REGIONAL CENTRE LAND USE BY-LAW

HALIFAX

Regional Centre Land Use By-law

THIS IS TO CERTIFY that this is a true copy of the Regional Centre Land Use By-Law which was passed by a majority vote of the Council of the Halifax Regional Municipality at a duly called meeting held on the 26th day of October, 2021, and reviewed by Municipal Affairs and Housing on the 19th day of November, 2021, and is in effect as of the 27th day of November, 2021, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 30th day of July, 2026.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this _____ day of _____, 20___.

_____

Municipal Clerk

Table of Contents

Part I: Administration 7
Part I, Chapter 1: General Administration 8
Part I, Chapter 2: Development Permit 10
Part I, Chapter 3: Site Plan Approval 17
Part I, Chapter 4: Non-Conforming Structures and Uses 22
Part I, Chapter 5: Variances 25
Part I, Chapter 6: Interpretation of this By-law 26
Part I, Chapter 7: Schedules and Appendices 27
Part II: Zones 31
Part II, Chapter 1: Establishment of Zones, Special Areas, Sub-Areas, and Heritage Conservation Districts 32
Part II, Chapter 2: Zones and Permitted Uses 39
Part III: Land Use 57
Part III, Chapter 1: General Land Use Requirements 58
Part III, Chapter 2: Residential Use Requirements 63
Part III, Chapter 3: Urban Agriculture Use Requirements 79
Part III, Chapter 4: Environmental Requirements 82
Part III, Chapter 5: Heritage Requirements 92
Part III, Chapter 6: Buildings in the WA Zone 93
Part IV: Lot Requirements 94
Part IV, Chapter 1: Lot Requirements 95
Part V: Built Form and Siting Requirements 100
Part V, Chapter 1: General Built Form and Siting Requirements 101
Part V, Chapter 2: Built Form and Siting Requirements within the DD Zone 115
Part V, Chapter 3: Built Form and Siting Requirements within the DH Zone 129
Part V, Chapter 4: Additional Built Form and Siting Requirements within the Waterfront Special Areas 142

Part V, Chapter 5: Built Form and Siting Requirements within the CEN- 2 and CEN-1 Zones 147
Part V, Chapter 6: Built Form and Siting Requirements within the COR Zone 160
Part V, Chapter 7: Built Form and Siting Requirements within the HR-2 and HR-1 Zones 171
Part V, Chapter 8: Built Form and Siting Requirements within the CLI Zone 182
Part V, Chapter 9: Built Form and Siting Requirements within the ER-3, ER-2, and ER-1 Zones 189
Part V, Chapter 10: Built Form and Siting Requirements within the CH- 2 and CH-1 Zones 194
Part V, Chapter 11: Built Form and Siting Requirements within the LI and HRI Zones 197
Part V, Chapter 12: Built Form and Siting Requirements within the INS Zone 200
Part V, Chapter 13: Built Form and Siting Requirements within the UC- 2 Zone 209
Part V, Chapter 14: Built Form and Siting Requirements within the UC- 1 Zone 218
Part V, Chapter 15: Built Form and Siting Requirements within the DND and H Zones 228
Part V, Chapter 16: Built Form and Siting Requirements within the PCF and RPK Zones 231
Part V, Chapter 17: Built Form and Siting Requirements within the WA Zone 233
Part V, Chapter 18: Built Form and Siting Requirements within the CDD-2 and CDD-1 Zones 234
Part V, Chapter 19: Accessory Structures, Backyard Suite Uses, and Shipping Containers 236
Part VI: Built Form and Siting Requirements for Heritage Conservation Districts 241
Part VI, Chapter 1: General Built Form and Siting Requirements for Heritage Conservation Districts 242

Part VI, Chapter 2: Built Form and Siting Requirements for the Schmidtville Heritage Conservation District (SHCD) / HCD-SV Zone .. 244
Part VII: General Design Requirements 249
Part VII, Chapter 1: General Design Requirements 250
Part VII, Chapter 2: Site Design Requirements 258
Part VII, Chapter 3: Building Design Requirements 262
Part VII, Chapter 4: Parking, Access, and Utility Design Requirements 273
Part VII, Chapter 5: Other Design Requirements 274
Part VII, Chapter 6: Design Requirements for the Young Avenue Sub-Area A (YA-A) 277
Part VIII: Heritage Design Requirements 279
Part VIII, Chapter 1: Design Requirements for Properties Abutting a Registered Heritage Property or Properties Abutting a Heritage Conservation District 280
Part VIII, Chapter 2: Design Requirements for New Construction or Additions on Registered Heritage Properties 284
Part IX: Variation Criteria 286
Part IX, Chapter 1: General Variation Criteria 287
Part X: View Planes, Halifax Citadel Rampart Sight Lines, and Waterfront View Corridors 297
Part X, Chapter 1: General Requirements for View Planes, Halifax Citadel Rampart Sight Lines, and Waterfront View Corridors 298
Part X, Chapter 2: View Planes and Halifax Citadel Rampart Sight Lines 299
Part X, Chapter 3: Waterfront View Corridors 302
Part XI: Wind Energy Facilities 305
Part XI, Chapter 1: Wind Energy Facility Requirements 306
Part XI, Chapter 2: Wind Energy Facility Permits 309
Part XII: Landscaping 311
Part XII, Chapter 1: General Landscaping Requirements 312
Part XII, Chapter 2: Zone Specific Hard Landscaping or Soft Landscaping Requirements 316

Part XII, Chapter 3: Screening Requirements 320
Part XII, Chapter 4: Landscaped Buffers 323
Part XII, Chapter 5: Landscape Plan Requirements 326
Part XIII: Parking and Off-Street Loading 328
Part XIII, Chapter 1: Motor Vehicle Parking 329
Part XIII, Chapter 2: Bicycle Parking 341
Part XIII, Chapter 3: Off-Street Loading 348
Part XIV: Signs 351
Part XIV, Chapter 1: General Signage Requirements 352
Part XIV, Chapter 2: Signage Requirements for the DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, RPK, CDD-2, and CDD-1 Zones 357
Part XIV, Chapter 3: Signage Requirements for the ER-3, ER-2, ER-1, CH-2, and CH-1 Zones 360
Part XV: Incentive or Bonus Zoning 362
Part XV, Chapter 1: General Incentive or Bonus Zoning Requirements 363
Part XVI: Development Agreements 372
Part XVI, Chapter 1: Development Agreements 373
Part XVII: Definitions 378
Part XVII, Chapter 1: Definitions 379
Appendix 433
Appendix 1: Pedestrian Wind Impact Assessment Protocol and Performance Standards 434
Appendix 2: Shadow Impact Assessment Protocol and Performance Standards 443
Schedules 452

Part I: Administration

Part I, Chapter 1: General Administration

Introduction

1 This By-law enables:

(a) as-of-right development;

(b) certain requirements to be varied by site plan approval; and

(c) certain developments by development agreement.

Title

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

Lands Governed by this By-law

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

Repeal of Former By-laws

4 This By-law repeals the following:

(a) the Land Use By-law for Downtown Dartmouth, adopted by Council on July 11, 2000, and all amendments thereto;

(b) the Land Use By-law for Halifax Peninsula, adopted by the former Council for the City of Halifax on March 30, 1978, and all amendments thereto; and

(c) the Regional Centre Land Use By-law, adopted by Council on September 18, 2019, and all amendments thereto.

Compliance with this By-law

5 **(1)** The provisions of this By-law shall apply to all properties and all developments located within the boundaries of this By-law, as shown on Schedule 1.

(2) A person shall comply with this By-law, even if a development is exempt from the requirement for a development permit contained in Section 9.

(3) Any person who violates a provision of this By-law shall be subject to prosecution as provided for by Section 369 of the Charter.

(4) All developments shall be developed in accordance with the development permit.

(5) In this By-law, any use not permitted in a particular zone is prohibited.

Requirement for a Development Permit

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

Compliance with Other Legislation and By-laws

7 **(1)** This By-law does not exempt any person from any other enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada.

(2) No development permit shall be issued for any development prohibited by an enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada.

Administration by the Development Officer

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

Part I, Chapter 2: Development Permit

Development Permit Exemptions

9 **(1)** Subject to Subsections 9(2) and 9(3), the following developments are exempt from the requirement to obtain a development permit:

(a) accessory structures that are 20.0 square metres of floor area or less, unless used as a backyard suite use;

(b) kiosks that are 20.0 square metres of floor area or less and shipping containers within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B;

(c) excluding foundations, piles, and footings, uncovered structures less than 0.6 metre in height, such as balconies and patios;

(d) home office uses;

(e) temporary uses;

(f) fences;

(g) the construction, replacement, or repair of infrastructure by utilities or municipal, provincial, or federal governments;

(h) public transit shelters;

(i) any sign exempted under Section 458;

(j) monument uses on municipally, provincially, or federally owned land;

(k) excluding main buildings on registered heritage properties, the painting of buildings;

(l) the replacement of windows and doors within existing openings;

(m) urban farm uses;

(n) the keeping of egg-laying hens as an accessory use; and

(o) the keeping of bees as an accessory use.

(p) A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit; (RC-Feb 21/23;E-Sep 1/23)

(q) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit; (RC-Feb 21/23;E-Sep 1/23)

(r) an internal conversion of a building with a commercial use in a DD or DH zone that existed before November 27, 2019 to a multi-unit dwelling use. (RC-May23/24;E-Jun 13/24)

(2) On a registered heritage property or on a lot within a heritage conservation district, the following structures are not exempt from a development permit:

(a) uncovered structures less than 0.6 metre in height, such as balconies and patios; or

(b) fences.

(3) Even where a development permit is not required, a development shall meet all applicable requirements contained in this By-law.

Development Permit Applications

10 A development permit application shall include documents and plans, drawn to scale, that include the following, where applicable:

- **(a)** floor plans with dimensions shown and the intended use of all rooms labelled;
- **(b)** elevation drawings with:
  - **(i)** height measurements and dimensions shown for all sides of proposed structures,
  - **(ii)** external cladding material type and detail labelled, and
  - **(iii)** any architectural details where required;
- **(c)** roof plans;
- **(d)** a site plan showing:
  - **(i)** lot dimensions and lot lines,
  - **(ii)** the location of all existing and proposed structures and uses,
  - **(iii)** setbacks,
  - **(iv)** the location and dimensions of all parking lots, parking spaces, driveways, driving aisles, off-street loading spaces, and parking lot entrances and exits,
  - **(v)** the location and dimensions of all pedestrian walks and walkways,
  - **(vi)** the location of hard landscaping or soft landscaping, and
  - **(vii)** the location of solid waste management areas;

(e) where a watercourse, or a wetland that is contiguous to a watercourse, exists and is located on the lot where a development is being proposed or within 60.0 metres of the lot where a development is being proposed, a site plan which shows the following:

(i) the location of any watercourse,

(ii) the location of any wetland that is contiguous to a watercourse,

(iii) the required watercourse buffer,

(iv) existing vegetation limits, and

(v) land contours with lot grading information, certified by a surveyor or professional engineer;

(f) the location of all wetlands within or adjacent to the lot where a development is being proposed;

(g) the location of bicycle parking areas;

(h) the location of building utilities;

(i) the location of all exterior lighting;

(j) excluding height-exempted building rooftop features under Section 103, for a building or an addition to a building that results in a building greater than 20.0 metres in height:

(i) a pedestrian wind impact assessment report that meets the protocol and performance standards contained in Appendix 1, and is prepared by a professional engineer, and

(ii) if the pedestrian wind impact assessment report recommends on-site wind mitigation measures, then the measures that are recommended must be

implemented in the design and construction of the building;

(k) excluding buildings 11.0 metres in height or less, or any development in any ER- 3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, a shadow study and shadow diagrams that meet the requirements of Appendix 2, for:

(i) any new building or addition to a building located within 100 metres of any identified area on Schedule 51, or

(ii) any new building or addition to a building that results in a building height greater than 30.0 metres, which is located further than 100 metres of an identified area on Schedule 51; (RC-May 23/24;E-June 13/24)

(l) to ensure compliance with the view plane, Halifax Citadel rampart sight line, or waterfront view corridor requirements of Part X, site plans or elevation drawings that are certified by a surveyor;

(m) excluding any developments located within the ER-3, ER-2, ER-1, CH-2, or CH-1 zone, a landscape plan that meets the requirements of Section 430, for:

(i) a new building equal to or greater than 2,000 square metres, or

(ii) an addition equal to or greater than 1,000 square metres;

(ma) approval from the Government of Canada for infill of a water lot in the Northwest Arm Special Area **or the Dartmouth Cove Special Area (RC-Oct 7/25;E-Dec 3/25)**; and (RC-Jan 9/24;E-Feb 12/24)

(n) any other information that the Development Officer requires to determine if the development complies with this By-law.

Approval

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

(a) the requirements of this By-law;

(b) the terms of an approved site plan; or

(c) the terms of an approved development agreement.

Expiry

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

Revocation

13 The Development Officer may revoke a development permit if:

(a) the development is not in accordance with:

(i) this By-law,

(ii) the plans associated with the approved development permit,

(iii) an approved site plan, or

(iv) an approved development agreement;

(b) the permit was issued based on incorrect information provided by the applicant when applying for a development permit; or

(c) the permit was issued in error.

Fees

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

Part I, Chapter 3: Site Plan Approval

Matters Subject to Site Plan Approval

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

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

(a) roof edge setbacks of height-exempted building rooftop features;

(b) streetwall articulation;

(c) grade-oriented premises;

(d) maximum building dimensions in the CEN-2, COR, HR-2, or HR-1 zone; (RCCC-Sep 4/24;E-Apr 17/25)

(e) unique building functionality;

(f) unique building design;

(g) cornice line height for new main buildings or additions to main buildings on a property abutting a registered heritage property or abutting a heritage conservation district; or

(h) applicability of general design requirements for a new construction on a registered heritage property outside of a heritage conservation district.

Site Plan Approval Applications

16 **(1)** Any application for a site plan approval under Section 15 shall include:

(a) documents and plans, drawn to scale, that show the information required in Section 10;

(b) drawings, including elevations and architectural renderings, that:

(i) show the relative scale of the development to any main building on the same lot as the development site, and

(ii) show the relative scale of the development to any main buildings on lots abutting the development site, and illustrate any building or a portion of any building that is within 15.0 metres from any side or rear lot line;

(c) a written statement explaining the nature and extent of the requested variation, as well as a rationale for the request based on the variation criteria contained in Part IX, to the satisfaction of the Development Officer; and

(d) illustrations showing the location and type of variation being requested.

(2) If required by the Development Officer, an application for site plan approval under Section 15 shall include the following:

(a) one architectural rendering for each streetline or transportation reserve, drawn from pedestrian eye-level, showing the streetwall and any public sidewalks, excluding features in the public right-of-way such as street trees, utility poles, and street furniture; and

(b) one architectural rendering for each streetline, showing the development at night, which illustrates compliance with the design requirement of Section 372.

(3) An application for site plan approval under Section 15 shall include:

(a) confirmation that the public information and consultation requirements of Sections 17 to 19 have been met;

(b) a written summary of all public feedback; and

(c) the applicant's response to the feedback received from the public.

Methods of Public Information and Consultation

17 **(1)** Public information and consultation is required before applying for an application for site plan approval under Section 15, and shall include:

(a) a website, which meets the requirements of Section 18; and

(b) a weather-proof sign on the development site, which meets the requirements of Section 19.

(2) The applicant shall create a complete record including feedback received from the website and from any correspondence, and shall submit it with the application for site plan approval.

Public Information and Consultation: Website

18 The website specified in Clause 17(1)(a) shall:

(a) contain:

(i) information about the proposed project, including the location of the development and a description of any proposed variation to the requirements of this By-law,

(ii) plans and renderings, and

(iii) contact information for a representative of the applicant, including a telephone number and email address;

(b) contain an online feedback forum or an e-mail address clearly displayed on the webpage that allows for the submission of questions and comments from the public on the proposal; and

(c) be operational 24 hours a day, 7 days a week, for 14 calendar days before an application is submitted to the Municipality and until the end of the appeal period.

Public Information and Consultation: Weather-Proof Sign

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

(a) be displayed along each streetline of the development site;

(b) contain:

(i) a brief description of the project,

(ii) an architectural rendering of the project,

(iii) the internet address of the website specified in Clause 17(1)(a),

(iv) contact information for a representative of the applicant, including a telephone number and email address, and

(v) lettering in Arial font, bolded, and at a minimum font size of 90pt; and

(c) be displayed for 14 calendar days before an application is submitted to the Municipality and until the end of the appeal period.

Notification of Approval

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

Appeal of Decision

21 **(1)** Subject to Subsection 21(2), a decision by the Development Officer to approve or refuse a site plan approval application may be appealed to Council in accordance with the Charter, as amended from time to time.

(2) Only the matters subject to site plan approval under Section 15 are appealable to Council.

Advisory Committee

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

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

Non-Conforming Structures

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

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

Non-Conforming Uses

24 **(1)** This Section relaxes certain non-conforming uses in accordance with Section 257 of the Charter.

(2) The change of a non-residential non-conforming use to a less intensive non- conforming use of land or non-conforming use in a structure may be considered by development agreement, in accordance with Section 486.

(3) Where a non-conforming use in a structure exists, the volume of the structure containing that non-conforming use may be extended, enlarged, or altered, providing:

(a) the structure is located in an ER-3, ER-2, or ER-1 zone;

(b) the extension, enlargement, or alteration to the volume of the structure is used as a non-conforming low-density dwelling use; and

(c) all other applicable requirements of this By-law are met.

(4) Where a non-conforming use in a structure exists, 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: (RCCC-Oct 26/22;E-Nov 11/22)

(a) the structure is located in an ER-3, ER-2, or ER-1 zone;

(b) the non-conforming use is a low-density dwelling use and that use will occupy the rebuilt, replaced, or repaired structure; and

(c) all other applicable requirements of this By-law are met.

(5) Where a non-conforming use in a structure exists, 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 rebuilt, replaced, or repaired structure is substantially the same as it was before the destruction or damage; and

(c) the non-conforming use is a multi-unit dwelling use and that use will occupy the rebuilt, replaced, or repaired structure.

(6) In accordance with Section 487, where a non-residential non-conforming use in a structure exists, Council may, by development agreement, allow the volume of the structure containing that non-conforming use to be extended, enlarged, or altered.

(7) The non-conforming use in a structure is permitted to expand into an extension, enlargement, or alteration that complies with Subsection 24(6) and Section 487.

(8) In accordance with Section 488, where a non-conforming use exists on a lot or a portion of a lot that is needed for the acquisition of land by the Province of Nova Scotia, the Halifax Dartmouth Bridge Commission, or the Municipality for public purposes, Council may, by development agreement, allow the use to be relocated on the same lot or an adjacent lot.

Part I, Chapter 5: Variances

Variances

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

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

Diagrams

26 All diagrams in this By-law are:

(a) for explanatory purposes only;

(b) do not form a part of this By-law; and

(c) not to scale.

Defined Terms

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

More Restrictive Requirement Applies

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

Part I, Chapter 7: Schedules and Appendices

List of Schedules and Appendices

29 **(1)** The following schedules form part of this By-law:

(a) Schedule 1: Regional Centre Land Use By-law Boundary;

(b) Schedule 2: Zone Boundaries;

(c) Schedule 3A: Downtown Dartmouth Special Areas;

(d) Schedule 3B: Downtown Halifax Special Areas;

(e) Schedule 3C: Established Residential Special Areas and Sub-Areas;

(f) Schedule 3D: University and College Special Areas;

(g) Schedule 3E: Watercourse Special Areas;

(h) Schedule 3F: Other Special Areas;

(i) Schedule 4: Dundas Street Extension Transportation Reserve;

(j) Schedule 5: Proctor Street Transportation Reserve;

(k) Schedule 6: Robie Street Transportation Reserve (RCCC-Oct 26/22;E-Nov 11/22);

(l) Schedule 7: Pedestrian-Oriented Commercial Streets;

(m) Schedule 8: Publicly Sponsored Convention Centre;

(n) Schedule 9: Landmark Buildings;

(o) Schedule 10: Lands Designated Halifax Harbour;

(p) Schedule 11: Wetlands;

(q) Schedule 12: Reference Line – Northwest Arm;

(r) Schedule 13: Reference Line – Lake Banook;

(s) Schedule 14: Reference Line – Lake Micmac;

(t) Schedule 15: Maximum Building Height Precincts;

(u) Schedule 16: Average Finished Grade for Building Height Calculation – Scotia Square Complex (SSC) Special Area;

(v) Schedule 17: Maximum Floor Area Ratio Precincts;

(w) Schedule 18: Minimum Front and Flanking Setbacks (RCCC-Oct 26/22;E-Nov 11/22);

(x) Schedule 19: Maximum Front and Flanking Setbacks;

(y) Schedule 20: Maximum Streetwall Heights – Downtown Halifax Zone;

(z) Schedule 21: Harbour Orientation Lines;

(aa) Schedule 22: Heritage Conservation Districts;

(ab) Schedule 23: Schmidtville Heritage Buildings;

(ac) Schedule 24: Permitted Rear Additions to Schmidtville Heritage Buildings;

(ad) Schedule 25: View Terminus Sites;

(ae) Schedule 26: Halifax Citadel View Planes;

(af) Schedule 27A: Halifax Citadel Rampart Sight Lines;

(ag) Schedule 27B: Halifax Citadel Cavalier Building Coordinates 1;

(ah) Schedule 27C: Halifax Citadel Cavalier Building Coordinates 2;

(ai) Schedule 28: Dartmouth View Planes;

(aj) Schedule 29: Morris Street Waterfront View Corridor;

(ak) Schedule 30: Bishop Street Waterfront View Corridor;

(al) Schedule 31: Salter Street Waterfront View Corridor;

(am) Schedule 32: Sackville Street Waterfront View Corridor;

(an) Schedule 33: Prince Street Waterfront View Corridor;

(ao) Schedule 34: George Street Waterfront View Corridor;

(ap) Schedule 35: Best Street Waterfront View Corridor;

(aq) Schedule 36: Mott Street Waterfront View Corridor;

(ar) Schedule 37: Church Street Waterfront View Corridor;

(as) Schedule 38: North Street Waterfront View Corridor;

(at) Schedule 39: Ochterloney Street Waterfront View Corridor;

(au) Schedule 40: Queen Street Waterfront View Corridor;

(av) Schedule 41: Portland Street Waterfront View Corridor;
(aw) Schedule 42: Prince Street Waterfront View Corridor;

(ax) Schedule 43: Kings Wharf Place Waterfront View Corridor;

(ay) Schedule 44: Canal Street Waterfront View Corridor;

(az) Schedule 45: Maitland Street Waterfront View Corridor;

(ba) Schedule 46: Old Ferry Road Waterfront View Corridor;

(bb) Schedule 47: Parker Street Waterfront View Corridor;

(bc) Schedule 48: Wind Energy Overlay Zone Boundaries;

(bd) Schedule 49: Accessory Parking Prohibition – Downtown Halifax Zone;

(be) Schedule 50: Incentive or Bonus Zoning Rate Districts;

(bf) Schedule 51: Shadow Impact Assessment Protocol – Identified Areas;

(bg) Schedule 52: 100-Series Highways; (RCCC-Oct 26/22;E-Nov 11/22)

(bh) **Schedule 53: Plan Showing Reference Line as of Year 2024 Dartmouth Cove Halifax, N.S.; (RC-Oct 7/25;E-Dec 3/25)**

(bi) **Schedule 54: Water Lot Infilling – Subsection 76.5(2); (RC-Oct 7/25;E-Dec 3/25)**

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

(a) Appendix 1: Pedestrian Wind Impact Assessment Protocol and Performance Standards;

(b) Appendix 2: Shadow Impact Assessment Protocol and Performance Standards;

(c) Appendix 3: Incentive or Bonus Zoning Rate Adjustment Methodology; and

(d) Appendix 4: Invasive or Highly Toxic Plant Species.

Part II: Zones

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

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

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

(a) Downtown Dartmouth (DD);

(b) Downtown Halifax (DH);

(c) Centre 2 (CEN-2);

(d) Centre 1 (CEN-1);

(e) Corridor (COR);

(f) Higher-Order Residential 2 (HR-2);

(g) Higher-Order Residential 1 (HR-1);

(h) Established Residential 3 (ER-3);

(i) Established Residential 2 (ER-2);

(j) Established Residential 1 (ER-1);

(k) Cluster Housing 2 (CH-2);

(l) Cluster Housing 1 (CH-1);

(m) Commercial Light Industrial (CLI);

(n) Light Industrial (LI);

(o) Harbour-Related Industial (HRI);

(p) Institutional (INS);

(q) University and College 2 (UC-2);

(r) University and College 1 (UC-1);

(s) Department of National Defense (DND);

(t) Hospital (H);

(u) Park and Community Facility (PCF);

(v) Regional Park (RPK);

(w) Water Access (WA);

(x) Comprehensive Development District 2 (CDD-2);

(y) Comprehensive Development District 1 (CDD-1); and

(z) Heritage Conservation District – Schmidtville (HCD-SV).

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

Downtown Dartmouth Special Areas (Schedule 3A)

(a) Dartmouth Waterfront (DW);

(b) King's Wharf (KW);

(c) Portland Street (PS);

Downtown Halifax Special Areas (Schedule 3B)

(d) Downtown Halifax Central Blocks (DHCB);

(e) Halifax Waterfront (HW);

(f) Lower Central Downtown Halifax (LCDH);

(g) Nova Centre (NC);

(h) Scotia Square Complex (SSC);

(i) South Park Street (SPS);

(j) Spring Garden Road (SGR);

(ja) Birmingham and Queen (BQ); (RC-July 12/26;E-July 30/26)

Established Residential Special Areas (Schedule 3C)

(k) Armview (AV);

(l) Dartmouth North 1 (DN-1);

(m) Dartmouth North 2 (DN-2);

(n) Grant Street (GS);

(o) Historic Dartmouth Neighbourhoods (HDN);

(p) North End Halifax 1 (NEH-1);

(q) North End Halifax 2 (NEH-2);

(r) Oakland Road (OR);

(s) Westmount Subdivision (WS);

(t) Young Avenue (YA);

University and College Special Areas (Schedule 3D)

(u) Dalhousie Sexton Campus (DSC);

(v) UC Lot Coverage 1 (UCLC-1);

(w) UC Lot Coverage 2 (UCLC-2);

(x) UC Lot Coverage 3 (UCLC-3);

(y) UC Lot Coverage 4 (UCLC-4);

(z) UC Lot Coverage 5 (UCLC-5);

(aa) UC Lot Coverage 6 (UCLC-6);

(ab) UC Lot Coverage 7 (UCLC-7);

(ac) UC Lot Coverage 8 (UCLC-8);

(ad) UC Lot Coverage 9 (UCLC-9);

Watercourse Special Areas (Schedule 3E)

(ae) Boat Clubs (BC);

(af) Lake Banook (LB);

(ag) Lake Micmac (LM);

(ah) Northwest Arm (NWA);

(ah.5) Dartmouth Cove (DC); RC-Oct 7/25;E-Dec 3/25)

Other Special Areas (Schedule 3F)

(ai) Agricola Street (AS);

(aj) Cogswell Lands (CL);

(ak) Halifax Citadel Ramparts (HCR);

(al) Halifax Grain Elevator (HGE);

(am) Mixed Industrial Commercial (MIC);

(an) Morris Queen (MQ);

(ao) Quingate (Q);

(ap) Robie Street (RS);

(aq) Saint Patrick's Alexandra Site (SPAS);

(ar) Schmidtville Historic Park and Institutional (SHPI);

(as) Spring Garden Road and Robie Street (SGRRS);

(at) Wright Avenue (WA); and

(au) Repealed - (RC-Mar10/26;E-Apr13/26)

(av) Lake Banook Paddler's Cove (LB-PC); (RC-Dec 11/25;E-Feb 2/26)

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

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

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

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

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

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

(a) Where a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary is indicated as following a street, the boundary shall be the streetline of the street;

(b) Subject to Subsections 110(3) and 158(3), where a zone, special area, sub-area, height precinct, or FAR precinct boundary is indicated as following a street, the boundary

shall follow any change made by the Municipality to the streetline;

(c) Where any portion of a street is closed to public use, the former street lands shall be assigned a zone, special area, sub-area, height precinct, or FAR precinct as follows:

(i) subject to Subclause 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, (RCCC-Oct 26/22;E-Nov 11/22)

(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 (RCCC-Oct 26/22;E-Nov 11/22)

(iii) within the Cogswell Lands (CL) Special Area, as shown on Schedule 3F, the lands shall be assigned the DH zone and a maximum building height precinct equal to the extent of the Halifax Citadel Rampart sight lines;

(d) Where a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary is shown following lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision after the coming into force date of this By-law, the boundary shall remain unchanged and as shown on the schedule;

(e) Where a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary is shown not following lot lines, the boundary is

as shown on the schedule, and if the lot lines are modified by subdivision after the coming into force date of this By-law, the boundary shall remain unchanged and as shown on the schedule;

(f) Subject to Clause 31(g), where a zone, special area, sub-area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary shall follow the new ordinary high water mark;

(g) In any WA zone, where a zone, special area, sub-area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary shall remain unchanged and as shown on the schedule;

(h) Subject to Clause 31(i), where a portion of a watercourse is filled in beyond the boundary of a zone, special area, sub-area, height precinct, or FAR precinct, or where a building is constructed over water beyond the limits of such a boundary, the infilled land or any portion of a building constructed over water shall be included in the same zone, special area, sub-area, height precinct, or FAR precinct as the on-shore portion of the same lot;

(i) In any WA zone, where a portion of a watercourse is filled in beyond the limits of a zone, special area, sub-area, height precinct, or FAR precinct boundary, or where a building is constructed over water beyond the limits of such a boundary, the boundary shall remain unchanged and as shown on the schedule;

(j) Where Clauses 31(a) to 31(i) do not apply, the boundary is as shown on the appropriate schedule referenced within this By-law; and

(k) Where a transportation reserve is applied to an area of land, Section 239 of the Charter applies.

Part II, Chapter 2: Zones and Permitted Uses

Interpretation of Permitted Uses

32 Subject to Sections 33, 37, 38, and 39, and except for the CDD-2 and CDD-1 zones, and transportation reserves, which are addressed in Sections 34, 35, and 36, the use of land is regulated as follows:

(a) The first column of Tables 1A, 1B, 1C, or 1D list each use;

(b) The remaining columns of Tables 1A, 1B, 1C, or 1D correspond to each zone;

(c) Header cells shaded black with white text within Tables 1A, 1B, 1C, or 1D (e.g., “RESIDENTIAL”, “COMMERCIAL”) are for organizational purposes only;

(d) Each use listed in Tables 1A, 1B, 1C, or 1D is defined in Part XVII;

(e) A black dot (●) within Tables 1A, 1B, 1C, or 1D indicates that the use in that row is permitted in the zone of that column, and subject to all other applicable provisions of this By-law;

(f) A white circle containing a number in black text (e.g., ①) within Tables 1A, 1B, 1C, or 1D indicates that the use in that row is permitted in the zone of that column, subject to additional conditions in a corresponding footnote below Tables 1A, 1B, 1C, or 1D, and subject to all other applicable provisions of this By- law;

(g) The absence of a black dot (●), or a white circle containing a number in black text (e.g., ①), indicates that the use in that row is prohibited in the zone of that column; and

(h) Where a use is defined in Part XVII, the definition may be deemed to include any similar use, except where expressly excluded.

Additional Provisions Elsewhere in this By-law

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

Developments in the CDD-2 Zone

34 **(1)** Subject to Section 490, the only uses that are permitted in the CDD-2 zone, without a development agreement, shall be commercial uses or institutional uses permitted in the CEN-2 zone. (RC-Jul 12/22;E-Aug 22/22)

(2) Subject to Subsection 34(3) and Section 490, the only additions or new buildings, containing commercial uses or institutional uses that are permitted in the CDD-2 zone, without a development agreement, shall be: (RC-Jul 12/22;E-Aug 22/22)

(a) one addition, to a building that is existing on the coming into force date of this By-law, of no more than:

(i) 1,000 square metres in floor area, and

(ii) a maximum height, as shown on Schedule 15; or

(b) one new building, on a lot that is existing and vacant on the coming into force date of this By-law, of no more than:

(i) 1,000 square metres in floor area, and

(ii) a maximum height, as shown on Schedule 15.

(3) Repealed - (RC-Mar10/26;E-Apr13/26)

Developments in the CDD-1 Zone

35 **(1)** Subject to Section 491, the only uses that are permitted in the CDD-1 zone, without a development agreement, shall be:

(a) existing uses; and

(b) uses permitted in the ER-2 zone. (RC- May 23/24;E-June 13/24)

(2) Subject to Section 491, the only additions or new buildings that are permitted in the CDD-1 zone, without a development agreement, shall be:

(a) one addition, to a building that is existing on the coming into force date of this By-law, of no more than:

(i) 1,000 square metres in floor area, and

(ii) a maximum height as shown on Schedule 15; or

(b) one new building containing a use permitted ER-2 zone and that: (RC- May 23/24;E-June 13/24)

(i) is on a lot that is existing and vacant on the coming into force date of this By-law, and

(ii) meets the built form requirements of the ER-2 zone. (RC- May 23/24;E-June 13/24)

Uses in a Transportation Reserve

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

Obnoxious Uses Prohibited

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

Pedestrian-Oriented Commercial Streets

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;

(na) community services use; (RCCC-Dec10/25;E Dec31/25)

(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) *repealed* (RCCC-Jan 24/24;E-Feb 9/24)

(c) an alternative access from the pedestrian-oriented commercial street is necessary to mitigate potential conflict by reason of traffic generation, safe access to and egress from the motor vehicle parking space or internal off-street loading space. (RCCC-Jan 24/24;E-Feb 9/24)

(4) Notwithstanding Subsections 38(1) and 38(2), for a new multi-unit dwelling that begins construction before April 1, 2028 along any pedestrian-oriented commercial street, as shown on Schedule 7,

(a) at least 20% of the ground floor of the building abutting the streetline shall be occupied by commercial uses listed in 38(1) or 38 (2); and

(b) the remaining ground floor of a building abutting the streetline shall be:

(i) in an DD or DH zone, a permitted use listed in subsection 38(1) or section 69, or

(ii) in any CEN-2, CEN-1, or COR zone, a permitted use listed in subsection 38(2) or section 69.

(c) For the purpose of calculating the 20% in 38(4)(a), the following shall not be counted:

(i) lobbies,
(ii) elevators,
(iii) mechanical areas,
(iv) vestibules,
(v) garages, and
(vi) ramps to access internal motor vehicle spaces. (RC-Dec 11/25;E-Feb 2/26)

Special Uses

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

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

Residential	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Single-unit dwelling use	●	●	●	●	●	㉑	⑮
Semi-detached dwelling use	●	●	●	●	●		⑮
Duplex apartment use (RCCC-Sep 4/24;E-Apr 17/25)	●	●	●	●	●		⑮
Townhouse dwelling use	●	●	●	●	●	⑮	⑮
Two-unit dwelling use	●	●	●	●	●	㉑	⑮
Three-unit dwelling use	●	●	●	●	●	⑮	⑮
Four-unit dwelling use (RC- May 23/24;E-June 13/24)	●	●	●	●	●	⑮	⑮
Multi-unit dwelling use	●	●	●	●	●	⑮	⑮
Repealed(RC- May 23/24;E-June 13/24)							
Backyard suite use	●	●	●	●	●	⑮	⑮
Small shared housing use	●	●	●	●	●	⑮	⑮
Large shared housing use	●	●	●	●	●	⑮	⑮
Short-term bedroom rental (RC-Feb 21/23;E-Sep 1/23) use	●	●	●	㉔	●	⑮㉔	⑮㉔
Home occupation use	●	●	●	●	●	⑮	⑮
Home office use	●	●	●	●	●	⑮	⑮
Work-live unit use	●	●	●	●	●	⑮	⑮
Grade-related dwelling unit use	●	●	●	●	●	⑮	⑮
Model suite use	●	●	●	●	●	⑮	⑮
Cluster housing use					㉑	㉑	㉑
Commercial	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Broadcast and production studio use	●	●	●	①	●		
Cannabis lounge use	●	●	●				
Cannabis retail sales use	●	●	●				
Casino use		●					
Catering use	●	●	●	●	●	③	③
Commercial recreation use							
Cruise ship terminal use	●	●					
Dealership use							
Drinking establishment use	●	●	●				
Financial institution use	●	●	●		●	③	
Fitness centre use	●	●	●	①	●	③	
Garden centre use	●	●	●	●	●		
Grocery store use	●	●	●		●	③	
Hotel use	●	●	●		●		
Kennel use							
Local commercial use	●	●	●	●	●	③	③
Local drinking establishment use	●	●	●		●	③	
Makerspace use	●	●	●	●	●	③	③
Micro-brewery use	●	●	●		●	③	
Micro-distillery use	●	●	●		●	③	
Office use	●	●	●	①	●	③	
Pawn shop use			●		●		
Personal service use	●	●	●	●	●	③	③
Pet daycare use	●	●	●	●	●	③	③
Quick charging station use	●	●	●		●		
Restaurant use	●	●	●	●	●	③	② ③

Retail use	●	●	●	①	●	③	
Self-storage facility use			●		●	③	
Service station use			●				
Service use	●	●					
Short-term rental use (RC-Feb 21/23;E-Sep 1/23)	●	●	●	㉔	●	㉔	㉔
Studio use	●	●	●	●	●	③	③
Veterinary facility use	●	●	●		●	③	③
Any other commercial use (if not prohibited above)	●	●	●				
Urban agriculture	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Educational farm use							
Farmers' market use	●	●	●	●	●	●	●
Urban farm use	●	●	●	●	●	●	●
Institutional	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Community services use (RCCC-Dec10/25;E Dec31/25)	●	●	●	●	●	㉚	㉚
Convention centre use	●	●	●				
Cultural use	●	●	●	●	●	●	●
Daycare use (RCCC-Oct 26/22;E-Nov 11/22)	●	●	●	●	●	●	●
Emergency services use	●	●	●	●	●	●	●
Hospital use							
Library use	●	●	●	●	●	●	●
Minor spectator venue use	●	●	●		●	●	
Major spectator venue use	●	●					
Medical clinic use	●	●	●	●	●	●	●
Public building use	●	●	●	●	●		
Religious institution use	●	●	●	●	●	●	●
School use	●	●	●	●	●	●	●
Shelter use	●	●	●	●	●	●	●
University or college use	●	●	●		●	●	
Industrial	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Auto repair use							
Cannabis production facility use							
Car wash use							
Crematorium use							
Data storage centre use	●	●					
Industrial training facility use							
Light manufacturing use							
Marine-related use	⑬	⑬					
Marine-related use existing on the coming into force date of this By-law	●	●					
Recycling depot use			●		●		
Research and development facility use	●	●	●				
Storage yard use							
Warehousing use							
Wholesale food production use	●	●	●		●		
Wholesale use							
Park and community facilities	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Boating club use	●	●					
Cemetery use							
Club recreation use	●	●	●	●	●	●	●
Community recreation use	●	●	●	●	●	●	●
Conservation use	●	●	●	●	●	●	●
Park use	●	●	●	●	●	●	●
Water access	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Water access structure use	●	●	●	●	●	●	●

Military	DD	DH	CEN-2	CEN-1	COR	HR-2	HR-1
Military use							
Other	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Accessory structure or use	●	●	●	●	●	●	●
Historic site or monument use	●	●	●	●	●	●	●
Parking structure use	●	●	●	●	●	●	●
Temporary construction use	●	●	●	●	●	●	●
Temporary use (RCCC-Oct 26/22;E-Nov 11/22)	●	●	●	●	●		
Transportation facility use	●	●	●	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use				●			
Utility use	●	●	●	●	●	●	●
Prohibited in all zones	**DD**	**DH**	**CEN-2**	**CEN-1**	**COR**	**HR-2**	**HR-1**
Adult entertainment use							
C&D transfer, processing, and disposal use							
Heavy industrial use							
Obnoxious use							
Salvage use							

① Use is permitted to occupy no more than 200 square metres of floor area per lot.

② Use is permitted on a corner lot only.

③ Use is permitted within a mixed-use building that has no less than 75% of its floor area occupied by residential uses.

⑬ Use is permitted within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B.

⑮ Use is permitted, except within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F. New or expanded residential uses within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F, shall only be permitted by development agreement, in accordance with Section 497.

㉑ Use is not permitted, except for access and servicing functions to a lot or portion of a lot that permits the use.

㉔ Use is permitted accessory to a residential use provided that the dwelling unit is the primary residence of the operator, in accordance with Section 53. (RC-Feb 21/23;E-Sep 1/23)

㉚ Use is permitted, provided accessory office uses and accessory personal service uses must not exceed 25% of the total floor area of the building (RCCC-Dec10/25;E Dec31/25)

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

Residential	ER-3	ER-2	ER-1	CH-2	CH-1
Single-unit dwelling use	⑮	⑮	⑮	●	●
Semi-detached dwelling use	⑮	⑮			
Duplex apartment use (RCCC-Sep 4/24;E-Apr 17/25)	⑮				
Townhouse dwelling use	⑮				
Two-unit dwelling use	⑮	⑥ ⑭ ⑮	⑥ ⑭		
Three-unit dwelling use	⑮	⑥ ⑭ ⑮ ㉖	⑥ ⑭		
Four-unit dwelling use (RC- May 23/24;E-June 13/24)	⑮	⑭ ⑮ ㉖			
Multi-unit dwelling use	⑮ ㉒	⑭ ⑮ ㉖	⑭		
Repealed (RC- May 23/24;E-June 13/24)					
Backyard suite use	⑮	⑮	⑮		
Small shared housing use	●	⑮ ㉓	⑮ ㉓	●	●
Large shared housing use					
Short-term bedroom rental (RC-Feb 21/23;E-Sep 1/23) use	㉔	⑮ ㉔	⑮ ㉔	㉔	㉔
Home occupation use	●	⑮	⑮	●	●
Home office use	●	⑮	⑮	●	●
Work-live unit use					
Grade-related dwelling unit use					
Model suite use					
Cluster housing use				●	●
Commercial	**ER-3**	**ER-2**	**ER-1**	**CH-2**	**CH-1**
Broadcast and production studio use					
Cannabis lounge use					
Cannabis retail sales use					
Casino use					
Catering use					
Commercial recreation use					
Cruise ship terminal use					
Dealership use					
Drinking establishment use					
Financial institution use					
Fitness centre use					
Garden centre use					
Grocery store use					
Hotel use					
Kennel use					
Local commercial use					
Local drinking establishment use					
Makerspace use					
Micro-brewery use					
Micro-distillery use					
Office use					
Pawn shop use					
Personal service use					
Pet daycare use					
Quick charging station use					
Restaurant use					
Retail use					
Self-storage facility use					
Service station use					
Service use					

Short-term rental use (RC-Feb 21/23;E-Sep 1/23)	㉔	㉔	㉔	㉔	㉔
Studio use					
Veterinary facility use					
Any other commercial use (if not prohibited above)					
Urban agriculture	ER-3	ER-2	ER-1	CH-2	CH-1
Educational farm use					
Farmers' market use					
Urban farm use	●	●	●	●	●
Institutional	ER-3	ER-2	ER-1	CH-2	CH-1
Community services use (RCCC-Dec10/25;E Dec31/25)					
Convention centre use					
Cultural use					
Daycare use (RCCC-Oct 26/22;E-Nov 11/22)	⑩	⑩	⑩	⑩	⑩
Emergency services use					
Hospital use					
Library use					
Minor spectator venue use					
Major spectator venue use					
Medical clinic use					
Public building use					
Religious institution use					
School use					
Shelter use					
University or college use					
Industrial	ER-3	ER-2	ER-1	CH-2	CH-1
Auto repair use					
Cannabis production facility use					
Car wash use					
Crematorium use					
Data storage centre use					
Industrial training facility use					
Light manufacturing use					
Marine-related use					
Marine-related use existing on the coming into force date of this By-law					
Recycling depot use					
Research and development facility use					
Storage yard use					
Warehousing use					
Wholesale food production use					
Wholesale use					
Park and community facilities	ER-3	ER-2	ER-1	CH-2	CH-1
Boating club use					
Cemetery use					
Club recreation use					
Community recreation use	●	●	●	●	●
Conservation use	●	●	●	●	●
Park use	●	●	●	●	●
Water access	ER-3	ER-2	ER-1	CH-2	CH-1
Water access structure use	●	●	●	●	●
Military	ER-3	ER-2	ER-1	CH-2	CH-1
Military use					
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 (RCCC-Oct 26/22;E-Nov 11/22)					
Transportation facility use	●	●	●	●	●
Underground parking, access, and servicing for a CEN-2 use					
Utility use	●	●	●	●	●
Prohibited in all zones	ER-3	ER-2	ER-1	CH-2	CH-1
Adult entertainment use					
C&D transfer, processing, and disposal use					
Heavy industrial use					
Obnoxious use					
Salvage use					

⑥ Excluding heritage conservation districts, an existing building in the Young Avenue (YA) Special Area, as shown on Schedule 3C, may undergo an internal conversion for no more than a three-unit dwelling use in compliance with the requirements of Section 63.

⑩ Use is permitted in accordance with the requirements of Section 54.

⑭ A three-unit dwelling use, four-unit dwelling use, or multi-unit dwelling use that contains up to 5 units is permitted in the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C. (RC-May 23/24;E-June 13/24)

⑮ Use is permitted, except within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F. New or expanded residential uses within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F, shall only be permitted by development agreement, in accordance with Section 497.

㉒ A multi-unit dwelling use that contains up to 8 dwelling units is permitted in the ER-3 zone, in accordance with Section 231.3, and a multi-unit dwelling use that contains more than 8 units is permitted in the ER-3 zone in accordance with Section 63 or Subsection 233(3). (RC-May 23/24;E-June 13/24)

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. (RCCC-Sep 4/24;E-Apr 17/25)

㉔ Use is permitted accessory to a residential use provided that the dwelling unit is the primary residence of the operator, in accordance with Section 53. (RC-Feb 21/23;E-Sep 1/23)

㉖ A three-unit dwelling use, four-unit dwelling use, and multi-unit dwelling use are permitted in the ER-2 zone, in accordance with Section 63 or Subsection 233(3). (RC-May 23/24;E-June 13/24)

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

Residential	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA
Single-unit dwelling use											
Semi-detached dwelling use											
Duplex apartment use (RCCC-Sep 4/24;E-Apr 17/25)											
Townhouse dwelling use											
Two-unit dwelling use											
Three-unit dwelling use											
Four-unit dwelling use (RC- May 23/24;E-June 13/24)											
Multi-unit dwelling use				⑧㉗							
Repealed(RC- May 23/24;E-June 13/24)											
Backyard suite use											
Small shared housing use				●				●			
Large shared housing use				●				●			
Short-term bedroom rental (RC-Feb 21/23;E-Sep 1/23) use	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔
Home occupation use											
Home office use											
Work-live unit use											
Grade-related dwelling unit use				⑧							
Model suite use	●										
Cluster housing use											
Commercial	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Broadcast and production studio use	●	●	⑦	⑧	●	●	●				
Cannabis lounge use	●										
Cannabis retail sales use	●										
Casino use											
Catering use	●	●	⑦	⑫							
Commercial recreation use	●	●									
Cruise ship terminal use			●						●		
Dealership use	●	●									
Drinking establishment use	●		⑦			●	●				
Financial institution use	●			⑧			●				
Fitness centre use	●	●		⑧	●	●	●	●			
Garden centre use	●	●	⑦								
Grocery store use	●				⑪	⑪					
Hotel use	●		⑦	⑧							
Kennel use	●	●									
Local commercial use	●	●	⑦	⑧	●	●	●	●			
Local drinking establishment use	●		⑦			●	●				
Makerspace use	●	●	⑦	●	●	●					
Micro-brewery use	●	●	⑦								
Micro-distillery use	●	●	⑦								
Office use	●		⑦	⑧			●				
Pawn shop use	●	●									
Personal service use	●	●	⑦	●	●	●	●	●			

Pet daycare use	●	●									
Quick charging station use	●	●					●				
Restaurant use	●	●	⑦	⑧	●	●	●	●			
Retail use	⑤		⑦	⑧	●	●	●	●			
Self-storage facility use	●	●					●				
Service station use	●	●									
Service use	●	●									
Short-term rental use (RC-Feb 21/23;E-Sep 1/23)	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔	㉔
Studio use	●		⑦	●							
Veterinary facility use	●	●									
Any other commercial use (if not prohibited above)	●										
Urban agriculture	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Educational farm use				●					●	●	
Farmers' market use	●	●	⑦	●	●	●	●	●	●	●	
Urban farm use	●	●	●	●	●	●	●	●	●	●	
Institutional	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Community services use (RCCC-Dec10/25;E Dec31/25)				㉛							
Convention centre use			⑦								
Cultural use	●		⑦	●	●	●	●		●	●	
Daycare use (RCCC-Oct 26/22;E-Nov 11/22)	●	●	⑦	●	●	●	●	●	●	●	
Emergency services use	●	●	●	●	●	●	●	●			
Hospital use							●	●			
Library use				●	●	●	●		●		
Minor spectator venue use		●	●	●	●	●	●		●		
Major spectator venue use		●	●	●		●			●		
Medical clinic use	●	●		●	●	●	●	●			
Public building use	●		⑦	●					●	●	
Religious institution use	●			●	●	●	●	●			
School use	●			●					●		
Shelter use				●							
University or college use	●		⑦	●	●	●					
Industrial	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Auto repair use	④	④									
Cannabis production facility use		●									
Car wash use	●	●									
Crematorium use		●									
Data storage centre use	●	●	●		●	●	●				
Industrial training facility use	●	●	●								
Light manufacturing use	④	●									
Marine-related use			●				●				
Marine-related use existing on the coming into force date of this By-law			●				●				
Recycling depot use	●	●									
Research and development facility use	●	●	●	●	●	●	●	●			
Storage yard use		●	●								
Warehousing use	●	●	●								
Wholesale food production use	●	●									
Wholesale use	●	●									

Park and community facilities	CLI	LI	HRI	INS	UC-2	UC-1	DND	H	PCF	RPK	WA
Boating club use				●			●		●	●	●
Cemetery use									●	●	
Club recreation use	●			●			●		●	●	
Community recreation use	●	●		●	●	●	●	●	●	●	
Conservation use	●	●	●	●	●	●	●	●	●	●	●
Park use	●	●	●	●	●	●	●	●	●	●	●
Water access	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Water access structure use	●	●	●	●	●	●	●	●	●	●	●
Military	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Military use							●				
Other	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Accessory structure or use	●	●	●	●	●	●	●	●	●	●	
Historic site or monument use	●	●	●	●	●	●	●	●	●	●	●
Parking structure use	●	●	●	●	●	●	●	●	●		
Temporary construction use	●	●	●	●	●	●	●	●	●	●	●
Temporary use (RCCC-Oct 26/22;E-Nov 11/22)	●	●	●	●	●	●	●	●	●	●	
Transportation facility use	●	●	●	●	●	●	●	●	●		㉕
Underground parking, access, and servicing for a CEN-2 use											
Utility use	●	●	●	●	●	●	●	●	●	●	●
Prohibited in all zones	**CLI**	**LI**	**HRI**	**INS**	**UC-2**	**UC-1**	**DND**	**H**	**PCF**	**RPK**	**WA**
Adult entertainment use											
C&D transfer, processing, and disposal use											
Heavy industrial use											
Obnoxious use											
Salvage use											

④ Use is permitted if entirely contained within a building, excluding parking and loading facilities.

⑤ Retail use shall not exceed a maximum gross floor area of 300.0 square metres per premises. This requirement shall not apply to a building supply establishment or a retail use accessory to a permitted industrial use.

⑦ Use is permitted within the Mixed Industrial Commercial (MIC) Special Area, as shown on Schedule 3F.

⑧ Use is permitted on lands identified as a landmark building site on Schedule 9, as per the requirements of Section 43.

⑪ Use is permitted on the ground floor of a university or college building, and the floor area of the use cannot exceed 25% of the total floor area of the building.

⑫ Use is permitted in conjunction with another permitted main use.

㉔ Use is permitted accessory to a residential use provided that the dwelling unit is the primary residence of the operator, in accordance with Section 53. (RC-Feb 21/23;E-Sep 1/23)

㉕ Use is restricted to publicly owned or operated ferry terminals. (RC-Jan 9/24;E-Feb 9/24) **(RC-Oct 7/25;E-Dec 3/25)**

(a) in the Northwest Arm Special Area, as shown on Schedule 3E, beyond the reference line of the Northwest Arm, as shown on Schedule 12; and (RC-Oct 7/25;E-Dec 3/25)

(b) in the Dartmouth Cove Special Area, as shown on Schedule 3E, beyond the reference line of Dartmouth Cove, as shown on Schedule 53. (RC-Oct 7/25;E-Dec 3/25)

㉗ Use is permitted in conjunction with another permitted main institutional use except on the lands that is identified as a landmark building site on Schedule 9. (RC- May 23/24;E-June 13/24)

㉛ Use is permitted, including on lands identified as a landmark building site on Schedule 9 subject to the requirements of Section 43. (RCCC-Dec10/25;E Dec31/25)

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

Residential	HCD-SV
Single-unit dwelling use	●
Semi-detached dwelling use	⑳
Duplex apartment use (RCCC-Sep 4/24;E-Apr 17/25)	
Townhouse dwelling use	⑳
Two-unit dwelling use	⑯
Three-unit dwelling use	⑯
Four-unit dwelling use (RC- May 23/24;E-June 13/24)	⑨ ⑰
Multi-unit dwelling use	⑱
Repealed (RC- May 23/24;E-June 13/24)	
Backyard suite use	●
Small shared housing use	●
Large shared housing use	
Short-term bedroom rental **(RC-Feb 21/23;E-Sep 1/23)** use	㉔
Home occupation use	●
Home office use	●
Work-live unit use	
Grade-related dwelling unit use	
Model suite use	
Cluster housing use	
Commercial	**HCD-SV**
Broadcast and production studio use	
Cannabis lounge use	
Cannabis retail sales use	
Casino use	
Catering use	
Commercial recreation use	
Cruise ship terminal use	
Dealership use	
Drinking establishment use	
Financial institution use	
Fitness centre use	
Garden centre use	
Grocery store use	
Hotel use	
Kennel use	
Local commercial use	⑲
Local drinking establishment use	
Makerspace use	
Micro-brewery use	
Micro-distillery use	
Office use	
Pawn shop use	
Personal service use	
Pet daycare use	
Quick charging station use	
Restaurant use	⑲
Retail use	
Self-storage facility use	
Service station use	
Service use	
Short-term rental use (RC-Feb 21/23;E-Sep 1/23)	㉔

Studio use	
Veterinary facility use	
Any other commercial use (if not prohibited above)	
Urban agriculture	**HCD-SV**
Educational farm use	
Farmers' market use	
Urban farm use	●
Institutional	**HCD-SV**
Community services use (RCCC-Dec10/25;E Dec31/25)	
Convention centre use	
Cultural use	
Daycare use (RCCC-Oct 26/22;E-Nov 11/22)	⑩
Emergency services use	
Hospital use	
Library use	
Minor spectator venue use	
Major spectator venue use	
Medical clinic use	
Public building use	
Religious institution use	●
School use	
Shelter use	
University or college use	
Industrial	**HCD-SV**
Auto repair use	
Cannabis production facility use	
Car wash use	
Crematorium use	
Data storage centre use	
Industrial training facility use	
Light manufacturing use	
Marine-related use	
Marine-related use existing on the coming into force date of this By-law	
Recycling depot use	
Research and development facility use	
Storage yard use	
Warehousing use	
Wholesale food production use	
Wholesale use	
Park and community facilities	**HCD-SV**
Boating club use	
Cemetery use	
Club recreation use	
Community recreation use	●
Conservation use	●
Park use	●
Water access	**HCD-SV**
Water access structure use	●
Military	**HCD-SV**
Military use	
Other	**HCD-SV**
Accessory structure or use	●
Historic site or monument use	●
Parking structure use	
Temporary construction use	●

Temporary use (RCCC-Oct 26/22;E-Nov 11/22)	
Transportation facility use	
Underground parking, access, and servicing for a CEN-2 use	
Utility use	
Prohibited in all zones	HCD-SV
Adult entertainment use	
C&D transfer, processing, and disposal use	
Heavy industrial use	
Obnoxious use	
Salvage use	

⑨ In the Morris Queen (MQ) Special Area, as shown on Schedule 3F, a four-unit dwelling use is permitted.
⑩ Use is permitted in accordance with the requirements of Section 54. (RC- May 23/24;E-June 13/24)
⑯ Use is permitted within a Schmidtville Heritage Building that existed on July 17, 2018 and is identified on Schedule 23.
⑰ A four-unit dwelling use is permitted within a Schmidtville Heritage Building that existed on July 17, 2018 and is identified on Schedule 23. (RC- May 23/24;E-June 13/24)
⑱ Multi-unit dwelling use containing 5 to 10 units is permitted within a Schmidtville Heritage Building that existed on July 17, 2018 and is located on a lot identified on Schedule 23 as allowing 5 to 10 units.
⑲ Use is permitted within a Schmidtville Heritage Building that existed on July 17, 2018 and is located on a lot identified on Schedule 23 as allowing restaurant uses and local commercial uses in addition to all other uses permitted in the HCD-SV Zone.
⑳ Use is permitted in the Wright Avenue (WA) Special Area, as shown on Schedule 3F.
㉔ Use is permitted accessory to a residential use provided that the dwelling unit is the primary residence of the operator, in accordance with Section 53. (RC-Feb 21/23;E-Sep 1/23

Part III: Land Use

Part III, Chapter 1: General Land Use Requirements

Access Uses Prohibited

40 It is prohibited to access a use in one zone from a different zone, unless:

(a) the use being accessed is permitted in both zones; or

(b) the access from one zone to a different zone is specifically permitted in Tables 1A, 1B, 1C, or 1D.

Exterior Lighting

41 Exterior lighting shall not be directed towards abutting lots or streets.

Recreational Vehicles

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

Landmark Buildings

43 **(1)** Subject to Subsections 43(2) and 43(3), landmark buildings, as shown on Schedule 9, may be internally converted to any use listed in the INS zone with a white circle containing the number 8 **or the number 31** in black text (⑧)**(㉛), (RCCC-Dec10/25;E Dec31/25)** as shown in Table 1C, subject to the following requirements:

(a) the building existed on the coming into force date of this By-law;

(b) an expansion of the footprint of the building shall:

(i) not exceed 20%,

(ii) not be located within a front or flanking yard, and

(iii) be set back a minimum distance of 1.5 metres further from the streetline than the existing streetwall;

(c) subject to Section 103, the height of the existing building shall be maintained;

(d) dormer additions within the roof are permitted, but shall not exceed 50% of the building depth or building width;

(e) balconies are permitted, but shall meet the requirements of Section 96; and

(f) commercial uses shall not exceed 25% of the building's floor area.

(2) No minimum number of motor vehicle parking spaces shall be required for any landmark building converted to a use permitted in Subsection 43(1).

(3) The amenity space requirements contained in Section 67 shall apply to any conversion resulting in a high-density dwelling use.

Cannabis-Related Uses

44 **(1)** Cannabis retail sales uses and cannabis lounge uses are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

(2) Where a lot containing a cannabis production facility use abuts any lot containing a residential use, daycare use, community recreation use, school use, or religious institution use, the cannabis production facility use, including any building or storage yard, shall be set back no less than 70.0 metres from the abutting lot line.

Temporary Construction Uses Permitted

45 A development permit is required for a temporary construction use.

Temporary Rock Crushers

46 **(1)** Subject to Subsection 46(2), a development permit is required for a temporary rock crusher and shall be valid for the time specified on such permit and which shall not exceed 60 calendar days from the time the permit is issued. The development permit for a temporary rock crusher may be renewed for a period of not longer than 30 calendar days at a time, if the Development Officer determines that an extension is warranted.

(2) A development permit for the use of a temporary rock crusher accessory to the construction of primary or secondary services, pursuant to the HRM Regional Subdivision By-Law, shall be valid for any period not exceeding the construction time schedule specified in the subdivision agreement.

(3) A temporary rock crusher shall only be used at:

(a) the site of demolition of a structure;

(b) the site of construction of primary or secondary services, pursuant to the HRM Regional Subdivision By-Law; or

(c) the site of a development permitted by this By-law.

(4) A temporary rock crusher shall not be located within 3.0 metres of any lot line.

(5) A temporary rock crusher shall not be located within 10.0 metres of any building used for a residential use or an institutional use, except for public infrastructure.

(6) Subject to Subsection 46(7), a temporary rock crusher shall not be used to process material for export to another site, or to process material imported to the site.

(7) A temporary rock crusher may be used to process demolished material for export to a disposal site, if the requirements of HRM By-law L-200, the C&D Materials Recycling and Disposal License By-law, as amended from time to time, are met.

Uses Near Railways

47 **(1)** Subject to Subsection 47(2), there shall be a minimum required separation distance of 15.0 metres between the centreline of any railway track and:

(a) any new high-density dwelling use; or

(b) excluding indoor parking areas and storage areas, any new main building located in a CDD-2 or CDD-1 zone.

(2) If the separation distance required in Subsection 47(1) cannot be provided, a report prepared and stamped by a professional engineer shall be submitted to the Development Officer, identifying measures that will be used to mitigate the crash risk, noise, and vibration of trains, before a development permit may be issued.

(3) A development permit issued in accordance with Subsection 47(2) shall require the development to include the mitigation measures identified in the report submitted under Subsection 47(2).

(4) The mitigation measures, identified in the report submitted under Subsection 47(2), shall be completed and certified by a professional engineer prior to the issuance of the first occupancy permit.

Solid Waste Management Areas

48 **(1)** For any building in a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, or UC-1 zone that is greater than 2,000 square metres in floor area, all solid waste management areas shall be located inside the building.

(2) For a multi-unit dwelling use, any outdoor solid waste management areas shall be located in a side or rear yard, and shall not be located within 3.5 metres of any lot line abutting a residential use (Diagram 23). (RC- May 23/24;E-June 13/24)

(3) Screening requirements for outdoor solid waste management areas are contained in Section 424.

Part III, Chapter 2: Residential Use Requirements

Combination of Uses in Established Residential Zones

49 Where permitted in Table 1B, only one of the following uses shall be permitted, at any time, on a lot in an ER-3, ER-2, ER-1, CH-2, or CH-1 zone:

(a) home occupation use;

(b) short-term bedroom rental use (RC-Feb 21/23;E-Sep 1/23); or

(c) *repealed* (RC-Aug 9/22;E-Sep 15/22)

(d) daycare use.

Small Shared Housing Use in Established Residential Zones

50 Repealed (RC-Aug 9/22;E-Sep 15/22)

Home Occupation Uses

51 **(1)** Excluding a home occupation use contained within a grade-related dwelling unit use, a home occupation use shall:

(a) be limited to one per lot; and

(b) not be permitted within a multi-unit dwelling use.

(2) The following uses are permitted as a home occupation use:

(a) broadcast and production studio use;

(b) catering use;

(c) makerspace use;

(d) grooming and haircutting salon;

(e) medical clinic use;

(f) office use;

(g) pet daycare use, limited to a maximum of 5 animals;

(h) pet grooming;

(i) studio use;

(j) tailoring and shoe repair;

(k) tattooing; or

(l) tutoring.

(3) The retailing of products that are accessory to a permitted home occupation use, listed in Subsection 51(2), is permitted.

(4) The principal operator of a home occupation use shall reside on the lot where the use is located.

(5) The number of permitted employees for a home occupation use, that are not a resident of the lot, is limited to one.

(6) Any home occupation use shall be wholly contained within a dwelling unit or an accessory structure.

(7) A home occupation use shall not be apparent from the outside of the dwelling unit or the accessory structure, except for permitted signage.

(8) The maximum floor area for a home occupation use is 35% of the dwelling unit's floor area, to a maximum of 50.0 square metres.

(9) Signage requirements for a home occupation use are:

(a) in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD-1 zone, contained in Section 466; or

(b) in any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, contained in Section 469.

(10) Motor vehicle parking requirements for a home occupation use shall comply with Section 433.

Home Office Uses

52 **(1)** Home office uses are permitted in all dwelling units.

(2) The principal operator of a home office use, and any employees, shall reside on the lot where the use is located.

(3) Any home office use shall be wholly contained within a dwelling unit or an accessory structure, and shall not be apparent from the outside of the dwelling unit or accessory structure.

(4) No signage is permitted for a home office use.

Short-term Rentals Uses

53 **(1)** Short-term Rentals accessory to a residential use shall be permitted in all zones provided that the dwelling unit is the primary residence of the short-term rental operator. (RC-Feb 21/23;E-Sep 1/23)

(2) Short-term Bedroom Rentals accessory to a residential use shall be permitted in all zones, subject to the following additional provisions: (RC-Feb 21/23;E-Sep 1/23)

(a) The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental; (RC-Feb 21/23;E-Sep 1/23)

(b) Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time; (RC-Feb 21/23;E-Sep 1/23)

(c) Signage requirements for a short-term bedroom rental use are: (RC-Feb 21/23;E-Sep 1/23)

(i) in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD-1 zone, contained in Section 466, or

(ii) in any ER-3, ER-2, or ER-1 zone, contained in Section 468;

(d) Motor vehicle parking requirements for a bed and breakfast use shall comply with Section 433; and

(e) The operator of the short-term bedroom rental resides on site while any bedrooms are rented. (RC-Feb 21/23;E-Sep 1/23)

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

54 Within an ER-3, ER-2, ER-1, CH-2, or CH-1 zone, a daycare use shall meet the following requirements:

(a) A maximum of one daycare use is permitted on any lot containing a low-density dwelling use or a cluster housing use;

(b) The principal operator of a daycare use shall reside in the dwelling unit where the daycare use is located, and may employ additional staff;

(c) Excluding staff and the principal operator, a maximum of 14 people may attend a daycare use at any time;

(d) Any outdoor recreational spaces or play areas, accessory to a daycare use, shall meet the screening requirements of Subsection 423;

(e) Signage for a daycare use shall comply with Section 469; and

(f) Motor vehicle parking requirements for a daycare use shall comply with Section 433.

55 *Repealed* (RC- May 23/24;E-June 13/24)

Backyard Suite Uses

56 **(1)** 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: (RC- May 23/24;E-June 13/24)

(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;

(f) a four-unit dwelling use; (RC- May 23/24;E-June 13/24)

(g) a duplex apartment use; or (RCCC-Sep 4/24;E-Apr 17/25)

(h) a small shared housing use. (RCCC-Sep 4/24;E-Apr 17/25)

(2) *Repealed* (RC- May 23/24;E-June 13/24)

(3) A backyard suite use shall meet the accessory structure built form and siting requirements of Sections 327 to 333, except as provided in Subsection 56(8). (RC- May 23/24;E-June 13/24)

(4) A backyard suite use shall have unobstructed access that ((RC- May 23/24;E-June 13/24)

(a) connects the backyard suite to a street;

(b) is located on the same lot on which the backyard suite use is located; and

(c) has a minimum width of 1.1 metres.

(5) A backyard suite use shall not be counted towards the dwelling unit total.

(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). (RC- May 23/24;E-June 13/24) (RCCC-Sep 4/24;E-Apr 17/25)

(7) A backyard suite shall be permitted accessory to a non-conforming structure for residential use, except where no residential uses are permitted in the zone. (RC- May 23/24;E-June 13/24)

(8) Internal conversion of an existing non-conforming accessory structure to a backyard suite use is permitted and exempted from the requirements in Part V, Chapter 19, providing the floor area of the backyard suite does not exceed 93.0 square metres. (RC- May 23/24;E-June 13/24)

Maximum Number of Bedrooms in the ER-3 or ER-2 Zone

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; (RCCC-Sep 4/24;E-Apr 17/25)

(b) for a semi-detached dwelling use, 4 bedrooms per dwelling unit; (RCCC-Sep 4/24;E-Apr 17/25)

(c) for a townhouse dwelling use, 4 bedrooms per dwelling unit and 20 bedrooms per townhouse block; (RCCC-Sep 4/24;E-Apr 17/25)

(d) for a two-unit dwelling use, 8 bedrooms per lot;

(e) for a three-unit dwelling use, 10 bedrooms per lot;

(f) for a four-unit dwelling use, 12 bedrooms per lot;

(g) for a multi-unit dwelling use with 5 dwelling units, 4 bedrooms per dwelling unit and 14 bedrooms per lot; (RCCC-Sep 4/24;E-Apr 17/25)

(h) for a multi-unit dwelling use with 6 dwelling units, 4 bedrooms per dwelling unit and 16 bedrooms per lot; (RCCC-Sep 4/24;E-Apr 17/25)

(i) for a multi-unit dwelling use with 7 dwelling units, 4 bedrooms per dwelling unit and 18 bedrooms per lot; (RCCC-Sep 4/24;E-Apr 17/25)

(j) for a multi-unit dwelling use with 8 dwelling units, 4 bedrooms per dwelling unit and 20 bedrooms per lot; and (RC- May 23/24;E-June 13/24) (RCCC-Sep 4/24;E-Apr 17/25)

(k) for a small shared housing use in an ER-2 zone, 6 bedrooms per dwelling unit and 8 bedrooms per lot. (RCCC-Sep 4/24;E-Apr 17/25)

(2) For small shared housing uses in one or more dwelling units on a lot zoned ER-3, the following are the maximum number of bedrooms permitted by lot area: (RCCC-Sep 4/24;E-Apr 17/25)

(a) for a lot that is less than 375.0 square metres, 6 bedrooms per dwelling unit and 12 bedrooms per lot; (RCCC-Sep 4/24;E-Apr 17/25)

(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; (RCCC-Sep 4/24;E-Apr 17/25)

(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; (RCCC-Sep 4/24;E-Apr 17/25)

(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 (RCCC-Sep 4/24;E-Apr 17/25)

(e) for a lot that is at least 600.0 square metres, 10 bedrooms per dwelling unit and 20 bedrooms per lot. (RCCC-Sep 4/24;E-Apr 17/25)

(RC- May 23/24;E-June 13/24)

(3) All bedrooms in a backyard suite use are not counted towards the maximum number of bedrooms permitted in Subsection 57(1). (RC- May 23/24;E-June 13/24)

(4) An internal conversion of an existing main dwelling under Section 63 is not subject to Subsection 57(1). (RC- May 23/24;E-June 13/24)

58 *Repealed* (RC- May 23/24;E-June 13/24)

Maximum Number of Bedrooms on Lots with Multiple Residential Uses in an ER-3 or ER-2 Zone

59 **(1)** *Repealed* (RC- May 23/24;E-June 13/24)

(2) *Repealed* (RC- May 23/24;E-June 13/24)

(3) If 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(2). (RC- May 23/24;E-June 13/24) (RCCC- Sep 4/24;E-Apr 17/25)

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

60 Within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, a multi-unit dwelling use having up to 5 units shall have a maximum of 15 bedrooms per lot.

61 *Repealed* (RC- May 23/24;E-June 13/24)

62 *Repealed* (RC- May 23/24;E-June 13/24)

Internal Conversion within the ER-3 or ER-2 Zone

63 A main building within the ER-3 or ER-2 zone may be internally converted to a three-unit dwelling use, four-unit dwelling use, or multi-

unit dwelling use, if the building satisfies all of the following: ((RC- May 23/24;E-June 13/24)

(a) the building existed on the coming into force date of this By-law;

(b) there is no increase in the height or volume of the building;

(c) *Repealed* (RC- May 23/24;E-June 13/24)

(d) excluding the replacement of an existing exterior staircase, no new exterior staircase shall be erected in a front yard.

Dwelling Unit Mix – New Buildings

64 **(1)** A new building that contains a minimum of 40 dwelling units shall provide a dwelling unit mix as follows:

(a) in a DD, DH, CEN-2, CEN-1, or COR zone, no less than 25% of all dwelling units shall be required to contain a minimum of two bedrooms; or

(b) in any HR-2 or HR-1 zone:

(i) no less than 20% of all dwelling units shall be required to contain a minimum of two bedrooms, and

(ii) no less than 5% of all dwelling units shall be required to contain a minimum of three bedrooms.

(2) The number of required dwelling units:

(a) in Subsection 64(1), shall be rounded up to the nearest whole number; and

(b) in Subclause 64(1)(b)(ii), shall not be counted towards the requirement of Subclause 64(1)(b)(i).

(3) Notwithstanding Subsection 64(1), requirements for dwelling unit mix shall not apply for a new building that begins construction before April 1, 2028. (RC-Dec 11/25;E-Feb 2/26)

Dwelling Unit Mix – Additions

65 (1) An addition that contains 40 dwelling units or more, on a building that existed on the coming into force date of this By-law, shall provide a dwelling unit mix of:

(a) in a DD, DH, CEN-2, CEN-1, or COR zone, no less than 25% of all dwelling units within the addition shall be required to contain a minimum of two bedrooms; or

(b) in any HR-2 or HR-1 zone:

(i) no less than 20% of all dwelling units within the addition shall be required to contain a minimum of two bedrooms, and

(ii) no less than 5% of all dwelling units within the addition shall be required to contain a minimum of three bedrooms.

(2) The number of required dwelling units:

(a) in Subsection 65(1), shall be rounded up to the nearest whole number; and

(b) in Subclause 65(1)(b)(ii), shall not be counted towards the requirement of Subclause 65(1)(b)(i).

(3) For an existing building that is the subject of an addition that results in less than 40 dwelling units, no required dwelling unit mix applies.

(4) For an existing building that is the subject of an addition that results in 40 dwelling units or more for the entire building, and which does not comply with Subsections 65(1) and 65(2), then

the dwelling unit mix after the addition shall not increase the non-conformity with the unit mix that existed prior to the addition.

(5) Notwithstanding Subsections 65(1) and 65(4), the requirements for dwelling unit mix shall not apply for an addition to an existing building that results in 40 dwelling units or more for the entire building, providing construction begins before April 1, 2028. (RC-Dec 11/25;E-Feb 2/26)

Dwelling Unit Mix – Internal Conversions

66 (1) A change of use in an existing building that results in 40 dwelling units or more, shall provide a dwelling unit mix of:

(a) in a DD, DH, CEN-2, CEN-1, or COR zone, no less than 25% of all dwelling units shall be required to contain a minimum of two bedrooms; or

(b) in any HR-2 or HR-1 zone:

(i) no less than 20% of all dwelling units shall be required to contain a minimum of two bedrooms, and

(ii) no less than 5% of all dwelling units shall be required to contain a minimum of three bedrooms.

(2) The number of required dwelling units:

(a) in Subsection 66(1), shall be rounded up to the nearest whole number; and

(b) in Subclause 66(1)(b)(ii), shall not be counted towards the requirement of Subclause 66(1)(b)(i).

(3) An existing use that meets the definition of large shared housing use that existed on the coming into force date of this By-law may be converted to a multi-unit dwelling use, without having to meet the requirements of Subsection 66(1) and Section 67, if the number of existing bedrooms and the volume of the building are not increased.

(4) Excluding grade-oriented premises on a pedestrian-oriented commercial street, as shown on Schedule 7, internal space in a building that contains a high-density dwelling use may be permitted to be converted to additional dwelling units, without having to meet the requirements of Subsection 66(1) and Section 67, if:

(a) the building and the high-density dwelling use existed on the coming into force date of this By-law;

(b) the space being converted was not previously used as a dwelling unit or amenity space; and

(c) there is no increase in the height or floor area of the building.

(5) Internal space in a building that contains a commercial use may be permitted to be converted to one or more dwelling units without having to meet the requirements of Subsection 66(1) and Section 67, if

(a) the building existed before November 27, 2019;

(b) the building is in a DD or DH zone;

(c) the space being converted was not previously used as a dwelling unit or amenity space; and

(d) there is no increase in the height or floor area of the building.

(RC- May 23/24;E-June 13/24)

(6) Notwithstanding Subsection 66(1), the requirements for dwelling unit mix shall not apply for any change of use in an existing building that results in 40 dwelling units or more, providing construction begins before April 1, 2028. (RC-Dec 11/25;E-Feb 2/26)

Amenity Space – High-Density Dwelling Use

67 (1) Subject to subsection 67(5), any new building containing a high-density dwelling use that has at least 40 units shall be required to provide amenity space that is consistent with all of the following: **(RC-Dec 11/25;E-Feb 2/26)**

(a) at least 5.0 square metres per dwelling unit;

(b) for use by the building's residents; and

(c) at least 50% of the amenity spaces be provided indoor.

(RC- May 23/24;E-June 13/24)

(2) Subject to subsection 67(5), an addition to a building containing a high-density dwelling use that has at least 40 units shall be required to provide amenity space, for the addition only, at a rate of 5.0 square metres per dwelling unit, for use by the building's residents. No less than 50% of all required amenity space shall be provided within the building. (RC- May 23/24;E-June 13/24) **(RC-Dec 11/25;E-Feb 2/26)**

(3) Except for outdoor amenity space associated with an individual dwelling unit within a high-density dwelling use, such as balconies, all amenity space required by Subsections 67(1) and 67(2) shall:

(a) be provided in increments of no less than 30.0 contiguous square metres;

(b) have no linear dimension less than 3.0 metres; and

(c) be available for shared use by the building's residents.

(4) For any high-density dwelling use within an HR-2 or HR-1 zone, a minimum of 25% of the required amenity space shall be:

(a) provided outdoors;

(b) located at-grade or on a roof top; and

(c) available for shared use by the building's residents.

(5) Subsections 67(1) and 67(2) shall not apply to 22 and 24 Brule Street, Dartmouth (PID 0037176 and 0037184). (RC-Dec 11/25;E-Feb 2/26)

Amenity Space – Cluster Housing Use

68 (1) A cluster housing use shall be required to provide amenity space at a rate of 5.0 square metres per dwelling unit, but in no case shall there be less than 20.0 square metres provided on the lot.

(2) All amenity space required in Subsection 68(1) shall:

(a) subject to Clause 68(2)(b), be provided in increments of no less than 20.0 contiguous square metres;

(b) where more than one increment of 20.0 square metres is required, one contiguous area of less than 20.0 square metres is permitted;

(c) have no linear dimension less than 3.0 metres; and

(d) be available for shared use by the residents of the cluster housing use.

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

69 In any DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, where a lot:

(a) contains a building with a multi-unit dwelling use;

(b) does not abut a pedestrian-oriented commercial street, as identified on Schedule 7; and

(c) has a minimum frontage of 8.0 metres on at least one street;

a minimum of 50% of the total length of all ground floors of the buildings facing a streetline, excluding only one entrance to internal parking or a portal, shall be occupied by any of the following: ((RC- May 23/24;E-June 13/24)

(d) commercial uses;

(e) grade-related dwelling units;

(f) work-live units;

(g) amenity spaces; (RC- May 23/24;E-June 13/24)

(h) residential lobbies; (RC- May 23/24;E-June 13/24)

(i) **institutional uses. (RCCC-Dec10/25;E Dec31/25)**

Work-Live Units

70 **(1)** Subject to Subsection 70(3), only one of the following commercial or institutional uses are permitted in a work-live unit:

(a) broadcast and production studio use;

(b) catering use;

(c) makerspace use;

(d) medical clinic use;

(e) office use;

(f) personal service use;

(g) pet daycare use; or

(h) studio use.

(2) The retailing of products that are accessory to a permitted commercial use or institutional use in a work-live unit, listed in Subsection 70(1), are permitted.

(3) No more than 50% of the total floor area of a work-live unit, to a maximum of 140.0 square metres, may be used for one of the uses listed in Subsection 70(1).

(4) The uses listed in Subsection 70(1) shall be located on the ground floor.

(5) The principal operator of a commercial use or an institutional use within a work- live unit shall reside in the unit and may have no more than three non-resident employees.

(6) Signage for a work-live unit shall meet the requirements of Section 466.

(7) Motor vehicle parking for a work-live unit shall comply with the requirements of Section 433.

Part III, Chapter 3: Urban Agriculture Use Requirements

General Urban Agriculture Use Requirements

71 **(1)** The processing of urban agricultural products is permitted as an accessory use to any urban agriculture use listed in Tables 1A, 1B, 1C, or 1D.

(2) The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use to an educational farm use or an urban farm use.

(3) Except for an educational farm use, the keeping of horses, swine, roosters, and ruminants is prohibited.

(4) A greenhouse, including a rooftop greenhouse, may be used to contain all or part of an urban farm use.

(5) Signage requirements for an urban agriculture use are:

(a) in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, or RPK zone, contained in Sections 462 to 465; or

(b) in any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, contained in Sections 469 and 470.

(6) Excluding beehives, an accessory structure associated with an urban agriculture use shall meet the accessory structure built form and siting requirements of Sections 327 to 333.

Keeping of Bees as an Accessory Use

72 **(1)** In every zone, the keeping of bees as an accessory use is permitted, to a maximum of:

(a) two beehives on lots of less than 2,000 square metres in area; or

(b) four beehives on lots equal to or greater than 2,000 square metres in area.

(2) Beehives shall be required to be located no less than 3.0 metres from any lot line (Diagram 1), unless they are located on a rooftop.

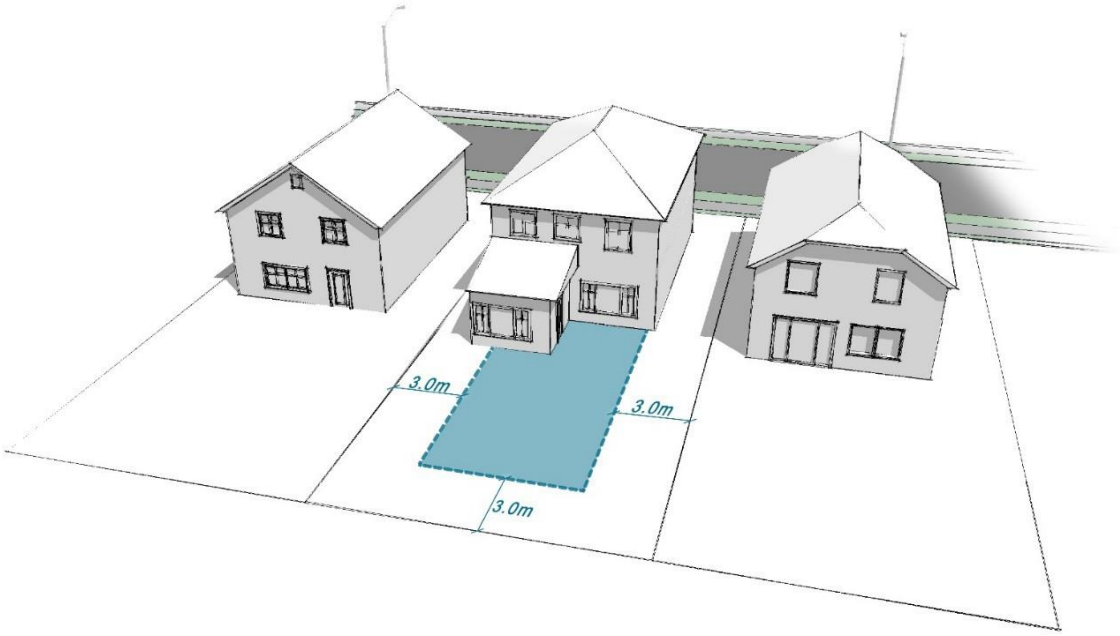


Diagram 1: Shaded area denotes where beehives are permitted at grade, per Subsection 72(2)

Keeping of Egg-Laying Hens as an Accessory Use

73 **(1)** In every zone, the keeping of egg-laying hens is permitted as an accessory use.

(2) Excluding an educational farm use, the number of egg-laying hens shall not exceed ten per lot.

(3) All egg-laying hens shall be required to be kept within a fenced area or accessory structure that:

(a) is within a rear yard; and

(b) meets the accessory structure size requirements of Sections 331 to 333.

(4) A fenced area or accessory structure that contains egg-laying hens shall meet the watercourse buffer requirements under Section 75. In no circumstance shall the exemptions in Subsection 75(6) be used to reduce the required watercourse buffer.

(5) The on-site slaughtering of hens is prohibited.

Part III, Chapter 4: Environmental Requirements

Coastal Areas

74 **(1)** Subject to Subsections 74(2), 74(3), 74(4), and 74(6), where a lot abuts the coast of the Atlantic Ocean, including its inlets, bays, and harbours, a development permit shall not be issued for any portion of a main building or a backyard suite use, including their basements, that are proposed to be erected, constructed, altered, reconstructed, or located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard (Diagram 2) for any:

(a) residential use listed in Tables 1A, 1B, 1C, or 1D;

(b) commercial use listed in Tables 1A, 1B, 1C, or 1D; or

(c) institutional use listed in Tables 1A, 1B, 1C, or 1D.

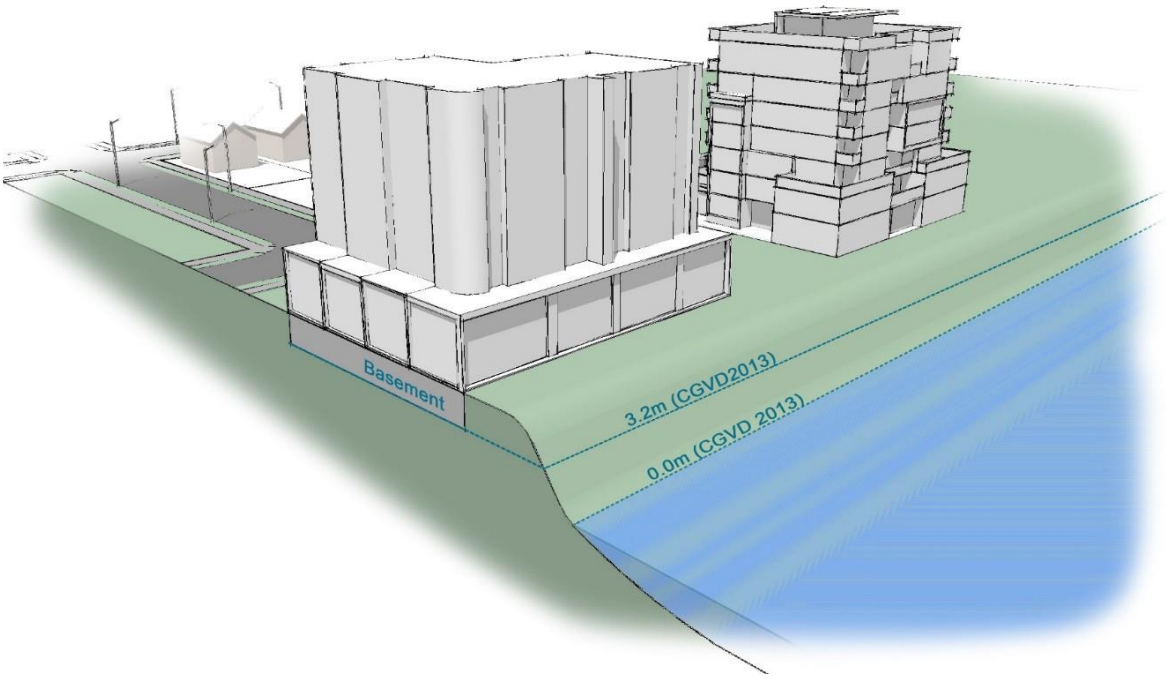


Diagram 2: Coastal area elevation requirements, per Subsection 74(1)

(2) Any main building located in an HRI or DND zone shall be exempt from the requirements of Subsection 74(1).

(3) A development permit may be issued for a parking lot, parking structure use, underground parking structure, amenity space, or a storage space permitted in this By-law that is:

(a) accessory to a main building; and

(b) proposed to be erected, constructed, altered, reconstructed, or located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard.

(4) Within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, a development permit may be issued for any commercial or institutional use listed in Tables 1A, 1B, 1C, or 1D, which is located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard (Diagram 2), provided a report by a professional engineer with an Infrastructure Resilience Professional designation is submitted to the Development Officer identifying measures that will be used to mitigate risks of flood damage and public safety on the development site, including confirmation that the proposed development does not increase the risk or hazard for surrounding buildings, adjacent uses, or adjacent coastlines.

(5) Prior to issuance of the first occupancy permit, a report from a professional engineer with an Infrastructure Resilience Professional designation shall be submitted certifying that all mitigation measures identified in the report submitted under Subsection 74(4) are completed.

(6) Any portion of a main building or a backyard suite use, including below grade portions, located lower than the elevation required in Subsection 74(1) that existed on the coming into force date of this By-law, may be expanded if such expansion does not increase the footprint of any portion of the main building or backyard suite use located lower than the elevation

required in Subsection 74(1) by more than 25%, or further reduce the existing elevation of the main building or the backyard suite use.

(7) Before issuing a development permit, the Development Officer may require a site plan certified by a surveyor or professional engineer that is drawn to scale and shows land contours and lot grading information, to determine if a main building or a backyard suite use that is being proposed to be erected, constructed, altered, reconstructed, or located on a lot that abuts the coast of the Atlantic Ocean meets the requirements of this Section.

Watercourse Buffers

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

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

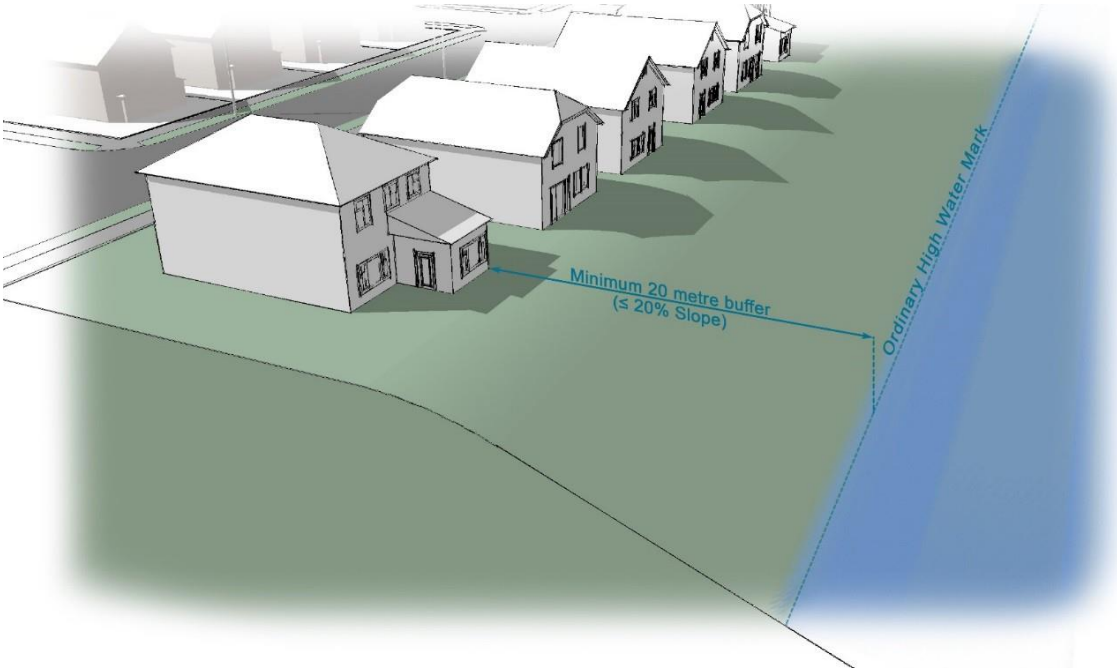


Diagram 3: Minimum required watercourse buffer, per Subsection 75(2)

(3) Where the average slope of land within the minimum required 20-metre watercourse buffer exceeds 20%, the buffer width shall be increased by 1.0 metre for each additional 2% of slope above 20%, to a maximum of 60 metres.

(4) Where a wetland and a watercourse are contiguous, the watercourse buffer shall be applied from the outermost boundary of the wetland and watercourse.

(5) Subject to Subsections 75(6) and 75(9), within the watercourse buffer required in Subsections 75(2), 75(3), and 75(4), no excavation, infilling, or the removal of any tree, stump, or other vegetation, nor any other change, is permitted.

(6) Within the watercourse buffer required in Subsections 75(2), 75(3), and 75(4), vegetation may be removed to permit the following activities:

(a) subject to Subsection 75(7), one accessory structure, including a boathouse, and one attached uncovered balcony or patio, occupying a maximum of 20.0 square metres, combined;

(b) boardwalks, walkways, trails, and driveways not exceeding 3.0 metres in width;

(c) fences;

(d) water access structure uses, boat ramps, marine-related uses, parks on public land, and historic site or monument uses;

(e) streets; or

(f) water, wastewater, and stormwater infrastructure.

(7) Where a main building existed on the coming into force date of this By-law and is located within a required watercourse buffer, accessory structures permitted in Clause 75(6)(a) shall not be located any closer to the watercourse than the main building that existed on the coming into force date of this By-law.

(8) Where the configuration of a lot is such that no main building can be located on the lot, the watercourse buffer distance required in Subsections 75(2), 75(3), and 75(4) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if the other setback distance requirements are met, for lots that:

(a) existed before August 26, 2006; or

(b) were approved as a result of a tentative or final subdivision application on file before August 26, 2006.

(9) Within a required watercourse buffer, the Development Officer may authorize the removal of windblown, diseased, or dead trees that are deemed to be hazardous or unsafe to persons or property, or the selective removal of vegetation to maintain the overall health of the buffer, if a management plan is submitted by a qualified professional.

Northwest Arm (NWA) Special Area

76 **(1)** Within the Northwest Arm (NWA) Special Area, as shown on Schedule 3E, the reference line of the Northwest Arm is as shown on Schedule 12.

(2) Subject to Subsections 76(3) and 76(4), a structure shall not be located within 9.0 metres of the reference line of the Northwest Arm, as shown on Schedule 12, except:

(a) public infrastructure;

(b) utility uses;

(c) boathouses;

(d) publicly owned or operated ferry terminals;

(e) parks on public land;

(f) water access structures;

(g) gazebos;

(h) municipal, provincial, and national historic sites and monuments;

(i) retaining walls; and (RCCC-Sep 4/24;E-Apr 17/25)

(j) staircases. (RCCC-Sep 4/24;E-Apr 17/25)

(3) Subject to Subsection 76(4), a lot is limited to a maximum of one boathouse and one gazebo located within 9.0 metres of the reference line of the Northwest Arm, as shown on Schedule 12, with each boathouse or gazebo not to exceed:

(a) a footprint of 48 square metres;

(b) a width of 6.0 metres on the side that is most parallel to the reference line;

(c) a length of 8.0 metres; and

(d) a height of 4.2 metres.

(4) The requirements of Subsections 76(2) and 76(3) do not apply within the Boat Clubs (BC) Special Area, as shown on Schedule 3E.

(4.1) Water lot infilling, in whole or in part, of a water lot in the Northwest Arm Special Area, as shown on Schedule 3E, beyond the reference line of the Northwest Arm, as shown on Schedule 12, is prohibited unless a development permit has been issued for a permitted use listed in Subsection 76(4.2). (RC-Jan 9/24;E-Feb 12/24)

(4.2) Water lot infilling, in whole or in part, of a water lot in the Northwest Arm Special Area, as shown on Schedule 3E, beyond the reference line of the Northwest Arm, as shown on Schedule 12, is only permitted for:

(a) public infrastructure;

(b) utility uses;

(c) publicly owned or operated ferry terminals;

(d) parks on public land;

(e) municipal, provincial, and national historic sites and monuments;

(f) retaining walls associated with any uses referenced in Clauses 76(4.2)(a) to 76(4.2)(e); and

(g) subject to Subsection 76(4.3), retaining walls not associated with uses referenced in Clauses 76(4.2)(a) to 76(4.2)(e). (RC-Jan 9/24;E-Feb 12/24)

(4.3) Retaining walls under Clause 76(4.2)(g), including any associated engineering support structure, shall not be located more than 2.0 metres beyond the reference line of the Northwest Arm, as shown on Schedule 12. (RC-Jan 9/24;E-Feb 12/24)

(5) Any portion of a water lot that has been infilled beyond the reference line of the Northwest Arm, as shown on Schedule 12, shall not be included in the:

(a) calculation of the minimum lot area requirements of Part IV;

(b) calculation of lot coverage; or

(c) measurement of a side or rear setback.

(6) The requirements of this Section continue to apply regardless of whether a water lot is consolidated with an abutting land lot.

Dartmouth Cove (DC) Special Area

76.5 (1) Within the Dartmouth Cove (DC) Special Area, as shown on Schedule 3E, the reference line of Dartmouth Cove is as shown on Schedule 53.

(2) Water lot infilling, in whole or in part, of a water lot as shown on Schedule 54 is prohibited, unless a development permit has been issued for a permitted use listed in Subsection 76.5(4), other than the use specified in Clause 76.5(4)(h).

(3) Water lot infilling, in whole or in part, of a water lot in the Dartmouth Cove Special Area, as shown on Schedule 3E, beyond the reference line of Dartmouth Cove, as shown on Schedule 53, is prohibited unless a development permit has been issued for a permitted use listed in Subsection 76.5(4).

(4) Water lot infilling, in whole or in part, of a water lot, as shown on Schedule 53, is only permitted for:

(a) public infrastructure;
(b) utility uses;
(c) publicly owned or operated ferry terminals;
(d) parks on public land;
(e) municipal, provincial, and national historic sites and monuments;
(f) breakwaters;
(g) retaining walls associated with any uses referenced in Clauses 76.5(4)(a) to 76.5(4)(f); and
(h) subject to Subsection 76.5(5), retaining walls not associated with uses referenced in Clauses 76.5(4)(a) to 76.5(4)(f).

(5) Retaining walls under Clause 76.5(4)(h), including any associated engineering support structure, shall not be located more than 2.0 metres beyond the reference line of Dartmouth Cove, as shown on Schedule 53. (RC-Oct 7/25;E-Dec 3/25)

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

77 **(1)** Within the Lake Banook (LB) Special Area, as shown on Schedule 3E, the reference line is as shown on Schedule 13.

(2) Within the Lake Micmac (LM) Special Area, as shown on Schedule 3E, the reference line is as shown on Schedule 14.

(3) Subject to Subsection 75(6), a structure shall not be located within 20.0 metres of the reference line of either:

(a) Lake Banook, as shown on Schedule 13; or

(b) Lake Micmac, as shown on Schedule 14.

(4) Within the Lake Banook (LB) Special Area, as shown on Schedule 3E, the requirements of Section 75 and Subsection 77(3) do not apply within the Boat Clubs (BC) Special Area, as shown on Schedule 3E.

(5) Any portion of a water lot that has been infilled beyond the reference line of the Lake Banook (LB) Special Area, as shown on Schedule 13, or the Lake Micmac (LM) Special Area, as shown on Schedule 14, shall not be included in the:

(a) calculation of the minimum lot area requirements of Part IV;

(b) calculation of lot coverage; or

(c) measurement of a side or rear setback.

(6) The requirements of this Section continue to apply regardless of whether a water lot is consolidated with an abutting land lot.

Wetlands

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

Part III, Chapter 5: Heritage Requirements

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

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

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

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

Properties within a Heritage Conservation District

81 **(1)** A development within a heritage conservation district is further regulated under the respective heritage conservation district by-law, and those regulations apply in addition to the requirements of this Chapter.

(2) A development complying with this Chapter may be prohibited or further restricted under the heritage conservation district by-law.

Part III, Chapter 6: Buildings in the WA Zone

Buildings in the WA Zone

82 In the WA zone, a building shall not be erected, constructed, altered, reconstructed, or located on a wharf, a dock, a quay, pillars, piles, or any other structural support except for:

(a) public infrastructure;

(b) utility uses;

(c) publicly owned or operated ferry terminals; and

(d) buildings associated with a boating club use.

Part IV: Lot Requirements

Part IV, Chapter 1: Lot Requirements

Regional Subdivision By-law

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

Undersized Lots

84 **(1)** A lot with less than the minimum required lot area, lot frontage, or lot dimensions, as per the requirements of Sections 85 and 86, may be developed if it existed on the coming into force date of this By-law, and it:

(a) abuts and has direct access to a street; or

(b) is accessible through a registered easement no less than 3.0 metres wide.

(2) A lot with less than the minimum required lot area, lot frontage, or lot dimensions, as per the requirements of Sections 85 and 86, created as a result of an acquisition of a portion of the land by the Province of Nova Scotia, the Halifax Dartmouth Bridge Commission, or the Municipality for a provincial or municipal purpose, may be developed as per the requirements of the applicable zone.

(3) The Development Officer may issue a development permit for a lot approved pursuant to Section 41 of the HRM Regional Subdivision By-law, where an undersized lot has had its boundaries altered.

Minimum Lot Area

85 **(1)** Subject to Subsections 85(2) and 85(3), the minimum lot area requirements are as set out in Table 2.

Table 2: Minimum lot area requirements

Zone/Use	Minimum lot area
DD, DH	232.0 square metres
ER-3, ER-2, ER-1	325.0 square metres
HR-2, HR-1	558.0 square metres
Semi-detached dwelling use or duplex apartment use in any zone (RCCC-Sep 4/24;E-Apr 17/25)	230.0 square metres
Townhouse dwelling use in any zone – interior units	130.0 square metres
Townhouse dwelling use in any zone – end units	220.0 square metres
PCF and RPK	232.0 square metres
Any other zone	371.0 square metres

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

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

Special Area	Minimum lot area
Young Avenue (YA)	743.0 square metres
Grant Street (GS)	275.0 square metres
Armview (AV)	743.0 square metres
North End Halifax 2 (NEH-2)	185.0 square metres
Townhouse dwelling use in any established residential special area - interior units	130.0 square metres
Townhouse dwelling use in in any established residential special area – end units	220.0 square metres
Historic Dartmouth Neighbourhoods (HDN)	278.0 square metres
Oakland Road (OR)	464.0 square metres

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

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

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

Minimum Lot Frontages and Dimensions

86 **(1)** Subject to Subsections 86(3), 86(4), and 86(6), the minimum lot frontage requirements are as set out in Table 5.

Table 5: Minimum lot frontage requirements

Zone	Minimum lot frontage
DD, DH	6.1 metres
ER-3, ER-2, ER-1	10.7 metres
CH-2, CH-1	6.1 metres
Semi-detached dwelling use or duplex apartment use in any zone (RCCC-Sep 4/24;E-Apr 17/25)	7.5 metres
Townhouse dwelling use in any zone — interior units	4.5 metres
Townhouse dwelling use in any zone — end units	7.5 metres
PCF and RPK	30.0 metres
Any other zone	12.2 metres

(RC- May 23/24;E-June 13/24)

(2) Within the CH-2 or CH-1 zone, a lot shall not have a dimension less than 6.1 metres.

(3) The minimum lot frontage requirements for any property located in an Established Residential special area, as shown on Schedule 3C and identified in Table 6, are as set out in Table 6.

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

Zone	Minimum lot frontage
Young Avenue (YA)	24.4 metres
North End Halifax 2 (NEH-2)	6.1 metres
Townhouse dwelling use in in any established residential special area — interior units	4.5 metres
Townhouse dwelling use in in any established residential special area — end units	7.5 metres
Dartmouth North 1 (DN-1)	9.2 metres
Dartmouth North 2 (DN-2)	9.2 metres
Historic Dartmouth Neighbourhoods (HDN)	9.2 metres
Oakland Road (OR)	15.2 metres

(RC- May 23/24;E-June 13/24)

(4) *Repealed* (RC- May 23/24;E-June 13/24)

(5) Within the Young Avenue (YA) Special Area, a lot shall have the following minimum required dimensions:

(a) a width of 24.4 metres; and

(b) a depth of 30.48 metres.

(6) The minimum and maximum lot frontage requirements within the Schmidtville Heritage Conservation District, as shown on Schedule 22, are as set out in Table 7.

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

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

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

87 A two-unit dwelling use, a three-unit dwelling use, a four-unit dwelling use, or a multi-unit dwelling use that contains up to 5 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, shall have the following minimum lot requirements: (RC- May 23/24;E-June 13/24)

(a) a lot area of 671.0 square metres;

(b) a lot frontage of 24.4 metres;

(c) a lot width of 24.4 metres; and

(d) a lot depth of 30.48 metres.

Part V: Built Form and Siting Requirements

Part V, Chapter 1: General Built Form and Siting Requirements

General Requirement: Applicability to Heritage Conservation Districts

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

General Requirement: Number of Main Buildings on a Lot

89 **(1)** Every main building shall be located on a lot.

(2) A main building shall not be located on more than one lot, except for an underground parking structure on abutting lots that are (RC- May 23/24;E-June 13/24)

(a) under common ownership; and

(b) not protruding more than 0.6 metres above the average finished grade. (RCCC-Jan 24/24;E-Feb 9/24)

(3) A maximum of one main building is permitted on a lot, except:

(a) subject to Clause 89(3)(b), within the CLI zone, the Dartmouth Waterfront (DW) Special Area as shown on Schedule 3A, or the Halifax Waterfront (HW) Special Area as shown on Schedule 3B, more than one main building is permitted on a lot if:

(i) each main building is shown on a preliminary plan of subdivision that it is capable of meeting the minimum lot frontage, lot dimension, and lot area requirements of the zone, and

(ii) a preliminary plan of subdivision meets the requirements of the Regional Subdivision By-law;

(b) within the Dartmouth Waterfront (DW) Special Area as shown on Schedule 3A, or the Halifax Waterfront (HW) Special Area as shown on Schedule 3B, more than one main building is permitted on a lot providing the buildings are shipping containers or kiosks;

(c) in any CH-2, CH-1, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, or RPK zone; or

(d) on a registered heritage property not located in a heritage conservation district.

90 Repealed (RC-Jul 12/22;E- Aug 22/22)

General Requirement: Prohibited External Cladding Materials

91 (1) Except as provided in (RCCC-Jan 24/24;E-Feb 9/24) Subsection 91(2), the following external cladding materials are prohibited in:

(a) any DD, DH, or CEN-2 zone:

(i) vinyl siding,

(ii) plastic,

(iii) plywood,

(iv) unfinished concrete,

(v) exterior insulation and finish systems where stucco is applied to rigid insulation, and

(vi) darkly tinted or mirrored glass, except for spandrel glass panels; or

(b) any CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, or UC-1 zone:

(i) plastic excluding vinyl siding, (RCCC-Jan 24/24;E-Feb 9/24)

(ii) plywood,

(iii) unfinished concrete, and

(iv) darkly tinted or mirrored glass, except for spandrel glass panels.

(2) Prohibited external cladding materials that are present on a structure on the coming into force date of this By-law may be replaced with the same or similar materials.

General Requirement: Cantilevers Over a Registered Heritage Building

92 A new building or an addition to an existing building shall not cantilever over a registered heritage building.

General Requirement: Setback of Entrances

93 (1) Excluding registered heritage properties, any pedestrian entrance to any main building facing a streetline shall be required to be set back a minimum of 1.5 metres from the streetline.

(2) Any motor vehicle entrance to any main building facing a streetline shall be required to be set back a minimum of 4.5 metres from the streetline, except for a garage attached to a low-density dwelling use as provided in Subsection 232(1). (RCCC-Jan 24/24;E-Feb 9/24)

94 *Repealed* (RCCC-Jan 24/24;E-Feb 9/24)

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

94.5 (1) All of the following structures may encroach into a required setback, stepback, or separation distance:

(a) a patio that is less than 0.6 metres in height, access ramps, walkways, lifting devices, uncovered steps, and staircases;

(b) a sill, eave, gutter, downspout, cornice, chimney, fireplace, stove bump out, railing system, canopy, awning, or another similar feature, if an encroachment is no more than 0.6 metres;

(c) a solar collector, if an encroachment is no more than 1.0 metre; and

(d) a window bay that is no wider than 4.0 metres and is located no closer than 2.5 metres to any other window bay on an exterior wall of the main building, if an encroachment is no more than 1.0 metre.

(2) A portion of an enclosed porch may encroach into a required front or flanking setback, if the portion is

(a) in an ER-3, ER-2, ER-1, CH-2, or CH-1 zone;

(b) at least 0.5 metres away from a streetline;

(c) not greater than 4.0 square metres; and

(d) one storey in height.

(3) *repealed* (RCCC-Sep 4/24;E-Apr 17/25)

(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.

(RCCC-Sep 4/24;E-Apr 17/25)

(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. (RCCC-Sep 4/24;E-Apr 17/25)

(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.

(RCCC-Sep 4/24;E-Apr 17/25)

(RCCC-Jan 24/24;E-Feb 9/24)

General Requirement: Maximum Rear Setbacks

95 No maximum rear setback applies in any zone under this By-law.

General Requirement: Aggregate Width of Balconies

96 **(1)** Subject to Subsection 96(2), if the aggregate width of all balconies per storey, above the height of the streetwall, exceeds 50% of the horizontal width of a building face, then the balconies shall: (RC- May 23/24;E-June 13/24)

(a) not be allowed to encroach into any required setback, stepback, or separation distance; and

(b) be included in the calculation of maximum tower dimensions, including width and depth.

(2) The requirement in Subsection 96(1) shall apply to at least 50% of the storeys above the height of the streetwall in a building. (RC- May 23/24;E-June 13/24)

General Requirement: Encroachments into Streets

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

General Requirement: Drive-Throughs

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

General Requirement: Pedways

99 **(1)** Pedways that connect main buildings over a street are prohibited.

(2) Pedways that do not connect main buildings over a street are permitted in any DD, DH, CEN-2, CLI, LI, HRI, INS, UC-2, UC-1, DND, or H zone.

(3) Permitted pedways are exempt from the following built form requirements:

(a) maximum floor area ratio (FAR);

(b) maximum lot coverage; and

(c) maximum building dimensions.

General Requirement: Self-Storage Facility Uses

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

(2) In any CLI or LI zone, a driving aisle of no less than 6.0 metres in width shall be required between separate buildings that make up a self-storage facility use.

General Requirement: Transportation Facility Use

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

(a) maximum building height, as shown on Schedule 15;

(b) maximum floor area ratio (FAR), as shown on Schedule 17; and

(c) minimum front and flanking setbacks, as shown on Schedule 18.

General Requirement: Development Abutting a Transportation Reserve

102 New development on a lot abutting a transportation reserve, including any portions of any main building located underground, shall:

(a) have a required setback from the transportation reserve boundary as shown on Schedules 4, 5, and 6; or (RCCC-Dec 14/22;E-Jan 5/23)

(b) where the Municipality acquires, in whole or in part, the lands that are the subject of the transportation reserve, then the lots that abut that acquired land shall have the minimum required front or flanking setback as specified on Schedule 18. (RCCC-Dec 14/22;E-Jan 05/23)

General Requirement: Building Rooftop Features

103 (1) Excluding any low-density dwelling uses, cluster housing uses, or any main buildings within the Young Avenue Sub-Area A (YA-A), as provided in Subsections 103(7) to 103(9), Table 8 regulates the height, coverage, and setback of building features located on the rooftops of any main building, even if the feature does not exceed the maximum height for the main building. (RCCC-Oct 26/22;E-Nov 11/22) (RCCC-Jan 24/24;E-Feb 9/24)

(2) *Repealed* (RCCC-Jan 24/24;E-Feb 9/24)

(2.5) If Table 8 conflicts with

(a) a view plane, Halifax Citadel rampart sightline, or waterfront view corridor requirement in Part X, Part X prevails;

(b) a maximum required building height in Schedule 15, Table 8 prevails; or

(c) a minimum setback requirement in Part V, Table 8 prevails.

(RCCC-Jan 24/24;E-Feb 9/24)

(3) Features listed in Table 8 shall not count towards:

(a) the overall building height;

(b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise building, as defined in Subsections 499(145), 499(160), 499(252), or 499(115); (RC-Jul 12/22;E-Aug 22/22)

(b.5) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections 499(160.5), 499(252.5), or 499(115.5); or (RC-Jul 12/22;E-Aug 22/22)

(c) the height determination for a pedestrian wind impact assessment report under Clause 10(j). (RC- May 23/24;E-June 13/24)

(4) Excluding any main building within an LI, HRI, UC-2, UC-1, DND, H, or PCF zone, all features identified with a black dot (●) in Column 2 of Table 8 shall not, in total, occupy more than 30% of the main building rooftop area on which they are located.

(5) Features with a minimum roof edge setback that are specified in Columns 3 or 4 of Table 8 shall be located no closer than indicated.

(6) *Repealed* (RCCC-Jan 24/24;E-Feb 9/24)

Table 8: Main building rooftop features

Feature	Column 1: Maximum height aboveroof	Column 2: 30% coverage restriction	Column 3: Minimum setback fromroof edge facing front or flanking lot lines	Column 4: Minimum setback fromroof edge facing side or rear lot lines
Antenna	Unlimited		3.0 metres	3.0 metres
Chimney	Unlimited			
Clear glass guard and railing system	2.0 metres			
Clock tower or bell tower	Unlimited	●		
Communication tower required to support uses and activities in the building	Unlimited		3.0 metres	3.0 metres
Cooling tower	Unlimited	●	3.0 metres	3.0 metres
Elevator enclosure	**6.0 metres**	●	3.0 metres, except for an elevator enclosure used as articulation for a streetwall or exterior wall	
Flag pole	Unlimited			
Heating, ventilation, and air conditioning equipment and enclosure	5.5 metres	●	3.0 metres	3.0 metres
Helipad on a hospital rooftop	4.5 metres			
High-plume laboratory exhaust fan	Unlimited	●	3.0 metres	3.0 metres
Hard landscaping or soft landscaping	4.5 metres			
Lightning rod	Unlimited			
Mechanical penthouse	5.5 metres		3.0 metres	3.0 metres
Parapet	2.0 metres			
Rooftop cupola	4.5 metres	●		
Rooftop greenhouse	6.0 metres		3.0 metres	3.0 metres
Skylight	1.5 metres			
Solar collector	4.5 metres			
Spire, steeple, minaret, and similar features	Unlimited	●		
Staircase or staircase enclosure	4.5 metres	●	3.0 metres	
Windscreen	4.5 metres			
Window cleaning platform	Unlimited	●		

(RCCC-Jan 24/24;E-Feb 9/24) (RC- May 23/24;E-June 13/24)

(7) Subject to Subsection 103(8), for any low-density dwelling use or cluster housing use, the following features may exceed the maximum required height, as shown on Schedule 15, by no more than 3.0 metres: (RCCC-Oct 26/22;E-Nov 11/22)

(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; (RCCC-Jan 24/24;E-Feb 9/24)

(j) vents; and

(k) an elevator enclosure that does not exceed 6.0 square metres in area**.** (RCCC-Oct 26/22;E-Nov 11/22)

(8) Subject to Section 104, 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: (RCCC-Oct 26/22;E-Nov 11/22)

(a) has a minimum required stepback of 5.0 metres from an exterior wall that faces a streetline; and

(b) has a minimum required stepback of 2.0 metres from an exterior wall that faces a side lot line.

(9) Features contained in Subsections 103(7) and 103(8) shall not count towards:

(a) the overall building height;

(b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building or a high-rise building, as defined in Subsections 499(145), 499(160), 499(252), or 499(115); or (RC-Jul 12/22;E-Aug 22/22)

(c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections 499(160.5), 499(252.5), or 499(115.5). (RC-Jul 12/22;E-Aug 22/22)

General Requirement: Height Exemption for Sloped Roofs

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.

(1.3) Within any ER-3, CH-2, or CH-1 zone, a sloped roof of a main building may exceed the maximum required height, as shown on Schedule 15, by no more than 3.0 metres. (RC- May 23/24;E-June 13/24)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) A sloped roof under Subsections 104(1), 104(1.3), and 104(1.5) shall not count towards: (RC- May 23/24;E-June 13/24)

(a) the overall building height, as shown on Schedule 15;

(b) the determination of building height for a low-rise building, a mid-rise building, a tall mid-rise building, or a high-rise

building, as defined in Subsections 499(145), 499(160), 499(252), or 499(115); or (RC-Jul 12/22;E-Aug 22/22)

(c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology, as defined in Subsections 499(160.5), 499(252.5), or 499(115.5). (RC-Jul 12/22;E-Aug 22/22)

General Requirement: Streetwall Height Determination

105 (1) Any main building with a streetwall width of 10.0 metres or less shall have its streetwall height determined at the centre point of the streetwall width. (RC- May 23/24;E-June 13/24)

(2) Any main building with a streetwall width exceeding 10.0 metres shall have its streetwall divided into 10.0 metres portions, except for one portion which may be less than 10.0 metres, and separate streetwall heights shall be determined by measuring the height at the centre point of each portion (Diagram 4). (RC- May 23/24;E-June 13/24)

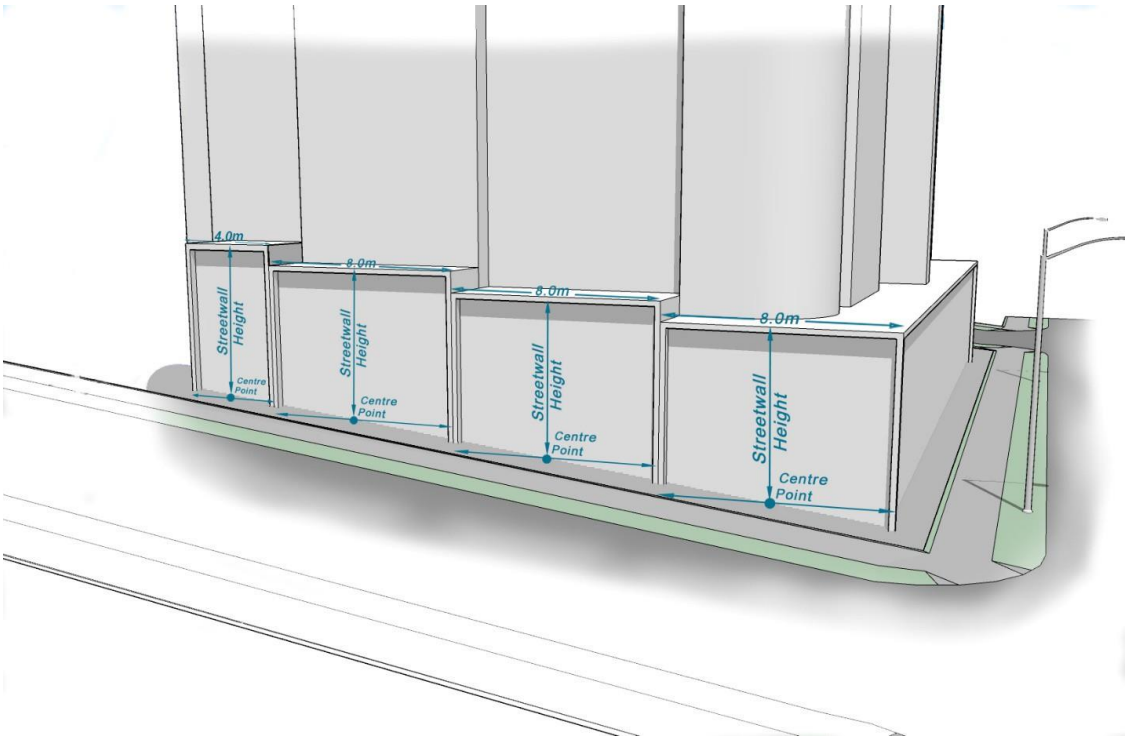


Diagram 4: Method for determining streetwall height along a streetline or a transportation reserve, per Section 105

General Requirement: Streetwall Break Determination

106 (1) Subject to Subsection 106(2), on a corner lot where two intersecting streetwalls do not make a 90-degree angle, the break between both streetwalls shall be the mid-point of the curve or angle connecting both streetwalls so that each can meet the applicable streetwall requirement.

(2) In order to determine the mid-point of the curve or angle, as stated in Subsection 106(1), the break between front and flanking streetwalls shall be the mid-point, as determined for the following scenarios:

(a) where a front lot line and a flanking lot line meet at a 90-degree angle, the line cast from the point of intersection of the front and flanking lot lines towards the building at equal angles (Diagram 5); or

(b) where a front lot line and a flanking lot line do not meet at a 90-degree angle, the line cast from the point of intersection of the projected front and flanking lot lines towards the building at equal angles (Diagram 6).

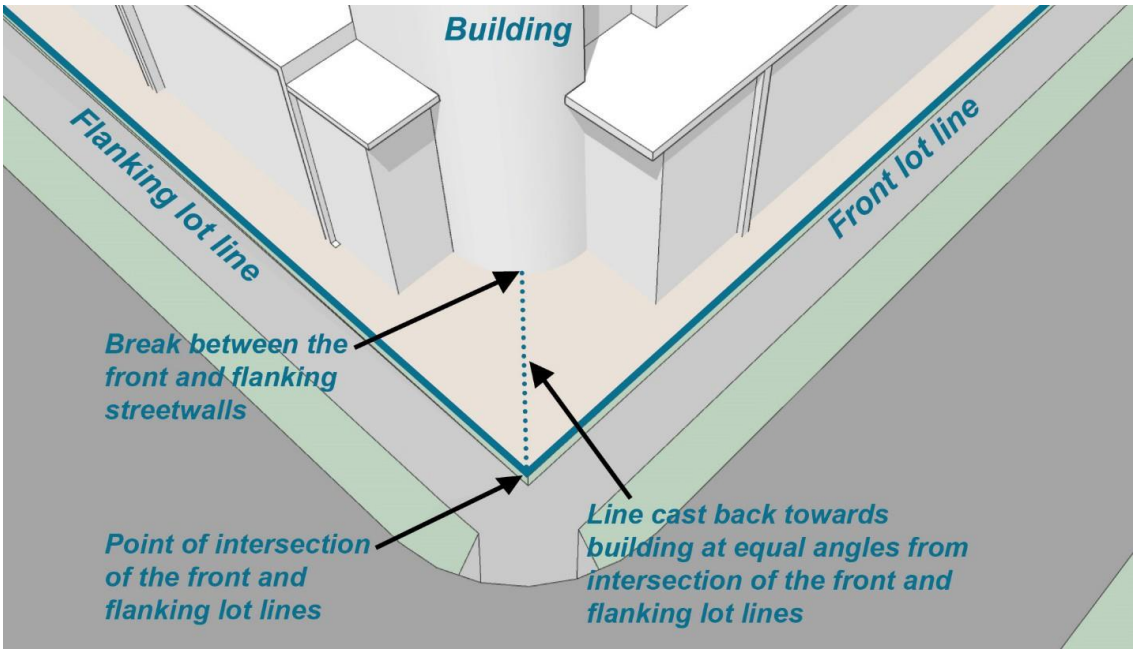


Diagram 5: Streetwall break determination where front and flanking lot lines create a 90-degree angle, per Clause 106(2)(a)

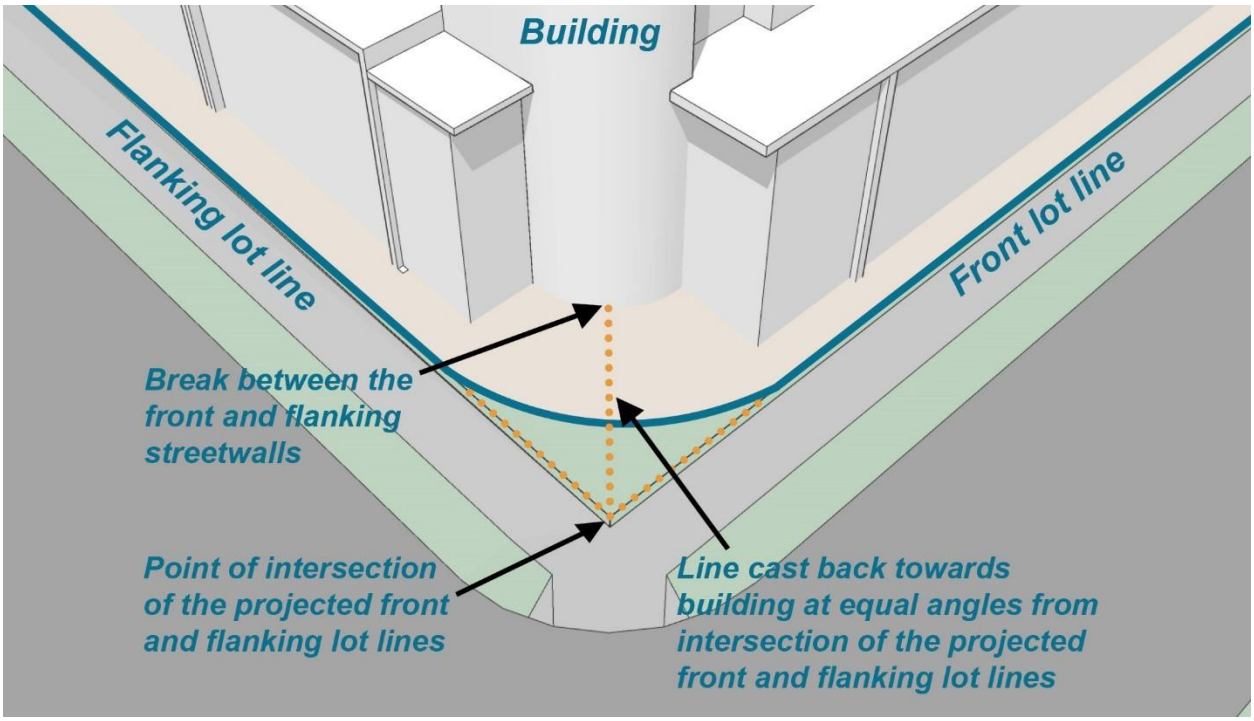


Diagram 6: Streetwall break determination where front and flanking lot lines do not create a 90-degree angle, per Clause 106(2)(b)

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

Applicability

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

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

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

Maximum Building Height

109 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Maximum Floor Area Ratio (FAR)

110 **(1)** Subject to Subsection 110(3), any main building's floor area shall not exceed the maximum required FAR value as specified on Schedule 17.

(2) Where there are multiple FAR precincts on a lot, only the area of the lot that is covered by a FAR precinct shall be used to complete the calculation within that FAR precinct.

(3) Where a portion of a lot has been acquired by the Province of Nova Scotia, the Halifax Dartmouth Bridge Commission, or the Municipality for the purpose of street widening after the coming into force date of this By-law, and a FAR value is shown on

Schedule 17 for the subject property, any reduction in the lot area shall not affect the amount of floor area that would have been achievable on the coming into force date of this By-law.

(4) If no maximum required FAR value is specified on Schedule 17, no maximum required FAR value applies.

Minimum Front or Flanking Setbacks

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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Underground Parking Exemption from Minimum Front or Flanking Setbacks

112 Underground motor vehicle parking structures are exempt from the minimum required front or flanking setback requirements, but shall not protrude more than 0.25 metre above any streetline grade when located within required setbacks.

Maximum Front or Flanking Setbacks

113 **(1)** There are no maximum front or flanking setback requirements for any main building located:

(a) on a registered heritage property; **or**

(b) on a lot containing a community recreation use**.**

(c) *Repealed* (RC- May 23/24;E-June 13/24)

(2) Subject to Section 114, any main building located along a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum front or flanking setback, as specified

on Schedule 19, unless Subsections 113(3), 113(4), or 113(5) apply.

(3) Maximum front or flanking setbacks shall not apply to portions of lots that have a frontage less than 4.0 metres along a streetline or transportation reserve.

(4) Where a transportation or utility easement abuts the streetline, a main building shall have a maximum front or flanking setback that is the greater of:

(a) the applicable distance as specified on Schedule 19; or

(b) the edge of the easement that is located farthest from the streetline.

(5) The maximum front or flanking setback requirement of Subsection 113(2) may be exceeded, if an at-grade open space, such as a plaza, is located between a front or flanking lot line and a main building.

(6) Subject to Subsection 113(7), if a maximum front or flanking setback is not specified on Schedule 19, the maximum required front or flanking setback shall be 4.0 metres. (RC- May 23/24;E-June 13/24)

(7) The maximum front or flanking setback may be exceeded, providing that:

(a) the setback is not exceeded by more than 50% of the façade; and

(b) the requirements in subsection 420(7) are met.

(RC- May 23/24;E-June 13/24)

Maximum Front or Flanking Setback Exemption

114 (1) Subject to Subsections 113(3), 113(4), 113(5), and 114(2), no more than 30% of the width of the streetwall may exceed the maximum front or flanking setback requirement of Section 113.

(2) Where a development makes use of both Subsections 114(1) and 120(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Side Setback Requirements

115 (1) Subject to Subsections 115(2) and 115(3), and Section 427, the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) For a high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any side lot line of:

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

(b) 12.5 metres elsewhere.

(4) There is no maximum required side setback.

Rear Setback Requirements

116 (1) Subject to Subsections 116(2), 116(3), and 116(5), and Section 427, the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; (RCCC-Sep 4/24;E-Apr 17/25)

(b) where a lot line abuts a lot, any portion of which, is zoned 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 the lot, except as provided in Clause 116(1)(a); or (RCCC-Sep 4/24;E-Apr 17/25)

(c) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(3) Subject to Subsection 116(4), for a tall mid-rise building, any portion of the main building exceeding a height of **7 storeys (RC-Dec 11/25;E-Feb 2/26)** shall have a minimum required setback of 4.5 metres from a rear lot line.

(4) The requirement of Subsection 116(3) shall be reduced to zero where abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure.

(5) For a high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any rear lot line of:

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

(b) 12.5 metres elsewhere.

Maximum Streetwall Heights

117 (1) **Any** main building's maximum required streetwall height shall be:

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;

(b) for **a** main building **except under Clause 117(1)(a), that is no taller than 5 storeys**, the building height; or

(c) **3 storeys** elsewhere. **(RC-Dec 11/25;E-Feb 2/26)**

(2) **Repealed (RC-Dec 11/25;E-Feb 2/26)**

(3) **Repealed (RC-Dec 11/25;E-Feb 2/26)**

Minimum Streetwall Heights

118 (1) Subject to Subsections 118(2) and 118(3), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, **2 storeys**; or

(b) along all other streets or transportation reserves:

(i) for any main building that is 2 storeys or less, the building height, or

(ii) **for any main building that is more than 2 storeys, 2 storeys. (RC-Dec 11/25;E-Feb 2/26)**

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing the height is not reduced below **1 storey (RC-Dec 11/25;E-Feb 2/26)** (Diagram 7). (RC- May 23/24;E-June 13/24)

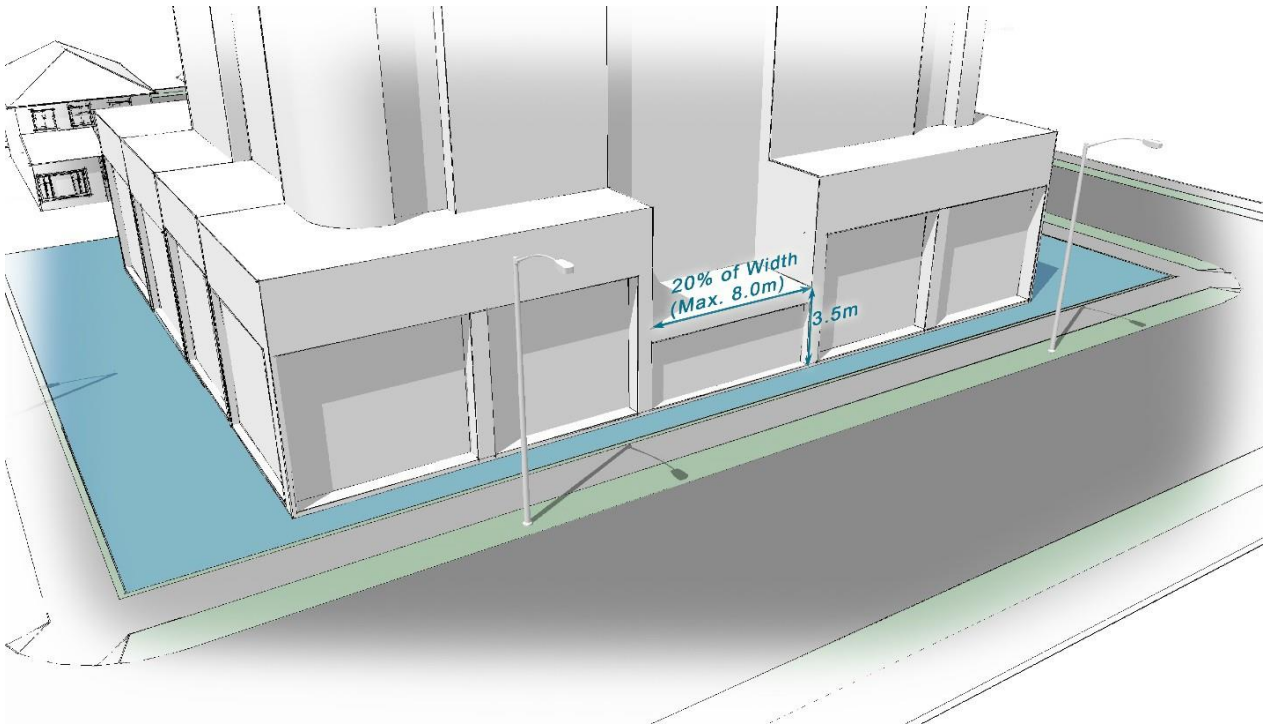


Diagram 7: Streetwall height reduction, per Subsections 118(2), 138(2), 165(2), 184(2), 201(2), 218(2), 259(2), 274(2), and 289(2)

(3) The minimum streetwall height required in Subsection 118(1) may be reduced to **1 storey (RC-Dec 11/25;E-Feb 2/26)** along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May 23/24;E-June 13/24)

Streetwall Stepbacks

119 (1) Subject to Subsections 119(2) and 119(3), any main building shall have a minimum required streetwall stepback of:

(a) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 3.0 metres for tall mid-rise buildings;

(c) 6.0 metres for high-rise buildings in the Portland Street (PS) Special Area, as shown on Schedule 3A; or

(d) 4.5 metres for high-rise buildings elsewhere.

(2) No streetwall stepback is required for any main building that meets Clause 117(1)(b).

(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.

(RCCC-Oct 26/22;E-Nov 11/22)

(4) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

120 (1) Subject to Subsections 120(2) and 120(3), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 120(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

(3) Where a development makes use of both Subsection 120(1) and Subsection 114(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Maximum Lot Coverage

121 No maximum required lot coverage applies.

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 122(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 122(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 122(4)(b), Clause 122(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 122(8) and excluding a low-density dwelling use, 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. (RCCC-Oct 26/22;E-Nov 11/22)

(8) The ground floor height required in Subsection 122(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

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

Grade-Oriented Premises

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; (RCCC-Oct 26/22;E-Nov 11/22)

(b) be required for the full width of the streetwall, excluding:

(i) only one entrance to internal parking located above or below the ground floor, (RC- May 23/24;E-June 13/24)

(ii) a portal,

(iii) an emergency exit, or

(iv) an entrance to a room dedicated to a solid waste management area;

(RCCC-Oct 26/22;E-Nov 11/22)

(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.

(2) Subsection 123(1) shall not apply to:

(a) a change of use;

(b) a low-density dwelling use;

(c) a religious institution use;

(d) an emergency services use;

(e) a cultural use; or

(f) a shared housing with special care use. (RCCC-Jan 24/24;E-Feb 9/24)

(3) For any addition to any main building, the requirement of Subsection 123(1) shall only apply to the length of the streetwall addition.

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

Grade-Related Dwelling Units

124 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

Side and Rear Stepbacks

125 (1) Subject to Subsection 125(3), where a lot abuts another lot, any portion of which, is zoned 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. (RC-Dec 11/25;E-Feb 2/26)** (RCCC-Sep 4/24;E-Apr 17/25)

(2) The side or rear stepback in Subsection 125(1) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;

(b) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(c) 6.0 metres for tall mid-rise buildings; or

(d) 6.0 metres for high-rise buildings.

(3) The side or rear stepback under Subsection 125(1) is not required if an entire main building has a minimum side or rear setback of: (RC- May 23/24;E-June 13/24)

(a) 8.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 12.0 metres for tall mid-rise buildings; or

(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

126 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

(2.5) Above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 meters between a mid-rise typology and another mid-rise typology;

(b) 6.0 meters between a mid-rise typology and a tall mid-rise typology;

(c) 12.5 meters between a mid-rise typology and a high-rise typology;

(d) 12.5 meters between a tall mid-rise typology and another tall mid-rise typology ;

(e) 12.5 meters between a tall mid-rise typology and a high-rise typology; or

(f) 25.0 meters between a high-rise typology and another high-rise typology.

(RC-Jul 12/22;E-Aug 22/22)

(3) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres. (RC-Jul 12/22;E-Aug 22/22)

Maximum Building Dimensions

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

(a) a building depth of 35.0 metres;

(b) a building width of 40.0 metres; and (RC- May 23/24;E-June 13/24)

(c) an average floor area of 900 square metres per storey as calculated for the tower portion of the building. (RC- May 23/24;E-June 13/24)

(2) For the purpose of measuring building dimensions in Subsection 127(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures and Shipping Containers

128 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

Applicability

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

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

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

Maximum Building Height

131 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) Within the Spring Garden Road (SGR) 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 Spring Garden Road, 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 (RCCC-Oct 26/22;E-Nov 11/22).

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Underground Parking Exemption from Minimum Front or Flanking Setbacks

133 Underground motor vehicle parking structures are exempt from the minimum required front or flanking setback requirements, but shall not protrude more than 0.25 metre above any streetline grade when located within required setbacks.

Maximum Front or Flanking Setbacks

134 **(1)** There are no maximum front or flanking setback requirements for any main building located:

(a) on a registered heritage property; or

(b) on a lot containing a community recreation use**.**

(c) *Repealed* (RC- May 23/24;E-June 13/24)

(2) Any main building along a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum front or flanking setback, as specified on Schedule 19, unless Subsections 134(3), 134(4), or 134(5) apply.

(3) Maximum front or flanking setbacks shall not apply to portions of lots that have a frontage less than 4.0 metres along a streetline or transportation reserve.

(4) Where a transportation or utility easement abuts the streetline, a main building shall have a maximum front or flanking setback that is the greater of:

(a) the applicable distance as specified on Schedule 19; or

(b) the edge of the easement that is located farthest from the streetline.

(5) The maximum front or flanking setback requirement of Subsection 134(2) may be exceeded, if an at-grade open space, such as a plaza, is located between a front or flanking lot line and a main building.

(6) Subject to Subsection 134(7), if a maximum front or flanking setback is not specified on Schedule 19, the maximum required front or flanking setback shall be 4.0 metres. (RC- May 23/24;E-June 13/24)

(7) The maximum front or flanking setback may be exceeded, providing that:

(a) the setback is not exceeded by more than 50% of the façade; and

(b) the requirements in subsection 420(7) are met.

(RC- May 23/24;E-June 13/24)

Side Setback Requirements

135 (1) Subject to Subsections 134(3), 134(4), 134(5), and 135(2) and Section 427, the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 4.5 metres from the side lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) Any main building on a lot that abuts another lot, any portion of which, is zoned 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. (RCCC-Sep 4/24;E-Apr 17/25)

(4) Any portion of any main building above the streetwall height, but less than 33.5 metres in height, shall be required to be set back from side lot lines of no less than 4.5 metres. This requirement may be reduced to 0.0 metre where:

(a) abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure; or

(b) any main building is located within the Downtown Halifax Central Blocks (DHCB) Special Area **or Birmingham and Queen (BQ) Special Area(RC-July 12/26;E-July 30/26)**, as shown on Schedule 3B.

(5) Any portion of any main building above 33.5 metres in height shall have a minimum required setback from any side lot line of:

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

(b) 11.5 metres elsewhere.

(6) The maximum required side setback for any main building shall be:

(a) on lots located within Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B, 0.0 metre; or

(b) on lots located outside of the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B, 20% or less of the lot width.

Rear Setback Requirements

136 (1) Subject to Subsection 136(2) and Section 427, the minimum required rear setback for any main building shall be 0.0 metre.

(2) Subject to Subsection 136(3), where a lot abuts another lot, any portion of which, is zoned 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 line abutting the lot. (RCCC-Sep 4/24;E-Apr 17/25)

(3) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(4) A lot that abuts another lot, any portion of which, is zoned 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. (RCCC-Sep 4/24;E-Apr 17/25)

(5) Any portion of any main building above the streetwall height, but less than 33.5 metres in height, shall have a minimum required setback from a rear lot line of 4.5 metres. This requirement may be reduced to 0.0 metre where:

(a) abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure; or

(b) any main building is located within the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B.

(6) Any portion of any main building above 33.5 metres in height shall have a minimum required setback from any rear lot line of:

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

(b) 11.5 metres elsewhere.

Maximum Streetwall Heights

137 (1) Subject to Subsections 137(2), 137(3), and 137(4), the maximum required streetwall heights for main buildings are specified on Schedule 20.

(2) On a site having sloping conditions, the maximum streetwall height required in Subsection 137(1), may be exceeded by:

(a) 10%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or

(b) 20%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.

(3) On a registered heritage property, the maximum required streetwall height shall be the streetwall height of the registered heritage building on the coming into force date of this By-law.

(4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

138 (1) Subject to Subsections 138(2) and 138(3), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or

(b) along all other streets or transportation reserves:

(i) for any main building less than 8.0 metres in height, the building height, or

(ii) 8.0 metres elsewhere.

(2) Twenty percent or less of the entire streetwall width, to a maximum of 8.0 metres, may be reduced in height, providing the height is not reduced below 4.5 metres (Diagram 7).

(3) Subject to Section 143, the minimum streetwall height required in Subsection 138(1) may be reduced to 3.5 metres along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC-May 23/24;E-June 13/24)

Streetwall Stepbacks

139 (1) Subject to Subsection 139(2), any main building shall have a minimum required streetwall stepback of:

(a) 3.0 metres, for any portion of the main building less than 33.5 metres in height; and

(b) 4.5 metres, for any portion of the main building greater than 33.5 metres in height.

(2) No streetwall stepback is required for 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.

(RCCC-Oct 26/22;E-Nov 11/22)

(3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Streetwall Width Within the DH Zone

140 (1) Excluding any portion of a lot within a waterfront view corridor and subject to Subsections 140(2) and 140(3), a streetwall shall extend the full width of any streetline or transportation reserve.

(2) A streetwall located along Lower Water Street or Upper Water Street shall not have to extend the full width of the streetline or transportation reserve, if the lot:

(a) is located within both the Lower Centre Downtown Halifax (LCDH) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B; and

(b) has a frontage greater than 27.5 metres.

(3) The width of a streetwall may be reduced by a maximum of:

(a) 20% of the lot width, for lots located outside of the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B;

(b) 30% of the lot width, if an at-grade open space is provided, such as a plaza or a mid-block pedestrian connection; or

(c) 80% of the lot width, for cultural uses on lots located outside of the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B, if an at-grade open space is provided, such as a plaza. (RCCC-Dec 09/24;E-Dec 24/24)

Recessed Portions and Cantilevers within Streetwalls

141 (1) Subject to Subsection 141(2), the total combined width of all cantilevered and recessed portions within any streetwall that

have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 141(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

142 No maximum required lot coverage applies.

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 143(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 143(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 143(4)(b), Clause 143(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 143(8) and excluding a low-density dwelling use, 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 4.5 metres. (RCCC-Oct 26/22;E-Nov 11/22)

(8) The ground floor height required in Subsection 143(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building;

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

(c) on a site located outside of the Central Blocks, as shown on Schedule 3B, and that is not along a pedestrian-oriented commercial street, as shown on Schedule 7, the ground floor height requirement may be reduced to 3.5 metres if the ground floor is to be fully occupied by residential uses.

(9) Mezzanine spaces are permitted to commence within the minimum ground floor height required in Subsection 143(7), for those portions of a ground floor that are occupied by residential uses.

Grade-Oriented Premises

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; (RCCC-Oct 26/22;E-Nov 11/22)

(b) be required for the full width of the streetwall, excluding:

(i) only one entrance to internal parking located above or below the ground floor, (RC- May 23/24;E-June 13/24)

(ii) a portal,

(iii) an emergency exit, or

(iv) an entrance to a room dedicated to a solid waste management area;

(RCCC-Oct 26/22;E-Nov 11/22)

(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.

(2) Subsection 144(1) shall not apply to:

(a) a change of use;

(b) a low-density dwelling use;

(c) a religious institution use;

(d) an emergency services use;

(e) a cultural use; or

(f) a shared housing with special care use. (RCCC-Jan 24/24;E-Feb 9/24)

(3) For any addition to any main building, the requirement of Subsection 144(1) shall only apply to the length of the streetwall addition.

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

Grade-Related Dwelling Units

145 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

Minimum Separation Distances

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

Maximum Building Dimensions

147 **(1)** Subject to Section 154, any portion of any main building above 33.5 metres in height shall not exceed the following maximum building dimension requirements of:

(a) within the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B:

(i) a building depth of 27.5 metres, and

(ii) a building width of 38.0 metres; or

(b) outside the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 3B:

(i) a building depth of 38.0 metres, and

(ii) a building width of 38.0 metres.

(2) For the purpose of measuring building dimensions in Subsection 147(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures and Shipping Containers

148 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

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

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

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

150 Excluding marine-related uses, all main buildings located within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, shall have:

(a) a minimum required distance of 8.0 metres between all exterior walls and the harbour edge, for walls that are facing the Harbour Orientation Line 2, as shown on Schedule 21 (Diagram 8); and

(b) a minimum required distance of 3.0 metres between all other exterior walls and the harbour edge, for walls that do not face the Harbour Orientation Line 2, as shown on Schedule 21 (Diagram 8).

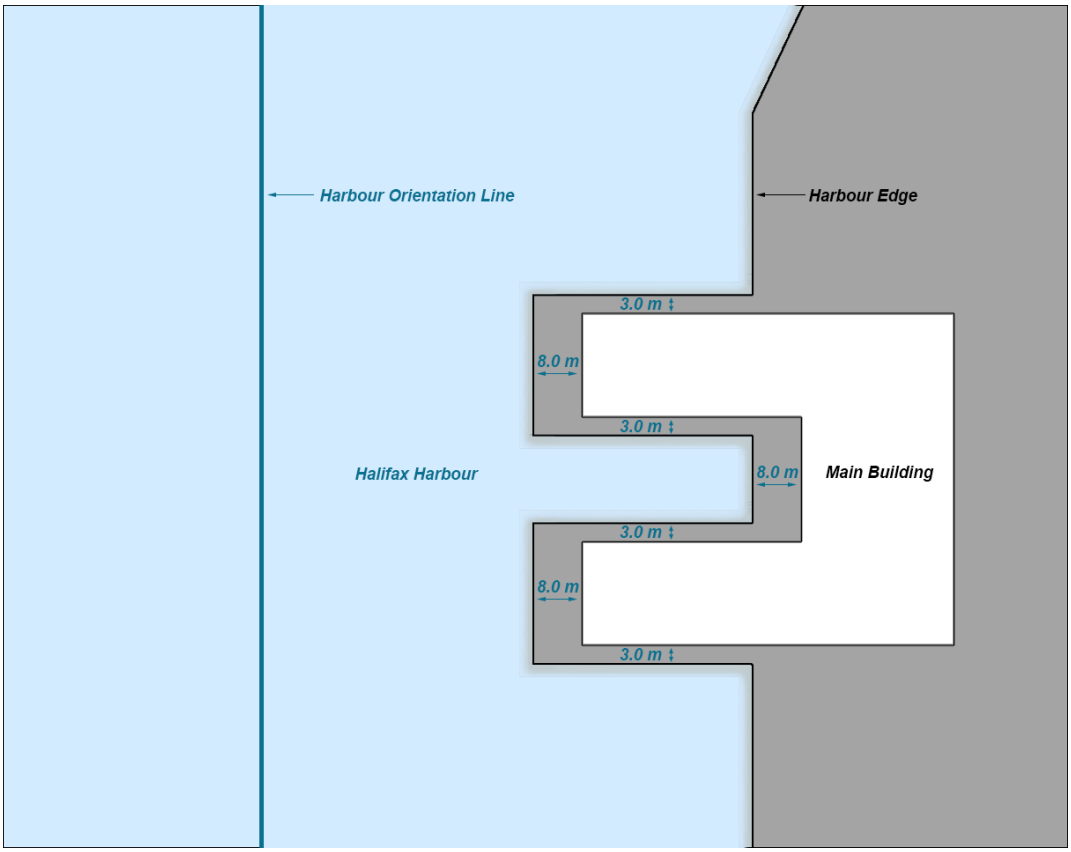


Diagram 8: Harbour edge setback requirements, per Sections 150 and 151

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

151 Excluding marine-related uses, all main buildings located within the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, shall have:

(a) a minimum required distance of 8.0 metres between all exterior walls and the harbour edge, for walls that are facing the Harbour Orientation Line 1, as shown on Schedule 21 (Diagram 8); and

(b) a minimum required distance of 3.0 metres between all other exterior walls and the harbour edge, for walls that do not face the Harbour Orientation Line 1, as shown on Schedule 21 (Diagram 8).

Other Setbacks in the Halifax Waterfront (HW) Special Area

152 **(1)** Subject to Subsection 152(2), within the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, any main building on any lot with a streetline greater than 27.5 metres, abutting Lower Water Street or Upper Water Street, shall have a minimum required side setback of 8.0 metres or 10% of the lot width, whichever is less.

(2) The required side setback under Subsection 152(1) may be reduced to a minimum of 0.0 metre where:

(a) abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure; or

(b) a lot has:

(i) a side lot line that coincides with the edge of a waterfront view corridor, or

(ii) a side lot line that lies within any portion of a waterfront View corridor.

Harbour Edge Built Form Requirements within the Waterfront Special Areas

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

(a) at a distance of 8.0 metres from the harbour edge, any main building shall not exceed 12.5 metres in height;

(b) at a distance greater than 8.0 metres but less than 18.0 metres from the harbour edge, any main building may exceed the 12.5-metre height limit by an additional 1.0 metre of height for every additional 1.0 metre of distance from the harbour edge; and

(c) at a distance greater than 18.0 metres from the harbour edge, any main building shall not exceed the maximum building height specified on Schedule 15.

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

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

(a) at a distance of 8.0 metres from the harbour edge, any main building shall not exceed 27.5 metres in width;

(b) at a distance greater than 8.0 metres but less than 30.0 metres from the harbour edge, any main building may exceed the 27.5-metre width by an additional 1.0 metre for every additional 1.0 metre of distance from the harbour edge; and

(c) at a distance greater than 30.0 metres from the harbour edge, any main building is permitted to use the maximum building width that is permitted under this By-law.

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

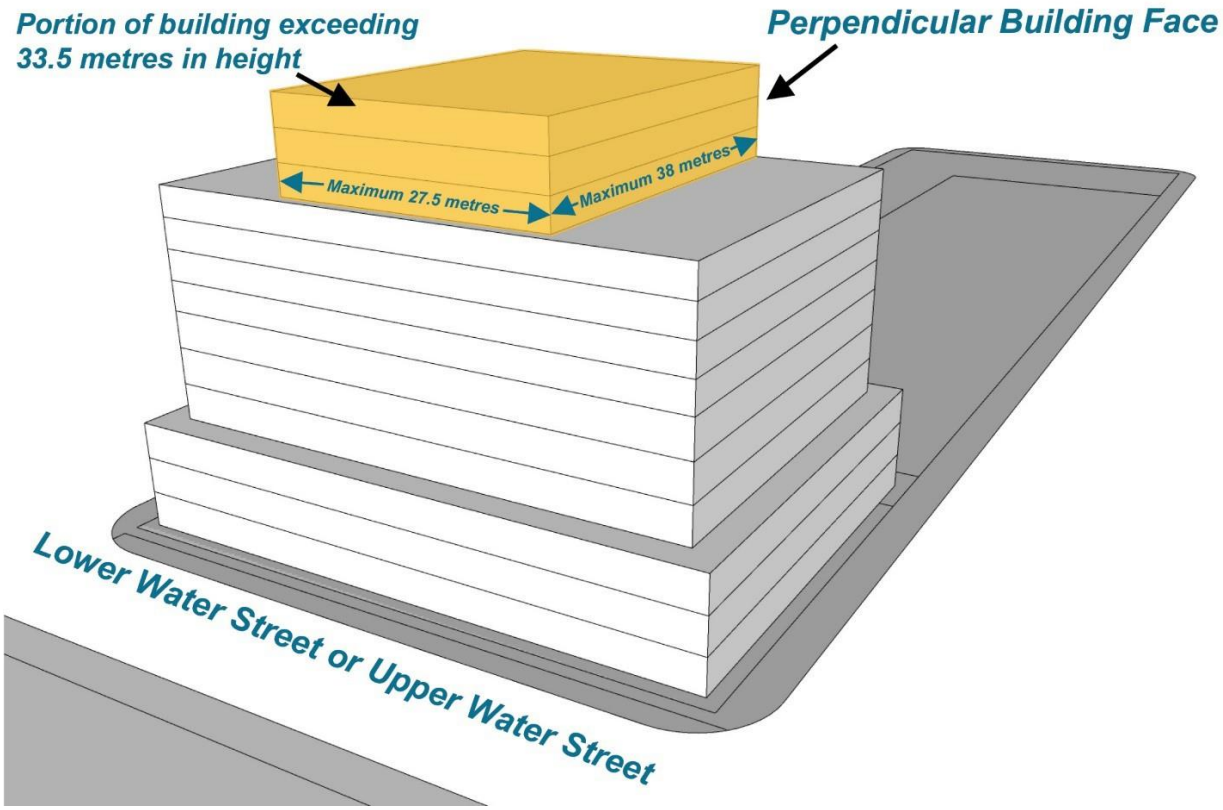


Diagram 9: Maximum building dimensions in the Halifax Waterfront (HW) Special Area, above a height of 33.5 metres, per Subsection 154(2)

Minimum Separation Distances

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.

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

Applicability

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

Maximum Building Height

157 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Maximum Floor Area Ratio (FAR)

158 **(1)** Subject to Subsection 158(3), any main building's floor area shall not exceed the maximum FAR value as specified on Schedule 17.

(2) Where there are multiple FAR precincts on a lot, only the area of the lot that is covered by a FAR precinct shall be used to complete the calculation within that FAR precinct.

(3) Where a portion of a lot has been acquired by the Province of Nova Scotia, the Halifax Dartmouth Bridge Commission, or the Municipality for the purpose of street widening after the coming into force date of this By-law, and a FAR value is shown on Schedule 17 for the subject property, any reduction in the lot area shall not affect the amount of floor area that would have been achievable on the coming into force date of this By-law.

(4) If no maximum required FAR value is specified on Schedule 17, no maximum required FAR value applies.

Minimum Front or Flanking Setbacks

159 (1) 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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Maximum Front or Flanking Setbacks

160 (1) There are no maximum front or flanking setback requirements for any main building located:

(a) on a registered heritage property**; or**

(b) on a lot containing a community recreation use**.**

(c) *Repealed* (RC- May 23/24;E-June 13/24)

(2) Subject to Section 161, any main building located along a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum front or flanking setback, as specified on Schedule 19, unless Subsections 160(3), 160(4), or 160(5) apply.

(3) Maximum front or flanking setbacks shall not apply to portions of lots that have a frontage less than 4.0 metres along a streetline or transportation reserve.

(4) Where a transportation or utility easement abuts the streetline, a main building shall have a maximum front or flanking setback that is the greater of:

(a) the applicable distance as specified on Schedule 19; or

(b) the edge of the easement that is located farthest from the streetline.

(5) The maximum front or flanking setback requirement of Subsection 160(2) may be exceeded, if an at-grade open space, such as a plaza, is located between a front or flanking lot line and a main building.

(6) Subject to Subsections 160(7) and 161(3), if a maximum front or flanking setback is not specified on Schedule 19, the maximum required front or flanking setback shall be 4.0 metres. (RC- May 23/24;E-June 13/24)

(7) The maximum front or flanking setback may be exceeded, providing that:

(a) the setback is not exceeded by more than 50% of the façade; and

(b) the requirements in subsection 420(7) are met.

(RC- May 23/24;E-June 13/24)

Maximum Front or Flanking Setback Exemption

161 (1) Subject to Subsections 160(3), 160(4), 160(5), and 161(2), no more than 30% of the width of the streetwall may exceed the maximum front or flanking setback requirement of Section 160.

(2) Where a development makes use of both Subsection 161(1) and Subsection 167(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

(3) Subsection 160(6) shall not apply to 20 Best Street, Dartmouth (PID 40534752). (RC- May 23/24;E-June 13/24)

Side Setback Requirements

162 (1) Subject to Subsections 162(2) and 162(3), and Section 427, the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0

metres from the side lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) For a high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any side lot line of:

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

(b) 12.5 metres elsewhere.

(4) There is no maximum required side setback.

Rear Setback Requirements

163 (1) Subject to Subsections 163(2), 163(3), and 163(5), and Section 427, the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; (RCCC-Sep 4/24;E-Apr 17/25)

(b) where a lot line abuts a lot, any portion of which, is zoned 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 the lot, except as provided in Clause 163(1)(a); or (RCCC-Sep 4/24;E-Apr 17/25)

(c) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(3) Subject to Subsection 163(4), for a tall mid-rise building, any portion of the main building exceeding a height of 7 storeys shall have a minimum required setback of 4.5 metres from a rear lot line. (RC- May 23/24;E-June 13/24)

(4) The requirement of Subsection 163(3) shall be reduced to zero where abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure.

(5) For a high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any rear lot line of:

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

(b) 12.5 metres elsewhere.

Maximum Streetwall Heights

164 (1) Any main building's maximum required streetwall height shall be: (RC- May 23/24;E-June 13/24)

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;

(b) for a main building except under Clause 164(1)(a), that is no taller than 5 storeys, the building height; or ((RC- May 23/24;E-June 13/24)

(c) 3 storeys elsewhere. (RC- May 23/24;E-June 13/24)

(2) *Repealed* (RC- May 23/24;E-June 13/24)

(3) *Repealed* (RC- May 23/24;E-June 13/24)

Minimum Streetwall Heights

165 (1) Subject to Subsections 165(2) and 165(3), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 2 storeys; or (RC- May 23/24;E-June 13/24)

(b) along all other streets or transportation reserves:

(i) for any main building that is 2 storeys or less, the building height, or (RC- May 23/24;E-June 13/24)

(ii) for any main building that is more than 2 storeys, 2 storeys. (RC- May 23/24;E-June 13/24)

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing the height is not reduced below 1 storey (Diagram 7). (RC- May 23/24;E-June 13/24)

(3) The minimum streetwall height required in Subsection 165(1) may be reduced to 1 storey along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May 23/24;E-June 13/24)

Streetwall Stepbacks

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

(a) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 3.0 metres for tall mid-rise buildings; or

(c) 4.5 metres for high-rise buildings.

(2) No streetwall stepback is required for any main building that meets Clause 164(1)(b) (RCCC-Oct 26/22;E-Nov 11/22).

(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.

(RCCC-Oct 26/22;E-Nov 11/22)

(4) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

167 (1) Subject to Subsections 167(2) and 167(3), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 167(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

(3) Where a development makes use of both Subsections 167(1) and 161(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Maximum Lot Coverage

168 No maximum required lot coverage applies.

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 169(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 169(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 169(4)(b), Clause 169(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 169(8) and excluding a low-density dwelling use, a grade-related dwelling unit use, or a residential lobby on a floor containing grade-related dwelling unit use, the

minimum required ground floor height shall be 3.5 metres. (RCCC-Oct 26/22;E-Nov 11/22)

(8) The ground floor height required in Subsection 169(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

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

Grade-Oriented Premises

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; (RCCC-Oct 26/22;E-Nov 11/22)

(b) be required for the full width of the streetwall, excluding:

(i) only one entrance to internal parking located above or below the ground floor, (RC- May 23/24;E-June 13/24)

(ii) a portal,

(iii) an emergency exit, or

(iv) an entrance to a room dedicated to a solid waste management area;

(RCCC-Oct 26/22;E-Nov 11/22)

(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.

(2) Subsection 170(1) shall not apply to:

(a) a change of use;

(b) a low-density dwelling use;

(c) a religious institution use;

(d) an emergency services use;

(e) a cultural use; or

(f) a shared housing with special care use. (RCCC-Jan 24/24;E-Feb 9/24)

(3) For any addition to any main building, the requirement of Subsection 170(1) shall only apply to the length of the streetwall addition.

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

Grade-Related Dwelling Units

171 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

Side and Rear Stepbacks

172 (1) Subject to Subsection 172(3), where a lot abuts another lot, any portion of which, is zoned 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. (RC- May 23/24;E-June 13/24) (RCCC-Sep 4/24;E-Apr 17/25)

(2) The side or rear stepback in Subsection 172(1) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;

(b) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(c) 6.0 metres for tall mid-rise buildings; or

(d) 6.0 metres for high-rise buildings.

(3) The side or rear stepback under Subsection 172(1) is not required if an entire main building has a minimum side or rear setback of: (RC- May 23/24;E-June 13/24)

(a) 8.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 12.0 metres for tall mid-rise buildings; or

(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

173 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

(2.5) Subject to Subsections 173(4) and 173(5), above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 metres between a mid-rise typology and another mid-rise typology;

(b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;

(c) 12.5 metres between a mid-rise typology and a high-rise typology;

(d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;

(e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or

(f) 25.0 metres between a high-rise typology and another high-rise typology.

(RC-Jul 12/22;E-Aug 22/22)

(3) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres. (RC-Jul 12/22;E-Aug 22/22)

(4) For the property identified by PID 00136341, the minimum required separation distance between a mid-rise typology and a high-rise typology shall be 4.0 metres (RC-Jul 12/22;E-Aug 22/22).

(5) For the Quingate Special Area, above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 12.0 metres between portions of the main building up to 30.0 metres in height; and

(b) 25.0 metres between portions of the main building greater than 30.0 metres in height.

(RC-Jul 12/22;E-Aug 22/22)

Maximum Building Dimensions

174 **(1)** Excluding any structure below 0.6 metre above the average finished grade or any public building use, any main building shall not exceed:

(a) a building width of 64.0 metres; and

(b) a building depth of 64.0 metres.

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

(a) a building depth of 35.0 metres;

(b) a building width of 40.0 metres; and (RC- May 23/24;E-June 13/24)

(c) an average floor area of 900 square metres per storey as calculated for the tower portion of the building. ((RC- May 23/24;E-June 13/24)

(3) For the purpose of measuring building dimensions in Subsections 174(1) and 174(2), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

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

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

Applicability

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

Maximum Building Height

177 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

178 **(1)** 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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Maximum Front or Flanking Setbacks

179 **(1)** There are no maximum front or flanking setback requirements for any main building located:

(a) on a registered heritage property;

(b) on a lot containing a community recreation use; or

(c) on a lot with no maximum front or flanking setbacks identified on Schedule 19.

(2) Subject to Section 180, any main building located along a pedestrian-oriented commercial street, as shown on Schedule 7, shall have a maximum front or flanking setback, as specified on Schedule 19, unless Subsections 179(3), 179(4), or 179(5) apply.

(3) Maximum front or flanking setbacks shall not apply to portions of lots that have a frontage less than 4.0 metres along a streetline or transportation reserve.

(4) Where a transportation or utility easement abuts the streetline, a main building shall have a maximum front or flanking setback that is the greater of:

(a) the applicable distance as specified on Schedule 19; or

(b) the edge of the easement that is located farthest from the streetline.

(5) The maximum front or flanking setback requirement of Subsection 179(2) may be exceeded, if an at-grade open space, such as a plaza, is located between a front or flanking lot line and a main building.

Maximum Front or Flanking Setback Exemption

180 (1) Subject to Subsections 179(3), 179(4), 179(5), and 180(2), no more than 30% of the width of the streetwall may exceed the maximum front or flanking setback requirement of Section 179.

(2) Where a development makes use of both Subsections 180(1) and 186(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Side Setback Requirements

181 (1) Subject to Subsection 181(2) and Section 427, the minimum required side setback for any main building shall be:

(a) subject to Clauses 181(1)(b) and 181(1)(c), where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting the lot; (RCCC-Sep 4/24;E-Apr 17/25)

(b) for a townhouse dwelling use:

(i) 0.0 metre along a common wall between each unit, or

(ii) 3.0 metres elsewhere;

(c) for a semi-detached dwelling use or duplex apartment use: (RCCC-Sep 4/24;E-Apr 17/25)

(i) 0.0 metre along a common wall between each unit, or

(ii) 3.0 metres elsewhere; or

(d) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) There is no maximum required side setback.

Rear Setback Requirements

182 (1) Subject to Subsections 182(2) and 182(3), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(3) For a tall mid-rise building, any portion of the main building exceeding a height of 7 storeys shall have a minimum required setback of 4.5 metres from a rear lot line. (RC- May 23/24;E-June 13/24)

Maximum Streetwall Heights

183 (1) Any main building's maximum required streetwall height shall be: (RC- May 23/24;E-June 13/24)

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;

(b) for any main building in the Agricola Street (AS) Special Area, as shown on Schedule 3F, 2 storeys; (RC- May 23/24;E-June 13/24)

(c) for a main building except under Clauses 183(1)(a) and 183(1)(b), that is no taller than 5 storeys, the building height; or (RC- May 23/24;E-June 13/24)

(d) 3 storeys elsewhere. (RC- May 23/24;E-June 13/24)

(2) *Repealed* (RC- May 23/24;E-June 13/24)

(3) *Repealed* (RC- May 23/24;E-June 13/24)

Minimum Streetwall Heights

184 (1) Subject to Subsections 184(2) and 184(3), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 2 storeys; or (RC- May 23/24;E-June 13/24)

(b) along all other streets or transportation reserves:

(i) for any main building that is 2 storeys or less, the building height, or (RC- May 23/24;E-June 13/24)

(ii) 2 storeys elsewhere. (RC- May 23/24;E-June 13/24)

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing the height is not reduced below 1 storey (Diagram 7). (RC- May 23/24;E-June 13/24)

(3) The minimum streetwall height required in Subsection 184(1) may be reduced to 1 storey along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May 23/24;E-June 13/24)

Streetwall Stepbacks

185 (1) Subject to Subsections 185(2) and 185(3), any main building shall have a minimum required streetwall stepback of:

(a) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 3.0 metres for tall mid-rise buildings.

(2) No streetwall stepback is required for any main building that meets Clause 183(1)(c).

(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.

(RCCC-Oct 26/22;E-Nov 11/22)

(4) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

186 (1) Subject to Subsections 186(2) and 186(3), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 186(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

(3) Where a development makes use of both Subsections 186(1) and 180(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Maximum Lot Coverage

187 No maximum required lot coverage applies.

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 188(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 188(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 188(4)(b), Clause 188(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 188(8) and excluding a low-density dwelling use, 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. (RCCC-Oct 26/22;E-Nov 11/22)

(8) The ground floor height required in Subsection 188(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

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

Grade-Oriented Premises

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; (RCCC-Oct 26/22;E-Nov 11/22)

(b) be required for the full width of the streetwall**, excluding:**

(i) only one entrance to internal parking located above or below the ground floor, (RC- May 23/24;E-June 13/24)

(ii) a portal,

(iii) an emergency exit, or

(iv) an entrance to a room dedicated to a solid waste management area;

(RCCC-Oct 26/22;E-Nov 11/22)

(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.

(2) Subsection 189(1) shall not apply to:

(a) a change of use;

(b) a low-density dwelling use;

(c) a religious institution use;

(d) an emergency services use;

(e) a cultural use; or

(f) a shared housing with special care use. (RCCC-Jan 24/24;E-Feb 9/24)

(3) For any addition to any main building, the requirement of Subsection 189(1) shall only apply to the length of the streetwall addition.

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

Grade-Related Dwelling Units

190 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

Side and Rear Stepbacks

191 **(1)** Subject to Subsection 191(3), where a lot abuts another lot, any portion of which, is zoned 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. (RC- May 23/24;E-June 13/24) (RCCC-Sep 4/24;E-Apr 17/25)

(2) The side or rear stepback in Subsection 191(1) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;

(b) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(c) 6.0 metres for tall mid-rise buildings; or

(d) 6.0 metres for high-rise buildings.

(3) The side or rear stepback under Subsection 191(1) is not required if an entire main building has a minimum side or rear setback of: (RC- May 23/24;E-June 13/24)

(a) 8.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 12.0 metres for tall mid-rise buildings; or

(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

192 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

(3) Above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 metres between a mid-rise typology and another mid-rise typology;

(b) 6.0 metres between a mid-rise typology and a tall mid-rise typology; or

(c) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology.

(RC-Jul 12/22;E-Aug 22/22)

Maximum Building Dimensions

193 (1) Excluding any structure below 0.6 metre above the average finished grade or any public building use, any main building shall not exceed:

(a) a building width of 64.0 metres; and

(b) a building depth of 64.0 metres.

(2) For the purpose of measuring building dimensions in Subsection 193(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

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

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

Applicability

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

Maximum Building Height

196 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

197 **(1)** 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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Side Setback Requirements

198 **(1)** Subject to Subsections 198(2) and 198(3), the minimum required side setback for any main building shall be:

(a) subject to Clauses 198(1)(b) and 198(1)(c), where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-

2, ER-1, CH-2, CH-1, PCF, or RPK zone: (RCCC-Sep 4/24;E-Apr 17/25)

(i) 3.0 metres from the side lot line abutting the lot for any low-rise building, or (RCCC-Sep 4/24;E-Apr 17/25)

(ii) 6.0 metres from the side lot line abutting the lot for any mid-rise, tall mid-rise, or high-rise building; (RCCC-Sep 4/24;E-Apr 17/25)

(b) for a townhouse dwelling use:

(i) 0.0 metre along a common wall between each unit, or

(ii) 3.0 metres elsewhere;

(c) for a semi-detached dwelling use or duplex apartment use: (RCCC-Sep 4/24;E-Apr 17/25)

(i) 0.0 metre along a common wall between each unit, or

(ii) 3.0 metres elsewhere;

(d) where a lot line abuts a lot, any portion of which, is zoned DD, DH, CEN-2, CEN-1, or COR zone, 0.0 metre, except as provided in Clause 198(1)(a); (RCCC-Sep 4/24;E-Apr 17/25)

(e) where a lot line abuts lands governed by the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-law, 0.0 metre; or

(f) 2.5 metres elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback of 12.5 metres from any side lot line.

(4) There is no maximum required side setback.

Rear Setback Requirements

199 **(1)** Subject to Subsections 199(2), 199(3), and 199(4), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(3) For any tall mid-rise building, any portion of the main building exceeding a height of 7 storeys shall have a minimum required setback of 4.5 metres from a rear lot line. (RC- May 23/24;E-June 13/24)

(4) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback of 12.5 metres from any rear lot line.

Maximum Streetwall Heights

200 **(1)** Any main building's maximum required streetwall height shall be: (RC- May 23/24;E-June 13/24)

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;

(b) for a main building other than clause 200(1)(a) that is constructed using wood-frame construction or encapsulated mass timber construction, and

(i) if the main building is no taller than 6 storeys, the building height, or

(ii) if the main building is taller than 6 storeys, 6 storeys; or

(RC- May 23/24;E-June 13/24)

(c) for a main building other than Clauses 200(1)(a) or 200(1)(b)

(i) that is no taller than 5 storeys, the building height, or

(ii) that is taller than 5 storeys, 3 storeys.

(RC- May 23/24;E-June 13/24)

(2) *Repealed* (RC- May 23/24;E-June 13/24)

(3) *Repealed* (RC- May 23/24;E-June 13/24)

Minimum Streetwall Heights

201 (1) Subject to Subsections 201(2) and 201(3), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 2 storeys; or (RC- May 23/24;E-June 13/24)

(b) along all other streets or transportation reserves:

(i) for any main building that is 2 storeys or less, the building height, or (RC- May 23/24;E-June 13/24)

(ii) for any main building that is more than 2 storeys, 2 storeys. (RC- May 23/24;E-June 13/24)

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing the height is not reduced below 1 storey (Diagram 7). (RC- May 23/24;E-June 13/24)

(3) The minimum streetwall height required in Subsection 201(1) may be reduced to 1 storey along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May 23/24;E-June 13/24)

Streetwall Stepbacks

202 (1) Subject to Subsections 202(2) and 202(3), any main building shall have a minimum required streetwall stepback of:

(a) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 3.0 metres for tall mid-rise buildings; or

(c) 4.5 metres for high-rise buildings.

(2) No streetwall stepback is required for any main building that meets Subclauses 200(1)(b)(i) or 200(1)(c)(i). (RC- May 23/24;E-June 13/24)

(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.

(4) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

203 (1) Subject to Subsection 203(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 203(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

204 No maximum required lot coverage applies.

Ground Floor Requirements

205 **(1)** Subject to Subsection 205(2) and excluding 100-Series Highways, as shown on Schedule 52, a ground floor shall be established along any streetline or transportation reserve. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 205(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 205(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 205(4)(b), Clause 205(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 205(8) and excluding a low-density dwelling use, 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. (RCCC-Oct 26/22;E-Nov 11/22)

(8) The ground floor height required in Subsection 205(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

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

Grade-Oriented Premises

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; (RCCC-Oct 26/22;E-Nov 11/22)

(b) be required for the full width of the streetwall, excluding:

(i) only one entrance to internal parking located above or below the ground floor, (RC- May 23/24;E-June 13/24)

(ii) a portal,

(iii) an emergency exit, or

(iv) an entrance to a room dedicated to a solid waste management area;

(RCCC-Oct 26/22;E-Nov 11/22)

(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.

(2) Subsection 206(1) shall not apply to:

(a) a change of use;

(b) a low-density dwelling use;

(c) a religious institution use;

(d) an emergency services use;

(e) a cultural use; or

(f) a shared housing with special care use. (RCCC-Jan 24/24;E-Feb 9/24)

(3) For any addition to any main building, the requirement of Subsection 206(1) shall only apply to the length of the streetwall addition.

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

Grade-Related Dwelling Units

207 Every grade-related dwelling unit shall have a required minimum of one exterior pedestrian entrance.

Side and Rear Stepbacks

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

(a) side stepback of 2.5 metres; and

(b) rear stepback of 4.5 metres.

(2) Subject to Subsection 208(4), where a lot abuts another lot, any portion of which, is zoned 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. (RC- May 23/24;E-June 13/24) (RCCC-Sep 4/24;E-Apr 17/25)

(3) The side or rear stepback in Subsection 208(2) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;

(b) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(c) 6.0 metres for tall mid-rise buildings; or

(d) 6.0 metres for high-rise buildings.

(4) The side or rear stepbacks under Subsections 208(1) and 208(2) are not required if an entire main building has a minimum side or rear setback of: (RC- May 23/24;E-June 13/24)

(a) 8.0 metres for mid-rise buildings; ((RC- May 23/24;E-June 13/24)

(b) 12.0 metres for tall mid-rise buildings; or

(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

209 **(1)** Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

(2.5) Subject to Subsection 209(4), above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 metres between a mid-rise typology and another mid-rise typology;

(b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;

(c) 12.5 metres between a mid-rise typology and a high-rise typology;

(d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;

(e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or

(f) 25.0 metres between a high-rise typology and another high-rise typology.

(RC-Jul 12/22;E-Aug 22/22)

(3) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres. (RC-Jul 12/22;E-Aug 22/22)

(4) For the property identified by PID 00092932, the minimum required separation distance between a tall mid-rise typology

and another tall mid-rise typology shall be 10.0 metres (RC-Jul 12/22;E-Aug 22/22)

Maximum Building Dimensions

210 **(1)** Excluding any structure below 0.6 metre above the average finished grade, any main building shall not exceed the following maximum building dimension requirements:

(a) on a through lot:

(i) a building width of 64.0 metres, and

(ii) a building depth of 40.0 metres; or

(b) on any other lot:

(i) a building width of 64.0 metres, and

(ii) a building depth of 64.0 metres.

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

(a) a building depth of 35.0 metres;

(b) a building width of 40.0 metres; and (RC- May 23/24;E-June 13/24)

(c) an average floor area of 900 square metres per storey as calculated for the tower portion of the building. (RC- May 23/24;E-June 13/24)

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

Accessory Structures

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

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

Applicability

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

Maximum Building Height

213 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

214 (1) Subject to 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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

(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.

Side Setback Requirements

215 (1) Subject to Subsection 215(2) and Section 427, the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) There is no maximum required side setback.

Rear Setback Requirements

216 (1) Subject to Subsection 216(2), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

Maximum Streetwall Heights

217 (1) Subject to Subsections 217(2) and 217(3), any main building's maximum required streetwall height shall be:

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;

(b) for a main building other than clause 217(1)(a) that is no taller than 14.0 metres in height, a vertical distance between the streetline grade and the main building's highest point; or (RC- May 23/24;E-June 13/24)

(c) 11.0 metres elsewhere.

(2) On a site having sloping conditions, the maximum streetwall height required in Subsection 217(1), may be exceeded by:

(a) 10%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or

(b) 20%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.

(3) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

218 (1) Subject to Subsections 218(2) and 218(3), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or

(b) along all other streets or transportation reserves:

(i) for any main building less than 8.0 metres in height, the building height, or

(ii) 8.0 metres elsewhere.

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing

the height is not reduced below 3.5 metres (Diagram 7). (RC-May 23/24;E-June 13/24)

(3) The minimum required streetwall height in Subsection 218(1) may be reduced to 3.5 metres along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May 23/24;E-June 13/24)

Streetwall Stepbacks

219 (1) Subject to Subsections 219(2) and 219(3), any main building shall have a minimum required streetwall stepback of 2.0 metres for a mid-rise building. (RC- May 23/24;E-June 13/24)

(2) No streetwall stepback is required for any main building that meets Clause 217(1)(b).

(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.

(RCCC-Oct 26/22;E-Nov 11/22)

(4) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

220 (1) Subject to Subsection 220(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 220(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

221 No maximum required lot coverage applies.

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 222(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 222(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 222(4)(b), Clause 222(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 222(8), the minimum required ground floor height shall be 3.5 metres. (RCCC-Oct 26/22;E-Nov 11/22)

(8) The ground floor height required in Subsection 222(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

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

Side and Rear Stepbacks

223 (1) Subject to Subsection 223(3), where a lot abuts another lot, any portion of which, is zoned 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. (RCCC-Sep 4/24;E-Apr 17/25)

(2) The side or rear stepback in Subsection 223(1) shall be a minimum of:

(a) 0.0 metre for low-rise buildings; or

(b) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(3) The side or rear stepback under Subsection 223(1) is not required if an entire main building has a minimum side or rear setback of 8.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

Minimum Separation Distances

224 **(1)** Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

Accessory Structures and Shipping Containers

225 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

Applicability

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

Maximum Building Height

227 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

228 **(1)** Subject to Subsection 228(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.

Side Setback Requirements

229 **(1)** Subject to Subsection 229(2) and Section 234, the minimum required side setback for any main building shall be:

(a) in an ER-3 or ER-2 zone, a townhouse dwelling use shall have a minimum required side setback of: (RC- May 23/24;E-June 13/24)

(i) 0.0 metre along a common wall between each unit, or

(ii) 3.0 metres elsewhere;

(b) in an ER-3 or ER-2 zone, a semi-detached dwelling use or duplex apartment use shall have a minimum required side setback of 0.0 metre along a common wall between each unit; or (RCCC-Sep 4/24;E-Apr 17/25)

(c) 1.25 metres elsewhere.

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

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

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

(3) There is no maximum required side setback.

Rear Setback Requirements

230 The minimum required rear setback shall be 6.0 metres.

Maximum Lot Coverage

231 **(1)** Subject to Subsections 231(2) and 231(3), and Section 234, the maximum required lot coverage shall be:

(a) for a single-unit dwelling use, 40%; or

(b) for all other uses,

(i) if a lot is larger than 325.0 square metres, 50%, or

(ii) if a lot is 325.0 square metres or smaller, 60%.

(RC- May 23/24;E-June 13/24)

(2) Subject to Subsection 231(3), the maximum required lot coverage for Established Residential Special Areas, as shown on Schedule 3C, are listed in Table 10 as follows:

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

Established Residential Special Area	Maximum Required Lot Coverage (%)
Grant Street (GS)	35%
Young Avenue (YA)	35%
North End Halifax 2 (NEH-2)	50%

(RC- May 23/24;E-June 13/24)

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

Residential Density by Lot Area

231.3 In an ER-3 zone, a multi-unit dwelling use shall contain no more than

(a) 4 dwelling units if a lot is less than 375.0 square metres;

(b) 5 dwelling units if a lot is at least 375.0 square metres but less than 450.0 square metres;

(c) 6 dwelling units if a lot is at least 450.0 square metres but less than 525.0 square metres;

(d) 7 dwelling units if a lot is at least 525.0 square metres but less than 600.0 square metres; or

(e) 8 dwelling units if a lot is at least 600.0 square metres.

(RC- May 23/24;E-June 13/24)

Pedestrian Entrance on a Streetline

231.5 A multi-unit dwelling use shall have a required minimum of one exterior pedestrian entrance on a streetwall. (RC- May 23/24;E-June 13/24)

Attached Garages

232 (1) For any garage which is attached to a low-density dwelling use, the garage door(s) facing the front or flanking lot line shall not project any closer to the streetline than the longest wall of the attached main dwelling that faces the same streetline as the garage door(s).

(2) For any garage which is attached to a low-density dwelling use, garage doors facing the front or flanking lot line shall not exceed a maximum required width of 50% of the wall of the attached main dwelling, to a maximum of 6.0 metres in total.

Maximum Building Dimensions

233 (1) Excluding any structure below 0.6 metres above the average finished grade, a low-density dwelling use, or any public building use, any main building shall not exceed: (RCCC-Sep 4/24;E-Sep 20/24)

(a) except as provided in Subsection 233(2) or 233(3), a building width of 20.0 metres; and

(b) a building depth of 30.0 metres.

(2) The maximum building width of a townhouse block is 64.0 metres and the maximum number of permitted townhouse units in a townhouse block located in a ER-3 Zone is eight.

(3) An addition to an existing main building shall only be permitted in the rear yard but shall not exceed the building width or footprint of the existing main building, if the addition causes the main building to contain

(a) more than 2 dwelling units in an ER-2 zone; or

(b) more than 8 dwelling units in an ER-3 zone.

(RC- May 23/24;E-June 13/24)

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

234 For a two-unit dwelling use, a three-unit dwelling use, a four-unit dwelling use, or a multi-unit dwelling use that contains up to 5 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, the following additional built form requirements shall apply: (RC-(RC- May 23/24;E-June 13/24)

(a) a maximum lot coverage of 35%;

(b) a minimum side setback of 10% of the lot width, to a maximum of 3.0 metres; and

(c) no less than 70% of the area of the roof must have a minimum pitch of 2/12 rise to run.

Accessory Structures

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

Part V, Chapter 10: Built Form and Siting Requirements within the CH- 2 and CH-1 Zones

Applicability

236 With the exception of main buildings within a heritage conservation district, any main building erected, constructed, reconstructed, altered, or located, or an addition to any main building, within a CH-2 or CH-1 zone shall meet the built form and siting requirements of this Chapter. (RC-Oct 11/22;E-Nov 16/22)

Number of Dwelling Units

237 The number of cluster housing dwelling units shall not exceed:

(a) 6 per cluster housing block; and (RC- May 23/24;E-June 13/24)

(b) 24 per lot.

Maximum Building Height

238 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

239 **(1)** Subject to Subsection 239(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.

Side Setback Requirements

240 **(1)** The minimum required side setback for any main building shall be 1.25 metres.

(2) There is no maximum required side setback.

Rear Setback Requirements

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

Additional Siting Requirements

242 **(1)** On a lot with continuous frontage that is greater than 12.0 metres, one main building shall be required to be located within 8.0 metres of:

(a) the front or flanking lot line; or

(b) where a transportation or utility easement abuts the streetline and has a depth greater than 8.0 metres, the edge of the easement that is located farthest from the streetline.

(2) A new main building is not required to meet the requirements of Subsection 242(1), providing there is an existing main building on the lot that satisfies Subsection 242(1).

Maximum Lot Coverage

243 **(1)** Subject to Subsection 243(2), the maximum required lot coverage is 50%. (RC- May 23/24;E-June 13/24)

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

Minimum Separation Distances

244 Where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 2.0 metres shall be provided between main buildings.

Accessory Structures

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

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

Applicability

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

Maximum Building Height

247 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

(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.

Side Setback Requirements

249 **(1)** Subject to Subsection 249(2) and Section 427, the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned 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 the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) There is no maximum required side setback.

Rear Setback Requirements

250 (1) Subject to Subsection 250(2), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned 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 the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

Maximum Lot Coverage

251 (1) Subject to Subsection 251(2), the maximum required lot coverage shall be 80%.

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

Accessory Structures and Shipping Containers

252 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

Applicability

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

Maximum Building Height

254 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

255 **(1)** 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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Side Setback Requirements

256 **(1)** Subject to Subsections 256(2) and 256(3), the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the side lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 2.5 metres elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback of 12.5 metres from any side lot line.

(4) There is no maximum required side setback.

Rear Setback Requirements

257 (1) Subject to Subsections 257(2) and 257(3), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback of 12.5 metres from any rear lot line.

Maximum Streetwall Heights

258 (1) Subject to Subsections 258(2), 258(3), and 258(4), any main building's maximum required streetwall height shall be:

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law; or

(b) no taller than 14.0 metres in height elsewhere.

(2) On a site having sloping conditions, the maximum streetwall height required in Subsection 258(1), may be exceeded by:

(a) 10%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or

(b) 20%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.

(3) Excluding a tall mid-rise building and a high-rise building, no maximum required streetwall height applies if any main building is setback no less than 40.0 metres from a front or flanking lot line.

(4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

259 (1) Subject to Subsections 259(2), 259(3), and 259(4), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or

(b) along all other streets or transportation reserves:

(i) for any main building less than 8.0 metres in height, the building height, or

(ii) 8.0 metres elsewhere.

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7). (RC- May 23/24;E-June 13/24)

(3) The minimum streetwall height required in Subsection 259(1) may be reduced to 3.5 metres along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May 23/24;E-June 13/24)

(4) Excluding a tall mid-rise building and a high-rise building, no minimum required streetwall height applies if any main building is setback no less than 40.0 metres from a front or flanking lot line.

Streetwall Stepbacks

260 (1) Subject to Subsection 260(2), any main building shall have a minimum required streetwall stepback of:

(a) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 3.0 metres for tall mid-rise buildings; or

(c) 4.5 metres for high-rise buildings.

(2) No streetwall stepback is required for a maximum of 20% of the length of any main building facing each streetline or 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.

(RCCC-Oct 26/22;E-Nov 11/22)

(3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

261 (1) Subject to Subsection 261(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 261(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

262 (1) Subject to Subsection 262(2), the maximum required lot coverage shall be 60%.

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

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a required minimum depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 263(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 263(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 263(4)(b), Clause 263(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 263(8) and excluding 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. (RCCC-Oct 26/22;E-Nov 11/22),

(8) The ground floor height required in Subsection 263(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

(b) for a proposed main building on a registered heritage property, the ground floor heights of abutting main buildings along the same streetline are such that the

required ground floor height of the proposed main building would be inconsistent with the abutting main buildings.

Side and Rear Stepbacks

264 **(1)** Subject to Subsection 264(2), for any tall mid-rise building, any portion of the building above the height of the streetwall shall have a minimum required:

(a) side stepback of 2.5 metres; and

(b) rear stepback of 4.5 metres.

(2) Subject to Subsection 264(4), where a lot abuts another lot, any portion of which, is zoned 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. (RCCC-Sep 4/24;E-Apr 17/25)

(3) The side or rear stepback in Subsection 264(2) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;

(b) 2.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(c) 6.0 metres for tall mid-rise buildings; or

(d) 6.0 metres for high-rise buildings.

(4) The side or rear stepbacks under Subsections 264(1) and 264(2) are not required if an entire main building has a minimum side or rear setback of: (RC- May 23/24;E-June 13/24)

(a) 8.0 metres for mid-rise buildings; (RC- May 23/24;E-June 13/24)

(b) 12.0 metres for tall mid-rise buildings; or

(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

265 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions

(2.5) Above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 metres between a mid-rise typology and another mid-rise typology;

(b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;

(c) 12.5 metres between a mid-rise typology and a high-rise typology;

(d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;

(e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or

(f) 25.0 metres between a high-rise typology and another high-rise typology.

(RC-Jul 12/22;E-Aug 22/22)

(3) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres. (RC-Jul 12/22;E-Aug 22/22)

Maximum Building Dimensions

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

(a) a building depth of 35.0 metres;

(b) a building width of 40.0 metres; and (RC- May 23/24;E-June 13/24)

(c) an average floor area of 900 square metres per storey as calculated for the tower portion of the building. (RC- May 23/24;E-June 13/24)

(2) For the purpose of measuring building dimensions in Subsection 266(1), buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures

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

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

Applicability

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

Maximum Building Height

269 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

270 **(1)** 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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Side Setback Requirements

271 **(1)** Subject to Subsections 271(2) and 271(3), and Section 427, the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0

metres from the side lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any side lot line of:

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

(b) 12.5 metres elsewhere.

(4) There is no maximum required side setback.

Rear Setback Requirements

272 (1) Subject to Subsections 272(2) and 272(3), and Section 427, the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; (RCCC-Sep 4/24;E-Apr 17/25)

(b) where a lot line abuts a COR, HR-2, HR-1, CLI, LI, HRI, INS, DND, H, CDD-2, or CDD-1 zone, 3.0 metres from the rear lot line abutting such zone; or

(c) 0.0 metre elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more

than 0.6 metre above the average finished grade in any rear yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any rear lot line of:

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

(b) 12.5 metres elsewhere.

Maximum Streetwall Heights

273 (1) Subject to Subsections 273(2), 273(3), and 273(4), any main building's maximum required streetwall height shall be:

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law;

(b) in the Dalhousie Sexton Campus (DSC) Special Area, as shown on Schedule 3D, 18.5 metres; or

(c) 14.0 metres elsewhere.

(2) On a site having sloping conditions, the maximum streetwall height required in Subsection 273(1), may be exceeded by:

(a) 10%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or

(b) 20%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.

(3) Excluding any high-rise building, no maximum required streetwall height applies if any main building is set back no less than 40.0 metres from a front or flanking lot line.

(4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

274 (1) Subject to Subsections 274(2), 274(3), and 274(4), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or

(b) along all other streets or transportation reserves:

(i) for any main building less than 8.0 metres in height, the building height, or

(ii) 8.0 metres elsewhere.

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7). (RC-May23/24;E-Jun 13/24)

(3) The minimum streetwall height required in Subsection 274(1) may be reduced to 3.5 metres along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May23/24;E-Jun 13/24)

(4) Excluding a tall mid-rise building and a high-rise building, no minimum required streetwall height applies if any main building is set back no less than 40.0 metres from a front or flanking lot line.

Streetwall Stepbacks

275 **(1)** Subject to Subsection 275(2), any main building shall have a minimum required streetwall stepback of:

(a) 2.0 metres for mid-rise buildings; (RC-May23/24;E-Jun 13/24)

(b) 3.0 metres for tall mid-rise buildings; or

(c) 4.5 metres for high-rise buildings.

(2) No streetwall stepback is required for 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.

(RCCC-Oct 26/22;E-Nov 11/22)

(3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

276 **(1)** Subject to Subsection 276(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 276(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

277 No maximum required lot coverage applies.

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 278(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 278(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 278(4)(b), Clause 278(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 278(8), the minimum required ground floor height shall be 3.5 metres.

(8) The ground floor height required in Subsection 278(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

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

Side and Rear Stepbacks

279 (1) Subject to Subsection 279(2), for any tall mid-rise building, any portion of the building above the height of the streetwall shall have a minimum required:

(a) side stepback of 2.5 metres; and

(b) rear stepback of 4.5 metres.

(2) Subject to Subsection 279(4), where a lot abuts another lot, any portion of which, is zoned 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. (RCCC-Sep 4/24;E-Apr 17/25)

(3) The side or rear stepback in Subsection 279(2) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;

(b) 2.0 metres for mid-rise buildings; (RC- May23/24;E-Jun 13/24)

(c) 6.0 metres for tall mid-rise buildings; or

(d) 6.0 metres for high-rise buildings.

(4) The side or rear stepbacks under Subsections 279(1) and 279(2) are not required if an entire main building has a minimum side or rear setback of: (RC-May23/24;E-Jun 13/24)

(a) 8.0 metres for mid-rise buildings; (RC-May23/24;E-Jun 13/24)

(b) 12.0 metres for tall mid-rise buildings; or

(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

280 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 0.0 metre shall be provided between main buildings.

(2) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres. (RC-Jul 12/22;E-Aug 22/22)

(3) Above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 12.5 metres between a mid-rise typology and a high-rise typology;

(b) 12.5 metres between a tall mid-rise typology and a high-rise typology; or

(c) 25.0 metres between a high-rise typology and another high-rise typology.

(RC-Jul 12/22;E-Aug 22/22)

Maximum Building Dimensions

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

(a) a building depth of 38.0 metres; and

(b) a building width of 38.0 metres.

(2) For the purpose of measuring building dimensions in Subsection 281(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures and Shipping Containers

282 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

Applicability

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

Maximum Building Height

284 Subject to Sections 103 and 104, and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

285 **(1)** 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. (RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

Side Setback Requirements

286 **(1)** Subject to Subsections 286(2) and 286(3), the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0

metres from the side lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 2.5 metres elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any side lot line of:

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

(b) 12.5 metres elsewhere.

(4) There is no maximum required side setback.

Rear Setback Requirements

287 (1) Subject to Subsections 287(2) and 287(3), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, 6.0 metres from the rear lot line abutting the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback from any rear lot line of:

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

(b) 12.5 metres elsewhere.

Maximum Streetwall Heights

288 (1) Subject to Subsections 288(2), 288(3), and 288(4), any main building's maximum required streetwall height shall be:

(a) on a registered heritage property, the streetwall height of the registered heritage building on the coming into force date of this By-law; or

(b) 14.0 metres elsewhere.

(2) On a site having sloping conditions, the maximum streetwall height required in Subsection 288(1), may be exceeded by:

(a) 10%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that is between 4% and 8% across the entire width of the streetwall; or

(b) 20%, where any main building is located on a streetline or a transportation reserve that has an average finished grade that results in a slope that exceeds 8% across the entire width of the streetwall.

(3) Excluding any high-rise building, no maximum required streetwall height applies if any main building is set back no less than 40.0 metres from a front or flanking lot line.

(4) The maximum required streetwall height may be exceeded by 1.5 metres to permit a clear glass guard and railing system or a parapet.

Minimum Streetwall Heights

289 (1) Subject to Subsections 289(2), 289(3), and 289(4), any main building's minimum required streetwall height shall be:

(a) along pedestrian-oriented commercial streets, as shown on Schedule 7, 8.0 metres; or

(b) along all other streets or transportation reserves:

(i) for any main building less than 8.0 metres in height, the building height, or

(ii) 8.0 metres elsewhere.

(2) Twenty percent or less of the entire streetwall width, to a maximum of 10.0 metres, may be reduced in height, providing the height is not reduced below 3.5 metres (Diagram 7). (RC-May23/24;E-Jun 13/24)

(3) The minimum streetwall height required in Subsection 289(1) may be reduced to 3.5 metres along a streetline or a transportation reserve, if the slope exceeds 4% across the building width or building depth. (RC- May23/24;E-Jun 13/24)

(4) Excluding any tall mid-rise building or a high-rise building, no minimum required streetwall height applies if the building is set back no less than 40.0 metres from a front or flanking lot line.

Streetwall Stepbacks

290 (1) Subject to Subsection 290(2), any main building shall have a minimum required streetwall stepback of:

(a) 2.0 metres for mid-rise buildings; (RC- May23/24;E-Jun 13/24)

(b) 3.0 metres for tall mid-rise buildings; or

(c) 4.5 metres for high-rise buildings.

(2) No streetwall stepback is required for 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.

(RCCC-Oct 26/22;E-Nov 11/22)

(3) No portion of any main building above the streetwall shall project beyond the streetwall towards the front or flanking lot line.

Recessed Portions and Cantilevers within Streetwalls

291 (1) Subject to Subsection 291(2), the total combined width of all cantilevered and recessed portions within any streetwall that have a depth of 2.0 metres or greater shall not exceed 30% of the width of the streetwall.

(2) Cantilevered and recessed portions described in Subsection 291(1) shall include portals, but exclude balconies and recessed pedestrian entrances.

Maximum Lot Coverage

292 (1) Subject to Subsection 292(2), the maximum required lot coverage shall be 60% for the entire grouping of properties that make up each of the following special areas, as shown on Schedule 3D:

(a) UC Lot Coverage 1 (UCLC-1);

(b) UC Lot Coverage 2 (UCLC-2);

(c) UC Lot Coverage 3 (UCLC-3);

(d) UC Lot Coverage 4 (UCLC-4);

(e) UC Lot Coverage 5 (UCLC-5);

(f) UC Lot Coverage 6 (UCLC-6);

(g) UC Lot Coverage 7 (UCLC-7);

(h) UC Lot Coverage 8 (UCLC-8); and

(i) UC Lot Coverage 9 (UCLC-9).

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

Ground Floor Requirements

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. (RCCC-Oct 26/22;E-Nov 11/22)

(2) On a corner lot, for any streetwall along a streetline or transportation reserve that has an average finished grade that exceeds a slope greater than 8%, extended across the entire width of the streetwall, the requirements for a ground floor do not apply.

(3) A ground floor shall have a minimum required depth of 3.0 metres, as measured from any exterior wall of any main building that is facing a streetline or a transportation reserve.

(4) Subject to Subsection 293(6), each ground floor required shall, for no less than 70% of each streetwall:

(a) subject to Section 74, commence no lower than 0.6 metre below the streetline grade; and

(b) subject to Subsection 293(5), commence no higher than 0.6 metre above the streetline grade.

(5) In the event of a conflict between the coastal elevation requirements of Section 74 and Clause 293(4)(b), Clause 293(4)(b) shall not apply.

(6) The ground floor of a grade-related dwelling unit use shall:

(a) subject to Section 74, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(7) Subject to Subsection 293(8), the minimum required ground floor height shall be 3.5 metres.

(8) The ground floor height required in Subsection 293(7) may be reduced where one of the following conditions applies:

(a) the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building; or

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

Side and Rear Stepbacks

294 (1) Subject to Subsection 294(2), for any tall mid-rise building, any portion of the building above the height of the streetwall shall have a minimum required:

(a) side stepback of 2.5 metres; and

(b) rear stepback of 4.5 metres.

(2) Subject to Subsection 294(4), where a lot abuts another lot, any portion of which, is zoned 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. (RCCC-Sep 4/24;E-Apr 17/25)

(3) The side or rear stepback in Subsection 294(2) shall be a minimum of:

(a) 0.0 metre for low-rise buildings;

(b) 2.0 metres for mid-rise buildings; (RC- May23/24;E-Jun 13/24)

(c) 6.0 metres for tall mid-rise buildings; or

(d) 6.0 metres for high-rise buildings.

(4) The side or rear stepbacks under Subsections 294(1) and 294(2) are not required if an entire main building has a minimum side or rear setback of: (RC-May23/24;E-Jun 13/24)

(a) 8.0 metres for mid-rise buildings; (RC-May23/24;E-Jun 13/24)

(b) 12.0 metres for tall mid-rise buildings; or

(c) 12.0 metres for high-rise buildings.

Minimum Separation Distances

295 (1) Excluding pedways or tunnels, where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

(2.5) Above the streetwall height, any portions of the same main building shall be separated by a minimum required distance of:

(a) 6.0 metres between a mid-rise typology and another mid-rise typology;

(b) 6.0 metres between a mid-rise typology and a tall mid-rise typology;

(c) 12.5 metres between a mid-rise typology and a high-rise typology;

(d) 12.5 metres between a tall mid-rise typology and another tall mid-rise typology;

(e) 12.5 metres between a tall mid-rise typology and a high-rise typology; or

(f) 25.0 metres between a high-rise typology and another high-rise typology.

(RC-Jul 12/22;E-Aug 22/22)

(3) Tower portions of two or more main buildings on the same lot shall be separated by a minimum required distance of 25.0 metres. (RC-Jul 12/22;E-Aug 22/22)

Maximum Building Dimensions

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

(a) a building depth of 35.0 metres;

(b) a building width of 40.0 metres; and (RC-May23/24;E-Jun 13/24)

(c) an average floor area of 900 square metres per storey as calculated for the tower portion of the building. (RC-May23/24;E-Jun 13/24)

(2) For the purpose of measuring building dimensions in Subsection 296(1), main buildings connected by a pedway shall be measured separately, excluding the pedway.

Accessory Structures and Shipping Containers

297 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

Applicability

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

Maximum Building Height

299 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

300 **(1)** Subject to Subsection 300(2), any portion of a main building, either above or below grade, shall have a minimum required front or flanking setback as specified on Schedule 18.

(2) If a minimum front or flanking setback has not been specified on Schedule 18, the minimum required front or flanking setback shall be 3.0 metres.

Side Setback Requirements

301 **(1)** Subject to Subsections 301(2) and 301(3), the minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned 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 the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback of 12.5 metres from any side lot line.

(4) There is no maximum required side setback.

Rear Setback Requirements

302 (1) Subject to Subsections 302(2) and 302(3), the minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned 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 the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

(3) For any high-rise building, any portion of the main building above the streetwall height shall have a minimum required setback of 12.5 metres from any rear lot line.

Maximum Lot Coverage

303 (1) Subject to Subsection 302(2), the maximum required lot coverage shall be 80%.

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

Accessory Structures and Shipping Containers

304 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

Applicability

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

Maximum Building Height

306 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

307 **(1)** Subject to Subsection 307(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.

Side Setback Requirements

308 **(1)** Subject to Subsection 308(2), the minimum required side setback for any main building shall be 2.5 metres.

(2) Underground parking structures are not required to have a minimum side setback, providing they do not protrude more than 0.6 metre above the average finished grade in any side yard.

(3) There is no maximum required side setback.

Rear Setback Requirements

309 **(1)** Subject to Subsection 309(2), the minimum required rear setback for any main building shall be 2.5 metres.

(2) Underground parking structures are not required to have a minimum rear setback, providing they do not protrude more than 0.6 metre above the average finished grade in any rear yard.

Maximum Lot Coverage

310 **(1)** Subject to Subsection 310(2), the maximum required lot coverage shall be 40%.

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

Minimum Separation Distances

311 **(1)** Where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of a main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

Accessory Structures and Shipping Containers

312 Accessory structures and shipping containers shall meet the requirements of Part V, Chapter 19.

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

Applicability

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

Maximum Building Height

314 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Side Setback Requirements

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

(2) There is no maximum required side setback.

Rear Setback Requirements

316 There is no minimum required rear setback.

Maximum Lot Coverage

317 No maximum required lot coverage applies.

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

Applicability

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

Maximum Building Height

319 Subject to Section 103 and Part X, any main building shall not exceed the maximum required building height specified on Schedule 15.

Minimum Front or Flanking Setbacks

320 **(1)** Subject to Subsections 320(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.

Side Setback Requirements

321 **(1)** The minimum required side setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned 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 the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

(2) There is no maximum required side setback.

Rear Setback Requirements

322 The minimum required rear setback for any main building shall be:

(a) where a lot line abuts a lot, any portion of which, is zoned 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 the lot; or (RCCC-Sep 4/24;E-Apr 17/25)

(b) 3.0 metres elsewhere.

Maximum Lot Coverage

323 (1) Subject to Subsection 323(2), the maximum required lot coverage shall be 50%.

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

Minimum Separation Distances

324 (1) Where more than one main building is permitted on a lot in Subsection 89(3), a minimum required separation distance of 4.0 metres shall be provided between main buildings.

(2) Where more than one portion of any main building protrudes above grade, a minimum required separation distance of 4.0 metres shall be provided between the above grade portions.

Accessory Structures

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

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

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

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

Accessory Structure Location

327 **(1)** Any accessory structure shall be required to be located:

(a) in the same zone as the main building or use that it is intended to serve; or

(b) in an abutting zone in which the main building or use is permitted; and

(c) on the same lot as the main building or use that it is intended to serve; or

(d) on a lot that abuts or is directly across a street from the lot that contains the main building or use.

(2) In the case that the accessory structure is not located on the same lot as the main building or use that it is intended to serve, then both lots are required to be under common ownership.

Accessory Structure Front or Flanking Setbacks

328 **(1)** Subject to Subsections 328(2) and 328(3), accessory structures shall meet the minimum front or flanking setback requirements,

as shown on Schedule 18, that are applicable for any main building in the same zone.

(2) Accessory structures in an ER-3, ER-2, ER-1, CH-2, or CH-1 zone shall:

(a) excluding the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, not be located closer to any streetline than any main building; or

(b) in the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, be located a minimum of 1.5 metres to a maximum of 18.5 metres from any streetline.

(3) In the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, accessory structures shall be required to be located no less than 9.5 metres from any front or flanking lot line.

Accessory Structure Side or Rear Setbacks

329 **(1)** Subject to Subsections 329(2) and 329(3), accessory structures shall be required to be located a minimum of 1.25 metres from any side or rear lot line.

(2) In the Westmount Subdivision (WS) Special Area, as shown on Schedule 3C, an accessory structure shall be required to be located a minimum of 0.6 metre from any side lot line.

(3) In any CLI, LI, or HRI zone, an accessory structure located in a side or rear yard that abuts an HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, INS, PCF, or RPK zone shall meet the setback requirements applicable to the main building or use.

Accessory Structure Separation Distances

330 An accessory structure shall be separated from any main building or any other accessory structure on the same lot by no less than 1.25 metres.

Accessory Structure Height

331 An accessory structure's height shall not exceed 7.7 metres. (RC-May23/24;E-Jun 13/24)

Accessory Structure Lot Coverage Exemption

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

Accessory Structure Footprint and Area

333 **(1)** Any new accessory structure shall have no restriction on the maximum size of its footprint, except: (RCCC-Oct 26/22;E-Nov 11/22)

(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 93.0 square metres. (RCCC-Oct 26/22;E-Nov 11/22) (RC- May23/24;E-Jun 13/24)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

(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) *Repealed* (RCCC-Oct 26/22;E-Nov 11/22)

(5) An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the floor area requirements for accessory structures. (RC-May23/24;E-Jun 13/24)

Quonset Huts

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

General Requirements for Shipping Containers

335 (1) *Repealed* (RC-Oct 11/22;E-Nov 16/22)

(2) Subject to Subsection 336(2), a shipping container shall not be used to contain an office use.

(2.4) Subject to Section 336, shipping containers may be used as a dwelling unit, including as a backyard suite use, in any DD, DH, CEN-2, CEN-1, **COR,** HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, CDD-2, CDD-1, INS, or H zone. (RC-Oct 11/22;E-Nov 16/22)

(2.5) Subject to Section 336, in any DD, DH, CEN-2, CEN-1, **COR,** HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, CDD-2, CDD-1, or INS zone, shipping containers shall not be used as an accessory structure, other than for a backyard suite use where permitted in Subsection 335(2.4). (RC-Oct 11/22;E-Nov 16/22)

(3) In a CLI, LI, HRI, PCF, or RPK zone, a shipping container shall have a minimum required front or flanking setback as specified on Schedule 18.

(4) **Subject to subsections 335(5) and 335(6), in (RC-Dec 11/25;E-Feb 2/26)** all other zones, a shipping container **that**

does not contain a dwelling unit (RC-Dec 11/25;E-Feb 2/26) shall not be located within a front or flanking yard. (RC-Oct 11/22;E-Nov 16/22)

(5) **If permitted in Subsection 335(2.4), a shipping container used as a main building shall meet the requirements for main buildings in the zone. (RC-Dec 11/25;E-Feb 2/26)**

(6) **If permitted in Subsection 335(2.4), a shipping container used as a backyard suite shall meet the requirements for backyard suites. (RC-Dec 11/25;E-Feb 2/26)**

Specific Requirements for Shipping Containers within the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area

336 **(1)** Shipping containers are permitted within:

(a) the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, of the DD zone; and

(b) the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, of the DH zone.

(2) A shipping container may only be used to contain an office use, retail use, restaurant use, drinking establishment use, or urban farm use.

(3) A shipping container shall be located a minimum of 9.5 metres from any front or flanking lot line.

Part VI: Built Form and Siting Requirements for Heritage Conservation Districts

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

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

337 **(1)** Within a heritage conservation district, any new construction, addition, or renovation on a property, and any conservation of a building, shall meet the applicable built form and siting requirements of this Chapter.

(2) Nothing in this By-law restricts or otherwise limits the requirement to comply with a heritage conservation district by-law, *By-law H-200 Heritage Property By-law*, and the *Heritage Property Act*.

Pedways

338 Pedways are prohibited in heritage conservation districts.

Drive-Throughs

339 Drive-throughs are prohibited in heritage conservation districts.

Permitted Encroachments into Setbacks, Stepbacks, and Separation Distances

340 Any setback, stepback, or separation distance required in this Part for any main building shall be open and unobstructed except for the following:

(a) patios that are less than 0.6 metre in height and access ramps are permitted in any required setback, stepback, or separation distance;

(b) walkways, lifting devices, uncovered steps, and staircases are permitted in any required setback, stepback, or separation distance;

(c) sills, eaves, gutters, downspouts, cornices, chimneys, fireplace and stove bump outs, and other similar features may project into any required setback, stepback, or separation distance by no more than 0.6 metre; and

(d) window bays and solar collectors may project into any required setback, stepback, or separation distance by no more than 1.0 metre.

Encroachments into Streets

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

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

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

342 **(1)** Within the Schmidtville Heritage Conservation District (SHCD), as shown on Schedule 22, development is regulated by the HCD-SV zone.

(2) Subject to Subsections 342(3) and 342(4), within the HCD-SV zone, development shall be subject to the requirements of this Chapter.

(3) A development within the Schmidtville Heritage Conservation District (SHCD), as shown on Schedule 22, is further regulated under the H-700 Schmidtville Heritage Conservation District By-law, and those regulations apply in addition to the requirements of this Chapter.

(4) A development complying with this Chapter may be prohibited or further restricted under other legislation, including H-700 Schmidtville Heritage Conservation District By-law.

Number of Main Buildings on a Lot

343 Any development shall comply with the following requirements:

(a) Every main building shall be located on a lot;

(b) A main building shall not be located on more than one lot; and

(c) A maximum of one main building is permitted on a lot.

Maximum Building Height

344 (1) Subject to Subsections 344(2) and 344(3), and Section 345, any main building shall not exceed the maximum required building height specified on Schedule 15.

(2) Subject to Subsection 344(3), a rear addition to a Schmidtville Heritage Building, as identified on Schedule 23, shall not exceed:

(a) a height of 6.1 metres for any main building that is located in an 11-metre height precinct, as shown on Schedule 15; or

(b) the height of the existing main building, if that building is located in an 8- metre height precinct, as shown on Schedule 15.

(3) A Schmidtville Heritage Building, as identified on Schedule 23, may exceed the maximum building height specified in Subsections 344(1) and 344(2) by no more than 0.7 metre, if it is raised at its foundation.

Height Exemptions for Building Rooftop Features

345 (1) The following building rooftop features may protrude by no more than 3.0 metres above the main building rooftop on which they are located:

(a) chimneys and stovepipes;

(b) antennas;

(c) flag poles;

(d) lightning rods;

(e) solar collectors; and

(f) vents.

(2) Features listed in Subsection 345(1) may exceed a height above the maximum required height contained in Section 344, as long as the feature is no higher than 3.0 metres above the roof.

Minimum Front or Flanking Setbacks

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

Side Setback Requirements

347 (1) Subject to Subsections 347(2) and 347(3), the minimum required side setback for any main building shall be 1.0 metre.

(2) The minimum side setback required under Subsection 347(1) shall be reduced to 0.0 metre where a common wall is shared.

(3) No development is permitted within any existing side yard of a Schmidtville Heritage Building, as shown on Schedule 23.

Rear Setback Requirements

348 (1) Subject to Subsections 348(2), 348(3), 348(4), and 348(5), the minimum required rear setback for any main building shall be 9.1 metres.

(2) For any Schmidtville Heritage Building, as shown on Schedule 23, that is located within an 8.0-metre height precinct, as shown on Schedule 15, the minimum required rear setback shall be 6.1 metres.

(3) For any new lot created after November 3, 2018 and that is located within the Wright Avenue (WA) Special Area, as shown on Schedule 3F, the minimum required rear setback for any main building shall be 1.22 metres.

(4) Within a Schmidtville Heritage Building, as shown on Schedule 23, which contains a restaurant use or a local commercial use, the minimum required rear setback shall be 1.22 metres.

(5) Within the Morris Queen (MQ) Special Area, as shown on Schedule 3F, the minimum required rear setback for any main building shall be 1.22 metres.

Maximum Building Dimensions for Schmidtville Heritage Buildings

349 (1) Subject to Subsection 349(2), a rear addition to a Schmidtville Heritage Building, as shown on Schedule 23, shall not result in:

(a) a main building that exceeds a building depth of 18.3 metres; and

(b) the addition exceeding a maximum width of 67% of the width of the existing main building.

(2) A rear addition to a Schmidtville Heritage Building, as shown on Schedule 23, to allow 5 to 10 dwelling units, a restaurant use, or a local commercial use, shall not result in:

(a) the entire main building exceeding a building depth of 24.4 metres; and

(b) the rear addition exceeding a maximum width of:

(i) 67% of the width of the existing main building for the first 3.0 metres in depth from a rear wall that existed on November 3, 2018, and

(ii) 100% of the width of the existing main building for any portion of an addition that is located beyond 3.0 metres in depth from a rear wall that existed on November 3, 2018, as shown on Schedule 24.

Maximum Building Dimensions for Buildings that are Not Schmidtville Heritage Buildings

350 (1) Subject to Subsection 350(2), any main building that is not identified as a Schmidtville Heritage Building, as shown on Schedule 23, shall have a maximum required building depth of 9.1 metres.

(2) On a lot that does not contain a Schmidtville Heritage Building, as shown on Schedule 23, and has a maximum building height precinct of 8.0 metres, as shown on Schedule 15, the building depth shall not exceed 13.8 metres.

Accessory Structures

351 Accessory structures shall:

(a) be limited to one per lot;

(b) be permitted in a rear yard only;

(c) be set back from any side lot line:

(i) on a lot containing a Schmidtville Heritage Building, as shown on Schedule 23, equal to or greater than the distance of any main building to the side lot line, or

(ii) on a lot containing a building that is not a Schmidtville Heritage Building, 1.25 metres to the side lot line;

(d) not have a minimum required rear setback;

(e) be separated from any other structure on the same lot by no less than 1.25 metres;

(f) not exceed a footprint of 14.0 square metres; and

(g) not exceed a height of 4.3 metres.

Part VII: General Design Requirements

Part VII, Chapter 1: General Design Requirements

Development Subject to Design Requirements

352 With the exception of the developments listed under Section 353 and subject to Sections 354 and 355, any developments in the DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, ER-3, ER-2, CH-2, CH-1, CLI, INS, UC-2, UC-1, PCF, and RPK zones shall meet all the applicable design requirements contained within this Part. (RC-May23/24;E-Jun 13/24)

Development Exempted from Design Requirements

353 The following developments are exempted from all design requirements contained within this Part:

(a) any development exempted from requiring a development permit in Section 9;

(b) low-density dwelling uses, excluding:

(i) a townhouse dwelling use in any zone,

(ii) a two-unit dwelling use within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C,

(iii) a three-unit dwelling use within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, or

(iv) a four-unit dwelling use within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C; (RC- May23/24;E-Jun 13/24)

(c) backyard suite uses;

(d) enlargement, alterations and replacements in existing window and door openings; (RC- May23/24;E-Jun 13/24)

(e) new window and door openings on any portion of a building; (RC- May23/24;E-Jun 13/24)

(f) a building addition with a floor area of 500 square metres or less, which does not alter a streetwall;

(g) a building addition that alters a streetwall, where the addition does not exceed 10.0 metres along the width of the streetwall; (RC-May23/24;E-Jun 13/24)

(h) changes to external cladding materials for any wall that is not a streetwall; (RC-May23/24;E-Jun 13/24)

(i) changes to external cladding materials for no more than 40% of any streetwall; (RC-May23/24;E-Jun 13/24)

(j) interior renovations;

(k) the installation and replacement of minor building features;

(l) a change of use or tenancy in a building that does not change the external appearance of the building, beyond what is already exempted within this Section;

(m) temporary construction uses;

(n) accessory structures;

(o) in the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedules 3B:

(i) shipping containers that are no greater than 3.0 metres in height, or

(ii) kiosks that are a maximum of 3.0 metres in height and have a maximum floor area of 32.0 square metres;

(p) steps, stairs, ramps, and other building entrances or entrance features;

(q) signs; and

(r) transportation facility uses.

Applicability of the Design Requirements for Additions

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

Applicable Design Requirements by Zone

355 **(1)** The applicable design requirements by zone are set out in:

(a) Table 11 for new main buildings; or

(b) Table 12 for additions to existing main buildings.

(2) The interpretation of Table 11 and Table 12 shall be as follows:

(a) The first column of Table 11 and Table 12 lists each design requirement;

(b) The remaining columns of Table 11 and Table 12 correspond to zones;

(c) A black dot (●) indicates that the design requirement in that row is applicable to the particular zones of that column;

(d) A white circle containing a number in black text (e.g., ①) within Table 11 and Table 12 indicates that the design requirement in that row is applicable to the zones of that column, subject to additional conditions in a corresponding footnote below Table 11 and Table 12 and subject to all other applicable provisions of this By-law; and

(e) The absence of a black dot (●), or a white circle containing a number in black text (e.g., ①), indicates that the design requirement of that row is not applicable to the zones of that column.

Table 11: Applicable design requirements by zone for new buildings

Design Requirements	DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1 Zones	CLI Zone	ER-3 Zone	ER-2 Zone	CH2, CH1 Zone	INS Zone	UC-2, UC-1 Zones	PCF, RPK Zones
Outdoor Amenity Space (Section 356)	●				●			
Walkways for Cluster Housing Uses (Section 357)					●			
Privacy for Grade-Related Dwelling Units (Section 358)	●		●					
Articulation for Streetwalls or Exterior Walls thatAbut a Front or Flanking Yard and that are 64.0 Metres or Less in Width (Section 359)	●					●	②	
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 64.0 Metres in Width (Section 360)	●					●	●	
Corner Treatment (Section 361)	●					●	②	●
Side Wall Articulation (Section 362)	●					①	① ②	
Pedestrian Entrances Along Streetwalls (Section 363)	●					●	②	●
Number of Pedestrian Entrances for Grade-Oriented Premises Along Streetwalls in a DD,DH, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone (Section 364)	●							
Number of Pedestrian Entrances AlongStreetwalls in anINS, UC-2, UC-1, PCF, or RPK Zone (Section 365)						①	① ②	①
Ground Floor Transparency (Section 366)	①	①				①	① ②	①
Multi-Unit Dwelling Use in the ER Zones (Section 366.5)			●					
Weather Protection for Entrances(Section 367)	●	●				●	②	●
Exposed Foundations and Underground Parking Structures (Section 368)	●	●			●	●	●	●
Rooftop Mechanical Features (Section 369)	●							
Townhouse Façade Articulation (Section 370)	●		●					
Parking Internal to a Building or Within a Parking Structure	●	●				●	●	●

Design Requirements	DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1 Zones	CLI Zone	ER-3 Zone	ER-2 Zone	CH2, CH1 Zone	INS Zone	UC-2, UC-1 Zones	PCF, RPK Zones
(Section 371)								
General Lighting (Section 372)	●	●			●	●	●	●
Emphasis of ViewTerminus Sites (Section 373)	●	●				●	●	●
Parking Spaces, Accessory ParkingLots, Off-Street Loading Spaces, and Utilities on View Terminus Sites (Section 374)	●	●				●	●	●
Prohibited Awning or Canopy Materials (Section 375)	●	●				●	●	●
Distinct Architectural Design (Section 377)				③				
Pedestrian Entrance Along Young Avenue (Section 378)				③				
Entrance for Underground Parking (Section 379)				③				

(RCCC-Jan 24/24;E-Feb 9/24) (RC-May23/24;E-Jun 13/24)

① Design requirement does not apply to structures that are primarily occupied by one or more of the following:

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

② Design requirement does not apply to a thermal or an electric energy generating plant that is accessory to a university or college use.

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

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

Design Requirements	DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1 Zones	CLI Zone	ER-3 Zone	ER-2 Zone	CH2, CH1 Zone	INS Zone	UC-2, UC-1 Zones	PCF, RPK Zones
Outdoor Amenity Space (Section 356)	●				●			
Walkways for Cluster Housing Uses (Section 357)					●			
Privacy for Grade-Related Dwelling Units (Section 358)	●							
Articulation for Streetwalls or Exterior Walls thatAbut a Front or Flanking Yard and that are 64.0 Metres or Less in Width (Section 359)								
Articulation for Streetwalls or Exterior Walls that Abut a Front or Flanking Yard and that are Greater than 64.0 Metres in Width (Section 360)	④	④				④	④	
Corner Treatment (Section 361)								
Side Wall Articulation (Section 362)	④	① ④				① ④	① ② ④	
Pedestrian Entrances Along Streetwalls (Section 363)	④	④				④	② ④	④
Number of Pedestrian Entrances for Grade-Oriented Premises Along Streetwalls in a DD,DH, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone (Section 364)	④							
Number of Pedestrian Entrances AlongStreetwalls in an INS, UC-2, UC-1, PCF, or RPK Zone (Section 365)						① ④	① ② ④	① ④
Ground Floor Transparency (Section 366)	① ④	① ④				① ④	① ② ④	① ④
Multi-Unit Dwelling Use in the ER Zones (Section 366.5)								
Weather Protection for Entrances(Section 367)	④	④				④	② ④	④
Exposed Foundations and Underground Parking Structures (Section 368)	●	●			●	●	●	●
Rooftop Mechanical Features (Section 369)	●							
Townhouse Façade Articulation (Section 370)	④		④					

Design Requirements	DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1 Zones	CLI Zone	ER-3 Zone	ER-2 Zone	CH2, CH1 Zone	INS Zone	UC-2, UC-1 Zones	PCF, RPK Zones
Parking Internal to a Building or Within a Parking Structure (Section 371)	●	●				●	●	●
General Lighting (Section 372)	●	●			●	●	●	●
Emphasis of ViewTerminus Sites (Section 373)								
Parking Spaces, Accessory ParkingLots, Off-Street Loading Spaces, and Utilities on View Terminus Sites (Section 374)	●	●				●	●	●
Prohibited Awning or Canopy Materials (Section 375)	●	●				●	●	●
Distinct Architectural Design (Section 377)								
Pedestrian Entrance Along Young Avenue (Section 378)								
Entrance for Underground Parking (Section 379)								

(RCCC-Jan 24/24;E-Feb 9/24) (RC-May23/24;E-Jun 13/24)

① Design requirement does not apply to structures that are primarily occupied by one or more of the following:

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

② Design requirement does not apply to a thermal or an electric energy generating plant that is accessory to a university or college use.

④ Design requirement does not apply to registered heritage buildings.

Part VII, Chapter 2: Site Design Requirements

Design Requirement: Outdoor Amenity Space

356 **(1)** This Section applies where outdoor amenity space is:

(a) provided either at-grade or on a rooftop;

(b) required by Section 67 or Section 68; and

(c) equal to or greater than 30.0 square metres in size.

(2) Outdoor amenity space shall:

(a) include all of the following elements:

(i) unobstructed access,

(ii) permanent seating, and

(iii) general lighting, as per the requirements of Section 372; and

(b) offer weather protection to its users, by providing a minimum of one of the following methods (Diagram 10):

(i) within the outdoor amenity space, a new deciduous tree that is not a shrub or the retention of an existing deciduous tree that is not a shrub with a minimum base caliper of 100 millimetres,

(ii) within the outdoor amenity space, structures such as gazebos, pergolas, or covered site furnishings,

(iii) canopies or awnings on facades that abut the outdoor amenity space,

(iv) a recessed entrance or facade that abuts the outdoor amenity space, or

(v) a cantilever over an entrance of a main building that abuts the outdoor amenity space.

(3) Subject to Subsection 356(4), in addition to the requirements of Subsection 356(2), outdoor amenity space shall provide a minimum of one of the following materials for groundcover:

(a) vegetation;

(b) brick pavers;

(c) stone pavers;

(d) concrete pavers; or

(e) wood, excluding composites.

(4) Subsection 356(3) shall not apply to swimming pools, sports courts, or playgrounds.

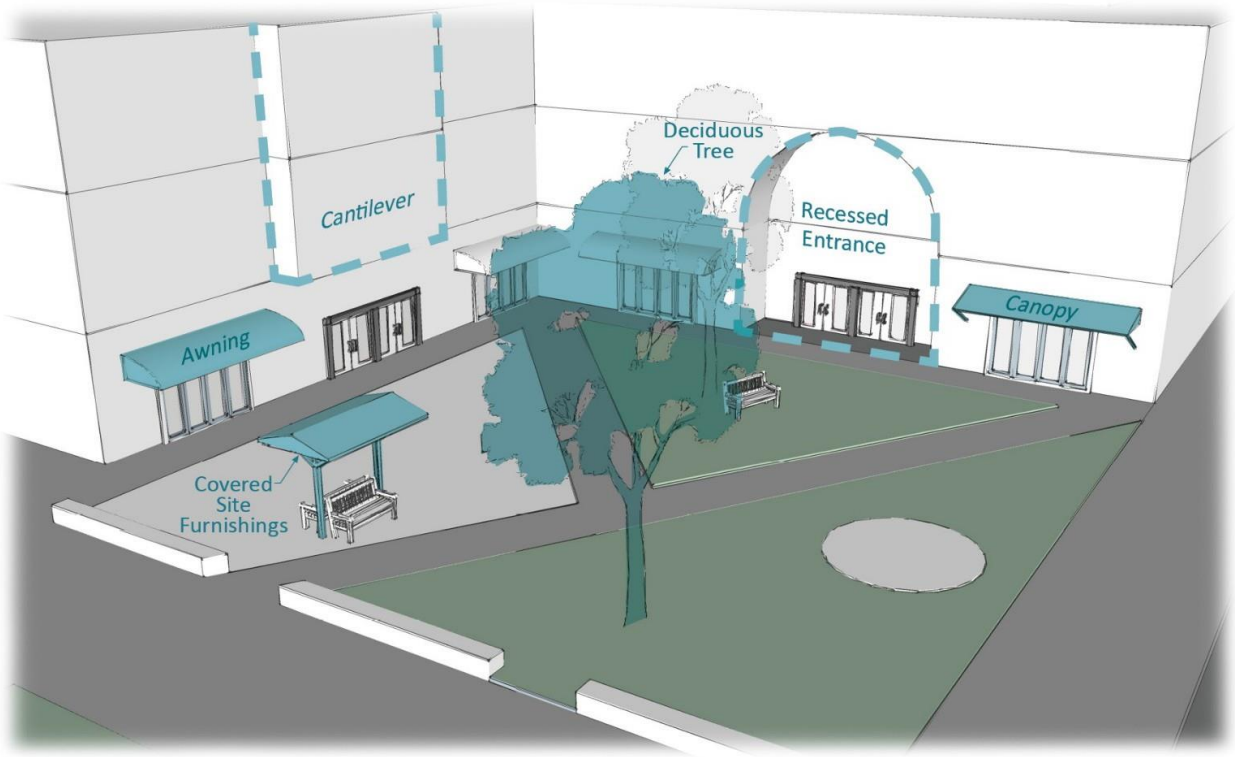


Diagram 10: Weather protection for outdoor amenity space, per Clause 356(2)(b)

Design Requirement: Walkways for Cluster Housing Uses

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

Design Requirement: Privacy for Grade-Related Dwelling Units

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

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

(b) the planting of a minimum of two shrubs, each no less than 1.0 metre in height;

(c) the installation of a planter ranging in height from 0.25 to 1.0 metre; or

(d) the installation of a masonry wall ranging in height from 0.25 to 1.0 metre.

Diagram 11: Methods for providing privacy to grade-related dwelling units, per Section 358

Part VII, Chapter 3: Building Design Requirements

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

359 **(1)** This Section applies to an exterior wall that is 64.0 metres or less in width and is either:

(a) a streetwall; or

(b) an exterior wall that abuts a front or flanking yard.

(2) This Section shall not apply to:

(a) any new main building or additions to any existing main building in an INS, UC-2, or UC-1 zone that are set back a minimum of 40.0 metres from a streetline; or

(b) a cultural use located within the DH zone. (RCCC-Dec 09/24;E-Dec 24/24)

(3) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width no greater than 64.0 metres, shall be divided into distinct sections between 0.3 metre and 10.0 metres in width, extending from the ground to the top of the streetwall. (RC- May23/24;E-Jun 13/24)

(4) Each distinct section required under Subsection 359(3) shall be differentiated from abutting distinct sections by using a minimum of two of the following methods (Diagram 12):

(a) different colours;

(b) different materials;

(c) different textures;

(d) living walls;

(e) projections; or

(f) recesses.

(5) Projections or recesses used under Subsection 359(4) shall be no less than 0.15 metre deep.

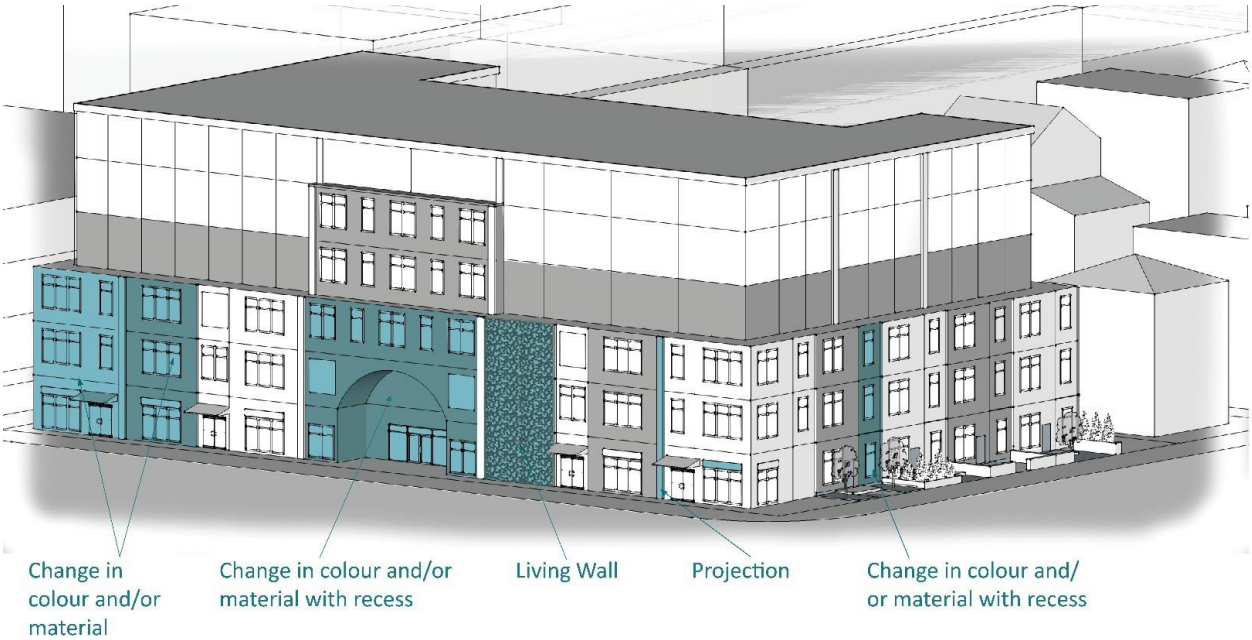


Diagram 12: Methods for articulation for streetwalls or exterior walls that abut a front or flanking yard, per Sections 359 or 360

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

360 (1) This Section applies to an exterior wall that is greater than 64.0 metres in width and is either:

(a) a streetwall; or

(b) an exterior wall that abuts a front or flanking yard.

(2) This Section shall not apply to any new main building or additions to any existing main building in an INS, UC-2, or UC-1

zone that are set back a minimum of 40.0 metres from a streetline.

(3) Streetwalls or exterior walls that abut a front or flanking yard, and that have a width greater than 64.0 metres, shall be divided into distinct sections between 0.3 metre and 10.0 metres in width, extending from the ground to the top of the streetwall. (RC- May23/24;E-Jun 13/24)

(4) Each distinct section required under Subsection 360(3) shall be differentiated from abutting distinct sections by (Diagram 12):

(a) providing projections or recesses that are no less than 0.6 metre deep; and

(b) using a minimum of two of the following methods:

(i) different colours,

(ii) different materials,

(iii) different textures, or

(iv) living walls.

(5) Streetwalls or exterior walls that abut a front or flanking yard under this Section shall incorporate a minimum of one recess in the wall, that extends vertically from the ground to the top of the wall, which has a minimum required dimension of 5.0 metres in width and 3.0 metres in depth.

Design Requirement: Corner Treatment

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 two of the following methods: (RCCC-Oct 26/22;E-Nov 11/22)

(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, (RCCC-Oct 26/22;E-Nov 11/22)

(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,

(v) an eroded building corner (Diagram 13), or

(vi) a change in both material and colour. (RCCC-Oct 26/22;E-Nov 11/22)

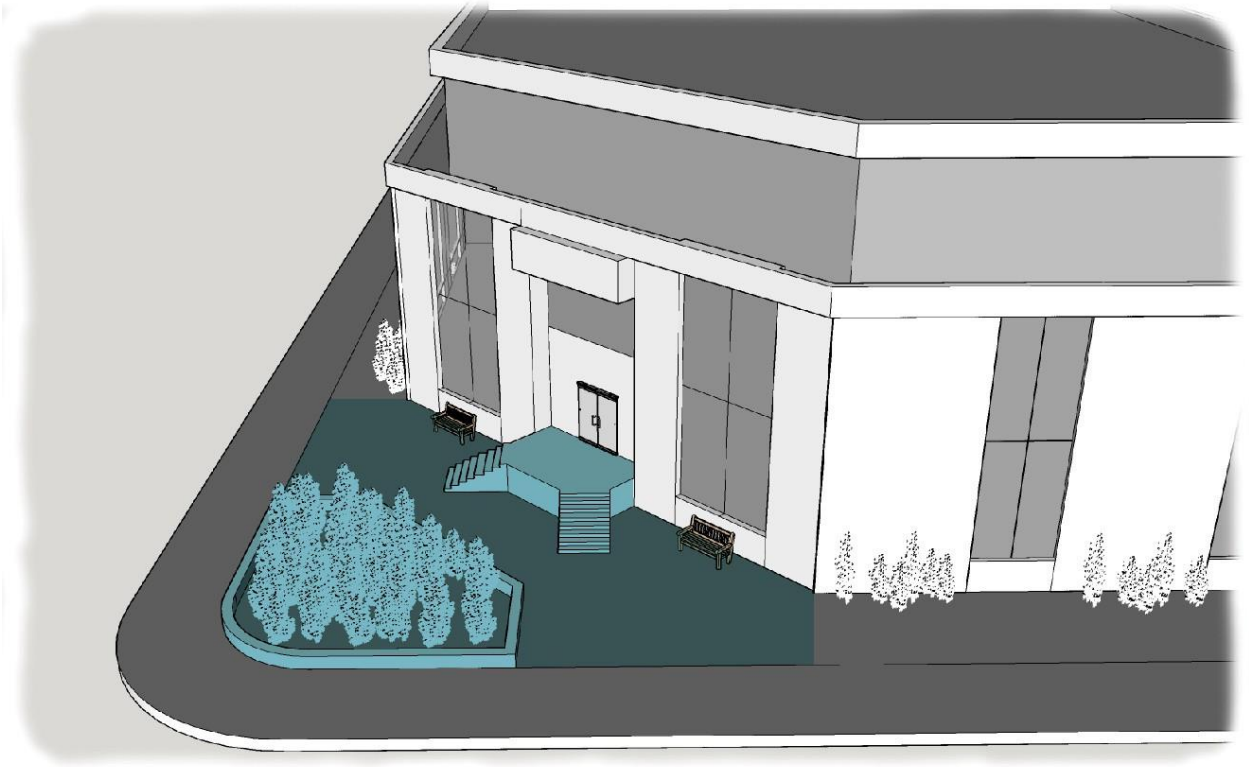


Diagram 13: Eroded building corner, per Subclause 361(b)(v)

Design Requirement: Side Wall Articulation

362 (1) Subject to Subsection 362(2), where a main building has a side setback that is at least 2.0 metres, the wall facing the side lot line shall continue the streetwall articulation for a depth of no less than double the side setback distance, using the same options chosen under Section 359 (Diagram 14).

(2) This Section shall not apply to:

(a) any new main building or additions to any existing main building in an INS, UC-2, or UC-1 zone that are set back a minimum of 40.0 metres from a streetline; or

(b) a cultural use located within the DH zone. (RCCC-Dec 09/24;E-Dec 24/24)

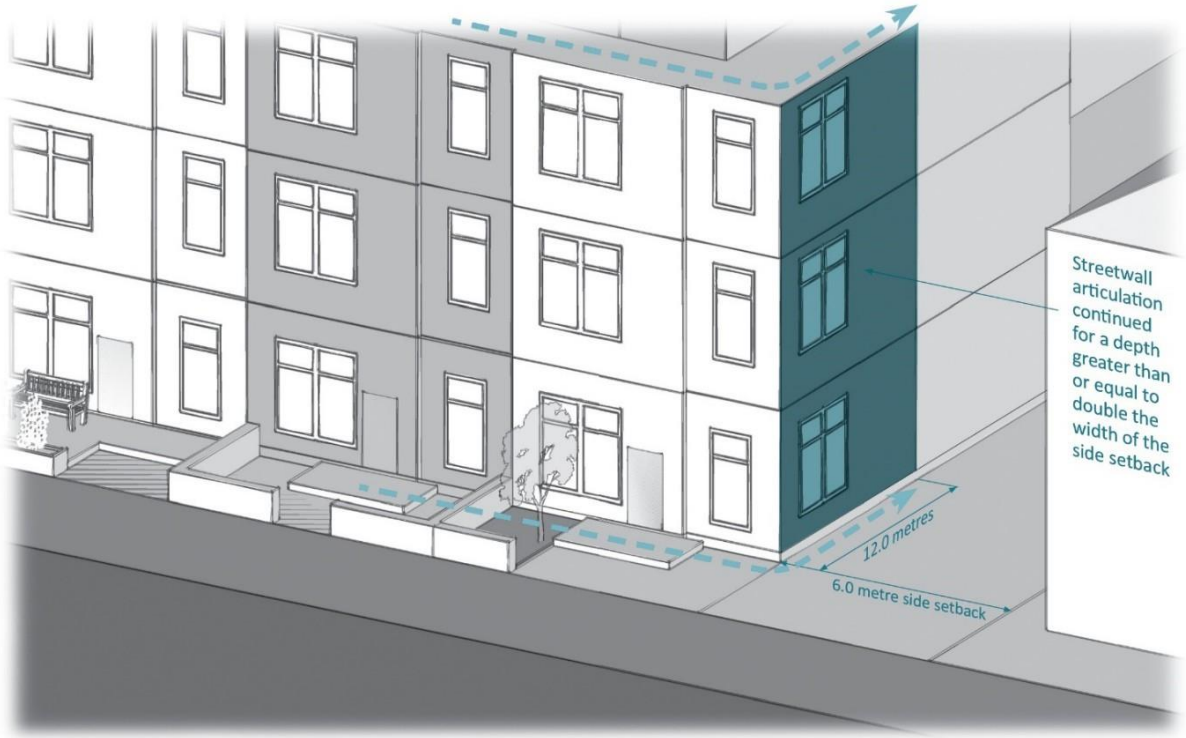


Diagram 14: Methods for side wall articulation, per Section 362

Design Requirement: Pedestrian Entrances Along Streetwalls

363 **(1)** Pedestrian entrances in the streetwall shall be distinguished from the streetwall by using a minimum of two of the following methods:

(a) different colours;

(b) different materials;

(c) projections;

(d) recesses;

(e) a change in height; or

(f) a change in the roofline.

(2) Projections or recesses used under Subsection 363(1) shall be a minimum depth of 0.15 metre.

(3) Canopies or awnings shall not be used to meet the requirements of Subsection 363(1).

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

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

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

365 **(1)** Subject to Subsection 365(2), in any INS, UC-2, UC-1, PCF, or RPK zone, a minimum of one required pedestrian entrance shall be provided per streetwall.

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

Design Requirement: Ground Floor Transparency

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

(a) along a pedestrian-oriented commercial street, as shown on Schedule 7, a minimum requirement of 60%; or

(b) along all other streets:

(i) for commercial uses, a minimum requirement of 50%, or

(ii) for all other uses, a minimum requirement of 25%.

Design Requirement: Multi-Unit Dwelling Use in the ER Zones

366.5(1) A streetwall of a multi-unit dwelling use must consist of clear glass glazing, which may be located in a door,

(a) for at least 25% of the length of the streetwall along a front lot line; and

(b) for at least 15% of the length of the streetwall along a flanking lot line.

(RC- May23/24;E-Jun 13/24)

(2) For a multi-unit dwelling use that has a building width greater than 10.0 metres, at least two of the following are required:

(a) at least one balcony is provided on the façade facing a front lot line for each storey that is above the ground floor;

(b) at least 20% of the façade facing a front lot line is recessed by additional 0.6 metres from rest of the streetwall;

(c) a projection of up to 1.0 metre for a window bay, subject to Clause 94.5(1)(d);

(d) a covered porch with an area of at least 2.0 square metres is provided on the ground floor of a façade facing a front lot line.

(RC- May23/24;E-Jun 13/24)

Design Requirement: Weather Protection for Entrances

367 **(1)** Subject to Subsection 367(2), where entrances for multi-unit dwelling uses, any commercial uses listed under the "COMMERCIAL" heading, or any institutional uses listed under the "INSTITUTIONAL" heading in Tables 1A, 1B, or 1C are provided in the streetwall, weather protection for pedestrians shall be required above the entrances and shall consist of a minimum of one of the following methods (Diagram 15):

(a) canopies;

(b) awnings;

(c) recessed entrances; or

(d) cantilevers.

(2) Subsection 367(1) shall not apply to the entrances of grade-related dwelling units.

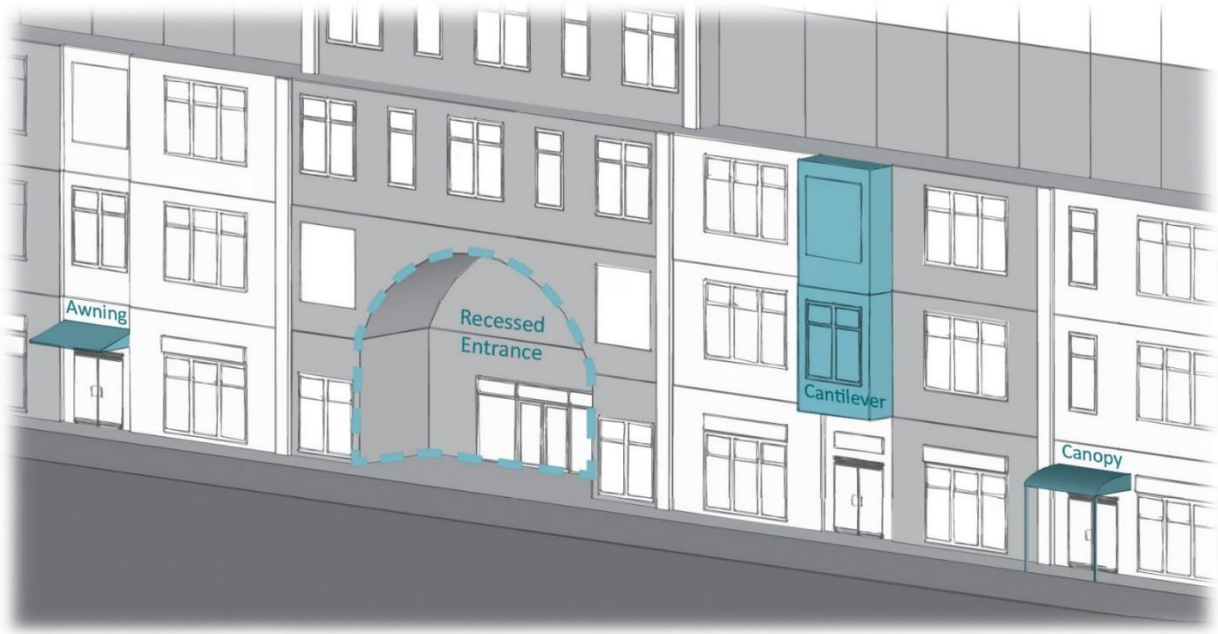


Diagram 15: Methods of weather protection for entrances, per Section 367

Design Requirement: Exposed Foundations and Underground Parking Structures

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

Design Requirement: Rooftop Mechanical Features

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

Design Requirement: Townhouse Façade Articulation

370 **(1)** Subject to Subsection 370(2), where a townhouse block contains 4 or more townhouse dwelling units, that portion of the façade that faces a street shall be differentiated from the abutting unit by using a minimum of one of the following methods:

(a) different colours;

(b) different materials;

(c) different textures;

(d) projections; or

(e) recesses.

(2) Projections or recesses used under Subsection 370(1) shall be required to:

(a) be no less than 0.3 metre in depth; and

(b) extend from the ground to the top of the façade facing the streetline.

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

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

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 (RCCC-Oct 26/22;E-Nov 11/22).

Part VII, Chapter 5: Other Design Requirements

Design Requirement: General Lighting

372 The following features shall be required to be illuminated:

(a) common building entrances;

(b) pedestrian walks as per the requirements of Subsection 445(3);

(c) outdoor amenity spaces as per the requirements of Section 356; and

(d) accessory parking lots.

Design Requirement: Emphasis of View Terminus Sites

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

(a) subject to Subsections 119(3), 139(2), 166(3), 185(3), 202(3), 219(3), 260(2), 275(2), and 290(2), extending the height of a portion of the streetwall (Diagram 16);

(b) locating a clock tower, bell tower, rooftop cupola, spire, steeple, turret, belvedere, or minaret on the top of the building (Diagram 16);

(c) locating a portico, arcade, or archway on the building; or

(d) locating public art or a cultural artifact on a portion of the streetwall, or in an at- grade open space (Diagram 17).

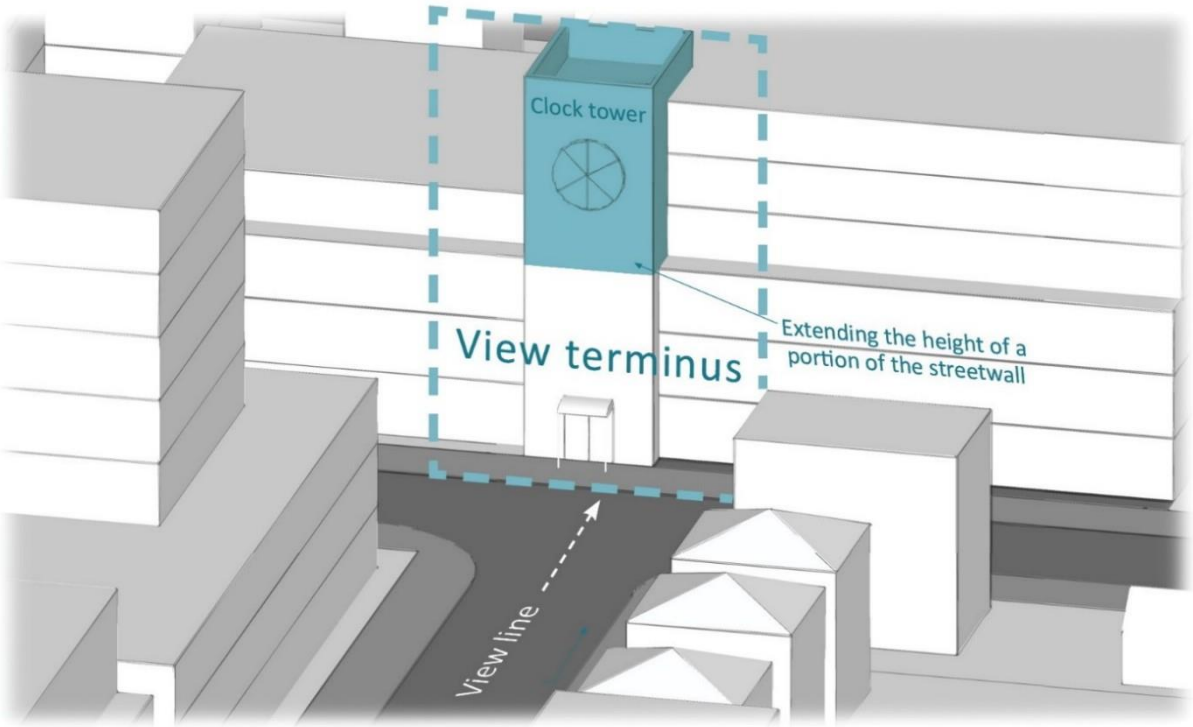


Diagram 16: Methods for emphasizing a view terminus site, per Clauses 373(a) and (b)

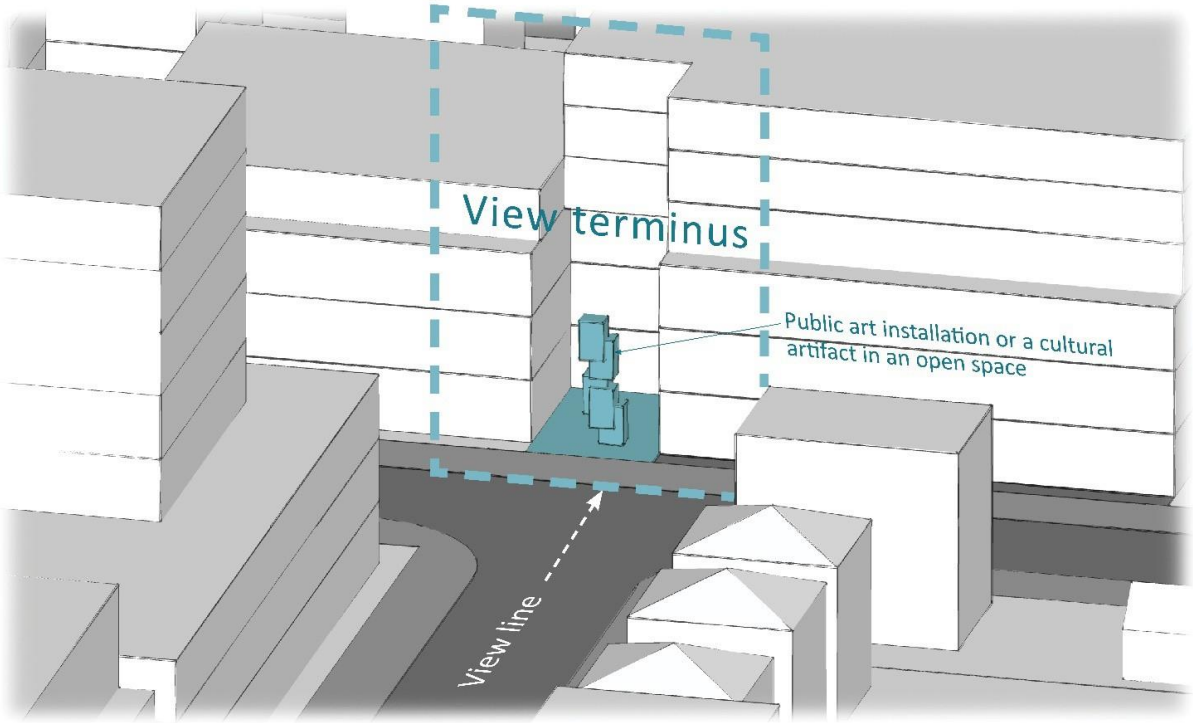


Diagram 17: Methods for emphasizing a view terminus site, per Clause 373(d)

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

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

Design Requirement: Prohibited Awning or Canopy Materials

375 Vinyl or high-gloss fabrics shall be prohibited materials in awnings or canopies.

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

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

376 A two-unit dwelling use, a three-unit dwelling use, a four-unit dwelling use, or a multi-unit dwelling use that contains up to 5 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, shall meet the applicable design requirements of this Chapter. (RC-May23/24;E-Jun 13/24)

Design Requirement: Distinct Architectural Design

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

Design Requirement: Pedestrian Entrance Along Young Avenue

378 **(1)** Any new main building shall be required to have:

(a) a minimum of one pedestrian entrance that faces Young Avenue; and

(b) no more than one pedestrian entrance that faces Young Avenue.

(2) The pedestrian entrance that faces Young Avenue shall be required to have an unenclosed porch or a canopy.

Design Requirement: Entrance for Underground Parking

379 If an underground parking structure is provided, it shall:

(a) have a garage door; and

(b) the garage door shall be located facing the rear yard.

Part VIII: Heritage Design Requirements

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

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

380 (1) In addition to the design requirements in Part VII, the requirements of this Chapter apply for new construction or additions on properties:

(a) abutting a registered heritage property along the same streetline or abutting a heritage conservation district along the same streetline; and (RC- May23/24;E-Jun 13/24)

(b) located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone.

(2) In the event that the requirements under Part VII conflict with the requirements of this Chapter, the requirements of this Chapter take precedence. (RCCC-Dec 14/22;E-Jan 5/23)

Design Requirement: Maintenance of Same or Similar Cornice Line Height

381 (1) Subject to Subsection 381(2), the streetwall height for any new main building or any addition to an existing main building shall be required to be located at a height that is within 2.0 metres of the cornice line height established by abutting registered heritage buildings or abutting main buildings within a heritage conservation district, except where the maximum required streetwall height permitted in Part V is lower than the cornice line of the abutting main buildings, then the maximum streetwall

height required under Part V shall not be exceeded (Diagram 18).

(2) If the new main building or addition to a main building is located on a property that is in between:

(a) registered heritage properties that are located on each side of the subject property along the same streetline; or

(b) a registered heritage property and a heritage conservation district along the same streetline;

then either of the two cornice lines may be used to meet the requirements of Subsection 381(1).

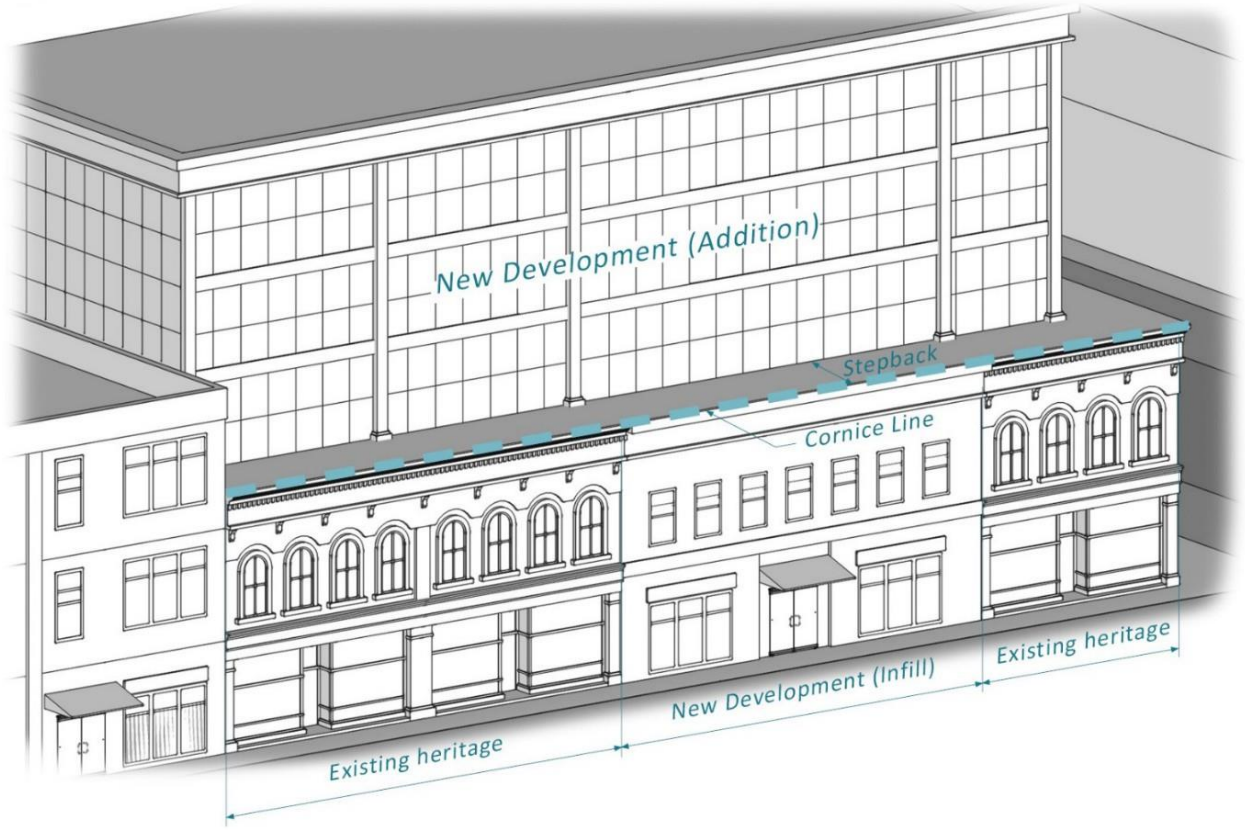


Diagram 18: Maintenance of same or similar cornice line height for development on properties abutting a registered heritage property or on properties abutting a heritage conservation district, per Section 381

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

382 (1) Where any main building is located less than 3.0 metres from a side lot line abutting a registered heritage property or a property within a heritage conservation district, a minimum required stepback of 1.5 metres, above the height of the streetwall, shall be provided from the side wall directly opposite the registered heritage property or a property within a heritage conservation district and shall be required for a minimum depth of 12.0 metres from a streetline (Diagram 19).

(2) Where any main building is located 3.0 metres or more from a side lot line abutting a registered heritage property or a property within a heritage conservation district, no stepback requirement applies (Diagram 20).

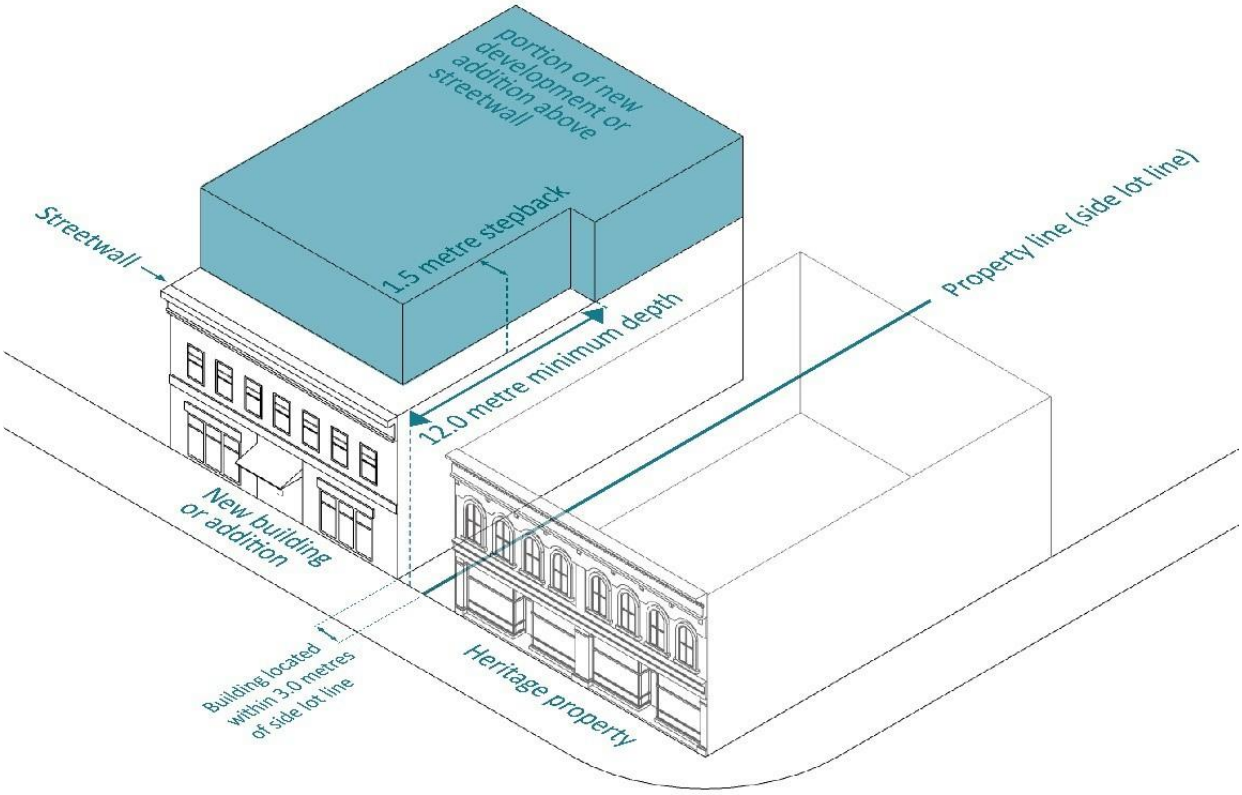


Diagram 19: Minimum 1.5-metre sidewall stepback for any new main building or any addition to an existing main building from the abutting registered heritage property or the abutting property within a heritage conservation district, per Subsection 382(1)

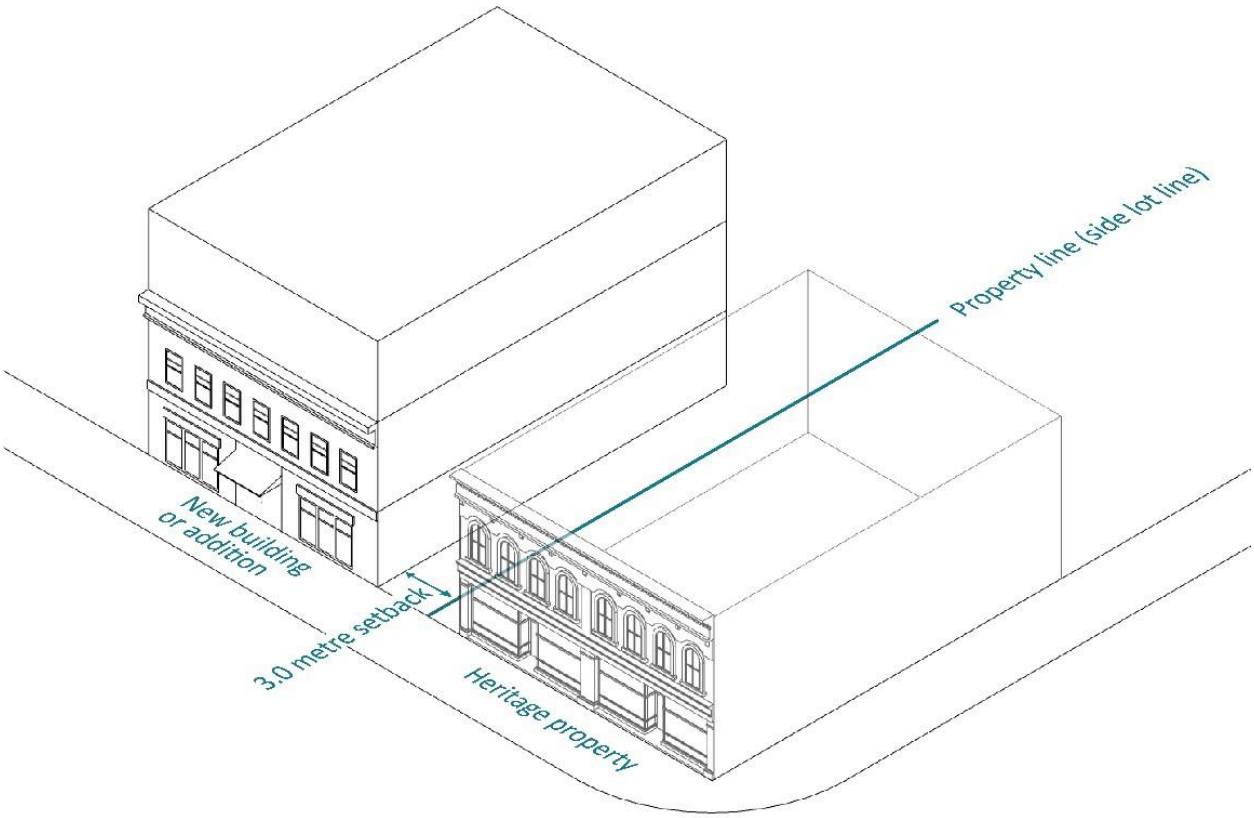


Diagram 20: Minimum required side setback of 3.0 metres for any new main building or any addition to an existing main building from the abutting registered heritage property or the abutting property within a heritage conservation district, per Subsection 382(2)

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

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

383 **(1)** In addition to the design requirements in Part VII, the requirements of this Chapter apply for any new main building or any addition to an existing main building:

(a) on registered heritage properties that are not located within a heritage conservation district; and

(b) located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone.

(2) If the requirements under Part VII conflict with the requirements of this Chapter, the requirements of this Chapter take precedence. (RCCC-Jan 24/24;E-Feb 9/24)

Design Requirement: Maintenance of Same or Similar Cornice Line Height

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

Design Requirement: Stepbacks for Rooftop Additions

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

Design Requirement: Painting of Brick or Masonry

386 The painting of exterior brick or masonry walls is prohibited, except where:

(a) it is for commercial signage permitted by this By-law; or

(b) it is required to reinstate or maintain character-defining elements.

Design Requirement: Prohibited Cladding Materials

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

(a) vinyl siding;

(b) plastic;

(c) exterior insulation and finish systems where stucco is applied to rigid insulation;

(d) standing seam or corrugated metal siding; or

(e) cinder block.

Design Requirement: Awnings and Canopies

388 If proposed on a registered heritage building, awnings and canopies shall not:

(a) contain vinyl or high-gloss fabrics; and

(b) be internally-illuminated.

Part IX: Variation Criteria

Part IX, Chapter 1: General Variation Criteria

Area of Applicability

389 The variations contained within this Part only apply to the Centre Plan Area that is shown on Schedules B and C of the Charter, except for:

(a) those portions located within the Old South Suburb Heritage Conservation District;

(b) those portions located within the Barrington Street Heritage Conservation District; and

(c) the following parcels of land:

(i) 00002030,

(ii) 41036096,

(iii) 00003954,

(iv) 00003129,

(v) 00077412,

(vi) 41210386,

(vii) 00077461,

(viii) 00034397,

(ix) 00077404,

(x) 00077420,

(xi) 00077446,

(xii) 00077453,

(xiii) 00076141,

(xiv) 40420143, and

(xv) 00076109.

Variation: Roof Edge Setbacks of Height-Exempted Building Rooftop Features

390 **(1)** The minimum required roof edge setback for height-exempted building rooftop features, contained in Section 103, may be varied by site plan approval to reduce the required setback.

(2) When considering a site plan approval under Subsection 390(1), the following criteria shall be met:

(a) the lot that is subject of the proposed site plan is located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, LI, HRI, INS, UC-2, UC-1, DND, H, PCF, RPK, CDD-2, or CDD-1 zone;

(b) the variation is to a roof edge that faces a side or rear lot line; and

(c) the rooftop feature is designed or buffered in such a way to minimize its potential visual impact.

Variation: Streetwall Articulation

391 **(1)** The requirements of Sections 359 or 360 may be varied by site plan approval to enable an alternative method of streetwall articulation.

(2) When considering a site plan approval under Subsection 391(1), the following criteria shall be met:

(a) an alternative method of streetwall articulation effectively contributes to the visual interest and appeal of the streetwall by providing public art and a minimum of one of the following:

(i) wider and more dramatic changes to projections or recesses than required under Sections 359 or 360, or

(ii) distinct curves or forms on the streetwall.

Variation: Grade-Oriented Premises

392 (1) The requirements of Clauses 123(1)(c), 144(1)(c), 170(1)(c), 189(1)(c), or 206(1)(c) may be varied by site plan approval for a grade-oriented premises to exceed a width of 24.0 metres.

(2) When considering a site plan approval under Subsection 392(1), the following criteria shall be met:

(a) the proposal is within a DD, DH, CEN-2, CEN-1, or COR zone;

(b) a minimum of two pedestrian entrances, no less than 12.0 metres apart, shall be provided;

(c) a minimum of three methods under Subsection 363(1) are provided for each pedestrian entrance; and

(d) an alternative method is used within the streetwall to give the appearance that multiple storefronts are present, such as enhanced articulation and display windows.

Variation: Maximum Building Dimensions in the CEN-2, COR, HR-2, or HR-1 Zone

393 (1) The requirements of Subsections 174(1), 193(1), or 210(1) may be varied by site plan approval to exceed a building width or building depth. (RC- May23/24;E-Jun 13/24)

(2) When considering a site plan approval under Subsection 393(1), the following criteria shall be met:

(a) the lot that is the subject of the proposed site plan is located within a CEN-2, COR, HR-2, or HR-1 zone; and (RC- May23/24;E-Jun 13/24)

(b) the massing of the building is broken up by changes in building form and design to make the building look like it consists of two or more distinct buildings, by:

(i) providing an at-grade open space along the streetline,

(ii) limiting the building width or building depth of individual portions of a mid-rise building or a tall mid-rise building, above the streetwall, to a maximum of 64.0 metres, and

(iii) separating portions of a mid-rise building or a tall mid-rise building located above the streetwall by a minimum distance of 10.0 metres.

Variation: Unique Building Functionality

394 (1) The following requirements may be varied by site plan approval to support the unique functional needs of the land uses listed under Clause 394(2)(b):

(a) maximum front or flanking setbacks (Sections 113, 134, 160, or 179);

(b) maximum side setbacks (Subsection 135(6));

(c) maximum streetwall height (Sections 117, 137, 164, 183, 200, 217, 258, 273, or 288);

(d) minimum streetwall height (Sections 118, 138, 165, 184, 201, 218, 259, 274, or 289);

(e) streetwall stepbacks (Sections 119, 139, 166, 185, 202, 219, 260, 275, or 290);

(f) recessed portions and cantilevers within streetwalls (Sections 120, 141, 167, 186, 203, 220, 261, 276, or 291);

(g) streetwall articulation for buildings with a streetwall width 64.0 metres or less (Section 359);

(h) streetwall articulation for buildings with a streetwall width greater than 64.0 metres (Section 360);

(i) grade-oriented premises (Sections 123, 144, 170, 189, or 206);

(j) number of pedestrian entrances along streetwalls in an INS, UC-2, UC-1, PCF, or RPK zone (Section 365);

(k) side and rear stepbacks (Sections 125, 172, 191, 208, 223, 264, 279, or 294);

(l) maximum building dimensions, excluding tower portions (Subsections 174(1), 193(1), or 210(1));

(m) minimum separation distance requirement between a mid-rise typology and another mid-rise typology (Clauses 173(2.5)(a), 192(3)(a), 209(2.5)(a), 265(2.5)(a), or 295(2.5)(a)); (RC-Jul 12/22;E-Aug 22/22)

(n) minimum separation distance between a mid-rise typology and a tall mid-rise typology (Clauses 173(2.5)(b), 192(3)(b), 209(2.5)(b), 265(2.5)(b), or 295(2.5)(b)); or (RC-Jul 12/22;E-Aug 22/22)

(o) minimum separation distance requirement between a tall mid-rise typology and another tall mid-rise typology (Clauses 173(2.5)(d), 192(3)(c), 209(2.5)(d), 265(2.5)(d), or 295(2.5)(d)). (RC-Jul 12/22;E-Aug 22/22)

(2) When considering a site plan approval under Subsection 394(1), the following criteria shall be met:

(a) the lot that is the subject of the proposed site plan is located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone;

(b) a minimum of 80% of the floor area of the building contains one or more of the following uses:

(i) community recreation use,

(ii) convention centre use,

(iii) cruise ship terminal use,

(iv) cultural use,

(v) library use,

(vi) major spectator venue use,

(vii) minor spectator venue use,

(viii) public building use,

(ix) religious institution use,

(x) school use, or

(xi) university or college use;

(c) the applicant demonstrates that each variation requested under Subsection 394(1) is needed to address conflicts with the intended use of the building; and

(d) there are no blank walls facing a street or a park use.

Variation: Unique Building Design

395 (1) The following requirements may be varied by site plan approval to support unique and innovative building designs for the land uses listed under Clause 395(2)(b):

(a) maximum front or flanking setbacks (Sections 113, 134, 160, or 179);

(b) maximum side setbacks (Subsection 135(6));

(c) maximum streetwall height (Sections 117, 137, 164, 183, 200, 217, 258, 273, or 288);

(d) minimum streetwall height (Sections 118, 138, 165, 184, 201, 218, 259, 274, or 289);

(e) streetwall stepbacks (Sections 119, 139, 166, 185, 202, 219, 260, 275, or 290);

(f) recessed portions and cantilevers within streetwalls (Sections 120, 141, 167, 186, 203, 220, 261, 276, or 291);

(g) streetwall articulation for buildings with a streetwall width 64.0 metres or less (Section 359);

(h) streetwall articulation for buildings with a streetwall width greater than 64.0 metres (Section 360);

(i) grade-oriented premises (Sections 123, 144, 170, 189, or 206);

(j) number of pedestrian entrances along streetwalls in an INS, UC-2, UC-1, PCF, or RPK zone (Section 365);

(k) side and rear stepbacks (Sections 125, 172, 191, 208, 223, 264, 279, or 294);

(l) maximum building dimensions, excluding tower portions (Subsections 174(1), 193(1), or 210(1));

(m) projecting signs (Section 464);

(n) minimum separation distance requirement between a mid-rise typology and another mid-rise typology (Clauses 173(2.5)(a), 92(3)(a), 209(2.5)(a), 265(2.5)(a), or 295(2.5)(a));

(o) minimum separation distance requirement between a mid-rise typology and a tall mid-rise typology (Clauses 173(2.5)(b), 192(3)(b), 209(2.5)(b), 265(2.5)(b), or 295(2.5)(b)); (RC-Jul 12/22;E-Aug 22/22)

(p) minimum separation distance requirement between a tall mid-rise typology and another tall mid-rise typology (Clauses 173(2.5)(d), 192(3)(c), 209(2.5)(d), 265(2.5)(d), or 295(2.5)(d)); or (RC-Jul 12/22;E-Aug 22/22)

(2) When considering a site plan approval under Subsection 395(1), the following criteria shall be met:

(a) the lot that is the subject of the proposed site plan is located within a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone;

(b) a minimum of 80% of the floor area of the building contains one or more of the following uses:

(i) community recreation use,

(ii) convention centre use,

(iii) cruise ship terminal use,

(iv) cultural use,

(v) library use,

(vi) major spectator venue use,

(vii) minor spectator venue use,

(viii) public building use,

(ix) religious institution use,

(x) school use, or

(c) university or college use; the applicant demonstrates that each variation requested under Subsection 395(1) is needed to support a unique and innovative building design that emphasizes the site through the submission of information and architectural drawings that compare the building's design:

(i) under applicable requirements of this By-law without a variation, and

(ii) with the requested variation;

(d) there are no blank walls facing a street or a park use; and

(e) an at-grade open space shall be provided along the streetline that is accessible to pedestrians and is a minimum of 5.0% of the total lot size.

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

396 (1) The requirements of Section 381, may be varied by site plan approval to allow a cornice line of a new main building or an addition to a main building that:

(a) commences higher than 2.0 metres above the cornice line of the building on the abutting registered heritage property or a building on the abutting heritage conservation district; or

(b) commences lower than 2.0 metres below the cornice line of the building on the abutting registered heritage property or a building on the abutting heritage conservation district.

(2) When considering a site plan approval under Subsection 396(1), the following criteria shall be met:

(a) the design of the building incorporates articulation established by vertical and horizontal architectural elements of the abutting registered heritage building or building within a heritage conservation district (e.g., windows, columns, pilasters, cornice, architectural frieze, storefront, datum lines, etc.); and

(b) the design of the building incorporates the proportions and vertical spacing of the windows of the abutting registered heritage building or building within a heritage conservation district.

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

397 **(1)** The requirements of Part VII, Chapters 3 and 5, and Part VIII, Chapter 2, may be varied by site plan approval to address conflicts between building design requirements for new construction on a registered heritage property and applicable requirements under the *Heritage Property Act*.

(2) When considering a site plan approval under Subsection 397(1), the following criteria shall be met:

(a) the lot that is the subject of the proposed site plan is a registered heritage property located outside of a heritage conservation district; and

(b) the requirement that is the subject of the site plan approval application conflicts with a requirement under the *Heritage Property Act*.

Part X: View Planes, Halifax Citadel Rampart Sight Lines, and Waterfront View Corridors

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

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

398 **(1)** A development shall not protrude into a view plane, a Halifax Citadel rampart sight line, or a waterfront view corridor.

(2) An application for a development that could potentially protrude into, abut, or be subject to:

(a) a view plane, as shown on Schedules 26 and 28;

(b) a Halifax Citadel rampart sight line, as shown on Schedule 27A; or

(c) a waterfront view corridor, as shown on Schedules 29 to 47;

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

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

View Planes

399 **(1)** The Halifax Citadel view planes are set out and shown on Schedule 26, and the Dartmouth view planes are set out and shown on Schedule 28.

(2) Subject to Subsection 399(3), a structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a view plane. Under no circumstance shall the maximum required building height, as shown on Schedule 15, be exceeded.

(3) Where a structure that lawfully existed on the coming into force date of this By- law protrudes into a required view plane, as shown on Schedule 26, a new structure may be erected, constructed, altered, reconstructed, or located so that it protrudes into the required view plane if the new structure does not increase the existing protrusion when viewed as follows:

(a) for view planes 1, 3, and 5 from viewing position A;

(b) for view plane 6 from viewing position B;

(c) for view planes 2, 4, 7, 8, and 10 from viewing position C; and

(d) for view plane 9 from viewing position D.

Halifax Citadel Rampart Sight Lines

400 **(1)** Coordinates describing the following are shown on Schedules 27A, 27B, and 27C:

(a) the locations and elevations of the Halifax Citadel ramparts;

(b) the locations and elevations of 12 viewing positions in the Parade Square of the Halifax Citadel; and

(c) the location, elevation, and massing of the Cavalier Building.

(2) Subject to Subsection 400(4), the Halifax Citadel rampart sight lines shall be projected in a 360-degree view above the ramparts from each viewing position.

(3) Subject to Subsection 400(4), within the Halifax Citadel Ramparts (HCR) Special Area, as shown on Schedule 3F, a structure shall not be erected, constructed, altered, reconstructed, or located outside of the Parade Square of the Halifax Citadel so that it protrudes into any rampart sight line, from any of the 12 viewing positions in the Parade Square of the Halifax Citadel (Diagram 21).

(4) A new structure or an addition to an existing structure that would protrude into a required Halifax Citadel rampart sight line may only be permitted to be erected, constructed, altered, reconstructed, or located outside of the Parade Square of the Halifax Citadel, if:

(a) there is an existing protrusion by the Cavalier Building into a Halifax Citadel rampart sight line from its respective viewing position;

(b) the entire structure is blocked from view by the Cavalier Building from the viewing position; and

(c) it cannot be seen from any other viewing position.

(5) No structure shall protrude into a required Halifax Citadel rampart sight line, unless permitted under Subsection 400(4).

(6) When considering whether a structure protrudes into a required Halifax Citadel rampart sight line from the 12 viewing positions,

the only structure located inside of the Parade Square of the Halifax Citadel that shall be considered is the Cavalier Building.

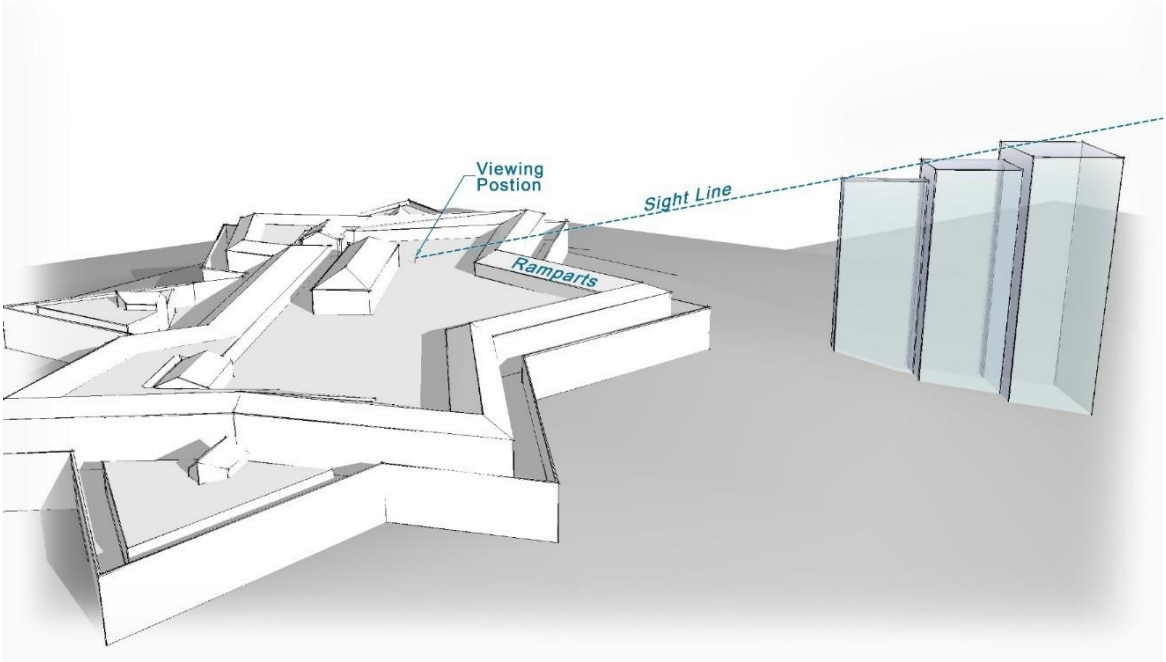


Diagram 21: Halifax Citadel rampart sight line requirements, per Subsection 400(3)

Part X, Chapter 3: Waterfront View Corridors

Halifax and Dartmouth Waterfront View Corridors

401 (1) The Halifax and Dartmouth waterfront view corridors are as set out and shown on the following schedules:

(a) Schedule 29: Morris Street Waterfront View Corridor;

(b) Schedule 30: Bishop Street Waterfront View Corridor;

(c) Schedule 31: Salter Street Waterfront View Corridor;

(d) Schedule 32: Sackville Street Waterfront View Corridor;

(e) Schedule 33: Prince Street Waterfront View Corridor;

(f) Schedule 34: George Street Waterfront View Corridor;

(g) Schedule 35: Best Street Waterfront View Corridor;

(h) Schedule 36: Mott Street Waterfront View Corridor;

(i) Schedule 37: Church Street Waterfront View Corridor;

(j) Schedule 38: North Street Waterfront View Corridor;

(k) Schedule 39: Ochterloney Street Waterfront View Corridor;

(l) Schedule 40: Queen Street Waterfront View Corridor;

(m) Schedule 41: Portland Street Waterfront View Corridor;

(n) Schedule 42: Prince Street Waterfront View Corridor;

(o) Schedule 43: Kings Wharf Place Waterfront View Corridor;

(p) Schedule 44: Canal Street Waterfront View Corridor;

(q) Schedule 45: Maitland Street Waterfront View Corridor;

(r) Schedule 46: Old Ferry Road Waterfront View Corridor; and

(s) Schedule 47: Parker Street Waterfront View Corridor.

(2) A structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a required waterfront view corridor, except:

(a) within the DH zone, any portion of a structure at or below the streetline grade where a waterfront view corridor intersects with Lower Water Street;

(b) uncovered structures less than 0.6 metre in height, such as balconies, patios, and planters;

(c) structures containing temporary uses;

(d) structures containing temporary construction uses;

(e) within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, accessory structures and kiosks that are no greater than:

(i) 20.0 square metres in floor area, or

(ii) 3.0 metres in height;

(f) within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, shipping containers that are no greater than 3.0 metres in height;

(g) public art;

(h) fountains and other landscaping features;

(i) monuments;

(j) commemorative signs; and

(k) signs regulating traffic on a lot, including directional signage.

(3) Driving aisles for motor vehicles are permitted within any waterfront view corridor.

Waterfront View Corridors in the DH Zone

402 (1) Subject to Subsections 402(2) and 402(3), where any main building in the DH zone abuts a waterfront view corridor established in Section 401, there shall be no dwelling units permitted on the ground floor abutting the waterfront view corridor.

(2) Residential pedestrian entrances and lobbies are permitted on a ground floor.

(3) Any main building is considered to abut a waterfront view corridor if it is located within 10.0 metres of the edge of a waterfront view corridor.

Part XI: Wind Energy Facilities

Part XI, Chapter 1: Wind Energy Facility Requirements

Wind Energy Facility Prohibition

403 Wind energy facilities are prohibited in the RPK zone.

Watercourse Buffer Requirements for Wind Energy Facilities

404 Wind energy facilities shall meet the watercourse buffer requirements of Section 75.

Wind Energy Facilities

405 **(1)** Subject to Subsection 405(2), any wind energy facility shall be a standalone design, on its own foundation.

(2) A micro wind energy facility may be roof mounted, supported by guy wires.

(3) The height of a wind energy facility shall be:

(a) for a micro wind energy facility, 23.0 metres in height or less;

(b) for a small wind energy facility, greater than 23.0 metres in height but shall not exceed 35.0 metres in height;

(c) for a medium wind energy facility, greater than 35.0 metres in height but shall not exceed 60.0 metres in height; or

(d) for a large wind energy facility, greater than 60.0 metres in height.

Wind Energy Overlay Zones

406 For the purposes of this Part, this By-law establishes the following wind energy overlay zones, with boundaries as shown on Schedule 48:

(a) Urban Wind (UW-1); and

(b) Restricted (R).

Urban Wind (UW-1) Zone

407 **(1)** All wind energy facilities, except large wind energy facilities, are permitted in the UW-1 zone, as shown on Schedule 48.

(2) All wind turbines in the UW-1 zone shall be required to be separated from each other by a minimum distance equal to the tallest wind turbine height.

(3) All wind turbines in the UW-1 zone shall have a minimum setback of 1.0 time the wind turbine height from any lot line.

(4) Micro wind energy facilities in the UW-1 zone shall be required to be separated from any dwelling on an adjacent lot by no less than 3.0 times the wind turbine height.

(5) Micro wind energy facilities are permitted on buildings.

(6) Small wind energy facilities in the UW-1 zone shall be required to be separated from any dwelling on an adjacent lot by no less than 180 metres.

(7) Medium wind energy facilities in the UW-1 zone shall be required to be separated from any dwelling on an adjacent lot by no less than 250 metres.

Restricted (R) Zone

408 Wind energy facilities are prohibited in the R zone, as shown on Schedule 48.

Setback Exemptions

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

Installation and Design

410 The wind energy facility shall:

(a) be the colour of white, off-white, or gray;

(b) not be illuminated, except to the extent required by the *Aeronautics Act* or by any other applicable authority that regulates air safety; and

(c) not display any advertising, including flags, streamers, or decorative items, except to identify the wind turbine manufacturer, facility owner, or operator.

Part XI, Chapter 2: Wind Energy Facility Permits

Permit Application Requirements

411 A wind energy facility development permit application shall include the following:

(a) the applicable requirements for a development permit application that are listed under Section 10;

(b) copies of drawings, specifications, and calculations certified by a professional engineer, that the proposed wind turbine base, foundation, or guy-wired anchors are sufficient to maintain the structural stability of the wind turbine;

(c) an overview of the project and the total rated capacity of the proposed wind energy facility;

(d) the proposed number, representative types, and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions, manufacturers, and a description of accessory facilities;

(e) identification and location of the lots on which the proposed wind energy facility will be located;

(f) a survey prepared by a surveyor or a surveyor's certificate showing the planned location of all wind turbines, lot lines, required setbacks and separation distances, existing and proposed structures, access roads, turn-around locations, substations, electrical cabling from the wind energy facility to substations, ancillary equipment, and transmission and distribution lines; and

(g) proof that all applicable approvals have been obtained from all applicable government departments and agencies.

Notification Requirements

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

Table 13: Wind energy facility notification requirements

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

(2) The notice required in Subsection 412(1) shall include the following information:

(a) a site plan that includes lot lines and the location of the proposed wind energy facility;

(b) a description of the type of wind energy facility being proposed; and

(c) the applicant's contact information, including postal and email addresses.

(3) A wind energy facility development permit application shall include confirmation that the requirements of Subsections 412(1) and 412(2) have been met.

Part XII: Landscaping

Part XII, Chapter 1: General Landscaping Requirements

Exemptions for a Change of Use and Minor Additions

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. (RCCC-Oct 26/22;E-Nov 11/22)

Existing Soft Landscaping

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

(a) adequately protected from damage during development;

(b) meet the minimum size or caliper requirements specified within the applicable section(s) of this Part; and

(c) present and in good health, as certified by a landscape architect or arborist prior to the issuance of the first occupancy permit.

(2) Any existing tree or shrub in a required landscaped buffer may be counted as one tree or shrub toward the requirements of Sections 427 to 429.

Requirement to Maintain Soft Landscaping

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

Soft Landscaping Species

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

(a) if this Part requires the planting of a minimum of 10 trees or shrubs, but less than 20 trees or shrubs, a minimum of three different tree or shrub species are required; or

(b) if this Part requires the planting of 20 or more trees or shrubs, a minimum of four different tree or shrub species are required.

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

Soft Landscaping for Accessory Parking Lots

417 (1) Where permitted in Part XIII, an accessory parking lot that is located in a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CH-2, CH-1, INS, UC-2, UC-1, PCF, or RPK zone, but is not located within an interior courtyard, shall meet the following soft landscaping requirements along any portion of a lot line that runs adjacent to the accessory parking lot:

(a) a 2.5-metre wide strip of soft landscaping; and

(b) either:

(i) one shrub no less than 1.0 metre in height for every 2.0 linear metres, or

(ii) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres.

(2) Excluding accessory parking lots for a community recreation use or a school use, accessory parking lots shall contain soft landscaping, as per the following requirements:

(a) for every 10 parking spaces in a row, a raised landscaped area shall be provided at each end of the row (Diagram 22);

(b) each raised landscaped area shall be delineated with curbs and shall contain a minimum of one tree (Diagram

22) that are not shrubs, with a minimum base caliper of 50 millimetres; and (RCCC-Jan 24/24;E-Feb 9/24)

(c) each raised landscaped area's ground area shall include soft landscaping.

Diagram 22: Raised landscaped areas within accessory parking lots, per Subsection 417(2)

Soft Landscaping on Flat Roofs

418 (1) Except as provided in Subsections 418(2) to 418(4), soft landscaping shall be required on any main building with a flat roof or a flat-roofed addition within a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, on no less than 40% of the combined portions of the roof that are flat. (RCCC-Jan 24/24;E-Feb 9/24)

(2) Portions of a flat roof covered by the following equipment or infrastructure shall not be counted towards the required amount of soft landscaping under Subsection 418(1):

(a) mechanical equipment;

(b) solar collection equipment;

(c) stormwater infrastructure;

(d) rooftop greenhouses; or

(e) helipads on a hospital rooftop.

(3) The soft landscaping on flat roofs, as per the requirements of Subsection 418(1), shall only apply to the areas of the roof that meet the following minimum requirements:

(a) 10.0 contiguous square metres; and

(b) one linear dimension exceeding 2.0 metres.

(4) The soft landscaping required under Subsection 418(1) shall not apply to a flat- roofed addition of less than 50.0 contiguous square metres in area. (RCCC-Jan 24/24;E-Feb 9/24)

(5) Soft landscaping on rooftops does not need to be accessible to a building's occupants, unless it is being provided to meet the requirements of Section 67.

(6) *Repealed* (RCCC-Jan 24/24;E-Feb 9/24)

Landscaping Treatment for the Roof Slabs of Underground Parking Structures

419 (1) In any zone, the roof slab of an underground parking structure, which protrudes above grade, shall be treated with soft landscaping or hard landscaping on any above grade portion that is exposed.

(2) *Repealed* (RC- May23/24;E-Jun 13/24)

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

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

420 **(1)** In any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, INS, UC-2, or UC-1 zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, or accessory structures shall be landscaped.

(2) In any DD, DH, CEN-2, CEN-1, or COR zone, front or flanking yards along any pedestrian-oriented commercial street, as shown on Schedule 7, shall contain hard landscaping for 100% of the front or flanking yard, by using a minimum of one of the following materials:

(a) concrete;

(b) decorative concrete;

(c) bricks; or

(d) pavers.

(3) In addition to the materials that are required in Subsection 420(2), the following additional hard landscaping materials may also be permitted within front or flanking yards along any pedestrian-oriented commercial street, as shown on Schedule 7:

(a) planters;

(b) trees in planters; or

(c) trees in soil cells.

(4) Excluding any hard landscaping required in Subsection 420(2), no less than 50% of the remaining required landscaping on a lot shall be soft landscaping.

(5) Excluding balconies, at-grade outdoor amenity space that contains soft landscaping may be counted towards the requirement in Subsection 420(4).

(6) In any DD, DH, CEN-2, CEN-1, or COR zone, fences are prohibited within the required front or flanking setbacks, excluding:

(a) low-density dwelling uses;

(b) accessory parking lots;

(c) grade-related dwelling units; and

(d) registered heritage properties.

(7) If subsection 113(6), 134(7), or 160(7) applies, all of the following requirements shall apply:

(a) if a building or a portion of a building is exceeding the maximum setback, as shown on Schedule 19, the area between the lot line and the façade shall be landscaped;

(b) if the required landscaped area in Clause 420(7)(a) is at least 3.0 metres by 5.0 metres, the area shall provide all of the following:

(i) barrier-free access and permanent seating,

(ii) at least one of the following materials for groundcover:

(A) vegetation,

(B) brick pavers, stone pavers, or concrete pavers, or

(C) wood excluding composites,

(iii) pedestrian access by having at least one contiguous connection of not less than 2.0 metres wide to the public sidewalk, and

(iv) weather protection under Clause 356(2)(b);

(c) if the required landscaped area in Clause 420(7)(a) has a contiguous area of at least 180.0 square metres, with an average depth exceeding 2.5 metres, the area shall provide at least three of the following:

(i) an additional deciduous tree that is not a shrub or the retention of an existing tree that is not a shrub with a minimum base caliper of 100 millimetres;

(ii) a permanent table and chair;

(iii) a public art piece, cultural artifact, or commemorative monument;

(iv) a structure such as a gazebo or pergola;

(v) a planter or planting bed.

(RC- May23/24;E-Jun 13/24)

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

421 (1) In any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, or accessory structures shall be hard landscaped or soft landscaped.

(2) In any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, a minimum of one new tree that is not a shrub, with a minimum base caliper of 50 millimetres, shall be required for any new main building.

(3) An existing tree that is not a shrub, which meets the minimum base caliper of 50 millimetres, can be counted towards the new tree required in Subsection 421(2).

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

422 In any CLI, LI, or HRI zone, except for a dealership use or where a driveway or walkway access is provided, a 3.0- metre wide strip of soft landscaping shall be required along any front or flanking lot line and shall contain:

(a) one shrub no less than 1.0-metre in height for every 2.0 linear metres of length; and

(b) one tree that is not a shrub, with a minimum base caliper of 50 millimetres, for every 15.0 linear metres of length.

Part XII, Chapter 3: Screening Requirements

Screening for Daycare Uses

423 In any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, outdoor recreational spaces or play areas associated with a daycare use shall be required to be screened from any residential use on an abutting lot, along the portions of the lot line that runs adjacent to the outdoor recreational spaces or play areas, with a minimum of one of the following:

(a) a continuous coniferous hedge no less than 1.8 metres in height;

(b) an opaque fence no less than 1.8 metres in height; or

(c) a masonry wall no less than 1.8 metres in height.

Screening for Solid Waste Management Areas

424 For a three-unit dwelling use, four-unit dwelling use or multi-unit dwelling use, any outdoor solid waste management area shall be fully enclosed by an opaque fence or a masonry wall that is no less than 1.8 metres in height for a multi-unit dwelling use, and no less than 1.2 metres in height for a three-unit dwelling use and four-unit dwelling use (Diagram 23). (RC- May23/24;E-Jun 13/24)

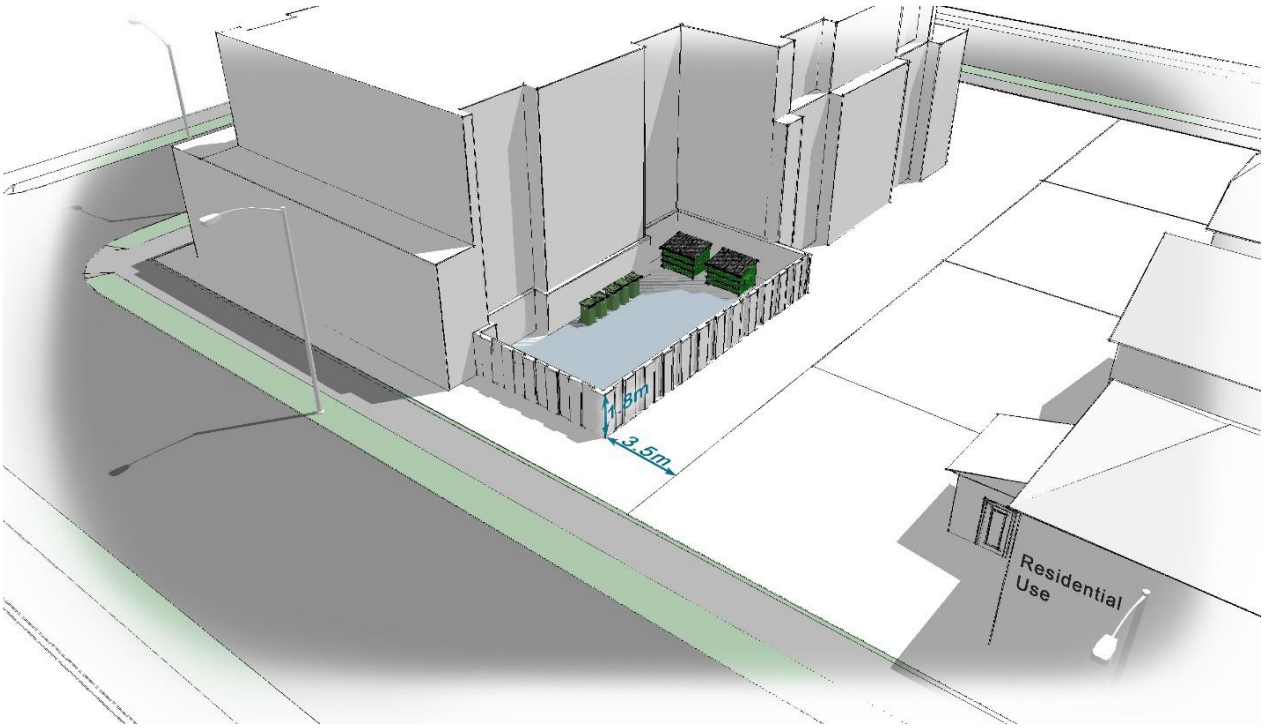


Diagram 23: Screening requirements for solid waste management areas, per Section 48 and 424

Screening for Accessory Parking Lots or Off-Street Loading Spaces

425 (1) Subject to Subsection 425(2), in addition to the soft landscaping requirements for accessory parking lots contained within Section 417, along the edge of any accessory parking lot or off-street loading space that is located within a yard that abuts any HR-2, HR-1, ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, a minimum of one of the following shall be required:

(a) a continuous coniferous hedge no less than 1.8 metres in height;

(b) an opaque fence no less than 1.8 metres in height; or

(c) a masonry wall no less than 1.8 metres in height.

(2) The screening requirement under Subsection 425(1), shall not apply to any portion of the lot that

(a) is required to have an L2 landscaped buffer under Section 427; or

(b) provides an access to an abutting lot. (RCCC-Jan 24/24;E-Feb 9/24)

Part XII, Chapter 4: Landscaped Buffers

Development Exempted from Landscaped Buffers

426 The requirements of Sections 427, 428, and 429 shall not apply to:

(a) any development exempted from requiring a development permit in Section 9;

(b) a change of use or tenancy in a structure;

(c) accessory structures located in a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, or UC-1 zone;

(d) an addition to any main building less than 200.0 square metres in floor area;

(e) low-density dwelling uses;

(f) renovations; or (RCCC-Jan 24/24;E-Feb 9/24)

(g) *Repealed* (RCCC-Jan 24/24;E-Feb 9/24)

(h) temporary construction uses.

General Landscaped Buffer Requirements

427 **(1)** A landscaped buffer, where required in Table 14, shall be provided where a development abuts a different zone. The required landscaped buffer shall be either “L1” or “L2”, as shown in Table 14.

(2) Any required landscaped buffer shall be provided along each lot line that separates the development from the different zone.

(3) Any required landscaped buffer shall have a minimum width of 2.5 metres.

Table 14: Landscaped buffer requirement

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

(4) No structures or parking areas are permitted within any required landscaped buffer, except for:

(a) masonry walls or opaque fences required in Sections 425 or 429; or

(b) subject to Subsection 427(5), underground parking structures that do not protrude more than 0.6 metre above the average finished grade within any side or rear yard.

(5) If an underground parking structure extends into the required landscaped buffer, as permitted in Clause 427(4)(b), then the applicable landscape buffer shall apply to the surface of the underground parking structure.

L1 General Landscaped Buffer

428 **(1)** Any required L1 landscaped buffer shall contain either:

(a) one shrub no less than 1.0 metre in height for every 2.0 linear metres of buffer; or

(b) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres of buffer.

(2) Trees or shrubs required in Clauses 428(1)(a) and 428(1)(b) may be grouped.

(3) The remainder of a required L1 landscaped buffer shall contain soft landscaping.

L2 Screen Landscaped Buffer

429 **(1)** Any required L2 landscaped buffer shall contain:

(a) subject to Subsection 429(2), a continuous coniferous hedge no less than 1.0 metre in height; and

(b) a minimum of one tree with a base caliper that is no less than 50 millimetres for every 4.5 linear metres of buffer.

(2) Where an L2 landscaped buffer abuts an ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone, an opaque fence, masonry wall, or coniferous hedge no less than 1.8 metres in height shall be required along the lot line abutting the ER-3, ER-2, ER-1, CH-2, CH-1, PCF, or RPK zone.

(3) Trees in a required L2 landscaped buffer may be grouped.

(4) The remainder of a required L2 landscaped buffer shall contain soft landscaping.

Part XII, Chapter 5: Landscape Plan Requirements

Requirement to Submit a Landscape Plan

430 **(1)** When required under Section 10, a development permit application shall include a landscape plan stamped and signed by a landscape architect, certifying that the plan meets the minimum requirements of this By-law.

(2) The landscape plan shall depict the design of all hard landscaping or soft landscaping required for the development, and where applicable shall indicate:

(a) the current and proposed site topography, including the location of any significant gradients;

(b) the footprints of all existing and proposed buildings, including underground parking structures;

(c) the planting areas and details for all new vegetation and groundcover, including location, quantity, size, and both the common and botanical names that identify the species and variety;

(d) the location and identification of existing vegetation that will be used to meet the requirements of Section 414;

(e) the soft landscaping on any flat roof, as per the requirements of Section 418;

(f) the soft landscaping on the roof slab of any underground parking structure, as per the requirements of Section 419;

(g) the protection measures, such as hoardings, for any existing soft landscaping that is to be maintained;

(h) the construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;

(i) the manufacturers' specifications, such as model and colour, for all seating, light standards and fixtures, waste receptacles, bicycle parking racks, roofed bicycle cages, enclosed bicycle lockers, tree grates or guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management area enclosures, railings, and fencing; and

(j) any other information that the Development Officer requires to determine if the development complies with this By-law.

(3) All soft landscaping specified on a landscape plan shall comply with the latest edition of the *Canadian Landscape Standard*.

Part XIII: Parking and Off-Street Loading

Part XIII, Chapter 1: Motor Vehicle Parking

General Motor Vehicle Parking Requirements

431 **(1)** All accessory parking lots and parking spaces shall be located on the same lot as the main use.

(2) A change of use in an existing structure shall not require any additional parking, and parking that is already provided shall remain.

(3) Subsections 431(4) and 431(5) do not apply to parking spaces or accessory parking lots associated with any:

(a) low-density dwelling use;

(b) cluster housing use;

(c) *Repealed* (RC- May23/24;E-Jun 13/24)

(d) backyard suite use;

(e) small shared housing use;

(f) mobile home use;

(g) short-term bedroom rental (RC-Feb 21/23;E-Sep 1/23) use; or

(h) home occupation use.

(4) All accessory parking lots shall be required to be:

(a) surfaced with a hard material such as asphalt, concrete, or permeable pavers; and

(b) delineated by concrete curbs, with all motor vehicle parking spaces and driving aisles clearly delineated.

(5) Subject to Subsection 454(6), the parking or storage of motor vehicles is prohibited in any driveway or driving aisle associated with an accessory parking lot.

Parking Space and Driving Aisle Dimensions

432 (1) Subject to Section 440, for any accessory parking lot, parking structure, or parking internal to a building:

(a) subject to Clause 432(1)(b), any required motor vehicle parking space shall be a minimum of 2.4 metres in width and 5.5 metres in length (Diagram 24); and

(b) in the case of parking parallel to an internal driveway, any required motor vehicle parking space shall be a minimum of 6.1 metres in length (Diagram 24).

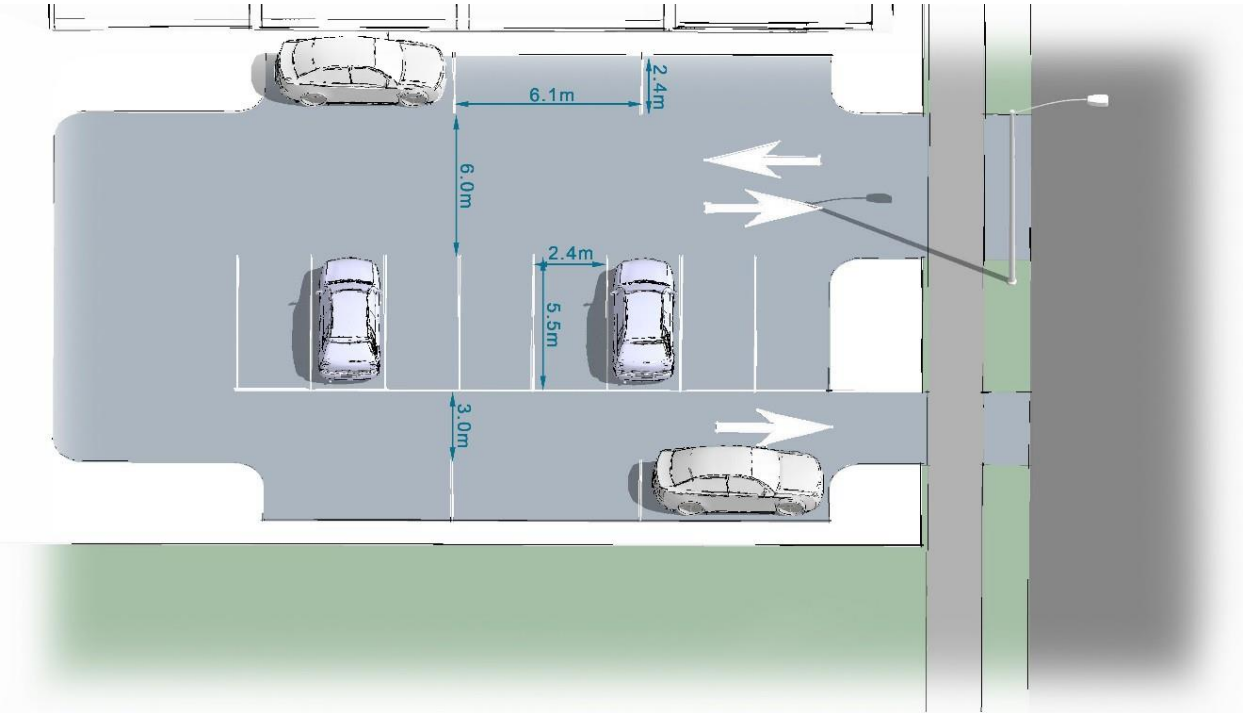


Diagram 24: Motor vehicle parking space and driving aisle dimensions, per Section 432

(2) Subject to Section 440, driving aisles between rows of motor vehicle parking spaces in an accessory parking lot, in a parking structure, or for parking internal to a building shall be required to be 6.0 metres in width for two-way traffic, and 3.0 metres in width for one-way traffic (Diagram 24).

Minimum or Maximum Number of Motor Vehicle Parking Spaces

433 (1) Subject to Subsection 433(5), Table 15 sets out the minimum number of motor vehicle parking spaces required or the maximum number of motor vehicle parking spaces permitted by zone for each listed use. Where a use is not listed in Table 15, no minimum or maximum parking requirement applies.

(2) If there is more than one use requiring motor vehicle parking, as listed in Table 15, then the amount of motor vehicle parking required on-site shall be the cumulative total of what is required for each use.

(3) Where bicycle parking spaces are required in Section 449, two additional bicycle parking spaces of any type may be provided in substitution for one required motor vehicle parking space, to a maximum of 25% of required motor vehicle parking spaces.

(4) In addition to the substitution permitted in Subsection 433(3), one enhanced bicycle parking space may be substituted for a maximum of one required motor vehicle parking space.

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

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

Design Requirements	DD, DH, CEN-2, CEN-1, CDD-2, CDD-1	COR	HR-2, HR-1	ER-3, ER-2, ER-1	CH2, CH1	CLI, LI, HRI	INS, UC-2, UC-1	PCF, RPK
Any other residential use not listed within this table	Not required	Not required	Not required	Not required	Not required	Not applicable	Not required	Not applicable
Home office use	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required
Home occupation use	Maximum 1 space	Maximum 1 space	Maximum 1 space	Maximum 1 space	Maximum 1 space	Not applicable	Not applicable	Not applicable
Work-live unit use	Not required	Not required	Maximum 2 spaces for each work-live unit	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Restaurant use; Drinking establishment use; Local drinking establishment use	Not required	Not required	Maximum 1 space for every 35 sq. m of floor area	Not applicable	Not applicable	Maximum 1 space for every 35 sq. m of floor area	Not required	Not required
Fitness centre use	Not required	Not required	Minimum 1 space for every 25 sq. m of floor area	Not required	Not required	Minimum 1 space for every 25 sq. m of floor area	Not required	Not required
Hotel use, Short-term Bedroom Rental Use	Not required	Not required	Not applicable	Not applicable	Not applicable	Not required	Not applicable	Not applicable
Local commercial uses	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required
Self-storage facility use (RCCC-Sep 4/24;E-Apr 17/25)	Minimum 4 spaces	Minimum 4 spaces	Minimum 4 spaces	Not applicable	Not applicable	Minimum 4 spaces	Not applicable	Not applicable
Office use; Financial institution use	Not required	Maximum 1 space for every 150 sq. m of	Maximum 1 space for every 75 sq. m of	Not applicable	Not applicable	Maximum 1 space for every 75 sq. m of	Maximum 1 space for every 75 sq. m of	Not applicable

Design Requirements	DD, DH, CEN-2, CEN-1, CDD-2, CDD-1	COR	HR-2, HR-1	ER-3, ER-2, ER-1	CH2, CH1	CLI, LI, HRI	INS, UC-2, UC-1	PCF, RPK
		floor area	floor area			floor area	floor area	
Any other commercial use not listed within this table	Not required	Not required	Minimum 1 space for every 35 sq. m of floor area	Not applicable	Not applicable	Minimum 1 space for every 35 sq. m of floor area	Not applicable	Not applicable
Minor spectator venue use; Cultural use	Not required	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less	Not applicable	Not applicable	Minimum 1 space for every 10 permanent seats or 1 space for every 100 sq. m of floor area, whichever is less	Not required	Not required
Community services use (RCCC-Dec10/25;EDec31/25)	**Not required**	**Not required**	**Not required**	**Not applicable**	**Not applicable**	**Not applicable**	**Not required**	**Not applicable**
Medical clinic use; Religious institution use	Not required	Not required	Minimum 1 space for every 300 sq. m of floor area	Not applicable	Not applicable	Minimum 1 space for every 300 sq. m of floor area	Minimum 1 space for every 300 sq. m of floor area	Not applicable
School use	Not required	Minimum 1 space for every classroom	Minimum 1 space for every classroom	Not applicable	Not applicable	Not applicable	Minimum 1 space for every classroom	Minimum 1 space for every classroom
Major spectator venue use	Not required	Not applicable	Not applicable	Not applicable	Not applicable	Not required	Not required	Not required

Design Requirements	DD, DH, CEN-2, CEN-1, CDD-2, CDD-1	COR	HR-2, HR-1	ER-3, ER-2, ER-1	CH2, CH1	CLI, LI, HRI	INS, UC-2, UC-1	PCF, RPK
University or college use	Not required	Not required	Not required	Not applicable	Not applicable	Not required	Not required	Not applicable
Industrial use	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Minimum 4 spaces	Not applicable	Not applicable
Community recreation use	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required
Club recreation use	Not required	Minimum 1 space for every 400 sq. m lot area	Minimum 1 space for every 400 sq. m lot area	Not applicable	Not applicable	Minimum 1 space for every 400 sq. m lot area	Minimum 1 space for every 400 sq. m lot area	Not required

(RC-Feb 21/23;E-Sep 1/23) (RC- May23/24;E-Jun 13/24)

Rounding Regulation

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

Parking Within a Front or Flanking Yard

435 **(1)** Subject to Section 436, for a low-density dwelling use excluding a townhouse dwelling use in the ER-3 zone, a maximum of 30% of the lot may be used for the parking and maneuvering of motor vehicles, of which a maximum of 40% of the front or flanking yard may be used for the parking and maneuvering of motor vehicles.

(2) In the ER-3 zone, for a townhouse dwelling use or multi-unit dwelling use, parking in a front yard is not permitted.

(3) If a low-density dwelling use in the ER-3 zone is changed to a townhouse use or multi-unit dwelling use, an additional parking space in a front yard is not permitted.

(RC- May23/24;E-Jun 13/24)

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

436 For a two-unit dwelling use, a three-unit dwelling use, a four-unit dwelling use, or a multi-unit dwelling use that contains up to 5 units within the Young Avenue Sub-Area A (YA-A), as shown on Schedule 3C, the following additional motor vehicle parking requirements shall apply to any exterior parking: (RC- May23/24;E-Jun 13/24)

(a) be located within a rear yard; and

(b) not exceed 5 spaces.

Commercial Vehicles

437 (1) Subject to Subsection 437(2), any commercial vehicle that exceeds a weight of 3,000 kilograms of gross vehicle weight, shall be prohibited in any ER-3, ER-2, ER- 1, CH-2, or CH-1 zone.

(2) A commercial vehicle described in Subsection 437(1) is permitted to park in any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, if:

(a) the vehicle is parked on the lot during the period of construction; and

(b) the vehicle is necessary for the purposes of construction.

Motor Vehicle Sharing Spaces

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

Parking Structures

439 (1) All parking spaces associated with a parking structure use shall be required to be located inside the parking structure or on the roof of the parking structure.

(2) Rooftop parking on a parking structure shall not be visible from any streetline.

(3) Where any portion of a parking structure roof is not used for parking, it shall be landscaped if required in Sections 418 or 419.

(4) All parking structures shall meet the requirements of Part V.

Automated Vehicle Parking System

440 (1) Motor vehicle parking space and driving aisle dimension requirements do not apply where an automated vehicle parking system is used.

(2) An automated vehicle parking system shall be required to be located internal to a building or in a parking structure.

Parking Lots

441 Parking lots are prohibited in all zones, except for accessory parking lots which meet the requirements of Sections 442, 443, or 444.

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

442 (1) Accessory parking lots are permitted in any DD, CEN-2, CEN-1, or COR zone.

(2) The required number of parking spaces within accessory parking lots in any DD, CEN-2, CEN-1, or COR zone shall not exceed:

(a) for a property containing a transportation facility use: unlimited;

(b) for a property containing a grocery store use: 80; or

(c) for any other property:

(i) 200 square metres in lot area or less: 5,

(ii) greater than 200 square metres in lot area and less than 6,300 square metres in lot area: 5 plus one additional space for every 350 square metres of lot area, or

(iii) 6,300 square metres in lot area or more: 20.

(3) Accessory parking lots in any DD, CEN-2, or CEN-1 zone shall not be located within any front or flanking yard, and shall not be located within the first 33% of the lot depth or lot width abutting any streetline (Diagram 25), unless located in an internal courtyard.

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

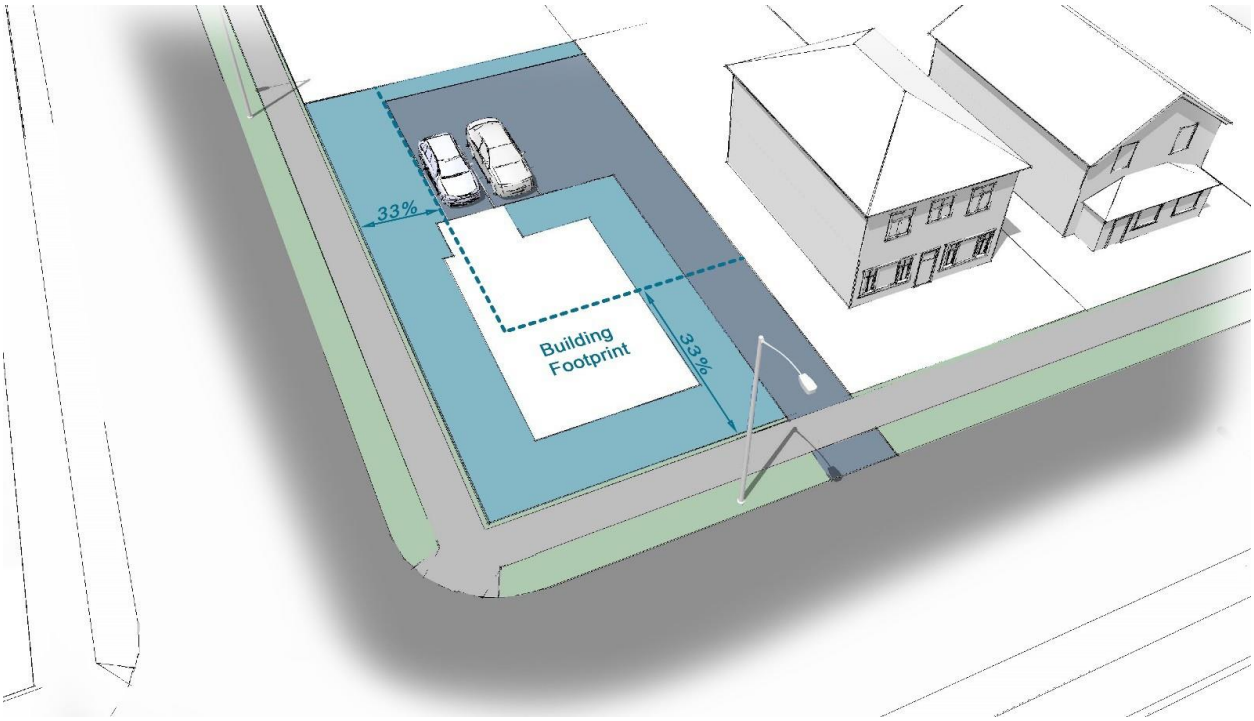


Diagram 25: Permitted location for an accessory parking lot in any DD, CEN-2, or CEN-1 zone, per Subsection 442(3)

Accessory Parking Lots: DH Zone

443 **(1)** Except for areas shown on Schedule 49, accessory parking lots are permitted in the DH zone.

(2) Accessory parking lots in the DH zone shall not exceed 20 parking spaces.

(3) Accessory parking lots in the DH zone shall not be located within any front or flanking yard, and shall not be located within the first 50% of the lot depth or lot width abutting any streetline, unless located in an internal courtyard.

Accessory Parking Lots: All Other Zones

444 **(1)** Accessory parking lots are permitted in any HR-2, HR-1, INS, or CDD-2 zone, but only in the side yards, rear yards, and internal courtyards.

(2) Accessory parking lots are permitted in a CH-2 or CH-1 zone and shall meet the following requirements:

(a) be located within any yard;

(b) not exceed groupings of 5 motor vehicle parking spaces; and

(c) each grouping of motor vehicle parking spaces shall be separated by soft landscaping.

(3) Accessory parking lots are permitted in any UC-1, DND, H, PCF, or RPK zone, but shall not be located in any minimum required front or flanking setback, as specified on Schedule 18.

(4) Subject to Clauses 249(1)(a), 250(1)(a), 301(1)(a), and 302(1)(a), accessory parking lots are permitted in any CLI, LI, or HRI zone, within any yard excluding any required setback distances that apply to any main building.

(5) Accessory parking lots in a UC-2 zone shall not be located within the lesser of:

(a) the first 33% of the lot depth or lot width abutting any streetline (Diagram 25); or

(b) 30.0 metres from a streetline.

Pedestrian Walks Through Accessory Parking Lots

445 **(1)** A minimum of one pedestrian walk through an accessory parking lot shall be required, and shall provide a direct route between parking areas, building entrances, and the nearest streetline.

(2) Pedestrian walks within accessory parking lots shall be required to be no less than 1.8 metres wide.

(3) Pedestrian walks within accessory parking lots shall be delineated by an accessible raised surface, that is no less than 0.15 metre in height, and consisting of:

(a) poured concrete;

(b) brick pavers;

(c) stone pavers; or

(d) concrete pavers.

(4) Where a pedestrian walk crosses a driving aisle in an accessory parking lot, the surface of the pedestrian walk shall be delineated with a change of colour or material from the driving aisle. (RCCC-Oct 26/22;E-Nov 11/22)

Part XIII, Chapter 2: Bicycle Parking

Bicycle Parking Exemptions for Specific Uses

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

(a) low-density dwelling use;

(b) cluster housing use;

(c) *Repealed* (RC- May23/24;E-Jun 13/24)

(d) backyard suite use;

(e) daycare use in any ER-3, ER-2, ER-1, CH-2, or CH-1 zone;

(f) short-term bedroom rental use (RC-Feb 21/23;E-Sep 1/23);

(g) home occupation use;

(h) home office use;

(i) small shared housing use;

(j) work-live unit use;

(k) car wash use;

(l) self-storage facility use;

(m) urban agriculture use;

(n) cemetery use; or

(o) accessory structure or accessory use.

Bicycle Parking Exemptions for a Change of Use

447 A change of use in a structure shall not:

(a) require bicycle parking beyond what is already provided on-site; and

(b) reduce any existing bicycle parking that is provided on-site.

General Bicycle Parking Requirements

448 **(1)** Direct access to all bicycle parking spaces shall be required from a streetline.

(2) All bicycle parking spaces shall be required to be illuminated.

(3) All bicycle parking racks shall require two points of contact between each bicycle and rack.

Required Number of Bicycle Parking Spaces

449 **(1)** Table 16 sets out the bicycle parking space requirements that shall apply for each use listed.

(2) If there is more than one use requiring bicycle parking, as listed in Table 16, then the amount of bicycle parking required on-site shall be the cumulative total of what is required for each use.

Table 16: Required number of bicycle parking spaces

Use	General requirement	Required percentage of Class A or Class B bicycle parking	Minimum requirement for Class B bicycle parking	Maximum requirement
Multi-unit dwelling use	1 space for every 2 units	80% Class A 20% Class B	4 spaces	Not Applicable
Large shared housing use	1 space for every 20 bedrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Hotel use	1 space for every 20 guestrooms	80% Class A 20% Class B	2 spaces	Not Applicable
Retail use; Local commercial use;Personal service use; Grocery store use; Restaurant use	1 space for every 300 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Financial institution use; Office use; Hospital use; Medical clinic use; Religious institution use	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable
Cultural use; Minor spectator venue use; Major spectator venue use	1 space for every 20 permanent seats or 1 space for every 250 sq.m of floor area, whichever is less	20% Class A 80% Class B	2 spaces	50 spaces
School use; University or college use	1 space for every 150 sq. m of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Club recreation use; Community recreationuse (indoor facilities)	10 spaces if less than 500 sq. m of floor area;20 spaces for larger facilities	20% Class A 80% Class B	Not Applicable	Not Applicable
Community recreationuse (outdoor facilities)	1 space for every 1,250 sq. m lot area	100% Class B	2 spaces	50 spaces
Parking structure use	1 space for every 20 motor vehicle parking spaces	100% Class B	2 spaces	50 spaces
Any other use not specified in this Table or not exempted from bicycle parking requirements in Sections 446 and 447	1 space for every 500 sq. m of floor area	50% Class A 50% Class B	2 spaces	Not Applicable

Rounding Regulation

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

Class A Bicycle Parking Requirements

451 **(1)** Required Class A bicycle parking racks shall be located:

(a) within a room that is dedicated to the storage of bicycles;

(b) within a roofed bicycle cage outside of a building;

(c) within an enclosed bicycle locker outside of a building;

(d) within a covered parking structure area reserved for bicycles; or

(e) within a resident storage unit located in an indoor parking area that is associated with a multi-unit dwelling use.

(2) Any bicycle room, roofed bicycle cage, enclosed bicycle locker, or covered parking structure area reserved for bicycles shall be secured against unauthorized entry.

(3) Required Class A bicycle parking racks shall be one or more of the following types:

(a) inverted-U that is a minimum of 0.90 metre in height;

(b) post-and-ring that is a minimum of 0.90 metre in height;

(c) vertical racks that are wall-mounted, not exceeding 50% of the total number of required Class A bicycle parking spaces; or

(d) two-tier racks with a lift-assist.

(4) All bicycle parking racks and bicycle lockers shall be required to be secured to the ground, floor, or wall.

(5) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.

(6) All indoor Class A bicycle parking spaces shall be required to be:

(a) located on a ground floor; or

(b) located within one storey of a ground floor and be:

(i) accessible from a ground floor with ramps, which are protected from motor vehicle traffic, or

(ii) accessible from a ground floor by elevator.

(7) The distance from any Class A bicycle parking space to the nearest building entrance shall not exceed 200 metres.

Class B Bicycle Parking Requirements

452 (1) Subject to Subsection 452(6), Class B bicycle parking spaces shall be located outside of a building in a location that is visible and accessible from the street.

(2) Required Class B bicycle parking racks shall be a minimum height of 0.90 metre and be one or more of the following types:

(a) inverted-U; or

(b) post-and-ring.

(3) All bicycle parking racks and bicycle lockers shall be required to be secured to the ground, floor, or wall.

(4) All outdoor bicycle parking spaces shall be required to be surfaced with a hard material such as asphalt, concrete, or permeable pavers.

(5) The required distance from any Class B bicycle parking space to the nearest visitor-accessible building entrance shall not exceed:

(a) 15.0 metres for unsheltered bicycle parking; or

(b) 30.0 metres for sheltered bicycle parking.

(6) If the location of the main building prohibits the requirements of this Section from being satisfied, then:

(a) the owner may request an encroachment license from the Municipality to install the required Class B bicycle parking spaces in the adjacent public right-of-way. If the

Municipality has granted an encroachment license allowing Class B bicycle parking spaces to be located in the street, then any Class B bicycle parking space provided in accordance with that license may be counted towards any required Class B bicycle parking; or

(b) the amount of Class B bicycle parking required can be located inside the main building within 30.0 metres of the nearest visitor-accessible building entrance.

Minimum Bicycle Parking Geometric Requirements

453 (1) Bicycle parking racks are prohibited within 2.5 metres of any main building entrance (Diagram 26).

(2) Bicycle parking racks shall be required to be spaced:

(a) in the direction of a bicycle's width (Diagram 26), (RCCC-Jan 24/24;E-Feb 9/24)

(i) at least 0.45 metres apart for a vertical rack or two-tier rack with a lift assist, or

(ii) at least 0.9 metres apart for other types of rack; and (RCCC-Jan 24/24;E-Feb 9/24)

(b) in the direction of a bicycle's length (Diagram 26), centered at least 1.8 metres apart. (RCCC-Jan 24/24;E-Feb 9/24)

(3) A 1.5-metre wide clear aisle shall be provided between rows of any required bicycle parking racks (Diagram 26).

(4) Excluding wall-mounted racks and two-tier racks with a lift assist, a space of 0.6 metre shall be required to be provided between bicycle parking spaces and any obstruction, on all sides (Diagram 26). (RCCC-Jan 24/24;E-Feb 9/24)

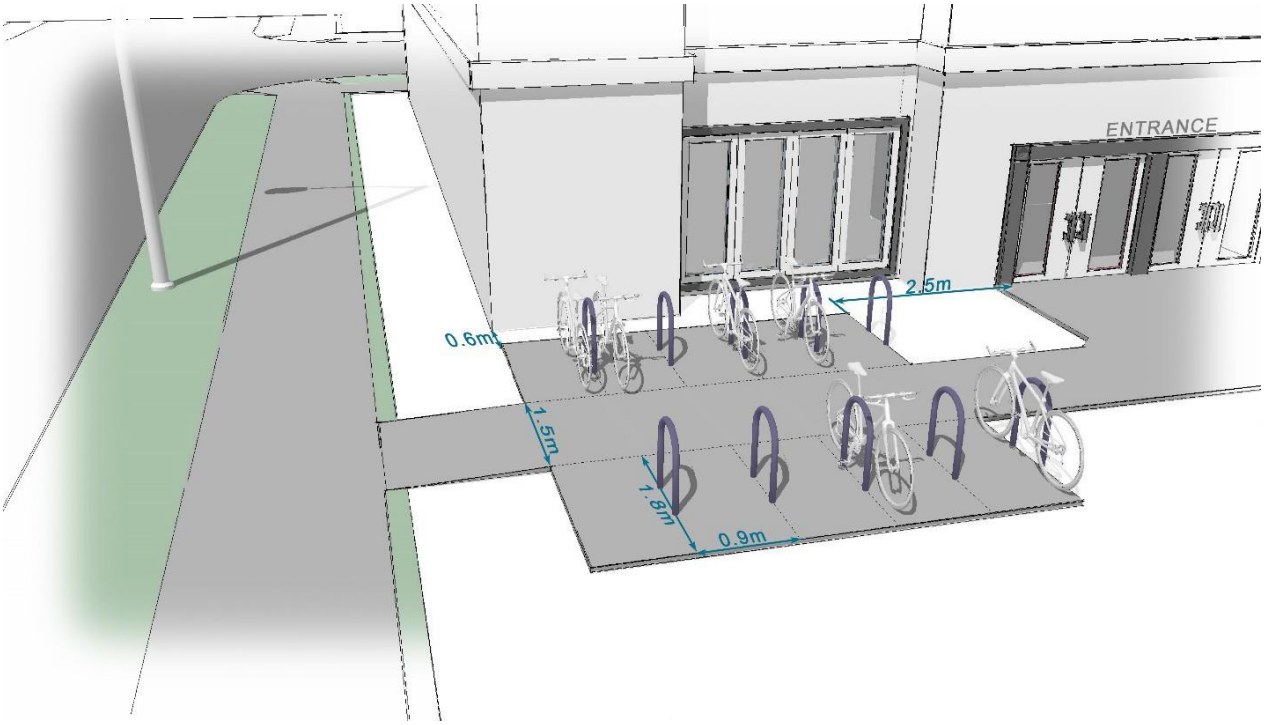


Diagram 26: Bicycle parking requirements, per Section 453

Part XIII, Chapter 3: Off-Street Loading

Off-Street Loading Space

454 (1) Subject to Subsection 454(2), in any DD, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, LI, HRI, and INS zone, in addition to any required motor vehicle parking spaces, off- street loading shall be required, as set out in Table 17, for the following uses:

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

Use	Minimum required number and type of loading spaces
Multi-unit dwelling use – 40 units to 299 units	1 Type A
Multi-unit dwelling use – 300 units or more	2 Type A
Any commercial use – 500 square metres to 2,000 square metres of floor area	1 Type A
Any commercial use – greater than 2,000 square metres to 5,000 square metres of floor area	2 Type A
Any commercial use – greater than 5,000 square metres in floor area	2 Type A and 1 Type B
Minor spectator venue use	1 Type A
Major spectator venue use	1 Type A and 1 Type B

(2) Off-street loading spaces shall not be required:

(a) within heritage conservation districts, as shown on Schedule 22;

(b) on a registered heritage property;

(c) for a change of use within an existing structure; or

(d) for an addition that is less than 500 square metres of floor area.

(3) Any required off-street loading space shall be located on the same lot as the use it is intended to serve.

(4) Any required off-street loading space shall be surfaced with a hard material such as asphalt, concrete, and permeable pavers, and delineated by concrete curbs or painted lines.

(5) Subject to Subsection 454(6), any required off-street loading space shall be located:

(a) internal to a building;

(b) in a parking structure; or

(c) in any area of a lot where an accessory parking lot is permitted in Sections 442, 443, and 444.

(6) For a multi-unit dwelling use that contains 120 units or less, an off-street loading space may be located within a driving aisle, providing there is unobstructed access within the driving aisle of 3.0 metres to enable vehicles to maneuver around the loading space.

(7) The driving access to an off-street loading space shall meet the width and height requirements of Sections 455 or 456.

(8) The screening requirements for required off-street loading spaces are provided in Section 425.

(9) An off-street loading space shall not be used for motor vehicle parking.

Type A Off-Street Loading Space

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

(a) 3.0 metres in width;

(b) 6.0 metres in length; and

(c) 3.0 metres in height clearance.

Type B Off-Street Loading Space

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

(a) 3.5 metres in width;

(b) 17.0 metres in length; and

(c) 4.3 metres in height clearance.

Part XIV: Signs

Part XIV, Chapter 1: General Signage Requirements

Temporary Sign By-law

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

Sign Permit Exemptions

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

(a) signs giving the name of a building or its civic address;

(b) signs regulating activities that are not related to traffic, such as “No Trespassing” or “Beware of Dog” signs, if the sign does not exceed 0.2 square metre in area;

(c) signs that pertain to the sale, rental, or lease of real property on a lot where the signs are displayed, if they:

(i) are non-illuminated,

(ii) do not exceed 2.0 square metres in area,

(iii) are removed within 14 days following the sale, rental, or lease, and

(iv) are limited in number to a maximum of one sign for every streetline;

(d) signs regulating traffic on a lot, including directional signage, if the sign does not exceed 0.5 square metre in area;

(e) signs erected by any government;

(f) notification signs required under municipal by-laws;

(g) signs interior to a structure;

(h) commemorative signs;

(i) signs identifying motor vehicle sharing spaces;

(j) signs that are incidental to a construction in progress, if the signs:

(i) are non-illuminated,

(ii) are located on the same lot as the construction in progress,

(iii) do not exceed 5.0 square metres in area, and

(iv) are removed within 14 days following the conclusion of construction;

(k) one internally illuminated menu-box sign per restaurant use, if the sign:

(i) is located within 2.0 metres of the pedestrian entrance for the restaurant use,

(ii) does not exceed 0.4 square metre in area, as measured from the outside of the box, and

(iii) does not project more than 0.1 metre from the wall on which it is affixed;

(l) signage related to a drive-through;

(m) subject to Sections 468, 469, and 470, in any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, signs for any of the following uses:

(i) home occupation use,

(ii) short-term bedroom rental use (RC-Feb 21/23;E-Sep 1/23),

(iii) daycare use,

(iv) sale of urban agricultural products as an accessory use, and

(v) urban farm use;

(n) the replacement of a sign face where there is no alteration of the structure holding the sign;

(o) neighbourhood signs; and

(p) window and door signs.

Prohibited Signs

459 (1) The following types of signs are prohibited in all zones:

(a) signs that create a hazard to public safety;

(b) in the opinion of the traffic authority, signs that:

(i) are a source of danger to traffic on the street, or that obstruct or interfere with the vision of road users because of their location, appearance, or illumination,

(ii) obscure or interfere with any traffic control sign or device, or

(iii) resemble the traffic control signs of any public authority, in shape, colour, message, symbol, or location;

(c) signs that obscure or interfere with any warning or instructional sign;

(d) signs that obstruct or interfere with any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;

(e) signs that obstruct access to any emergency related equipment or infrastructure, such as fire hydrants and firefighting hose connections;

(f) signs located on fences or retaining walls;

(g) excluding signs on a registered heritage property, signs that advertise a product or service that is no longer available on the premises, or a business that is no longer in operation;

(h) signs located on the roof of any structure;

(i) signs that project above a roof edge or a streetwall stepback, or extend beyond the edges of any wall to which they are affixed;

(j) excluding any property located in an ER-3, ER-2, ER-1, CH-2, or CH-1 zone, signs affixed to or painted on natural objects such as trees or boulders;

(k) excluding neon gas tubing and variable message signs, signs that use fluorescent colours;

(l) internally-illuminated fascia signs, except for:

- **(i)** neon gas tubing,
- **(ii)** open or exposed neon gas tubing channel letters and characters,
- **(iii)** front-lit, individually raised profile letters and characters with LED illumination,
- **(iv)** front-lit, standard channel letters and characters with LED illumination, or
- **(v)** reverse channel (halo-lit) letters and characters with either neon gas tubing or LED illumination;

(m) internally-illuminated awning signs;

(n) signs that incorporate a strobe light or flashing light; and

(o) signs that interfere with any utility, conduit, or line used for water, sewage, gas, electricity, or communication.

(2) In addition to the types of signs prohibited in Subsection 459(1), the following types of signs are prohibited for use on registered heritage properties or on properties within heritage conservation districts:

(a) variable message signs;

(b) digital or LED display signage; or

(c) front-lit, standard channel letters and characters with LED illumination.

Variable Message Signs

460 Variable message signs shall only be permitted**:**

(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.

(RCCC-Oct 26/22;E-Nov 11/22)

Fascia Signs on Registered Heritage Buildings

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

(a) located and sized to fit within the architectural frieze above a storefront or a door; or

(b) where no architectural frieze exists, located in a horizontal band above the upper line of the ground floor windows, and below the lower sill of the second storey windows.

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

Fascia Signs

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

Ground Signs

463 **(1)** In the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, or in any DD, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, LI, HRI, INS, UC-2, UC-1, PCF, RPK, CDD- 2, or CDD-1 zone, a ground sign shall not exceed a height of 4.6 metres.

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

Projecting Signs

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

(a) be separated from other projecting signs on the same lot by no less than 2.5 metres;

(b) be set back no less than 1.25 metres from any side or rear lot line;

(c) not be located within 3.5 metres of the ground directly below; and

(d) not exceed 2.0 square metres in area, per sign face.

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

Abutting Zone Requirements

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

(a) all non-illuminated signs shall be set back no less than 3.0 metres from the abutting lot line; and

(b) all illuminated signs shall be set back no less than 10.0 metres from the abutting lot line.

Fascia Signs for Home Occupation Uses, Short-term Bedroom Rental (RC-Feb 21/23;E-Sep 1/23) Uses, and Work-Live Unit Uses

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

(a) a home occupation use;

(b) a short-term bedroom rental use (RC-Feb 21/23;E-Sep 1/23); or

(c) the commercial use or institutional use component of a work-live unit use.

Billboards

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

(2) Billboards shall:

(a) not exceed an overall height of 7.5 metres;

(b) excluding any supporting structure, not be located within 3.5 metres of the ground directly below;

(c) not exceed a sign face area of 18.0 square metres per side, with a maximum of two sign faces if they are affixed back-to-back;

(d) be set back no less than 4.0 metres from any streetline;

(e) not be located any closer than 30.0 metres to any property zoned ER-3, ER-2, ER-1, CH-2, CH-1, INS, H, PCF, or RPK;

(f) not be located any closer than 300 metres to another billboard;

(g) not cover more than 10% of any wall to which they are affixed; and

(h) not be affixed on more than one wall of a building.

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

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

Signs for Short-term Bedroom Rental Uses

468 In any ER-3, ER-2, or ER-1 zone, the following requirements shall apply to any sign advertising a short-term bedroom rental use: (RC-Feb 21/23;E-Sep 1/23)

(a) A maximum of one sign is permitted per short-term bedroom rental use; (RC-Feb 21/23;E-Sep 1/23)

(b) The sign shall only be a ground sign, fascia sign, or projecting sign;

(c) The sign shall not exceed 0.6 square metre in area;

(d) Any ground sign shall not exceed a height of 1.2 metres; and

(e) If the sign is illuminated, only exterior shielded illumination is permitted.

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

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

(a) A maximum of one sign is permitted per use;

(b) The sign shall only be a ground sign, fascia sign, or projecting sign;

(c) The sign shall not exceed 0.6 square metre in area;

(d) Any ground sign shall not exceed a height of 1.2 metres; and

(e) The sign shall not be illuminated.

Signs for Urban Farm Uses

470 In any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, the following requirements shall apply to any sign advertising an urban farm use:

(a) A maximum of one ground sign is permitted per street frontage for any urban farm use;

(b) The ground sign shall not exceed 2.0 square metres in area, and shall not exceed a height of 1.2 metres; and

(c) The ground sign shall not be illuminated.

Signs for Community Recreation Uses

471 In any ER-3, ER-2, ER-1, CH-2, or CH-1 zone, any sign for a community recreation use shall meet the requirements of Sections 462 to 465.

Part XV: Incentive or Bonus Zoning

Part XV, Chapter 1: General Incentive or Bonus Zoning Requirements

Requirement to Provide a Public Benefit for Incentive or Bonus Zoning

472 **(1)** For any new development over 2,000 square metres of floor area in any DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, the applicant other than a not-for-profit organization shall be required to provide incentive or bonus zoning. (RC-May 23/24;E-Jun 13/24)

(2) For any development agreement in accordance with Policies CH-7, ED-6, F-4, F-5, UD-13, **IM-35.6**, IM-37, IM-38, IM-39, IM-40, IM-41, IM-42, IM-43, IM-44, IM-45, or IM-46 of the Regional Centre Secondary Municipal Planning Strategy, the applicant shall provide incentive or bonus zoning. **(RC-Sep 9/25;E-Oct 3/25)**

(3) Where an applicant is required to provide incentive or bonus zoning in accordance with either Subsection 472(1) or Subsection 472(2), public benefits shall be provided as per the requirements of Section 479.

(4) Where an applicant provides incentive or bonus zoning in accordance with Subsection 472(1), the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.

(5) Where an applicant provides incentive or bonus zoning in accordance with Subsection 472(2), the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement. (RC-Jul 12/22;E-Aug 22/22)

(6) Where an incentive or bonus zoning agreement is required under Subsections 472(4) or 472(5), no development permit

shall be issued until the agreement is executed by all the parties and filed in the Provincial Land Registration Office.

Calculation of the Public Benefit Value for a Development Exceeding 2,000 Square Metres in a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone

473 In a DD, DH, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, the public benefit value required under section 472 is calculated using the following formula

PBV = 0.2(NFA - 2000)(BR)

in which
PBV = public benefit value in dollars
NFA = new floor area in square metres
BR = bonus rate in dollars per square metre as provided in Section 475

(RCCC-Jan 24/24;E-Feb 9/24)

Deadline to Complete Public Benefit

474 An applicant shall complete a public benefit as described in Section 472 before a certificate of occupancy is issued. (RCCC-Jan 24/24;E-Feb 9/24)

Incentive or Bonus Zoning Rates

475 **(1)** The bonus rates for the districts identified on Schedule 50 are set out for Districts 1 through 6 as of April 2023 in Table 18. (RC- May23/24;E-Jun 13/24)

Table 18: Incentive or bonus zoning rates and districts

Bonus rate district #	Name of bonus rate district	Bonus rate, **2023** (**per** square metre)
1	South End Halifax (including Downtown Halifax)	$299.20
2	Cogswell Redevelopment Lands	$299.20
3	North End Halifax	$208.74
4	North Dartmouth	$97.41
5	Downtown and Central Dartmouth	$166.99
6	Woodside	$76.54

(2) The bonus rates in Table 18 shall be adjusted annually in accordance with Section 477.

Incentive or Bonus Zoning for Future Growth Nodes

476 (1) Subject to Subsection 476(2), the public benefit value for each Future Growth Node that is covered by a CDD-2 or CDD-1 zone shall be determined, based on the appraised market value of the site once the proposed development agreement is approved by Council, and then multiplied by a coefficient of 0.12.

(2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.

(3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.

(4) The cost of any appraisal shall be paid for by the applicant.

(5) The terms of reference for the appraisal shall be determined solely by the Municipality.

(6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing

party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

(7) The appraised value for the purposes of the public benefit value is:

(a) where there is one appraisal, the monetary value of the land from that appraisal; or

(b) where there are two appraisals, the average monetary values of the land from the two appraisals.

Incentive or Bonus Zoning Rate Adjustments

477 (1) Subject to Subsection 477(2), before being used to calculate a required public benefit value, the bonus rates specified in Table 18 shall be adjusted annually on April 1st in accordance with changes to the Halifax All-Items Consumer Price Index released by Statistics Canada. Rates shall be adjusted using the method specified in Appendix 3.

(2) If the Halifax All-Items Consumer Price Index declines or remains unchanged in a given year, there shall be no change in the bonus rates for that year.

(3) The bonus rate for the calculation of the required public benefit value shall be the bonus rate at the time a complete application for a development permit is received by the Municipality.

Proposal for Required Public Benefits

478 An applicant who is required to provide a public benefit shall submit a public benefit value calculation, as detailed in Section 473, and public benefits proposal with their application for a development permit, in a format acceptable to the Development Officer.

Public Benefit Categories

479 Subject to Subsections 480(1) and 481(1), an applicant who is required to provide for incentive or bonus zoning shall provide

money-in-lieu for affordable housing and in addition shall provide one or a combination of the following public benefits:

(a) additional money-in-lieu for affordable housing;

(b) the conservation of a registered heritage building on the development site;

(c) money-in-lieu for the conservation of a registered heritage building that is not located on the development site;

(d) the conservation of a building within a heritage conservation district on the development site;

(e) money-in-lieu for the conservation of a building within a heritage conservation district that is not located on the development site;

(e.5) if agreed by the Municipality, improvements to municipal parks, municipal right-of-way, or registered heritage properties owned by the Municipality, that abut that development sites; (RC- May23/24;E-Jun 13/24)

(f) money-in-lieu for the acquisition or improvement of municipal parks;

(g) money-in-lieu for affordable community or cultural indoor space;

(h) money-in-lieu for public art; or

(i) public art on the development site.

Public Benefit Requirement: Money-in-Lieu for Affordable Housing

480 (1) Subject to Subsection 481(1), the minimum proportion of the total required public benefit value that shall be allocated to money-in-lieu for affordable housing is 60%.

(2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:

(a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;

(b) the acquisition of buildings, housing units, or properties for affordable housing;

(c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;

(d) a housing agreement permitted in Clause 73(b) of the Charter; or

(e) any combination of Clauses 480(2)(a) to 480(2)(d).

Public Benefit Requirement: Conservation of a Registered Heritage Building or a Building within a Heritage Conservation District

481 (1) On a registered heritage property or on a property within a heritage conservation district:

(a) 90% of the total required public benefit value shall be:

(i) allocated to the conservation of a registered heritage building that is on the development site,

(ii) allocated to the conservation of a building within a heritage conservation district that is on the development site,

(iii) paid as money-in-lieu for the conservation of registered heritage properties that are not on the development site, or

(iv) paid as money-in-lieu for the conservation of properties within a heritage conservation district that are not on the development site; and

(b) the remaining 10% of the total required public benefit value shall be allocated as money-in-lieu for affordable housing.

(2) The applicant shall register a waiver on title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conservation district shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirement: On-Site Public Art

482 Where provided as a public benefit on-site, public art shall:

(a) be located on the development site, and allow direct public access or viewing of the public art;

(b) be designed by a professional artist; and

(c) have a minimum cost of $100,000.

Unacceptable Forms of Public Art

483 The following items do not qualify as acceptable forms of public art under the incentive or bonus zoning program:

(a) interpretive, wayfinding, or other functional signage;

(b) branding or promotional projects;

(c) plaques and supporting infrastructure;

(d) stock and mass-produced items;

(e) memorials, where:

(i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,

(ii) the memorial has not been designed and created by a professional artist, or

(iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or

(f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are deemed to be an integral component of an artwork.

Incentive or Bonus Zoning Agreement

484 (1) An incentive or bonus zoning agreement shall contain terms respecting:

(a) the identification of the development site;

(b) design drawings, provided by the applicant, for any required or provided public benefit;

(c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;

(d) the identification of any conditions required by the Municipality before the public benefit is accepted;

(e) where required, provisions for the auditing and reporting of public benefits; and

(f) any other terms or conditions the Development Officer requires.

(2) An incentive or bonus zoning agreement shall be signed by the owner.

(3) Subject to Subsections 484(4) and 484(5), and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:

(a) Enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality; and (RC- Jul 12/22; E- Aug 22/22)

(b) The authority:

(i) discharge an incentive or bonus zoning agreement in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and

(ii) sign the discharge, including a discharge agreement, on behalf of the Municipality.

(RC-Jul 12/22;E-Aug 22/22)

(4) In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.

(5) In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

Part XVI: Development Agreements

Part XVI, Chapter 1: Development Agreements

Development on a Registered Heritage Property

485 **(1)** Development that is not otherwise permitted in this By-law may be permitted by development agreement on a registered heritage property that is not contained within a heritage conservation district, in accordance with Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement on a registered heritage property, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

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

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. (RCCC-Oct 26/22;E-Nov 11/22)

Expansion of a Non-Residential Non-Conforming Use

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 the structure containing the non-residential non-conforming use to be extended, enlarged, or altered. (RCCC-Oct 26/22;E-Nov 11/22)

Relocation of a Non-Conforming Use to Support Public Investments

488 In accordance with Policy IM-20 of the Regional Centre Secondary Municipal Planning Strategy, where a non-conforming use exists on a lot that is needed for the acquisition of land by the Province of Nova

Scotia, the Halifax Dartmouth Bridge Commission, or the Municipality for public purposes, Council may, by development agreement allow the same use as the non-conforming use of land on an adjacent lot.

Development in the King's Wharf (KW) Special Area

489 Development within the King's Wharf (KW) Special Area, as shown on Schedule 3A, beyond what is permitted in the applicable zone, may be permitted by development agreement in accordance with Policies D-10 and IM-31 of the Regional Centre Secondary Municipal Planning Strategy.

Development in a CDD-2 Zone

490 (1) Development that is not otherwise permitted in this By-law may be permitted within the CDD-2 zone by development agreement, in accordance with Policies F-4 and F-5 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement within the CDD-2 zone, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development in a CDD-1 Zone

491 (1) Development that is not otherwise permitted within this By-law may be permitted in the CDD-1 zone by development agreement, in accordance with Policies F-4 and F-5 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement within the CDD-1 zone, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development on an Existing Lot 1-Hectare or Greater

492 (1) In a DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CLI zone, development on lots with an area of 1.0 hectare or greater that existed on the coming into force date of this By-law may be considered by development agreement, in accordance with

Policy UD-13 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement on lots 1.0 hectare or greater, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development in the Robie Street (RS) Special Area

493 (1) Development in the Robie Street (RS) Special Area, as shown on Schedule 3F, beyond what is permitted by the applicable zone, may be considered by development agreement in accordance with Policies IM-37, IM-38, and IM-39 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement within the Robie Street (RS) Special Area, as shown on Schedule 3F, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Schmidtville Heritage Conservation District

494 On the lot identified as the Schmidtville Historic Park and Institutional (SHPI) Special Area, as shown on Schedule 3F, any new main building or any addition to an existing main building larger than 139.5 square metres shall only be considered by development agreement, in accordance with Policies CHR-16 and CHR-17 of the Regional Centre Secondary Municipal Planning Strategy.

Neighbourhood-Scale Uses and Institutional Uses within the ER-3, ER-2, ER-1, CH-2, or CH-1 Zone

495 A neighbourhood-scale use or an institutional use may be considered by development agreement within the ER-3, ER-2, ER-1, CH-2, or CH-1 zone, in accordance with Policy E-5 of the Regional Centre Secondary Municipal Planning Strategy.

Development in the Saint Patrick's Alexandra Site (SPAS) Special Area

496 (1) Development in the Saint Patrick's Alexandra Site (SPAS) Special Area, as shown on Schedule 3F, beyond what is

permitted in the applicable zone, may be considered by development agreement in accordance with Policies IM-40 and IM-41 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement within the Saint Patrick's Alexandra Site (SPAS) Special Area, as shown on Schedule 3F, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Residential Development within the Halifax Grain Elevator (HGE) Special Area

497 (1) Within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F, new or expanded residential uses shall only be permitted by development agreement, in accordance with Policy ED-6 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement within the Halifax Grain Elevator (HGE) Special Area, as shown on Schedule 3F, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development in the Spring Garden Road and Robie Street (SGRRS) Special Area

498 (1) Development within the Spring Garden Road and Robie Street (SGRRS) Special Area, as shown on Schedule 3F, beyond what is permitted in the applicable zone, may be considered by development agreement in accordance with Policies IM- 42, IM-43, IM-44, IM-45, and IM-46 of the Regional Centre Secondary Municipal Planning Strategy.

(2) Where development is permitted by development agreement within the Spring Garden Road and Robie Street (SGRRS) Special Area, as shown on Schedule 3F, incentive or bonus zoning shall be required in accordance with the requirements of Part XV.

Development under Former Planning Policies

498.4 In accordance with Policy IM-33 and IM-33.5 of the Regional Centre Secondary Municipal Planning Strategy, Council may consider applications for substantive amendments to existing development agreements for the matters outlined in Policies IM-33 and IM-33.5. (RC- May23/24;E-Jun 13/24)

498.5 Notwithstanding any other provision of this By-law, within the lands designated as a special planning area, early tree removal, blasting, and earthworks may be considered, subject to the provisions of a development agreement in accordance with policy G-IIA of the Regional Municipal Planning Strategy. (STF – June 30/22; Eff – July 15/22)

Development in the Lake Banook Paddler's Cove (LB-PC) Special Area

498.6 Notwithstanding Section 75, development in the Lake Banook Paddler's Cove (LB-PC) Special Area, as shown on Schedule 3F, may be considered by development agreement in accordance with Policy IM-47 of the *Regional Centre Secondary Municipal Planning Strategy*. (RC-Dec 11/25;E-Feb 2/26)

Site-specific development agreements

498. 7 Development on PID 00005181, identified as 2764-2778 Robie Street, may be permitted by development agreement in accordance with Policy IM-35.6 in the Regional Centre Secondary Municipal Planning Strategy. (RC-Sep 9/25;E-Oct 3/25)

Part XVII: Definitions

Part XVII, Chapter 1: Definitions

499 This By-law uses the following terms as defined within this Section:

(1) **Accessory Parking Lot** means a parking lot, not contained within a structure, that supports the main use of a lot. For clarity, a dealership use is not considered an accessory parking lot.

(2) **Accessory Structure** means a structure that is:

(a) subordinate, incidental, and devoted to a main use or structure; and

(b) not attached to any main building.

(3) **Accessory Use** means a use that is subordinate, incidental, and devoted to a main use on a lot.

(4) **Adult Cabaret** means premises where a person feels, handles, touches, paints, dances, is in the presence of, or is entertained by another person's nude body, or observes, views, or photographs any such activity. This definition excludes plays, dramas, ballets, and classes in any theatre, concert hall, fine arts academy, school use, institution of higher education, or other similar establishment, where nudity is used as a form of expression of opinion or in the communication of ideas or information.

(5) **Adult Entertainment Use** means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours, but excludes the standalone retailing of adult material.

(6) **Adult Theatre** means premises where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence, which are either unrated or have been classified as A (Adult) by the provincial film rating agency or its designate.

(7) **Affordable Community or Cultural Indoor Space** means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services.

(8) **Amenity Space** means non-commercial indoor or outdoor space dedicated for private or shared use by a building's occupants, such as balconies, grade-related dwelling unit patios, courtyards, planters and plots for gardening, rooftop barbeque areas, indoor and outdoor kitchens, swimming pools, saunas, fitness rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, greenhouses, and meeting rooms.

(9) **Applicant** means any person, including an owner, applying for a development permit, variance, site plan approval, or development agreement.

(10) **Appraiser** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.

(11) **Arcade** means a structure characterized by a central covered passageway with the roof supported by a series of arches on piers or columns, providing refuge for pedestrians from the weather.

(12) **Architect** means a full member in good standing with the Nova Scotia Association of Architects.

(13) **Architectural Frieze** means a decorative band, that is located immediately below the cornice, or a sculptured raised horizontal band of bricks above a storefront or a door.

(14) **Archway** means a standalone or attached curved structure forming a passageway or entrance.

(15) **Arena** means a building that is used for recreational purposes that may or may not contain a sheet of ice and is used primarily for indoor skating, figure skating, speed skating, hockey, ringette, lacrosse, arena soccer, or basketball. For additional clarity, an arena is not a minor spectator venue use or a major spectator venue use.

(16) **Assembly** means, for the purpose of a light manufacturing use, the fitting or joining together of parts of an item by means such as fasteners, nuts, bolts, screws, glue, welding, or other similar techniques.

(17) **Attached** means a building that depends for structural support, upon a division wall or walls shared in common with an adjoining building or buildings.

(18) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.

(19) **Auto Repair Use** means premises used for the repair, servicing, or inspection of motor vehicles, engines, or motors.

(20) **Average Finished Grade** means the elevation of the finished ground abutting a structure, averaged around the perimeter of the structure. For the Scotia Square Complex (SSC) Special Area, as shown on Schedule 3B, the average finished grade shall be calculated along the abutting streetline for each section identified on Schedule 16.

(21) **Awning** means a textile covering, and any supporting structure, that projects from the wall of a building.

(22) **Awning Sign** means a sign incorporated into an awning (Diagram 33).

(23) **Backyard Suite Use** means a dwelling unit that is:

(a) located within an accessory structure;

(b) located on its own footing or foundation; and

(c) not attached to a main building.

(24) **Bed and Breakfast Use** *Repealed* (RC-Feb 21/23;E-Sep 1/23)

(25) **Bedroom** means a habitable room used, designed, or intended for use for sleeping.

(26) **Belvedere** means a small roofed structure on the rooftop of a building with open sides or windows.

(27) **Billboard** means a sign that does not relate to or advertise a use on the lot on which it is located, excluding a neighbourhood sign.

(28) **Boathouse** means a structure that:

(a) is used for the shelter or storage of boats, watercraft, or marine accessories and equipment, but not for the shelter, storage, or accommodation of persons, animals, or motor vehicles;

(b) is roofed; and

(c) does not contain toilet facilities, a kitchen, or sleeping facilities.

(29) **Boating Club Use** means a club serving the users of boats for recreational activities, such as rowing, kayaking, canoeing, motor boating, and yachting.

(29.5) Breakwater means a coastal structure built to protect an anchorage or a boating club use from the impact of waves. The construction of a breakwater can include water lot infilling. (RC-Oct 7/25;E-Dec 3/25)

(30) **Broadcast and Production Studio Use** means radio, television, film, or music production or broadcasting facilities.

(31) **Building** means every continuous enclosed area with exterior walls on a lot that:

(a) is built, erected, and framed of a combination of materials;

(b) is either portable or fixed;

(c) has a roof;

(d) forms a structure for the shelter of persons, animals, or property; and

(e) is located, in whole or in part, above or below grade.

(32) **Building Depth** means the distance between the wall of a building that is closest to the front lot line and the wall of the same building that is farthest away from the front lot line.

(33) **Building Supply Establishment** means premises primarily engaged in the retailing of various basic building and household products, such as building materials, tools, hardware, plumbing and electrical supplies, paint, housewares, household appliances, and garden supplies.

(34) **Building Width** means the distance between the outermost edges of two building walls that face:

(a) two side lot lines;

(b) a side lot line and a flanking lot line; or

(c) two flanking lot lines, excluding any flanking lot line that is opposite to the front lot line on a through lot.

(35) **C&D Materials Disposal Site Use** means land where C&D materials, or residue from C&D processing facilities, are disposed of by land application or burying, excluding the use of inert C&D materials, where approved by Nova Scotia Environment or its designate, for site rehabilitation within gravel pits or quarry operations licensed by the Province of Nova Scotia.

(36) **C&D Materials Processing Facility Use** means premises used to sort, alter, grind, or otherwise process C&D materials for reuse or recycling into new products, excluding:

(a) the retail of used building materials;

(b) the processing of inert C&D materials on the site of generation, where the processed material does not leave the site except for inert C&D materials described in Subsection 9(3) of HRM C&D License By-law (L- 200);

(c) the de-construction of a building on site;

(d) a municipal processing facility for used asphalt or concrete;

(e) facilities associated with the reclamation of a gravel pit or quarry operation licensed by the Province of Nova Scotia; and

(f) forestry manufacturing processes.

(37) **C&D Materials Transfer Station Use** means land or premises at which C&D materials are received and sorted for subsequent transport to a C&D materials disposal site or a C&D materials processing facility.

(38) **Canadian Geodetic Vertical Datum 2013 (CGVD2013)** means the vertical datum for Canada, officially released by Natural Resources Canada (NRCan) in November 2013, or any later edition that may be released or adopted, which is a gravimetric datum defined by the equipotential surface W_0 = 62,636,856.0 m^2s^{-2}, representing by convention the coastal mean sea level for North America.

(39) **Cannabis Lounge Use** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products, or any of its derivatives such as oils or edible products. A cannabis lounge may include cannabis retail sales.

(40) **Cannabis Production Facility Use** means premises licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including:

(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and

(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction; and

(b) excluding:

(i) industrial hemp, and

(ii) premises used for personal production permitted by federal legislation.

(41) **Cannabis Retail Sales Use** means premises used for the retail sale of cannabis, cannabis products, or any of its derivatives, such as oils or edible products, to the public.

(42) **Canopy** means a rigid roofed structure that is connected to and projects outward from a building. A canopy may also include a supporting structure that extends to the ground.

(43) **Cantilever** means an enclosed portion of an upper floor extending beyond the ground floor façade, including window bays, but excluding balconies and any portion of the building above a recessed pedestrian entrance.

(44) **Car Wash Use** means premises where motor vehicles are washed within a permanent structure.

(45) **Casino Use** means premises primarily used for the purpose of playing or operating blackjack, roulette, baccarat, mini-baccarat, keno, video poker, video blackjack, video keno or

similar game of chance or a slot machine and is conducted and managed by the Nova Scotia Gaming Corporation as an agent of Her Majesty in right of the Province.

(46) **Catering Use** means the business of preparing food at one location to be then distributed and consumed at a different location. Catering does not include a restaurant use.

(47) **Cemetery Use** means land used for the burial of the dead and accessory purposes, such as columbaria and mausoleums, but excludes a crematorium use.

(47.5) **Certificate of Occupancy** means an occupancy permit as issued pursuant to B-201, the *Building by-law*, and the *Building Code Act* (Nova Scotia). (RCCC-Jan 24/24;E-Feb 9/24)

(48) **Change of Use** means a change in the use of any land, building, structure, or any combination thereof.

(49) **Character-Defining Elements** means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.

(50) **Charter** means the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, as amended.

(51) **Chemical Storage Facility** means an accessory structure used for the storage of chemicals.

(52) **Clock Tower** means a structure which vertically extends from a building and contains a large clock at the top.

(53) **Club Recreation Use** means land or premises operated for recreational purposes, by membership, such as golf courses, country clubs, curling clubs, tennis clubs, lawn bowling clubs, boating clubs, marinas, and equine facilities.

(54) **Cluster Housing Block** means attached cluster housing dwelling units.

(55) **Cluster Housing Dwelling Unit** means a non-movable dwelling unit that:

(a) is located on a lot that is in a Cluster Housing 2 (CH-2) zone or in a Cluster Housing 1 (CH-1) zone, as shown on Schedule 2;

(b) has an independent pedestrian entrance; and

(c) may be attached to another cluster housing dwelling unit on the same lot.

(56) **Cluster Housing Use** means land containing a cluster housing dwelling unit.

(57) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, community, event, structure, or site.

(58) **Commercial Recreation Use** means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, bingo halls, and miniature golf courses, but excludes club recreation uses and community recreation uses.

(59) **Commercial Use** means any use listed under the "COMMERCIAL" heading in Tables 1A, 1B, 1C, or 1D.

(60) **Commercial Vehicle** means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles or any vehicle designed, maintained, or used primarily for the transportation of property or persons associated with a business, such as a truck, a bus, a delivery van or wagon, a tractor, a truck tractor, a trailer, heavy equipment, and construction equipment, but excludes a private passenger motor vehicle.

(61) **Community Recreation Use** means a publicly owned or operated recreation facility, such as a park, recreation centre, pool, skating rink, arena, gymnasium, picnic area, community oven, dog park, playground, splash pad, skateboard park,

boating facility and ramps, sports court, field, and trail, but excludes a convention centre use, cultural use, minor spectator venue use, and major spectator venue use.

(61.5) Community Services Use means premises owned or operated by a not-for-profit organization where health care services, social services, and/or housing are provided and may include a shared housing use, shelter use or accessory uses related to the services provided, such as an office use or personal service us. (RCCC-Dec10/25;E Dec31/25)

(62) **Conservation Use** means a use carried out for the purposes of conserving soils, water, flora, or fauna, including a wildlife sanctuary.

(63) **Construction and Demolition (C&D) Materials** means materials that are normally used in the construction of structures, roadways, walls, or hard landscaping or soft landscaping, such as soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles, and metals.

(64) **Convention Centre Use** means indoor premises that are primarily used for hosting conventions, exhibitions, or other events.

(65) **Corner Lot** means a lot with contiguous frontage on two or more streets. (Diagram 27).

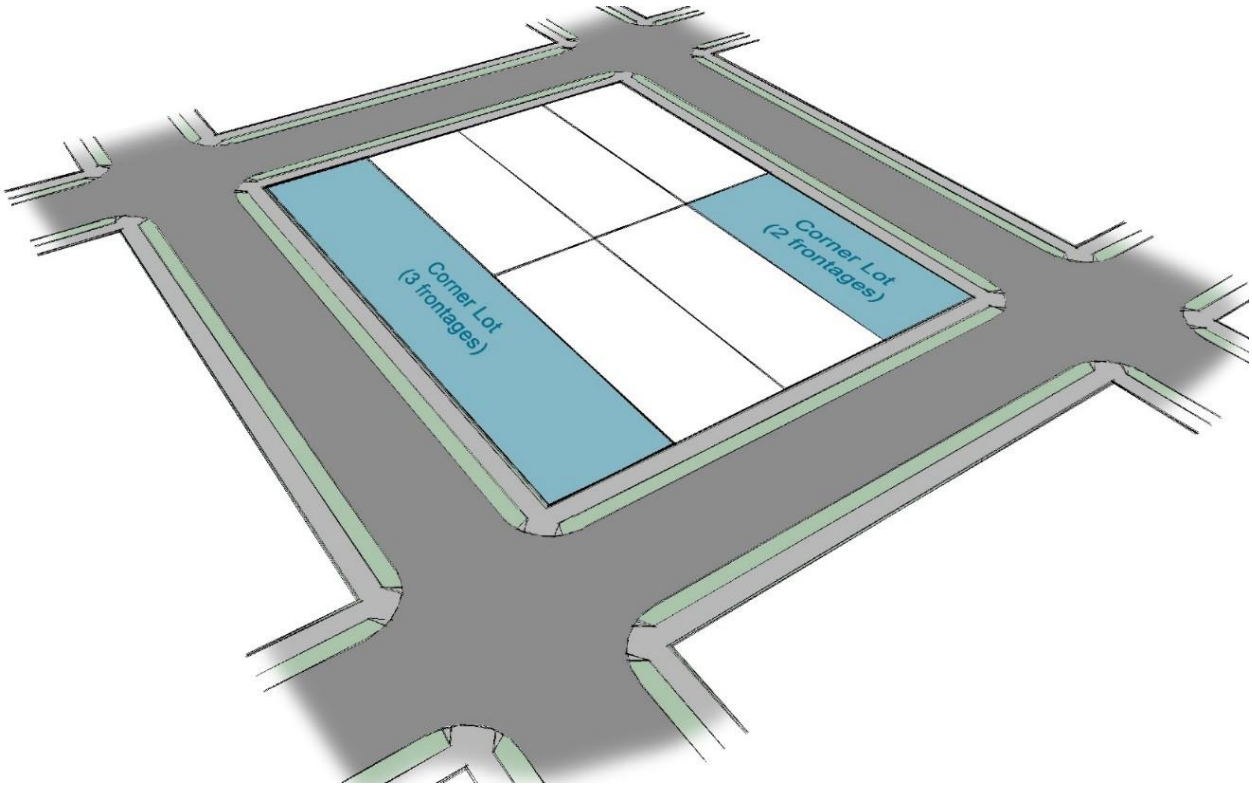


Diagram 27: Corner lot, per Subsection 499(65)

(66) **Council** means the Council of the Municipality.

(67) **Crematorium Use** means premises containing apparatus certified, intended, or used for the cremation of human or animal remains.

(67.5) **Cribbing** means a framework underneath a wharf for the purpose of providing structural support that permits the flow of water through the structure. (RC-Jan 9/24;E-Feb 12/24)

(68) **Cruise Ship Terminal Use** means a facility comprising one or more berths, slips, piers, wharves, loading and unloading areas, or buildings used for the boarding and alighting of people between a cruise ship and land. For clarity, a cruise ship terminal use does not include a marina or a boatyard.

(**69)** **Cultural Use** means premises with permanent seating of between zero and 500 seats that are used for the production, collection, or presentation of art, films, musical or artistic

performances, lectures, materials, or exhibits, including libraries, archives, museums, art galleries, and cultural centres, but excludes a minor spectator venue use, a major spectator venue use, a convention centre use, and a recreation use.

(70) **Data Storage Centre Use** means premises which contains a large group of networked computer severs that are used by organizations for the remote storage, processing, or distribution of large amounts of data.

(71) **Daycare Use** means premises in which supervision is provided for individuals during the day. This definition excludes a school use, a hospital use, a small shared housing use, a large shared housing use, and a community recreation use.

(72) **Dealership Use** means land or premises used primarily for the outdoor display and sale of products, and may include as an accessory use the servicing and repair of the products sold or displayed, such as motor vehicles, recreational vehicles, marine craft, trailers, snowmobiles, snow blowers, all-terrain vehicles, heavy equipment, swimming pools, headstones, decorative fountains, and prefabricated cottages and homes, but excludes a garden centre use.

(73) **Development** means the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.

(74) **Development Officer** means a person or persons appointed by Council to administer a land use by-law or subdivision by-law.

(75) **Drinking Establishment Use** means premises whose primary purpose is serving liquor to the public, and which is licensed under the *Liquor Control Act*, S.N.S., 1989, c. 260, as amended.

(76) **Drive-Through** means a designated on-site queueing area for motor vehicles and which provides or dispenses products or services using an attendant, window, or automated machine to customers in motor vehicles, but excludes a car wash use.

(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. (RCCC-Sep 4/24;E-Apr 17/25)

(77) **Dwelling Unit** means living quarters that:

(a) are accessible from a private entrance, either outside the building or in a common area within the building;

(b) are occupied or, if unoccupied, are reasonably fit for occupancy;

(c) contain kitchen facilities within the unit; and

(d) have toilet facilities that are not shared with the occupants of other dwelling units.

(78) **Educational Farm Use** means a farm that is used as an educational facility for preserving and interpreting the agricultural past, and which may include the keeping of livestock, but which excludes the slaughtering of animals.

(79) **Emergency Services Use** means premises housing personnel and equipment related to protective or first responder services, such as fire stations, police stations, search and rescue stations, emergency medical stations, and ambulance stations.

(79.5) **Encapsulated Mass Timber Construction** means as defined in Sentence 1.4.1.2.(1) of the *National Building Code of Canada*, which may be amended by the *Nova Scotia Building Code Regulations*. (RC- May23/24;E-Jun 13/24)

(80) **Enhanced Bicycle Parking** means bicycle parking that accommodates and secures bicycle trailers and cargo bikes.

(81) **Erect** means excavating ground for a foundation or footing, laying a foundation or footing, constructing, reconstructing, removing, or changing the location or orientation of a building or any part thereof.

(82) **Façade** means a building wall facing a street, a park, or an outdoor amenity space.

(83) **Farmers' Market Use** means a market where individual sellers or a cooperative of producers offer items for sale to the public, such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages.

(84) **Fascia Sign** means a sign that is affixed directly to or painted on an exterior wall of a building (Diagram 33).

(84.5) **Fill Material** means sand, gravel, rock, clay, soil, or other natural materials. (RC-Jan 9/24;E-Feb 12/24)

(85) **Financial Institution Use** means premises providing financial or banking services to customers, including banks, trust companies, savings banks, credit unions, and lending establishments.

(86) **Fitness Centre Use** means indoor premises that are primarily used for the purposes of human fitness, where people use equipment or space for physical exercise, such as health clubs, dance studios, and yoga studios.

(87) **Flanking Lot Line** means a streetline that is not the front lot line.

(88) **Flanking Yard** means a yard between 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). (RCCC-Oct 26/22;E-Nov 11/22)

(89) **Flat Roof** means a roof with a maximum pitch of 1/12 (rise to run).

(90) **Floor Area** *Repealed* (RCCC-Oct 26/22;E-Nov 11/22)

(90.5) **Floor Area** means:

(a) for the purposes of a FAR calculation and bonus zoning public benefit value 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 or staircases; (RC- May23/24;E-Jun 13/24)

(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 and bonus zoning public benefit value 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 or staircases; (RC- May23/24;E-Jun 13/24)

(v) rooftop greenhouses;

(vi) any space open to a floor below; and

(vii) pedways.

(RCCC-Oct 26/22;E-Nov 11/22)

(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. (RCCC-Oct 26/22;E-Nov 11/22)

(92) **Floor Area Ratio (FAR) Precinct** means the area of land to which a single floor area ratio value applies, as shown on Schedule 17.

(93) **Footprint** means the area a building occupies on the ground in between the outermost edges of the exterior walls, including any land that has a cantilever portion that projects above the ground, but excludes eaves that project no more than 0.6 metre, unenclosed balconies, stairs, and patios.

(93.5) **Four-Unit Dwelling Use** means a building containing 4 dwelling units on the same lot but excludes a cluster housing use. (RC- May23/24;E-Jun 13/24)

(94) **Front Lot Line** means:

(a) for an interior lot, the streetline;

(b) subject to Clause 499(94)(f), for a corner lot where the streetlines are not of equal length, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines; (RC- May23/24;E-Jun 13/24)

(c) subject to Clause 499(94)(f), where a corner lot has streetlines of equal length, any streetline may be deemed to be the front lot line, and the remaining streetlines shall be deemed flanking lot lines; (RC- May23/24;E-Jun 13/24)

(d) subject to Clause 499(94)(f), for a through lot, either streetline may be deemed to be the front lot line, and the other streetline shall be deemed a flanking lot line; (RC-May23/24;E-Jun 13/24)

(e) in the absence of a streetline, where a registered access easement crosses a lot line; or (RC- May23/24;E-Jun 13/24)

(f) for a corner lot or through lot with only one lot line abutting a pedestrian-oriented commercial street, the streetline abutting the pedestrian-oriented commercial street is the front lot line and the remaining streetlines shall be deemed flanking lot lines. (RC- May23/24;E-Jun 13/24)

(95) **Front Yard** means the yard extending across the full lot width, between the front lot line and the nearest exterior wall of any main building on the lot (Diagram 39).

(96) **Garden Centre Use** means land or premises where retail or wholesale gardening products are sold, which may include a nursery and greenhouses.

(97) **Gazebo** means a freestanding, roofed accessory structure, which is not enclosed, and which does not contain toilet facilities, a kitchen, or sleeping facilities.

(98) **Grade-Oriented Premises** means premises on a ground floor of a building that are accessible by pedestrians from an independent entrance that fronts and faces a streetline. For further clarity, a grade-oriented premises includes a grade-related dwelling unit use and a lobby. (RCCC-Oct 26/22;E-Nov 11/22)

(99) **Grade-Related Dwelling Unit Use** means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.

(100) **Greenhouse** means a structure **constructed with at least 80% of transparent materials for each wall and a roof, and** designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers. (RCCC-Jan 24/24;E-Feb 9/24)

(101) Grocery Store Use means a retail establishment with a minimum of 200 square metres of floor area that primarily sells food, including the accessory sale of food being prepared on-site, and that may also sell other convenience and household goods, but excludes a farmers' market use.

(102) Ground Floor means, for each streetwall, the first floor level of a main building that is predominantly above grade and faces a streetline or a transportation reserve.

(103) Ground Floor Height means the distance between the floor of a ground floor and the floor directly above.

(104) Ground Sign means a sign affixed to the ground and supported by one or more posts, or other similar means (Diagram 33).

(105) Gymnasium means a building or room designed for indoor sports, exercise, or physical education.

(106) Halifax Citadel Rampart Sight Lines means the rampart sight lines pursuant to Section 400, and as depicted on Schedule 27A of this By-law.

(107) Harbour Edge means the edge of any wharf, dock, quay, pier, or seawall that abuts the Halifax Harbour, or in the absence of any wharf, dock, quay, pier, or seawall, the ordinary high water mark.

(108) Hard Landscaping means an outdoor surface covered by solid or impermeable material, such as outdoor furniture, water fountains, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, wood decking, trees in soil cells, and trees in planters, but excludes parking areas and driving aisles.

(109) Heavy Industrial Use means a use of land that involves:

(a) the manufacture or processing of products from raw materials, including animal processing beyond making cuts from pre-processed carcasses;

(b) the production or use of flammable, explosive, or hazardous products and materials; or

(c) the bulk storage of flammable, explosive, or hazardous products and materials.

(110) Hedge means a boundary or barrier formed by closely growing shrubs.

(111) Height means the vertical distance between a structure's average finished grade and the structure's highest point.

(112) Height Precinct means the portion of a lot to which a single height limit applies, as shown on Schedule 15.

(113) Hen means an adult female chicken.

(114) High-Density Dwelling Use means a building containing 13 or more dwelling units on the same lot, but excludes a cluster housing use.

(115) High-Rise Building means a main building that:

(a) within the DH Zone, exceeds a height of 33.5 metres above the average finished grade;

(b) within the **DD, (RC-Dec 11/25;E-Feb 2/26)** CEN-2, CEN-1, COR, HR-2, or HR-1 Zone, exceeds 10 storeys; or (RC- May23/24;E-Jun 13/24)

(c) in all other areas, exceeds a height of 30.0 metres above the average finished grade. (RC- May23/24;E-Jun 13/24)

(115.5)High-Rise Typology means a portion of a main building, above the height of a streetwall, that:

(a) within the DH Zone, exceeds a height of 33.5 metres above the average finished grade to the top of the roof; or

(b) within the **DD, (RC-Dec 11/25;E-Feb 2/26)** CEN-2, CEN-1, COR, HR-2, or HR-1 Zone, exceeds 10 storeys to the top of the roof; or (RC- May 23/24;E-June 13/24)

(c) in all other areas, exceeds a height of 30.0 metres above the average finished grade to the top of the roof. (RC-May 23/24;E-June 13/24)

(RC- Jul 12/22; E- Aug 22/22)

(116) Home Occupation Use means the use of a portion of a dwelling unit or an accessory structure for gainful employment, but excludes a short-term bedroom rental use, a daycare use, a work-live unit use, and a home office use. (RC-Feb 21/23;E-Sep 1/23)

(117) Home Office Use means an office-related activity operated within a dwelling unit that does not regularly require direct in-person contact with clients on the premises, but excludes a home occupation use.

(118) Hospital Use means an institution providing human inpatient health services, including accessory facilities such as laboratories, treatment of patients on an outpatient basis, training facilities, and staff offices, but excludes a small shared housing use and a large shared housing use.

(119) Hotel Use means premises that are regulated as a roofed accommodation in accordance with the *Tourist Accommodations Registration Act*, S.N.S., 2019, c.9, as amended.

(120) Incentive or Bonus Zoning means the requirements that permit the relaxation of certain requirements if an applicant exceeds other requirements or undertakes other action, in the public interest, as specified in the requirements.

(121) Incentive or Bonus Zoning Agreement means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning.

(122) Industrial Training Facility Use means a commercial facility that provides outdoor educational instruction and safety certification relating to industrial apparatus and activities.

(123) Industrial Use means any use listed under the "INDUSTRIAL" heading in Tables 1A, 1B, 1C, or 1D.

(124) Infrastructure Resilience Professional Designation means the Infrastructure Resilience Professional (IRP) designation as granted by the Climate Risk Institute.

(125) Institutional Use means any use listed under the "INSTITUTIONAL" heading in Tables 1A, 1B, 1C, or 1D.

(126) Interior Lot means a lot with frontage on one street only (Diagram 28).

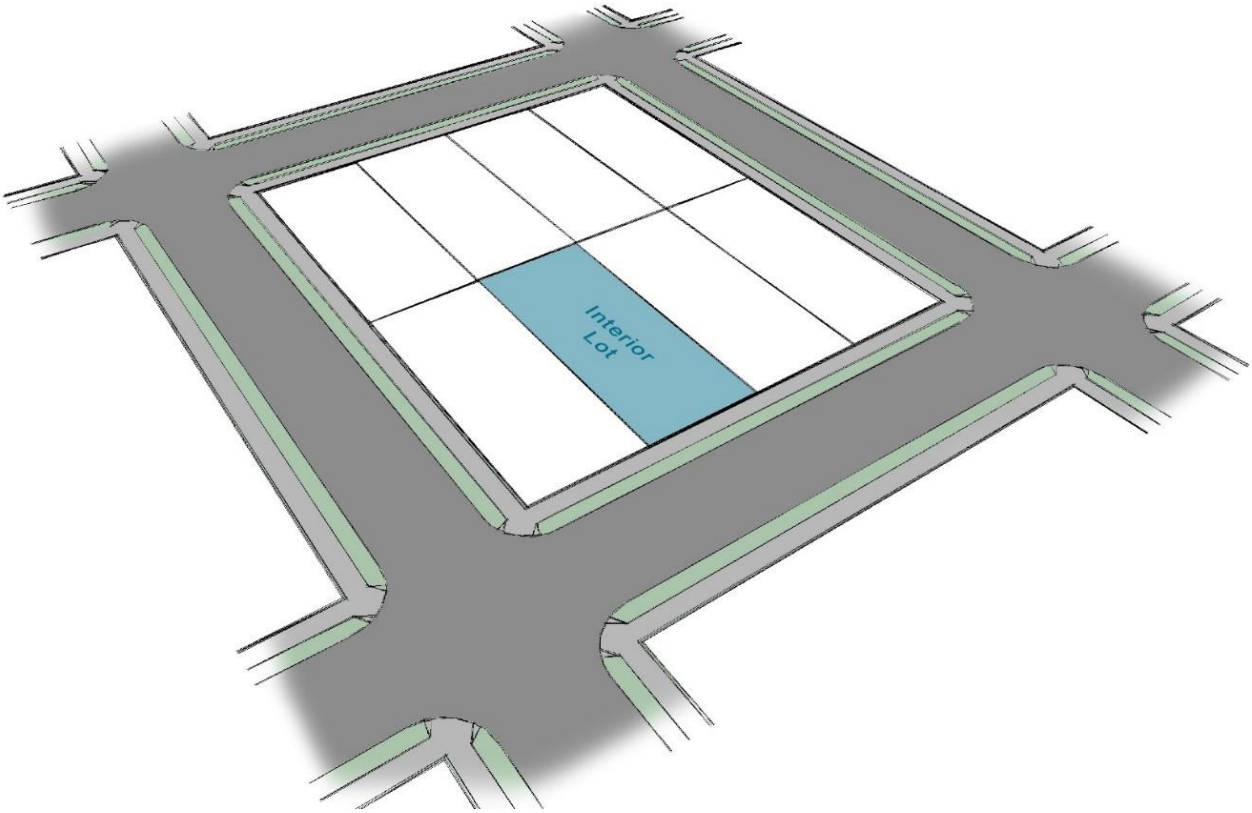


Diagram 28: Interior lot, per Subsection 499(126)

(127) Internal Conversion means the change of use in an existing building that does not increase the height or volume of the building, but excludes the addition of an exterior staircase.

(128) Kennel Use means premises used for:

(a) the keeping of more than two dogs for the purposes of commercial breeding or sale;

(b) excluding for veterinary purposes, the overnight boarding of dogs;

(c) the commercial training of dogs; or

(d) the shelter of stray or abandoned animals.

(129) Kiosk means a small structure with an opening on one or more sides that is used to contain a retail use, a restaurant use, a drinking establishment use, or premises for tourist information.

(130) Kitchen means premises used for food preparation, and shall include:

(a) a refrigerator;

(b) any appliance used to heat food for consumption that is a stove or oven, excluding a microwave oven; and(RC- May 23/24;E-June 13/24)

(c) a sink.

(131) Landscape Architect means a full member in good standing with the Atlantic Provinces Association of Landscape Architects.

(132) Large Shared Housing Use means a shared housing use that contains a minimum of 21 bedrooms. (RCCC-Sep 4/24;E-Apr 17/25)

(133) Large Wind Energy Facility means a wind energy facility which has a total rated capacity of more than 300 kW.

(134) Library Use means a building which may contain literary, musical, artistic, or reference materials for the purposes of study, reference, or recreation, and does not include the retailing of such materials.

(135) Licensed Professional Planner means a full member in good standing with the Licensed Professional Planners' Association of Nova Scotia.

(136) Light Manufacturing Use means the processing, fabrication, assembly, treatment, or packaging of products from previously prepared materials, finished products or parts, but does not include the processing of animals.

(137) Living Wall means a vertical support system, that:

(a) is affixed to an external wall of a building;

(b) includes a growth medium, such as soil, substitute substrate, and hydroculture felt;

(c) has an integrated irrigation and drainage system; and

(d) supports vegetative growth.

(138) Local Commercial Use means commercial premises that:

(a) offers goods or products for sale or rent, including food prepared on or off site, but excludes a restaurant use and a grocery store use; or

(b) offers personal service uses.

(139) Local Drinking Establishment Use means a drinking establishment use with a customer service area not exceeding a floor area of 65 square metres. For further clarity, a customer service area does not include washroom areas, or areas that are only accessible by staff, such as a kitchen and a storage area.

(140) Lot means a parcel of land that is:

(a) described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 15th day of April 1987;

(b) described in a plan and deed pursuant to the *Land Titles Clarification Act*;

(c) approved on a plan of subdivision endorsed and filed in the Provincial Land Registration Office; or

(d) created pursuant to Section 278(2) of the *Charter*.

(141) Lot Coverage means the percentage of a lot that is covered by roofed structures that are a minimum of 0.6 metre in height, including any area over which a roofed structure projects, but excludes projecting roof eaves that are 0.6 metre or less.

(142) Lot Depth means the distance from the front lot line to the rear lot line, or between the front lot line and the flanking lot line on a through lot (Diagram 29).

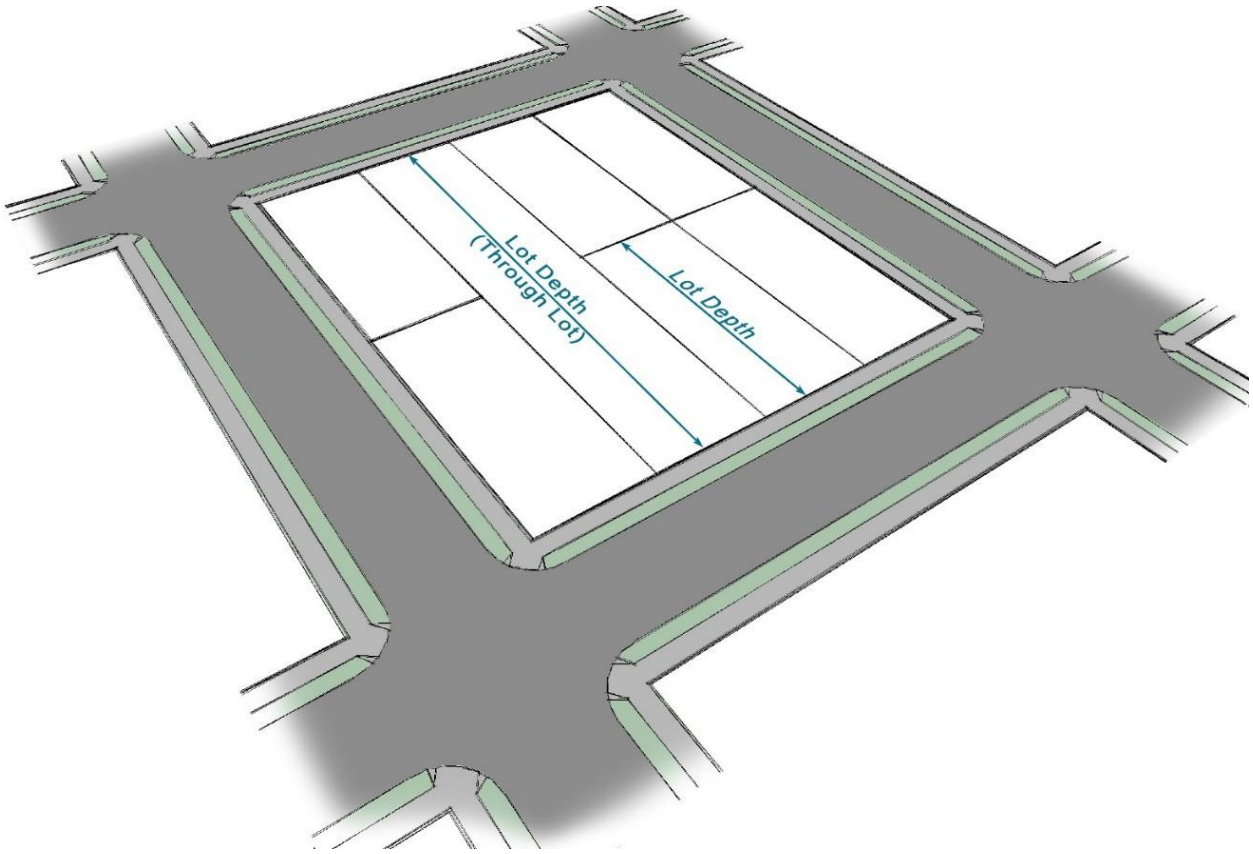


Diagram 29: Lot depth, per Subsection 499(142)

(143) Lot Width means the distance between the side lot lines, side and flanking lot lines, or parallel flanking lot lines, measured at a right angle to the lot depth (Diagram 30).

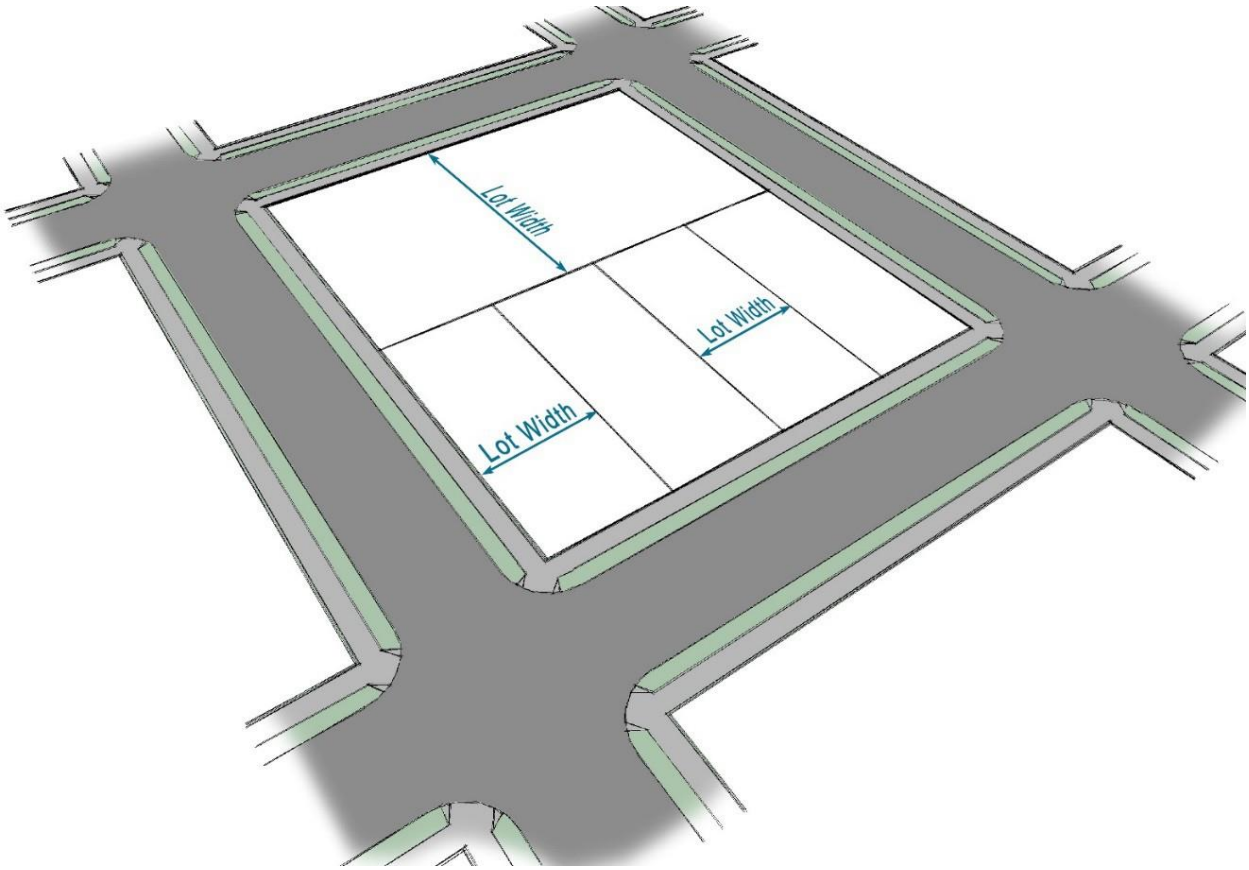


Diagram 30: Lot width, per Subsection 499(143)

(144) Low-Density Dwelling Use means a building containing no more than 4 dwelling units on a lot. (RC- May23/24;E-Jun 13/24)

(145) Low-Rise Building means a main building that has a height of:

(a) 4 storeys or less within the CEN-2, CEN-1, COR, HR-2, or HR-1 zone; or

(b) 11.0 metres or less in all other areas.

(RC- May23/24;E-Jun 13/24)

(146) **Main Building** means a building that contains a primary use on a lot.

(147) **Major Spectator Venue Use** means premises, with 3,000 or more permanent seats, where people gather for sports and other major events.

(148) **Makerspace Use** means indoor premises used for the artisanal production of goods in limited quantities. A makerspace use also includes premises where individuals may borrow tools or equipment for the purposes of designing, repairing, prototyping, and constructing objects and products.

(149) **Marine-Related Use** means a use that is dependent upon access to or use of the Atlantic Ocean, such as tugboat facilities, boat building facilities, ocean research and development, and accessory uses to the foregoing.

(150) **Massage Parlour** includes premises where a massage, body rub, or similar activity is performed, offered, advertised, or solicited. This definition excludes premises where medical or therapeutic treatment is routinely offered or performed by a registered physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse.

(151) **Mechanical Penthouse** means an enclosed rooftop space used for mechanical or shared amenity space purposes.

(152) **Medical Clinic Use** means premises used for the medical examination and treatment of patients on an outpatient basis, for purposes such as family medicine, primary health care, walk-in clinic, dentistry, optometry, podiatry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.

(153) **Medium Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW.

(154) Menu-Box Sign means a sign or sign box that displays or contains a restaurant menu.

(155) Mezzanine means an intermediate floor assembly between the floor and ceiling of any room or storey, and includes an interior balcony. For the purpose of height calculation, a storey with a mezzanine shall count as two full storeys. (RC- May23/24;E-Jun 13/24)

(156) Micro-Brewery Use means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled.

(157) Micro-Distillery Use means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than beer. The facility may include accessory uses, such as retail sale, wholesale, tours and events, and hospitality rooms where beverages produced at the facility can be sampled. (RCCC-Jan 24/24;E-Feb 9/24)

(158) Micro Wind Energy Facility means a wind energy facility consisting of a single turbine, designed to supplement other electricity sources as an accessory use to existing buildings or facilities, and has a total rated capacity of 10 kW or less.

(159) Mid-Block Pedestrian Connection means an unenclosed continuous, unobstructed, direct route between two streets or two public spaces, including walkways, accessways, stairways, or pedestrian bridges, and excluding portals or walkways from a street to a building entrance.

(160) Mid-Rise Building means a main building that is

(a) more than 4 storeys but no more than 7 storeys within **DD (RC-Dec 11/25;E-Feb 2/26)** CEN-2, CEN-1, COR, HR-2, or HR-1 Zone; or

(b) more than 11.0 metres in height but no more than 20.0 metres in height in all other areas.

(RC- May23/24;E-Jun 13/24)

(160.5)Mid-Rise Typology means a portion of a main building, above the height of a streetwall, that is:

(a) no more than 7 storeys or 20.0 metres in height above the average finished grade to the top of the roof; and and (RC- May23/24;E-Jun 13/24)

(b) not connected above the height of streetwall to any other portion of the building that would exceed 7 storeys or a height of 20.0 metres from average finished grade. (RC-May23/24;E-Jun 13/24)

(RC-Jul 12/22;E-Aug 22/22)

(161) Minor Building Features means portions of a building that are either flush with the exterior wall of a building or protrude beyond the exterior wall of a building, such as vents, downspouts, gutters, doorknobs, architectural detailing, sills, cornices, eaves, stovepipes, chimneys, shutters, and mailboxes.

(162) Minor Spectator Venue Use means indoor premises where people gather, with a capacity of more than 500 permanent seats and fewer than 3,000 permanent seats, such as cinemas, theatres, concert halls, auditoriums, social and cultural gathering places, and venues for sporting events, but excludes convention centre uses, cultural uses, major spectator venue uses, club recreations uses, commercial recreation uses, and community recreation uses.

(163) Mobile Home Use means a prefabricated detached dwelling, designed for transportation on its own chassis and wheels to a site where it is to be occupied as a dwelling, complete and ready for occupancy (except for minor and incidental unpacking or assembly operations). A mobile home shall be considered to be a mobile home whether or not the chassis or wheels are

removed. This definition excludes the modular type of a prefabricated dwelling where separate units are joined together on site to form the complete dwelling unit. For further clarity, a mobile home use does not include a recreational vehicle.

(164) Model Suite Use means premises used to display a sample dwelling unit that is available for sale or rental in a residential development, approved by the Municipality, and may incorporate sales or rental offices.

(165) Monument Use means a structure that commemorates an event, individual, or group.

(166) Motor Vehicle Sharing Space means a parking space for motor vehicles that is marked and registered for use by a motor vehicle sharing service. The renting organization may be a commercial business, a company, a public agency, a cooperative, or an ad hoc grouping.

(167) Multi-Unit Dwelling Use means a building containing at least 5 dwelling units, but excludes a cluster housing use. (RC- May 23/24;E-June 13/24)

(168) Municipality means the Halifax Regional Municipality.

(169) Nacelle means the frame and housing at the top of the wind turbine that encloses the gearbox and generator.

(170) Neighbourhood Sign means a sign identifying a neighbourhood or district that is erected by the Municipality, which may be erected on the behalf of a neighbourhood group or community organization.

(171) Not-for-Profit Organization means:

(a) a society incorporated pursuant to the *Societies Act*, R.S.N.S.1989 c.435, as amended;

(b) a non-profit association incorporated pursuant to the *Co-operative Associations Act*, R.S.N.S.1989 c. 98, as amended;

(c) a non-profit association to which the *Co-operative Associations Act* applies;

(d) a not-for-profit corporation incorporated pursuant to the *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23; or

(e) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature.

(172) Nude means the showing of human genitals, pubic areas, or buttocks with less than a full opaque covering.

(173) Obnoxious Use means any use that creates a nuisance or is offensive through the creation of noise, vibration, glare, electrical interference, fire, or explosion hazard, or the emission of gas, fumes, dust, smoke, oil, runoff, or objectionable odours.

(174) Office Use means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office use.

(175) Off-Street Loading Space means a dedicated area, located on a lot, that is designed for loading and unloading goods from motor vehicles.

(176) Ordinary High Water Mark means as defined in the *Nova Scotia Land Surveyors Regulations*.

(177) Owner means the owner of lot, which includes:

(a) a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of land or a building;

(b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession, or a person having the care or control of the land or building;

(c) a person who occupies shores, beaches, or shoals; or

(d) in the absence of proof to the contrary, the person assessed for the lot.

(178) **Parking Lot** means a surface parking area, not contained within a structure or on top of a structure, for five or more motor vehicles.

(179) **Parking Structure** means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use.

(180) **Park Use** means land that is owned or operated by a government entity and primarily used for outdoor recreational purposes, either active or passive, but excludes commercial recreation uses. A park use may include land and buildings for uses that are accessory to the park use or uses associated with government or not-for-profit organizations.

(181) **Patio** means an uncovered flat surfaced area that is up to 0.6 metre in height above the finished grade.

(182) **Pawn Shop Use** means premises where a person may give, pledge, or deposit goods as security in return for a payment or loan, but excludes financial institution uses.

(183) **Pedestrian Walk**, for the purposes of Section 445, means an at-grade pathway system that:

(a) is intended for the movement of pedestrians;

(b) does not meet the definition of a street under this By-law; and

(c) does not meet the definition of a walkway under the *Regional Subdivision By-law*.

(184) **Pedway** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic.

(185) Permanent Seating means seats or benches that are affixed in place to the ground or a floor of a structure.

(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. (RCCC-Oct 26/22;E-Nov 11/22)

(186) Personal Service Use means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, tutoring, depots for collecting dry cleaning and laundry, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, funeral homes, and the retail sale of products accessory to any service provided. For further clarity, a personal service use does not include veterinary facility uses, kennel uses, pet daycare uses, and crematorium uses.

(187) Pet Daycare Use means premises where the daytime boarding and care of pets occurs, but excludes overnight boarding and a kennel use.

(188) Playground means a landscaped area that contains play equipment, such as swings, slides, sandboxes, and jungle gyms.

(189) Portal means an at-grade opening in a streetwall that provides a passage through the building to an unenclosed portion of the lot. A portal may be used for vehicular or pedestrian access, but is not a recessed pedestrian entrance.

(190) Portico means an open space lined with columns, and covered by a roof, serving as a porch or transition space before the entrance to a building.

(191) Premises means a structure or portions of a structure occupied by a use.

(192) Processing of Urban Agricultural Products means activities associated with the chopping, packaging, pickling, or preserving of urban agricultural products.

(193) Professional Artist means an artist who:

(a) has proven, specialized training in an artistic field;

(b) is recognized as a professional by their peers who are working in the same artistic tradition; and

(c) has a history of public presentation or publication.

(194) Professional Engineer means an individual licensed by, and in good standing with, the Association of Professional Engineers of Nova Scotia.

(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

(c) is attached to a canopy. (RCCC-Oct 26/22;E-Nov 11/22)

(196) Public Art means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia.

(197) Public Building Use means any municipal, provincial, or federal government- owned building and includes any building owned by a corporation, board, commission, or other authority of the municipality, provincial government, or federal government.

(198) Quick Charging Station Use means infrastructure used for the rapid charging of electrical vehicles.

(199) Quonset Hut means a corrugated metal building with a wall that is not vertical, where the roof meets the foundation (Diagram 31).

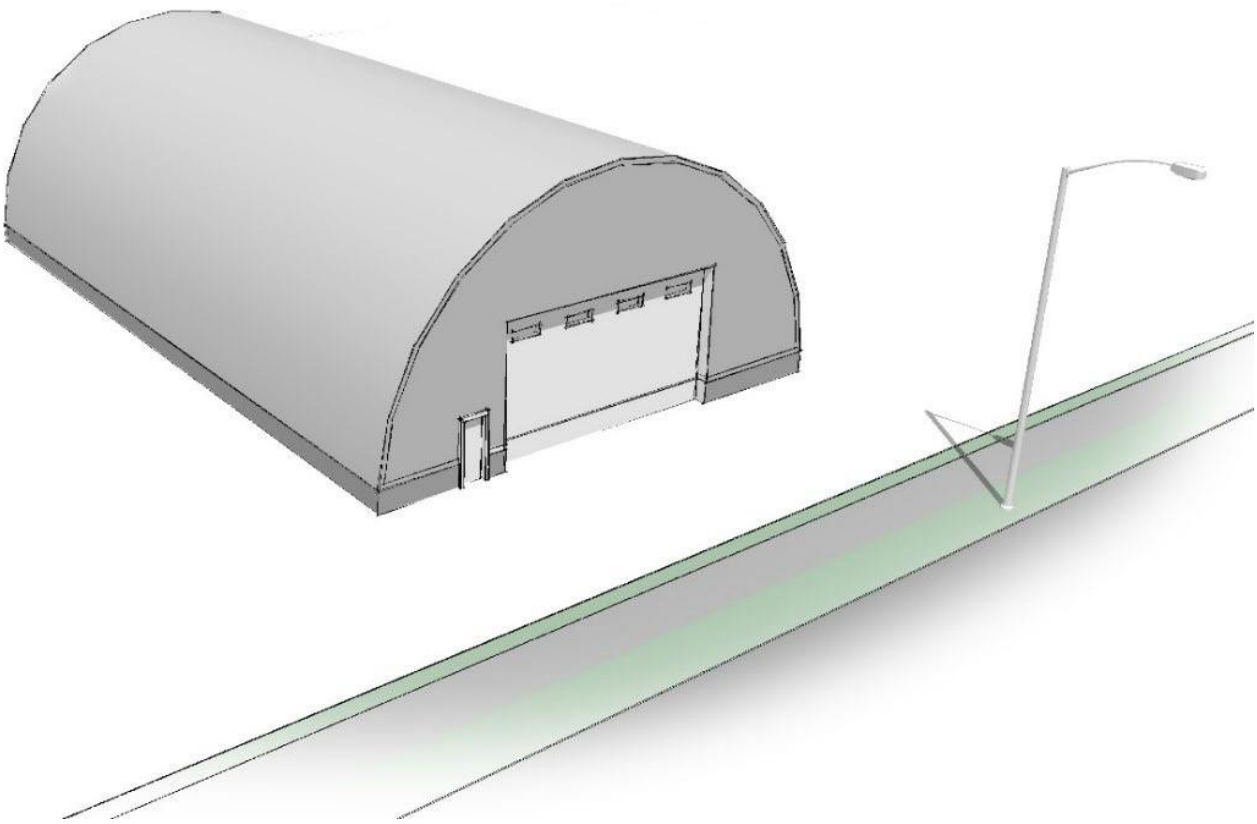


Diagram 31: Quonset Hut, per Subsection 499(199)

(200) Rear Lot Line means the lot line farthest from or opposite to the front lot line, and which is not a flanking lot line.

(201) Rear Yard means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main building on the lot, excluding any area of the lot that is a flanking yard, as shown on Diagrams 38 and 39.

(202) Recessed Pedestrian Entrance means a doorway that is recessed from the ground floor portion of the streetwall, but excludes a portal.

(203) Recreational Vehicle means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle.

(204) Recycling Depot Use means a collection site for materials in a municipal or provincial recycling program that is licensed by the Province, but excludes a scrapyard or salvage use.

(205) Registered Canadian Charitable Organization means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act.

(206) Registered Heritage Building means a building on a registered heritage property that:

(a) has been registered pursuant to the *Heritage Property Act*; and

(b) contributes to the character-defining elements on the registered heritage property.

(207) Registered Heritage Property means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

(208) Religious Institution Use means a place of worship, a place of religious gathering, or a columbarium, including accessory uses that are on-site, such as a rectory, a convent, a private school, a meeting hall, offices for administration of the institution, a daycare use, and a shelter use.

(209) Research and Development Facility Use means premises used for scientific or technical research, analysis, experimentation, or prototyping, which may include laboratories, workshops, or an accessory chemical storage facility, but does not involve the manufacturing or processing of products for the purpose of retailing or wholesaling.

(210) Residential Penthouse means an enclosed rooftop space used for human habitation.

(211) Residential Use means any use listed under the "RESIDENTIAL" heading in Tables 1A, 1B, 1C, or 1D.

(212) Restaurant Use means premises, excluding a catering use, whose primary purpose is to prepare, serve, and sell food and non-alcoholic beverages for consumption on or off the premises. A restaurant use may be licensed to serve alcoholic beverages, but this shall be incidental to the preparation, serving, and selling of food.

(213) Retail Use means premises used for the selling or renting of merchandise, including second-hand goods, directly to consumers. Retail uses may also include the servicing and repair of items like those being sold.

(213.5)Retaining Wall means a vertical, or near vertical structure, that holds back sand, gravel, rock, clay, soil, or other fill material, and prevents movement of material down slope or erosion on a site. (RC-Jan 9/24;E-Feb 12/24)

(214) Roof means the portion of a structure forming the upper covering of that structure.

(215) Roof Slab means a thick plate of concrete supported by beams or columns that provides a flat surface at the top of the structure.

(216) Salvage Use means the collection, storage, and sale of waste materials. The collecting, dismantling, storage, salvaging, or sale of parts associated with motor vehicles, not in running condition, are considered salvage uses. For clarity, an impounding yard is not considered a salvage use.

(217) School Use means a public or private institution of learning for grades pre- primary to twelve.

(218) *Repealed* (RC- May23/24;E-Jun 13/24)

(219) Self-Storage Facility Use means premises in one building or a group of buildings that contain individually rented storage units.

(220) Semi-Detached Dwelling Use means two dwelling units, where each is located on an individual lot, but joined along a single lot line.

(221) Service Access (Repealed: RCCC-Oct 26/22;E-Nov 11/22)

(222) Service Station Use means premises used primarily for:

(a) the retailing of motor vehicle fuels, lubricants, motor vehicle accessories; or

(b) the electric charging of motor vehicles; and

may also include an accessory car wash use.

(223) Service Use means a business whose primary function is call-out or dispatch work, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, landscapers, and taxis.

(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 32.5 (RCCC-Oct 26/22;E-Nov 11/22)).

Diagram 32: *Repealed* (RCCC-Oct 26/22;E-Nov 11/22)

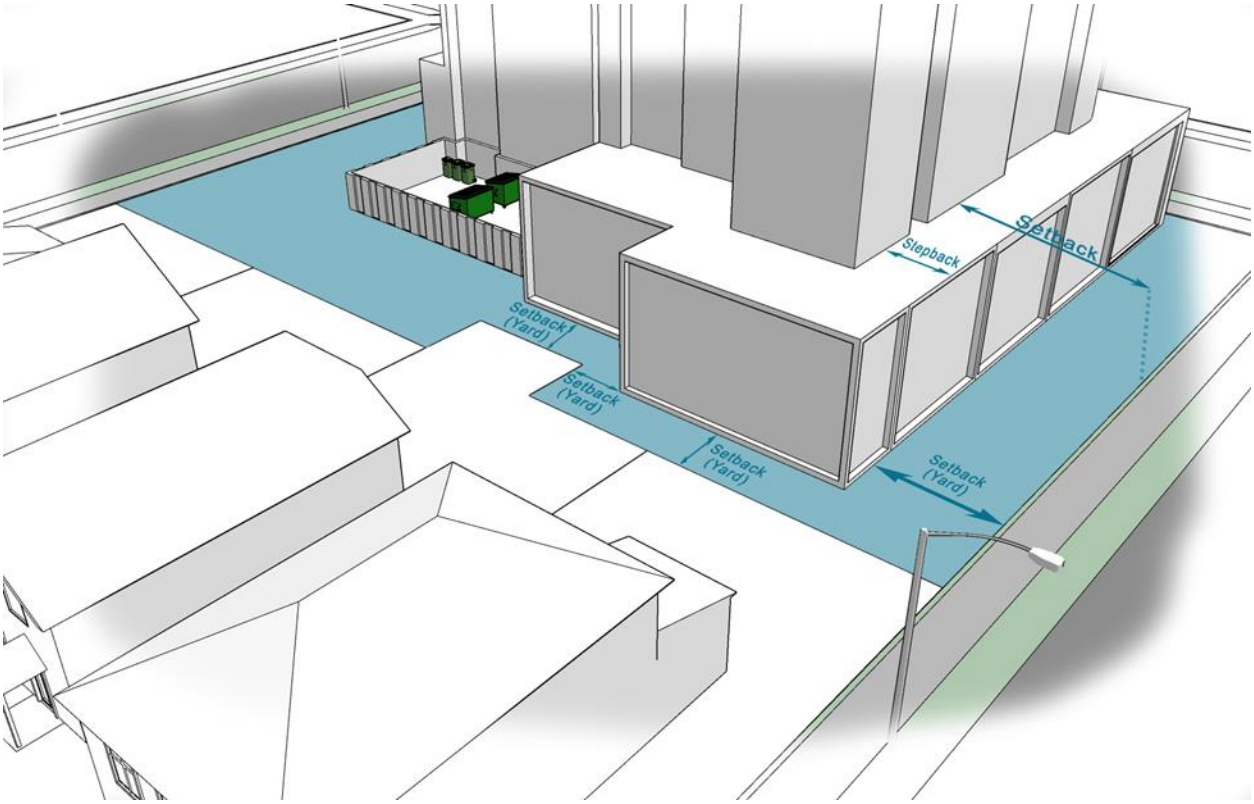


Diagram 32.5: Setback and stepback, per Subsections 499(224) and 499(240) (RCCC-Oct 26/22;E-Nov 11/22)

(225) Shared Housing Use means a use that (RCCC-Jan 24/24;E-Feb 9/24)

(a) contains at least 4 bedrooms; and

(b) satisfies one or more of the following conditions: (RCCC-Jan 24/24;E-Feb 9/24)

(i) that are rented for remuneration as separate rooms for residential accommodation; or

(ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist

accommodation as defined in the *Tourist Accommodation Regulation Act*.

(RC-Aug 9/22;E-Sep 15/22)

(225.5)Shared Housing with Special Care means a type of Shared Housing Use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, and for greater certainty, shared housing with special care may include individual dwelling units for occupants, and must meet the definition of Shared Housing Use. (RC-Aug 9/22;E-Sep 15/22)

(226) Shelter Use means premises providing an individual with overnight sleeping accommodations, free of charge.

(227) Shipping Container means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck.

(227.5)Short-term Bedroom Rental means a short-term rental where individual bedrooms within a dwelling unit are rented to separate parties or groups with or without meals. (RC-Feb 21/23;E-Sep 1/23)

(227.6)Short-term Rental means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less. (RC-Feb 21/23;E-Sep 1/23)

(**228) Shrub** means a woody plant that has several main stems arising at or near the ground.

(229) Side Lot Line means a lot line that is not a front, flanking, or rear lot line.

(230) Side Yard means a yard between the front yard and the rear yard, and between the side lot line and the nearest exterior wall of any main building on the lot (Diagrams 38 and 39).

(231) Sign means any structure designed or intended to convey information using words, images, symbols, pictures, logos, or any combination thereof, for the purpose of providing direction, information, identification, advertisement, business promotion, or the promotion of a product, activity, service, or idea. For further clarity, decorations or festival signage are not considered a sign.

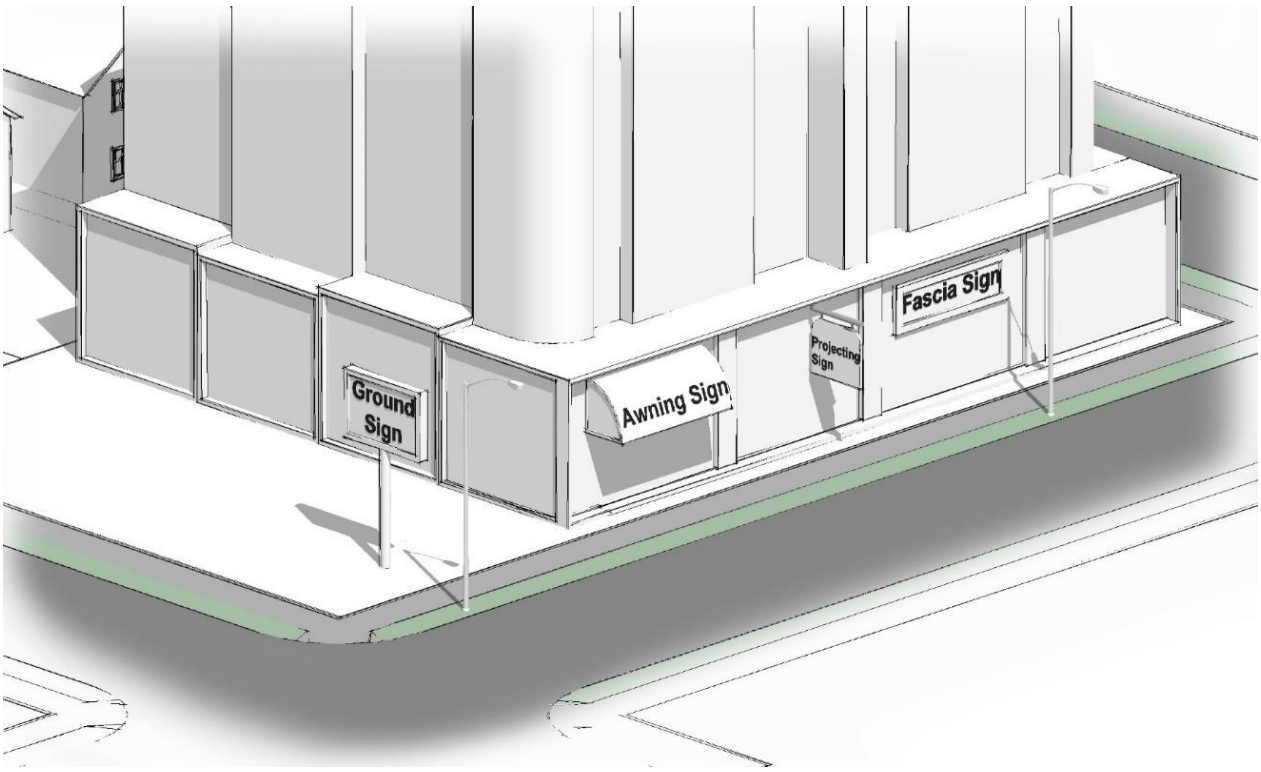


Diagram 33: Awning sign, fascia sign, ground sign, and projecting sign, per Subsections 499(22), 499(84), 499(104), and 499(195)

(232) Sign Area means the area or portion of a sign, including internal holes or vacant spaces, upon which the advertising message is displayed, including those portions used for outlines or borders. Where letters, logos, or images are mounted or hung without backing, the area shall be determined based on the smallest geometric shape which contains the entire advertising message.

(233) Sign Height means the vertical distance of a sign between the lowest point of grade directly below the sign and the highest point of the sign.

(234) Single-Unit Dwelling Use means a detached building containing one dwelling unit, and includes a mobile home use (RC-Oct 11/22;E-Nov 16/22).

(235) Small Shared Housing Use means a shared housing use that contains no less than 4 and no more than 20 bedrooms, subject to the maximum bedroom requirement in Subsection 57(2). (RCCC-Sep 4/24;E-Apr 17/25)

(236) Small Wind Energy Facility means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW.

(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 are considered soft landscaping. (RCCC-Oct 26/22;E-Nov 11/22)

(238) Solar Collector means a system designed to collect solar radiation and convert it to useable forms of energy, such as photovoltaic and solar thermal systems. This definition excludes windows, unless the windows are treated with a photovoltaic film.

(239) Solid Waste Management Area means an area of a building or a lot used for the storage of waste materials and separation into waste streams.

(240) Stepback means a horizontal recess that breaks the vertical plane of an exterior wall on a main building (Diagram 32.5). (RCCC-Oct 26/22;E-Nov 11/22)

(241) Storage Yard Use means the storage of equipment, merchandise, inventory, products, or materials outside a building that are not available for immediate sale, but excludes dealership uses and salvage uses.

(242) Storey means **the portion of a building that is situated between the top of a floor and the top of the floor next above it, including a mezzanine, and if there is no floor above it, the portion between the top of the floor and the ceiling above it**, and **(RC-Dec 11/25;E-Feb 2/26)**

(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.

(RC- May23/24;E-Jun 13/24) (RCCC-Sep 4/24;E-Apr 17/25)

(243) Street means a public street, highway, road, lane, sidewalk, thoroughfare, bridge and square, and the curbs, gutters, culverts, and retaining walls in connection therewith. For additional clarity, a road listed on Schedule A of the Regional Subdivision By-law shall also be considered a street under this By-law.

(244) Streetline means any lot line dividing a lot from a street or private road.

(245) Streetline Grade means the elevation of a streetline, or in the presence of a transportation reserve the elevation of the boundary of the transportation reserve that is closest to the development, located at a midpoint of a streetwall. For streetwalls that are greater than 10.0 metres in width, separate streetline grades are determined for the midpoint of each streetwall segment that is 10.0 metres wide, or a part thereof (Diagram 34). (RC- May23/24;E-Jun 13/24)

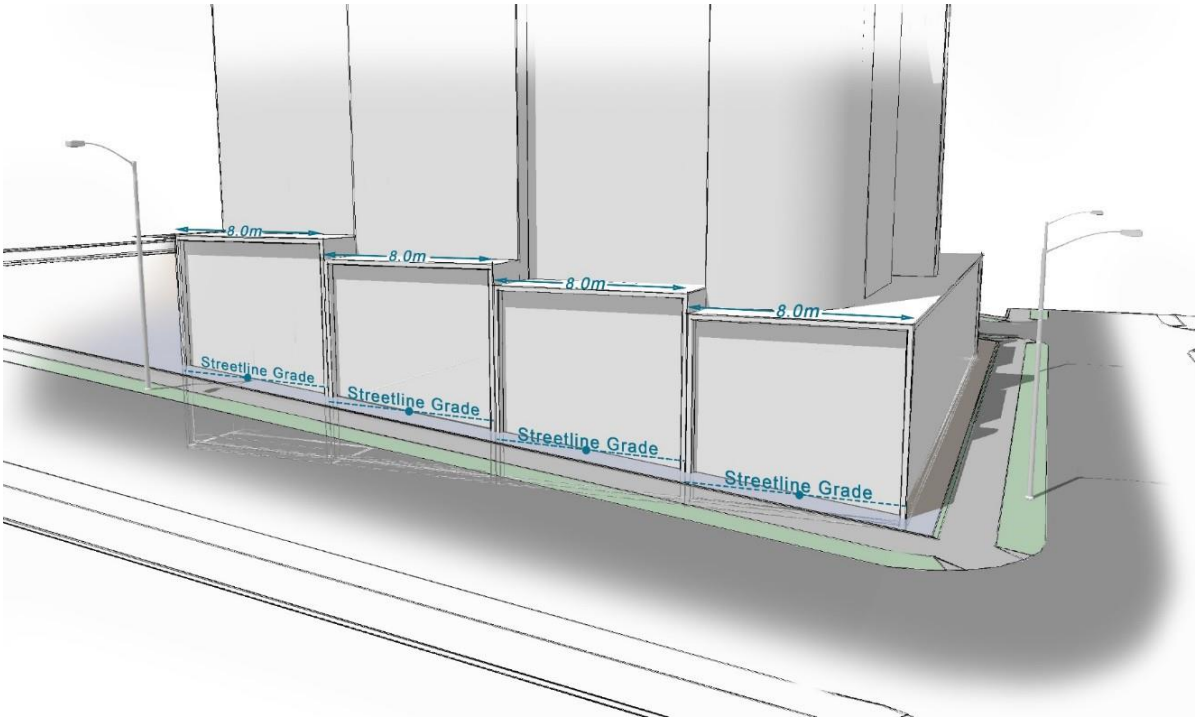


Diagram 34: Streetline grade, per Subsection 499(245)

(246) Streetwall *Repealed* (RCCC-Oct 26/22;E-Nov 11/22)

(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.

(247) Streetwall Height means the vertical distance between:

(a) the streetline grade and the top of the streetwall, extending across the width of the streetwall (Diagram 35);

(b) where a municipal or provincial transportation or utility easement abuts the streetline and extends the full lot width, the grade at the edge of the easement that is located farthest from the streetline and the top of the streetwall, extending across the width of the streetwall; or

(c) where a transportation reserve is present, the grade at the edge of the transportation reserve that is located farthest from the streetline and the top of the streetwall, extending across the width of the streetwall.

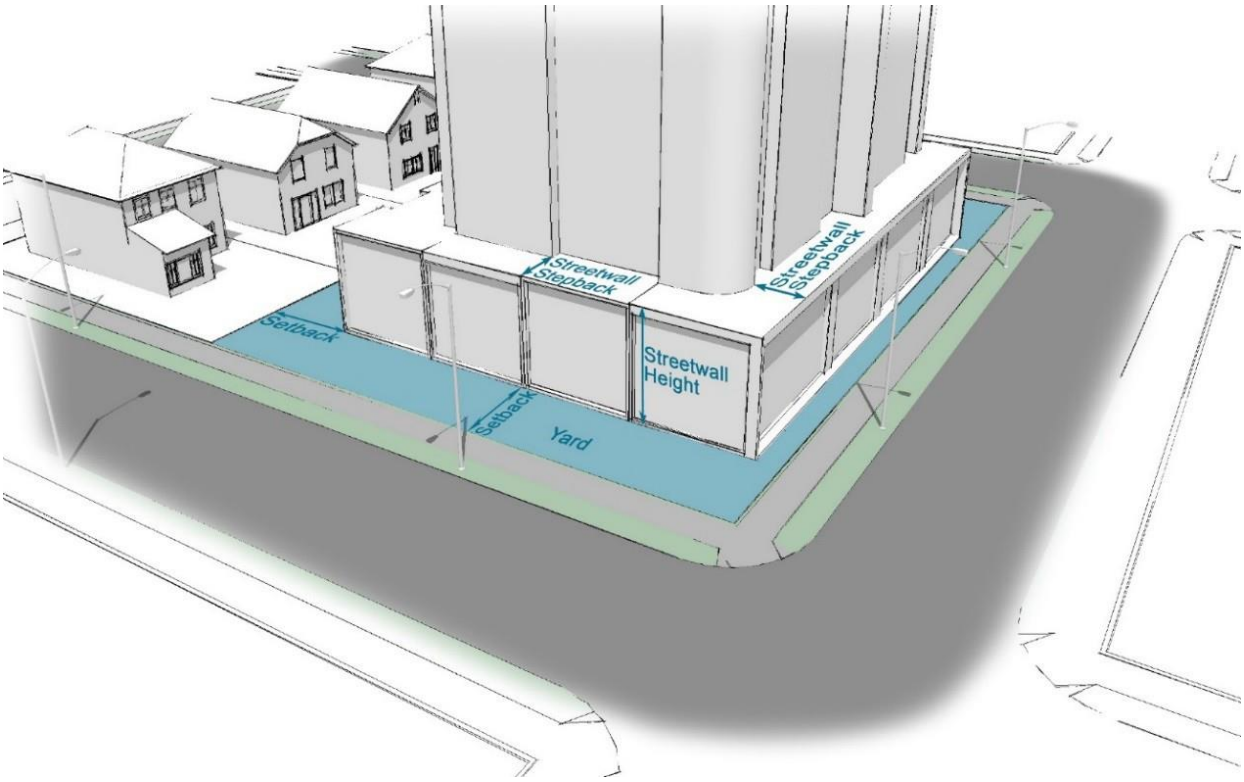


Diagram 35: Streetwall height and streetwall stepback, per Subsections 499(247) and 499(248)

(248) Streetwall Stepback means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram 35).

(249) Structure means everything that is erected, built, or constructed of parts joined together, and includes a building.

(250) Studio Use means the commercial use of space for artistic or artisanal purposes, with or without instruction, but excludes any school use, college or university use, religious institution use, cultural use, personal service use, or home occupation use.

(251) Surveyor means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.

(252) Tall Mid-Rise Building means a main building that:

(a) within the DH Zone, is greater than 20.0 metres in height, but not higher than 33.5 metres in height; or (RC- May 23/24;E-June 13/24)

(b) within **the DD**, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone, is more than 7 storeys but no more than 10 storeys; or **(RC-Dec 11/25;E-Feb 2/26)**

(c) in all other areas, is more than 20.0 metres in height but no more than 30.0 metres in height.

(RC- May 23/24;E-June 13/24)

(252.5) Tall Mid-Rise Typology means a portion of a main building, above the height of a streetwall, that:

(a) within the DH Zone: (RC- May 23/24;E-June 13/24)

(i) has an overall height from the average finished grade to the top of the roof that is greater than 20.0 metres, but not higher than 33.5 metres, and (RC- May 23/24;E-June 13/24)

(ii) is not connected above the height of the streetwall to any other portion of the building that would exceed a height of 33.5 metres from average finished grade; or (RC- May 23/24;E-June 13/24)

(b) in all other areas:

(i) has an overall height from average finished grade to top of the roof that is greater than 20.0 metres and 7 storeys, but not higher than 30.0 metres or 10 storeys, and (RC- May 23/24;E-June 13/24)

(ii) is not connected above the height of the streetwall to any other portion of the building that would exceed a height of 30.0 metres from average finished grade. (RC- May 23/24;E-June 13/24)

(RC-Jul 12/22;E-Aug 22/22)

(253) Temporary Construction Use means a use, which in the opinion of the Development Officer, is of limited duration and accessory to a development in progress, such as:

(a) work camps;

(b) construction camps;

(c) rock crushers;

(d) sales or rental offices;

(e) on-site construction management offices;

(f) tool or maintenance sheds; and

(g) shipping containers that serve as one of the foregoing.

(254) Temporary Use means a use:

(a) that is:

(i) associated with a holiday or special event, or

(ii) accessory to a permitted main use;

(b) and is:

(i) 80 cumulative days or less in duration within any one calendar year for those lands within the

Dartmouth Waterfront (DW) Special Area, as shown on Schedule 3A, or the Halifax Waterfront (HW) Special Area, as shown on Schedule 3B, or

(ii) in all other cases, is 90 cumulative days or less in duration within any one calendar year; and

(c) excludes a temporary construction use.

(255) Three-Unit Dwelling Use means a building containing three dwelling units on the same lot, but excludes a cluster housing use.

(256) Through Lot means a lot with frontage on two or more streets, where frontages are not contiguous (Diagram 36).

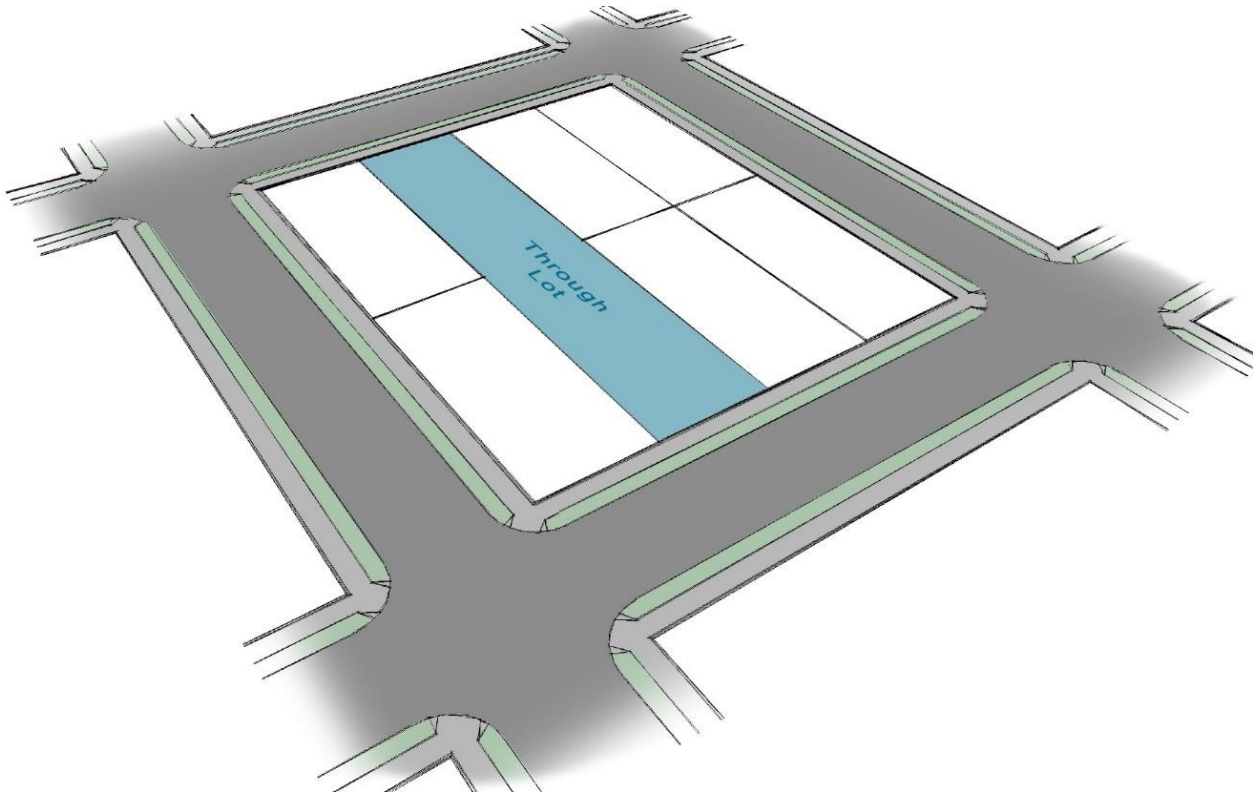


Diagram 36: Through lot, per Subsection 499(256)

(257) Total Rated Capacity means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility.

(258) Tower Portion means the portion of a high-rise building that:

(a) within the DH Zone, exceeds a height of 33.5 metres above the average finished grade; or

(b) in all other zones, is located above the height of the streetwall.

(259) Townhouse Block means a specified number of attached townhouse dwelling units permitted to form a group of townhouses, constructed in a row.

(260) 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. (RC- May 23/24;E-June 13/24) (RCCC-Sep 4/24;E-Apr 17/25)

(261) Transportation Facility Use means public or private transit facilities, bus stations, ferry terminals, and train stations, excluding storage yards and maintenance facilities.

(262) Turret means a small projecting tower at the corner of a building, or above the roof of a larger tower, which is either circular or octagonal in plan view.

(263) Two-Unit Dwelling Use means a building containing two dwelling units on the same lot, but excludes a cluster housing use.

(264) University or College Use means a post-secondary institution that awards individuals with academic degrees, diplomas, or certificates in various disciplines, such as universities, community colleges, trade schools, career colleges, language schools, and culinary schools, along with accessory uses such as athletic facilities, student and faculty housing, dining halls, research and development facility uses, and chemical storage facilities. (RC- May 23/24;E-June 13/24)

(265) Urban Agriculture Use means any use listed under the "URBAN AGRICULTURE" heading in Tables 1A, 1B, 1C, or 1D.

(266) Urban Farm Use means:

(a) the keeping of bees as an accessory use;

(b) the keeping of egg-laying hens as an accessory use; or

(c) the harvesting of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;

undertaken by an owner, a community organization, or a commercial operator, including a community garden.

(267) Use means:

(a) the purpose for which a structure or land is used or occupied, or intended or designed to be used or occupied; or

(b) the conduct of an activity, or the performance of a function or operation, on a lot or in a structure.

(268) Used Building Material Retail Outlet means a building or part of a building where construction and demolition (C&D) materials are sorted and available for sale, with incidental and minimal alteration of the materials.

(269) Utility Use means structures, equipment, or materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use.

(270) Variable Message Sign means any advertising display that is capable of displaying digital content, projected content, or automatically changing content.

(271) Variance means a variance under Sections 250 to 252 of the *Charter*.

(272) Variation means the modification of a requirement of this By-law, as listed in Section 15, through site plan approval.

(273) Veterinary Facility Use means indoor premises designed or used for the care, observation, and treatment of ill or injured animals.

(274) View Line means the view from the street to a view terminus site.

(275) View Plane means a view cast in a perspective projection that is tied to a geographic location.

(276) Warehousing Use means a building or part of a building used for the storage or the wholesale and distribution of manufactured products, supplies, or equipment, but excludes a wholesale food production use.

(277) Water Access Structure Use means any structure connected to the shore that provides berthing for water-based vessels, including a dock and a wharf.

(278) Watercourse means a lake, river, stream, ocean, or other natural body of water.

(279) Water Lot means any lot or portion of a lot located on a lake or on the Halifax Harbour, the title of which is separately conveyable, and that is normally fully or partly submerged under water.

(279.5) Water Lot Infilling means the placing of any fill material within a water lot, but does not include cribbing for an approved wharf under the *Canadian Navigable Waters Act*. (RC-Jan 9/24;E-Feb 12/24)

(280) Wholesale Food Production Use means premises used for baking, preparing, processing, distributing, and wholesaling food products, but where over-the- counter or other retailing of food products is limited to an accessory retail outlet, and which excludes a catering use, a restaurant use, and the slaughtering of animals.

(281) Wholesale Use means premises where merchandise is sold or distributed to retailers, industrial, commercial, or institutional users, or other wholesalers.

(282) Wind Energy Facility means a wind energy conversion system to produce electricity, consisting of one or more roof mounted turbines or turbines at grade, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure, and transmission lines.

(283) Wind Turbine means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.

(284) Wind Turbine Height means the distance measured from the average finished grade of a wind turbine to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation. In the case of a roof-mounted wind turbine, the distance measured from the building's average finished grade to the highest point of the wind turbine rotor or tip of the wind turbine blade, when it reaches its highest elevation (Diagram 37).

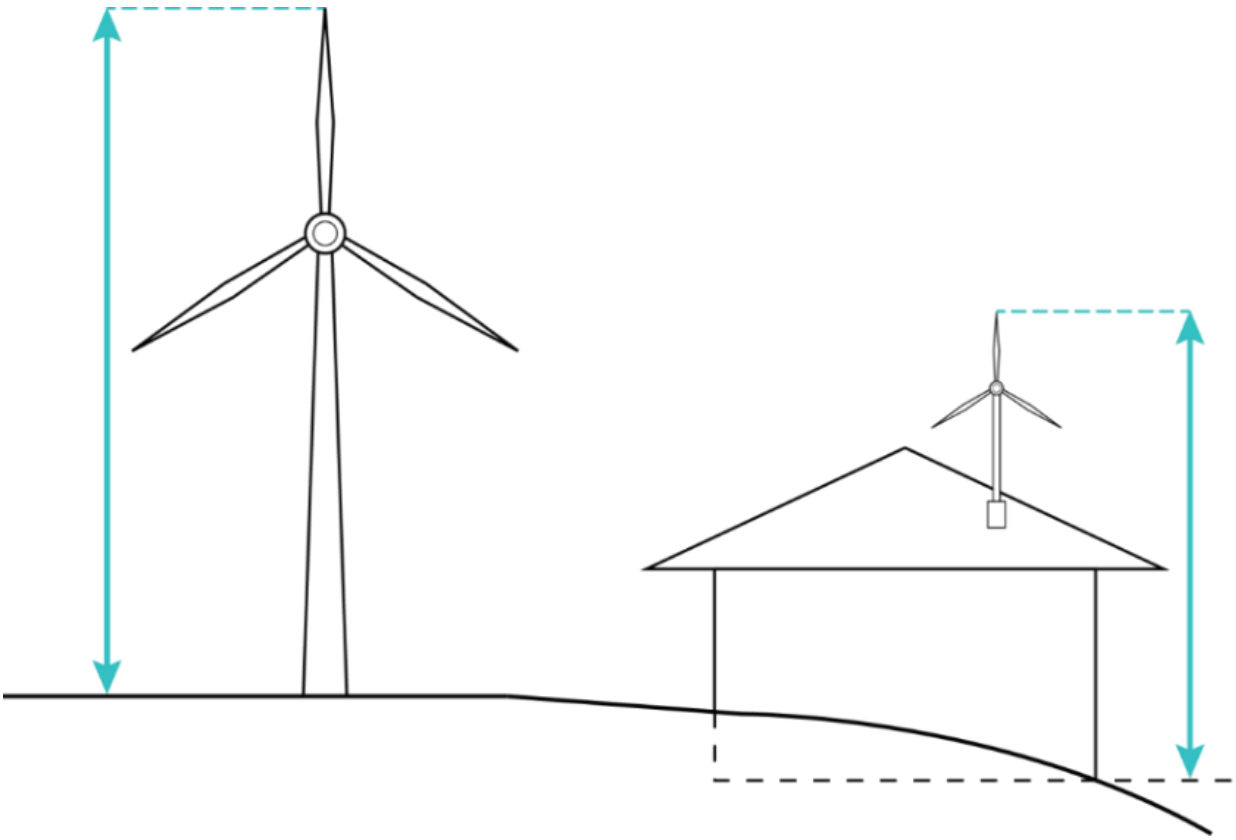


Diagram 37: Wind turbine height, per Subsection 499(284)

(284.5)Wood-Frame Construction means as defined in Sentence 9.23.1.1.(1) of the *National Building Code of Canada*, which may be amended by the *Nova Scotia Building Code Regulations*. (RC- May 23/24;E-June 13/24)

(285) Work-Live Unit Use means premises that contains both a dwelling unit and a permitted commercial use or institutional use, but excludes a home occupation use and a home office use.

(286) Yard means an open area at ground level that is uncovered by any main building, except those structural and building features permitted in Section 94.5. (RCCC-Jan 24/24;E-Feb 9/24)

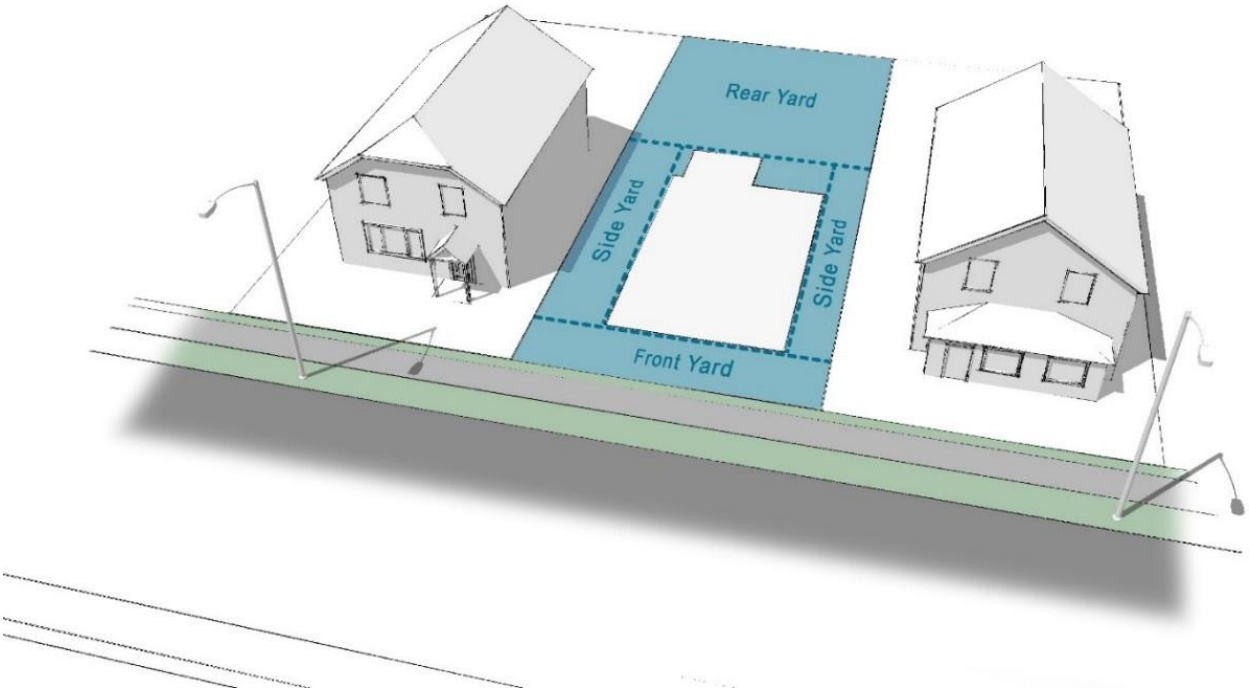


Diagram 38: Front yard, side yard, and rear yard, per Subsections 499(95), 499(201), and 499(230)

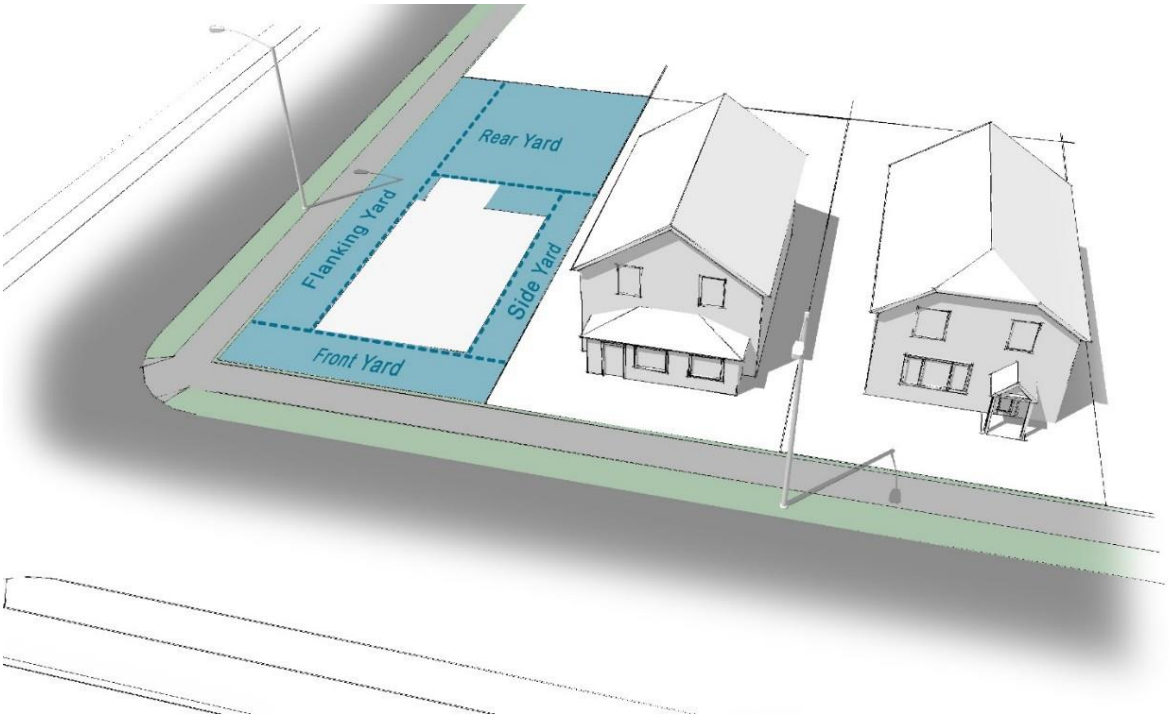


Diagram 39: Front yard, flanking yard, side yard, and rear yard, per Subsection 499(88), 499(95), 499(201), and 499(230).

(287) Zone means any area identified on Schedule 2.

Appendix

Appendix 1: Pedestrian Wind Impact Assessment Protocol and Performance Standards

Background

This protocol provides guidance for the preparation and review of pedestrian wind impact assessments, including detailed assessment methodologies, local wind climate data, wind comfort, and safety performance standards, as well as wind mitigation measures. It is intended to ensure enhanced consistency and accountability in the development approval process.

Buildings taller than their immediate surroundings are exposed to stronger winds at higher elevations. These winds can be redirected down by building walls and can subsequently accelerate around exposed building corners and along the gaps between buildings, resulting in high wind activity in pedestrian areas (Diagram A1-1).

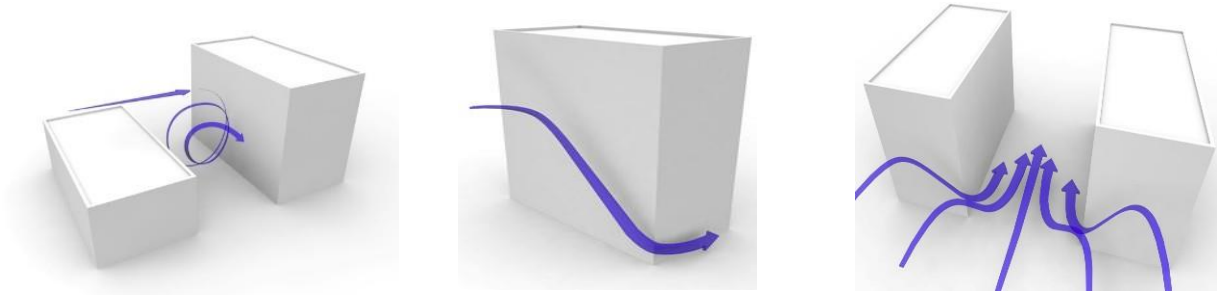


Diagram A1-1: Typical wind flow patterns around buildings

Increased wind speeds may affect pedestrian comfort and safety on and around a proposed development and, therefore, a project's success. The potential wind impact can be assessed through an experience-based review, computer simulations, and wind tunnel testing. If a negative wind impact is predicted, mitigation strategies shall be developed, as required by the *Regional Centre Secondary Municipal Planning Strategy*.

Quantitative and Qualitative Assessments

When an application is made for a new building or an addition to an existing building higher than 20.0 metres, a pedestrian wind impact assessment shall be conducted. Table A1-1 shall be used as a guide in the determination of an appropriate assessment approach for the proposed development.

A qualitative assessment of wind conditions, including a letter of opinion and a desktop analysis, is largely based on wind consultants' knowledge of wind flows around buildings, local wind climate, and experience with wind tunnel tests on similar building projects in the Halifax Regional Municipality. A desktop analysis may involve using numerical tools to predict wind conditions around simplified building forms. It may also use Computational Fluid Dynamics (CFD) software to visualize the flow patterns for select (or all) wind directions (Diagram A1-2a). While the CFD technique is increasingly popular for evaluating design options and visualizing flow patterns around building massings, it is still considered a qualitative tool that is not sufficiently advanced to replace wind tunnel testing. Even the most sophisticated CFD software has difficulty predicting turbulence and gust speeds that directly relate to wind safety. Currently, only wind tunnel testing can provide quantitative predictions of wind speeds and exceedance frequencies.

Wind Tunnel Testing

Wind tunnel testing shall be conducted in a boundary-layer wind tunnel where wind and turbulence profiles are adequately simulated for 36 wind directions. Wind tunnel models are typically built at a 1:300 or 1:400 scale, with the study building at the centre and surrounded by existing buildings (including buildings under construction) and topography (e.g., the Halifax Citadel and Halifax Harbour) for a minimum radius of 350 metres (Diagram A1-2b). Both mean and gust wind speeds shall be measured at a height of 1.5 metres above the grade at the location where the measurement is to be undertaken, for both the existing and proposed site configurations. Comparisons of wind conditions with and without the proposed development in place provide a true assessment of the wind impact. Testing of an additional (future) site configuration may be warranted if there are approved or proposed major developments in the surrounding area that may change the local wind conditions. If uncomfortable or unsafe wind

conditions are identified in key pedestrian areas, mitigation configuration(s) shall also be included in wind tunnel testing to demonstrate the effectiveness of any proposed wind control solutions.

Measurement locations shall cover key pedestrian areas on the development site and around the adjacent street blocks, typically including building entrances, sidewalks/walkways, bus stops, outdoor restaurant uses, parks, playgrounds, roof terraces, and so on. The wind tunnel results shall report wind speeds and exceedance frequencies at all test locations and shall be presented in both tabular and graphic forms for all test configurations.

Table A1-1: Assessment Approach According to the Proposed Building Height

Proposed building height	Assessment approach
20 to 40 metres, with the same or taller surroundings	An experience-based letter of opinion sufficient to: (a) identify any building design issues; and (b) provide conceptual solutions for wind control, where needed.
20 to 40 metres, with lower surroundings	(a) For a qualitative assessment and to provide wind mitigation strategies, an experience-based desktop analysis using numerical tools, including CFD (if appropriate); and (b) A quantitative assessment in a wind tunnel may be required in some cases involving multiple buildings, located at a waterfront or hilltop location, or including special pedestrian uses.
> 40 metres	A quantitative wind tunnel assessment using physical scale- modelling in a boundary-layer wind tunnel, to predict and assess potential wind conditions and, if needed, develop and confirm the effectiveness of wind mitigation measures.

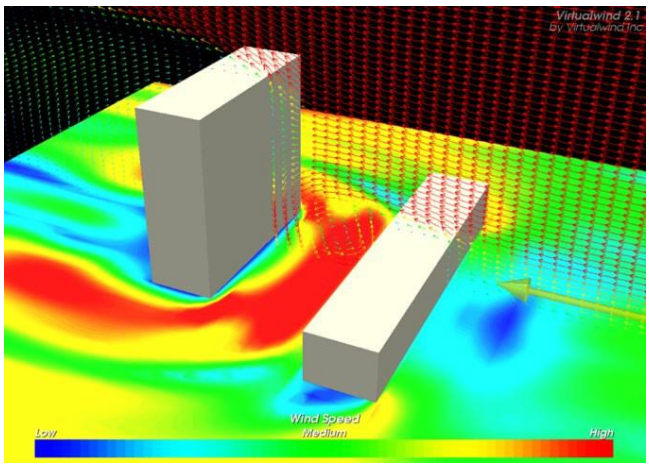


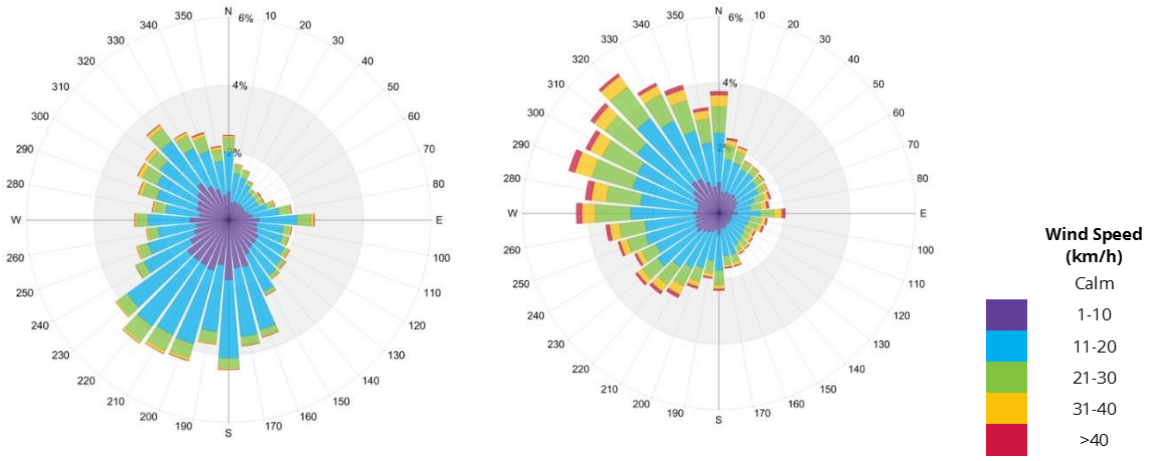
Diagram A1-2a: An example of computer simulation (CFD) of wind flows around buildings

Diagram A1-2b: Photo of modelled buildings in a boundary-layer wind tunnel

The assessment of pedestrian-level wind conditions should be conducted as early as possible, when building massing can still easily be altered for wind control, if necessary.

Local Wind Climate Data

Long-term data from Shearwater Airport (Diagram A1-3) shall be used as a reference for the wind assessment of projects in the Halifax Regional Municipality. The data shall be grouped into two seasons: summer (May to October) and winter (November to April), to account for the distinct differences in pedestrian outdoor activity during these two periods.



Summer (May to October) **Winter (November to April)**

Diagram A1-3: Seasonal distribution of winds approaching Shearwater Airport (1988–2017)

To obtain full-scale wind speeds and exceedance frequencies, wind data measured at the airport over the latest 30 years (or longer) shall be converted to a reference height above the study site and combined with the wind speeds predicted by wind tunnel testing or desktop analysis.

Wind Comfort and Safety Performance Standards

Predicted wind speeds and frequencies shall be compared to the following wind comfort and safety performance standards (Table A1-2). Wind comfort may be affected by both mean and gust speeds, and their combined effect shall be quantified as a Gust Equivalent Mean (GEM), while only gust speeds need to be considered for the wind safety performance standard.

Table A1-2: Wind Comfort and Safety Performance Standards

Comfort category	GEM speed	Description
Sitting	< 10 km/h	Calm or light breezes suitable for outdoor restaurant uses, seating areas, and other amenities
Standing	< 14 km/h	Gentle breezes suitable for main building entrances and bus stops where pedestrians may linger
Strolling	< 17 km/h	Moderate winds appropriate for window shopping and strolling along a downtown street, or park
Walking	< 20 km/h	Relatively high speeds that can be tolerated if one's objective is to walk, run, or cycle without lingering
Uncomfortable	≥ 20 km/h	Strong winds unacceptable for all pedestrian activities; wind mitigation is typically required

Notes:

(1) GEM speed = mean speed or (gust speed ÷ 1.85), whichever is higher.

(2) GEM speeds above are based on a seasonal exceedance of 20% of the time between 6:00 and 23:00. Hours between 23:00 and 6:00 are excluded from the wind comfort analysis because night time usage of outdoor spaces is anticipated to be limited during these hours.

Safety performance standard	Gust speed	Description
Exceeded	> 90 km/h	Excessive gust speeds that can adversely affect a pedestrian's balance and footing. Wind mitigation is required.

Notes:

(3) Based on an annual exceedance of 9 hours or 0.1% of the time for 24 hours a day.

Some exceptions may be permitted in the application of these wind performance standards. For instance, higher-than-desired wind speeds at outdoor seating areas and building entrances may be acceptable in winter months, due to reduced pedestrian usage, and for areas to which access can readily be controlled during adverse weather conditions.

No wind mitigation is required for existing uncomfortable or unsafe conditions that are not made worse by the proposed development.

Mitigation Strategies

Wind mitigation may be required for areas where wind conditions are uncomfortable or unsuitable for an intended pedestrian use. Where a proposed development worsens an existing wind condition, wind mitigation shall be required where the wind condition is predicted to be unsafe. The most effective wind control measures involve adjustments to the building early in the design process (e.g., massing, shape, and orientation changes) that respond to the local wind climate. These can be assisted by tower setbacks, large podiums, tower shapes, corner articulations, colonnades/arcades, and so on, as illustrated by photos in Diagram A1-4.

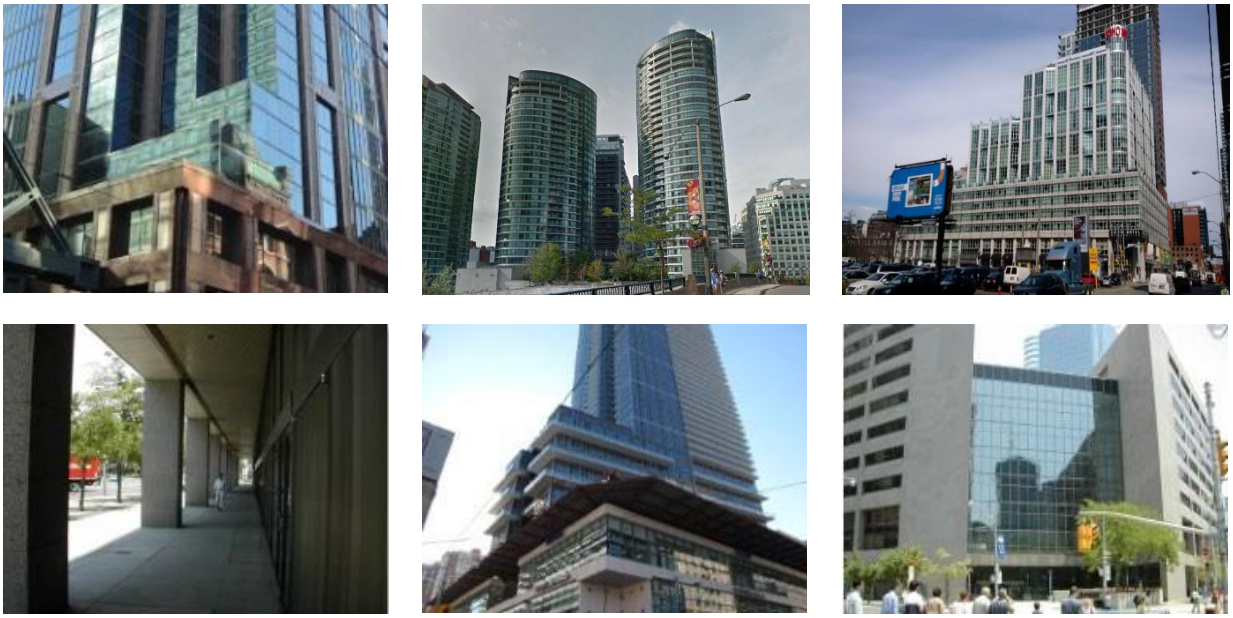


Diagram A1-4: Examples of large-scale wind control features

Smaller-scale measures such as canopies, trellises, wind screens, and street-level public art can also be used for local wind control. Soft landscaping elements, especially coniferous and marcescent species, are commonly used to reduce wind conditions to appropriate levels throughout the year; deciduous soft landscaping is most effective during the summer months. The use of soft landscaping for wind control requires consideration of species, size, and viability in the predicted local microclimate (i.e., sustainability in a windy environment). Diagram A1-5 shows several examples of smaller-scale design and soft landscaping features used for wind control.

Diagram A1-5: Examples of smaller-scale building elements and soft landscaping features for wind control.

Peer Review of Pedestrian Wind Impact Assessment

The Municipality reserves the right to verify that the pedestrian wind impact assessment complies with this Appendix through a peer review conducted by an external organization.

Appendix 2: Shadow Impact Assessment Protocol and Performance Standards

Introduction

A shadow study is a report, containing supporting shadow diagrams and a written analysis, which demonstrates what impact a proposed development will have on access to sunlight within spaces recognized as important to the community.

Policy UD-20 of the Regional Centre Secondary Municipal Planning Strategy requires the provision of a shadow study for certain sites in proximity to areas shown on Schedule 51 of this By-law.

Exemptions

1 The following features are excluded from any calculation required by the shadow impact assessment protocol and performance standards contained in this Appendix:

(a) antennas;

(b) chimneys and stovepipes;

(c) clear glass guard and railing systems;

(d) communication towers required to support uses and activities in the building;

(e) cooling towers;

(f) flag poles;

(g) heating, ventilation, and air conditioning equipment and enclosures;

(h) high-plume laboratory exhaust fans;

(i) lightning rods;

(j) hard landscaping or soft landscaping; and

(k) solar collectors.

Standards

2 Shadow studies, including shadow diagrams and a written analysis, shall be certified and stamped by a professional engineer, architect, landscape architect, licensed professional planner, or surveyor.

3 Shadow diagrams shall be based on the solar angle data for September 21, as contained in Table A2-1.

4 Between the hours of 8:00 am and 6:00 pm on September 21, any development required to submit a shadow study shall not cause fewer than 6 hours of sunlight, and no more than 4 continuous hours of shade, to fall on any portion of an area identified on Schedule 51 of this By-law.

5 All shadow studies shall use the latitude and longitude provided in Table A2-1, and shall not be geolocated. Compliance with this performance standard will be assessed using the latitude and longitude, test times, shadow direction azimuth angles, and shadow length factors for September 21 that are provided in Table A2-1. For each hourly test time, a shadow length shall be calculated as follows:

(Shadow Length) = (Effective Building Height) × (Shadow Length Factor)

Effective Building Height = the difference between a specific point on the building and the corresponding elevation where the shadow falls.

6 The Development Officer may request shadow diagrams, elevations, and views additional to those required under Sections 8 and 9 of this Appendix. Documentation may be required where changes in topography and elevation could affect compliance with Section 4 of this Appendix.

7 Shadow diagrams shall be required to be drawn by extending the shadow length, calculated in Section 5 of this Appendix for each test time, in the shadow direction azimuth angle for that test time. For each test time, shadow lengths shall be required to be extended from each of the building envelope's top and outermost points. The resulting points shall be connected to show the total shadow outline for each test time (Diagram A2-2).

8 A Shadow Study shall include:

(a) shadow diagram(s); and

(b) a written analysis.

9 Shadow diagrams shall:

(a) include a minimum horizontal coverage area of 1 time the proposed building height to the north, 5 times the building height to the east, and 6 times the building height to the west;

(b) show and identify property boundaries of the proposed development;

(c) identify main streets within the minimum coverage area identified in Clause 9(a) of this Appendix;

(d) include the shadow coverage outlines and associated ground elevations at the end of the shadow coverage outlines for the key building features identified in Clause 9(e) of this Appendix. The shadow coverage outlines shall be based on test times found in Table A2-1, illustrating where a development's proposed building envelope shadow enters and exits any area on Schedule 51 of this By- Law, between the hours of 8:00 am and 6:00 pm;

(e) include a separate roof plan that shows elevations of the critical features proposed for the building envelope top and outermost points, including any podiums, towers, and other articulations due to stepbacks above grade (Diagram A2-1). This includes the elevations of critical

features, such as parapets, solid guard and railing systems, penthouses, elevator enclosures and associated screening, and staircase enclosures;

(f) include shadow hatching (Diagram A2-1) on those portions of any area identified on Schedule 51 of this By-law, that lie within the shadow of the test times shown under Clause 9(d) of this Appendix;

(g) include the name of any identified area on Schedule 51 of this By-law that is affected by shadows from the development;

(h) be drawn in plan view on a sheet that is no less than 11”x17” (279.4 mm x 431.8 mm) in size, with a maximum of two images per sheet, and in a metric scale suitable for displaying the entire coverage area;

(i) include a scale bar and a North Arrow; and

(j) utilize base mapping available from the Halifax Regional Municipality (HRM) in accordance with the Open Data Administrative Order and:

(i) orient the base mapping for the shadow diagram with astronomic north pointing perfectly vertical up the page, and

(ii) plot shadow directions, which are relative to astronomic north, on the above base plan.

10 The written analysis shall:

(a) include the name, professional designation, and contact information for the individual who prepared the shadow study; and

(b) include the following:

(i) a summary explaining how the proposed development meets the standard in Section 4 of this Appendix, including the identification of any building elements exempted in Section 1 of this Appendix,

(ii) confirmation that the latitude and longitude used for all shadow calculations are as provided in Table A2-1,

(iii) a site plan showing where the proposed development will be located,

(iv) a description of the base mapping origin, and

(v) confirmation that the base mapping used for shadow diagrams complies with this Appendix. Grid or magnetic north shall not be used for shadow studies and calculating shadow length factors.

11 The Municipality reserves the right to verify that the shadow study complies with this Appendix through in-house analysis, or through a peer review conducted by an external organization.

Diagram A2-1 (Shadow Length):

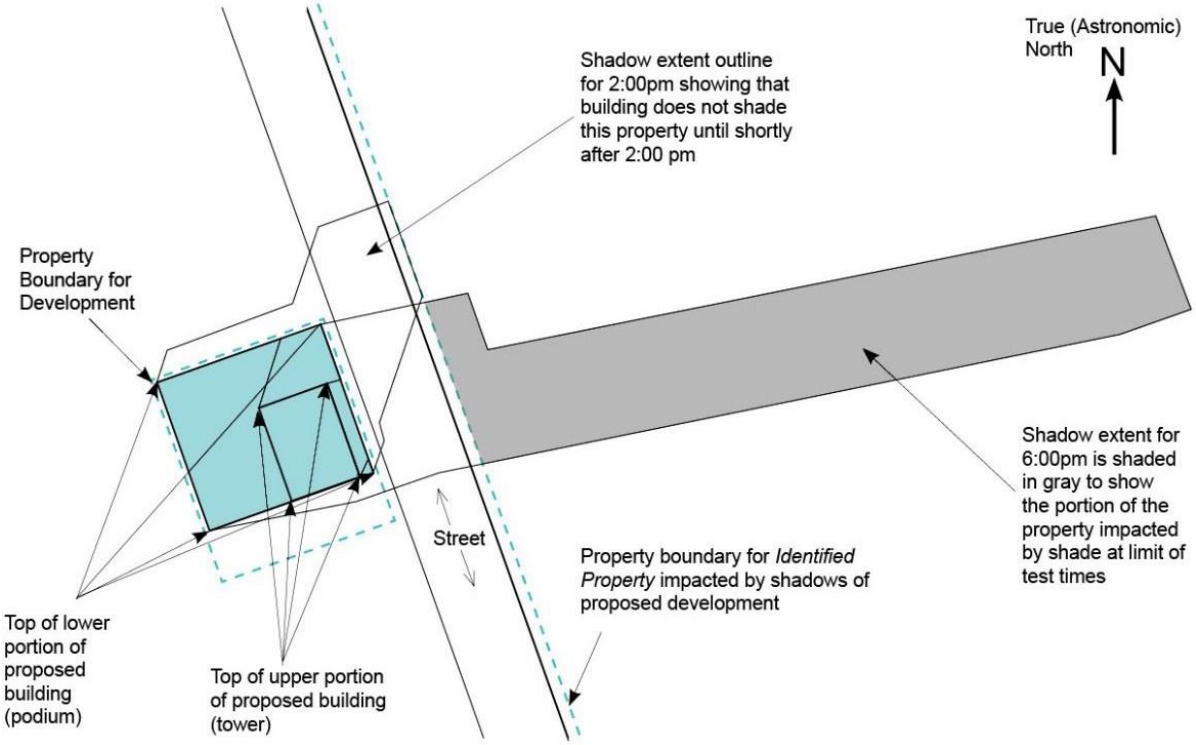


Diagram A2-2 (Shadow Direction):

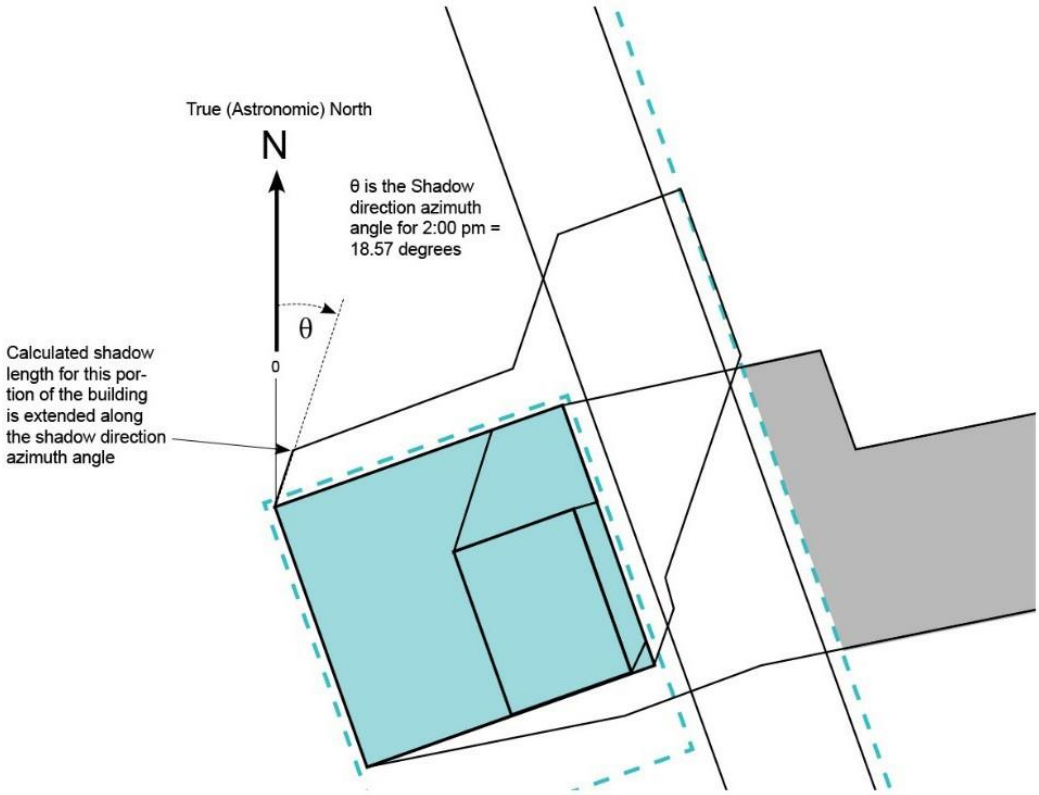


Table A2-1

Date 21-Sep Local Time ADT	Shadow Direction and Length Azimuth (degrees)	SLF (ratio length/height)
8:00	278.87	5.8171
8:15	281.61	4.5572
8:30	284.39	3.7391
8:45	287.24	3.1646
9:00	290.18	2.7385
9:15	293.20	2.4099
9:30	296.33	2.1489
9:45	299.58	1.9368
10:00	302.98	1.7614
10:15	306.52	1.6145
10:30	310.23	1.4903
10:45	314.11	1.3847
11:00	318.19	1.2947
11:15	322.46	1.2183
11:30	326.94	1.1537
11:45	331.62	1.0998
12:00	336.48	1.0559
12:15	341.52	1.0214
12:30	346.70	0.9958
12:45	352.00	0.9789
13:00	357.36	0.9706
13:15	2.74	0.9708
13:30	8.11	0.9796
13:45	13.39	0.9969
14:00	18.57	1.0229
14:15	23.60	1.0580
14:30	28.46	1.1024
14:45	33.12	1.1568
15:00	37.59	1.2220
15:15	41.85	1.2992
15:30	45.92	1.3900
15:45	49.79	1.4965
16:00	53.49	1.6219
16:15	57.02	1.7703
16:30	60.40	1.9477
16:45	63.65	2.1624
17:00	66.77	2.4270
17:15	69.79	2.7606
17:30	72.71	3.1943
17:45	75.56	3.7810
18:00	78.33	4.6202

Shadow direction azimuth angles have been calculated using a central latitude and longitude for the Regional Centre, as follows:

Latitude:

44° 39′ 50″ N (44.6639° N)

Longitude:

63° 35’ 05” W (63.5847° W)

Test times are expressed in Atlantic Daylight Time (UTC−03:00)

Appendix 3: Incentive or Bonus Zoning Rate Adjustment Methodology

Step 1 The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined:

(a) by using the formula:

(A/B x 100) minus 100 = percentage change in CPI;

(b) where:

(i) "A" is the previous year's Halifax All-Items Consumer Price Index, and

(ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this By-law was adopted, or the year where the values in Table 18 of the By-law were last updated through a formal rate update by a trained valuation professional, whichever is later.

Step 2 The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus rate(s) found in Table 18 of this By-law.

Step 3 The product of Step 2 shall then be added to the bonus rate(s) found in Table 18 of this By-law, with the resulting sum(s) becoming the new bonus rate(s) for the current bonus rate year.

Appendix 4: Invasive or Highly Toxic Plant Species

The following plant materials are considered invasive or highly toxic species under this By-law:

Number	Common Name	Latin Nomenclature (Genus, Species)
1	Belladonna	*Atropa belladonna*
2	Coltsfoot	*Tussilago farfara*
3	Common Burdock	*Arctium minus*
4	Giant Hogweed	*Heracleum mantegazzianum*
5	Goutweed	*Aegopodium podagraria*
6	Himalayan Balsam (aka Policeman's Helmet)	*Impatiens glandulifera*
7	Japanese Knotweed	*Polygonum cuspidatum*
8	Multiflora Rose (aka Rambler Rose)	*Rosa multiflora*
9	Purple Loosestrife	*Lythrum salicaria*
10	Scotch Broom	*Cytisus scoparius*
11	Wild Parsnip	*Pastinaca sativa*
12	Yellow Floating Heart	*Nymphoides peltatum*
13	Japanese Barberry	*Barberis thunbergii*
14	Garlic Mustard	*Alliaria petiolata*
15	Glossy Buckthorn	*Frangula alnus*
16	Oriental Bittersweet	*Celastrus orbiculatus*
17	Common Horsetail	*Equisetum arvense*
18	Marsh Horsetail	*Equisetum palustre*

Schedules

Regional Centre Land Use By-Law

Amendment Number	Policy / Maps	Subject	Council Adoption	Effective Date
1	**Add** section 498.5	**Case 24282** – special plan area – Southdale / Mount Hope	Special Task Force – June 30, 2022	E - July 15, 2022
2	**Amended** Schedule 1, 2, 3A, 3B, 3C, 3D, 3E, 3F, 9, 15, 17, 18, 19, 20, 23, 25, 49, 50, 51; Section 34(1), 34(2); 126(3); 173(3); 209(3); 265(3); 280(2); 295(3); 394(1)(k), (l); Subsection 103(3); 103(9)(a)(b); 104(2)(a), (b); 173; 192; 209; 265; 280; 295; 394; 395(1)(l), (m); 472(5); 484(3)(a) **Repealed** Part V, Chapter 1 Section 90. **Added** Subsection 103(3)(b.5); 103(9)(c); 104(2)(c); 484(3)(b); Section 126(2.5); 173(2.5), (4), (5); 192(3); 209(2.5), (4); 265(2.5); 280(3); 295(2.5); 394(1)(m), (n), (o); 395(1)(n), (o), (p); 499(115.5), (160.5), (252.5)	**Case 24260 –** Housekeeping Amendments	Regional Council – July 12, 2022	E – August 22, 2022
3	**Amended** Part III, Chapter 2, Residential Use Requirements – Section 49, 50; Part XvII, Definitions, Section 499 – (225) **Added** Part XVII, Definitions, Section 499 – (225.5)	**Case RP16-16** (Shared Housing)	RC – August 9, 2022	E – Septemb er 15, 2022
4	**Amended** Subsection 24(4), 29(1), 94(2), 103(1), 103(7), 103(8), 119(3), 122(1), 122(7), 123(1), 139(2), 143(2), 143(7), 144(1), 169(1), 169(7), 170(1), 178, 185(3), 188(1), 188(7), 189(1), 197, 202(3), 205(1), 205(7), 206(1), 219(3), 222(1), 222(7), 263(1), 263(7), 278(1), 278(7), 290(2), 293(1), 293(7), 445(4), 499(88), 499(91), 499(98), 499(195), 499(224), 499(237), 499(240); Clause 31(c); Table 1A, 1B, 1C, 1D, 413(b); Section 111, 132, 155, 159, 178, 214, 270, 285, 361, 371, 460, 486, 487; Schedule 18: Minimum Front and Flanking Setbacks; Schedule 6: Robie Street Transportation Review **Added** Subsection 38(3), 104(1.5), 111(2), 132(1.5), 132(3), 159(2), 166, 178(2), 197(2), 214(1.5), 248(1.5), 255(2), 270(2), 285(2), 333(1.5), 499(90.5), 499(185.5), 499(246.5); Clause 119(3)(a)(b), 139(2)(a)(b), 166(3)(a)(b), 185(3)(a)(b), 202(3)(a)(b), 219(3)(a)(b), 260(2)(a)(b), 275(2)(a)(b), 290(2)(a)(b), 460(a)(b); Diagram 32.5; Schedule 52: 100-Series Highways **Repealed** Subsection 499(90), 499(221), 499(246); Diagram 32	**Case 24259** (Housekeeping Amendments)	RCCC – October 26, 2022	E – Novembe r 11, 2022
5	**Amended** Table 1A, 1B, 1C, 1D – removed Mobile home use; Section 236, 335(1), 335(4); Subsection 499(234)	**Case 22257** (Regional Plan – Phase 3)	RC – October 11, 2022	E – Novembe r 16,

	Added Section 335(2.4), 335(2.5)			2022
6	**Amended** Part V Section 102; Part VIII Section 380 (2), Section 383 (2) **Added** Part V Section 102 (b)	**Case 24540** (Setbacks and Flanking-Robie Street)	RCCC – December 14, 2022	E – January 5, 2023
7	**Amended** Clause 499(90.5)(a)(b)	**Case 24063** (Bonus zoning public benefit value calculation)	RC – March 21, 2023	E- April 19, 2023
8	**Amended** Part XVII, Chapter 1, Section 499(116); Part III, Chapter 2, Section 49, 53; Part XIII, Chapter 1, Section 431(3), Table 15; Part XIII, Chapter 2, Section 446; Part XIV, Chapter 1, Section 458(m); Chapter 2, Section 466(b); Chapter 3, Section 468(a); Part II, Chapter 2, Table 1A, Table 1B, Table 1C, Table 1D **Added** Part I, Chapter 2, Section 9(p), 9(o); Part XVII, Chapter 1, Section 499(227.5), 499(227.6) **Deleted** Part XVII, Chapter 1, Section 499(24)	**Case 24526 (Short Term Rentals)**	RC – February 21, 2023	E – Septemb er 1, 2023
9	**Amended** Table 1A; Table 1B;Table 1D;Subsection 91(1), Subsection 93(2); Subsection 103(1); Subsection 103(6) Table 8; Subsection 103(7); Subsection 123(1); Subsection 144(1); Subsection 170(2); Subsection 189(2); Subsection 206(2); Table 11; Subsection 383(2); Subsection 417(2); Subsection; 418(1); Subsection418(6); Section 426; Subsection 453(2): Subsection 453(4); Subsection 454(2)(c); Section 473; Section 474; Subsection 499(157); Subsection 499(225); Subsection 499(286) **Added** Subsection 38(3)(c); Subsection 89(2)(a) and(b); Part V, Chapter 1, 94.5; subsection 2.5; Section 499(47.5); **Deleted** Subsection 38(b); Section 94; Subsection 103(2); Subsection 103(6); Subsection 418(6)	**Case 2023-00462**	RCCC- January 24, 2024	E- February 9, 2024
10	**Amended** Table 1C Footnote 25 **Added** Section 10, (ma); Section 76, (4.1), (4.2), (4.3); Section 499, (67.5), (84.5), (213.5), (279.5)	**Case 2023-01544**	RC -January 9, 2024	E – February 12, 2024
11	**Amended** Subsection 9(1); Subsection 10(k)(ii); Clause 34(3)(c), Clause 35(1)(b), (2)(b); Table 1A, 1B, 1C, 1D; Sebsection 48(2); Subsection 56(1),(2),(3),(4),(6); Section 57, 59, 63, 66, 67(1), 67(2), 69; Table 5, 6; Section 87: Subsection 89(2), 94.5(3)(a)(i), 94.5(3)(b)(i), 96, 103(3); Table 8; Subsection 104(2); Section 105; Subsection 113(1); Section 113; Subsection 118(2), 118(3); Clause 119(1)(a); Subsection 123(1)(b)(i), Clause 125(2)(b), 125(3)(a); subsection 125(3), 127(1), 134(1);	**Case 2023-01065** (Housing Accelerator Fund)	RC – May 23, 2024	E -June 13, 2024

	Subsection 138(3), 144(1)(b)(i), 160(1); Subsection 163(3), Subsection 164(1), 165(1), 165(2), 165(3); Clause 166(1); Subclause 170(1)(b)(i); Subsection 172(1); Clause 172(1)(b), 172(2)(b), 172(3)(a); Subsection 172(3), 174(2), 182(3), 183(1), 184(1), 184(2), 184(3); Clause 185(1)(a); Subclause 189(1)(b)(i), 191(1); Clause 191(2)(b), 191(3)(a), Subsection 191(3), 199(3), 200(1), 201(1), 201(3); Clause 202(1)(a), 202(2); Subclause 206(1)(b)(i); Subsection 208(2); Clause 208(3)(b); Subsection 208(4), 210(2); Clause 217(1)(b); Subsection 218(2), 218(3), 219(1); Clause 223(2)(b); Subsection 223(3), 231(1); Table 10; Section 234; Clause 237(a), Subsection 243(1), 259(2), 259(3); Clause 260(1); Subsection 264(4), 266(1), 274(2), 274(3); Clause 275(1), 279(3)(b); Subsection 279(4), 289(2), 289(3); Clause 290(1)(a), 294(3)(b); Subsection 294(4), 296(1); Section 331; Subsection 333(1.5); Section 333, 352 353; Table 11, Table 12; Subsection 359(3), 360(3); Section 376: Clause 380(1); Section 393, 424; Table 15; Section 435, 436: Subsection 472(1), 475(1); Table 18; Subclause 499(90.5)(a)(iii), 499(90.5)(b)(ii); Subsection (94), 499(115), 499(115.5); Clause 499(130)(b); Subsection 499(144), 499(145), 499(155), 499(160), 499(160.5), 499(167), 499(242, 499(245), 499(252), 499(252.5), 499(260), 499(264); Section 499; Schedules 1, 2, 3B, 3C, 3D, 3E, 3F, 7, 9 , 10, 11, 15, 17, 18, 19, 20, 21, 22, 25, 48, 49, 50, 51, 52. **Added** Subsection 9(r); Section 56(7),(8); Section 104(1.3); Section 134(6)(7); Section 160(6)(7); Section 161(3); Subsection 231.3, 231.5; Section 233; Part VII Chapter 3 336.5; Section 420(7); Section 435(1)(2)(3); Section 479(e.5); Part XVI, Chapter 1 Section 498.4; Section 499(79.5); Subsection 499(93.5); Subsection 499(94)(f); Subsection 499(160); Section 499(284.5) **Deleted** Section 55, 56(2), 58, 61, 62, 86(4); Subsection 164(2), 164(3), 183(2)(3), 200(2)(3), 419(2); Clause 431(3)(c), 446(c), 499(218); Schedule 2, 15, 17; Subsection 266(1)(c);			
12	**Amended** Subsection 140(3)(a)(b) **Added** Subsection 140(3)(c); Subsection 359(2)(a)(b); Subsection 362(2)(a)(b)	**Case 2024-02794**	RCCC December 09, 2024	E-Decembe r 24, 2024
13	**Amended** Clause 15(2); Table 1A; Table 1B; Table 1C; Table 1D; subsection 56(1); subsection 56(6); subsection 57(1); subsection 72(2); Heading Section 59; Subsection 59(3); subsection 76(2); table 2 subsection 85(1); table 5 subsection 85(1);	**Case 2024-01201** House Keeping	RCCC – September 4, 2024	E – April 17, 2025

	clause 115(1)(a); clause 116(1)(a); cluse 116(1)(b); subsection 125(1); clause 135(1)(a); subsection 135(3); subsection 136(2); subsection 1236(4); clause 162(1)(a); clause 162(1)(a); clause 163(1)(a); clause 163(1)(b); subsection 172(1); clause 181(1)(a); clause 181(1)(c); clause 182(1)(a); subsection 191(1); clause 198(1)(a); subsection 198(1)(a)(i)(ii); clause 198(1)(c); clause 198(1)(d); clause 199(1)(a); subsection 208(2); clause 215(1)(a); clause 216(1)(a); subsection 223(1); clause 299(1)(b); subsection 233(1); clause 249(1)(a); clause 250(1)(a); clause 256(1)(a); clause 257(1)(a); subsection 264(2); clause 271(1)(a); clause 272(1)(a); subsection 279(2); clause 286(1)(a); clause 278(1)(a); subsection 294(2); clause 301(1)(a); clause 302(1)(a); clause 321(1)(a); clause 322(a); table 15 to section 433; subsection 499(132); subsection 499(235); subsection 499(242),(260) **Added** Subsection 57(1),(k); subsection 76(2),(i),(j); section 94.5,(4)(a),(b)(5),(6)(a),(b),(c); section 76.5; subsection 499(242)(a)(b); appendix 1 **Deleted** Section 94.5, subsection (3); Schedule 50			
14	**Amended** Schedules 2, 15	**Case 2024-01198 HAF-2**	RC - March 18, 2025	E – April 23, 2025
15	**Amend:** Subsection 472(2) of Part XV, Chapter 1 by adding "IM-35.6" **Add:** Part XVI, Chapter 1: Section 498.7	**MPSA 2024-00975**	RC – September 9, 2025	E – October 3, 2025
16	**Amended:** Clause (m) Section 10, Clause (ma), Footnote 25 **Added:** Subsection 29(1)(bh)(bi), Subsection 30(2)(ah.5), Footnote 259(a)(b), Section 76.5, Subsection (29.5)	**ZURB PLPROJ – 2024-01075**	RC – October 7, 2025	E – Decembe r 3, 2025
17	**Amend:** Table 1A, Table 1B, Table 1C, Table 1D, Section 69, Table 15 **Added:** Subsection 38(1)(na), Subsection 43(1), Section 499(61.5)	**ZURB PLANAPP-2025-02245**	RCCC-December 10, 2025	E-Decembe r 31, 2025
18	**Amend:** Section 67(1) (2), Subsection 116(3), Section 117(1)(b), Section 118(1)(a),(i)(ii), Subsection 118(2)(3), Subsection 125(1), Section 335, Section 499(115)(115.5), (155) , (160)(a), (242), (252)(b), Schedule 3F **Added:** Section 30(2) in PART II, Section 38 (4)(a),(b)(c), Section 64(3), Section 65(5), Section 66(6), Section 67(5), Section 335(5)(6), Section 498.6 **Deleted:** Section 117 Subsection (2)(3)	**MINORREV 2025-02922**	(RC-December 11/25	E-February 2/26
19	**Amend:** Schedule 2 – rezone 13 Pinewood Dr., Dartmouth (PID: 00091975) from ER-3 Zone to CH1 Zone	**PLANAPP 2025-01427**	RCCC – February 26, 2026	E – March 13, 2026

20	**Amend:** Schedule 2 – rezone 348 Pleasant St., Dartmouth (PID: 00247940) from INS Zone to COR Zone	**PLANAPP 2025-01836**	RCCC – February 26, 2026	E – March 13, 2026
21	**Amend:** Schedule 3F and 15 **Deleted:** Subsection 30(2)(au); Section 34, Subsection 3	**Case 24469**	RC – March 10, 2026	E – April 13, 2026
22	**Amend:** Schedule 2, Zoning Map – Zone Boundaries, by rezoning 3709 Barrington St, Halifax, PID 00019281 and 00019299, from the HRI to the CLI Zone	**PLANAPP 2025-01327**	RCCC – May 27, 2026	E – June 11, 2026
23	**Amend:** Clause 135(4)(b), Schedule 3B **Add:** Subsection 30(20(ja)	**MPSA-2025-02020**	RC – July 14, 2026	E – July 30, 2026