

User Guide: Downtown Halifax Land Use By-law

Note: The following User Guide (pages i to iii) is not an official part of the By-law. The By-law begins on page 1.

The **Downtown Halifax Land Use By-law** applies to all properties in the Downtown Halifax Plan Area of the Halifax Regional Municipality. (For the boundaries of this area, see Schedule 1.) It is the rulebook that controls how land and buildings are used, where buildings may be located on a lot, and the form, height, and design of those buildings. This By-law also contains other regulations necessary to implement the policies of the Downtown Halifax Secondary Municipal Planning Strategy.

How to Use this By-law

Follow the steps below to find out how this By-law governs your property.

Step 1: Determine your zone

Find your property on the zone map (Schedule 1). The code on your property (e.g., “DH-1”) is your zone. Note whether you are located within a special area, such as a heritage conservation district, or the harbour waterfront.

Step 2: Identify permitted uses

Table 1 indicates which activities are permitted in each zone. Find the column corresponding to your zone and note which activities, or “uses,” are permitted (indicated with a black dot: ●). Be sure to consult the Definitions (Part X) to make sure you understand what each use includes.

Step 3: Identify other applicable regulations

In addition to Table 1, your property is governed by regulations for building shape and size, parking, landscaping, signage, and more. These are contained in Parts II to XII. All regulations apply in every zone unless otherwise indicated. The following list summarizes what the regulations of each Part do.

- **Land Use** (Part III): How land may be used, specific rules for individual activities, urban agriculture, development near water
- **Lot Requirements** (Part IV): The creation of new lots as part of a subdivision process.
- **Built Form Requirements** (Part IV): Where buildings may be located on a lot, and maximum building dimensions. For ease of reference, the general built form requirements are depicted on Schedules near the end of this By-law (Schedules 1 through 16).
- **Waterfront View Corridors** (Part V): Tools for preserving key views
- **Landscaping** (Part VI): Vegetation, fencing, and groundcover
- **Parking** (Part VII): What uses require parking for motor vehicles and bicycles, and how this parking must be provided
- **Signs** (Part VIII): Permitted types of signs, maximum dimensions, and illumination
- **Incentive or Bonus Zoning** (Part IX): Requirements for buildings that exceed a pre-bonus height or floor area threshold

Using these maps, you can determine the height and setbacks, and whether you are within an area with special requirements, such as the Central Blocks, or a Pedestrian-Oriented Street. If you are in such an area, reference the applicable Part of this By-law for additional requirements.

Step 4: Identify your approval process

Unless exempted in Section 8 of Part X, all development requires a permit. (For the definition of “development”, see Subsection 148(50).) Even if you are exempt from requiring a permit, you must ensure you follow the regulations of this By-law.

Development projects in Downtown Halifax require “Site Plan Approval,” which enables the Municipality to review a project’s architectural and urban design features. Some developments are exempt from that process or considered through a “Non-Substantive Site Plan Approval.” Chapter 3 of Part I explains when, and what type of site plan approval is required.

The Design Manual, contained in Appendix 1, explains the urban design goals in detail and what is expected when projects undergo Substantive or Non-Substantive Site Plan Approval. The contents and procedure for Site Plan Approval are contained in Chapter 3 of Part I of this By-law.

For assistance in determining your application type and requirements, please call HRM Customer Service (311) to speak with a Planner before starting work.

Step 5: Review All Relevant Definitions

You should review the definitions in Part X to make sure you have correctly interpreted the requirements of this By-law. If a word is not defined in Part X, its typical dictionary definition applies.

How this By-law is Structured

This By-law is organized in a six-level hierarchy that makes information easy to find and use. Each section of this By-law has been numbered using the following system:

- **PART II** Main topic areas (uppercase Roman numeral)
- **Chapter 1** Sub-topics (Arabic numeral)
- **Section 235** Main headings (Arabic numeral)
- **Subsection 235(5)** Individual paragraphs and sentences (Arabic numeral in parentheses)
- **Clause 235(5)(a)** List items (lowercase letter in parentheses)
- **Subclause 235(5)(a)(ii)** List sub-items (lowercase Roman numeral in parentheses)

Sections are numbered continuously starting at 1 through to the end of the document. Chapters, Subsections, Clauses, and Subclauses restart numbering/lettering with each new parent part.



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DOWNTOWN HALIFAX LAND USE BY-LAW

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THIS IS TO CERTIFY that this is a true copy of the Downtown Halifax Land Use By-law which was passed by a majority vote of the Council of the Halifax Regional Municipality at a duly called meeting held on the ____ day of _____, 201____, and reviewed by Municipal Affairs on the ____ day of _____, 201____, and is in effect as of the ____ day of _____, 201____.

GIVEN UNDER THE HAND of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 201____.

Municipal Clerk

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PART I: ADMINISTRATION

Chapter 1: General Administration

Title

- 1 This By-law shall be cited as the Downtown Halifax Land Use By-law.

Lands Governed by this By-law

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

Compliance with this By-law

- 3 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

- 4 (1) Subject to section 8, no person shall undertake any development without first obtaining development permit, including:
- (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.
- (2) All developments shall comply with the provisions of this By-law, including developments that do not require a development permit.

Compliance with Other Legislation & By-laws

- 5 (1) This By-law does not exempt any person from any other enactment, including any other municipal by-law or regulation of 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.
- (3) In accordance with Policy CH-13 of the *Halifax Regional Municipality Regional Municipal Planning Strategy*, the lands under the jurisdiction of this By-law fall within the High Potential Zone for Archaeological Sites identified by the Province. Where excavation is required for a development, a development permit may be issued and the application may be referred to the Heritage Division of the Nova Scotia Department of Communities, Culture and Heritage for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

Severability

- 6 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

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

Chapter 2: Development Permit

Development Permit Exemptions

- 8 The following developments shall not require a development permit:
- (a) accessory structures with a footprint of less than 20.0 square metres, unless associated with an urban agriculture use;
 - (b) unenclosed structures less than 0.6 metres high, such as 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 123.

Development Permit Application

- 9 A development permit application shall include documents and plans, drawn to scale, that show the following, where applicable:
- (a) floor plans with rooms labelled, and elevation drawings for all sides of proposed buildings;
 - (b) property dimensions, lot lines, and the location of all proposed structures and uses, including setbacks;
 - (c) the location of all parking areas, the location and width of driveways, driving aisles, parking lot entrances and exits, solid waste management areas, off-street loading space, visitor parking areas, and snow storage areas;
 - (d) when required, the location and details of proposed landscaped areas; and the proposed landscaped areas for a site plan approval application shall be prepared by a landscape architect;
 - (e) for a building or addition to a building higher than 22.0 metres, a wind impact assessment that uses the standards in Appendix 3;
 - (f) sites 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
 - (g) any other information the Development Officer requires to determine if the development complies to this By-law.

Approval of Development Permit

- 10 The Development Officer must issue a development permit application where the development meets the requirements of this By-law or the terms of an approved site plan.

Development Permit Expiration and Revocation

- 11
- (1) A development permit shall expire 12 months from the date issued.
 - (2) A development permit issued in conjunction with an approved site plan, issued after the effective date of this By-law, shall expire 24 months from the date of issuance if the development has not commenced.
 - (3) A development permit issued in conjunction with an approved site plan, issued after the 24th day of October, 2009, but before the coming into force of this By-law, shall expire 24 months from the date of coming into force of this By-law if the development has not commenced.

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

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Chapter 3: Site Plan Approval

Requirement for Site Plan Approval

- 12 Subject to Subsection 13, any development within the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary, as shown on Schedule 1, shall be subject to site plan approval.

Site Plan Approval Exemptions

- 13 The following developments shall be exempt from site plan approval:
- (a) any development that does not require a development permit, in accordance with Section 8;
 - (b) low-density dwellings;
 - (c) interior renovations;
 - (d) a change in size of windows and doors that do not face streetlines;
 - (e) window and door replacement in existing openings;
 - (f) installation and replacement of minor building features;
 - (g) a change of use or tenancy in a building;
 - (h) commemorative structures, including plaques and monuments, on municipally owned lands;
 - (i) structures up to 8 metres high, such as kiosks, stands, and booths, in the Halifax Waterfront (HW) Special Areas, as shown on Schedule 1;
 - (j) converted shipping containers in the Halifax Waterfront (HW) Special Area;
 - (k) temporary construction uses;
 - (l) accessory buildings and structures;
 - (m) changes to the external cladding materials of a building wall that faces a street, where the total area of changes to the external cladding does not exceed 10% of the total surface area of the wall;
 - (n) repainting, including a change in paint colour(s);
 - (o) signs;
 - (p) steps, stairs and other building entrances; and
 - (q) urban agriculture uses and open, uncovered urban agricultural accessory structures, including beekeeping equipment.

Site Plan Approval Applications

- 14
- (1) A site plan approval application shall include plans, drawn to scale, that show the information required in Section 9.
 - (2) A site plan approval application shall include detailed architectural plans that meet all applicable general and precinct-specific design requirements of the Design Manual (Appendix 1), and that show the following:
 - (a) streetwall setbacks, streetwall heights, and streetwall stepbacks;
 - (b) streetwall material type and details;
 - (c) the location of building utilities, vehicle access routes, parking areas, landscaping; and
 - (d) any other information the Development Officer requires to determine if the development meets the requirements of the Design Manual.
 - (3) A site plan approval application that includes a registered heritage property shall or a building located in a heritage conservation district shall also include information about any material that will be removed from the heritage property, and about the conservation treatment that will be employed.

- (4) A site plan approval application shall include a landscape plan subject to the requirements of Section 106.
- (5) Subject to Subsection 14(6), a site plan approval application that abuts a registered heritage property of 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 the conservation district.
- (6) Subject to Subsection 14(7), a site plan approval application that includes a request for variation, in accordance with Section 26, shall include:
 - (a) drawings, including elevations and perspectives, that accurately show the relative scale of the development to any buildings on properties that abut the development site; and
 - (b) a written proposal explaining the nature and extent of the requested variation as well as rationale for the request based on the applicable criteria contained in the Design Manual.
- (7) In any required elevation and perspective drawings, the representation of buildings on an abutting property shall be included and may be limited to the first 15.0 metres from any interior lot line.
- (8) Applications for substantive site plan approval, shall include confirmation that the public consultation requirements of Sections 16 to 23 have been met.

Exemption from Public Consultation

- 15 Public consultation shall not required prior to applying for, or during, non-substantive site plan approval.

Methods of Public Consultation

- 16 Public consultation is required before submitting an application for substantive site plan approval. Public consultation shall be in the following form:
 - (a) a public meeting, which shall be advertised in accordance with Section 18 and which shall meet the requirements of Sections 19 and 20;
 - (b) public display panels, which shall meet the requirements of Section 21;
 - (c) a website, which shall meet the requirements of Section 22; and
 - (d) a weather-proof sign at the development site, which shall meet the requirements of Section 23.

Requirement of Public Consultation Process

- 17 Where required in Section 16, 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;
 - (b) identify any relaxation of the requirements of this By-law that are being sought; and
 - (c) create a complete record of the public consultation process, including feedback received at the public meeting, from the website, and from any correspondence, and submit it with an application for substantive site plan approval.

Public Consultation: Public Meeting Newspaper Advertisement

18 The advertisement for the public meeting component specified in Clause 16(a) 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 clear 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 8; and
- (d) provide the date, time, and location of the public meeting.

Public Consultation: Public Meeting Days and Times

19 The public meeting specified in Clause 16(a) 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 Design Review Committee, or Regional Council.

Public Consultation: Public Meeting Facility Requirements

20 The facility used to host the public meeting specified in Clause 16(a) shall be:

- (a) located within the boundary of the Downtown Halifax;
- (b) accessible to the mobility challenged; and
- (c) suitable for public assembly.

Public Consultation: Display Panel Component

21 The public display panel component specified in Clause 16(b) shall:

- (a) consist of three identical panels, each containing:
 - (i) information about the proposed project, including a description of any proposed relaxation of the requirements of this By-law,
 - (ii) a comment box, and
 - (iii) the website's internet address;
- (b) be displayed at three public locations, as specified by the Development Officer, in which the Municipality will provide a suitable display area; and
- (c) be displayed for a minimum of 10 clear calendar days before the public meeting and 10 clear calendar days after the public meeting.

Public Consultation: Website Component

22 The website component specified in Clause 16(c) shall:

- (a) be operational 24 hours a day, 7 days a week, for a minimum of 10 clear calendar days before the public meeting and 10 clear calendar days after the public meeting;
- (b) contain information about the proposed project, including a description of any proposed relaxation of the requirements of this By-law; and
- (c) contain contact information for a representative of the applicant or lot owner, including a telephone number and email address.

Public Consultation: Weather-Proof Sign Component

- 23 The weather-proof sign specified in Clause 16(d) 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 website's internet address, and
 - (iv) contact information for a representative of the applicant or lot owner, including a telephone number and email address; and
 - (c) be displayed for a minimum of 10 clear calendar days before the public meeting and 10 clear calendar days after the public meeting.

Non-Substantive Site Plan Approval Applications

- 24 (1) The following developments are subject to non-substantive site plan approval:
- (a) new window and door openings or alterations to existing window and door openings abutting streetlines;
 - (b) changes to the external cladding materials of a building wall that faces a street, where the total area of changes to the external cladding does not exceed 10% of the total surface area of the wall;
 - (c) additions to existing buildings, if the additions have a combined gross floor area (GFA) of 2,000 square metres or less;
 - (d) new buildings with a height of 22 metres or less, and a gross floor area (GFA) of 2,000 square metres or less; and
 - (e) amendments to an approved application for substantive site plan approval, if the amendments meet the requirements in Clauses 24(a) to 24(d), and a variation is not required.
- (2) A non-substantive site plan application may be approved by the Development Officer.

Substantive Site Plan Approval Applications

- 25 (1) Any development that is not listed under Sections 8 or Section 13 shall be considered a substantive site plan approval application, and shall be referred to Design Review Committee.
- (2) Any application for a new pedway shall be considered a substantive site plan approval and shall meet the requirements of Section 66.

Variation of By-law Requirements

- 26 The following items may be considered for a variation of the provisions of this By-law by site plan approval, if the variation meets the requirements of the Design Manual:
- (a) streetwall setbacks;
 - (b) streetwall widths;
 - (c) prominent visual terminus site;
 - (d) maximum building heights;
 - (e) roof edge setbacks of height-exempted rooftop features;
 - (f) minimum ground floor heights;
 - (g) interior lot line setbacks for portions of a building above the streetwall; and

- (h) institutional campus signage.

Design Review Committee

- 27 For items listed in Section 26, the Design Review Committee shall consider an application for a variation to the requirements of this By-law in association with a substantive site plan approval application, subject to the criteria of the Design Manual.

Notification

- 28 (1) A decision by the Development Officer to grant a non-substantive site plan approval does not require notification.
- (2) Where a substantive site plan approval has been granted, the Development Officer shall give notice in writing of the site plan approval granted to every assessed owner whose property is within one hundred (100) metres of the applicant's property.

Appeal of Decision

- 29 (1) A decision by the Development Officer to approve, approve with conditions, or refuse a non-substantive site plan approval application is not subject to appeal.
- (2) A decision by the Design Review Committee to approve, approve with conditions, or refuse a substantive site plan approval application may be appealed to Regional Council in accordance with the *Halifax Regional Municipality Charter*.

Expiry

- 30 (1) Site plan approval expires 24 months from the date of approval if development has not commenced.
- (2) Site plan approval issued under the former *Downtown Halifax Land Use By-law* after October 24, 2009, but before this By-law came into force, expires 24 months from the date this By-law came into force if development has not commenced.

Chapter 4: Non-Conforming Structures and Uses

Non-Conforming Structures

- 31 Where an existing building is deemed to be non-conforming under this By-law, the building shall be allowed to be extended, enlarged, or altered if the non-conformance is not increased and complies with all other requirements of this By-law.

Non-Conforming Uses

- 32 Non-conforming buildings and uses are regulated by the *Halifax Regional Municipality Charter*, as amended from time to time.

Chapter 5: Interpretation of this By-law

Diagrams

- 33 (1) All diagrams in this By-law:
- (a) are for illustrative purposes only;
 - (b) are not to scale; and
 - (c) and 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

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

More Restrictive Requirement Applies

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

Chapter 6: Schedules and Appendices

List of Zones and Special Areas

Schedule 1 - Zoning
Schedule 2 - Downtown Precincts
Schedule 3 - Pedestrian-Oriented Commercial Streets
Schedule 4 - Maximum Pre-Bonus Heights
Schedule 5 - Maximum Post-Bonus Heights
Schedule 6 - Streetwall Setbacks
Schedule 7 - Streetwall Heights
Schedule 8 - Central Blocks
Schedule 9 - Prominent Visual Terminus Sites
Schedule 10 - Canopy and Sign Curb Setback
Schedule 11 - Downtown Halifax Institutional Campuses
Schedule 12 - Scotia Square Height Quadrants
Schedule 13A - George Street Waterfront View Corridor
Schedule 13B - Prince Street Waterfront View Corridor
Schedule 13C - Sackville Street Waterfront View Corridor
Schedule 13D - Salter Street Waterfront View Corridor
Schedule 13E - Bishop Street Waterfront View Corridor
Schedule 13F - Morris Street Waterfront View Corridor
Schedule 14 - Publicly Sponsored Convention Centre
Schedule 15 - Building Height Limits
Schedule 16 – Lands Known as Clyde Street Parking Lots

Appendix 1: Design Manual
Appendix 2(1): Density Bonus Calculation and Public Benefit Proposal
Appendix 2(2): Report on Affordable Housing Units
Appendix 2(3): Report on Affordable Community or Cultural Space
Appendix 3: Wind Assessment Performance Standards

PART II: ZONES

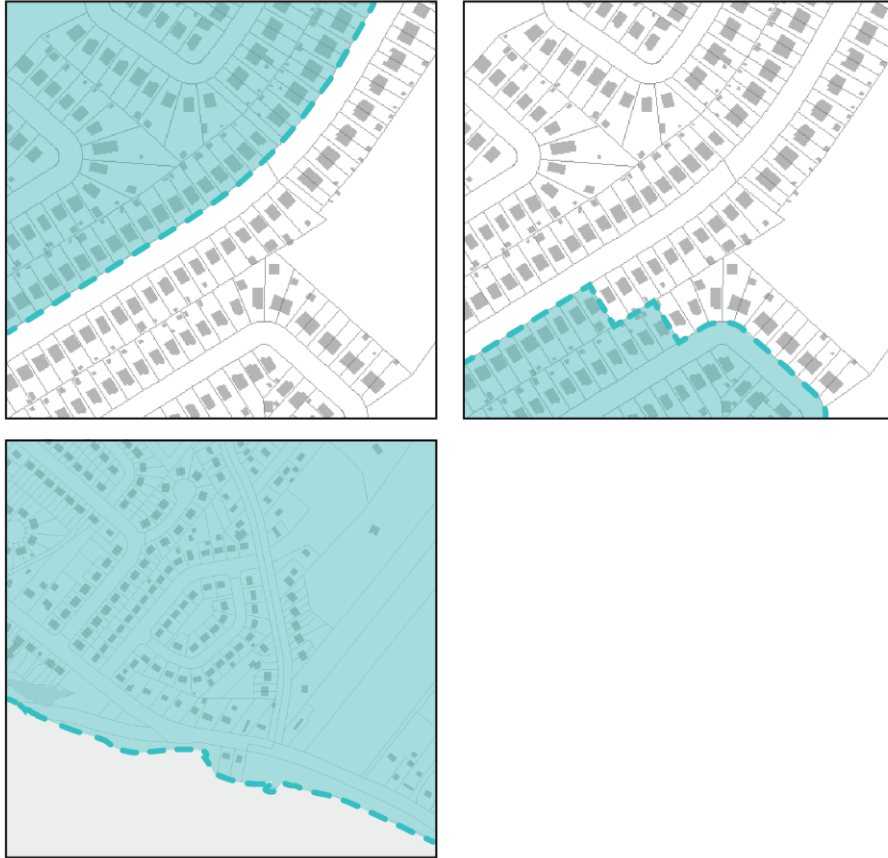
Chapter 1: Establishment of Zones, Precincts, and Special Areas

List of Zones and Precincts

- 36 (1) This By-law establishes the following zones:
- (a) Downtown Halifax (DH-1) Zone; and
 - (b) Institutional, Cultural & Open Space (ICO) Zone.
- (2) This By-law establishes the following precincts and special areas:
- (a) Precinct 1 (Southern Waterfront);
 - (b) Precinct 2 (Barrington Street South);
 - (c) Precinct 3 (Spring Garden Road);
 - (d) Precinct 4 (Lower Central Downtown);
 - (e) Precinct 5 (Barrington Street Heritage Conservation District);
 - (f) Precinct 6 (Upper Central Downtown);
 - (g) Precinct 7 (Historic Properties);
 - (h) Precinct 8 (Cogswell);
 - (i) Precinct 9 (North End Gateway); and
 - (j) Halifax Waterfront (HW) Special Area.

Interpretation of Zone, Precinct and Special Area Boundaries

- 37 A zone or precinct boundary shown on a schedule of this By-law is determined as follows:
- (a) Where a boundary is shown following a street (Diagram 1), the boundary shall be the streetline unless otherwise indicated;
 - (b) Where a boundary is shown approximately following lot lines (Diagram 2), the boundary shall follow lot lines unless those lot lines are modified by subdivision approval after this By-law is adopted, in which case the boundary shall remain as shown on the schedule.
 - (c) Where a boundary follows a shoreline (Diagram 3), the boundary shall be the Ordinary High Water Mark;
 - (d) Where a portion of the Halifax Harbour 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 buildings shall be deemed to be included in the abutting zone, precinct or special area; and
 - (e) Where any portion of a street is closed for public use, the former street lands are assigned to a zone, precinct, or special area, as follows:
 - (i) where the surrounding lands belong to a single zone, precinct, or special area, the former street lands shall be assigned the same zone or precinct as the surrounding lands, or
 - (ii) where the surrounding lands belong to more than one zone, precinct or special area, the center line of the former street shall be the boundary and the lands on each side of the boundary shall be assigned the same zone or precinct as the adjacent lands; and
 - (f) where none of the above apply, the zone boundary or precinct boundary shall be scaled from Schedule 1 and Schedule 2, respectively.



Diagrams 1, 2 and 3: Zone and special boundary interpretations, per Clauses 37(a), 37(b), and 37(c)

Chapter 2: Land Uses

Interpretation of Permitted Uses

38 Subject to Sections 37 to 39, 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; and
- (e) 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

39 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

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

Pedestrian-Oriented Commercial Streets

41 Along a streetline that abuts a pedestrian-oriented commercial street identified on Schedule 3, only the following uses may be located on the ground floor of a building:

- (a) retail uses;
- (b) restaurants;
- (c) drinking establishments;
- (d) financial institutions;
- (e) medical clinics;
- (f) personal services;
- (g) movie theatres;
- (h) fitness centres;
- (i) grocery stores;
- (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.

Ground Floor Uses in DH-1 Zones

42 In any DH-1 zone, where a streetline does not abut a pedestrian-oriented commercial street identified on Schedule 3, no more than 50% of a building's streetwall shall contain any residential use other than grade-related units.

Halifax Waterfront View Corridors: Abutting Uses

43 (1) Subject to Subsection 43(2), where a building contains dwelling units and abuts a waterfront view corridor, there shall be no dwelling units permitted on the ground floor.

- (2) Residential pedestrian entrances and lobbies are permitted on the ground floor if they are accessory to the dwelling units in the building.

Development Consisting of More Than One Use

- 44 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.

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Chapter 3: SPECIAL USES

Publicly Sponsored Convention Centre

- 45 (1) Notwithstanding any provision of this By-law except Subsection 73(2), and Sections 102 and 103, a publicly-sponsored convention centre together with retail, hotel, residential or office, and underground parking space, is permitted on the lands bounded by Argyle Street, Prince Street, Market Street and Sackville Street in accordance with the drawings attached as Schedule 14 to this By-law. The development shall include a vehicular and pedestrian passageway extending from Prince Street to Sackville Street as set out in Schedule 14.
- (2) In addition to the requirements of Subsection 45(1), the requirements of Chapter 3 of Part I shall apply. The Development Officer shall refer the application for renovations, alterations or additions to the building to the Design Review Committee for their review of the proposal's qualitative elements as set out in the Design Manual.

Sackville and South Park Multi-District Recreation Facility

- 46 Notwithstanding Section 72, but subject to all other requirements of this By-law, a multi-district recreation facility, in whole or as part of a mixed-use development, shall be permitted on lands at the south-east corner of Sackville Street and South Park Street, as shown on Schedule 15 pursuant to the building height requirements specified therein.

Table 1: Permitted uses by zone

RESIDENTIAL USES	DH-1	ICO
Single-unit dwelling use	●	
Two-unit dwelling use	●	
Multi-unit dwelling use	●	
Mobile home		
Bed and breakfast use	●	
Rooming house use	●	
Home occupation use	●	
Home office use	●	
Work-live unit use	●	
Grade-related unit use	●	
Model suite use	●	
COMMERCIAL USES	DH-1	ICO
Crematorium use		●
Day care use	●	●
Dealership use		
Drinking establishment use	●	●
Local drinking establishment use (60 patrons or fewer)	●	●
Fabrication use	●	●
Financial institution use	●	●
Fitness centre use	●	
Garden centre use	●	
Grocery store use	●	
Hotel use	●	
Local commercial use	●	●
Local commercial use on a corner lot	●	
Micro-brewery or micro-distillery use	●	●
Office use	●	
Pawn shop use		
Personal services use	●	●
Restaurant use	●	●
Restaurant on a corner lot use	●	●
Retail use	●	●
Self-storage facility use		
Service station use		
Service use	●	
All other commercial uses (if not prohibited above)	●	
URBAN AGRICULTURE USES	DH-1	ICO
Farmers market use	●	●
Heritage farm use		●
Keeping of bees as an accessory use	●	●
Keeping of chickens as an accessory use		
Urban farm use	●	●

INSTITUTIONAL USES	DH-1	ICO
Convention centre use	●	●
Cultural use	●	●
Emergency services use	●	●
Emergency shelters use	●	●
Hospital use		●
Minor spectator venue use	●	
Major spectator venue use	●	
Medical clinic use	●	●
Medical clinic on a corner lot	●	●
Religious institution use	●	●
School use	●	●
University and college use	●	●
INDUSTRIAL USES	DH-1	ICO
Assembly, construction, or light manufacturing use		
Cannabis production		
Existing Harbour-related industry use	●	
Harbour-related industry use		
Industrial training facility use		
Warehousing or storage yard use		
Wholesale & distribution use		
Wholesale food production use		
PARK, OPEN SPACE, AND RECREATION USES	DH-1	ICO
Cemetery use		●
Club recreation use	●	●
Commercial recreation use		
Community recreation use	●	●
Conservation use		●
OTHER USES	DH-1	ICO
Accessory structure or use	●	●
Utility use	●	●
Transportation use	●	●
Historic site or monument use	●	●
PROHIBITED IN ALL ZONES	DH-1	ICO
Adult entertainment use		
C&D materials transfer, processing, and disposal uses		
Salvage use		

PART III: LAND USE

Chapter 1: General Land Use Requirements

Exterior Lighting

- 47 (1) Exterior lighting shall not be directed towards adjoining properties or adjacent streets.
- (2) All exterior lighting shall be equipped with full cut-off light fixtures.

Temporary Construction Uses Permitted

- 48 (1) Subject to Subsection 48(2), temporary uses and structures, necessary for and accessory to a construction or demolition in progress, are permitted with a development permit, such as:
- (a) work camps;
 - (b) construction camps;
 - (c) mobile homes;
 - (d) sales or rental offices;
 - (e) temporary model suites;
 - (f) tool or maintenance sheds; or
 - (g) a shipping container that serves as one of the foregoing.
- (2) A development permit shall be required for the use of a temporary rock crusher at a demolition site, or at the site of a permitted development.
- (3) Subject to Subsection 48(5), a development permit for the use of a temporary rock crusher shall be:
- (a) valid for a specified period, not to exceed 60 days; and
 - (b) may be renewed for up to 30 days at a time, if the Development Officer determines that an extension of the period is necessary.
- (4) A temporary rock crusher accessory to construction in progress shall not be located or used within 3.0 metres of any lot line.
- (5) A development permit for the use of a temporary rock crusher accessory to the construction of primary or secondary services for a subdivision shall be valid until the end of the construction schedule specified in a subdivision agreement approved under the *HRM Regional Subdivision By-Law*, as amended from time to time.
- (6) Subject to Subsection 48(7), a temporary rock crusher must not be used to process material for export to another site, or to process material imported to the site.
- (7) A temporary rock crusher may be used as accessory to process demolished material for export to a disposal site, if the requirements of HRM By-law L-200, the *C&D Materials Recycling and Disposal License By-law*, as amended from time to time, are met.

Chapter 2: Residential Requirements

Home Occupations and Home Offices

- 49 (1) The following uses are prohibited as a home occupation:
- (a) retail uses, except for the retail of products associated with a permitted home occupation as an accessory use;
 - (b) restaurant uses;
 - (c) drinking establishment uses;
 - (d) service station uses;
 - (e) storage yard uses;
 - (f) service uses;
 - (g) pawn shops;
 - (h) warehousing uses; and
 - (i) kennel uses
- (2) Home occupations shall not permitted in any multi-unit dwelling, or accessory structure.
- (3) Home offices are permitted in all dwellings.
- (4) The principal operator of a home occupation or home office shall reside in the dwelling where the use is located.
- (5) A home occupation shall be permitted to have one non-resident employee.
- (6) A home occupation shall be wholly contained within a dwelling, and the home occupation shall not be apparent from the outside of the dwelling.
- (7) The combined floor area of all home occupation and home office uses in a dwelling must not exceed 35% of the total floor area of the dwelling, up to a maximum of 50.0 square metres.
- (8) Outdoor storage, and the outdoor display of goods, equipment, or material, are prohibited in association with a home occupation or home office.
- (9) Parking for home occupations must meet the requirements of Section 110.
- (10) Signage for home occupations must meet the requirements of Section 123.

Bed and Breakfasts

- 50 (1) A bed and breakfast is permitted in conjunction with a single-unit dwelling.
- (2) The following requirements shall apply to all bed and breakfasts:
- (a) A maximum of three guestrooms may be rented;
 - (b) The principal operator of a bed and breakfast must reside in the dwelling where the bed and breakfast is located;
 - (c) Signage for a bed and breakfast must meet the requirements of Section 123; and
 - (d) Parking for a bed and breakfast must meet the requirements of Section 110.

Dwelling Unit Mix

- 51 In any DH-1 zone, 33% of all dwelling units in a multi-unit dwelling, rounded up to the nearest whole number, must contain at least two bedrooms.

Amenity Space

- 52 (1) Any high-rise 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 shall be:
- (a) provided in increments of at least 30 contiguous square metres; and
 - (b) fully accessible to all building residents.

Work-Live Units

- 53 (1) Only the following commercial uses shall be 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 at, and accessible at the ground floor, and shall have an exterior entrance.
- (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 123.
- (6) Parking for a work-live unit must meet the requirements of Section 110.

Chapter 3: Urban Agriculture

Urban Agriculture Requirements

- 54
- (1) The processing of urban agricultural products, such as chopping, packaging, pickling, or preserving, shall be permitted as an accessory use to a main 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.
 - (4) Signage for urban agriculture uses shall meet the requirements of Sections 182 and 184.

Keeping of Bees as an Accessory Use

- 55
- (1) Where permitted in Table 1, the keeping of bees shall be limited to a maximum of one hive on properties smaller than 2,000 square metres, and a maximum of two hives on larger properties.
 - (2) All hives shall be registered with the Nova Scotia Department of Agriculture or its designate.

Chapter 4: Heritage Requirements

Registered Heritage Properties and Properties within Heritage Conservation Districts

- 56 (1) In addition to the requirements of this By-law and HRM By-law H-200, the *Heritage Property By-law*, as amended from time to time, development on a registered heritage property or within heritage conservation district shall be subject to the criteria of the Design Manual.
- (2) In addition to the requirements of this By-law, development on a non-registered heritage property in a heritage conservation district shall be subject to the applicable heritage conservation district By-law and the Design Manual.

Development Abutting a Registered Heritage Property

- 57 In addition to the requirements of this By-law, development on a lot abutting a registered heritage property shall be subject to the design criteria of the Design Manual.

PART IV: LOT & BUILT FORM REQUIREMENTS

Chapter 1: General Lot & Built Form Requirements

Regional Subdivision By-law

- 58 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.

Number of Buildings on a Lot

- 59 (1) Every building shall be located on a lot.
- (2) A building may be located on more than one lot over a continuous foundation, footing, or underground parking structure.

Structures Located in Setbacks, Stepbacks, and Separation Distances

- 60 Setbacks, stepbacks, and separation distances required in this Part shall be open and unobstructed except for the following permitted encroachments:
- (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 setback, stepback, or separation distance;
 - (b) Sills, eaves, gutters, downspouts, cornices, chimneys, and other similar features may project into any required setback, stepback, or separation distance up by to 0.6 metres from any building face;
 - (c) Window bays and solar collectors may project into any required setback, stepback, or separation distance by up to 1.0 metre from any building face; and
 - (d) Subject to Sections 69 and 70, balconies, covered and enclosed porches, verandas, canopies, and awnings may project into any required 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.

Streetwall Heights

- 61 Where required, a building shall have separate streetwall heights determined for each streetwall segment that is greater than 8.0 metres wide.

Encroachments into Streets

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

Viewing Triangles

- 63 A building or structure shall not obstruct any viewing triangle above a height of 1.0 metre.

Wind Impact

- 64 Any building or addition exceeding 22 metres shall only be permitted following consideration of its wind impact pursuant to the performance standards in Appendix 4.

Prohibited External Cladding Materials

- 65 (1) Subject to Subsection 65(2), the following external cladding materials are prohibited in any DH-1 and ICO zone:
- (a) vinyl;
 - (b) plastic;
 - (c) plywood;
 - (d) concrete block;
 - (e) exterior insulation and finish systems where stucco is applied to rigid insulation;
 - (f) darkly tinted or mirrored glass, excepting spandrel glass panels; and
 - (g) vinyl windows on registered heritage buildings or on lots within a heritage conservation district.
- (2) Existing prohibited external cladding materials on an existing building may be replaced with similar materials.

Pedways

- 66 Pedways shall only permitted in the DH-1 zone, and shall:
- (a) Connect to the existing pedway system;
 - (b) Not be constructed above any east-west street;
 - (c) Not exceed a floor-to-ceiling height of 3.5 metres; and
 - (d) Be glazed from floor to ceiling with transparent glass.

Drive-Throughs

- 67 Drive-throughs shall not be permitted.

Beekeeping Equipment

- 68 Beekeeping equipment shall only be allowed on the rooftop of a main building.

Encroaching Canopies

- 69 (1) A canopy shall comply with HRM By-law E-200, the *Encroachment By-law*, as amended time to time.
- (2) No canopy or part of a canopy that encroaches into a street shall be located:
- (a) less than 3.1 metres above the surface of a sidewalk; and
 - (b) closer in horizontal distance from a curb face or the nearest edge of a vehicular travelled way than what is identified on Schedule 10.
- (3) The canopy shall not obstruct or cause a safety or maintenance concern in relation to infrastructure in the public street.

Projections, Overhangs, and Cantilevers

- 70 (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 stepback, any portion of a building shall not project beyond the vertical plane of any building portions below the stepback.

Accessory Buildings

- 71 (1) Accessory buildings shall be permitted in all zones subject to the following requirements:
- (a) accessory buildings shall be a maximum of 5 metres high and a maximum of 23.5 square metres in floor area; and
 - (b) required setbacks from interior lot lines, for the area covered under Halifax Waterfront (HW) Special Area, shall apply to accessory buildings.
- (2) Notwithstanding any other requirement of this By-law, accessory buildings shall have a setback of a minimum 9.5 metres from streetlines.
- (3) A shipping container shall not be permitted as a main or accessory structure in any zone, except for zones located in Halifax Waterfront (HW) Special Area, and is subject to Subsections 71(1) and 71(2).

Chapter 2: Maximum Height Requirements

Building Height: Maximum Pre-Bonus Heights and Maximum Post-Bonus Heights

- 72 (1) Subject to Subsection 72(2), no building shall be erected, constructed, altered, reconstructed, or located so that it exceeds the Maximum Pre-Bonus Heights specified on Schedule 4.
- (2) The Maximum Pre-Bonus Heights specified on Schedule 4 may be exceeded to the Maximum Post-Bonus Height specified on Schedule 5.

Height Exemptions

- 73 (1) Building features listed in Table 2 shall be exempt from the maximum height requirements specified in Section 72.
- (2) All features identified with a black dot (●) in the “30% restriction” column of Table 2 shall not, in total, occupy more than 30% of the rooftop area of a building on which they are located (Diagram 4).

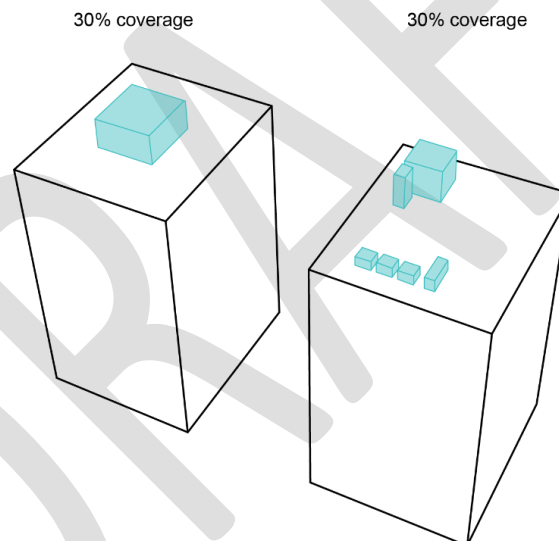


Diagram 4: Rooftop area coverage limits, per Subsection 73(2)

- (3) All features with a “maximum height above roof” indicated in Table 2 shall not exceed that height above the rooftop of a building on which they are located.
- (4) All features with a “minimum setback from roof edge” indicated in Table 2 shall be located at least as far as indicated from the outermost edge of the roof.

Table 2: Features exempt from maximum height requirements

Feature	30% restriction	Maximum height above roof	Minimum setback from roof edge
Antennas	●		3.0 metres
Chimneys	●		
Clear, uncoloured glass guard and railing systems	●	2.0 metres	
Clock/belltowers	●		
Communication towers required to support uses and activities in the building	●		3.0 metres
Cooling towers	●		3.0 metres
Elevator enclosures	●	4.5 metres	3.0 metres
Flag poles	●		
Heating, ventilation and air conditioning equipment and enclosures	●	4.5 metres	3.0 metres
High-plume laboratory exhaust fans	●		3.0 metres
Landscaping		4.5 metres	
Lightning rods	●		3.0 metres
Mechanical penthouses	●	4.5 metres	3.0 metres
Parapets	●	2.0 metres	
Rooftop cupolas	●	4.5 metres	3.0 metres
Rooftop greenhouses		7.5 metres	3.0 metres
Skylights		4.5 metres	
Solar collectors		4.5 metres	
Spires, steeples, minarets, and similar features	●		
Staircases and staircase enclosures	●	4.5 metres	3.0 metres
Windscreens	●	4.5 metres	3.0 metres

Height Bonusing

- 74 (1) Height and density bonusing thresholds and requirements are contained in Part IX.
- (2) A development shall not be eligible to exceed any maximum pre-bonus height limit, as specified in Part IX, if it includes the removal of more than 40% of a registered heritage building's façade, including exterior walls, roof, dormers, chimneys, and other character-defining elements.

Chapter 3: Built Form Requirements

Built Form Requirements

- 75 A main building erected, constructed, altered, reconstructed, or located in any DH-1 zone shall meet the built form requirements detailed in this Part.

Maximum Lot Coverage

- 76 Subject to required yards and landscaping, there is no maximum lot coverage requirement for any portion of a main building below 18.5 metres high.

Ground Floor Requirements

- 77 (1) The ground floor of a main building, including a parking structure, that has access at the streetline or onto a waterfront view corridor shall have a ground floor height of at least 4.5 metres (floor-to-floor) measured:
- (a) for a main building that has access at the streetline, from the streetline grade; and
 - (b) for a main building that has access onto a waterfront view corridor, from the average grade along the outside edge of the waterfront view corridor. Separate average grades along the waterfront view corridor must be determined for each horizontal segment of building wider than 8.0 metres (Diagram 5).

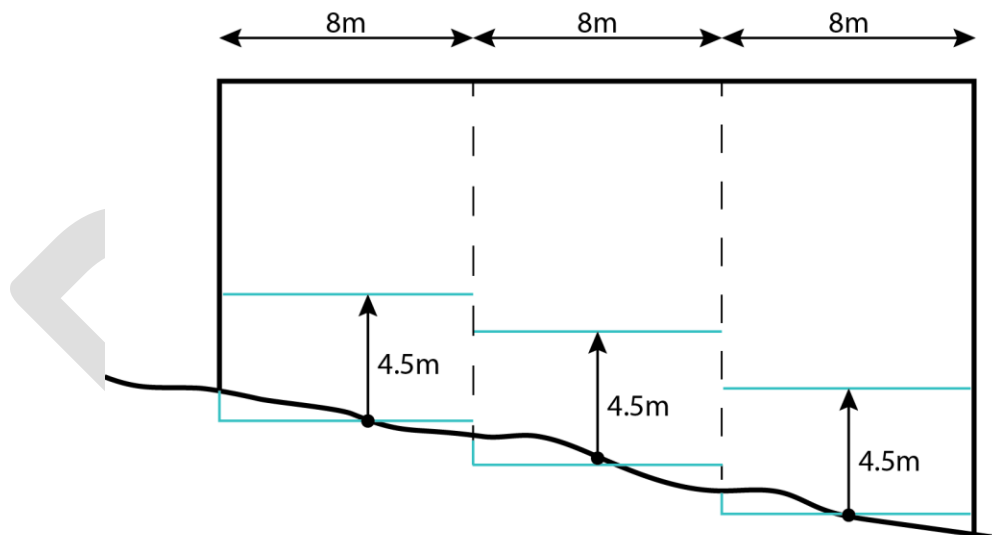


Diagram 5: Method for determining streetwall height, per Clause 77(1)(b)

- (2) Mezzanine spaces are permitted within the minimum floor-to-floor height required in Subsection 77(1), for those portions of the ground floor that are occupied by residential uses.
- (3) Where a lot abuts a pedestrian-oriented commercial street identified on Schedule 6, at least 75% of the building's total ground floor frontage (along all streetlines) shall consist of clear glass glazing.

- (4) Any pedestrian entrance along a streetline shall be set back at least 1.2 metres from the streetline.
- (5) Any vehicular entrance to the building along a streetline shall be set back at least 4.5 metres from the streetline.

Streetline Setbacks

- 78 (1) Subject to Subsection 78(2), a main building shall have:
- (a) a minimum setback from all streetlines as specified on Schedule 12; and
 - (b) a maximum setback from all streetlines, where one is specified on Schedule 13.
- (2) On a registered heritage property, any addition to a registered heritage building shall not be located within the existing streetline setback of the registered heritage building, and no maximum streetline setback requirement shall apply.

Other Setbacks: Low-Rise Buildings

- 79 (1) No setback shall be required from an interior lot line for a low-rise building or the low-rise portion of a building that is 18.5 metres or less in height.
- (2) Except for required streetwall setbacks, a low-rise building or the low-rise portion of a building shall be permitted to cover 100% of the lot upon which it is situated.

Other Setbacks: Mid-Rise Buildings

- 80 (1) Subject to Subsection 80(2), above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall have a setback from interior lot lines of no less than 5.5 metres.
- (2) Where abutting lots are under common ownership, the requirement for a mid-rise setback from the shared interior lot line(s) may be 0.0 metres for the abutting lots if the said lots are developed concurrently over a continuous substructure.

Other Setbacks: Mid-Rise Buildings: Central Blocks

- 81 Notwithstanding Subsection 78(1), no setback shall be required from an interior lot line for the mid-rise portion of any building on Central Blocks as identified on Schedule 8.

Other Setbacks: High-Rise Buildings

- 82 (1) Any portion of a high-rise building above a height of 33.5 metres shall have a minimum setback of 11.5 metres from interior lot lines.
- (2) Subjection to Subsection 82(3), any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 17 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where one or both high-rise portions are used for non-residential purposes.
- (3) Subjection to Subsection 82(4), any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both high-rise portions are used for residential purposes.

- (4) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.
- (5) Any portion of a building above a height of 33.5 metres located in the Central Blocks, as identified on Schedule 8, shall be a maximum width of 38 metres and a maximum depth of 27.5 metres.

Streetwall Height

- 83
- (1) Subject to Subsection 83(3), the maximum streetwall height shall be as specified on Schedule 14, except that on registered heritage properties the maximum streetwall height is the streetwall height of the registered heritage building.
 - (2) For all main buildings, the minimum streetwall height shall be 8.0 metres.
 - (3) The maximum streetwall height may be exceeded by a clear uncoloured glass guard and railing system to allow for the safe use of podiums and roofs by the occupants of the building.
 - (4) Streetwall height shall be determined for each portion of a building measured in contiguous 8 metre intervals along the horizontal face of the building (Diagram 5).
 - (5) Overhanging or cantilevered portions of a streetwall shall not exceed 25% of the building width at-grade or sidewalk level.

Streetwall Width

- 84
- (1) A streetwall shall extend the full width of a lot abutting the streetline, except on lots outside the Central Blocks, where the streetwall width may be reduced to no less than 80% of the width of a lot abutting a streetline.
 - (2) Streetwalls along Lower Water Street or Upper Water Street shall be 100% of the lot width at the streetline, except for any portion of the lot width within a waterfront view corridor, for any lot meeting all the following criteria:
 - (a) in the Halifax Waterfront (HW) Special Area; and
 - (b) with less than 27.5 metres of frontage.

Streetwall Stepbacks

- 85
- (1) Subject to Subsection 85(2), for any main building with a minimum streetline setback of 0.0 metres and a maximum streetline setback of 1.5 metres or 4.0 metres, the building shall step back above the streetwall (Diagram 6):
 - (a) at least 3.0 metres for any portion of the building below 33.5 metres high; and
 - (b) at least 4.5 metres for any portion of the building above 33.5 metres high.

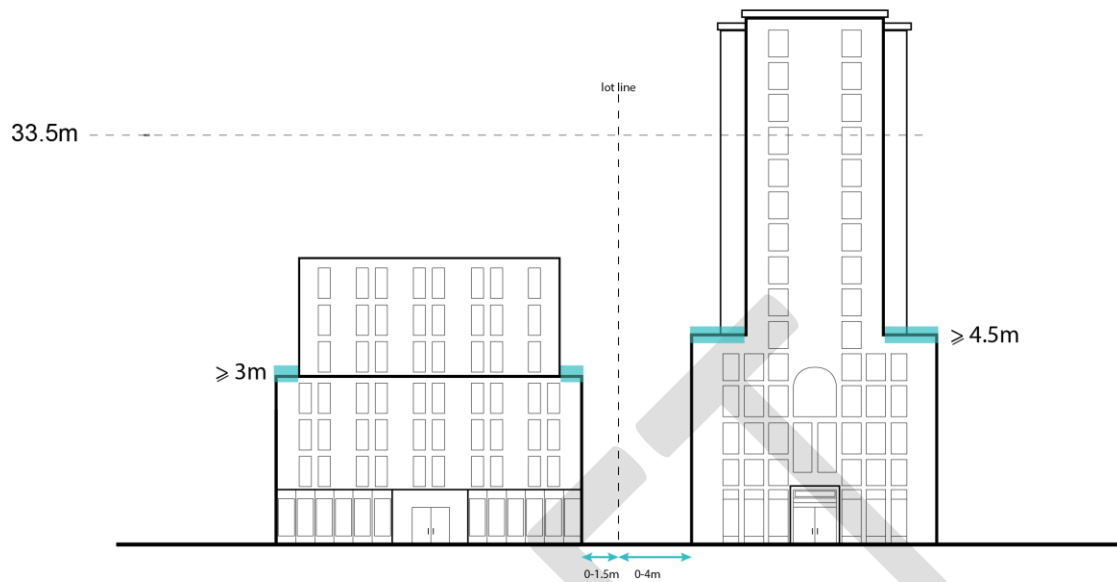


Diagram 6: Minimum streetwall stepbacks, per Subsection 85(1)

- (2) No stepback shall be required for up to 20% of the width of a building along a streetline.
- (3) In Precinct 3 (Spring Garden Road), above a height of 17.0 metres, buildings shall step back an additional 0.9 metres from the streetline for every additional 0.6 metres in height.
- (4) On the Clyde Street within Precinct 3 (Spring Garden Road), a minimum stepback of 3.0 metres above the streetwall along any Clyde Street frontage shall be provided.

Minimum Separation Distances

- 86 (1) Any portion of a main building above 33.5 metres high shall be separated by a minimum of 17.0 metres from any portions of the same or other buildings above 33.5 metres high on the same lot.
- (2) Any portion of a main building above 33.5 metres high shall be separated by a minimum of 23.0 metres from any portions of the same or other buildings above 33.5 metres high on the same lot, where both portions above 33.5 metres high contain residential uses.

Additional Special Area Requirements

- 87 All main buildings located within the Halifax Waterfront (HW) Special Area shall meet the following requirements:
 - (a) Any portion of a building must not exceed a height of 12.5 metres at a setback distance of 8.0 metres from any north-south harbour edge;
 - (b) Any portion of a building with a setback greater than 8.0 metres from any north-south harbour edge may exceed a height of 12.5 metres, with an additional 1.0 metre of height permitted for every additional 1.0 metre of setback; and
 - (c) Any portion of buildings with a setback of more than 18.0 metres from any north-south harbour edge must only meet the height requirements of Section 84.

Maximum Building Dimensions

- 88 (1) Subject to Subsection 88(2), any portion of a main building above 33.5 metres high shall not exceed:
- (a) 38.0 metres in building width and 27.5 metres in building depth, inside the Downtown Halifax Central Blocks identified on Schedule 8; or
 - (b) 38.0 metres in building width and 38.0 metres in building depth, outside the Downtown Halifax Central Blocks identified on Schedule 8.
- (2) All main buildings located in the Halifax Waterfront (HW) Special Area shall meet the following requirements:
- (a) The maximum width of any eastern building face shall not exceed 27.5 metres at a setback distance of 8.0 metres from the harbour edge;
 - (b) Subject to Clause 88(2)(c), eastern building faces with a setback distance greater than 8.0 metres from the harbour edge shall not exceed a maximum width of 27.5 metres, plus 1.0 additional metre for every additional 1.0 metre setback;
 - (c) Eastern building faces with a setback of more than 30.0 metres from the harbour edge are permitted to use the full width permitted for the building; and
 - (d) Any portion of a building above 33.5 metres high shall have a maximum width of 27.5 metres along the sides most parallel to Lower Water Street, and a maximum depth of 38.0 metres along the sides most perpendicular to Lower Water Street.

Balconies

- 89 The aggregate length of protruding balconies per storey shall not exceed 50% of the horizontal width of the building face to which they are attached.

Chapter 4: Halifax Waterfront (HW) Special Area Requirements

Residential Uses: Storm Surge Protection

- 90
- (1) Subject to Subsection 90(3), no residential portion of a building on a lot within Halifax Waterfront (HW) Special Area, shall be erected, constructed or reconstructed at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum (CGVD) 2013 standard.
 - (2) Subsection 90(1) shall not apply to parking garages, accessory structures, entrances or common amenity space for residential uses.
 - (3) Any existing residential use situated less than the required elevation may expand if such expansion does not further reduce the existing elevation.
 - (4) Every application for a development permit for a building to be erected pursuant to Subsections 90(1) and 90(3) shall be accompanied by plans drawn to an appropriate scale, prepared by a licensed, professional surveyor, showing the required elevations, contours and lot grading information to determine that the proposed building will meet the requirements of this section.

Waterfront View Corridors

- 91
- (1) Six waterfront view corridors shall be established, as shown on Schedule 13A, 13B, 13C, 13D, 13E and 13F.
 - (2) Subjection to Subsection 91(3), no building shall be erected, constructed, altered, reconstructed, or located such that it protrudes into a waterfront view corridor.
 - (3) The following structures shall be allowed to protrude through a waterfront view corridor:
 - (a) portions of buildings, such as underground parking, that are below the elevation of the intersection of the waterfront view corridor and Lower Water Street;
 - (b) public art installations, both temporary and permanent; and
 - (c) fountains and other landscape elements.
 - (4) Every application for a development permit for a building to be erected abutting the waterfront view corridors shall be accompanied by plans drawn to an appropriate scale, prepared by a licensed, professional surveyor, showing that the proposed building will not protrude through the waterfront view corridor.
 - (5) A permit issued by the development officer pursuant to plans and data presented by the applicant shall not, at any time, be permission to protrude through a waterfront view corridor.
 - (6) Vehicular access may be allowed on a waterfront view corridor.
 - (7) A building is abutting a waterfront view corridor if it is within 10 meters from the outside edge of such corridor.
 - (8) Notwithstanding uses permitted in Table 1, the only residential uses permitted on the ground floor abutting a waterfront view corridor are pedestrian entrances and lobbies associated with a residential use.

Structures Exempt from Site Plan Approval in Halifax Waterfront (HW) Special Area

- 92 Structures referenced in Section 13(i) shall be permitted throughout Halifax Waterfront (HW) Special Area as shown on Schedule 1, and shall:
- (a) be limited in each instance to a maximum height of 8.2 metres and a maximum gross floor area of 464 square metres;
 - (b) be subject to the required setbacks from interior lot lines within this By-law; and
 - (c) include a minimum setback of 9.5 metres from streetlines.

Shipping Containers

- 93 (1) Within the Halifax Waterfront (HW) Special Area, a shipping container may only be used to contain an office use, retail use, restaurant use, or drinking establishment use.
- (2) A shipping container shall not be located within any required streetline setback, and shall not be located between any main building and any street.

Setbacks from Harbour Edge

- 94 In addition to all other requirements of this By-law, all buildings located within Halifax Waterfront (HW) Special Area shall have a setback no less than:
- (a) 8 metres between eastern building faces and the harbour edge; and
 - (b) 3 metres between northern and southern building faces and the harbour edge.

Setbacks from Interior Lot Lines in Halifax Waterfront (HW) Special Area

- 95 In addition to all other requirements of this By-law, all buildings located within Halifax Waterfront (HW) Special Area, shall be subject to the following requirements:
- (a) buildings on lots with a streetline width greater than 27.5 metres shall have a setback from interior lot lines no less than 10% of the lot width or 8 metres, whichever is less and where a lot has more than one streetline, the greater lot width shall apply; and
 - (b) where an interior lot line abuts a waterfront view corridor, no additional setback from the interior lot line shall be required except that required by Section 94.

Building Heights Adjacent to Harbour Edge

- 96 In addition to all other requirements of this By-law, all buildings located within Halifax Waterfront (HW) Special Area, shall be subject to the following requirements:
- (a) the maximum height of a building shall be 12.5 metres at a setback distance of 8 metres from the northern or southern harbour edge;
 - (b) subject to Sub Clause 96(c), portions of the building with a setback greater than 8 metres from the north-south harbour edge shall have a maximum height of 12.5 metres with an additional 1 metre of height for every additional 1 metre of setback, provided all other requirements of the By-law are met; and
 - (c) portions of buildings with a setback of more than 18 metres from the north-south harbour edge shall have a maximum height as permitted on Schedules 4 and 5.

Building Widths Adjacent to Harbour Edge

- 97 In addition to all other requirements of this By-law, all buildings located within Halifax Waterfront (HW) Special Area, shall be subject to the following requirements:
- (a) the maximum width of the eastern face of any building shall not exceed 27.5 metres at a setback distance of 8 metres from the north-south harbour edge;
 - (b) subject to Sub Clause 97(c), eastern building faces with a setback distance greater than 8 metres from the north-south harbour edge shall have a maximum width of 27.5 metres plus 1 additional metre for every additional 1 metre setback, provided all other requirements of this By-law are met;
 - (c) eastern building faces with a setback of more than 30 metres from the northern or southern harbour edge shall be permitted to use the full width permitted for the building; and
 - (d) any portion of a building above a height of 33.5 metres shall be a maximum width of 27.5 metres parallel to Lower Water Street and a maximum depth of 38 metres perpendicular to Lower Water Street.

Chapter 5: Precinct-Specific Requirements

Precinct 2: Residential Uses Landscaped Open Space Requirements

- 98
- (1) For the purposes of this section, “primarily” means more than 50% of the gross floor area is dedicated to residential uses, including enclosed areas serving residents of the building such as laundry rooms and common amenity space.
 - (2) Where any building is erected, altered, or used primarily for residential purposes in Precinct 2: Barrington Street South, the lot on which such building is located shall contain landscaped open space.
 - (3) For Subsection 98(2), a minimum of 11.25 square metres of landscaped open space shall be provided for each dwelling unit in a building.
 - (4) For Subsection 98(3), a maximum of 60% of the landscaped open space requirement may be transferred to the building roof, if:
 - (a) the landscaped open space is a minimum of 56 square metres in area and a minimum dimension 1.5 metres; and
 - (b) notwithstanding 107(3), the landscaped open space is fully accessible for the common use of the occupants of the building; and,
 - (c) the landscaped open space is located on a portion of the roof that is a flat roof.

Precinct 3: Spring Garden Road Area

- 99
- (1) On the south side of Spring Garden Road, between Queen Street and South Park Street, and on the east side of South Park Street between Spring Garden Road and Sackville Street, above a height of 17 metres measured at the streetline, buildings shall have a setback of an additional 0.9 metres from the streetline, for every 0.6 metres in streetwall height.
 - (2) On the lands commonly known as the former Clyde Street Parking Lots, as shown on Schedule 16:
 - (a) a minimum stepback of 3 metres above the streetwall along the Clyde Street frontage shall be required;
 - (b) development shall maintain a minimum of 210 or more public parking spaces in total on the two lots; and
 - (c) every application for a development permit shall be accompanied by a statement containing such information as may be deemed necessary by the Development Officer to ensure compliance with the requirements of Clause 99(2)(b).

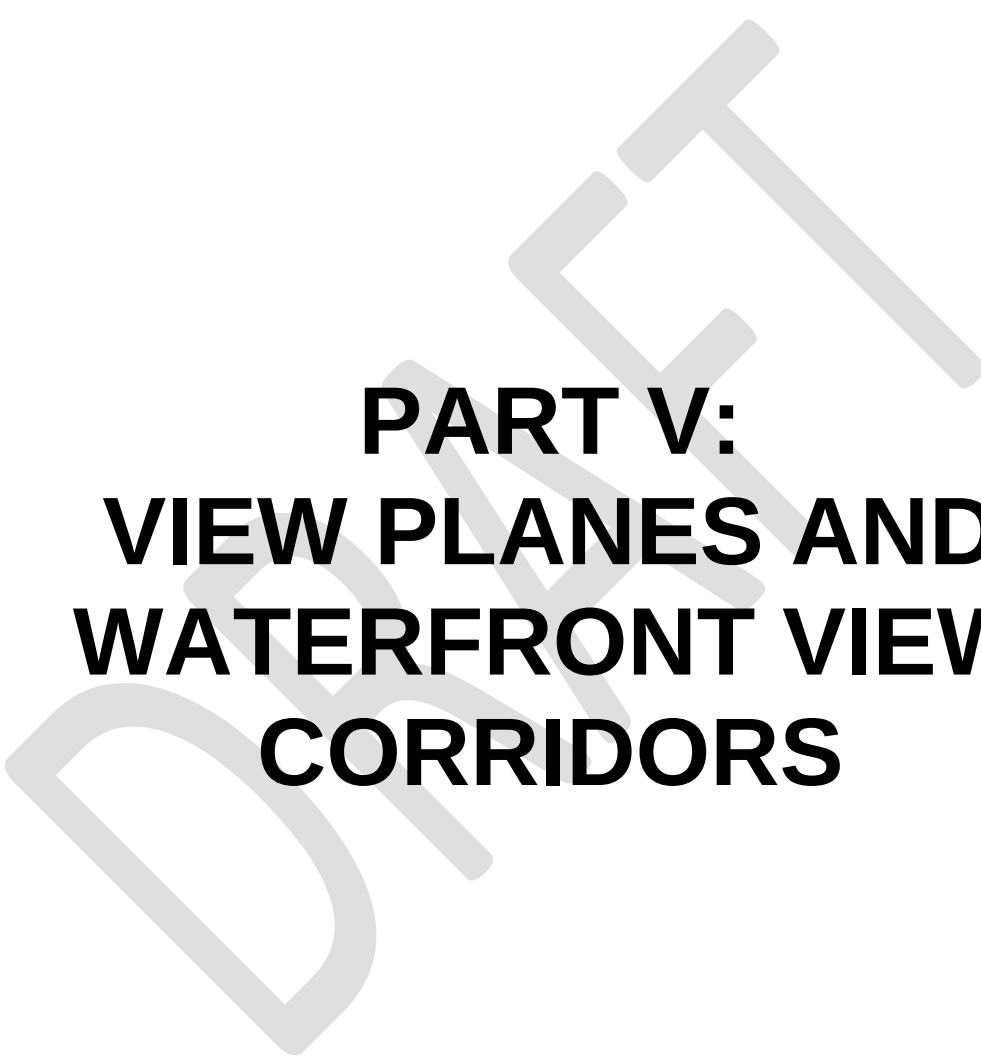
Precinct 4: Lower Central Downtown

- 100
- In addition to all other requirements of this By-law, on lots having less than 27.5 metres of frontage, streetwalls abutting Lower Water Street or Upper Water Street shall be 100% of the lot width at the streetline, except for any portion of the lot width impacted by a waterfront view corridor.

Precinct 5: Barrington Street Heritage Conservation District

- 101 Within the Barrington Street Heritage Conservation District Precinct, development shall be subject to the requirements of this By-law, the Development in Heritage Contexts section of the Design Manual, and HRM By-law H-500, the *Heritage Conservation District (Barrington Street) By-law*. Where this By-law conflicts with By-law H-500, the requirements of By-law H-500 shall prevail.

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PART V: VIEW PLANES AND WATERFRONT VIEW CORRIDORS

Chapter 1: General Waterfront View Corridor Requirements

- 102 (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: General View Plan and Rampart Requirements

Halifax Citadel View Planes

- 103 (1) Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone to protrude through a view plane except as permitted pursuant to section 24 of the Halifax Peninsula Land Use By-law, as amended from time to time.
- (2) Any permit issued by the Development Officer pursuant to plans and data presented by the applicant shall not, at any time, be permission to protrude through a view plane.
- (3) No building shall be constructed so that it is parallel to a view plane, unless such view plane is parallel to a street line.

Halifax Citadel Rampart View Planes

- 104 Notwithstanding any provision of this By-law, no building or part of a building, shall be erected, constructed, altered, reconstructed, or located in any zone to be visible above the ramparts as specified by 26B of the Halifax Peninsula Land Use By-law, as amended from time to time.

Chapter 3: Halifax Waterfront View Corridors

Halifax Waterfront View Corridors

- 105 (1) The Halifax waterfront view corridors are as defined and shown on the following schedules:
- (a) Schedule 13A: George Street Waterfront View Corridor.
 - (b) Schedule 13B: Prince Street Waterfront View Corridor;
 - (c) Schedule 13C: Sackville Street Waterfront View Corridor;
 - (d) Schedule 13d: Salter Street Waterfront View Corridor;
 - (e) Schedule 13e: Bishop Street Waterfront View Corridor; and
 - (f) Schedule 13f: Morris Street Waterfront View Corridor;
- (2) A structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a Halifax waterfront view corridor, except:
- (a) any portion of a building at or below the elevation where a waterfront view corridor intersects with Lower Water Street;
 - (b) public art;
 - (c) fountains and other landscaping elements; and
 - (d) sidewalk cafes.
- (3) Vehicular access is permitted within a Halifax waterfront view corridor.

PART VI: LANDSCAPING

Chapter 1: General Landscaping Requirements

General Landscaping Requirements

- 106 (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 shall:
- (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 shall 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 shall be 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.
 - (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 setback, shall not be used for storage, loading, unloading, or the movement or parking of motor vehicles.
- (5) Landscaping, including any required fence or wall, shall not obstruct any viewing triangle above a height of 1.0 metre.
- (6) Where a surface parking lot abuts a lot line, the following shall be provided:
- (a) a 1.0-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; and
 - (c) openings in any required fence or wall as required to allow access to the parking lot.
- (7) Any area of a surface parking lot not used for parking or maneuvering shall 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 shall 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 shall be covered with soft landscaping consisting of salt-tolerant groundcover plants.
- (8) Excluding any hard-landscaped areas required in Section 108, at least 50% of the remaining required landscaping on a lot, including landscaping on building rooftops, shall be soft landscaping. Soft-landscaped amenity areas may be counted toward this requirement.
- (9) 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.

Chapter 2: Specific Landscaping Requirements

Landscaping for Flat Roofs

- 107 (1) All buildings erected with a flat roof, or flat-roofed addition to an existing building, shall provide a soft landscaping on 100% of any area of the flat roof that:
- (a) exceeds 40.0 contiguous square metres;
 - (b) has at least one linear dimension exceeding 3.0 metres; and
 - (c) is not required or used for amenity space, architectural features, mechanical equipment, or solar collectors.
- (2) Landscaped areas provided under Subsections 107(1) are not required to be accessible to the building occupants.
- (4) Where Subsection 107 (1) applies, and a flat roof is located at a building height equal to or exceeding 33.5 metres, the roof treatment shall consist of:
- (a) landscaped areas;
 - (b) solar collectors; or
 - (c) a combination of landscaped areas and solar collectors.
- (5) Where a flat roof is to be used as an amenity area for the common use of the occupants of the building or for individual occupants, the landscaped area shall be designed as per the definition of landscaped area and accessible to the building occupants.

Other Landscaping Requirements

- 108 (1) In any DH-1 zone, the following areas must be hard- or soft-landscaped:
- (a) 100% of any streetline setback, 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 DH-1 zone, streetline setbacks along any pedestrian-oriented commercial street must be hard-landscaped in the same style, and with similar or higher-quality materials, as the adjacent street.
- (3) In any DH-1 zone, fences and masonry walls are prohibited along any streetline, excluding low-density dwellings, surface parking lots, grade-related units, and any registered heritage property.

Chapter 3: Landscaping Plan Requirements

Requirement to Submit a Landscape Plan

- 109 (1) When required in Section 9 or Appendix 4 (Wind Assessment Performance Standards), a development permit application must include a landscape plan prepared by a registered landscape architect.
- (2) The landscape plan shall 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) the location and identification of existing vegetation that will be used to meet the requirements of Sections 106 and 107;
 - (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 must conform to the latest edition of the *Canadian Landscape Standard*.

Requirement Prior to Occupancy

- 110 (1) Subject to Subsection 110(2), prior to the issuance of the first occupancy permit, the developer shall submit to the Development Officer a letter prepared by a landscape architect certifying that all landscaping has been completed per the terms of the site plan approval.
- (2) Occupancy permits may be issued provided the developer supplies a security deposit of 110 percent of the estimated cost to complete the landscaping. The security deposit shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank.
- (3) Should the developer not complete the landscaping within twelve (12) months of issuance of the first occupancy permit, the Municipality may use the security deposit to complete the landscaping as set out under the terms of the site plan approval. The developer shall be responsible for all costs in this regard exceeding the deposit.
- (4) Upon completion of the landscaping work and its certification by a landscape architect, any unused portion of the security deposit, submitted to the Municipality under Section 107(2) shall be returned to the developer.

Landscaping Details

- 111 (1) Planting details for each type of plant material proposed on the landscape plan shall be provided to the Development Officer with the application for the first Building or Development Permit, including a species list with quantities, size of material, and common and botanical names (species and variety).
- (2) All plant material shall conform to the latest edition of the *Canadian Landscape Standard*.
- (3) Construction details and manufacturer's specifications including model and colour for all tree protection hoarding, benches, light standards and luminaries, waste management receptacles, bike racks, tree grates/guards, planter seating wall, wood arbour, patio table and chairs, outdoor waste management enclosure, railings, and fencing shall be provided to the Development Officer with the application for the first Building or Development Permit, and shall describe their design, construction, specifications, hard surface areas, materials and siting.

PART VII: PARKING

Chapter 1: Motor Vehicle Parking

Accessory Surface Parking Lots: Prohibited Precincts

112 Accessory surface parking lots shall be prohibited in the following areas:

- (a) Precinct 3: Spring Garden Road Area;
- (b) Precinct 4: Lower Central Downtown, except for the lands in Halifax Waterfront (HW) Special Area;
- (c) Precinct 5: Barrington Street Heritage Conservation District;
- (d) Precinct 6: Upper Central Downtown; and
- (e) Precinct 7: Historic Properties.

Accessory Surface Parking Lots: General Requirements

113 (1) The following requirements shall apply to accessory surface parking lots:

- (a) accessory surface parking lots shall not have a parking surface area greater than the equivalent of 20 parking stalls plus area for ingress or egress of motor vehicles to a street by means of driveways, aisles or maneuvering areas;
- (b) accessory surface parking lots shall be in the areas of a lot that are not between a streetline and a building and at no time shall they be closer to the streetline than 50% of the lot depth;
- (c) all accessory surface parking lots and access to accessory surface parking lots shall be hard surfaced with asphalt, concrete or pavers, and delineated by concrete curbing. All parking spaces and driving aisles shall be delineated with painted lines;
- (d) all accessory surface parking lots visible from the street shall have a landscaped vegetated strip of at least 1.5 metres in depth adjacent to any street, exclusive of driveway accesses, and a further strip of at least 1 metre in depth along other lot lines. Landscaping may consist of grassed areas or planters, with one shrub planted for every 2 metres of length abutting side and rear lot lines, and one tree, staked, with a minimum base caliper of 50 mm for every 4.5 metres abutting a street line;
- (e) individual parking spaces shall be 2.7 metres by 6.1 metres except in the case of curb parking parallel to an internal driveway, in which case the length of the parking stall shall be increased to 6.7 metres;
- (f) there shall be a minimum aisle width between parking stalls of 7.3 metres for two-way traffic or 4.3 metres for one-way traffic;
- (g) parking or storage of motor vehicles is not permitted in areas used for ingress or egress of motor vehicles to a street or highway, or in areas used for driveways, aisles or maneuvering areas;
- (h) parking stalls shall not be immediately adjacent to doors or passageways from buildings; and
- (i) parking areas and driving aisles between a streetline and a building are not permitted. A driveway in where it provides access to parking areas in other areas of the lot.

(2) The design of accessory surface parking lots shall meet the requirements of the Design Manual.

Commercial Surface Parking Lots

114 Commercial surface parking lots are prohibited in all zones.

Standalone Surface Parking Lots

115 Standalone surface parking lots are prohibited in all zones.

Commercial Parking Garages: General Requirements

- 116 (1) Commercial parking garages shall be permitted in all precincts.
- (2) The following requirements shall apply to commercial parking garages:
- (a) individual parking spaces shall be a minimum of 2.7 metres by a minimum of 6.1 metres except in the case of curb parking parallel to an internal driveway, in which case the length of the parking stall shall be increased to a minimum of 6.7 metres;
 - (b) parking or storage of motor vehicles is not permitted in areas used for ingress or egress of motor vehicles to a street or highway, or in areas used for driveways, aisles or maneuvering areas; and
 - (c) parking stalls shall not be adjacent to doors or passageways from buildings.
- (3) The requirements of Subsection 116(2)(a) shall not apply where an automated vehicle parking system is being used.

Commercial Parking Garages: Design

- 117 Commercial parking garages shall provide a streetwall as specified on Schedule 7, and in no case shall the streetwall height be less than 7.5 metres high.
- 118 (1) Mechanical equipment shall be visually obscured from the street using architectural features.
- (2) At-grade uses abutting a street shall be limited to:
- (a) on Pedestrian-Oriented Commercial Streets, those uses in Section 4; and
 - (b) on all other streets, those uses, other than commercial parking garage, permitted in the zone applicable to the lot.
- (3) Streetwalls greater than 15 metres in width measured parallel to the streetline shall have the appearance of two or more buildings by altering the appearance of the facade or roof in increments of 6 metres to 12 metres.
- (4) Commercial use storage, delivery bays and waste management receptacles shall be contained within the building.
- (5) Commercial parking garage mechanical equipment, meters and similar utilities shall be located on top of, or within, the building.
- (6) The design of commercial parking garages shall meet the criteria of the Design Manual.

Chapter 2: Bicycle Parking

Bicycle Parking Exemptions

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

- (a) low-density dwelling;
- (b) bed and breakfast;
- (c) home occupation;
- (d) home office;
- (e) work-live unit;
- (f) urban agriculture use;
- (g) water access use; and
- (h) accessory structure or accessory use.

General Bicycle Parking Requirements

- 120
- (1) If required bicycle parking is not visible from the street, wayfinding signage must be posted, in a location visible from the building's front 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 required bicycle parking must be provided from a streetline that abuts the cycling thoroughfare.
 - (3) All required or provided bicycle parking must be designed to be tamper-resistant. All bicycle racks and bicycle lockers must be firmly secured to the ground, floor, or wall with security nuts, or embedded in concrete.
 - (4) All required or provided bicycle parking must be located on a hard surface and in a well-lit area.
 - (5) All required or provided bicycle parking must be:
 - (a) located at ground level;
 - (b) accessible from ground level with ramps, at least 2.5 metres wide, that do not exceed a slope of 7%; or
 - (c) accessible by elevator.
 - (6) All required or provided bicycle parking must provide two points of contact between each bicycle and rack, and be designed so that each bicycle is individually supported and lockable.

Rounding Regulation

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

Required Number of Bicycle Parking Spaces

- 122 (1) Bicycle parking spaces are required for each use listed in Table 3. The "Type" column specifies which types of bicycle parking must be provided, as described in Sections 116 and 117. Where a conflict exists, any minimum or maximum requirement takes precedence over a general requirement.

Table 3: Required number of bicycle parking spaces, by zone and use

Use	General Requirement	Type	Minimum requirement	Maximum requirement
Multi-unit dwelling; Grade-related unit	1 space for every 2 units	80% Class A 20% Class B	4 spaces (Class B)	N/A
Hotel	1 space for every 20 guestrooms	80% Class A 20% Class B	2 spaces (Class B)	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 (Class B)	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 (Class B)	N/A
Cultural use; Minor spectator venue; Stadium	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 (Class B)	50 spaces
School; University or college	1 space for every 150 sq. m GFA	20% Class A 80% Class B	10 spaces (Class B)	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 (Class B)	N/A
Commercial parking structure	1 space for every 20 motor vehicle parking spaces	100% Class B	2 spaces (Class B)	50 spaces
Any other use not specified above or exempted in Section 176	1 space for every 500 sq. m GFA	50% Class A 50% Class B	2 spaces (Class B)	N/A

- (2) Bicycle parking is not required for single, two and three unit dwellings, self-storage facilities, car washes, cemeteries, and funeral homes.

Class A Requirements Bicycle Parking:

- 123 (1) Class A bicycle parking spaces shall be subject to the following requirements:
- (a) Class A bicycle parking shall be located a maximum of 200 metres from an entrance;
 - (b) parking spaces shall have a minimum door opening of 0.6 metres, be no less than 0.6 metres long and 1.2 metres in height, with an aisle width of not less than 1.5 metres; and
 - (c) bicycle rooms and cages for the storage of multiple bicycles shall contain racks so that individual bicycles are supported.

Class B Requirements Bicycle Parking:

- 124 (1) Class B bicycle parking shall be subject to the following requirements:
- (a) covered parking spaces, in which bicycles are protected from precipitation, shall be located a maximum of 30 metres from an entrance;

- (b) uncovered parking shall be located a maximum of 15 metres from an entrance;
 - (c) parking spaces shall be located at ground level and visible to passers-by or building security personnel;
 - (d) where parking spaces are not visible to passers-by, directional signage shall be provided;
 - (e) all bicycle parking spaces shall be located on hard surfaces in areas that are visible from the street and well illuminated;
 - (f) parking spaces shall have a minimum overhead clearance of 2 metres;
 - (g) access to and exit from parking spaces shall be provided with an aisle of not less than 1.2 metres in width, to be provided and maintained beside or between each row of bicycle parking;
 - (h) parking spaces shall be located a minimum of 0.6 metres from any wall or other obstruction; and
 - (i) parking spaces shall be a minimum of 0.6 metres wide and 2 metres long.
- (2) Subject to Section 124(3), in cases of 100% lot coverage, or where it is otherwise impractical to provide on-site parking, Class B bicycle parking shall be installed within the street right-of-way, in accordance with the provisions HRM By-law S-300, the *Streets By-law*, provided it is a maximum of 100 metres from the location such parking is to serve.
- (3) Where Section 124(2) applies and the Municipality has refused to approve the installation of Class B bicycle parking in the street right of way, Class B bicycle parking shall not be required.

PART VIII: SIGNS

Chapter 1: General Signage Requirements

Requirement for a Sign Permit

- 125 (1) Subject to Section 125(2), a person must not erect any sign without first obtaining a development permit.
- (2) Except for signs exempted in Section 126, a sign owner must have a valid development permit for every sign.

Sign Permit Exemptions

- 126 The following signs are permitted and do not require a development permit, but shall still meet the requirements of this By-law:
- (a) signs giving the name and civic address of a building;
 - (b) signs regulating the use of a lot, such as "No Trespassing" signs, not exceeding 0.2 square metres in area;
 - (c) signs that pertain to the sale, rental, or lease of a lot on which the sign is displayed, and which:
 - (i) are non-illuminated,
 - (ii) do not exceed 2.0 square metres in area,
 - (iii) must be removed within 14 days following the advertised sale, rental, or lease, and
 - (iv) are limited to a maximum of one sign per street frontage;
 - (d) signs regulating traffic on a lot, not exceeding 0.5 square metres in area;
 - (e) directional and wayfinding signage, not exceeding 0.5 square metres in area;
 - (f) signs identifying the function of part or all of a building, not exceeding 0.5 square metres in area;
 - (g) signs erected by a governmental body or public authority;
 - (h) interior signage;
 - (i) commemorative signs;
 - (j) drive-through signage;
 - (k) signs that are incidental to a construction in progress, and which:
 - (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) must be removed within 14 days following the conclusion of construction;
 - (l) 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.
 - (m) temporary signs associated with an election, referendum, or census;
 - (n) the replacement of a sign face in the exact same size and location; and
 - (o) the repainting or refinishing of a sign using the same colour and finish.

Temporary Sign By-law

- 127 This By-law shall not apply to any sign regulated under HRM By-law S-801, the *By-law for Temporary Signs*, as amended from time to time.

Encroachment License

- 128 In addition to the provisions of this part, if a sign is intended to encroach over any portion of a street right-of-way, no permit shall be granted until the applicant obtains approval for the encroachment.

Permitted Signs

- 129 The following signs shall be permitted and do not require a development permit:
- (a) name and street number of residential and non-residential buildings;
 - (b) "No Trespassing" signs and other such signs regulating the use of a property, provided said signs do not exceed 0.2 square metres in area;
 - (c) non-illuminated real estate sign less than 2 square metres in area pertaining to the sale, rental, or lease of the premises on which the sign is displayed, and the sign is to be removed within 14 days after the referenced sale, rental or lease;
 - (d) signs regulating traffic within the lot or giving direction or identifying the function of part or all of a building, provided that such signs do not exceed 0.5 square metres in area;
 - (e) signs erected by a governmental body or public authority;
 - (f) memorial signs or tablets and signs denoting the date or erection of a building as well as signs identifying historic sites;
 - (g) non-illuminated signs which are incidental to construction and are located on the same lot, if the sign does not exceed 5 square metres in area and it is removed within 14 days after conclusion of the construction activity; and
 - (h) one sign displaying a menu for a restaurant if the sign:
 - (i) is attached to the building immediately adjacent to the entrance;
 - (ii) does not exceed 0.4 square metres (as measured from the outside of the box),
 - (iii) does not project further than 0.1 metre from the wall upon which it is affixed; and
 - (iv) does not have any logo or restaurant name located on the exterior of the box.

Prohibited Signs

- 130 The following signs are prohibited in all zones:
- (a) signs which create a hazard to public safety;
 - (b) signs located within the viewing triangle of a street or driveway or which obstruct the vision of drivers whether by their location, appearance or illumination or which obscure or obstruct any traffic control sign or device of any public authority;
 - (c) signs which obstruct access to or from a fire escape, door, window, or other required fire exit;
 - (d) signs which resemble traffic control signs of any public authority, whether by shape, colour, message or location which would interfere with or confuse traffic along a public road;
 - (e) signs which advertise a product which is no longer sold or a business which is no longer in operation;
 - (f) signs that are unrelated to the product, service or business that is upon a lot;
 - (g) signs on public property or public rights-of-way unless erected by a public authority or specifically permitted by the Municipality;
 - (h) signs located on or affixed to the roof of any structure;
 - (i) signs which project above a roof line;

- (j) signs which project above a streetwall stepback;
- (k) freestanding signs;
- (l) billboards;
- (m) signs affixed to natural objects such as trees and stones;
- (n) signs which use fluorescent colours for either background or individual characters, excepting traditional neon gas tubing;
- (o) internally-illuminated fascia signs, excepting:
 - (i) traditional neon gas tubing;
 - (ii) open or exposed neon gas tubing channel letters and characters;
 - (iii) back-lit individually raised profile letters and characters with light-emitting diode (LED) illumination;
 - (iv) back-lit standard channel letters and characters with light-emitting diode (LED) illumination; or
 - (v) reverse channel (halo-lit) letters and characters with either neon gas tubing or light-emitting diode (LED) illumination; or
 - (vi) a sign permitted pursuant to Subsection 95(h);
- (p) internally-illuminated canopy or awning signs;
- (q) stretch skin plastics for canopy or awning signs; or
- (r) textile banners, with or without frames.

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

- 131 Signs on registered heritage properties and properties in a heritage conservation district shall meet the requirements of the Design Manual.

Illuminated Signs

- 132 Where signs are illuminated, they shall not cause a glare or hazard to motorists, pedestrians or neighbouring premises.

Fascia Signs

- 133 (1) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed.
- (2) The maximum combined size of fascia signs on the wall of a building shall be no greater than 10% of the total area of the wall.

Window Signs

- 134 The aggregate area of all window signs shall not exceed 25% of the window, or glass area of a door, to which they are attached.

Canopy and Awning

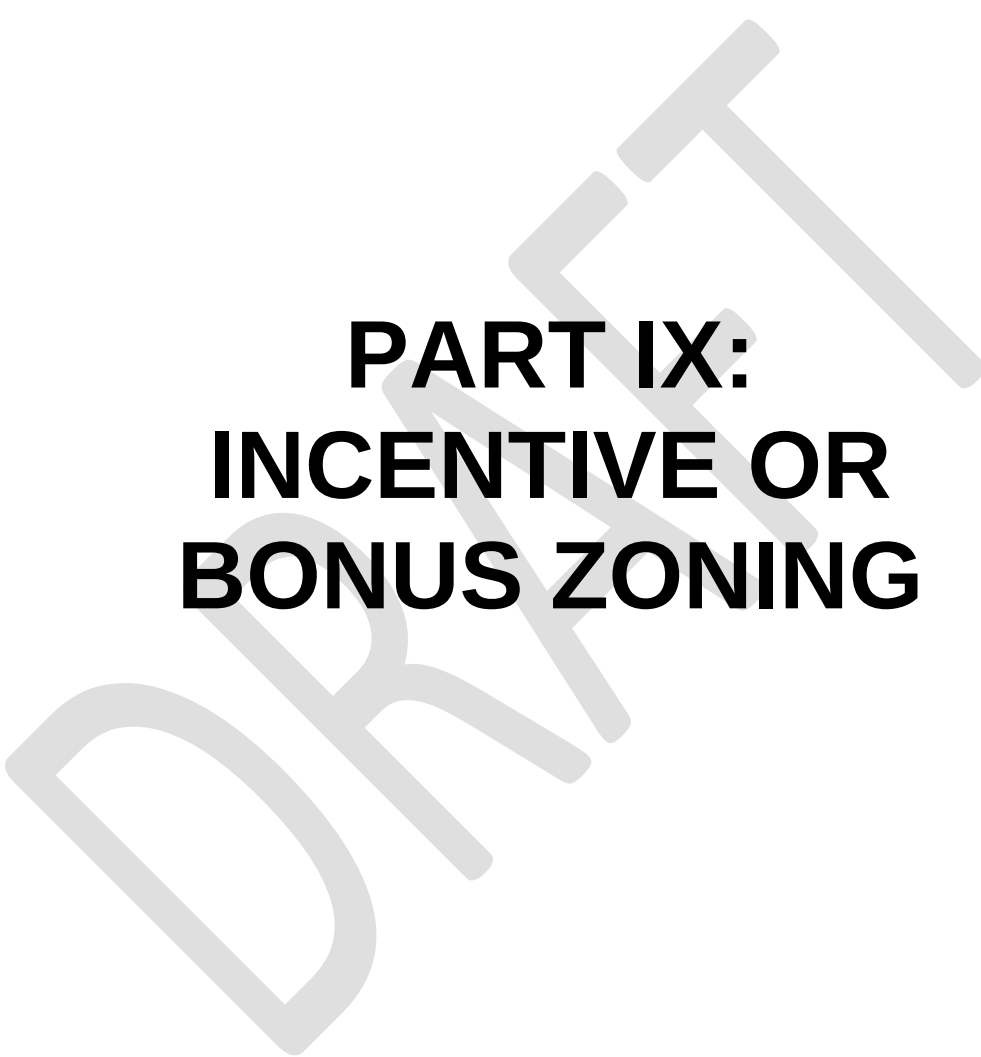
- 135 Signs on awnings and canopies shall not cover more than 25% of the area of the awning or canopy, and the length of the text on an awning or canopy sign shall not exceed 80% of the length of the canopy or awning.

Projecting Signs

- 136 (1) Projecting signs shall:
- (a) be separated a minimum distance of 2.5 metres from other projecting signs on the same property;
 - (b) have a minimum setback of 1.2 metres from an interior lot line; and
 - (c) have a maximum area of 1.9 square metres.
- (2) Subject to 132(3), only one projecting sign is permitted per business premise.
- (3) Where a business premise has frontage on more than one street, such as a corner building, it may have one projecting sign on each side of the building fronting on a street.

Institutional Campus Signage

- 137 For the Sexton Campus of Dalhousie University and the Academy Campus of NSCAD University as shown on Schedule 11, campus signage which does not meet the requirements of Sections 130 to 136 of this By-law may be permitted where the variation is consistent with the variation criteria in the Design Manual.



PART IX: INCENTIVE OR BONUS ZONING

Chapter 1: Incentive or Bonus Zoning Regulations

Requirement to Provide a Public Benefit

- 138 (1) The applicant must provide a public benefit if, where permitted by Subsection 72(2), a development exceeds the pre-bonus height on the lot, as shown on Schedule 4.
- (2) Where required in Subsection 138(1) to provide a public benefit, the applicant must enter an incentive or bonus zoning agreement before the Development Officer may issue a development permit.

Requirements for a Development Exceeding a Pre-Bonus Height Limit

- 139 (1) Where required in Section 138, the applicant shall provide a public benefit worth at least the product of Factor #1 and Factor #2, where:
- (a) Factor #1 is for a development with a pre-bonus height shown on Schedule 4, the gross floor area (in square metres) of all storeys that begin above the maximum pre-bonus height, excluding unoccupied architectural features and any feature listed in Table 2; and
- (b) Factor #2 is a density bonus rate, in dollars per square metre, as specified in Section 140.
- (2) 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

- 140 (1) Subject to Subsections 140(2) and 140(3), before being used to calculate a required public benefit, the density bonus rates specified in Table 3 shall be adjusted proportional to changes in the *Halifax All-Items Consumer Price Index* (Statistics Canada CANSIM Table 326-0021). Rates shall 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) Density bonus rates shall be adjusted to the latest year available.
- (3) 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 density bonus rates for that year.
- (4) Table 3 contains density bonus rates, as of October 2015.

Table 3: Density bonus rates and districts

Bonus rate district #	Name of bonus rate district	Average market land value, 2015 (\$/square metre)	Density bonus rate, 2015 (\$/square metre)
1	Downtown Halifax	\$400	\$268
2	Cogswell Redevelopment Lands	\$400	\$268

Review of Density Bonus Rates

- 141 (1) The density bonus rates in Table 3 may be reviewed and updated periodically, such as when market conditions have changed significantly.
- (2) A review of the density bonus rates in Table 3 shall include a report from a professional accredited by the Appraisal Institute of Canada. The report shall evaluate the average market land values, for the previous year. The density bonus rates in Table 3 are then calculated by multiplying the average market land values by a factor of 0.67.

Proposal and Calculation of Required Public Benefits

- 142 (1) An applicant who is required to provide a public benefit shall submit a Density Bonus Calculation and Public Benefits Proposal, included Appendix 2(1), to the Development Officer.
- (2) The Development Officer may accept or reject the applicant's proposal for any required public benefit.
- (3) For all public benefits except affordable housing units and affordable community or cultural indoor space, a maximum of 20% of the public benefit value may be spent on design costs.

Minimum Affordability Period

- 143 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 180 months, beginning on the later of:
- (a) the date an affordable housing unit or an affordable community or cultural indoor space is available for occupancy; 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

- 144 Subject to Subsection 138(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:
- (i) permitted in Subsection 138(2), or the Development Officer is satisfied that a public benefit identified in Clauses 144(a) to 144(e) would be inappropriate, unacceptable, or impossible to provide, and
- (ii) the Municipality allocates the cash-in-lieu to one or more public benefits identified in Clauses 144(a) to 144(e) within the lands shown on Schedule 1.

Public Benefit Requirements: Affordable Housing Units

- 145 Public benefit(s) that include affordable housing units on the site of development are not mandatory in the Downtown Halifax Plan area, but where provided shall:
- (a) be reasonably dispersed throughout the development;
 - (b) be similar in general design, size and appearance to other units within the development;
 - (c) consist of two-bedroom or larger units;
 - (d) meet the affordable housing definition of this by-law for a minimum of 180 months from the time of possession; and
 - (e) be delivered by the developer or a not-for-profit affordable housing provider in a condominium corporation development that is acceptable to Municipality.

Public Benefit Requirements: Conservation of a Registered Heritage Building

- 146 (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 must 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

- 147 Public benefit(s) that include publicly accessible amenity or open space on the site of development shall:
- (a) demonstrate the existence of deficiency in such spaces;
 - (b) exceed amenity, open space, or landscaping requirements of this By-law; and
 - (c) include the provision of ungated through-block pedestrian connections.

Public Benefit Requirements: Affordable Community or Cultural Indoor Space

- 148 Public benefit(s) that include an affordable community or cultural indoor space on the site of development must provide the space at a subsidized cost for arts or cultural uses.

Public Benefit Requirements: Public Art

- 149 Public benefits that include public art benefit shall:
- (a) be located on the site of development which allows direct access or viewing of the public art piece by members of the public;
 - (b) comply with Municipality's Public Art Policy and an approved public art plan; and
 - (c) have a minimum value of \$50,000, inclusive of design, construction, and installation.

Public Benefit Requirements: Cash-in-lieu

- 150 (1) Cash-in-lieu contributions for public art must be made to the Municipality's density bonus account prior to the installation of any public art work.
- (2) Cash-in-lieu contributions for affordable housing made to the Municipality's density bonus account must be allocated at the discretion of the Municipality to the construction or rehabilitation of existing affordable housing owned by a not-for-profit or registered charitable

organization in the Downtown Halifax Municipal Planning Strategy area, or to carry agreements for housing under section 73(b) of the *Halifax Regional Municipality Charter*.

Incentive or Bonus Zoning Agreement

- 151 (1) An incentive or bonus zoning agreement shall contain:
- (a) identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where necessary, detailed construction drawings, site plans, specifications, and cost estimates for any required or provided public benefit;
 - (d) 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;
 - (g) where permitted, provisions for the acceptance of cash-in-lieu; and
 - (h) any other terms or conditions the Municipality requires.
- (2) Pursuant to 31A(3) of the *Halifax Regional Municipality Charter*, the Development Officer is authorized to enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of Council.
- (3) Where an incentive or bonus zoning agreement signed by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.
- (4) 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 X: DEFINITIONS

Chapter 1: DEFINITIONS

152 This By-law uses the following definitions:

- (1) **Accessory Building** means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land or building.
- (2) **Accessory Surface Parking Lot** means on-site, surface parking, which is not contained within a building and which is provided in support of the main use of the land.
- (3) **Accessory Use** means naturally and normally incidental, subordinate, and exclusively devoted to a main use on a property.
- (4) **Adult Bookstore** means any establishment or place for retail trade where 20% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is composed of books, magazines, or other periodicals relating to, or portrayed as relating to, sexual activities.
- (5) **Adult Cabaret** means any premises or part thereof, whether public, semi-public, or private, wherein a person is provided the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the nude body of another person, or to observe, view or photograph any such activity.
- (6) **Adult Entertainment** use means a massage parlour, a sex-aid shop, an adult bookstore, an adult cabaret, an adult theatre, or a combination thereof.
- (7) **Adult Theatre** means a use where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence and which are either unrated or have been classified as A (Adult) by the Province of Nova Scotia.
- (8) **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, monthly occupancy costs (defined to include rent, heat, and hot water) must be at or below 60% of average market rents for equivalent commercial space.
- (9) **Affordable Housing** means rental housing where housing costs (defined to include rent, heat, and hot water) are at or below 60% of average market rents for similar units, and are leased to households that meet the initial household income limit.
- (10) **Affordability Period** means the minimum period for which affordable housing or affordable community or cultural indoor space will have a rent reduction as required by Part IX.
- (11) **Alter** means to make any change in the size, shape, or materials of a building or any party thereof.
- (12) **Amenity Space** means indoor or outdoor space designed for private or shared use by a building's occupants, such as private balconies, private grade-related unit patios, courtyards, planters and plots for gardening, 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, outdoor landscaped areas for use by building occupants, or any combination thereof.

- (13) **Applicant** means any person or entity applying for a permit, variance, or site plan approval.
- (14) **Archaeological Resources** means material evidence of past human activity found below the surface of the ground or water, portions of which may be visible above the surface.
- (15) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.
- (16) **Average 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.
- (17) **Average Residential Market Rent** means the average monthly rent, per square metre, 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.
- (18) **Average Grade** means the average finished elevation around the perimeter of the building.
- (19) **Awning** means a hood or cover that projects from the wall of a building.
- (20) **Awning Sign** means a sign incorporated into an awning (Diagram 16).
- (21) **Banner Sign** means a non-rigid sign made of cloth, canvas, plastic, or other lightweight, non-rigid material.
- (22) **Bicycle Parking, Class A** means bicycle parking that secures the entire bicycle and protects it from inclement weather.
- (23) **Bicycle Parking, Class B** 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.
- (24) **Billboard** means any freestanding sign and supporting structure, maintained or used for display of advertising matter, or any advertising sign displayed in conjunction with mural artwork occupying an equal or greater surface area on a building, wall or fence, which does not relate to the property or use of the property on which the billboard is placed.
- (25) **Building** means any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure connected to such buildings.
- (26) **Building Face** means that portion of a building facade that is separated from other portions of the same facade by recesses or offsets a minimum of 0.5 metres in depth.
- (27) **Building Height** means the vertical distance between the average finished grade around the perimeter of the structure, and the structure's highest point, unless otherwise stated (Diagram 7). For the site commonly known as Scotia Square, the height shall be calculated for each quadrant identified on Schedule 12.

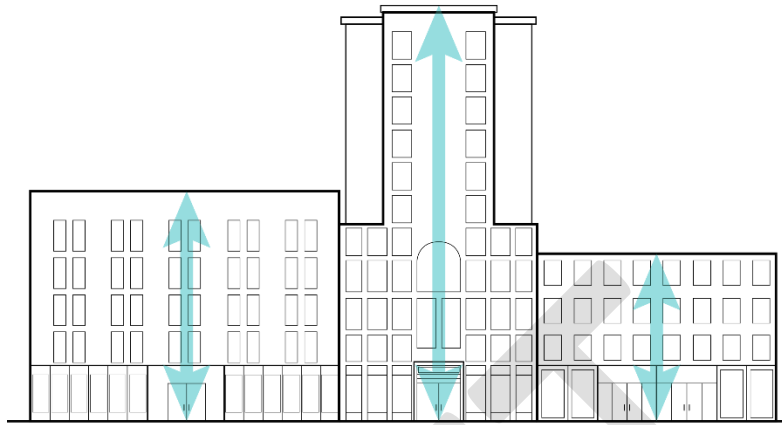


Diagram 7: Building height, per Subsection (27)

- (28) **Building Width** means the total horizontal distance between the outermost edges of the building wall or walls facing a street or public open space (Diagram 8).



Diagram 8: Building width, per Subsection (28)

- (29) **C&D Materials Disposal Site** 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.
- (30) **C&D Materials Processing Facility** 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.
- (31) **C&D Materials Transfer Station** 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.
- (32) **Canadian Geodetic Vertical Datum (CGVD2013)** means the vertical datum for Canada officially released by Natural Resources Canada (NRCan) in November 2013, or such 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.
- (33) **Cannabis Production Use** means premises where cannabis, or any of its derivatives, is grown, processed, packaged, labelled, tested, destroyed, stored, or shipped.
- (34) **Canopy** means a 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.
- (35) **Canopy Sign** means a sign incorporated into a canopy (Diagram 16).
- (36) **Cemetery** 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.
- (37) **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.
- (38) **Club Recreation** means golf courses, country clubs, curling clubs, tennis clubs, swimming clubs, lawn bowling clubs, yacht or boating clubs, marinas, and equine facilities.
- (39) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, event, structure, or site.
- (40) **Commenced** means a use is established or, in the case of construction, building and development permits have been issued and construction activity of some form has begun.
- (41) **Commercial Parking Structure** means a parking structure used by the general public for a fee.
- (42) **Commercial Recreation** 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.
- (43) **Commercial Surface Parking Lot** means a parking lot used by the general public for a fee.
- (44) **Commercial Use** means the use of a building for office purposes, for buying and selling goods, or for providing services, or a combination thereof.

- (45) **Common Wall** means a wall along a lot line that provides common support to structures on both sides of the lot line (Diagram 10).

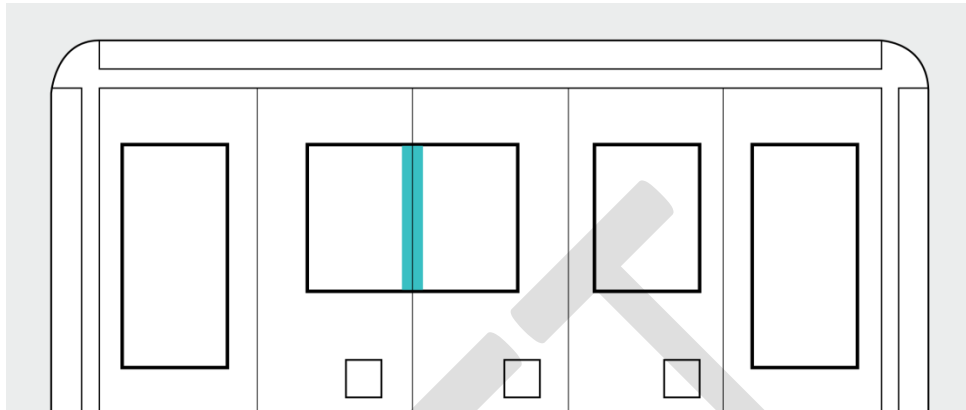


Diagram 10: Common wall, per Subsection (45)

- (46) **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.
- (47) **Conservation Use** means an activity carried out for the purposes of conserving soils, water, flora, or fauna, such as a wildlife sanctuary.
- (48) **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.
- (49) **Convention Centre Use** means indoor premises that are used for hosting conventions, exhibitions, and other events, including banquet facilities.
- (50) **Corner Lot** means a lot with frontage on two or more streets, with all frontages contiguous (Diagram 11).

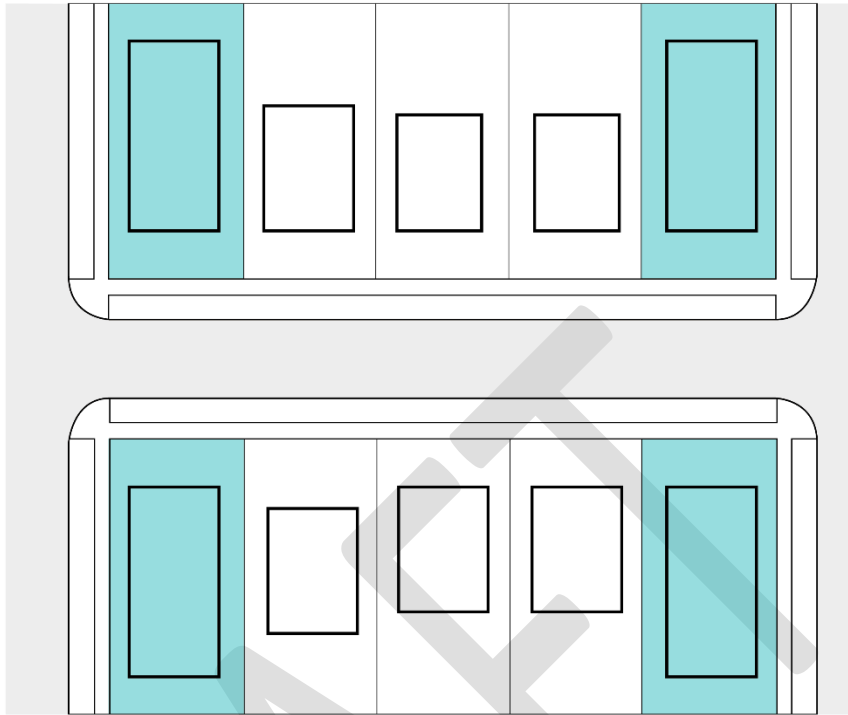


Diagram 11: Corner lot, per Subsection (50)

- (51) **Council** means the Council of the Municipality, meaning both Regional Council and a Community Council of the Municipality.
- (52) **Crematorium** means premises where the act of cremation, including associated activities, takes place.
- (53) **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.
- (54) **Day Care** means premises in which supervision is provided for individuals during the day. This definition excludes schools, hospitals, supportive housing, and recreational facilities.
- (55) **Dealership** 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.
- (56) **Development** means as defined in the *Halifax Regional Municipality Charter*.
- (57) **Development Officer** means a person appointed by Council to administer a land-use or subdivision by-law.
- (58) **Distribution** means premises where goods are received, held, and distributed to customers.

- (59) **Drinking Establishment** 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.
- (60) **Drive-Through** means premises that include a designated stacking aisle for motor vehicles, which provide or dispense products or services using an attendant, window, or automated machine, to customers in motor vehicles.
- (61) **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 reasonably fit for occupancy;
 - (c) contain kitchen facilities within the unit; and
 - (d) have toilet facilities that are not shared with occupants of other dwellings.
- (62) **Emergency Services** means fire stations, police stations, and emergency medical and ambulance stations.
- (63) **Emergency Shelter** means premises providing a person with short-term overnight sleeping accommodations, free of charge.
- (64) **Erect** means to assemble, build, construct, or relocate a building or structure, including any associated activity.
- (65) **Fabrication Uses** 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.
- (66) **Façade** means any building wall facing a street.
- (67) **Farmers' Market** 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, and food and beverages, from booths or tables. Farmers' markets do not include the sale of second-hand goods.
- (68) **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 29).
- (69) **Financial Institution** means premises providing financial and banking services to customers and clients, including banks, trust companies, savings banks, credit unions, and lending establishments.
- (70) **Fitness Centre** means indoor premises where people use equipment or space for the purposes of physical exercise, such as health clubs and yoga studios.
- (71) **Flat Roof** means a roof with a slope of 1:10 (rise to run) or less.
- (72) **Floor Area Bonus** means the additional on-site gross floor area provided to an applicant in excess of pre-bonus height in exchange for providing the required public benefits.
- (73) **Garden Centre** means premises where retail and wholesale gardening products are sold, which may include a nursery and greenhouses.

- (74) **Grade-Related Unit** means a dwelling unit that is part of a multi-unit dwelling, is accessible from a private entrance, and fronts and faces a streetline.
- (75) **Grocery Store** means a retail establishment with at least 200 square metres of gross 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.
- (76) **Gross Floor Area (GFA)** means the gross horizontal area of all floors in all buildings (including accessory structures) on a lot, measured from the exterior faces of the exterior walls, or from the centreline of a common wall separating two buildings, but excluding unenclosed balconies and any floor area below the ground floor that is not used for residential purposes.
- (77) **Gross Floor Area Ratio (GFAR)** means the gross floor area divided by the area of the lot.
- (78) **Ground Floor** means the first floor, or floor level, of any structure that begins at or above the same plane as the surface of the sidewalk.
- (79) **Ground Sign** means a sign permanently attached to the ground and supported by one or more posts or other similar means (Diagram 16).
- (80) **Habitable Building** means a dwelling, hospital, hotel, nursing home, or other similar building where a person lives or may be accommodated overnight.
- (81) **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.
- (82) **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.
- (83) **Heritage Farm** means a working farm that is used as an educational facility for preserving and interpreting the agricultural past, and which may include the
- (84) **High-Rise Dwelling** means that portion of a building that is greater than 33.5 metres in height.
- (85) **Historic Site or Monument** means a place or structure that commemorates an event, individual, or group.
- (86) **Home Occupation** means the use of a portion of a dwelling unit for gainful employment, excluding a bed and breakfast use or day care use.
- (87) **Home Office** means an office-related activity operated within a dwelling that does not require direct contact with clients on the premises.
- (88) **Hospital** means an institution providing human inpatient health services, including related facilities such as laboratories, outpatient departments, training facilities, and staff offices.
- (89) **Hotel** 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.
- (90) **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) total investment income;
 - (b) total government transfer payments;
 - (c) retirement pensions, superannuation and annuities; and
 - (d) other money income.
- (91) **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.
- (92) **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.
- (93) **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.
- (94) **HRM** means the *Halifax Regional Municipality*.
- (95) **Institutional Use** means any minor spectator venue, cultural use, emergency services, hospital, medical clinic, religious institution, school, stadium, university, or college.
- (96) **Interior Lot** means a lot abutting only one street that is not a corner lot (Diagram 12).
- (97) **Interior Lot Line** means any lot line that is not coincident with a streetline (Diagram 12).

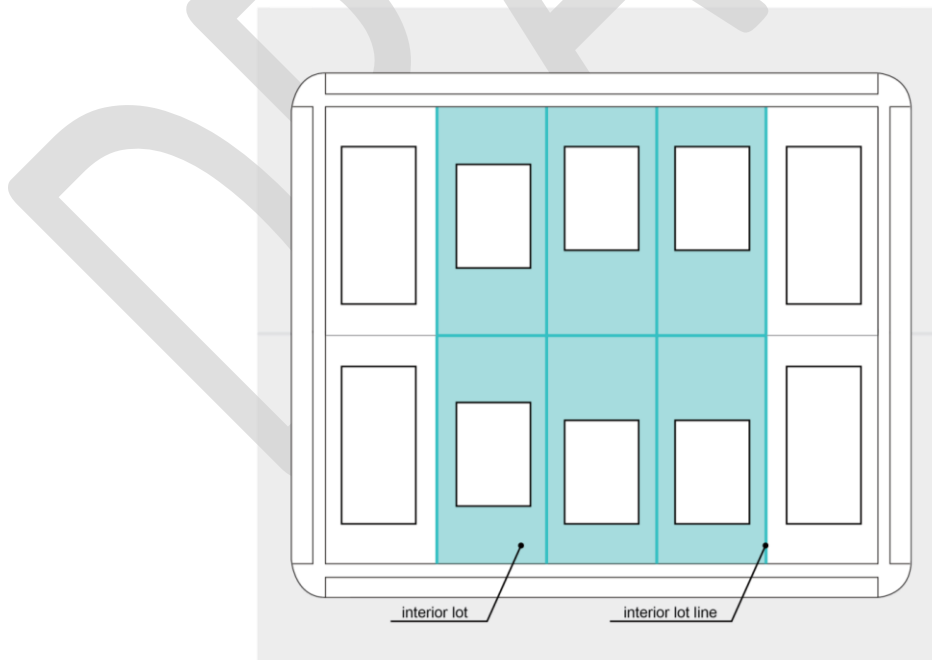


Diagram 12: Interior lot and interior lot line, per Subsections (96) and (97)

- (98) **Kennel** means premises used for the keeping of more than two dogs for the purposes of commercial breeding, used for the keeping of one or more dogs which are not owned by the occupant for the purposes of one or more of showing, grooming, training, and caring; or for the commercial boarding of more than 12 dogs with or without veterinary care.
- (99) **Kitchen Facilities** means a room or part of a room used for food storage, food preparation and the cooking of food and may include but is not limited to fridge, stove, microwave oven, sink and other food cooking or food preparation appliances and devices.
- (100) **Landscape Architect** means a professional full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (101) **Landscaping** means covered by soft (i.e., water-permeable) material and vegetation such as trees, hedges, shrubs, flowers, grass, fruit and vegetable plants, sod, or other vegetative ground cover, and/or hard (i.e., impermeable) material such as outdoor furniture, planters, decorative concrete, stonework, bricks, tiles, pavers, boardwalks, or wood decking.
- (102) **Library** means facility for the use of literary, musical, artistic, or reference materials, but are not for sale.
- (103) **Light Manufacturing Use** means the processing, fabrication, assembly, treatment, and packaging of products from previously prepared materials, finished products or parts, exclusive of animal processing, if all manufacturing activities, noise, odour, smoke, heat, glare, and vibration are confined entirely within the building. It includes incidental storage, sales, and distribution of manufactured products.
- (104) **Local Commercial Use** means commercial premises occupying less than 200 total square metres of gross 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.
- (105) **Local Drinking Establishment** means a drinking establishment with a capacity of 60 seats or fewer, and which is licensed under the *Nova Scotia Liquor Control Act*.
- (106) **Lot** means any area of land 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, or is described in a plan and deed pursuant to the *Land Titles Clarification Act* or is approved on a plan of subdivision endorsed and filed in the Provincial Land Registration Office, or a lot created pursuant to Section 278 (2) of the *Halifax Regional Municipality Charter*.
- (107) **Lot Coverage** means the percentage of an area of a lot that is covered by a roofed structure, including any area over which a roofed structure projects, but excluding the area below any eaves of a roof which project by no more than 0.65 metres.

- (108) **Lot Depth** means the distance from the streetline to the rear lot line, or between both streetlines on a through lot (Diagram 13).

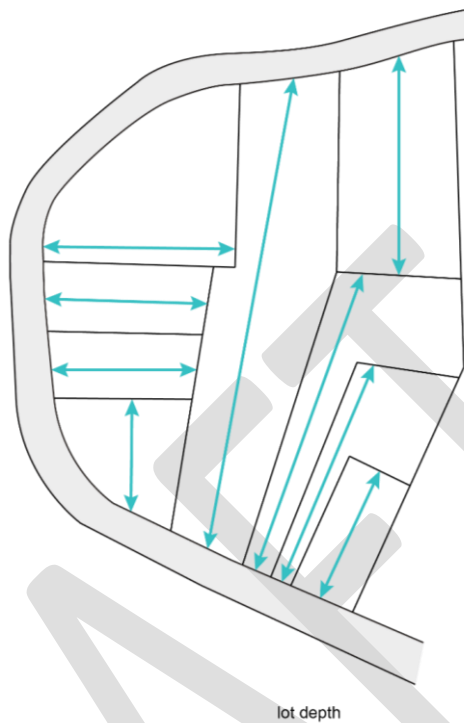


Diagram 13: Lot depth, per Subsection (108)

- (109) **Lot Width** means the horizontal distance between the side lot lines, or side and flanking lot lines on corner lots, measured at right angles to the lot depth between the front yard streetline and rear lot line (Diagram 14).

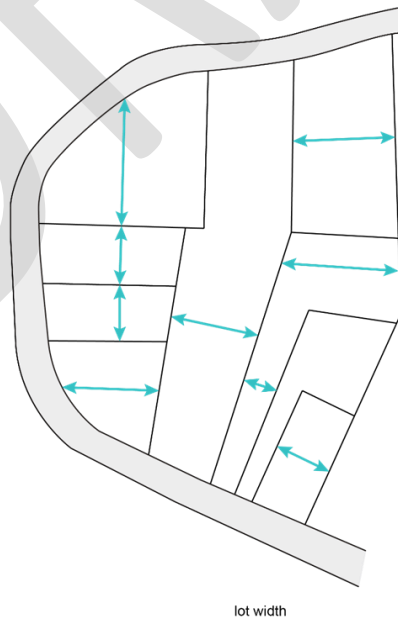


Diagram 14: Lot width, per Section (109)

- (110) **Low-Rise Dwelling** means a building or that portion of a building that is less than 18.5 metres in height.
- (111) **Major Spectator Venue Use** means premises, with 3,000 or more seats, where people gather for sports and other major events.
- (112) **Market Unit** means the unit that is rented at current market rate or at the discretion of the Developer.
- (113) **Marine-Related Use** means a use that is dependent upon access to the Harbour and includes, without restricting the generality of the foregoing, marinas, tugboat facilities, and boat building and repair facilities.
- (114) **Massage Parlour** means any premises or part thereof where a massage, body rub, alcohol rub, bath or similar activity, is performed, offered, advertised or solicited by persons in pursuance of a trade, calling, business, or occupation or where the premises or part thereof which is equipped or arranged so as to provide such activity, excluding any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse licensed or registered under the laws of the Province of Nova Scotia.
- (115) **May** means as defined in Subsection 9(3) of the Nova Scotia *Interpretation Act*.
- (116) **Menu-Box Sign** means a sign or sign box that displays or contains a restaurant menu.
- (117) **Mezzanine Space** means an intermediate floor between the floor and ceiling of any room or storey and includes an interior balcony.
- (118) **Micro-Brewery** means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of speciality 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.
- (119) **Micro-Distillery** 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.
- (120) **Mid-Rise Dwelling** means that portion of a building that is no less than 18.5 metres in height and no more than 33.5 metres in height.
- (121) **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.
- (122) **Mobile Home** 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.
- (123) **Movie Theatre** means premises where motion pictures are viewed by the public, but excludes an adult entertainment use.

- (124) **Model Suite** 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.
- (125) **Multi-District Recreation Facility** means a building or part of a building that is a minimum of 6,500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.
- (126) **Multiple-Unit Dwelling** means a building containing three or more dwelling units.
- (127) **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.
- (128) **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 an Act of the Nova Scotia Legislature.
- (129) **Nude** means the showing of the human genitals, pubic area or buttocks with less than a full opaque covering, or the showing of a female breast with less than a full opaque covering over any portion thereof below the top of the areola of the breast.
- (130) **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.
- (131) **Office** means a room, suite of rooms, or entire building in which a people transact the affairs of a business, profession, service, industry, or government. Business incubators are considered an office use.
- (132) **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.
- (133) **Ordinary High Water Mark** means as defined in the Nova Scotia *Land Surveyors Act*.
- (134) **Outdoor Storage** means the storage of merchandise, inventory, materials, or equipment outside a main building on a lot, for longer than 24 hours.

- (135) **Owner** means the owner of property, 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 property.
- (136) **Parking Lot** means a surface parking area for five or more motor vehicles.
- (137) **Parking Structure** means an aboveground, underground, or attached structure that encloses motor vehicle parking spaces on one or more levels. This definition excludes any garage associated with a low-density dwellin
- (138) **Pawn Shop** 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.
- (139) **Pedway** means a walkway in an elevated structure used exclusively for pedestrian traffic that passes over a street or private land.
- (140) **Personal Service** means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, depots for collecting dry cleaning and laundry, 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.
- (141) **Playground** means an area landscaped with hard and soft materials that includes dedicated play equipment such as swings, slides, sandboxes, and jungle gyms.
- (142) **Premises** means a specific property, and may include all buildings and necessary structures thereon, separate businesses, or an individual business, within a multi-tenant building or business site.
- (143) **Projecting Sign** means a sign that (Diagram 16):
- (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.
- (144) **Provincial Heritage Property** means a municipal heritage property or a provincial heritage property pursuant to the *Heritage Property Act of Nova Scotia*.
- (145) **Public Art** means a permanent work of art created or managed by a professional artist in any medium, material, media, or combination thereof, but not including any corporate insignia.

- (146) **Public Benefit** means one or a combination of the public benefits provided by the Developer pursuant to Part IX and Appendix 2(1), 2(2) and 2(3) of the Land Use By-law.
- (147) **Publicly Accessible Private Open Space** means outdoor open space located on the development parcel that is made available to the public through a registered public access easement agreement acceptable to the Municipality, and is in a location, form, configuration and constructed in a manner acceptable to the Municipality.
- (148) **Publicly-Sponsored Convention Centre** means an establishment funded or otherwise financially supported by any or all levels of government which is used for the holding of conventions, seminars, workshops, trade shows, meetings or similar activities, and which may include dining and lodging facilities for the use of the participants as well as other compatible accessory facilities.
- (149) **Ramparts** means the Citadel Ramparts pursuant to Section 26B of the Halifax Peninsula Land Use By-law and as depicted on Map ZM-17 of the Halifax Peninsula Land Use By-law, as amended from time to time.
- (150) **Rear Lot Line** means a lot line that is furthest from and opposite a streetline and that solely applies to an interior lot.
- (151) **Recreation Use** means the use of land, buildings or structures for active or passive recreational purposes and includes indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but excludes commercial recreation uses.
- (152) **Registered Canadian Charitable Organization** means a charitable organization registered pursuant to the *Income Tax Act (Canada)* and the regulations made pursuant to that Act.
- (153) **Registered Heritage Building** means a building on a registered heritage property pursuant to the *Heritage Property Act of Nova Scotia*.
- (154) **Religious Institution** 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 licensed day care, playground, or cemetery.
- (155) **Residential Use** means the use of a building or a portion of a building for human habitation.
- (156) **Restaurant** 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.
- (157) **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 or truck rental offices are considered retail uses.
- (158) **Roof Edge** means the lowest point along the outer edge of a roof.

- (159) **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.
- (160) **Rooming House** 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.
- (161) **Self-Storage Facility** means a building or group of buildings containing individual storage units that are rented for the storage of property.
- (162) **School** means a public or private institution of learning for grades primary to twelve.
- (163) **Service Use** means a business whose primary work is call-out, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, and to provide catering off site.
- (164) **Setback** means the distance that any building or use shall be separated from a street, lot line, or watercourse (Diagram 15).

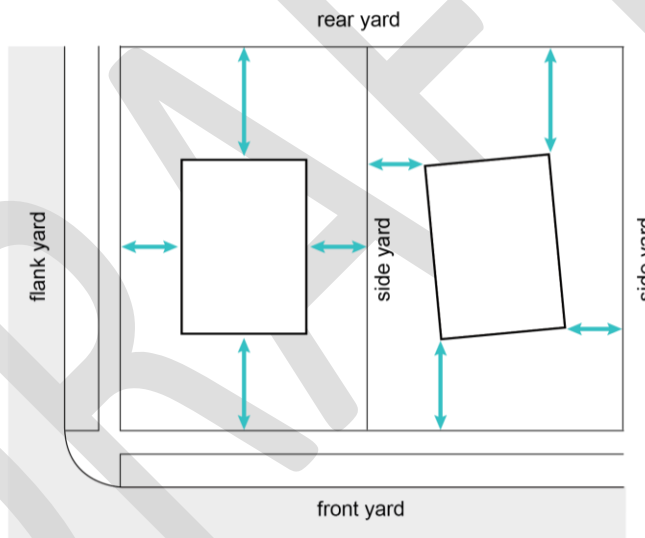


Diagram 15: Setbacks, per Subsection (164)

- (165) **Sex-Aid Shop** includes any establishment or place for retail trade where 10% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is composed of articles relating to or portrayed as relating to sexual activities.
- (166) **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.
- (167) **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 16).

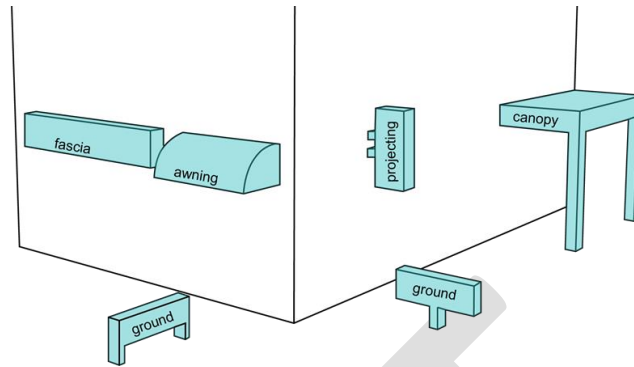


Diagram 16: Sign types, per Subsections (20), (35), (79), (143), (167), (168) and (196)

- (168) **Sign Area** means the area or portion of an advertising structure, including holes or vacant spaces upon which the advertising message is displayed, and those portions used for decoration, outlines or borders (Diagram 16).
- (169) **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 (Diagram 16).
- (170) **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;
 - (e) who is the subject of or otherwise benefits from the message on a sign; or
 - (f) who owns the property on which the sign is located;
- (171) **Single-Unit Dwelling** means a detached building containing one dwelling unit.
- (172) **Solar Collector** means a structure whose primary purpose is to collect solar radiation and convert it to useable forms of energy, including photovoltaics and solar thermal systems, but excluding windows unless the windows are treated with a photovoltaic film.
- (173) **Standalone Surface Parking Lot** means the use of land as a parking lot that is not an accessory surface parking lot or a commercial surface parking lot.
- (174) **Stepback** means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.
- (175) **Storey** means that portion of a building between any floor and floor or any floor and ceiling, any portion of a building partly below grade shall not be deemed to be a storey unless its ceiling is at least 2 metres above grade.
- (176) **Street** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith.
- (177) **Streetline** means a lot line that separates a street from a lot.

- (178) **Streetline Grade** means the elevation of a streetline at a midpoint of a streetwall. Separate streetline grades are determined for each streetwall segment that is greater than 8.0 metres wide, or a part thereof (Diagram 17).

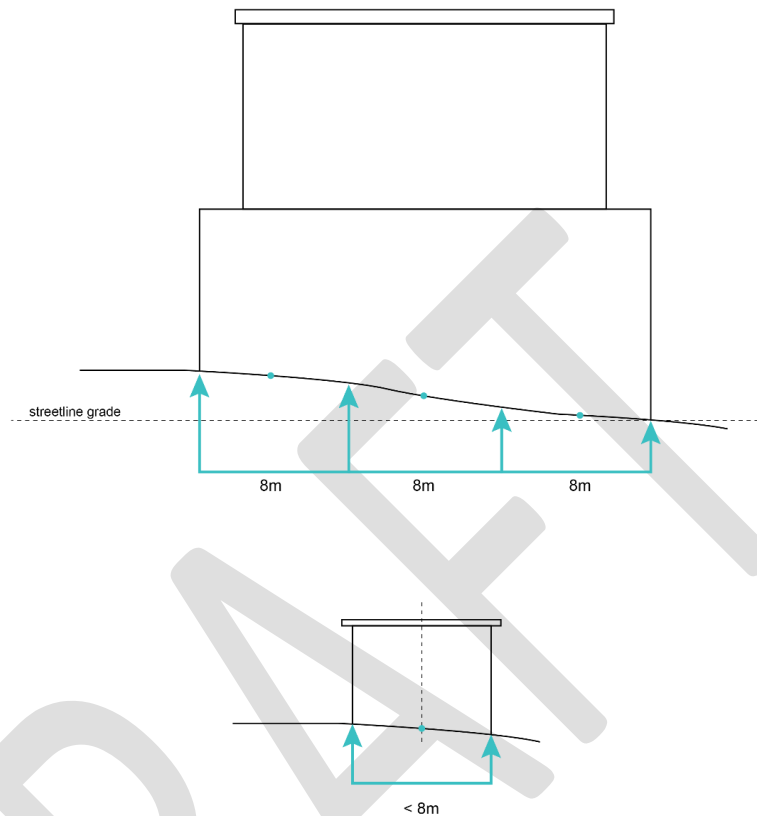


Diagram 17: Streetline grade, per Subsection (178)

- (179) **Streetwall** means the wall of a building or portion of a wall of a building facing a streetline that is below the height of a specified setback or angular plane.
- (180) **Streetwall Height** means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall (Diagram 18).

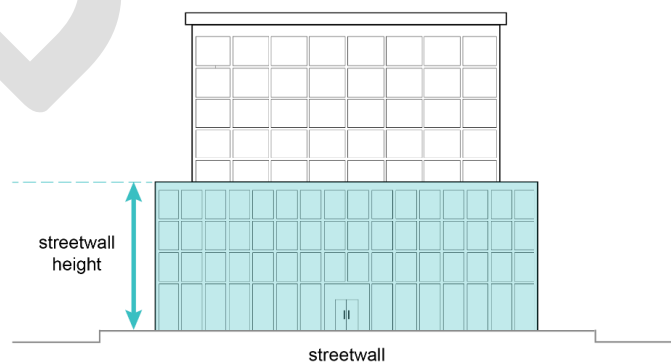


Diagram 18: Streetwall height, per Subsection (180)

- (181) **Streetwall Setback** means the distance between the streetwall and the streetline.
- (182) **Streetwall Stepback** means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram 19).

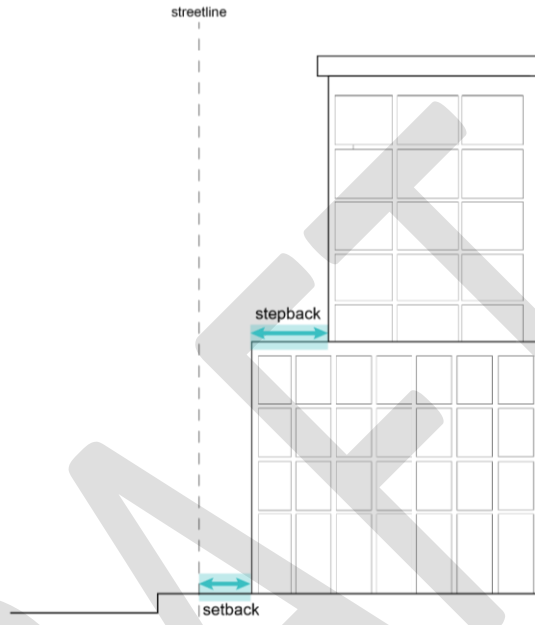


Diagram 19: Streetwall Stepback, per Subsection (182)

- (183) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes walls, signs, and fences exceeding 2 metres in height, and uncovered decks and patios greater than 0.6 metres high.
- (184) **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.
- (185) **Temporary Use** means a use that is:
- (a) associated with a holiday or special event;
 - (b) accessory to a permitted use, excluding the construction or alteration of any permanent building;
 - (c) 180 cumulative days or less in duration within any one calendar year for those lands which fall under Area HW as shown on Schedule 1; or
 - (d) in all other cases, 90 cumulative days or less within any one calendar year.
- (186) **Through Lot** means a lot having frontage on two non-intersecting streets, as distinguished from a corner lot (Diagram 20).

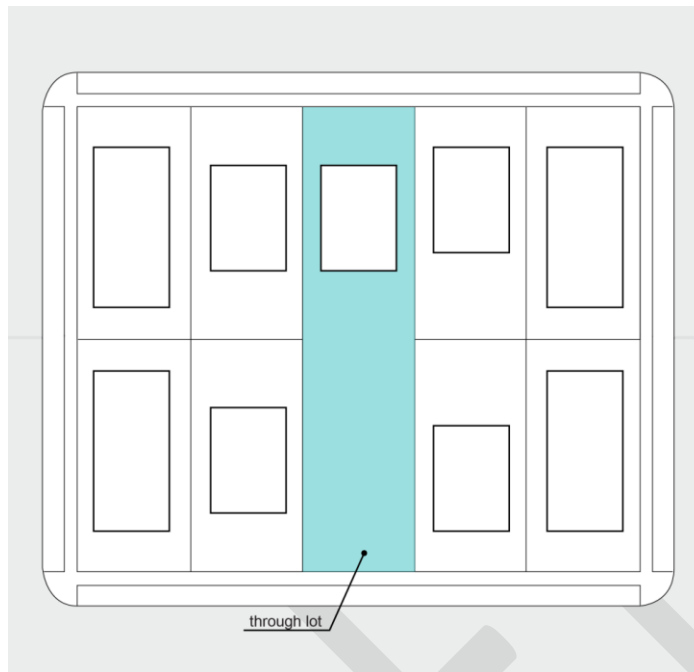


Diagram 20: Through lot, per Subsection (186)

- (187) **Townhouse Dwelling** means a building that is divided vertically by common walls into three or more dwelling units, where each dwelling unit has two or more independent entrances and a front and rear yard.
- (188) **Transportation Use** means public or private transit facilities and train stations, excluding storage yards and maintenance facilities.
- (189) **University or College** 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, sororities and school uses.
- (190) **Urban Agriculture** means the use of a structure or land for the breeding, planting, cultivation, or harvesting of plants, excluding cannabis, such as vegetables, fruits, herbs, sprouts, and ornamental plants and flowers.
- (191) **Urban Farm** means an urban agriculture use undertaken by members of the public or a commercial operator, including a community garden.
- (192) **Use** means the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility. "Used" includes "arranged to be used", "designed to be used", and "intended to be used".
- (193) **Utility** 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.

- (194) **Variance** means as regulated via Sections 250 to 252 of the *Halifax Regional Municipality Charter*.
- (195) **Variation** means an acceptable range in specified criteria of the Design Manual, as approved the Design Review Committee or the Development Officer.
- (196) **Viewing Triangle** means a triangular area on a corner lot which is formed by a front yard streetline, a flanking yard streetline, and a straight line that intersects with each streetline 6.0 metres from the corner where they meet (Diagram 21).

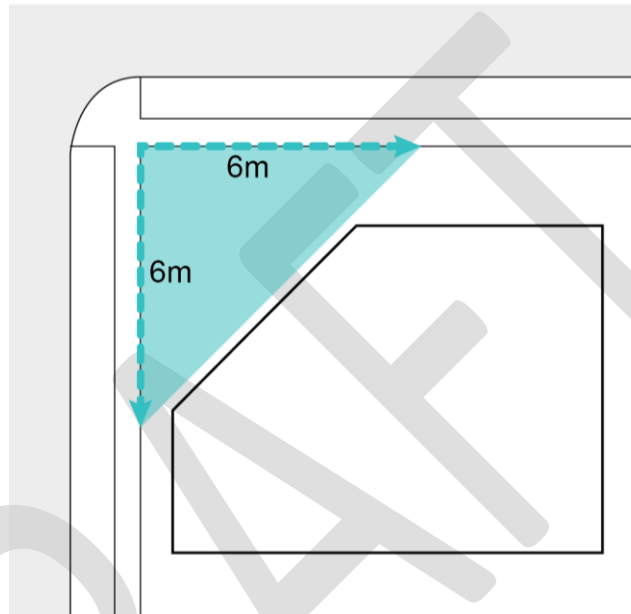


Diagram 21: Viewing triangle, per Subsection (196)

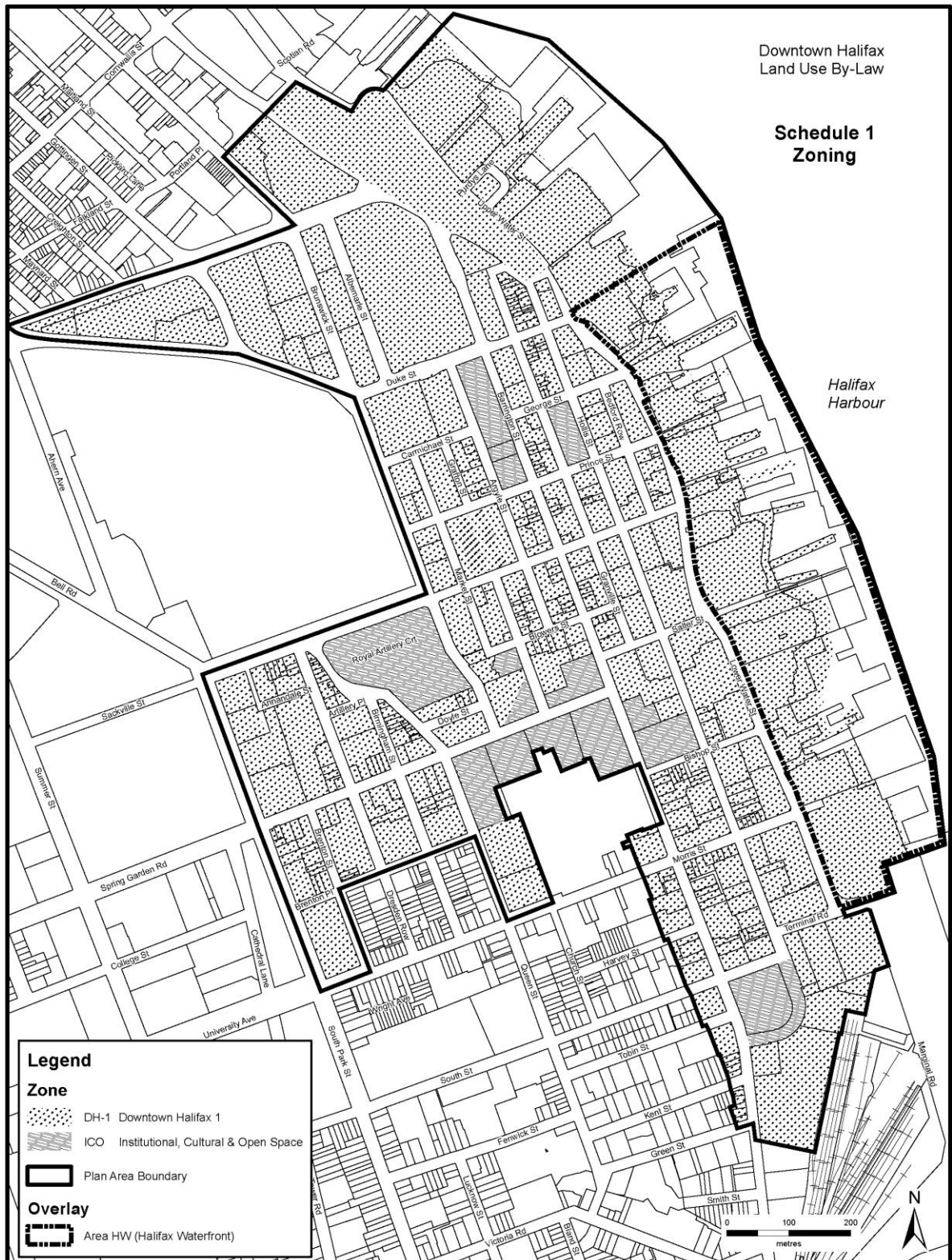
- (197) **View Plane** means a View Plane as defined in Part I of the Halifax Peninsula Land Use By-law and as depicted on the View Planes Map of the Halifax Peninsula Land Use By-law, as amended from time to time.
- (198) **Warehousing Use** means a building or part of a building for storage, wholesale, 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.
- (199) **Watercourse** means a lake, river, stream, ocean or other natural body of water.
- (200) **Wholesale and Distribution** means premises where merchandise is sold or distributed to retailers, industrial, commercial, institutional, or professional users, or other wholesalers.
- (201) **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 does not include the processing of animals or a butcher shop.
- (202) **Work-Live Unit** means a residential use where a commercial use is permitted in the same dwelling unit, up to a maximum proportion of gross floor area.

- (203) **Yard** means an open area, at ground level, that is uncovered by any main building, except for permitted encroachments.
- (204) **Zone** means a specifically delineated area or district within which uniform development standards govern the use, placement, spacing, and size of land and structures

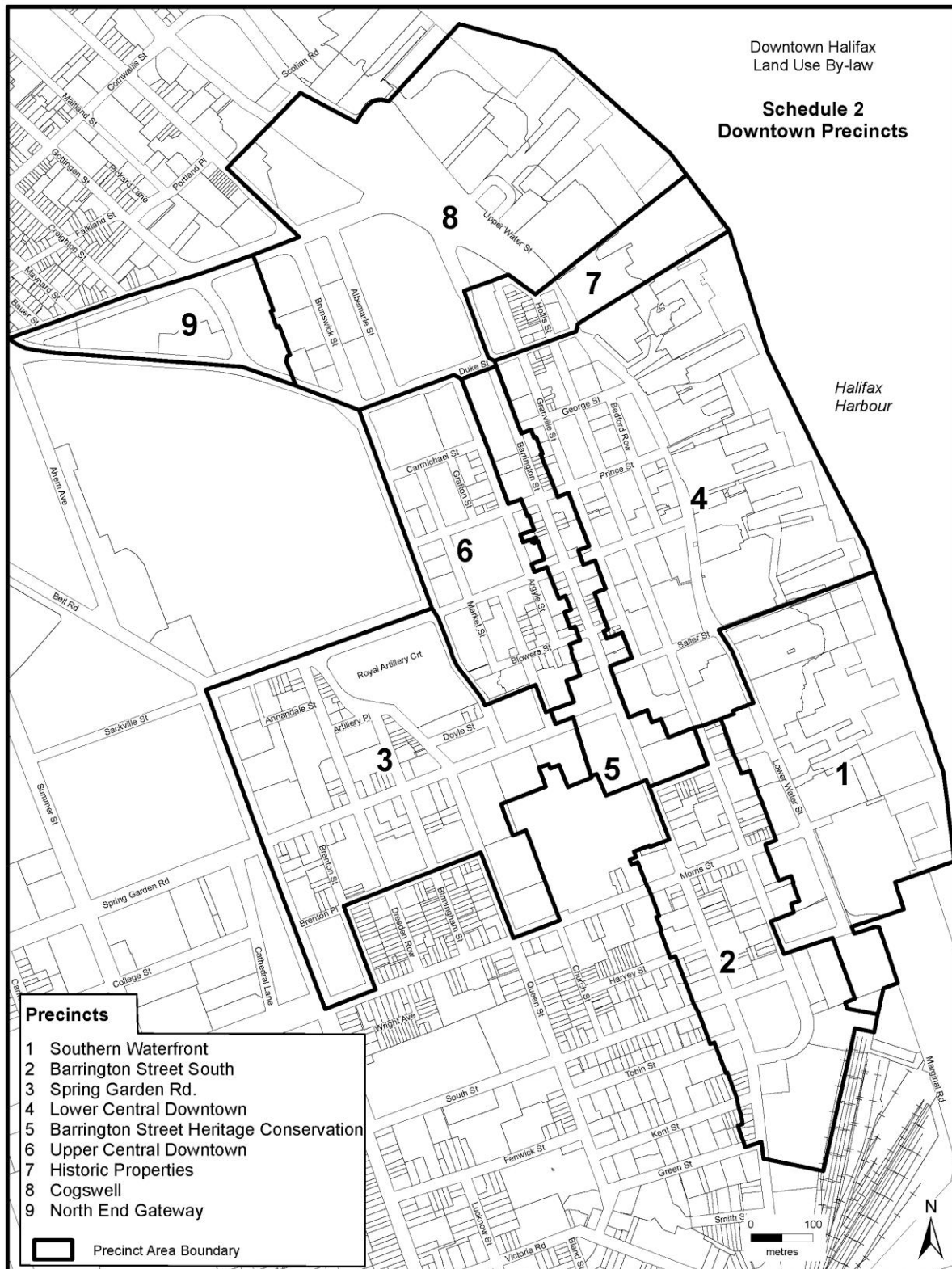
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PART XI: SCHEDULES

Schedule 1: Zoning



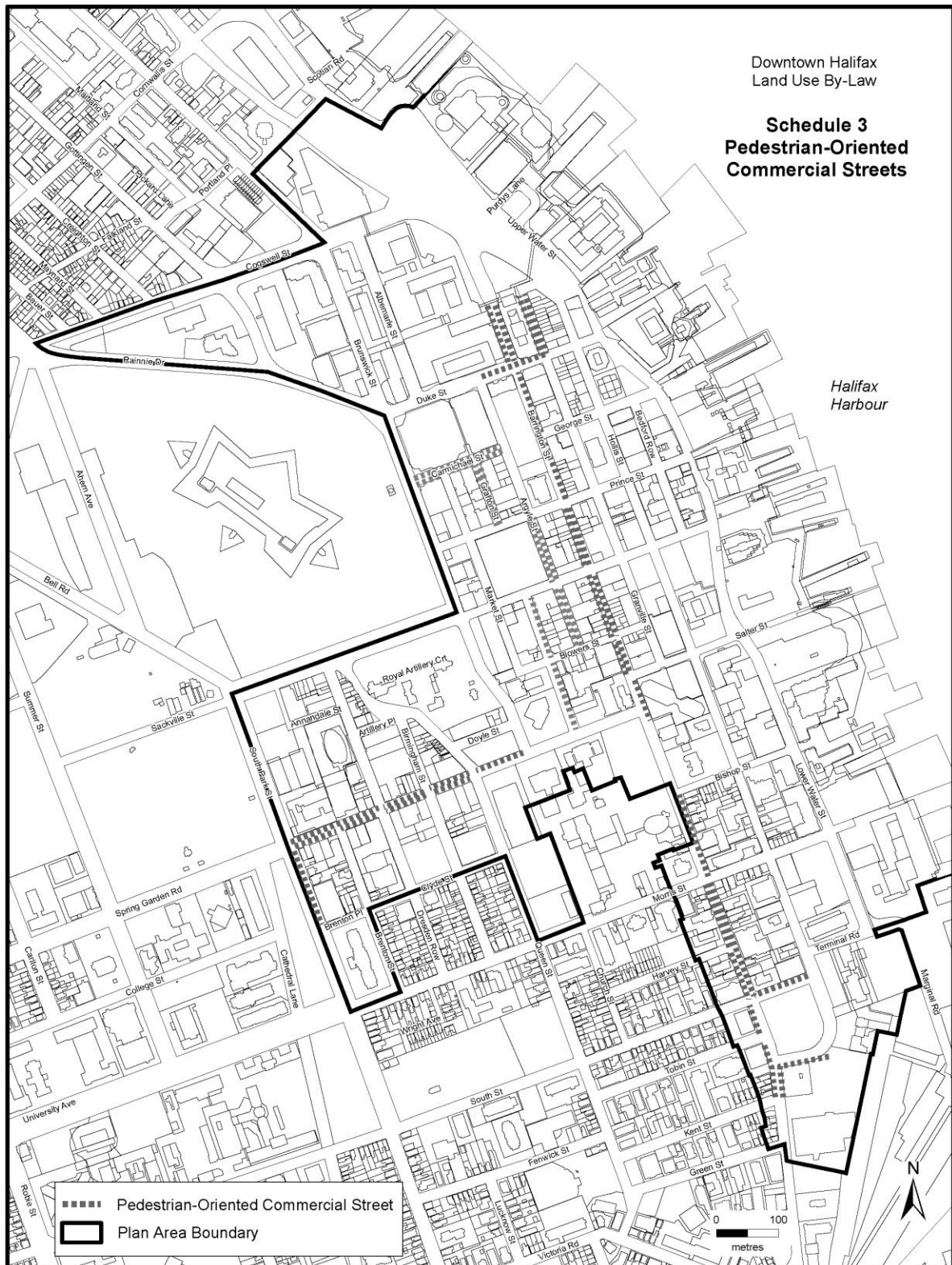
Schedule 2: Downtown Precincts



Effective:

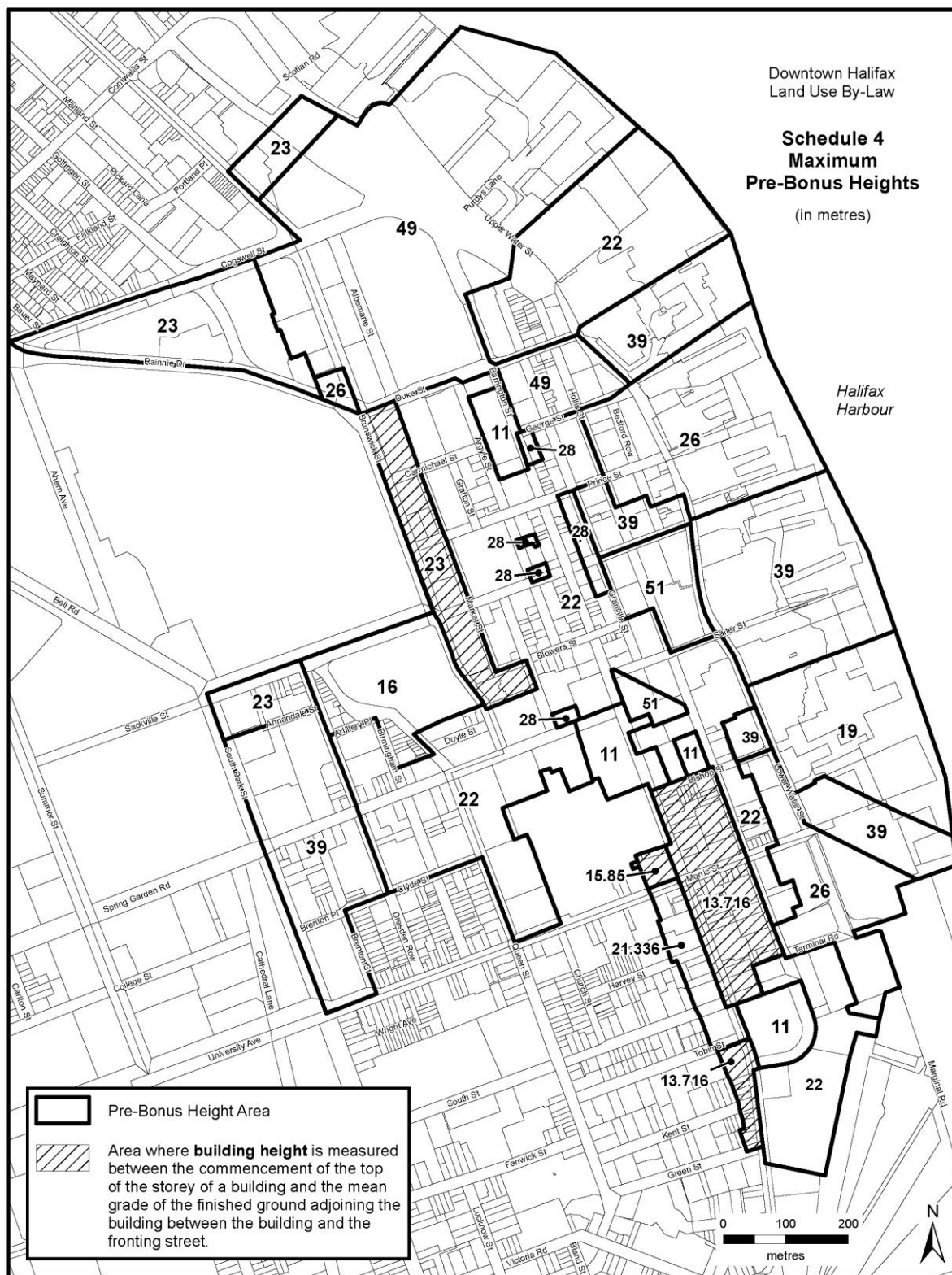
Note: Effective date does not indicate date of data creation.

Schedule 3: Pedestrian-Oriented Commercial Streets



Effective:

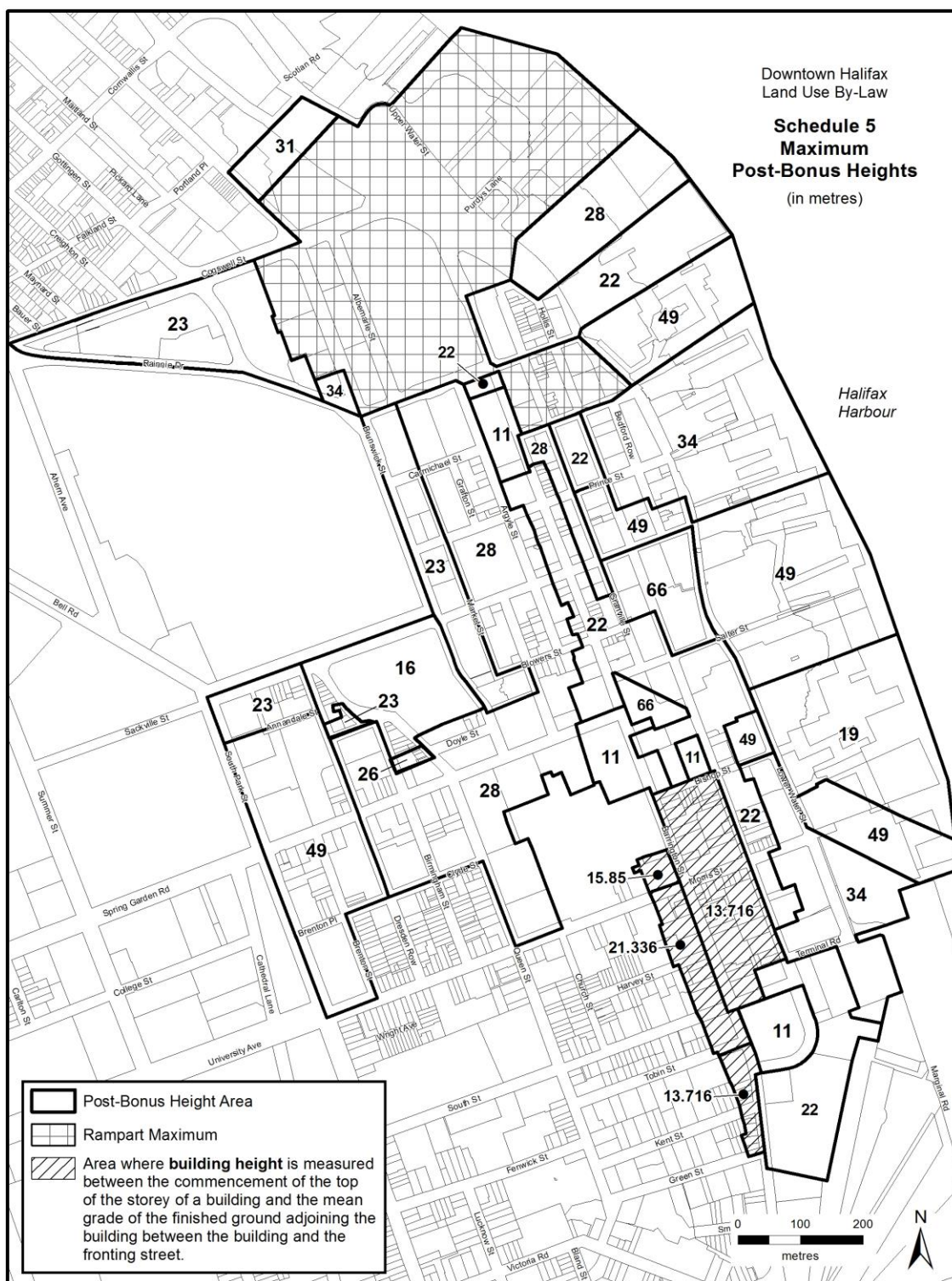
Schedule 4: Maximum Pre-Bonus Heights



Effective:

Note: Effective date does not indicate date of data creation.

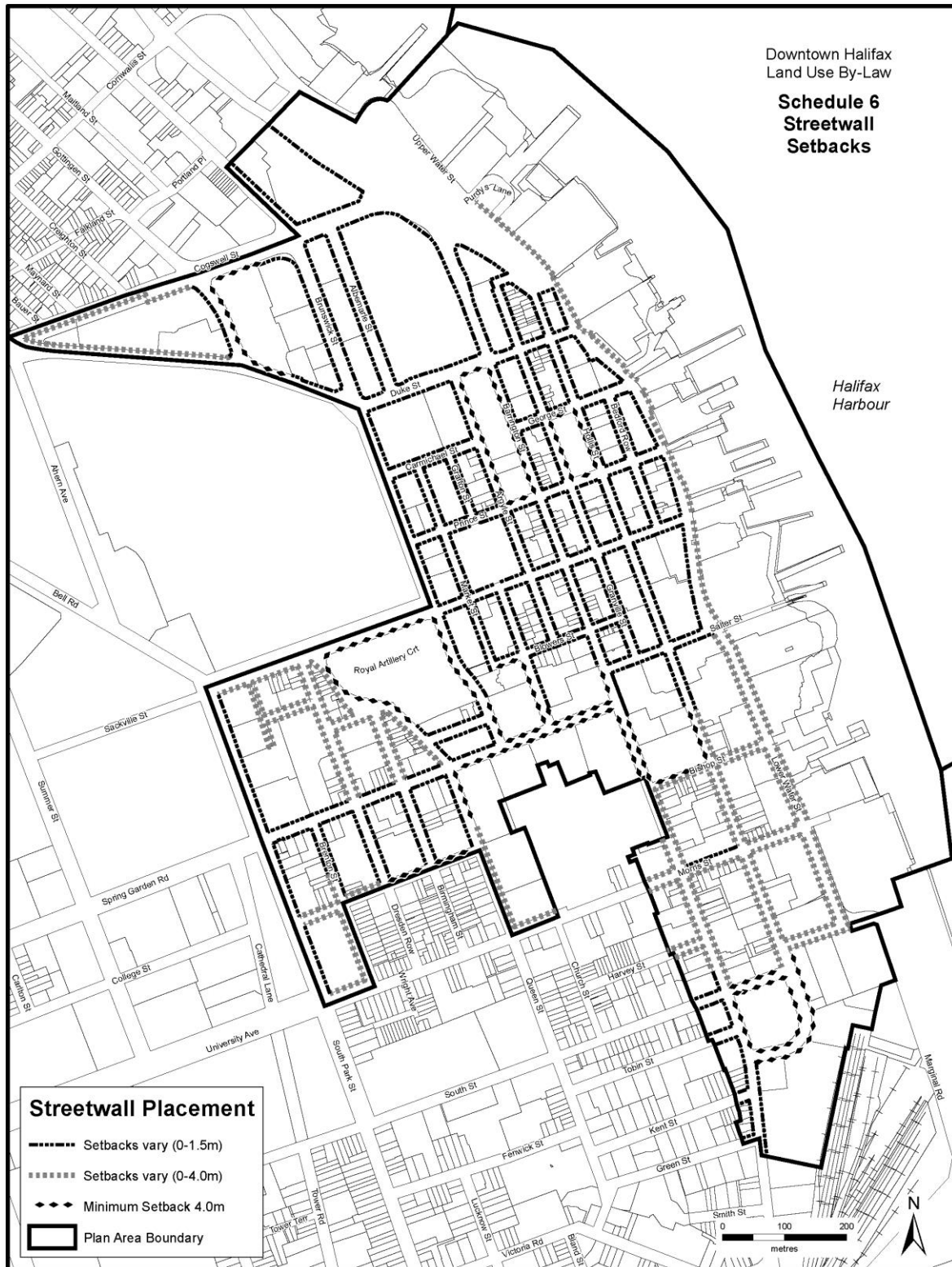
Schedule 5: Maximum Post-Bonus Heights



Effective:

Note: Effective date does not indicate date of data creation.

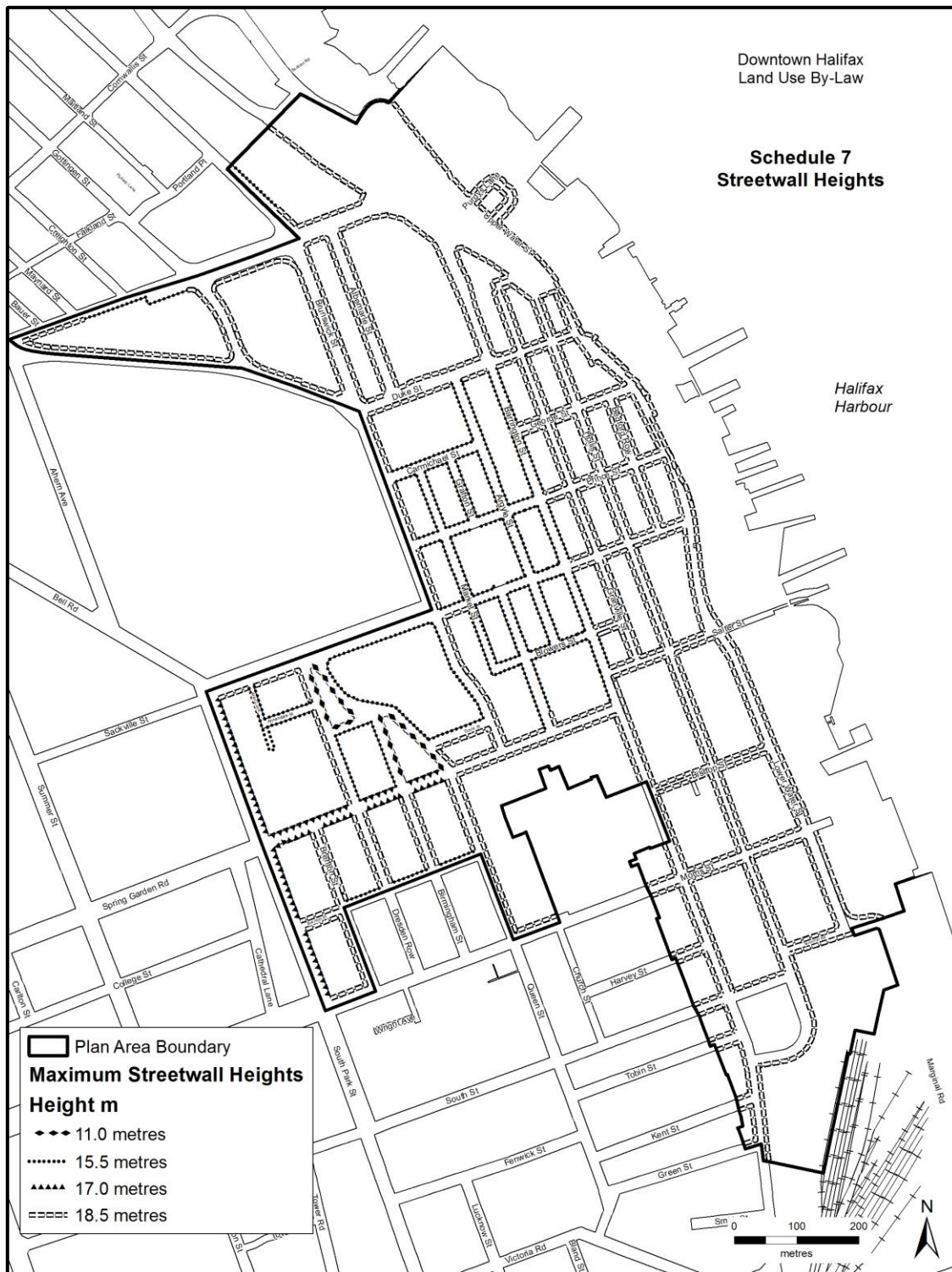
Schedule 6: Streetwall Setbacks



Effective:

Note: Effective date does not indicate date of data creation.

Schedule 7: Streetwall Heights



Effective:

Note: Effective date does not indicate date of data creation.

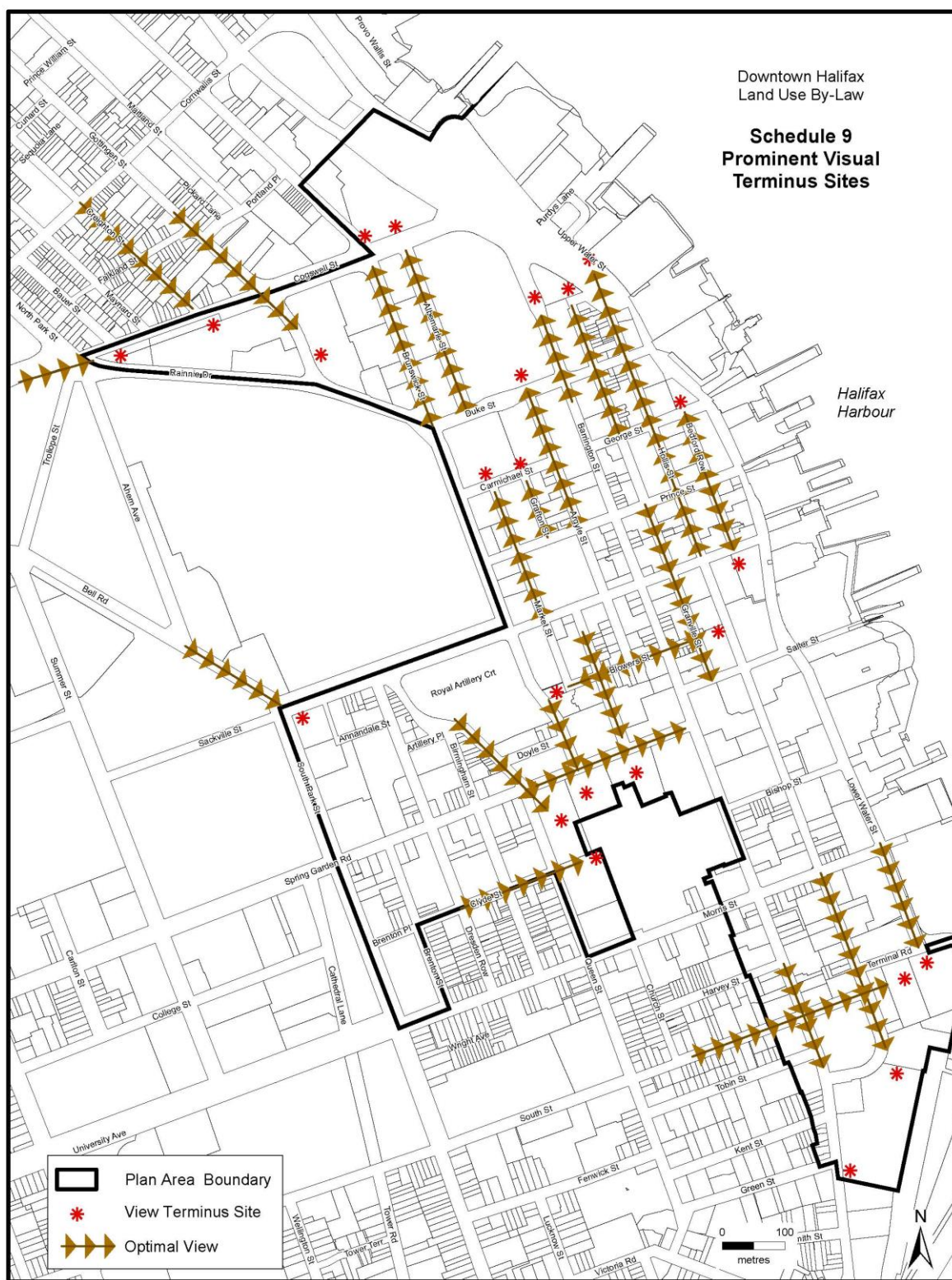
Schedule 8: Central Blocks



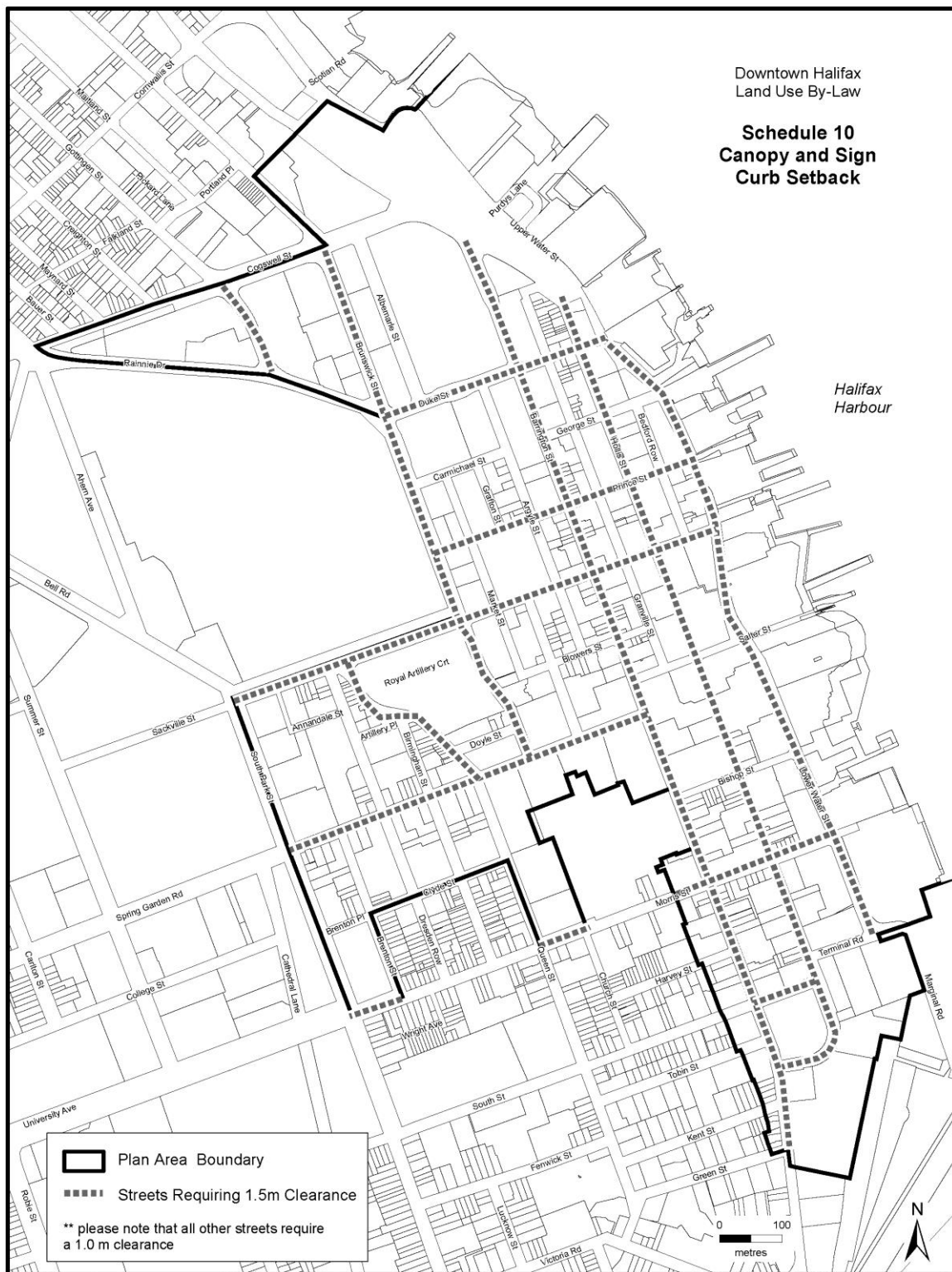
Effective:

Note: Effective date does not indicate date of data creation.

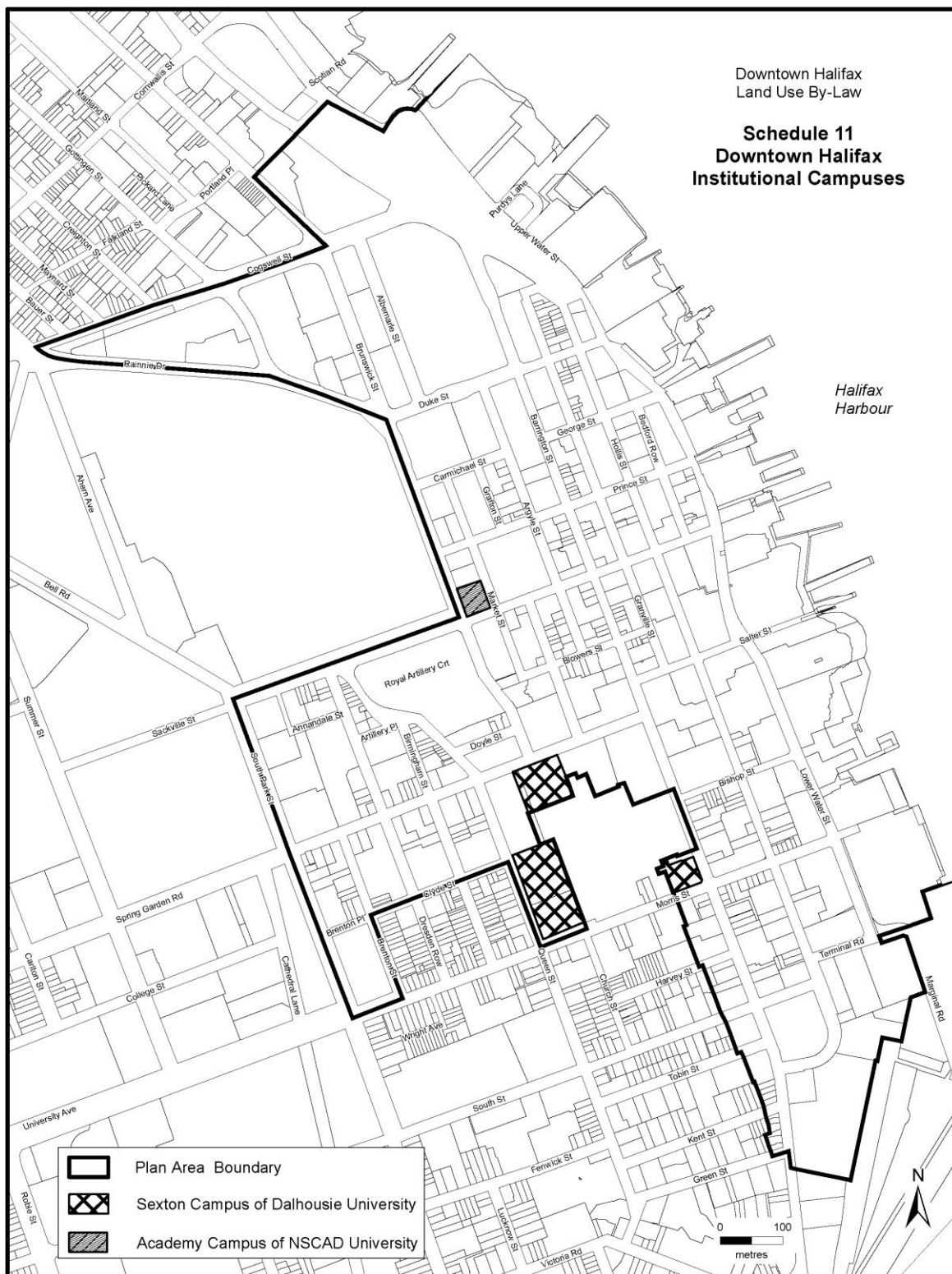
Schedule 9: Prominent Visual Terminus Sites



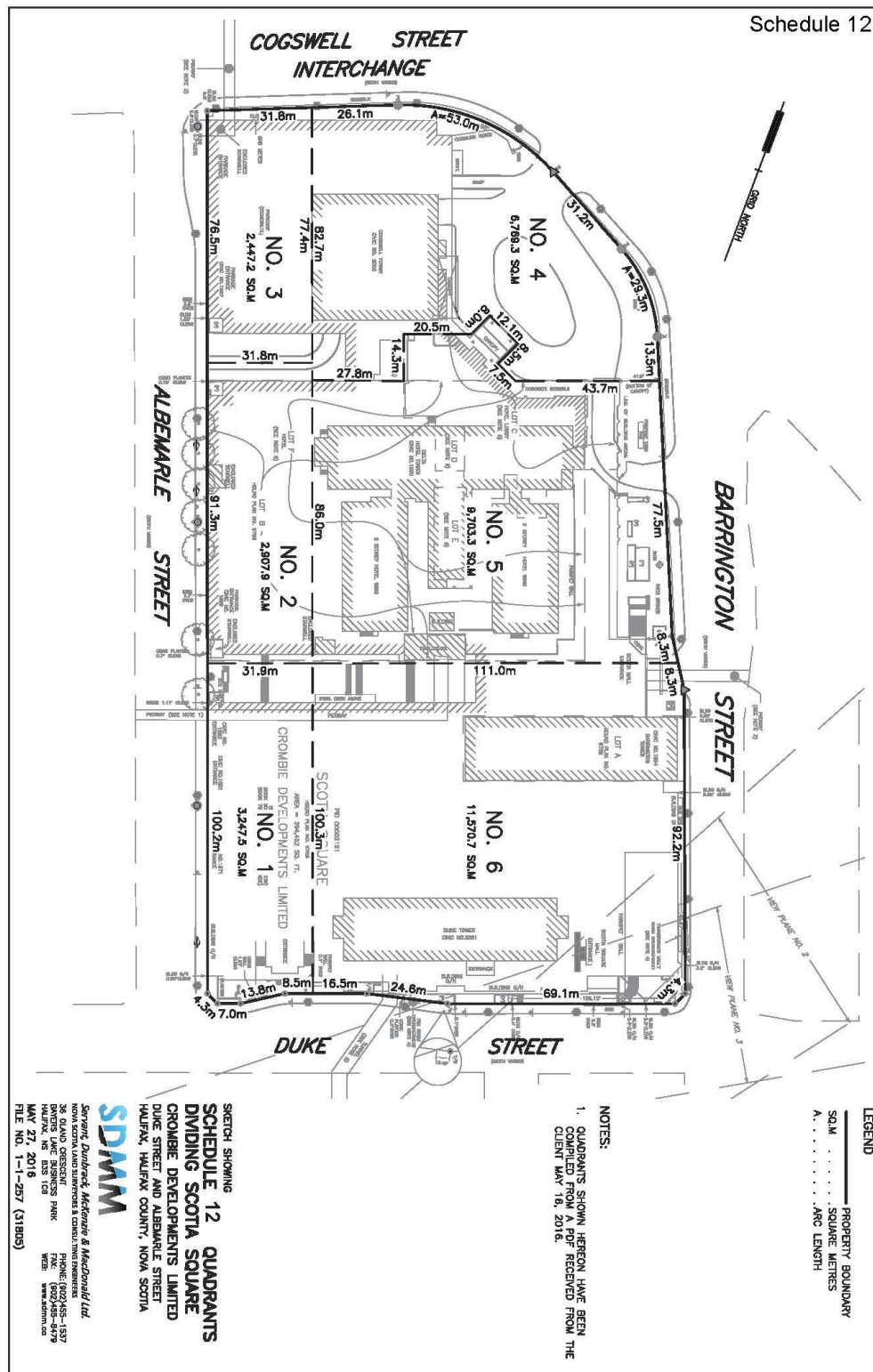
Schedule 10: Canopy and Sign Curb Setback



Schedule 11: Downtown Halifax Institutional Campuses



Downtown Halifax Land Use By-law



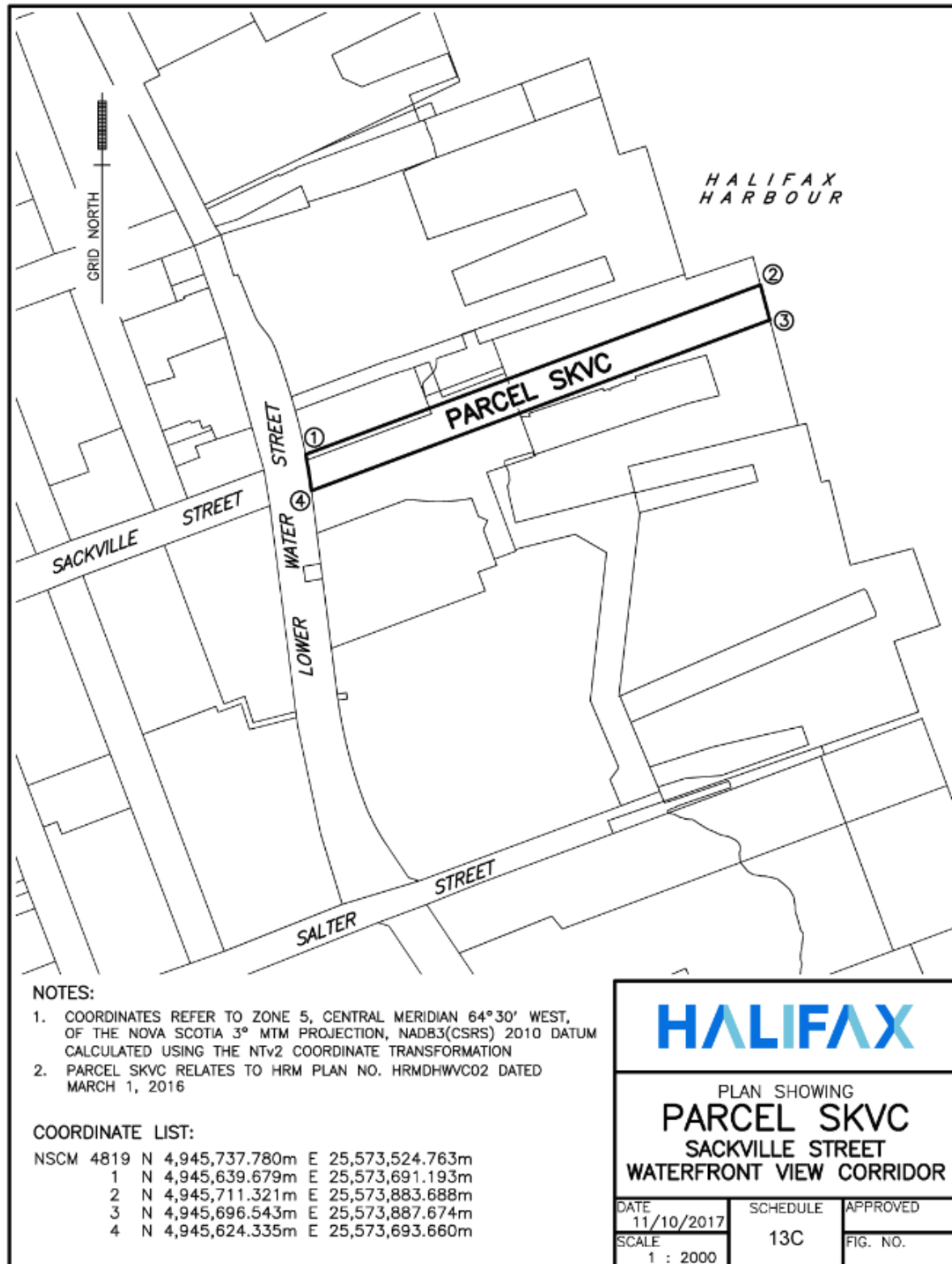
Schedule 13A: George Street Waterfront View Corridor



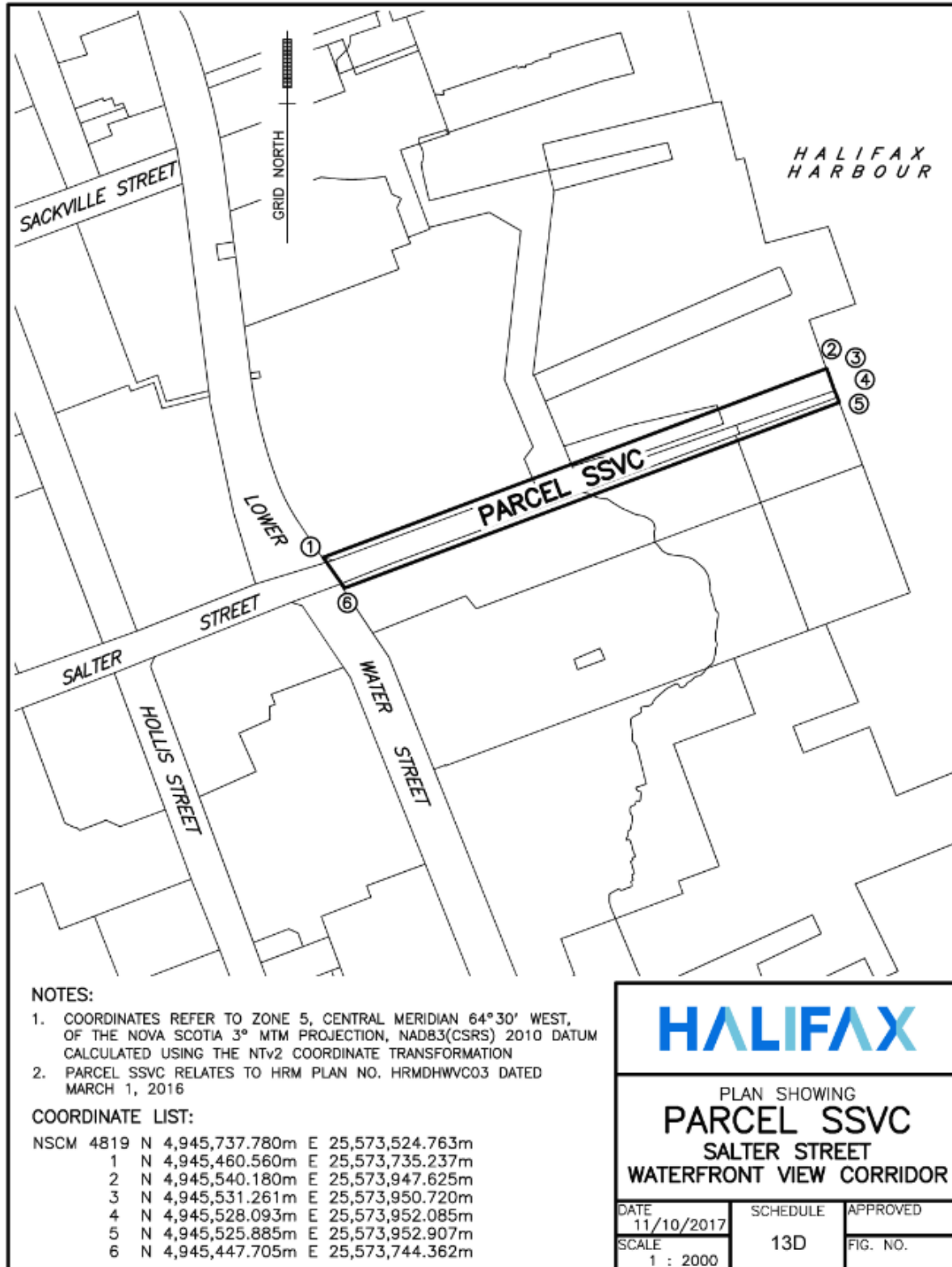
Schedule 13B: Prince Street View Corridor



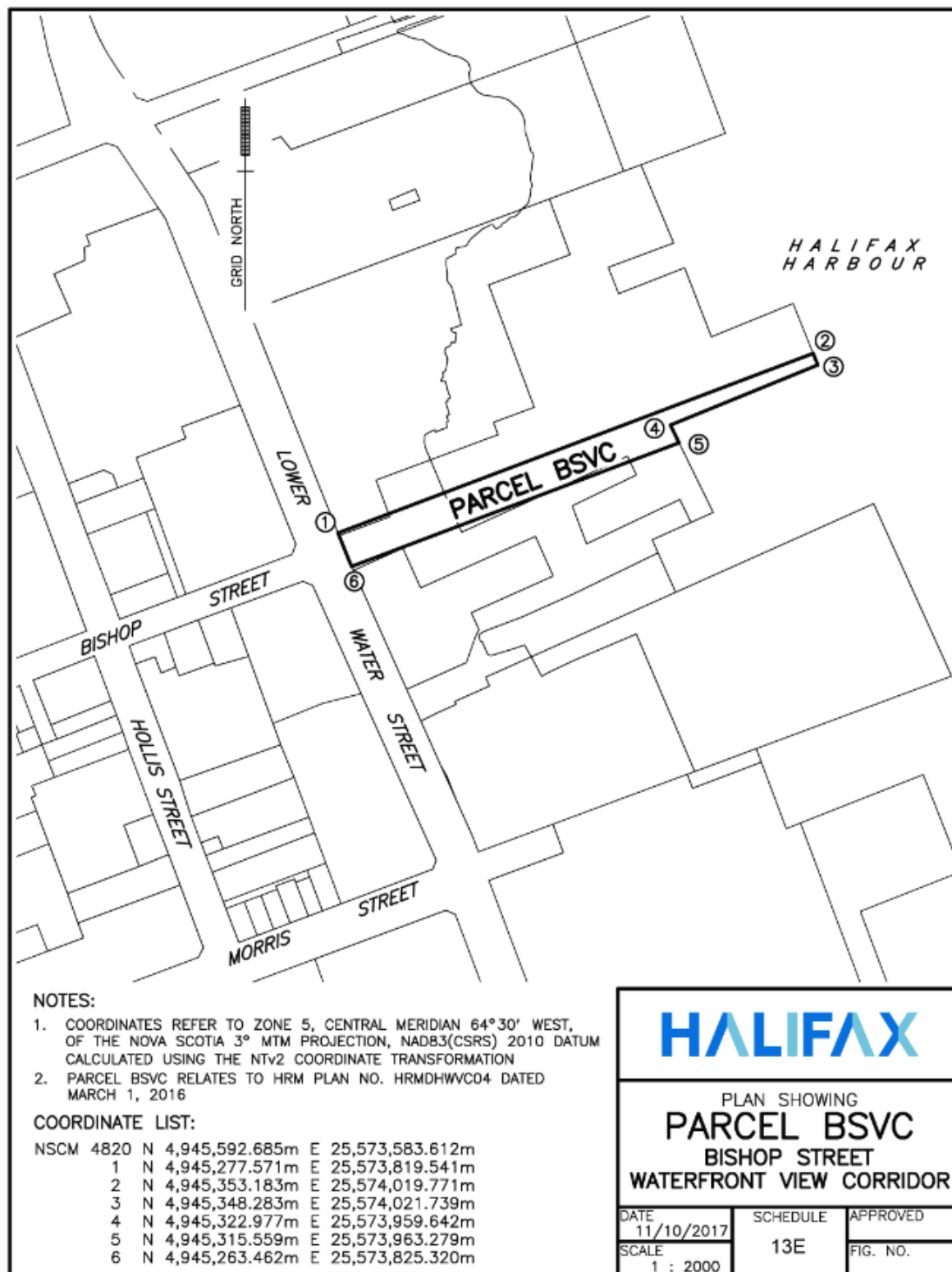
Schedule 13C: Sackville Street View Corridor



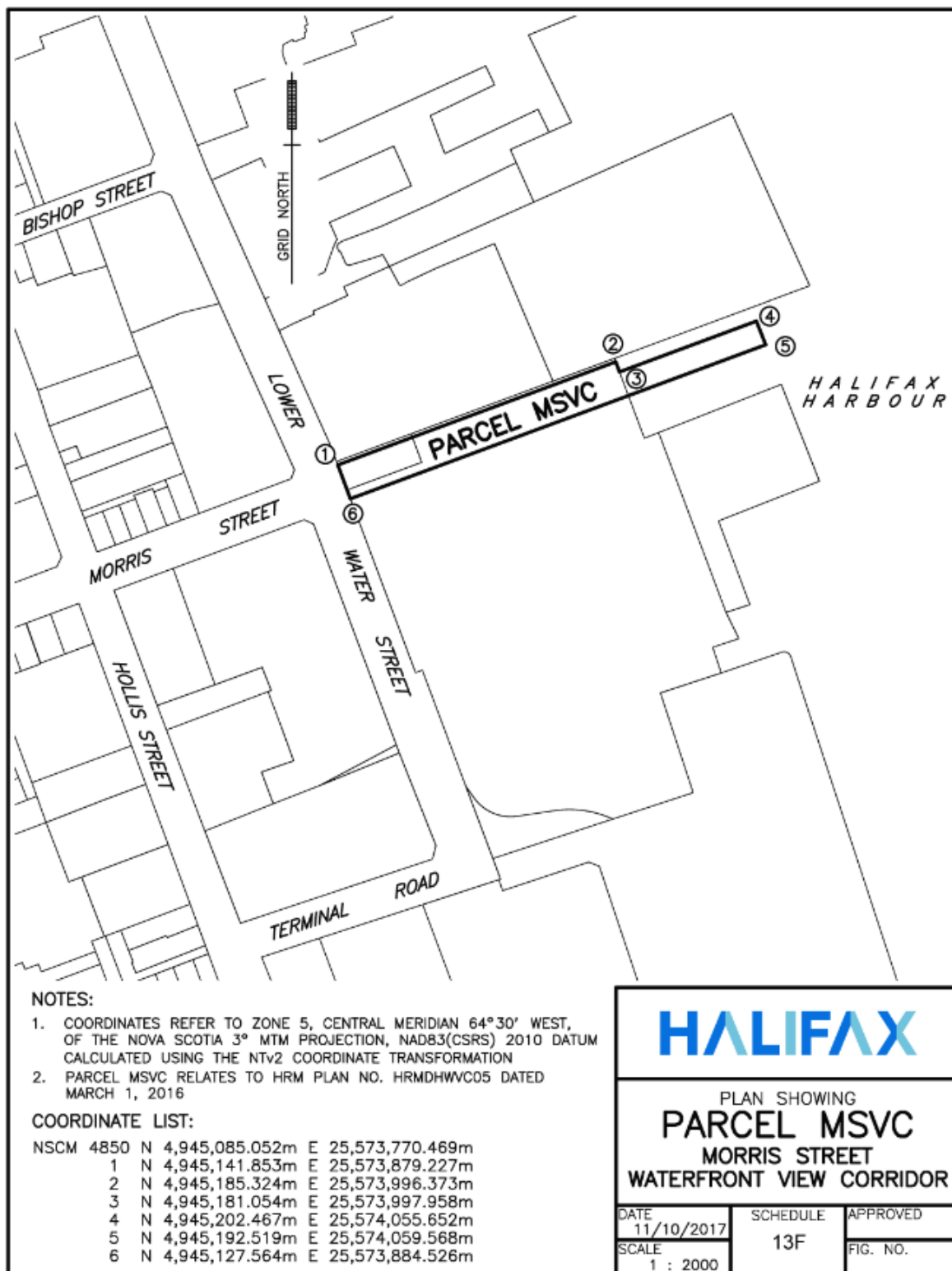
Schedule 13D: Salter Street View Corridor



Schedule 13E: Bishop Street View Corridor

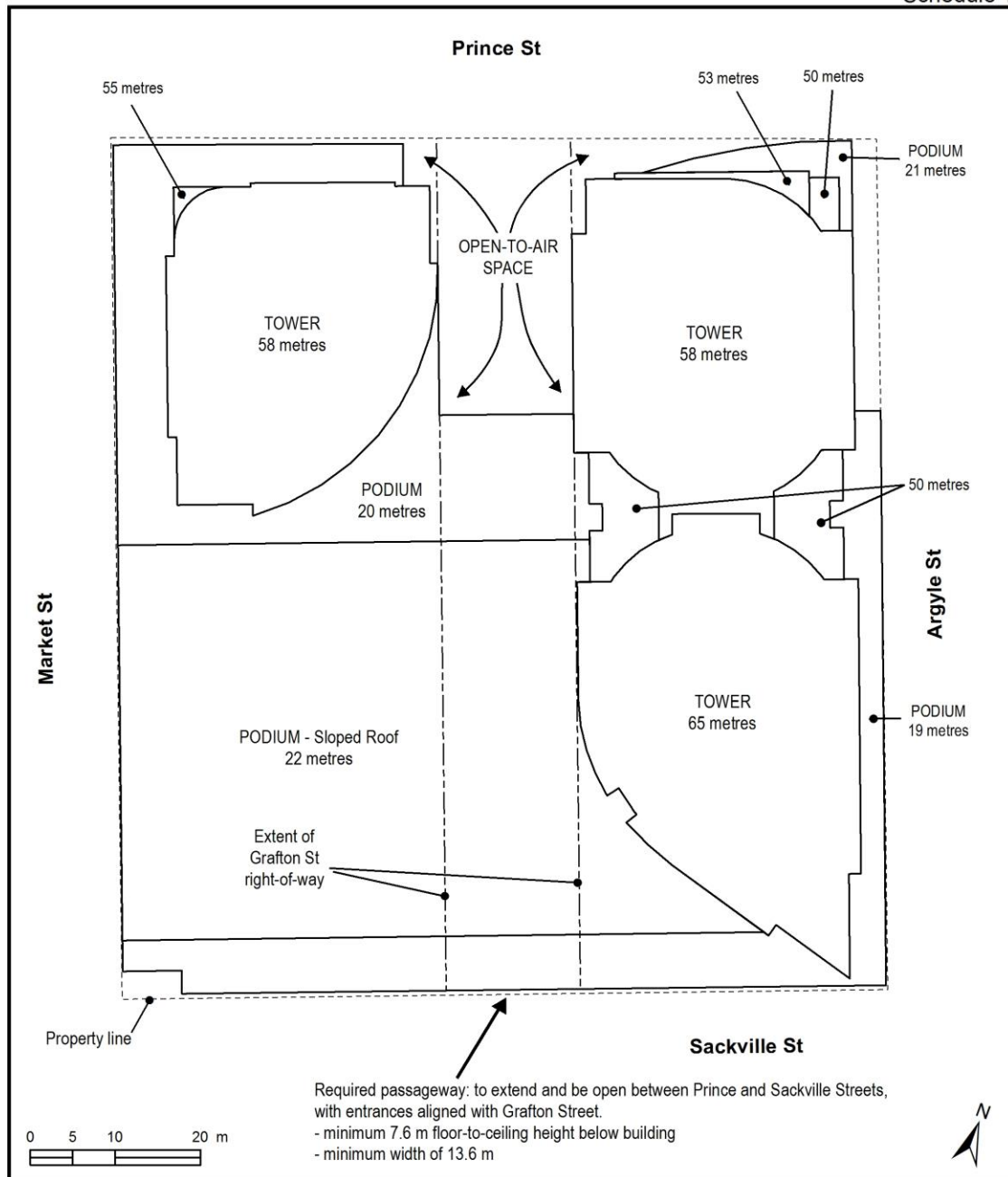


Schedule 13: F Morris St. View Corridor

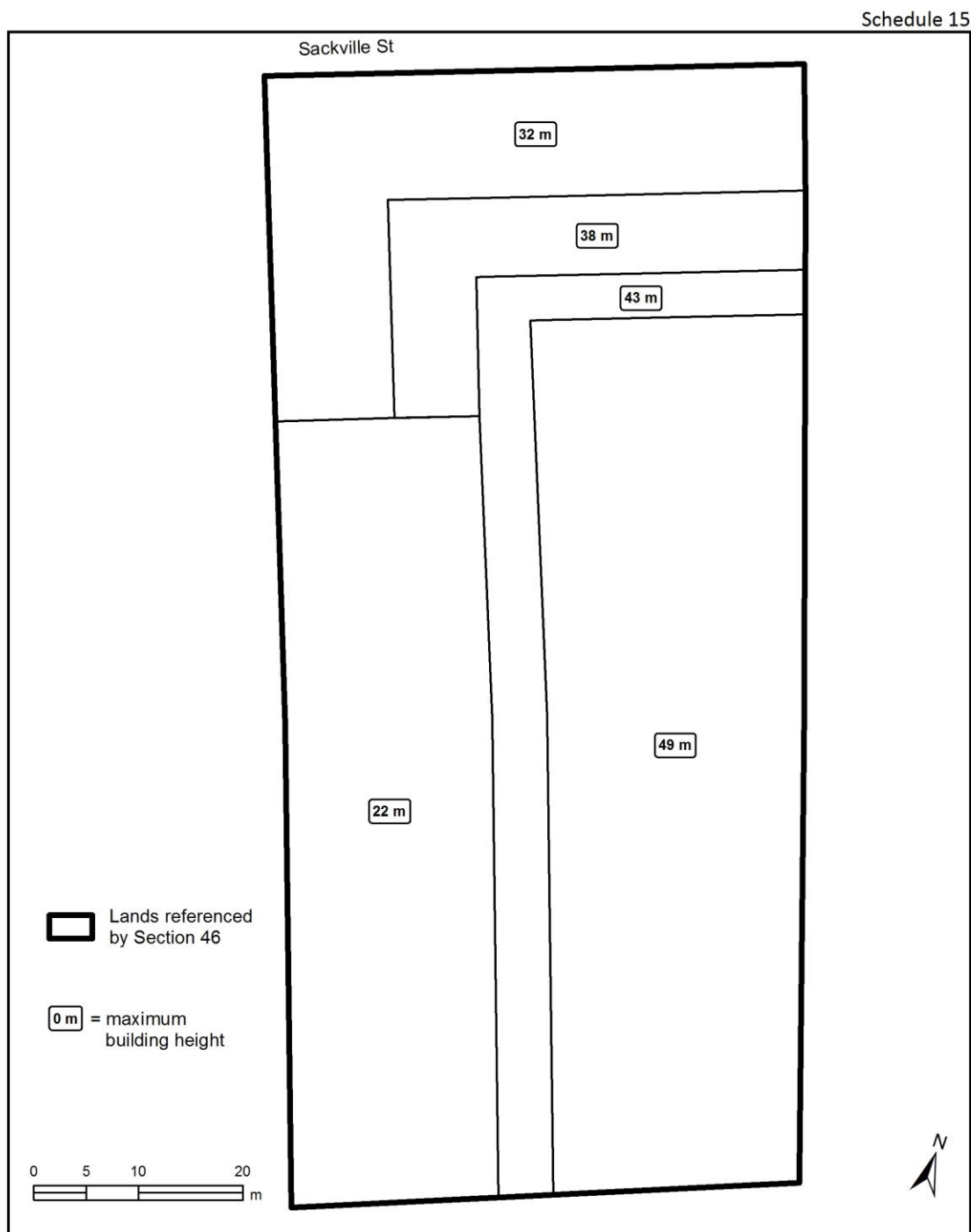


Schedule 14: Publicly Sponsored Convention Centre

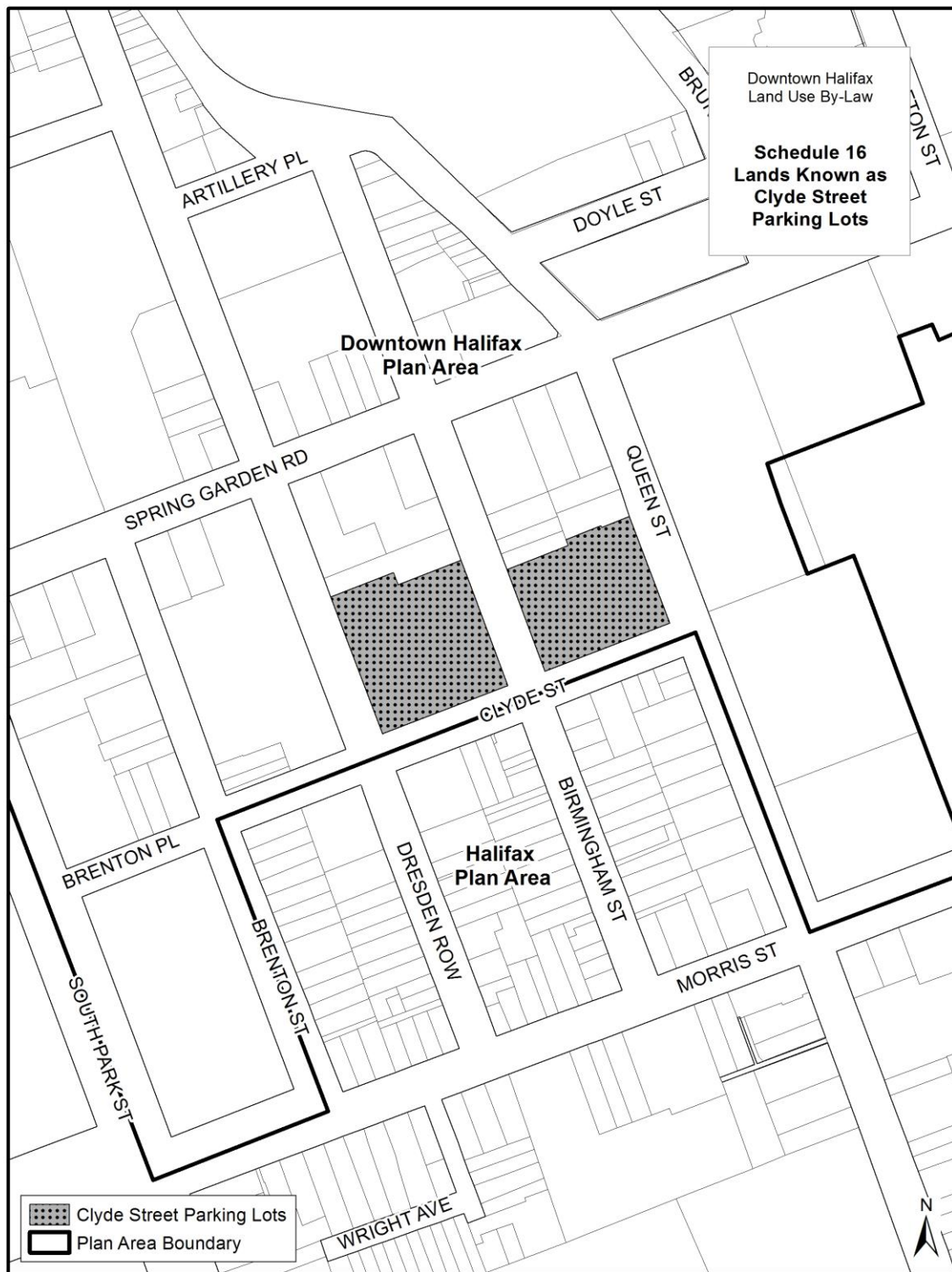
Schedule 14



Schedule 15: Building Height Limits



Schedule 16: Lands Known as Clyde Street Parking Lots



PART XII: APPENDICES

Appendix 1: Design Manual

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Appendix 2(1): Density Bonus Calculations and Public Benefits Proposal

<u>Planning application type:</u> ☐ Non-substantive site plan approval ☐ Substantive site plan approval	
<u>Planning application number:</u>	
<u>Development address:</u>	
<u>Property Identification Number (P.I.D. no.):</u>	
<u>Type of development:</u> ☐ Residential ☐ Non-residential ☐ Mixed, including: _____	
Required public benefit value	
<u>Pre-bonus height limit</u> (metres)	
<u>Maximum height limit</u> (metres)	
<u>Post-bonus gross floor area</u> ¹ (square metres)	sq. m
¹ Post-bonus gross floor area must be determined using the definition for gross floor area in Part XIII of this By-law, and certified by a professional architect.	
<u>Bonus rate district</u> ☐ 1: Downtown Halifax ☐ 2: Cogswell Redevelopment Lands	
<u>Adjusted density bonus rate</u> ² ² For the selected bonus rate district; rate must be adjusted according to Section 209 of this By-law	\$ / sq. m
<u>Total required public benefit</u> ³ ³ Calculated according to Section 208 of this By-law	\$

Proposed public benefits	
☐ Affordable housing units ⁴ ☐ Conservation of a registered heritage building ☐ Publicly accessible space ☐ Affordable community or cultural indoor space ☐ Public art ☐ Cash-in-lieu ⁵	
⁴ Must account for 75% of total required public benefit value, except in Downtown Halifax (DH) Special Area ⁵ Where permitted in Clause 192(1)(f) of this By-law	
Attach a public benefits proposal letter outlining the following: • Size, cost, and description of each proposed public benefit • Potential sites or locations within the development for each proposed public benefit • Detailed construction costs for each proposed public benefit • Objectives for each proposed public benefit, and any other considerations	
Calculation: number of affordable housing units	
A = Portion of total required public benefit dedicated to affordable housing units	\$
B = Minimum affordability period, as specified in Section 191 of this By-law	months
C = A ÷ B	
D = Average market monthly rent	\$ /month
E = C ÷ D	
F = E ÷ 0.40 = total number of affordable housing units to be provided ⁶ ⁶ "0.40" derived from definition of Affordable Housing in Part XIII	
Number of two-bedroom units to be provided ⁷ :	
Number of larger units to be provided ⁷ :	
⁷ Total must equal F.	

Calculation: initial household income limit		
Initial household income limit ⁸ = D × 0.60 × 12 × 4 ⁸ Shelter costs are limited to 25% of gross annual income.	Initial household income limit for two-bedroom units	\$
	Initial household income limit for larger units	\$
Calculation: affordable community or cultural indoor space (leased)		
G = Portion of total required public benefit dedicated to affordable community or cultural indoor space	\$	
H = Minimum affordability period, as specified in Section 191 of this By-law	months	
I = G ÷ H		
J = Average monthly rent per square metre for equivalent commercial space	\$ /month	
K = I ÷ J		
L = K ÷ 0.40 = total amount of affordable community or cultural indoor space to be provided ⁶ ⁶ “0.40” derived from definition of Affordable Community or Cultural Indoor Space in Part XIII	sq. m	
Calculation: other public benefits		
Public benefit type	Design costs + Construction and installation costs	= Total cost
Conservation of a registered heritage building	\$	\$
Publicly accessible space	\$	\$
Public art	\$	\$
Cash-in-lieu		\$

Applicant

Consulting Architect

Approved by the Development Officer

Date

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Part 2: Tenant Income Reporting

Affordable unit #	Household income¹ (\$/year)	# adult tenants	# child tenants (under 18 y.o.)	Has unit tenancy changed in last 12 months? (Y/N)

¹ Attach Canada Revenue Agency proof of income statements for previous calendar year for all households, along with a copy of the lease for each unit.

Applicant

Consulting Certified Accountant

Approved by the Development Officer

Date

Appendix 2(3): Report on Affordable Community or Cultural Indoor Space

Incentive or Bonus Zoning Agreement number:				
Date of Incentive or Bonus Zoning Agreement:				
Date of report:				
<u>Development address:</u>				
<u>Property Identification Number (P.I.D. no.):</u>				
<u>Type of development:</u> ☐ Residential ☐ Non-residential ☐ Mixed, including: _____				
Lot owner name:				
Address:				
Phone:				
Email:				
Part 1: Designated Affordable Community or Cultural Indoor Space				
Location of space	Initial rent (\$/month)	Current rent (\$/month)	Unit occupied? (Y/N)	Name of registered not-for-profit tenant

¹ Attach a copy of the lease for each affordable community or cultural indoor space.

Applicant

Consulting Certified Accountant

Approved by the Development Officer

Date

Appendix 3: Design Review Committee

Creation of Design Review Committee

- 1 The Design Review Committee is hereby created.

Composition of Committee

- 2 (1) The Committee shall consist of up to 12 members, who shall be appointed by Council, and shall meet the following requirements:
 - (a) Members shall be residents of the Municipality who have applied to Council to act as members;
 - (b) Subject to Subsection 2(2), only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, city planning, structural civil engineering, mechanical engineering, electrical engineering, or other engineering disciplines related to building systems or a similar field shall be eligible as members of the Committee;
 - (c) Subject to Subsection 2(2), where possible, the Committee shall be composed of 4 architects, 2 landscape architects, 2 city planners, 1 urban designer, 2 engineers, and 1 professional at large from the above referenced professions; and
 - (d) where possible, at least one member with professional expertise in architecture should be an accredited professional in sustainable building design and construction.
- (2) All members of the Committee shall hold a professional degree and/or accreditation in their respective field, as follows:
 - (a) Where possible, at least one member must be a professional member of the Canadian Association of Heritage Professionals;
 - (b) Members of the Committee who represent the field of architecture must be Licensed Architects in good standing or Retired Architects with the Nova Scotia Association of Architects (NSAA);
 - (c) Members of the Committee who represent the field of landscape architecture must be Members in good standing with the Atlantic Provinces Association of Landscape Architects (APALA);
 - (d) Members of the Committee who represent the field of planning must be Licensed Professional Planners in good standing with the Licensed Professional Planners Association of Nova Scotia (LPPANS);
 - (e) Members of the Committee who represent the field of urban design must hold a degree in urban design; or a professional degree in architecture, landscape architecture, or planning together with a specialization in urban design; or a demonstrated career emphasis on urban design; and must be a Licensed Architect in good standing with the NSAA, a Member in good standing with the APALA, or a Licensed Professional Planner in good standing with the LPPANS; and
 - (f) Members of the Committee who represent the field of engineering must be a Full Member (P. Eng) with Engineers Nova Scotia in either the civil, mechanical, or electrical engineering disciplines, and preferably have work experience in at least one of the following sub-disciplines:
 - i. architectural or building engineering,
 - ii. structural engineering,
 - iii. construction engineering,
 - iv. wind engineering,

- v. municipal engineering, or
- vi. geotechnical engineering;

- (3) Members of the Committee shall be appointed by Council for a period of two years and members of the Committee shall be eligible for re-appointment.
- (4) A member of the Committee who is absent from three consecutive meetings of the Committee without cause shall be deemed to have resigned from the Committee.
- (5) If a vacancy occurs on the Committee, for any reasons other than the expiration of the term of a member, Council shall, within thirty (30) days of notification of a vacancy, appoint a person to fill the vacancy, and that person shall hold office for the remainder of the term of the vacated position.

Meetings

- 3 (1) The Design Review Committee shall schedule meetings at least one meeting per month.
- (2) At the request of most the Committee members, additional meetings may be set.
- (3) The Chair may cancel a scheduled meeting.
- (4) A quorum of the Committee shall be four (4) members.
- (5) Where the Chair and Vice-Chair are absent from a meeting, the Committee shall elect an Acting Chair for that meeting.
- (6) The procedure of the Committee shall be governed, where not inconsistent with the *Halifax Regional Municipality Charter* or this By-law, by *Administrative Order No. 1 Respecting the Procedures of the Council*.
- (7) Meetings of the Committee shall be open to the public unless otherwise permitted pursuant to Subsection 3 (2) of the *Halifax Regional Municipality Charter*.

Chair and Vice-Chair

- 4 (1) The Committee shall, at its first meeting and annually thereafter, elect from the members, a Chair and a Vice-Chair for the ensuing year.
- (2) The Chair shall represent the Committee at Council or a committee of Council.
- (3) The Chair shall act as spokesperson for the Committee.
- (4) The duties of the Chair, in whole or in part, may be shared with or delegated to the Vice-Chair to carry out the role and responsibilities of the Committee.
- (5) The Vice Chair shall act as the Chair in the absence of the Chair.

Committee Role

- 5 (1) The Committee shall review and make recommendations to the Development Officer, based on the Design Manual, on the following:
 - (a) designs in advance of public consultation on any application;

- (b) non-substantive site plan approval applications that have been referred pursuant to Section 24 of this By-law; and
 - (c) substantive site plan approvals.
- (2) The Committee shall advise Council on potential amendments to regulation and policy to carry out the role and responsibilities of the Committee or to further the intent of this By-law as may be required from time to time.

Remuneration of Committee Members

- 6
 - (1) The Chair of the Committee may receive an honorarium at a rate set by Council.
 - (2) Each member of the Committee may also be reimbursed for any necessary expenses incurred while engaged in official duties, provided such expenses are approved by the Chief Administrative Officer in advance.

Appendix 4: Wind Assessment Performance Standards

General Wind Assessment Performance Standards

- 1 (1) A new building that is proposed to be greater than 22 metres in height or an addition to a building that will result in the building being greater than 22 metres in height shall be subject to a wind impact assessment.
- (2) The wind impact assessment shall address:
 - (a) existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development;
 - (b) the impact of the development on the following areas:
 - (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and
 - (ii) private amenity spaces such as roof gardens;
 - (c) the expected level of comfort for various activities associated with the above-noted areas respecting factors such as sitting, standing, and walking;
 - (d) pedestrian safety, where excessive wind gust speeds can adversely affect a pedestrian's balance and footing; and
 - (e) the methodology and standards used in the assessment.
- (3) Any issues or impact identified by the wind impact assessment shall be mitigated through the design of the building and the site.

Qualitative Assessment

- (4) For development that is minor in scope, such as a small addition in building height or a development where wind impact is not expected to be detrimental or may be improved upon in the opinion of the qualified professional, the wind impact assessment may be limited to a qualitative assessment.
- (5) A qualitative assessment shall include an analysis and description of expected wind impacts without the use of quantitative scale model simulation analysis.
- (6) The qualitative assessment shall be in the form of a report and shall be subject to the acceptance of the Development Officer.

Quantitative Assessment

- (7) For any building or addition between 22 metres and 33.5 metres high, the Development Officer may require a wind impact assessment to include a quantitative assessment.
- (8) For any building or addition higher than 33.5 metres, a required wind impact assessment shall include a quantitative assessment.
- (9) A quantitative wind impact assessment shall include quantitative scale-model simulations or analysis.

Requirements to Mitigate Wind Impacts

- (10) The Development Officer may approve a site plan, where the impacts identified in the wind impact assessment can be mitigated and such mitigations comply with the requirements of the Design Manuel (Appendix 1).

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