

**As amended by Halifax Regional Council on June 10, 2025**

**ATTACHMENT E - PROPOSED AMENDMENTS TO LAND USE BY-LAWS**

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## Attachment E-1

### Proposed Amendments to the Land Use Bylaw for Beaver Bank, Hammonds Plains and Upper Sackville

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville Plan Area is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.11B ACCESSORY BEEKEEPING USE” immediately after the text “4.11A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by adding the text “4.18A WETLANDS” immediately after the text “4.18 WATERCOURSES”.
3. Amending the “Table of Contents”, by adding the text “4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.28 LOADING SPACE REQUIREMENTS”.
4. Amending the “Table of Contents”, by adding the text “4.31A COMMERCIAL SOLAR ENERGY FACILITIES” and immediately after the deleted text “4.31 SCHEDULE G – WETLANDS”.
5. Amending the “Table of Contents” by adding the text “4.37 RESIDENTIAL PRODUCE SALE” and “4.38 FARMERS’ MARKET” after 4.35 SHORT-TERM RENTALS.
6. Amending the “Table of Contents” by adding the text “SCHEDULE K: LANDS SUBJECT TO PROVISION 7B.3 (PID 00468694)” immediately after the text “SCHEDULE J: LANDS SUBJECT TO INTERIM BONUS ZONING REQUIREMENTS”,
7. Amending PART 2, as shown below in **bold**, by adding the definition “2.5A AMENITY SPACE” after Section 2.5.

**2.5A AMENITY SPACE means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

8. Amending Section 2.9 in PART 2, as shown below in **bold**, by adding the text “shipping” after the text “includes any vessel or” and before the text “container used”.

**2.9 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or**

equipment and includes any vessel or **shipping** container used for any of the foregoing purposes.

9. Amending PART 2, as shown below in **bold**, by adding the definition “2.11A COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.11.

**2.11A COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use**

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.20A ELECTRIC VEHICLE”, “2.20B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.20C ENERGIZED OUTLET” after Section 2.20.

**2.20A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.20B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.20C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.25B FARMERS’ MARKET” after Section 2.25A.

**2.25B FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.29A GREENHOUSE”, after Section 2.29.

**2.29A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

13. Amending Section 2.30 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.32A INDOOR AGRICULTURE” after Section 2.32.

**2.32A INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

15. Amending Section 2.38 in PART 2, as shown below in **bold** and ~~strikeout~~, by:
- Deleting the text “and” and replacing it with the text “or” after the text “in a plan” and before the text “deed”; and
  - Adding the text “approved” after the text “deed” and before the text “pursuant to”.

2.38 LOT means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the effective date of this By-law, or is described in a plan ~~and or~~ deed **approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax.

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.45A MARINE DEPENDENT USE” after Section 2.45.

**2.45A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.72B(a) SHIPPING CONTAINER” after Section 2.72B.

**2.72B(a) SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.**

18. Amending PART 2, as shown below in **bold**, by adding the definition “2.77A WETLAND” after Section 2.77.

**2.77A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land’s surface or that is saturated with water, and sustains aquatic processes**

**as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

19. Amending Section 3.6 in PART 3, as shown below in bold, by adding clause (k) after the text “per year by development agreement” and before Section 3.7.

**(k) Alternative development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policy EN-43 of the Regional Municipal Planning Strategy.**

20. Amending PART 3, as shown below in bold, by adding Section “3.11 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.12 DEVELOPMENT AGREEMENTS FOR SOLAR ENERGY FACILITIES”.

**3.11 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.12 DEVELOPMENT AGREEMENTS FOR SOLAR ENERGY FACILITIES**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

21. Amending PART 4, as shown below in bold, by adding Sections 4.1F and 4.1G after Section 4.1E.

4.1E Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.

**4.1F An accessory beekeeping use is exempt from the requirement to obtain a development permit.**

**4.1G A residential produce sale use is exempt from the requirement to obtain a development permit.**

22. Amending Section 4.5 in PART 4, as shown below in bold and ~~strikeout~~, by:
- Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law” in Clause (a);
  - Deleting the text “vacant” after the text “Bylaw, a” and before the text “lot” in Clause (a);
  - Deleting the text “held in separate ownership from adjoining parcels” and replacing it

- with the text “which was in existence” after the text “lot” and before the text “on the effective date” in Clause (a);
- d. Deleting the text “, depth” after the text “minimum frontage” and before the text “or area” in Clause (a);
  - e. Deleting the text “PART 14” and replacing it with the text “Sections 41 or 42” after the text “pursuant to” and before the text “of the” in Clause (b); and
  - f. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Clause (b).
- (a) Notwithstanding **the lot area and frontage requirements** ~~anything else~~ in this By-law, a ~~vacant lot held in separate ownership from adjoining parcels~~ **which was in existence** on the effective date of this By-law, having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
  - (b) Further to Subsection 4.5(a) above, the Development Officer may issue a development permit for a lot approved pursuant to ~~PART 14~~ **Sections 41 or 42** of the **Regional** Subdivision By-law where an undersized lot has had its boundaries altered.
23. Amending Section 4.6 in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “the reduced frontage or area requirements” and replacing it with the text “Section 40” after the text “pursuant to” and before the text “of the” in Clause (a);
  - b. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Clause (a);
  - c. Deleting the text “Part 14” and replacing it with the text “Section 38” in Clause (b); and
  - d. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Clause (b).
- (a) Any lot created pursuant to ~~the reduced frontage or area requirements~~ **Section 40** of the **Regional** Subdivision By-law may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
  - (b) With the exception of the R-1, P-2, and any commercial or industrial zones, or lots serviced by central sewer and/or water services, the Development Officer may issue a development permit for a lot approved pursuant to ~~Part 14~~ **Section 38** of the **Regional** Subdivision By-law, provided that all other applicable provisions of this By-law are satisfied.
24. Amending PART 4, as shown below in **bold**, by adding Section “4.11B ACCESSORY BEEKEEPING USE” after Section 4.11A.

#### **4.11B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except the Protected Water Supply Zone and the Floodplain Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
  - i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
  - i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line.**

25. Amending Subclause 4.12(a)(v) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the text “a footprint of” after the text “exceed” and before the text “one thousand”; and
  - b. Deleting the text “in gross floor area” after the text “(93 square metres) in” and before the text “or 25”.
- (v) exceed **a footprint of** one thousand (1000) square feet (93 square metres) ~~in gross floor area~~ or 25 feet (7.7 metres) in height in any R-1 (Single Unit Dwelling) Zone or R-2 (Two Unit Dwelling) Zone;
26. Amending Section 4.12(d) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed or”;
  - b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “the maximum” and before the text “requirements”.
- (d) ~~Notwithstanding anything else in this by law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.
27. Amending Section 4.14 in PART 4, as shown below in **bold**, by:
- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “nor a structure”;
  - b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.14 VEHICLE BODIES

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

28. Amending Section 4.17 in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “solar collectors or home satellite dishes.”

#### 4.17 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, solar collectors or home satellite dishes. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

29. Amending PART 4, as shown below in **bold**, by adding Section “4.18A WETLANDS” after Section 4.18A.

#### **4.18A WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Subject to subsections (3) through (6) inclusive, wetlands designated as a Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

##### **USES PERMITTED WITHIN THE WETLAND BUFFER**

**(4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**

- (i) marine dependent uses, fisheries uses, conservation uses;**
- (ii) fences, wharfs, boat ramps;**
- (iii) driveway crossings;**
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;**
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and**
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.**

**(5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:**

- (i) wastewater, storm and water infrastructure, and public water control structures.**

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

30. Amending PART 4, as shown below in **bold**, by adding Section “4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.28.

**4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided :**

- (i) For Single Unit Dwelling or Two Unit Dwelling uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) for Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided,**

capable of supporting a Level 2 charging station that meets the SAE J1772 standard.

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

(a) For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.

31. Amending PART 4, as shown below in **bold**, by adding Section “4.31A COMMERCIAL SOLAR ENERGY FACILITIES” after deleted Section 4.31.

**4.31A COMMERCIAL SOLAR ENERGY FACILITIES**

**The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.**

- (a) **Commercial Solar Energy Facilities shall be permitted in any Mixed Use Zones, Resource Zones, Commercial Zones, and Industrial Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;**
- (b) **For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;**
- (c) **Fencing shall be installed to screen views from abutting properties;**
- (d) **Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;**
- (e) **No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**

**(f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

32. Amending PART 4, as shown below in **bold**, by adding Section “4.37 RESIDENTIAL PRODUCE SALE” and Section “4.38 FARMERS’ MARKET” .

**4.37 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Water Supply Zone and Floodplain Zone, subject to the following provisions:**

- (a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;**
- (b) Any accessory structures devoted to the sale of plants and food products:
  - (i) shall not exceed 5 m2 of footprint; and**
  - (ii) notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard; and****
- (c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.38 FARMERS’ MARKET**

- (a) A farmers’ market use shall be permitted in any Comprehensive Development District Zone, Special Area Zone, Mixed Use One Zone, Mixed Use Two Zone, General Use Zone, Resource Zones, Commercial Zones, Industrial Zones and Community Facility Zone, provided all other land use by-law requirements are satisfied.**
- (b) An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.11 and 4.12.**

33. Amending PART 7B, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “J” and replacing it with the text “K” after the text “Schedule” in the heading of Section 7B.3;
  - b. Deleting the text “J” and replacing it with the text “K” after the text the area identified” in the paragraph below the heading of Section 7B.3.

**7B.3 MAXIMUM NUMBER OF SINGLE UNIT DWELLINGS ON THE AREA IDENTIFIED ON SCHEDULE ~~J~~ **K****

A maximum of 228 single unit dwellings shall be permitted on the area identified on Schedule ~~J~~ **K**.

34. Amending Section 13.1 in PART 13, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text

“Business uses in conjunction with permitted dwellings”.

Business uses in conjunction with permitted dwellings  
~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

35. Amending Section 14.1 in PART 14, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

All uses permitted in the MU-1 Zone  
Existing Senior Citizens Housing on properties listed in Appendix A-1  
All uses permitted in the C-4 Zone  
All uses permitted in the I-1 (Mixed Industrial) Zone  
Composting operations (see section 4.29)  
Cannabis production facilities  
**Indoor agriculture uses**

36. Amending Section 14.12 in PART 14, as shown below in ~~strikeout~~, by deleting the text “or watercourse” after the text “(R-1, RR-1) zone” and before the text “and in no case”.

14.12 OTHER REQUIREMENTS: SEPARATION

Notwithstanding the provisions of Section 14.3 and 14.4, where the gross floor area of all industrial or commercial uses on a lot exceeds 2,000 square feet, no industrial or commercial building or associated storage area shall be less than one hundred (100) feet from any residential (R-1, RR-1) zone ~~or watercourse~~ and in no case shall an associated storage area be less than one hundred (100) feet from a watercourse.

37. Amending Section 15.1 in PART 15, as shown below in **bold**, by adding the text “- Indoor agriculture uses” below the text “- Composting Operations” under the Heading “Industrial Uses”.

- Composting Operations
- **Indoor agriculture uses**

38. Amending Section 19.1 in PART 19, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities” under the Heading “Industrial Uses”.

Commercial and office uses accessory to permitted industrial uses  
Cannabis production facilities  
**Indoor Agriculture uses**

39. Amending Section 21.1 in PART 21, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Recreation uses

Composting operations (see section 4.29)  
Cannabis production facilities  
**Indoor agriculture uses**

40. Amending Section 26A.3 in PART 26A, as shown below in ~~strikeout~~, by repealing subclause (iii).
- (a) any building or structure shall meet the following separation distances:
    - (i) from any property line 30 metres (98.4 feet)
    - (ii) from the nearest residential dwelling or institutional use 60 metres (196.9 feet)
    - ~~(iii) from a watercourse 30 metres (98.4 feet)~~
41. Adding “SCHEDULE K: LANDS SUBJECT TO PROVISION 7B.3 (PID 00468694)” after Schedule J as shown on Schedule E-1A, attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-2

Proposed Amendments to the Land Use Bylaw for Bedford

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby amended as follows:

1. Amending the “Table of Contents”, by deleting the text “12. Truck, Bus, and Coach Bodies” immediately after the repealed text “11. Mobile Homes”.
2. Amending the “Table of Contents”, by adding the text “12E. RESIDENTIAL PRODUCE SALE”, and “12F. FARMERS’ MARKET”, immediately after the text “12D. Short-Term Rentals”.
3. Amending the “Table of Contents”, by deleting the text “Vacant”, as shown in ~~strikeout~~, in the text “16. Existing ~~Vacant~~ Undersized Lots” immediately after the text “15. One Main Building On A Lot”.
4. Amending the “Table of Contents”, by adding the text “21B. Wetlands” immediately after the text “21A. Coastal Areas”.
5. Amending the “Table of Contents”, by deleting the text “29A. Shipping Containers as Accessory Buildings” and replacing it with the text “29AB. Shipping Containers” immediately after the text “29. Accessory Buildings”.
6. Amending the “Table of Contents”, by adding the text “29D. Accessory Beekeeping Use” immediately after the text “29C. Accessory Hen Use”.
7. Amending the “Table of Contents”, by adding the text “37AA. Electric Vehicle Ready Parking Requirements” immediately after the text “37. Loading Spaces”.
8. Amending PART 2, as shown below in **bold**, by adding the definition “Agricultural Use – Intensive” after the definition “Adult Entertainment Use”.

**Agricultural Use – Intensive - means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**

9. Amending PART 2, as shown below in **bold**, by adding the definition “Amenity Space”, after the definition “Alter”.

**Amenity Space - means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

10. Amending the definition “Building” in PART 2, as shown below in **bold**, by adding the text “or shipping container“ after the text “vessel or vehicle” and before the text “used for”.

**Building** - means any structure, whether temporary or permanent, used or built for the shelter, support, accommodation or enclosure of persons, animals, material, vehicles, or equipment. Any tent, awning, deck, patio or platform, vessel or vehicle **or shipping container** used for any of the said purposes shall be deemed to be a building.

11. Amending PART 2, as shown below in **bold**, by adding the definition “Electric Vehicle”, “Electric Vehicle Supply Equipment”, and “Energized Outlet” after the definition “Dwelling Unit”.

**Electric Vehicle** - means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor.

**Electric Vehicle Supply Equipment** - means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.

**Energized Outlet** - means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment which must be located.

12. Amending PART 2, as shown below in **bold**, by adding the definition “Farmers’ Market” after the definition “Family or Household”.

**Farmers’ Market** - 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.

13. Amending PART 2, as shown below in **bold**, by adding the definition “Greenhouse”, after the definition “Garden Markets”.

**Greenhouse** - means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.

14. Amending PART 2, as shown below in **bold**, by adding the definition “Indoor Agriculture” after the definition “Ice Cream Stand”.

**Indoor Agriculture** - means the production of food, water, fibre or flora or the

**breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

15. Amending PART 2, as shown below in **bold**, by adding the definition “Marine Dependent Use” after the definition “Main Building”.

**Marine Dependent Use - means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

16. Amending PART 2, as shown below in **bold**, by adding the definition “Wetland” after the definition “Watercourse”.

**Wetland - means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

17. Amending PART 4, as shown below in **bold** by adding Section 7, Section 8, Section 9, and Section 10 after Section 6.

**7. Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands designated Commercial.**

**8. Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

**9. Pursuant to Policy EN-43 and EN-53 of the Halifax Regional Municipal Planning Strategy, alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement.**

**10. Pursuant to Policy C-20(a), modification of the Mainstreet Commercial requirements for height, lot coverage, setbacks, and maximum percentage of gross floor area occupied by residential dwelling units may be considered by development agreement for renovations and expansions to existing heritage buildings.**

18. Amending PART 5, as shown below in **bold**, by adding Section 3BA. and 3BB. after Section 3B.

**3B. An accessory hen use is exempt from the requirement to obtain a development permit.**

**3BA. An accessory beekeeping use is exempt from the requirement to obtain a development permit.**

**3BB. A residential produce sale use is exempt from the requirement to obtain a development permit.**

19. Amending Subclause 8k)ix) in PART 5, as shown below in **bold**, by add adding the text “and accessory beekeeping use” after the text “except for an accessory hen use” and before the text “any use involving”.

ix) except for an accessory hen use **and accessory beekeeping use** any use involving the care of animals

20. Amending Section 12 in PART 5, as shown below in **bold**, by:
- a. Adding the text “, shipping container” after the text “mobile home” and before the text “or dwelling unit”; and
  - b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” after the text “mounted on wheels”.

12. Truck, Bus, and Coach Bodies

No truck, bus, coach or streetcar body, or railway car, or structure of any kind other than a mobile home, **shipping container** or dwelling unit erected and used in accordance with this and all other By-laws of the Town shall be used for human habitation within the Town of Bedford, whether or not it is mounted on wheels. **For clarity, a shipping container is not considered a vehicle body.**

21. Amending PART 5, as shown below in **bold**, by adding Sections “12E. RESIDENTIAL PRODUCE SALE” and “12F. FARMERS’ MARKET” after Section “12C. Cannabis-Related Uses”.

**12E. RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Floodway Zone, subject to the following provisions:**

- a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- b) **Any accessory structures devoted to the sale of plants and food products:**
  - (i) **shall not exceed 5 m2 of footprint; and**
  - (ii) **notwithstanding any other provision of this bylaw, shall be permitted to be located in any front yard.**
- c) **Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**12F. FARMERS’ MARKET**

- a) **A farmers’ market use shall be permitted in any Residential Multiple Dwelling Unit Zone, Residential Comprehensive Development District, Commercial Zone, Light Industrial Zone, Heavy Industrial Zone, Bedford West Business Campus Zone, Institutional Zone, Waterfront Comprehensive Development District Zone, provided all other land use by-law requirements are satisfied.**
- b) **An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Section 29.**

22. Amending Section 16 in PART 5, as shown below in **bold** and ~~strikeout~~ by:

- a. Deleting the text “vacant” after the text “Existing” and before the text “Undersized Lots” in the heading;
- b. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law”;
- c. Deleting the text “regarding lot area and frontage” after the text “this By-law” and before the text “, a”;
- d. Deleting the text “vacant” after the text “a” and before the text “lot”;
- e. Deleting the text “held in separate ownership,” and replacing it with the text “which was in existence” after the text “lot” and before the text “prior to September”;
- f. Deleting the text “Developments located in areas where municipal central sewer and water services are not available shall be referred to the Town of Bedford Board of Health” after the text “By-law are satisfied.”.

#### 16. Existing ~~Vacant~~ Undersized Lots

Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law ~~regarding lot area and frontage~~, a ~~vacant lot held in separate ownership, which was in existence~~ prior to September 1982, from adjoining parcels having frontage on a public street which is less than the minimum frontage or area required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. ~~Developments located in areas where municipal central sewer and water services are not available shall be referred to the Town of Bedford Board of Health.~~

23. Amending Section 17 in PART 5, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Section 11.2.3” and replacing it with the text “Sections 41, 42, 66, 67, or 68” after the text “criteria as per” and before the text “of the”;
- b. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law.”

#### 17. Reduced Lot Frontage and Area Requirements

Lots which have been granted Subdivision approval under the following criteria as per ~~Section 11.2.3~~ **Sections 41, 42, 66, 67, or 68** of the **Regional** Subdivision By-law may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

24. Amending Clause 29(a)(v) in PART 5, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the text “a footprint of” after the text “exceed” and before the text “1000 square feet”; and
  - b. Deleting the text “in gross floor area” after the text “(93 square metres) in” and before the text “in any”.
- (v) exceed **a footprint of** 1000 square feet (93 square metres) ~~in gross floor area~~ in any Residential Zone, except for public buildings and uses and swimming pools;
25. Amending Clause 29(e) in PART 5, as shown below in **bold** and ~~strikeout~~, by:
- a. deleting the text “Notwithstanding anything else in the bylaw” and replacing it with the text “An” before the text “enclosed”; and
  - b. deleting the text “floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.
- (e) ~~Notwithstanding anything else in this by-law,~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~floor area~~ **footprint** requirements for accessory buildings or structures.
26. Amending PART 5, as shown below in **bold**, by adding Section “21B. Wetlands” after Section 21A.

## **21B. WETLANDS**

### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

### RELAXATION OF BY-LAW PROVISIONS

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

### USES PERMITTED WITHIN THE WETLAND BUFFER

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
- (i) wastewater, storm and water infrastructure, and public water control structures.
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

27. Amending Section 25 in PART 5, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “chimneys or clock towners.”

#### 25 Height Regulations

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, solar panels, ventilators, skylights, satellite dishes, chimneys, or clock towers. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

28. Amending Part 5, as shown below in **bold** and ~~strikeout~~, by repealing Section “29A. Shipping Containers as Accessory Buildings” and replacing it with Section “29AB. Shipping

Containers” after Section 29.

~~29A. Shipping Containers as Accessory Buildings~~

- ~~a) Shipping containers may not be used as accessory buildings to a residential use or in a commercial zone, with the exception of backyard suites. Shipping containers may be used as accessory buildings only in an industrial zone, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Where a shipping container intended for nonrecreational or non-residential use is to be placed on a property which abuts a residential, park, or institutional zone, the shipping container shall be fully screened from view from any such property through the use of landscaping, opaque fencing or a combination of fencing and landscaping.~~
- ~~b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~

**29AB. Shipping Containers**

- (a) Shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**
- (b) Shipping containers may be used as a building for indoor agriculture, subject to the applicable zone standards for main buildings.**
- (c) Shipping containers are not permitted as accessory buildings in any zone except for industrial zones, and must meet the following requirements:**
- (i) Shipping containers must meet all applicable requirements for accessory buildings.**
  - (ii) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.**
  - (iii) Where the shipping container is to be placed on a property which abuts a residential, park, or institutional zone, the shipping container shall be fully screened from view from any such property through the use of landscaping, opaque fencing or a combination of fencing and landscaping.**
- (d) Notwithstanding subsection 29AB(c), shipping containers are permitted as an accessory building in a residential zone when used as a backyard suite, subject to the applicable requirements for backyard suites.**

29. Amending PART 5, as shown below in **bold**, by adding Section “29D. ACCESSORY BEEKEEPING USE” after Section 29C.

**29D. ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Floodway Zone subject to the following provisions:**

- (a) The maximum number of beehives permitted on a lot shall not exceed:
  - i. two beehives on lots of less than 2,000 square metres in area; or
  - ii. four beehives on lots equal to or greater than 2,000 square metres in area.
- (b) Beehives shall:
  - i. not be located in any front yard; and
  - ii. be located no less than 3.0 metres from any lot line.

30. Amending Clause 34 a) in PART 5, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the text “and” after the text “hotels, motels” and before the text “staff houses”; and
  - b. Deleting the text “, and short-term bedroom rentals” after the text “staff houses”.
  - c. Adding the text “One (1) parking space per dwelling unit to be rented” below the text “One (1) parking space per room to be rented”.

Hotels, motels, <b>and</b> staff houses, <del>and short-term bedroom rentals</del>	One (1) parking space per tourist cabins, guest houses bedroom <u>plus</u> parking spaces as per the listed requirements for accessory uses such as restaurants, lounges, retail space, etc.
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31. Amending PART 5, as shown below in **bold**, by adding Section “37AA Electric Vehicle Ready Parking Requirements” after Section “37. LOADING SPACES”.

**37AA. Electric Vehicle Parking Ready Requirements**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

- (a) For new residential uses, where parking spaces are provided:
  - (i) for single detached, semi-detached, duplex, linked, rowhouse/townhouse dwelling uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;
  - (ii) For multiple unit dwellings containing three or four dwelling uses, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or
  - (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.

**(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electric Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either SAE J1772 or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.

32. Amending PART 17, as shown below in **bold**, by adding Clause qd) after Clause qc).

- qb) Service stations and gas bars on properties identified on Schedule C-3
- qc) cannabis production facilities
- qd) indoor agriculture uses**

33. Amending Clause 26.3 a) in PART 26, as shown below in ~~strikeout~~, by repealing subsection iii) after subsection ii).

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

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and

under the Corporate  
Seal of the said Municipality this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20 \_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

### Attachment E-3

#### Proposed Amendments to the Land Use Bylaw for Cole Harbour/Westphal

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour /Westphal is hereby amended as follows:

1. Amending the “Table of Contents”, by deleting the text “4.11A Shipping Containers” and replacing it with the text “4.11AB Shipping Containers” after the text “4.11 Accessory Buildings”.
2. Amending the “Table of Contents”, by adding the text “4.10B ACCESSORY BEEKEEPING USE” immediately after the text “4.10A ACCESSORY HEN USE.”
3. Amending the “Table of Contents”, by adding the text “4.17B WETLANDS” immediately after the text “4.17A COASTAL AREAS”.
4. Amending the “Table of Contents”, by adding the text “4.27AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.27 LOADING SPACE REQUIREMENTS”.
5. Amending the “Table of Contents”, by adding the text “4.31A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.31 SCHEDULE C – WETLANDS”.
6. Amending the “Table of Contents”, by adding the text “4.36 RESIDENTIAL PRODUCE SALE” and “4.37 FARMERS’ MARKET” immediately after the text “4.35 SHORT-TERM RENTALS”.
7. Amending PART 2, as shown below in **bold** and ~~strikeout~~, by repealing Section 2.6 and replacing it with Section 2.6A.

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

~~(a) Common Amenity Area means an amenity area for the common use and enjoyment of all occupants of a building or development.~~

~~(b) Private Amenity Area means an amenity area for the enjoyment of occupants of an individual dwelling unit.~~

**2.6A AMENITY AREA means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

- (a) **Common Amenity Area means an amenity area for the common use and enjoyment of all occupants of a building or development.**
- (b) **Private Amenity Area means an amenity area for the enjoyment of occupants of an individual dwelling unit.**

8. Amending Section 2.10 in PART 2, as shown below in **bold**, by adding the text “or shipping container“ after the text “vessel” and before the text “used for”.

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes.

9. Amending PART 2, as shown below in **bold**, by adding the definition “2.12A COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.12.

**2.12A COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.17A ELECTRIC VEHICLE”, “2.17B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.17C ENERGIZED OUTLET” after Section 2.17.

**2.17A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.17B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.17C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.22AA FARMERS’ MARKET” after Section 2.22.

**2.22AA FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.24A GREENHOUSE” after Section 2.24.

**2.24A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

13. Amending Section 2.25 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.39A MARINE DEPENDENT USE” after Section 2.39.

**2.39A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

15. Amending PART 2, as shown below in **bold**, by adding the definition “2.70AC WETLAND” after Section 2.70AB.

**2.70AC WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

16. Amending Section 3.6 in PART 3, as shown below in **bold**, by adding Clause (af) after Clause (ae).

**(af) Alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policies EN-43 and EN-53 of the Regional Municipal Planning Strategy, as applicable.**

17. Amending PART 3, as shown below in **bold**, by adding Section “3.8 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.9 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.7.

### **3.8 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy,**

**internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

### **3.9 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, Commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

18. Amending Subsection 4.1(d) in PART 4, as shown below in **bold**, by adding Clauses (iv) and (v) after Clause 4.1(d)(iii).

- (iii) An accessory hen use.
- (iv) An accessory beekeeping use.**
- (v) A residential produce sale use.**

19. Amending Section 4.6 in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law”;
  - b. Deleting the text “vacant” after the text “Bylaw, a” and before the text “lot”;
  - c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence” after the text “lot” and before the text “on the effective date”;
  - d. Deleting the text “, depth” after the text “minimum frontage” and before the text “or area”;
  - e. Deleting the text “PART 14” and replacing it with the text “Sections 41 or 42” after the text “pursuant to” and before the text “of the”; and
  - f. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”.

#### 4.6 EXISTING UNDERSIZED LOTS

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

Furthermore, the Development Officer may issue a development permit for a lot approved pursuant to ~~PART 14~~ **Sections 41 or 42** of the **Regional** Subdivision By-law where an undersized lot has had its boundaries altered.

20. Amending Subsection 4.7(a) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Section 98” and replacing it with the text “Section 40” after the text

- “pursuant to” and before the text “of the”; and
- b. Deleting the text “Planning Act” and replacing it with the text “Regional Subdivision By-law” after the text “of the” and before the text “may be used for”.
    - (a) Any lot created pursuant to ~~Section 98~~ **Section 40** of the ~~Planning Act~~ **Regional Subdivision Bylaw** may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
21. Amending Subsection 4.7(d) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the text “and area” after the text “lot frontage” and before the text “requirements of this”;
  - b. Deleting the text “Part 14” and replacing it with the text “Sections 38, or 47(A)” after the text “pursuant to” and before the text “of the”;
  - c. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”;
  - d. Deleting the text “14.1” and replacing it with the text “38” after the text “pursuant to Section” and before the text “of the”; and
  - e. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”.
- (d) Notwithstanding the lot frontage **and area** requirements of this By-law, development permits may be issued for lots approved pursuant to ~~Part 14~~ **Sections 38, or 47(A)** of the **Regional** Subdivision By-law—as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section ~~14.1~~ **38** of the **Regional** Subdivision By-law except for business uses in conjunction with a permitted dwelling.
22. Amending PART 4, as shown below in **bold**, by adding Section “4.10B ACCESSORY BEEKEEPING USE” after Section 4.10A.

**4.10B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Protected Water Supply Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
    - i. **two beehives on lots of less than 2,000 square metres in area; or**
    - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
  - (b) **Beehives shall:**
    - i. **not be located in any front yard; and**
    - ii. **be located no less than 3.0 metres from any lot line.**
23. Amending Clause 4.11(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”; and
  - b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the

text “maximum” and before the text “requirements”.

- (c) ~~Notwithstanding anything else in this by law, an~~ An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.
24. Amending PART 4, as shown below in **bold** and ~~strikeout~~, by repealing Section “4.11A Shipping Containers” and replacing it with Section “4.11AB Shipping Containers” after Section 4.11.

#### 4.11A SHIPPING CONTAINERS

- (a) ~~Shipping containers:~~
  - (i) ~~shall not be used as accessory buildings in a residential zone with the exception of backyard suites.~~
  - (ii) ~~may be used as accessory buildings in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping.~~
  - (iii) ~~intended for non-recreation or non-residential use on any property which abuts a residential, park or institutional zone shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.~~
  - (iv) ~~shall not be stacked within 100' of any residential, park or institutional zone~~
- (b) ~~Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~
- (c) ~~Deleted~~

#### 4.11AB SHIPPING CONTAINERS

- (a) **Shipping containers may be used as accessory buildings only in an industrial zone or commercial zone or in conjunction with a recreation use, provided they meet the following requirements:**
  - (i) **shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street;**
  - (ii) **shipping containers must meet all applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping; and**
  - (iii) **shipping containers intended for non-recreation or non-residential use on any property which abuts a residential, park or institutional zone shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.**
- (b) **Notwithstanding subsection (a), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**

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

25. Amending Section 4.13 in PART 4 as shown below in **bold** by:
- a. Adding the text “motor home, or camper trailer,” after the text “No truck, bus, coach or streetcar body.” and before the text “nor a structure”; and
  - b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

4.13 VEHICLE BODIES

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

26. Amending Section 4.16 in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “solar collectors attached to the principal structures.”

4.16 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, or solar collectors attached to the principal structures. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

27. Amending PART 4, as shown below in **bold**, by adding Section “4.17B WETLANDS” after Section 4.17A.

**4.17B WETLANDS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

**WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that**

permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia..

**(b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

#### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

#### **USES PERMITTED WITHIN THE WETLAND BUFFER**

**(4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**

- (i) marine dependent uses, fisheries uses, conservation uses;**
- (ii) fences, wharfs, boat ramps;**
- (iii) driveway crossings;**
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;**
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and**
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.**

**(5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:**

- (i) wastewater, storm and water infrastructure, and public water control structures.**

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

28. Amending Subsection 4.25(a) in PART 4, as shown below in **bold**, by:

- a. Adding the text “Short-term rentals” below the text “Motels, hotels, and short-term bedroom rentals; and

- b. Adding the text “One (1) parking space per dwelling unit to be rented” below the text “1 space per sleeping unit plus requirements for restaurants or other facilities contained therein.”

Motels, hotels and short-term bedroom rentals	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
<b>Short-term rentals</b>	<b>One (1) parking space per dwelling unit to be rented</b>

- 29. Amending PART 4, as shown below in **bold**, by adding Section “4.27AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.27.

**4.27AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) For single-unit, semi-detached, two unit, and rowhouse or townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772, excluding visitor parking spaces;**
- (ii) For multiple unit dwellings containing three unit and four unit uses, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and**
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.**

30. Amending PART 4, as shown below in **bold**, by adding Section “4.31A COMMERCIAL SOLAR ENERGY FACILITIES” after repealed Section 4.31.

**4.31A COMMERCIAL SOLAR ENERGY FACILITIES**

**The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.**

- a) Commercial Solar Energy Facilities shall be permitted in the MOD Zone, any Neighbourhood Zones and any Industrial Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;**
- b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;**
- c) Fencing shall be installed to screen views from abutting properties;**
- d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;**
- e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**
- f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

31. Amending PART 4, as shown below in **bold**, by adding Sections “4.36 RESIDENTIAL PRODUCE SALE”, and “4.37 FARMERS’ MARKET” after Section 4.35.

**4.36 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Water Supply Zone, subject to the following provisions:**

- a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

- b) Any accessory structures devoted to the sale of plants and food products:
  - (i) shall not exceed 5 m2 of footprint; and
  - (ii) notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard.
- c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.

**4.37 FARMERS' MARKET**

- a) A farmers' market use shall be permitted in any Multiple Unit Dwelling Zone, Mixed Opportunity District Zone, Neighbourhood Zone, Industrial Zone, Community Facility Zone and Comprehensive Development District, provided all other land use by-law requirements are satisfied.
- b) An accessory structure associated with a farmers' market use shall meet the accessory building requirements of Sections 4.10 and 4.11.

32. Amending Subsection 24A.3(a) in PART 24A, as shown below in ~~strikeout~~, by deleting clause (iii).

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

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-4

Proposed Amendments to the Land Use Bylaw for Dartmouth

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “PART 38: US-E (URBAN SETTLEMENT-EMPLOYMENT) ZONE” immediately after the text “PART 37: PA (PROTECED AREA) ZONE”.
2. Amending “SECTION 1: DEFINITIONS”, as shown below in **bold**, by adding the definition, “(ab) AGRICULTURAL USE – INTENSIVE” and “(ac) AMENITY AREA” after Subsection 1(aa).
  - (ab) **AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**
  - (ac) **AMENITY AREA means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**
3. Amending “SECTION 1: DEFINITIONS”, as shown below in **bold**, by adding the definitions “(qaa) ELECTRIC VEHICLE”, “(qab) ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “(qac) ENERGIZED OUTLET” after Subsection 1(q).
  - (qaa) **ELECTRIC VEHICLE - means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**
  - (qab) **ELECTRIC VEHICLE SUPPLY EQUIPMENT - means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**
  - (qac) **ENERGIZED OUTLET - means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**
4. Amending “SECTION 1: DEFINITIONS”, as shown below in **bold**, by adding the definition “(raa) FARMERS’ MARKET after Subsection 1(r).

- (raa) **FARMERS' MARKET** 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.
5. Amending "SECTION 1: DEFINITIONS", as shown below in **bold** and ~~strikeout~~, by repealing and replacing the definition "(saa) GREENHOUSE" after the definition "(sa) Front Yard".
- (saa) ~~GREENHOUSE means a building whose roof and sides are made of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants as a community enterprise or for subsequent sale.~~
- GREENHOUSE** means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
6. Amending "SECTION 1: DEFINITIONS", as shown below in **bold**, by adding the definition "(ua) INDOOR AGRICULTURE" after Subsection 1(u).
- (ua) **INDOOR AGRICULTURE** means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.
7. Amending "SECTION 1: DEFINITIONS", as shown below in **bold**, by adding the definition "(zaaa) MARINE DEPENDENT USE" after Subsection 1(za).
- (zaaa) **MARINE DEPENDENT USE** means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.
8. Amending "SECTION 1: DEFINITIONS", as shown below in **bold**, by adding the definition "(aiaa) SOFT LANDSCAPING", after the definition "(ai) SINGLE-FAMILY DWELLING".
- (aiaa) **SOFT LANDSCAPING** means covered by permeable material or vegetation, such as trees, hedges, shrubs, flowers, grass, mulch, fruit and vegetable plants, sod, planter boxes, or another vegetative groundcover. A permeable vegetated grid system and water feature, excluding a swimming pool, hot tub, or a water fountain, are considered soft landscaping.
9. Amending "SECTION 1: DEFINITIONS", as shown below in **bold**, by adding the definition "(at) WETLAND" after Subsection 1(as).

(at) **WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

10. Amending Section 11 in “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold**, by adding the text “and an accessory beekeeping use,” after the text “Except for an accessory hen use” and before the text “Horses, cattle, sheep”.

11. Except for an accessory hen use **and an accessory beekeeping use**, Horses, cattle, sheep, swine, and domestic fowl shall not be kept on those lands in the City of Dartmouth described in Schedule 1 – Zoning Map for Dartmouth hereto, nor in an R-1, R-1M, R-1A, R-2, R-3, R-4, Tor TH Zone.

11. Amending Subsection 14(h) in “SECTION 2: GENERAL PROVISIONS”, as shown below in ~~strikeout~~, by deleting the text “, short-term bedroom rentals” after the text “tourist homes” and before the text “and buildings”.

(h) for hotels, tourist homes, ~~short-term bedroom rentals~~ and buildings of a similar nature, one parking space shall be provided for each of the first 20 rooms, one parking space for every 4 rooms over 20 and one parking space for each 100 square feet of floor area for any restaurant therein;

12. Amending “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold**, by adding Section “16A. ELETRIC VEHICLE READY PARKING REQUIREMENTS” after Section 16.

### **16A. ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

#### **(1) RESIDENTIAL**

**(a) Where parking spaces are provided:**

- (i) for single-family, duplex, two-family and townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For apartment building uses containing three unit and four unit uses, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for apartment building uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

#### **(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and**
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.**

13. Amending “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold** by adding Section 18(Za), Section 18(Zb), and Section 18(Zc) after Section 18Z.

**18(Za) Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands designated Commercial.**

**18(Zb) Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

**18(Zc) Pursuant to policies EN-43 and EN-53 of the Halifax Regional Municipal Planning Strategy, alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement, as applicable.**

14. Amending Section 27A in “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold** and ~~strikeout~~, by deleting the text “floor area” and replacing it with the text “footprint” after the text “square feet in”.

27A. No accessory building in any R-1, R-1M, R-1A, R-2, R-3, R-4, TH or T Zone shall be

greater than 25 feet in height nor greater than 1000 square feet in ~~floor area~~ **footprint**.

15. Amending Section 27BC in “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”;
  - b. Deleting the text “floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

27BC ~~Notwithstanding anything else in this by law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~floor area~~ **footprint** requirements for accessory buildings or structures.

16. Amending “SECTION 2: GENERAL PROVISION”, as shown below in **bold** and ~~strikeout~~, by repealing Section “27C. SHIPPING CONTAINERS AS ACCESSORY BUILDINGS” and replacing it with Section “27CA. SHIPPING CONTAINERS” after Section 27BD.

#### ~~27C. SHIPPING CONTAINERS~~

##### ~~(1) Shipping containers:~~

~~(i) shall not be used as accessory buildings to a residential use with the exception of backyard suites.~~

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

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

~~(iv) shall not be stacked within 100' of any residential, park or institutional zone.~~

~~(2) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~

~~(3) Deleted~~

~~(4) Where shipping containers are used in conjunction with a permitted industrial use in the CI Zone or BGI Zone, subsections 27C (1) and (2) shall not apply.~~

#### **27CA. Shipping Containers**

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

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

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

**(iii) Shipping containers intended for non-recreation or non-residential use on any**

property which abuts a residential, park or institutional zone shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.

(2) Where shipping containers are used in conjunction with a permitted industrial use in the CI Zone or BGI Zone, subsection 27CA (1) shall not apply.

(3) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.

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

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

17. Amending “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold**, by adding Section “32BA WETLANDS” after Section 32B.

### **32BA WETLANDS**

#### **WETLANDS – PERMIT REQUIREMENTS**

(1) (a) All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.

(b) Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.

#### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

(2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.

(b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

#### **RELAXATION OF BY-LAW PROVISIONS**

(3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.

- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

**USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**

- (i) marine dependent uses, fisheries uses, conservation uses;**
- (ii) fences, wharfs, boat ramps;**
- (iii) driveway crossings;**
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;**
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and**
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.**

- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:**

- (i) wastewater, storm and water infrastructure, and public water control structures.**

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

18. Amending “SECTION 2: GENERAL PROVISION”, as shown below in ~~strikeout~~, by repealing Subsections 31(1), (2), and (3).

~~31(1) No building in an industrial zone shall be located less than fifty (50) feet from the ordinary high water mark of any watercourse. Further, excepting for the purpose of driveways, walkways and trails, no infilling, alteration of grade or removal of natural vegetation shall be permitted within fifty (50) feet of the ordinary high water mark of any watercourse or shoreline. No parking, storage, loading or other similar activities shall be permitted within this area. For lots in existence on the effective date of this section, and where the fifty foot yard is prohibitive of development, the Development Officer may consider reducing the required yard through the minor variance process.~~

~~(2) Existing buildings within the required setback shall be permitted to be repaired, renovated, replaced or expanded provided that such work does not further reduce the setback.~~

~~(3) Notwithstanding the foregoing, uses within the I-1, I-2 or I-3 Zones shall not be required to meet the setback or buffer requirements where access to the water is~~

~~required as an integral part of the use.~~

19. Amending “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold**, by adding clauses (d) and (e) after clause (c) in Section 33.

33 Development Permit Exemptions

- (a) An accessory hen use is exempt from the requirement to obtain a development permit.
- (b) A short-term rental of an entire dwelling unit in an operator’s primary residence is exempt from the requirement to obtain a development permit.
- (c) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
- (d) **An accessory beekeeping use is exempt from requirement to obtain a development permit.**
- (e) **A residential produce sale is exempt from requirement to obtain a development permit.**

20. Amending “SECTION 2: GENERAL PROVISIONS”, as shown below in **bold**, by adding Sections 35 and 36 after Section 34.

**35 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Area Zone, subject to the following provisions:**

- a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- b) **Any accessory structures devoted to the sale of plants and food products:**
  - (i) **shall not exceed 5 m<sup>2</sup> of footprint; and**
  - (ii) **notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard.**
- c) **Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**36 FARMERS’ MARKET**

- a) **A farmers’ market use shall be permitted in any Multiple Family Residential Zone, Neighbourhood Live-Work Zone, Local Business Zone, Neighbourhood Commercial Zone, Mixed Use Commercial Zone, General Business Zone, Light Industrial Zone, General Industrial Zone, Institutional Zone, General Commercial Zone, Service Commercial Zone, Comprehensive Development District, Burnside Comprehensive Development District, Business Park Zone, Commercial Industrial Zone and Burnside General Industrial Zone, provided**

**all other land use by-law requirements are satisfied.**

**b) An accessory structure associated with a farmers' market use shall meet the accessory structure built form and siting requirements of Sections PG-138 to PG-144.**

21. Amending Section 31 in "SECTION 3: ZONES", as shown below in **bold**, by adding the text "US-E Urban Settlement-Employment Zone" below the text "PA Protected Area Zone".

BGI	Burnside General Industrial Zone
PA	Protected Area Zone
<b>US-E</b>	<b>Urban Settlement-Employment Zone</b>

22. Amending Subsection 41(1) in PART 12, as shown below in **bold**, by adding Clause (f) after Clause (e).

(d) pawn shops  
(e) cannabis production facilities  
**(f) indoor agriculture uses**

23. Amending Subsection 42(1) in PART 13, as shown below in **bold**, adding Clause (h) after Clause (g).

(f) Within lands designated Harbour-Related Commercial/Residential on Schedule AA, existing uses shall be permitted and may expand in accordance with the I-2 Zone provisions, but no change of use shall be permitted except in accordance with Clause 18(U) of this By-law.

(g) cannabis production facilities  
**(h) indoor agriculture uses**

24. Amending Clause 53(B)(3)(a) in PART 28, as shown below in ~~strikeout~~, by repealing subclause (iii).

(a) any building or structure shall meet the following separation distances:

(i)	from any property line	30 metres (98.4 feet)
(ii)	from the nearest residential dwelling or institutional use	60 metres (196.9 feet)
(iii)	<del>from a watercourse</del>	<del>30 metres (98.4 feet)</del>

25. Adding the PART, "PART 38 US-E (URBAN SETTLEMENT-EMPLOYMENT) ZONE", as shown below in **bold**, after PART 37.

## **PART 38 US-E (URBAN SETTLEMENT-EMPLOYMENT) ZONE**

### **59(1) US-E USES PERMITTED**

**No development permit shall be issued in any US-E Zone except for the following:**

**Utilities**  
**Conservation uses**  
**Public parks and playgrounds**

26. Zoning Map “Schedule 1 – Zoning Map for Dartmouth” is amended to rezone the properties to Urban Settlement-Employment (US-E) Zone, as shown on Schedule E-4A, attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-5

Proposed Amendments to the Land Use Bylaw for Eastern Passage/Cow Bay

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Passage/Cow Bay is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.10B ACCESSORY BEEKEEPING USE” immediately after the text “4.10A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by deleting the text “4.11A SHIPPING CONTAINERS” and replacing it with the text “4.11AB SHIPPING CONTAINERS” immediately after the text “4.10A ACCESSORY HEN USE”.
3. Amending the “Table of Contents”, by adding the text “4.18B WETLANDS” immediately after the text “4.18A COASTAL AREAS”.
4. Amending the “Table of Contents”, by adding the text “4.27AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.27 LOADING SPACE REQUIREMENTS”.
5. Amending the “Table of Contents”, by adding the text “4.31A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.31 SCHEDULE C- WETLANDS”.
6. Amending the “Table of Contents”, by adding the text “4.36 RESIDENTIAL PRODUCE SALE” and “4.37 FARMERS’ MARKET” immediately after the text “4.35 SHORT-TERM RENTALS”.
7. Amending PART 2, as shown below in **bold**, by adding the definition “2.3A AGRICULTURAL USE – INTENSIVE” after Section 2.3.

**2.3A AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**

8. Amending Section 2.5 in PART 2, as shown below in **bold** and ~~strikeout~~, by repealing Section “2.5 AMENITY AREA” and replacing it with Section “2.5A Amenity Area” after Section 2.4.

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

**2.5A AMENITY AREA means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

9. Amending Section 2.9 in PART 2, as shown below in **bold**, by adding the text “shipping container” after the text “includes any vessel or” and before the text “used for any”.

**2.9 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or shipping container used for any of the foregoing purposes.**

10. Amending PART 2, as shown below in **bold**, by adding the definition “2.11AA COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.11

**2.11AA COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

11. Amending PART 2, as shown below in **bold**, by adding the text “B” to the definition “2.11A COMPOSTING OPERATION” after the text “2.11A” and before the text “COMPOSTING”.

**2.11AB COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres.**

12. Amending PART 2, as shown below in **bold**, by adding the definitions “2.16A ELECTRIC VEHICLE”, “2.16B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.16C ENERGIZED OUTLET” after Section 2.16.

**2.16A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.16B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.16C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

13. Amending PART 2, as shown below in **bold**, by adding the definitions “2.21A FARMERS’ MARKET” after Section 2.21.

**2.21A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.23A GREENHOUSE” after Section 2.23.

**2.23A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

15. Amending Section 2.24 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.26B INDOOR AGRICULTURE” after Section 2.26A.

**2.26B INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.38AA MARINE DEPENDENT USE” after Section 2.38A.

**2.38AA MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

18. Amending Section 2.66AA in PART 2, as shown below in **bold** and ~~strikeout~~, by:  
a. Deleting the text “; and” after the text “living room” and before the text “which may”;  
and

b. Adding the text “, and includes a short-term rental” after the text “used as a dwelling”.

2.66AA TOURIST COTTAGE means a rental unit for the use of the traveling or vacationing public which includes sleeping area(s), a bathroom, as well as a kitchen or living room; ~~and~~ which may not be used as a dwelling, **and includes a short-term rental.**

19. Amending PART 2, as shown below in **bold**, by adding the definition “2.66D WETLAND” after Section 2.66C.

**2.66D WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

20. Amending Section 3.6 in PART 3, as shown below in **bold**, by adding clause (m) after clause (l).

**(m) Alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policies EN-43 and EN-53 of the Regional Municipal Planning Strategy, as applicable.**

21. Amending PART 3, as shown below in **bold**, by:

- a. Adding Section “3.8 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” after Section 3.7;
- b. Adding Section “3.9 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT” after Section 3.8; and
- c. Adding Section “3.10 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.9.

### **3.8 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

### **3.9 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT**

**Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands designated Commercial.**

### **3.10 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

22. Amending Subsection 4.1(d) in PART 4, as shown below in **bold**, by adding Clauses (vi) and (vii) after Clause (v).
- (ii) any sign, except signs permitted according to Section 5.3 of this By-law.
  - (i) An accessory hen use.
  - (iv) A short-term rental of an entire dwelling unit in an operator’s primary residence is exempt from the requirement to obtain a development permit.
  - (v) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
  - (vi) An accessory beekeeping use.**
  - (vii) A residential produce sale use.**
23. Amending Section 4.6 in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law”;
  - b. Deleting the text “vacant” after the text “a” and before the text “lot”;
  - c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence”;
  - d. Deleting the text “, depth” after the text “frontage,” and before the text “or area required”; and
  - e. Adding the text “or 42” after the text “Section 41” and before the text “of the Regional”.

4.6 EXISTING UNDERSIZED LOTS

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

Furthermore, the Development Officer may issue a development permit for a lot approved pursuant to Section 41 **or 42** of the Regional Subdivision By-law, where an undersized lot has had its boundaries altered.

24. Amending Subsection 4.7(a) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Section 98” and replacing it with the text “Section 40 or 47(A)” after the text “pursuant to” and before the text “of the”; and
  - b. Deleting the text “Part IX of the Halifax Regional Municipality Charter” and replacing it with the text “Regional Subdivision Bylaw” after the text “of the” and before the text “may be used”.

- (a) Any lot created pursuant to ~~Section 98~~ **Section 40 or 47(A)** of the ~~Part IX of the Halifax Regional Municipality Charter~~ **Regional Subdivision Bylaw** may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
25. Amending Subsection 4.7(d) in PART 2, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “14.1” and replacing it with the text “38” after the text “pursuant to Section” and before the text “of the”;
  - b. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”.
- (d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to *Section 38 of the Regional Subdivision By-law* as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to ~~Section 14.1~~ **38** of the **Regional Subdivision By-law** except for business uses in conjunction with a permitted dwelling.
26. Amending PART 4, as shown below in **bold**, by adding Section “4.10B ACCESSORY BEEKEEPING USE” after Section 4.10A.

**4.10B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Environmental Conservation Zone, Floodplain Zone and Protected Area Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
    - i. **two beehives on lots of less than 2,000 square metres in area; or**
    - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
  - (b) **Beehives shall:**
    - i. **not be located in any front yard; and**
    - ii. **be located no less than 3.0 metres from any lot line.**
27. Amending PART 4A, as shown in **bold** and ~~strikeout~~, by repealing Section “4.11A SHIPPING CONTAINERS” and replacing it with “4.11AB SHIPPING CONTAINERS” after Section 4.10.

~~4.11A SHIPPING CONTAINERS~~

- ~~(1) Shipping containers:~~
- ~~(i) shall not be used as accessory buildings to a residential use with the exception of backyard suites.~~
  - ~~(ii) may be used as accessory buildings in an industrial or commercial zone, or the RA Zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping.~~
  - ~~(iii) intended for non-recreation or non-residential use on any property which abuts a~~

~~residential, park or institutional zone, or abuts a property which is zoned RA and which contains a dwelling shall be set back a minimum of 100' from such adjacent zone. This setback may be reduced to 10', provided that a solid visual barrier exists or is provided prior to placement of a shipping container, and provided that the barrier screens the view of the entire height of the container from the abutting zone.~~

~~(iv) shall not be stacked within 100' of any residential, park or institutional zone.~~

~~(2) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~

~~(3) Deleted~~

#### **4.11AB Shipping Containers**

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

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

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

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

**(2) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**

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

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

28. Amending Clause 4.11(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”; and
  - b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.
- (c) ~~Notwithstanding anything else in this by-law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor~~ **footprint** area requirements for accessory buildings or structures.
29. Amending Section 4.14 in PART 4, as shown below in **bold**, by:
- a. Adding the text “, motor home, camper trailer,” after the text “No truck, bus, coach” and before the text “or streetcar body”; and

- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.”  
After the text “commercial building”.

4.14 VEHICLE BODIES

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

30. Amending Section 4.17 in in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- Deleting the text “F” in the heading, before the text “HEIGHT REGULATIONS”; and
  - Adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

4.17 ~~F~~**HEIGHT REGULATIONS** The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, telecommunications masts or towers, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

31. Amending PART 4, as shown below in **bold**, by adding Section “4.18B WETLANDS” after Section 4.18A.

**4.18B WETLANDS**

**WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

**WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where**

approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

**RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

**USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
  - (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
  - (i) wastewater, storm and water infrastructure, and public water control structures; and parks, public roads, and active transportation crossings.
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

- 32. Amending PART 4, as shown below in **bold**, by adding Section “4.27AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.27.

**4.27AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.

**(1) RESIDENTIAL**

- (a) For new residential uses, where parking spaces are provided:

- (i) for single-unit, semi-detached, two unit, and townhouse uses, a minimum of one Energized Outlet is to be installed, capable of supporting a Level 2 charging station that meets the SAE J1772 standard for each dwelling unit, excluding visitor parking spaces;
- (ii) For multiple unit dwellings containing three unit and four unit uses, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.

33. Amending PART 4, as shown below in **bold**, by adding Section “4.31A COMMERCIAL SOLAR ENERGY FACILITIES” after repealed Section 4.31.

**4.31A COMMERCIAL SOLAR ENERGY FACILITIES**

The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.

- (a) Solar Energy Facilities shall be permitted in any Commercial and Industrial Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under

- the Regional Plan;
- (b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;
- (c) Fencing shall be installed to screen views from abutting properties;
- (d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;
- (e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and
- (f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.

34. Amending PART 4, as shown below in **bold**, by:
- a. Adding Section “4.36 RESIDENTIAL PRODUCE SALE” after Section 4.35; and
  - b. Adding Section “4.37 FARMERS’ MARKET” after Section 4.36.

**4.36 RESIDENTIAL PRODUCE SALE**

The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Environmental Conservation Zone, Floodplain Zone and Protected Area Zone, subject to the following provisions:

- a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- b) Any accessory structures devoted to the sale of plants and food products:
  - (i) shall not exceed 5 m<sup>2</sup> of footprint; and
  - (ii) notwithstanding any other provisions of this bylaw shall be permitted to be located in any front yard.
- c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.

**4.37 FARMERS’ MARKET**

- a) A farmers’ market use shall be permitted in any Rural Area Zone, Commercial Zone, Industrial Zone, Community Facility Zone and Comprehensive Development District, provided all other land use by-law requirements are satisfied.
- b) An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.10 and 4.11.

35. Amending Section 18.1 in PART 18, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Cannabis production facilities  
**Indoor agriculture uses**

36. Amending Section 19.1 in PART 19, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Other Industrial Uses:  
Cannabis production facilities  
**Indoor agriculture uses**

37. Amending Subsection 26A.3(a) in PART 26A, as shown below in ~~strikeout~~, by repealing Clause (iii).

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

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-6

Proposed Amendments to the Land Use Bylaw for Eastern Shore (East)

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (East) is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.11B ACCESSORY BEEKEEPING USE” immediately after the text “4.11A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by adding the text “4.18B WETLANDS” immediately after the text “4.18A COASTAL AREAS”.
3. Amending the “Table of Contents”, by adding the text “4.26A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.26 LOADING SPACE REQUIREMENTS”.
4. Amending the “Table of Contents”, by adding the text “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.32 SCHEDULE D – WETLANDS”.
5. Amending the “Table of Contents”, by adding the text “4.37 RESIDENTIAL PRODUCE SALE” and “4.38 FARMERS’ MARKET” immediately after the text “4.36 SHORT-TERM RENTALS”.
6. Amending PART 2, as shown below in **bold**, by adding the definition “2.5A AMENITY SPACE” after Section 2.5.

**2.5A AMENITY SPACE means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

7. Amending Section 2.10 in PART 2, as shown below in **bold**, by adding the text “shipping” after the text “includes any vessel or” and before the text “container used”.

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or **shipping** container used for any of the foregoing purposes.

8. Amending PART 2, as shown below in **bold**, by adding the definition “2.14A COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.14.

**2.14A COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

9. Amending Subsection 2.25(a) in PART 2, as shown below in ~~strikeout~~, by deleting the text “s” after the text “means a building” and before the text “or part of a building”.

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

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.25A ELECTRIC VEHICLE”, “2.25B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.25C ENERGIZED OUTLET” after Section 2.25.

**2.25A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.25B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.25C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.29A FARMERS’ MARKET” after Section 2.29.

**2.29A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.35A GREENHOUSE”, after Section 2.35.

**2.35A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

13. Amending Section 2.37 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.41A INDOOR AGRICULTURE” after Section 2.41

**2.41A INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

15. Amending Section 2.47, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “and” after the text “in a plan” in Subsection (a);
- b. Adding the text “or” before the text “deed” in Subsection (a); and
- c. Adding the text “approved” after the text “deed” and before the text “pursuant” in Subsection (a).

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April 1987, or is described in a plan ~~and~~ **or deed approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County or a lot created pursuant to s. 102(2) of the Planning Act.

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.56A MARINE DEPENDENT USE” after Section 2.56.

**2.56A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.85C SHIPPING CONTAINER” after Section 2.85B.

**2.85C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.**

18. Amending PART 2, as shown below in **bold**, by adding the definition “2.95A WETLAND” after Section 2.95.

**2.95A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

19. Amending PART 3, as shown below in **bold**, by adding Section “3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.10 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.8.

### **3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

### **3.10 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

20. Amending Subsection 4.1(d) in PART 4, by adding Clauses (vii) and (viii) after Clause (vi).

- (vi) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
- (vii) An accessory beekeeping use.**
- (viii) A residential produce sale use.**

21. Amending Section 4.4 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “98” and replacing it with the text “40” after the text “in accordance with Section” and before the text “of the” in Subsection (a);
- b. Deleting the text “Planning Act” and replacing it with the text “Regional Subdivision Bylaw” after the text “of the” and before the text “may be used” in Subsection (a);
- c. Adding the text “or lot area” after the text “lot frontage” and before the text “requirements found” in Subsection (b);
- d. Deleting the text “Part 14” and replacing it with the text “Sections 38, 59, or 60” after the text “provisions of” and before the text “of the” in Subsection (b);
- e. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (b);
- f. Adding the text “section 61” after the text “provisions of” and before the text “the” in Subsection (c);
- g. Adding the text “Regional” after the text “Section 61 of the” and before the text “Subdivision By-law” in Subsection (c); and

#### 4.4 REDUCED FRONTAGE OR AREA

(a) Any lot created in accordance with Section 98 ~~40~~ of the ~~Planning Act~~ **Regional Subdivision Bylaw** may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

(b) Notwithstanding the lot frontage **or lot area** requirements found elsewhere in this By-law, lots may be created in accordance with the provisions of ~~Part 14~~ **Sections 38, 59, or 60** of the **Regional** Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

(c) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of **Section 61** of the **Regional** Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

22. Amending Subsection 4.8 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements of” after the text “Notwithstanding” and before the text “in this By-law” in Subsection (a);
- b. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence” after the text “By-law, a lot” and before the text “on the effective date” in Subsection (a);
- c. Deleting the text “, depth” after the text “frontage” and before the text “ or area”;
- d. Deleting the text “Part 14” and replacing it with the text “Sections 41 or 42” after the text “according to” and before the text “of the”;
- e. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”; and
- f. Deleting the text “, but where the lot area has not been reduced”.

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

(b) Further to Section 4.8(a) above, the Development Officer may issue a development permit for a lot approved according to ~~Part 14~~ **Sections 41 or 42** of the **Regional** Subdivision By-law, where an undersized lot has had its boundaries altered, ~~but where the lot area has not been reduced~~.

23. Amending PART 4, as shown below in **bold**, by adding “4.11B ACCESSORY BEEKEEPING USE” after Section 4.11A.

#### **4.11B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Coastal Conservation Zone and Protected Area Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
  - i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
  - i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line**

24. Amending Subclause 4.12(a)(iv) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the text “a footprint of” after the text “exceed” and before the text “one thousand”; and
  - b. Deleting the text “in area” after the text “(92.9m2)” and before the text “in any”.

(iv) exceed **a footprint of** one thousand (1,000) square feet (92.9 m2) ~~in area~~ in any residential zone;

25. Amending Clause 4.12(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Notwithstanding anything else in this by-law, an” and replacing it with the text “An” before the text “enclosed”; and
  - b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

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

26. Amending Section 4.14 in PART 4, as shown below in **bold**, by:
- a. Adding the text “, motor home, camper trailer” after the text “coach” and before the text “or streetcar”; and
  - b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.14 VEHICLE BODIES

No truck, bus, coach, **motor home, camper trailer** or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building except in an RE (Rural Resource), MU (Mixed Use) or I-1 (Business Industry) Zone. **For clarity, a shipping container is not considered a vehicle body.**

27. Amending Section 4.17 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.17 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, telecommunication towers, space centres, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

28. Amending PART 4, as shown below in **bold**, by adding the Section “4.18B WETLANDS” after Section 4.18A.

#### **4.18B WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) **Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (b) **Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

##### **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) **Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**

- (i) marine dependent uses, fisheries uses, conservation uses;
- (ii) fences, wharfs, boat ramps;
- (iii) driveway crossings;
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.

(5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:

- (i) wastewater, storm and water infrastructure, and public water control structures.

(6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

29. Amending PART 4, as shown below in **bold**, by adding Section “4.26A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.26.

**4.26A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) for single unit and two unit, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;
- (ii) For multiple unit dwelling uses containing three unit and four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.

**(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and**
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.**

30. Amending PART 4, as shown below in **bold**, by adding Section “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” after Section 4.32.

**4.32A COMMERCIAL SOLAR ENERGY FACILITIES**

**The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.**

- (a) Commercial Solar Energy Facilities shall be permitted in any Mixed Use Zones and Resource Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;**
- (b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;**
- (c) Fencing shall be installed to screen views from abutting properties;**
- (d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;**
- (e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**
- (f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

31. Amending PART 4, as shown below in **bold**, by adding Sections “4.37 RESIDENTIAL

PRODUCE SALE” and “4.38 FARMERS’ MARKET” after Section 4.36.

**4.37 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Coastal Conservation Zone and Protected Area Zone, subject to the following provisions:**

- a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- b) **Any accessory structures devoted to the sale of plants and food products:**
  - (i) **shall not exceed 5 m2 of footprint; and**
  - (ii) **notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard.**
- c) **Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.38 FARMERS’ MARKET**

- a) **A farmers’ market use shall be permitted in any Mixed Use Zone and Resource Zone, provided all other land use by-law requirements are satisfied.**
- b) **An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.11 and 4.12.**

32. Amending Section 6.1 in PART 6, as shown below in **bold**, by adding the text “Indoor Agriculture Uses” below the text “Traditional Uses” under the heading “Resource and Traditional Uses”.

RESOURCE AND TRADITIONAL USES

Agricultural uses

Forestry uses

Fishery support uses

Fish sheds and boat sheds

Traditional uses

**Indoor Agriculture Uses**

33. Amending Section 8.1, in PART 8, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Open storage and outdoor display

Cannabis production facilities

**Indoor agriculture uses**

34. Amending Section 9.1 in PART 9, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Composting operations

Cannabis production facilities  
**Indoor agriculture uses**

35. Amending Subsection 11A.3(a) in PART 11A, as shown below in ~~strikeout~~, by repealing Clause (iii).

(a) any building or structure shall meet the following separation distances:

- |       |  |                                  |
|-------|--|----------------------------------|
| (i)   | from any property line                                     | 30 metres (98.4 feet)            |
| (ii)  | from the nearest residential dwelling or institutional use | 60 metres (196.9 feet)           |
| (iii) | <del>from a watercourse</del>                              | <del>30 metres (98.4 feet)</del> |

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-7

Proposed Amendments to the Land Use Bylaw for Eastern Shore (West)

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (West) is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.11B ACCESSORY BEEKEEPING USE” immediately after the text “4.11A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by adding the text “4.18B WETLANDS” immediately after the text “4.18C COASTAL AREAS”.
3. Amending the “Table of Contents”, by adding the text “4.25A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.25 STANDARDS FOR PARKING LOTS”.
4. Amending the “Table of Contents”, by adding the text “4.29A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.29 SCHEDULE C – WETLANDS”.
5. Amending the “Table of Contents”, by adding the text “4.34 RESIDENTIAL PRODUCE SALE”, and “4.35 FARMERS’ MARKET” immediately after the text “4.33 SHORT-TERM RENTALS”.
6. Amending PART 2, as shown below in **bold**, by adding the definition “2.5A AMENITY SPACE” after Section 2.5.

**2.5A AMENITY SPACE means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

7. Amending Section 2.12 in PART 2, as shown below in **bold**, by adding the text “shipping” after the text “includes any vessel or” and before the text “container used”.

2.12 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or **shipping** container used for any of the foregoing purposes.

8. Amending PART 2, as shown below in **bold**, by adding the definition “2.16A COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.16.

**2.16A COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

9. Amending Subsection 2.27 (a), as shown below in ~~strikeout~~, by deleting the “s” after the text “means a building” and before the text “or part”.

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

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.27A ELECTRIC VEHICLE”, “2.27B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.27C ENERGIZED OUTLET” after Section 2.27.

**2.27A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.27B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.27C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.32A FARMERS’ MARKET” after Section 2.32.

**2.32A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.42A GREENHOUSE”, after repealed Section 2.42.

**2.42A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

13. Amending Section 2.44 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.48A INDOOR AGRICULTURE” after Section 2.48

**2.48A INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

15. Amending Subsection 2.55(a) in PART 2, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “and” and replacing it with the text “or” after the text “in a plan” and before the text “deed”; and
  - b. Adding the text “approved” after the text “deed” and before the text “pursuant to”.

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April 1987, or is described in a plan ~~and-or~~ deed **approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County or a lot created pursuant to Section 102(2) of the Planning Act.

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.63A MARINE DEPENDENT USE” after Section 2.63.

**2.63A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.93C SHIPPING CONTAINER” after Section 2.93B.

**2.93C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.**

18. Amending PART 2, as shown below in **bold**, by adding the definition “2.104A WETLAND” after Section 2.103A.

**2.104A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the**

**land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

19. Amending PART 3, as shown below in **bold**, by adding Section “3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.10 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.8.

**3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.10 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

20. Amending Subsection 4.1(d), in PART 4, as shown below in **bold**, by adding Clause (vii), and (viii) after Clause (vi).

- (vi) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
- (vii) **An accessory beekeeping use.**
- (viii) **A residential produce sale use.**

21. Amending Section 4.4, in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “98” and replacing it with the text “40” after the text “accordance with Section” and before the text “of the” in Subsection (a);
- b. Deleting the text “Planning Act” and replacing it with the text “Regional Subdivision Bylaw” after the text “of the” and before the text “may be used” in Subsection (a);
- c. Deleting the text “Part 14” and replacing it with the text “Sections 38, 53, 54, 55, 57, or 58” after the text “provisions of” and before the text “of the” in Subsection (b);
- d. Adding the text “Regional” before the text “of the “ and after the text “Subdivision By-law” in Subsection (b);
- e. Adding the text “Section 56 of” after the text “provisions of” and before the text “the” in Subsection (c);
- f. Adding the text “Regional” after the text “the” and before the text “Subdivision By-law” in Subsection (c);

**4.4 REDUCED FRONTAGE OR AREA**

- (a) Any lot created in accordance with Section ~~98~~ **40** of the ~~Planning Act~~ **Regional Subdivision Bylaw** may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage and lot area requirements found elsewhere in this By-law, lots may be created in accordance with the provisions of ~~Part 14~~ **Sections 38, 53, 54, 55, 57, or 58** of the *Regional Subdivision By-law*, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (c) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of **Section 56** of the **Regional Subdivision By-law**, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

22. Amending Section 4.8 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this” in Subsection (a);
- b. Deleing the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence” after the text “a lot” and before the text “on the effective date” in Subsection (a);
- c. Deleting the text “, depth” after the text “minimum frontage” and before the text “or area” in Subsection (a);
- d. Deleting the text “Part 14 of the Subdivision By-law” and replacing it with the text “Sections 41 or 42 of the Regional Subdivision Bylaw,” after the text “according to” and before the text “where an” in Subsection (b); and
- e. Deleting the text “, but where the lot area has not been reduced” after the text “boundaries altered” in Subsection (b).

- (a) Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a lot ~~held in separate ownership from adjoining parcels~~ **which was in existence** on the effective date of this By-law, having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied or a minor variance granted.
- (b) Further to Section 4.8(a) above, the Development Officer may issue a development permit for a lot approved according to ~~Part 14 of the Subdivision By-law~~ **Sections 41 or 42 of the Regional Subdivision Bylaw**, where an undersized lot has had its boundaries altered, ~~but where the lot area has not been reduced~~.

23. Amending PART 4, as shown below in **bold**, by adding Section “4.11B ACCESSORY BEEKEEPING USE” after Section 4.11A.

**4.11B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Coastal Conservation Zone and Protected Area Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
  - i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
  - i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line.**

24. Amending Section 4.12(a)(iv) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Adding the text “a footprint of” before “one thousand”; and
- b. Deleting the text “in area” after the text “(92.9m2)” and before the text “in any”.

(iv) exceed **a footprint of** one thousand (1,000) square feet (92.9 m2) ~~in area~~ in any residential zone;

25. Amending Section 4.12(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements for”.

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

26. Amending Section 4.17 in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.17 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, telecommunication towers, space centres, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

27. Amending PART 4, as shown below in **bold**, by adding Section “4.18B WETLANDS” after Section 4.18A.

#### **4.18B WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**

**(b) Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

#### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

**(2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**

**(b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

#### **RELAXATION OF BY-LAW PROVISIONS**

**(3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**

**(c) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

#### **USES PERMITTED WITHIN THE WETLAND BUFFER**

**(4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**

**(i) marine dependent uses, fisheries uses, conservation uses;**

**(ii) fences, wharfs, boat ramps;**

**(iii) driveway crossings;**

**(iv) historic sites and monuments, parks, public roads, and active transportation crossings;**

**(v) boardwalks, walkways and trails not exceeding 3 m in width; and**

**(vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.**

**(5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:**

**(i) wastewater, storm and water infrastructure, and public water control structures.**

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

28. Amending PART 4, as shown below in **bold**, by adding Section “4.25A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.25.

**4.25A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) For single-unit, semi-detached, and two unit uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (c) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (d) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

**(4) ALL USES**

**(a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall**

include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and  
(b) All Energized Outlets must be located within 5 metres of the parking stall it services.

29. Adding Section “4.29A COMMERCIAL SOLAR ENERGY FACILITIES”, as shown below in **bold**, after repealed Section 4.29.

**4.29A COMMERCIAL SOLAR ENERGY FACILITIES**

The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.

- (a) Commercial Solar Energy Facilities shall be permitted in any Mixed Use Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;
- (b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;
- (c) Fencing shall be installed to screen views from abutting properties;
- (d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;
- (e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and
- (f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.

30. Amending PART 4, as shown below in **bold**, by adding Sections “4.34 RESIDENTIAL PRODUCE SALE” and “4.35 FARMERS’ MARKET” after Section 4.33.

**4.34 RESIDENTIAL PRODUCE SALE**

The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Coastal Conservation Zone and Protected Area Zone, subject to the following provisions:

- (a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- (b) Any accessory structures devoted to the sale of plants and food products:
  - (i) shall not exceed 5 m<sup>2</sup> of footprint; and
  - (ii) notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard.
- (c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.

#### **4.35 FARMERS' MARKET**

- (a) A farmers' market use shall be permitted in any Residential Zone and Mixed Use Zone provided all other land use by-law requirements are satisfied.**
- (b) An accessory structure associated with a farmers' market use shall meet the accessory building requirements of Sections 4.11 and 4.12.**

31. Amending Section 6.1 in PART 6, as shown below in **bold**, by adding the text "Indoor agriculture uses" below the text "Traditional uses" under the Heading "Resource and Traditional Uses".

Hunting and fishing camps  
Traditional uses  
**Indoor agriculture uses**

32. Amending Section 7.1 in PART 7, as shown below in ~~strikeout~~, by deleting the text "Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms" below the text "Existing uses, including existing kennels", under the heading "Commercial Uses".

Existing uses, including existing kennels  
~~Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms~~

33. Amending Section 8.1 in PART 8, as shown below in **bold**, by adding the text "Indoor agriculture uses" below the text "Traditional uses" under the Heading "Resource and Traditional Uses".

Resource and Traditional Uses  
Agricultural uses  
Forestry uses  
Traditional uses  
**Indoor agriculture uses**

34. Amending the Section 9.1 in PART 9, as shown below in ~~strikeout~~, by deleting the text "Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms" below the text "Existing Uses" under the heading "Commercial Uses".

Existing uses  
~~Short-term Bedroom Rentals accessory to a residential use with up to 5 bedrooms~~

35. Amending Section 10.1 in PART 10, as shown below in **bold**, by adding the text "Indoor agriculture uses" below the text "Cannabis production facilities".

Open storage and outdoor display  
Cannabis production facilities  
**Indoor agriculture uses**

36. Amending Clause 12A.3(a) in PART 12A, as shown below in ~~strikeout~~, by repealing Subsection (iii).

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

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.  
\_\_\_\_\_  
Municipal Clerk

## Attachment E-8

### Proposed Amendments to the Land Use Bylaw for Halifax Mainland

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “12A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “DAY CARE FACILITY – SPECIAL CARE HOME PARKING”.
2. Amending the “Table of Contents”, by adding the text “ACCESSORY BEEKEEPING” immediately after the text “ACCESSORY HEN USE”.
3. Amending the “Table of Contents”, by adding the text “14QC WETLANDS” immediately after the text “14QB COASTAL AREAS”.
4. Amending the “Table of Contents”, by deleting the text “14R SHIPPING CONTAINERS” and replacing it with the text “14RA SHIPPING CONTAINERS” immediately after the text “14QB COASTAL AREAS”.
5. Amending the “Table of Contents”, by adding the text “14YC RESIDENTIAL PRODUCE SALE”, “14YD FARMERS’ MARKET”, and “14YE HEIGHT REGULATIONS” immediately after the text “14YB SHORT-TERM RENTALS”.
6. Amending DEFINITIONS, as shown below in **bold**, by adding the definition “Agricultural Use - Intensive” after the definition “Adult Entertainment Use”.

**“Agricultural Use – Intensive” - means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**

7. Amending DEFINITIONS, as shown below in **bold**, by adding the definition “Amenity Space” after the definition “Alter”.

**“Amenity Space” means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

8. Amending DEFINITIONS, as shown below in **bold**, by adding the definitions “ELECTRIC VEHICLE”, “ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “ENERGIZED OUTLET” after the definition “Dwelling Unit”.

**“Electric Vehicle” means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**“Electric Vehicle Supply Equipment” means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**“Energized Outlet” means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

9. Amending DEFINITIONS, as shown below in **bold**, by adding the definitions “Farmers’ Market” after the definition “Fairview Area”.

**“Farmers’ Market” 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

10. Amending DEFINITIONS, as shown below in **bold**, by adding the definition “GREENHOUSE” after the definition “Grade-Related Unit”.

**“Greenhouse” means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

11. Amending DEFINITIONS, as shown below in **bold**, by adding the definition “Indoor Agriculture” after the definition “Illuminated Sign”.

**“Indoor Agriculture” means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

12. Amending DEFINITIONS, as shown below in **bold**, by adding the definition “Marine Dependent Use” after the definition “Mainland South Area”.

**“Marine Dependent Use” means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

13. Amending DEFINITIONS, as shown below in **bold**, by adding the definition “Wetland” after the repealed definition “Wetland Areas”.

**“Wetland” means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

14. Amending Section 9(c) in GENERAL PROVISIONS, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “short-term bedroom rental,” after the text “tourist home,” and before the text “ or building”;
  - b. Adding the text “, except:” after the text “similar nature”;
  - c. Deleting the text “;” after the text “similar nature”;
  - d. Adding Clause (i) after the text “similar nature, except:”
  - e. Adding Clause (ii) after Clause (i).

9(c) Parking space for one vehicle for each three guest rooms or suites in a hotel, guest home, tourist home, ~~short-term bedroom rental~~, or building of a similar nature and such space shall be provided at a point not further than 500 feet distant from such hotel, guest home, tourist home, or building of a similar nature; **except:**

- (i) **For short-term rentals, one (1) off-street parking space shall be provided for each dwelling unit to be rented.**
- (ii) **For short-term bedroom rentals, one (1) off-street parking space shall be provided for each bedroom to be rented;**

15. Amending GENERAL PROVISIONS, as shown below in **bold**, by adding Section 12A after deleted Section 12.

**12A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) **For single family, semi-detached, duplex and townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) **For apartment house uses containing three unit and four unit uses, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) **Notwithstanding (ii), for apartment house uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE**

**J1772 standard.**

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (c) All Energized Outlets must be located within 5 metres of the parking stall it services.

16. Amending Section 14A in GENERAL PROVISIONS, as shown below in **bold**, by adding Clause (i) after Clause (h).

- (g) R-1 and R-2 uses on lots which abut the existing public street network for the area identified on Schedule ZM-35.
- (h) a development within an Urban Reserve (UR) Zone.
- (i) **R-1 uses on lots identified on Schedule ZM-36.**

17. Amending “GENERAL PROVISIONS”, as shown below in **bold**, by adding Section “14BBB ACCESSORY BEEKEEPING USE” after Section 14BB.

**14BBB ACCESSORY BEEKEEPING USE**

An accessory beekeeping use is permitted in all zones except Protected Area Zone and Water Access Zone subject to the following provisions:

- (a) The maximum number of beehives permitted on a lot shall not exceed:
  - i. two beehives on lots of less than 2,000 square metres in area; or
  - ii. four beehives on lots equal to or greater than 2,000 square metres in area.
- (b) Beehives shall:
  - i. not be located in any front yard; and

ii. **be located no less than 3.0 metres from any lot line.**

18. Amending Section 14BC in GENERAL PROVISIONS, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

14BC ~~Notwithstanding anything else in this by-law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~floor area~~ **footprint** requirements for accessory buildings or structures.

19. Amending GENERAL PROVISIONS, as shown below in **bold**, by adding Section “14QC WETLANDS” after Section 14QB.

### **14QC WETLANDS**

#### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

#### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia..**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

#### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) **Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**

**(b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

#### **USES PERMITTED WITHIN THE WETLAND BUFFER**

**(4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**

- (i) marine dependent uses, fisheries uses, conservation uses;**
- (ii) fences, wharfs, boat ramps;**
- (iii) driveway crossings;**
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;**
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and**
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.**

**(5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:**

- (i) wastewater, storm and water infrastructure, and public water control structures.**

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

20. Amending GENERAL PROVISIONS, as shown below in **bold** and ~~strikeout~~, by repealing Section “14R SHIPPING CONTAINERS” and replacing it with Section “14RA SHIPPING CONTAINERS” after Section 14QB.

#### ~~14R SHIPPING CONTAINERS~~

- ~~(a) Shipping containers may not be used as accessory buildings to a residential use with the exception of backyard suites. Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non recreation or non residential use shall not be permitted on any property which abuts a residential, park or institutional zone.~~
- ~~(b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~
- ~~(c) Deleted~~

#### **14RA SHIPPING CONTAINERS**

**(1) Shipping containers may be used as accessory buildings only in an industrial zone or**

commercial zone or in conjunction with a recreation use, provided they meet the following requirements:

- (i) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street;
  - (ii) Shipping containers must meet all applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping; and
  - (iii) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone;
- (2) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.
- (3) Notwithstanding subsection (1), Shipping containers may be used as a backyard suite, subject to the applicable requirements for backyard suites.
- (4) Notwithstanding subsection (1), Shipping containers may be used as a main use for indoor agriculture, subject to the applicable zone standards for main buildings.

21. Amending Section 14YA in GENERAL PROVISIONS, as shown below in **bold**, by adding Clauses d) and e) after Clause c).

14YA      DEVELOPMENT PERMIT EXEMPTIONS

- a)      An accessory hen use is exempt from the requirement to obtain a development permit.
- b)      A short-term rental of an entire dwelling unit in an operator’s primary residence is exempt from the requirement to obtain a development permit.
- c)      Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
- d)      **An accessory beekeeping use is exempt from the requirement to obtain a development permit.**
- e)      **A residential produce sale use is exempt from the requirement to obtain a development permit.**

22. Amending GENERAL PROVISIONS, as shown below in **bold**, by adding “14YC RESIDENTIAL PRODUCE SALE”, “14YD FARMERS’ MARKET”, and “14YE HEIGHT REGULATIONS” after Section 14YB.

14YC      RESIDENTIAL PRODUCE SALE

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Area Zone and Water Access Zone, subject to the following provisions:**

- (a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- (b) **Any accessory structures devoted to the sale of plants and food products:**
  - i.      **shall not exceed 5 m2 of footprint; and**



(iii) ~~from a watercourse~~ ~~30 metres~~ ~~(98.4 feet)~~

26. Amending MAINDLAND WIDE – DEVELOPMENT AGREEMENT under SCHEDULES, as shown below in **bold**, by adding Subsections “71(14)”, “71(15)”, and “71(16)” after Subsection 71(13)”.

**71(14) INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT**  
**Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands designated Commercial.**

**71(15) DEVELOPMENT AGREEMENTS FOR SOLAR**  
**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

**71(16) DEVELOPMENT AGREEMENTS FOR ISLANDS, COASTAL AREAS, WATERCOURSES AND WETLANDS**  
**Pursuant to policies EN-43 and EN-53 of the Halifax Regional Municipal Planning Strategy, alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement.**

27. Amending ZM-1 (South Section) to rezone the lands to Protected Area Zone (PA) and Park and Institutional (P) as shown on Schedule E-8A, attached hereto.

28. Amending ZM-1 (South Section) to rezone the lands to Single Family Dwelling (R-1) and Regional Park (RPK), as shown on Schedule E-8B, attached hereto.

29. Amending ZM-1 (South Section) to rezone the lands to Single Family Dwelling (R-1), as shown on Schedule E-8C, attached hereto.

30. Adding Map ZM-36: Purcell’s Cove immediately following zoning Map ZM-35: Kearney Lake Area as shown on Schedule E-8D, attached hereto.

31. Amending ZM-2 (Schedules and Secondary Planning Areas) to include lands within the Bedford Highway Secondary Planning Strategies as shown on Schedule E-8F, attached hereto.

32. Amending ZM-1 (North Section) to rezone the lands as illustrated on Schedule E-8F, attached hereto.

33. Amending Map ZM-1 (Centre Section) to rezone the portion of land, known as 3524 Dutch Village Road (PID 00188771), from the Two Family Dwelling (R-2) Zone to the Dutch Village

Road Mixed Use (C-2C) zone. *[as amended at First Reading]*

34. Amending Map ZM-28 (Plan Dutch Village Road Overview Map) to add the portion of land, known as 3524 Dutch Village Road (PID 00188771), to Area D. *[as amended at First Reading]*

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-9

Proposed Amendments to the Land Use Bylaw for Lawrencetown

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Lawrencetown is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.12B ACCESSORY BEEKEEPING USE” immediately after the text “4.12A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by adding the text “4.19B WETLANDS” immediately after the text “4.19A COASTAL AREAS”.
3. Amending the “Table of Contents”, by adding the text “4.27A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.27 LOADING SPACE REQUIREMENTS”.
4. Amending the “Table of Contents”, by adding the text “4.30A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.30 SCHEDULE C – WETLANDS”.
5. Amending the “Table of Contents”, by adding the text “4.35 RESIDENTIAL PRODUCE SALE” and “4.36 FARMERS’ MARKET” immediately after the text “4.34 SHORT-TERM RENTALS”.
6. Amending PART 2, as shown below in **bold**, by adding the definition “2.5A AMENITY SPACE” after Section 2.5.

**2.5A AMENITY SPACE means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

7. Amending Section 2.10 in PART 2, as shown below in **bold**, by adding the text “shipping” after the text “includes any vessel or” .

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or **shipping** container used for any of the foregoing purposes.

8. Amending PART 2, as shown below in **bold**, by adding the definition “2.10E COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.10D.

**2.10E COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

9. Amending PART 2, as shown below in **bold**, by adding the definitions “2.18A ELECTRIC VEHICLE”, “2.18B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.18C ENERGIZED OUTLET” after Section 2.18.

**2.18A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.18B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.18C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

10. Amending PART 2, as shown below in **bold**, by adding the definition “2.22A FARMERS’ MARKET” after Section 2.22.

**2.22A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.26A GREENHOUSE” after Section 2.26.

**2.26A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

12. Amending Section 2.27 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

13. Amending PART 2, as shown below in **bold**, by adding the definition “2.29AA INDOOR AGRICULTURE” after Section 2.29.

**2.29AA INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

14. Amending Section 2.35 in PART 2, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “and” and replacing it with the text “or” after the text “described in a plan” and before the text “deed”; and
- b. Adding the text “approved” after the text “deed” and before the text “pursuant to “.

2.35 LOT means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the effective date of this by-law or is described in a plan ~~and or~~ deed **approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

15. Amending PART 2, as shown below in **bold**, by adding the definition “2.42A MARINE DEPENDENT USE” after the definition “2.42 MAIN WALL”.

**2.42A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.66B(a) SHIPPING CONTAINER” after Section 2.66B.

**2.66B(a) SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.**

17. Amending Section 2.72A in PART 2, as shown below in **bold**, by adding the definition “2.72A WETLAND” after Section 2.72.

**2.72A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

18. Amending PART 3, as shown below in **bold**, by adding Section “3.8 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.9 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.7.

**3.8            DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.9            DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

19. Amending PART 4, as shown below in **bold**, by adding Sections 4.1F and 4.1G after Section 4.1E.

**4.1F            An accessory beekeeping use is exempt from the requirement to obtain a development permit.**

**4.1G            A residential produce sale use is exempt from the requirement to obtain a development permit.**

20. Amending Section 4.3 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Part 14 of the Subdivision By-law” and replacing it with the text “Sections 38 or 40 of the Regional Subdivision Bylaw” after the text “provisions of” and before the text “provided that all” in Subsection (a);
- b. Adding the text “Regional” after the text “provisions of the” and before the text “Subdivision By-law” in Subsection (b);
- c. Adding the text “Section 48 of” after the “as specified in” and before the text “the” in Subsection (c);
- d. Adding the text “Regional” after the text “the” and before the text “Subdivision By-law” in Subsection (c); and

- (a) Notwithstanding the lot frontage requirements found elsewhere in this by-law, development permits may be issued for residential and resource purposes in the RR-1 zone on lots created pursuant to the provisions of ~~Part 14 of the Subdivision By-law~~ **Sections 38 or 40 of the *Regional Subdivision Bylaw*** provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding subsection 4.3(a), lots which have frontage on Highway No. 207 shall not be eligible for the application of the reduced lot frontage provisions of the ***Regional Subdivision By-law***.
- (c) Notwithstanding the lot frontage requirements found elsewhere in this By-law, a development permit may be issued for a maximum of two (2) lots or one (1) lot and a remainder per parcel of land with frontage on Highway No. 207, and which existed on

the effective date of this By-law, as specified in **Section 48 of the Regional Subdivision By-law**, provided that each lot has a minimum frontage of one hundred (100) feet (30.5 m) and provided that all other applicable provisions of this By-law are satisfied.

21. Amending Section 4.7 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law” in Subsection (a);
- b. Deleting the text “vacant” after the text “By-law, a” and before the text “lot” in Subsection (a);
- c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence” after the text “lot” and before the text “on the effective date” in Subsection (a);
- d. Deleting the text “, depth” after the text “frontage” and before the text “or area required” in Subsection (a);
- e. Repealing Subsection (b); and
- f. Adding Subsection (ba) after repealed Subsection (b).

#### 4.7 EXISTING UNDERSIZED LOTS

- (a) Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a ~~vacant~~ lot ~~held in separate ownership from adjoining parcels~~ **which was in existence** on the effective date of this By-law and having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located, and a building may be erected on the lot providing that all other applicable provisions in this By-law are satisfied. Furthermore, where the Development Officer approves an increase in the area of any undersized lot held in separate ownership from adjoining parcels on the effective date of this By-law, it may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, notwithstanding that it may still have less than the minimum frontage, depth or area required by this By-law, and provided that all other applicable provisions of this By-law are satisfied.
- (b) ~~Further to Subsection (a) above, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this By-law; the remainder lot shall, however, meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.~~
- (ba) **Further to subsection (a) above, the Development Officer may issue a development permit for a lot approved pursuant to Sections 41 or 42 of the Regional Subdivision By-law where an undersized lot has had its boundaries altered.**

22. Amending PART 4, as shown below in **bold**, by adding Section “4.12B ACCESSORY BEEKEEPING USE” after Section 4.12A.

#### **4.12B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone subject to the following provisions:**

- (a) The maximum number of beehives permitted on a lot shall not exceed:**
  - i. two beehives on lots of less than 2,000 square metres in area; or**
  - ii. four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) Beehives shall:**
  - i. not be located in any front yard; and**
  - ii. be located no less than 3.0 metres from any lot line.**

23. Amending Clause 4.13(d) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Adding the text “a footprint of” after the text “exceed” and before the text “one thousand”; and
- b. Deleting the text “at grade” after the text “(92.9m2)” and before the text “in any”.

d) exceed **a footprint of** one thousand (1,000) square feet (92.9 m2) ~~at grade~~ in any RR (Rural Residential) Zone or C-1 (Local Business Store) Zone;

24. Amending Clause 4.13(g) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this by-law, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

(g) ~~Notwithstanding anything else in this by-law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.

25. Amending Section 4.15 in PART 4, as shown below in **bold**, by:

- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar body”; and
- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.15 VEHICLE BODIES

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

26. Amending Section 4.18 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.18 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennas, satellite dishes, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

27. Amending PART 4, as shown below in **bold**, by adding Section “4.19B WETLANDS” after Section 4.19A.

#### **4.19B WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) **Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (d) **Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

##### **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
- (i) wastewater, storm and water infrastructure, and public water control structures; and parks, public roads, and active transportation crossings.
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

28. Amending PART 4, as shown below in **bold**, by adding Section “4.27A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.27.

**4.27A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) For single unit and two unit uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE**

**J1772 standard.**

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (d) All Energized Outlets must be located within 5 metres of the parking stall it services.

29. Amending PART 4, as shown below in **bold**, by adding Section “4.30A COMMERCIAL SOLAR ENERGY FACILITIES” after repealed Section 4.30.

**4.30A COMMERCIAL SOLAR ENERGY FACILITY**

**The use of solar energy facilities shall be regulated in accordance with the provisions of this Section.**

- a) **Commercial Solar Energy Facilities shall be permitted in any Commercial Zones and Industrial Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;**
- b) **For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;**
  - a) **Fencing shall be installed to screen views from abutting properties;**
  - b) **Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;**
- c) **No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**
- d) **Lighting of a solar energy system shall be for safety and operational purposes**

**and directed away from abutting properties.**

30. Amending PART 4, as shown below in **bold**, by adding Section “4.35 RESIDENTIAL PRODUCE SALE” and “4.36 FARMERS’ MARKET” after Section 4.34.

**4.35 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone, subject to the following provisions:**

- (b) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- (c) Any accessory structures devoted to the sale of plants and food products:
  - (i) shall not exceed 5 m2 of footprint; and**
  - (ii) notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard.****
- (d) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.36 FARMERS’ MARKET**

- (a) A farmers’ market use shall be permitted in the Rural Residential Zone, any Commercial Zone and any Industrial Zone, provided all other land use by-law requirements are satisfied.**
- (b) An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.12 and 4.13.**

70. Amending Section 9.1 in PART 9, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Office or retail uses accessory to any permitted use” under the Heading “Industrial Uses”.

Office or retail uses accessory to any permitted use  
**Indoor agriculture uses**

31. Amending Section 10.1 in PART 10, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Composting operations (refer to Section 4.28)  
Cannabis production facilities  
**Indoor agriculture uses**

32. Amending Subsection 12A.3(a) in PART 12A, as shown below in ~~strikeout~~, by repealing Clause (iii).

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

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-10  
Proposed Amendments to the Land Use Bylaw for  
Musquodoboit Valley & Dutch Settlement

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Musquodoboit Valley & Dutch Settlement is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.11B ACCESSORY BEEKEEPING USE” immediately after the text “4.11A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by adding the text “4.19A WETLANDS” immediately after the text “4.19 WATERCOURSES”.
3. Amending the “Table of Contents”, by adding the text “4.26A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.26 LOADING SPACE REQUIREMENTS”.
4. Amending the “Table of Contents”, by adding the text “4.30A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.30 SCHEDULE G – WETLANDS”.
5. Amending the “Table of Contents”, by adding the text “4.31 WIND ENERGY FACILITIES” immediately after the text “4.30A COMMERCIAL SOLAR ENERGY FACILITIES”.
6. Amending the “Table of Contents”, by adding the text “4.35 RESIDENTIAL PRODUCE SALE” and “4.36 FARMERS’ MARKET” immediately after the text “4.34 SHORT-TERM RENTALS”.
7. Amending PART 2, as shown below in **bold**, by adding the definition “2.4A AGRICULTURAL USE - INTENSIVE” after Section 2.4.

**2.4A AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**

8. Amending Section 2.12 in PART 2, as shown below in **bold**, by adding the text “shipping” after the text “includes any vessel or” and before the text “container used”.

2.12 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or **shipping** container used for any of the foregoing purposes.

9. Amending PART 2, as shown below in **bold**, by adding the definition “2.13E COMMERCIAL

SOLAR ENERGY FACILITY USE” after Section 2.13D.

**2.13E COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.23A ELECTRIC VEHICLE”, “2.23B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.23C ENERGIZED OUTLET” after Section 2.23.

**2.23A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.23B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.23C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending PART 2, as shown below in **bold**, by adding the definitions “2.30A FARMERS’ MARKET” after Section 2.30.

**2.30A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

12. Amending PART 2, as shown below in **bold** and ~~strikeout~~, by, repealing the definition “2.36 GREENHOUSE” and replacing it with the definition “2.36A GREENHOUSE” after Section 2.35.

~~2.36 GREENHOUSE means a building whose roof and sides are made of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.~~

**2.36A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

13. Amending Section 2.37 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.39AA INDOOR AGRICULTURE” after Section 2.39 and before Section 2.39A.

**2.39AA INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

15. Amending Subsection 2.45 in PART 2, as shown below in **bold** and ~~strikeout~~, by:
- Deleting the text “and” and replacing with the text “or” after the text “described in a plan” and before the text “deed”; and
  - Adding the text “approved” after the text “deed” and before the text “pursuant to”.

2.45 LOT

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before April 16, 1987, or is described in a plan ~~and~~ **or deed approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County or a lot created pursuant to s.102(2) of the Planning Act.

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.53 MARINE DEPENDENT USE” after Section 2.53.

**2.53A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.79C SHIPPING CONTAINER” after Section 2.7B.

**2.79C SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.**

18. Amending PART 2, as shown below in **bold**, by adding the definition “2.89A WETLAND” after Section 2.89.

**2.89A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

19. Amending Subsection 3.3(e) in PART 3, as shown below in **bold**, by adding Clauses (vii) and (viii) after Clause (vi).

- (vi) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
- (vii) An accessory beekeeping use.**
- (viii) A residential produce sale use.**

20. Amending Section 3.16 in PART 3, as shown below in **bold**, by adding clause (d) before Section 3.17.

**(d) Alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policies EN-43 and EN-53 of the Regional Municipal Planning Strategy, as applicable.**

21. Amending PART 3, as shown below in **bold** and ~~strikeout~~, by adding Section “3.19 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.20 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.18.

**3.19 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.20 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

22. Amending Section 4.4 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this Bylaw” in Subsection (a);
- b. Repealing Subsection (b); and
- c. Adding Subsection (ba) after repealed Subsection (b).

- (a) Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a lot which was in existence on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
- (b) ~~Furthermore, where the Development Officer approves an increase in size for a lot which was in existence on the effective date of this By-law, it may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all necessary approvals are received, notwithstanding that it may still have less than the minimum frontage, depth or area required by this By-law, and provided that all other applicable provisions of this By-law are satisfied.~~
- (ba) **Further to subsection (a) above, the Development Officer may issue a development permit for a lot approved pursuant to Sections 41 or 42 of the Regional Subdivision By-law where an undersized lot has had its boundaries altered.**

23. Amending Section 4.5 in PART 4, as shown below in bold and strikeout, by:

- d. Deleting the text “Section 107 of the Planning Act, S.N.S. 1989 and any lot created pursuant to” after the text “pursuant to” and before the text “Section”;
- e. Deleting the text “s” in the text “Sections”;
- f. Deleting the text “Section” after the text “38,” and before the text “40”;
- g. Deleting the text “Section 41, Section 42, Section” after the text “40,” and before the text “63”;
- h. Deleting the text “Section” after the text “63,” and before the text “63(a)”;
- i. Adding the text “,” after the text “63(a)”;
- j. Deleting the text “and” and replacing it with the text “or” after the added text “63(a),”;
- k. Deleting the text “Section” after the added text “or” and before the text “64”; and
- l. Adding the text “Regional” after the text “64 of the” and before the text “Subdivision By-law”.

#### 4.5 REDUCED FRONTAGE OR AREA

Any lot created pursuant to ~~Section 107 of the Planning Act, S.N.S. 1989 and any lot created pursuant to Sections 38, Section 40, Section 41, Section 42, Section 63, Section 63(a), and~~ **or Section 64** of the **Regional** Subdivision By-law may be used for any purpose permitted in the Zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

24. Amending PART 4, as shown below in **bold**, by adding Section 4.11B ACCESSORY BEEKEEPING USE” after Section 4.11A.

#### **4.11B      ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in all zones except Protected Area Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
  - i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
  - i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line.**

25. Amending clause 4.12(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this by-law, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

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

26. Amending Section 4.18 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.18 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

27. Amending PART 4, as shown below in **bold**, by adding Section “4.19A WETLANDS” after Section 4.19.

#### WETLANDS – PERMIT REQUIREMENTS

#### WETLANDS – PERMIT REQUIREMENTS

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

#### WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS

- (2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance. Where a Wetland Alteration permit has been granted and the land is no longer considered to be a wetland by Nova Scotia Environment, development shall be permitted.**
- (b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply**

#### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

#### **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**
- (i) marine dependent uses, fisheries uses, conservation uses;**
  - (ii) fences, wharfs, boat ramps;**
  - (iii) driveway crossings;**
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;**
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and**
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.**
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:**
- (i) wastewater, storm and water infrastructure, and public water control structures.**
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.**

28. Amending PART 4, as shown below in **bold**, by adding Section “4.26A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.26.

**4.26A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential units, where parking spaces are provided:**

- (i) for single-unit, semi-detached, and two unit uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) for Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For multi-use buildings, the parking spaces provided for each use must meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and**
- (e) All Energized Outlets must be located within 5 metres of the parking stall it services.**

29. Amending PART 4, as shown below in **bold**, by adding Section “4.30A SOLAR ENERGY FACILITIES” after deleted Section 4.30.

**4.30A COMMERCIAL SOLAR ENERGY FACILITIES**

**The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.**

- a) Commercial Solar Energy Facilities shall be permitted in the Mixed Use Zone and the Heavy Industrial Zone for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;**
- b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines when not adjacent to a public street;**
- c) Fencing shall be installed to screen views from abutting properties;**
- d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;**
- e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**
- f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

30. Amending PART 4, as shown below in **bold**, by adding Sections “4.35 RESIDENTIAL PRODUCE SALE” and “4.36 FARMERS’ MARKET” after Section 4.34.

**4.35 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Area Zone, subject to the following provisions:**

- (a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- (b) Any accessory structures devoted to the sale of plants and food products:
  - i. shall not exceed 5 m<sup>2</sup> of footprint; and**
  - ii. notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard.****
- (c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.36 FARMERS’ MARKET**

- (a) A farmers’ market use shall be permitted in the Rural Residential Zone, Village Zone, Mixed Use Zone, Heavy Industry Zone and Exhibition Zone, provided all other land use by-law requirements are satisfied.**
- (b) An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.11 and 4.12.**

31. Amending Section 7.1 in PART 7, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

- Automotive repair outlets
- Cannabis production facilities
- Indoor agriculture uses**

32. Amending Subsection 7.4(h) in PART 7, as shown below in ~~strikeout~~, by deleting the text “watercourse or” after the text “of any” and before the text “well except for”.

(h) No portion of any building or structure associated with an industrial use shall be located within 50 feet of any ~~watercourse or~~ well except for a well located on the same lot.

33. Amending Section 8.1 in PART 8, as shown below in **bold** by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities” under the Heading “Industrial Uses”.

- Industrial Uses
- Automotive repair outlets
- Autobody shops
- Service industries
- Food processing and packaging uses
- Trucking, excavation, landscaping and paving services
- Welding, plumbing and heating, electrical, carpentry and other trade contracting services and shops
- Light manufacturing and processing operations
- Warehouses
- General contracting, storage yards and services
- Cannabis production facilities
- Indoor agriculture uses**

34. Amending Subsection 8.4(h) in PART 8, as shown below in ~~strikeout~~, by deleting the text “watercourse or” after the text “of any” and before the text “well except”.

(h) No portion of any building or structure associated with an industrial use shall be located within 50 feet of any ~~watercourse or~~ well except for a well located on the same lot.

35. Amending Subsection 12.3(a) in PART 12, as shown below in ~~strikeout~~, by repealing Clause (iii).

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

THIS IS TO CERTIFY that the by-law of which  
this is a true copy was duly passed at a duly called  
meeting of the Council of Halifax Regional  
Municipality held on the \_\_\_\_ day of  
\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and  
under the Corporate  
Seal of the said Municipality this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-11

Proposed Amendments to the Land Use Bylaw North Preston / Lake Major / Lake Loon / Cherry Brook / East Preston Area

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law North Preston / Lake Major / Lake Loon / Cherry Brook / East Preston Area is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.1B ACCESSORY BEEKEEPING USE” immediately after the text “4.1A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by deleting the text “4.2A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS” and replacing it with the text “4.2AB SHIPPING CONTAINERS” immediately after the text “4.2 ACCESSORY BUILDINGS”.
3. Amending the “Table of Contents”, by adding the text “4.12A LAND TITLES CLARIFICATION AREAS” immediately after the text “4.12 EXISTING UNDERSIZED LOTS”.
4. Amending the “Table of Contents”, by adding the text “4.21B WETLANDS” immediately after the text “4.21A WATERCOURSES”.
5. Amending the “Table of Contents”, by adding the text “4.24A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.24 LOADING SPACE REQUIREMENTS”.
6. Amending the “Table of Contents”, by adding the text “4.28A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after deleted text “4.28 SCHEDULE C – WETLANDS OVER 2000 SQ METRES”.
7. Amending the “Table of Contents”, by adding the text “4.33 RESIDENTIAL PRODUCE SALE”, and “4.34 FARMERS’ MARKET” immediately after the text “4.32 SHORT-TERM RENTALS”.
8. Amending Section 2.10 in PART 2, as shown below in **bold**, by adding the text “or shipping container” after the text “includes any vessel”.

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes.

9. Amending PART 2, as shown below in **bold**, by adding the definition “2.10E COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.10D.

**2.10E COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting**

**and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.17A ELECTRIC VEHICLE”, “2.17B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.17C ENERGIZED OUTLET” after Section 2.17.

**2.17A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.17B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.17C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.21A FARMER’S MARKET” after Section 2.21.

**2.21A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.23A GREENHOUSE” after Section 2.23.

**2.23A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

13. Amending Section 2.24 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

**2.24 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level, but excludes car parking areas within the building and rooftop greenhouses; and for the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls. For the purpose of calculating required parking spaces for commercial buildings, gross floor area shall exclude washrooms, utility rooms and common areas between stores.**

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.25(b) INDOOR AGRICULTURE” after Section 2.25(a)

**2.25(b) INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

15. Amending Section 2.30 in PART 2, as shown below in **bold** and ~~strikeout~~, by:  
a. deleting the text “and” and replacing it with the text “or”; and  
b. adding the text “approved” after the text “deed” and before the text “pursuant to”.

2.30 LOT means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before April 16, 1987, or described in a plan ~~and~~ **or deed approved** pursuant to the Land Titles Clarification Act, or approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.37A MARINE DEPENDENT USE” after Section 2.37.

**2.37A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.68 AWETLAND” after Section 2.68.

**2.68A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

18. Amending Subsection 3.3(e) PART 3, as shown below in **bold**, by adding Subclauses (vi) and (vii) after Subclause (v).

(e) Notwithstanding Subsection 3.3(a), no development permit shall be required for the following:

- (i) any open space use which does not involve a building or structure; and
- (ii) any sign which is permitted under Section 5.5 of this By-law.
- (iii) An accessory hen use.
- (iv) A short-term rental of an entire dwelling unit in an operator’s primary residence is exempt from the requirement to obtain a development permit.
- (v) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.

- (vi) **An accessory beekeeping use.**
- (vii) **A residential produce sale use.**

19. Amending Section 3.17 in PART 3, as shown below in **bold**, by adding clause (e) before Section 3.18.

**(e) Alternative development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policy EN-43 of the Regional Municipal Planning Strategy.**

20. Amending PART 3, as shown below in **bold**, by:

- a. Adding Section “3.20 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” after Section 3.19;
- b. Adding Section “3.21 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT” after Section 3.20; and
- c. Adding Section “3.22 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.21.

**3.20 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.21 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT**

**Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands designated Highway Commercial.**

**3.22 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

21. Amending PART 4, as shown below in **bold**, by adding Section “4.1B ACCESSORY BEEKEEPING USE” after Section 4.1A.

**4.1B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Protected Water Supply Zone and Protected Area Zone subject to the following provisions:**

- (a) The maximum number of beehives permitted on a lot shall not exceed:**

- i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) Beehives shall:**
- i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line.**

22. Amending Subclause 4.2(a)(v) in PART 4, as shown below in **bold**, by adding the text “a footprint of” before the text “one thousand”.

(v) exceed **a footprint of** one thousand (1,000) square feet (93 square metres), nor be used for the keeping of livestock in any RA Zone;

23. Amending Clause 4.2(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this by-law, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

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

24. Amending PART 4, as shown below in in **bold** and ~~strikeout~~, by repealing Section “4.2A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS” and replacing it with Section “4.2AB SHIPPING CONTAINERS” after Section 4.2.

#### ~~4.2A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS~~

~~(a) Shipping containers may not be used as accessory buildings in the RA zone except in conjunction with a recreational use or a backyard suite use. Where shipping containers are permitted in other non-residential zones or in conjunction with a recreation use, applicable requirements for accessory buildings and applicable zone standards including those relating to setbacks, screening and landscaping shall apply.~~

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

~~(c) Where a shipping container is permitted to be placed on a property for nonrecreational or non-residential use, the shipping container shall be fully screened from view through the use of landscaping, opaque fencing or a combination of fencing and landscaping.~~

~~(d) Repealed~~

#### **4.2AB SHIPPING CONTAINERS**

**(1) Where shipping containers are used as an accessory recreational use in the RA zone and where shipping containers are permitted in non-residential zones, the following requirements shall be met:**

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

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

**(2) Shipping containers intended for non-recreational or non-residential use shall be fully screened from view through the use of landscaping, opaque fencing or a combination of fencing and landscaping.**

**(3) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**

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

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

25. Amending Section 4.11 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “107” and replacing it with the text “40” after the text “Section” and before the text “of the” in Subsection (a);
- b. Deleting the text “Planning Act” and replacing it with the text “Regional Subdivision Bylaw” after the text “of the” and before the text “may be used” in Subsection (a);
- c. Deleting the text “Part 14” and replacing with the text “Section 38” after the text “to” and before the text “of the” in Subsection (b);
- d. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (b).

4.11        REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section ~~107~~ **40** of the ~~Planning Act~~ **Regional Subdivision Bylaw** may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots which are created pursuant to ~~Part 14~~ **Section 38** of the **Regional** Subdivision By-law, for residential and resource uses in any zone, provided that all other applicable provisions of this By-law are met.

26. Amending Section 4.12 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage” after the text “Notwithstanding” and before the text “in this By-law” in Subsection (a);
- b. Deleting the text “, depth” after the text “frontage” and before the text “or area” in Subsection (a);
- c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it

- with the text “which was in existence” after the text “By-law, a lot” and before the text “on the effective date” in Subsection (a);
- d. Deleting the text “Part 14” and replacing it with the text “Sections 41 or 42” after the text “pursuant to” and before the text “of the” in Subsection (b); and
- e. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”.

4.12 EXISTING UNDERSIZED LOTS

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

(b) Further to Subsection (a) above, the Development Officer may issue a development permit for a lot approved pursuant to ~~Part 14~~ **Sections 41 or 42** of the **Regional** Subdivision By-law where an undersized lot has had its boundaries altered.

27. Amending PART 4, as shown below in **bold**, by adding Section “4.12A LAND TITLES CLARIFICATION AREAS” after Section 4.12.

**4.12A LAND TITLES CLARIFICATION AREAS**

**(a) Notwithstanding the lot area and frontage requirements in this By-law, any area of land or parcel located within a Land Titles Clarification Area as defined by the Land Titles Clarification Act, having less than the minimum frontage or area required by this By-law may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in the By-law are satisfied.**

**(b) Further to subsection (a) above, the Development Officer may issue a development permit for a lot approved pursuant to Section 68A of the Regional Subdivision By-law.**

28. Amending Section 4.15 in PART 4, as shown below in **bold**, by:

- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar”; and
- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

4.15 VEHICLE BODIES

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

29. Amending Section 4.19 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.19 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennas, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

30. Amending PART 4, as shown below in **bold**, by adding Section “4.21B WETLANDS” after Section 4.21A.

#### **4.21B WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) **Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (b) **Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

## **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
- (i) wastewater, storm and water infrastructure, and public water control structures.
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

31. Amending PART 4, as shown below in **bold**, by adding Section “4.24A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.24.

### **4.24A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

#### **(1) RESIDENTIAL**

**(a) For residential uses, where parking spaces are provided:**

- (i) for single-unit, two unit, semi-detached, and row/townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**

(iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (f) All Energized Outlets must be located within 5 metres of the parking stall it services.

32. Amending PART 4, as shown below in **bold**, by adding Section “4.28A COMMERCIAL SOLAR ENERGY FACILITIES” after Section 4.28.

**4.28A COMMERCIAL SOLAR ENERGY FACILITIES**

The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.

- a) Commercial Solar Energy Facilities shall be permitted in any Commercial Zones and the Mixed Resource Zone for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;
- b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;
- c) Fencing shall be installed to screen views from abutting properties;
- d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;
- e) No development permit shall be issued until an emergency management plan is

provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and

- f) **Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

33. Amending PART 4, as shown below in **bold**, by:

- a. Adding Section “4.33 RESIDENTIAL PRODUCE SALE” after Section 4.32; and
- b. Adding Section “4.34 FARMERS’ MARKET” after Section 4.33.

#### **4.33 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Water Supply Zone and Protected Area Zone, subject to the following provisions:**

- (a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- (b) **Any accessory structures devoted to the sale of plants and food products:**
  - (i) **shall not exceed 5 m2 of footprint; and**
  - (ii) **notwithstanding any other provisions of this bylaw, shall be permitted to be located in any front yard.**
- (c) **Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

#### **4.34 FARMERS’ MARKET**

- (a) **A farmers’ market use shall be permitted in the Rural Settlement Zone, Residential Zone, Local Commercial Zone, General Commercial Zone, Highway Commercial Zone, Community Facility Zone, Mixed Resource Zone, Comprehensive Development District, provided all other land use by-law requirements are satisfied.**
- (b) **An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.1 and 4.2.**

34. Amending Subsection 6.1(a) in PART 6, as shown below in **bold** and ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Shared Housing Uses”.

Two unit dwellings

Shared Housing Uses

~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

35. Amending Section 14.1 in PART 14, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Composting operations” below the Heading “Resource Uses”.

Resource Uses

Agricultural uses

Agricultural uses - intensive, except within the Lake Major Watershed

Forestry uses, sawmills and wooden furniture manufacturing

Kennels

Retail uses in conjunction with permitted resource uses

Fish and game farms

Hunting and fishing lodges

Greenhouses and nurseries

Single unit dwellings in conjunction with permitted resource uses

Composting operations

**Indoor agriculture uses**

36. Amending Subsection 16.3(a) in PART 16, as shown below in ~~strikeout~~, by repealing Clause (iii).

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

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-12

Proposed Amendments to the Land Use Bylaw for Planning District 4 (Prospect)

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 (Prospect) is hereby amended as follows:

1. Amending the “Table of Contents”, as shown in ~~strikeout~~, by deleting the text “VACANT” in the text “4.4 EXISTING ~~VACANT~~ UNDERSIZED LOTS” after the text “4.3 USES PERMITTED ON PRIVATE ROADS”.
2. Amending the “Table of Contents”, by adding the text “4.11B ACCESSORY BEEKEEPING USE” immediately after the text “4.11A ACCESSORY HEN USE”.
3. Amending the “Table of Contents”, by deleting the text “4.12A SHIPPING CONTAINERS” and replacing it with the text “4.12AB SHIPPING CONTAINERS” immediately after the text “4.12 ACCESSORY BUILDINGS”.
4. Amending the “Table of Contents”, by adding the text “4.19B WETLANDS” immediately after the text “4.19A COASTAL AREAS”.
5. Amending the “Table of Contents”, by adding the text “4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.28 LOADING SPACE REQUIREMENTS”.
6. Amending the “Table of Contents”, by adding the text “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.32 SCHEDULE G – WETLANDS”.
7. Amending the “Table of Contents”, by adding the text “4.37 RESIDENTIAL PRODUCE SALE”, and “4.38 FARMERS’ MARKET” immediately after the text “4.36 SHORT-TERM RENTALS”.
8. Amending PART 2, as shown below in **bold**, by adding the definition “2.5A AMENITY SPACE” after section 2.5.

**2.5A AMENITY SPACE means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

9. Amending Section 2.14 in PART 2, as shown below in **bold**, by adding the text “or shipping container” after the text “includes any vessel” and before the text “used for any”.

2.14 **BUILDING** means any structure whether temporary or permanent, used or built

for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes.

10. Amending PART 2, as shown below in **bold**, by adding the definition “2.17A COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.17.

**2.17A COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

11. Amending PART 2, as shown below in **bold**, by adding the definitions “2.25A ELECTRIC VEHICLE”, “2.25B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.25C ENERGIZED OUTLET” after Section 2.25.

**2.25A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.25B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.25C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.31A FARMERS’ MARKET” after Section 2.31.

**2.31A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

13. Amending PART 2, as shown below in **bold**, by adding the definition “2.39A GREENHOUSE”, after Section 2.39.

**2.39A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

14. Amending Section 2.40 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

15. Amending PART 2, as shown below in **bold**, by adding the definition “2.42A INDOOR AGRICULTURE” after Section 2.42.

**2.42A INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

16. Amending Subsection 2.47(a) in PART 2, as shown below in **bold** and ~~strikeout~~, by:
- Deleting the text “and” and replacing it with the text “or”; and
  - Adding the text “approved” after the text “deed” and before the text “pursuant to”.

2.47 LOT

- (a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the effective date of this By-law, or is described in a plan ~~and~~ **or** deed **approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.55AA MARINE DEPENDENT USE” after Section 2.55.

**2.55AA MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

18. Amending PART 2, as shown below in **bold**, by adding the text “2.91A WETLAND” after Section 2.91.

**2.91A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

19. Amending Subsection 3.3(e) in PART 3, as below in **bold**, by adding Clauses (vi) and (vii) after Clause (v).

- (e) Notwithstanding Subsection 3.3(a), no development permit shall be required for the following:
  - (i) any open space use which does not involve a building or structure; and
  - (ii) any sign which is permitted under Section 5.5 of this By-law.
  - (iii) An accessory hen use.
  - (iv) A short-term rental of an entire dwelling unit in an operator’s primary residence is exempt from the requirement to obtain a development permit.
  - (v) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
  - (vi) An accessory beekeeping use.**
  - (vii) A residential produce sale use.**

20. Amending Section 3.16 in PART 3, as shown below in **bold**, by adding clause (l) before Section 3.17.

- (l) Alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policies EN-43 and EN-53 of the Regional Municipal Planning Strategy, as applicable.**

21. Amending PART 3, as shown below in **bold**, by:

- a. Adding Section “3.19 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” after Section 3.18;
- b. Adding Section “3.20 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT” after Section 3.19; and
- c. Adding Section “3.21 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.20.

**3.19 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.20 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT**

**Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands designated Mixed Use.**

**3.21 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

22. Amending Section 4.4 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Vacant” after the text “Existing” and before the text “Undersized Lots” in the heading;
- b. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law” in Subsection (a);
- c. Deleting the text “vacant” after the text “By-law, a” and before the text “lot” in Subsection (a);
- d. Repealing Subsection (c); and
- e. Adding Subsection (d).

4.4 EXISTING ~~VACANT~~ UNDERSIZED LOTS

- a. Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a ~~vacant~~ lot which was in existence on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable, except minimum side yards, provisions in this By-law are satisfied.
- b. Notwithstanding the minimum sideyard requirements found elsewhere in this By-law, residential uses may be located a minimum of eight (8) feet (2.4 m) from the sideyard on vacant undersized lots which were in existence on the effective date of this by-law.
- c. ~~Furthermore, where the Development Officer approves an increase in a vacant lot which was in existence on the effective date of this By law, it may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, notwithstanding that it may still have less than the minimum frontage, depth or area required by this By law, and provided that all other applicable provisions of this By law are satisfied.~~
- d. **Further to Subsection (a), the Development Officer may issue a development permit for a lot approved pursuant to Sections 41 or 42 of the *Regional Subdivision By-law* where an undersized lot has had its boundaries altered.**

23. Amending Section 4.5 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Adding the text “s” to the text “Section” in Subsection (a);
- b. Adding the text “40,” after the text “38,” and before the text “43” in Subsection (a);
- c. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (a);
- d. Deleting the text “Section 14.1” and replacing it with the text “Sections 38, 43, or 43A” after the text “pursuant to” and before the text “of the” in Subsection (a);
- e. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (a);

- f. Adding the text “Section 44 of” after the text “provisions of” and before the text “the” in Subsection (b);
- g. Adding the text “Regional” after the text “the” and before the text “Subdivision By-law” in Subsection (b); and

4.5 REDUCED FRONTAGE OR AREA

- (a) Development permits may be issued for lots approved pursuant to Sections 38, **40**, 43 or 43A of the *Regional Subdivision By-law* as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is located, for lots created pursuant to ~~Section 14.1~~ **Sections 38, 43, or 43A** of the *Regional Subdivision By-law* except for home business uses.
- (b) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of **Section 44** of the *Regional Subdivision By-law*, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

24. Amending PART 4, as shown below in **bold**, by adding Section “4.11B ACCESSORY BEEKEEPING USE” after Section 4.11A.

**4.11B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except the Conservation Zone, Protected Area Zone and Islands Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
  - i. two beehives on lots of less than 2,000 square metres in area; or**
  - ii. four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
  - i. not be located in any front yard; and**
  - ii. be located no less than 3.0 metres from any lot line.**

25. Amending Subclause 4.12(a)(iv) in PART 4, as shown below in **bold** and ~~strikeout~~, by deleting the text “of gross floor area” and replacing it with the text “in footprint” after the text “(93 square metres) of” and before the text “floor area”.

- (v) exceed one thousand (1000) square feet (93 square metres) ~~of gross floor area~~ **in footprint** in any RA-1 (Residential A-1 Zone), RA-2 (Residential A-2 Zone), RA-3 (Residential A-3 Zone), RA-4 (Residential A-4 Zone), RRA-1 (Rural Residential A-1 Zone), RRB-1 (Rural Residential B-1 Zone), RRB-2 (Rural Residential B-2 Zone), RRC-1 (Rural Residential C-1 Zone), RRD-1 (Rural Residential D-1 Zone) or RRE-1 (Rural Residential E-1 Zone) Zone;

26. Amending Clause 4.12(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”; and

- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.
- (c) ~~Notwithstanding anything else in this by-law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.

27. Amending PART 4, as shown below in in **bold** and ~~strikeout~~, by repealing and replacing Section “4.12A SHIPPING CONTAINERS” with Section “4.12AB SHIPPING CONTAINERS” after Section 4.12.

~~4.12A SHIPPING CONTAINERS~~

- ~~(a) Shipping containers may not be used as accessory buildings on a property containing a residential use with the exception of backyard suites. Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.~~
- ~~(b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~
- ~~(c) Repealed.~~
- ~~(d) Notwithstanding the foregoing, shipping containers can be used temporarily for tool storage on construction sites as per the conditions set out in Section 4.14.~~

**4.12AB Shipping Containers**

- (1) Shipping containers may be used as accessory buildings only in an industrial zone or commercial zone or in conjunction with a recreation use, provided they meet the following requirements:**
  - (i) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street;**
  - (ii) Shipping containers must meet all applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping; and**
  - (iii) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.**
- (2) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**
- (3) Notwithstanding subsection (1), Shipping containers may be used as a backyard suite, subject to the applicable requirements for backyard suites.**
- (4) Notwithstanding subsection (1), Shipping containers may be used as a main use for indoor agriculture, subject to the applicable zone standards for main buildings.**

28. Amending Section 4.15 in PART 4, as shown below in bold, by:
- a. Adding the text “, motor home, camper trailer”, after the text “No truck, bus, coach” and before the text “or streetcar body”; and
  - b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

4.15        VEHICLE BODIES

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

29. Amending Section 4.18 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

4.18        HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

30. Amending PART 4, as shown below in **bold**, by adding Section “4.19B WETLANDS” after Section 4.19A

**4.19B WETLANDS**

**WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

**WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that**

permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.

(b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

#### **RELAXATION OF BY-LAW PROVISIONS**

(3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.

(b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

#### **USES PERMITTED WITHIN THE WETLAND BUFFER**

(4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:

- (i) marine dependent uses, fisheries uses, conservation uses;
- (ii) fences, wharfs, boat ramps;
- (iii) driveway crossings;
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.

(5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:

- (i) wastewater, storm and water infrastructure, and public water control structures.

(6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

31. Amending PART 4, as shown below in **bold**, by adding Section “4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.28.

#### **4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.

##### **(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) For single unit and two unit uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

##### **(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

##### **(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

##### **(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and**
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.**

32. Amending PART 4, as shown below in **bold**, by adding Section “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” after deleted Section 4.32.

#### **4.32A COMMERCIAL SOLAR ENERGY FACILITIES**

The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.

- a) Commercial Solar Energy Facilities shall be permitted in any Mixed Use Zones, Commercial Zones, Industrial Zones, and Resource Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;
- b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;
- c) Fencing shall be installed to screen views from abutting properties;
- d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;
- e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and
- f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.

33. Amending PART 4, as shown below in **bold**, by:

- a. Adding Section “4.37 RESIDENTIAL PRODUCE SALE” after Section 4.36; and
- b. Adding Section “4.38 FARMERS’ MARKET” after Section 4.37.

#### **4.37 RESIDENTIAL PRODUCE SALE**

The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Conservation Zone, Protected Area Zone and Islands Zone, subject to the following provisions:

- a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- b) Any accessory structures devoted to the sale of plants and food products:
  - (i) shall not exceed 5 m<sup>2</sup> of footprint; and
  - (ii) notwithstanding any other provisions of this bylaw shall be permitted to be located in any front yard.
- c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.

#### **4.38 FARMERS’ MARKET**

- a) A farmers’ market use shall be permitted in the Residential B-1 Zone, Residential B-2 Zone, Residential B-3 Zone, Residential B-4 Zone, Rural Residential A-1 Zone, Rural Residential B-1 Zone, Rural Residential B-2 Zone, Rural Residential C-1

**Zone, Rural Residential D-1 Zone, Rural Residential E-1 Zone, Mixed Use 1 Zone, Mixed Use 2 Zone, Rural Residential A Commercial Zone, Rural Residential B Commercial Zone, Rural Residential D Commercial Zone, Rural Residential E Commercial Zone, General Business Zone, Light Industry Zone, Local Service Zone, Resource Zone, Community Facility Zone, Commercial Recreation 2 Zone, Comprehensive Development District, provided all other land use by-law requirements are satisfied.**

**b) An accessory structure associated with a farmers' market use shall meet the accessory building requirements of Sections 4.11 and 4.12.**

34. Amending Section 10.1 in PART 10, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Craft shops” under the heading “Commercial Uses”.

Craft shops

~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

35. Amending Section 10.7 in PART 10, as shown below in ~~strikeout~~, by repealing Subsection (f) after Subsection (e).

~~(f) Be less than twenty five (25) feet (7.6 m) from any watercourse or water body.~~

36. Amending Section 10.8 in PART 10, as shown below in ~~strikeout~~, by repealing Subsection (f) after Subsection (e).

~~(f) Be less than 25 feet (7.6 m) from any watercourse or water body.~~

37. Amending Section 11.1 in PART 11, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Craft shops” under the heading “Commercial Uses”.

Craft shops

~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

38. Amending Section 11.7 in PART 11, as shown below in ~~strikeout~~, by repealing Subsection (e) after Subsection (d).

~~(e) Be less than twenty five (25) feet (7.6 m) from any watercourse or water body.~~

39. Amending Section 11.8 in PART 11, as shown below in ~~strikeout~~, by repealing Subsection (f) after Subsection (e).

~~(f) Be less than 25 feet (7.6 m) from any watercourse or water body.~~

40. Amending Section 12.1 in PART 12, as shown below in ~~strikeout~~, by deleting the text “Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit” below the text “Single unit dwellings” under the heading “Residential Uses”.

Single unit dwellings

~~Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit~~

41. Amending Section 12.1 in PART 12, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Craft Shops” under the heading “Commercial Uses”.

Craft shops

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

42. Amending Section 12.7 in PART 12, as shown below in ~~strikeout~~, by repealing Subsection (e) after Subsection (d).

(e) ~~Be less than twenty five (25) feet (7.6 m) from any watercourse or water body.~~

43. Amending Section 13.1 in PART 13, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Craft Shops” under the heading “Commercial Uses”.

Craft shops

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

44. Amending Section 13.7 in PART 13, as shown below in ~~strikeout~~, by repealing Subsection (e) after Subsection (d).

(e) ~~Be less than twenty five (25) feet (7.6 m) from any watercourse or water body.~~

45. Amending Subsection 14.5 in PART 14, as shown below in ~~strikeout~~, by repealing Subsection (d).

(e) ~~Be less than 25 feet (7.6 m) from any watercourse or waterbody.~~

46. Amending Section 15.1 in PART 15, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “All existing dwellings” under the heading “Other Uses”.

All existing dwellings

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

47. Amending Section 15.5 in PART 15, as shown below in ~~strikeout~~, by repealing Clause (v) after Clause (iv).

(v) ~~Be less than fifty (50) feet (15.2 m) from any watercourse or waterbody.~~

48. Amending Section 16.1 in PART 16, as shown below in ~~strikeout~~, by deleting the text “Short-

term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “All existing dwellings” under the heading “Other Uses”.

All existing dwellings

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

49. Amending Section 16.5 in PART 16, as shown below in ~~strikeout~~, by repealing Clause (v) after Clause (iv).

(v) ~~Be less than fifty (50) feet (15.2 m) from any watercourse or waterbody.~~

50. Amending Section 17.4 in PART 17, as shown below in ~~strikeout~~, by repealing Subsection (e) after Subsection (d).

(e) ~~Be less than twenty five (25) feet (7.6 m) from any watercourse or waterbody.~~

51. Amending Section 18.1 in PART 18, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Existing commercial and industrial uses including the existing kennels on LIMS No. 40067811 and the existing fish processing plant on LIMS No. 40522583” under the heading “Other Uses”.

Existing commercial and industrial uses including the existing kennels on LIMS No. 40067811 and the existing fish processing plant on LIMS No. 40522583

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

52. Amending Section 18.8 in PART 18, as shown below in ~~strikeout~~, by repealing Subsection (e) after Subsection (d).

(e) ~~Be less than twenty five (25) feet (7.6 m) from any watercourse or waterbody.~~

53. Amending Section 19.7 in PART 19, as shown below in ~~strikeout~~, by repealing Subsection (e) after Subsection (d).

(e) ~~Be less than twenty five (25) feet (7.6 m) from any watercourse or waterbody.~~

54. Amending Section 20.1 in PART 20, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom rentals accessory to a residential use with up to 6 bedrooms” below the text “Convenience Stores” under the heading “Commercial Uses”.

Convenience stores

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

55. Amending Section 20.8 in PART 20, as shown below in ~~strikeout~~, by repealing Subsection (e) after Subsection (d).

(e) ~~Be less than twenty five (25) feet (7.6 m) from any watercourse or waterbody.~~

56. Amending Section 21.1 in PART 21, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Convenience stores” under the heading “Commercial Uses”.

Convenience stores

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

57. Amending Section 22.1 in PART 22, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Day care facilities”.

Day care facilities

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

58. Amending Section 23.1 in PART 23, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Day care facilities”.

Day cares facilities

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

59. Amending Section 26.1 in PART 26, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Marine Service industries” under the heading “Commercial Uses”.

Marine service industries

~~Short term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

60. Amending Section 27.1 in PART 27, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Mobiles and offices accessory to any permitted use

Cannabis production facilities

**Indoor agriculture uses**

61. Amending Section 29.1 in PART 29, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Composting operations

Cannabis production facilities

**Indoor agriculture uses**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional

Municipality held on the \_\_\_\_ day of  
\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and  
under the Corporate  
Seal of the said Municipality this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-13

Proposed Amendments to the Land Use Bylaw for Planning District 5 (Chebucto Peninsula)

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.12B ACCESSORY BEEKEEPING USE” immediately after the text “4.12A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by deleting the text “4.13A SHIPPING CONTAINERS” and replacing it with the text “4.13AB SHIPPING CONTAINERS” immediately after the text “4.13 ACCESSORY BUILDINGS”.
3. Amending the “Table of Contents”, by adding the text “4.20B WETLANDS” immediately after the text “4.20A COASTAL AREAS”.
4. Amending the “Table of Contents”, by adding the text “4.28AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.28 STANDARDS FOR PARKING LOTS”.
5. Amending the “Table of Contents”, by adding the text “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.32 SCHEDULE C – WETLANDS MAP”.
6. Amending the “Table of Contents”, by adding the text “4.37 RESIDENTIAL PRODUCE SALE” and “4.38 FARMERS’ MARKET” immediately after the text “4.36 SHORT-TERM RENTALS”.
7. Amending PART 2, as shown below in **bold**, by adding the definition “2.3A AGRICULTURAL USE - INTENSIVE” after Section 2.3.

**2.3A AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**

8. Amending PART 2, as shown below in **bold**, by adding the definition “2.4A AMENITY SPACE” after section 2.4.

**2.4A AMENITY SPACE means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

9. Amending Section 2.8 in PART 2, as shown below in **bold**, by adding the text “or shipping container” after the text “includes any vessel”.

2.8 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes.

10. Amending PART 2, as shown below in **bold**, by adding the definition “2.10A COMMERCIAL SOLAR ENERGY FACILITY” after Section 2.10.

**2.10A COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

11. Amending Subsection 2.18(i) in PART 2, as shown below in **bold**, by adding the text “t” after the text “leas”.

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

12. Amending PART 2, as shown below in **bold**, by adding the definitions “2.18A ELECTRIC VEHICLE”, “2.18B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.18C ENERGIZED OUTLET” after Section 2.18.

**2.18A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.18B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.18C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

13. Amending PART 2, as shown below in **bold**, by adding the definition “2.22A FARMERS’ MARKET” after Section 2.22.

**2.22A FARMERS' MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.26A GREENHOUSE” after Section 2.26.

**2.26A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

15. Amending Section 2.28 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.31AA INDOOR AGRICULTURE” after Section 2.31.

**2.31AA INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

17. Amending Section 2.35 in PART 2, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “and” and replacing it with the text “or” after the text “in a plan” and before the text “deed”; and
- b. Adding the text “approved” after the text “deed” and before the text “pursuant to”.

2.35 LOT means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan ~~and~~ or deed **approved** pursuant to the Land Titles Clarification Act, or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

18. Amending PART 2, as shown below in **bold**, by adding the definition “2.41 MARINE DEPENDENT USE” after Section 2.41.

**2.41A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

19. Amending PART 2, as shown below in **bold**, by adding the definition “2.71A WETLAND” after Section 2.71.

**2.71A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

20. Amending PART 3, as shown below in **bold**, by adding Sections “3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES”, “3.10 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT”, and “3.12 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.8.

**3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.10 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT**

**Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands zoned General Business.**

**3.11 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

21. Amending PART 4, as shown below in **bold**, by adding Sections 4.1F and 4.1G after Section 4.1E.

**4.1F An accessory beekeeping use is exempt from the requirement to obtain a development permit.**

**4.1G A residential produce sale use is exempt from the requirement to obtain a development permit.**

22. Amending Section 4.5, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law”.

- b. Deleting the text “vacant” after the text “By-law, a” and before the text “lot”;
- c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence”;
- d. Deleting the text “, depth” after the text “frontage” and before the text” or area required; and
- e. Deleting the text “Furthermore, where the Development Officer approves an increase in the area of any undersized lot held in separate ownership from adjoining parcels on the effective date of this By-law, it may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, notwithstanding that it may still have less than the minimum frontage depth or area required by this By-law, and provided that all other applicable provisions of this By-law are satisfied.” and replacing it with the text “Furthermore, the Development Officer may issue a development permit for a lot approved pursuant to sections 41 or 42 of the *Regional Subdivision By-law* where an undersized lot has had its boundaries altered.” After the text “this By-law are satisfied”.

#### 4.5 EXISTING UNDERSIZED LOTS

Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a ~~vacant lot held in separate ownership from adjoining parcels which was in existence~~ on the effective date of this By-law and having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located, and a building may be erected on the lot providing that all other applicable provisions in this By-law are satisfied. ~~Furthermore, where the Development Officer approves an increase in the area of any undersized lot held in separate ownership from adjoining parcels on the effective date of this By-law, it may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, notwithstanding that it may still have less than the minimum frontage depth or area required by this By-law, and provided that all other applicable provisions of this By-law are satisfied.~~ **Furthermore, the Development Officer may issue a development permit for a lot approved pursuant to sections 41 or 42 of the *Regional Subdivision By-law* where an undersized lot has had its boundaries altered.**

23. Amending Section 4.6 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Section 98” and replacing it with the text “Section 40” after the text “pursuant to” and before the text “of the”;
- b. Deleting the text “Planning Act” and replacing with the text “Regional Subdivision Bylaw” after the text “of the” and before the text “may be used”.

#### 4.6 SUBDIVISION OF EXISTING LOTS

Any lot created pursuant to ~~Section 98~~ **Section 40** of the ~~Planning Act~~ ***Regional Subdivision Bylaw*** may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

24. Amending Subsection 4.7(a) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Adding the text “Sections 40” after the text “provisions of”;
- b. Deleting the text “, 41, 42” after the text “Sections 40”;
- c. Adding the text “and 45” after the text “Sections 40” and before the text “of the”; and
- d. Adding the text “Regional” after the text “and 45 of the” and before the text “Subdivision By-law”.

- (a) Notwithstanding the lot frontage requirements found elsewhere in this By-law, lots may be created pursuant to the provisions of **Sections 40, 41, 42 and 45** of the **Regional** Subdivision By-law and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

25. Amending PART 4, as shown below in **bold**, by adding Section “4.12B ACCESSORY BEEKEEPING USE” after Section 4.12A.

**4.12B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Conservation Zone and Protected Area Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
  - i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
  - i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line.\**

26. Amending Clause 4.13(a)(v) in PART 4, as shown below in **bold**, by adding the text “a footprint of” before the text “one thousand”.

(v) exceed **a footprint of** one thousand (1000) square feet (93 square metres) at grade on lots less than 40,000 square feet in any R-1 (Single Unit Dwelling), R-2 (Two Unit Dwelling Zone), R-2a (Residential Home Occupation Zone) Zone.

27. Amending Clause 4.13(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.
- (c) ~~Notwithstanding anything else in this by law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.

28. Amending PART 4, as shown below in in **bold** and ~~strikeout~~, by repealing Section “4.13A SHIPPING CONTAINERS” and replacing it with Section “4.13AB SHIPPING CONTAINERS” after Section 4.13.

#### 4.13A SHIPPING CONTAINERS

- ~~(a) Shipping containers may not be used as accessory buildings to a residential use with the exception of backyard suites. Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.~~
- ~~(b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~
- ~~(c) Repealed~~

#### **4.13AB SHIPPING CONTAINERS**

- (1) Shipping containers may be used as accessory buildings only in an industrial zone or commercial zone or in conjunction with a recreation use, provided they meet the following requirements:**
- (i) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street;**
- (ii) Shipping containers must meet all applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping; and**
- (iii) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.**
- (3) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**
- (4) Notwithstanding subsection (1), Shipping containers may be used as a backyard suite, subject to the applicable requirements for backyard suites.**
- (5) Notwithstanding subsection (1), Shipping containers may be used as a main use for indoor agriculture, subject to the applicable zone standards for main buildings.**

29. Amending Section 4.16 in PART 4, as shown below in bold, by:

- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar body”; and
- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.16 VEHICLE BODIES

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

30. Amending Section 4.19 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.19 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

31. Amending PART 4, as shown below in **bold**, by adding Section “4.20B WETLANDS” after Section 4.20A.

#### **4.20D WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia..**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) **Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (b) **Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

## **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
- (i) wastewater, storm and water infrastructure, and public water control structures.
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

32. Amending PART 4, as shown below in **bold**, by adding Section “4.28AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.28.

### **4.28AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

#### **(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) for single-unit, semi-detached, two unit, and rowhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided,**

capable of supporting a Level 2 charging station that meets the SAE J1772 standard.

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (g) All Energized Outlets must be located within 5 metres of the parking stall it services.

33. Amending PART 4, as shown below in **bold**, by adding Section “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” after repealed Section 4.32.

**4.32A COMMERCIAL SOLAR ENERGY FACILITIES**

The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.

- a) Commercial Solar Energy Facilities shall be permitted in the Local Business Zone (C-1), General Business Zone (C-2), and the Industrial Zone (C-5) for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;
- b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;
- c) Fencing shall be installed to screen views from abutting properties;
- d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;
- e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for

- emergency responders; and
- f) **Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

34. Amending PART 4, as shown below in **bold**, by adding Sections “4.37 RESIDENTIAL PRODUCE SALE” and “4.38 FARMERS’ MARKET” after Section 4.36.

**4.37 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Conservation Zone and Protected Area Zone, subject to the following provisions:**

- a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- b) **Any accessory structures devoted to the sale of plants and food products:**
  - i. **shall not exceed 5 m<sup>2</sup> of footprint; and**
  - ii. **notwithstanding all other provisions of this bylaw, shall be permitted to be located in any front yard.**
- c) **Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.38 FARMERS’ MARKET**

- a) **A farmers’ market use shall be permitted in any Rural Residential Zone, Rural Mixed Residential Zone, Harrietsfield Village Centre Zone, Ketch Harbour Village Centre Zone, Commercial, Resource and Industrial Zones, Community Facility Zone, provided all other land use by-law requirements are satisfied.**
- b) **An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.12 and 4.13.**

35. Amending Section 9.1 in PART 9, as shown below in ~~strikeout~~, deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Arts and craft shops”.

Fishery support and aquaculture uses including retail and wholesale outlets for fish and fish products.

Arts and craft shops

~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

36. Amending Section 10.1 in PART 10, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms”.

Restricted agricultural uses;

Forestry or woodlot uses, no processing;  
Fishery support and aquaculture uses including retail and wholesale outlets for fish and fish products.  
~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

37. Amending Section 12.1 in PART 12, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Welding, plumbing and heating, electrical and other special trade contracting services and shops” under the heading “Commercial Uses”.

Welding, plumbing and heating, electrical and other special trade contracting services and shops.  
~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

38. Amending Section 14.1 in PART 14, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Convenience stores” under the heading “Local Business Zone”.

Convenience stores.  
~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

39. Amending Section 16.1 in PART 16, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Arts and Crafts Shops” under the heading” Commercial Uses”.

Arts and Craft shops  
~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

40. Amending the Section 17.1 in PART 17, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms” below the text “Home occupations;”.

Single and two unit dwellings including a dwelling unit for maintenance or security personnel.  
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit;  
Home occupations;  
~~Short-term Bedroom Rentals accessory to a residential use with up to 6 bedrooms~~

41. Amending Section 18.1 in PART 18, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “short-term bedroom rentals”.

Composting operations (see section 4.29)  
Short-term rentals  
Short-term bedroom rentals  
**Indoor agriculture uses**

42. Amending Subsection 25A.3(a) in PART 25A, as shown below in ~~strikeout~~, by repealing clause (iii).

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

43. Amending PART 26, as shown below in **bold** and ~~strikeout~~, by deleting the text “7” and replacing it with the text “6” in Section 27.6.

**276.6**      SCHEDULE OF FEES

An application to amend this By-law or modify any of the provisions of this By-law must be accompanied by a fee at the time of making such application, which fees shall be:

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
\_\_\_\_\_  
Municipal Clerk

Attachment E-14

Proposed Amendments to the Land Use Bylaw for Planning Districts 1 and 3 (St. Margarets Bay)

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 1 and 3 (St. Margarets Bay) is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.12B ACCESSORY BEEKEEPING USE” immediately after the text “4.12A ACCESSORY HEN USE”.
3. Amending the “Table of Contents”, by deleting the text “4.13A SHIPPING CONTAINERS” and replacing it with the text “4.13AB SHIPPING CONTAINERS” after Section 4.13.
4. Amending the “Table of Contents”, by adding the text “4.19B WETLANDS” immediately after the text “4.19A COASTAL AREAS”.
5. Amending the “Table of Contents”, by adding the text “4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.28 STANDARDS FOR PARKING LOTS”.
6. Amending the “Table of Contents”, by adding the text “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.32 SCHEDULE J – WETLANDS MAP”.
7. Amending the “Table of Contents”, by adding the text “4.37 RESIDENTIAL PRODUCE SALE”, and “4.38 FARMERS’ MARKET” immediately after the text “4.36 SHORT-TERM RENTALS”.
8. Amending PART 2, as shown below in **bold**, by adding the definition “2.5AA AMENITY AREA”, after Section 2.5A.

**2.5AA AMENITY AREA means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

9. Amending Section 2.9 in PART 2, as shown below in **bold**, by adding the text “or shipping container” after the text “includes any vessel”.

2.9 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes.

10. Amending PART 2, as shown below in **bold**, by adding the definition “2.14A COMMERCIAL

SOLAR ENERGY FACILITY USE” after Section 2.14.

**2.14A COMMERCIAL SOLAR ENERGY FACILITY USE**– means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.

11. Amending PART 2, as shown below in **bold**, by adding the definitions “2.22A ELECTRIC VEHICLE”, “2.22B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.22C ENERGIZED OUTLET” after Section 2.22.

**2.22A ELECTRIC VEHICLE** means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;

**2.22B ELECTRIC VEHICLE SUPPLY EQUIPMENT** means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.

**2.22C ENERGIZED OUTLET** means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.26B FARMERS’ MARKET” after Section 2.26A.

**2.26B FARMERS’ MARKET** 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.

13. Amending Section 2.30A in PART 2, as shown below in **bold** and ~~strikeout~~, by repealing Section “2.30A GREENHOUSE” and replacing it with Section “2.30B GREENHOUSE” after Section 2.30.

~~2.30A GREENHOUSE~~ means a building whose roof and sides are made of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants as a community enterprise or for subsequent sale.

**2.30B GREENHOUSE** means a structure constructed primarily of transparent materials, with at least 80% of transparent materials for each wall and a

**roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

14. Amending Section 2.32 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

15. Amending PART 2, as shown below in **bold**, by adding the definition “2.34A INDOOR AGRICULTURE” after Section 2.34

**2.34A INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

16. Amending Subsection 2.39(a) in PART 2, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “and” and replacing it with the text “or”; and
- b. Adding the text “approved” after the text “deed” and before the text “pursuant to”.

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar or Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan **and or deed approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.46AA MARINE DEPENDENT USE” after Section 2.46.

**2.46AA MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

18. Amending PART 2, as shown below in **bold**, by adding the definition “2.81A WETLAND” after Section 2.81.

**2.81A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

19. Amending PART 3, as shown below in **bold**, by adding Section “3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.10 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.8.

**3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.10 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

20. Amending PART 4, as shown below in **bold**, by adding Sections 4.1F, and 4.1G after Section 4.1E.

**4.1F An accessory beekeeping use is exempt from the requirement to obtain a development permit.**

**4.1G A residential produce sale use is exempt from the requirement to obtain a development permit.**

21. Amending Section 4.3 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “PART 14” and replacing it with the text “Section 38” after the text “pursuant to” and before the text “of the” in Subsection (a);
- b. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (a); and
- c. Adding Subsection (ab) after Subsection (a).

(a) Where a lot with reduced frontage is created pursuant to ~~PART 14~~ **Section 38** of the *Regional Subdivision By-law*, a development permit may be issued for residential or resource uses.

**(ab) Any lot approved pursuant to section 40 of the Regional Subdivision By-law may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.**

22. Amending Section 4.5 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage

- requirements” after the text “and notwithstanding” and before the text “in this By-law” in Subsection (a);
- b. Deleting the text “vacant” after the text “By-law, a” and before the text “lot” in Subsection (a);
  - c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence” after the text “lot” and before the text “on the effective date” in Subsection (a);
  - d. Deleting the text “, depth” after the text “frontage” and before the text “or area” in Subsection (a).
  - e. Deleting the text “PART 14” and replacing it with the text “Sections 41 or 42” after the text “pursuant to” and before the text “of the” in Subsection (b);
  - f. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (b); and
  - g. Deleting the text “, depth” after the text “minimum frontage” and before the text “or area” in Subsection (c).

#### 4.5 EXISTING UNDERSIZED LOTS

- (a) Except within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, and notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a ~~vacant lot held in separate ownership from adjoining parcels~~ **which was in existence** on the effective date of this By-law, having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
- (b) Further to Section 4.5(a) above, the Development Officer may issue a development permit for a lot approved pursuant to ~~PART 14~~ **Sections 41 or 42** of the **Regional** Subdivision By-law where an undersized lot has had its boundaries altered.
- (c) Within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, a vacant lot existing on June 24, 2014, having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for the following purposes, and a building may be erected on the lot for such purposes:
  - (i) a single unit dwelling; or
  - (ii) a semi-detached dwelling within Schedule O (Azalea Lane).

23. Amending PART 4, as shown below in ~~strikeout~~, by repealing Section 4.6:

#### 4.6 ~~SUBDIVISION OF EXISTING LOTS~~

- ~~(a) Any lot approved pursuant to the Planning Act may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.~~

24. Amending Subclause 4.13(a)(v) in PART 4, as shown below in **bold** and ~~strikeout~~, by deleting the text “of gross floor area” and replacing it with the text “in footprint” after the text “(93 square

metres)” and before the text “in any”.

- (v) exceed one thousand (1000) square feet (93 square metres) of ~~gross floor area~~ **area in footprint** in any R-1 (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-1 (General Residential) Zone, R-1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone;

25. Amending Clause 4.13(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in the by-law, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

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

26. Amending PART 4, as shown below in **bold**, by adding Section “4.12B ACCESSORY BEEKEEPING USE” after Section 4.12A.

#### **4.12B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Protected Water Supply Zone and Protected Area Zone subject to the following provisions:**

**(a) The maximum number of beehives permitted on a lot shall not exceed:**

- i. two beehives on lots of less than 2,000 square metres in area; or**
- ii. four beehives on lots equal to or greater than 2,000 square metres in area.**

**(b) Beehives shall:**

- i. not be located in any front yard; and**
- ii. be located no less than 3.0 metres from any lot line.**

27. Amending Clause 4.13(a)(v) in PART 4, as shown below in ~~strikeout~~, by deleting the text “gross” after the text “(93 square metres) of” and before the text “floor area”.

- (v) exceed one thousand (1000) square feet (93 square metres) of ~~gross floor area~~ in any R-1 (Single Unit Dwelling) Zone, RA (Residential) Zone, RA-1 (General Residential) Zone, R1E (Residential Estate) Zone, or R-2 (Two Unit Dwelling) Zone;

28. Amending PART 4, as shown below in in **bold** and ~~strikeout~~, by repealing Section “4.13A SHIPPNG CONTAINERS” and replacing it with Section “4.13AB SHIPPING CONTAINERS”.

#### **4.13A SHIPPING CONTAINERS**

- ~~(a) Shipping containers may not be used as accessory buildings on a property containing a residential use with the exception of backyard suites. Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and~~

~~landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation or nonresidential use shall not be permitted on any property which abuts a residential, park or institutional zone.~~

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

~~(c) Repealed~~

~~(d) Notwithstanding the foregoing, shipping containers can be used temporarily for tool storage on construction sites as per the condition set out in Section 4.14.~~

#### **4.13AB SHIPPING CONTAINERS**

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

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

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

**(iii) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone;**

**(3) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**

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

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

29. Amending Section 4.15 in PART 4, as shown below in **bold**, by:

a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar”; and

b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.15 VEHICLE BODIES

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

30. Amending Section 4.18 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

4.18 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, telecommunication towers, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

31. Amending PART 4, as shown below in **bold**, by adding Section “4.19B WETLANDS”, after Section 4.19A.

**4.19B WETLANDS**

**WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

**WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

**RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) **Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (b) **Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

**USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) **Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:**

- (i) marine dependent uses, fisheries uses, conservation uses;
- (ii) fences, wharfs, boat ramps;
- (iii) driveway crossings;
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.

(5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:

- (i) wastewater, storm and water infrastructure, and public water control structures.

(6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

35. Amending PART 4, as shown below in **bold**, by adding Section “4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.28.

**4.28A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) for single-unit, semi-detached, two unit, and townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (h) All Energized Outlets must be located within 5 metres of the parking stall it services.

36. Amending PART 4, as shown below in **bold**, by adding Section “4.32A COMMERCIAL SOLAR ENERGY FACILITIES” after deleted Section 4.32.

**4.32A COMMERCIAL SOLAR ENERGY FACILITIES**

**The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.**

- (a) **Commercial Solar Energy Facilities shall be permitted in any Mixed Residential Zones, Mixed Use Zones, Commercial Zones, Resource Zones, and Industrial Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;**
- (b) **For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;**
- (c) **Fencing shall be installed to screen views from abutting properties;**
- (d) **Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;**
- (e) **No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**
- (f) **Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

37. Amending PART 4, as shown below in **bold**, by adding Sections “4.37 RESIDENTIAL PRODUCE SALE” and “4.38 FARMERS’ MARKET” after Section 4.36.

**4.37 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Water Supply Zone and Protected Area Zone, subject to the following provisions:**

- (a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- (b) Any accessory structures devoted to the sale of plants and food products:
  - i. shall not exceed 5 m<sup>2</sup> of footprint; and**
  - ii. notwithstanding all other provisions of this bylaw, shall be permitted to be located in any front yard.****
- (c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.38 FARMERS’ MARKET**

- (a) A farmers’ market use shall be permitted in any Mixed Residential Zones, Village Residential Zone, Village Gateway Zone, Village Centre Zone, Mixed Use Zones, Commercial Zones, Resource Zones, Industrial Zones and Comprehensive Development District Zone, provided all other land use by-law requirements are satisfied.**
- (b) An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.12 and 4.13.**

38. Amending Section 17.1 in PART 17, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

OTHER USES

Cannabis production facilities

**Indoor agriculture uses**

39. Amending Section 18.1 in PART 18, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

OTHER USES

Cannabis production facilities

**Indoor agriculture uses**

40. Amending Subsection 23A.3(a) in PART 23A, as shown below in ~~strikeout~~, by repealing Clause

(iii).

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

41. Amending “Schedule A – Zoning” to rezone the lands to Protected Area (PA), as shown on Schedule E-14A, attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.  
\_\_\_\_\_  
Municipal Clerk

Attachment E-15

Proposed Amendments to the Land Use Bylaw for Planning Districts 14/17 (Shubenacadie Lakes)

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 14/17 (Shubenacadie Lakes) is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.10B ACCESSORY BEEKEEPING USE” immediately after the text “4.10A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by adding the text “4.17A WETLANDS” immediately after the text “4.17 WATERCOURSES”.
3. Amending the “Table of Contents”, by adding the text “4.27A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.27 LOADING SPACE REQUIREMENTS”.
4. Amending the “Table of Contents”, by adding the text “4.33A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.33 SCHEDULE D – WETLANDS”.
5. Amending the “Table of Contents”, by adding the text “4.38 RESIDENTIAL PRODUCE SALE” and “4.39 FARMERS’ MARKET” immediately after the text “4.37 SHORT-TERM RENTALS”.
6. Amending the “Table of Contents”, by adding the text “PART 20A: “US-E (URBAN SETTLEMENT-EMPLOYMENT) ZONE” immediately after the text “PART 20 AE-H (HOLDING) ZONE”.
7. Amending PART 2, as shown below in **bold** and ~~strikeout~~, by repealing Section “2.6 AMENITY AREA” and replacing it with Section “2.6A AMENITY AREA” after Section 2.5.
  - 2.6 ~~AMENITY AREA means an area of land set aside for purposes of visual improvement or relaxation except where an amenity area is required for any multiple unit dwelling, in which case the area may also include that portion of the building which is devoted to relaxation such as games rooms and balconies.~~
  - 2.6A **AMENITY AREA means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**
8. Amending Section 2.10 in PART 2, as shown below in bold, by adding the text “shipping” after the text “includes any vessel or” and before the text “container used”.

2.10 **BUILDING** means any structure whether temporary or permanent, used or built

for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or **shipping** container used for any of the foregoing purposes.

9. Amending PART 2, as shown below in **bold**, by adding definition “2.10F COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.10E.

**2.10F COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.24A ELECTRIC VEHICLE”, “2.24B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.24C ENERGIZED OUTLET” after Section 2.24.

**2.24A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.24B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.24C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.29A FARMERS’ MARKET” after Section 2.29.

**2.29A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.32A GREENHOUSE” after Section 2.32.

**2.32A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

13. Amending Section 2.33 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.36CA INDOOR AGRICULTURE” after Section 2.36C and before Section 2.36D.

**2.36CA INDOOR AGRICULTURE** means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.

15. Amending PART 2, as shown below in **bold**, by adding the definition “2.48AB MARINE DEPENDENT USE” after Section 2.48A.

**2.48AB MARINE DEPENDENT USE** means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.

16. Amending PART 2, as shown below in **bold**, by adding the definitions “2.73B(a) SHIPPING after Section 2.73B.

**2.73B(a) SHIPPING CONTAINER** means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.79A WETLAND” after Section 2.79.

**2.79A WETLAND** means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.

18. Amending Section 3.1 in PART 3: ZONES AND ZONING MAPS, as shown below in **bold**, by adding the text “US-E Urban Settlement-Employment Zone” below the text “AE-H Holding Zone”.

AE-H Holding Zone  
**US-E Urban Settlement-Employment Zone**

19. Amending Section 3.6, as shown below in **bold**, by:
- a. Adding the text “a” to Subsection (c) to amend it to become Subsection (ca);
- (a) Development in the flood danger area according to Policy P-50.
  - (b) Multiple unit residential uses utilizing existing oversize on-site sewerage systems or existing private sewerage treatment plants according to Policy P-68.
  - (ca) Expansion of existing salvage operations according to Policy P-120.
20. Amending Section 3.6, as shown below in **bold**, by adding clause (dd) after clause (cc).

**(dd) Alternative development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policies EN-43 of the Regional Municipal Planning Strategy, as applicable.**

21. Amending PART 3, as shown below in **bold**, by adding Section “3.6B DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.6C DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.6A.

**3.6B DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.6C DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

22. Amending PART 4, as shown below in **bold**, by adding Sections 4.1F and 4.1G after Section 4.1E.

**4.1F An accessory beekeeping use is exempt from the requirement to obtain a development permit.**

**4.1G A residential produce sale use is exempt from the requirement to obtain a development permit.**

23. Amending Section 4.5 in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law” in Subsection (a);
  - b. Deleting the text “vacant” after the text “By-law, a” and before the text “lot” in Subsection (a);

- c. Deleting the text “held in separate ownership from adjoining parcels” and replacing with the text “which was in existence” after the text “lot” and before the text “on the effective date” in Subsection (a);
- d. Deleting the text “, depth” after the text “frontage” and before the text “or area” in Subsection (a);
- e. Deleting the text “Part 14” and replacing it with the text “Section 41 or 42” after the text “pursuant to” and before the text “of the” in Subsection (b); and
- f. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (b).

4.5 EXISTING UNDERSIZED LOTS

- (a) Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a vacant lot ~~held in separate ownership from adjoining parcels~~ **which was in existence** on the effective date of this By-law, having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
- (b) Further to Section 4.5(a) above, the Development Officer may issue a development permit for a lot approved pursuant to ~~Part 14~~ **Sections 41 or 42** of the **Regional** Subdivision By-law where an undersized lot has had its boundaries altered.

24. Amending Section 4.6A in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Section 98” and replacing it with the text “Sections 38 or 40” after the text “pursuant to” and before the text “of the” in Subsection (a);
- b. Deleting the text “Planning Act and any lot created pursuant to PART 14” after the text “of the” in Subsection (a);
- c. Adding the text “Regional” after the text “of the” and before the text “ Subdivision By-law” in Subsection (a).

4.6A REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to ~~Section 98~~ **Sections 38 or 40** of the ~~Planning Act~~ and any lot ~~created pursuant to PART 14~~ **Regional Subdivision By-law** may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

25. Amending PART 4, as shown below in **bold**, by adding Section “4.10B ACCESSORY BEEKEEPING USE” after Section 4.10A.

**4.10B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Hazard Zone, Protected Water Supply Zone and Protected Area Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**

- i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) Beehives shall:**
- i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line.**

26. Amending Clause 4.11(a)(iii) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Repealing Subclause 1; and
  - b. Adding the text “R-1A,” after the text “(7.6 m) in any” and before the text “R-1B” in Subclause 2.

- (iii) Exceed a height of:
- 1. ~~twenty five (25) feet (7.62 m) in any R-1A zone or the height of the main building, whichever is less;~~
  - 2. **twenty five (25) feet (7.6 m) in any R-1A, R-1B, R-1C, R-1D, RLRC, CC, VMS, or VG zone;**

27. Amending Clause 4.11(a)(iv) in PART 4, as shown below in **bold** and ~~strikeout~~, by deleting the text “gross floor area” and replacing it with the text “footprint” after the text “Exceed a” and before the text “of:”.

- (iv) Exceed a ~~gross floor area~~ **footprint** of:

28. Amending Clause 4.11(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “Notwithstanding anything else in this bylaw, an” and replacing it with the text “An” before the text “enclosed”; and
  - b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

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

29. Amending Section 4.13 in PART 4, as shown below in **bold**, by:
- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar”; and
  - b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.13 VEHICLE BODIES

No truck, bus, coach, **motor home, camper trailer** or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building. **For clarity, a shipping**

**container is not considered a vehicle body.**

30. Amending Section 4.16 in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.16 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

31. Amending PART 4, as shown below in **bold**, by adding Section “4.17B WETLANDS” after Section 4.17A.

#### **4.17B WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) **All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.**

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) **Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.**
- (b) **Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.**

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) **Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.**
- (b) **Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.**

## **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
- (i) wastewater, storm and water infrastructure, and public water control structures.
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

32. Amending PART 4, as shown below in **bold**, by adding Section “4.27A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.27.

### **4.27A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.

#### **(1) RESIDENTIAL**

- (a) For new residential uses, where parking spaces are provided:
- (i) For single-unit, two unit, and townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;
  - (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or
  - (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE

**J1772 standard.**

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For multi-use buildings, the parking spaces provided for each use must meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (i) All Energized Outlets must be located within 5 metres of the parking stall it services.

33. Amending PART 4, as shown below in **bold**, by adding Section “4.33A COMMERCIAL SOLAR ENERGY FACILITIES” after Section 4.33.

**4.33A COMMERCIAL SOLAR ENERGY FACILITIES**

The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.

- a) Commercial Solar Energy Facilities shall be permitted in any Commercial Zones, Industrial Zones, and Resource Zones, for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;
- b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;
- c) Fencing shall be installed to screen views from abutting properties;
- d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;
- e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and
- f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.

34. Amending PART 4, as shown below in **bold**, by adding Sections “4.38 RESIDENTIAL PRODUCE SALE” and “4.39 FARMERS’ MARKET” after repealed Section 4.37.

#### **4.38 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Hazard Zone, Protected Water Supply Zone and Protected Area Zone, subject to the following provisions:**

- a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- b) Any accessory structures devoted to the sale of plants and food products:
  - i. shall not exceed 5 m<sup>2</sup> of footprint; and**
  - ii. notwithstanding all other provisions of this bylaw, shall be permitted to be located in any front yard.****
- c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

#### **4.39 FARMERS’ MARKET**

- a) A farmers’ market use shall be permitted in any zone except the Single Unit Dwelling Zone, Holding Zone, Hazard Zone, Construction & Demolition Zones, Infrastructure Charge Zone, Park Zone, Regional Park Zone, Protected Water Supply Zone and Protected Area Zone, provided all other land use by-law requirements are satisfied.**
- b) An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.11 and 4.12.**

35. Amending Section 8.1 in PART 8, as shown below in ~~strikeout~~, by deleting the text “Shared housing use with 10 or fewer bedroom in conjunction with a permitted dwelling unit” below the text “Existing residential dwellings”.

Existing residential dwellings

~~Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit~~

36. Amending Section 10.7 in PART 10, as shown below in ~~strikeout~~, by repealing Subsection (b).

#### **10.7 OTHER REQUIREMENTS: EXISTING FORESTRY USES**

Notwithstanding the provisions of Sections 4.4, 4.6 (e), 10.2 and 10.5, existing forestry uses in any R-6 Zone shall be permitted and may be expanded subject to the following requirements:

- (a) no structures associated with existing forestry uses shall be located within two hundred (200) feet (61 m) of any dwelling other than a permitted accessory dwelling;**

- (b) ~~no structures associated with existing forestry uses shall be located within one hundred (100) feet (30.5 m) of any lake or watercourse, or a greater distance where required by Section 4.17;~~

37. Amending Section 14A.1 in PART 14A, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 4 bedrooms” below the text “Existing Multiple Unit Dwellings pursuant to Section 4.6(k)”.

Two unit dwellings  
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit  
Home Businesses  
Existing Multiple Unit Dwellings pursuant to Section 4.6 (k)  
~~Short-term Bedroom Rentals accessory to a residential use with up to 4 bedrooms~~

38. Amending Section 14C.1 in PART 14C, as shown below in ~~strikeout~~, by deleting the text “Short-term Bedroom Rentals accessory to a residential use with up to 4 bedrooms” below the text “Home Businesses”.

Two unit dwellings  
Shared housing use with 10 or fewer bedrooms in conjunction with a permitted dwelling unit  
Home Businesses  
~~Short-term Bedroom Rentals accessory to a residential use with up to 4 bedrooms~~

39. Amending Section 14E.1 in PART 14, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Short-term bedroom rentals”; and

- a. Adding the text “Shared housing use with 10 or fewer bedrooms accessory to any permitted use” below the text “Single unit dwellings accessory to any permitted use” under the heading “Residential Uses”; and

Warehousing and wholesaling  
Short-term rentals  
Short-term bedroom rentals  
**Indoor agriculture uses**

40. Amending Section 15.1 in PART 15, as shown below in **bold**, by adding the text “indoor agriculture uses” below the text “Composting operations”.

Existing residential uses  
Composting operations  
**Indoor agriculture uses**

41. Amending Section 15A.1 in PART 15A, as shown below in ~~strikeout~~ and **bold**, by:

- a. Deleting the text “and” after the text “(ad) Vehicle services;”;
- b. Adding the text “;and” after the text “Accessory uses” in subsection (ae); and
- c. Adding the Subsection “(af) Indoor agriculture uses” after subsection (ae).

(ad) Vehicle services; ~~and~~

- (ae) Accessory uses; and
- (af) Indoor agriculture uses**

42. Amending Section 18.1 in PART 18, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities” under the heading “Business Uses”.

Personal Service Uses  
Cannabis production facilities  
**Indoor agriculture uses**

43. Adding the PART, as shown below in **bold**, “PART 20A: US-E (URBAN SETTLEMENT-EMPLOYMENT) ZONE”, after PART 20.

**PART 20A US-E (URBAN SETTLEMENT-EMPLOYMENT) ZONE**

**20.1A US-E USES PERMITTED**

**No development permit shall be issued in any US-E Zone except for the following:**

**Utilities**  
**Conservation uses**  
**Public parks and playgrounds**

44. Amending PART 24, as shown below in ~~strikeout~~, by repealing Subsection 24.3(a).

24.3 OTHER REQUIREMENTS: SETBACKS FROM WATER SUPPLY SOURCES

- (a) ~~No development permit shall be issued for any dwelling or accessory structure within 30.5 metres of any lake or other watercourse within the PWS (Protected Water Supply) Zone.~~
- (b) Notwithstanding Section 4.17, water distribution or purification uses may be built to the lot line where the line corresponds to the shore line.

45. Amending Section 25.4 in PART 25, as shown below in ~~strikeout~~, by repealing Subsection (b).

25.4 OTHER REQUIREMENTS: RESOURCE USES

Where uses are permitted as resource uses in any MR Zone, the following shall apply:

- (a) No sawmill or intensive livestock operation shall be located within two hundred (200) feet (61 m) of any dwelling other than a permitted accessory dwelling.
- (b) ~~No sawmill or intensive livestock operation shall be located within one hundred (100) feet (3.5 m) of any lake or watercourse.~~

49. Amending “Schedule B - Zoning” to rezone the lands to Urban Settlement-Employment (US-E) Zone, as shown on Schedule E-15A.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-16

Proposed Amendments to the Land Use Bylaw for Planning Districts 8 & 9 (Lake Echo/Porters Lake)

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8 & 9 (Lake Echo/Porters Lake) is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.8A LAND TITLES CLARIFICATION AREAS” immediately after the text “4.8 EXISTING UNDERSIZED LOTS”.
2. Amending the “Table of Contents”, by adding the text “4.11B ACCESSORY BEEKEEPING USE” immediately after the text “4.11A ACCESSORY HEN USE”.
3. Amending the “Table of Contents”, by adding the text “4.18B WETLANDS” immediately after the text “4.18A COASTAL AREAS”.
4. Amending the “Table of Contents”, by adding the text “4.25A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.25 STANDARDS FOR PARKING LOTS”.
5. Amending the “Table of Contents”, by adding the text “4.28A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.28 SCHEDULE C – WETLANDS”.
6. Amending the “Table of Contents”, by adding the text “4.33 RESIDENTIAL PRODUCE SALE” and “4.34 FARMERS’ MARKET” immediately after the text “4.32 SHORT-TERM RENTALS”.
7. Amending PART 2, as shown below in **bold**, by adding the definition “2.6A AMENITY SPACE” after Section 2.6.

**2.6A AMENITY SPACE means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

8. Amending Section 2.9 in PART 2, as shown below in **bold**, by adding the text “shipping” after the text “includes any vessel or” and before the text “container used”.

**2.9 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or shipping container used for any of the foregoing purposes.**

9. Amending PART 2, as shown below in **bold**, by adding the definition “2.10A COMMERCIAL

SOLAR ENERGY FACILITY USE” after Section 2.10.

**2.10A COMMERCIAL SOLAR ENERGY FACILITY USE** – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.

10. Amending PART 2, as shown below in **bold**, by adding the definitions “2.15A ELECTRIC VEHICLE”, “2.15B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.15C ENERGIZED OUTLET” after Section 2.15.

**2.15A ELECTRIC VEHICLE** means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;

**2.15B ELECTRIC VEHICLE SUPPLY EQUIPMENT** means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.

**2.15C ENERGIZED OUTLET** means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.20A FARMERS’ MARKET” after Section 2.20.

**2.20A FARMERS’ MARKET** 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.24A GREENHOUSE” after Section 2.24.

**2.24A GREENHOUSE** means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.

13. Amending Section 2.25 in PART 2, as shown below in **bold**, by adding the text “rooftop greenhouses and” after the text “within the building and” and before the text “, for the purpose of”.

**2.25 GROSS FLOOR AREA** means the aggregate of the floor areas of a building above

and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and **rooftop greenhouses and**, for the purpose of this definition, the walls of an inner court shall be deemed to be exterior walls.

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.26B INDOOR AGRICULTURE” after Section 2.26A.

**2.26B INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

15. Amending Subsection 2.29(a) in PART 2, as shown below in **bold** and ~~strikeout~~, by:
- Deleting the text “and” and replacing with the text “or” after the text “in a plan” and before the text “deed”; and
  - Adding the text “approved” after the text “deed” and before the text “pursuant to”.

2.29 LOT

(a) Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan ~~and~~ **or** deed **approved** pursuant to the Land Titles Clarification Act or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County or is created under Section 93(2) of the Planning Act.

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.36A MARINE DEPENDENT USE” after Section 2.36.

**2.36A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

17. Amending PART 2, as shown below in **bold**, by adding the definition “2.58B(a) SHIPPING CONTAINER” after Section 2.58B.

**2.58B(a) SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail, air or truck.**

18. Amending PART 2, as shown below in **bold**, by adding the definition “2.64A WETLAND” after Section 2.64.

**2.64A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic**

**vegetation and biological activities adapted to wet conditions.**

19. Amending Section 3.6 in PART 3, as shown below in **bold**, by adding clause (e) after clause (d).

**(e) Alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policies EN-43 and EN-53 of the Regional Municipal Planning Strategy, as applicable.**

20. Amending PART 3, as shown below in **bold**, by adding Sections “3.9 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES”, “3.10 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT”, and “3.11 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.8.

**3.8 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

**3.10 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT**

**Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands zoned General Business.**

**3.11 DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

21. Amending Subsection 4.1(d) in PART 4, as shown below in **bold**, by adding Clauses (vii) and (viii) after Clause (vi).

**(d) Notwithstanding Section 4.1(a) above, no development permit shall be required for the following:**

- (i) any open space use which does not involve a building or structure;**
- (ii) any accessory building or structure which has less than three hundred (300) square feet (27.9 m<sup>2</sup>) of gross floor area; and**
- (iii) any sign which is less than one hundred (100) square feet (9.3 m ) in area, or any other sign permitted under Section 5.3.**
- (iv) An accessory hen use.**
- (v) A short-term rental of an entire dwelling unit in an operator’s primary residence is**

- exempt from the requirement to obtain a development permit.
- (vi) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
- (vii) An accessory beekeeping use.**
- (viii) A residential produce sale use.**

22. Amending Section 4.4 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Section 98” and replacing it with the text “Section 40” after the text “accordance with” and before the text “of the” in Subsection (a);
- b. Deleting the text “Planning Act” and replacing it with the text “Regional Subdivision Bylaw” after the text “of the” and before the text “may be used” in Subsection (a);
- c. Deleting the text “Part 14” and replacing it with the text “Sections 38 or 49” after the text “provisions of” and before the text “of the” in Subsection (b);
- d. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (b);
- e. Adding the text “Section 51 of” after the text “provisions of” and before the text “the” in Subsection (c);
- f. Adding the text “Regional” after the text “the” and before the text “Subdivision By-law” in Subsection (c); and

#### 4.4 REDUCED FRONTAGE OR AREA

- (a) Any lot created in accordance with ~~Section 98~~ **Section 40** of the ~~Planning Act~~ **Regional Subdivision Bylaw** may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage requirements found elsewhere in this By-law, lots may be created in accordance with the provisions of ~~Part 14~~ **Sections 38 or 49** of the **Regional** Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (c) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of **Section 51** of the **Regional** Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.

23. Amending Section 4.8, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law” in Subsection (a);
- b. Deleting the text “vacant” after the text “By-law, a” and before the text “lot” in Subsection (a);
- c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence” after the text “lot” and before the text “on the effective date” in Subsection (a);
- d. Deleting the text “, depth” after the text “frontage” and before the text “or area” in Subsection (a);
- e. Deleting the text “Part 14” and replacing it with the text “Sections 41 or 42” after the

- text “according to” and before the text “of the” in Subsection (b); and
- f. Adding the text “Regional” after the text “of the” and before the text “Subdivision Bylaw” in Subsection (b).

#### 4.8 EXISTING UNDERSIZED LOTS

- (a) Notwithstanding ~~anything else~~ **the lot area and frontage requirements** in this By-law, a ~~vacant lot held in separate ownership from adjoining parcels~~ **which was in existence** on the effective date of this By-law, having less than the minimum frontage, ~~depth~~ or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied or a minor variance granted.
- (b) Further to Section 4.8(a) above, the Development Officer may issue a development permit for a lot approved according to ~~Part 14 Sections 41 or 42~~ **of the Regional Subdivision By-law**, where an undersized lot has had its boundaries altered.

24. Amending PART 4, as shown below in **bold**, by adding Section “4.8A LAND TITLES CLARIFICATION AREAS” after Section 4.8.

#### **4.8A LAND TITLES CLARIFICATION AREAS**

- (a) **Notwithstanding the lot area and frontage requirements in this By-law, any area of land or parcel located within a Land Titles Clarification Area as defined by the Land Titles Clarification Act, having less than the minimum frontage or area required by this By-law may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in the By-law are satisfied.**
- (b) **Further to subsection (a) above, the Development Officer may issue a development permit for a lot approved pursuant to Section 68A of the Regional Subdivision By-law.**

25. Amending PART 4, as shown below in **bold**, by adding Section “4.11B ACCESSORY BEEKEEPING USE” after Section 4.11A.

#### **4.11B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except the Protected Water Supply Zone and Protected Area Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
- i. two beehives on lots of less than 2,000 square metres in area; or**
  - ii. four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
- i. not be located in any front yard; and**
  - ii. be located no less than 3.0 metres from any lot line.**

26. Amending Clause 4.12(a)(iv) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Adding the text “a footprint of” after the text “exceed” and before the text “one thousand”; and
- b. Deleting the text “in area” after the text “(93 square metres” and before the text “in any”.

(iv) exceed **a footprint of** one thousand (1000) square feet (93 square metres) ~~in area~~ in any residential zone; nor

27. Amending Section 4.12(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this by-law, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

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

28. Amending Section 4.14 in PART 4, as shown below in **bold**, by:

- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar”; and
- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” after the text “commercial building”.

#### 4.14 VEHICLE BODIES

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

29. Amending Section 4.17 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.17 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, telecommunication towers, space centres, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

30. Amending PART 4, as shown below in **bold**, by adding Section “4.18B WETLANDS” after Section 4.18A.

#### **4.18B WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

##### **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.

- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
  - (i) wastewater, storm and water infrastructure, and public water control structures.
  
- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

31. Amending PART 4, as shown below in **bold**, by adding Section “4.25A ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.25.

**4.25A ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) For single unit and two unit uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

**(4) ALL USES**

**(a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and**

**(b) All Energized Outlets must be located within 5 metres of the parking stall it services.**

32. Amending PART 4, as shown below in **bold**, by adding Section “4.28A COMMERCIAL SOLAR ENERGY FACILITIES” after deleted Section 4.28.

**4.28A COMMERCIAL SOLAR ENERGY FACILITIES**

**The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.**

- (a) Commercial Solar Energy Facilities shall be permitted in any Mixed Residential Zones, Commercial Zones, Industrial Zones, and Resource Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;**
- (b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;**
- (c) Fencing shall be installed to screen views from abutting properties;**
- (d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;**
- (e) No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**
- (f) Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

33. Amending PART 4, as shown below in **bold**, by adding “4.33 RESIDENTIAL PRODUCE SALE” and “4.34 FARMERS’ MARKET” after Section 4.32.

**4.33 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Protected Water Supply Zone and Protected Area Zone, subject to the following provisions:**

- a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.
- b) Any accessory structures devoted to the sale of plants and food products:
  - i. shall not exceed 5 m<sup>2</sup> of footprint; and
  - ii. notwithstanding all other provisions of the bylaw, shall be permitted to be located in any front yard.
- c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.

**4.34 FARMERS’ MARKET**

- a) A farmers’ market use shall be permitted in any Rural Residential Zone, Residential Zones and Mixed Use Designation, Mixed Use Zones, Commercial Zones, Industrial Zones, Resource Zones and Comprehensive Development District Zone, provided all other land use by-law requirements are satisfied.
- b) An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.11 and 4.12.

34. Amending Section 15.1 in PART 15, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Composting operations (refer to Section 4.26)” under the Heading “Resource Uses”.

Resource Uses

- Agricultural uses;
- Intensive agricultural uses;
- Fishing Uses;
- Forestry uses; and
- Extractive facilities
- Composting operations (refer to Section 4.26)
- Indoor agriculture uses**

35. Amending Section 16.3 in PART 16, as shown below in ~~strikeout~~, by repealing Subsection (c) after Subsection (b).

16.3 OTHER REQUIREMENTS: COMMERCIAL AND INDUSTRIAL SERVICE USES

Where uses are permitted as Commercial or Industrial Service Uses in any C-1 Zone, the following shall apply:

- (a) No more than two thousand square feet (185.8 m<sup>2</sup>) of any main building shall be devoted to any commercial or industrial service use;
- (b) No building or structure shall be located more than two hundred (200) feet (61.0 m) from the front lot line;
- (c) ~~No building or structure shall be located less than twenty five (25) feet (7.5 m) from any watercourse;~~

36. Amending Section 19.1 in PART 19, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Composting operations (refer to Section 4.26)  
Cannabis production facilities  
**Indoor agriculture uses**

37. Amending Subsection 19.3 in PART 19, as shown below in ~~strikeout~~, by deleting the text “or watercourse” after the text “residential zone”.

- (a) Notwithstanding the provisions of Section 19.2, where uses are permitted as industrial uses, no building or structure or outdoor storage within any I-3 Zone shall be located less than one hundred (100) feet (30.5 m) from any existing dwelling or residential zone ~~or watercourse~~.

38. Amending Subsection 22A.3(a) in PART 22A, as shown below in ~~strikeout~~, by repealing Clause (iii).

22A.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

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

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

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-17

Proposed Amendments to the Land Use Bylaw for Sackville Drive

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Sackville Drive is hereby amended as follows:

1. Amending PART 2: DEFINITIONS, as shown below in **bold** and ~~strikeout~~, by repealing and replacing the definition “Amenity Area” with the new definition “Amenity Space” after the definition “All Age/Teen Club”.

~~Amenity Area means an area(s) of a lot set aside for the purposes of visual improvement or relaxation which is not used for buildings, structures, parking areas or driveways and which includes grass, flower beds, shrubbery, trees and other forms of landscaping or a combination thereof and in the case of multiple unit dwellings may also include balconies and sundecks.~~

**Amenity Space means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

2. Amending PART 2: DEFINITIONS, as shown below in **bold**, by adding the definitions “Electric Vehicle”, “Electric Vehicle Supply Equipment”, and “Energized Outlet” after the definition “Dwelling Unit”.

**Electric Vehicle means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**Electric Vehicle Supply Equipment means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**Energized Outlet means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

3. Amending PART 2: DEFINITIONS, as shown below in **bold**, by adding the definition “Farmers’ Market” after the definition “Existing”.

**Farmers’ Market 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

4. Amending PART 2: DEFINITIONS, as shown below in **bold**, by adding the definition “GREENHOUSE” after the definition “Grade-Related Dwelling Unit”.

**GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

5. Amending PART 2: DEFINITIONS, as shown below in **bold**, by adding the definition “Marine Dependent Use” after the definition “Main Wall”.

**Marine Dependent Use means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

6. Amending PART 2: DEFINITIONS”, as shown below in **bold**, by adding the definition “Wetland” after the definition “Watercourse”.

**Wetland means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

7. Amending PART 3, as shown below in **bold**, by adding Sections 6E and 6F after Section 6D.

**6.1E An accessory beekeeping use is exempt from the requirement to obtain a development permit.**

**6.1F A residential produce sale use is exempt from the requirement to obtain a development permit.**

8. Amending PART 5, as shown below in **bold**, by adding Section 3. and Section 4. after Section 2.

**3. Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

**4. Pursuant to Policy EN-43 of the Halifax Regional Municipal Planning Strategy, alternative development options involving buffers of inland watercourses and wetlands may be considered by development agreement.**

9. Amending PART 6, as shown below in **bold**, by adding Section “6A. Wetlands” after Section 6B.

**6B. WETLANDS**

**WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.

#### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia..
- (b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

#### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

#### **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
- (i) wastewater, storm and water infrastructure, and public water control

structures.

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

10. Amending Section 27 in PART 6, as shown below in **bold**, by adding Clause (e) after Clause (d).

**(e) Notwithstanding Section 27 (a), rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

11. Amending Section 30 in PART 6, as shown below in **bold**, by:

- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar body”; and
- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” after the text “commercial building”.

Vehicle Bodies

30. No truck, bus, coach, **motor home, camper trailer** or streetcar body shall be used for human habitation or used as a commercial building. **For clarity, a shipping container is not considered a vehicle body.**

12. Amending PART 6, as shown below in **bold**, by:

- a. Adding the heading “Accessory Beekeeping Use” after Section 32A; and
- b. Adding Section 32B after the heading “Accessory Beekeeping Use”.

#### **Accessory Beekeeping Use**

##### **32B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Floodplain Zone, subject to the following provisions:**

- (a) The maximum number of beehives permitted on a lot shall not exceed:**
  - i. two beehives on lots of less than 2,000 square metres in area; or**
  - ii. four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) Beehives shall:**
  - i. not be located in any front yard; and**
  - ii. be located no less than 3.0 metres from any lot line.**

13. Amending Subsection 33(8) in PART 6, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this by-law, an” and replacing it with the text “An” before the text “enclosed”; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

(8) ~~Notwithstanding anything else in this by-law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.

14. Amending PART 6 as shown below in **bold** and ~~strikeout~~, by repealing Section “34A Shipping Containers as Accessory Buildings” and replacing it with Section “34AB Shipping Containers after Section 34.

~~Shipping Containers as Accessory Buildings~~

~~34A (1) Shipping containers shall not be permitted as accessory buildings to a residential use. Shipping containers may be permitted as accessory buildings only in a business park zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone or use.~~

~~(2) Shipping containers shall not be placed in the front or flankage yard of any lot, or between the main building and any street.~~

~~(3) No shipping container shall be permitted in any zone as a dwelling or other form of accommodation, including offices.~~

**Shipping Containers**

**34AB. (1) No shipping container shall be permitted in any zone as an office. Shipping containers may be used as accessory buildings only in a business park zone or in conjunction with a recreation use, provided they meet the following requirements:**

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

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

**(iii) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.**

**(3) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.**

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

15. Amending PART 6, as shown below in **bold**, by:

a. Adding the heading “RESIDENTIAL PRODUCE SALE” and Section 46 after Section 45; and

b. Adding the heading “FARMERS’ MARKET” and Section 47 after Section 46.

**RESIDENTIAL PRODUCE SALE**

**46. The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in all zones except Floodplain Zone, subject to the following provisions:**

- (a) For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- (b) Any accessory structures devoted to the sale of plants and food products:
  - i. shall not exceed 5 m<sup>2</sup> of footprint; and**
  - ii. notwithstanding all other provisions of this bylaw, shall be permitted to be located in any front yard.****
- (c) Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

### **FARMERS' MARKET**

- 47. a) A farmers' market use shall be permitted in all zones except Floodplain Zone, provided all other land use by-law requirements are satisfied.**
- b) An accessory structure associated with a farmers' market use shall meet the accessory building requirements of Sections 32 and 33.**

16. Amending PART 7, as shown below in **bold**, by adding Section "40AA Electric Vehicle Ready Parking Requirements" after Section 40.

### **40AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

#### **(1) RESIDENTIAL**

- (a) For new residential uses, where parking spaces are provided:
  - (i) For single-unit, semi-detached, duplex, and townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
  - (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
  - (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.****

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (j) All Energized Outlets must be located within 5 metres of the parking stall it services.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-18

Proposed Amendments to the Land Use Bylaw for Sackville

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Sackville is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.10B ACCESSORY BEEKEEPING USE” immediately after the text “4.10A ACCESSORY HEN USE”.
2. Amending the “Table of Contents”, by deleting the text “4.11A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS” and replacing it with the text “4.11AB SHIPPING CONTAINERS” immediately after the text “4.11 ACCESSORY BUILDINGS”.
3. Amending the “Table of Contents”, by adding the text “4.23A WETLANDS” immediately after the text “4.23 WATERCOURSES”.
4. Amending the “Table of Contents”, by adding the text “4.26AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.26 LOADING SPACE REQUIREMENTS”.
5. Amending the “Table of Contents”, by adding the text “4.38 RESIDENTIAL PRODUCE SALE”, and “4.39 FARMERS’ MARKET” immediately after text “4.37 SHORT-TERM RENTALS”.
6. Amending PART 2, as shown below in **bold**, by adding the definition “2.3A AGRICULTURAL USE – INTENSIVE” after Section 2.3.

**2.3A AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**

7. Amending Section 2.5 in PART 2, as shown below in **bold** and ~~strikeout~~, by repealing Section “2.5 AMENITY AREA” and replacing it with Section “2.5A AMENITY AREA” after Section 2.4.

**2.5** ~~AMENITY AREA means an area(s) of a lot set aside for the purposes of visual improvement or relaxation which is not used for buildings, structures, parking areas or driveways and which includes grass, flower beds, shrubbery, trees and other forms of landscaping or a combination thereof and in the case of multiple unit dwellings may also include balconies and sundecks.~~

**2.5A AMENITY AREA means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as**

**balconies, grade-related dwelling 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, and meeting rooms.**

8. Amending Section 2.11 in PART 2 as shown below in **bold**, by adding the text “or shipping container” after the text “any vessel” and before the text “used for any”.

2.11 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel **or shipping container** used for any of the foregoing purposes.

9. Amending PART 2, as shown below in **bold**, by adding the definitions “2.19A ELECTRIC VEHICLE”, “2.19B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.19C ENERGIZED OUTLET” after Section 2.19.

**2.19A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.19B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.19C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

10. Amending PART 2, as shown below in **bold**, by adding the definition “2.25A FARMERS’ MARKET” after Section 2.25.

**2.25A FARMERS’ MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

11. Amending PART 2, as shown below in **bold**, by adding the definition “2.27A GREENHOUSE” after Section 2.27.

**2.27A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

12. Amending Section 2.28 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

13. Amending PART 2, as shown below in **bold**, by adding the definition “2.29B INDOOR AGRICULTURE” after Section 2.29A.

**2.29B INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

14. Amending PART 2, as shown below in **bold**, by adding the definition “2.43A MARINE DEPENDENT USE” after the text 2.43.

**2.43A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

15. Amending PART 2, as shown below in **bold**, by adding the definition “2.75A WETLAND” after Section 2.75.

**2.75A WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

16. Amending Section 3.6 in PART 3, as shown below in **bold**, by adding clause (d) after clause (c).

**(d) Alternative development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policy EN-43 of the Regional Municipal Planning Strategy.**

17. Amending PART 3, as shown below in **bold**, by adding Sections “3.10 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT” and “3.11 DEVELOPMENT AGREEMENTS FOR SOLAR”.

**3.10 INDOOR AGRICULTURE USES BY DEVELOPMENT AGREEMENT Pursuant to Policy CI-30 of the Halifax Regional Municipal Planning Strategy, indoor agricultural uses may be considered by development agreement on lands designated Commercial.**

**3.11 DEVELOPMENT AGREEMENTS FOR SOLAR**  
**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

18. Amending Subsection 4.1(d) in PART 4, as shown below in **bold**, by adding Clauses (, (vi), and (vii) after Clause (v).

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

- (i) any accessory building or structure which has less than three hundred (300) square feet (28 sq. m.) of gross floor area; and
- (ii) any sign, except signs permitted according to Section 5.3 of this by-law.
- (iii) An accessory hen use.
- (iv) A short-term rental of an entire dwelling unit in an operator's primary residence is exempt from the requirement to obtain a development permit.
- (v) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer bedrooms in a dwelling unit shall not require a development permit.
- (vi) An accessory beekeeping use.**
- (vii) A residential produce sale use.**

19. Amending Section 4.6 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text "anything else" and replacing it with the text "the lot area and frontage requirements" after the text "Notwithstanding" and before the text "in this by-law";
- b. Deleting the text "vacant" after the text "by-law a", and before the text "lot";
- c. Deleting the text "held in separate ownership from adjoining parcels" and replacing it with the text "which was in existence" after the text "lot" and before the text "on the effective date";
- d. Deleting the text ", depth" after the text "minimum frontage" and before the text "area required";
- e. Deleting the text "PART 14 of the" and replacing it with the text "Sections 41 or 42 of the Regional" after the text "pursuant to" and before the text "Subdivision By-law".

**4.6 EXISTING UNDERSIZED LOTS**

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

Further, the Development Officer may issue a development permit for a lot approved pursuant to ~~PART 14 of the~~ **Sections 41 or 42 of the Regional** Subdivision By-law where an undersized lot has had its boundaries altered.

20. Amending Section 4.7 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Section 98 of the Planning Act” and replacing it with the text “Section 40 of the Regional Subdivision By-law” after the text “pursuant to” and before the text “may be used” in Subsection (a);
- b. Deleting the text “Part 14” and replacing it with the text “Section 38” after the text “approved pursuant to” and before the text “of the” in Subsection (d);
- c. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (d);
- d. Deleting the text “Section 14.1” and replacing it with the text “Section 38” after the text “created pursuant to” and before the text “of the” in Subsection (d); and
- e. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law” in Subsection (d).

#### 4.7 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to ~~Section 98 of the Planning Act~~ **Section 40 of the *Regional Subdivision Bylaw*** may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than 120 feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the lot frontage requirement is reduced to 50 feet (15.2 m) and the lot area requirement is reduced to 5000 square feet (464.5 m<sup>2</sup>).
- (c) Any lot created according to the provisions of subsections (a) or (b) above may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to ~~Part 14~~ **Section 38** of the **Regional Subdivision By-law** as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to ~~Section 14.1~~ **Section 38** of the **Regional Subdivision By-law**, except for business uses in conjunction with a permitted dwelling.
- (e) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on the effective date of this amendment may be subdivided and a development permit issued provided that:
  - (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;
  - (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;

- (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;
- (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.11 of the this By-law;
- (v) the remaining lands meet the requirements of the applicable zone.

21. Amending PART 4, as shown below in **bold**, by adding Section “4.10B ACCESSORY BEEKEEPING USE” after Section 4.10A.

**4.10B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Floodplain Zone and Park Reserve Zone subject to the following provisions:**

- (a) The maximum number of beehives permitted on a lot shall not exceed:**
  - i. two beehives on lots of less than 2,000 square metres in area; or**
  - ii. four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) Beehives shall:**
  - i. not be located in any front yard; and**
  - ii. be located no less than 3.0 metres from any lot line.**

22. Amending Clause 4.11(a)(iii) in PART 4, as shown below in **bold** and ~~strikeout~~, by deleting the text “fifteen (15) feet (4.6 m)” and replacing it with the text “twenty-five (25) feet (7.7 metres)” after the text “exceed” and before the text “in height in”.

- (iii) exceed ~~fifteen (15) feet (4.6 m)~~ **twenty-five (25) feet (7.7 metres)** in height in any Residential Zone except for accessory resource related buildings uses in an R-6 (Rural Residential) Zone;

23. Amending Clause 4.11(a)(iv) in PART 4, as shown below in **bold** and ~~strikeout~~, by deleting the text “seven hundred and fifty (750) square feet (70m2) and replacing it with the text “a footprint of one thousand (1000) square feet (93m2)” after the text “exceed” and before the text “in any Residential Zone”.

- (iv) exceed ~~seven hundred and fifty (750) square feet (70 m2)~~ **a footprint of one thousand (1000) square feet (93 m2)** in any Residential Zone except for accessory resource related buildings in an R-6 (Rural Residential) Zone; nor

24. Amending Section 4.11 in PART 4, as shown below in ~~strikeout~~, by repealing clause (c).

- ~~(c) Notwithstanding section 4.11(a)(ii), 4.11(a)(iii), 4.11(a)(iv), and 4.11(a)(v), an accessory building or structure, excluding boat houses, in any Residential Zone may exceed fifteen (15) feet (4.5m) and seven hundred and fifty (750) square~~

feet (70 m2) where all of the following conditions can be met:

- ~~(i) the height does not exceed twenty five (25) feet (7.7 metres);~~
- ~~(ia) the building does not exceed one thousand (1,000) square feet (93.m2);~~
- ~~(ii) Repealed~~
- ~~(iii) side and rear yards for the building are no less than required in Section 4.11(a)(ii) or (1/2) the height of the accessory building, whichever is greater~~
- ~~(iv) the building is located no less than required in Section 4.11(a)(v) or one half (1/2) the height of the accessory building height from the main building or any other building, whichever is greater~~
- ~~(v) the building or structure is not located in the required front yard;~~
- ~~(vi) the lot shall have a minimum area of 40,000 square feet (3,716 m2);~~
- ~~(vii) all other applicable provisions of this By law are met.~~

25. Amending Clause 4.11(d), as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this by-law, an” and replacing it with the text “An” before the text “enclosed; and
- b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.

~~(d) Notwithstanding anything else in this by law, an~~ **An** enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.

26. Amending PART 4, as shown below in **bold** and ~~strikeout~~, by repealing Section “4.11A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS” and replacing it with Section “4.11AB SHIPPING CONTAINERS” after Section 4.11.

#### ~~4.11A SHIPPING CONTAINERS AS ACCESSORY BUILDINGS~~

- ~~(a) Shipping containers may not be used as accessory buildings to a residential use with the exception of backyard suites. Shipping containers may be used as accessory buildings only in an business park zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone or use.~~
- ~~(b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street. —~~
- ~~(c) Repealed~~

#### **4.11AB SHIPPING CONTAINERS**

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

- (i) Shipping containers may not be placed in the front or flanking yard of any**

lot, or between the main building and any street;

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

(iii) Shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone;

(3) Notwithstanding subsection (1), shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.

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

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

27. Amending Section 4.13 in PART 4, as shown below in **bold** by:

- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach” and before the text “or streetcar body”; and
- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.13 VEHICLE BODIES

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

28. Amending Section 4.16 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.16 HEIGHT REGULATIONS

The height regulations of this by-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

29. Amending PART 4, as shown below in **bold**, by adding Section “4.23A WETLANDS” after Section 4.23.

#### **4.23B WETLANDS** **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.

#### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

#### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.
- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

#### **USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:
- (i) marine dependent uses, fisheries uses, conservation uses;
  - (ii) fences, wharfs, boat ramps;
  - (iii) driveway crossings;
  - (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
  - (v) boardwalks, walkways and trails not exceeding 3 m in width; and
  - (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.
- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:
- (i) wastewater, storm and water infrastructure, and public water control

structures.

- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

30. Amending PART 4, as shown below in **bold**, by adding Section “4.26AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.26.

**4.26AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

**(a) For new residential uses, where parking spaces are provided:**

- (i) For single unit, two unit, and rowhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(2) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For multi-use buildings, the parking spaces provided for each use must meet the Energized Outlet requirements for that use set out in subsections (1) and (2).**

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.

31. Amending PART 4, as shown below in **bold**, by adding Section “4.38 RESIDENTIAL PRODUCE SALE” and “4.39 FARMERS’ MARKET” after Section 4.37.

**4.38 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except Floodplain Zone and Park Reserve Zone, subject to the following provisions:**

- a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- b) **Any accessory structures devoted to the sale of plants and food products:**
  - i. **shall not exceed 5 m2 of footprint; and**
  - ii. **notwithstanding all other provisions of this bylaw, shall be permitted to be located in any front yard.**
- c) **Notwithstanding any other provisions of this bylaw, open storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.39 FARMERS’ MARKET**

- a) **A farmers’ market use shall be permitted in any Multiple Unit Dwelling Zone, Rural Residential Zone, Commercial Zones, Community Facility Zone and Comprehensive Development District, provided all other land use by-law requirements are satisfied.**
- b) **An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.10 and 4.11.**

32. Amending Section 17.1 in PART 17, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Composting operations (see section 4.30)  
 Cannabis production facilities  
**Indoor agriculture uses**

33. Amending Section 18.1 in PART 18, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Composting operations (see section 4.30)  
 Cannabis production facilities

**Indoor agriculture uses**

34. Amending Subsection 23A.3(a) in PART 23A, as shown below in ~~strikeout~~, by repealing Clause (iii).

(a) any building or structure shall meet the following separation distances

- (i) from any property line 30 metres (98.4 feet)
- (ii) from the nearest residential dwelling or institutional use 60 metres (196.9 feet)
- (iii) ~~from a watercourse~~ 30 metres (98.4 feet)

35. Amending “Schedule A – Zoning” to rezone the lands to Open Space (P-1), Single Unit Dwelling (R-1), Single Unit Dwelling Zero Lot Line (R-1-0), R-2 (Two Unit Dwelling), and Comprehensive Development District (CDD), as shown on Schedule E-18A, attached hereto.

36. Amending “Schedule A – Zoning” to rezone Open Space (P-1), Park Reserve (P-4), Regional Park (RPK), Single Unit Dwelling (R-1), Single Unit Dwelling Zero Lot Line (R-1-0), R-2 (Two Unit Dwelling), Rural Residential (R-6) and Comprehensive Development District (CDD), as shown on Schedule E-18B, attached hereto.

37. Amending “Schedule A – Zoning” to rezone the lands to Regional Park Zone (RPK) as shown on Schedule E-18C, attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-19

Proposed Amendments to the Land Use Bylaw for Timberlea/Lakeside/Beechville

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/Lakeside/Beechville is hereby amended as follows:

1. Amending the “Table of Contents”, by adding the text “4.12B ACCESSORY BEEKEEPING USE” immediately after the text “4.12A ACCESSORY HEN USE”.
2. Amending the “Table of Contents,” by deleting the text “4.13A. Shipping Containers” and replacing it with the text “4.13AB Shipping Containers” immediately after the text “4.13 Accessory Buildings.”
3. Amending the “Table of Contents”, by adding the text “4.19A WETLANDS” immediately after the text “4.19 WATERCOURSES”.
4. Amending the “Table of Contents”, by adding the text “4.29AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” immediately after the text “4.29 LOADING SPACE REQUIREMENTS”.
5. Amending the “Table of Contents”, by adding the text “4.33A COMMERCIAL SOLAR ENERGY FACILITIES” immediately after the deleted text “4.33 SCHEDULE C – WETLANDS”.
6. Amending the “Table of Contents”, by adding the text “4.38 RESIDENTIAL PRODUCE SALE” and “4.39 FARMERS’ MARKET” immediately after the text “4.37 SHORT-TERM RENTALS”.
7. Amending PART 2, as shown below in **bold**, by adding the definition “2.4A AGRICULTURAL USE – INTENSIVE” after Section 2.4

**2.4A AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area.**

8. Amending Section 2.6 in PART 2, as shown below in **bold** and ~~strikeout~~, by repealing Section “2.6 AMENITY AREA” and replacing it with Section “2.6A AMENITY AREA” after Section 2.5.

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

**2.6A AMENITY AREA means non-commercial indoor or outdoor space dedicated for private or shared use by a building’s occupants, such as balconies, grade-related dwelling 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, and meeting rooms.**

9. Amending Section 2.9 in PART 2, as shown below in **bold**, by adding the text “or shipping container” after the text “any vessel” and before the text “used for any”.

**2.9 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or shipping container used for any of the foregoing purposes.**

10. Amending PART 2, as shown below in **bold**, by adding the definition “2.11AA COMMERCIAL SOLAR ENERGY FACILITY USE” after Section 2.11.

**2.11AA COMMERCIAL SOLAR ENERGY FACILITY USE – means an installation or area of land in which solar collection devices, solar energy related equipment and other associated infrastructure capable of collecting and converting solar energy into electricity primarily for the purposes of commercial off-site use and excluding residential renewable energy installations for personal use.**

11. Amending PART 2, as shown below in **bold**, by adding the definitions “2.16A ELECTRIC VEHICLE”, “2.16B ELECTRIC VEHICLE SUPPLY EQUIPMENT”, and “2.16C ENERGIZED OUTLET” after Section 2.16.

**2.16A ELECTRIC VEHICLE means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**

**2.16B ELECTRIC VEHICLE SUPPLY EQUIPMENT means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

**2.16C ENERGIZED OUTLET means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

12. Amending PART 2, as shown below in **bold**, by adding the definition “2.21A FARMERS’ MARKET” after Section 2.21.

**2.21A FARMERS' MARKET 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 crafts, dairy products, grain products, meat, poultry, fish, and food and beverages.**

13. Amending PART 2, as shown below in **bold**, by adding the definition “2.23A GREENHOUSE” after Section 2.23.

**2.23A GREENHOUSE means a structure constructed with at least 80% of transparent materials for each wall and a roof, and designed for the protection and cultivation of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**

14. Amending Section 2.24 in PART 2, as shown below in **bold**, by adding the text “and rooftop greenhouses” after the text “within the building” and before the text “; and for”.

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

15. Amending PART 2, as shown below in **bold**, by adding the definition “2.25B INDOOR AGRICULTURE” after Section 2.25A.

**2.25B INDOOR AGRICULTURE means the production of food, water, fibre or flora or the breeding and handling of insects conducted within a building or structure, but excludes the cultivation of cannabis or intensive agricultural uses. It may include accessory retail or market outlets for the sale of perishable agricultural goods.**

16. Amending PART 2, as shown below in **bold**, by adding the definition “2.37A MARINE DEPENDENT USE” after Section 2.37.

**2.37A MARINE DEPENDENT USE means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**

17. Amending PART 2, as shown below in **bold**, by adding the text “A” to Section “2.69A USED BUILDING MATERIAL RETAIL OUTLET”.

**2.69AA USED BUILDING MATERIAL RETAIL OUTLET means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building.**

18. Amending PART 2, as shown below in **bold**, by adding the text “B” to Section “2.69A WASTE DANGEROUS GOODS”.

**2.69AB** WASTE DANGEROUS GOODS shall have the same meaning as contained in the Dangerous Goods Management Regulations made under Section 84 of the Environment Act S.N.S. 1994-95, c. 1, as may be amended from time to time.

19. Amending PART 2, as shown below in **bold**, by adding the definition “2.69AE WETLAND” after Section 2.69AD.

**2.69AE** WETLAND means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.

20. Amending Section 3.6 in PART 3, as shown below in **bold**, by adding clause (o) before Section 3.6.

**(o) Alternative development options involving buffers of inland watercourses and wetlands may be considered by development agreement as per policy EN-43 of the Regional Municipal Planning Strategy.**

21. Amending PART 3, as shown below in **bold**, by adding Section “3.8 DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES” and “3.9 DEVELOPMENT AGREEMENTS FOR SOLAR” after Section 3.7.

### **3.8**        **DEVELOPMENT AGREEMENTS FOR ADAPTIVE REUSES**

**Pursuant to Policy IM-18 of the Halifax Regional Municipal Planning Strategy, internal conversions of residential buildings, institutional buildings, utility buildings, or commercial buildings for the purpose of creating residential dwelling units that are not otherwise permitted in the Land Use By-law, may be considered by development agreement.**

### **3.9**        **DEVELOPMENT AGREEMENTS FOR SOLAR**

**Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

22. Amending Subsection 4.1(d) in PART 4, as shown below in **bold**, by adding Clauses (vi) and (vii) after Clause (v).

- (ii) any sign, except signs permitted according to Section 5.3 of this By-law.
- (iii) An accessory hen use
- (iv) A short-term rental of an entire dwelling unit in an operator’s primary residence is exempt from the requirement to obtain a development permit.
- (v) Provided the rental is not a short-term bedroom rental, a rental of 3 or fewer

- bedrooms in a dwelling unit shall not require a development permit.
- (vi) **An accessory beekeeping use.**
- (vii) **A residential produce sale use.**

23. Amending Section 4.6 in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “anything else” and replacing it with the text “the lot area and frontage requirements” after the text “Notwithstanding” and before the text “in this By-law”;
- b. Deleting the text “vacant” after the text “By-law, a” and before the text “lot”;
- c. Deleting the text “held in separate ownership from adjoining parcels” and replacing it with the text “which was in existence” after the text “lot” and before the text “on the effective date”;
- d. Deleting the text “, depth” after the text “minimum frontage” and before the text “or area”.
- e. Deleting the text “Part 14” and replacing it with the text “Sections 41 or 42” after the text “pursuant to” and before the text “of the”; and
- f. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”.

#### 4.6 EXISTING UNDERSIZED LOTS

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

Further, the Development Officer may issue a development permit for a lot approved pursuant to ~~Part 14~~ **Sections 41 or 42** of the **Regional** Subdivision By-law where an undersized lot has had its boundaries altered.

24. Amending Subsection 4.7(a) in PART 4, as shown below in **bold** and ~~strikeout~~, by deleting the text “Section 98 of the Planning Act” and replacing it with the text “Section 40 of the Regional Subdivision Bylaw” after the text “pursuant to” and before the text “may be used”.

#### 4.7 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to ~~Section 98 of the Planning Act~~ **Section 40 of the Regional Subdivision Bylaw** may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

25. Amending Subsection 4.7(d), as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Part 14” and replacing it with the text “Section 38” after the text “approved pursuant to” and before the text “of the”;
- b. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”;

- c. Deleting the text “Section 14.1” and replacing it with the text “Section 38” after the text “created pursuant to” and before the text “of the”; and
  - d. Adding the text “Regional” after the text “of the” and before the text “Subdivision By-law”.
- (a) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to ~~Part 14 sections~~ **38** of the **Regional** Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied, but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to ~~Section 14.1~~ **Section 38** of the **Regional** Subdivision By-law, except for business uses in conjunction with a permitted dwelling.

26. Amending PART 4, as shown below in **bold**, by adding Section “4.12B ACCESSORY BEEKEEPING USE” after Section 4.12A.

**4.12B ACCESSORY BEEKEEPING USE**

**An accessory beekeeping use is permitted in any zone except Conservation Zone subject to the following provisions:**

- (a) **The maximum number of beehives permitted on a lot shall not exceed:**
  - i. **two beehives on lots of less than 2,000 square metres in area; or**
  - ii. **four beehives on lots equal to or greater than 2,000 square metres in area.**
- (b) **Beehives shall:**
  - i. **not be located in any front yard; and**
  - ii. **be located no less than 3.0 metres from any lot line.**

27. Amending Clause 4.13(a)(iv) in PART 4, as shown below in **bold**, by:

- a. Adding the text “a footprint of” after the text “exceed and before the text “one thousand”.

(iv) exceed **a footprint of** one thousand (1000) square feet (93 square metres) in any residential zone; nor

28. Amending Clause 4.13(c) in PART 4, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “Notwithstanding anything else in this by-law, but except” and replacing it with the text “Except” before the text “within the”; and
  - b. Deleting the text “gross floor area” and replacing it with the text “footprint” after the text “maximum” and before the text “requirements”.
- (c) ~~Notwithstanding anything else in this by-law, but except~~ **Except** within the Beechville Community Boundary or the BCDD Zone, an enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the maximum ~~gross floor area~~ **footprint** requirements for accessory buildings or structures.

29. Amending PART 4, as shown below in **bold** and ~~strikeout~~ by repealing Section 4.13A and

replacing it with Section 4.13AB.

#### 4.13A SHIPPING CONTAINERS

- ~~(a) Shipping containers may not be used as accessory buildings to a residential use with the exception of backyard suites. Shipping containers may be used as accessory buildings only in an industrial or commercial zone, or in conjunction with a recreation use, pursuant to applicable requirements for accessory buildings and pursuant to applicable zone standards including those relating to setbacks, screening and landscaping. Notwithstanding the foregoing, shipping containers intended for non-recreation or non-residential use shall not be permitted on any property which abuts a residential, park or institutional zone.~~
- ~~(b) Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street.~~
- ~~(c) Repealed~~

#### 4.13AB SHIPPING CONTAINERS

- a) Shipping containers may be used as a dwelling, subject to the applicable zone standards for dwellings.
- b) Shipping containers may be used as a building for indoor agriculture, subject to the applicable zone standards for main buildings.
- c) Shipping containers are not permitted as accessory buildings except for in commercial zones, in industrial zones, or in conjunction with a recreation use, and must meet the following requirements:
  - i. Shipping containers must meet all applicable requirements for accessory buildings,
  - ii. Shipping containers may not be placed in the front or flanking yard of any lot, or between the main building and any street; and
  - iii. Shipping containers intended for non-recreation use shall not be permitted on any property which abuts a residential, park or institutional zone.
- d) Notwithstanding Subsection 4.13AB(c), shipping containers may be used as an accessory building in a residential zone when used as a backyard suite, subject to the applicable requirements for backyard suites.

30. Amending Section 4.15 in PART 4, as shown below in shown below in **bold** by:

- a. Adding the text “, motor home, camper trailer” after the text “No truck, bus, coach”; and
- b. Adding the text “For clarity, a shipping container is not considered a vehicle body.” After the text “commercial building”.

#### 4.15 VEHICLE BODIES

No truck, bus, coach, **motor home, camper trailer** or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no

vehicle body shall be used as a commercial building. **For clarity, a shipping container is not considered a vehicle body.**

31. Amending Section 4.18 in in PART 4, as shown below in **bold**, by adding the text “Rooftop greenhouses may project through height regulations to a maximum of 6 metres.” after the text “or solar collectors.”

#### 4.18 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, or solar collectors. **Rooftop greenhouses may project through height regulations to a maximum of 6 metres.**

32. Amending PART 4, as shown below in **bold**, by adding “Section 4.19A WETLANDS” after Section 4.19.

#### **4.19A WETLANDS**

##### **WETLANDS – PERMIT REQUIREMENTS**

- (1) (a) All development is prohibited within any wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.

##### **WETLANDS OF SPECIAL SIGNIFICANCE – BUFFER REQUIREMENTS**

- (2) (a) Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within a Wetland of Special Significance, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.
- (b) Subject to subsections (3) through (6) inclusive, wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum required 30 metre-wide riparian buffer along the edges of the wetland. Where approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia, the buffer shall no longer apply.

##### **RELAXATION OF BY-LAW PROVISIONS**

- (3) (a) Where the configuration of any lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a wetland of special significance having regard to other yard requirements.

- (b) Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

**USES PERMITTED WITHIN THE WETLAND BUFFER**

- (4) Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:

- (i) marine dependent uses, fisheries uses, conservation uses;
- (ii) fences, wharfs, boat ramps;
- (iii) driveway crossings;
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.

- (5) Within the required buffer pursuant to subsection (2) activity on public lands shall be limited to:

- (i) wastewater, storm and water infrastructure, and public water control structures; and parks, public roads, and active transportation crossings.

- (6) Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building.

33. Amending PART 4, as shown below in **bold**, by adding Section “4.29AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS” after Section 4.29.

**4.29AA ELECTRIC VEHICLE READY PARKING REQUIREMENTS**

**Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) RESIDENTIAL**

- (a) For new residential uses, where parking spaces are provided:

- (i) For single-unit, semi-detached, two unit, and townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;
- (ii) For Multiple Unit Dwellings uses containing three or four dwelling units, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2

charging station that meets that SAE J1772 standard; or  
(iii) Notwithstanding (ii), for Multiple Unit Dwelling uses containing more than four dwelling units, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.

**(2) NON-RESIDENTIAL**

For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or
- (b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) ALL USES**

- (a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and
- (b) All Energized Outlets must be located within 5 metres of the parking stall it services.

34. Amending PART 4, as shown below in **bold**, by adding Section “4.33A SOLAR ENERGY FACILITIES” after repealed Section 4.33.

**4.33A COMMERCIAL SOLAR ENERGY FACILITIES**

The use of Commercial Solar Energy Facilities shall be regulated in accordance with the provisions of this Section.

- (a) Commercial Solar Energy Facilities shall be permitted in any Commercial Zones, the Light Industry (I-1) Zone, and Resource Zones for properties designated Rural Commuter, Rural Resource, or Agricultural under the Regional Plan;
- (b) For ground mounted Commercial Solar Energy Facility uses, the setback shall be a minimum of 5.0 metres from all property lines;
- (c) Fencing shall be installed to screen views from abutting properties;
- (d) Notwithstanding clause (b), a vegetated area with a minimum width of 15 m shall screen the full width of any property line between a commercial solar energy facility and any abutting property that allows residential use;

- (e) **No development permit shall be issued until an emergency management plan is provided. Such a plan shall address hazards associated with any solar photovoltaic equipment or battery energy storage systems on site and contain information for emergency responders; and**
- (f) **Lighting of a solar energy system shall be for safety and operational purposes and directed away from abutting properties.**

35. Amending PART 4, as shown below in **bold**, by adding Sections “4.38 RESIDENTIAL PRODUCE SALE” and “4.39 FARMERS’ MARKET” after Section 4.27.

**4.38 RESIDENTIAL PRODUCE SALE**

**The owner or occupant of a property may sell plants or food products grown or produced on-site. Residential produce sale is permitted in conjunction with a residential use in any zone except the Conservation Zone, subject to the following provisions:**

- a) **For the purpose of this section, plants and food products shall include vegetables, fruits, herbs, sprouts, ornamental plants, and flowers.**
- b) **Any accessory structures devoted to the sale of plants and food products:**
  - i. **shall not exceed 5 m2 of footprint; and**
  - ii. **notwithstanding all other provisions of this bylaw, shall be permitted to be located in any front yard.**
- c) **Notwithstanding any other provisions of this bylaw, pen storage and display related to the sale of plants and food products shall be permitted within any yard.**

**4.39 FARMERS’ MARKET**

- a) **A farmers’ market use shall be permitted in the Multi-Unit Dwelling Zone, Local Business Zone, General Business Zone, Service Business Zone, Light Industrial Zone, Mixed Resource Zone, Community Facility Zone, provided all other land use by-law requirements are satisfied.**
- b) **An accessory structure associated with a farmers’ market use shall meet the accessory building requirements of Sections 4.12 and 4.13.**

36. Amending Section 15.1 in PART 15, as shown below in **bold**, by adding the text “Indoor agriculture uses” below the text “Cannabis production facilities”.

Parking lots  
 Cannabis production facilities  
**Indoor agriculture uses**

37. Amending Subsection 21A.3(a) in PART 21A, as shown below in ~~strikeout~~, by repealing Clause (iii).

- (a) any building or structure shall meet the following separation distances:
  - (i) from any property line 30 metres (98.4 feet)

- (ii) from the nearest residential dwelling or institutional use 60 metres (196.9 feet)
- (iii) ~~from a watercourse~~ 30 metres (98.4 feet)

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of

\_\_\_\_\_,  
A.D., 20\_\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate

Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

Attachment E-20

Proposed Amendments to the Regional Centre Land Use Bylaw

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Regional Centre Land Use By-law is hereby amended as follows:

1. Amending Clause 10(e) in PART 1: ADMINISTRATION under Chapter 2, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “or a wetland that is contiguous to a watercourse, exists” and replacing it with the text “exists or its boundary shares the vegetation, hydric soils, and hydrology of a wetland” after the text “where a watercourse” in Clause (e); and
- b. Deleting the text “that is contiguous to a watercourse” and replacing it with the text “where the wetland shares its vegetation, hydric soils, and hydrology with a watercourse” after the text “the location of any wetland” in Subclause (ii).

(e) where a watercourse **exists or its boundary shares the vegetation, hydric soils, and hydrology of a wetland**, ~~or a wetland that is contiguous to a watercourse, exists~~ and is located on the lot where a development is being proposed or within 60.0 metres of the lot where a development is being proposed, a site plan which shows the following:

- (i) the location of any watercourse,
- (ii) the location of any wetland **where the wetland shares its vegetation, hydric soils and hydrology with a watercourse** ~~that is contiguous to a watercourse~~,

2. Amending section 30(2) in Part 2, Chapter 1, as shown below in **bold**, by adding clause “(av) Lake Banook Paddler’s Cove (LB-PC).

(av) Lake Banook Paddler’s Cove (LB-PC);

3. Amending Section 53 in PART III: LAND USE under Chapter 2, as shown below in **bold** and ~~strikeout~~, by:

- a. Deleting the text “bed and breakfast use” and replacing it with the text “short-term bedroom rental” after the text “requirements for a” and before the text “shall comply” in Clause (2)(d).

(c) Signage requirements for a short-term bedroom rental use are:

- (i) in any DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD-1 zone, contained in Section 466, or
- (ii) in any ER-3, ER-2, or ER-1 zone, contained in Section 468;

(d) Motor vehicle parking requirements for a ~~bed and breakfast use~~ **short-term rentals** shall comply with Section 433; and

(e) The operator of the short-term bedroom rental resides on site while any bedrooms are rented.

6. Amending Subsection 333(5) in PART V, BUILT FORM AND SITING REQUIREMENTS, Chapter 19, as shown below in **bold** and ~~strikeout~~, by deleting the text “floor area” and replacing it with the text “footprint” after the text “from the” and before the text “requirements for”.

(5) An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the ~~floor area~~ **footprint** requirements for accessory structures.

7. Amending PART XIII: PARKING AND OFFSTREET LOADING, under Chapter 1, as shown below in **bold**, by adding the heading “Electric Vehicle Ready Parking Requirements” and Section 431.5 after Section 431.

### Electric Vehicle Ready Parking Requirements

**431.5 (1) Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(2) RESIDENTIAL**

**(a) For a new residential uses, where parking spaces are provided:**

- (i) For single-unit, semi-detached, duplex apartment, two-unit, and townhouse dwelling uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For three-unit dwelling use or four-unit dwelling use, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for multi-unit dwelling uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(3) NON-RESIDENTIAL**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or**

**(b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.**

**(4) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

**For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (2) and (3).**

**(5) ALL USES**

**(a) In addition to the requirements in subsections (2), (3), and (4) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and**

**(b) All Energized Outlets must be located within 5 metres of the parking stall it services.**

8. Amending PART XVI: DEVELOPMENT AGREEMENTS under Chapter 1, as shown below in **bold**, by:

- a. Adding the heading “Development in the Lake Banook Paddler’s Cove (LB-PC) Special Area” and Section 498.6 after Section 498.5;
- b. Adding the heading “Development Agreements for Solar” and Section 498.7 after Section 498.6;
- c. Adding the heading “Islands, Coastal Areas, and Watercourses” and Section 498.8 after Section 498.7.

**Development in the Lake Banook Paddler’s Cove (LB-PC) Special Area**

**498.6 Notwithstanding Section 75, development in the Lake Banook Paddler’s Cove (LB-PC) Special Area, as shown on Schedule 3F may be considered by development agreement in accordance with Policy IM-51 of the *Regional Centre Secondary Municipal Planning Strategy*.**

**Development Agreements for Solar**

**498.7 Pursuant to Policy EN-68 of the Halifax Regional Municipal Planning Strategy, commercial Solar Energy Facilities, community solar projects, and developments proposing solar installations may be considered by development agreement.**

**Islands, Coastal Areas, and Watercourses**

**498.8 Pursuant to Policies EN-43 and EN-53 of the Regional Municipal Planning Strategy, alternative approaches to the development of islands and coastal areas and development options involving buffers of inland watercourses and wetlands may be considered by development agreement.**

9. Amending Subsection 499 in PART XVII: DEFINITIONS under Chapter 1, as shown below in **bold**, by adding the definitions “(78.5) Electric Vehicle” and “(78.6) Electric Vehicle Supply Equipment” after Subsection (78).

**(78.5) Electric Vehicle means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor.**

**(78.6) Electric Vehicle Supply Equipment means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**

10. Amending Subsection 499 in PART XVII: DEFINITIONS under Chapter 1, as shown below in **bold**, by adding the definition “(79.6) Energized Outlet” after Subsection (79.5).

**(79.6) Energized Outlet means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**

11. Amending clause 499 (115)(b) in PART XVII: DEFINITIONS, under Chapter 1, as shown below in **bold**, by adding the text “DD,” after the text “within the”.

(b) within the **DD**, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone, exceeds 10 storeys; or

12. Amending clause 499 (115.5)(b) in PART XVII: DEFINITIONS, under Chapter 1, as shown below in **bold**, by adding the text “DD,” after the text “within the”.

(b) within the **DD**, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone, exceeds 10 storeys; or

13. Amending clause 499 (160)(a) in PART XVII: DEFINITIONS, under Chapter 1, as shown below in **bold**, by adding the text “DD,” after the text “within the”.

(a) more than 4 storeys but no more than 7 storeys within **DD**, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone; or

14. Amending clause 499 (252)(b) in PART XVII: DEFINITIONS, under Chapter 1, as shown below in **bold**, by adding the text “DD,” after the text “within the”.

(b) within **DD**, CEN-2, CEN-1, COR, HR-2, or HR-1 Zone, is more than 7 storeys but no more than 10 storeys; or

15. Amending Section 499 in PART XVII: DEFINITIONS, under Chapter 1, as shown below in **bold**, by adding the definition “(279.5) Wetland” after Section (279).

**(279.5) Wetland means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

16. Amending “Schedule 3F: Other Special Areas” to add the “Paddlers Cove Special Area (LB-PC) at 300 Prince Albert Road (PID 00209544), as shown in Schedule E-20A, attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
\_\_\_\_\_  
Municipal Clerk

Attachment E-21

Proposed Amendments to the Suburban Housing Accelerator Land Use Bylaw

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Suburban Housing Accelerator Land Use Bylaw is hereby amended as follows:

1. Amending Subsection 55(3) in Division C in Part II, as shown below in **bold** and ~~strikeout~~, by deleting the text “floor area” and replacing it with the text “footprint”.
  - (3) An enclosed or internal staircase or elevator leading to a dwelling unit within an accessory structure is exempted from the ~~floor area~~ **footprint** requirement in subsection (2).
2. Amending Division D in Part II, as shown below in **bold**, by adding the heading “Electric Vehicle Ready Parking Requirements” and Section “64.5” after Section 64.

**Electric Vehicle Ready Parking Requirements**

**64.5 Electric Vehicle Ready Parking shall be regulated in accordance with the provisions of this Section.**

**(1) Residential**

**(a) For new residential uses, where parking spaces are provided:**

- (i) For single-unit, semi-detached, duplex apartment, two-unit, and townhouse uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard, excluding visitor parking spaces;**
- (ii) For a three-unit dwelling use or a four unit dwelling use, a minimum of two Energized Outlets shall be installed where residential motor vehicle spaces are provided, capable of supporting a Level 2 charging station that meets that SAE J1772 standard; or**
- (iii) Notwithstanding (ii), for multi-unit dwelling uses, a minimum of one Energized Outlet shall be installed for each residential motor vehicle space parking provided, capable of supporting a Level 2 charging station that meets the SAE J1772 standard.**

**(2) Non-Residential**

**For new non-residential uses that have more than 5 parking spaces, one of the following shall be provided:**

- (a) one Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard shall be installed per**

provided parking space, for at least 20% of the provided parking spaces to a maximum of twenty-five Electrical Outlets; or  
(b) one Level 3 Electric Vehicle Supply Equipment that meets either CCS or NACS standards.

**(3) RESIDENTIAL AND NON-RESIDENTIAL USE BUILDINGS**

For a building that contains both residential and non-residential uses, the parking spaces provided for each use shall meet the Energized Outlet requirements for that use set out in subsections (1) and (2).

**(4) All Uses**

(a) In addition to the requirements in subsections (1), (2), and (3) where Mobility Disabled Parking Spaces are provided, at least 50% of those parking spaces shall include an Energized Outlet capable of supporting a Level 2 charging station that meets the SAE J1772 standard; and

(b) All Energized Outlets must be located within 5 metres of the parking stall it services.

3. Amending Subsection 90(2) in Division F in Part II, as shown below in ~~strikeout~~, by deleting the text “four-unit dwelling unit or” after the text “For a” and before the text “multi-unit dwelling use”.

90(2) For a ~~four-unit dwelling use or~~ multi-unit dwelling use, an outdoor solid waste management area must

- (a) be located in a side or rear yard; and
- (b) not be located within 3.5 metres of a lot line abutting a residential use.

4. Amending Subsection 90(3) in Division F in Part II, as shown below in **bold**, by:
- a. Adding the text “three-unit dwelling use,” after the text “For a” and before the text “four-unit dwelling”; and
  - b. Adding the text “for a multi-unit dwelling use, and no less than 1.2 metres in height for a three-unit dwelling use or 1.2 metres in height for a four-unit dwelling use” after the text “metres in height.

90(3) For a **three-unit dwelling use**, four-unit dwelling use or multi-unit dwelling use, an outdoor solid waste management area must be wholly enclosed by an opaque fence or a masonry wall that is at least 1.8 metres in height **for a multi-unit dwelling use, and no less than 1.2 metres in height for a three-unit dwelling use or 1.2 metres in height for four-unit dwelling use.**

5. Amending Section 132 in Division L in Part II, as shown below in **bold** and ~~strikeout~~, by:
- a. Adding the text (1) after the text “132”;

- b. Deleting the text “is permitted within a wetland only if” and replacing it with the text “of any kind is not permitted within any wetland, including a Wetland of Special Significance, unless” before the text “an approval”;
- c. Deleting the text “received from” and replacing it with the text “issued by” before the text “the Province of Nova Scotia.”
- d. Adding Subsections (2), (3), (4), (5) and (6).

**132(1)** A development ~~is permitted within a wetland only if~~ **of any kind is prohibited within any wetland, including a Wetland of Special Significance, unless** an approval that permits the alteration or infilling of a wetland has been ~~received from~~ **issued by** the Province of Nova Scotia.

**(2)** Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands within and adjacent to the lot.

**(3)** Wetlands designated as Wetland of Special Significance by the Province of Nova Scotia shall have a minimum 30 metre-wide riparian buffer along the edges of the wetland, unless an approval that permits the alteration or infilling of a wetland has been issued by the Province of Nova Scotia.

**(4)** Notwithstanding clause (3), where the configuration of any existing lot, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a Wetland of Special Significance having regard to other yard requirements. Nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe

**(5)** Within the required buffer pursuant to subsection (2), activity on public and private lands shall be limited to:

- (i) marine dependent uses, fisheries uses, conservation uses;
- (ii) fences, wharfs, boat ramps;
- (iii) driveway crossings;
- (iv) historic sites and monuments, parks, public roads, and active transportation crossings;
- (v) boardwalks, walkways and trails not exceeding 3 m in width; and
- (vi) the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m<sup>2</sup> or a combination of an accessory structure and attached deck not exceeding a footprint of 20 m<sup>2</sup>.

**(6)** Within the required buffer pursuant to subsection (3) activity on public lands shall be limited to:

- (i) **wastewater, storm and water infrastructure, and public water control structures.**
  - (7) **Where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the wetland than the existing main building**
6. Amending Division B in Part IV, as shown below in **bold**, by adding Sections “(49.5) Electric Vehicle”, “(49.6) Electric Vehicle Supply Equipment”, and “(49.7) Energized Outlet” after Section (49).
- (49.5) **Electric Vehicle means a motor vehicle that solely uses an electric motor that draws electricity from on-board rechargeable batteries or a hybrid that uses both a conventional internal combustion engine and an electric motor;**
  - (49.6) **Electric Vehicle Supply Equipment means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an electric vehicle.**
  - (49.7) **Energized Outlet means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment.**
7. Amending Division B in Part IV, as shown below in **bold**, by adding Section “(106.5) Marine Dependent Use” after Section 106.
- (106.5) **Marine Dependent Use means commercial marinas, marine commercial uses, marine industrial uses, and commercial fishing gear sheds.**
8. Amending Subsection 155(184) in Division B in Part IV, as shown below in **bold** and ~~strikeout~~, by:
- a. Deleting the text “. A portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade.” and replacing it with the text “, and” after the text “including a mezzanine”;
  - b. Adding Clause (a) after the text “mezzanine, and”;
  - c. Adding Clause (b) after Clause (a).
- (184) ~~Storey means a portion of building between a floor and another floor including a mezzanine. A portion of a building partly below the streetline grade will not be deemed to be a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade. , and~~  
**(a) for the purpose of calculating the streetwall height, a portion of a building that is partly below the streetline grade is not a storey unless its ceiling is a minimum of 2.0 metres above the streetline grade; and**

**(b) for a purpose other than calculating the streetwall height, a portion of a building that is partly below the average finished grade is a storey unless its ceiling is a minimum of 2.0 metres above the average finished grade.**

9. Amending Division B in Part IV, as shown below in **bold**, by adding Section “(212.5) Wetland” after Section 213.

**(212.5) Wetland means land commonly referred to as marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

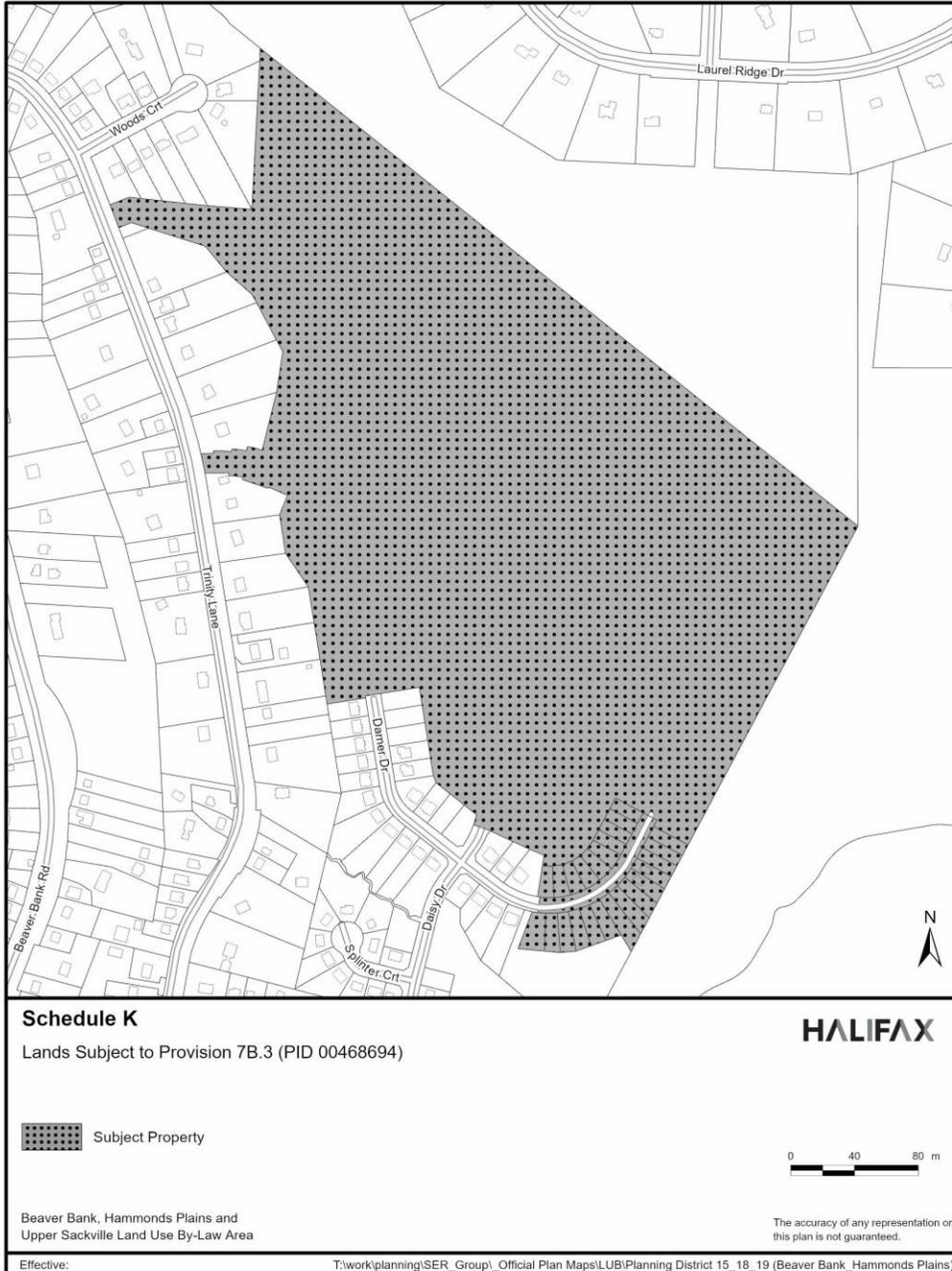
GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.  
\_\_\_\_\_  
Municipal Clerk

SCHEDULE E

SCHEDULES TO AMEND LAND USE BY-LAWS OF THE HALIFAX REGIONAL  
MUNICIPALITY

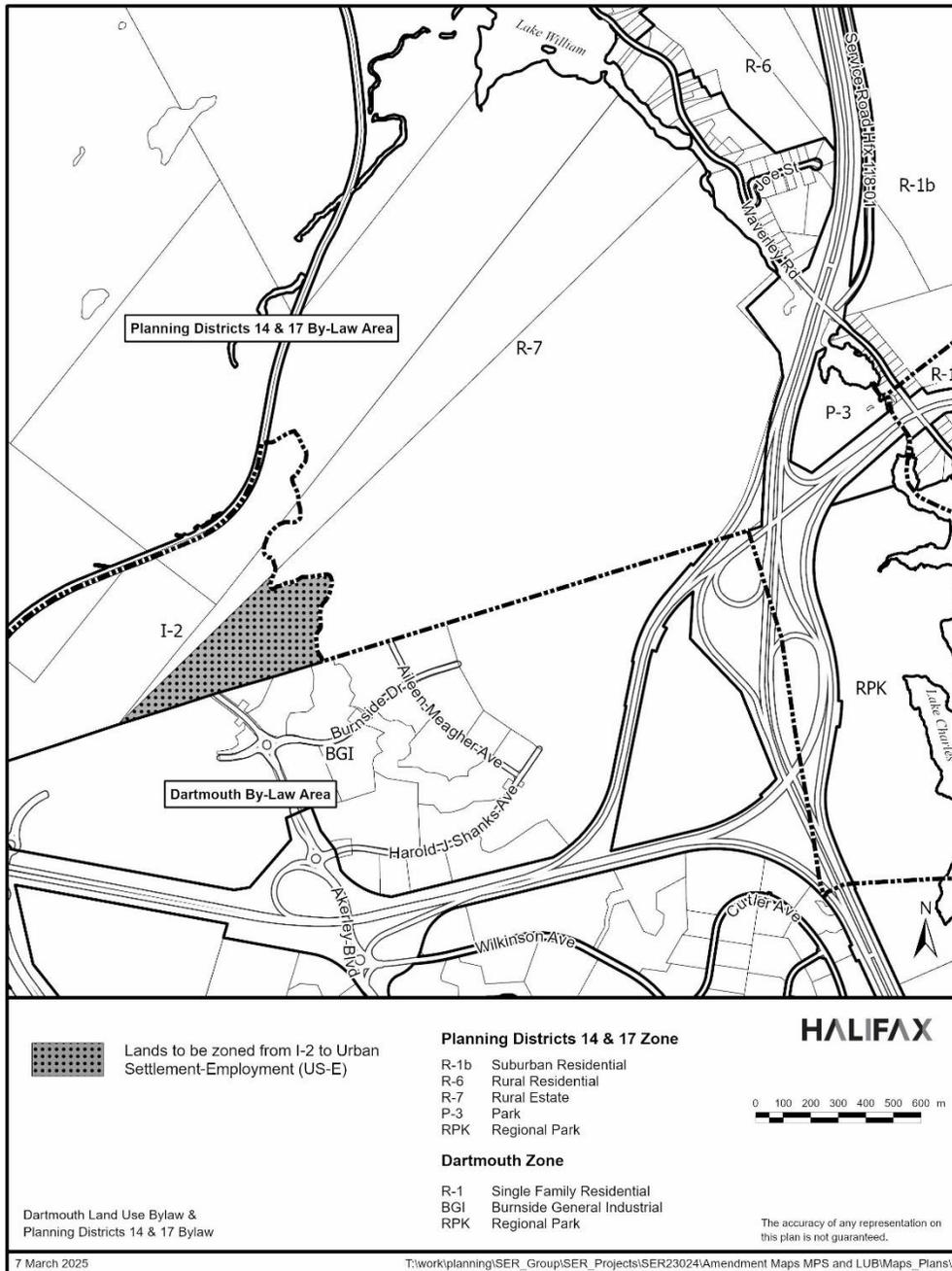
# SCHEDULE E-1: BEAVER BANK, HAMMONDS PLAINS, AND UPPER SACKVILLE LAND USE BYLAW

Schedule E-1A – “SCHEDULE K: LANDS SUBJECT TO PROVISION 7B.3 (PID 00468694)”



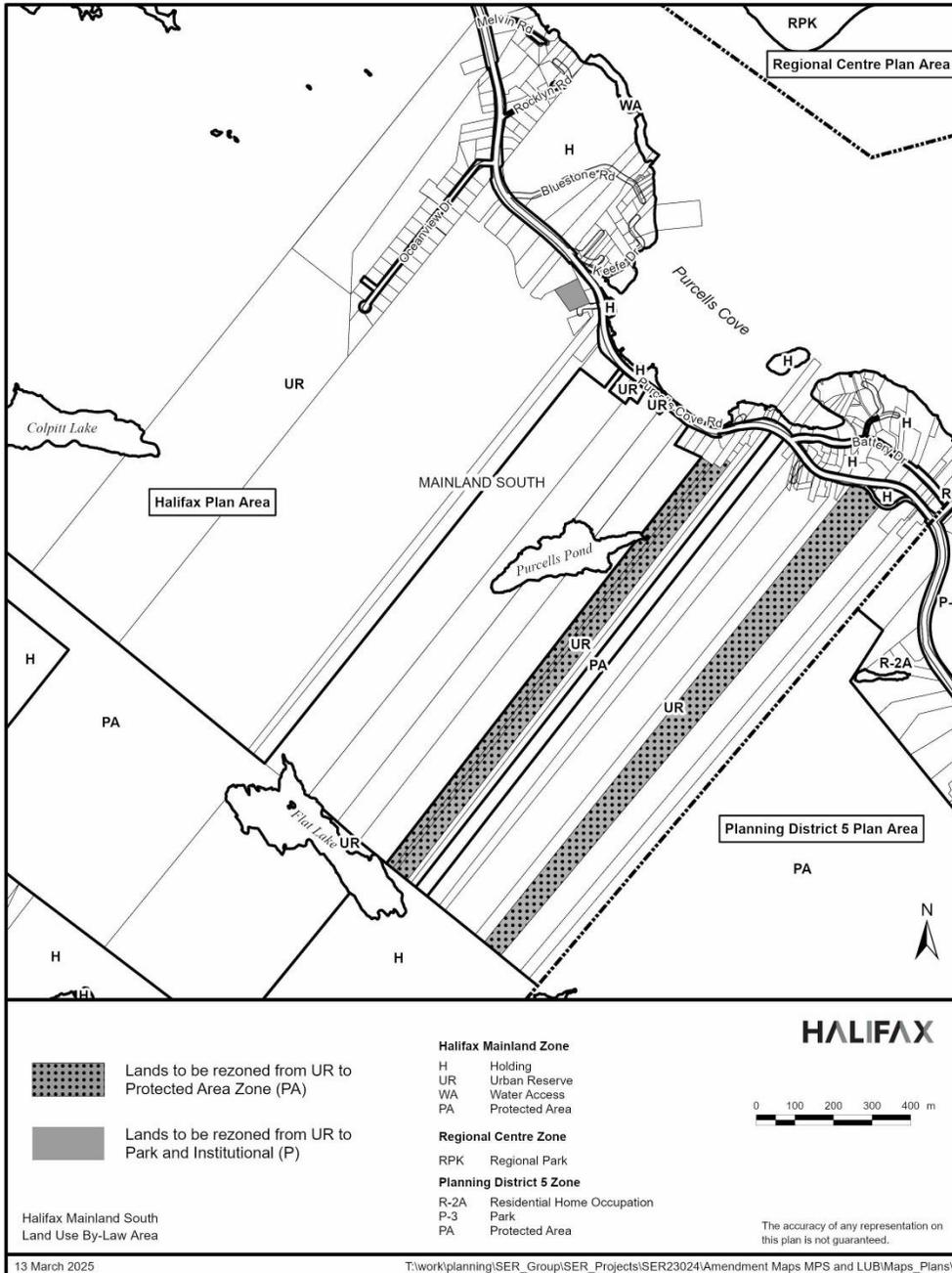
# SCHEDULE E-4: DARTMOUTH LAND USE BYLAW

## Schedule E-4A – “Zoning Map” – Lands to be rezoned to Urban Settlement-Employment (US-E) Zone

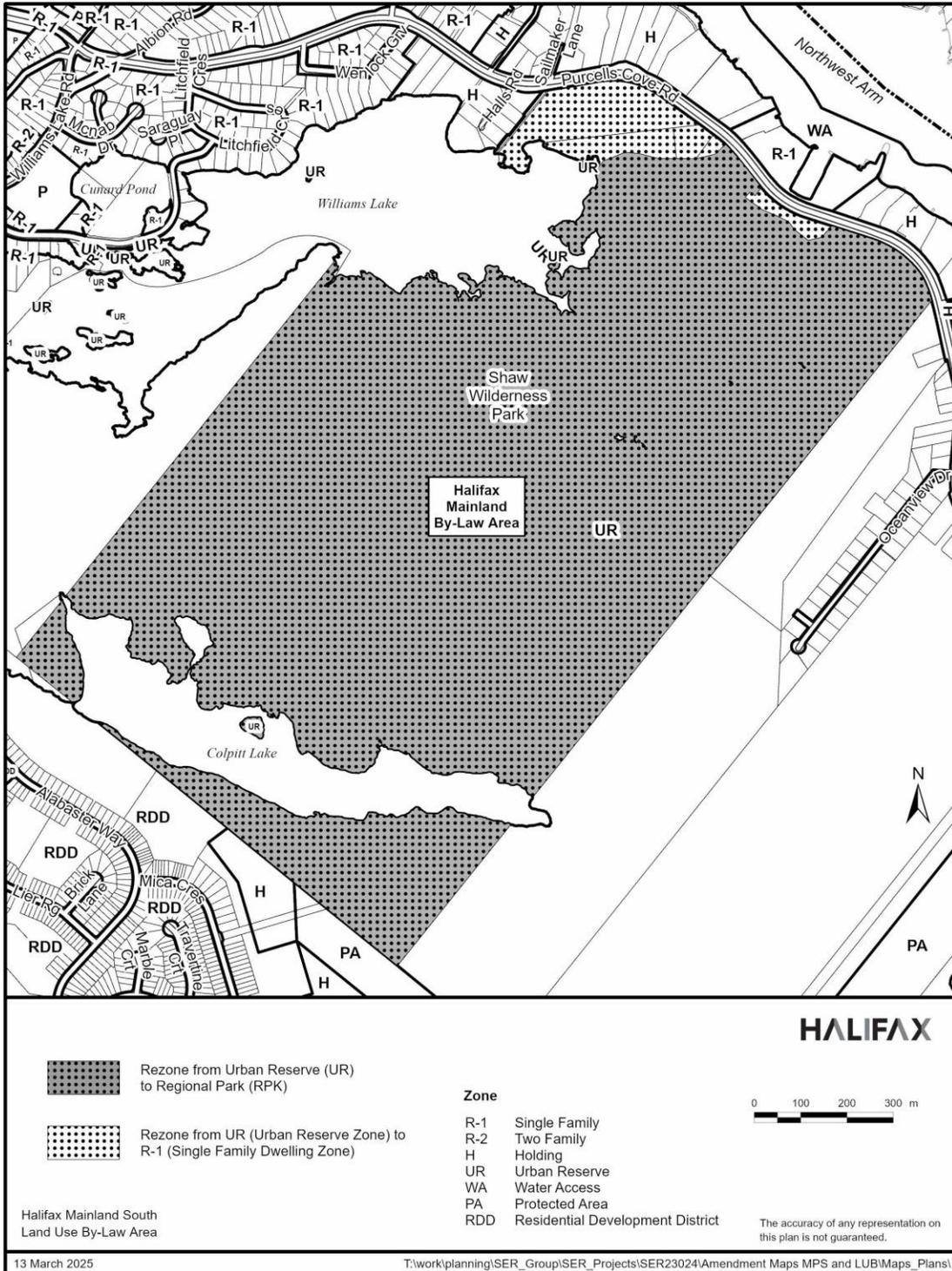


# SCHEDULE E-8: HALIFAX MAINLAND LAND USE BY-LAW

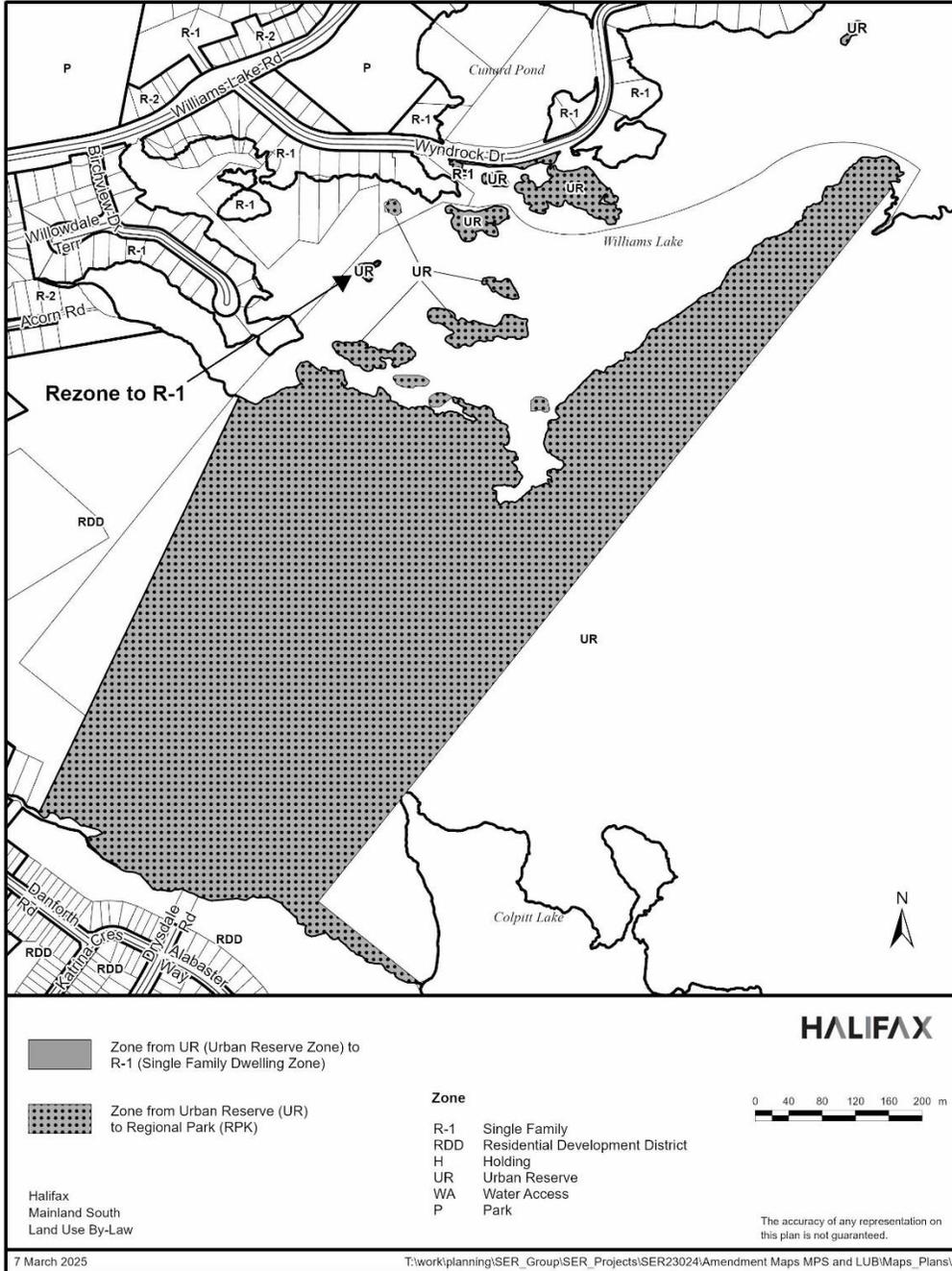
Schedule E-8A – “ZM-1 (South Section)” to rezone the lands to Protected Area Zone (PA) and Park and Institutional (P)”



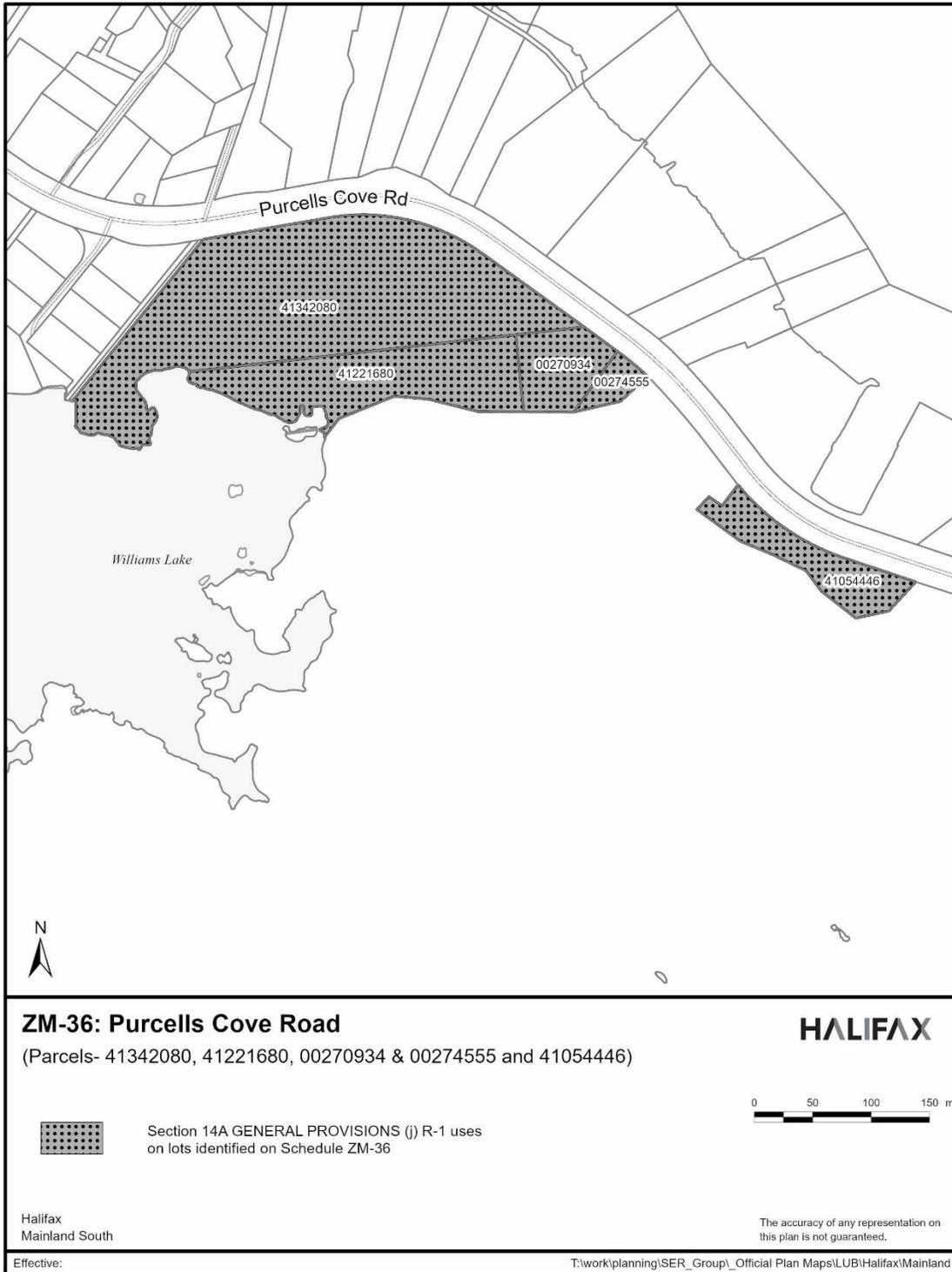
Schedule E-8B – “ZM-1 (South Section)” to rezone the lands to Single Family Dwelling (R-1) and Regional Park (RPK)



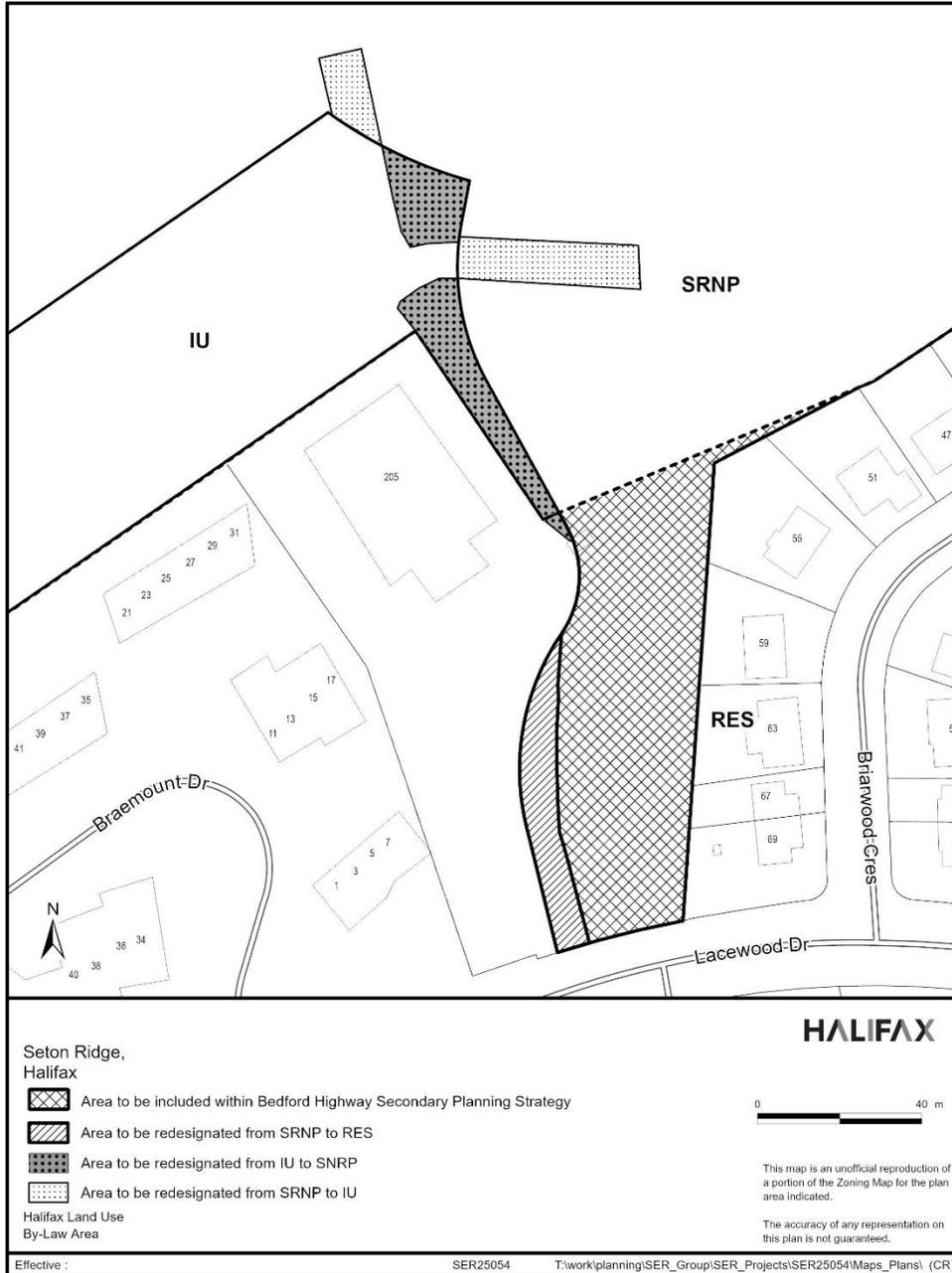
Schedule E-8C – “ZM-1 (South Section)” to rezone the lands to Single Family Dwelling (R-1) and Regional Park (RPK)



Schedule E-8D – “Map ZM-36: Purcell’s Cove Road”

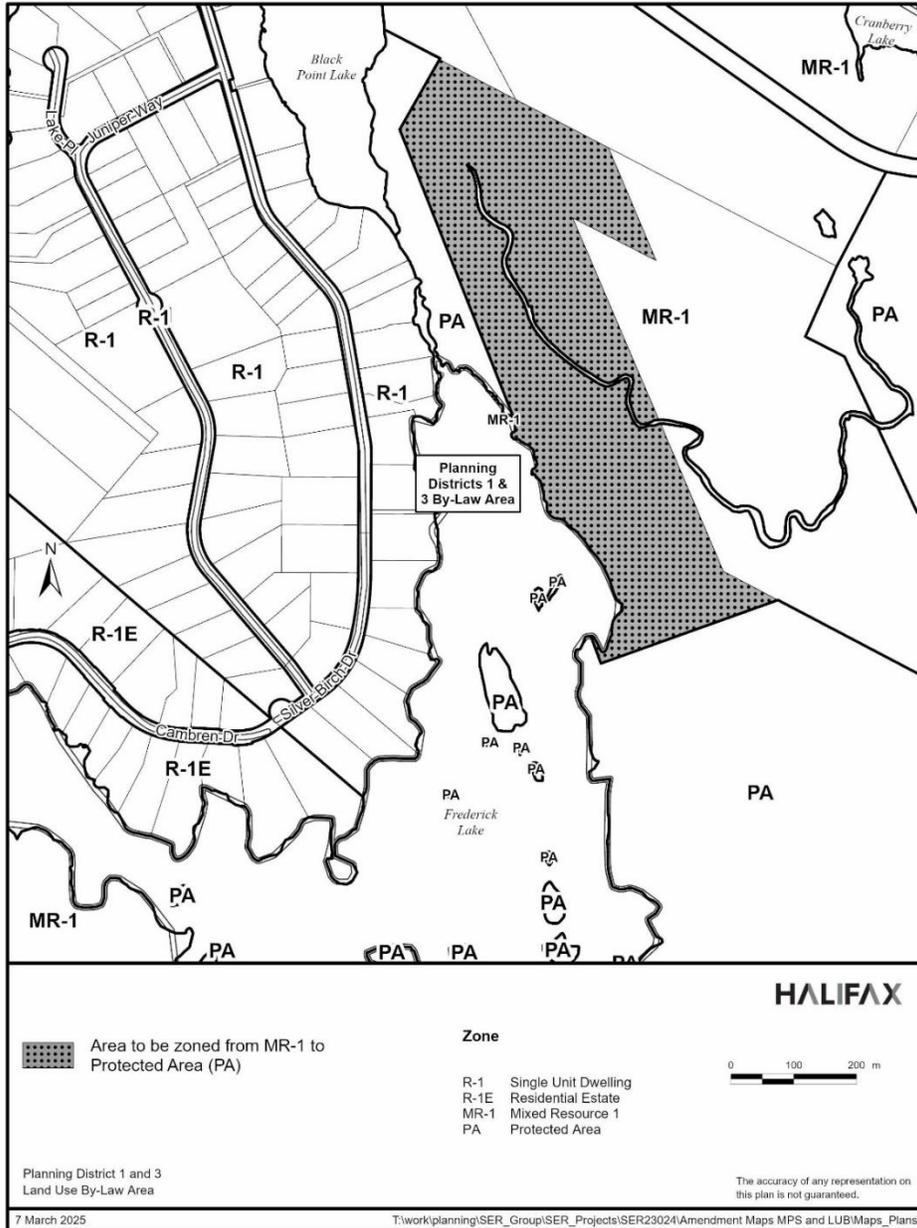


Schedule E-8F – “Map ZM-2 (Schedules and Secondary Plan Areas) and ZM-1 (North Section)”



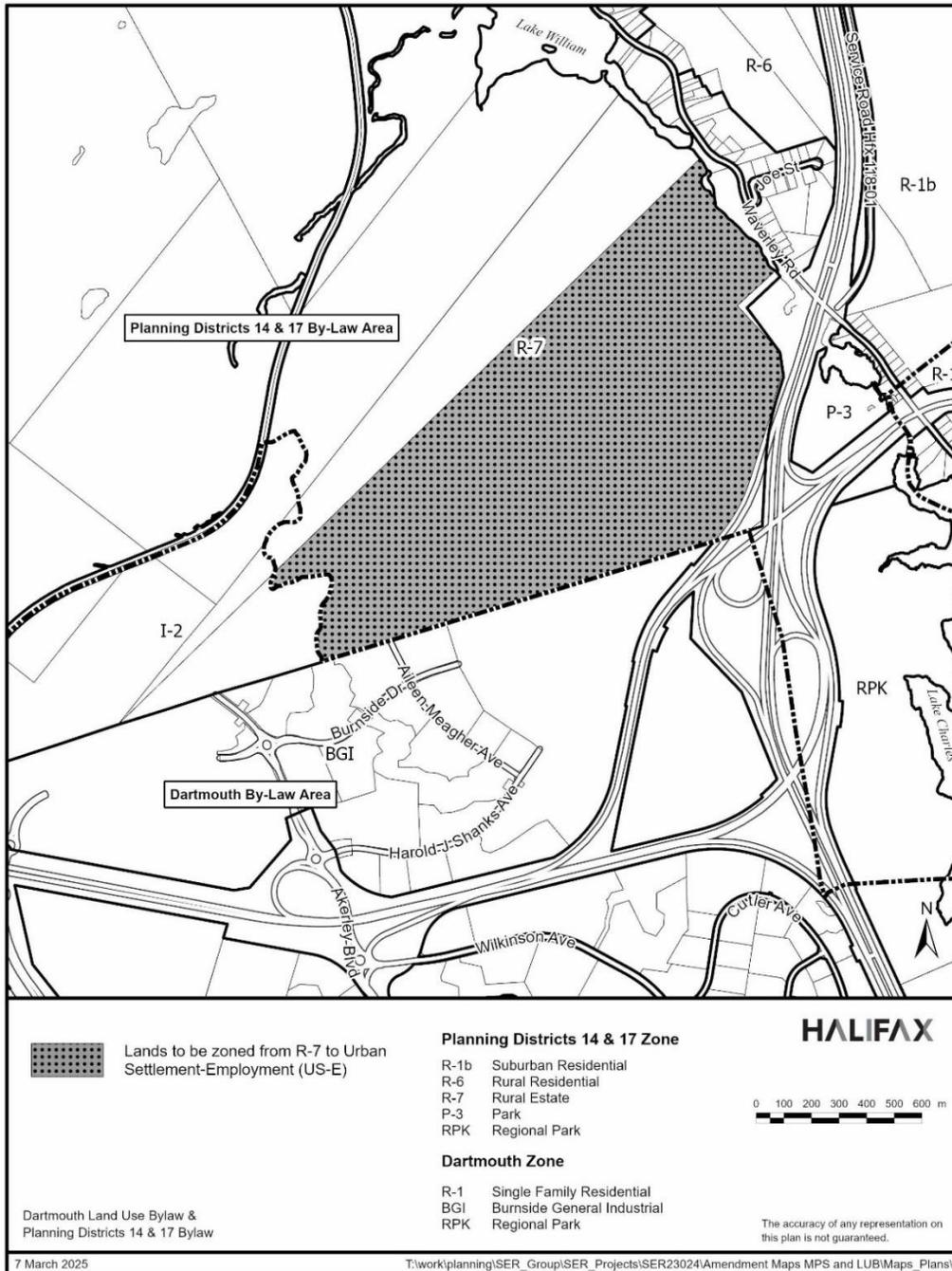
# SCHEDULE E-14: PLANNING DISTRICTS 1 & 3 (ST. MARGARET'S BAY PLAN AREA) LAND USE BY-LAW

Schedule E-14A – “Schedule A – Zoning” to rezone the lands to Protected Area (PA)



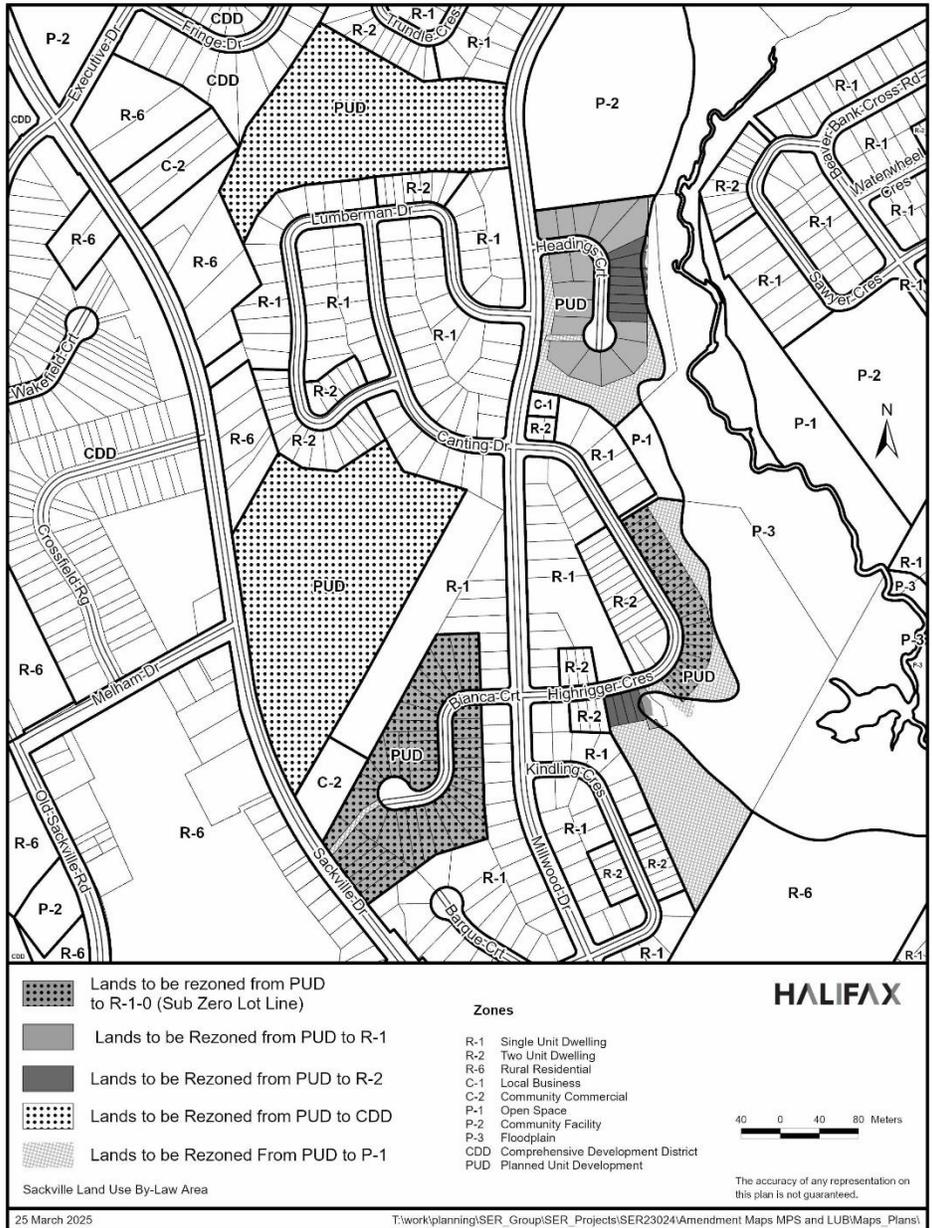
# SCHEDULE E-15: PLANNING DISTRICTS 14 & 17 (SHUBENACADIE LAKES) LAND USE BY-LAW

Schedule E-15A – “Schedule B – Zoning” to rezone the lands to Urban Settlement-Employment (US-E)

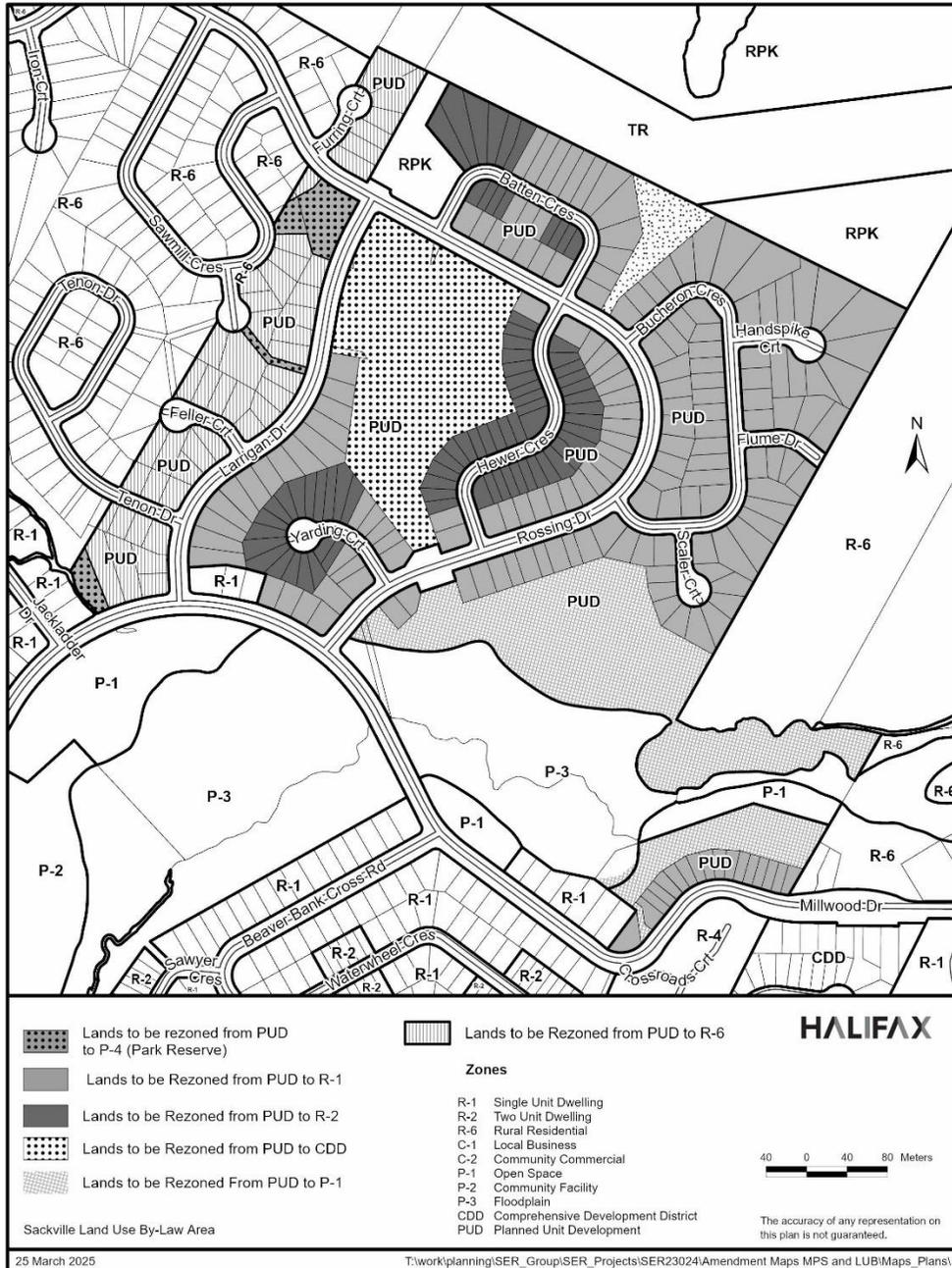


# SCHEDULE E-18: SACKVILLE LAND USE BY-LAW

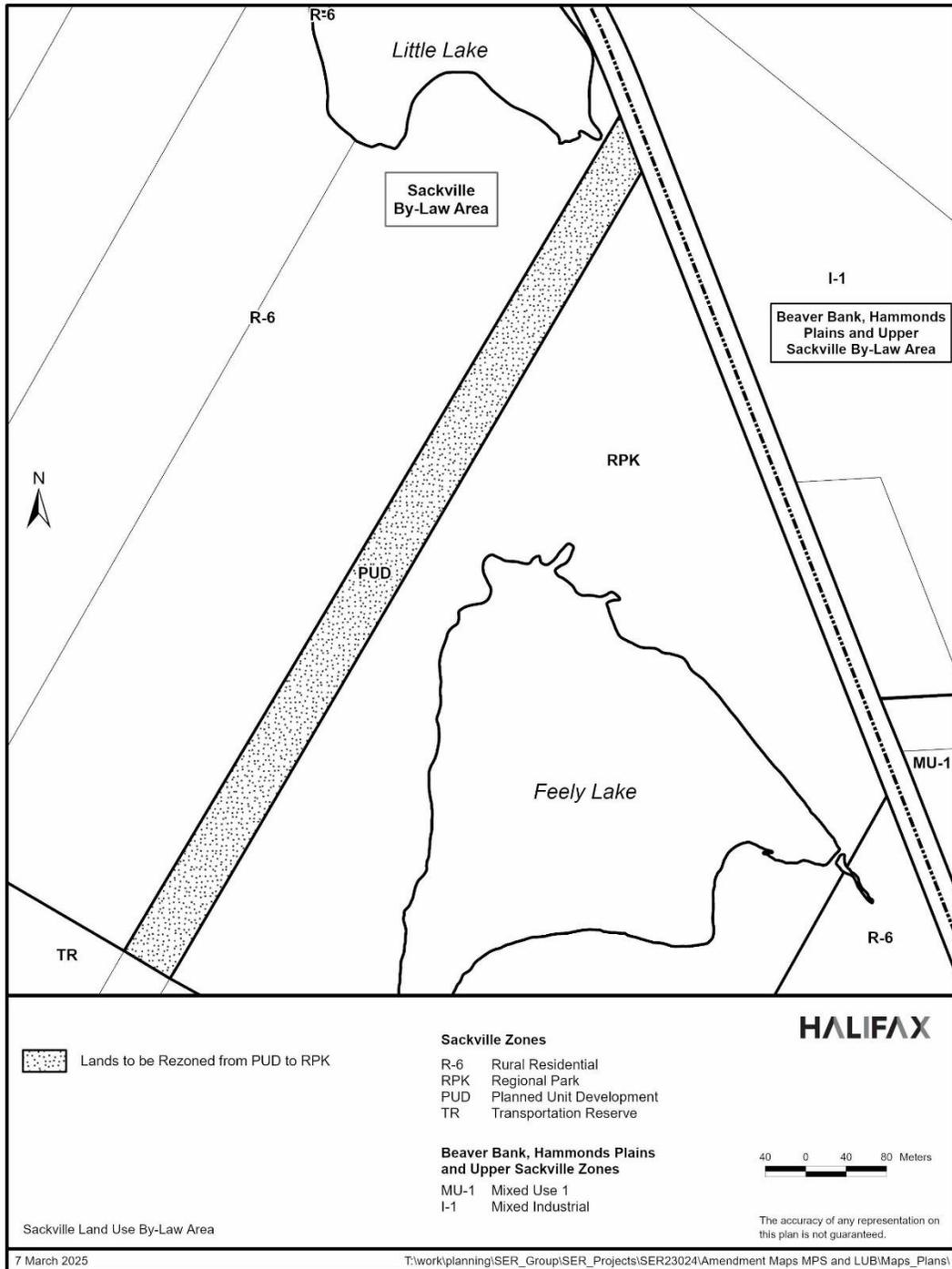
Schedule E-18A – “Schedule A – Zoning” to rezone the lands to Open Space (P-1), Single Unit Dwelling (R-1), Single Unit Dwelling Zero Lot Line (R-1-0), R-2 (Two Unit Dwelling), and Comprehensive Development District (CDD).



Schedule E-18B – “Schedule A – Zoning” to rezone the lands to Open Space (P-1), Park Reserve (P-4), Regional Park (RPK), Single Unit Dwelling (R-1), Single Unit Dwelling Zero Lot Line (R-1-0), R-2 (Two Unit Dwelling), Rural Residential (R-6) and Comprehensive Development District (CDD).



Schedule E-18C – “Schedule A – Zoning” to rezone the lands to Regional Park (RPK)



# SCHEDULE E-20: SCHEDULES FOR THE REGIONAL CENTRE LAND USE BYLAW

## Schedule E-20A: "Schedule 3F: Other Special Areas"

