

DRAFT REGIONAL CENTRE LAND USE BY-LAW: DOWNTOWN DARTMOUTH

Enactment

Effective Date

Signatures

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PART I: ADMINISTRATION

Chapter 1: General Administration

Title

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

Lands Governed by this By-law

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

Repeal of Former By-laws

- 3 This By-law repeals portions of the *Land Use By-law for Downtown Dartmouth*, for the areas shown on Schedule 1.

Compliance with this By-law

- 4 A person shall comply with this By-law when undertaking a development, including when:
- (a) erecting, constructing, altering, or reconstructing any structure;
 - (b) locating or carrying on any industry, business, or trade; or
 - (c) changing the use of land.

Requirement for a Development Permit

- 5 Subject to Section 9, no person shall undertake any development without first obtaining a development permit, including when:
- (a) erecting, constructing, altering, or reconstructing any structure;
 - (b) locating or carrying on any industry, business, or trade; or
 - (c) changing the use of land.

Compliance with Other Legislation and By-laws

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

Severability

- 7 The provisions of this By-law are severable from each another, and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

Administration by the Development Officer

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

Chapter 2: Development Permit

Development Permit Exemptions

- 9 (1) The following developments shall not require a development permit:
- (a) accessory structures with a footprint of less than 20.0 square metres, unless used as a backyard suite;
 - (b) unenclosed structures less than 0.6 metres high, such as uncovered decks, patios, and planters;
 - (c) home offices;
 - (d) temporary uses;
 - (e) construction, replacement, or repair of infrastructure by utilities or municipal, provincial, or federal governments;
 - (f) any signs listed under Section 157; and
 - (g) commemorative signs and historic sites or monuments on municipally owned land.
- (2) Even where a development permit is not required, a development must meet all applicable requirements contained in this by-law.

Development Applications

- 10 A development permit application shall include documents and plans, drawn to scale, that show the following, where applicable:
- (a) floor plans with rooms labelled, elevation drawings for all sides of proposed structures, and roof plans;
 - (b) lot dimensions, lot lines, and the location of all proposed structures and uses, including setbacks;
 - (c) the location and dimensions of all parking areas, driveways, driving aisles, parking lot entrances and exits, solid waste management areas, off-street loading spaces, visitor parking areas, and snow storage areas;
 - (d) for a building or addition to a building higher than 20.0 metres, a wind impact assessment that uses the standards in Appendix 3;
 - (e) site plans and elevation drawings, certified by a surveyor licensed in the Province of Nova Scotia, confirming compliance with the view plane and waterfront view corridor requirements of Part VI; and
 - (f) any other information the Development Officer requires to determine if the development complies with this By-law.

Approval

- 11 The Development Officer shall issue a development permit where the development meets the requirements of this By-law or the terms of an approved site plan or development agreement.

Expiry

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

Revocation

- 13 The Development Officer shall revoke a development permit if:
- (a) the requirements of the development permit are not met;
 - (b) the Development Officer issued the permit based on incorrect information provided by the applicant when applying for a development permit; or
 - (c) the Development Officer issued the permit in error.

Chapter 3: Site Plan Approval

Requirement for Site Plan Approval

- 14 Subject to Section 15, any development in those areas identified on Schedule 2 shall be subject to site plan approval.

Matters Subject to Site Plan Approval

- 15 The following matters are subject to site plan approval:
- (a) any requirement of the Design Manual (Appendix 1); and
 - (b) any variation to the requirements of this By-law enabled under Section 28.

Site Plan Approval Exemptions

- 16 The following developments are exempt from site plan approval:
- (a) any development exempted from requiring a development permit in Section 9;
 - (b) low-density dwellings;
 - (c) new window and door openings on any portion of a building except the streetwall;
 - (d) alterations and replacements in existing window and door openings;
 - (e) interior renovations;
 - (f) installation and replacement of minor building features;
 - (g) a change of use or tenancy in a building;
 - (h) structures up to 8.0 metres high and up to 450 square metres in floor area, such as kiosks, stands, and booths, in the Waterfront (W) Special Area;
 - (i) subject to Subsection 127(3), shipping containers in the Waterfront (W) Special Area;
 - (j) temporary construction uses;
 - (k) accessory structures;
 - (l) a building addition with a floor area of 100 square metres or less, which does not alter a streetwall;
 - (m) changes to external cladding materials for up to 20% of any building face that is not a streetwall;
 - (n) changes to external cladding materials for up to 5% of any building face that is a streetwall;
 - (o) repainting, including a change in paint colour;

- (p) signs;
- (q) steps, stairs, and other building entrances or entrance features; and
- (r) beekeeping equipment.

Site Plan Approval Applications

- 17
- (1) A site plan approval application shall include documents and plans, drawn to scale, that show the information required in Section 10.
 - (2) A site plan approval application shall also include plans that meet all applicable requirements of the Design Manual (Appendix 1), and that show the following:
 - (a) setbacks, streetwall heights, and streetwall setbacks;
 - (b) streetwall material type and detail;
 - (c) the location of building utilities, motor vehicle access routes, pedestrian walkways, motor vehicle and bicycle parking areas, and lighting; and
 - (d) any other information the Development Officer requires to determine if the development meets the requirements of the Design Manual (Appendix 1).
 - (3) A site plan approval application that includes a registered heritage property or a building located in a heritage conservation district shall include information about any alteration that will be made to the heritage property and about the conservation treatment that will be employed, and shall meet the requirements of the Design Manual (Appendix 1).
 - (4) Subject to Subsection 17(7), a site plan approval application that abuts a registered heritage property or a heritage conservation district shall include drawings, including elevations and perspectives, that accurately show the relative scale of the development to any buildings on the abutting registered heritage property or heritage conservation district, and shall meet the requirements of the Design Manual (Appendix 1).
 - (5) A site plan approval application shall include a landscape plan that meets the requirements of Section 134.

- (6) Subject to Subsection 17(7), a site plan approval application that includes a request for a variation of requirements in accordance with Section 28 shall include:
 - (a) drawings, including elevations and perspectives, that show the relative scale of the development to any buildings on lots abutting the development site; and
 - (b) a written statement explaining the nature and extent of the requested variation of requirements, as well as a rationale for the request based on criteria listed in the Design Manual.
- (7) In any required elevation and perspective drawings, buildings on abutting lots shall be represented, but may be limited to the first 15.0 metres from any interior lot line.
- (8) An application for Level II and Level III site plan approval shall include the following:
 - (a) one perspective drawing for each streetline, drawn from pedestrian eye-level, showing the streetwall and any public sidewalks, but not including features in the public right-of-way such as street trees, utility poles, and street furniture; and
 - (b) one perspective drawing for each streetline, showing the development at night.
- (9) An application for Level III site plan approval must include confirmation that the public information and consultation requirements of Sections 21 to 27 have been met.

Level I Site Plan Approval (No Public Information and Consultation)

- 18 The following developments are considered Level I site plan approval applications:
- (a) a new building with a floor area of 2,000 square metres or less;
 - (b) subject to Clause 15(m), a building addition with a floor area of 1,000 square metres or less;
 - (c) new window and door openings on any streetwall;
 - (d) changes to external cladding materials exceeding 20% of any building face that is not a streetwall;
 - (e) changes to external cladding materials exceeding 5% of any building face that is a streetwall;

Level II Site Plan Approval (Limited Public Information and Consultation)

- 19 The following developments are considered Level II (limited public information and consultation) site plan approval applications:
- (a) a new building with a floor area of more than 2,000 square metres but less than 5,000 square metres; and
 - (b) a building addition with a floor area of more than 1,000 square metres but less than 3,000 square metres.

Level III Site Plan Approval (Full Public Information and Consultation)

- 20 The following developments are considered Level III (full public information and consultation) site plan approval applications for any development not listed under Sections 16, 18, or 19.

Methods of Public Information and Consultation

- 21
- (1) No public information or public consultation is required before applying for Level I site plan approval.
 - (2) Public information is required as part of a Level II site plan approval application, and shall include:
 - (a) a website, which meets the requirements of Section 26; and
 - (b) a weather-proof sign at the development site, which meets the requirements of Section 27.
 - (3) Public consultation is required before applying for Level III site plan approval, and shall include:
 - (a) the items required for public information in Subsection 21(2); and
 - (b) a public meeting, which shall be advertised in accordance with Section 23, conducted in accordance with Section 22, and meet the requirements of Sections 24 and 25.
 - (4) Where public information or public consultation is required, the applicant shall create a complete record including feedback received at any public meeting, from the website, and from any correspondence, and shall submit it with the application for site plan approval.

Requirement of Public Consultation Process

- 22 At any public meeting required by Subsection 21(3), the applicant, the owner of the lot, or a person authorized on their behalf shall:
- (a) identify how the development meets the requirements of this By-law; and
 - (b) identify any variation of the requirements of this By-law that are being sought.

Public Consultation: Public Meeting Newspaper Advertisement

- 23 The advertisement for the public meeting component specified in Clause 21(3)(b) shall, at the expense of the applicant or lot owner, be published in a newspaper circulating in the entire Municipality and shall:
- (a) be advertised at least 10 full calendar days before the meeting date;
 - (b) be in or adjacent to the Municipal Notices section of the newspaper;
 - (c) specify the internet address for the website specified in Section 26; and
 - (d) provide the date, time, and location of the public meeting.

Public Consultation: Public Meeting Days and Times

- 24 The public meeting specified in Clause 21(3)(b) shall:
- (a) include at least one two-hour evening session that begins at 7:00 pm;
 - (b) be scheduled for a Monday, Wednesday, or Thursday, and not on a statutory holiday; and
 - (c) not be scheduled on the same day as a regularly scheduled meeting of the Advisory Committee, if one is established in accordance with Section 31, or of a Community Council that has jurisdiction over any portion of the Regional Centre.

Public Consultation: Public Meeting Facility Requirements

- 25 The facility used to host the public meeting specified in Clause 21(3)(b) shall be:
- (a) located within the boundary of the Regional Centre and on the same side of the Halifax Harbour as the location of the application;
 - (b) fully accessible; and
 - (c) suitable for public assembly.

Public Information: Website Component

- 26 The website component specified in Clause 21(2)(a) shall:
- (a) contain:
 - (i) information about the proposed project, including a description of any proposed variation of the requirements of this By-law, and
 - (ii) contact information for a representative of the applicant or lot owner, including a telephone number and email address; and
 - (b) be operational 24 hours a day, 7 days a week:
 - (i) for Level II site plan approval applications, from the day an application has been deemed complete for processing purposes by the Municipality until the end of the appeal period, and
 - (ii) for Level III site plan approval applications, for 10 full calendar days before the public meeting specified in Clause 21(3)(b) and until the end of the appeal period.

Public Information: Weather-Proof Sign Component

- 27 The weather-proof sign specified in Clause 21(2)(b) shall:
- (a) be displayed on each street frontage of the development site;
 - (b) contain:
 - (i) a brief description of the project,
 - (ii) an architectural rendering of the project,
 - (iii) the internet address of the website specified in Section 26, and
 - (iv) contact information for a representative of the applicant or lot owner, including a telephone number and email address; and

- (c) be displayed:
 - (i) for Level II site plan approval applications, from the date of the application being deemed complete for processing purposes until the end of the appeal period, and
 - (ii) for Level III site plan approval applications, for 10 full calendar days before the public meeting specified in Clause 21(3)(b) and until the end of the appeal period.

Variation of By-law Requirements

- 28 (1) The following items may be considered for a variation of the requirements of this By-law through site plan approval, if the variation meets the requirements of the Design Manual (Appendix 1):
- (a) the following built form requirements on lots designated as prominent sites on Schedule 5:
 - (i) streetwall heights, and
 - (ii) streetwall setbacks;
 - (b) roof edge setbacks of height-exempted rooftop features;
 - (c) minimum ground floor heights;
 - (d) minimum and maximum front and flanking setbacks;
 - (e) streetwall widths; and
 - (f) interior lot line setbacks for portions of a building above the streetwall.
- (2) For items listed in Subsection 28(1), the Development Officer shall consider an application for a variation of the provisions of this By-law through site plan approval.

Notification of Approval

- 29 Where a Level I, a Level II, or a Level III site plan approval is granted, the Development Officer shall notify, in writing, every assessed property owner within:
- (a) for Level I and Level II site plan approval, 30 metres of the applicant's lot; or
 - (b) for Level III site plan approval, 100 metres of the applicant's lot.

Appeal of Decision

- 30 (1) Subject to Subsection 30(2), a decision by the Development Officer to approve, approve with conditions, or refuse a Level I, a Level II, or a Level III site plan approval application may be appealed to Council in accordance with the *Halifax Regional Municipality Charter*, as amended from time to time.
- (2) Only the matters identified under Section 15 are appealable to Council.

Advisory Committee

- 31 An advisory committee may be established by Council to provide recommendations to the Development Officer respecting items listed in Subsection 28(1) for Level II and Level III applications, and to perform other duties set by Council.

Chapter 4: Non-Conforming Structures and Uses

Non-Conforming Structures

- 32 (1) In any D, COR, HR-2, or HR-1 zone, the restrictions in the *Halifax Regional Municipality Charter* respecting non-conforming structures are relaxed by allowing them to be extended, enlarged, or altered if the non-conformance is not made worse.
- (2) Non-conforming structures in all other zones are regulated by the *Halifax Regional Municipality Charter*, as amended from time to time.

Non-Conforming Uses

- 33 (1) Subject to Subsections 33(2) and 33(3), non-conforming uses are regulated by the *Halifax Regional Municipality Charter*, as amended from time to time.
- (2) The expansion of a non-conforming use, beyond what is permitted by the *Halifax Regional Municipality Charter*, may be considered by Development Agreement, as regulated in Section X [DA regulation on non-conformities].
- (3) The conversion of a non-conforming use to a less intensive non-conforming use may be considered by Development Agreement, as regulated in Section X [DA regulation on less intensive non-conformities].

Chapter 5: Variances

- 34 In addition to variances permitted in Section 250(1) of the *Halifax Regional Municipality Charter*, the number of parking spaces required in any ER zone may be varied per the *Regional Centre Secondary Municipal Planning Strategy*.

Chapter 6: Interpretation of this By-law

Diagrams

- 35 (1) All diagrams in this By-law:
- (a) are for illustrative purposes only;
 - (b) are not to scale; and
 - (c) do not form part of this By-law.
- (2) If a conflict exists between a diagram and the text of this By-law, the text takes precedence.

Defined Terms

- 36 All terms not defined in Part XIII or by the Nova Scotia *Interpretation Act* have their ordinary meaning.

More Restrictive Requirement Applies

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

Chapter 7: Schedules and Appendices

List of Schedules and Appendices

38 The following schedules and appendices form part of this By-law:

- Schedule 1: Regional Centre Land Use By-law Boundary
- Schedule 2: Site Plan Approval Area
- Schedule 3: Zone Boundaries
- Schedule 4: Special Area Boundaries
- Schedule 5: Prominent Sites
- Schedule 6: Pedestrian-Oriented Commercial Streets
- Schedule 7: Maximum Building Heights
- Schedule 8: Maximum Floor Area Ratios
- Schedule 9: Minimum Front and Flanking Setbacks
- Schedule 10: Maximum Front and Flanking Setbacks
- Schedule 11: Dartmouth View Planes
- Schedule 12: Best Street Waterfront View Corridor
- Schedule 13: Mott Street Waterfront View Corridor
- Schedule 14: Church Street Waterfront View Corridor
- Schedule 15: North Street Waterfront View Corridor
- Schedule 16: Ochterloney Street Waterfront View Corridor
- Schedule 17: Queen Street Waterfront View Corridor
- Schedule 18: Portland Street Waterfront View Corridor
- Schedule 19: Prince Street Waterfront View Corridor
- Schedule 20: Kings Wharf Place Waterfront View Corridor
- Schedule 21: Canal Street Waterfront View Corridor
- Schedule 22: Maitland Street Waterfront View Corridor
- Schedule 23: Old Ferry Road Waterfront View Corridor
- Schedule 24: Parker Street Waterfront View Corridor
- Schedule 25: Bonus Rate Districts
- Schedule 26: Wind Energy Overlay Zone Boundaries

- Appendix 1: Design Manual
- Appendix 2: Bonus Calculation and Public Benefits Proposal
- Appendix 3: Wind Assessment Standards

PART II: ZONES

Chapter 1: Establishment of Zones and Special Areas

List of Zones and Special Areas

- 39 (1) This By-law establishes the following zones:
- (a) Downtown (D);
 - (b) Corridor (COR);
 - (c) Higher-Order Residential 2 (HR-2); and
 - (d) Higher-Order Residential 1 (HR-1).
- (2) This By-law establishes the following special areas:
- (a) Waterfront (W);
 - (b) Portland Street (PS); and
 - (c) King's Wharf (KW).

Interpretation of Zone and Special Area Boundaries

- 40 The location of a zone, special area, height precinct, or FAR precinct boundary shown on a schedule of this By-law is determined as follows:
- (a) Where a boundary is shown following a streetline, the boundary is the streetline unless otherwise indicated;
 - (b) Where a boundary is shown approximately following lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision approval after the coming into force date of this By-law, the boundary remains as shown on the schedule;
 - (c) Subject to Clause 40(d), where a boundary follows a shoreline and where infill occurs, the boundary is interpreted to follow the new ordinary high-water mark;
 - (d) For any height precinct or FAR precinct, where a boundary follows a shoreline and where infill occurs, the boundary shall remain as shown on the schedule;
 - (e) Subject to Clause 40(f), where a portion of a watercourse is filled in beyond the limits of a boundary, or where a building is constructed over water beyond the limits of a boundary, the in-filled land or any portion of a building constructed over water shall be included in the same zone or special area as the on-shore portion of the same lot;

- (f) For any height precinct or FAR precinct, where a portion of a watercourse is filled in beyond the limits of a boundary, or where a building is constructed over water beyond the limits of a boundary, the boundary shall remain as shown on the schedule;
- (g) Where any portion of a street is closed for public use, the former street lands are assigned a zone or special area as follows:
 - (i) where the abutting lands are part of a single zone, height precinct or FAR precinct, or special area, the former street lands are assigned the same zone, height precinct or FAR precinct, or special area as the abutting lands, or
 - (ii) where the abutting lands are part of more than one zone, height precinct or FAR precinct, or special area, the centreline of the former street becomes a boundary, and the lands on each side of the boundary are assigned the same zone, height precinct or FAR precinct, or special area as the adjacent lands; and
- (h) Where Clauses 40(a) to 40(g) do not apply, the boundary is as shown on Schedules 3, 4, 7, or 8 is applicable.

Chapter 2: Zones and Permitted Uses

Interpretation of Permitted Uses

- 41 Subject to Sections 42 to 45, uses of land are regulated as follows:
- (a) The first column of Table 1 lists each use;
 - (b) The remaining columns of Table 1 correspond to each zone;
 - (c) Header cells shaded black with white text (e.g., “**RESIDENTIAL**”, “**COMMERCIAL**”) are for organizational purposes only;
 - (d) A black dot (●) indicates that the use in that row is permitted in the zone of that column;
 - (e) A black dot containing a number (e.g., ①) indicates that the use in that row is permitted in the zone of that column, subject to additional conditions in a corresponding footnote below Table 1; and
 - (f) If a use is not listed in Table 1 as being permitted in a zone, the use is prohibited in that zone.

Additional Provisions Elsewhere in this By-law

- 42 No development permit shall be issued for a use permitted in Table 1 unless the use complies with all provisions of this By-law, including any additional restrictions or prohibitions.

Obnoxious Uses Prohibited

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

Pedestrian-Oriented Commercial Streets

44 Along a streetline that abuts a pedestrian-oriented commercial street identified on Schedule 6, only the following uses may be located abutting the streetline on any ground floor of a building:

- (a) retail use;
- (b) restaurant use;
- (c) drinking establishments;
- (d) financial institutions;
- (e) medical clinics;
- (f) personal services;
- (g) cinemas;
- (h) fitness centres;
- (i) grocery store use;
- (j) local commercial uses;
- (k) hotels;
- (l) micro-breweries or micro-distilleries;
- (m) cultural uses;
- (n) university or college; and
- (o) pedestrian entrances and lobbies for any other use permitted in the zone.

View Corridors: Abutting Uses

- 45 (1) Subject to Subsections 45(2) and 45(3), where a building contains dwelling units and abuts any waterfront view corridor established in Part VI, there shall be no dwelling units permitted on a ground floor.
- (2) Residential pedestrian entrances and lobbies are permitted on a ground floor.
- (3) A building is considered to abut a waterfront view corridor if it is located within 10.0 metres of the outside edge of a waterfront view corridor.

Development Consisting of More Than One Use

- 46 Where a development includes more than one use, the requirements for each use shall apply to the portion of the structure used for each respective use.

Table 1: Permitted uses by zone

RESIDENTIAL	D	COR	HR-2	HR-1
Single-unit dwelling use	●	●		●
Semi-detached dwelling use	●	●		●
Townhouse dwelling use	●	●	●	●
Two-unit dwelling use	●	●		●
Three- and four- unit dwelling use	●	●	●	●
Medium-density dwelling use	●	●	●	●
High-density dwelling use	●	●	●	●
Secondary or backyard suite use	●	●	●	●
Mobile home use				
Supportive housing use	●	●	●	●
Bed and breakfast use	●	●	●	●
Lodging use	●	●	●	●
Halfway house use	●	●	●	●
Rooming house use	●	●	●	●
Home occupation use	●	●	●	●
Home office use	●	●	●	●
Work-live unit use	●	●	●	●
Grade-related unit use	●	●	●	●
Model suite use	●	●	●	
COMMERCIAL	D	COR	HR-2	HR-1
Broadcast use	●	●		
Crematorium use				
Day care use	●	●	3	3
Dealership use				
Drinking establishment use	●			
Local drinking establishment use	●	●	3	
Fabrication use	●	●	3	3
Financial institution use	●	●	3	
Fitness centre use	●	●	3	
Garden centre use	●			
Grocery store use	●	●	3	
Hotel use	●	●		
Kennel use				
Local commercial use	●	●	3	2 3
Micro-brewery or micro-distillery use	●	●	3	
Office use	●	●	3	
Pawn shop use		●		
Personal service use	●	●	3	3
Quick charging station use	●			
Restaurant use	●	●	3	2 3
Retail use	●	●	3	
Self-storage facility use		●	●	
Service station use				
Service use	●			
Any other commercial use (if not prohibited above)	●			
URBAN AGRICULTURE	D	COR	HR-2	HR-1
Farmers' market use	●	●	●	●
Heritage farm use				
Keeping of bees as an accessory use	●	●	●	●
Keeping of chickens as an accessory use	●	●	●	●
Urban farm use	●	●	●	●

INSTITUTIONAL	D	COR	HR-2	HR-1
Convention centre use	●			
Cultural use	●	●	●	●
Emergency services use	●	●	●	●
Emergency shelter use	●	●		
Hospital use				
Minor spectator venue use	●	●	●	
Major spectator venue use	●			
Medical clinic use	●	●	●	②
Religious institution use	●	●	●	●
School use	●	●	●	●
University or college use	●	●	●	
INDUSTRIAL	D	COR	HR-2	HR-1
Cannabis production use				
Harbour-related industry use				
Harbour-related industry use existing on the coming into force date of this By-law	●			
Industrial training facility use				
Light manufacturing use				
Recycling depot use		●		
Warehousing or storage yard use				
Wholesale use				
Wholesale food production use		●		
PARK, OPEN SPACE, AND RECREATION	D	COR	HR-2	HR-1
Cemetery use				
Club recreation use	●	●	●	●
Commercial recreation use				
Community recreation use	●	●	●	●
Conservation use				
WATER ACCESS	D	COR	HR-2	HR-1
Water access structure use				
MILITARY	D	COR	HR-2	HR-1
Military use				
OTHER	D	COR	HR-2	HR-1
Accessory structure or use	●	●	●	●
Historic site or monument use	●	●	●	●
Parking structure	●	●	●	●
Temporary construction use	●	●	●	●
Transportation facility use	●	●	●	●
Underground parking, access, and servicing for CEN-2 uses				
Utility use	●	●	●	●
PROHIBITED IN ALL ZONES	D	COR	HR-2	HR-1
Adult entertainment use				
C&D transfer, processing, and disposal uses				
Salvage use				

② = permitted on a corner lot only

③ = permitted within a predominantly (at least 75% by floor area) residential mixed-use building only

PART III: LAND USE

Chapter 1: General Land Use Requirements

Access Uses Prohibited

- 47 It is prohibited to access a use in one zone from a different zone, unless the use is permitted in both zones.

Exterior Lighting

- 48 (1) Exterior lighting shall not be directed towards abutting lots or streets.
- (2) All exterior lighting shall be equipped with full cut-off light fixtures.

Outdoor Storage and Dealerships

- 49 (1) Outdoor storage areas are prohibited within any front or flanking setback, and shall meet the same minimum interior setback requirements as a main building on the lot.
- (2) Dealership uses shall meet the same setback requirements as a main building on the lot.

Recreational Vehicles

- 50 Recreational vehicles shall not be used for business purposes or human habitation.

Temporary Construction Uses Permitted

- 51 (1) Subject to Subsection 51(3), a development permit for a temporary construction use shall be valid for any specified period not longer than 60 days. The development permit may be renewed for a period of not longer than 30 days at a time, if the Development Officer determines that an extension is necessary.
- (2) A rock crusher shall only be used at:
- (a) the site of demolition of a structure or building;
 - (b) the site of construction of primary or secondary services pursuant to the HRM *Regional Subdivision By-Law*; or
 - (c) at the site of a development permitted by this By-law.

- (3) A development permit for the use of a rock crusher accessory to the construction of primary or secondary services pursuant to the HRM *Regional Subdivision By-Law* shall be valid for any period not exceeding the construction time schedule specified in the subdivision agreement.
- (4) A rock crusher shall not be located or used within 3.0 metres of any lot line.
- (5) A rock crusher shall not be located or used within 20 metres of any building used for residential or institutional purposes, except for fire stations, police stations, public infrastructure and utilities, cemeteries, historic sites or monuments, and recreational trails.
- (6) Subject to Subsection 51(7), a rock crusher shall not be used to process material for export to another site, or to process material imported to the site.
- (7) A 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.

Uses Near Railways

- 52
- (1) Subject to Subsection 52(2), there shall be a separation distance of at least 15.0 metres between the centreline of any railway track and any new high-density dwelling.
 - (2) If the separation distance required by Subsection 52(1) cannot be provided, a report by a qualified Professional Engineer shall be submitted to the Development Officer identifying measures that will be used to mitigate the crash risk, noise, and vibration of trains before a development permit may be issued.
 - (3) A development permit issued in accordance with Subsection 52(2) shall require the development to include the mitigation measures identified in Subsection 52(2).

Solid Waste Management Areas

- 53 (1) For any building in a D, COR, HR-2, or HR-1 zone higher than 11.0 metres, all solid waste management area shall be located entirely inside the building.
- (2) Where a building is located on a corner lot in any D, COR, HR-2, or HR-1 zone, and the lot fronts on a pedestrian-oriented commercial street shown on Schedule 6 and at least one non-pedestrian-oriented commercial street, all solid waste management areas shall be accessed from the non-pedestrian-oriented commercial street.

Chapter 2: Residential Requirements

Home Occupation and Home Office Uses

- 54 (1) The following uses are prohibited as a home occupation:
- (a) retail uses, except for the accessory retail of products associated with a permitted home occupation;
 - (b) restaurant uses;
 - (c) drinking establishment uses;
 - (d) service station uses;
 - (e) storage yard uses;
 - (f) service uses;
 - (g) pawn shop uses;
 - (h) warehousing uses; and
 - (i) kennel uses.
- (2) Home occupations are not permitted in any multi-unit dwelling, secondary suite, or backyard suite.
- (3) A property shall not contain both a home occupation in an accessory building and a backyard suite.
- (4) A home occupation shall be contained within a single structure on a property.
- (5) Home offices are permitted in all dwellings.
- (6) The principal operator of a home occupation or home office shall reside in the dwelling where the use is located.
- (7) A home occupation use is permitted to have one non-resident employee. A home office use shall not have any non-resident employees.
- (8) A home occupation shall be wholly contained within a dwelling, and the home occupation shall not be apparent from the outside of the dwelling.
- (9) The combined floor area of all home occupation and home office uses in a dwelling shall not exceed 35% of the total floor area of the dwelling, up to a maximum of 50.0 square metres.
- (10) Outdoor storage, and the outdoor display of goods, equipment, or material, are prohibited in association with a home occupation or home office.

- (11) Parking for home occupations shall meet the requirements of Section 139.

Bed and Breakfast Uses

- 55 (1) A bed and breakfast use is permitted in conjunction with a single-unit dwelling, semi-detached dwelling, or townhouse dwelling.
- (2) The following requirements shall apply to all bed and breakfast uses:
- (a) A maximum of three guestrooms may be rented;
 - (b) The principal operator of a bed and breakfast shall reside in the dwelling where the bed and breakfast is located; and
 - (c) Parking for a bed and breakfast shall meet the requirements of Section 139.

Lodging Uses

- 56 (1) Lodging uses are permitted in conjunction with any dwelling.
- (2) The following requirements shall apply to all lodging uses:
- (a) A maximum of three bedrooms may be rented;
 - (b) No signage is permitted in association with a lodging use; and
 - (c) The principal operator of a lodging use shall reside in the dwelling where the lodging use is located.

Fabrication Uses

- 57 Signage for a fabrication use shall meet the requirements of Part X.

Secondary Suites and Backyard Suites

- 58 (1) Where permitted in Table 1, a lot containing a low-density dwelling may have either one secondary suite or one backyard suite, with the following restrictions:
- (a) A secondary suite is only permitted within a single-unit, semi-detached, or townhouse dwelling; or
 - (b) A backyard suite is only permitted in the rear yard of a single-unit dwelling, on lots of at least 371.0 square metres.
- (2) A secondary suite or backyard suite is not considered a separate main dwelling, but shall have its own entrance separate from the main dwelling.

- (3) Secondary suites shall be fully contained within a dwelling, and shall not exceed a floor area of 80.0 square metres.
- (4) A backyard suite shall meet the accessory structure built form requirements of Section 111, 112, 114, and 115.
- (5) Any motor vehicle access to a backyard suite shall use an existing driveway.

Maximum Bedroom Counts in Low-Density Dwellings

- 59 (1) The following limits on the total number of bedrooms permitted on a lot apply to all low-density dwellings, including those containing a supportive housing use:
- (a) Single-unit dwellings: 6 bedrooms per lot;
 - (b) Semi-detached dwellings: 5 bedrooms per lot;
 - (c) Townhouses: 5 bedrooms per lot;
 - (d) Two-unit dwellings: 6 bedrooms per lot;
 - (e) Three-unit dwellings: 8 bedrooms per lot; and
 - (f) Four-unit dwellings: 10 bedrooms per lot.
- (2) All bedrooms in a secondary suite or backyard suite shall be counted toward the limits imposed on the number of bedrooms per lot in Subsection 59(1).

Dwelling Unit Mix

- 60 In all zones, 25% of all dwelling units in a high-density dwelling, rounded up to the nearest whole number, shall contain at least two bedrooms.

Amenity Space

- 61 (1) Any high-density dwelling shall provide amenity space, at a rate of 5.0 square metres per dwelling unit, for use by building residents.
- (2) Except for amenity space attached to an individual dwelling unit, all amenity space required by Subsections 61(1) shall be:
- (a) provided in increments of at least 30 contiguous square metres; and
 - (b) fully accessible to all building residents.

Ground Floor Residential on Pedestrian-Oriented Commercial Streets

- 62 In any D, COR, HR-2, or HR-1 zone, where a streetline does not abut a pedestrian-oriented commercial street identified on Schedule 6, the only residential uses that are permitted to occupy more than 50% of any ground floor along a streetline are grade-related units or work-live units.

Work-Live Units

- 63 (1) Only the following commercial uses are permitted in a work-live unit:
- (a) artists' studios;
 - (b) offices;
 - (c) medical clinics;
 - (d) personal services; and
 - (e) the retail of products produced on the premises, or associated with a service provided on the premises.
- (2) A maximum of 50% of the total floor area of a work-live unit may be used for commercial purposes, up to a maximum of 140.0 square metres.
- (3) The commercial portion of a work-live unit shall be located on and accessible from a ground floor.
- (4) The principal operator of a business within a work-live unit shall reside in the unit, and may have up to three non-resident employees.
- (5) Signage for a work-live unit shall meet the requirements of Section 168.
- (6) Parking for a work-live unit shall meet the requirements of Section 139.

Chapter 3: Urban Agriculture

Urban Agriculture Requirements

- 64
- (1) The processing of urban agricultural products, such as chopping, packaging, pickling, or preserving, is permitted as an accessory use to an urban agriculture use.
 - (2) Except for heritage farm uses, the keeping of horses, cattle, swine, roosters, and ruminants is prohibited.
 - (3) A rooftop greenhouse may be used to contain all or part of an urban farm.

Keeping of Bees as an Accessory Use

- 65
- (1) Where permitted in Table 1, the keeping of bees is limited to a maximum of:
 - (a) two hives on lots of less than 2,000 square metres; or
 - (b) four hives on lots of 2,000 square metres or larger.
 - (2) Hives shall be located at least 3.0 metres from any lot line, unless they are located on a rooftop.
 - (3) All hives shall be registered with the Nova Scotia Department of Agriculture or its designate.

Keeping of Chickens as an Accessory Use

- 66
- (1) Where permitted in Table 1, the keeping of chickens is limited to a maximum of six hens per lot.
 - (2) All chickens shall be kept within a fenced area or structure that:
 - (a) is within rear yard;
 - (b) is at least 2.0 metres from any side or rear lot line; and
 - (c) meets the size and location requirements of Section 126.

Sale of Urban Agricultural Products as an Accessory Use

- 67
- (1) The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use in conjunction with an urban farm.

Chapter 4: Environmental Requirements

Coastal Areas

- 68 (1) Subject to Subsections 68(2) and 68(3), where a lot abuts the coast of the Atlantic Ocean, including its inlets, bays, and harbours, a development permit shall not be issued for any portion of a dwelling, including a basement, that is 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 1).

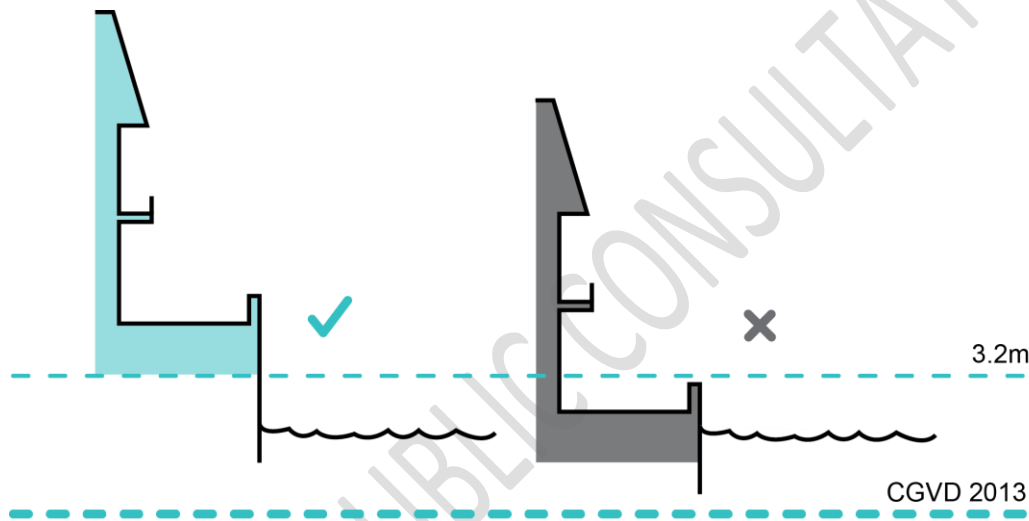


Diagram 1: Coastal area elevation requirements, per Subsection 68(1)

- (2) Where accessory to a dwelling use, a development permit may be issued for a parking lot, parking structure, amenity space, storage space, or temporary use permitted in this By-law that is 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) Any portion of a dwelling, including a basement, located lower than the elevation required in Subsection 68(1) on the coming into force date of this By-law may be expanded if such expansion does not further reduce the dwelling's existing elevation.

- (4) Before issuing a development permit, to determine if a building 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 By-law, the Development Officer may require plans showing the following, drawn to scale:
- (a) building elevations;
 - (b) the location of all proposed structures;
 - (c) land contours;
 - (d) lot grading information; and
 - (e) site plans and elevation drawings certified by a surveyor licensed in the Province of Nova Scotia.
- (5) In addition to items listed in Subsection 68(4), before issuing a development permit, the Development Officer may require any other information necessary to determine if the development meets the requirements of this By-law.

Watercourse Buffers

- 69 (1) This Section does not apply to any lands designated “Halifax Harbour” on Map 2 of the HRM *Regional Municipal Planning Strategy*, as amended from time to time.
- (2) A development permit shall not be issued for any development within 20 metres of the ordinary high water mark of any watercourse (Diagram 2).

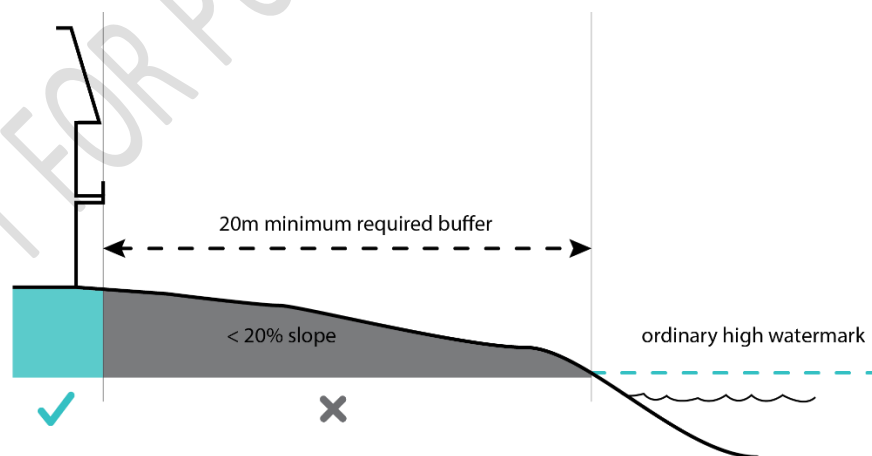


Diagram 2: Minimum watercourse buffer, per Subsection 69(2)

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

- (4) Where a wetland and a watercourse overlap, the buffer shall be applied from the edge of the wetland.
- (5) Subject to Subsections 69(6) and 69(9), within the buffer required in Subsections 69(2) and 69(3), no excavation, infilling, or the removal of any tree, stump, or other vegetation, or any other change of any kind, is permitted.
- (6) Within the buffer required in Subsections 69(2) and 69(3), permitted activity is limited to:
- (a) one accessory structure and one attached, uncovered deck, with a maximum combined footprint of 20.0 square metres;
 - (b) boardwalks, walkways, trails, and driveways providing they are no wider than 3.0 metres;
 - (c) fences;
 - (d) water access structures, boat ramps, marine-related uses, parks on public land, historic sites, and monuments;
 - (e) streets; and
 - (f) wastewater, stormwater, and water infrastructure and control structures.
- (7) Where a main building that existed on the coming into force date of this By-law is located within a required watercourse buffer, accessory structures permitted in Clause 69(6)(a) shall:
- (a) meet the accessory structure built form requirements of Section 126; and
 - (b) not be located any closer to the watercourse than any main building that existed on the coming into force date of this By-law.
- (8) The buffer distance required in Subsections 69(2) and 69(3) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if other yard and setback requirements are met, where the configuration of a lot is such that no main building can be located on the lot, for lots that:
- (a) existed before August 26, 2006; or
 - (b) were approved as a result of a tentative or final subdivision application on file before August 26, 2006.
- (9) Within a required watercourse buffer, the Development Officer may authorize the removal of windblown, diseased, or dead trees that are deemed to be hazardous or unsafe, or the selective removal of vegetation to maintain the overall health of the buffer, if a management plan is submitted by a qualified arborist, landscape architect, forester, or forestry technician.

- (10) Before issuing a development permit, to determine if a structure proposed to be erected, constructed, altered, reconstructed, or located on a lot containing a required watercourse buffer meets the requirements of this By-law, the Development Officer may require plans showing the following, drawn to scale:
- (a) the required watercourse buffer;
 - (b) existing vegetation limits;
 - (c) the location of all proposed structures;
 - (d) land contours;
 - (e) lot grading information; and
 - (f) site plans and elevation drawings certified by a surveyor licensed in the Province of Nova Scotia.
- (11) In addition to items listed in Subsection 69(10), before issuing a development permit, the Development Officer may require any other information necessary to determine if the development meets the requirements of this By-law.

Wetlands

- 70 (1) A development permit application shall include plans, drawn to scale, showing the location of all wetlands within and adjacent to the lot where a development is being proposed.
- (2) All development is prohibited within any wetland.

Chapter 5: Heritage Requirements

Registered Heritage Properties and Lots within Heritage Conservation Districts

- 71 Development on a registered heritage property, or within a heritage conservation district, shall meet the requirements of the Design Manual (Appendix 1).

Development Abutting a Registered Heritage Property

- 72 Development on a lot abutting a registered heritage property shall meet the requirements of the Design Manual (Appendix 1).

PART IV: LOT REQUIREMENTS

Chapter 1: Lot Requirements

Regional Subdivision By-law

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

Access to a Street

- 74 (1) Every new lot shall abut and have direct access to a street.
- (2) A lot without direct access to a street may be developed if:
- (a) it existed on the coming into force date of this By-law; and
 - (b) it is accessible through a registered easement at least 2.5 metres wide.

Undersized Lots

- 75 (1) A lot with less than the minimum required area or frontage, as required in Sections 76 and 77, may be developed if it existed on the coming into force date of this By-law.
- (2) The Development Officer may issue a development permit for a lot approved pursuant to Section 41 of the *Regional Subdivision By-law*, where an undersized lot has had its boundaries altered.

Minimum Lot Area

- 76 The minimum lot area is as set out in Table 2:

Table 2: Minimum lot area requirements

Zone	Minimum lot area
D	No requirement
HR-2, HR-1	558 square metres
Townhouses in any zone — interior units	185 square metres
Townhouses in any zone — end units	277 square metres
Any other zone	371 square metres

Minimum Lot Frontage

- 77 (1) Subject to Subsection 77(2), the minimum lot frontage is as set out in Table 3:

Table 3: Minimum lot frontage requirements

Zone	Minimum lot frontage
D	6.1 metres
Townhouses in any zone — interior units	6.1 metres
Townhouses in any zone — end units	9.1 metres
Any other zone	12.2 metres

- (2) When a lot faces a curve on a street, the minimum frontage requirements of Subsection 77(1) may be reduced by 30%.

PART V: BUILT FORM

Chapter 1: General Built Form Requirements

Number of Buildings on a Lot

- 78
- (1) Every building shall be located on a lot.
 - (2) A building shall not be located on more than one lot, except in any D zone for abutting lots that are developed concurrently over a continuous foundation, footing, or underground parking structure.
 - (3) A maximum of one main building is permitted on a lot, except:
 - (a) within the Waterfront (W) Special Area as shown on Schedule 4, if designed to permit future subdivision; or
 - (b) on registered heritage properties.

Structures Located in Yards, Setbacks, Stepbacks, and Separation Distances

- 79
- Yards, setbacks, stepbacks, and separation distances required in this Part shall be open and unobstructed except for the following:
- (a) Wheelchair ramps, uncovered decks, and patios less than 0.6 metres high, walkways, lifting devices, steps, and clear glass guard and railing systems are permitted in any required yard, setback, stepback, or separation distance;
 - (b) Sills, eaves, gutters, downspouts, cornices, chimneys, and other similar features may project into any required yard, setback, stepback, or separation distance by up to 0.6 metres from any building face;
 - (c) Window bays and solar collectors may project into any required yard, setback, stepback, or separation distance by up to 1.0 metre from any building face; and
 - (d) Subject to Section 80 and Subsection 83(3), balconies, unenclosed porches, verandas, canopies, and awnings may project into any required yard, setback, stepback, or separation distance by up to 1.5 metres from any building face at the first storey, or by up to 2.0 metres from any building face at the second storey or above.
- 80
- For a building in any D, COR, HR-2, or HR-1 zone that abuts an ER or MH zone, no balcony, unenclosed porch, veranda, canopy, or awning is permitted to project into any required yard, setback, stepback, or separation distance below the maximum streetwall height.

Encroachments into Streets

- 81 Encroachments into streets must meet the requirements of HRM By-law E-200, the *Encroachment By-law*.

Prohibited External Cladding Materials

- 82 (1) Excluding low-density dwellings, and subject to Subsection 82(2), the following external cladding materials are prohibited in any D, COR, HR-2, or HR-1 zone:
- (a) vinyl siding;
 - (b) plastic;
 - (c) plywood;
 - (d) unfinished concrete;
 - (e) cinder block;
 - (f) exterior insulation and finish systems where stucco is applied to rigid insulation;
 - (g) darkly tinted or mirrored glass, excepting spandrel glass panels; and
 - (h) vinyl windows on registered heritage buildings or on lots within a heritage conservation district.
- (2) Prohibited external cladding materials that are present on a structure on the coming into force date of this By-law may be replaced with similar materials.

Projections, Overhangs, and Cantilevers

- 83 (1) A new building or an addition to an existing building shall not cantilever over a registered heritage building located on the same lot.
- (2) Overhanging or cantilevered portions of any streetwall shall not exceed 25% of the width of the streetwall.
- (3) Above any streetwall setback, any portion of a building shall not project beyond the vertical plane of any building portions below the streetwall setback.

Pedways

84 Pedways are prohibited.

Drive-Throughs

85 Drive-throughs are prohibited.

Self-Storage Facilities

86 For a self-storage facility in any COR or HR-2 zone:

- (a) All individual storage units shall be accessed from a side yard or rear yard, or from within a building;
- (b) All individual storage units shall be contained within a larger building; and
- (c) Garage doors associated with any self-storage facility use shall not abut any streetline.

Streetwall Heights

- 87 (1) A building with a streetwall width of 8.0 metres or less shall have its streetwall height determined at the midpoint of the streetwall width.
- (2) A building with a streetwall width exceeding 8.0 metres shall have its streetwall divided into portions no wider than 8.0 metres, and separate streetwall heights shall be determined at the midpoint of each portion.

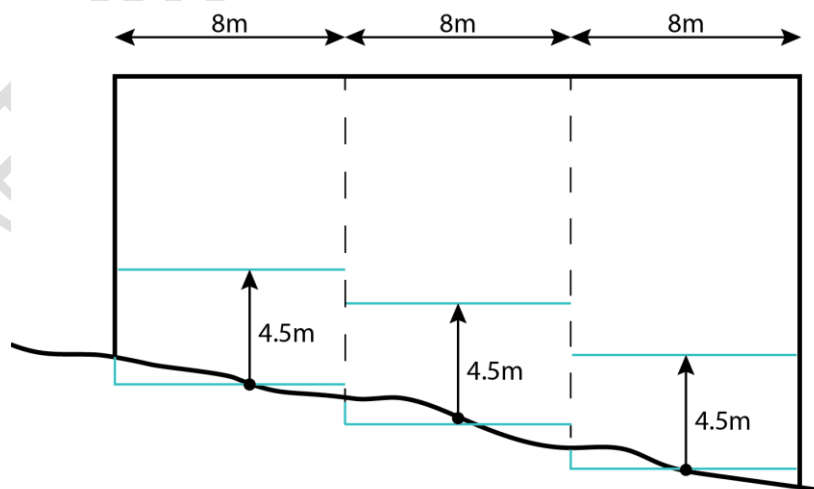


Diagram 3: Method for determining streetwall height, per Clause 87.

Chapter 2: Maximum Height and Floor Area Ratio

Maximum Building Height

- 88 (1) Subject to Section 89 a building's height shall not exceed the maximum building heights specified on Schedule 7. The requirements of Part VI still apply.
- (2) If no maximum building height is specified on Schedule 7, no maximum building height limit applies. The requirements of Part VI still apply.

Building Rooftop Features

- 89 (1) Excluding low-density dwellings, which are addressed in Subsection 89(5), Table 4 regulates the height, coverage, and setback of features on building rooftops.
- (2) Features listed in Table 4 may exceed a height above the building rooftop on which they are located by up to the amount specified in Column 1. The requirements of Part VI still apply.
- (3) Features identified with a black dot (●) in Column 2 of Table 4 shall not, in total, occupy more than 30% of the building rooftop area on which they are located.
- (4) Features with a minimum roof edge setback specified in Column 3 of Table 4 shall be located at least as far as indicated from the outermost edge of the roof.

Table 4: Features exempt from maximum height requirements

Feature	Column 1: Maximum height above roof	Column 2: 30% coverage restriction	Column 3: Minimum setback from roof edge
Antenna	Unlimited	●	3.0 metres
Chimney	Unlimited	●	
Clear, uncoloured glass guard and railing system	2.0 metres	●	
Clock tower or bell tower	Unlimited	●	
Communication tower required to support uses and activities in the building	Unlimited	●	3.0 metres
Cooling tower	Unlimited	●	3.0 metres
Elevator enclosure	5.5 metres	●	3.0 metres
Flag pole	Unlimited	●	
Heating, ventilation and air conditioning equipment and enclosure	5.5 metres	●	3.0 metres
High-plume laboratory exhaust fan	Unlimited	●	3.0 metres
Landscaping	4.5 metres		
Lightning rod	Unlimited	●	
Penthouse	4.5 metres	●	3.0 metres
Parapet	2.0 metres		
Rooftop cupola	4.5 metres	●	
Rooftop greenhouse	7.5 metres		3.0 metres
Skylight	4.5 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	●	

(5) On any low-density dwelling, the following features may protrude by up to 3.0 metres above the rooftop on which they are located:

- (a) chimneys and stovepipes;
- (b) antennas;
- (c) flag poles;
- (d) solar collectors;
- (e) rooftop greenhouses; and
- (f) vents.

Maximum Floor Area Ratio (FAR)

- 90 (1) A building shall not be erected, constructed, altered, reconstructed, or located in any D zone so that it exceeds the maximum FARs specified on Schedule 8.
- (2) If no maximum FAR is specified on Schedule 8, no maximum FAR applies.

Floor Area Bonusing

- 91 (1) Floor area bonusing thresholds and requirements are contained in Part XI.
- (2) A development shall not exceed any maximum pre-bonus floor area, as specified in Part XI, unless it:
- (a) does not include the removal of more than 25% of a registered heritage building's original exterior walls and original roof, combined; and
 - (b) has received the approval of the Municipality under Section 17 of the *Heritage Property Act*, if the development includes a substantial alteration to a registered heritage building.

Chapter 3: Built Form Requirements for D, COR, HR-2, and HR-1 zones

Built Form Requirements for D, COR, HR-2, and HR-1 Zones

- 92 (1) Any low-density dwelling erected, constructed, altered, reconstructed, or located in any D, COR, HR-2, or HR-1 zone is exempt from the requirements of Sections 93 to 101 but must meet the requirements of Sections 103 to 109.
- (2) Subject to Subsection 92(3), a main building erected, constructed, altered, reconstructed, or located in any D, COR, HR-2, or HR-1 zone shall meet the built form requirements of Sections 93 to 101.
- (3) In Sections 93 to 101, a main building's type is determined by its overall height, excluding features exempted in Section 89, as follows:
- (a) Any building less than 11.0 metres high is a low-rise building;
 - (b) Any building between 11.0 metres and 20.0 metres high is a mid-rise building;
 - (c) Any building between 20.0 metres and 26.0 metres high is a tall mid-rise building; and
 - (d) Any building higher than 26.0 metres is a high-rise building.

Maximum Lot Coverage (D, COR, HR-2, HR-1)

- 93 There is no maximum lot coverage requirement.

Ground Floor Requirements (D, COR, HR-2, HR-1)

- 94 (1) Including a parking structure, a main building shall have a floor-to-floor height of at least 3.5 metres, measured from the streetline grade, for any ground floor that has access:
- (a) at the streetline; or
 - (b) onto a waterfront view corridor.
- (2) Where a lot abuts a pedestrian-oriented commercial street identified on Schedule 6, at least 50% and no more than 80% of a building's total ground floor frontage along all streetlines shall consist of clear glass glazing.

- (3) All grade-related units shall have:
 - (a) a separate exterior entrance;
 - (b) a porch or patio that connects to the public right-of-way and is:
 - (i) at least 3.0 metres wide, and
 - (ii) at least 1.5 metres deep; and
 - (c) a floor level at least 0.25 metres above the streetline grade.
- (4) Any pedestrian entrance along a streetline shall be set back at least 1.2 metres from the streetline.
- (5) Any motor vehicle entrance to the building along a streetline shall be set back at least 4.5 metres from the streetline.
- (6) Excluding a grocery store use, storefronts shall have:
 - (a) a minimum storefront depth of 3.0 metres; and
 - (b) a maximum width of:
 - (i) in any D or CEN-2 zone: 18.0 metres,
 - (ii) in any CEN-1 or COR zone: 12.0 metres, or
 - (iii) along a streetline that abuts an ER-3, ER-2, or ER-1 zone, 24.0 metres.

Streetline Setbacks (D, COR, HR-2, HR-1)

- 95 (1) Subject to Subsections 95(2), 95(3), and 95(4), a main building shall have:
- (a) a minimum front and flanking yard as specified on Schedule 9; and
 - (b) a maximum front and flanking yard, where one is specified on Schedule 10.
- (2) Up to 35% of any streetwall may exceed the maximum streetline yard requirement of Clause 95(1)(b).
- (3) On a registered heritage property, any addition to a registered heritage building shall not be located within the existing streetline yard of the registered heritage building, and no maximum streetline yard requirement applies.

- (4) Underground parking areas are exempt from front and flanking setback requirements, but shall not protrude more than 0.25 metres above the streetline grade along any streetline.

Side and Rear Setbacks (D, COR, HR-2, HR-1)

- 96
- (1) A main building in any D zone shall have streetwall that spans 100% of the width of any streetline.
 - (2) Subject to Subsection 96(4), 96(6), and 96(7), a main building in any HR-2 or HR-1 zone shall have minimum side yards of 2.5 metres.
 - (3) Subject to Subsection 96(4), 96(6), and 96(7), a main building shall have a minimum rear yard of at least:
 - (a) 3.0 metres; or
 - (b) in a D zone, 0.0 metres if the rear yard abuts another D-zoned lot.
 - (4) Where a lot abuts an ER-3, ER-2, ER-1, MH, P, or RPK zone, any main building shall be set back at least 6.0 metres from any abutting interior lot line.
 - (5) No other minimum or maximum interior yard requirements apply.
 - (6) Underground parking areas are exempt from side and rear setback requirements if they do not protrude more than 0.6 metres above the average finished grade along any side or rear lot line.
 - (7) Underground parking areas that protrude more than 0.6 metres above the average finished grade along any side or rear lot line must meet the finishing requirements specified in the Design Manual.

Streetwall Height and Stepbacks (D, COR, HR-2, HR-1)

- 97
- (1) A main building's maximum streetwall height shall be:
 - (a) 11.0 metres; or
 - (b) on a registered heritage property, the existing streetwall height of the registered heritage building at the time of the coming into force of this By-law.
 - (2) Subject to no streetwall stepback is required for any building less than 14.0 metres high.

- (3) Subject to Subsection 111(5), a main building shall have a streetwall stepback above its maximum streetwall height of at least:
 - (a) 2.0 metres for mid-rise buildings higher than 14.0 metres;
 - (b) 2.0 metres for any mid-rise building in the Portland Street (PS) Special Area;
 - (c) 6.0 metres for tall mid-rise buildings; or
 - (d) 4.5 metres for high-rise buildings.
- (4) No streetwall stepback is required for up to 20% of the width of a building along a front or flanking lot line.

Interior Setbacks and Stepbacks (D, COR, HR-2, HR-1)

- 98
- (1) For low-rise buildings, no interior setbacks or stepbacks are required.
 - (2) Subject to Subsection 98(5), for a mid-rise building, any portion of a building above the streetwall height shall have a setback of at least 6.0 metres from the rear lot line, and the following side and rear stepbacks are required:
 - (a) in any D or COR zone: 0.0 metres; and
 - (b) in any HR-2 or HR-1 zone: 2.5 metres.
 - (3) Subject to Subsection 98(5), for tall mid-rise buildings, any portion of a building above the streetwall height shall have:
 - (a) side stepbacks of 2.5 metres; and
 - (b) a rear stepback of 4.5 metres.
 - (4) For high-rise buildings, any portion of a building above the streetwall height shall have a setback of at least 12.5 metres from any interior lot line.
 - (5) Where a lot abuts an ER-3, ER-2, ER-1, MH, P, or RPK zone, the lot shall provide interior stepbacks, above the streetwall height, of at least:
 - (a) 2.5 metres for mid-rise buildings;
 - (b) 3.5 metres for high-rise buildings.

Minimum Separation Distances (D, COR, HR-2, HR-1)

- 99 (1) For high-rise buildings, above the streetwall height, any portions of the same or any other main building on the same lot shall be separated by at least:
- (a) 12.5 metres up to a height of 26.0 metres, or
 - (b) 25.0 metres above a height of 26.0 metres.
- (2) Where more than one main building is permitted on a lot by Subsection 78(3), a separation distance of at least 4.0 metres shall be provided.

Maximum Building Dimensions (D, COR, HR-2, HR-1)

- 100 (1) Below the streetwall height, any portions of a main building above 0.6 metres above the average finished grade shall not exceed a building depth or building width of:
- (a) subject to Clause 116(1)(b), in any D, COR, HR-2, or HR-1 zone:
 - (i) 64.0 metres wide, and
 - (ii) 64.0 metres deep; and
 - (b) on a through lot in any HR-2 or HR-1 zone:
 - (i) 64.0 metres wide, and
 - (ii) 40.0 metres deep.
- (2) Above the streetwall height, any contiguous portion of a high-rise building shall not exceed:
- (a) a building depth of 35.0 metres; and
 - (b) an area of 750 square metres.

Building Articulation (D, COR, HR-2, HR-1)

- 101 If a main building's streetwall width exceeds 8.0 metres, the streetwall shall meet the articulation requirements of the Design Manual (Appendix 1).

Chapter 4: Built Form Requirements for Other Zones and Buildings

Built Form Requirements for All Other Zones and Buildings

- 102 A low-density dwelling erected, constructed, altered, reconstructed, or located in any D, COR, HR-2, or HR-1 zone shall meet the built form requirements of Sections 103 to 109.

Maximum Lot Coverage (Other Zones)

- 103 There is no maximum lot coverage requirement for low-density dwellings in any D, COR, HR-2, or HR-1 zone.

Minimum Front and Flanking Setback (Other Zones)

- 104 (1) A low-density dwelling in any D, COR, HR-2, or HR-1 zone shall have a minimum front and flanking yard as specified on Schedule 9.
- (2) On a registered heritage property, any addition to a registered heritage building is prohibited within the existing streetline yard of the registered heritage building.

Minimum Side Yard (Other Zones)

- 105 A low-density dwelling in any D, COR, HR-2, or HR-1 zone shall have a minimum side yard of:
- (a) 1.25 metres;
 - (b) 0.0 metres between townhouse units; or
 - (c) 3.0 metres at each end of a townhouse block.

Minimum Rear Yard (Other Zones)

- 106 A low-density dwelling in any D, COR, HR-2, or HR-1 zone shall have a minimum rear yard of 6.0 metres.

Minimum Separation Distances (Other Zones)

- 107 At least 6.0 metres of separation is required between any two main buildings located on the same lot, where permitted.

Attached Garages (Other Zones)

- 108 All garage doors for a garage attached to a low-density dwelling shall not:
- (a) be located closer to the streetline than the front-most pedestrian entry door on the dwelling; and
 - (b) in total, exceed 60% of the width of the dwelling, as seen from the street.

Townhouses (Other Zones)

- 109 A maximum of eight townhouse dwellings are permitted per townhouse block.

Chapter 5: Accessory Structures, Backyard Suites, and Shipping Containers

Accessory Structure Location

110 Any accessory structure shall be:

- (a) located in the same zone as the main structure or use that it is intended to serve, or in an abutting zone in which the main structure or use is permitted;
- (b) located on the same lot as the main structure or use, or on a lot that directly abuts or is directly across a street from the lot that contains the main structure or use; and
- (c) located on a lot under common ownership with the main structure or use that it is intended to serve.

Accessory Structure Height

111 An accessory structure's height shall not exceed 5.5 metres.

Accessory Structure Footprint

112 An accessory structure's footprint shall not exceed:

- (a) in any D or COR zone: 23.5 square metres; or
- (b) in any HR-2 or HR-1 zone: 60.0 square metres.

Accessory Structure Front and Flanking Yards

- 113 (1) Accessory structures shall meet the minimum front and flanking yard requirements for a main building in the same zone.
- (2) In the Waterfront (W) Special Area, accessory structures shall be located at least 9.5 metres from any streetline.

Accessory Structure Interior Setbacks

- 114 (1) Accessory structures shall be located at least 0.65 metres from any side or rear lot line, or 1.25 metres if used as a backyard suite.

- (2) In any zone other than an HR-2 or HR-1 zone, an accessory structure shall be located at least 3.1 metres from any interior lot line that abuts an HR-2, HR-1, ER-3, ER-2, ER-1, or MH zone.

Accessory Structure Separation Distances

- 115 An accessory structure shall be separated from any other structure by at least 1.3 metres, or 2.5 metres if used as a backyard suite.

Quonset Huts

- 116 Quonset huts are not permitted as accessory structures.

Shipping Containers

- 117 (1) Subject to Subsection 117(3), a shipping container shall not be used as an office or dwelling unit, including a backyard suite.
- (2) A shipping container shall not be used as an accessory structure.
- (3) Within the Waterfront (W) Special Area, a shipping container may only be used to contain an office use, retail use, restaurant use, or drinking establishment use.
- (4) A shipping container shall not:
- (a) be located within any required streetline yard, and shall not be located between any main building and any street; and
 - (b) if used for a non-recreational purpose, be located on a lot abutting an ER-3, ER-2, ER-1, MH, HR-2, HR-1, P, RPK, INS, UC, or H zone.

PART VI:
VIEW PLANES AND
WATERFRONT VIEW
CORRIDORS

Chapter 1: General View Plane and Waterfront View Corridor Requirements

General View Plane and View Corridor Requirements

- 118 (1) A development permit application for a development that, in the opinion of the Development Officer, will protrude into, abut, or be subject to a view plane, shall include plans, and any other information the Development Officer requires, to demonstrate that the development will not protrude into a view plane.
- (2) A development permit application for a development that, in the opinion of the Development Officer, will protrude into, abut, or be subject to a waterfront view corridor, shall include plans, and any other information the Development Officer requires, to demonstrate that the development will not protrude into the waterfront view corridor.
- (3) A development permit issued by the Development Officer may be revoked if, in the opinion of the Development Officer, the permit allows a development to protrude into a view plane or waterfront view corridor.

Chapter 2: View Planes

View Planes

- 119 (1) The Dartmouth view planes are as defined and shown on Schedule 11.
- (2) A structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a view plane.

Chapter 3: Waterfront View Corridors

Dartmouth Waterfront View Corridors

- 120 (1) The Dartmouth waterfront view corridors are as defined and shown on the following schedules:
- (a) Schedule 12: Best Street Waterfront View Corridor;
 - (b) Schedule 13: Mott Street Waterfront View Corridor;
 - (c) Schedule 14: Church Street Waterfront View Corridor;
 - (d) Schedule 15: North Street Waterfront View Corridor;
 - (e) Schedule 16: Ochterloney Street Waterfront View Corridor;
 - (f) Schedule 17: Queen Street Waterfront View Corridor;
 - (g) Schedule 18: Portland Street Waterfront View Corridor;
 - (h) Schedule 19: Prince Street Waterfront View Corridor;
 - (i) Schedule 20: Kings Wharf Place Waterfront View Corridor;
 - (i) Schedule 21: Canal Street Waterfront View Corridor;
 - (j) Schedule 22: Maitland Street Waterfront View Corridor;
 - (k) Schedule 23: Old Ferry Road Waterfront View Corridor; and
 - (l) Schedule 24: Parker Street Waterfront View Corridor.
- (2) A structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a waterfront view corridor, except:
- (a) public art;
 - (b) fountains and other landscaping elements; and
 - (c) sidewalk cafes.
- (3) Motor vehicle access is permitted within any waterfront view corridor.

PART VII: WIND ENERGY FACILITIES

Chapter 1: Wind Energy Facility Requirements

General Wind Energy Facility Requirements

- 121 (1) Wind energy facilities are not permitted in any RPK zone.
- (2) Wind energy facilities shall meet the watercourse buffer requirements of Section 69.

Wind Energy Overlay Zones

122 For the purposes of this Part, this By-law establishes the following wind energy overlay zones, with boundaries as shown on Schedule 26:

- (a) Urban Wind (UW-1) Zone; and
- (b) Restricted (R) Zone.

Urban Wind Zone (UW-1)

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

Restricted Zone (R)

124 Wind energy facilities are not permitted in the R zone.

Setback Exceptions

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

Chapter 2: Wind Energy Facility Permits

Permit Application Requirements

- 126 A wind energy facility development permit application shall include the following:
- (a) a description of the proposed wind energy facility, including an overview of the project and the total rated capacity of the proposed wind energy facility;
 - (b) the proposed number, representative types, and height or range of heights of wind turbine towers to be constructed, including their generating capacity, dimensions, manufacturers, and a description of accessory facilities;
 - (c) identification and location of the lots on which the proposed wind energy facility will be located;
 - (d) if required by the Development Officer, a survey prepared by a surveyor licensed in the Province of Nova Scotia, a surveyor's certificate, or a site plan showing the planned location of all wind turbine towers, lot lines, required setbacks and separation distances, existing and proposed structures, access roads, turn-around locations, substations, electrical cabling from the wind energy facility to substations, ancillary equipment, and transmission and distribution lines;
 - (e) if required by the Development Officer, proof that the following agencies have been notified of potential radio, telecommunications, radar, and seismoacoustic interference, as required by Transport Canada and the *Aeronautics Act*:
 - (i) Department of National Defense,
 - (ii) Nav Canada,
 - (iii) Natural Resources Canada, and
 - (iv) other applicable agencies;
 - (f) any other information the Development Officer requires to determine if the wind energy facility complies with this By-law.

Additional Permit Requirements

- 127 (1) A wind energy facility development permit application shall include copies of drawings, specifications, and calculations sealed and signed by a Professional Engineer, certifying that the wind turbine base, foundation, or guy-wired anchors required to maintain the structural stability of a wind turbine tower, if the wind turbine is:
- (a) not attached to a building and not connected to the power grid; or
 - (b) attached to an accessory structure larger than 20.0 square metres and not connected to the power grid.
- (2) At least 60 calendar days before submitting a development permit application, an applicant shall notify all assessed property owners within a corresponding distance from the lot on which any micro, small, medium, or large wind energy facility is proposed:

Table 5: Wind energy facility notification requirements

Wind energy facility size	Must notify all assessed property owners within:
Micro	140 metres
Small	360 metres
Medium	500 metres
Large	2,000 metres

- (3) The notice required in Subsection 127(2) shall include the following information:
- (a) a site plan that includes lot lines and the location of the proposed wind energy facility;
 - (b) a description of the type of wind energy facility being proposed; and
 - (c) the applicant's contact information, including postal and email addresses.
- (4) A wind energy development permit application shall include confirmation that the requirements of Subsection 127(2) have been met.

Installation and Design

- 128 (1) All electrical wires associated with a wind energy facility shall, to the maximum extent possible, be located underground.
- (2) The wind energy facility shall, at minimum:
- (a) be of a visually non-obtrusive colour, such as white, off-white, or gray;
 - (b) not be artificially lit, except to the extent required by the *Aeronautics Act* or by any other applicable authority that regulates air safety; and
 - (c) not display advertising, including flags, streamers, or decorative items, except to identify the wind turbine manufacturer, facility owner, and operator.

PART VIII: LANDSCAPING

Chapter 1: General Landscaping Requirements

General Landscaping Requirements

- 129 (1) Existing landscaping, such as trees and shrubs, may be counted toward the calculation of any landscaping requirements in this Part. To be counted, existing landscaping must:
- (a) be adequately protected from damage during development; and
 - (b) remain intact following the completion of a development project.
- (2) All required soft landscaping must be maintained in healthy condition. Any required soft landscaping that dies must be replaced within one year or at the beginning of the next growing season, whichever is sooner.
- (3) A minimum number of unique plant species is required, as follows:
- (a) If this Part requires the planting of at least 10 trees or shrubs, at least three different tree or shrub species are required; and
 - (b) If this Part requires the planting of at least 20 trees or shrubs, at least four different tree or shrub species are required.
- (4) All required landscaped areas, including buffers and the landscaped portions of any yard, shall not be used for storage, loading, unloading, or the movement or parking of motor vehicles.
- (5) Where a surface parking lot abuts a lot line, the following must be provided:
- (a) a 2.5-metre-wide strip of soft landscaping that includes at least 50% salt-tolerant groundcover plants;
 - (b) at least one shrub (at least 1.0 metre high) for every 2.0 linear metres of parking lot edge, or at least one tree (with a minimum base caliper of 50 millimetres) for every 4.5 linear metres of parking lot edge, or a combination thereof, which may be grouped;
 - (c) a decorative fence or wall, at least 0.5 metres high, along each parking lot edge that does not abut an HR-2, HR-1, ER-3, ER-2, ER-1, or MH zone;
 - (d) evergreen shrubs that form a continuous visual barrier or an opaque wood fence or masonry wall, at least 1.8 metres high, along each parking lot edge that abuts any HR-2, HR-1, ER-3, ER-2, ER-1, or MH zone; and
 - (e) openings in any required fence or wall as required to allow access to the parking lot.

- (6) Any area of a surface parking lot not used for parking or maneuvering must be landscaped. Within a surface parking lot, each row of at least 10 parking spaces must be capped with a raised, landscaped island at each end. Each island must be delineated with curbs and must contain at least two salt-tolerant trees (with a minimum base caliper of 50 millimetres). At least 50% of each island's ground area must be covered with soft landscaping consisting of salt-tolerant groundcover plants.
- (7) Excluding any hard-landscaped areas required in Section 130, at least 50% of the remaining required landscaping on a lot shall be soft landscaping. Soft-landscaped amenity areas may be counted toward this 50% requirement.
- (8) Where a main building is removed, except to create a parking lot or to erect a new main building, the resulting vacant lot must be maintained with soft landscaping until the lot is redeveloped.
- (9) Where an outdoor storage area or dealership abuts a lot in an HR-2, HR-1, ER-3, ER-2, ER-1, or MH zone, a 1.8-metre-high opaque barrier, consisting either of continuous evergreen shrubs, wood fencing, or a masonry wall, must be provided between the storage or display area and the abutting HR-2, HR-1, ER-3, ER-2, ER-1, or MH lot.
- (10) Any outdoor recreational space or play area associated with a residential day care must be screened from any abutting lot with an opaque fence at least 1.5 metres high.
- (11) Excluding low-density dwellings, any outdoor area used for solid waste management must be located in a side or rear yard and must be fully enclosed by an opaque fence or wall at least 2.0 metres high, except for an opening or gate required for access. Any such area must not be located within 3.5 metres of any lot line abutting a residential use (Diagram 4).

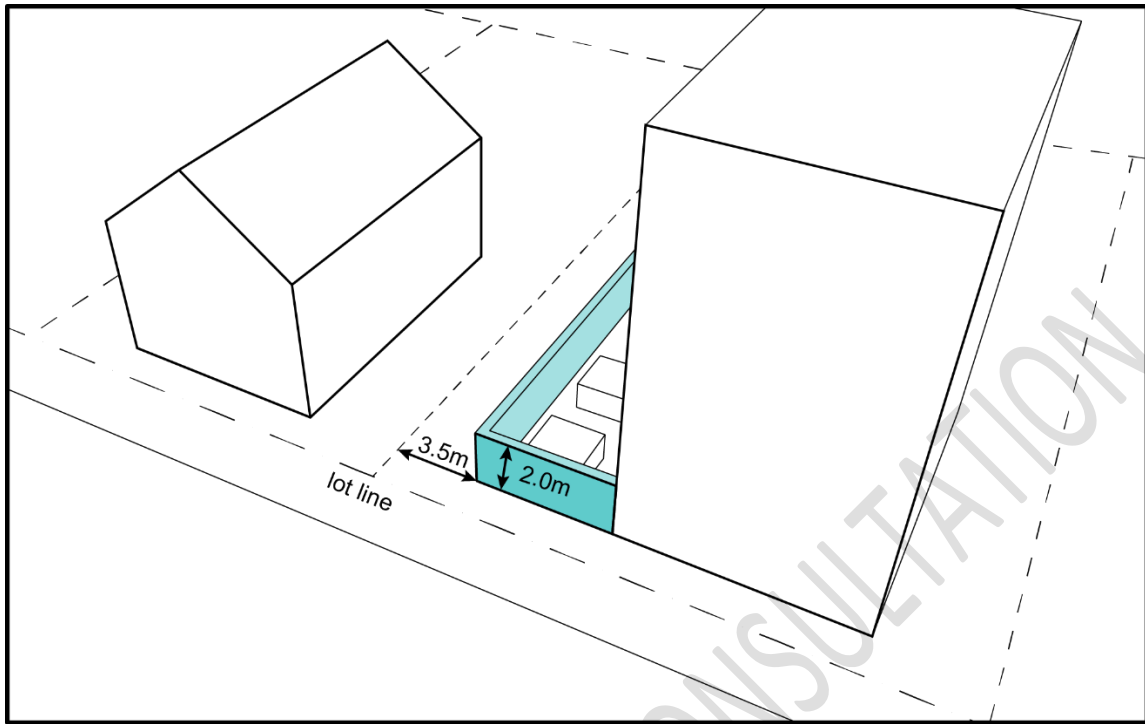


Diagram 4: Screening requirements for solid waste management areas, per Subsection 129(11).

- (12) Where a yard containing off-street loading space abuts an HR-2, HR-1, ER-3, ER-2, ER-1, MH, INS, UC, H, P, or RPK zone, a 1.8-metre-high opaque barrier, consisting either of continuous evergreen shrubs, wood fencing, or a masonry wall, must be provided between the off-street loading space and the abutting HR-2-, HR-1-, ER-3-, ER-2-, ER-1-, MH-, INS-, UC-, H-, P-, or RPK-zoned lot.
- (13) Any building with a flat roof, or a flat-roofed addition, which is not exempted from Site Plan Approval in Section 15, shall provide soft landscaping on at least 40% of the area of any flat roof, unless the flat roof is used for solar collectors. Soft landscaping on flat roofs must be provided in areas of at least 10.0 contiguous square meters and have at least one linear dimension exceeding 2.0 metres.

Chapter 2: Specific Landscaping Requirements

Specific Landscaping Requirements

- 130 (1) In any D zone, the following areas must be hard- or soft-landscaped:
- (a) 100% of any streetline yard, excluding permitted driveways, parking, walkways, wheelchair ramps, stairs, or accessory structures;
 - (b) Any side yards, except for permitted driveways, parking and loading areas, walkways, wheelchair ramps, stairs, or accessory structures; and
 - (c) At least 50% of any rear yards, except for permitted accessory structures.
- (2) In any COR, HR-2, or HR-1 zone, landscaping must be provided as follows:
- (a) At least 60% of any streetline yard must be soft-landscaped;
 - (b) Side yards must be hard- or soft-landscaped, except for permitted driveways, parking and loading areas, walkways, wheelchair ramps, stairs, or accessory structures; and
 - (c) At least 50% of any rear yards, except for permitted accessory structures, must be hard- or soft-landscaped.
- (3) In any D zone, streetline yards along any pedestrian-oriented commercial street shall be hard-landscaped in the same style and with similar materials as the abutting street.
- (4) Excluding low-density dwellings and buildings in any ER-3, ER-2, ER-1, or MH zone, rooftop landscaping does not need to be accessible to building occupants unless it is being provided to meet the requirements of Section 61.
- (5) In any D or COR zone, fences and masonry walls are prohibited along any streetline, excluding:
- (a) low-density dwellings;
 - (b) surface parking lots;
 - (c) grade-related units; and
 - (d) registered heritage properties.

Chapter 3: Landscaped Buffers

General Landscaped Buffer Requirements

- 131 (1) A landscaped buffer, where required in Table 6, shall be provided when a development abuts a different zone. The provided landscape buffer shall be either “L1” or “L2”, as shown in Table 6.
- (2) Any required landscape buffer shall be provided along each lot line that separates the development from the different zone.
- (3) Any required landscape buffer shall be at least 2.5 metres wide.

Table 6: Landscape buffer requirement

		Abutting zone					
		D	COR	HR-2, HR-1	ER-3, ER-2, ER-1, MH	INS, UC, H	P, RPK
Zone of development lot	D		L1	L1	L2		L1
	COR				L2		L1
	HR-2				L1		
	HR-1				L1		

- (4) No structures or parking areas are permitted within any required landscaped buffer.

L1 General Landscaped Buffer

- 132 (1) Any L1 landscaped buffer must contain:
- (a) at least one shrub (at least 1.0 metre high) for every 2.0 linear metres of buffer;
 - (b) at least one tree (with a minimum base caliper of 50 millimetres) for every 4.5 linear metres of buffer; or
 - (c) a combination of trees and shrubs, if the minimum requirements of either 132(1)(a) or 132(1)(b) are met.
- (2) Trees and shrubs in an L1 landscaped buffer may be grouped.

- (3) At least 50% of the L1 buffer ground area must be covered with salt-tolerant groundcover plants.

L2 Screen Landscaped Buffer

- 133 (1) Any L2 landscaped buffer must contain:
- (a) evergreen shrubs (at least 1.0 metre high) that form an opaque and continuous visual barrier; and
 - (b) at least one tree (with a minimum base caliper of 50 millimetres) for every 4.5 linear metres of buffer.
- (2) Where an L2 landscaped buffer abuts an HR-2, HR-1, ER-3, ER-2, ER-1, or MH zone, an opaque wood fence or masonry wall at least 1.8 metres high must also be provided.
- (3) Trees in an L2 landscaped buffer may be grouped.
- (4) An L2 buffer's remaining ground area must be covered with salt-tolerant groundcover plants.

Chapter 4: Landscaping Plan Requirements

Requirement to Submit a Landscape Plan

- 134 (1) When required in Section 17 or Appendix 3 (Wind Assessment Performance Standards), a development permit application must include a landscape plan prepared by a registered landscape architect.
- (2) The landscape plan must depict the design of all hard and soft landscaping in the development, and must contain:
- (a) the current and proposed site topography, including the location of any significant gradients;
 - (b) planting areas and details for all new vegetation and groundcover, including location, quantity, size, and names (common and botanical, including species and variety if known);
 - (c) soft landscaping on any flat roofs, as required by Subsection 129(13);
 - (d) protection measures, such as hoardings, for any existing landscaping that is to be maintained;
 - (e) construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
 - (f) manufacturers' specifications (such as model and colour) for all seating, light standards and fixtures, waste receptacles, bicycle racks, tree grates/guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management enclosures, railings, and fencing; and
 - (g) boundaries and access points for all publicly accessible space.
- (3) All soft landscaping specified in a landscape plan shall comply with the latest edition of the *Canadian Landscape Standard*.

Landscaping Required Before Occupancy

- 135 (1) Subject to Subsection 135(2), before being issued an occupancy permit, an applicant who is required by Section 17 to submit a landscape plan shall submit to the Development Officer a certification from a landscape architect that all landscaping has been completed according to the approved landscape plan.
- (2) If landscaping has not been completed, an occupancy permit may be issued if the applicant provides the Municipality with a security deposit in the amount of

110% of the estimated cost of completing the landscaping. This deposit must be provided in a form acceptable to the Municipality.

- (3) If the applicant does not complete the landscaping and landscape architect certification within one year of an occupancy permit being issued, the Municipality may use the security deposit to complete the landscaping according to the approved landscape plan. The applicant is responsible for all landscaping costs exceeding the value of the deposit. Upon completing the landscaping work and having it certified by a landscape architect, the Municipality will return any unused portion of the landscaping security deposit to the applicant.

PART IX: PARKING AND OFF-STREET LOADING

Chapter 1: Motor Vehicle Parking

General Motor Vehicle Parking Requirements

- 136 (1) Subsections 136(2) to 136(9) do not apply to parking spaces or parking lots associated with any:
- (a) low-density dwelling use;
 - (b) secondary suite or backyard suite use;
 - (c) mobile home use;
 - (d) bed and breakfast use;
 - (e) lodging use;
 - (f) home occupation use; or
 - (g) home office use.
- (2) All parking lots shall be:
- (a) surfaced with a hard material such as asphalt, concrete, or pavers; and
 - (b) delineated by concrete curbs, with all motor vehicle parking spaces and driving aisles clearly delineated.
- (3) Parking lots shall comply with the parking landscaping requirements of Part VIII.
- (4) The parking or storage of motor vehicles is prohibited in any driveway or driving aisle.
- (5) Pedestrian routes through motor vehicle parking areas shall be delineated with concrete walkways and painted crosswalks across every driveway and driving aisle. Pedestrian routes shall provide as direct a connection as possible between parking areas, building entrances, and the nearest street. Where a pedestrian route changes elevation, a curb cut or ramp shall be provided.
- (6) All unroofed motor vehicle parking areas shall provide areas designated for snow storage that do not replace a required parking space.
- (7) The design of parking lots shall meet the requirements of the Design Manual (Appendix 1).

Parking Space and Driving Aisle Dimensions

- 137 (1) Subject to Section 148, for any parking lot:
- (a) any required or provided motor vehicle parking space shall be at least 2.4 metres wide and 5.5 metres long; and
 - (b) in the case of parking parallel to an internal driveway, any required or provided motor vehicle parking space shall be at least 6.1 metres long.
- (2) Subject to Section 148, driveways and driving aisles between rows of motor vehicle parking spaces shall be 6.0 metres wide for two-way traffic, and 3.0 metres wide for one-way traffic.

Rounding Regulation

- 138 Where the calculation of any motor vehicle parking requirement results in a portion of a parking space, the fraction shall be rounded down to the nearest whole number.

Required Number of Motor Vehicle Parking Spaces

- 139 (1) Subject to Subsection 139(5), Table 7 sets out the minimum number of motor vehicle parking spaces required for each listed use. Where a use is not listed in Table 7, no minimum parking requirement applies.
- (2) In any D zone, any required or provided motor vehicle parking spaces shall be located internal to a building or underground, except for accessory surface parking lots as permitted in Section 145.
- (3) Excluding low-density and medium-density dwellings, where bicycle parking spaces are required in Section 152, 4 additional bicycle parking spaces of any type may be provided in substitution for one required motor vehicle parking space, up to a maximum of three required motor vehicle parking spaces.
- (4) Excluding low-density and medium-density dwellings, in addition to the substitution permitted in Subsection 139(3), enhanced bicycle parking may be substituted for one required motor vehicle parking space.
- (5) No motor vehicle parking spaces are required for any use contained in a registered heritage property or in a building located in a heritage conservation district.

Table 7: Required number of motor vehicle parking spaces, by zone and use

Use	D	COR	HR-2, HR-1
Single-unit dwelling; Semi-detached dwelling; Townhouse; Mobile home; Two-unit dwelling; Three-unit dwelling; Four-unit dwelling	Not required	Not required	Not required
Multi-unit dwelling; Grade-related unit	Not required	Not required	1 space for every 3 units
Secondary or backyard suite	Not required	Not required	Not required
Rooming house	Not required	Not required	1 space
Supportive housing	Not required	1 to 6 bedrooms: 1 space; 7 to 11 bedrooms: 2 spaces; More than 11 bedrooms: 1 space for every 2 bedrooms	1 to 6 bedrooms: 1 space; 7 to 11 bedrooms: 2 spaces; More than 11 bedrooms: 1 space for every 2 bedrooms
Emergency shelter	Not required	1 space	1 space
Day care	Not required	1 space	1 space
Bed and breakfast	Not required	1 space per guestroom	1 space per guestroom
Home office	Not required	Not required	Not required
Home occupation	Not required	Not required	Not required
Work-live unit	Not required	Not required	2 spaces for each work-live unit

Use	D	COR	HR-2, HR-1
Drinking establishment	Not required	Not required	1 space for every 35 sq. m GFA
Fitness centre	Not required	Not required	1 space for every 15 sq. m GFA
Hotel	Not required	1 space for every 3 guestrooms	1 space for every 3 guestrooms
Local commercial uses	Not required	Not required	Not required
Office; Financial institution	Not required	1 space for every 150 sq. m GFA	1 space for every 75 sq. m GFA
Restaurant	Not required	Not required	1 space for every 35 sq. m GFA
All other commercial uses	Not required	Not required	1 space for every 35 sq. m GFA
Minor spectator venue; Cultural uses	Not required	1 space for every 10 seats or 1 space for every 100 sq. m GFA, whichever is less	1 space for every 10 seats or 1 space for every 100 sq. m GFA, whichever is less
Hospital; Medical clinic	Not required	Not required	1 space for every 100 sq. m GFA
Religious institution	Not required	1 space for every 100 sq. m GFA	1 space for every 100 sq. m GFA
School	Not required	1 space for every classroom	1 space for every classroom
Major spectator venue	Not required	1 space for every 10 seats	1 space for every 10 seats

Use	D	COR	HR-2, HR-1
University or college	Not required	Not required	3 spaces for every classroom
Industrial uses	N/A	N/A	N/A
Community recreation	Not required	Not required	Not required
All other recreation uses	Not required	1 space for every 400 sq. m lot area	1 space for every 400 sq. m lot area

Required Parking to be Provided On-Site

140 Required parking shall be located on the same lot as the use it is intended to serve.

Parking in Streetline Setbacks

141 For low-density dwellings, a maximum of 40% of the width of any streetline yard may be used for the parking and maneuvering of motor vehicles.

Car Sharing

142 Any required or provided motor vehicle parking space may be used as a car sharing space.

Parking Structures

- 143 (1) All parking spaces associated with a parking structure shall be located inside or on the roof of the parking structure.
- (2) Except where associated with a hotel use, the provision of a parking structure and an accessory surface parking lot on the same lot is prohibited.
- (3) Where any portion of a parking structure roof is not used for parking, it shall be landscaped if required in Section 130.
- (4) All parking structures must meet the requirements of the Design Manual.

Surface Parking Lots

144 Subject to Sections 145 and 146, surface parking lots are prohibited in all zones.

Accessory Surface Parking Lots: D Zones

- 145 (1) Accessory surface parking lots are permitted in any D zone.
- (2) In addition to any area required for driveways and driving aisles, accessory surface parking lots in any D zone shall not exceed:
- (a) for a grocery store use: 80 parking spaces; or
 - (b) for any other use:
 - (i) on properties of 200 square metres or less: 2 parking spaces,
 - (ii) on properties of between 200 square metres and 6,300 square metres: two parking spaces plus one additional space for every 350 square metres of lot area, or
 - (ii) on properties of 6,300 square metres or more: 20 parking spaces.

Accessory Surface Parking Lots: All Other Zones

- 146 Accessory surface parking lots are permitted in any COR, HR-2, and HR-1 zones, within side and rear yards and internal courtyards only.

Electric Vehicle Charging Stations

- 147 Electric vehicle charging stations are permitted in all parking areas.

Automated and Autonomous Vehicle Parking

- 148 (1) Motor vehicle parking space, driveway, and driving aisle dimension requirements do not apply where an automated vehicle parking system is used, or in any parking area reserved for use by autonomous vehicles.
- (2) An automated vehicle parking system shall be located internal to a building or in a parking structure.

Chapter 2: Bicycle Parking

Bicycle Parking Exemptions

149 Bicycle parking is not required for any of the following uses:

- (a) low-density dwelling;
- (b) secondary or backyard suite;
- (c) bed and breakfast;
- (d) home occupation;
- (e) home office;
- (f) work-live unit;
- (g) car wash;
- (h) self-storage facility;
- (i) urban agriculture use;
- (j) cemetery;
- (k) water access use; and
- (l) accessory structure or accessory use.

General Bicycle Parking Requirements

- 150
- (1) If bicycle parking is not visible from the street, wayfinding signage shall be posted, in a location visible from the building's primary entrance, to indicate where the bicycle parking is located.
 - (2) Where a lot abuts a designated cycling thoroughfare such as a bicycle lane, bicycle route, or bikeway, access to all bicycle parking shall be provided from a streetline that abuts the cycling thoroughfare.
 - (3) All bicycle parking shall be constructed from galvanized steel or stainless steel, and designed to be tamper-resistant. All bicycle racks and bicycle lockers shall be firmly secured to the ground, floor, or wall.
 - (4) All bicycle parking shall be located on a hard surface and in a well-lit area.

- (5) All bicycle parking shall be:
 - (a) located at ground level;
 - (b) accessible from ground level with ramps; or
 - (c) accessible from ground level by elevator.
- (6) All bicycle parking shall provide two points of contact between each bicycle and rack, and be designed so that each bicycle is individually supported and lockable.

Rounding Regulation

- 151 Where the calculation of any bicycle parking requirement results in a portion of a bicycle parking space, the fraction shall be rounded down to the nearest whole number.

Required Number of Bicycle Parking Spaces

- 152 Table 8 sets out the bicycle parking space requirements that shall apply for each use listed. The “Type” column specifies which types of bicycle parking shall be provided, as described in Sections 153 and 154

Table 8: Required number of bicycle parking spaces, by zone and use

Use	General requirement	Type (Class A or Class B bicycle parking)	Minimum requirement for Class B bicycle parking	Maximum requirement
Multi-unit dwelling; Grade-related unit	1 space for every 2 units	80% Class A 20% Class B	4 spaces	N/A
Hotel	1 space for every 20 guestrooms	80% Class A 20% Class B	2 spaces	N/A
Retail uses; Service uses; Grocery store; Restaurant	1 space for every 300 sq. m GFA	20% Class A 80% Class B	2 spaces	N/A
Financial institution; Office; Hospital; Medical clinic; Religious institution	1 space for every 500 sq. m GFA	50% Class A 50% Class B	2 spaces	N/A
Cultural use; Minor spectator venue; Major spectator venue	1 space for every 20 seats or 1 space for every 250 sq. m GFA, whichever is less	20% Class A 80% Class B	2 spaces	50 spaces
School; University or college	1 space for every 150 sq. m GFA	20% Class A 80% Class B	10 spaces	N/A
Club recreation; Community recreation (indoor facilities)	10 spaces if less than 500 sq. m GFA; 20 spaces for larger facilities	20% Class A 80% Class B	N/A	N/A
Community recreation (outdoor facilities)	1 space for every 1,250 sq. m lot area	100% Class B	10 spaces	N/A
Commercial parking structure	1 space for every 20 motor vehicle parking spaces	100% Class B	2 spaces	50 spaces
Any other use that is not specified above in this Table or is not exempted from bicycle parking requirements in Section 165	1 space for every 500 sq. m GFA	50% Class A 50% Class B	2 spaces	N/A

Class A Bicycle Parking Requirements

- 153 (1) Class A bicycle parking types permitted are:
- (a) within a bicycle room, within a roofed bicycle cage, or within a covered parking structure area reserved for bicycles:
 - (i) inverted-U that is at least 0.90 metres high,
 - (ii) post-and-ring that is at least 0.90 metres high,
 - (iii) wheelwell-secured,
 - (iv) vertical racks that are wall-mounted, not exceeding 75% of the total number of required Class A bicycle parking spaces, and
 - (v) two-tier racks with a lift-assist; and
 - (b) standalone: bicycle lockers.
- (2) Any bicycle room, bicycle cage, or parking structure area reserved for bicycles shall be access-controlled.
- (3) The walking distance from any Class A bicycle parking to the nearest occupant-accessible building entrance shall not exceed 200 metres.

Class B Bicycle Parking Requirements

- 154 (1) Class B bicycle parking types permitted are:
- (a) inverted-U that is at least 0.90 m high; and
 - (b) post-and-ring that is at least 0.90 metres high.
- (2) Class B bicycle parking shall be accessible to visitors, and visible from the street.
- (3) The walking distance from any Class B bicycle parking to the nearest visitor-accessible building entrance shall not exceed:
- (a) 15 metres for unsheltered bicycle parking; or
 - (b) 30 metres for sheltered bicycle parking.
- (4) On lots where lot coverage exceeds 90%, or where it is otherwise impractical to provide Class B bicycle parking spaces on-site, the applicant may propose to install the required Class B bicycle parking spaces on adjacent public property.

Bicycle Parking Geometric Requirements

- 155 (1) Subsections 155(2) to 155(5) describe the minimum geometric requirements for all required bicycle parking spaces.
- (2) Bicycle parking racks are prohibited within 2.5 metres of any building entrance or loading area.
- (3) Racks shall be spaced:
- (a) at least 0.9 metres apart in the direction parallel to a bicycle's handlebars; and
 - (b) at least 1.8 metres apart in the direction perpendicular to a bicycle's handlebars.
- (4) A 1.5-metre-wide clear aisle shall be provided between rows of bicycles, based on a typical bicycle length of 1.8 metres.
- (5) Excluding wall-mounted racks, a space of 0.6 metres shall be provided between racks and any obstruction, on all sides.

Chapter 3: Off-Street Loading

Off-Street Loading Space

- 156 (1) In any D or COR zone, an off-street loading space shall be required for specific uses as follows, in addition to any required parking spaces:

Table 9: Off-street loading space requirements

Use	Minimum area for off-street loading space
Residential, more than 40 units	30 sq. m
Commercial, 1,000 to 2,500 sq. m GFA	30 sq. m
Commercial, more than 2,500 sq. m GFA	60 sq. m

- (2) Any required or provided off-street loading space shall be located on the same lot as the use it is intended to serve.
- (3) Any required off-street loading space shall not be shared between uses.
- (4) Any required or provided off-street loading space shall be surfaced with a hard material such as asphalt, concrete, or pavers, and delineated by concrete curbs or painted lines.
- (5) Any required or provided off-street loading space shall be located:
- (a) internal to a building;
 - (b) in a parking structure; or
 - (c) in any area of a lot where an accessory surface parking lot is permitted in Sections 145 and 146.
- (6) Where required or provided off-street loading space is located internal to a building, a maximum of one primary access is permitted.
- (7) The landscaping and screening requirements for required and provided off-street loading spaces are provided in Part VIII.

PART X: SIGNS

Chapter 1: General Signage Requirements

Sign Permit Exemptions

- 157 The following signs are exempt from the requirement for a development permit, if the requirements for the exemption are met:
- (a) signs giving the name of a building or its civic address;
 - (b) signs regulating activities that are not related to traffic, such as “No Trespassing” or “Beware of Dog” signs, if the sign does not exceed 0.2 square metres in area;
 - (c) signs that pertain to the sale, rental, or lease of real property on a lot where the sign is displayed, if the signs:
 - (i) are non-illuminated,
 - (ii) do not exceed 2.0 square metres in area,
 - (iii) are removed within 14 days following the sale, rental, or lease, and
 - (iv) are limited in number to a maximum of one sign for every side of the lot that fronts on a street;
 - (d) signs regulating traffic on a lot, including directional, wayfinding, and drive-through signage, if the sign does not exceed 0.5 square metres in area;
 - (e) signs erected by any government;
 - (f) signs are interior to a structure;
 - (g) commemorative signs;
 - (h) 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;
 - (i) one internally illuminated menu-box sign per restaurant, if the sign:
 - (i) is located within 2 metres of the entrance of the restaurant,
 - (ii) does not exceed 0.4 square metres in area (measured from the outside of the box), and
 - (iii) does not project more than 0.1 metre from the wall on which it is affixed;

- (j) signs for any of the following uses:
 - (i) home occupations,
 - (ii) sale of urban agricultural products as an accessory use,
 - (iii) fabrication uses, and
 - (iv) urban farms;
- (k) the replacement of a sign face in the exact same size and location; and
- (l) the repainting or refinishing of an existing sign using the same colour and finish.

Temporary Sign By-law

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

Prohibited Signs

159 The following signs are prohibited in all zones:

- (a) signs that create a hazard to public safety;
- (b) signs that 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;
- (c) signs that obscure or interfere with any traffic control sign or device;
- (d) signs that obscure or interfere with any warning or instructional sign;
- (e) signs that obstruct or interfere with any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
- (f) signs that obstruct access to any fire hydrant or firefighting hose connection;
- (g) signs that resemble the traffic control signs of any public authority, in shape, colour, message, symbol, or location;
- (h) signs that advertise a product or service that is no longer available on the premises, or a business that is no longer in operation, except for signs on a registered heritage property;
- (i) signs on public property, unless erected by a government;
- (j) signs located on the roof of any structure;
- (k) signs that project above a roof edge or streetwall setback;
- (l) signs affixed to or painted on natural objects such as trees or boulders;
- (m) signs that use fluorescent colours, except for neon gas tubing;

- (n) internally-illuminated fascia signs, except for:
 - (i) neon gas tubing,
 - (ii) open or exposed neon gas tubing channel letters and characters,
 - (iii) back-lit, individually raised profile letters and characters with LED illumination,
 - (iv) back-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;
- (o) internally-illuminated awning signs;
- (p) signs that incorporate a strobe light or flashing light;
- (q) signs that interfere with any utility, conduit, or line used for water, sewage, gas, electricity, or communication; and
- (r) canopy or awning signs made of stretch skin plastics.

Encroachment License

- 160 If a sign will project over any portion of a street, a development permit for the sign shall not be issued until the applicant obtains approval to encroach on the street under HRM By-law E-200, the *Encroachment By-law*.

Illuminated Signs

- 161 (1) Illuminated signs shall not be directed towards abutting lots.
- (2) Illuminated signs shall meet the requirements of the *Variable Message Sign Application Guidelines for Halifax*, as amended from time to time.

Signs on Registered Heritage Properties and Lots in a Heritage Conservation District

- 162 Signs on a registered heritage property, or on a lot in a heritage conservation district, shall meet the requirements of the Design Manual (Appendix 1).

Chapter 2: Signage Requirements for D, COR, HR-2, and HR-1 zones

Fascia Signs

- 163 (1) In any D, COR, HR-2, or HR-1 zone, a fascia sign shall not extend beyond the edges of any wall to which it is affixed.
- (2) The combined area of all fascia signs on a building wall shall not exceed 10% of the total wall area.

Window and Door Signs

- 164 In any D, COR, HR-2, or HR-1 zone, the combined area of all window or door signs shall not exceed 25% of the total glass area of any window or door to which they are affixed.

Ground Signs

- 165 In any D, COR, HR-2, or HR-1 zone, the maximum height of a ground sign, from the streetline grade to the highest part of the sign structure, is 4.6 metres.

Projecting Signs

- 166 (1) In any D, COR, HR-2, or HR-1 zone, projecting signs shall:
- (a) be separated from other projecting signs on the same lot by at least 2.5 metres;
 - (b) be set back at least 1.25 metres from any interior lot line; and
 - (c) not exceed 2.0 square metres in area, per sign.
- (2) Subject to Subsection 166(3), only one projecting sign is permitted per business.
- (3) Where a business has frontage on more than one street, one additional projecting sign is permitted per additional business frontage that has access to a streetline. Each projecting sign shall be located on a separate street frontage.

Abutting Zone Requirements

167 Where a lot zoned D, COR, HR-2, or HR-1 abuts a lot zoned ER-3, ER-2, ER-1, MH, P, or RPK, the following requirements shall apply:

- (a) subject to Clause 167(b), all signs shall be set back at least 3.0 metres from the abutting lot line; and
- (b) all illuminated signs shall be set back at least 10.0 metres from the abutting lot line.

Signs for Work-Live Units

168 In any D, COR, HR-2, or HR-1 zone, one non-illuminated fascia sign, not exceeding 3.0 square metres in area, is permitted in association with the commercial component of a work-live unit.

Billboards

169 Billboards are prohibited.

PART XI: INCENTIVE OR BONUS ZONING

Chapter 1: Incentive or Bonus Zoning Regulations

Requirement to Provide a Public Benefit for Incentive or Bonus Zoning

- 170 (1) The applicant shall provide a public benefit if a development in any D, COR, HR-2, or HR-1 zone exceeds a floor area of 2,000 square metres.
- (2) Where required in Subsection 170(1) to provide a public benefit, the applicant shall enter into an incentive or bonus zoning agreement before the Development Officer may issue a development permit.

Requirements for a Development Exceeding 2,000 Square Metres (D, COR, HR-2, and HR-1 zones)

- 171 (1) In any D, COR, HR-2, or HR-1 zone, the public benefit value shall be calculated by multiplying Factor #1 by Factor #2 by Factor #3, where:
- (a) Factor #1 is the floor area (in square metres) that exceeds 2,000 square metres;
 - (b) Factor #2 is 0.20;
 - (c) Factor #3 is a bonus rate, in dollars per square metre, as specified in Section 193.
- (2) The amount of the public benefit shall be equal to the amount resulting from the calculation in Subsection 171(1).

Deadline to Complete Public Benefit

- 172 Any required public benefit shall be confirmed to be complete, by the applicant, by the earlier of:
- (a) the date an occupancy permit is issued; or
 - (b) the deadline specified under the incentive or bonus zoning agreement.

Density Bonus Rates

- 173 (1) As shown on Schedule 25, the Regional Centre shall be divided into bonus rate districts for the purposes of calculating the public benefit for incentive or bonus zoning.
- (2) Table 10 contains bonus rates, as of October 2015, for each bonus rate district identified on Schedule 25.

Table 10: Density bonus rates and districts

Bonus rate district #	Name of bonus rate district	Average market land value, 2015 (\$/square metre)	Bonus rate, 2015 (\$/square metre)
1	South End Halifax (including Downtown Halifax)	\$400	\$268
2	Cogswell Redevelopment Lands	\$400	\$268
3	North End Halifax	\$260	\$174
4	Shannon Park	\$220	\$147
5	North Dartmouth	\$80	\$54
6	Downtown Dartmouth + Mic Mac/Penhorn	\$240	\$161
7	Woodside	\$80	\$54

- (3) The bonus rates in Table 10 shall be adjusted in accordance with Section 174.

Bonus Rate Adjustments

- 174 (1) Subject to Subsection 174(2), before being used to calculate a required public benefit, the bonus rates specified in Table 10 shall be adjusted in accordance with changes to the *Halifax All-Items Consumer Price Index* in Statistics Canada CANSIM Table 326-0021. Rates must be adjusted using the methodology specified in Statistics Canada publication no. 62-557-XPB, *Your Guide to the Consumer Price Index*, under “Using the CPI to Adjust Payments”.
- (2) If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change or increase in the bonus rates for that year.

Proposal for Required Public Benefits

- 175 (1) An applicant who is required to provide a public benefit shall submit a Bonus Calculation and Public Benefits Proposal, in the form of Appendix 2, to the Development Officer.
- (2) The Development Officer may reject the applicant’s proposal for any required public benefit.

Minimum Affordability Period

- 176 Where provided as a public benefit, affordable housing units and leased affordable community or cultural indoor space shall meet the requirements of this Part for an affordability period of at least 240 months, beginning on the later of:
- (a) the date on the occupancy permit for the portion of the building containing an affordable housing unit or an affordable community or cultural indoor space; or
 - (b) the initial occupancy date indicated in a signed lease for an affordable housing unit or an affordable community or cultural indoor space.

Public Benefit Categories

- 177 Subject to Subsection 178(1), an applicant who is required to provide a public benefit shall provide one or a combination of the following:
- (a) affordable housing units;
 - (b) conservation of a registered heritage building;
 - (c) publicly accessible space;
 - (d) affordable community or cultural indoor space;
 - (e) public art; or
 - (f) cash-in-lieu, where the Municipality agrees to allocate the cash-in-lieu to one or more public benefits identified in Clauses 177(a) to 177(e) within the lands shown on Schedule 1.

Public Benefit Requirements: Affordable Housing Units

- 178 (1) Except on a registered heritage property, at least 75% of the total value of a required public benefit shall be allocated to affordable housing units in the development. Cash-in-lieu may only be accepted if:
- (a) the development does not include a residential component; or
 - (b) the value of the contribution required in Subsection 178(1) is less than one affordable housing unit for duration of the affordability period required in Section 176.
- (2) Cash-in-lieu for affordable housing units, where permitted in Subsection 178(1), shall be allocated within the lands shown on Schedule 1, and shall be allocated:
- (a) to the rehabilitation of existing affordable housing units provided by a not-for-profit or registered Canadian charitable organization;
 - (b) to the construction of new affordable housing units by a not-for-profit or registered Canadian charitable organization;
 - (c) in accordance with a housing agreement permitted in Clause 73(b) of the *Halifax Regional Municipality Charter*; or
 - (d) any combination of Clauses 178(2)(a) to 178(2)(c).

- (3) Where required or provided as a public benefit, affordable housing units shall:
- (a) be located on the site of the development;
 - (b) be dispersed throughout the development;
 - (c) be indistinguishable in design, size, and appearance to other units within the development; and
 - (d) contain one or more bedrooms.
- (4) The number of affordable housing units to be provided is calculated by:
- (a) Dividing the public benefit value allocated to affordable housing units by the minimum affordability period (in months) specified in Section 176;
 - (b) Dividing the result of Clause 178(4)(a) by the average residential market rent; and
 - (c) Dividing the result of Clause 178(4)(b) by 0.40.
- (5) Subject to Subsection 178(6), if an affordable housing unit tenant no longer meets the requirements of the initial household income limit, the affordable housing unit provider shall, within 12 months, transfer the affordable housing unit benefit to another unit of the same type.
- (6) If no units are available to satisfy the requirements of Subsection 178(5), the affordable housing unit provider shall pay to the Municipality cash-in-lieu equivalent to the remainder of the public benefit for the unit's affordability period.

Public Benefit Requirements: Conservation of a Registered Heritage Building

- 179 (1) Where provided as a public benefit, conservation of a registered heritage building shall occur on the site of the development.
- (2) Conservation of a registered heritage building shall be completed in accordance with the Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Public Benefit Requirements: Publicly Accessible Space

180 Where provided as a public benefit, publicly accessible space shall:

- (a) be located on the site of the development;
- (b) registered as a publicly accessible easement; and
- (c) be provided in addition to any amenity space or landscaping required in this By-law.

Public Benefit Requirements: Affordable Community or Cultural Indoor Space

- 181 (1) Where provided as a public benefit, affordable community or cultural indoor space shall be located on the site of the development.
- (2) The amount of affordable community or cultural indoor space, in square metres, to be provided is calculated by:
- (a) Dividing the public benefit value allocated to affordable community or cultural indoor space by the minimum affordability period (in months) specified in Section 176;
 - (b) Dividing the result of Clause 181(2)(a) by the average monthly commercial market rent per square metre for equivalent commercial space; and
 - (c) Dividing the result of Clause 181(2)(b) by 0.40.

Public Benefit Requirements: Public Art

182 Where provided as a public benefit, public art shall:

- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
- (b) meet the requirements of HRM's *Public Art Policy* and an approved public art plan; and
- (c) have a minimum value of \$50,000.

Incentive or Bonus Zoning Agreement

- 183 (1) An incentive or bonus zoning agreement shall contain terms respecting:
- (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, and cost estimates for any required or provided public benefit;
 - (d) the identification of any required process or conditions for the supervision and acceptance of any required or proposed public benefit, before it is accepted by the Municipality;
 - (e) where appropriate or required, provisions for the auditing and annual reporting of public benefits;
 - (f) where permitted, provisions for the acceptance of cash-in-lieu; and
 - (g) any other terms or conditions the Municipality requires.
- (2) In addition to the terms required in Subsection 183(1), an incentive or bonus zoning agreement respecting affordable housing units shall also contain terms specifying:
- (a) that the affordable housing units shall only be leased to tenants whose household income is less than the initial household income limit when a lease is signed;
 - (b) that the tenants shall be informed of the reporting requirements and that the consent of the tenant shall be obtained consenting to the disclosure of such information as may be required by the Municipality, including any requirement relating to income;
 - (c) that the provider shall not impose on affordable housing unit tenants any mandatory fees other than rent;
 - (d) that affordable housing unit rent shall increase by no more than the change in the *Halifax All-Items Consumer Price Index* each year;

- (e) that where an affordable housing tenant no longer meets the requirements of the initial household income limit, the developer may:
 - (i) provide another unit of the same unit type at the 40% average residential market value within 12 months; or
 - (ii) pay to the Municipality cash-in-lieu for the remainder of the public benefit for that unit for the remainder of the affordability term;
 - (f) that the provider agrees to submit household incomes for tenants, at the time of first occupancy of affordable rental units under any incentive or bonus zoning agreement, to the Municipality or a designated third party;
 - (g) that the provider agrees to submit an annual report on the designated affordable rental units, including a list of the occupants and the unit size, to the Municipality or a designated third party;
 - (h) that the provider agrees to notify the Municipality or a designated third party of any change in unit tenancy; and
 - (i) that the provider agrees to increase rents only based on the *Consumer Price Index for Halifax*.
- (3) In addition to the terms required in Subsection 183(1), an incentive or bonus zoning agreement respecting an affordable community or cultural indoor space public benefit shall also contain terms specifying:
- (a) that the affordable community or cultural indoor space shall only be leased to a non-profit organization or registered Canadian charitable organization;
 - (b) that the tenants shall be informed of the reporting requirements and that the consent of the tenant be obtained consenting to the disclosure of such information as may be required by the Municipality; and
 - (c) that the rent not increase by more than the change in the *Halifax All-Items Consumer Price Index* each year.
- (4) In addition to the terms required in Subsection 183(1), an incentive or bonus zoning agreement respecting the conservation of a registered heritage property shall also contain terms specifying:

- (a) that the owner agrees that, without the approval of the Municipality, the registered heritage property shall not be altered or demolished under section 18 of the *Heritage Property Act*, and that a waiver to this effect be registered on title of the property; and
 - (b) that any new construction or additions on the property conform to the requirements of the Design Manual, and to the *Standards and Guidelines for the Conservation of Historic Places in Canada*.
- (5) Subject to Subsections 183(3) and 183(4) and in accordance with Section 31A of the *Halifax Regional Municipality charter*, Council delegates to the Development Officer the authority to enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality.
- (6) In accordance with Section 31A(5) of the *Halifax Regional Municipality Charter*, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
- (7) In accordance with Section 31A(4) of the *Halifax Regional Municipality Charter*, an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, entered into by the Development Officer must be signed by the Mayor and the Municipal Clerk, on behalf of the Municipality.

PART XII: DEVELOPMENT AGREEMENTS

Chapter 1: Development Agreement Regulations

Uses Permitted by Development Agreement on a Registered Heritage Property

- 184 Uses other than those permitted in Table 1 may only be permitted on registered heritage properties by development agreement in accordance with the *Regional Centre Secondary Municipal Planning Strategy*.

Development on Lots Larger than One Hectare in D, COR, HR-2, and HR-1 Zones

- 185 Development on lots larger than 1.0 hectare in a D, COR, HR-2, or HR-1 zone may only be permitted by development agreement in accordance with the *Regional Centre Secondary Municipal Planning Strategy*.

Expansion of Non-Conforming Uses

- 186 Any expansion of a non-conforming use, beyond what is enabled under the *Halifax Regional Municipality Charter*, may only be permitted by development agreement in accordance with the *Regional Centre Secondary Municipal Planning Strategy*.

Conversion to Less Intensive Non-Conforming Uses

- 187 The conversion of a non-conforming use to a less intensive non-conforming use may only be permitted by development agreement in accordance with the *Regional Centre Secondary Municipal Planning Strategy*.

Development Agreements for King's Wharf

- 188 Development in the King's Wharf (KW) Special Area may only be permitted by development agreement in accordance with the *Regional Centre Secondary Municipal Planning Strategy*.

PART XIII: DEFINITIONS

Chapter 1: Definitions

189 This By-law uses the following definitions:

- (1) **Accessory Structure** means a structure that is:
 - (a) subordinate, incidental, and devoted to a main use or structure;
 - (b) not attached to any main structure; and
 - (c) not used for human habitation, except if used as a backyard suite.
- (2) **Accessory Surface Parking Lot** means a parking lot, not contained within a structure, that supports the main use of a lot.
- (3) **Accessory Use** means a use that is subordinate, incidental, and devoted to a main use on a lot. For example, coffee roasting is an accessory use to the permitted retail sale of coffee beans.
- (4) **Adult Cabaret** means premises where a person feels, handles, touches, paints, dances, is in the presence of, or is entertained by another person's nude body, or observes, views, or photographs any such activity. This definition excludes plays, dramas, ballets, and classes in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishment, where nudity is used as a form of expression of opinion or in the communication of ideas or information.
- (5) **Adult Entertainment Use** means premises providing services or entertainment primarily intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours.
- (6) **Adult Theatre** means premises where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence, which are either unrated or have been classified as A (Adult) by the provincial film rating agency or its designate.
- (7) **Affordable Community or Cultural Indoor Space** means premises provided for registered not-for-profit cultural organizations and services, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural presentation spaces, day cares, and other social services. Where leased to tenants, rent, heat, and hot water must be at or below 60% of average market rents for equivalent commercial space.

- (8) **Affordable Housing** means rental housing where housing costs are at or below 60% of average market rents for similar units, and are leased to low- and moderate-income households that meet the initial household income limit.
- (9) **Affordability Period** means the minimum period of time for which affordable housing or affordable community or cultural indoor space will have a rent reduction as required by Part XI.
- (10) **Alter** means to make any change in the shape or materials of a structure, or the size of any use or structure.
- (11) **Amenity Space** means non-commercial indoor or outdoor space designed for private or shared use by a building's occupants, such as private balconies, private grade-related unit patios, private courtyards, planters and plots for gardening, rooftop barbeque areas, swimming pools, fitness rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, workshops, greenhouses, saunas, meeting rooms, and outdoor landscaped areas for use by building occupants.
- (12) **Animal Hospital** means any premises designed or used for the care, observation, treatment, or shelter of ill, injured, stray, or abandoned animals.
- (13) **Applicant** means any person or entity applying for a permit, variance, or site plan approval.
- (14) **Archives** means premises where historical documents, records, and artifacts are stored.
- (15) **Assembly** means, as an industrial use, the fitting or joining together of parts of an item by means of fasteners, nuts, bolts, screws, glue, welding, or other similar techniques.
- (16) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.
- (17) **Average Monthly Commercial Market Rent** means the average monthly rent, per square metre, for comparable Class A, B, or C commercial space as determined in an annual HRM-wide survey of commercial rents in the previous calendar year.
- (18) **Average Finished Grade** means the average finished elevation of the ground abutting a wall of a structure, around the perimeter of the structure.

- (19) **Average Residential Market Rent** means the average monthly rent for the most recently constructed residential units, by unit type, as determined in an annual HRM-wide fall survey of residential rents in the previous calendar year, as published by the Canadian Mortgage and Housing Corporation (CMHC) or as determined by the Municipality.
- (20) **Awning** means a textile hood or cover that projects from the wall of a building.
- (21) **Awning Sign** means a sign incorporated into an awning (Diagram 5).
- (22) **Backyard Suite Use** means a self-contained dwelling unit that is located within an accessory structure.
- (23) **Banner Sign** means a non-rigid sign made of cloth, canvas, plastic, or other lightweight, non-rigid material.
- (24) **Bed and Breakfast Use** means temporary overnight accommodations provided by a dwelling owner to the traveling public, and which includes the provision of meals.
- (25) **Billboard** means a sign that does not relate to a use on the lot on which it is located.
- (26) **Boathouse** means a structure that:
- (a) is roofed;
 - (b) does not contain a toilet, bathroom, kitchen, or sleeping facilities; and
 - (c) 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.
- (27) **Broadcast Use** means commercial and public communication uses such as radio and television broadcasting, receiving stations, and recording and production studios.
- (28) **Building Depth** means the distance between the outermost edges of the wall facing the front lot line and the furthest portion of the building's outermost edge that is furthest away from the front lot line.
- (29) **Building Face** means any portion of a structure's façade that is separated from other portions of the same façade by recesses or offsets at least 0.5 metres deep.

- (30) **Building Height** means the vertical distance between the average finished grade around the perimeter of a structure, and the structure's highest point.
- (31) **Building Width** means the distance between the outermost edges of two building walls:
- (a) facing two side lot lines;
 - (b) facing a side and flanking lot line; or
 - (c) between two flanking lot lines;
- but excludes any flanking lot line that is opposite the front lot line on the through lot.
- (32) **Butcher Shop** means retail premises that sell meat and poultry products, where the processing of meat is limited to making cuts from pre-processed carcasses.
- (33) **C&D Materials Disposal Site Use** means premises where C&D materials, or residue from C&D processing facilities, are disposed of by land application or burying, excluding the use of inert C&D materials, where approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.
- (34) **C&D Materials Processing Facility Use** means premises used to sort, alter, grind, or otherwise process C&D materials for reuse or recycling into new products, excluding:
- (a) the retail of used building materials;
 - (b) the processing of inert C&D materials on the site of generation, where the processed material does not leave the site except for inert C&D materials described in subsection 9(3) of HRM *C&D License By-law* (L-200 and L-201);
 - (c) the de-construction of a building on site;
 - (d) a municipal processing facility for used asphalt and concrete;
 - (e) facilities associated with the reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia; or
 - (f) forestry manufacturing processes.
- (35) **C&D Materials Transfer Station Use** means premises at which C&D materials are received and sorted for subsequent transport to a C&D disposal site or a C&D processing facility.

- (36) **Canadian Geodetic Vertical Datum 2013 (CGVD2013)** means the vertical datum for Canada officially released by Natural Resources Canada (NRCan) in November 2013, or any later edition that may be released or adopted, which is a gravimetric datum defined by the equipotential surface $W_0 = 62,636,856.0 \text{ m}^2\text{s}^{-2}$, representing by convention the coastal mean sea level for North America.
- (37) **Cannabis Production Use** means premises that are occupied by a person with a license from the Government of Canada for production of cannabis, including where cannabis, or any of its derivatives such as resin or oils, is grown, cultivated, processed, extracted, packaged, labelled, tested, destroyed, stored, or shipped.
- (38) **Canopy** means a rigid roofed structure supported by a building, or by a support that extends to the ground, that projects outward from the building to provide a protective shield for doors, windows, and other openings.
- (39) **Car Sharing Space** means a parking space for motor vehicles that is marked and registered for use by a car sharing company.
- (40) **Car Wash** means premises where motor vehicles are washed within a permanent structure.
- (41) **Cemetery Use** means land used for the burial of the dead and related purposes, such as columbaria, crematoriums, mausoleums, and funeral establishments operated in conjunction with a cemetery on the same lot.
- (42) **Change of Use** means a change in the use of any land, building, or structure, or any combination thereof, to a different use permitted in the zone where the land, building, or structure is located.
- (43) **Charter** means the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, as amended;
- (44) **Class A Bicycle Parking** means bicycle parking that secures the entire bicycle and protects it from inclement weather.
- (45) **Class B Bicycle Parking** means bicycle parking that permits the locking of a bicycle by its frame and front wheel, and which supports the bicycle in a stable position with at least two points of contact.
- (46) **Club Recreation Use** means golf courses, country clubs, curling clubs, tennis clubs, swimming clubs, lawn bowling clubs, yacht or boating clubs, marinas, and equine facilities.

- (47) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, event, structure, or site.
- (48) **Commercial Parking Structure** means a parking structure used by the general public for a fee.
- (49) **Commercial Recreation Use** means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, and miniature golf courses, excluding club recreation and community recreation uses.
- (50) **Commercial Use** means the use of a building for office uses, retail uses, or service uses, excluding home occupations and live/work units.
- (51) **Community Recreation Use** means a publicly owned or operated recreation facility, such as a recreation centre, pool, skating rink, park, picnic area, dog park, playground, splash pad, skateboard park, boating facility and ramps, sports court, field, and trail, excluding a convention centre use, cultural use, minor spectator venue use, and major spectator venue use.
- (52) **Conservation Use** means an activity carried out for the purposes of conserving soils, water, flora, or fauna, such as a wildlife sanctuary.
- (53) **Construction and Demolition (C&D) Materials** means materials that are normally used in the construction of structures, roadways, walls, and landscaping features, such as soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles, and metals.
- (54) **Convention Centre Use** means indoor premises that are used for hosting conventions, exhibitions, and other events, including banquet facilities.

- (55) **Corner Lot** means a lot with contiguous frontage on two or more streets (Diagram 6).

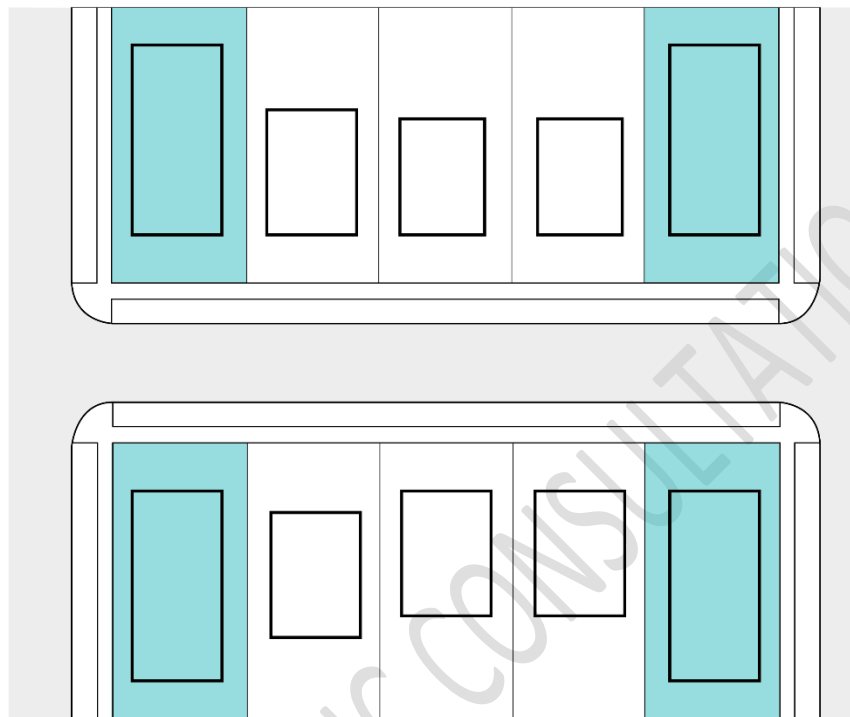


Diagram 6: Corner lot, per Subsection (58)

- (56) **Council** means the Council of the Municipality.
- (57) **Crematorium Use** means a location containing certified apparatus intended for use in the act of burning deceased persons bodies.
- (58) **Cultural Use** means premises used for the collection and presentation of art, films, musical and artistic performances, lectures, materials, and exhibits, including libraries, archives, museums, art galleries, cultural centres, and small performance venues containing 500 seats or fewer, excluding minor spectator venue uses, major spectator venue uses, convention centre uses, and recreation uses.
- (59) **Day Care Use** means premises in which supervision is provided for individuals during the day. This definition excludes schools, hospitals, supportive housing, and recreational facilities.

- (60) **Dealership Use** means premises used for the display and sale of products on an outdoor lot, and may include the servicing and repair of the products sold or displayed, such as motor vehicles, recreational vehicles, marine craft, trailers, snowmobiles, snowblowers, all-terrain vehicles, heavy equipment, swimming pools, headstones, decorative fountains, and prefabricated cottages and homes, but excluding a garden centre use.
- (61) **Development** means as defined in the *Halifax Regional Municipality Charter*.
- (62) **Development Officer** means a person or persons appointed by Council to administer a land-use or subdivision by-law.
- (63) **Drinking Establishment Use** means premises whose primary purpose is serving liquor to the public, and which is licensed under the *Liquor Control Act*, S.N.S., 1989, c. 260, as amended.
- (64) **Drive-Through** means premises that include a designated on-site queueing area for motor vehicles that is separated from other vehicle traffic and pedestrian circulation by barriers, markings, or signs, which provide or dispense products or services using an attendant, window, or automated machine, to customers in motor vehicles.
- (65) **Dwelling Unit** means living quarters that:
- (a) are accessible from a private entrance, either outside the building or in a common area inside the building;
 - (b) are occupied or, if unoccupied, are fit for occupancy;
 - (c) contain kitchen facilities within the unit; and
 - (d) have toilet facilities that are not shared with occupants of other dwellings.
- (66) **Electric Vehicle Charging Station** means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric, neighbourhood electric, and hybrid vehicles.
- (67) **Emergency Service Use** means fire stations, police stations, and emergency medical and ambulance stations.
- (68) **Emergency Shelter Use** means premises providing a person with short-term overnight sleeping accommodations, free of charge.
- (69) **Enhanced Bicycle Parking** means the provision of bicycle parking that accommodates and secures bicycle trailers and cargo bikes.

- (70) **Erect** means to assemble, build, construct, or relocate a building or structure, including any associated activity.
- (71) **Fabrication Use** means workspaces where equipment may be used or borrowed by artists or hobbyists for the purposes of designing, repairing, prototyping, and constructing objects and products, such as artists' studios, makerspaces, tool libraries, and neighbourhood-scale manufacturing uses.
- (72) **Façade** means any building wall facing a street.
- (73) **Farmers' Market Use** means an indoor or outdoor market where individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages. Farmers' markets exclude the sale of second-hand goods.
- (74) **Fascia Sign** means a sign attached directly to or painted on a building wall, and which does not extend beyond the edges of the wall or above the roof edge (Diagram 5).
- (75) **Financial Institution Use** means premises providing financial and banking services to customers and clients, including banks, trust companies, savings banks, credit unions, and lending establishments.
- (76) **Fitness Centre Use** means indoor premises where people use equipment or space for the purposes of physical exercise, such as health clubs, dance studios, and yoga studios.
- (77) **Flanking Lot Line** means a lot line that abuts a street that is not the front lot line.
- (78) **Flanking Yard** means a yard between the front yard and rear yard on a lot from the flanking lot line and the nearest wall of any main building or structure on the lot
- (79) **Flat Roof** means a roof with a maximum pitch of 1/12 (rise to run).
- (80) **Footprint** means the exterior outline of a structure that is covered by a roof.
- (81) **Four-Unit Dwelling Use** means a building containing four dwelling units on the same lot.

- (82) **Front Lot Line** means the line dividing the lot from the street or from the unlisted travelled way. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flanking lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be deemed the flanking lot line.
- (83) **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot.
- (84) **Full Cut-Off Light Fixture** means a luminaire that does not emit any light above the horizontal plane.
- (85) **Garden Centre Use** means premises where retail and wholesale gardening products are sold, which may include a nursery and greenhouses.
- (86) **Gazebo** means a freestanding, roofed accessory structure, which is not enclosed, and which does not contain toilet, bathroom, kitchen, or sleeping facilities.
- (87) **Grade-Related Unit Use** means a dwelling unit that is part of a multi-unit dwelling, is accessible from a private entrance, and fronts and faces a streetline.
- (88) **Greenhouse** means a structure constructed primarily of transparent materials, which is devoted to the protection and cultivation of food-producing plants such as vegetables, fruits, herbs, sprouts, ornamental plants and flowers.
- (89) **Grocery Store Use** means a retail establishment with at least 200 square metres of floor area that primarily sells food, including food prepared on-site and food intended for take-out, and that may also sell other convenience and household goods.
- (90) **Floor Area** means the horizontal area of all floors in all buildings, including accessory structures, on a lot, measured from the interior faces of any exterior or fire walls, and excluding the following:
- (a) unenclosed space outside any exterior walls, such as balconies;
 - (b) any floor area below the lowest ground floor of a building;
 - (c) elevator shafts; and
 - (d) any space open to a floor below.
- (91) **Floor Area Ratio (FAR)** means the floor area divided by the area of the lot.

- (92) **Ground Floor** means any floor level of a structure beginning above 1.0 metres below the streetline grade.
- (93) **Ground Sign** means a sign permanently attached to the ground and supported by one or more posts or other similar means (Diagram 5).
- (94) **Habitable Building** means a dwelling, hospital, hotel, nursing home, or other similar building where a person lives or may be accommodated overnight.
- (95) **Halfway House Use** means a structure intended for residents that are on probation, on parole, or participating in a penal institution's pre-release program.
- (96) **Harbour Edge** means the seaward edge of any wharf, pier, or seawall that abuts the Halifax Harbour or, in the absence of any such structure, the ordinary high water mark.
- (97) **Harbour-Related Industry Use** means a business or activity that depends on access to or use of the Halifax Harbour, such as manufacturing, fabrication, assembly, research and development, processing, warehousing, or storage.
- (98) **Hard Landscaping** means covered by hard or impermeable material such as outdoor furniture, planters, decorative concrete, stonework, bricks, tiles, pavers, boardwalks, or wood decking.
- (99) **Heavy Equipment Sales** means the selling of movable or transportable vehicles or other apparatus that are used in commercial, industrial, or construction enterprises, such as trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts.
- (100) **Heritage Farm Use** means a working 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.
- (101) **High-Density Dwelling Use** means a building containing 13 or more independent dwelling units.
- (102) **Historic Site or Monument Use** means a place or structure that commemorates an event, individual, or group.
- (103) **Home Occupation Use** means the use of a portion of a dwelling unit for gainful employment, excluding a bed and breakfast use and day care use.

- (104) **Home Office Use** means an office-related activity operated within a dwelling that does not regularly require direct contact with clients on the premises.
- (105) **Hospital Use** means an institution providing human inpatient health services, including related facilities such as laboratories, outpatient departments, training facilities, and staff offices.
- (106) **Hotel Use** means premises licensed as a roofed accommodation in accordance with the *Tourist Accommodation Act*, S.N.S., 1994–1995, c.9, as amended, and may include a motel use or banquet facility use.
- (107) **Household Income** means the gross annual income from all persons who reside or will reside in a dwelling unit, over 18 years old, excluding full-time students at a secondary or post-secondary educational institution, as reported on the Canada Revenue Agency Proof of Income Statement for the previous calendar year, including:
- (a) investment income;
 - (b) government transfer payments;
 - (c) retirement pensions, superannuation, and annuities;
 - (d) employment income; and
 - (e) other money income.
- (108) **Initial Household Income Limit** means the maximum gross household income that is at or below four times the set annual rent for an affordable housing unit.
- (109) **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.
- (110) **Incentive or Bonus Zoning Agreement** means a contract between an applicant and the Municipality that describes the benefit to be provided by the applicant in exchange for bonus density.
- (111) **Industrial Training Facility Use** means a commercial facility that provides educational instruction and safety certification relating to industrial activities.
- (112) **Institutional Use** means any minor spectator venue, cultural use, emergency services, hospital, medical clinic, religious institution, school, major spectator venue, university, or college.
- (113) **Interior Lot** means a lot with frontage on one street only.

- (114) **Kennel Use** means premises used for:
- (a) the keeping of more than two dogs for the purposes of commercial breeding or sale;
 - (b) the commercial overnight boarding of dogs, excluding for veterinary purposes; or
 - (c) the commercial outdoor training or exercise of dogs.
- (115) **Kitchen Facilities** means a room or part of a room used for food storage, food preparation, and the cooking of food, and may include a fridge, stove, microwave oven, sink, and other food cooking or food preparation appliances and devices.
- (116) **Landscape Architect** means a professional and full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (117) **Large Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand-alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres high.
- (118) **Light Manufacturing Use** means the processing, fabrication, assembly, treatment, and packaging of products from previously prepared materials, finished products or parts, excluding animal processing, that is confined entirely within a building. Research and development, incidental storage, sales, and wholesale and distribution of manufactured products are considered light manufacturing uses.
- (119) **Local Commercial Use** means commercial premises occupying less than 200 total square metres of floor area per lot that:
- (a) offer goods or products for sale, including the sale of meat and fish, baked goods, dry goods, household articles, and other groceries;
 - (b) offer equipment or merchandise for rent; or
 - (c) offer personal services.
- (120) **Local Drinking Establishment Use** means a drinking establishment with a capacity of 60 seats or fewer, and which is licensed under the *Nova Scotia Liquor Control Act*.
- (121) **Local Street** means as defined in Table 4.1 of the HRM *Municipal Design Guidelines 2013*, as amended from time to time.

- (122) **Lot** means a parcel of land, whether or not occupied by a building, including any parcel of land:
- (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*; or
 - (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*.
- (123) **Lot Coverage** means the percentage of a lot that is covered by the footprint of roofed structures at least 0.6 metres high, including any area over which a roofed structure projects, but excluding the area below any roof eaves which project by no more than 1.0 metre.
- (124) **Lot Depth** means the distance from the front lot line to the rear lot line or between the front lot line and the opposite streetline on a through lot.
- (125) **Lot Width** means the distance between the side lot lines, side and flanking lot lines, or parallel flanking lot lines that are measured at right angles to the lot depth.
- (126) **Low-Density Dwelling** means a building containing 1 to 4 independent dwelling units, including semi-detached and townhouse dwellings.
- (127) **Main Structure** means a structure that contains the primary use on a lot.
- (128) **Major Spectator Venue Use** means premises, with 3,000 or more seats, where people gather for sports and other major events.
- (129) **Marine-Related Use** means a use that is dependent upon access to the Atlantic Ocean, such as marinas, tugboat facilities, boatbuilding and boat repair facilities, and other activities where the primary purpose is to facilitate maritime trade.
- (130) **Massage Parlour** includes premises where a massage, body rub, alcohol rub, or similar activity is performed, offered, advertised, or solicited. This definition excludes premises where medical or therapeutic treatment is routinely offered or performed by a registered physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse.

- (131) **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 clinics, dentistry, optometry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.
- (132) **Medium-Density Dwelling Use** means a building containing 5 to 12 independent dwelling units.
- (133) **Medium Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand-alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres high.
- (134) **Menu-Box Sign** means a sign or sign box that displays or contains a restaurant menu.
- (135) **Mezzanine Space** means an intermediate floor between the floor and ceiling of any room or storey and includes an interior balcony.
- (136) **Micro-Brewery Use** means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room, where beverages produced at the facility can be sampled.
- (137) **Micro-Distillery Use** means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses such as retail sale, wholesale, tours and events or hospitality room, where beverages produced at the facility can be sampled.
- (138) **Micro Wind Energy Facility** means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres high.

- (139) **Minor Building Features** means portions of a building that protrude beyond the main wall of the structure, such as vents, downspouts, gutters, doorknobs, architectural detailing, sills, cornices, eaves, stovepipes, chimneys, shutters, and mailboxes.
- (140) **Minor Spectator Venue Use** means indoor premises where people gather, with a capacity of more than 500 seats and fewer than 3,000 seats, such as cinemas, theatres, auditoriums, and social and cultural gathering places, but excluding convention centre uses, cultural uses, major spectator venue uses, and recreation uses.
- (141) **Mobile Home Use** means a dwelling unit designed to be transportable, whether or not it is equipped with wheels, but excluding a travel trailer, bus, or recreational vehicle.
- (142) **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. Model suites may incorporate sales or rental offices.
- (143) **Multi-Unit Dwelling** means a building containing five or more dwelling units.
- (144) **Municipal Heritage Property** means a building, public building interior, streetscape, cultural landscape or area registered in the Registry of Heritage Property for the Halifax Regional Municipality.
- (145) **Nacelle** means the frame and housing at the top of the wind turbine tower that encloses the gearbox and generator.
- (146) **Neighbourhood-Scale Manufacturing** means indoor premises that accommodate five or fewer employees who work in light manufacturing, and which may include an accessory retail component, but which excludes a service station use.
- (147) **Neighbourhood Sign** means a sign that identifies a neighbourhood or district, and is intended to reinforce that neighbourhood's sense of identity.

- (148) **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*; and
 - (e) a non-profit organization otherwise incorporated pursuant to a specific Act of the Nova Scotia Legislature.
- (149) **Nude** means the showing of human genitals, pubic areas, or buttocks with less than a full opaque covering.
- (150) **Obnoxious Use** includes any use that creates a nuisance or is offensive through the creation of noise, vibration, glare, electrical interference, fire, or explosion hazard, or the emission of gas, fumes, dust, smoke, oil, runoff, or objectionable smell, or the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.
- (151) **Office Use** means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office or a home occupation.
- (152) **Off-Street Loading Space** means an area, located outside the public right-of-way, that is designed for loading and unloading goods from motor vehicles.
- (153) **Open Space Use** means the use of open space for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory structures. This definition excludes commercial camping grounds, golf courses, and tracks for the racing of animals or motor vehicles.
- (154) **Ordinary High Water Mark** means as defined in the Nova Scotia *Land Surveyors Act*.
- (155) **Outdoor Storage** means the storage of merchandise, inventory, materials, or equipment outside a main building on a lot, for longer than 24 hours.

- (156) **Owner** means the owner of lot, which may include:
- (a) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building;
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building;
 - (c) a person who occupies shores, beaches or shoals; and
 - (d) in the absence of proof to the contrary, the person assessed for the lot.
- (157) **Parapet** means the portion of a wall which extends above the roof line and does not contain any floor area.
- (158) **Parking Lot** means a surface parking area, not contained within a structure, for five or more motor vehicles.
- (159) **Parking Structure** means an aboveground, underground, or attached structure that encloses motor vehicle parking spaces on one or more levels, excluding any garage associated with a low-density dwelling.
- (160) **Pawn Shop Use** means premises where a person may give, pledge, or deposit goods as security for the payment of a debt or return of a loan, excluding financial institution uses.
- (161) **Pedway** means a walkway in an elevated structure used exclusively for pedestrian traffic that passes over a street or private land.
- (162) **Penthouse** means enclosed rooftop space used for mechanical or shared amenity purposes.
- (163) **Personal Service Use** means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, depots for collecting dry cleaning and laundry, pet day cares, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, and the retail sale of products accessory to any service provided. Animal hospitals and funeral homes, excluding crematoriums, are considered personal service uses. Kennels are not considered a personal service use.
- (164) **Playground** means an area landscaped with hard and soft materials that includes dedicated play equipment such as swings, slides, sandboxes, and jungle gyms.

- (165) **Premises** means a specific lot or portion thereof, including all the structures located on it.
- (166) **Professional Engineer** means an individual licensed to practice engineering in the Province of Nova Scotia.
- (167) **Projecting Sign** means a sign that (Diagram 5):
- (a) projects from a supporting wall;
 - (b) extends beyond a wall of a building; or
 - (c) is attached to the underside of the building or canopy.
- (168) **Public Art** means a permanent work of art created by a professional artist in any medium, material, media, or combination thereof, but excluding any corporate insignia.
- (169) **Quick Charging Station Use** means premises uses for the rapid charging of electrical vehicles.
- (170) **Quonset Hut** means a building with a wall that is not vertical, where the roof meets the foundation (Diagram 7).

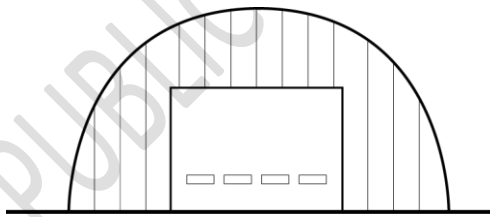


Diagram 7: Quonset Hut, per Subsection (170)

- (171) **Ramparts** means the Citadel Ramparts pursuant to Sections 134 and 135 as depicted on Schedule 16 and 17 of this By-law.
- (172) **Rear Lot Line** means the lot line farthest from or opposite to the front lot line, and is not a flanking lot line on a through lot.
- (173) **Rear Yard** means a yard that extends across the full width of the lot between the rear lot line and the nearest wall of a building. In the Westmount Subdivision (WS) Special Area, the rear yard is the yard farthest from the streetline.
- (174) **Recreational Vehicle** means a motor vehicle or travel trailer designed, constructed or reconstructed, equipped and used or intended to be used primarily for sleeping, eating and living quarters, such as a motorized home or a bus converted for such purposes.

- (175) **Recycling Depot Use** means _____.
- (176) **Registered Canadian Charitable Organization** means a charitable organization registered pursuant to the *Income Tax Act (Canada)* and the regulations made pursuant to that Act.
- (177) **Registered Heritage Building** means a building on a registered heritage property pursuant to the *Heritage Property Act*.
- (178) **Relaxation of Requirements** means the provisions of the Land Use By-law that may be varied by site plan approval.
- (179) **Religious Institution Use** means a place of worship or of religious assembly, including accessory uses that are on-site or on an abutting lot, such as a rectory, convent, private school, meeting hall, offices for administration of the institution, an accessory day care, playground, or cemetery.
- (180) **Residential Use** means the use of a building or a portion of a building for human habitation.
- (181) **Restaurant Use** means premises whose primary purpose is to prepare, serve, and sell food, non-alcoholic beverages, or both, for consumption on or off the premises. Restaurants may be licensed to serve alcoholic beverages, but this must be incidental to the primary business. Restaurants may include cafes, table service, dine-in, take-out, and home delivery services, excluding a standalone catering use.
- (182) **Retail Use** means premises used for the selling or renting of merchandise, including second-hand goods, directly to the walk-in public. Retail uses may also include the servicing and repair of items like those being sold. Shopping centres, post offices, and car/truck/bicycle rental offices are considered retail uses.
- (183) **Roof Edge** means the lowest point along the outer edge of a roof.
- (184) **Rooftop Greenhouse** means a permanent structure located on a roof and constructed primarily of transparent materials, which is devoted to the protection and cultivation of medicinal, food producing, and ornamental plants such as vegetables, fruits, herbs, sprouts, and flowers.
- (185) **Rooming House Use** means a residential use in which four or more rooms that provide occupancy are rented for remuneration as separate or independent accommodations. This definition excludes multi-unit dwellings, hotels, and supportive housing uses.

- (186) **Salvage Use** means the collection, storage, and sale of waste materials or for the collecting, dismantling, storage, salvaging, or sale of parts associated with motor vehicles not in running condition.
- (187) **School Use** means a public or private institution of learning for grades primary to twelve.
- (188) **Secondary Suite Use** means a self-contained dwelling unit within a residential main building, if the residential main building is a single-unit dwelling, two-unit dwelling, semi-detached dwelling, or townhouse dwelling.
- (189) **Self-Storage Facility Use** means a building or group of buildings containing individual storage units that are rented for the storage of property.
- (190) **Semi-Detached Dwelling Use** means two dwelling units where each is located on and individual lot but joined along a single lot line. Each unit is totally separated from the other by an unpierced wall extending from ground to roof.
- (191) **Service Station Use** means premises used for:
- (a) the retailing of motor vehicle fuels, lubricants, and accessories;
 - (b) the repair and servicing of motor vehicles indoors;
 - (c) motor vehicle inspections;
 - (d) car wash facilities.
- (192) **Service Use** means a business whose primary work is call-out or dispatch, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, taxis, and standalone catering.
- (193) **Setback** means the minimum distance that any structure or use must be separated from a lot line or TR zone boundary.
- (194) **Shipping Container** means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck. A shipping container includes unlicensed or unregistered truck trailers.
- (195) **Side Lot Line** means a lot line other than a front, flanking, or rear lot line.
- (196) **Side Yard** means a yard between from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building

- (197) **Sign** means any structure, medium, or device designed or intended to convey information using words, images, symbols, pictures, logos or any combination thereof for the purpose of providing direction, information, identification, advertisement, business promotion, or the promotion of a product, activity, service, or idea, excluding any sign regulated under HRM By-law S-801 for Temporary Signs.

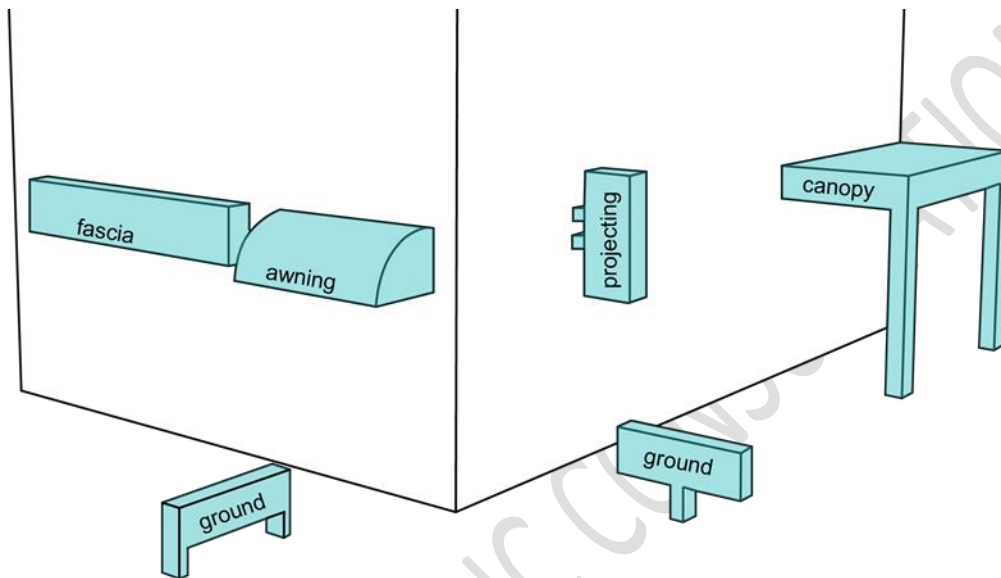


Diagram 5: Sign types, per Subsections (21), (42), (75), (90), and (168)

- (198) **Sign Area** means the area of the smallest rectangle, triangle, or circle that can totally circumscribe the entire face of the sign, including the sign surface and any framing, trim, or moulding, and excluding the supporting structure.
- (199) **Sign Height** means the vertical distance of a sign between the lowest point of grade adjacent or below the sign and the highest point of the sign.
- (200) **Sign Owner** means any person:
- (a) who placed or installed a sign;
 - (b) who is in lawful control of the sign;
 - (c) who is described in the sign;
 - (d) whose name or telephone number appears on the sign;
 - (f) who owns the lot on which the sign is located.
- (201) **Lodging Use** means premises where sleeping accommodations are provided in exchange for remuneration, but excludes a bed and breakfast, hotel, or an institution licensed under the *Homes for Special Care Act*.

- (202) **Single-Unit Dwelling Use** means a detached building containing one dwelling unit.
- (203) **Small Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a standalone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres high.
- (204) **Soft Landscaping** means covered by soft or water-permeable material and vegetation such as trees, hedges, shrubs, flowers, grass, fruit and vegetable plants, sod, or other vegetative ground cover.
- (205) **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.
- (206) **Solid Waste Management Area** means an area of a building or a lot used for the separation and storage of waste streams.
- (207) **Storage Yard Use** means the storage and maintenance of equipment, products, and materials outside an enclosed building, excluding dealership uses and salvage uses.
- (208) **Storefront** means a self-contained commercial space on the ground floor of a building, which abuts a streetline.
- (209) **Storefront Depth** means the distance from the exterior wall of a building nearest to a streetline to the rear of the storefront, measured perpendicularly to the streetline.
- (210) **Storey** means a portion of building between any floor and floor, or any floor and ceiling. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is at least 2.0 metres above the streetline grade.
- (211) **Street** means any public right-of-way, highway, road, laneway, bridge, square, and associated curbs, sidewalks, gutters, culverts, and retaining walls.
- (212) **Streetline** means any lot line separating a lot from an abutting public right-of-way.

- (213) **Streetline Grade** means the elevation of a streetline at a midpoint of a streetwall. Separate streetline grades are determined for the midpoint of each streetwall segment that is greater than 8.0 metres wide, or a part thereof.
- (214) **Streetwall** means the wall of a building or portion of a wall of a building facing a streetline below the height of a specified stepback.
- (215) **Streetwall Height** means the vertical distance between the streetline grade and the top of the streetwall, extending across the width of the streetwall (Diagram 8).

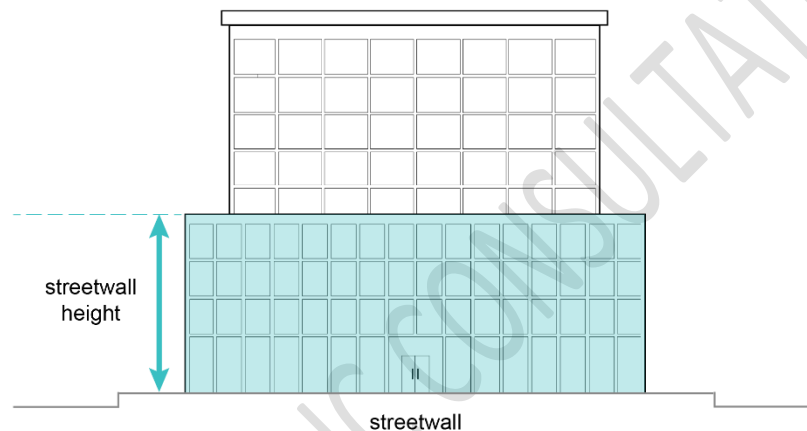


Diagram 8: Streetwall height, per Subsection (213)

- (216) **Streetwall Stepback** means the required setback of a building above a streetwall, measured from the face of the streetwall.
- (217) **Structure** means anything erected, constructed, altered, reconstructed, or located that requires location on the ground, or that is attached to something having location on the ground, and includes a building.
- (218) **Studio Use** means the commercial use of space for artistic purposes with or without instruction, but does not include; school, college or university, religious, cultural, personal service, or home occupation uses.
- (219) **Supportive Housing Use** means a building that has a permitted residential use and is licensed by the Province of Nova Scotia in accordance with the *Homes for Special Care Act*, and which provides care in accordance with the license.

(220) **Temporary Construction Use** means a use, in the opinion of the Development Officer, which is of limited duration to facilitate the construction of a future permanent land use or building permitted under this By-law, such as:

- (a) work camps;
- (b) construction camps;
- (c) rock crusher;
- (d) mobile homes;
- (e) sales or rental offices;
- (f) tool or maintenance sheds; or
- (g) a shipping container that serves as one of the foregoing.

(221) **Temporary Use** means a use:

- (a) that is:
 - (i) associated with a holiday or special event, or
 - (ii) accessory to a permitted main use, excluding the construction or alteration of any permanent structure;
- (b) and is:
 - (i) 180 cumulative days or less in duration within any one calendar year for those lands within the Halifax Waterfront (HW) or Dartmouth Waterfront (DW) Special Areas, or
 - (ii) in all other cases, is 90 cumulative days or less within any one calendar year.

(222) **Third-Party Sign** means a sign that directs attention to a business, profession, activity, commodity, service, or entertainment that is conducted, sold, promoted, or offered somewhere other than on the premises where the sign is located or within the building to which the sign is affixed, but excluding sign manufacturer identification plates.

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

(224) **Through Lot** means a lot with frontage on two or more streets, with not all frontages contiguous.

- (225) **Total Rated Capacity** means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility.
- (226) **Tower Height** means the distance measured from grade at the established grade of a wind turbine tower to the highest point of the wind turbine rotor or tip of the wind turbine blade when it reaches its highest elevation, or in the case of a roof-mounted wind turbine the distance measured from the lowest point of established grade at the building's foundation to the highest point of the wind turbine rotor or tip of the wind turbine blade when it reaches its highest elevation (Diagram 9).

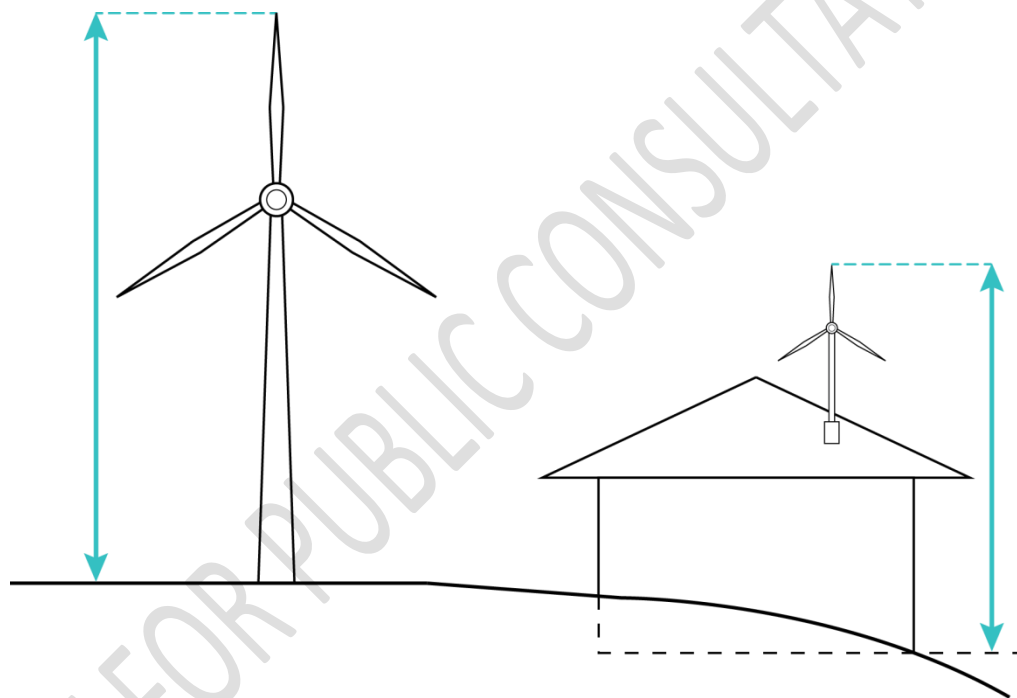


Diagram 9: Tower height, per Subsection (224)

- (227) **Townhouse Dwelling Use** means a building that is divided vertically into three or more dwelling units, where each unit is located on a separate lot, and each unit has an independent entrance.
- (228) **Transportation Facility Use** means public or private transit facilities, bus stations, and train stations, excluding storage yards and maintenance facilities.
- (229) **Tree** means a tree as defined in the *Charter*.
- (230) **Two-Unit Dwelling Use** means a building containing two dwelling units on the same lot.

- (231) **University or College Use** means a post-secondary institution that awards individuals with academic degrees, diplomas, or certificates in various disciplines, such as community colleges, trade schools, career colleges, language schools, and cooking schools, along with accessory uses such as athletic facilities, dormitories, dining halls, research facilities, fraternities, and sororities.
- (232) **Urban Agriculture** means the use of a structure or land for:
- (a) the keeping of bees as an accessory use;
 - (b) the keeping of egg-laying hens as an accessory use; or
 - (c) the breeding, planting, cultivation, or harvesting of plants, excluding cannabis, such as vegetables, fruits, herbs, sprouts, and ornamental plants and flowers.
- (233) **Urban Farm Use** means an urban agriculture use undertaken by a community organization or a commercial operator, including a community garden.
- (234) **Use** means:
- (a) the purpose for which a structure, premises, or a lot, or any portion thereof, is used or occupied, or intended to be or designed to be used or occupied; or
 - (b) the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
- (235) **Used Building Material Retail Outlet** means a building or part of a building where Construction and Demolition materials are sorted and available for resale inside the building, with incidental and minimal alteration of the materials.
- (236) **Utility Use** means structures, equipment, and materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use. District energy systems, whether standalone or integrated into another building, are also considered a utility use.
- (237) **Variance** means as regulated via Sections 250 to 252 of the *Charter*.
- (238) **Veterinary Clinic** means any premises designed or used for the care, observation, or treatment of domestic animals.
- (239) **Volume** means the space enclosed by the exterior dimensions of a structure. For the purposes of this By-law, volume excludes bay windows, porches or stairways.

- (240) **Warehousing Use** means a building or part of a building for storage, the wholesale and distribution of manufactured products, supplies, and equipment, excluding a wholesale food production use, and the storage of materials that are flammable, explosive, or that present hazards.
- (241) **Water Access Structure Use** means any structure connected with the shore that provides berthing for water-based vessels, including a boathouse, dock, and wharf.
- (242) **Water Lot** means any lot or portion of a lot located on the water side of a shoreline.
- (243) **Watercourse** means a lake, river, stream, ocean or other body of water.
- (244) **Wholesale Use** means premises where merchandise is sold or distributed to retailers, industrial, commercial, institutional, or professional users, or other wholesalers.
- (245) **Wholesale Food Production Use** means a facility where baking, preparation, distribution, and wholesaling of food products is permitted, but where over-the-counter or other retail dispensing of food products is limited to an accessory retail outlet, but excludes the processing of animals or a butcher shop.
- (246) **Wind Energy Facility** means a wind energy conversion system, to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure, and transmission lines.
- (247) **Wind Turbine** means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- (248) **Work-Live Unit Use** means a residential use where a commercial use is permitted in the same dwelling unit, up to a maximum proportion of floor area.
- (249) **Yard** means an open area, at ground level, that is uncovered by any main building, except for any permitted encroachments into yards.

- (250) **Zone** means a specifically delineated area or district within which uniform development standards govern the use, placement, spacing, and size of land and structures.

SCHEDULES

APPENDICES

Appendix 1: Design Manual

DRAFT FOR PUBLIC CONSULTATION

Appendix 2: Bonus Calculation and Public Benefits Proposal

(to come in a later release)

Appendix 3: Wind Assessment Standards

(to come in a later release)