritage conservation district.

Table 15: Required Minimum or maximum number of motor vehicle parking spaces per lot, by zone and use

Use	DD DH CEN-2 CEN-1 CDD-2 CDD-1	COR	HR-2 HR-1	ER-3 ER-2 ER-1	CH	CLI LI HRI	INS UC-2 UC-1	PCF RPK
Single-unit dwelling use; Semi-detached dwelling use; Townhouse dwelling use; Two-unit dwelling use	Not required	Not required	Not required	Not required	Not required	Not Applicable	Not Applicable	Not Applicable
Three-unit dwelling use	Not required	Not required	Not required	Not required	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Cluster housing use	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Minimum 1 space for every 3 units	Not Applicable	Not Applicable	Not Applicable
Multi-unit dwelling use	Not required	Not required	No parking is required for the first 12 units. Minimum 1 space for every additional 3 units beyond the first 12 units	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Small shared housing use	Not required	Not required	Not required	Not required	Not required	Not Applicable	Not required	Not Applicable
Large shared housing use	Not required	Not required	Minimum 1 space	Not Applicable	Minimum 1 space	Not Applicable	Minimum 1 space	Not Applicable
Secondary suite use or backyard suite use	Not required	Not required	Not required	Not required	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Shelter use	Not required	Minimum 1 space	Minimum 1 space	Not Applicable	Not Applicable	Not Applicable	Minimum 1 space	Not Applicable
Daycare use	Not required	Minimum 2 spaces	Minimum 2 spaces	Minimum 1 space	Minimum 1 space	Minimum 2 spaces	Minimum 2 spaces	Not Applicable
Bed and breakfast use	Not required	Maximum 1 space per guestroom	Maximum 1 space per guestroom	Maximum 1 space per guestroom	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Home office use	Not required	Not required	Not required	Not required	Not required	Not Applicable	Not Applicable	Not Applicable
Home occupation use	Maximum 1 space	Maximum 1 space	Maximum 1 space	Maximum 1 space	Maximum 1 space	Not Applicable	Not Applicable	Not Applicable
Work-live unit use	Not required	Not required	Maximum 2 spaces for each work-live unit	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Use	DD DH CEN-2 CEN-1 CDD-2 CDD-1	COR	HR-2 HR-1	ER-3 ER-2 ER-1	CH	CLI LI HRI	INS UC-2 UC-1	PCF RPK
Restaurant use; Drinking establishment use; Local drinking establishment use	Not required	Not required	Maximum 1 space for every 35 sq. m of floor area	Not Applicable	Not Applicable	Maximum 1 space for every 35 sq. m of floor area	Not required	Not Applicable
Fitness centre use	Not required	Not required	Minimum 1 space for every 25 sq. m of floor area	Not Applicable	Not Applicable	Minimum 1 space for every 25 sq. m of floor area	Not Applicable	Not Applicable
Hotel use	Not required	Not required	Not Applicable	Not Applicable	Not Applicable	Not required	Not Applicable	Not Applicable
Local commercial uses	Not required	Not required	Not required	Not Applicable	Not Applicable	Not required	Not required	Not Applicable
Office use; Financial institution use	Not required	Maximum 1 space for every 150 sq. m of floor area	Maximum 1 space for every 75 sq. m of floor area	Not Applicable	Not Applicable	Maximum 1 space for every 75 sq. m of floor area	Maximum 1 space for every 75 sq. m of floor area	Not Applicable
Any other commercial use	Not required	Not required	Minimum 1 space for every 35 sq. m of floor area	Not Applicable	Not Applicable	Minimum 1 space for every 35 sq. m of floor area	Not Applicable	Not Applicable
Minor spectator venue use; Cultural use	Not required	Minimum 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less	Minimum 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less	Not Applicable	Not Applicable	Minimum 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less	Not required	Not required
Medical clinic use; Religious institution use	Not required	Not required	Minimum 1 space for every 300	Not Applicable	Not Applicable	Minimum 1 space for every 300	Minimum 1 space for every 300	Not Applicable
School use	Not required	Minimum 1 space for every classroom	Minimum 1 space for every classroom	Not Applicable	Not Applicable	Not Applicable	Minimum 1 space for every classroom	Minimum 1 space for every classroom
Major spectator venue use	Not required	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not required	Not required	Not required
University or college use	Not required	Not required	Not required	Not Applicable	Not Applicable	Not Applicable	Not required	Not Applicable
Industrial use	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Minimum 4 spaces	Not Applicable	Not Applicable
Community recreation use	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required
All other recreation uses	Not required	Minimum 1 space for every 400 sq. m lot area	Minimum 1 space for every 400 sq. m lot area	Not Applicable	Not Applicable	Minimum 1 space for every 400 sq. m lot area	Minimum 1 space for every 400 sq. m lot area	Not required

Rounding Regulation

444 Where the calculation for motor vehicle parking results in a fraction of a motor vehicle parking space, the required number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

Parking Within a Front or Flanking Yard

445 For a low-density dwelling use, a maximum of 40% of the width of any front or flanking yard may be used for the parking and maneuvering of motor vehicles.

Additional Parking Requirements within Young Avenue Sub-Area A (YA-A)

446 For a two-unit dwelling use, a three-unit dwelling use, or a multi-unit dwelling use up to 4 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, the following additional motor vehicle parking requirements shall apply:

- (a) any exterior parking shall be located within a rear yard; and
- (b) any exterior parking shall not exceed 4 parking spaces.

Commercial Vehicles

- 447 (1) Subject to Subsection 447(2), any commercial vehicle that exceeds a weight of 3,000 kilograms gross vehicle weight, shall be prohibited in any ER-3, ER-2, ER-1, or CH zone.
- (2) A commercial vehicle described in Subsection 447(1) is permitted to park in any ER-3, ER-2, ER-1, or CH zone, if:
- (a) the vehicle is parked on the lot during the period of construction; and
 - (b) the vehicle is necessary for the purposes of construction.

Motor Vehicle Sharing

448 Any required motor vehicle parking space may be used as a motor vehicle sharing space.

Parking Structures

- 449 (1) All parking spaces associated with a parking structure use shall be required to be located inside the parking structure or on the roof of the parking structure.
- (2) Rooftop parking on a parking structure shall not be visible from any streetline.

- (3) Where any portion of a parking structure roof is not used for parking, it shall be landscaped if required in Sections 428 and 429.
- (4) All parking structures shall meet the requirements of Part V.

Automated Vehicle Parking System

- 450
- (1) Motor vehicle parking space and driving aisle dimension requirements do not apply where an automated vehicle parking system is used.
 - (2) An automated vehicle parking system shall be required to be located internal to a building or in a parking structure.

Parking Lots

- 451 Parking lots are prohibited in all zones, except for accessory parking lots which meet the requirements of Sections 452, 453, or 454.

Accessory Parking Lots: DD, DH, CEN-2, CEN-1, and COR Zones

- 452
- (1) Subject to Section 453, accessory parking lots are permitted in any DD, DH, CEN-2, CEN-1, or COR zone.
 - (2) The required number of parking spaces in accessory parking lots in any DD, DH, CEN-2, CEN-1, or COR zone shall not exceed:
 - (a) for a property containing a transportation facility use: unlimited;
 - (b) for a property containing a grocery store use: 80; or
 - (c) for any other property:
 - (i) 200 square metres in lot area or less: 5,
 - (ii) between 200 square metres in lot area and 6,300 square metres in lot area: 5 plus one additional space for every 350 square metres of lot area, or
 - (iii) 6,300 square metres in lot area or more: 20.
 - (3) Accessory parking lots in any DD, DH, CEN-2, or CEN-1 zone shall not be located within any front or flanking yard, and shall not be located within the first 33% of the lot depth or lot width abutting any streetline (Diagram 25), unless located in an internal courtyard.

- (4) Accessory parking lots in any COR zone shall not be located within a front yard and shall not be located within the first 33% of the lot depth abutting a front lot line, unless located in an internal courtyard.

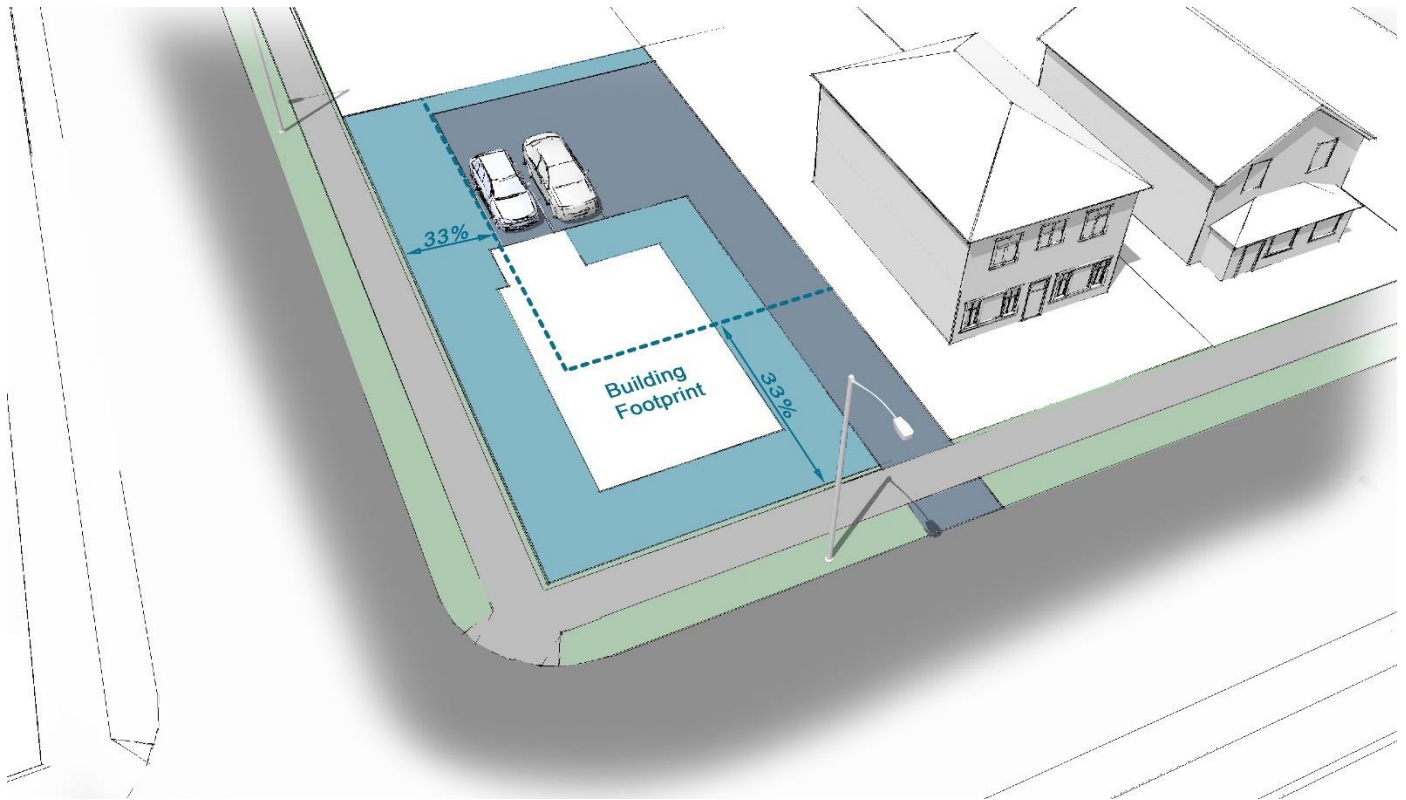


Diagram 25: Permitted location for an accessory parking lot in any DD, DH, CEN-2, or CEN-1 zone, per Subsection 452(3)

Accessory Parking Lots: DH Zone

- 453 (1) Except for areas shown on Schedule 49, accessory parking lots are permitted in the DH zone.
- (2) In addition to any area required for driveways and driving aisles, accessory parking lots in the DH zone, shall not exceed 20 parking spaces.
- (3) Accessory parking lots in the DH zone shall not be located within any front or flanking yard, and shall not be located within the first 50% of the lot depth or lot width abutting any streetline, unless located in an internal courtyard.

Accessory Parking Lots: All Other Zones

- 454 (1) Accessory parking lots are permitted in any HR-2, HR-1, INS, or CDD-2 zone, but only in the side yards, rear yards, and internal courtyards.
- (2) Accessory parking lots are permitted in a CH zone and shall:
- (a) be permitted within any yard;
 - (b) not exceed groupings of 5 motor vehicle parking spaces; and
 - (c) each grouping of motor vehicle parking spaces shall be separated by soft landscaping.
- (3) Accessory parking lots are permitted in any DND, H, PCF, or RPK zone.
- (4) Subject to Clauses 253(1)(a), 254(1)(a), 311(1)(a), and 312(1)(a), accessory parking lots are permitted in any CLI, LI, or HRI zone, within any yard excluding any required setback distances that apply to any main building.
- (5) Accessory parking lots in a UC-2 or UC-1 zone shall not be located within the lesser of:
- (a) the first 33% of the lot depth or lot width abutting any streetline (Diagram 25); or
 - (b) 30 metres from a streetline.

Pedestrian Pathways Through Accessory Parking Lots

- 455 (1) At least one pedestrian pathway through an accessory parking lot shall be required, and shall provide a direct route between parking areas, building entrances, and the nearest streetline.
- (2) Pedestrian pathways within accessory parking lots shall be required to be at least 1.8 metres wide.
- (3) Pedestrian pathways within accessory parking lots shall be delineated by an accessible raised surface, at least 0.15 metres high, and consisting of:
- (a) poured concrete;
 - (b) brick pavers;
 - (c) stone pavers; or
 - (d) concrete pavers.

- (4) Where a pedestrian pathway crosses a driving aisle in an accessory parking lot, the surface of the driving aisle shall be required to be raised to meet the elevation of the abutting pedestrian pathway, and delineated with a change of colour or material from the driving aisle.

Part XIII, Chapter 2: Bicycle Parking

Bicycle Parking Exemptions for Specific Uses

456 Bicycle parking spaces are not required for any of the following uses:

- (a) low-density dwelling use;
- (b) cluster housing use;
- (c) secondary suite use;
- (d) backyard suite use;
- (e) daycare use in any ER-3, ER-2, ER-1, or CH zone;
- (f) bed and breakfast use;
- (g) home occupation use;
- (h) home office use;
- (i) small shared housing use;
- (j) work-live unit use;
- (k) car wash use;
- (l) self-storage facility use;
- (m) urban agriculture use;
- (n) cemetery use; or
- (o) accessory structure or accessory use.

Bicycle Parking Exemptions for a Change of Use

457 A change of use in a structure shall not:

- (a) require bicycle parking beyond what is already provided on-site; and
- (b) reduce any existing bicycle parking that is provided on-site.

General Bicycle Parking Requirements

- 458
- (1) Direct access to all bicycle parking spaces shall be required from a streetline.
 - (2) All bicycle parking spaces shall be required to be illuminated.
 - (3) All bicycle parking racks shall require two points of contact between each bicycle and rack.

Required Number of Bicycle Parking Spaces

- 459 (1) Table 16 sets out the bicycle parking space requirements that shall apply for each use listed. The “Type” column specifies which types of bicycle parking shall be required, as described in Sections 461 and 462.
- (2) If there is more than one use requiring bicycle parking, as listed in Table 16, then the amount of bicycle parking required on-site shall be the cumulative total of what is required for each use.

Table 16: Required number of bicycle parking spaces

Use	General requirement	Required percentage of Class A or Class B bicycle parking	Minimum requirement for Class B bicycle parking	Maximum requirement
Multi-unit dwelling use	1 space for every 2 units	80% Class A 20% Class B	4 spaces	Not Applicable
Large shared housing use	1 space for every 20 bedrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Hotel use	1 space for every 20 guestrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Retail use; Service use; Grocery store use; Restaurant use	1 space for every 300 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Financial institution use; Office use; Hospital use; Medical clinic use; Religious institution use	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable
Cultural use; Minor spectator venue use; Major spectator venue use	1 space for every 20 seats or 1 space for every 250 sq. m of floor area, whichever is less	20% Class A 80% Class B	2 spaces	50 spaces
School use; University or college use	1 space for every 150 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Club recreation use; Community recreation use (indoor facilities)	10 spaces if less than 500 sq. m of floor area; 20 spaces for larger facilities	20% Class A 80% Class B	Not Applicable	Not Applicable
Community recreation use (outdoor facilities)	1 space for every 1,250 sq. m lot area	100% Class B	2 spaces	50 spaces
Parking structure use	1 space for every 20 motor vehicle parking spaces	100% Class B	2 spaces	50 spaces
Any other use not specified in this Table or not exempted from bicycle parking requirements in Sections 456 and 457	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable

Rounding Regulation

460 Where the calculation for bicycle parking results in a fraction of a bicycle parking space, the required number of bicycle parking spaces shall be rounded down to the nearest whole number.

Class A Bicycle Parking Requirements

- 461 (1) Required Class A bicycle parking racks shall be located:
- (a) within a room that is dedicated to the storage of bicycles;
 - (b) within a roofed bicycle cage outside of a building;
 - (c) within an enclosed bicycle locker outside of a building;
 - (d) within a covered parking structure area reserved for bicycles; or
 - (e) within a resident storage unit located in an indoor parking area that is associated with a multi-unit dwelling use.
- (2) Any bicycle room, roofed bicycle cage, enclosed bicycle locker, or covered parking structure area reserved for bicycles shall be secured against unauthorized entry.
- (3) Required Class A bicycle parking racks shall be one or more of the following types:
- (a) inverted-U that is at least 0.90 metres high;
 - (b) post-and-ring that is at least 0.90 metres high;
 - (c) vertical racks that are wall-mounted, not exceeding 50% of the total number of required Class A bicycle parking spaces; or
 - (d) two-tier racks with a lift-assist.
- (4) All bicycle parking racks and bicycle lockers shall be required to be secured to the ground, floor, or wall.
- (5) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.
- (6) All indoor Class A bicycle parking spaces shall be required to be:
- (a) located on a ground floor; or
 - (b) located within one storey of a ground floor and be:

- (i) accessible from a ground floor with ramps, which are protected from motor vehicle traffic, or
 - (ii) accessible from a ground floor by elevator.
- (7) The distance from any Class A bicycle parking space to the nearest building entrance shall not exceed 200 metres.

Class B Bicycle Parking Requirements

- 462
- (1) Subject to Subsection 462(6), Class B bicycle parking spaces shall be located outside of a building and visible and accessible from the street.
 - (2) Required Class B bicycle parking racks shall be one or more of the following types:
 - (a) inverted-U that is at least 0.90 metres high; or
 - (b) post-and-ring that is at least 0.90 metres high.
 - (3) All bicycle parking racks and bicycle lockers shall be required to be secured to the ground, floor, or wall.
 - (4) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.
 - (5) The required distance from any Class B bicycle parking space to the nearest visitor-accessible building entrance shall not exceed:
 - (a) 15 metres for unsheltered bicycle parking; or
 - (b) 30 metres for sheltered bicycle parking.
 - (6) If the location of the main building prohibits the requirements of this Section from being satisfied, then:
 - (a) the owner may request an encroachment license from the Municipality to install the required Class B bicycle parking spaces in the adjacent public right-of-way. If the Municipality has granted an encroachment license allowing Class B bicycle parking spaces to be located in the street, then any Class B bicycle parking spaces provided in accordance with that license may be counted towards any required Class B bicycle parking; or

- (b) the amount of Class B bicycle parking required can be located inside the main building within 30 metres of the nearest visitor-accessible building entrance.

Minimum Bicycle Parking Geometric Requirements

- 463 (1) Bicycle parking racks are prohibited within 2.5 metres of any main building entrance (Diagram 26).
- (2) Bicycle parking racks shall be required to be spaced:
- (a) at least 0.9 metres apart in the direction of a bicycle's width (Diagram 26); and
 - (b) centered at least 1.8 metres apart in the direction of a bicycle's length (Diagram 26).
- (3) A 1.5-metre wide clear aisle shall be provided between rows of any required bicycle parking racks (Diagram 26).
- (4) Excluding wall-mounted racks, a space of 0.6 metres shall be required to be provided between bicycle parking spaces and any obstruction, on all sides (Diagram 26).

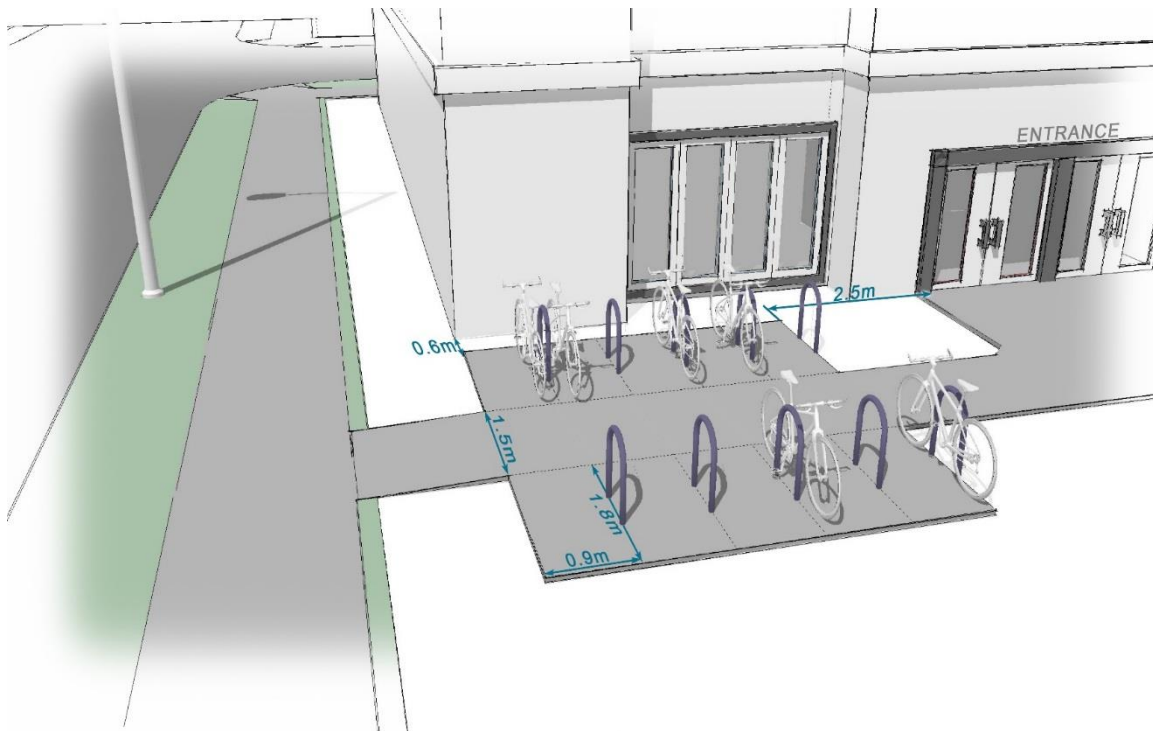


Diagram 26: Bicycle parking requirements, per Section 463

Part XIII, Chapter 3: Off-Street Loading

Off-Street Loading Space

- 464 (1) Subject to Subsection 464(2), in any DD, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, LI, HRI, and INS zone, in addition to any required motor vehicle parking spaces, off-street loading shall be required, as set out in Table 17, for the following uses:

Table 17: Minimum required number and type of off-street loading space per lot, by use

Use	Minimum required number and type of loading spaces
Multi-unit dwelling use – 30 units to 299 units	1 Type A
Multi-unit dwelling use – 300 units or more	2 Type A
Any commercial use – 500 square metres to 2,000 square metres of floor area	1 Type A
Any commercial use – greater than 2,000 square metres to 5,000 square metres of floor area	2 Type A
Any commercial use – greater than 5,000 square metres in floor area	2 Type A and 1 Type B
Minor spectator venue use	1 Type A
Major spectator venue use	1 Type A and 1 Type B

- (2) Off-street loading space shall not be required:
- (a) within heritage conservation districts, as shown on Schedule 22;
 - (b) on a registered heritage property;
 - (c) for a change of use within and existing structure; or
 - (d) for an addition that is less than 500 square meters of floor area.
- (3) Any required off-street loading space shall be located on the same lot as the use it is intended to serve.
- (4) Any required off-street loading space shall be surfaced with a hard material such as asphalt, concrete, or permeable pavers, and delineated by concrete curbs or painted lines.
- (5) Excluding driving aisles, any required off-street loading space shall be located:
- (a) internal to a building;
 - (b) in a parking structure; or

- (c) in any area of a lot where an accessory parking lot is permitted in Sections 452, 453, and 454.
- (6) The soft landscaping and screening requirements for required off-street loading spaces are provided in Sections 427 and 435.
- (7) An off-street loading space shall not be used for motor vehicle parking.

Type A Off-Street Loading Space

465 A Type A off-street loading space shall have the following minimum required dimensions:

- (a) 3.5 metres in width;
- (b) 10.0 metres in length; and
- (c) 4.0 metres in height clearance.

Type B Off-Street Loading Space

466 A Type B off-street loading space shall have the following minimum required dimensions:

- (a) 3.5 metres in width;
- (b) 17.0 metres in length; and
- (c) 4.5 metres in height clearance.

PART XIV: SIGNS

Part XIV, Chapter 1: General Signage Requirements

Temporary Sign By-law

467 This By-law does not apply to any sign regulated by HRM By-law S-801, *A By-law Respecting Licensing of Temporary Signs*.

Sign Permit Exemptions

468 The following signs are exempt from the requirement of a development permit:

- (a) signs giving the name of a building or its civic address;
- (b) signs regulating activities that are not related to traffic, such as “No Trespassing” or “Beware of Dog” signs, if the sign does not exceed 0.2 square metres in area;
- (c) signs that pertain to the sale, rental, or lease of real property on a lot where the sign is displayed, if the signs:
 - (i) are non-illuminated,
 - (ii) do not exceed 2.0 square metres in area,
 - (iii) are removed within 14 days following the sale, rental, or lease, and
 - (iv) are limited in number to a maximum of one sign for every streetline;
- (d) signs regulating traffic on a lot, including directional signage, if the sign does not exceed 0.5 square metres in area;
- (e) signs erected by any government;
- (f) notification signs required under municipal by-laws;
- (g) signs interior to a structure;
- (h) commemorative signs;
- (i) signs identifying motor vehicle sharing spaces;
- (j) signs that are incidental to a construction in progress, if the signs:
 - (i) are non-illuminated,
 - (ii) are located on the same lot as the construction in progress,
 - (iii) do not exceed 5.0 square metres in area, and
 - (iv) are removed within 14 days following the conclusion of construction;
- (k) one internally illuminated menu-box sign per restaurant use, if the sign:
 - (i) is located within 2.0 metres of the pedestrian entrance for the restaurant use,

- (ii) does not exceed 0.4 square metres in area (as measured from the outside of the box), and
 - (iii) does not project more than 0.1 metre from the wall on which it is affixed;
- (l) signage related to a drive-through;
 - (m) subject to Sections 478, 479, and 480, in any ER-3, ER-2, ER-1, or CH zone, signs for any of the following uses:
 - (i) home occupation uses,
 - (ii) bed and breakfast use,
 - (iii) daycare uses,
 - (iv) sale of urban agricultural products as an accessory use, and
 - (v) urban farm uses;
 - (n) the replacement of a sign face where there is no alteration of the structure holding the sign;
 - (o) neighbourhood signs; and
 - (p) window and door signs.

Prohibited Signs

- 469 (1) The following signs are prohibited in all zones:
- (a) signs that create a hazard to public safety;
 - (b) in the opinion of the traffic authority, signs that:
 - (i) are a source of danger to traffic on the street, or that obstruct or interfere with the vision of road users because of their location, appearance, or illumination,
 - (ii) obscure or interfere with any traffic control sign or device, or
 - (iii) resemble the traffic control signs of any public authority, in shape, colour, message, symbol, or location;
 - (c) signs that obscure or interfere with any warning or instructional sign;
 - (d) signs that obstruct or interfere with any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
 - (e) signs that obstruct access to any fire hydrant or firefighting hose connection;
 - (f) signs located on fences or retaining walls;

- (g) signs that advertise a product or service that is no longer available on the premises, or a business that is no longer in operation, except for signs on a registered heritage property;
 - (h) signs located on the roof of any structure;
 - (i) signs that project above a roof edge or a streetwall stepback, or extend beyond the edges of any wall to which it is affixed;
 - (j) excluding any property located in an ER-3, ER-2, ER-1, or CH zone, signs affixed to or painted on natural objects such as trees or boulders;
 - (k) signs that use fluorescent colours, except for neon gas tubing;
 - (l) internally-illuminated fascia signs, except for:
 - (i) neon gas tubing,
 - (ii) open or exposed neon gas tubing channel letters and characters,
 - (iii) front-lit, individually raised profile letters and characters with LED illumination,
 - (iv) front-lit, standard channel letters and characters with LED illumination, or
 - (v) reverse channel (halo-lit) letters and characters with either neon gas tubing or LED illumination;
 - (m) internally-illuminated awning signs;
 - (n) signs that incorporate a strobe light or flashing light; and
 - (o) signs that interfere with any utility, conduit, or line used for water, sewage, gas, electricity, or communication.
- (2) In addition to the signs prohibited in Subsection 469(1), the following types of sign are prohibited for use on a registered heritage property or within a heritage conservation district:
- (a) variable message sign;
 - (b) digital or LED display signage; or
 - (c) front-lit, standard channel letters and characters.

Variable Message Signs

470 Variable message signs shall only be permitted in a DD, DH, CEN-2, CLI, LI, HRI, INS, UC-2, UC-1, PCF, or RPK zone.

Fascia Signs on Registered Heritage Buildings

471 Fascia signs on registered heritage buildings shall be required to be:

- (a) located and sized to fit within the architectural frieze above a storefront or a door; or
- (b) where no architectural frieze exists, located in a horizontal band above the upper line of the ground floor windows, and below the lower sill of the second storey windows.

Part XIV, Chapter 2: Signage Requirements for the DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, and RPK Zones

Fascia Signs

472 In any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, or RPK zone, the combined area of all fascia signs on a building wall shall not exceed 10% of the area of the wall that the sign is affixed.

Ground Signs

473 (1) In any DD, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, or RPK zone, a ground sign shall not exceed a height of 4.6 metres.

(2) Excluding the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, ground signs shall be prohibited in the DH zone.

Projecting Signs

474 (1) In any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, or RPK zone, projecting signs shall be required to:

- (a) be separated from other projecting signs on the same lot by at least 2.5 metres;
- (b) be set back at least 1.25 metres from any side or rear lot line;
- (c) not be located within 3.5 metres of the ground directly below; and
- (d) not exceed 2.0 square metres in area, per sign face.

(2) Subject to Subsection 474(3), only one projecting sign is permitted per premises.

(3) No more than one projecting sign is permitted per streetline for each premises.

Abutting Zone Requirements

475 Where a lot is zoned DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, CLI, LI, HRI, UC-2, or UC-1 and abuts a lot that is zoned ER-3, ER-2, ER-1, CH, RPK, or PCF, the following requirements shall apply:

- (a) subject to Clause 475(b), all signs shall be set back at least 3.0 metres from the abutting lot line; and
- (b) all illuminated signs shall be set back at least 10.0 metres from the abutting lot line.

Fascia Signs for Home Occupation Uses, Bed and Breakfast Uses, and Work-Live Unit Uses

476 In any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD-1 zone, one non-illuminated fascia sign, not exceeding 3.0 square metres in area, is permitted for:

- (a) a home occupation use;
- (b) a bed and breakfast use; or
- (c) the commercial use component of a work-live unit use.

Billboards

477 (1) Billboards are permitted in the LI and HRI zones only.

(2) Billboards shall:

- (a) not exceed an overall height of 7.5 metres;
- (b) not be located within 3.5 metres of the ground directly below;
- (c) not exceed a sign face area of 18.0 square metres per side, with a maximum of two sign faces if they are affixed back-to-back;
- (d) be set back at least 4.0 metres from any streetline;
- (e) not be located any closer than 30.0 metres to any property zoned ER-3, ER-2, ER-1, CH, INS, H, PCF, or RPK;
- (f) not be located any closer than 300 metres to another billboard;
- (g) not cover more than 10% of any wall to which they are affixed; and
- (h) not be affixed on more than one wall.

(3) An application for a billboard shall require construction details certified by a professional engineer.

Part XIV, Chapter 3: Signage Requirements for the ER-3, ER-2, ER-1, and CH Zones

Signs for Bed and Breakfast Uses

478 In any ER-3, ER-2, or ER-1, the following requirements shall apply to any sign advertising a bed and breakfast use:

- (a) A maximum of one sign is permitted per bed and breakfast use;
- (b) The sign shall only be a ground sign, fascia sign, projecting sign, or window sign;
- (c) The sign shall not exceed 0.6 square metres in area;
- (d) Any ground sign shall not exceed a height of 1.2 metres; and
- (e) If the sign is illuminated, only exterior shielded illumination is permitted.

Signs for Home Occupation Uses, Daycare Uses, and the Sale of Urban Agricultural Products as an Accessory Use

479 In any ER-3, ER-2, ER-1, or CH zone, the following requirements shall apply to any sign advertising a home occupation use, daycare use, and the sale of urban agricultural products as an accessory use:

- (a) A maximum of one sign is permitted per use;
- (b) The sign shall only be a ground sign, fascia sign, projecting sign, or window sign;
- (c) The sign shall not exceed 0.6 square metres in area;
- (d) Any ground sign shall not exceed a height of 1.2 metres; and
- (e) The sign shall not be illuminated.

Signs for Urban Farm Uses

480 In any ER-3, ER-2, ER-1, or CH zone, the following requirements shall apply to any sign advertising an urban farm use:

- (a) A maximum of one ground sign is permitted per street frontage for any urban farm use;
- (b) Any sign shall not exceed 2.0 square metres in area, and shall not exceed a height of 1.2 metres; and
- (c) Any sign shall not be illuminated.

Signs for Community Recreation Uses

481 In any ER-3, ER-2, ER-1, or CH zone, any sign for community recreation use shall meet the requirements of Sections 472 to 475.

**PART XV:
INCENTIVE OR
BONUS ZONING**

Part XV, Chapter 1: General Incentive or Bonus Zoning Requirements

Requirement to Provide a Public Benefit for Incentive or Bonus Zoning

- 482 (1) For any new development over 2,000 square metres of floor area in any DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, the applicant shall be required to provide incentive or bonus zoning.
- (2) For any development agreement in accordance with Policies CH-7, F-4, F-5, UD-13, IM-34, IM-35, IM-36, IM-37, IM-38, IM-39, IM-40, IM-41, IM-42, and IM-43 of the *Regional Centre Secondary Municipal Planning Strategy*, the applicant shall provide incentive or bonus zoning.
- (3) Where an applicant is required to provide incentive or bonus zoning in accordance with either Subsection 482(1) or Subsection 482(2), public benefits shall be provided as per Section 489.
- (4) Where an applicant provides incentive or bonus zoning in accordance with Subsection 482(1), the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
- (5) Where an applicant provides incentive or bonus zoning in accordance with Subsection 482(2), an incentive or bonus zoning agreement shall be required.
- (6) Where an incentive or bonus zoning agreement is required under Subsections 482(4) and 482(5), no development permit shall be issued until the agreement is executed by all the parties and filed in the Provincial Land Registration Office.

Calculation of the Public Benefit for a Development Exceeding 2,000 Square Metres in a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CLI Zone

- 483 In a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CLI zone, the minimum required public benefit shall be calculated by multiplying Factor #1 by Factor #2 and then multiplying the product by Factor #3, where:
- (a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;
- (b) Factor #2 is 0.20; and
- (c) Factor #3 is the bonus rate, in dollars per square metre, as specified in Section 485.

Deadline to Complete Public Benefit

484 Any required public benefit shall be completed by the applicant:

- (a) for any money-in-lieu, prior to the development permit being issued; or
- (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Incentive or Bonus Zoning Rates

485 (1) Subject to Section 487, the bonus rates for the districts identified on Schedule 50 are set out for Districts 1 through 6, as of April 2021, in Table 18.

Table 18: Incentive or bonus zoning rates and districts

Bonus rate district #	Name of bonus rate district	Bonus rate, 2021 (\$/square metre)
1	South End Halifax (including Downtown Halifax)	\$267.68
2	Cogswell Redevelopment Lands	\$267.68
3	North End Halifax	\$186.75
4	North Dartmouth	\$87.15
5	Downtown and Central Dartmouth	\$149.40
6	Woodside	\$68.48

- (2) The bonus rates in Table 18 shall be adjusted annually in accordance with Section 487.

Incentive or Bonus Zoning for Future Growth Nodes

486 (1) Subject to Subsection 486(2), the bonus value for each Future Growth Node shall be determined, based on the appraised market value of the site once the proposed development agreement is approved by Council, and then multiplied by a coefficient of 0.12.

- (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.

- (3) Any appraisal under this section shall be:

- (a) completed by an appraiser; and
 - (b) hired by the Municipality.
- (4) The cost of any appraisal shall be paid for by the applicant.
- (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
- (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.
- (7) The appraised value for the purposes of the bonus value is:
- (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Incentive or Bonus Zoning Rate Adjustments

- 487 (1) Subject to Subsection 487(2), before being used to calculate a required public benefit, the bonus rates specified in Table 18 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada. Rates shall be adjusted using the method specified in Appendix 3.
- (2) If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus rates for that year.
- (3) The rate for the calculation of the required public benefit shall be the rate at the time a complete application for a development permit is received by the Municipality.

Proposal for Required Public Benefits

- 488 An applicant who is required to provide a public benefit shall submit a bonus calculation and public benefits proposal with their application for a development permit, in a format acceptable to the Development Officer.

Public Benefit Categories

- 489 Subject to Subsections 490(1) and 491(1), an applicant who is required to provide for incentive or bonus zoning shall provide money-in-lieu for affordable housing and in addition shall provide one or a combination of the following public benefits:
- (a) additional money-in-lieu for affordable housing;
 - (b) the conservation of a registered heritage building on the development site;
 - (c) money-in-lieu for the conservation of a registered heritage building that is not located on the development site;
 - (d) the conservation of a building within a heritage conservation district on the development site;
 - (e) money-in-lieu for the conservation of a building within a heritage conservation district that is not located on the development site;
 - (f) money-in-lieu for the acquisition or improvement of municipal parks;
 - (g) money-in-lieu for affordable community or cultural indoor space;
 - (h) money-in-lieu for public art; or
 - (i) public art on the development site.

Public Benefit Requirement: Money-in-Lieu for Affordable Housing

- 490 (1) Subject to Subsection 491(1), the minimum proportion of the total value of a required public benefit that shall be allocated to money-in-lieu for affordable housing is 60%.
- (2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:
- (a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (d) a housing agreement permitted in Clause 73(b) of the Charter; or
 - (e) any combination of Clauses 490(2)(a) to 490(2)(d).

Public Benefit Requirement: Conservation of a Registered Heritage Building or a Building within a Heritage Conservation District

- 491 (1) Subject to Subsection 491(2), on a registered heritage property or on a property within a heritage conservation district:
- (a) 90% of the total value of a required public benefit, determined by an appraiser, shall be allocated to the conservation of a registered heritage building or a building within a heritage conservation district on the development site, or paid as money-in-lieu for the conservation of registered heritage properties or properties within a heritage conservation district that are not on the development site; and
 - (b) the remaining 10% of the total value of the required public benefit shall be allocated as money-in-lieu for affordable housing.
- (2) The applicant shall register a waiver on title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conservation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

- 492 Where provided as a public benefit on-site, public art shall:
- (a) be located on the development site, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.

Unacceptable Forms of Public Art

- 493 The following items do not qualify as acceptable forms of public art under the incentive or bonus zoning program:
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;
 - (e) memorials, where:

- (i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
 - (ii) the memorial has not been designed and created by a professional artist, or
 - (iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
- (f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are deemed to be an integral component of an artwork.

Incentive or Bonus Zoning Agreement

- 494 (1) An incentive or bonus zoning agreement shall contain terms respecting:
- (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
 - (d) the identification of any conditions required by the Municipality before the public benefit is accepted;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
- (2) An incentive or bonus zoning agreement shall be signed by the owner.
- (3) Subject to Subsections 494(3) and 494(5), and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality.
- (4) In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.

- (5) In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

PART XVI: DEVELOPMENT AGREEMENTS

Part XVI, Chapter 1: Development Agreements

Development on a Registered Heritage Property

- 495 (1) Development not otherwise permitted in this By-law may be permitted by development agreement on a registered heritage property not contained within a heritage conservation district, in accordance with Policy CHR-7 of the *Regional Centre Secondary Municipal Planning Strategy*.
- (2) Where development is permitted by development agreement on a registered heritage property, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Change to a Less Intensive Non-Conforming Use

- 496 On a lot that existed on the coming into force date of this By-law, the change of a non-residential non-conforming use in a structure or a non-conforming use of land to a less intensive non-conforming use may be permitted by development agreement, in accordance with Policy IM-19 of the *Regional Centre Secondary Municipal Planning Strategy*.

Expansion of a Non-Conforming Use

- 497 In accordance with Policy IM-19 of the *Regional Centre Secondary Municipal Planning Strategy*, where a non-residential non-conforming use in a structure is located on a lot that existed on the coming into force date of this By-law, Council may, by development agreement, allow the structure to be extended, enlarged, or altered so as to increase the volume of the structure capable of being occupied by the non-conforming use.

Development in the King's Wharf (KW) Special Area

- 498 In addition to the uses permitted in the DD zone, Development in the King's Wharf (KW) Special Area, as shown on Schedule 3A, may be permitted by development agreement, in accordance with Policies D-10 and IM-30 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development in a CDD-2 Zone

- 499 (1) Developments not otherwise permitted in this By-law may be permitted in the CDD-2 zone by development agreement, in accordance with Policies F-4 and F-5 of the *Regional Centre Secondary Municipal Planning Strategy*.
- (2) Where development is permitted by development agreement in the CDD-2 zone, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development in a CDD-1 Zone

- 500 (1) Developments not otherwise permitted in this By-law may be permitted in the CDD-1 zone by development agreement, in accordance with Policies F-4 and F-5 of the *Regional Centre Secondary Municipal Planning Strategy*.
- (2) Where development is permitted by a development agreement in the CDD-1 zone, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development on an Existing Lot 1-Hectare or Greater

- 501 (1) In a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CLI zone, development on lots with an area of 1.0 hectare or greater that existed on the coming into force date of this By-law may be considered by development agreement, in accordance with Policy UD-13 of the *Regional Centre Secondary Municipal Planning Strategy*.
- (2) Where development is permitted by development agreement on lots 1.0 hectare or greater, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development in the Robie Street (RS) Special Area

- 502 (1) Development in the Robie Street (RS) Special Area, as shown on Schedule 3F, may be considered by development agreement, in accordance with Policies IM-34, IM-35, and IM-36 of the *Regional Centre Secondary Municipal Planning Strategy*.

- (2) Where development is permitted by development agreement within Robie Street (RS) Special Area, as shown on Schedule 3F, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Schmidtville Heritage Conservation District

- 503 On the lot identified as the Schmidtville Historic Park and Institutional (SHPI) Special Area, as shown on Schedule 3F, any new main building or any addition to an existing main building larger than 139.5 square metres shall only be considered by development agreement, in accordance with Policies CHR-16 and CHR-17 of the *Regional Centre Secondary Municipal Planning Strategy*.

Local Commercial Uses and Institutional Uses within the ER-3, ER-2, ER-1, or CH Zone

- 504 A local commercial use or an institutional use may be considered by development agreement within the ER-3, ER-2, ER-1, or CH zone, in accordance with Policy E-5 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development in the Saint Patrick's Alexandra Site (SPAS) Special Area

- 505 (1) Development in the Saint Patrick's Alexandra Site (SPAS) Special Area, as shown on Schedule 3F, beyond what is permitted in the applicable zone, may be considered by development agreement in accordance with Policies IM-37 and IM-38 of the *Regional Centre Secondary Municipal Planning Strategy*.
- (2) Where development is permitted by development agreement within Saint Patrick's Alexandra Site (SPAS) Special Area, as shown on Schedule 3F, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Residential Development within the Halifax Grain Elevator (HGE) Special Area

- 506 Within the Halifax Grain Elevator (HGE) Special Area, shown on Schedule 3F, new or expanded residential uses shall only be permitted by development agreement, in accordance with Policy ED-6 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development in the Spring Garden Road – Robie Street (SGRRS) Special Area

- 507 (1) Development in the Spring Garden Road – Robie Street (SGRRS) Special Area, as shown on Schedule 3F, beyond what is permitted in the applicable zone, may be considered by development agreement in accordance with Policies IM-39, IM-40, IM-41, IM-42, and IM-43 of the *Regional Centre Secondary Municipal Planning Strategy*.
- (2) Where development is permitted by development agreement within the Spring Garden Road – Robie Street (SGRRS) Special Area, as shown on Schedule 3F, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

PART XVII: DEFINITIONS

Part XVII, Chapter 1: Definitions

508 This By-law uses the following definitions:

- (1) **Accessory Parking Lot** means a parking lot, not contained within a structure, that supports the main use of a lot. For clarity, a dealership use is not considered an accessory parking lot.
- (2) **Accessory Structure** means a structure that is:
 - (a) subordinate, incidental, and devoted to a main use or structure; and
 - (b) not attached to any main building.
- (3) **Accessory Use** means a use that is subordinate, incidental, and devoted to a main use on a lot.
- (4) **Adult Cabaret** means premises where a person feels, handles, touches, paints, dances, is in the presence of, or is entertained by another person's nude body, or observes, views, or photographs any such activity. This definition excludes plays, dramas, ballets, and classes in any theatre, concert hall, fine arts academy, school use, institution of higher education, or other similar establishment, where nudity is used as a form of expression of opinion or in the communication of ideas or information.
- (5) **Adult Entertainment Use** means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours.
- (6) **Adult Theatre** means premises where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence, which are either unrated or have been classified as A (Adult) by the provincial film rating agency or its designate.
- (7) **Affordable Community or Cultural Indoor Space** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services.
- (8) **Amenity Space** means non-commercial indoor or outdoor space dedicated for private or shared use by a building's occupants, such as balconies, grade-related dwelling unit patios, courtyards, planters and plots for gardening, rooftop barbeque areas, indoor and outdoor kitchens, swimming pools, saunas, fitness

rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, greenhouses, and meeting rooms.

- (9) **Applicant** means any person, including an owner, applying for a development permit, variance, site plan approval, or development agreement.
- (10) **Appraiser** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.
- (11) **Arcade** means a structure characterized by a central covered passageway with the roof supported by a series of arches on piers or columns, providing refuge for pedestrians from the weather.
- (12) **Architect** means a full member in good standing with the Nova Scotia Association of Architects.
- (13) **Architectural Frieze** means a decorative band, that is located immediately below the cornice, or a sculptured raised horizontal band of bricks above a storefront or a door.
- (14) **Archway** means a stand alone or attached curved structure forming a passageway or entrance.
- (15) **Arena** means a building that most of the time contains a sheet of ice and is used primarily for indoor skating, figure skating, hockey, or speed skating.
- (16) **Assembly** means, for the purpose of a light manufacturing use, the fitting or joining together of parts of an item by means such as fasteners, nuts, bolts, screws, glue, welding, or other similar techniques.
- (17) **Attached** means a building that depends for structural support, upon a division wall or walls shared in common with an adjoining building or buildings.
- (18) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.
- (19) **Auto Repair Use** means premises used for the repair, servicing, or inspection of motor vehicles, engines, or motors.
- (20) **Average Finished Grade** means the elevation of the finished ground abutting a structure, averaged around the perimeter of the structure. For the Scotia Square Complex (SSC) Special Area, as shown on Schedule 3B, the average finished

grade shall be calculated along the abutting streetline for each section identified on Schedule 16.

- (21) **Awning** means a textile hood or cover, and any supporting structure, that projects from the wall of a building.
- (22) **Awning Sign** means a sign incorporated into an awning (Diagram 33).
- (23) **Backyard Suite Use** means a dwelling unit that is:
 - (a) located within an accessory structure;
 - (b) located on its own footing or foundation; and
 - (c) not attached to a main building.
- (24) **Bed and Breakfast Use** means temporary overnight accommodations provided to the traveling public, and which may include the provision of meals.
- (25) **Bedroom** means a habitable room used, designed, or intended for use for sleeping.
- (26) **Belvedere** means a small roofed structure on the rooftop of a building with open sides or windows.
- (27) **Billboard** means a sign that does not relate to a use on the lot on which it is located, excluding a neighbourhood sign.
- (28) **Boathouse** means a structure that:
 - (a) is used for the shelter or storage of boats, watercraft, or marine accessories and equipment, but not for the shelter, storage, or accommodation of persons, animals, or motor vehicles;
 - (b) is roofed; and
 - (c) does not contain sanitary facilities, a kitchen, or sleeping facilities.
- (29) **Boating Club Use** means a club serving the users of boats for recreational activities, such as rowing, kayaking, canoeing, motor boating, and yachting.
- (30) **Broadcast and Production Studio Use** means radio, television, film, or music production or broadcasting facilities.
- (31) **Building** means every continuous enclosed area with exterior walls on a lot that:
 - (a) is built, erected, and framed of a combination of materials;
 - (b) is either portable or fixed;

- (c) has a roof;
 - (d) forms a structure for the shelter of persons, animals, or property; and
 - (e) is located, in whole or in part, above or below grade.
- (32) **Building Depth** means the distance between the wall of a building that is closest to the front lot line and the wall of the same building that is farthest away from the front lot line.
- (33) **Deleted**
- (34) **Building Supply Establishment** means premises primarily engaged in the retailing of various basic building and household products, such as building materials, tools, hardware, plumbing and electrical supplies, paint, housewares, household appliances, and garden supplies.
- (35) **Building Width** means the distance between the outermost edges of two building walls that face:
- (a) two side lot lines;
 - (b) a side lot line and a flanking lot line; or
 - (c) two flanking lot lines, excluding any flanking lot line that is opposite to the front lot line on a through lot.
- (36) **C&D Materials Disposal Site Use** means land where C&D materials, or residue from C&D processing facilities, are disposed of by land application or burying, excluding the use of inert C&D materials, where approved by Nova Scotia Environment or its designate, for site rehabilitation within gravel pits or quarry operations licensed by the Province of Nova Scotia.
- (37) **C&D Materials Processing Facility Use** means premises used to sort, alter, grind, or otherwise process C&D materials for reuse or recycling into new products, excluding:
- (a) the retail of used building materials;
 - (b) the processing of inert C&D materials on the site of generation, where the processed material does not leave the site except for inert C&D materials described in Subsection 9(3) of HRM *C&D License By-law* (L-200);
 - (c) the de-construction of a building on site;
 - (d) a municipal processing facility for used asphalt or concrete;
 - (e) facilities associated with the reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia; or

- (f) forestry manufacturing processes.
- (38) **C&D Materials Transfer Station Use** means land or premises at which C&D materials are received and sorted for subsequent transport to a C&D disposal site or a C&D processing facility.
- (39) **Canadian Geodetic Vertical Datum 2013 (CGVD2013)** means the vertical datum for Canada, officially released by Natural Resources Canada (NRCan) in November 2013, or any later edition that may be released or adopted, which is a gravimetric datum defined by the equipotential surface $W_0 = 62,636,856.0 \text{ m}^2\text{s}^{-2}$, representing by convention the coastal mean sea level for North America.
- (40) **Cannabis Lounge Use** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products, or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.
- (41) **Cannabis Production Facility Use** means premises licensed by the Government of Canada for the production of cannabis or cannabis products,
- (a) including:
- (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
- (ii) associated activities permitted by the federal license, such as research and development, storage, and destruction; and
- (b) excluding:
- (i) industrial hemp, and
- (ii) premises used for personal production permitted by federal legislation.
- (42) **Cannabis Retail Sales Use** means premises used for the retail sale of cannabis, cannabis products, or any of its derivatives, such as oils or edible products, to the public.
- (43) **Canopy** means a rigid roofed structure that is connected to and projects outward from a building. A canopy may also include a supporting structure that extends to the ground.

- (44) **Cantilever** means an enclosed portion of an upper floor extending beyond the ground floor façade, including window bays, but excluding balconies and any portion of the building above a recessed pedestrian entrance.
- (45) **Car Wash Use** means premises where motor vehicles are washed within a permanent structure.
- (46) **Casino Use** means premises primarily used for the purpose of playing or operating blackjack, roulette, baccarat, mini-baccarat, keno, video poker, video blackjack, video keno or similar game of chance or a slot machine and is conducted and managed by the Nova Scotia Gaming Corporation as an agent of Her Majesty in right of the Province.
- (47) **Catering Use** means the business of preparing food at one location to be then distributed and consumed at a different location. Catering does not include a restaurant use.
- (48) **Cemetery Use** means land used for the burial of the dead and accessory purposes, such as columbaria and mausoleums, but excludes a crematorium use.
- (49) **Change of Use** means a change in the use of any land, building, or structure, or any combination thereof.
- (50) **Character-Defining Elements** means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.
- (51) **Charter** means the *Halifax Regional Municipality Charter, S.N.S., 2008, c. 39*, as amended.
- (52) **Chemical Storage Facility** means an accessory structure used for the storage of chemicals related to a university and college use or a research and development facility use.
- (53) **Clock Tower** means a structure which vertically extends from a building that contains a large clock at the top.
- (54) **Club Recreation Use** means land or premises operated for recreational purposes, by membership, such as golf courses, country clubs, curling clubs, tennis clubs, lawn bowling clubs, boating clubs, marinas, and equine facilities.
- (55) **Cluster Housing Block** means a specified number of attached cluster housing dwelling units.

- (56) **Cluster Housing Dwelling Unit** means a dwelling unit located on a lot that is in a Cluster Housing (CH) zone, as shown on Schedule 2.
- (57) **Cluster Housing Use** means a non-movable dwelling with an independent pedestrian entrance that may or may not be attached to another cluster housing dwelling on the same lot.
- (58) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, community, event, structure, or site.
- (59) **Commercial Recreation Use** means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, bingo halls, and miniature golf courses, but excludes club recreation uses and community recreation uses.
- (60) **Commercial Use** means any use listed under the “**COMMERCIAL**” heading in Tables 1A, 1B, 1C, and 1D.
- (61) **Commercial Vehicle** means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles or any vehicle designed, maintained, or used primarily for the transportation of property or persons associated with a business, such as a truck, a bus, delivery van or wagon, tractor, truck tractor, trailer, heavy equipment, construction equipment, but does not include a private passenger motor vehicle.
- (62) **Community Recreation Use** means a publicly owned or operated recreation facility, such as a park, recreation centre, pool, skating rink, arena, gymnasium, picnic area, community oven, dog park, playground, splash pad, skateboard park, boating facility and ramps, sports court, field, and trail, but excludes a convention centre use, cultural use, minor spectator venue use, and major spectator venue use.
- (63) **Conservation Use** means a use carried out for the purposes of conserving soils, water, flora, or fauna, such as a wildlife sanctuary.
- (64) **Construction and Demolition (C&D) Materials** means materials that are normally used in the construction of structures, roadways, walls, or hard landscaping or soft landscaping, such as soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles, and metals.
- (65) **Convention Centre Use** means indoor premises that are primarily used for hosting conventions, exhibitions, or other events.

- (66) **Corner Lot** means a lot with contiguous frontage on two or more streets.
(Diagram 27).

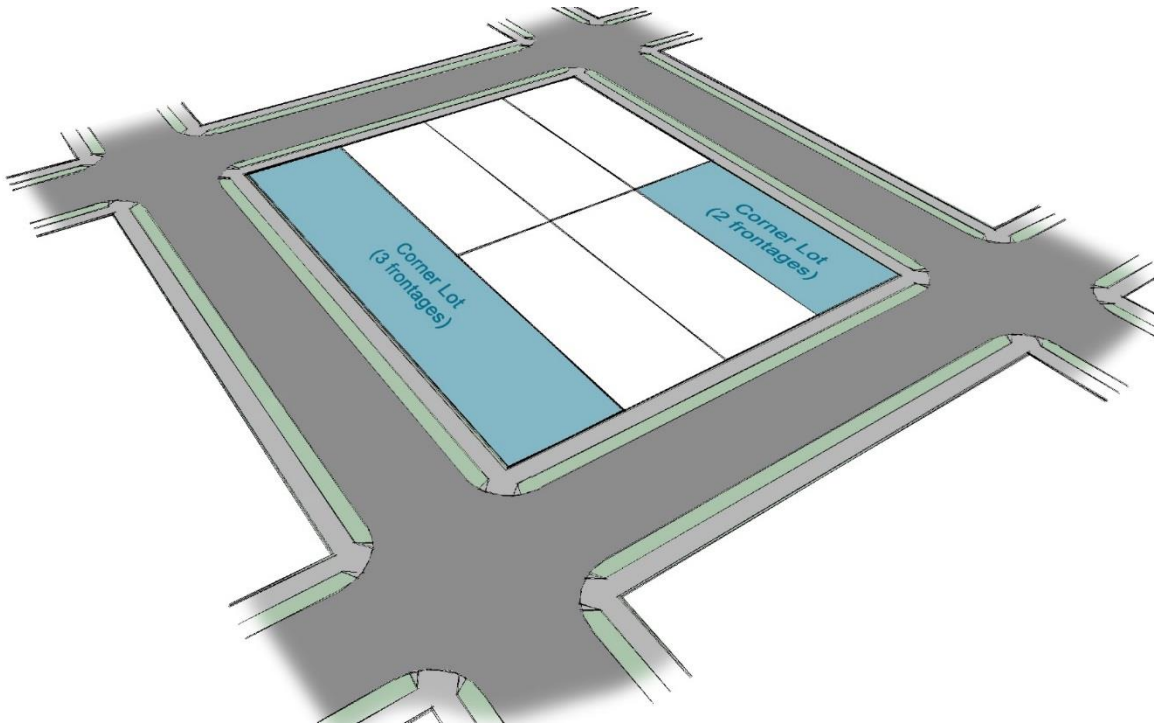


Diagram 27: Corner lot, per Subsection 508(66)

- (67) **Council** means the Council of the Municipality.
- (68) **Crematorium Use** means premises containing apparatus certified, intended, or used for the cremation of human or animal remains.
- (69) **Cruise Ship Terminal Use** means a facility comprising one or more berths, slips, piers, wharves, loading and unloading areas, or buildings used for the boarding and alighting of people between a cruise ship and land. For clarity, a cruise ship terminal use does not include a marina or a boatyard.
- (70) **Cultural Use** means premises with permanent seating of between zero and 500 seats and is used for the production, collection, or presentation of art, films, musical or artistic performances, lectures, materials, or exhibits, including libraries, archives, museums, art galleries, and cultural centres, but excludes a minor spectator venue use, a major spectator venue use, a convention centre use, and a recreation use.
- (71) **Data Storage Centre Use** means premises which contains a large group of networked computer servers that are used by organizations for the remote storage, processing, or distribution of large amounts of data.

- (72) **Daycare Use** means premises in which supervision is provided for individuals during the day. This definition excludes a school use, a hospital use, a small shared housing use, a large shared housing use, and a community recreation use.
- (73) **Dealership Use** means land or premises used primarily for the outdoor display and sale of products, and may include as an accessory use the servicing and repair of the products sold or displayed, such as motor vehicles, recreational vehicles, marine craft, trailers, snowmobiles, snow blowers, all-terrain vehicles, heavy equipment, swimming pools, headstones, decorative fountains, and prefabricated cottages and homes, but excluding a garden centre use.
- (74) **Development** means the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.
- (75) **Development Officer** means a person or persons appointed by Council to administer a land use by-law or subdivision by-law.
- (76) **Drinking Establishment Use** means premises whose primary purpose is serving liquor to the public, and which is licensed under the *Liquor Control Act, S.N.S., 1989, c. 260, as amended.*
- (77) **Drive-Through** means a designated on-site queueing area for motor vehicles and which provides or dispenses products or services using an attendant, window, or automated machine to customers in motor vehicles, but excludes a car wash use.
- (78) **Dwelling Unit** means living quarters that:
- (a) are accessible from a private entrance, either outside the building or in a common area within the building;
 - (b) are occupied or, if unoccupied, are reasonably fit for occupancy;
 - (c) contain kitchen facilities within the unit; and
 - (d) have toilet facilities that are not shared with the occupants of other dwelling units.
- (79) **Educational Farm Use** means a farm that is used as an educational facility for preserving and interpreting the agricultural past, and which may include the keeping of livestock, but which excludes the slaughtering of animals.
- (80) **Emergency Services Use** means premises housing personnel and equipment related to protective or first responder services, such as fire stations, police stations, search and rescue stations, emergency medical stations, and ambulance stations.

- (81) **Enhanced Bicycle Parking** means bicycle parking that accommodates and secures bicycle trailers and cargo bikes.
- (82) **Erect** means excavating ground for a foundation, laying a foundation, constructing, reconstructing, removing, or changing the location or orientation of a building or any part thereof.
- (83) **Façade** means a building wall facing a street, a park, or an outdoor amenity space.
- (84) **Farmers' Market Use** means a market where individual sellers or a cooperative of producers offer items for sale to the public, such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages.
- (85) **Fascia Sign** means a sign that is affixed directly to or painted on an exterior wall of a building (Diagram 33).
- (86) **Financial Institution Use** means premises providing financial or banking services to customers and clients, including banks, trust companies, savings banks, credit unions, and lending establishments.
- (87) **Fitness Centre Use** means indoor premises that are primarily used for the purposes of human fitness, where people use equipment or space for physical exercise, such as health clubs, dance studios, and yoga studios.
- (88) **Flanking Lot Line** means a streetline that is not the front lot line.
- (89) **Flanking Yard** means a yard between any exterior wall of the main building and a flanking lot line, but excludes any area of the lot that is a front yard (Diagram 39).
- (90) **Flat Roof** means a roof with a maximum pitch of 1/12 (rise to run).
- (91) **Floor Area** means the horizontal area of all floors in a building, measured from the interior faces of any exterior or fire walls and including interior staircases, but excluding the following:
- (a) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios;
 - (b) any floor area below a ground floor of a building;
 - (c) elevator shafts;
 - (d) accessory structures;
 - (e) rooftop greenhouses;

- (f) any space open to a floor below; and
 - (g) pedways.
- (92) **Floor Area Ratio (FAR)** means the total floor area of all main buildings within a FAR precinct on a lot, divided by the area of the lot within that FAR precinct.
- (93) **Floor Area Ratio (FAR) Precinct** means the area of a lot to which a single floor area ratio value applies, as shown on Schedule 17.
- (93.5) **Footprint** means the area a building occupies on the ground in between the outermost edges of the exterior walls, including any land over which cantilever portions project above the ground, and excludes eaves that project up to 0.6 metres, unenclosed decks, stairs, and patios.
- (94) **Front Lot Line** means:
- (a) for an interior lot, the streetline;
 - (b) for a corner lot where the streetlines are not of equal length, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines;
 - (c) where a corner lot has streetlines of equal length, any streetline may be deemed to be the front lot line, and the remaining streetlines shall be deemed flanking lot lines;
 - (d) for a through lot, any streetline may be deemed to be the front lot line, and the other streetline shall be deemed a flanking lot line;
 - (e) in the absence of a streetline, where a registered access easement crosses a lot line.
- (95) **Front Yard** means the yard extending across the full lot width, between the front lot line and the nearest exterior wall of any main building on the lot (Diagram 39).
- (96) **Garden Centre Use** means land or premises where retail and wholesale gardening products are sold, which may include a nursery and greenhouses.
- (97) **Gazebo** means a freestanding, roofed accessory structure, which is not enclosed, and which does not contain toilet facilities, a kitchen, or sleeping facilities.
- (98) **Grade-Oriented Premises** means premises on a ground floor of a building that are accessible by pedestrians from an independent entrance that fronts and faces a streetline. A grade-related dwelling unit use may occupy grade-oriented premises.

- (99) **Grade-Related Dwelling Unit Use** means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.
- (100) **Greenhouse** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- (101) **Grocery Store Use** means a retail establishment with at least 200 square metres of floor area that primarily sells food, including the accessory sale of food being prepared on-site, and that may also sell other convenience and household goods, but excluding a farmers' market use.
- (102) **Ground Floor** means, for each streetwall, the first floor level of a main building that faces a streetline or a transportation reserve.
- (103) **Ground Floor Height** means the distance between the floor of a ground floor and the floor directly above.
- (104) **Ground Sign** means a sign affixed to the ground and supported by one or more posts, or other similar means (Diagram 33).
- (105) **Gymnasium** means a building or room designed for indoor sports, exercise, or physical education.
- (106) **Halifax Citadel Rampart Sight Lines** means the rampart sight lines pursuant to Section 411, and as depicted on Schedule 27 of this By-law.
- (107) **Harbour Edge** means the edge of any wharf, dock, quay, pier, or seawall that abuts the Halifax Harbour, or in the absence of any wharf, dock, quay, pier, or seawall, the ordinary high water mark.
- (108) **Hard Landscaping** means an outdoor surface covered by solid or impermeable material, such as outdoor furniture, water fountains, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, wood decking, trees in soil cells, and trees in planters, but excludes parking areas and driving aisles.
- (109) **Heavy Industrial Use** means a use of land that involves:
- (a) the manufacture or processing of products from raw materials, including animal processing;
 - (b) the production or use of flammable, explosive, or hazardous products and materials; or

- (c) the bulk storage of flammable, explosive, or hazardous products and materials.
- (110) **Hedge** means a boundary or barrier formed by closely growing shrubs.
- (111) **Height** means the vertical distance between a structure's average finished grade and the structure's highest point.
- (112) **Height Precinct** means the portion of a lot to which a single height limit applies, as shown on Schedule 15.
- (113) **High-Density Dwelling Use** means a building containing 13 or more dwelling units on the same lot, but excludes a cluster housing use.
- (114) **High-Rise Building** means a main building that:
 - (a) within the DH Zone, exceeds a height of 33.5 metres above the average finished grade; or
 - (b) in all other zones, exceeds a height of 26.0 metres above the average finished grade.
- (115) **Home Occupation Use** means the use of a portion of a dwelling unit or an accessory structure for gainful employment, but excludes a bed and breakfast use, a daycare use, a work-live unit use, and a home office use.
- (116) **Home Office Use** means an office-related activity operated within a dwelling unit that does not regularly require direct in-person contact with clients on the premises, but excludes a home occupation use.
- (117) **Hospital Use** means an institution providing human inpatient health services, including accessory facilities such as laboratories, treatment of patients on an outpatient basis, training facilities, and staff offices, but excludes a large shared housing use and a small shared housing use.
- (118) **Hotel Use** means premises registered as a roofed accommodation in accordance with the *Tourist Accommodations Registration Act*, S.N.S., 2019, c.9, as amended.
- (119) **Incentive or Bonus Zoning** means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements.

- (120) **Incentive or Bonus Zoning Agreement** means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning.
- (121) **Industrial Training Facility Use** means a commercial facility that provides outdoor educational instruction and safety certification relating to industrial apparatus and activities.
- (122) **Industrial Use** means any use listed under the “**INDUSTRIAL**” heading in Tables 1A, 1B, 1C, and 1D.
- (123) **Institutional Use** means any use listed under the “**INSTITUTIONAL**” heading in Tables 1A, 1B, 1C, and 1D.
- (124) **Interior Lot** means a lot with frontage on one street only (Diagram 28).

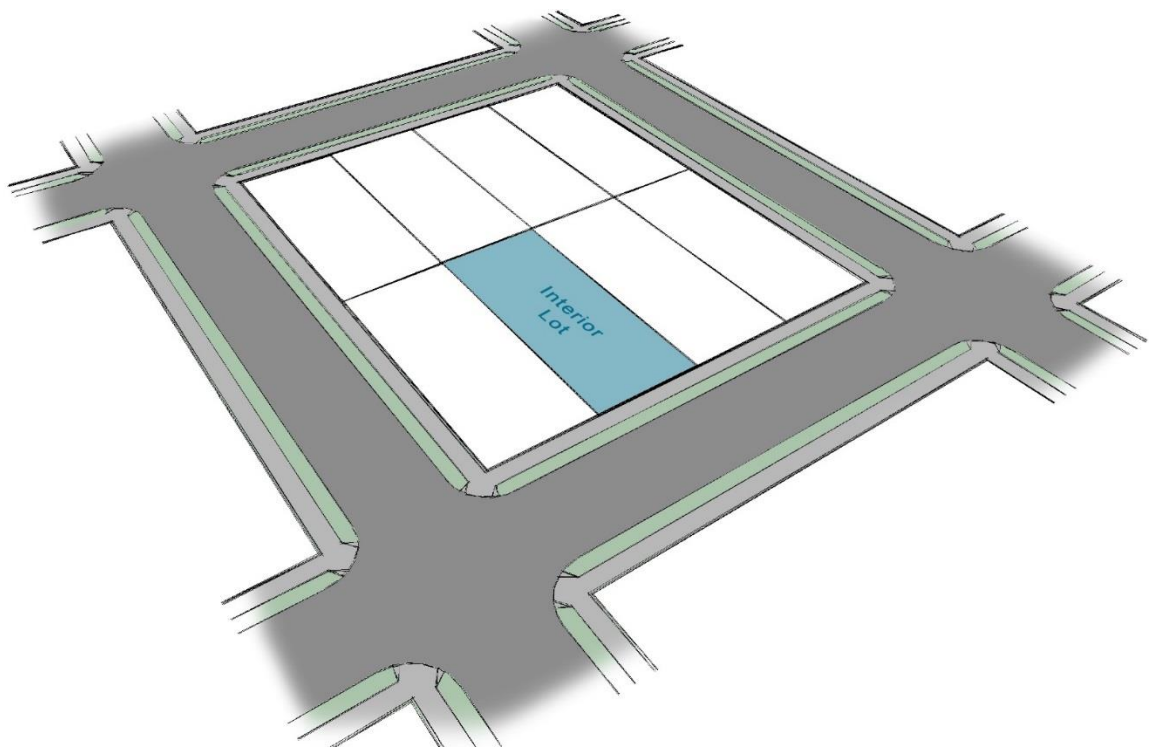


Diagram 28: Interior lot, per Subsection 508(124)

- (125) **Internal Conversion** means the change of use in an existing building that does not increase in the height or volume of the building, but excludes the addition of an exterior staircase.
- (126) **kennel Use** means premises used for:
- (a) the keeping of more than two dogs for the purposes of commercial breeding or sale;

- (b) the overnight boarding of dogs, excluding for veterinary purposes;
 - (c) the commercial training of dogs; or
 - (d) the shelter of stray or abandoned animals.
- (127) **Kitchen** means premises used for food preparation, and shall include a refrigerator, any appliance used to heat food for consumption, and a sink.
- (128) **Landscape Architect** means full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (129) **Large Shared Housing Use** means a shared housing use that contains at least 11 bedrooms.
- (130) **Large Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 300 kW.
- (131) **Library Use** means a building which may contain literary, musical, artistic, or reference materials for the purposes of study, reference, or recreation, and does not include the retailing of such materials.
- (132) **Licensed Professional Planner** means a full member in good standing with the Licensed Professional Planners' Association of Nova Scotia.
- (133) **Light Manufacturing Use** means the processing, fabrication, assembly, treatment, or packaging of products from previously prepared materials, finished products or parts, but does not include the processing of animals.
- (134) **Living Wall** means a vertical support system, affixed to an external wall of a building, where vegetative growth is supported. The vertical support system includes a growth medium, such as soil, substitute substrate, and hydroculture felt, as well as an integrated irrigation and drainage system.
- (135) **Local Commercial Use** means commercial premises that:
- (a) offers goods or products for sale or rent, including food prepared on or off site, but excludes a restaurant use and a grocery store use; or
 - (b) offers personal service uses.
- (136) **Local Drinking Establishment Use** means a drinking establishment use with a customer service area not exceeding 65 square metres. For further clarity, a customer service area does not include washroom areas, or areas that are only accessible by staff, such as a kitchen and storage area.

- (137) **Lot** means a parcel of land that is:
- (a) described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 15th day of April 1987;
 - (b) described in a plan and deed pursuant to the *Land Titles Clarification Act*;
 - (c) approved on a plan of subdivision endorsed and filed in the Provincial Land Registration Office; or
 - (d) created pursuant to Section 278(2) of the *Charter*.
- (138) **Lot Coverage** means the percentage of a lot that is covered by roofed structures that are at least 0.6 metres high, including any area over which a roofed structure projects, but excluding projecting roof eaves that are 0.6 metres or less.
- (139) **Lot Depth** means the distance from the front lot line to the rear lot line, or between the front lot line and the flanking lot line on a through lot (Diagram 29).

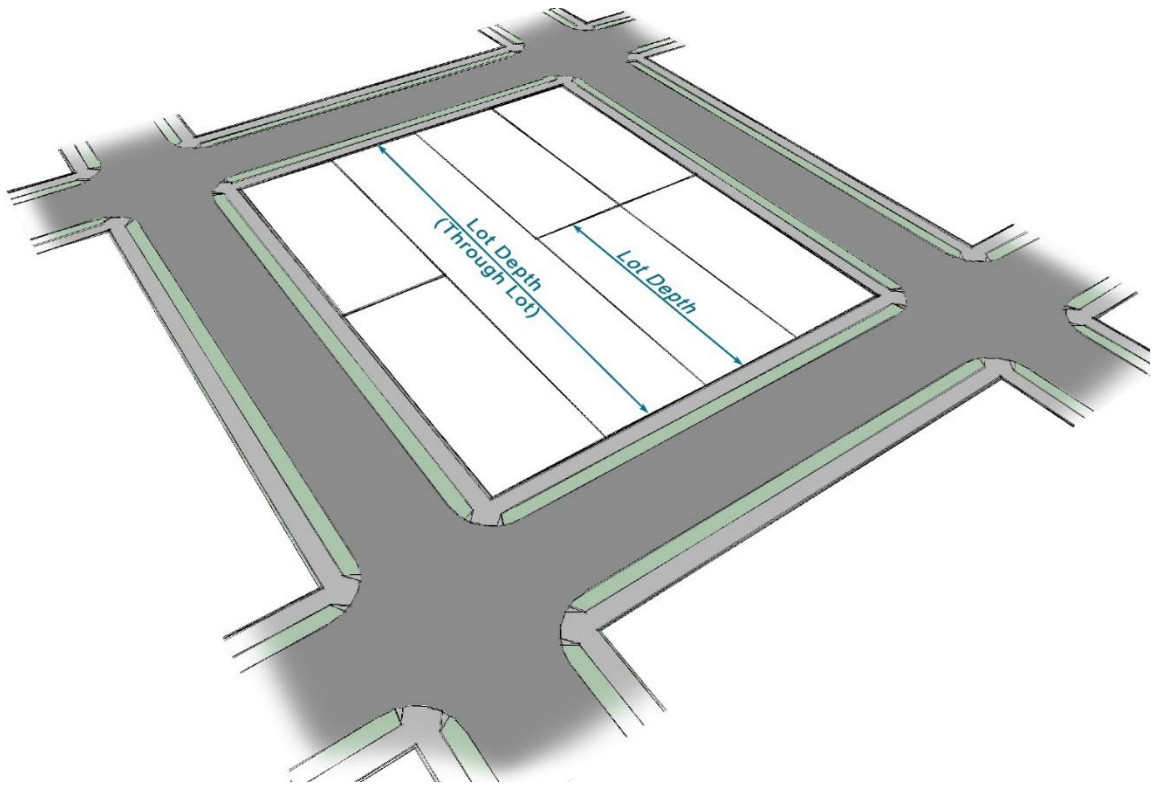


Diagram 29: Lot depth, per Subsection 508(139)

- (140) **Lot Width** means the distance between the side lot lines, side and flanking lot lines, or parallel flanking lot lines, measured at a right angle to the lot depth (Diagram 30).

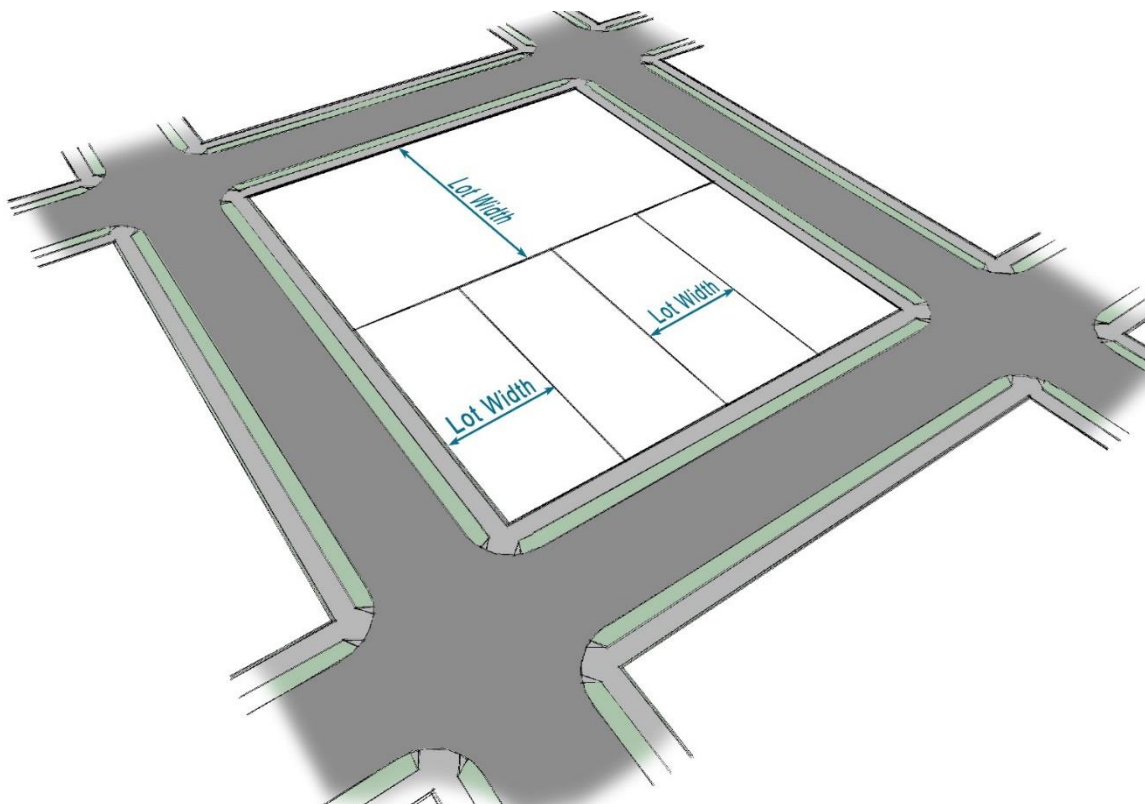


Diagram 30: Lot width, per Subsection 508(140)

- (141) **Low-Density Dwelling Use** means a building that contains no more than three dwelling units on a lot.
- (142) **Low-Rise Building** means a main building that is 11 metres or less in height.
- (143) **Main Building** means a building that contains the primary use on a lot.
- (144) **Major Spectator Venue Use** means premises, with 3,000 or more permanent seats, where people gather for sports and other major events.
- (145) **Makerspace Use** means indoor premises used for the artisanal production of goods in limited quantities. A makerspace use also includes premises where individuals may borrow tools or equipment for the purposes of designing, repairing, prototyping, and constructing objects and products.
- (146) **Marine-Related Use** means a use that is dependent upon access to or use of the Atlantic Ocean, such as tugboat facilities, boat building facilities, ocean research and development, and accessory uses to the foregoing.
- (147) **Massage Parlour** includes premises where a massage, body rub, or similar activity is performed, offered, advertised, or solicited. This definition excludes premises where medical or therapeutic treatment is routinely offered or

performed by a registered physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse.

- (148) **Mechanical Penthouse** means an enclosed rooftop space used for mechanical or shared amenity space purposes.
- (149) **Medical Clinic Use** means premises used for the medical examination and treatment of patients on an outpatient basis, for purposes such as family medicine, primary health care, walk-in clinic, dentistry, optometry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.
- (150) **Medium Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW.
- (151) **Menu-Box Sign** means a sign or sign box that displays or contains a restaurant menu.
- (152) **Mezzanine Space** means an intermediate floor assembly between the floor and ceiling of any room or storey, and includes an interior balcony.
- (153) **Micro-Brewery Use** means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled.
- (154) **Micro-Distillery Use** means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled.
- (155) **Micro Wind Energy Facility** means a wind energy facility consisting of a single turbine, designed to supplement other electricity sources as an accessory use to existing buildings or facilities, and has a total rated capacity of 10 kW or less.
- (156) **Mid-Block Pedestrian Connection** means an unenclosed continuous, unobstructed, direct route between two streets or two public spaces. This could be in the form of walkways, accessways, stairways, and pedestrian bridges, however walkways from a street to a building entrance and portals are not mid-block pedestrian connections.

- (157) **Mid-Rise Building** means a main building that is greater than 11 metres high, but less than 20 metres in height.
- (158) **Minor Building Features** means portions of a building that protrude beyond the exterior wall of a building, such as vents, downspouts, gutters, doorknobs, architectural detailing, sills, cornices, eaves, stovepipes, chimneys, shutters, and mailboxes.
- (159) **Minor Spectator Venue Use** means indoor premises where people gather, with a capacity of more than 500 permanent seats and fewer than 3,000 permanent seats, such as cinemas, theatres, concert halls, auditoriums, and social and cultural gathering places, but excluding convention centre uses, cultural uses, major spectator venue uses, club recreations use, commercial recreation use, and community recreation use.
- (160) **Mobile Home Use** means a prefabricated detached dwelling, designed for transportation on its own chassis and wheels to a site where it is to be occupied as a dwelling, complete and ready for occupancy (except for minor and incidental unpacking or assembly operations). A mobile home shall be considered to be a mobile home whether or not the chassis or wheels are removed. This definition excludes the modular type of prefabricated dwelling where separate units are joined together on site to form the complete dwelling unit. For further clarity, a mobile home use does not include a recreational vehicle.
- (161) **Model Suite Use** means premises used to display a sample dwelling unit that is available for sale or rental in a residential development, approved by the Municipality, and may incorporate sales or rental offices.
- (162) **Monument Use** means a structure that commemorates an event, individual, or group.
- (163) **Motor Vehicle Sharing Space** means a parking space for motor vehicles that is marked and registered for use by a motor vehicle sharing service. The renting organization may be a commercial business, a company, a public agency, a cooperative, or an ad hoc grouping.
- (164) **Multi-Unit Dwelling Use** means a building containing four or more dwelling units, but excludes a cluster housing use.
- (165) **Municipality** means the Halifax Regional Municipality.

- (166) **Nacelle** means the frame and housing at the top of the wind turbine tower that encloses the gearbox and generator.
- (167) **Neighbourhood Sign** means a sign identifying a neighbourhood or district that is erected by the Municipality, which may be erected on the behalf of a neighborhood group or community organization.
- (168) **Not-for-Profit Organization** means:
- (a) a society incorporated pursuant to the *Societies Act, R.S.N.S.1989 c.435*, as amended;
 - (b) a non-profit association incorporated pursuant to the *Co-operative Associations Act, R.S.N.S.1989 c. 98*, as amended;
 - (c) a non-profit association to which the *Co-operative Associations Act* applies;
 - (d) a not-for-profit corporation incorporated pursuant to the *Canada Not-for-profit Corporations Act, S.C. 2009, c. 23*; or
 - (e) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature.
- (169) **Nude** means the showing of human genitals, pubic areas, or buttocks with less than a full opaque covering.
- (170) **Obnoxious Use** means any use that creates a nuisance or is offensive through the creation of noise, vibration, glare, electrical interference, fire, or explosion hazard, or the emission of gas, fumes, dust, smoke, oil, runoff, or objectionable smell.
- (171) **Office Use** means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office use.
- (172) **Off-Street Loading Space** means a dedicated area, located on a lot, that is designed for loading and unloading goods from motor vehicles.
- (173) **Ordinary High Water Mark** means as defined in the Nova Scotia *Land Surveyors Regulations*.
- (174) **Owner** means the owner of lot, which includes:
- (a) a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of land or a building;
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a

- mortgagee in possession, or a person having the care or control of the land or building;
- (c) a person who occupies shores, beaches, or shoals; or
 - (d) in the absence of proof to the contrary, the person assessed for the lot.
- (175) **Parking Lot** means a surface parking area, not contained within a structure, for five or more motor vehicles.
- (176) **Parking Structure** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use.
- (177) **Park Use** means land that is owned or operated by a government entity and primarily used for outdoor recreational purposes, either active or passive, but does not include commercial recreation uses. A park use may include land and buildings for uses that are accessory to the park use or uses associated with government or not-for-profit organizations.
- (178) **Patio** means an uncovered flat surfaced area that is 0.6 metres or less of the finished grade.
- (179) **Pawn Shop Use** means premises where a person may give, pledge, or deposit goods as security in return for a payment or loan, but excludes financial institution uses.
- (180) **Pedestrian Pathway**, for the purposes of Section 455, means an at-grade pathway system that:
- (a) is intended for the safe movement of pedestrians;
 - (b) does not meet the definition of a street under this By-law; and
 - (c) does not meet the definition of a walkway under the *Regional Subdivision By-law*.
- (181) **Pedway** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic.
- (182) **Permanent Seating** means seats or benches that are affixed in place to the ground or a floor of a structure.
- (183) **Personal Service Use** means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, tutoring, depots for collecting dry cleaning and laundry, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, funeral homes, and the

retail sale of products accessory to any service provided. Veterinary facilities, kennel uses, pet daycare uses, and crematorium uses are not considered a personal service use.

- (184) **Pet Daycare Use** means premises where the daytime boarding and care of pets occurs, but excludes overnight boarding and a kennel use.
- (185) **Playground** means a landscaped area that contains play equipment, such as swings, slides, sandboxes, and jungle gyms.
- (186) **Portal** means an at-grade opening in a streetwall that provides a passage through the building to an unenclosed portion of the lot. A portal may be used for vehicular or pedestrian access, but is not a recessed pedestrian entrance.
- (187) **Portico** means an open space lined with columns, and covered by a roof, serving as a porch or transition space before the entrance to a building.
- (188) **Premises** means a structure or portions of a structure occupied by a use.
- (189) **Processing of Urban Agricultural Products** means activities associated with the chopping, packaging, pickling, or preserving of urban agricultural products.
- (190) **Professional Artist** means an artist who:
- (a) has proven, specialized training in an artistic field;
 - (b) is recognized as a professional by their peers who are working in the same artistic tradition; and
 - (c) has a history of public presentation or publication.
- (191) **Professional Engineer** means an individual licensed by, and in good standing with, the Association of Professional Engineers of Nova Scotia.
- (192) **Projecting Sign** means a sign that (Diagram 33):
- (a) projects horizontally from a supporting wall; or
 - (b) is attached to the underside of a building or canopy.
- (193) **Public Art** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excluding any corporate insignia.
- (194) **Public Building Use** means any municipal, provincial, or federal government-owned building and includes any building owned by a corporation, board,

commission, or other authority of the municipality, provincial government, or federal government.

- (195) **Quick Charging Station Use** means infrastructure used for the rapid charging of electrical vehicles.
- (196) **Quonset Hut** means a corrugated metal building with a wall that is not vertical, where the roof meets the foundation (Diagram 31).

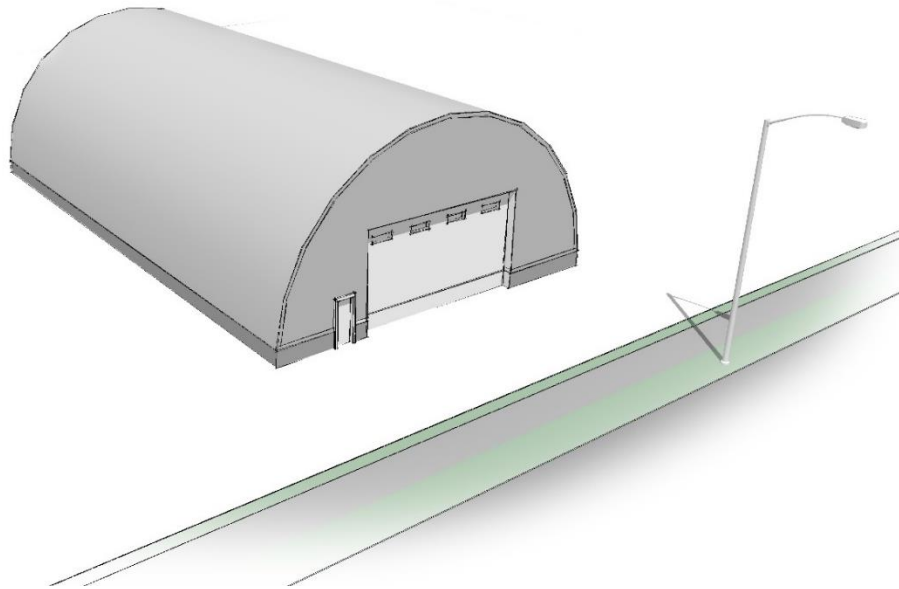


Diagram 31: Quonset Hut, per Subsection 508(196)

- (197) **Rear Lot Line** means the lot line farthest from or opposite to the front lot line, and which is not a flanking lot line.
- (198) **Rear Yard** means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main building on the lot, excluding any area of the lot that is a flanking yard, as shown on Diagrams 38 and 39.
- (199) **Recessed Pedestrian Entrance** means a doorway that is recessed from the ground floor portion of the streetwall, but is not a portal.
- (200) **Recreational Vehicle** means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, that either has its own motive power or is mounted on or drawn by another vehicle.
- (201) **Recycling Depot Use** means a collection site for materials in a municipal or provincial recycling program that is licensed by the Province, but excludes a scrapyard or salvage use.

- (202) **Registered Canadian Charitable Organization** means a charitable organization registered pursuant to the *Income Tax Act (Canada)* and the regulations made pursuant to that Act.
- (203) **Registered Heritage Building** means a building on a registered heritage property that:
- (a) has been registered pursuant to the *Heritage Property Act*; and
 - (b) contributes to the character-defining elements on the registered heritage property.
- (204) **Registered Heritage Property** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.
- (205) **Religious Institution Use** means a place of worship or of religious gathering, including accessory uses that are on-site, such as a rectory, a convent, a private school, a meeting hall, offices for administration of the institution, a daycare use, and a shelter use.
- (206) **Research and Development Facility Use** means premises used for scientific or technical research, analysis, experimentation, or prototyping, which may include laboratories, workshops, or an accessory chemical storage facility, but does not involve the manufacturing or processing of products for the purpose of retailing or wholesaling.
- (207) **Residential Penthouse** means an enclosed rooftop space used for human habitation.
- (208) **Residential Use** means any use listed under the “**RESIDENTIAL**” heading in Tables 1A, 1B, 1C, and 1D.
- (209) **Restaurant Use** means premises, excluding catering, whose primary purpose is to prepare, serve, and sell food and non-alcoholic beverages for consumption on or off the premises. A restaurant use may be licensed to serve alcoholic beverages, but this shall be incidental to the primary business.
- (210) **Retail Use** means premises used for the selling or renting of merchandise, including second-hand goods, directly to consumers. Retail uses may also include the servicing and repair of items like those being sold.
- (211) **Roof** means the portion of a structure forming the upper covering of that structure.

- (212) **Roof Slab** means a thick plate of concrete supported by beams or columns that provides a flat surface at the top of the structure.
- (213) **Salvage Use** means the collection, storage, and sale of waste materials. The collecting, dismantling, storage, salvaging, or sale of parts associated with motor vehicles, not in running condition, are considered salvage uses. For clarity an impounding yard is not considered a salvage yard.
- (214) **School Use** means a public or private institution of learning for grades pre-primary to twelve.
- (215) **Secondary Suite Use** means a self-contained subordinate dwelling unit within a main dwelling unit.
- (216) **Self-Storage Facility Use** means premises in one building or a group of buildings that contain individually rented storage units.
- (217) **Semi-Detached Dwelling Use** means two dwelling units, where each is located on an individual lot, but joined along a single lot line.
- (218) **Service Access** means an exterior entrance to a building for accessing utilities, off-street loading spaces, garbage collection areas, or storage areas.
- (219) **Service Station Use** means premises used primarily for:
- (a) the retailing of motor vehicle fuels, lubricants, motor vehicle accessories;
or
 - (b) the electric charging of motor vehicles; and
- may also include an accessory car wash use.
- (220) **Service Use** means a business whose primary function is call-out or dispatch work, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, landscapers, and taxis.
- (221) **Setback** means a required distance to a specified lot line or a transportation reserve boundary from an exterior wall of a building or a use at, above, or below grade (Diagram 32).

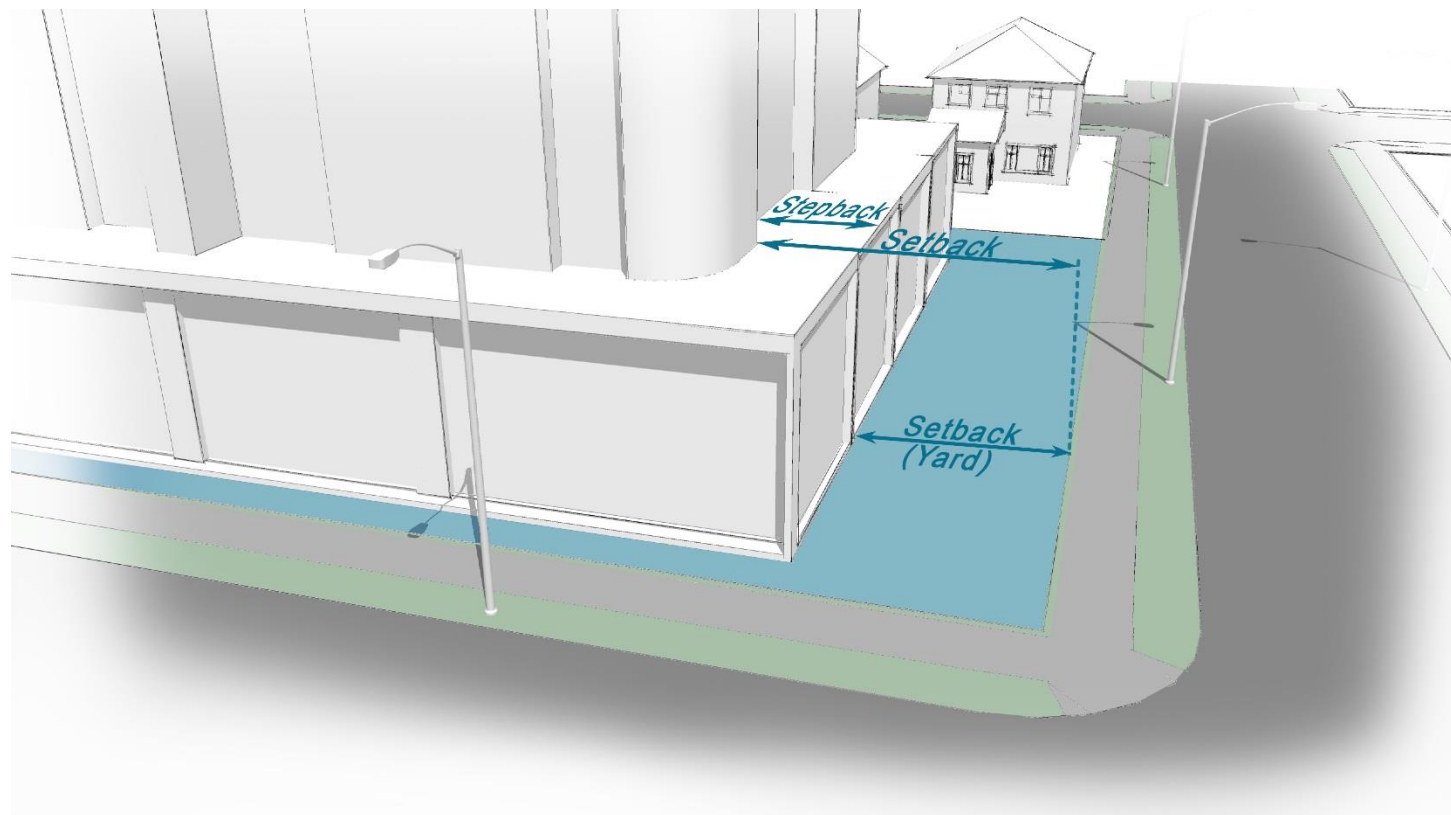


Diagram 32: Setback and stepback, per Subsections 508(221) and 508(237)

(222) **Shared Housing Use** means a dwelling unit that contains 4 or more bedrooms that meets one or more of the following:

- (a) are rented for remuneration as separate units for residential accommodation;
- (b) provide nursing, supervisory, or personal care for the occupants of the dwelling unit;
- (c) are licensed under the *Homes for Special Care Act*; or
- (d) are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the dwelling unit.

A shared housing use does not include a multi-unit dwelling use, a bed and breakfast use, or a hotel use, as defined under this By-law, or a short-term rental, motel, or any other tourist accommodation, as defined under the *Tourist Accommodation Registration Act*.

(223) **Shelter Use** means premises providing an individual with overnight sleeping accommodations, free of charge.

- (224) **Shipping Container** means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck.
- (225) **Shrub** means a woody plant that has several main stems arising at or near the ground.
- (226) **Side Lot Line** means a lot line that is not a front, flanking, or rear lot line.
- (227) **Side Yard** means a yard between the front yard and the rear yard, and between the side lot line and the nearest exterior wall of any main building on the lot (Diagrams 38 and 39).
- (228) **Sign** means any structure designed or intended to convey information using words, images, symbols, pictures, logos, or any combination thereof, for the purpose of providing direction, information, identification, advertisement, business promotion, or the promotion of a product, activity, service, or idea. For further clarity, decorations or festival signage are not considered a sign.

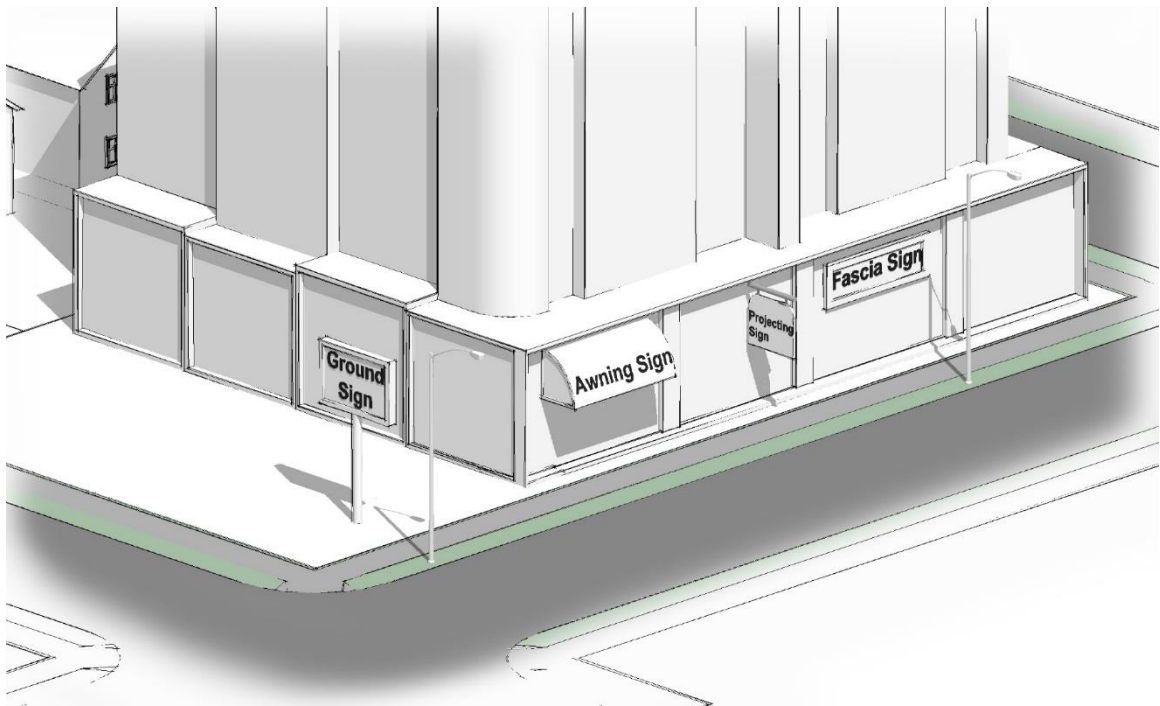


Diagram 33: Awning sign, fascia sign, ground sign, and projecting sign, per Subsections 508(22), 508(85), 508(104), and 508(192)

- (229) **Sign Area** means the area or portion of a sign, including internal holes or vacant spaces, upon which the advertising message is displayed, including those portions used for outlines or borders. Where letters, logos, or images are

mounted or hung without backing, the area shall be determined based on the smallest geometric shape which contains the entire advertising message.

- (230) **Sign Height** means the vertical distance of a sign between the lowest point of grade adjacent or below the sign and the highest point of the sign.
- (231) **Single-Unit Dwelling Use** means a detached building containing one dwelling unit.
- (232) **Small Shared Housing Use** means a shared housing use that contains at least 4 and no more than 10 bedrooms.
- (233) **Small Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW.
- (234) **Soft Landscaping** means covered by water-permeable material or vegetation, such as trees, hedges, shrubs, flowers, grass, mulch, fruit and vegetable plants, sod, planter boxes, or another vegetative groundcover. A water feature, excluding a swimming pool, hot tub, or a water fountain, is considered soft landscaping.
- (235) **Solar Collector** means a system designed to collect solar radiation and convert it to useable forms of energy, such as photovoltaic and solar thermal systems. This definition excludes windows, unless the windows are treated with a photovoltaic film.
- (236) **Solid Waste Management Area** means an area of a building or a lot used for the separation and storage of waste streams.
- (237) **Stepback** means a horizontal recess that breaks the vertical plane of an exterior wall on a main building (Diagram 32).
- (238) **Storage Yard Use** means the storage of equipment, merchandise, inventory, products, or materials outside a building that are not available for immediate sale, but excludes dealership uses and salvage uses.
- (239) **Storey** means a portion of building between a floor and another floor, or a floor and a ceiling. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is at least 2.0 metres above the streetline grade.
- (240) **Street** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge and square, and the curbs, gutters, culverts, and retaining walls in connection

therewith. For additional clarity, a municipally approved private road shall also be considered a street under this By-law.

(241) **Streetline** means any lot line dividing a lot from a street or private road.

(242) **Streetline Grade** means the elevation of a streetline at a midpoint of a streetwall. Separate streetline grades are determined for the midpoint of each streetwall segment that is greater than 8.0 metres wide, or a part thereof (Diagram 34).

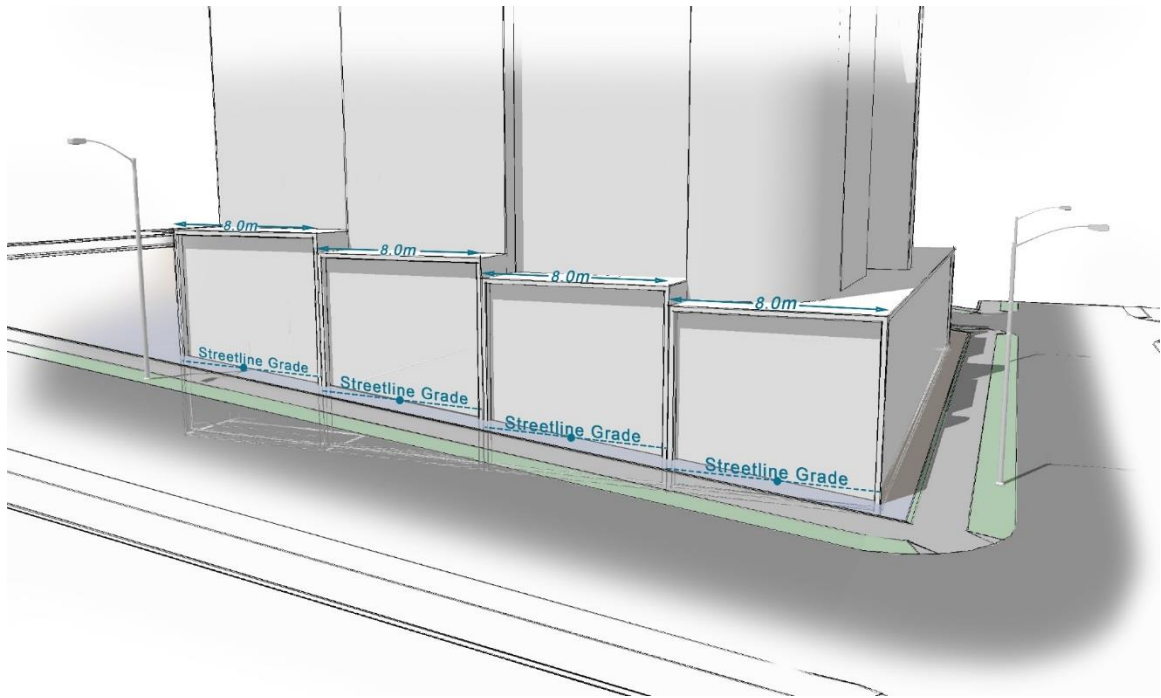


Diagram 34: Streetline grade, per Subsection 508(242)

(243) **Streetwall** means the wall of a building, or the portion of a wall of a building, facing the streetline of a street, below the height of a specified setback. Where no specified setback is required, the streetwall is the wall facing the streetline or the waterfront view corridor.

(244) **Streetwall Height** means the vertical distance between:

- (a) the streetline grade and the top of the streetwall, extending across the width of the streetwall (Diagram 35);
- (b) where a municipal or provincial transportation or utility easement abuts the streetline and extends the full lot width, the grade at the edge of the easement that is located farthest from the streetline and the top of the streetwall, extending across the width of the streetwall; or

- (c) the grade along the edge of the waterfront view corridor and the top of the streetwall, extending across the width of the streetwall (Diagram 35).

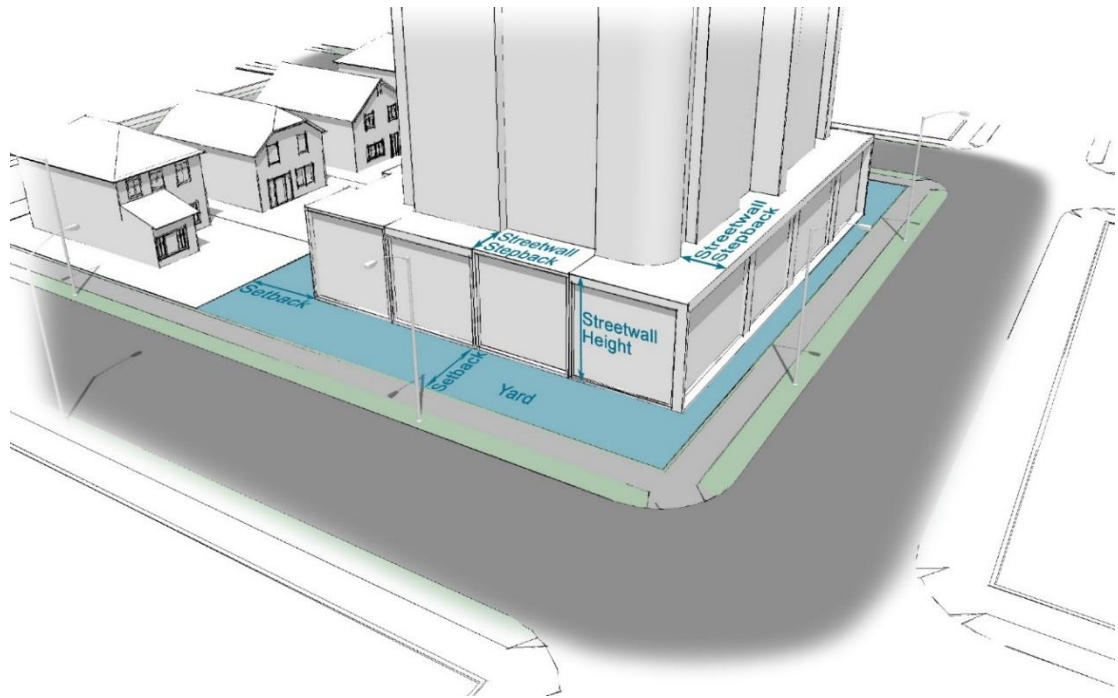


Diagram 35: Streetwall height and streetwall setback, per Subsections 508(244) and 508(245)

- (245) **Streetwall Stepback** means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram 30).
- (246) **Structure** means everything that is erected, built, or constructed of parts joined together, and includes a building.
- (247) **Studio Use** means the commercial use of space for artistic or artisanal purposes, with or without instruction, but excludes any school use, college or university use, religious institution use, cultural use, personal service use, or home occupation use.
- (248) **Surveyor** means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.
- (249) **Tall Mid-Rise Building** means a main building that is greater than 20.0 metres high but not higher than 26.0 metres in height.
- (250) **Temporary Construction Use** means a use, which in the opinion of the Development Officer, is of limited duration and accessory to development, such as:
- (a) work camps;

- (b) construction camps;
- (c) rock crushers;
- (d) sales or rental offices;
- (e) on-site construction management office;
- (f) tool or maintenance sheds; and
- (g) shipping containers that serve as one of the foregoing.

(251) **Temporary Use** means a use:

- (a) that is:
 - (i) associated with a holiday or special event, or
 - (ii) accessory to a permitted main use;
- (b) and is:
 - (i) 180 cumulative days or less in duration within any one calendar year for those lands within the Dartmouth Waterfront (DW) Special Area or the Halifax Waterfront (HW) Special Area, as shown on Schedules 3A and 3B respectively, or
 - (ii) in all other cases, is 90 cumulative days or less in duration within any one calendar year; and
- (c) excludes a temporary construction use.

(252) **Three-Unit Dwelling Use** means a building containing three dwelling units on the same lot, but excludes a cluster housing use.

(253) **Through Lot** means a lot with frontage on two or more streets, where frontages are not contiguous (Diagram 36).

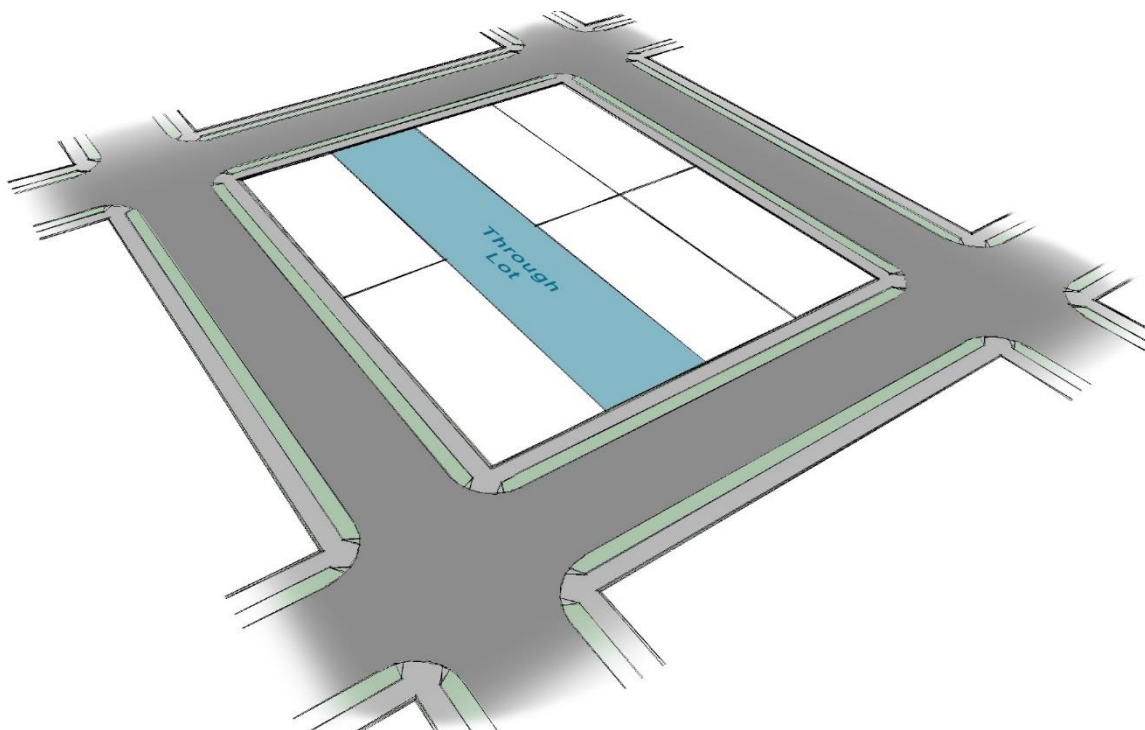


Diagram 36: Through lot, per Subsection 508(253)

- (254) **Total Rated Capacity** means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility.
- (255) **Tower Portion** means the portion of a high-rise building that:
- (a) within the DH Zone, exceeds a height of 33.5 metres above the average finished grade; or
 - (b) in all other zones, is located above the height of the streetwall.
- (256) **Townhouse Block** means a specified number of attached townhouse dwelling units permitted to form a group of townhouses, constructed in a row.
- (257) **Townhouse Dwelling Use** means a building that is divided vertically into three or more dwelling units, where each unit is located on a separate lot, and each unit has an independent pedestrian entrance.
- (258) **Transportation Facility Use** means public or private transit facilities, bus stations, ferry terminals, and train stations, excluding storage yards and maintenance facilities.
- (259) **Turret** means a small projecting tower at the corner of a building, or above the roof of a larger tower, which is either circular or octagonal in plan view.

- (260) **Two-Unit Dwelling Use** means a building containing two dwelling units on the same lot, but excludes a cluster housing use.
- (261) **University or College Use** means a post-secondary institution that awards individuals with academic degrees, diplomas, or certificates in various disciplines, such as universities, community colleges, trade schools, career colleges, language schools, and culinary schools.
- (262) **Urban Agriculture Use** means any use listed under the “**URBAN AGRICULTURE**” heading in Tables 1A, 1B, 1C, and 1D.
- (263) **Urban Farm Use** means:
- (a) the keeping of bees as an accessory use;
 - (b) the keeping of egg-laying chickens as an accessory use; or
 - (c) the harvesting of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- undertaken by an owner, a community organization, or a commercial operator, including a community garden.
- (264) **Use** means:
- (a) the purpose for which a structure or land is used or occupied, or intended to be or designed to be used or occupied; or
 - (b) the conduct of an activity, or the performance of a function or operation, on a lot or in a structure.
- (265) **Used Building Material Retail Outlet** means a building or part of a building where construction and demolition (C&D) materials are sorted and available for sale, with incidental and minimal alteration of the materials.
- (266) **Utility Use** means structures, equipment, or materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use.
- (267) **Variable Message Sign** means any advertising display that is capable of displaying digital content, projected content, or automatically changing content.
- (268) **Variance** means a variance under Sections 250 to 252 of the *Charter*.
- (269) **Variation** means the modification of a requirement of this By-law.

- (270) **Veterinary Facility Use** means indoor premises designed or used for the care, observation, and treatment of ill or injured animals.
- (271) **View Line** means the view from the street to a view terminus site.
- (272) **View Plane** means a view cast in a perspective projection that is tied to a geographic location.
- (273) **Warehousing Use** means a building or part of a building used for the storage or the wholesale and distribution of manufactured products, supplies, or equipment, but excludes a wholesale food production use.
- (274) **Water Access Structure Use** means any structure connected to the shore that provides berthing for water-based vessels, including a dock and wharf.
- (275) **Watercourse** means a lake, river, stream, ocean, or other natural body of water.
- (276) **Water Lot** means any lot or portion of a lot located on a lake or on the Halifax Harbour, the title of which is separately conveyable, and that is normally fully or partly submerged under water.
- (277) **Wholesale Food Production Use** means premises used for baking, preparing, processing, distributing, and wholesaling food products, but where over-the-counter or other retailing of food products is limited to an accessory retail outlet, and which excludes a catering use, a restaurant use, and the slaughtering of animals.
- (278) **Wholesale Use** means premises where merchandise is sold or distributed to retailers, industrial, commercial, or institutional users, or other wholesalers.
- (279) **Wind Energy Facility** means a wind energy conversion system to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure, and transmission lines.
- (280) **Wind Turbine** means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- (281) **Wind Turbine Tower Height** means the distance measured from the average finished grade of a wind turbine tower to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation. In the case of a roof-mounted wind turbine, the distance measured from the

building's average finished grade to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation (Diagram 37).

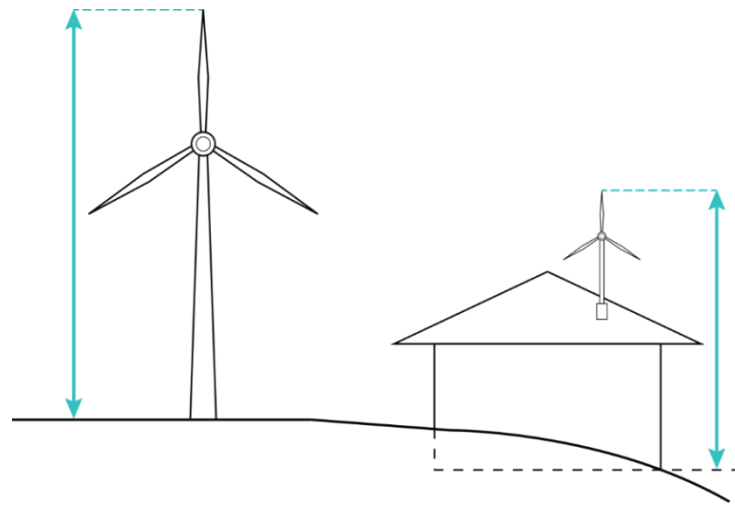


Diagram 37: Wind Turbine Tower height, per Subsection 508(281)

- (282) **Work-Live Unit Use** means premises that contains both a dwelling unit and a permitted commercial use or institutional use, but excludes a home occupation use or a home office use.
- (283) **Yard** means an open area at ground level that is uncovered by any main building, except those structural and building features permitted in Section 92.

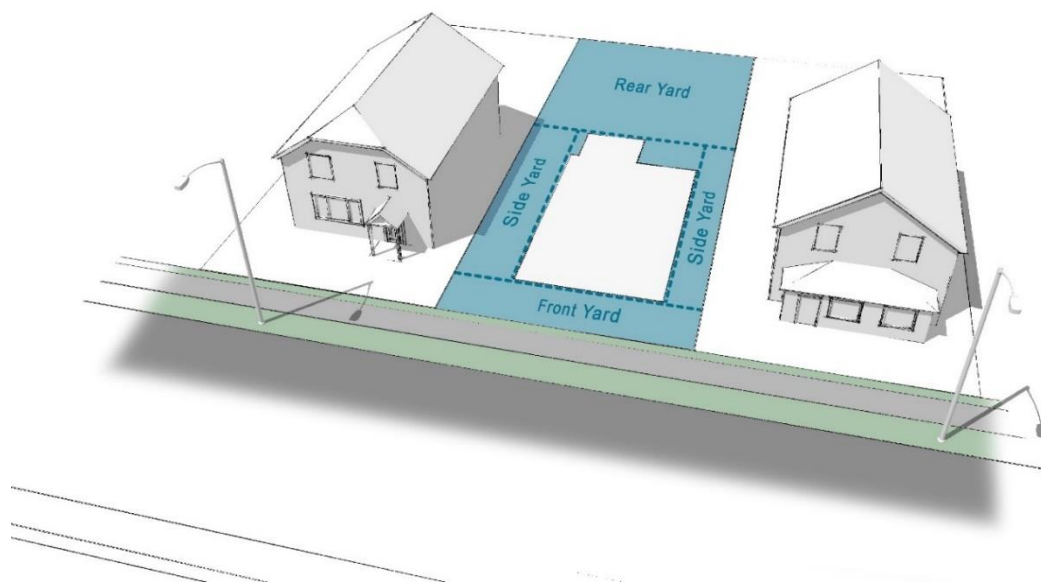


Diagram 38: Front yard, side yard, and rear yard, per Subsections 508(95), 508(198), and 508(227)

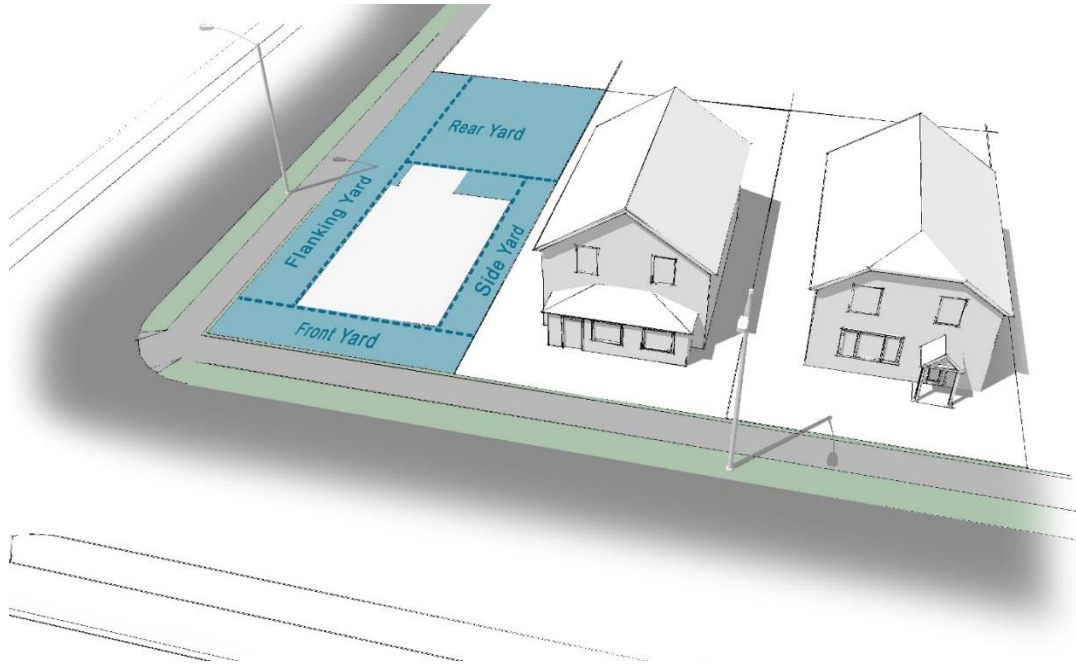


Diagram 39: Front yard, flanking yard, side yard, and rear yard, per Subsection 508(89), 508(95), 508(198), and 508(227).

(284) **Zone** means any area identified on Schedule 2.

APPENDICES

Appendix 1: Pedestrian Wind Impact Assessment Protocol and Performance Standards

Background

This protocol provides guidance for the preparation and review of pedestrian wind impact assessments, including detailed assessment methodologies, local wind climate data, wind comfort, and safety performance standards, as well as wind mitigation measures. It is intended to ensure enhanced consistency and accountability in the development approval process.

Buildings taller than their immediate surroundings are exposed to stronger winds at higher elevations. These winds can be redirected down by building walls and can subsequently accelerate around exposed building corners and along the gaps between buildings, resulting in high wind activity in pedestrian areas (Diagram A1-1).

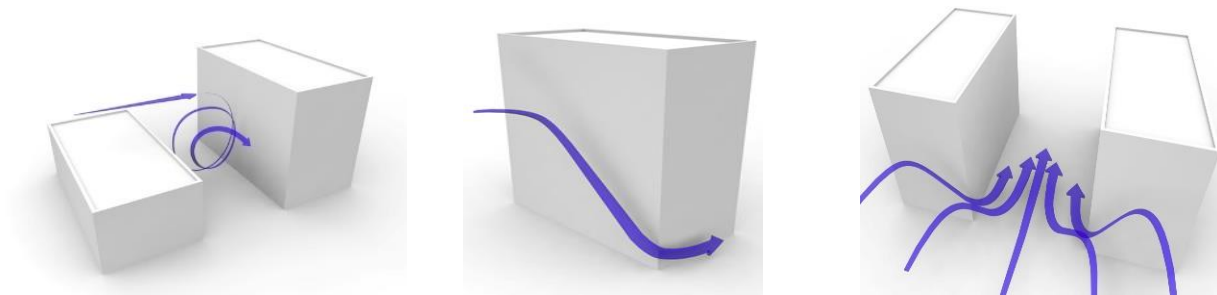


Diagram A1-1: Typical wind flow patterns around buildings

Increased wind speeds may affect pedestrian comfort and safety on and around a proposed development and, therefore, a project's success. The potential wind impact can be assessed through an experience-based review, computer simulations, and wind tunnel testing. If a negative wind impact is predicted, mitigation strategies shall be developed, as required by the *Regional Centre Secondary Municipal Planning Strategy*.

Quantitative and Qualitative Assessments

When an application is made for a new building or an addition to an existing building higher than 20.0 metres, a pedestrian wind impact assessment shall be conducted. Table A1-1 shall be used as a guide in the determination of an appropriate assessment approach for the proposed development.

A qualitative assessment of wind conditions, including a letter of opinion and a desktop analysis, is largely based on wind consultants' knowledge of wind flows around buildings, local wind climate, and experience with wind tunnel tests on similar building projects in the Halifax

Regional Municipality. A desktop analysis may involve using numerical tools to predict wind conditions around simplified building forms. It may also use Computational Fluid Dynamics (CFD) software to visualize the flow patterns for select (or all) wind directions (Diagram A1-2a). While the CFD technique is increasingly popular for evaluating design options and visualizing flow patterns around building massings, it is still considered a qualitative tool that is not sufficiently advanced to replace wind tunnel testing. Even the most sophisticated CFD software has difficulty predicting turbulence and gust speeds that directly relate to wind safety. Currently, only wind tunnel testing can provide quantitative predictions of wind speeds and exceedance frequencies.

Wind Tunnel Testing

Wind tunnel testing shall be conducted in a boundary-layer wind tunnel where wind and turbulence profiles are adequately simulated for 36 wind directions. Wind tunnel models are typically built at a 1:300 or 1:400 scale, with the study building at the centre and surrounded by existing buildings (including buildings under construction) and topography (e.g., the Halifax Citadel and Halifax Harbour) for a radius of at least 350 metres (Diagram A1-2b). Both mean and gust wind speeds shall be measured at a height of 1.5 metres above the grade at the location where the measurement is to be undertaken, for both the existing and proposed site configurations. Comparisons of wind conditions with and without the proposed development in place provide a true assessment of the wind impact. Testing of an additional (future) site configuration may be warranted if there are approved or proposed major developments in the surrounding area that may change the local wind conditions. If uncomfortable or unsafe wind conditions are identified in key pedestrian areas, mitigation configuration(s) shall also be included in wind tunnel testing to demonstrate the effectiveness of any proposed wind control solutions.

Measurement locations shall cover key pedestrian areas on the development site and around the adjacent street blocks, typically including building entrances, sidewalks/walkways, bus stops, outdoor restaurant uses, parks, playgrounds, roof terraces, and so on. The wind tunnel results shall report wind speeds and exceedance frequencies at all test locations and shall be presented in both tabular and graphic forms for all test configurations.

Table A1-1: Assessment Approach According to the Proposed Building Height

Proposed building height	Assessment approach
20 to 40 metres, with the same or taller surroundings	An experience-based letter of opinion sufficient to: (a) identify any building design issues; and (b) provide conceptual solutions for wind control, where needed.
20 to 40 metres, with lower surroundings	(a) For a qualitative assessment and to provide wind mitigation strategies, an experience-based desktop analysis using numerical tools, including CFD (if appropriate); and (b) A quantitative assessment in a wind tunnel may be required in some cases involving multiple buildings, located at a waterfront or hilltop location, or including special pedestrian uses.
> 40 metres	A quantitative wind tunnel assessment using physical scale-modelling in a boundary-layer wind tunnel, to predict and assess potential wind conditions and, if needed, develop and confirm the effectiveness of wind mitigation measures.

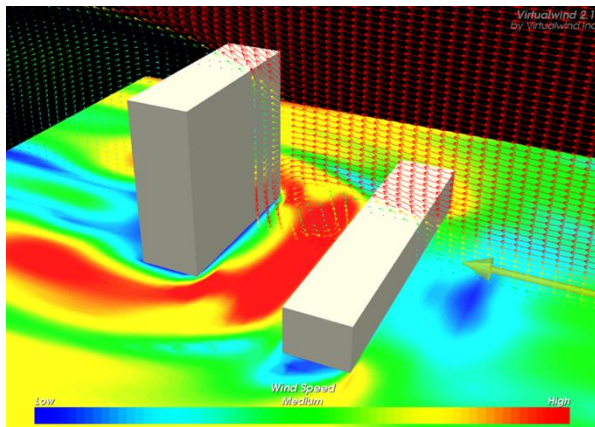


Diagram A1-2a: An example of computer simulation (CFD) of wind flows around buildings



Diagram A1-2b: Photo of modelled buildings in a boundary-layer wind tunnel

The assessment of pedestrian-level wind conditions should be conducted as early as possible, when building massing can still easily be altered for wind control, if necessary.

Local Wind Climate Data

Long-term data from Shearwater Airport (Diagram A1-3) shall be used as a reference for the wind assessment of projects in the Halifax Regional Municipality. The data shall be grouped into two seasons: summer (May to October) and winter (November to April), to account for the distinct differences in pedestrian outdoor activity during these two periods.

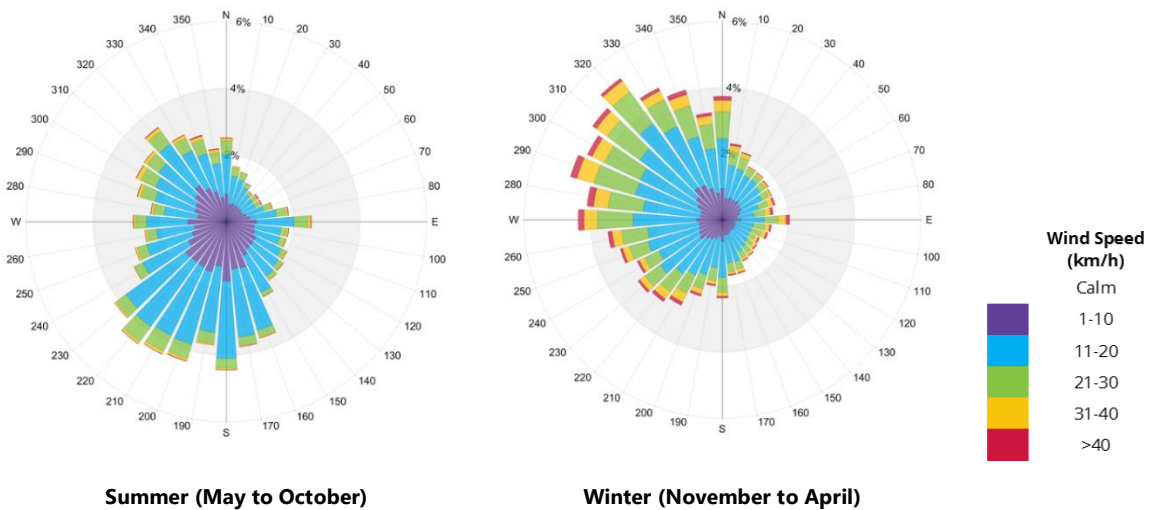


Diagram A1-3: Seasonal distribution of winds approaching Shearwater Airport (1988–2017)

To obtain full-scale wind speeds and exceedance frequencies, wind data measured at the airport over the latest 30 years (or longer) shall be converted to a reference height above the study site and combined with the wind speeds predicted by wind tunnel testing or desktop analysis.

Wind Comfort and Safety Performance Standards

Predicted wind speeds and frequencies shall be compared to the following wind comfort and safety performance standards (Table A1-2). Wind comfort may be affected by both mean and gust speeds, and their combined effect shall be quantified as a Gust Equivalent Mean (GEM), while only gust speeds need to be considered for the wind safety performance standard.

Table A1-2: Wind Comfort and Safety Performance Standards

Comfort category	GEM speed	Description
Sitting	< 10 km/h	Calm or light breezes suitable for outdoor restaurant uses, seating areas, and other amenities
Standing	< 14 km/h	Gentle breezes suitable for main building entrances and bus stops where pedestrians may linger
Strolling	< 17 km/h	Moderate winds appropriate for window shopping and strolling along a downtown street, or park
Walking	< 20 km/h	Relatively high speeds that can be tolerated if one's objective is to walk, run, or cycle without lingering
Uncomfortable	≥ 20 km/h	Strong winds unacceptable for all pedestrian activities; wind mitigation is typically required
<p>Notes:</p> <p>(1) GEM speed = mean speed or (gust speed ÷ 1.85), whichever is higher.</p> <p>(2) GEM speeds above are based on a seasonal exceedance of 20% of the time between 6:00 and 23:00. Hours between 23:00 and 6:00 are excluded from the wind comfort analysis because night time usage of outdoor spaces is anticipated to be limited during these hours.</p>		

Safety performance standard	Gust speed	Description
Exceeded	> 90 km/h	Excessive gust speeds that can adversely affect a pedestrian's balance and footing. Wind mitigation is required.
<p>Notes:</p> <p>(3) Based on an annual exceedance of 9 hours or 0.1% of the time for 24 hours a day.</p>		

Some exceptions may be permitted in the application of these wind performance standards. For instance, higher-than-desired wind speeds at outdoor seating areas and building entrances may be acceptable in winter months, due to reduced pedestrian usage, and for areas to which access can readily be controlled during adverse weather conditions.

No wind mitigation is required for existing uncomfortable or unsafe conditions that are not made worse by the proposed development.

Mitigation Strategies

Wind mitigation may be required for areas where wind conditions are uncomfortable or unsuitable for an intended pedestrian use. Where a proposed development worsens an existing wind condition, wind mitigation shall be required where the wind condition is predicted to be unsafe. The most effective wind control measures involve adjustments to the building early in the design process (e.g., massing, shape, and orientation changes) that respond to the local wind climate. These can be assisted by tower setbacks, large podiums, tower shapes, corner articulations, colonnades/arcades, and so on, as illustrated by photos in Diagram A1-4.

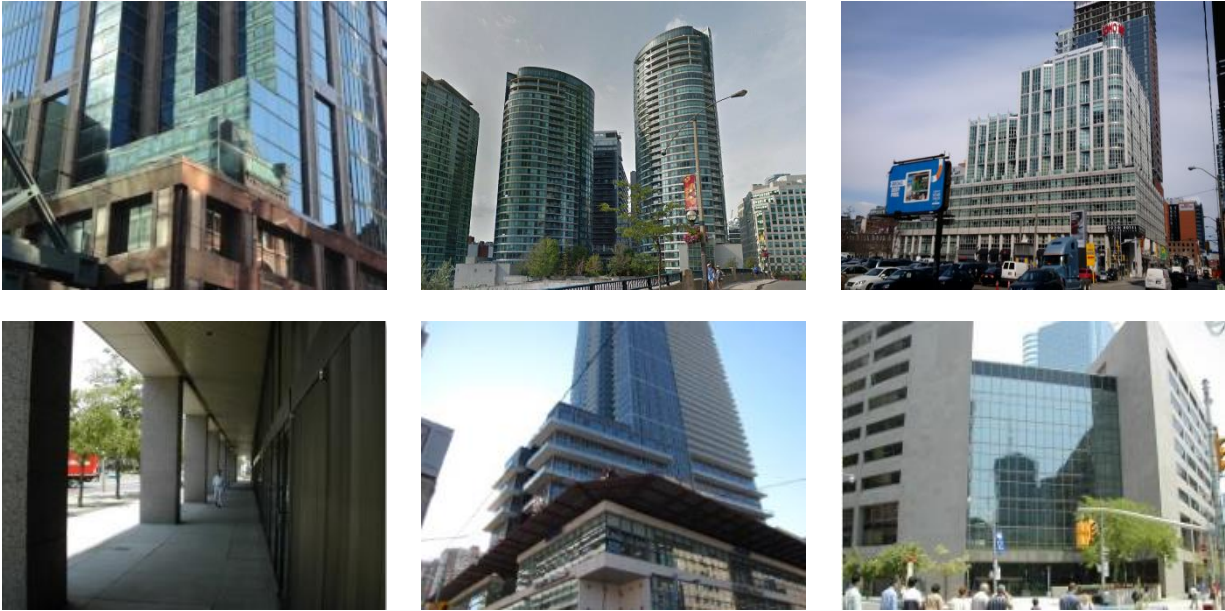


Diagram A1-4: Examples of large-scale wind control features

Smaller-scale measures such as canopies, trellises, wind screens, and street-level public art can also be used for local wind control. Soft landscaping elements, especially coniferous and marcescent species, are commonly used to reduce wind conditions to appropriate levels throughout the year; deciduous soft landscaping is most effective during the summer months. The use of soft landscaping for wind control requires consideration of species, size, and viability in the predicted local microclimate (i.e., sustainability in a windy environment). Diagram A1-5 shows several examples of design and soft landscaping features used for wind control.

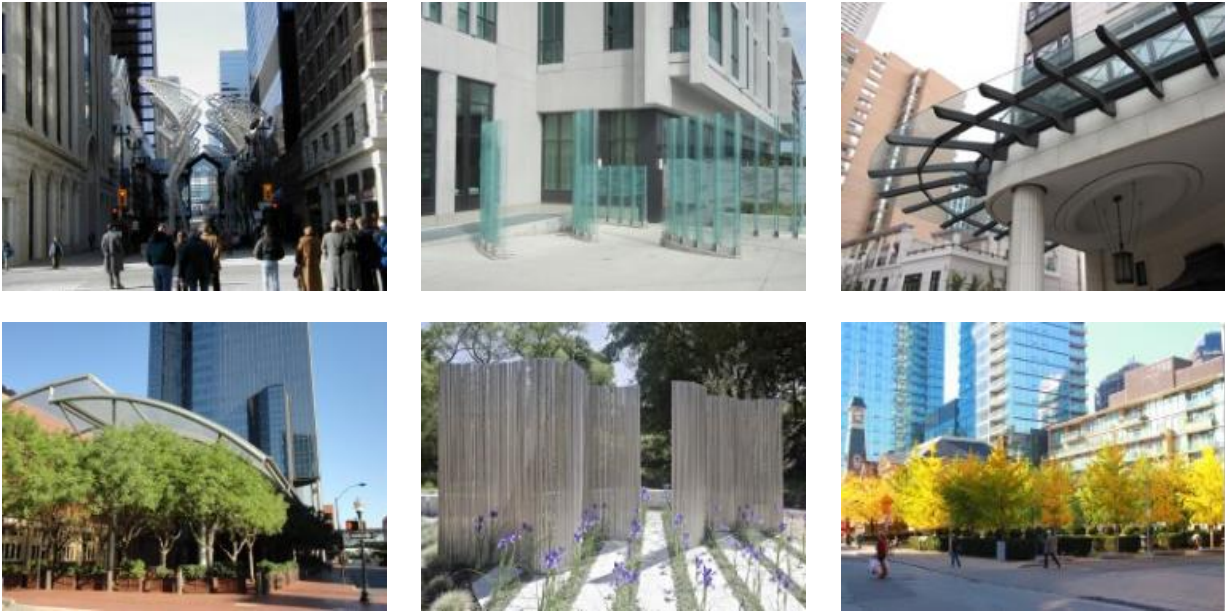


Diagram A1-5: Examples of smaller-scale building elements and soft landscaping features for wind control.

Peer Review of Pedestrian Wind Impact Assessment

The Municipality reserves the right to verify that the pedestrian wind impact assessment complies with this Appendix through a peer review conducted by an external organization.

Appendix 2: Shadow Impact Assessment Protocol and Performance Standards

Introduction

A shadow study is a report, containing supporting shadow diagrams and a written analysis, which demonstrates what impact a proposed development will have on access to sunlight within spaces recognized as important to the community.

Policy UD-20 of the *Regional Centre Secondary Municipal Planning Strategy* requires the provision of a shadow study for certain sites in proximity to areas shown on Schedule 51 of this By-law.

Exemptions

- 1 The following features are excluded from any calculation required by the shadow impact assessment protocol and performance standards contained in this Appendix:
 - (a) antennas;
 - (b) chimneys and stovepipes;
 - (c) clear glass guard and railing systems;
 - (d) communication towers required to support uses and activities in the building;
 - (e) cooling towers;
 - (f) flag poles;
 - (g) heating, ventilation, and air conditioning equipment and enclosures;
 - (h) high-plume laboratory exhaust fans;
 - (i) lightning rods;
 - (j) hard landscaping or soft landscaping; or
 - (k) solar collectors.

Standards

- 2 Shadow studies, including shadow diagrams and a written analysis, shall be certified and stamped by a professional engineer, architect, landscape architect, licensed professional planner, or surveyor.
- 3 Shadow diagrams shall be based on the solar angle data for September 21, as contained in Table A2-1.
- 4 Between the hours of 8:00 am and 6:00 pm on September 21, any development required to submit a shadow study shall not cause fewer than 6 hours of sunlight, and

no more than 4 continuous hours of shade, to fall on any portion of an area identified on Schedule 51 of this By-law.

- 5 All shadow studies shall use the latitude and longitude provided in Table A2-1, and shall not be geolocated. Compliance with this performance standard will be assessed using the latitude and longitude, test times, shadow direction azimuth angles, and shadow length factors for September 21 that are provided in Table A2-1. For each hourly test time, a shadow length shall be calculated as follows:

$$(\text{Shadow Length}) = (\text{Effective Building Height}) \times (\text{Shadow Length Factor})$$

Effective Building Height = the difference between a specific point on the building and the corresponding elevation where the shadow falls.

- 6 The Development Officer may request shadow diagrams, elevations, and views additional to those required under Sections 8 and 9 of this Appendix. Documentation may be required where changes in topography and elevation could affect compliance with Section 4 of this Appendix.
- 7 Shadow diagrams shall be required to be drawn by extending the shadow length, calculated in Section 5 of this Appendix for each test time, in the shadow direction azimuth angle for that test time. For each test time, shadow lengths shall be required to be extended from each of the building envelope's top and outermost points. The resulting points shall be connected to show the total shadow outline for each test time (Diagram A2-2).
- 8 A Shadow Study shall include:
- (a) shadow diagram(s); and
 - (b) a written analysis.
- 9 Shadow diagrams shall:
- (a) include a minimum horizontal coverage area of at least 1 time the proposed building height to the north, 5 times the building height to the east, and 6 times the building height to the west;
 - (b) show and identify property boundaries of the proposed development;
 - (c) identify main streets within the minimum coverage area identified in Clause 9(a) of this Appendix;
 - (d) include the shadow coverage outlines and associated ground elevations at the end of the shadow coverage outlines for the key building features identified in Clause 9(e) of this Appendix. The shadow coverage outlines shall be based on test times found in Table A2-1, illustrating where a development's proposed

- building envelope shadow enters and exits any area on Schedule 51 of this By-Law, between the hours of 8:00 am and 6:00 pm;
- (e) include a separate roof plan that shows elevations of the critical features proposed for the building envelope top and outermost points, including any podiums, towers, and other articulations due to stepbacks above grade (Diagram A2-1). This includes the elevations of critical features, such as parapets, solid guard and railing systems, penthouses, elevator enclosures and associated screening, and staircase enclosures;
 - (f) include shadow hatching (Diagram A2-1) on those portions of any area identified on Schedule 51 of this By-law, that lie within the shadow of the test times shown under Clause 9(e) of this Appendix;
 - (g) include the name of any identified area on Schedule 51 of this By-law that is affected by shadows from the development;
 - (h) be drawn in plan view on a sheet that is at least 11"x17" (279.4 mm x 431.8 mm) in size, with a maximum of two images per sheet, and in a metric scale suitable for displaying the entire coverage area;
 - (i) include a scale bar and a North Arrow; and
 - (j) utilize base mapping available from the Halifax Regional Municipality (HRM) in accordance with the *Open Data Administrative Order* and:
 - (i) orient the base mapping for the shadow diagram with astronomic north pointing perfectly vertical up the page, and
 - (ii) plot shadow directions, which are relative to astronomic north, on the above base plan.

10 The written analysis shall:

- (a) include the name, professional designation, and contact information for the individual who prepared the shadow study; and
- (b) include the following:
 - (i) a summary explaining how the proposed development meets the standard in Section 4 of this Appendix, including the identification of any building elements exempted in Section 1 of this Appendix,
 - (ii) confirmation that the latitude and longitude used for all shadow calculations are as provided in Table A2-1,
 - (iii) a survey plan of the site where the proposed development will be located,
 - (iv) a description of the base mapping origin, and

- (v) confirmation that the base mapping used for shadow diagrams complies with this Appendix. Grid or magnetic north shall not be used for shadow studies and calculating shadow length factors.

11 The Municipality reserves the right to verify that the shadow study complies with this Appendix through in-house analysis, or through a peer review conducted by an external organization.

Diagram A2-1 (Shadow Length):

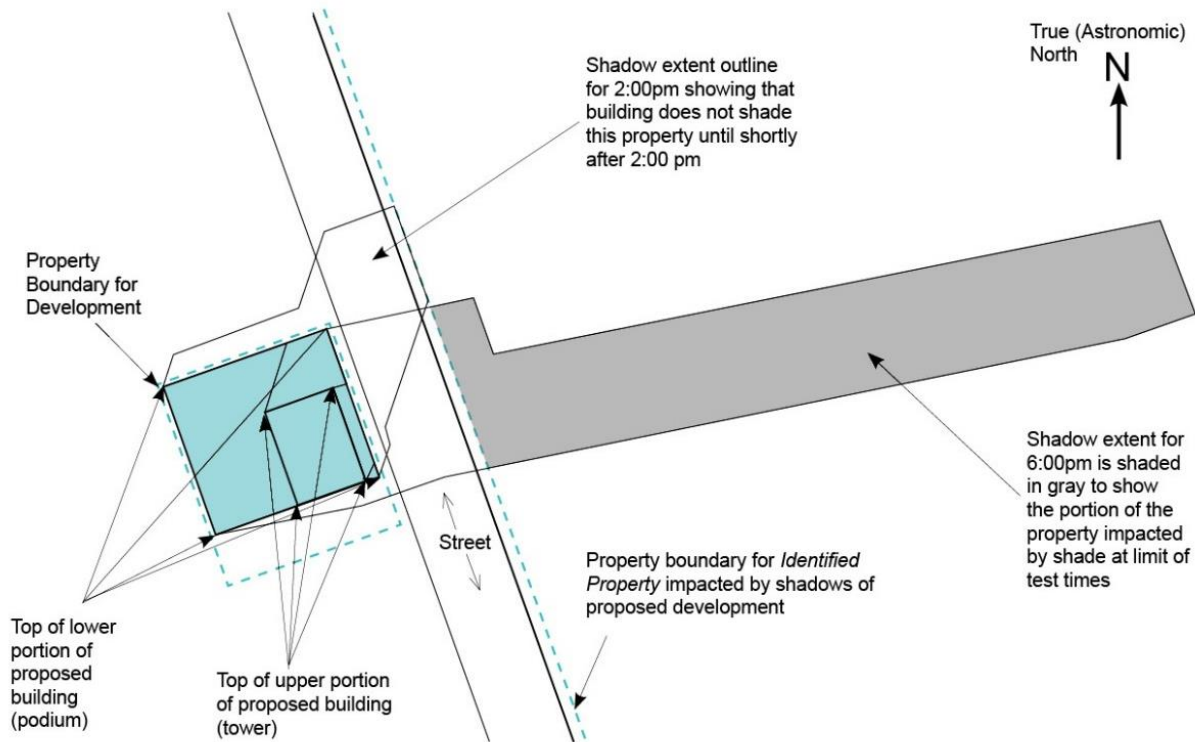


Diagram A2-2 (Shadow Direction):

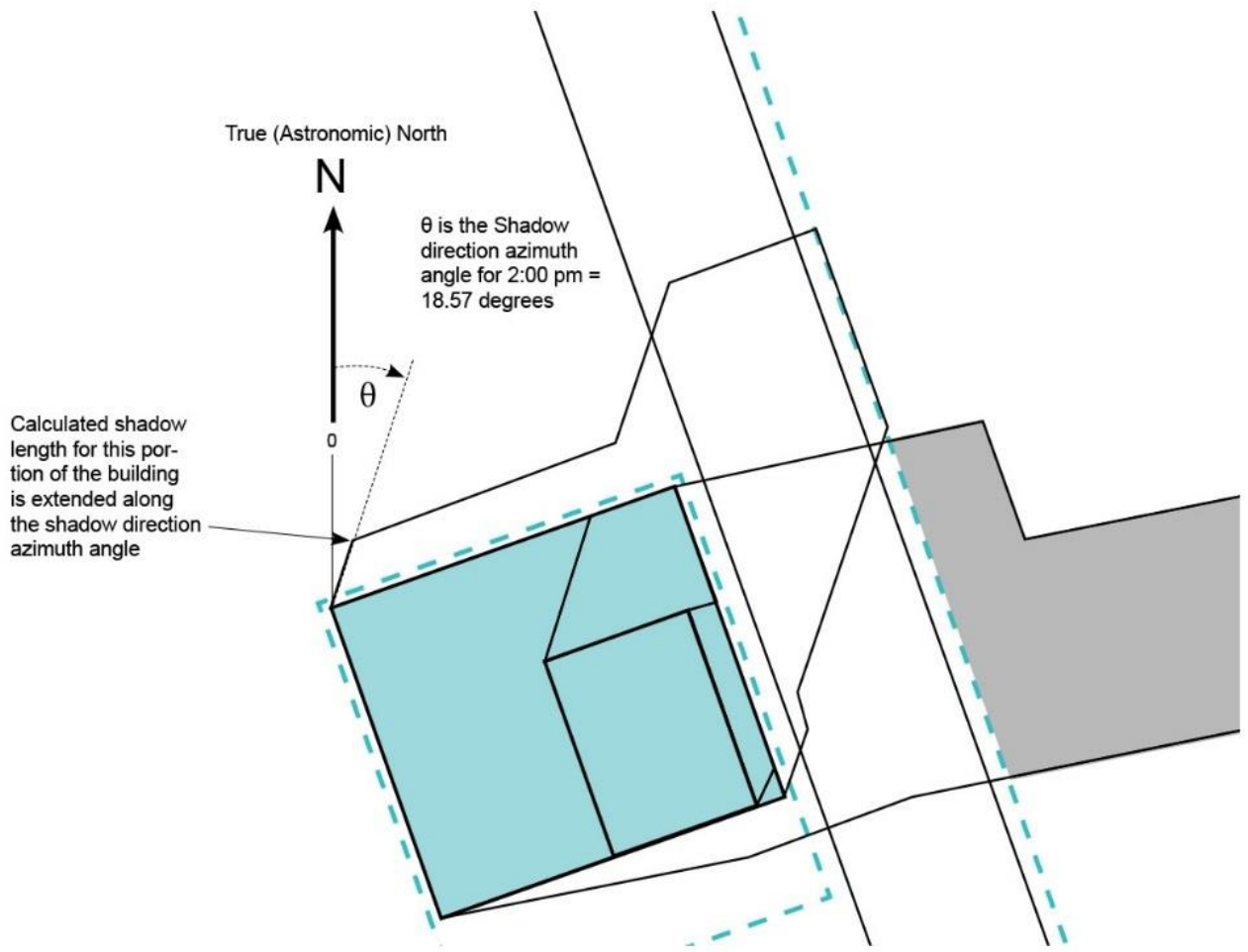


Table A2-1

Date 21-Sep Local Time ADT	Shadow Direction and Length	
	Azimuth (degrees)	SLF (ratio length/height)
8:00	278.87	5.8171
8:15	281.61	4.5572
8:30	284.39	3.7391
8:45	287.24	3.1646
9:00	290.18	2.7385
9:15	293.20	2.4099
9:30	296.33	2.1489
9:45	299.58	1.9368
10:00	302.98	1.7614
10:15	306.52	1.6145
10:30	310.23	1.4903
10:45	314.11	1.3847
11:00	318.19	1.2947
11:15	322.46	1.2183
11:30	326.94	1.1537
11:45	331.62	1.0998
12:00	336.48	1.0559
12:15	341.52	1.0214
12:30	346.70	0.9958
12:45	352.00	0.9789
13:00	357.36	0.9706
13:15	2.74	0.9708
13:30	8.11	0.9796
13:45	13.39	0.9969
14:00	18.57	1.0229
14:15	23.60	1.0580
14:30	28.46	1.1024
14:45	33.12	1.1568
15:00	37.59	1.2220
15:15	41.85	1.2992
15:30	45.92	1.3900
15:45	49.79	1.4965
16:00	53.49	1.6219
16:15	57.02	1.7703
16:30	60.40	1.9477
16:45	63.65	2.1624
17:00	66.77	2.4270
17:15	69.79	2.7606
17:30	72.71	3.1943
17:45	75.56	3.7810
18:00	78.33	4.6202

Shadow direction azimuth angles have been calculated using a central latitude and longitude for the Regional Centre, as follows:

Latitude:

44° 39' 50" N (44.6639° N)

Longitude:

63° 35' 05" W (63.5847° W)

Test times are expressed in Atlantic Daylight Time (UTC-03:00)

Appendix 3: Incentive or Bonus Zoning Rate Adjustment Methodology

Step 1 The percentage change in the *Halifax All-Items Consumer Price Index* (CPI) shall be determined:

(a) by using the formula:

$$(A/B \times 100) \text{ minus } 100 = \text{percentage change in CPI}$$

(b) where:

(i) "A" is the previous year's *Halifax All-Items Consumer Price Index*, and

(ii) "B" is the *Halifax All-Items Consumer Price Index* for the base year in which this By-law was adopted, or the year where the values in Table 18 of the By-law were last updated through a formal rate update by a trained valuation professional, whichever is later.

Step 2 The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus rate(s) found in Table 18 of this By-law.

Step 3 The product of Step 2 shall then be added to the bonus rate(s) found in Table 18 of this By-law, with the resulting sum(s) becoming the new bonus rate(s) for the current bonus rate year.

Appendix 4: Invasive or Highly Toxic Plant Species

The following plant materials are considered invasive or highly toxic species under this By-law:

Number	Common Name	Latin Nomenclature (Genus, Species)
1	Belladonna	<i>Atropa belladonna</i>
2	Coltsfoot	<i>Tussilago farfara</i>
3	Common Burdock	<i>Arctium minus</i>
4	Giant Hogweed	<i>Heracleum mantegazzianum</i>
5	Goutweed	<i>Aegopodium podagraria</i>
6	Himalayan Balsam (aka Policeman's Helmet)	<i>Impatiens glandulifera</i>
7	Japanese Knotweed	<i>Polygonum cuspidatum</i>
8	Multiflora Rose (aka Rambler Rose)	<i>Rosa multiflora</i>
9	Purple Loosestrife	<i>Lythrum salicaria</i>
10	Scotch Broom	<i>Cytisus scoparius</i>
11	Wild Parsnip	<i>Pastinaca sativa</i>
12	Yellow Floating Heart	<i>Nymphoides peltatum</i>
13	Japanese Barberry	<i>Barberis thunbergii</i>
14	Garlic Mustard	<i>Alliaria petiolata</i>
15	Glossy Buckthorn	<i>Frangula alnus</i>
16	Oriental Bittersweet	<i>Celastrus orbiculatus</i>
17	Common Horsetail	<i>Equisetum arvense</i>
18	Marsh Horsetail	<i>Equisetum palustre</i>

SCHEDULES