



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

Item No. 10.1.1
Regional Centre Community Council
August 10, 2022
October 13, 2022

TO: Chair and Members of Regional Centre Community Council

SUBMITTED BY:  (Original Signed)

Kelly Denty, Executive Director of Planning and Development

DATE: June 21, 2022

SUBJECT: Case 24259: Regional Centre Land Use By-law Housekeeping Amendments

ORIGIN

February 8, 2022 Regional Council motion (Item 15.1.4):

MOVED by Councillor Smith, seconded by Councillor Austin:

“THAT Halifax Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law, and Downtown Halifax Secondary Municipal Planning Strategy (SMPS) and Land Use By-law (LUB) to address the housekeeping matters identified in the Discussion section of the staff report dated January 14, 2022; and
2. Follow the public participation program for the SMPS and related LUB amendment (planning documents) as set out in the Community Engagement section of the staff report dated January 14, 2022.”

MOTION PUT AND PASSED

RECOMMENDATION ON PAGE 2

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, Respecting Housing, S.N.S. 2022, c. 13, s. 14, as follows:

14 (1) Notwithstanding the *Halifax Regional Municipality Charter*, an applicable municipal planning strategy or any by-law, policy or practice of the Halifax Regional Municipality, where the Halifax Regional Municipality Council is considering any planning decision under Part VIII of the Act or a community council is considering any planning decision it is empowered to make under the policy establishing the community council, the Council or community council may not refer the matter to a planning advisory committee or any other advisory committee of the Council for a recommendation prior to the Council's or the community council's decision on the matter.

(2) Subsection (1) ceases to have effect three years from the date it comes into force.

RECOMMENDATION

It is recommended that the Regional Centre Community Council:

1. Give First Reading and schedule a Public Hearing to consider the proposed amendments to the Regional Centre Land Use By-law, as contained in Attachment A of this report; and
2. Approve the proposed amendments to the Regional Centre Land Use By-law, as contained in Attachment A of this report.

BACKGROUND

On October 26, 2021, Regional Council approved the Regional Centre Secondary Municipal Planning Strategy (SMPS/Centre Plan) and Regional Centre Land Use By-law (LUB) to guide development and growth within the Regional Centre.

At the October 26, 2021 meeting, Council also requested a supplementary report on five items identified by members of the public during the public hearing. These items along with a small number of other housekeeping amendments were discussed in the [January 14, 2022 Council report](#) considered by Regional Council at its February 8, 2022 meeting. SMPS and associated LUB amendments are being presented in a separate staff report¹ to Regional Council. This report focuses on housekeeping amendments that are limited to the LUB only for the Regional Centre Community Council's consideration.

The [January 14, 2022 Council report](#) identified the following LUB only housekeeping amendments:

- wording changes to Subsection 132(2) to separate requirements for the Spring Garden Road and South Park Street Special Areas;
- adjustments to the LUB text as needed to clarify floor area definition requirements as they pertain to secondary suites and backyard suites;
- revisions to Schedule 6, Robie Street Transportation Reserve (TR), to adjust the location of the transportation reserve near the intersection of Robie and May Street (2705 – 2729 Robie Street) based on updated technical information;
- clarification of front and flanking setbacks requirements for any new public streets that may be developed in the future, which are not shown on LUB Schedule 18;

¹ See report online at [Regional Centre SMPS and LUB, and Downtown Halifax SMPS and LUB Housekeeping Amendments - Jul 12/22 Regional Council | Halifax.ca](#)

- clarification of the built form and design requirements that will not apply to yards facing provincial 100 series highways, including grade-oriented premises, streetwall requirements, and ground floor requirements;
- revisions to the parking structure screening requirements to clarify which public views are required to be screened;
- revisions to the LUB land use tables to move “daycare use” from the commercial category of uses to the institutional category of uses to clarify that commercial floor area limitations applicable to the HR-1 and HR-2 zones do not apply to a daycare use;
- revisions to a certain LUB diagram to further clarify the intended interpretation of regulations for differing lot configurations;
- minor wording adjustments needed to address inconsistent cross-referencing and use of terms; and
- other potential adjustments to clarify items that may be discovered prior to bringing forward the housekeeping items for Council’s consideration.

DISCUSSION

The proposed amendments to the Regional Centre Land Use By-law are contained in Attachment A. All the items identified in the [January 14, 2022 Council report](#) are addressed in the proposed amendments as well as some additional LUB housekeeping amendments identified by staff. For the properties at 2706-2729 Robie Street, the adjoining Transportation Reserve line is tapered to 4.9 metres from both sides of the property, as shown on Attachment A-2.

Additional LUB amendments

In addition to the items identified in the January 14 Council report, staff are proposing the following minor wording changes to clarify the intent of LUB regulations or correct cross-referencing arising from the administration of the by-law:

- clarifying design requirement for corner treatments by adding materials & colour and requiring two treatments instead of one;
- clarifying that one garage door and an associated ramp to access internal motor vehicle parking or internal off-street loading spaces shall be permitted along a pedestrian-oriented commercial street, subject to certain conditions;
- adding a “temporary use” to all the land use tables;
- adding an elevator enclosure that does not exceed 6.0 square metres in area to the list of height-exempt features for low-density dwelling uses;
- clarifying that only low-density dwelling height exempt features in Section 103 (7) and 103(8) apply to the Young Avenue – A (YA-A) Special Area, including multi-unit dwellings up to 5 dwelling units, while adding a provision to allow a non-habitable pitched roof to exceed the height of the residential penthouse by 1.5 metres, to support pitched roof design roof requirement approved under Package B;
- assigning minimum required front or flanking setbacks in specific zones where the setbacks have not been specified on Schedule 18, as may be the case for new streets;
- as part of grade-related premises requirements, allowing a residential lobby on a floor containing a grade-related dwelling unit use;
- adding separation distance to the list of exemptions for allowing legally existing accessory structures located in a rear yard to be permitted to change its use into a backyard suite use;
- clarifying that variable signs can be approved in certain zones if deemed to not pose any risk to public safety by the Municipal Engineer;
- adding a lobby use to the definition of ground-oriented premises;
- adding a residential lobby on a floor containing a grade-related dwelling unit use to the list of uses exempt from minimum required ground floor height;
- clarifying definition of a Streetwall;

- adding a definition of a “Permeable Vegetated Grid System”;
- given the maximum building dimension variation, adding the following conditions to the 20% streetwall exemption along a streetline or transportation reserve for main buildings:
 - that each section not having a streetwall setback does not exceed 14.0 metres in length along the streetline or transportation reserve, and
 - that there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall setback.;
- amending “Schedule 18: Minimum Front and Flanking Setbacks” to change the minimum setback on PID 00004010 (Halifax Forum Site) from 3 metres to 1.5 metres along the Young Street and Windsor Street frontages to facilitate development of the site.

The above amendments are housekeeping in nature and are intended to implement previous Council direction. The proposed amendments are aligned with existing policies and will help facilitate the clearer administration of the Land Use By-law.

FINANCIAL IMPLICATIONS

The HRM costs associated with carrying out the recommendations contained in this report can be accommodated within the approved 2022-23 operating budget.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. The proposed amendments may be considered under existing SMPS policies. Community Council has the discretion to make decisions that are consistent with the SMPS, and such decisions may be appealed to the N.S. Utility and Review Board as per Section 262 of the HRM Charter. Information concerning risks and other implications of adopting the proposed LUB amendments are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website. Extensive public feedback was received as part of the Centre Plan process, and no additional public feedback was received as part of this process.

A public hearing must be held by Regional Centre Community Council before they can consider approval of the proposed amendments. Should Regional Centre Community Council decide to proceed with a public hearing on this application, a notice of the public hearing will be published on the municipal website. The proposed amendments will potentially impact local residents and property owners.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Regional Centre Community Council may choose to approve the proposed amendments to the Regional Centre Land Use By-law with modifications, which may require a supplementary report.

A decision of Council to approve amendments to a land use by-law is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Regional Centre Community Council may choose to refuse the proposed amendments to the Regional Centre Land Use By-law, and in doing so, must provide reasons why they do not reasonably carry out the intent of the MPS. A decision of Council to refuse land use by-law amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A: Proposed Amendments to the Regional Centre Land Use By-law
Attachment A-1: Proposed Amendments to Regional Centre Land Use By-law Schedule 52
Attachment A-2: Proposed Amendments to Regional Centre Land Use By-law Schedule 6

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

Report Prepared by: Kasia Tota, Principal Planner, P&D Community Policy Team, 902.292.3934

ATTACHMENT A - REVISED

PROPOSED AMENDMENTS TO THE REGIONAL CENTRE LAND USE BY-LAW

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

1. Amend the "Table of Contents", as shown below in **bold**, by adding the word "Non-Residential" immediately after the words "Expansion of a" and immediately before the words "Non-Conforming Use" in the third item listed under "Part XVI, Chapter 1: Development Agreements".

PART XVI: DEVELOPMENT AGREEMENTS

Part XVI, Chapter 1: Development Agreements

Development on a Registered Heritage Property

Change to a Less Intensive Non-Residential Non-Conforming Use

Expansion of a **Non-Residential** Non-Conforming Use

2. Amend Subsection 24(4), as shown below in **bold**, by adding the words and comma "up to one hundred percent of the market value of the building including its foundation," immediately after the words and comma "destroyed or damaged by fire or otherwise," and immediately before the word "providing".

24 (4) Where a non-conforming use in a structure exists, the structure may be rebuilt, replaced, or repaired if destroyed or damaged by fire or otherwise, **up to one hundred percent of the market value of the building including its foundation**, 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.

3. Amend Subsection 29(1), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word "and" in Clause 29(1)(be);
- (b) deleting the period at the end of Clause 29(1)(bf) and replacing it with a semi-colon and the word "and"; and
- (c) adding a new Clause 29(1)(bg) immediately below Clause 29(1)(bf) and immediately before Subsection 29(2).

29 (1) (bd) Schedule 49: Accessory Parking Prohibition – Downtown Halifax Zone;
(be) Schedule 50: Incentive or Bonus Zoning Rate Districts; ~~and~~
(bf) Schedule 51: Shadow Impact Assessment Protocol – Identified Areas;
and
(bg) **Schedule 52: 100-Series Highways.**

4. Amend Clause 31(c), as shown below in **bold**, by:

- (a) adding the word and comma “sub-area,” in Subclause 31(c)(i), immediately after the second reference to the words and comma “special area,” and immediately before the second reference to the words “height precinct”; and
- (b) adding the word and comma “sub-area,” in Subclause 31(c)(ii), immediately after the second reference to the words and comma “special area,” and immediately before the second reference to the words “height precinct”.

31 (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 31(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, **sub-area**, height precinct, or FAR precinct as the abutting lands,
- (ii) subject to Subclause 31(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, **sub-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;

5. Amend Section 38, as shown below in **bold**, by adding a new Subsection 38(3) immediately below Subsection 38(2) and before Section 39.

38 (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 38(1); and
 - (b) office uses.
- (3) One garage door and an associated ramp to access internal motor vehicle parking spaces or internal off-street loading spaces shall be permitted along a pedestrian-oriented commercial street, if:
 - (a) the motor vehicle parking spaces or off-street loading spaces are located on a floor level above or below the ground floor; and
 - (b) there is no other streetline that permits both the garage door and associated ramp.

6. Amend Table 1A, as shown below, by:

- (a) deleting the entire row identified by the words “Daycare use” under the “**COMMERCIAL**” heading of the Table;
- (b) adding a new row under the “**INSTITUTIONAL**” heading of the Table in between the row that contains the words “Cultural use” in the first column and the row that contains the words “Emergency services use” in the first column; and
- (c) adding the following entries to the newly added row:
 - (i) the words “Daycare use” in the cell under the first column, and
 - (ii) a black dot (●) in each of the cells that match up with the columns under the headers for DD, DH, CEN-2, CEN-1, COR, HR-2, and HR-1.

INSTITUTIONAL	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Convention centre use	●	●	●				
Cultural use	●	●	●	●	●	●	●
Daycare use	●	●	●	●	●	●	●
Emergency services use	●	●	●	●	●	●	●
Hospital use							

7. Amend Table 1A, as shown below, by:

- (a) adding a new row under the “**OTHER**” heading of the Table immediately below the row identified in the first column by the words “Temporary construction use” and immediately above the row identified in the first column by the words “Transportation facility use”;
- (b) adding the words “Temporary use” in the first column of the newly inserted row; and

- (c) adding a black dot (●) in the newly inserted row within the cells under the headers for DD, DH, CEN-2, CEN-1, and COR.

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	●	●	●	●	●	●	●
Temporary use	●	●	●	●	●		
Transportation facility use	●	●	●	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use				●			
Utility use	●	●	●	●	●	●	●

8. Amend Table 1B, as shown below, by:

- (a) deleting the entire row identified by the words “Daycare use” under the **“COMMERCIAL”** heading of the Table;
- (b) adding a new row under the **“INSTITUTIONAL”** heading of the Table in between the row that contains the words “Cultural use” in the first column and the row that contains the words “Emergency services use” in the first column; and
- (c) adding the following entries to the newly added row:
- (i) the words “Daycare use” in the cell under the first column, and
- (ii) a white circle containing the number “10” in black text (e.g., ⑩) in each of the cells that match up with the columns under the headers for ER-3, ER-2, ER-1, CH-2, and CH-1.

INSTITUTIONAL	ER-3	ER-2	ER-1	CH-2	CH-1
Convention centre use					
Cultural use					
Daycare use	⑩	⑩	⑩	⑩	⑩
Emergency services use					
Hospital use					

9. Amend Table 1B, as shown below, by:

- (a) adding a new row under the **“OTHER”** heading of the Table immediately below the row identified in the first column by the words “Temporary construction use” and immediately above the row identified in the first column by the words “Transportation facility use”; and
- (b) adding the words “Temporary use” in the first column of the newly inserted row.

OTHER	ER-3	ER-2	ER-1	CH-2	CH-1
Accessory structure or use	●	●	●	●	●
Historic site or monument use	●	●	●	●	●
Parking structure use					
Temporary construction use	●	●	●	●	●
Temporary use					
Transportation facility use	●	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use					
Utility use	●	●	●	●	●

10. Amend Table 1C, as shown below, by:

- (a) deleting the entire row identified by the words “Daycare use” under the **“COMMERCIAL”** heading of the Table;
- (b) adding a new row under the **“INSTITUTIONAL”** heading of the Table in between the row that contains the words “Cultural use” in the first column and the row that contains the words “Emergency services use” in the first column; and
- (c) adding the following entries to the newly added row:
 - (i) the words “Daycare use” in the cell under the first column,
 - (ii) a black dot (●) in the newly inserted row within each of the cells that match up with the columns having the header for CLI, LI, INS, UC-2, UC-1, DND, H, PCF, and RPK, and
 - (iii) a white circle containing the number “7” in black text (e.g., ⑦) in the cell that matches up with the column having the header for HRI.

INSTITUTIONAL	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA
Convention centre use			⑦								
Cultural use	●		⑦	●	●	●	●		●	●	
Daycare use	●	●	⑦	●	●	●	●	●	●	●	
Emergency services use	●	●	●	●	●	●	●	●			
Hospital use							●	●			

11. Amend Table 1C, as shown below, by:

- (a) adding a new row under the **“OTHER”** heading of the Table immediately below the row identified in the first column by the words “Temporary construction use” and immediately above the row identified in the first column by the words “Transportation facility use”;
- (b) adding the words “Temporary use” in the first column of the newly inserted row; and

- (c) adding a black dot (●) in the newly inserted row within the cells under the columns having the header for CLI, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, and RPK.

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	●	●	●	●	●	●	●	●	●	●	●
Temporary use	●	●	●	●	●	●	●	●	●	●	
Transportation facility use	●	●	●	●	●	●	●	●	●		●
Underground parking, access, and servicing for a CEN-2 use											
Utility use	●	●	●	●	●	●	●	●	●	●	●

12. Amend Table 1D, as shown below, by:

- (a) deleting the entire row identified by the words “Daycare use” under the **“COMMERCIAL”** heading of the Table;
- (b) adding a new row under the **“INSTITUTIONAL”** heading of the Table in between the row that contains the words “Cultural use” in the first column and the row that contains the words “Emergency services use” in the first column; and
- (c) adding the following entries to the newly added row:
- (i) the words “Daycare use” in the cell under the first column, and
 - (ii) a white circle containing the number “10” in black text (e.g., ⑩) in the cell that matches up with the column having the header for HCD-SV.

INSTITUTIONAL	HCD-SV
Convention centre use	
Cultural use	
Daycare use	⑩
Emergency services use	
Hospital use	

13. Amend Table 1D, as shown below, by:

- (a) adding a new row under the **“OTHER”** heading of the Table immediately below the row identified in the first column by the words “Temporary construction use” and immediately above the row identified in the first column by the words “Transportation facility use”; and
- (b) adding the words “Temporary use” in the first column of the newly inserted row.

OTHER	HCD-SV
Accessory structure or use	●
Historic site or monument use	●
Parking structure use	
Temporary construction use	●
Temporary use	
Transportation facility use	
Underground parking, access, and servicing for a CEN-2 use	
Utility use	

14. Amend Subsection 94(2), as shown below in ~~strikeout~~, by:

- (a) deleting the words “from any exterior wall” in Clause 94(2)(a); and
- (b) deleting the words “from any exterior wall” in Clause 94(2)(b).

94 (2) Subject to Subsection 94(3) and Section 96, balconies may project into any required setback, stepback, or separation distance by no more than:

- (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.

15. Amend Subsection 103(1), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding a comma immediately after the words “Excluding any low-density dwelling uses” and immediately before the words “and cluster housing uses”;
- (b) deleting the word “and” immediately after the words and comma “Excluding any low-density dwelling uses,” and immediately before the words “cluster housing uses”; and
- (c) adding the words, brackets, acronym, commas, and number “or any main buildings within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C,”.

103 (1) Excluding any low-density dwelling uses, ~~and~~ **cluster housing uses, or any main buildings within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C,** which are addressed in Subsection 103(7), Table 8 regulates the height, coverage, and setback of building features located on the rooftops of any main building.

16. Amend Subsection 103(7), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the words, number, brackets, and comma “Subject to Subsection 103(8),” immediately before the words “For any low-density dwelling use”;
- (b) replacing the uppercase “F” in the word “For” with a lowercase “f”;

- (c) adding a comma immediately after the words “any low-density dwelling use” and immediately before the words “or cluster housing use”;
- (d) adding the words, brackets, acronym, commas, and number “or any main building within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C,” immediately after the words and comma “cluster housing use,” and immediately before the words “the following features may exceed”;
- (e) deleting the word “and” at the end of Clause 103(7)(i);
- (f) deleting the period at the end of Clause 103(7)(j) and replacing it with a semi-colon and the word “and”; and
- (g) adding a new Clause 103(7)(k) immediately below Clause 103(7)(j) and immediately above Subsection 103(8).

103 (7) **Subject to Subsection 103(8),** ~~F~~for any low-density dwelling use, ~~or~~ cluster housing use, **or any main building within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C,** the following features may exceed the maximum required height, as shown on Schedule 15, by no more than 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-; **and**
- (k) **an elevator enclosure that does not exceed 6.0 square metres in area.**

17. Amend Subsection 103(8), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the words, number, and comma “Subject to Section 104,” immediately before the words “Within the Young Avenue Sub-Area A”; and
- (b) deleting the uppercase “W” in the word “Within” and replacing it with a lowercase “w”.

103 (8) **Subject to Section 104,** ~~W~~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 no more than 3.0 metres, provided the residential penthouse:

- (a) has a minimum required setback of 5.0 metres from an exterior wall that faces a streetline; and
- (b) has a minimum required setback of 2.0 metres from an exterior wall that faces a side lot line.

18. Amend Section 104, as shown below in **bold**, by adding a new Subsection 104(1.5) immediately below Subsection 104(1) and immediately above Subsection 104(2).

104 (1) 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 no more than 4.5 metres.

(1.5) Within the Young Avenue Sub-Area A (YA-A), the uninhabitable portion of any main building containing a multi-unit dwelling use of up to 5 dwelling units within a sloped roof may exceed the maximum required height above the residential penthouse allowed under Subsection 103(8), by no more than 1.5 metres.

(2) A sloped roof under Subsection 104(1) shall not count towards:

- (a) the overall building height, as shown on Schedule 15; or
- (b) the building typology classification listed in Section 90.

19. Amend Section 111, as shown below in **bold**, by:

- (a) adding the brackets and number “(1)” before the words “Subject to”;
- (b) adding the words, brackets, and number “and Subsection 111(2)” after the word and number “Section 112” and before the comma and words “, any portion”; and
- (c) adding a new Subsection 111(2) immediately below Subsection 111(1) and before Section 112.

111 **(1)** Subject to Section 112 **and Subsection 111(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 1.5 metres.

20. Amend Subsection 119(3), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “a” immediately after the words “each streetline or” and immediately before the words “transportation reserve”;
- (b) deleting the period at the end of the sentence and replacing it with the words and colon “provided that:”; and
- (c) adding two new Clauses.

119 (3) No streetwall setback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve: **provided that:**

- (a) **each section not having a streetwall setback does not exceed 14.0 metres in length along the streetline or transportation reserve; and**

(b) there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall setback.

21. Amend Subsection 122(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 122(2)” and immediately before the comma and words “, a ground floor shall”.

122 (1) Subject to Subsection 122(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

22. Amend Subsection 122(7), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding a comma immediately after the words “low-density dwelling use”;
- (b) deleting the word “or” immediately after the words and comma “low-density dwelling use,” and immediately before the words “a grade-related dwelling unit use”; and
- (c) adding a comma and the words “, or a residential lobby on a floor containing a grade-related dwelling unit use” immediately after the words “grade-related dwelling unit use” and immediately before the comma and words “, the minimum required”.

122 (7) Subject to Subsection 122(8) and excluding a low-density dwelling use, ~~or a grade-related dwelling unit use,~~ **or a residential lobby on a floor containing a grade-related dwelling unit use**, the minimum required ground floor height shall be 3.5 metres.

23. Amend Subsection 123(1), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the words, numbers, and commas “**excluding 100-Series Highways, as shown on Schedule 52,**” in Clause 123(1)(a) immediately before the words “be located along”;
- (b) deleting the words and comma “excluding an entrance to internal parking or a portal,” in Clause 123(1)(b);
- (c) adding the comma and word “, excluding” immediately after the word “streetwall” in Clause 123(1)(b);
- (d) deleting the semi-colon at the end of Clause 123(1)(b) and replacing it with a colon; and
- (e) adding four new Subclauses immediately below Clause 123(1)(b) and immediately above Clause 123(1)(c).

123 (1) Subject to Subsections 123(2) and 123(3), grade-oriented premises shall:

- (a) **excluding 100-Series Highways, as shown on Schedule 52**, be located along any streetline;
- (b) ~~excluding an entrance to internal parking or a portal,~~ be required for the full width of the streetwall, **excluding**;

- (i) an entrance to internal parking located above or below the ground floor,
 - (ii) a portal,
 - (iii) an emergency exit, or
 - (iv) an entrance to a room dedicated to a solid waste management area;
- (c) not exceed a maximum width of 24.0 metres for each premise facing a streetline; and
 - (d) contain an independent pedestrian entrance for each premise facing a streetline.

24. Amend Section 132, as shown below in **bold** and ~~strikeout~~, by:

- (a) adding an “s” at the end of the word “Subsection” in Subsection 132(1);
- (b) adding the number, brackets, and comma “132(1.5),” immediately after the word “Subsections” and immediately before the number and brackets “132(2)” in Subsection 132(1);
- (c) adding the word, number, brackets, and comma “and 132(3),” immediately after the number, brackets, and comma “132(2),” and before the words “any portion”;
- (d) adding a new Subsection 132(1.5) immediately below Subsection 132(1) and immediately above Subsection 132(2);
- (e) deleting the words, brackets, and acronym “or South Park Street (SPS)” from Subsection 132(2);
- (f) deleting the letter “s” at the end of the word “Areas” in Subsection 132(2);
- (g) deleting the letter “s” at the end of the word “streetlines” in Subsection 132(2);
- (h) deleting the words “or South Park Street” immediately after the words “Spring Garden Road” in Subsection 132(2);
- (i) adding the words and number “above 17.0 metres” in Subsection 132(2), immediately after the words “in building height” and immediately before the period; and
- (j) adding a new Subsection 132(3) immediately below Subsection 132(2) and immediately above Section 133.

132 (1) Subject to Section 133 and Subsections **132(1.5)**, 132(2), **and 132(3)**, 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.

(1.5) If a minimum required front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 0 metres.

(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

metre from the streetline for each additional 0.6 metre in building height **above 17.0 metres.**

- (3) **Within the South Park Street (SPS) Special Area, as shown on Schedule 3B, any portion of any main building above a height of 17.0 metres, measured at the streetline where the lot abuts South Park Street, shall be required to be set back an additional 0.9 metre from the streetline for each additional 0.6 metre in building height above 17.0 metres.**

25. Amend Subsection 139(2), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “a” immediately after the words “each streetline or” and immediately before the words “transportation reserve”;
- (b) deleting the period at the end of the sentence and replacing it with the words and colon “provided that:”; and
- (c) adding two new Clauses.

139 (2) No streetwall stepback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve: **provided that:**

- (a) **each section not having a streetwall stepback does not exceed 14.0 metres in length along the streetline or transportation reserve; and**
- (b) **there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall stepback.**

26. Amend Subsection 143(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 143(2)” and immediately before the comma and words “, a ground floor shall”.

143 (1) Subject to Subsection 143(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

27. Amend Subsection 143(7), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding a comma immediately after the words “low-density dwelling use”;
- (b) deleting the word “or” immediately after the words and comma “low-density dwelling use,” and immediately before the words “a grade-related dwelling unit use”;
- (c) adding a comma and the words “, or a residential lobby on a floor containing a grade-related dwelling unit use” immediately after the words “grade-related dwelling unit use” and immediately before the comma and the word “, the”;
- (d) adding the words “minimum required” immediately after the word “the” and immediately before the words “ground floor height”; and

(e) deleting the words “required to be a minimum of” immediately after the words “shall be” and immediately before the number and word “4.5 metres”.

143 (7) Subject to Subsection 143(8) and excluding a low-density dwelling use, ~~or a grade-related dwelling unit use,~~ **or a residential lobby on a floor containing a grade-related dwelling unit use,** the **minimum required** ground floor height shall be ~~required to be a minimum of~~ 4.5 metres.

28. Amend Subsection 144(1), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the words, numbers, and commas “**excluding 100-Series Highways, as shown on Schedule 52,**” in Clause 144(1)(a) immediately before the words “be located along”;
- (b) deleting the words and comma “excluding an entrance to internal parking or a portal,” in Clause 144(1)(b);
- (c) adding the comma and word “, excluding” immediately after the word “streetwall” in Clause 144(1)(b);
- (d) deleting the semi-colon at the end of Clause 144(1)(b) and replacing it with a colon; and
- (e) adding four new Subclauses immediately below Clause 144(1)(b) and immediately above Clause 144(1)(c).

144 (1) Subject to Subsections 144(2) and 144(3), grade-oriented premises shall:

- (a) **excluding 100-Series Highways, as shown on Schedule 52,** be located along any streetline;
- (b) ~~excluding an entrance to internal parking or a portal,~~ be required for the full width of the streetwall, **excluding**:
 - (i) **an entrance to internal parking located above or below the ground floor,**
 - (ii) **a portal,**
 - (iii) **an emergency exit, or**
 - (iv) **an entrance to a room dedicated to a solid waste management area;**
- (c) not exceed a maximum width of 24.0 metres for each premise facing a streetline; and
- (d) contain an independent pedestrian entrance for each premise facing a streetline.

29. Amend Section 155, as shown below in ~~strikeout~~, by deleting the word “at-grade”.

155 Where more than one main building is permitted on a lot under Subsection 89(3), in the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and in the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, a minimum required separation distance of 6.0 metres shall be provided between main buildings ~~at-grade~~.

30. Amend Section 159, as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the brackets and number “(1)” before the words “Any portion”;
- (b) deleting the word “Any” in Subsection 159(1) and replacing it with the words, number, brackets, and comma “Subject to Subsection 159(2), any”;
- (c) adding a new Subsection 159(2) immediately below Subsection 159(1) and immediately above Section 160.

159 (1) ~~Any~~ **Subject to Subsection 159(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 1.5 metres.**

31. Amend Section 166, as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the number “166” in Subsection 166(2) after the word “Clause” and before the bracket containing the number “1” and replacing it with the number “164”;
- (b) deleting the word “a” in Subsection 166(3) immediately after the words “each streetline or” and immediately before the words “transportation reserve”;
- (c) deleting the period at the end of the sentence in Subsection 166(3) and replacing it with the words and colon “provided that:”; and
- (d) adding two new Clauses in Subsection 166(3).

166 (1) Subject to Subsections 166(2) and 166(3), any main building shall have a minimum required streetwall setback of:

- (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 setback is required for any main building that meets Clause ~~166~~ **164**(1)(b).

(3) No streetwall setback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve; **provided that:**

- (a) **each section not having a streetwall setback does not exceed 14.0 metres in length along the streetline or transportation reserve; and**
- (b) **there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall setback.**

- (4) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.
32. Amend Subsection 169(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 169(2)” and immediately before the comma and words “, a ground floor shall”.
- 169 (1) Subject to Subsection 169(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.
33. Amend Subsection 169(7), as shown below in **bold** and ~~strikeout~~, by:
- (a) adding a comma immediately after the words “low-density dwelling use”;
- (b) deleting the word “or” immediately after the words and comma “low-density dwelling use,” and immediately before the words “a grade-related dwelling unit use”; and
- (c) adding a comma and the words “, or a residential lobby on a floor containing a grade-related dwelling unit use” immediately after the words “grade-related dwelling unit use” and immediately before the comma and words “, the minimum required”.
- 169 (7) Subject to Subsection 169(8) and excluding a low-density dwelling use, ~~or~~ a grade-related dwelling unit use, **or a residential lobby on a floor containing a grade-related dwelling unit use**, the minimum required ground floor height shall be 3.5 metres.
34. Amend Subsection 170(1), as shown below in **bold** and ~~strikeout~~, by:
- (a) adding the words, numbers, and commas “**excluding 100-Series Highways, as shown on Schedule 52,**” in Clause 170(1)(a) immediately before the words “be located along”;
- (b) deleting the words and comma “excluding an entrance to internal parking or a portal,” in Clause 170(1)(b);
- (c) adding the comma and word “, excluding” immediately after the word “streetwall” in Clause 170(1)(b);
- (d) deleting the semi-colon at the end of Clause 170(1)(b) and replacing it with a colon; and
- (e) adding four new Subclauses immediately below Clause 170(1)(b) and immediately above Clause 170(1)(c).
- 170 (1) Subject to Subsections 170(2) and 170(3), grade-oriented premises shall:
- (a) **excluding 100-Series Highways, as shown on Schedule 52**, be located along any streetline;
- (b) ~~excluding an entrance to internal parking or a portal~~, be required for the full width of the streetwall, **excluding**:
- (i) **an entrance to internal parking located above or below the**

- (ii) **ground floor,**
- (iii) **a portal,**
- (iv) **an emergency exit, or**
- (v) **an entrance to a room dedicated to a solid waste management area;**

- (c) not exceed a maximum width of 24.0 metres for each premise facing a streetline; and
- (d) contain an independent pedestrian entrance for each premise facing a street line.

35. Amend Section 178, as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the number and bracket “(1)” before the words “Any portion”;
- (b) deleting the word “Any” in Subsection 178(1) and replacing it with the words, number, brackets, and comma “Subject to Subsection 178(2), any”; and
- (c) adding a new Subsection 178(2) immediately below Subsection 178(1).

178 (1) ~~Any~~ **Subject to Subsection 178(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 1.5 metres.**

36. Amend Subsection 185(3), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “a” immediately after the words “each streetline or” and immediately before the words “transportation reserve”;
- (b) deleting the period at the end of the sentence and replacing it with the words and colon “provided that:”; and
- (c) adding two new Clauses.

185 (3) No streetwall stepback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve. **provided that:**

- (a) **each section not having a streetwall stepback does not exceed 14.0 metres in length along the streetline or transportation reserve; and**
- (b) **there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall stepback.**

37. Amend Subsection 188(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 188(2)” and immediately before the comma and words “, a ground floor shall”.

188 (1) Subject to Subsection 188(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

38. Amend Subsection 188(7), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding a comma immediately after the words “low-density dwelling use”;
- (b) deleting the word “or” immediately after the words and comma “low-density dwelling use,” and immediately before the words “a grade-related dwelling unit use”; and
- (c) adding a comma and the words “, or a residential lobby on a floor containing a grade-related dwelling unit use” immediately after the words “grade-related dwelling unit use” and immediately before the comma and words “, the minimum required”.

188 (7) Subject to Subsection 188(8) and excluding a low-density dwelling use, ~~or a grade-related dwelling unit use~~, **or a residential lobby on a floor containing a grade-related dwelling unit use**, the minimum required ground floor height shall be 3.5 metres.

39. Amend Subsection 189(1), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the words, numbers, and commas “**excluding 100-Series Highways, as shown on Schedule 52,**” in Clause 189(1)(a) immediately before the words “be located along”;
- (b) deleting the words and comma “excluding an entrance to internal parking or a portal,” in Clause 189(1)(b);
- (c) adding the comma and word “, excluding” immediately after the word “streetwall” in Clause 189(1)(b);
- (d) deleting the semi-colon at the end of Clause 189(1)(b) and replacing it with a colon; and
- (e) adding four new Subclauses immediately below Clause 189(1)(b) and immediately above Clause 189(1)(c).

189 (1) Subject to Subsections 189(2) and 189(3), grade-oriented premises shall:

- (a) **excluding 100-Series Highways, as shown on Schedule 52**, be located along any streetline;
- (b) ~~excluding an entrance to internal parking or a portal~~, be required for the full width of the streetwall, **excluding**:
 - (i) **an entrance to internal parking located above or below the ground floor,**
 - (ii) **a portal,**
 - (iii) **an emergency exit, or**
 - (iv) **an entrance to a room dedicated to a solid waste management area;**
- (c) not exceed a maximum width of 24.0 metres for each premise facing a streetline; and

- (d) contain an independent pedestrian entrance for each premise facing a streetline.

40. Amend Section 197, as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the brackets and number “(1)” before the words “Any portion”;
- (b) deleting the word “Any” in Subsection 197(1) and replacing it with the words, number, brackets, and comma “Subject to Subsection 197(2), any”; and
- (c) adding a new Subsection 197(2) immediately below Subsection 197(1).

- 197 **(1)** ~~Any Subject to Subsection 197(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 1.5 metres.**

41. Amend Subsection 202(3), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “a” immediately after the words “each streetline or” and immediately before the words “transportation reserve”;
- (b) deleting the period at the end of the sentence and replacing it with the words and colon “provided that:”; and
- (c) adding two new Clauses.

202 (3) No streetwall stepback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve: **provided that:**

- (a) each section not having a streetwall stepback does not exceed 14.0 metres in length along the streetline or transportation reserve; and
- (b) there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall stepback.

42. Amend Subsection 205(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word and number “Subsection 205(2)” and immediately before the comma and words “, a ground floor shall”.

- 205 (1) Subject to Subsection 205(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

43. Amend Subsection 205(7), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding a comma immediately after the words “low-density dwelling use”;

- (b) deleting the word “or” immediately after the words and comma “low-density dwelling use,” and immediately before the words “a grade-related dwelling unit use”; and
- (c) adding a comma and the words “, or a residential lobby on a floor containing a grade-related dwelling unit use” immediately after the words “grade-related dwelling unit use” and immediately before the comma and words “, the minimum required”.

205 (7) Subject to Subsection 205(8) and excluding a low-density dwelling use, ~~or~~ a grade-related dwelling unit use, **or a residential lobby on a floor containing a grade-related dwelling unit use**, the minimum required ground floor height shall be 3.5 metres.

44. Amend Subsection 206(1), as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the words, numbers, and commas “**excluding 100-Series Highways, as shown on Schedule 52,**” in Clause 206(1)(a) immediately before the words “be located along”;
- (b) deleting the words and comma “excluding an entrance to internal parking or a portal,” in Clause 206(1)(b);
- (c) adding the comma and word “, excluding” immediately after the word “streetwall” in Clause 206(1)(b);
- (d) deleting the semi-colon at the end of Clause 206(1)(b) and replacing it with a colon; and
- (e) adding four new Subclauses immediately below Clause 206(1)(b) and immediately above Clause 206(1)(c).

206 (1) Subject to Subsections 206(2) and 206(3), grade-oriented premises shall:

- (a) **excluding 100-Series Highways, as shown on Schedule 52**, be located along any streetline;
- (b) ~~excluding an entrance to internal parking or a portal~~, be required for the full width of the streetwall, **excluding**:
 - (i) **an entrance to internal parking located above or below the ground floor,**
 - (ii) **a portal,**
 - (iii) **an emergency exit, or**
 - (iv) **an entrance to a room dedicated to a solid waste management area;**
- (c) not exceed a maximum width of 24.0 metres for each premise facing a streetline; and
- (d) contain an independent pedestrian entrance for each premise facing a streetline.

45. Amend Section 214, as shown below in **bold**, by:

- (a) adding an “s” at the end of the word “Subsection” in Subsection 214(1);

- (b) adding the number, brackets, and the word “214(1.5) and” after the word “Subsections” and before the number “214(2)” in Subsection 214(1); and
- (c) adding a new Subsection 214(1.5) immediately below Subsection 214(1) and immediately above Subsection 214(2).

214 (1) Subject to Subsections **214(1.5) and** 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.

(1.5) If a minimum required front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 2.0 metres.

(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, CH-2, or CH-1 zone.

46. Amend Subsection 219(3), as shown below in **bold** and ~~strikeout~~, by:

(a) deleting the word “a” immediately after the words “each streetline or” and immediately before the words “transportation reserve”;

(b) deleting the period at the end of the sentence and replacing it with the words and colon “provided that:”; and

(c) adding two new Clauses.

219 (3) No streetwall setback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve. **provided that:**

(a) each section not having a streetwall setback does not exceed 14.0 metres in length along the streetline or transportation reserve; and

(b) there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall setback.

47. Amend Subsection 222(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 222(2)” and immediately before the comma and words “, a ground floor shall”.

222 (1) Subject to Subsection 222(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

48. Amend Subsection 222(7), as shown below in **bold** and ~~strikeout~~, by:

(a) deleting the words “and excluding a low-density dwelling use or a grade-related dwelling unit use” immediately after the words, number, and brackets “Subject to

Subsection 222(8)" and immediately before the comma and words ", the minimum"; and

- (b) adding the word "required" immediately after the words "the minimum" and immediately before the words "ground floor".

222 (7) Subject to Subsection 222(8) ~~and excluding a low density dwelling use or a grade related dwelling unit use~~, the minimum **required** ground floor height shall be 3.5 metres.

49. Amend Section 248, as shown below in **bold**, by:

- (a) adding the number, brackets, and the word "248(1.5) and" after the word "Subsections" and before the number and brackets "248(2)" in Subsection 248(1); and
- (b) adding a new Subsection 248(1.5) immediately below Subsection 248(1) and immediately above Subsection 248(2).

248 (1) Subject to Subsections **248(1.5) and** 248(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.

(1.5) 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.

(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, CH-2, or CH-1 zone.

50. Amend Section 255, as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the brackets and number "(1)" before the words "Any portion";
- (b) deleting the word "Any" in Subsection 255(1) and replacing it with the words, number, brackets, and comma "Subject to Subsection 255(2), any"; and
- (c) adding a new Subsection 255(2) immediately below Subsection 255(1).

255 **(1)** ~~Any~~ **Subject to Subsection 255(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.

51. Amend Subsection 260(2), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word "a" immediately after the words "each streetline or" and immediately before the words "transportation reserve";
- (b) deleting the period at the end of the sentence and replacing it with the words and colon "provided that:"; and

(c) adding two new Clauses.

260 (2) No streetwall stepback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve, **provided that:**

(a) each section not having a streetwall stepback does not exceed 14.0 metres in length along the streetline or transportation reserve; and

(b) there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall stepback.

52. Amend Subsection 263(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 263(2)” and immediately before the comma and words “, a ground floor shall”.

263 (1) Subject to Subsection 263(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

53. Amend Subsection 263(7), as shown below in **bold** and ~~strikeout~~, by:

(a) deleting the words “a low-density dwelling use or” immediately after the word “excluding” and immediately before the words “a grade-related dwelling”; and

(b) adding the words “or a residential lobby on a floor containing a grade-related dwelling unit use” immediately after the words “grade-related dwelling unit use” and immediately before the comma and words “, the minimum required”.

263 (7) Subject to Subsection 263(8) and excluding ~~a low-density dwelling use or a grade-related dwelling unit use~~ **or a residential lobby on a floor containing a grade-related dwelling unit use**, the minimum required ground floor height shall be 3.5 metres.

54. Amend Section 270, as shown below in **bold** and ~~strikeout~~, by:

(a) adding the brackets and number “(1)” before the words “Any portion”;

(b) deleting the word “Any” in Subsection 270(1) and replacing it with the words, number, brackets, and comma “Subject to Subsection 270(2), any”;

(c) adding a new Subsection 270(2) immediately below Subsection 270(1) and immediately above Section 271.

270 (1) ~~Any~~ **Subject to Subsection 270(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 1.5 metres.**

55. Amend Subsection 275(2), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “a” immediately after the words “each streetline or” and immediately before the words “transportation reserve”;
- (b) deleting the period at the end of the sentence and replacing it with the words and colon “provided that:”; and
- (c) adding two new Clauses.

275 (2) No streetwall setback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve. **provided that:**

- (a) **each section not having a streetwall setback does not exceed 14.0 metres in length along the streetline or transportation reserve; and**
- (b) **there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall setback.**

56. Amend Subsection 278(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 278(2)” and immediately before the comma and words “, a ground floor shall”.

278 (1) Subject to Subsection 278(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

57. Amend Subsection 278(7), as shown below in ~~strikeout~~, by deleting the words “and excluding a low-density dwelling use or a grade-related dwelling unit use” immediately after the words, number, and brackets “Subject to Subsection 278(8)” and immediately before the comma and words “, the minimum”.

278 (7) Subject to Subsection 278(8) ~~and excluding a low density dwelling use or a grade-related dwelling unit use~~, the minimum required ground floor height shall be 3.5 metres.

58. Amend Section 285, as shown below in **bold** and ~~strikeout~~, by:

- (a) adding the brackets and number “(1)” before the words “Any portion”;
- (b) deleting the word “Any” in Subsection 285(1) and replacing it with the words, number, brackets, and comma “Subject to Subsection 285(2), any”; and
- (c) adding a new Subsection 285(2) immediately below Subsection 285(1).

- 285 (1) ~~Any~~ **Subject to Subsection 285(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.**

59. Amend Subsection 290(2), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “a” immediately after the words “each streetline or” and immediately before the words “transportation reserve”;
- (b) deleting the period at the end of the sentence and replacing it with the words and colon “provided that:”; and
- (c) adding two new Clauses.

290 (2) No streetwall stepback is required for a maximum of 20% of the length of any main building facing each streetline or a transportation reserve- **provided that:**

- (a) **each section not having a streetwall stepback does not exceed 14.0 metres in length along the streetline or transportation reserve; and**
- (b) **there is a minimum required separation distance of 14.0 metres along the streetline or transportation reserve between sections not having a streetwall stepback.**

60. Amend Subsection 293(1), as shown below in **bold**, by adding the words, numbers, and comma “and excluding 100-Series Highways, as shown on Schedule 52” immediately after the word, number, and brackets “Subsection 293(2)” and immediately before the comma and words “, a ground floor shall”.

293 (1) Subject to Subsection 293(2) **and excluding 100-Series Highways, as shown on Schedule 52**, a ground floor shall be established along any streetline or transportation reserve.

61. Amend Subsection 293(7), as shown below in ~~strikeout~~, by deleting the words “and excluding a low-density dwelling use or a grade-related dwelling unit use” immediately after the words, number, and brackets “Subject to Subsection 293(8)” and immediately before the comma and words “, the minimum”.

293 (7) Subject to Subsection 293(8) ~~and excluding a low density dwelling use or a grade-related dwelling unit use~~, the minimum required ground floor height shall be 3.5 metres.

62. Amend Section 333, as shown below in **bold** and ~~strikeout~~, by:

- (a) Deleting the word “An” in Subsection 333(1) and replacing it with the words “Any new”;

- (b) Adding a new Subsection 333(1.5) immediately below Subsection 333(1) and immediately above Subsection 333(2);
- (c) Adding the words and comma “separation distance,” in Subsection 333(2) immediately after the words and comma “rear setback,” and immediately before the words “or lot coverage”; and
- (d) Repealing Subsection 333(4).

- 333 (1) ~~An~~ **Any new** accessory structure shall have no restriction on the maximum size of its footprint, except:
- (a) subject to Clause 333(1)(b), in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR- 1, ER-3, ER-2, ER-1, CH-2, or CH-1 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.

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

- (2) An accessory structure that is located in a rear yard and that is lawfully 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, floor area, side setback, rear setback, **separation distance**, or lot coverage, as long as all other applicable built form requirements contained within this Chapter are met.
- (3) An accessory structure that is located in a flanking yard and that is lawfully 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, floor area, flanking yard set-back, side setback, rear setback, or lot coverage, as long as all other applicable built form requirements contained within this Chapter are met.
- (4) ~~In any DD, DH, CEN 2, CEN 1, COR, HR 2, HR 1, ER 3, ER 2, ER 1, CH 2, or CH 1 zone, an accessory structure shall not have a floor area greater than 90.0 square metres.~~

63. Amend Section 361, as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “one” and replacing it with the word “two” in Clause 361(b);
- (b) adding the words and number “that has a dimension either vertically or horizontally of no less than 1.0 metre” at the end of Subclause 361(b)(i) immediately before the comma;
- (c) deleting the word “or” at the end of Subclause 361(b)(iv);
- (d) deleting the period at the end of Subclause 361(b)(v) and replacing it with a comma and word “, or”;
- (e) adding a new Subclause 361(b)(vi) immediately below Subclause 361(b)(v).

- 361 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 a minimum of ~~one~~ **two** of the following methods:
 - (i) a change in the building massing at the corner **that has a dimension either vertically or horizontally of no less than 1.0 metre,**
 - (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)-, **or**
 - (vi) **a change in both material and colour.**
64. Amend Section 371, as shown below in **bold**, by adding the words “from any streetline” immediately after the words “screened from view” and immediately before the period.
- 371 Where parking is internal to a building, including a parking structure, motor vehicle parking areas shall be required to be screened from view **from any streetline.**
65. Amend Clause 413(b), as shown below in **bold**, by adding the words “of floor area” immediately after the number and words “200.0 square metres” and immediately before the period.
- 413 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 **of floor area.**
66. Amend Subsection 445(4), as shown below in **bold** and ~~strikeout~~, by deleting the words “driving aisle” located immediately after the words “the surface of the” and immediately before the words “shall be delineated” and replacing them with the words “pedestrian walk”.
- 445 (4) Where a pedestrian walk crosses a driving aisle in an accessory parking lot, the surface of the ~~driving aisle~~ **pedestrian walk** shall be delineated with a change of colour or material from the driving aisle.
67. Amend Section 460, as shown below in **bold** and ~~strikeout~~, by:
- (a) adding a colon immediately after the words “shall only be permitted”;
 - (b) deleting the words, acronyms, commas, and period “in a DD, DH, CEN-2, CLI, LI, HRI, INS, UC-2, UC-1, PCF, or RPK zone.”; and
 - (c) adding two new Clauses 460(a) and 460(b) immediately below the sentence fragment and colon “Variable message signs shall only be permitted:” and immediately above Section 461.
- 460 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.~~

- (a) in a DD, DH, CEN-2, CLI, LI, HRI, INS, UC-2, UC-1, PCF, or RPK zone; and
- (b) if, in the opinion of the Engineer, the variable message sign does not pose a risk to public safety.

68. Amend Section 486, as shown below in **bold**, by:

- (a) adding the word “non-residential” immediately after the words “non-residential non-conforming use of land to a less intensive” and immediately before the words “non-conforming use”; and
- (b) adding the words “of structure or land” immediately after the words “non-conforming use” and immediately before the words “may be permitted”.

486 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-residential non-conforming use of land to a less intensive **non-residential** non-conforming use **of structure or land** may be permitted by development agreement, in accordance with Policy IM-19 of the *Regional Centre Secondary Municipal Planning Strategy*.

69. Amend the header related to Section 487, as shown below in **bold**, by adding the word “Non-Residential” immediately after the words “Expansion of a” and immediately before the words “Non-Conforming Use”.

Expansion of a **Non-Residential** Non-Conforming Use

70. Amend Section 487, as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the fourth “a” in the Section and replacing it with the word “the”; and
- (b) deleting the fifth “a” in the Section and replacing it with the word “the”.

487 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 ~~a~~ **the** structure containing ~~a~~ **the** non-residential non-conforming use to be extended, enlarged, or altered.

71. Amend Subsection 499(88), as shown below in **bold** and ~~strikeout~~, by deleting the first instance of the word “any” and replacing it with the words “the nearest”.

(88) Flanking Yard means a yard between ~~any~~ **the nearest** 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).

72. Amend Section 499, as shown below in **bold** and ~~strikeout~~, by:

- (a) repealing Subsection 499(90); and
- (b) adding a new Subsection 499(90.5) immediately below the repealed Subsection 499(90).

(90) Floor Area means the horizontal area of all floors in a building, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes 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.

(90.5) Floor Area means:

- (a) for the purposes of a FAR calculation, the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios;
 - (ii) any floor area below a ground floor of a building or parking structure;
 - (iii) elevator shafts;
 - (iv) accessory structures;
 - (v) rooftop greenhouses;
 - (vi) any space open to a floor below; and
 - (vii) pedways; or
- (b) for the purposes other than a FAR calculation, the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios;
 - (ii) elevator shafts;
 - (v) rooftop greenhouses;
 - (vi) any space open to a floor below; and
 - (vii) pedways.

73. Amend Subsection 499(91), as shown below in **bold**, by adding the words “or parking structures” immediately after the words “all main buildings” and immediately before the words “within a FAR precinct on a lot”.

(91) Floor Area Ratio (FAR) means the total floor area of all main buildings **or parking structures** within a FAR precinct on a lot, divided by the area of the land within that FAR precinct.

74. Amend Subsection 499(98), as shown below in **bold**, by adding the words “and a lobby” immediately after the words “grade-related dwelling unit use” and immediately before the period at the end of the Subsection.

(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. For further clarity, a grade-oriented premises includes a grade-related dwelling unit use **and a lobby**.

75. Amend Section 499, as shown below in **bold**, by adding a new Subsection 499(185.5) immediately below Subsection 499(185) and immediately above Subsection 499(186).

(185.5) Permeable Vegetated Grid System means a grid system made up of hard materials, such as plastic, concrete, or other similar materials, together with gaps to allow vegetation to grow throughout the grid pattern.

76. Amend Subsection 499(195), as shown below in **bold** and ~~strikeout~~, by:

- (a) deleting the word “or” at the end of Clause 499(195)(a);
- (b) deleting the words and period “or canopy.” in Clause 499(195)(b) and replacing them with a semi-colon and the word “or”; and
- (c) adding a new Clause 499(195)(c) immediately below Clause 499(195)(b).

(195) 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;~~ **or**
- (c) **is attached to a canopy.**

77. Amend Section 499, as shown below in ~~strikeout~~, by repealing Subsection 499(221).

~~(221) Service Access means an exterior entrance to a building for accessing utilities, off-street loading spaces, solid waste management areas, or storage areas.~~

78. Amend Subsection 499(224), as shown below in **bold** and ~~strikeout~~, by deleting the number 32 in brackets and replacing it by the number “32.5”.

(224) 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~~ **32.5**).

79. Amend Part XVII (DEFINITIONS), as shown below in ~~strikeout~~, by repealing Diagram 32 and its caption located below the image.

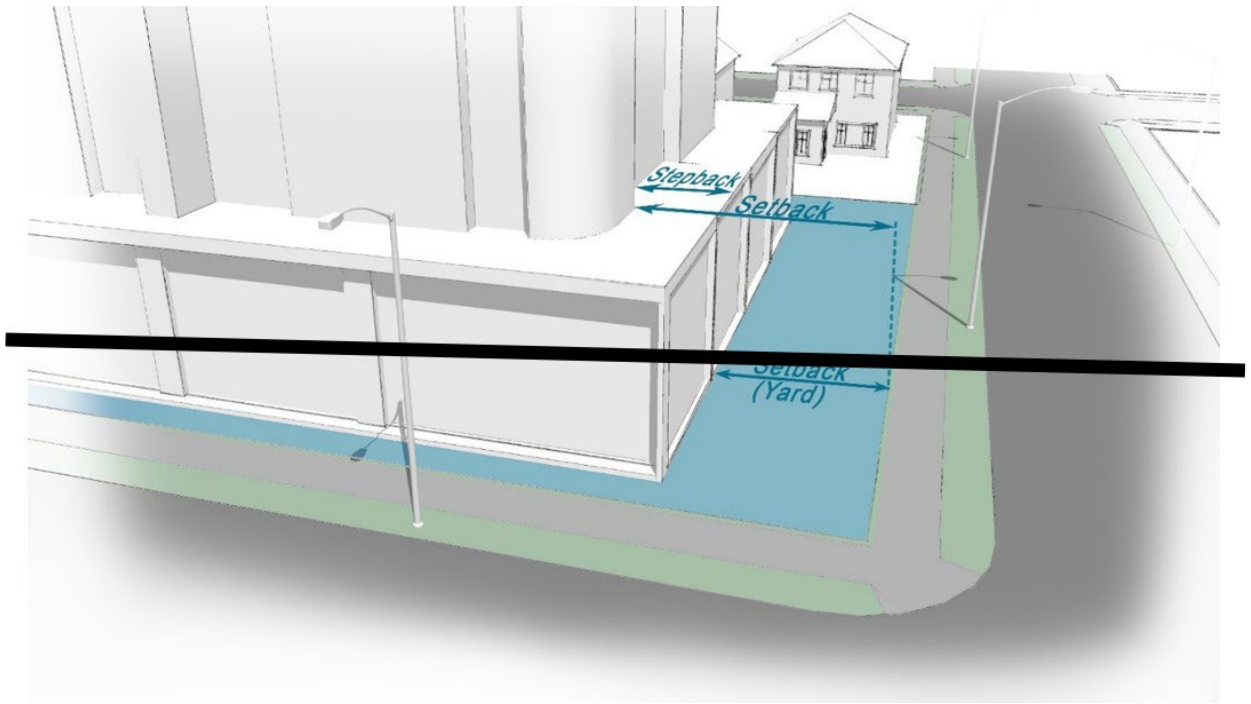


Diagram 32: Setback and stepback, per Subsections 499(224) and 499(240)

80. Amend Part XVII (DEFINITIONS) by adding a new Diagram 32.5 and its associated caption, as shown below, immediately below Subsection 499(224) and immediately above Subsection 499(225).

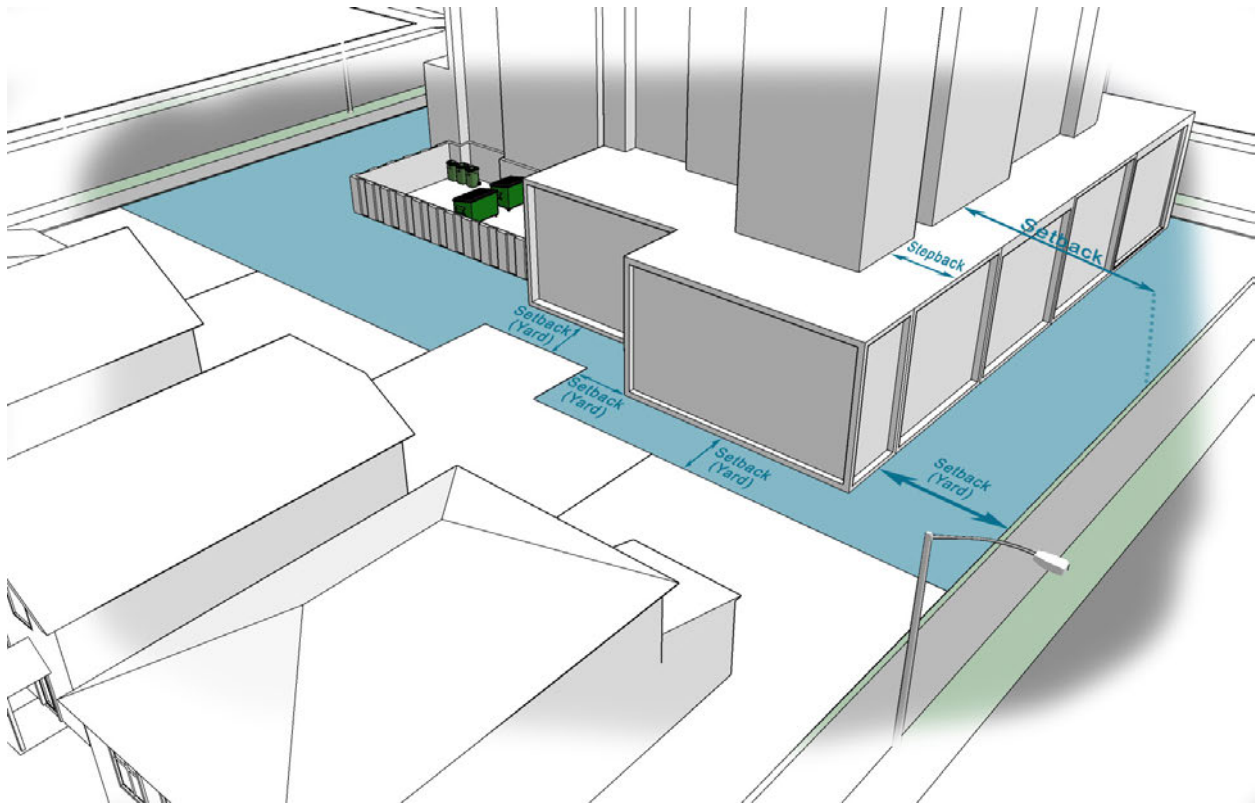


Diagram 32.5: Setback and stepback, per Subsections 499(224) and 499(240)

81. Amend Subsection 499(237), as shown below in **bold** and ~~strikeout~~, by:
- (a) adding the words “and a permeable vegetated grid system” immediately after the words and comma “or a water fountain,”; and
 - (b) deleting the word “is” and replacing it with the word “are”.
- (237) 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, **and a permeable vegetated grid system** ~~is~~ **are** considered soft landscaping.
82. Amend Subsection 499(240), as shown below in **bold** and ~~strikeout~~, by deleting the number 32 in brackets and replacing it by the number “32.5”.
- (240) Stepback means a horizontal recess that breaks the vertical plane of an exterior wall on a main building (Diagram ~~32~~ **32.5**).
83. Amend Section 499 by repealing Subsection 499(246), as shown below in ~~strikeout~~:
- (246) ~~Streetwall means the wall of a building, or the portion of a wall of a building, facing the streetline or a transportation reserve, below the height of a specified~~

~~stepback. Where no specified stepback is required, the streetwall is the wall facing the streetline or a transportation reserve.~~

84. Amend Section 499, as shown below in **bold**, by adding a new Subsection 499(246.5) immediately below the repealed Subsection 499(246) and immediately above Subsection 499(247).

(246.5) Streetwall means the wall of a building, or the portion of a wall of a building, that:

- (a) faces the streetline or a transportation reserve; and**
- (b) is located below the height of a specified stepback; or**
- (c) where no specified stepback is required, the streetwall is the wall facing the streetline or a transportation reserve.**

A streetwall shall not apply to any wall of a building, or the portion of a wall of a building, that faces a 100-Series Highway, as shown on Schedule 52.

85. Amend "Schedule 18: Minimum Front and Flanking Setbacks" to change the minimum setback on PID 00004010 (Halifax Forum Site) from 3 metres to 1.5 metres along the Young Street and Windsor Street frontages.
86. Amend by adding the new Schedule 52 titled "Schedule 52: 100-Series Highways", after "Schedule 51: Shadow Impact Assessment Protocol - Identified Areas", as attached to this amending By-law as Attachment A-1.
87. Amend "Schedule 6: Robie Street Transportation Reserve" to reduce the required Transportation Reserve at 2705 – 2729 Robie Street (PID 00161703) from 7.8 metres to 4.9 metres, as shown on the map attached to this amending by-law as Attachment A-2

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

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

Municipal Clerk