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Item No. 10.1.1
Regional Centre Community Council
August 12, 2024
September 4, 2024

TO: Chair and Members of Regional Centre Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning & Development

DATE: July 26, 2024

SUBJECT: **2024-01201: Regional Centre LUB Housekeeping Amendments**

ORIGIN

Staff-initiated as part of regular housekeeping of land use by-laws.

EXECUTIVE SUMMARY

Staff are proposing amendments to the Regional Centre Secondary Municipal Planning Strategy (SMPS) and Land Use By-Law (LUB) which are needed to correct or clarify some drafting errors resulting from recent reviews and address several housekeeping issues to improve the administration of the LUB and greater consistency with the *Halifax Regional Municipality Charter*. The proposed amendments are consistent with the *HRM Charter* and approved policy direction in the *Regional Centre Secondary Municipal Planning Strategy* (SMPS). Public engagement was consistent with AO 2023-002-ADM. Therefore, staff recommend that Regional Centre Community Council proceed with First Reading of the amendments and schedule a Public Hearing.

RECOMMENDATION

It is recommended that Regional Centre Community Council:

1. Give First Reading to consider approval of the proposed amendments to the Regional Centre Land Use By-Law, as set out in Attachment 1, and schedule a public hearing.
2. Adopt the proposed amendments to the Regional Centre Land Use By-Law, as set out in Attachment 1.

BACKGROUND

The Regional Centre planning area is experiencing significant development activity, and staff in Community Planning are focused on the continued maintenance of the planning documents, which includes frequent feedback from residents, developers, development officers, and planners.

The Regional Centre Secondary Municipal Planning Strategy (SMPS) and Land Use By-Law (LUB) were first adopted in the Fall of 2019 (Package A), and later adopted in its entirety in the Fall of 2021 (Package B). Staff have since undertaken two minor housekeeping reviews of the LUB in 2022 (Cases 24259 and 24260) and 2024 (Case 00462), and a major comprehensive review that came into force in June 2024 (Case 01065). The most recent review was part of the Urgent Changes to Planning Documents for Housing amendment package in support of the municipality's Housing Accelerator Fund (HAF) application.

While there were many changes to the LUB as part Case 01065 that were recently approved, some drafting errors need to be addressed. This is not unusual given the scale of changes and the timeline associated with those amendments. In addition, there are other changes that were identified as part of routine housekeeping.

The amendments being proposed include:

- Reducing the motor vehicle parking requirements for self-storage facilities;
- Creating a new "duplex apartment use" and permitting it in the ER-3 Zone and other higher density zones;
- Clarifying bedroom counts for small-shared housing uses in the ER Zones;
- Restoring limitations for balcony encroachments into an ER or Park Zone;
- Allowing a retaining wall and staircase as permitted encroachments in the Northwest Arm Special Area;
- Exempting low-density residential uses (1 – 4 units) from maximum building dimensions;
- Clarifying how a storey is measured;
- Clarifying the boundaries of the bonus rate district in Schedule 50;
- Clarifying that site plan approval to exceed the maximum building dimension is permitted for a building in the HR-1 Zone;
- Clarifying in what circumstances transition requirements from high-density to low-density zones apply; and
- Clarifying unique conditions within the Young Avenue Special Area and Sub-Area.

DISCUSSION

The proposed amendments to the Regional Centre Land Use By-law are contained in Attachment 1, and a comparison chart is provided in Attachment 2. Attachment 3 contains review of relevant policies in the Centre Plan Secondary Municipal Planning Strategy for the proposed amendments. A summary of the amendments is provided below.

Summary of Proposed LUB Amendments

This section describes each set of amendments by summarizing the proposal, explaining a gap in the existing provision, suggesting an alternative provision to fill in the gap, and referencing a provision in the HRM Charter or a policy in the SMPS enabling the proposed amendment.

Reducing the motor vehicle parking requirements for self-storage facilities

- The proposed change is to reduce the motor vehicle parking requirement for self-storage facilities from 1 space for every 35 square metres to a minimum of 4 spaces in *Table 15: Required minimum or maximum number of motor vehicle parking spaces per lot, by zone and use*.
- When Centre Plan was developed, staff were originally anticipating that self-storage facilities would be limited to industrial zones and would be subject to industrial motor vehicle parking standards, which in Centre Plan is a minimum of four spaces.

- Following consultation with the public and developers, staff permitted self-storage facilities more broadly by allowing them in mixed use zones (e.g. CEN Zones), and subsequently categorized them as a Commercial Use as opposed to an Industrial Use in the permitted use tables.
- The associated motor vehicle parking requirements were not reviewed when the use changed from industrial to commercial which means that self-storage facilities are currently subject to the default commercial motor vehicle parking requirement, which is one space for every 35 square metres of floor area.
- The result is prohibitive parking standards for self-storage uses, as proposed developments require hundreds of spaces due to the large gross floor area associated with storage uses. However, these uses have limited need for parking spaces as typically only a few users may be at the storage facility at any one time. The current commercial parking standards also discourage the integration of self-storage facilities with other uses (e.g. residential) in a mixed-use development, which is counterproductive to the overall Core Concepts in the SMPS that speak to complete communities and pedestrian first design.
- Staff consulted internally with Transportation Planning and no concerns were raised regarding the proposed reduction in motor vehicle parking spaces.
- SMPS Policy UD-26 a) enables the LUB to control the number of parking spaces.

Creating a new “duplex apartment use” and permitting it in the ER-3 Zone and other higher density zones
The proposed amendments create a new residential use, the “duplex apartment use”, permit the use in certain zones and provide associated standards (e.g. lot frontage and area requirements, bedroom counts, and definitions).

- Through the Urgent Changes to Planning Documents for Housing amendments, secondary suites were removed from the Regional Centre LUB because secondary suites had strict size limitations, and the HAF requirements broadly permitted at least four units on a lot. Secondary suites were therefore no longer necessary from a land use perspective. However, those looking to build secondary suites would still be eligible for funding / grant programs provided adhered to the size requirements stated in the National Building Code.
- A common building typology in Halifax is a semi-detached dwelling, and each unit is permitted a secondary suite, for a total of four units in the building block.
- With the phasing out of secondary suites in planning documents, this building typology no longer meets the definition of a semi-detached dwelling and is instead classified as a townhouse dwelling unit which has more stringent lot controls and urban design requirements than a semi-detached dwelling. Examples of these urban design requirements include no parking in the front yard and façade articulation requirements.
- The proposed changes would re-establish this common building typology in the Regional Centre by creating the “duplex apartment use” while applying the same built form requirements that apply to semi-detached dwellings. This use would allow up to four units in a building, it is proposed to be permitted broadly in the ER-3 Zone and other higher density zones where semi-detached dwellings are also permitted, but it would not be permitted in the ER-2 Zone that is limited to two units on a lot for new construction.
- SMPS Policy E-2 enables the LUB to permit and control the design of low-rise residential buildings.

Clarifying bedroom counts for small-shared housing units in the ER Zones

- Bedroom counts were recently adjusted to reflect the increased density in the ER Zones as part of the Urgent Changes to Planning Documents for Housing.
- As per SMPS Policy H-6, the Land Use By-Law must permit shared housing in all residential zones at a scale that is similar to the permitted residential uses in that zone.
- In this case, up to eight units and 20 bedrooms is permitted on a lot in the ER-3 Zone (depending on lot size), while two units and up to eight bedrooms are permitted on a lot in the ER-2 Zone.
- Bedroom counts for small-shared housing uses (Section 57 (2)) were quickly updated to reflect Council direction during the Urgent Changes to Planning Documents for Housing, but staff have since identified further changes that are needed to make the regulation effective. This includes limiting small-shared housing uses in the ER-2 Zone to eight bedrooms per lot, and ensuring that

up to 20 bedrooms per lot, depending on lot size, can be enabled as a small-shared housing use in the ER-3 Zone.

- Twenty (20) bedrooms in a small-shared housing use is currently not enabled as it conflicts with the definition of small-shared housing, which was not updated during the previous round of amendments. The current definition limits the small-shared housing use to 10 bedrooms
- The proposed change would clarify that more than one small-shared housing use is permitted in a main building on a lot, while maintaining the limit of 10 bedrooms per use as established in the definition. Therefore, 20 bedrooms on a lot could be attained in two small-shared housing uses, with each small-shared housing use having access to its own set of facilities (i.e. kitchen and washroom).
- Small-shared housing uses will be subject to the same density and lot size requirements as other uses in the ER-3 Zone, with only the largest lots (over 600 square metres in size) allowing for the maximum of 20 bedrooms.
- Another proposed change includes administrative changes to the title of the bedroom count section, and a change that would enable a backyard suite to be accessory to a small-shared housing use.
- These changes are supported by Policy H-6.

Restoring limitations for balcony encroachments into an ER Zone or Park Zone

- The encroachment section in the LUB, Section 94.5, was recently updated in January 2024 as part of regular housekeeping. There was a drafting oversight at that time which resulted in allowing balconies to encroach into required yard setbacks when abutting Established Residential and Park Zones.
- The proposed change would re-establish not allowing a balcony to encroach into a required setback where the property is abutting an Established Residential or a Park Zone.
- The intent of this change is to maintain appropriate transition between high-density and low-density uses, which is generally supported by policy intent in the SMPS and the original LUB prior to the January 2024 update.
- SMPS Policy UD-9(g) mandates the LUB to provide for transition requirements from higher density to lower density zones.

Allowing a retaining wall and staircase as permitted encroachments in the Northwest Arm Special Area

- Section 76(2) of the LUB allows the following structures within 9 metres of the reference line of the Northwest Arm:
 - (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.
- The permitted structures do not allow supportive structures that may be required to gain access to the water, including retaining walls and staircases.
- Recent amendments to the LUB [Section 76(4.2) and (4.3)] to control the activity of water lot infilling permits a “retaining wall” by up to 2 metres seaward past the reference line. There is a discrepancy where retaining walls are permitted on the seaside of the reference line, but not on the land side of the reference line.
- The proposed amendments will add retaining walls and staircases to the list of permitted structures within 9 metres of the reference line to facilitate access to the water.
- SMPS Policy W-2(a) allows for structures and land uses to be permitted within setbacks to the shoreline reference line.

Exempting low-density residential uses (1 – 4 units) from maximum building dimensions

- Within the Established Residential Zones, maximum building dimensions of 20.0 metres width and 30.0 metres depth were introduced in the LUB as part of the Urgent Changes to Planning Documents for Housing process to control density and built form. These dimensions were chosen as they represent typical lot depth, and two typical lot widths.
- Upon further review, there are cases where the maximum building dimensions may be limiting for low-density residential uses, particularly in newer subdivisions with larger lot sizes.
- When the maximum building dimensions were developed, it was part of an early proposal that also had bedroom counts removed entirely from the LUB. However, bedroom counts have since been maintained and updated in the LUB, but maximum building dimensions were not reviewed in tandem with this change.
- The result is that the maximum building dimensions may be limiting for some low-density residential uses. As the typical built form for a 4-unit dwelling is quite small, and density is further controlled by bedroom counts (max. of 12 bedrooms in a 4-unit building), staff recommend removing the maximum building dimensions for buildings up to 4 units. It is further recommended to maintain the maximum building dimensions for multi-unit buildings (5 to 8 units) in the ER-3 Zone to help encourage infill that is sensitive to its surrounding context and prevent multiple lots from being consolidated.
- SMPS Policy E-2 enables the LUB to permit and control the design of low-rise residential buildings, Policy E5.5 only requires maximum building dimensions in the ER-3 Zone for multi-unit dwellings (5 – 8 units) and townhouses, and Policy UD-9b) further enables the LUB to impose maximum building dimensions in the ER-3 Zone.

Clarifying how a storey is measured

- As part of the Urgent Changes to Planning Documents for Housing initiative, one of the key changes to enable more density and different forms of construction was changing how building height is measured in some high-density and mixed-use zones from metres to storeys.
- Based on feedback and modelling different height measurements across different sites, staff's recommendation was to measure storeys from the average finished grade of a building, which is consistent with how building height was measured in metres.
- Additional clarification is required to separate measurements for the building height versus measurements for the streetwall. It is proposed that while the overall building height will continue to be measured from average finished grade, the proposed amendment seeks to clarify that each streetwall will be measured from its respective streetline grade, which provides much needed flexibility on sloping sites.
- The proposed definition of a storey continues to clarify that a storey will not be counted towards height unless its ceiling is a minimum of 2 metres above either the streetline grade (for streetwalls) or the average finished grade (for building height).
- Section 3.2.1 of the SMPS speaks to the LUB measuring building height in metres or in storeys, depending on the context. Height is established in Table 2 of the SMPS, and further expressed in Policies UD-5 and UD-6.

Clarifying the boundaries of the bonus zoning rate district in Schedule 50

- Policy IM-12 and subsection 472(1) of the Land Use By-law requires a new development over 2,000 square metres of floor area in a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone to be subject to incentive or bonus zoning, except for a non-profit organization.
- Schedule 50 of the LUB sets out six different bonus zoning rate districts across Regional Centre, with Future Growth Nodes (FGNs) identified as a seventh district but FGNs have a separate process for determining bonus zoning rates. The rate districts reflect the differences in land value, which translates to a different rate that is applied when bonus zoning is calculated.
- Schedule 50 is currently mapped parcel by parcel and needs to be updated every time there is a zoning change to a zone that is subject to density bonusing. This format was adopted during Package A which applied to limited lands in the Regional Centre;

- In an effort to streamline future amendments, staff are proposing to update Schedule 50 to contain the boundaries of the different rate districts as previously established by background studies in 2018, but the requirement would continue to only apply if the property is in a zone where density bonusing applies and the values would remain the same. This means that Schedule 50 will no longer need to be amended when zoning changes occur, unless a broader update to land values is required.
- While Section 236A of the *Halifax Regional Municipality Charter* restricts new incentive or bonus zoning agreements, or changes to existing agreements, the proposed amendment is administrative in nature as it is simply clarifying the boundaries of the different rate districts that are already established in the LUB on the basis of a 2018 background study.
- Policies IM-12 and IM-14a) in the SMPS directs the LUB to identify the density bonus rates and districts.

Clarifying that site plan approval to exceed the maximum building dimension is permitted for a building in the HR-1 Zone

- A recent change was made to enable a Site Plan Approval process for a building in the HR-1 Zone to exceed its maximum building dimensions.
- Policy IM-9 d) in the SMPS and Section 393 (Variation: Maximum Building Dimensions in the CEN-2, COR, HR-2, or HR-1 Zone) of the LUB were amended to enable this application, but staff missed an update to Section 15(2) d) (Matters subject to Site Plan Approval) of the LUB.
- The proposed change would rectify this omission and bring the LUB into alignment with Policy IM-9 d).

Clarifying in what circumstances transition requirements from high-density to low-density zones apply

- One of the key principles of urban design in the Centre Plan is expressed through transition requirements to reduce impacts between more and less intense land uses, and between abutting higher-density to lower-density zones, in particular zones that include parks, low-rise established residential neighbourhoods, and heritage resources.
- This concept includes transitions in the scale, density and design and was frequently communicated during the extensive Centre Plan public consultation process and formed the framework for successful densification.
- While the concept of transition is stated several times in text throughout the SMPS, it is also clearly expressed in Policies UD-8, UD-9 g), and Policy UD-24 b).
- In the LUB, transition requirements are implemented through increased setbacks and building stepbacks in a context where there is a high-density zone situated next to a low-density zone. The exact transition requirements differ between zones and are tied to the built form of a mid-rise, tall mid-rise, or high-rise building, with taller buildings requiring greater transition from abutting zones.
- In the LUB, this is commonly expressed as “where a lot line abuts”, followed by a list of the corresponding zones to which transition requirements apply. For example, in the COR Zone the side yard setback requirement is stated in Subsection 181(1)(a) as “where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone”. Where the property is not abutting one of these zones, the side setback can be reduced to 0.0 metres as no transition is required to another high-density zone.
- In cases where the property line does not align with the zone boundary the abutting property has a ‘split zone’ and transition requirements would not apply because the property line is not abutting a different zone.
- To account for this situation in which the abutting property has a split zone, staff are proposing a change in text to the LUB that replaces the current wording with wording that states “where a lot line abuts a lot, any portion of which, is zoned” (see side-by-side comparison in Attachment 2). This will allow transition requirements to apply in cases where the abutting property contains a split zone, however minimal.
- This change more closely aligns with current policy intent in Policies UD-8 and UD-9 as it ties the transition requirement to the abutting zone. The proposed change provides more certainty in

expected built form in areas where there is a high-density use being developed next to a lower density zone.

- Although this is a relatively minor text change, the resulting amendments apply to approximately 40 sections and address all zones where transition requirements may apply.
- The proposed changes may affect some development applications. Sections 253 and 261 of the *HRM Charter* provide direction for managing construction permits or development permits in progress that are inconsistent with a proposed change in an LUB.

Maintaining unique conditions within the Young Avenue Special Area and Sub-Area

- The LUB provides for certain unique conditions related to residential densities within the Young Avenue Sub-Area. These conditions are stated in footnotes 6, 14, and 23 of Table 1B in the LUB. The unique conditions include:
 - Allowing internal conversions within the Young Avenue Special Area to no more than 3 units (Footnote 6);
 - Allowing up to 5 units on a lot in the Young Avenue Sub-Area A (Footnote 14). Section 60 of the LUB further limits a 5unit building to a maximum of 15 bedrooms; and
 - Clarifying that a small-shared housing use cannot be located in combination with a two-unit, three-unit, four-unit, or a multi-unit dwelling use within the Young Avenue Sub-Area A (Footnote 23).
- With recent zoning changes as part of the Urgent Changes to Planning Documents for Housing, properties within the Young Avenue Special Area have been rezoned from ER-1 to ER-2.
- To ensure that these unique considerations to continue to exist within the new zoning framework, the footnotes related to the Young Avenue Sub-Area need to be brought into the ER-2 column in Table 1B, along with some additional minor administrative changes to the footnotes.
- Policy E-8 a) and E-9 b) enable the Young Avenue Special Area and Sub-Area A.

Conclusion

Staff are proposing housekeeping changes to the Regional Centre LUB to address some drafting errors to improve administration, and to ensure that the LUB is clear and following the policy intent provided for in the SMPS. Therefore, staff recommend that the Regional Centre Community Council approve the proposed LUB amendments.

FINANCIAL IMPLICATIONS

No financial implications at this time.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the NS Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendments are contained within the Discussion section of this report

COMMUNITY ENGAGEMENT

The level of community engagement was information sharing and consultation, achieved through providing information and seeking comments through the HRM website. The engagement process is consistent with a website requirement as described in Clause 6(a) of the Public Participation Administrative Order which applies to general amendments.

A public hearing must be held by the Regional Centre Community Council before considering an approval of the proposed LUB amendments. The HRM website will be updated to indicate notice of the public hearing.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Regional Centre Community Council may choose to refuse one or more of the proposed LUB amendments, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment 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 approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.

LEGISLATIVE AUTHORITY

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

ATTACHMENTS

- Attachment 1: Proposed LUB Amendments
- Attachment 1: Appendix 1: Schedule 50: Incentive or Bonus Zoning Rate Districts
- Attachment 2: Comparison Chart of Proposed Amendments
- Attachment 3: Review of Relevant Regional Centre SMPS Policies

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Attachment 1: Proposed amendments

MINORREV-2024-01201

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

- 1** Clause 15(2)(d) is amended by striking out “or HR-2” and replacing it with “HR-2, or HR-1”.
- 2** Table 1A is amended:
 - (a)** by adding a new row “duplex apartment use” under the row “semi-detached dwelling use”;
 - (b)** by adding a black dot in the columns *DD*, *DH*, *CEN-2*, *CEN-1*, and *COR* of the row *duplex apartment use*;
 - (c)** by adding Footnote 15 in the *HR-1* column of the row *duplex apartment use*; and
 - (d)** by leaving blank space in the *HR-1* column of the row *duplex apartment use*.
- 3** Table 1B is amended by:
 - (a)** by adding a new row “duplex apartment use” under the row “semi-detached dwelling use”;
 - (b)** by adding Footnote 15 in the *ER-3* column of the row *duplex apartment use*; and
 - (c)** by leaving a blank space in the columns *ER-2*, *ER-1*, *CH-2*, and *CH-1* of the row *duplex apartment use*.

- 4 Portion of the row *two-unit dwelling use* of Table 1B in column ER-2 is amended by adding Footnotes 6 and 14 in column ER-2 before Footnote 15.
- 5 Portion of the row *three-unit dwelling use* of Table 1B in column ER-2 is amended by adding Footnote 6.
- 6 Portion of the row *small shared housing use* of Table 1B in column ER-2 is amended by adding Footnote 23 after Footnote 15.
- 7 The note at the end of Table 1B is amended
 - (a) by striking out “Section 62” in Footnote 6 and replacing it with “Section 63”; and
 - (b) by adding “four-unit dwelling use,” after “three-unit dwelling use,” in Footnote 23.
- 8 Table 1C is amended by:
 - (a) by adding a new row “duplex apartment use” under the row “semi-detached dwelling use”; and
 - (b) by leaving a blank space in the columns *CLI, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, RPK, WA* of the row *duplex apartment use*.
- 9 Table 1D is amended by:
 - (a) by adding a new row “duplex apartment use” under the row “semi-detached dwelling use”; and
 - (b) by leaving a blank space in the columns *CLI, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, RPK, WA* of the row *duplex apartment use*.
- 10 Subsection 56(1) is amended by striking out “or” in clause (e), by striking out a period in clause (f) and replacing it with a semicolon, and by adding the following after clause (f):
 - (g) a duplex apartment use; or

(h) a small shared housing use.

11 Subsection 56(6) is amended by adding “, except for a backyard suite use that is permitted under Clause 56(1)(h)” after “small shared housing use”.

12 Subsection 57(1) is amended

(a) by adding “or duplex apartment use” after “a single-unit dwelling use” in clause (a);

(b) by adding “dwelling” after “per” in clause (b);

(c) by adding “dwelling” after “4 bedrooms per” in clause (c);

(d) by adding “dwelling” after “4 bedrooms per” in clause (g);

(e) by adding “dwelling” after “4 bedrooms per” in clause (h);

(f) by adding “dwelling” after “4 bedrooms per” in clause (i);

(g) by striking out “and” after the semi-colon in clause (i);

(h) by adding “dwelling” after “4 bedrooms per” in clause (j);

(i) by striking out a period in clause (j) and replacing it with “; and”;
and

(j) by adding the following after clause (j):

(k) for a small shared housing use in an ER-2 zone, 6 bedrooms per dwelling unit and 8 bedrooms per lot.

13 Subsection 57(2) is amended

(a) by striking out “a small shared housing use” and replacing it with “small shared housing uses in one or more dwelling units” in the portion before clause (a);

(b) by striking out “or ER-2” in the portion before clause (a);

- (c) by adding “6 bedrooms per dwelling unit and” after “375.0 square metres,” in clause (a);
 - (d) by adding “10 bedrooms per dwelling unit and” after “450.0 square metres,” in clause (b);
 - (e) by adding “10 bedrooms per dwelling unit and” after “525.0 square metres,” in clause (c);
 - (f) by adding “10 bedrooms per dwelling unit and” after “600.0 square metres,” in clause (d); and
 - (g) by adding “10 bedrooms per dwelling unit and” after “600.0 square metres,” in clause (e).
- 14** The heading before section 59 is amended by striking out “within an ER-3 or ER-2 Zone that Contain both a Low Density Dwelling Use and a Small Shared Housing Use” and replacing it with “with Multiple Residential Uses in an ER-3 or ER-2 Zone”.
- 15** Subsection 59(3) is amended
 - (a) by striking out “a dwelling unit” and replacing it with “a lot in an ER-3 or ER-2 zone”;
 - (b) by adding “and another residential use that is not a small shared housing use” after “a small shared housing use”; and
 - (c) by striking out “57(1)” and replacing it with “57(2)”.
- 16** Subsection 76(2) is amended by striking out “and” in clause (g), by striking out a period in clause (h) and replacing it with a semicolon, and by adding the following after clause (h):
 - (i) retaining walls; and
 - (j) staircases.
- 17** Table 2 to subsection 85(1) is amended by adding “or duplex apartment use” after “semi-detached dwelling use” and before “in any zone”.

- 18** Table 5 to subsection 86(1) is amended by adding “or duplex apartment use” after “semi-detached dwelling use” and before “in any zone”.
- 19** Section 94.5 is amended by repealing subsection (3) and by adding the following after the repealed subsection (3):
- (4)** Subject to Subsection 94.5(5) and Section 96, a balcony or unenclosed porch may encroach into a required setback, stepback, or separation distance by no more than
 - (a)** 1.5 metres at the ground floor, except for a balcony that does not have access to a street without going through a main dwelling; or
 - (b)** 2.0 metres at the second storey or above.
 - (5)** Except as provided in Subsection 94.5(6), a balcony or unenclosed porch shall not encroach into a required setback or stepback, if it faces a lot line that abuts a lot containing an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone.
 - (6)** A balcony or unenclosed porch in Subsection 94.5(5) may encroach into a required stepback if a main building is setback from a lot line that abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone by at least
 - (a)** 8.0 metres for a mid-rise building;
 - (b)** 12.5 metres for a tall mid-rise building; or
 - (c)** 12.5 metres for a high-rise building.
- 20** Clause 115(1)(a) is amended by:
- (a)** adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b)** by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

21 Clause 116(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

22 Clause 116(1)(b) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “a” before “COR”; and

(c) by striking out “such zone” and replacing it with “the lot, except as provided in Clause 116(1)(a)”.

23 Subsection 125(1) is amended by:

(a) adding “another lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by adding “the lot with” after “facing”.

24 Clause 135(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

25 Subsection 135(3) is amended by adding “another lot, any portion of which, is zoned” after “abuts” and by striking out “an” before “ER-3”.

26 Subsection 136(2) is amended by:

(a) adding “another lot, any portion of which, is zoned” after “abuts”;

- (b) by striking out “an” before “ER-3”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 27 Subsection 136(4) is amended by adding “another lot, any portion of which, is zoned” after “abuts” and by striking out “an” before “ER-3”.
- 28 Clause 162(1)(a) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 29 Clause 163(1)(a) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 30 Clause 163(1)(b) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “a” before “COR”; and
 - (c) by striking out “such zone” and replacing it with “the lot, except as provided in Clause 163(1)(a)”.
- 31 Subsection 172(1) is amended by:
 - (a) adding “another lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by adding “the lot with” after “facing”.
- 32 Clause 181(1)(a) is amended by:

- (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 33** Clause 181(1)(c) is amended by adding “or duplex apartment use” after “a semi-detached dwelling use”.
- 34** Clause 182(1)(a) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 35** Subsection 191(1) is amended by:
 - (a) adding “another lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by adding “the lot with” after “facing”.
- 36** The portion of clause 198(1)(a) before subclause (i) is amended by adding “a lot, any portion of which, is zoned” after “abuts” and by striking out “an” before “ER-3”.
- 37** Subclause 198(1)(a)(i) is amended by striking out “such zone” and replacing it with “the lot”.
- 38** Subclause 198(1)(a)(ii) is amended by striking out “such zone” and replacing it with “the lot”.
- 39** The portion of clause 198(1)(c) before subclause (i) is amended by adding “or duplex apartment use” after “a semi-detached dwelling use”.
- 40** Clause 198(1)(d) is amended by:

- (a) adding “a lot, any portion of which, is zoned” after “abuts”;
- (b) by striking out “a” before “DD”; and
- (c) by adding “, except as provided in Clause 198(1)(a)” after “0.0 metre”.

41 Clause 199(1)(a) is amended by:

- (a) adding “a lot, any portion of which, is zoned” after “abuts”;
- (b) by striking out “an” before “ER-3”; and
- (c) by striking out “such zone” and replacing it with “the lot”.

42 Subsection 208(2) is amended by:

- (a) adding “another lot, any portion of which, is zoned” after “abuts”;
- (b) by striking out “an” before “ER-3”; and
- (c) by adding “the lot with” after “facing”.

43 Clause 215(1)(a) is amended by:

- (a) adding “a lot, any portion of which, is zoned” after “abuts”;
- (b) by striking out “an” before “ER-3”; and
- (c) by striking out “such zone” and replacing it with “the lot”.

44 Clause 216(1)(a) is amended by:

- (a) adding “a lot, any portion of which, is zoned” after “abuts”;
- (b) by striking out “an” before “ER-3”; and
- (c) by striking out “such zone” and replacing it with “the lot”.

45 Subsection 223(1) is amended by:

- (a) adding “another lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by adding “the lot with” after “facing”.
- 46** Clause 229(1)(b) is amended by adding “or duplex apartment use” after “a semi-detached dwelling use”.
- 47** The portion of subsection 233(1) before clause (a) is amended by adding “, a low-density dwelling use,” after “grade”.
- 48** Clause 249(1)(a) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “HR-2”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 49** Clause 250(1)(a) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “HR-2”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 50** Clause 256(1)(a) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 51** Clause 257(1)(a) is amended by:
 - (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

52 Subsection 264(2) is amended by:

(a) adding “another lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by adding “the lot with” after “facing”.

53 Clause 271(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

54 Clause 272(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

55 Subsection 279(2) is amended by:

(a) adding “another lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by adding “the lot with” after “facing”.

56 Clause 286(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

57 Clause 287(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by striking out “such zone” and replacing it with “the lot”.

58 Subsection 294(2) is amended by:

(a) adding “another lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “ER-3”; and

(c) by adding “the lot with” after “facing”.

59 Clause 301(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “HR-2”; and

(c) by striking out “such zone” and replacing it with “the lot”.

60 Clause 302(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “HR-2”; and

(c) by striking out “such zone” and replacing it with “the lot”.

61 Clause 321(1)(a) is amended by:

(a) adding “a lot, any portion of which, is zoned” after “abuts”;

(b) by striking out “an” before “HR-2”; and

(c) by striking out “such zone” and replacing it with “the lot”.

- 62** Clause 322(a) is amended by:
- (a) adding “a lot, any portion of which, is zoned” after “abuts”;
 - (b) by striking out “an” before “HR-2”; and
 - (c) by striking out “such zone” and replacing it with “the lot”.
- 63** Table 15 to section 433 is amended
- (a) by adding a new row *self-storage facility use* under the row *local commercial uses*;
 - (b) by adding “Minimum 4 spaces” in the columns *DD, DH, CEN-2, CEN-1, CDD-2, CDD-1; COR; HR-2, HR-1; and CLI, LI, HRI* of the row *self-storage facility use*; and
 - (c) by adding “Not applicable” in the columns *ER-3, ER-2, ER-1; CH2, CH1; INS, UC-2, UC-1; and PCF, RPK* of the row *self-storage facility use*.
- 64** Section 499 is amended by adding the following after subsection (76):
- (76.5) Duplex apartment use** means a two-unit dwelling use that is joined with another two-unit dwelling use, or another dwelling unit, along a single lot line divided vertically by a shared wall.
- 65** Subsection 499(132) is amended by striking out “11” and replacing it with “21”.
- 66** Subsection 499(235) is amended by striking out “10 bedrooms” and replacing it with “20 bedrooms, subject to the maximum bedroom requirement in Subsection 57(2)”.
- 67** Subsection 499(242) is amended by striking out “. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade.” and replacing it with “, and”, and by adding the following after the added “and”:

- (a) for the purpose of calculating the streetwall height, a portion of a building that is partly below the streetline grade is not a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade; and
- (b) for a purpose other than calculating the streetwall height, a portion of a building that is partly below the average finished grade is not a storey unless its ceiling is a minimum of 2.0 metres above the average finished grade.

68 Subsection 499(260) is amended by adding “, but excludes a duplex apartment use” after “entrance”.

69 Schedule 50 is repealed and replaced with Appendix 1.

Attachment 2: Comparison chart

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>Subsection 15(2)</p> <p>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:</p> <p>(a) to (c) <i>omitted</i></p> <p>(d) maximum building dimensions in the CEN-2, COR, or HR-2 zone;</p> <p>(e) to (h) <i>omitted</i></p>	<p>Subsection 15(2)</p> <p>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:</p> <p>(a) to (c) <i>omitted</i></p> <p>(d) maximum building dimensions in the CEN-2, COR, or HR-2 HR-2, or HR-1 zone;</p> <p>(e) to (h) <i>omitted</i></p>
<p>Tables 1A to 1D</p> <p><i>New provision</i></p>	<p>Tables 1A to 1D</p> <p>Duplex apartment use</p> <p>Permitted in DD, DH, CEN-2, CEN-1, and COR</p> <p>Permitted with conditions under Footnote 15: HR-1 and ER-3</p>
<p>Table 1B</p> <p>Two-unit dwelling use in ER-2: (15)</p> <p>Three-unit dwelling use in ER-2: (14)(15)(26)</p> <p>Small shared housing use in ER-2: (15)</p> <p>Footnotes</p>	<p>Table 1B</p> <p>Two-unit dwelling use in ER-2: (6)(14)(15)</p> <p>Three-unit dwelling use in ER-2: (6)(14)(15)(26)</p> <p>Small shared housing use in ER-2: (15)(23)</p> <p>Footnotes</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>(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 no more than a three-unit dwelling use in compliance with the requirements of Section 62.</p> <p>(23) Within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, a small shared housing use cannot be located in combination with a two-unit dwelling use, three-unit dwelling use, or a multi-unit dwelling use that contains up to 5 units.</p>	<p>(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 no more than a three-unit dwelling use in compliance with the requirements of Section 62 Section 63.</p> <p>(23) Within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, a small shared housing use cannot be located in combination with a two-unit dwelling use, three-unit dwelling use, four-unit dwelling use, or a multi-unit dwelling use that contains up to 5 units.</p>
<p>Subsection 56(1)</p> <p>If a backyard suite use is permitted in Tables 1A, 1B, 1C, or 1D, a lot may contain only one backyard suite use, within the rear yard only, in conjunction with:</p> <ul style="list-style-type: none"> (a) a single-unit dwelling use; (b) a two-unit dwelling use; (c) a semi-detached dwelling use; (d) a three-unit dwelling use; (e) a townhouse dwelling use; or (f) a four-unit dwelling use. 	<p>Subsection 56(1)</p> <p>If a backyard suite use is permitted in Tables 1A, 1B, 1C, or 1D, a lot may contain only one backyard suite use, within the rear yard only, in conjunction with:</p> <ul style="list-style-type: none"> (a) a single-unit dwelling use; (b) a two-unit dwelling use; (c) a semi-detached dwelling use; (d) a three-unit dwelling use; (e) a townhouse dwelling use; or (f) a four-unit dwelling use.; (g) a duplex apartment use; or

Existing provisions (current to July 25, 2024)	Proposed provisions
	(h) a small shared housing use.
Subsection 56(6) A backyard suite use may be occupied by a small shared housing use.	Subsection 56(6) A backyard suite use may be occupied by a small shared housing use, except for a backyard suite use that is permitted under Clause 56(1)(h).
Subsection 57(1) Except as provided in Subsections 57(2), 57(3), and 57(4), on a lot zoned ER-3 or ER-2, the following are the maximum number of bedrooms permitted by land use: (a) for a single-unit dwelling use, 6 bedrooms per lot; (b) for a semi-detached dwelling use, 4 bedrooms per unit; (c) for a townhouse dwelling use, 4 bedrooms per unit and 20 bedrooms per townhouse block; (d) to (f) omitted (g) for a multi-unit dwelling use with 5 dwelling units, 4 bedrooms per unit and 14 bedrooms per lot; (h) for a multi-unit dwelling use with 6 dwelling units, 4 bedrooms per unit and 16 bedrooms per lot; (i) for a multi-unit dwelling use with 7 dwelling units, 4 bedrooms per unit and 18 bedrooms per lot; and	Subsection 57(1) Except as provided in Subsections 57(2), 57(3), and 57(4), on a lot zoned ER-3 or ER-2, the following are the maximum number of bedrooms permitted by land use: (a) for a single-unit dwelling use or duplex apartment use , 6 bedrooms per lot; (b) for a semi-detached dwelling use, 4 bedrooms per dwelling unit; (c) for a townhouse dwelling use, 4 bedrooms per dwelling unit and 20 bedrooms per townhouse block; (d) to (f) omitted (g) for a multi-unit dwelling use with 5 dwelling units, 4 bedrooms per dwelling unit and 14 bedrooms per lot; (h) for a multi-unit dwelling use with 6 dwelling units, 4 bedrooms per dwelling unit and 16 bedrooms per lot;

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>(j) for a multi-unit dwelling use with 8 dwelling units, 4 bedrooms per unit and 20 bedrooms per lot.</p>	<p>(i) for a multi-unit dwelling use with 7 dwelling units, 4 bedrooms per dwelling unit and 18 bedrooms per lot; and</p> <p>(j) for a multi-unit dwelling use with 8 dwelling units, 4 bedrooms per dwelling unit and 20 bedrooms per lot.; and</p> <p>(k) for a small shared housing use in an ER-2 zone, 6 bedrooms per dwelling unit and 8 bedrooms per lot.</p>
<p>Subsection 57(2)</p> <p>For a small shared housing use on a lot zoned ER-3 or ER-2, the following are the maximum number of bedrooms permitted by lot area:</p> <p>(a) for a lot that is less than 375.0 square metres, 12 bedrooms per lot;</p> <p>(b) for a lot that is at least 375.0 square metres but less than 450.0 square metres, 14 bedrooms per lot;</p> <p>(c) for a lot that is at least 450.0 square metres but less than 525.0 square metres, 16 bedrooms per lot;</p> <p>(d) for a lot that is at least 525.0 square metres but less than 600.0 square metres, 18 bedrooms per lot; and</p>	<p>Subsection 57(2)</p> <p>For a small shared housing use small shared housing uses in one or more dwelling units on a lot zoned ER-3 or ER-2, the following are the maximum number of bedrooms permitted by lot area:</p> <p>(a) for a lot that is less than 375.0 square metres, 6 bedrooms per dwelling unit and 12 bedrooms per lot;</p> <p>(b) for a lot that is at least 375.0 square metres but less than 450.0 square metres, 10 bedrooms per dwelling unit and 14 bedrooms per lot;</p> <p>(c) for a lot that is at least 450.0 square metres but less than 525.0 square metres, 10 bedrooms per dwelling unit and 16 bedrooms per lot;</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>(e) for a lot that is at least 600.0 square metres, 20 bedrooms per lot.</p>	<p>(d) for a lot that is at least 525.0 square metres but less than 600.0 square metres, 10 bedrooms per dwelling unit and 18 bedrooms per lot; and</p> <p>(e) for a lot that is at least 600.0 square metres, 10 bedrooms per dwelling unit and 20 bedrooms per lot.</p>
<p>Section 59 Heading</p> <p>Maximum Number of Bedrooms on Lots within an ER-3 or ER-2 Zone that Contain both a Low Density Dwelling Use and a Small Shared Housing Use</p>	<p>Section 59 Heading</p> <p>Maximum Number of Bedrooms on Lots within an ER-3 or ER-2 Zone that Contain both a Low Density Dwelling Use and a Small Shared Housing Use with Multiple Residential Uses in an ER-3 or ER-2 Zone</p>
<p>Subsection 59(3)</p> <p>If a dwelling unit contains a small shared housing use, the total number of bedrooms for all the dwelling units on the lot must not exceed the maximum number in Subsection 57(1).</p>	<p>Subsection 59(3)</p> <p>If a dwelling unit a lot in an ER-3 or ER-2 zone contains a small shared housing use and another residential use that is not a small shared housing use, the total number of bedrooms for all the dwelling units on the lot must not exceed the maximum number in Subsection 57(1) 57(2).</p>
<p>Subsection 76(2)</p> <p>Subject to Subsections 76(3) and 76(4), a structure shall not be located within 9.0 metres of the reference line of the Northwest</p>	<p>Subsection 76(2)</p> <p>Subject to Subsections 76(3) and 76(4), a structure shall not be located within 9.0 metres of the reference line of the Northwest</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>Arm, as shown on Schedule 12, except:</p> <ul style="list-style-type: none"> (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. 	<p>Arm, as shown on Schedule 12, except:</p> <ul style="list-style-type: none"> (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-; (i) retaining walls; and (j) staircases.
<p>Table 2</p> <p>Semi-detached dwelling use in any zone: 230.0 square metres</p>	<p>Table 2</p> <p>Semi-detached dwelling use or duplex apartment use in any zone: 230.0 square metres</p>
<p>Table 5</p> <p>Semi-detached dwelling use in any zone: 7.5 metres</p>	<p>Table 5</p> <p>Semi-detached dwelling use or duplex apartment use in any zone: 7.5 metres</p>
<p>Subsection 94.5(3)</p> <p>A balcony or unenclosed porch may</p> <p>(a) encroach into a required stepback, if it is facing a lot line that</p>	<p>Subsection 94.5(3)</p> <p><i>Repealed</i></p> <p>Subsection 94.5(4)</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, and attached to a main building that is above grade and is setback by</p> <p>(i) 8.0 metres for mid-rise buildings,</p> <p>(ii) 12.5 metres for tall mid-rise buildings, and</p> <p>(iii) 12.5 metres for high-rise buildings; or</p> <p>(b) subject to Section 96, encroach into a required setback, stepback, or separation distance, if an encroachment is no more than</p> <p>(i) 1.5 metres at the ground floor, except for the balcony without an access to a street without going through a main dwelling, and</p> <p>(ii) 2.0 metres at the second storey or above.</p> <p>Subsection 94.5(4) <i>New provision</i></p> <p>Subsection 94.5(5) <i>New provision</i></p> <p>Subsection 94.5(6) <i>New provision</i></p>	<p>Subject to Subsection 94.5(5) and Section 96, a balcony or unenclosed porch may encroach into a required setback, stepback, or separation distance by no more than</p> <p>(a) 1.5 metres at the ground floor, except for a balcony that does not have access to a street without going through a main dwelling; or</p> <p>(b) 2.0 metres at the second storey or above.</p> <p>Subsection 94.5(5) Except as provided in Subsection 94.5(6), a balcony or unenclosed porch shall not encroach into a required setback or stepback, if it faces a lot line that abuts a lot containing an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone.</p> <p>Subsection 94.5(6) A balcony or unenclosed porch in Subsection 94.5(5) may encroach into a required stepback if a main building is setback from a lot line that abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone by at least</p> <p>(a) 8.0 metres for a mid-rise building;</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
	<p>(b) 12.5 metres for a tall mid-rise building; or</p> <p>(c) 12.5 metres for a high-rise building.</p>
<p>Clause 115(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or</p>	<p>Clause 115(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 116(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone;</p>	<p>Clause 116(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone the lot;</p>
<p>Clause 116(1)(b)</p> <p>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</p>	<p>Clause 116(1)(b)</p> <p>where a lot line abuts a lot, any portion of which, is zoned 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 the lot, except as provided in Clause 116(1)(a); or</p>
<p>Subsection 125(1)</p> <p>Subject to Subsection 125(3), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK</p>	<p>Subsection 125(1)</p> <p>Subject to Subsection 125(3), where a lot abuts another lot, any portion of which, is zoned an ER-</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>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.</p>	<p>3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with 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.</p>
<p>Clause 135(1)(a) where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 4.5 metres from the side lot line abutting such zone; or</p>	<p>Clause 135(1)(a) where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 4.5 metres from the side lot line abutting such zone the lot; or</p>
<p>Subsection 135(3) Any main building on a lot that abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone shall be required to be setback above of the streetwall height no less than 6.0 metres from any side lot line.</p>	<p>Subsection 135(3) Any main building on a lot that abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone shall be required to be setback above of the streetwall height no less than 6.0 metres from any side lot line.</p>
<p>Subsection 136(2) Subject to Subsection 136(3), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, any main building shall be required to be set back no less than</p>	<p>Subsection 136(2) Subject to Subsection 136(3), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, any main building shall be required to be set back no less than 4.5 metres from the rear lot</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
4.5 metres from the rear lot line abutting such zone.	line abutting the lot with such zone.
<p>Subsection 136(4)</p> <p>A lot that abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone shall provide a minimum required setback above the streetwall height of 6.0 metres from any rear lot line.</p>	<p>Subsection 136(4)</p> <p>A lot that abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone shall provide a minimum required setback above the streetwall height of 6.0 metres from any rear lot line.</p>
<p>Subsection 162(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or</p>	<p>Subsection 162(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 163(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone;</p>	<p>Clause 163(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone the lot;</p>
<p>Clause 163(1)(b)</p> <p>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</p>	<p>Clause 163(1)(b)</p> <p>where a lot line abuts a lot, any portion of which, is zoned 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 the</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
	lot, except as provided in Clause 163(1)(a); or
Subsection 172(1) Subject to Subsection 172(3), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback, as measured from the lowest finished grade on that side of the main building, on the 2nd, 3rd, or 4th storey.	Subsection 172(1) Subject to Subsection 172(3), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with such zone shall have a required side or rear stepback, as measured from the lowest finished grade on that side of the main building, on the 2nd, 3rd, or 4th storey.
Clause 181(1)(a) subject to Clauses 181(1)(b) and 181(1)(c), where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone;	Clause 181(1)(a) subject to Clauses 181(1)(b) and 181(1)(c), where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone the lot ;
Clause 181(1)(c) for a semi-detached dwelling use:	Clause 181(1)(c) for a semi-detached dwelling use or duplex apartment use :
Clause 182(1)(a) where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or	Clause 182(1)(a) where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear

Existing provisions (current to July 25, 2024)	Proposed provisions
	lot line abutting such zone the lot ; or
Subsection 191(1) Subject to Subsection 191(3), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback, as measured from the lowest finished grade on that side of the main building, on the 2nd, 3rd, or 4th storey.	Subsection 191(1) Subject to Subsection 191(3), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with such zone shall have a required side or rear stepback, as measured from the lowest finished grade on that side of the main building, on the 2nd, 3rd, or 4th storey.
Subsection 198(1)(a) subject to Clauses 198(1)(b) and 198(1)(c), where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, 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;	Subsection 198(1)(a) subject to Clauses 198(1)(b) and 198(1)(c), where a lot line a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone: (i) 3.0 metres from the side lot line abutting such zone the lot for any low-rise building, or (ii) 6.0 metres from the side lot line abutting such zone the lot for any mid-rise, tall mid-rise, or high-rise building;
Clause 198(1)(c) for a semi-detached dwelling use:	Clause 198(1)(c) for a semi-detached dwelling use or duplex apartment use :
Clause 198(1)(d)	Clause 198(1)(d)

Existing provisions (current to July 25, 2024)	Proposed provisions
where a lot line abuts a DD, DH, CEN-2, CEN-1, or COR zone, 0.0 metre;	where a lot line abuts a lot, any portion of which, is zoned a DD, DH, CEN-2, CEN-1, or COR zone, 0.0 metre, except as provided in Clause 198(1)(a);
Clause 199(1)(a) where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or	Clause 199(1)(a) where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone the lot; or
Subsection 208(2) Subject to Subsection 208(4), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear stepback, as measured from the lowest finished grade on that side of the main building, on the 2nd, 3rd, or 4th storey.	Subsection 208(2) Subject to Subsection 208(4), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with such zone shall have a required side or rear stepback, as measured from the lowest finished grade on that side of the main building, on the 2nd, 3rd, or 4th storey.
Clause 215(1)(a) where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or	Clause 215(1)(a) where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone the lot; or

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>Clause 216(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or</p>	<p>Clause 216(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone the lot; or</p>
<p>Subsection 223(1)</p> <p>Subject to Subsection 223(3), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, 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.</p>	<p>Subsection 223(1)</p> <p>Subject to Subsection 223(3), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with 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.</p>
<p>Clause 229(1)(b)</p> <p>in an ER-3 or ER-2 zone, a semi-detached dwelling use shall have a minimum required side setback of 0.0 metre along a common wall between each unit; or</p>	<p>Clause 229(1)(b)</p> <p>in an ER-3 or ER-2 zone, a semi-detached dwelling use or duplex apartment use shall have a minimum required side setback of 0.0 metre along a common wall between each unit; or</p>
<p>Subsection 233(1)</p> <p>Excluding any structure below 0.6 metres above the average finished</p>	<p>Subsection 233(1)</p> <p>Excluding any structure below 0.6 metres above the average finished grade, a low-density dwelling</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>grade or any public building use, any main building shall not exceed:</p> <p>(a) except as provided in Subsection 233(2) or 233(3), a building width of 20.0 metres; and</p> <p>(b) a building depth of 30.0 metres.</p>	<p>use, or any public building use, any main building shall not exceed:</p> <p>(a) except as provided in Subsection 233(2) or 233(3), a building width of 20.0 metres; and</p> <p>(b) a building depth of 30.0 metres.</p>
<p>Clause 249(1)(a)</p> <p>where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone; or</p>	<p>Clause 249(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 250(1)(a)</p> <p>where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone; or</p>	<p>Clause 250(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone the lot; or</p>
<p>Clause 256(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or</p>	<p>Clause 256(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 257(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK</p>	<p>Clause 257(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
zone, 6.0 metres from the rear lot line abutting such zone; or	RPK zone, 6.0 metres from the rear lot line abutting such zone the lot ; or
<p>Subsection 264(2)</p> <p>Subject to Subsection 264(4), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, 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.</p>	<p>Subsection 264(2)</p> <p>Subject to Subsection 264(4), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with 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.</p>
<p>Clause 271(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or</p>	<p>Clause 271(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 272(1)(a)</p> <p>where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone;</p>	<p>Clause 272(1)(a)</p> <p>where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone the lot;</p>
<p>Subsection 279(2)</p>	<p>Subsection 279(2)</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>Subject to Subsection 279(4), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, 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.</p>	<p>Subject to Subsection 279(4), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with 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.</p>
<p>Clause 286(1)(a) where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone; or</p>	<p>Clause 286(1)(a) where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 287(1)(a) where a lot line abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone; or</p>	<p>Clause 287(1)(a) where a lot line abuts a lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting such zone the lot; or</p>
<p>Subsection 294(2) Subject to Subsection 294(4), where a lot abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing such zone shall have a required side or rear setback at a</p>	<p>Subsection 294(2) Subject to Subsection 294(4), where a lot abuts another lot, any portion of which, is zoned an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, the wall of any main building facing the lot with such</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the main building.</p>	<p>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.</p>
<p>Clause 301(1)(a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone; or</p>	<p>Clause 301(1)(a) where a lot line abuts a lot, any portion of which, is zoned an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 302(1)(a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone; or</p>	<p>Clause 302(1)(a) where a lot line abuts a lot, any portion of which, is zoned an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone the lot; or</p>
<p>Clause 321(1)(a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone; or</p>	<p>Clause 321(1)(a) where a lot line abuts a lot, any portion of which, is zoned an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0 metres from the side lot line abutting such zone the lot; or</p>
<p>Clause 322(a) where a lot line abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone, 10.0</p>	<p>Clause 322(a) where a lot line abuts a lot, any portion of which, is zoned an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2,</p>

Existing provisions (current to July 25, 2024)	Proposed provisions
metres from the rear lot line abutting such zone; or	CH-1, INS, PCF, or RPK zone, 10.0 metres from the rear lot line abutting such zone the lot ; or
Table 15 Any other commercial use not listed within this table: minimum 1 space for every 35 sq. m of floor area (HR-2, HR-1, CLI, LI, and HRI)	Table 15 Self-storage facility use: Minimum 4 spaces (DD, DH, CEN-2, CEN-1, CDD-2, CDD-1, COR, HR-2, HR-1, CLI, LI, and HRI)
Subsection 499(76.5) <i>New provision</i>	Subsection 499(76.5) Duplex apartment use means a two-unit dwelling use that is joined with another two-unit dwelling use, or another dwelling unit, along a single lot line divided vertically by a shared wall.
Subsection 499(132) Large Shared Housing Use means a shared housing use that contains a minimum of 11 bedrooms.	Subsection 499(132) Large Shared Housing Use means a shared housing use that contains a minimum of 11 21 bedrooms.
Subsection 499(235) Small Shared Housing Use means a shared housing use that contains no less than 4 and no more than 10 bedrooms.	Subsection 499(235) Small Shared Housing Use means a shared housing use that contains no less than 4 and no more than 10 20 bedrooms, subject to the maximum bedroom requirement in Subsection 57(2).
Subsection 499(242) Storey means a portion of building between a floor and another floor	Subsection 499(242) Storey means a portion of building between a floor and another floor

Existing provisions (current to July 25, 2024)	Proposed provisions
<p>including a mezzanine. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade.</p>	<p>including a mezzanine. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade., and</p> <p>(a) for the purpose of calculating the streetwall height, a portion of a building that is partly below the <u>streetline grade</u> is not a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade; and</p> <p>(b) for a purpose other than calculating the streetwall height, a portion of a building that is partly below the <u>average finished grade</u> is not a storey unless its ceiling is a minimum of 2.0 metres above the average finished grade.</p>
<p>Subsection 499(260)</p> <p>Townhouse Dwelling Use means a building that is divided horizontally or vertically into three or more dwelling units, where each unit has an independent pedestrian entrance.</p>	<p>Subsection 499(260)</p> <p>Townhouse Dwelling Use means a building that is divided horizontally or vertically into three or more dwelling units, where each unit has an independent pedestrian entrance, but excludes a duplex apartment use.</p>

Disclaimer: This table shows a consolidated copy of the proposed amendments. In an event of an inconsistency between a consolidated copy and the original amendment or a subsequent amendment as certified by the Municipal Clerk, the original amendment or subsequent amendment prevails to the extent of the inconsistency.

Attachment 3: Review of Relevant Regional Centre SMPS Policies

This table reviews the proposed zoning changes within the context of enabling policies in the Centre Plan Secondary Municipal Planning Strategy.

Regional Centre SMPS Policies	
Reducing the motor vehicle parking requirements for self-storage facilities	
Policy UD-26 a)	Staff Comment
The Land Use By-law shall establish parking and driveway requirements to: a) control the location, number and configuration of parking spaces, off-street loading, landscaping, accesses, and pedestrian pathways;	This policy enables the LUB to control the number of parking spaces.
Creating a new “duplex apartment use” and permitting it in the ER-3 Zone and other higher density zones.	
Policy E-2	Staff Comment
The Land Use By-law shall establish the maximum heights and built form regulations for the Established Residential Designation, consistent with Map 4 and the policies in Parts 3 and 4 of this Plan. Built form requirements may vary between areas within this designation to permit and control the design of low-rise buildings.	This policy enables the LUB to permit and control the design of low-rise residential buildings.
Clarifying bedroom counts for small-shared housing units in the ER Zones.	
Policy H-6	Staff Comment
The Land Use By-law shall permit shared housing in all residential and mixed-use zones at a scale that is similar to the residential uses permitted in the zone.	This policy supports changes to the LUB to ensure small-shared housing uses provide a density similar to what is permitted in the respective zone.
Restoring limitations for balcony encroachments into an ER Zone or Park Zone.	
Policy UD-9 g)	Staff Comment
The Land Use By-law shall establish building envelope regulations that support context-specific, human-scaled and pedestrian-oriented environments by: g) establishing minimum side and rear yard setback requirements that transition from higher density zones to lower-density zones, as well as from mixed-use commercial, institutional, and industrial uses to abutting residential and park zones;	This policy ensures there are adequate setbacks to provide transition in between high density zones and low-density residential and park zones. Limiting balcony encroachments into these setbacks meets the policy intent of providing adequate transition.

Allowing a retaining wall and staircase as permitted encroachments in the Northwest Arm Special Area.

Policy W-2 a)	Staff Comment
<p>The Land Use By-law shall establish the Northwest Arm (NWA) Special Area, the Lake Banook (LB) Special Area, the Lake Micmac (LM) Special Area, and the Boat Clubs (BC) Special Area over the WA Zone and abutting zones and properties. These special areas shall:</p> <p>a) establish the shoreline reference line and additional land use permissions and requirements related to setbacks from the shoreline reference line, structures and land uses permitted in those areas;</p>	<p>This policy allows for structures and land uses to be permitted within setbacks to the shoreline reference line.</p>

Exempting low-density residential uses (1 – 4 units) from maximum building dimensions

Policy E-2	Staff Comment
<p>The Land Use By-law shall establish the maximum heights and built form regulations for the Established Residential Designation, consistent with Map 4 and the policies in Parts 3 and 4 of this Plan. Built form requirements may vary between areas within this designation to permit and control the design of low-rise buildings.</p>	<p>This policy enables the LUB to permit and control the design of low-rise residential buildings.</p>

Policy E5.5	Staff Comment
<p>To support residential infills that respect the context of low-rise neighbourhoods, the Land Use By-Law shall establish additional built form requirements for townhouses and multi-unit dwellings, including maximum building dimensions, requirements for entrances, windows, façade articulation, as well as driveways and parking location to support streetscapes that are active and welcoming to pedestrians.</p>	<p>This policy requires maximum building dimensions for townhouses and multi-unit dwellings, which are defined in the LUB as “a building containing at least 5 dwelling units, but excludes a cluster housing use.” Exempting 1 – 4 unit dwellings from maximum building dimensions is meeting policy intent.</p>

Policy UD-9 b)	Staff Comment
<p>The Land Use By-law shall establish building envelope regulations that support context-specific, human-scaled and pedestrian-oriented environments by:</p> <p>b) establishing maximum building dimensions for the ER-3, COR, HR-1, HR-2, CEN-1, CEN-2 and DD Zones to encourage variation in building design;</p>	<p>This policy further speaks to having maximum building dimensions in the ER-3 Zone. Maximum building dimensions are still in place for townhouses and multi-unit dwellings.</p>

Clarifying how a storey is measured

Section 3.2.1 Floor Area Ratio and Building Height	Staff Comment
<p>... Building Height is the maximum vertical distance between a structure’s average finished</p>	<p>This section of the SMPS speaks to the LUB measuring building height in metres or in storeys,</p>

grade and its highest point. The Land Use By-law may measure building height in metres or in storeys...	depending on the context. The proposed change aims to continue to use average finished grade to measure height of the building.
Policy UD-5	Staff Comment
The Land Use By-law shall establish a maximum height of 90 metres for the DD, 40 storeys or 90 metres for the CEN-2, and 33 storeys or 90 metres for the CEN-1 Zones, where the scale of new developments shall not exceed the maximum allowable FAR value and the maximum height.	This policy speaks to the enabled heights (metres or storeys) for certain zones.
Policy UD-6	Staff Comment
The Land Use By-law shall establish maximum building height requirements for all zones except for the DD, CEN-2 and CEN-1 Zones, based on local context and consistent with the maximum heights identified on Map 4 and Table 2 of this Plan.	This policy speaks to maximum building heights being enabled. The proposed change to clarify measurement of a storey is within the policy intent.
Clarifying the boundaries of the bonus zoning rate district in Schedule 50	
Policy IM-12	Staff Comment
The Land Use By-law may (RC-Jul 12/22;E-Aug 22/22) require incentive or bonus zoning agreements, or money-in-lieu for any development that exceeds a floor area of 2,000 square metres in: a) the DD, DH, CEN-2, CEN-1, COR, HR-2, and HR-1 Zones, up to the maximum FAR and maximum building height, as shown on Map 3 and Map 4; and b) applicable development agreements.	This policy directs the LUB to require bonus zoning in certain zones. The proposed change to the map better reflects this policy intent.
Policy IM-14 a)	Staff Comment
The Land Use By-law shall identify: a) the area or areas subject to incentive or bonus zoning requirements, consistent with Policy IM-12;	This policy directs the LUB to identify the areas subject to incentive bonus zoning. The proposed change to Schedule 50 will identify the established bonus zoning rate districts.
Clarifying that site plan approval to exceed the maximum building dimension is permitted for a building in the HR-1 Zone	
Policy IM-9 d)	Staff Comment
The Land Use By-law shall identify requirements that may be varied by site plan approval to provide the flexibility that may be needed to accommodate certain land uses. The Land Use By-law requirements that may be varied by site plan approval are as follows: d) the maximum building dimensions for developments in the CEN-2, COR, or HR-2, or HR-1 Zones (RC-May23/24;E-June13/24), provided that the massing and design of the	The proposed update is to correct an error in the LUB so that it aligns with Policy IM-9 d).

building is broken up to add variety to the streetscape;	
Clarifying in what circumstances transition requirements from high-density to low-density zones apply	
Section 2.6 Corridor Designation	Staff Comment
<p>...The Corridor Designation seeks to introduce mid-rise density to support transit use, while maintaining the integrity of adjacent low-rise residential areas and integrating new development with the existing character of each Corridor. To support this objective, the Designation limits the scale of buildings to low-rise and mid-rise forms, with tall mid-rise forms permitted in certain local contexts, subject to transition and buffering requirements when abutting low-rise residential areas...</p> <p>Objective 2: Support a built form that reflects the existing character and allows for transition to adjacent low-rise residential neighbourhoods.</p>	<p>This section of the SMPS reinforces the intent of transition requirements from high-density to low-density zones. The proposed changes are to support this policy intent.</p>
Section 2.7 Higher-Order Residential Designation	Staff Comment
<p>Objective 2: Support a built form that reflects and integrates with the surrounding context, and allows for transition to adjacent residential neighbourhoods and commercial areas.</p>	<p>This section of the SMPS reinforces the intent of transition requirements from high-density to low-density zones. The proposed changes are to support this policy intent.</p>
Section 3.2 Built Form Framework	Staff Comment
<p>Built form generally refers to the shape, size, pattern, and configuration of buildings and structures that frame streets and open spaces. Built form also refers to building height, massing, scale, envelope, as well as the quality of their materials and construction. The built form framework for the Regional Centre builds on the Vision, Core Concepts, and Urban Design Goals identified in Part 1 of this Plan to guide urban growth and development. The framework also ensures that the development maintains a human-scale element, as well as positive relationships with streets, open spaces, other buildings, and transitions between areas of varying scale and intensity of use. Although the framework considers land uses, its focus is on the character, shape, scale, and design of buildings.</p>	<p>This section of the SMPS reinforces the intent of transition requirements from high-density to low-density zones. The proposed changes are to support this policy intent.</p>
Section 3.2.1 Floor Area Ratio and Height	Staff Comment
<p>...The maximum FAR and maximum building height framework are intended to support strategic growth and the Urban Design Goals for the Regional Centre, including:</p> <ul style="list-style-type: none"> • transitioning building heights to adjacent low-rise buildings and neighbourhoods, 	<p>This section of the SMPS reinforces the intent of transition requirements from high-density to low-density zones. The proposed changes are to support this policy intent.</p>

heritage buildings and districts, as well as the Halifax Harbour;	
Policy UD-8	Staff Comment
The Land Use By-law shall establish building height transition requirements for mid-rise buildings, tall mid-rise buildings, and high-rise buildings abutting residential low-rise buildings.	This policy is specific to requiring transition from between high-density and low-density uses. The proposed changes are supported by this policy.
Section 3.2.2 Building Envelope	Staff Comment
<p>The building envelope describes where new development is permitted on a lot, including its location, size, and massing relative to lot boundaries, surrounding buildings, and the public realm. Additional building envelope controls include maximum building dimension requirements for different portions of buildings. This Plan supports building envelope controls that:</p> <ul style="list-style-type: none"> provide transitions in scale to low-density residential areas and neighbourhoods, heritage resources and conservation districts, and the Halifax Harbour; <p>Buildings of different heights and scale have varying impacts on their surroundings and the public realm as their heights increase, which may require different standards, depending on the local context. Specific building envelope controls include:</p> <ul style="list-style-type: none"> transitioning between large-scale buildings and more intense land uses when located next to parks and low-rise residential areas through the use of side and rear setbacks and setbacks. 	This section of the SMPS reinforces the intent of transition requirements from high-density to low-density zones. The proposed changes are to support this policy intent.
Policy UD-9 g)	Staff Comment
<p>The Land Use By-law shall establish building envelope regulations that support context-specific, human-scaled and pedestrian-oriented environments by:</p> <p>g) establishing minimum side and rear yard setback requirements that transition from higher density zones to lower-density zones, as well as from mixed-use commercial, institutional, and industrial uses to abutting residential and park zones;</p>	This policy is specific to requiring transition from between high-density and low-density uses. The proposed changes are supported by this policy.
Policy UD-24 b)	Staff Comment
<p>The Land Use By-law shall establish landscaping requirements to regulate:</p> <p>b) the location and types of buffers required to support transitions between land uses, built forms, parking areas and outdoor storage areas;</p>	This policy is specific to requiring transition from between high-density and low-density uses. The proposed changes are supported by this policy.

Maintaining unique conditions within the Young Avenue Special Area and Sub-Area	
Policy E-8 a)	Staff Comment
<p>The Land Use By-law shall establish the following four (4) Special Areas within the South End Halifax (SEH) Precinct to maintain the unique built form characteristics of those neighbourhoods, as set out in the table above:</p> <p>a) Young Avenue (YA) Special Area;</p>	<p>This Policy speaks to establishing the Young Avenue Special Area, to which certain unique land use conditions will apply.</p>
Policy E-9 b)	Staff Comment
<p>b) establish the Young Avenue Sub-Area A (YA-A) to permit the development of multi-unit dwellings, containing up to five (5) dwelling units, on lots that existed and were vacant on September 18, 2019, provided that the lots are:</p> <ul style="list-style-type: none"> i) re-subdivided to reflect the larger than average lot areas, frontage, and dimensions that characterize the area; and ii) developed with a built form that resembles one large single-unit dwelling with dimensions, setbacks, and building design that reflect the characteristics of the large homes that distinguish the area. 	<p>This policy speaks to enabling unique conditions in the Young Ave Sub-Area, to which the proposed changes aim to retain.</p>