



**Regional Centre
Land Use By-law (Package A)**

(Attachment B)

REGIONAL CENTRE LAND USE BY-LAW (PACKAGE A)

Enactment

Effective Date

Signatures

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PART I: ADMINISTRATION

Part I, Chapter 1: General Administration

Title

- 1 This By-law is cited as the *Regional Centre Land Use By-law (Package A)*.

Lands Governed by this By-law

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

Compliance with this By-law

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

Requirement for a Development Permit

- 4 Subject to Section 8, no person shall undertake any development without first obtaining a development permit, including when:
 - (a) erecting, constructing, altering, or reconstructing any structure;
 - (b) locating or carrying on any use in a structure; or
 - (c) changing the use of land.

Compliance with Other Legislation and By-laws

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

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

Severability

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

Administration by the Development Officer

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

Part I, Chapter 2: Development Permit

Development Permit Exemptions

- 8 (1) The following developments shall not require a development permit:
- (a) accessory structures with less than 20.0 square metres of floor area, unless used as a backyard suite;
 - (b) structures less than 0.6 metres high, such as uncovered decks, patios, and planters;
 - (c) home offices;
 - (d) temporary uses;
 - (e) fences;
 - (f) construction, replacement, or repair of infrastructure by utilities or municipal, provincial, or federal governments;
 - (g) public transit shelters;
 - (h) any signs listed under Section 214; and
 - (i) commemorative signs and historic sites or monuments on municipally owned land.
- (2) Even where a development permit is not required, a development shall meet all applicable requirements contained in this By-law.

Development Permit Applications

- 9 A development permit application shall include documents and plans, drawn to scale, that include the following, where applicable:
- (a) floor plans with dimensions and rooms labelled, elevation drawings with dimensions for all sides of proposed structures, roof plans, and relevant architectural details;
 - (b) lot dimensions, lot lines, and the location of all proposed structures and uses, including setbacks;
 - (c) the location and dimensions of all parking areas, driveways, driving aisles, parking lot entrances and exits, solid waste management areas, off-street loading spaces, landscaping, and snow storage areas;
 - (d) for a building or an addition that results in the building being higher than 20.0 metres, a pedestrian wind impact assessment that meets the requirements of Appendix 1;

- (e) excluding low density dwellings 11.0 metres or less, a shadow study and shadow diagrams that meet the requirements of Appendix 2, for:
 - (i) any new building or addition to a building located within 100 metres of any area identified on Schedule 27, or
 - (ii) any new building or addition to a building higher than 26.0 metres;
- (f) site plans and elevation drawings, certified by a surveyor licensed in the Province of Nova Scotia, confirming compliance with the view plane, waterfront view corridor, and Halifax Citadel rampart requirements of Part VII; and
- (g) any other information the Development Officer requires to determine if the development complies with this By-law.

Approval

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

Expiry

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

Revocation

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

Fees

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

Part I, Chapter 3: Site Plan Approval

Requirement for Site Plan Approval

- 14 Subject to Section 16, any development in those areas identified on Schedule 2 shall be subject to site plan approval.

Matters Subject to Site Plan Approval

- 15 Subject to Section 14, the following matters are subject to site plan approval:
- (a) the design requirements set out in Part VI; and
 - (b) any variation to the requirements of this By-law enabled under Section 28.

Site Plan Approval Exemptions

- 16 The following developments are exempt from site plan approval:
- (a) any development exempted from requiring a development permit in Section 8;
 - (b) low-density dwellings;
 - (c) alterations and replacements in existing window and door openings;
 - (d) new window and door openings on any portion of a building except the streetwall;
 - (e) interior renovations;
 - (f) installation and replacement of minor building features;
 - (g) a change of use or tenancy in a building;
 - (h) in the Waterfront (W) Special Area, structures up to 8.0 metres high and up to 450 square metres in floor area, such as kiosks, stands, and booths;
 - (i) subject to Subsection 111(4) shipping containers in the Waterfront (W) Special Area;
 - (j) temporary construction uses;
 - (k) accessory structures, subject to Section 107;
 - (l) a building addition with a floor area of 100 square metres or less, which does not alter a streetwall;
 - (m) changes to external cladding materials for up to 20% of any wall above the streetwall height;
 - (n) changes to external cladding materials for up to 10% of any wall below the streetwall height;
 - (o) repainting, including a change in paint colour;

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

Site Plan Approval Applications

- 17 (1) A site plan approval application shall include documents and plans, drawn to scale, that show the information required in Section 9.
- (2) A site plan approval application shall also include plans that meet all applicable design requirements of Part VI, and that show the following:
- (a) setbacks, streetwall heights, and streetwall stepbacks;
 - (b) streetwall material type and detail; and
 - (c) the location of building utilities, motor vehicle access routes, pedestrian walkways, motor vehicle and bicycle parking areas, and lighting.
- (3) An application for Level II and Level III site plan approval, or an application for Level I site plan approval that includes a registered heritage property or a building located in a heritage conservation district, shall include a design rationale that meets the requirements of Section 29, to the satisfaction of the Development Officer.
- (4) A site plan approval application that includes a registered heritage property or a building located in a heritage conservation district shall include information about any alteration that will be made to the heritage property and about the conservation treatment that will be employed, and shall meet the design requirements contained in Part VI.
- (5) Subject to Subsection 17(8), a site plan approval application that abuts a registered heritage property or a heritage conservation district shall include drawings, including elevations and architectural renderings, that accurately show the relative scale of the development to any buildings on the abutting registered heritage property or heritage conservation district, and shall meet the design requirements contained in Part VI.
- (6) A site plan approval application shall include a landscape plan that meets the requirements of Section 190.

- (7) Subject to Subsection 17(8), a site plan approval application that includes a request for a variation of requirements in accordance with Section 28 shall include:
- (a) drawings, including elevations and architectural renderings, that show the relative scale of the development to any buildings on lots abutting the development site;
 - (b) a written statement explaining the nature and extent of the requested variation of requirements, as well as a rationale for the request based on the variation criteria contained in Part VI, to the satisfaction of the Development Officer; and
 - (c) illustrations showing the location and nature of the variation being requested.
- (8) In any required elevation drawings and architectural renderings, buildings on abutting lots shall be represented, but may be limited to the first 15.0 metres from any side or rear lot line.
- (9) An application for Level II and Level III site plan approval shall include the following:
- (a) one architectural rendering for each streetline, drawn from pedestrian eye-level, showing the streetwall and any public sidewalks, excluding features in the public right-of-way such as street trees, utility poles, and street furniture; and
 - (b) one architectural rendering for each streetline, showing the development at night.
- (10) An application for Level III site plan approval shall include confirmation that the public information and consultation requirements of Sections 21 to 27 have been met, and a summary of public feedback with corresponding responses.

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

- 18 (1) The following developments are considered Level I (no public information and consultation) site plan approval applications:
- (a) a new building with a floor area of 2,000 square metres or less;
 - (b) subject to Clause 16(I), a building addition with a floor area of 1,000 square metres or less;
 - (c) new window and door openings on any streetwall;

- (d) changes to external cladding materials exceeding 20% of any wall above the streetwall height; and
 - (e) changes to external cladding materials exceeding 10% of any wall below the streetwall height.
- (2) At the discretion of the Development Officer, an application to amend a previously approved Level II or Level III site plan approval may be considered for Level I site plan approval, if the amendment is limited to:
- (a) subject to Clauses 18(1)(d) and (e), changes to a building's external cladding materials; or
 - (b) alterations in previously approved window and door openings.

Level II Site Plan Approval (Public Information)

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

Level III Site Plan Approval (Public Consultation)

- 20 Any development not listed under Sections 16, 18, or 19 is considered a Level III (public consultation) site plan approval application.

Methods of Public Information and Consultation

- 21 (1) No public information or public consultation is required before applying for a Level I site plan approval.
- (2) Public information is required before applying for a Level II site plan approval, and shall include:
- (a) a website, which meets the requirements of Section 26; and
 - (b) a weather-proof sign at the development site, which meets the requirements of Section 27.

- (3) Public consultation is required before applying for a Level III site plan approval, and shall include:
 - (a) the items required for public information in Subsection 21(2); and
 - (b) a public meeting, which shall be advertised in accordance with Section 23, conducted in accordance with Section 22, and meet the requirements of Sections 24 and 25.
- (4) Where public consultation is required, the applicant shall create a complete record including feedback received at any public meeting, from the website, and from any correspondence, and shall submit it with the application for site plan approval.

Requirement of Public Consultation Process

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

Public Consultation: Public Meeting Newspaper Advertisement

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

Public Consultation: Public Meeting Days and Times

- 24 The public meeting specified in Clause 21(3)(b) shall:
 - (a) include at least one two-hour evening session that begins at 7:00 pm;
 - (b) be scheduled for a Monday, Wednesday, or Thursday, and not on a statutory holiday; and

- (c) not be scheduled on the same day as a regularly scheduled meeting of the Advisory Committee, if one is established in accordance with Section 32, or of a Community Council that has jurisdiction over any portion of the Regional Centre.

Public Consultation: Public Meeting Facility Requirements

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

Public Information: Website Component

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

Public Information: Weather-Proof Sign Component

- 27 The weather-proof sign specified in Clause 21(2)(b) shall:
- (a) be displayed on each street frontage of the development site;
 - (b) contain:

- (i) a brief description of the project,
 - (ii) an architectural rendering of the project,
 - (iii) the internet address of the website specified in Clause 21(2)(a),
 - (iv) contact information for a representative of the applicant or lot owner, including a telephone number and email address, and
 - (v) lettering in Arial font, bolded, and at a minimum font size of 90pt; and
- (c) be displayed:
- (i) for Level II site plan approval applications, from the date of the application being deemed complete for processing purposes by the Municipality until the end of the appeal period, and
 - (ii) for Level III site plan approval applications, for 10 full calendar days before the public meeting specified in Clause 21(3)(b) and until the end of the appeal period.

Variation to the By-law Requirements by Site Plan Approval

- 28 (1) The following items may be considered for a variation of the requirements of this By-law through site plan approval, if the requested variation meets the variation criteria contained in Part VI:
- (a) roof edge setbacks of height-exempted rooftop features;
 - (b) location of a structure on a lot respecting maximum front and flanking yards;
 - (c) minimum streetwall height;
 - (d) side and rear setbacks for portions of a high-rise building above the streetwall;
 - (e) side and rear setbacks for portions of a tall mid-rise building above the streetwall; and
 - (f) side yard setback for pedestrian access.
- (2) For items listed in Subsection 28(1), the Development Officer shall consider an application for a variation of the provisions of this By-law through site plan approval.

Design Rationale

- 29 The design rationale required under Subsection 17(3) shall identify how each specific design requirement contained in Part VI is:
- (a) either applicable or not applicable in the specific context of the application; and
 - (b) if applicable, the manner in which it has been addressed by the design.

Notification of Approval

- 30 Where a Level I, a Level II, or a Level III site plan approval is granted, the Development Officer shall notify, in writing, every assessed property owner within 30 metres of the applicant's lot.

Appeal of Decision

- 31 (1) Subject to Subsection 31(2), a decision by the Development Officer to approve, approve with conditions, or refuse a Level I, a Level II, or a Level III site plan approval application may be appealed to Council in accordance with the Charter, as amended from time to time.
- (2) Only the matters identified under Section 15 are appealable to Council.

Advisory Committee

- 32 An advisory committee may be established by Council to provide recommendations to the Development Officer respecting items listed in Section 15 for Level II and Level III site plan approval applications, and to perform other duties set by Council.

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

Non-Conforming Structures

- 33 (1) In any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, the restrictions in the Charter respecting non-conforming structures are relaxed by allowing them to be extended, enlarged, or altered if the extension, enlargement, or alteration does not further worsen any non-conformity with this By-law.
- (2) Non-conforming structures in all other zones are regulated by the Charter, as amended from time to time.

Non-Conforming Uses

- 34 (1) Subject to Subsections 34(2) and 34(3), non-conforming uses are regulated by the Charter, as amended from time to time.
- (2) The expansion of a structure as to increase the volume of the structure capable of being occupied by a non-conforming use, beyond what is permitted by the Charter, may be considered by development agreement, in accordance with Section 239.
- (3) The change of a non-conforming use to a less intensive non-conforming use may be considered by development agreement, in accordance with Section 240.

Part I, Chapter 5: Interpretation of this By-law

Diagrams

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

Defined Terms

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

More Restrictive Requirement Applies

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

Part I, Chapter 6: Schedules and Appendices

List of Schedules and Appendices

- 38 (1) Subject to Subsection 38(2), the following schedules form part of this By-law:
- (a) Schedule 1: Regional Centre Land Use By-law Boundary;
 - (b) Schedule 2: Site Plan Approval Area;
 - (c) Schedule 3: Zone Boundaries;
 - (d) Schedule 4: Special Area Boundaries;
 - (e) Schedule 5: View Terminus Sites;
 - (f) Schedule 6: Pedestrian-Oriented Commercial Streets;
 - (g) Schedule 7: Maximum Building Heights;
 - (h) Schedule 8: Maximum Floor Area Ratios;
 - (i) Schedule 9: Minimum Front and Flanking Yards;
 - (j) Schedule 10: Maximum Front and Flanking Yards;
 - (k) Schedule 11: Halifax Citadel View Planes;
 - (l) Schedule 12: Halifax Citadel Ramparts;
 - (m) Schedule 13: Dartmouth View Planes;
 - (n) Schedule 14: Church Street Waterfront View Corridor;
 - (o) Schedule 15: North Street Waterfront View Corridor;
 - (p) Schedule 16: Ochterloney Street Waterfront View Corridor;
 - (q) Schedule 17: Queen Street Waterfront View Corridor;
 - (r) Schedule 18: Portland Street Waterfront View Corridor;
 - (s) Schedule 19: Prince Street Waterfront View Corridor;
 - (t) Schedule 20: Kings Wharf Place Waterfront View Corridor;
 - (u) Schedule 21: Canal Street Waterfront View Corridor;
 - (v) Schedule 22: Maitland Street Waterfront View Corridor;
 - (w) Schedule 23: Parker Street Waterfront View Corridor;
 - (x) Schedule 24: Bonus Rate Districts;
 - (y) Schedule 25: Wind Energy Overlay Zone Boundaries;
 - (z) Schedule 26: Transition Lines;
 - (aa) Schedule 27: Shadow Impact Assessment Protocol — Identified Areas;
and
 - (ab) Schedule 28: Dundas Street Transportation Reserve.

- (2) The official version of the schedules listed in Subsection 38(1) are adopted as a digital file format.
- (3) The following appendices form part of this By-law:
 - (a) Appendix 1: Pedestrian Wind Impact Assessment Protocol and Performance Standards;
 - (b) Appendix 2: Shadow Impact Assessment Protocol and Performance Standards;
and
 - (c) Appendix 3: Bonus Rate Adjustment Methodology.

PART II: ZONES

Part II, Chapter 1: Establishment of Zones and Special Areas

List of Zones and Special Areas

- 39 (1) This By-law establishes the following zones:
- (a) Downtown (D);
 - (b) Centre 2 (CEN-2);
 - (c) Centre 1 (CEN-1);
 - (d) Corridor (COR);
 - (e) Higher-Order Residential 2 (HR-2);
 - (f) Higher-Order Residential 1 (HR-1);
 - (g) Comprehensive Development District (CDD); and
 - (h) Transportation Reserve (TR).
- (2) This By-law establishes the following special areas:
- (a) Waterfront (W);
 - (b) Agricola Street (AS);
 - (c) Portland Street (PS);
 - (d) Transit Corridor (TC); and
 - (e) King's Wharf (KW).

Interpretation of Zone, Special Area, and Precinct Boundaries

- 40 The location of a zone, special area, height precinct, or FAR precinct boundary shown on a schedule of this By-law is determined as follows:
- (a) Where a zone, special area, height precinct, or FAR precinct boundary is indicated as following a street, the boundary shall be the streetline of the street;
 - (b) Where a zone, special area, height precinct, or FAR precinct boundary is indicated as following a street, the boundaries of the zone, special area, height precinct, or FAR precinct shall follow any change by the Municipality to the streetline;
 - (c) Where a zone, special area, height precinct, or FAR precinct boundary is shown following lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision approval after the coming into force date of this By-law, the boundary remains as shown on the schedule;
 - (d) Where a zone, special area, height precinct, or FAR precinct boundary is shown not following lot lines, the boundary is as shown on the schedule, and if the lot

lines are modified by subdivision approval after the coming into force date of this By-law, the boundary remains as shown on the schedule;

- (e) Where a zone, special area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary is interpreted to follow the new ordinary high-water mark;
- (f) Where a portion of a watercourse is filled in beyond the boundary of a zone, special area, height precinct, or FAR precinct boundary, or where a building is constructed over water beyond the limits of such a boundary, the in-filled land or any portion of a building constructed over water shall be included in the same zone, special area, height precinct, or FAR precinct as the on-shore portion of the same lot;
- (g) Where any portion of a street is closed to public use, the former street lands shall be assigned a zone, special area, height precinct, or FAR precinct as follows:
 - (i) where the abutting lands are part of a single zone, special area, height precinct, or FAR precinct, the former street lands are assigned the same zone, special area, height precinct, or FAR precinct as the abutting lands, or
 - (ii) where the abutting lands are part of more than one zone, special area, height precinct, or FAR precinct, the centreline of the former street becomes a boundary, and the lands on each side of the boundary are assigned the same zone, special area, height precinct, or FAR precinct as the adjacent lands; and
- (h) Where Clauses 40(a) to 40(g) do not apply, the boundary is as shown on Schedules 3, 4, 7, or 8.

Part II, Chapter 2: Zones and Permitted Uses

Interpretation of Permitted Uses

- 41 Subject to Sections 42,44, and 45, and except for the CDD and TR zones, which are addressed in Subsections 43(1) and 43(2), uses of land are regulated as follows:
- (a) The first column of Table 1 lists each use;
 - (b) The remaining columns of Table 1 correspond to each zone;
 - (c) Header cells shaded black with white text (e.g., “RESIDENTIAL”, “COMMERCIAL”) are for organizational purposes only;
 - (d) A black dot (●) indicates that the use in that row is permitted in the zone of that column;
 - (e) A black dot containing a number (e.g., ①) indicates that the use in that row is permitted in the zone of that column, subject to additional conditions in a corresponding footnote below Table 1;
 - (f) If a use is not listed in Table 1 as being permitted in a zone, the use is prohibited in that zone;
 - (g) Where a use is defined in Part XIV, the definition may be deemed to include any similar use except where explicitly excluded; and
 - (h) Unless specifically prohibited, any use permitted in a zone may be located on the same lot or in the same building as any other use permitted in that zone.

Additional Provisions Elsewhere in this By-law

- 42 No development permit shall be issued for a use permitted in Table 1 unless the use meets all the requirements of this By-law.

Uses in the CDD and TR Zones

- 43 (1) Subject to Section 242, the only use permitted in the CDD zone is the expansion of existing commercial uses by up to 1,000 square metres of floor area, from the coming into force date of this By-law.
- (2) Any development is prohibited in the TR zone.

Obnoxious Uses Prohibited

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

Pedestrian-Oriented Commercial Streets

- 45 Along any pedestrian-oriented commercial street identified on Schedule 6, only the following uses may be located abutting the streetline on any ground floor of a building:
- (a) retail use;
 - (b) restaurant use;
 - (c) drinking establishment use;
 - (d) financial institution use;
 - (e) medical clinic use;
 - (f) personal service use;
 - (g) minor spectator venue use;
 - (h) fitness centre use;
 - (i) grocery store use;
 - (j) local commercial use;
 - (k) hotel use;
 - (l) micro-brewery use;
 - (m) micro-distillery use;
 - (n) cultural use;
 - (o) university or college use; and
 - (p) pedestrian entrances and lobbies for any other use permitted in the zone.

Table 1: Permitted uses by zone

| RESIDENTIAL | D | CEN-2 | CEN-1 | COR | HR-2 | HR-1 |
|--|----------|--------------|--------------|------------|-------------|-------------|
| Single-unit dwelling use | ● | ● | ● | ● | | ● |
| Semi-detached dwelling use | ● | ● | ● | ● | | ● |
| Townhouse dwelling use | ● | ● | ● | ● | ● | ● |
| Two-unit dwelling use | ● | ● | ● | ● | | ● |
| Three- and four- unit dwelling use | ● | ● | ● | ● | ● | ● |
| Multi-unit dwelling use | ● | ● | ● | ● | ● | ● |
| Secondary or backyard suite use | ● | ● | ● | ● | ● | ● |
| Shared housing use | ● | ● | ● | ● | ● | ● |
| Large shared housing use | ● | ● | ● | ● | ● | ● |
| Mobile home use | | | | | | |
| Bed and breakfast use | ● | ● | ● | ● | ● | ● |
| Home occupation use | ● | ● | ● | ● | ● | ● |
| Home office use | ● | ● | ● | ● | ● | ● |
| Work-live unit use | ● | ● | ● | ● | ● | ● |
| Grade-related unit use | ● | ● | ● | ● | ● | ● |
| Model suite use | ● | ● | ● | ● | ● | ● |
| COMMERCIAL | D | CEN-2 | CEN-1 | COR | HR-2 | HR-1 |
| Auto repair use | | | | | | |
| Broadcast use | ● | ● | | ● | | |
| Cannabis lounge use | ● | ● | | | | |
| Cannabis retail sales use | ● | ● | | | | |
| Crematorium use | | | | | | |
| Daycare use | ● | ● | ● | ● | ③ | ⑤ |
| Dealership use | | | | | | |
| Drinking establishment use | ● | ● | | | | |
| Local drinking establishment use | ● | ● | | ● | ③ | |
| Financial institution use | ● | ● | | ● | ③ | |
| Fitness centre use | ● | ● | ① | ● | ③ | |
| Garden centre use | ● | ● | | | | |
| Grocery store use | ● | ● | | ● | ③ | |
| Hotel use | ● | ● | | ● | | |
| Kennel use | | | | | | |
| Local commercial use | ● | ● | ● | ● | ③ | ② ③ |
| Micro-brewery or micro-distillery use | ● | ● | | ● | ③ | |
| Office use | ● | ● | ① | ● | ③ | |
| Pawn shop use | | ● | | ● | | |
| Personal service use | ● | ● | ● | ● | ③ | ③ |
| Pet daycare use | ● | ● | ● | ● | ③ | ③ |
| Quick charging station use | ● | ● | | ② | | |
| Restaurant use | ● | ● | ● | ● | ③ | ② ③ |
| Retail use | ● | ● | ① | ● | ③ | |
| Self-storage facility use | | ● | | ● | ● | |
| Service station use | | ● | | | | |
| Service use | ● | | | | | |
| Veterinary facility use | ● | ● | | ● | | |
| Workshop use | ● | ● | ● | ● | ③ | ③ |
| Any other commercial use (if not prohibited above) | ● | ● | | | | |

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

- ① Use is permitted to occupy up to 200 square metres of floor area per lot.
- ② Use is permitted on a corner lot only.
- ③ Use is permitted within a mixed-use building that has at least 75% of its floor area occupied by residential uses.

PART III: LAND USE

Part III, Chapter 1: General Land Use Requirements

Access Uses Prohibited

- 46 It is prohibited for a development to access a use in one zone from a different zone, unless the use being accessed is permitted in both zones.

Exterior Lighting

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

Outdoor Storage and Dealerships

- 48 (1) Outdoor storage areas for longer than 24 hours are prohibited within any front or flanking yard, and shall meet the same minimum side and rear setback requirements as a main building on the lot.
- (2) Outdoor storage areas shall not exceed 30% of the lot area.
- (3) Dealership uses shall meet the same setback requirements as a main building on the lot.

Recreational Vehicles

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

Cannabis-Related Uses

- 50 (1) Cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Corporation (NSLC).
- (2) Where a lot containing a cannabis production facility abuts any lot containing a residential, daycare, community recreation, school, or religious institution use, all cannabis production facility premises, including any building or outdoor area, shall be set back at least 70.0 metres from the abutting lot line.

Temporary Construction Uses Permitted

- 51 (1) Subject to Subsection 51(3), a development permit for a temporary construction use shall be valid for any specified period not longer than 60 days. The development permit may be renewed for a period of not longer than 30 days at a time, if the Development Officer determines that an extension is necessary.
- (2) A rock crusher shall only be used at:
- (a) the site of demolition of a structure or building;
 - (b) the site of construction of primary or secondary services pursuant to the *HRM Regional Subdivision By-Law*; or
 - (c) at the site of a development permitted by this By-law.
- (3) A development permit for the use of a rock crusher accessory to the construction of primary or secondary services pursuant to the *HRM Regional Subdivision By-Law* shall be valid for any period not exceeding the construction time schedule specified in the subdivision agreement.
- (4) A rock crusher shall not be located or used within 3.0 metres of any lot line.
- (5) A rock crusher shall not be located or used within 10 metres of any building used for residential or institutional purposes, except for fire stations, police stations, and public infrastructure.
- (6) Subject to Subsection 51(7), a rock crusher shall not be used to process material for export to another site, or to process material imported to the site.
- (7) A rock crusher may be used to process demolished material for export to a disposal site, if the requirements of HRM By-law L-200, the *C&D Materials Recycling and Disposal License By-law*, are met.

Uses Near Railways

- 52 (1) Subject to Subsection 52(2), there shall be a separation distance of at least 15.0 metres between the centreline of any railway track and:
- (a) any new high-density dwelling; or
 - (b) any new building located on any lot in a CDD zone, excluding indoor parking areas and storage areas.

- (2) If the separation distance required by Subsection 52(1) cannot be provided, a report by a qualified Professional Engineer shall be submitted to the Development Officer identifying measures that will be used to mitigate the crash risk, noise, and vibration of trains before a development permit may be issued.
- (3) A development permit issued in accordance with Subsection 52(2) shall require the development to include the mitigation measures identified in the report submitted under Subsection 52(2).

Solid Waste Management Areas

- 53
- (1) For any building in a D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone higher than 11.0 metres, all solid waste management areas shall be located entirely inside the building.
 - (2) In any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, solid waste management areas shall not be accessed from any streetline that abuts a pedestrian-oriented commercial street identified on Schedule 6.
 - (3) Excluding low-density dwellings, any outdoor solid waste management areas shall be located in a side or rear yard, and shall not be located within 3.5 metres of any lot line abutting a residential use (Diagram 19).

Part III, Chapter 2: Residential Requirements

Home Occupation and Home Office Uses

- 54 (1) The following uses are prohibited as a home occupation use:
- (a) retail uses, except for the accessory retail of products associated with a permitted home occupation use;
 - (b) restaurant uses;
 - (c) drinking establishment uses;
 - (d) service station uses;
 - (e) auto repair uses;
 - (f) storage yard uses;
 - (g) service uses;
 - (h) pawn shop uses;
 - (i) warehousing uses;
 - (j) kennel uses; and
 - (k) pet daycare uses.
- (2) Home occupation uses are not permitted in any multi-unit dwelling use, secondary suite, or backyard suite.
- (3) Home office uses are permitted in all dwellings.
- (4) A property shall not contain both a home occupation use in an accessory building and a backyard suite use.
- (5) The principal operator of a home occupation use or a home office use shall reside in the dwelling where the use is located.
- (6) The number of permitted non-resident employees is limited to:
- (a) for a home occupation use - one; and
 - (b) for a home office use - zero.
- (7) Any home occupation use or home office use shall be wholly contained within a dwelling or an accessory building, and, except for permitted signage, the home occupation use or home office use shall not be apparent from the outside of the dwelling or accessory building.
- (8) If otherwise permitted in this By-law and subject to Subsection 54(9), a home occupation and a home office are permitted on the same lot.

- (9) The maximum floor area
 - (a) for a home occupation use, is 35% of the dwelling's floor area, up to a maximum of 50.0 square metres; and
 - (b) for a home office use, is 12.0 square metres, which must be wholly contained within one room.
- (10) In any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, signage requirements for a home occupation use are contained in Section 225.
- (11) No signage is permitted for a home office use.

Bed and Breakfast Uses

- 55 (1) A bed and breakfast use is permitted in conjunction with a single-unit dwelling, semi-detached dwelling, or townhouse dwelling.
- (2) The following requirements shall apply to all bed and breakfast uses:
 - (a) A maximum of three guestrooms may be rented;
 - (b) The principal operator of a bed and breakfast shall reside in the dwelling where the bed and breakfast is located;
 - (c) In any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, signage requirements for a bed and breakfast use are contained in Section 225; and
 - (d) Parking for a bed and breakfast shall meet the requirements of Section 195.

Secondary Suites and Backyard Suites

- 56 (1) Where permitted in Table 1, a lot containing a low-density dwelling use may have either one secondary suite or one backyard suite, with the following restrictions:
 - (a) A secondary suite is only permitted within a single-unit, semi-detached, or townhouse dwelling; or
 - (b) A backyard suite is only permitted in the rear yard of a single-unit dwelling, on lots of at least 371.0 square metres.
- (2) A secondary suite or backyard suite is not considered a separate main dwelling, but shall have its own entrance separate from the main dwelling.
- (3) Secondary suites shall not exceed a floor area of 80.0 square metres.

- (4) A backyard suite shall meet the accessory structure built form requirements of Sections 105 to 109.
- (5) Secondary suites shall not be counted towards the dwelling unit total.

Maximum Bedroom Counts in Low-Density Dwellings

- 57 (1) The following limits on the total number of bedrooms permitted on a lot apply to all low-density dwelling uses, including shared housing uses:
- (a) single-unit dwellings: 6 bedrooms per lot;
 - (b) semi-detached dwellings: 5 bedrooms per unit;
 - (c) townhouse dwellings: 5 bedrooms per unit;
 - (d) two-unit dwellings: 6 bedrooms per lot;
 - (e) three-unit dwellings: 8 bedrooms per lot; and
 - (f) four-unit dwellings: 10 bedrooms per lot.
- (2) All bedrooms in a secondary suite or backyard suite shall be counted toward the per-lot bedroom limits in Subsection 57(1).

Dwelling Unit Mix

- 58 (1) In all zones, at least 25% of all dwelling units in a high-density dwelling, rounded up to the nearest whole number, shall contain at least two bedrooms.
- (2) In any HR-2 or HR-1 zone, at least 10% of all dwelling units in a high-density dwelling, rounded up to the nearest whole number, shall contain at least three bedrooms.

Amenity Space

- 59 (1) Any high-density dwelling shall provide amenity space, at a rate of 5.0 square metres per dwelling unit, for use by building residents. At least 50% of all required amenity space shall be provided indoors.
- (2) Except for amenity space associated with an individual dwelling unit, all amenity space required by Subsections 59(1) shall be:
- (a) provided in increments of at least 30 contiguous square metres; and
 - (b) fully accessible to all building residents.

Ground Floor Residential Uses on Non-Pedestrian-Oriented Commercial Streets

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

Work-Live Units

- 61 (1) Only the following commercial uses are permitted in a work-live unit:
- (a) studio uses;
 - (b) office uses;
 - (c) medical clinic uses;
 - (d) personal service uses; and
 - (e) the retail of products produced on the premises, or associated with a service provided on the premises.
- (2) A maximum of 50% of the total floor area of a work-live unit may be used for commercial purposes, up to a maximum of 140.0 square metres.
- (3) The commercial portion of a work-live unit shall be located on a ground floor.
- (4) The principal operator of a business within a work-live unit shall reside in the unit, and may have up to three non-resident employees.
- (5) Signage for a work-live unit shall meet the requirements of Section 225.
- (6) Parking for a work-live unit shall meet the requirements of Section 195.

Part III, Chapter 3: Urban Agriculture

Urban Agriculture Requirements

- 62
- (1) The processing of urban agricultural products, such as chopping, packaging, pickling, or preserving, is permitted as an accessory use to an urban agriculture use.
 - (2) The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use in conjunction with an urban farm.
 - (3) Except for heritage farm uses, the keeping of horses, cattle, swine, roosters, and ruminants is prohibited.
 - (4) A greenhouse, including a rooftop greenhouse, may be used to contain all or part of an urban farm.
 - (5) In any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, signage requirements for an urban agriculture use are contained in Sections 220 to 224.
 - (6) Excluding any bee hive, an accessory structure associated with an urban agriculture use shall meet the accessory structure requirements of Sections 105 to 109.

Keeping of Bees as an Accessory Use

- 63
- (1) In every zone, the keeping of bees as an accessory use is limited to a maximum of:
 - (a) two hives on lots of less than 2,000 square metres; or
 - (b) four hives on lots of 2,000 square metres or larger.
 - (2) Hives shall be located at least 3.0 metres from any lot line, unless they are located on a rooftop (Diagram 1).
 - (3) All hives shall be registered with the Nova Scotia Department of Agriculture or its designate.

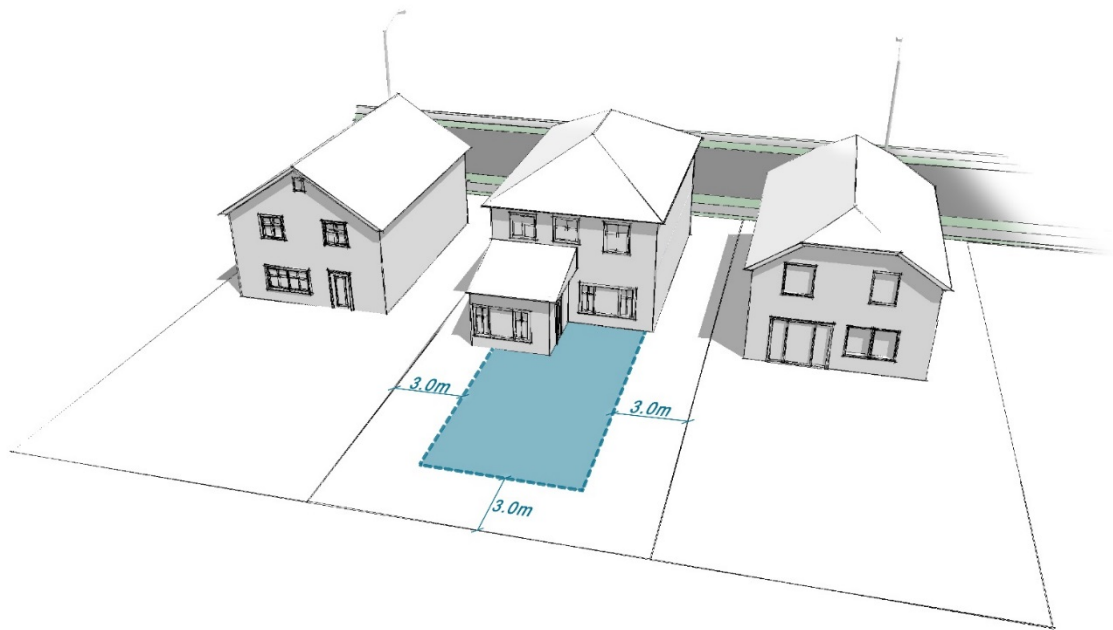


Diagram 1: Shaded area denotes where bee hives are permitted, per Subsection 63(2)

Keeping of Chickens as an Accessory Use

- 64 (1) Where permitted in Table 1, excluding heritage farm uses, the keeping of chickens as an accessory use is limited to a maximum of six hens per lot.
- (2) As shown in Diagram 2, all chickens shall be kept within a fenced area or structure that:
- (a) is within a rear yard;
 - (b) is at least 2.0 metres from any side or rear lot line; and
 - (c) meets the accessory structure size requirements of Sections 105 to 109.

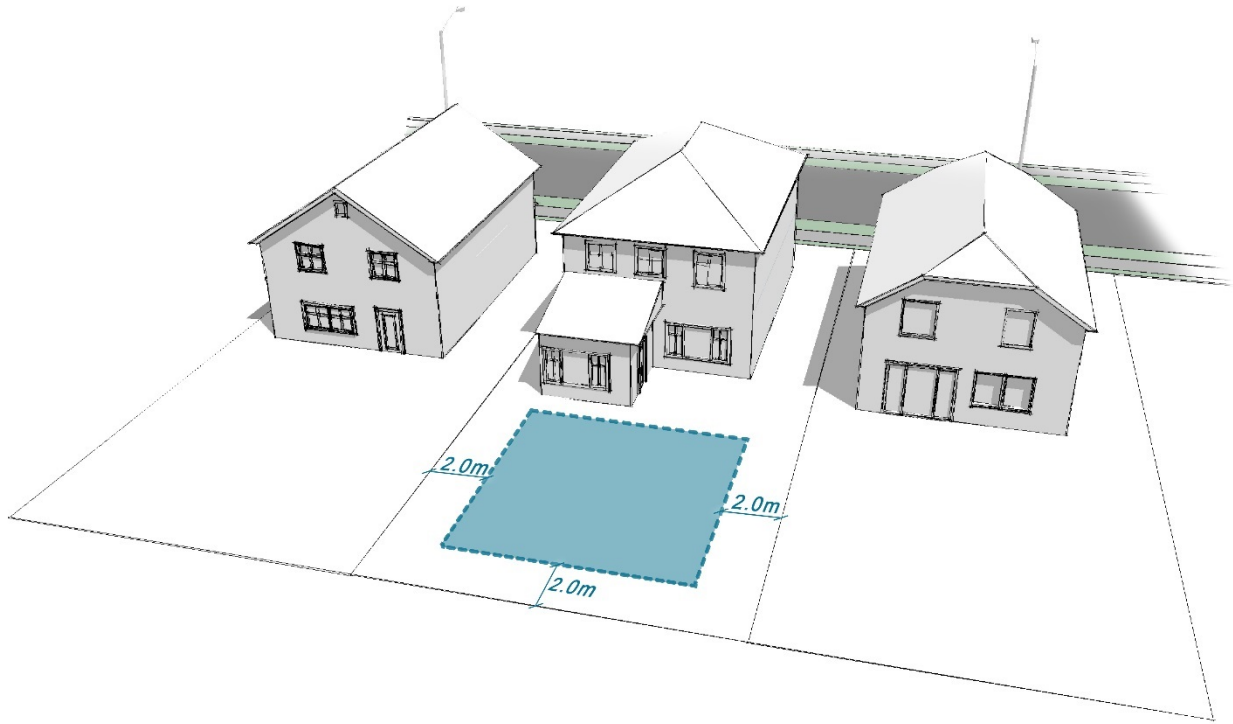


Diagram 2: Shaded area denotes where chickens are permitted, per Subsection 64(2)

Part III, Chapter 4: Environmental Requirements

Coastal Areas

- 65 (1) Subject to Subsections 65(2) and 65(3), where a lot abuts the coast of the Atlantic Ocean, including its inlets, bays, and harbours, a development permit shall not be issued for any portion of a dwelling, including a basement, that is proposed to be erected, constructed, altered, reconstructed, or located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard (Diagram 3).

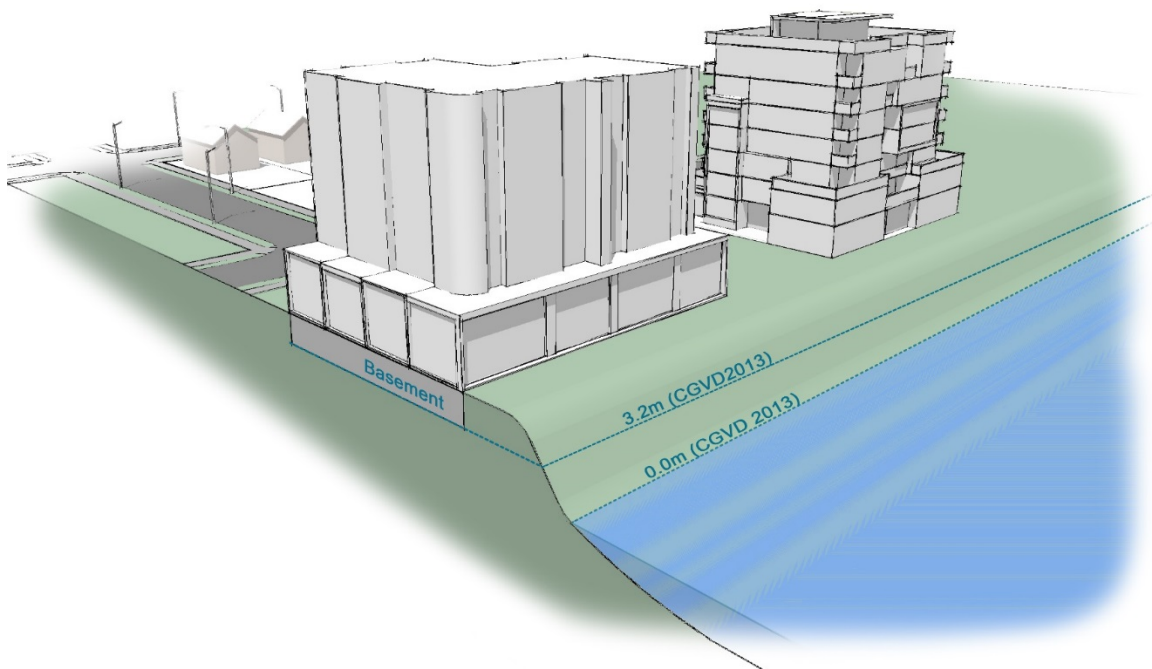


Diagram 3: Coastal area elevation requirements, per Subsection 65(1)

- (2) Where accessory to a dwelling use, a development permit may be issued for a parking lot, parking structure use, amenity space, storage space, or temporary use permitted in this By-law that is proposed to be erected, constructed, altered, reconstructed, or located at an elevation less than 3.2 metres above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard.
- (3) Any portion of a dwelling, including a basement, located lower than the elevation required in Subsection 65(1) on the coming into force date of this By-law may be expanded if such expansion does not further reduce the dwelling's existing elevation.

- (4) Before issuing a development permit, to determine if a building proposed to be erected, constructed, altered, reconstructed, or located on a lot that abuts the coast of the Atlantic Ocean meets the requirements of this Section, the Development Officer may require plans showing the following, drawn to scale:
- (a) building elevations; and
 - (b) site plans, including land contours and lot grading information, certified by a surveyor or professional engineer licensed in the Province of Nova Scotia.

Watercourse Buffers

- 66 (1) This Section does not apply to any lands designated “Halifax Harbour” on Map 2 of the HRM *Regional Municipal Planning Strategy*, as amended from time to time.
- (2) A development permit shall not be issued for any development within 20 metres of the ordinary high water mark of any watercourse (Diagram 4).

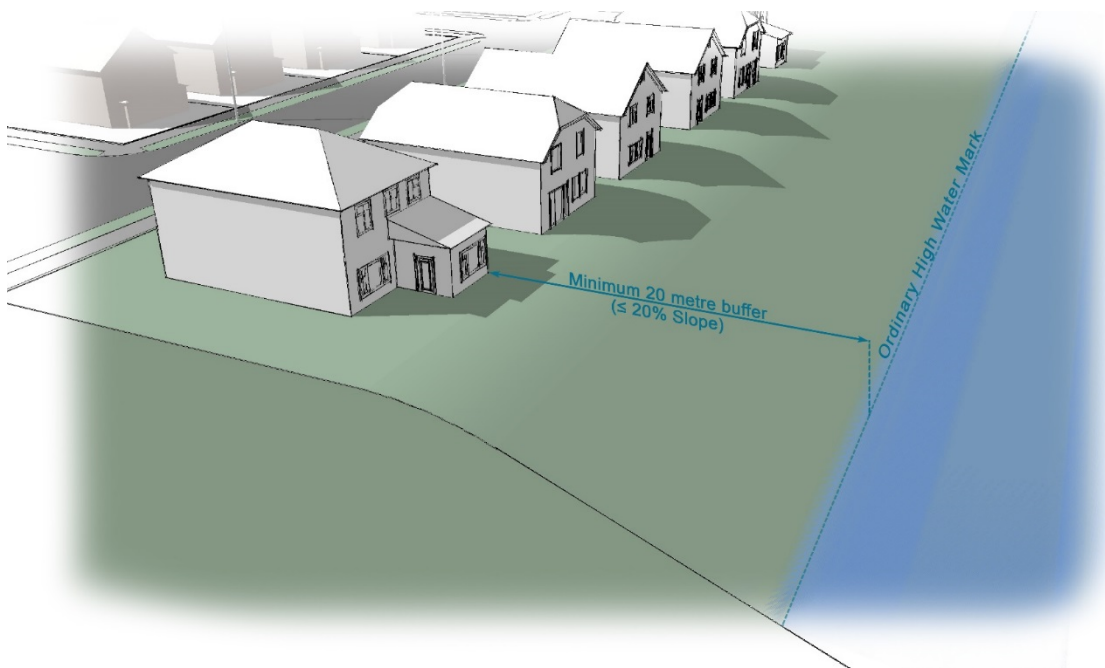


Diagram 4: Minimum watercourse buffer, per Subsection 66(2)

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

- (4) Where a wetland and a watercourse are contiguous, the buffer shall be applied from the outermost boundary of the wetland and watercourse combined.
- (5) Subject to Subsections 66(6) and 66(9), within the buffer required in Subsections 66(2), 66(3), and 66(4), no excavation, infilling, or the removal of any tree, stump, or other vegetation, or any other change of any kind, is permitted.
- (6) Within the buffer required in Subsections 66(2), 66(3), and 66(4), permitted activity is limited to:
 - (a) one accessory structure, including a boathouse, and one attached, uncovered deck, occupying a maximum of 20.0 square metres of lot area, combined;
 - (b) boardwalks, walkways, trails, and driveways providing they are no wider than 3.0 metres;
 - (c) fences;
 - (d) water access structures, boat ramps, marine-related uses, parks on public land, historic sites, and monuments;
 - (e) streets; and
 - (f) water, wastewater, and stormwater infrastructure.
- (7) Where a main building that existed on the coming into force date of this By-law is located within a required watercourse buffer, accessory structures permitted in Clause 66(6)(a) shall not be located any closer to the watercourse than any main building that existed on the coming into force date of this By-law.
- (8) The buffer distance required in Subsections 66(2), 66(3), and 66(4) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if other yard and setback requirements are met, where the configuration of a lot is such that no main building can be located on the lot, for lots that:
 - (a) existed before August 26, 2006; or
 - (b) were approved as a result of a tentative or final subdivision application on file before August 26, 2006.
- (9) Within a required watercourse buffer, the Development Officer may authorize the removal of windblown, diseased, or dead trees that are deemed to be hazardous or unsafe to persons or property, or the selective removal of vegetation to maintain the overall health of the buffer, if a management plan is submitted by a qualified arborist.

- (10) Before issuing a development permit, to determine if a structure proposed to be erected, constructed, altered, reconstructed, or located on a lot containing a required watercourse buffer meets the requirements of this By-law, the Development Officer may require plans showing the following, drawn to scale:
- (a) the required watercourse buffer;
 - (b) existing vegetation limits;
 - (c) building elevations; and
 - (d) site plans, including land contours and lot grading information, certified by a surveyor or professional engineer licensed in the Province of Nova Scotia.

Wetlands

- 67 (1) A development permit application shall include plans, drawn to scale, showing the location of all wetlands within and adjacent to the lot where a development is being proposed.
- (2) All development is prohibited within any wetland, unless appropriate approvals permitting the alteration or infill of a wetland have been received from Nova Scotia Environment or its designate.

Part III, Chapter 5: Heritage Requirements

Registered Heritage Properties and Lots within Heritage Conservation Districts

- 68 Where site plan approval is required, development on a registered heritage property, or within a heritage conservation district, shall meet the design requirements contained in Part VI.

Development Abutting a Registered Heritage Property

- 69 Where site plan approval is required, development on a lot abutting a registered heritage property, or a property abutting the boundary of a heritage conservation district, shall meet the design requirements contained in Part VI.

Construction, Additions, Renovations, or Conservation of Registered Heritage Buildings

- 70 Any new construction, additions, or renovations on a registered heritage property, and any conservation of a registered heritage building, shall conform to the:
- (a) design requirements contained in Part VI, where a site plan approval is required; and
 - (b) the Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition, as set out in By-Law H-200, *the Heritage Property By-law*.

PART IV: LOT REQUIREMENTS

Part IV, Chapter 1: Lot Requirements

Regional Subdivision By-law

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

Access to a Street

72 Every new lot shall abut and have direct access to a street.

Undersized Lots

- 73 (1) A lot with less than the minimum required area or frontage, as required in Sections 74 and 75, may be developed if it existed on the coming into force date of this By-law, and:
- (a) it abuts and has direct access to a street; or
 - (b) it is accessible through a registered easement at least 3.0 metres wide.
- (2) The Development Officer may issue a development permit for a lot approved pursuant to Section 41 of the HRM *Regional Subdivision By-law*, where an undersized lot has had its boundaries altered.

Minimum Lot Area

74 The minimum lot areas are set out in Table 2.

Table 2: Minimum lot area requirements

| Zone | Minimum lot area |
|---|-------------------------|
| D | 232 square metres |
| HR-2, HR-1 | 558 square metres |
| Townhouses in any zone — interior units | 185 square metres |
| Townhouses in any zone — end units | 277 square metres |
| Any other zone | 371 square metres |

Minimum Lot Frontage

75 (1) Subject to Subsection 75(2), the minimum lot frontage is as set out in Table 3.

- (2) When a lot faces the outside of a curve on a street, the minimum frontage requirements of Subsection 75(1) may be reduced by 30%.

Table 3: Minimum lot frontage requirements

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

PART V: BUILT FORM

Part V, Chapter 1: General Built Form Requirements

Number of Buildings on a Lot

- 76
- (1) Every building shall be located on a lot.
 - (2) A building shall not be located on more than one lot.
 - (3) A maximum of one main building is permitted on a lot, except:
 - (a) within the Waterfront (W) Special Area as shown on Schedule 4, if designed to permit future subdivision; or
 - (b) on registered heritage properties.

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

- 77
- (1) Yards, setbacks, stepbacks, and separation distances required in this Part shall be open and unobstructed except for the following:
 - (a) wheelchair ramps, uncovered decks, and patios less than 0.6 metres high, walkways, lifting devices, steps, and clear glass guard and railing systems are permitted in any required yard, setback, stepback, or separation distance;
 - (b) sills, eaves, gutters, downspouts, cornices, chimneys, fireplace and stove bump outs, and other similar features may project into any required yard, setback, stepback, or separation distance by up to 0.6 metres;
 - (c) window bays and solar collectors may project into any required yard, setback, stepback, or separation distance by up to 1.0 metre; and
 - (d) subject to Subsections 77(3) and 81(4), balconies, unenclosed porches, verandas, canopies, and awnings may project into any required yard, setback, stepback, or separation distance by up to:
 - (i) 1.5 metres from any exterior wall at the first storey, or
 - (ii) 2.0 metres from any exterior wall at the second storey or above.
 - (2) The location of underground parking structures is regulated in Subsections 92(5), 92(6), and 93(6).
 - (3) For a building in any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone that abuts a transition line as shown on Schedule 26, no balcony, unenclosed porch, veranda,

canopy, or awning is permitted to project into any required yard, setback, setback, or separation distance below the maximum streetwall height.

Encroachments into Streets

78 Encroachments into streets shall meet the applicable HRM By-law.

Development Abutting a TR Zone

79 Development on a lot abutting any TR zone shall have a setback from the TR zone boundary as shown on the respective TR zone schedule.

Prohibited External Cladding Materials

80 (1) Excluding any low-density dwelling use, and subject to Subsection 80(2), the following external cladding materials are prohibited in any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone:

- (a) vinyl siding;
- (b) plastic;
- (c) plywood;
- (d) unfinished concrete;
- (e) cinder block;
- (f) exterior insulation and finish systems where stucco is applied to rigid insulation;
- (g) darkly tinted or mirrored glass, excepting spandrel glass panels; and
- (h) vinyl windows on registered heritage buildings or on lots within a heritage conservation district.

(2) Prohibited external cladding materials that are present on a structure on the coming into force date of this By-law may be replaced with similar materials and for greater certainty, this Subsection does not apply to any addition to the existing structure.

Projections, Overhangs, Recessed Entrances, and Cantilevers

81 (1) A new building or an addition to an existing building shall not cantilever over a registered heritage building located on the same lot.

- (2) Subject to Subsection 81(3) and 81(4), the combined total of all cantilevered and recessed portions of any streetwall, excluding recessed pedestrian entrances, shall not exceed 30% of the width of the streetwall.
- (3) 100% of the ground floor portion of the streetwall may be recessed by up to 0.5 metres and shall not be counted towards the width requirement of Subsection 81(2).
- (4) Where a development makes use of both Subsections 81(2) and 92(2), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.
- (5) Above the streetwall stepback, any portion of a building shall not project beyond the vertical plane of the streetwall.

Pedways

82 Pedways are prohibited.

Drive-Throughs

83 Drive-throughs are prohibited.

Self-Storage Facilities

84 For a self-storage facility in any CEN-2, COR, or HR-2 zone:

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

Streetwall Height Determination

- 85
- (1) A building with a streetwall width of 8.0 metres or less shall have its streetwall height determined at the midpoint of the streetwall width.
 - (2) A building with a streetwall width exceeding 8.0 metres shall have its streetwall divided into portions no wider than 8.0 metres for measurement purposes, and separate streetwall heights shall be determined at the midpoint of each portion (Diagram 5).

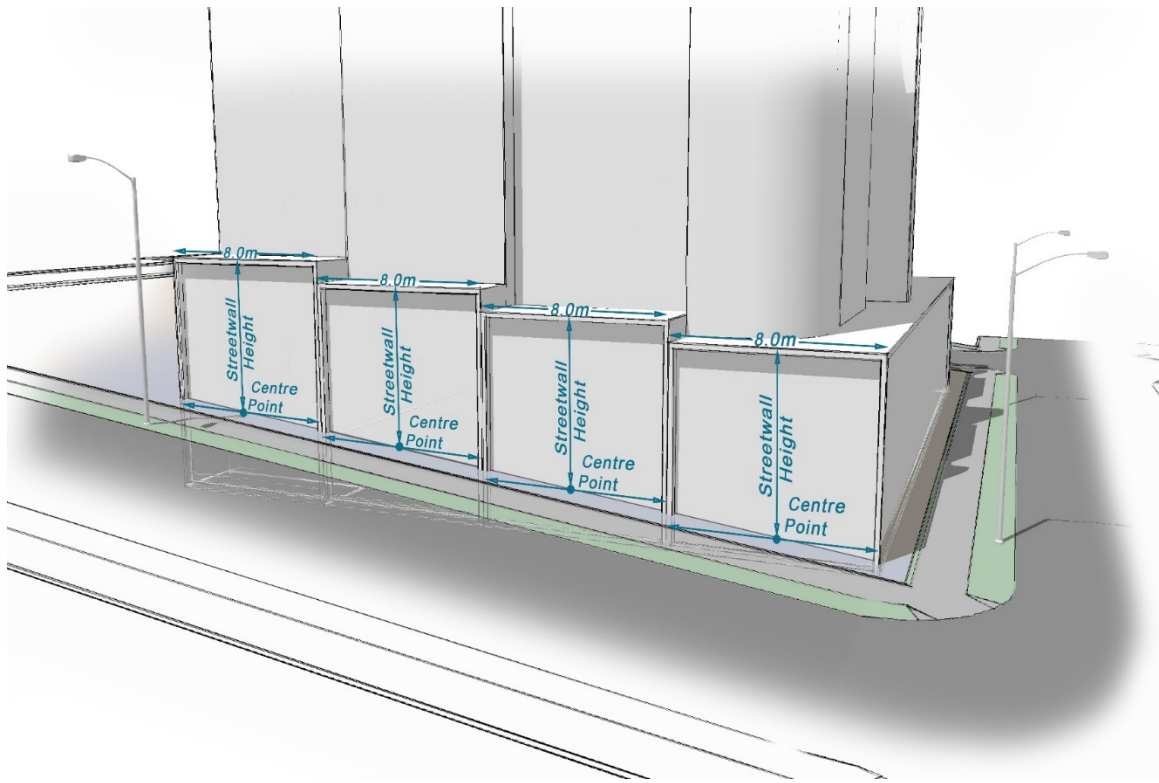


Diagram 5: Method for determining streetwall height, per Section 85

Part V, Chapter 2: Maximum Height and Floor Area Ratio

Maximum Building Height

- 86 (1) Subject to Section 87, a building's height shall not exceed the maximum building heights specified on Schedule 7. The requirements of Part VII still apply.
- (2) If no maximum building height is specified on Schedule 7, no maximum building height limit applies. The requirements of Part VII still apply.

Building Rooftop Features

- 87 (1) Excluding any low-density dwelling use, which is addressed in Subsection 87(5), Table 4 regulates the height, coverage, and setback of features on building rooftops.
- (2) Features listed in Table 4 may exceed a height above the building rooftop on which they are located by up to the amount specified in Column 1. The requirements of Part VII still apply.
- (3) All features identified with a black dot (●) in Column 2 of Table 4 shall not, in total, occupy more than 30% of the building rooftop area on which they are located.
- (4) Features with a minimum roof edge setback specified in Column 3 of Table 4 shall be located at least as far as indicated from the roof edge.

Table 4: Features exempt from maximum height requirements

| Feature | Column 1: Maximum height above roof | Column 2: 30% coverage restriction | Column 3: Minimum setback from roof edge |
|---|--|---|---|
| Antenna | Unlimited | ● | 3.0 metres |
| Chimney | Unlimited | ● | |
| Clear, uncoloured glass guard and railing system | 2.0 metres | ● | |
| Clock tower or bell tower | Unlimited | ● | |
| Communication tower required to support uses and activities in the building | Unlimited | ● | 3.0 metres |
| Cooling tower | Unlimited | ● | 3.0 metres |
| Elevator enclosure | 5.5 metres | ● | 3.0 metres |
| Flag pole | Unlimited | ● | |
| Heating, ventilation and air conditioning equipment and enclosure | 5.5 metres | ● | 3.0 metres |
| High-plume laboratory exhaust fan | Unlimited | ● | 3.0 metres |
| Landscaping | 4.5 metres | | |
| Lightning rod | Unlimited | ● | |
| Penthouse | 4.5 metres | ● | 3.0 metres |
| Parapet | 2.0 metres | | |
| Rooftop cupola | 4.5 metres | ● | |
| Rooftop greenhouse | 6.0 metres | | 3.0 metres |
| Skylight | 2.5 metres | | |
| Solar collector | 4.5 metres | | |
| Spire, steeple, minaret, and similar features | Unlimited | ● | |
| Staircase or staircase enclosure | 4.5 metres | ● | 2.5 metres |
| Windscreen | 4.5 metres | ● | |

- (5) For any low-density dwelling use, the following features may protrude by up to 3.0 metres above the rooftop on which they are located:
- (a) chimneys and stovepipes;
 - (b) antennas;
 - (c) flag poles;
 - (d) solar collectors;
 - (e) rooftop greenhouses; and
 - (f) vents.

Maximum Floor Area Ratio (FAR)

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

Part V, Chapter 3: Built Form Requirements for D, CEN-2, CEN-1, COR, HR-2, and HR-1 Zones

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

- 89 (1) Any main building erected, constructed, altered, reconstructed, or located in any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone shall meet the built form requirements of Sections 90 to 98.
- (2) In Sections 90 to 98, a main building's type is determined by its overall height, excluding features exempted in Section 87, as follows:
- (a) Any building that is no more than 11.0 metres high is a low-rise building;
 - (b) Any building that is greater than 11.0 metres high but no more than 20.0 metres high is a mid-rise building;
 - (c) Any building that is greater than 20.0 metres high but no more than 26.0 metres high is a tall mid-rise building; and
 - (d) Any building higher than 26.0 metres is a high-rise building.

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

- 90 There is no maximum lot coverage requirement.

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

- 91 (1) Every building shall have a ground floor abutting streetlines.
- (2) Excluding a low-density dwelling but including a parking structure use, a main building shall have a floor-to-floor height of at least 3.5 metres, measured from the streetline grade, for any ground floor that has access:
- (a) from a streetline;
 - (b) along a Transportation Reserve; or
 - (c) onto a waterfront view corridor.
- (3) Where a lot abuts a pedestrian-oriented commercial street identified on Schedule 6, at least 50% and no more than 80% of a building's total ground floor façade along all abutting streetlines shall consist of clear glass glazing.
- (4) Grade-related units shall have for each unit:

- (a) a porch or patio that is facing the public right-of-way and is:
 - (i) at least 3.0 metres wide, and
 - (ii) at least 1.5 metres deep; and
 - (b) a floor level at least 0.25 metres above the streetline grade.
- (5) In any D, CEN-2, CEN-1, or COR zone, grade-oriented premises with separate entrances are required along any streetline, with the minimum number of grade-oriented premises required along a streetline calculated by:
- (a) adding 6.0 metres to the length of the streetline;
 - (b) dividing the sum of Clause 91(5)(a) by 12; and
 - (c) rounding down the result of Clause 91(5)(b) to the nearest whole number.
- (6) Grade-oriented premises shall be maintained to a minimum depth of 3.0 metres, as measured perpendicularly from the exterior wall of a building nearest a streetline.
- (7) On any streetline that abuts a pedestrian-oriented commercial street identified on Schedule 6, the maximum width of any grade-oriented premises shall be 24.0 metres.
- (8) Any pedestrian entrance along any streetline shall be set back at least 1.5 metres from the streetline.
- (9) Subject to Subsections 81(2) and 92(2), any motor vehicle entrance to a building along any streetline shall be set back at least 4.5 metres from the streetline.

Front and Flanking Yards (D, CEN-2, CEN-1, COR, HR-2, HR-1)

- 92 (1) Subject to Subsections 92(2) and 92(3), a main building shall have:
- (a) a minimum front or flanking yard as specified on Schedule 9; and
 - (b) a maximum front or flanking yard, where one is specified on Schedule 10, but excluding any community recreation use.
- (2) Subject to Subsection 92(3), 30% of the entire vertical façade of the streetwall may exceed the maximum front or flanking yard requirement of Clause 92(1)(b).

- (3) Where a development makes use of both Subsections 81(2) and 92(2), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.
- (4) On a registered heritage property, any addition to a registered heritage building shall not be located within the existing front yard of the registered heritage building, and no maximum front yard requirement applies.
- (5) Subject to Subsection 92(6), underground parking areas are exempt from front and flanking yard requirements, but shall not protrude more than 0.25 metres above any streetline grade when located within those required yards.
- (6) In the Transit Corridor (TC) Special Area as specified on Schedule 4, underground parking areas shall meet the minimum front and flanking yards as specified on Schedule 9.

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

- 93
- (1) In any D or CEN-2 zone, a main building shall have combined maximum side yards not exceeding:
 - (a) on lots up to 70.0 metres wide: 6.0 metres; or
 - (b) on lots exceeding 70.0 metres wide: the lot width less 64.0 metres.
 - (2) Subject to Subsection 93(4), a main building in any HR-2 or HR-1 zone shall have minimum side yards of 2.5 metres.
 - (3) Subject to Subsection 93(4), a main building shall have a minimum rear yard of at least:
 - (a) in a D, CEN-2, or CEN-1 zone, 0.0 metres if the rear yard abuts another D-, CEN-2-, or CEN-1-zoned lot; or
 - (b) 3.0 metres elsewhere.
 - (4) Where a lot abuts a transition line as shown on Schedule 26, any main building shall be set back at least 6.0 metres from any transition line.
 - (5) Underground parking areas are exempt from side and rear setback requirements, if they do not protrude more than 0.6 metres above the average finished grade along any side or rear lot line when located within those required yards.

- (6) Where a site plan approval is required, underground parking areas that protrude more than 0.6 metres above the average finished grade along any side or rear lot line shall meet the finishing requirements specified in Section 132.
- (7) No other minimum or maximum side or rear yard requirements apply.

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

- 94 (1) A main building's maximum streetwall height shall be:
- (a) subject to Clause 94(1)(b), for any building greater than 11.0 metres high but no greater than 14.0 metres high, the height of the building;
 - (b) for any building in the Agricola Street (AS) Special Area or Portland Street (PS) Special Area, 11.0 metres;
 - (c) on a registered heritage property, the existing streetwall height of the registered heritage building at the time of the coming into force of this By-law; or
 - (d) 11.0 metres elsewhere.
- (2) Subject to Subsection 94(3), a main building's minimum streetwall height shall be:
- (a) 8.0 metres high, or the height of the building where the building height is less than 8.0 metres; or
 - (b) along pedestrian-oriented commercial streets a minimum streetwall height of 8.0 metres shall be established.
- (3) No greater than 20% of the entire width of the streetwall, to a maximum of 8.0 metres, may be reduced in height to 3.5 metres.
- (4) Subject to Subsection 94(5), a main building shall have a streetwall stepback above its maximum streetwall height of at least:
- (a) 2.5 metres for mid-rise buildings;
 - (b) 3.0 metres for tall mid-rise buildings;
 - (c) 6.0 metres for high-rise buildings in the Portland Street (PS) Special Area, as shown on Schedule 4; or
 - (d) 4.5 metres for high-rise buildings in all other areas.

- (5) No streetwall stepback is required for up to 20% of the width of a building along either a front or flanking lot line.

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

- 95
- (1) For low-rise and mid-rise buildings, no side and rear setbacks or stepbacks are required.
 - (2) Subject to Subsection 95(3) and 95(5), for a tall mid-rise building, any portion of a building higher than 20 metres above average grade shall have a setback of at least 4.5 metres from a rear lot line.
 - (3) Subject to Subsection 95(5), in an HR-1 and HR-2 Zone a tall mid-rise building, any portion of a building above the streetwall height shall have a minimum:
 - (a) side stepback of 2.5 metres; and
 - (b) rear stepback of 4.5 metres.
 - (4) For high-rise buildings, any portion of a building above the streetwall height shall have a setback of at least 12.5 metres from any side or rear lot line.
 - (5) Where a lot abuts a transition line as shown on Schedule 26, a building wall facing a transition line shall have a stepback at a height between 6.0 metres and 11.0 metres, as measured from the lowest finished grade on that side of the building, of at least:
 - (a) 2.5 metres for mid-rise buildings; and
 - (b) 6.0 metres for tall mid-rise buildings and high-rise buildings.

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

- 96
- (1) Above the streetwall height, any portions of the same or any other main building(s) on the same lot shall be separated by at least:
 - (a) 6.0 metres between mid-rise and tall mid-rise typologies;
 - (b) 12.5 metres between tall mid-rise typologies;
 - (c) 12.5 metres between a tall mid-rise typology and a high-rise typology; or
 - (d) 25.0 metres between high-rise typologies.
 - (2) Where more than one main building is permitted on a lot by Subsection 76(3), a separation distance of at least 4.0 metres shall be provided between buildings at grade.

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

- 97 (1) Below the streetwall height, any portions of a main building at least 0.6 metres above the average finished grade shall not exceed a building depth or building width of:
- (a) subject to Clause 97(1)(b), in any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone:
 - (i) 64.0 metres wide, and
 - (ii) 64.0 metres deep; and
 - (b) on a through lot in any HR-2 or HR-1 zone:
 - (i) 64.0 metres wide, and
 - (ii) 40.0 metres deep.
- (2) Above the streetwall height, any contiguous portion of a high-rise building shall not exceed:
- (a) a building depth or width of 35.0 metres; and
 - (b) a floor area of 750 square metres per floor.

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

- 98 Where a site plan approval is required, a main building's streetwall shall meet the articulation requirements contained in Part VI.

Part V, Chapter 4: Built Form Requirements for Other Zones and Buildings

Built Form Requirements for All Other Zones and Buildings

99 Any main building erected, constructed, altered, reconstructed, or located in any CDD zone shall meet the built form requirements of Sections 100 to 104.

Maximum Lot Coverage (Other Zones)

100 Subject to any required setbacks, yards, and landscaping, the maximum lot coverage in the CDD zone is 50%.

Minimum Front and Flanking Yards (Other Zones)

- 101 (1) A main building shall have minimum front and flanking yards:
- (a) as specified on Schedule 9; or
 - (b) 6.0 metres otherwise.
- (2) On a registered heritage property, any addition to a registered heritage building is prohibited within the existing front yard of the registered heritage building.

Minimum Side Yard (Other Zones)

102 There is no minimum side yard requirement.

Minimum Rear Yard (Other Zones)

103 There is no minimum rear yard requirement.

Minimum Separation Distances (Other Zones)

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

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

Accessory Structure Location

- 105 Any accessory structure shall be:
- (a) located in the same zone as the main structure or use that it is intended to serve, or in an abutting zone in which the main structure or use is permitted; and
 - (b) located on the same lot as the main structure or use, or on a lot that abuts or is directly across a street from the lot that contains the main structure or use.

Accessory Structure Height

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

Accessory Structure Area

- 107 An accessory structure shall not have more than the following floor area:
- (a) in any D, CEN-2, CEN-1, or COR zone: 30.0 square metres;
 - (b) in any HR-2 or HR-1 zone: 60.0 square metres; and
 - (c) in any other zone: unlimited.

Accessory Structure Front Yards, Flanking Yards, and Setbacks

- 108
- (1) Subject to Subsection 108(2), accessory structures shall meet the minimum front and flanking yard requirements for a main building in the same zone.
 - (2) In the Waterfront (W) Special Area, accessory structures shall be located at least 9.5 metres from any streetline.
 - (3) Subject to Subsection 108(4), accessory structures shall be located at least 0.65 metres from any side or rear lot line, or 1.25 metres if used as a backyard suite.
 - (4) In any zone other than HR-2 or HR-1 zone, an accessory structure shall be located at least 1.25 metres from any side or rear lot line that abuts any HR-2 or HR-1 zone or any transition line shown on Schedule 26.

Accessory Structure Separation Distances

109 An accessory structure shall be separated from any other structure by at least 1.25 metres, or 2.5 metres if used as a backyard suite.

Quonset Huts

110 Quonset huts are not permitted as accessory structures.

Shipping Containers

- 111 (1) A shipping container shall not be located in any CEN-1, COR, HR-2, or HR-1 zone.
- (2) Subject to Subsection 111(4) a shipping container shall not be used as an office or dwelling unit, including a backyard suite.
- (3) A shipping container shall not be used as an accessory structure.
- (4) Within the Waterfront (W) Special Area:
- (a) there shall be a maximum of three shipping containers per lot; and
 - (b) a shipping container may only be used to contain an office use, retail use, restaurant use, urban farm use, or drinking establishment use.
- (5) A shipping container shall not be located within any required front or flanking yard.
- (6) A shipping container used for non-recreational purposes shall not be located abutting any lot zoned COR, HR-2, or HR-1, or abutting any transition line shown on Schedule 26, unless:
- (a) it is screened according to the requirements of Section 185; and
 - (b) it is located at least 3.5 metres from any lot line.

PART VI:
SITE PLAN APPROVAL DESIGN
REQUIREMENTS AND
VARIATION CRITERIA

Part VI, Chapter 1: General Site Plan Approval Design Requirements

Development Subject to Design Requirements

- 112 Any development subject to site plan approval shall meet all applicable design requirements contained within this Part.

Granting of Site Plan Approval by Development Officer

- 113 The Development Officer shall grant site plan approval where all applicable design requirements set out within this Part are met.

Part VI, Chapter 2: Private Open Space Design Requirements

Design Requirement: Contribution to Open Space Network

- 114 Where one or more at-grade private open space(s) are proposed, at least one shall contribute to the Regional Centre's network of open spaces by (Diagram 6):
- (a) abutting an existing public open space that is not a public sidewalk;
 - (b) abutting an existing public sidewalk;
 - (c) abutting an existing mid-block open space; or
 - (d) establishing a new mid-block open space.

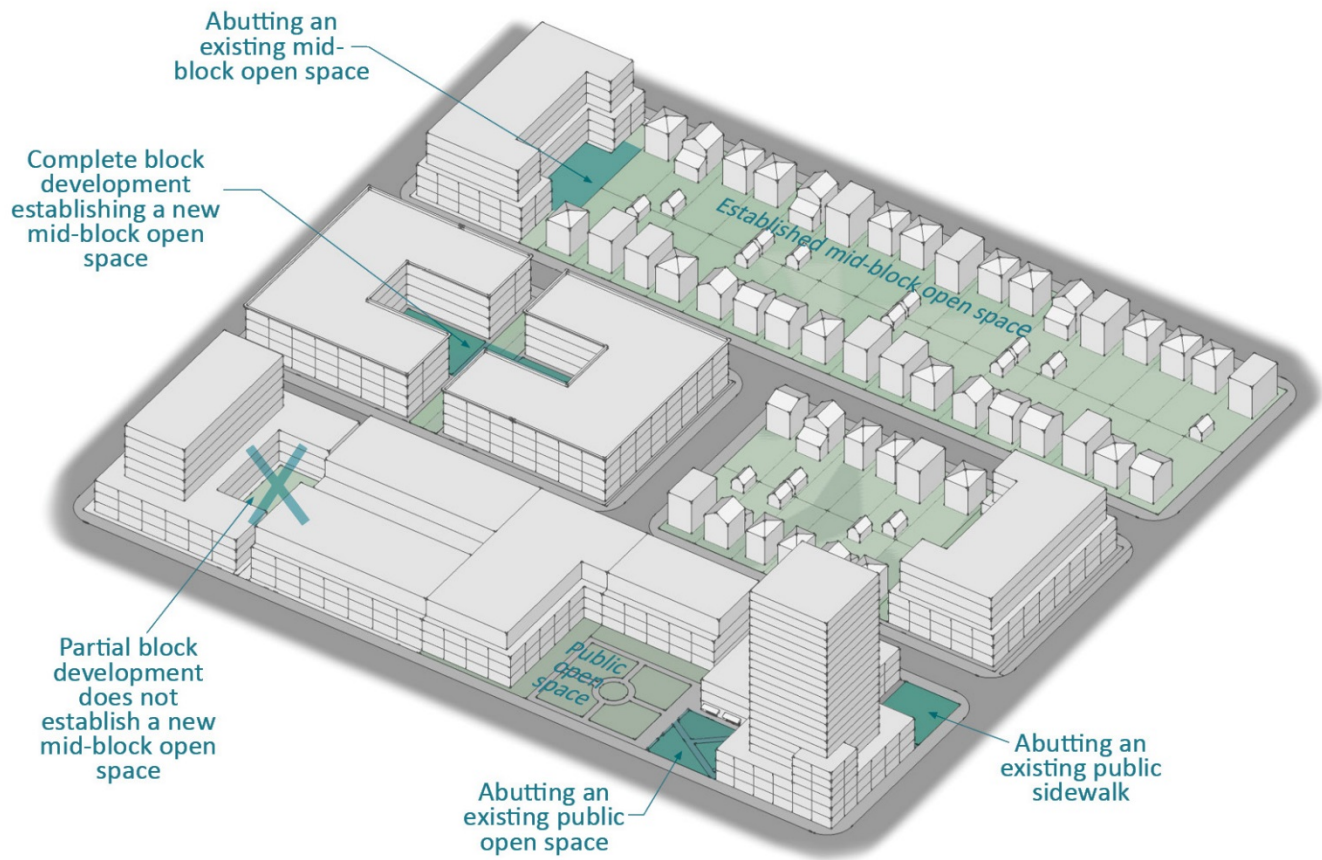


Diagram 6: Contribution to open space network, as per Section 114

Design Requirement: At-Grade Private Open Spaces Abutting a Public Sidewalk

- 115 At-grade private open spaces that abut public sidewalks shall provide a pedestrian access by having at least one contiguous connection of not less than 2.0 metres wide, from the private open space to the public sidewalk.

Design Requirement: At-Grade Private Open Spaces – Medium Scale

- 116 At-grade private open spaces with a contiguous area of 15 square metres or greater, and dimensions of not less than 3.0 metres by 5.0 metres shall:
- (a) provide
 - (i) barrier-free access, and
 - (ii) permanent seating; and
 - (b) provide one or more of the following materials for groundcover
 - (i) vegetation,
 - (ii) brick pavers, stone pavers, or concrete pavers, or
 - (iii) wood, excluding composites.

Design Requirement: Weather Protection for At-Grade Private Open Spaces – Medium Scale

- 117 At-grade private open spaces with a contiguous area of 15 square metres or greater, and dimensions of not less than 3.0 metres by 5.0 metres shall offer weather protection to its users through at least one of the following (Diagram 7):
- (a) a new deciduous tree that is not a shrub or the retention of an existing tree that is not a shrub with a minimum base caliper of 100 millimetres;
 - (b) canopies or awnings on abutting façades;
 - (c) recessed entrances of abutting façades;
 - (d) cantilever(s) of a building on the same lot; or
 - (e) structures such as gazebos, pergolas, or covered site furnishings.

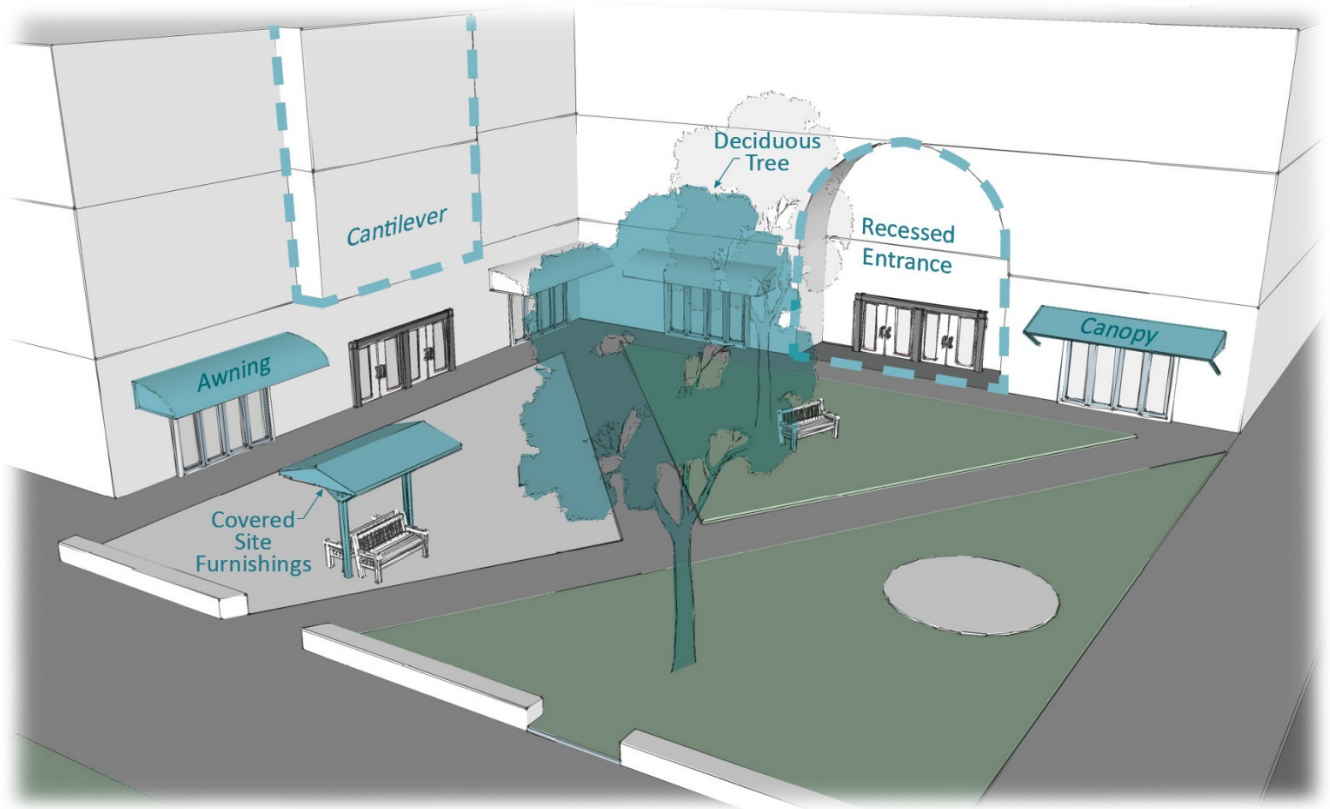


Diagram 7: Weather protection for private open spaces, as per Section 117

Design Requirement: At-Grade Private Open Spaces – Large Scale

118 In addition to meeting the requirements of Sections 116 and 117, at-grade private open spaces with a contiguous area exceeding 400 square metres and with an average depth exceeding 2.5 metres, shall provide at least three of the following:

- (a) subject to Clause 117(a), an additional deciduous tree that is not a shrub or the retention of an existing tree that is not a shrub with a minimum base caliper of 100 millimetres;
- (b) a permanent table and chair(s);
- (c) a public art piece, a cultural artifact, or a commemorative monument;
- (d) a structure such as a gazebo or pergola; or
- (e) a planter or planting bed.

Design Requirement: Existing Access to Public Open Spaces

119 At-grade private open spaces shall maintain existing accesses to abutting public open spaces.

Design Requirement: Privacy for Grade-Related Units

120 Private open spaces which are 2.5 metres deep or greater, as measured perpendicularly from the streetline, and which are located between the streetline and a grade-related unit, shall provide privacy for the residential units by using a minimum of one of the following elements per grade-related unit (Diagram 8):

- (a) a deciduous tree that is not a shrub with a minimum base caliper of 50 millimetres;
- (b) a minimum of two shrubs, no less than 1.0 metre in height;
- (c) planters ranging in height from 0.25 to 1.0 metres; or
- (d) masonry walls ranging in height from 0.25 to 1.0 metres.



Diagram 8: Methods for privacy for grade-related units, as per Section 120

Design Requirement: Walkways to be Hard-Surfaced

121 Walkways within at-grade private open spaces shall be hard-surfaced, excluding asphalt.

Part VI, Chapter 3: Building Design Requirements

Design Requirement: Streetwall Articulation

122 Streetwalls shall be divided into distinct sections no less than 0.3 metres in width and not exceeding 8 metres in width, from the ground floor to the top of the streetwall, with each section differentiated by using at least two of the following (Diagram 9):

- (a) colour(s);
- (b) material(s); or
- (c) projections and recesses not less than 0.15 metres in depth.

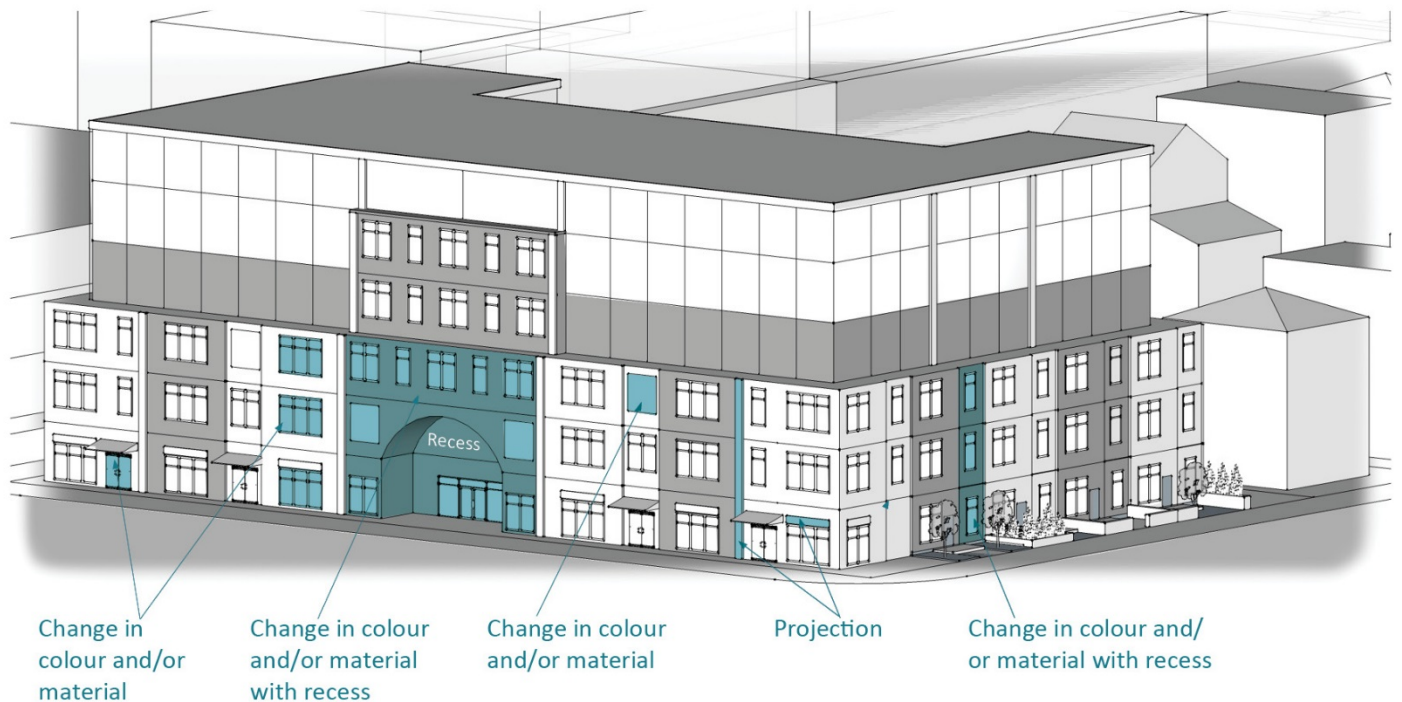


Diagram 9: Methods for streetwall articulation, as per Section 122

Design Requirement: Articulation of Non-Streetwalls Fronting a Private Open Space

123 Any exterior wall within the podium that is not a streetwall, and fronts a private open space abutting a public right-of-way, shall meet the requirements of Section 122 as if it was a streetwall.

Design Requirement: Side Façade Articulation

124 Where a side yard setback is proposed or required, the side yard façade shall continue the streetwall articulation for a depth greater than or equal to the width of the side yard, as measured at the streetline, using the same options chosen to achieve the design requirement in Section 122 (Diagram 10).

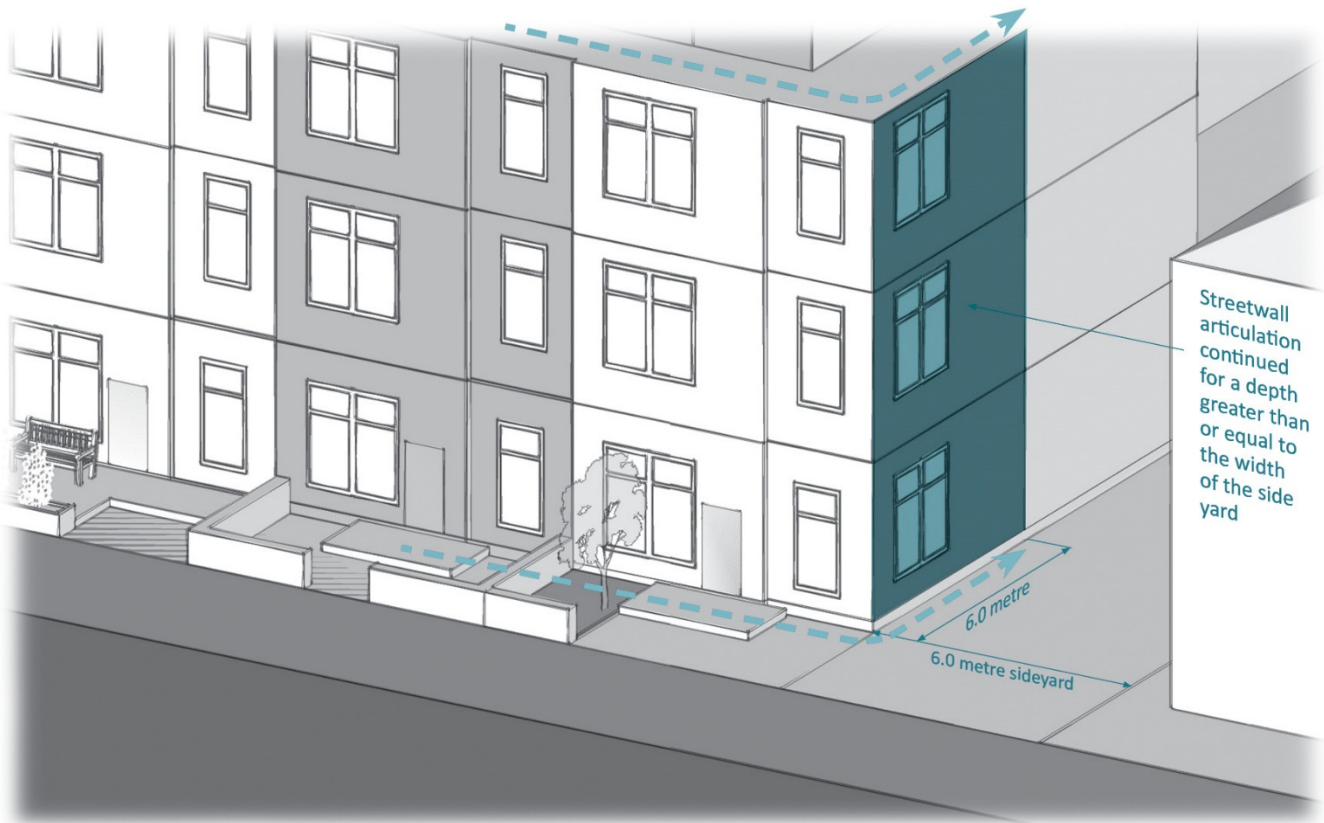


Diagram 10: Methods for side yard façade articulation, as per Section 124

Design Requirement: Pedestrian Entrances Along Streetwalls

- 125 (1) Subject to Subsection 125(2), pedestrian entrances in the streetwall shall be distinguished from the remainder of the streetwall by using at least two of the following:
- (a) changes in colour;
 - (b) changes in materials; or
 - (c) projections and recesses not less than 0.15 metres in depth.

- (2) Canopies or awnings shall not be used to meet the requirements of Subsection 125(1).

Design Requirement: Pedestrian Entrances Along Non-Streetwalls Fronting a Private Open Space

- 126 Any exterior wall within the podium that is not a streetwall, and fronts a private open space, shall meet the requirements of Section 125 as if it was a streetwall.

Design Requirement: Number of Pedestrian Entrances Along Streetwalls

- 127 Streetwalls shall provide:
- (a) a minimum of one pedestrian entrance per storefront; or
 - (b) a minimum of 2 pedestrian entrances where the storefront is greater than 24 metres wide.

Design Requirement: Ground Floor Transparency – Commercial Uses

- 128 For at-grade commercial uses in the streetwall, between 50% and 80% of the building's ground floor façade dedicated to commercial uses shall consist of clear glass glazing.

Design Requirement: Ground Floor Transparency – Grade-Related Units

- 129 For grade-related units in the streetwall, between 25% and 80% of the building's ground floor façade dedicated to grade-related units shall consist of clear glass glazing.

Design Requirement: Access Ramps Along Streetwalls

- 130 Where a ramp for barrier-free access is provided between a streetwall and a sidewalk, no portion of the access ramp shall exceed a width and depth of 2.0 metres.

Design Requirement: Weather Protection

- 131 (1) Subject to Subsection 131(2), where commercial uses or multi-unit dwellings are proposed in the streetwall, weather protection for pedestrians shall be provided above the entrances and shall consist of at least one of the following (Diagram 11):
- (a) canopies;
 - (b) awnings;

- (c) recessed entrances; or
 - (d) cantilevers.
- (2) Subsection 131(1) shall not apply to the entrances of grade-related units.

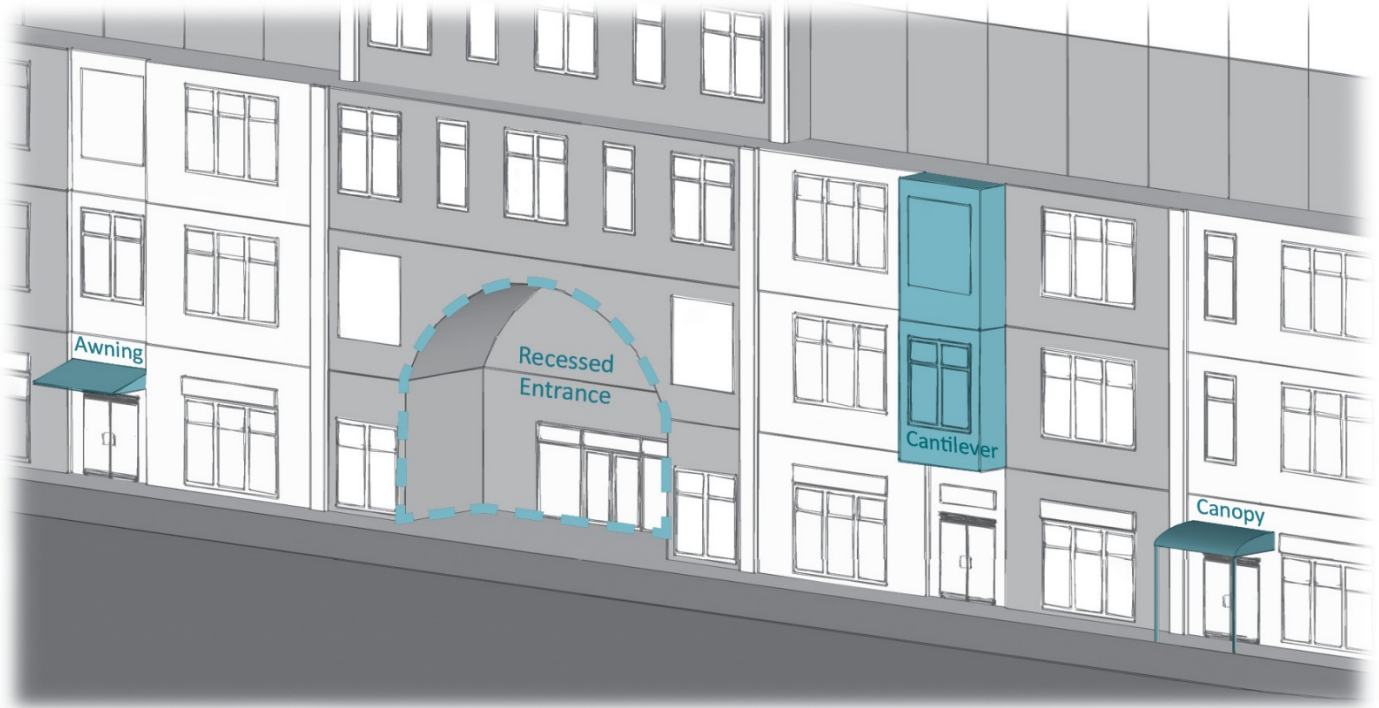


Diagram 11: Methods of weather protection, as per Section 131

Design Requirement: Exposed Foundations and Underground Parking Structures

132 Exterior foundation walls and underground parking structures exceeding 0.6 metres above grade shall be clad in a material consistent with the overall design of the same exterior façade.

Design Requirement: Building Top Distinction

133 (1) Subject to Subsection 133(2), a portion of the top third of a building shall be differentiated from lower portions of the same building, by using two or more of the following (Diagram 12):

- (a) colour(s);

- (b) material(s); and
- (c) projections and recesses not less than 0.15 metres in depth.

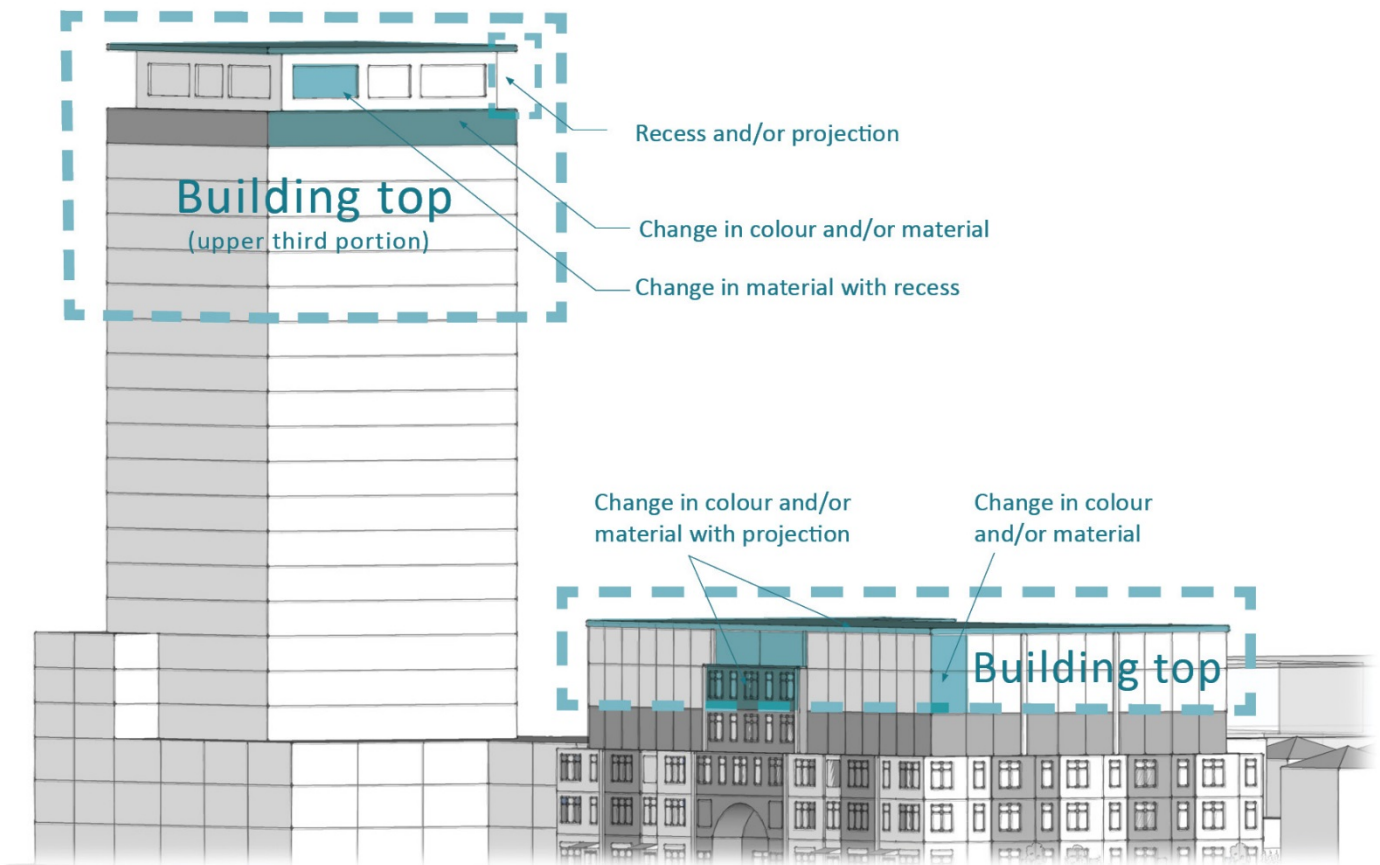


Diagram 12: Building top distinction, as per Section 133

- (2) The minimum height of the differentiated portion shall be no less than:
 - (a) 0.5 metres in height for a low-rise or mid-rise building;
 - (b) 1.0 metres in height for a tall mid-rise building; and
 - (c) 3.0 metres in height for a high-rise building.

Design Requirement: Penthouses

134 Penthouses shall be visually integrated into the overall design of the building.

Design Requirement: Rooftop Mechanical Features

135 Rooftop mechanical features shall be visually integrated into the design of the building and concealed from the public view at the streetline.

Part VI, Chapter 4: Parking, Access, and Utilities Design Requirements

Design Requirement: Pedestrian Connections

136 Where pedestrian connections are proposed on the site, at least one shall connect (Diagram 13):

- (a) one public street to another public street;
- (b) one public street to a public open space;
- (c) one sidewalk to another sidewalk; or
- (d) one public street or a sidewalk to a private open space that is located on the site.

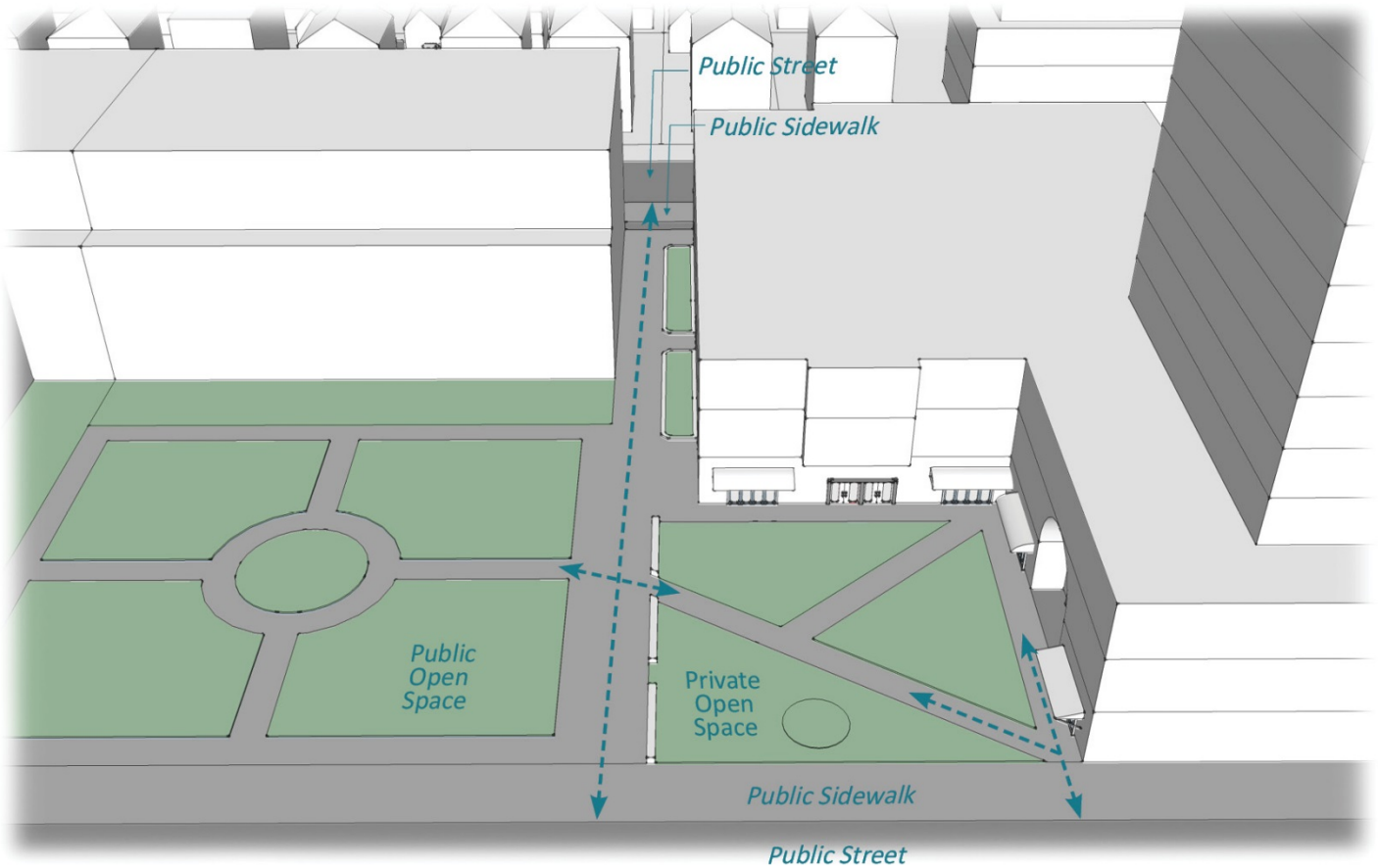


Diagram 13: Appropriate pedestrian connections, as per Section 136

Design Requirement: Pedestrian Routes Through Accessory Surface Parking Lots

- 137 (1) Pedestrian routes or walkways within accessory surface parking lots shall be no less than 2.0 metres wide.
- (2) Pedestrian routes or walkways within accessory surface parking lots shall be delineated by raised walkways, no less than 0.15 metres high, and consisting of:
- (a) poured concrete;
 - (b) brick pavers;
 - (c) stone pavers; or
 - (d) concrete pavers.
- (3) Where a pedestrian route or walkway crosses a driving aisle, the surface of the aisle shall be raised to meet the elevation of the abutting pedestrian route or walkway and delineated with a change of colour or material from the driving aisle.
- (4) A pedestrian route or walkway shall provide a direct connection between parking areas, building entrances, and the nearest sidewalk.

Design Requirement: Motor Vehicle and Service Accesses

- 138 (1) Motor vehicle and service accesses in the streetwall shall be minimized by using the same colours or materials chosen for the streetwall.
- (2) All motor vehicle and service accesses shall:
- (a) not exceed the height of the ground floor or 4.5 metres, whichever is less; and
 - (b) be completely enclosed with a door(s).

Design Requirement: Parking Internal to a Building or Within a Parking Structure

- 139 Where parking is located within the streetwall, it shall be screened from public view from any public right-of-way or park.

Design Requirement: Visual Impact Mitigation for Utility and Mechanical Features

- 140 The visual impact of utility features and mechanical features, including vents and meters, shall be minimized by concealing them from public view at the streetline by:
- (a) using opaque screening; or
 - (b) enclosing them within a projection or recess in the building.

Design Requirement: Heat Pumps and Other Heating and Ventilation Equipment for Individual Units

- 141 Heat pumps and other heating and ventilation equipment for individual units are permitted on balconies, unenclosed porches, and verandas if they are concealed from public view at the streetline by:
- (a) using opaque screening; or
 - (b) enclosing them within a projection or recess in the building.

Part VI, Chapter 5: Heritage Conservation Design Requirements

Design Requirement: Conservation of Character Defining Elements

142 Character defining elements of registered heritage buildings shall be conserved and remain unobstructed.

Design Requirement: New Windows and Doors

143 New window and door openings on registered heritage buildings shall match established patterns (materials, design, detail, and dimensions).

Design Requirement: Preservation of Architectural Elements

144 Architectural elements on registered heritage buildings shall be preserved, such as pilasters, columns, cornices, bays, and parapets.

Design Requirement: Use of Archival Evidence

145 Archival evidence shall be used to support the rehabilitation and restoration of character defining elements on registered heritage buildings, or on registered heritage properties.

Design Requirement: Historic Building Façades

146 Historic building façades on registered heritage buildings shall be retained and rehabilitated, or restored, using traditional materials.

Design Requirement: Materials

147 Brick or masonry façades shall be maintained and restored on registered heritage buildings. The painting of brick or masonry façades is prohibited.

Design Requirement: Maintenance of Same or Similar Cornice Line Height for New Developments in a Heritage Context

148 The podiums or streetwalls of new developments in a heritage context shall maintain the same or similar cornice line height established by abutting registered heritage

buildings, except where the maximum streetwall height permitted under the Land Use By-law is lower than the cornice of the heritage buildings.

Design Requirement: Streetwall Stepback for Taller Portions of New Developments in a Heritage Context

149 Any portions of new developments in a heritage context that are taller than the cornice line of an existing abutting registered heritage building shall be stepped back from the streetwall (Diagram 14).

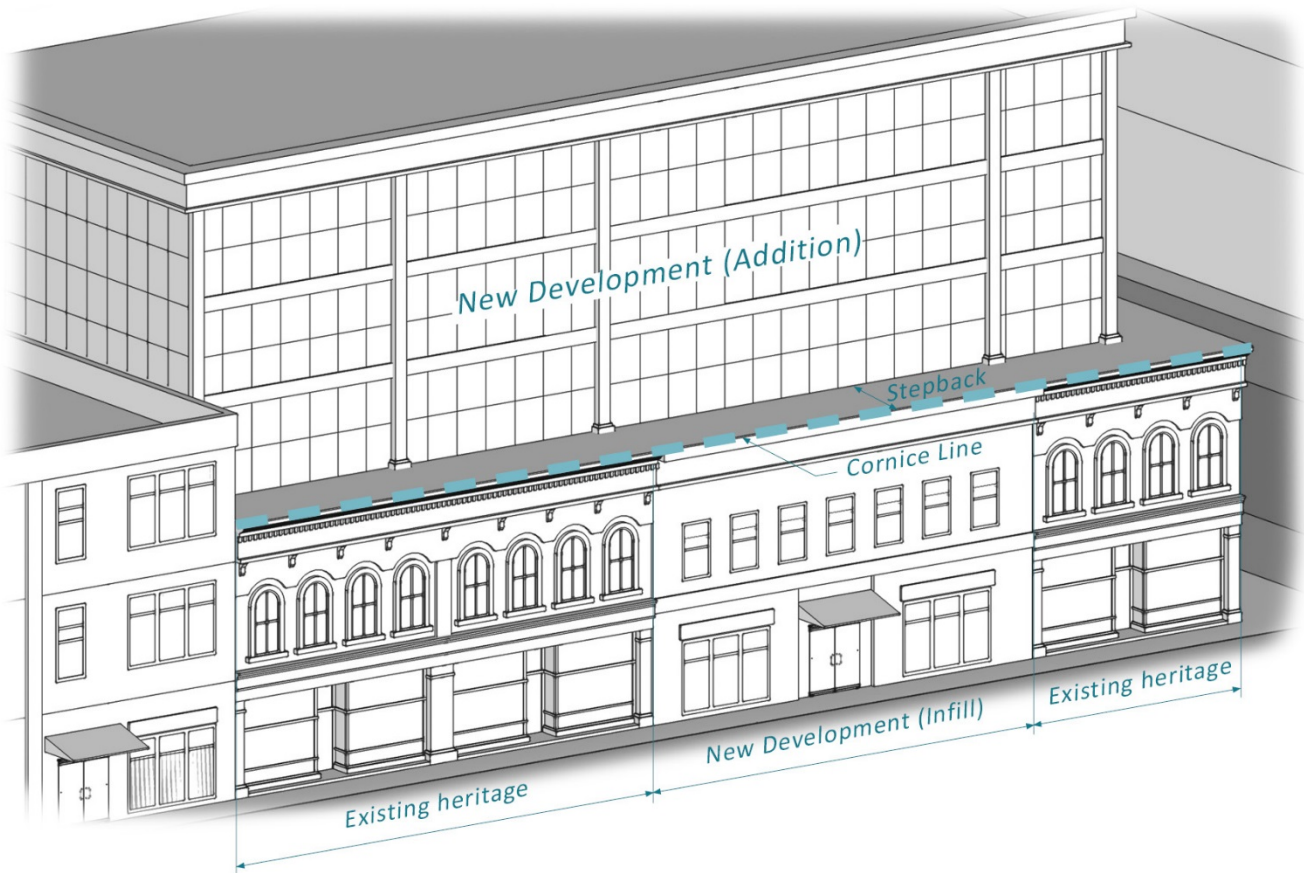


Diagram 14: Streetwall stepback for taller portions of new developments in a heritage context, as per Section 149

Design Requirement: Side Wall Stepback for Taller Portions of New Detached Buildings in a Heritage Context

150 Where new development in a heritage context that is a detached building on or abutting a registered heritage property which abut the same streetline, any portions of the new

development that are taller than the cornice line of the heritage building shall be stepped back 3 metres on the side that abuts the heritage building (Diagram 15).

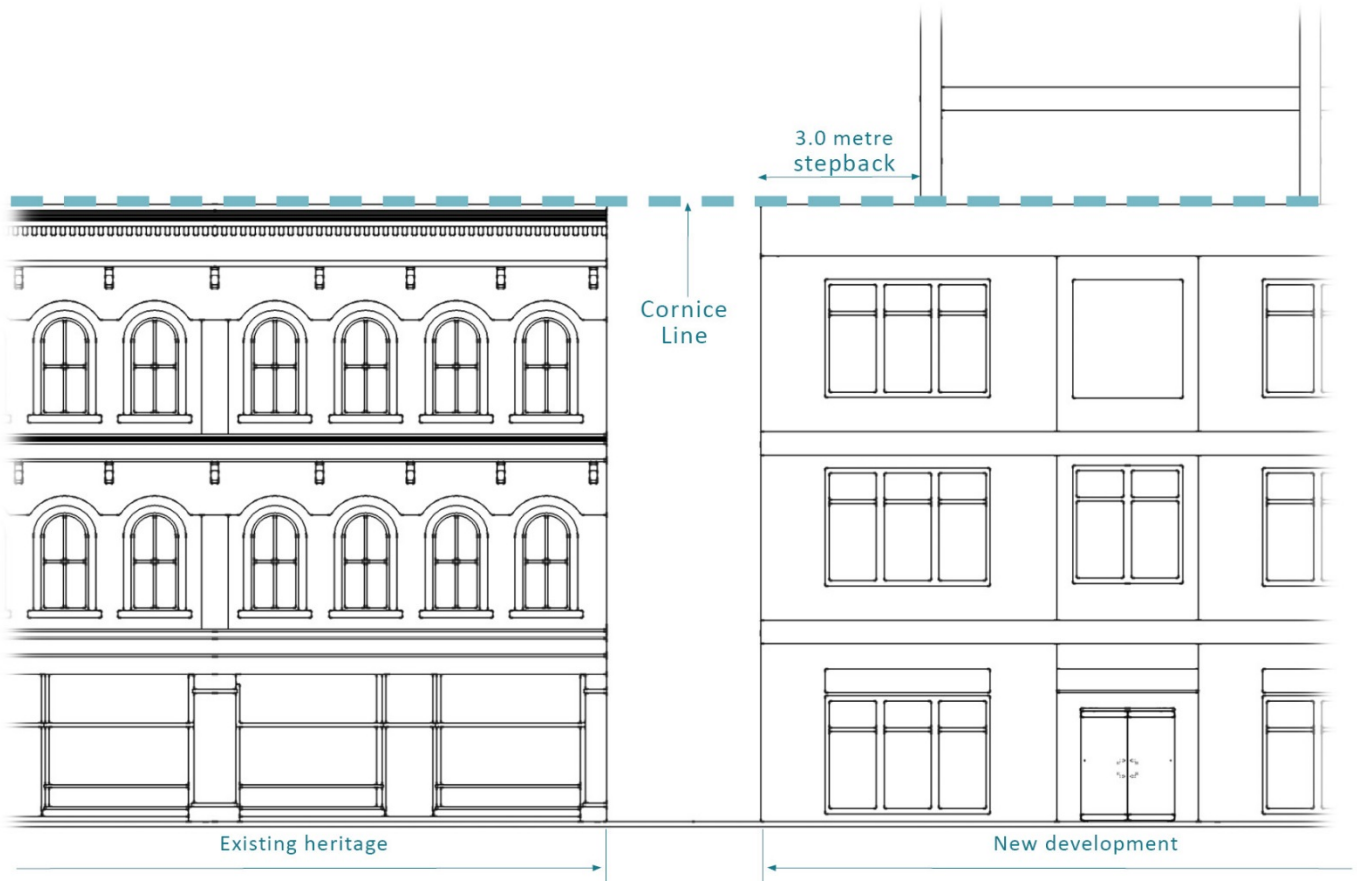


Diagram 15: Side wall stepback for taller portions of new detached buildings in a heritage context, as per Section 150

Design Requirement: Architectural Elements of Existing Heritage Buildings to be Used as a Reference in the Design of New Development in a Heritage Context

- 151 Architectural elements of existing abutting registered heritage buildings shall be used as a reference in the design of new development in a heritage context, by:
- (a) Incorporating articulation established by vertical and horizontal architectural elements of the heritage buildings (i.e. columns, pilasters, cornice, frieze, datum lines, etc.);
 - (b) Incorporating proportions and vertical spacing of the heritage buildings' windows; and

- (c) Maintaining the proportions and transparency of the heritage buildings' storefront and façade elements, where new development in a heritage context is located at the ground level.

Design Requirement: Awnings and Canopies

- 152 (1) If proposed on a registered heritage building, awnings and canopies shall be:
- (a) Designed to fit within the dominant horizontal structural elements of the lower façade and not obscure significant architectural features;
 - (b) Located between vertical columns or pilasters to accentuate and not to obscure these elements;
 - (c) Designed to complement the fenestration pattern of the heritage building; and
 - (d) Constructed using heavy canvas fabric or similar material in either a solid colour or striped. The use of retractable awnings is encouraged. Vinyl and high gloss fabrics and internally-illuminated awnings shall be prohibited.
- (2) Metal or glass awnings or canopies may be permitted on a registered heritage building, if designed to complement historic architectural elements.

Design Requirement: Lighting Hardware

- 153 Lighting hardware shall be located so that it does not disfigure or conceal any significant architectural feature of the registered heritage building. Where it is not possible to hide lighting hardware, it shall be compatible with the building's architecture and materials.

Design Requirement: Directing Lighting to Accentuate or Emphasize Architectural Features or Signage

- 154 Lighting shall be directed to accentuate or emphasize the architectural features of registered heritage buildings or their signage.

Part VI, Chapter 6: Other Design Requirements

Design Requirement: General Lighting

155 The following features shall be illuminated:

- (a) common building entrances;
- (b) walkways;
- (c) publicly accessible open space;
- (d) parking lots; and
- (e) loading areas.

Design Requirement: Emphasis of View Terminus Sites

156 View terminus sites, as shown on Schedule 5, shall be emphasized perpendicular to and visible from a view line, by at least one of the following approaches:

- (a) extending the height of a portion of the streetwall, subject to Subsection 94(5) (Diagram 16);
- (b) locating a clock tower, bell tower, rooftop cupola, spire, steeple, or minaret on the top of the building (Diagram 16);
- (c) providing an open space (Diagram 17); or
- (d) locating a public art installation, a landmark element, or a cultural artifact on a portion of the streetwall, or in an open space (Diagram 17).

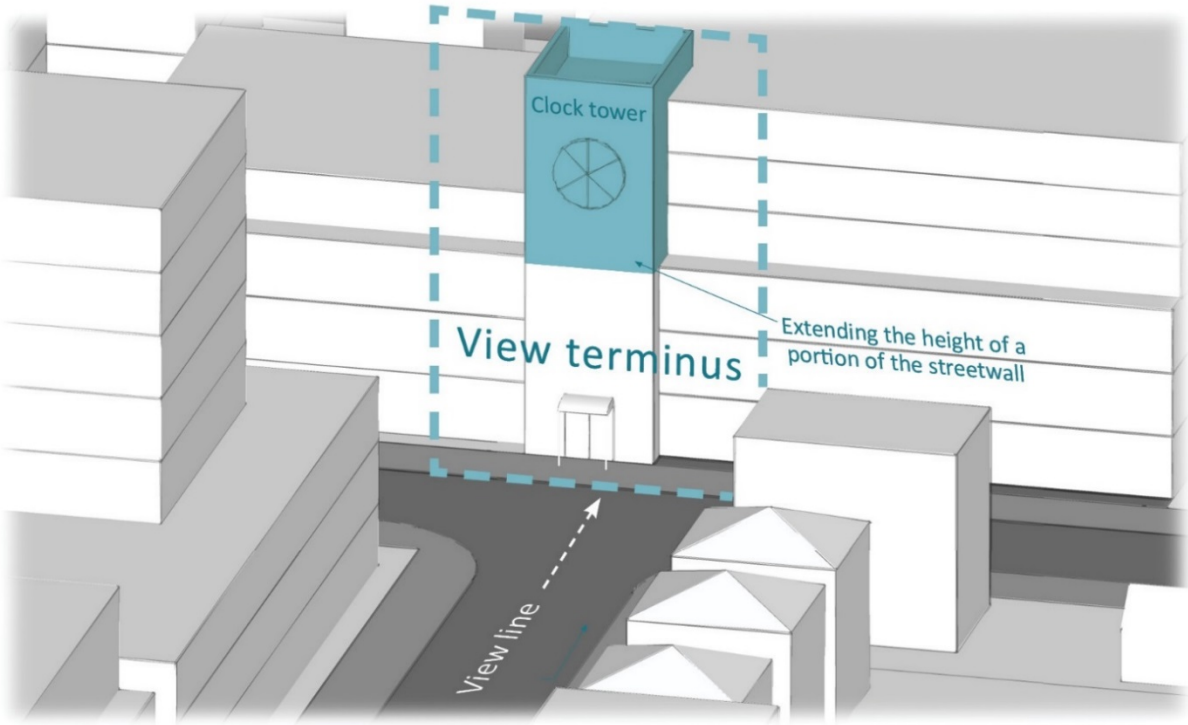


Diagram 16: Methods for view terminus site articulation, as per Clauses 156 (a) and (b)

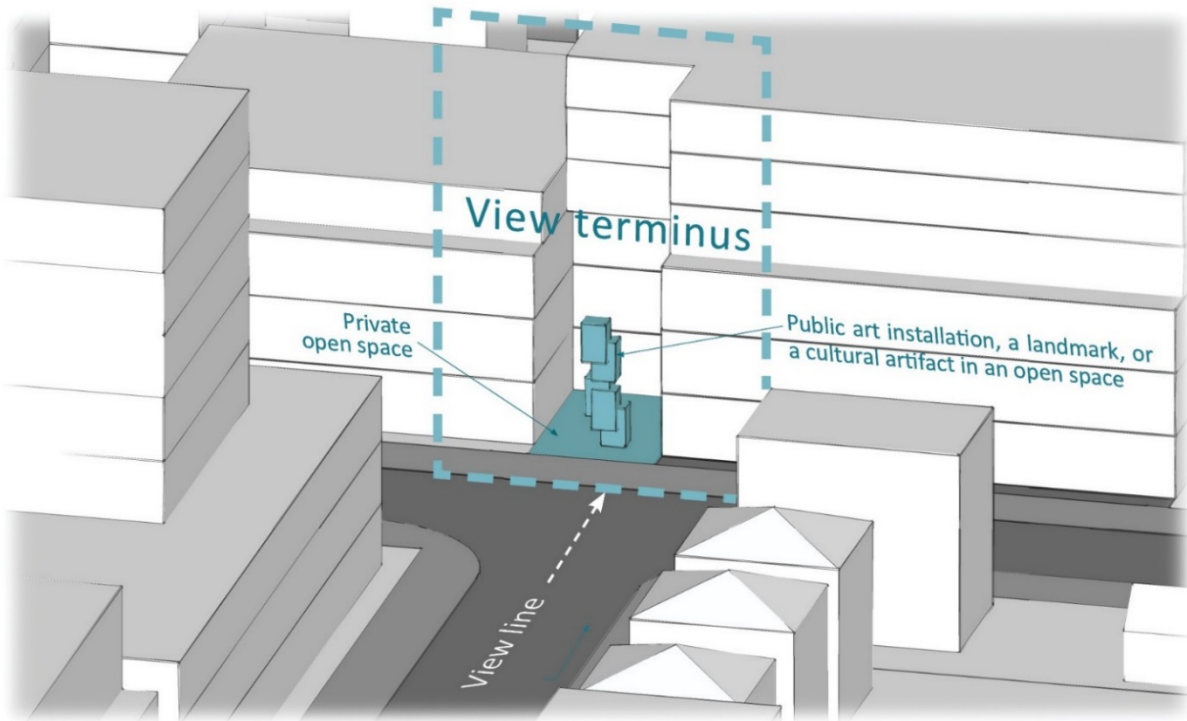


Diagram 17: Methods for view terminus site articulation, as per Clauses 156 (c) and (d)

Design Requirement: Parking Areas, Accessory Surface Parking Lots, Loading Areas, and Site Utilities on View Terminus Sites

- 157 Parking areas, accessory surface parking lots, loading areas, or site utilities shall not be visible within a view terminus as shown on Schedule 5.

Part VI, Chapter 7: Variation Criteria

Variation: Roof Edge Setbacks of Height-Exempted Rooftop Features

- 158 The minimum setback for height-exempted rooftop features from the outermost edge of the roof may be varied by site plan approval where:
- (a) the variation is to an interior lot line only; and
 - (b) the rooftop feature is designed or buffered in such a way to minimize its potential visual impact.

Variation: Location of a Structure on a Lot Respecting Maximum Front and Flanking Yards

- 159 The maximum front and flanking yard may be varied by site plan approval where the variation results in an open space associated with a public building.

Variation: Minimum Streetwall Height

- 160 The minimum streetwall height for one streetline may be varied by site plan approval to a minimum of 3.5 metres, where the variation is required on an excessive slope in order to achieve the required streetwall along all other streetlines.

Variation: Side and Rear Setbacks for Portions of a High-Rise Building Above the Streetwall

- 161 Side and rear setback requirements for a high-rise building above the streetwall may be varied by site plan approval where view plane restrictions would not permit the abutting property to have a high-rise form.

Variation: Side and Rear Setbacks for Portions of a Tall Mid-Rise Building Above the Streetwall

- 162 Side and rear setback requirements for a tall mid-rise building above the streetwall may be varied by site plan approval where:
- (a) a proposal covers multiple parcels of land and will be developed under a single site plan approval and development permit, and the applicant can demonstrate that the building could be achieved without the need for a variation if the parcels were consolidated; and
 - (b) the cumulative depth or width of the structure above the streetwall shall not exceed 52 metres.

Variation: Side Yard Setback for Pedestrian Access

- 163 The maximum side yard may be varied by site plan approval for the purpose of creating a single access driveway and a grade-separated walkway connecting a public sidewalk to accessory surface parking at the rear of the building, or to uses only accessed from the rear of the building. The grade-separated walkway shall be no less than 1.5 metres wide.

**PART VII:
VIEW PLANES, RAMPARTS,
AND WATERFRONT VIEW
CORRIDORS**

Part VII, Chapter 1: General View Plane, Ramparts and Waterfront View Corridor Requirements

General View Plane, Ramparts, and View Corridor Requirements

- 164 (1) A development permit application for a development that could potentially protrude into, abut, or be subject to a view plane, shall include plans, certified by a surveyor licensed in the Province of Nova Scotia, to demonstrate that the development will not protrude into a view plane.
- (2) A development permit application for a development that could potentially protrude into, abut, or be subject to a rampart, shall include plans, certified by a surveyor licensed in the Province of Nova Scotia, to demonstrate that the development will not protrude into a rampart.
- (3) A development permit application for a development that could potentially protrude into, abut, or be subject to a waterfront view corridor, shall include plans, certified by a surveyor licensed in the Province of Nova Scotia, to demonstrate that the development will not protrude into the waterfront view corridor.
- (4) Subject to Subsection 165(3), the development shall not protrude into a view plane, rampart, or waterfront view corridor.

Part VII, Chapter 2: View Planes and Ramparts

View Planes

- 165 (1) The Halifax and Dartmouth view planes are as defined and shown on Schedules 11 and 13, respectively.
- (2) Subject to Subsection 165(3), a structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes into a view plane.
- (3) Where a structure that lawfully existed on the coming into force date of this By-law protrudes into a view plane shown on Schedule 11, a new structure may be erected, constructed, altered, reconstructed, or located so that it protrudes into the view plane if the new structure does not worsen the existing protrusion when viewed as follows:
- (a) view planes 1, 3, and 5 from viewing position A;
 - (b) view plane 6 from viewing position B;
 - (c) view planes 2, 4, 7, 8, and 10 from viewing position C; and
 - (d) view plane 9 from viewing position D.

Ramparts

- 166 (1) Coordinates describing the position of the ramparts, and the location of 12 viewing positions in the Parade Square of the Halifax Citadel, are shown on Schedule 12.
- (2) A structure shall not be erected, constructed, altered, reconstructed, or located so that it protrudes above any rampart, as seen from any of the 12 viewing positions in the Parade Square of the Halifax Citadel (Diagram 18).

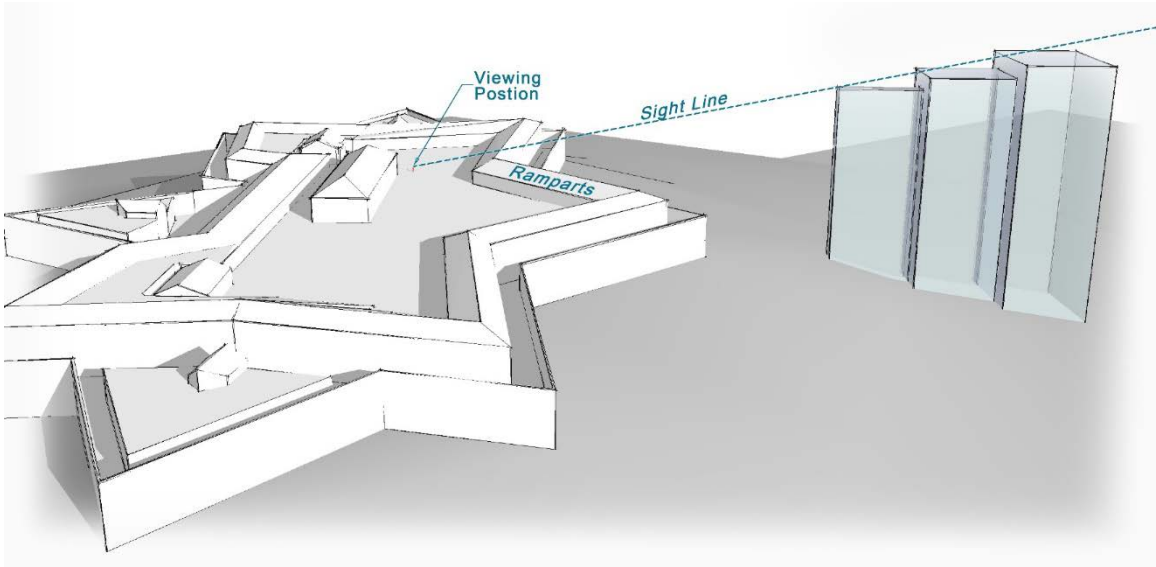


Diagram 18: Halifax Citadel rampart requirements, per Subsection 166(2)

Part VII, Chapter 3: Waterfront View Corridors

Dartmouth Waterfront View Corridors

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

PART VIII: WIND ENERGY FACILITIES

Part VIII, Chapter 1: Wind Energy Facility Requirements

General Wind Energy Facility Requirements

168 Wind energy facilities shall meet the watercourse buffer requirements of Section 66.

Wind Energy Overlay Zones

169 For the purposes of this Part, this By-law establishes the following wind energy overlay zones, with boundaries as shown on Schedule 25:

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

Urban Wind (UW-1) Zone

- 170
- (1) All wind energy facilities, except large wind energy facilities, are permitted in the UW-1 zone.
 - (2) All wind turbine towers in the UW-1 zone shall be separated from each other by a minimum distance equal to the tallest tower height.
 - (3) All wind turbine towers in the UW-1 zone shall have a minimum setback from any adjacent lot line of 1.0 times the tower height.
 - (4) Micro wind energy facility towers in the UW-1 zone shall be separated from any dwelling on an adjacent lot by at least 3.0 times the tower height.
 - (5) Micro wind energy facility towers are permitted on buildings.
 - (6) Small wind energy facility towers in the UW-1 zone shall be separated from any dwelling on an adjacent lot by at least 180 metres.
 - (7) Medium wind energy facility towers in the UW-1 zone shall be separated from any dwelling on an adjacent lot by at least 250 metres.

Restricted (R) Zone

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

Setback Exceptions

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

Part VIII, Chapter 2: Wind Energy Facility Permits

Permit Application Requirements

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

Additional Permit Requirements

- 174 (1) A wind energy facility development permit application shall include copies of drawings, specifications, and calculations signed by a Professional Engineer, certifying that the proposed wind turbine base, foundation, or guy-wired anchors are sufficient to maintain the structural stability of a wind turbine tower.
- (2) At least 60 calendar days before submitting a development permit application, an applicant shall notify all assessed property owners within a corresponding distance from the lot on which the wind energy facility is proposed, as specified in Table 5.

Table 5: Wind energy facility notification requirements

| Wind energy facility size | Notify all assessed property owners within: |
|----------------------------------|--|
| Micro | 140 metres |
| Small | 360 metres |
| Medium | 500 metres |

- (3) The notice required in Subsection 174(2) shall include the following information:
- (a) a site plan that includes lot lines and the location of the proposed wind energy facility;
 - (b) a description of the type of wind energy facility being proposed; and
 - (c) the applicant’s contact information, including postal and email addresses.
- (4) A wind energy development permit application shall include confirmation that the requirements of Subsection 174(2) have been met.

Installation and Design

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

PART IX: LANDSCAPING

Part IX, Chapter 1: General Landscaping Requirements

Existing Landscaping

- 176 (1) Existing soft landscaping, such as trees and shrubs, may be counted toward the requirements of this Part. To be counted, existing landscaping shall, in the opinion of the Development Officer, be adequately protected from damage during development.
- (2) Any existing tree in a required landscaped buffer may be counted as 2.0 trees toward the requirements of Sections 187 to 189.

Requirement to Maintain Landscaping in Healthy Condition

- 177 All required soft landscaping shall be maintained in healthy condition. Any required soft landscaping that dies shall be replaced at the beginning of the next growing season.

Landscaping Species

- 178 (1) Where soft landscaping is required, a minimum number of unique plant species shall be provided, as follows:
 - (a) if this Part requires the planting of at least 10 trees or shrubs, at least three different tree or shrub species are required; and
 - (b) if this Part requires the planting of at least 20 trees or shrubs, at least four different tree or shrub species are required.
- (2) Invasive species are prohibited as landscaping.

Parking or Storage in Landscaped Areas

- 179 Areas containing required landscaping, including buffers and the landscaped portions of any yard, shall not be used for storage, or the loading, unloading, movement, or parking of motor vehicles.

Landscaping for Parking, Off-Street Loading, Outdoor Storage, and Dealership Uses

- 180 (1) Where an accessory surface parking lot is provided, the following shall be required along lot lines that run adjacent to the parking lot:

- (a) a 2.5-metre-wide strip of soft landscaping that includes salt-tolerant groundcover plants;
 - (b) at least:
 - (i) one shrub at least 1.0 metre high for every 2.0 linear metres of parking lot edge, or
 - (ii) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres of parking lot edge; and
 - (c) along each parking lot edge that abuts any HR-2 or HR-1 zone, or any transition line shown on Schedule 26:
 - (i) a continuous evergreen hedge at least 1.8 metres high,
 - (ii) an opaque wood fence or masonry wall at least 1.8 metres high, or
 - (iii) a combination of Subclauses 180(c)(i) and (ii).
- (2) Any area of an accessory surface parking lot not used for the parking or maneuvering of motor vehicles shall contain landscaping, as follows:
- (a) Within an accessory surface parking lot, each row of at least 10 parking spaces shall be capped with a raised island at each end;
 - (b) Each island shall be delineated with curbs and shall contain at least two salt-tolerant trees that are not shrubs with a minimum base caliper of 50 millimetres; and
 - (c) Each island's ground area shall include salt-tolerant groundcover plants.
- (3) Where an outdoor storage area or dealership use abuts a transition line shown on Schedule 26, between the outdoor storage or display area and the transition line there shall be a continuous evergreen hedge at least 1.8 metres high or an opaque wood fence or masonry wall at least 1.8 metres high.
- (4) Where a yard containing an off-street loading space abuts a transition line shown on Schedule 26, the yard between the off-street loading space and the transition line shall include a continuous evergreen hedge at least 1.8 metres high or an opaque wood fence or masonry wall at least 1.8 metres high.

Requirement for Soft Landscaping

- 181 Excluding any hard landscaping required in Subsection 184(3), at least 50% of the remaining required landscaping on a lot shall be soft landscaping. Amenity areas containing soft landscaping may be counted toward this requirement.

Landscaping on a Vacant Lot

182 Where a main building is removed and renders the lot to become vacant, except as an interim measure prior to the construction of a new main building with an associated development permit, the resulting vacant lot shall be maintained with soft landscaping until the lot is redeveloped.

Landscaping on Flat Roofs

- 183 (1) Subject to Subsection 183(2), any building with a flat roof, or a flat-roofed addition, that is not exempt from site plan approval in Section 16, and subject to Subsection 199(4) regarding roof-top parking, shall provide soft landscaping on at least 40% of the area of any flat roof. Soft landscaping on flat roofs shall be provided in areas of at least 10.0 contiguous square metres and have at least one linear dimension exceeding 2.0 metres.
- (2) Portions of flat roofs used for solar collection, rain water harvesting, storm water infrastructure, and rooftop greenhouses shall not be used to determine the area of a flat roof that must be landscaped under Subsection 183(1).
- (3) Landscaping on rooftops does not need to be accessible to building occupants unless it is being provided to meet the requirements of Section 59.

Part IX, Chapter 2: Specific Landscaping Requirements

Specific Landscaping Requirements

- 184 (1) In any COR, HR-2, or HR-1 zone, landscaping shall be provided as follows:
- (a) At least 60% of any front or flanking yard shall contain soft landscaping;
 - (b) Side yards shall contain hard landscaping or soft landscaping, except any portion consisting of permitted driveways, parking and loading areas, walkways, wheelchair ramps, stairs, or accessory structures; and
 - (c) At least 50% of any rear yards, except for permitted accessory structures and parking areas, shall contain hard landscaping or soft landscaping.
- (2) In any D, CEN-2, or CEN-1 zone, the following areas shall contain landscaping:
- (a) 100% of any front or flanking yard, excluding any portion consisting of permitted driveways, parking, walkways, wheelchair ramps, stairs, or accessory structures;
 - (b) any side yards, except any portion consisting of permitted driveways, parking and loading areas, walkways, wheelchair ramps, stairs, or accessory structures; and
 - (c) at least 50% of any rear yards, except any consisting of permitted accessory structures, parking areas, and off-street loading spaces.
- (3) In any D, CEN-2, or CEN-1 zone, front or flanking yards along any pedestrian-oriented commercial street, as shown on Schedule 6, shall contain hard landscaping in the same style and using similar materials as the abutting sidewalk.
- (4) In any D, CEN-2, CEN-1, or COR zone, fences and standalone masonry walls are prohibited along any streetline, excluding:
- (a) low-density dwellings;
 - (b) accessory surface parking lots;
 - (c) grade-related units; and
 - (d) registered heritage properties.

Part IX, Chapter 3: Screening Requirements

Screening for Solid Waste Management Areas

- 185 Except where associated with a low-density dwelling use, any outdoor solid waste management area shall be fully enclosed by an opaque wood fence or masonry wall at least 1.8 metres high, except for an opening or gate required for access (Diagram 19).

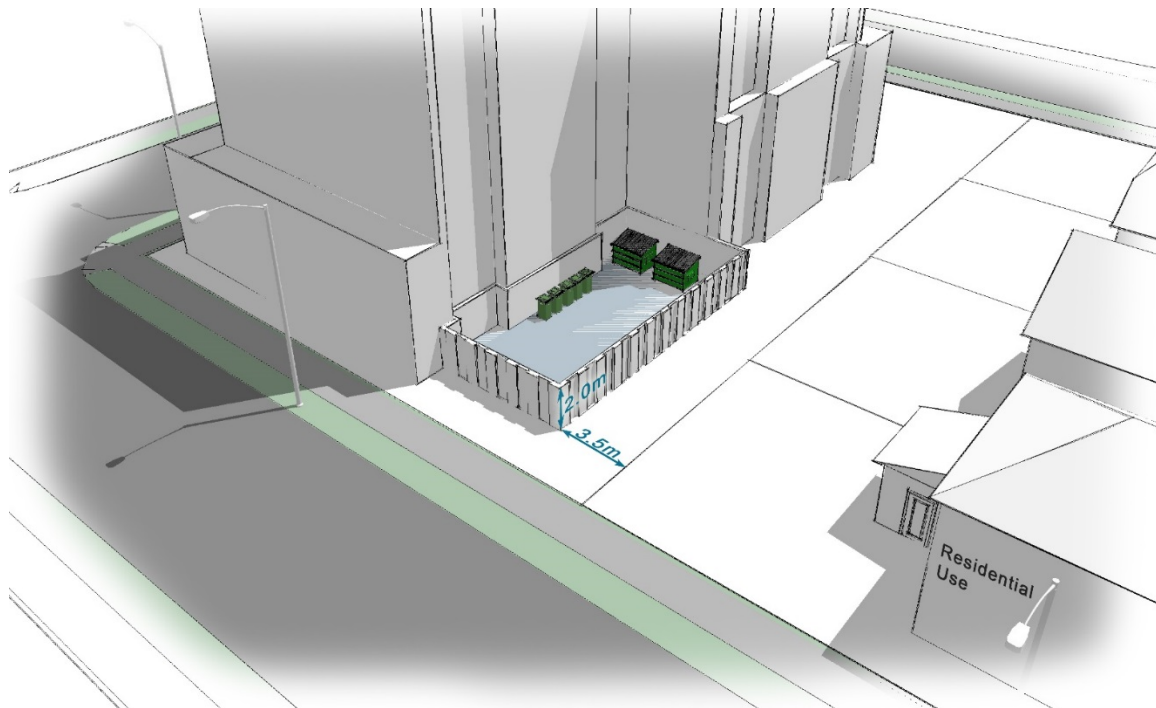


Diagram 19: Screening for solid waste management areas, per Sections 53 and 185

Screening for Parking, Off-Street Loading, Outdoor Storage, and Dealership Uses

- 186 The screening requirements for parking, off-street loading, outdoor storage, and dealership uses are contained in Section 180.

Part IX, Chapter 4: Landscaped Buffers

General Landscaped Buffer Requirements

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

Table 6: Landscaped buffer requirement

| | | Zone abutting the development | | |
|---------------------------------------|-------|-------------------------------|------------|--------------------------------------|
| | | COR | HR-2, HR-1 | Transition line shown on Schedule 26 |
| Zone where the development is located | D | L1 | L1 | L2 |
| | CEN-2 | L1 | L1 | L2 |
| | CEN-1 | L1 | L1 | L2 |
| | COR | | | L2 |
| | HR-2 | | | L1 |
| | HR-1 | | | L1 |

- (4) No structures or parking areas are permitted within any required landscaped buffer, except for walls or fences required in Section 189.

L1 General Landscaped Buffer

- 188 (1) Any L1 landscaped buffer shall contain at least:
- (a) one shrub at least 1.0 metre high for every 2.0 linear metres of buffer; or
 - (b) one tree that is not a shrub with a minimum base caliper of 50 millimetres for every 4.5 linear metres of buffer.
- (2) Trees and shrubs required in Clauses 188(1)(a) and 188(1)(b) may be grouped.
- (3) The ground area of any L1 buffer shall include salt-tolerant groundcover plants.

L2 Screen Landscaped Buffer

- 189 (1) Any L2 landscaped buffer shall contain:
- (a) Subject to 189 (2), a continuous evergreen hedge at least 1.0 metre high; and
 - (b) at least one tree with a minimum base caliper of 50 millimetres for every 4.5 linear metres of buffer.
- (2) Where an L2 landscaped buffer abuts a transition line shown on Schedule 39, an opaque wood fence, masonry wall, or hedge at least 1.8 metres high shall be provided along the transition line.
- (3) Trees in an L2 landscaped buffer may be grouped.
- (4) The ground area of any L2 buffer shall include salt-tolerant groundcover plants.

Part IX, Chapter 5: Landscape Plan Requirements

Requirement to Submit a Landscape Plan

- 190 (1) When required in Section 17, a site plan approval application shall include a landscape plan prepared by a landscape architect.
- (2) The landscape plan shall depict the design of all hard landscaping and soft landscaping in the development, and shall contain:
- (a) the current and proposed site topography, including the location of any significant gradients;
 - (b) the footprints of all existing and proposed buildings, including underground parking structures;
 - (c) planting areas and details for all new vegetation and groundcover, including location, quantity, size, and both the common and botanical names, including species and variety if known;
 - (d) the location and identification of existing vegetation that will be used to meet the requirements of Section 176;
 - (e) soft landscaping on any flat roofs, as required by Section 183;
 - (f) protection measures, such as hoardings, for any existing landscaping that is to be maintained;
 - (g) construction details for all hard-landscaped areas, including design specifications, dimensions, paving materials, and locations;
 - (h) manufacturers' specifications, such as model and colour, for all seating, light standards and fixtures, waste receptacles, bicycle parking, tree grates or guards, bollards, planter seating walls, wood arbours, outdoor furniture, solid waste management area enclosures, railings, and fencing; and
 - (i) boundaries and access points for all publicly accessible spaces.
- (3) All soft landscaping specified in a landscape plan shall comply with the latest edition of the *Canadian Landscape Standard*.

**PART X:
PARKING AND
OFF-STREET LOADING**

Part X, Chapter 1: Motor Vehicle Parking

General Motor Vehicle Parking Requirements

- 192 (1) All accessory surface parking lots and parking spaces shall be located on the same lot as the main use.
- (2) A change of use in an existing structure shall not require any additional parking beyond what is already provided.
- (3) Subsections 192(4) to 192(6) do not apply to parking spaces or accessory surface parking lots associated with any:
- (a) low-density dwelling use;
 - (b) secondary suite or backyard suite use;
 - (c) mobile home use;
 - (d) bed and breakfast use;
 - (e) home occupation use; or
 - (f) home office use.
- (4) All accessory surface parking lots shall be:
- (a) surfaced with a hard material such as asphalt, concrete, or permeable pavers; and
 - (b) delineated by concrete curbs, with all motor vehicle parking spaces and driving aisles clearly delineated.
- (5) The parking or storage of motor vehicles is prohibited in any driveway or driving aisle associated with an accessory surface parking lot.
- (6) All unroofed motor vehicle parking areas shall provide areas designated for snow storage that does not result in the removal of a required parking space.

Parking Space and Driving Aisle Dimensions

- 193 (1) Subject to Section 204, for any accessory surface parking lot, for a parking structure, or for parking internal to a building:
- (a) any required motor vehicle parking space shall be at least 2.4 metres wide and 5.5 metres long (Diagram 20); and

- (b) in the case of parking parallel to an internal driveway, any required motor vehicle parking space shall be at least 6.1 metres long (Diagram 20).

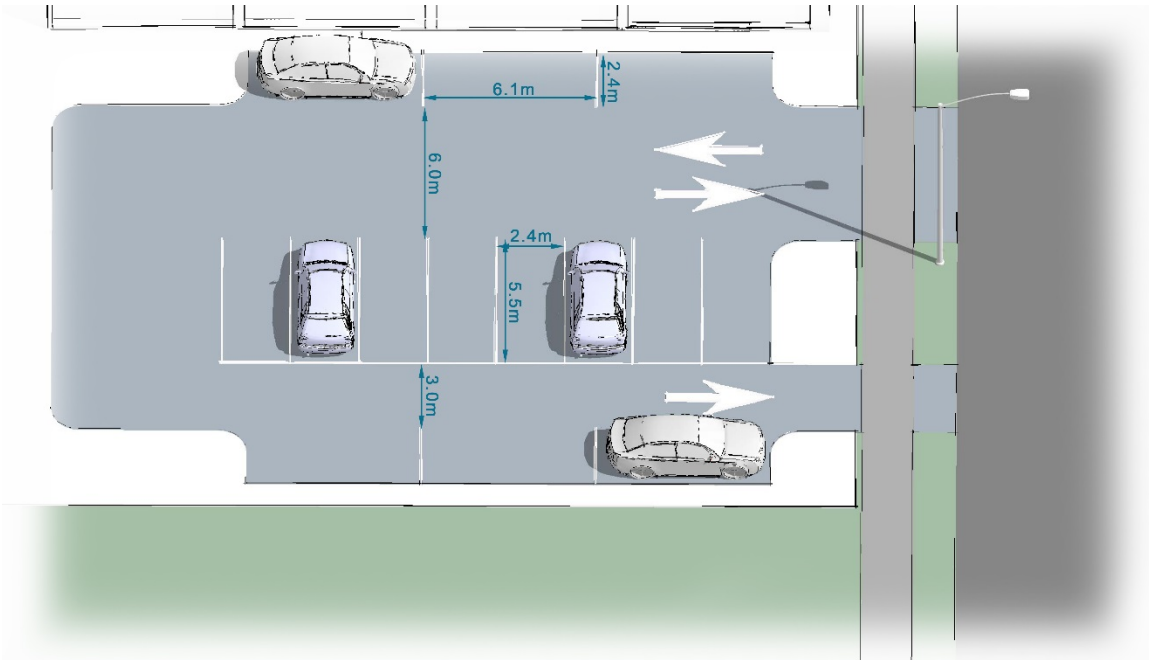


Diagram 20: Motor vehicle parking space dimensions, per Section 193

- (2) Subject to Section 204, driving aisles between rows of motor vehicle parking spaces in an accessory surface parking lot, in a parking structure, or for parking internal to a building shall be 6.0 metres wide for two-way traffic, and 3.0 metres wide for one-way traffic.

Rounding Regulation

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

Required Number of Motor Vehicle Parking Spaces

- 195 (1) Subject to Subsection 195(5), Table 7 sets out the minimum number of motor vehicle parking spaces required for each listed use. Where a use is not listed in Table 7, no minimum parking requirement applies.
- (2) In any D, CEN-2, or CEN-1 zone, any required motor vehicle parking spaces shall be located internal to a building or underground, except for accessory surface parking lots as permitted in Section 201.
- (3) Excluding low-density dwellings, where bicycle parking spaces are required in Section 208, 2 additional bicycle parking spaces of any type may be provided in substitution for one required motor vehicle parking space, up to a maximum of 25% of required motor vehicle parking spaces.
- (4) Excluding low-density dwellings, in addition to the substitution permitted in Subsection 195(3), enhanced bicycle parking may be substituted for a maximum of one required motor vehicle parking space.
- (5) No motor vehicle parking spaces are required for any use on a registered heritage property or in a building located in a heritage conservation district.

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

| Use | D CEN-2 CEN-1 CDD | COR | HR-2 HR-1 |
|--|----------------------------|--------------|------------------------------|
| Single-unit dwelling; Semi-detached dwelling; Townhouse; Mobile home; Two-unit dwelling; Three-unit dwelling; Four-unit dwelling | Not required | Not required | Not required |
| Multi-unit dwelling; Grade-related unit | Not required | Not required | 1 space for every 3 units |
| Shared housing use; Large shared housing use | Not required | Not required | 1 space |
| Secondary or backyard suite | Not required | Not required | Not required |
| Emergency shelter | Not required | 1 space | N/A |
| Daycare | Not required | 2 spaces | 2 spaces |

| Use | D CEN-2 CEN-1 CDD | COR | HR-2 HR-1 |
|--|----------------------------|--|--|
| Bed and breakfast | Not required | 1 space per guestroom | 1 space per guestroom |
| Home office | Not required | Not required | Not required |
| Home occupation | Not required | Not required | Not required |
| Work-live unit | Not required | Not required | 2 spaces for each work-live unit |
| Restaurant; Drinking establishment; Local drinking establishment | Not required | Not required | 1 space for every 35 sq. m of floor area |
| Fitness centre | Not required | Not required | 1 space for every 25 sq. m of floor area |
| Hotel | Not required | 1 space for every 3 guestrooms | N/A |
| Local commercial uses | Not required | Not required | Not required |
| Office; Financial institution | Not required | 1 space for every 150 sq. m of floor area | 1 space for every 75 sq. m of floor area |
| Any other commercial uses | Not required | Not required | 1 space for every 35 sq. m of floor area |
| Minor spectator venue; Cultural uses | Not required | 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less | 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less |
| Hospital; Medical clinic; Religious institution | Not required | Not required | 1 space for every 100 sq. m of floor area |
| School | Not required | 1 space for every classroom | 1 space for every classroom |
| Major spectator venue | Not required | N/A | N/A |
| University or college | Not required | Not required | 3 spaces for every classroom |
| Industrial uses | N/A | N/A | N/A |
| Community recreation | Not required | Not required | Not required |
| All other recreation uses | Not required | 1 space for every 400 sq. m lot area | 1 space for every 400 sq. m lot area |

Required Parking to be Provided On-Site

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

Parking Within a Front or Flanking Yard

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

Car Sharing

198 Any required motor vehicle parking space may be used as a car sharing space.

Parking Structures

- 199
- (1) All parking spaces associated with a parking structure use shall be located inside or on the roof of the parking structure.
 - (2) Rooftop parking on a parking structure shall not be visible from any streetline.
 - (3) Except where associated with a hotel use, the provision of a parking structure and an accessory surface parking lot on the same lot is prohibited.
 - (4) Where any portion of a parking structure roof is not used for parking, it shall be landscaped if required in Section 183.
 - (5) All parking structures shall meet the requirements of Part V.
 - (6) All parking structures shall have commercial uses at grade along a streetline, subject to Subsections 91(6) and (7).

Surface Parking Lots

200 Subject to Sections 201 and 202, surface parking lots are prohibited in all zones.

Accessory Surface Parking Lots: D, CEN-2, and CEN-1 Zones

- 201
- (1) Accessory surface parking lots are permitted in any D, CEN-2, or CEN-1 zone.
 - (2) In addition to any area required for driveways and driving aisles, accessory surface parking lots in any D, CEN-2, or CEN-1 zone shall not exceed:
 - (a) for a transportation facility use: unlimited;
 - (b) for a grocery store use: 80 parking spaces; or
 - (c) for any other use:

- (i) on properties of 200 square metres or less, 5 parking spaces,
 - (ii) on properties of between 200 square metres and 6,300 square metres, 5 parking spaces plus one space for every 350 square metres of lot area, or
 - (iii) on properties of 6,300 square metres or more, 20 parking spaces.
- (3) Accessory surface parking lots in any D, CEN-2, or CEN-1 zone shall not be located within any front or flanking yard, and shall not be located within the first 33% of the lot depth or lot width abutting any streetline (Diagram 21), unless located in an internal courtyard.

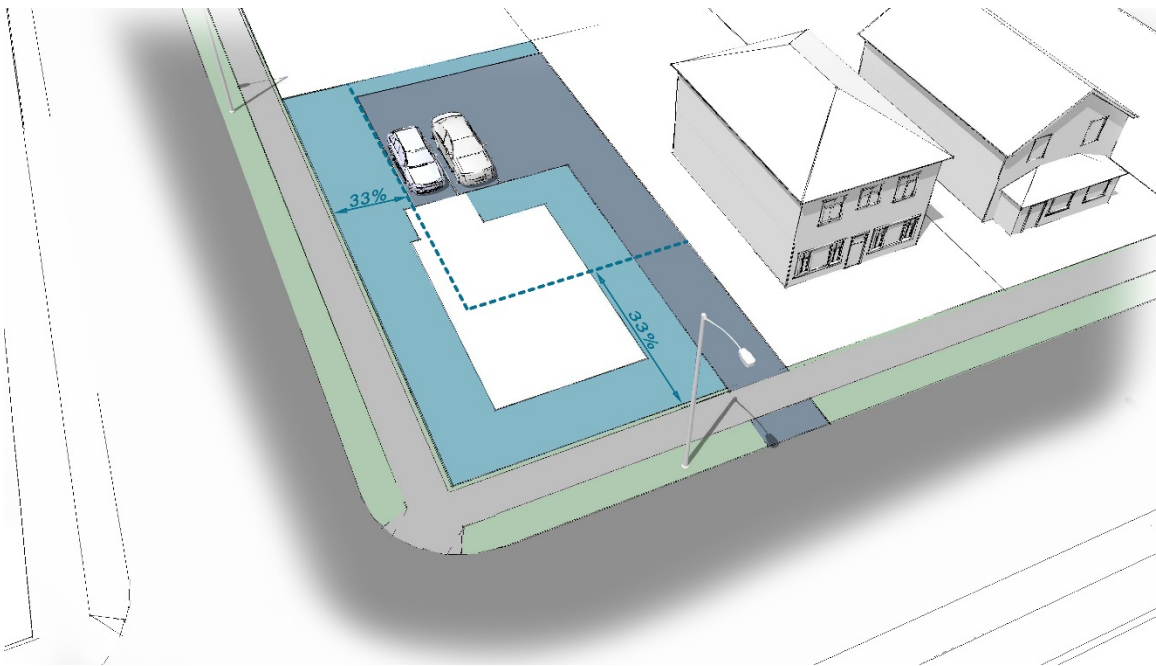


Diagram 21: Location for an accessory surface parking lot in any D, CEN-2 or CEN-1 zone, per Subsection 201(3)

Accessory Surface Parking Lots: All Other Zones

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

Electric Vehicle Charging Stations

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

Automated and Autonomous Vehicle Parking

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

Part X, Chapter 2: Bicycle Parking

Bicycle Parking Exemptions

205 Bicycle parking spaces are not required for any of the following uses:

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

General Bicycle Parking Requirements

- 206 (1) Where a lot abuts a designated cycling thoroughfare in the Active Transportation Priorities Plan, access to all bicycle parking areas shall be provided from a streetline that abuts the cycling thoroughfare.
- (2) All bicycle parking racks shall be constructed from galvanized steel or stainless steel, and designed to be tamper-resistant. All bicycle parking racks and bicycle lockers shall be firmly secured to the ground, floor, or wall.
- (3) All bicycle parking areas shall be lighted.
- (4) All indoor Class A bicycle parking areas shall be:
- (a) located on a ground floor; or
 - (b) located within one storey of a ground floor and be:
 - (i) accessible from a ground floor with ramps, or
 - (ii) accessible from a ground floor by elevator.

- (5) All bicycle parking racks shall provide two points of contact between each bicycle and rack, and be designed so that each bicycle is individually supported and lockable.

Rounding Regulation

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

Required Number of Bicycle Parking Spaces

208 Table 8 sets out the bicycle parking space requirements that shall apply for each use listed. The “Type” column specifies which types of bicycle parking rack shall be provided in each bicycle parking space, as described in Sections 209 and 210.

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

| Use | General requirement | Type (Class A or Class B bicycle parking) | Minimum requirement for Class B bicycle parking | Maximum requirement |
|--|--|--|--|----------------------------|
| Multi-unit dwelling use; Grade-related unit | 1 space for every 2 units | 80% Class A 20% Class B | 4 spaces | N/A |
| Large shared housing use | 1 space for every 20 bedrooms | 80% Class A 20% Class B | 2 spaces | N/A |
| Hotel | 1 space for every 20 guestrooms | 80% Class A 20% Class B | 2 spaces | N/A |
| Retail uses; Service uses; Grocery store; Restaurant | 1 space for every 300 sq. m of floor area | 20% Class A 80% Class B | 2 spaces | N/A |
| Financial institution; Office; Hospital; Medical clinic; Religious institution | 1 space for every 500 sq. m of floor area | 50% Class A 50% Class B | 2 spaces | N/A |
| Cultural use; Minor spectator venue; Major spectator venue | 1 space for every 20 seats or 1 space for every 250 sq. m of floor area, whichever is less | 20% Class A 80% Class B | 2 spaces | 50 spaces |
| School; University or college | 1 space for every 150 sq. m of floor area | 20% Class A 80% Class B | 10 spaces | N/A |
| Club recreation; Community recreation (indoor facilities) | 10 spaces if less than 500 sq. m of floor area; 20 spaces for larger facilities | 20% Class A 80% Class B | N/A | N/A |

| Use | General requirement | Type (Class A or Class B bicycle parking) | Minimum requirement for Class B bicycle parking | Maximum requirement |
|--|---|---|---|---------------------|
| Community recreation (outdoor facilities) | 1 space for every 1,250 sq. m lot area | 100% Class B | 10 spaces | N/A |
| Parking structure | 1 space for every 20 motor vehicle parking spaces | 100% Class B | 2 spaces | 50 spaces |
| Any other use not specified in this Table or not exempted from bicycle parking requirements in Section 205 | 1 space for every 500 sq. m of floor area | 50% Class A 50% Class B | 2 spaces | N/A |

Class A Bicycle Parking Requirements

- 209 (1) Class A bicycle parking racks are permitted:
- (a) within a bicycle room;
 - (b) within a roofed bicycle cage outside of a building;
 - (c) within an enclosed bicycle locker outside of a building; or
 - (d) within a covered parking structure area reserved for bicycles.
- (2) Class A bicycle parking racks shall be one or more of the following types:
- (a) inverted-U that is at least 0.90 metres high;
 - (b) post-and-ring that is at least 0.90 metres high;
 - (c) wheelwell-secured;
 - (d) vertical racks that are wall-mounted, not exceeding 50% of the total number of required Class A bicycle parking spaces; and
 - (e) two-tier racks with a lift-assist.
- (3) Any bicycle room, roofed bicycle cage, enclosed bicycle locker, or covered parking structure area reserved for bicycles shall be access-controlled.
- (4) The distance from any Class A bicycle parking area to the nearest occupant-accessible building entrance shall not exceed 200 metres.

Class B Bicycle Parking Requirements

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

Minimum Bicycle Parking Geometric Requirements

- 211 (1) Bicycle parking racks are prohibited within 2.5 metres of any building entrance or loading area (Diagram 22).
- (2) Bicycle parking racks shall be spaced:
- (a) at least 0.9 metres apart in the direction of a bicycle's width (Diagram 22); and
 - (b) at least 1.8 metres apart in the direction of a bicycle's length (Diagram 22).
- (3) A 1.5-metre-wide clear aisle shall be provided between rows of bicycle parking racks, based on a typical bicycle length of 1.8 metres (Diagram 22).
- (4) Excluding wall-mounted racks, a space of 0.6 metres shall be provided between bicycle parking spaces and any obstruction, on all sides (Diagram 22).

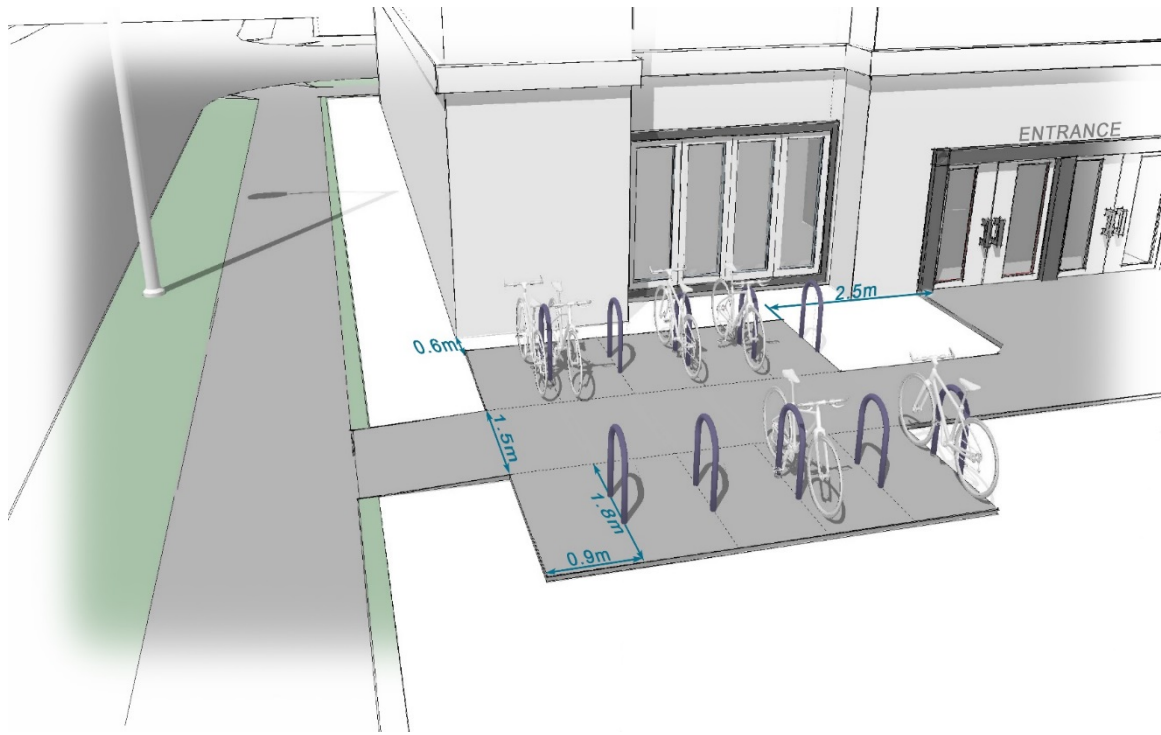


Diagram 22: Bicycle parking requirements, per Section 211

Part X, Chapter 3: Off-Street Loading

Off-Street Loading Space

- 212 (1) In any D, CEN-2, CEN-1, or COR zone, in addition to any required parking spaces, contiguous off-street loading space shall be required for specific uses, as shown in Table 9.

Table 9: Minimum contiguous off-street loading space requirements

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

- (2) Any required off-street loading space shall be located on the same lot as the use it is intended to serve.
- (3) Any required off-street loading space shall be surfaced with a hard material such as asphalt, concrete, or pavers, and delineated by concrete curbs or painted lines.
- (4) Any required off-street loading space shall be located:
- (a) internal to a building;
 - (b) in a parking structure; or
 - (c) in any area of a lot where an accessory surface parking lot is permitted in Sections 201 and 202.
- (5) The landscaping and screening requirements for required off-street loading spaces are provided in Part IX.

PART XI: SIGNS

Part XI, Chapter 1: General Signage Requirements

Temporary Sign By-law

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

Sign Permit Exemptions

214 The following signs are exempt from the requirement for a development permit:

- (a) signs giving the name of a building or its civic address;
- (b) signs regulating activities that are not related to traffic, such as “No Trespassing” or “Beware of Dog” signs, if the sign does not exceed 0.2 square metres in area;
- (c) signs that pertain to the sale, rental, or lease of real property on a lot where the sign is displayed, if the signs:
 - (i) are non-illuminated,
 - (ii) do not exceed 2.0 square metres in area,
 - (iii) are removed within 14 days following the sale, rental, or lease, and
 - (iv) are limited in number to a maximum of one sign for every side of the lot that fronts on a street;
- (d) signs regulating traffic on a lot, including directional and drive-through signage, if the sign does not exceed 0.5 square metres in area;
- (e) signs erected by any government;
- (f) signs interior to a structure;
- (g) commemorative signs;
- (h) signs that are incidental to a construction in progress, if the signs:
 - (i) are non-illuminated,
 - (ii) are located on the same lot as the construction in progress,
 - (iii) do not exceed 5.0 square metres in area, and
 - (iv) are removed within 14 days following the conclusion of construction;
- (i) one internally illuminated menu-box sign per restaurant, if the sign:
 - (i) is located within 2 metres of the entrance of the restaurant,

- (ii) does not exceed 0.4 square metres in area (measured from the outside of the box), and
 - (iii) does not project more than 0.1 metre from the wall on which it is affixed;
- (j) the replacement of a sign face within an existing sign box where there is no alteration of the structure holding the sign;
 - (k) the repainting or refinishing of an existing sign using the same colour and finish; and
 - (l) neighborhood signs.

Prohibited Signs

215 The following signs are prohibited in all zones:

- (a) signs that create a hazard to public safety;
- (b) signs that are a source of danger to traffic on the street, or that obstruct or interfere with the vision of road users because of their location, appearance, or illumination;
- (c) signs that obscure or interfere with any traffic control sign or device;
- (d) signs that obscure or interfere with any warning or instructional sign;
- (e) signs that obstruct or interfere with any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
- (f) signs that obstruct access to any fire hydrant or firefighting hose connection;
- (g) signs that resemble the traffic control signs of any public authority, in shape, colour, message, symbol, or location;
- (h) signs that advertise a product or service that is no longer available on the premises, or a business that is no longer in operation, except for signs on a registered heritage property;
- (i) signs on public property, unless erected by a government;
- (j) signs located on the roof of any structure;
- (k) signs that project above a roof edge or streetwall setback;
- (l) signs affixed to or painted on natural objects such as trees or boulders;
- (m) signs that use fluorescent colours, except for neon gas tubing;
- (n) internally-illuminated fascia signs, except for:
 - (i) neon gas tubing,
 - (ii) open or exposed neon gas tubing channel letters and characters,
 - (iii) back-lit, individually raised profile letters and characters with LED illumination,

- (iv) back-lit, standard channel letters and characters with LED illumination, or
- (v) reverse channel (halo-lit) letters and characters with either neon gas tubing or LED illumination;
- (o) internally-illuminated awning signs;
- (p) signs that incorporate a strobe light or flashing light;
- (q) signs that interfere with any utility, conduit, or line used for water, sewage, gas, electricity, or communication; and
- (r) canopy or awning signs made of stretched skin plastics.

Encroachment License

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

Illuminated Signs

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

Signs on Registered Heritage Buildings

218 Signs on registered heritage buildings shall be located so as not to disfigure or conceal any character defining element of the building.

Fascia Signs on Registered Heritage Buildings

- 219 Fascia signs on registered heritage buildings shall meet the following requirements:
- (a) be located in the architectural frieze above the storefront;
 - (b) the size of the frieze shall dictate the maximum size of the sign; and,
 - (c) where no frieze or similar architectural feature exists, fascia signs shall be located in a horizontal band above the upper line of the ground floor windows, and below the lower sill of the second storey windows.

Part XI, Chapter 2: Signage Requirements for D, CEN-2, CEN-1, COR, HR-2, and HR-1 Zones

Fascia Signs

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

Window and Door Signs

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

Ground Signs

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

Projecting Signs

- 223 (1) In any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, projecting signs shall:
- (a) be separated from other projecting signs on the same lot by at least 2.5 metres;
 - (b) be set back at least 1.25 metres from any side or rear lot line; and
 - (c) not exceed 2.0 square metres in area, per sign.
- (2) Subject to Subsection 223(3), only one projecting sign is permitted per business.
- (3) Where a business has frontage on more than one street, one additional projecting sign is permitted per additional business frontage that has access to a streetline. Each projecting sign shall be located on a separate street frontage.

Abutting Zone Requirements

- 224 Where a lot zoned D, CEN-2, CEN-1, COR, HR-2, or HR-1 abuts a transition line as shown on Schedule 26, the following requirements shall apply:

- (a) subject to Clause 224(b), all signs shall be set back at least 3.0 metres from the abutting lot line; and
- (b) all illuminated signs shall be set back at least 10.0 metres from the abutting lot line.

Signs for Home Occupation Uses, Bed and Breakfast Uses, and Work-Live Units

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

Billboards

226 Billboards are prohibited.

PART XII: INCENTIVE OR BONUS ZONING

Part XII, Chapter 1: Incentive or Bonus Zoning Regulations

Requirement to Provide a Public Benefit for Incentive or Bonus Zoning

- 227 (1) For any new development over 2,000 square metres of floor area in any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, the applicant shall apply for incentive or bonus zoning.
- (2) Where an applicant applies for incentive or bonus zoning, the following public benefits shall be provided:
- (a) affordable housing in accordance with Subsection 234(1); and
 - (b) one or more of the public benefits in accordance with Section 233.
- (3) Where an applicant applies for incentive or bonus zoning the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
- (4) Where an incentive or bonus zoning agreement is required, no development permit shall be issued until the agreement is executed by all the parties and filed in the Provincial Land Registration Office.

Calculation of the Public Benefit for a Development Exceeding 2,000 Square Metres (D, CEN-2, CEN-1, COR, HR-2, and HR-1 Zones)

- 228 (1) In any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, the 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 a bonus rate, in dollars per square metre, as specified in Section 230.
- (2) The amount of the public benefit shall be no less than the amount resulting from the calculation in Subsection 228(1).

Deadline to Complete Public Benefit

- 229 Any required public benefit shall be completed by the applicant:
- (a) for any money-in-lieu, prior to the development permit being issued;
 - (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement; or
 - (c) both Clauses 229(a) and 229(b).

Density Bonus Rates

- 230 (1) Table 10 contains bonus rates, as of April 2019, for each bonus rate district identified on Schedule 24.

Table 10: Density bonus rates and districts

| Bonus rate district # | Name of bonus rate district | Bonus rate, 2019 (\$/square metre) |
|-----------------------|--------------------------------------|------------------------------------|
| 1 | South End Halifax | \$258 |
| 2 | Cogswell Redevelopment Lands | \$258 |
| 3 | North End Halifax | \$180 |
| 4 | Shannon Park | \$132 |
| 5 | North Dartmouth | \$84 |
| 6 | Downtown Dartmouth, Mic Mac, Penhorn | \$144 |
| 7 | Woodside | \$66 |

- (2) The bonus rates in Table 10 shall be adjusted annually in accordance with Section 231.

Bonus Rate Adjustments

- 231 (1) Subject to Subsection 231(2), before being used to calculate a required public benefit, the bonus rates specified in Table 10 shall be adjusted annually on April 1st in accordance with changes to the *Halifax All-Items Consumer Price Index* released by Statistics Canada. Rates shall be adjusted using the method specified in Appendix 3.

- (2) If the *Halifax All-Items Consumer Price Index* declines or remains unchanged in a given year, there shall be no change in the bonus rates for that year.
- (3) The rate for the calculation of the public benefit shall be the rate at the time a complete application for site plan approval is received by the Municipality.

Proposal for Required Public Benefits

232 An applicant who is required to provide a public benefit shall submit a bonus calculation and public benefits proposal with their application for site plan approval, in a format acceptable to the Development Officer.

Public Benefit Categories

- 233 Subject to Subsections 234(1) and 235(1), an applicant who is required to provide a public benefit shall provide one or a combination of the following:
- (a) money-in-lieu for affordable housing;
 - (b) conservation of a registered heritage building on the site of the development or money-in-lieu for the conservation of a heritage building that is not located on the site of the development;
 - (c) money-in-lieu for the improvement of municipal parks;
 - (d) money-in-lieu for affordable community or cultural indoor space; or
 - (e) public art on the site of the development or money-in-lieu for public art.

Public Benefit Requirements: Affordable Housing Money-in-Lieu

- 234 (1) Subject to Subsection 235(1), the minimum proportion of the total value of a required public benefit that shall be allocated to affordable housing money-in-lieu is 60%.
- (2) Money-in-lieu accepted for affordable housing shall be used within the lands shown on Schedule 1 for:
- (a) the rehabilitation of existing affordable housing units provided by a not-for-profit organization or registered Canadian charitable organization;
 - (b) the construction of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;
 - (c) a housing agreement permitted in Clause 73(b) of the Charter; or
 - (d) any combination of Clauses 234(2)(a) to 234(2)(c).

Public Benefit Requirements: Conservation of a Registered Heritage Building

- 235 (1) Subject to Subsection 235(2), on a registered heritage property, up to 90% of the total value of a required public benefit shall be allocated to the conservation of a registered heritage building on the site of the development.
- (2) The applicant shall register a waiver on title of the property that, without the approval of the Municipality, the registered heritage property shall not be altered or demolished under Section 18 of the *Heritage Property Act*.

Public Benefit Requirements: Public Art

- 236 Where provided as a public benefit, public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) meet the requirements of HRM's *Public Art Policy* and an approved public art plan; and
 - (c) have a minimum value of \$100,000.

Incentive or Bonus Zoning Agreement

- 237 (1) An incentive or bonus zoning agreement shall contain terms respecting:
- (a) the identification of the development site;
 - (b) design drawings, provided by the applicant, for any required or provided public benefit;
 - (c) where required by the Development Officer, detailed construction drawings, site plans, specifications, cost estimates, or appraisals prepared by an Accredited Appraiser for any required or provided public benefit;
 - (d) the identification of any required process or conditions for the supervision and acceptance of any required or proposed public benefit, before it is accepted by the Municipality;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
- (2) Subject to Subsections 237(3) and 237(4) and in accordance with Section 31A of the Charter, Council delegates to the Development Officer the authority to enter into an incentive or bonus zoning agreement, or an amendment to an incentive or bonus zoning agreement, on behalf of the Municipality.

- (3) 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.
- (4) In accordance with Subsection 31A(4) of the Charter, an incentive or bonus zoning agreement entered into by the Development Officer, or an amendment to such an agreement, shall be signed by the Mayor and the Municipal Clerk on behalf of the Municipality.

PART XIII: DEVELOPMENT AGREEMENTS

Part XIII, Chapter 1: Development Agreement Regulations

Development on a Registered Heritage Property

- 238 Developments and uses not otherwise permitted in this By-law may be permitted by development agreement on a registered heritage property, in accordance with Policies 5.9 and 5.10 of the *Regional Centre Secondary Municipal Planning Strategy*.

Expansion of Non-Conforming Uses

- 239 In accordance with Policies 10.17 and 10.18 of the *Regional Centre Secondary Municipal Planning Strategy*, where a non-conforming use in a structure is located on a lot that existed on the coming into force date of this By-law, Council may, by development agreement, allow the structure to be expanded so as to increase the volume of the structure capable of being occupied by the non-conforming use.

Change to Less Intensive Non-Conforming Uses

- 240 On a lot that existed on the coming into force date of this By-law, the change of a non-conforming use in a structure to a less intensive non-conforming use may only be permitted by development agreement in accordance with Policies 10.17 and 10.18 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development in the King's Wharf (KW) Special Area

- 241 Development in the King's Wharf (KW) Special Area may only be permitted by development agreement in accordance with Policy 3.9 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development in a CDD Zone

- 242 Developments not otherwise permitted in this By-law may be permitted in any CDD zone by development agreement, in accordance with Policies 3.28, 3.30, 3.31, and 3.32 of the *Regional Centre Secondary Municipal Planning Strategy*.

PART XIV: DEFINITIONS

Part XIV, Chapter 1: Definitions

243 This By-law uses the following definitions:

- (1) **Accessory Structure** means a structure that is:
 - (a) subordinate, incidental, and devoted to a main use or structure;
 - (b) not attached to any main structure; and
 - (c) not used for human habitation, except if used as a backyard suite.
- (2) **Accessory Surface Parking Lot** means a parking lot, not contained within a structure, that supports the main use of a lot.
- (3) **Accessory Use** means a use that is subordinate, incidental, and devoted to a main use on a lot.
- (4) **Adult Cabaret** means premises where a person feels, handles, touches, paints, dances, is in the presence of, or is entertained by another person's nude body, or observes, views, or photographs any such activity. This definition excludes plays, dramas, ballets, and classes in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishment, where nudity is used as a form of expression of opinion or in the communication of ideas or information.
- (5) **Adult Entertainment Use** means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours.
- (6) **Adult Theatre** means premises where the main activity is the showing of motion pictures depicting explicit sexual activity, graphic nudity, or graphic violence, which are either unrated or have been classified as A (Adult) by the provincial film rating agency or its designate.
- (7) **Affordable Community or Cultural Indoor Space** means premises used for community and cultural purposes by a non-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, daycares, and other social services.
- (8) **Alter** means to make any change in the built form or materials of a structure, or the size of any use or structure.

- (9) **Amenity Space** means non-commercial indoor or outdoor space designed for private or shared use by a building's occupants, such as private balconies, private grade-related unit patios, private courtyards, planters and plots for gardening, rooftop barbeque areas, communal indoor and outdoor kitchens, swimming pools, fitness rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, greenhouses, saunas, meeting rooms, and similar spaces.
- (10) **Applicant** means any person or entity applying for a permit, variance, site plan approval, variation, or development agreement.
- (11) **Architectural Frieze** means the flat middle portion of a group of mouldings located along the top of a storefront.
- (12) **Archives** means premises where historical documents, records, and artifacts are stored.
- (13) **Assembly** means, as an industrial use, the fitting or joining together of parts of an item by means of fasteners, nuts, bolts, screws, glue, welding, or other similar techniques.
- (14) **Attached** means a building 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.
- (15) **Auto Repair Use** mean indoor premises used for the repair, servicing, and inspection of motor vehicles, engines, or motors.
- (16) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.
- (17) **Average Finished Grade** means the elevation of the finished ground abutting a structure, averaged around the perimeter of the structure.
- (18) **Awning** means a textile hood or cover, and any supporting structure, that projects from the wall of a building.
- (19) **Awning Sign** means a sign incorporated into an awning (Diagram 28).
- (20) **Backyard Suite Use** means a dwelling unit that is located within an accessory structure.

- (21) **Bed and Breakfast Use** means temporary overnight accommodations provided by a dwelling owner to the traveling public, and which includes the provision of one or more meals.
- (22) **Bedroom** means a habitable room used, designed, or intended for use for sleeping.
- (23) **Billboard** means a sign that does not relate to a use on the lot on which it is located, excluding a neighbourhood sign.
- (24) **Boathouse** means a structure that:
- (a) is used for the shelter or storage of boats, watercraft, or marine accessories and equipment, but not for the shelter, storage, or accommodation of persons, animals, or motor vehicles;
 - (b) is roofed; and
 - (c) does not contain sanitary facilities, a kitchen, or sleeping facilities.
- (25) **Broadcast Use** means commercial and public communication uses such as radio and television broadcasting, receiving stations, and recording and production studios.
- (26) **Building** means every enclosed area within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.
- (27) **Building Depth** means the distance between the wall of a building that is closest to the front lot line and the wall of the same building that is farthest away from the front lot line.
- (28) **Building Height** means the vertical distance between a structure's average finished grade and the structure's highest point.
- (29) **Building Width** means the distance between the outermost edges of two building walls that face:
- (a) two side lot lines;
 - (b) a side lot line and a flanking lot line; or
 - (c) two flanking lot lines, excluding any flanking lot line that is opposite to the front lot line on a through lot.
- (30) **Butcher Shop** means retail premises that sell meat and poultry products, where the processing of meat is limited to making cuts from pre-processed carcasses.

- (31) **C&D Materials Disposal Site Use** means premises where C&D materials, or residue from C&D processing facilities, are disposed of by land application or burying, excluding the use of inert C&D materials, where approved by Nova Scotia Environment or its designate, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.
- (32) **C&D Materials Processing Facility Use** means premises used to sort, alter, grind, or otherwise process C&D materials for reuse or recycling into new products, excluding:
- (a) the retail of used building materials;
 - (b) the processing of inert C&D materials on the site of generation, where the processed material does not leave the site except for inert C&D materials described in Subsection 9(3) of HRM *C&D License By-law* (L-200 and L-201);
 - (c) the de-construction of a building on site;
 - (d) a municipal processing facility for used asphalt and concrete;
 - (e) facilities associated with the reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia; or
 - (f) forestry manufacturing processes.
- (33) **C&D Materials Transfer Station Use** means premises at which C&D materials are received and sorted for subsequent transport to a C&D disposal site or a C&D processing facility.
- (34) **Canadian Geodetic Vertical Datum 2013 (CGVD2013)** means the vertical datum for Canada officially released by Natural Resources Canada (NRCan) in November 2013, or any later edition that may be released or adopted, which is a gravimetric datum defined by the equipotential surface $W_0 = 62,636,856.0 \text{ m}^2\text{s}^{-2}$, representing by convention the coastal mean sea level for North America.
- (35) **Cannabis Lounge Use** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products, or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.
- (36) **Cannabis Production Facility Use** 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.
- (37) **Cannabis Retail Sales Use** means premises used for the retail sale of cannabis, cannabis products, or any of its derivatives, such as oils or edible products, to the general public.
- (38) **Canopy** means a rigid roofed structure supported by a building, or by a support that extends to the ground, that projects outward from the building to provide a protective shield for doors, windows, and other openings.
- (39) **Cantilever** means usable space of an upper floor extending beyond the ground floor façade, including window bays, but excluding any portion of the building above a recessed pedestrian entrance.
- (40) **Car Sharing Space** means a parking space for motor vehicles that is marked and registered for use by a car sharing service.
- (41) **Car Wash** means premises where motor vehicles are washed within a permanent structure.
- (42) **Cemetery Use** means land used for the burial of the dead and related purposes, such as columbaria and mausoleums, and excludes a crematorium use.
- (43) **Change of Use** means a change in the use of any land, building, or structure, or any combination thereof, to a different use permitted in the zone where the land, building, or structure is located.
- (44) **Character-Defining Elements** means the materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.

- (45) **Charter** means the *Halifax Regional Municipality Charter, S.N.S., 2008, c. 39*, as amended.
- (46) **Class A Bicycle Parking** means bicycle parking that secures the entire bicycle and protects it from inclement weather.
- (47) **Class B Bicycle Parking** means bicycle parking that permits the locking of a bicycle by its frame and front wheel, and which supports the bicycle in a stable position with at least two points of contact.
- (48) **Club Recreation Use** means premises operated for recreational purposes, by membership, such as golf courses, country clubs, curling clubs, tennis clubs, swimming clubs, lawn bowling clubs, yacht or boating clubs, marinas, and equine facilities.
- (49) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, community, event, structure, or site.
- (50) **Commercial Recreation Use** means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, bingo halls, and miniature golf courses, excluding club recreation and community recreation uses.
- (51) **Commercial Use** means any use listed under the “**COMMERCIAL**” heading in Table 1.
- (52) **Community Recreation Use** means a publicly owned or operated recreation facility, such as a park, recreation centre, pool, skating rink, picnic area, community oven, dog park, playground, splash pad, skateboard park, boating facility and ramps, sports court, field, and trail, excluding a convention centre use, cultural use, minor spectator venue use, and major spectator venue use.
- (53) **Conservation Use** means an activity carried out for the purposes of conserving soils, water, flora, or fauna, such as a wildlife sanctuary.
- (54) **Construction and Demolition (C&D) Materials** means materials that are normally used in the construction of structures, roadways, walls, and landscaping, such as soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles, and metals.

- (55) **Convention Centre Use** means indoor premises that are used for hosting conventions, exhibitions, and other events, including banquet facilities.
- (56) **Corner Lot** means a lot with contiguous frontage on two or more streets (Diagram 23).

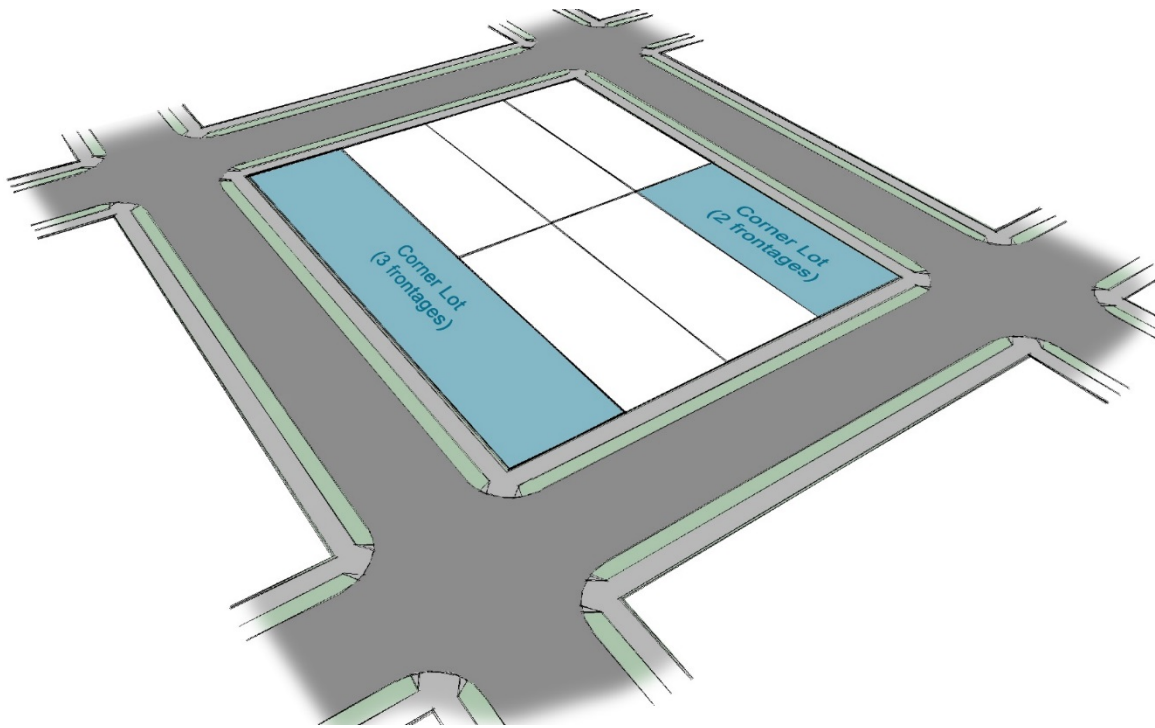


Diagram 23: Corner lot, per Subsection 243(56)

- (57) **Council** means the Council of the Municipality.
- (58) **Crematorium Use** means premises containing apparatus certified, intended, and used for the cremation of human or animal remains.
- (59) **Cultural Use** means premises used for the production, collection, and presentation of art, films, musical and artistic performances, lectures, materials, and exhibits, including libraries, archives, museums, art galleries, cultural centres, and small performance venues containing 500 seats or fewer, excluding minor spectator venue uses, major spectator venue uses, convention centre uses, and recreation uses.
- (60) **Customer Accommodation Area** means the area of a licensed premises in which liquor can be served to and consumed by customers of the licensed premises.

- (61) **Daycare Use** means premises in which supervision is provided for individuals during the day. This definition excludes schools, hospitals, and recreational facilities.
- (62) **Dealership Use** means premises used primarily for the display and sale of products on an outdoor lot, and may include the servicing and repair of the products sold or displayed, such as motor vehicles, recreational vehicles, marine craft, trailers, snowmobiles, snow blowers, all-terrain vehicles, heavy equipment, swimming pools, headstones, decorative fountains, and prefabricated cottages and homes, but excluding a garden centre use.
- (63) **Development** means the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.
- (64) **Development Officer** means a person or persons appointed by Council to administer a land use by-law or subdivision by-law.
- (65) **Drinking Establishment Use** means premises whose primary purpose is serving liquor to the public, and which is licensed under the *Liquor Control Act, S.N.S., 1989, c. 260*, as amended.
- (66) **Drive-Through** means premises that include a designated on-site queueing area for motor vehicles that is separated from other vehicle traffic and pedestrian circulation by barriers, markings, or signs, which provide or dispense products or services using an attendant, window, or automated machine to customers in motor vehicles, and excludes a car wash.
- (67) **Dwelling Unit** means living quarters that:
- (a) are accessible from a private entrance, either from outside the building or from a common area inside the building;
 - (b) contain a kitchen; and
 - (c) contain sanitary facilities.
- (68) **Electric Vehicle Charging Station** means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.
- (69) **Emergency Services Use** means fire stations, police stations, and emergency medical and ambulance stations.

- (70) **Emergency Shelter Use** means premises providing a person with short-term overnight sleeping accommodations, free of charge.
- (71) **Enhanced Bicycle Parking** means the provision of bicycle parking that accommodates and secures bicycle trailers and cargo bikes.
- (72) **Erect** means excavating ground for a foundation, laying a foundation, constructing, reconstructing, removing, or changing the location or orientation of a building or any part thereof.
- (73) **Façade** means a building wall facing a street, a park, or private open space.
- (74) **Farmers' Market Use** means an indoor or outdoor market where individual sellers or a cooperative of producers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages. Farmers' markets exclude the sale of second-hand goods.
- (75) **Fascia Sign** means a sign attached directly to or painted on a building wall, and which does not extend beyond the edges of the wall or above the roof edge (Diagram 28).
- (76) **Financial Institution Use** means premises providing financial and banking services to customers and clients, including banks, trust companies, savings banks, credit unions, and lending establishments.
- (77) **Fitness Centre Use** means indoor premises where people use equipment or space for the purposes of physical exercise, such as health clubs, dance studios, and yoga studios.
- (78) **Flanking Lot Line** means a streetline that is not the front lot line
- (79) **Flanking Yard** means a yard between any wall of the main building and a flanking lot line, excluding any area of the lot that is a front yard (Diagram 34).
- (80) **Flat Roof** means a roof with a maximum pitch of 1/12 (rise to run).
- (81) **Floor Area** means the horizontal area of all floors in a building, measured from the interior faces of any exterior or fire walls and including interior staircases, and excluding the following:
- (a) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios;

- (b) any floor area below the lowest ground floor of a building;
 - (c) elevator shafts;
 - (d) accessory structures;
 - (e) rooftop greenhouses; and
 - (f) any space open to a floor below.
- (82) **Floor Area Ratio (FAR)** means the total floor area of all main buildings within a FAR precinct on a lot, divided by the area of the lot within that FAR precinct.
- (83) **Floor Area Ratio (FAR) Precinct** means the area of a lot to which a single floor area ratio limit applies, as shown on Schedule 8.
- (84) **Four-Unit Dwelling Use** means a building containing four dwelling units on the same lot.
- (85) **Front Lot Line** means a streetline, or where a registered access easement crosses a lot line. In the case of a corner lot, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines. Where a corner lot has streetlines of equal length, any streetline may be deemed the front lot line, and the remaining streetlines shall be deemed flanking lot lines.
- (86) **Front Yard** means the yard extending across the full lot width, between the front lot line and the nearest wall of any main structure on the lot (Diagram 33).
- (87) **Full Cut-Off Light Fixture** means a lighting fixture that projects all of its light in a downward direction.
- (88) **Garden Centre Use** means premises where retail and wholesale gardening products are sold, which may include a nursery and greenhouses.
- (89) **Grade-Oriented Premises** means premises on a ground floor of a building that are accessible by pedestrians from, and front and face, a streetline. A grade-related unit use may occupy grade-oriented premises.
- (90) **Grade-Related Unit Use** means a dwelling unit within a multi-unit dwelling that is accessible by pedestrians from a private entrance that fronts and faces a streetline.
- (91) **Greenhouse** means a permanent structure constructed primarily of transparent materials, for the protection and cultivation of plants such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.

- (92) **Grocery Store Use** means a retail establishment with at least 200 square metres of floor area that primarily sells food, including the accessory sale of food being prepared on-site, and that may also sell other convenience and household goods, but excluding a farmers' market use.
- (93) **Ground Floor** means, for each streetline, the first floor level that:
- (a) abuts the streetline;
 - (b) commences no lower than 0.6 metres below the streetline grade; and
 - (c) does not commence any higher than 0.6 metres above the streetline grade.
- (94) **Ground Sign** means a sign permanently attached to the ground and supported by one or more posts or other similar means (Diagram 28).
- (95) **Hard Landscaping** means covered by hard or impermeable material such as outdoor furniture, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, or wood decking, but does not include parking lot surfaces or areas used for access to parking areas.
- (96) **Hedge** means a line of closely spaced trees including shrubs, planted and trained to form a barrier.
- (97) **Height** means the vertical distance between a structure's average finished grade and the structure's highest point.
- (98) **Height Precinct** means the portion of a lot to which a single height limit applies, as shown on Schedule 7.
- (99) **Heritage Farm Use** means a farm that is used as an educational facility for preserving and interpreting the agricultural past, and which may include the keeping of livestock, but which excludes the slaughtering of animals.
- (100) **High-Density Dwelling Use** means a building containing 13 or more dwelling units on the same lot.
- (101) **High-Rise Building** means a building that is greater than 26 metres high.
- (102) **Historic Site or Monument Use** means a place or structure that commemorates an event, individual, or group.

- (103) **Home Occupation Use** means the use of a portion of a dwelling unit for gainful employment, excluding a bed and breakfast use, daycare use, and a home office use.
- (104) **Home Office Use** means an office-related activity operated within a dwelling that does not regularly require direct contact with non-resident clients on the premises, excluding a home occupation use.
- (105) **Hospital Use** means an institution providing human inpatient health services, including related facilities such as laboratories, outpatient departments, training facilities, and staff offices.
- (106) **Hotel Use** means premises licensed as a roofed accommodation in accordance with the *Tourist Accommodation Act*, S.N.S.,1994–1995, c.9, as amended, and may include a motel use or banquet facility use.
- (107) **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.
- (108) **Incentive or Bonus Zoning Agreement** means a contract between an applicant and the Municipality that describes the public benefit to be provided by the applicant in exchange for incentive or bonus zoning.
- (109) **Industrial Training Facility Use** means a commercial facility that provides outdoor educational instruction and safety certification relating to industrial apparatus and activities.
- (110) **Industrial Use** means any use listed under the “**INDUSTRIAL**” heading in Table 1.
- (111) **Institutional Use** means any use listed under the “**INSTITUTIONAL**” heading in Table 1.
- (112) **Interior Lot** means a lot with frontage on one street only (Diagram 24).

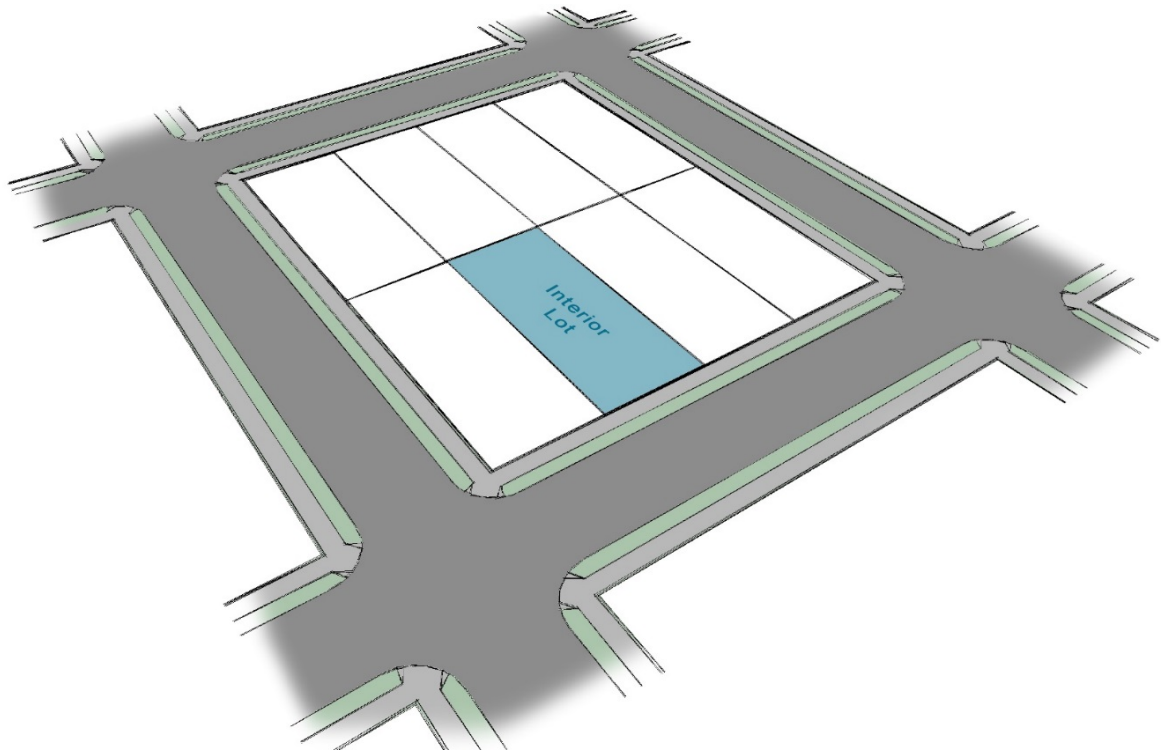


Diagram 24: Interior lot, per Subsection 243(112)

- (113) **kennel Use** means premises used for:
- (a) the keeping of more than two dogs for the purposes of commercial breeding or sale;
 - (b) the overnight boarding of dogs, excluding for veterinary purposes;
 - (c) the commercial training of dogs; or
 - (d) the shelter of stray or abandoned animals.
- (114) **kitchen** means premises used for food preparation, and shall include a refrigerator, any appliance used to heat food for consumption, and a sink.
- (115) **landscape Architect** means a professional and full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (116) **landscaping** means hard landscaping or soft landscaping.
- (117) **large Shared Housing Use** means living quarters that:
- (a) contain at least 11 bedrooms that are accessible from a common area inside the building;
 - (b) at least one shared kitchen per dwelling unit; and
 - (c) contain at least one shared sanitary facility per dwelling unit.

- (118) **Large Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Wind Energy Facility has a stand-alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres high.
- (119) **Light Manufacturing Use** means the processing, fabrication, assembly, treatment, and packaging of products from previously prepared materials, finished products or parts, excluding animal processing, that is confined entirely within a building. Incidental outdoor storage, sales, industrial printing, and wholesale and distribution of manufactured products are considered light manufacturing uses.
- (120) **Local Commercial Use** means commercial premises occupying less than 200 total square metres of floor area per lot that:
- (a) offer goods or products for sale, including the sale of meat and fish, baked goods, dry goods, household articles, and other groceries, excluding the sale of prepared food intended for take-out;
 - (b) offer equipment or merchandise for rent; or
 - (c) offer personal services.
- (121) **Local Drinking Establishment Use** means a drinking establishment with a customer accommodation area not exceeding 65 square metres.
- (122) **Lot** means a parcel of land, whether or not occupied by a building, and which is:
- (a) described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 15th day of April 1987;
 - (b) described in a plan and deed pursuant to the *Land Titles Clarification Act*;
 - (c) approved on a plan of subdivision endorsed and filed in the Provincial Land Registration Office; or
 - (d) created pursuant to Section 278(2) of the *Charter*.
- (123) **Lot Coverage** means the percentage of a lot that is covered by roofed structures at least 0.6 metres high, including any area over which a roofed structure projects, but excluding up to 1.0 metres of projecting roof eaves.
- (124) **Lot Depth** means the distance from the front lot line to the rear lot line, or between the front lot line and flanking lot line on a through lot or corner lot (Diagram 25).

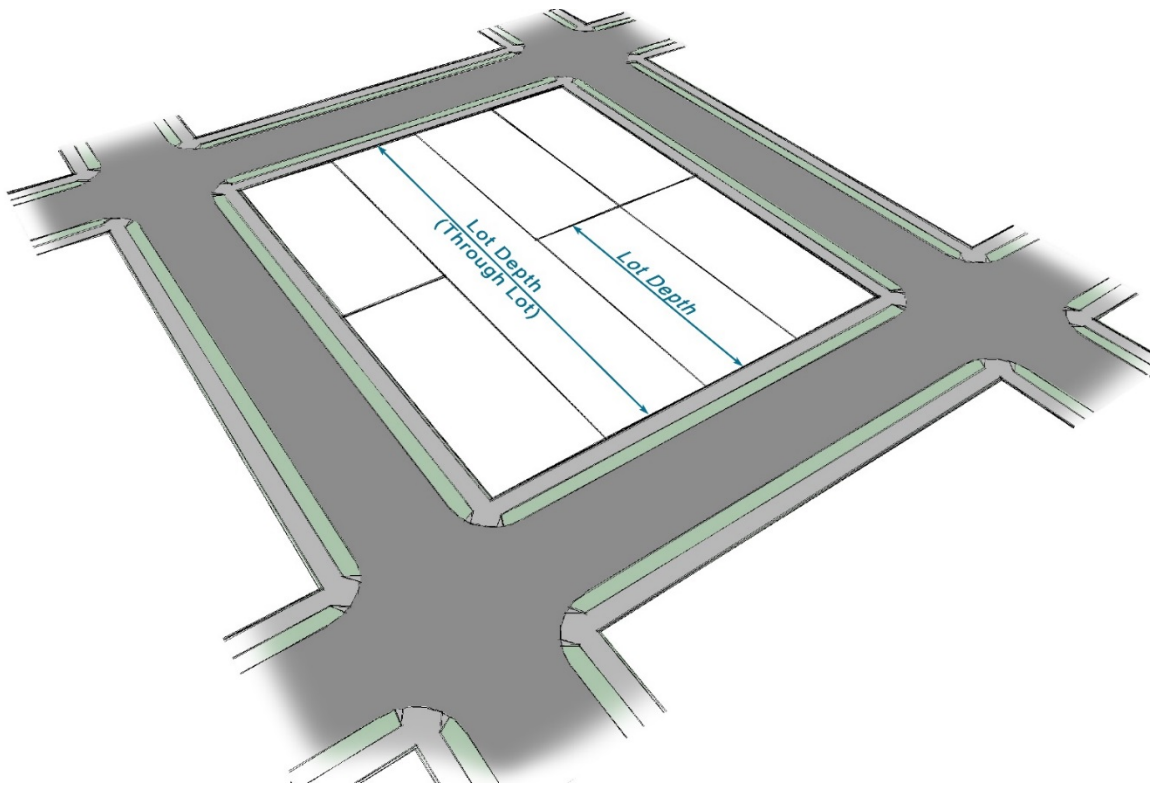


Diagram 25: Lot depth, per Subsection 243(124)

- (125) **Lot Width** means the distance between the side lot lines, side and flanking lot lines, or parallel flanking lot lines, measured at a right angle to the lot depth (Diagram 26).

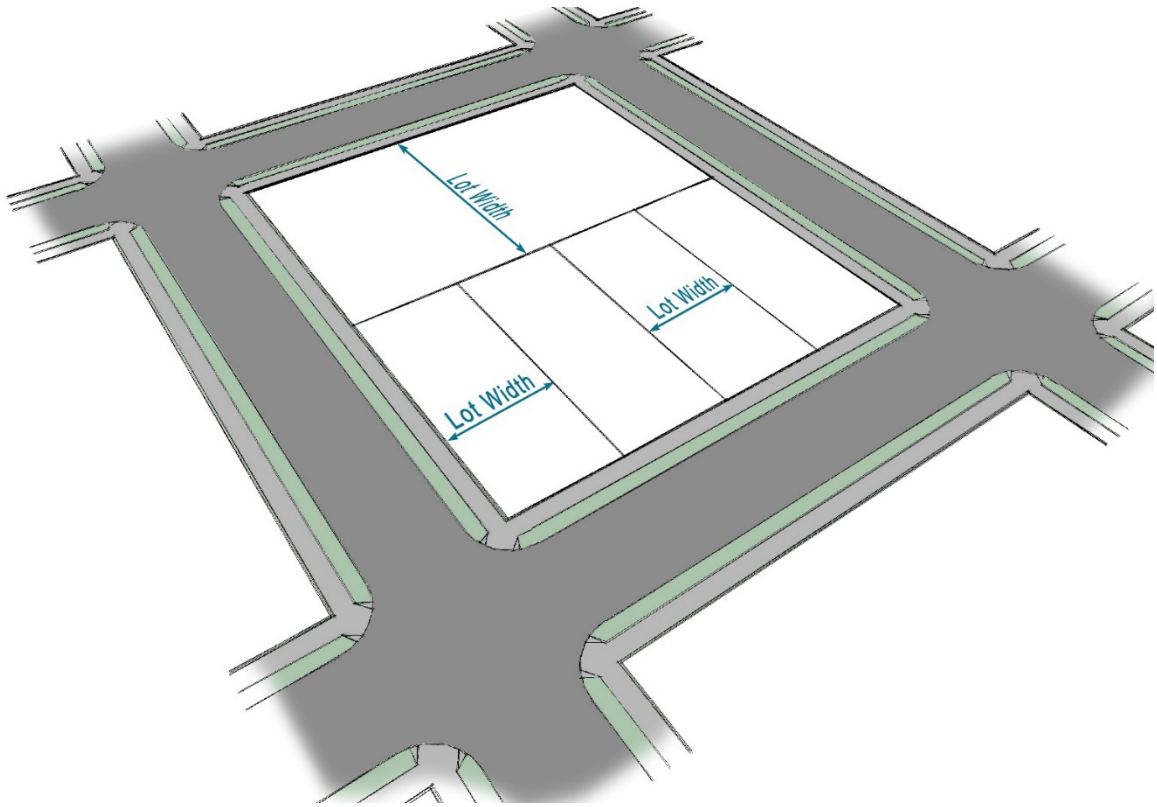


Diagram 26: Lot width, per Subsection 243(125)

- (126) **Low-Density Dwelling** means a building containing 4 or less dwelling units, including semi-detached and townhouse dwellings.
- (127) **Low-Rise building** means a building that is no more than 11 metres high.
- (128) **Main Structure** means a structure that contains the primary use on a lot.
- (129) **Major Spectator Venue Use** means premises, with 3,000 or more seats, where people gather for sports and other major events.
- (130) **Marine-Related Use** means a use that is dependent upon access to or use of the Atlantic Ocean, such as marinas, tugboat facilities, boatbuilding, boat repair facilities, ocean research and development, warehousing, and uses accessory to the forgoing.
- (131) **Massage Parlour** includes premises where a massage, body rub, or similar activity is performed, offered, advertised, or solicited. This definition excludes premises where medical or therapeutic treatment is routinely offered or performed by a registered physician, licensed naturopath, chiropractor, osteopath, massage therapist, physiotherapist, or nurse.

- (132) **Medical Clinic Use** means premises used for the medical examination and treatment of patients on an outpatient basis, for purposes such as family medicine, primary health care, walk-in clinics, dentistry, optometry, nutritional counselling, psychiatry, psychological counselling, crisis intervention, physiotherapy, chiropractic, osteopathy, harm reduction, massage therapy, and other similar uses.
- (133) **Medium Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Wind Energy Facility has a stand-alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres high.
- (134) **Menu-Box Sign** means a sign or sign box that displays or contains a restaurant menu.
- (135) **Mezzanine Space** means an intermediate floor between the floor and ceiling of any room or storey and includes an interior balcony.
- (136) **Micro-Brewery Use** means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled.
- (137) **Micro-Distillery Use** means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled.
- (138) **Micro Wind Energy Facility** means a wind energy facility consisting of a single turbine, designed to supplement other electricity sources as an accessory use to existing buildings or facilities, and has a total rated capacity of 10 kW or less, and is not more than 23 metres high.
- (139) **Mid-Block Open Space** means open space generally located at the centre of a city block bounded by one or more buildings.

- (140) **Mid-Rise Building** means a building that is greater than 11 metres high but not higher than 20 metres.
- (141) **Minor Building Features** means portions of a building that protrude beyond the main wall of the structure, such as vents, downspouts, gutters, doorknobs, architectural detailing, sills, cornices, eaves, stovepipes, chimneys, shutters, and mailboxes.
- (142) **Minor Spectator Venue Use** means indoor premises where people gather, with a capacity of more than 500 seats and fewer than 3,000 seats, such as cinemas, theatres, auditoriums, and social and cultural gathering places, but excluding convention centre uses, cultural uses, major spectator venue uses, and recreation uses.
- (143) **Mobile Home Use** means a dwelling unit originally designed to be transportable, whether or not it is equipped with wheels, but excluding a travel trailer, bus, or recreational vehicle.
- (144) **Model Suite Use** means premises used to display a sample dwelling unit that is available for sale or rental in a residential development approved by the Municipality. Model suites may incorporate sales or rental offices.
- (145) **Multi-Unit Dwelling Use** means a building containing five or more dwelling units.
- (146) **Municipal Heritage Property** means a building, public building interior, streetscape, cultural landscape or area registered in the Registry of Heritage Property for the Halifax Regional Municipality.
- (147) **Nacelle** means the frame and housing at the top of the wind turbine tower that encloses the gearbox and generator.
- (148) **Neighbourhood Sign** means a sign that identifies a neighbourhood or district, and is intended to reinforce that neighbourhood's sense of identity.
- (149) **New Development in a Heritage Context** means the construction of any addition to a heritage building, any new construction on a registered heritage property, and any new development on a property abutting a registered heritage property.
- (150) **Not-for-Profit Organization** means:
- (a) a society incorporated pursuant to the *Societies Act, R.S.N.S.1989 c.435*, as amended;

- (b) a non-profit association incorporated pursuant to the *Co-operative Associations Act, R.S.N.S.1989 c. 98*, as amended;
 - (c) a non-profit association to which the *Co-operative Associations Act* applies;
 - (d) a not-for-profit corporation incorporated pursuant to the *Canada Not-for-profit Corporations Act, S.C. 2009, c. 23*; and
 - (e) a non-profit organization incorporated as a non-profit organization pursuant to its own Act of the Nova Scotia Legislature.
- (151) **Nude** means the showing of human genitals, pubic areas, or buttocks with less than a full opaque covering.
- (152) **Obnoxious Use** means any use that creates a nuisance or is offensive through the creation of noise, vibration, glare, electrical interference, fire, or explosion hazard, or the emission of gas, fumes, dust, smoke, oil, runoff, or objectionable smell.
- (153) **Off-Street Loading Space** means an area, located on the lot, that is designed for loading and unloading goods from motor vehicles.
- (154) **Office Use** means premises in which a person transacts the affairs of a business, profession, service, industry, or government, excluding a home office use or a home occupation use.
- (155) **Ordinary High Water Mark** means as defined in the Nova Scotia *Land Surveyors Act*.
- (156) **Outdoor Storage** means the storage of merchandise, inventory, materials, or equipment external to a building, including where a building is not located on a lot.
- (157) **Owner** means the owner of lot, which may include:
- (a) a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of land or a building;
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession, or a person having the care or control of the land or building;
 - (c) a person who occupies shores, beaches, or shoals; or
 - (d) in the absence of proof to the contrary, the person assessed for the lot.

- (158) **Parapet** means the portion of a wall which extends above the roof edge and does not contain any floor area.
- (159) **Park Use** means land that is owned or operated by a government entity and primarily used for outdoor recreational purposes, either active or passive, but does not include commercial recreation or club recreation uses.
- (160) **Parking Lot** means a surface parking area, not contained within a structure, for five or more motor vehicles.
- (161) **Parking Structure** means an aboveground, underground, or attached 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.
- (162) **Patio** means an uncovered flat surfaced area, within 0.6 meters of the finished grade, that is adjacent to a grade related unit and intended for recreational activities, such as outdoor lounging, dining, and entertaining.
- (163) **Pawn Shop Use** means premises where a person may give, pledge, or deposit goods as security in return for a payment or loan, excluding financial institution uses.
- (164) **Pedestrian Connection** means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use, including sidewalks, walkways, accessways, stairways, and pedestrian bridges.
- (165) **Pedway** means an elevated enclosed walkway used exclusively for pedestrian traffic.
- (166) **Penthouse** means an enclosed rooftop space used for mechanical or shared amenity purposes.
- (167) **Pet Daycare Use** means the daytime boarding and care of pets, provided that overnight boarding is not permitted, and excluding a kennel.
- (168) **Personal Service Use** means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, depots for collecting dry cleaning and laundry, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, funeral homes, and the retail sale of products accessory to any service provided. Veterinary facilities, kennels, pet daycares, and crematoria are not considered a personal service use.

- (169) **Playground** means a landscaped area that includes dedicated play equipment such as swings, slides, sandboxes, and jungle gyms.
- (170) **Podium** means the lower levels of a building that form a pedestal that supports clearly distinct upper levels.
- (171) **Porch** means a covered platform that is attached to the outside of a building at an entrance and does not contain livable space.
- (172) **Premises** means the lot or that portion of the lot that contains a use, including a structure or portions of a structure occupied by the use.
- (173) **Professional Engineer** means an individual licensed by, and in good standing with, the Association of Professional Engineers of Nova Scotia.
- (174) **Projecting Sign** means a sign that (Diagram 28):
- (a) projects horizontally from a supporting wall; or
 - (b) is attached to the underside of the building or canopy.
- (175) **Public Art** means a permanent work of art created by an artist in any medium, material, media, or combination thereof, but excluding any corporate insignia.
- (176) **Quick Charging Station Use** means premises used for the rapid charging of electrical vehicles.
- (177) **Quonset Hut** means a building with a wall that is not vertical, where the roof meets the foundation (Diagram 27).

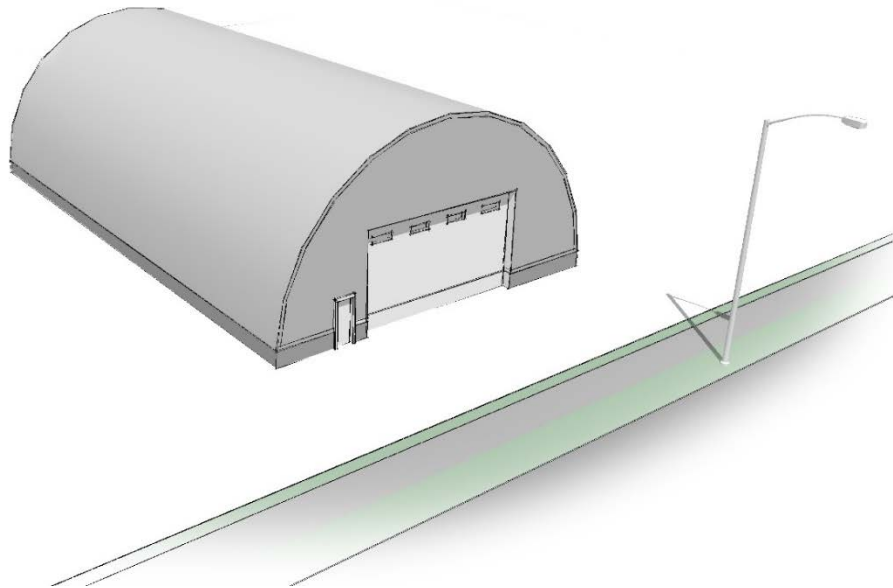


Diagram 27: Quonset Hut, per Subsection 243(177)

- (178) **Ramparts** means the Citadel Ramparts pursuant to Section 166, and as depicted on Schedule 12 of this By-law.
- (179) **Rear Lot Line** means the lot line farthest from or opposite to the front lot line, and which is not a flanking lot line on a through lot.
- (180) **Rear Yard** means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main structure on the lot, excluding any area of the lot that is a flanking yard (Diagram 33).
- (180.5) **Recessed Pedestrian Entrance** means a doorway that is recessed from ground floor portion of the streetwall.
- (181) **Recreational Vehicle** means a motor vehicle or travel trailer designed, constructed or reconstructed, equipped and used, or intended to be used primarily for sleeping, eating, and living quarters, such as a motorized home or a bus converted for such purposes.
- (182) **Recycling Depot Use** means a collection site for materials in a municipal or provincial recycling program that is licensed by the Province, but excluding a scrapyards or salvage use.

- (183) **Registered Canadian Charitable Organization** means a charitable organization registered pursuant to the *Income Tax Act (Canada)* and the regulations made pursuant to that Act.
- (184) **Registered Heritage Building** means a building on a registered heritage property pursuant to the *Heritage Property Act*.
- (185) **Religious Institution Use** means a place of worship or of religious assembly, including accessory uses that are on-site, such as a rectory, convent, private school, meeting hall, offices for administration of the institution, or daycare.
- (186) **Residential Use** means any use listed under the “**RESIDENTIAL**” heading in Table 1.
- (187) **Restaurant Use** means premises whose primary purpose is to prepare, serve, and sell food and non-alcoholic beverages for consumption on or off the premises. Restaurants may be licensed to serve alcoholic beverages, but this shall be incidental to the primary business. Restaurants may include cafes, table service, dine-in, take-out, and home delivery services.
- (188) **Retail Use** means premises used for the selling or renting of merchandise, including second-hand goods, directly to consumers. Retail uses may also include the servicing and repair of items like those being sold. Shopping centres, retail post offices, car/truck/bicycle rental offices, and butcher shops are considered retail uses.
- (189) **Roof Edge** means the outermost edge of a roof.
- (190) **Rooftop Greenhouse** means a greenhouse located on a roof of a main structure.
- (191) **Salvage Use** means the collection, storage, and sale of waste materials. The collecting, dismantling, storage, salvaging, or sale of parts associated with motor vehicles not in running condition are considered salvage uses.
- (192) **School Use** means a public or private institution of learning for grades pre-primary to twelve.
- (193) **Secondary Suite Use** means a self-contained subordinate dwelling unit within a low-density residential main building.
- (194) **Self-Storage Facility Use** means a building or group of buildings containing individually rented storage units.

- (195) **Semi-Detached Dwelling Use** means two dwelling units where each is located on an individual lot but joined along a single lot line.
- (196) **Service Access** means direct access to utilities, loading areas, garbage collection areas, and storage areas from a streetline.
- (197) **Service Station Use** means premises used primarily for the retailing of motor vehicle fuels, lubricants, car wash facilities, and accessories.
- (198) **Service Use** means a business whose primary function is call-out or dispatch work, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, landscapers, taxis, and standalone catering.
- (199) **Setback** means a required distance to a lot line or a TR zone boundary from an exterior wall of a building or a use, at, above, or below grade (Diagram 30).
- (200) **Shared Housing Use** means a single room occupied as living quarters within a dwelling unit that:
- (a) is accessible from a common area inside the dwelling unit;
 - (b) does not contain a kitchen; and
 - (c) may contain sanitary facilities.
- (201) **Shipping Container** means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck. A shipping container includes unlicensed or unregistered truck trailers.
- (202) **Shrub** means a small- to medium-sized woody plant that has several main stems arising at or near the ground.
- (203) **Side Lot Line** means a lot line that is not a front, flanking, or rear lot line.
- (204) **Side Yard** means a yard between the front yard and the rear yard, and between the side lot line and the nearest wall of any main structure on the lot (Diagram 33).
- (205) **Sign** means any structure, medium, or device designed or intended to convey information using words, images, symbols, pictures, logos, or any combination thereof for the purpose of providing direction, information, identification, advertisement, business promotion, or the promotion of a product, activity, service, or idea.

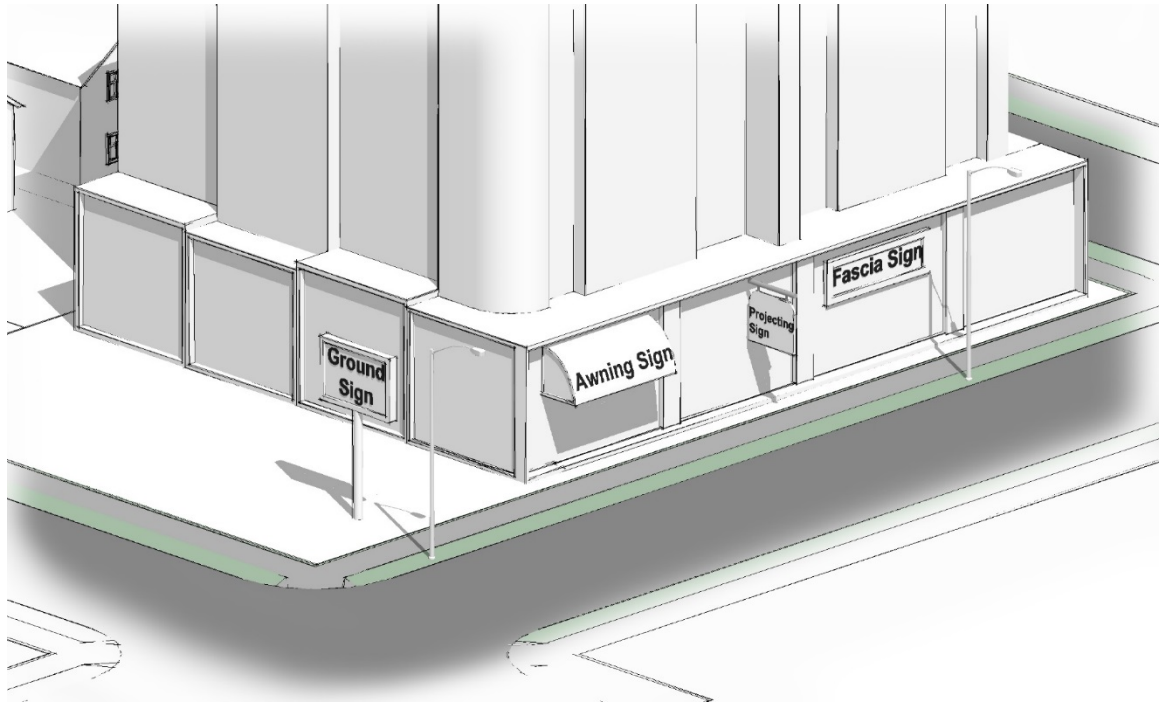


Diagram 28: Awning, Fascia, Ground and Projecting Signs, per Subsections 243(18), (75), (94) and (174)

- (206) **Sign Area** means the area of the smallest rectangle, triangle, or circle that can totally circumscribe the entire face of the sign, including the sign surface and any framing, trim, or moulding, and excluding the supporting structure.
- (207) **Sign Height** means the vertical distance of a sign between the lowest point of grade adjacent or below the sign and the highest point of the sign.
- (208) **Single-Unit Dwelling Use** means a detached building containing one dwelling unit.
- (209) **Small Wind Energy Facility** means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Wind Energy Facility has a standalone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres high.
- (210) **Soft Landscaping** means covered by soft or water-permeable material and vegetation such as trees, hedges, shrubs, flowers, grass, fruit and vegetable plants, sod, or other vegetative groundcover. A water feature is considered soft landscaping.

- (211) **Solar Collector** means a system designed to collect solar radiation and convert it to useable forms of energy, such as photovoltaic and solar thermal systems. This definition excludes windows unless the windows are treated with a photovoltaic film.
- (212) **Solid Waste Management Area** means an area of a building or a lot used for the separation and storage of waste streams.
- (213) **Stepback** means a horizontal recess, prescribed by this By-law, that breaks the vertical plane of an exterior wall on a main building.
- (214) **Storage Yard Use** means the storage and maintenance of equipment, products, and materials outside a building that are not available for immediate sale, excluding dealership uses and salvage uses.
- (215) **Storey** means a portion of building between any floor and floor, or any floor and ceiling. Any portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is at least 2.0 metres above the streetline grade.
- (216) **Street** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith.
- (217) **Streetline** means any lot line dividing a lot from a street or private road.
- (218) **Streetline Grade** means the elevation of a streetline at a midpoint of a streetwall. Separate streetline grades are determined for the midpoint of each streetwall segment that is greater than 8.0 metres wide, or a part thereof (Diagram 29).

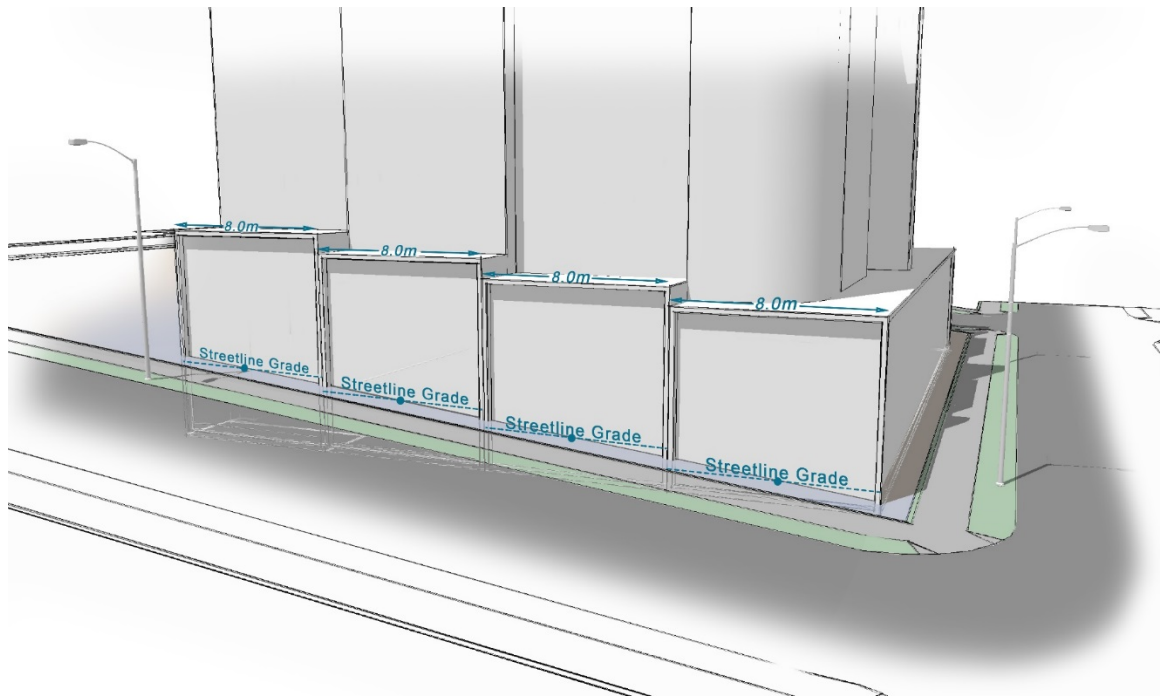


Diagram 29: Streetline grade, per Subsection 243(218)

- (219) **Streetwall** means the wall of a building or portion of a wall of a building facing a streetline below the height of a specified setback.

- (220) **Streetwall Height** means the vertical distance between the streetline grade and the top of the streetwall, extending across the width of the streetwall (Diagram 30).

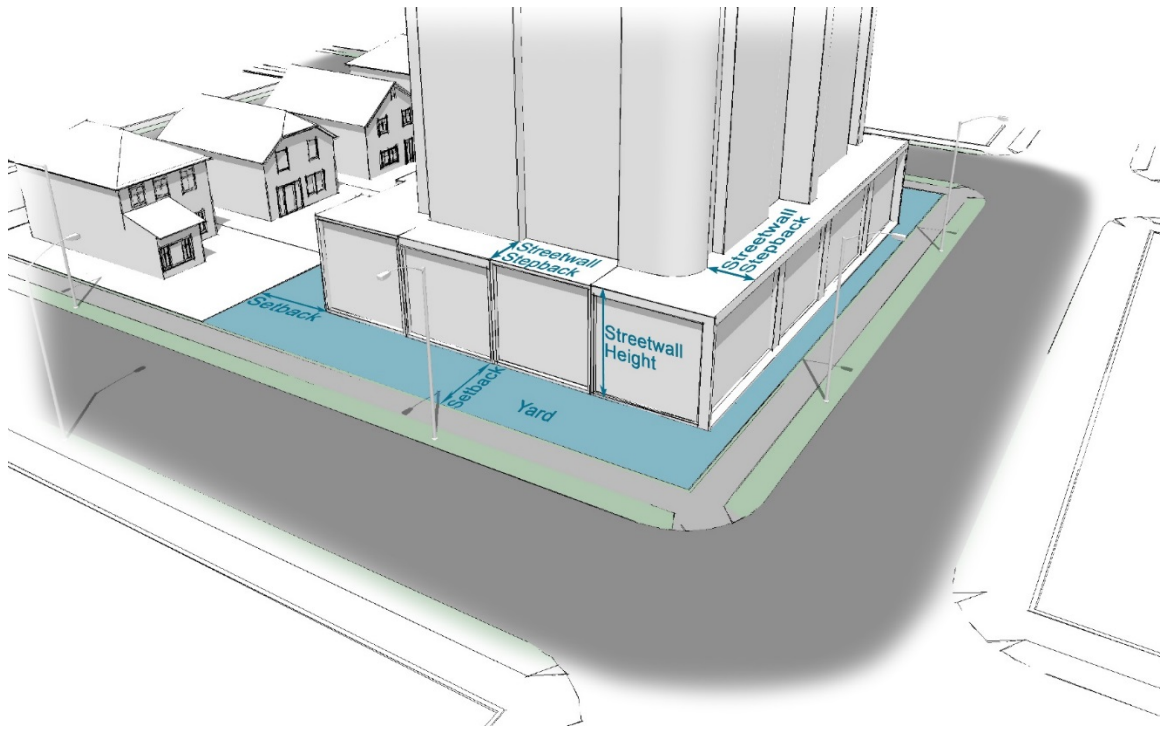


Diagram 30: Streetwall height, streetwall stepback, and setback per Subsections 243(199), 243(220), and 243(221)

- (221) **Streetwall Stepback** means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram 30).
- (222) **Structure** means everything that is erected, built, or constructed of parts joined together, and includes a building
- (223) **Studio Use** means the commercial use of space for artistic purposes with or without instruction, such as artists' studios and musical conservatories, excluding any school use, college or university use, religious institution use, cultural use, personal service use, or home occupation use.
- (224) **Tall Mid-Rise Building** means a building that is greater than 20.0 metres high but not higher than 26.0 metres.
- (225) **Temporary Construction Use** means a use, which in the opinion of the Development Officer, is of limited duration and accessory to development, such as:

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

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

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

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

- (228) **Through Lot** means a lot with frontage on two or more streets, with not all frontages contiguous (Diagram 31).

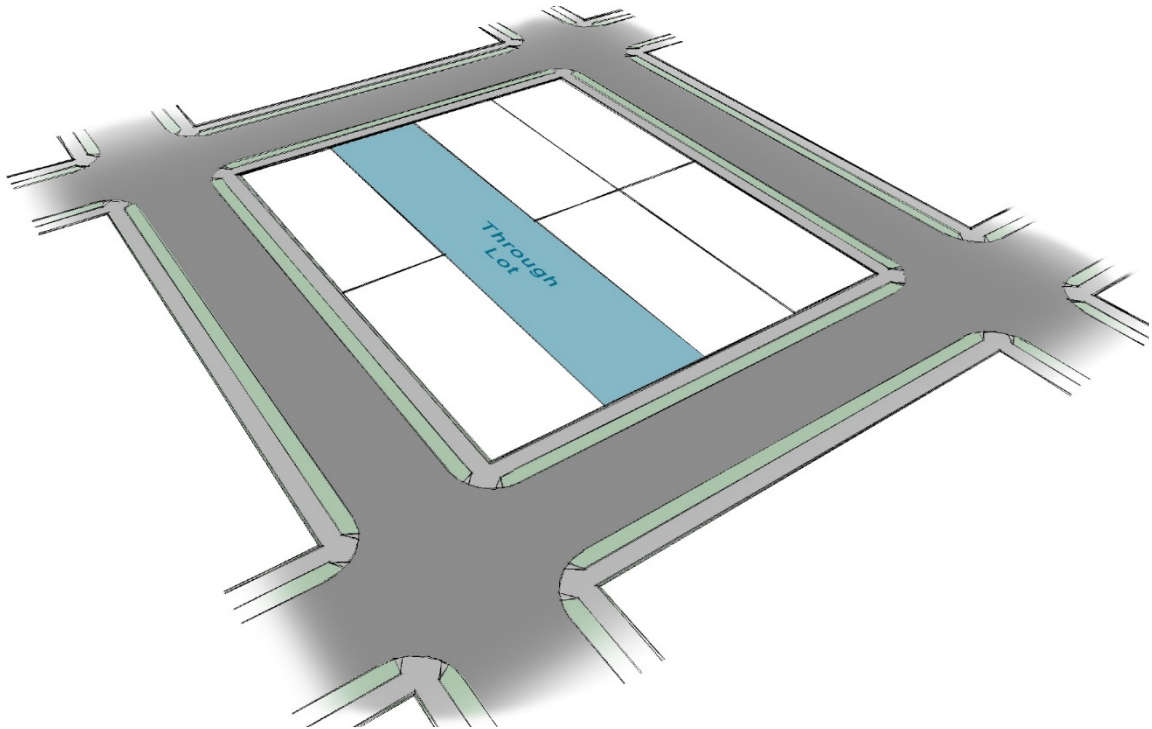


Diagram 31: Through Lot, per Subsection 243(228)

- (229) **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.
- (230) **Tower Height** means the distance measured from the average finished grade of a wind turbine tower to the highest point of the wind turbine rotor or tip of the wind turbine blade when it reaches its highest elevation, or in the case of a roof-mounted wind turbine the distance measured from the building's average finished grade to the highest point of the wind turbine rotor or tip of the wind turbine blade when it reaches its highest elevation (Diagram 32).

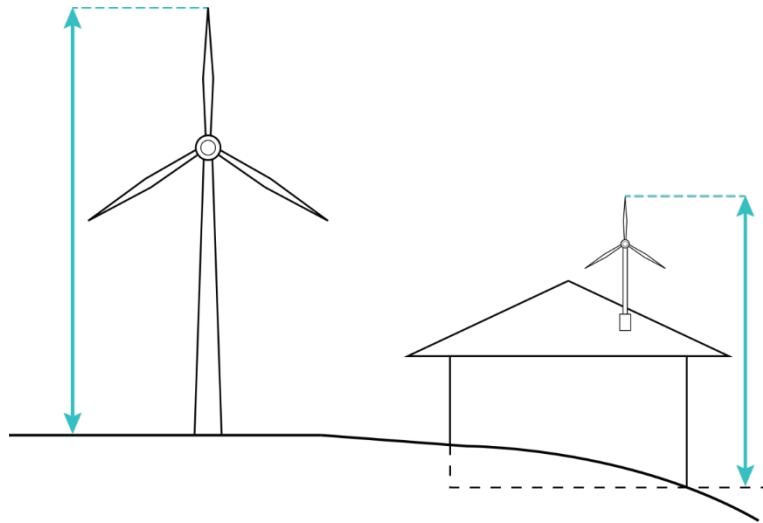


Diagram 32: Tower height, per Subsection 243(230)

- (231) **Townhouse Dwelling Use** means a building that is divided vertically into three or more dwelling units, where each unit is located on a separate lot, and each unit has an independent entrance.
- (232) **Transportation Facility Use** means public or private transit facilities, bus stations, and train stations, excluding storage yards and maintenance facilities.
- (233) **Two-Unit Dwelling Use** means a building containing two dwelling units on the same lot.
- (234) **University or College Use** means a post-secondary institution that awards individuals with academic degrees, diplomas, or certificates in various disciplines, such as universities, community colleges, trade schools, career colleges, language schools, and culinary schools, along with accessory uses such as athletic facilities, dormitories, dining halls, and research facilities.
- (235) **Urban Agriculture Use** means the use of a structure or land for:
- (a) the keeping of bees as an accessory use;
 - (b) the keeping of egg-laying hens as an accessory use; or
 - (c) the breeding, planting, cultivation, or harvesting of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- (236) **Urban Farm Use** means an urban agriculture use undertaken by a community organization or a commercial operator, including a community garden.

- (237) **Use** means:
- (a) the purpose for which a premises is used or occupied, or intended to be or designed to be used or occupied; or
 - (b) the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
- (238) **Used Building Material Retail Outlet** means a building or part of a building where Construction and Demolition materials are sorted and available for resale inside the building, with incidental and minimal alteration of the materials.
- (239) **Utility Use** means structures, equipment, and materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use. District energy systems, whether standalone or integrated into another building, are also considered a utility use.
- (240) **Variance** means as regulated via Sections 250 to 252 of the *Charter*.
- (241) **Variation of Requirements** means the provisions of this By-law that may be varied by site plan approval.
- (242) **Veterinary Facility Use** means indoor premises designed or used for the care, observation, and treatment of ill or injured animals.
- (243) **View Plane** means a view which remains unobstructed by structures and is cast in a perspective projection that is tied to a geographic location.
- (244) **Warehousing Use** means a building or part of a building for storage or the wholesale and distribution of manufactured products, supplies, and equipment, excluding a wholesale food production use.
- (245) **Water Access Structure Use** means any structure connected to the shore that provides berthing for water-based vessels, including a dock and wharf.
- (246) **Water Lot** means any lot or portion of a lot located on a lake or the Halifax Harbour, the title of which is separately conveyable, that is normally fully or partly submerged under water.
- (247) **Watercourse** means a lake, river, stream, ocean, or other natural body of water.
- (248) **Wholesale Food Production Use** means premises used for baking, preparing, processing, distributing, and wholesaling food products, but where over-the-

counter or other retailing of food products is limited to an accessory retail outlet, and which excludes the slaughtering of animals.

- (249) **Wholesale Use** means premises where merchandise is sold or distributed to retailers, industrial, commercial, or institutional users, or other wholesalers.
- (250) **Wind Energy Facility** means a wind energy conversion system, to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure, and transmission lines.
- (251) **Wind Turbine** means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- (252) **Work-Live Unit Use** means a residential use where a commercial use is permitted in the same dwelling unit, but does not include a home occupation or a home office.
- (253) **Workshop Use** means indoor workspaces where equipment may be used or borrowed for the purposes of designing, repairing, prototyping, and constructing objects and products.

(254) **Yard** means an open area, at ground level, that is uncovered by any main building except those structural and building features permitted in Section 77.

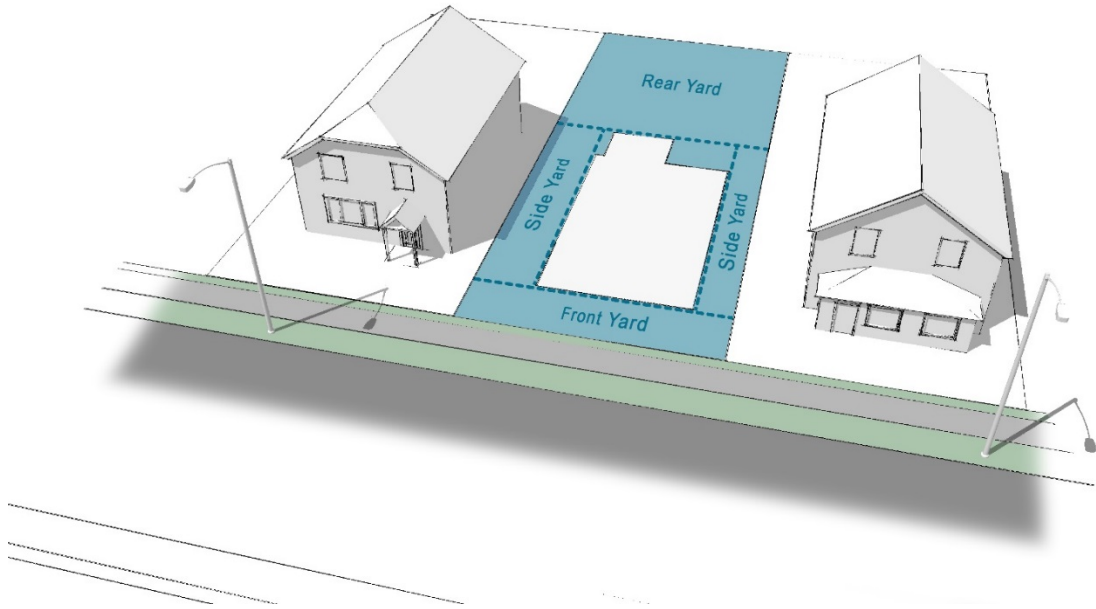


Diagram 33: Front, rear, and side yards, per Subsections 243(86), 243(180), and 243(204)

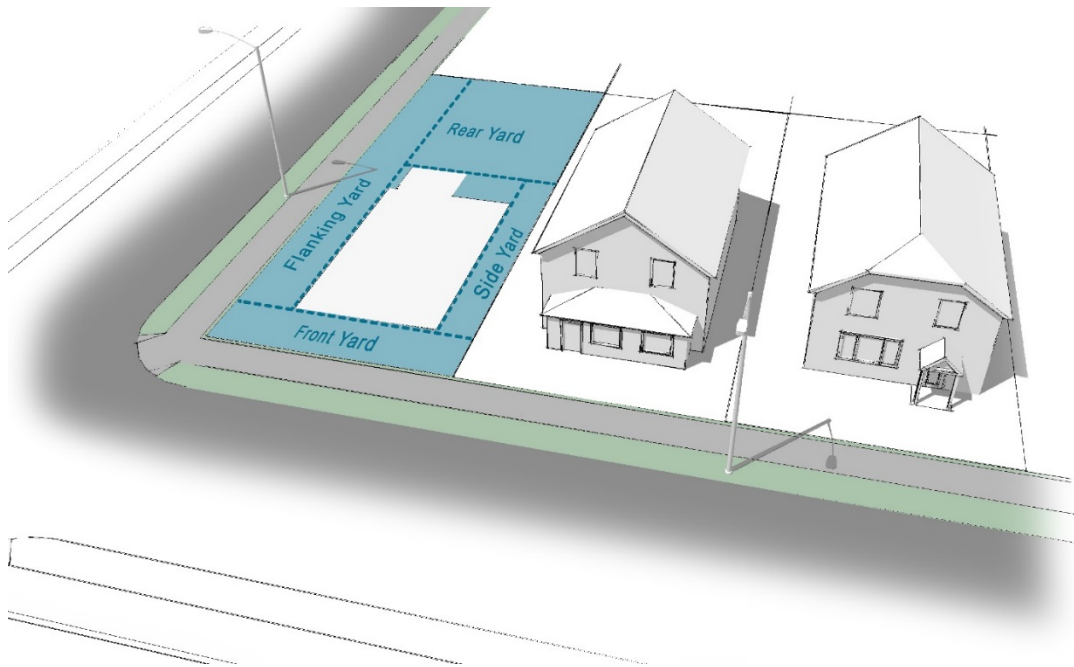


Diagram 34: Flanking yard, per Subsection 243(79)

(255) **Zone** means any area identified on Schedule 3.

APPENDICES

Appendix 1: Pedestrian Wind Impact Assessment Protocol and Performance Standards

Background

This protocol provides guidance for the preparation and review of pedestrian wind impact assessments, including detailed assessment methodologies, local wind climate data, wind comfort, and safety performance standards, as well as wind mitigation measures. It is intended to ensure enhanced consistency and accountability in the development approval process.

Buildings taller than their immediate surroundings are exposed to stronger winds at higher elevations. These winds can be redirected down by building façades, and can subsequently accelerate around exposed building corners and along the gaps between buildings, resulting in high wind activity in pedestrian areas (Diagram A1-1).

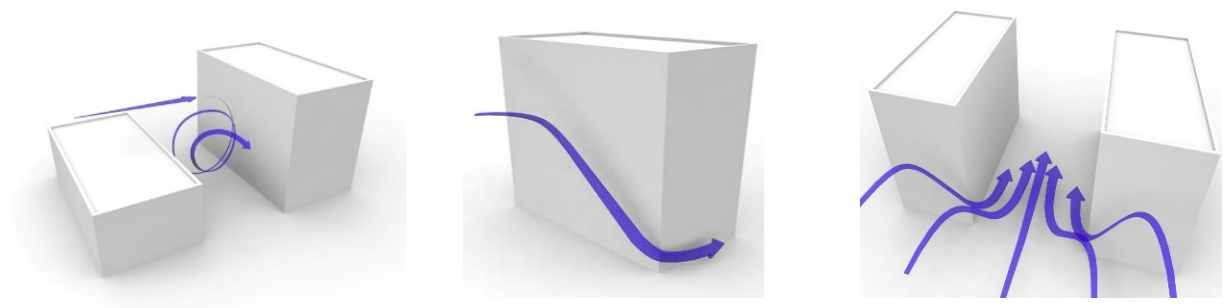


Diagram A1-1: Typical wind flow patterns around buildings

Increased wind speeds may affect pedestrian comfort and safety on and around a proposed development and, therefore, a project's success. The potential wind impact can be assessed through an experience-based review, computer simulations, and wind tunnel testing. If a negative wind impact is predicted, mitigation strategies shall be developed, as required by the *Regional Centre Secondary Municipal Planning Strategy*.

Quantitative and Qualitative Assessments

When an application is made for a new building or an addition to an existing building higher than 20.0 metres, a pedestrian wind impact assessment shall be conducted. Table A1-1 shall be used as a guide in the determination of an appropriate assessment approach for the proposed development.

A qualitative assessment of wind conditions, including a letter of opinion and a desktop analysis, is largely based on wind consultants' knowledge of wind flows around buildings, local

wind climate, and experience with wind tunnel tests on similar building projects in the Halifax Regional Municipality. A desktop analysis may involve using numerical tools to predict wind conditions around simplified building forms. It may also use Computational Fluid Dynamics (CFD) software to visualize the flow patterns for select (or all) wind directions (Diagram A1-2a). While the CFD technique is increasingly popular for evaluating design options and visualizing flow patterns around building massings, it is still considered a qualitative tool that is not sufficiently advanced to replace wind tunnel testing. Even the most sophisticated CFD software has difficulty predicting turbulence and gust speeds that directly relate to wind safety. Currently, only wind tunnel testing can provide quantitative predictions of wind speeds and exceedance frequencies.

Wind Tunnel Testing

Wind tunnel testing shall be conducted in a boundary-layer wind tunnel where wind and turbulence profiles are adequately simulated for 36 wind directions. Wind tunnel models are typically built at a 1:300 or 1:400 scale, with the study building at the centre and surrounded by existing buildings (including buildings under construction) and topography (e.g., the Halifax Citadel and Halifax Harbour) for a radius of at least 350 metres (Diagram A1-2b). Both mean and gust wind speeds shall be measured at a height of 1.5 metres above the grade at the location where the measurement is to be undertaken, for both the existing and proposed site configurations. Comparisons of wind conditions with and without the proposed development in place provide a true assessment of the wind impact. Testing of an additional (future) site configuration may be warranted if there are approved or proposed major developments in the surrounding area that may alter the local wind conditions. If uncomfortable or unsafe wind conditions are identified in key pedestrian areas, mitigation configuration(s) shall also be included in wind tunnel testing to demonstrate the effectiveness of any proposed wind control solutions.

Measurement locations shall cover key pedestrian areas on the development site and around the adjacent street blocks, typically including building entrances, sidewalks/walkways, bus stops, outdoor restaurants, parks, playgrounds, roof terraces, and so on. The wind tunnel results shall report wind speeds and exceedance frequencies at all test locations, and shall be presented in both tabular and graphic forms for all test configurations.

Table A1-1: Assessment Approach According to the Proposed Building Height

| Proposed building height | Assessment approach |
|---|--|
| 20 to 40 metres, with the same or taller surroundings | An experience-based letter of opinion sufficient to: <ul style="list-style-type: none"> (a) identify any building design issues; and (b) provide conceptual solutions for wind control, where needed. |
| 20 to 40 metres, with lower surroundings | <ul style="list-style-type: none"> (a) For a qualitative assessment and to provide wind mitigation strategies, an experience-based desktop analysis using numerical tools, including CFD (if appropriate); and (b) A quantitative assessment in a wind tunnel may be required in some cases involving multiple buildings, located at a waterfront or hilltop location, or including special pedestrian uses. |
| > 40 metres | A quantitative wind tunnel assessment using physical scale-modelling in a boundary-layer wind tunnel, to predict and assess potential wind conditions and, if needed, develop and confirm the effectiveness of wind mitigation measures. |

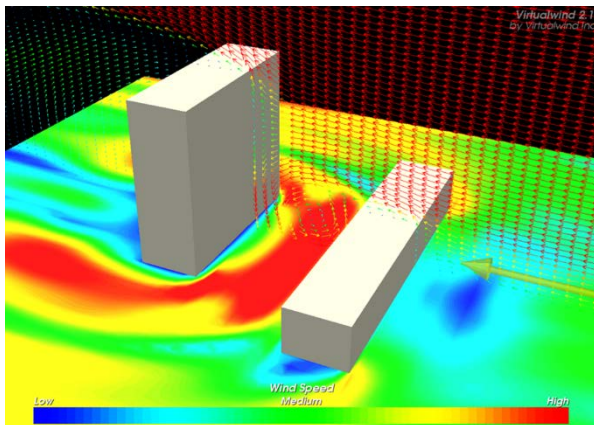


Diagram A1-2a: An example of computer simulation (CFD) of wind flows around buildings



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

The assessment of pedestrian-level wind conditions should be conducted as early as possible, when building massing can still easily be altered for wind control, if necessary.

Local Wind Climate Data

Long-term data from Shearwater Airport (Diagram A1-3) shall be used as a reference for the wind assessment of projects in the Halifax Regional Municipality. The data shall be grouped into two seasons: summer (May to October) and winter (November to April), to account for the distinct differences in pedestrian outdoor activity during these two periods.

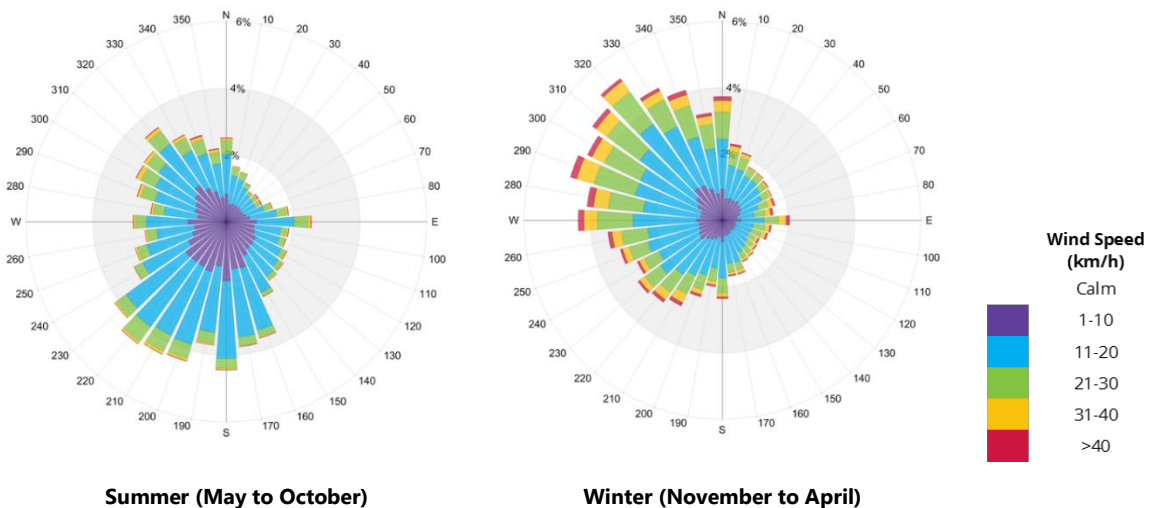


Diagram A1-3: Seasonal distribution of winds approaching Shearwater Airport (1988–2017)

To obtain full-scale wind speeds and exceedance frequencies, wind data measured at the airport over the latest 30 years (or longer) shall be converted to a reference height above the study site and combined with the wind speeds predicted by wind tunnel testing or desktop analysis.

Wind Comfort and Safety Performance Standards

Predicted wind speeds and frequencies shall be compared to the following wind comfort and safety performance standards (Table A1-2). Wind comfort may be affected by both mean and gust speeds, and their combined effect shall be quantified as a Gust Equivalent Mean (GEM), while only gust speeds need to be considered for the wind safety performance standard.

Table A1-2: Wind Comfort and Safety Performance Standards

| Comfort category | GEM speed | Description |
|---|------------------|---|
| Sitting | < 10 km/h | Calm or light breezes suitable for outdoor restaurants, seating areas, and other amenities |
| Standing | < 14 km/h | Gentle breezes suitable for main building entrances and bus stops where pedestrians may linger |
| Strolling | < 17 km/h | Moderate winds appropriate for window shopping and strolling along a downtown street, or park |
| Walking | < 20 km/h | Relatively high speeds that can be tolerated if one's objective is to walk, run, or cycle without lingering |
| Uncomfortable | ≥ 20 km/h | Strong winds unacceptable for all pedestrian activities; wind mitigation is typically required |
| <p>Notes:</p> <p>(1) GEM speed = mean speed or (gust speed ÷ 1.85), whichever is higher.</p> <p>(2) GEM speeds above are based on a seasonal exceedance of 20% of the time between 6:00 and 23:00. Hours between 23:00 and 6:00 are excluded from the wind comfort analysis because nighttime usage of outdoor spaces is anticipated to be limited during these hours.</p> | | |

| Safety performance standard | Gust speed | Description |
|--|-------------------|--|
| Exceeded | > 90 km/h | Excessive gust speeds that can adversely affect a pedestrian's balance and footing. Wind mitigation is required. |
| <p>Notes:</p> <p>(3) Based on an annual exceedance of 9 hours or 0.1% of the time for 24 hours a day.</p> | | |

Some exceptions may be permitted in the application of these wind performance standards. For instance, higher-than-desired wind speeds at outdoor seating areas and building entrances may be acceptable in winter months, due to reduced pedestrian usage, and for areas to which access can readily be controlled during adverse weather conditions.

No wind mitigation is required for existing uncomfortable or unsafe conditions that are not made worse by the proposed development.

Mitigation Strategies

Wind mitigation may be required for areas where wind conditions are uncomfortable or unsuitable for an intended pedestrian use. Wind mitigation shall be required where wind conditions are predicted to be unsafe. The most effective wind control measures involve adjustments to the building early in the design process (e.g., massing, shape, and orientation changes) that respond to the local wind climate. These can be assisted by tower setbacks, large podiums, tower shapes, corner articulations, colonnades/arcades, and so on, as illustrated by photos in Diagram A1-4.

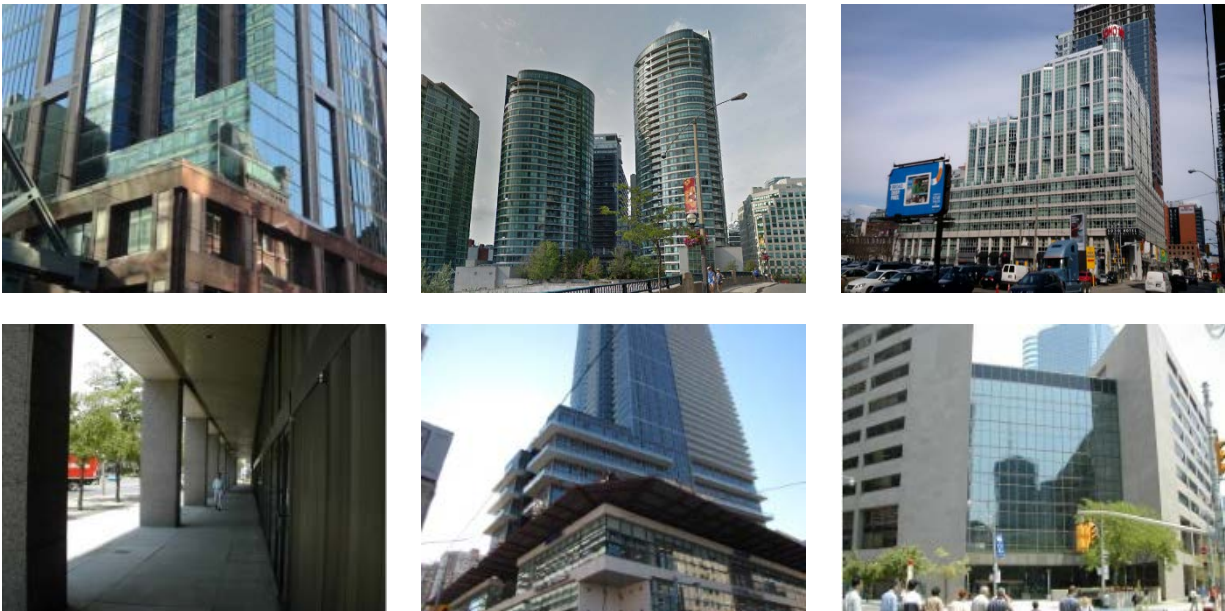


Diagram A1-4: Examples of large-scale wind control features

Smaller-scale measures such as canopies, trellises, wind screens, and street-level public art can also be used for local wind control. Landscaping elements, especially coniferous and marcescent species, are commonly used to reduce wind conditions to appropriate levels throughout the year; deciduous landscaping is most effective during the summer months. The use of landscaping for wind control requires consideration of species, size, and viability in the predicted local microclimate (i.e., sustainability in a windy environment). Diagram A1-5 shows several examples of design and landscaping features used for wind control.

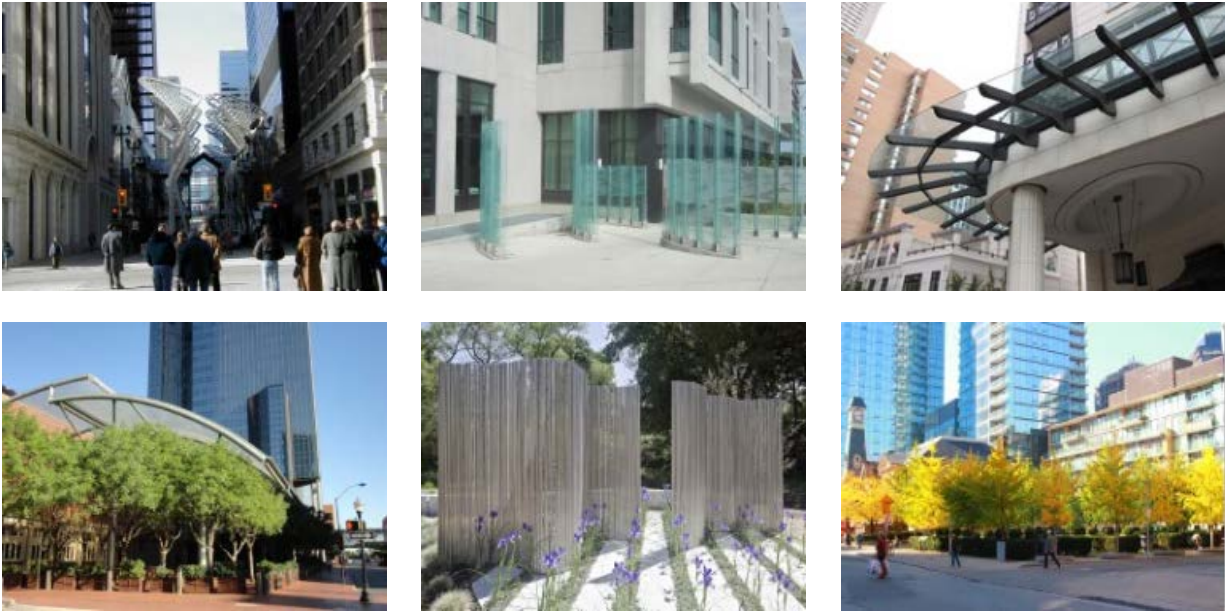


Diagram A1-5: Examples of smaller-scale building elements and landscaping features for wind control

Roles of Planning & Development Business Unit

Planning & Development staff shall be actively involved throughout the wind assessment process. Their roles may include:

- (a) Ensuring that a Professional Engineer or consulting firm with adequate experience in pedestrian wind evaluation is selected for the project;
- (b) Verifying the wind consultant’s proposals for assessment method(s), test configurations and measurement locations;
- (c) Confirming that any proposed wind mitigation is practical, and is included in the final project submission; and
- (d) Directing a peer review, conducted at the applicant’s expense, if the level of experience demonstrated, or the quality of the report submitted by a wind consultant, is unsatisfactory.

Appendix 2: Shadow Impact Assessment Protocol and Performance Standards

Introduction

A shadow study is a report, containing supporting shadow diagrams and a written analysis, which demonstrates what impact a proposed development will have on access to sunlight within spaces recognized as important to the community.

Policies 4.7 and 4.8 of the *Regional Centre Secondary Municipal Planning Strategy* requires the provision of a shadow study for certain sites in proximity to properties identified on Schedule 27 of the Regional Centre Land Use By-law.

Exemptions

- 1 The following are excluded from any calculation required by the shadow impact assessment protocol and performance standards contained in this Appendix:
 - (a) antennas;
 - (b) chimneys and stovepipes;
 - (c) communication towers required to support uses and activities in the building;
 - (d) flag poles;
 - (e) lightning rods; and
 - (f) landscaping.

Standards

- 2 Shadow studies, including shadow diagrams and a written analysis, shall be prepared by a licensed engineer, architect, landscape architect, or surveyor.
- 3 Shadow diagrams shall be based on the solar angle data for September 21 as contained in Table A2-1.
- 4 Between the hours of 8:00 am and 6:00 pm on September 21, any development required to submit a shadow study shall not cause fewer than 6 hours of sunlight, and no more than 4 continuous hours of shade, to fall on any portion of an area identified on Schedule 27 of the Regional Centre Land Use By-law.
- 5 All shadow studies shall use the latitude and longitude provided in Table A2-1, and shall not be geolocated. Compliance with this performance standard will be assessed using the latitude and longitude, test times, shadow direction azimuth angles, and shadow

length factors for September 21 that are provided in Table A2-1. For each hourly test time, a shadow length shall be calculated as follows:

$$(\text{Shadow Length}) = (\text{Building Height}) \times (\text{Shadow Length Factor})$$

- 6 The Development Officer may request shadow diagrams, elevations, and views additional to those required under Section 8 of this Appendix. Documentation may be required where changes in topography and elevation could affect compliance with Section 4 of this Appendix.
- 7 Shadow diagrams shall be drawn by extending the shadow length, calculated in Section 5 of this Appendix for each test time, in the shadow direction azimuth angle for that test time. For each test time, shadow lengths shall be extended from each of the building envelope's top and outermost points. The resulting points shall be connected to show the total shadow outline for each test time (Diagram A2-2).
- 8 A Shadow Study shall include:
 - (a) shadow diagram(s); and
 - (b) a written analysis.
- 9 Shadow diagrams shall:
 - (a) include a minimum horizontal coverage area of at least 1 times the proposed building height to the north, 5 times the building height to the east, and 6 times the building height to the west;
 - (b) show and identify property boundaries of the proposed development;
 - (c) identify main streets within the minimum coverage area identified in Clause 9(a) of this Appendix;
 - (d) show proposed building envelope top and outermost points, including any podiums, towers, and other articulations due to stepbacks above grade (Diagram A2-1);
 - (e) include shadow coverage outlines, based on test times found in Table A2-1, illustrating when a development's proposed building envelope shadow enters and exits any area on Schedule 27 of the Regional Centre Land Use By-law, between the hours 8:00 am and 6:00 pm;

- (f) include shadow hatching (Diagram A2-1) on those portions of any area identified on Schedule 27 of the Regional Centre Land Use By-law, that lie within the shadow of the test times shown under Clause 9(e) of this Appendix;
- (g) include the name of any identified area on Schedule 27 of the Regional Centre Land Use By-law that is affected by shadows from the development;
- (h) be drawn in plan view on a sheet no less than 11"x17" (279.4 mm x 431.8 mm) in size, with a maximum of two images per sheet, and in a metric scale suitable for displaying the entire coverage area;
- (i) include a scale bar and a North Arrow; and
- (j) utilize base mapping available from Halifax Regional Municipality (HRM) in accordance with the *Open Data Administrative Order* and:
 - (i) orient the base mapping for the shadow diagram with astronomic north pointing perfectly vertical up the page, and
 - (ii) plot shadow directions, which are relative to astronomic north, on the above base plan.

10 The written analysis shall:

- (a) include a separate roof plan that identifies the heights of all features identified in Clause 9(d) of this Appendix, including parapets, solid guard and railing systems, penthouses, elevator enclosures and associated screening, and staircase enclosures;
- (b) include the name, professional designation, and contact information for the individual who prepared the shadow study; and
- (c) include the following:
 - (i) a summary explaining how the proposed development meets the standard in Section 4 of this Appendix, including the identification of any building elements exempted in Section 1 of this Appendix,
 - (ii) confirmation that the latitude and longitude used for all shadow calculations are as provided in Table A2-1,
 - (iii) a survey plan of the site where the proposed development will be located,
 - (iv) a description of the base mapping origin, and

- (v) confirmation that the base mapping used for shadow diagrams complies with this Appendix. Grid or magnetic north shall not be used for shadow studies and calculating shadow length factors.

Diagram A2-1:

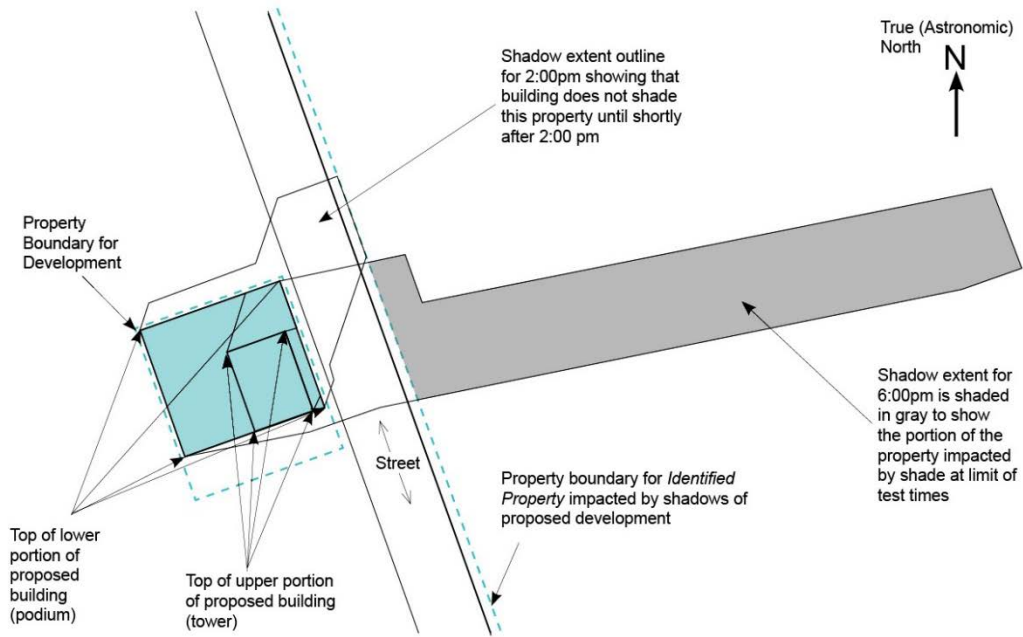
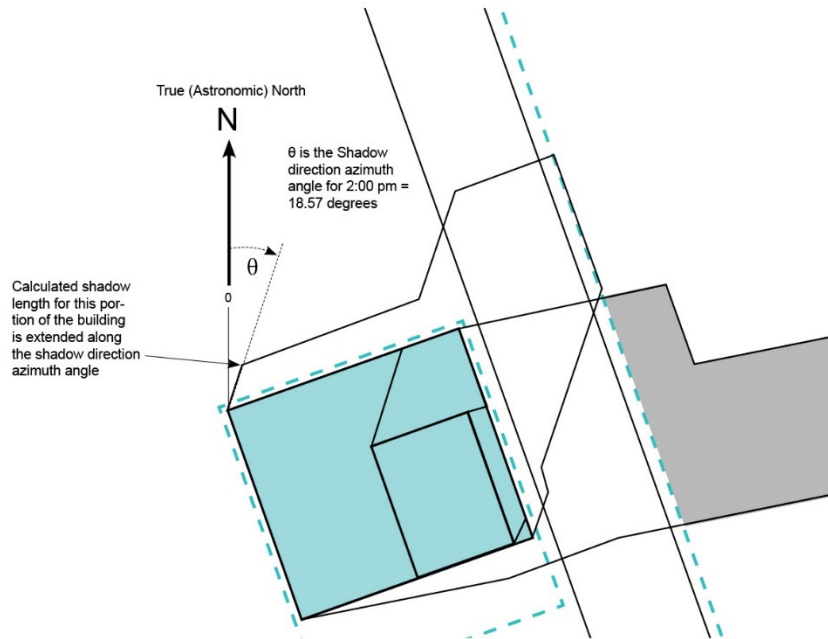


Diagram A2-2:



Sample Shadow Length (SL) Calculation

Shadow Length (SL) = Building Height (H) x Shadow Length Factor (SLF) for a specific test time.

$$= (38 \text{ m tall building}) \times [5.8171 \text{ (SLF for 8:00am)}] = 221.05 \text{ m}$$

Table A2-1

| Date 21-Sep Local Time ADT | Shadow Direction and Length | |
|----------------------------------|-----------------------------|------------------------------|
| | Azimuth (degrees) | SLF (ratio length/height) |
| 8:00 | 278.87 | 5.8171 |
| 8:15 | 281.61 | 4.5572 |
| 8:30 | 284.39 | 3.7391 |
| 8:45 | 287.24 | 3.1646 |
| 9:00 | 290.18 | 2.7385 |
| 9:15 | 293.20 | 2.4099 |
| 9:30 | 296.33 | 2.1489 |
| 9:45 | 299.58 | 1.9368 |
| 10:00 | 302.98 | 1.7614 |
| 10:15 | 306.52 | 1.6145 |
| 10:30 | 310.23 | 1.4903 |
| 10:45 | 314.11 | 1.3847 |
| 11:00 | 318.19 | 1.2947 |
| 11:15 | 322.46 | 1.2183 |
| 11:30 | 326.94 | 1.1537 |
| 11:45 | 331.62 | 1.0998 |
| 12:00 | 336.48 | 1.0559 |
| 12:15 | 341.52 | 1.0214 |
| 12:30 | 346.70 | 0.9958 |
| 12:45 | 352.00 | 0.9789 |
| 13:00 | 357.36 | 0.9706 |
| 13:15 | 2.74 | 0.9708 |
| 13:30 | 8.11 | 0.9796 |
| 13:45 | 13.39 | 0.9969 |
| 14:00 | 18.57 | 1.0229 |
| 14:15 | 23.60 | 1.0580 |
| 14:30 | 28.46 | 1.1024 |
| 14:45 | 33.12 | 1.1568 |
| 15:00 | 37.59 | 1.2220 |
| 15:15 | 41.85 | 1.2992 |
| 15:30 | 45.92 | 1.3900 |
| 15:45 | 49.79 | 1.4965 |
| 16:00 | 53.49 | 1.6219 |
| 16:15 | 57.02 | 1.7703 |
| 16:30 | 60.40 | 1.9477 |
| 16:45 | 63.65 | 2.1624 |
| 17:00 | 66.77 | 2.4270 |
| 17:15 | 69.79 | 2.7606 |
| 17:30 | 72.71 | 3.1943 |
| 17:45 | 75.56 | 3.7810 |
| 18:00 | 78.33 | 4.6202 |

Shadow direction azimuth angles

Shadow direction azimuth angles have been calculated using a central latitude and longitude for the Regional Centre, as follows:

Latitude:

44° 39' 50" N (44.6639° N)

Longitude:

63° 35' 05" W (63.5847° W)

Test times are expressed in Atlantic Daylight Time (UTC-03:00)

Source:

R. Bouwmeester & Associates
165 Browning Trail
Barrie, ON L4N 5E7

Tel/Fax (705) 726-3392
E-mail: rba@sunposition.com
Website: www.sunposition.com

Appendix 3: Bonus Rate Adjustment Methodology

Step 1 The percentage change in CPI shall be determined:

(a) by using the formula:

$$(A/B \times 100) - 100 = \text{percentage change in CPI}$$

(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 the Regional Centre Land Use By-law was adopted, or the year where the values in Table 10 of the By-law were last updated through a formal rate update by a trained valuation professional, whichever is later.

Step 2 The percentage change in CPI determined under Step 1 shall then be multiplied by the bonus rate(s) found in Table 10 of the Regional Centre Land Use By-law.

Step 3 The product of Step 2 shall then be added to the bonus rate(s) found in Table 10 of the Regional Centre Land Use By-law, with the resulting sum(s) becoming the new bonus rate(s) for the current bonus rate year.

SCHEDULES