ATTENTION

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

HALIFAX

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LAND USE BY-LAW

EASTERN PASSAGE/COW BAY

THIS COPY IS A

REPRINT OF THE

EASTERN PASSAGE/COW BAY

LAND USE BY-LAW

WITH AMENDMENTS TO

APRIL 23, 2025

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LAND USE BY-LAW

FOR

EASTERN PASSAGE/COW BAY

THIS IS TO CERTIFY THAT this is a true copy of the Land Use By-law for Eastern Passage/Cow Bay which was adopted by the former Halifax County Municipality on the 22nd day of June, 1992, and approved by the Minister of Municipal Affairs on the 5th of October, 1992, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 23rd day of April, 2025.

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

_____
Municipal Clerk

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PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for Eastern Passage/Cow Bay".

PART 2: DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

2.1 ACCESSORY BUILDING OR STRUCTURE means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law. (CHWEPCBCC-Jul 20/95;E-Aug 10/95)

2.1A ACCESSORY HEN USE means the keeping of hens as an accessory use to a permitted residential use for the purposes of personal or household food supply, and not commercial purposes. For the purposes of this by-law, an accessory hen use is not an agricultural use (RC- Oct 05/21;E-Jan 08/22).

2.2 ACCESSORY USE means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations. (CHWEPCBCC-Jul 20/95;E-Aug 10/95)

2.2A ADULT ENTERTAINMENT USE means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations but shall exclude massage parlours.

(a) When used in relation to adult entertainment use, the following shall apply:
- **(i) "To Provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;**
- **(ii) "Services" include activities, facilities, performances, exhibitions, viewing and encounters;**
- **(iii) "Services designed to appeal to erotic or sexual appetites or inclination" includes,**
  - **1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause, "partial nudity" shall mean less than completely and opaquely covered:**
    - **(A) human genitals or human pubic region;**

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(B) human buttocks; or

(C) female breast below the point immediately above the top of the areola.

2. Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement. (RC-Jan 20/98;M-Feb 19/98)

2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this By-law, such shall not include a kennel or any operation which involves more than fifty (50) domestic fowl or ten (10) of any other animal being confined to a barn, feedlot or other structure or defined space for the purposes of feeding, breeding, or sheltering.

2.4 ALTERATION means any change in the structural component or any increase in the volume of a building or structure.

2.5 AMENITY AREA means an area of land set aside for purposes of visual improvement or relaxation except where an amenity area is required for any multiple unit dwelling, in which case the area may also include that portion of the building which is devoted to relaxation such as games rooms and balconies.

2.6 ATTACHED BUILDING means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

2.7 AUTOMOTIVE REPAIR OUTLET means a building or part of a building or a clearly defined space on a lot used for minor or major repair of motor vehicles and may include paint and body repair, muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels.

2.7A BICYCLE PARKING, CLASS A means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages. (RC-Jun 25/14;E-Oct 18/14)

2.7B BICYCLE PARKING, CLASS B means bicycle racks (including wall mounted varieties) which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact. (RC-Jun 25/14;E-Oct 18/14)

2.7C BICYCLE PARKING, ENHANCED means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers (at the rate of one for every six bicycle spaces); and clothes lockers (at the rate of one for every bicycle space). (RC-Jun 25/14;E-Oct 18/14)

2.8 BOARDING OR ROOMING HOUSE (Deleted: RC-Aug 9/22;E-Sep 15/22)

2.8A BOAT CHARTER SERVICE means a commercial establishment where boats can be hired for such activities as: deep sea fishing; harbour cruises; whale watching and diving excursions, and includes docking facilities or mooring facilities where boats are berthed, stored or serviced. (RC-Apr 28/98;M-Jul 15/98)

2.8B BOAT OR YACHT CLUB means a building and property used as a meeting place for an association of persons united by a common interest in boating and shall include provisions for docking facilities or mooring facilities where boats are berthed and stored. (RC-Apr 28/98;M-Jul 15/98)

2.9 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container (deletion-HECC-Jun 6/02;E-Jun 30/02)** used for any of the foregoing purposes.

2.9A CANADIAN GEODETIC VERTICAL DATUM (CGVD28) means the vertical datum for Canada officially adopted by an Order in Council in 1935. CGVD28 is a tidal datum defined by the mean water level at five tide gauges: Yarmouth and Halifax on the Atlantic Ocean, Pointe-au-Père on the St-Lawrence River, and Vancouver and Prince-Rupert on the Pacific Ocean. In addition, the definition includes an elevation at a benchmark in Rouses Point, NY (next to Lake Champlain) accepted as fixed by the US and Canada in 1925. The datum is propagated in land using geodetic levelling measurements. The vertical datum is accessible through benchmarks anchored to the ground and stable structures. The heights in terms of CGVD28 are in normal-orthometric system. (RC-Jun 25/14;E-Oct 18/14)

2.9B CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales. (RC-Sep18/18; E-Nov 3/18)

2.9C CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including

(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and

(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and

(b) excluding

(i) industrial hemp, and

(ii) premises used for personal production permitted by federal legislation.

(RC-Sep 18/18;E-Nov 3/18)

2.10D CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products to the general public. (RC-Sep 18/18;E-Nov 3/18)

2.10 COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight of over three (3) tons (2.7 tonnes).

2.11 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, harness or vehicle racing tracks, rifle ranges, marinas, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and drive-in theatres, and may include one or more dwelling units for maintenance or security personnel.

2.11A COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres. (MC-Feb 26/96;M-Mar 28/96)

2.11AA CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)

2.11B CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. (RC-Sep 10/02;E-Nov 9/02)

2.11C CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, 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. (RC-Sep 10/02;E-Nov 9/02)

2.11D CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry

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operations licensed by the Province of Nova Scotia or forestry manufacturing processes. (RC-Sep 10/02;E-Nov 9/02)

2.11E CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02;E-Nov 9/02)

2.12 COUNCIL means the Council of the Municipality of the County of Halifax.

2.13 DAYLIGHTING TRIANGLE means the triangular shaped land which is that part of and within a corner lot, adjacent to the intersection of the front lot line and the flankage lot line, and which is measured, from such intersection and along each street line the distance required by this By-law and, along a straight line joining the points of the required distance along each street line. In the case of a through lot, a daylighting triangle shall also be adjacent to the intersection of the rear lot line and the flankage lot line and shall be measured from such intersection the distance required by this By-law and along a straight line joining the points of such distance.

2.14 DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (HECC-Mar 3/09;E-Mar 21/09)

2.15 DEVELOPMENT OFFICER means the officer of the Municipality of the County of Halifax, from time to time charged by the Municipality with the duty of administering the provisions of this By-law.

2.16 DWELLING

(a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.

(b) Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

(c) Dwelling, Single Unit means a building which is a completely detached dwelling unit and **includes a mobile dwelling. (RC-Oct 11/22;E-Nov 16/22)**

(d) Dwelling, Auxiliary means a self-contained dwelling unit within a single unit dwelling which is secondary to the main residential use of the property and does not exceed forty (40) percent of the gross floor area of the main structure.

(e) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which

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arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes or modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m).

(f) Dwelling, Two Unit means a building containing two dwelling units.

(g) Dwelling, Multiple Unit means a building containing three or more dwelling units.

(h) Dwelling, Townhouse means a building that is divided vertically into three or more dwelling units, each of which is located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.

(i) Dwelling, Semi-detached means a building that is divided vertically into two dwelling units by means of an above-grade common wall of at least eight (8) feet (2.4 m) in height which constitutes at least fifty (50) percent of the horizontal axis between the two units.

2.17 ENTERTAINMENT USE means any building or part of a building which is used for commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a cabaret, lounge or other beverage room, a private club and a billiard or pool hall, but specifically limiting the generality of the foregoing does not include **an adult entertainment use,** a massage parlour, an arcade or amusement centre. For the purposes of this By-law, no entertainment use shall be deemed an accessory use. (**RC-Jan 20/98;M-Feb 19/98)**

2.18 ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

2.19 ESTABLISHED GRADE means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.

2.20 EXTRACTIVE FACILITIES means all buildings, aggregate plants, material storage areas and weigh scales associated with extractive uses but does not include structures or storage areas which are fundamental to the activities of mining or extraction.

2.21 EXISTING means in existence on the effective date of this By-law.

2.22 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

2.23 GOLF COURSE means a public or private area operated for the purpose of playing golf and related activities including a club house, and administration buildings. The foregoing

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is specifically limited by excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for maintenance or security personnel.

2.24 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

2.25 HEIGHT means the vertical distance of a building between the established grade vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one-quarter(1/4) the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, and provided that no roof space be used for human habitation. (HECC-Jul 12/01;E-Aug 5/01)

2.25A HEN means adult female chicken. For the purposes of this by-law hens associated with an accessory hen use are not livestock (RC- Oct 05/21;E-Jan 08/22).

2.26 HOME BUSINESS means the use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services and without limiting the generality of the foregoing does not include restaurants, take-outs, taxi stands, convenience stores, the keeping of animals, or any use deemed to be obnoxious.

2.26A HOME OFFICE means an occupation or business activity operated from within a permitted dwelling that does not require direct contact with clients or customers on the premises. (CHWEPCBCC-Mar 7/96;E-Mar 31/96)

2.27 INSTITUTIONAL USE means any use listed as an Institutional Use in the P-2 (Community Facility) Zone.

2.28 KENNEL means a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.

2.28A LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects which may detrimentally affect adjacent lands. (RC-Apr 28/98;M-Jul 15/98)

2.29 LIVESTOCK means horses, cows, pigs, sheep, goats and fowl, whether or not they are kept for commercial purposes.

2.30 LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

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2.31 LOT

(a) Corner Lot means a lot situated at the intersection of, and abutting on, two or more streets.
(b) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as before herein defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

2.32 LOT AREA means the total horizontal area within the lot lines of a lot.

2.33 LOT DEPTH means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

2.34 LOT FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a daylighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

2.35 LOT LINE

(a) Lot Line means a boundary or exterior line of a lot.
(b) Front Lot Line means the line dividing the lot from the street or from the unlisted travelled way; and
  (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or
  (ii) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
(c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
(d) Side Lot Line means a lot line other than a front or rear lot line.
(e) Flankage Lot Line means a side lot line which abuts the street on a corner lot.

2.36 LRIS means the Land Registration and Information Service whose property identification numbering system is used in Appendix B and of this By-law to identify particular land parcels. The LRIS is an agency of the Council of Maritime Premiers established on the authority of Order in Council of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island under the Council of Maritime Premiers Act in order to produce comprehensive property and ownership mapping for the provinces.

2.37 MAIN BUILDING means the building in which is carried on the principal purpose or purposes for which the building lot is used.

2.38 MAIN WALL means the exterior front, side or rear wall of a building and all structural

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members essential to the support of a full or partially enclosed space or roof.

2.38A MARINA means a commercial establishment which includes, but is not limited to: the docking, mooring, storage service, repair and construction of boats and boat accessories; the sale of boats, boat accessories, marine fuels and lubricants; taxi and barging services; and waste water pumping facilities. (RC-Apr 28/98;M-Jul 15/98)

2.39 MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

2.40 MEDICAL CLINIC means a building or part of a building where two or more practitioners provide human health services without overnight accommodation for patients.

2.40A MEZZANINE means an intermediate floor assembly between the floor and ceiling of a room or storey, and includes an interior balcony. For the purpose of height calculation, a storey with a mezzanine counts as two full storeys.

2.40AA MINI-STORAGE WAREHOUSE means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from either the exterior or interior of the building, designed to be rented or leased on a short-term basis to the general public for the private storage of personal goods, materials and equipment. (CHWEPCBCC-Dec 7/95;E-Jan 3/96)

2.41 MINIMUM WIDTH means the minimum width or length required by this By-law of any main wall.

2.42 MUNICIPALITY means the Municipality of the County of Halifax.

2.43 OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials.

2.44 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

2.45 OPEN SPACE USE means any use listed as an Open Space Use in the P-2 (Community Facility) Zone **for the purpose of defining open space uses in accordance with Policy RA-4(a) of the Eastern Passage/Cow Bay Municipal Planning Strategy, golf courses shall be deemed open space uses. (HECC-Jan 2/02;E-Jan 30/02)**

2.45A OUTDOOR CAFE means an outdoor area adjoining a restaurant, and consisting of outdoor tables, chairs, plantings, and related decorations and fixtures, and where meals or refreshments are served to the public for consumptions on the premises. (RC-Apr 28/98;M-Jul 15/98)

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2.46 OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are, or which are similar to other goods which are, available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.

2.47 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.

2.48 PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

2.49 PARKING SPACE means an area of not less than one hundred sixty (160) square feet (14.9 m^2), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manoeuvring areas.

2.50 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

2.51 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and drycleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for general retail or wholesale distribution.

2.52 PUBLIC PARK means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of Nova Scotia.

2.53 RECREATION SPACE means the use of land, buildings or structures for active or passive recreational purposes and may include 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 does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)

2.54 RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding construction

and demolition materials or hazardous materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot. (RC-Sep 10/02;E-Nov 9/02)

2.55 RESIDENTIAL CARE FACILITY (Deleted: RC-Aug 9/22;E-Sep 15/22)

2.56 RESTAURANT

(a) Drive-In means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in restaurant is characterized by the provision of take-out services at a counter or from a drive through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages.

(b) Full Service means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed 10% of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

(c) Take-out means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 25% of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, may provide a home delivery service.

2.57 RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.

2.58 ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

2.59 SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (RC-Sept 10/02;E-Nov 9/02)

2.59A SCREENING means a continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscaped planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks. (RC-Apr 28/98;M-Jul 15/98)

2.59B SENIOR CITIZENS HOUSING (Deleted: RC-Aug 9/22;E-Sep 15/22)

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2.60 SERVICE INDUSTRY means a building or part of a building in which the primary include, as a minor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided, and without limiting the generality of the foregoing, may include a public garage including an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, plumbing shop, sheet metal shop, a truck depot and similar uses.

2.61 SERVICE SHOP means a building or part of a building used for the sale and repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

2.62 SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include washing establishments.

2.62A SHARED HOUSING USE means a use that contains 4 or more bedrooms, that meets one or more of the following:

(i) that are rented for remuneration as separate rooms for residential accommodation; or

(ii) that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

and includes Shared Housing with Special Care but does not include short-term rental, hotel, motel, or tourist accommodation as defined in the Tourist Accommodation Regulation Act.

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

2.62B SHARED HOUSING WITH SPECIAL CARE means a type of Shared Housing Use that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations, and for greater certainty, shared housing with special care may include individual dwelling units for occupants, and must meet the definition of Shared Housing Use. (RC-Aug 9/22;E-Sep 15/22)

2.62C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck. (HECC-Jun 6/02;E-Jun 30/02)

2.62D SHORT-TERM BEDROOM RENTAL means a short-term rental where individual bedrooms within a dwelling unit are rented to separate parties or groups with or without meals. (RC-Feb 21/23;E-Sept 01/23)

2.62E SHORT-TERM RENTAL means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less. (RC-Feb 21/23;E-Sept 01/23)

2.63 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place,

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activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door.

(a) <u>Ground Sign</u> means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.

(b) <u>Projecting Sign</u> means a sign which projects from and is supported by or which extends beyond a wall or the roof of a building. (RC-Sep 26/06;E-Nov 18/06)

2.63A SMALL SCALE FISHING OPERATIONS means a use of land, wharves and buildings for the fishery and aquaculture industry and includes boat and equipment storage, maintenance buildings and yards, a smokehouse, and/or the processing of the fisherman=s catch to sustain the traditional fishery activity. (RC-Apr 28/98;M-Jul 15/98)

2.63B STOREY means the portion of a building that is situated between the top of a floor and the top of the floor next above it, including a mezzanine, and if there is no floor above it, the portion between the top of the floor and the ceiling above it, and

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

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

2.64 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Municipality of the County of Halifax.

2.65 STREET LINE means the boundary line of a street.

2.66 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 buildings, walls signs, and fences exceeding six (6) feet (1.8 m) in height.

2.66.5 SUITE (RC-Sep 1/20;E-Nov 7/20)

(a) <u>Backyard Suite</u> means a self-contained subordinate dwelling unit that is located within an accessory building or structure.

(b) <u>Secondary Suite</u> means a self-contained subordinate dwelling unit that is located within a residential main building.

2.66AA TOURIST COTTAGE means a rental unit for the use of the traveling or

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vacationing public which includes sleeping area(s), a bathroom, as well as a kitchen or living room; and which may not be used as a dwelling. (RC-May15/01;E-Jun 23/01)

2.66AB URBAN SERVICE AREA means the Urban Service Area under Schedule B of the Regional Subdivision By-law. (RC-May 23/24;E-Jun 13/24)

2.66AAA USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building. (RC-Sep 10/02;E-Nov 9/02)

2.66A VARIETY STORE means an establishment where food stuffs, tobacco, patent medicines, periodicals and other items of household convenience are kept for retail sale, and may include a take-out restaurant as an accessory function. (C-Dec 19/94;E-Jan 14/95)

2.66B WATERCOURSE means a lake, river, stream, ocean or other natural body of water. (RC-Jun 25/14;E-Oct 18/14)

2.66C WATER CONTROL STRUCTURE - means any device or infrastructure designed by a qualified professional to control or manage the flow, volume, direction, or quality of stormwater to mitigate downstream impacts. It may include, and is not limited to, stormwater ponds, rain gardens, engineered wetlands, quality control devices, flow splitters, dispersion beds, energy dissipation, baffles, pipes, inlet/outlet structures, weirs and/or check dams. (RC-Jun 25/14;E-Oct 18/14)

2.67 YARD means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

(a) Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and "required front yard" or "minimum front yard" means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

(b) Rear Yard means a yard extending across the full width of a lot and between the rear lot line and the nearest wall of any main building or structure on the lot; and 'required rear yard" or "minimum rear yard" means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

(c) Side Yard means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot; and 'required sideyard' or "minimum side yard" means the minimum breadth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.

(d) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and "required flankage yard" or minimum flankage yard" means the minimum side yard required by this By-law where such yard abuts a street.

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PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, the Eastern Passage/Cow Bay area is divided into the following zones, the boundaries of which are shown on the attached zoning schedules. Such zones may be referred to by the appropriate symbols:

	Symbol	Zone
Residential Zones	R-1	Single Unit Dwelling Zone
	R-1a	Auxiliary Dwelling Zone
	R-2	Two Unit Dwelling Zone
	R-3	Mobile Dwelling Zone
	R-5	Rowhouse Dwelling Zone
	R-6	Rural Residential Zone **(Deleted)**
	R-7	Rural Estate Zone **(Deleted)**
	RA	**Rural Area Zone (RC-Feb 19/98;M-Apr 27/98)**
	CDD	Comprehensive Development District
	US	**Urban Settlement (RC-Jun 25/14;E-Oct 18/14)**
Commercial Zones	C-1	Local Business Zone
	C-2	General Business Zone
	C-5	Mixed Use Zone
	C-6	Entertainment Zone **(Deleted)**
	C-7	Commercial Service Zone
Industrial Zones	I-1	Light Industry Zone
	I-2	General Industry Zone
	I-3	Local Service Zone
Construction & Demolition (C&D) Zones (RC-Sep 10/02;E-Nov 9/02)	**CD-1**	**C&D Materials Transfer Stations Zone**
	CD-2	**C&D Materials Processing Facilities Zone**
	CD-3	**C&D Materials Disposal Sites Zone**
Infrastructure Charge Zone (RC-Jul 2/02;E-Aug 17/02)	**ICH**	**Infrastructure Charge Holding Zone**
Resource Zones	MR-2	Fishing Industry Zone
Community Uses Zones	P-1	
Community Facility Zone	P-2	Community Facility Zone
	P-3	**Provincial Park Zone (RC-Jun 25/14;E-Oct 18/14)**
	RPK	**Regional Park Zone (RC-Jun 25/14;E-Oct 18/14)**
	PA	**Protected Area Zone (RC-Jun 25/14;E-Oct 18/14)**

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EC	**Environmental Conservation Zone (RC-Feb 19/98;M-Apr 27/98)**
FP	**Floodplain Zone (RC-Feb 19/98;M-Apr 27/98)**
D-l	DND Zone
TR	**Transportation Reserve Zone (RC-Jun 25/14;E-Oct 18/14)**
UR	**Urban Reserve Zone (RC-Jun 25/14;E-Oct 18/14)**

3.2 ZONING MAPS

(a) Schedule A, attached hereto, may be cited as the Eastern Passage/Cow Bay Zoning Map' and is hereby declared to form part of this By-law. (RC-Feb 19/98;M-Apr 27/98)

(b) The extent and boundaries of all zones are shown on Schedule A, and for all such zones the provisions of this By-law shall respectively apply.

(c) The symbols used on Schedule A refer to the appropriate zones established by Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

(a) where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;

(b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;

(c) where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;

(d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise;

(e) where land is created by the filling of a water lot or by otherwise infilling waters, the land so created shall be included in the zone of the lot and the zone boundary shall be the waterline; and

(f) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule.

3.4 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the provisions of the *Halifax Regional Municipality Charter* and must be in conformity with the policies of the Municipal

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Planning Strategy for Eastern Passage/Cow Bay. ***(HECC-May 11/09;E-May 30/09)***

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

(a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.
(b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.
(c) Where a use permitted within any zone is defined in Part 2, the uses permitted within that zone shall be deemed to include by similar use which satisfies such definition except where any definition is specifically limited to exclude any use.
(d) Except where specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot as, any other use permitted within that zone.
(e) Where any list of uses permitted is divided by subheadings into broad functional or characteristic groupings, such subheadings shall be deemed to be provided for the purposes of reference an identification and shall not, in themselves, be deemed to be uses permitted nor to define any uses permitted, whether specifically and in accordance with the purposes of Part 2 or in any other manner.

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be listed as permitted uses in a zone may be considered in accordance with the development agreement provisions of the Halifax Regional Municipality Charter, as provided for by Policies UR-7a,UR-8, UR-10, UR-ll, UR-15, UR-18, UR-19A, UR-19B (RC-Aug 9/22;E-Sep 15/22), UR-20, UR-21, (HECC-May 11/09;E-May 30/09);(COM-6 - Deleted - RC-Apr 28/98;E-Jul 15/98), COM-7, COM-8, COM-9, COM-10, CF-2, CF-4, SA-4, and IM-20 (RC-Aug 9/22;E-Sep 15/22) of the Municipal Planning Strategy. Such uses are (RC- Sept 11/12; E – Oct 6/12)

(a) Within the Urban Residential Designation:
- ***(i) multiple unit dwellings up to a maximum of twelve (12) units;***
- ***(ii) townhouse developments which have frontage on an internal street;***
- ***(iii) local commercial, community facility uses and associated residential uses within any established CDD (Comprehensive Development District);***
- ***(iv) local commercial; community facility uses and associated residential uses within an established CDD on lands identified by Appendix "D';***
- ***(v) local commercial uses; and***
- ***(vi) two unit dwellings on those lands identified by Schedule 1 of Policy UR-7(a) (RC- Sept 11/12; E – Oct 6/12)***

(b) Within the Urban Residential Designations: ***(HECC-May 11/09;E-May 30/09)***
- (i) medical clinics and day care facilities which are too extensive to be considered as a small business within a dwelling;
- (ii) fraternal halls and centres and community halls and centres;

(c) Within the Urban Residential, Commercial, Industrial and Community Facility

Designations:***(HECC-May 11/09;E-May 30/09)***

(i) crematoriums in association with cemeteries.

(ii) multiple unit dwellings in excess of twelve (12) units in the C-2 (General Business) Zone in accordance with MPS Policy COM-12." (RC-Aug 9/16; E-Sep 10/16)

(d) Within the Commercial Designation:

(i) **Deleted (RC-Apr 28/98;M-Jul 15/98)**

(e) Within the Community Facility Designation:

(i) industrial uses supportive of existing industrial uses.

(f) Within the Special Area Designation:

(i) commercial uses to a maximum of three thousand (3000) square feet (278.7 m^2) of gross floor area on Lawlor's, McNab's and Devil's Islands.

(g) Within any designation:

(i) kennels and expansion of kennels located on properties identified in Appendix "B";

(ii) **shared housing with special care; (RC-Aug 9/22;E-Sep 15/22)**

(iii) extractive facilities and the bulk storage of aggregates or minerals;

(iv) expansions of serviced mobile home parks identified in Appendix "B;

(v) expansion or change in use of legally existing businesses identified in Appendix "B";

(vi) expansion of scrap and salvage yard operations identified in Appendix "B"; and

(vii) expansion of scrap and salvage yard operations identified in Appendix "Ba".

(h) Campgrounds within the Rural Area, Commercial, Industrial and Plan Amendment Designations (RC-May 15/01;E-Jun 23/01);

(i) Tourist cottages within any designation outside of the serviceable area (RC-May 15/01;E-Jun 23/01);

(j) Golf courses within any designation outside of the serviceable area (RC-May 15/01;E-Jun 23/01).

(k) Conservation Design Developments in accordance with policies S-14A, S-14B, S-15A, S-15B, S-16A, S-17A (RC-Oct 11/22;E-Nov 16/22), S-17B, and S-17C of the Regional Municipal Planning Strategy, as applicable. (RC-Jun 25/14;E-Oct 18/14)

(l) Pursuant to Policy IM-20, where there is enabling policy to consider the development, by development agreement, of multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

3.7 <u>DEVELOPMENT AGREEMENTS FOR REGISTERED HERITAGE PROPERTIES</u> (RC-Oct 11/22;E-Nov 16/22)

Development that is not otherwise permitted in this By-law may be permitted by development agreement on a registered heritage property, in accordance with Policy CH-7A of the Halifax Regional Municipal Planning Strategy.

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PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

(a) No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless the provisions of this By-law are satisfied.

(b) Any development permit shall be in force for a period of one (1) year from the date of issue and any permit may be re-issued upon request and subject to review by the Development Officer.

(c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

(d) Notwithstanding Subsection (a), no development permit shall be required in any district for the following:

(i) ***deleted subsection (HECC-May 11/09;E-May 30/09)***

(ii) any sign, except signs permitted according to Section 5.3 of this By-law.

(iii) **An accessory hen use (RC- Oct 05/21;E-Jan 08/22).**

(iv) A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit.

(v) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application, not pursuant to a completed concept plan application received between January 22, 2004 and the effective date of this section. (RC-Apr 13/04;E-Apr 22/04)

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 25/14;E-Oct 18/14)

4.2 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

(a) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Municipality, or to obtain any licence, permission, permit, authority or approval required by any other by-law of the Municipality or statute and regulation of the Province of Nova Scotia.

(b) Where the provisions in this By-law conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirements shall prevail.

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4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Nova Scotia Environment shall prevail. ***(HECC-May 11/09;E-May 30/09)***

4.4 FRONTAGE ON STREET

No development permit shall be issued unless the lot or parcel of land intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a public street or road or an unlisted travelled way as shown in Appendix "C".

4.5 ONE MAIN BUILDING ON A LOT

(a) No person shall erect more than one (1) main building on a lot within any Residential Zone except for non-residential buildings within an RA (Rural Area) Zone and for mobile dwellings located in the Oceanview Estates mobile home park, PID 00369439.***(HECC-May 11/09;E-May 30/09)***

(b) No person shall erect more than one (1) main multiple unit building on a lot within the C-2 (General Business) Zone." (RC-Aug 9/16; E-Sep 10/16)

4.6 EXISTING UNDERSIZED LOTS

Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

Furthermore, the Development Officer may issue a development permit for a lot approved pursuant to **Section 41 of the Regional Subdivision By-law**, where an undersized lot has had its boundaries altered.***(HECC-May 11/09;E-May 30/09)***

4.7 REDUCED FRONTAGE OR AREA

(a) Any lot created pursuant to Section 98 of the **Part IX of the *Halifax Regional Municipality Charter*** may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied. ***(HECC-May 11/09;E-May 30/09)***

(b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than 120 feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the lot frontage requirement is reduced to 50 feet (15.2 m) and the lot area requirement is reduced to 5000 square feet (464.5 m^2).

(c) Any lot created according to the provisions of subsection (b) above may be used

for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

(d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to ***Section 38 of the Regional Subdivision By-law*** as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for business uses in conjunction with a permitted dwelling.***(HECC-May 11/09;E-May 30/09)***

(e) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on the effective date of this amendment may be subdivided and a development permit issued provided that:

(i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;

(ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;

(iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;

(iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.11 of the this By-law;

(v) the remaining lands meet the requirements of the applicable zone. (HECC-Jan9/03, E-Jan29/03)

(f) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied. (RC-Jan 10/17;E-Feb 25/17)

4.8 EXISTING BUILDINGS

Where a building has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

(a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard that does not conform to this By-law; and

(b) all other applicable provisions of this By-law are satisfied.

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4.9 NON-CONFORMING USES

Non-conforming uses shall be subject to the provisions of the ***Halifax Regional Municipality Charter*** of Nova Scotia, which is included in this By-law as Appendix "A". ***(HECC-May 11/09;E-May 30/09)***

4.10 ACCESSORY USES AND BUILDINGS (CHWEPCBCC-Jul 20/95;E-Aug 10/95)

Provisions made under this by-law to permit uses, buildings, and structures shall, unless otherwise stated by this by-law, also be deemed to include any accessory uses buildings or structures provided that:

(a) the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;

(b) the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and

(c) all other applicable conditions and requirements of this by-law are satisfied.

4.10A ACCESSORY HEN USES (RC- Oct 05/21;E-Jan 08/22)

An accessory hen use is permitted in conjunction with a residential use in all zones subject to the following provisions:

(a) The maximum number of hens permitted on a lot shall be:

- **i. a maximum of 10 hens on lots less than 4,000 square metres in size;**
- **ii. a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;**
- **iii. a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;**
- **iv. a maximum of 25 hens on lots 10,000 square metres or greater in size;**

(b) Hens shall be contained within an accessory building or a fenced area that:

- **i. is located in a rear yard;**
- **ii. is setback the minimum distance that is required for a main building, on the subject lot, from a wetland or watercourse;**
- **iii. subject to 4.10A(b)(iv), meets the requirements for accessory buildings under this by-law; and**
- **iv. is setback a minimum of 1 metre from any side or rear lot line.**

(c) The following are not permitted:

- **i. On-site slaughtering or euthanizing of hens; and**
- **ii. The sale of eggs, meat or hens.**

4.11 ACCESSORY BUILDINGS

(a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:

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(i) be used for human habitation except where a dwelling is a permitted accessory use;

(ii) be built closer to the front lot line than the minimum distance required for the main building, or be built closer than eight (8) feet (2.4 m) to any other lot line except that:

1. in any residential zone in the Urban Service Area, except the *RA (Rural Area)* Zone *(HECC-May 11/09;E-May 30/09)*, buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than four (4) feet (1.2 m), except that within the Heritage Hills development as shown on Schedule A-1, the required setback shall be 2 feet (0.61m) *(HECC-Oct 1/09;E-Oct 24/09)*; (HECC-Jul 7/11;E-Jul 30/11)

1.(a) in any residential zone located outside the Urban Service Area, buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than eight (8) feet (2.4 metres) or one half the height of such accessory building or structure, whichever is greater." (HECC-Jul 7/11;E-Jul 30/11)

2. common semi-detached garages may be centred on the mutual side lot line;

3. boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and

4. accessory buildings and structures in a P-l (Community Facility) Zone, P-2 (Community Facility) Zone, a I-l (Light Industry) Zone or a I-2 (General Industry) Zone shall not be built closer to any side or rear lot line than eight (8) feet (2.4 m) or one half (1) the height of such building or structure, whichever is the greater.

(iii) no accessory building in any residential zone in the Urban Service Area shall be greater than 25 feet (7.7 metres) (RC-May 23/24;E-Jun 13/24) in height, from the established grade to the highest point of the roof surface, nor have a footprint greater than 750 square feet (69.68 square metres) in area. (HECC-Jul 12/01;E-Aug 5/01) *(HECC-May 11/09;E-May 30/09*

(iii)(a) no accessory building in any residential zone or the P-3 Zone *(RC-Jun 25/14;E-Oct 18/14)* located outside the Urban Service Area shall have a footprint that exceeds 80% of the footprint of the main dwelling up to a maximum of 1,250 square feet (116.13 square metres) or 750 square feet (69.68 square metres), whichever is the greater. (HECC-Jul 7/11;E-Jul 30/11)

(iii)(b) no accessory building in any residential zone located outside the Urban Service Area having a roof pitch of 4:12 or less shall exceed a maximum wall height of 16 feet (4.88 metres) measured from the established grade to the underside of the soffit;" (HECC-Jul 7/11;E-Jul 30/11)

(iv) be built within eight (8) feet (2.4 m) of the main building in any Residential Zone or twelve (12) feet (3.7 m) in any other zone.

(v) be used for the keeping of livestock, except where agriculture is a permitted use.

(vi) Repealed (RC-May 23/24;E-Jun 13/24)

(b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag

poles, garden trellises, fences and retaining walls shall be exempted from the requirements of Subclause 4.11(a)(ii)1.

(c) ~~**Notwithstanding anything else in this by-law, an**~~ **An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum** ~~**gross floor area**~~ **footprint requirements for accessory buildings or structures. (RC-May 23/24;E-Jun 13/24)**

4.11A ~~SHIPPING CONTAINERS (HECC-Jun 6/02;E-Jun 30/02)~~

~~**(a) Shipping containers:**~~

~~**(i) shall not be used as accessory buildings in a residential zone with the exception of backyard suites (RC-Oct 11/22;E-Nov 16/22).**~~

~~**(ii) may be used as accessory buildings in an industrial or commercial zone, or the RA Zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping.**~~

~~**(iii) intended for non-recreation or non-residential (RC-Oct 11/22;E-Nov 16/22) use on any property which abuts a residential, park or institutional zone, or abuts a property which is zoned RA and which contains a dwelling shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.**~~

~~**(iv) shall not be stacked within 100' of any residential, park or institutional zone. (HECC-Feb 6/03;E-Mar 2/03)**~~

~~**(b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.**~~

~~**(c) Deleted (RC-Oct 11/22;E-Nov 16/22)**~~

4.11AB Shipping Containers

(1) Shipping containers may be used as accessory buildings only in an industrial zone or commercial zone or in conjunction with a recreation use, provided they meet the following requirements:

(a) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street;

(b) Shipping containers must meet all applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping; and

(c) Shipping containers intended for non-recreation or non-residential use on any property which abuts a residential, park or institutional zone, or abuts a property which is zoned RA and which contains a dwelling, shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.

(2) Notwithstanding subsection (1), shipping containers may be used as a

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dwelling, subject to the applicable zone standards for dwellings.

(3) Notwithstanding subsection (1), Shipping containers may be used as a backyard suite, subject to the applicable requirements for backyard suites.

(4) Notwithstanding subsection (1), Shipping containers may be used as a main use for indoor agriculture, subject to the applicable zone standards for main buildings.

4.11B SECONDARY SUITES AND BACKYARD SUITES (RC-Sep 1/20;E-Nov 7/20)

(a) SECONDARY SUITES

Secondary suites shall be permitted accessory to a single unit dwelling, a mobile dwelling, a two unit dwelling, a semi-detached dwelling or a townhouse dwelling subject to the following provisions:

(i) No more than one secondary suite (RC-May 23/24;E-Jun 13/24) shall be permitted on a lot;

(ii) The floor area of a secondary suite shall not exceed 80.0 square metres;

(iii) A two unit dwelling or semi-detached dwelling that contains a secondary suite shall not be considered a multiple unit dwelling;

(iv) Notwithstanding the parking requirements of Section 4.25, additional off-street parking shall not be required; and

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

(b) BACKYARD SUITES

Backyard suites shall be permitted accessory to a single unit dwelling, one mobile dwelling, a two unit dwelling, a semi-detached dwelling, a multiple unit dwelling containing 3 units, (RC-May 23/24;E-Jun 13/24) or a townhouse dwelling subject to the following provisions:

(i) No more than one backyard suite shall be permitted on a lot; (RC-May 23/24;E-Jun 13/24)

(ii) A backyard suite is not considered a separate main building or main dwelling;

(iii) The backyard suite shall meet the accessory buildings requirements as set out in Sections 4.10 and 4.11;

(iv) The gross (RC-May 23/24;E-Jun 13/24) floor area of a backyard suite shall not exceed 1,000 square feet (93 square metres) (RC-May 23/24;E-Jun 13/24);

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

(vii) A backyard suite must be located on the same lot as the main dwelling unit; ~~and~~

(viii) A backyard suite shall have unobstructed access that

(A) connects the backyard suite to a public street, private road, or private right-of-way,

(B) is located on the same lot on which the backyard suite is located, and

(C) has a minimum width of 1.1 metres~~.~~; and

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

(ix) A non-conforming accessory building may be converted to a backyard suite if the gross floor area of the backyard suite does not exceed 1,000 square feet (93 square metres). (RC-May 23/24;E-Jun 13/24)

4.12 MOBILE DWELLING

Except as provided by Section 4.13, any mobile dwelling, except an existing dwelling, shall conform to the provisions of Section 9.3 and 11.3.

4.13 TEMPORARY CONSTRUCTION USES PERMITTED (HECC - Jan 20/09; E-Feb 7/09)

(a) Nothing in this By-law shall prevent the use of land on or near a worksite for ~~or~~ the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.

(i) Where temporary buildings or structures are permitted near a worksite, the building or structure shall be located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot where the development permit has been issued.

(b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.

(c) A development permit may only be issued for the temporary use of a rock crusher.

(d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary.

(e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public

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works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.

(f) Notwithstanding any other provision of this By-law, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site.

(g) A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.

4.14 VEHICLE BODIES

No truck, bus, coach**, motor home, camper trailer** or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building. **For clarity, a shipping container is not considered a vehicle body.**

4.15 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of the ***Halifax Regional Municipality Charter*** shall prevail. **(HECC-May 11/09;E-May 30/09)**

4.16 BUILDING TO BE MOVED

No building, residential or otherwise, shall be moved within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

4.17 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, ***telecommunications masts or towers***, ventilators, skylights, barns, chimneys, clock towers, ~~**windmills**~~ **(RC-Aug 16/11;E-Oct 29/11)** or solar collectors.**(HECC-May 11/09;E-May 30/09)**

4.18 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14)

(1) (a) Except as provided for by subclause 4.11(a)(ii)(3) (RC-Oct 11/22;E-Nov 16/22) no development permit shall be issued for any development within 61m of the ordinary highwater mark of the Atlantic Ocean, Cow Bay, Cow Bay Lake (RC-Oct 11/22;E-Nov 16/22) or Barrier Pond in the area as shown on Map 4 - Environmental Constraints of the Eastern Passage/Cow Bay Municipal Planning Strategy; 20m of the Cow Bay River north of Caldwell Road; 30m of the ordinary highwater mark of any other watercourse.

(b) **Where the average positive slopes within the 20m buffer of the Cow Bay River, north of Caldwell Road, or the 30m buffer of any other watercourse, except Atlantic Ocean, Cow Bay, Cow Bay Lake (RC-Oct 11/22;E-Nov 16/22) or Barrier Pond, are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.**

(c) **Within the required buffers pursuant to clause (a), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to development.**

(d) **Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of board walks, walkways and trails not exceeding 3 metres in width, conservation uses, parks on public lands, historic sites and monuments, public road crossings and wastewater, storm and water infrastructure, and water control structures, within the required buffer of the Cow Bay River or Smelt Brook.**

(e) **Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.**

(f) **Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.**

(2) **Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.**

(3) **Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to August 26, 2006, is such that no main building could be located on the lot, the buffer distance shall be reduced to 30m of the ordinary high water mark of the Atlantic Ocean, Cow Bay or Barrier Pond; or 15m of the ordinary highwater mark of any other watercourse.**

(3A) **Where the configuration of any existing lot, including lots approved as a result of completed, tentative and final subdivision applications on file prior to August 12, 2022 is such that no main building could be located on the lot due to the 61m buffer, the buffer distance shall be reduced to 30m of the ordinary high water mark of Cow Bay Lake. (RC-Oct 11;E-Nov 16/22)**

(4) **Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

(5) **Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.**

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(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section.

(7) Subsection (1) does not apply to lands within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Harbour, except for those areas shown as Coastal Lands on Map 4 of the Eastern Passage/Cow Bay Municipal Planning Strategy. For greater certainty, for Coastal Lands shown on Map 4, the watercourse setbacks and buffer shall apply. (RC-Oct 11/22;E-Nov 16/22)

4.18A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

(1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

(2) Subsection (1) does not apply to any residential accessory structures which do not contain a backyard suite (RC-Sep 1/20;E-Nov 7/20), marine dependant uses, open space uses, parking lots and temporary uses permitted in accordance with this by-law. (HW, HEMD and NWCC–Dec 11/18;E-Dec 29/18)

(3) Notwithstanding subsection (1), any existing dwelling situated less than the required elevation may expand provided that such expansion does not further reduce the existing elevation.

(4) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required elevations, contours and lot grading information to determine that the proposed building or structure will meet the requirements of this section.

4.19 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line, a minimum lot width which is equal to the minimum lot frontage required by this Bylaw shall be required in lieu of such minimum lot frontage. For the 22 purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, which line is perpendicular to a line or the extension of a line joining the midpoint of the chord of the curved line with the apex of the triangle formed by the side lot lines and which line is equidistance from the front lot line as is the minimum applicable front yard required by this By-law. For the purpose of this Section, the chord of the curved line shall be a straight line joining the two points where the side lot lines intersect the front lot line.

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4.20 DAYLIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than two (2) feet (0.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

4.21 PERMITTED ENCROACHMENTS

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

(a) Uncovered patios **which are less than two feet (0.61 m) above grade (HECC-Oct 1/09;E-Oct 24/09)**, walkways wheelchair ramps, lifting devices or steps may be located in any yard.

(b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than two (2) feet (0.6 m) into any required yard.

(c) Window bays and solar collectors may be permitted to project not more than three (3) feet (0.9 m) from the main wall into a required front, rear or flankage yard.

(d) Exterior staircases, balconies, porches, verandas and sundecks shall not be permitted to project into any required yard.

(e) The provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard unless otherwise indicated in this By-law.

(f) Uncovered decks in residential zones shall be permitted to be constructed closer to a side or rear property line than the main building, provided that:

(i) decks between 2' (0.61m) and 4' (1.2 m) above grade shall not be located closer than 2' (0.61 m) to any side or rear property line,

(ii) decks over 4' (1.2 m) above grade shall not be located closer than 4' (1.2 m) to any side or rear property line,

(iii) such decks include a privacy wall, along the side nearest to an abutting property, which shall be at least 5'(1.5 m) in height, and shall consist of solid boards and/or privacy lattice. (HECC-Oct 1/09;E-Oct 24/09)

4.22 YARD EXCEPTION

Where, in this By-law, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.

4.23 ILLUMINATION

No person shall erect any illuminated sign or illuminate an area outside any building unless

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such illumination is directed away from adjoining properties and any adjacent streets.

4.24 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle shall be kept on any lot in any Residential Zone except an ***except on a lot in an RA (Rural Area) Zone in association with a use permitted in the RA (Rural Area) Zone,*** and no such commercial vehicle shall exceed a registered vehicle weight of five (5) tons (4.5 tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line.
(HECC-May 11/09;E-May 30/09)

4.25 PARKING REQUIREMENTS

(a) For every building or structure **to be expanded, constructed, or changed in classification of use and/or occupancy,** off street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number. **(RC-Apr 28/98;M-Jul 15/98)**

USE	PARKING REQUIREMENT
Any dwelling except as specified	**0 spaces (RC-May 23/24;E-Jun 13/24)**
Multiple dwellings	**0.33 (RC-May 23/24;E-Jun 13/24)** spaces per dwelling unit
Shared housing use (RC-Aug 9/22;E-Sep 15/22)	**0 spaces**
Multi-tenant commercial buildings	**5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area (RC-Apr 28/98;M-Jul 15/98)**
Retail stores, service and personal service shops:	
a) exceeding 5,000 square feet (464.5 m^2) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
b) not exceeding 5,000 square feet (464.5 m^2) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Motels, hotels **and short-term bedroom rentals (RC-Feb 21/23;E-Sept 01/23)**	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
Restaurants - Drive-In	27 spaces per 1000 square feet (93 m^2) of gross floor area
USE	PARKING REQUIREMENT

Restaurants - Full Service	20 spaces per 1000 square feet (93 m^2) of gross floor area
Restaurants - Take-Out:	
a) exceeding 300 square feet (28 m^2) of gross floor area	16 spaces per 1000 square feet (93 m^2) of gross floor area
b) not exceeding 300 **square (RC-Aug 9/22; E-Sep 15/22)** feet (28 m^2) of gross floor area	5 spaces
Lounges, taverns and beverage rooms	the greater of 1 space per 3 seats or 1 space per 100 square feet (9.3 m^2) of gross floor area
Theatres	1 space per 5 seats
Institutional uses except as **otherwise (RC-Aug 9/22;E-Sep 15/22)**specified	where there are fixed seats, the greater of 1 space per 4 seats and 1 space per 100 square feet (9.3 m^2) of gross floor area; where there are no fixed seats, the greater of 1 space per 100 square feet (9.3 m^2) of gross floor area or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m^2) of gross floor area
Schools	3 spaces per classroom plus 1 space per 20 high school students
Hospitals	2 spaces per bed
Day care facilities	1.5 spaces per 400 square feet (38 m^2) of gross floor area
Medical clinics and offices of any health practitioner	**2 spaces per consulting room**
Funeral homes	15 spaces
Warehouses, transport terminals and general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m^2) of gross floor area and 1 space per 4 employees
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m^2) of gross floor

(b) Reserved Spaces for the Mobility Disabled

Notwithstanding Section 4.25(a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

USE	PARKING REQUIREMENT

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Medical Clinics and office	1 reserved parking space of any health practitioner for the mobility disabled person, 5-15 parking spaces required; 1 additional space for each additional 15 required spaces or part thereof to a maximum 10.
Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10.
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10.
All other uses excluding: fire stations, and industrial use which does not have a retail function **(RC-Aug 9/22;E-Sep 15/22)**	1 reserved parking space for the mobility disabled per any 15-100 parking spaces required; 1 additional space for each required spaces or part thereof, to a maximum of 10.

(ba) Notwithstanding subsections (a) and (b), there shall be no required parking for residential uses within the Urban Service Area.

(c) Standards for Mobility Disabled Parking Spaces

(i) each reserved parking space shall contain an area of not less than two hundred and forty (240) square feet (22.3 m^2) measuring twelve (12) feet by twenty (20) feet;

(ii) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than three hundred (300) feet (91.4 m) from the location which it is intended to serve;

(iii) each reserved parking space shall be located as close as possible to the location it is intended to serve;

(iv) each reserved parking space shall be clearly identified by a ground sign.

4.26 STANDARDS FOR PARKING LOTS

Where a parking lot for more than four (4) vehicles is required or permitted:

(a) the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

(b) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;

(c) a structure, not more than fifteen (15) feet (4.6 m) in height and not more than fifty (50) square feet (4.6 m^2) in area may be erected in the lot for the use of attendants;

(d) the lot shall be within three hundred (300) feet (91.4 m) of the location which it is intended to serve and shall be situated in the same zone;

(e) no gasoline pumps or other service station equipment shall be located or maintained on the lot;

(f) approaches or driveways to the lot shall be defined by a curb or concrete or rolled asphalt and the limits of the lot shall be defined by a fence, curb or other suitable

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obstruction designed to provide a neat appearance; in addition, the location of approaches or driveways shall be not closer than fifty (50) feet (15.2 m) from the limits of the right-of-way at a street intersection;

(g) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement; and

(h) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be twenty-five (25) feet (7.6 m).

4.27 LOADING SPACE REQUIREMENTS

(a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a retail or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such use, one off-street space for standing, loading and unloading for every twenty thousand (20,000) square feet (1858.1 m^2) or fraction thereof of gross floor area used for such purposes to a maximum of six (6) loading spaces.

(b) The provisions of a loading space for any building with less than fifteen hundred (1,500) square feet (139.4 m) shall be optional.

(c) Each loading space shall be at least twelve (12) feet (3.7 m) by twenty-five (25) feet (7.6 m) with a minimum of fourteen (14) feet (4.3 m) height clearance.

(d) Loading space areas, including driveways leading there unto, shall be constructed of and particles.

4.27A BICYCLE PARKING FACILITIES (RC-Jun 25/14;E-Oct 18/14)

(1) Within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Urban Settlement, for the whole of every building or structure to be erected or for the portion of a building or structure which is to be enlarged, on-site bicycle parking shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Multiple Unit Dwelling	**0.5 spaces per dwelling unit 80% Class A, 20% Class B**
Hotels/ Motels/Inns	**1 space for every 20 rooms 80% Class A, 20% Class B Minimum 2 Class B spaces**
General Retail, Trade and Service, Food Store, Shopping Centre, Restaurants	**1 space per 300m^2 GFA 20% Class A/ 80% Class B Minimum 2 Class B spaces**

General Office, Banks, Medical Clinics, Institutional Uses, Government Buildings	**1 space per 500m^2 GFA 50% Class A/ 50% Class B Minimum 2 Class B spaces**
Auditoriums, Theatres, Stadiums, Halls	**1 space for every 20 seats 20% Class A/ 80% Class B Minimum of 2 Class B spaces Maximum of 50 spaces**
Schools, Colleges, Universities	**1 space for every 250m^2 GFA 20% Class A/ 80% Class B**
Recreation Facilities, Community Centres, Libraries.	**1 space per 200m^2 GFA 20% Class A/ 80% Class B Minimum of 2 Class B spaces**
General Industrial Uses	**1 space per 1000 m^2 GFA 80% Class A/ 20% Class B Minimum of 2 Class B spaces Maximum of 20 spaces**
Commercial Parking Structures/Lots (>20 Motor Vehicle Spaces)	**5% of motor vehicle parking provided Minimum of 2 Class B spaces Maximum of 50 spaces**
Any Uses Not Specified Above	**1 space per 500 m^2 GFA 50% Class A/ 50% Class B**

(2) Bicycle parking requirements shall not be required for the following land uses: single, two and three unit dwellings, townhouses, shared housing use, (RC-Aug 9/22;E-Sep 15/22) self storage facilities, car washes, cemeteries and funeral homes.

(3) Notwithstanding subsection (1), the bicycle parking requirements may be reduced by 50% where each unit of a Multiple Unit Dwelling contains a storage room with a minimum dimension of 1.5m by 2m.

(4) Each Class B bicycle parking space shall:

(a) be a minimum of 0.6m wide and 1.8m long;
(b) have a minimum overhead clearance of 2.0m;
(c) be located a minimum of 0.6m from any wall or other obstruction.

(5) Access to and exit from Class B bicycle parking spaces shall be provided with an aisle of not less than 1.5m in width, to be provided and maintained beside or between each row of bicycle parking. Bicycle parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5m of open space.

(6) Class A bicycle parking spaces shall have a minimum door opening of 0.6m, be no less than 1.8m long and 1.2m in height, with an aisle width of not less than 1.5m. Bicycle rooms and cages for the storage of multiple bicycles shall contain Class B racks so that individual bicycles are supported.

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4.27B LOCATION OF BICYCLE PARKING (RC-Jun 25/14;E-Oct 18/14)

(1) Class B bicycle parking shall be located no more than 15m from an entrance. Where there are shelters such as building awnings or overhangs or special purpose-designed shelters that protect bicycles from the elements, bicycle parking may be located up to 30m from an entrance.

(2) Class A bicycle parking may be located up to 200m from an entrance.

(3) All bicycle parking spaces shall be located on hard surfaces in areas that are visible and well illuminated.

(4) Class B spaces shall be located at ground level and visible to passers-by or building security personnel. Where not immediately visible to passers-by, directional signage shall be provided.

4.27C SPECIAL BICYCLE PARKING FACILITY REQUIREMENTS (RC-Jun 25/14;E-Oct 18/14)

(1) Where six (6) bicycle spaces are provided, a reduction of one (1) regular required motor vehicle parking space may be permitted up to a maximum of two (2) spaces.

(2) In any case where enhanced bicycle parking facilities are provided, for every two enhanced parking spaces, one regular required motor vehicle space may be eliminated up to a maximum reduction of 10% of the required motor vehicle parking.

(3) In cases of 100% lot coverage, Class B bicycle parking may be installed within the street right-of-way, in accordance with the provisions of the Streets By-law (S-300), provided it is within 91.4m from the location they are to serve.

4.28 ROAD ENTRANCE RESERVES

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation and Communications.

4.29 COMPOSTING OPERATIONS (MC-Feb 26/96;M-Mar 28/96)

No development permit shall be issued for a composting operation except in compliance with the following provisions:

(a) the use shall not be obnoxious or create a nuisance;
(b) a composting operation shall meet the following separation distances:
- **(i) from any property line — 328 feet (100 m)**
- **(ii) from the nearest:**
  - **1. residential dwelling — 1,640 feet (500 m)**

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2.	community facility use	1,640 feet (500 m)
3.	commercial or industrial building	984 feet (300 m)
(iii)	from a watercourse	328 feet (100 m)

(c) notwithstanding any other provisions of this by-law, composting operations may occur either inside or outside of a building; and

(d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (R-1, R-1A, R-2, R-3, and R-5 Zones).

4.30 SCHEDULE B - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL (RC-Jun 25/14;E-Oct 18/14)

Where excavation is required for a development on any area identified on Schedule B attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

4.31 SCHEDULE C - WETLANDS (RC-Jun 25/14;E-Oct 18/14)

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule C attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland.

4.32 WIND ENERGY FACILITIES (RC-Jun 25/14;E-Oct 18/14)

The use of windmills or wind turbines to produce electricity or for any other purpose shall be regulated in accordance with the provisions of this Section.

I DEFINITIONS

For the purposes of this Section, certain terms are defined as follows:

a) "Habitable Building" means a dwelling unit, hospital, hotel, motel, shared housing use (RC-Aug 9/22;E-Sep 15/22) or other building where a person lives or which contains overnight accommodations.

b) "Nacelle" means the frame and housing at the top of the tower that encloses the gearbox and generator.

c) "Nameplate Capacity" means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine;

d) "Total Rated Capacity" means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;

e) "Tower Height" means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine

blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building's foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;

f) "Turbine" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.

g) "Wind Energy Facility" means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;

i) "Micro Facility" means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.

ii) "Small Facility" means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.

iii) "Medium Facility" means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.

iv) "Large Facility" means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule A-2 - Wind Energy Zoning. Such zones are:

(UW-1) Urban Wind Zone
(RW-2) Rural Wind Zone
(R) Restricted Zone

a) URBAN WIND ZONE (UW-1)

i) All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).

ii) All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.

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iii) **All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,**

iv) **Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.**

v) **Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.**

vi) **Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.**

b) **RURAL WIND ZONE (RW-2)**

i) **All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).**

ii) **All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.**

iii) **Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:**

1) **A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;**

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

iv) **Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:**

1) **A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;**

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

v) **Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:**

1) **A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;**

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

vi) **Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:**

1) **A minimum distance of ~~1000 metres (3281 feet)~~ the greater of the following from any habitable building on an adjacent property~~;~~:**

(a) 4 times the wind turbine height; or

(b) the distance required to ensure that

(i) sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and

(ii) a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.

2) **A minimum distance of 1.0 times the tower height from any adjacent property boundary.**

c) **RESTRICTED ZONE (R)**

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i) **Wind Energy Facilities shall not be permitted in the Restricted Zone.**

III PERMIT APPLICATION REQUIREMENTS

All Wind Energy Facilities require a development permit. The permit application shall contain the following:

a) **a description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;**
b) **the proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;**
c) **identification and location of the properties on which the proposed Wind Energy Facility will be located;**
d) **at the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;**
e) **at the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act;* and,**
f) **any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.**

IV ADDITIONAL PERMIT REQUIREMENTS

a) **The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:**
   i) **not attached to a building and is not connected to the power grid;**
   ii) **attached to an accessory building in excess of 215 square feet and is not connected to the power grid.**
b) **A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the property upon which any Micro, Small, Medium and Large wind energy facility is proposed:**
   i) **Micro 140 metres (460 ft)**
   ii) **Small 360 metres (1180 ft)**
   iii) **Medium 500 metres (1640 ft)**

iv) Large 2000 metres (6560 ft)

c) The notice pursuant to section b) shall include the following information:

i) a site plan that includes property boundaries and the location of the proposed wind energy facility;

ii) a description of the type of wind energy facility; and

iii) the applicant's contact information which shall include a mailing address.

V EXCEPTIONS

Notwithstanding Section II a) and II b) the setback requirements from any Wind Energy Facility to a property boundary may be waived where the adjoining property is part of and forms the same Wind Energy Facility. All other setback provisions shall apply.

a) Wind Energy Facilities shall not be permitted in the following zones of the Eastern Passage/Cow Bay Land Use By-law:

i) RPK (Regional Park) Zone;

ii) PA (Protected Area) Zone; and,

iii) EC (Environmental Conservation) Zone.

VII INSTALLATION AND DESIGN

a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.

b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.

c) All electrical wires shall, to the maximum extent possible, be placed underground.

d) The visual appearance of the Wind Energy Facility shall at a minimum:

i) be a non-obtrusive colour such as white, off-white or gray;

ii) not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,

iii) not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.

b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.

c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law

IX SCHEDULES

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a) **Schedule A-2 – Wind Energy Zoning**

4.33 PUBLIC TRANSIT FACILITIES (RC-Jun 25/14;E-Oct 18/14)

Public transit facilities shall be permitted in all zones and shall not be required to conform to any zone requirements.

4.34 CANNABIS-RELATED USES (RC-Sep 18/18;E-Nov 3/18)

Notwithstanding any other provisions of this By-law, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).

4.35 SHORT-TERM RENTALS (RC-Feb 21/23;E-Sept 01/23)

a) **Short-term Rentals accessory to a residential use shall be permitted in all zones provided that the dwelling unit is the primary residence of the short-term rental operator.**

b) **Short-term Bedroom Rentals accessory to a residential use shall be permitted in all zones, subject to the following additional provisions:**

   i) **The short-term bedroom rental shall be wholly contained within the dwelling unit which is the primary residence of the operator of the rental;**
   ii) **Not more than three (3) bedrooms, or the maximum number of bedrooms specified in the zone, may be rented as a short-term bedroom rental at the same time;**
   iii) **The operator of the short-term bedroom rental resides on site while any bedrooms are rented;**
   iv) **No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m^2) in area; and**
   v) **One off-street parking space in addition to that required for the dwelling shall be provided for each bedroom to be rented.**

4.36 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES IN RURAL HRM

Pursuant to Policy G-15B of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings that are located outside of the Urban Service Area for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.

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PART 5: SIGNS

5.1 GENERAL

(a) Where this part is inconsistent with the regulations respecting advertising signs on or near public highways, made or administered by the Department of Transportation and Communications, the more restrictive regulations shall apply.

(b) No person shall erect a sign according to the provisions of Section 5.3 except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.

5.1A TEMPORARY SIGNAGE (RC-Sep26/06;E-Nov18/06)

(a) This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs); and

(b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded.

5.2 SAFETY

(a) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with the Building By-law and any fire prevention and electrical codes.

5.3 NUMBER OF SIGNS

(a) For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premises.

(b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs. Where matter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.

(c) No more than three (3) signs shall be erected on any premises at any one time, except on a corner lot where one (1) additional sign may be erected. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

5.4 SIGN AREA

The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or three-faced sign in the plane of its largest dimension. Each visible face of a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.

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5.5 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones and in addition to any signs permitted according to Section 5.3:

(a) Any sign which has an area of no more than two (2) square feet (0.2 m^2) and which identifies the name and address of a resident.
(b) Any sign which has an area of no more than two (2) square feet (0.2 m) and which regulates the use of property, as do "no trespassing" signs.
(c) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m) in any Residential Zone or twenty-four (24) square feet (2.2 m^2) in any other zone.
(d) Any sign which has an area of no more than five (5) square feet (0.5 m^2) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
(e) Any sign which has an area of no more than fifty (50) square feet (4.6 m^2) and which is incidental to construction.
(f) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
(g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
(h) Any memorial sign, plaque or tablet.

5.6 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

(a) Any sign or sign structure which constitutes a hazard to public safety or health.
(b) Any sign which, for any reasons, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.
(c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.
(d) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
(e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as 'STOP", "LOOK", 'DANGER", "ONE WAY' or 'YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
(f) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means.
(g) Any searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations.
(h) Any sign painted on a tree, stone, cliff or other natural object.
(i) Any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bona fide business conducted or a product

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sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.

5.7 FACIAL WALL SIGNS

No facial wall sign shall cover more than one (1) square foot (0.1 m^2) per lineal foot (0.3 m) of the wall on which the sign is affixed, such coverage to be allocated proportionally for each business premises in the case of multiple occupancy buildings. In no case, however, shall the total area of the facial wall sign for any business premises exceed one hundred (100) square feet (9.3 m^2).

5.8 PROJECTING SIGNS

No projecting sign shall:

(a) exceed twenty (20) square feet (1.9 m^2) in area for that portion of the sign which projects beyond any wall or roof;
(b) project horizontally more than six (6) feet (1.8 m) from any wall to which it is attached;
(c) project over a public right-of-way or daylighting triangle;
(d) be erect below a height of ten (10) feet (3.0 m) or exceed a height of thirty-five (35) feet (10.7 m); or
(e) be permitted to swing freely on its supports.

5.9 GROUND SIGNS

No ground sign shall:

(a) exceed twenty-five (25) square feet (2.3 m^2) of sign area on a single sign face or fifty (50) square feet (4.6 m^2) of sign area for both faces combined, except for signs within the I-2 (General Industry) Zone where such signs shall not exceed one hundred (100) square feet (9.3 m^2) of sign area on a single face or two hundred (200) square feet (18.6 m^2) of sign area for both faces combined and except for signs within the C-5 (Mixed Use) Zone where such signs shall not exceed seventy (70) square feet (6.5 m^2) of sign area on a single face or one hundred and forty (140) square feet (13.0 m^2) of sign area for both faces combined;
(b) exceed a height of twenty-five (25) feet (7.6 m^2); or
(c) extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space.

5.10 SIGNAGE PROVISIONS FOR THE C-2 ZONE

In addition to the provisions of Sections 5.1 to 5.9 inclusive, signs for all uses in the C-2 Zone shall be subject to the following general provisions. Permitted signs include signboards, fascia wall signs, projecting wall signs, ground signs and canopies / awnings.

(1) Signboards shall form an integral part of the building facade by being located between the top of the ground floor windows and the bottom of the second floor

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windows. Signboards shall not exceed a height of two (2) feet and shall not extend more than two-thirds of the entire length of the facade.

(2) Fascia wall signs shall not exceed twenty (20) square feet in area and shall not extend beyond the top and extremities of the wall on which it is affixed.

(3) Projecting wall signs shall not:

(a) project more than four (4) feet over a public sidewalk;
(b) project more than six (6) feet from the building to which it is attached;
(c) provide less than nine (9) feet of clearance above a sidewalk or public right-of-way;
(d) exceed an area of sixteen (16) square feet.

(4) Grounds signs shall not:

(a) exceed a height of fifteen (15) feet;
(b) be within two (2) feet of the street right-of-way;
(c) be within ten (10) feet of a side property line or driveway;
(d) exceed a sign area of twenty-five (25) square feet per side.

(5) If the ground sign is constructed of wood with exterior shielded illumination only, then the sign area may be increased to thirty (30) square feet per side.

(6) The ground sign may be composed of two elements: a section for fixed lettering, and a section for changeable lettering. The fixed lettering section shall not exceed fifteen (15) square feet per side, and the section for changeable lettering shall not exceed twenty (20) square feet per side. The combined sign area shall not exceed the maximum permitted by Sections 5.10(4)(d) or 5.10(5).

(7) Canopies and awnings attached to walls shall not project more than four (4) feet over a public sidewalk. Canopies and awnings shall be self supporting and shall at no point be located less than nine (9) feet above a sidewalk or public right-of-way. Signage may be included as an integral part of an awning or canopy.

(HECC-May 11/09;E-May 30/09)

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PART 6: R-l (SINGLE UNIT DWELLING) ZONE

6.1 R-l USES PERMITTED

No development permit shall be issued in any R-l (Single Unit Dwelling) Zone except for the following:

Residential Uses
Single unit dwellings;
Two unit dwellings within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Existing day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;
Home child care services for not more than three (3) children and in conjunction with permitted dwellings;
Home business uses**, except on Class G lots within Heritage Hills as shown on Schedule A-1 where only Home Offices shall be permitted; and** ***(HECC-Oct 1/09;E-Oct 24/09)***
Deleted - (RC-Feb 21/23;E-Sept 01/23)

Community Uses
Open space uses

6.2 R-l ZONE REQUIREMENTS: RESIDENTIAL USES *(HECC-Oct 1/09;E-Oct 24/09)*

In any R-1 zone, where uses are permitted as Residential Uses, no development permit shall be issued except in accordance with the following:

Minimum Lot Area

Central Sewer & Water Services	**6000 square feet (557.4 square metres)**
Heritage Hills (as shown on Schedule A-1) **Class A and B lots** **Class C lots** **Class D lots** **Class G lots**	 **5800 square feet (538.8 square metres)** **5200 square feet (483 square metres)** **3800 square feet (353 square metres)** **3400 square feet (315.9 square metres)**
Onsite Sewer & Water Services	**30,000 square feet (2787 square metres)**

Minimum Lot Frontage

Central Sewer & Water Services	**60 feet (18.3 m)**
Heritage Hills (as shown on Schedule A-1) **Class A and B lots** **Class C lots**	 **60 feet (18.3 m)** **54 feet (16.5 m)**

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Class D lots **Class G lots**	**40 feet (12.2 m)** **35 feet (10.7 m)**
Onsite Sewer & Water Services	**125 feet (38.1 m)**

Minimum Front or Flankage Yard	**20 feet (6.1 m) except on Jeep Crescent, Serop Crescent and Vicky Crescent where the requirement is 15 feet (4.6 m)**
Minimum Rear Yard	**8 feet (2.4 m)**

Minimum Side Yard

All areas except Heritage Hills	**8 feet (2.4 m)**
Heritage Hills (as shown on Schedule A-1) **Class A and B lots** **Class C and D lots** **Class G lots**	 **8 feet (2.4 m)** **2 feet (0.61 m) on one side, 10 feet (3.05 m) on the other side** **10 feet (3.05 m) on one side, 3 feet (0.91 m) on the other side**

Maximum Lot Coverage	**35 percent**
Maximum Height of Main Building	**35 feet (10.7 m), except within Heritage Hills as shown on Schedule A-1 where the maximum height on Class D and G lots shall be 30 feet (9.1 m)**

6.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-l Zone, the following shall apply:

(a) Any home business shall be wholly contained within the dwelling which is the principal residence of the business operator.

(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.

(c) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any home business use occupy more than three hundred (300) square feet (27.9 m^2) gross floor area.

(d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.

(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.

(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m^2) in area.

(g) One additional off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of floor area devoted to any business.

(h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.

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(i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

6.4 OTHER REQUIREMENTS: EXISTING DAY CARE FACILITIES

Where existing day care facilities are permitted in any R-l Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
(b) Except for play equipment, no open storage or outdoor display shall be permitted.
(c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (0.2 m^2) in area.
(d) One off-street parking space, other than that required for the dwelling, shall be provided.

6.4A OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS DELETED -(RC-Feb 21/23;E-Sept 01/23)

6.5 OTHER REQUIREMENTS: HOME CHILD CARE SERVICES

In any R-l Zone, where uses are permitted as Home Child Care Services, no development permit shall be required.

6.6 R-l ZONE REQUIREMENTS: COMMUNITY USES

In any R-l Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

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PART 7: R-1A (AUXILIARY DWELLING UNIT) ZONE

7.1 R-1A USES PERMITTED

No development permit shall be issued in any R-1a (Auxiliary Dwelling Unit) Zone except for the following:

Residential Uses
Single unit dwellings;
Two unit dwellings within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Auxiliary dwelling units;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Home child care services for not more than three (3) children and in conjunction with permitted dwellings;
Home business uses
Deleted (RC-Feb 21/23;E-Sept 01/23)

Community Uses
Open Space Uses

7.2 R-1A ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1a Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m^2)
	on-site services	20,000 square feet (1859 m^2)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Maximum Lot Coverage		35 per cent
Maximum Height of Main Building		35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

Where auxiliary dwelling units are permitted in any R-1a Zone, the following shall apply:

(a) The maximum gross floor area of any auxiliary dwelling unit shall not exceed forty (40) percent of the gross floor area of the dwelling.
(b) There shall be no more than one (1) entrance along the front wall of the dwelling.
(c) Three parking spaces, shall be provided for any single unit dwelling containing an auxiliary dwelling unit.

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7.4 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-1a Zone, the following shall apply:

(a) Any home business shall be wholly contained within the dwelling which is the principal residence of the business operator.
(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any home business use occupy more than three hundred (300) square feet (27.9 m^2) gross floor area.
(d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m^2) in area.
(g) One additional off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of floor area devoted to any business.
(h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
(i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

7.4A OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS DELETED - (RC-Feb 21/23;E-Sept 01/23)

7.5 OTHER REQUIREMENTS: HOME CHILD CARE SERVICES

In any R-1a Zone, where uses are permitted as Home Child Care Services, no development permit shall be required.

7.6 R-1A ZONE REQUIREMENTS: COMMUNITY USES

In any R-1A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

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PART 8: R-2 (TWO UNIT DWELLING) ZONE

8.1 R-2 USES PERMITTED

No development permit shall be issued in any R-2 (Two Unit Dwelling) Zone except for the following:

Residential Uses
Single unit dwellings;
Two unit dwellings;
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Existing day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings except in two unit dwellings where each unit is held under separate title;
Home child care services for not more than three (3) children and in conjunction with permitted dwellings;
Home offices in conjunction with permitted two unit dwellings
Home business uses in conjunction with permitted single unit dwellings
Deleted (RC-Feb 21/23;E-Sept 01/23)

Community Uses
Open space uses;

8.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

(a) In any R-2 Zone, where two unit dwellings are permitted, no development permit shall be issued except in conformity with the following: (C-Apr 24/95;E-May 20/95)

Minimum Lot Area:	7,000 square feet, (650.3 m^2) or 3,500 square feet (325.1 m^2) per dwelling unit where each dwelling unit of two unit dwelling is located on a separate lot and where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
Minimum Frontage:	70 feet (21.3 m), or 35 feet (10.6 m) per unit where each dwelling unit of a two unit dwelling is located on a separate lot and where central services are available; 100 feet (30.5 m) where central services are not available
Minimum Front or Flankage Yard	30 feet (9.1 m)

Minimum Rear or Side Yard	10 feet (3.0 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

(b) Where single unit dwellings are permitted in any R-2 Zone, the requirements of Section 6.2 shall apply. (C-Apr 24/95;E-May 20/95)

8.3 EXEMPTION: EXISTING R-2 ZONED LOTS

(a) Notwithstanding the requirements of Section 8.2, where uses are permitted as Residential Uses on any developed R-2 zoned lands **and for properties located in Heritage Hills and identified as Class E and F lots on Schedule A-1** ***(HECC-Oct 1/09;E-Oct 24/09)*****,** no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	6,000 square feet, (557.4 m2) or 3,000 square feet (278.7 m^2) per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot and where central services are available 20,000 square feet (1858.1 m^2) where central services are not available
Minimum Frontage:	60 feet (18.3 m), or 30 feet (9.1 m) per unit where each dwelling unit of a two unit dwelling is located on a separate lot and where central services are available; 100 feet (30.5 m) where central services are not available
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

(b) For the purposes of Subsection 8.3(a), "developed R-2 zoned lands" shall include any R-2 (Two Unit Dwelling) zoned lands for which a completed tentative or final plan of subdivision application was submitted in accordance with the requirements of the Subdivision By-law, prior to the date of the first publication of the notice of the intention to adopt this By-law.

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8.4 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-2 Zone, the following shall apply:

(a) Any home business shall be wholly contained within the dwelling which is the principal residence of the business operator.
(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any home business use occupy more than three hundred (300) square feet (27.9 m^2) gross floor area.
(d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m^2) in area.
(g) One additional off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of floor area devoted to any business.
(h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
(i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

8.4A OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS
DELETED (RC-Feb 21/23;E-Sept 01/23)

8.4B OTHER REQUIREMENTS: HOME OFFICES
(CHWEPCBCC-Mar 7/96;E-Mar 31/96)

Where home offices are permitted in any R-2 Zone, the following shall apply:

(a) Any home office shall be wholly operated within the dwelling which is the principal residence of the operator of the home office;
(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the home office;
(c) No more than twenty-five (25) percent of the gross floor area shall be devoted to any home office, and in no case shall any home office occupy more than three hundred (300) square feet (27.9 m^2) of gross floor area;
(d) No mechanical equipment shall be permitted;
(e) No outdoor storage or display shall be permitted;
(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any home office and no such sign shall exceed two (2) square feet (0.2 m^2) in area;
(g) One (1) off-street parking space, other than that required for the dwelling shall be provided;

(h) No exterior alterations to the dwelling related to the home office shall be permitted except to meet fire safety, structural safety, or health regulations; and

(i) No retailing shall be permitted.

8.5 OTHER REQUIREMENTS: EXISTING DAY CARE FACILITIES

Where existing day care facilities are permitted in any R-2 Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.

(b) Except for play equipment, no open storage or outdoor display shall be permitted.

(c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (0.2 m^2) in area.

(d) One off-street parking space, other than that required for the dwelling, shall be provided.

8.6 OTHER REQUIREMENTS: HOME CHILD CARE SERVICES

In any R-2 Zone, where uses are permitted as Home Child Care Services, no development permit shall be required.

8.7 R-2 ZONE REQUIREMENTS: COMMUNITY USES

In any R-2 Zone where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

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PART 9: R-3 (MOBILE DWELLING) ZONE

9.1 R-3 USES PERMITTED

No development permit shall be issued in any R-3 (Mobile Dwelling) Zone except for the following:

Residential Uses
Single unit dwellings;
Two unit dwellings within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Existing day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;
Home child care services for not more than three (3) children and in conjunction with permitted dwellings;
Home business uses.
Deleted (RC-Feb 21/23;E-Sept 01/23)

Community Uses
Open space uses;

9.2 R-3 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-3 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (557.4 m^2)
Minimum Frontage	60 feet (18.3 m^2)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

9.3 OTHER REQUIREMENTS: MOBILE DWELLINGS

In any R-3 Zone, where mobile dwellings are permitted, no development permit shall be issued except in conformity with the following:

(a) Should a mobile home become anchored to pylons as opposed to a slab on grade foundation, the mobile home shall be skirted in accordance with the Canadian Standards Association Z240.10.1-08 Site Preparation, Foundation, and Anchorage of Manufactured Homes as amended from time to time. ***(HECC-May 11/09;E-May 30/09)***

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9.4 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-3 Zone, the following shall apply:

(a) Any home business shall be wholly contained within the dwelling which is the principal residence of the business operator.
(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) No more than twenty-five (25) percent of the gross floor area shall be devoted to any business use, and in no case shall any home business use occupy more than three hundred (300) square feet (27.9 m^2) gross floor area.
(d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
(e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
(f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m^2) in area.
(g) One additional off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of floor area devoted to any business.
(h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
(i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

9.4A OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS DELETED (RC-Feb 21/23;E-Sept 01/23)

9.5 OTHER REQUIREMENTS: EXISTING DAY CARE FACILITIES

Where existing day care facilities are permitted in any R-3 Zone, the following shall apply:

(a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
(b) Except for play equipment, no open storage or outdoor display shall be permitted.
(c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (0.2 m^2) in area.
(d) One off-street parking space, other than that required for the dwelling, shall be provided.

9.6 OTHER REQUIREMENTS: HOME CHILD CARE SERVICES

In any R-3 Zone, where uses are permitted as Home Child Care Services, no development permit shall be required.

9.7 R-3 ZONE REQUIREMENTS: COMMUNITY USES

In any R-3 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

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PART 10: R-5 (TOWNHOUSE DWELLING) ZONE

10.1 R-5 USES PERMITTED

No development permit shall be issued in any R-5 (Townhouse Dwelling) Zone except for the following:

Residential Uses
Townhouses dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit. (RC-Aug 9/22;E-Sep 15/22)

Community Uses
Open space uses

10.2 R-5 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-5 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	2,000 square feet (185.8 m^2) per dwelling unit where each dwelling unit of a townhouse dwelling is located on a separate lot and where central services are available
Minimum Frontage	20 feet (6.1 m) per dwelling unit where each dwelling unit of a townhouse dwelling is located on a separate lot and where central services are available
Minimum Frontage or Flankage Yard	20 feet (6.1 m)
Minimum Rear Yard	8 feet (2.4 m)
Minimum Side Yard	10 feet (3 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

10.3 OTHER REQUIREMENTS: TOWNHOUSE DWELLINGS

Where townhouse dwellings are erected in any R-5 Zone, no such building shall:

(a) include more than six (6) dwelling units;
(b) be designed so that more than two (2) dwelling units are constructed to a building line which is less than two (2) feet (0.2 m) in variation from the building line of any unit abutting either of the two units;
(c) gain direct vehicular access from any major collector street; or
(d) undergo any alteration of individual units after construction.

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10.4 R-5 ZONE REQUIREMENTS: COMMUNITY USES

In any R-5 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

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PART 11: RA (RURAL AREA) ZONE (RC-Feb 19/98;M-Apr 27/98)

11.1 PERMITTED USES

Residential Uses
Single Unit Dwellings
Two unit dwellings within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Multiple unit dwellings containing 3 or 4 dwelling units within the Urban Service Area; (RC-May 23/24;E-Jun 13/24)
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

Business Uses
Deleted (RC-Feb 21/23;E-Sept 01/23)
Home business uses

Resource Uses
Forestry uses
Agriculture uses
Fishing and fishing related uses on lots which are located on a saltwater watercourse, or are located on Bissett Road, Cow Bay Road, or Dyke Road

Community Uses
Open space uses excluding commercial recreation uses

11.2 RA ZONE REQUIREMENTS

Minimum Lot Area	**50,000 square feet**
Minimum Lot Frontage	**200 feet**
Minimum Lot Width	**100 feet**
Minimum Front or Flankage Yard	**20 feet**
Minimum Rear or Side Yard	**8 feet**
Maximum Lot Coverage	**35 percent**
Maximum Height of Main Building	**35 feet**

11.3 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS

DELETED (RC-Feb 21/23;E-Sept 01/23)

11.4 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any RA Zone, the following shall apply:

(a) Any home business shall be wholly contained within the dwelling which is the principal residence of the business operator.
(b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
(c) In no case shall any home business use occupy more than three hundred (300) square feet (27.9 m^2) gross floor area.

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(d) **No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.**

(e) **No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.**

(f) **No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m^2) in area.**

(g) **One additional off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m^2) of floor area devoted to any business.**

(h) **No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.**

(i) **No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.**

11.5 OTHER REQUIREMENTS: RESOURCE USES

In any RA Zone, where resource uses are permitted, the following shall apply:

(a) **For agricultural uses, no barn, stable, feedlot, or manure pile shall be located closer than fifty feet from any lot line or closer than 300 feet from any watercourse or potable water supply except for water supplies on the same lot. Greenhouse operations shall be limited to five (5) percent of the total lot area, to a maximum of 5000 square feet of gross floor area.**

(b) **For forestry uses, no sawmill, open storage, or outdoor display shall be located closer than fifty feet from any lot line nor closer than 100 feet from any dwelling except a dwelling located on the same lot. No more than 10 percent of the total lot area may be devoted to the sawmill use, inclusive of buildings, working areas and log/lumber storage.**

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PART 12: R-7 (RURAL ESTATE) ZONE - Deleted (RC-Feb 9/98;M-Apr 27/98)

PART 13: C-l (LOCAL BUSINESS) ZONE

13.1 C-l USES PERMITTED

No development permit shall be issued in any C-l (Local Business) Zone except for the following:

Residential Uses
Single unit dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Deleted (RC-Feb 21/23;E-Sept 01/23)

Commercial Uses
Variety stores;
Food stores;

13.2 C-l ZONE REQUIREMENTS

In any C-l Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (557.4 m^2)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

13.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-l Zone, the following shall apply:

(a) The gross floor area of any commercial building in any C-l Zone, excluding any floor area devoted to a permitted dwelling unit, shall not exceed two thousand (2,000) square feet (185.8 square metres). (C-May 4/00;E-Jun 4/00)

(b) A take-out restaurant developed in association with any variety store shall not exceed three hundred (300) square feet of the total allowable floor space permitted under subsection (a). (C-Dec 19/94;E-Jan 14/95)

(c) No open storage or outdoor display shall be permitted.

(d) Notwithstanding the provisions of Section 4.25, the parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.

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(e) No portion of any parking space shall be located within any required side yard except where a fence or other visual and physical barrier is erected in which case there shall be no parking within five (5) feet (1.5 m) of the side or rear lot line.

13.4 <u>OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS</u>
DELETED (RC-Feb 21/23;E-Sept 01/23)

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PART 14: C-2 (GENERAL BUSINESS) ZONE

14.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Commercial Uses
Retail Stores
Art galleries, studios and workshops
Food, grocery and variety stores
Service and personal service shops
Offices
Commercial schools
Banks and other financial institutions
Restaurants, drive-ins, take-out restaurants, outdoor cafe and tea rooms
Entertainment uses to a maximum of 1600 square feet of floor area devoted to public use
Theatres and cinemas
Funeral parlours
Veterinary hospitals and kennels
Taxi and bus depots
Parking lots
Service stations
Re-cycling depots
Motels, inns, and tourist cottage developments (RC-Feb 21/23;E-Sept 01/23)
Day care facilities
Display courts
Shopping Plazas and Malls
Bicycle rental outlets
Fish markets
Tourist information centres
Mini-storage warehouse
Dwelling units located in the same building as commercial shall not to exceed 50% of the gross floor area and not to be located fronting on a street on the first floor
Boat charter service
Boat or yacht club
Marina
Small Scale Fishing Operations
Short-term Rentals (RC-Feb 21/23;E-Sept 01/23)
Short-term Bedroom Rentals (RC-Feb 21/23;E-Sept 01/23)

Residential Uses
Single unit dwellings
Two unit dwellings
Townhouse dwellings
Multiple unit dwellings (RC-May 23/24;E-Jun 13/24) up to a maximum of 12 dwelling units (RC-Mar 18/25; EFF Apr 23/25)
Shared housing use (RC-Aug 9/22;E-Sep 15/22)

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Home business uses in conjunction with permitted dwellings

<u>Community Uses</u>
Institutional uses
Open space uses

14.2 <u>LOT AND YARD REQUIREMENTS</u>: COMMERCIAL AND INSTITUTIONAL USES, MULTIPLE UNIT DWELLINGS, AND SHARED HOUSING USES (RC-Aug 9/22;E-Sep 15/22)

Minimum Lot Area:	**4000 square feet**
Minimum Lot Frontage:	**50 feet**
Minimum Front / Flankage Yard:	**4 feet except for 25 foot daylighting triangle on corner lots.**
Minimum Rear Yard:	**20 (RC-May 23/24;E-Jun 13/24) feet**
Minimum Side Yard:	**4 feet on one side, 20 feet on the other**
Maximum Lot Coverage:	**50 percent**
Maximum Height for Multiple Unit dwellings with more than 4 units:	**4 storeys**
Maximum Building Height (all other uses):	**46 (RC-May 23/24;E-Jun 13/24) feet**

(HECC-May 11/09; E-May 30/09)

14.3 <u>BUILDING SIZE REQUIREMENTS</u>

For any new, renovated or expanded commercial or institutional buildings in the C-2 Zone, the following shall apply:

Maximum Building Footprint: (RC-May 23/24;E-Jun 13/24)	**7500 square feet**
Maximum Gross Floor Area: (RC-Mar 18/25; EFF Apr 23/25)	**15 000 square feet**

14.4 <u>OTHER REQUIREMENTS:</u> COMMERCIAL USES

For any commercial uses permitted in the C-2 Zone, the following shall apply:

(a) Any area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.
(b) No open storage or outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.

14.4B <u>OTHER REQUIREMENTS:</u> RECYCLING DEPOTS

In any C-2 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted.

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14.5 <u>LOT AND YARD REQUIREMENTS</u>: SINGLE UNIT DWELLINGS
(HECC-May 11/09; E-May 30/09)

Minimum Lot Area:	**4000 square feet**
Minimum Lot Frontage:	**40 feet**
Minimum Front / Flankage Yard:	**4 feet except for 25 foot daylighting triangle on corner lots for lots fronting onto Main Road, Cow Bay Road or Shore Road; 15 feet except for 25 foot daylighting triangle on corner lots for all other street.**
Minimum Rear Yard:	**15 feet**
Minimum Side Yard:	**4 feet on one side, 10 feet on the other**
Maximum Lot Coverage:	**35 percent**
Maximum Building Height:	**30 feet**

14.6 <u>OTHER REQUIREMENTS:</u> SINGLE UNIT DWELLINGS
(HECC-May 11/09; E-May 30/09)

For any single unit dwellings permitted in the C-2 Zone, the following shall apply:

(a) Pursuant to the minimum side yard requirements of Section 14.5, where a dwelling includes an attached garage, both minimum side yards may be four (4) feet.
(b) On all lots where there is no attached garage, the driveway shall extend into the side yard of the lot a minimum of 36 feet from the front lot line.
(c) There shall be only one driveway per lot, the maximum width of which shall not exceed 10 feet, and no other portion of the front yard shall be used for vehicular parking.
(d) Home business uses are subject to the provisions of Section 6.3.

14.7 <u>LOT AND YARD REQUIREMENTS</u>: TWO UNIT DWELLINGS
(HECC-May 11/09; E-May 30/09)

Minimum Lot Area:	**6000 square feet**
Minimum Lot Frontage:	**60 feet**
Minimum Front / Flankage Yard:	**4 feet except for 25 foot daylighting triangle on corner lots for lots fronting onto Main Road, Cow Bay Road or Shore Road, 15 feet except for 25 foot daylighting triangle on corner lots for all other streets.**
Minimum Rear Yard:	**15 feet**
Minimum Side Yard:	***10 feet (3.0 metres) or 0 feet (0 metres) from the side being common with another dwelling unit***
Maximum Lot Coverage:	**35 percent**
Maximum Building Height:	**30 feet**

14.8 <u>OTHER REQUIREMENTS:</u> TWO UNIT DWELLINGS

For any two unit dwellings permitted in the C-2 Zone, the following shall apply:

(a) Pursuant to the minimum side yard requirements of Section 14.7, where a dwelling unit includes an attached garage, the minimum side yards adjacent to the attached garage may be four (4) feet.
(b) On all lots where there is no attached garage, the driveway shall extend into the side yard of the lot a minimum of 36 feet from the front lot line.
(c) There shall be only one driveway per dwelling unit, the maximum width of which shall not exceed 10 feet, and no other portion of the front yard shall be used for vehicular parking.
(d) No portion of any two unit dwelling, where each unit is held under separate title, shall be used for any commercial uses, excepting for home business uses.
(e) Home business uses are subject to the provisions of Section 8.4.

14.9 <u>OTHER REQUIREMENTS:</u> TOWNHOUSE DWELLINGS

Notwithstanding the provisions of Sections 10.2 and 10.3, where any new, renovated or expanded townhouse dwellings in the C-2 Zone, the following apply:

(a) No portion of any townhouse dwelling shall be used for any commercial use.

14.10 <u>OTHER REQUIREMENTS:</u> BED AND BREAKFAST ESTABLISHMENTS

DELETED (RC-Feb 21/23;E-Sept 01/23)

14.11 <u>OTHER REQUIREMENTS:</u> COMMUNITY USES

Where any Community Uses are permitted in any C-2 Zone, no development permit shall be issues except in conformity with the provisions of Part 23.

14.12 <u>PARKING LOTS AND DRIVEWAY ACCESS REQUIREMENTS FOR COMMERCIAL USES AND MULTIPLE RESIDENTIAL UNIT DWELLINGS</u>

Where parking for more than four (4) vehicles is required, the following shall apply:

(a) Parking shall not be permitted in any required front yard.
(b) No more than one driveway access per lot shall be permitted for every fifty feet of lot frontage, except that corner lots may have one access per street, and service stations may have only two accesses.
(c) Parking spaces and driving aisles may be located no closer than 4 feet from any wall of a building. Raised sidewalks or landscaping shall be provided in this area.
(d) Access shall be directly from Main Road, Shore Road or Cow Bay Road.

14.13 <u>BUILDING DESIGN/CONSTRUCTION REQUIREMENTS</u>

For any new or expanded commercial or institutional use, and multiple unit dwellings and shared housing uses (RC-Aug 9/22;E-Sep 15/22) in the C-2 Zone, the following

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shall apply:

Exterior Wall/ Cladding materials:	**Brick, architectural block, wood shingles/shakes, wood and vinyl siding. Where wood shingles/shakes, wood or vinyl siding is used, a 6" wide corner board shall be provided.**
Windows:	**Total window area on a building face adjacent to a street shall not exceed 60% of the area of the building face. The height of individual windows shall exceed the width by a ratio of 2:1. Windows shall be accentuated by design details (i.e. arches, hoods, minimum 4" wide mouldings, decorative lintels, pediments, sills). Sunrooms and solariums shall be exempt from these requirements.**
Roof Slope:	**Minimum pitch of 4:12**

14.14 LANDSCAPING REQUIREMENTS

For any new or expanded commercial or institutional building, and for multiple unit dwellings, shared housing uses (RC-Aug 9/22;E-Sep 15/22) in the C-2 Zone, the following shall apply:

Front Yard:	**Any front yard is to be fully landscaped, as are corner vision triangles, except where driveway or pedestrian access points are required.**
Side/Rear Yards:	**A strip of landscaping at least four (4) feet in width shall be provided along the entire length of all side and rear yards, except where a driveway or pedestrian access points are required.**
Landscaping Content:	**Landscaping shall consist of grass and a minimum of one shrub for each fifty (50) square feet of required landscaped area, and one tree for every fifty (50) feet of lot width and depth. All landscaping shall be maintained and deceased plants shall be replaced to maintain these standards.**

14.15 SCREENING

For any new or expanded commercial or institutional building, and for multiple unit dwellings, in the C-2 Zone which is adjacent to property that is zoned or used for residential or community uses, a visual screen shall be provided in accordance with

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the following:

i) Materials - shall contain either a vegetation screen, an opaque fence, or a combination of both natural and man-made materials which will form an effective year-round screen.

ii) Height - screening shall be at least five (5) feet in height. Plant materials, when planted, may be not less than three and one-half (3 2) feet in height if of a species or variety which shall attain the required height and width within three (3) years of planting. Height shall be measured from the finished grade.

iii) Width - screening shall be in a strip of landscaped open space a minimum of four (4) feet in depth running the entire length of the adjacent property line.

iv) Maintenance - all required plant materials shall be properly maintained and kept free of litter. All required fences shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

14.16 <u>OTHER REQUIREMENTS:</u> SERVICE STATION CANOPIES

Where new or renovated canopies are to be provided over pump islands, the following shall apply:

(a) Canopies shall have a gable roof with a minimum 4:12 pitch.

(b) No signage or lettering shall be permitted on or under the canopy other than that required for vehicle clearance or traffic directional flows.

14.17 ***Deleted (HECC-May 11/09; E-May 30/09)***

<u>SPECIAL REQUIREMENT FOR FISHERMAN=S COVE</u>

14.18 Notwithstanding any other provision in this By-law, on the lands identified as Fisherman's Cove, the following uses shall not be permitted.

Residential uses - except the existing residential use located at civic # 27 (PID 40812190) Government Wharf Road.
Recycling depots,
Taxi and bus depots
Mini-storage warehouses
(RC-Sep 12/06;E-Jan 8/07)

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PART 15: C-5 (MIXED USE) ZONE

15.1 C-5 (USES PERMITTED)

No development permit shall be issued in any C-5 (Mixed Use) Zone, except for the following:

Commercial Uses
Retail stores;
Food stores;
Service and personal service shops;
Offices;
Restaurants and drive-in and take-out restaurants;
Outdoor display courts;
Commercial recreation uses;
Wholesale stores;
Service stations;
Veterinary hospitals and kennels;
Taxi and bus depots;
Parking lots;
Automotive repair outlets.

Industrial Service Uses
Vehicle repair and body shops;
Trucking, excavation, landscaping and paving services;
Welding, plumbing and heating, electrical, carpentry and other special trade contracting services;
General contracting storage yards and services.
Composting operations (refer to Section 4.29) (MC-Feb 26/96;M-Mar 28/96)

Residential Uses
Single unit dwellings;
Two unit dwellings;
Shared housing use; (RC-Aug 9/22;E-Sep 15/22)
Deleted (RC-Feb 21/23;E-Sept 01/23)

Community Uses
Open space uses;
Institutional uses.

15.2 C-5 ZONE REQUIREMENTS

In any C-5 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (557.4 m^2)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)

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Maximum Lot Coverage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

15.3 OTHER REQUIREMENTS: COMMERCIAL AND INDUSTRIAL USES

Where uses are permitted as Commercial Uses or Industrial Service Uses in any C-5 Zone, the following shall apply:

(a) The gross floor area of any commercial building, including any floor area devoted to permitted dwelling units, shall not exceed five thousand (5,000) square feet (464.5 m^2).
(b) The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.
(c) No open storage or outdoor display shall be permitted within ten (10) feet (3.0 m) of any lot line.

15.3A OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS DELETED (RC-Feb 21/23;E-Sept 01/23)

15.4 C-5 ZONE REQUIREMENTS: COMMUNITY USES

In any C-5 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 23.

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PART 16: C-6 (ENTERTAINMENT) ZONE (Deleted - RC-Jan 20/98;M-Feb 19/98)

PART 17: C-7 (COMMERCIAL SERVICE) ZONE

17.1 C-7 USES PERMITTED

No development permit shall be issued in any C-7 (Commercial Service) Zone except for the following:

Service Uses
Welding, plumbing and heating, electrical, carpentry and other special trades contracting services and shops

Commercial Uses
Any C-2 Zone Commercial Uses permitted

Residential Uses
Single unit dwellings;
Two unit dwellings**;**
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Deleted (RC-Feb 21/23;E-Sept 01/23)

17.2 C-7 ZONE REQUIREMENTS: SERVICE USES

In any C-7 Zone, where uses are permitted as Service Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (557.4 m^2)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Side Yards: one side	12 feet (3.7 m)
the other side	8 feet (2.4 m)
Maximum Lot Coverage	50 percent
Maximum Height of Main Building	35 feet (10.7 m)

17.3 OTHER REQUIREMENTS: SERVICE USES

Where uses are permitted as Service Uses in any C-7 Zone, the following shall apply:

(a) The gross floor area of all buildings on a lot which are devoted to any Service Use shall not exceed two thousand (2,000) square feet (185.8 m^2).
(b) No open storage or outdoor display shall be permitted.

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17.4 C-7 ZONE REQUIREMENTS: RESIDENTIAL AND COMMERCIAL USES

In any C-7 Zone, where uses are permitted as Residential Uses or Commercial Uses, no development permit shall be issued except in conformity with the following:

Single unit dwellings	Subject to the provisions of Section 6.2
Two unit dwellings	Subject to the provisions of Section 8.2
Commercial uses	Subject to the provisions of Sections 14.2 and 14.3

17.5 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS DELETED (RC-Feb 21/23;E-Sept 01/23)

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PART 18: I-l (LIGHT INDUSTRY) ZONE

18.1 I-l USES PERMITTED

No development permit shall be issued in any I-l (Light Industry) Zone except for the following:

Industrial Uses
Any manufacturing, processing, assembly or warehousing operation which is not obnoxious and which is conducted and wholly contained within a building;
Service industries;
Marine, road, rail and pipe transportation uses;
Railway related uses
Composting operations (refer to Section 4.29) (MC-Feb 26/96;M-Mar 28/96)
Cannabis production facilities (RC-Sep 18/18;E-Nov 3/18)

Commercial Uses
Any activity related to the automotive trade except a salvage yard;
Commercial recreation uses;
Outdoor display courts;
Retail and wholesale stores;
Shopping plazas and malls;
Taxi and bus depots;
Parking lots.

Community Uses
Open space uses;
Institutional uses.

18.2 I-l ZONE REQUIREMENTS

In any I-l Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (557.4 m^2)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	30 feet (9.1 m)
Maximum Lot Coverage	70 percent

18.3 OTHER REQUIREMENTS: TRANSPORTATION USES

Notwithstanding the provisions of Section 18.2, where marine, road, railway and pipeline transportation uses are permitted in any I-l Zone, and the rear or side yards required by this By-law prohibit direct access to any transportation way, the impeding rear or side yard requirements shall be waived and such yards shall be used in the most safe and efficient manner to accommodate the transportation of goods and materials.

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18.4 OTHER REQUIREMENTS: INDUSTRIAL USES

Notwithstanding the provisions of Section 18.2, where industrial or commercial uses permitted within any I-l Zone abut a residential use, the following shall apply:

(a) No building or structure shall be located within fifty (50) feet (15.2 m) of the rear or the side lot line which abuts the residential use.
(b) An effective visual screen consisting of either a landscaped buffer or fence shall be provided along the rear or side lot line which abuts the residential use. The said landscaped buffer shall be a minimum of twenty-five (25) feet (7.6 m) and shall consist of either existing or replanted vegetation or a combination thereof, so long as it provides an effective visual screen.
(c) Where the side or rear lot line of an I-l zoned use is separated from a residential use by a street or highway, the I-l Zone shall be deemed to be abutting the residential use.

18.5 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep 18/18;E-Nov 3/18)

(a) Notwithstanding Section 18.4(a), where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

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PART 19: I-2 (GENERAL INDUSTRY) ZONE

19.1 I-2 USES PERMITTED

No development permit shall be issued in any I-2 (General Industry) Zone except for the following:

Heavy Industrial Uses
Oil refineries;
Bulk fuel storage and distribution facilities.
Related Industrial Uses

Service industries;
Marine, road, rail and pipe transportation uses;
Offices, research facilities and utility uses in conjunction with permitted heavy industrial uses;
Accessory dwelling units which are provided for the purposes of safety security or maintenance personnel.

Other Industrial Uses: (RC-Sep 18/18;E-Nov 3/18)
Cannabis production facilities

19.2 I-2 ZONE REQUIREMENTS

In any I-2 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	6,000 square feet (557.4 m^2)
Minimum Frontage	60 feet (18.3 m)
Minimum Front or Flankage Yard	heavy industrial uses 50 feet (15.2 m) related industrial uses 20 feet (6.1 m)
Minimum Rear or Side Yard	heavy industrial uses 50 feet (15.2 m) related industrial uses 15 feet (4.6 m)
Maximum Lot Coverage	70 percent

19.3 OTHER REQUIREMENTS: HEAVY INDUSTRIAL USES

Notwithstanding the provisions of Section 19.2, where uses are permitted as Heavy Industrial Uses in any I-2 Zone, the following shall apply:

(a) Where any heavy industrial use abuts any other industrial use, the minimum yard requirement for the abutting yard shall be waived and the minimum abutting yard shall be fifteen (15) feet (4.6 m).
(b) Where any I-2 Zone abuts any other zone, except an I-l (Light Industry) Zone, no bulk fuel storage tank in the I-2 Zone shall be permitted within one hundred (100) feet (30.5 m) of the abutting zone.

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19.4 EXEMPTION: TRANSPORTATION USES

Notwithstanding the provisions of Section 19.2, where marine, road, railway and pipeline transportation uses are permitted in any I-2 Zone, and the rear or side yards required by this By-law prohibit direct access to any transportation way, the impeding rear or side yard shall be waived and such yards shall be used in the most safe and efficient manner to accommodate the transportation of goods and materials.

19.5 OTHER REQUIREMENTS: INDUSTRIAL USES

Notwithstanding the provisions of Section 19.2 where industrial or commercial uses permitted within an I-2 Zone abut a residential use, the following shall apply:

(a) No building or structure shall be located within fifty (50) feet (15.2 m) of the rear or side lot line which abuts the residential use.
(b) An effective visual screen consisting of either a landscaped buffer or fence shall be provided along the rear or side lot line which abuts the residential use. The said landscaped buffer shall be a minimum of twenty-five (25) feet (7.6 m) and shall consist of either existing or replanted vegetation or a combination thereof, so long as it provides an effective visual screen.
(c) Where the side or rear lot line of an I-2 zoned use is separated from a residential use by a street or highway, the I-2 Zone shall be deemed to be abutting the residential use.

19.6 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep18/18; E-Nov 3/18)

(a) Notwithstanding Section 19.5(a), where a lot containing a cannabis production facility abuts a lot
(i) zoned or used for residential purposes, or
(ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

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PART 20: I-3 (LOCAL SERVICE) ZONE

20.1 I-3 USES PERMITTED

No development permit shall be issued in any I-3 (Local Service) Zone except for the following:

Local Service Uses
Equipment sale and rental outlets;
Auto repair and body shops;
Welding, plumbing and heating, electrical, carpentry and other special trade Contracting services and shops;
Trucking, landscaping, excavating and paving services;
Cement works services and manufacturing.

Residential Uses
Single unit dwellings;
Two unit dwellings**;**
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Deleted (RC-Feb 21/23;E-Sept 01/23)

20.2 I-3 ZONE REQUIREMENTS

In any I-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	40,000 square feet (3716. 1 m^2)
Minimum Frontage	**125 feet (RC-Feb 19/98;M-Apr 27/98)**
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

20.3 CONDITION: LOCAL SERVICE USES

Notwithstanding the provisions of Section 20.1, no development permit shall be issued for any Local Service Use except where a dwelling is located on the lot.

20.4 OTHER REQUIREMENTS: LOCAL SERVICE USES

Where any use is permitted as a Local Service Use in an I-3 Zone, the following shall apply:

(a) The total gross floor area of all buildings on any lot which are devoted to local service uses shall not exceed two thousand (2,000) square feet (185.8 m^2).
(b) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration or glare shall be used on the lot.
(c) Any materials associated with the local service use shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide

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a visual and physical barrier.

(d) One off-street parking space, other than that required for the dwelling, shall be provided for every three hundred (300) square feet (27.9 m^2) of floor area used by the local service use.

(e) No more than one (1) sign shall be permitted for any local service use and no such sign shall exceed five (5) square feet (0.5 m^2).

20.5 <u>SPECIAL PROVISIONS</u> (CHWEPCBCC-Dec 7/95;E-Jan 3/96) *(HECC-May 11/09;E-May30/09)*

Notwithstanding the provisions of Section 20.1, an outdoor display court for the display of not more than three (3) vehicles shall be permitted on the property of Francis Horne, identified by *PID 00373456*

20.6 <u>OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS</u> DELETED (RC-Feb 21/23;E-Sept 01/23)

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PART 21: MR-2 (FISHING INDUSTRY) ZONE

21.1 MR-2 USES PERMITTED

No development permit shall be issued in any MR-2 (Fishing Industry) Zone except for the following:

Fishing Uses
Boat and equipment manufacturing, sales and service directly related to the fishing industry;
Fish houses and sheds;
Fish processing operations which do not involve reduction.

Commercial Uses
Variety and food stores;
Fish and shellfish wholesale and retail stores;
Wholesale and retail supplies sales directly related to the fishing industry.

Residential Uses
Single unit dwellings**;**
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit; (RC-Aug 9/22;E-Sep 15/22)
Deleted (RC-Feb 21/23;E-Sept 01/23)

21.2 MR-2 ZONE REQUIREMENTS

In any MR-2 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	4,000 square feet (371.6 m^2)
Minimum Frontage	40 feet (12.2 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Side Yard	8 feet (2.4 m)

21.3 EXEMPTION: FISHING USES

Notwithstanding the provisions of Section 4.1(a), where uses are permitted as Fishing Uses in an MR-2 Zone, no development permit shall be required and the lot shall be used in the most safe and efficient manner to accommodate the needs of the fishing industry.

21.4 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS

DELETED (RC-Feb 21/23;E-Sept 01/23)

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PART 22: P-l (COMMUNITY FACILITY) ZONE

22.1 P-l USES PERMITTED

No development permit shall be issued in any P-l (Community Facility) Zone except for the following uses:

Institutional Uses
Educational institutions and uses;
Denominational institutions and uses;
Shared housing use with 10 or fewer bedrooms; (RC-Aug 9/22;E-Sep 15/22)
Shared housing with special care; (RC-Aug 9/22;E-Sep 15/22)
Fire and police stations;
Government offices and public works except transportation maintenance yards;
Hospitals
Public libraries, museums and galleries;

Open Space Uses
Public and private parks and playgrounds;
Recreation uses;
Cemeteries except crematoriums;
Day camps;
Historic sites and monuments.

22.2 P-l ZONE REQUIREMENTS: INSTITUTIONAL USES

In any P-l Zone, where uses are permitted as Institutional Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	10,000 square feet (929 m^2)
	on-site services	**30,000 square feet (RC-Feb 19/98;M-Apr 27/98)**
Minimum Frontage		**125 feet (RC-Feb 19/98;M-Apr 27/98)**
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		1/2 the height of the main building
Maximum Lot Coverage		50 percent

22.3 P-l ZONE REQUIREMENTS: OPEN SPACE USES

In any P-l Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard	15 feet (4.6 m)
Minimum Rear or Side Yard	15 feet (4.6 m)

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22.4 EXEMPTION: OPEN SPACE USES

Notwithstanding Subsection 4.1(a), where uses permitted are as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

22.5 EXEMPTION: INSTITUTIONAL USES

Notwithstanding Section 22.2, where uses are permitted as Institutional Uses, a building may be exempted from a yard requirement in order to permit it to be joined to a building on an adjacent parcel and in this case, all other yard requirements shall apply.

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PART 23: P-2 (COMMUNITY FACILITY) ZONE

23.1 P-2 USES PERMITTED

No development permit shall be issued in any P-2 (Community Facility) Zone except for the following uses:

Institutional Uses
Educational institutions and uses;
Denominational institutions and uses;
Day care facilities;
A single dwelling unit in conjunction with a daycare facility;
Shared housing use with 10 or fewer bedrooms; (RC-Aug 9/22;E-Sep 15/22)
Shared housing with special care; (RC-Aug 9/22;E-Sep 15/22)
Fire and police stations;
Government offices and public works except transportation maintenance yards;
Hospitals and medical clinics;
Public libraries, museums and galleries;
Fraternal centres and halls;
Community centres and halls.

Open Space Uses
Public and private parks and playgrounds;
Recreation uses **excluding golf courses (RC-May 15/01;E-Jun 23/01)**
Cemeteries except crematoriums;
Day camps;
Historic sites and monuments.

23.2 P-2 ZONE REQUIREMENTS: INSTITUTIONAL USES

In any P-2 Zone, where uses are permitted as Institutional Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	10,000 square feet (929 m^2)
	on-site services	30,000 square feet **(RC-Feb 19/98;M-Apr 27/98)**
Minimum Frontage		**125 feet (RC-Feb 19/98;M-Apr 27/98)**
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		1/2 the height of the main building
Maximum Lot Coverage		50 percent

23.3 P-2 ZONE REQUIREMENTS: OPEN SPACE USES

In any P-2 Zone, where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard	15 feet (4.6 m)
Minimum Rear or Side Yard	15 feet (4.6 m)

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23.4 EXEMPTION: OPEN SPACE USES

Notwithstanding Section 4.1(a), where uses permitted as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

23.5 EXEMPTION: INSTITUTIONAL USES

Notwithstanding Section 23.2, where uses are permitted as Institutional Uses, a building may be exempted from a yard requirement in order to permit it to be joined to a building on an adjacent parcel and in this case, all other yard requirements shall apply.

23.6 EXEMPTION: EXISTING COMMERCIAL RECREATION USE

Notwithstanding the provisions of Section 23.1, a trap and skeet club shall be permitted on the property identified by *PID 00638247* and shall be permitted to expand, subject to compliance with the requirements of Section 23.2, but no other commercial recreation use shall be permitted on the property. (CHWEPCB-Sep 7/95;E-Oct 6/95)
***(HECC-May 11/09; E-May 30/09*)**

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PART 23A: P-3 (PROVINCIAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

23A.1 P-3 USES PERMITTED

No development permit shall be issued in any P-3 (Provincial Park) Zone except for the following:

Park Uses
Recreation uses
Conservation related uses
Public and private parks and playgrounds

Residential Uses
Existing dwellings;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit. (RC-Aug 9/22;E-Sep 15/22)

23A.2 P-3 ZONE REQUIREMENTS

In any P-3 Zone, no development permit shall be issued except in conformity with the provisions of Parts 23 and 9 as correspond to uses permitted.

23A.3 OTHER REQUIREMENTS: EXISTING DWELLINGS

Notwithstanding section 4.9, an existing dwelling may be reconstructed, repaired or renovated provided there is no increase in volume of the building and all other applicable provisions of this by-law are satisfied.

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PART 24: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

24.1 RPK USES PERMITTED

No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Park Uses
Recreation uses
Conservation uses
Uses accessory to the foregoing uses

Residential Uses
Existing dwellings;
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit. (RC-Aug 9/22;E-Sep 15/22)

24.2 RPK ZONE REQUIREMENTS

In any RPK Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**
Maximum Lot Coverage:	**50% for lots less than 4 ha in area, or 5% for lots 4 ha or more in area**
Maximum Height of Main Building:	**10.7 m**

24.3 Notwithstanding Section 4.8 an existing dwelling may be reconstructed, repaired or renovated provided there is no increase in volume of the building and all other applicable provisions of this by-law are satisfied.

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PART 24A: EC (ENVIRONMENTAL CONSERVATION) ZONE (RC-Feb 19/98;M -Apr 27/98)

24A.1 EC USES PERMITTED

Conservation uses
Passive recreation uses
Historic sites and monuments

24A.2 EC ZONE REQUIREMENTS

Minimum Lot Area:	**10,000 square feet**
Minimum Lot Frontage:	**100 feet**

24A.3 OTHER REQUIREMENTS: INFILLING

For any parcel of land which is zoned EC, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of boardwalks or the placement of walking/hiking trails shall be permitted provided that no infilling or alteration of grade takes place other than the placement of piles or the placement of trails on top of existing grade.

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PART 24B: FP (FLOODPLAIN) ZONE (RC-Feb 19/98;M -Apr 27/98)

24B.1 FP USES PERMITTED

Forestry uses, involving no buildings
Agricultural uses, involving no buildings
Passive recreation uses
Historic sites and monuments
Public parks and playgrounds
Conservation uses
Water control structures (RC-Jun 25/14;E-Oct 18/14)
Wastewater, stormwater and water infrastructure (RC-Jun 25/14;E-Oct 18/14)

24B.2 FP ZONE REQUIREMENTS

Minimum Lot Area:	**10,000 square feet**
Minimum Lot Frontage:	**100 feet**

24B.3 OTHER REQUIREMENTS: INFILLING

For any parcel of land which is zoned FP and within the one hundred (100) foot buffer referred to in Clause 4.18(a)(ii), no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of boardwalks or the placement of walking/hiking trails shall be permitted provided that no infilling or alteration of grade takes place other than the placement of piles or the placement of trails on top of existing grade.

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PART 24C: PA (PROTECTED AREA) ZONE (RC-Jun 25/14;E-Oct 18/14)

24C.1 PA USES PERMITTED

No development permit shall be issued in any PA (Protected Area) Zone except for the following:

Scientific study and education, involving no buildings
Trails, boardwalks or walkways
Conservation uses
Uses accessory to the foregoing uses

24C.2 PA ZONE REQUIREMENTS

In any PA Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	**930m^2**
Minimum Frontage:	**30.5m**
Minimum Front or Flankage Yard:	**20m**
Minimum Side or Rear Yard:	**20m**

24C.3 OTHER REQUIREMENTS: GRADE ALTERATION AND VEGETATION REMOVAL

Within any PA zone, no infilling, excavation, alteration of grade or removal of vegetation shall be permitted. The construction of board walks, walkways or trails shall be permitted provided that no infilling or alteration of grade occurs other than the placement of piles or the placement of trails on top of the existing grade.

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PART 25: D-l (DND) ZONE

25.1 D-l USES PERMITTED

No development permit shall be issued in any D-l (DND) Zone except for the following:

DND Uses
Canadian military installations

25.2 D-l ZONE REQUIREMENTS

In any D-l Zone, no development permit shall be issued except in conformity with the appropriate provisions of Part 6.

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PART 26: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT)

26.1 CDD USES PERMITTED

(a) No development permit shall be issued in any CDD (Comprehensive Development District) except for residential uses, or local commercial uses, community facilities and/or parks in association with residential uses, which comprise a comprehensive development of five (5) or more acres. Major commercial uses and any industrial uses are specifically prohibited within any CDD.

(b) Notwithstanding the provisions of subsection (a), in any CDD for lands shown by Appendix "D" of this By-law, no development permit shall be issued except for public parks and playgrounds, and for single unit dwellings, mobile dwellings, and business uses in conjunction with dwellings, except that any industrial or service industrial uses are specifically prohibited within any CDD.

26.2 CDD REQUIREMENTS

In any CDD (Comprehensive Development District) no development permit shall be issued except in accordance with the development agreement provisions of the ***Halifax Regional Municipality Charter (HECC-May 11/09;E-May 30/09)***

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PART 26A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

26A.1 CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Transfer Stations
Uses accessory to permitted use

26A.2 CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) - central services 11,148 square metres (120,000 square feet) - on-site services**
Minimum Frontage	**15 metres (49.2 feet) - central services** **30 metres (98.4 feet) - on-site services**
Minimum Front Yard	**25 metres (82.0 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

26A.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

(a) any building or structure shall meet the following separation distances:
- **(i) from any property line — 30 metres (98.4 feet)**
- **(ii) from the nearest residential dwelling or institutional use — 60 metres (196.9 feet)**
- **(iii) from a watercourse — 30 metres (98.4 feet)**

(b) notwithstanding Section 26A.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

(c) notwithstanding Section 26A.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

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26A.4 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
- **(i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;**
- **(ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or**
- **(iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.**

(b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;

(c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;

(d) notwithstanding Section 26A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

(e) no portion of the operation shall be located within any side, rear, or front yard setback;

(f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-1A, R-2, R-3 and R-5) or community use (P-1, P-2, P-3, EC and FP); and

(g) no portion of the operation shall be located within a 1:100 year floodplain.

26A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;

b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;

c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms,

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vegetation, or a combination of elements;

d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;

e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;

f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;

g) all solid waste storage containers shall be screened from view from adjacent properties and streets;

h) impact of the location, number and size of signs;

i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and

j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

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PART 26B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE (RC-Sep 10/02;E-Nov 9/02)

26B.1 CD-2 USES PERMITTED

No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Processing Facilities
All CD-1 Zone uses
Uses Accessory to permitted uses, excluding construction and demolition disposal
Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

26B.2 CD-2 ZONE REQUIREMENTS

In any CD-2 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**3,716 square metres (40,000 square feet) central services** **11,148 square metres (120,000 square feet) on-site services**
Minimum Frontage	**15 metres (49.2 feet) central services** **30 metres (98.4 feet) on-site services**
Minimum Front Yard	**30 metres (98.4 feet)**
Minimum Side Yard	**30 metres (98.4 feet)**
Minimum Rear Yard	**30 metres (98.4 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.0 feet)**

26B.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

In any CD-2 Zone, no development permit shall be issued for any C&D Materials Transfer Stations except in conformity with the provision for such a use as contained within the CD-1 Zone.

26B.4 OTHER REQUIREMENTS: C&D MATERIALS PROCESSING FACILITIES

No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

(a) any building, structure or area used for processing shall meet the following separation distances:

(i)	**from any property line**	**60 metres (196.8 feet)**
(ii)	**from the nearest residential dwelling or institutional use**	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

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(b) **notwithstanding Section 26B.4(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).**

(c) **notwithstanding Section 26B.4(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).**

26B.5 <u>GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS</u>

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) **the operation complies with the general zone requirements as outlined in Section 26A.4.**

(b) **notwithstanding Sections 26B.2 to 26B.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.**

26B.6 <u>GENERAL REQUIREMENTS: SITE PLAN APPROVAL</u>

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 26A.5.

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PART 26C: CD-3 (C&D MATERIALS DISPOSAL SITES) ZONE (RC-Sep 10/02;E-Nov 9/02)

26C.1 CD-3 USES PERMITTED

No development permit shall be issued in any CD-3 (C&D Disposal) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Disposal Sites
All CD-2 zone uses
Uses Accessory to permitted uses
Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

26C.2 CD-3 ZONE REQUIREMENTS

In any CD-3 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	**11,148 square metres (120,000 square feet)**
Minimum Frontage	**15 metres (49.2 feet) central services**
	30 metres (98.4 feet) on-site services
Minimum Front Yard	**50 metres (164 feet)**
Minimum Side Yard	**50 metres (164 feet)**
Minimum Rear Yard	**50 metres (164 feet)**
Maximum Lot Coverage	**50 %**
Maximum Height	**11 metres (36.1 feet)**

26C.3 OTHER REQUIREMENTS: CD-1 AND CD-2 ZONE USES

In any CD-3 Zone, no development permit will be issued for any:

(a) C&D Materials Processing Facility except in conformity with the provision for such a use as contained within the CD-2 Zone; and
(b) C&D Materials Transfer Station except in conformity with the provision for such a use as contained within the CD-1 Zone.

26C.4 OTHER REQUIREMENTS: C&D MATERIALS DISPOSAL SITES

No development permit shall be issued for C&D disposal site except in compliance with the following provisions:

(a) no portion of the operation shall be located within 60 metres (196.8 feet) of any side or rear property line abutting a residential or community facility use;
(b) any building or structure used in conjunction with a disposal operation shall meet the following separation distances:
  (i) from any property line 50 metres (164 feet)
  (ii) from the nearest residential dwelling or

	institutional use	**90 metres (295.3 feet)**
(iii)	**from a watercourse**	**60 metres (196.8 feet)**

26C.5 <u>GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS</u>

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

(a) the operation complies with the general zone requirements as outlined in Section 26A.4.

(b) Notwithstanding Sections 26C.2 to 26C.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are integrated than the more stringent requirements shall apply to the permitted uses.

26C.6 <u>GENERAL REQUIREMENTS: SITE PLAN APPROVAL</u>

C&D Material Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters as outlined in Section 26A.5.

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PART 26D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE (RC-Jul 2/02;E-Aug 17/02)

26D.1 ICH USES PERMITTED

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (July 2, 2002) of this zone for the following:

Single Unit Dwellings
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Open Space Uses

26D.2 ICH ZONE REQUIREMENTS

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.

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PART 26E: UR (URBAN RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

26E.1 UR USES PERMITTED

No development permit shall be issued in any UR (Urban Reserve) Zone except for the following:

Single unit dwellings, on existing lots provided that a private on-site sewage disposal system and well are provided on the lot
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)

Passive recreation uses
Uses accessory to the foregoing uses

26E.2 UR ZONE REQUIREMENTS

In any UR Zone, no development permit shall be issued except in conformity with the following:

Minimum Front or Flankage Yard:	**9.1m**
Minimum Side Yard:	**2.5m**
Minimum Rear Yard:	**2.5m**
Maximum Lot Coverage:	**35%**
Maximum Height of Main Building:	**11m**

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PART 26F: US (URBAN SETTLEMENT) ZONE (RC-Jun 25/14;E-Oct 18/14)

26F.1 US USES PERMITTED

No development permit shall be issued in any US (Urban Settlement) Zone except for the following:

Single unit dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit (RC-Aug 9/22;E-Sep 15/22)
Public parks and playgrounds
Uses accessory to the foregoing uses

26F.2 US ZONE REQUIREMENTS

In any US Zone, no development permit shall be issued except in conformity with the following:

Minimum Frontage:	**110m**
Minimum Lot Area:	**2 ha**
Minimum Front or Flankage Yard:	**9.1m**
Minimum Side Yard:	**2.5m**
Minimum Rear Yard:	**2.5m**
Maximum Lot Coverage:	**35%**
Maximum Height of Main Building:	**11m**

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PART 26G: TR (TRANSPORTATION RESERVE) ZONE (RC-Jun 25/14;E-Oct 18/14)

26G.1 TR USES PERMITTED

No development permit shall be issued in any TR (Transportation Reserve) Zone except for the following:

None

26G.2 OTHER REQUIREMENTS

No development permit shall be issued for any development abutting any TR (Transportation Reserve) Zone except where the yard separating the development from the zone boundary is equal to the minimum yard separating a development from a street line, as required by this by-law.

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PART 27: ADMINISTRATION

27.1 ENFORCEMENT

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

27.2 SCOPE OF APPLICATION

(a) Every application for a development permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and showing:
   (i) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
   (ii) the proposed location, height and dimensions of the building, structure, or work in respect of which the application is being made;
   (iii) the location of every building or structure already erected on or partly on the lot, and the location of every building upon abutting lots;
   (vi) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas; and
   (v) other such information as may be necessary to determine whether or not every such building, or development conforms with the requirements of this By-law.

(b) Where the Development Officer is unable to determine whether the proposed development conforms to this By-law and other bylaws and regulations in force which affect the proposed development, he may require that the plans submitted under this Section be based upon an actual survey by a Provincial Land Surveyor.

27.3 SIGNATURE FOR APPLICATION

The application shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part of each building or structure, together with all information necessary to determine whether or not every such proposed use of land, buildings or structures conforms with the requirements of this By-law.

27.4 PENALTY

Any person who violates a provision of this By-law shall be subject to prosecution as provided for under the ***Halifax Regional Municipality Charter***. ***(HECC-May 11/09;E-May 30/09)***

27.5 DATE OF BY-LAW

This By-law shall take effect when approved by the Provincial Director of Planning. ***(HECC-May 11/09;E-May 30/09)***

27.6 SCHEDULE OF FEES

An application to amend this By-law or modify any of the provisions of this By-law must be accompanied by a processing fee as well as a fee to cover the cost of advertising at the

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time of making such application. ***(HECC-May 11/09;E-May 30/09)***

27.7 <u>PUBLIC HEARING NOTIFICATION</u> (Repealed: RC-Jun 20/23;E-Oct 13/23)

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APPENDIX A: Non-conforming Uses

Nonconforming structure or use

253 (1) A non-conforming structure, non-conforming use of land or non-conforming use in a structure, may continue if it exists and is lawfully permitted at the date of the first publication of the notice of intention to adopt or amend a land-use by-law.

(2) A non-conforming structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law if

(a) the non-conforming structure was lawfully under construction and was completed within a reasonable time; or

(b) the permit for its construction was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time.

(3) A non-conforming use in a structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use by-law if

(a) the structure containing the non-conforming use was lawfully under construction and was completed within a reasonable time; or

(b) the permit for its construction or use was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time, and the use was permitted when the permit for the structure was granted and the use was commenced upon the completion of construction.

(4) This Act does not preclude the repair or maintenance of a non-conforming structure or a structure containing a non-conforming use.

(5) A change of tenant, occupant or owner of any land or structure does not of itself affect the use of land or a structure.

Nonconforming structure for residential use

254 (1) Where a non-conforming structure is located in a zone that permits the use made of it and the structure is used primarily for residential purposes, it may be

(a) rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, it is substantially the same as it was before the destruction or damage and it is occupied by the same use;

(b) enlarged, reconstructed, repaired or renovated if

(i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the land-use by-law, and

(ii) all other applicable provisions of the land-use by-law except minimum frontage and area are satisfied.

(2) A non-conforming structure, that is not located in a zone permitting residential uses and not used primarily for residential purposes, may not be rebuilt or repaired, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law, and after the repair or rebuilding it

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may only be occupied by a use permitted in the zone.

Nonconforming use of land

255 A non-conforming use of land may not be
(a) extended beyond the limits that the use legally occupies;
(b) changed to any other use except a use permitted in the zone; or
(c) recommenced, if discontinued for a continuous period of six months.

Nonconforming use in a structure

256 (1) Where there is a non-conforming use in a structure, the structure may not be
(a) expanded or altered so as to increase the volume of the structure capable of being occupied, except as required by another Act of the Legislature; or
(b) repaired or rebuilt, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use by-law and after the repair or rebuilding it may only be occupied by a use permitted in the zone.
(2) Where there is a non-conforming use in a structure, the non-conforming use may be extended throughout the structure.
(3) Where there is a non-conforming use in a structure, the non-conforming use
(a) may not be changed to any other use except a use permitted in the zone; or
(b) may not be recommenced, if discontinued for a continuous period of six months.

Relaxation of restrictions

257 (1) A municipal planning strategy may provide for a relaxation of the restrictions contained in this Part respecting non-conforming structures, non-conforming uses of land and non-conforming uses in a structure and, in particular, may provide for
(a) the extension, enlargement, alteration or reconstruction of a non-conforming structure;
(b) the extension of a non-conforming use of land;
(c) the extension, enlargement or alteration of structures containing non-conforming uses, with or without permitting the expansion of the non-conforming use into an addition;
(d) the reconstruction of structures containing non-conforming uses, after destruction;
(e) the recommencement of a non-conforming use of land or a non-conforming use in a structure after it is discontinued for a continuous period in excess of six months;
(f) the change in use of a non-conforming use of land or a non-conforming use in a structure, to another non-conforming use.
(2) The policies adopted in accordance with this Section must be carried out through the land-use by-law and may require a development agreement. ***(HECC-May 11/09; E-May 30/09)***

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APPENDIX B: EXISTING USES

Pursuant to Section 3.6 and notwithstanding anything else in this By-law, the following uses are deemed to be permitted uses to the extent to which they are in existence on the effective date of this By-law, and any expansion or alteration may only be considered in accordance with the Municipal Planning Strategy for Eastern Passage/Cow Bay and the development agreement provisions of the ***Halifax Regional Municipality Charter*. *(HECC-May 11/09; E-May 30/09)***

	Mobile Home Parks	LOCATION	PID NUMBER
8.1	Birchill Estates	Caldwell Road	00372946
	Greenridge	Caldwell Road	00373217
8.2	Kennels		
	Ravenrook	Bissett Road	40083164
	Robert Naugle	Cleary Drive	40082570
8.3	General Business		
	Leo J. Beazley	Cow Bay Road	40081358
			40081523
8.4	Scrap and Salvage Operations		
	Lawrence Rehberg	Cow Bay Road	40082646
	Leo J. Beazley	Shore Road	40081358
	Murray F. Bissett	Dyke Road	40125684
	Wayne Giles Auto Salvage	Dyke Road	40083123
	Russel D. Jakeman	Cow Bay Road	40127193
	Wilmer Charbonneau	Hines Road	00371948
			40103855
			40103855
			40103863

(HECC-May 11/09;E-May 30/09)

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APPENDIX Ba: SALVAGE OPERATION

Notwithstanding anything else in this By-law, the following lands may be used for the purposes of a scrap and salvage operation in accordance with the Municipal Planning Strategy for Eastern Passage/Cow Bay and the development agreement provisions of the ***Halifax Regional Municipality Charter*.**

Mobile Home Parks	LOCATION	PID NUMBER
Mary Charbonneau	Hines Road	00371930

(HECC-May 11/09;E-May 30/09)

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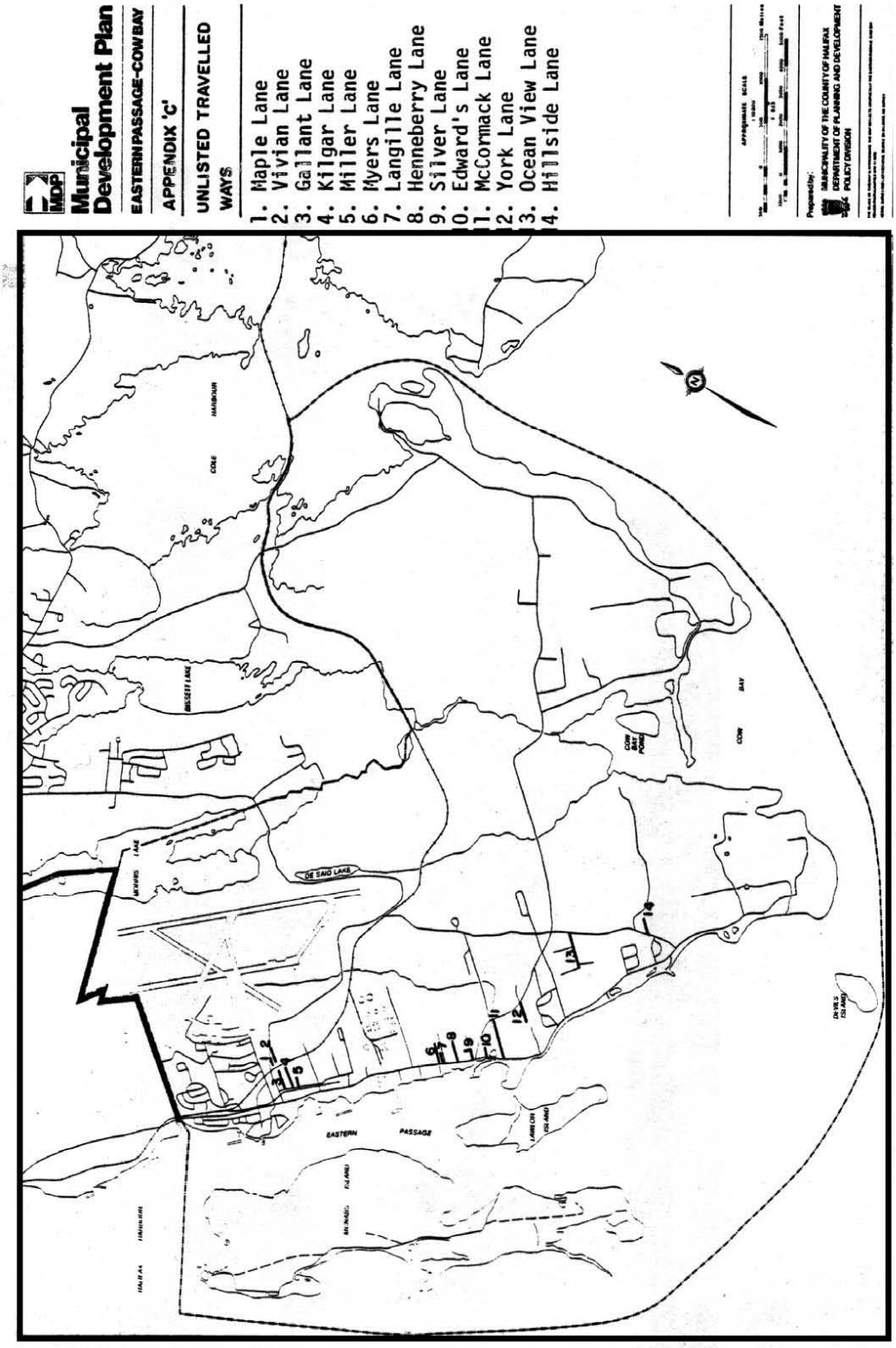
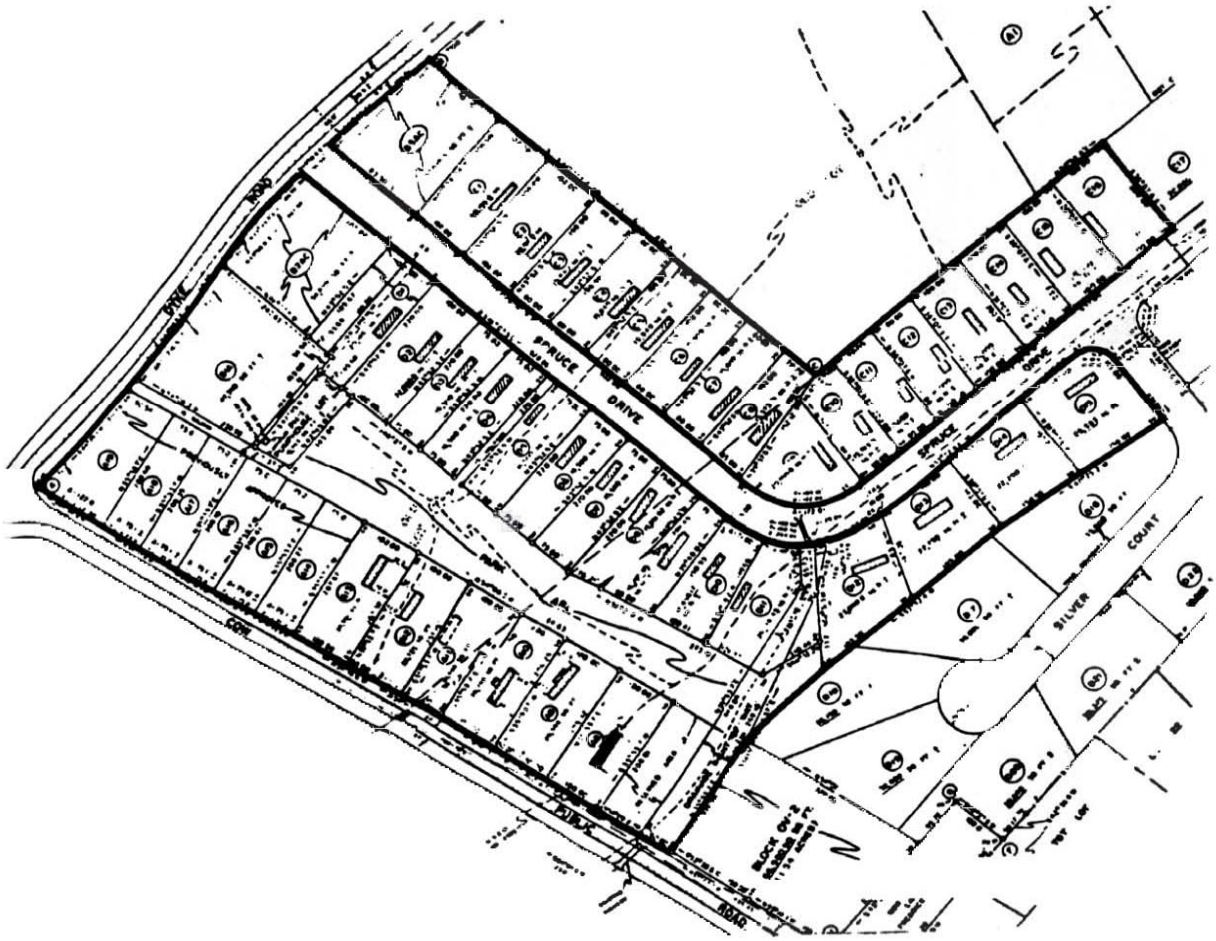
APPENDIX C: UNLISTED TRAVELLED WAYS



APPENDIX D: SILVER SANDS CDD

APPENDIX "D": SILVER SANDS CDD

Pursuant to Part 26 of this By-law, lands within the boundary shown on the plan of this Appendix are deemed to constitute a comprehensive development district and shall be developed according to the provisions of Part 26 of this By-law and the provisions of Policy UR-14 through UR-16 of the Municipal Planning Strategy for Eastern Passage/Cow Bay. All information shown within the comprehensive development district boundary does not constitute part of the comprehensive development district but is shown for information purposes only.



APPENDIX E: Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications (RC-Mar 21/23;E-Apr 19/23)

Definitions

1. For the purpose of appendix e and scheduled the following definitions shall apply:

(a) ACCESSORY STRUCTURE means a structure that is:

(i) subordinate, incidental, and devoted to a main use or structure, and

(ii) not attached to any main building;

(b) AFFORDABLE COMMUNITY OR CULTURAL INDOOR SPACE means premises used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal and exhibition spaces, galleries, daycare uses, and other social services;

(c) APPLICANT means any person, including an owner, applying for a development permit, or development agreement;

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

(e) BUILDING means every continuous enclosed area with exterior walls on a lot that:

(i) is built, erected, and framed of a combination of materials,

(ii) is either portable or fixed,

(iii) has a roof,

(iv) forms a structure for the shelter of persons, animals, or property, and

(v) is located, in whole or in part, above or below grade;

(f) FLOOR AREA means the horizontal area of all floors of a building or a parking structure, measured from the interior faces of any exterior wall or fire wall and includes interior staircases, but excludes the following:

(i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,

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

(iii) elevator shafts,

(iv) accessory structures,

(v) rooftop greenhouses,

(vi) any space open to a floor below, and

(vii) pedways;

(g) GREENHOUSE means a structure constructed primarily of transparent materials, for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;

(h) 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;

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(i) INCENTIVE OR BONUS ZONING AGREEMENT means a contract between an owner and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning;

(j) NOT-FOR-PROFIT ORGANIZATION MEANS:

- **(i) a society incorporated pursuant to the Societies Act,R.S.N.S.1989 c.435, as amended,**
- **(ii) a non-profit association incorporated pursuant to the Co-operative Associations Act, R.S.N.S.1989 c. 98, as amended,**
- **(iii) a non-profit association to which the Co-operative Associations Act applies,**
- **(iv) a not-for-profit corporation incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23, or**
- **(v) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature;**

(k) PARKING STRUCTURE means a structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use;

(l) PEDWAY means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic;

(m) PREMISES means a structure or portions of a structure occupied by a use;

(n) PROFESSIONAL ARTIST means an artist who:

- **(i) has proven, specialized training in an artistic field,**
- **(ii) is recognized as a professional by their peers who are working in the same artistic tradition, and**
- **(iii) has a history of public presentation or publication;**

(o) PUBLIC ART means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excludes any corporate insignia;

(p) REGISTERED CANADIAN CHARITABLE ORGANIZATION means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

(q) REGISTERED HERITAGE BUILDING means a building on a registered heritage property that:

- **(i) has been registered pursuant to the *Heritage Property Act*, and**
- **(ii) contributes to the character-defining elements on the registered heritage property; and**

(r) REGISTERED HERITAGE PROPERTY means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.

<u>Requirement to Provide a Public Benefit for Bonus Zoning</u>

2. In accordance with the Regional Municipal Planning Strategy Policies G-16A to G-16G but subject to Section 3, incentive or bonus zoning shall be required for developments identified on Schedule D: Lands Subject to Interim Bonus Zoning Requirements.

3. Incentive or bonus zoning shall not be required for developments identified on Schedule D if the Development Officer is satisfied that:

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

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

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

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

(i) the applicant,

(ii) the Municipality,

(iii) the Provincial Government,

(iv) the Federal Government, or

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

4. For any development agreement or development as specified in Section 8, the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.

5. Subject to section 3, no development permit shall be issued:

(a) where an incentive or bonus zoning agreement is required, until the incentive or bonus zoning agreement is executed by all parties and filed in the Provincial Land Registration Office; or

(b) until the full amount of the money-in-lieu is paid to the Municipality or as specified in the applicable development agreement.

<u>Public Benefit Value</u>

6. (1) Where an applicant is required to provide incentive or bonus zoning, the value of the public benefits shall be determined in accordance with Section 7 or Section 8.

(2) The applicant shall submit a public benefit value calculation with their application for a development permit, in a format acceptable to the Development Officer.

7. Except for lands that are greater than 10 hectares under section 8, the minimum required public benefit value shall be calculated by multiplying Factor #1 by Factor #2, and then multiplying the product by Factor #3, where:

(a) Factor #1 is the new floor area in square metres that exceeds 2,000 square metres;

(b) Factor #2 is 0.20; and

(c) Factor #3 is the bonus zoning rate, in dollars per square metre, as specified in Section 11.

8. (1) For lands that are greater than 10 hectares that are developed by development

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agreement, the public benefit shall be determined based on the appraised market value of the site once the proposed plan amendment and associated development agreement is approved by Council, and then multiplied by a coefficient of 0.12.

(2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.

(3) Any appraisal under this section shall be completed by an appraiser that is hired by the Municipality.

(4) The cost of any appraisal shall be paid for by the applicant.

(5) The terms of reference for the appraisal shall be determined solely by the Municipality.

(6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, and the appraisal is subject to the same terms of reference as the initial appraisal.

9. The appraised market value for the purposes of the public benefit value is:

(a) where there is one appraisal, the monetary value of the land from that appraisal; or
(b) where there are two appraisals, the average monetary values of the land from the two appraisals.

<u>Deadline to Complete Public Benefit</u>

10. Any required public benefit shall be completed by the applicant:

(a) for any money-in-lieu, prior to the development permit being issued; or
(b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

<u>Bonus Zoning Rate</u>

11. The bonus zoning rate for the area identified on Schedule D is $135/ square metre, as of April 2022 and shall be adjusted in accordance with Sections 12, 13, and 14.

<u>Bonus Zoning Rate Adjustments</u>

12. (1) The bonus zoning rate specified Section 11 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada.

(2) The bonus zoning rate shall be adjusted using the method specified as

follows:

<u>Step 1:</u> The percentage change in the Halifax All-Items Consumer Price Index (CPI) shall be determined by

(a) using the formula:
(A/B x 100) minus 100 = percentage change in CPI

(b) where:

(i) "A" is the previous year's Halifax All-Items Consumer Price Index, and

(ii) "B" is the Halifax All-Items Consumer Price Index for the base year in which this Appendix was adopted, or the year where the bonus zoning rate was last updated through a formal rate update by a trained valuation professional, whichever is later.

<u>Step 2:</u> The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus zoning rate under Section 11.

<u>Step 3:</u> The product of Step 2 shall then be added to the bonus zoning rate, with the resulting sum becoming the new bonus zoning rate for the current bonus rate year

13. If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus zoning rate for that year.

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

(2) Where the development permit expires and an application for a new development permit is made for the same development, the value of the public benefit shall be the difference between the bonus zoning rate at the time the new complete application is received and the bonus zoning rate previously paid.

<u>Public Benefit: Money-in-Lieu for Affordable Housing</u>

15. (1) A minimum of 60% of the required public benefit shall be in the form of money-in-lieu for affordable housing.

(2) Money-in-lieu accepted for affordable housing shall be required to be used within the Municipality for:

(a) the rehabilitation of existing affordable housing units, including building assessments, provided by a not-for-profit organization or registered Canadian charitable organization;

(b) the acquisition of buildings, housing units, or properties for affordable housing;

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(c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
(d) a housing agreement permitted in Clause 73(b) of the Halifax Regional Municipality Charter; or
(e) any combination of Clauses (a) to (d).

<u>Public Benefit Categories</u>

16. The remaining required public benefits shall be in the form of one or a combination of the following public benefits:

(a) additional money-in-lieu for affordable housing;
(b) the conservation of a registered heritage building, or a building within a heritage conservation district, that is located on the site of the development;
(c) money-in-lieu for the conservation of a registered heritage building; or
(d) the conservation of a building located within a heritage conservation district;
(e) money-in-lieu for the acquisition or improvement of municipal parks;
(f) money-in-lieu for affordable community or cultural indoor space;
(g) money-in-lieu for public art; or
(h) public art on the site of the development.

<u>Public Benefit: Conservation of Registered Heritage Buildings or a Building within a Heritage Conservation District</u>

17. (1) Notwithstanding Sections 15 and 16, on registered heritage property or on a property within a heritage conservation district, 90% of the public benefit shall be allocated to the conservation of:

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

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

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

<u>Public Benefit Requirement: On-Site Public Art</u>

19. Where the required public benefit includes public art under Clause 16(h), the public art shall:

(a) be located on the site of the development, and allow direct public access or viewing of the public art;
(b) be designed by a professional artist; and
(c) have a minimum cost of $100,000.

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20. The following items shall not qualify as public art under Clause 16(h):

(a) interpretive, wayfinding, or other functional signage;
(b) branding or promotional projects;
(c) plaques and supporting infrastructure;
(d) stock and mass-produced items;
(e) memorials, where:
(i) the memorial commemorates a single individual not previously approved through the Municipality's Commemorative Asset Naming Program,
(ii) the memorial has not been designed and created by a professional artist, or
(iii) the primary component or element of design involves benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
(f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are an integral component of an artwork.

<u>Incentive or Bonus Zoning Agreement</u>

21. An incentive or bonus zoning agreement required by a Development Officer shall contain terms respecting:

(a) the identification of the development site;
(b) design drawings, provided by the applicant, for any required or provided public benefit;
(c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an appraiser for any required or provided public benefit;
(d) the identification of any conditions required by the Municipality before the public benefit is accepted;
(e) where required, provisions for the auditing and reporting of public benefits; and
(f) any other terms or conditions the Development Officer requires.

22. An incentive or bonus zoning agreement shall be signed by the owner.

23. Subject to Sections 24 and 25, and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to:

(a) enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality;
(b) discharge an incentive or bonus zoning agreement, in whole or in part, in accordance with the terms of the incentive or bonus zoning agreement or with the concurrence of the property owner, and

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

24. In accordance with Subsection 31A(5) of the Charter, where an incentive or bonus zoning agreement entered into by the Development Officer commits the Municipality to any expenditure, the agreement has no force or effect until approved by Council.

25. In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality. (RC-Mar_/23;E-Apr_/23)

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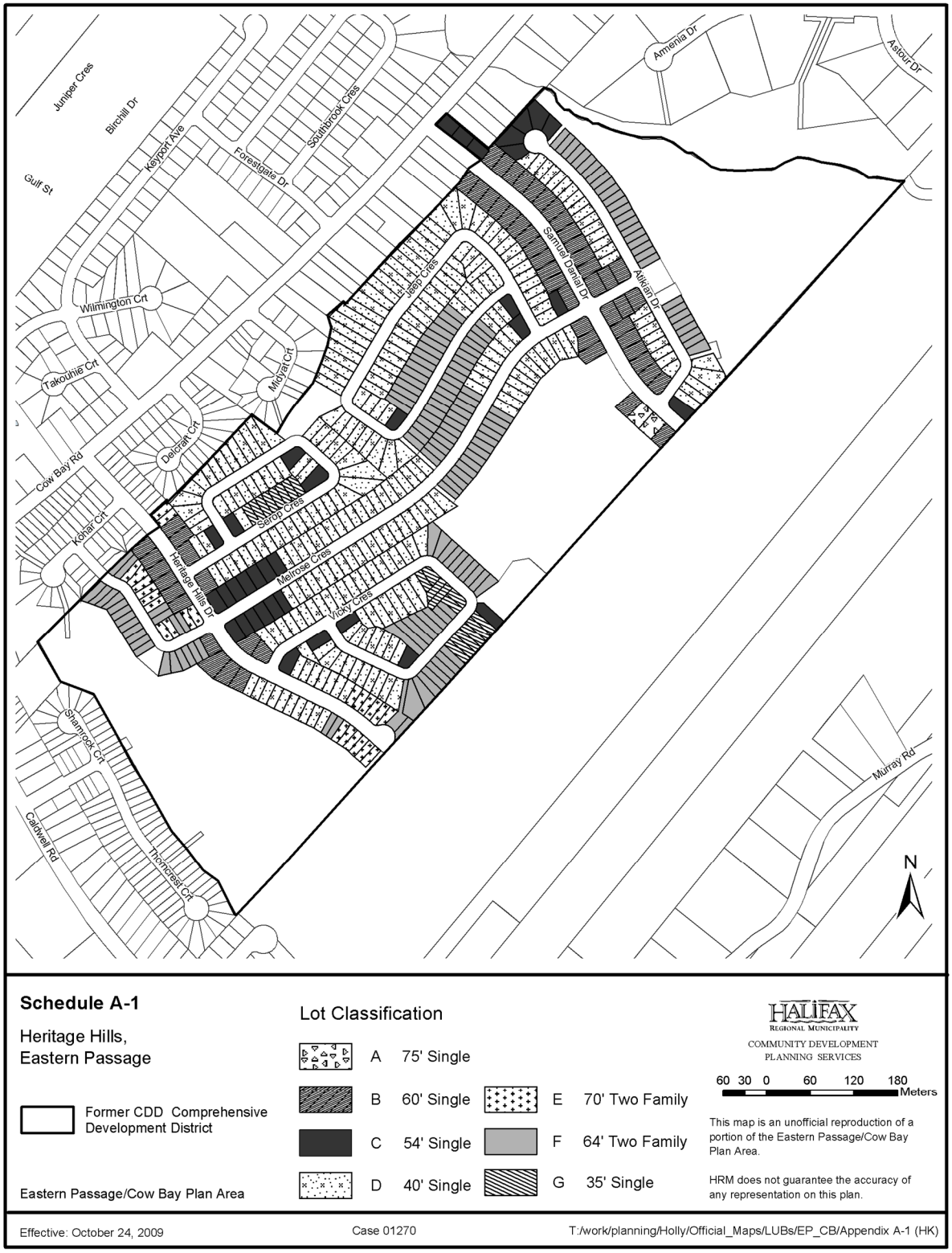
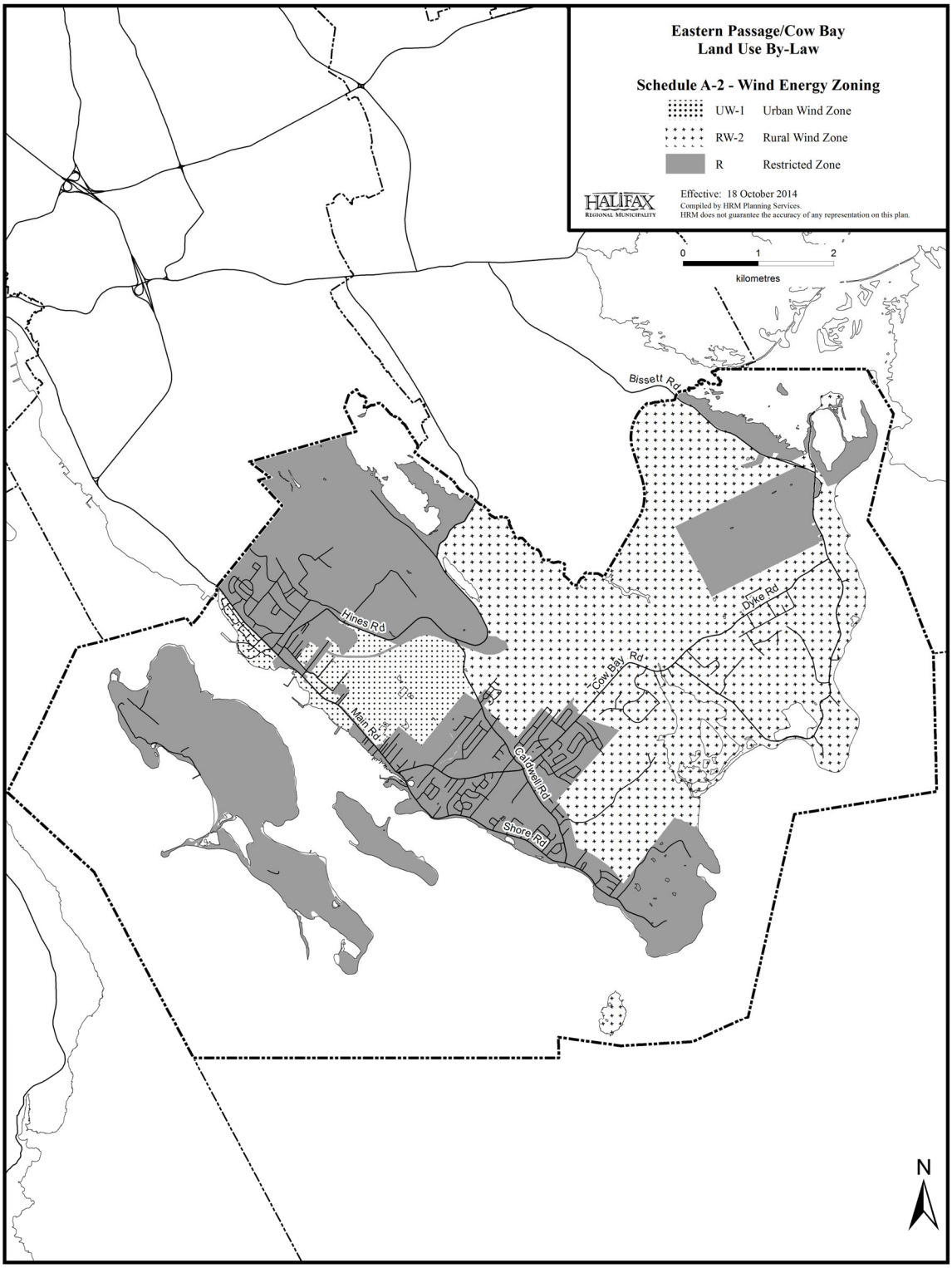
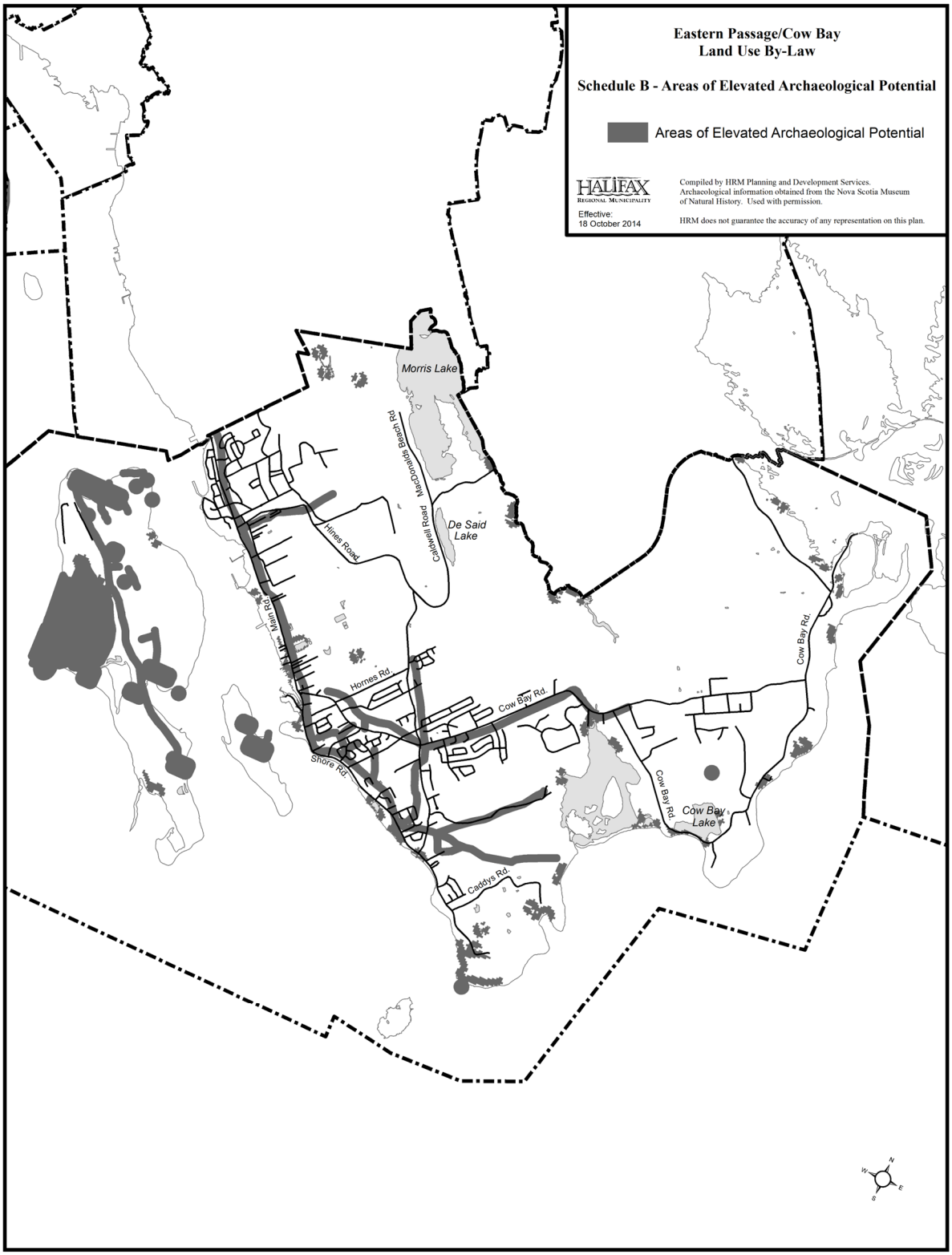
SCHEDULE A-1: Heritage Hills



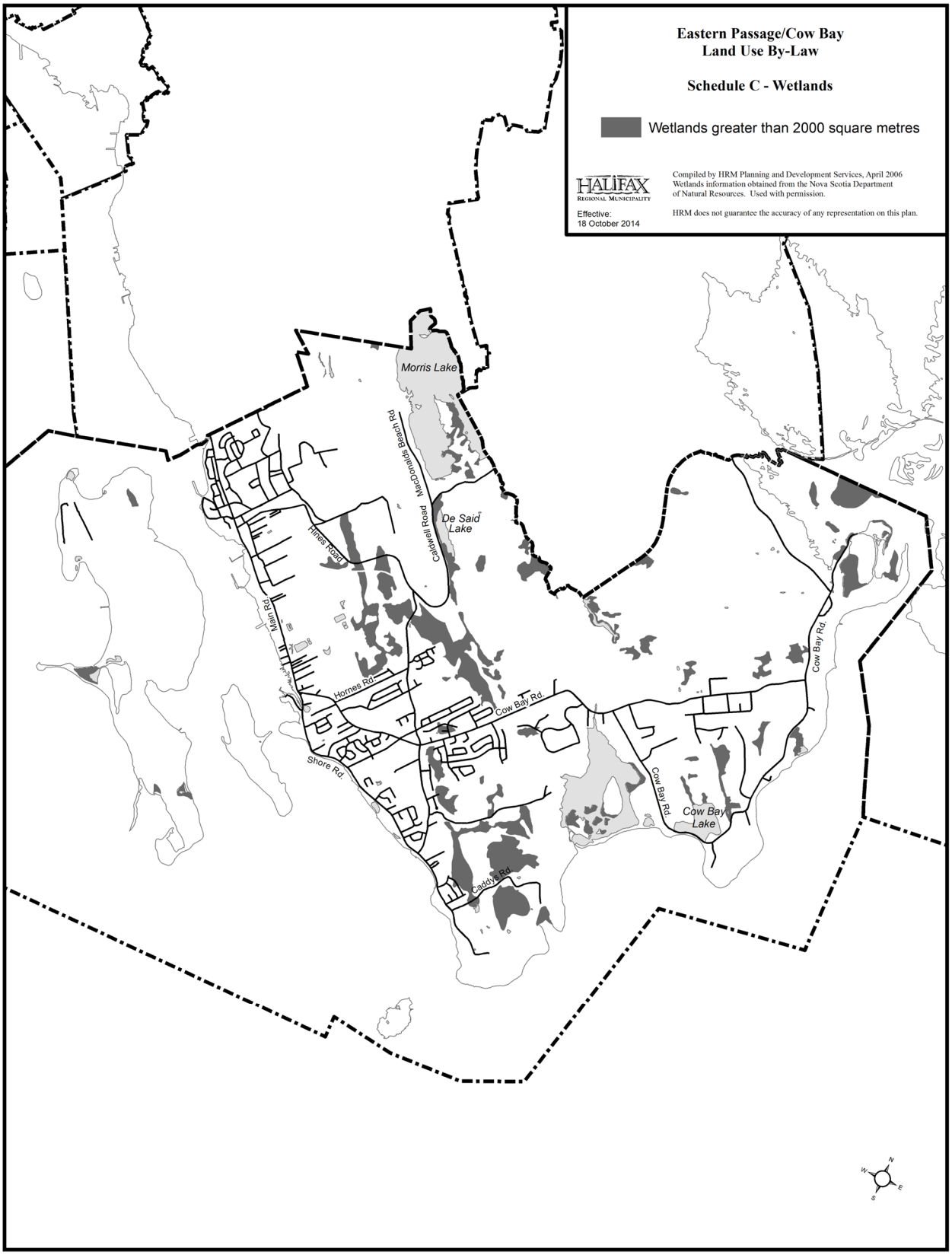
Schedule A-2: Wind Energy Zoning (RC-Jun 25/14;E-Oct 18/14)



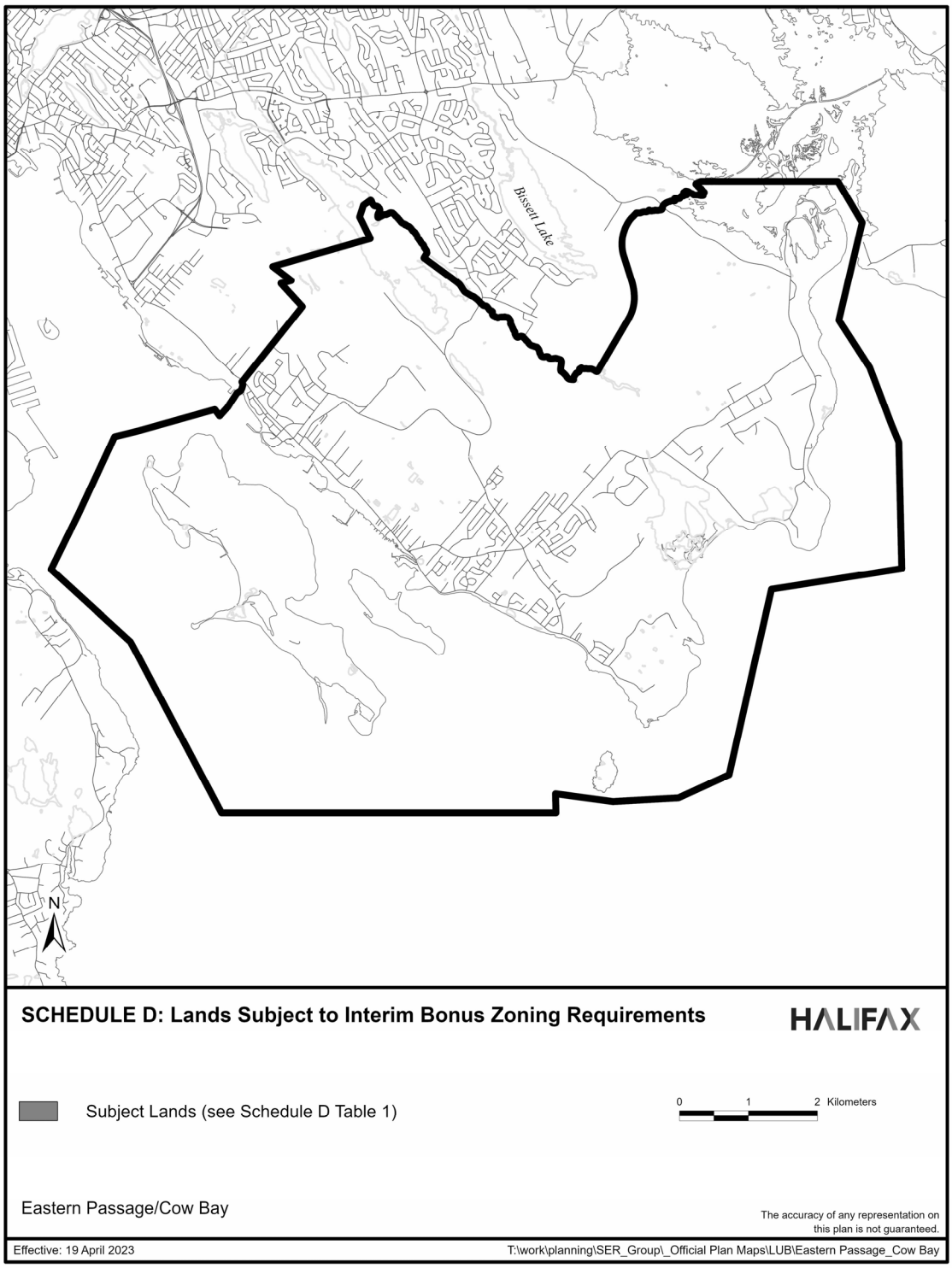
Schedule B: Areas of Elevated Archaeological Potential (RC-Jun 25/14;E-Oct 18/14)



Schedule C: Wetlands (RC-Jun 25/14;E-Oct 18/14)



Schedule D: Developments Subject to Interim Bonus Zoning Requirements (RC-Mar 21/23;E-Apr 19/23)



Schedule D: Developments Subject to Interim Bonus Zoning Requirements (RC-Mar 21/23;E-Apr 19/23)(RC-May 23/24;E-Jun 13/24)

Ref. #	Case #	PIDs
SS112	2023-01065 (HAF)	40081176, 00373167, 00373142

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

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LAND USE BY-LAW- EASTERN PASSAGE/COW BAY

AMENDMENTS

Amendment Number	Section	Subject	Council Adoption	Effective
1	27.7	Public hearing notification requirements (ZA-EPCB-11-92)	December 7, 1992	February 13, 1993
2	2.66A, 13.3(b)	Permit take-out restaurants in association with convenience stores (ZA-EPCB-13-94)	December 19, 1994	January 14, 1995
3	8.2(a)(b)	Permit development of single unit dwellings in the R-2 Zone (ZA-EPCB-05-95)	April 24, 1995	May 20, 1995
4	2.1, 2.2, 4.10	Add definition of accessory buildings and provisions (ZA-ALL-21-94)	July 20, 1995	August 10, 1995
5	23.6	Permit existing commercial recreation uses in the P-2 Zone (ZA-EPCB-15-95)	September 7, 1995	October 6, 1995
6	2.40A, 20.5	Permit outdoor display of used vehicles (ZA-EPCB-26-95)	December 7, 1995	January 3, 1996
7	2.11A, 4.29, 15.1, 18.1	Permit additional opportunities for the establishment of composting operations (ZA-ALL-31-95)	February 26, 1996	March 28, 1996
8	2.26A, 6.1, 6.4A, 7.1, 7.4A, 8.1, 8.4A, 8.4B, 9.1, 9.4A, 13.1, 13.4, 15.1, 15.3A, 17.1, 17.5, 20.1, 20.6, 21.1, 21.4	Amend home business provisions	March 7, 1996	March 31, 1996
9	2.2A, C-6 Zone (deleted) 14.1, 14.3	Adult entertainment	January 20, 1998	February 19, 1998

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		uses		
10	2.66B, New RA, EC and FP Zones, 3.2 (a), 20.2, 22.2, 23.2	Watercourses definition and addition of new zones, setback requirements (Policy Review),	January 27, 1998	April 27, 1998
11	R-6 and R-7 Zones (deleted)	Policy Review	February 19, 1998	April 27, 1998
12	4.18, 6.2	Setbacks and natural buffers from watercourses (Policy Review)	February 19, 1998	April 27, 1998
13	2.8A, 2.8B, 2.28A, 2.38A, 2.45A, 2.59A, 2.63A, 4.25(a), New C-2 Zone	Add new definitions and new provisions (Policy Review)	April 28, 1998	July 15, 1998
14	13.3(a)	Permit 2,000 sq.ft. of commercial space excluding the area devoted to a permitted dwelling unit (Case No. 00240)	May 4, 2000	June 4, 2000
15	11.1	Mobile dwellings at Silver Court (Case No. 00292)	November 2, 2000	November 26, 2000
16	2.66AA, 3.6((h)(i)(j), 23.1	Allow golf courses and tourist cottages in unserviced portions (Case No. 00283)	May 15, 2001	June 23, 2001
17	2.25, 4.11(iii)(vi)	Standardize height (Case No. 00319)	July 12, 2001	August 5, 2001
18	2.45	Amend open space use (Case No. 00373)	January 2, 2002	January 30, 2002
19	2.9, 2.62A, 4.11A	Shipping containers (Case No. 00434)	June 6, 2002	June 30, 2002
20	3.1, 26D	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
21	Definitions, 26A, 26B, 26C	Construction and Demolition Waste Management (Project No. 00082)	September 10, 2002	November 9, 2002
2	2.59B, 4.7(e)	Housekeeping Amendments (Case No. 00512)	January 9, 2003	January 29, 2003

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23	4.11A(a), 4.13	Shipping Containers as Accessory Buildings (Case No. 00434)	February 6, 2003	March 2, 2003
24	Zoning Map	Tallahassee School, 86 Cow Bay Road (Case No. 00479)	November 18, 2003	December 16, 2003
25	4.1A	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
26	New Definitions 2.7A, 27B,2.7C, & 2.11AA. Replacing Sub Sec 2.53 & 2.66B. Adding Zones RPK, UR, US, TR & PA. Replacing Sec 4.18. Adding Sec 4.18A ,4.27A, 4.27B, 4.27C, 4.30 & 4.31. Replacing Part 24 P-3 Zone with RPK, adding Part 24C, 26E, 26F & 26G. Adding 4.1B to the General Provisions Section & Adding Schedules B & C	Regional Plan	June 27, 2006	August 26, 2006
27	Add Sec 14 Adding 14.18	Case 00788 – Fisherman's Cove	RC-September 12, 2006	E: January 8, 2007
28	Replace Sec 5.1A, with new Sec 5.1A Del.Sec 2.63;replace/w new 2.63,Del. Sec 14.17;replace/w new 14.17	Case 00327	RC - September 26, 2006	E - November 18, 2006
29	Amend Section 4.25 (Parking Requirements)	Case 01119	RC - August 5, 2008	E - August 23, 2008
30	Replace Section 4.13 Temporary Construction Uses Permitted	Case 01058	HECC - January 20, 2009	E - February 07, 2009
31	Replace Section 2.14 Day Care Facility	Case 01074	HECC - March 3, 2009	E - March 21, 2009
32	Various housekeeping amendments	Case 01034	HECC - May 11, 2009	E - May 30, 2009
33	Amendments to schedule A and schedule B	Case 01224	RC - June 2, 2009	E - July 25, 2009
34	Amendments to Section 4.11(a)(ii)1; 4.11(a)(iii); 4.21(a); 4.21(f); 6.1; 6.2; 8.3(a); Schedule A (zoning map); and Adopting Schedule A-1 re: Heritage Hills CCDD	Case 01270	HECC - October 1, 2009	E - October 24, 2009
35	Replace 4.11(a)(ii)(1) Replace 4.11(a)(iii)	Case 16568 – Larger Accessory Buildings	HECC – July 7, 2011	E – July 30, 2011
36	Deleted the word "windmills" in Section 4.17; Added **Section**	Project No. 00953	RC – August 16, 2011	E – October 29, 2011

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	4.32 Wind Energy Facilities in Part 4: General Provisions for All Zones; Add Schedule A-2: Wind Energy Zoning Map.			
37	Amend Part 4, Section 32 IV by adding **b)** and **c)** after a): Wind Energy Facilities.	Project No. 00953	RC – October 18, 2011	E – October 29, 2011
38	Replaced Section 3.6(a) – Other uses considered by DA	Case17224	RC – September 11, 2012	E – October 6, 2012
39	Rezoned lands at Caldwell Rd. and Cow Bay Rd. from R-1 and R-2 to CDD	Case 18992	HEMDCC – July 14, 2014	E – August 2, 2014
40	**Repeal/Readopt** Section 2.7A, 2.7B, 2.7C, 2.11AA, 2.53, 2.66B; Parts of Section 3.1: Section 4.1A, 4.11, 4.18, 4.18A, 4.27A, 4.27B, 4.27C, 4.30, 4.31, 4.32, Part 23A, 24, 24C, 26E, 26F, 26G, Schedule A, A-2, B, C; **Add** Section 2.9A, 2.66C, 3.6(k), 4.33, Part 24.3; **Amend** Parts of 4.18, 4.18A, Part 24B, Schedule A-2, B, C.	RP+5	RC-June 25, 2014	E-October 18, 2014
41	**Amend Schedule "A"** by rezoning a portion of PID 40000887 located on Kenyatta Dr. from RA to R-1	Case 20225	HEMDCC – March 3, 2016	E-March 26, 2016
42	**Adding** section 3.6 (c) (ii); Identifying Part 4.5 as (a) and adding section (b)	Case 18599	RC – August 9, 2016	E – September 10, 2016
43	**Amend** Schedule A to rezone 1818 Shore Road, Eastern Passage, from R-1 to R-2 Zone.	Case 19927	HEMDCC – November 10, 2016	E – December 3, 2016
44	**Add** Section 4.7(f) – Road Frontage or Area	25 Acre Lots	RC – January 10, 2017	E – February 25, 2017
45	**Amend** several sections to add Cannabis related uses	Case 21331	RC - September 18, 2018	E - November 3, 2018
46	**Amend section 4.18A(2)**	Case 21648	HW, HEMD and NWCC – December 11, 2018	E - December 29, 2018
47	**Amend** Part 4, Section 4.18A(2) – Coastal Areas; **Add** Part 2, Section 2.66.5 – Backyard / Secondary Suites; Part 4, Section 4.11B – Backyard / Secondary Suites	Case 21162 – Secondary / Backyard Suites	RC – September 1, 2020	E – November 7, 2020
48	**Amend:** Schedule A by rezoning a portion of the property identified as 41453945, from the P-2 (Community Facility) Zone to the RA (Rural Area) Zone,	Case 21813	HEMDCC – January 7, 2021	E – January 23, 2021

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49	**Amend: Part 2 and Part 4** to include Accessory Hen Use definitions and stipulations.	Case 22227 – Accessory Hen Use	RC – October 5, 2021	E – January 8, 2022
50	**Amend:** Schedule A by rezoning a portion of the lands fronting on Hines Road (PIDs 40103806, 40103780, 40103772, and 40103798) from R-1 to l-1	Case 22651 - Council refused it and the Board overturned the refusal	HEMDCC – January 13, 2022	E – January 13, 2022
51	**Amend:** Schedule A by rezoning a portion of 2155 Cow Bay Rd (PID 41498973) and 2143 Cow Bay Rd (PID 41498981) from P-2 to RA	Case 24022	HEMDCC – July 13, 2022	E – July 28, 2022
52	**Amended** Part 2, Section 2.62A renumbered to 2.62C; Part 3, Section 3.6, 3.6(g)(ii); Part 4, Clause 4.25(a), 4.27A(2), 4.32I(a); Part 6, R-1 Zone – Section 6.1; Part 7, R-1A Zone – Section 7.1; Part 8, R-2 Zone – Section 8.1; Part 9, R-3 Zone – Section 9.1; Part 10, R-5 Zone – Section 10.1; Part 11, RA Zone – Section 11.1; Part 13, C-1 Zone – Section 13.1; Part 14, C-2 Zone – Section 14.1, 14.2, 14.13, 14.14, 14.15; Part 15, C-5 Zone – Section 15.1; Part 17, C-7 Zone – Section 17.1; Part 20, I-3 Zone – Section 20.1; Part 21, MR-2 Zone – Section 21.1; Part 22, P-1 Zone – Section 22.1; Part 23, P-2 Zone – Section 23.1; Part 23A, P-3 Zone – Section 23A.1; Part 24, RPK Zone – Section 24.1; Part 26D, ICH Zone – Section 26D.1; Part 26E, UR Zone – Section 26E.1; Part 26F, US Zone – Section 26F.1 **Deleted** Part 2, Section 2.8, 2.55, 2.59B **Added** Part 2, Section 2.62A, 2.62B; Part 3, Section 3.6(k)	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
53	**Amended** Clause 2.16(c); Clause 3.6(k); Section 4.11A(i)(iii); Section 4.18(1)(a)(b), 4.18(3); Section 4.33; Section 9.1; Section 11.1; Section 20.1 **Added** Section 3.7; Section 4.18(3A), (7)	Case 22257 – (Regional Plan-Phase 3)	RC - October 11, 2022	E- November 16, 2022
54	**Added** Appendix E – Interim Bonus Zoning Requirements for Applicable Plan Amendments; Schedule D – Developments Subject to Interim Bonus	Case 24063	RC – March 21, 2023	E- April 19, 2023

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	Zoning Requirements			
55	**Amend:** Schedule A – 1818 Shore Rd is rezoned from R-1 to R-2	Case 23724	HEMDCC – August 3, 2023	E – August 18, 2023
56	**Amended:** Part 4 section 4.25; Part 6 section 6.1; Part 7 section 7.1; Part 8 section 8.1; Part 9 section 9.1; Part 11 section 11.1; Part 13 section 13.1, Part 14 section 14.1; Part 15 section 15.1; Part 17 section 17.1; Part 20 section 20.1; Part 21 section 21.1 **Added:** Part 2 section 262.D, 2.62E; Part 4 section 4.1(iv),(v); Part 4 Section 4.35;; **Deleted:** Part 6 section 6.4A; Part 7 section 7.4A; Part 8 section 8.4A; Part 9 section 9.4A; Part 11 section 11.3; Part 13 section 13.4; Part 14 section 14.10; Part 15 section 15.3A; Part 17 section 17.5; Part 20 section 20.6; Part 21 section 21.4	Case 24526 Short Term Rentals	RC- February 21, 2023	E- September 01, 2023
57	**Amended:** By deleting the text – "Minimum Width of Main Building 20 feet (6.1 m) from: Part 6, Section 6.2; Part 8, Section 8.2 and 8.3; Part 10, section 10.2; Part 13, Section 13.2	Case 24528 (Shared Housing Housekeeping Amendments)	RC – August 22, 2023	E – September 28, 2023
58	**Repealed:** Part 27, Section 27.7	Case 2023-002 (Public Participation)	RC – June 20, 2023	E – October 13, 2023
59	**Amended:** Part 4, subclause 4.11(a)(iii), 4.11(a)(iii)(a), 4.11B(a)(i)(v), 4.11B(b)(i)(iv)(vi)(viii), 4.25; Part 6, section 6.1; Part 7, section 7.1; Part 8, section 8.1; Part 9, section 9.1; Part 11, section 11.1; Part 14, section 14.1, 14.2, 14.3; Schedule D **Added:** Part 2, section 2.66AB; Part 4, subclause 4.11(c), 4.11B(b)(ix) **Repealed:** Part 4, subclause 4.11(a)(vi)	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E – June 13, 2024
60	**Amended:** Part 14, Section 14.1 & 14.3	MINORREV 2024-01198	RC – March 18, 2025	E – April 23, 2025

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