

REGIONAL CENTRE LAND USE BY-LAW (PACKAGE B)

HALIFAX

DRAFT REGIONAL CENTRE LAND USE BY-LAW

The following version of the Draft Regional Centre Land Use By-Law – Package B (inclusive of Package A), has been prepared for **public consultation purposes only** and is subject to change.

THIS IS TO CERTIFY that this is a true copy of the Regional Centre Land Use By-Law which was passed by a majority vote of the Council of the Halifax Regional Municipality at a duly called meeting held on the __ day of ____202__, and reviewed by Municipal Affairs and Housing on the __ day of ____, and is in effect as of the __ day of __202__.

GIVEN UNDER THE HAND of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 202__.

Municipal Clerk

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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*.

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 any 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) Even where a development permit is not required, a development shall meet all applicable requirements contained in this By-law.
- (2) Subject to Subsection 8(1), the following developments shall not require a development permit:
- (a) accessory structures not greater than 20.0 square metres of floor area, unless used as a backyard suite use;
 - (b) uncovered structures less than 0.6 metres high, such as decks, patios, and planters;
 - (c) home office uses;
 - (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 295;
 - (i) commemorative signs and monument uses on municipally owned land;
 - (j) the keeping of chickens as an accessory use;
 - (k) the keeping of bees as an accessory use, and
 - (l) the repainting of structures, including a change in paint colour.

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 heights and dimensions for all sides of proposed structures, roof plans, and architectural details where required;
 - (b) lot dimensions, lot lines, and the location of all proposed structures and uses, including setbacks;
 - (c) the location and dimensions of all parking lots, parking spaces, 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 a building height greater than 20.0 metres, a pedestrian wind impact assessment that meets the requirements of Appendix 1 and is prepared by a professional engineer;
- (e) excluding buildings 11.0 metres or less and development in any ER-3, ER-2, ER-1, LLC, PCF, or RPK zone, 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 37, or
 - (ii) any new building or addition with a building height greater than 26.0 metres for a site located beyond 100 metres of an area identified on Schedule 37;
- (f) where required by a Development Officer, site plans and elevation drawings, certified by a surveyor, confirming compliance with the view plane, waterfront view corridor, and Halifax Citadel rampart requirements of Part VIII;
- (g) the location of all watercourses and wetlands within and adjacent to the lot where a development is being proposed; and
- (h) any other information the Development Officer requires to determine if the development complies with this By-law.

Approval

- 10 (1) The Development Officer shall issue a development permit where the development meets the requirements of this By-law and the terms of an approved site plan, or the terms of a development agreement.
- (2) Complete applications for site plan approval that are on file with the Municipality on or before the date of the first publication of the notice of intention to adopt this By-law shall be considered under the Land Use By-law in effect immediately prior to the date of the publication of the notice.
- (3) Subject to Subsection 10(4), a development permit may be issued for an approved site plan that was approved under the Land Use By-law in effect immediately prior to the date of the publication of the notice of intention to adopt this By-law, providing:
- (a) all requirements of the Land Use By-law in effect immediately prior to publication of the notice are met;
 - (b) the terms of the approved site plan are met; and

- (c) the development permit is issued within 24 months from the coming into force date of the By-law.
- (4) A development permit issued under Subsection 10(3) shall expire 24 months from the date issued.
- (5) Where any such application is withdrawn or significantly altered any new application for site plan approval shall be subject to all applicable requirements of this By-law and Subsections 10(2), 10(3), and 10(4) shall not apply.

Expiry

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

Revocation

- 12 The Development Officer may 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 The following matters are subject to site plan approval:
- (a) the design requirements set out in Part VII; 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 dwelling uses;
 - (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) temporary construction uses;
 - (i) accessory structures;
 - (j) a building addition with a floor area of 100 square metres or less, which does not alter a streetwall;
 - (k) new buildings or additions in a PCF or RPK zone that are:
 - (i) less than 2,000 square metres in floor area,
 - (ii) no greater than 30.0 metres in width or depth, and
 - (iii) less than 8.0 metres in height;
 - (l) in the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedules 4A and 4B respectively, structures up to 8.0 metres high and up to 450 square metres in floor area, such as commemorative structures, kiosks, stands, and booths;

- (m) subject to Subsection 163(5), shipping containers in the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedules 4A and 4B;
- (n) changes to external cladding materials for up to 20% of any wall above the streetwall height;
- (o) changes to external cladding materials for up to 10% of any streetwall;
- (p) signs;
- (q) steps, stairs, and other building entrances or entrance features;
- (r) backyard suite uses; and
- (s) transportation facility uses.

Site Plan Approval Applications

- 17
- (1) An application for any site plan approval shall include documents and plans, drawn to scale, that show the information required in Section 9.
 - (2) An application for any site plan approval shall also include plans that meet all applicable design requirements of Part VII, and that show the following:
 - (a) external cladding material type and detail; and
 - (b) 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) An application for any site plan approval 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 and about the conservation treatment that will be employed and shall meet the design requirements contained in Part VII.
 - (5) Subject to Subsection 17(8), an application for any site plan approval 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 VII.

- (6) An application for a Level II or Level III site plan approval shall include a landscape plan that meets the requirements of Section 268.
- (7) Subject to Subsection 17(8), an application for any site plan approval 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 VII, to the satisfaction of the Development Officer; and
 - (c) illustrations showing the location and nature of the variation of the requirements being requested.
- (8) In any required elevation drawings and architectural renderings, buildings on abutting lots shall be represented in order to satisfy the requirements of Subsections 17(5) and 17(7) 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, which illustrates compliance with the design requirement of Section 208.
- (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(j), 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 streetwall.
- (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 18(1)(e), changes to a building's external cladding materials; or
 - (b) alterations within 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 are considered Level III (public consultation) site plan approval applications.

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, 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 no earlier than 6:00 pm and no later than 7:00 pm;
 - (b) be scheduled for any Monday, Wednesday, or Thursday that is not 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 gathering.

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, 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, 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 of 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 VII, Chapters 9 and 10:
- (a) roof edge setbacks of height-exempted rooftop features listed in Table 8;
 - (b) location of a public building on a lot in relation to maximum front and flanking setbacks;
 - (c) minimum streetwall height;
 - (d) maximum streetwall height;
 - (e) side and rear setbacks for portions of a high-rise building above the streetwall;
 - (f) side and rear setbacks for portions of a tall mid-rise building above the streetwall;
 - (g) maximum width of a building below the height of the streetwall;
 - (h) within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, location of a building on a lot in relation to maximum front and flanking setbacks;
 - (i) within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, streetwall width; and
 - (j) within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, minimum ground floor height for buildings.

- (2) For items listed in Subsection 28(1), the Development Officer shall consider an application for a variation of the requirements 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 VII 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 any site plan approval is granted, the Development Officer shall notify, in writing, every assessed property owner within the following distances of the applicant's lot:
 - (a) for a Level I and Level II site plan approval, 30 metres; and
 - (b) for a Level III site plan approval, 100 metres.

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, Level II, or 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 following matters are appealable to Council:
 - (a) design requirements set out in Part VII; and
 - (b) any variation to the requirements of this By-law enabled under Section 28.

Advisory Committee

- 32 An advisory committee may be established by Council to provide recommendations to the Development Officer respecting the design requirements set out in Part VII and any variation to the requirements of this By-law under Section 28 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 In any 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 a requirement of this By-law.

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 329.
- (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 328.

Part I, Chapter 5: Variances

Variances

35 Variances may be considered under Section 250(1) of the Charter.

Part I, Chapter 6: Interpretation of this By-law

Diagrams

- 36 (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

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

More Restrictive Requirement Applies

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

Part I, Chapter 7: Schedules and Appendices

List of Schedules and Appendices

39 (1) Subject to Subsection 39(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 4A: Downtown Dartmouth Special Areas;
- (e) Schedule 4B: Downtown Halifax Special Areas;
- (f) Schedule 4C: Established Residential Special Areas;
- (g) Schedule 4D: Watercourse Special Areas;
- (h) Schedule 4E: Other Special Areas;
- (i) Schedule 5: View Terminus Sites;
- (j) Schedule 6: Pedestrian-Oriented Commercial Streets;
- (k) Schedule 7: Maximum Building Height Precincts;
- (l) Schedule 8: Maximum Heights Scotia Square Complex (SSC) Special Area;
- (m) Schedule 9: Maximum Floor Area Ratio Precincts;
- (n) Schedule 10: Minimum Front and Flanking Setbacks;
- (o) Schedule 11: Maximum Front and Flanking Setbacks;
- (p) Schedule 12: Maximum Streetwall Heights Downtown Halifax Special Area;
- (q) Schedule 13: Halifax Citadel View Planes;
- (r) Schedule 14: Halifax Citadel Ramparts;
- (s) Schedule 15: Dartmouth View Planes;
- (t) Schedule 16: Morris Street Waterfront View Corridor;
- (u) Schedule 17: Bishop Street Waterfront View Corridor;
- (v) Schedule 18: Salter Street Waterfront View Corridor;
- (w) Schedule 19: Sackville Street Waterfront View Corridor;
- (x) Schedule 20: Prince Street Waterfront View Corridor;
- (y) Schedule 21: George Street Waterfront View Corridor;
- (z) Schedule 22: Best Street Waterfront View Corridor;
- (aa) Schedule 23: Mott Street Waterfront View Corridor;
- (ab) Schedule 24: Church Street Waterfront View Corridor;
- (ac) Schedule 25: North Street Waterfront View Corridor;
- (ad) Schedule 26: Ochterloney Street Waterfront View Corridor;
- (ae) Schedule 27: Queen Street Waterfront View Corridor;
- (af) Schedule 28: Portland Street Waterfront View Corridor;

- (ag) Schedule 29: Prince Street Waterfront View Corridor;
- (ah) Schedule 30: Kings Wharf Place Waterfront View Corridor;
- (ai) Schedule 31: Canal Street Waterfront View Corridor;
- (aj) Schedule 32: Maitland Street Waterfront View Corridor;
- (ak) Schedule 33: Old Ferry Road Waterfront View Corridor;
- (al) Schedule 34: Parker Street Waterfront View Corridor;
- (am) Schedule 35: Incentive or Bonus Zoning Rate Districts;
- (an) Schedule 36: Wind Energy Overlay Zone Boundaries;
- (ao) Schedule 37: Shadow Impact Assessment Protocol – Identified Areas;
- (ap) Schedule 38: Dundas Street Extension Transportation Reserve;
- (aq) Schedule 39: Harbour Orientation Lines;
- (ar) Schedule 40: Publicly Sponsored Convention Centre;
- (as) Schedule 41: Reference Line Delineation – Northwest Arm;
- (at) Schedule 42: Reference Line Delineation – Lake Banook;
- (au) Schedule 43: Reference Line Delineation – Lake Mic Mac;
- (av) Schedule 44: Heritage Conservation Districts;
- (aw) Schedule 45: Schmitdville Heritage Buildings;
- (ax) Schedule 46: Permitted Rear Additions to Schmitdville Heritage Buildings;
- (ay) Schedule 47: Downtown Halifax (DH) Special Area Accessory Surface
Parking Prohibition;
- (az) Schedule 48: Landmark Buildings;
- (ba) Schedule 49: Proctor Street Transportation Reserve; and
- (bb) Schedule 50: Lands Designated Halifax Harbour.

(2) The official version of the schedules listed in Subsection 39(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;
- (c) Appendix 3: Incentive or Bonus Zoning Rate Adjustment Methodology; and
- (d) Appendix 4: Invasive Plant Species.

PART II: ZONES

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

List of Zones, Special Areas, and Heritage Conservation Districts

40 (1) This By-law establishes the following zones, as shown on Schedule 3:

- (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) Commercial (COM);
- (h) Established Residential 3 (ER-3);
- (i) Established Residential 2 (ER-2);
- (j) Established Residential 1 (ER-1);
- (k) Land Leased Community (LLC);
- (l) Light Industry (LI);
- (m) Harbour-Related Industry (HRI);
- (n) Institutional (INS);
- (o) University and College (UC);
- (p) Department of National Defense (DND);
- (q) Hospital (H);
- (r) Park and Community Facility (PCF);
- (s) Regional Park (RPK);
- (t) Water Access (WA);
- (u) Comprehensive Development District 2 (CDD-2); and
- (v) Comprehensive Development District 1 (CDD-1).

(2) This By-law establishes the following special areas:

Downtown Dartmouth Special Areas (Schedule 4A)

- (a) Downtown Dartmouth (DD);
- (b) Dartmouth Waterfront (DW);
- (c) King's Wharf (KW);
- (d) Portland Street (PS);

Downtown Halifax Special Areas (Schedule 4B)

- (e) Downtown Halifax (DH);
- (f) Downtown Halifax Central Blocks (DHCB);
- (g) Halifax Waterfront (HW);
- (h) Lower Central Downtown Halifax (LCDH);
- (i) Nova Centre (NC);
- (j) Scotia Square Complex (SSC);
- (k) South Park Street (SPS);
- (l) Spring Garden Road (SGR);

Established Residential Special Areas (Schedule 4C)

- (m) Armview (AV);
- (n) Grant Street (GS);
- (o) Historic Dartmouth Neighborhoods (HDN);
- (p) North Dartmouth 1 (ND-1);
- (q) North Dartmouth 2 (ND-2);
- (r) North End Halifax 1 (NEH-1);
- (s) North End Halifax 2 (NEH-2);
- (t) North End Halifax 3 (NEH-3);
- (u) Oakland Road (OR);
- (v) West End Halifax 1 (WEH-1);
- (w) West End Halifax 2 (WEH-2);
- (x) Westmount Subdivision (WS);
- (y) Young Avenue (YA);

Watercourse Special Areas (Schedule 4D)

- (z) Boat Clubs (BC);
- (aa) Lake Banook (LB);
- (ab) Lake Mic Mac (LMM);
- (ac) Northwest Arm (NWA);

Other Special Areas (Schedule 4E)

- (ad) Agricola Street (AS);
- (ae) Cogswell Lands (CL);
- (af) Halifax Citadel Ramparts (HCR);

- (ag) Halifax Seaport (HS);
- (ah) Robie Street (RS);
- (ai) Schmitdville Historic Park and Institutional (SHPI);
- (aj) Transit Corridor (TC);
- (ak) McLean Street (MS);
- (al) Wright Avenue (WA); and
- (am) ER-1 Conversion (ERC).

- (3) This By-law recognizes the Schmitdville Heritage Conservation District (SVHCD).

Interpretation of Zone, Special Area, Heritage Conservation District, and Precinct Boundaries

- 41 The location of a zone, special area, heritage conservation district, height precinct, or FAR precinct boundary shown on a schedule of this By-law is determined as follows:
- (a) Where a zone, special area, heritage conservation district, height precinct, or FAR precinct boundary is indicated as following a street, the boundary of the zone, special area, heritage conservation district, height precinct, or FAR precinct 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 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) subject to Subclause 41(c)(iii), 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) subject to Subclause 41(c)(iii), 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 abutting lands; or
 - (iii) within the Cogswell Lands (CL) Special Area, as shown on Schedule 4E, the lands shall be assigned the D zone and a maximum building height precinct equal to the extent of the Halifax Citadel Ramparts;

- (d) Where a zone, special area, heritage conservation district, height precinct, or FAR precinct boundary is shown following lot lines, the boundary of the zone, special area, heritage conservation district, height precinct, or FAR precinct follows lot lines, and if those lot lines are modified by subdivision after the coming into force date of this By-law, the boundary of the zone, special area, heritage conservation district, height precinct, or FAR precinct shall remain as shown on the schedule;
- (e) Where a zone, special area, heritage conservation district, height precinct, or FAR precinct boundary is shown not following lot lines, the boundary of the zone, special area, heritage conservation district, height precinct, or FAR precinct is as shown on the schedule, and if the lot lines are modified by subdivision after the coming into force date of this By-law, the boundary shall remain as shown on the schedule;
- (f) Subject to Clause 41(g), where a zone, special area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary of the zone, special area, height precinct, or FAR precinct shall follow the new ordinary high water mark;
- (g) In an area covered by a WA zone, where a zone, special area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary of the zone, special area, height precinct, or FAR precinct shall remain as shown on the schedule;
- (h) Subject to Clause 41(i), 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;
- (i) In any area covered by a WA zone, where a portion of a watercourse is filled in beyond the limits 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 boundary of the zone, special area, height precinct, or FAR precinct shall remain as shown on the schedule;
- (j) Where Clauses 41(a) to 41(i) do not apply, the boundary is as shown on the schedules referenced within this By-law; and
- (k) Where a transportation reserve is applied to an area of land and is in effect, the alternative zone(s) under Schedule 3 of this By-law are considered suspended and no development rights are permitted unless the transportation reserve is extinguished, as per Section 239 of the Charter.

Part II, Chapter 2: Zones and Permitted Uses

Interpretation of Permitted Uses

- 42 Subject to Sections 43, 45, 47, 48, 49, and 50, and except for the CDD-2, CDD-1 zones, and transportation reserves, which are addressed in Sections 44 and 46, 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 XV, 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

- 43 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-2 Zone

- 44 Subject to Section 331, the only developments that are permitted in the CDD-2 zone, without the requirement of a development agreement shall be:
- (a) commercial uses that are permitted in the CEN-2 zone; and
 - (b) a new building or an addition to an existing building subject to the following restrictions:
 - (i) one new building of up to 1,000 square metres in floor area and a

- maximum height of 20.0 metres, on a lot that is existing and vacant on the coming into force date of this By-law, or
- (ii) one addition to a building that is existing on the coming into force date of this By-law of up to 1,000 square metres in floor area and a maximum height of 20.0 metres.

Uses in the CDD-1 Zone

- 45 Subject to Section 332, the only developments that are permitted in the CDD-1 zone, without the requirement of a development agreement, shall be a building on a lot that existed on the coming into force date of this By-law, and which:
- (a) contains a use that is permitted in the ER-1 zone; and
 - (b) follows the built form requirements of the ER-1 zone.

Uses in the TR Zone

- 46 All development is prohibited in a transportation reserve, as shown on Schedules 38 and 49.

Obnoxious Uses Prohibited

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

Pedestrian-Oriented Commercial Streets

- 48 Along any pedestrian-oriented commercial street, as shown 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.

Special Uses

49 A publicly sponsored convention centre together with retail, hotel, residential, or office uses, and underground parking, is permitted within the Nova Centre (NC) Special Area, as shown on Schedule 4B. In accordance with Schedule 40 of this By-law, the development shall:

- (a) include a vehicular and pedestrian passageway extending from Prince Street to Sackville Street as set out in Schedule 40; and
- (b) follow the requirements of Part I, Chapter 3 relating to the site plan approval process.

Cruise Ship Terminal Use Within the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area

50 A cruise ship terminal use is permitted within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 4A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B.

Table 1: Permitted uses by zone

RESIDENTIAL	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Single-unit dwelling use	●	●	●	●		●		●	●	●										
Semi-detached dwelling use	●	●	●	●		●		●	●											
Townhouse dwelling use	●	●	●	●	●	●		●	●											
Two-unit dwelling use	●	●	●	●		●		●	●	Ⓜ										
Three-unit dwelling use	●	●	●	●	●	●		●	●	Ⓜ										
Four-unit dwelling use	●	●	●	●	●	●		●												
Multi-unit dwelling use	●	●	●	●	●	●								Ⓜ						
Secondary suite use	●	●	●	●	●	●		●	●	●										
Backyard suite use	●	●	●	●		●		●	●	●										
Small 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	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Auto repair use							Ⓢ					Ⓢ								
Broadcast and production use	●	●		●			●					●	Ⓜ	Ⓜ	●	●				
Cannabis lounge use	●	●					●													
Cannabis retail sales use	●	●					●													
Catering use	●	●	●	●	●	●	●					●								
Crematorium use												●								
Cruise Ship Terminal Use	●												●							
Daycare use	●	●	●	●	Ⓢ	Ⓢ	●	●	●	●	●	●		●	●	●	●			
Dealership use							●					●								
Drinking establishment use	●	●					●						Ⓜ		●	●				
Local drinking establishment use	●	●		●	Ⓢ		●						Ⓜ		●	●				
Financial institution use	●	●		●	Ⓢ		●							Ⓜ		●				
Fitness centre use	●	●	Ⓜ	●	Ⓢ		●					●		Ⓜ	●	●	●			
Garden centre use	●	●	●	●			●					●	Ⓜ							
Grocery store use	●	●		●	Ⓢ		●													
Hotel use	●	●		●			●						Ⓜ	Ⓜ						
Kennel use							●					●								
Local commercial use	●	●	●	●	Ⓢ	Ⓜ Ⓢ	●	Ⓢ	Ⓜ Ⓢ Ⓢ	Ⓜ Ⓢ Ⓢ	Ⓜ Ⓢ	●	Ⓜ	●	●	●	●			
Micro-brewery use or micro-distillery use	●	●		●	Ⓢ		●					●	Ⓜ		●	●				
Office use	●	●	Ⓜ	●	Ⓢ		●						Ⓜ	Ⓜ		●				
Pawn shop use		●		●			●					●								
Personal service use	●	●	●	●	Ⓢ	Ⓢ	●					●	Ⓜ	●	●	●	●			
Pet daycare use	●	●	●	●	Ⓢ	Ⓢ	●					●								
Quick charging station use	●	●		Ⓜ			●					●				●				
Restaurant use	●	●	●	●	Ⓢ	Ⓜ Ⓢ	●					●	Ⓜ	Ⓜ	●	●	●			
Retail use	●	●	Ⓜ	●	Ⓢ		●						Ⓜ	Ⓜ	●	●	●			
Self-storage facility use		●		●	●		●					●				●				
Service station use		●					●					●								
Service use	●						●					●								
Veterinary facility use	●	●		●			●					●								
Workshop use	●	●	●	●	Ⓢ	Ⓢ	●					●	Ⓜ	Ⓜ						
Any other commercial use (if not prohibited above)	●	●					●													

URBAN AGRICULTURE	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Farmers' market use	●	●	●	●	●	●	●						12	●	●			●	●	
Heritage farm use														●				●	●	
Urban farm use	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
INSTITUTIONAL	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Convention centre use	●	●											12							
Cultural use	●	●	●	●	●	●	●	●	●				12	●	●	●		●	●	
Emergency services use	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
Emergency shelter use	●	●	●	●										●						
Hospital use																●	●			
Library use	●	●	●	●										●	●	●		●	●	
Minor spectator venue use	●	●		●	●							●	●	●	●	●		●	●	
Major spectator venue use	●											●	●	●	●			●	●	
Medical clinic use	●	●	●	●	●	2	●	●	2	2	2	●		●	●	●	●			
Religious institution use	●	●	●	●	●	●	●							●	●	●	●			
School use	●	●	●	●	●	●	●	●	●	●	●			●					10	
University or college use	●	●		●	●		●						12		●					
Public building use	●	●	●	●			●						12	●						
INDUSTRIAL	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
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 use or storage yard use												●	●							
Wholesale use							●					●								
Wholesale food production use		●		●			●					●								
PARK AND COMMUNITY FACILITIES	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Cemetery use																			●	●
Club recreation use	●	●	●	●	●	●								●		●		●	●	
Commercial recreation use							●					●								
Community recreation use	●	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●
Conservation use																			●	●
Park use	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
WATER ACCESS	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Water access structure use	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
MILITARY	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Military use																	●			
OTHER	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
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	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
HERITAGE CONSERVATION DISTRICTS (HCD)	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
Three- and four- unit dwelling use – Schmidville HCD										4										
Multi-unit dwelling use – 5 to 10 units in Schmidville HCD										5										
Local commercial use in Schmidville HCD										6										
Restaurant use in Schmidville HCD										6										
Semi-detached dwelling use in Schmidville HCD										14										
Townhouse dwelling use in Schmidville HCD										14										

PROHIBITED IN ALL ZONES	D	CEN-2	CEN-1	COR	HR-2	HR-1	COM	ER-3	ER-2	ER-1	LLC	LI	HRI	INS	UC	DND	H	PCF	RPK	WA
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.
- ④ Use is permitted within a Schmitville Heritage Building that existed on July 17, 2018 and is identified on Schedule 45.
- ⑤ Use is permitted within a Schmitville Heritage Building that existed on July 17, 2018 and is located on a lot identified on Schedule 45 as allowing 5 to 10 units.
- ⑥ Use is permitted within a Schmitville Heritage Building that existed on July 17, 2018 and is located on a lot identified on Schedule 45 as allowing restaurant uses and local commercial uses in addition to all other uses permitted in the ER-2 Zone.
- ⑦ Use is permitted on the ground floor only.
- ⑧ Use is permitted indoors only.
- ⑨ A local commercial use shall not exceed 200.0 square metres in floor area per lot and shall not contain a restaurant use.
- ⑩ A school use shall only be permitted in a PCF Zone in compliance with the definition of a public building.
- ⑪ Excluding heritage conservation districts, an existing building in an ER-1 Conversion (ERC) Special Area, as shown on Schedule 4E, may undergo an internal conversion for up to three-unit dwelling use in compliance with the requirements of Section 68.
- ⑫ Use is permitted within the Halifax Seaport (HS) Special Area, as shown on Schedule 4E.
- ⑬ Use is permitted on lands identified as a Landmark Building site on Schedule 48, as per the requirements of Section 56.
- ⑭ Use is permitted in the Wright Avenue (WA) Special Area, as shown on Schedule 4E.

PART III: LAND USE

Part III, Chapter 1: General Land Use Requirements

Access Uses Prohibited

- 51 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

- 52 (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.

Storage Yard Uses and Dealership Uses

- 53 A storage yard use and a dealership use shall meet the front, flanking, side, and rear setback requirements of the applicable zone.

Use of an Accessory Structure

- 54 An accessory structure shall not be used for human habitation, except if used as a backyard suite use.

Recreational Vehicles

- 55 Subject to Section 58, recreational vehicles shall not be used for business purposes or human habitation.

Landmark Buildings

- 56 (1) Subject to Subsections 56(2) and 56(3), Landmark Buildings, as identified on Schedule 48, may be internally converted to residential and commercial uses, as shown in Table 1, subject to the following requirements:
- (a) the building existed on the coming into force date of this By-law;
 - (b) an expansion of the building volume shall not exceed 5%;
 - (c) subject to Section 105, the height of the existing building shall be maintained;
 - (d) commercial uses cannot exceed 25% of the building's floor area; and
 - (e) dwelling units shall have a minimum floor area of 50 square metres.

- (2) The conversion of a Landmark Building to residential and commercial uses shall have no minimum parking requirements.
- (3) The conversion of Landmark Buildings to residential and commercial uses shall not permit any expansion of existing surface parking.

Cannabis-Related Uses

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

Temporary Construction Uses Permitted

- 58 (1) Subject to Subsection 58(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 warranted.
- (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 10.0 metres of any building used for residential use or institutional use purposes, except for fire stations, police stations, and public infrastructure.
- (6) Subject to Subsection 58(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

- 59 (1) Subject to Subsection 59(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 use; or
 - (b) any new building located on any lot in a CDD-2 or CDD-1 zone, excluding indoor parking areas and storage areas.
- (2) If the separation distance required by Subsection 59(1) cannot be provided, a report by a 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 59(2) shall require the development to include the mitigation measures identified in the report submitted under Subsection 59(2).

Solid Waste Management Areas

- 60 (1) For any building in a D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, UC, and H zone higher than 11.0 metres, all solid waste management areas shall be located inside the building.
- (2) Excluding low-density dwelling uses, any outdoor solid waste management areas shall be located in a side or rear yard and shall not be located within 3.5-metre setback of any lot line abutting a residential use (Diagram 18).

Part III, Chapter 2: Residential Use Requirements

Combination of Uses in Established Residential Zones

- 61 Where permitted in Table 1, no more than one of the following uses shall be permitted on any lot in an ER-3, ER-2, ER-1, or LLC zone:
- (a) home occupation use;
 - (b) bed and breakfast use;
 - (c) small shared housing use;
 - (d) daycare use;
 - (e) local commercial use; or
 - (f) medical clinic use.

Home Occupation Uses and Home Office Uses

- 62 (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 use, or backyard suite use.
- (3) Home office uses are permitted in all dwelling units.
- (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 on the property 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) Subject to Subsection 62(9) and if otherwise permitted in this By-law, a home occupation use and a home office use are permitted on the same lot.
- (9) The maximum floor area:
 - (a) for a home occupation use, is 35% of the dwelling unit'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) Signage requirements for a home occupation use are:
 - (a) in any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, contained in Section 306; or
 - (b) in any ER-3, ER-2, ER-1, or LLC zone, contained in Section 309.
- (11) No signage is permitted for a home office use.
- (12) Parking requirements for a home occupation use are contained in Section 272.

Bed and Breakfast Uses

- 63
- (1) A bed and breakfast use is permitted in conjunction with a single-unit dwelling use, a semi-detached dwelling use, or a townhouse dwelling use.
 - (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 use shall reside in the dwelling unit where the bed and breakfast use is located;
 - (c) Signage requirements for a bed and breakfast use are:
 - (i) in any D, CEN-2, CEN-1, COR, HR-2, or HR-1 zone, contained in Sections 306, or

(ii) in any ER-3, ER-2, ER-1, or LLC zone, contained in Section 308; and

(d) Parking requirements for a bed and breakfast use shall comply with Section 272.

Daycare Uses in ER-3, ER-2, ER-1, and LLC Zones

64 Within an ER-3, ER-2, ER-1, or LLC zone a daycare use shall meet the following requirements:

- (a) one daycare use is permitted on any lot containing a low-density dwelling use;
- (b) the principal operator of a daycare use shall reside in the dwelling unit where the daycare use is located and may employ additional staff;
- (c) excluding staff and the principal operator, a maximum of 14 people may attend a daycare use at a time;
- (d) any outdoor recreational spaces or play areas accessory to a daycare use shall meet the screening requirements of Subsection 260;
- (e) Signage for a daycare use shall comply with Section 309; and
- (f) Parking requirements for a daycare use shall comply with Section 272.

Secondary Suite Uses

- 65 (1) Where permitted in Table 1, a lot containing a single-unit dwelling use, a townhouse dwelling use, a two-unit dwelling, or a semi-detached dwelling use may have a secondary suite.
- (2) Subject to Subsections 65(1), where a lot may contain either a secondary suite use or a backyard suite use, it cannot contain both a secondary suite use and a backyard suite use.
- (3) A secondary suite use shall not exceed a floor area of 80.0 square metres.
- (4) Secondary suite uses shall not be counted towards the dwelling unit total.

Backyard Suite Uses

- 66 (1) Where permitted in Table 1, a lot containing a single-unit dwelling use, a two-unit dwelling use, a semi-detached dwelling use, or a townhouse dwelling use may contain a backyard suite use within the rear yard.
- (2) Subject to Subsections 65(1) and 66(1), where a lot may contain either a secondary suite use or a backyard suite use, it cannot contain both a secondary suite use and a backyard suite use.
- (3) A backyard suite use shall meet the accessory structure built form and siting requirements of Sections 155 to 161.
- (4) A backyard suite use must have unobstructed access upon the same lot in which the backyard suite is located to a street.
- (5) Backyard suite uses shall not be counted towards the dwelling unit total.

Maximum Bedroom Counts in Low-Density Dwellings

- 67 (1) The following limits on the total number of bedrooms apply to all low-density dwelling uses in ER-3, ER-2, and ER-1 zones, including small shared housing uses, as follows:
- (a) single-unit dwelling use: 6 bedrooms per lot;
 - (b) semi-detached dwelling use: 4 bedrooms per unit;
 - (c) townhouse dwelling use: 4 bedrooms per unit;
 - (d) two-unit dwelling use: 4 bedrooms per unit;
 - (e) three-unit dwelling use: 9 bedrooms per lot; and
 - (f) four-unit dwelling use: 10 bedrooms per lot.
- (2) All bedrooms in a secondary suite use or a backyard suite use shall be counted toward the bedroom limits in Subsection 67(1).

Internal Conversion for up to 3 Units in an ER-1 Zone

- 68 (1) Excluding properties within a heritage conservation district, a main building within the ER-1 Conversion (ERC) Special Area, as shown on Schedule 4E, may be internally converted up to a three-unit dwelling use if:
- (a) the building existed on the coming into force date of this By-law;
 - (b) there is no expansion to the height or footprint of the building;

- (c) each unit shall be at least 55.0 square metres in floor area; and
- (d) no new exterior staircases shall be erected in a front or flanking yard.

Dwelling Unit Mix

- 69 (1) Subject to Subsection 69(3) and 69(4), in D, CEN-2, CEN-1, and COR zones, at least 25% of all dwelling units in a high-density dwelling use, rounded up to the nearest whole number, shall contain at least two bedrooms.
- (2) Subject to Subsection 69(3) and 69(4), in any HR-2 or HR-1 zone:
- (a) at least 25% of all dwelling units in a high-density dwelling use, rounded up to the nearest whole number, shall contain at least two bedrooms;
 - (b) at least 10% of all dwelling units in a high-density dwelling use, rounded up to the nearest whole number, shall contain at least three bedrooms; and
 - (c) the units counted towards the requirement of Clause 69(2)(b) cannot be counted towards the requirement of Clause 69(2)(a).
- (3) A large shared housing use that existed on the coming into force date of this By-law may be converted to a multi-unit dwelling use without having to meet the requirements of Section 66 and Subsections 65(1) and 65(2), if the number of existing bedrooms and the volume of the building are not increased.
- (4) Internal space in a building that contains a high-density dwelling use may be permitted to be converted to additional dwelling units without having to meet the requirements of Section 70 and Subsections 69(1) and 69(2), if:
- (a) the building and the high-density dwelling use existed on the coming into force date of this By-law;
 - (b) the space being converted was not previously used as a dwelling unit or amenity space;
 - (c) the footprint of the building is not altered; and
 - (d) the volume of the building is not increased.

Amenity Space

- 70 (1) Any high-density dwelling use 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 within the building.

- (2) Except for amenity space associated with an individual dwelling unit, all amenity space required by Subsection 70(1) shall:
 - (a) be provided in increments of at least 30 contiguous square metres;
 - (b) have no linear dimension less than 3.0 metres; and
 - (c) be fully accessible to all building residents.

Ground Floor Residential Uses on Non Pedestrian-Oriented Commercial Streets

71 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, a minimum of 50% of the width of the ground floor facing a streetline shall be either one or a combination of the following:

- (a) commercial uses;
- (b) grade-related units; or
- (c) work-live units.

Work-Live Units

- 72 (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 premise or associated with a service provided on the premise.
- (2) A maximum of 50% of the total floor area of a work-live unit may be used for commercial use purposes, up to a maximum of 140.0 square metres.
- (3) The commercial use portion of a work-live unit shall be located on the 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 306.
- (6) Parking for a work-live unit shall meet the requirements of Section 272.

Land Leased Communities

- 73 Any development in the LLC zone shall meet the requirements of the applicable mobile home park by-law or land leased community by-law.

Part III, Chapter 3: Urban Agriculture Use Requirements

General Urban Agriculture Use Requirements

- 74
- (1) The processing of urban agricultural products is permitted as an accessory use to an urban agriculture use.
 - (2) The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use in conjunction with an urban farm use.
 - (3) Except for heritage farm uses, the keeping of horses, 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 use.
 - (5) Signage requirements for an urban agriculture use are:
 - (a) in any D, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, COM, LI, HRI, INS, UC, H, PCF, and RPK zone, contained in Sections 301 to 305; or
 - (b) in any ER-3, ER-2, ER-1, or LLC zone, contained in Sections 309 and 311.
 - (6) Excluding any bee hive, an accessory structure associated with an urban agriculture use shall meet the accessory structure requirements of Sections 156 to 161.

Keeping of Bees as an Accessory Use

- 75
- (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.

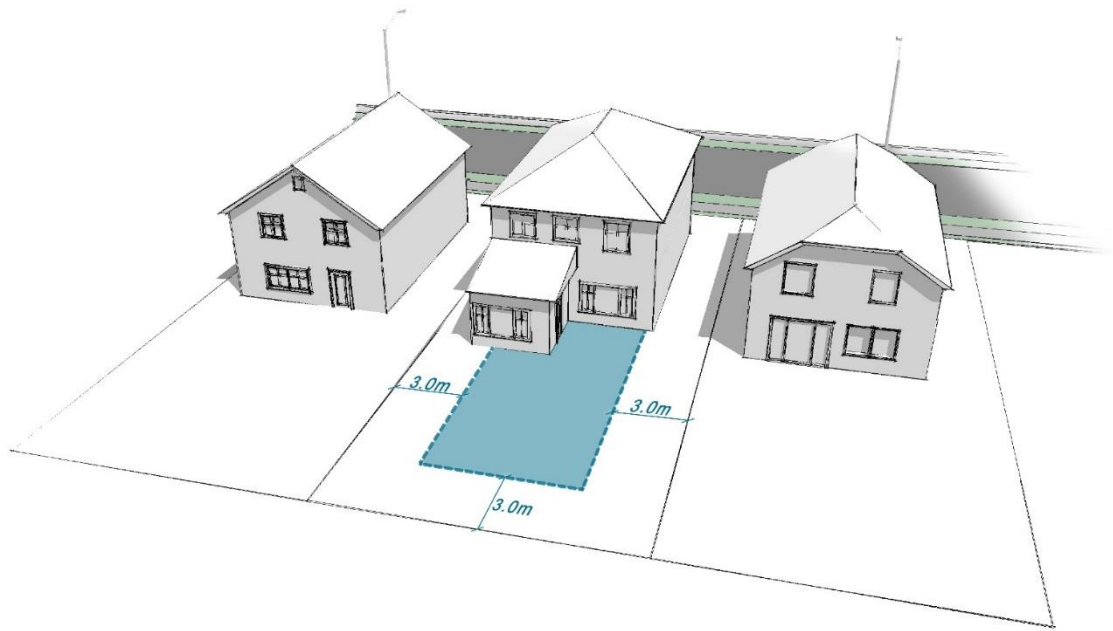


Diagram 1: Shaded area denotes where bee hives are permitted at grade, per Subsection 75(2)

Keeping of Chickens as an Accessory Use

- 76 (1) The keeping of chickens is permitted as an accessory use to a permitted use in a zone.
- (2) Excluding heritage farm uses, the number of chickens is limited to a maximum of ten hens per lot.
- (3) All chickens shall be kept within a fenced area or structure that:
- (a) is within a rear yard; and
 - (b) meets the accessory structure size requirements of Sections 160 and 161.

Part III, Chapter 4: Environmental Requirements

Coastal Areas

- 77 (1) Subject to Subsections 77(2), 77(3), and 77(4), 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 main building or a backyard suite use, including their basements, that are proposed to be erected, constructed, altered, reconstructed, or located at an elevation less than:
- (a) 3.2 metres¹ above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard (Diagram 2) for any residential use listed in Table 1; and
 - (b) 3.2 metres² above the Canadian Geodetic Vertical Datum 2013 (CGVD2013) standard (Diagram 2) for:
 - (i) ground floor entrances and lobbies for upper story residential uses, and
 - (ii) any commercial or institutional use listed in Table 1.

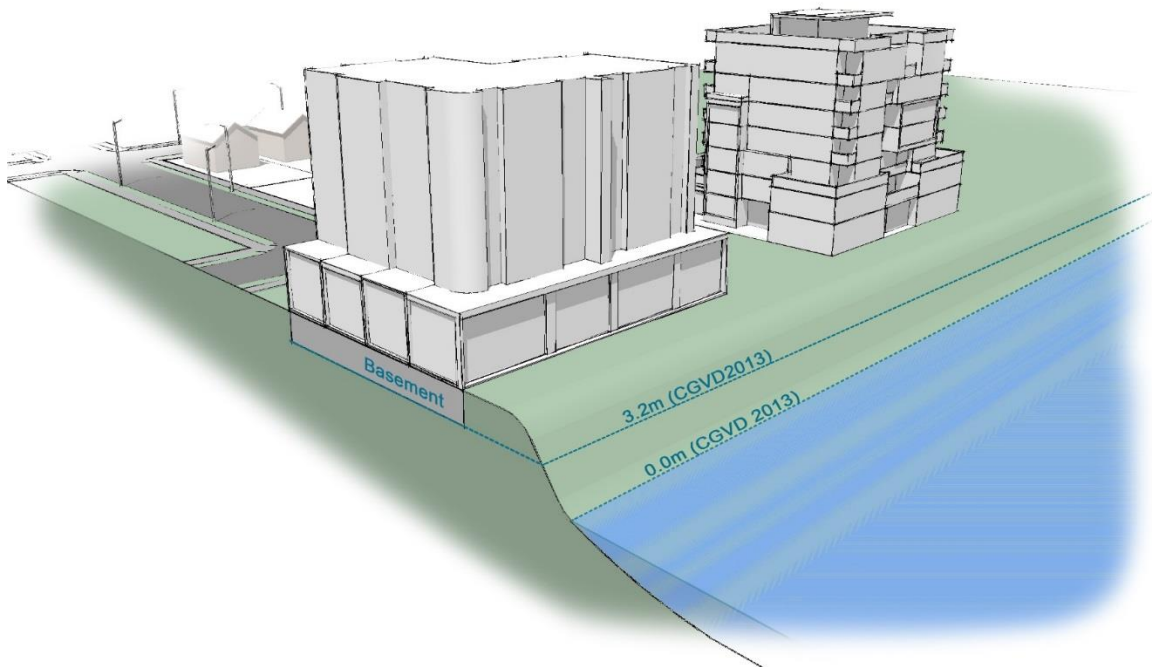


Diagram 2: Coastal area elevation requirements, per Subsection 77(1)

¹ This number is currently under review by the Municipality, and as a result of upcoming provincial regulations and ongoing municipal studies, may be increased prior to adoption.

² Ibid.

- (2) Any main building that is located in an HRI or DND Zone shall be excluded from the requirements of Subsection 77(1).
- (3) Where accessory to a main building, a development permit may be issued for a parking lot, parking structure use, underground parking, 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.
- (4) Any portion of a main building or a backyard suite use, including their basements, located lower than the elevation required in Subsection 77(1) on the coming into force date of this By-law may be expanded if such expansion does not further reduce the existing elevation of the main building or the backyard suite use.
- (5) Before issuing a development permit, to determine if a main building or a backyard suite use that is being proposed to be erected, constructed, altered, reconstructed, or located on a lot that abuts the coast of the Atlantic Ocean meets the requirements of this Section, the Development Officer may require a site plan certified by a surveyor or professional engineer that is drawn to scale and shows land contours and lot grading information.

Watercourse Buffers

- 78
- (1) This Section does not apply to any lands designated “Halifax Harbour”, as shown on Schedule 50.
 - (2) A development permit shall not be issued for any development within 20 metres of the ordinary highwater mark of any watercourse (Diagram 3).



Diagram 3: Minimum watercourse buffer, per Subsection 78(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 78(6) and 78(9), within the buffer required in Subsections 78(2), 78(3), and 78(4) no excavation, infilling, or the removal of any tree, stump, or other vegetation, nor any other change of any kind, is permitted.
- (6) Within the buffer required in Subsections 78(2), 78(3), and 78(4), permitted activity is limited to:
 - (a) subject to Subsection 78(7), 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 structure uses, boat ramps, marine-related uses, parks on public land, and historic site or monument uses;
 - (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 78(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 78(2), 78(3), and 78(4) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if other setback distance 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.

Northwest Arm (NWA) Special Area

- 79
- (1) Within the Northwest Arm (NWA) Special Area, as shown on Schedule 4D, the reference line of the Northwest Arm is as shown on Schedule 41.
 - (2) Subject to Subsections 79(3) and 79(4), a structure shall not be located within 9.0 metres of the reference line of the Northwest Arm, as shown on Schedule 41, except:
 - (a) public infrastructure and utilities;

- (b) boathouses;
 - (c) publicly owned and operated ferry terminals;
 - (d) parks on public land;
 - (e) water access structures;
 - (f) gazebos; and
 - (g) municipal, provincial, and national historic sites and monuments.
- (3) Subject to Subsection 79(4), a lot is limited to a maximum of one boathouse and one gazebo located within 9.0 metres of the reference line of the Northwest Arm, as shown on Schedule 41, with each boathouse or gazebo not to exceed:
- (a) an area of 48 square metres;
 - (b) a maximum width of 6.0 metres on the side that is most parallel to the reference line;
 - (c) a maximum length of 8.0 metres; and
 - (d) a maximum height of 4.2 metres.
- (4) The requirements of Subsections 79(2) and 79(3) do not apply to the Boat Clubs (BC) Special Area, shown on Schedule 4D.
- (5) Any portion of a water lot that has been infilled beyond the reference line of the Northwest Arm, as shown on Schedule 41, shall not be:
- (a) included in the calculation of the minimum lot area requirements of Part IV; and
 - (b) included in the calculation of lot coverage or the measurement of a rear setback.
- (6) The requirements of Section 79 continue to apply regardless of whether a water lot is consolidated with an abutting land lot.

Lake Banook (LB) Special Area and Lake Mic Mac (LMM) Special Area

- 80 (1) Within the Lake Banook (LB) Special Area, as shown on Schedule 4D, the reference line is as shown on Schedule 42.
- (2) Within the Lake Mic Mac (LMM) Special Area, as shown on Schedule 4D, the reference line is as shown on Schedule 43.
- (3) Subject to Subsection 78(6), a structure shall not be located within 20.0 metres of the reference line of either Lake Banook, as shown on Schedule 42, or Lake Mic Mac, as shown on Schedule 43.

- (4) Within the Lake Banook (LB) Special Area, as shown on Schedule 4D, the requirements of Section 78 and Subsection 80(3) do not apply within the Boat Clubs (BC) Special Area, as shown on Schedule 4D.
- (5) Any portion of a water lot that has been infilled beyond the reference line of the Lake Banook (LB) Special Area, as shown on Schedule 42, and Lake Mic Mac (LMM) Special Area, as shown on Schedule 43, shall not be:
 - (a) included in the calculation of the minimum lot area requirements of Part IV; and
 - (b) included in the calculation of lot coverage or the measurement of a rear setback.
- (6) The requirements of this section continue to apply regardless of whether a water lot is consolidated with an abutting lot.

Wetlands

- 81 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 or a Property Abutting a Registered Heritage Property

- 82 Where site plan approval is required, development on a registered heritage property or a property abutting a registered property shall meet the design requirements contained in Part VII, Chapter 6.

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

- 83 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 VII, Chapter 6, 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 III, Chapter 6: Buildings in a Water Access Zone

Buildings in a WA Zone

- 84 In any WA zone, a building shall not be erected, constructed, altered, reconstructed, or located on a wharf, pillars, piles, or any other structural support except for:
- (a) public infrastructure;
 - (b) utilities;
 - (c) ferry terminals; and
 - (d) boating clubs.

PART IV: LOT REQUIREMENTS

Part IV, Chapter 1: Lot Requirements

Regional Subdivision By-law

85 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.

Undersized Lots

- 86 (1) A lot with less than the minimum required area, frontage, or lot dimensions, as required in Sections 87 and 88, 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) A lot with less than the minimum required area or frontage, as required in Sections 87 and 88, created as a result of an acquisition of a portion of the land by the Province of Nova Scotia or the Halifax Regional Municipality for a provincial or municipal purpose may be developed as per the requirements of the applicable zone.
- (3) 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

87 (1) Subject to Subsections 87(2) and 88(3), the minimum lot area requirements are as set out in Table 2.

Table 2: Minimum lot area requirements

Zone	Minimum lot area
D	232 square metres
ER-3, ER-2, ER-1	325 square metres
HR-2, HR-1	558 square metres
Townhouse dwelling uses in any zone - interior units	185 square metres
Townhouse dwelling uses in any zone - end units	277 square metres
PCF	1,000 square metres

RPK	1,000 square metres
Any other zone	371 square metres

- (2) The minimum lot area requirements for any property located in a special area, as shown on Schedule 4C, and identified in Table 3, are as set out in Table 3.

Table 3: Minimum lot area requirements for Established Residential Special Areas

Special Area	Minimum lot area
Young Avenue (YA)	743 square metres
Grant Street (GS)	275 square metres
Armview (AV)	743 square metres
North End Halifax 2 (NEH-2)	185 square metres
Historic Dartmouth Neighborhoods (HDN)	278 square metres
Oakland Road (OR)	464 square metres

- (3) The minimum lot area requirements for lots within the Schmitville Heritage Conservation District, as shown on Schedule 44, are as set out in Table 4.

Table 4: Minimum lot area requirements for Schmitville Heritage Conservation District

Use	Minimum lot area
Excluding lots within the Wright Avenue (WA) Special Area, semi-detached dwelling use	213 square metres
Excluding lots within the Wright Avenue (WA) Special Area, townhouse dwelling use	167 square metres
Excluding lot within the Wright Avenue (WA) Special Area, all other uses	213 square metres
Townhouse dwelling within the Wright Avenue (WA) Special Area	92 square metres
All other uses, including semi-detached dwelling uses, within the Wright Avenue (WA) Special Area, excluding townhouse dwelling use	185 square metres

Minimum Lot Frontages and Dimensions

- 88 (1) Subject to Subsections 88(2), 88(3), 88(4), 88(5), and 88(6), the minimum lot frontage requirements are as set out in Table 5.

Table 5: Minimum lot frontage requirements

Zone	Minimum lot frontage
D	6.1 metres
ER-3, ER-2, ER-1	10.7 metres
Townhouse dwelling uses in any zone — interior units	6.1 metres
Townhouse dwelling uses in any zone — end units	9.1 metres
PCF	30.0 metres
RPK	30.0 metres
Any other zone	12.2 metres

- (2) The minimum lot frontage requirements for any property located in a special area, as shown on Schedule 4C, and identified in Table 6, are as set out in Table 6.

Table 6: Minimum lot frontage requirements for Established Residential Special Areas

Special Area	Minimum lot frontage
Young Avenue (YA)	24.4 metres
North End Halifax 2 (NEH-2)	6.1 metres
Dartmouth North 1 (DN-1)	9.2 metres
Dartmouth North 2 (DN-2)	9.2 metres
Historic Dartmouth Neighborhoods (HDN)	9.2 metres
Oakland Road (OR)	15.2 metres

- (3) Within the Young Avenue (YA) Special Area, a lot shall have the following minimum dimensions:
- (a) a width of 24.4 metres; and
 - (b) a depth of 30.48 metres.
- (4) The minimum and maximum lot frontage requirements within the Schimidville Heritage Conservation District, as shown on Schedule 44, are as set out in Table 7.

Table 7: Lot frontage requirements for Schmidville Heritage Conservation District

Use	Minimum lot frontage	Maximum lot frontage per streetline
Excluding lots within the Wright Avenue (WA) Special Area, semi-detached dwelling use	7.62 metres	32 metres
Townhouse dwelling use	6.096 metres	32 metres
Excluding lots within the Wright Avenue (WA) Special Area, all other uses	7.62 metres	32 metres
Lots within the Wright Avenue (WA) Special Area, all other uses	6.096 metres	32 metres

- (5) When a lot faces the outside of a curve on a street, the minimum frontage requirements of Subsections 88(1) and 88(2) may be reduced:
- (a) by 30%; or
 - (b) for interior townhouse units, by 30%, provided the lot measures a minimum width of 6.1 metres between side lot lines at a distance of:
 - (i) in a D, CEN-2, CEN-1, or COR zone, the maximum front setback requirement from the streetline, or
 - (ii) in an HR-2, HR-1, ER-3, or ER-2 zone the lesser of either 6.1 metres from the streetline or at the location of the front wall of the main building.
- (6) Within the McLean Street (MS) Special Area, as shown on Schedule 4E, the minimum lot frontage requirement shall be 9.75 metres.

PART V: BUILT FORM

Part V, Chapter 1: General Built Form Requirements

Applicability for Heritage Conservation Districts

89 All regulations contained within this Part do not apply to heritage conservation districts, unless otherwise stated in Part VI.

Number of Buildings on a Lot

- 90 (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 COM zone, the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 4A, and the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B, if:
 - (i) each building is shown on separate lots that meet the applicable minimum lot requirements on a preliminary plan of subdivision, and
 - (ii) the preliminary plan of subdivision meets the requirements of the *Regional Subdivision By-law*;
 - (b) in any LI, HRI, INS, UC, DND, H, PCF, or RPK zone; or
 - (c) on registered heritage properties.

Building Typologies

- 91 In Part V and with the exception of the D zone of the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, a main building's type is determined by its height, excluding features exempted in Section 105, 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.

Prohibited External Cladding Materials

- 92 (1) Subject to Subsection 92(2), the following external cladding materials are prohibited in any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, UC, or H 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.
- (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, for up to:
- (a) 20% of the external cladding materials of any wall above the streetwall height; or
 - (b) 10% of the external cladding materials of any wall below the streetwall height; and
- for greater certainty, Subsection 92(2) does not apply to any addition to an existing building.

Cantilevers Over a Registered Heritage Building

- 93 A new building or an addition to an existing building shall not cantilever over a registered heritage building located on the same lot.

Aggregate Width of Balconies

- 94 The aggregate width of all balconies per storey shall not exceed 50% of the horizontal width of a building face.

Setback of Entrances

- 95 (1) A pedestrian entrance along a streetline shall be set back at least 1.5 metres from the streetline.

- (2) A motor vehicle entrance to a building along a streetline shall be set back at least 4.5 metres from the streetline.

Permitted Encroachments into Setbacks, Stepbacks, and Separation Distances

- 96 (1) Setbacks, stepbacks, and separation distances required in this Part shall be open and unobstructed except for the following:
 - (a) access ramps, uncovered decks and patios less than 0.6 metres high, walkways, lifting devices, uncovered steps, and railing systems are permitted in any 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 setback, stepback, or separation distance by up to 0.6 metres;
 - (c) window bays and solar collectors may project into any setback, stepback, or separation distance by up to 1.0 metre; and
 - (d) subject to Subsection 96(3) balconies, unenclosed porches, verandas, canopies, and awnings may project into any setback, stepback, or separation distance by up to:
 - (i) 1.5 metres from any exterior wall at the ground floor, 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 109(1) and 109(2), and footnote 5 of Table 9.
- (3) Subject to Subsection 96(4), for a building in any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, LI, or HRI zone that is located on a lot that abuts an ER-3, ER-2, ER-1, PCF or RPK zone, no balcony, railing systems, unenclosed porch, veranda, canopy, or awning is permitted to project into any setback, or stepback that faces the lot line abutting the ER-3, ER-2, ER-1, PCF or RPK zone.
- (4) Balconies are permitted within the required stepback facing the lot line abutting an ER-3, ER-2, ER-1, PCF, or RPK zone, if the portion of the building that is above grade is setback by:
 - (a) 8.5 metres for mid-rise buildings; and
 - (b) 12.0 metres for tall mid-rise buildings and high-rise buildings.
- (5) In any ER-3, ER-2, and ER-1 zone, one enclosed porch with a maximum floor area of 4.0 square metres is permitted in any required front or flanking setback provided that it is no closer than 0.5 metres to a streetline.

Encroachments into Streets

97 Encroachments into streets shall meet the requirements of the applicable HRM By-law.

Drive-Throughs

98 Drive-throughs are permitted in the COM and LI zones only.

Pedways

- 99 (1) Pedways that cross a street are prohibited.
- (2) Pedways are exempt from the requirements of Part V, Chapters 4, 5, 7, 8, 9, 10, and 11.

Self-Storage Facility Uses

- 100 (1) For a self-storage facility use in any CEN-2, COR, HR-2, or COM zone, individual storage units shall not be accessed from outside the building.
- (2) In any LI zone, a minimum separation distance of 6.0 metres shall be maintained between buildings in standalone self-storage facilities.

Transportation Facility Use

101 The requirements of Part V, Chapters 4 to 12, shall not apply to a transportation facility use.

Development Abutting a Transportation Reserve

102 Development on a lot abutting a transportation reserve shall have a setback from the transportation reserve boundary as shown on Schedules 38 and 49.

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

Maximum Height and Floor Area Ratio Requirements

103 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable maximum height and floor area ratio requirements of this Chapter.

Maximum Building Height

- 104 (1) Subject to Section 105, a building's height shall not exceed the maximum building heights specified on Schedule 7. The requirements of Part VIII still apply.
- (2) If no maximum building height is specified on Schedule 7, no maximum building height limit applies. The requirements of Part VIII still apply.

Height Exemptions, Location, and Coverage for Building Rooftop Features

- 105 (1) Excluding any low-density dwelling uses, which are addressed in Subsection 105(5), Table 8 regulates the height, coverage, and setback of features on building rooftops.
- (2) Features listed in Table 8 may exceed a height above the building rooftop on which they are located up to the amount specified in Column 1. The requirements of Part VIII still apply.
- (3) All features identified with a black dot (●) in Column 2 of Table 8 shall not, in total, occupy more than 30% of the building rooftop area on which they are located, excluding any building within the LI, HRI, UC, H, and PCF zones.
- (4) Features with a minimum roof edge setback specified in Column 3 of Table 8 shall be located at least as far as indicated from the roof edge.

Table 8: 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 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	●	
Helipad on a hospital rooftop	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)

- 106 (1) Subject to Subsection 106(2), 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 9.
- (2) If no maximum FAR is specified on Schedule 9, no maximum FAR applies.

Part V, Chapter 3: Front and Flanking Setbacks Requirements

Front and Flanking Setback Requirements

107 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable front and flanking setback requirements of this Chapter.

Minimum Front and Flanking Setbacks

- 108 (1) Subject to Subsections 108(2) and 108(3), 108(4), and Section 109, a main building shall have a minimum front or flanking setback as specified on Schedule 10.
- (2) Subject to Subsection A19(3), in any ER-3, ER-2, ER-1, LI, HRI, DND, H, PCF, RPK, CDD-2, or CDD-1 zone, if a minimum front or flanking setback has not been specified on Schedule 10, the minimum front or flanking setback shall be 3.0 metres.
- (3) In any LI or HRI zone, a minimum front or flanking setback shall be 7.5 metres if located across a street from any HR-2, HR-1, ER-3, ER-2, or ER-1 zone.
- (4) On a registered heritage property, any addition to a registered heritage building shall not be located within the existing front or flanking yard of the registered heritage building.

Underground Parking Exemption from Minimum Front and Flanking Setbacks

- 109 (1) Subject to Subsection 109(2), underground parking areas are exempt from the minimum front and flanking setback requirements but shall not protrude more than 0.25 metres above any streetline grade when located within those required setbacks.
- (2) In the Transit Corridor (TC) Special Area, as shown on Schedule 4E, underground parking areas shall meet the minimum front and flanking setbacks, as specified on Schedule 10.

Maximum Front and Flanking Setbacks

- 110 (1) Subject to Subsection 110(2) and Section 111, a main building shall have a maximum front or flanking setback:
- (a) subject to Clause 110(1)(b), as is specified on Schedule 11, excluding any community recreation use;
 - (b) in the presence of a municipal or provincial transportation or utility easement that abuts the streetline the maximum front and flanking setback that is the greater of either:
 - (i) the applicable distance as specified on Schedule 11, or
 - (ii) the edge of the easement that is located furthest from the streetline;
 - (c) if no maximum front or flanking setback is specified on Schedule 11, no maximum front or flanking setback applies.
- (2) On a registered heritage property, no maximum front or flanking setback requirement applies.

Maximum Front and Flanking Setback Exemption

- 111 (1) Subject to Subsection 111(2), in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and the CEN-2, CEN-1, COR, HR-2, HR-1, and COM zones, up to 30% of the width of the streetwall may exceed the maximum front or flanking setback requirement of Clause 110(1)(a).
- (2) Where a development makes use of both Subsections 111(1) and 124(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the streetwall.

Part V, Chapter 4: Side and Rear Setbacks Requirements

Side and Rear Setback Requirements

112 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable side and rear setback requirements of this Chapter.

Side and Rear Setback Requirements by Zone

- 113 (1) Subject to Sections 114, 115, 116, and 117, the applicable side and rear setback requirements for a main building by zone are set out in Table 9.
- (2) The interpretation of Table 9 shall be as follows:
- The first column of Table 9 lists each zone;
 - The remaining columns of Table 9 correspond to the minimum and maximum side and rear setback requirements;
 - Numbers within the table indicate the minimum or maximum side or rear setback requirements in metres that are applicable for the corresponding zone in the same row;
 - A black dot containing a number (e.g., ①) indicates that an additional minimum or maximum side or rear setback requirement is applicable in the corresponding zone in the same row, subject to a corresponding footnote below Table 9; and
 - where a cell contains the words “No requirement”, then no setback is required for the corresponding zone in the same row.

Table 9: Side and Rear Setback Requirements by zone:

Zone	Minimum Side Setback (metres)	Maximum Side Setback (metres)	Minimum Rear Setback (metres)	Maximum Rear Setback (metres)
D (DD Special Area)	③ ⑤	No requirement	① ② ③ ⑤	No requirement
D (DH Special Area)	⑤ ⑥	⑦	⑤ ⑥	⑦
CEN-2	③ ⑤	No requirement	① ② ③ ⑤	No requirement
CEN-1	③ ⑤	No requirement	① ② ③ ⑤	No requirement
COR	③ ⑤ ⑧	No requirement	3.0 (③ ⑤)	No requirement
HR-2	2.5 (③ ⑤ ⑧)	No requirement	3.0 (③ ⑤)	No requirement
HR-1	2.5 (③ ⑤ ⑧)	No requirement	3.0 (③ ⑤)	No requirement

COM	3 5	No requirement	3.0 (3 5)	No requirement
ER-3	1.25 (3 9)	No requirement	6.0	No requirement
ER-2	1.25 (3 9)	No requirement	6.0	No requirement
ER-1	1.25 (9)	No requirement	6.0	No requirement
LI	3.0 (4 5)	No requirement	3.0 (4 5)	No requirement
HRI	3.0 (4 5)	No requirement	3.0 (4 5)	No requirement
INS	2.5 (3 5)	No requirement	3.0 (3 5)	No requirement
UC	2.5 (3 5)	No requirement	3.0 (3 5)	No requirement
DND	3.0 (4 5)	No requirement	3.0 (4 5)	No requirement
H	3.0 (4 5)	No requirement	3.0 (4 5)	No requirement
PCF	2.5	No requirement	2.5	No requirement
RPK	2.5	No requirement	2.5	No requirement
WA	2.5	No requirement	No requirement	No requirement
CDD-2	3.0 (4)	No requirement	3.0 (4)	No requirement
CDD-1	3.0 (4)	No requirement	3.0 (4)	No requirement

- ① The minimum rear setback requirement is 0.0 metres if the rear yard abuts another property in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, the D zone within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, or any CEN-2 or CEN-1 zoned lot.
- ② Where a lot abuts a COR, HR-2, HR-1, COM, LI, HRI, INS, UC, DND, H, CDD-2, or CDD-1 zone along its rear lot line, any main building shall be set back at least 3.0 metres from the rear lot line abutting such zone.
- ③ Where a lot abuts an ER-3, ER-2, ER-1, PCF, or RPK zone, any main building shall be set back at least 6.0 metres from the lot line abutting such zone.
- ④ Minimum side or rear setback requirement increases to 10.0 metres if the side or rear yard abuts an HR-2, HR-1, ER-3, ER-2, ER-1, INS, PCF, or RPK zone.
- 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 in any side or rear yard.
- ⑥ Where a lot abuts an ER-3, ER-2, ER-1, PCF, or RPK zone, any main building shall be set back at least 4.5 metres from the lot line abutting such zone.
- ⑦ On lots located outside of the Downtown Halifax Central Blocks (DHCB) Special Area, as identified on Schedule 4B, a low-rise building or the low-rise portion of a building shall be setback from interior lot lines no more than 20% of the lot width.
- ⑧ A townhouse dwelling use and a semi-detached dwelling use shall have a minimum side setback of 3.0 metres and 0.0 metres along a common wall between each unit.
- ⑨ Side setback requirements for specific established residential special areas in the ER-3, ER-2, and ER-1 zones, are as specified in Section 114.

Minimum Side Setback Requirements for Specific Established Residential Special Areas

114 Minimum side setback exceptions for specific Established Residential special areas, as shown on Schedule 4C, shall be as shown in Table 10, excluding side setbacks for a townhouse use, as shown in Table 9.

Table 10: Minimum side setback exceptions for specific Established Residential Special Areas, as shown on Schedule 4C:

Established Residential Special Area	Minimum Side Setback
Grant Street (GS)	1.5 metres
Young Avenue (YA)	10% of the lot width to a maximum of 3.0 metres
Armview (AV)	4.5 metres
North End Halifax 1 (NEH-1)	1.5 metres on one side, 0.0 metres on the other
North End Halifax 2 (NEH-2)	0.0 metres
North Dartmouth 1 (ND-1)	2.0 metres
North Dartmouth 2 (ND-2)	2.5 metres
Historic Dartmouth Neighbourhoods (HDN)	2.0 metres on one side, 0.0 metres on the other

Additional Side and Rear Setbacks for the D Zone within the Downtown Halifax (DH) Special Area

- 115 (1) Within the D zone of the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, a lot that abuts an ER-3, ER-2, ER-1, RPK, or PCF zone shall provide a setback above the streetwall height of at least 6.0 metres from any abutting side or rear lot line.
- (2) Within the D zone of the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, any portion of a main building above the streetwall height, but less than 33.5 metres high shall have a setback from side or rear lot lines of at least 5.5 metres. This requirement may be reduced to 0.0 metres where:
- (a) abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure; or
 - (b) a main building is located within the Downtown Halifax Central Blocks (DHCB) Special Area, as identified on Schedule 4B.
- (3) Within the D zone of the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, any portion of a main building above 33.5 metres high shall have a minimum setback of 11.5 metres from any side or rear lot line.

- (4) Within the Spring Garden Road (SGR) and South Park Street (SPS) special areas, as shown on Schedule 4B, that portion of a building above a height of 17.0 metres measured at the streetline of Spring Garden Road and South Park Street, buildings shall have a setback of an additional 0.9 metres from the streetline, for every additional 0.6 metres in building height.

Additional Rear Setback for Tall Mid-Rise Buildings

- 116 For a tall mid-rise building in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, or within the CEN-2, CEN-1, COR, HR-2, and HR-1 zone, any portion of the building exceeding a height of 20.0 metres shall have a setback of at least 4.5 metres from a rear lot line.

Additional Side and Rear Setbacks for High-Rise Buildings

- 117 For a high-rise building excluding the D zone of the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, any portion of the building above the streetwall height shall have a setback of at least 12.5 metres from any side or rear lot line.

Part V, Chapter 5: Streetwall Requirements

Streetwall Requirements

118 A main building erected, constructed, or reconstructed, or an addition to a main building in the D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, UC, PCF, and RPK zones, shall meet the applicable streetwall requirements of this Chapter.

Streetwall Height Determination

- 119 (1) A building with a streetwall width of 8.0 metres or less shall have its streetwall height determined at the midpoint of the streetwall width.
- (2) A building with a streetwall width exceeding 8.0 metres shall have its streetwall divided into portions no wider than 8.0 metres, and separate streetwall heights shall be determined at the midpoint of each portion (Diagram 4).

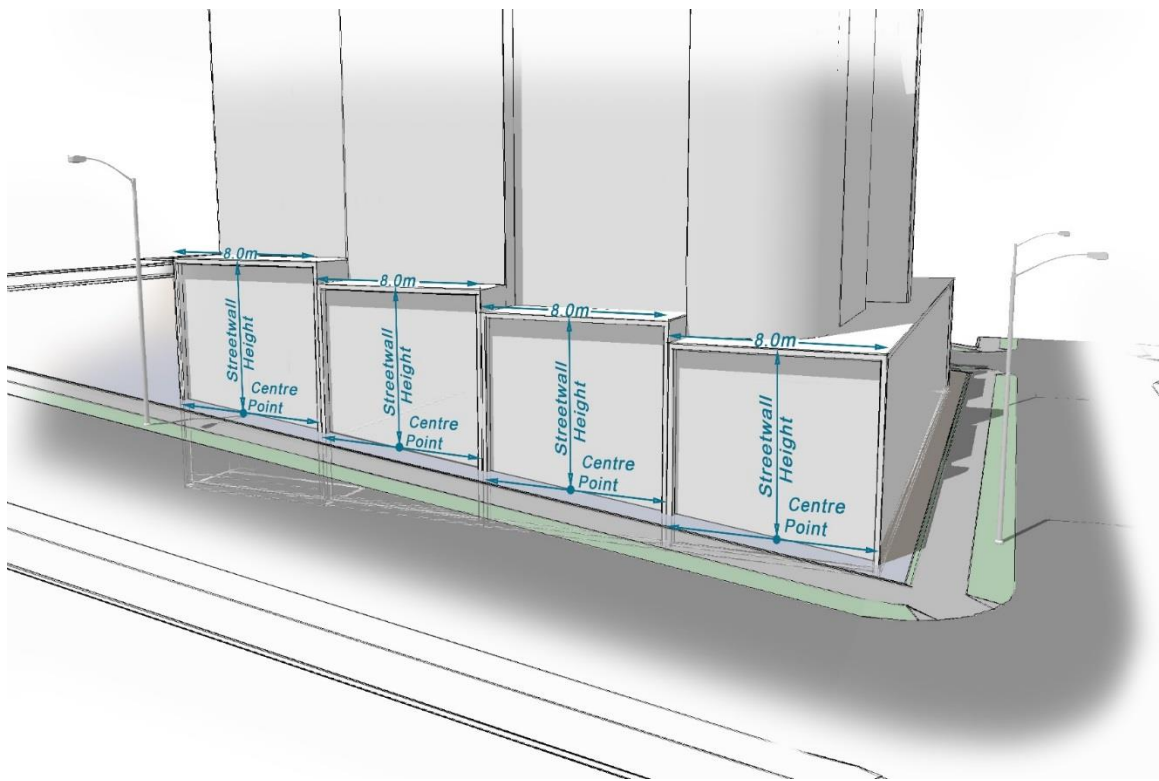


Diagram 4: Method for determining streetwall height along a streetline or a waterfront view corridor, per Section 119

Maximum Streetwall Heights

- 120 (1) Subject to Subsection 120(5), in the D zone within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, the maximum streetwall heights for main buildings are specified on Schedule 12.
- (2) Subject to Subsection 120(5), in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and the CEN-2, CEN-1, COR, HR-2, HR-1, and COM zones, a main building's maximum streetwall height shall be:
- (a) subject to Clause 120(2)(b), for any building greater than 11.0 metres high but no greater than 14.0 metres high, the building height;
 - (b) for any building in the Portland Street (PS) Special Area, as shown on Schedule 4A, or in the Agricola Street (AS) Special Area, as shown on Schedule 4E, 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 date of this By-law; or
 - (d) 11.0 metres elsewhere.
- (3) Subject to Subsections 120(4) and 120(5), in any INS and UC zone, a main building's maximum streetwall height shall be:
- (a) no greater than 14.0 metres high; or
 - (b) on a registered heritage property, the existing streetwall height of the registered heritage building at the time of the coming into force date of this By-law.
- (4) Excluding a tall mid-rise building and a high-rise building, in any INS and UC zone, no maximum streetwall height applies if the building is located at a distance greater than 40.0 metres from a front or flanking lot line.
- (5) In any PCF and RPK zone, a main building's maximum streetwall height shall be 11.0 metres if the building is located at a distance less than 40.0 metres from a front or flanking lot line.
- (6) The maximum streetwall height may be exceeded by a clear glass guard and railing system.

Minimum Streetwall Heights

- 121 (1) Subject to Subsections 121(2) and 121(3), a main building's minimum streetwall height in the D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, UC, PCF, and RPK shall be:
- (a) 8.0 metres high, or the building height 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.
- (2) 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 (Diagram 5).

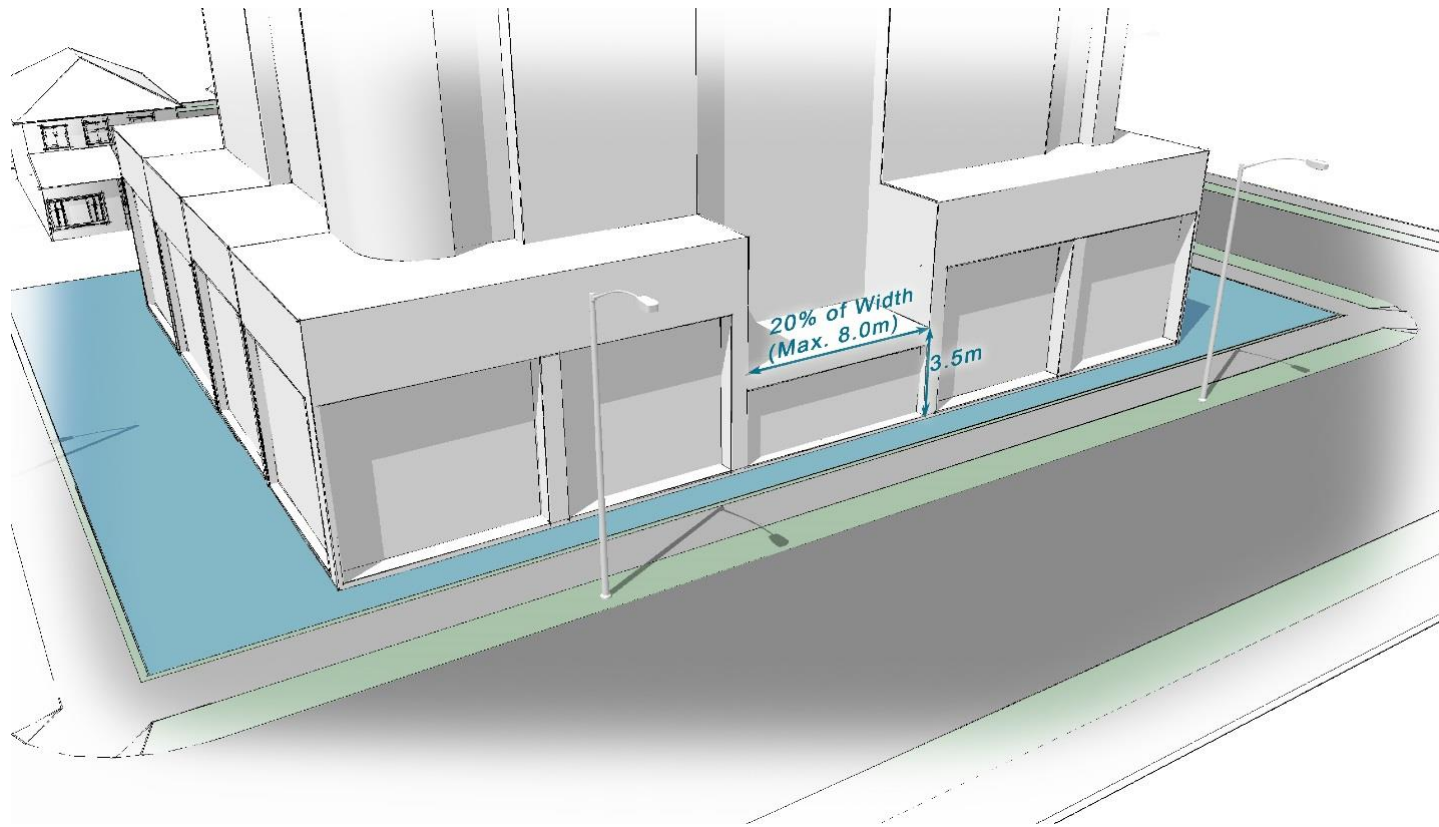


Diagram 5: Streetwall height reduction as per Subsection 121(2)

- (3) Excluding a tall mid-rise building and a high-rise building, in any INS and UC zone, no minimum streetwall height applies if the building is located at a distance greater than 40.0 metres from a front or flanking lot line.

Streetwall Stepbacks

- 122 (1) Subject to Subsection 122(4), any main building in the D zone of the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, shall be stepped back above the streetwall (Diagram 32) by:
- (a) at least 3.0 metres, for any portion of the building below 33.5 metres high; and
 - (b) at least 4.5 metres, for any portion of the building above 33.5 metres high.
- (2) Subject to Subsection 122(4), a main building in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and the CEN-2, CEN-1, COR, HR-2, HR-1, COM, PCF, and RPK zones, 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 4A; or
 - (d) 4.5 metres for high-rise buildings in all other areas.
- (3) Subject to Subsection 122(4), in any INS and UC zone, a main building shall have a streetwall stepback of at least:
- (a) 3.0 metres for mid-rise or tall mid-rise buildings; or
 - (b) 4.5 metres for high-rise buildings.
- (4) Subject to Subsection 122(5), no streetwall stepback is required for up to 20% of the building width, along a streetline.
- (5) No portion of a building shall project beyond the vertical plane of the streetwall.

Streetwall Width for the D Zone within the Downtown Halifax Special Area

- 123 (1) Subject to Subsections 123(2) and 123(3), for lots within the D zone of the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 4B, a streetwall shall extend the full width of any streetline.
- (2) Subject to Subsection 123(3), for lots within the D zone of the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, but located outside of the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 4B,

the streetwall width may be reduced to no less than 80% of the width of a lot abutting a streetline.

- (3) Excluding any portion of a lot within a waterfront view corridor, streetwalls along Lower Water Street or Upper Water Street shall be 100% of the lot width at the streetline for any lot that:
 - (a) is located within both the Lower Central Downtown Halifax (LCDH) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B; and
 - (b) has less than 27.5 metres of frontage.

Projections, Overhangs, Recessed Entrances, Portals, and Cantilevers within Streetwalls

- 124 (1) Subject to Subsections 124(2) and 124(3), the combined total of all cantilevered and recessed portions of any required streetwall, including portals, but excluding recessed pedestrian entrances, shall not exceed 30% of the width of the streetwall.
- (2) Up to 100% of the ground floor portion of a required streetwall may be recessed by up to 0.5 metres and shall not be counted towards the width requirement of Subsection 124(1).
- (3) Where a development makes use of both Subsections 124(1) and 111(1), the combined streetwall exemptions shall not exceed 30% of the entire width of the required streetwall.

Part V, Chapter 6: Lot Coverage Requirements

Lot Coverage Requirements

125 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable lot coverage requirements of this Chapter.

Maximum Lot Coverage Requirements

126 Subject to Section 127, the maximum lot coverage requirement for each zone shall be as shown in Table 11.

Table 11: Maximum lot coverage by zone:

Zone	Maximum Lot Coverage (%)
D	No requirement
CEN-2	No requirement
CEN-1	No requirement
COR	No requirement
HR-2	No requirement
HR-1	No requirement
COM	No requirement
ER-3 (for lots 325.0 square metres or less)	40%
ER-3 (for lots greater than 325.0 square metres)	50%
ER-2 (for lots 325.0 square metres or less)	40%
ER-2 (for lots greater than 325.0 square metres)	50%
ER-1 (for lots 325.0 square metres or less)	40%
ER-1 (for lots greater than 325.0 square metres)	50%
LI	80%
HRI	80%
INS	60%
UC	60%
DND	80%
H	80%
PCF	40%
RPK	40%
CDD-2	50%
CDD-1	50%

Maximum Lot Coverage in Established Residential Special Areas

127 Lot coverage exceptions for specific Established Residential special areas, as shown on Schedule 4C, are listed in Table 12.

Table 12: Lot coverage exceptions for specific Established Residential Special Areas:

Established Residential Special Area	Maximum Lot Coverage (%)
Grant Street (GS)	35%
Young Avenue (YA)	35%
North End Halifax 2 (NEH-2)	50%
West End Halifax 1 (WEH-1)	35%
West End Halifax 2 (WEH-2)	35%
North Dartmouth 1 (ND-1)	35%
North Dartmouth 2 (ND-2)	35%

Part V, Chapter 7: Ground Floor, Grade-Oriented Premises, and Grade-Related Unit Requirements

Ground Floor, Grade-Oriented Premises, and Grade-Related Unit Requirements

128 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable ground floor, grade-oriented premises, and grade-related unit requirements of this Chapter.

Ground Floor Requirements in the Downtown Dartmouth (DD) Special Area and the CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, and UC Zones.

- 129 (1) Subsections 129(2) to 129(5) shall be applicable to the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and the CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, and UC zones.
- (2) A ground floor shall be located within 0.6 m of the streetline grade.
- (3) Every building shall have a ground floor facing a streetline.
- (4) Excluding a low-density dwelling use and a grade-related unit use, but including a parking structure use, a main building shall have a ground floor height of at least 3.5 metres for any ground floor that has access:
- (a) from a streetline;
 - (b) along a transportation reserve; or
 - (c) onto a waterfront view corridor.
- (5) Where a lot abuts a pedestrian-oriented commercial street, as identified on Schedule 6, at least 50% and no more than 80% of a building's total ground floor façade area along the pedestrian-oriented commercial street shall consist of clear glass glazing.

Ground Floor Requirements for the D Zone within the Downtown Halifax (DH) Special Area

- 130 (1) Subsection 130(2) to 130(6) shall be applicable to the D zone within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B.
- (2) Every building shall have a ground floor facing a streetline.
- (3) A ground floor shall be located within 0.6 m of the streetline grade.

- (4) Excluding a grade-related unit use, but including a parking structure use, any ground floor of a main building that has access at the streetline or access onto a waterfront view corridor shall have a ground floor height of at least 4.5 metres from floor-to-floor, measured:
 - (a) for a main building that has access at the streetline, from the streetline grade; or
 - (b) for a main building that has access onto a waterfront view corridor, from the streetwall along the edge of the waterfront view corridor.
- (5) Mezzanine spaces are permitted within the minimum floor-to-floor height required in Subsection 130(2), for those portions of a ground floor that are occupied by residential uses.
- (6) Where a lot abuts a pedestrian-oriented commercial street, as identified on Schedule 6, at least 75% of a building's total ground floor façade area along the pedestrian-oriented commercial street shall consist of clear glass glazing.

Grade-Oriented Premises

- 131 (1) Subject to Subsection 131(2) and excluding a change of use in an existing structure, a low-density dwelling use, a townhouse dwelling use, a religious institution use, or a cultural use, in any D, CEN-2, CEN-1, COR, or COM zone, grade-oriented premises with separate entrances are required along any streetline, with the minimum number of grade-oriented premises required is determined by the following calculation:
- (a) adding 6.0 metres to the length of the streetwall;
 - (b) dividing the sum of Clause 131(1)(a) by 12; and
 - (c) rounding down the result of Clause 131(1)(b) to the nearest whole number.
- (2) For any addition to a building, the requirement of Subsection 131(1) shall only apply to the length of the streetwall addition.
- (3) Grade-oriented premises shall be maintained to a minimum building depth of 3.0 metres, as measured perpendicularly from the exterior wall of a building nearest a streetline.
- (4) Subject to Section 48, 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.

Grade-Related Units

132 Every grade-related unit shall have:

- (a) a separate exterior pedestrian entrance; and
- (b) where a front or flanking yard is provided, a porch or patio that connects to the street and is at least 2.0 metres in width.

Part V, Chapter 8: Side and Rear Stepbacks

Side and Rear Stepback Requirements

133 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable side and rear stepback requirements of this Chapter.

Side and Rear Stepbacks

- 134 (1) Subject to Subsection 134(2), for a tall mid-rise building in any HR-2, HR-1, INS, and UC Zone, any portion of the building above the streetwall height shall have a minimum:
- (a) side stepback of 2.5 metres; and
 - (b) rear stepback of 4.5 metres.
- (2) Where a lot in a D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and within a CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, or UC zone abuts an ER-3, ER-2, ER-1, PCF, or RPK zone, the building wall facing the ER-3, ER-2, ER-1, PCF, or RPK zone 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.

Part V, Chapter 9: Separation Distance Requirements

Separation Distance Requirements

135 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable separation distance requirements of this Chapter.

Minimum Separation Distances At-Grade

- 136 (1) Where more than one main building is permitted on a lot by Subsection 90(3), a minimum separation distance between buildings at-grade of:
- (a) subject to Subsection 136(2), in any D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and in any CEN-2, CEN-1, COR, HR-2, HR-1, and COM zone, at least 6.0 metres;
 - (b) subject to Subsection 136(2), in any INS and UC zone:
 - (i) 6.0 metres, if both buildings do not have a width or depth greater than 64.0 metres, or
 - (ii) 8.0 metres, if at least one of the buildings has a width or depth greater than 64.0 metres; or
 - (c) in all other zones, 3.0 metres.
- (2) Where a building is connected below grade and more than one portion of the building protrudes above grade, a minimum separation distance of at least 6.0 metres at-grade shall be provided between the above grade portions.

Minimum Separation Distances for High-Rise Typologies Above the Streetwall Height

137 Above the streetwall height, any portions of the same or any other main building(s) on the same lot in any D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and in any CEN-2, CEN-1, COR, HR-2, HR-1, COM, INS, and UC zones shall be separated by 25.0 metres between high-rise typologies.

Minimum Separation Distance for the D Zone within the Downtown Halifax Special Area

- 138 Within the D zone in the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, any portion of a main building above 33.5 metres high shall be separated by a minimum of 23.0 metres from any portions of the same or other buildings that are above 33.5 metres high on the same lot.

Part V, Chapter 10: Building Dimension and Footprint Requirements

Building Dimension and Footprint Requirements

139 A main building erected, constructed, or reconstructed, or an addition to a main building, shall meet the applicable building dimension and footprint requirements of this Chapter.

Maximum Building Dimensions (D zone within the Downtown Dartmouth (DD) Special Area and the CEN-2, CEN-1, COR, HR-2, HR-1, and COM zones)

- 140 (1) Subject to Subsection 140(3), in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and the CEN-2, CEN-1, COR, HR-2, HR-1, and COM zones, the low-rise, mid-rise, and tall mid-rise portions of a building, excluding any structure below 0.6 metres above the average finished grade, shall not exceed the following building dimensions:
- (a) subject to Clause 140(1)(b), in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and any CEN-2, CEN-1, COR, HR-2, HR-1, or COM zone:
 - (i) a building width of 64.0 metres, and
 - (ii) a building depth of 64.0 metres; and
 - (b) on a through lot in any HR-2 or HR-1 zone:
 - (i) a building width of 64.0 metres, and
 - (ii) a building depth of 40.0 metres.
- (2) Subject to Subsection 140(3), in the D zone within the Downtown Dartmouth (DD) Special Area, as shown on Schedule 4A, and the CEN-2, CEN-1, COR, HR-2, HR-1, and COM zones, the tower portion of a high-rise building shall not exceed:
- (a) a building depth or building width of 35.0 metres; and
 - (b) a floor area of 750 square metres per floor.
- (3) For the purpose of measuring building dimensions in Subsections 140(1) and 140(2), buildings or portions of buildings connected by a pedway shall be measured separately.

Maximum Building Dimensions for the D Zone within the Downtown Halifax Special Area

- 141 (1) Subject to Section 142 and Subsection 141(2), in the D zone within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, any portion of a main building above 33.5 metres high shall not exceed:
- (a) 38.0 metres in building width and 27.5 metres in building depth, inside the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 4B; or
 - (b) 38.0 metres in building width and 38.0 metres in building depth, outside the Downtown Halifax Central Blocks (DHCB) Special Area, as shown on Schedule 4B.
- (2) For the purpose of measuring building dimensions in Subsection 141(1), buildings or portions of buildings connected by a pedway shall be measured separately.

Maximum Building Dimensions in the Halifax Waterfront (HW) Special Area

- 142 All main buildings located in the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B, shall meet the following requirements:
- (a) The maximum width of any exterior wall that is the most parallel to the Harbour Orientation Line – Line 1, as shown on Schedule 39, shall not exceed 27.5 metres at a setback distance of 8.0 metres from the harbour edge;
 - (b) Subject to Clause 142(c), the exterior wall that is the most parallel to the Harbour Orientation Line – Line 1, as shown on Schedule 39, with a setback distance greater than 8.0 metres from the harbour edge shall not exceed a maximum width of 27.5 metres, plus 1.0 additional metre for every additional 1.0 metre setback from the harbour edge;
 - (c) Any portion of the building that is setback more than 30.0 metres from the harbour edge is permitted to use the full building width that is allowed under this By-law; and
 - (d) Any portion of a building above 33.5 metres high shall have a maximum width of 27.5 metres along the sides of the building that are most parallel to Lower Water Street or Upper Water Street, and a maximum depth of 38.0 metres along the sides of the building that are most perpendicular to Lower Water Street or Upper Water Street.

Maximum Building Dimensions (INS and UC)

- 143 (1) Subject to Subsection 143(3), in any UC zone, for low-rise, mid-rise, and tall mid-rise portions of a building, excluding any structure below 0.6 metres above the average finished grade, no building dimension shall exceed a width or depth of 120.0 metres.
- (2) In any INS and UC zone, the tower portion of a high-rise building shall not exceed:
- (a) a building depth or building width of 35.0 metres; and
 - (b) a floor area of 750 square metres per floor.
- (3) For the purpose of measuring building dimensions in Subsection 143(1), buildings or portions of buildings connected by a pedway shall be measured separately.

Maximum Footprint for Single-Unit Dwelling Use in Established Residential Special Areas

144 The maximum footprint for single-unit dwellings in specific Established Residential special areas, as shown on Schedule 4C, shall be as shown in Table 13.

Table 13: Maximum footprint for single-unit dwellings in specific Established Residential Special Areas, as shown on Schedule 4C:

Established Residential Special Area	Maximum Footprint for Single-Unit Dwellings
Grant Street (GS)	140.0 square metres
Historic Dartmouth Neighborhoods (HDN)	140.0 square metres
North End Halifax 1 (NEH-1)	140.0 square metres
North End Halifax 2 (NEH-2)	135.0 square metres
North End Halifax 3 (NEH-3)	140.0 square metres
West End Halifax 1 (WEH-1)	150.0 square metres
West End Halifax 2 (WEH-2)	170.0 square metres
North Dartmouth 1 (ND-1)	150.0 square metres
North Dartmouth 2 (ND-2)	150.0 square metres
Oakland Road (OR)	200.0 square metres

Maximum Footprint for Other Uses within North End Halifax 2 (NEH-2) Special Area

- 145 (1) Within the North End Halifax 2 (NEH-2) Special Area, as shown on Schedule 4C, a building containing a two-unit dwelling use shall have a maximum footprint of 135.0 square metres.

- (2) Within the North End Halifax 2 (NEH-2) Special Area, as shown on Schedule 4C, a building containing a semi-detached dwelling use shall have a maximum footprint of 82.5 square metres per unit.
- (3) Within the North End Halifax 2 (NEH-2) Special Area, as shown on Schedule 4C, a building containing residential uses and a commercial use shall have a maximum footprint of 165.0 square metres.

Townhouse Building Dimension

- 146 In any ER-3 or ER-2 zone, a townhouse block shall not have a building dimension along the streetline greater than 64.0 metres.

Part V, Chapter 11: Built Form Requirements for the Waterfront Special Areas

Built Form Requirements for the Waterfront Special Areas

147 A main building erected, constructed, or reconstructed, or an addition to a main building in the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedules 4A and 4B respectively, shall meet the applicable requirements of this Chapter.

Harbour Edge Setbacks in the Dartmouth Waterfront (DW) Special Area

148 All main buildings located within the Dartmouth Waterfront (DW) Special Area, as shown on Schedule 4A, shall have:

- (a) a setback of at least 8.0 metres between all exterior walls, which are the most parallel to the Harbour Orientation Line – Line 2, as shown on Schedule 39, and the harbour edge; and
- (b) a setback of at least 3.0 metres between all other exterior walls and the harbour edge, which are not covered under Clause 148(a) or are not the streetwall.

Harbour Edge Setbacks in the Halifax Waterfront (HW) Special Area

149 All main buildings located within the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B, shall have:

- (a) a setback of at least 8.0 metres between all exterior walls, which are the most parallel to the Harbour Orientation Line – Line 1, as shown on Schedule 39, and the harbour edge; and
- (b) a setback of at least 3.0 metres between all other exterior walls and the harbour edge, which are not covered under Clause 149(a) or are not the streetwall.

Other Setbacks in the Halifax Waterfront (HW) Special Area

150 (1) Subject to Subsections 150(2) and 150(3), main buildings in the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B, on any lot with a streetline abutting Lower Water Street or Upper Water Street longer than 27.5 metres, shall have minimum side setback of at least 8.0 metres or 10% of the lot width, whichever is less.

- (2) Subject to Subsection 150(3), in the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B, the setback requirement in Subsection 150(1) may be reduced to 0.0 metres for any portion of a main building, if abutting lots are under common ownership and developed over a continuous foundation, footing, or underground parking structure.
- (3) In the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B, the setback requirement in Subsection 150(1) may be reduced to 0.0 metres from the edge of a waterfront view corridor if:
 - (a) a side or rear lot line coincides with an edge of a waterfront view corridor; or
 - (b) a side or rear lot line lies within any portion of a waterfront view corridor.
- (4) In the Halifax Waterfront (HW) Special Area, as shown on Schedule 4B, any structure that is exempt from site plan approval, as shown in Clause 16(l) and 16(m), shall maintain a setback of 9.5 metres from front and flanking lot lines.

Additional Built Form Requirements within the Waterfront Special Areas

- 151 All main buildings located within the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedules 4A and 4B, shall meet the following requirements:
- (a) Any portion of a building that requires a setback of 8.0 metres from a harbour edge, as per Clause 148(a) or Clause 149(a), shall be limited to a height of 12.5 metres at the required 8.0-metre setback distance;
 - (b) Any portion of a building with a setback distance greater than 8.0 metres from a harbour edge, as per Clause 148(a) or Clause 149(a), may exceed a height of 12.5 metres, with an additional 1.0 metre of height permitted for every additional 1.0 metre of setback, up to a maximum distance of 18.0 metres from the harbour edge; and
 - (c) Any portion of a building with a setback of more than 18.0 metres from the harbour edge, as per Clause 148(a) or Clause 149(a), shall only have to meet the height requirements of Section 104.

Part V, Chapter 12: Additional Built Form Requirements for Established Residential Zones

Additional Built Form Requirements for Established Residential Zones

152 A main building erected, constructed, or reconstructed, or an addition to a main building in the ER-3, ER-2, or ER-1 zones, shall meet the applicable requirements of this Chapter.

Attached Garages in ER-3, ER-2, or ER-1 Zones

- 153 (1) In any ER-3, ER-2, or ER-1 zone, garage doors facing the front or flanking lot line for a garage, which is attached to a low-density dwelling use, shall not project any closer to the streetline than the wall of the main dwelling.
- (2) In any ER-3, ER-2, or ER-1 zone, garage doors for a garage, which is attached to a low-density dwelling use and facing the front lot line, shall not exceed:
- (a) one garage door; and
 - (b) a width of no more than 50% of the width of the dwelling to a maximum of 3.0 metres.
- (3) In any ER-3, ER-2, or ER-1 zone, garage doors for a garage, which is attached to a low-density dwelling use and facing the flanking lot line, shall not exceed:
- (a) two garage doors; and
 - (b) a width of no more than 50% of the width of the dwelling to a maximum of 6.0 metres total.

Number of Townhouses in the ER-3 and ER-2 Zones

- 154 (1) In any ER-3 zone, a maximum of eight townhouse dwellings are permitted per townhouse block.
- (2) In any ER-2 zone, a maximum of four townhouse dwellings are permitted per townhouse block.

Part V, Chapter 13: Accessory Structures, Backyard Suite Uses, and Shipping Containers

Accessory Structure, Backyard Suite Use, and Shipping Container Requirements

155 An accessory structure, a backyard suite use, or a shipping container erected, constructed, or reconstructed, shall meet the applicable accessory structure, backyard suite use, and shipping container requirements of this Chapter.

Accessory Structure Location

156 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 Front and Flanking Setbacks

- 157 (1) Subject to Subsection 157(2), accessory structures shall meet the minimum front and flanking setback requirements for a main building in the same zone.
- (2) Accessory structures shall:
- (a) in ER-3, ER-2, or ER-1 zones, excluding the Westmount Subdivision (WS) Special Area, as shown on Schedule 4C, not be located closer to any streetline than any main building;
 - (b) in the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedule 4A and 4B respectively, be located at least 9.5 metres from any streetline; and
 - (c) in the Westmount Subdivision (WS) Special Area, as shown on Schedule 4C, be located a minimum of 1.5 metres to a maximum of 18.5 metres, from any streetline.

Accessory Structure Side and Rear Setbacks

158 (1) Subject to Subsections 158(2), 158(3), and 158(4), accessory structures shall be located at least 1.25 metres from any side or rear lot line.

- (2) In the Westmount Subdivision (WS) Special Area, as shown on Schedule 4C, an accessory structure shall have a side setback of 0.6 metres.
- (3) Subject to Section 113, in a COM, LI, or HRI Zone, any accessory structure located in a side or rear yard that abuts an ER-3, ER-2, ER-1, HR-2, HR-1, INS, PCF, or RPK zone, shall meet the setback requirements that are applicable to the main building or use.

Accessory Structure Separation Distances

- 159 An accessory structure shall be separated from any other structure on the same lot by at least 1.25 metres.

Accessory Structure Height

- 160 An accessory structure's height shall not exceed:
- (a) 5.5 metres; or
 - (b) in the Westmount Subdivision (WS) Special Area, as shown on Schedule 4C, 3.0 metres.

Accessory Structure Area

- 161 An accessory structure shall not have a footprint greater than:
- (a) subject to Clauses 161(b) and 161(c), in any D, CEN-2, CEN-1, COR, HR-2, HR-1, ER-3, ER-2, or ER-1 zone: 60.0 square metres;
 - (b) in the Westmount Subdivision (WS) Special Area, as shown on Schedule 4C, 6.0 square metres; or
 - (c) subject to Table 11, no requirement in any other zone.

Quonset Huts

- 162 Except in LI, HRI, and DND zones, quonset huts are not permitted as accessory structures.

Shipping Containers

- 163 (1) A shipping container shall not be located in any CEN-2, CEN-1, COR, HR-2, HR-1, COM, ER-3, ER-2, ER-1, INS, or WA zone.

- (2) Subject to Subsection 163(5), a shipping container shall not be used as an office or dwelling unit, including a backyard suite use.
- (3) A shipping container shall not be located within any required front or flanking setback.
- (4) In an LI or HRI Zone, any shipping container located in a side or rear yard that abuts an ER-3, ER-2, ER-1, HR-2, HR-1, INS, PCF, or RPK zone, shall meet the setback requirements as shown in Section 113, that are applicable to the main building or use.
- (5) Within the D zone of the Dartmouth Waterfront (DW) Special Area and the Halifax Waterfront (HW) Special Area, as shown on Schedules 4A and 4B respectively:
 - (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.
- (6) A shipping container located in an LI, HRI, or DND zone shall not be located abutting any lot that is zoned COR, HR-2, HR-1, ER-3, ER-2, ER-1, or WA, unless:
 - (a) it is screened according to the requirements of Section 261; and
 - (b) it is located at least 3.5 metres from any lot line.

**PART VI:
BUILT FORM REQUIREMENTS
FOR HERITAGE
CONSERVATION DISTRICTS**

Part VI, Chapter 1: General Built Form Requirements for Heritage Conservation Districts

Construction, Additions, Renovations, or Conservation within Heritage Conservation Districts

164 Within a heritage conservation district any new construction, additions, or renovations on a property, and any conservation of a building, shall conform to 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*.

Pedways

165 Pedways are prohibited in heritage conservation districts.

Drive-Throughs

166 Drive-throughs are prohibited in heritage conservation districts.

Structures Located in Setbacks, Stepbacks, and Separation Distances

167 Setbacks, stepbacks, and separation distances required in this Part shall be open and unobstructed except for the following:

- (a) access ramps, uncovered decks, and patios less than 0.6 metres high, walkways, lifting devices, steps, and railing systems are permitted in any 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 setback, stepback, or separation distance by up to 0.6 metres; and
- (c) window bays and solar collectors may project into any required setback, stepback, or separation distance by up to 1.0 metre.

Prohibited External Cladding Materials

168 (1) Subject to Subsection 168(2), the following external cladding materials are prohibited in any heritage conservation district:

- (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. Additions shall comply with Subsection 168(1).

Setback of Entrances

- 169 (1) Any pedestrian entrance facing a streetline shall be set back at least 1.5 metres from the streetline.
- (2) Any motor vehicle entrance to the building facing a streetline shall be set back at least 4.5 metres from the streetline.

Encroachments into Streets

- 170 Encroachments into streets shall meet the requirements of the applicable HRM By-law.

Part VI, Chapter 2: Built Form Requirements for Schmidville Heritage Conservation District Built Form

All Development

171 Within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44, development shall be subject to the requirements of this By-law and HRM By-law H-700, the *Schmidville Heritage Conservation District By-law*.

Built Form Requirements

172 The built form requirements for Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44, shall comply with the requirements of Sections 90 and 95.

Maximum Building Height

- 173 (1) Subject to Subsections 173(2) and 173(3), and Section 174, within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44 a buildings height shall not exceed the maximum building height, as specified on Schedule 7.
- (2) A rear addition to a Schmidville Heritage Building, as shown on Schedule 45, shall:
- (a) not exceed a height of 6.1 metres for a building that is within a height precinct of 11 metres, as shown on Schedule 7; or
 - (b) not exceed the height of the building within a height precinct of 8 metres, as shown on Schedule 7.
- (3) A Schmidville Heritage Building, as shown on Schedule 45, can exceed the maximum building height, as specified in Subsections 173(1) and 173(2) by 0.7 metres, if it is raised at its foundation.

Height Exemptions for Building Rooftop Features

174 Within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44, the following building rooftop 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; and
- (e) vents.

Front and Flanking Setback

175 A main building within the Schmidville Heritage Conservation District, as shown on Schedule 44, shall have a minimum front or flanking setback as specified on Schedule 10.

Side Yards and Setbacks

- 176 (1) Subject to Subsections 176(2) and 176(3), side setbacks within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44, shall be a minimum of 1.0 metre.
- (2) A side setback shall be reduced to 0.0 metres if a common wall is shared.
- (3) No development is permitted within the existing side yards of a Schmidville Heritage Building, as shown on Schedule 45.

Rear Setbacks

- 177 (1) Subject to Subsections 177(2), 177(3), and 177(4), rear setbacks, within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44, shall be a minimum of 9.1 metres.
- (2) For a Schmidville Heritage Building, as shown on Schedule 45, located within an area covered by a height precinct maximum of 8 metres, as shown on Schedule 7, the minimum rear setback shall be 6.1 metres.
- (3) For a new lot created after November 3, 2018 and within the Wright Avenue (WA) Special Area, the rear setback shall be 1.22 metres.
- (4) Within a Schmidville Heritage Building, as shown on Schedule 45, which contains 5 to 10 dwelling units, a restaurant use, or a local commercial use, the minimum rear setback shall be 1.22 metres.

Building Dimensions for Buildings that are Not Schmidville Heritage Buildings

- 178 (1) Subject to Subsection 178(2), the depth of a building within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44, that is not a Schmidville Heritage Building, as shown on Schedule 45, shall not exceed 9.1 metres from its front wall to its rear wall.
- (2) On a lot that has a maximum building height precinct of 8.0 metres, as shown on Schedule 7, and does not contain a Schmidville Heritage Building, as shown on Schedule 45, the depth of the building shall not exceed 13.8 metres from its front wall to its rear wall.

Building Dimensions for Schmidville Heritage Buildings

- 179 (1) A rear addition to a Schmidville Heritage Building, identified on Schedule 45, to allow up to a four-unit dwelling use, shall not result in the entire building exceeding a maximum depth of 18.3 metres from its front wall to its rear wall.
- (2) A rear addition to a Schmidville Heritage Building, identified on Schedule 45, to allow up to a four-unit dwelling use, shall not result in the addition exceeding a maximum width of 67% of the width of the existing building.
- (3) A Schmidville Heritage Building, identified on Schedule 45, modified to contain 5 to 10 dwelling units, a restaurant use, or a local commercial use, shall not result in the entire building exceeding a maximum depth of 24.4 metres from its front wall to its rear wall.
- (4) A rear addition to a Schmidville Heritage Building, identified on Schedule 45, to allow 5 to 10 dwelling units, a restaurant use, or a local commercial use, shall:
- (a) not result in the rear addition exceeding a maximum of 67% of the width of the existing building for the first 3.0 metres in depth from a rear wall that existed on November 3, 2018; and
 - (b) beyond 3.0 metres may expand its width to match the existing building width, as shown on Schedule 46.

Accessory Buildings

180 Accessory structures within the Schmidville Heritage Conservation District (SHCD), as shown on Schedule 44, shall:

- (a) be limited to one per lot;
- (b) be permitted in a rear yard only;
- (c) be setback from a side lot line:
 - (i) for Schmidville Heritage Buildings equal to the distance of the main building; or
 - (ii) for buildings that are not Schmidville Heritage Buildings 1.25 metres;
- (d) not have a required setback to a rear property line;
- (e) be separated from any other structure on the same lot by at least 1.25 metres;
- (f) not exceed a footprint of 14.0 square metres; and
- (g) not exceed a height of 4.3 metres.

**PART VII:
SITE PLAN APPROVAL DESIGN
REQUIREMENTS AND
VARIATION CRITERIA**

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

Development Subject to Design Requirements

181 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

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

Applicable Design Requirements by Zone

- 183 (1) The applicable design requirements by zone are set out in Table 14.
- (2) The interpretation of Table 14 shall be as follows:
- (a) The first column of Table 14 lists each design requirement;
 - (b) The remaining columns of Table 14 correspond to zones;
 - (c) A black dot (●) indicates that the design requirement in that row is applicable to the particular zones of that column; and
 - (d) A black dot containing a number (e.g., ①) indicates that the design requirement in that row is applicable in the zones of that particular column, subject to additional conditions in a corresponding footnote below Table 14.

Table 14: Applicable design requirements by zone

Design requirements	D CEN-2 CEN-1 COR HR-2 HR-1 COM	INS H	UC	PCF RPK
At-Grade Private Open Spaces Abutting a Public Sidewalk (Section 184)	●	●	●	
Walkways to be Hard-Surfaced (Section 185)	●	●	●	
At-Grade Private Open Spaces – Medium Scale (Section 186)	●	●	●	

Weather Protection for At-Grade Private Open Spaces – Medium Scale (Section 187)	●	●	●	
At-Grade Private Open Spaces –Large Scale (Section 188)	●	●	●	
Privacy for Grade-Related Units (Section 189)	●		●	
Streetwall Articulation (Section 190)	●	●	●	●
Articulation of Non-Streetwalls Fronting an At-Grade Private Open Space (Section 191)	●	●	●	
Corner Treatment (Section 192)	●	●	●	●
Side Façade Articulation (Section 193)	●	②	●	②
Pedestrian Entrances Along Streetwalls (Section 194)	●	●	●	●
Pedestrian Entrances Along Non-Streetwalls Fronting an At-Grade Private Open Space (Section 195)	●	●	●	
Number of Pedestrian Entrances Along Streetwalls in D, CEN-2, CEN-1, COR, HR-2, HR-1, and COM Zones (Section 196)	●			
Number of Pedestrian Entrances Along Streetwalls in any INS, H, UC, PCF, and RPK Zones (Section 197)		●	●	●
Ground Floor Transparency (Section 198)	②	②	②	②
Weather Protection (Section 199)	●	●	●	●
Exposed Foundations and Underground Parking Structures (Section 200)	●	●	●	●
Building Top Distinction (Section 201)	●	●	●	●
Penthouses (Section 202)	●	●	●	●
Rooftop Mechanical Features (Section 203)	●			
Motor Vehicle and Service Accesses (Section 204)	●	●	●	●
Parking Internal to a Building or Within a Parking Structure (Section 205)	●	●	●	●
Screening of Utility and Mechanical Features (Section 206)	●	●	●	●
Heat Pumps and Other Heating and Ventilation Equipment for Individual Units (Section 207)	●	●	●	●
General Lighting (Section 208)	●	●	●	●
Emphasis of View Terminus Sites (Section 209)	●	●	●	●
Parking Areas, Accessory Surface Parking Lots, Off-Street Loading Spaces, and Site Utilities on View Terminus Sites (Section 210)	●	●	●	●
Conservation of Character-Defining Elements (Section 212)	①	①	①	①

New Windows and Doors (Section 213)	①	①	①	①
Preservation of Architectural Elements (Section 214)	①	①	①	①
Use of Archival Evidence (Section 215)	①	①	①	①
Historic Building Façades (Section 216)	①	①	①	①
Materials (Section 217)	①	①	①	①
Maintenance of Same or Similar Cornice Line Height for New Developments in a Heritage Context (Section 218)	①	①	①	①
Streetwall Stepback for Taller Portions of New Developments in a Heritage Context (Section 219)	①	①	①	①
Side Wall Stepback for Taller Portions of New Detached Buildings in a Heritage Context (Section 220)	①	①	①	①
Architectural Elements of Existing Heritage Buildings to be Used as a Reference in the Design of New Development in a Heritage Context (Section 221)	①	①	①	①
Awnings and Canopies (Section 222)	①	①	①	①
Signs (Section 223)	①	①	①	①
Lighting Hardware (Section 224)	①	①	①	①
Directing Lighting to Accentuate or Emphasize Architectural Features or Signage (Section 225)	①	①	①	①

- ① Design requirements apply to registered heritage buildings, buildings on a property that abut a registered heritage property, buildings within a heritage conservation district, and buildings on a property that abut a heritage conservation district.
- ② Design requirement excludes the following uses: emergency service uses, religious institution uses, emergency shelter uses, gymnasium, arena, and major spectator venue uses.

Part VII, Chapter 2: At-Grade Private Open Space Design Requirements

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

184 Subject to Section 258, at-grade private open spaces that abut public sidewalks shall provide pedestrian access by having at least one contiguous connection of not less than 2.0 metres wide, from the at-grade private open space to the public sidewalk.

Design Requirement: Walkways to be Hard-Surfaced

185 Subject to Section 258, walkways within at-grade private open spaces shall be hard-surfaced, excluding asphalt.

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

186 Subject to Sections 189 and 258, 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

187 Subject to Sections 189 and 258, 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 6):

- (a) within the at-grade private open space, 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) within the at-grade private open space, structures such as gazebos, pergolas, or covered site furnishings;
- (c) canopies or awnings on façades that abut the at-grade private open space;
- (d) recessed entrances on façades that abut the at-grade private open space; or
- (e) cantilever over an entrance of a building that abuts the at-grade private open space.

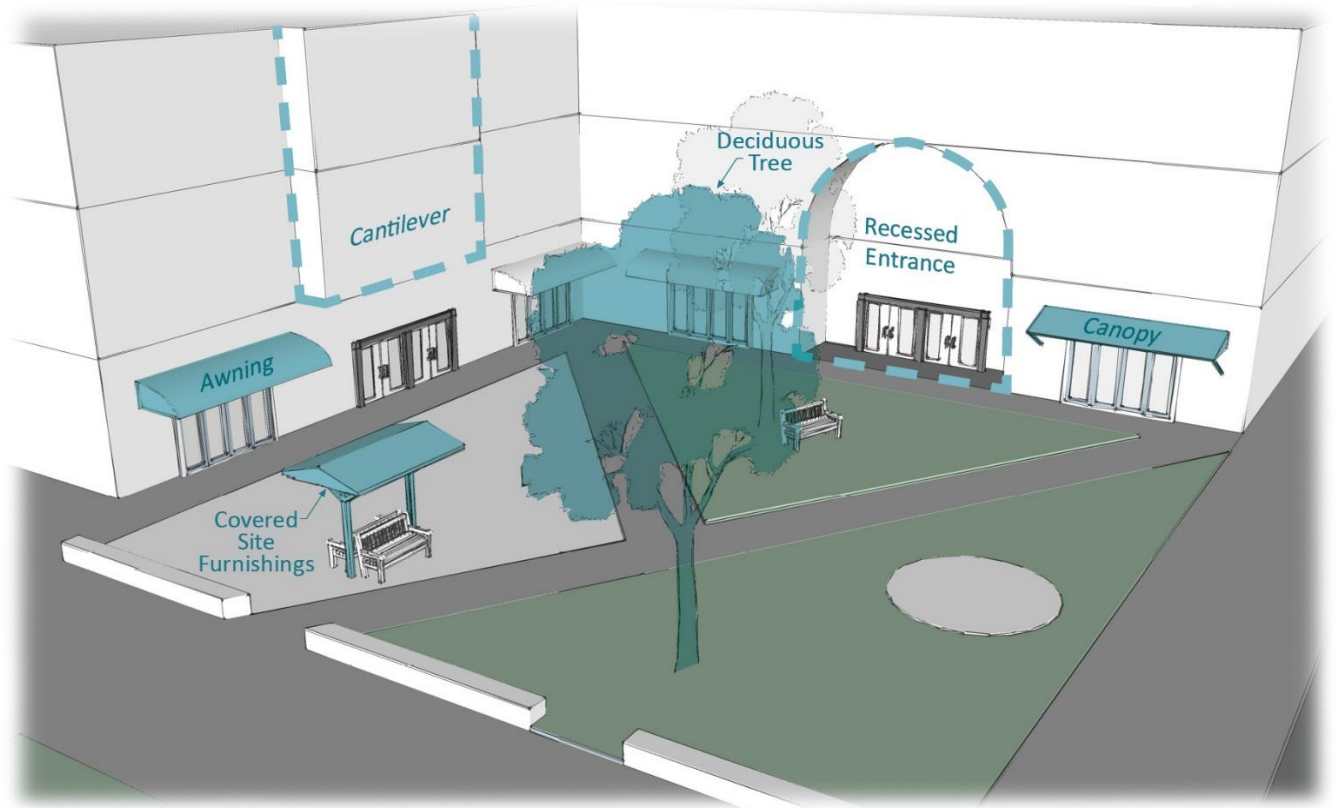


Diagram 6: Weather protection for at-grade private open spaces, as per Sections 187 and 188.

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

188 Subject to Sections 189 and 258, in addition to meeting the requirements of Sections 186 and 187, 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) 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: Privacy for Grade-Related Units

189 Where grade-related units are provided along a front or flanking yard, at-grade private open spaces shall be located between the grade-related units and the streetline, and these shall be treated by using one of the following methods (Diagram 7):

- (a) a deciduous tree that is not a shrub with a minimum base caliper of 50 millimetres;
- (b) a minimum of two shrubs, each 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 7: Methods for privacy for grade-related units, as per Section 189

Part VII, Chapter 3: Building Design Requirements

Design Requirement: Streetwall Articulation

- 190 (1) Subject to Subsection 190(2), 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 methods (Diagram 8):
- (a) changes in colour(s);
 - (b) changes in material(s); or
 - (c) projections and recesses not less than 0.15 metres in depth.
- (2) Subsection 190(1) shall not apply to new buildings or additions to existing buildings in a UC, PCF, or RPK zone that are set back greater than 40.0 metres from a streetline.

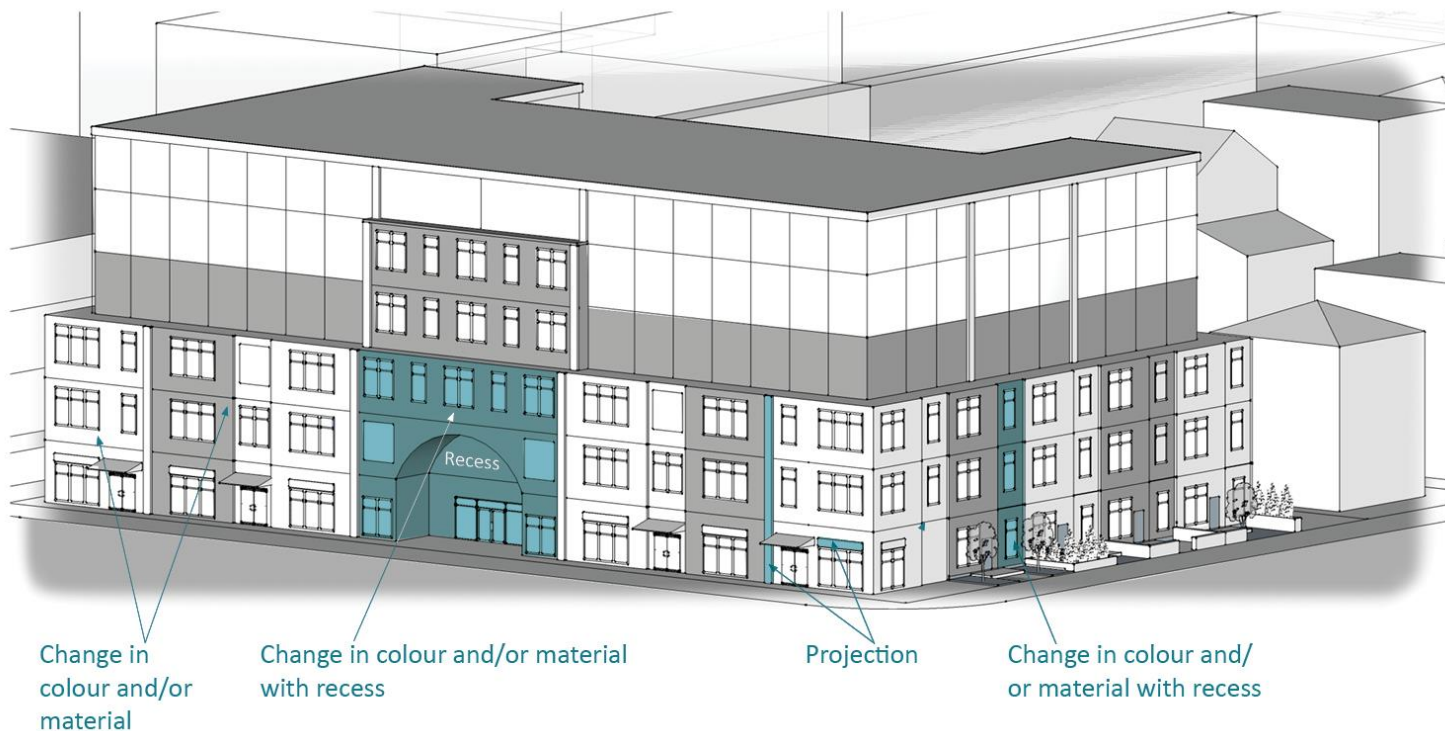


Diagram 8: Methods for streetwall articulation, as per Section 190

Design Requirement: Articulation of Non-Streetwalls Fronting an At-Grade Private Open Space

191 Any exterior wall that is not a streetwall and fronts an at-grade private open space abutting a street shall meet the requirements of Section 190 as if it was a streetwall.

Design Requirement: Corner Treatment

192 A building at the corner of two streets shall be detailed in a manner that provides visual prominence to that corner of the building by:

- (a) providing a consistent architectural treatment to both street frontages; and
- (b) by using at least one of the following methods:
 - (i) subject to Subsection 122(4), a change in the building massing at the corner in relation to the streetwall,
 - (ii) the use of distinctive architectural treatments such as spires, turrets, belvederes, porticos, arcades, or archways, or
 - (iii) the provision of a corner pedestrian entrance.

Design Requirement: Side Façade Articulation

193 (1) Subject to Subsection 193(2), where there is a side yard, the side yard façade shall continue the streetwall articulation for a depth equal to or greater than the side yard setback, as measured at the streetline, using the same options chosen to achieve the design requirement in Section 190 (Diagram 9).

- (2) Subsection 193(1) shall not apply to new buildings or additions to existing buildings in a UC, PCF, or RPK zone that are set back greater than 40.0 metres from a streetline.

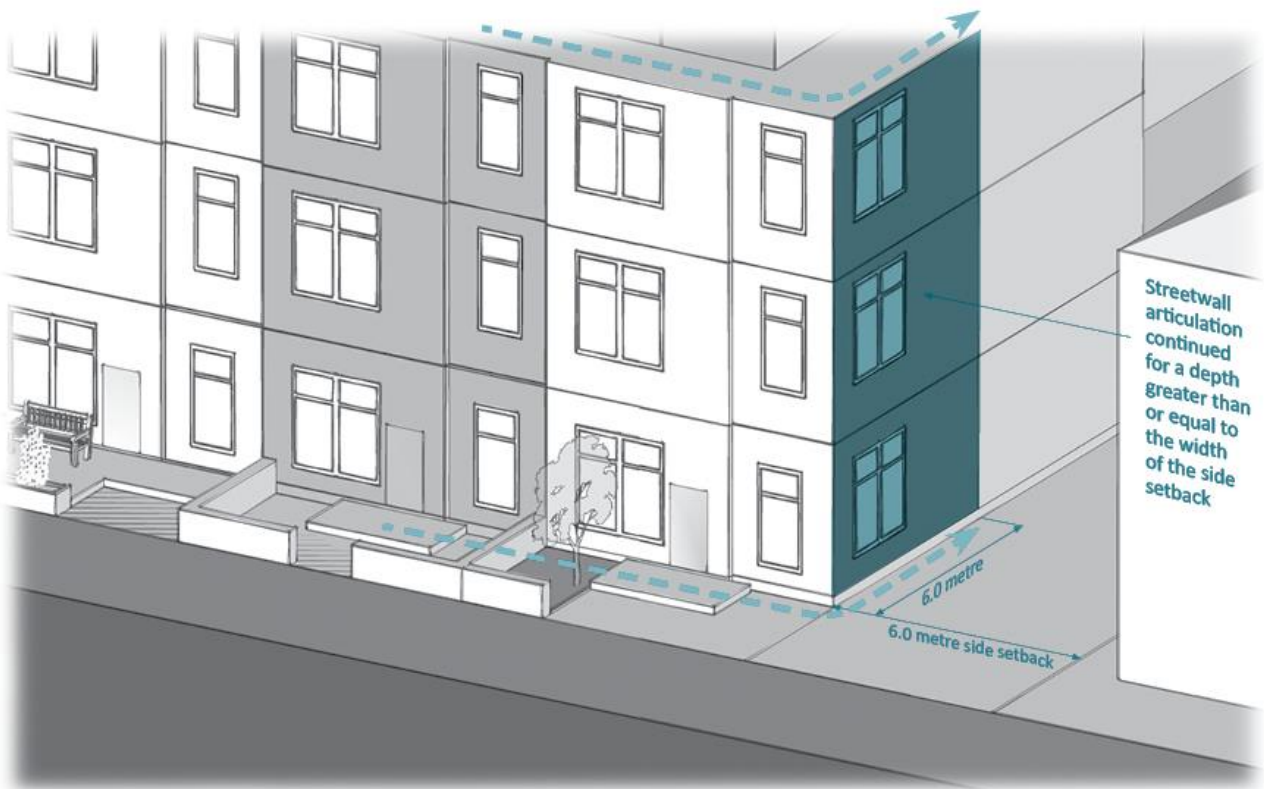


Diagram 9: Methods for side yard façade articulation, as per Section 193

Design Requirement: Pedestrian Entrances Along Streetwalls

- 194 (1) Subject to Subsection 194(2), pedestrian entrances in the streetwall shall be distinguished from the remainder of the streetwall by using at least two of the following methods:
- (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 194(1).

Design Requirement: Pedestrian Entrances Along Non-Streetwalls Fronting an At-Grade Private Open Space

- 195 Any pedestrian entrance within an exterior wall that is not a streetwall, and fronts an at-grade private open space, shall meet the requirements of Section 194 as if it was a pedestrian entrance along a streetwall.

Design Requirement: Number of Pedestrian Entrances Along Streetwalls in D, CEN-2, CEN-1, COR, HR-2, HR-1, and COM Zones

196 In a D, CEN-2, CEN-1, COR, HR-2, HR-1, and COM zone, streetwalls shall provide:

- (a) a minimum of one pedestrian entrance per grade-oriented premises; or
- (b) a minimum of 2 pedestrian entrances no less than 12.0 metres apart where the grade-oriented premises is greater than 24 metres wide.

Design Requirement: Number of Pedestrian Entrances Along Streetwalls in any INS, H, UC, PCF, and RPK Zones

197 In an INS, H, UC, PCF, and RPK zone, a minimum of one pedestrian entrance shall be provided per streetwall.

Design Requirement: Ground Floor Transparency

198 Within the streetwall, the building's ground floor façade shall consist of clear glass glazing within the ranges specified for the following uses:

- (a) between 50% and 80% for commercial uses; and
- (b) between 25% and 80% for all other uses.

Design Requirement: Weather Protection

199 (1) Subject to Subsection 199(2), where entrances for commercial uses or multi-unit dwelling uses 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 10):

- (a) canopies;
- (b) awnings;
- (c) recessed entrances; or
- (d) cantilevers.

(2) Subsection 199(1) shall not apply to the entrances of grade-related units.

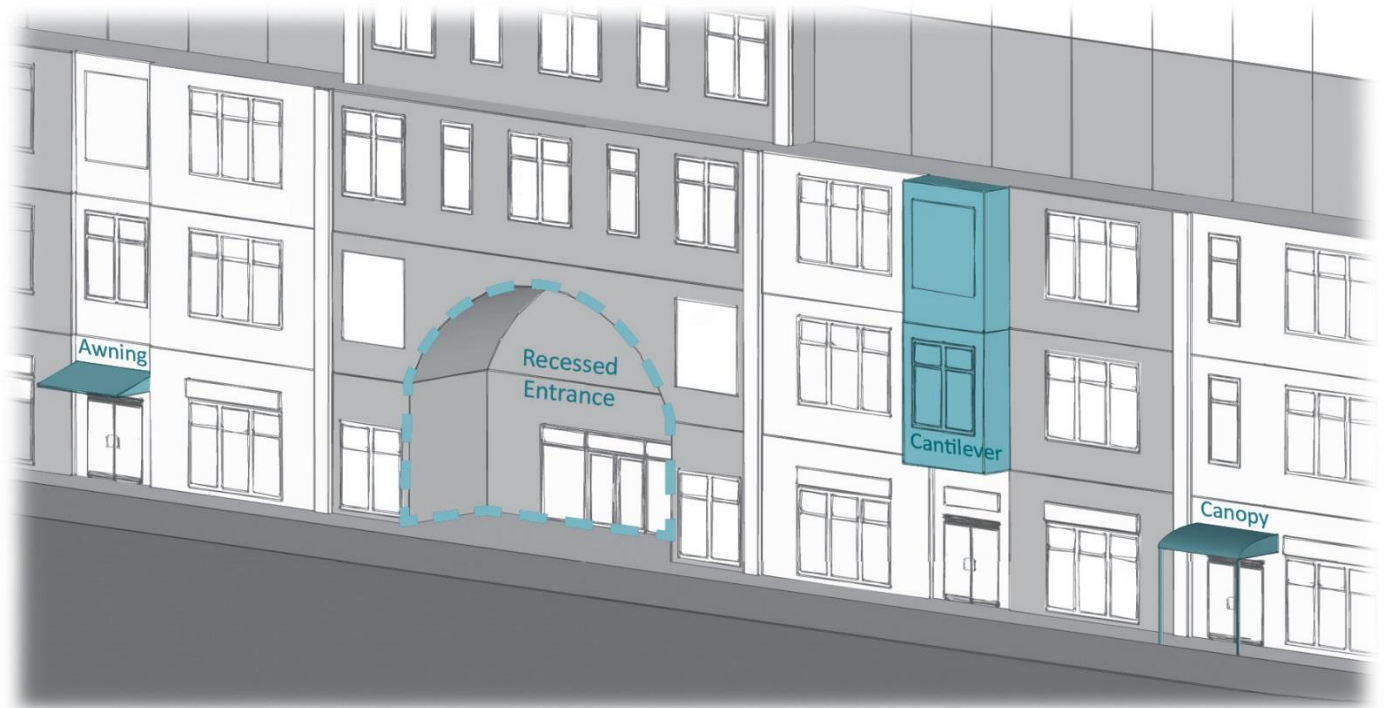


Diagram 10: Methods of weather protection, as per Section 199

Design Requirement: Exposed Foundations and Underground Parking Structures

200 Exterior foundation walls and underground parking structures the height of which exceeds 0.6 metres above grade shall be clad in a material that matches the materials of the overall exterior façade.

Design Requirement: Building Top Distinction

201 (1) Subject to Subsection 201(2) and excluding low-rise buildings and any height exempted building rooftop features as referenced in Section 105, a portion of the top third of the entire width of the building shall be differentiated from lower portions of the same building, by using two or more of the following methods (Diagram 11):

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

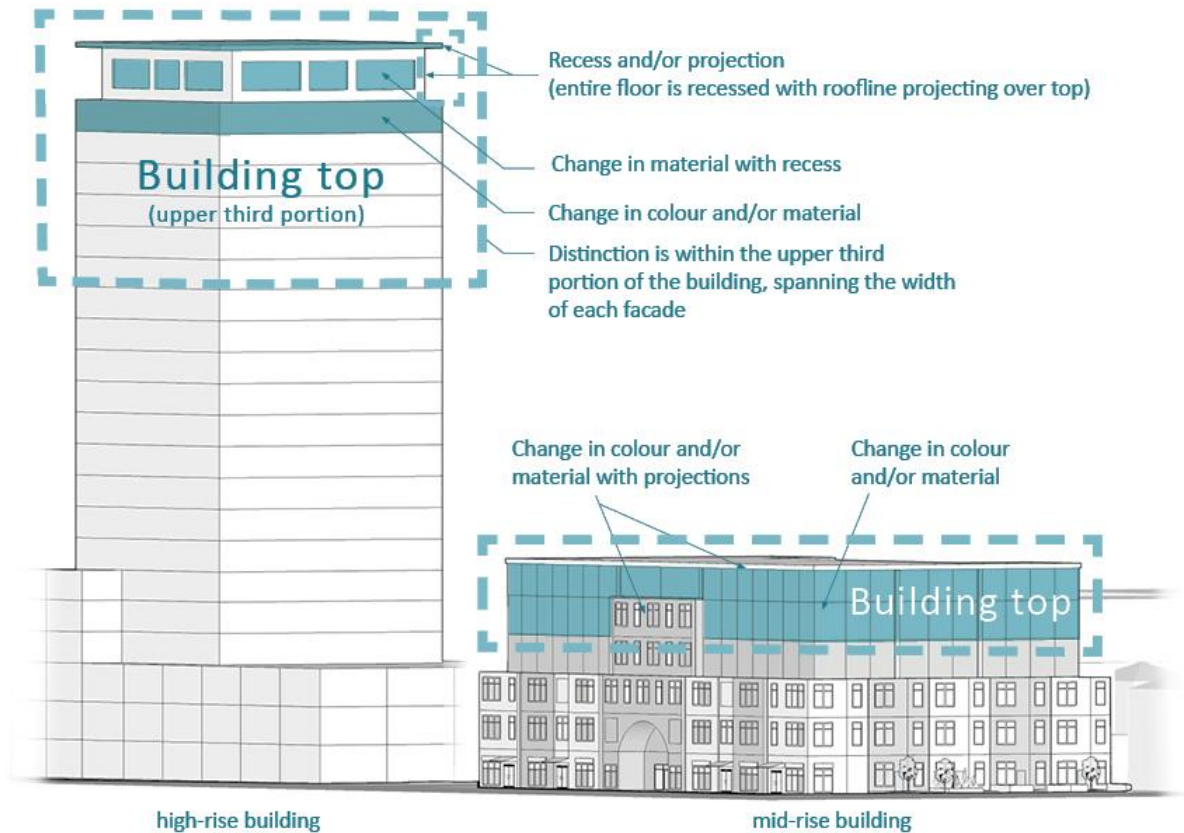


Diagram 11: Building top distinction, as per Section 201

- (2) The minimum height of the differentiated portion shall be no less than:
- (a) 0.5 metres in height for a 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

202 Penthouses shall match the overall design of the building.

Design Requirement: Rooftop Mechanical Features

203 Rooftop mechanical features shall be visually integrated and screened from view.

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

Design Requirement: Motor Vehicle and Service Accesses

- 204 (1) Motor vehicle and service accesses in the streetwall shall be the same colours or materials chosen for the streetwall.
- (2) All motor vehicle and service accesses shall:
- (a) not exceed a ground floor height or 4.5 metres, whichever is less; and
 - (b) have a garage door(s).

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

- 205 Where parking is internal to a building, it shall be screened from view.

Design Requirement: Screening of Utility and Mechanical Features

- 206 The visual impact of utility features and mechanical features, including vents and meters, shall be screened from view 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

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

Part VII, Chapter 5: Other Design Requirements

Design Requirement: General Lighting

208 The following features shall be illuminated:

- (a) common building entrances;
- (b) walkways;
- (c) accessible at-grade private open spaces;
- (d) accessory surface parking lots; and
- (e) off-street loading spaces.

Design Requirement: Emphasis of View Terminus Sites

209 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) Subject to Subsection 122(4), extending the height of a portion of the streetwall (Diagram 12);
- (b) locating a clock tower, bell tower, rooftop cupola, spire, steeple, or minaret on the top of the building (Diagram 12);
- (c) providing an at-grade private open space (Diagram 13); or
- (d) locating a public art installation, a landmark element, or a cultural artifact on a portion of the streetwall, or in an at-grade private open space (Diagram 13).

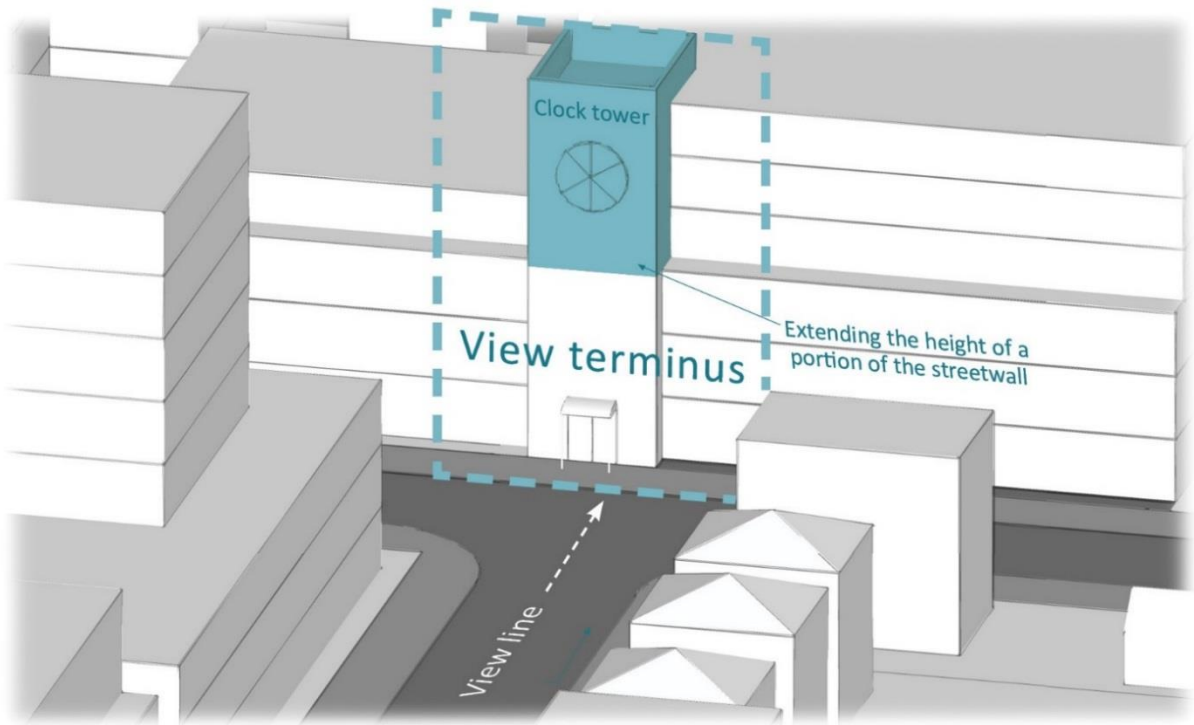


Diagram 12: Methods for view terminus site articulation, as per Clauses 209(a) and (b)

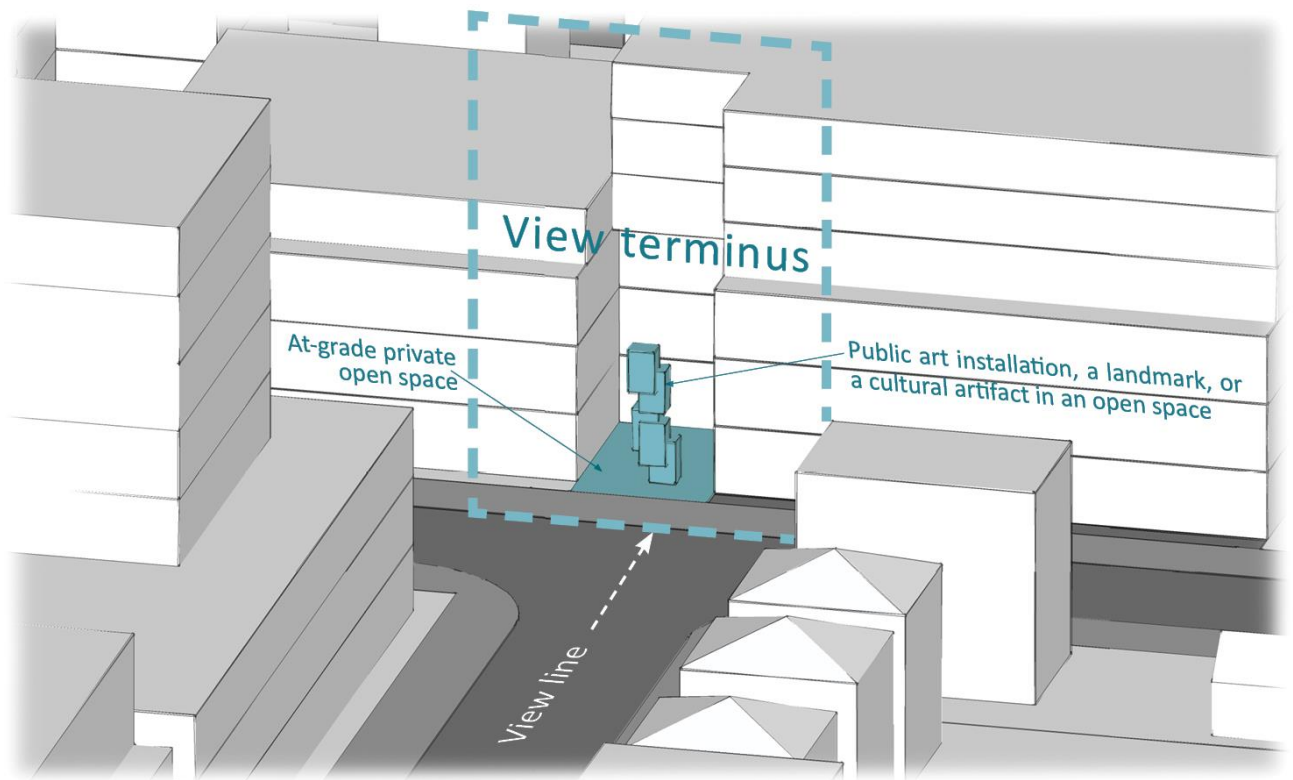


Diagram 13: Methods for view terminus site articulation, as per Clauses 209(c) and (d)

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

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

Part VII, Chapter 6: Design Requirements for Registered Heritage Buildings

Applicable Design Requirements

211 The requirements of Sections 212 to 225 are applicable to registered heritage buildings.

Design Requirement: Conservation of Character-Defining Elements

212 Character-defining elements shall be conserved and remain visually unobstructed, except where a substantial alteration has been approved by Council, in accordance with the *Heritage Property Act*.

Design Requirement: New Windows and Doors

213 New window and doors shall match established patterns, materials, design, detail, and dimensions.

Design Requirement: Preservation of Architectural Elements

214 Architectural elements, such as pilasters, columns, cornices, bays, and parapets, shall be preserved.

Design Requirement: Use of Archival Evidence

215 Archival evidence shall be used to support the rehabilitation and restoration of character-defining elements.

Design Requirement: Historic Building Façades

216 Historic building façades shall be retained and rehabilitated or restored using traditional materials.

Design Requirement: Painting of Brick or Masonry

217 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

218 The podiums or streetwalls of new developments in a heritage context shall be within 2.0 metres of the 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 line of the registered heritage buildings.

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

219 Subject to Subsections 120(1) and 122(2), any portions of a new development 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).

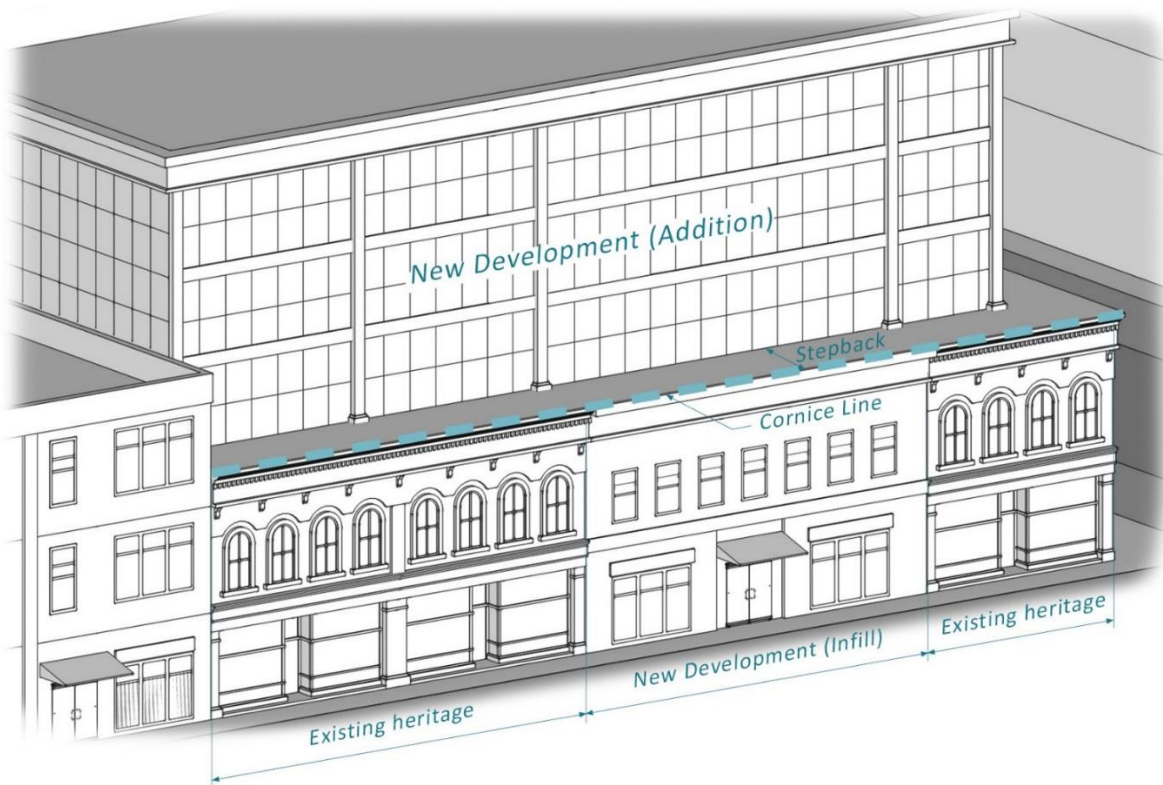


Diagram 14: Streetwall stepback for taller portions of new developments in a heritage context, as per Section 219

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

220 Where a detached building constitutes a new development in a heritage context and where it abuts the same streetline as the registered heritage building, any portions of the new development that are taller than the cornice line of the registered heritage building shall be stepped back a minimum of 3.0 metres from a heritage building for a depth of 12.0 metres from a streetline (Diagram 15).



Diagram 15: Side wall stepback for taller portions of new detached buildings in a heritage context, as per Section 220

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

221 Architectural elements of abutting registered heritage buildings shall influence the design of new development in a heritage context, by:

- (a) Incorporating articulation established by vertical and horizontal architectural elements of the registered heritage buildings (i.e. columns, pilasters, cornice, architectural frieze, datum lines, etc.);
- (b) Incorporating proportions and vertical spacing of the registered heritage buildings' windows; and
- (c) Where new development in a heritage context is located at the ground level, maintaining the proportions and transparency of the registered heritage buildings' storefront and façade elements, if those elements are considered character-defining elements.

Design Requirement: Awnings and Canopies

- 222 (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 registered heritage building; and
 - (d) Constructed using heavy canvas fabric or similar material in either a solid colour or striped. Vinyl and high gloss fabrics and internally-illuminated awnings shall be prohibited.
- (2) Metal or glass canopies may be permitted on buildings, if designed to complement historic architectural elements.

Design Requirement: Signs

- 223 If proposed on a registered heritage building, signs shall be designed to fit within the dominant horizontal structural elements of the lower façade and not obscure significant architectural features. Traditional materials shall be used for signage.

Design Requirement: Lighting Hardware

- 224 Lighting hardware shall be located so that it does not disfigure or conceal any significant architectural feature. 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

225 Lighting shall be directed to accentuate or emphasize the architectural features of buildings or their signage.

Part VII, Chapter 9: General Variation Criteria

Variation: Roof Edge Setbacks of Height-Exempted Rooftop Features

- 226 For height-exempted rooftop features, the minimum setback from the outermost edge of the roof may be varied by site plan approval where:
- (a) the variation is to a side or rear 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 Setbacks

- 227 A required maximum front or flanking setback may be varied by site plan approval where the variation results in an open space associated with a public building.

Variation: Minimum Streetwall Height

- 228 The minimum streetwall height may be varied by site plan approval to a minimum of 3.5 metres for one streetline where the variation is required for sloping conditions.

Variation: Maximum Streetwall Height

- 229 The maximum streetwall height may be varied by site plan approval to a maximum of 10%, where a variation is required for sloping conditions.

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

- 230 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

- 231 Side and rear setback requirements for a tall mid-rise building above the streetwall may be varied by site plan approval where 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.

Variation: Maximum Width of a Building Below the Height of the Streetwall

232 The maximum width of a building below the height of the streetwall, as required in the D zone of the Downtown Dartmouth (DD) Special Area and the CEN-2, CEN-1, and HR-2 zones, may be varied by site plan approval to a maximum of 88 metres along one streetline to allow for two towers on the same podium where:

- (a) all setbacks, separation distances, and stepbacks are met;
- (b) above the streetwall, no tower dimension exceeds a width of 21.5 metres along the streetline where the variation is applied; and
- (c) one of the following two options is met:
 - (i) on any lot, an at-grade private open space of at least 128 square metres in area, with no dimension less than 8.0 metres, is provided abutting the street and located between the two towers, or
 - (ii) on a through-lot, an at-grade private open space of at least 8.0 metres in width, including a pedestrian connection of at least 2.0 metres in width, is provided from the street through a side yard to the other street.

Part VII, Chapter 10: Additional Variation Criteria for the Downtown Halifax (DH) Special Area

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

233 In the Downtown Halifax (DH) Special Area, the maximum front and flanking setback may be varied by site plan approval where the variation results in an at-grade open space, including a plaza or a mid-block pedestrian connection.

Variation: Streetwall Width

234 In the Downtown Halifax (DH) Special Area, the streetwall width requirement may be varied by site plan approval where it results in creating an at-grade open space, such as a plaza or a mid-block pedestrian connection.

Variation: Ground Floor Height

235 In the Downtown Halifax (DH) Special Area, the minimum ground floor height of a building abutting the streetline or a waterfront view corridor may be varied by site plan approval, where at least one of the following conditions applies:

- (a) the ground floor height of a proposed addition matches or is greater than the ground floor height of the existing building;
- (b) for a proposed building on a registered heritage property the ground floor heights of abutting buildings along the same streetline are such that the required ground floor height of the proposed building would be inconsistent with the established ground floor heights of the street; or
- (c) on a site located outside of the Central Blocks and off a pedestrian-oriented commercial street, the ground floor height may be reduced to 3.5 metres if the ground floor is to be fully occupied by residential uses.

**PART VIII:
VIEW PLANES, HALIFAX
CITADEL RAMPARTS, AND
WATERFRONT VIEW
CORRIDORS**

Part VIII, Chapter 1: General View Plane, Rampart, and Waterfront View Corridor Requirements

General View Plane, Rampart, and Waterfront View Corridor Requirements

- 236 (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, 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, 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, to demonstrate that the development will not protrude into the waterfront view corridor.
- (4) Subject to Subsection 237(3), a development shall not protrude into a view plane, rampart, or waterfront view corridor.

Part VIII, Chapter 2: View Planes and Halifax Citadel Ramparts

View Planes

- 237 (1) The Halifax Citadel and Dartmouth view planes are as defined and shown on Schedule 13 and Schedule 15 respectively.
- (2) Subject to Subsection 237(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 13, 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.

Halifax Citadel Ramparts

- 238 (1) Coordinates describing the position of the Halifax Citadel Ramparts, and the location of 12 viewing positions in the Parade Square of the Halifax Citadel, are shown on Schedule 14.
- (2) Within the Halifax Citadel Ramparts (HCR) Special Area, as shown on Schedule 4E, a structure shall not be erected, constructed, altered, reconstructed, or located outside of the Parade Square of the Halifax Citadel so that it protrudes above any rampart, from any of the 12 viewing positions in the Parade Square of the Halifax Citadel (Diagram 16).

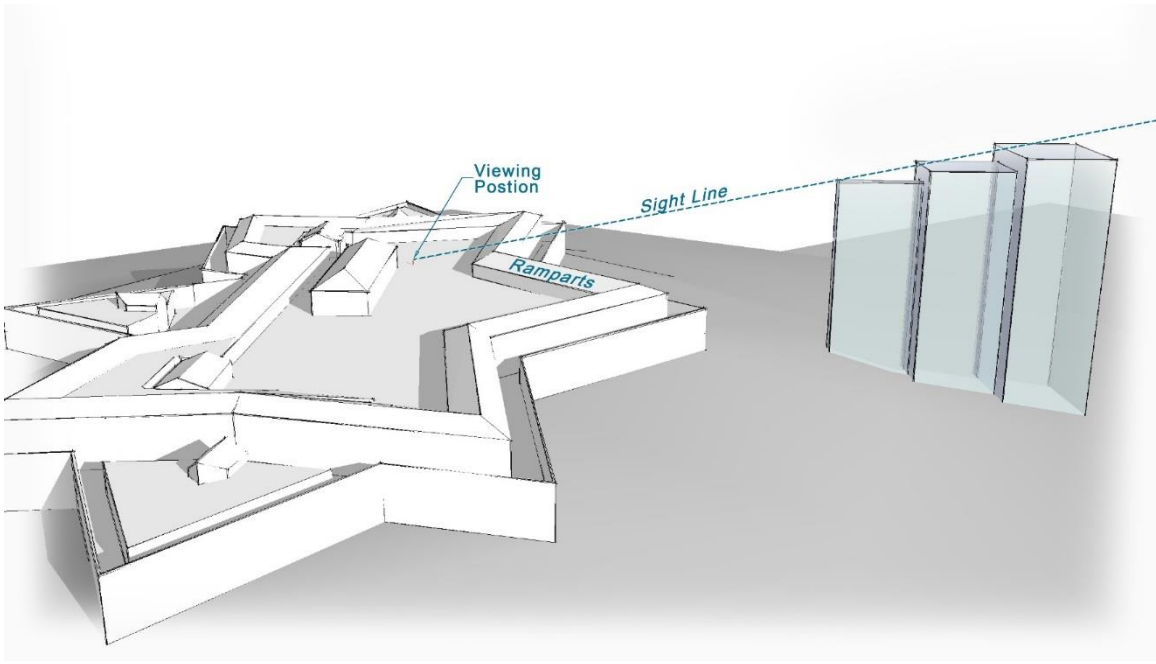


Diagram 16: Halifax Citadel rampart requirements, per Subsection 238(2)

Part VIII, Chapter 3: Waterfront View Corridors

Halifax and Dartmouth Waterfront View Corridors

- 239 (1) The Halifax and Dartmouth waterfront view corridors are as defined and shown on the following schedules:
- (a) Schedule 16: Morris Street Waterfront View Corridor;
 - (b) Schedule 17: Bishop Street Waterfront View Corridor;
 - (c) Schedule 18: Salter Street Waterfront View Corridor;
 - (d) Schedule 19: Sackville Street Waterfront View Corridor;
 - (e) Schedule 20: Prince Street Waterfront View Corridor;
 - (f) Schedule 21: George Street Waterfront View Corridor;
 - (g) Schedule 22: Best Street Waterfront View Corridor;
 - (h) Schedule 23: Mott Street Waterfront View Corridor;
 - (i) Schedule 24: Church Street Waterfront View Corridor;
 - (j) Schedule 25: North Street Waterfront View Corridor;
 - (k) Schedule 26: Ochterloney Street Waterfront View Corridor;
 - (l) Schedule 27: Queen Street Waterfront View Corridor;
 - (m) Schedule 28: Portland Street Waterfront View Corridor;
 - (n) Schedule 29: Prince Street Waterfront View Corridor;
 - (o) Schedule 30: Kings Wharf Place Waterfront View Corridor;
 - (p) Schedule 31: Canal Street Waterfront View Corridor;
 - (q) Schedule 32: Maitland Street Waterfront View Corridor;
 - (r) Schedule 33: Old Ferry Road Waterfront View Corridor; and
 - (s) Schedule 34: 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) within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, any portion of a building at or below the streetline grade where a waterfront view corridor intersects with Lower Water Street;
 - (b) public art; and
 - (c) fountains and other landscaping features.
- (3) Motor vehicle access is permitted within any waterfront view corridor.

Waterfront View Corridors in the Downtown Halifax (DH) Special Area

- 240 (1) Subject to Subsections 240(2) and 240(3), where a building in the Downtown Halifax (DH) Special Area abuts any waterfront view corridor established in Part VIII, there shall be no dwelling units or hotel rooms permitted on a ground floor.
- (2) Residential pedestrian entrances and lobbies are permitted on a ground floor.
- (3) A building is considered to abut a waterfront view corridor if it is located within 10.0 metres of the outside edge of a waterfront view corridor.

PART IX: WIND ENERGY FACILITIES

Part IX, Chapter 1: Wind Energy Facility Requirements

General Wind Energy Facility Requirements

- 241 (1) Wind energy facilities are not permitted in any RPK zone.
- (2) Wind energy facilities shall meet the watercourse buffer requirements of Section 78.

Wind Energy Overlay Zones

242 For the purposes of this Part, this By-law establishes the following wind energy overlay zones, with boundaries as shown on Schedule 36:

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

Urban Wind (UW-1) Zone

- 243 (1) All wind energy facilities, except large wind energy facilities, are permitted in the UW-1 zone.
- (2) All wind turbines in the UW-1 zone shall be separated from each other by a minimum distance equal to the tallest tower height.
- (3) All wind turbines 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 facilities 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 facilities are permitted on buildings.
- (6) Small wind energy facilities in the UW-1 zone shall be separated from any dwelling on an adjacent lot by at least 180 metres.
- (7) Medium wind energy facilities in the UW-1 zone shall be separated from any dwelling on an adjacent lot by at least 250 metres.

Restricted (R) Zone

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

Setback Exceptions

245 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 IX, Chapter 2: Wind Energy Facility Permits

Permit Application Requirements

- 246 A wind energy facility development permit application shall include the following:
- (a) 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) a survey prepared by a surveyor or a surveyor's certificate 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

- 247 (1) A wind energy facility development permit application shall include copies of drawings, specifications, and calculations certified by a professional engineer, 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 15.

Table 15: 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 247(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 247(2) have been met.

Installation and Design

- 248
- (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 X: LANDSCAPING

Part X, Chapter 1: General Landscaping Requirements

Exemptions for Changes of Use and Minor Additions

- 249 (1) A change of use in an existing structure shall not require any additional landscaping.
- (2) A building addition of 100 square metres or less shall not require any additional landscaping.

Existing Landscaping

- 250 (1) Existing trees and shrubs may be counted toward the requirements of this Part if they are:
- (a) adequately protected from damage during development; and
 - (b) meet the minimum size and caliper requirements specified within the applicable section(s) of this Part.
- (2) Any existing tree or shrub in a required landscaped buffer may be counted as one tree or shrub toward the requirements of Sections 264 to 267.

Requirement to Maintain Landscaping in Healthy Condition

- 251 All required soft landscaping shall be maintained in healthy condition. Any required soft landscaping that perishes shall be replaced.

Landscaping Species

- 252 (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, as listed in Appendix 4, are prohibited as landscaping material.

Parking or Storage in Landscaped Areas

253 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 Lots, Off-Street Loading Spaces, Storage Yard Uses, and Dealership Uses

- 254 (1) Where a parking lot, off-street loading space, storage yard use, or dealership use is provided, landscaping shall be required along lot lines that run adjacent to the parking lot, off-street loading space, storage yard use, or dealership use as follows:
- (a) a 2.5-metre-wide strip of soft landscaping;
 - (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) the applicable screening requirements contained within Section 262.
- (2) Accessory surface parking lots shall contain landscaping, as follows:
- (a) each row of no more than 10 parking spaces shall require a raised landscaped area at each end (Diagram 17);
 - (b) each island shall be delineated with curbs and shall contain at least two trees (Diagram 17) that are not shrubs with a minimum base caliper of 50 millimetres; and
 - (c) each island's ground area shall include soft landscaping.



Diagram 17: Accessory surface parking lot raised landscaped areas as per Subsection 269(2)

- (3) Where a storage yard use or a dealership use abuts an HR-2, HR-1, ER-3, ER-2, ER-1, LLC, PCF, or RPK zone, between the storage yard or display area and the lot line abutting the HR-2, HR-1, ER-3, ER-2, ER-1, LLC, PCF, or RPK Zone 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 an ER-3, ER-2, ER-1, LLC, PCF, or RPK zone, the yard between the off-street loading space and the lot line abutting the ER-3, ER-2, ER-1, LLC, PCF, or RPK zone 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

255 Excluding any hard landscaping required in Subsection 258(2), at least 50% of the remaining required landscaping on a lot shall be soft landscaping. Amenity space containing soft landscaping may be counted toward this requirement.

Landscaping on a Vacant Lot

256 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

- 257 (1) Subject to Subsection 257(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 276(4) regarding rooftop 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, rainwater harvesting, stormwater infrastructure, rooftop greenhouses, and helipads on a hospital rooftop shall not be used to determine the area of a flat roof that must be landscaped under Subsection 257(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 70.

Part X, Chapter 2: Specific Landscaping Requirements

Specific Landscaping Requirements in D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, ER-3, ER-2, ER-1, LLC, INS, UC, or H zone

- 258 (1) In any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, ER-3, ER-2, ER-1, LLC, INS, UC, or H zone, any portion of a front, flanking, side, or rear yard that is not used for driveways, parking, off-street loading spaces, walkways, wheelchair ramps, stairs, or accessory structures shall be landscaped.
- (2) In any D, CEN-2, CEN-1, COR, COM, or UC zone, front or flanking yards along any pedestrian-oriented commercial street, as shown on Schedule 6, shall contain hard landscaping for 100% of the front or flanking yard, using one or a combination of the following materials:
- (a) concrete;
 - (b) decorative concrete;
 - (c) bricks; or
 - (d) pavers.
- (3) In any D, CEN-2, CEN-1, COR, or COM zone, fences are prohibited within the required front or flanking setbacks, excluding:
- (a) low-density dwelling uses;
 - (b) accessory surface parking lots;
 - (c) grade-related units; and
 - (d) registered heritage properties.

Specific Landscaping Requirements in any LI or HRI zone

- 259 In any LI or HRI zone, at least 60% of any front or flanking yard shall contain soft landscaping.

Part X, Chapter 3: Screening Requirements

Screening for Daycares

260 In any ER-3, ER-2, ER-1, or LLC zone, outdoor recreational spaces or play areas associated with a daycare use shall be screened from any residential use on an abutting lot with at least one of the following:

- (a) a continuous evergreen hedge at least 1.8 metres high;
- (b) an opaque wood fence at least 1.8 metres high; or
- (c) a masonry wall at least 1.8 metres high.

Screening for Solid Waste Management Areas

261 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 18).

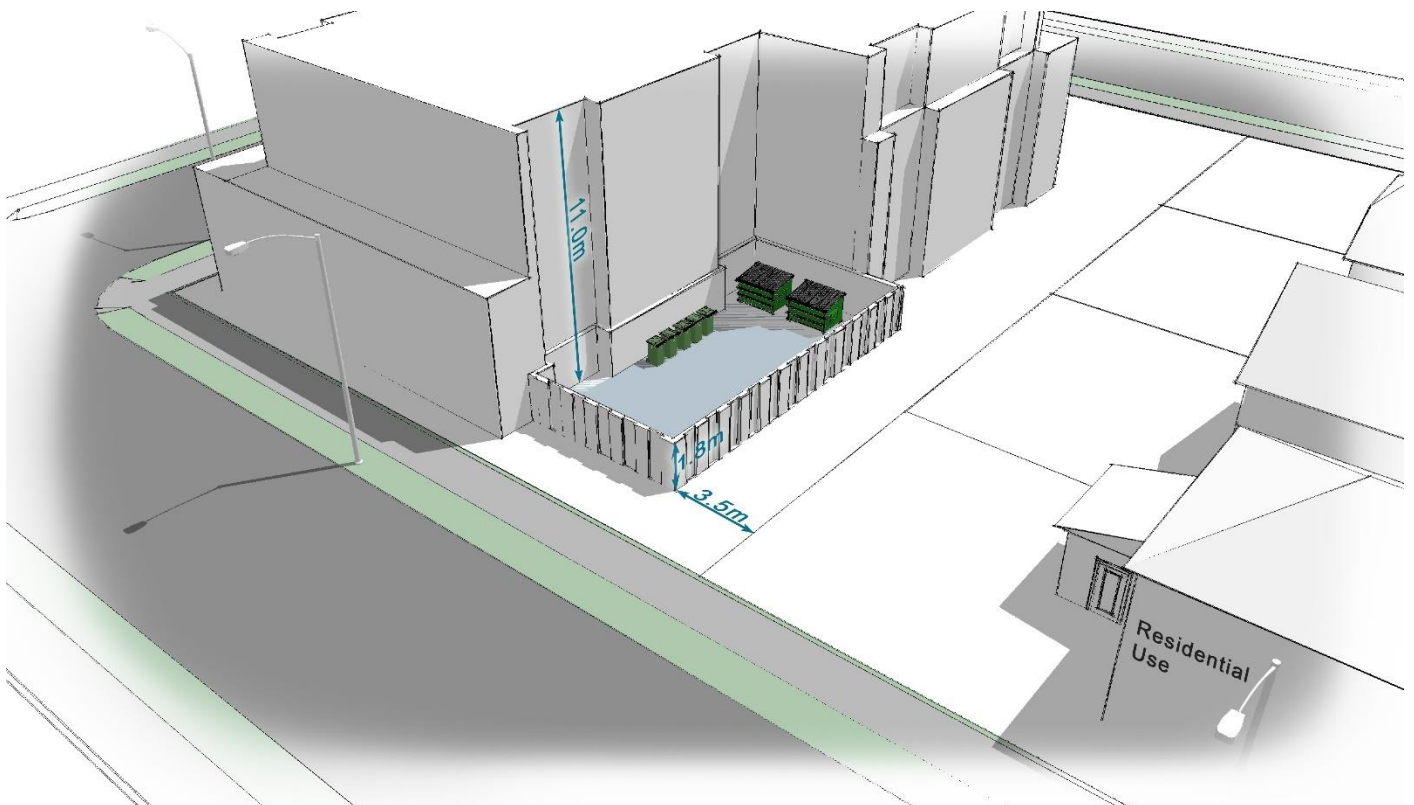


Diagram 18: Screening requirements for solid waste management areas, per Section 60 and 261

Screening for Parking Lots, Off-Street Loading Spaces, Storage Yard Uses, and Dealership Uses

262 In addition to the landscaping requirements for parking lots, off-street loading spaces, storage yard uses, and dealership uses contained within Section 254, along the edge of any parking lot, off-street loading space, storage yard use, and dealership use that are located within a yard that abuts any HR-2, HR-1, ER-3, ER-2, ER-1, LLC, PCF, or RPK zone, at least one of the following shall be provided:

- (a) a continuous evergreen hedge at least 1.8 metres high;
- (b) an opaque wood fence at least 1.8 metres high; or
- (c) a masonry wall at least 1.8 metres high.

Part X, Chapter 4: Landscaped Buffers

Development Exempted from Landscaped Buffers

263 The requirements of Sections 264, 265, 266, and 267 do not apply to any development exempted from site plan approval under Section 16.

General Landscaped Buffer Requirements

- 264 (1) A landscaped buffer, where required in Table 16, shall be provided where a development abuts a different zone. The provided landscaped buffer shall be either “L1” or “L2”, as shown in Table 16.
- (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 have a width of at least 2.5 metres.

Table 16: Landscaped buffer requirement

		Zone abutting the development						
		D	CEN-2, CEN-1	COR	HR-2, HR-1	ER-3, ER-2, ER-1, LLC	INS, UC, H	PCF, RPK
Zone where the development is located	D			L1	L1	L2		L1
	CEN-2			L1	L1	L2		L1
	CEN-1			L1	L1	L2		L1
	COR					L2		L1
	HR-2					L1		
	HR-1					L1		
	COM	L2	L2	L2	L2	L2	L2	L2
	LI	L2	L2	L2	L2	L2	L2	L2
	HRI	L2	L2	L2	L2	L2	L2	L2
	INS				L1	L2		L1
	UC				L1	L2		L1
	H				L1	L2		L1

- (4) No structures or parking areas are permitted within any required landscaped buffer, except for walls or fences required in Section 267.

Landscaped Buffer Requirement for a Local Commercial Use in an ER-3, ER-2, or ER-1 Zone

265 Where a local commercial use in an ER-3, ER-2, or ER-1 zone abuts another lot zoned ER-3, ER-2, or ER-1 along a rear property line, a L2 landscaped buffer shall be provided along the rear property line.

L1 General Landscaped Buffer

- 266 (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 266(1)(a) and 266(1)(b) may be grouped.
- (3) The remainder of an L1 landscaped buffer shall contain soft landscaping.

L2 Screen Landscaped Buffer

- 267 (1) Any L2 landscaped buffer shall contain:
- (a) subject to Subsection 267(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 an ER-3, ER-2, ER-1, LLC, PCF, or RPK Zone, an opaque wood fence, masonry wall, or hedge at least 1.8 metres high shall be provided along the lot line abutting the ER-3, ER-2, ER-1, LLC, PCF, or RPK Zone.
- (3) Trees in an L2 landscaped buffer may be grouped.
- (4) The remainder of an L2 landscaped buffer shall contain soft landscaping.

Part X, Chapter 5: Landscape Plan Requirements

Requirement to Submit a Landscape Plan

- 268 (1) When required in Section 17, a site plan approval application shall include a landscape plan stamped and signed by a landscape architect, certifying that the plan meets the minimum requirements of this By-law.
- (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;
 - (d) the location and identification of existing vegetation that will be used to meet the requirements of Section 250;
 - (e) soft landscaping on any flat roofs, as required by Section 257;
 - (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 XI:
PARKING AND
OFF-STREET LOADING**

Part XI, Chapter 1: Motor Vehicle Parking

General Motor Vehicle Parking Requirements

- 269 (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 269(4) to 269(6) do not apply to parking spaces or accessory surface parking lots associated with any:
- (a) low-density dwelling use;
 - (b) secondary suite use;
 - (c) backyard suite use;
 - (d) small shared housing use;
 - (e) mobile home use;
 - (f) bed and breakfast use; or
 - (g) home occupation 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 unenclosed 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

- 270 (1) Subject to Sections 283 and 284, for any accessory surface parking lot, a parking structure, or parking internal to a building:
- (a) subject to Clause 270(1)(b), any required motor vehicle parking space shall be at least 2.4 metres wide and 5.5 metres long (Diagram 19); 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 19).

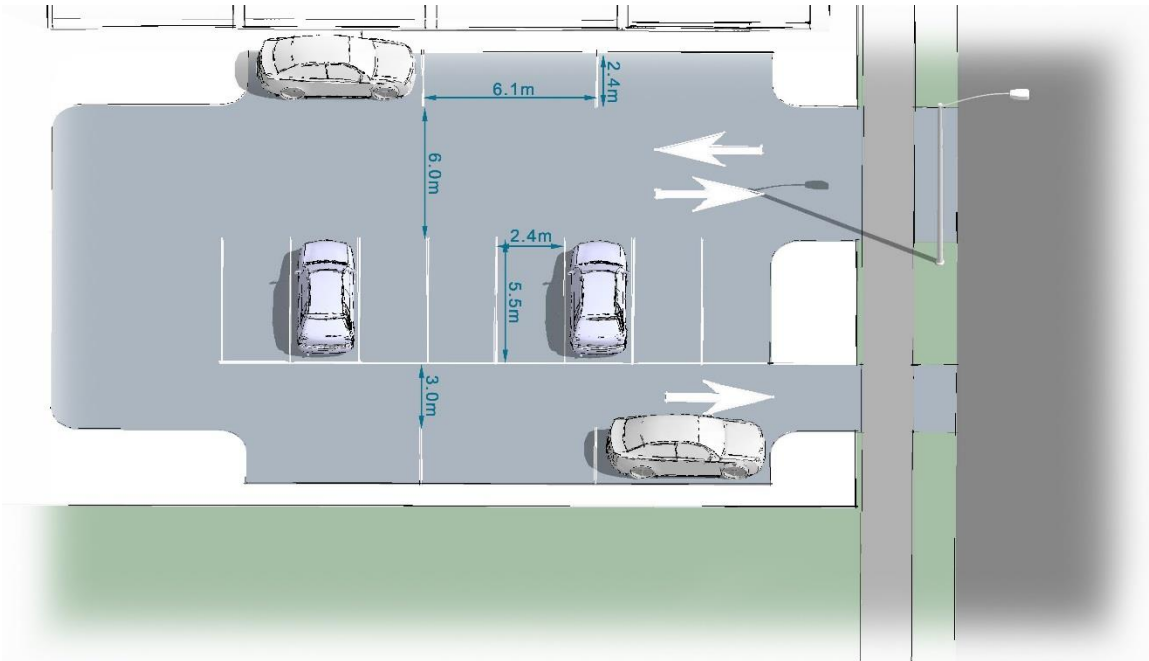


Diagram 19: Motor vehicle parking space and driving aisle dimensions, per Section 270

- (2) Subject to Section 283, 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

- 271 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.

Minimum or Maximum Number of Motor Vehicle Parking Spaces

- 272 (1) Subject to Subsection 272(4), Table 17 sets out the minimum number of motor vehicle parking spaces required or the maximum number of motor vehicle spaces permitted for each listed use. Where a use is not listed in Table 17, no minimum or maximum parking requirement applies.
- (2) Where bicycle parking spaces are required in Section 289, 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.
- (3) In addition to the substitution permitted in Subsection 272(2), enhanced bicycle parking may be substituted for a maximum of one required motor vehicle parking space.
- (4) 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 17: Minimum or maximum number of motor vehicle parking spaces per lot, by zone and use

Use	D CEN-2 CEN-1 CDD-2 CDD-1	COR	HR-2 HR-1	ER-3 ER-2 ER-1	COM LI HRI	INS UC DND H	PCF RPK	DND
Single-unit dwelling use; Semi-detached dwelling use; Townhouse dwelling use; Two-unit dwelling use	Not required	Not required	Not required	Maximum 4 spaces	N/A	N/A	N/A	N/A
Three-unit dwelling use; Four-unit dwelling use	Not required	Not required	Not required	Maximum 4 spaces	N/A	N/A	N/A	N/A
Multi-unit dwelling use	Not required	Not required	Minimum 1 space for every 3 units	N/A	N/A	N/A	N/A	N/A

Small shared housing use; Large shared housing use	Not required	Not required	Minimum 1 space	Not required	N/A	Minimum 1 space	N/A	N/A
Secondary suite use or backyard suite use.	Not required	Not required	Not required	Not required	N/A	N/A	N/A	N/A
Emergency shelter use	Not required	Minimum 1 space	N/A	N/A	N/A	Minimum 1 space	N/A	N/A
Daycare use	Not required	Minimum 2 spaces	Minimum 2 spaces	Minimum 1 space	Minimum 2 spaces	Minimum 2 spaces	N/A	N/A
Bed and breakfast use	Not required	Maximum 1 space per guestroom	Maximum 1 space per guestroom	Maximum 1 space per guestroom	N/A	N/A	N/A	N/A
Home office use	Not required	Not required	Not required	Not required	N/A	N/A	N/A	N/A
Home occupation use	Maximum 1 space	Maximum 1 space	Maximum 1 space	Maximum 1 space	N/A	N/A	N/A	N/A
Work-live unit use	Not required	Not required	Maximum 2 spaces for each work-live unit	N/A	N/A	N/A	N/A	N/A
Restaurant use; Drinking establishment use; Local drinking establishment use	Not required	Not required	Maximum 1 space for every 35 sq. m of floor area	N/A	Maximum 1 space for every 35 sq. m of floor area	Not required	N/A	N/A
Fitness centre use	Not required	Not required	Minimum 1 space for every 25 sq. m of floor area	N/A	Minimum 1 space for every 25 sq. m of floor area	N/A	N/A	N/A
Hotel use	Not required	Maximum 1 space for every 3 guestrooms	N/A	N/A	Maximum 1 space for every 3 guestrooms	N/A	N/A	N/A
Local commercial uses	Not required	Not required	Not required	Not required	Not required	Not required	N/A	N/A
Office use; Financial institution use	Not required	Maximum 1 space for every 150 sq. m of floor area	Maximum 1 space for every 75 sq. m of floor area	N/A	Maximum 1 space for every 75 sq. m of floor area	Maximum 1 space for every 75 sq. m of floor area	N/A	N/A

Any other commercial use	Not required	Not required	Minimum 1 space for every 35 sq. m of floor area	N/A	Minimum 1 space for every 35 sq. m of floor area	N/A	N/A	N/A
Minor spectator venue use; Cultural use	Not required	Minimum 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less	Minimum 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less	Not required	Minimum 1 space for every 10 seats or 1 space for every 100 sq. m of floor area, whichever is less	Not required	Not required	N/A
Hospital use; Medical clinic use; Religious institution use	Not required	Not required	Minimum 1 space for every 300 sq. m of floor area	Minimum 1 space for every 300 sq. m of floor area	Minimum 1 space for every 300 sq. m of floor area	Minimum 1 space for every 300 sq. m of floor area	N/A	N/A
School use	Not required	Minimum 1 space for every classroom	Minimum 1 space for every classroom	Minimum 1 space for every classroom	N/A	Minimum 1 space for every classroom	Minimum 1 space for every classroom	N/A
Major spectator venue use	Not required	N/A	N/A	N/A	Not required	Not required	Not required	N/A
University or college use	Not required	Not required	Minimum 3 spaces for every classroom	N/A	N/A	Minimum 3 spaces for every classroom	N/A	N/A
Industrial use	N/A	N/A	N/A	N/A	Minimum 4 spaces	N/A	N/A	N/A
Community recreation use	Not required	Not required	Not required	Not required	Not required	Not required	Not required	N/A
All other recreation uses	Not required	Minimum 1 space for every 400 sq. m lot area	Minimum 1 space for every 400 sq. m lot area	N/A	Minimum 1 space for every 400 sq. m lot area	Minimum 1 space for every 400 sq. m lot area	Not required	N/A

Parking Within a Front or Flanking Yard

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

Large Commercial Vehicles

- 274 (1) Subject to Subsection 274(2), any motor vehicle not primarily designed to move people, or that exceeds any of the following criteria, shall be prohibited in any ER-3, ER-2, ER-1, or LLC zone:
- (a) 2.5 metres high;
 - (b) 6.4 metres long;
 - (c) 3,000 kilograms gross vehicle weight; or
 - (d) with a seating capacity of 9 or more people.
- (2) A motor vehicle described in Subsection 274(1) is permitted to park in any ER-3, ER-2, ER-1, or LLC zone, if:
- (a) the vehicle is parked on the lot during the period of construction; and
 - (b) the vehicle is necessary for the purposes of construction.

Car Sharing

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

Parking Structures

- 276 (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) Where any portion of a parking structure roof is not used for parking, it shall be landscaped if required in Section 257.
- (4) All parking structures shall meet the requirements of Part V.
- (5) Subject to Subsections 131(1), 131(3), and 131(4), all parking structures shall have commercial uses at grade along a streetline.

Surface Parking Lots

- 277 Subject to Sections 278, 279, and 280, surface parking lots are prohibited in all zones.

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

- 278 (1) Subject to Section 279, accessory surface parking lots are permitted in any D, CEN-2, CEN-1, or COR zone.
- (2) Parking spaces in accessory surface parking lots in any D, CEN-2, CEN-1, or COR zone shall not exceed:
- (a) for a property containing a transportation facility use: unlimited parking spaces;
 - (b) for a property containing a grocery store use: 80 parking spaces; or
 - (c) for any other property:
 - (i) 200 square metres in lot area or less: 5 parking spaces,
 - (ii) between 200 square metres in lot area and 6,300 square metres in lot area: 5 parking spaces plus one space for every 350 square metres of lot area, or
 - (iii) 6,300 square metres in lot area or more: 20 parking spaces.
- (3) Accessory surface parking lots in any D, CEN-2, CEN-1, or COR 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 20), unless located in an internal courtyard.

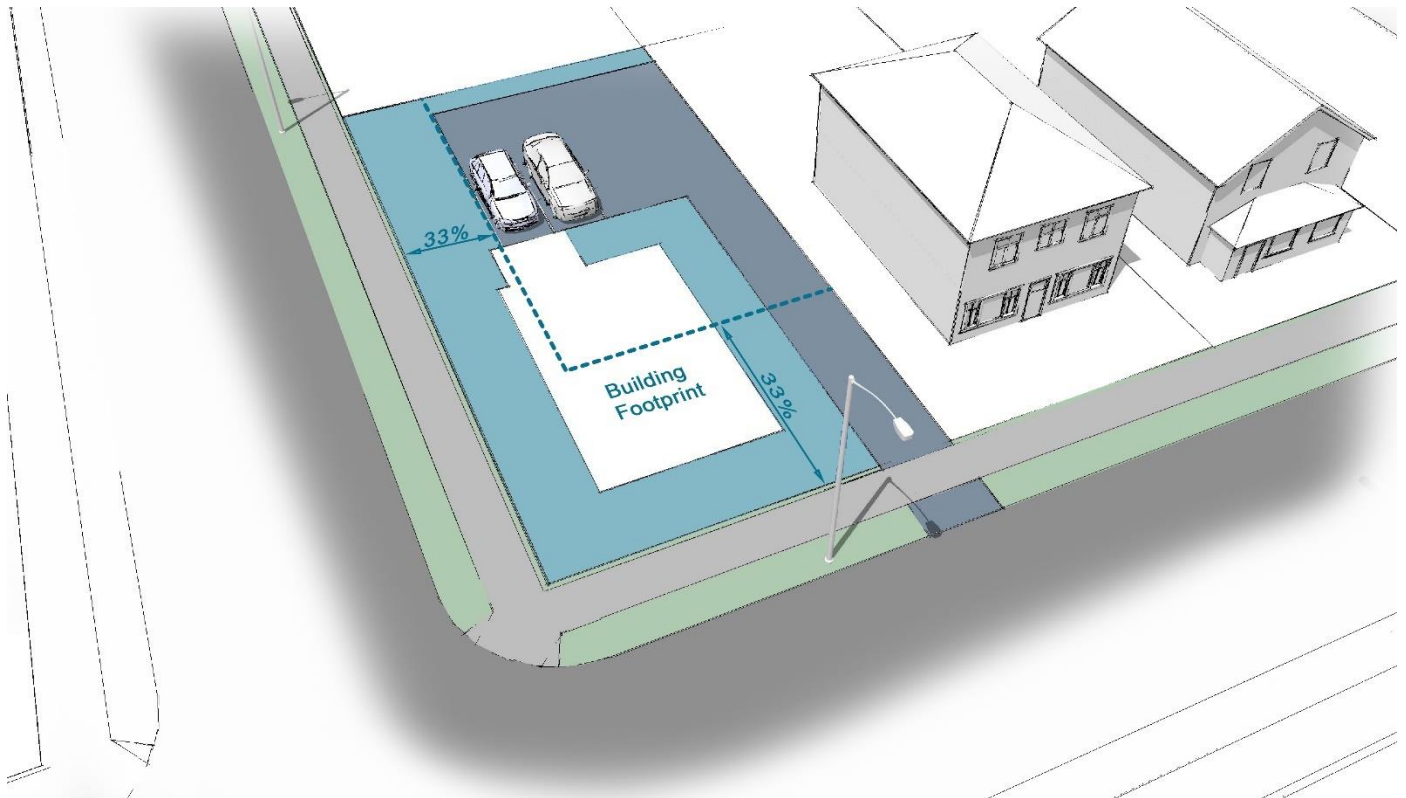


Diagram 20: Permitted location for an accessory surface parking lot in any D, CEN-2, CEN-1, or COR zone, per Subsection 278(3)

Accessory Surface Parking Lots: Downtown Halifax (DH) Special Area

- 279 (1) Except for areas shown on Schedule 47, accessory surface parking lots are permitted in the Downtown Halifax (DH) Special Area, as shown on Schedule 4B.
- (2) In addition to any area required for driveways and driving aisles, accessory surface parking lots in the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, shall not exceed 20 parking spaces.
- (3) Accessory surface parking lots in the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, shall not be located within any front or flanking yard, and shall not be located closer to any streetline than 50% of the lot depth, unless located in an internal courtyard.

Accessory Surface Parking Lots: All Other Zones

- 280 (1) Accessory surface parking lots are permitted in any HR-2, HR-1, COM, INS, and CDD-2 zone, within side yards, rear yards, and internal courtyards only.
- (2) Accessory surface parking lots are permitted in any PCF or RPK zone.
- (3) Subject to footnote ④ in Table 9 accessory surface parking lots are permitted in any LI, HRI, and H zone, within any yard excluding the area within the required setback distances applicable to the main building.
- (4) Accessory surface parking lots in any UC zone shall not be located within the lesser of:
- (a) the first 33% of the lot depth or lot width abutting any streetline (Diagram 20); or
 - (b) 30 metres from a streetline.

Pedestrian Pathways Through Accessory Surface Parking Lots

- 281 (1) A pedestrian pathway within an accessory surface parking lot shall be required and provide a direct route between parking areas, building entrances, and the nearest streetline.

- (2) Pedestrian pathways within accessory surface parking lots shall be no less than 1.8 metres wide.
- (3) Pedestrian pathways 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.
- (4) Where a pedestrian pathway crosses a driving aisle, in an accessory surface parking lot, the surface of the aisle shall be raised to meet the elevation of the abutting pedestrian pathway and delineated with a change of colour or material from the driving aisle.

Electric Vehicle Charging Stations

282 Electric vehicle charging stations are permitted in all parking areas.

Automated Vehicle Parking

- 283
- (1) Motor vehicle parking space, driveway, and driving aisle dimension requirements do not apply where an automated vehicle parking system is used.
 - (2) An automated vehicle parking system shall be located internal to a building or in a parking structure.

Autonomous Vehicle Parking

284 Motor vehicle parking space dimension requirements do not apply for motor vehicle spaces that are in excess of the minimum required amount, but do not exceed the maximum permitted amount, and which are reserved for autonomous vehicles.

Part XI, Chapter 2: Bicycle Parking

Bicycle Parking Exemptions for Specific Uses

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

- (a) low-density dwelling use;
- (b) secondary suite use;
- (c) backyard suite use;
- (d) daycare use in any ER-3, ER-2, ER-1, or LLC zone;
- (e) bed and breakfast use;
- (f) home occupation use;
- (g) home office use;
- (h) small shared housing use;
- (i) work-live unit use;
- (j) car wash use;
- (k) self-storage facility use;
- (l) urban agriculture use;
- (m) cemetery use; and
- (n) accessory structure or accessory use.

Bicycle Parking Exemptions for a Change in Use

286 A change of use in an existing structure shall not require any additional bicycle parking beyond what is already provided

General Bicycle Parking Requirements

- 287
- (1) Direct access to all bicycle parking areas shall be provided from a streetline.
 - (2) All bicycle parking racks and bicycle lockers shall be secured to the ground, floor, or wall.
 - (3) All bicycle parking areas shall be lighted with direct illumination.
 - (4) 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

288 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

289 Table 18 sets out the bicycle parking space requirements that shall apply for each use listed. The “Type” column specifies which types of bicycle parking shall be provided, as described in Sections 290 and 291.

Table 18: Required number of bicycle parking spaces

Use	General requirement	Type (Class A or Class B bicycle parking)	Minimum requirement for Class B bicycle parking	Maximum requirement
Multi-unit dwelling use	1 space for every 2 units	80% Class A 20% Class B	4 spaces	N/A
Large shared housing use	1 space for every 20 bedrooms	80% Class A 20% Class B	2 spaces	N/A
Hotel use	1 space for every 20 guestrooms	80% Class A 20% Class B	2 spaces	N/A
Retail use; Service use; Grocery store use; Restaurant use	1 space for every 300 sq. m of floor area	20% Class A 80% Class B	2 spaces	N/A
Financial institution use; Office use; Hospital use; Medical clinic use; Religious institution use	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 use; Major spectator venue use	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 use; University or college use	1 space for every 150 sq. m of floor area	20% Class A 80% Class B	2 spaces	N/A
Club recreation use; Community recreation use (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
Community recreation use (outdoor facilities)	1 space for every 1,250 sq. m lot area	100% Class B	2 spaces	50 spaces
Parking structure use	1 space for every 20 motor vehicle parking spaces	100% Class B	2 spaces	50 spaces
Any other use not specified in this Table or not exempted from bicycle parking requirements in Sections 285 and 286	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

- 290 (1) Required Class A bicycle parking racks shall be located:
- (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) Any bicycle room, roofed bicycle cage, enclosed bicycle locker, or covered parking structure area reserved for bicycles shall be secured.
- (3) Required 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) vertical racks that are wall-mounted, not exceeding 50% of the total number of required Class A bicycle parking spaces; and
 - (d) two-tier racks with a lift-assist.
- (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, which are protected from motor vehicle traffic, or
 - (ii) accessible from a ground floor by elevator.
- (5) The distance from any Class A bicycle parking area to the nearest building entrance shall not exceed 200 metres.

Class B Bicycle Parking Requirements

- 291 (1) Required Class B bicycle parking racks shall be one or more of the following types:
- (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 visible and accessible 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

- 292
- (1) Bicycle parking racks are prohibited within 2.5 metres of any building entrance (Diagram 21).
 - (2) Bicycle parking racks shall be spaced:
 - (a) at least 0.9 metres apart in the direction of a bicycle's width (Diagram 21); and
 - (b) at least 1.8 metres apart in the direction of a bicycle's length (Diagram 21).
 - (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 21).
 - (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 21).

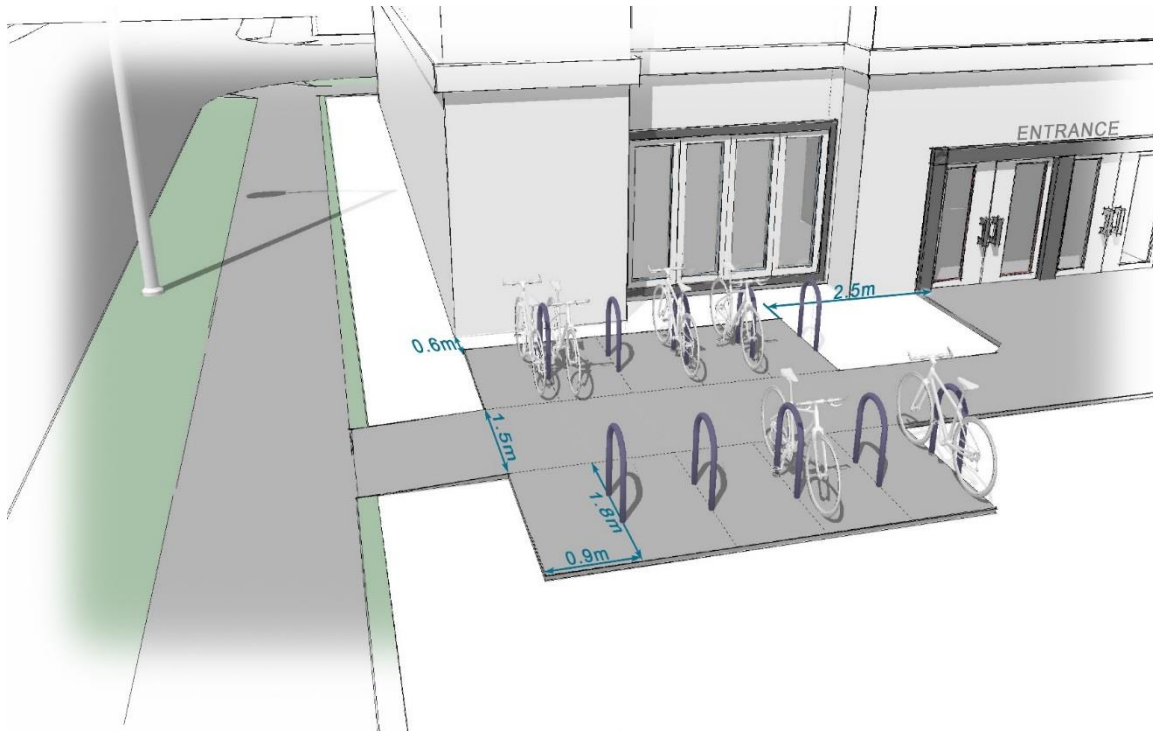


Diagram 21: Bicycle parking requirements, per Section 292

Part XI, Chapter 3: Off-Street Loading

Off-Street Loading Space

- 293 (1) Subject to Subsection 293(2), in any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, LI, HRI, and INS zone, in addition to any required parking spaces, a contiguous off-street loading space shall be required, as shown in Table 19.

Table 19: Minimum contiguous off-street loading space requirements

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

- (2) No off-street loading space shall be required for:
- (a) the Downtown Halifax (DH) Special Area;
 - (b) a heritage conservation districts, as shown on Schedule 44; and
 - (c) a registered heritage property.
- (3) Any required off-street loading space shall be located on the same lot as the use it is intended to serve.
- (4) Any required off-street loading space shall be surfaced with a hard material such as asphalt, concrete, or permeable pavers, and delineated by concrete curbs or painted lines.
- (5) Excluding driving aisles, 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 278, 279, and 280.
- (6) The landscaping and screening requirements for required off-street loading spaces are provided in Sections 254 and 262.

PART XII: SIGNS

Part XII, Chapter 1: General Signage Requirements

Temporary Sign By-law

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

Sign Permit Exemptions

295 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 a building 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 use, if the sign:
 - (i) is located within 2 metres of the entrance of the restaurant use,
 - (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) subject to Sections 308, 309, and 311, in any ER-3, ER-2, ER-1, or LLC zone, signs for any of the following uses:
 - (i) home occupation uses, excluding ground signs,
 - (ii) daycare uses,
 - (iii) sale of urban agricultural products as an accessory use,
 - (iv) workshop uses, and
 - (v) urban farm uses;
- (k) the replacement of a sign face where there is no alteration of the structure holding the sign;
- (l) the repainting or refinishing of an existing sign using the same colour and finish;
- (m) neighbourhood signs; and
- (n) subject to Section 302, window and door signs.

Prohibited Signs

296 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 premise, 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

297 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 and Variable Message Signs

- 298 (1) The light source from any illuminated sign shall not be directed towards abutting lots.
- (2) A permit for a variable message sign shall be refused, if in the opinion of the Traffic Authority, the variable message sign will create a traffic hazard.

Signs on Registered Heritage Buildings

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

Fascia Signs on Registered Heritage Buildings

300 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 architectural frieze shall dictate the maximum size of the sign;
- and,

- (c) where no architectural 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 story windows.

Part XII, Chapter 2: Signage Requirements for D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, CDD-2, CDD-1, LI, HRI, INS, UC, DND, H, PCF, and RPK Zones

Fascia Signs

- 301 (1) In any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, CDD-2, CDD-1, LI, HRI, INS, UC, DND, H, PCF, or RPK zone, 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, HR-1, COM, CDD-2, CDD-1, LI, HRI, INS, UC, DND, H, PCF, or RPK zone, the combined area of all fascia signs on a building wall shall not exceed 10% of the area of the wall that the sign is affixed.

Window and Door Signs

- 302 In any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, CDD-2, CDD-1, LI, HRI, INS, UC, DND, H, PCF, or RPK 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

- 303 In any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, CDD-2, CDD-1, LI, HRI, INS, UC, DND, H, PCF, or RPK zone, the maximum height of a ground sign is 4.6 metres.

Projecting Signs

- 304 (1) In any D, CEN-2, CEN-1, COR, HR-2, HR-1, COM, CDD-2, CDD-1, LI, HRI, INS, UC, DND, H, PCF, or RPK 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 face.
- (2) Subject to Subsection 304(3), only one projecting sign is permitted per premises.
- (3) Where a premise has frontage on more than one street, one projecting sign is permitted per streetline. Each projecting sign shall be located on a separate street frontage.

Abutting Zone Requirements

305 Where a lot is zoned D, CEN-2, CEN-1, COR, HR-2, HR-1, CDD-2, CDD-1, COM, LI, HRI, UC, DND, or H and abuts a lot that is zoned ER-3, ER-2, ER-1, LLC, RPK, or PCF, the following requirements shall apply:

- (a) subject to Clause 305(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.

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

306 In any D, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD-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 use component of a work-live unit use.

Billboards

- 307
- (1) Billboards are permitted in the LI and HRI zones only.
 - (2) Billboards shall:
 - (a) not exceed an overall height of 7.5 metres;
 - (b) not be located within 3.5 metres of the average finished grade;
 - (c) be set back at least 4.0 metres from any streetline;
 - (d) not be located any closer than 30.0 metres to any property zoned ER-3, ER-2, ER-1, LLC, INS, H, PCF, or RPK;
 - (e) not exceed a sign face area of 18.0 square metres per side, and there may be a maximum of two sign faces if they are affixed back-to-back;
 - (f) not be located any closer than 300 metres to another billboard;
 - (g) not cover more than 10% of any wall to which they are affixed; and
 - (h) not be located on more than one wall.
 - (3) An application for a billboard shall include construction details certified by a professional engineer.
 - (4) A permit for a billboard shall be refused, if in the opinion of the Traffic Authority, the sign will create a traffic hazard.

Part XII, Chapter 3: Signage Requirements for ER-3, ER-2, ER-1, and LLC Zones

Signs for Bed and Breakfast Uses

308 In any ER-3, ER-2, ER-1, or LLC zone, the following requirements shall apply to any sign advertising a bed and breakfast use:

- (a) A maximum of one sign is permitted per bed and breakfast use;
- (b) The sign shall only be a ground sign, fascia sign, or window sign;
- (c) The sign shall not exceed 0.6 square metres in area;
- (d) Any ground sign shall not exceed a height of 1.2 metres;
- (e) If the sign is illuminated, only exterior shielded illumination is permitted; and
- (f) The sign shall not encroach into a street.

Signs for Home Occupation Uses, Daycare Uses, the Sale of Urban Agricultural Products as an Accessory Use, and Workshop Uses

309 In any ER-3, ER-2, ER-1, or LLC zone, the following requirements shall apply to any sign advertising a home occupation use, daycare use, the sale of urban agricultural products as an accessory use, and a workshop use:

- (a) A maximum of one sign;
- (b) The sign shall only be a ground sign, fascia sign, or window sign;
- (c) The sign shall not exceed 0.6 square metres in area;
- (d) Any ground sign shall not exceed a height of 1.2 metres;
- (e) The sign shall not be illuminated; and
- (f) The sign shall not encroach into a street.

Signs for Local Commercial Uses and Medical Clinic Uses

310 In any ER-3, ER-2, ER-1, or LLC zone, the following requirements shall apply to a sign advertising a local commercial use or a medical clinic use:

- (a) A maximum of one sign is permitted per local commercial use or medical clinic use;
- (b) A sign shall only be a fascia sign, window sign, or projecting sign;
- (c) A sign shall not exceed 3.0 square metres in area;
- (d) A projecting sign shall be set back at least 1.2 metres from any side or rear lot line;
- (e) If any sign is illuminated, only exterior shielded illumination is permitted; and

- (f) A sign shall not encroach into a street.

Signs for Urban Farm Uses

- 311 In any ER-3, ER-2, ER-1, or LLC zone, the following requirements shall apply to any sign advertising an urban farm use:
- (a) A maximum of one ground sign is permitted per street frontage for any urban farm use;
 - (b) Any sign shall not exceed 2.0 square metres in area, and shall not exceed a height of 1.2 metres;
 - (c) Any sign shall not be illuminated; and
 - (d) Any sign shall not encroach into a street.

Signs for Cultural, School, and Community Recreation Uses

- 312 In any ER-3, ER-2, ER-1, or LLC zone, any sign for a cultural use, school use, or community recreation use shall meet the requirements of Sections 301 to 305.

**PART XIII:
INCENTIVE OR
BONUS ZONING**

Part XIII, Chapter 1: General Incentive or Bonus Zoning Regulations

Requirement to Provide a Public Benefit for Incentive or Bonus Zoning

- 313 (1) For any new development over 2,000 square metres of floor area in any D, CEN-2, CEN-1, COR, HR-2, HR-1, or COM zone, the applicant shall provide incentive or bonus zoning.
- (2) For any new development in accordance with Policies 10.12, 10.13, and 10.14 of the *Regional Centre Secondary Municipal Planning Strategy*, the applicant shall provide incentive or bonus zoning.
- (3) Where an applicant provides for incentive or bonus zoning in accordance with Subsections 313(1) and 313(2), public benefits shall be provided as per Section 320.
- (4) Where an applicant provides for incentive or bonus zoning in accordance with Subsection 313(1), the Development Officer may require the applicant to enter into an incentive or bonus zoning agreement.
- (5) Where an applicant provides incentive or bonus zoning in accordance with Subsection 313(2), an incentive or bonus zoning agreement shall be required.
- (6) 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, HR-1, and COM Zones)

- 314 (1) In any D, CEN-2, CEN-1, COR, HR-2, HR-1, or COM 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 316.
- (2) The amount of the public benefit shall be no less than the amount resulting from the calculation in Subsection 314(1).

Deadline to Complete Public Benefit

315 Any required public benefit shall be completed by the applicant:

- (a) for any money-in-lieu, prior to the development permit being issued; or
- (b) for any on-site public benefit, by the deadline specified in the incentive or bonus zoning agreement.

Incentive or Bonus Zoning Rates

316 (1) Subject to Section 318, the bonus rates for the districts identified on Schedule 35 are set out for Districts 1 through 6, as of April 2020, in Table 20.

Table 20: Incentive or bonus zoning rates and districts

Bonus rate district #	Name of bonus rate district	Bonus rate, 2020 (\$/square metre)
1	South End Halifax (including Downtown Halifax)	\$258
2	Cogswell Redevelopment Lands	\$258
3	North End Halifax	\$180
4	North Dartmouth	\$84
5	Downtown and Central Dartmouth	\$144
6	Woodside	\$66

- (2) The bonus rates in Table 20 shall be adjusted annually in accordance with Section 318.

Incentive or Bonus Zoning for Future Growth Nodes

317 (1) Subject to Subsection 317(2), the bonus value for each Future Growth Node shall be determined based on the appraised market value of the site once the proposed development agreement is approved by Council and then multiplied by a coefficient of 0.12.

- (2) The appraised market value is not the market value of the completed project, but the value that the applicant could expect to receive if they sold the site with the development agreement in place.

- (3) Any appraisal under this section shall be:
 - (a) completed by an appraiser that is selected from a list of appraisers provided by the Municipality; and
 - (b) hired by the Municipality.
- (4) The cost of any appraisal shall be paid for by the applicant.
- (5) The terms of reference for the appraisal shall be determined solely by the Municipality.
- (6) Where the Municipality or applicant disagrees with the appraised value determined in the appraisal, the disagreeing party may, at the applicant's expense, have a second appraisal done, providing the appraiser is from the Municipality's approved list and the appraisal is subject to the same terms of reference as the initial appraisal.
- (7) The appraised value for the purposes of the bonus value is:
 - (a) where there is one appraisal, the monetary value of the land from that appraisal; or
 - (b) where there are two appraisals, the average monetary values of the two appraisals.

Incentive or Bonus Zoning Rate Adjustments

- 318
- (1) Subject to Subsection 318(2), before being used to calculate a required public benefit, the bonus rates specified in Table 20 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

319 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

320 Subject to Subsections 321(1) and 322(1), an applicant who is required to provide for incentive or bonus zoning, shall provide one or a combination of the following public benefits:

- (a) money-in-lieu for affordable housing;
- (b) on the site of the development, the conservation of a registered heritage building;
- (c) money-in-lieu for the conservation of a registered heritage building that is not located on the site of the development;
- (d) on the site of the development, the conservation of a building within a heritage conservation district;
- (e) money-in-lieu for the conservation of a building within a heritage conservation district that is not located on the site of the development;
- (f) money-in-lieu for the acquisition or improvement of municipal parks;
- (g) money-in-lieu for affordable community or cultural indoor space;
- (h) money-in-lieu for public art; or
- (i) public art on the site of the development.

Public Benefit Requirements: Affordable Housing Money-in-Lieu

- 321 (1) Subject to Subsection 322(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 acquisition of buildings, housing units, or properties for affordable housing;
 - (c) the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization;

- (d) a housing agreement permitted in Clause 73(b) of the Charter; or
- (e) any combination of Clauses 321 (2)(a) to 321(2)(d).

Public Benefit Requirements: Conservation of a Registered Heritage Building

- 322 (1) Subject to Subsection 322(2), on a registered heritage property, up to 90% of the total value of a required public benefit, determined by an appraiser that is selected from a list of appraisers provided by the Municipality, 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: On-Site Public Art

- 323 Where provided as a public benefit on-site, public art shall:
- (a) be located on the site of the development, and allow direct public access or viewing of the public art;
 - (b) be designed by a professional artist; and
 - (c) have a minimum cost of \$100,000.

Unacceptable Forms of Public Art

- 324 The following items do not qualify as acceptable forms of public art under the incentive or bonus zoning program:
- (a) interpretive, wayfinding, or other functional signage;
 - (b) branding or promotional projects;
 - (c) plaques and supporting infrastructure;
 - (d) stock and mass-produced items;
 - (e) memorials, where:
 - (i) the memorial commemorates a single individual not previously approved through the Municipality’s Commemorative Asset Naming Program,
 - (ii) the memorial has not been designed and created by a professional artist,or

- (iii) the primary component or element of design involves: benches, picnic tables, playgrounds or other park infrastructure, trees, or other ornamental landscape elements; or
- (f) landscape design, landscape gardens, or any garden features including fountains, garden furnishings, or other infrastructure, unless those elements have been conceived of by a professional artist independently or in collaboration with other design professionals and are deemed to be an integral component of an artwork.

Incentive or Bonus Zoning Agreement

- 325 (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 appraiser for any required or provided public benefit;
 - (d) the identification of any process or conditions required by the Municipality before the public benefit is accepted;
 - (e) where required, provisions for the auditing and reporting of public benefits; and
 - (f) any other terms or conditions the Development Officer requires.
- (2) Subject to Subsections 325(3) and 325(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 XIV: DEVELOPMENT AGREEMENTS

Part XIV, Chapter 1: Development Agreements

Development on a Registered Heritage Property

326 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 5.6, 5.7, and 5.8 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development within a Heritage Conservation District

327 Developments and uses not otherwise permitted in this By-law may be permitted by development agreement in a Heritage Conservation District, in accordance with Policy 5.17 of the *Regional Centre Secondary Municipal Planning Strategy*.

Change to Less Intensive Non-Conforming Uses

328 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*.

Expansion of Non-Conforming Uses

329 In accordance with Policy 10.16 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.

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

330 Development in the King's Wharf (KW) Special Area may only be permitted by development agreement in accordance with Policies 3.17 and 10.29 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development in a CDD-2 Zone

331 (1) Developments not otherwise permitted in this By-law, excluding an adult entertainment use, a C&D transfer, processing and disposal use, and a salvage use, may be permitted in any CDD-2 zone by development agreement, in

accordance with Policies 3.61 and 3.64 of the *Regional Centre Secondary Municipal Planning Strategy*.

- (2) Where development is permitted by a development agreement in any CDD-2 zone, incentive or bonus zoning shall be provided in accordance with the requirements of Part XIII.

Development in a CDD-1 Zone

332 (1) Developments not otherwise permitted in this By-law, excluding an adult entertainment use, a C&D transfer, processing and disposal use, and a salvage use, may be permitted in any CDD-1 zone by development agreement, in accordance with Policies 3.61 and 3.64 of the *Regional Centre Secondary Municipal Planning Strategy*.

- (2) Where development is permitted by a development agreement in any CDD-1 zone, incentive or bonus zoning shall be provided in accordance with the requirements of Part XIII.

Development on an Existing Lot 1-Hectare or Greater

333 (1) Development on lots 1.0 hectare or greater that existed on the coming into force date of this By-law, in a D, CEN-2, CEN-1, COR, HR-2, HR-1, or COM zone may be considered by development agreement, in accordance with Policies 3.70, 3.71, and 3.72 of the *Regional Centre Secondary Municipal Planning Strategy*.

- (2) Where development is permitted by a development agreement on lots 1.0 hectare or greater, incentive or bonus zoning shall be provided in accordance with the requirements of Part XIII.

Development in the Robie Street (RS) Special Area

334 Development in the Robie Street (RS) Special Area, as shown on Schedule 4E, may be considered by development agreement in accordance with Policies 10.33 and 10.34 of the *Regional Centre Secondary Municipal Planning Strategy*.

Schmidtville Heritage Conservation District

335 On the lot identified as the Schmidtville Historic Park and Institutional (SHPI) Special Area, as shown on Schedule 4E, an addition to an existing building or a new building that

in either case are in excess of 139.5 square metres, shall only be considered by development agreement in accordance with Policies 5.16 and 5.17 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development on Vacant Lots within the Young Avenue (YA) Special Area

336 Within the Young Avenue (YA) Special Area, as shown on Schedule 4C, a new building containing up to four dwelling units may be considered by development agreement on vacant lots that existed on the coming into force date of this By-law, in accordance with Policy 10.36 of the *Regional Centre Secondary Municipal Planning Strategy*.

Development within Existing Buildings in the Young Avenue (YA) Special Area

337 Within the Young Avenue (YA) Special Area, as shown on Schedule 4C, an internal conversion or a rear addition to create up to six dwelling units may be considered by development agreement for buildings that existed on the coming into force date of this By-law, in accordance with Policy 10.35 of the *Regional Centre Secondary Municipal Planning Strategy*.

PART XV: DEFINITIONS

Part XV, Chapter 1: Definitions

338 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; and
 - (b) not attached to any main structure.
- (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 a premise 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 use, 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 a premise providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours.
- (6) **Adult Theatre** means a premise 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 a premise used for community and cultural purposes by a not-for-profit organization or registered Canadian charitable organization, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, performance, rehearsal, and exhibition spaces, galleries, daycare uses, and other social services.
- (8) **Alter** means to make any change in the size or materials of a structure or use.
- (9) **Amenity Space** means non-commercial indoor or outdoor space designed for private or shared use by a building's occupants, such as balconies, grade-related unit patios, courtyards, planters and plots for gardening, rooftop barbeque

areas, indoor and outdoor kitchens, swimming pools, saunas, fitness rooms, racquet or other sport courts, playgrounds, games and television rooms, exercise or art studios, music rooms, greenhouses, meeting rooms, and similar spaces.

- (10) **Applicant** means any person or entity applying for a development permit, variance, site plan approval, variation, or development agreement.
- (11) **Appraiser** means an individual who holds the Accredited Appraiser of Canada Institute designation.
- (12) **Arcade** means a structure characterized by a central covered passageway with the roof supported by a series of arches on piers or columns, providing refuge for pedestrians from the weather.
- (13) **Architect** means a professional and full member in good standing with the Nova Scotia Association of Architects.
- (14) **Architectural Frieze** means a decorative band, immediately below the cornice, or a sculptured raised horizontal band of bricks above a storefront.
- (15) **Archives** means a premise where historical documents, records, and artifacts are stored.
- (16) **Archway** means a curved structure forming a passageway or entrance.
- (17) **Arena** means a building containing a sheet of ice and used primarily for indoor skating, figure skating, hockey, and speed skating.
- (18) **Assembly** means, as an industrial use, the fitting or joining together of parts of an item by means such as fasteners, nuts, bolts, screws, glue, welding, or other similar techniques.
- (19) **At-Grade Private Open Space** means any area of a lot that is not covered by buildings or is not used for the parking and maneuvering of motor vehicles, and is landscaped, as shown in Diagram 22.

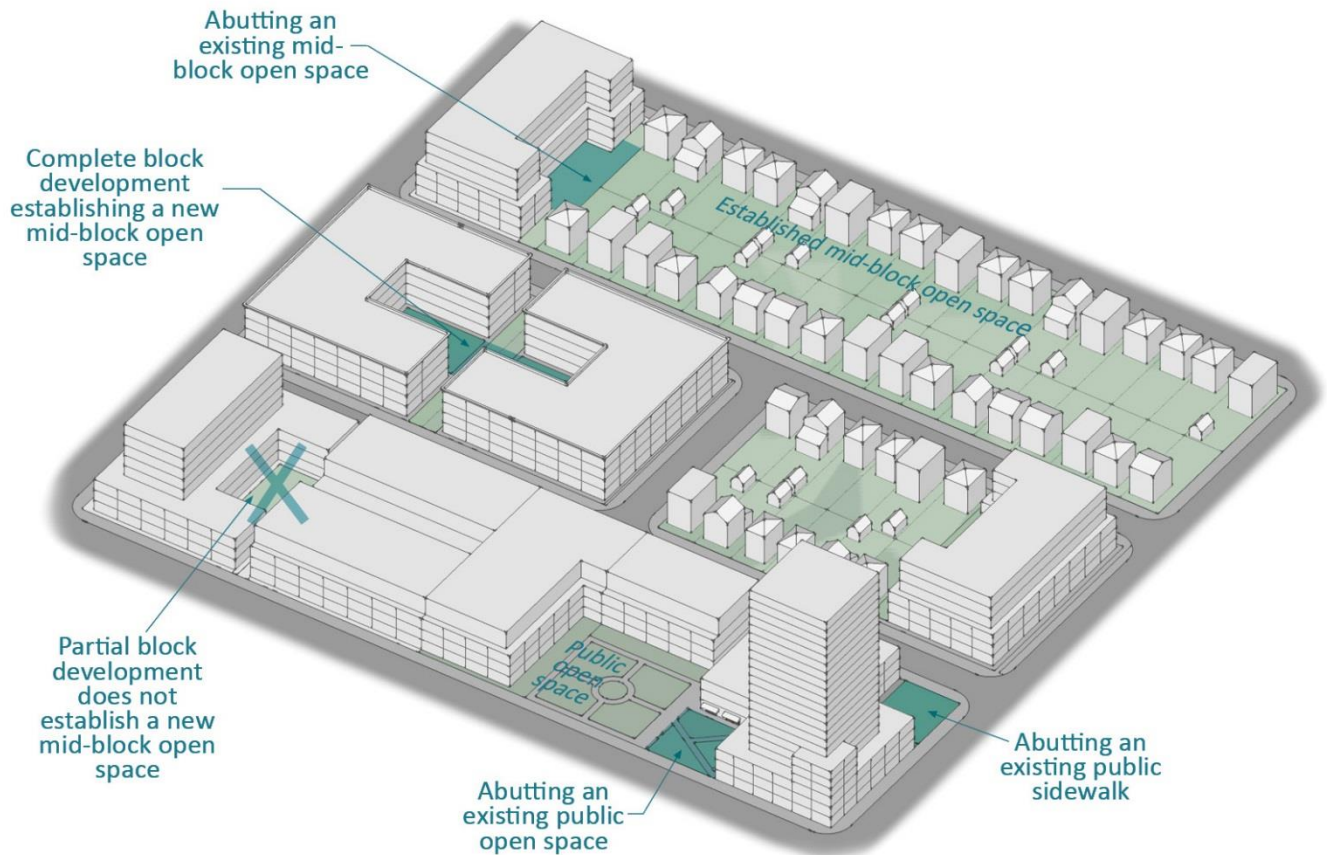


Diagram 22: At-grade private open space, as per Subsection 338(19).

- (20) **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.
- (21) **Auto Repair Use** means a premise used for the repair, servicing, and inspection of motor vehicles, engines, or motors.
- (22) **Automated Vehicle Parking System** means a mechanical parking system that transports motor vehicles to and from parking spaces, either automatically or semi-automatically.
- (23) **Average Finished Grade** means the elevation of the finished ground abutting a structure, averaged around the perimeter of the structure. For the Scotia Square Complex (SSC) Special Area, as shown on Schedule 4B, the average finished grade shall be calculated along the abutting streetline for each section identified on Schedule 8.

- (24) **Awning** means a textile hood or cover, and any supporting structure, that projects from the wall of a building.
- (25) **Awning Sign** means a sign incorporated into an awning (Diagram 30).
- (26) **Backyard Suite Use** means a self-contained subordinate dwelling unit that is located within an accessory building or structure.
- (27) **Bed and Breakfast Use** means temporary overnight accommodations provided to the traveling public, and which may include the provision of meals.
- (28) **Bedroom** means a habitable room used, designed, or intended for use for sleeping.
- (29) **Belvedere** means a small roofed structure on the rooftop of a building with open sides or windows.
- (30) **Billboard** means a sign that does not relate to a use on the lot on which it is located, excluding a neighbourhood sign.
- (31) **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; and
 - (b) does not contain a kitchen or sleeping facilities.
- (32) **Broadcast and Production Use** means commercial or public communication uses such as radio and television broadcasting, receiving stations, and recording and production studios.
- (33) **Building** means every continuous enclosed area within exterior walls on a lot, 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 above or below grade.
- (34) **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.
- (35) **Building Footprint** means the area a building occupies on the ground in between the exterior face of exterior walls, which includes the extent of any cantilever above the ground, and excludes unenclosed decks, stairs, and patios.

- (36) **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.
- (37) **Catering** means the business of preparing food at one location to be then distributed and consumed at a different location. Catering does not include a restaurant.
- (38) **C&D Materials Disposal Site Use** means a premise 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.
- (39) **C&D Materials Processing Facility Use** means a premise 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);
 - (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.
- (40) **C&D Materials Transfer Station Use** means a premise at which C&D materials are received and sorted for subsequent transport to a C&D disposal site or a C&D processing facility.
- (41) **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.

- (42) **Cannabis Lounge Use** means a premise 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.
- (43) **Cannabis Production Facility Use** means a premise 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) a premise used for personal production permitted by federal legislation.
- (44) **Cannabis Retail Sales Use** means a premise used for the retail sale of cannabis, cannabis products, or any of its derivatives, such as oils or edible products, to the public.
- (45) **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.
- (46) **Cantilever** means the portion 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.
- (47) **Car Sharing Space** means a parking space for motor vehicles that is marked and registered for use by a car sharing service.
- (48) **Car Wash Use** means a premise where motor vehicles are washed within a permanent structure.

- (49) **Cemetery Use** means land used for the burial of the dead and related purposes, such as columbaria and mausoleums, and excludes a crematorium use.
- (50) **Change of Use** means a change in the use of any land, building, or structure, or any combination thereof, to a different use.
- (51) **Character-Defining Elements** means the materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to heritage value.
- (52) **Charter** means the *Halifax Regional Municipality Charter, S.N.S., 2008, c. 39*, as amended.
- (53) **Club Recreation Use** means a premise 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.
- (54) **Commemorative Sign** means a sign, tablet, or plaque commemorating or memorializing a person, community, event, structure, or site.
- (55) **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 uses and community recreation uses.
- (56) **Commercial Use** means any use listed under the “**COMMERCIAL**” heading in Table 1.
- (57) **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.
- (58) **Conservation Use** means a use carried out for the purposes of conserving soils, water, flora, or fauna, such as a wildlife sanctuary.
- (59) **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 fibers, lumber, wood, asphalt shingles, and metals.

- (60) **Convention Centre Use** means indoor a premise that are used for hosting conventions, exhibitions, and other events.
- (61) **Corner Lot** means a lot with contiguous frontage on two or more streets (Diagram 23).

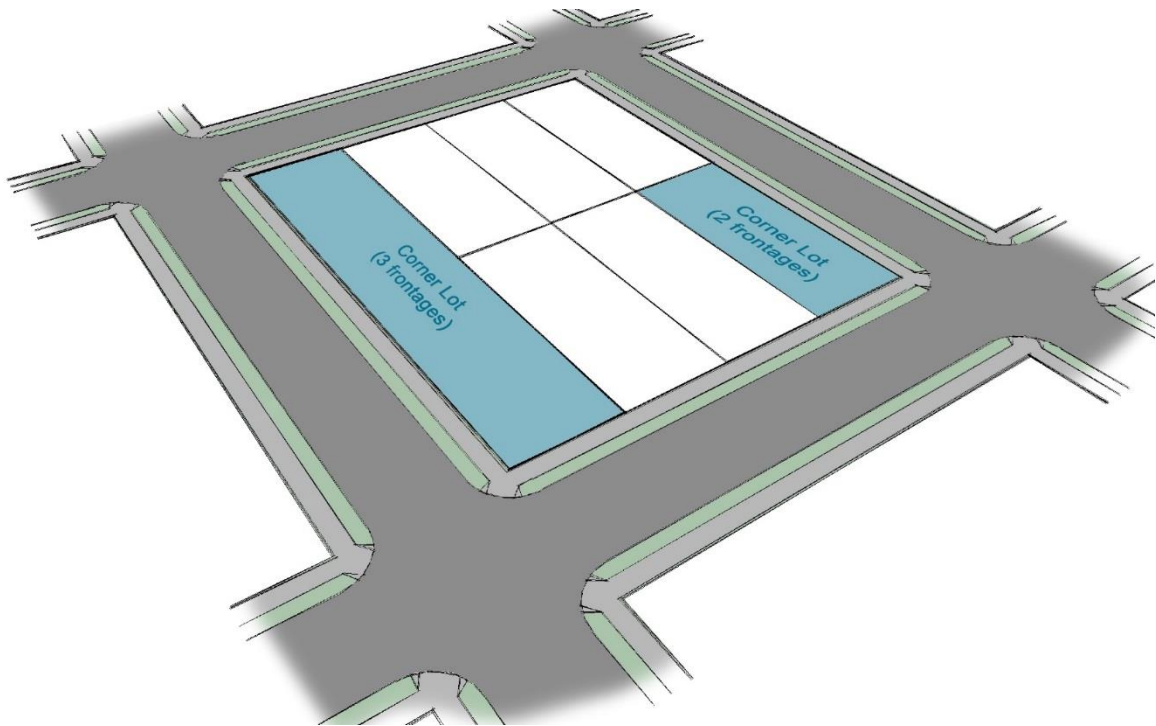


Diagram 23: Corner lot, per Subsection 338(61)

- (62) **Council** means the Council of the Municipality.
- (63) **Crematorium Use** means a premise containing apparatus certified, intended, and used for the cremation of human or animal remains.
- (64) **Cruise Ship Terminal Use** means a facility comprising one or more berths, slips, piers, wharves, loading and unloading areas, and buildings used for transfer of people between a cruise ship and land, which does not include marinas and boatyards.
- (65) **Cultural Use** means a premise 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, excluding a minor spectator venue use, a major spectator venue use, a convention centre use, and a recreation use.

- (66) **Daycare Use** means a premise in which supervision is provided for individuals during the day. This definition excludes school uses, hospital uses, and recreational facilities.
- (67) **Dealership Use** means a premise used primarily for the outdoor display and sale of products, and may include as an accessory use the servicing and repair of the products sold or displayed, such as motor vehicles, recreational vehicles, marine craft, trailers, snowmobiles, snow blowers, all-terrain vehicles, heavy equipment, swimming pools, headstones, decorative fountains, and prefabricated cottages and homes, but excluding a garden centre use.
- (68) **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.
- (69) **Development Officer** means a person or persons appointed by Council to administer a land use by-law or subdivision by-law.
- (70) **Drinking Establishment Use** means a premise 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.
- (71) **Drive-Through** means a premise that include a designated on-site queueing area for motor vehicles and which provides or dispenses products or services using an attendant, window, or automated machine to customers in motor vehicles, and excludes a car wash use.
- (72) **Dwelling Unit** means living quarters that:
- (a) are accessible from a private entrance, either outside the building or in a common area within the building;
 - (b) are occupied or, if unoccupied, are reasonably fit for occupancy;
 - (c) contain kitchen facilities within the unit; and
 - (d) have toilet facilities that are not shared with the occupants of other dwelling units.
- (73) **Electric Vehicle Charging Station** means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.
- (74) **Emergency Services Use** means fire stations, police stations, search and rescue stations, emergency medical stations, and ambulance stations.

- (75) **Emergency Shelter Use** means a premise providing a person with short-term overnight sleeping accommodations, free of charge.
- (76) **Enhanced Bicycle Parking** means the provision of bicycle parking that also accommodates and secures bicycle trailers and cargo bikes.
- (77) **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.
- (78) **Façade** means a building wall facing a street, a park, or an at-grade private open space.
- (79) **Farmers' Market Use** means a market where individual sellers or a cooperative of producers offer items for sale to the public such as fresh produce, seasonal fruits, fresh flowers, arts and craft items, dairy products, grain products, meat, poultry, fish, and food and beverages. A farmers' market use excludes the sale of second-hand goods.
- (80) **Fascia Sign** means a sign attached directly to or painted on a building wall (Diagram 30).
- (81) **Financial Institution Use** means a premise providing financial and banking services to customers and clients, including banks, trust companies, savings banks, credit unions, and lending establishments.
- (82) **Fitness Centre Use** means an indoor premise where people use equipment or space for the purposes of physical exercise, such as health clubs, dance studios, and yoga studios.
- (83) **Flanking Lot Line** means a streetline that is not the front lot line.
- (84) **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 36).
- (85) **Flat Roof** means a roof with a maximum pitch of 1/12 (rise to run).
- (86) **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;
 - (f) any space open to a floor below; and
 - (g) pedways.
- (87) **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.
- (88) **Floor Area Ratio (FAR) Precinct** means the area of a lot to which a single floor area ratio limit applies, as shown on Schedule 9.
- (89) **Four-Unit Dwelling Use** means a building containing four dwelling units on the same lot.
- (90) **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.
- (91) **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 36).
- (92) **Full Cut-Off Light Fixture** means a lighting fixture that projects all of its light in a downward direction.
- (93) **Garden Centre Use** means a premise where retail and wholesale gardening products are sold, which may include a nursery and greenhouses.
- (94) **Gazebo** means a freestanding, roofed accessory structure, which is not enclosed, and which does not contain toilet facilities, a kitchen, or sleeping facilities.
- (95) **Grade-Oriented Premises** means a premise on a ground floor of a building that are accessible by pedestrians from an entrance that fronts and faces a streetline. A grade-related unit use may occupy grade-oriented premises.
- (96) **Grade-Related Unit Use** means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.

- (97) **Greenhouse** means a structure constructed primarily of transparent materials, for the protection and cultivation of plants such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- (98) **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.
- (99) **Ground Floor** means, for each streetline, the first floor level that:
- (a) abuts the streetline; and
 - (b) for at least 70% of each streetline:
 - (i) commences no lower than 0.6 metres below the streetline grade, and
 - (ii) does not commence any higher than 0.6 metres above the streetline grade.
- (100) **Ground floor height** means the distance between the floor and the ceiling of a ground floor.
- (101) **Ground Sign** means a sign permanently attached to the ground and supported by one or more posts or other similar means (Diagram 30).
- (102) **Gymnasium** means a building or room designed for indoor sports, exercise, or physical education, which may contain associated equipment.
- (103) **Halifax Citadel Ramparts** means the ramparts pursuant to Section 238, and as depicted on Schedule 14 of this By-law.
- (104) **Harbour Edge** means the seaward edge of any wharf, pier, or seawall that abuts the Halifax Harbour or, in the absence of any such structures, the ordinary high water mark.
- (105) **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 areas or access to parking areas.
- (106) **Hedge** means a line of trees, including shrubs, planted closely together to form a barrier.

- (107) **Height** means the vertical distance between a structure's average finished grade and the structure's highest point.
- (108) **Height Precinct** means the portion of a lot to which a single height limit applies, as shown on Schedule 7.
- (109) **Helipad** means a specified area or platform for the landing and take-off of helicopters.
- (110) **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.
- (111) **High-Density Dwelling Use** means a building containing 13 or more dwelling units on the same lot.
- (112) **High-Rise Building** means:
- (a) a building that is greater than 26 metres high; or
 - (b) in the Downtown Halifax (DH) Special Area a building that is greater than 33.5 metres high.
- (113) **Home Occupation Use** means the use of a portion of a dwelling unit or accessory building for gainful employment, excluding a bed and breakfast use, a daycare use, a work-live unit use, and a home office use.
- (114) **Home Office Use** means an office-related activity operated within a dwelling that does not regularly require direct contact with clients on a premise, excluding a home occupation use.
- (115) **Hospital Use** means an institution providing human inpatient health services, including related facilities such as laboratories, outpatient departments, training facilities, and staff offices.
- (116) **Hotel Use** means a premise 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.
- (117) **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.

- (118) **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.
- (119) **Industrial Training Facility Use** means a commercial facility that provides outdoor educational instruction and safety certification relating to industrial apparatus and activities.
- (120) **Industrial Use** means any use listed under the “**INDUSTRIAL**” heading in Table 1.
- (121) **Institutional Use** means any use listed under the “**INSTITUTIONAL**” heading in Table 1.
- (122) **Interior Lot** means a lot with frontage on one street only (Diagram 24).

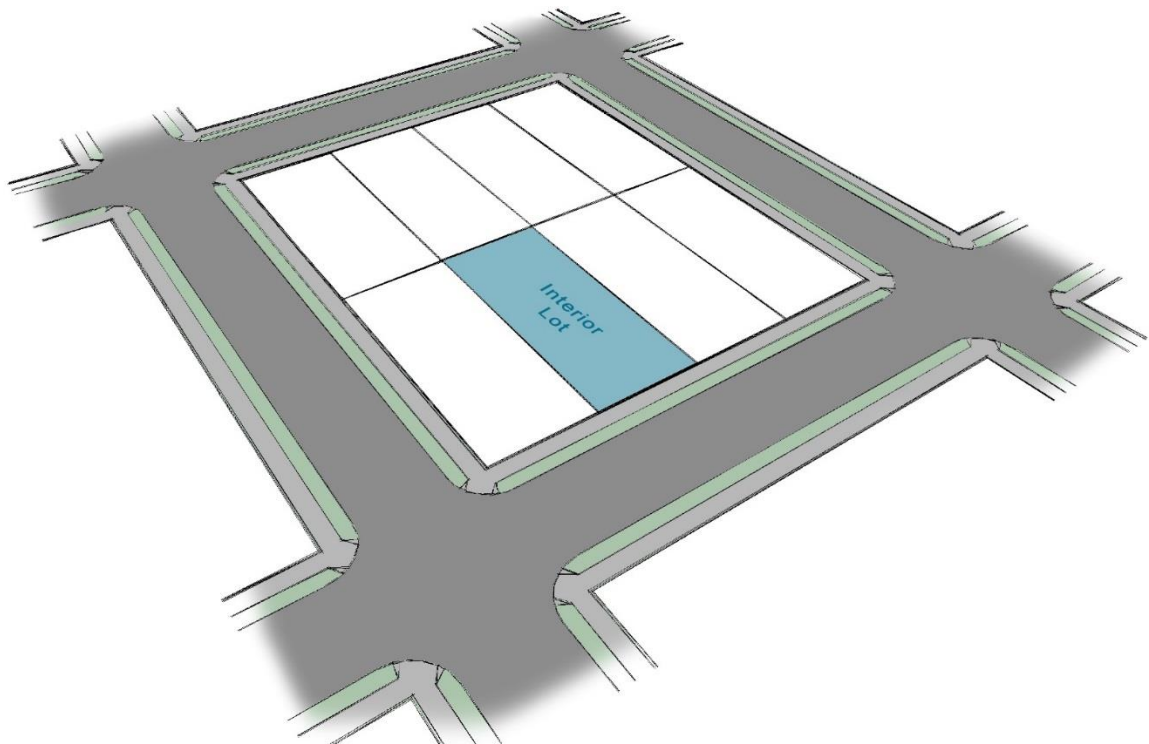


Diagram 24: Interior lot, per Subsection 338(122)

- (123) **Internal Conversion** means the redevelopment of an existing building that does not include any increase in the height or volume of the building, excluding an exterior staircase.
- (124) **Kennel Use** means a premise 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.
- (125) **Kitchen** means a premise used for food preparation, and shall include a refrigerator, any appliance used to heat food for consumption, and a sink.
- (126) **Landscape Architect** means a professional and full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (127) **Landscaping** means hard landscaping or soft landscaping.
- (128) **Large Shared Housing Use** means a shared housing use that contains at least 11 bedrooms.
- (129) **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 standalone 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.
- (130) **Library Use** means a building which may contain literary, musical, artistic, or reference materials for the purposes of study, reference, or recreation, and does not include the retailing of such materials.
- (131) **Licensed Professional Planner** means a professional and full member in good standing with the Licensed Professional Planners' Association of Nova Scotia.
- (132) **Light Manufacturing Use** means the processing, fabrication, assembly, treatment, and packaging of products from previously prepared materials, finished products or parts, but does not include the processing of animals.
- (133) **Local Commercial Use** means a commercial premise that:
- (a) offers goods or products for sale or rent, including food prepared on or off site, but excludes a restaurant use; or
 - (b) offers personal services.
- (134) **Local Drinking Establishment Use** means a drinking establishment use with a customer service area not exceeding 65 square metres.
- (135) **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*.

(136) **Lot Coverage** means the percentage of a lot that is covered by roofed structures that are at least 0.6 metres high, including any area over which a roofed structure projects, but excluding up to 0.6 metres of projecting roof eaves.

(137) **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).

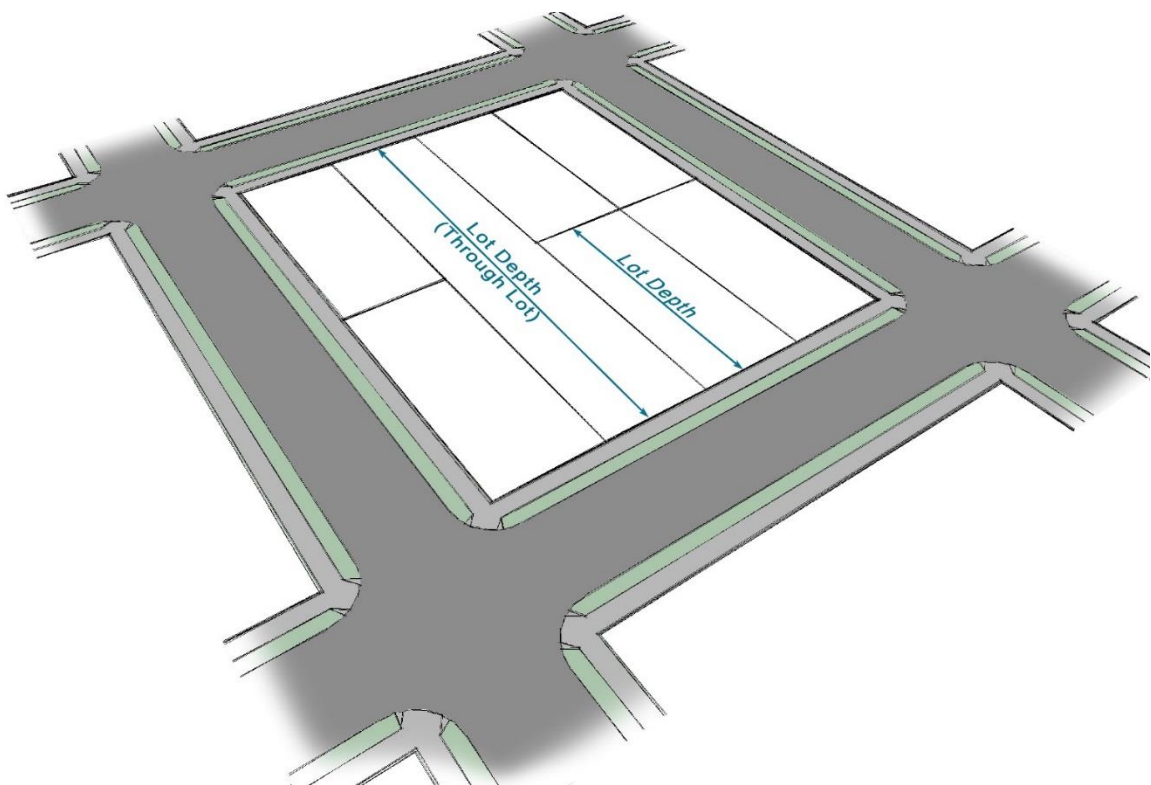


Diagram 25: Lot depth, per Subsection 360(137)

(138) **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).

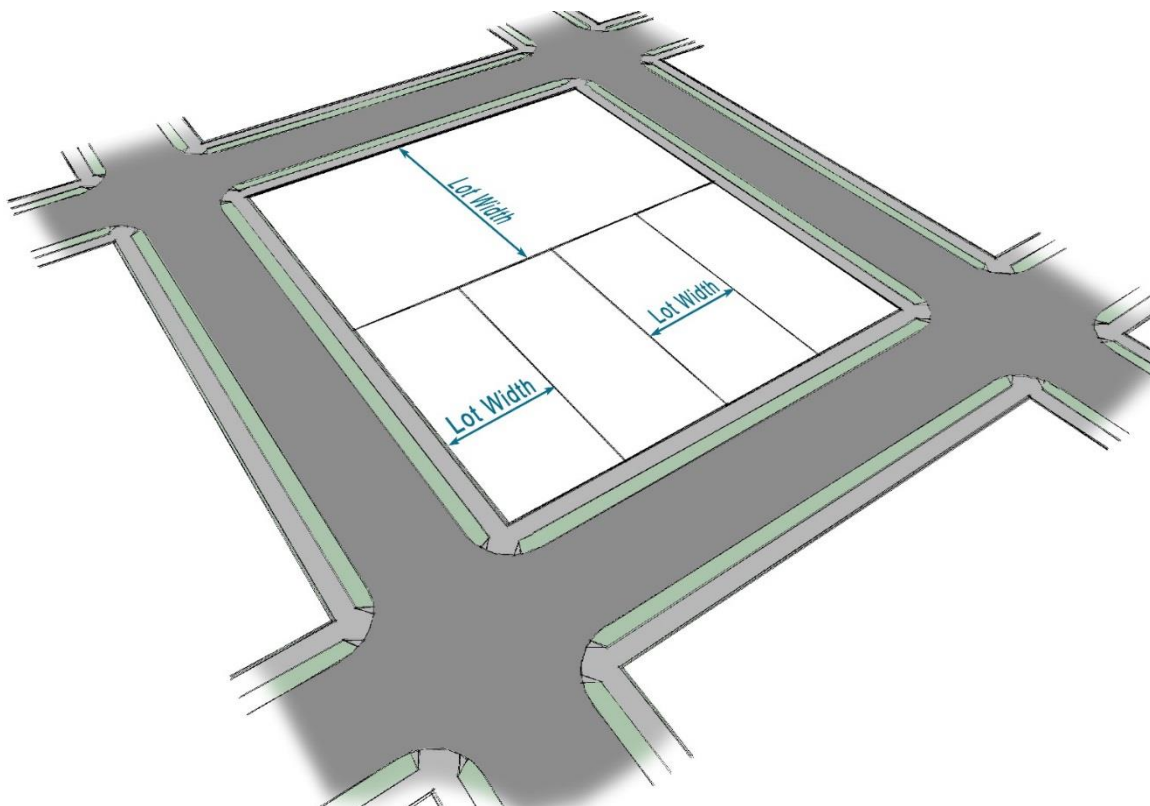


Diagram 26: Lot width, per Subsection 338(138)

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

- (146) **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 standalone 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.
- (147) **Menu-Box Sign** means a sign or sign box that displays or contains a restaurant menu.
- (148) **Mezzanine Space** means an intermediate floor between the floor and ceiling of any room or storey and includes an interior balcony.
- (149) **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.
- (150) **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.
- (151) **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.
- (152) **Mid-Block At-Grade Private Open Space** means open space generally located at the centre of a city block bounded by one or more buildings.
- (153) **Mid-Rise Building** means a building that is greater than 11 metres high but not higher than 20 metres.
- (154) **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.

- (155) **Minor Spectator Venue Use** means an indoor premise 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, club recreations use, commercial recreation use, and community recreation use.
- (156) **Mobile Home Use** means a prefabricated detached dwelling designed for transportation on its own chassis and wheels to a site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking or assembly operations) and CSA certified. A mobile home shall be considered to be a mobile home whether or not the chassis or wheels are removed. This definition excludes the modular type of prefabricated dwelling where separate units are joined together side by side to form the complete dwelling unit.
- (157) **Model Suite Use** means a premise used to display a sample dwelling unit that is available for sale or rental in a residential development approved by the Municipality and may incorporate sales or rental offices.
- (158) **Monument Use** means a place or structure that commemorates an event, individual, or group.
- (159) **Multi-Unit Dwelling Use** means a building containing five or more dwelling units.
- (160) **Nacelle** means the frame and housing at the top of the wind turbine tower that encloses the gearbox and generator.
- (161) **Neighbourhood Sign** means a sign that identifies a neighbourhood or district.
- (162) **New Development in a Heritage Context** means the construction of any addition to a registered heritage building or a building within a heritage conservation district, any new construction on a registered heritage property or on a property within a heritage conservation district, or any new construction or addition on a property abutting a registered heritage property or a heritage conservation district.
- (163) **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.
- (164) **Nude** means the showing of human genitals, pubic areas, or buttocks with less than a full opaque covering.
- (165) **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.
- (166) **Off-Street Loading Space** means an area, located on the lot, that is designed for loading and unloading goods from motor vehicles.
- (167) **Office Use** means a premise 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.
- (168) **Ordinary High Water Mark** means as defined in the Nova Scotia *Land Surveyors Act*.
- (169) **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.
- (170) **Parapet** means the portion of a wall which extends above the roof edge and does not contain any floor area.

- (171) **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 uses. A park use may include land and buildings for uses that are accessory to the park use or uses associated with government or not-for-profit organizations.
- (172) **Parking Lot** means a surface parking area, not contained within a structure, for five or more motor vehicles.
- (173) **Parking Structure** means an attached or detached structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling use.
- (174) **Patio** means an uncovered flat surfaced area, within 0.6 metres of the finished grade.
- (175) **Pawn Shop Use** means a premise where a person may give, pledge, or deposit goods as security in return for a payment or loan, excluding financial institution uses.
- (176) **Pedestrian Connection** means a continuous, unobstructed, direct route between two streets, two public spaces, or a public space and a private open space, as shown on Diagram 27. This could be in the form of walkways, accessways, stairways, and pedestrian bridges, however walkways from a street to a building entrance and portals are not included.

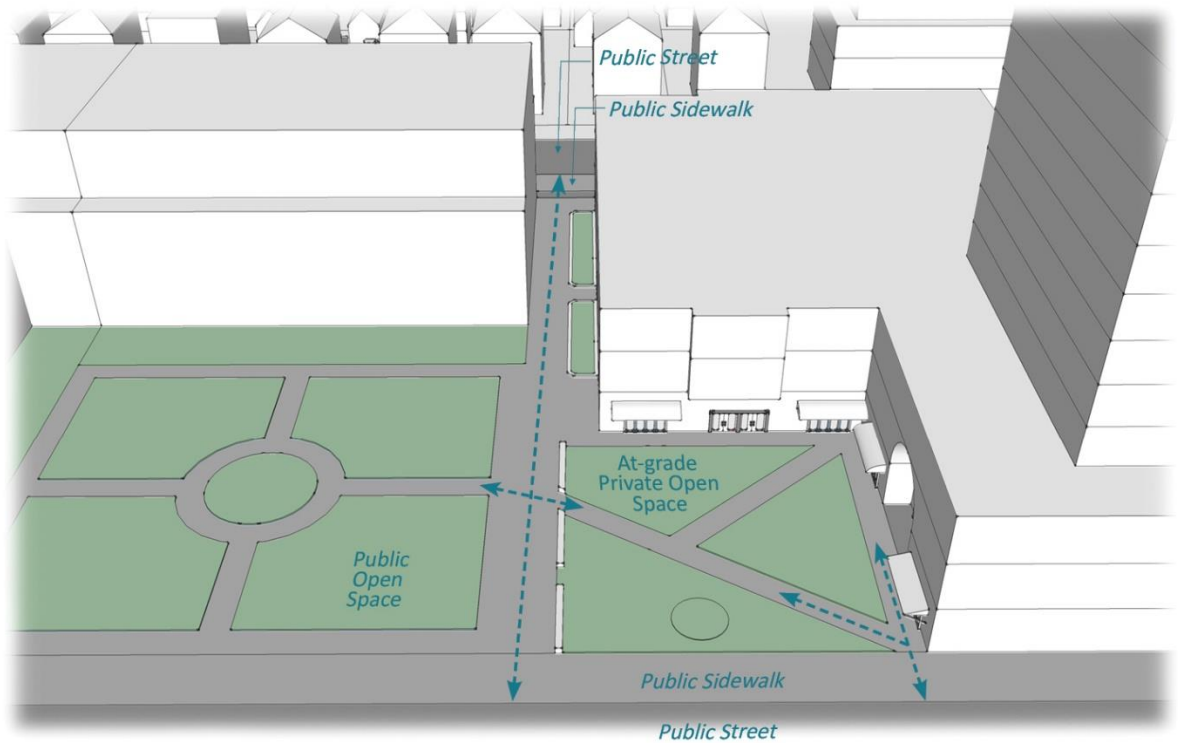


Diagram 27: Appropriate pedestrian connections, as per Subsections 338(176)

- (177) **Pedway** means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic.
- (178) **Penthouse** means an enclosed rooftop space used for mechanical or shared amenity space purposes.
- (179) **Pet Daycare Use** means a premise where the daytime boarding and care of pets occurs, excluding overnight boarding and a kennel use.
- (180) **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, kennel uses, pet daycare uses, and crematorium uses are not considered a personal service use.
- (181) **Playground** means a landscaped area that includes dedicated play equipment such as swings, slides, sandboxes, and jungle gyms.

- (182) **Podium** means the lower levels of a building that form a pedestal that supports upper levels.
- (183) **Portal** means an at-grade opening in a streetwall that provides a passage through the building to an unenclosed portion of the lot. A portal may be used for vehicular or pedestrian access but is not a recessed pedestrian entrance or a pedestrian connection.
- (184) **Portico** means an open space lined with columns, and covered by a roof, serving as a porch or transition space before the entrance to a building.
- (185) **Premise** means a structure or portions of a structure occupied by a use.
- (186) **Processing of Urban Agricultural Products** means activities associated with the chopping, packaging, pickling, or preserving of urban agricultural products.
- (187) **Professional Artist** means an artist who:
- (a) has proven, specialized training in an artistic field;
 - (b) is recognized as a professional by his or her peers who are working in the same artistic tradition; and
 - (c) has a history of public presentation or publication.
- (188) **Professional Engineer** means an individual licensed by, and in good standing with, the Association of Professional Engineers of Nova Scotia.
- (189) **Projecting Sign** means a sign that (Diagram 30):
- (a) projects horizontally from a supporting wall; or
 - (b) is attached to the underside of a building or canopy.
- (190) **Public Art** means a permanent work of art planned and executed by a professional artist in any medium, material, media, or combination thereof, but excluding any corporate insignia.
- (191) **Public Building Use** means any municipal, provincial, or federal government-owned building and includes any building owned by a corporation, board, commission, or other authority of the municipality, provincial government, or federal government.
- (192) **Quick Charging Station Use** means infrastructure used for the rapid charging of electrical vehicles.

- (193) **Quonset Hut** means a building with a wall that is not vertical, where the roof meets the foundation (Diagram 28).

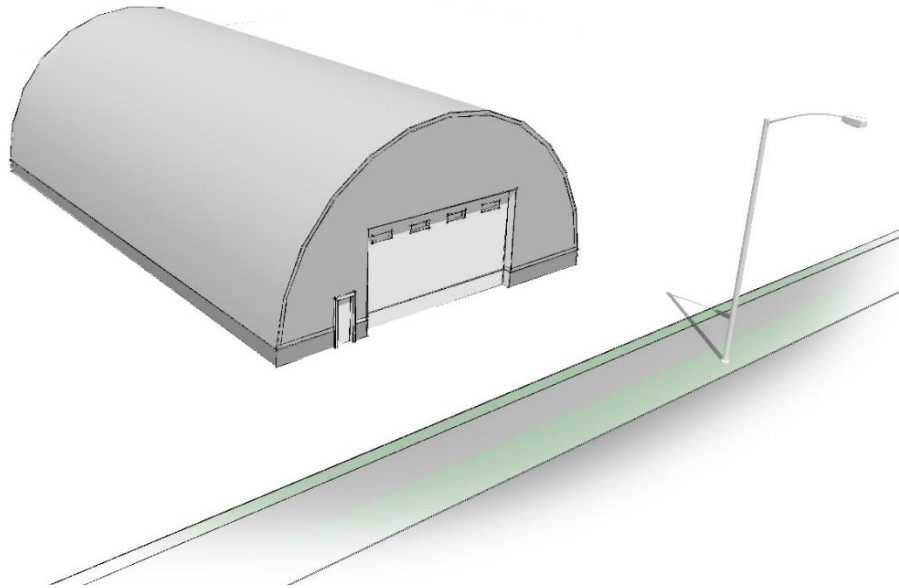


Diagram 28: Quonset Hut, per Subsection 338(193)

- (194) **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.
- (195) **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, as shown on Diagrams 35 and 36.
- (196) **Recessed Pedestrian Entrance** means a doorway that is recessed from the ground floor portion of the streetwall but is not a portal.
- (197) **Recreational Vehicle** means a vehicle designed as mobile accommodation and used as transportation for personal and recreational purposes without compensation and includes trailers, such as a cabin trailer, a collapsible cabin trailer, a tent trailer, and a camping trailer.
- (198) **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.
- (199) **Registered Canadian Charitable Organization** means a charitable organization registered pursuant to the *Income Tax Act (Canada)* and the regulations made pursuant to that Act.

- (200) **Registered Heritage Building** means a building on a registered heritage property pursuant to the *Heritage Property Act*.
- (201) **Registered Heritage Property** means an area of land that is a registered heritage property pursuant to the *Heritage Property Act*.
- (202) **Religious Institution Use** means a place of worship or of religious gathering, including accessory uses that are on-site, such as a rectory, convent, private school, meeting hall, offices for administration of the institution, or daycare use.
- (203) **Residential Use** means any use listed under the “**RESIDENTIAL**” heading in Table 1.
- (204) **Restaurant Use** means a premise whose primary purpose is to prepare, serve, and sell food and non-alcoholic beverages for consumption on or off the premise. Restaurants may be licensed to serve alcoholic beverages, but this shall be incidental to the primary business. Restaurants do not include a catering use.
- (205) **Retail Use** means a premise 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.
- (206) **Research Facility** means a building used for research and development, which may include laboratories and does not involve manufacturing or processing of products for the purpose of retailing or wholesaling.
- (207) **Roof Edge** means the outermost edge of a roof.
- (208) **Rooftop Greenhouse** means a greenhouse located on a roof of a main structure.
- (209) **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.
- (210) **School Use** means a public or private institution of learning for grades pre-primary to twelve.
- (211) **Secondary Suite Use** means a self-contained subordinate dwelling unit within a main dwelling unit.
- (212) **Self-Storage Facility Use** means a building or group of buildings containing individually rented storage units.

- (213) **Semi-Detached Dwelling Use** means two dwelling units where each is located on an individual lot but joined along a single lot line.
- (214) **Service Access** means an exterior entrance to a building that accesses utilities, off-street loading spaces, garbage collection areas, or storage areas.
- (215) **Service Station Use** means a premise used primarily for the retailing of motor vehicle fuels, lubricants, and motor vehicle accessories, and may also include accessory car wash uses.
- (216) **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.
- (217) **Setback** means a required distance to a lot line or a transportation reserve boundary from an exterior wall of a building or a use, at, above, or below grade (Diagram 29).

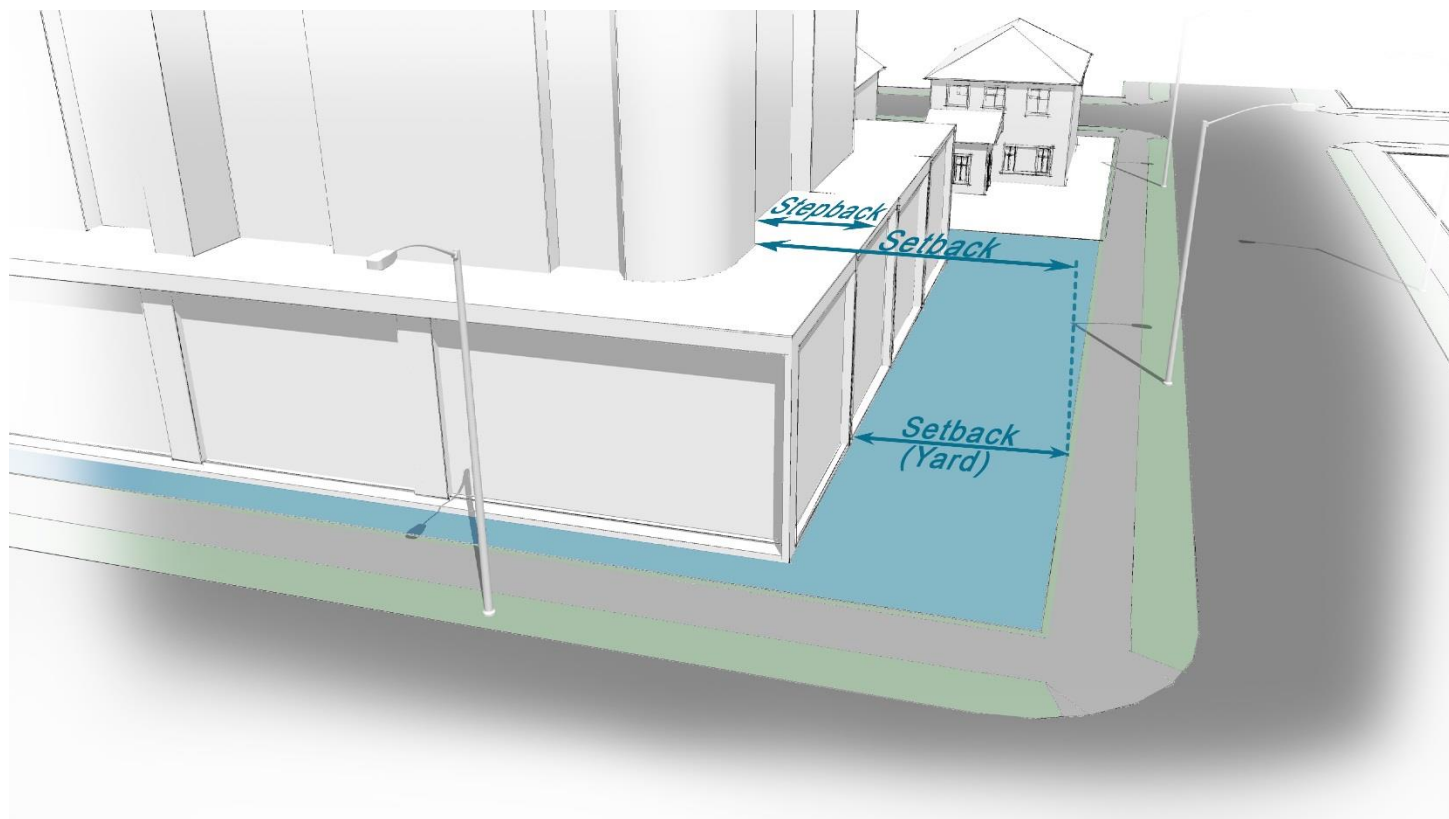


Diagram 29: Setback and stepback as per subsections 338(217) and 338(233)

- (218) **Shared Housing Use** means a dwelling unit that contains 4 or more bedrooms that:
- (a) are rented for remuneration as separate units for residential accommodation;
 - (b) provide medical care for the occupants of the dwelling unit, such as nursing care;
 - (c) are licensed under the *Homes for Special Care Act*; or
 - (d) are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the dwelling unit.

A shared housing use does not include: a multi-unit dwelling use, a hotel use, a bed and breakfast use, or any other tourist accommodation as defined under the *Tourist Accommodation Registration Act*.

- (219) **Shipping Container** means a container originally designed for the use of storing and transporting cargo via ship, rail, air, or truck.
- (220) **Shrub** means a woody plant that has several main stems arising at or near the ground.
- (221) **Side Lot Line** means a lot line that is not a front, flanking, or rear lot line.
- (222) **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 (Diagrams 35 and 36).
- (223) **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.

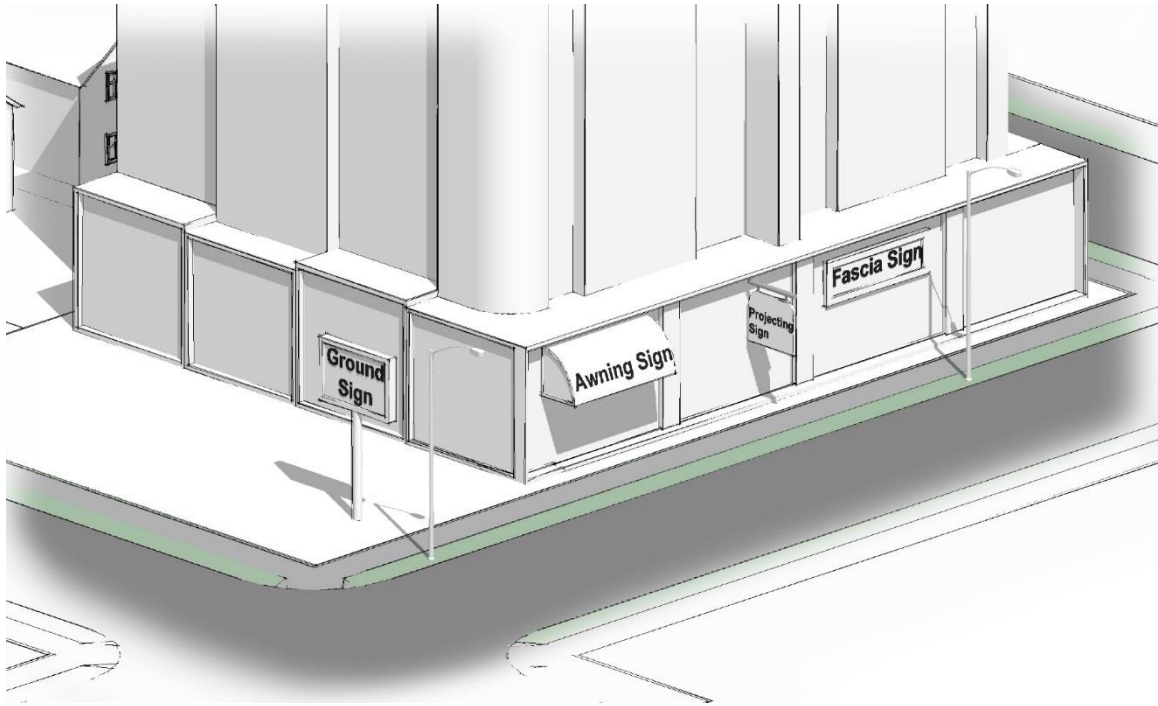


Diagram 30: Awning Signs, Fascia Signs, Ground Signs, and Projecting Signs, per Subsections 338(25), 338(80), 338(101), and 338(189)

- (224) **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 molding, and excluding the supporting structure.
- (225) **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.
- (226) **Single-Unit Dwelling Use** means a detached building containing one dwelling unit.
- (227) **Small Shared Housing Use** means a shared housing use that contains no less than 4 bedrooms and no more than 10 bedrooms.
- (228) **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.
- (229) **Soft Landscaping** means covered by soft or water-permeable material and vegetation such as trees, hedges, shrubs, flowers, grass, mulch, fruit and

vegetable plants, sod, or another vegetative groundcover. A water feature is considered soft landscaping.

- (230) **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.
- (231) **Solid Waste Management Area** means an area of a building or a lot used for the separation and storage of waste streams.
- (232) **Spire** means a steep vertical pointed structure.
- (233) **Stepback** means a horizontal recess that breaks the vertical plane of an exterior wall on a main building (Diagram 29).
- (234) **Storage Yard Use** means the storage and maintenance of equipment, merchandise, inventory, products, and materials outside a building that are not available for immediate sale, excluding dealership uses and salvage uses.
- (235) **Storey** means a portion of building between a floor and another floor, or a floor and a 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.
- (236) **Street** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith.
- (237) **Streetline** means any lot line dividing a lot from a street or private road.
- (238) **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 31).

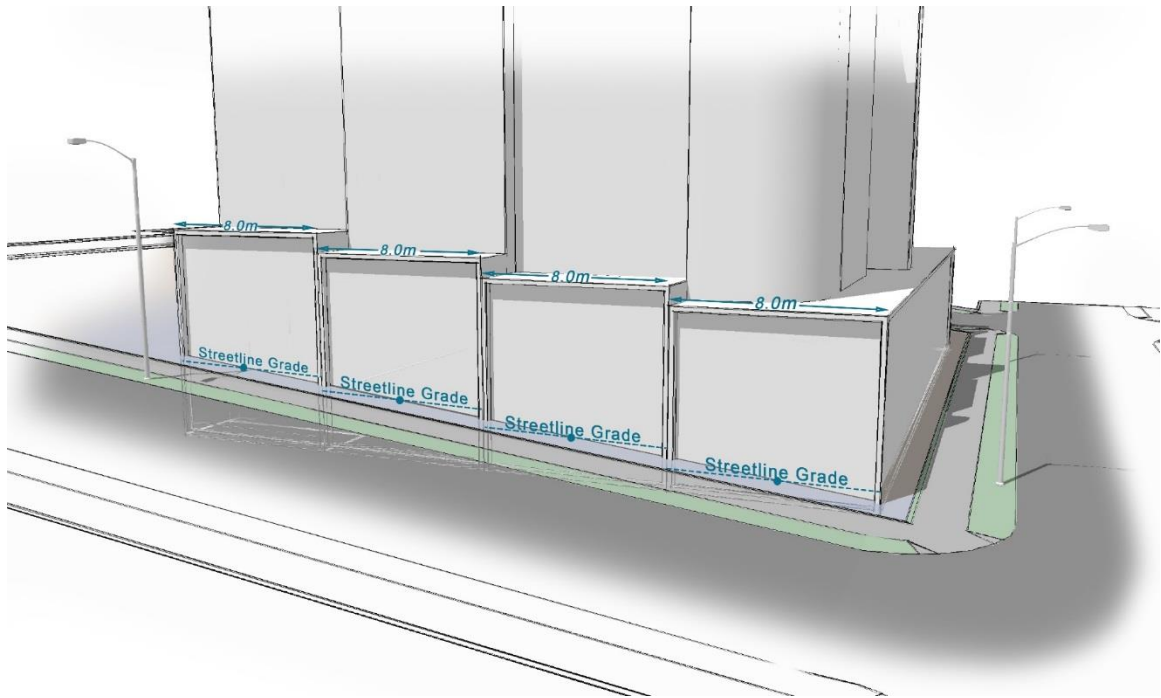


Diagram 31: Streetline grade, per Subsection 338(238)

- (239) **Streetwall** means the wall of a building or portion of a wall of a building facing a streetline or a waterfront view corridor below the height of a specified stepback. Where no specified stepback is required, the streetwall is the wall facing the streetline or the waterfront view corridor.
- (240) **Streetwall Height** means the vertical distance between:
- (a) the streetline grade and the top of the streetwall, extending across the width of the streetwall (Diagram 32);
 - (b) in the presence of a municipal or provincial transportation or utility easement that abuts the streetline and extends the full lot width, the grade at the edge of the easement that is located furthest from the streetline and the top of the streetwall, extending across the width of the streetwall; or
 - (c) the grade along the edge of the waterfront view corridor and the top of the streetwall, extending across the width of the streetwall (Diagram 32).

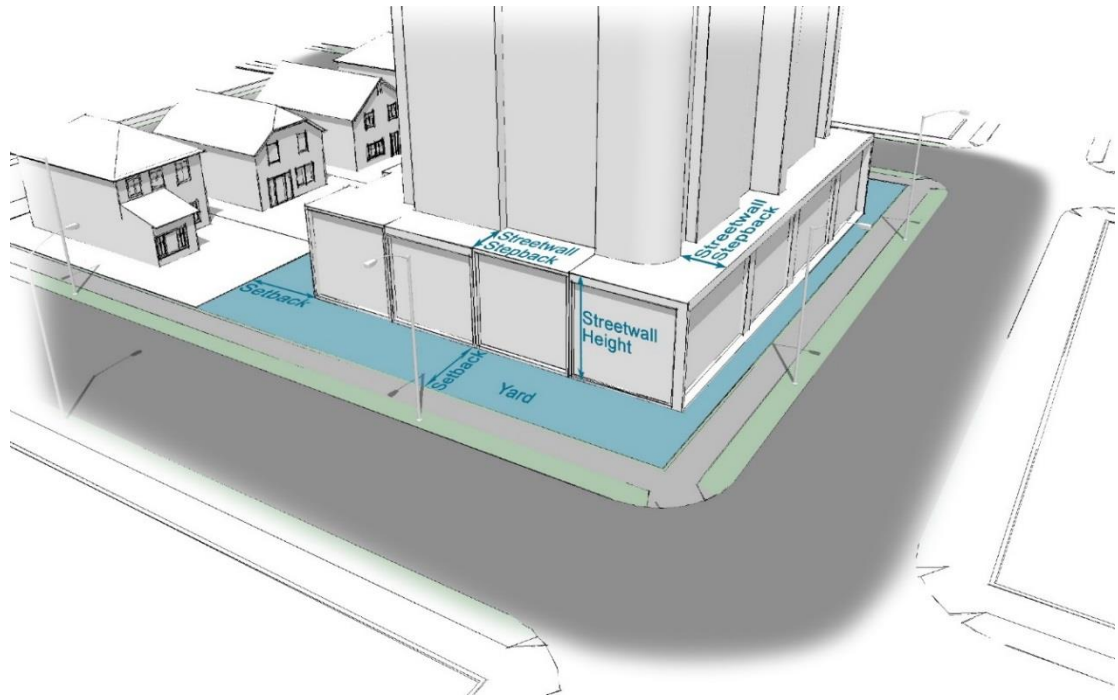


Diagram 32: Streetwall height and streetwall stepback per Subsections 338(240), and 338(241)

- (241) **Streetwall Stepback** means the required setback of a building above a streetwall, measured from the face of the streetwall (Diagram 32).
- (242) **Structure** means everything that is erected, built, or constructed of parts joined together, and includes a building.
- (243) **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.
- (244) **Surveyor** means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.
- (245) **Tall Mid-Rise Building** means a building that is greater than 20.0 metres high but not higher than 26.0 metres.
- (246) **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 home uses;
- (e) sales or rental offices;
- (f) tool or maintenance sheds; or
- (g) shipping containers that serve as one of the foregoing.

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

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

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

(249) **Through Lot** means a lot with frontage on two or more streets, where frontages are not contiguous (Diagram 33).

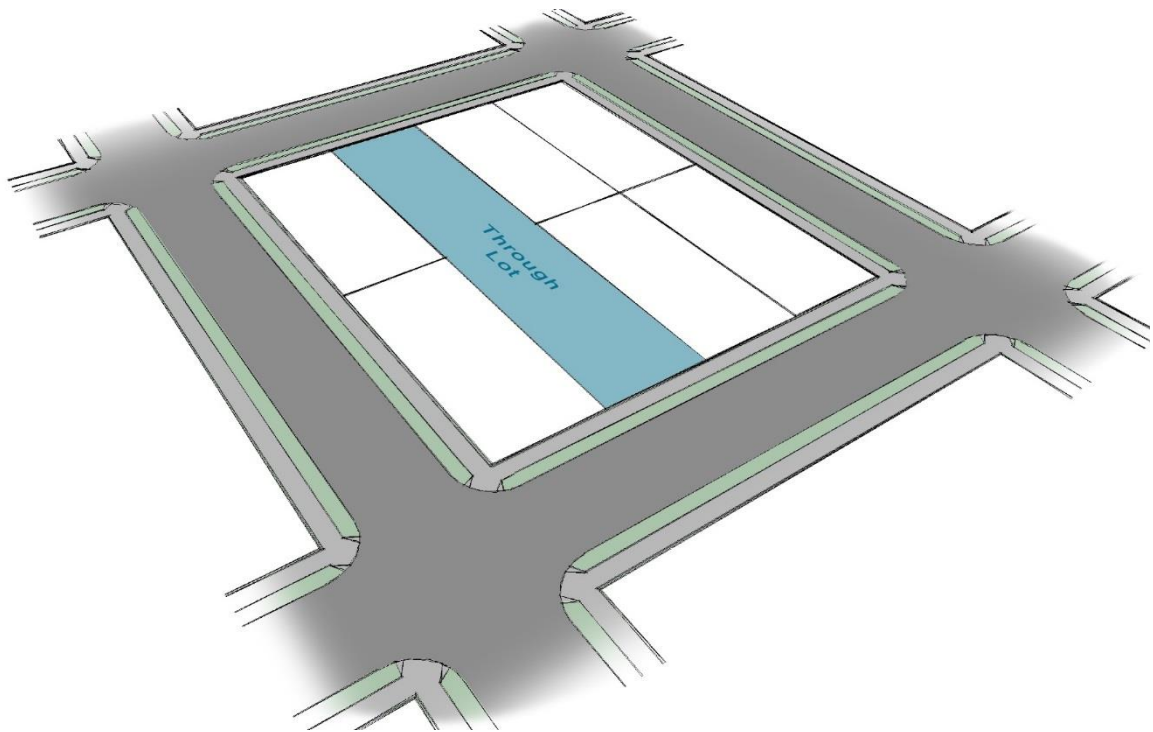


Diagram 33: Through Lot, per Subsection 338(249)

- (250) **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.
- (251) **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 34).

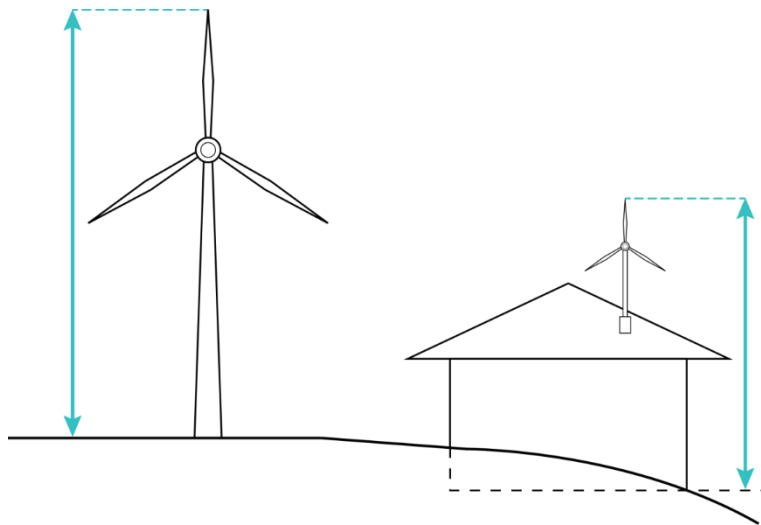


Diagram 34: Tower height, per Subsection 338(251)

- (252) **Tower Portion** means the portion of a high-rise building that is above the streetwall and exceeds a height of 26 metres from average grade. Within the Downtown Halifax (DH) Special Area, as shown on Schedule 4B, the tower portion shall be the portion of a high-rise building that is above a streetwall and exceeds a height of 33.5 metres from the average grade.
- (253) **Townhouse Block** means a specified number of abutting townhouses permitted to form a group of townhouses, constructed in a row, under this By-law.
- (254) **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 pedestrian entrance.
- (255) **Transportation Facility Use** means public or private transit facilities, bus stations, and train stations, excluding storage yards and maintenance facilities.
- (256) **Turret** means a small projecting tower at the corner of a building, or above the roof of a larger tower, which is either circular or octagonal in plan view.
- (257) **Two-Unit Dwelling Use** means a building containing two dwelling units on the same lot.
- (258) **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.

- (259) **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.
- (260) **Urban Farm Use** means an urban agriculture use, including a community garden, undertaken by a property owner, a community organization, or a commercial operator.
- (261) **Use** means:
- (a) the purpose for which a premise 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.
- (262) **Used Building Material Retail Outlet** means a building or part of a building where construction and demolition (C&D) materials are sorted and available for resale inside the building, with incidental and minimal alteration of the materials.
- (263) **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.
- (264) **Variance** means as regulated via Sections 250 to 252 of the *Charter*.
- (265) **Variation of Requirements** means the provisions of this By-law that may be varied by site plan approval.
- (266) **Veterinary Facility Use** means an indoor premise designed or used for the care, observation, and treatment of ill or injured animals.
- (267) **View Line** means the view from the centre of a street that is perpendicular to a view terminus site.
- (268) **View Plane** means a view which remains unobstructed by structures and is cast in a perspective projection that is tied to a geographic location.

- (269) **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.
- (270) **Water Access Structure Use** means any structure connected to the shore that provides berthing for water-based vessels, including a dock and wharf.
- (271) **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.
- (272) **Watercourse** means a lake, river, stream, ocean, or other natural body of water.
- (273) **Wholesale Food Production Use** means a premise 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 a catering use and the slaughtering of animals.
- (274) **Wholesale Use** means a premise where merchandise is sold or distributed to retailers, industrial, commercial, or institutional users, or other wholesalers.
- (275) **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.
- (276) **Wind Turbine** means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- (277) **Work-Live Unit Use** means a commercial use permitted in a dwelling unit but does not include a home occupation use or a home office use.
- (278) **Workshop Use** means indoor workspaces where equipment may be used or borrowed for the purposes of designing, repairing, prototyping, and constructing objects and products.
- (279) **Yard** means an open area, at ground level, that is uncovered by any main building except those structural and building features permitted in Section 96.

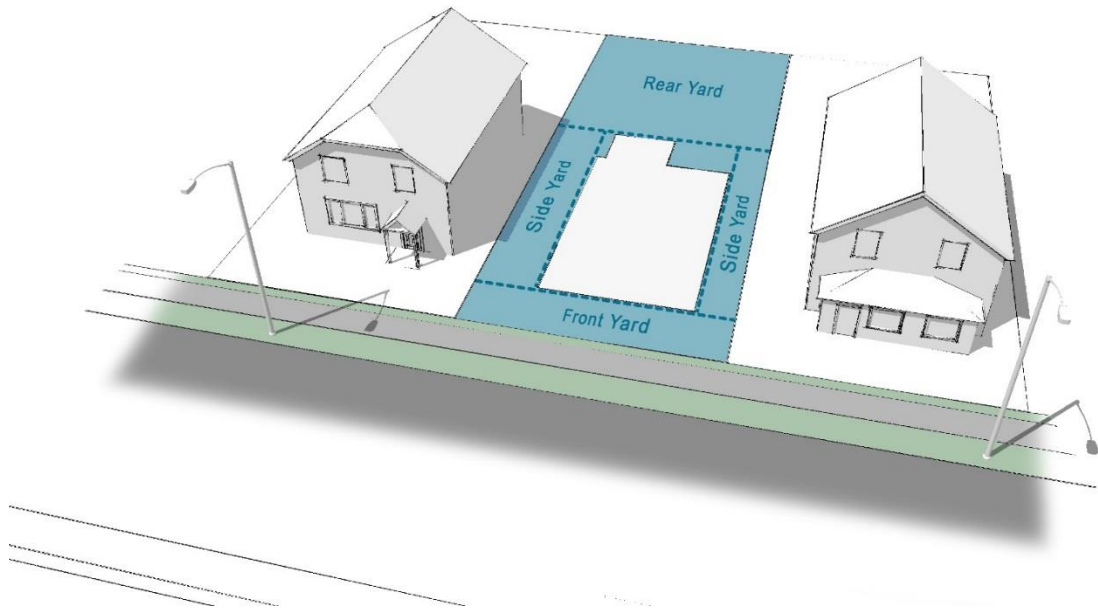


Diagram 35: Front, side, and rear yards, per Subsections 338(91), 338(195), and 338(222)

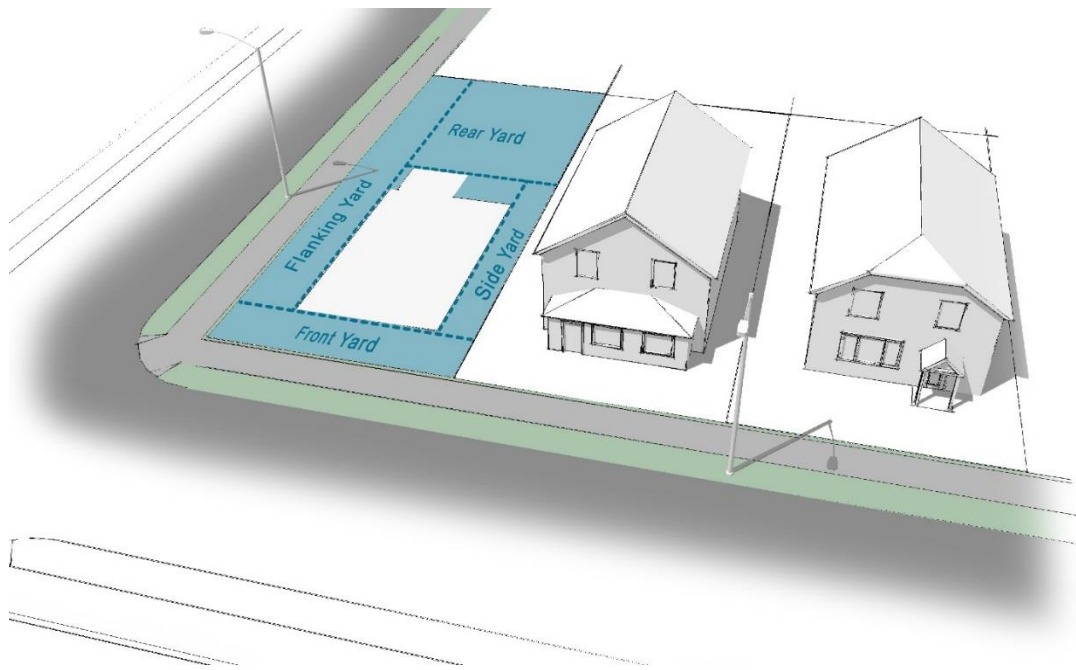


Diagram 36: Front yard, flanking yard, side yard, and rear yard, as per Subsection 338(84), 338(91), 338(195), and 338(222).

(280) **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).

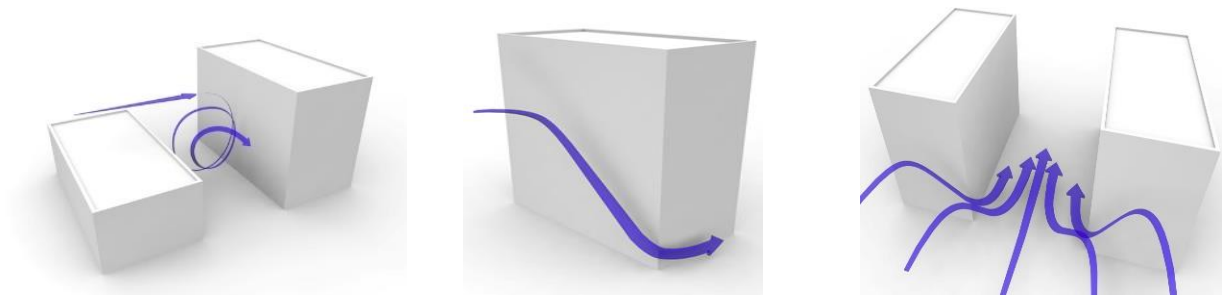


Diagram A1-1: Typical wind flow patterns around buildings

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 restaurant uses, 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.

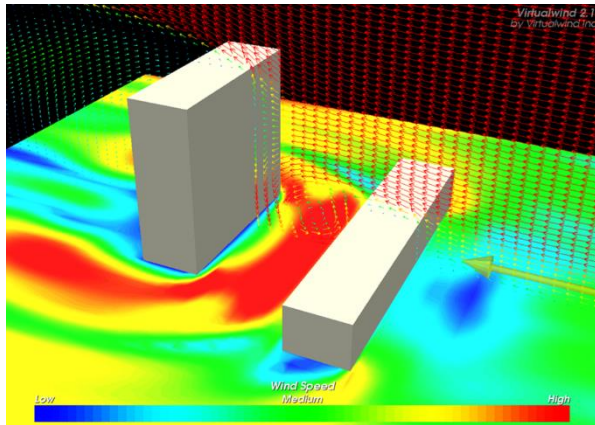


Diagram A1-2a: An example of computer simulation (CFD) of wind flows around buildings



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.

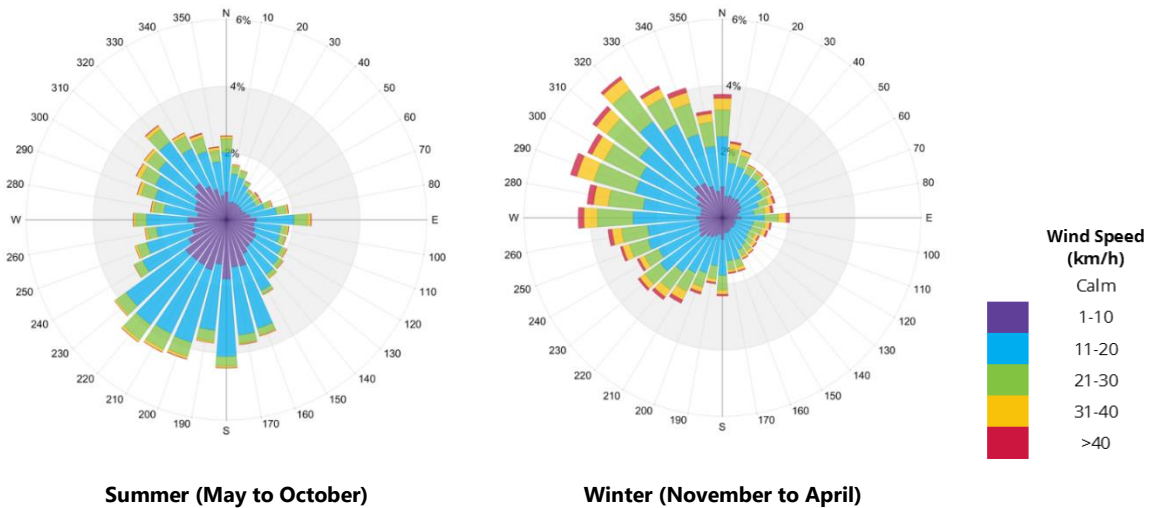


Diagram A1-3: Seasonal distribution of winds approaching Shearwater Airport (1988–2017)

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 restaurant uses, seating areas, and other amenities
Standing	< 14 km/h	Gentle breezes suitable for main building entrances and bus stops where pedestrians may linger
Strolling	< 17 km/h	Moderate winds appropriate for window shopping and strolling along a downtown street, or park
Walking	< 20 km/h	Relatively high speeds that can be tolerated if one's objective is to walk, run, or cycle without lingering
Uncomfortable	≥ 20 km/h	Strong winds unacceptable for all pedestrian activities; wind mitigation is typically required
<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 night time 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.

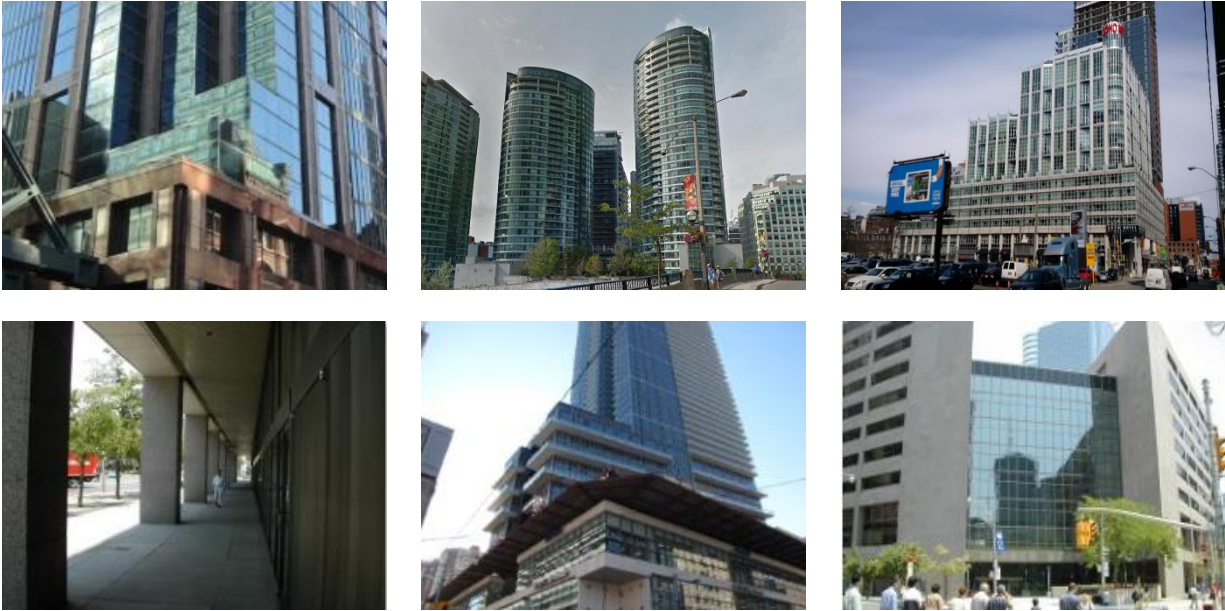


Diagram A1-4: Examples of large-scale wind control features

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.

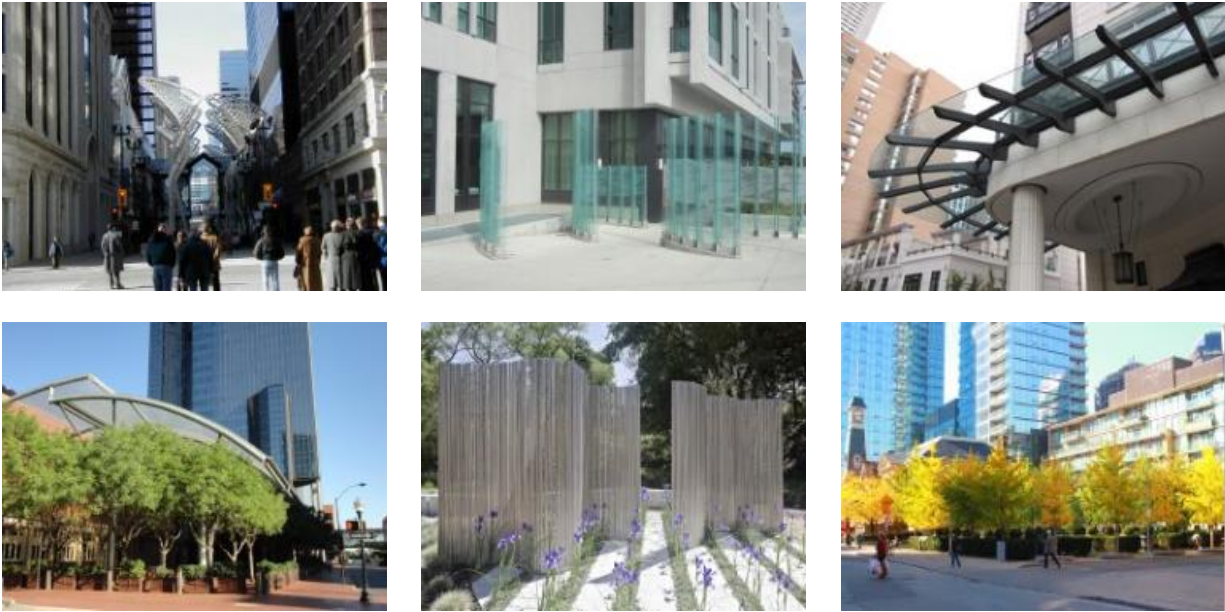


Diagram A1-5: Examples of smaller-scale building elements and landscaping features for wind control.

Peer Review of Pedestrian Wind Impact Assessment

The Municipality reserves the right to verify that the pedestrian wind impact assessment complies with this Appendix through a peer review conducted by an external organization at the applicant’s expense.

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 areas identified on Schedule 37 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 certified and stamped by a professional engineer, architect, landscape architect, licensed professional planner, 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 37 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:

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

Effective Building Height = the difference between a specific point on the building and the corresponding elevation where the shadow falls.

- 6 The Development Officer may request shadow diagrams, elevations, and views additional to those required under Sections 8 and 9 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 time 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) include shadow coverage outlines and associated ground elevations at the end of the shadow coverage outlines for the key building features identified Clause 9(e) of this Appendix. The shadow coverage outlines shall be based on test times found in Table A2-1, illustrating where a development's proposed building envelope shadow enters and exits any area on Schedule 37 of the Regional Centre Land Use By-Law, between the hours of 8:00 am and 6:00pm;

- (e) include a separate roof plan that shows elevations of the critical features proposed for the building envelope top and outermost points, including any podiums, towers, and other articulations due to stepbacks above grade (Diagram A2-1). This includes elevations of critical features such as, for parapets, solid guard and railing systems, penthouses, elevator enclosures and associated screening, and staircase enclosures;
- (f) include shadow hatching (Diagram A2-1) on those portions of any area identified on Schedule 37 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 37 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 the name, professional designation, and contact information for the individual who prepared the shadow study; and
- (b) 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.

11 The Municipality reserves the right to verify that the shadow study complies with this Appendix through in-house analysis, or through a peer review conducted by an external organization at the applicant's expense.

Diagram A2-1 (Shadow Length):

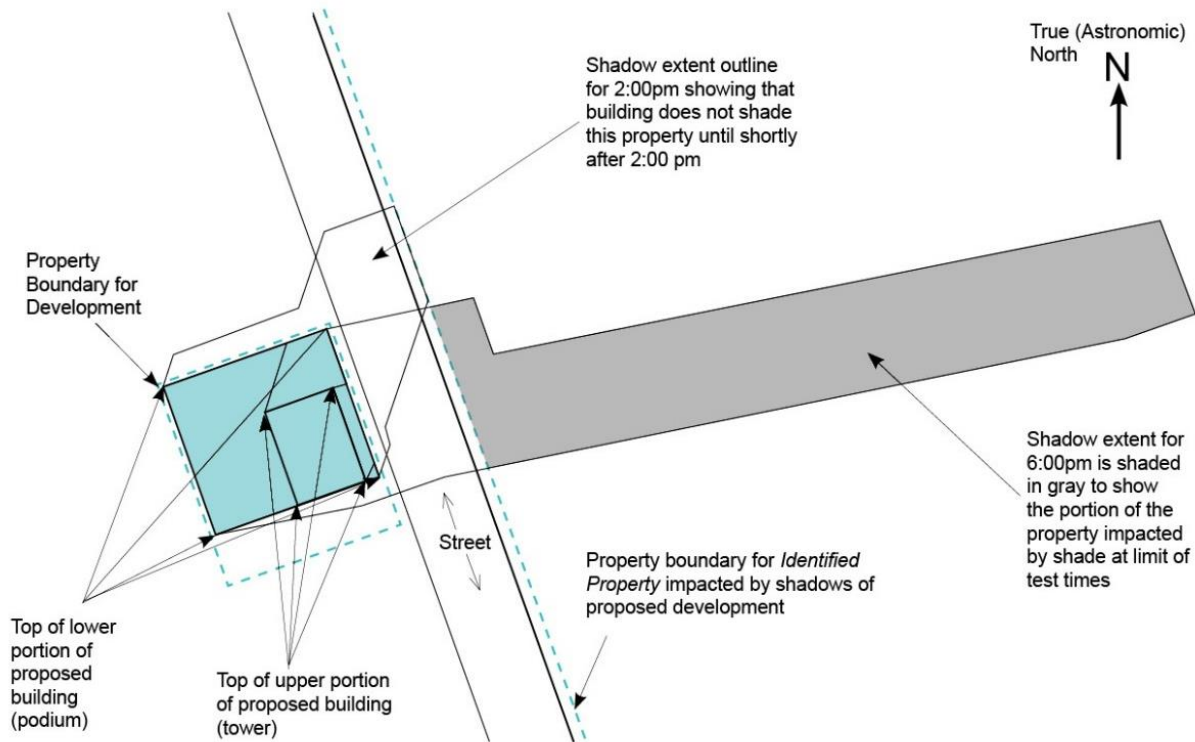


Diagram A2-2 (Shadow Direction):

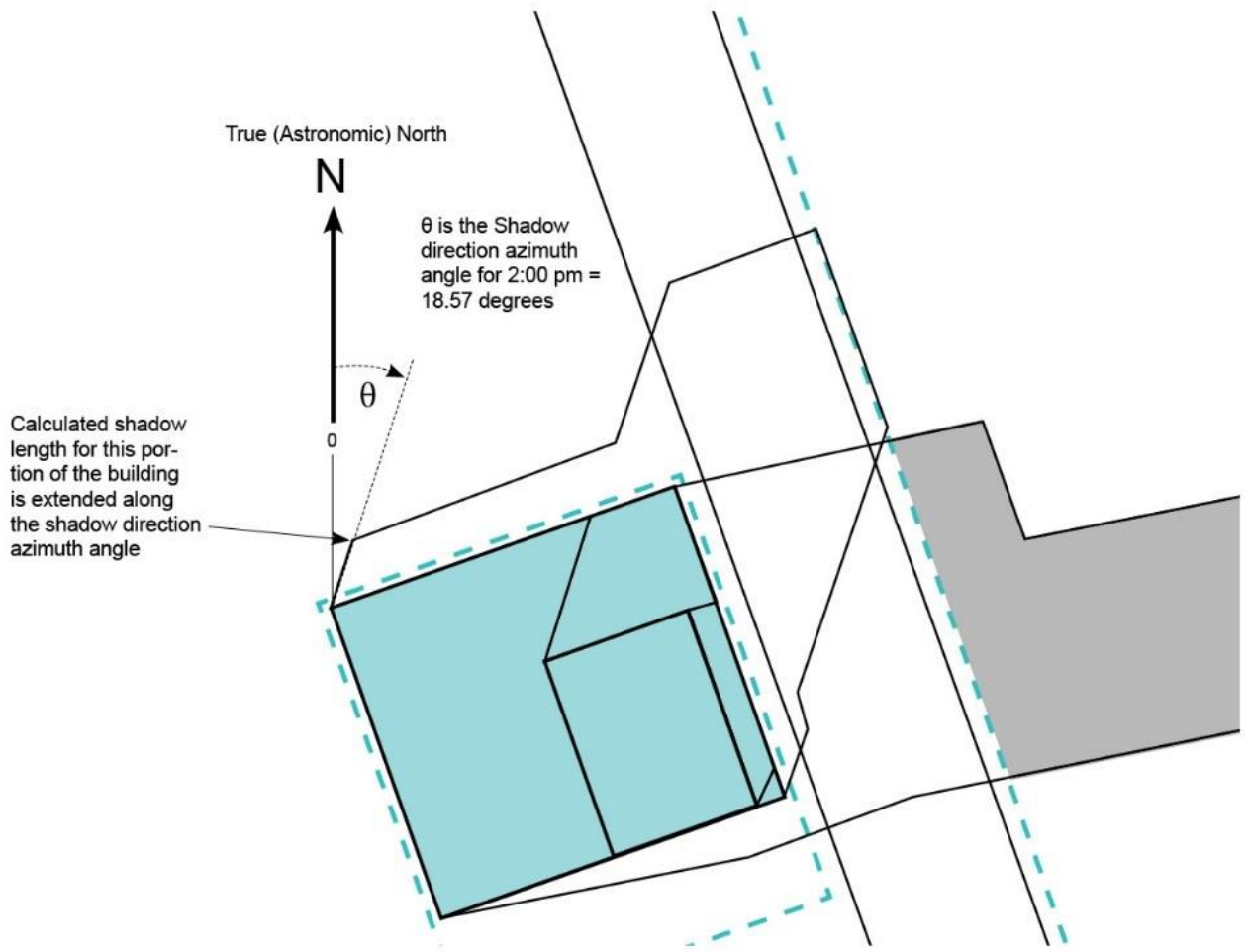


Table A2-1

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 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: Incentive or Bonus Zoning Rate Adjustment Methodology

Step 1 The percentage change in the *Halifax All-Items Consumer Price Index* (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 20 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 20 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 20 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.

Appendix 4: Invasive Plant Species

The following plant materials are considered invasive species under this By-law:

Number	Common Name	Latin Nomenclature (Genus, Species)
1	Coltsfoot	<i>Tussilago farfara</i>
2	Common Burdock	<i>Arctium minus</i>
3	Giant Hogweed	<i>Heracleum mantegazzianum</i>
4	Goutweed	<i>Aegopodium podagraria</i>
5	Himalayan Balsam (aka Policeman's Helmet)	<i>Impatiens glandulifera</i>
6	Japanese Knotweed	<i>Polygonum cuspidatum</i>
7	Multiflora Rose (aka Rambler Rose)	<i>Rosa multiflora</i>
8	Purple Loosestrife	<i>Lythrum salicaria</i>
9	Scotch Broom	<i>Cytisus scoparius</i>
10	Wild Parsnip	<i>Pastinaca sativa</i>
11	Yellow Floating Heart	<i>Nymphoides peltatum</i>
12	Japanese Barberry	<i>Barberis thunbergii</i>
13	Garlic Mustard	<i>Alliaria petiolata</i>
14	Glossy Buckthorn	<i>Frangula alnus</i>
15	Oriental Bittersweet	<i>Celastrus orbiculatus</i>
16	Common Horsetail	<i>Equisetum arvense</i>
17	Marsh Horsetail	<i>Equisetum palustre</i>

SCHEDULES