ATTENTION

THESE ARE DRAFT AMENDMENTS, ARE SUBJECT TO CHANGE, AND HAVE NO LEGAL STANDING

DRAFT

HALIFAX

Suburban Housing Accelerator

Land Use By-Law

DRAFT

SUBURBAN HOUSING ACCELERATOR LAND USE BY-LAW

THIS IS TO CERTIFY that this is a true copy of the Suburban Housing Accelerator 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 23rd day of May, 2024, and reviewed by Municipal Affairs and Housing on the 12th day of June, 2024, and is in effect as of the 13th day of June, 2024, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 23rd day of April, 2025.

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

_____
Municipal Clerk

DRAFT

Table of Contents

Part I - Administration 4
Division A - Introduction 5
Division B - Development Permit 8
Division C - Non-Conforming Structures and Uses and Variance 12
Division D - Schedules and Appendices 13
Part II - General Provisions 14
Division A - Land Uses 15
Division B - Built Form 26
Division C - Accessory Structure 37
Division D - Off-Street Parking and Loading 40
Division E - Sign 53
Division F - Lighting, Solid Waste, and Screening 59
Division G - Landscaping 61
Division H - Landscaped Buffer 64
Division I - Design Requirement 67
Division J - Wind Energy Facility 78
Division K - Interim Incentive or Bonus Zoning 79
Division L - Watercourse 88
Part III - Housing Accelerator (HA) Designation 92
Part IV - Interpretation 104
Division A - Interpretation 105
Division B - Definitions 107
Part V - Appendices 141
Appendix 1 - Pedestrian Wind Impact Assessment Protocol and Performance Standards 142
Appendix 2 - Invasive or Highly Toxic Plant Species 151
Schedules 152

DRAFT

Part I - Administration

DRAFT

Division A - Introduction

Title

1 This By-law is titled the *Suburban Housing Accelerator Land Use By-law*.

Purpose

2 This By-law enables as-of-right development.

Jurisdiction

3 This By-law applies to all developments on the properties within the zoning map as shown in Schedule 1.

Development officer

4 This By-law is administered by a development officer of the Municipality.

Development permit

5 A person must not develop before obtaining a development permit except as provided in section 6.

Exemption from a development permit

6 All of the following types of developments are exempted from the requirement to obtain a development permit:

(a) an accessory structure that is 20.0 square metres of floor area or less, except for the accessory structure with a backyard suite use;

(b) an uncovered structure that is less than 0.6 metres in height but is not a foundation, pile, and footing;

(c) a home office use;

(d) a temporary use;

DRAFT

(e) a fence;

(f) the construction, replacement, or repair of infrastructure by a utility, or a municipal, provincial, or federal government;

(g) a public transit shelter;

(h) a sign exempted under section 80;

(i) a monument use on a municipal, provincial, or federal land;

(j) the painting of a building;

(k) the replacement of a window or door within an existing opening;

(l) an urban farm use;

(m) a short-term rental use of an entire dwelling unit in an operator's primary residence;

(n) a short-term bedroom rental use of 3 or fewer bedrooms in a dwelling unit.

Compliance with this By-law

7 **(1)** A person must comply with this By-law even if they are exempted from the requirement to obtain a development permit under section 6.

(2) A person who violates a provision of this By-law is subject to prosecution under section 369 of the Charter.

(3) A development must be developed as approved in the development permit.

(4) A land use that is not permitted in a zone is prohibited in the zone.

DRAFT

Compliance with other enactments

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

(2) A development officer must not issue a development permit if an enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada prohibits a development.

DRAFT

Division B - Development Permit

Development permit application

9 A development permit application must include all of the following, drawn to scale:

(a) a floor plan with dimensions shown and the intended use of all rooms labelled;

(b) an elevation drawing with

(i) height measurements and dimensions shown for all sides of proposed structures,

(ii) external cladding material type and detail labelled, and

(iii) architectural details if required;

(c) a roof plan;

(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

DRAFT

(vii) the location of solid waste management areas;

(e) if 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 that shows all of the following:

(i) the location of a watercourse,

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

(iii) the required watercourse buffer,

(iv) existing vegetation limits,

(v) land contours with lot grading information that is 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 a bicycle parking area;

(h) the location of building utilities;

(i) the location of all exterior lighting;

(j) except for a height-exempted building rooftop feature under section 44, 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, the

DRAFT

recommended measures must be implemented in the design and construction of the building;

(k) a landscape plan that meets the requirements of section 91, 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;

(l) additional information that a development officer of the Municipality requires to determine if the development complies with this By-law.

Approval

10 A development officer of the Municipality must issue a development permit if a development meets

(a) the requirements of this By-law; or

(b) the terms of an approved development agreement.

Expiry

11 A development permit expires 24 months from the date it is issued.

Revocation

12 A development officer of the Municipality may revoke a development permit if

(a) the development is not consistent with

(i) this By-law,

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

(iii) an approved development agreement;

DRAFT

(b) the development permit was issued based on incorrect information on a development permit application; or

(c) the development permit was issued in error.

Fees

13 The fees for permit applications under this By-law is set out in an administrative order of the Municipality.

DRAFT

Division C - Non-Conforming Structures and Uses and Variance

Non-conforming structures

14 **(1)** The restrictions in the Charter about 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) On a lot that contains a structure that is primarily used for a residential purpose, the restrictions in the Charter about 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.

Variance

15 A development officer of the Municipality may consider a variance under subsection 250(1) of the Charter.

DRAFT

Division D - Schedules and Appendices

List of schedules and appendices

15.5 (1) All of the following schedules form part of this By-law:

(a) Schedule 1: Zone Boundaries;

(b) Schedule 2: Maximum Building Height Precincts;

(c) Schedule 3: Minimum Front and Flanking Setbacks;

(d) Schedule 4: Transition Lines;

(e) Schedule 5: Incentive or Bonus Zoning Rate Districts;

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

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

(b) Appendix 2: Invasive or Highly Toxic Plant Species.

DRAFT

Part II - General Provisions

DRAFT

Division A - Land Uses

Dwelling unit mix for a multi-unit dwelling use

16 **(1)** A new building with a multi-unit dwelling use that has at least 40 units must contain a minimum of two bedrooms in at least 25% of all dwelling units.

(2) The number of required dwelling units in subsection (1) must be rounded up to the nearest whole number.

(3) **Notwithstanding subsection 16(1), the required dwelling unit mix shall not apply to new buildings that begin construction before April 1, 2028.**

Amenity space for a multi-unit dwelling use

17 **(1)** A new building with a multi-unit dwelling use that has at least 40 units must provide an amenity space that is

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

(b) located indoor for at least 50% of the area.

(2) For an addition to a building that has at least 40 units, the requirements in subsection (1) only applies to the additional units.

(3) Except for an outdoor amenity space that is associated with an individual dwelling unit within a multi-unit dwelling use, such as a balcony, all amenity spaces that are required by subsections (1) and (2) must

(a) be provided in increments of 30.0 contiguous square metres or more;

(b) have a linear dimension of 3.0 metres or more; and

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

(4) At least 25% of the required amenity spaces must be

DRAFT

(a) provided outdoors;

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

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

Ground floor use for a multi-unit dwelling use

18 If a lot has a multi-unit dwelling use and a minimum frontage of 10.0 metres on at least one street, at least 50% of the total length of all ground floors of the buildings that are facing a streetline must be occupied by any of the following:

(a) a grade-related dwelling unit;

(b) a residential lobby;

(c) a work-live unit;

(d) a commercial use;

(e) an amenity space.

Backyard suite use

19 **(1)** Only one backyard suite use is permitted on a lot if the use is in the rear yard and in conjunction with

(a) a single-unit dwelling use;

(b) a two-unit dwelling use, **including a duplex apartment use;**

(c) a semi-detached dwelling use;

(d) a three-unit dwelling use;

(e) a townhouse dwelling use; ~~or~~

(f) a four-unit dwelling use~~.~~**; or**

(g) **a small shared housing use.**

DRAFT

(2) A backyard suite use must meet the accessory structure requirements under Division C except as provided in subsection (6).

(3) A backyard suite use must have unobstructed access that

(a) connects the backyard suite to a street;

(b) exists on the same lot as the backyard suite; and

(c) has a minimum width of 1.1 metres.

(4) A backyard suite use may be ~~occupied by~~ **used as** a small shared housing use **unless the backyard suite use is in conjunction with a shared housing use under clause 1(g)**.

(5) A non-conforming accessory structure with a permitted residential use may be occupied by the backyard suite use.

Short-term rental

20 **(1)** A short-term rental that is accessory to a dwelling unit is permitted if the dwelling unit is the primary residence of the short-term rental operator.

(2) A short-term bedroom rental that is accessory to a residential use is permitted if the short-term bedroom rental meets all of the following requirements:

(a) the short-term bedroom rental must be wholly contained within the dwelling unit that is the primary residence of the short-term bedroom rental operator;

(b) more than 3 bedrooms must not be rented as a short-term bedroom rental at the same time;

(c) the signage requirements under section 87;

(d) the motor vehicle parking requirements under section 60; and

DRAFT

(e) the short-term bedroom rental operator must reside on site while a bedroom is rented.

Home occupation use

21 **(1)** Except for a home occupation use within a grade-related dwelling unit use, a home occupation use must

(a) be limited to one per lot; and

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

(2) Any of 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;

(l) tutoring.

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

DRAFT

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

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

(6) A home occupation use must be wholly contained within a dwelling unit or accessory structure.

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

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

(9) Signage requirements for a home occupation use are as provided in section 87.

(10) Motor vehicle parking requirements for a home occupation use are as provided in section 60.

Home office use

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

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

(3) A home office use must

(a) be wholly contained within a dwelling unit or an accessory structure; and

(b) not be apparent from the outside of the dwelling unit or accessory structure.

(4) Signage is not permitted for a home office use.

DRAFT

Work-live unit

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

(a) a broadcast and production studio use;

(b) a catering use;

(c) a makerspace use;

(d) a medical clinic use;

(e) an office use;

(f) a personal service use;

(g) a pet daycare use;

(h) a studio use.

(2) The retailing of products that are accessory to one of the permitted uses that is listed in subsection (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 permitted uses that is listed in subsection (1).

(4) The permitted uses listed in subsection (1) must be located on the ground floor.

(5) The principal operator of a commercial use or institutional use within a work-live unit must

(a) reside in the unit; and

(b) not have more than 3 non-resident employees.

(6) Signage requirements for a work-live unit are as provided in section 87.

DRAFT

(7) Motor vehicle parking requirements for a work-live unit are as provided in section 60.

Urban agriculture use

24 **(1)** The processing of urban agricultural products is permitted as an accessory use to an urban agriculture use.

(2) The sale of urban agricultural products that are 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) The keeping of horses, swine, roosters, and ruminants is prohibited except for an educational farm use.

(4) A greenhouse, including a rooftop greenhouse, may be used for an urban farm use.

(5) Signage requirements for an urban agriculture use are under sections 83 to 85.

(6) Except for a beehive, an accessory structure that is associated with an urban agriculture use must meet the accessory structure requirements under Division C.

DRAFT

Keeping of bees as an accessory use

25 **(1)** The keeping of bees as an accessory use is permitted in all zones if the use is limited to a maximum of

(a) two beehives on a lot that is less than 2,000 square metres in area; or

(b) four beehives on a lot that is 2,000 square metres or greater in area.

(2) A beehive must be located at least 3.0 metres from a lot line (Diagram 1) except for a beehive located on a rooftop.

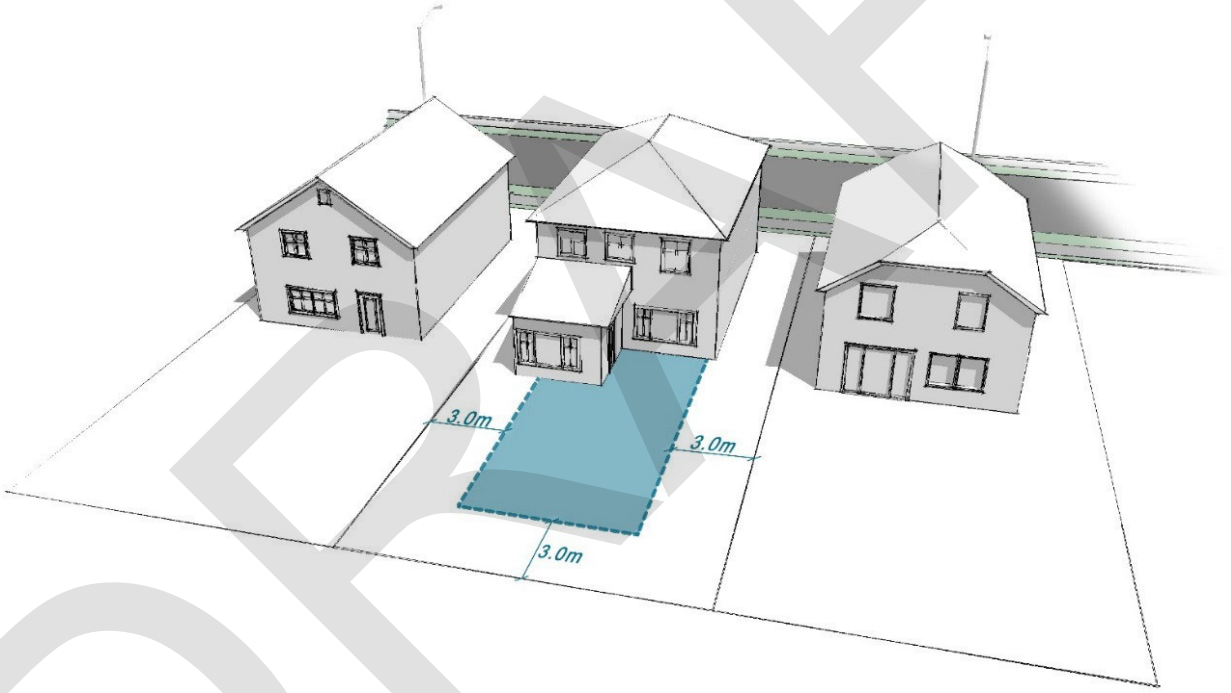


Diagram 1: Shaded area denotes where beehives are permitted at grade, per subsection 25(2)

DRAFT

Keeping of egg-laying hens as an accessory use

26 **(1)** The keeping of egg-laying hens is permitted in all zones as an accessory use.

(2) The maximum number of egg-laying hens is 10 per lot except for an educational farm use.

(3) All egg-laying hens must 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 53 to 55.

(4) The exemption under subsection 131(5) must not be used to reduce the required watercourse buffer for a fenced area or accessory structure that contains egg-laying hens.

(5) The on-site slaughtering of hens is not permitted.

Temporary construction use

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

Recreational vehicle

28 A recreational vehicle must not be used as a dwelling unit or a backyard suite use except as a temporary construction use.

Temporary rock crusher

29 **(1)** Subject to subsection (3), a development permit is required for a temporary rock crusher and must

(a) be valid for the time specified on the development permit; and

(b) must not exceed 60 calendar days from the time the permit is issued.

DRAFT

(2) The development permit for a temporary rock crusher may be renewed for a period of no later than 30 calendar days at a time, if a development officer of the Municipality determines that an extension is warranted.

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

(4) A temporary rock crusher must only be used at

(a) the site of demolition of a structure;

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

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

(5) A temporary rock crusher must not be located within 3.0 metres of a lot line.

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

(7) Subject to subsection (8), a temporary rock crusher must not be used to process material for export to another site or to process material imported to the site.

(8) 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*, are met.

Access use

30 Accessing a use in one zone from a different zone is permitted if the use is permitted in both zones.

DRAFT

Use in a transportation reserve

31 A development is not permitted in a transportation reserve.

Use near a railway track

32 **(1)** Except as provided in subsection (2), a new multi-unit dwelling use that has at least 40 units must be at least 15.0 metres away from the centreline of a railway track.

(2) If the separation distance required in subsection (1) cannot be provided, a report prepared and stamped by a professional engineer must be submitted to a development officer of the Municipality, identifying measures that will be used to mitigate the crash risk, noise, and vibration of trains, before a development permit is issued.

(3) A development permit issued under subsection (2) must include the mitigation measures identified in the report submitted under subsection (2).

(4) The mitigation measures identified in the report submitted under subsection (2) must be completed and certified by a professional engineer before issuing the first occupancy permit.

Obnoxious use

33 A person must not undertake or conduct an obnoxious use.

DRAFT

Division B - Built Form

Regional Subdivision By-law

34 The subdivision of land is regulated by the HRM *Regional Subdivision By-Law*.

Number of main buildings on a lot

35 **(1)** A main building must not be located on more than one lot except for an underground parking structure on an abutting lot that is

(a) under common ownership; and

(b) not protruding more than 0.6 metres above the average finished grade.

(2) Only one main building is permitted on a lot.

External cladding material

36 All of the following external cladding materials are prohibited:

(a) darkly tinted or mirrored glass, except for a spandrel glass panel;

(b) plastic, except for vinyl cladding or siding;

(c) plywood; and

(d) unfinished concrete.

Setback of entrances

37 **(1)** A pedestrian entrance to a main building facing a streetline must be set back a minimum of 1.5 metres from the streetline.

(2) A motor vehicle entrance to a main building facing a streetline must be set back a minimum of 4.5 metres from the streetline.

DRAFT

Encroachments into setbacks, stepbacks, or separation distances

38 **(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 a other window bay on an exterior wall of the main building, if an encroachment is no more than 1.0 metre.

(2) *Repealed* **(RC-Mar 18/25; EFF-Apr 23/25)**

(3) Subject to subsection (4) and section 39, 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. **(RC-Mar 18/25; EFF-Apr 23/25)**

(4) Except as provided in subsection (5), a balcony or unenclosed porch shall not encroach into a required setback or stepback, if it faces a transition line. **(RC-Mar 18/25; EFF-Apr 23/25)**

DRAFT

(5) A balcony or unenclosed porch in subsection (4) may encroach into a required stepback if a main building is setback from a transition line 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. **(RC-Mar 18/25; EFF-Apr 23/25)**

Aggregate width of balconies

39 **(1)** Subject to subsection (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 must

(a) not encroach into a 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 (1) applies to at least 50% of the storeys above the height of the streetwall in a building.

Encroachment into a street

40 Encroachments into a street must meet the requirements of the applicable HRM By-law.

Drive-through

41 A drive-through is not permitted.

Pedway

42 A pedway is not permitted.

DRAFT

Transportation facility use

43 The only built form requirements in Part III that apply to a transportation facility use are

(a) maximum building height, as shown in Schedule 2; and

(b) minimum front and flanking setbacks, as shown in Schedule 3.

DRAFT

Rooftop feature

44 **(1)** Except for a low-density dwelling use, Table 1 regulates the height, coverage, and setback of building features located on the rooftops of a main building, even if the feature does not exceed the maximum height for the main building.

(2) If Table 1 conflicts with

(a) a maximum required building height in Schedule 2, Table 1 prevails;

(b) a minimum setback requirement in Part III, Table 1 prevails; or

(c) a permitted encroachment in section 38, Table 1 prevails. **(RC-Mar 18/25; EFF-Apr 23/25)**

(3) Features listed in Table 8 do 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;

(c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology; or

(d) the determination of height for a pedestrian wind impact assessment report under clause 9(j).

(4) All features that are identified with a black dot (●) in Column 2 of Table 1 must 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 1 must be located no closer than indicated.

DRAFT

Table 1: Main building rooftop features

Feature	Column 1: Maximum height aboveroof	Column 2: 30% coverage restriction	Column 3: Minimum setback from roof edge facing front or flanking lot lines	Column 4: Minimum setback from roof 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
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	▪		

DRAFT

(6) Subject to subsection (7), for a low-density dwelling use, all of the following features may exceed the maximum required height, as shown in Schedule 2, by no more than 3.0 metres:

(a) a chimney and stovepipe;

(b) an antenna;

(c) a flag pole;

(d) a solar collector;

(e) clear glass guard and railing systems;

(f) a lightning rod;

(g) a staircase;

(h) a staircase enclosure that does not exceed 6.0 square metres in area;

(i) a rooftop greenhouse;

(j) a vent;

(k) an elevator enclosure that does not exceed 6.0 square metres in area**.**

(7) The features in subsection (6) do 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; or

(c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology.

DRAFT

Height exemption for a sloped roof

45 **(1)** The uninhabitable portion of a main building within a sloped roof may exceed the maximum required height, as shown in Schedule 2, by no more than 4.5 metres.

(2) A sloped roof under subsection (1) does not count towards

(a) the overall building height, as shown in Schedule 2;

(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; or

(c) the determination of a mid-rise typology, a tall mid-rise typology, or a high-rise typology.

DRAFT

Streetwall height determination

46 **(1)** A main building with a streetwall width of 10.0 metres or less must have its streetwall height determined at the centre point of the streetwall width.

(2) A main building with a streetwall width exceeding 10.0 metres must 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 must be determined by measuring the height at the centre point of each portion (Diagram 2).

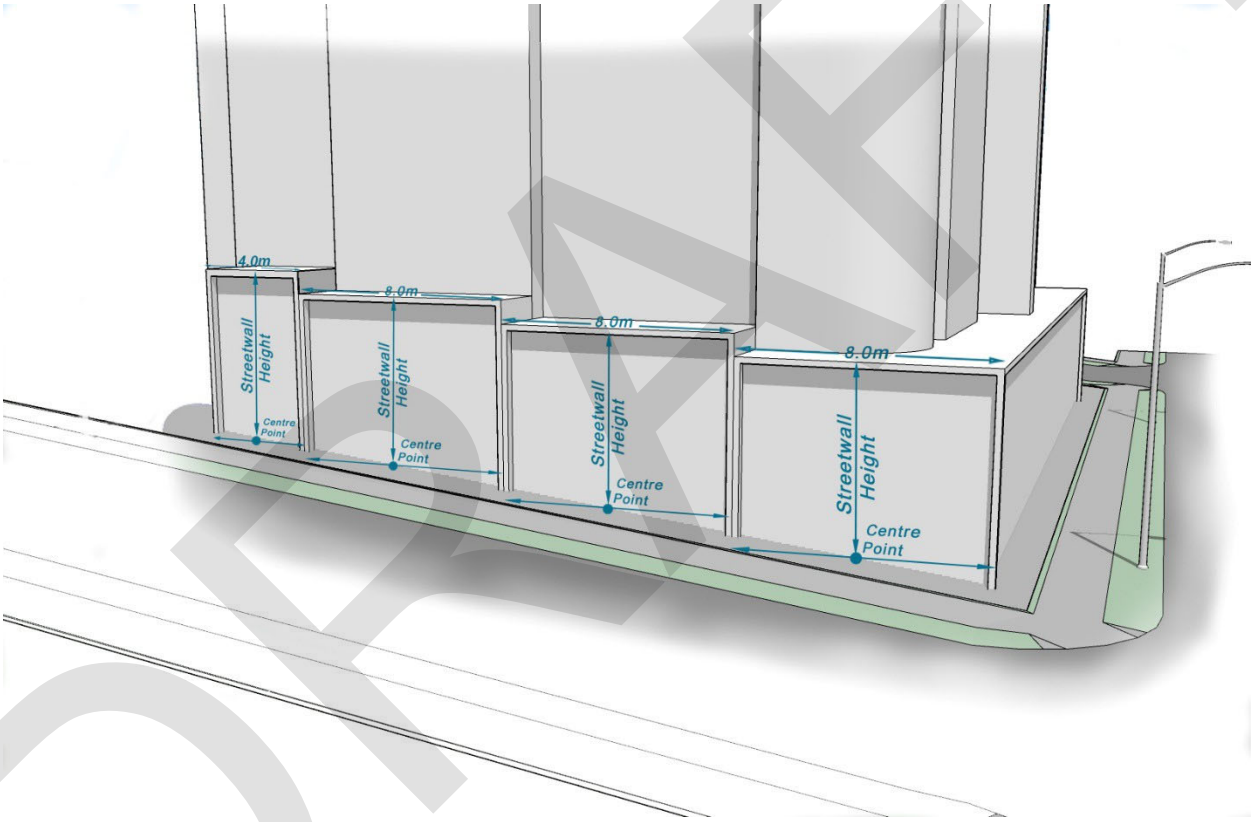


Diagram 2: Method for determining streetwall height along a streetline per section 46

DRAFT

Streetwall break determination

47 **(1)** Subject to subsection (2), on a corner lot where two intersecting streetwalls do not make a 90-degree angle, the break between both streetwalls must 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 (1), the break between front and flanking streetwalls must be the mid-point, as determined for one of the following scenarios:

(a) if 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 3); or

(b) if 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 4).

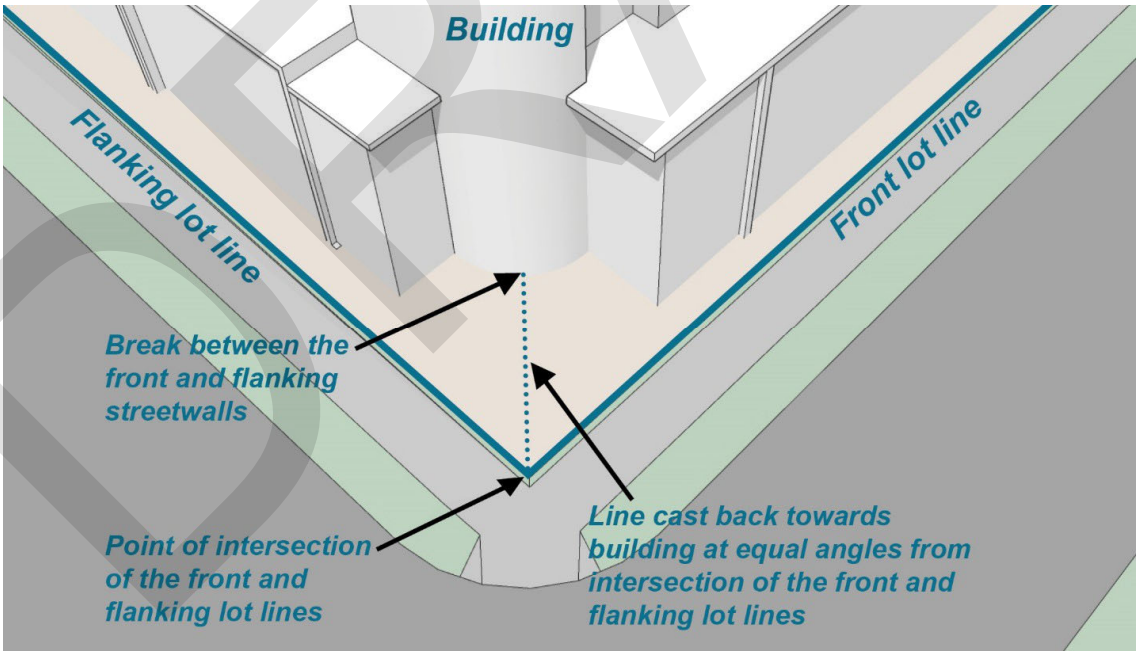


Diagram 3: Streetwall break determination where front and flanking lot lines create a 90-degree angle, per clause 47(2)(a)

DRAFT

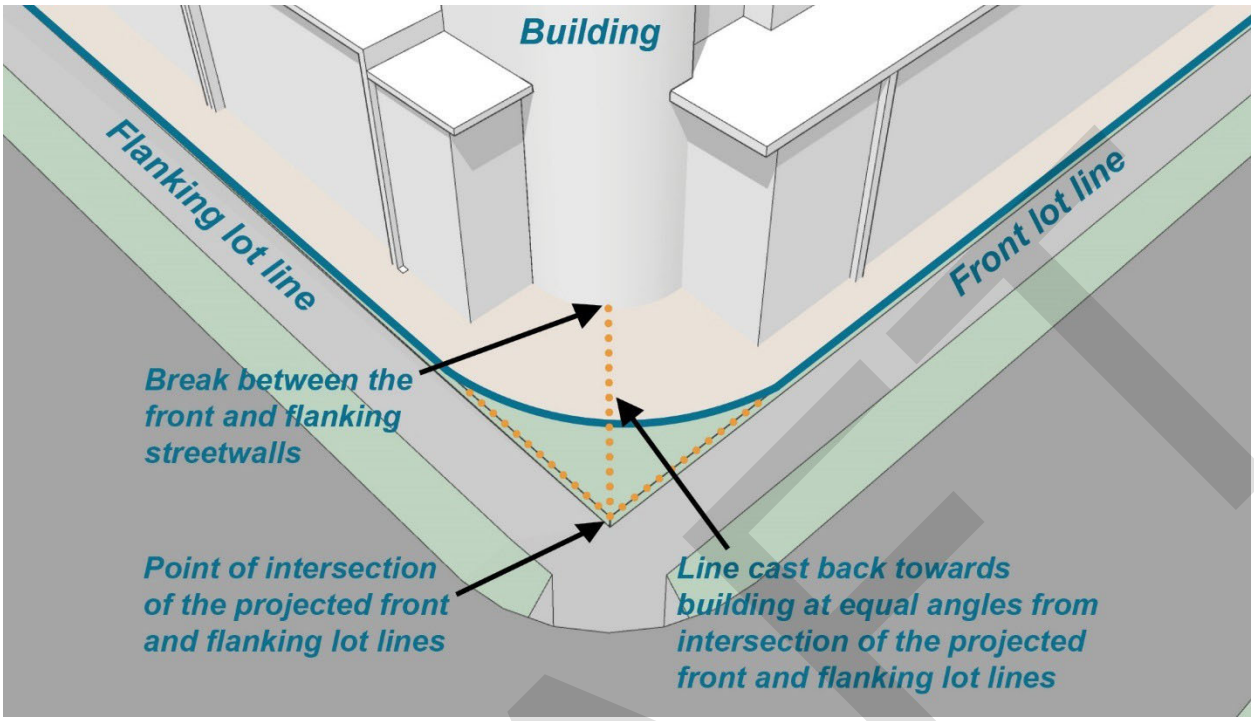


Diagram 4: Streetwall break determination where front and flanking lot lines do not create a 90-degree angle, per clause 47(2)(b)

DRAFT

Division C - Accessory Structure

Applicability

48 An accessory structure or backyard suite use that is erected, constructed, reconstructed, altered, or located, or an addition to a accessory structure or backyard suite use must meet the built form and siting requirements of this Division.

Accessory structure location

49 **(1)** An accessory structure must 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.

(2) An accessory structure must be located

(a) on the same lot as the main building or use that it is intended to serve; or

(b) on a lot that abuts or is directly across a street from the lot that contains the main building or use, if both lots are under common ownership.

Accessory structure front or flanking setback

50 An accessory structure must meet the minimum front or flanking setback requirements, as shown in Schedule 3.

Accessory structure side or rear setback

51 An accessory structure must be located at least 1.25 metres away from a side or rear lot line.

DRAFT

Accessory structure separation distance

52 An accessory structure must be separated from a main building or another accessory structure on the same lot by at least 1.25 metres.

Accessory structure height

53 An accessory structure's height must not exceed 7.7 metres.

Accessory structure lot coverage

54 Only one accessory structure per lot is exempted from the maximum required lot coverage calculation if the accessory structure's footprint is not greater than 20.0 square metres.

Accessory structure footprint and floor area

55 **(1)** The maximum required footprint of a new accessory structure is 60.0 square metres.

(2) The maximum required floor area of a new accessory structure is 93.0 square metres.

(3) An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the floor area requirement in subsection (2).

(4) 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 may change its use into a backyard suite use regardless of its height, footprint, floor area, side setback, rear setback, separation distance, or lot coverage, if all other built form requirements contained within this Division are met.

(5) 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 may 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, if all other built form requirements contained within this Division are met.

DRAFT

Quonset Hut

56 A Quonset hut is not permitted.

Shipping container

57 ~~A shipping container is not permitted.~~

57 **(1) Subject to subsections (2) and (3), a shipping container is not permitted.**

(2) A shipping container may be used as a dwelling unit, including as a main building, and must meet zone requirements for the main building.

(3) A shipping container may be used as a backyard suite use and must meet the requirements for a backyard suite use.

DRAFT

Division D - Off-Street Parking and Loading

Motor vehicle parking

58 **(1)** An accessory parking lot and parking space must be located on the same lot as the main use.

(2) A change of use in an existing structure does not require additional parking, and parking that is already provided may remain.

(3) Subsections (4) and (5) do not apply to a parking space or accessory parking lot that is associated with

(a) a low-density dwelling use including a mobile home use;

(b) a backyard suite use;

(c) a small shared housing use;

(d) a short-term bedroom rental use; or

(e) a home occupation use.

(4) An accessory parking lot must 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) Except as provided in subsection 76(6), the parking or storage of motor vehicles is prohibited in a driveway or driving aisle associated with an accessory parking lot.

DRAFT

Parking space and driving aisle dimensions

59 **(1)** Except as provided in section 64 and subsection (2), for an accessory parking lot, parking structure, or parking internal to a building, a required motor vehicle parking space must be built to a minimum of 2.4 metres in width and 5.5 metres in length (Diagram 5).

(2) For a parking space parallel to an internal driveway, a minimum length must be 6.1 metres (Diagram 5).

(3) Except as provided in section 64, a driving aisle between rows of motor vehicle parking spaces in an accessory parking lot, in a parking structure, or for parking internal to a building must be (Diagram 5)

(a) 6.0 metres in width for two-way traffic, or

(b) 3.0 metres in width for one-way traffic.

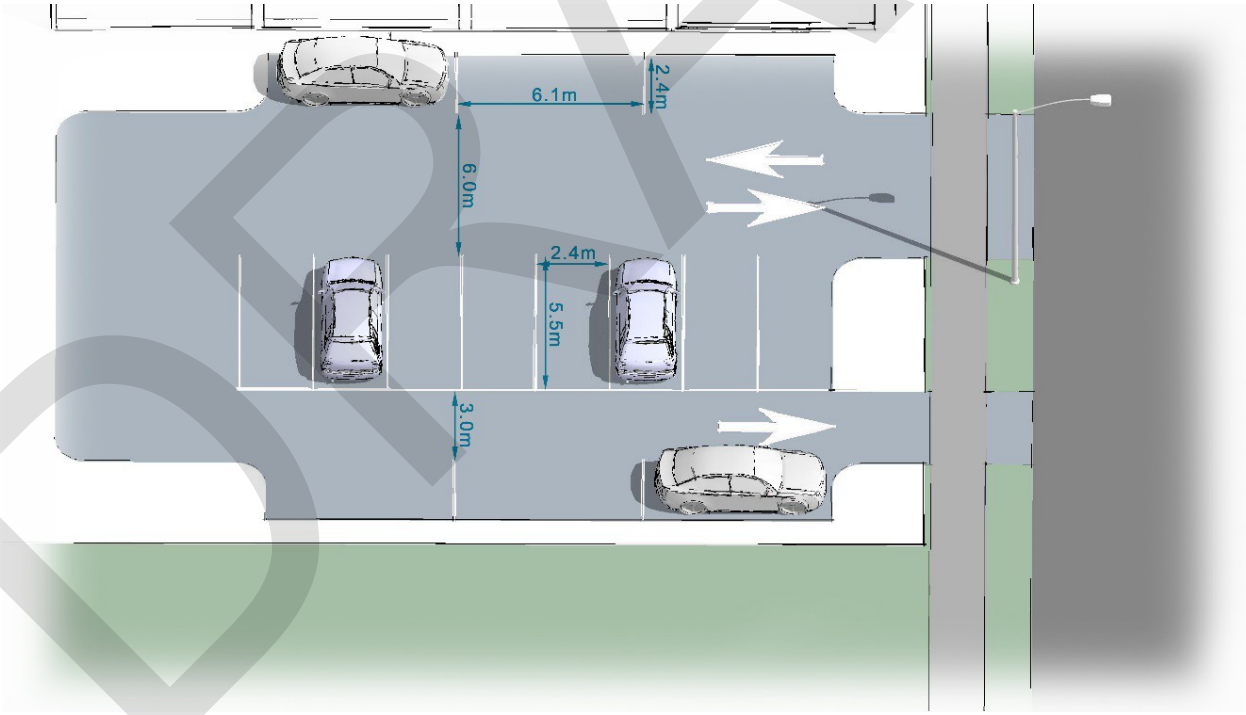


Diagram 5: Motor vehicle parking space and driving aisle dimensions, per section 59

DRAFT

Number of motor vehicle parking spaces

60 **(1)** Table 2 sets out the minimum number of motor vehicle parking spaces required or the maximum number of motor vehicle parking spaces permitted for each listed use.

(2) If a use is not listed in Table 2, a minimum or maximum parking requirement does not apply.

(3) If there is more than one use requiring motor vehicle parking, as listed in Table 2, the number of motor vehicle parking required on-site must be the cumulative total of what is required for each use.

(4) If bicycle parking spaces are required in section 71, 2 additional bicycle parking spaces may be provided instead of one required motor vehicle parking space, to a maximum of 25% of required motor vehicle parking spaces.

(5) In addition to the substitution permitted in subsection (4), one enhanced bicycle parking space may be substituted for a maximum of one required motor vehicle parking space.

Table 2: Required minimum or maximum number of motor vehicle parking spaces per lot, by use

Land uses	HA zone
Home occupation use	Maximum 1 space
Work-live unit use	Maximum 2 spaces for each work-live unit
Restaurant use	Maximum 1 space for every 35 square metres of floor area
Any other commercial use not listed within this table	Minimum 1 space for every 35 square metres of floor area
Cultural use	Minimum 1 space for every 10 permanent seats or 1 space for every 100 square metres of floor area, whichever is less
Medical clinic use; Religious institution use	Minimum 1 space for every 300 square metres of floor area
School use	Minimum 1 space for every classroom
Club recreation use	Minimum 1 space for every 400 square metres lot area

DRAFT

Rounding regulation

61 If the calculation for motor vehicle parking results in a fraction of a motor vehicle parking space, the required number of motor vehicle parking spaces must be rounded down to the nearest whole number.

Motor vehicle sharing space

62 A required motor vehicle parking space may be used as a motor vehicle sharing space.

Parking structure

63 **(1)** All parking spaces associated with a parking structure use must be located inside the parking structure or on the roof of the parking structure.

(2) Rooftop parking on a parking structure must not be visible from a streetline.

(3) A parking structure must meet the requirements of Part III.

Automated vehicle parking system

64 **(1)** Motor vehicle parking space and driving aisle dimension requirements do not apply if an automated vehicle parking system is used.

(2) An automated vehicle parking system must be located internal to a building or in a parking structure.

Parking for a residential use

65 **(1)** For a low-density dwelling use excluding a townhouse dwelling use, 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) For a townhouse dwelling use or multi-unit dwelling use, parking in a front yard is not permitted.

DRAFT

(3) In addition to subsection 58(2), if a low-density dwelling use is changed to a townhouse use or multi-unit dwelling use, an additional parking space in a front yard is not permitted.

Accessory parking lot

66 An accessory parking lot is permitted in a side yard, rear yard, or internal courtyard.

Pedestrian walk through an accessory parking lot

67 **(1)** At least one pedestrian walk through an accessory parking lot that provides a direct route between parking areas, building entrances, and the nearest streetline is required.

(2) A pedestrian walk within an accessory parking lot must be at least 1.8 metres wide.

(3) A pedestrian walk within an accessory parking lot must be delineated by an accessible raised surface that is at least 0.15 metres in height and consists of

(a) poured concrete;

(b) brick pavers;

(c) stone pavers; or

(d) concrete pavers.

(4) If a pedestrian walk crosses a driving aisle in an accessory parking lot, the surface of the pedestrian walk must be delineated with a change of colour or material from the driving aisle.

Bicycle parking exemptions

68 Bicycle parking spaces are not required for all of the following uses:

(a) low-density dwelling use;

(b) backyard suite use;

DRAFT

(c) short-term bedroom rental use;

(d) home occupation use;

(e) home office use;

(f) small shared housing use;

(g) work-live unit use;

(h) urban agriculture use; or

(i) accessory structure or accessory use.

Bicycle parking exemptions for a change of use

69 A change of use in a structure does not

(a) require bicycle parking beyond what is already provided on-site; and

(b) reduce any existing bicycle parking that is provided on-site.

Bicycle parking requirement

70 **(1)** Direct access to all bicycle parking spaces must be required from a streetline.

(2) All bicycle parking spaces must be illuminated.

(3) All bicycle parking racks must require two points of contact between each bicycle and rack.

DRAFT

Minimum bicycle parking spaces

71 **(1)** Table 3 sets out the bicycle parking space requirements that applies for each use listed.

(2) If there is more than one use requiring bicycle parking, as listed in Table 3, then the amount of bicycle parking required on-site is the cumulative total of what is required for each use.

Table 3: 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
Local commercial use; Personal service use; Restaurant use	1 space for every 300 square metres of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Medical clinic use; Religious institution use	1 space for every 500 square metres of floor area	50% Class A 50% Class B	2 spaces	Not Applicable
Cultural use	1 space for every 20 permanent seats or 1 space for every 250 square metres of floor area, whichever is less	20% Class A 80% Class B	2 spaces	50 spaces
School use	1 space for every 150 square metres of floor area	20% Class A 80% Class B	2 spaces	Not Applicable
Club recreation use; Community recreation use (indoor facilities)	10 spaces if less than 500 square metres of floor area; 20 spaces for larger facilities	20% Class A 80% Class B	Not Applicable	Not Applicable
Community recreation use (outdoor facilities)	1 space for every 1,250 square metres 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 69 and 70	1 space for every 500 square metres of floor area	50% Class A 50% Class B	2 spaces	Not Applicable

DRAFT

Rounding regulation

72 If the calculation for bicycle parking results in a fraction of a bicycle parking space, the required number of bicycle parking spaces must be rounded down to the nearest whole number.

Class A bicycle parking

73 **(1)** Required Class A bicycle parking racks must 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) A bicycle room, roofed bicycle cage, enclosed bicycle locker, or covered parking structure area reserved for bicycles must be secured against unauthorized entry.

(3) Required Class A bicycle parking racks must be any of the following types:

(a) inverted-U that is a minimum of 0.90 metres in height;

(b) post-and-ring that is a minimum of 0.90 metres 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 must be secured to the ground, floor, or wall.

DRAFT

(5) All outdoor bicycle parking spaces must be surfaced with a hard material such as asphalt, concrete, or permeable pavers.

(6) All indoor Class A bicycle parking spaces must 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 a Class A bicycle parking space to the nearest building entrance must not exceed 200 metres.

Class B bicycle parking

74 **(1)** Except as provided in subsection (6), Class B bicycle parking spaces must be located outside of a building in a location that is visible and accessible from the street.

(2) Required Class B bicycle parking racks must have a minimum height of 0.90 metres and be any of the following types:

(a) inverted-U;

(b) post-and-ring.

(3) All bicycle parking racks and bicycle lockers must be secured to the ground, floor, or wall.

(4) All outdoor bicycle parking spaces must be surfaced with a hard material such as asphalt, concrete, or permeable pavers.

(5) The required distance from a Class B bicycle parking space to the nearest visitor-accessible building entrance must not exceed

(a) 15.0 metres for unsheltered bicycle parking; or

DRAFT

(b) 30.0 metres for sheltered bicycle parking.

(6) If the location of a 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 a Class B bicycle parking space provided in accordance with that license may be counted towards a 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.

DRAFT

Bicycle parking geometric

75 **(1)** A bicycle parking rack is not permitted within 2.5 metres of a main building entrance (Diagram 6).

(2) Bicycle parking racks must be spaced,

(a) in the direction of a bicycle's width (Diagram 6),

(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

(b) in the direction of a bicycle's length (Diagram 6), centered at least 1.8 metres apart.

(3) A 1.5-metre wide clear aisle must be provided between rows of required bicycle parking racks (Diagram 6).

(4) Except for a wall-mounted rack and a two-tier rack with a lift assist, a space of 0.6 metres must be provided between bicycle parking spaces and an obstruction on all sides (Diagram 6).

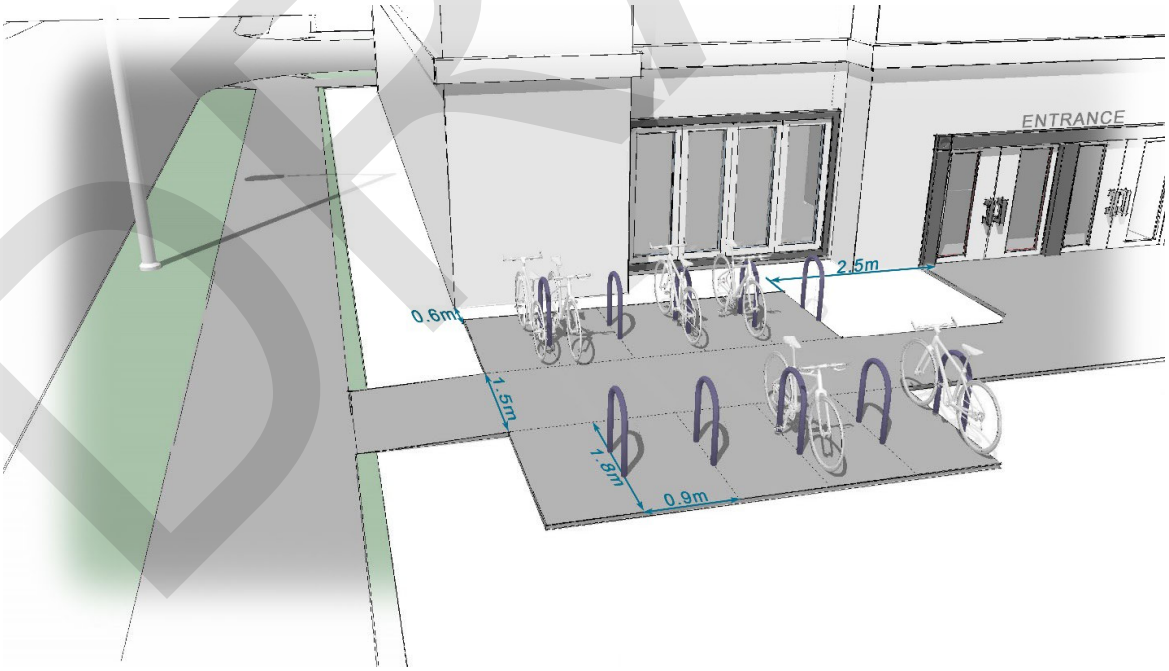


Diagram 6: Bicycle parking requirements, per section 75

DRAFT

Off-street loading space

76 **(1)** Except as provided in subsection (2), in addition to required motor vehicle parking spaces, off-street loading is required as set out in Table 4.

Table 4: 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
A commercial use – 500 square metres to 2,000 square metres of floor area	1 Type A
A commercial use – greater than 2,000 square metres to 5,000 square metres of floor area	2 Type A
A commercial use – greater than 5,000 square metres in floor area	2 Type A and 1 Type B

(2) An off-street loading space is not required

(a) for a change of use within an existing structure; or

(b) for an addition that is less than 500 square metres of floor area.

(3) A required off-street loading space must be located on the same lot as the use it is intended to serve.

(4) A required off-street loading space must be surfaced with a hard material such as asphalt, concrete, and permeable pavers, and delineated by concrete curbs or painted lines.

(5) Except as provided in subsection (6), a required off-street loading space must be located

(a) internal to a building;

DRAFT

(b) in a parking structure; or

(c) in an area of a lot where an accessory parking lot is permitted in section 66.

(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 if there is an 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 must meet the width and height requirements of section 77 or 78.

(8) The screening requirement for required off-street loading spaces are set out in section 91.

(9) An off-street loading space must not be used for motor vehicle parking.

Type A off-Street loading space

77 A Type A off-street loading space must have all of 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

78 A Type B off-street loading space must 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.

DRAFT

Division E - Sign

Temporary sign by-law

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

Sign permit exemptions

80 All of 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 a government;

(f) notification signs required under municipal by-laws;

(g) signs interior to a structure;

DRAFT

(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) only one internally illuminated menu-box sign per restaurant use, if the sign

(i) is located within 2.0 metres of the pedestrian entrance for the restaurant use,

(ii) does not exceed 0.4 square metres in area, as measured from the outside of the box, and

(iii) does not project more than 0.1 metres from the wall on which it is affixed;

(l) the replacement of a sign face where there is no alteration of the structure holding the sign;

(m) neighbourhood signs; and

(n) window and door signs.

Prohibited signs

81 (1) All of the following types of signs are prohibited:

(a) signs that create a hazard to public safety;

DRAFT

(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 a traffic control sign or device, or

(iii) resemble the traffic control signs of a public authority, in shape, colour, message, symbol, or location;

(c) signs that obscure or interfere with a warning or instructional sign;

(d) signs that obstruct or interfere with a ventilation device, emergency exit, required exit, window, door opening, or a wall opening intended as a means of ingress or egress;

(e) signs that obstruct access to a 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 a structure;

(i) signs that project above a roof edge or a streetwall stepback, or extend beyond the edges of a wall to which they are affixed;

(j) signs affixed to or painted on natural objects such as trees or boulders;

DRAFT

(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 a utility, conduit, or line used for water, sewage, gas, electricity, or communication.

Variable message sign

82 A variable message sign is permitted if the variable message sign does not pose a risk to public safety in the opinion of the Engineer.

Ground sign

83 A ground sign must not exceed 4.6 metres in height.

Fascia sign

84 The combined area of all fascia signs on a building wall must not exceed 10% of the area of the wall that the signs are affixed.

DRAFT

Projecting sign

85 **(1)** A projecting sign must

(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 a 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 premise.

Abutting zone requirements

86 All of the following requirements apply:

(a) a non-illuminated sign must be set back at least 3.0 metres from the abutting lot line;

(b) an illuminated sign must be set back at least 10.0 metres from the abutting lot line.

Fascia sign for a home occupation use, short-term bedroom rental use, and work-live unit use

87 Only one non-illuminated fascia sign that does not exceed 3.0 square metres in area, is permitted for

(a) a home occupation use;

(b) a short-term bedroom rental use; or

(c) the commercial use or institutional use component of a work-live unit use.

DRAFT

Billboard

88 A billboard is not permitted.

DRAFT

Division F - Lighting, Solid Waste, and Screening

Exterior lighting

89 Exterior lighting must not be directed towards abutting lots or streets.

Solid waste management area

90 **(1)** For a building that is greater than 2,000 square metres in floor area, all solid waste management areas must be located inside the building.

(2) For a ~~four-unit dwelling use or~~ multi-unit dwelling use, an outdoor solid waste management area must

(a) be located in a side or rear yard; and

(b) not be located within 3.5 metres of a lot line abutting a residential use.

(3) For **a three-unit dwelling,** four-unit dwelling use or multi-unit dwelling use, an outdoor solid waste management area must be wholly enclosed by an opaque fence or a masonry wall that is at least 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 or 1.2 metres in height for four-unit dwelling use.**

Screening for an accessory parking lot or off-street loading space

91 **(1)** Except as provided in subsection (2), in addition to the soft landscaping requirements for an accessory parking lot under section 97, along the edge of an accessory parking lot or off-street loading space that is located within a yard that abuts a transition line, as shown in Schedule 4, any of the following is required:

DRAFT

(a) a continuous coniferous hedge that is at least 1.8 metres in height;

(b) an opaque fence that is at least 1.8 metres in height; or

(c) a masonry wall that is at least 1.8 metres in height.

(2) The screening requirement under subsection (1) does not apply to a portion of the lot that provides an access to an abutting lot.

DRAFT

Division G - Landscaping

Exemptions for a change of use and minor additions

92 Additional hard landscaping or soft landscaping is not required for

(a) a change of use in a structure; or

(b) an addition to a main building less than 200.0 square metres of floor area.

Existing soft landscaping

93 **(1)** Existing trees and shrubs may be counted toward the requirements of this Division if they

(a) are adequately protected from damage during development;

(b) meet the minimum size or caliper requirements specified within the applicable section of this Division; and

(c) present and in good health before issuing the first occupancy permit as certified by a landscape architect or arborist.

(2) An existing tree or shrub in a required landscaped buffer may be counted as one tree or shrub toward the requirements of sections 99 and 100.

Maintenance of soft landscaping

94 All soft landscaping required under this By-law must be maintained.

Soft landscaping species

95 **(1)** If this Division, as part of soft landscaping requirements, requires the planting of

(a) between 10 and 19 trees or shrubs, a minimum of three different tree or shrub species are required; or

DRAFT

(b) 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 2, are prohibited as soft landscaping materials.

Soft landscaping for an accessory parking lot

96 **(1)** If permitted in Division D, an accessory parking lot that is not located within an interior courtyard must meet all of the following soft landscaping requirements along a 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) only one of the following:

(i) one shrub that is at least 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) Except for an accessory parking lot for a community recreation use or a school use, an accessory parking lot must contain all of the following soft landscaping requirements:

(a) for every 10 parking spaces in a row, a raised landscaped area must be provided at each end of the row (Diagram 7);

(b) each raised landscaped area must be delineated with curbs and must contain a minimum of one tree (Diagram 7) that are not shrubs, with a minimum base caliper of 50 millimetres; and

(c) each raised landscaped area's ground area must include soft landscaping.

DRAFT

Diagram 7: Raised landscaped areas within accessory parking lots, per subsection 102(2)

Specific hard landscaping or soft landscaping

97 **(1)** A portion of a front, flanking, side, or rear yard that is not used for a driveway, parking, off-street loading space, walkway, wheelchair ramp, stair, or accessory structure must be landscaped.

(2) At least 50% of the remaining required landscaping on a lot must be soft landscaping.

(3) Except for a balcony, at-grade outdoor amenity space that contains soft landscaping may be counted towards the requirement in subsection (2).

DRAFT

Division H - Landscaped Buffer

Development exempted from a landscaped buffer

98 The requirements of sections 99 and 100 do not apply to

(a) a development exempted from requiring a development permit in section 6;

(b) a change of use or tenancy in a structure;

(c) an accessory structure;

(d) an addition to a main building less than 200.0 square metres in floor area;

(e) a low-density dwelling use;

(f) a renovation; or

(g) a temporary construction use.

Landscaped buffer

99 **(1)** A landscaped buffer must be provided along a lot line that abuts a transition line, as shown in Schedule 4.

(2) A required landscaped buffer must have a minimum width of 2.5 metres.

(3) A structure or parking area is not permitted within a required landscaped buffer, except for

(a) a masonry wall or opaque fence required in section 91; or

(b) subject to subsection (4), an underground parking structure that does not protrude more than 0.6 metres above the average finished grade within a side or rear yard.

DRAFT

(4) If an underground parking structure extends into the required landscaped buffer, as permitted in clause (3)(b), the applicable landscape buffer must apply to the surface of the underground parking structure.

L1 landscaped buffer

100 **(1)** A required landscaped buffer must contain either

(a) one shrub that is at least 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 (1)(a) and (1)(b) may be grouped.

(3) The remainder of a required landscaped buffer must contain soft landscaping.

Landscape plan

101 **(1)** If required under section 9, a development permit application must include a landscape plan stamped and signed by a landscape architect who certifies that the plan meets the minimum requirements of this By-law.

(2) The landscape plan must depict the design of all hard landscaping or soft landscaping required for the development, and must indicate all of the following:

(a) the current and proposed site topography, including the location of a 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

DRAFT

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 93;

(e) the protection measures, such as hoardings, for existing soft landscaping that is to be maintained;

(f) the construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;

(g) 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;

(h) additional information that a development officer of the Municipality requires to determine if the development complies with this By-law.

(3) All soft landscaping specified on a landscape plan must comply with the latest edition of the *Canadian Landscape Standard*.

DRAFT

Division I - Design Requirement

Development subject to design requirement

102 **(1)** Except as provided in subsection (2) and (3), a development must meet all the applicable design requirements contained within this Division.

(2) All of the following developments are exempted from the design requirements in this Division:

(a) a development that is exempted from requiring a development permit in section 6;

(b) a low-density dwelling use, except for a townhouse dwelling use;

(c) a backyard suite use;

(d) an enlargement**,** alteration, and replacement in an existing window and door opening;

(e) a new window and door opening;

(f) a building addition with a floor area of 500 square metres or less that does not alter a streetwall;

(g) a building addition that alters a streetwall if the addition does not exceed 10.0 metres along the width of the streetwall;

(h) a change to external cladding materials for a wall that is not a streetwall;

(i) a change to external cladding materials for no more than 40% of a streetwall;

(j) a renovation; **(RC-Mar 18/25; EFF-Apr 23/25)**

(k) the installation and replacement of a minor building feature;

DRAFT

(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) a temporary construction use;

(n) an accessory structure;

(o) steps, stairs, ramps, and other building entrances or entrance features;

(p) a sign;

(q) a transportation facility use.

(3) For an addition to a main building that requires the applicability of the design requirements,

(a) the design requirements applies only to the addition; and

(b) streetwall articulation requirements in section 105 does not apply.

DRAFT

Outdoor amenity space

103 **(1)** This section applies where outdoor amenity space is

(a) provided either at-grade or on a rooftop;

(b) required by section 17; and

(c) at least 30.0 square metres in size.

(2) Outdoor amenity space must

(a) include all of the following elements:

(i) unobstructed access,

(ii) permanent seating, and

(iii) general lighting, as required by section 115; and

(b) offer weather protection to its users, by providing any of the following methods (Diagram 8):

(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,

(v) a cantilever over an entrance of a main building that abuts the outdoor amenity space.

DRAFT

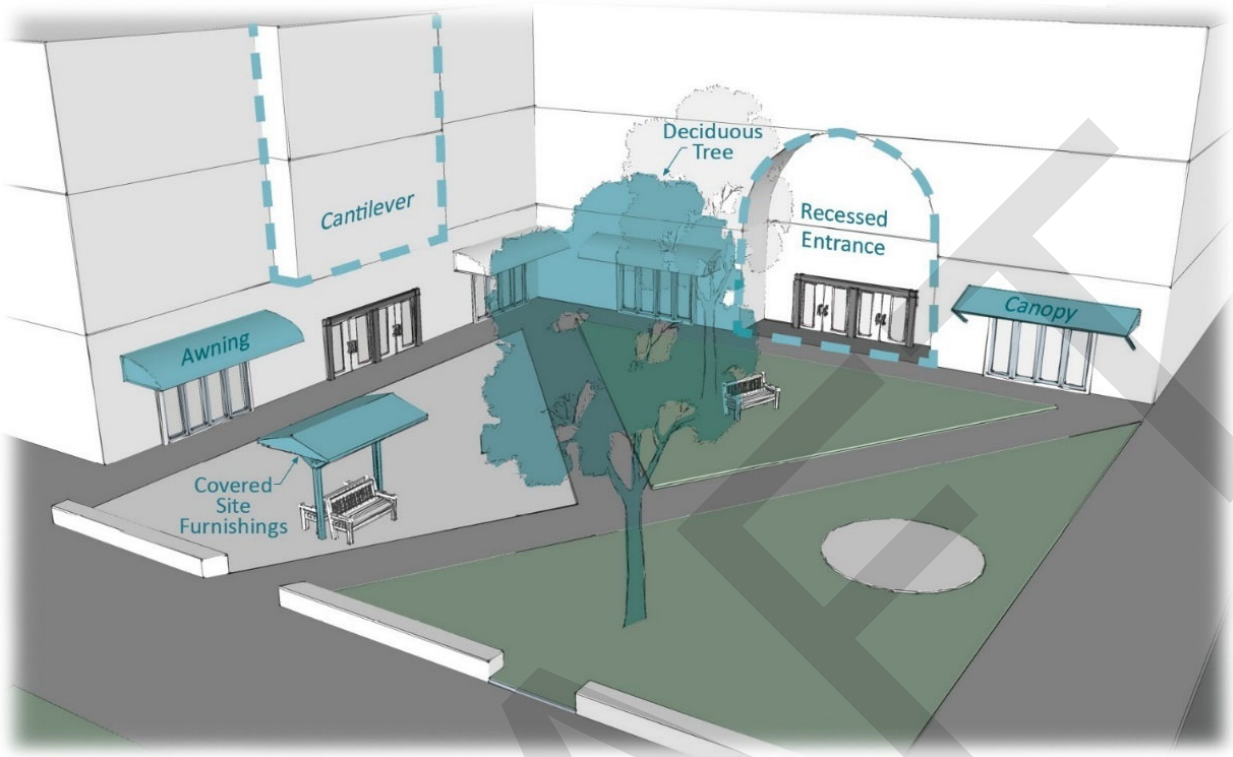


Diagram 8: Weather protection for outdoor amenity space, per clause 103(2)(b)

(3) Except for a swimming pool, sports court, or playground, in addition to the requirements of subsection (2), outdoor amenity space must provide any of the following materials for groundcover:

(a) vegetation;

(b) brick pavers;

(c) stone pavers;

(d) concrete pavers;

(e) wood, excluding composites.

DRAFT

Privacy for a grade-related dwelling unit

104 The space located between each grade-related dwelling unit and the streetline must include any of the following methods for privacy (Diagram 9):

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

(b) the planting of a minimum of two shrubs, each at least 1.0 metre in height;

(c) the installation of a planter ranging in height from 0.25 to 1.0 metre;

(d) the installation of a masonry wall ranging in height from 0.25 to 1.0 metre.

Diagram 9: Methods for providing privacy to grade-related dwelling units, per section 104

DRAFT

Streetwall articulation

105 **(1)** A streetwall must be divided into distinct sections between 0.3 metres and 10.0 metres in width, extending from the ground to the top of the streetwall.

(2) Each distinct section required under subsection (1) must be differentiated from abutting distinct sections by using at least 2 of the following methods (Diagram 10):

(a) different colours;

(b) different materials;

(c) different textures;

(d) living walls;

(e) projections;

(f) recesses.

(3) A projection or recess used under subsection (2) must be at least 0.15 metres deep.

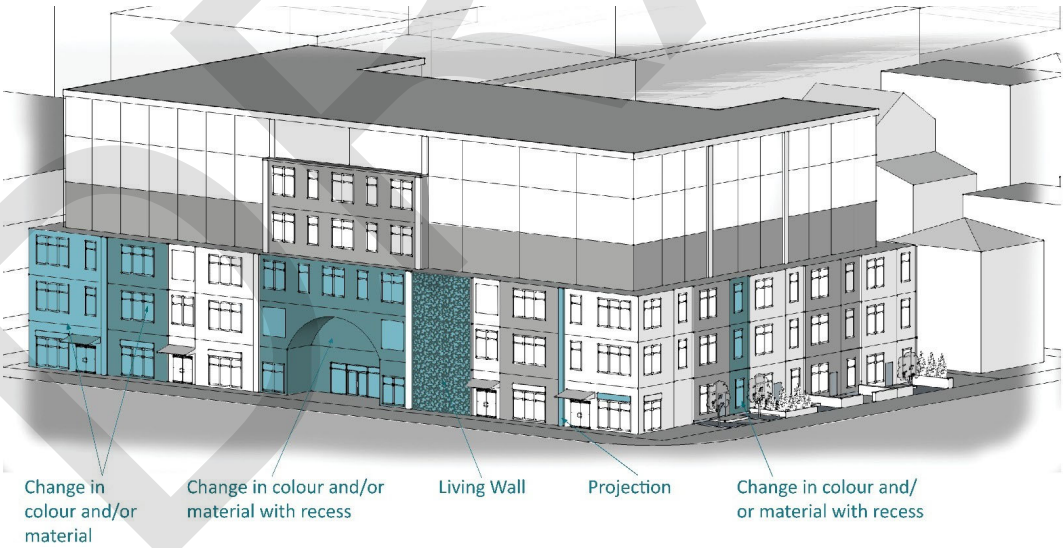


Diagram 10: Methods for articulation for streetwalls or exterior walls that abut a front or flanking yard, per section 105

DRAFT

Side wall articulation

106 If a main building has a side setback that is at least 2.0 metres, the wall facing the side lot line must continue the streetwall articulation for a depth of at least double the side setback distance, using the same options chosen under section 105 (Diagram 11).

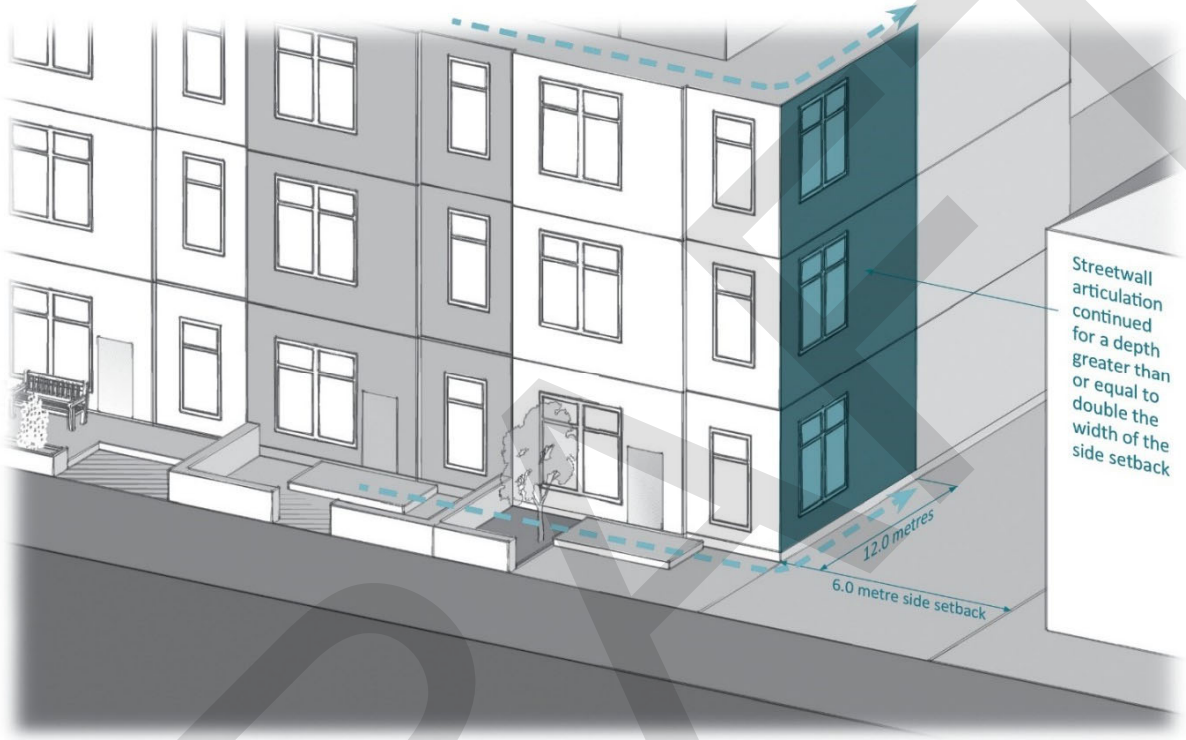


Diagram 11: Methods for side wall articulation, per section 106

DRAFT

Pedestrian entrance along a streetwall

107 **(1)** A pedestrian entrance in the streetwall must be distinguished from the streetwall by using at least 2 of the following methods:

(a) different colours;

(b) different materials;

(c) projections;

(d) recesses;

(e) a change in height;

(f) a change in the roofline.

(2) A projection or recess used under subsection (1) must be at least 0.15 metres in depth.

(3) A canopy or awning must not be used to meet the requirements of subsection (1).

Number of pedestrian entrances for a grade-oriented premise

108 At least one pedestrian entrance is required for each grade-oriented premise within the streetwall.

Ground floor transparency

109 The building's ground floor façade within a streetwall must consist of clear glass glazing of

(a) for commercial uses, a minimum requirement of 50%; or

(b) for all other uses, a minimum requirement of 25%.

DRAFT

Weather protection for entrances

110 Except for an entrance of a grade-related dwelling unit, if an entrance for a multi-unit dwelling use, a commercial use listed in clause 134(b), or an institutional use listed in clause 134(d) is provided in the streetwall, weather protection for pedestrians must be provided above the entrances and must consist of any of the following methods (Diagram 12):

(a) canopies;

(b) awnings;

(c) recessed entrances;

(d) cantilevers.

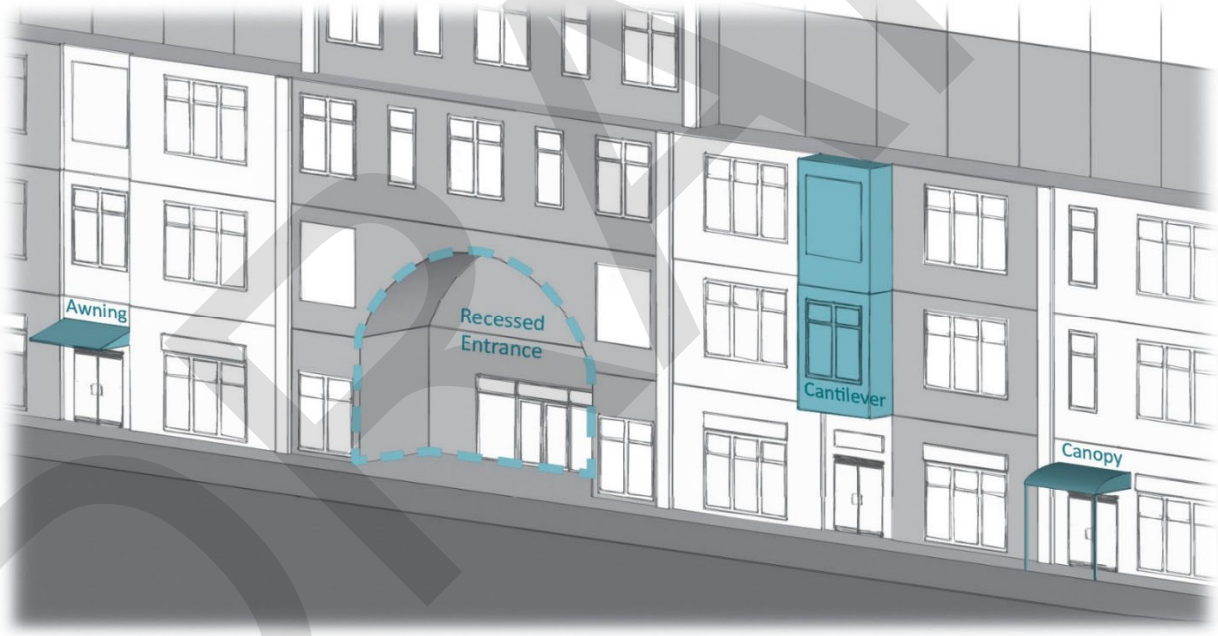


Diagram 12: Methods of weather protection for entrances, per section 110

DRAFT

Exposed foundations and underground parking structures

111 An exterior foundation wall, and underground parking structure that is protruding more than 0.6 metres above grade, must be clad in the same material as those used on the wall that connects to the exterior foundation wall or underground parking structure.

Rooftop mechanical feature

112 A rooftop mechanical feature must be visually integrated into the overall design of the building top and screened.

Townhouse façade articulation

113 **(1)** Subject to subsection (2), if a townhouse block contains 4 or more townhouse dwelling units, that portion of the façade that faces a street must be differentiated from the abutting unit by using any of the following methods:

(a) different colours;

(b) different materials;

(c) different textures;

(d) projections;

(e) recesses.

(2) A projection or recess used under subsection (1) must

(a) be at least 0.3 metres in depth; and

(b) extend from the ground to the top of the façade that is facing the streetline.

Parking internal to a building or within a parking structure

114 If parking is internal to a building, including a parking structure, a motor vehicle parking area must be screened from view from a streetline.

DRAFT

General lighting

115 All of the following features must be illuminated:

(a) a common building entrance;

(b) a pedestrian walk under subsection 67(3);

(c) an outdoor amenity space under section 102; and

(d) an accessory parking lot.

Prohibited materials for awning or canopy

116 Vinyl or high-gloss fabric is not permitted in an awning or canopy.

DRAFT

Division J - Wind Energy Facility

Wind energy overlay zone

117 This By-law establishes the following wind energy overlay zone in the entire planning area, as shown in Schedule 1: Restricted (R).

Restricted (R) zone

118 A wind energy facility is prohibited in the R zone.

DRAFT

Division K - Interim Incentive or Bonus Zoning

Public benefit for incentive or bonus zoning

119 **(1)** Except as provided in subsection (2), incentive or bonus zoning is required for developments other than low-density dwelling use developments on Lands identified on Schedule 1.

(2) Incentive or bonus zoning is not required for developments on Lands identified on Schedule 1 if a development officer of the Municipality is satisfied that

(a) on the date of application for a development permit, the applicant for the development permit is a registered not-for-profit organization or registered Canadian charitable organization, and have been registered for at least 1 year before the date the complete application is received by the Municipality;

(b) the provision of affordable housing is included in the mandate or programs and activities of the registered not-for-profit organization or the registered Canadian charitable organization;

(c) a minimum of 60% of the development is for housing; and

(d) the property that is the subject of the application is solely owned by one or a combination of the following:

(i) the applicant,

(ii) the Municipality,

(iii) the Provincial Government,

(iv) the Federal Government,

(v) an agent of the Provincial or Federal Government.

DRAFT

(3) If an applicant provides incentive or bonus zoning under subsection (1), a development officer of the Municipality may require the applicant to enter into an incentive or bonus zoning agreement.

(4) If an incentive or bonus zoning agreement is required under subsection (3), a development permit must not 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

120 The public benefit value required under section 119 is calculated using the following formula

PBV = 0.2(NFA - 2000)(BR)

in which

PBV = public benefit value in Canadian dollars
NFA = new floor area in square metres
BR = bonus rate in Canadian dollars per square metre as provided in section 122

Deadline to complete public benefit

121 An applicant must complete a public benefit as described in section 119 before a certificate of occupancy is issued.

DRAFT

Incentive or bonus zoning rate

122 (1) The bonus rate for the districts as identified in Schedule 5 are set out for Districts A through E, as of April 2023, in Table 5.

(2) The bonus rates in Table 5 must be adjusted annually as described in section 122.

Table 5: Incentive or bonus zoning rates and districts

Bonus rate district	Name of bonus rate district	Bonus rate, 2023 (per square metre)
A	Bedford	$204.47
B	Cole Harbour-Westphal	$157.29
C	Greater Dartmouth	$169.87
D	Halifax Mainland	$223.35
E	Lower Sackville except Sackville Drive	$141.56

Incentive or bonus zoning rate adjustment

123 (1) Subject to subsection (2), before calculating a required public benefit value, the bonus rate as listed in Table 5 must be adjusted annually on April 1st according to the changes to the Halifax All-Items Consumer Price Index released by Statistics Canada by using the method specified as follows:

Step 1 The percentage change in the Halifax All-Items Consumer Price Index (CPI) must 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

DRAFT

Price Index for the base year in which this By-law was adopted, or the year where the values in Table 5 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 must then be multiplied by the bonus rate(s) found in Table 5 of this By-law.

Step 3 The product of Step 2 must then be added to the bonus rate(s) found in Table 5 of this By-law, with the resulting sum(s) becoming the new bonus rate(s) for the current bonus rate year.

(2) If the Halifax All-Items Consumer Price Index declines or remains unchanged in a given year, there is no change in the bonus rates for that year.

(3) The bonus rate for the calculation of the required public benefit value must be the bonus rate at the time a complete application for a development permit is received by the Municipality.

(4) If the development permit in subsection (3) expires and an application for a new development permit is made for the same development, the value of the public benefit is the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

Proposal for required public benefit

124 An applicant who is required to provide a public benefit must, in a format acceptable to a development officer of the Municipality, submit

(a) a public benefit value calculation as described in section 120; and

(b) a public benefit proposal with their application for a development permit.

DRAFT

Public benefit category

125 Subject to subsection 126(1), an applicant who is required to provide for incentive or bonus zoning must provide money-in-lieu for affordable housing, and must provide one or a combination of the following public benefits in addition:

(a) additional money-in-lieu for affordable housing;

(b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;

(c) money-in-lieu for the conservation of a registered heritage building;

(d) the conservation of a building located within a heritage conservation district;

(e) money-in-lieu for the acquisition or improvement of municipal parks;

(f) money-in-lieu for affordable community or cultural indoor space;

(g) money-in-lieu for public art;

(h) public art on the development site.

Money-in-lieu for affordable housing

126 (1) The minimum proportion of the total required public benefit value that must be allocated to money-in-lieu for affordable housing is 60%.

(2) Money-in-lieu accepted for affordable housing must 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-

DRAFT

profit organization or registered Canadian charitable organization;

(b) the acquisition of a building, housing unit, or property 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) a combination of clauses (a) to (d).

Heritage conservation as public benefit

126.1 (1) Notwithstanding sections 125 and 126, on a registered heritage property or on a property within a heritage conservation district, 90% of the public benefit must be allocated to the conservation of:

(a) a registered heritage building that is on the site of the development; or

(b) a building within a heritage conservation district that is on the site of the development.

(2) The remaining 10% of the public benefit must be in the form of money-in-lieu for affordable housing.

(3) The applicant must register a waiver in title of the property that, without the approval of the Municipality, the registered heritage property or the property within a heritage conversation district must not be altered or demolished under Section 18 of the *Heritage Property Act*.

On-site public art

127 If a public art is provided as a public benefit on-site, the public art must

DRAFT

(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

128 All of 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, if

(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;

(f) landscape design, a landscape garden, or garden feature including a fountain, garden furnishing, or other infrastructure, except for those elements that have been conceived of by a professional artist independently or in collaboration with other design professionals and deemed to be an integral component of an artwork.

DRAFT

Incentive or bonus zoning agreement

129 **(1)** An incentive or bonus zoning agreement required by a Development Officer must contain all of the following terms:

(a) the identification of the development site;

(b) design drawings, provided by the applicant, for a required or provided public benefit;

(c) if required by a development officer of the Municipality, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for a required or provided public benefit;

(d) the identification of conditions required by the Municipality before the public benefit is accepted;

(e) if required, provisions for the auditing and reporting of public benefits; and

(f) any other terms or conditions that a development officer of the Municipality requires.

(2) An incentive or bonus zoning agreement must be signed by the owner.

(3) Subject to subsections (4) and (5), and in accordance with section 31A of the Charter, Council delegates all of the following authorities to a development officer of the Municipality:

(a) entering into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;

(b) discharging 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;

DRAFT

(c) signing the discharge, including a discharge agreement, on behalf of the Municipality.

(4) In accordance with subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by a development officer of the Municipality commits the Municipality to a 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 a development officer of the Municipality, or an amendment to such an agreement, must be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

DRAFT

Division L - Watercourse

Coastal area

130 (1) Subject to subsections (2) and (3), if a lot abuts the coast of the Atlantic Ocean, including its inlets, bays, and harbours, a development permit must not be issued for a 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 13) for

(a) a residential use listed in clause 134(a);

(b) a commercial use listed in clause 134(b); or

(c) an institutional use listed in clause 134(d).

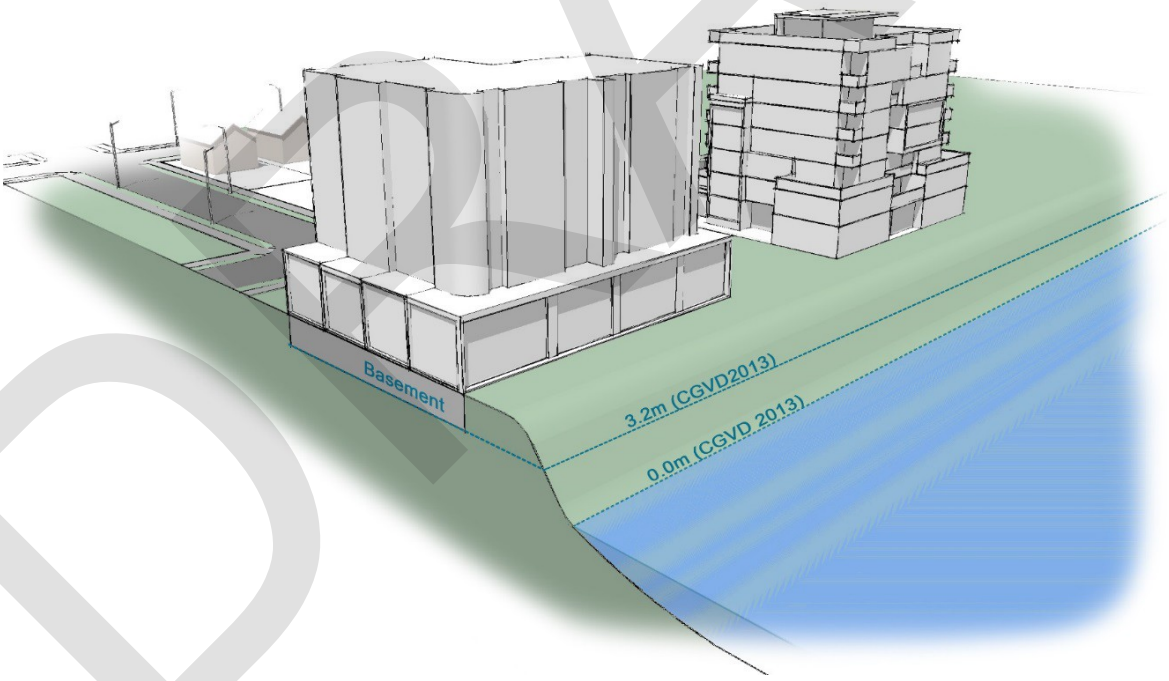


Diagram 13: Coastal area elevation requirements, per subsection 130(1)

DRAFT

(2) A development permit must not be issued except 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.

(3) A portion of a main building or a backyard suite use, including below grade portions, located lower than the elevation required in subsection (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 a portion of the main building or backyard suite use located lower than the elevation required in subsection (1) by more than 25%, or further reduce the existing elevation of the main building or the backyard suite use.

(4) Before issuing a development permit, a development officer of the Municipality 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 buffer

131 (1) A development permit must not be issued for a development within 20 metres of the ordinary high water mark of a watercourse.

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

DRAFT

(3) If a wetland and a watercourse are contiguous, the watercourse buffer must be applied from the outermost boundary of the wetland and watercourse.

(4) Subject to subsections (5) and (8), within the watercourse buffer required in subsections (1), (2), and (3), no excavation, infilling, or the removal of a tree, stump, or other vegetation, nor any other change, is permitted.

(5) Within the watercourse buffer required in subsections (1), (2), and (3), vegetation may be removed to permit any of the following activities:

(a) subject to subsection (6), 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, parks on public land, and historic site or monument uses;

(e) streets; or

(f) water, wastewater, and stormwater infrastructure.

(6) If a main building existed on the coming into force date of this By-law and is located within a required watercourse buffer, an accessory structure that is permitted in clause (5)(a) must not be located any closer to the watercourse than the main building that existed on the coming into force date of this By-law.

(7) If the configuration of a lot is such that no main building can be located on the lot, the watercourse buffer distance required in subsections (1), (2), and (3) may be reduced in a manner that would provide the greatest possible separation from a

DRAFT

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, a development officer of the Municipality 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.

Wetland

132 A development is permitted within a wetland only if an approval that permits the alteration or infilling of a wetland has been received from the Province of Nova Scotia.

DRAFT

Part III - Housing Accelerator (HA) Designation

DRAFT

List of zones in the HA designation

133 This By-law establishes a Housing Accelerator (HA) zone in the Housing Accelerator (HA) designation as shown in Schedule 1.

HA zone permitted uses

134 All of the following uses are permitted in a HA zone:

(a) all of the following residential uses:

(i) a single-unit dwelling use, semi-detached dwelling use, duplex apartment use, two-unit dwelling use, three-unit dwelling use, and four-unit dwelling use, **(RC-Mar 18/25; EFF Apr-23/25)**

(ii) a townhouse dwelling use,

(iii) a multi-unit dwelling use,

(iv) a backyard suite use,

(v) a small shared housing use and large shared housing use,

(vi) a short-term bedroom rental use if the dwelling unit is the primary residence of the operator as authorized by subsection 20(2), and

(vii) a home occupation use, home office use, work-live unit use, grade-related dwelling unit use, and model suite use;

(b) all of the following commercial uses:

(i) a catering use, local commercial use, makerspace use, personal service use, pet daycare use, restaurant use, studio use, and veterinary facility use, if they are on the ground floor, and

DRAFT

(ii) a short-term rental use if the dwelling unit is a low-density dwelling use and is the primary residence of the operator as authorized by subsection 20(1);

(c) all of the following urban agriculture uses:

(i) a farmer's market use, and

(ii) urban farm use;

(d) all of the following institutional uses:

(i) a cultural use,

(ii) a daycare use,

(iii) an emergency service use, library use, school use, and shelter use,

(iv) a medical clinic use, and

(v) a religious institutional use;

(e) all of the following park and community facility uses:

(i) a club recreational use,

(ii) a community recreation use,

(iii) a conservation use, and

(iv) a park use;

(f) a water access structure use;

(g) an accessory structure or use, historic site or monument use, parking structure use, temporary construction use, transportation facility use, and utility use.

HA zone lot area

135 The minimum required lot area in a HA zone is

DRAFT

(a) 130.0 square metres for an interior unit on the ground floor of a townhouse dwelling use; or

(b) 220.0 square metres for a use that is not under clause (a), including an end unit on the ground floor of a townhouse dwelling use or duplex apartment use.

(RC-Mar 18/25; EFF-Apr 23/25)

HA zone lot frontage

136 **(1)** The minimum required lot frontage in a HA zone is 12.2 metres except as provided in subsection (2).

(2) The minimum required lot frontage for a townhouse dwelling use is

(a) 4.5 metres for an interior unit on the ground floor of a townhouse dwelling use; or **(RC-Mar 18/25; EFF-Apr 23/25)**

(b) 7.5 metres for an end unit on the ground floor of a townhouse dwelling use, semi-detached dwelling use, and duplex apartment use. **(RC-Mar 18/25; EFF-Apr 23/25)**

HA zone lot coverage

137 The maximum required lot coverage in a HA zone is 70.0%.

HA zone front or flanking setback

138 The minimum required front or flanking setback for a main building, including below grade, in a HA zone is 2.5 metres except as provided in Schedule 3.

HA zone side setback

139 **(1)** The minimum required side setback for a main building in a HA zone is 3.0 metres except as provided in subsections (2) to (5).

DRAFT

(2) The minimum required side setback in subsection (1) may be exempted along a common wall between each unit of a semi-detached dwelling use, duplex apartment use, or townhouse dwelling use. **(RC-Mar 18/25; EFF-Apr 23/25)**

(3) The minimum required side setback in subsection (1) may be

(a) reduced to 1.5 metres for a building or portion of a building below grade; or

(b) exempted for an underground parking structure that does not protrude more than 0.6 metres above the average finished grade in a side yard.

(4) The minimum required side setback in a HA zone is 6.0 metres from a transition line, as shown in Schedule 4, except for a low-rise building. **(RC-Mar 18/25; EFF-Apr 23/25)**

(5) The minimum required side setback in a HA zone is 12.5 metres for a portion of the high-rise building above the streetwall height.

HA zone rear setback

140 (1) Except as provided in subsections (2) and (3), the minimum required rear setback in a HA zone is

(a) 6.0 metres for a main building that has 6 storeys or less, or

(b) 8.0 metres for all other main buildings.

(2) The minimum required rear setback in a HA zone may be

(a) reduced to 1.5 metres for a main building or portion of a main building below grade; or

(b) exempted for an underground parking structure that does not protrude more than 0.6 metres above the average finished grade in a side yard.

DRAFT

(3) The minimum required rear setback in a HA zone is 12.5 metres for a portion of the high-rise building above the streetwall height.

HA zone building height

141 The maximum required building height in a HA zone is as specified in Schedule 2.

HA zone maximum streetwall height

142 The maximum required streetwall height in a HA zone is

(a) for a main building that is constructed using wood-frame construction or encapsulated mass timber construction, and

(i) is no taller than 6 storeys, the building height, or

(ii) is taller than 6 storeys, 6 storeys; or

(b) for a main building other than clause (a)

(i) that is no taller than 5 storeys, the building height, or

(ii) that is taller than 5 storeys, 3 storeys.

HA zone minimum streetwall height

143 (1) Except as provided in subsections (2) and (3), the minimum required streetwall height in a HA zone is

(a) for a main building that is 2 storeys or less, the building height; or

(b) 2 storeys elsewhere.

(2) The minimum streetwall height required in subsection (1) may be reduced to 1 storey along a streetline if the reduced portion of the streetwall does not exceed 20% of the entire streetwall width.

DRAFT

(3) The minimum streetwall height required in subsection (1) may be reduced to 1 storey along a streetline if the slope exceeds 4% across the building width or building depth.

HA zone streetwall stepback

144 **(1)** Except as provided in subsections (2) to (4), the minimum required streetwall stepback in a HA zone is

(a) 2.0 metres for a mid-rise building;

(b) 3.0 metres for a tall mid-rise building; or

(c) 4.5 metres for a high-rise building.

(2) A streetwall stepback is not required for a main building that meets subclauses 142(a)(i) or 142(b)(i).

(3) A streetwall stepback is not required for a maximum of 20% of the length of a main building facing each streetline.

(4) The minimum required streetwall stepback in a HA zone for a building wall that faces a transition line is

(a) 2.5 metres for a mid-rise building;

(b) 6.0 metres for a tall mid-rise building; or

(c) 6.0 metres for a high-rise building.

(5) A portion of a main building above the streetwall must not project beyond the streetwall towards the front or flanking lot line.

HA zone recessed portions and cantilevers within streetwalls

145 **(1)** Subject to subsection (2), the total combined width of all cantilevered and recessed portions within a streetwall that have a depth of 2.0 metres or greater must not exceed 30% of the width of the streetwall.

DRAFT

(2) Cantilevered and recessed portions described in subsection (1) include a portal, but exclude a balcony and recessed pedestrian entrance.

HA zone side and rear stepbacks

146 (1) Subject to subsection (2), for a tall mid-rise building, a portion of a main building above the height of the streetwall must have a minimum required

(a) side stepback of 2.5 metres; and

(b) rear stepback of 4.5 metres.

(2) Except as provided in subsection (4), if a lot abuts a transition line, the wall of a main building facing the transition line must have a required side and rear stepback on the 2nd, 3rd, or 4th storey.

(3) The side or rear stepback in subsection (2) must have a minimum of

(a) 0.0 metres for a low-rise building;

(b) 2.0 metres for a mid-rise building;

(c) 6.0 metres for a tall mid-rise building; or

(d) 6.0 metres for a high-rise building.

(4) The side or rear stepbacks under subsections (1) and (2) are not required if an entire main building has a minimum side and rear setback of

(a) 8.0 metres for a mid-rise building;

(b) 12.0 metres for a tall mid-rise building; or

(c) 12.0 metres for a high-rise building.

DRAFT

HA zone separation distance

147 **(1)** If more than one portion of a main building protrudes above grade, the above grade portions must be separated by at least 4.0 metres.

(2) Above the streetwall height, portions of the same main building must 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.

HA zone maximum building dimension

148 **(1)** Except for a structure that is below 0.6 metres above the average finished grade, a building in a HA zone must not exceed all of the following:

(a) a building width of 64.0 metres;

(b) a building depth of 64.0 metres.

(2) The tower portion of a high-rise building in a HA zone must not exceed all of the following:

(a) a building width of 40.0 metres;

DRAFT

(b) a building depth of 35.0 metres;

(c) an average floor area of 900 square metres per storey as calculated for the tower portion of the building.

HA zone ground floor

149 **(1)** A ground floor in a HA zone must be established along a streetline except as provided in subsection (2).

(2) On a corner lot, for a streetwall along a streetline that has an average finished grade exceeding a slope greater than 8%, which is extended across the entire width of the streetwall, the requirement for a ground floor in subsection (1) does not apply.

(3) A ground floor in a HA zone must have a minimum required depth of 3.0 metres as measured from an exterior wall of a main building that is facing a streetline.

(4) Subject to section 130, and except as provided in subsection (5), each ground floor in a HA zone must, for at least 70% of each streetwall,

(a) commence no lower than 0.6 metres below the streetline grade; and

(b) commence no higher than 0.6 metre above the streetline grade.

(5) The ground floor of a grade-related dwelling unit use must

(a) subject to section 130, commence no lower than 1.5 metres below the streetline grade; and

(b) commence no higher than 1.5 metres above the streetline grade.

(6) The ground floor height of a grade-related dwelling unit use, or a residential lobby on a floor containing a grade-related dwelling unit use, must be at least 3.5 metres except as

DRAFT

provided in subsection (7) and except for a low-density dwelling use.

(7) The ground floor height as required in subsection (6) may be reduced if the ground floor height of an addition is equal to or greater than the ground floor height of the existing main building.

HA zone grade-oriented premise

150 (1) Except as provided in subsections (2) and (3), a grade-oriented premise in a HA zone must

(a) be located along a streetline;

(b) be required for the full width of the streetwall**,** except for

(i) only one entrance to internal parking located above or below the ground floor,

(ii) a portal,

(iii) an emergency exit, or

(iv) an entrance to a room dedicated to a solid waste management area;

(c) not exceed a maximum width of 24.0 metres for each premise facing a streetline; and

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

(2) Subsection (1) does not apply to

(a) a change of use;

(b) a low-density dwelling use;

(c) a religious institution use;

(d) a cultural use; or

DRAFT

(e) a shared housing with special care use.

(3) For an addition to a main building, the requirement in subsection (1) applies only to the length of the streetwall addition.

(4) A grade-oriented premise in a HA zone must have a minimum required depth of 3.0 metres as measured from an exterior wall of a main building that is facing a streetline.

DRAFT

Part IV - Interpretation

DRAFT

Division A - Interpretation

Diagrams

151 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

152 A term not defined in Division B - Definitions of this By-law, the Charter, or the *Interpretation Act* (Nova Scotia) has its ordinary and grammatical meaning.

Most restrictive requirement applies

153 If two or more requirements of this By-law conflict, the most restrictive requirement applies.

Interpretation of zone boundaries

154 The location of a zone shown on a schedule of this By-law is determined as follows:

(a) if a zone boundary is indicated as following a street, the boundary is the streetline of the street;

(b) if a zone boundary is indicated as following a street, the boundary must follow a change made by the Municipality to the streetline;

(c) if a portion of a street is closed to public use, the former street lands are assigned the same zone as the abutting lands;

(d) if a zone boundary is shown following lot lines, the boundary follows lot lines, and if those lot lines are

DRAFT

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

(e) if a zone 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 must remain unchanged and as shown on the schedule;

(f) if a zone boundary follows a shoreline and if infill occurs, the boundary must follow the new ordinary high water mark;

(g) if a portion of a watercourse is filled in beyond the boundary of a zone, or if a building is constructed over water beyond the limits of the boundary, the infilled land or a portion of a building constructed over water must be included in the same zone as the on-shore portion of the same lot;

(h) if clauses (a) to (g) do not apply, the boundary is as shown on the appropriate schedule referenced within this By-law; and

(i) if a transportation reserve is applied to an area of land, section 239 of the Charter applies.

DRAFT

Division B - Definitions

155 The definitions in this section apply in this By-law:

(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 a main building.

(3) **Accessory Use** means a use that is subordinate, incidental, and devoted to a main use on a lot.

(4) **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.

(5) **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.

(6) **Applicant** means a person, including an owner, applying for a development permit, variance, site plan approval, or development agreement.

DRAFT

(7) **Appraiser** means an individual who holds the Accredited Appraiser (AACI) designation of the Appraisal Institute of Canada.

(8) **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.

(9) **Architect** means a full member in good standing with the Nova Scotia Association of Architects.

(10) **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.

(11) **Attached** means a building that depends for structural support, upon a division wall or walls shared in common with an adjoining building or buildings.

(12) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.

(13) **Average Finished Grade** means the elevation of the finished ground abutting a structure, averaged around the perimeter of the structure.

(14) **Awning** means a textile covering, and a supporting structure, that projects from the wall of a building.

(15) **Awning Sign** means a sign incorporated into an awning.

(16) **Backyard Suite Use** means a dwelling unit that is

(a) located within an accessory structure;

(b) located on its own footing or foundation; and

DRAFT

(c) not attached to a main building.

(17) **Bedroom** means a habitable room used, designed, or intended for use for sleeping.

(18) **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.

(19) **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.

(20) **Broadcast and Production Studio Use** means radio, television, film, or music production or broadcasting facilities.

(21) **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.

(22) **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.

DRAFT

(23) **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 a flanking lot line that is opposite to the front lot line on a through lot.

(24) **Canadian Geodetic Vertical Datum 2013 (CGVD2013)** means the vertical datum for Canada, officially released by Natural Resources Canada (NRCan) in November 2013, or a 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.

(25) **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.

(26) **Cantilever** means an enclosed portion of an upper floor extending beyond the ground floor façade, including window bays, but excluding balconies and a portion of the building above a recessed pedestrian entrance.

(27) **Car Wash Use** means premises where motor vehicles are washed within a permanent structure.

(28) **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.

(29) **Certificate of Occupancy** means an occupancy permit as issued pursuant to B-201, the *Building by-law*, and the *Building Code Act* (Nova Scotia).

(30) **Change of Use** means a change in the use of a land, building, structure, or a combination thereof.

DRAFT

(31) **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.

(32) **Charter** means the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, as amended.

(33) **Clock Tower** means a structure which vertically extends from a building and contains a large clock at the top.

(34) **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.

(35) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, community, event, structure, or site.

(36) **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.

(37) **Commercial Use** means a use listed under clause 134(b).

(38) **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 cultural use.

(38.5) **Conservation Use** means a use carried out for the purposes of conserving soils, water, flora, or fauna, including a wildlife sanctuary.

(39) **Corner Lot** means a lot with contiguous frontage on two or more streets.

DRAFT

(40) **Council** means the Council of the Municipality.

(41) **Crematorium Use** means premises containing apparatus certified, intended, or used for the cremation of human or animal remains.

(42) **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 recreation use.

(43) **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.

(44) **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.

(45) **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.

(46) **Development Officer** means a person or persons appointed by Council to administer a land use by-law or subdivision by-law.

(47) **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.

DRAFT

(47.1) **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. **(RC-Mar 18/25; EFF-Apr 23/25)**

(48) **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.

(49) **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.

(50) **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*.

(51) **Enhanced Bicycle Parking** means bicycle parking that accommodates and secures bicycle trailers and cargo bikes.

(52) **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 a part thereof.

(53) **Façade** means a building wall facing a street, a park, or an outdoor amenity space.

(54) **Farmers' Market Use** means a market where individual sellers or a cooperative of producers offer items for sale to the public,

DRAFT

such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages.

(55) **Fascia Sign** means a sign that is affixed directly to or painted on an exterior wall of a building.

(56) **Flanking Lot Line** means a streetline that is not the front lot line.

(57) **Flanking Yard** means a yard between the nearest exterior wall of the main building and a flanking lot line, but excludes a area of the lot that is a front yard.

(58) **Flat Roof** means a roof with a maximum pitch of 1/12 (rise over run).

(59) **Floor Area** means:

(a) for the purpose of a 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 a exterior wall or fire wall and includes interior staircases, but excludes the following:

(i) unenclosed space outside an exterior wall or located on a rooftop, such as balconies and patios;

(ii) a floor area below a ground floor of a building or parking structure;

(iii) elevator shafts or staircases;

(iv) accessory structures;

(v) rooftop greenhouses;

(vi) a space open to a floor below; and

(vii) pedways; or

DRAFT

(b) for the purposes other than a 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 a exterior wall or fire wall and includes interior staircases, but excludes all of the following:

(i) unenclosed space outside an exterior wall or located on a rooftop, such as balconies and patios;

(ii) elevator shafts or staircases;

(v) rooftop greenhouses;

(vi) a space open to a floor below;

(vii) pedways.

(60) **Footprint** means the area a building occupies on the ground in between the outermost edges of the exterior walls, including a 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.

(61) **Four-Unit Dwelling Use** means a building containing 4 dwelling units on the same lot.

(62) **Front Lot Line** means,

(a) for an interior lot, the streetline;

(b) for a corner lot where the streetlines are not of equal length, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines;

(c) where a corner lot has streetlines of equal length, a streetline may be deemed to be the front lot line, and the remaining streetlines must be deemed flanking lot lines;

(d) for a through lot, either streetline may be deemed to be the front lot line, and the other streetline must be deemed a flanking lot line;

DRAFT

(e) in the absence of a streetline, where a registered access easement crosses a lot line.

(63) **Front Yard** means the yard extending across the full lot width, between the front lot line and the nearest exterior wall of a main building on the lot.

(64) **Garden Centre Use** means land or premises where retail or wholesale gardening products are sold, which may include a nursery and greenhouses.

(65) **Gazebo** means a freestanding, roofed accessory structure, which is not enclosed, and which does not contain toilet facilities, a kitchen, or sleeping facilities.

(66) **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.

(67) **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.

(68) **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.

(69) **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.

(70) **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.

DRAFT

(71) **Ground Floor Height** means the distance between the floor of a ground floor and the floor directly above.

(72) **Ground Sign** means a sign affixed to the ground and supported by one or more posts, or other similar means.

(73) **Gymnasium** means a building or room designed for indoor sports, exercise, or physical education.

(74) **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.

(75) **Hedge** means a boundary or barrier formed by closely growing shrubs.

(76) **Height** means the vertical distance between a structure's average finished grade and the structure's highest point.

(77) **Height Precinct** means the portion of a lot to which a single height limit applies, as shown in Schedule 2.

(78) **Hen** means an adult female chicken.

(79) **High-Rise Building** means a main building that exceeds 10 storeys.

(80) **High-Rise Typology** means a portion of a main building, above the height of a streetwall, that exceeds 10 storeys above the average finished grade.

(81) **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.

(82) **Home Office Use** means an office-related activity operated within a dwelling unit that does not regularly require direct in-

DRAFT

person contact with clients on the premises, but excludes a home occupation use.

(83) **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.

(84) **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.

(85) **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.

(86) **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.

(87) **Infrastructure Resilience Professional Designation** means the Infrastructure Resilience Professional (IRP) designation as granted by the Climate Risk Institute.

(88) **Institutional Use** means a use listed under clause 134(d).

(89) **Interior Lot** means a lot with frontage on one street only.

(90) **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.

(91) **Kennel Use** means premises used for

(a) the keeping of more than two dogs for the purposes of commercial breeding or sale;

DRAFT

(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.

(92) **Kitchen** means premises used for food preparation, and must include

(a) a refrigerator;

(b) a appliance used to heat food for consumption that is a stove or oven, excluding a microwave oven; and

(c) a sink.

(93) **Landscape Architect** means a full member in good standing with the Atlantic Provinces Association of Landscape Architects.

(94) **Large Shared Housing Use** means a shared housing use that contains a minimum of 11 bedrooms.

(95) **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.

(96) **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.

(97) **Local Commercial Use** means commercial premises that:

DRAFT

(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.

(98) **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*.

(99) **Lot Coverage** means the percentage of a lot that is covered by roofed structures that are a minimum of 0.6 metres in height, including a area over which a roofed structure projects, but excludes projecting roof eaves that are 0.6 metres or less.

(100) **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.

(101) **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.

(102) **Low-Density Dwelling Use** means a building containing no more than 4 dwelling units on a lot.

(103) **Low-Rise Building** means a main building that is up to 4 storeys in height.

(104) **Main Building** means a building that contains a primary use on a lot.

DRAFT

(105) Major Spectator Venue Use means premises, with 3,000 or more permanent seats, where people gather for sports and other major events.

(106) 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.

(107) Mechanical Penthouse means an enclosed rooftop space used for mechanical or shared amenity space purposes.

(108) 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.

(109) Menu-Box Sign means a sign or sign box that displays or contains a restaurant menu.

(110) Mezzanine means an intermediate floor assembly between the floor and ceiling of a room or storey, and includes an interior balcony. For the purpose of height calculation, a storey with a mezzanine counts as two full storeys. **(RC-Mar 18/25; EFF-Apr 23/25)**

(111) Mid-Rise Building means a main building that is greater than 4 storeys in height but no more than 7 storeys.

(112) Mid-Rise Typology means a portion of a main building, above the height of a streetwall, that is

(a) no more than 7 storeys in height; and

(b) not connected above the height of streetwall to any other portion of the building that would exceed 7 storeys.

DRAFT

(113) 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.

(114) 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.

(115) 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 must 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.

(116) 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.

(117) Monument Use means a structure that commemorates an event, individual, or group.

(118) 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.

DRAFT

(119) Multi-Unit Dwelling Use means a building containing at least 5 dwelling units.

(120) Municipality means the Halifax Regional Municipality.

(121) 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.

(122) 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.

(123) Obnoxious Use means a 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.

(124) Office Use means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office use.

DRAFT

(125) Off-Street Loading Space means a dedicated area, located on a lot, that is designed for loading and unloading goods from motor vehicles.

(126) Ordinary High Water Mark means as defined in the *Nova Scotia Land Surveyors Regulations*.

(127) Owner means the owner of lot, which includes

(a) a part owner, joint owner, tenant in common, or joint tenant of the whole or a 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.

(128) Parking Lot means a surface parking area, not contained within a structure or on top of a structure, for five or more motor vehicles.

(129) Parking Structure means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding a garage associated with a low-density dwelling use.

(130) 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.

(131) Patio means an uncovered flat surfaced area that is up to 0.6 metres in height above the finished grade.

DRAFT

(132) Pedestrian Walk, for the purposes of section 67, 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*.

(133) Pedway means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic.

(134) Permanent Seating means seats or benches that are affixed in place to the ground or a floor of a structure.

(135) 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.

(136) 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 a service provided. For further clarity, a personal service use does not include veterinary facility uses, kennel uses, pet daycare uses, and crematorium uses.

(137) Pet Daycare Use means premises where the daytime boarding and care of pets occurs, but excludes overnight boarding and a kennel use.

(138) Playground means a landscaped area that contains play equipment, such as swings, slides, sandboxes, and jungle gyms.

DRAFT

(139) 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.

(140) Premises means a structure or portions of a structure occupied by a use.

(141) Processing of Urban Agricultural Products means activities associated with the chopping, packaging, pickling, or preserving of urban agricultural products.

(142) 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.

(143) Professional Engineer means an individual licensed by, and in good standing with, the Association of Professional Engineers of Nova Scotia.

(144) Projecting Sign means a sign that

(a) projects horizontally from a supporting wall;

(b) is attached to the underside of a building; or

(c) is attached to a canopy.

(145) Public Art means a permanent work of art planned and executed by a professional artist in a medium, material, media, or combination thereof, but excludes a corporate insignia.

(146) Quonset Hut means a corrugated metal building with a wall that is not vertical, where the roof meets the foundation (Diagram 14).

DRAFT

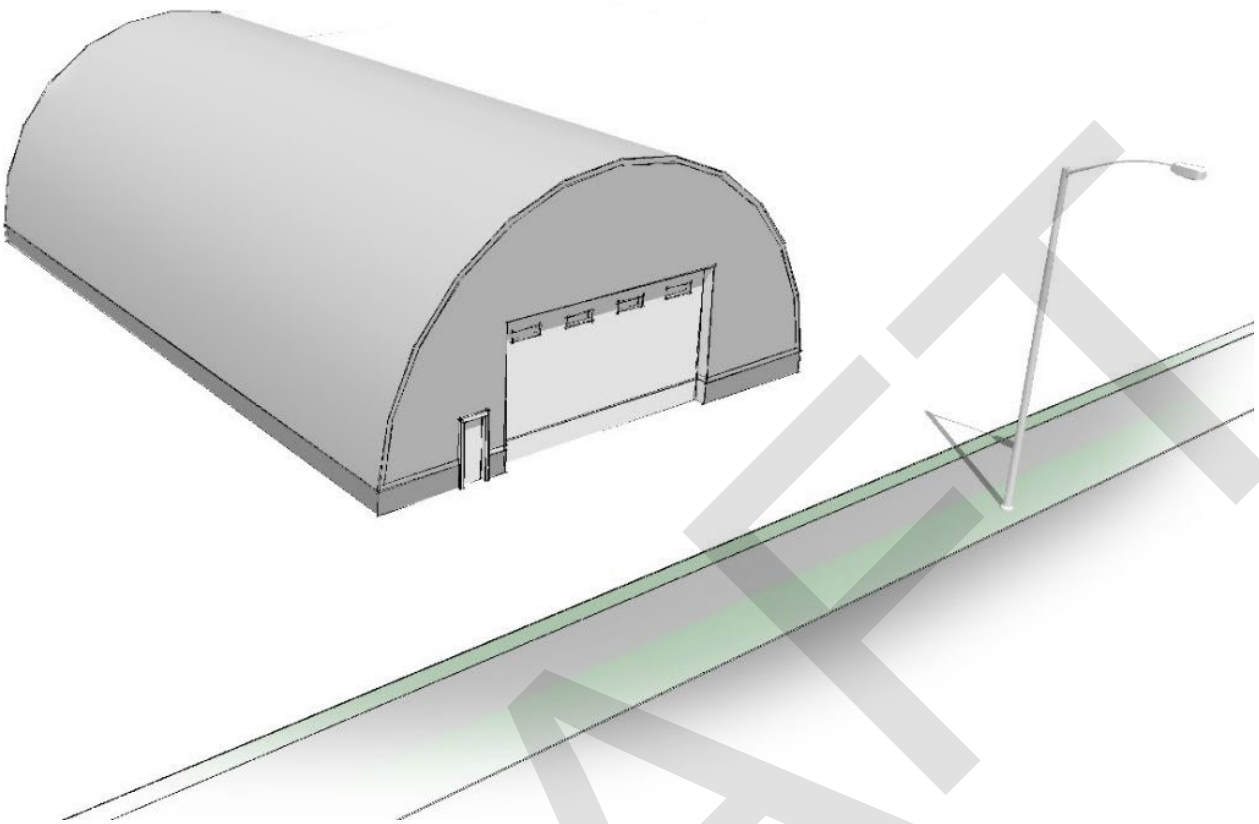


Diagram 14: Quonset Hut, per subsection 155(146)

(147) Rear Lot Line means the lot line farthest from or opposite to the front lot line, and which is not a flanking lot line.

(148) Rear Yard means the yard extending across the full lot width, between the rear lot line and the nearest wall of a main building on the lot, excluding a area of the lot that is a flanking yard.

(149) Recessed Pedestrian Entrance means a doorway that is recessed from the ground floor portion of the streetwall, but excludes a portal.

(150) 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.

DRAFT

(151) Registered Canadian Charitable Organization means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act.

(152) 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.

(153) Registered Heritage Property means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

(154) 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.

(155) Residential Penthouse means an enclosed rooftop space used for human habitation.

(156) Residential Use means a use listed under clause 134(a).

(157) 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 must be incidental to the preparation, serving, and selling of food.

(158) 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.

DRAFT

(159) 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.

(160) Roof means the portion of a structure forming the upper covering of that structure.

(161) Roof Slab means a thick plate of concrete supported by beams or columns that provides a flat surface at the top of the structure.

(162) School Use means a public or private institution of learning for Grades Pre-Primary to 12.

(163) Semi-Detached Dwelling Use means two dwelling units, where each is located on an individual lot, but joined along a single lot line.

(164) 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.

(165) 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 15)

DRAFT

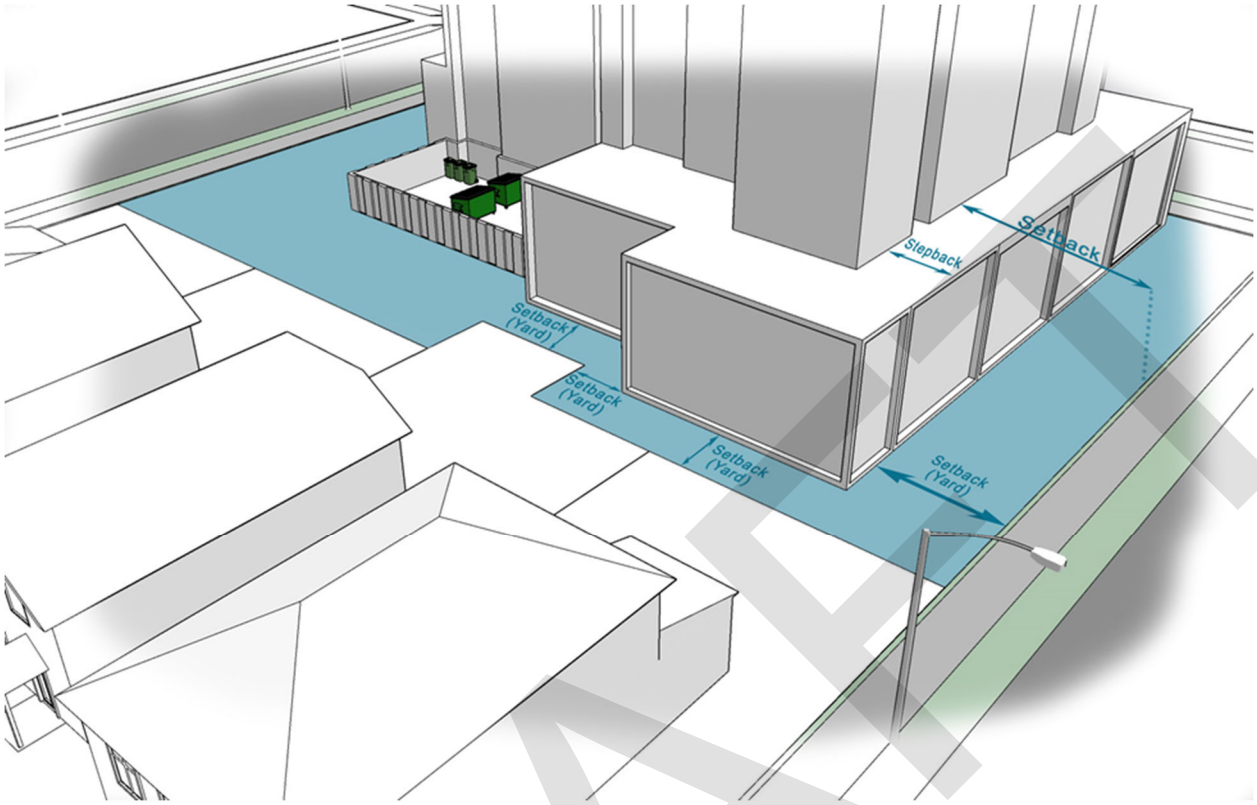


Diagram 15: Setback and stepback, per subsections 155(165) and 155(183)

(166) Shared Housing Use means a use that

(a) contains at least 4 bedrooms; and

(b) satisfies one or more of the following conditions:

(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*.

DRAFT

(167) **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.

(168) **Shelter Use** means premises providing an individual with overnight sleeping accommodations, free of charge.

(169) **Shipping Container** means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck.

(170) **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.

(171) **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.

(172) **Shrub** means a woody plant that has several main stems arising at or near the ground.

(173) **Side Lot Line** means a lot line that is not a front, flanking, or rear lot line.

(174) **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 a main building on the lot.

(175) **Sign** means a structure designed or intended to convey information using words, images, symbols, pictures, logos, or a 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.

DRAFT

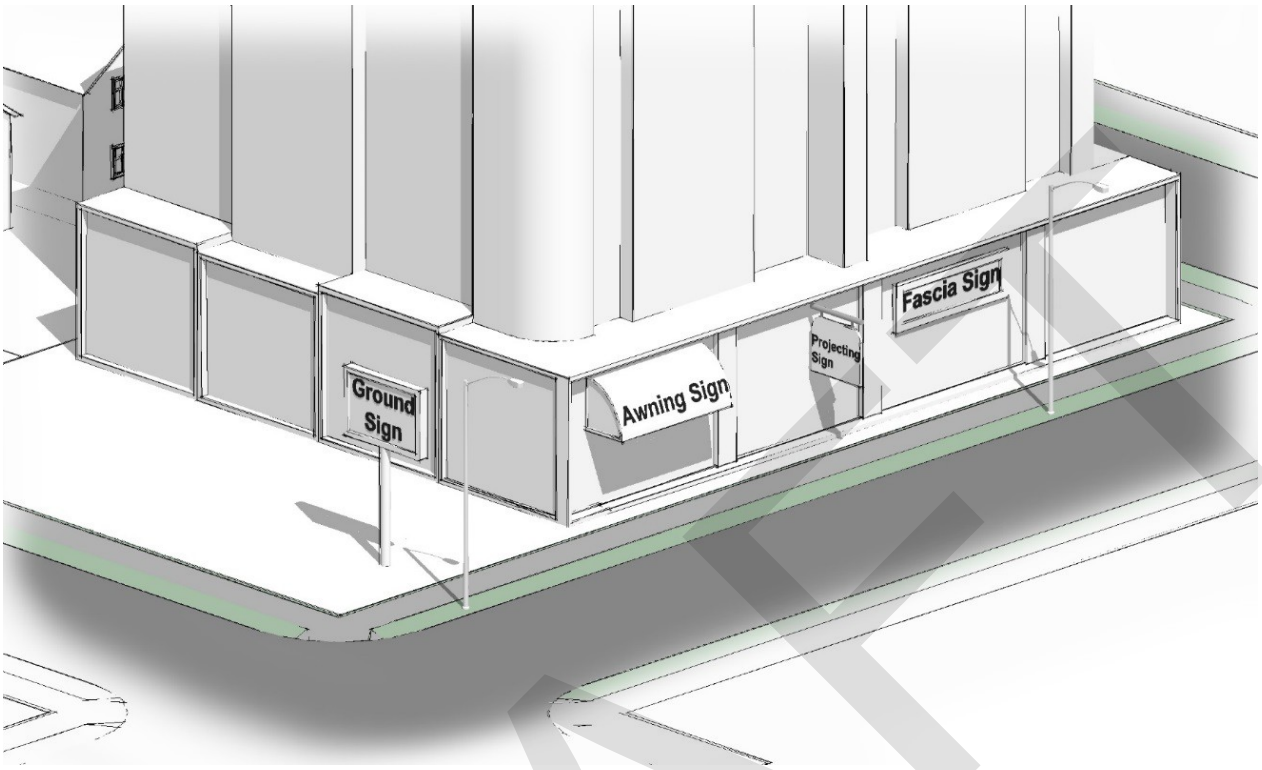


Diagram 16: Awning sign, fascia sign, ground sign, and projecting sign, per subsections 155(14), 155(55), 155(72), and 155(144)

(176) 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 must be determined based on the smallest geometric shape which contains the entire advertising message.

(177) 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.

(178) Single-Unit Dwelling Use means a detached building containing one dwelling unit, and includes a mobile home use.

(179) Small Shared Housing Use means a shared housing use that contains no less than 4 and no more than 10 bedrooms.

DRAFT

(180) 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.

(181) 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.

(182) 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.

(183) Stepback means a horizontal recess that breaks the vertical plane of an exterior wall on a main building. (Diagram 15)

(184) 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

(a) for the purpose of calculating the streetwall height, a portion of a building that is partly below the streetline grade is not deemed to be 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 deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the average finished grade.

(RC-Mar 18/25; EFF-Apr 23/25)

(185) 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

DRAFT

additional clarity, a road listed in Schedule A of the Regional Subdivision By-law must also be considered a street under this By-law.

(186) Streetline means a lot line dividing a lot from a street or private road.

(187) 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 17).

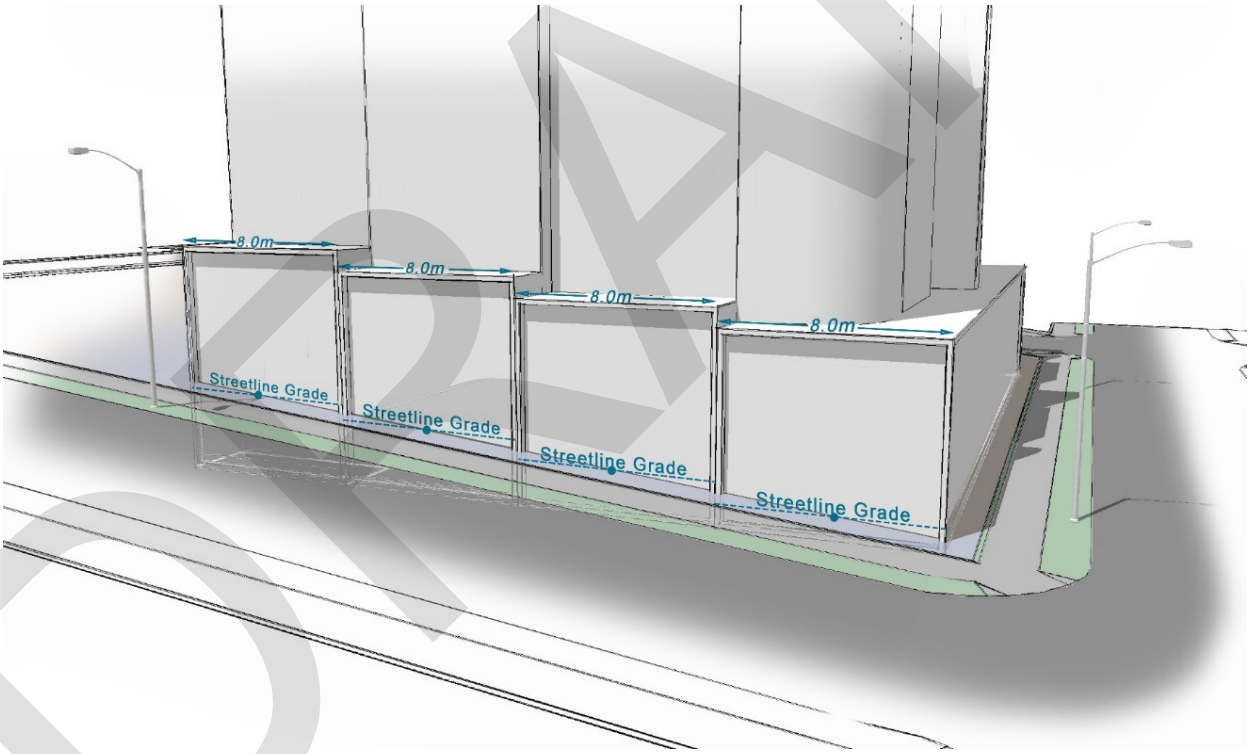


Diagram 17: Streetline grade, per subsection 155(187)

(188) 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

DRAFT

(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.

(189) 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 18);

(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.

(190) Streetwall Stepback means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram 18).

DRAFT

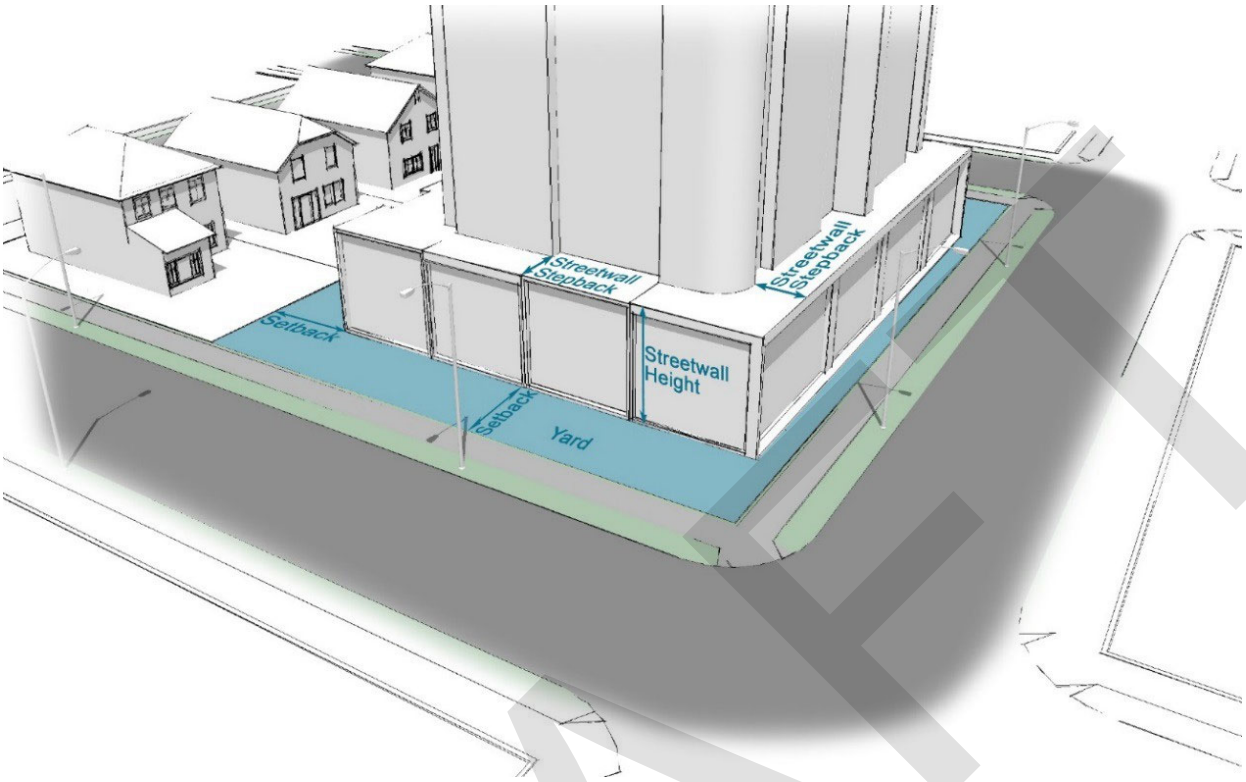


Diagram 18: Streetwall height and streetwall stepback, per subsections 155(189) and 155(190)

(191) Structure means everything that is erected, built, or constructed of parts joined together, and includes a building.

(192) Studio Use means the commercial use of space for artistic or artisanal purposes, with or without instruction, but excludes a school use, religious institution use, cultural use, personal service use, or home occupation use.

(193) Surveyor means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.

(194) Tall Mid-Rise Building means a main building that is greater than 7 storeys but not higher than 10 storeys in height.

(195) Tall Mid-Rise Typology means a portion of a main building, above the height of a streetwall, that

DRAFT

(a) has an overall height that is greater than 7 storeys, but not higher than 10 storeys, and

(b) that is not connected above the height of the streetwall to any other portion of the building that would exceed 10 storeys.

(196) Temporary Construction Use means a use, which in the opinion of a development officer of the Municipality, 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.

(197) Temporary Use means a use

(a) that is

(i) associated with a holiday or special event, or

(ii) accessory to a permitted main use; and

(b) that is 90 cumulative days or less in duration within any one calendar year; and

(c) excludes a temporary construction use.

(198) Three-Unit Dwelling Use means a building containing three dwelling units on the same lot.

DRAFT

(199) Through Lot means a lot with frontage on two or more streets, where frontages are not contiguous.

(200) Tower Portion means the portion of a high-rise building that is located above the height of the streetwall.

(201) Townhouse Block means a specified number of attached townhouse dwelling units permitted to form a group of townhouses, constructed in a row.

(202) 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-Mar 18/25; EFF-Apr 23/25)**

(203) Transportation Facility Use means public or private transit facilities, bus stations, ferry terminals, and train stations, excluding storage yards and maintenance facilities.

(204) Two-Unit Dwelling Use means a building containing two dwelling units on the same lot.

(205) Urban Agriculture Use includes an educational farm use, farmers' market use, and urban farm use.

(206) 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.

(207) Use means:

DRAFT

(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.

(208) 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.

(209) Variable Message Sign means a advertising display that is capable of displaying digital content, projected content, or automatically changing content.

(210) Variance means a variance under sections 250 to 252 of the *Charter*.

(211) Veterinary Facility Use means indoor premises designed or used for the care, observation, and treatment of ill or injured animals.

(212) Water Access Structure Use means a structure connected to the shore that provides berthing for water-based vessels, including a dock and a wharf.

(213) Watercourse means a lake, river, stream, ocean, or other natural body of water.

(214) 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.

(215) 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*.

DRAFT

(216) 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.

(217) Yard means an open area at ground level that is uncovered by a main building, except those structural and building features permitted in section 38.

(218) Zone means an area identified in Schedule 1.

DRAFT

Part V - Appendices

DRAFT

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).

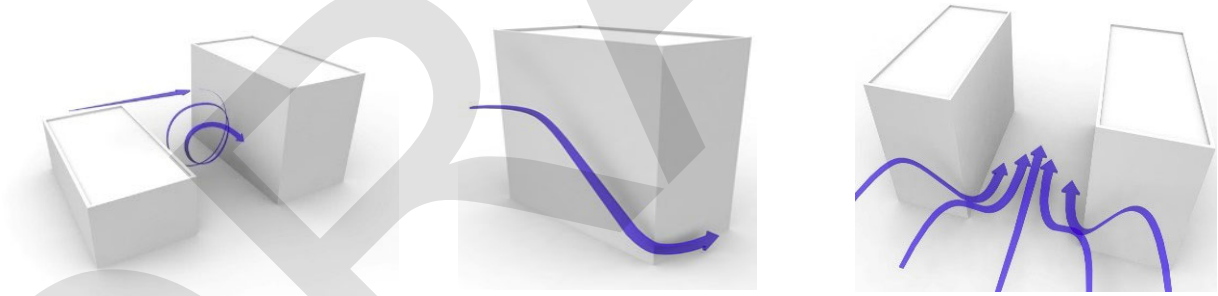


Diagram A1-1: Typical wind flow patterns around buildings

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 must be developed, as required by the *Suburban Housing Accelerator Secondary Municipal Planning Strategy*.

DRAFT

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 must be conducted. Table A1-1 must 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 must 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 must 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

DRAFT

conditions are identified in key pedestrian areas, mitigation configuration(s) must also be included in wind tunnel testing to demonstrate the effectiveness of a proposed wind control solutions.

Measurement locations must 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 must report wind speeds and exceedance frequencies at all test locations and must 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 a 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.

DRAFT

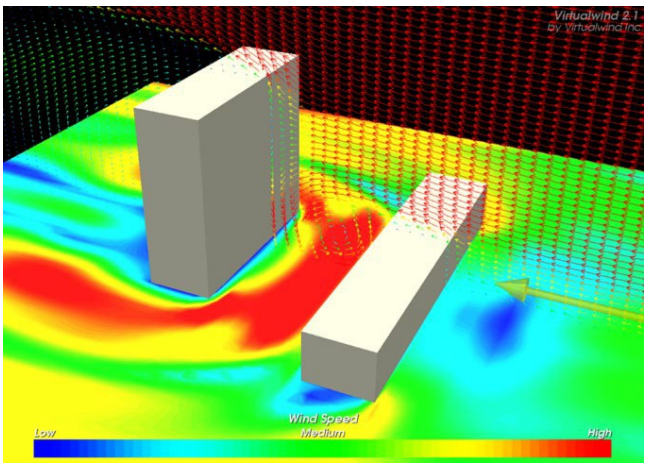


Diagram A1-2a: An example of computer simulation (CFD) of wind flows around buildings

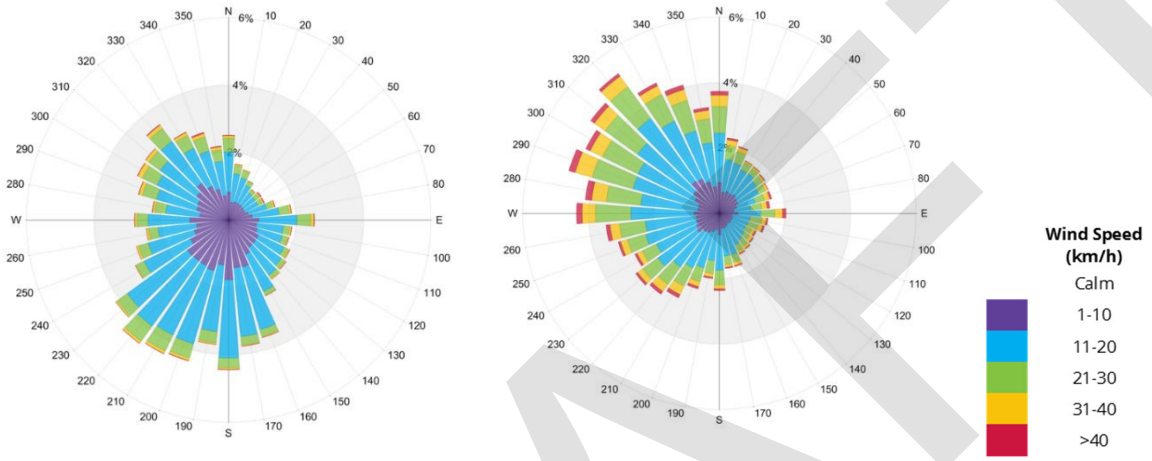
Diagram A1-2b: Photo of modelled buildings in a boundary-layer wind tunnel

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.

DRAFT

Local Wind Climate Data

Long-term data from Shearwater Airport (Diagram A1-3) must be used as a reference for the wind assessment of projects in the Halifax Regional Municipality. The data must 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) must 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 must 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 must be quantified as a Gust Equivalent Mean (GEM), while only gust speeds need to be considered for the wind safety performance standard.

DRAFT

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.

DRAFT

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.

DRAFT

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 must 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.

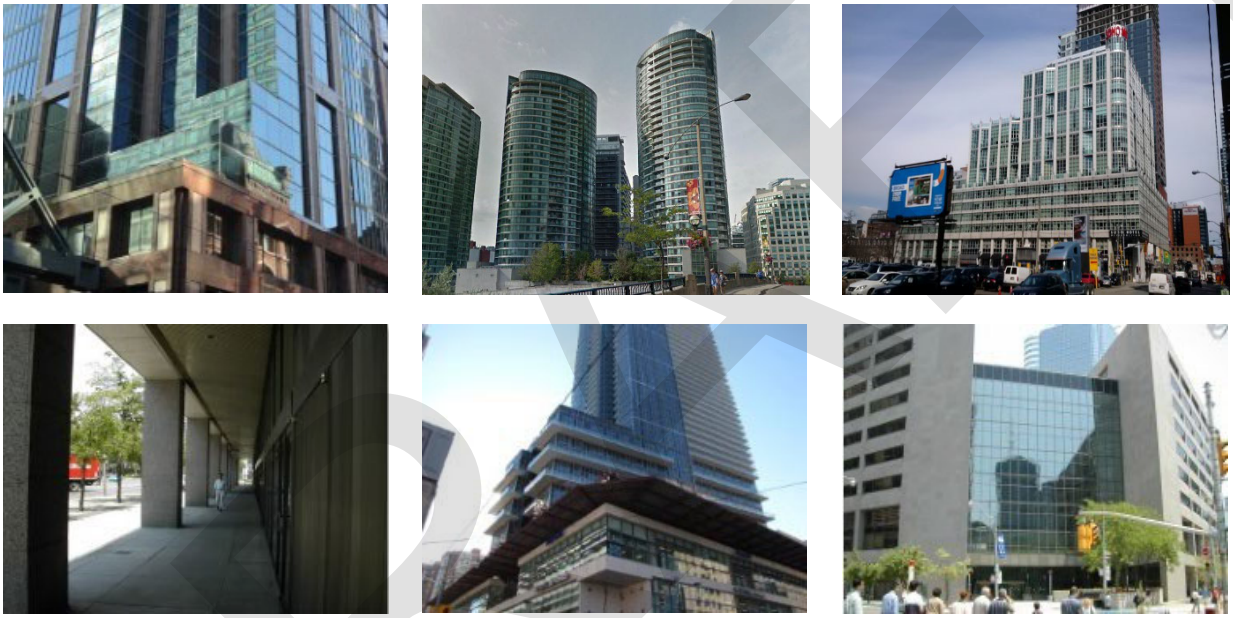


Diagram A1-4: Examples of large-scale wind control features

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.

DRAFT

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.

DRAFT

Appendix 2 - Invasive or Highly Toxic Plant Species

All of 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*

DRAFT

Schedules

DRAFT

Suburban Housing Accelerator Land Use By-Law

Amendment Number	Policy / Maps	Subject	Council Adoption	Effective Date
1	**Amended: Section 38, Subsection 44(2), Clause 102(2)(j), Subclause 134(a)(i), Section 135, Subsections 136(2), 139(2), 139(4), 155(47.1), 155(110), 155(184), 155(202), Schedules 1, 2, 3, 4, 5**	**MINORREV-2024-01198**	RC – March 18, 2025	E – April 23, 2025
2	**Amended** **Repealed** **Added**	**Case**		
3				

DRAFT